CITY OF MERCED

Meeting Agenda

City Council Chamber
Merced Civic Center
2nd Floor
678 W. 18th Street
Merced, CA 95340

City Council/Public Finance and Economic Development Authority/Parking Authority

Monday, May 17, 2021 | **6:00 PM** | **City Council Chamber, 2nd Floor, Merced Civic Center, 678 W. 18th Street, Merced, CA 95340**

Closed Session at 5:00 PM / Regular Meeting at 6:00 PM

NOTICE TO PUBLIC/AVISO AL PÚBLICO/CEEB TOOM RAU PEJ XEEM

In-person Council Meetings will have strict social distancing practices in place and the use of face coverings is encouraged. Seating in the Council Chamber will be limited and an overflow area will be available with the same social distancing practices in place.

En las reuniones presenciales del consejo se aplicarán estrictas prácticas de distanciamiento social y se fomentará el uso de cubrirse la cara. Los asientos en la Cámara del Consejo serán limitados y habrá un área de desbordamiento disponible con las mismas prácticas de distanciamiento social en su lugar.

Kev Sab Laj nrog Council yuav tsis pub txav ze lwm tus thiab yuav tsum looj ntaub thaiv qhov ncauj qhov ntsws. Rooj zaum hauv Council Chamber yuav muaj tsawg thiab qhov chaws mus koom los yuav tsis pub txav ze lwm tus.

WELCOME TO THE MEETING OF THE MERCED CITY COUNCIL/BIENVENIDO A LA REUNIÓN DEL CONCILIO DE LA CIUDAD DE MERCED/ZOO SIAB TXAIS TOS KOJ TUAJ RAU HAUV CITY COUNCIL LUB ROOJ SAB LAJ

At least 72 hours prior to each regular City Council meeting, a complete agenda packet is available for review on the City's website at www.cityofmerced.org or at the City Clerk's Office, 678 W. 18th Street, Merced, CA 95340. All public records relating to an open session item that are distributed to a majority of the Council will be available for public inspection at the City Clerk's Office during regular business hours. Spanish and Hmong translation is available at every regular meeting.

Al menos 72 horas antes de cada reunión regular del Concejo Municipal, un paquete de agenda complete está disponible para su revisión en el sitio web de la Ciudad en www.cityofmerced.org o en la Oficina del Secretario de la Ciudad, 678 W. 18th Street, Merced, CA 95340. Todos los registros publicos relacionados con un artículo de sesión abierta que se distribuyen a la mayoría del Concejo estarán disponibles para inspección pública en la Oficina del Secretario de la Ciudad durante el horario comercial habitual. La traducción al español y al Hmong está disponible en todas la reuniones regulares.

Sai kawg los yog li 72 teev ua ntej kev sab laj ntawm City Council, muaj pob ntawv kom tswj pub rau tib neeg los nyeem hauv City qhov website www.cityofmerced.org los sis tom City Clerk's Office, 678 W. 18th Street, Merced, CA 95340. Tas nrho cov ntaub ntawv teev tseg ntawm zej tsoom ntawm kev sab laj pub rau pej xeem sawv daws los nyeem tom City Clerk's Office thaum lub caij ua hauj lwm. Muaj txhais lus Mev thiab lus Hmoob.

MODIFIED PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CITY CLERK/COMENTARIO DEL PÚBLICO MODIFICADO/ KEV HLOOV RAU TEJ PEJ XEEM TXOG KEV TAWM SUAB, NCAUS LUS:

Members of the audience who wish to address the City Council are requested to complete a speaker card available at the podium against the right hand side of the Council Chamber. Please submit the completed card to the City Clerk before the item is called, preferably before the meeting begins.

For at risk individuals of those not wanting to attend an in-person meeting during the current Covid-19 pandemic, please submit your public comment to the City Council electronically no later than 1PM on the day of the meeting. Comments received before the deadline will be sent to the City Council and will be part of the record and mentioned as part of the Written Petitions and Communications portion of the agenda.

Material may be emailed to cityclerk@cityofmerced.org and should be limited to 300 words or less. Please specify which portion of the agenda you are commenting on, for example, Closed Session, item # or Oral Communications. Your comments will be presented to the City Council at the appropriate time. Any correspondence received after 1 PM will be distributed to the City Council and retained for the official record.

You may provide telephonic comments via voicemail by calling (209) 388-8688 by no later than 1 PM on the day of the meeting to be added to the public comment. Voicemails will be limited to a time limit of three (3) minutes. Please specify which portion of the agenda you are commenting on, for example, Public Hearing item #, Consent item #, or Oral Communications. Your comments will be played during the City Council meeting at the appropriate time. For Public Hearing items, if you wish to speak live during the meeting, please leave callback information and you will be contacted with further details.

To view video (if available) or listen to the City Council meeting live, go to the City's website www.cityofmerced.org, Facebook Live, or Comcast Public Access Channel 96.

Los miembros de la audiencia que desea dirigirse al Ayuntamiento deben completar una tarjeta de orador disponible en el podio en el lado derecho de la Cámara del Consejo. Envíe la tarjeta completa al secretario de la ciudad antes de que se llame al artículo, preferiblemente antes de que comience la reunión.

Para las personas en riesgo de aquellos que no quieran asistir a una reunión en persona durante la pandemia actual de Covid-19, envíe su comentario público al Ayuntamiento de forma electrónica a más tardar a la 1:00 p.m. del día de la reunión. Los comentarios recibidos antes de la fecha límite se enviarán al Concejo Municipal y formarán parte del registro y se mencionarán como parte de la sección de Peticiones y comunicaciones escritas de la agenda.

El material puede enviarse por correo electrónico a cityclerk@cityofmerced.org y debe limitarse a 300 palabras o menos. Por favor, especifique qué parte de la agenda está comentando, por ejemplo, Sesión cerrada, artículo # o Comunicaciones orales. Sus comentarios serán presentados al Ayuntamiento en el momento apropiado. Cualquier correspondencia recibida después de la 1 PM se distribuirá al Ayuntamiento y se conservará para el registro oficial.

Puede proporcionar comentarios telefónicos a través del correo de voz llamando al (209) 388-8688 a más tardar a la 1 PM del día de la reunión para que se agreguen al comentario público. Los mensajes de voz estarán limitados a un límite de tiempo de tres (3) minutos. Por favor especifique qué parte de la agenda está comentando, por ejemplo, número de artículo de la audiencia pública, número de artículo de consentimiento o comunicaciones orales. Sus comentarios se reproducirán durante la reunión durante la reunión del Ayuntamiento en el momento adecuado. Para los temas de audiencia pública, si desea hablar en vivo durante la reunión, deje la información de su llamada y lo contactaremos con más detalles.

Para ver el video (si está disponible) o escuchar la reunión del Concejo Municipal en vivo, visite el sitio web de la ciudad www.cityofmerced.org, Facebook Live o Comcast Public Access Channel 96.

Cov pej xeem los koom lub rooj sab laj kws xav tawm suab rau City Council muaj feem los sau ntawv hauv daim ntawv tawm suab nyob ntawm lub sam thiaj hais lus sab xis ntawm Council Chamber. Thov xa daim ntawv tawm suab rau tus City Clerk ua ntej lub sij hawm lub rooj sab laj pib.

Rau cov tib neeg kws tuaj koom tsis tau lub rooj sab laj vim muaj kab mob COVID-19, thov xa koj cov lus tawm suab rau City Council hauv computer los sis hauv xov tooj ua ntej 1 teev tav su hnub muaj lub rooj sab laj. Cov lus tawm suab txais tau ua ntej lub sij hawm sab laj muab xa rau City Council thiaj muab tso hauv daim ntawv kom tswj.

Tej ntaub ntawv thov muab xa rau cityclerk@cityofmerced.org thiab tsis pub muaj tshaj 300 los lus. Thov qhia qhov twg hauv daim kom tswj koj xav tawm suab rau, piv txwv li, kev sab laj kaws, nqes # los sis kev sib tham ntawm ncauj lus. Koj cov tswv yim muab rau lub rooj sab laj thaum lub sij hawm tsim nyog. Tej ntaub ntawm txais tau tom qab 1 teev tav su mam muab rau City Council thiab tso hauv cov ntaub ntawv teev tseg.

Koj muaj feem tso suab hauv xov toom thaum hu (209) 388-8688 ua ntej 1 teev tav su hnub sab laj thiaj koj lub tswv yim muab tso hauv daim kom tswj. Tso suab hauv xov tooj tsis pub ntev tshaj (3) feeb. Thov qhia qhov twg hauv daim kom tswj koj xav tawm suab rau, piv txwv li, zej tsoom tawm suab #, khoom tso cai #, los sis kev sib tham ntawm ncauj lus. Cov suab kaws hauv xov mam tso mloog thaum lub caij tsim nyog thaum sab laj. Yog koj xav tawm suab thaum sab laj, thov tso koj tus zauv xov tooj, ib tus tib neeg ua hauj lwm mam li hu koj.

Yog koj xav saib video (thaum muaj) los sis mloog City Council kev sab laj, ces mus hauv City's website www.cityofmerced.org, Facebook Live, los sis Comcast Public Access Channel 96.

INDIVIDUALS WITH DISABILITIES/INDIVIDUOS CON DISCAPACIDADESP/COV NEEG PAB TSIS TAU TUS KHEEJ

Accommodation for individuals with disabilities may be arranged by contacting the City Clerk at (209) 388-8650. Assisted hearing devices are available for meetings held in the Council Chamber.

Para acomodar a las personas con discapacidades llame a la Ciudad al (209) 388-8650. Los aparatos auditivos asistidos están disponibles para las reuniones en la Cámara del Consejo.

Kev pab rau cov tib neeg kws puas cev puas taws los muaj thaum hu rau tus City Clerk (209) 388-8650. Kev pab rau cov tib neeg lag ntseg, tsis hnov lus, los muaj nyob hauv chav sab laj.

A. CLOSED SESSION ROLL CALL

B. CLOSED SESSION

The legislative body shall provide the public with an opportunity to address the body on any item described in Closed Session [Government Code Section 54954.3(a)]. See MODIFIED PUBLIC COMMENT for details.

B.1. 21-402 **SUBJECT:** CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Properties: APN #'s 049-200-005, 049-200-020, 049-200-022, 049-200-019, 049-200-023, 049-200-017, 049-200-021, 049-200-024, 049-200-025, 049-220-018, 049-220-019, 049-220-016, 049-220-020, 049-220-015, 065-030-004, 049-240-016, 049-240-017; Agency Negotiator: Stephanie Dietz, City Manager; Negotiating Parties: Robert C. Rice, Sandton Capital Partners and City of Merced; Under Negotiation: Price and Terms of Payment

B.2. 21-406 **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative(s): Travis Lindsey and Janell Van Bindsbergen, Lozano Smith, Attorneys at Law; Employee Organizations: American Federation of State, County, and Municipal Employees (AFSCME) Council 57; Local 2703, International Association of Fire Fighters, Local 1479, and Merced Association of City Employees (MACE).

AUTHORITY: Government Code Section 54957.6

C. CALL TO ORDER

C.1. Invocation - Monika Grasley, Lifeline CDC

C.2. Pledge of Allegiance to the Flag

D. ROLL CALL

D.1. In accordance with Government Code 54952.3, it is hereby announced that the City Council sits either simultaneously or serially as the Parking Authority and the Public Financing and Economic Development Authority. City Council members receive a monthly stipend of $400.00 by Charter for sitting as the City Council; and the Mayor receives an additional $100.00 each month as a part of the adopted budget and Resolution 2020-86. The members of the Parking Authority and the Public Financing and Economic Development Authority receive no compensation.

E. REPORT OUT OF CLOSED SESSION

F. CEREMONIAL MATTERS

F.1. 21-324

SUBJECT: Proclamation - National Public Works Week

REPORT IN BRIEF
Received by a representative of the Public Works Department.

G. SPECIAL PRESENTATIONS

G.1. 21-407

SUBJECT: Update on City of Merced Youth Council Activities

REPORT IN BRIEF
Members of the Youth Council will provide an update on recent and upcoming events to the City Council.

RECOMMENDATION
For information only.

H. WRITTEN PETITIONS AND COMMUNICATIONS

I. ORAL COMMUNICATIONS

Members of the public who wish to speak on any matter not listed on the agenda may speak during this portion of the meeting and will be allotted 5 minutes. The Mayor may, at his discretion, reduce the time to 3 minutes if there are more than 3 speakers, in order to accommodate as many speakers as possible. State law prohibits the City Council from acting at this meeting on any matter raised during the public comment period. Members of the public who wish to speak on a matter that is listed on the agenda will be called upon to speak during discussion of that item. See MODIFIED PUBLIC COMMENT for details.

J. CONSENT CALENDAR

Adoption of the Consent Calendar may be made by one motion of the City Council, provided that any Council member, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the item will be discussed and voted on separately.

J.1. 21-367

SUBJECT: Reading by Title of All Ordinances and Resolutions

REPORT IN BRIEF
Ordinances and Resolutions which appear on the public agenda shall be determined to have been read by title and a summary title may be read with further reading waived.

RECOMMENDATION
City Council - Adopt a motion waiving the reading of Ordinances and Resolutions, pursuant to Section 412 of the Merced City Charter.

J.2. 21-380

SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of May 3, 2021

REPORT IN BRIEF
Official adoption of previously held meeting minutes.

RECOMMENDATION
City Council/Public Financing and Economic Development/Parking Authority - Adopt a motion approving the meeting minutes of May 3, 2021.

J.3. 21-214

SUBJECT: Adoption of a Resolution Setting a Public Hearing for Monday, June 21, 2021, to Vacate a 32-Foot-Wide Strip of Right-of-Way, Containing Approximately 19,628.69 Square Feet, Generally Located Approximately 362 Feet North of Yosemite Avenue Between Mansionette Drive and Sandpiper Avenue (Extended) (Vacation #21-02)

REPORT IN BRIEF

Set a public hearing for June 21, 2021, to vacate a 32-foot-wide strip of right-of-way, containing approximately 19,628.69 square feet, generally located approximately 362 feet north of Yosemite Avenue between Mansionette Drive and Sandpiper Avenue (extended).

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2021-34**, a Resolution of the City Council of the City of Merced, California, declaring its intention to vacate a 32-foot-wide strip of right-of-way, containing approximately 19,628.69 square feet, generally located approximately 362 feet north of Yosemite Avenue between Mansionette Drive and Sandpiper Avenue (extended) (Vacation #21-02), and setting time and place for Public Hearing.

J.4. 21-301

SUBJECT: Adoption of Resolution Approving Final Map 5385 (Stoneridge South, Phase 4 Subdivision) for 32 Single-Family Lots, Generally Located East of G Street, Between Winder Avenue and Mission Avenue, and the Approval of the Subdivision Agreement for Stoneridge South, Phase 4 Subdivision

REPORT IN BRIEF

Considers the approval of Final Map #5385 for 32 single-family lots, generally located east of G Street, between Winder Avenue and Mission Avenue, and the Subdivision Agreement for Stoneridge South, Phase 4.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2021-35**, a Resolution of the City Council of the City of Merced, California, approving the Final Subdivision Map for the Stoneridge South, Phase 4 Subdivision (#5385); and,

B. Approving the Subdivision Agreement for Stoneridge South, Phase 4; and,

C. Authorizing the City Manager or designee to execute all necessary documents.

J.5. 21-302

SUBJECT: Adoption of Resolution Approving Final Map 5386 (Stoneridge South, Phase 5 Subdivision) for 32 Single-Family Lots, Generally Located East of G Street, Between Winder Avenue and Mission Avenue, and the Approval of the Subdivision Agreement for

Stoneridge South, Phase 5 Subdivision

REPORT IN BRIEF

Considers the approval of Final Map #5386 for 32 single-family lots, generally located east of G Street, between Winder Avenue and Mission Avenue, and the Subdivision Agreement for Stoneridge South, Phase 5.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2021-36**, a Resolution of the City Council of the City of Merced, California, approving the Final Subdivision Map for the Stoneridge South, Phase 5 Subdivision (#5386); and,

B. Approving the Subdivision Agreement for Stoneridge South, Phase 5; and,

C. Authorizing the City Manager or designee to execute all necessary documents.

J.6. 21-314

SUBJECT: Adoption of Resolution Declaring the Intent to Vacate the Northern Portion of the Arbor Walkway Easement (Approximately 2,800 Square Feet) Which Would Revert Development Rights Back to the Adjacent Property Owner of 531 W. Main Street, Merced, Generally Located on the North Side of Main Street, Approximately 150 Feet East of M Street, and Setting a Public Hearing for June 21, 2021 (Vacation #21-03)

REPORT IN BRIEF

Considers the vacation of the northern portion of the Arbor Walkway easement (approximately 2,800 square feet) which would revert development rights back to the adjacent property owner of 531 W. Main Street, Merced.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2021-33**, a Resolution of the City Council of the City of Merced, California, declaring its intention to vacate the Arbor Walkway north easement (approximately 2,800 square feet) which would revert development rights back to adjacent property owner of 531 W. Main Street (Vacation #21-03) and setting time and place for Public Hearing.

J.7. 21-343

SUBJECT: Approval of First Amendment for Card-Lock Fuel Station

Services to Reflect the Name Change of Tesei Petroleum, Inc. to Van De Pol Enterprises, Inc.

REPORT IN BRIEF

Considers approving a first amendment for card-lock fuel station services to reflect the name change of Tesei Petroleum, Inc., to Van De Pol Enterprises, Inc.

RECOMMENDATION

City Council - Adopt a motion approving the first amendment with Van De Pol Enterprises, Inc., for card-lock fuel station services and authorizing the City Manager or designee to execute the necessary documents.

J.8. 21-344

SUBJECT: Approval of First Amendment for Elevator Maintenance Services to Reflect the Name Change of Thyssenkrupp Elevator Corporation to TK Elevator Corporation and Adding Service for One Additional Elevator for a Total Contract Amount of $19,020 Annually

REPORT IN BRIEF

Considers approving a first amendment for elevator maintenance services to reflect the name change of Thyssenkrupp Elevator Corporation to TK Elevator Corporation and adding service for one additional elevator for a total contract amount of $19,020 annually.

RECOMMENDATION

City Council - Adopt a motion approving the first amendment with TK Elevator Corporation for elevator maintenance services for an annual not-to-exceed amount of $19,020 and authorizing the City Manager or designee to execute the necessary documents.

J.9. 21-345

SUBJECT: Award of Bid and Approval of Agreement for Supplies and Services with Univar Solutions USA, Inc., for the Supply and Delivery of Sodium Fluoride in an Amount not to Exceed $76,800 for the Contract Term Ending June 30, 2022, with the Option to Renew for Two Additional One-Year Periods Ending June 30, 2024 at the Amounts not to Exceed $86,400 in Year 2, and $95,360 in Year 3

REPORT IN BRIEF

Considers awarding the bid and approving an agreement with Univar Solutions USA, Inc., for the supply and delivery of sodium fluoride.

RECOMMENDATION

City Council - Adopt a motion awarding the bid and approving the agreement with Univar Solutions USA, Inc., for the purchase of sodium fluoride in the amount not to exceed $76,800 for the contract term ending June 30, 2022, with the option to renew for two additional one-year periods ending June 30, 2024 at the amounts not to exceed $86,400 in year 2, and $95,360 in year 3; and authorizing the City Manager or designee to execute any necessary documents.

J.10. 21-373

SUBJECT: Approval of a Memorandum of Understanding with California Urban Forests Council (CaUFC) and West Coast Arborists, Inc., to Participate in the CIRCLE 4 Project to Plant 65 Trees in Merced as Part of CaUFC's Grant with the California Department of Forestry (CalFIRE) to Plant 2,000 Trees on March 12, 2022

REPORT IN BRIEF

Considers approving the memorandum of understanding with CaUFC and West Coast Arborists, Inc., for CaUFC to provide 65 trees and coordinate volunteers for a planting event in Merced on March 12, 2022.

RECOMMENDATION

City Council - Adopt a motion approving the memorandum of understanding with California Urban Forests Council (CaUFC) and West Coast Arborists, Inc., to participate in the CIRCLE 4 Project on March 12, 2022; and authorizing the City Manager or designee to execute the necessary documents.

J.11. 21-398

SUBJECT: Second Reading and Final Adoption of an Ordinance Amending Sections 20.74 (Appeals), 20.44.170 (Commercial Cannabis Businesses), 20.64 (Administrative Responsibility), 20.68 (Permit Requirements), and 20.70 (Public Notice And Hearings) of the Zoning Ordinance Regarding Appeals and the Number of Votes Required for Planning Commission Action

REPORT IN BRIEF

Adopt Ordinance amending various sections of the Zoning Ordinance regarding appeals and the number of votes required for Planning Commission action.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2523**, an Ordinance of the City Council of the City of Merced, California, Amending Sections 20.74 (Appeals), 20.44.170 (Commercial Cannabis Businesses), 20.64 (Administrative Responsibility), 20.68 (Permit Requirements), and 20.70

(Public Notice And Hearings) of the Merced Municipal Code Regarding the Timing of Appeals and the Number of Votes Required To Adopt Planning Commission Actions.

J.12. 21-399

SUBJECT: Second Reading and Final Adoption of an Ordinance Approving Site Utilization Plan Revision #2 to Planned Development #12, Including a Mini-Mart with Fuel Island, a Drive-Through Business, and an Office/Retail Building

REPORT IN BRIEF

Second reading and final adoption of an ordinance to change the General Plan and Site Utilization Plan designations for a parcel of approximately 3.38 acres located at the northeast corner of Olive Avenue and State Highway 59 to allow a commercial development.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2524**, an Ordinance of the City Council of the City of Merced, California, approving Site Utilization Plan Revision #2 to Planned Development (P-D) #12 changing the land use designation from “Commercial Office” (CO) and “Industrial” (IND) to “Business Park” (BP) for a parcel of approximately 3.38 acres of land generally located on the northeast corner of Olive Avenue and State Highway 59.

K. REPORTS

K.1. 21-393

SUBJECT: Consideration of the Merced Regional Airport Authority Recommendation for the Advanced Air-Option 2 (1st Choice), Advanced Air-Option 3 (2nd Choice) and Southern Airlines (3rd Choice) as the Airline Carrier to Serve the Merced Yosemite Regional Airport Under the Essential Air Service and Make a Recommendation to the Department of Transportation

REPORT IN BRIEF

Considers the Merced Regional Airport Authority’s recommendation for air carrier service to the U.S. Department of Transportation regarding a selection of an essential air service carrier provider for the Merced Yosemite Regional Airport.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Regional Airport Authority's recommendation for air carrier service to the U.S. Department of Transportation concerning selection of an essential air service provider by priority as follows:

1. Advanced Air, Option 2 (KLAS/KHHR PC12); or,
2. Advanced Air, Option 3 (KLAS/KLAX PC 12); or,
3. Southern Airways, Option D; and,

B. Authorizing the City Manager or designee to execute the necessary documents.

K.2. 21-357

SUBJECT: Review, Discussion and Direction Regarding Community Funding Requests and of the City of Merced Fiscal Year 2021-22 Budget

REPORT IN BRIEF

Review of the Community Funding Requests and the City Manager's proposed FY 2021-22 Budget.

RECOMMENDATION

For information and discussion only.

L. BUSINESS

L.1. 21-396

SUBJECT: Council Member Ornelas' Request to Discuss a Resolution of Support for City of Merced Street Vendors

REPORT IN BRIEF

Council Member Ornelas' request to discuss a resolution to support Merced's street vendors pursuant to City Council Administrative Policies and Procedures C-1.

RECOMMENDATION

Provide direction to staff on a potential resolution to support Merced's street vendors.

L.2. 21-368

SUBJECT: Request to Add Item to Future Agenda

REPORT IN BRIEF

Provides members of the City Council to request that an item be placed on a future City Council agenda for initial consideration by the City Council.

L.3. 21-369

SUBJECT: City Council Comments

REPORT IN BRIEF

Provides an opportunity for the Mayor and/or Council Member(s) to make a brief announcement on any activity(ies) she/he has attended on behalf of the City and to make a brief announcement on future community events and/or activities. The Brown Act does not allow discussion or action by the legislative body under this section.

M. ADJOURNMENT

CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

Agenda Item B.1. Meeting Date: 5/17/2021

SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Properties: APN #'s 049-200-005, 049-200-020, 049-200-022, 049-200-019, 049-200-023, 049-200-017, 049-200-021, 049-200-024, 049-200-025, 049-220-018, 049-220-019, 049-220-016, 049-220-020, 049-220-015, 065-030-004, 049-240-016, 049-240-017; Agency Negotiator: Stephanie Dietz, City Manager; Negotiating Parties: Robert C. Rice, Sandton Capital Partners and City of Merced; Under Negotiation: Price and Terms of Payment

CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

Agenda Item B.2. Meeting Date: 5/17/2021

SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative(s): Travis Lindsey and Janell Van Bindsbergen, Lozano Smith, Attorneys at Law; Employee Organizations: American Federation of State, County, and Municipal Employees (AFSCME) Council 57; Local 2703, International Association of Fire Fighters, Local 1479, and Merced Association of City Employees (MACE). AUTHORITY: Government Code Section 54957.6

ADMINISTRATIVE REPORT

Agenda Item F.1. Meeting Date: 5/17/2021

SUBJECT: Proclamation - National Public Works Week

REPORT IN BRIEF
Received by a representative of the Public Works Department.

ATTACHMENTS
1. Proclamation

Proclamation

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the City of Merced; and

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in the City of Merced to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2021 marks the 61st annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association;

NOW, THEREFORE, I, MATTHEW SERRATTO, Mayor of the City of Merced, on behalf of the City Council, do hereby recognize and extend appreciation to our dedicated and skilled staff and hereby proclaim the week of May 16-22, 2021 as **"National Public Works Week"** in the City of Merced and request that all citizens and civic organizations acquaint themselves with the issues involved in providing public works services to our community and to recognize the contributions our Public Works employees make every day to our health, safety, comfort and quality of life.

Signed this 17th day of May, 2021.

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Matthew Serratto, Mayor of Merced

ADMINISTRATIVE REPORT

Agenda Item G.1. Meeting Date: 5/17/2021

SUBJECT: Update on City of Merced Youth Council Activities

REPORT IN BRIEF
Members of the Youth Council will provide an update on recent and upcoming events to the City Council.

RECOMMENDATION
For information only.

ADMINISTRATIVE REPORT

Agenda Item J.1. Meeting Date: 5/17/2021

SUBJECT: Reading by Title of All Ordinances and Resolutions

REPORT IN BRIEF

Ordinances and Resolutions which appear on the public agenda shall be determined to have been read by title and a summary title may be read with further reading waived.

RECOMMENDATION

City Council - Adopt a motion waiving the reading of Ordinances and Resolutions, pursuant to Section 412 of the Merced City Charter.

CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

Agenda Item J.2. Meeting Date: 5/17/2021

SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of May 3, 2021

REPORT IN BRIEF
Official adoption of previously held meeting minutes.

RECOMMENDATION
City Council/Public Financing and Economic Development/Parking Authority - Adopt a motion approving the meeting minutes of May 3, 2021.

ALTERNATIVES
1. Approve as recommended; or,
2. Approve, subject to amendments.

ATTACHMENTS
1. Minutes of May 3, 2021

CITY OF MERCED

Minutes

City Council/Public Finance and Economic Development Authority/Parking Authority

City Council Chamber
Merced Civic Center
2nd Floor
678 W. 18th Street
Merced, CA 95340

Monday, May 3, 2021 **6:00 PM**

A. CLOSED SESSION ROLL CALL

Present: 5 - Mayor Matthew Serratto, Council Member Fernando Echevarria, Council Member Delray Shelton, Council Member Bertha Perez, and Council Member Sarah Boyle

Absent: 2 - Mayor Pro Tempore Kevin Blake, and Council Member Jesse Ornelas

B. CLOSED SESSION

Mayor SERRATTO called the Closed Session to order at 5:04 PM.

Clerk's Note: Council Member BOYLE arrived at 5:07 PM.

B.1. **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative(s): Travis Lindsey and Janell Van Bindsbergen, Lozano Smith, Attorneys at Law; Employee Organizations: International Association of Fire Fighters, Local 1479 and Merced Association of City Employees (MACE). AUTHORITY: Government Code Section 54957.6

B.2. **SUBJECT:** CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Properties: APN #'s 049-200-005, 049-200-020, 049-200-022, 049-200-019, 049-200-023, 049-200-017, 049-200-021, 049-200-024, 049-200-025, 049-220-018, 049-220-019, 049-220-016, 049-220-020, 049-220-015, 065-030-004, 049-240-016, 049-240-017; Agency Negotiator: Stephanie Dietz, City Manager; Negotiating Parties: Foreclosure Trustee - WT Capital Lender Services and City of Merced; Under Negotiation: Price and Terms of Payment

Clerk's Note: Council adjourned from Closed Session at 5:40 PM.

C. CALL TO ORDER

Mayor SERRATTO called the Regular Meeting to order at 6:01 PM.

C.1. Invocation - Captain Ryan Miller, Salvation Army Merced

Council observed a moment of silence for the invocation.

C.2. Pledge of Allegiance to the Flag

Council Member ECHEVARRIA led the Pledge of Allegiance to the Flag.

D. ROLL CALL

Present: 5 - Mayor Matthew Serratto, Council Member Fernando Echevarria, Council Member Delray Shelton, Council Member Bertha Perez, and Council Member Sarah Boyle

Absent: 2 - Mayor Pro Tempore Kevin Blake, and Council Member Jesse Ornelas

D.1. In accordance with Government Code 54952.3, it is hereby announced that the City Council sits either simultaneously or serially as the Parking Authority and the Public Financing and Economic Development Authority. City Council members receive a monthly stipend of $400.00 by Charter for sitting as the City Council; and the Mayor receives an additional $100.00 each month as a part of the adopted budget and Resolution 2020-86. The members of the Parking Authority and the Public Financing and Economic Development Authority receive no compensation.

E. REPORT OUT OF CLOSED SESSION

There was no report.

F. CEREMONIAL MATTERS

F.1. **SUBJECT:** Proclamation - Bike Month

REPORT IN BRIEF

Received by a BAC Commissioner

Council Member BOYLE presented the Bike Month Proclamation to the Bicycle and Pedestrian Advisory Commission Chair Greg FRIEDMAN.

F.2. **SUBJECT:** Proclamation in Support of Merced's Asian American Community

REPORT IN BRIEF

Received by members of Merced's Asian American Community

Mayor SERRATTO presented a proclamation in support of Merced's Asian American Community to members of the Merced Lao Family, the Lao Association of Merced and the Hmong Culture Camp.

F.3. **SUBJECT:** Proclamation - Municipal Clerks Week

REPORT IN BRIEF

Received by Jennifer Levesque, Assistant City Clerk

Council Members ECHEVARRIA and SHELTON presented the Municipal Clerks Week Proclamation to Assistant City Clerk Jennifer LEVESQUE, Deputy City Clerk John TRESIDDER and Records Clerk Devin LOTEZ.

G. WRITTEN PETITIONS AND COMMUNICATIONS

Clerk's Note: Emails were received for the following agenda items and were forwarded to Council prior to the meeting.

Item L.1. - Ramon RODRIGUEZ, Daniel GARIBAY, and Alyssa CASTRO.

H. ORAL COMMUNICATIONS

Anissa FRAGOSO, Merced Hispanic Chamber of Commerce President - spoke on the upcoming Mercado on Main Street starting on May 5th and continuing through the summer.

Adam LANE, Merced LGBTQ+ Alliance President and Gabriela SPIVA - updated the Council on the upcoming Pride events.

I. CONSENT CALENDAR

Item I.6 Award of Bid and Approval of Construction Contract with Standard Demolition, Inc. for the Well Site 3 Tank Removal, Project No. 117047, in the Amount of $274,500; was pulled for separate consideration.

Approval of the Consent Agenda

A motion was made by Council Member Echevarria, seconded by Council Member Shelton, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 5 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, and Council Member Boyle

No: 0

Absent: 2 - Mayor Pro Tempore Blake, and Council Member Ornelas

I.1. **SUBJECT:** Reading by Title of All Ordinances and Resolutions

REPORT IN BRIEF

Ordinances and Resolutions which appear on the public agenda shall be determined to have been read by title and a summary title may be read with further reading waived.

RECOMMENDATION

City Council - Adopt a motion waiving the reading of Ordinances and Resolutions, pursuant to Section 412 of the Merced City Charter.

This Consent Item was approved.

I.2. **SUBJECT:** Information-Only Contracts for the Month of April 2021

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under $33,000 and of Public Works contracts under $71,862.

This Consent Item was approved.

I.3. **SUBJECT:** Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of April 19, 2021

REPORT IN BRIEF

Official adoption of previously held meeting minutes.

RECOMMENDATION

City Council/Public Financing and Economic Development/Parking Authority - Adopt a motion approving the meeting minutes of April 19, 2021.

This Consent Item was approved.

I.4. **SUBJECT:** Approval of Agreement for Landscape Maintenance Services with EMTS, Inc., for Maintenance of Various Community Facilities Districts, in an Annual Amount of $251,310 for a Two (2) Year Term Beginning July 1, 2021 Through June 30, 2023, with an Option to Extend the Agreement for Three (3) Additional One (1) Year Term(s)

REPORT IN BRIEF

Considers approving a professional services agreement with EMTS, Inc., for maintenance services at various Community Facilities Districts, including Bellevue Ranch East & West, Bright Development, Compass Pointe, Compass Pointe Apartments, Cottages, Cypress Terrace 6 & 7, Franco, Lantana Estates, Mansionette Estates #5, Mercy Hospital, Moraga, Northwood Professional Center, Provance, Sandcastle, Tuscany, University Park, and University Park II.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a Professional Services Agreement with EMTS, Inc., in the annual amount of $251,310, to provide landscape maintenance services at various Community Facilities Districts for two years, with an option to renew for a maximum of (3) three additional one-year periods, effective July 1, 2021 (subject to Council's approval of the Fiscal Year 2021/2022 budget); and,

B. Authorizing the City Manager or designee to sign the necessary documents and execute up to three (3) future 1-year contract extension amendments for a not-to-exceed limit of a 3% annual increase over the prior year expenditure.

This Consent Item was approved.

I.5.

SUBJECT: Award of Bid and Approval of Agreement for Supplies and Services with Stommel Inc., dba Lehr Auto Electric, and Authorization to Purchase Public Safety Vehicle Parts in an Amount not to Exceed $97,291.57

REPORT IN BRIEF

Considers awarding the bid and approving an agreement with Stommel, Inc., dba Lehr Auto Electric, for the purchase of Public Safety vehicle parts in order to outfit six Police patrol vehicles and one K-9 vehicle in the amount of $64,291.57, as well as purchase any other parts needed from the bid parts list throughout the remainder of the fiscal year not to exceed $33,000.00 above the bid amount.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the bid for the supply of the requested Public Safety vehicle parts to Stommel Inc., dba Lehr Auto Electric; and,

B. Approving the Agreement for Supplies and Services with Stommel Inc., dba Lehr Auto Electric; and,

C. Approving purchases of Public Safety vehicle parts in an amount not to exceed $97,291.57 from Stommel Inc., dba Lehr Auto Electric; and,

D. Authorizing the City Manager or designee to execute any necessary documents.

This Consent Item was approved.

I.7.

SUBJECT: Acceptance of $7,448.04 in Fiscal Year 2018 State Homeland Security Grant Program (SHSGP) Funds and Authorization to Purchase and Install Two (2) Vehicular Repeaters

REPORT IN BRIEF

Considers accepting $7,448.04 in Fiscal Year 2018 SHSGP funds for the purchase and installation of two (2) Vehicular Repeaters as revenue, appropriating supplemental funds, and using pooled cash to cover the appropriation until grant funds are reimbursed.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting Fiscal Year 2018 SHSGP grant funds in the amount of $7,448.04 to account 001-0901-324.02-00-Other State Grants, and;

B. Appropriating $7,448.04 to account 001-0901-522.26-00-Supplies and Services / Other Equipment O & M to purchase and install two (2) vehicular repeaters; and,

C. Authorizing the use of pooled cash to cover the appropriation until grant funds are reimbursed.

This Consent Item was approved.

I.8.

SUBJECT: Approval of a Finding of Public Convenience or Necessity for the Sale of Alcohol for the New Arco AMPM to be Located at 1295 West Yosemite Avenue (Land Use Determination #21-02)

REPORT IN BRIEF

Provides options for the City Council to consider making a Finding of Public Convenience or Necessity (PCN), as required by the Department of Alcoholic Beverage Control (ABC), to issue a Type 20 alcohol license (“off-sale general” allowing the sale of beer and wine) for the new Arco AMPM to be located at 1295 West Yosemite Avenue.

RECOMMENDATION

City Council - Adopt a motion approving the Finding of Public

Convenience or Necessity to allow Arco AMPM, to be located at 1295 West Yosemite Avenue, to obtain a Type 20 ABC license for "off-sale general" allowing the sale of beer and wine (Option #1 as shown in the "Council Action" section of this Administrative Report).

This Consent Item was approved.

I.6.

SUBJECT: Award of Bid and Approval of Construction Contract with Standard Demolition, Inc. for the Well Site 3 Tank Removal, Project No. 117047, in the Amount of $274,500

REPORT IN BRIEF

Considers awarding a contract in the amount of $274,500 to Standard Demolition, Inc. to remove the elevated water storage tank at Well Site #3 located at 511 West 12th Street.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the bid for the Well Site 3 Tank Removal, Project No. 117047, to Standard Demolition, Inc., in the amount of $274,500; and,

B. Authorizing the City Manager or designee to execute the necessary documents and to approve change orders not to exceed 10% of the total contract.

Mayor SERRATTO pulled this item for a report from staff.

City Engineer Michael BELTRAN explained the reasons for removing the water tower.

Council discussed the significance of the water tower to residents in South Merced.

A motion was made by Council Member Perez, seconded by Council Member Echevarria, that this agenda item be approved. The motion carried by the following vote:

Aye: 5 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, and Council Member Boyle

No: 0

Absent: 2 - Mayor Pro Tempore Blake, and Council Member Ornelas

J. PUBLIC HEARINGS

J.1.

SUBJECT: Public Hearing to Consider Adoption of a Resolution Granting a Certificate of Public Convenience and Necessity for American Guard Services to Engage in Private Patrol Services

REPORT IN BRIEF

Considers approving a Resolution granting and issuing a certificate of public convenience and necessity to American Guard Services.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2021-29**, a Resolution of the City Council of the City of Merced, California, granting a certificate of public convenience and necessity to American Guard Services.

Clerk's Note: Items J.1. and J.2 were combined as a single Public Hearing.

Police Lieutenant Alan WARD gave a brief presentation on the security companies wanting to do business within the City of Merced and the required background checks that were completed.

Mayor SERRATTO opened the Public Hearing for items J.1. and J.2. at 6:44 PM and closed the Public Hearing at 6:45 PM due to lack of public comment.

A motion was made by Council Member Echevarria, seconded by Council Member Boyle, that this agenda item be approved. The motion carried by the following vote:

Aye: 5 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, and Council Member Boyle

No: 0

Absent: 2 - Mayor Pro Tempore Blake, and Council Member Ornelas

J.2.

SUBJECT: Public Hearing to Consider Adoption of a Resolution Granting a Certificate of Public Convenience and Necessity for Shield Private Security to Engage in Private Patrol Services

REPORT IN BRIEF

Considers approving a Resolution granting and issuing a certificate of public convenience and necessity to Shield Private Security.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2021-30**, a

Resolution of the City Council of the City of Merced, California, granting a certificate of public convenience and necessity to Shield Private Security.

A motion was made by Council Member Echevarria, seconded by Council Member Boyle, that this agenda item be approved. The motion carried by the following vote:

Aye: 5 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, and Council Member Boyle

No: 0

Absent: 2 - Mayor Pro Tempore Blake, and Council Member Ornelas

J.3.

SUBJECT: Public Hearing to Consider Adoption of a Categorical Exemption and Introduction of an Ordinance Amending Sections 20.74 (Appeals), 20.44.170 (Commercial Cannabis Businesses), 20.64 (Administrative Responsibility), 20.68 (Permit Requirements), and 20.70 (Public Notice And Hearings) of the Zoning Ordinance Regarding Appeals and the Number of Votes Required for Planning Commission Action

REPORT IN BRIEF

Adopt a Categorical Exemption and Introduce an Ordinance amending various sections of the Zoning Ordinance regarding appeals and the number of votes required for Planning Commission action.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting a Categorical Exemption (Environmental Review #21-03); and,

B. Introducing **Ordinance 2523**, an Ordinance of the City Council of the City of Merced, California, Amending Sections 20.74 (Appeals), 20.44.170 (Commercial Cannabis Businesses), 20.64 (Administrative Responsibility), 20.68 (Permit Requirements), and 20.70 (Public Notice And Hearings) of the Merced Municipal Code Regarding the Timing of Appeals and the Number of Votes Required To Adopt Planning Commission Actions.

Planning Manager Kim ESPINOSA gave a slideshow presentation on proposed changes to the Zoning Ordinance regarding appeals and the number of votes required to approve Planning Commission actions.

Mayor SERRATTO opened and subsequently closed the Public Hearing at 6:50 PM due to lack of public comment.

A motion was made by Council Member Perez, seconded by Council Member Echevarria, that this agenda item be approved. The motion carried by the following vote:

Aye: 5 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, and Council Member Boyle

No: 0

Absent: 2 - Mayor Pro Tempore Blake, and Council Member Ornelas

J.4.

SUBJECT: Public Hearing to Consider Adoption of a Mitigated Negative Declaration for General Plan Amendment #20-02, Site Utilization Plan Revision #2 to Planned Development #12, Changing the Land Use Designation from Commercial Office (CO) and Industrial (IND) to Business Park (BP) for Approximately 3.38 Acres Located at the Northeast Corner of Olive Avenue and State Highway 59; Introduction of an Ordinance Approving Site Utilization Plan Revision #2 to Planned Development #12, Including a Mini-Mart with Fuel Island, a Drive-Through Business, and an Office/Retail Building; and Approval of a Legislative Action Agreement for the Project

REPORT IN BRIEF

Request for City Council approval to change the General Plan and Site Utilization Plan designations for a parcel of approximately 3.38 acres located at the northeast corner of Olive Avenue and State Highway 59 to allow a commercial development, including the adoption of a Mitigated Negative Declaration.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2021-32**, A Resolution of the City Council of the City of Merced, California, approving a Mitigated Negative Declaration for General Plan Amendment #20-02 and Site Utilization Plan Revision #2 to Planned Development #12 for a parcel containing approximately 3.38 acres located at the northeast corner of Olive Avenue and State Highway 59; and approving General Plan Amendment #20-02 for the same parcel changing the General Plan Designation from Commercial Office (CO) and Industrial (IND) to Business Park (BP); and,

B. Introducing **Ordinance 2524**, an Ordinance of the City Council of the City of Merced, California, approving Site Utilization Plan Revision #2 to Planned Development (P-D) #12 changing the land use designation from “Commercial Office” (CO) and “Industrial” (IND) to “Business Park” (BP) for

a parcel of approximately 3.38 acres of land generally located on the northeast corner of Olive Avenue and State Highway 59; and,

C. Approving the legislative action agreement and authorizing the City Manager or designee to execute the necessary documents.

Principal Planner Michael HREN gave a slideshow presentation describing the request for City Council approval to change the General Plan and Site Utilization Plan designations for a parcel of approximately 3.38 acres located at the northeast corner of Olive Avenue and State Highway 59 to allow a commercial development, including the adoption of a Mitigated Negative Declaration.

Council and Mr. HREN briefly discussed the project and potential tenants for the location.

Mayor SERRATTO opened and subsequently closed the Public Hearing at 6:59 due to lack of public comment.

A motion was made by Council Member Boyle, seconded by Council Member Shelton, that this agenda item be approved. The motion carried by the following vote:

Aye: 5 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, and Council Member Boyle

No: 0

Absent: 2 - Mayor Pro Tempore Blake, and Council Member Ornelas

J.5.

SUBJECT: Public Hearing to Consider Adoption of a Resolution Approving Substantial Amendment #1 to the 2020-2024 Consolidated and 2020 Annual Action Plans to Amend Expected Funding Sources, Expected Program Income, Funding Amount for Project #1- CDBG: Administration, Funding Source for Project #3: Public Facility and Infrastructure, and Associated Text Changes Related to a Change in Funding Source for the Childs and B Affordable Housing Project; Authorizing the City Manager to Execute all Documents, Agreements, and Certifications Resulting from this Amendment; Authorizing Staff to Make these Amendments to the Plans and Submit all Required Documents to the U.S. Department of Housing and Urban Development

REPORT IN BRIEF

Considers the first Substantial Amendment to the 2020-2024 Consolidated and 2020 Annual Action Plans to amend expected funding sources, expected program income (PI), funding for Project #1: Administration, Funding Source for Project #3: Public Facility and Infrastructure, and

associated text changes related to a change in the funding source for the Childs and B Affordable Housing Project; authorizes the City Manager to execute all related documents, agreements, and certifications; and authorizes staff to make amendments the plans and submit to the U.S. Department of Housing and Urban Development (HUD).

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2021-31,** a Resolution of the City Council of the City of Merced, California, approving substantial amendment #1 to the 2020-2024 Consolidated and 2020 Annual Action Plans to amend expected funding sources, expected program income, funding amount for Project #1- CDBG: administration, funding source for Project #3: Public Facility and Infrastructure, and associated text changes related to a change in funding source for the Childs and B Affordable Housing Project; authorizing the City Manager to execute all documents, agreements, and certifications resulting from this amendment; and authorizing staff to make these amendments to the plans and submit all required documents to the U.S. Department of Housing and Urban Development.

Development Services Director Scott MCBRIDE gave a slideshow presentation on Substantial Amendment #1 to the 2020-2024 Consolidated and 2020 Annual Action Plans.

Mayor SERRATTO opened the Public Hearing at 7:05 PM.

Clerk's Note: The following comment was received via voicemail.

Sheng XIONG, Leadership Council for Justice and Accountability - questioned funding payback, the use for funds that are created by the payback, and administrative costs.

Mayor SERRATTO closed the Public Hearing at 7:07 PM.

Mr. MCBRIDE addressed the callers concerns and discussed the timing for use of the funding.

Council and Mr. MCBRIDE discussed savings by payback of the loan and how administrative costs are paid.

A motion was made by Council Member Shelton, seconded by Council Member Echevarria, that this agenda item be approved. The motion carried by the following vote:

Aye: 5 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, and Council Member Boyle

No: 0

Absent: 2 - Mayor Pro Tempore Blake, and Council Member Ornelas

K. REPORTS

K.1.

SUBJECT: Overview of the Upcoming Redistricting Process Including the Possible Formation of a Redistricting Advisory Committee, and Approval of an Agreement with National Demographics Corporation to Assist in the Map Drawing Process in an Amount not to Exceed $50,000

REPORT IN BRIEF

Provides Council with a brief overview on the upcoming redistricting process and potential formation of a Redistricting Advisory Committee and authorizes an agreement with National Demographics Corporation to assist with demography work potentially adjusting the current City Council district map after release of the 2020 Census data.

RECOMMENDATION

City Council - Adopt a motion:

A. Providing staff direction on the formation of a Redistricting Advisory Committee; and,

B. Approving a Professional Services Agreement with National Demographics Corporation in a not to exceed amount of $50,000 for redistricting consulting and demography work; and,

C. Authorizing the City Manager or designee to sign the necessary documents; and,

D. Approving a supplemental appropriation in the amount of $35,000 from the unencumbered, unreserved General Fund balance in the City Clerk's Division Professional Services expense account 001-0204-512.17-00.

Assistant City Clerk Jennifer LEVESQUE gave a slideshow presentation on the upcoming redistricting process, new laws and regulations, and the timeline to complete the project.

Council and Ms. LEVESQUE briefly discussed the process, the need to use a consultant to assist in applying the census data, and the potential need for a redistricting committee.

City Manager Stephanie DIETZ stated that the project could be done in steps with the hiring of the consultant to work with the census data, bringing a interim report to Council in the fall, and potentially appointing a redistricting committee at that time.

A motion was made by Council Member Perez, seconded by Council Member Echevarria, that this agenda item be approved. The motion carried by the following vote:

Aye: 5 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, and Council Member Boyle

No: 0

Absent: 2 - Mayor Pro Tempore Blake, and Council Member Ornelas

Clerk's Note: Council took at recess at 7:29 PM and returned at 7:35 PM.

K.2.

SUBJECT: Approval of the Arts and Culture Advisory Commission Recommendation of Local Artists, Artwork, and Location Process for the Utility Box Art Project

REPORT IN BRIEF

Considers approving the Arts and Culture Advisory Commission recommendation of local artists, artwork, and location process for the utility box art project.

RECOMMENDATION

City Council - Adopt a motion approving the local artist, artwork, and location process as recommended by the Arts and Culture Advisory Commission.

City Manager Stephanie DIETZ gave a slideshow presentation highlighting the submissions for the utility box art project and the process used by the Arts and Culture Advisory Commission to select the artwork.

Arts and Culture Advisory Commission Chair Colton DENNIS spoke on the quality of the artwork submitted and the process used to review and approve the submissions.

Arts and Culture Advisory Commission Ex-Officio Member Kim GARNER discussed how all of the artwork would be added to the art inventory compiled by the Commission.

Council, Mr. DENNIS, and Ms. DIETZ discussed funding, a Downtown Arts

District, and potential to expand the program.

Eddie RODRIGUEZ, Merced - spoke on the artwork he submitted for the project.

A motion was made by Council Member Echevarria, seconded by Council Member Perez, that this agenda item be approved. The motion carried by the following vote:

Aye: 5 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, and Council Member Boyle

No: 0

Absent: 2 - Mayor Pro Tempore Blake, and Council Member Ornelas

L. BUSINESS

L.1.

SUBJECT: Council Member Ornelas' Request to Discuss the Display of the Pride Progress Flag in Bob Hart Square for the Month of June

REPORT IN BRIEF

Council Member Ornelas' request to discuss the display of the Pride Progress Flag in Bob Hart Square for the month of June pursuant to City Council Administrative Policies and Procedures C-1.

RECOMMENDATION

Provide direction to staff on the display of the Pride Progress Flag and potential flag display policy.

City Manager Stephanie DIETZ briefly discussed Council Member Ornelas' request to display the Pride Progress Flag due to his absence from the meeting.

Adam LANE, Merced LGBTQ+ Alliance President - proposed the display of the Pride Progress Flag in Bob Hart Square for the month of June and gave a background on the flag and its meaning.

Daniel GARIBAY, Merced resident - expressed support for the display of the Pride Progress Flag in Bob Hart Square and requested a resolution of support for the LGBTQ+ community.

Devin LOTEZ, Merced resident - expressed support for the display of the Pride Progress Flag in Bob Hart Square.

Alejandro JURADO, Merced resident - expressed support for the display of the Pride Progress Flag and requested a resolution of support be placed

on a future agenda.

Gabriella SPIVA, Merced resident - expressed support for the display of the Pride Progress Flag in Bob Hart Square and commented on personal experiences.

Clerk's Note: The following comments were received via voicemail.

Alyssa CASTRO, Merced resident - expressed support for the display of the Pride Progress Flag in Bob Hart Square.

Cynthia VASQUEZ, Merced resident - stated support for the display of the Pride Progress Flag in Bob Hart Square.

Madison MITCHELL, Merced resident - stated support for the display of the Pride Progress Flag.

Miranda GRISWALD, Merced resident - stated support for the display of the Pride Progress Flag in Bob Hart Square.

Nancy MORRIS, Merced resident - urged support for the display of the Pride Progress Flag in Bob Hart Square.

Council discussed the display of the flag for the month of June and the formation of a flag display policy and calendar to be brought to a future meeting.

A motion was made by Council Member Echevarria, seconded by Council Member Perez, to approve the display of the Pride Progress Flag for the month of June in Bob Hart Square and direct staff to return in July with a flag policy. The motion carried by the following vote:

Aye: 5 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, and Council Member Boyle

No: 0

Absent: 2 - Mayor Pro Tempore Blake, and Council Member Ornelas

L.2. **SUBJECT:** Discussion on the Format of Future City Council Meetings and City of Merced Boards and Commissions Meetings Post COVID-19

REPORT IN BRIEF

Discuss the format of City Council Meetings and Boards and Commissions Meetings going forward post COVID-19.

In addition, staff is seeking clarification on the following areas:

- Configuration of seating in City Council Chambers
- If all City Commissions, Committees and Boards should follow Council meetings
- If recording of City Commissions, Committees and Boards should continue via Facebook live

RECOMMENDATION

Provide staff direction on the format of future City Council Meetings and Board and Commission Meetings.

Council agreed to hold the next meeting in person with Council socially distanced, for all boards and commissions to continue to broadcast meetings on social media, and to bring this item back at the first meeting in July.

L.3. **SUBJECT:** Request to Add Item to Future Agenda

REPORT IN BRIEF

Provides members of the City Council to request that an item be placed on a future City Council agenda for initial consideration by the City Council.

Council Member PEREZ requested an item be placed on the second meeting in July to discuss a resolution for the LGBTQ+ community.

L.4. **SUBJECT:** City Council Comments

REPORT IN BRIEF

Provides an opportunity for the Mayor and/or Council Member(s) to make a brief announcement on any activity(ies) she/he has attended on behalf of the City and to make a brief announcement on future community events and/or activities. The Brown Act does not allow discussion or action by the legislative body under this section.

Council Member ECHEVARRIA discussed attending a memorial for a Soccer Academy Coach.

Council Member PEREZ thanked the LGBTQ community for attending the meeting.

Mayor SERRATTO discussed the Youth Council park cleanup, business owner relief funding, local fundraisers, the June 5th cleanup at Rahilly Park, the Lao New Year event, the upcoming alley cleanup, and the upcoming sponsorship for the Branding Iron.

Council Member ECHEVARRIA encouraged the public to attend the Mercado on Main Street event on Cinco de Mayo.

M. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 8:40 PM.

A motion was made by Council Member Shelton, seconded by Council Member Perez, that the meeting be adjourned in memory of Samuel Bugarin. The motion carried by the following vote:

Aye: 5 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, and Council Member Boyle

No: 0

Absent: 2 - Mayor Pro Tempore Blake, and Council Member Ornelas

ADMINISTRATIVE REPORT

Agenda Item J.3. Meeting Date: 5/17/2021

Report Prepared by: Julie Nelson, Senior Planner, Development Services Department

SUBJECT: Adoption of a Resolution Setting a Public Hearing for Monday, June 21, 2021, to Vacate a 32-Foot-Wide Strip of Right-of-Way, Containing Approximately 19,628.69 Square Feet, Generally Located Approximately 362 Feet North of Yosemite Avenue Between Mansionette Drive and Sandpiper Avenue (Extended) (Vacation #21-02)

REPORT IN BRIEF

Set a public hearing for June 21, 2021, to vacate a 32-foot-wide strip of right-of-way, containing approximately 19,628.69 square feet, generally located approximately 362 feet north of Yosemite Avenue between Mansionette Drive and Sandpiper Avenue (extended).

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2021-34**, a Resolution of the City Council of the City of Merced, California, declaring its intention to vacate a 32-foot-wide strip of right-of-way, containing approximately 19,628.69 square feet, generally located approximately 362 feet north of Yosemite Avenue between Mansionette Drive and Sandpiper Avenue (extended) (Vacation #21-02), and setting time and place for Public Hearing.

ALTERNATIVES

1. Approve as recommended by staff; or,
2. Approve, subject to modifications by the City Council; or,
3. Deny; or,
4. Refer back to staff for reconsideration of specific items (specific items to be addressed in the motion); or,
5. Continue to a future meeting (date and time to be specified in motion).

AUTHORITY

Government Code Section 66477.5 (c) specifies the procedures for vacating land previously dedicated for public use, such as for parks and other public facilities. The City of Merced Administrative Policies and Procedures No. A-6 provides direction to staff for processing vacation requests, and City Council Resolution No. 86-90 establishes a policy concerning costs associated with the vacation.

CITY COUNCIL PRIORITIES

Not applicable.

DISCUSSION

The proposed vacation is a request to vacate/abandon a 32-foot-wide strip of right-of-way located approximately 362 feet north of Yosemite Avenue between Mansionette Drive and Sandpiper Avenue (extended) (Attachment 1). This right-of-way was previously dedicated to the City for roadway purposes to allow the construction of an east/west road to connect Mansionette Drive and Sandpiper Avenue (extended). The east/west street was to be constructed as part of the police station that was once proposed on the parcel to the south of the right-of-way (refer to the location map at Attachment A)

When the City Council determined the police station would not be located on this parcel, the land was subsequently sold to Valley Children's Hospital. Through the development process for Valley Children's Hospital, it has been determined that the east/west road is no longer needed.

The original dedication for the road came from two different properties. The total right-of-way is 64 feet wide. The northern 32 feet was dedicated from the parcel on the north side of the right-of-way owned by the Wathen's, shown as Parcel B on the Location Map at Attachment 1. The southern 32 feet was dedicated from the parcel on the south side of the right-of-way, which is owned and being developed by Valley Children's Hospital (Parcel A). When property is vacated, it returns to the owner or parcel from which it was dedicated. In this case the northern 32 feet will be returned to the Wathen's. It is anticipated that the vacated right-of-way will be combined with the Valley Children's site to increase the overall size of their parcel. The southern 32 feet of the right-of-way was vacated by the City Council on March 1, 2021.

Staff is requesting the City Council adopt the resolution at Attachment 3 setting the public hearing for Vacation #21-02 for Monday, June 21, 2021.

IMPACT ON CITY RESOURCES

There would be no impact on City resources as a result of this action.

ATTACHMENTS

1. Location Map
2. Proposed Vacation/Abandonment Area
3. Draft City Council Resolution


HUMMINGBIRD CT
BOBWHITE CT
Future Park Area
(not a City-owned Park)
REDWING CT
REDWING DR
PARCEL B
SANDPIPER AVE
MANSIONETTE DR
32-Ft.-Wide
Right-of-Way
to be Vacated
PARCEL A
YOSEMITE AVE
N

4

RECORDING REQUESTED BY:
TransCounty Title Company

AND WHEN RECORDED MAIL TO:
AND MAIL TAX STATEMENT TO:
The City of Merced
678 W. 18th Street
Merced, CA 95340

Order No. 10-00339-DMK
Escrow No. 10-00339-DMK
Parcel No. 231-040-006

Recorded in Official Records, Merced County
KENT B. CHRISTENSEN
Merced County Recorder

4/22/2010
11:16 AM
RE04

P Public T

Doc#: 2010–015018

Titles: 1 Pages: 5

Fees	0.00
Taxes	0.00
Other	0.00
PAID	$0.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

ROAD DEDICATION GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S) THAT DOCUMENTARY TRANSFER TAX IS $None Pursuant to Revenue and Taxation Code Section 11922

_____Computed on full value of property conveyed, OR
_____Computed on full value less liens or encumbrances remaining at the time of sale
_____Unincorporated area: ___x___City of Merced, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Della Wathen; and Della Wathen, as Trustee of the Spalding G. Wathen Q-Tip Trust

hereby GRANTS to The City of Merced, a California Charter Municipal Corporation

the following described real property in the County of Merced, State of California:

SEE EXHIBIT 'A' ATTACHED HERETO FOR LEGAL DESCRIPTION.

Dated: April 5, 2010

Della Wathen

Della Wathen, as Trustee of the Spalding G. Wathen Q-Tip Trust

By: Della Wathen, Trustee

STATE OF CALIFORNIA }
}S.S.
COUNTY OF }

On April 6, 2010, before me, Karina Garza, Notary Public, personally appeared Della Wathen who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity~~(ies)~~, and that by ~~his/her/their~~ signature~~(s)~~ on the instrument the person~~(s),~~ or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Karina Garza (Seal)

KARINA GARZA
Commission # 1727617
Notary Public - California
Fresno County
My Comm. Expires Mar 1, 2011

January 28, 2010
W00209A

EXHIBIT "A"

DESCRIPTION OF ROAD DEDICATION FROM WATHEN

All that portion of Remainder D as shown on "Final Map for Mansionette Estates Unit 2", recorded in Volume 55 of Official Plats at pages 12, 13 and 14, Merced County Records, being more particularly described as follows:

COMMENCING at the northwest corner of said Remainder D;
thence South 00°42'36" West, 283.54 feet along the west line of said Remainder D to **TRUE POINT OF BEGINNING**;

(1) thence North 89° 56' 09" East, 612.97 feet parallel with the north line of said Remainder D to the east line of said Remainder D;
(2) thence North 00° 42' 17" East, 32.92 feet along the said east line of Remainder D;
(3) thence South 45° 19' 13" West, 1.30 feet;
(4) thence South 89° 56' 09" West, 606.92 feet parallel with and 32.00 feet north of course (1);
(5) thence North 44° 40' 38" West, 7.21 feet to the said west line of Remainder D;
(6) thence South 00° 42' 36" West, 37.14 feet along the said west line of Remainder D to the **TRUE POINT OF BEGINNING**;

Containing 19628.69 square feet



1-28-2010

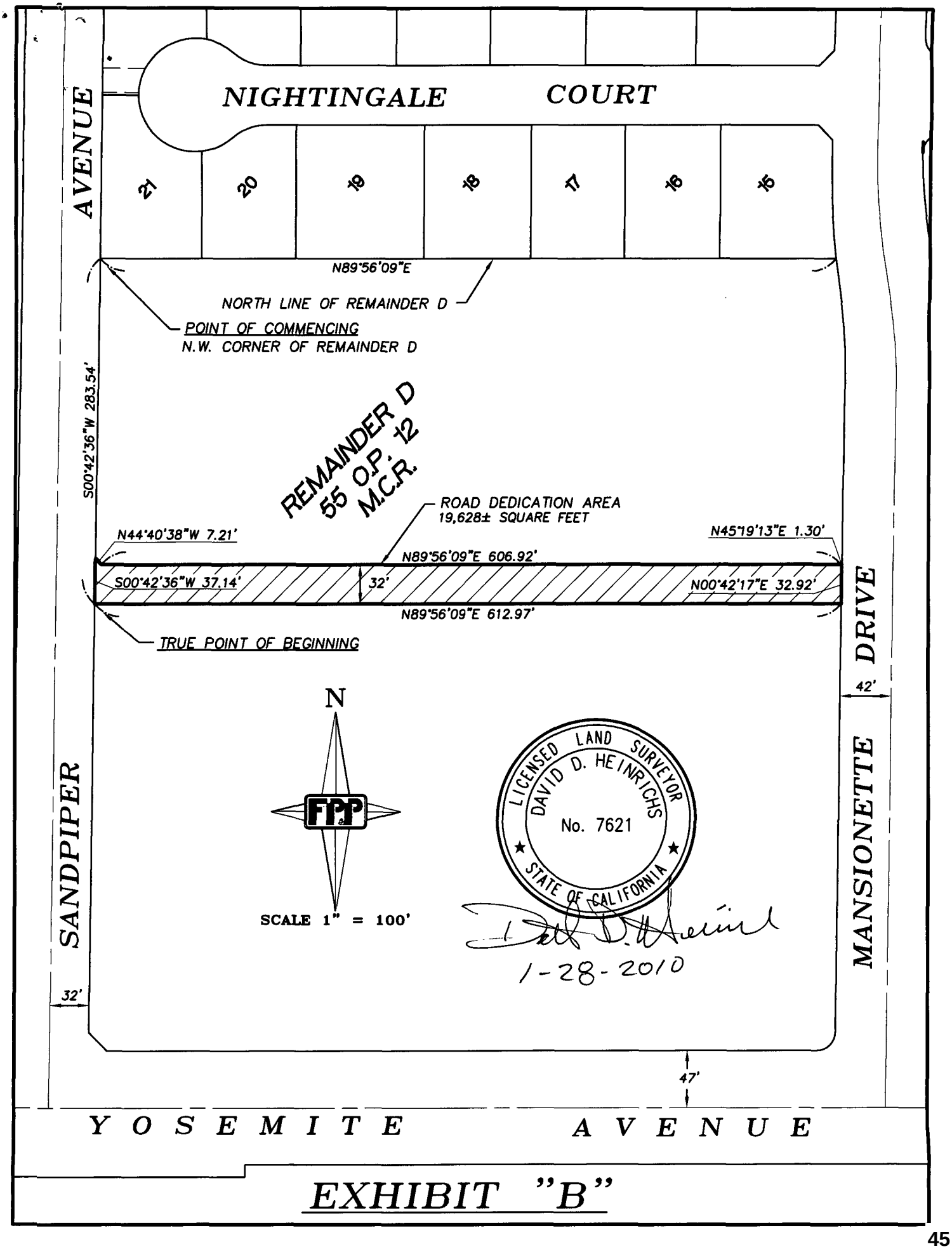

NIGHTINGALE COURT
AVENUE
21
20
19
18
17
16
15
N89°56'09"E
NORTH LINE OF REMAINDER D
POINT OF COMMENCING
N.W. CORNER OF REMAINDER D
S00°42'36"W 283.54'
REMAINDER D
55 O.P. 12
M.C.R.
ROAD DEDICATION AREA
19,628± SQUARE FEET
N44°40'38"W 7.21'
N45°19'13"E 1.30'
N89°56'09"E 606.92'
S00°42'36"W 37.14'
32'
N00°42'17"E 32.92'
N89°56'09"E 612.97'
TRUE POINT OF BEGINNING
N
SCALE 1" = 100'
LICENSED LAND SURVEYOR
DAVID D. HEINRICHS
No. 7621
STATE OF CALIFORNIA
1-28-2010
SANDPIPER
32'
MANSIONETTE DRIVE
42'
47'
YOSEMITE AVENUE

EXHIBIT "B"

CITY OF MERCED

"Gateway to Yosemite"



CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by Road Dedication Grant Deed

Dated April 5, 2010

From Della Wathen; and Della Wathen, as Trustee of the Spalding G. Wathen Q-Tip Trust

to the CITY OF MERCED is hereby accepted by the undersigned City Clerk on behalf of the City of Merced pursuant to authority conferred by Resolution No. 4217 of the City Council of the City of Merced adopted on May 20, 1974, and the grantee consents to recordation thereof by its duly authorized officer.

DATED: April 7, 2010

JOHN M. BRAMBLE, CITY CLERK

BY: _____
Dana J. Davidson, Assistant City Clerk

RESOLUTION NO. 2021-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, DECLARING ITS INTENTION TO VACATE A 32-FOOT-WIDE STRIP OF RIGHT-OF-WAY, CONTAINING APPROXIMATELY 19,628.69 SQUARE FEET, GENERALLY LOCATED APPROXIMATELY 362 FEET NORTH OF YOSEMITE AVENUE BETWEEN MANSIONETTE DRIVE AND SANDPIPER AVENUE (EXTENDED) (VACATION #21-02) AND SETTING TIME AND PLACE FOR PUBLIC HEARING

WHEREAS, the City Engineer of the City of Merced has recommended that the hereinafter described right-of-way is unnecessary for prospective public purposes; and

WHEREAS, the City Engineer has filed maps or plans with the City Clerk of the City of Merced showing the right-of-way to be vacated at a specific time that will be determined.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. The City Council of the City of Merced declares its intention to proceed under the provisions of Part 3 of the Streets and Highways Code of the State of California, being the Public Streets, Highways, and Service Easements Vacation Law, Chapter 3, to vacate a 32-foot-wide strip of right-of-way, containing approximately 19,628.69 square feet, generally located approximately 362 feet north of Yosemite Avenue between Mansionette Drive and Sandpiper Avenue (extended), as described in Exhibit A and shown on the map at Exhibit B, attached hereto and incorporated herein by this reference.

SECTION 2. Reference is made to the maps and plans which are filed in the office of the City Clerk of the City of Merced for further particulars as to the proposed vacation.

SECTION 3. June 21, 2021, at the hour of 6:00 p.m. of said day in the Council Chamber of the City Council, 678 West 18th Street, Merced, California, is fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation. Said hearing may be postponed or continued.

SECTION 4. The City Engineer is directed to post or cause to be posted at least two weeks before the date set for hearing not less than three (3) notices of vacation of a portion of public right-of-way, not more than three hundred (300) feet apart, conspicuously along the lines of said portion of the public street proposed to be vacated, stating adoption of this resolution and the time and place of the hearing herein called. Posting a copy of this resolution shall constitute the posting of the required notice.

SECTION 5. The City Clerk is directed to cause a copy of this Resolution to be published once each week for two successive weeks prior to the public hearing in the official newspaper.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2021, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

_____
Mayor

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

BY:_____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

Frederick A Noble 4/20/21
City Attorney Date

January 28, 2010
W00209A

EXHIBIT "A"

DESCRIPTION OF ROAD DEDICATION FROM WATHEN

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Containing 19628.69 **square feet**



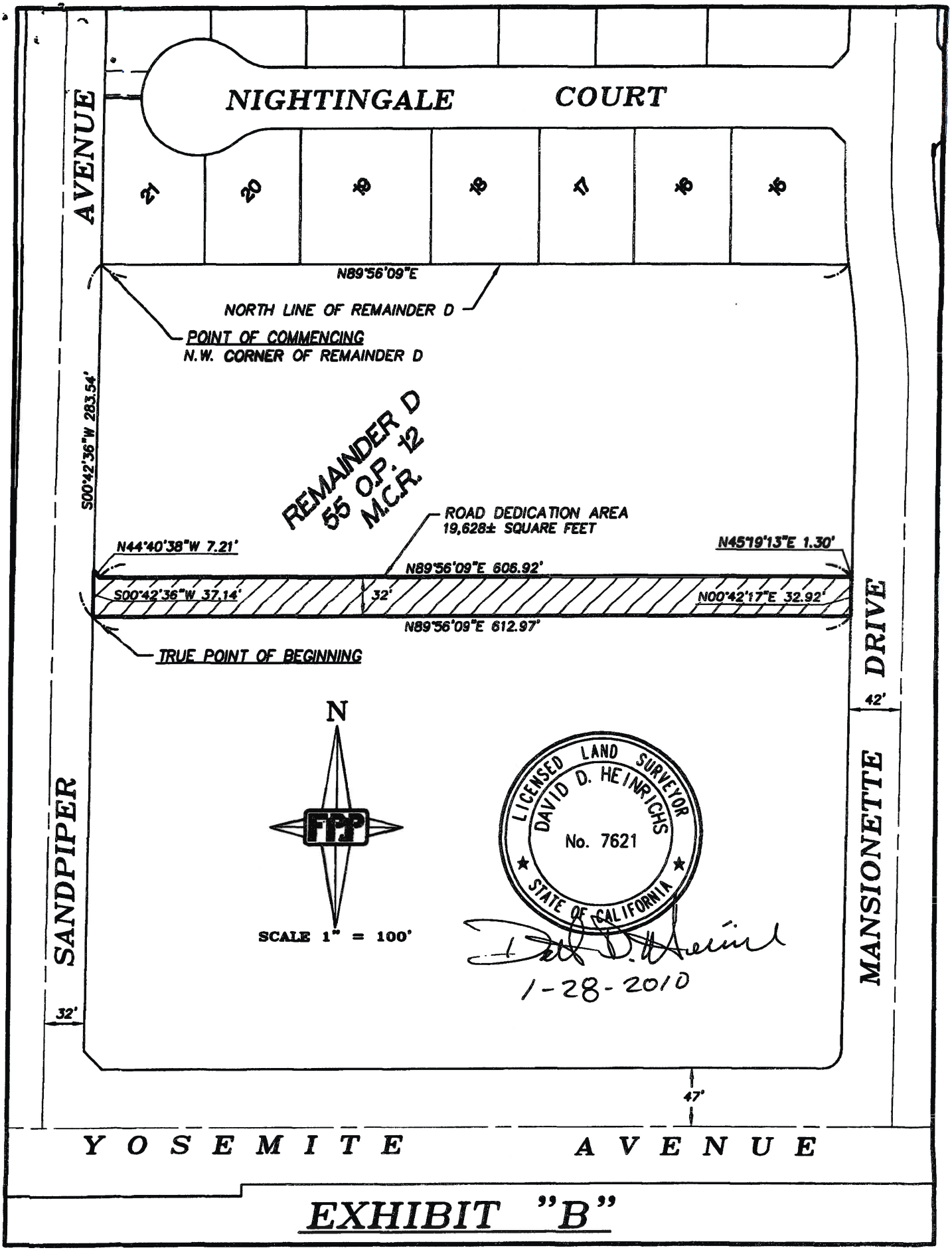

NIGHTINGALE COURT
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NORTH LINE OF REMAINDER D
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N.W. CORNER OF REMAINDER D
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DAVID D. HEINRICHS
No. 7621
STATE OF CALIFORNIA
1-28-2010
42'
MANSIONETTE DRIVE
SANDPIPER
32'
47'
Y O S E M I T E A V E N U E

EXHIBIT "B"

ADMINISTRATIVE REPORT

Agenda Item J.4. Meeting Date: 5/17/2021

Report Prepared by: Julie Nelson, Senior Planner, Development Services Department

SUBJECT: Adoption of Resolution Approving Final Map 5385 (Stoneridge South, Phase 4 Subdivision) for 32 Single-Family Lots, Generally Located East of G Street, Between Winder Avenue and Mission Avenue, and the Approval of the Subdivision Agreement for Stoneridge South, Phase 4 Subdivision

REPORT IN BRIEF

Considers the approval of Final Map #5385 for 32 single-family lots, generally located east of G Street, between Winder Avenue and Mission Avenue, and the Subdivision Agreement for Stoneridge South, Phase 4.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2021-35**, a Resolution of the City Council of the City of Merced, California, approving the Final Subdivision Map for the Stoneridge South, Phase 4 Subdivision (#5385); and,

B. Approving the Subdivision Agreement for Stoneridge South, Phase 4; and,

C. Authorizing the City Manager or designee to execute all necessary documents.

ALTERNATIVES

1. Approve the request as recommended by staff; or,
2. Deny the request; or,
3. Approve, subject to modifications as conditioned by Council; or
4. Refer back to staff for reconsideration of specific items (specific items to be addressed in City Council motion); or,
5. Continue to a future City Council meeting (date and time to be specified in City Council motion).

AUTHORITY

Chapter 24 of Title 18, Subdivisions, of the Merced Municipal Code (MMC) deals with final maps. Section 18.24.120 gives the City Council authority to approve the final map and agreements as long as it is consistent with the Tentative Map.

DISCUSSION

The proposed subdivision (Stoneridge South, Phase 4), is generally located on the south side of Winder Avenue at La Habra Street (extended), between Winder and Mission Avenues (Attachment

1). The Stoneridge South, Phase 4 Subdivision, Final Map #5385 would approve 32 lots on two cul-de-sacs extending to the east and west sides of La Habra Street (extended) (refer to the Final Map at Attachment 2).

The Stoneridge South subdivision includes a total of 160 lots on 10 cul-de-sacs extending off of La Habra Street (extended). A copy of the approved Vesting Tentative Subdivision Map for the Stoneridge South Subdivision is provided at Attachment 3. Lot sizes within this subdivision range from 3,733 square feet to 6,554 square feet. The majority of the lots would range in size from 4,000 to 5,000 square feet. Phase 1 of this Subdivision was approved by the City Council on April 20, 2020; Phase 2 was approved May 4, 2020; and Phase 3 was approved March 15, 2021.

The owner/developer, Stonefield Home, Inc., has substantially complied with the previously approved tentative map for this site (Tentative Map #1306), and has complied with the Conditions of Approval listed in Planning Commission Resolution #3092 (Attachment 4), adopted by the Planning Commission on May 9, 2018. The owner/developer has submitted an application for a final map approval in compliance with the Subdivision Map Act and City Subdivision Ordinance. It is now appropriate to approve the Final Map (Attachment 2) and Subdivision Agreement (Attachment 6).

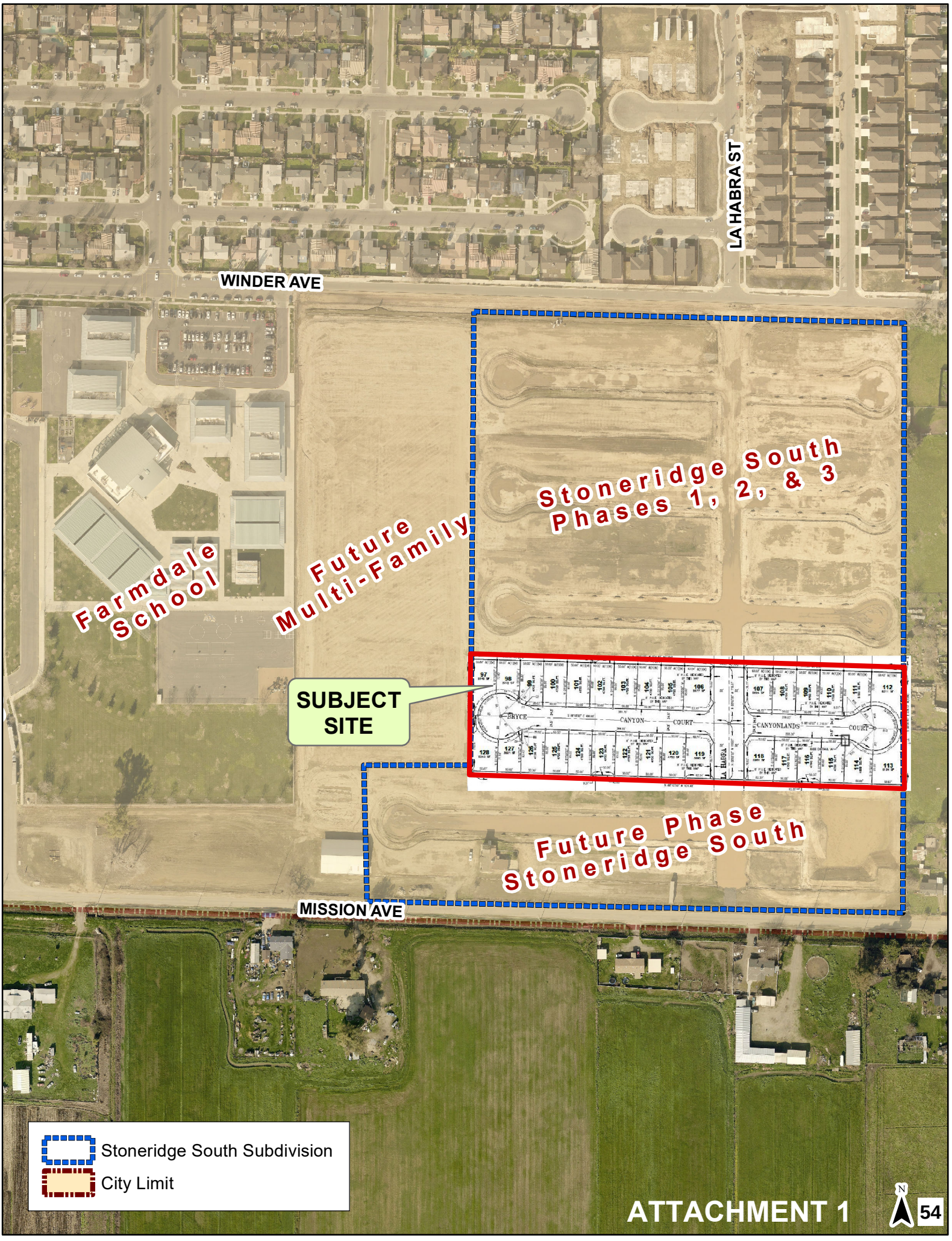
The entire Stoneridge South subdivision was annexed into the Community Facilities District (CFD) for Services (CFD No. 2003-2) as part of Annexation No. 14 approved by City Council on April 20, 2020.

City Council Action

The proposed Final Subdivision Map substantially complies with the approved Tentative Map for this site (TSM #1306). Therefore, the City Council should adopt the Resolution found at Attachment 5 approving Final Map #5384 for Stoneridge South, Phase 4 and approving the Subdivision Agreement (Attachment 6) for the subdivision.

ATTACHMENTS

1. Location Map
2. Final Subdivision Map #5385
3. Tentative Subdivision Map #1306
4. Planning Commission Resolution #3092
5. Draft City Council Resolution approving Final Map #5385
6. Subdivision Agreement


WINDER AVE
LA HABRA ST
Farmdale School
Future Multi-Family
Stoneridge South Phases 1, 2, & 3
SUBJECT SITE
Future Phase Stoneridge South
MISSION AVE
Stoneridge South Subdivision
City Limit
ATTACHMENT 1
N
54

OWNER'S STATEMENT

I hereby state that I am the owner of or have record title interest in the subdivided real property, and that I am the only person whose consent is necessary to pass clear title to said land. I hereby consent to the preparation and recordation of this subdivision map as shown within the exterior boundary lines.

I also hereby irrevocably offer for dedication the real property described below as an easement for public purposes to the City of Merced.

All the Public Utility Easements indicated in the map.

I also hereby irrevocably offer for dedication in fee the real property described below for public purposes to the City of Merced.

La Habra Street, Bryce Canyon Court and Canyonlands Court as shown on this map.

I further state that I know of no easement or structure existing within the land herein offered for dedication to the public, other than public utilities.

Owner: Stonefield Home, Inc., a California Corporation

_____ Date:_____
Greg Hostetler, President

Fidelity National Title Insurance Company, as Trustee under a Deed of Trust. Document No. 2021-004142. M.C.R.

Trustee: _____ Date:_____
Diane H. Robinson, Asst. Vice President

CITY CLERK'S STATEMENT

I, Stephanie R. Dietz, City Clerk of the City of Merced, State of California do hereby certify that this map was approved at a regular meeting of the City Council of the City of Merced on this ____ day of _____, 2021, and that the Council did accept on behalf of the Public, all Streets, Avenues, and Courts in fee (subject of Subdivision Improvement being accepted by the City of Merced), all easements and dedications indicated on this map and accept all underlying water rights.

IN WITNESS WHEREOF, I hereto set my hand this _____ day of _____, 2021.

Signature:_____
Stephanie R. Dietz, City Clerk

GOLDEN VALLEY
ENGINEERING & SURVEYING
405 W. 19th Street • P.O. Box 349 • Merced, CA 95340
Phone (209) 722-3200 • Fax (209) 722-3254

Job No. 17196 F.B. 232 Pg. 1-11

TITLE REPORT

PRELIMINARY TITLE REPORT
Prepared by: Fidelity National Title Company
Document: FFOM-301200516
Date: March 19, 2021
Affect: Used in preparation of this plat and considered a part hereto by reference

OMMITTED SIGNATURES

PURSUANT TO SECTION 66436(a)(3)(A)(i) OF THE SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING PARTIES HAVE BEEN OMITTED

(1) RIGHT-OF-WAY
Granted To: Crocker-Huffman Land and Water Company, a Corporation
Purpose: For ditches and canals
Document: Book L of Agreements at Page 553, Merced County Records
Recorded: May 12, 1910

(2) RIGHT-OF-WAY
Granted To: Merced Irrigation District, as successor in interest
Purpose: For ditches, etc.
Document: Book L of Agreements at Page 556, Merced County Records
Recorded: May 12, 1910

SOILS REPORT:

A soils report covering the land within the boundaries of the subdivision was made by Technicon Engineering Services Inc., 4539 N. Brawley #108, Fresno, CA 93722, bearing the date of January 10, 2018, a copy of which is on file with the City of Merced.

Project No. 170805.001

SUBDIVISION AGREEMENT

Subdivision Agreement between the City of Merced and STONEFIELD HOME, INC., for STONE RIDGE SOUTH PHASE 4, recorded as Document Number _____, M.C.R.

RECORDER'S STATEMENT No._____

Filed this____day of _____, 20___, at _____.M. in Volume _____ of Official Plats at Page(s)_____ at the request of Golden Valley Engineering & Surveying, Inc.

Fee:_____

Matt H. May,
County Recorder

By: _____, Deputy

SURVEYOR'S STATEMENT

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of Greg Hostetler on October 11, 2019. I hereby state that this Final Map substantially conforms to the approved or conditionally approved tentative map, if any, and that all monuments shown hereon are of the character and occupy the positions indicated or that they will be set in those positions before March 10, 2022 are or will be sufficient to enable the survey to be retraced.

_____
Duane J. Andrews, L.S. 4052

Dated:_____

CITY ENGINEER'S STATEMENT

I hereby state that I have examined this map and that the subdivision shown hereon is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that this map is in compliance with all provisions of the California Subdivision Map Act and local ordinances applicable at the time of the approval of the tentative map, have been complied with.

Signature:_____
Michael R. Beltran II, R.C.E.83916
City Engineer

Date:_____

CITY SURVEYOR'S STATEMENT

I hereby state that I have examined this map and have found that it conforms with mapping provisions of the subdivision map act and I am satisfied said map is technically correct.

Signature:_____
Joe M. Cardoso, P.L.S. 8851

Date:_____

TENTATIVE MAP No. 1306
MAJOR SUBDIVISION No. 5385

STONE RIDGE SOUTH PHASE 4

BEING A SUBDIVISION OF PORTIONS OF THE REMAINDERS OF LOTS 205 & 206 OF "MAP OF MERCED COLONY" RECORDED IN VOLUME 4 OF OFFICIAL PLATS AT PAGE 24, MERCED COUNTY RECORDS, AS SHOWN ON MAP OF "STONE RIDGE SOUTH PHASE 3" RECORDED IN VOLUME 83 OF OFFICIAL PLATS AT PAGES 43-46 MERCED COUNTY RECORDS, LYING IN SECTION 31, TOWNSHIP 7 SOUTH, RANGE 14 EAST, MOUNT DIABLO BASE & MERIDIAN.
IN THE CITY OF MERCED, STATE OF CALIFORNIA.

SHEET 1 OF 4 DECEMBER 2020

VOLUME _____ PAGE _____

ATTACHMENT 2

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this Certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____

On _____, 2021, before me, _____,

a Notary Public personally appeared _____

_____

_____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature _____

Commission No. _____

Commission Expires _____

(DO NOT STAMP)

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this Certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____

On _____, 2021, before me, _____,

a Notary Public personally appeared _____

_____

_____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature _____

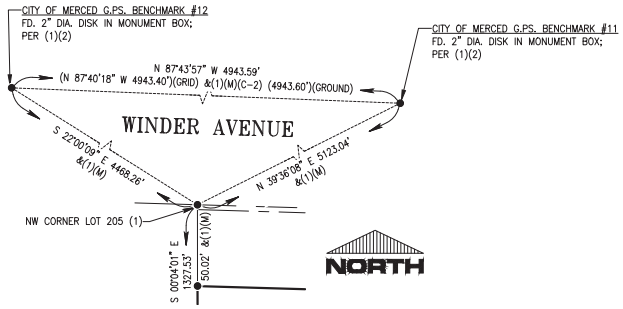
Commission No. _____

Commission Expires _____

(DO NOT STAMP)

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Job No. 17196 F.B. 232 Pg. 1-11



CITY OF MERCED MONUMENT TIES

NOT TO SCALE

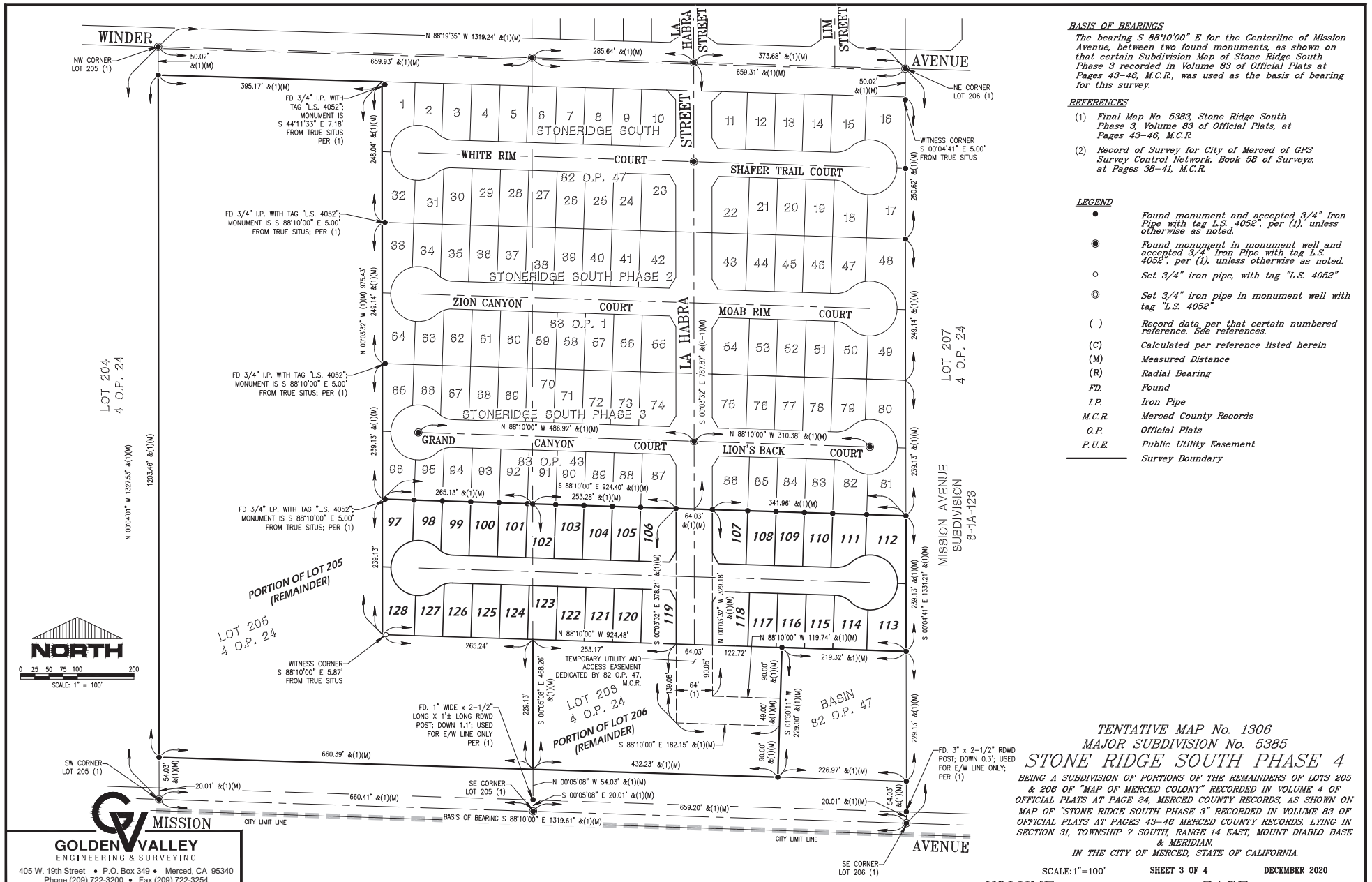
TENTATIVE MAP No. 1306
MAJOR SUBDIVISION No. 5385

STONE RIDGE SOUTH PHASE 4

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IN THE CITY OF MERCED, STATE OF CALIFORNIA.

SHEET 2 OF 4 **DECEMBER 2020**

VOLUME _____ PAGE _____



BASIS OF BEARINGS

The bearing S 88°10'00" E for the Centerline of Mission Avenue, between two found monuments, as shown on that certain Subdivision Map of Stone Ridge South Phase 3 recorded in Volume 83 of Official Plats at Pages 43–46, M.C.R., was used as the basis of bearing for this survey.

REFERENCES

(1) *Final Map No. 5383, Stone Ridge South Phase 3, Volume 83 of Official Plats, at Pages 43–46, M.C.R.*

(2) *Record of Survey for City of Merced of GPS Survey Control Network, Book 58 of Surveys, at Pages 38–41, M.C.R.*

LEGEND

●	*Found monument and accepted 3/4" Iron Pipe with tag L.S. 4052", per (1), unless otherwise as noted.*
◉	*Found monument in monument well and accepted 3/4" Iron Pipe with tag L.S. 4052", per (1), unless otherwise as noted.*
○	*Set 3/4" iron pipe, with tag "L.S. 4052"*
◎	*Set 3/4" iron pipe in monument well with tag "L.S. 4052"*
( )	*Record data per that certain numbered reference. See references.*
(C)	*Calculated per reference listed herein*
(M)	*Measured Distance*
(R)	*Radial Bearing*
FD.	*Found*
I.P.	*Iron Pipe*
M.C.R.	*Merced County Records*
O.P.	*Official Plats*
P.U.E.	*Public Utility Easement*
———	*Survey Boundary*

TENTATIVE MAP No. 1306
MAJOR SUBDIVISION No. 5385

STONE RIDGE SOUTH PHASE 4

BEING A SUBDIVISION OF PORTIONS OF THE REMAINDERS OF LOTS 205 & 206 OF "MAP OF MERCED COLONY" RECORDED IN VOLUME 4 OF OFFICIAL PLATS AT PAGE 24, MERCED COUNTY RECORDS, AS SHOWN ON MAP OF "STONE RIDGE SOUTH PHASE 3" RECORDED IN VOLUME 83 OF OFFICIAL PLATS AT PAGES 43-46 MERCED COUNTY RECORDS, LYING IN SECTION 31, TOWNSHIP 7 SOUTH, RANGE 14 EAST, MOUNT DIABLO BASE & MERIDIAN.
IN THE CITY OF MERCED, STATE OF CALIFORNIA.

SCALE: 1"=100' **SHEET 3 OF 4** **DECEMBER 2020**

VOLUME _____ PAGE _____

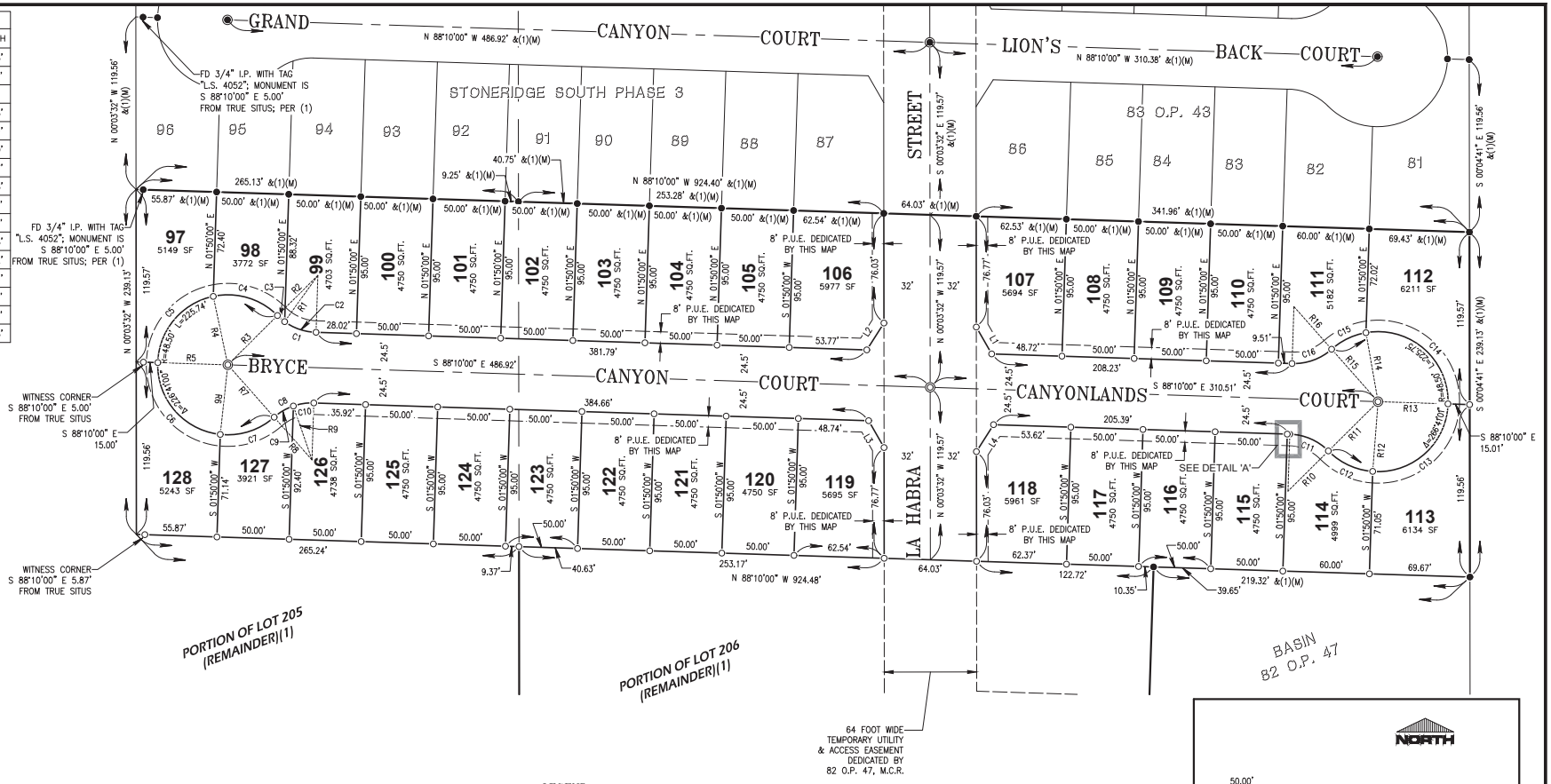
GOLDEN VALLEY MISSION
ENGINEERING & SURVEYING
405 W. 19th Street • P.O. Box 349 • Merced, CA 95340
Phone (209) 722-3200 • Fax (209) 722-3254

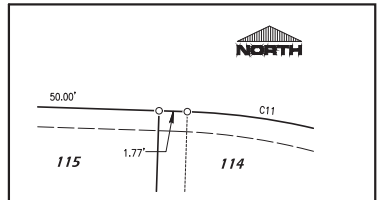
Job No. 17196 F.B. 232 Pg. 1-11

CURVE TABLE			
CURVE #	DELTA	RADIUS	LENGTH
C1	43°20'31"	39.50'	29.88'
C2	33°48'19"	39.50'	23.31'
C3	09°32'12"	39.50'	6.57'
C4	57°09'10"	48.50'	48.38'
C5	76°11'20"	48.50'	64.49'
C6	85°38'45"	48.50'	72.50'
C7	47°41'45"	48.50'	40.37'
C8	43°20'30"	39.50'	29.88'
C9	22°27'28"	39.50'	15.48'
C10	20°53'02"	39.50'	14.40'
C11	43°20'30"	39.50'	29.88'
C12	40°46'30"	48.50'	34.52'
C13	92°34'01"	48.50'	78.36'
C14	101°47'16"	48.50'	86.16'
C15	31°33'14"	48.50'	26.71'
C16	43°20'30"	39.50'	29.88'

RADIAL LINE TABLE	
RADIAL #	DIRECTION
R1	N35°38'19"E
R2	S45°10'30"W
R3	S45°10'30"W
R4	N11°58'40"W
R5	N88°10'00"W
R6	N06°11'15"E
R7	S41°30'30"E
R8	S41°30'30"E
R9	N19°03'02"W
R10	S45°10'30"W
R11	S45°10'30"W
R12	N04°24'01"E
R13	S88°10'00"E
R14	S09°57'16"E
R15	S41°30'30"E
R16	S41°30'30"E

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S29°50'40"E	21.47'
L2	S32°30'58"W	22.11'
L3	S29°49'33"E	21.46'
L4	S32°28'32"W	22.09'





A LOT CORNER DETAIL NOT TO SCALE

BASIS OF BEARINGS

The bearing S 88°10'00" E for the Centerline of Mission Avenue, between two found monuments, as shown on that certain Subdivision Map of Stone Ridge South Phase 3 recorded in Volume 83 of Official Plats at Pages 43-46, M.C.R., was used as the basis of bearing for this survey.

REFERENCES

(1) *Final Map No. 5383, Stone Ridge South Phase 3, Volume 83 of Official Plats, at Pages 43-46, M.C.R.*

(2) *Record of Survey for City of Merced of GPS Survey Control Network, Book 58 of Surveys, at Pages 38-41, M.C.R.*

LEGEND

●	*Found monument and accepted 3/4" Iron Pipe with tag L.S. 4052", per (1), unless otherwise as noted.*
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I.P.	*Iron Pipe*
M.C.R.	*Merced County Records*
O.P.	*Official Plats*
P.U.E.	*Public Utility Easement*
———	*Survey Boundary*

NORTH

0 25 50 100

SCALE: 1" =50'

GOLDEN VALLEY
ENGINEERING & SURVEYING
405 W. 19th Street • P.O. Box 349 • Merced, CA 95340
Phone (209) 722-3200 • Fax (209) 722-3254

Job No. 17196 F.B. 232 Pg. 1-11

TENTATIVE MAP No. 1306

MAJOR SUBDIVISION No. 5385

STONE RIDGE SOUTH PHASE 4

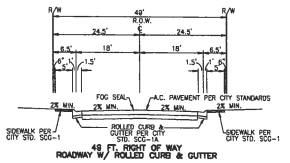
BEING A SUBDIVISION OF PORTIONS OF THE REMAINDERS OF LOTS 205 & 206 OF "MAP OF MERCED COLONY" RECORDED IN VOLUME 4 OF OFFICIAL PLATS AT PAGE 24, MERCED COUNTY RECORDS, AS SHOWN ON MAP OF "STONE RIDGE SOUTH PHASE 3" RECORDED IN VOLUME 83 OF OFFICIAL PLATS AT PAGES 43-46 MERCED COUNTY RECORDS, LYING IN SECTION 31, TOWNSHIP 7 SOUTH, RANGE 14 EAST, MOUNT DIABLO BASE & MERIDIAN.

IN THE CITY OF MERCED, STATE OF CALIFORNIA.

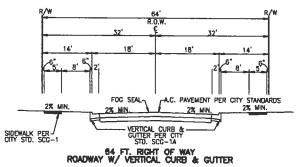
SCALE: 1"=50' **SHEET 4 OF 4** **DECEMBER 2020**

VOLUME _____ PAGE _____

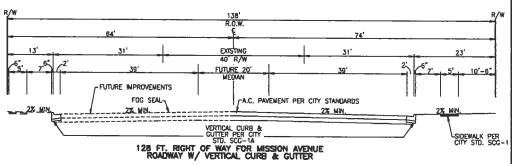
STREET SECTIONS



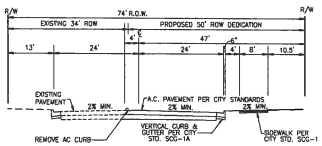
48 FT. RIGHT OF WAY
ROADWAY W/ ROLLED CURB & GUTTER



64 FT. RIGHT OF WAY
ROADWAY W/ VERTICAL CURB & GUTTER

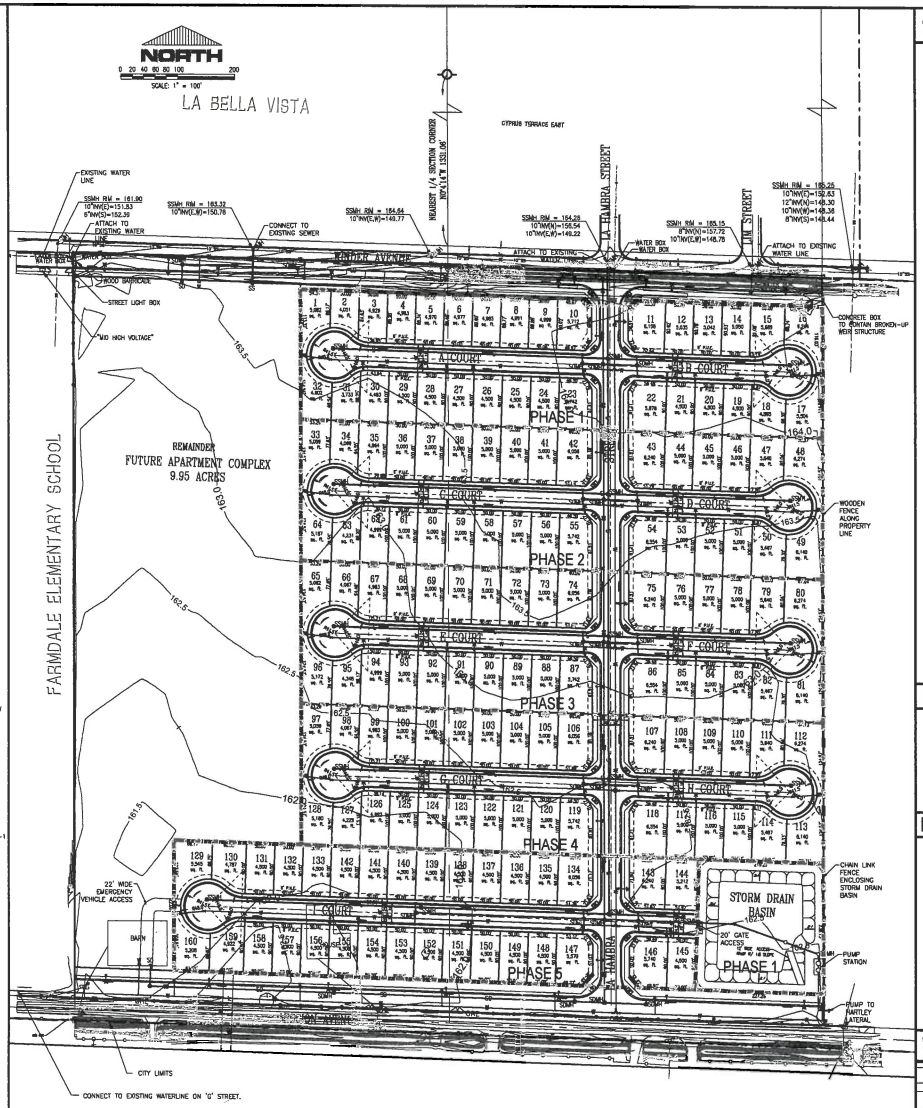


128 FT. RIGHT OF WAY FOR MISSION AVENUE
ROADWAY W/ VERTICAL CURB & GUTTER



74 FT. RIGHT OF WAY FOR WINDER AVENUE
ROADWAY W/ VERTICAL CURB & GUTTER

RECEIVED
2-23-18



811
Know what's below.
Call before you dig.
1-800-227-2600

TENTATIVE MAP NOTES:

INFORMATION REQUIRED PER MERCED MUNICIPAL CODE SECTION 18.16.080

1.) LOCATION MAP AS SHOWN HEREON.
2.) TRACT NAME, DATE, NORTH ARROW, SCALE AND LEGAL DESCRIPTION AS SHOWN HEREON.
3.) OWNER: STONEFIELD HOMES
1733 'M' STREET
MERCED, CA 95340
PHONE: (209) 826-6200
4.) SUBDIVIDER: SAME AS ABOVE
5.) MAP PREPARED BY: GOLDEN VALLEY ENGINEERING & SURVEYING, Inc.
405 W. 19th STREET
MERCED, CA 95340
(209) 722-3200
6.) ACREAGE APPROXIMATELY 39.6 ACRES (GROSS)
7.) CONTOURS SHOWN.
8.) LOCATIONS, NAMES, WIDTHS, RADII OF CURVES AND GRADES OF ALL EXISTING AND PROPOSED ROADS, STREETS IN AND ADJACENT TO THE PROPOSED SUBDIVISION AS SHOWN.
9.) NO PROTECTIVE COVENANTS PROPOSED AT THIS TIME. PROTECTIVE COVENANTS TO BE RECORDED WITH FINAL MAP, IF ANY.
10.) LOCATION AND DESCRIPTION OF ALL EASEMENTS AS SHOWN HEREON. EIGHT FOOT PUBLIC FACILITY EASEMENTS TO BE PROVIDED ALONG ALL LOT FRONTAGES.
11.) LOCATION AND SIZE OF ALL EXISTING AND PROPOSED PUBLIC UTILITIES AS SHOWN HEREON.
12.) SEWAGE DISPOSAL BY CITY OF MERCED FACILITIES. STORM WATER DISPOSAL BY EXISTING SYSTEM TO CITY OF MERCED FACILITIES ADJACENT TO PROJECT SITE.
13.) NO PUBLIC OPEN SPACE EXISTS WITHIN OR ADJACENT TO THE PROPOSED SUB-DIVISION.
14.) LOT LAYOUT, APPROXIMATE DIMENSIONS AND AREA OF EACH IRREGULAR LOT AND LOT NUMBERS AS SHOWN.
15.) CITY LIMIT LINES AS SHOWN
16.) INTENDED LAND USE: PD-58
DENSITY: LOW DENSITY (10 UNITS PER GROSS ACRE.)
17.) APPROXIMATE BEARINGS AND DISTANCES TO NEAREST 1/4 SECTION CORNER AS SHOWN HEREON.
18.) PROPOSED PUBLIC IMPROVEMENTS PER CITY STANDARDS.
19.) DEVELOPMENT PHASE: THE DEVELOPER RESERVES THE RIGHT TO PHASE THIS PROJECT IN ACCORDANCE WITH THE PROVISIONS OF THE STATE SUBDIVISION MAP ACT.
20.) EXISTING USE AND OWNERSHIP OF LAND IMMEDIATELY ADJACENT TO SUBDIVISION AS SHOWN HEREON.
21.) PRELIMINARY TITLE REPORT TO BE SUBMITTED WITH TENTATIVE MAP.
22.) EXISTING BUILDINGS WITHIN THE SUBDIVISION AS SHOWN.
23.) NO EXISTING TREES.
24.) AREA SUBJECT TO PERIODIC INUNDATION OF STORM WATER OVERFLOW TO THE BEST OF OUR KNOWLEDGE AND BELIEF. LOCATION AND DIRECTION OF FLOW OF ALL WATER COURSES AS SHOWN HEREON. THE SITE IS WITHIN FLOOD ZONE 'A-0' DEPTH 1' PER F.I.R.M. MAP NUMBER 06047C0440 G EFFECTIVE DATE DECEMBER, 2 2008 PREPARED BY F.E.M.A.
25.) ALL CUL-DE-SACS PER MERCED CITY STANDARD ST-4, WITH CURBS PAINTED RED AT BULBS.

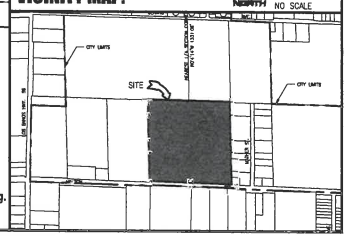
DESCRIPTION:

BEING A SUBDIVISION OF
LOT 205 AND 206 AS SHOWN ON THE
MAP OF "MERCED COLONY" FILED FOR
RECORD IN VOL. 4 OF OFFICIAL
PLATS AT PG. 24, M.C.R.
POR. OF SEC. 31, T. 7 S., R. 14 E., M. D. B. & M.

LEGEND:

PROPOSED STREET LIGHT	PROPOSED WATER VALVE
CO PROPOSED SEWER CLEAN OUT	PROPOSED CATCH BASIN
WO PROPOSED WATER BLOW OFF	PROPOSED WHEEL CHAIR RAMP
FH PROPOSED FIRE HYDRANT	P.F.E. PUBLIC FACILITIES EASEMENT
S PROPOSED SEWER SERVICE	C.T. CURB TRANSITION
W PROPOSED WATER SERVICE	EXISTING STREET LIGHT
DRAINAGE FLOW DIRECTION	EXISTING FIRE HYDRANT
+ 132.55 EXISTING GROUND ELEVATION	EXISTING WATER MAIN
CR EXISTING CROWN OF ROAD	EXISTING SANITARY SEWER MAIN
PROPOSED WATER MAIN	EXISTING STORM DRAIN MAIN
PROPOSED SANITARY SEWER MAIN	CMU BLOCK WALL
PROPOSED STORM DRAIN MAIN	CITY LIMITS
SDMH PROPOSED STORM DRAIN MANHOLE	PHASE BOUNDARIES
SSMH PROPOSED SANITARY SEWER MANHOLE	

VICINITY MAP:



These drawings are instruments of service and are the property of Golden Valley Engineering & Surveying, Inc. All designs and other information on these drawings are for use on the specified project and shall not be used otherwise without the express written permission of Golden Valley Engineering & Surveying, Inc.
Copyright © 2017 Golden Valley Engineering & Surveying, Inc.

PREPARED BY:

GOLDEN VALLEY
ENGINEERING & SURVEYING
405 West 19th Street 95340
P.O. Box 348
Merced, CA 95341
Ph.: (209) 722-3200
Fax: (209) 722-3254

No.	Date	Description

It is the clients responsibility prior to or during construction to verify the adequacy of any grading plans or specifications for the intended purpose of subject to building permit, and to obtain all necessary permits and approvals from governmental agencies. Golden Valley Engineering & Surveying assumes no responsibility for any deficiencies in the grading plans or specifications, and shall not be held liable for any damages arising as a result of the clients failure to comply with the above requirements and limitations.

VESTING TENTATIVE SUBDIVISION MAP FOR STONE RIDGE SOUTH

POR. OF SEC. 31, T. 7 S., R. 14 E., M. D. B. & M.
A.P.N. 259-130-180

MERCED CALIFORNIA

ENGINEER

SHEET CONTENTS:
- VESTING TENTATIVE MAP
-
-
-

PREPARED FOR:
Stonefield Homes
1733 'O' Street
Merced, CA 95340
Ph.: 209-826-6200
email:

PROJECT DATA:
Date: January 2018
Scale: As Shown
Drawn By: ECW/ RM
Job. No.: 17-196

SHEET NUMBER:
VTSM

ATTACHMENT 3

K:\land projects\17196 Stonebridge South\dwg\tentative Map.dwg PLOT DATE: 2/23/2018 10:28 AM

CITY OF MERCED
Planning Commission

Resolution #3092

WHEREAS, the Merced City Planning Commission at its regular meeting of May 9, 2018, held a public hearing and considered **Vesting Tentative Subdivision Map #1306 ("Stone Ridge South")**, initiated by Golden Valley Engineering, applicant for Biltmore Financial, Inc., property owner. This application involves the subdivision of approximately 29.75 acres of an approximately 39.7-acre parcel into 160 single-family lots. This property is generally located approximately 620 feet east of G Street between Winder Avenue and Mission Avenue, within Planned Development (P-D) #58 and has a General Plan Designation of Village Residential (VR); also known as Assessor's Parcel No. (APN) 259-130-018; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through I of Staff Report #18-08 - 2nd Addendum; 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 find that the previous environmental review (Expanded Initial Study #04-13 for the Mission Avenue Annexation) remains sufficient and no further documentation is required (CEQA Section 15162 Findings), and approve Vesting Tentative Subdivision Map #1306, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Camper, Martinez, Padilla, and Chairperson Dylina
NOES: None
ABSENT: Commissioners Alshami and Colby
ABSTAIN: None

Adopted this 9th day of May 2018

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Attachment:
Exhibit A – Conditions of Approval

N:\SHARED\PLANNING\PC RESOLUTIONS\RESOLUTIONS\ VTSM #1306 (Stone Ridge South).docx

Conditions of Approval
Planning Commission Resolution #3092
Vesting Tentative Subdivision Map # 1306

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Vesting Tentative Subdivision Map), -- Attachment A of Planning Commission Staff Report #18-08 - 2nd Addendum, except as modified by the conditions.
2. All conditions contained in "Standard Tentative Subdivision Map Conditions" shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. The Project shall comply with the conditions set forth in Resolution #2808 for the Mission Avenue Annexation and all conditions of the Pre-Annexation Development Agreement for the Mission Annexation (Pre-Annexation #04-03) previously approved for this project including all applicable mitigation measures.
5. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
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 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, street lights, parks and open space. CFD procedures shall be initiated before final map approval. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.

9. A secondary access road for emergency vehicle access shall be provided with the first phase of construction. The secondary access shall be approved by the City of Merced Fire Department.

10. A permanent emergency vehicle access shall be installed at the end of "I" Court as shown on Vesting Tentative Subdivision Map (VTSM) #1306. The access road shall meet all Fire Department requirements.

11. All cul-de-sac bulbs shall have a minimum diameter of 96 feet and shall be posted as "no parking" in compliance with Fire Department Standards adopted by Merced Municipal Code Section 17.32.

12. All public improvements shall be provided along all new roadways and any damaged or missing improvements along Winder and Mission Avenues within the project area's frontage shall be repaired/replaced as required by the City Engineer.

13. Developer shall construct full public improvements including, but not limited to, curb and gutter, pavement, sidewalk and one drive approach per lot, street lights, landscaping, and utilities on all new streets within

the subdivision and on Winder Avenue. A minimum 10-foot-wide landscape strip and block wall shall be installed along Winder Avenue.

14. Developer shall coordinate with the City Engineer on the construction of Mission Avenue. Mission Avenue shall ultimately be constructed to the full 128-foot width plus a minimum 10-foot-wide landscape strip along the block wall. In lieu of constructing the improvements, the developer may pay their fair share of the cost of the improvements. The developer's fair share is estimated to be $236,236.00 according to the Engineer's estimate provided by Golden Valley Engineering dated April 2, 2018, and approved by the City Engineer May 3, 2018. Full payment of the developer's fair share ($236,236.00) shall be made or bonded for prior to the issuance of the 65th building permit within this subdivision.

15. Mission Avenue is an arterial roadway. Construction of Mission Avenue would be eligible for reimbursement from the Public Facilities Financing Plan (PFFP) as provided for in Section 17.62 of the Merced Municipal Code.

16. Fire hydrants shall be installed along street frontages to provide fire protection to the area. The hydrants shall meet all City of Merced standards and shall comply with all requirements of the City of Merced Fire Department. Final location of the fire hydrants shall be determined by the Fire Department.

17. The project shall comply with all the Post Construction Standards required to comply with state requirements for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).

18. All dwellings shall be designed to include fire sprinklers as required by the California Fire Code.

19. No residential driveways shall front on any arterial or collector street.

20. The project shall comply with all requirements of the California Building Code and all flood requirements of the Federal Emergency Management Agency (FEMA). All necessary documentation related to the construction of the residential uses shall be provided at the building permit stage.

21. All mechanical equipment shall be screened from public view.

22. Dedication by Final Map of all interior street rights-of-way and all necessary easements will be made as shown on Vesting Tentative

Subdivision Map #1306 and as needed for irrigation, utilities, drainage, landscaping, and open space.

23. All landscaping shall comply with State Water Resources Control Board Resolution No. 2015-0032 "To Adopt an Emergency Regulation for Statewide Urban Water Conservation" or the most recent water regulations adopted by the State and City addressing water conservation measures. If turf is proposed to be installed in park strips, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed. All irrigation provided to street trees or other landscaping shall be provided with a drip irrigation or micro-spray system and shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030).

24. Prior to final inspection of any home, all front yards and side yards exposed to public view shall be provided with landscaping to include, ground cover, trees, shrubs, and irrigation in accordance with Merced Municipal Code Section 20.36.050. Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray 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. All landscaping shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030).

25. All entryway and subdivision signs shall be administratively approved by Planning Staff prior to the issuance of a building permit.

26. Traffic control signs, street markings, and striping shall be as directed by the City Engineer.

27. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.

28. Provide all utility services to each lot, including sanitary sewer, water, electric power, gas, telephone, and cable television. All new utilities are to be undergrounded.

29. Install appropriate street name signs and traffic control signs with locations, names, and types approved by the City Engineer.

30. Developer shall provide construction plans and calculations for all landscaping and public maintenance improvements.

All such plans shall conform to City standards and meet approval of the City Engineer.

31. Per Mitigation Measure 11.1 of Expanded Initial Study (EIS) #04-13 for the Mission Annexation area, the applicant shall provide a noise attenuation study prepared by an acoustical engineer to show that the noise levels within this development meet the City's adopted noise level standards. This study shall be provided prior to the construction of Phase 5 of the development.

32. Per Mitigation Measure 3-a of Expanded Initial Study #04-13 for the Mission Annexation area, a survey shall be conducted for special status species prior to the disturbance of potentially suitable habitat. All surveys shall be conducted in accordance with applicable state and federal guidelines.

33. Per Mitigation Measures 15.1, 15.3,15.4, 15.5, and 15.6 of Expanded Initial Study #04-13 for the Mission Annexation area, a fee of $1,002.61 shall be collected with each building permit issued within this subdivision to cover the costs of traffic improvements identified in EIS #04-13.

34. The future apartment complex to the east of the proposed subdivision shall be developed at a density high enough to provide an average minimum density of 10 units per acre for the entire 39.7 acre parcel.

35. Prior to building permits being issued, all building elevations shall be approved by Planning Staff. The building facades shall be of high-quality design providing varied elevations and color schemes.

36. Bulb-outs (also called curb extensions) shall be installed on the north/south street connecting Winder and Mission Avenues. A minimum of two bulb-outs shall be installed. Location of the bulb-outs shall be determined by the City Engineer.

37. No driveways shall be allowed on the north/south street connecting Winder and Mission Avenue. All driveways shall be placed on the cul-de-sac streets.

38. The storm drain basin shall be constructed per City Standards and as approved by the City Engineer with Phase One of construction. All discharge from the basin shall be approved by the Merced Irrigation District and the City of Merced.

39. A minimum 10-foot-wide landscape strip shall be provided along Mission Avenue and Winder Avenue. This landscape strip shall be included in the public right-of-way and dedicated to the City of Merced.

40. A 6-foot tall block wall shall be installed along Mission Avenue and Winder Avenue. The wall on Winder Avenue shall be installed with Phase One and the wall on Mission Avenue shall be installed no later than Phase 5.

41. A two-way stop sign stopping northbound and southbound traffic shall be installed at the intersection of Winder Avenue and La Habra Street.

42. The water and storm drain lines shall extend across the full project frontage on Winder and Mission Avenues. The water line shall be looped to Mather Road. Any oversizing of the water lines shall be eligible for reimbursement or credit per Merced Municipal Code Section 15.40.090 (water). MMC Section 15.40.090 provides that reimbursement may be given for any water line in excess of 8-inches, provided that the installing applicant does not need more than an eight-inch diameter water line to serve his own premises. Water lines extended beyond the project development shall be eligible for reimbursement from a subsequent applicant per MMC Sections 15.40.070 and 15.40.080. Per MMC Section 15.40.080, no reimbursement shall be given after the 10th anniversary of the date the water lines were accepted by the City.

43. Curb, gutter, sidewalk, as well as sewer, water, and storm drain lines shall extend across the entire project frontage on Mission and Winder Avenues and along the frontage of the "Remainder" parcel along Winder Avenue.

44. At the building permit stage, the site plans for each lot shall include a minimum 3-foot by 6-foot concrete pad located in the side yard or backyard for the storage of 3 refuse containers.

45. Landscaping and irrigation details shall be provided by the applicant with final maps for each phase and are subject to approval by the City.

RESOLUTION NO. 2021-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, APPROVING THE FINAL SUBDIVISION MAP FOR THE STONERIDGE SOUTH, PHASE 4 SUBDIVISION (#5385)

WHEREAS, a Tentative Subdivision Map for the Stoneridge South, Phase 4 Subdivision was approved on May 9, 2018, by the Planning Commission; and,

WHEREAS, a Final Map conforming to the approved Tentative Map has been filed with the City of Merced; and,

WHEREAS, the City Engineer has reviewed the Final Map and certified that the Final Map substantially conforms to the conditionally approved Vesting Tentative Subdivision Map; and,

WHEREAS, all required certificates on said Final Map have been signed and, where necessary, acknowledged; and,

WHEREAS, the City has determined that the Final Map is statutorily exempt from the California Environmental Quality Act (CEQA) Statutory Exemptions, Title 14 of the California Code of Regulations Section 15268(b)(3) Ministerial Projects, Approval of Final Subdivision Maps and a Notice of Exemption is attached hereto.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES RESOLVE AS FOLLOWS:

SECTION 1. FINDINGS. The City Council finds and declares that:

1. The Final Map is statutorily exempt from the California Environmental Quality Act (CEQA), Statutory Exemptions, Title 14 of the California Code of Regulations Section 15268(b)(3) Ministerial Projects, Approval of Final Subdivision Maps.

2. The Final Map is in substantial compliance with the Tentative Map.

3. The discharge of waste from the proposed subdivision into the sewer system will not result in violation of existing requirements of the Water Quality Control Board.

4. The Final Map is consistent with applicable general and specific plans.

5. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

6. The site is physically suitable for the proposed type of development.

7. The site is physically suitable for the proposed density of development.

8. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife of their habitat.

9. The design of the subdivision or the type of improvements are not likely to cause serious public health problems.

10. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

11. An agreement has been entered into with the developer satisfactory to guarantee completion of public improvements within the subdivision.

SECTION 2. APPROVAL OF MAP. The City Council hereby approves the Final Map for the Stoneridge South, Phase 4 Subdivision and hereby accepts on behalf of the public all Streets, Courts, and Avenues (subject to Subdivision improvements), and all easements and dedications as shown on the map as shown

on the map at Exhibit "A" attached hereto and incorporated herein by this reference.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2021 by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:

_____
Mayor

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

BY:_____
Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____ 4/13/21
City Attorney Date

EXHIBIT A

OWNER'S STATEMENT

I hereby state that I am the owner of or have record title interest in the subdivided real property, and that I am the only person whose consent is necessary to pass clear title to said land. I hereby consent to the preparation and recordation of this subdivision map as shown within the exterior boundary lines.

I also hereby irrevocably offer for dedication the real property described below as an easement for public purposes to the City of Merced.

All the Public Utility Easements indicated in the map.

I also hereby irrevocably offer for dedication in fee the real property described below for public purposes to the City of Merced.

La Habra Street, Bryce Canyon Court and Canyonlands Court as shown on this map.

I further state that I know of no easement or structure existing within the land herein offered for dedication to the public, other than public utilities.

Owner: Stonefield Home, Inc., a California Corporation

_____ Date:_____
Greg Hostetler, President

Fidelity National Title Insurance Company, as Trustee under a Deed of Trust. Document No. 2021-004142. M.C.R.

Trustee: _____ Date:_____
Diane H. Robinson, Asst. Vice President

CITY CLERK'S STATEMENT

I, Stephanie R. Dietz, City Clerk of the City of Merced, State of California do hereby certify that this map was approved at a regular meeting of the City Council of the City of Merced on this ____ day of _____, 2021, and that the Council did accept on behalf of the Public, all Streets, Avenues, and Courts in fee (subject of Subdivision Improvement being accepted by the City of Merced), all easements and dedications indicated on this map and accept all underlying water rights.

IN WITNESS WHEREOF, I hereto set my hand this _____ day of _____, 2021.

Signature:_____
Stephanie R. Dietz, City Clerk

GOLDEN VALLEY
ENGINEERING & SURVEYING
405 W. 19th Street • P.O. Box 349 • Merced, CA 95340
Phone (209) 722-3200 • Fax (209) 722-3254

Job No. 17196 F.B. 232 Pg. 1-11

TITLE REPORT

PRELIMINARY TITLE REPORT
Prepared by: Fidelity National Title Company
Document: FFOM-301200516
Date: March 19, 2021
Affect: Used in preparation of this plat and considered a part hereto by reference

OMMITTED SIGNATURES

PURSUANT TO SECTION 66436(a)(3)(A)(i) OF THE SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING PARTIES HAVE BEEN OMITTED

(1) RIGHT-OF-WAY
Granted To: Crocker-Huffman Land and Water Company, a Corporation
Purpose: For ditches and canals
Document: Book L of Agreements at Page 553, Merced County Records
Recorded: May 12, 1910

(2) RIGHT-OF-WAY
Granted To: Merced Irrigation District, as successor in interest
Purpose: For ditches, etc.
Document: Book L of Agreements at Page 556, Merced County Records
Recorded: May 12, 1910

SOILS REPORT:

A soils report covering the land within the boundaries of the subdivision was made by Technicon Engineering Services Inc., 4539 N. Brawley #108, Fresno, CA 93722, bearing the date of January 10, 2018, a copy of which is on file with the City of Merced.

Project No. 170805.001

SUBDIVISION AGREEMENT

Subdivision Agreement between the City of Merced and STONEFIELD HOME, INC., for STONE RIDGE SOUTH PHASE 4, recorded as Document Number _____, M.C.R.

RECORDER'S STATEMENT No._____

Filed this____day of _____, 20___, at _____.M. in Volume _____ of Official Plats at Page(s)_____ at the request of Golden Valley Engineering & Surveying, Inc.

Fee:_____

Matt H. May,
County Recorder

By: _____, Deputy

SURVEYOR'S STATEMENT

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of Greg Hostetler on October 11, 2019. I hereby state that this Final Map substantially conforms to the approved or conditionally approved tentative map, if any, and that all monuments shown hereon are of the character and occupy the positions indicated or that they will be set in those positions before March 10, 2022 are or will be sufficient to enable the survey to be retraced.

_____
Duane J. Andrews, L.S. 4052

Dated:_____

CITY ENGINEER'S STATEMENT

I hereby state that I have examined this map and that the subdivision shown hereon is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that this map is in compliance with all provisions of the California Subdivision Map Act and local ordinances applicable at the time of the approval of the tentative map, have been complied with.

Signature:_____
Michael R. Beltran II, R.C.E.83916
City Engineer

Date:_____

CITY SURVEYOR'S STATEMENT

I hereby state that I have examined this map and have found that it conforms with mapping provisions of the subdivision map act and I am satisfied said map is technically correct.

Signature:_____
Joe M. Cardoso, P.L.S. 8851

Date:_____

TENTATIVE MAP No. 1306
MAJOR SUBDIVISION No. 5385

STONE RIDGE SOUTH PHASE 4

BEING A SUBDIVISION OF PORTIONS OF THE REMAINDERS OF LOTS 205 & 206 OF "MAP OF MERCED COLONY" RECORDED IN VOLUME 4 OF OFFICIAL PLATS AT PAGE 24, MERCED COUNTY RECORDS, AS SHOWN ON MAP OF "STONE RIDGE SOUTH PHASE 3" RECORDED IN VOLUME 83 OF OFFICIAL PLATS AT PAGES 43-46 MERCED COUNTY RECORDS, LYING IN SECTION 31, TOWNSHIP 7 SOUTH, RANGE 14 EAST, MOUNT DIABLO BASE & MERIDIAN.
IN THE CITY OF MERCED, STATE OF CALIFORNIA.

SHEET 1 OF 4 DECEMBER 2020

VOLUME _____ PAGE _____

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this Certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____

On _____, 2021, before me, _____,

a Notary Public personally appeared _____

_____

_____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature _____

Commission No. _____

Commission Expires _____

(DO NOT STAMP)

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this Certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____

On _____, 2021, before me, _____,

a Notary Public personally appeared _____

_____

_____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature _____

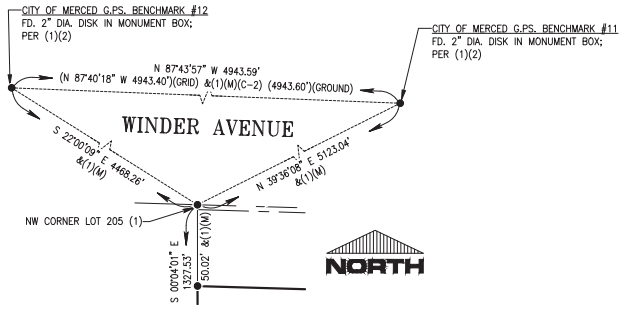
Commission No. _____

Commission Expires _____

(DO NOT STAMP)

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Phone (209) 722-3200 • Fax (209) 722-3254

Job No. 17196 F.B. 232 Pg. 1-11



CITY OF MERCED MONUMENT TIES

NOT TO SCALE

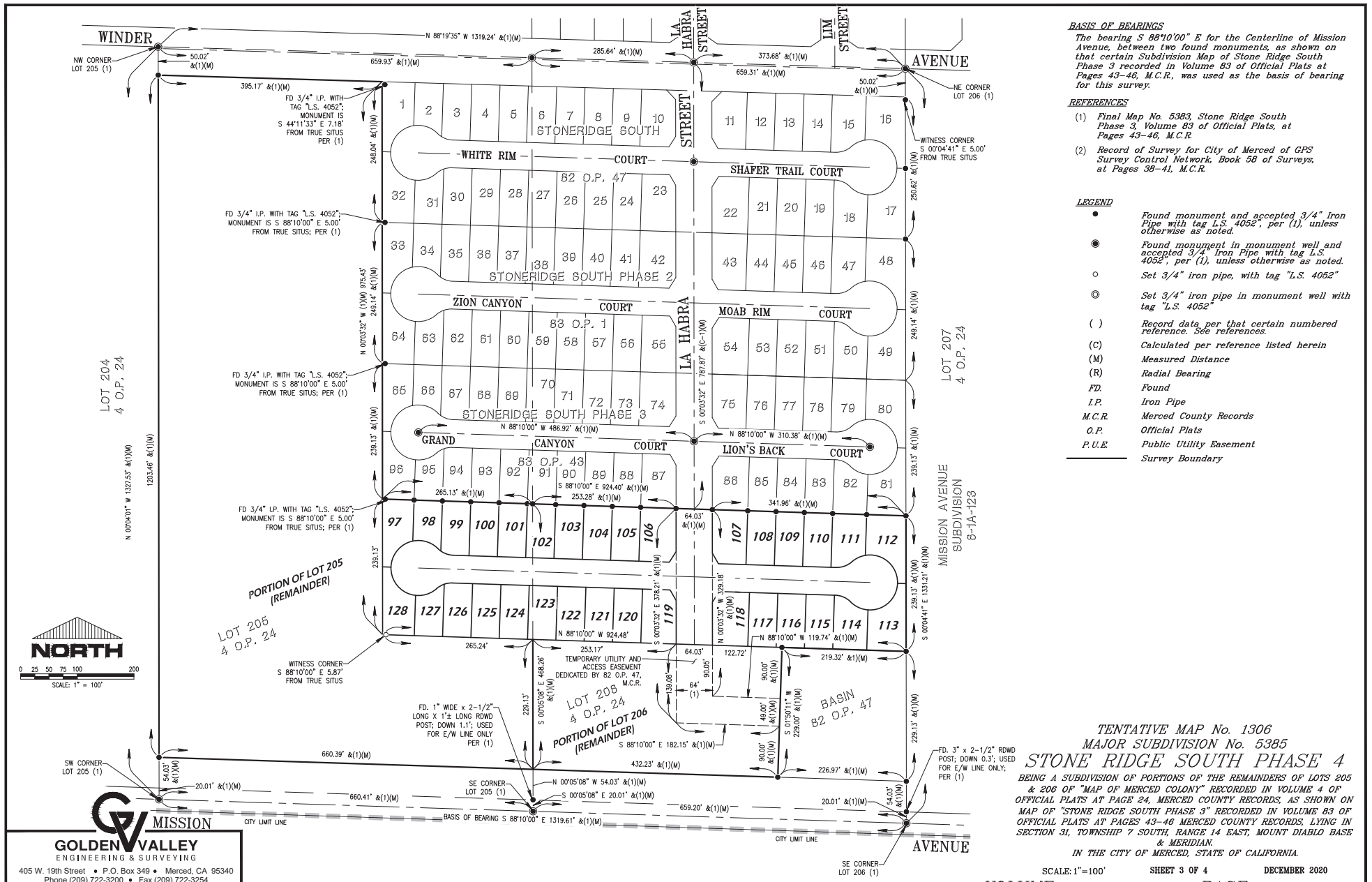
TENTATIVE MAP No. 1306
MAJOR SUBDIVISION No. 5385

STONE RIDGE SOUTH PHASE 4

BEING A SUBDIVISION OF PORTIONS OF THE REMAINDERS OF LOTS 205 & 206 OF "MAP OF MERCED COLONY" RECORDED IN VOLUME 4 OF OFFICIAL PLATS AT PAGE 24, MERCED COUNTY RECORDS, AS SHOWN ON MAP OF "STONE RIDGE SOUTH PHASE 3" RECORDED IN VOLUME 63 OF OFFICIAL PLATS AT PAGES 43-46 MERCED COUNTY RECORDS, LYING IN SECTION 31, TOWNSHIP 7 SOUTH, RANGE 14 EAST, MOUNT DIABLO BASE & MERIDIAN.
IN THE CITY OF MERCED, STATE OF CALIFORNIA.

SHEET 2 OF 4 **DECEMBER 2020**

VOLUME _____ PAGE _____



BASIS OF BEARINGS

The bearing S 88°10'00" E for the Centerline of Mission Avenue, between two found monuments, as shown on that certain Subdivision Map of Stone Ridge South Phase 3 recorded in Volume 83 of Official Plats at Pages 43-46, M.C.R., was used as the basis of bearing for this survey.

REFERENCES

(1) *Final Map No. 5383, Stone Ridge South Phase 3, Volume 83 of Official Plats, at Pages 43-46, M.C.R.*

(2) *Record of Survey for City of Merced of GPS Survey Control Network, Book 58 of Surveys, at Pages 38-41, M.C.R.*

LEGEND

●	*Found monument and accepted 3/4" Iron Pipe with tag L.S. 4052", per (1), unless otherwise as noted.*
◉	*Found monument in monument well and accepted 3/4" Iron Pipe with tag L.S. 4052", per (1), unless otherwise as noted.*
○	*Set 3/4" iron pipe, with tag "L.S. 4052"*
◎	*Set 3/4" iron pipe in monument well with tag "L.S. 4052"*
( )	*Record data per that certain numbered reference. See references.*
(C)	*Calculated per reference listed herein*
(M)	*Measured Distance*
(R)	*Radial Bearing*
FD.	*Found*
I.P.	*Iron Pipe*
M.C.R.	*Merced County Records*
O.P.	*Official Plats*
P.U.E.	*Public Utility Easement*
———	*Survey Boundary*

TENTATIVE MAP No. 1306
MAJOR SUBDIVISION No. 5385

STONE RIDGE SOUTH PHASE 4

BEING A SUBDIVISION OF PORTIONS OF THE REMAINDERS OF LOTS 205 & 206 OF "MAP OF MERCED COLONY" RECORDED IN VOLUME 4 OF OFFICIAL PLATS AT PAGE 24, MERCED COUNTY RECORDS, AS SHOWN ON MAP OF "STONE RIDGE SOUTH PHASE 3" RECORDED IN VOLUME 83 OF OFFICIAL PLATS AT PAGES 43-46 MERCED COUNTY RECORDS, LYING IN SECTION 31, TOWNSHIP 7 SOUTH, RANGE 14 EAST, MOUNT DIABLO BASE & MERIDIAN.

IN THE CITY OF MERCED, STATE OF CALIFORNIA.

SCALE: 1"=100' **SHEET 3 OF 4** **DECEMBER 2020**

VOLUME _____ PAGE _____

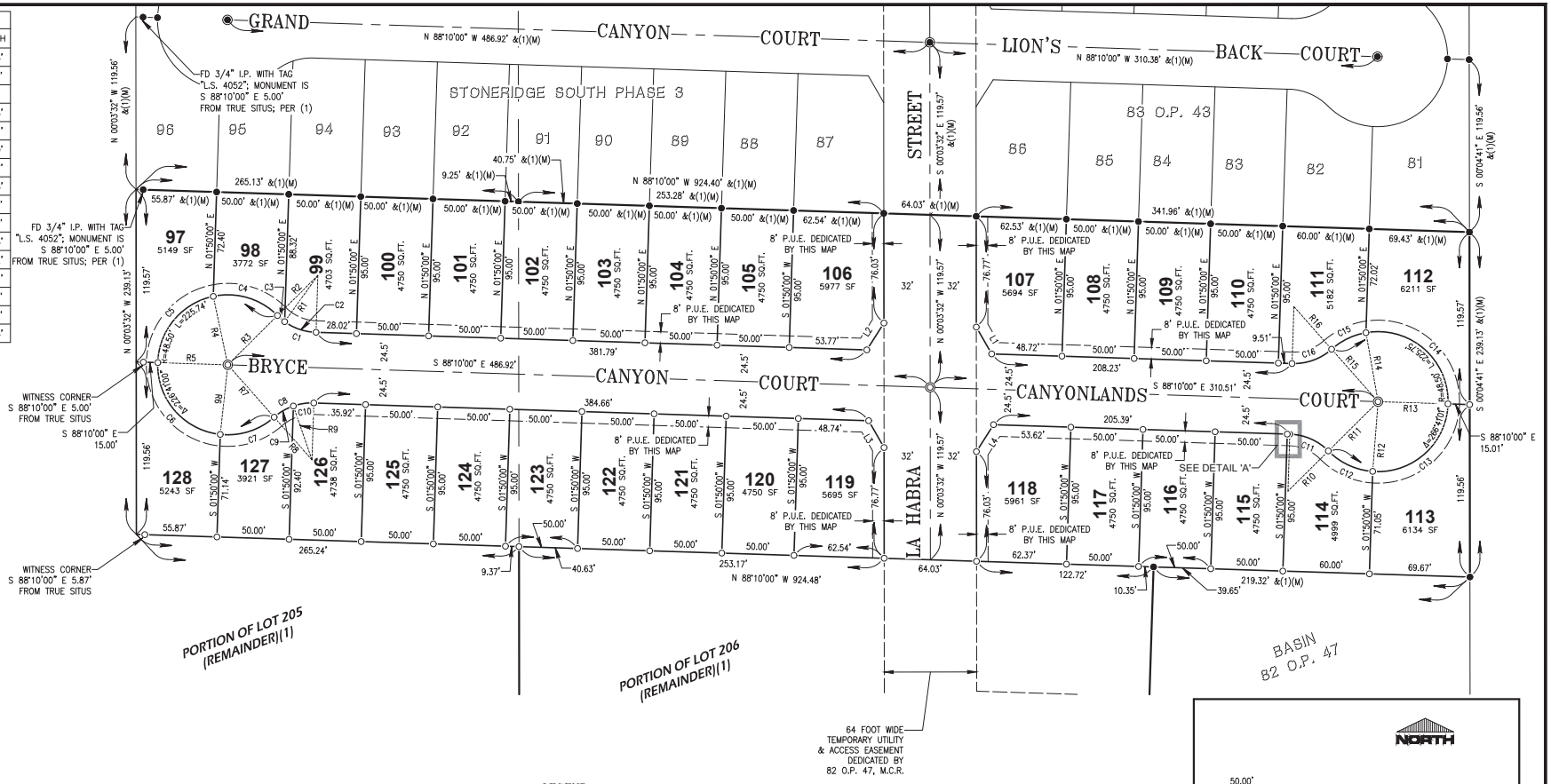
GOLDEN VALLEY MISSION
ENGINEERING & SURVEYING
405 W. 19th Street • P.O. Box 349 • Merced, CA 95340
Phone (209) 722-3200 • Fax (209) 722-3254

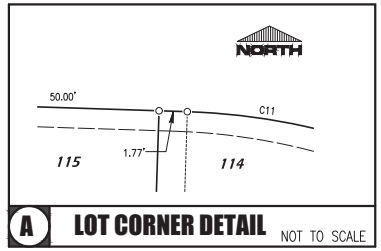
Job No. 17196 F.B. 232 Pg. 1-11

CURVE TABLE			
CURVE #	DELTA	RADIUS	LENGTH
C1	43°20'31"	39.50'	29.88'
C2	33°48'19"	39.50'	23.31'
C3	09°32'12"	39.50'	6.57'
C4	57°09'10"	48.50'	48.38'
C5	76°11'20"	48.50'	64.49'
C6	85°38'45"	48.50'	72.50'
C7	47°41'45"	48.50'	40.37'
C8	43°20'30"	39.50'	29.88'
C9	22°27'28"	39.50'	15.48'
C10	20°53'02"	39.50'	14.40'
C11	43°20'30"	39.50'	29.88'
C12	40°46'30"	48.50'	34.52'
C13	92°34'01"	48.50'	78.36'
C14	101°47'16"	48.50'	86.16'
C15	31°33'14"	48.50'	26.71'
C16	43°20'30"	39.50'	29.88'

RADIAL LINE TABLE	
RADIAL #	DIRECTION
R1	N35°38'19"E
R2	S45°10'30"W
R3	S45°10'30"W
R4	N11°58'40"W
R5	N88°10'00"W
R6	N06°11'15"E
R7	S41°30'30"E
R8	S41°30'30"E
R9	N19°03'02"W
R10	S45°10'30"W
R11	S45°10'30"W
R12	N04°24'01"E
R13	S88°10'00"E
R14	S09°57'16"E
R15	S41°30'30"E
R16	S41°30'30"E

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S29°50'40"E	21.47'
L2	S32°30'58"W	22.11'
L3	S29°49'33"E	21.46'
L4	S32°28'32"W	22.09'





A LOT CORNER DETAIL NOT TO SCALE

BASIS OF BEARINGS

The bearing S 88°10'00" E for the Centerline of Mission Avenue, between two found monuments, as shown on that certain Subdivision Map of Stone Ridge South Phase 3 recorded in Volume 83 of Official Plats at Pages 43-46, M.C.R., was used as the basis of bearing for this survey.

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FD.	*Found*
I.P.	*Iron Pipe*
M.C.R.	*Merced County Records*
O.P.	*Official Plats*
P.U.E.	*Public Utility Easement*
———	*Survey Boundary*

NORTH

0 25 50 100

SCALE: 1" =50'

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Phone (209) 722-3200 • Fax (209) 722-3254

Job No. 17196 F.B. 232 Pg. 1-11

TENTATIVE MAP No. 1306

MAJOR SUBDIVISION No. 5385

STONE RIDGE SOUTH PHASE 4

BEING A SUBDIVISION OF PORTIONS OF THE REMAINDERS OF LOTS 205 & 206 OF "MAP OF MERCED COLONY" RECORDED IN VOLUME 4 OF OFFICIAL PLATS AT PAGE 24, MERCED COUNTY RECORDS, AS SHOWN ON MAP OF "STONE RIDGE SOUTH PHASE 3" RECORDED IN VOLUME 83 OF OFFICIAL PLATS AT PAGES 43-46 MERCED COUNTY RECORDS, LYING IN SECTION 31, TOWNSHIP 7 SOUTH, RANGE 14 EAST, MOUNT DIABLO BASE & MERIDIAN.

IN THE CITY OF MERCED, STATE OF CALIFORNIA.

SCALE: 1"=50' **SHEET 4 OF 4** **DECEMBER 2020**

VOLUME _____ PAGE _____

RECORDING REQUESTED BY:

City of Merced, A California
charter municipal corporation

WHEN RECORDED MAIL TO:

City of Merced
City Clerk
678 West 18th Street
Merced, California 95340

Exempt Recording Per Gov't Code Section 6103

(Above for Recorder's Use Only)

DOCUMENT TITLE

SUBDIVISION AGREEMENT WITH CONTINUING COVENANTS (CFD CONDITION)

A SUBDIVISION AGREEMENT BETWEEN THE CITY OF MERCED AND STONEFIELD HOME, INC., A CALIFORNIA CORPORATION, FOR STONERIDGE SOUTH, PHASE 4
TO BE RECORDED CONCURRENTLY WITH THE FINAL MAP
FILED THIS ____ DAY OF _____ 2021, AT _____ _.M.
IN BOOK _____ OF OFFICIAL PLATS, AT PAGES _____,
MERCED COUNTY RECORDS

SUBDIVISION AGREEMENT
(CFD Condition)
(Bonds as Security)

THIS AGREEMENT, made and entered into _____ ___, 2021 between the City of Merced, a California Charter Municipal Corporation, hereinafter called "City," and Stonefield Home, Inc., a California Corporation, hereinafter called "Subdivider," relates to the installation of improvements within Stoneridge South, Phase 4, a subdivision of real property within the corporate limits of "City."

RECITALS

A. The Planning Commission of City, on May 9, 2018, adopted Resolution No. 3092 approving the tentative map of the above mentioned subdivision.

B. Subdivider has submitted for approval the final map of said subdivision in full compliance with State Law and City subdivision ordinances. Final Map Application Number 5385 was submitted by the Subdivider on December 9, 2020. A complete Final Map Application (including all bonds and insurance) was filed with the City on _____ ___, 20__.

C. Section 18.24.100 of the Merced Municipal Code requires certain improvements within said subdivision.

D. Improvement plans for said subdivision have been approved by the City.

E. The "Subdivision Map Act" and Section 18.24.150 of the Merced Municipal Code require certain security to guarantee the installation of said improvements.

F. Inspection fees required in accordance with Section 18.24.110 of the Merced Municipal Code have been paid.

G. Condition of Approval of the tentative subdivision map No. 8 requires the Subdivider to have established a Community Facilities District

("CFD") for public safety, maintenance, and other services prior to obtaining a Final Map for the property.

Based upon the foregoing recitals, and in consideration of the mutual covenants, promises, and agreements herein contained, and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged and agreed, the parties hereto mutually agree as follows:

AGREEMENT

1. AGREEMENT TO CONDITIONS IMPOSED

Subdivider, for himself and all successors thereto, acknowledges and agrees to all conditions imposed in the Planning Commission Resolution approving the Tentative Map as identified in Recital A above.

2. IMPROVEMENTS

A. Subdivider agrees to cause all improvements to be made and constructed in said subdivision within twelve (12) months of the date of City approval of this Agreement, in full compliance with the requirements of approved Tentative Map, the Conditions of Approval thereto, and the City's "Standard Designs for Common Engineering Structures," and with the improvement plans approved by City and any changes or alterations in such work required by City, and to pay for any materials, provisions, or other supplies used in, upon, for, or about the performance of said work, and for any work or labor done thereon of any kind, and any amounts due under the Unemployment Insurance Act with respect to such work or labor.

B. The Subdivider may request an extension of time to complete the terms hereof. Such request shall be submitted to the City in writing no less than four (4) weeks before the expiration date hereof, and shall contain a statement of circumstances necessitating the extension of time. The City shall have the right to review the provisions of this Agreement, including the construction standards, cost estimate, and improvement security, and to require adjustments therein if any substantial change has occurred during the term hereof.

C. If the Subdivider fails or neglects to comply with the provisions of this Agreement, the City shall have the right at any time to cause said provisions to be met by any lawful means, and thereupon recover from the Subdivider and/or his surety the full cost and expense incurred.

3. SECURITY—FILING OF THE SAME

The Subdivider shall file securities for this Agreement per Sections 66496 and 66499 of the Government Code as follows and as shown on Exhibit "A" attached hereto:

A. To secure faithful performance of this Agreement, security in an amount equal to one hundred (100%) percent of the estimated cost of the work as determined by the City shall be filed with the City prior to the Final Map application being considered complete or action on the same by the City Council.

B. To secure payment to the contractor, his subcontractors, and to persons furnishing labor, materials, or equipment to them, security in an amount equal to fifty (50%) percent of the estimated cost of the work as determined by the City shall be filed with the City prior to the Final Map application being considered complete or action on the same by the City Council.

C. To secure the guarantee and warranty of the work for a period of one (1) year following the completion and acceptance of the work, security in an amount equal to fifteen (15%) percent of the estimated cost of the work as determined by the City shall be filed with the City prior to final acceptance of the work by the City.

D. To secure payment of the cost of setting of monuments, security in an amount equal to one hundred (100%) percent of the estimated cost of setting such monuments as determined by the City shall be filed with the City prior to the Final Map application being considered complete or action on the same by the City Council.

If security is furnished in the form of a bond or bonds, such bonds shall be executed by a corporate surety company authorized to transact surety business in the State of California. Liability for security furnished as

described herein shall be limited as set forth in Government Code Sections 66499.9 and 66499.10.

4. SECURITY—RELEASE OF THE SAME

Release of Securities shall be as follows:

A. Security given for faithful performance may be released thirty-five (35) days after recording Notice of Completion of the work provided that evidence of recording of the Notice of Completion has been furnished to the City, the City has finally accepted the work, and provided the security has been furnished to the City to guarantee and warrant the work for one (1) year following the date of such acceptance of the work.

B. Security securing the payment to the contractor, his subcontractors, and to persons furnishing labor, materials, or equipment may be released six (6) months after recording Notice of Completion provided no claims have been filed with the City in accordance with the Subdivision Map Act.

C. The security guaranteeing that the completed work remains satisfactory during the required one-year warranty period may be released upon correction, by Subdivider, of any defects in the work existing at the end of the warranty period.

D. Monument security may be released in accordance with the provisions of Section 66497 of the Government Code.

In the event that improvements do not conform to the plans and specifications or defects are not corrected within the time limits specified by City, the City shall have the authority to order the necessary work done and to recover the cost of such work, as well as any costs of enforcing such obligation, including attorney fees, from the Subdivider and the Subdivider's surety or the financial institution providing the Instrument of Credit.

5. INSPECTION

City shall inspect all improvements made in connection with said subdivision for compliance with City requirements. Subdivider shall give at least twenty-four (24) hours' notice to City, including at least one full

working day prior to any inspection. Improvements installed without inspection by the City shall be subject to rejection. Subdivider shall pay to City an amount equal to three (3) percent of the total estimated cost of the improvements as determined by City to cover the cost of inspection. Inspection by the City shall in no way relieve the Subdivider or its sureties of full responsibility for defective materials or workmanship. Any costs associated with testing of improvements shall be paid by the Subdivider in advance of the testing.

Neither final inspection nor acceptance of any public improvements for said subdivision will be permitted prior to receipt by City of sufficient monies to cover the cost of testing and inspection exceeding the above deposit.

6. FULFILLMENT OF CONDITIONS OF APPROVAL.

Condition of Approval No. 8 of Subdivider's Tentative Map requires Subdivider to have formed a Community Facilities District (CFD) prior to obtaining approval of a Final Map for Subdivider's project. Stoneridge South was annexed into CCFD 2003-1 (Services) as part of Annexation No. 14 approved by the Merced City Council on April 20, 2020. Therefore, this condition has been satisfied.

7. SAFETY

Subdivider shall perform all work in accordance with the applicable sections of Title 8 of the California Code of Regulations (CAL OSHA), and the "WATCH" (Work Area Traffic Control Handbook) published by Building News, Inc., and available at the City Engineer's office. Provisions shall be made by Subdivider for protection of the traveling public on all public roads affected by the improvements.

Barricades and related facilities shall be placed in such number and in such locations as for public safety, and at night they shall be equipped with flashing yellow lights. City reserves the right to require and Subdivider shall promptly install or place additional barricades or other facilities to assure public safety if City shall deem the same to be necessary or desirable for public safety. Subdivider is responsible for all liability which may arise out of work herein permitted whether or not public property, and shall indemnify, protect, defend, and hold City harmless from any and all

claims, damages (including injury or death to any person or persons) , or causes of action arising therefrom or related thereto.

8. INDEMNITY

The Subdivider shall take and assume all responsibility for the construction of the improvements and the safety of operation in connection therewith. The Subdivider shall bear all losses and damages directly or indirectly resulting to the City, its officers, employees, and agents or others on account of the construction of the improvements, unforeseen difficulties, accidents, or any other causes whatsoever.

The Subdivider shall protect, assume the defense of and indemnify and save harmless the City, its officers, employees, and agents from all claims, loss, damage, injury—including the death of any person or persons, and liability of every kind, nature, and description, directly or indirectly arising from the construction of the improvements.

The Subdivider shall indemnify, protect, defend, and hold harmless the City, and any agency or instrumentality thereof, and 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, Subdivider 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 another governmental entity in which Subdivider'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 Subdivider 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 Subdivider 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.

9. PREVAILING WAGES

Subdivider acknowledges that City has made no representation, express or implied, to Subdivider or any person associated with Subdivider regarding whether or not laborers employed relative to the construction of the improvements to be constructed pursuant to this Agreement must be paid the prevailing per diem wage rate for their labor classification, as determined by the State of California, pursuant to Labor Code Section 1720, *et seq.* ("Prevailing Wage Laws"). Subdivider agrees with City that Subdivider shall assume any and all responsibility and be solely responsible for determining whether or not laborers employed relative to the construction undertaken pursuant to this Agreement must be paid the prevailing per diem wage rate pursuant to the Prevailing Wage Laws or other applicable law.

Subdivider, on behalf of itself, its successors, and assigns, waives and releases City from any right of action that may be available to any of them pursuant to Labor Code Section 1781 or any similar law. Relative to the waiver and release set forth in this Section, Subdivider acknowledges the protections of Civil Code Section 1542, which reads as follows:

> A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor.

By initialing below, Subdivider knowingly and voluntarily waives the provisions of Section 1542 or any similar law solely in connection with the waivers and releases contained in this Section.

_____	_____
Initials of City Manager	Initials of Authorized Subdivider Representative

Subdivider shall indemnify, hold harmless and defend City against any claim for damages, compensation, fines, penalties or other amounts arising out of the failure or alleged failure of any person or entity (including Subdivider, its contractor(s) and subcontractors) to pay prevailing wages as required by law or to comply with the other applicable provisions of Labor

Code Sections 1720 *et seq.* and implementing regulations of the Department of Industrial Relations in connection with construction and installation of the improvements required pursuant to this Agreement. Subdivider's defense of the City shall be provided by counsel reasonably acceptable to the City.

The foregoing indemnity shall survive any termination of this Agreement.

10. INSURANCE

Subdivider further agrees that before commencing any work pursuant to this Agreement, Subdivider shall obtain, and at all times prior to final acceptance of all improvements hereunder, keep in full force and effect, insurance coverage in such limits and amounts, and covering such risks as shall be acceptable to City.

All policies of insurance must be issued by a company that is either:

(1) Admitted to transact insurance business in the State of California;

(2) On the "LESLI List," i.e., the List of Eligible Surplus Line Insurers; or,

(3) In the form of a risk retention group ("RRG") so long as the RRG contains at least $750,000 in capital, has been in operation for at least one year, and the reinsurance agreement associated with the RRG contains AM Best A rated insurers with an attachment point of $250,000 or less.

All insurance companies must have an A.M. Best's rating of at least A- and a financial size of IX or X. All required policies shall contain an endorsement adding the Indemnified Parties under the agreement, specifically including but are not limited to, the City, its officers, employees, and agents, as additional insureds. The required policies shall stipulate that this insurance will operate as primary insurance for work performed by Developer and its sub-contractors, and that no other insurance effected by

City or other named insureds will be called on to cover a loss covered thereunder. The General Liability insurance shall be provided by an ISO Commercial General Liability policy, with edition dates of 1985, 1988, or 1990. The additional insured endorsement required hereunder must be issued using ISO form CG 20 10 11 85, or the same form with an edition date no later than 1990. In lieu of CG 20 10 11 85, City will accept alternate additional insured endorsements on ISO forms CG 20 10 10 01 and CG 20 37 10 01, but only if both forms are used together and provided to City. The minimum coverage and limits shall be as follows:

COVERAGE	LIMITS
Workers Compensation	Statutory
Comprehensive General Liability, including or separately insuring liability assumed by contract	
Bodily Injury	$1,000,000 per person $1,000,000 per occurrence
Property Damage	$ 500,000 per occurrence

Subdivider shall, prior to commencement of construction work, furnish to City a certificate of insurance, which shall provide that the above insurance shall not be cancelled without thirty (30) days prior written notice to City. Prior to acceptance of the improvements, the Subdivider shall provide the City with a copy of the endorsements required herein.

11. AS-BUILTS

Subdivider shall submit one (1) reproducible print (mylar) of the improvements "as-built" to City prior to release of securities.

12. NOTICE OF COMPLETION

City shall record a Notice of Completion with the Merced County Recorder immediately following City's acceptance of the improvements.

13. APPROVALS

This Agreement is subject to approval by the City Manager of City as to substance, and by the City Attorney as to form. Any improvement securities tendered hereunder shall be subject to approval by the City

Manager as to amount, and by the City Attorney as to form and legal sufficiency.

14. SUCCESSORS AND ASSIGNS

This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the respective parties hereto.

15. WAIVER

In the event that either City or Consultant shall at any time or times waive any breach of this Agreement by the other, such waiver shall not constitute a waiver of any other or succeeding breach of this Agreement, whether of the same or any other covenant, condition or obligation. Waiver shall not be deemed effective until and unless signed by the waiving party.

16. VENUE

This Agreement and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this Agreement shall be held exclusively in a state court in the County of Merced.

17. AMENDMENT

This Agreement shall not be amended, modified, or otherwise changed unless in writing and signed by both parties hereto.

18. INTEGRATION

This Agreement constitutes the entire understanding and agreement of the parties and supersedes all previous and/or contemporaneous understandings or agreements between the parties with respect to all or any part of the subject matter hereof.

19. AUTHORITY TO EXECUTE

The person or persons executing this Agreement on behalf of the parties hereto warrants and represents that he/she/they has/have the authority to execute this Agreement on behalf of their entity and has/have

the authority to bind their party to the performance of its obligations hereunder.

20. COUNTERPARTS

This Agreement may be executed in one or more counterparts with each counterpart being deemed an original. No counterpart shall be deemed to be an original or presumed delivered unless and until the counterparts executed by the other parties hereto are in the physical possession of the party or parties seeking enforcement thereof.

IN WITNESS WHEREOF, three (3) identical counterparts of this Agreement, each of which shall for all purposes be deemed an original thereof, have been duly executed by the parties hereinabove named, on the day and year first herein written.

CITY OF MERCED
A California Charter Municipal Corporation

By:_____
City Manager

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

By:_____
Assistant/Deputy City Clerk

APPROVED AS TO FORM:

By:_____ 12/28/2020
City Attorney Date

FUNDS/ACCOUNTS VERIFIED BY:

_____

Finance Officer Date

DEVELOPER:
STONEFIELD HOME, INC.,
A California Corporation

By: _____
Greg Hostetler

Its: President

Address: 923 E. Pacheco Blvd.
Suite C
Los Banos, CA 93635

Telephone: (209) 826-6200

Taxpayer I.D. Number: 32-0439641

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Merced)

On March 24, 2021 before me, Regina A. Robles, Notary Public
(insert name and title of the officer)

personally appeared Greg Hostetler,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Regina R (Seal)

REGINA A. ROBLES
Notary Public - California
Merced County
Commission # 2345695
My Comm. Expires Feb 8, 2025

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ **(Seal)**

EXHIBIT A

Stoneridge South Phase 4

The securities for this subdivsiion shall be according, or equivalent to, either Method 1 or Method 2 below.

	METHOD 1		METHOD 2
Engineer's Estimate	Performance Bond	Labor & Materials Bond	Cash/Credit Security
$504,922.00	$504,922.00	$252,461.00	$605,906.40

One-Year Warranty Bond*	$75,738.30

*shall be provided prior to a Notice of Completion being filed

ADMINISTRATIVE REPORT

Agenda Item J.5. Meeting Date: 5/17/2021

Report Prepared by: Julie Nelson, Senior Planner, Development Services Department

SUBJECT: Adoption of Resolution Approving Final Map 5386 (Stoneridge South, Phase 5 Subdivision) for 32 Single-Family Lots, Generally Located East of G Street, Between Winder Avenue and Mission Avenue, and the Approval of the Subdivision Agreement for Stoneridge South, Phase 5 Subdivision

REPORT IN BRIEF

Considers the approval of Final Map #5386 for 32 single-family lots, generally located east of G Street, between Winder Avenue and Mission Avenue, and the Subdivision Agreement for Stoneridge South, Phase 5.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2021-36**, a Resolution of the City Council of the City of Merced, California, approving the Final Subdivision Map for the Stoneridge South, Phase 5 Subdivision (#5386); and,

B. Approving the Subdivision Agreement for Stoneridge South, Phase 5; and,

C. Authorizing the City Manager or designee to execute all necessary documents.

ALTERNATIVES

1. Approve the request as recommended by staff; or,
2. Deny the request; or,
3. Approve, subject to modifications as conditioned by Council; or
4. Refer back to staff for reconsideration of specific items (specific items to be addressed in City Council motion); or,
5. Continue to a future City Council meeting (date and time to be specified in City Council motion).

AUTHORITY

Chapter 24 of Title 18, Subdivisions, of the Merced Municipal Code (MMC) deals with final maps. Section 18.24.120 gives the City Council authority to approve the final map and agreements as long as it is consistent with the Tentative Map.

DISCUSSION

The proposed subdivision (Stoneridge South, Phase 5), is generally located on the south side of Winder Avenue at La Habra Street (extended), between Winder and Mission Avenues (Attachment

1). The Stoneridge South, Phase 5 Subdivision, Final Map #5386 would approve 32 lots on two cul-de-sacs extending to the east and west sides of La Habra Street (extended) (refer to the Final Map at Attachment 2).

The Stoneridge South subdivision includes a total of 160 lots on 10 cul-de-sacs extending off of La Habra Street (extended). A copy of the approved Vesting Tentative Subdivision Map for the Stoneridge South Subdivision is provided at Attachment 3. Lot sizes within this subdivision range from 3,733 square feet to 6,554 square feet. The majority of the lots would range in size from 4,000 to 5,000 square feet. Phase 1 of this Subdivision was approved by the City Council on April 20, 2020; Phase 2 was approved May 4, 2020; and Phase 3 was approved March 15, 2021. Phase 4 is on the City Council agenda for approval on May 17, 2021.

The owner/developer, Stonefield Home, Inc., has substantially complied with the previously approved tentative map for this site (Tentative Map #1306), and has complied with the Conditions of Approval listed in Planning Commission Resolution #3092 (Attachment 4), adopted by the Planning Commission on May 9, 2018. The owner/developer has submitted an application for a final map approval in compliance with the Subdivision Map Act and City Subdivision Ordinance. It is now appropriate to approve the Final Map (Attachment 2) and Subdivision Agreement (Attachment 6).

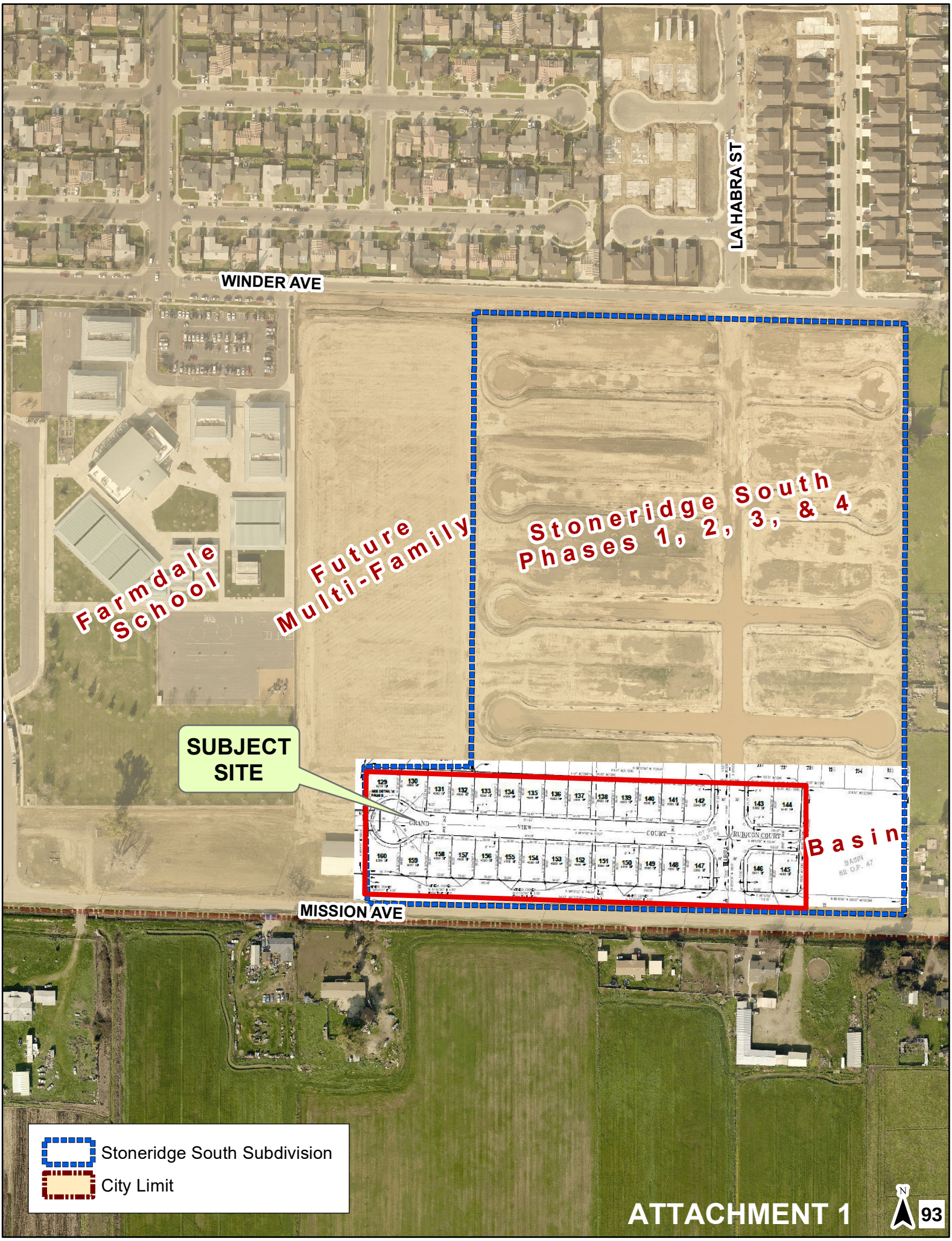
The entire Stoneridge South subdivision was annexed into the Community Facilities District (CFD) for Services (CFD No. 2003-2) as part of Annexation No. 14 approved by City Council on April 20, 2020.

City Council Action

The proposed Final Subdivision Map substantially complies with the approved Tentative Map for this site (TSM #1306). Therefore, the City Council should adopt the Resolution found at Attachment 5 approving Final Map #5386 for Stoneridge South Phase 5 and approving the Subdivision Agreement (Attachment 6) for the subdivision.

ATTACHMENTS

1. Location Map
2. Final Subdivision Map #5386
3. Tentative Subdivision Map #1306
4. Planning Commission Resolution #3092
5. Draft City Council Resolution approving Final Map #5386
6. Subdivision Agreement


WINDER AVE
LA HABRA ST
Farmdale School
Future Multi-Family
Stoneridge South Phases 1, 2, 3, & 4
SUBJECT SITE
Basin
MISSION AVE
Stoneridge South Subdivision
City Limit
ATTACHMENT 1
N
93

OWNER'S STATEMENT
I hereby state that I am the owner of or have record title interest in the subdivided real property, and that I am the only person whose consent is necessary to pass clear title to said land. I hereby consent to the preparation and recordation of THIS subdivision map as shown within the exterior boundary lines.

I also hereby irrevocably offer for dedication the real property described below as an easement for public purposes to the City of Merced.

All the Public Utility Easements indicated in the map.

I also hereby irrevocably offer for dedication in fee the real property described below for public purposes to the City of Merced.

La Habra Street, Grand View Court and Rubicon Court as shown on this map.

I further state that I know of no easement or structure existing within the land herein offered for dedication to the public, other than public utilities.

Owner: Stonefield Home, Inc., a California Corporation

_____ Date:_____
Greg Hostetler, President

Fidelity National Title Insurance Company, as Trustee under a Deed of Trust. Document No. 2021-004142. M.C.R.

Trustee: _____ Date:_____
Diane H. Robinson, Asst. Vice President

CITY CLERK'S STATEMENT
I, Stephanie R. Dietz, City Clerk of the City of Merced, State of California do hereby certify that this map was approved at a regular meeting of the City Council of the City of Merced on this ____ day of _____, 20__, and that the Council did accept on behalf of the Public, all Streets, Avenues, and Courts in fee (subject of Subdivision Improvement being accepted by the City of Merced), all easements and dedications indicated on this map and accept all underlying water rights.

IN WITNESS WHEREOF, I hereto set my hand this _____ day of _____, 20__.

Signature:_____
Stephanie R. Dietz, City Clerk

GOLDEN VALLEY
ENGINEERING & SURVEYING
405 W. 19th Street • P.O. Box 349 • Merced, CA 95340
Phone (209) 722-3200 • Fax (209) 722-3254

Job No. 17196 F.B. 232 Pg. 1-11

TITLE REPORT

PRELIMINARY TITLE REPORT
Prepared by: Fidelity National Title Company
Document: FFOM-3012100516
Date: March 19. 2021
Affect: Used in preparation of this plat and considered a part hereto by reference

OMMITTED SIGNATURES

PURSUANT TO SECTION 66436(a)(3)(A)(i) OF THE SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING PARTIES HAVE BEEN OMITTED

(1) RIGHT-OF-WAY
Granted To: Crocker-Huffman Land and Water Company, a Corporation
Purpose: For ditches and canals
Document: Book L of Agreements at Page 553, Merced County Records
Recorded: May 12, 1910

(2) RIGHT-OF-WAY
Granted To: Merced Irrigation District, as successor in interest
Purpose: For ditches, etc.
Document: Book L of Agreements at Page 556, Merced County Records
Recorded: May 12, 1910

SOILS REPORT:
A soils report covering the land within the boundaries of the subdivision was made by Technicon Engineering Services Inc., 4539 N. Brawley #108, Fresno, CA 93722, bearing the date of January 10, 2018, a copy of which is on file with the City of Merced.

Project No. 170805.001

SUBDIVISION AGREEMENT

Subdivision Agreement between the City of Merced and STONEFIELD HOME, INC., for STONE RIDGE SOUTH PHASE 5, recorded as Document Number _____, M.C.R.

RECORDER'S STATEMENT No._____

Filed this____day of _____, 20___, at _____.M. in Volume _____ of Official Plats at Page(s)_____ at the request of Golden Valley Engineering & Surveying, Inc.
Fee:_____

Matt H. May,
County Recorder

By: _____, Deputy

SURVEYOR'S STATEMENT
This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of Greg Hostetler on October 11, 2019. I hereby state that this Final Map substantially conforms to the approved or conditionally approved tentative map, if any, and that all monuments shown hereon are of the character and occupy the positions indicated or that they will be set in those positions before March 10, 2022 are or will be sufficient to enable the survey to be retraced.

_____
Duane J. Andrews, L.S. 4052

Dated:_____

CITY ENGINEER'S STATEMENT
I hereby state that I have examined this map and that the subdivision shown hereon is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that this map is in compliance with all provisions of the California Subdivision Map Act and local ordinances applicable at the time of the approval of the tentative map, have been complied with.

Signature:_____
Michael R. Beltran II, R.C.E.83916
City Engineer

Date:_____

CITY SURVEYOR'S STATEMENT
I hereby state that I have examined this Final Map and the subdivision shown hereon and it complies with all provisions of Chapter 2 of the Subdivision Map Act and that I am satisfied that this Subdivision Map is technically correct.

Signature:_____
Joe M. Cardoso, P.L.S. 8851

Date:_____

TENTATIVE MAP No. 1306
MAJOR SUBDIVISION No. 5386

STONE RIDGE SOUTH PHASE 5

BEING A SUBDIVISION OF PORTIONS OF THE REMAINDERS OF LOTS 205 & 206 OF "MAP OF MERCED COLONY" RECORDED IN VOLUME 4 OF OFFICIAL PLATS AT PAGE 24, MERCED COUNTY RECORDS, AS SHOWN ON MAP OF "STONE RIDGE SOUTH PHASE 4" RECORDED IN VOLUME __ OF OFFICIAL PLATS AT PAGES __-__, MERCED COUNTY RECORDS, LYING IN SECTION 31, TOWNSHIP 7 SOUTH, RANGE 14 EAST, MOUNT DIABLO BASE & MERIDIAN.
IN THE CITY OF MERCED, STATE OF CALIFORNIA.

SHEET 1 OF 5 DECEMBER 2020

VOLUME _____ PAGE _____

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this Certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____

On _____, 20__, before me, _____,
a Notary Public personally appeared _____

_____

_____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

Signature _____

Commission No. _____

Commission Expires _____

(DO NOT STAMP)

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this Certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____

On _____, 20__, before me, _____,
a Notary Public personally appeared _____

_____

_____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

Signature _____

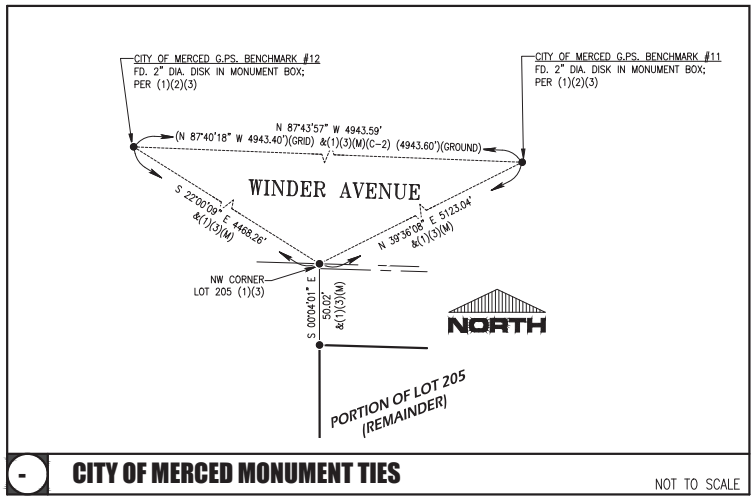
Commission No. _____

Commission Expires _____

(DO NOT STAMP)

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Job No. 17196 F.B. 232 Pg. 1-11



- CITY OF MERCED MONUMENT TIES NOT TO SCALE

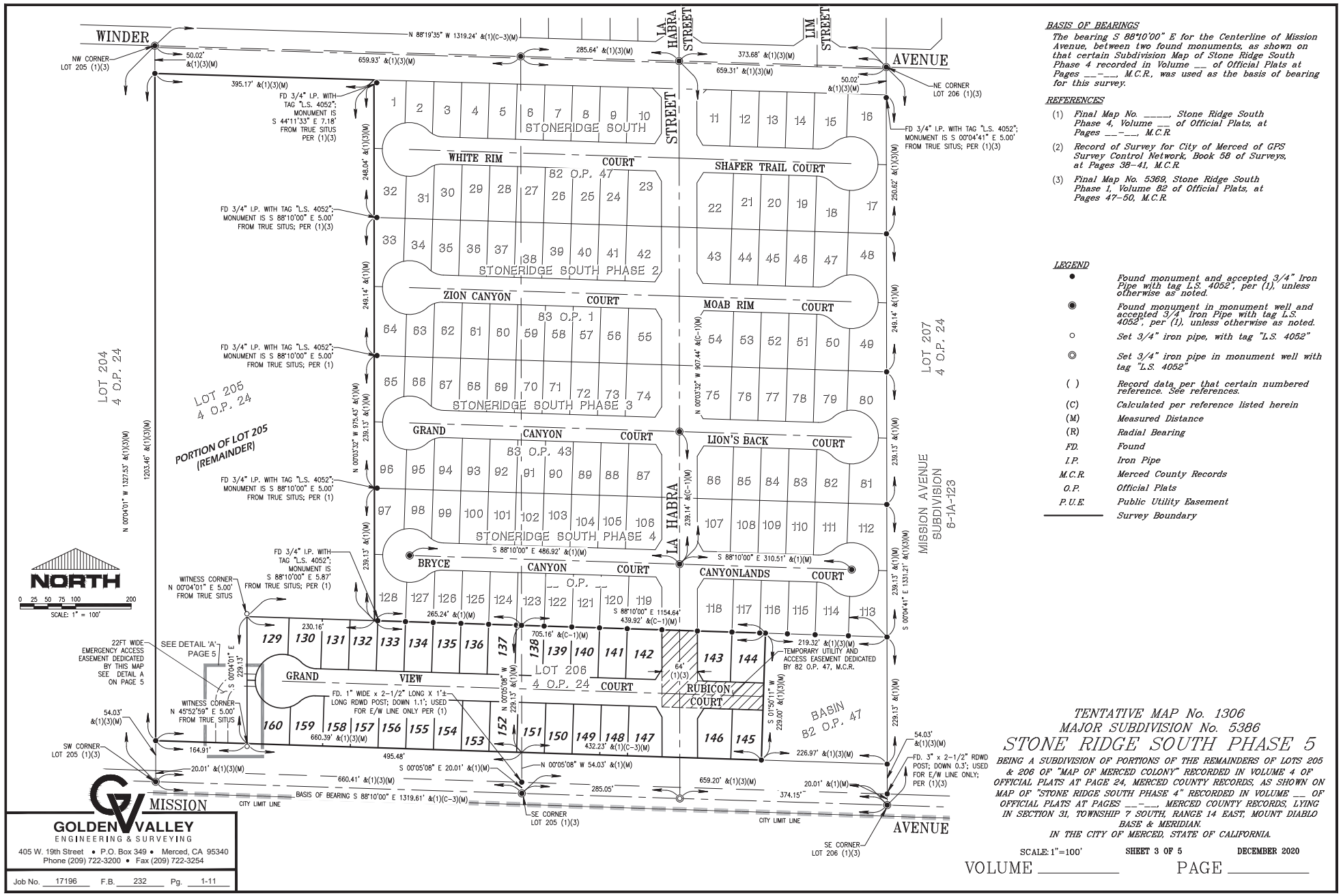
TENTATIVE MAP No. 1306
MAJOR SUBDIVISION No. 5386

STONE RIDGE SOUTH PHASE 5

BEING A SUBDIVISION OF PORTIONS OF THE REMAINDERS OF LOTS 205 & 206 OF "MAP OF MERCED COLONY" RECORDED IN VOLUME 4 OF OFFICIAL PLATS AT PAGE 24, MERCED COUNTY RECORDS, AS SHOWN ON MAP OF "STONE RIDGE SOUTH PHASE 4" RECORDED IN VOLUME __ OF OFFICIAL PLATS AT PAGES __-__, MERCED COUNTY RECORDS, LYING IN SECTION 31, TOWNSHIP 7 SOUTH, RANGE 14 EAST, MOUNT DIABLO BASE & MERIDIAN.
IN THE CITY OF MERCED, STATE OF CALIFORNIA.

SHEET 2 OF 5 **DECEMBER 2020**

VOLUME _____ PAGE _____



BASIS OF BEARINGS

The bearing S 88°10'00" E for the Centerline of Mission Avenue, between two found monuments, as shown on that certain Subdivision Map of Stone Ridge South Phase 4 recorded in Volume __ of Official Plats at Pages __-__, M.C.R., was used as the basis of bearing for this survey.

REFERENCES

(1) *Final Map No. _____, Stone Ridge South Phase 4, Volume __ of Official Plats, at Pages __-__, M.C.R.*

(2) *Record of Survey for City of Merced of GPS Survey Control Network, Book 58 of Surveys, at Pages 38-41, M.C.R.*

(3) *Final Map No. 5369, Stone Ridge South Phase 1, Volume 82 of Official Plats, at Pages 47-50, M.C.R.*

LEGEND

●	*Found monument and accepted 3/4" Iron Pipe with tag L.S. 4052", per (1), unless otherwise as noted.*
◉	*Found monument in monument well and accepted 3/4" Iron Pipe with tag L.S. 4052", per (1), unless otherwise as noted.*
○	*Set 3/4" iron pipe, with tag "L.S. 4052"*
◎	*Set 3/4" iron pipe in monument well with tag "L.S. 4052"*
( )	*Record data per that certain numbered reference. See references.*
(C)	*Calculated per reference listed herein*
(M)	*Measured Distance*
(R)	*Radial Bearing*
FD.	*Found*
I.P.	*Iron Pipe*
M.C.R.	*Merced County Records*
O.P.	*Official Plats*
P.U.E.	*Public Utility Easement*
———	*Survey Boundary*

TENTATIVE MAP No. 1306
MAJOR SUBDIVISION No. 5386

STONE RIDGE SOUTH PHASE 5

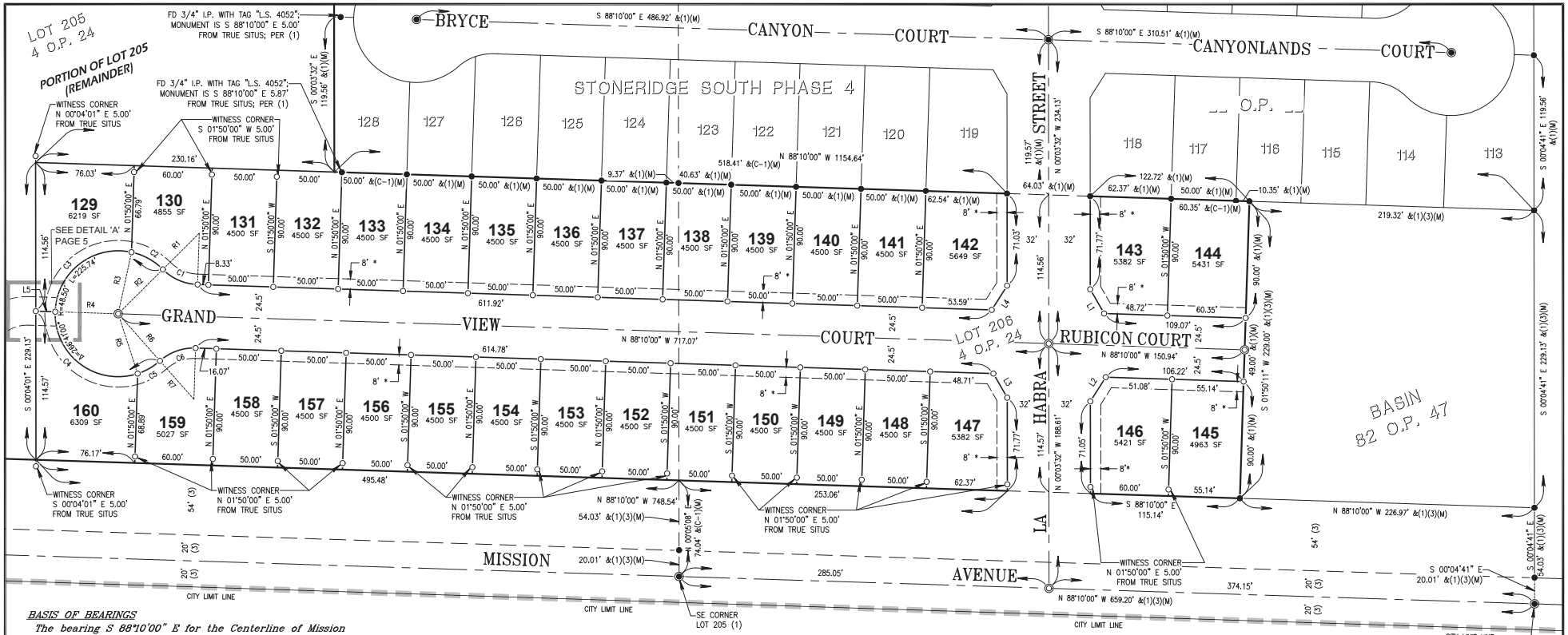
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IN THE CITY OF MERCED, STATE OF CALIFORNIA.

SCALE: 1"=100' **SHEET 3 OF 5** **DECEMBER 2020**

VOLUME _____ PAGE _____

MISSION
GOLDEN VALLEY
ENGINEERING & SURVEYING
405 W. 19th Street • P.O. Box 349 • Merced, CA 95340
Phone (209) 722-3200 • Fax (209) 722-3254

Job No. 17196 F.B. 232 Pg. 1-11



BASIS OF BEARINGS

The bearing S 88°10'00" E for the Centerline of Mission Avenue, between two found monuments, as shown on that certain Subdivision Map of Stone Ridge South Phase 4 recorded in Volume __ of Official Plats at Pages __-__, M.C.R., was used as the basis of bearing for this survey.

REFERENCES

(1) *Final Map No. _____, Stone Ridge South Phase 4, Volume __ of Official Plats, at Pages __-__, M.C.R.*

(2) *Record of Survey for City of Merced of GPS Survey Control Network, Book 58 of Surveys, at Pages 38-41, M.C.R.*

(3) *Final Map No. 5369, Stone Ridge South Phase 1, Volume 82 of Official Plats, at Pages 47-50, M.C.R.*

LEGEND

●	*Found monument and accepted 3/4" Iron Pipe with tag L.S. 4052", per (1), unless otherwise as noted.*
◉	*Found monument in monument well and accepted 3/4" Iron Pipe with tag L.S. 4052", per (1), unless otherwise as noted*
○	*Set 3/4" iron pipe, with tag "L.S. 4052"*
◎	*Set 3/4" iron pipe in monument well with tag "L.S. 4052"*
( )	*Record data per that certain numbered reference. See references.*
(C)	*Calculated per reference listed herein*
(M)	*Measured Distance*
(R)	*Radial Bearing*
FD.	*Found*
I.P.	*Iron Pipe*
M.C.R.	*Merced County Records*
O.P.	*Official Plats*
P.U.E.	*Public Utility Easement*
———	*Survey Boundary*

CURVE TABLE			
CURVE #	DELTA	RADIUS	LENGTH
C1	43°20'30"	39.50'	29.88'
C2	32°58'14"	48.50'	27.91'
C3	100°22'16"	48.50'	84.96'
C4	109°51'02"	48.50'	92.99'
C5	23°29'28"	48.50'	19.88'
C6	43°20'30"	39.50'	29.88'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S29°51'18"E	21.47'
L2	N32°30'31"E	22.08'
L3	S29°52'38"E	21.48'
L4	S32°33'47"W	22.11'
L5	N88°10'00"W	15.00'

RADIAL LINE TABLE	
RADIAL #	DIRECTION
R1	S45°10'30"W
R2	S45°10'30"W
R3	N12°12'16"E
R4	N88°10'00"W
R5	S18°01'02"E
R6	S41°30'30"E
R7	S41°30'30"E

NORTH

0 25 50 100

SCALE: 1" =50'

MAP NOTE

** PUBLIC UTILITY EASEMENT DEDICATED BY THIS MAP*

TENTATIVE MAP No. 1306
MAJOR SUBDIVISION No. 5386

STONE RIDGE SOUTH PHASE 5

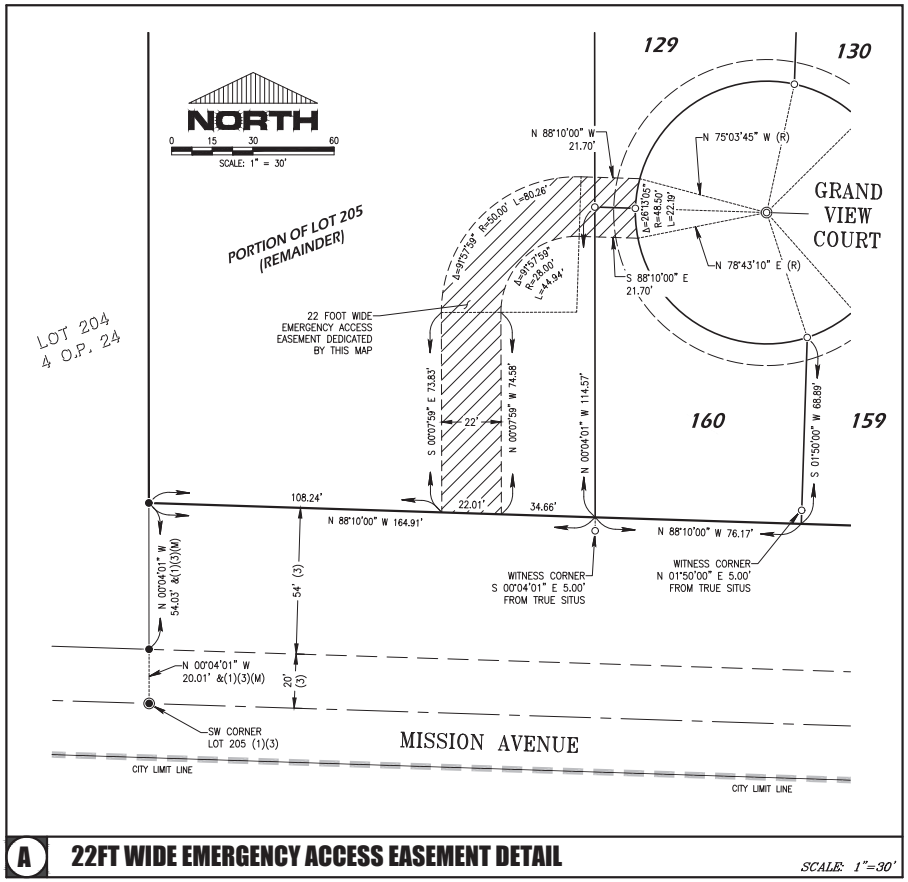
BEING A SUBDIVISION OF PORTIONS OF THE REMAINDERS OF LOTS 205 & 206 OF "MAP OF MERCED COLONY" RECORDED IN VOLUME 4 OF OFFICIAL PLATS AT PAGE 24, MERCED COUNTY RECORDS, AS SHOWN ON MAP OF "STONE RIDGE SOUTH PHASE 4" RECORDED IN VOLUME __ OF OFFICIAL PLATS AT PAGES __-__, MERCED COUNTY RECORDS, LYING IN SECTION 31, TOWNSHIP 7 SOUTH, RANGE 14 EAST, MOUNT DIABLO BASE & MERIDIAN.
IN THE CITY OF MERCED, STATE OF CALIFORNIA.

SCALE: 1"=50' **SHEET 4 OF 5** **DECEMBER 2020**

VOLUME _____ PAGE _____

GOLDEN VALLEY
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Job No. 17196 F.B. 232 Pg. 1-11



A 22FT WIDE EMERGENCY ACCESS EASEMENT DETAIL

SCALE: 1"=30'

BASIS OF BEARINGS

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P.U.E.	*Public Utility Easement*
———	*Survey Boundary*

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Job No. 17196 F.B. 232 Pg. 1-11

TENTATIVE MAP No. 1306
MAJOR SUBDIVISION No. 5386

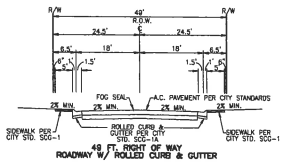
STONE RIDGE SOUTH PHASE 5

BEING A SUBDIVISION OF PORTIONS OF THE REMAINDERS OF LOTS 205 & 206 OF "MAP OF MERCED COLONY" RECORDED IN VOLUME 4 OF OFFICIAL PLATS AT PAGE 24, MERCED COUNTY RECORDS, AS SHOWN ON MAP OF "STONE RIDGE SOUTH PHASE 4" RECORDED IN VOLUME __ OF OFFICIAL PLATS AT PAGES __-__, MERCED COUNTY RECORDS, LYING IN SECTION 31, TOWNSHIP 7 SOUTH, RANGE 14 EAST, MOUNT DIABLO BASE & MERIDIAN.
IN THE CITY OF MERCED, STATE OF CALIFORNIA.

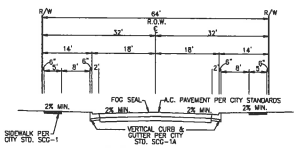
SHEET 5 OF 5 **DECEMBER 2020**

VOLUME _____ PAGE _____

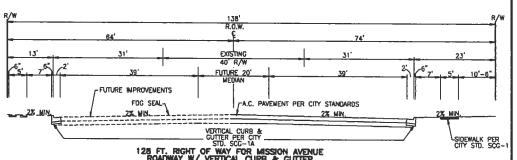
STREET SECTIONS



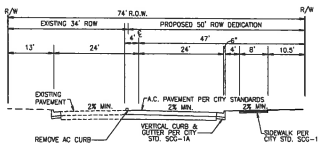
48 FT. RIGHT OF WAY
ROADWAY W/ ROLLED CURB & GUTTER



64 FT. RIGHT OF WAY
ROADWAY W/ VERTICAL CURB & GUTTER

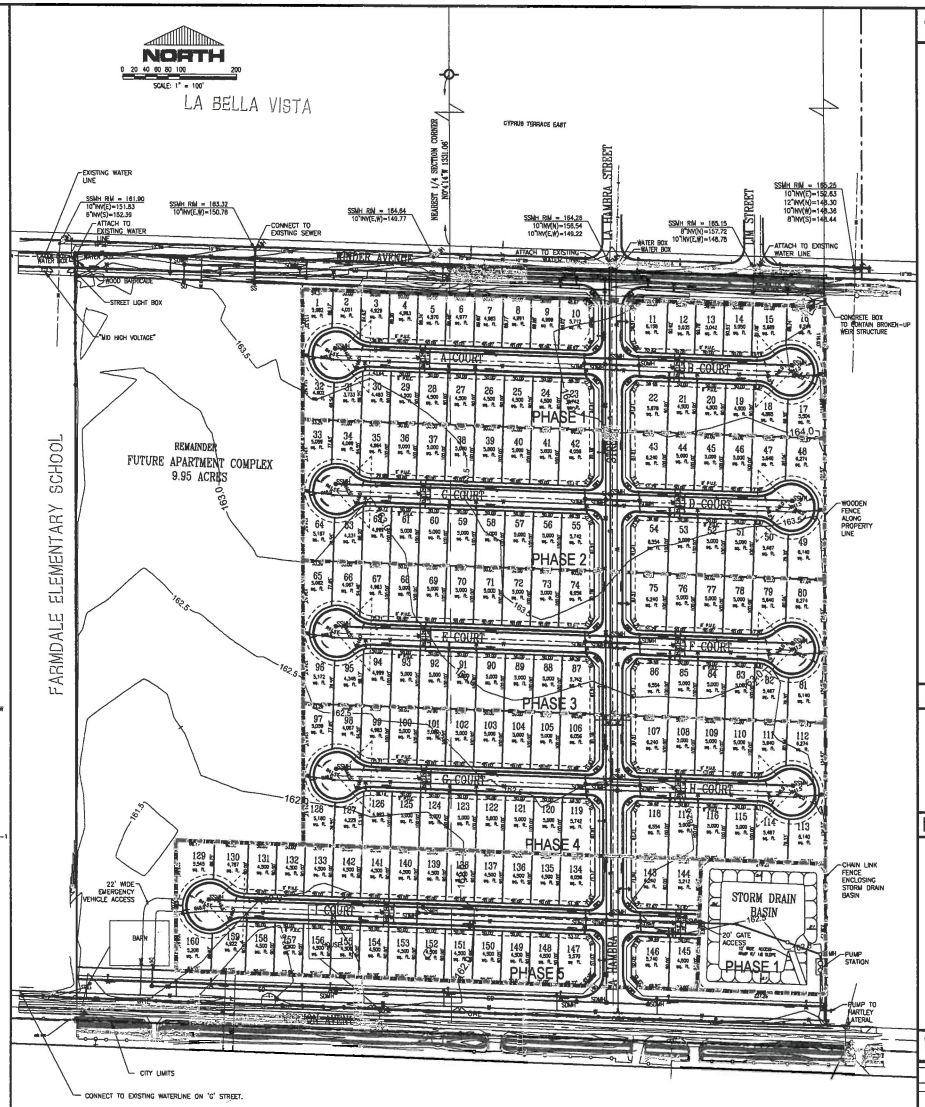


128 FT. RIGHT OF WAY FOR MISSION AVENUE
ROADWAY W/ VERTICAL CURB & GUTTER



74 FT. RIGHT OF WAY FOR WINDER AVENUE
ROADWAY W/ VERTICAL CURB & GUTTER

RECEIVED
2-23-18



811
Know what's below.
Call before you dig.
1-800-227-2600

TENTATIVE MAP NOTES:

INFORMATION REQUIRED PER MERCED MUNICIPAL CODE SECTION 18.16.080

1.) LOCATION MAP AS SHOWN HEREON.
2.) TRACT NAME, DATE, NORTH ARROW, SCALE AND LEGAL DESCRIPTION AS SHOWN HEREON.
3.) OWNER: STONEFIELD HOMES
1733 'M' STREET
MERCED, CA 95340
PHONE: (209) 826-6200
4.) SUBDIVIDER: SAME AS ABOVE
5.) MAP PREPARED BY: GOLDEN VALLEY ENGINEERING & SURVEYING, Inc.
405 W. 19th STREET
MERCED, CA 95340
(209) 722-3200
6.) ACREAGE APPROXIMATELY 39.6 ACRES (GROSS)
7.) CONTOURS SHOWN.
8.) LOCATIONS, NAMES, WIDTHS, RADII OF CURVES AND GRADES OF ALL EXISTING AND PROPOSED ROADS, STREETS IN AND ADJACENT TO THE PROPOSED SUBDIVISION AS SHOWN.
9.) NO PROTECTIVE COVENANTS PROPOSED AT THIS TIME. PROTECTIVE COVENANTS TO BE RECORDED WITH FINAL MAP, IF ANY.
10.) LOCATION AND DESCRIPTION OF ALL EASEMENTS AS SHOWN HEREON. EIGHT FOOT PUBLIC FACILITY EASEMENTS TO BE PROVIDED ALONG ALL LOT FRONTAGES.
11.) LOCATION AND SIZE OF ALL EXISTING AND PROPOSED PUBLIC UTILITIES AS SHOWN HEREON.
12.) SEWAGE DISPOSAL BY CITY OF MERCED FACILITIES. STORM WATER DISPOSAL BY EXISTING SYSTEM TO CITY OF MERCED FACILITIES ADJACENT TO PROJECT SITE.
13.) NO PUBLIC OPEN SPACE EXISTS WITHIN OR ADJACENT TO THE PROPOSED SUB-DIVISION.
14.) LOT LAYOUT, APPROXIMATE DIMENSIONS AND AREA OF EACH IRREGULAR LOT AND LOT NUMBERS AS SHOWN.
15.) CITY LIMIT LINES AS SHOWN
16.) INTENDED LAND USE: PD-58
DENSITY: LOW DENSITY (10 UNITS PER GROSS ACRE.)
17.) APPROXIMATE BEARINGS AND DISTANCES TO NEAREST 1/4 SECTION CORNER AS SHOWN HEREON.
18.) PROPOSED PUBLIC IMPROVEMENTS PER CITY STANDARDS.
19.) DEVELOPMENT PHASE: THE DEVELOPER RESERVES THE RIGHT TO PHASE THIS PROJECT IN ACCORDANCE WITH THE PROVISIONS OF THE STATE SUBDIVISION MAP ACT.
20.) EXISTING USE AND OWNERSHIP OF LAND IMMEDIATELY ADJACENT TO SUBDIVISION AS SHOWN HEREON.
21.) PRELIMINARY TITLE REPORT TO BE SUBMITTED WITH TENTATIVE MAP.
22.) EXISTING BUILDINGS WITHIN THE SUBDIVISION AS SHOWN.
23.) NO EXISTING TREES.
24.) AREA SUBJECT TO PERIODIC INUNDATION OF STORM WATER OVERFLOW TO THE BEST OF OUR KNOWLEDGE AND BELIEF. LOCATION AND DIRECTION OF FLOW OF ALL WATER COURSES AS SHOWN HEREON. THE SITE IS WITHIN FLOOD ZONE 'A-0' DEPTH 1' PER F.I.R.M. MAP NUMBER 06047C0440 G EFFECTIVE DATE DECEMBER, 2 2008 PREPARED BY F.E.M.A.
25.) ALL CUL-DE-SACS PER MERCED CITY STANDARD ST-4, WITH CURBS PAINTED RED AT BULBS.

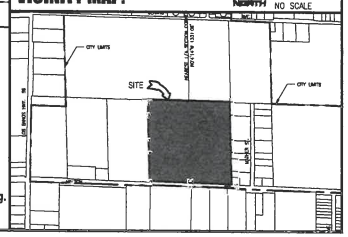
DESCRIPTION:

BEING A SUBDIVISION OF
LOT 205 AND 206 AS SHOWN ON THE
MAP OF "MERCED COLONY" FILED FOR
RECORD IN VOL. 4 OF OFFICIAL
PLATS AT PG. 24, M.C.R.
POR. OF SEC. 31, T. 7 S., R. 14 E., M. D. B. & M.

LEGEND:

PROPOSED STREET LIGHT	PROPOSED WATER VALVE
CO PROPOSED SEWER CLEAN OUT	PROPOSED CATCH BASIN
WO PROPOSED WATER BLOW OFF	PROPOSED WHEEL CHAIR RAMP
FH PROPOSED FIRE HYDRANT	P.F.E. PUBLIC FACILITIES EASEMENT
S PROPOSED SEWER SERVICE	C.T. CURB TRANSITION
W PROPOSED WATER SERVICE	EXISTING STREET LIGHT
DRAINAGE FLOW DIRECTION	EXISTING FIRE HYDRANT
+ 132.55 EXISTING GROUND ELEVATION	EXISTING WATER MAIN
CR EXISTING CROWN OF ROAD	EXISTING SANITARY SEWER MAIN
PROPOSED WATER MAIN	EXISTING STORM DRAIN MAIN
PROPOSED SANITARY SEWER MAIN	CMU BLOCK WALL
PROPOSED STORM DRAIN MAIN	CITY LIMITS
SDMH PROPOSED STORM DRAIN MANHOLE	PHASE BOUNDARIES
SSMH PROPOSED SANITARY SEWER MANHOLE	

VICINITY MAP:



These drawings are instruments of service and are the property of Golden Valley Engineering & Surveying, Inc. All designs and other information on these drawings are for use on the specified project and shall not be used otherwise without the express written permission of Golden Valley Engineering & Surveying, Inc.
Copyright © 2017 Golden Valley Engineering & Surveying, Inc.

PREPARED BY:
GOLDEN VALLEY
ENGINEERING & SURVEYING
405 West 19th Street 95340
P.O. Box 348
Merced, CA 95341
Ph.: (209) 722-3200
Fax: (209) 722-3254

No.	Date	Description

It is the client's responsibility prior to or during construction to verify the dimensions and elevations of all existing conditions on the job site and to immediately notify the engineer of any discrepancies from the plans. Failure to do so will result in the client being responsible for any necessary corrections to the work. Written dimensions will govern over scaled dimensions. Contractor shall verify all dimensions, notify the engineer of any discrepancies and obtain clarification before proceeding with the work. Use of this reproducible for any purpose is unauthorized without written consent.

VESTING TENTATIVE SUBDIVISION MAP
FOR
STONE RIDGE SOUTH
POR. OF SEC. 31, T. 7 S., R. 14 E., M. D. B. & M.
A.P.N. 259-130-180
MERCED CALIFORNIA

ENGINEER

SHEET CONTENTS:
- VESTING TENTATIVE MAP
- .
- .
- .

PREPARED FOR:
Stonefield Homes
1733 'O' Street
Merced, CA 95340
Ph.: 209-826-6200
email:

PROJECT DATA:
Date: January 2018
Scale: As Shown
Drawn By: ECW/ RM
Job. No.: 17-196

SHEET NUMBER:
VTSM

ATTACHMENT 3

M:\plans projects\17196 Stonebridge South\dwg\tentative Map.dwg PLOT DATE: 2/23/2018 10:28 AM

CITY OF MERCED
Planning Commission

Resolution #3092

WHEREAS, the Merced City Planning Commission at its regular meeting of May 9, 2018, held a public hearing and considered **Vesting Tentative Subdivision Map #1306 ("Stone Ridge South")**, initiated by Golden Valley Engineering, applicant for Biltmore Financial, Inc., property owner. This application involves the subdivision of approximately 29.75 acres of an approximately 39.7-acre parcel into 160 single-family lots. This property is generally located approximately 620 feet east of G Street between Winder Avenue and Mission Avenue, within Planned Development (P-D) #58 and has a General Plan Designation of Village Residential (VR); also known as Assessor's Parcel No. (APN) 259-130-018; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through I of Staff Report #18-08 - 2nd Addendum; 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 find that the previous environmental review (Expanded Initial Study #04-13 for the Mission Avenue Annexation) remains sufficient and no further documentation is required (CEQA Section 15162 Findings), and approve Vesting Tentative Subdivision Map #1306, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Camper, Martinez, Padilla, and Chairperson Dylina
NOES: None
ABSENT: Commissioners Alshami and Colby
ABSTAIN: None

Adopted this 9th day of May 2018

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Attachment:
Exhibit A – Conditions of Approval

N:\SHARED\PLANNING\PC RESOLUTIONS\RESOLUTIONS\ VTSM #1306 (Stone Ridge South).docx

Conditions of Approval
Planning Commission Resolution #3092
Vesting Tentative Subdivision Map # 1306

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Vesting Tentative Subdivision Map), -- Attachment A of Planning Commission Staff Report #18-08 - 2nd Addendum, except as modified by the conditions.
2. All conditions contained in "Standard Tentative Subdivision Map Conditions" shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. The Project shall comply with the conditions set forth in Resolution #2808 for the Mission Avenue Annexation and all conditions of the Pre-Annexation Development Agreement for the Mission Annexation (Pre-Annexation #04-03) previously approved for this project including all applicable mitigation measures.
5. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
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 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, street lights, parks and open space. CFD procedures shall be initiated before final map approval. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.

9. A secondary access road for emergency vehicle access shall be provided with the first phase of construction. The secondary access shall be approved by the City of Merced Fire Department.

10. A permanent emergency vehicle access shall be installed at the end of "I" Court as shown on Vesting Tentative Subdivision Map (VTSM) #1306. The access road shall meet all Fire Department requirements.

11. All cul-de-sac bulbs shall have a minimum diameter of 96 feet and shall be posted as "no parking" in compliance with Fire Department Standards adopted by Merced Municipal Code Section 17.32.

12. All public improvements shall be provided along all new roadways and any damaged or missing improvements along Winder and Mission Avenues within the project area's frontage shall be repaired/replaced as required by the City Engineer.

13. Developer shall construct full public improvements including, but not limited to, curb and gutter, pavement, sidewalk and one drive approach per lot, street lights, landscaping, and utilities on all new streets within

the subdivision and on Winder Avenue. A minimum 10-foot-wide landscape strip and block wall shall be installed along Winder Avenue.

14. Developer shall coordinate with the City Engineer on the construction of Mission Avenue. Mission Avenue shall ultimately be constructed to the full 128-foot width plus a minimum 10-foot-wide landscape strip along the block wall. In lieu of constructing the improvements, the developer may pay their fair share of the cost of the improvements. The developer's fair share is estimated to be $236,236.00 according to the Engineer's estimate provided by Golden Valley Engineering dated April 2, 2018, and approved by the City Engineer May 3, 2018. Full payment of the developer's fair share ($236,236.00) shall be made or bonded for prior to the issuance of the 65th building permit within this subdivision.

15. Mission Avenue is an arterial roadway. Construction of Mission Avenue would be eligible for reimbursement from the Public Facilities Financing Plan (PFFP) as provided for in Section 17.62 of the Merced Municipal Code.

16. Fire hydrants shall be installed along street frontages to provide fire protection to the area. The hydrants shall meet all City of Merced standards and shall comply with all requirements of the City of Merced Fire Department. Final location of the fire hydrants shall be determined by the Fire Department.

17. The project shall comply with all the Post Construction Standards required to comply with state requirements for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).

18. All dwellings shall be designed to include fire sprinklers as required by the California Fire Code.

19. No residential driveways shall front on any arterial or collector street.

20. The project shall comply with all requirements of the California Building Code and all flood requirements of the Federal Emergency Management Agency (FEMA). All necessary documentation related to the construction of the residential uses shall be provided at the building permit stage.

21. All mechanical equipment shall be screened from public view.

22. Dedication by Final Map of all interior street rights-of-way and all necessary easements will be made as shown on Vesting Tentative

Subdivision Map #1306 and as needed for irrigation, utilities, drainage, landscaping, and open space.

23. All landscaping shall comply with State Water Resources Control Board Resolution No. 2015-0032 "To Adopt an Emergency Regulation for Statewide Urban Water Conservation" or the most recent water regulations adopted by the State and City addressing water conservation measures. If turf is proposed to be installed in park strips, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed. All irrigation provided to street trees or other landscaping shall be provided with a drip irrigation or micro-spray system and shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030).

24. Prior to final inspection of any home, all front yards and side yards exposed to public view shall be provided with landscaping to include, ground cover, trees, shrubs, and irrigation in accordance with Merced Municipal Code Section 20.36.050. Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray 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. All landscaping shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030).

25. All entryway and subdivision signs shall be administratively approved by Planning Staff prior to the issuance of a building permit.

26. Traffic control signs, street markings, and striping shall be as directed by the City Engineer.

27. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.

28. Provide all utility services to each lot, including sanitary sewer, water, electric power, gas, telephone, and cable television. All new utilities are to be undergrounded.

29. Install appropriate street name signs and traffic control signs with locations, names, and types approved by the City Engineer.

30. Developer shall provide construction plans and calculations for all landscaping and public maintenance improvements.

All such plans shall conform to City standards and meet approval of the City Engineer.

31. Per Mitigation Measure 11.1 of Expanded Initial Study (EIS) #04-13 for the Mission Annexation area, the applicant shall provide a noise attenuation study prepared by an acoustical engineer to show that the noise levels within this development meet the City's adopted noise level standards. This study shall be provided prior to the construction of Phase 5 of the development.

32. Per Mitigation Measure 3-a of Expanded Initial Study #04-13 for the Mission Annexation area, a survey shall be conducted for special status species prior to the disturbance of potentially suitable habitat. All surveys shall be conducted in accordance with applicable state and federal guidelines.

33. Per Mitigation Measures 15.1, 15.3,15.4, 15.5, and 15.6 of Expanded Initial Study #04-13 for the Mission Annexation area, a fee of $1,002.61 shall be collected with each building permit issued within this subdivision to cover the costs of traffic improvements identified in EIS #04-13.

34. The future apartment complex to the east of the proposed subdivision shall be developed at a density high enough to provide an average minimum density of 10 units per acre for the entire 39.7 acre parcel.

35. Prior to building permits being issued, all building elevations shall be approved by Planning Staff. The building facades shall be of high-quality design providing varied elevations and color schemes.

36. Bulb-outs (also called curb extensions) shall be installed on the north/south street connecting Winder and Mission Avenues. A minimum of two bulb-outs shall be installed. Location of the bulb-outs shall be determined by the City Engineer.

37. No driveways shall be allowed on the north/south street connecting Winder and Mission Avenue. All driveways shall be placed on the cul-de-sac streets.

38. The storm drain basin shall be constructed per City Standards and as approved by the City Engineer with Phase One of construction. All discharge from the basin shall be approved by the Merced Irrigation District and the City of Merced.

39. A minimum 10-foot-wide landscape strip shall be provided along Mission Avenue and Winder Avenue. This landscape strip shall be included in the public right-of-way and dedicated to the City of Merced.

40. A 6-foot tall block wall shall be installed along Mission Avenue and Winder Avenue. The wall on Winder Avenue shall be installed with Phase One and the wall on Mission Avenue shall be installed no later than Phase 5.

41. A two-way stop sign stopping northbound and southbound traffic shall be installed at the intersection of Winder Avenue and La Habra Street.

42. The water and storm drain lines shall extend across the full project frontage on Winder and Mission Avenues. The water line shall be looped to Mather Road. Any oversizing of the water lines shall be eligible for reimbursement or credit per Merced Municipal Code Section 15.40.090 (water). MMC Section 15.40.090 provides that reimbursement may be given for any water line in excess of 8-inches, provided that the installing applicant does not need more than an eight-inch diameter water line to serve his own premises. Water lines extended beyond the project development shall be eligible for reimbursement from a subsequent applicant per MMC Sections 15.40.070 and 15.40.080. Per MMC Section 15.40.080, no reimbursement shall be given after the 10th anniversary of the date the water lines were accepted by the City.

43. Curb, gutter, sidewalk, as well as sewer, water, and storm drain lines shall extend across the entire project frontage on Mission and Winder Avenues and along the frontage of the "Remainder" parcel along Winder Avenue.

44. At the building permit stage, the site plans for each lot shall include a minimum 3-foot by 6-foot concrete pad located in the side yard or backyard for the storage of 3 refuse containers.

45. Landscaping and irrigation details shall be provided by the applicant with final maps for each phase and are subject to approval by the City.

RESOLUTION NO. 2021-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, APPROVING THE FINAL SUBDIVISION MAP FOR THE STONERIDGE SOUTH, PHASE 5 SUBDIVISION (#5386)

WHEREAS, a Tentative Subdivision Map for the Stoneridge South, Phase 5 Subdivision was approved on May 9, 2018, by the Planning Commission; and,

WHEREAS, a Final Map conforming to the approved Tentative Map has been filed with the City of Merced; and,

WHEREAS, the City Engineer has reviewed the Final Map and certified that the Final Map substantially conforms to the conditionally approved Vesting Tentative Subdivision Map; and,

WHEREAS, all required certificates on said Final Map have been signed and, where necessary, acknowledged; and,

WHEREAS, the City has determined that the Final Map is statutorily exempt from the California Environmental Quality Act (CEQA) Statutory Exemptions, Title 14 of the California Code of Regulations Section 15268(b)(3) Ministerial Projects, Approval of Final Subdivision Maps and a Notice of Exemption is attached hereto.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES RESOLVE AS FOLLOWS:

SECTION 1. FINDINGS. The City Council finds and declares that:

1. The Final Map is statutorily exempt from the California Environmental Quality Act (CEQA), Statutory Exemptions, Title 14 of the California Code of Regulations Section 15268(b)(3) Ministerial Projects, Approval of Final Subdivision Maps.

2. The Final Map is in substantial compliance with the Tentative Map.

3. The discharge of waste from the proposed subdivision into the sewer system will not result in violation of existing requirements of the Water Quality Control Board.

4. The Final Map is consistent with applicable general and specific plans.

5. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

6. The site is physically suitable for the proposed type of development.

7. The site is physically suitable for the proposed density of development.

8. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife of their habitat.

9. The design of the subdivision or the type of improvements are not likely to cause serious public health problems.

10. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

11. An agreement has been entered into with the developer satisfactory to guarantee completion of public improvements within the subdivision.

SECTION 2. APPROVAL OF MAP. The City Council hereby approves the Final Map for the Stoneridge South, Phase 5 Subdivision and hereby accepts on behalf of the public all Streets, Courts, and Avenues (subject to Subdivision improvements), and all easements and dedications as shown on the map as shown

on the map at Exhibit "A" attached hereto and incorporated herein by this reference.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2021 by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:

_____
Mayor

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

BY:_____
Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____ 4/13/21
City Attorney Date

EXHIBIT A

OWNER'S STATEMENT

I hereby state that I am the owner of or have record title interest in the subdivided real property, and that I am the only person whose consent is necessary to pass clear title to said land. I hereby consent to the preparation and recordation of THIS subdivision map as shown within the exterior boundary lines.

I also hereby irrevocably offer for dedication the real property described below as an easement for public purposes to the City of Merced.

All the Public Utility Easements indicated in the map.

I also hereby irrevocably offer for dedication in fee the real property described below for public purposes to the City of Merced.

La Habra Street, Grand View Court and Rubicon Court as shown on this map.

I further state that I know of no easement or structure existing within the land herein offered for dedication to the public, other than public utilities.

Owner: Stonefield Home, Inc., a California Corporation

_____ Date:_____
Greg Hostetler, President

Fidelity National Title Insurance Company, as Trustee under a Deed of Trust. Document No. 2021-004142. M.C.R.

Trustee: _____ Date:_____
Diane H. Robinson, Asst. Vice President

CITY CLERK'S STATEMENT

I, Stephanie R. Dietz, City Clerk of the City of Merced, State of California do hereby certify that this map was approved at a regular meeting of the City Council of the City of Merced on this ____ day of _____, 20__, and that the Council did accept on behalf of the Public, all Streets, Avenues, and Courts in fee (subject of Subdivision Improvement being accepted by the City of Merced), all easements and dedications indicated on this map and accept all underlying water rights.

IN WITNESS WHEREOF, I hereto set my hand this _____ day of _____, 20__.

Signature:_____
Stephanie R. Dietz, City Clerk

GOLDEN VALLEY
ENGINEERING & SURVEYING
405 W. 19th Street • P.O. Box 349 • Merced, CA 95340
Phone (209) 722-3200 • Fax (209) 722-3254

Job No. 17196 F.B. 232 Pg. 1-11

TITLE REPORT

PRELIMINARY TITLE REPORT
Prepared by: Fidelity National Title Company
Document: FFOM-3012100516
Date: March 19. 2021
Affect: Used in preparation of this plat and considered a part hereto by reference

OMMITTED SIGNATURES

PURSUANT TO SECTION 66436(a)(3)(A)(i) OF THE SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING PARTIES HAVE BEEN OMITTED

(1) RIGHT-OF-WAY
Granted To: Crocker-Huffman Land and Water Company, a Corporation
Purpose: For ditches and canals
Document: Book L of Agreements at Page 553, Merced County Records
Recorded: May 12, 1910

(2) RIGHT-OF-WAY
Granted To: Merced Irrigation District, as successor in interest
Purpose: For ditches, etc.
Document: Book L of Agreements at Page 556, Merced County Records
Recorded: May 12, 1910

SOILS REPORT:

A soils report covering the land within the boundaries of the subdivision was made by Technicon Engineering Services Inc., 4539 N. Brawley #108, Fresno, CA 93722, bearing the date of January 10, 2018, a copy of which is on file with the City of Merced.

Project No. 170805.001

SUBDIVISION AGREEMENT

Subdivision Agreement between the City of Merced and STONEFIELD HOME, INC., for STONE RIDGE SOUTH PHASE 5, recorded as Document Number _____, M.C.R.

RECORDER'S STATEMENT No._____

Filed this____day of _____, 20___, at _____.M. in Volume _____ of Official Plats at Page(s)_____ at the request of Golden Valley Engineering & Surveying, Inc.
Fee:_____

Matt H. May,
County Recorder

By: _____, Deputy

SURVEYOR'S STATEMENT

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of Greg Hostetler on October 11, 2019. I hereby state that this Final Map substantially conforms to the approved or conditionally approved tentative map, if any, and that all monuments shown hereon are of the character and occupy the positions indicated or that they will be set in those positions before March 10, 2022 are or will be sufficient to enable the survey to be retraced.

_____
Duane J. Andrews, L.S. 4052

Dated:_____

CITY ENGINEER'S STATEMENT

I hereby state that I have examined this map and that the subdivision shown hereon is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that this map is in compliance with all provisions of the California Subdivision Map Act and local ordinances applicable at the time of the approval of the tentative map, have been complied with.

Signature:_____
Michael R. Beltran II, R.C.E.83916
City Engineer

Date:_____

CITY SURVEYOR'S STATEMENT

I hereby state that I have examined this Final Map and the subdivision shown hereon and it complies with all provisions of Chapter 2 of the Subdivision Map Act and that I am satisfied that this Subdivision Map is technically correct.

Signature:_____
Joe M. Cardoso, P.L.S. 8851

Date:_____

TENTATIVE MAP No. 1306
MAJOR SUBDIVISION No. 5386

STONE RIDGE SOUTH PHASE 5

BEING A SUBDIVISION OF PORTIONS OF THE REMAINDERS OF LOTS 205 & 206 OF "MAP OF MERCED COLONY" RECORDED IN VOLUME 4 OF OFFICIAL PLATS AT PAGE 24, MERCED COUNTY RECORDS, AS SHOWN ON MAP OF "STONE RIDGE SOUTH PHASE 4" RECORDED IN VOLUME __ OF OFFICIAL PLATS AT PAGES __-__, MERCED COUNTY RECORDS, LYING IN SECTION 31, TOWNSHIP 7 SOUTH, RANGE 14 EAST, MOUNT DIABLO BASE & MERIDIAN.
IN THE CITY OF MERCED, STATE OF CALIFORNIA.

SHEET 1 OF 5 DECEMBER 2020

VOLUME _____ PAGE _____

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this Certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____

On _____, 20__, before me, _____,
a Notary Public personally appeared _____

_____

_____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

Signature _____

Commission No. _____

Commission Expires _____

(DO NOT STAMP)

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this Certificate is attached, and not the truthfulness, accuracy, or validity of that document.

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County of _____

On _____, 20__, before me, _____,
a Notary Public personally appeared _____

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who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

Signature _____

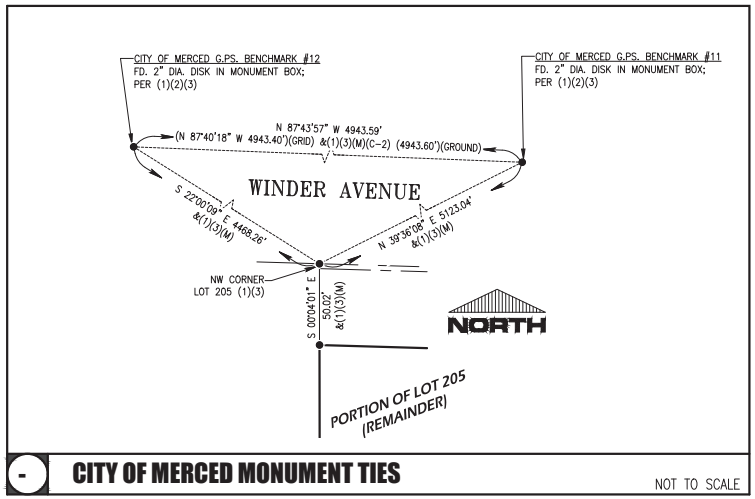
Commission No. _____

Commission Expires _____

(DO NOT STAMP)

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Phone (209) 722-3200 • Fax (209) 722-3254

Job No. 17196 F.B. 232 Pg. 1-11



- CITY OF MERCED MONUMENT TIES NOT TO SCALE

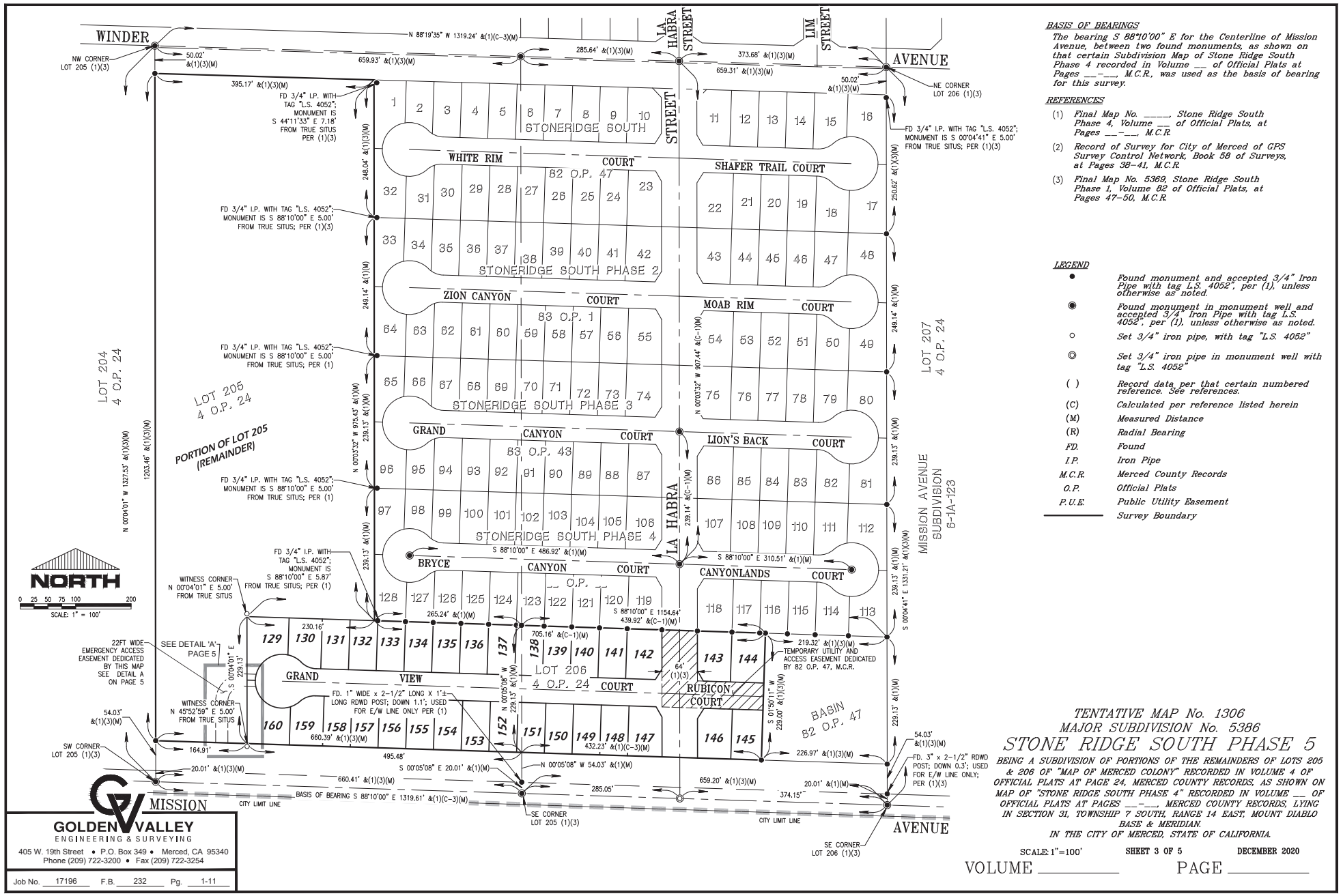
TENTATIVE MAP No. 1306
MAJOR SUBDIVISION No. 5386

STONE RIDGE SOUTH PHASE 5

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IN THE CITY OF MERCED, STATE OF CALIFORNIA.

SHEET 2 OF 5 **DECEMBER 2020**

VOLUME _____ PAGE _____



BASIS OF BEARINGS

The bearing S 88°10'00" E for the Centerline of Mission Avenue, between two found monuments, as shown on that certain Subdivision Map of Stone Ridge South Phase 4 recorded in Volume __ of Official Plats at Pages __-__, M.C.R., was used as the basis of bearing for this survey.

REFERENCES

(1) *Final Map No. _____, Stone Ridge South Phase 4, Volume __ of Official Plats, at Pages __-__, M.C.R.*

(2) *Record of Survey for City of Merced of GPS Survey Control Network, Book 58 of Surveys, at Pages 38-41, M.C.R.*

(3) *Final Map No. 5369, Stone Ridge South Phase 1, Volume 82 of Official Plats, at Pages 47-50, M.C.R.*

LEGEND

●	*Found monument and accepted 3/4" Iron Pipe with tag L.S. 4052", per (1), unless otherwise as noted.*
◉	*Found monument in monument well and accepted 3/4" Iron Pipe with tag L.S. 4052", per (1), unless otherwise as noted.*
○	*Set 3/4" iron pipe, with tag "L.S. 4052"*
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( )	*Record data per that certain numbered reference. See references.*
(C)	*Calculated per reference listed herein*
(M)	*Measured Distance*
(R)	*Radial Bearing*
FD.	*Found*
I.P.	*Iron Pipe*
M.C.R.	*Merced County Records*
O.P.	*Official Plats*
P.U.E.	*Public Utility Easement*
———	*Survey Boundary*

TENTATIVE MAP No. 1306
MAJOR SUBDIVISION No. 5386

STONE RIDGE SOUTH PHASE 5

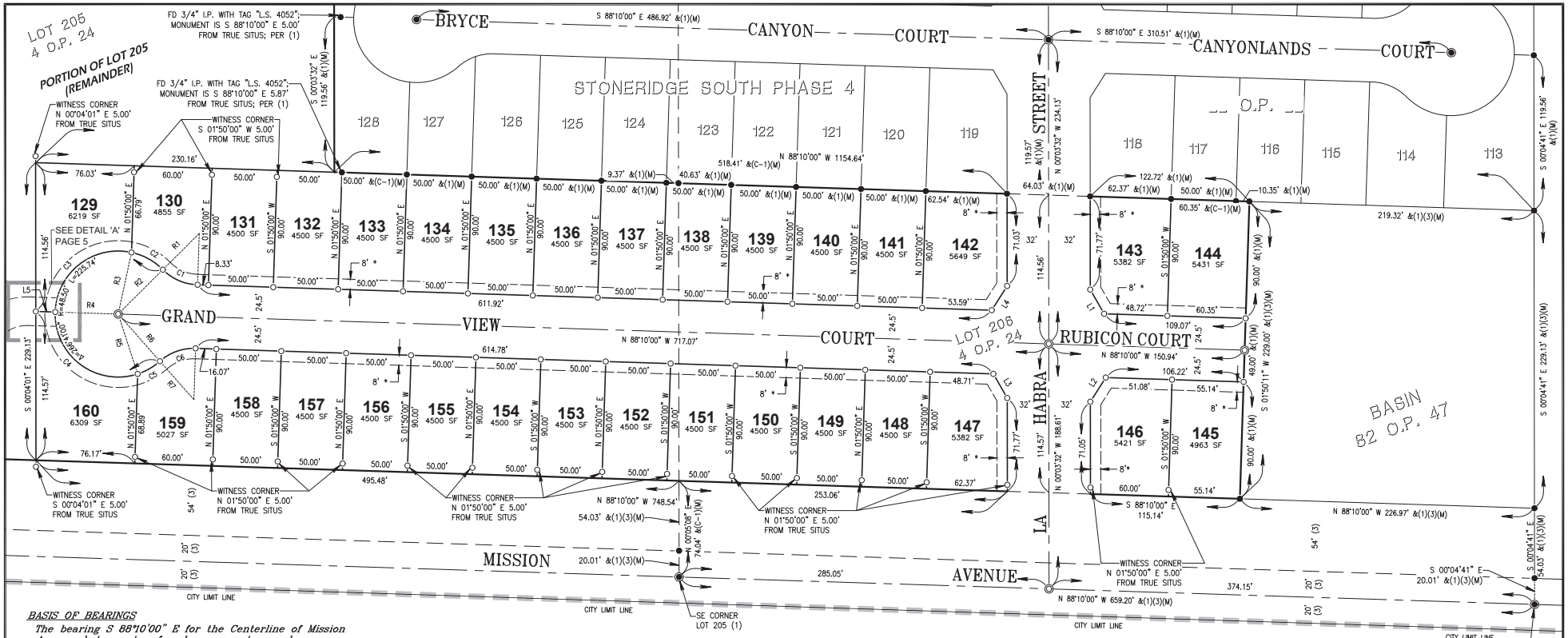
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IN THE CITY OF MERCED, STATE OF CALIFORNIA.

SCALE: 1"=100' **SHEET 3 OF 5** **DECEMBER 2020**

VOLUME _____ PAGE _____

MISSION GOLDEN VALLEY ENGINEERING & SURVEYING
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Phone (209) 722-3200 • Fax (209) 722-3254

Job No. 17196 F.B. 232 Pg. 1-11



BASIS OF BEARINGS

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M.C.R.	*Merced County Records*
O.P.	*Official Plats*
P.U.E.	*Public Utility Easement*
———	*Survey Boundary*

CURVE TABLE			
CURVE #	DELTA	RADIUS	LENGTH
C1	43°20'30"	39.50'	29.88'
C2	32°58'14"	48.50'	27.91'
C3	100°22'16"	48.50'	84.96'
C4	109°51'02"	48.50'	92.99'
C5	23°29'28"	48.50'	19.88'
C6	43°20'30"	39.50'	29.88'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S29°51'18"E	21.47'
L2	N32°30'31"E	22.08'
L3	S29°52'38"E	21.48'
L4	S32°33'47"W	22.11'
L5	N88°10'00"W	15.00'

RADIAL LINE TABLE	
RADIAL #	DIRECTION
R1	S45°10'30"W
R2	S45°10'30"W
R3	N12°12'16"E
R4	N88°10'00"W
R5	S18°01'02"E
R6	S41°30'30"E
R7	S41°30'30"E

NORTH

0 25 50 100

SCALE: 1" =50'

MAP NOTE

** PUBLIC UTILITY EASEMENT DEDICATED BY THIS MAP*

TENTATIVE MAP No. 1306
MAJOR SUBDIVISION No. 5386

STONE RIDGE SOUTH PHASE 5

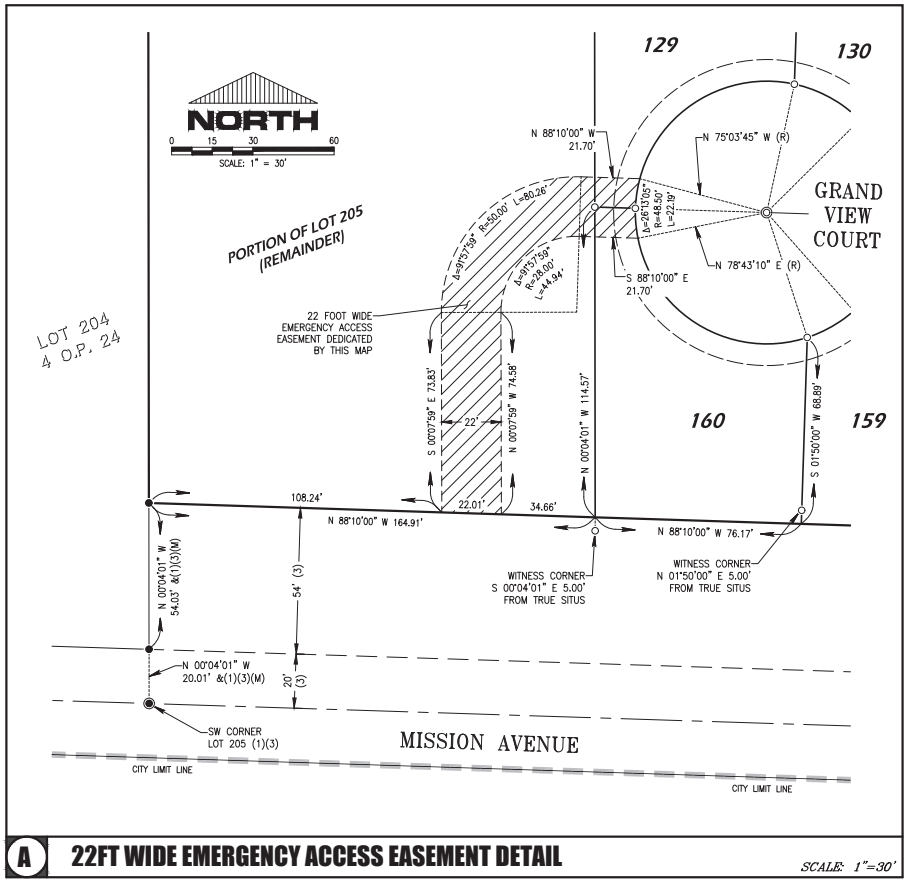
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IN THE CITY OF MERCED, STATE OF CALIFORNIA.

SCALE: 1"=50' **SHEET 4 OF 5** **DECEMBER 2020**

VOLUME _____ PAGE _____

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Job No. 17196 F.B. 232 Pg. 1-11



A 22FT WIDE EMERGENCY ACCESS EASEMENT DETAIL

SCALE: 1"=30'

BASIS OF BEARINGS

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TENTATIVE MAP No. 1306
MAJOR SUBDIVISION No. 5386

STONE RIDGE SOUTH PHASE 5

BEING A SUBDIVISION OF PORTIONS OF THE REMAINDERS OF LOTS 205 & 206 OF "MAP OF MERCED COLONY" RECORDED IN VOLUME 4 OF OFFICIAL PLATS AT PAGE 24, MERCED COUNTY RECORDS, AS SHOWN ON MAP OF "STONE RIDGE SOUTH PHASE 4" RECORDED IN VOLUME __ OF OFFICIAL PLATS AT PAGES __-__, MERCED COUNTY RECORDS, LYING IN SECTION 31, TOWNSHIP 7 SOUTH, RANGE 14 EAST, MOUNT DIABLO BASE & MERIDIAN.
IN THE CITY OF MERCED, STATE OF CALIFORNIA.

SHEET 5 OF 5 **DECEMBER 2020**

VOLUME _____ PAGE _____

RECORDING REQUESTED BY:

City of Merced, A California
charter municipal corporation

WHEN RECORDED MAIL TO:

City of Merced
City Clerk
678 West 18th Street
Merced, California 95340

Exempt Recording Per Gov't Code Section 6103

(Above for Recorder's Use Only)

DOCUMENT TITLE

SUBDIVISION AGREEMENT WITH CONTINUING COVENANTS (CFD CONDITION)

A SUBDIVISION AGREEMENT BETWEEN THE CITY OF MERCED AND STONEFIELD HOME, INC., A CALIFORNIA CORPORATION, FOR STONERIDGE SOUTH, PHASE 5
TO BE RECORDED CONCURRENTLY WITH THE FINAL MAP FILED THIS ____ DAY OF _____ 2021, AT _____ _.M. IN BOOK _____ OF OFFICIAL PLATS, AT PAGES _____, MERCED COUNTY RECORDS

SUBDIVISION AGREEMENT
(CFD Condition)
(Bonds as Security)

THIS AGREEMENT, made and entered into _____ ___, 2021 between the City of Merced, a California Charter Municipal Corporation, hereinafter called "City," and Stonefield Home, Inc., a California Corporation, hereinafter called "Subdivider," relates to the installation of improvements within Stoneridge South, Phase 5, a subdivision of real property within the corporate limits of "City."

RECITALS

A. The Planning Commission of City, on May 9, 2018, adopted Resolution No. 3092 approving the tentative map of the above mentioned subdivision.

B. Subdivider has submitted for approval the final map of said subdivision in full compliance with State Law and City subdivision ordinances. Final Map Application Number 5386 was submitted by the Subdivider on December 9, 2020. A complete Final Map Application (including all bonds and insurance) was filed with the City on _____ ___, 20__.

C. Section 18.24.100 of the Merced Municipal Code requires certain improvements within said subdivision.

D. Improvement plans for said subdivision have been approved by the City.

E. The "Subdivision Map Act" and Section 18.24.150 of the Merced Municipal Code require certain security to guarantee the installation of said improvements.

F. Inspection fees required in accordance with Section 18.24.110 of the Merced Municipal Code have been paid.

G. Condition of Approval of the tentative subdivision map No. 8 requires the Subdivider to have established a Community Facilities District

("CFD") for public safety, maintenance, and other services prior to obtaining a Final Map for the property.

Based upon the foregoing recitals, and in consideration of the mutual covenants, promises, and agreements herein contained, and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged and agreed, the parties hereto mutually agree as follows:

AGREEMENT

1. AGREEMENT TO CONDITIONS IMPOSED

Subdivider, for himself and all successors thereto, acknowledges and agrees to all conditions imposed in the Planning Commission Resolution approving the Tentative Map as identified in Recital A above.

2. IMPROVEMENTS

A. Subdivider agrees to cause all improvements to be made and constructed in said subdivision within twelve (12) months of the date of City approval of this Agreement, in full compliance with the requirements of approved Tentative Map, the Conditions of Approval thereto, and the City's "Standard Designs for Common Engineering Structures," and with the improvement plans approved by City and any changes or alterations in such work required by City, and to pay for any materials, provisions, or other supplies used in, upon, for, or about the performance of said work, and for any work or labor done thereon of any kind, and any amounts due under the Unemployment Insurance Act with respect to such work or labor.

B. The Subdivider may request an extension of time to complete the terms hereof. Such request shall be submitted to the City in writing no less than four (4) weeks before the expiration date hereof, and shall contain a statement of circumstances necessitating the extension of time. The City shall have the right to review the provisions of this Agreement, including the construction standards, cost estimate, and improvement security, and to require adjustments therein if any substantial change has occurred during the term hereof.

C. If the Subdivider fails or neglects to comply with the provisions of this Agreement, the City shall have the right at any time to cause said provisions to be met by any lawful means, and thereupon recover from the Subdivider and/or his surety the full cost and expense incurred.

3. SECURITY—FILING OF THE SAME

The Subdivider shall file securities for this Agreement per Sections 66496 and 66499 of the Government Code as follows and as shown on Exhibit "A" attached hereto:

A. To secure faithful performance of this Agreement, security in an amount equal to one hundred (100%) percent of the estimated cost of the work as determined by the City shall be filed with the City prior to the Final Map application being considered complete or action on the same by the City Council.

B. To secure payment to the contractor, his subcontractors, and to persons furnishing labor, materials, or equipment to them, security in an amount equal to fifty (50%) percent of the estimated cost of the work as determined by the City shall be filed with the City prior to the Final Map application being considered complete or action on the same by the City Council.

C. To secure the guarantee and warranty of the work for a period of one (1) year following the completion and acceptance of the work, security in an amount equal to fifteen (15%) percent of the estimated cost of the work as determined by the City shall be filed with the City prior to final acceptance of the work by the City.

D. To secure payment of the cost of setting of monuments, security in an amount equal to one hundred (100%) percent of the estimated cost of setting such monuments as determined by the City shall be filed with the City prior to the Final Map application being considered complete or action on the same by the City Council.

If security is furnished in the form of a bond or bonds, such bonds shall be executed by a corporate surety company authorized to transact surety business in the State of California. Liability for security furnished as

described herein shall be limited as set forth in Government Code Sections 66499.9 and 66499.10.

4. SECURITY—RELEASE OF THE SAME

Release of Securities shall be as follows:

A. Security given for faithful performance may be released thirty-five (35) days after recording Notice of Completion of the work provided that evidence of recording of the Notice of Completion has been furnished to the City, the City has finally accepted the work, and provided the security has been furnished to the City to guarantee and warrant the work for one (1) year following the date of such acceptance of the work.

B. Security securing the payment to the contractor, his subcontractors, and to persons furnishing labor, materials, or equipment may be released six (6) months after recording Notice of Completion provided no claims have been filed with the City in accordance with the Subdivision Map Act.

C. The security guaranteeing that the completed work remains satisfactory during the required one-year warranty period may be released upon correction, by Subdivider, of any defects in the work existing at the end of the warranty period.

D. Monument security may be released in accordance with the provisions of Section 66497 of the Government Code.

In the event that improvements do not conform to the plans and specifications or defects are not corrected within the time limits specified by City, the City shall have the authority to order the necessary work done and to recover the cost of such work, as well as any costs of enforcing such obligation, including attorney fees, from the Subdivider and the Subdivider's surety or the financial institution providing the Instrument of Credit.

5. INSPECTION

City shall inspect all improvements made in connection with said subdivision for compliance with City requirements. Subdivider shall give at least twenty-four (24) hours' notice to City, including at least one full

working day prior to any inspection. Improvements installed without inspection by the City shall be subject to rejection. Subdivider shall pay to City an amount equal to three (3) percent of the total estimated cost of the improvements as determined by City to cover the cost of inspection. Inspection by the City shall in no way relieve the Subdivider or its sureties of full responsibility for defective materials or workmanship. Any costs associated with testing of improvements shall be paid by the Subdivider in advance of the testing.

Neither final inspection nor acceptance of any public improvements for said subdivision will be permitted prior to receipt by City of sufficient monies to cover the cost of testing and inspection exceeding the above deposit.

6. FULFILLMENT OF CONDITIONS OF APPROVAL.

Condition of Approval No. 8 of Subdivider's Tentative Map requires Subdivider to have formed a Community Facilities District (CFD) prior to obtaining approval of a Final Map for Subdivider's project. Stoneridge South was annexed into CCFD 2003-1 (Services) as part of Annexation No. 14 approved by the Merced City Council on April 20, 2020. Therefore, this condition has been satisfied.

7. SAFETY

Subdivider shall perform all work in accordance with the applicable sections of Title 8 of the California Code of Regulations (CAL OSHA), and the "WATCH" (Work Area Traffic Control Handbook) published by Building News, Inc., and available at the City Engineer's office. Provisions shall be made by Subdivider for protection of the traveling public on all public roads affected by the improvements.

Barricades and related facilities shall be placed in such number and in such locations as for public safety, and at night they shall be equipped with flashing yellow lights. City reserves the right to require and Subdivider shall promptly install or place additional barricades or other facilities to assure public safety if City shall deem the same to be necessary or desirable for public safety. Subdivider is responsible for all liability which may arise out of work herein permitted whether or not public property, and shall indemnify, protect, defend, and hold City harmless from any and all

claims, damages (including injury or death to any person or persons) , or causes of action arising therefrom or related thereto.

8. INDEMNITY

The Subdivider shall take and assume all responsibility for the construction of the improvements and the safety of operation in connection therewith. The Subdivider shall bear all losses and damages directly or indirectly resulting to the City, its officers, employees, and agents or others on account of the construction of the improvements, unforeseen difficulties, accidents, or any other causes whatsoever.

The Subdivider shall protect, assume the defense of and indemnify and save harmless the City, its officers, employees, and agents from all claims, loss, damage, injury—including the death of any person or persons, and liability of every kind, nature, and description, directly or indirectly arising from the construction of the improvements.

The Subdivider shall indemnify, protect, defend, and hold harmless the City, and any agency or instrumentality thereof, and 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, Subdivider 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 another governmental entity in which Subdivider'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 Subdivider 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 Subdivider 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.

9. PREVAILING WAGES

Subdivider acknowledges that City has made no representation, express or implied, to Subdivider or any person associated with Subdivider regarding whether or not laborers employed relative to the construction of the improvements to be constructed pursuant to this Agreement must be paid the prevailing per diem wage rate for their labor classification, as determined by the State of California, pursuant to Labor Code Section 1720, *et seq*. ("Prevailing Wage Laws"). Subdivider agrees with City that Subdivider shall assume any and all responsibility and be solely responsible for determining whether or not laborers employed relative to the construction undertaken pursuant to this Agreement must be paid the prevailing per diem wage rate pursuant to the Prevailing Wage Laws or other applicable law.

Subdivider, on behalf of itself, its successors, and assigns, waives and releases City from any right of action that may be available to any of them pursuant to Labor Code Section 1781 or any similar law. Relative to the waiver and release set forth in this Section, Subdivider acknowledges the protections of Civil Code Section 1542, which reads as follows:

> A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor.

By initialing below, Subdivider knowingly and voluntarily waives the provisions of Section 1542 or any similar law solely in connection with the waivers and releases contained in this Section.

_____	_____
Initials of City Manager	Initials of Authorized Subdivider Representative

Subdivider shall indemnify, hold harmless and defend City against any claim for damages, compensation, fines, penalties or other amounts arising out of the failure or alleged failure of any person or entity (including Subdivider, its contractor(s) and subcontractors) to pay prevailing wages as required by law or to comply with the other applicable provisions of Labor

Code Sections 1720 *et seq.* and implementing regulations of the Department of Industrial Relations in connection with construction and installation of the improvements required pursuant to this Agreement. Subdivider's defense of the City shall be provided by counsel reasonably acceptable to the City.

The foregoing indemnity shall survive any termination of this Agreement.

10. INSURANCE

Subdivider further agrees that before commencing any work pursuant to this Agreement, Subdivider shall obtain, and at all times prior to final acceptance of all improvements hereunder, keep in full force and effect, insurance coverage in such limits and amounts, and covering such risks as shall be acceptable to City.

All policies of insurance must be issued by a company that is either:

(1) Admitted to transact insurance business in the State of California;

(2) On the "LESLI List," i.e., the List of Eligible Surplus Line Insurers; or,

(3) In the form of a risk retention group ("RRG") so long as the RRG contains at least $750,000 in capital, has been in operation for at least one year, and the reinsurance agreement associated with the RRG contains AM Best A rated insurers with an attachment point of $250,000 or less.

All insurance companies must have an A.M. Best's rating of at least A- and a financial size of IX or X. All required policies shall contain an endorsement adding the Indemnified Parties under the agreement, specifically including but are not limited to, the City, its officers, employees, and agents, as additional insureds. The required policies shall stipulate that this insurance will operate as primary insurance for work performed by Developer and its sub-contractors, and that no other insurance effected by

City or other named insureds will be called on to cover a loss covered thereunder. The General Liability insurance shall be provided by an ISO Commercial General Liability policy, with edition dates of 1985, 1988, or 1990. The additional insured endorsement required hereunder must be issued using ISO form CG 20 10 11 85, or the same form with an edition date no later than 1990. In lieu of CG 20 10 11 85, City will accept alternate additional insured endorsements on ISO forms CG 20 10 10 01 and CG 20 37 10 01, but only if both forms are used together and provided to City. The minimum coverage and limits shall be as follows:

COVERAGE	LIMITS
Workers Compensation	Statutory
Comprehensive General Liability, including or separately insuring liability assumed by contract	
Bodily Injury	$1,000,000 per person $1,000,000 per occurrence
Property Damage	$ 500,000 per occurrence

Subdivider shall, prior to commencement of construction work, furnish to City a certificate of insurance, which shall provide that the above insurance shall not be cancelled without thirty (30) days prior written notice to City. Prior to acceptance of the improvements, the Subdivider shall provide the City with a copy of the endorsements required herein.

11. AS-BUILTS

Subdivider shall submit one (1) reproducible print (mylar) of the improvements "as-built" to City prior to release of securities.

12. NOTICE OF COMPLETION

City shall record a Notice of Completion with the Merced County Recorder immediately following City's acceptance of the improvements.

13. APPROVALS

This Agreement is subject to approval by the City Manager of City as to substance, and by the City Attorney as to form. Any improvement securities tendered hereunder shall be subject to approval by the City

Manager as to amount, and by the City Attorney as to form and legal sufficiency.

14. SUCCESSORS AND ASSIGNS

This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the respective parties hereto.

15. WAIVER

In the event that either City or Consultant shall at any time or times waive any breach of this Agreement by the other, such waiver shall not constitute a waiver of any other or succeeding breach of this Agreement, whether of the same or any other covenant, condition or obligation. Waiver shall not be deemed effective until and unless signed by the waiving party.

16. VENUE

This Agreement and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this Agreement shall be held exclusively in a state court in the County of Merced.

17. AMENDMENT

This Agreement shall not be amended, modified, or otherwise changed unless in writing and signed by both parties hereto.

18. INTEGRATION

This Agreement constitutes the entire understanding and agreement of the parties and supersedes all previous and/or contemporaneous understandings or agreements between the parties with respect to all or any part of the subject matter hereof.

19. AUTHORITY TO EXECUTE

The person or persons executing this Agreement on behalf of the parties hereto warrants and represents that he/she/they has/have the authority to execute this Agreement on behalf of their entity and has/have

the authority to bind their party to the performance of its obligations hereunder.

20. COUNTERPARTS

This Agreement may be executed in one or more counterparts with each counterpart being deemed an original. No counterpart shall be deemed to be an original or presumed delivered unless and until the counterparts executed by the other parties hereto are in the physical possession of the party or parties seeking enforcement thereof.

IN WITNESS WHEREOF, three (3) identical counterparts of this Agreement, each of which shall for all purposes be deemed an original thereof, have been duly executed by the parties hereinabove named, on the day and year first herein written.

CITY OF MERCED
A California Charter Municipal Corporation

By:_____
City Manager

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

By:_____
Assistant/Deputy City Clerk

APPROVED AS TO FORM:

By:_____ 12/28/2020
City Attorney Date

FUNDS/ACCOUNTS VERIFIED BY:

_____

Finance Officer Date

DEVELOPER:
STONEFIELD HOME, INC.,
A California Corporation

By: _____
Greg Hostetler

Its: President

Address: 923 E. Pacheco Blvd.
Suite C
Los Banos, CA 93635

Telephone: (209) 826-6200

Taxpayer I.D. Number: 32-0439641

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Merced)

On March 24, 2021 before me, Regina A. Robles Notary Public
(insert name and title of the officer)

personally appeared Greg Hostetler,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Regina R [illegible] (Seal)

REGINA A. ROBLES
Notary Public - California
Merced County
Commission # 2345695
My Comm. Expires Feb 8, 2025

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ **(Seal)**

EXHIBIT A

Stoneridge South Phase 5

The securities for this subdivsiion shall be according, or equivalent to, either Method 1 or Method 2 below.

	METHOD 1		METHOD 2
Engineer's Estimate	Performance Bond	Labor & Materials Bond	Cash/Credit Security
$714,052.90	$714,052.90	$357,026.45	$856,863.48

One-Year Warranty Bond*	$107,107.94

*shall be provided prior to a Notice of Completion being filed

CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

Agenda Item J.6. Meeting Date: 5/17/2021

Report Prepared by: Francisco Mendoza-Gonzalez, Associate Planner, Development Services Department

SUBJECT: Adoption of Resolution Declaring the Intent to Vacate the Northern Portion of the Arbor Walkway Easement (Approximately 2,800 Square Feet) Which Would Revert Development Rights Back to the Adjacent Property Owner of 531 W. Main Street, Merced, Generally Located on the North Side of Main Street, Approximately 150 Feet East of M Street, and Setting a Public Hearing for June 21, 2021 (Vacation #21-03)

REPORT IN BRIEF
Considers the vacation of the northern portion of the Arbor Walkway easement (approximately 2,800 square feet) which would revert development rights back to the adjacent property owner of 531 W. Main Street, Merced.

RECOMMENDATION
City Council - Adopt a motion adopting **Resolution 2021-33**, a Resolution of the City Council of the City of Merced, California, declaring its intention to vacate the Arbor Walkway north easement (approximately 2,800 square feet) which would revert development rights back to adjacent property owner of 531 W. Main Street (Vacation #21-03) and setting time and place for Public Hearing.

ALTERNATIVES
1. Approve, as recommended by staff; or,
2. Approve, subject to modifications as conditioned by Council; or,
3. Deny based on specific findings; or,
4. Refer back to staff for reconsideration of specific items as requested by Council; or,
5. Continue to a future meeting (date and time to be specified in Council motion).

AUTHORITY
Part 3, Chapter 3 of the Streets and Highways Code of the State of California authorizes the City Council to vacate a right-of-way or easement. The vacation shall be made by adoption of a resolution pursuant to Section 8335 of the Code, and shall be recorded pursuant to Section 8336. The City of Merced Administrative Policies and Procedures No. A-6 provides direction to staff for processing vacation requests, and City Resolution 86080 establishes a policy concerning costs associated with the vacation.

CITY COUNCIL PRIORITIES
Not applicable.

DISCUSSION

Request

The subject site is a 7,500-square-foot developed parcel zoned Central Commercial at 531 W. Main Street. The subject site contains a two-story building located in Downtown Merced with multiple suites that include several businesses such as United Way and Merced Chamber of Commerce. The northern portion of Arbor Walkway was installed several decades ago by the Redevelopment Agency. The intent was to create a mid-block walking path for residents parking within the City Parking Lot located on the south side of 18th Street, between M Street and Canal Street. Arbor Walkway would act as a direct path for residents parking in this area walking to Main Street.

Over the years, there have been several maintenance issues with the northern portion of Arbor Walkway, such as vandalism, trash, and debris being left at the site. The owner of 531 W. Main Street would like to take back full development rights of this walkway to better secure the area and improve it with outdoor seating (with food and drink service). City staff has indicated that this area has become a public nuisance and that there is no need for public use, as there are other pedestrian access points to Main Street from M Street and Canal Street sidewalks, although these access points are less direct than the direct cut-through currently provided by Arbor Walkway.

History and Past Actions

Arbor Walkway was acquired through the Redevelopment Agency. After the Redevelopment Agency was disbanded around 2010, the area was transferred over to the Designated Local Authority. As the City has no public benefit for Arbor Walkway, if the vacation is approved, the walkway agreement between the City and 531 W. Main Street would be terminated, and the development rights to use the area would revert back to the property owner of 531 W. Main Street.

At the Planning Commission meeting of April 21, 2021, the Planning Commission reviewed the vacation for consistency with the City's General Plan and found, by unanimous vote of those present, that the proposed vacation does not conflict with any General Plan policies, text, or maps, and is, therefore, consistent with the General Plan.

Recommendation

City Staff believes this easement is no longer needed and should be abandoned to give the property owners full use of their property. Staff is recommending the adoption of the Resolution at Attachment 4 to set a public hearing for June 21, 2021, to vacate the northern portion of the Arbor Walkway easement as described above.

IMPACT ON CITY RESOURCES

The approval of the requested vacation would not result in any impacts on City resources.

ATTACHMENTS

1. Location Map
2. Legal Description

3. Parcel Map
4. Draft City Council Resolution 2021-33

Subject Site
W Main St
Main St
Ravello's
Takeout · Delivery
Building Healthy Communities
Rental Zeh
Barber Shop
Talons Nail Supply & Salon
Second Time Around
Used book store
Merced Tattoo and Piercing Co
Brightdart Print & Design
Print shop
J&S Photo Imaging
1724
1718
559
557
555
551
547

EXHIBIT A

LEGAL DESCRIPTION

Real property in the City of Merced, County of Merced, State of California, described as follows:

That portion of Lot 11 and Lot 12 in Block 163 according to that certain map entitled, "SUPPLEMENATL MAP TO TOWN OF MERCED, " recorded March 4, 1889, in Book 1 of Maps, Page 12, and now appears in Book 2 of Maps, Page 12, Merced County Records, described as follows:

Beginning at the most westerly corner of said Lot 12; thence N65°20'W, along the southwesterly line of said Lot 11, a distance of five and one-quarter inches; thence N25°02'30"E, for 150.00 feet to a point on the northeasterly line of said Lot 12 that is S65°20'E, for 6.53 inches from the most northerly corner of said Lot 12; thence S65°20'E, for 24.83 feet along the northeasterly line of said Lot 12; thence S69°29'55"W, for 16.97 feet; thence S24°29'55"W, for 38.00 feet; thence S65°30'05"E, for 6.00 feet; thence S24°29'55"W, for 6.00 feet; thence S65°30'05"E, for 6.00 feet; thence S24°29'55"W, for 38.00 feet; thence N 65°30'05"W, for 6.00 feet; thence S24°29'55"W, for 6.00 feet; thence N65°30'05"W, for 6.00 feet; thence S24°29'55"W, for 38.00 feet; thence S20°30'05"E, for 16.97 feet to a point on the southwesterly line of said Lot 12; thence N65°20'W, for 25.81 feet to the place of beginning.

—NOTE—
This map is for Assessment purposes only. It is not to be construed as portraying legal ownership or divisions of land for purposes of zoning or subdivision law.

TOWN OF MERCED

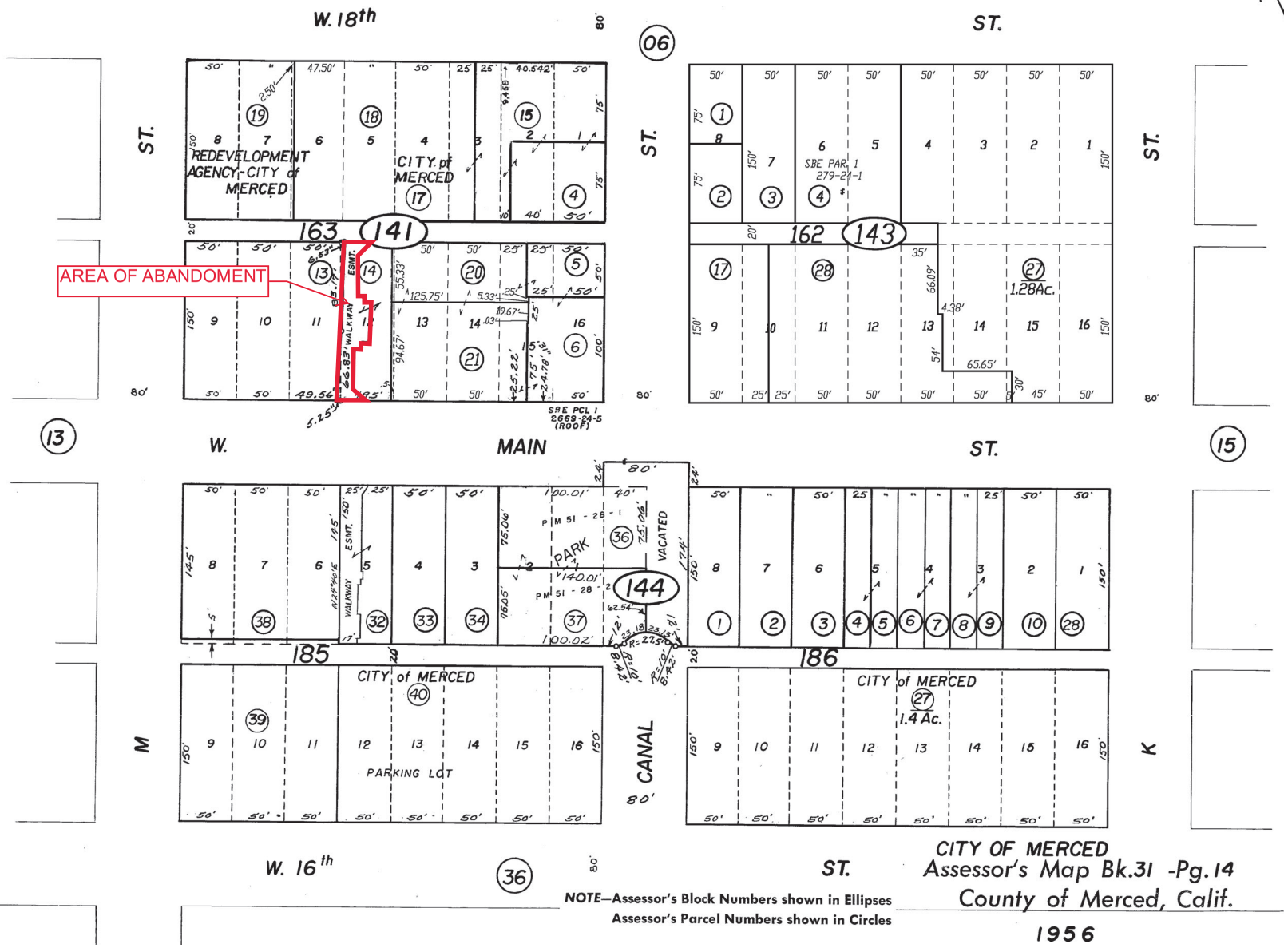
R.M. Vol. 2 Pg. 12

POR. SEC. 30, T. 7S., R. 14E., M.D.B.&M.

Tax Rate Area 5-49
5-50

31-14

1"=100'



NOTE—Assessor's Block Numbers shown in Ellipses
Assessor's Parcel Numbers shown in Circles

CITY OF MERCED
Assessor's Map Bk. 31 -Pg. 14
County of Merced, Calif.
1956

REVISED 5/65
11/73
12/76
2/80
12-28-05

ATTACHMENT 3

RESOLUTION NO. 2021-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, DECLARING ITS INTENTION TO VACATE THE ARBOR WALKWAY NORTH EASEMENT (APPROXIMATELY 2,800 SQUARE FEET) WHICH WOULD REVERT DEVELOPMENT RIGHTS BACK TO ADJACENT PROPERTY OWNER OF 531 W. MAIN STREET (VACATION #21-03) AND SETTING TIME AND PLACE FOR PUBLIC HEARING

WHEREAS, the City Engineer of the City of Merced has recommended that the hereinafter described area is unnecessary for prospective public purposes; and

WHEREAS, the City Engineer has filed maps or plans with the City Clerk of the City of Merced showing the area to be vacated at a specific time that will be determined.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. The City Council of the City of Merced declares its intention to proceed under the provisions of Part 3 of the Streets and Highways Code of the State of California, being the Public Streets, Highways, and Service Easements Vacation Law, Chapter 3, to vacate Arbor Walkway North easement (approximately 2,800 square feet) which would revert development rights back to the adjacent property owner of 531 W. Main Street, generally located at the north side of Main Street, approximately 145 feet east of M Street (Vacation #21-03) , as described in Exhibit A and shown at Exhibit B, attached hereto and incorporated herein by this reference.

SECTION 2. Reference is made to the maps and plans which are filed in the office of the City Clerk of the City of Merced for further particulars as to the proposed vacation.

SECTION 3. June 21, 2021, at the hour of 6:00 p.m. of said day in the Council Chamber of the City Council, 678 West 18th Street, Merced, California, is

fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation. Said hearing may be postponed or continued.

SECTION 4. The City Engineer is directed to post or cause to be posted at least two weeks before the date set for hearing not less than three (3) notices of vacation of the area, not more than three hundred (300) feet apart, conspicuously along the lines of said portion of the public street proposed to be vacated, stating adoption of this resolution and the time and place of the hearing herein called. Posting a copy of this resolution shall constitute the posting of the required notice.

SECTION 5. The City Clerk is directed to cause a copy of this Resolution to be published once each week for two successive weeks prior to the public hearing in the official newspaper.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2021, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

_____
Mayor

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

BY:_____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

Pamela A Mm 4/21/21
City Attorney Date

EXHIBIT A

LEGAL DESCRIPTION

Real property in the City of Merced, County of Merced, State of California, described as follows:

That portion of Lot 11 and Lot 12 in Block 163 according to that certain map entitled, "SUPPLEMENATL MAP TO TOWN OF MERCED, " recorded March 4, 1889, in Book 1 of Maps, Page 12, and now appears in Book 2 of Maps, Page 12, Merced County Records, described as follows:

Beginning at the most westerly corner of said Lot 12; thence N65°20'W, along the southwesterly line of said Lot 11, a distance of five and one-quarter inches; thence N25°02'30"E, for 150.00 feet to a point on the northeasterly line of said Lot 12 that is S65°20'E, for 6.53 inches from the most northerly corner of said Lot 12; thence S65°20'E, for 24.83 feet along the northeasterly line of said Lot 12; thence S69°29'55"W, for 16.97 feet; thence S24°29'55"W, for 38.00 feet; thence S65°30'05"E, for 6.00 feet; thence S24°29'55"W, for 6.00 feet; thence S65°30'05"E, for 6.00 feet; thence S24°29'55"W, for 38.00 feet; thence N 65°30'05"W, for 6.00 feet; thence S24°29'55"W, for 6.00 feet; thence N65°30'05"W, for 6.00 feet; thence S24°29'55"W, for 38.00 feet; thence S20°30'05"E, for 16.97 feet to a point on the southwesterly line of said Lot 12; thence N65°20'W, for 25.81 feet to the place of beginning.

TOWN OF MERCED

R.M. Vol.2 Pg.12

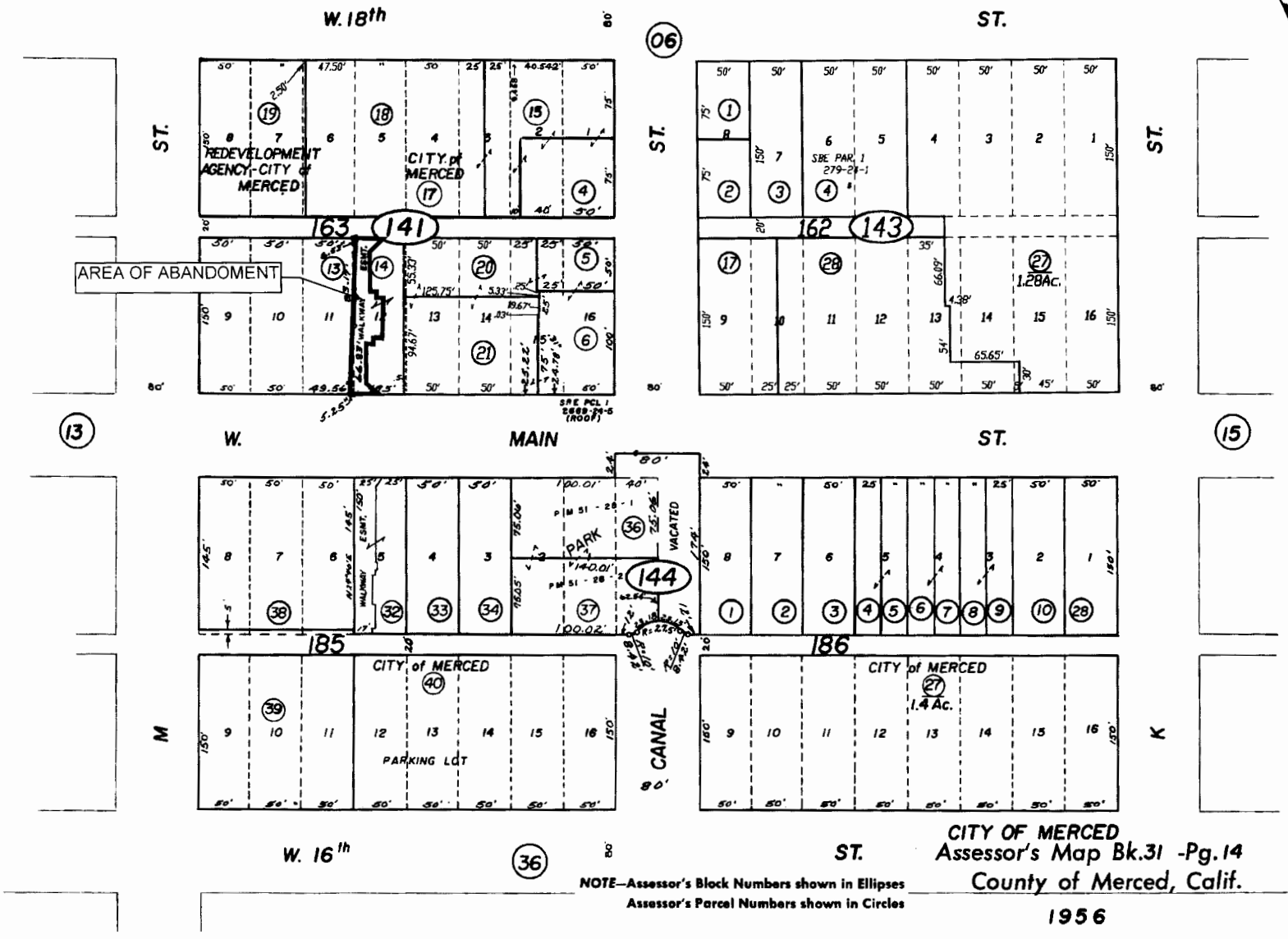
POR. SEC.30, T.7S., R.14E., M.D.B.&M.

Tax Rate Area 5-49 5-50

31-14

1"=100'

—NOTE—
This map is for Assessment purposes only. It is not to be construed as portraying legal ownership or divisions of land for purposes of zoning or subdivision law.



NOTE—Assessor's Block Numbers shown in Ellipses
Assessor's Parcel Numbers shown in Circles

CITY OF MERCED
Assessor's Map Bk.31 -Pg.14
County of Merced, Calif.
1956

EXHIBIT B

REVISED 5/65 11/73 12/76 2/80 12-28-05

CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

Agenda Item J.7. Meeting Date: 5/17/2021

Report Prepared by: Wally Broughton, Public Works Manager - Operations

SUBJECT: Approval of First Amendment for Card-Lock Fuel Station Services to Reflect the Name Change of Tesei Petroleum, Inc. to Van De Pol Enterprises, Inc.

REPORT IN BRIEF
Considers approving a first amendment for card-lock fuel station services to reflect the name change of Tesei Petroleum, Inc., to Van De Pol Enterprises, Inc.

RECOMMENDATION
City Council - Adopt a motion approving the first amendment with Van De Pol Enterprises, Inc., for card-lock fuel station services and authorizing the City Manager or designee to execute the necessary documents.

ALTERNATIVES
1. Approve, as recommended by staff; or,
2. Approve, subject to conditions other than recommended by staff (identify specific findings and/or conditions amended to be addressed in the motion); or,
3. Deny; or,
4. Refer to staff for reconsideration of specific items; or,
5. Continue to a future meeting (date and time to be specified in the motion).

AUTHORITY
Section 200 et seq. of the Merced City Charter.

Services with an estimated value greater than $33,000.00 are made by written contract in accordance with Merced Municipal Code, Title 3 - Revenue and Finance, Chapter 3.04.

CITY COUNCIL PRIORITIES
As provided for in the FY 2020/2021 adopted budget.

DISCUSSION
The City of Merced, has maintained a primary fuel station located at the Public Works Corporation Yard since 1990. There are several smaller fueling locations throughout the City which include the Wastewater Treatment Facility, four Fire Stations, and multiple Water Well sites equipped with fuel tanks for well pump emergency generators. With no unleaded fuel tanks at the Corporation Yard, all of the unleaded fuel for all City vehicles must be purchased off-site from a card-lock fuel station

vendor.

The Public Works Fleet Services Division issued a Request for Proposal (RFP) soliciting proposals to provide fuel delivery and/or local Card-Lock fueling services. On October 5, 2020, Council approved an agreement with Tesei Petroleum, Inc., to provide card-lock fuel station services. The original contract term was from December 1, 2020 through June 30, 2022 with the option to extend for three additional one-year periods.

Subsequent to the contract award, Tesei Petroleum, Inc., combined businesses with Van De Pol Enterprises, Inc., effective March 1, 2021. A contract amendment is necessary to reflect the vendor's name change. The City Attorney's Office has drafted the amendment (attachment 1) and staff recommends Council approval to continue the card-lock fuel services.

IMPACT ON CITY RESOURCES

No appropriation of funds is needed; funding is available within the FY2020-21 adopted budget.

ATTACHMENTS

1. First Amendment

FIRST AMENDMENT TO CARD-LOCK FUEL STATION SERVICE AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT is made and entered into this ___ day of _____, 2021, by and between the City of Merced, a California Charter Municipal Corporation ("City"), and Van De Pol Enterprises, Inc., a California Corporation ("Vendor") whose address of record is P.O. Box 1107, Stockton, California 95201-1107.

WHEREAS, Vendor, under the name of Tesei Petroleum, Inc., and the City previously entered into an Agreement for Card-Lock Fuel Station Services ("Agreement") dated October 5, 2020; and

WHEREAS, City and Vendor desire to amend said Agreement to provide for the name change of the Vendor.

NOW, THEREFORE, the parties hereto, in consideration of the mutual covenants hereinafter recited, agree as follows:

1. The Agreement dated October 5, 2020, between the City and Vendor shall be amended to reflect the change of the Vendor to Van De Pol Enterprises, Inc., a California Corporation.

2. The Vendor shall provide an updated certificate of insurance.

3. Except as herein amended, the Agreement dated October 5, 2020 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this First Amendment to Agreement to be executed on the date first above written.

CITY OF MERCED
A California Charter Municipal
Corporation

BY: _____
City Manager

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

APPROVED AS TO FORM:

BY: Amanda A Nobe 4/8/21
City Attorney Date

ACCOUNT DATA:

BY: _____
Verified by Finance Officer

VENDOR
VAN DE POL ENTERPRISES, INC.,
A California Corporation

BY: Thomas R. VanDePol
Signature

Thomas R. VanDePol
Print Name

Treasurer
Title

BY: _____
Signature

_____
Print Name

_____
Title

Taxpayer I.D. No. 94-2428381

ADDRESS: P.O. Box 1107
Stockton, CA 95201-1107
TELEPHONE: 209-944-9115
FAX: 209-466-1910
EMAIL: Tom@VANDEPOL.us

CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

Agenda Item J.8. Meeting Date: 5/17/2021

Report Prepared by: Wally Broughton, Public Works Manager - Operations

SUBJECT: Approval of First Amendment for Elevator Maintenance Services to Reflect the Name Change of Thyssenkrupp Elevator Corporation to TK Elevator Corporation and Adding Service for One Additional Elevator for a Total Contract Amount of $19,020 Annually

REPORT IN BRIEF
Considers approving a first amendment for elevator maintenance services to reflect the name change of Thyssenkrupp Elevator Corporation to TK Elevator Corporation and adding service for one additional elevator for a total contract amount of $19,020 annually.

RECOMMENDATION
City Council - Adopt a motion approving the first amendment with TK Elevator Corporation for elevator maintenance services for an annual not-to-exceed amount of $19,020 and authorizing the City Manager or designee to execute the necessary documents.

ALTERNATIVES
1. Approve, as recommended by staff; or,
2. Approve, subject to conditions other than recommended by staff (identify specific findings and/or conditions amended to be addressed in the motion); or,
3. Deny; or,
4. Refer to staff for reconsideration of specific items; or,
5. Continue to a future meeting (date and time to be specified in the motion).

AUTHORITY
Section 200 et seq. of the Merced City Charter.

Services with an estimated value greater than $33,000.00 are made by written contract in accordance with Merced Municipal Code, Title 3 - Revenue and Finance, Chapter 3.04.

CITY COUNCIL PRIORITIES
As provided for in the FY 2020/2021 adopted budget.

DISCUSSION
The Public Works Department previously invited proposals to provide monthly elevator maintenance services for seven (7) elevators located at the Merced Civic Center (2), Ralph Shannon Parcade (2), Merced Center Parking Garage (2), and Central Police Station (1). Maintenance services include

cleaning the elevator equipment (removing dirt, lint, excess oil and grease), lubricating elevator equipment, providing a thorough examination by a State of California Certified Competent Conveyance Mechanic, making adjustments and minor repairs as needed, as well as providing testing services as required by the State of California.

ThyssenKrupp Elevator Corporation was the sole proposer for these services and on September 21, 2020, Council approved an agreement with ThyssenKrupp Elevator Corporation in the amount of $16,800 annually to provide elevator maintenance services for these 7 locations. The original contract term was from July 1, 2020 through June 30, 2022 with the option to extend for three additional one-year periods.

Subsequent to the contract award, ThyssenKrupp Elevator Corporation rebranded to TK Elevator Corporation. A contract amendment is necessary to reflect the vendor name change. In addition to the name change, staff is requesting amending the agreement to add services for 1 additional elevator at 3156 N. HWY 59. This is an elevator that goes underground at a sewer lift station. The cost of the additional elevator service is $185 per month, for an additional $2,220 annually.

The City Attorney's Office has drafted the amendment (attachment 1) and staff recommends Council approval to continue the elevator maintenance services.

IMPACT ON CITY RESOURCES

No appropriation of funds is needed; funding is available within the FY2020-21 adopted budget. Future year funding will be included in the budget process.

ATTACHMENTS

1. First Amendment

FIRST AMENDMENT PROFESSIONAL SERVICES AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT is made and entered into this ___ day of _____, 2021, by and between the City of Merced, a California Charter Municipal Corporation ("City"), and TK Elevator Corporation, a Delaware Corporation ("Consultant") whose address of record is 940 Riverside Parkway, Suite 20, West Sacramento, California 95605.

WHEREAS, Consultant, under the name of ThyssentKrupp Elevator Corporation and the City previously entered into an Agreement for Professional Services ("Agreement") dated August 31, 2020; and

WHEREAS, City and Consultant desire to amend said Agreement to provide for the name change of the Consultant.

NOW, THEREFORE, the parties hereto, in consideration of the mutual covenants hereinafter recited, agree a follows:

1. The Agreement dated August 31, 2020, between the City and Consultant shall be amended to reflect the change of the Consultant to TK Elevator Corporation, a Delaware Corporation.

2. The Consultant shall provide an updated certificate of insurance.

3. Section 22, "PREVAILING WAGES," is hereby added to the Agreement to read as follows:

> "SECTION 22. PREVAILING WAGES.
>
> A. Labor Code Compliance. If the work performed under this Agreement falls within Labor Code Section 1720(a)(1) definition of a "public works" the Vendor agrees to comply with all of the applicable provisions of the Labor Code including, those provisions requiring the payment of not less than the general prevailing rate of wages. The Vendor further agrees to the penalties and forfeitures provided in said Code in the event a violation of any of the provisions occurs in the execution of this Agreement.

B. These wage rate determinations are made a specific part of this Agreement by reference pursuant to Labor Code Section 1773.2. General Prevailing Wage Rate Determinations may be obtained from the Department of Industrial Relations Internet site at http://www.dir.ca.gov/.

C. After award of the Agreement, and prior to commencing work, all applicable General Prevailing Wage Rate Determinations, if applicable, are to be obtained by the Vendor from the Department of Industrial Relations. Theses wage rate determinations are to be posted by the Vendor at the job site in accordance with Section 1773.2 of the California Labor Code.

D. Vendor agrees to include prevailing wage requirements, if applicable, in all subcontracts when the work to be performed by the subcontractor under this Agreement is a "public works" as defined in Labor Code Section 1720(a)(1) and Labor Code Section 1771."

4. Section 23, "ADDITIONAL WORK," is hereby added to the Agreement to read as follows:

"SECTION 23. ADDITIONAL WORK. The Consultant shall provide the additional work as described in the Exhibit 1, attached hereto."

5. Section 24, "ADDITIONAL COMPENSATION," is hereby added to the Agreement to read as follows:

"SECTION 24. ADDITIONAL COMPENSATION. City shall pay Consultant the not to exceed additional sum of One Hundred Eighty-Five Dollars ($185.00) per month for additional work in accordance with the rates set forth on Exhibit "1" attached hereto, for a total not to exceed sum of One Thousand Five Hundred Eighty-Five Dollars per month, for a total of Nineteen Thousand Twenty Dollars ($19,020.00) annually."

6. Except as herein amended, the Agreement dated August 31, 2020 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this First Amendment to Agreement to be executed on the date first above written.

CITY OF MERCED
A California Charter Municipal Corporation

BY: _____
City Manager

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

APPROVED AS TO FORM:

BY: _____ 4/12/21
City Attorney Date

ACCOUNT DATA:

BY: _____
Verified by Finance Officer

CONSULTANT
TK ELEVATOR CORPORATION,
A Delaware Corporation

BY: _____
(Signature)

Daniel Opfer
(Typed Name)

Its: Branch Manager
(Title)

BY: Lori Thornhill
(Signature)

Lori Thornhill
(Typed Name)

Its: Office Manager
(Title)

Taxpayer I.D. No. 62-1211267

ADDRESS: 940 Riverside Parkway
Suite 20
West Sacramento, CA
95605

TELEPHONE: 1 800 664 5438
FAX: 1 866 572 2888
E-MAIL: Sacramento@tkelevator.com

ADDITIONAL WORK

This additional scope of services includes elevator maintenance service of the City owned elevator listed herewith:

Make	Passenger (Hydraulic)	Site	Address	State ID	Pricing Per Month
WICO	1	Lift Station	3156 N. HWY 59	146142	$185.00

The following items represent the basic scope of service to be rendered:

CLEAN (remove dirt, lint, excess oil and grease):

Power units
Control Equipment (relay panels, selectors, operating switches, etc.)
Pit Equipment (remove normal accumulation of rubbish)
Guide Rails and Brackets (brush to remove lint and dust)
Car Frames (guide shoes, safety parts, etc.)
Top of Cars and Bottom of Platforms
Car Door and Gate Openers
Hoist way Door Equipment

LUBRICATE:

Oil and grease as required, according to manufacturer's lubrication schedules. Provide proper lubrication to all items of elevator equipment at intervals recommended by the manufacturer and/or as a result of visual examinations.

Power Unit (refill tank when necessary-flush and filter)
Control Equipment (selectors, operation switches and devices, etc.)
Guide Rails (refill lubricators as often as required)

EXAMINE:

Provide a thorough visual examination of all exposed parts accessible without dismantling components. Examinations are to be performed on a regular scheduled basis at intervals to be established based on use and need. Examinations to be performed by a State of California Certified Competent Conveyance Mechanic.

ADJUST:

Provide all necessary adjustments during regular scheduled examination visits.

EXHIBIT 1

Elevator Maintenance Service

REPAIR:

During regular working hours provide necessary major and minor repairs, including labor and parts as required, to the following items:

Control Equipment (relay panels, selectors, operating switches, etc.)
Car Door and Gate Operators
Hoist way Door Equipment
Interlocks
Leveling Switches (car and hoist way switches and cams)
Guide Shoes (car roller guides, shoes, gibs, etc.)
Pit Equipment
Hydraulic Valves, Pumps, Pump Motors (Power Unit)
"V" Belt on Power Unit
Door Motors
Guide Bearings, Packing and Packing Gland (Hydraulic Seals)

CALLBACK SERVICE:

Provide minor emergency callback service during regular time hours at no additional charge to the customer.

Overtime shall consist of weekdays 5pm to 8am, and Saturdays. (Hours as recognized by the International Union of Elevator Constructors.)

Double-time shall consist of Sundays and Holidays. (Hours as recognized by the International Union of Elevator Constructors.)

Billing for overtime call backs shall be at the following rates:

Overtime	$325.00 per hour
Double-time	$650.00 per hour

Overtime and double-time shall have two hour minimum for call out.

ITEMS NOT COVERED:

Cosmetic, construction, or ancillary components of the elevator system, including the finishing, repairing, or replacement of the cab enclosure, ceiling frames, panels and/or fixtures, hoist way door panels, door frames, sills, car flooring, floor covering, lighting fixtures, ceiling light bulbs and tubes, main line power switches, breaker(s), feeders to controller, hydraulic elevator jack casing, buried piping, alignment of guide rails, smoke and fire sensors, communication devices, security systems, batteries for emergency lighting and lowering, air conditioners, heaters, ventilation fans and all other items as set forth and excluded in this agreement.

MAINTENANCE FREQUENCY:

No less than twelve (12) maintenance visits per year. Fire recall testing and State of California-required record-keeping shall be completed by elevator service provider.

Elevator Maintenance Service

RESPONSE TIME:

In the event of trapped passenger(s), elevator service provider shall provide a technician on-site in forty-five (45) minutes or less from the time of notification. In the event the elevator requires repair, but is unoccupied, then response time shall be within four (4) hours or less.

ON-LINE RECORD-KEEPING:

Elevator service provider shall provide Purchaser with on-line service records, inspection reports and preliminary orders.

TESTING:

Elevator service provider shall provide **all** required testing on **all** hydraulic elevators, as required by the State of California, at no additional charge. The testing shall be covered during business hours. The elevators shall individually be out of service during the testing.

Any additional billing as a result of vandalism, misuse/damage by others, work not covered under the terms of this order shall be approved in writing PRIOR to commencement of the work.

CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

Agenda Item J.9. Meeting Date: 5/17/2021

Report Prepared by: Johnnie Baptista, PWM-Water, Public Works

SUBJECT: Award of Bid and Approval of Agreement for Supplies and Services with Univar Solutions USA, Inc., for the Supply and Delivery of Sodium Fluoride in an Amount not to Exceed $76,800 for the Contract Term Ending June 30, 2022, with the Option to Renew for Two Additional One-Year Periods Ending June 30, 2024 at the Amounts not to Exceed $86,400 in Year 2, and $95,360 in Year 3

REPORT IN BRIEF
Considers awarding the bid and approving an agreement with Univar Solutions USA, Inc., for the supply and delivery of sodium fluoride.

RECOMMENDATION
City Council - Adopt a motion awarding the bid and approving the agreement with Univar Solutions USA, Inc., for the purchase of sodium fluoride in the amount not to exceed $76,800 for the contract term ending June 30, 2022, with the option to renew for two additional one-year periods ending June 30, 2024 at the amounts not to exceed $86,400 in year 2, and $95,360 in year 3; and authorizing the City Manager or designee to execute any necessary documents.

ALTERNATIVES
1. Approve, as recommended by staff; or,
2. Approve, subject to conditions other than recommended by staff (identify specific findings and/or conditions amended to be addressed in the motion); or,
3. Deny; or,
4. Refer to staff for reconsideration of specific items (specific items to be addressed in the motion); or,
5. Continue to a future meeting (date and time to be specified in the motion).

AUTHORITY
Charter of the City of Merced, Article XI, Section 1111-Competitive bidding, and Merced Municipal Code Chapter 3.04, Article III - the purchase of materials, supplies, equipment, and contractual services of an estimated value greater than thirty-three thousand dollars ($33,000.00), the "contract threshold," shall be made by the purchasing supervisor by written contract with the lowest responsible bidder.

CITY COUNCIL PRIORITIES
As provided for in the Fiscal Year 20/21 Adopted Budget.

DISCUSSION

The Public Works Water Division fluoridates the drinking water as a matter of compliance with Title 22, Chapter 15, Article 4.1, CCR. Staff prepared bid specifications for the supply and delivery of sodium fluoride. The invitation for bids was advertised both in the Merced County Times newspaper and the City's website. Bids were publicly opened on March 11th, 2021, with the following results:

1. Univar Solutions USA, Inc. $ 1.20 unit price (Year 1)
2. Brenntag Pacific, Inc. $ 1.709 unit price (Year 1)

The bids were evaluated based on the following criteria: unit pricing, product specifications, warranties/standards of quality, ability to deliver, and bidder's reputation and competency. Staff recommends awarding the bid to Univar Solutions USA, Inc., for the supply and delivery of sodium fluoride. The Supplies and Services agreement (attachment 1) has been drafted and approved as to form by the City Attorney's Office.

IMPACT ON CITY RESOURCES

No appropriation of funds is needed. Funding for this agreement is included in the Water Enterprise Fund 557-1106.

ATTACHMENTS

1. Supplies and Services Agreement

AGREEMENT FOR SUPPLIES AND SERVICES

THIS AGREEMENT is made and entered into this ____ day of _____, 2021, by and between the City of Merced, a California Charter Municipal Corporation, whose address of record is 678 West 18th Street, Merced, California 95340, (hereinafter referred to as "City") and Univar Solutions USA, Inc., a Washington Corporation, whose address of record is 8201 S. 212th Street, Kent, Washington 98032, (hereinafter referred to as "Vendor").

WHEREAS, City requires the supply and delivery of sodium fluoride; and,

WHEREAS, Vendor represents that it possesses the skills and ability to safely provide the supply and delivery of sodium fluoride at the request of the City.

NOW, THEREFORE, the parties hereto, in consideration of the mutual covenants hereinafter recited, hereby agree as follows:

1. SCOPE OF SERVICES. The Vendor shall furnish the following supplies and services: Vendor shall supply and deliver the products and materials described in Exhibit "A" attached hereto.

No additional services shall be performed by Vendor unless approved in advance in writing by the City, stating the dollar value of the services, the method of payment, and any adjustment in contract time. All such services are to be coordinated with City and the results of the work shall be monitored by the Director of Public Works or designee. However, the means by which the work is accomplished shall be the sole responsibility of the Vendor.

2. TIME OF PERFORMANCE, DELIVERY SCHEDULE. Vendor shall complete all deliveries within seven (7) calendar days after receipt of an order from City.

3. TERM OF AGREEMENT. The term of this Agreement shall commence upon the day first above written and end on June 30, 2022. Prior to the expiration of this Agreement, City shall have the option to renew this Agreement for two (2) additional one (1) year terms for the additional maximum period of two (2) years ending as of June 30, 2024.

4. COMPENSATION. Payment by the City to the Vendor for actual services and supplies delivered to City pursuant to this Agreement shall be made

upon presentation of an invoice detailing the supplies and services delivered under the Scope of Services, in accordance with the fee schedule set forth in Exhibit "A" attached hereto and incorporated herein by reference. The Vendor agrees to provide all supplies and services required under the Scope of Services in Exhibit "A" for an amount not to exceed Seventy-Six Thousand Eight Hundred Dollars ($76,800.00).

If the option to renew is exercised, the compensation shall be as follows:

Option to Renew – Year 2 (July 1, 2022 – June 30, 2023)	$86,400.00
Option to Renew – Year 3 (July 1, 2023 – June 30, 2024)	$95,360.00

5. METHOD OF PAYMENT. Compensation to Vendor shall be paid by the City after submission by Vendor of an invoice delineating the services performed and quantities of all products, materials and supplies delivered.

6. TRAINING AND SAFETY REQUIREMENTS. Vendor shall properly and legally maintain all vehicles and equipment used in connection with the performance of this Agreement. Vendor shall train all delivery drivers and personnel to safely handle and deliver all materials, products and supplies being provided to City under this Agreement. Vendor agrees to take all reasonable precautions necessary to minimize the potential for spillage during the delivery of all materials, products and supplies, including spillage that may occur during the connection or disconnection of any pipes, hoses, lines or other conduits or containers. Vendor shall maintain records or training of Vendor's drivers and other personnel, which shall be made available to City as set forth in Section 7 of this Agreement.

7. VENDOR'S BOOKS AND RECORDS. Vendor shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the City for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to the Vendor to this Agreement. Any records or documents required to be maintained shall be made available for inspection, audit and/or copying at any time during regular business hours, upon oral or written request of the City.

8. INDEPENDENT CONTRACTOR. It is expressly understood that Vendor is an independent contractor and that its employees shall not be employees of or have any contractual relationship with the City. Vendor shall be responsible for the payment of all taxes, workers' compensation insurance and unemployment insurance. Should Vendor desire any insurance protection, the Vendor is to acquire same at its expense.

In the event Vendor or any employee, agent, or subcontractor of Vendor providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of the City, Vendor shall indemnify, protect, defend, and hold harmless the City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Vendor or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

9. INDEMNITY. Vendor shall indemnify, protect, defend (with legal counsel selected by the City), save and hold City, its officers, employees, and agents, harmless from any and all claims or causes of action for death or injury to persons, or damage to property resulting from intentional or negligent acts, errors, or omissions of Vendor or Vendor's officers, employees, volunteers, and agents during performance of this Agreement; Vendor shall indemnify, protect, defend (with counsel selected by the City) save and hold City, its officers, employees and agents harmless from any and claims or causes of action for any violation of any federal, state, or municipal law or ordinance, to the extent caused, in whole or in part, by the willful misconduct, negligent acts, or omissions of Vendor or its employees, subcontractors, or agents, or by the quality or character of Vendor's work, or resulting from the negligence of the City, its officers, employees, volunteers and agents, except for loss caused by the sole negligence or willful misconduct of the City or its officers, employees, volunteers or agents. It is understood that the duty of Vendor to indemnify and hold harmless includes the duty to defend as set forth in Section 2778 of the California Civil Code. Acceptance by City of insurance certificates and endorsements required under this Agreement does not relieve Vendor from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall survive the termination of this Agreement and shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply. By execution of this Agreement, Vendor acknowledges and agrees to the provisions of this Section and that it is a material element of consideration.

10. INSURANCE. During the term of this Agreement, Vendor shall maintain in full force and effect at its own cost and expense, the following insurance coverage:

a. Workers' Compensation Insurance. Full workers' compensation insurance shall be provided with a limit of at least One Hundred Thousand Dollars ($100,000) for any one person and as required by law, including Employer's Liability limits of $1,000,000.00 per accident. The policy shall be endorsed to waive the insurer's subrogation rights against the City.

b. General Liability.

(i) Vendor shall obtain and keep in full force and effect general liability coverage at least as broad as ISO commercial general liability coverage occurrence Form CG 0001.

(ii) Vendor shall maintain limits of no less than One Million Dollars ($1,000,000) per occurrence for bodily injury, personal injury and property damage.

(iii) The City, its officers, employees, volunteers and agents are to be named as additional insureds under the policy, as respects liability arising out of work or operations performed by or on behalf of the Vendor.

(iv) The policy shall stipulate that this insurance will operate as primary insurance for work performed by Vendor and its sub-contractors, and that any other insurance or self insurance maintained by City or other named insureds shall be excess and non-contributory.

(v) Vendor shall maintain its commercial general liability coverage for three (3) years after completion of the work and shall add an additional insured endorsement form acceptable to the City naming the City of Merced, its officers, employees, agents and volunteers for each year thereafter for at least three (3) years after completion of the work. Copies of the annual renewal and additional insured endorsement form shall be sent to the City within thirty (30) days of the annual renewal.

c. Automobile Insurance.

(i) Vendor shall obtain and keep in full force and effect an automobile policy of at least One Million Dollars ($1,000,000) per accident for bodily injury and property damage.

(ii) The City, its officers, employees, volunteers and agents are to be named as additional insureds under the policy, as respects automobiles owned, leased, hired or borrowed by the Vendor.

(iii) The policy shall stipulate that this insurance will operate as primary insurance for work performed by Vendor and its sub-contractors, and that any other insurance or self insurance maintained by City or other named insureds shall be excess and non-contributory.

d. Qualifications of Insurer. The insurance shall be provided by an acceptable insurance provider, as determined by City, which satisfies all of the following minimum requirements:

(i) An insurance carrier admitted to do business in California and maintaining an agent for service of process within this State; and,

(ii) An insurance carrier with a current A.M. Best Rating of A:VII or better (except for workers' compensation provided through the California State Compensation Fund).

e. Certificate of Insurance. Vendor shall complete and file with the City prior to engaging in any operation or activity set forth in this Agreement, certificates of insurance evidencing coverage as set forth above and which shall provide that no cancellation or expiration by the insurance company will be made during the term of this Agreement, without thirty (30) days written notice to City prior to the effective date of such cancellation—including cancellation for nonpayment of premium.

f. Notwithstanding any language in this Agreement to the contrary, Vendor shall be entitled to be paid pursuant to the terms of this Agreement until Vendor has obtained the insurance required by this Section 10 and provided documentation of said insurance to the City. In addition to any other remedies City

may have, City reserves the right to withhold payment if Vendor's insurance policies are not current.

11. PREVAILING WAGES.

A. Labor Code Compliance. If the work performed under this Agreement falls within Labor Code Section 1720(a)(1) definition of a "public works" the Vendor agrees to comply with all of the applicable provisions of the Labor Code including, those provisions requiring the payment of not less than the general prevailing rate of wages. The Vendor further agrees to the penalties and forfeitures provided in said Code in the event a violation of any of the provisions occurs in the execution of this Agreement.

B. These wage rate determinations are made a specific part of this Agreement by reference pursuant to Labor Code Section 1773.2. General Prevailing Wage Rate Determinations may be obtained from the Department of Industrial Relations Internet site at http://www.dir.ca.gov/.

C. After award of the Agreement, and prior to commencing work, all applicable General Prevailing Wage Rate Determinations, if applicable, are to be obtained by the Vendor from the Department of Industrial Relations. Theses wage rate determinations are to be posted by the Vendor at the job site in accordance with Section 1773.2 of the California Labor Code.

D. Vendor agrees to include prevailing wage requirements, if applicable, in all subcontracts when the work to be performed by the subcontractor under this Agreement is a "public works" as defined in Labor Code Section 1720(a)(1) and Labor Code Section 1771.

12. ASSIGNABILITY OF AGREEMENT. It is understood and agreed that this Agreement contemplates personal performance by the Vendor and is based upon a determination of its unique personal competence and experience and upon its specialized personal knowledge. Assignments of any or all rights, duties or obligations of the Vendor under this Agreement will be permitted only with the express written consent of the City.

13. TERMINATION FOR CONVENIENCE OF CITY. The City may terminate this Agreement any time by mailing a notice in writing to Vendor that the Agreement is terminated. Said Agreement shall then be deemed terminated, and no further work shall be performed by Vendor. If the Agreement is so

terminated, the Vendor shall be paid for those supplies and services previously delivered to the City at the time the notice of termination is received.

14. CONFORMANCE TO APPLICABLE LAWS. Vendor shall comply with its standard of care regarding all applicable Federal, State, and municipal laws, rules and ordinances. No discrimination shall be made by Vendor in the employment of persons to work under this contract because of race, color, national origin, ancestry, disability, sex or religion of such person.

15. Vendor hereby promises and agrees to comply with all of the provisions of the Federal Immigration and Nationality Act (8 U.S.C.A. 1101 *et seq.*), as amended; and in connection therewith, shall not employ unauthorized aliens as defined therein. Should Vendor so employ such unauthorized aliens for the performance of work and/or services covered by this Agreement, and should any agency or instrumentality of the federal or state government, including the courts, impose sanctions against the City for such use of unauthorized aliens, Vendor hereby agrees to, and shall, reimburse City for the cost of all such sanctions imposed, together with any and all costs, including attorneys' fees, incurred by the City in connection therewith.

16. WAIVER. In the event that either City or Vendor shall at any time or times waive any breach of this Agreement by the other, such waiver shall not constitute a waiver of any other or succeeding breach of this Agreement, whether of the same or any other covenant, condition or obligation. Waiver shall not be deemed effective until and unless signed by the waiving party.

17. INCONSISTENT OR CONFLICTING TERMS IN AGREEMENT AND EXHIBITS. In the event of any contradiction or inconsistency between any attached document(s) or exhibit(s) incorporated by reference herein and the provisions of the Agreement itself, the terms of the Agreement shall control.

Any exhibit that is attached and incorporated by reference shall be limited to the purposes for which it is attached, as specified in this Agreement. Any contractual terms or conditions contained in such exhibit imposing additional obligations on the City are not binding upon the City unless specifically agreed to in writing, and initialed by the authorized City representative, as to each additional contractual term or condition.

18. AMBIGUITIES. This Agreement has been negotiated at arms' length between persons knowledgeable in the matters dealt with herein. Accordingly, any

rule of law, including, but not limited to, Section 1654 of the Civil Code of California, or any other statutes, legal decisions, or common-law principles of similar effect, that would require interpretation of any ambiguities in this Agreement against the party that drafted this Agreement is of no application and is hereby expressly waived.

19. VENUE. This Agreement and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this agreement shall be held exclusively in a state court in the County of Merced.

20. AMENDMENT. This Agreement shall not be amended, modified, or otherwise changed unless in writing and signed by both parties hereto.

21. INTEGRATION. This Agreement constitutes the entire understanding and agreement of the parties and supersedes all previous and/or contemporaneous understanding or agreement between the parties with respect to all or any part of the subject matter hereof.

22. AUTHORITY TO EXECUTE. The person or persons executing this Agreement on behalf of the parties hereto warrants and represents that he/she/they has/have the authority to execute this Agreement on behalf of their entity and has/have the authority to bind their party to the performance of its obligations hereunder.

23. COUNTERPARTS. This Agreement may be executed in one or more counterparts with each counterpart being deemed an original. No counterpart shall be deemed to be an original or presumed delivered unless and until the counterparts executed by the other parties hereto are in the physical possession of the party or parties seeking enforcement thereof.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first above written.

CITY OF MERCED
A California Charter Municipal
Corporation

BY:_____
City Manager

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

BY:_____
Assistant/Deputy City Clerk

APPROVED AS TO FORM:

BY: Theodore A Bohn 4/13/21
City Attorney Date

ACCOUNT DATA:

BY:_____
Verified by Finance Officer

{Signatures continued on next page}

VENDOR
UNIVAR SOLUTIONS USA, INC.,
A Washington Corporation

BY: _____
(Signature)

Shawnasey McCarthy
(Typed Name)

Its: Municipal Commercial Manager
(Title)

BY: _____
(Signature)

Jennifer M Perras
(Typed Name)

Its: Municipal Specialist
(Title)

Taxpayer I.D. No. 91-1347935

ADDRESS: 8201 S. 212th Street
Kent, WA 98032

TELEPHONE: (253) 872-5040
FAX: (853) 872-5041
E-MAIL:
Jennifer.perras@univarsolutions.com

Exhibit A: Specifications

I. General Specifications

A. All items must meet or better all applicable Federal, State, and local requirements and all applicable requirements.

B. If the manufacturer or bidder has any exceptions (variations, deviations, deletions, additions, and the like) from these Specifications, they must state exactly what those exceptions are and any impact on form, fit, or function in its bid. City reserves the exclusive right to either accept or reject those exceptions and City's decision is final. Bidder, in submitting its bid, understands and acknowledges these requirements and conditions.

C. Awarded contractor or vendor shall possess City of Merced Business License as part of the execution of the awarded contract.

II. Detailed Specifications

A. Quote hereon your lowest prices for SODIUM FLUORIDE.

B. Granular state.

C. 98% minimum purity.

D. To be used in 4% solution.

E. Product shall conform in all respects to the following standards:

- AWWA Standard for Sodium Fluoride (AWWA-B701-11 or current revision) and comply with the latest U.S. code standards, except as modified or supplemented herein.
- NSF/ANSI/CAN 60: Water Treatment Chemicals.
- Meet or exceed UL specification UN 1690,6.1,PG III

F. Bidders must submit with their bid contract documents the following:

- In accordance with Section 64590, Title 22 of the California Code of Regulations (CCR), no chemical or product shall be added to drinking water by a water supplier unless the chemical or product is certified as meeting the specifications of NSF International/American National Standard Institute {NSF/ANSI) 60·2005 (Drinking Water Treatment Chemicals-Health Effects). Certification shall be from an ANSI accredited product certification organization whose certification system Includes the criteria for ensuring the chemical or product meets NSF/ANSI Standard 60 per Section 64590 of the CCR. Bidders must submit an affidavit of compliance from the ANSI accredited product certification organization. Bidders must include a statement by the chemical manufacturer include, signed by an authorized representative on letterhead stationery, attesting to the affidavit's validity. In lieu of submitting an affidavit of compliance and a letter attesting to the affidavit's validity, a current printout from the ANSI accredited product certification organization is acceptable.

- A representative analysis of the chemical to be supplied, as prepared by a reputable outside laboratory or bidder's in-house laboratory If ISO certified.
- Name and address of the chemical manufacturer.
- Product Bulletin and Typical Properties.
- Safety Data Sheet (SDS).

G. Preferably, deliver product in 50 lbs bags or smaller (but not smaller than 20 lbs).

H. Approximate consumption per month is 5,300 lbs per month or 64,000 lbs per year. Indicated quantities are estimates of anticipated usage for a 12-month period and are given for informational purposes only. Nothing in these estimated annual quantities must be construed as obligating the City to purchase specific quantities, as these quantities may vary depending on actual operating conditions and demands during the contract term. The City reserves the right to purchase any volume of the chemical listed, at the contract price, regardless of stated estimates of quantities. No price adjustments will be allowed as a result of an increase or a decrease in the quantity purchased.

I. All bids submitted must include a base unit price, FOB destination, Merced at the specified delivery location in Section III, C below. Bidders shall provide bid prices on the Bid Form including all costs associated with providing and delivering the chemical to the agency's facility, including materials, labor, equipment, transportation, insurance, overhead, profit, and all applicable taxes except sales tax in effect at the time of delivery. Bids qualified by additional or conditional charges such CPI, escalators, fuel surcharges, or transportation charges between the supplier and the final delivery points will not be allowed.

J. Bid Form will be incorporated as part of any resulting purchase order or contract as pricing reference.

K. All Bids must be signed.

CONTINUED ON NEXT PAGE

Sodium Fluoride Supply

MAIL SEALED BIDS TO:
678 W 18th St Merced CA 95340

CITY OF MERCED
PURCHASING DEPARTMENT
BID FORM
(209) 385-6833
purchasing@cityofmerced.org

PARCEL & HAND DELIVERED BIDS GO TO:
2525 "O" ST MERCED CA 95340

QUOTE HEREON YOUR LOWEST PRICES F.O.B. MERCED FOR THE FOLLOWING EQUIPMENT, MATERIALS, SUPPLIES OR SERVICES. NO ALLOWANCE FOR FREIGHT, CARTAGE, PACKING, OR POSTAGE UNLESS SPECIFIED ON THIS BID. WHERE BRAND OR MAKE IS SPECIFIED, SIMILAR OR EQUAL WILL BE CONSIDERED.

SEALED BIDS MUST BE IN THIS OFFICE BY:
Thursday, March 25, 2021 **2:00 P.M.**

DEPARTMENT: Water
REQUISITION: 03252021, Sodium Fluoride Supply

Quantity	UOM	Description	Grade	CAS#	Unit Price/Year 1	Extended Price
64,000	lbs	Sodium Fluoride	Granular	7681-49-4	$ 1.20	$ 76,800.00
					Unit Price/Year 2	**Extended Price**
					$ 1.35	$ 86,400.00
					Unit Price/Year 3	**Extended Price**
					$1.49	$95,360.00

We have stated hereon the prices at which we will furnish and deliver the equipment, materials, supplies or services as specified above.

Delivery will be made in 3-5 days after receipt of order (A.R.O.), except as otherwise indicated.

Note: The City reserves the right to reject any and or all bids, split the bid award, or to accept the bid that best serves the public purpose, even though it may not be the lowest.

COMPANY: Univar Solutions USA Inc.
BY: Jennifer M. Perras
TITLE: Municipal Specialist
SIGNATURE: [signature]
DATE: 3/22/2021
PHONE: 253-872-5040
EMAIL: jennifer.perras@univarsolutions.com
PAYMENT TERMS: (Net 10, 30, 45) NET 30

CITY OFFICERS AND EMPLOYEES INELIGIBLE TO BID

Bidders are advised that under Government Code Section 1126 officers and employees of the City of Merced are **not eligible** to bid on City contracts (to provide equipment, materials, supplies or services to the City) or to enter into a lease or other agreements with the City. Any bid submitted by a City officer or employee, either individually or through a partnership, corporation, or other form of business entity or association, will be rejected and may subject the employee to discipline under the City's Personnel Rules, Article XIX Section 19.02.

NOTICE
ALL BIDS MUST BE SIGNED

III. Special Instructions for Deliveries

A. Packaging

1. Pack all items to ensure that each item can be handled and transported safely from the shipping point, during transit, arrival at the destination point, offloading, and storage. Packing materials and packaging must be appropriate to the items.

B. Delivery Schedule

1. Make deliveries seven calendar days after receipt of order (A.R.O.).
2. Deliveries will be spaced out approximately every two months because of weather temperature and lack of storage capacity considerations. First delivery will occur within a week of contract execution which can potentially happen in mid-late April.

C. Delivery Location

1. Well Site 1 Warehouse: 477 St Lawrence Dr, Merced CA 95340
2. Notification: Call 209 564 2546 at least 24 hours prior to deliveries.
3. Delivery hours: Mon–Fri; 7:30am to 2:30pm, closed 11:30am to 12:30pm.
4. Include FOB Merced, CA delivery costs in the unit prices; no exceptions.

D. Rejections and Pickups

1. Note that City reserves the right to reject items that fail to comply with Specifications, are damaged, or are in excess of ordered quantities.
2. Pick up items to be returned to vendor within five business days of notification and process credit for returned items within ten business days of receipt.

E. Material Handling

1. SAFETY REQUIREMENTS: The bidder, their employees, subcontractors, and/or agents must conform to the rules and regulations pertaining to safety established by the California Division of Industrial Safety, and they must adhere to all State, Federal and Occupational Safety and Health Act (OSHA) safety standards while they are on the premises of City. Furnished equipment, materials, and/or services must comply with all OSHA standards and regulations, and all applicable governmental laws and orders. City reserves the right to individually refuse any shipment, at its sole discretion, which cannot be unloaded using safe and proper techniques. Any such refusal must result in the return of the chemical at the successful bidder's sole expense. If requested by City, the successful bidder and/or the firm providing transportation of the chemical shall submit to a safety briefing at the City's site before commencing deliveries. The successful bidder and/or the firm providing transportation of the chemical are required to comply with the site-specific safety requirements. In addition, if requested by City, the successful bidder and/or the firm providing transportation of the chemical may be asked to review site safety materials and provide a signed acknowledgement of their receipt of the site safety materials.

2. SPILLAGE: The successful bidder must be prepared to provide safety training on the safe handling and use of the chemical and emergency procedures in the event of a leak or spill. Should a chemical spill or leak result due to negligence, faulty equipment, or inferior packaging on the part of the bidder or their agents, the bidder and their agents must be responsible for cleaning the spill or leakage and for bearing any cost incurred due to spill or leakage clean-up. It must be the successful bidder's responsibility to effect immediate containment, clean-up, disposal, and restoration activities in accordance with the individual facility's requirements and any and all applicable laws and regulations. All material associated with such clean-up operations must be hauled away and lawfully disposed of at no charge to City. The property of City where the delivery is being made must not be used for such disposal. If the spill is NOT cleaned up, City will hire a certified hazardous material handling company to clean up the spill, and the costs incurred, including any fines or penalties which may be imposed by regulating authorities, will be charged to the bidder or deducted from amounts owed. Chemicals must stay in the possession of the bidder and must not be unloaded until accepted by City. All chemicals must be delivered in accordance with Department of Transportation regulations.

F. Chemical Orders

1. A purchase order as part of the resulting agreement will be issued to the successful bidder by City.
2. All chemical sales must be invoiced to City.
3. The contracted unit cost of the chemical is the awarded bid price.
4. Successful bidder may seek a price increase for any nontrivial change requested by City in the terms and conditions of purchase order and/or purchase agreement.
5. Successful bidder may not change the price throughout the term of the contract unless by mutual written agreement between City and successful bidder per Section Modification of Contract.

CONTINUED ON NEXT PAGE

CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

Agenda Item J.10. Meeting Date: 5/17/2021

Report Prepared by: Juan Olmos, PWM-Tax Services, Public Works

SUBJECT: Approval of a Memorandum of Understanding with California Urban Forests Council (CaUFC) and West Coast Arborists, Inc., to Participate in the CIRCLE 4 Project to Plant 65 Trees in Merced as Part of CaUFC's Grant with the California Department of Forestry (CalFIRE) to Plant 2,000 Trees on March 12, 2022

REPORT IN BRIEF
Considers approving the memorandum of understanding with CaUFC and West Coast Arborists, Inc., for CaUFC to provide 65 trees and coordinate volunteers for a planting event in Merced on March 12, 2022.

RECOMMENDATION
City Council - Adopt a motion approving the memorandum of understanding with California Urban Forests Council (CaUFC) and West Coast Arborists, Inc., to participate in the CIRCLE 4 Project on March 12, 2022; and authorizing the City Manager or designee to execute the necessary documents.

ALTERNATIVES
1. Approve, as recommended by staff; or,
2. Approve, subject to conditions other than recommended by staff (identify specific findings and/or conditions amended to be addressed in the motion); or,
3. Deny; or,
4. Refer to staff for reconsideration of specific items (specific items to be addressed in the motion); or,
5. Continue to a future meeting (date and time to be specified in the motion).

AUTHORITY
City of Merced Charter Section 200 - Powers.

CITY COUNCIL PRIORITIES
Addresses Council's priority for City beautification and trees.

DISCUSSION
The California Urban Forests Council (CaUFC) is the recipient of grant funding from the California Department of Forestry (CalFIRE). CaUFC has contracted with West Coast Arborists, Inc. (WCA) for program management. Through the grant, and with the participation of over 30 agencies, approximately 2,000 trees will be planted on March 12, 2022 throughout the State as part of the

CIRCLE 4 project and CaUFC's "Invest from the Ground Up" campaign.

An educational workshop will also be held the day of the planting event. WCA staff will be responsible for programming the educational workshop, with the City providing a suitable location to host the workshop. City staff will also be responsible for providing suitable planting locations within a DAC (Disadvantaged Community) census tract, providing logistic support the day of the planting event, promoting the event via social media, watering the newly planted trees, and other related in-kind services. WCA will conduct a post-plant monitoring site visit and a structural tree prune one-year after the planting event. The City will be responsible for long-term care of the trees.

The City has previously partnered with CaUFC on the 2017 Tree Inventory and Management Plan CalFIRE grant. CaUFC designed the outreach materials for this grant, as well as acted as a resource in coordinating with other tree partners. West Coast Arborists was hired by the City in October 2020 for tree pruning and removal services. Through these partnerships, staff was contacted and provided information on the CIRCLE 4 project opportunity.

The City Attorney's Office has approved as to form the Memorandum of Understanding (MOU). Staff recommends approval of the MOU in order for the City to receive 65 trees to be planted and for the Community to have the opportunity to participate in the educational event on March 12, 2022.

IMPACT ON CITY RESOURCES

No appropriation of funds is needed. Trees and related planting supplies (stakes) will be provided to the City through the CalFIRE grant. City will provide minimal in-kind services, such as staff time in promoting and assisting in the planting event, as well as minimal funding to purchase and install a sign at the planting location.

ATTACHMENTS

1. Memorandum of Understanding

Memorandum of Understanding

The following Memorandum of Understanding ("MOU") is between the California Urban Forests Council ("CaUFC"), West Coast Arborists, Inc. ("WCA, Inc.") and the City of Merced ("City"), regarding CIRCLE 4 – AMPLIFY the Urban Forest ("CIRCLE 4") project. For reference purposes, the CaUFC, WCA, Inc., and City shall be referred to individually as a "Party" and collectively as the "Parties." This MOU shall become effective on the last date signed by the Parties.

CIRCLE 4

The CIRCLE 4 project is an Invest From the Ground Up Campaign under the CaUFC. The CaUFC has partnered with WCA, Inc. and cities throughout California to improve the urban forests. CIRCLE 4 is funded through CAL FIRE's Urban Forest and Community Grant Program. CIRCLE 4 will plant trees and deliver a full program on urban forestry to the community.

Interested Parties

The CaUFC, CaUFC's partners, WCA, Inc., and the City agree to work cooperatively on the CIRCLE 4 project and the associated deliverables to honor the CaUFC contract agreement with the California Department of Forestry and Fire Protection (CAL FIRE). WCA, Inc. is contracted by CaUFC for completion of the CIRCLE 4 project and is responsible for program management and tree removal activities.
For purposes of this MOU, there are three major contributors to this process: Nancy Hughes representing CaUFC, David Pineda representing WCA, Inc., Juan Olmos representing the City.

Duties and Responsibilities

CaUFC, the CaUFC's partners, WCA Inc., and the City pledge to work together in a spirit of cooperation to complete the work.

All Parties shall comply with all relevant laws and regulations regarding documentation, reporting, use, etc. of any state funds in accordance with applicable state law and furnish administrative assistance services including but not limited to:

1. Adherence to the approved scope of work, below, and set out in the assigned project.
2. Retention of all records for three (3) years after the end of the contract term. This requirement applies to fiscal records, reports, and partner information. If additional information is requested, the City agrees to make all records relating to the contract available upon request by CaUFC.

Decision Making

Decisions regarding implementation of the CIRCLE 4 project within the City of Merced will be made by consensus of all Parties when there are proposed changes to the scope of work. Decision-making will be done jointly and in a spirit of cooperation. All decisions that are proposed and/or change the scope of work (verbal, written, or implied) must be agreed upon and authorized in writing by all Parties prior to commencing with the additional work. Otherwise, work can proceed as agreed upon for each party in the scope of work.

Termination

In no event will this MOU be terminated with less than 30 days written notice to the other parties. Any party may terminate this MOU at any time with cause, by giving the other parties thirty (30) days written notice to terminate. This MOU supersedes all previous agreements pertaining to the subject-matter of this MOU whether such previous agreement was written or oral.

Scope of Work

The scope of work describes the agreed upon project activities. The scope of work for the CIRCLE 4 project is set forth as follows:

1. CaUFC will provide the City approximately 65, 15-gallon trees which will include stock and labor to ensure proper installation by volunteers and WCA, Inc.
2. The City will provide the GPS locations and tree species for all trees to be planted for this grant by January 1st, 2022. The City will provide support for DigAlert delineation.
3. The City will select species from a predetermined list provided by WCA, Inc. The City agrees to incorporate underutilized, climate appropriate species. The list will be provided by May of 2021.
4. The City will aid the CaUFC and WCA, Inc. to host a tree planting event March 12, 2022 to coincide with the statewide effort to plant 2,000 trees in one day.
5. CaUFC, WCA, Inc., the City, and a local community group will join efforts to engage and deliver an educational tree workshop and tree planting event to the community and other local interested volunteers.
6. The City agrees to promote the tree workshop and tree planting event through existing City resources, including social media accounts.
7. The City will provide event logistic support, including pre-digging holes, staging trees day of event, and water resources day of tree planting. All associated costs are incumbent to the city.
8. The City agrees to provide tree care through incorporating new trees in management and maintenance plan activities, this includes protection from vandalism. This includes watering newly planted trees as soon as they are installed All associated costs are incumbent to the city.
9. The City will provide a facility suitable for a community workshop session regarding trees and urban forestry in the weeks prior to the tree planting event. Programming will be provided by WCA, Inc.
10. The City is responsible for procuring a sign and installing the sign for the duration of the grant. A California Climate Investments and CAL FIRE approved template will be provided by WCA, Inc.

11. WCA, Inc. will conduct post-plant monitoring to ensure the trees establish properly. This includes a structural prune one year after planting. The City is expected to respond to the recommendations made from the monitoring, in order to improve the tree's health.
12. CaUFC will provide funding for a limited amount of tree replacements for dead trees. If mortality is greater than what can be replaced by CaUFC grant funds, the City shall replace the dead trees at their own expense within the grant period.
13. The City will report trackable match time and hours to WCA, Inc. as necessary. There is no minimum requirement for match time and hours.

Timeline

The grant period is from August 2020 to March 2024. All parties agree that the CIRCLE 4 project will be completed by March 31, 2024, though periodic benchmarks may be set through the scope of work to support on-time project completion.

Relationship of Parties

Each Party acknowledges and agrees that it is an independent entity from, and not an employee or agent of, any other Party of this MOU.

Volunteer Indemnification

All volunteers shall sign the program's volunteer liability waiver prior to participating in any events associated with the Project.

Indemnification of Parties

To the full extent permitted by law, each party agrees to indemnify, defend and hold harmless each other's party, and their officers, employees and officials from and against any and all actions, (judicial, administrative, arbitration or regulatory) claims or demands, damages to persons or property, losses, costs, penalties, obligations, errors, omissions or liabilities, including attorney fees and costs incurred in defense thereof, that may be asserted or claimed by any person, firm or entity, arising out of or in connection with any negligent act or omission or willful misconduct during the course of its participation in the CIRCLE 4 Project.

Assumption of Risk

CaUFC and WCA, Inc. assumes no liability or responsibility for any personal property of the City or of their staff, volunteers, instructors, employees, contractors, consultants, guests, invitees, and agents brought to assist with the CIRCLE 4 project, during the term of this MOU. The City assumes no liability or responsibility for any personal property related to the CaUFC and WCA, Inc., or of their staff, volunteers, instructors, employees, contractors, consultants, guests, invitees, and agents brought to assist with the CIRCLE 4 project, during the term of this MOU. CaUFC certifies that it has reviewed and agreed to the terms of this MOU.

Insurance

Prior to undertaking performance of work under this MOU, WCA, Inc., shall maintain and shall require its subcontractors, if any, to obtain and maintain insurance as described below:

Evidence of workers' compensation insurance as required by law. WCA, Inc. shall always maintain, where required by law, workers' compensation insurance, and shall hold the City, and does hereby hold the City, free and harmless from all liability which may arise by reason of injury to any employee of the WCA, Inc. during performing any work or labor under this MOU.

Miscellaneous Terms

A. Severability. If any term or portion of this MOU is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this MOU shall continue in full force and effect.

B. Governing Law; Venue. The laws of the State of California shall govern this MOU without regard to principles of conflicts of laws. Any action to enforce or interpret this MOU shall be filed in the respective county court office.

C. Integration; Amendments. This MOU represents the entire and integrated MOU between CaUFC, WCA, Inc. and the City with respect to the subject matter hereof, and supersedes all prior negotiations, representations, or agreements, either written or oral with respect thereto. This MOU may be modified or amended only by a subsequent written agreement signed by both Parties.

D. Attorneys' Fees. If a party to this MOU brings any action, including an action for declaratory relief, to enforce or interpret the provisions of this MOU, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which such party may be entitled.

E. Waiver. No waiver of any breach of any covenant or provision of this MOU shall be deemed a waiver of any other covenant or provision hereof, and no waiver shall be valid unless in writing and executed by the waiving party. An extension of time for performance of any obligation or act shall not be deemed an extension of the time for performance of any other obligation or act, and no extension shall be valid unless in writing and executed by the waiving party.

F. No Third-Party Beneficiaries. Nothing contained in this MOU is intended to or shall be deemed to confer upon any person, other than the Parties, any rights, or remedies hereunder.

G. Assignment. No assignment, subletting, or transfer in whole or in part of this MOU shall be made or shall be effective without the prior written consent of the CaUFC and WCA, Inc.

H. Non-Liability of Officials, Employees and Agents. No officer, official, employee or agent of CaUFC and WCA, Inc. shall be personally liable to the City in the event of any default or breach by CaUFC or WCA, Inc. or for any amount which may become due to the City pursuant to this MOU.

I. Authority. The undersigned expressly represents that he or she is authorized to execute this MOU on behalf of the City and that it meets each of the requirements set forth in the MOU, including but not limited to the insurance and workers compensation requirements.

We the undersigned agree to this Memorandum of Understanding.

Nancy Hughes	Stephanie Dietz	Andres Rodriguez
Executive Director	City Manager	Grant Coordinator
California Urban Forests Council	City of Merced	West Coast Arborists
Date Executed:	Date Executed:	Date Executed:

APPROVED AS TO FORM:

4-22-21

JOHN B. GOULART Date
Senior Deputy City Attorney

ADMINISTRATIVE REPORT

Agenda Item J.11. Meeting Date: 5/17/2021

Report Prepared by: Kim Espinosa, Planning Manager, Development Services Department

SUBJECT: Second Reading and Final Adoption of an Ordinance Amending Sections 20.74 (Appeals), 20.44.170 (Commercial Cannabis Businesses), 20.64 (Administrative Responsibility), 20.68 (Permit Requirements), and 20.70 (Public Notice And Hearings) of the Zoning Ordinance Regarding Appeals and the Number of Votes Required for Planning Commission Action

REPORT IN BRIEF
Adopt Ordinance amending various sections of the Zoning Ordinance regarding appeals and the number of votes required for Planning Commission action.

RECOMMENDATION
City Council - Adopt a motion adopting **Ordinance 2523**, an Ordinance of the City Council of the City of Merced, California, Amending Sections 20.74 (Appeals), 20.44.170 (Commercial Cannabis Businesses), 20.64 (Administrative Responsibility), 20.68 (Permit Requirements), and 20.70 (Public Notice And Hearings) of the Merced Municipal Code Regarding the Timing of Appeals and the Number of Votes Required To Adopt Planning Commission Actions.

ALTERNATIVES
1. Adopt the Ordinance, as recommended by the Planning Commission and staff; or,
2. Adopt the Ordinance, subject to modifications by City Council (identify specific items to be amended in the motion); or,
3. Deny; or,
4. Refer to staff for reconsideration of specific items (to be addressed in the motion); or,
5. Continue to a future City Council meeting (date and time to be specified in motion).

AUTHORITY
Merced Municipal Code Section 20.80, “Zoning Ordinance Amendments,” spells out procedures for amending the Zoning Ordinance.

CITY COUNCIL PRIORITIES
None.

DISCUSSION
Summary of Proposed Changes to Zoning Ordinance

Various changes to the Zoning Ordinance are being proposed regarding appeals and the number of

votes required for Planning Commission actions. In general, the changes can be summarized as follows:

1) Changing the language in Chapter 20.74 (Appeals) so that appeals of actions by the Planning Commission, Site Plan Review Committee, and the Director of Development Services would be scheduled for a public hearing by the appropriate review authority and heard within 90 days unless otherwise mutually agreed to by the applicant and appellant or continued for good cause; and modifying Section 20.44.170 (Commercial Cannabis Businesses) so that the appeal procedures for Commercial Cannabis Business Permits match the same language (the current requirement is 30 days).
2) Clarifying the language in Chapters 20.64 (Administrative Responsibility), 20.68 (Permit Requirements), and 20.70 (Public Notice and Hearings) to make it clear that it requires 4 votes of the Planning Commission members to approve an action; otherwise, it is deemed denied.

Proposed Changes to the Code Regarding Appeals

In the past, there has been some confusion regarding the timing of appeals in that the language in the Zoning Ordinance only referred to "scheduling" the item for a public hearing. It was not clear if that meant the item must be heard within that time frame or not. It also was not clear if the applicant and/or the appellant could agree to a longer time frame.

The following changes to Chapter 20.74 (Appeals) and Section 20.44.170 (Commercial Cannabis Businesses) are proposed in the Ordinance at Attachment 8 and presented in the modified Chapters at Attachments 2 through 3:

1) Section 20.74.030(E)(1) "Filing and Processing of Appeals, Report and Noticed Hearing" would be changed to read as follows: *"1) When an appeal has been filed, the Development Services Department shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing by the appropriate review authority. Said public hearing should be heard within 90 calendar days of receiving the appeal , unless otherwise mutually agreed to by the applicant and appellant or continued by the appropriate review authority pursuant to 20.74.030(F)(3)."*
2) Section 20.44.170(L)(4)(b) "Appeal of Denial of Commercial Cannabis Business Permit (All Types)" would be changed to read as follows: *"b) When an appeal has been filed, the matter shall be scheduled for a public hearing before the City Council. The public hearing should be heard within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(4)(d) ."*
3) Section 20.44.170(L)(6)(b)(i) "Appeal of Denial of Commercial Cannabis Business Permit Renewal (All Types)" would be changed to read as follows: *"b) Any decision of the Development Services Director may be appealed to the Planning Commission. An appeal shall be filed within five (5) business days (excluding official city holidays) following a decision by the Director of Development Services. i.) When an appeal has been filed, the matter shall be scheduled for a public hearing before the Planning Commission. The public hearing should be heard within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(6)(b)*

(v).”

4) Section 20.44.170(L)(6)(b)(vi)(b) “Appeal of Denial of Commercial Cannabis Business Permit Renewal (All Types)" would be changed to read as follows: *“vi.) The decision of the Planning Commission may be appealed to the City Council. a) A written appeal shall be filed within five (5) business days (excluding official City holidays) following a Planning Commission decision. b) When an appeal has been filed, the matter shall be scheduled for a public hearing before the City Council. The public hearing should be heard within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(6)(b)(vi)(e).”*

5) Section 20.44.170(L)(8)(c)(i) “Revocation of Commercial Cannabis Business Permit (All Types)" would be changed to read as follows: *“c) Any decision of the Development Services Director may be appealed to the Planning Commission. An appeal shall be filed within five (5) business days (excluding official city holidays) following a decision by the Director of Development Services. i.) When an appeal has been filed, the matter shall be scheduled for a public hearing before the Planning Commission. The public hearing should be heard within ~~(thirty) 30~~ ninety (90) days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(8)(c)(v).”*

6) Section 20.44.170(L)(8)(c)(vi)(b) “Revocation of Commercial Cannabis Business Permit (All Types)" would be changed to read as follows: *“vi.) The decision of the Planning Commission may be appealed to the City Council. a) A written appeal shall be filed within five (5) business days (excluding official city holidays) following a Planning Commission decision. b) When an appeal has been filed, the matter shall be scheduled for a public hearing before the City Council. The public hearing should be heard within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(8)(c)(vi)(e).”*

Proposed Changes Related to the Number of Votes Needed to Approve Planning Commission Actions

City staff recently noticed that the Zoning Ordinance was not clear on how many votes it took for the Planning Commission to approve an item. (Such information for the City Council is included in the City’s Charter, but it is unclear about how it applies to the Planning Commission.) Therefore, staff is proposing to amend the Ordinance in order to make it clear that it takes four (4) votes of the Planning Commission members to approve an item.

The following changes to Chapters 20.64 (Administrative Responsibility), 20.68 (Permit Requirements), and 20.70 (Public Notice and Hearings) are proposed in the Draft Ordinance at Attachment 8 and presented in the modified Chapters at Attachments 3 through 6:

1) Section 20.64.040 “Administrative Responsibility, Planning Commission" is proposed to be changed to read as follows:
“The role of the Planning Commission in the administration of the Zoning Ordinance includes:
   A) Serving as the review authority on permit and approval applications as shown in Table 20.64-1;
   B) Reviewing appeals filed from Site Plan Review Committee decisions on Site Plan Review permit applications;

C) Reviewing appeals filed from Development Services Director decisions on discretionary permit applications; and,

D) Providing recommendations to the City Council on legislative actions as shown in Table 20.64-1; and,

E) All decisions or recommendations of the Planning Commission noted above shall require at least four (4) members of the Planning Commission to vote to approve such an action; otherwise, the action is deemed denied."

2) Section 20.68.020(C)(1) "Permit Requirements, Conditional Use and Minor Use Permits, Review Authority" would be changed to read as follows: *"Conditional Use Permits. The Planning Commission shall take action on all Conditional Use Permit applications. At least four (4) members of the Planning Commission shall be required to vote to approve a Conditional Use Permit; otherwise, the Permit is deemed denied."*

3) Section 20.68.030(C)(1) "Design Review Permit, Review Authority" would be changed to read as follows: *"Planning Commission. The Planning Commission shall take action on all Design Review Permit applications except as specified in Sections 2 and 3 below. At least four (4) members of the Planning Commission shall be required to vote to approve a Design Review Permit; otherwise, the Permit is deemed denied."*

4) Section 20.68.070(C) "Variance" would be changed to read as follows: *"Review Authority. The Planning Commission, acting as the Board of Zoning Adjustment, shall take action on all Variance applications. At least four (4) members of the Planning Commission shall be required to vote to approve a Variance; otherwise, the Variance is deemed denied."*

5) Section 20.70.050 would be changed to read as follows:

"20.70.050 Decision or Recommendation by Planning Commission

A. After a public hearing, any decision of the Planning Commission shall require at least four (4) members of the Planning Commission to vote to approve an action; otherwise, the action is deemed denied.

B. After a public hearing resulting in a Planning Commission recommendation to the City Council, the Development Services Department shall forward the recommendation to the City Council. A copy of the recommendation shall be mailed to the applicant at the address shown on the application. If at least four members of the Planning Commission do not vote to recommend approval or denial, then that action shall be deemed a recommendation of denial."

Environmental Clearance

The Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a *Categorical Exemption* is being recommended (see Attachment 7 adopted 5/3/2021).

Planning Commission Action

On March 17, 2021, the Planning Commission held a public hearing on Zoning Ordinance Amendment #21-01. No one from the public testified on the matter. The Planning Commission voted 5-0 (5 ayes, 0 no, 1 absent, 1 vacancy) to recommend approval. (See Planning Commission Resolution #4061 at Attachment 6).

City Council Action

Adopt Ordinance 2523 (introduced 5/3/2021).

IMPACT ON CITY RESOURCES
No impact on City resources.

ATTACHMENTS
1. Proposed Modifications to MMC 20.74 (Appeals)
2. Proposed Modifications to MMC 20.44.170 (Commercial Cannabis Businesses)
3. Proposed Modifications to MMC 20.64 (Administrative Responsibility)
4. Proposed Modifications to MMC 20.68 (Permit Requirements)
5. Proposed Modifications to MMC 20.70 (Public Notice and Hearings)
6. Planning Commission Resolution #4061
7. Environmental Review #21-03 (Categorical Exemption adopted 5/3/2021)
8. Ordinance 2523 (introduced 5/3/2021)

Chapter 20.74 - APPEALS

Sections:	
20.74.010	Purpose
20.74.020	Appeal Subjects and Jurisdiction
20.74.030	Filing and Processing of Appeals
20.74.040	Judicial Review

20.74.010 Purpose

This chapter establishes procedures for the appeal of decisions made by the Planning Commission, the Site Plan Review Committee, and the Director of Development Services.

20.74.020 Appeal Subjects and Jurisdiction

A. Director of Development Services and Site Plan Review Committee Decisions. Any decision by the Director of Development Services and Site Plan Review Committee on discretionary permits and approvals may be appealed to the Planning Commission.

B. Planning Commission Decisions. Any decision of the Planning Commission may be appealed to the City Council.

20.74.030 Filing and Processing of Appeals

A. Eligibility. Any person or persons may submit an appeal of a decision by the Director of Development Services, Site Plan Review Committee, or Planning Commission.

B. Timing of Appeal. An appeal shall be filed within five business days (excluding official City holidays) following a Planning Commission decision, and five business days (excluding official City holidays) following a decision by the Director of Development Services or Site Plan Review Committee.

C. Form of Appeal.

1. An appeal shall be submitted in writing in a form acceptable to the City together with all required application fees.
2. The appeal application shall specifically state the pertinent facts and the basis for the appeal.
3. The whole decision or part of the decision may be appealed. If an appellant chooses, an appeal may be taken solely from any finding, action, or condition.

D. Effect of Appeal. Once an appeal is filed, any action on the associated project is suspended until the appeal is processed and a final decision is rendered by the review authority.

E. Report and Noticed Hearing

1. When an appeal has been filed, the Development Services Department shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing by the appropriate review authority. The public hearing should be heard within 90 calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued by the appropriate review authority pursuant to 20.74.030(F)(3).
2. Notice of the hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 20.70 (Public Notice and Hearings).
3. Any interested person may appear and be heard regarding the appeal.
4. All appeals on a single project shall be considered together at the same hearing.

F. Hearing and Decision.

1. During the appeal hearing, the review authority may take action on the specific basis for the appeal, or may reconsider the project in its entirety ("de novo" review). The review authority shall make its own decision supported by findings. In doing so, it may:
   a. Affirm, affirm in part, or reverse the action that is the subject of the appeal; or,
   b. Adopt additional conditions of approval that address the matter appealed; or,
   c. Remand the appeal for further review, recommendation, or action to the previous review authority.
2. The review authority's action shall be based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal and verify the compliance of the subject of the appeal with the Zoning Ordinance.
3. A matter being heard on appeal may be continued for good cause (e.g., additional CEQA review is required).
4. If the hearing body is unable to reach a decision on the matter appealed, the decision of the previous review authority shall remain in effect.

G. Effective Date of Appeal Decision.

1. **City Council Decisions.** A decision of the City Council is final and shall be effective on the date the decision is rendered.
2. **Planning Commission Decisions.** A decision of the Planning Commission is final and effective after 5:00 p.m. five business days following the date the decision is rendered, when no appeal to the decision has been filed in compliance with this chapter. In the event the completion of the appeal period falls on a weekend or holiday, the decision shall become effective after 5:00 p.m. of the next business day.

20.74.040 Judicial Review

No person may seek judicial review of a City decision on a permit or other matter in compliance with the Zoning Ordinance until all appeals to the Planning Commission and City Council have been first exhausted in compliance with this article.

3. **Minor Modifications to Pending Application for Commercial Cannabis Business Permit (All Types).**

   a. Applicants may make a written request to the Director of Development Services for a minor modification to a Commercial Cannabis Business Permit application at any point in the application process.

   b. The Director of Development Services shall have the discretion to approve minor modifications to the application. Minor modifications to an application include, but are not limited to, the following:

      i. A change to the name of the proposed business and/or entity;



      ii. A change in the organizational structure of a proposed business;

      iii. A change of owner or ownership interest, provided that any change in ownership affecting a financial interest of 5% or more shall require a new and separate background investigation, payment of fees for the costs for investigation, and must meet the requirements of Section 20.44.170(E)(1)(e);

      iv. A change in building elevations, floor plans, or site plans;

      v. A change in operational procedures or security plans or procedures;

      vi. Modifications to the parcel upon which the proposed Commercial Cannabis Business will be located, provided that the modifications do not otherwise render the parcel nonconforming to the underlying zoning district standards.

   c. The Director of Development Services will review any proposed modifications to the application and shall provide a written determination within thirty (30) days from the day the written request is received by the City. The decision of the Director of Development Services shall be final and there shall be no further right to appeal.

4. **Appeal of Denial of Commercial Cannabis Business Permit (All Types)**

   The Planning Commission will review the Commercial Cannabis Business applications and all other relevant information, and determine if a CCBP should be granted, as provided in Sections 20.44.170(L)(1)(h) and 20.44.170(L)(2)(g) herein. If the Planning Commission determines that the permit shall not be granted, the reasons for denial shall be provided in writing to the applicant. Any decision of the Planning Commission may be appealed to the City Council.

a. A written appeal shall be filed within five (5) business days (excluding official city holidays) following a Planning Commission decision.

b. When an appeal has been filed, the matter shall be scheduled for a public hearing before the City Council. The public hearing should be heard within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(4)(d).

c. Notice of the hearing of the appeal shall be provided to the applicant at least ten (10) calendar days prior to the public hearing.



d. Any interested person may appear and be heard regarding the appeal.

e. A matter being heard on appeal may be continued for good cause.

f. The City Council's review shall be a de novo review. At the conclusion of the hearing, the City Council will make its own determination to grant or deny the permit. The decision of the City Council shall be the City's final decision in this regard and shall be dispositive of the matter subject to judicial review under the provisions of California Code of Civil Procedure Sections 1094.5 and 1094.6.

5. **Commercial Cannabis Business Permit Annual Renewal (All Types)**

a. Applications for the renewal of a permit shall be filed with the Director of Development Services at least sixty (60) calendar days before the expiration of the current permit. Any permittee allowing their permit to lapse or which permit expired during a suspension shall be required to submit a new application, pay the corresponding original application fees and be subject to all aspects of the selection process.

b. Any person desiring to obtain a renewal of their respective permit shall file a written application under penalty of perjury on the required form with the Director of Development Services who will conduct a review. The application shall be accompanied by a nonrefundable filing fee established by the City Council to defray the cost of the review required by this Section. An applicant shall be required to update the information contained in their original permit application and provide any new and/or additional information as may be reasonably required by the Director of Development Services in order to determine whether said permit should be renewed. The Development Services Director, in consultation with the Selection Panel if



they were involved in the original review, will review all Commercial Cannabis Business renewal applications and all other relevant information, and determine if a renewal CCBP should be granted.

c. The Director of Development Services or designee may deny the annual renewal of a Commercial Cannabis Business Permit if the permittee or the permittee's agent or employee has committed any one of the following acts:

i. Any act which would be considered a ground for denial of the permit in the first instance;
ii. Violates any other provision of this section or any City of Merced or State law, statute, rule or regulation relating to the business's permitted activity;
iii. Engages in or permits misconduct substantially related to the qualifications, functions, or duties of the permittee;
iv. Conducts the permitted business in a manner contrary to the health, safety, or welfare of the public;
v. Fails to take reasonable measures to control patron conduct, where applicable, resulting in disturbances, vandalism, or crowd control problems occurring inside of or outside the premises, traffic control problems, or creation of a public or private nuisance, or obstruction of the operation of another business;
vi. Violates or fails to comply with the terms and conditions of the permit; or,
vii. Fails to pay all applicable City, State, or Federal taxes and fees.

6. **Appeal of Denial of Commercial Cannabis Business Permit Renewal (All Types)**

a. The Development Services Director, in consultation with the Selection Panel if they were involved in the original review, will review all Commercial Cannabis Business renewal applications and all other relevant information, and determine if a renewal CCBP should be granted. If the Development Services Director determines that the permit shall not be granted, the reasons for denial shall be provided in writing to the applicant. The applicant shall have fourteen (14) calendar days from the date of the receipt of the written denial to correct the reasons for denial and request in writing reconsideration of permit issuance. Following review of the amended permit application, the Development Services Director will approve or deny the permit by providing written notice to the applicant.



b. Any decision of the Development Services Director may be appealed to the Planning Commission. An appeal shall be filed within five (5) business days (excluding official city holidays) following a decision by the Director of Development Services.

i. When an appeal has been filed, the matter shall be scheduled for a public hearing before the Planning Commission. The public hearing should be heard within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(6)(b)(v).

ii. Notice of the hearing shall be provided to the applicant at least ten (10) calendar days prior to the public hearing.

iii. Any interested person may appear and be heard regarding the appeal.

iv. The Planning Commission's review of the appeal shall be limited to review of the Development Services Director decision and shall not be a de nova review.

v. A matter being heard on appeal may be continued for good cause.

vi. The decision of the Planning Commission may be appealed to the City Council.



a) A written appeal shall be filed within five (5) business days (excluding official City holidays) following a Planning Commission decision.

b) When an appeal has been filed, the matter shall be scheduled for a public hearing before the City Council. The public hearing should be heard within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(6)(b)(vi)(e).

c) Notice of the hearing of the appeal shall be provided to the applicant at least ten (10) calendar days prior to the public hearing.

d) Any interested person may appear and be heard regarding the appeal.

e) A matter being heard on appeal may be continued for good cause.

f) The City Council's review shall be a de novo review. At the conclusion of the hearing, the City Council will make its own determination to grant or deny the permit. The decision of the City Council shall be the City's final decision in this regard and shall be dispositive of the matter subject to judicial review under the provisions of California Code of Civil Procedure Sections 1094.5 and 1094.6.

7. **Modifications to Commercial Cannabis Business Permit (All Types)**

   a. A Commercial Cannabis Permit holder may make a written request to the Director of Development Services for modification of an existing permit at any time.

   b. The Director of Development Services shall have the discretion to approve minor modifications to the permit. Minor modifications to an application include, but are not limited to, the following:



      i. A change to the name of the proposed business and/or entity;
      ii. A change in the organizational structure of a proposed business;
      iii. A change of owner or ownership interest, provided that any change in ownership affecting a financial interest of 5% or more shall require a new and separate background investigation, payment of fees for the costs for investigation, and must meet the requirements of Section 20.44.170(E)(1)(e);
      iv. A change in building elevations, floor plans, or site plans;
      v. A change in operational procedures or security plans or procedures;
      vi. Modifications to the parcel upon which the proposed Commercial Cannabis Business will be located, provided that the modifications do not otherwise render the parcel nonconforming to the underlying zoning district standards.

   c. Any change to the location of a Commercial Cannabis Business after issuance of a Commercial Cannabis Business Permit may require a new application with payment of associated fees, at the discretion of the Director of Development Services. Any change to the location of a Commercial Cannabis Business shall be subject to approval by the Planning Commission. Prior to approval of a change in location of a Commercial Cannabis Business, the Planning Commission will provide all public notices and conduct a public hearing as described in the City of Merced Municipal Code Section 20.70.010 through 20.70.040.

   d. The Director of Development Services will review any requests for modifications to the permit and shall provide a written determination within thirty (30) days from the day the written request is received by the City. The decision of the Director of Development Services shall be final and there shall be no further right to appeal.

8. **Revocation of Commercial Cannabis Business Permit (All Types)**

a. The Director of Development Services or designee may suspend or revoke a Commercial Cannabis Business Permit when the permittee or the permittee's agent or employee has committed any one or more of the following acts:



i. Any act which would be considered a ground for denial of the permit in the first instance.

ii. Violates any other provision of this section or any City of Merced or State law, statute, rule or regulation relating to the business's permitted activity.

iii. Engages in or permits misconduct substantially related to the qualifications, functions or duties of the permittee.

iv. Conducts the permitted business in a manner contrary to the health, safety, or welfare of the public.

v. Fails to take reasonable measures to control patron conduct, where applicable, resulting in disturbances, vandalism, or crowd control problems occurring inside of or outside the premises, traffic control problems, or creation of a public or private nuisance, or obstruction of the operation of another business.

vi. Violates or fails to comply with the terms and conditions of the permit.

vii. Fails to pay all applicable City, State, or Federal taxes and fees.

b. Prior to suspension or revocation of the applicable permit, the Director of Development Services shall conduct a hearing. Written notice of the time and place of such hearing shall be served upon the permittee at least ten (10) calendar days prior to the date set for such hearing. The notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending the permit. Notice may be given either by personal delivery or by certified U.S. mail, postage prepaid.

c. Any decision of the Development Services Director may be appealed to the Planning Commission. An appeal shall be filed within five (5) business days (excluding official city holidays) following a decision by the Director of Development Services.

i. When an appeal has been filed, the matter shall be scheduled for a public hearing before the Planning Commission. The public hearing should be heard within ~~(thirty) 30~~ ninety (90) days of receiving the appeal unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(8)(c)(v).

ii. Notice of the hearing shall be provided to the applicant at least (ten) 10 calendar days prior to the public hearing.

iii. Any interested person may appear and be heard regarding the appeal.

iv. The Planning Commission's review of the appeal shall be limited to review of the Development Services Director decision and shall not be a de novo review.

v. A matter being heard on appeal may be continued for good cause.

vi. The decision of the Planning Commission may be appealed to the City Council.



a) A written appeal shall be filed within five (5) business days (excluding official city holidays) following a Planning Commission decision.

b) When an appeal has been filed, the matter shall be scheduled for a public hearing before the City Council. The public hearing should be heard within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(8)(c)(vi)(e).

c) Notice of the hearing of the appeal shall be provided to the applicant at least ten (10) calendar days prior to the public hearing.

d) Any interested person may appear and be heard regarding the appeal.

e) A matter being heard on appeal may be continued for good cause.

f) The City Council's review shall be a de novo review. At the conclusion of the hearing, the City Council will make its own determination to grant or deny the permit. The decision of the City Council shall be the City's final decision in this regard and shall be dispositive of the matter subject to judicial review under the provisions of California Code of Civil Procedure Sections 1094.5 and 1094.6.

M. Limitations on the City's Liability

To the fullest extent permitted by law, the City shall not assume any liability whatsoever, with respect to approving any Commercial Cannabis Business Permit pursuant to this ordinance or the operation of any cannabis facility approved pursuant to this chapter. As a condition of approval of a Commercial Cannabis Business Permit as provided in this chapter, the applicant or its legal representative shall:

1. Execute an agreement indemnifying the City from any claims, damages, injuries or liabilities of any kind associated with the registration or operation of the

commercial cannabis facility or the prosecution of the applicant or permittee or its members for violation of federal or State laws;

2. Maintain insurance in the amounts and types that are acceptable to the City Attorney or designee;
3. Name the City as an additionally insured on all City required insurance policies;
4. Agree to defend, at its sole expense, any action against the City, its agents, officers, and employees related to the approval of a Commercial Cannabis Business permit; and,
5. Agree to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge related to the City's approval of a Commercial Cannabis Business Permit. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.

N. Enforcement



1. A violation of the regulations in this ordinance by an act, omission, or failure of an agent, owner, officer or other person acting in concert with or employed by a permittee within the scope of their employment or office, shall be deemed the act, omission, or failure of the permittee.
2. A permitted Commercial Cannabis Business shall notify the Police Chief or designee of the City of Merced upon discovery of any of the following situations:
   a. A discrepancy of more than $1,000 in inventory over a period of 24 hours or $3,000 over period of 7 days.
   b. A reason to suspect diversion, loss, theft or any other criminal activity pertaining to the operation of the commercial cannabis business.
   c. The loss or alteration of records related to cannabis goods, registered medical cannabis patients, caregivers or dispensary employees or agents.
   d. Any other reason to suspect any other breach of security.
3. Each and every violation of this Section shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Municipal Code. Additionally, as a nuisance per se, any violation of this article shall be subject to injunctive relief, revocation of the business's Commercial Cannabis Business Permit, disgorgement and payment to the City of any and all monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or equity. The City may also pursue any and all remedies and actions available and applicable under local and state laws for any violations committed by the cannabis business and/or any owner, agent, officer, or any other person acting in concert with or employed by the cannabis business.

Chapter 20.64 - ADMINISTRATIVE RESPONSIBILITY

Sections:	
20.64.010	Purpose
20.64.020	Planning Agency
20.64.030	City Council
20.64.040	Planning Commission
20.64.050	Site Plan Review Committee
20.64.060	Director of Development Services

20.64.010 Purpose

This chapter describes the authority and responsibilities of the City Council, Planning Commission, Site Plan Review Committee, and Director of Development Services in the administration of the Zoning Ordinance.

20.64.020 Planning Agency

The City Council, the Planning Commission, the Site Plan Review Committee, and the Director of Development Services shall function as the Planning Agency and as the Advisory Agency in compliance with Government Code Section 65100.

20.64.030 City Council

The role of the City Council in the administration of the Zoning Ordinance includes:

A. Serving as the review authority on legislative actions as shown in Table 20.64-1; and,

B. Reviewing appeals filed from Planning Commission decisions.



TABLE 20.64-1 REVIEW AND DECISION-MAKING AUTHORITY

Type of Action	Role of Authority [1]			
	Director of Development Services [2]	Site Plan Review Committee	Planning Commission	City Council
Legislative Actions				
Annexations/Prezoning	Recommend		Recommend	Decision
Development Agreements	Recommend	-	Recommend	Decision
General Plan Amendments	Recommend	-	Recommend	Decision
Zoning Ordinance Amendments (Map & Text)	Recommend	-	Recommend	Decision
Permits				
Conditional Use Permit	Recommend	-	Decision	Appeal
Design Review/Historic Preservation Permit	Recommend	-	Decision	Appeal
Minor Use Permit	Decision	-	Appeal	Appeal
Site Plan Review Permit	Recommend	Decision	Appeal	Appeal
Special Project Permit	Recommend	-	Recommend	Decision
Variance	Recommend	-	Decision	-
Other Approvals				
Density Bonus	Recommend	-	Recommend	Decision
Interpretations/Determinations	Decision	-	Appeal	Appeal
Minor Modification	Decision	-	Appeal	Appeal
Reasonable Accommodations	Decision	-	Appeal	Appeal
Site Utilization Plan Revisions (P-D Zone)	Recommend	-	Recommend	Decision
Subdivision Map—Tentative	Recommend		Decision	Appeal
Subdivision Map--Final	Recommend			Decision

Notes:

[1] "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body.

[2] The Director of Development Services may defer action and refer the request to the Planning Commission for consideration and final action.

20.64.040 Planning Commission

The role of the Planning Commission in the administration of the Zoning Ordinance includes:

A. Serving as the review authority on permit and approval applications as shown in Table 20.64-1;

B. Reviewing appeals filed from Site Plan Review Committee decisions on Site Plan Review permit applications;

C. Reviewing appeals filed from Development Services Director decisions on discretionary permit applications; and,

D. Providing recommendations to the City Council on legislative actions as shown in Table 20.64-1.

E. All decisions or recommendations of the Planning Commission noted above shall require at least four (4) members of the Planning Commission to vote to approve such an action; otherwise, the action is deemed denied.

20.64.050 Site Plan Review Committee

A. Membership.



1. The Site Plan Review Committee shall consist of three members holding the positions of the Chief Building Official, Director of Development Services, and the City Engineer or their respective designees.
2. In the event any of these positions are vacant for more than 30 days, the City Manager may designate another City employee as a temporary substitute during the vacancy.

B. Role. The role of the Site Plan Review Committee in the administration of the Zoning Ordinance includes:

1. Serving as the review authority on Site Plan Review applications; and,
2. Referring action as needed on any Site Plan Review Permit to the Planning Commission for review and final decision.

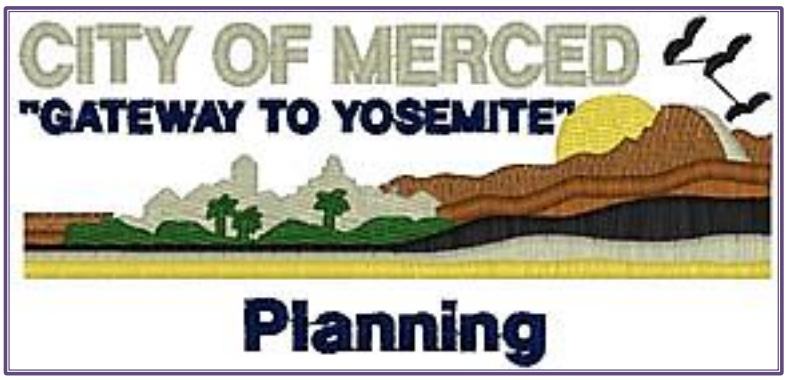
20.64.060 Director of Development Services

The role of the Director of Development Services in the administration of the Zoning Ordinance includes:

A. Serving as the review authority on permit and approval applications shown in Table 20.64-1;

B. Interpreting the Zoning Ordinance as specified in Chapter 20.04 (Interpretation of the Zoning Ordinance); and,

C. Referring action as needed on any permit, approval, or interpretation to the Planning Commission for review and final decision.





Chapter 20.68 - PERMIT REQUIREMENTS

Sections:	
20.68.010	Purpose
20.68.020	Conditional Use and Minor Use Permits
20.68.030	Design Review Permit
20.68.040	Minor Modification
20.68.050	Site Plan Review Permit
20.68.060	Special Project Permit
20.68.070	Variance

20.68.010 Purpose

This chapter identifies the purpose, thresholds for review, and findings for approval for each planning permit required by the Zoning Ordinance.

20.68.020 Conditional Use and Minor Use Permits

A. Purpose. A Conditional Use or Minor Use Permit is required for uses that are generally appropriate within a zoning district but potentially unsuitable in a particular location or in large numbers. A Conditional Use or Minor Use Permit is a discretionary action that enables the City to ensure that a proposed use is consistent with all General Plan goals and policies and will not create negative impacts to adjacent properties or the general public.

B. Application Submittal and Review. Application for a Conditional Use or Minor Use Permit shall be filed and reviewed in compliance with Chapter 20.66 (Permit Application and Review).

C. Review Authority.

1. **Conditional Use Permits.** The Planning Commission shall take action on all Conditional Use Permit applications. At least four (4) members of the Planning Commission shall be required to vote to approve a Conditional Use Permit; otherwise, the Permit is deemed denied.
2. **Minor Use Permits**.
   a. The Director of Development Services shall take action on all Minor Use Permit applications.
   b. The Director of Development Services may refer any Minor Use Permit application to the Planning Commission for review and final decision.

D. Public Notice and Hearing.

1. Public notice and hearing for a Conditional Use Permit shall be provided in compliance with Chapter 20.70 (Public Notice and Hearing).
2. No public notice or hearing is required for a Minor Use Permit although all records relating to the permit shall be public records and shall be available for review upon request.

E. Findings for Approval. The review authority may approve an application for a Conditional Use or Minor Use Permit application only if all of the following findings can be made:



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.
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.
3. The proposed use will not be detrimental to the public 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.

F. Conditions of Approval. The review authority may attach conditions to the approval of a Conditional Use or Minor Use Permit as needed to ensure compliance with the General Plan, Zoning Ordinance, Merced Municipal Code, City Design Standards, or any applicable specific plan, community plan, or area plan, policy, or ordinance adopted by the City.



G. Appeals. Decisions on Conditional Use and Minor Use Permits may be appealed as provided for in Chapter 20.74 (Appeals).

H. Post-Decision Procedures. Procedures and requirements relating to effective dates, time limits, changes to approved projects, resubmittals, and permit revocation shall apply to Conditional and Minor Use Permits as provided in Chapter 20.72 (Post-Decision Procedures).

I. Time Limits. If not exercised within 5 years of approval, the Conditional Use Permit shall expire. Time extensions of up to 2 years may be approved by the Director of Development Services. (Refer to Section 20.72.060(B) and (C) for definition of "exercised" and time extension procedures.)

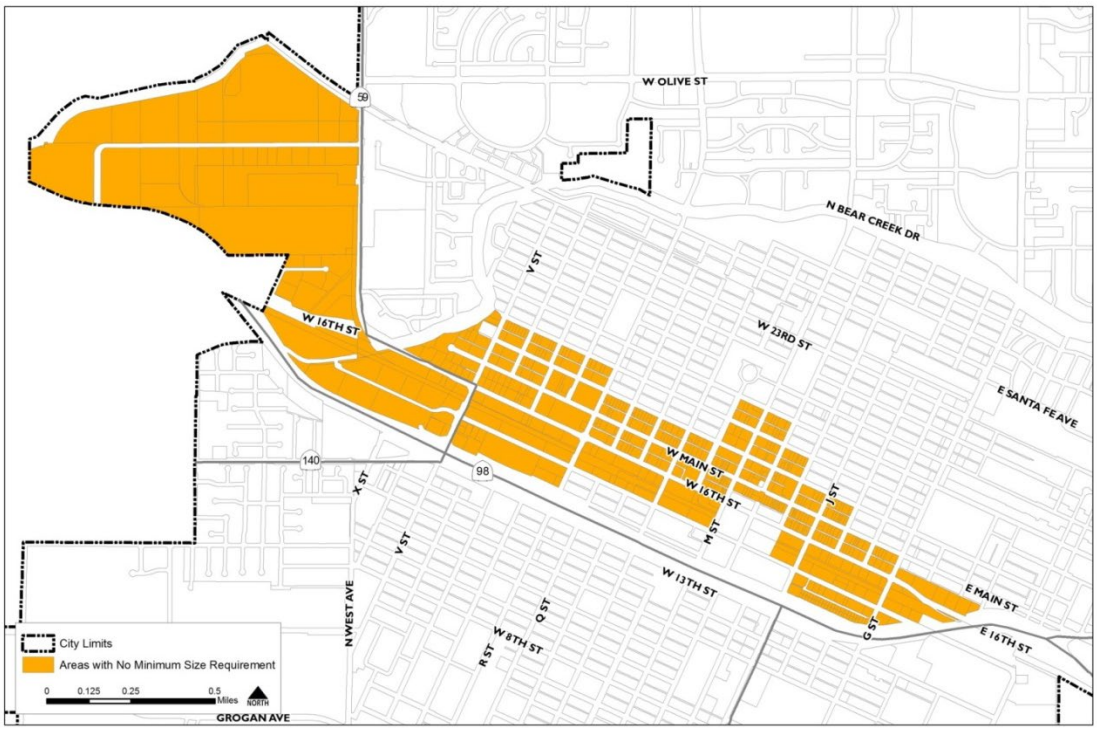
20.68.030 Design Review Permit

A. Purpose. A Design Review Permit is required for most types of development in portions of Downtown Merced and areas directly west of the Downtown area, see Figure 20.68-1 (Design Review Boundaries). A Design Review Permit is a discretionary action that enables the Planning Commission and staff to ensure high quality development that enhances the visual qualities of Merced and creates and supports the City's economic development objectives.

B. Applicability.

1. A Design Review Permit shall be required for the establishment of all new structures and modifications to existing structures within area identified in Figure 20.68-1, except for:
   a. Single-family detached dwellings;
   b. Structures accessory to single-family detached dwellings; and,
   c. Structures located in the I-L and I-H zoning districts, which are subject to Site Plan Review Permits (Section 20.68.050) instead.
2. A legal description of the area subject to Design Review Permit approval can be found in City Council Ordinance No. 2409 approving Zoning Ordinance Amendment No. 13-01 on June 17, 2013.

FIGURE 20.68-1 DESIGN REVIEW BOUNDARIES



C. Review Authority.

1. **Planning Commission.** The Planning Commission shall take action on all Design Review Permit applications except as specified in Sections 2 and 3 below. At least four (4) members of the Planning Commission shall be required to vote to approve a Design Review Permit; otherwise, the Permit is deemed denied.
2. **Development Services Department**. Development Services Department staff shall take action on Design Review Permit applications for the following projects:



   a. Change in exterior wall paint color.
   b. Installation of new signage and maintenance of existing signage, including new copy, painting, repair, and replacement of defective sign parts that does not alter the basic copy, design, or structure of the sign.
   c. Any items referred to staff following Planning Commission review.
   d. Minor modifications to Design Review Permits approved by the Planning Commission or Site Plan Review Committee which do not alter the basic design or structure of the project.
   e. Façade improvements to existing structures which do not increase the floor area of the structure by more than 5 percent.
   f. New structures less than 10,000 square feet that are deemed by the Director of Development Services to be minor in nature.
3. **Staff Referral.** The Director of Development Services may choose to refer any Design Review Permit application for review and final action by the Planning Commission.

D. Application Submittal and Review. Application for a Design Review Permit shall be filed and reviewed in compliance with Chapter 20.66 (Permit Application and Review).

E. Public Notice and Hearing. Public Notice and hearing for a Design Review Permit shall be provided in compliance with Chapter 20.70 (Public Notice and Hearing). Public hearings are only required for those Design Review Permits which go to the Planning Commission for approval, not staff-level reviews.

F. Features to Consider. When reviewing a Design Review Permit application, the City may consider, but is not limited to, the following features of the project design:

1. The location of all structures on the property and compatibility with surrounding uses.
2. Proposed and existing landscaping, fencing, and other screening materials.

3. Design of all circulation, parking and loading facilities for vehicles, bicycles, pedestrians, and transit.
4. Screening of refuse facilities, utility meters, and mechanical equipment.
5. Building and site design, including exterior colors and architecture style.



6. Design and location of public infrastructure including curb cuts, curbs, gutters, sidewalks, sidewalk design, drainage, and fire hydrants.
7. Location, design, and intensity of all onsite exterior lighting.
8. Location and design of address system and graphics for mail delivery system.
9. Design of all open space areas.
10. Design, placement, dimension, and color of all signs and exterior graphics, including sign materials, lighting, sign intensity, and temporary signs.
11. Review of design and placement of facilities for physically handicapped or persons with disabilities.

G. Design Review Principles. When reviewing Design Review Permit applications, the Planning Commission or City staff may consider the following Design Review principles:



1. Review of architectural character shall not be so restrictive that individual initiative is stifled in the design of any particular building or site. Rather, review exercised shall be the amount necessary to achieve the overall purpose and objective of the Design Review process.
2. Good architectural character is based upon the suitability of a building and site for its purposes; upon the appropriate use of sound materials, good relationship with other structures, and the character of the City; and upon the principles of harmony, preparation and design in the elements of the building and site.
3. Review of sign graphics shall be based upon suitability of the sign colors, placement, design to overall building design, and adjacent sign themes. The Planning Commission or City staff shall consider the extent, design and location of all temporary signs as well as permanent signs in the review of sign graphics.

H. Findings. The review authority may approve an application for a Design Review Permit application only if all of the following findings can be made:



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

2. The proposed project complies with all applicable provisions of the Zoning Code 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.

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

5. 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.





I. Conditions of Approval. The review authority may attach conditions to the approval of a Design Review Permit as needed to ensure compliance with the General Plan, Zoning Ordinance, Merced Municipal Code, City Design Standards, or any applicable specific plan, community plan, or area plan, policy, or ordinance, adopted by the City.

J. Appeals. Decisions on Design Review Permits may be appealed as provided for in Chapter 20.74 (Appeals).

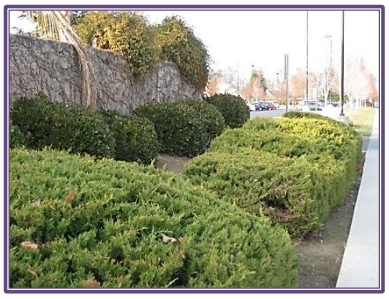
K. Post-Decision Procedures. Procedures and requirements relating to effective dates, time limits, changes to approved projects, resubmittals, and permit revocation shall apply to Design Review Permits as provided in Chapter 20.72 (Post-Decision Procedures). .

20.68.040 Minor Modification

A. Purpose. A Minor Modification allows for small deviations from development standards to accommodate projects which meet the needs of property owners, are consistent with the purpose of the Zoning Ordinance and General Plan, and do not negatively impact neighboring properties or the community at large.

B. Applicability.

1. **Permitted Modifications.** A Minor Modification may be granted to allow for a maximum 10 percent deviation from a physical development standard that applies to the subject property. Types of physical development standards eligible for a Minor Modification include:



   a. Maximum height of buildings, fences, walls, and other structures;
   b. Minimum and maximum setbacks from property lines;
   c. Maximum lot coverage;
   d. Dimensional standards for parking spaces, driveways, parking lots, and loading areas; and,
   e. Other similar dimensional standards as determined by the Director of Development Services.

2. **Excluded Modifications.** Minor Modifications shall not be granted for:
   a. Lot area, width, or depth; or,
   b. Minimum number of off-street parking spaces; or,
   c. Maximum residential density.

C. Review Authority.

1. The Director of Development Services shall take action on requested Minor Modifications.
2. The Director of Development Services may choose to refer any Minor Modification application to the Planning Commission for review and final decision.

D. Application Submittal and Review. An application for a Minor Modification shall be filed and reviewed in compliance with Chapter 20.66 (Permit Application and Review). The application shall include the information and materials specified by the Development Services Department, together with all required application fees.

E. No Public Notice and Hearing. No public notice and hearing shall be required for a Minor Modification application although all records relating to the modification shall be public records and shall be available for review upon request.

F. Findings for Approval. To approve a Minor Modification application, the Director of Development Services shall make all of the following findings:



1. The modification will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.
2. The modification will not adversely impact neighboring properties or the community at large.
3. The modification is necessary due to unique characteristics of the subject property, structure, or use.
4. Unique characteristics necessitating the modification generally do not apply to other properties in the vicinity or in the same zoning district as the subject property.
5. There are no feasible design alternatives that meet the project objectives while eliminating the need for the requested modification.
6. The modification will be consistent with the purpose of the zoning district, the General Plan, and any adopted area, community, or neighborhood plan.
7. The modification will not establish an undesirable precedent.

G. Conditions of Approval. The granting of a Minor Modification for approval by the Director of Development Services may include such conditions as deemed reasonable and necessary to carry out the intent of this chapter, the Zoning Code, Merced Municipal Code, and the General Plan.

20.68.050 Site Plan Review Permit



A. Purpose. A Site Plan Review Permit is a discretionary action that enables the City to determine a project's compliance with the Zoning Ordinance and ensure that it will not create negative impacts to adjacent properties or the general public.

B. Applicability. The following uses and structures require a Site Plan Review Permit:

1. All uses as shown in Part 2 (Zoning District Standards), and,
2. All proposed uses and structures within the Light Industrial (I-L) and Heavy Industrial (I-H) zoning districts.

C. Review Authority.

1. The Site Plan Review Committee shall take action on all Site Plan Review Permits.
2. The Site Plan Review Committee may refer any Site Plan Review Permit application to the Planning Commission for review and final decision.

D. Application Submittal and Review. Application for a Site Plan Review Permit shall be filed and reviewed in compliance with Chapter 20.66 (Permit Application and Review).

E. Public Notice and Hearing. No public notice and hearing for a Site Plan Review Permit shall be provided in compliance with Chapter 20.70 (Public Notice and Hearing), except for:



1. Those properties that are directly adjacent to any residentially zoned property in the City; or,
2. Site Plan Review Permits required for Interface (Chapter 20.32).

In those cases, public notice shall be given to those adjacent properties at least 10 days prior to the Site Plan Review Meeting.

F. Findings for Approval. The Site Plan Review Committee may approve an application for a Site Plan Review Permit only if all of the following findings can be made:

1. The proposed project is consistent with the General Plan, and any adopted area, specific, community, or neighborhood plan.
2. The proposed project complies with all 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.
4. The proposed architectural design makes use of appropriate materials, texture and color, and will remain aesthetically appealing and appropriately maintained.
5. Any proposed landscaping design, including color, location, size, texture, type, and coverage of plant materials, as well as provisions for irrigation, maintenance, and protection landscaping elements, will complement structures and provide an attractive environment.
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.

G. Appeals. Decisions on Site Plan Review Permits may be appealed as provided for in Chapter 20.74 (Appeals).

H. Post-Decisions Procedures. Procedures and requirements relating to effective dates, time limits, changes to approved projects, resubmittals, and permit revocation shall apply to Site Plan Review Permits as provided in Chapter 20.72 (Post-Decision Procedures).

20.68.060 Special Project Permit

A. Purpose. The Special Project Permit allows for high quality development that deviates from development standards required by the applicable zoning district. The Special Project Permit is intended to promote creativity in building design and innovation in development concepts in a manner consistent with the General Plan. The Special Project Permit provides applicants with enhanced flexibility to take advantage of unique site characteristics to develop projects that will provide public benefits and enhance the quality of life in Merced.

B. Applicability. A Special Project Permit may be granted in any zoning district provided that:

1. The proposed project is located on a minimum 3-acre parcel; and,
2. The proposed land uses are consistent with the applicable General Plan land use designation.



C. Review Authority. The City Council shall take action on all Special Project Permits with a recommendation from the Planning Commission.

D. Adjustment of Standards. With approval of a Special Project Permit, the City may allow for adjustment, up to 50 percent unless otherwise provided for in the Code, to all physical development standards that apply to the subject property, with the exception of an increase to the allowable residential density or intensity. Examples of physical development standards include height, setbacks, open space, lot coverage, and off-street parking requirements.

E. Application Submittal and Review. Application for a Special Project Permit shall be filed and reviewed in compliance with Chapter 20.66 (Permit Application and Review).

F. Public Notice and Hearing. Public Notice and hearing for a Special Project Permit shall be provided in compliance with Chapter 20.70 (Public Notice and Hearing).

G. Findings for Approval. The City may approve an application for a Special Project Permit only if all of the following findings can be made:

1. The proposed project is consistent with the purpose of the zoning district, the General Plan, Zoning Ordinance, Merced Municipal Code, and any adopted area, specific, community, or neighborhood plan.
2. The proposed project will produce a development with greater public benefits than what might otherwise result from using the standard development regulations.

3. Public benefits provided by the proposed project are commensurate with the requested deviation from the standard development regulations.
4. The subject property is adequate in terms of size, shape, topography, and circumstances to accommodate the proposed development.
5. The proposed project 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 subject property.

H. Post-Decision Procedures. Procedures and requirements relating to effective dates, time limits, changes to approved projects, resubmittals, and permit revocation shall apply to Special Project Permits as provided in Chapter 20.72 (Post-Decision Procedures).

20.68.070 Variance



A. Purpose. A Variance is a discretionary permit that allows for deviation from physical development standards contained in the Zoning Ordinance. A Variance may be granted only when the strict application of development standards creates a unique hardship due to an extraordinary situation or circumstance associated with the property.

B. Applicability.

1. **Allowable Variances.** A Variance may be granted to allow for deviation from any physical development standard that applies to the subject property. Examples of physical development standards include height, setbacks, open space, lot coverage, and off-street parking requirements.
2. **Variances Not Allowed.** A Variance shall not be granted to allow:
   a. A land use that is prohibited in the applicable zoning district;
   b. Deviation in excess of 50 percent of a measureable requirement of the Zoning Ordinance;
   c. Deviation from General Plan policies; or,
   d. Deviation from Sign requirements in Chapter 17.36 (Signs) or Section 20.62 (Signs).

C. Review Authority. The Planning Commission, acting as the Board of Zoning Adjustment, shall take action on all Variance applications. At least four (4) members of the Planning Commission shall be required to vote to approve a Variance; otherwise, the Variance is deemed denied.

D. Application Submittal and Review. Application for a Variance shall be filed and reviewed in compliance with Chapter 20.66 (Permit Application and Review).

E. Public Notice and Hearing. Public Notice and hearing for a Variance shall be provided in compliance with Chapter 20.70 (Public Notice and Hearing).

F. Findings for Approval. The Planning Commission may approve an application for a Variance only if all of the following findings can be made:

1. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zoning district as the subject property. Unique circumstances required for approval of a Variance shall not include conditions created by any act of the property owner or occupant; personal, family, or financial conditions; loss of prospective profits; or neighboring violations.



2. The strict application of the Zoning Ordinance requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zoning district as the subject property.
3. The Variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zoning district as the subject property.
4. The Variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity or in the same zoning district as the subject property.
5. The Variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zoning district as the subject property.
6. The Variance complies with applicable standards in the Zoning Ordinance, other City ordinances, the General Plan and any other applicable community, neighborhood, specific, or area plan adopted by the City.

G. Precedent. The approval of a Variance shall not set the precedent for the granting of any future Variances. Each application shall be considered only on its individual merits.

H. Appeals. Decisions on Variances, as quasi-judicial permits, may only be appealed to a Court of Law.

I. Post-Decision Procedures. Procedures and requirements relating to effective dates, time limits, changes, resubmittals, and permit revocation shall apply to Variances as provided in Chapter 20.72 (Post-Decision Procedures).

Chapter 20.70 - PUBLIC NOTICE AND HEARINGS

Sections:	
20.70.010	Purpose
20.70.020	Notice of Hearing
20.70.030	Scheduling of Hearing
20.70.040	Hearing Procedure
20.70.050	Decision or Recommendation by Planning Commission
20.70.060	Decision and Notice
20.70.070	Effective Date of Decision

20.70.010 Purpose

This chapter provides procedures for public hearings required by the Zoning Ordinance. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted, in compliance with this chapter and applicable State law. In the event of any conflict between these provisions and requirements of State law, State law shall control.

20.70.020 Notice of Hearing

When the Zoning Ordinance requires a noticed public hearing before a decision on a permit, or for another matter, the public will be provided notice of the hearing as required by this chapter.



A. Content of Notice. Notice of a public hearing shall include all of the following information, as applicable.

1. **Hearing Information.** The date, time, and place of the hearing; the name of the hearing body; and the phone number and street address of the Development Services Department where an interested person could call or visit to obtain additional information.
2. **Project Information.** The name of the applicant, the City's file number assigned to the application, a general explanation of the matter to be considered, a general description of the location of the subject property, and any recommendation from a prior hearing body.

3. **Statement on Environmental Document.** A statement that the proposed project is determined exempt under the California Environmental Quality Act (CEQA), or that a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report has been prepared for the project. The hearing notice shall state that the hearing body will consider approval of the CEQA determination or document prepared for the proposed project.

B. Method of Notice Distribution. Notice of a public hearing shall be given as follows:



1. **Mailing.** Notice shall be mailed or delivered at least ten days (or as otherwise provided by CEQA) before the scheduled hearing to the following recipients:

   a. **Project Site Owners and the Applicant.** The owners of the subject property or the owners' authorized agent, and the applicant.

   b. **Local Agencies.** Each local agency expected to provide roads, schools, wastewater, streets, water, or other essential facilities or services to the subject property, whose ability to provide those facilities and services may be significantly affected.

   c. **Affected Owners.** All owners of real property within 300 feet of the exterior boundaries of the subject property. The Department of Development Services may distribute notice to additional properties as needed to ensure adequate public notification of the proposed project.

   d. **Persons Requesting Notice.** Any person who has filed a written request for notice with the Department of Development Services.

   e. **Other Persons.** Any other person whose property might, in the judgment of the Department of Development Services, be affected by the proposed project.

2. **Alternative to Mailing.** If the number of property owners to whom notice would be mailed in compliance with Subsection 1 above is more than 1,000, the Department of Development Services may choose to provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation in Merced at least 10 days prior to the hearing.

3. **Publication and Posting.** If notice is mailed or delivered as described in Subsection 1 above, the notice shall also be published at least once in a newspaper of general circulation in Merced at least 10 days before the scheduled hearing and posted to the City's website.

4. **Additional Notice.** In addition to the types of notice required above, the Department of Development Services may provide any additional notice, including the posting of signs, and content deemed necessary or desirable.

20.70.030 Scheduling of Hearing

After the completion of any environmental document required by the California Environmental Quality Act (CEQA), a Development Services Department staff report, and any additional materials required to render a decision, a matter requiring a public hearing shall be scheduled on the next available agenda reserved for public hearings, but no sooner than any minimum time period established by State law.

20.70.040 Hearing Procedure



A. General. Hearings shall be conducted in a manner consistent with the procedure adopted or endorsed by the hearing body.

B. Time and Place of Hearing. A hearing will be held at the date, time, and place for which notice was given, unless the required quorum of hearing body members is not present.

C. Continued Hearing. Any hearing may be continued from time to time without further notice; provided that the chair of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.

D. Motion of Intent. The hearing body may announce a tentative decision, and defer its action on a final decision until appropriate findings and conditions of approval have been prepared.

20.70.050 Decision or Recommendation by Planning Commission

A. After a public hearing, any decision of the Planning Commission shall require at least four (4) members of the Planning Commission to vote to approve an action; otherwise, the action is deemed denied.

B. After a public hearing resulting in a Planning Commission recommendation to the City Council, the Development Services Department shall forward the recommendation to the City Council. A copy of the recommendation shall be mailed to the applicant at the address shown on the application. If at least four members of the Planning Commission do not vote to recommend approval or denial, then that action shall be deemed a recommendation of denial.



20.70.060 Decision and Notice

A. Date of Action. With the exception of appeals to the City Council, the hearing body shall take action on the matter being considered following the close of the public hearing. The hearing body shall also take action on projects within the following timeframe as required by the California Environment Quality Act (CEQA):

1. Within 60 days of the date a Negative Declaration or Mitigated Negative Declaration has been adopted for project approval, the City shall take action on the accompanying discretionary project.
2. Within 180 days from the date the decision-making authority certifies a final Environmental Impact Report (EIR), the City shall take action on the accompanying discretionary project.



B. Decision.

1. The hearing body may announce and record its decision on the matter being considered at the conclusion of a scheduled hearing, or make a motion of intent and continue the matter to a later meeting agenda.
2. At the conclusion of a hearing conducted by the Development Services Director, the Development Services Director may choose to refer the matter to the Planning Commission for review and final decision. Referral to the Planning Commission may be chosen in cases of unusual public sensitivity, controversy, or complexity relating to a requested approval.

C. Conditions of Approval. The review authority may attach conditions to the approval of a discretionary permit, approval, or legislative action as needed to ensure compliance with the Merced Municipal Code, General Plan, or any applicable specific plan, community plan, or area plan adopted by the City Council.

D. Notice of Decision. Following a final decision, the City will provide notice of its final action to the applicant and to any person who specifically requested notice of the final action.

20.70.070 Effective Date of Decision

A. Development Services Director's or Planning Commission's Decision. The decision of the Director of Development Services or Planning Commission is final and effective after 5:00 p.m. on the 5th business day following the date the decision is rendered, when no appeal to the decision has been filed in compliance with Chapter 20.74 (Appeals).

B. City Council Decision. A decision of the City Council is final and shall be effective on the date the decision is rendered.

CITY OF MERCED
Planning Commission

Resolution #4061

WHEREAS, the Merced City Planning Commission at its regular meeting of March 17, 2021, held a public hearing via teleconference and considered **Zoning Ordinance Amendment #21-01,** initiated by the City of Merced. This application involves changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would amend Merced Municipal Code Sections 20.74 (Appeals), 20.44.170 (Commercial Cannabis Businesses), 20.64 (Administrative Responsibility), 20.68 (Permit Requirements), and 20.70 (Public Notice and Hearings). This amendment would clarify that appeals of actions by the Planning Commission, Site Plan Review Committee, and the Director of Development Services would be scheduled for a public hearing by the appropriate review authority and heard within 90 days unless otherwise mutually agreed to by the applicant and appellant; and modify the appeal procedures for Commercial Cannabis Business Permits to match the same language (the current requirement is 30 days). This amendment would also clarify that any action of the Planning Commission requires a vote of at least four members of the Planning Commission for all actions listed in Table 20.64-1 (Review and Decision-Making Authority), including Conditional Use Permits and other permits, approvals, and recommendations; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through F of Staff Report #21-205 (Exhibit A); 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 recommend to City Council adoption of a Categorical Exemption regarding Environmental Review #21-03, and approval of Zoning Ordinance Amendment #21-01, as outlined in Exhibit B and subject to the Findings set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Butticci, Camper, Delgadillo, White, and Chairperson Harris
NOES: None
ABSENT: Commissioners Dylina (one vacancy)
ABSTAIN: None

Adopted this 17th day of March 2021

Michael Harris

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Exhibits:
Exhibit A –Findings/Considerations
Exhibit B—Draft Ordinance

Ref: KIM/PROJECTS/2021/ZOA 21-01--Procedures/#4061 ZOA#21-01 Procedures.docx

Findings and Considerations
Planning Commission Resolution #4061
Zoning Ordinance Amendment #21-01

FINDINGS/CONSIDERATIONS:

General Plan Policies Related to This Application

A) The proposed zoning ordinance amendment would make changes to the timing of appeals and clarify the number of votes required to adopt Planning Commission actions. General Plan Implementing Action L-2.3.d calls for the City to review and update the Zoning Ordinance as needed.

Proposed Changes to Zoning Ordinance

B) The proposed changes to the Zoning Ordinance as outlined in the Findings below. The changes are contained in the Draft Ordinance at Exhibit B of Planning Commission Resolution #4061 (Attachment A) and presented in the modified Chapters at Attachments B through F of Staff Report #21-205. In general, the changes can be summarized as follows:

1) Amending the language regarding appeals for items that go to the Planning Commission to be consistent throughout the Zoning Ordinance, in particular Chapter 20.74 (Appeals) and Section 20.44.170 (Commercial Cannabis Businesses). All appeals will be required to be scheduled and heard within 90 days, unless mutually agreed to by the applicant and appellant.

2) Clarifying the language in Chapters 20.64 (Administrative Responsibility), 20.68 (Permit Requirements), and 20.70 (Public Notice and Hearings) to make it clear that it requires 4 votes of the Planning Commission members to approve an action; otherwise, it is deemed denied.

Proposed Changes to the Code Regarding Appeals

C) In the past, there has been some confusion regarding the timing of appeals in that the language in the Zoning Ordinance only referred to "scheduling" the item for a public hearing. It was not clear if that meant the item must be heard within that time frame or not. It also was not clear if the applicant and/or the appellant could agree to a longer time frame.

The following changes to Chapter 20.74 (Appeals) and Section 20.44.170 (Commercial Cannabis Businesses) are proposed in the Draft Ordinance at Exhibit B of Planning Commission Resolution #4061 (Attachment A) and presented in the modified Chapters at Attachments B through C of Staff Report #21-205:

1) Section 20.74.030(E)(1) "Filing and Processing of Appeals, Report and Noticed Hearing" would be changed to read as follows: "*1) When an appeal has been filed, the Development Services Department shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing by the appropriate review*

authority. Said public hearing should be heard within 90 calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued by the appropriate review authority pursuant to 20.74.030(F)(3).”’

2) Section 20.44.170(L)(4)(b) “Appeal of Denial of Commercial Cannabis Business Permit (All Types)" would be changed to read as follows: *“b) When an appeal has been filed, the matter shall be scheduled for a public hearing before the City Council. The public hearing should be heard within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(4)(d).”*

3) Section 20.44.170(L)(6)(b)(i) “Appeal of Denial of Commercial Cannabis Business Permit Renewal (All Types)" would be changed to read as follows: *“b) Any decision of the Development Services Director may be appealed to the Planning Commission. An appeal shall be filed within five (5) business days (excluding official city holidays) following a decision by the Director of Development Services. i.) When an appeal has been filed, the matter shall be scheduled for a public hearing before the Planning Commission. The public hearing should be heard within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(6)(b)(v).”*

4) Section 20.44.170(L)(6)(b)(vi)(b) “Appeal of Denial of Commercial Cannabis Business Permit Renewal (All Types)" would be changed to read as follows: *“vi.) The decision of the Planning Commission may be appealed to the City Council. a) A written appeal shall be filed within five (5) business days (excluding official City holidays) following a Planning Commission decision. b) When an appeal has been filed, the matter shall be scheduled for a public hearing before the City Council. The public hearing should be heard within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(6)(b)(vi)(e).”*

5) Section 20.44.170(L)(8)(c)(i) “Revocation of Commercial Cannabis Business Permit (All Types)" would be changed to read as follows: *“c) Any decision of the Development Services Director may be appealed to the Planning Commission. An appeal shall be filed within five (5) business days (excluding official city holidays) following a decision by the Director of Development Services. i.) When an appeal has been filed, the matter shall be scheduled for a public hearing before the Planning Commission. The public hearing should be heard within ~~(thirty) 30~~ ninety (90) days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(8)(c)(v).”*

6) Section 20.44.170(L)(8)(c)(vi)(b) “Revocation of Commercial Cannabis Business Permit (All Types)" would be changed to read as follows: *“vi.) The decision of the Planning Commission may be appealed to the City Council. a) A written appeal shall be filed within five (5) business days (excluding official city holidays) following a Planning Commission*

decision. b) When an appeal has been filed, the matter shall be scheduled for a public hearing before the City Council. The public hearing should be heard within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(8)(c)(vi)(e)."

Proposed Changes Related to the Number of Votes Needed to Approve Actions

D) City staff recently noticed that the Zoning Ordinance was not clear on how many votes it took for the Planning Commission to approve an item. (Such information for the City Council is included in the City's Charter, but it is unclear about how it applies to the Planning Commission.) Therefore, staff is proposing to amend the Ordinance in order to make it clear that it takes four (4) votes of the Planning Commission members to approve an item.

The following changes to Chapters 20.64 (Administrative Responsibility), 20.68 (Permit Requirements), and 20.70 (Public Notice and Hearings) are proposed in the Draft Ordinance at Exhibit B of Planning Commission Resolution #4061 (Attachment A) and presented in the modified Chapters at Attachments D through F of Staff Report #21-205:

1) Section 20.64.040 "Administrative Responsibility, Planning Commission" of is proposed to be changed to read as follows:

"The role of the Planning Commission in the administration of the Zoning Ordinance includes:

A) Serving as the review authority on permit and approval applications as shown in Table 20.64-1;

B) Reviewing appeals filed from Site Plan Review Committee decisions on Site Plan Review permit applications;

C) Reviewing appeals filed from Development Services Director decisions on discretionary permit applications; and,

D) Providing recommendations to the City Council on legislative actions as shown in Table 20.64-1.; and,

E) All decisions or recommendations of the Planning Commission noted above shall require at least four (4) members of the Planning Commission to vote to approve such an action; otherwise, the action is deemed denied."

2) Section 20.68.020(C)(1) "Permit Requirements, Conditional Use and Minor Use Permits, Review Authority" would be changed to read as follows: *"**Conditional Use Permits**. The Planning Commission shall take action on all Conditional Use Permit applications. At least four (4) members of the Planning Commission shall be required to vote to approve a Conditional Use Permit; otherwise, the Permit is deemed denied."*

3) Section 20.68.030(C)(1) "Design Review Permit, Review Authority" would be changed to read as follows: *"**Planning Commission**. The Planning Commission shall take action on all Design Review Permit applications*

except as specified in Sections 2 and 3 below. At least four (4) members of the Planning Commission shall be required to vote to approve a Design Review Permit; otherwise, the Permit is deemed denied."

4) Section 20.68.070(C) "Variance" would be changed to read as follows: *"**Review Authority**. The Planning Commission, acting as the Board of Zoning Adjustment, shall take action on all Variance applications. At least four (4) members of the Planning Commission shall be required to vote to approve a Variance; otherwise, the Variance is deemed denied."*

5) Section 20.74.050 would be changed to read as follows:

"20.74.050 Decision or Recommendation by Planning Commission

A. After a public hearing, any decision of the Planning Commission shall require at least four (4) members of the Planning Commission to vote to approve an action; otherwise, the action is deemed denied.

B. After a public hearing resulting in a Planning Commission recommendation to the City Council, the Development Services Department shall forward the recommendation to the City Council. A copy of the recommendation shall be mailed to the applicant at the address shown on the application. If at least four members of the Planning Commission do not vote to recommend approval or denial, then that action shall be deemed a recommendation of denial."

Time Frames

E) If recommended for approval by the Planning Commission on March 17, 2021, the Ordinance revisions would be scheduled for a City Council public hearing on May 3, 2021. A 2nd reading and adoption would follow on May 17, 2021, with the Ordinance being effective 30 days later or on or about June 17, 2021.

Environmental Clearance

F) The Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a *Categorical Exemption* is being recommended (see Attachment G of Staff Report #21-205).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, AMENDING SECTIONS 20.74 (APPEALS), 20.44.170 (COMMERCIAL CANNABIS BUSINESSES), 20.64 (ADMINISTRATIVE RESPONSIBILITY), 20.68 (PERMIT REQUIREMENTS), AND 20.70 (PUBLIC NOTICE AND HEARINGS) OF THE MERCED MUNICIPAL CODE REGARDING THE TIMING OF APPEALS AND THE NUMBER OF VOTES REQUIRED TO ADOPT PLANNING COMMISSION ACTIONS

THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT TO CODE. Section 20.74.030(E)(1) "Filing and Processing of Appeals, Report and Noticed Hearing," of the Merced Municipal Code is hereby amended to read as follows:

"E. Report and Noticed Hearing

1. When an appeal has been filed, the Development Services Department shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing by the appropriate review authority. Said public hearing should be heard within 90 calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued by the appropriate review authority pursuant to 20.74.030(F)(3)."

SECTION 2. AMENDMENT TO CODE. Section 20.44.170(L)(4)(b) "Appeal of Denial of Commercial Cannabis Business Permit (All Types)," of the Merced Municipal Code is hereby amended to read as follows:

"b. When an appeal has been filed, the matter shall be scheduled for a public hearing before the City Council. The public hearing should be heard within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(4)(d)."

SECTION 3. AMENDMENT TO CODE. Section 20.44.170(L)(6)(b)(i) "Appeal of Denial of Commercial Cannabis Business Permit Renewal (All Types)," of the Merced Municipal Code is hereby amended to read as follows:

"b. Any decision of the Development Services Director may be appealed to the Planning Commission. An appeal shall be filed within five (5) business days (excluding official city holidays) following a decision by the Director of Development Services.

i. When an appeal has been filed, the matter shall be scheduled for a public hearing before the Planning Commission. The public hearing should be heard within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(6)(b)(v)."

SECTION 4. AMENDMENT TO CODE. Section 20.44.170(L)(6)(b)(vi)(b) "Appeal of Denial of Commercial Cannabis Business Permit Renewal (All Types)," of the Merced Municipal Code is hereby amended to read as follows:

"vi. The decision of the Planning Commission may be appealed to the City Council.

a) A written appeal shall be filed within five (5) business days (excluding official City holidays) following a Planning Commission decision.

b) When an appeal has been filed, the matter shall be scheduled for a public hearing before the City Council. The public hearing should be heard within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(6)(b)(vi)(e)."

SECTION 5. AMENDMENT TO CODE. Section 20.44.170(L)(8)(c)(i) "Revocation of Commercial Cannabis Business Permit (All Types)," of the Merced Municipal Code is hereby amended to read as follows:

"c. Any decision of the Development Services Director may be appealed to the Planning Commission. An appeal shall be filed within five (5)

business days (excluding official city holidays) following a decision by the Director of Development Services.

i. When an appeal has been filed, the matter shall be scheduled for a public hearing before the Planning Commission. The public hearing should be heard within ~~(thirty) 30~~ ninety (90) days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(8)(c)(v).”

SECTION 6. AMENDMENT TO CODE. Section 20.44.170(L)(8)(c)(vi)(b) “Revocation of Commercial Cannabis Business Permit (All Types)," of the Merced Municipal Code is hereby amended to read as follows:

vi. The decision of the Planning Commission may be appealed to the City Council.

a) A written appeal shall be filed within five (5) business days (excluding official city holidays) following a Planning Commission decision.

b) When an appeal has been filed, the matter shall be scheduled for a public hearing before the City Council. The public hearing should be heard within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(8)(c)(vi)(e).”

SECTION 7. AMENDMENT TO CODE. Section 20.64.040 “Administrative Responsibility, Planning Commission," of the Merced Municipal Code is hereby amended to read as follows:

“The role of the Planning Commission in the administration of the Zoning Ordinance includes:

A. Serving as the review authority on permit and approval applications as shown in Table 20.64-1;

B. Reviewing appeals filed from Site Plan Review Committee decisions on Site Plan Review permit applications;

C. Reviewing appeals filed from Development Services Director decisions on discretionary permit applications; ~~and,~~

D. Providing recommendations to the City Council on legislative actions as shown in Table 20.64-1~~;~~ and,

E. All decisions or recommendations of the Planning Commission noted above shall require at least four (4) members of the Planning Commission to vote to approve such an action; otherwise, the action is deemed denied."

SECTION 8. AMENDMENT TO CODE. Section 20.68.020(C)(1) "Permit Requirements, Conditional Use and Minor Use Permits, Review Authority," of the Merced Municipal Code is hereby amended to read as follows:

"1. **Conditional Use Permits**. The Planning Commission shall take action on all Conditional Use Permit applications. At least four (4) members of the Planning Commission shall be required to vote to approve a Conditional Use Permit; otherwise, the Permit is deemed denied."

SECTION 9. AMENDMENT TO CODE. Section 20.68.030(C)(1) "Design Review Permit, Review Authority" of the Merced Municipal Code is hereby amended to read as follows:

"1. **Planning Commission**. The Planning Commission shall take action on all Design Review Permit applications except as specified in Sections 2 and 3 below. At least four (4) members of the Planning Commission shall be required to vote to approve a Design Review Permit; otherwise, the Permit is deemed denied."

SECTION 10. AMENDMENT TO CODE. Section 20.68.070(C) "Variance," of the Merced Municipal Code is hereby amended to read as follows:

"C. **Review Authority**. The Planning Commission, acting as the Board of Zoning Adjustment, shall take action on all Variance applications. At least four (4) members of the Planning Commission shall be required to vote to approve a Variance; otherwise, the Variance is deemed denied."

SECTION 11. AMENDMENT TO CODE. Section 20.74.050 "Recommendation by Planning Commission," of the Merced Municipal Code is hereby amended to read as follows:

"20.74.050 Decision or Recommendation by Planning Commission

A. After a public hearing, any decision of the Planning Commission shall require at least four (4) members of the Planning Commission to vote to approve an action; otherwise, the action is deemed denied.

B. After a public hearing resulting in a Planning Commission recommendation to the City Council, the Development Services Department shall forward the recommendation to the City Council. A copy of the recommendation shall be mailed to the applicant at the address shown on the application. If at least four members of the Planning Commission do not vote to recommend approval or denial, then that action shall be deemed a recommendation of denial."

SECTION 12. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 13. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 14. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ___ day of _____, 2021, and was passed and adopted at a regular meeting of said City Council held on the ___ day of _____, 2021, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

_____

Mayor

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

Frederick A Mott 8-7-19

City Attorney **Date**

https://cityofmerced-my.sharepoint.com/personal/espinosak_cityofmerced_org/Documents/Documents/KIM/PROJECTS/2021/ZOA 21-01--Procedures/#4061 Exhibit B for ZOA#21-01 (Draft Ord).docx

NOTICE OF EXEMPTION

To: ____ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

__X__ County Clerk
County of Merced
2222 M Street
Merced, CA 95340

From: (Public Agency)
City of Merced
678 West 18th St.
Merced, CA 95340

Project Title: **Zoning Ordinance Amendment #21-01/Environmental Review #21-03**

Project Applicant: City of Merced

Project Location (Specific): City of Merced (City wide)

Project Location - City: Merced **Project Location - County:** Merced

Description of Nature, Purpose, and Beneficiaries of Project: This application involves changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would amend Merced Municipal Code Sections 20.74 (Appeals), 20.44.170 (Commercial Cannabis Businesses), 20.64 (Administrative Responsibility), 20.68 (Permit Requirements), and 20.70 (Public Notice and Hearings). This amendment would clarify that appeals of actions by the Planning Commission, Site Plan Review Committee, and the Director of Development Services would be scheduled for a public hearing by the appropriate review authority and heard within 90 days unless otherwise mutually agreed to by the applicant and appellant; and modify the appeal procedures for Commercial Cannabis Business Permits to match the same language (the current requirement is 30 days). This amendment would also clarify that any action of the Planning Commission requires a vote of at least four members of the Planning Commission for all actions listed in Table 20.64-1 (Review and Decision-Making Authority), including Conditional Use Permits and other permits, approvals, and recommendations.

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: City of Merced

Exempt Status: (check one)

___ Ministerial (Sec. 21080(b)(1); 15268);
___ Declared Emergency (Sec. 21080(b)(3); 15269(a));
___ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
___ Categorical Exemption. State Type and Section Number: _____
___ Statutory Exemptions. State Code Number: _____.
__X__ General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt: The proposed Ordinance has been reviewed by City staff in accordance with the Environmental Checklist Form (Appendix G of the CEQA Guidelines) to determine if there would be any possibility that the proposed ordinance would create any significant environmental impacts, and City staff has determined that the clarifications to the timing of appeals and clarifications to the Planning Commission voting requirements do not meet any of the thresholds contained in the Checklist that would trigger a significant environmental impact, and thus according to the "general rule exemption" (Section 15061(b)(3) of the CEQA Guidelines), projects which have no potential for causing a significant effect on the environment are not subject to CEQA, no further environmental analysis is required.

Lead Agency: City of Merced
Contact Person: Kim Espinosa **Area Code/Telephone:** (209) 385-6858

Signature: _____ **Date:** February 25, 2021 **Title:** Planning Manager

__X__ Signed by Lead Agency Date Received for Filing at OPR (If applicable): n/a

Authority Cited: Sections 21083 and 21110. Public Resources Code; Reference: Sections 21108, 21152, and 21152.1. Public Resources Code

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, AMENDING SECTIONS 20.74 (APPEALS), 20.44.170 (COMMERCIAL CANNABIS BUSINESSES), 20.64 (ADMINISTRATIVE RESPONSIBILITY), 20.68 (PERMIT REQUIREMENTS), AND 20.70 (PUBLIC NOTICE AND HEARINGS) OF THE MERCED MUNICIPAL CODE REGARDING THE TIMING OF APPEALS AND THE NUMBER OF VOTES REQUIRED TO ADOPT PLANNING COMMISSION ACTIONS

THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT TO CODE. Section 20.74.030(E)(1) "Filing and Processing of Appeals, Report and Noticed Hearing," of the Merced Municipal Code is hereby amended to read as follows:

> **"E. Report and Noticed Hearing**
> 1. When an appeal has been filed, the Development Services Department shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing by the appropriate review authority. Said public hearing should be heard within 90 calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued by the appropriate review authority pursuant to 20.74.030(F)(3)."

SECTION 2. AMENDMENT TO CODE. Section 20.44.170(L)(4)(b) "Appeal of Denial of Commercial Cannabis Business Permit (All Types)," of the Merced Municipal Code is hereby amended to read as follows:

> "b. When an appeal has been filed, the matter shall be scheduled for a public hearing before the City Council. The public hearing should be heard within ninety (90) calendar days of receiving the appeal, unless otherwise

mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(4)(d)."

SECTION 3. AMENDMENT TO CODE. Section 20.44.170(L)(6)(b)(i) "Appeal of Denial of Commercial Cannabis Business Permit Renewal (All Types)," of the Merced Municipal Code is hereby amended to read as follows:

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i. When an appeal has been filed, the matter shall be scheduled for a public hearing before the Planning Commission. The public hearing should be heard within ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(6)(b)(v)."

SECTION 4. AMENDMENT TO CODE. Section 20.44.170(L)(6)(b)(vi)(b) "Appeal of Denial of Commercial Cannabis Business Permit Renewal (All Types)," of the Merced Municipal Code is hereby amended to read as follows:

"vi. The decision of the Planning Commission may be appealed to the City Council.

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SECTION 5. AMENDMENT TO CODE. Section 20.44.170(L)(8)(c)(i) "Revocation of Commercial Cannabis Business Permit (All Types)," of the Merced Municipal Code is hereby amended to read as follows:

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>
> > i. When an appeal has been filed, the matter shall be scheduled for a public hearing before the Planning Commission. The public hearing should be heard within ninety (90) days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(8)(c)(v)."

SECTION 6. AMENDMENT TO CODE. Section 20.44.170(L)(8)(c)(vi)(b) "Revocation of Commercial Cannabis Business Permit (All Types)," of the Merced Municipal Code is hereby amended to read as follows:

> vi. The decision of the Planning Commission may be appealed to the City Council.
>
> > a) A written appeal shall be filed within five (5) business days (excluding official city holidays) following a Planning Commission decision.
> >
> > b) When an appeal has been filed, the matter shall be scheduled for a public hearing before the City Council. The public hearing should be heard within ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(8)(c)(vi)(e)."

SECTION 7. AMENDMENT TO CODE. Section 20.64.040 "Administrative Responsibility, Planning Commission," of the Merced Municipal Code is hereby amended to read as follows:

"The role of the Planning Commission in the administration of the Zoning Ordinance includes:

A. Serving as the review authority on permit and approval applications as shown in Table 20.64-1;

B. Reviewing appeals filed from Site Plan Review Committee decisions on Site Plan Review permit applications;

C. Reviewing appeals filed from Development Services Director decisions on discretionary permit applications;

D. Providing recommendations to the City Council on legislative actions as shown in Table 20.64-1; and,

E. All decisions or recommendations of the Planning Commission noted above shall require at least four (4) members of the Planning Commission to vote to approve such an action; otherwise, the action is deemed denied."

SECTION 8. AMENDMENT TO CODE. Section 20.68.020(C)(1) "Permit Requirements, Conditional Use and Minor Use Permits, Review Authority," of the Merced Municipal Code is hereby amended to read as follows:

"1. **Conditional Use Permits**. The Planning Commission shall take action on all Conditional Use Permit applications. At least four (4) members of the Planning Commission shall be required to vote to approve a Conditional Use Permit; otherwise, the Permit is deemed denied."

SECTION 9. AMENDMENT TO CODE. Section 20.68.030(C)(1) "Design Review Permit, Review Authority" of the Merced Municipal Code is hereby amended to read as follows:

"1. **Planning Commission**. The Planning Commission shall take action on all Design Review Permit applications except as specified in Sections 2 and

3 below. At least four (4) members of the Planning Commission shall be required to vote to approve a Design Review Permit; otherwise, the Permit is deemed denied."

SECTION 10. AMENDMENT TO CODE. Section 20.68.070(C) "Variance," of the Merced Municipal Code is hereby amended to read as follows:

"C. **Review Authority**. The Planning Commission, acting as the Board of Zoning Adjustment, shall take action on all Variance applications. At least four (4) members of the Planning Commission shall be required to vote to approve a Variance; otherwise, the Variance is deemed denied."

SECTION 11. AMENDMENT TO CODE. Section 20.70.050 "Recommendation by Planning Commission, of the Merced Municipal Code is hereby amended to read as follows:

"20.70.050 Decision or Recommendation by Planning Commission

A. After a public hearing, any decision of the Planning Commission shall require at least four (4) members of the Planning Commission to vote to approve an action; otherwise, the action is deemed denied.

B. After a public hearing resulting in a Planning Commission recommendation to the City Council, the Development Services Department shall forward the recommendation to the City Council. A copy of the recommendation shall be mailed to the applicant at the address shown on the application. If at least four members of the Planning Commission do not vote to recommend approval or denial, then that action shall be deemed a recommendation of denial."

SECTION 12. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 13. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 14. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ____ day of _____, 2021, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2021, by the following called vote:

AYES: **Council Members:**

NOES: **Council Members:**

ABSTAIN: **Council Members:**

ABSENT: **Council Members:**

APPROVED:

_____
Mayor

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

BY:_____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

Prueda A Mata 4/8/21
City Attorney **Date**

ADMINISTRATIVE REPORT

Agenda Item J.12. Meeting Date: 5/17/2021

Report Prepared by: Michael Hren, Principal Planner, Development Services Department, Planning Division

SUBJECT: Second Reading and Final Adoption of an Ordinance Approving Site Utilization Plan Revision #2 to Planned Development #12, Including a Mini-Mart with Fuel Island, a Drive-Through Business, and an Office/Retail Building

REPORT IN BRIEF

Second reading and final adoption of an ordinance to change the General Plan and Site Utilization Plan designations for a parcel of approximately 3.38 acres located at the northeast corner of Olive Avenue and State Highway 59 to allow a commercial development.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2524**, an Ordinance of the City Council of the City of Merced, California, approving Site Utilization Plan Revision #2 to Planned Development (P-D) #12 changing the land use designation from “Commercial Office” (CO) and “Industrial” (IND) to “Business Park” (BP) for a parcel of approximately 3.38 acres of land generally located on the northeast corner of Olive Avenue and State Highway 59.

ALTERNATIVES

1. Approve, as recommended by the Planning Commission and staff; or,
2. Approve subject to modifications as conditioned by City Council; or,
3. Deny; or,
4. Refer back to staff for reconsideration of specific items (to be addressed in the motion); or,
5. Continue to a future meeting (date and time to be specified in the motion).

AUTHORITY

Title 19 of the Merced Municipal Code outlines environmental review procedures and California Government Code Section 65358(a) grants authority to amend all or part of an adopted General Plan. Merced Municipal Code Section 20.42.080 grants the City Council authority to approve revisions to a Planned Development.

CITY COUNCIL PRIORITIES

Infill Development is listed as a part of FY 2020-21 Council Goals and Priorities as part of Element 5, Future Planning.

DISCUSSION

Project Description

The proposed General Plan Amendment includes a General Plan Amendment and Site Utilization Plan (SUP) Revision for 3.38 acres. At the time of application, the site was part of a 13.03-acre parcel (APN: 058-030-037) which was comprised of two unconnected portions, the westernmost of which is where the 3.38-acre subject site sits. Since the application, a Boundary Adjustment has been processed, separating the 3.38-acre site into its own parcel.

The site has two General Plan designations of Commercial Office (CO) and Manufacturing/Industrial (IND); it also has a Zoning Designation of Planned Development #12. The proposed General Plan Amendment would change the General Plan designation to Business Park (BP). The SUP Revision includes changes to Planned Development #12 including a gas station with convenience store, a drive-through, and office and retail uses.

Surrounding Uses

Surrounding Land	*Existing Use of Land*	*City Zoning Designation*	*City General Plan Land Use Designation*
North	Open Space	P-D #9	Open Space; Industrial (IND)
South	Merced County Food Bank, Wal-Mart, Commercial (Across Olive Ave.)	R-1-6, P-D #16	Industrial (IND); Regional/Community Commercial (RC)
East	Industrial Warehouses, Cannabis Dispensary	P-D #12	Industrial (IND)
West	Vacant Lot, Approved Site of Commercial Development (Across Hwy. 59)	C-T	Thoroughfare Commercial (CT)

Background

This site was previously entitled through establishment of Planned Development #12 and through Conditional Use Permit (CUP) #380. At the time of the approval of CUP #380, the project site was part of a larger site that included what is now 1985 W Olive Avenue; CUP #380 was primarily for the purpose of constructing one of the warehouse buildings that currently occupies that site. The Bianchi Tomato Warehouses occupied that site for many years. In 2018, the Blue Fire cannabis dispensary located on the site.

At the time of application for this General Plan Amendment and Site Utilization Plan Revision, the project site was a part of a larger parcel extending to the north and east of the subject 3.38-acre site. Since then, a boundary adjustment has been recorded, modifying the borders such that this 3.38-acre site stands alone as a parcel unto itself.

On March 17, 2021, the Planning Commission held a public meeting to consider this application. At that meeting, representatives from the applicant were the only members of the public who expressed an interest in speaking about the project. The Planning Commission voted 5-0 (1 absent, 1 vacancy) to approve Resolution #4060 (Attachment 6).

Since the Planning Commission meeting, staff has received comments on the project's environmental review (Attachment 5) from the San Joaquin Valley Air Pollution Control District (SJVAPCD). In response to the Air Pollution Control District's comments, staff is recommending an additional Condition of the Resolution to read as follows:

> 34. Prior to issuance of the first building permit, the applicant shall demonstrate compliance with San Joaquin Valley Air Pollution Control District Rule 9510.

Findings/Considerations

Please refer to Exhibit B of the Planning Commission Resolution at Attachment 6 for findings and detailed information about the project. Finding L was not part of the Resolution recommended by the Planning Commission. It is recommended by staff to be added to the City Council's Resolution after further analysis that occurred after the Planning Commission's recommendation was made.

City Council Action

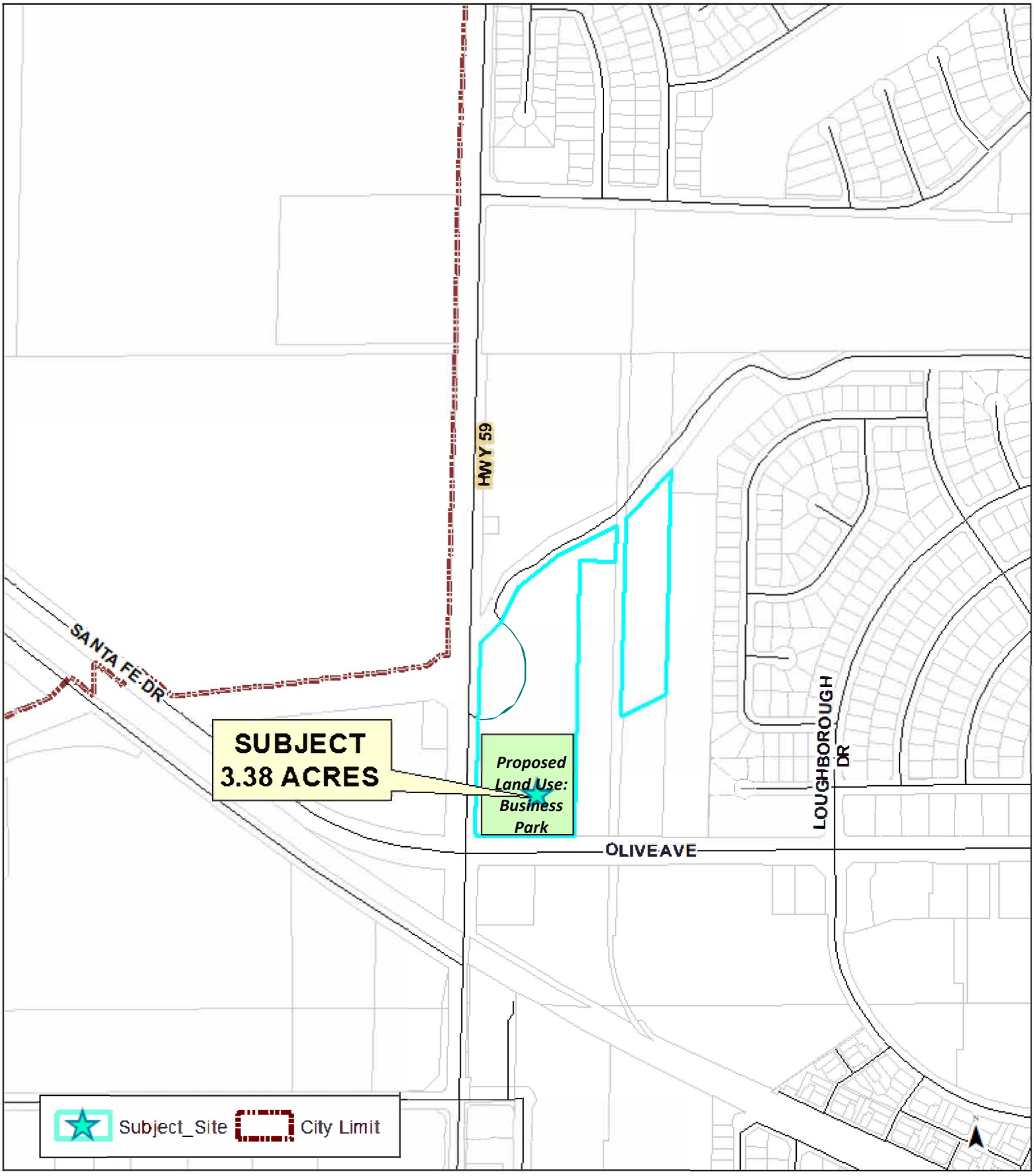
Adopt a motion approving the second reading and final adoption of the ordinance.

IMPACT ON CITY RESOURCES

No appropriation of funds is needed.

ATTACHMENTS

1. Location Map with Proposed Land Use
2. Aerial Map
3. Site Plan
4. Elevations
5. Letter from SJVAPCD regarding the Proposed Project
6. Planning Commission Resolution #4060
7. City Council Resolution (adopted 5/3/2021)
8. Ordinance 2524 (introduced 5/3/2021)



Disclaimer: This document was prepared for general inquiries only. The City of Merced is not liable for errors or ommissions that might occur. Official information concerning specific parcels should be obtained from recorded or adopted City documents.

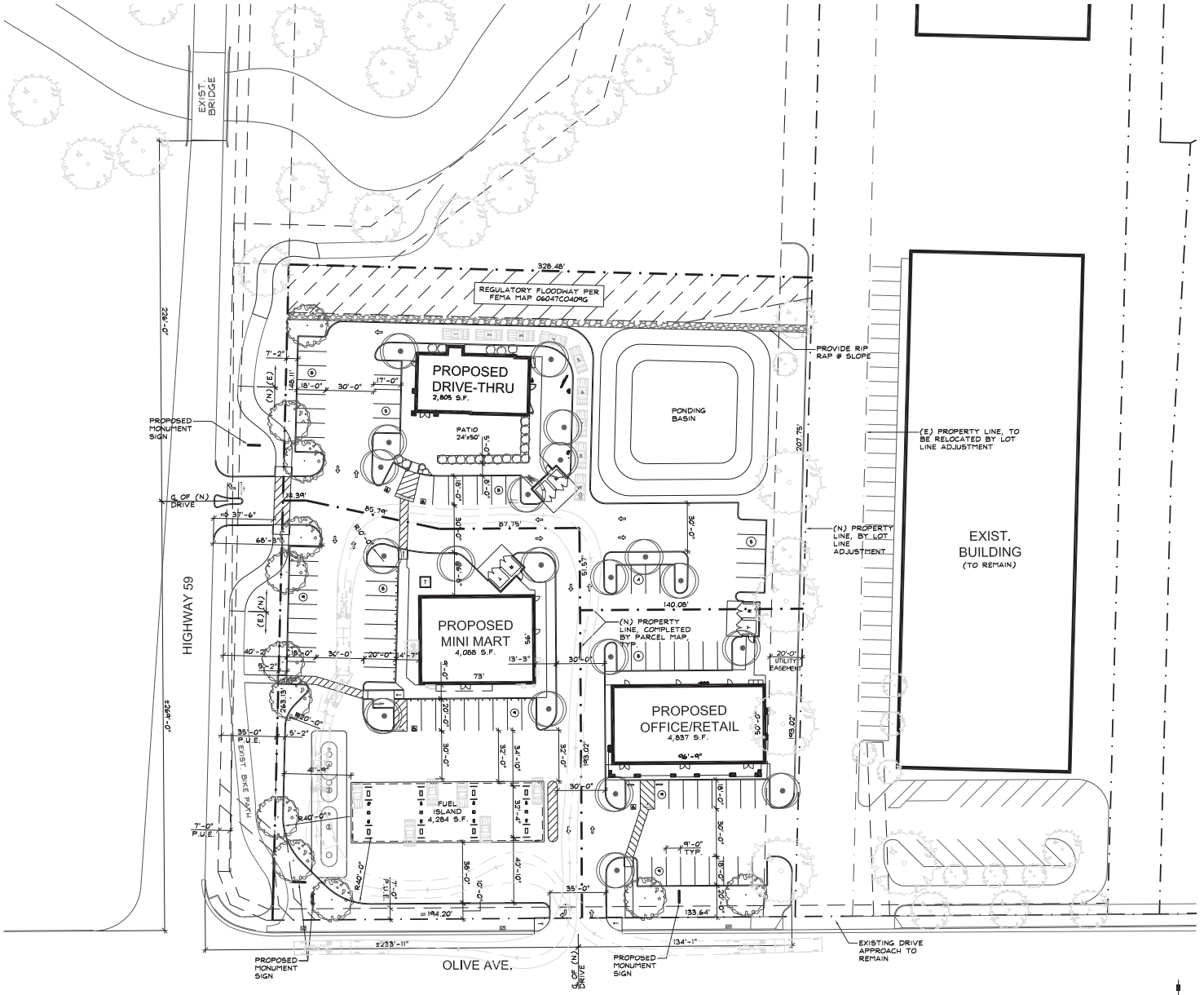
LOCATION MAP

ATTACHMENT 239



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Aerial Map of Project Site



OVERALL SITE PLAN — SCALE: 1"=30'-0" — 8

1

KEYNOTES — 2

ADDRESS:
N.E.C. OF OLIVE AVE. & HIGHWAY 59
MERCED, CALIFORNIA 95348

SITE:

APN #:	058-030-037
LEGAL DESCRIPTION:	PARCEL B PM 46-26 SEC 13/7/13
AREA:	3.06 ACRES (133,209 S.F.)
ZONING:	P-D PLANNED DEVELOPMENT
EXIST. LAND USE:	V - VACANT PARCEL
GENERAL PLAN:	COMMERCIAL OFFICE MANUFACTURING INDUSTRIAL

BUILDING:

MINI-MART:	4,088 S.F.
FUEL ISLAND:	4,264 S.F.
OFFICE/RETAIL:	4,837 S.F.
DRIVE-THRU:	2,805 S.F.
TOTAL:	16,014 S.F.
BLDG. LOT COVERAGE:	12.02% (16,014 S.F.)
PERVIOUS AREA:	35.34% (47,080 S.F.)
IMPERVIOUS AREA:	52.64% (70,115 S.F.)

PARKING:

PROVIDED:	89 PARKING STALLS ** (2 VAN ACCESSIBLE & 2 STANDARD ACCESSIBLE STALLS)
BICYCLE:	5% OF PARKING STALLS

SITE INFORMATION — 3

VICINITY MAP — SCALE: N.T.S. — 4

DATE	REVISION

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ROBERT C. VERMELTFOORT — No. C-28498 — REGISTERED ARCHITECT — STATE OF CALIFORNIA

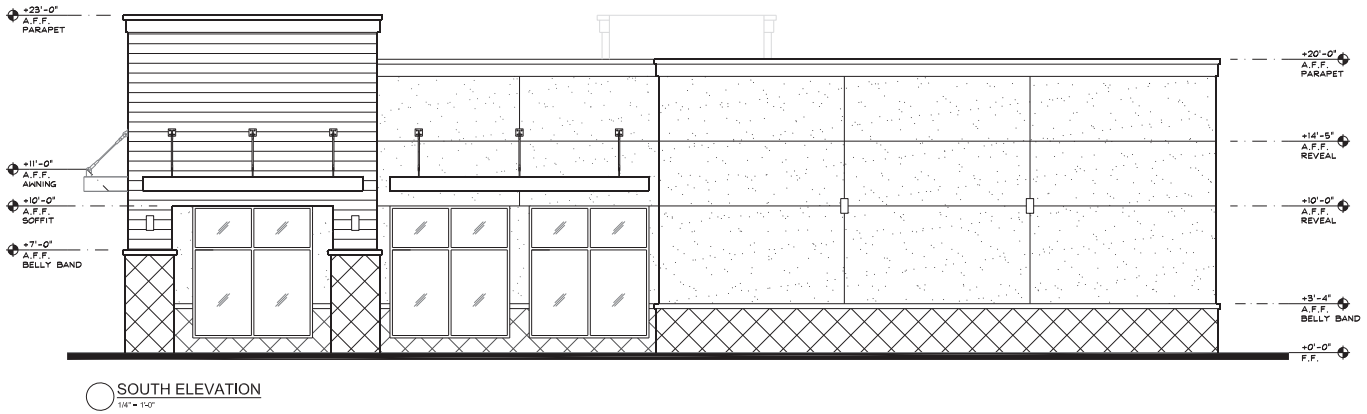
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SITE DEVELOPMENT
MINI-MART / DRIVE-THRU / RETAIL

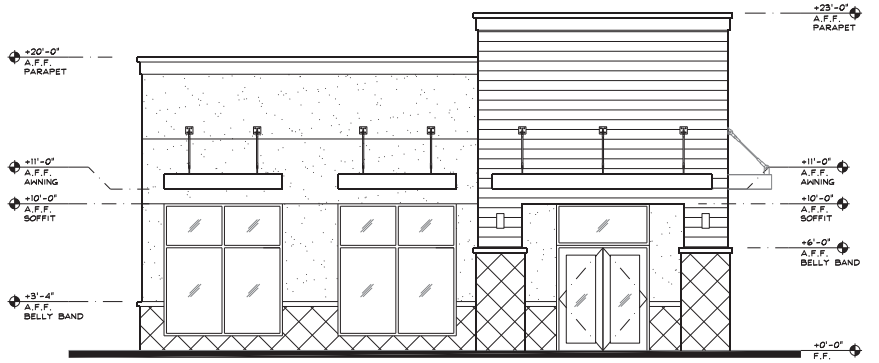
N.E.C. OF HIGHWAY 59 & OLIVE AVE., MERCED, CA

OVERALL SITE PLAN

ISSUE DATE:	10-9-20
REV. DATE:	
PROJECT NO.:	20003.6
DRAWN BY:	NL
SHEET:	A100



SOUTH ELEVATION
1/4" = 1'-0"



WEST ELEVATION
1/4" = 1'-0"

ATTACHMENT 4

KEYNOTES 1

KEY	MATERIAL	FINISH / COLOR
C-1	PRE-FINISHED ALUMINUM CANOPY	MAPES LUMISHADE CANOPY - BRONZE BAKED ENAMEL W/ REAR GUTTER CONNECTIONS
M-1	MISC. METAL: SCUPPER, DOWNSPOUT, ACCESS LADDER & LOUVERED VENT	DARK BRONZE
N-1	7/8" EXTERIOR CEMENT PLASTER, ELASTOMERIC TOP COAT - FIELD	SHERWIN WILLIAMS - "ANALYTICAL GRAY #7051"
N-2	THIN BRICK VENEER	H.C. MUDDOX - "RAILROAD BLEND"
P-1	PARAPET CAP FLASHING	DARK BRONZE
P-3	EXTERIOR HM DOORS, FRAMES, TRASH ENCLOSURE GATE, GRAVEL GUARDS, AND LIGHT POLES	SHERWIN WILLIAMS - SEAL SKIN "SW 7675"
P-6	BOLLARDS	SHERWIN WILLIAMS - SEAL SKIN "SW 7675"
S-1	ALUMINUM STOREFRONT GLAZING	KAWNEER - 451T VG

EXTERIOR FINISH SCHEDULE 2

EXTERIOR ELEVATIONS (DRIVE-THRU) SCALE: 1/4"=1'-0" 7

3

20 16 12 8 4

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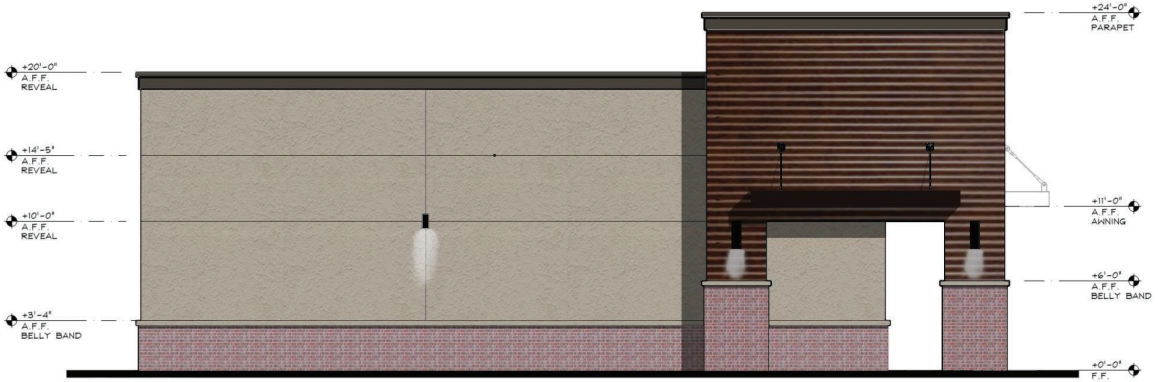
SITE DEVELOPMENT
MINI-MART / DRIVE-THRU / RETAIL
N.E.C. OF HIGHWAY 59 & OLIVE AVE., MERCED, CA

EXTERIOR ELEVATIONS (DRIVE-THRU)

ISSUE DATE:	10-9-20
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SHEET:	A304



SOUTH ELEVATION
1/4" = 1'-0"



WEST ELEVATION
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EXTERIOR ELEVATIONS (OFFICE/RETAIL)

SCALE: 1/4"=1'-0" | 3

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20 | 16 | 12 | EXTERIOR FINISH SCHEDULE | 8 | KEYNOTES | 4

DATE	REVISION

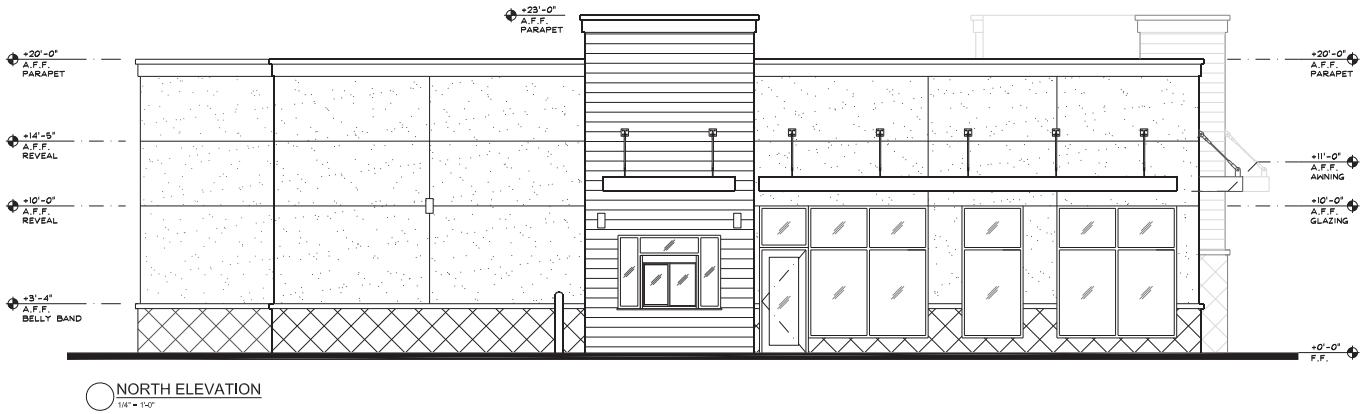
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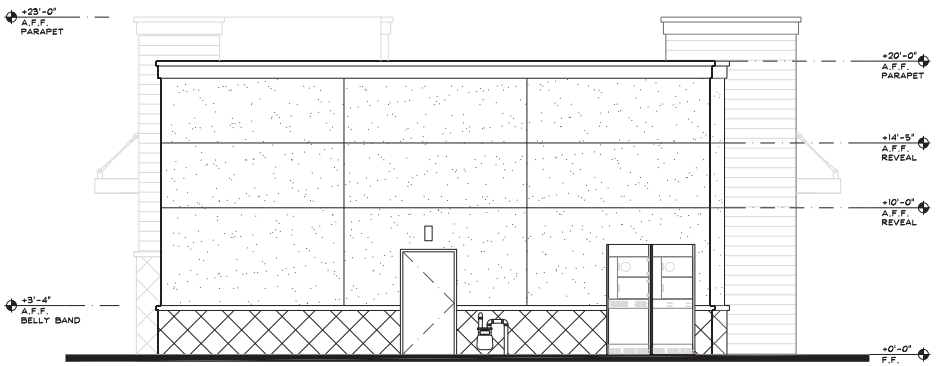
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SITE DEVELOPMENT
MINI-MART / DRIVE-THRU / RETAIL
N.E.C. OF HIGHWAY 59 & OLIVE AVE., MERCED, CA
EXTERIOR ELEVATIONS (OFFICE/RETAIL)

ISSUE DATE:	10-9-20
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PROJECT NO.:	20003.6
DRAWN BY:	NL
SHEET:	A302



NORTH ELEVATION
1/4" = 1'-0"



EAST ELEVATION
1/4" = 1'-0"

KEYNOTES

KEY	MATERIAL	FINISH / COLOR
C-1	PRE-FINISHED ALUMINUM CANOPY	MAPES LUMISHADE CANOPY - BRONZE BAKED ENAMEL W/ REAR GUTTER CONNECTIONS
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P-6	BOLLARDS	SHERWIN WILLIAMS - SEAL SKIN "SW 7675"
S-1	ALUMINUM STOREFRONT GLAZING	KAWNEER - 451T VG

EXTERIOR FINISH SCHEDULE

EXTERIOR ELEVATIONS (DRIVE-THRU) SCALE: 1/4"=1'-0"

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SITE DEVELOPMENT
MINI-MART / DRIVE-THRU / RETAIL
N.E.C. OF HIGHWAY 59 & OLIVE AVE., MERCED, CA

EXTERIOR ELEVATIONS (DRIVE-THRU)

ISSUE DATE:	10-9-20
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PROJECT NO.:	20003.6
DRAWN BY:	NL
SHEET:	A305

DATE	REVISION



NORTH ELEVATION
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EAST ELEVATION
1/4" = 1'-0"

KEYNOTES 1

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S-1	ALUMINUM STOREFRONT GLAZING	KAWNEER - 451T VG

EXTERIOR FINISH SCHEDULE 2

EXTERIOR ELEVATIONS (DRIVE-THRU) 7

SCALE: 1/4"=1'-0"

3

20 | 16 | 12 | 8 | 4

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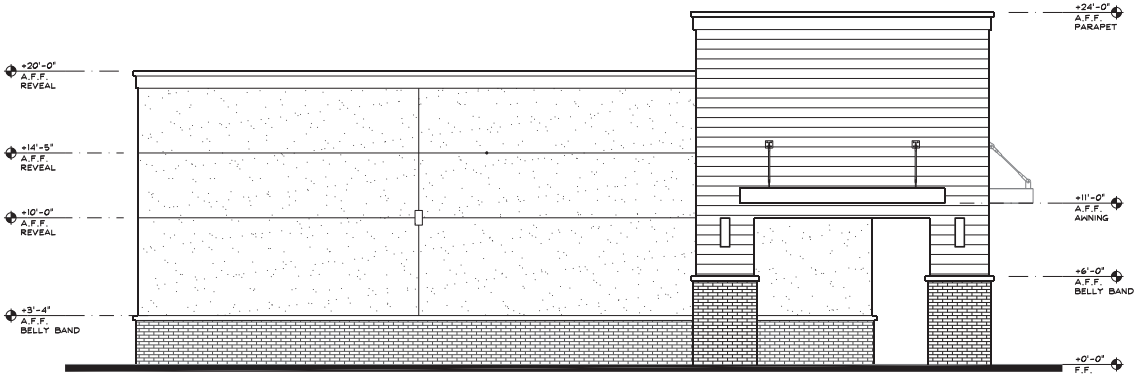
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SITE DEVELOPMENT
MINI-MART / DRIVE-THRU / RETAIL
N.E.C. OF HIGHWAY 59 & OLIVE AVE., MERCED, CA
EXTERIOR ELEVATIONS (DRIVE-THRU)

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SOUTH ELEVATION
1/4" = 1'-0"



WEST ELEVATION
1/4" = 1'-0"

EXTERIOR ELEVATIONS (OFFICE/RETAIL)

SCALE: 1/4"=1'-0" | 3

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	20		16		12	EXTERIOR FINISH SCHEDULE	8	KEYNOTES	4

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SITE DEVELOPMENT
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EXTERIOR ELEVATIONS (OFFICE/RETAIL)

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EXTERIOR FINISH SCHEDULE 2

EXTERIOR ELEVATIONS (DRIVE-THRU) 7

SCALE: 1/4"=1'-0" 3

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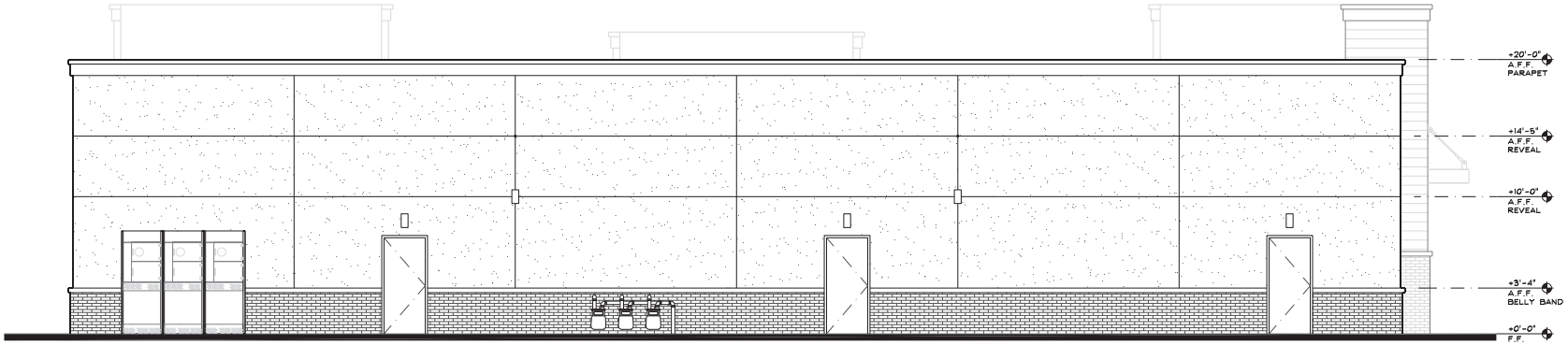
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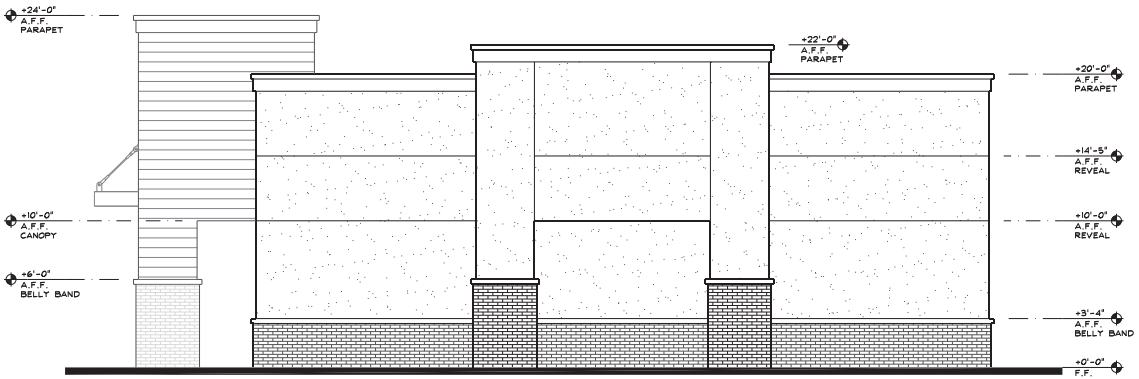
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SITE DEVELOPMENT
MINI-MART / DRIVE-THRU / RETAIL
N.E.C. OF HIGHWAY 59 & OLIVE AVE., MERCED, CA
EXTERIOR ELEVATIONS (DRIVE-THRU)

ISSUE DATE:	10-9-20
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NORTH ELEVATION
1/4" = 1'-0"



EAST ELEVATION
1/4" = 1'-0"

EXTERIOR ELEVATIONS (OFFICE/RETAIL) SCALE: 1/4"=1'-0" 3

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S-1	ALUMINUM STOREFRONT GLAZING	KAWNEER - 451T VG

20 | 16 | 12 | EXTERIOR FINISH SCHEDULE 8 | KEYNOTES 4

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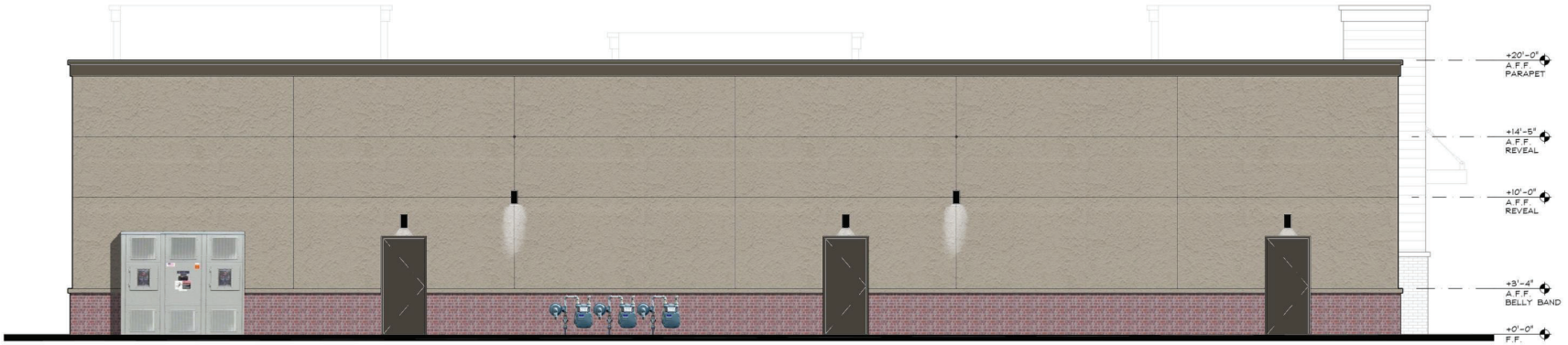
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SITE DEVELOPMENT
MINI-MART / DRIVE-THRU / RETAIL

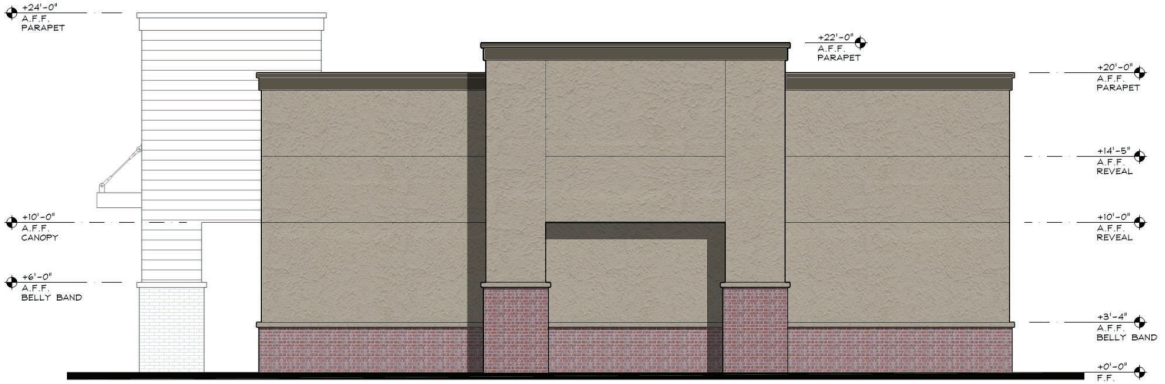
N.E.C. OF HIGHWAY 59 & OLIVE AVE., MERCED, CA

EXTERIOR ELEVATIONS (OFFICE/RETAIL)

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SHEET:	A303



NORTH ELEVATION
1/4" = 1'-0"



EAST ELEVATION
1/4" = 1'-0"

EXTERIOR ELEVATIONS (OFFICE/RETAIL)

SCALE: 1/4"=1'-0" | 3

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EXTERIOR FINISH SCHEDULE | 8

KEYNOTES | 4

20 | 16 | 12

DATE	REVISION

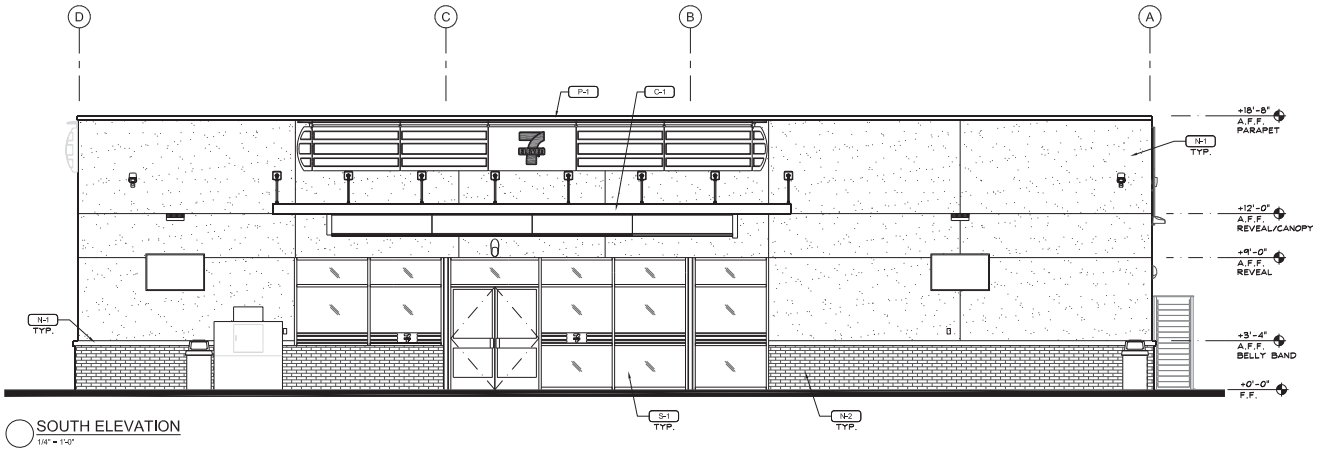
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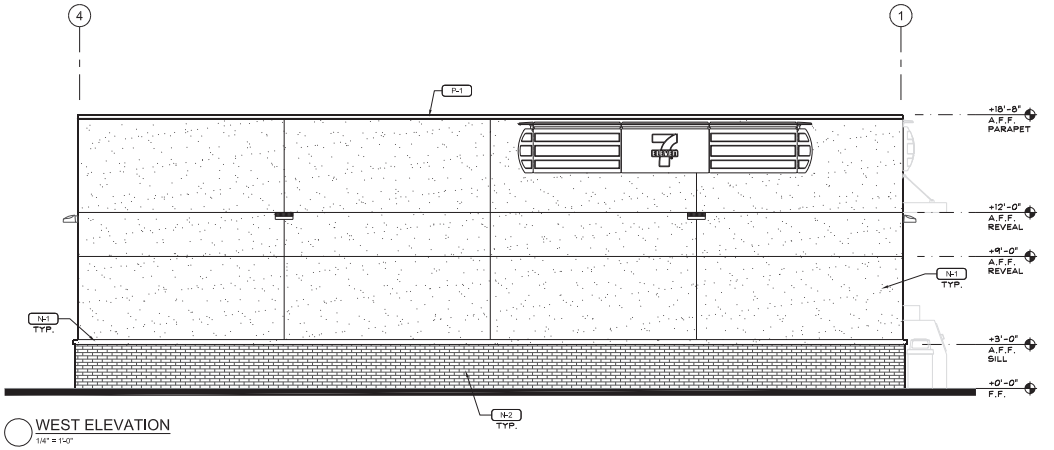
LICENSED ARCHITECT VERMELTFOORT C-28498 REGISTERED STATE OF CALIFORNIA
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SITE DEVELOPMENT
MINI-MART / DRIVE-THRU / RETAIL
N.E.C. OF HIGHWAY 59 & OLIVE AVE., MERCED, CA
EXTERIOR ELEVATIONS (OFFICE/RETAIL)

ISSUE DATE:	10-9-20
REV. DATE:	
PROJECT NO.:	20003.6
DRAWN BY:	NL
SHEET:	A303



SOUTH ELEVATION
1/4" = 1'-0"



WEST ELEVATION
1/4" = 1'-0"

KEYNOTES 1

KEY	MATERIAL	FINISH / COLOR
C-1	PRE-FINISHED ALUMINUM CANOPY	MAPES LUMISHADE CANOPY - BRONZE BAKED ENAMEL W/ REAR GUTTER CONNECTIONS
M-1	MISC. METAL: SCUPPER, DOWNSPOUT, ACCESS LADDER & LOUVERED VENT	DARK BRONZE
N-1	7/8" EXTERIOR CEMENT PLASTER, ELASTOMERIC TOP COAT - FIELD	SHERWIN WILLIAMS - "ANALYTICAL GRAY #7051"
N-2	THIN BRICK VENEER	H.C. MUDDOX - "RAILROAD BLEND"
P-1	PARAPET CAP FLASHING	DARK BRONZE
P-3	EXTERIOR HM DOORS, FRAMES, TRASH ENCLOSURE GATE, GRAVEL GUARDS, AND LIGHT POLES	SHERWIN WILLIAMS - SEAL SKIN "SW 7675"
P-6	BOLLARDS	SHERWIN WILLIAMS - SEAL SKIN "SW 7675"
S-1	ALUMINUM STOREFRONT GLAZING	KAWNEER - 451T VG

EXTERIOR FINISH SCHEDULE 2

EXTERIOR ELEVATIONS (7-ELEVEN) SCALE: 1/4"=1'-0" 7

3

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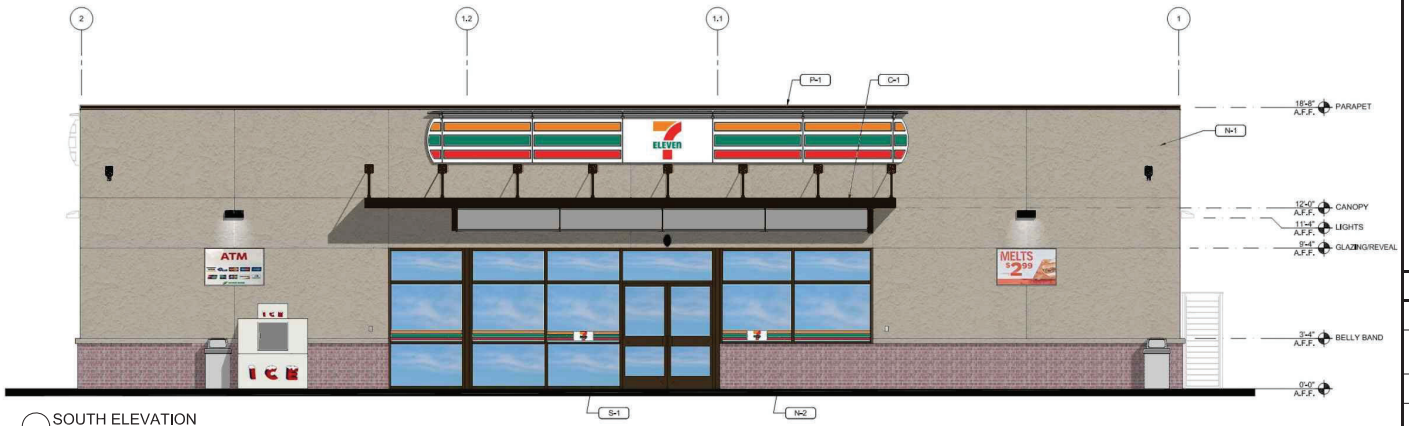
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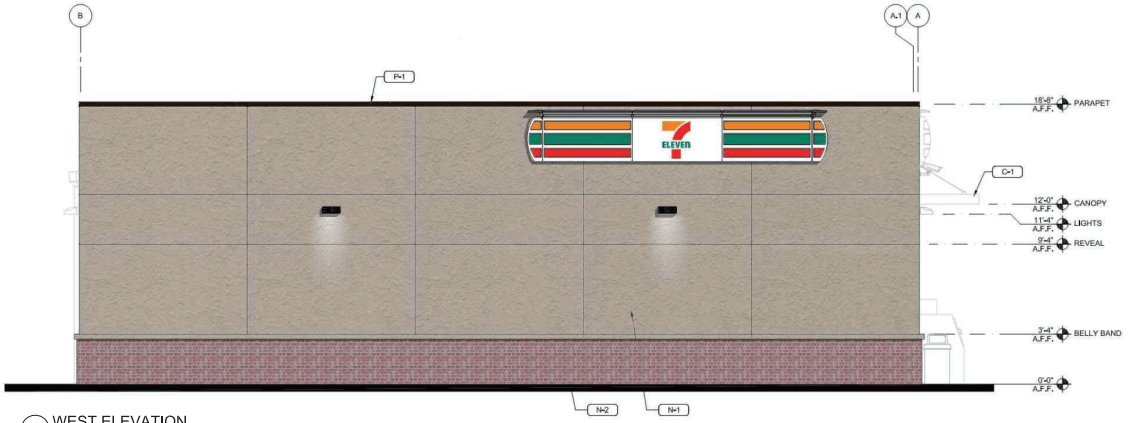
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20 16 12 8 4



SOUTH ELEVATION
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EXTERIOR FINISH SCHEDULE 2

EXTERIOR ELEVATIONS (7-ELEVEN) SCALE: 1/4"=1'-0" 7

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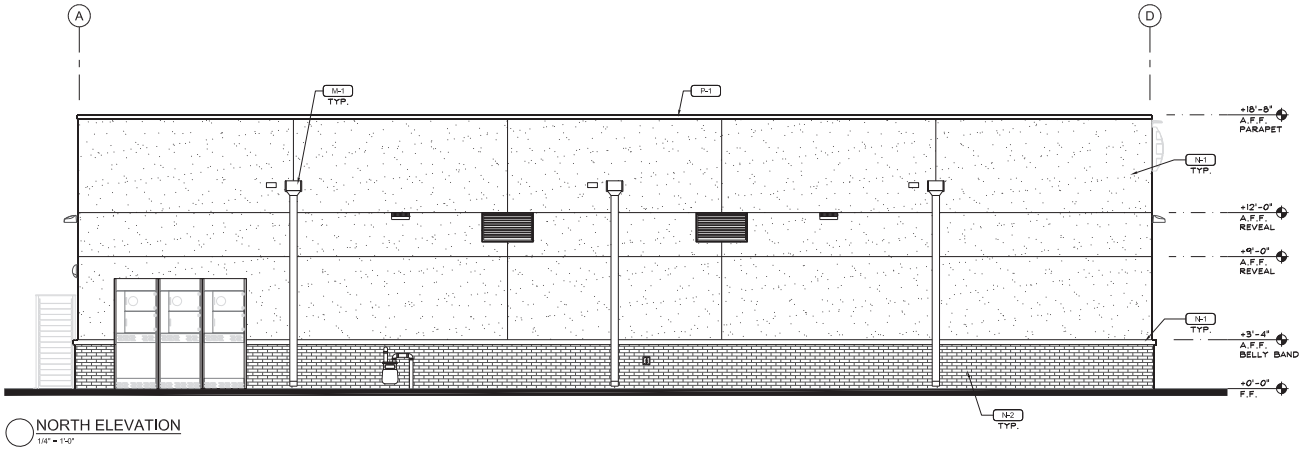
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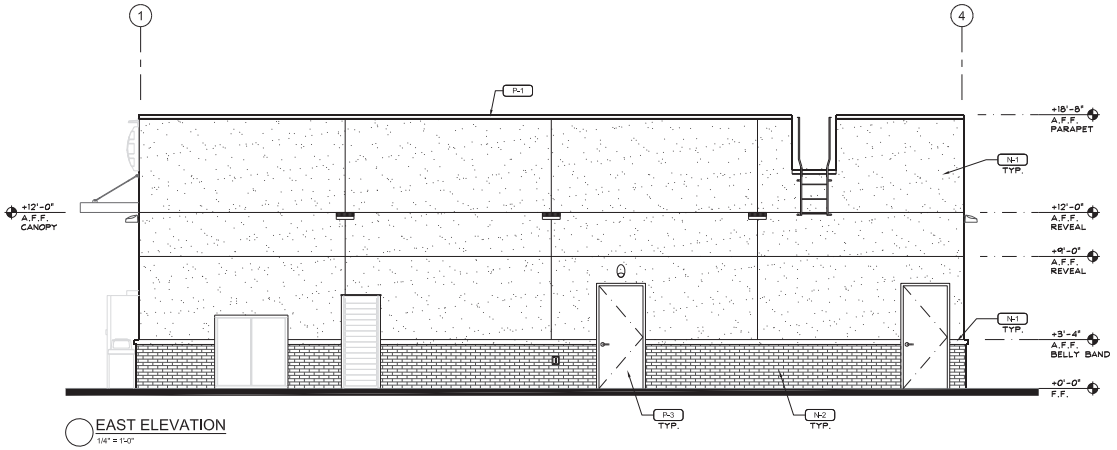
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ISSUE DATE:	10-9-20
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DRAWN BY:	NL
SHEET:	A300

	20		16		12		8		4



NORTH ELEVATION
1/4" = 1'-0"



EAST ELEVATION
1/4" = 1'-0"

KEYNOTES 1

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EXTERIOR FINISH SCHEDULE 2

EXTERIOR ELEVATIONS (7-ELEVEN) SCALE: 1/4"=1'-0" 7

3

20 16 12 8 4

DATE	REVISION
1	

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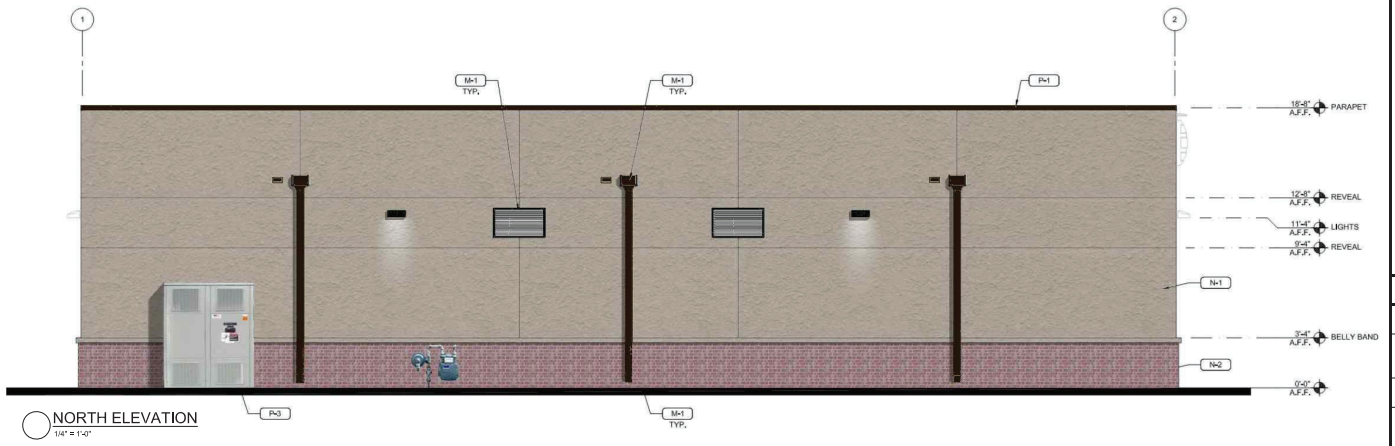
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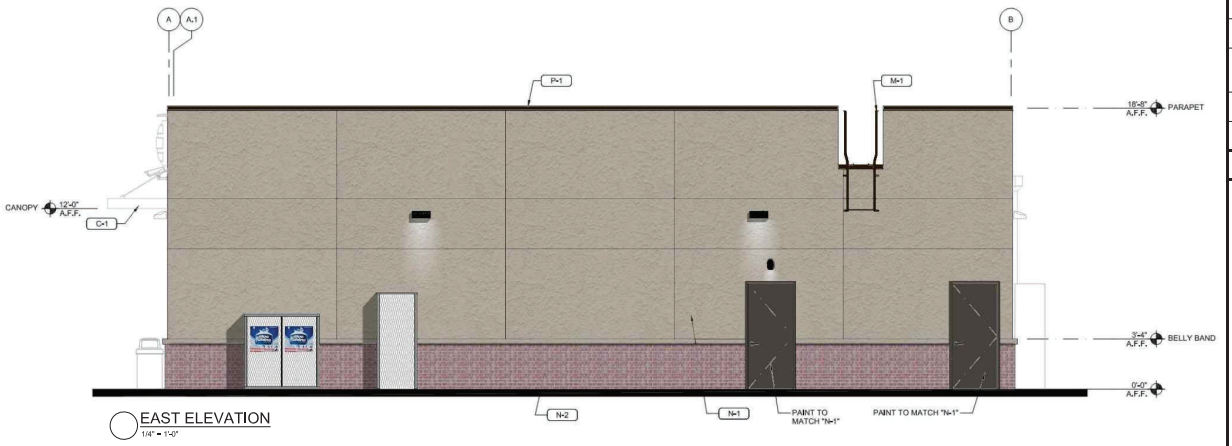
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EXTERIOR ELEVATIONS (7-ELEVEN)

ISSUE DATE:	10-9-20
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PROJECT NO.:	20003.6
DRAWN BY:	NL
SHEET:	A301



NORTH ELEVATION
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EAST ELEVATION
1/4" = 1'-0"

KEYNOTES 1

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EXTERIOR ELEVATIONS (7-ELEVEN) SCALE: 1/4"=1'-0" 7

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March 18, 2021

Michael Hren
City of Merced
Planning and Permitting Division
678 West 18th Street,
Merced, CA 95340

Project: Initial Study #20-36

District CEQA Reference No: 20210200

Dear Mr. Hren:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above from the City of Merced (City). The project consists of development of a gas station with convenience store, a drive-through restaurant, and office retail building (Project). The Project is located at 1995 W. Olive Ave., in Merced, CA (APN 058-030-037).

Project Scope

The Project consists of a General Plan Amendment (GPA) and a Site Utilization Plan (SUP) Revision for 3.38-acres of land. The GPA and SUP would change the two General Plan designation from Commercial Office (CO) and Manufacturing/Industrial (IND) to Business Park (BP). The Project will occupy 3.06-acres that includes one 4,284 square foot fuel dispensing area with eight pumps, one 4,088 square foot convenience store, one 2,805 square foot drive-through restaurant, and one 4,837 square foot office retail building, and pave 70,115 square feet of space with 89 parking spaces. The Project will have 120 fuel deliveries per year. Construction for the Project will last nine months. Per the Air Quality Analysis (AQ Analysis) Operation of the Project will have an average daily traffic of 1,811 vehicles.

The Initial Study and the AQ Analysis currently demonstrate that the criteria pollutant emissions would have a less than significant impact. Other potential significant air quality impacts related to Toxic Air Contaminants (see information below under Health Risk Assessment), Ambient Air Quality Standards, Hazards and Odors, may require assessments and mitigation. More information can be found in the District's Guidance for Assessing and Mitigating Air Quality Impacts at:
https://www.valleyair.org/transportation/GAMAQI_12-26-19.pdf

Samir Sheikh
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (661) 392-5500 FAX: (661) 392-5585

www.valleyair.org www.healthyairliving.com

The District offers the following comments:

1) Project Related Criteria Pollutant Emissions

1a) Construction Emissions and Operational Emissions:

Although the AQ Analysis currently demonstrates that the criteria pollutant emissions would have a less than significant impact, the CalEEMod results include construction of 35,600 square feet of pavement. The AQ Analysis states there will be 70,115 square feet of paved asphalt. In order to get a better representation of the Project, the CalEEMod analysis shall also assess the proposed 70,115 square feet of pavement.

In addition, with the proposed Project being located near a freeway, it is anticipated that it would serve vehicles that are traveling from other areas or towns. The District recommends using a more conservative value for the estimated trip distance traveled by those vehicles. The District recommends 50 miles when the value is unknown.

1b) Impacts from Toxic Air Contaminant Emissions

a. Truck Travel Emissions:

California Air Resources Board's (CARB) Emission Factors (EMFAC) model was used to estimate emissions from truck travel and idling. The following are recommendations for selecting the appropriate criteria in order to better represent the toxic air contaminant emissions from truck travel:

- Onroad Emission Rate Output is to be selected.
- The San Joaquin County is the county to be selected based on project location.
- Year 2022 is to be selected as the Calendar Year.
- The "Annual Average" is to be selected as the data input for Season.
- If specific project level truck fleet information is not available, the EMFAC2007 "HHDT" category is to be selected for Vehicle Category.
- A conservative estimate of five years from Calendar Year (i.e. 2017) is to be selected for Model Year.
- Speed bins 5, 10, and 15 are to be selected as the input data for Speed.
- "Diesel" is to be selected for Fuel Type for diesel trucks.

1c) Health Risk Screening/Assessment

The assessment in the AQ Analysis pointed to the results that used a sensitive receptors distance location range of 250 - 500 meters in the District's prioritization calculator and concluded that the Project will be insignificant to sensitive receptors. However, the closest sensitive receptors distance should be used to determine if a Health Risk Assessment is required. Located directly east of the Project, there is a closer sensitive receptor (i.e.: worker) located less than 100 meters of the proposed Project. Based on that, a Health Risk Assessment is required.

In addition, the AQ Analysis states the Project would dispense up to 2,000,000 gallons of gasoline per year; however, the assessment evaluated only 1,000,000 gallons of gasoline. The District recommends the assessment calculate the toxic emissions from the Project using the value 2,000,000 gallons of gasoline.

In general, A Health Risk Screening/Assessment identifies potential Toxic Air Contaminants (TAC's) impact on surrounding sensitive receptors such as hospitals, daycare centers, schools, work-sites, and residences. TAC's are air pollutants identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health. A common source of TACs can be attributed to diesel exhaust emitted from both mobile and stationary sources. List of TAC's identified by OEHHA/CARB can be found at: https://ww2.arb.ca.gov/resources/documents/carb-identified-toxic-air-contaminants

The District recommends the development project(s) be evaluated for potential health impacts to surrounding receptors (on-site and off-site) resulting from operational and multi-year construction TAC emissions.

i) The District recommends conducting a screening analysis that includes all sources of emissions. A screening analysis is used to identify projects which may have a significant health impact. A prioritization, using the latest approved California Air Pollution Control Officer's Association (CAPCOA) methodology, is the recommended screening method. A prioritization score of 10 or greater is considered to be significant and a refined Health Risk Assessment (HRA) should be performed.

   For your convenience, the District's prioritization calculator can be found at: http:www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS.

ii) The District recommends a refined HRA for development projects that result in a prioritization score of 10 or greater. Prior to performing an HRA, it is recommended that development project applicants contact the District to review the proposed modeling protocol. A development project would be considered to have a significant health risk if the HRA demonstrates that the project related health impacts would exceed the Districts significance threshold of 20 in a million for carcinogenic risk and 1.0 for the Acute and Chronic Hazard Indices, and would trigger all feasible mitigation measures. The District recommends that development projects which result in a significant health risk not be approved.

For HRA submittals, please provide the following information electronically to the District for review:

- HRA AERMOD model files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodology.

More information on toxic emission factors, prioritizations and HRAs can be obtained by:

- E-Mailing inquiries to: hramodeler@valleyair.org; or
- Contacting the District by phone for assistance at (559) 230-6000; or
- Visiting the Districts website (Modeling Guidance) at:

http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.

2) District Rules and Regulation

The District issues permits for many types of air pollution sources and regulates some activities not requiring permits. A project subject to District rules and regulation would reduce its impacts on air quality through compliance with regulatory requirements. In general, a regulation is a collection of rules, each of which deals with a specific topic. For example, *Regulation II - Permits* encompasses multiple rules associated with the permitting of emission sources such as Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), and others.

2a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 requires operators of emission sources to obtain an Authority to

Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 requires that new and modified stationary sources of emissions mitigate their emissions using best available control technology (BACT).

This Project will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits.

Prior to commencing construction on any permit-required equipment or process, a finalized Authority to Construct (ATC) must be issued to the Project proponent by the District. For further information or assistance, the project proponent may contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

2b) District Rule 9510 (Indirect Source Review)

The purpose of District Rule 9510 (Indirect Source Review) is to reduce the growth in both NOx and PM10 emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into the development project. In case the proposed project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developers to pay a fee used to fund projects to achieve off-site emissions reductions.

The proposed Project is subject to District Rule 9510 because it will receive a project-level approval from a public agency and will equal or exceed 2,000 square feet of commercial space. When subject to the rule, an Air Impact Assessment (AIA) application is required no later than applying for project-level approval from a public agency. In this case, if not already done, please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510.

An AIA application is required and the District recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit, be made a condition of Project approval.

Information about how to comply with District Rule 9510 can be found online at: http://www.valleyair.org/ISR/ISRHome.htm.

The AIA application form can be found online at: http://www.valleyair.org/ISR/ISRFormsAndApplications.htm

2c) District Regulation VIII (Fugitive PM10 Prohibitions)

The Project will be subject to Regulation VIII. The project proponent is required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to construction.

Information on how to comply with Regulation VIII can be found online at: http://www.valleyair.org/busind/comply/PM10/compliance_PM10.htm.

2d) Other District Rules and Regulations

The Project may also be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

The list of rules above is neither exhaustive nor exclusive. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

3) District Comment Letter

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Keanu Morin by e-mail at keanu.morin@valleyair.org or by phone at (559) 230-5805.

Sincerely,
Brian Clements
Director of Permit Services



For John Stagnaro
Program Manager

BC:km

CITY OF MERCED
Planning Commission

Resolution #4060

WHEREAS, the Merced City Planning Commission at its regular meeting of March 17, 2021, held a public hearing via teleconference and considered **General Plan Amendment #20-02 and Site Utilization Plan Revision #1 to Planned Development (P-D) #12,** initiated by Robert Vermeltfoort, on behalf of REM Land Group, LLC. property owner(s). The application involves consideration of a change from the current General Plan land use designations of Commercial Office and Industrial to Business Park. The proposed Site Utilization Plan envisions a proposed mini-mart with fuel island, a proposed drive-through business and a proposed office/retail building. The property is generally located at the northeast corner of State Highway 59 and Olive Avenue. The property is more particularly described as Adjusted Parcel 1 as described in the Grant Deed recorded as Document No. 2020047663, on December 10, 2020, in Merced County Records; also known as a portion of Assessor's Parcel Number (APN) 058-030-037; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through J of Staff Report # 21-149 (Exhibit B); and,

NOW THEREFORE, after reviewing the City's Initial Study and Draft Environmental Determination, and 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 #20-36, and recommend approval of General Plan Amendment #20-02 and Site Utilization Revision #1 to Planned Development (P-D) #12 subject to the Conditions set forth in Exhibit A, the Findings set forth in Exhibit B, and the Mitigation Monitoring Program in Exhibit C, attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Butticci, Camper, Delgadillo, White, and Chairperson Harris
NOES: None
ABSENT: Commissioners Dylina (one vacancy)
ABSTAIN: None

Adopted this 17th day of March, 2021

Michael Harris

_____
Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Kim Espinosa

_____
Secretary

Exhibits:
Exhibit A – Conditions of Approval
Exhibit B – Findings/Considerations
Exhibit C – Mitigation Monitoring Program

Conditions of Approval
Planning Commission Resolution #4060
General Plan Amendment #20-02, Site Utilization Plan Revision #1 to Planned Development (P-D) #12

1. The proposed project shall be constructed/designed generally as shown on Exhibit 1 (site plan) and Exhibit 2 (elevations) - Attachments C and D of Planning Commission Staff Report #21-149, 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, 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.

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. Approval of the General Plan Amendment and Site Utilization Plan Revision 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.

7. Community Facilities District (CFD) formation is required for annual operating costs for storm drainage, public landscaping within State Highway rights-of-way, street trees, and streetlights. CFD procedures shall be initiated before issuance of the first building permit and approved prior to any parcel map recording or sale of any part of the project. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.

8. The project shall comply with all mitigation measures outlined in the Mitigation Monitoring Program for Initial Study #20-36 (Attachment E of Planning Commission Staff Report #21-149).

9. All signs shall comply with the North Merced Sign Ordinance and Section 20.62.040 (E) of the City's Zoning Ordinance for signs in a Planned Development (P-D) zone. Sign locations as shown on the site plan are not approved at this time, including the sign on Highway 59 shown in Caltrans' right-of-way.

10. Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access.

11. Parking lot trees shall be installed per City Parking Lot Landscape Standards and Section 20.38.070 (F). At a minimum, parking lot trees shall be provided at a ratio of one tree for every six parking spaces. 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 the City's approved tree list).

12. All projects on this site 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. Prior to issuance of the first grading/building permit for any project on the site, the applicant shall demonstrate compliance with San Joaquin Valley Air Pollution Control District Rule 9510 to the City's Planning Department. Changes to the site plan resulting from compliance with Rule 9510 are subject to review by City Staff or the Planning Commission, as determined be the Director of Development Services.

14. Bicycle parking for all projects on the site shall meet the minimum requirements of the California Green Building Code and Merced Municipal Code Section 20.38.080.

15. All landscaping on the site 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 Section 20.36 – Landscaping.

16. 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 drought conditions.

17. 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.

18. A fire control room may be required for the buildings on the site. The applicant shall work with the Fire Department to determine the location of the fire control room in the event of its necessity. Additional fire control rooms may be required at the discretion of the Fire Chief.

19. Each building shall be provided with a Fire Department Connection.

20. 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.

21. All storm water shall be retained in the proposed onsite basin or otherwise 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. The applicant shall submit calculations to the City showing, to the satisfaction of the City Engineer or designee, that the basin proposed onsite has enough capacity for the proposed plans.

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 parking lot and other exterior lighting shall be oriented in such a way so that it does not spill over onto adjacent properties.

24. 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 Refuse Department to determine the best location for these enclosures to ensure proper access is provided for City Refuse Trucks as well as the number of containers needed to adequately serve the site. Use of a trash compactor should be considered to reduce the number of pick-ups per week.

25. All construction activity shall be conducted between the hours of 7:00 AM and 7:00 PM, Monday through Saturday, due to nearby residential uses.

26. All walking paths, bicycle paths, recreational areas, and bicycle or vehicle parking areas shall be provided with sufficient lighting to ensure a safe environment.

27. All mechanical equipment shall be screened from public view (details to be worked out with staff).

28. Building and changing grades within the Regulatory Floodway is prohibited. The City shall not approve any plan or proposal that indicates building footprints or changes of grades in the Regulatory Floodway. Prior to construction, the applicant shall cause to be performed a survey of the regulatory floodway that is deemed appropriate by the City Engineer or designee. The project shall also be designed to meet all requirements of Flood Zone "AE."

29. Cross access easement(s) shall be recorded with the parcel to the east to ensure access to the driveway approximately 368 feet east of Highway 59 on Olive Avenue.

30. The design and height of fencing to screen the ponding basin shall be approved by City Planning staff at the time of the issuance of the first building permit.

31. Site Plan Review permits shall be required prior to building permit issuance for all buildings, including canopies, on site. If alcohol sales are proposed at the gas station, a Conditional Use Permit will be required.

32. Cross access and parking easements shall be recorded with any parcel map associated with the project.

33. The project shall improve or cause to be improved the Olive Avenue driveway in accordance with Table A2 of the traffic study (included within the Initial Study found at Attachment E of Planning Commission Staff Report 21-149). To resolve the issue of queues exceeding the driveway throat depth at the Olive Avenue driveway, the project shall install a 75-foot median in driveway OR add a westbound right turn lane on Olive Avenue. To resolve the issue of a right turn deceleration lane conflict with through traffic, the project shall add a westbound right turn lane on Olive Avenue.

Findings and Considerations
Planning Commission Resolution #4060
General Plan Amendment #20-02 and Site Utilization Plan Revision #1
for Planned Development (P-D) #12

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

A) With the proposed General Plan Amendment and Site Utilization Plan (SUP) Revision, the proposed project will conform with the General Plan designation of Business Park and zoning of Planned Development #12. The SUP Revision includes a gas station with convenience store, a drive-through, and office and retail uses, shown on the Site Plan at Attachment C of Planning Commission Staff Report #21-149.

Traffic/Circulation

B) According to the traffic study in the Initial Study #20-36 (Attachment E of Planning Commission Staff Report 21-149), the SR 59 / Olive Avenue Commercial Center project is a proposed convenience commercial development that will occupy 3 acres on the northeast corner of the intersection of State Route 59 (SR 59) and Olive Avenue. The proposed development plan includes a gasoline station with convenience store, a fast-food restaurant and other office / retail uses.

Access

The project proposes right-turn only access to SR 59 north of Olive Avenue, as well as a new right-turn only driveway on Olive Avenue.

Trip Generation

Based on approved trip generation rates that account for the specific land uses included in the project, and after discount for "pass-by" trips, the project could be expected to result in 1,811 net new trips (in and out) on a daily basis, with 139 new trips in the a.m. peak hour and 155 new trips in the p.m. peak hour.

Improvements

The project is assumed to complete frontage improvements on SR 59 and Olive Avenue that are consistent with the City's Arterial Street standards. Work required along SR 59 would be conducted under an encroachment permit acquired through Caltrans.

Existing Setting

The existing system of pedestrian and bicycle facilities in this area include limited sidewalks and Class I bike paths, but pedestrians and cyclists use paved shoulders

elsewhere. Sidewalks do not exist along the project's Olive Avenue frontage, but a Class I trail exists along SR 59. Recent Caltrans improvements have included high visibility crosswalks at the SR 59 and Olive Avenue intersection.

The Local Transportation Analysis (LTA) notes that the City of Merced General Plan establishes Level of Service (LOS) D as the minimum acceptable standard for the operation of intersections and roadways.

Because COVID-19 makes collection of new traffic count data impractical, traffic counts conducted in 2017 were projected out to Year 2020 by a 1% annual increase to established existing conditions. Two safety intersection improvement projects recently completed by the City and Caltrans are assumed in the evaluation of existing conditions at the SR 59 / Olive Avenue intersection and at the SR 59 / W. 16th Street intersection.

All study intersections operate at LOS D or better during the study hours. However, the two-lane portion of SR 59 between W. 16th Street and Olive Avenue carries daily traffic volumes that are indicative of LOS F conditions.

Vehicle Miles Traveled Impacts

Under SB 743, evaluation of transportation impacts under CEQA requires that agencies move from Level of Service based analysis to consideration of a project's effect on regional Vehicle Miles Traveled (VMT). The CEQA Guidelines and the California Governor's Office of Planning and Research (OPR) document, *Technical Advisory on Evaluating Transportation Impacts in CEQA* (California Governor's Office of Planning and Research 2018) provide general guidance as to thresholds of significance for determining when a project would have significant transportation impacts based on the new metric of VMT, rather than operating Level of Service (LOS) until local agencies adopt their own standards. Because Merced County and the City of Merced have not yet adopted methods for estimating regional VMT or significance criteria for evaluating impacts based on VMT, the OPR technical advisory has been followed.

Assessment of VMT Impacts

The proposed project is generally comprised of convenience retail uses that will serve motorists already traveling on SR 59 and on Olive Avenue or who live or work in the immediate area. The project also includes up to 6,000 sf of office space. Based on OPR guidance, the project's VMT impacts can be judged as follows.

As the retail elements of the project would serve customers generated in the local area or simply stopping at the site as part of a trip on SR 59 or on Olive Avenue, and the project's total building floor area is far below the 50,000 sf threshold identified by OPR, the impacts of the project's retail uses on regional VMT is not significant.

The office space included in the project is projected to generate 74 daily trips. As this trip generation estimate falls below the 110 daily trips threshold identified by OPR,

the office portion of the proposed project qualifies as a "small project" that can be assumed to have a less than significant impact on regional VMT. According to the traffic study, impacts to pedestrian, bicycles, hazards and safety, state facilities, and transit are also considered not significant.

LOS Results

While not a CEQA issue, the relative effects of the project on short term and long term traffic operations in this area of Merced has been investigated in a manner that is consistent with recent analysis of other development projects. Operating Levels of Service have been identified, and improvements that would be needed with and without the project to satisfy General Plan policies have been identified. Table A2 of Attachment E of Planning Commission Staff Report 21-149 notes these recommended improvements.

Three of these recommended improvements relate directly to modification of SR 59, or the intersection of SR 59 with Olive Avenue. Because the City and Caltrans will be implementing a project to widen SR 59 from 16th Street to the Black Rascal Creek bridges, these recommendations are not recommended by the City to be required as Conditions of Approval. This widening will both improve some of the issues and will also heavily modify the conditions that the analysis is predicated on in the first place. Additionally, any improvements that the proposed project would install in the short term would be rendered obsolete or removed when the widening occurs. As such, these three impacts do not require improvements from the project:

- SR 59/Olive Avenue- Lengthening of peak period queues
- SR 59/Olive Avenue/Santa Fe Drive- Exacerbate LOS F conditions during AM and PM peak hours
- SR 59 Driveway- Right turn deceleration conflict with through traffic

The traffic study also notes two impacts at the Olive Avenue driveway of the project:

- Queues exceed driveway throat depth
- Right turn deceleration lane conflict with through traffic

Driveway Throat Depths The driveway throat is the area available for exiting vehicles to wait without blocking the path of arriving traffic. The adequacy of the driveway throat is determined based on the length of exiting queue at the driveway. The LOS analysis indicates that the 95th percentile queue in the SR 59 driveway would be one vehicle or less, while the 95th percentile queue in the Olive Avenue driveway could be 75 feet (i.e., three vehicles). Table T19 of Attachment E of Planning Commission Staff Report 21-149 compares forecast queue and available throat depth. As shown, under Year 2035 conditions, the forecast 95th percentile queues at the SR 59 driveway are less than the available throat depth, and no changes are recommended. However, the Olive Avenue driveway has a limited throat depth, and the anticipated Year 2035 queue would block entry into the southern portion of

the canopy area. To address this issue, it would be necessary to either:

1. Place a median in the driveway that would extend for 75 feet, **or**
2. Construct a westbound right turn lane on Olive Avenue at the site access to provide space outside of the through travel lane for any entering vehicles delayed by the exiting queue.

Right Turn Channelization at Entrances. The need for separate right turn lanes on the entries to project driveways has been considered within the context of the precedence under similar condition elsewhere in Merced and typical engineering practice. The volume of traffic entering the site at each driveway has been identified. The Olive Avenue driveway is projected to handle 70 to 74 inbound peak hour right turns. The number of turns reaches the level that would typically justify a separate right turn deceleration lane (i.e., more than 50 right turns).

Right turn treatments elsewhere have been reviewed. Access to Olive Avenue is limited, and separate right turn lanes have been provided elsewhere on Olive Avenue east of the project site, particularly at access to major commercial areas. However, the industrial driveways just east of the project do not have right turn lanes.

In this case, separate right turn lanes are desirable and are needed to provide adequate LOS under long term conditions. A turn lane should be provided but should be incorporated into the ultimate design of the area street system. Initially, a separate right turn lane can be provided on Olive Avenue in advance of the driveway in the remaining 120 feet of project frontage. The project should contribute its fair share to the cost of these improvements, and with this improvement the project's effect is consistent with the General Plan.

Conclusion

Transportation and traffic impacts as summarized above were analyzed by KD Anderson & Associates, Inc. in a Traffic Impact Analysis (Appendix B of Initial Study #20-36, Attachment E of Planning Commission Staff Report 21-149). The conclusions regarding the proposed project is that the impacts of the project are **less than significant** for the purposes of CEQA Impact Significance Criteria.

The project's Conditions of Approval related to Level of Service (LOS) improvements shall indicate the need for improvement to rectify the impacts along the Olive Avenue Driveway as noted above and in Table A2 of Attachment E of Planning Commission Staff Report 21-149:

Olive Avenue Driveway

- Queues exceed driveway throat depth
    - Install 75-foot median in driveway OR add a westbound right turn lane
- Right turn deceleration lane conflict with through traffic
    - Add westbound right turn lane

Parking

C) Parking is based on project uses and their requirements per Table 20.38-1 of the Zoning Ordinance. The Zoning Ordinance allows a 15% reduction in floor area for non-usable commercial space such as restrooms, storage areas, etc. Using this formula, the parking requirements for the project would be 46 spaces, assuming that all areas are built out using the general retail requirements. If a portion of the project develops as office, the standards are slightly reduced, depending on the square footage committed to office use. The proposed project provides 85 parking spaces, which exceeds the required amount of parking necessary for this project even under the more demanding requirements of the general retail use.

Public Improvements/City Services

D) *Water*

There is a 16-inch water line in Highway 59 and another 16-inch line in Olive Avenue to serve the project site. The City's water supply would be sufficient to serve the proposed project.

Sewer

The WWTP recently finished two major upgrades (Phase IV and Phase V) to improve the quality of the treated water, referred to as plant effluent, and to improve the quality of biosolids and methods of treatment. The Merced Wastewater Treatment Plant is now one of the most advanced facilities in the state. It is capable of treating up to 12 million gallons of influent a day. The proposed project is estimated to generate approximately 11,730 gallons of wastewater per day (based on 108 gallons/day/1,000 square feet of floor area for office and commercial uses). The additional wastewater generated by the project would be approximately 0.09% of the overall capacity of the WWTP.

There is sufficient capacity at the WWTP, and the existing lines in Highway 59 and Olive Avenue have enough capacity during peak hours to accommodate the additional wastewater and transmit it to the WWTP for processing.

Stormwater

Storm drain lines exist in Olive Avenue and Highway 59 that the on-site storm drainage system would connect to. The project site would consist of approximately 101,280 square feet of impervious surfaces. All storm water run-off would be required to be captured on-site and metered into the City's storm drainage per City Standards.

Building Design

E) As shown on the Exterior Elevations at Attachment D of Planning Commission Staff Report #21-149, the buildings on the site would stand one story tall and have a design with brick, plaster, metal, and glass as primary features and elements. The details of the convenience mart are similar to other existing convenience marts in the area,

using the branding of 7-Eleven, the proposed tenant. Final design details are to be addressed by staff at the Site Plan Review stage.

Site Design

F) The project site is bounded by State Highway 59 to the west, Olive Avenue to the south, commercial warehouses and a cannabis dispensary to the east, and the vacant remainder of the property which the subject site was split off from to the north. As proposed, the project site includes:

- 4,837 square feet for a proposed office/retail building
- 4,088 square feet for a proposed mini mart
    - 4,284 square feet for the fuel island and canopy
- 2,805 square feet for a proposed drive-through business

Landscaping

G) As shown on the Site Plan at Attachment C of Planning Commission Staff Report #21-149, parking lot trees would be provided throughout the site in compliance with the City's Parking Lot Landscape Standards (Condition #15). According to Table 20.36-1 of the Zoning Ordinance, the site is required to provide a minimum landscape area equal to 15% of the project site. Landscaping and irrigation shall be required to meet the City's Water Efficient Landscape Ordinance (Condition #19).

Neighborhood Impact/Interface

H) The site as it currently stands does not directly border, nor does it border across an adjacent roadway, a residential use. Public hearing notices were sent to all property owners within 300 feet of the parcel that the subject site was recently subdivided from. To date, staff has not had any comments from the public regarding the project.

Signage

I) All signs on the site would be required to comply with the North Merced Sign Ordinance and the Business Park sign regulations (Condition #9). Final sign/design details will be addressed by staff at the Site Plan Review phase. The sign locations as shown on the Site Plan at Attachment C of Planning Commission Staff Report #21-149 are not approved, including the monument sign located on Highway 59 within Caltrans' right-of-way, which cannot be approved.

Planned Developments- Required Findings

J) Section 20.20.020(J) of the Merced Municipal Code requires the following findings be made in order to approve a Revision to a Planned Development.

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 development is consistent with and/or advances a number of goals of the General Plan, specifically UE-1.2, UE-1.5, L-2.1, L-2.2, L-2.4, L-2.5, L-3.2, and T-2.6.

2. The site for the proposed development is adequate in size and shape to accommodate proposed land uses.
    - The Site Plan is shown at Attachment B of Planning Commission Staff Report #21-149 and lays out a clear and feasible plan to use this site for the proposed land uses.
3. The site for the proposed development has adequate access considering the limitations of existing and planned streets and highways.
    - Traffic and circulation are discussed in detail in Finding B, above.
4. Adequate public services exist or will be provided to serve the proposed development.
    - Public Improvements and City Services are discussed in detail in Finding D, above.
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.
    - The land use that the surrounding properties predominantly have is Industrial. With warehouses and a cannabis dispensary to the east, a Wal-Mart across Olive Avenue, and a proposed development of similar character in the Thoroughfare Commercial parcels across Highway 59, this development will fit in appropriately and enhance the desirability of the area.
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.
    - Planned Development #12 is already in existence, and this proposal allows a development to move forward within it in a manner that the established zoning standards would not permit. The Commercial Office (C-O) zone would not permit a gas and service station, which can be a cornerstone of a development in such a highly travelled intersection, to exist on this location.
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.
    - None of the proposed uses are wholly reliant on any of the others in order to exist. While each of the uses can benefit from the presence of the entire development, no single one of the proposed uses is a requirement for the whole to proceed.
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 proposed Site Utilization Plan Revision does not envision or recommend deviations for standard ordinance requirements beyond that which was created for Planned Development #12. At that time, the subject site was a component of a larger overall parcel and permits at the time were primarily concerned with the warehouses now in existence to the east.

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.
    - The proposed development plan uniquely addresses the needs and characteristics of the subject site, which is already zoned as a part of Planned Development #12. In accordance with the purpose of the Planned Development designation, this plan proposes to bring together uses that would not otherwise be possible with a different zoning district while still promoting the project's overall harmoniousness with surrounding uses.

Environmental Clearance

K) The Planning staff has conducted an environmental review (Initial Study #20-36) 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 effects in this case because of the mitigation measures and/or modifications described in Initial Study #20-36) is being recommended (see Attachment E of Planning Commission Staff Report #21-149).

ENVIRONMENTAL REVIEW #20-36
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 #20-02 and Site Utilization Plan Revision #1 to Planned Development #12 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.

ATTACHMENT B

GENERAL PLAN MITIGATION MEASURES

As a second tier environmental document, Initial Study #20-36 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 #20-02 and Site Utilization Plan Revision #1 to Planned Development #12. 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 #20-36/Site Utilization Plan Revision #1 to Planned Development #12 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).

3) Air Quality

Impact	*Mitigation Measures*	*Timing*	*Agency or Department*	*City Verification (date and initials)*
c	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: -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. -All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant -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. -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. -All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. *(continued on next page)*			

Impact No.	***Mitigation Measures***	***Timing***	***Agency or Department***	***City Verification (date and initials)***
c	-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. - 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.	Building Permits	Planning Department	
c	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.	Building Permits	Planning Department	

4) Biological Resources				
Impact No.	***Mitigation Measures***	***Timing***	***Agency or Department***	***City Verification (date and initials)***
a	BIO-1) Impacts to wildlife habitat can 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.	Building Permits	Planning Department	

5) Cultural Resources				
Impact No.	***Mitigation Measures***	***Timing***	***Agency or Department***	***City Verification (date and initials)***
a	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. 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. 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: *(continued on next page)*			

Impact No.	***Mitigation Measures***	***Timing***	***Agency or Department***	***City Verification (date and initials)***
a	"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." 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.	Building Permits	Planning Department	
b	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)***
c	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				
a	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	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	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	
8) Greenhouse Gas Emissions				
Impact No.	***Mitigation Measures***	***Timing***	***Agency or Department***	***City Verification (date and initials)***
a	**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: • The project applicant shall provide a pedestrian access network that internally links all uses and connects to existing external streets and pedestrian facilities. *(continued on next page)*			

a	• 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. • 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, and roundabouts. • The project shall provide car sharing programs, accommodations such as parking spaces for the car share vehicles at convenient locations accessible by public transportation. • The project applicant shall plant trees to provide shade. • The project applicant shall install energy efficient heating and cooling systems, appliances and equipment, and control systems.	Prior to Issuance of Building Permit	Engineering/Building/ Planning Departments	

8) Hydrology and Water Quality					
a, c	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	

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-3A) Prior to the issuance of building permits, the project applicant shall submit a final Storm Water Mitigation Plan (SWMP) to the City of Merced for review and approval. The plan shall be developed using the California Stormwater Quality Association's "New Development and Redevelopment Handbook." The SWMP shall identify pollution prevention measures and BMPs necessary to control stormwater pollution from operational activities and facilities, and provide for appropriate maintenance over time. The SWMP shall include design concepts that are intended to accomplish a "first flush" objective that would remove contaminants from the first 2 inches of stormwater before it enters area waterways. The project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City identifying procedures to ensure that stormwater quality control measures work properly during operations.	Prior to Issuance of Building Permits	Engineering Department	

Impact No.	***Mitigation Measures***	***Timing***	***Agency or Department***	***City Verification (date and initials)***
a	HYDRO-3B) 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. Prior to the issuance of grading permits, the project applicant shall file a Notice of Intent with and obtain a facility identification number from the State Water Resources Control Board. The project applicant shall also submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Merced that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for BMP implementation, site restoration, contingency measures, responsible parties, and agency contacts. The SWPPP shall include, but not be limited to, the following elements: *(continued on next page)*	Building/ Encroachment Permits	Engineering Department	

a	• Comply with the requirements of the State of California's most current Construction Stormwater Permit. • Temporary erosion control measures shall be implemented on all disturbed areas. • Disturbed surfaces shall be treated with erosion control measures during the October 15 to April 15 rainy season. • Sediment shall be retained on-site by a system of sediment basins, traps, or other BMPs. • The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate discharge of materials to storm drains. • BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the Central Valley Regional Water Quality Control Board to determine adequacy of the measure. • In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season. *(continued on next page)*			

		• 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.			
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.	Prior to Issuance of Building Permit	Engineering	
c	HYDRO-5	Building and changing grades within the Regulatory Floodway is prohibited. The City shall not approve any plan or proposal that indicates building footprints or changes of grades in the Regulatory Floodway. Prior to construction, the applicant shall cause to be performed a survey of the regulatory floodway that is deemed appropriate by the City Engineer or their designee. The project shall also be designed to meet all requirements of Flood Zone "AE."	Prior to Site Plan Approval	Engineering	

13) Noise				
Impact No.	***Mitigation Measures***	***Timing***	***Agency or Department***	***City Verification (date and initials)***
a	NOI-1) To reduce potential construction noise impacts, the following multi-part mitigation measure shall be implemented for the project: • 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)***
a	• 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	

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

RESOLUTION NO. 2021-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, APPROVING A MITIGATED NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT #20-02 AND SITE UTILIZATION PLAN REVISION #2 TO PLANNED DEVELOPMENT #12 FOR A PARCEL CONTAINING APPROXIMATELY 3.38 ACRES LOCATED AT THE NORTHEAST CORNER OF OLIVE AVENUE AND STATE HIGHWAY 59; AND APPROVING GENERAL PLAN AMENDMENT #20-02 FOR THE SAME PARCEL CHANGING THE GENERAL PLAN DESIGNATION FROM COMMERCIAL OFFICE (CO) AND INDUSTRIAL (IND) TO BUSINESS PARK (BP)

WHEREAS, the City is processing an application for a General Plan Amendment and Site Utilization Plan Revision for a parcel containing approximately 3.38 acres located at the northeast corner of Olive Avenue and State Highway 59 where an environmental review was required; and

WHEREAS, the Planning Commission of the City of Merced held a noticed public hearing on March 17, 2021, at which time all those interested in the matter were provided the opportunity to speak or provide written or oral testimony regarding the application; and

WHEREAS, after hearing all of the evidence and testimony, the Planning Commission adopted Resolution #4060, attached here to as Exhibit "C," and incorporated herein by reference, recommending that the City Council approve the General Plan Amendment and Environmental Review (Mitigated Negative Declaration); and

WHEREAS, after the Planning Commission adopted Resolution #4060, the City of Merced received comments from the San Joaquin Valley Air Pollution Control District ("SJVAPCD") regarding the project and added Condition #34 to the recommended Conditions of Approval in response; and

WHEREAS, the City Council held a noticed public hearing on May 3, 2021, at which time all those interested in the matter were provided the opportunity to speak or to provide written or oral testimony regarding the application.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MERCED AS FOLLOWS:

SECTION 1. CALIFORNIA ENVIRONMENTAL QUALITY ACT. Based upon the evidence and testimony in the record at the City Council public hearing, the City Council exercising its independent judgment and review, hereby adopts and approves the Mitigated Negative Declaration following Environmental Review #20-36 pursuant to the provisions of the California Environmental Quality Act.

SECTION 2. GENERAL PLAN AMENDMENT ADOPTION. The General Plan of the City of Merced is hereby amended by approving General Plan Amendment #20-02, attached hereto as Exhibit "A" and shown on Exhibit "B" and incorporated herein by reference, based upon the reasons and findings set forth in Planning Commission staff report #21-149, and as recommended by the Planning Commission, attached hereto as Exhibit "C", and with the addition of Condition #34 in response to SJVAPCD's letter.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2021, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

_____
Mayor

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

BY:_____
Assistant/Deputy City Clerk

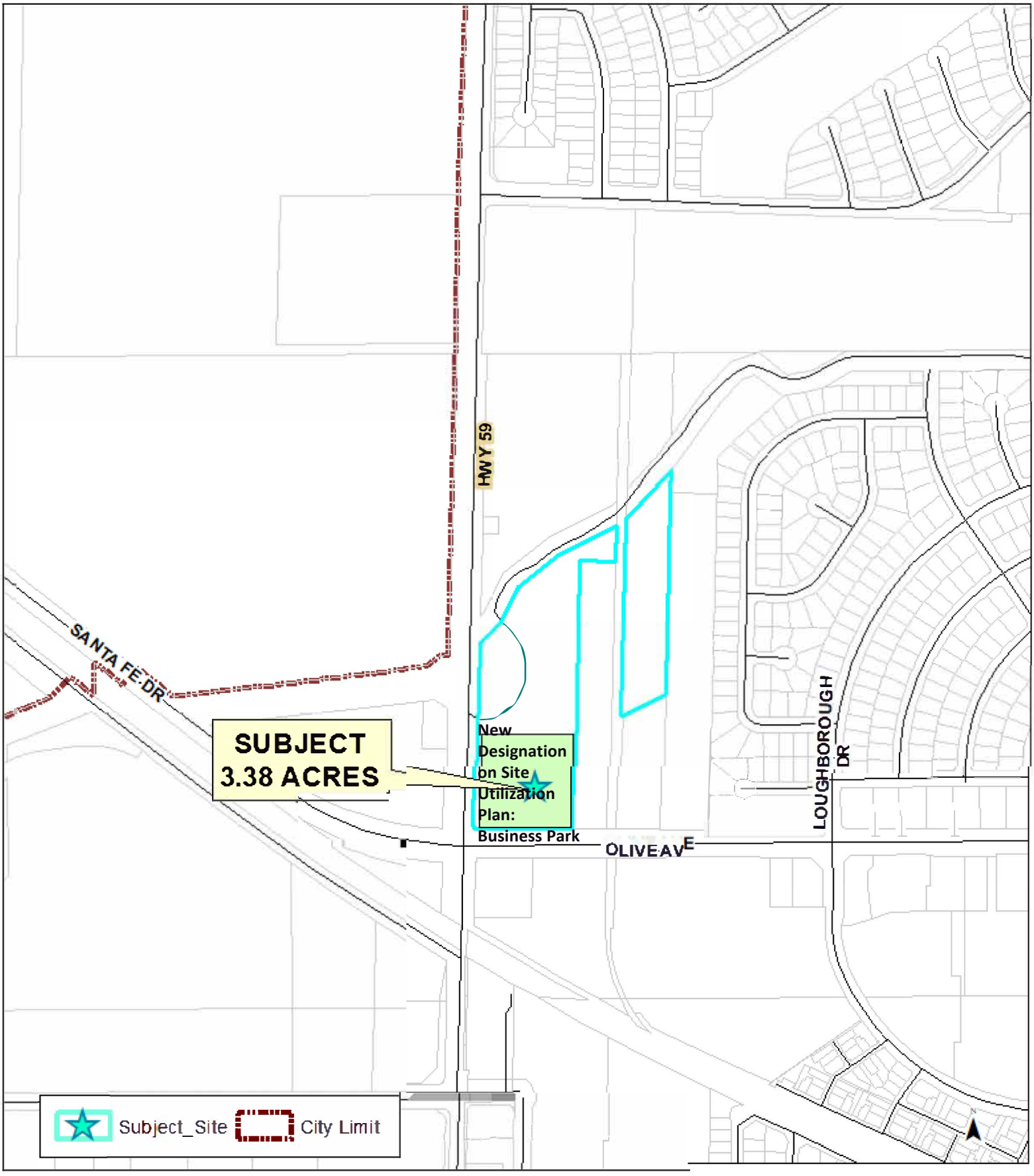
(SEAL)

APPROVED AS TO FORM:

4/12/21
City Attorney Date

EXHIBIT "A"

Adjusted Parcel 1 as described in the Grant Deed recorded as Document No. 2020047663, on December 10, 2020, in Merced County Records; also known as a portion of Assessor's Parcel Number (APN) 058-030-037.



Disclaimer: This document was prepared for general inquiries only.The City of Merced is not liable for errors or ommissions that might occur.Official information concerning specific parcels should be obtained from recorded or adopted City documents.

PROPOSED GENERAL PLAN AMENDMENT
EXHIBIT B

CITY OF MERCED
Planning Commission

Resolution #4060

WHEREAS, the Merced City Planning Commission at its regular meeting of March 17, 2021, held a public hearing via teleconference and considered **General Plan Amendment #20-02 and Site Utilization Plan Revision #1 to Planned Development (P-D) #12,** initiated by Robert Vermeltfoort, on behalf of REM Land Group, LLC. property owner(s). The application involves consideration of a change from the current General Plan land use designations of Commercial Office and Industrial to Business Park. The proposed Site Utilization Plan envisions a proposed mini-mart with fuel island, a proposed drive-through business and a proposed office/retail building. The property is generally located at the northeast corner of State Highway 59 and Olive Avenue. The property is more particularly described as Adjusted Parcel 1 as described in the Grant Deed recorded as Document No. 2020047663, on December 10, 2020, in Merced County Records; also known as a portion of Assessor's Parcel Number (APN) 058-030-037; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through J of Staff Report # 21-149 (Exhibit B); and,

NOW THEREFORE, after reviewing the City's Initial Study and Draft Environmental Determination, and 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 #20-36, and recommend approval of General Plan Amendment #20-02 and Site Utilization Revision #1 to Planned Development (P-D) #12 subject to the Conditions set forth in Exhibit A, the Findings set forth in Exhibit B, and the Mitigation Monitoring Program in Exhibit C, attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Butticci, Camper, Delgadillo, White, and Chairperson Harris
NOES: None
ABSENT: Commissioners Dylina (one vacancy)
ABSTAIN: None

Adopted this 17th day of March, 2021

Michael Harris

_____
Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Kim Espinosa

_____
Secretary

Exhibits:
Exhibit A – Conditions of Approval
Exhibit B – Findings/Considerations
Exhibit C – Mitigation Monitoring Program

Conditions of Approval
Planning Commission Resolution #4060
General Plan Amendment #20-02, Site Utilization Plan Revision #1 to Planned Development (P-D) #12

1. The proposed project shall be constructed/designed generally as shown on Exhibit 1 (site plan) and Exhibit 2 (elevations) - Attachments C and D of Planning Commission Staff Report #21-149, 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, 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.

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. Approval of the General Plan Amendment and Site Utilization Plan Revision 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.

7. Community Facilities District (CFD) formation is required for annual operating costs for storm drainage, public landscaping within State Highway rights-of-way, street trees, and streetlights. CFD procedures shall be initiated before issuance of the first building permit and approved prior to any parcel map recording or sale of any part of the project. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.

8. The project shall comply with all mitigation measures outlined in the Mitigation Monitoring Program for Initial Study #20-36 (Attachment E of Planning Commission Staff Report #21-149).

9. All signs shall comply with the North Merced Sign Ordinance and Section 20.62.040 (E) of the City's Zoning Ordinance for signs in a Planned Development (P-D) zone. Sign locations as shown on the site plan are not approved at this time, including the sign on Highway 59 shown in Caltrans' right-of-way.

10. Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access.

11. Parking lot trees shall be installed per City Parking Lot Landscape Standards and Section 20.38.070 (F). At a minimum, parking lot trees shall be provided at a ratio of one tree for every six parking spaces. 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 the City's approved tree list).

12. All projects on this site 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. Prior to issuance of the first grading/building permit for any project on the site, the applicant shall demonstrate compliance with San Joaquin Valley Air Pollution Control District Rule 9510 to the City's Planning Department. Changes to the site plan resulting from compliance with Rule 9510 are subject to review by City Staff or the Planning Commission, as determined be the Director of Development Services.

14. Bicycle parking for all projects on the site shall meet the minimum requirements of the California Green Building Code and Merced Municipal Code Section 20.38.080.

15. All landscaping on the site 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 Section 20.36 – Landscaping.

16. 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 drought conditions.

17. 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.

18. A fire control room may be required for the buildings on the site. The applicant shall work with the Fire Department to determine the location of the fire control room in the event of its necessity. Additional fire control rooms may be required at the discretion of the Fire Chief.

19. Each building shall be provided with a Fire Department Connection.

20. 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.

21. All storm water shall be retained in the proposed onsite basin or otherwise 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. The applicant shall submit calculations to the City showing, to the satisfaction of the City Engineer or designee, that the basin proposed onsite has enough capacity for the proposed plans.

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 parking lot and other exterior lighting shall be oriented in such a way so that it does not spill over onto adjacent properties.

24. 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 Refuse Department to determine the best location for these enclosures to ensure proper access is provided for City Refuse Trucks as well as the number of containers needed to adequately serve the site. Use of a trash compactor should be considered to reduce the number of pick-ups per week.

25. All construction activity shall be conducted between the hours of 7:00 AM and 7:00 PM, Monday through Saturday, due to nearby residential uses.

26. All walking paths, bicycle paths, recreational areas, and bicycle or vehicle parking areas shall be provided with sufficient lighting to ensure a safe environment.

27. All mechanical equipment shall be screened from public view (details to be worked out with staff).

28. Building and changing grades within the Regulatory Floodway is prohibited. The City shall not approve any plan or proposal that indicates building footprints or changes of grades in the Regulatory Floodway. Prior to construction, the applicant shall cause to be performed a survey of the regulatory floodway that is deemed appropriate by the City Engineer or designee. The project shall also be designed to meet all requirements of Flood Zone "AE."

29. Cross access easement(s) shall be recorded with the parcel to the east to ensure access to the driveway approximately 368 feet east of Highway 59 on Olive Avenue.

30. The design and height of fencing to screen the ponding basin shall be approved by City Planning staff at the time of the issuance of the first building permit.

31. Site Plan Review permits shall be required prior to building permit issuance for all buildings, including canopies, on site. If alcohol sales are proposed at the gas station, a Conditional Use Permit will be required.

32. Cross access and parking easements shall be recorded with any parcel map associated with the project.

33. The project shall improve or cause to be improved the Olive Avenue driveway in accordance with Table A2 of the traffic study (included within the Initial Study found at Attachment E of Planning Commission Staff Report 21-149). To resolve the issue of queues exceeding the driveway throat depth at the Olive Avenue driveway, the project shall install a 75-foot median in driveway OR add a westbound right turn lane on Olive Avenue. To resolve the issue of a right turn deceleration lane conflict with through traffic, the project shall add a westbound right turn lane on Olive Avenue.

Note: Condition #34 is proposed to be added based on a letter received from the San Joaquin Valley Air Pollution Control District after Resolution #4060 was approved by the Planning Commission.

34. Prior to issuance of the first building permit, the applicant shall demonstrate compliance with San Joaquin Air Pollution Control District Rule 9510.

Findings and Considerations
Planning Commission Resolution #4060
General Plan Amendment #20-02 and Site Utilization Plan Revision #1
for Planned Development (P-D) #12

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

A) With the proposed General Plan Amendment and Site Utilization Plan (SUP) Revision, the proposed project will conform with the General Plan designation of Business Park and zoning of Planned Development #12. The SUP Revision includes a gas station with convenience store, a drive-through, and office and retail uses, shown on the Site Plan at Attachment C of Planning Commission Staff Report #21-149.

Traffic/Circulation

B) According to the traffic study in the Initial Study #20-36 (Attachment E of Planning Commission Staff Report 21-149), the SR 59 / Olive Avenue Commercial Center project is a proposed convenience commercial development that will occupy 3 acres on the northeast corner of the intersection of State Route 59 (SR 59) and Olive Avenue. The proposed development plan includes a gasoline station with convenience store, a fast-food restaurant and other office / retail uses.

Access

The project proposes right-turn only access to SR 59 north of Olive Avenue, as well as a new right-turn only driveway on Olive Avenue.

Trip Generation

Based on approved trip generation rates that account for the specific land uses included in the project, and after discount for "pass-by" trips, the project could be expected to result in 1,811 net new trips (in and out) on a daily basis, with 139 new trips in the a.m. peak hour and 155 new trips in the p.m. peak hour.

Improvements

The project is assumed to complete frontage improvements on SR 59 and Olive Avenue that are consistent with the City's Arterial Street standards. Work required along SR 59 would be conducted under an encroachment permit acquired through Caltrans.

Existing Setting

The existing system of pedestrian and bicycle facilities in this area include limited sidewalks and Class I bike paths, but pedestrians and cyclists use paved shoulders

elsewhere. Sidewalks do not exist along the project's Olive Avenue frontage, but a Class I trail exists along SR 59. Recent Caltrans improvements have included high visibility crosswalks at the SR 59 and Olive Avenue intersection.

The Local Transportation Analysis (LTA) notes that the City of Merced General Plan establishes Level of Service (LOS) D as the minimum acceptable standard for the operation of intersections and roadways.

Because COVID-19 makes collection of new traffic count data impractical, traffic counts conducted in 2017 were projected out to Year 2020 by a 1% annual increase to established existing conditions. Two safety intersection improvement projects recently completed by the City and Caltrans are assumed in the evaluation of existing conditions at the SR 59 / Olive Avenue intersection and at the SR 59 / W. 16th Street intersection.

All study intersections operate at LOS D or better during the study hours. However, the two-lane portion of SR 59 between W. 16th Street and Olive Avenue carries daily traffic volumes that are indicative of LOS F conditions.

Vehicle Miles Traveled Impacts

Under SB 743, evaluation of transportation impacts under CEQA requires that agencies move from Level of Service based analysis to consideration of a project's effect on regional Vehicle Miles Traveled (VMT). The CEQA Guidelines and the California Governor's Office of Planning and Research (OPR) document, *Technical Advisory on Evaluating Transportation Impacts in CEQA* (California Governor's Office of Planning and Research 2018) provide general guidance as to thresholds of significance for determining when a project would have significant transportation impacts based on the new metric of VMT, rather than operating Level of Service (LOS) until local agencies adopt their own standards. Because Merced County and the City of Merced have not yet adopted methods for estimating regional VMT or significance criteria for evaluating impacts based on VMT, the OPR technical advisory has been followed.

Assessment of VMT Impacts

The proposed project is generally comprised of convenience retail uses that will serve motorists already traveling on SR 59 and on Olive Avenue or who live or work in the immediate area. The project also includes up to 6,000 sf of office space. Based on OPR guidance, the project's VMT impacts can be judged as follows.

As the retail elements of the project would serve customers generated in the local area or simply stopping at the site as part of a trip on SR 59 or on Olive Avenue, and the project's total building floor area is far below the 50,000 sf threshold identified by OPR, the impacts of the project's retail uses on regional VMT is not significant.

The office space included in the project is projected to generate 74 daily trips. As this trip generation estimate falls below the 110 daily trips threshold identified by OPR,

the office portion of the proposed project qualifies as a "small project" that can be assumed to have a less than significant impact on regional VMT. According to the traffic study, impacts to pedestrian, bicycles, hazards and safety, state facilities, and transit are also considered not significant.

LOS Results

While not a CEQA issue, the relative effects of the project on short term and long term traffic operations in this area of Merced has been investigated in a manner that is consistent with recent analysis of other development projects. Operating Levels of Service have been identified, and improvements that would be needed with and without the project to satisfy General Plan policies have been identified. Table A2 of Attachment E of Planning Commission Staff Report 21-149 notes these recommended improvements.

Three of these recommended improvements relate directly to modification of SR 59, or the intersection of SR 59 with Olive Avenue. Because the City and Caltrans will be implementing a project to widen SR 59 from 16th Street to the Black Rascal Creek bridges, these recommendations are not recommended by the City to be required as Conditions of Approval. This widening will both improve some of the issues and will also heavily modify the conditions that the analysis is predicated on in the first place. Additionally, any improvements that the proposed project would install in the short term would be rendered obsolete or removed when the widening occurs. As such, these three impacts do not require improvements from the project:

- SR 59/Olive Avenue- Lengthening of peak period queues
- SR 59/Olive Avenue/Santa Fe Drive- Exacerbate LOS F conditions during AM and PM peak hours
- SR 59 Driveway- Right turn deceleration conflict with through traffic

The traffic study also notes two impacts at the Olive Avenue driveway of the project:

- Queues exceed driveway throat depth
- Right turn deceleration lane conflict with through traffic

Driveway Throat Depths The driveway throat is the area available for exiting vehicles to wait without blocking the path of arriving traffic. The adequacy of the driveway throat is determined based on the length of exiting queue at the driveway. The LOS analysis indicates that the 95th percentile queue in the SR 59 driveway would be one vehicle or less, while the 95th percentile queue in the Olive Avenue driveway could be 75 feet (i.e., three vehicles). Table T19 of Attachment E of Planning Commission Staff Report 21-149 compares forecast queue and available throat depth. As shown, under Year 2035 conditions, the forecast 95th percentile queues at the SR 59 driveway are less than the available throat depth, and no changes are recommended. However, the Olive Avenue driveway has a limited throat depth, and the anticipated Year 2035 queue would block entry into the southern portion of

the canopy area. To address this issue, it would be necessary to either:

1. Place a median in the driveway that would extend for 75 feet, **or**
2. Construct a westbound right turn lane on Olive Avenue at the site access to provide space outside of the through travel lane for any entering vehicles delayed by the exiting queue.

Right Turn Channelization at Entrances. The need for separate right turn lanes on the entries to project driveways has been considered within the context of the precedence under similar condition elsewhere in Merced and typical engineering practice. The volume of traffic entering the site at each driveway has been identified. The Olive Avenue driveway is projected to handle 70 to 74 inbound peak hour right turns. The number of turns reaches the level that would typically justify a separate right turn deceleration lane (i.e., more than 50 right turns).

Right turn treatments elsewhere have been reviewed. Access to Olive Avenue is limited, and separate right turn lanes have been provided elsewhere on Olive Avenue east of the project site, particularly at access to major commercial areas. However, the industrial driveways just east of the project do not have right turn lanes.

In this case, separate right turn lanes are desirable and are needed to provide adequate LOS under long term conditions. A turn lane should be provided but should be incorporated into the ultimate design of the area street system. Initially, a separate right turn lane can be provided on Olive Avenue in advance of the driveway in the remaining 120 feet of project frontage. The project should contribute its fair share to the cost of these improvements, and with this improvement the project's effect is consistent with the General Plan.

Conclusion

Transportation and traffic impacts as summarized above were analyzed by KD Anderson & Associates, Inc. in a Traffic Impact Analysis (Appendix B of Initial Study #20-36, Attachment E of Planning Commission Staff Report 21-149). The conclusions regarding the proposed project is that the impacts of the project are **less than significant** for the purposes of CEQA Impact Significance Criteria.

The project's Conditions of Approval related to Level of Service (LOS) improvements shall indicate the need for improvement to rectify the impacts along the Olive Avenue Driveway as noted above and in Table A2 of Attachment E of Planning Commission Staff Report 21-149:

Olive Avenue Driveway

- Queues exceed driveway throat depth
    - Install 75-foot median in driveway OR add a westbound right turn lane
- Right turn deceleration lane conflict with through traffic
    - Add westbound right turn lane

Parking

C) Parking is based on project uses and their requirements per Table 20.38-1 of the Zoning Ordinance. The Zoning Ordinance allows a 15% reduction in floor area for non-usable commercial space such as restrooms, storage areas, etc. Using this formula, the parking requirements for the project would be 46 spaces, assuming that all areas are built out using the general retail requirements. If a portion of the project develops as office, the standards are slightly reduced, depending on the square footage committed to office use. The proposed project provides 85 parking spaces, which exceeds the required amount of parking necessary for this project even under the more demanding requirements of the general retail use.

Public Improvements/City Services

D) *Water*

There is a 16-inch water line in Highway 59 and another 16-inch line in Olive Avenue to serve the project site. The City's water supply would be sufficient to serve the proposed project.

Sewer

The WWTP recently finished two major upgrades (Phase IV and Phase V) to improve the quality of the treated water, referred to as plant effluent, and to improve the quality of biosolids and methods of treatment. The Merced Wastewater Treatment Plant is now one of the most advanced facilities in the state. It is capable of treating up to 12 million gallons of influent a day. The proposed project is estimated to generate approximately 11,730 gallons of wastewater per day (based on 108 gallons/day/1,000 square feet of floor area for office and commercial uses). The additional wastewater generated by the project would be approximately 0.09% of the overall capacity of the WWTP.

There is sufficient capacity at the WWTP, and the existing lines in Highway 59 and Olive Avenue have enough capacity during peak hours to accommodate the additional wastewater and transmit it to the WWTP for processing.

Stormwater

Storm drain lines exist in Olive Avenue and Highway 59 that the on-site storm drainage system would connect to. The project site would consist of approximately 101,280 square feet of impervious surfaces. All storm water run-off would be required to be captured on-site and metered into the City's storm drainage per City Standards.

Building Design

E) As shown on the Exterior Elevations at Attachment D of Planning Commission Staff Report #21-149, the buildings on the site would stand one story tall and have a design with brick, plaster, metal, and glass as primary features and elements. The details of the convenience mart are similar to other existing convenience marts in the area,

using the branding of 7-Eleven, the proposed tenant. Final design details are to be addressed by staff at the Site Plan Review stage.

Site Design

F) The project site is bounded by State Highway 59 to the west, Olive Avenue to the south, commercial warehouses and a cannabis dispensary to the east, and the vacant remainder of the property which the subject site was split off from to the north. As proposed, the project site includes:

- 4,837 square feet for a proposed office/retail building
- 4,088 square feet for a proposed mini mart
    - 4,284 square feet for the fuel island and canopy
- 2,805 square feet for a proposed drive-through business

Landscaping

G) As shown on the Site Plan at Attachment C of Planning Commission Staff Report #21-149, parking lot trees would be provided throughout the site in compliance with the City's Parking Lot Landscape Standards (Condition #15). According to Table 20.36-1 of the Zoning Ordinance, the site is required to provide a minimum landscape area equal to 15% of the project site. Landscaping and irrigation shall be required to meet the City's Water Efficient Landscape Ordinance (Condition #19).

Neighborhood Impact/Interface

H) The site as it currently stands does not directly border, nor does it border across an adjacent roadway, a residential use. Public hearing notices were sent to all property owners within 300 feet of the parcel that the subject site was recently subdivided from. To date, staff has not had any comments from the public regarding the project.

Signage

I) All signs on the site would be required to comply with the North Merced Sign Ordinance and the Business Park sign regulations (Condition #9). Final sign/design details will be addressed by staff at the Site Plan Review phase. The sign locations as shown on the Site Plan at Attachment C of Planning Commission Staff Report #21-149 are not approved, including the monument sign located on Highway 59 within Caltrans' right-of-way, which cannot be approved.

Planned Developments- Required Findings

J) Section 20.20.020(J) of the Merced Municipal Code requires the following findings be made in order to approve a Revision to a Planned Development.

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 development is consistent with and/or advances a number of goals of the General Plan, specifically UE-1.2, UE-1.5, L-2.1, L-2.2, L-2.4, L-2.5, L-3.2, and T-2.6.

2. The site for the proposed development is adequate in size and shape to accommodate proposed land uses.
    - The Site Plan is shown at Attachment B of Planning Commission Staff Report #21-149 and lays out a clear and feasible plan to use this site for the proposed land uses.
3. The site for the proposed development has adequate access considering the limitations of existing and planned streets and highways.
    - Traffic and circulation are discussed in detail in Finding B, above.
4. Adequate public services exist or will be provided to serve the proposed development.
    - Public Improvements and City Services are discussed in detail in Finding D, above.
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.
    - The land use that the surrounding properties predominantly have is Industrial. With warehouses and a cannabis dispensary to the east, a Wal-Mart across Olive Avenue, and a proposed development of similar character in the Thoroughfare Commercial parcels across Highway 59, this development will fit in appropriately and enhance the desirability of the area.
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.
    - Planned Development #12 is already in existence, and this proposal allows a development to move forward within it in a manner that the established zoning standards would not permit. The Commercial Office (C-O) zone would not permit a gas and service station, which can be a cornerstone of a development in such a highly travelled intersection, to exist on this location.
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.
    - None of the proposed uses are wholly reliant on any of the others in order to exist. While each of the uses can benefit from the presence of the entire development, no single one of the proposed uses is a requirement for the whole to proceed.
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 proposed Site Utilization Plan Revision does not envision or recommend deviations for standard ordinance requirements beyond that which was created for Planned Development #12. At that time, the subject site was a component of a larger overall parcel and permits at the time were primarily concerned with the warehouses now in existence to the east.

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.
    - The proposed development plan uniquely addresses the needs and characteristics of the subject site, which is already zoned as a part of Planned Development #12. In accordance with the purpose of the Planned Development designation, this plan proposes to bring together uses that would not otherwise be possible with a different zoning district while still promoting the project's overall harmoniousness with surrounding uses.

Environmental Clearance

K) The Planning staff has conducted an environmental review (Initial Study #20-36) 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 effects in this case because of the mitigation measures and/or modifications described in Initial Study #20-36) is being recommended (see Attachment E of Planning Commission Staff Report #21-149).

ENVIRONMENTAL REVIEW #20-36
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 #20-02 and Site Utilization Plan Revision #1 to Planned Development #12 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.

ATTACHMENT B

GENERAL PLAN MITIGATION MEASURES

As a second tier environmental document, Initial Study #20-36 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 #20-02 and Site Utilization Plan Revision #1 to Planned Development #12. 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 #20-36/Site Utilization Plan Revision #1 to Planned Development #12 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).

3) Air Quality

Impact	*Mitigation Measures*	*Timing*	*Agency or Department*	*City Verification (date and initials)*
c	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: -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. -All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant -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. -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. -All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. *(continued on next page)*			

Impact No.	***Mitigation Measures***	***Timing***	***Agency or Department***	***City Verification (date and initials)***
c	-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. - 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.	Building Permits	Planning Department	
c	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.	Building Permits	Planning Department	

4) Biological Resources				
Impact No.	***Mitigation Measures***	***Timing***	***Agency or Department***	***City Verification (date and initials)***
a	BIO-1) Impacts to wildlife habitat can 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.	Building Permits	Planning Department	

5) Cultural Resources				
Impact No.	***Mitigation Measures***	***Timing***	***Agency or Department***	***City Verification (date and initials)***
a	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. 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. 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: *(continued on next page)*			

Impact No.	***Mitigation Measures***	***Timing***	***Agency or Department***	***City Verification (date and initials)***
a	"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." 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.	Building Permits	Planning Department	
b	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)***
c	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				
a	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	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	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	
8) Greenhouse Gas Emissions				
Impact No.	***Mitigation Measures***	***Timing***	***Agency or Department***	***City Verification (date and initials)***
a	**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: • The project applicant shall provide a pedestrian access network that internally links all uses and connects to existing external streets and pedestrian facilities. *(continued on next page)*			

a	• 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. • 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, and roundabouts. • The project shall provide car sharing programs, accommodations such as parking spaces for the car share vehicles at convenient locations accessible by public transportation. • The project applicant shall plant trees to provide shade. • The project applicant shall install energy efficient heating and cooling systems, appliances and equipment, and control systems.	Prior to Issuance of Building Permit	Engineering/Building/ Planning Departments	

8) Hydrology and Water Quality					
a, c	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	

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-3A) Prior to the issuance of building permits, the project applicant shall submit a final Storm Water Mitigation Plan (SWMP) to the City of Merced for review and approval. The plan shall be developed using the California Stormwater Quality Association's "New Development and Redevelopment Handbook." The SWMP shall identify pollution prevention measures and BMPs necessary to control stormwater pollution from operational activities and facilities, and provide for appropriate maintenance over time. The SWMP shall include design concepts that are intended to accomplish a "first flush" objective that would remove contaminants from the first 2 inches of stormwater before it enters area waterways. The project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City identifying procedures to ensure that stormwater quality control measures work properly during operations.	Prior to Issuance of Building Permits	Engineering Department	

Impact No.	***Mitigation Measures***	***Timing***	***Agency or Department***	***City Verification (date and initials)***
a	HYDRO-3B) 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. Prior to the issuance of grading permits, the project applicant shall file a Notice of Intent with and obtain a facility identification number from the State Water Resources Control Board. The project applicant shall also submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Merced that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for BMP implementation, site restoration, contingency measures, responsible parties, and agency contacts. The SWPPP shall include, but not be limited to, the following elements: *(continued on next page)*	Building/ Encroachment Permits	Engineering Department	

a	• Comply with the requirements of the State of California's most current Construction Stormwater Permit. • Temporary erosion control measures shall be implemented on all disturbed areas. • Disturbed surfaces shall be treated with erosion control measures during the October 15 to April 15 rainy season. • Sediment shall be retained on-site by a system of sediment basins, traps, or other BMPs. • The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate discharge of materials to storm drains. • BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the Central Valley Regional Water Quality Control Board to determine adequacy of the measure. • In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season. *(continued on next page)*			

		• 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.			
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.	Prior to Issuance of Building Permit	Engineering	
c	HYDRO-5	Building and changing grades within the Regulatory Floodway is prohibited. The City shall not approve any plan or proposal that indicates building footprints or changes of grades in the Regulatory Floodway. Prior to construction, the applicant shall cause to be performed a survey of the regulatory floodway that is deemed appropriate by the City Engineer or their designee. The project shall also be designed to meet all requirements of Flood Zone "AE."	Prior to Site Plan Approval	Engineering	

13) Noise				
Impact No.	***Mitigation Measures***	***Timing***	***Agency or Department***	***City Verification (date and initials)***
a	NOI-1) To reduce potential construction noise impacts, the following multi-part mitigation measure shall be implemented for the project: • 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)***
a	• 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	

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, APPROVING SITE UTILIZATION PLAN REVISION #2 TO PLANNED DEVELOPMENT (P-D) #12 CHANGING THE LAND USE DESIGNATION FROM "COMMERCIAL OFFICE" (CO) AND "INDUSTRIAL" (IND) TO "BUSINESS PARK" (BP) FOR A PARCEL OF APPROXIMATELY 3.38 ACRES OF LAND GENERALLY LOCATED ON THE NORTHEAST CORNER OF OLIVE AVENUE AND STATE HIGHWAY 59

THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT TO CODE. The property described in Exhibit A and shown on the map at Exhibit B, attached hereto, and by reference made a part of this Ordinance, is hereby re-designated as shown on said Official Site Utilization Plan from "Commercial Office" (CO) and "Industrial" (IND) to "Business Park" (BP).

SECTION 2. CHANGE OF MAP. The Director of Development Services is hereby directed to make the appropriate markings on the Official Site Utilization Plan for Planned Development #12 in conformance with this Ordinance and the provisions of Title 20 of the Merced Municipal Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ____ day of _____, 2021, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2021, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:

_____
Mayor

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

BY:_____
Assistant/Deputy City Clerk

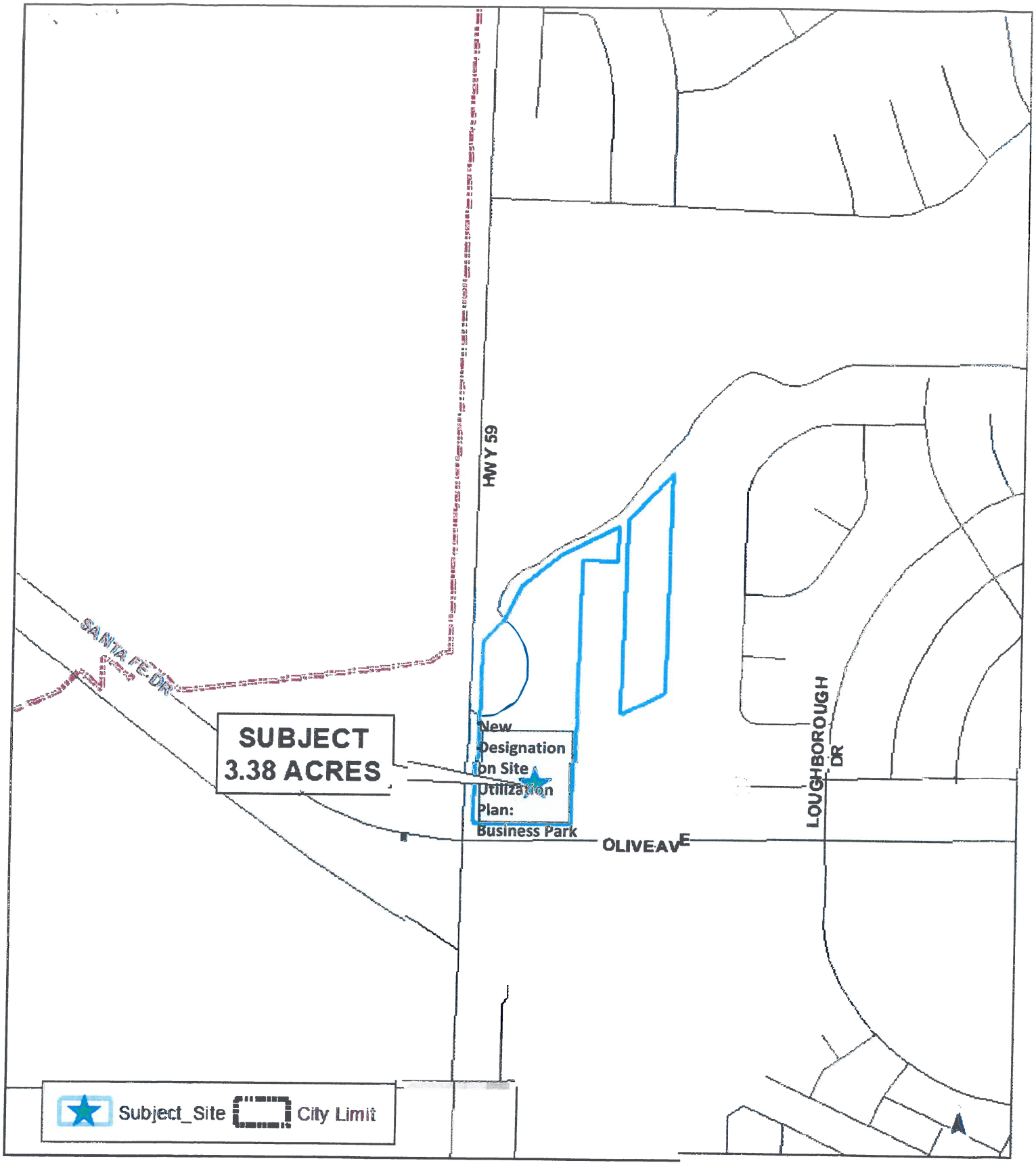
(SEAL)

APPROVED AS TO FORM:

_____ 4/12/21
City Attorney Date

EXHIBIT "A"

Adjusted Parcel 1 as described in the Grant Deed recorded as Document No. 2020047663, on December 10, 2020, in Merced County Records; also known as a portion of Assessor's Parcel Number (APN) 058-030-037.



Disclaimer: This document was prepared for general inquiries only. The City of Merced is not liable for errors or ommissions that might occur. Official information concerning specific parcels should be obtained from recorded or adopted City documents.

PROPOSED GENERAL PLAN AMENDMENT

EXHIBIT B

ADMINISTRATIVE REPORT

Agenda Item K.1. Meeting Date: 5/17/2021

Report Prepared by: Martin Pehl, Airport Manager

SUBJECT: Consideration of the Merced Regional Airport Authority Recommendation for the Advanced Air-Option 2 (1st Choice), Advanced Air-Option 3 (2nd Choice) and Southern Airlines (3rd Choice) as the Airline Carrier to Serve the Merced Yosemite Regional Airport Under the Essential Air Service and Make a Recommendation to the Department of Transportation

REPORT IN BRIEF

Considers the Merced Regional Airport Authority's recommendation for air carrier service to the U.S. Department of Transportation regarding a selection of an essential air service carrier provider for the Merced Yosemite Regional Airport.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Regional Airport Authority's recommendation for air carrier service to the U.S. Department of Transportation concerning selection of an essential air service provider by priority as follows:

1. Advanced Air, Option 2 (KLAS/KHHR PC12); or,
2. Advanced Air, Option 3 (KLAS/KLAX PC 12); or,
3. Southern Airways, Option D; and,

B. Authorizing the City Manager or designee to execute the necessary documents.

ALTERNATIVES

1. Approve as recommended by the Merced Regional Airport Authority, or;
2. Approve a different recommendation to the Department of Transportation (specify in motion), or;
3. Take no action.

AUTHORITY

Charter of the City of Merced, Section 200; Merced Municipal Code Section 2.36.020.

CITY COUNCIL PRIORITIES

As provided for in the 2020-21 Adopted Budget

DISCUSSION

The US Department of Transportation's (USDOT) Essential Air Service (EAS) program was created in response to passing of the Airline Deregulation Act of 1978 to address concerns for continued air carrier service to rural areas of the United States (Attachment A). The City of Merced has participated in the EAS program since 1982. The EAS program provides an operating subsidy to the air carrier serving the Merced market through a contract between the US Department of Transportation and the selected air carrier. The EAS contract period is usually two to four years with the current contract expiring on July 31, 2021.

Essential Air Service carriers from the past include Scenic Air and Great Lakes Airlines. Boutique Air currently serves the Merced Yosemite Regional Airport as the Essential Air Service carrier under contract with the US Department of Transportation.

New Proposals Requested: On March 4, 2021, the United States Department of Transportation (DOT) issued an "Order Requesting Proposals" requesting proposals from air carriers interested in providing EAS for the Merced Yosemite Regional Airport starting August 1, 2021. By April 6, 2021 DOT had received four proposals, which were forwarded to City staff. Proposers include Advanced Air (Attachment 2), Boutique Air (Attachment 3), Denver Air Connection (Attachment 4), and Southern Airways (Attachment 5).

It should be noted, the US Department of Transportation, who will make the actual and final selection of the air carrier, is requesting that the City of Merced provide comment regarding the proposals by May 24, 2021.

Airport Authority Subcommittee Review: On April 15th, an ad hoc subcommittee of the Merced Regional Airport Authority (RAA) interviewed officials from each of the four proposing air carriers. The subcommittee included Regional Airport Authority Chair Michael Bodine, Vice Chair Travis Colby, and Robert Scoble. Participating City staff included Frank Quintero, Karen Baker, and Martin Pehl.

The subcommittee met again on April 20th to further discuss the air carrier proposals and interviews. At the conclusion of the April 20th meeting, the subcommittee voted to recommend to the Regional Airport Authority that Advanced Air, Option 2 (KLAS/KHHR PC-12) be recommended to the Merced City Council as the preferred proposal.

Advanced Air, Option 2 (KLAS/KHHR PC-12) would include 28 round trips per week. 14 round trip flights would be between Merced (KMCE) and Las Vegas (KLAS) and 14 round trip flights would be between Merced (KMCE) and Los Angeles (KHHR). KHHR is the airport identifier for the Hawthorne Airport, which is located approximately 3 miles from Los Angeles International Airport (KLAX). Advanced Air operates "Jet Center Los Angeles" at KHHR, which serves as the home base for all Advanced Air flight operations and aircraft maintenance.

ADVANCE AIR - OPTION 2 SCHEDULE

O P T I O N 2 : *28 round trips per week 14 Round trip flights between KMCE and KLAS*
14 round trip flights between KMCE and Los Angeles (KHHR and KLAX Options)

Proposed Schedule
WEEKLY ROUTES

ROUTE	DEPART	ARRIVE	NOTES
HHR-MCE	**5:00A**	**6:06A**	**M -S**
YART BUS	6:55A TO YOSEMITE VALLEY		
MCE-LAS	**6:36A**	**8:00A**	**M -S**
LAS-MCE	**8:30A**	**10:00A**	**M -S**
YART BUS	10:30A TO YOSEMITE VALLEY		
MCE-HHR	**10:30A**	**11:36A**	**M -S**
HHR-MCE	**12:06A**	**1:12P**	**M -S**
MCE-LAS	**1:42P**	**3:06P**	**M -S**
LAS-MCE	**3:36P**	**5:06P**	**M -S**
YART BUS	5:25P TO YOSEMITE VALLEY		
MCE-HHR	**5:45P**	**6:51P**	**M -S**

The subcommittee's reasoning behind recommending Advanced Air included, in part, several factors. These factors include Advanced Air's willingness to contractually obligate themselves to providing service to the Las Vegas International Airport, the level of community awareness shown in their proposal, and the level of financial commitment for marketing of the proposed air service.

Regional Airport Authority Special Meeting: On April 28th, the RAA held a special meeting to review and discuss the subcommittee recommendations. The RAA approved a motion, split vote, recommending to the Merced City Council that Advanced Air, Option 2 (KLAS/KHHR PC-12) be selected as the preferred proposal in response to the United States Department of Transportation's "Order Requesting Proposals" for air carries interested in providing Essential Air Service for the Merced Yosemite Regional Airport starting August 1, 2021. One-member voting "NO" mentioned a preference for service to Sacramento.

After the RAA's action, US Department of Transportation suggested the City's recommendation include more than one option, should the USDOT have an issue with any one recommendation. Therefore, staff has added the RAA subcommittee's second and third place recommendations, which are Advanced Air, Option 3 (KLAS/KLAX PC-12) and Southern Airways, Option D.

All three recommendations include service to the main terminal of McCarran International Airport (KLAS) and the Los Angeles area (KHHR or KLAX).

- Advanced Air, Option 3 (KLAS/KLAX PC-12) would include 24 round trips per week. 12 round trip flights would be between Merced (KMCE) and Las Vegas (KLAS) and 12 round trip flights would be between Merced (KMCE) and Los Angeles (KLAX).

ADVANCED AIR - OPTION 3 SCHEDULE

O P T I O N 3 : *24 round trips per week 12 Round trip flights between KMCE and KLAS 12 Round trip flights between KMCE and Los Angeles (KHHR and KLAX Options)*

Proposed Schedule
WEEKLY ROUTES

ROUTE	DEPART	ARRIVE	NOTES
HHR-MCE	**5:00A**	**6:06A**	**M -S**
YART BUS	6:55A TO YOSEMITE VALLEY		
MCE-LAS	**6:36A**	**8:00A**	**M -S**
LAS-MCE	**8:30A**	**10:00A**	**M -S**
YART BUS	10:30A TO YOSEMITE VALLEY		
MCE-HHR	**10:30A**	**11:36A**	**M -S**
HHR-MCE	**12:06A**	**1:12P**	**M -S**
MCE-LAS	**1:42P**	**3:06P**	**M -S**
LAS-MCE	**3:36P**	**5:06P**	**M -S**
YART BUS	5:25P TO YOSEMITE VALLEY		
MCE-HHR	**5:45P**	**6:51P**	**M -S**

- Southern Airway, Option D, flying the Pilatus PC-12, would include 28 round trips per week. 7 round trip flights would be between Merced (KMCE) and Las Vegas (KLAS) and 21 round trip flights would be between Merced (KMCE) and Los Angeles (KLAX). No other proposals included air service to Las Vegas.

IMPACT ON CITY RESOURCES

No appropriation of funds is needed.

ATTACHMENTS

1. Essential Air Service Overview
2. Advanced Air Merced EAS 2021 DOT-OST-1998-3521
3. Boutique Air Merced Bid Proposal
4. Denver Air Connection Proposal to provide EAS at Merced
5. Southern Airways Merced EAS 2021

ESSENTIAL AIR SERVICE

ATTACHMENT 1

Overview

The Airline Deregulation Act (ADA), passed in 1978, gave air carriers almost total freedom to determine which markets to serve domestically and what fares to charge for that service. The Essential Air Service (EAS) program was put into place to guarantee that small communities that were served by certificated air carriers before airline deregulation maintain a minimal level of scheduled air service. The United States Department of Transportation (the Department) is mandated to provide eligible EAS communities with access to the National Air Transportation System. This is generally accomplished by subsidizing two round trips a day with 30- to 50-seat aircraft, or additional frequencies with aircraft with 9-seat or fewer, usually to a large- or medium-hub airport. The Department currently subsidizes commuter and certificated air carriers to serve approximately 60 communities in Alaska and 115 communities in the lower 48 contiguous states that otherwise would not receive any scheduled air service.

History of EAS

Before airline deregulation, air carriers' operating certificates for most of these communities required air carriers to schedule and provide two daily round trips at each point on their certificates. During the pre-ADA debates, the prospect of allowing carriers to terminate scheduled air service without prior Government approval raised concern that communities with relatively lower traffic levels would lose service entirely as carriers shifted their operations to larger, potentially more lucrative markets. To address this concern, Congress added section 419 to the Federal Aviation Act, which established the EAS program to ensure that smaller communities would retain a link to the National Air Transportation System, with Federal subsidy when necessary. Under this program, the Department determines the minimum level of service required at each eligible community by specifying a hub through which the community is linked to the national network, a minimum number of round trips and available seats that must be provided to that hub, certain characteristics of the aircraft to be used, and the maximum permissible number of intermediate stops to the hub.

Community Eligibility

The Department of Transportation and Related Agencies Appropriations Act, 2000, prohibits the Department from subsidizing EAS to communities located within the 48 contiguous States receiving per passenger subsidy amounts exceeding $200, unless the communities are located more than 210 miles from the nearest large- or medium-hub airport. On October 9, 2014, the Department issued a Notice of Enforcement Policy announcing how the Department intended to enforce compliance with the requirements of the $200 cap. The Final Notice of Enforcement Policy on the $200 cap was issued on October 9, 2014. As stated in that Notice of Enforcement Policy, all communities receiving subsidized EAS had until September 30, 2015, based on data

from October 1, 2014, through September 30, 2015, to ensure compliance with the $200 subsidy cap or possibly face termination of subsidy eligibility.

The FAA Modernization and Reform Act of 2012 amended 49 U.S.C. § 41731(a)(1)(B) to change the definition of "eligible place" for the purpose of receiving EAS. The amendment states that to be eligible, a community must maintain an average of 10 enplanements or more per service day, as determined by the Secretary, during the most recent fiscal year beginning after September 30, 2012. The legislation exempts locations in Alaska and Hawaii and communities that are more than 175 driving miles from the nearest large- or medium-hub airport.

The Secretary also has the authority to waive the 10-enplanement standard, on an annual basis, if the community can demonstrate that the reason the location averages fewer than 10 enplanements per day is due to a temporary decline in enplanements. 49 U.S.C. § 41731(e).

Among other things, 49 U.S.C. § 41731 states that to be eligible, a community must have had an average subsidy per passenger of less than $1,000 during the most recent fiscal year, as determined by the Secretary of Transportation or face termination of subsidy eligibility, regardless of distance to a hub airport.

The Consolidated and Further Appropriations Act, 2015, Public Law No. 113-235 states, "[T]hat none of the funds in this Act or any other Act shall be used to enter into a new contract with a community located less than 40 miles from the nearest small-hub airport before the Secretary has negotiated with the community over a local cost share." Therefore, the Department is required to negotiate a local cost share with communities located less than 40 miles from a small-hub.

Instructions for Air Carriers Interested in Providing EAS

When selecting carriers to provide EAS, the Department generally establishes two-year contracts, however, four-year contracts are increasingly common. This allows for the competitive bidding process to keep subsidy costs in check and to give communities and the Department opportunities to switch air carriers if appropriate. Four-year contracts, proposed by a carrier that has a history of providing reliable EAS at a community and supported by that community provide more certainty for communities and carriers, as well as provide more stability for annual subsidy costs for the Department. By design, the contracts for carriers to provide EAS across the nation expire on a staggered basis throughout the year. Thus the Department is continuously establishing subsidy rates for new contracts. Near renewal time, the Department issues a Request for Proposals (RFP) approximately 6 to 9 months prior to the expiration of the current contract to all air carriers holding scheduled authority and institutes a carrier-selection proceeding. Air carriers submit service and subsidy proposals in response to the Department's RFPs via email. Those RFPs advise the applicants that their proposals should be submitted on a sealed bid, "best and final" basis, and set forth the level of service -- frequency, aircraft size, and hubs -- that would be appropriate for the community given its location and traffic history.

Selection Process

After the Department receives proposals, the Department formally solicits the views of the communities as to which carrier and option they prefer. After receiving the communities' views, the Department is directed by 49 U.S.C. § 41733(c)(1) to consider five factors when making a carrier selection not in Alaska: (1) the demonstrated reliability of the applicant in providing scheduled air service; (2) the contractual and marking arrangements the applicant has made with a large carrier to ensure service beyond the hub airport; (3) the interline agreements that the applicant has made with larger carriers to allow passengers and cargo of the applicant at the hub airport to be transported by the larger carrier(s) through one reservation, ticket, and baggage check in; (4) the preferences of the actual and potential users of air transportation at the eligible place, giving substantial weight to the views of the elected officials representing the users of the service; and (5) whether the air carrier has included a plan in its proposal to market its service to the community. In addition, the Consolidated and Further Continuing Appropriations Act, 2015, Public Law No. 113-235, and continued by the Continuing Appropriations Act, 2016, Pub. L. 114-53, provides that when selecting a carrier to provide EAS, the Department may consider the relative subsidy requirements, thus codifying a factor that the Department has considered since the inception of the EAS program.

In Alaska, the Department is required to consider the experience of the applicant in providing scheduled air service, in Alaska, or significant patterns of non-scheduled air service under an exemption granted under § 40109(a) and (c)-(h).

After all of the above applicable factors have been considered, the Department issues a decision designating the successful air carrier and specifying the specific service pattern (routing, frequency and aircraft type), subsidy rate, and effective period of the rate. It is possible to change the terms of the contract during the contract period if the carrier and community agree and the carrier agrees to the same or lower subsidy rate.

Compensation Procedures

The Department pays the carriers in arrears on a per-flight-completed basis. At the beginning of each month, carriers submit claims for the prior month based on the number of flights that it actually completed in conformance with the contract. Carriers submit invoices requesting a subsidy amount in accordance with maximum allowances stipulated by the contract and detailing the service actually completed, including date of service, aircraft type, routing, and frequency of service, and any actual variations from the service contemplated by the contract. When a carrier is forced by operational exigencies to make ad hoc service adjustments to its service -- aircraft type or routing -- the carrier reports those deviations on its invoice and appropriate adjustments are made. For instance, if the carrier substituted a smaller, less expensive aircraft type than agreed to, perhaps because the larger aircraft had a mechanical problem, the subsidy rate would be reduced accordingly.

The carrier understands that it may forfeit its compensation for any flights that it does not operate in conformance with the terms and stipulations of the terms of the contract, including the service plans outlined in the Selection Order and any other significant elements of the required service, without prior Departmental approval. The carrier understands that an aircraft take-off and landing at its scheduled destination constitutes a completed flight; absent an explanation supporting subsidy eligibility for a flight that has not been completed, such as certain weather cancellations, only completed flights are considered eligible for subsidy. By certain weather cancellations, the Department is referring generally to those situations in which the aircraft takes off for its destination but returns to the origin airport because of extreme weather conditions either en-route or at the destination airport. The Department expects that these situations will occur very rarely. Flights that never take off because of weather are not generally compensable; rather, those scenarios should be included in carriers' calculations of their expected completion factor along with mechanical problems, ATC issues, crew shortages/flight and duty time issues, etc.

In addition, if the carrier does not schedule or operate its flights in full conformance with the terms of the contract for a significant period, it may jeopardize its entire subsidy claim for the period in question. If the carrier contemplates any such changes beyond the scope of the terms of the contract during the applicable period of these rates, it must first notify the Office of Aviation Analysis in writing and receive written approval from the Department to be ensured of full compensation. Should circumstances warrant, the Department may locate and select a replacement carrier to provide service on these routes. The carrier must complete all flights that can be safely operated; flights that overfly points for lack of traffic will not be compensated. In determining whether subsidy payment for a deviating flight should be adjusted or disallowed, the Department will consider the extent to which the goals of the program are met and the extent of access to the National Air Transportation System provided to the community.

Reference:

https://www.transportation.gov/policy/aviation-policy/small-community-rural-air-service/essential-air-service

ATTACHMENT 2

ESSENTIAL
AIR SERVICE
PROPOSAL

ADVANCED AIR



Advanced Air, LLC
12101 Crenshaw Boulevard, Suite 100,
Hawthorne, California 90250
Ph: 310. 644. 3344 Fx: 310. 644. 9344
bookings@advancedairlines.com

ESSENTIAL AIR SERVICE PROPOSAL

DOT-OST-1998-3521

Merced, California

April 6, 2021

ABOUT US

Advanced Air, LLC is an innovative, service-oriented aviation company headquartered in Hawthorne, California, approximately three miles from LAX. We were founded in 2005 by our President, Levi Stockton, as an FAA approved, Part 135, On-Demand Air Carrier focused on superlative aircraft management and on demand charter. Today, Advanced Air has over 100 employees and 22 aircraft operated in both scheduled and on-demand service. Our successful growth is driven by our adherence to our core values of: safety, security, teamwork and reliability. We are in this business for the long run and take a disciplined, thoughtful approach to growth opportunities. We value enduring customer relationships built on mutually beneficial outcomes.

Since receiving our Commuter Air Carrier Authority in 2017, we have worked diligently to invest in the infrastructure required and capitalize on existing distribution channels. We are connected to the major Global Distribution Systems (GDS) utilized by travel agents and industry professionals, including Amadeus and Sabre. Additionally, you will see us on Online Travel Agencies including Expedia, Travelocity, and Orbitz. Advanced Air, LLC is in talks with a major air carrier to provide inter-line services.

More than a decade of commitment, collaboration and capital from a dedicated team of entrepreneurs and professionals who share a passion for aviation has been the foundation of Advanced Air's success. Our relationships are built on trust and transparency and each passenger entrusted to the care of this team represents a valued asset.

OUR COMMERCIAL OPERATIONS

SILVER CITY OPERATIONS 2020:

96%
ON TIME DEPARTURES

99.8%
COMPLETION FACTOR

14k+
TOTAL PASSENGERS

ADVANCED AIRLINES 2019 TOTAL:

40k+
TOTAL PASSENGERS

24k+
TOTAL DEPARTURES

10k+
HOURS FLOWN

Advanced Air has a diversified portfolio of flying services in turboprop aircraft, business jets and regional passenger jets. Serving more than 12 communities in the southwestern United States Advanced Air has a deep commitment to operational excellence and metered, sustainable growth.

MARKETING MERCED, CA:

Advanced Air is pledging $50,000 - $70,000 per year to market and grow the ridership at Merced airport. Our plan includes our ongoing interline agreement talks with large airlines and our community engagement strategy to bring awareness to the local airport and services. Tactics involve local corporate sponsorships, charitable donations and events, and content creation that will be used for targeted marketing on multiple channels including media. Additionally Advanced Air flights are available on the GDS. Advanced Air plans to continue the relationships we created within the community to address suggestions and concerns on how we engage and communicate to the local stakeholders and Yosemite Valley.

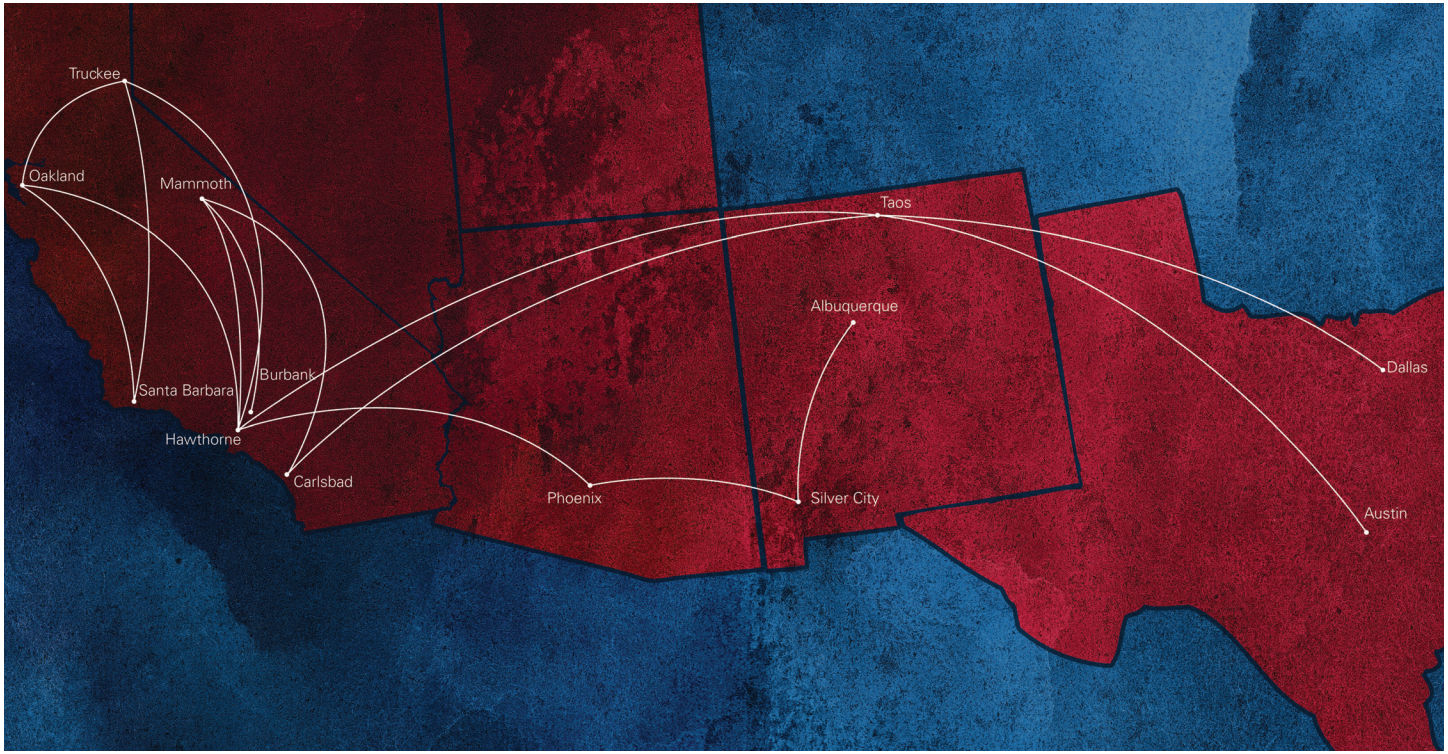
ADVANCED AIR PROPOSES A 4 YEAR CONTRACT:

Securing a four-year contract, will allow Advanced Air to further invest in the Merced Airport and surrounding communities, creating long-term business strategies and marketing initiatives for the benefit of all stakeholders. Our primary goals are to engage with the community and provide a superior level of customer service, reliability and safety.

The COVID-19 Pandemic has resulted in significantly reduced passenger loads, so a longer term contract will allow time to re-establish passenger confidence and implement growth plans for continued connectivity to the U.S. air system. This would be followed by continued growth along with a commitment to sustain these high levels of community engagement, service and reliability throughout the term of the contract.

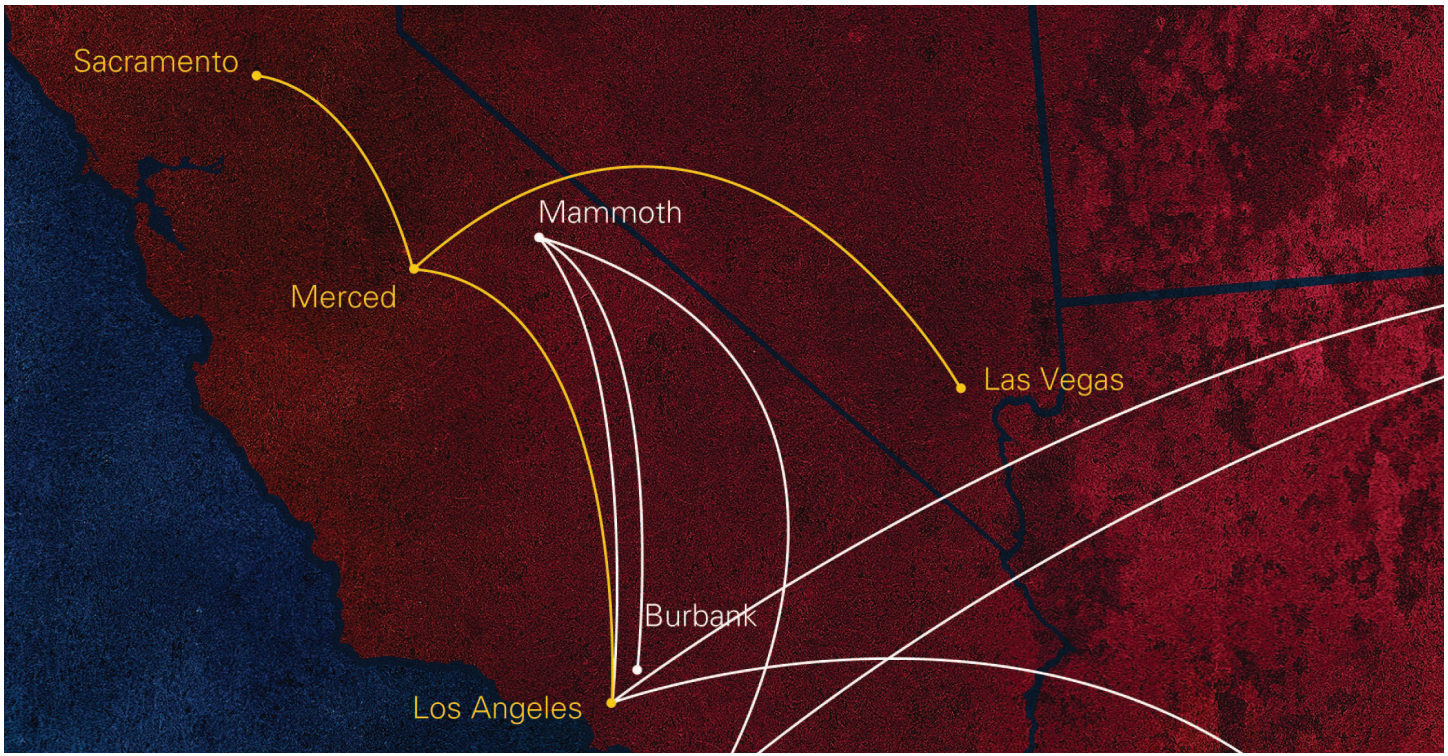
ROUTE MAP

Current Routes:



ROUTE MAP

Proposed Routes:



KING AIR 350 TECHNICAL SPECIFICATIONS

ADVENTURE & COMFORT:

The most comfortable solution for short-haul flights, the King Air 350 is the latest version of one of the most reliable airplanes ever built. We operate eight King Air 350s all with seating in a double-club configuration. Each aircraft is equipped with the advanced Garmin G1000 flight deck featuring "synthetic vision" and XM weather, providing the crew with optimum position awareness. In addition the aircraft features Raisbeck wing lockers, which increase the total cargo space to 71 cu. ft. The performance of the King Air 350 allows for year round operations out of all airports in this bid with maximum passenger loads and luggage.

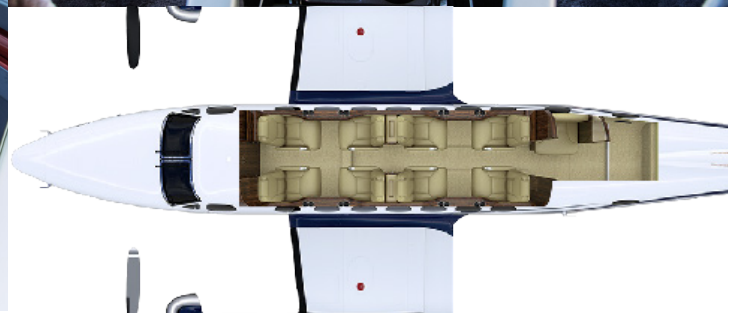
Aircraft Amenities:

9 passengers
Power outlets
Enclosed Lavatory
Complimentary snacks
Room for golf clubs, skis and guns
50lbs. of luggage per passenger guaranteed









PILATUS PC-12 TECHNICAL SPECIFICATIONS

SHORT AND ROUGH FIELD PERFORMANCE.

Advanced Air operates a fleet of 11 Pilatus PC-12 aircraft in a high movement airline style system. Our reliable operations of this aircraft has proven its reputation as the world's greatest single engine aircraft.. Crafted in Switzerland, nothing else compares. The Pilatus PC-12 has gained a reputation for outstanding versatility, performance, reliability and operational flexibility. The PC12 is one of the most popular turbine-powered business aircraft on the market today. Whether it's the large cabin, long range, short-field capability, or precision Swiss engineering and construction, passengers find the perfect balance of features to serve their needs in the PC-12.

Aircraft Amenities:

6-8 Passengers
Enclosed Lavatory
40 FT^3 Baggage Capacity
Short field capabilities
Best in class cabin
Complimentary snacks
Electrical outlets



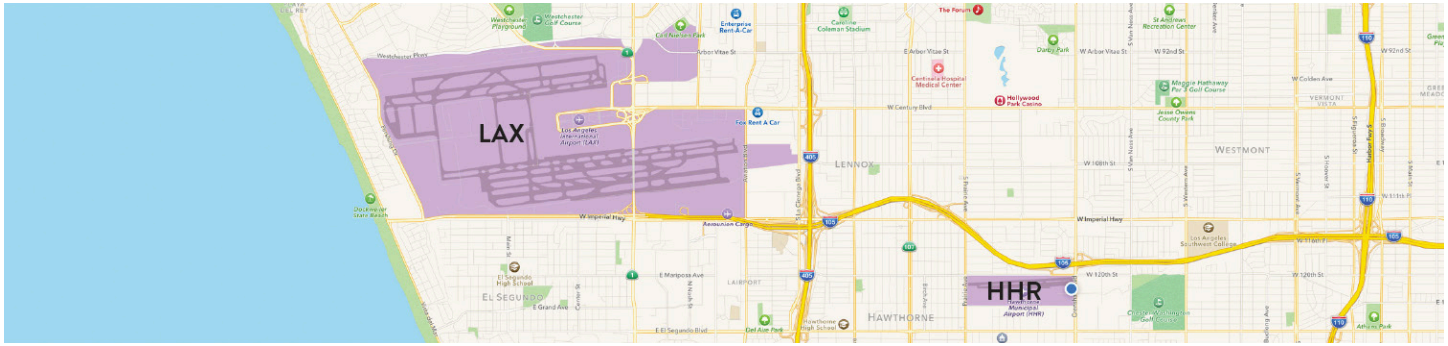






JET CENTER LOS ANGELES

Hawthorne Airport is located just 3 miles from LAX. Operations out of Hawthorne offer both connecting and local customers a wide variety of benefits.



Connect to any airline at LAX - For connecting passengers, we offer a seamless transfer to any terminal in LA. This means that as a customer you can take advantage of the full range of LAX service offerings, rather than a limited set of interline partners. We'll make it easy for you and help you with your luggage. The complementary shuttle to LAX will be waiting plane side upon your arrival and have you at your terminal of choice in under 20 min at LAX. For passengers connecting from LAX to Hawthorne the complementary shuttle will pick you up at designated pick up locations at LAX and drop you plane side at Hawthorne.

Car service for local passengers – If LA is your final destination, you can avoid the headache of picking up your rental car with our onsite service. Your car will be waiting for you curbside when you land as long as you book with proper notice.



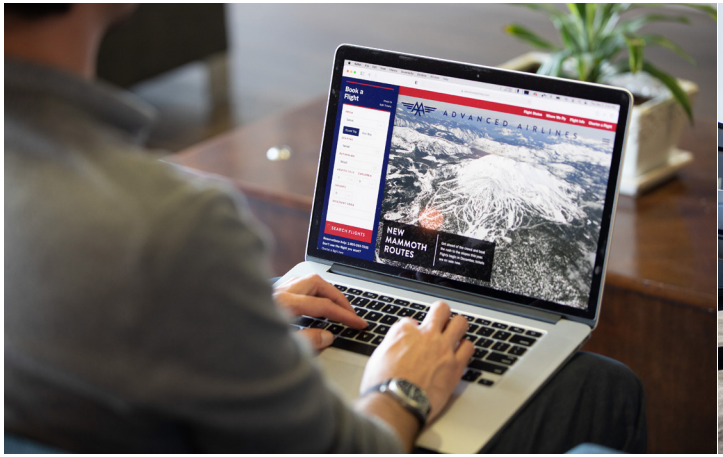
JET CENTER LOS ANGELES

A quiet place to work in our private terminal space – Our spacious FBO facility offers free WiFi, snacks and drinks. Comfy sofas offer customers a quiet place to work while they wait for departure or enjoy a meal or beer at our onsite brewpub, Eureka.





Save time by avoiding air traffic and operations delays – at Hawthorne, the taxi to the runway is 50 feet and operations are exempt from traffic metering implemented during peak times at LAX. As a customer, you'll rarely wait longer than a few minutes to take off. In the event of delays, you can wait in the comfort of our lounge and board right at departure time.





REPUTATION AND RECOMMENDATIONS

Silver City Passenger

"I wanted to say a Big Thank You to the Advanced Airlines Staff for helping me through a difficult flight home on March 15th. My first flight ended up being canceled and rescheduled which would have made me miss my Advanced Air flight from Phoenix to Silver City, NM in the afternoon. I called Advanced Air and with no difficulty they rescheduled me for the evening flight. When I checked into my flight in Phoenix, the two ladies greeted me by name and told me how sorry they were that my earlier flight with a different airline had been so difficult. The check in process was a breeze and the flight was smooth. Everyone I dealt with was so good to me. I wish I knew all of their names. I had been up since 4 a.m. and got home at 9:30 p.m. so it was a long day but the Advanced Air staff made my long day so much better."

Silver City Passenger

"I recently traveled From Silver City New Mexico to Maui. Trying to get out of a small town and all the way to Maui was difficult but using your company and American Airlines, I acted as my own travel agent. All was well until I realized I had booked your flight coming home a day early forgetting that I was going to be traveling overnight and arriving the next day. In a small panic I called Advanced Air and spoke with Eli Suazo who was able to re-accommodate me. What's more,he also said if I got in early enough he might be able to get me onto the earlier flight going down to Silver City, which he did!!! I am so pleased to have found a company with agents who care about their customers and I am forever grateful."

Howie Morales, Lt. Governor of New Mexico

"Advanced Airlines has provided excellent service for Southwest New Mexico with daily flights to Albuquerque and Phoenix. It is so important to keep rural New Mexico connected to major air markets and I hope we are able to expand service to other New Mexico communities."

Billy Billings, Grant County Commissioner

"Advanced Airlines has done an excellent job serving our community and we are very pleased that the US Department of Transportation has agreed and continued their support for two more years. We look forward to their continued first class service."

SAFETY AND OPERATIONS



KEEPING PASSENGERS SAFE FROM COVID-19

Advanced Air has taken proactive and voluntary steps to ensure our passengers have a safe and healthy flying experience. In addition to the air circulation features onboard, we are providing individual masks and hand sanitizer upon request. We have implemented extra sanitizing procedures between flights, focusing on high touch points like windows, armrests and handles. Our crewmembers are thoroughly trained in these safety precautions and have also been trained to recognize symptoms which may be exhibited by a potentially infected individual. We are exercising extreme caution and discretion throughout our system.

AIR CHARTER SAFETY FOUNDATION REGISTERED

The foundation leads and supports the advancement of the highest safety standards available to allow the business, charter and fractional ownership industry to offer the safest air transportation products in the world and to provide objective information about these standards and services to the public.

ARGUS PLATINUM RATING

The world's most prestigious third-party vetting system for charter operations. This Platinum rating is granted only to operators who, after completing a rigorous operations, maintenance, and safety audit by industry experts, demonstrate that their procedures meet what is considered to be the "best practices."

IS-BAO STAGE II CERTIFIED

IS-BAO Stage II Certified: A code deemed by the International Business Aviation Council to be the best practices designed for achieving high levels of safety and professionalism for business aircraft operations.

BARS FLIGHT SAFETY

Bars Safety Program is a risk-based model framed against the actual threats posed to aviation operations, particularly those that occur within challenging and remote environments. It directly links these threats to associated controls, recovery and mitigation measures as opposed to outdated and prescriptive formats previously used within a number of industry sectors.

PROPOSAL FINANCIAL DETAIL

OPTION 1: *28 round trips per week 14 Round trip flights between KMCE and KSMF*
14 round trip flights between KMCE and Los Angeles (KHHR and KLAX Options)

		KSMF / KHHR King Air 350	KSMF / KLAX King Air 350	KSMF / KHHR PC-12	KSMF / KLAX PC-12
Operations					
	Scheduled Flights	2,912	2,912	2,912	2,912
	Completed Flights	2,854	2,854	2,854	2,854
	Scheduled Block Hours	2,766	2,766	3,058	3,203
	Scheduled Seats	26,208	26,208	23,296	23,296
Revenue					
	Passengers	15,463	15,463	15,142	15,142
	Average Net Fare	$ 120	$ 120	$ 120	$ 120
	Implied Seat Factor	59%	59%	65%	65%
	Passenger Revenue	$ 1,855,526	$ 1,855,526	$ 1,817,088	$ 1,817,088
	Total Revenue	$ 1,855,526	$ 1,855,526	$ 1,817,088	$ 1,817,088
Expenses					
	Fuel	$ 1,182,465	$ 1,383,000	$ 814,086	$ 960,960
	Ownership	$ 970,000	$ 970,000	$ 1,135,000	$ 1,135,000
	Maintenance and Reserves	$ 700,000	$ 750,000	$ 700,000	$ 750,000
	Crew	$ 800,000	$ 800,000	$ 800,000	$ 800,000
	Airport Rent & Operations	$ 100,000	$ 140,000	$ 100,000	$ 140,000
	Landing Fees	$ 725,000	$ 925,000	$ 725,000	$ 925,000
	Staff	$ 125,000	$ 145,000	$ 125,000	$ 145,000
	Insurance	$ 45,000	$ 45,000	$ 45,000	$ 45,000
	Marketing & Distribution	$ 70,000	$ 50,000	$ 70,000	$ 50,000
	Other Indirect Costs	$ 100,000	$ 115,000	$ 100,000	$ 115,000
	Total Costs	$ 4,817,465	$ 5,323,000	$ 4,614,086	$ 5,065,960
Profit Element		$ 240,873	$ 266,150	$ 230,704	$ 253,298
	Margin	5%	5%	5%	5%
Total Subsidy	Year 1	$ 3,202,812	$ 3,733,624	$ 3,027,702	$ 3,502,170
	Year 2	$ 3,298,896	$ 3,845,632	$ 3,118,533	$ 3,607,235
	Year 3	$ 3,397,863	$ 3,361,001	$ 3,212,089	$ 3,715,452
	Year 4	$ 3,499,799	$ 4,079,831	$ 3,308,452	$ 3,826,916

PROPOSAL FINANCIAL DETAIL

OPTION 1: *28 round trips per week 14 Round trip flights between KMCE and KSMF*
14 Round trip flights between KMCE and Los Angeles (KHHR and KLAX Options)

NOTES:
Approximately $95 for Sacermento (KSMF)
Approximately $145 for Los Angeles (KHHR / KLAX)

Proposed Schedule

WEEKLY ROUTES

ROUTE	DEPART	ARRIVE	NOTES
HHR-MCE	**5:40A**	**6:46A**	**M -S**
YART BUS	6:55A TO YOSEMITE VALLEY		
MCE-SMF	**7:00A**	**7:36A**	**M -S**
SMF-MCE	**8:00A**	**8:36A**	**M -S**
YART BUS	8:45A TO YOSEMITE VALLEY		
MCE-SMF	**9:10A**	**10:46A**	**M -S**
SMF-MCE	**11:15A**	**11:51A**	**M -S**
MCE-HHR	**11:25A**	**12:31P**	**M -S**
HHR-MCE	**4:00P**	**5:06P**	**M -S**
YART BUS	5:25P TO YOSEMITE VALLEY		
MCE-HHR	**5:36P**	**6:41P**	**M -S**

Advanced Air, LLC *Schedule represent initial Advanced Air Proposals and will be finalized with community input before first flight. *If a PC-12 Option is selected Advanced Air will use the King Air 350 as a back up aircraft at the same subsity rate as the PC-12.

PROPOSAL FINANCIAL DETAIL

OPTION 2: *28 round trips per week 14 Round trip flights between KMCE and KLAS*
14 round trip flights between KMCE and Los Angeles (KHHR and KLAX Options)

		KLAS / KHHR King Air 350	KLAS / KLAX King Air 350	KLAS / KHHR PC-12	KLAS / KLAX PC-12
Operations					
	Scheduled Flights	2,912	2,912	2,912	2,912
	Completed Flights	2,854	2,854	2,854	2,854
	Scheduled Block Hours	4,004	4,150	4,295	4,441
	Scheduled Seats	26,208	26,208	23,296	23,296
Revenue					
	Passengers	16,773	16,773	16,773	16,773
	Average Net Fare	$ 145	$ 145	$ 145	$ 145
	Implied Seat Factor	64%	64%	72%	72%
	Passenger Revenue	$ 2,432,102	$ 2,432,102	$ 2,432,102	$ 2,432,102
	Total Revenue	$ 2,432,102	$ 2,432,102	$ 2,432,102	$ 2,432,102
Expenses					
	Fuel	$ 2,002,000	$ 2,074,800	$ 1,208,025	$ 1,332,240
	Ownership	$ 970,000	$ 970,000	$ 1,135,000	$ 1,135,000
	Maintenance and Reserves	$ 1,601,600	$ 1,763,580	$ 1,395,940	$ 1,554,280
	Crew	$ 800,000	$ 800,000	$ 800,000	$ 800,000
	Airport Rent & Operations	$ 100,000	$ 140,000	$ 100,000	$ 140,000
	Landing Fees	$ 625,000	$ 925,000	$ 625,000	$ 925,000
	Staff	$ 125,000	$ 145,000	$ 125,000	$ 145,000
	Insurance	$ 45,000	$ 45,000	$ 45,000	$ 45,000
	Marketing & Distribution	$ 70,000	$ 50,000	$ 70,000	$ 50,000
	Other Indirect Costs	$ 100,000	$ 115,000	$ 100,000	$ 115,000
	Total Costs	$ 6,438,600	$ 7,028,380	$ 5,603,965	$ 6,241,520
Profit Element		$ 321,930	$ 351,419	$ 280,198	$ 312,076
	Margin	5%	5%	5%	5%
Total Subsidy	Year 1	$ 4,328,428	$ 4,947,697	$ 3,452,061	$ 4,121,494
	Year 2	$ 4,458,280	$ 5,096,127	$ 3,555,623	$ 4,254,138
	Year 3	$ 4,592,029	$ 5,249,011	$ 3,662,291	$ 4,372,493
	Year 4	$ 4,729,790	$ 5,406,482	$ 3,772,160	$ 4,503,667

PROPOSAL FINANCIAL DETAIL

OPTION 2: *28 round trips per week 14 Round trip flights between KMCE and KLAS*
14 round trip flights between KMCE and Los Angeles (KHHR and KLAX Options)

NOTES:
Approximately $145 for Las Vegas (KLAS)
Approximately $145 for Los Angeles (KHHR / KLAX)

Proposed Schedule

WEEKLY ROUTES

ROUTE	DEPART	ARRIVE	NOTES
HHR-MCE	**5:00A**	**6:06A**	**M -S**
YART BUS	6:55A TO YOSEMITE VALLEY		
MCE-LAS	**6:36A**	**8:00A**	**M -S**
LAS-MCE	**8:30A**	**10:00A**	**M -S**
YART BUS	10:30A TO YOSEMITE VALLEY		
MCE-HHR	**10:30A**	**11:36A**	**M -S**
HHR-MCE	**12:06A**	**1:12P**	**M -S**
MCE-LAS	**1:42P**	**3:06P**	**M -S**
LAS-MCE	**3:36P**	**5:06P**	**M -S**
YART BUS	5:25P TO YOSEMITE VALLEY		
MCE-HHR	**5:45P**	**6:51P**	**M -S**

Advanced Air, LLC *Schedule represent initial Advanced Air Proposals and will be finalized with community input before first flight. *If a PC-12 Option is selected Advanced Air will use the King Air 350 as a back up aircraft at the same subsity rate as the PC-12.

PROPOSAL FINANCIAL DETAIL

OPTION 3: *24 round trips per week 12 Round trip flights between KMCE and KLAS*
12 Round trip flights between KMCE and Los Angeles (KHHR and KLAX Options)

		KLAS / KHHR King Air 350	KLAS / KLAX King Air 350	KLAS / KHHR PC-12	KLAS / KLAX PC-12
Operations					
	Scheduled Flights	2,496	2,496	2,496	2,496
	Completed Flights	2,446	2,446	2,446	2,446
	Scheduled Block Hours	3,432	3,557	3,682	3,806
	Scheduled Seats	22,464	22,464	19,968	19,968
Revenue					
	Passengers	16,848	16,848	16,773	16,773
	Average Net Fare	$ 145	$ 145	$ 145	$ 145
	Implied Seat Factor	75%	75%	84%	84%
	Passenger Revenue	$ 2,442,960	$ 2,442,960	$ 2,432,102	$ 2,432,102
	Total Revenue	$ 2,442,960	$ 2,442,960	$ 2,432,102	$ 2,432,102
Expenses					
	Fuel	$ 1,608,750	$ 1,778,400	$ 1,076,868	$ 1,141,920
	Ownership	$ 970,000	$ 970,000	$ 1,135,000	$ 1,135,000
	Maintenance and Reserves	$ 1,338,480	$ 1,422,720	$ 1,233,336	$ 1,332,240
	Crew	$ 800,000	$ 800,000	$ 800,000	$ 800,000
	Airport Rent & Operations	$ 100,000	$ 140,000	$ 100,000	$ 140,000
	Landing Fees	$ 536,000	$ 795,000	$ 536,000	$ 795,000
	Staff	$ 125,000	$ 145,000	$ 125,000	$ 145,000
	Insurance	$ 45,000	$ 45,000	$ 45,000	$ 45,000
	Marketing & Distribution	$ 70,000	$ 50,000	$ 70,000	$ 50,000
	Other Indirect Costs	$ 100,000	$ 115,000	$ 100,000	$ 115,000
	Total Costs	$ 5,693,230	$ 6,261,120	$ 5,221,204	$ 5,699,160
Profit Element		$ 284,662	$ 313,056	$ 261,060	$ 284,958
	Margin	5%	5%	5%	5%
Total Subsidy	Year 1	$ 3,534,932	$ 4,131,216	$ 3,050,162	$ 3,552,016
	Year 2	$ 3,640,979	$ 4,255,152	$ 3,141,667	$ 3,658,576
	Year 3	$ 3,750,209	$ 4,382,807	$ 3,235,917	$ 3,768,333
	Year 4	$ 3,862,715	$ 4,514,291	$ 3,332,994	$ 3,881,383

PROPOSAL FINANCIAL DETAIL

OPTION 3: *24 round trips per week 12 Round trip flights between KMCE and KLAS*
12 Round trip flights between KMCE and Los Angeles (KHHR and KLAX Options)

NOTES:
Approximately $145 for Las Vegas (KLAS)
Approximately $145 for Los Angeles (KHHR / KLAX)

Proposed Schedule

WEEKLY ROUTES

ROUTE	DEPART	ARRIVE	NOTES
HHR-MCE	**5:00A**	**6:06A**	**M -S**
YART BUS	6:55A TO YOSEMITE VALLEY		
MCE-LAS	**6:36A**	**8:00A**	**M -S**
LAS-MCE	**8:30A**	**10:00A**	**M -S**
YART BUS	10:30A TO YOSEMITE VALLEY		
MCE-HHR	**10:30A**	**11:36A**	**M -S**
HHR-MCE	**12:06A**	**1:12P**	**M -S**
MCE-LAS	**1:42P**	**3:06P**	**M -S**
LAS-MCE	**3:36P**	**5:06P**	**M -S**
YART BUS	5:25P TO YOSEMITE VALLEY		
MCE-HHR	**5:45P**	**6:51P**	**M -S**

Advanced Air, LLC *The Schedule will be reduced by 4 Round Trips per week for both Los Angeles and Las Vegas *Schedule represent initial Advanced Air Proposals and will be finalized with community input before first flight. *If a PC-12 Option is selected Advanced Air will use the King Air 350 as a back up aircraft at the same subsity rate as the PC-12.

Essential Air Service Proposal

BOUTIQUE AIR

Merced, CA **DOT-OST-1998-3521**

April 06, 2021

About Boutique Air

Our Story

Headquartered in San Francisco, California, Boutique Air has been in operation since 2007. We began by flying fire surveillance missions for the U.S. Forestry Service and Bureau of Land Management. We evolved to provide air charter services across the west coast with our fleet of Pilatus and Beechcraft aircraft.

In July of 2012, Boutique Air applied for commuter operating authority from the Department of Transportation. Boutique Air began flying scheduled service between Los Angeles and Las Vegas in January of 2014.

We have worked to develop effective marketing distribution channels with a reservation system that connects to all primary Global Distribution Systems (GDSs), allowing travel agents access to our flight inventory. You will find us on Worldspan and Galileo (Travelport), Sabre, and Amadeus. In addition, we are on the major Online Travel Agencies (OTAs), including Expedia, Travelocity, Priceline, and Orbitz.

EAS Contracts

On April 22, 2014 Boutique Air received its first EAS contract when the DOT selected the airline to provide service between Clovis, New Mexico and Dallas/Ft. Worth, Texas. Since then, we have continued our track record of success.

Route Map


Portland
Pendleton
Redmond/Bend
Rapid City
Minneapolis
Ironwood
Massena
Boston
Chadron
Chicago
Pittsburgh
Altoona
Baltimore
Sacramento
McCook
Denver
St. Louis
Merced
Cortez
Nashville
Jackson
Muscle Shoals
Albuquerque
Los Angeles
Prescott
Show Low
Atlanta
Phoenix
Greenville
El Paso
Carlsbad
Dallas/Ft. Worth
New Orleans
Pensacola
Legend:
Currently Flying
Coming Soon

Aircraft:

Boutique Air currently operates a modern fleet of Pilatus PC-12 aircraft. All flights are flown by captains with over 1,200 hours of flight experience and at a minimum, commercial, and instrumental ratings. While we are certified to fly single pilot we opt to fly with a two pilot crew. Boutique Air ensures pilots provide a level of customer service beyond that of normal commercial airlines.

- 8 or 9 Passenger Executive Configuration Pressurized Cabin
- Power Outlets
- Enclosed Lavatory





Proposal

Overview

Our airline service will be operated with 8 or 9 modern Pilatus PC-12 aircraft. We have proposed two, three, or four year contract durations for the community to consider.

In order to increase brand recognition in the communities, Boutique Air will spend at least $20,000 per year in each market if it is selected for advertising & marketing to help ensure that air service for the community is a success. We will utilize a combination of radio, print, billboard, TV, and internet advertising.

Special Note on Option 1

Boutique Air reserves the right to move up to 7 weekly round trips from Sacramento to Los Angeles.



Pilot Career Pathway Program

In January 2020 Boutique Air was proud to be a partner in the United Airlines Aviate Program. The AVIATE Program provides a unique opportunity for aviators to accelerate their journey from Commercial Pilot at Boutique Air to a job in the cockpit of United Airlines.

United Airlines Interline and Codeshare Agreement

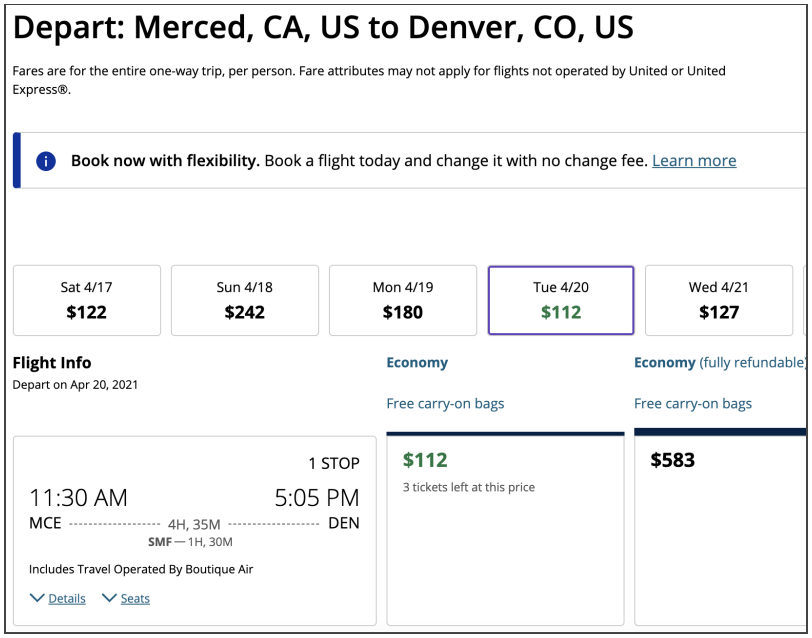
Boutique Air launched an interline and codeshare agreement with United Airlines on May 1, 2017. Customers now have flow-through ticketing and baggage capabilities for those flights that connect with United Airlines.

American Airlines Interline Agreement

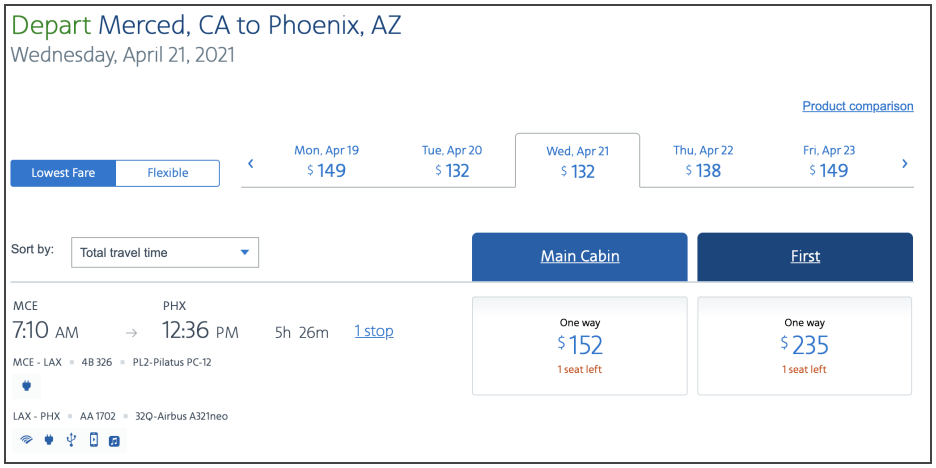
In addition Boutique Air has an interline agreement with American Airlines as of August 7, 2019. Passengers will be able to book through United.com and AA.com and connect with any of United or American flights.

Below are screenshots of our current service as reflected on United and American Airlines websites both domestic and international.

United.com example: Merced, CA to Denver, CO



AA.com example: Merced, CA to Phoenix, AZ



Community Input

Shortly after the bids are complete, Boutique Air will schedule meetings with airport and/or city officials. This will allow us to answer any questions and provide additional information.

While we can't promise we will be able to implement everyone's suggestions, we welcome feedback from the community, as well as anyone who may have an interest in the proposed flights. What we can promise is that we will listen to your feedback, and give it the attention and consideration it deserves.

With respect and appreciation,

Shawn Simpson
CEO

Merced, CA to Los Angeles and Sacramento

Option 1: 28 Nonstop RTs (14 LAX, 14 SMF)

Operations	PC-12
Scheduled Flights	2,912
Completed Flights (98%)	2,852
Scheduled Block Hours	2,880
Scheduled Seats	23,296
Scheduled ASMs	4,158,336
Revenue	
Passengers	18,600
Average Fare	$69
Fare Revenue	$1,283,400
Total Revenue	$1,283,400
Expenses	
Fuel	$794,690
Ownership	$960,000
Maintenance	$1,186,474
Crew	$437,520
Airport Rent	$407,875
Landing Fees	$112,116
Staff	$332,000
Insurance	$20,000
Marketing	$20,000
Other Indirect Costs	$191,000
Total Costs	**$4,461,675**
Profit Element	**$223,084**
Margin	*5.0%*
Total Annual Subsidy Year 1	**$3,401,359**
Total Annual Subsidy Year 2	**$3,469,386**
Total Annual Subsidy Year 3	**$3,538,773**
Total Annual Subsidy Year 4	**$3,609,548**

Merced, CA to Los Angeles

Option 2: 28 Nonstop RTs (28 LAX)

Operations	PC-12
Scheduled Flights	2,912
Completed Flights (98%)	2,854
Scheduled Block Hours	3,792
Scheduled Seats	23,296
Scheduled ASMs	6,033,664
Revenue	
Passengers	18,600
Average Fare	$69
Fare Revenue	$1,283,400
Total Revenue	$1,283,400
Expenses	
Fuel	$838,480
Ownership	$960,000
Maintenance	$1,171,822
Crew	$433,560
Airport Rent	$376,323
Landing Fees	$112,116
Staff	$327,235
Insurance	$20,000
Marketing	$20,000
Other Indirect Costs	$186,000
Total Costs	**$4,445,536**
Profit Element	**$222,277**
Margin	*5.0%*
Total Annual Subsidy Year 1	**$3,384,413**
Total Annual Subsidy Year 2	**$3,391,181**
Total Annual Subsidy Year 3	**$3,462,004**
Total Annual Subsidy Year 4	**$3,531,244**

Merced, CA to Los Angeles and Monterey

Option 3: 28 Nonstop RTs (21 LAX, 7 MRY)

Operations	PC-12
Scheduled Flights	2,912
Completed Flights (98%)	2,854
Scheduled Block Hours	3,336
Scheduled Seats	23,296
Scheduled ASMs	5,096,000
Revenue	
Passengers	18,600
Average Fare	$69
Fare Revenue	$1,283,400
Total Revenue	$1,283,400
Expenses	
Fuel	$800,476
Ownership	$960,000
Maintenance	$1,179,845
Crew	$436,200
Airport Rent	$351,324
Landing Fees	$112,116
Staff	$327,800
Insurance	$20,000
Marketing	$20,000
Other Indirect Costs	$186,000
Total Costs	**$4,393,761**
Profit Element	**$219,688**
Margin	*5.0%*
Total Annual Subsidy Year 1	**$3,330,050**
Total Annual Subsidy Year 2	**$3,396,651**
Total Annual Subsidy Year 3	**$3,464,584**
Total Annual Subsidy Year 4	**$3,533,875**

Merced, CA to Los Angeles and Reno

Option 4: 28 Nonstop RTs (21 LAX, 7 RNO)

Operations	PC-12
Scheduled Flights	2,912
Completed Flights (98%)	2,854
Scheduled Block Hours	3,336
Scheduled Seats	23,296
Scheduled ASMs	5,096,000
Revenue	
Passengers	18,600
Average Fare	$69
Fare Revenue	$1,283,400
Total Revenue	$1,283,400
Expenses	
Fuel	$794,186
Ownership	$960,000
Maintenance	$1,177,090
Crew	$436,200
Airport Rent	$376,619
Landing Fees	$121,141
Staff	$327,800
Insurance	$20,000
Marketing	$20,000
Other Indirect Costs	$186,000
Total Costs	**$4,419,036**
Profit Element	**$220,952**
Margin	*5.0%*
Total Annual Subsidy Year 1	**$3,356,588**
Total Annual Subsidy Year 2	**$3,423,719**
Total Annual Subsidy Year 3	**$3,492,193**
Total Annual Subsidy Year 4	**$3,562,036**

DenverAir CONNECTION
A Key Lime Air Company

April 6, 2021

Todd M. Homan, Director
United States Department of Transportation
Office of Aviation Analysis
1200 New Jersey Ave SE
Washington, D.C. 20590

Re: Response to Order 2021-3-7/Proposal to Provide Essential Air Service at Merced, California
Via e-mail to: EAS@dot.gov and Scott.Faulk@dot.gov

Dear Mr. Homan,

Attached is Denver Air Connection's proposal to provide Essential Air Service at Merced, California to Los Angeles International Airport (LAX).

We look forward to the opportunity to support the economic growth of the region by providing scheduled passenger service with our safe and reliable 9-seat Metro 23 aircraft with service and schedules tailored to the community's needs. Denver Air Connection has the added benefit of being able to grow with the community. When and if Merced Regional Airport desires to become Part 139 certified and provided we obtain DOT approval, Denver Air connection can offer expanded seat capacity by utilizing a 50-seat ERJ-145 or 30-seat Dornier 328-Jet.

Our reliable service will provide the Merced region with options to access the world's most comprehensive route network of United Airlines and other major carriers through Los Angeles International airport and Sacramento International Airport. Our service is dedicated to the community to ensure seat availability and direct flights to and from these destinations. The communities we service praise our excellent 99.67% completion rate and 95.5% on-time performance rate.

As directed by the RFP, we will offer the Merced community 21 non-stop round-trip flights per week on a twin-engine Metro 23 for a new 2 year term with a 4 year option. If desired, upon Merced Regional Airport receiving Part 139 certification and DOT approval, service could transition to 12 weekly non-stop round-trip flights on a 30/50 seat jet aircraft. We will work closely with the community to set the best possible schedule. Denver Air Connection believes this proposal meets the needs of the community and provides the best overall option for air service to the Merced community with reliable connectivity at Los Angeles.

Thank you for your consideration.

Marcus Hesting,
Director of Finance
Denver Air Connection
13252 E. Control Tower Rd. / Englewood Colorado 80112 / O: 303.768.9626 / M: 720.635.5903
mhesting@keylimeair.com / denverairconnection.com



Proposal to Provide Essential Air Service at Merced, California
Filed: April 6, 2021

Via e-mail to: EAS@dot.gov and Scott.Faulk@dot.gov with the title "Proposal to provide EAS at Merced, California"

Order: 2021-3-7
Served: March 4, 2021
Docket: DOT-OST-1998-3521
Under 49 U.S.C. § 41731 *et seq*

Denver Air Connection
A Key Lime Air Company

ABOUT US

Denver Air Connection is the passenger airline operated by Key Lime Air Corporation, its parent company. Key Lime Air was founded in 1996. It has grown its scheduled passenger service by focusing on its mission to empower emerging communities with global travel and economic access by providing safe and reliable regional airline service.







Over 23 Years of passenger and cargo experience

We are here to happily serve our customers with a positive attitude every day. We love what we do, and our passion shows by providing an extraordinary customer experience for the small communities we are proud to serve with safe, reliable, and on-time service.

Our communities praise our impressive on time performance rate, meeting or exceeding their expectations and defined requirements.

Telluride, Colorado – Denver Air Connection established the first and only scheduled passenger jet service to this mountain destination. Connecting quickly and safely to Telluride from anywhere in the world has never been easier.

Alliance, Nebraska – Denver Air Connection began service to Denver on June 1, 2019.

Clovis, New Mexico – Denver Air Connection began service to Denver on May 1, 2020.

Thief River Falls, MN – Denver Air Connection began service to Minneapolis on June 1, 2020.

THE FLEET

Fairchild Metro 23

The Metro 23 can trace its lineage back to the original Swearingen Merlin I executive transport. The versatile Metro 23 efficiently and cost effectively transports up to 18 passengers in a pressurized cabin. Its twin turboprop engines deliver a cruise speed of 330 mph and a maximum range of 1,000 miles.



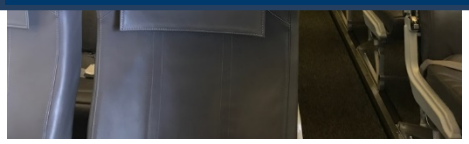
Denver Air Connection's nine seat configuration with its 61" seat pitch offers extended leg room. The cargo compartment's 1500 lb. capacity accommodates over 150 lbs. of baggage per passenger.

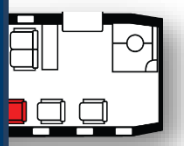


Dornier DO-328

The Dornier DO-328 is a 30-seat passenger jet, with overhead stowage compartments and a lavatory. The large cargo compartment has 1,500 pounds capacity. The DoJet is the hands down winner in all critical areas of flight comfort and flying experience. The shape of the fuselage creates more headroom and the DoJet has wide seats – 18.1 inches, and spacious legroom, with a 31”-34” pitch.





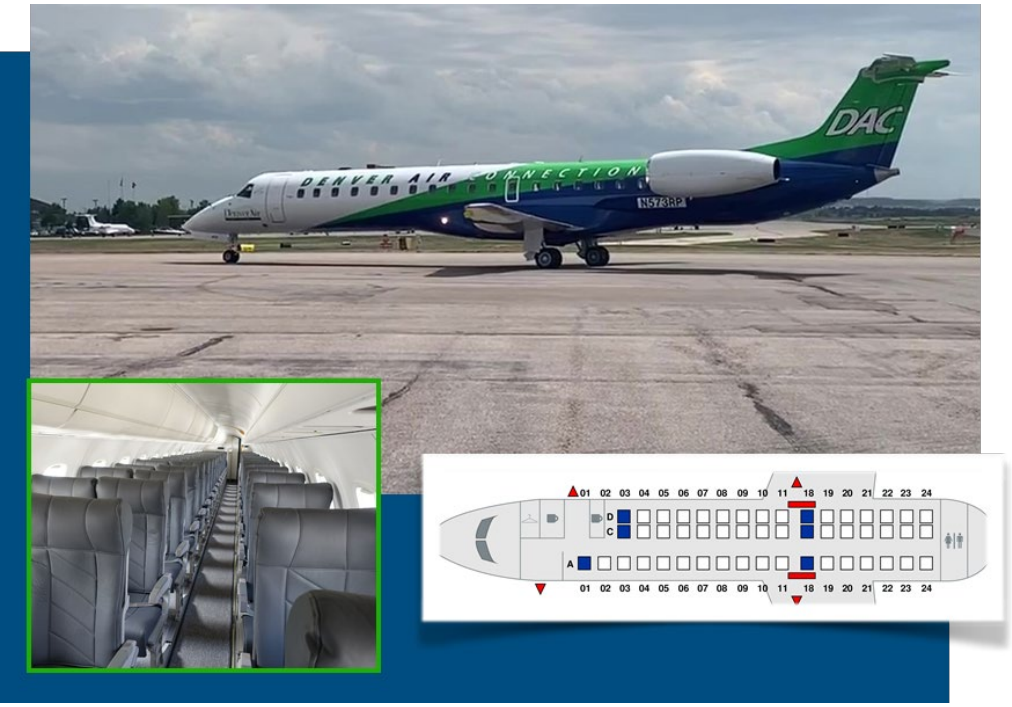


In the DoJet, there are no middle seats. Every seat is a window or aisle seat. To round out the passenger experience, our Flight Attendants provide a bountiful snack basket and beverage service.



Embraer 145LR

With 20 years in operation, over 26 million flight hours, in service with 36 airlines in 26 countries, the ERJ-145 is a proven runway legend. The ERJ-145 has a 50-seat capacity and a 1550-mile range fully loaded. Our jets underwent an Embraer refurbishment in the Summer of 2019 resulting in like new aircraft.



In the cabin, every detail has been considered. Overhead stowage compartments feature space-saving retractable panels. With no middle seat and the three-abreast, 31” seat pitch, every passenger has a comfortable window or aisle seat. Our 50 seat jets provide flexibility and choice to meet the community’s emergent needs.

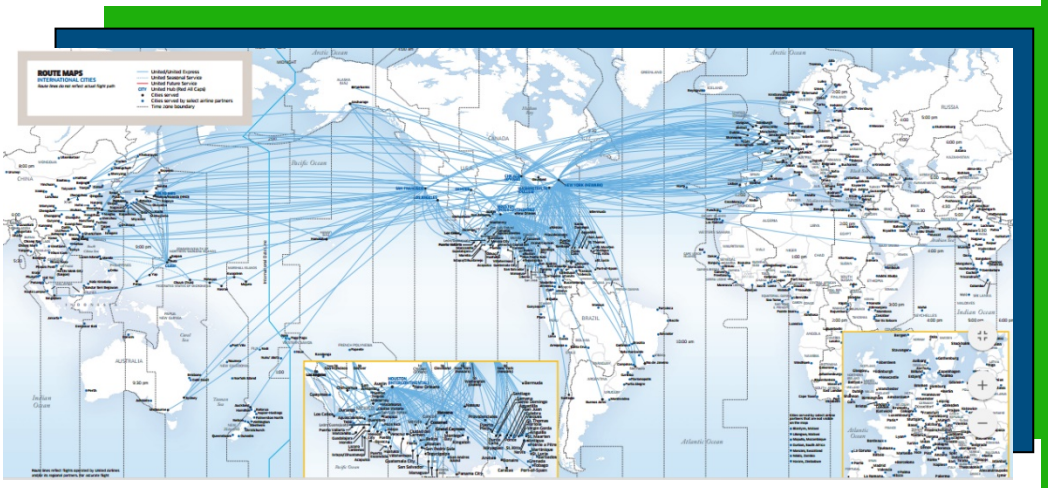
Denver Air Connection can provide the aircraft to meet the community’s needs.

CONNECTED TO THE WORLD

Denver Air Connection's Interline Agreement with United Airlines provides our community partners with travel network access benefits including the convenience to search, book and purchase tickets on United's web site, *United.com*, as well as baggage transfers and thru-checks to and from any of United's 500 destinations in over 30 countries.

No Checked Baggage or Security Hassles

Our Interline Agreement also allows our partners to participate in setting fares and schedules. Denver Air Connection will work with Merced to tailor an airline service for their specific community needs.



In addition to the United Interline Agreement, Denver Air Connection participates in multiple Global Distribution Systems (GDS) including SABRE, Travelport and Amadeus. Ticket distribution through these GDS systems provides world-wide visibility for the route and for the community through websites such as: Google, Kayak, Expedia, Travelocity, Priceline, and many other Online Travel Agencies (OTAs).

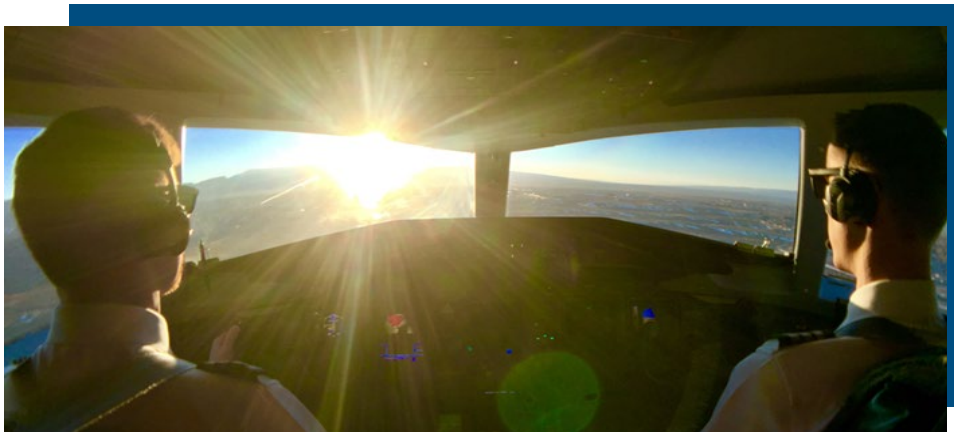
Denver Air Connection Provides

Access to the World

SAFETY, RELIABILITY & SKILL

Safety

Safety is at the core of Denver Air Connection's culture. We maintain a Safety Management System that is integrated into every aspect of our operation.



Skill

Denver Air Connection pilots and mechanics are trained to the highest standards in the world.

Our pilot culture aspires to perfection on every flight.



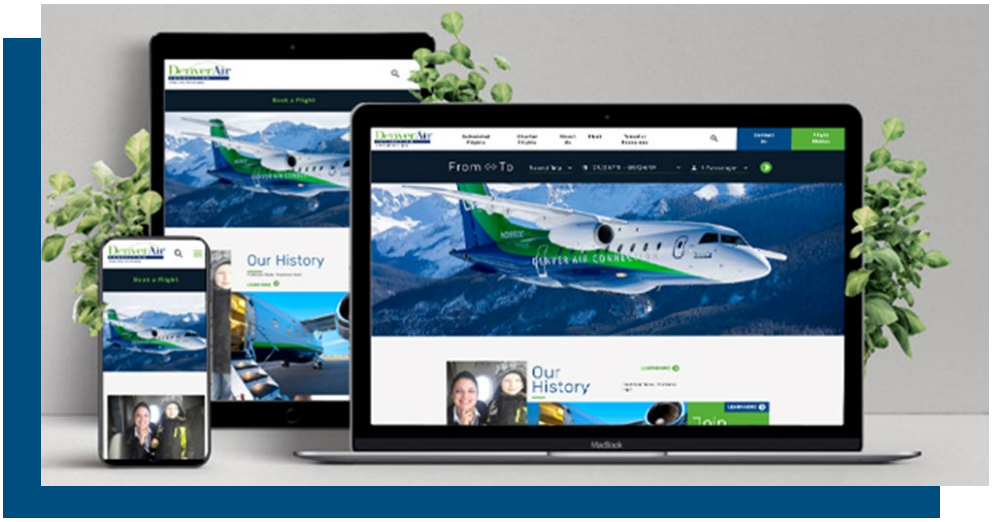
Reliability

All aircraft are maintained in house under our FAA approved maintenance program. This in conjunction with our part 145 Repair Station gives us the ability to maintain, inspect, and alter our aircraft and components at all levels. We pride ourselves on never leaving passengers stranded due to maintenance issues. Our communities know that we will use our fleet to bring maintenance to a location to fix an issue or send a replacement aircraft to get the passengers to their destination.

Performance

Denver Air Connection has demonstrated an impressive completion rate of better than 99% for our EAS communities, with an equally impressive on-time arrival rate of greater than 95%.

MARKETING



Denver Air Connection recognizes how critical marketing is to the success of a community's airline service. We have budgeted a minimum of $50,000 annually to create awareness for the service and promote its utilization.

Our budget will support our coordinated effort with the community to form an integrated traditional marketing campaign in print and broadcast as well as the effective utilization of digital platforms including our social media channels to raise awareness, visibility, and customer satisfaction for the community's passengers.

Marketing efforts utilize our collaborative skills and experience working with your local professionals to create and distribute messaging to obtain the highest utilization rate possible for the service.

Denver Air Connection will listen and partner with the community to build a successful marketing campaign.

YOUR CHOICE. YOUR AIRLINE.

Denver Air Connection represents the airline choice that listens to the Merced community's needs and customizes its service to meet those needs. The Department of Transportation awards Essential Air Service contracts based on the five criteria below. The DOT will formally solicit the views of the Merced community as to which carrier and option they prefer. The Department is directed to consider five factors when making a carrier selection:

1. The demonstrated reliability of the applicant in providing scheduled air service.

Denver Air Connection delivers an exceptional rate on completed flights and impressive on-time performance rate.

2. The contractual and marketing arrangements the applicant has made with a large carrier to ensure service beyond the hub airport.

Denver Air Connection has an established interline agreement with United Airlines which provides seamless access to the United Airlines network.

Denver Air Connection maintains close contractual and marketing relationships with our airline partners and the communities we serve to ensure service beyond the hub airport.

3. The interline agreements that the applicant has made with larger carriers to allow passengers and cargo of the applicant at the hub airport to be transported by the larger carrier(s) through one reservation, ticket, and baggage check in.

Denver Air Connection has an interline agreement with United Airlines

4. Community views. The preferences of the actual and potential users of air transportation at the eligible place, giving substantial weight to the views of the elected officials representing the users of the service.

Denver Air Connection enjoys high levels of customer support from our passengers. We are happy to provide references for all the communities we serve to hear firsthand how we deliver on our promises every day.

5. The air carrier has included a plan in its proposal to market the service.

Denver Air Connection will work with the community on how to best spend marketing dollars and to ensure marketing budgets are utilized and implemented effectively.

DenverAir CONNECTION
A Key Lime Air Company

Bid Proposal

This bid is for a dedicated aircraft based in Merced, California. Aircraft and crews will base in Merced. Each day, flights will originate from Merced. The proposal is for a two-year term with a four-year option. To incentivize the four-year option, years three and four have no subsidy increase. When and if Merced Regional Airport receives part 139 certification and DOT approval, service can seamlessly transition to 12 weekly round-trips on 30/50 seat jet aircraft at no additional cost.

Denver Air Connection
EAS Merced, CA
April 6, 2021

Number of round trips per week	21	Service to:	LAX

Aircraft Data	Metro 23
Block Hours	3,066
Available Seats	19,656
Load Factor	84%

Passenger Revenue	
Passengers	16,513
Average Fare	89.00
Revenue	1,469,675

Annual Subsidy Requirement	
Operating Income	(3,016,193)
Profit (5%)	224,293
Subsidy Year 1	3,240,487
Subsidy Year 2	3,305,296
Subsidy Year 3	3,305,296
Subsidy Year 4	3,305,296

Effective Subsidy Rates	
Subsidy per Trip (98% completion)	1,514
Subsidy per Passenger	196

Expenses	
Aircraft Lease	151,200
Crew Cost	1,420,795
Maintenance	463,882
Insurance	149,474
LAX Operating Expense	764,400
MCE Operating Expense	246,000
Overhead/Supplies/Staff	105,000
Deice, Catering and Misc.	64,957
Advertising	50,000
Fuel Cost	1,070,160
Total Expense	4,485,868

For questions or comments, please contact:

Cliff Honeycutt, CEO/President
Denver Air Connection, a Key Lime Air Corporation company
13252 E. Control Tower Rd.
Englewood CO 80112
cliff@keylimeair.com
(303) 768-9626 O | (303) 718-4301 M

ATTACHMENT 5

ESSENTIAL AIR SERVICE AT

Merced, California

UNDER 49 U.S.C. § 41731 ET SEQ.

BY ORDER 2021-3-7 | DOT-OST-1998-3521

Proposal to Provide Subsidized Essential Air Service

By Order 2021-3-7, the Department requested proposals from carriers interested in providing Essential Air Service to Merced, California. Pursuant to that Order, Southern Airways Express LLC ("Southern") cordially submits this proposal.

Correspondence with regard to this document should be addressed to:

Stan Little
CHAIRMAN & CEO

2875 South Ocean Boulevard, Suite 256
Palm Beach, Florida 33480

(901) 672-7820
iFlySouthern.com

America's Most Reliable Commuter Airline

SOUTHERN

SOUTHERN AIRWAYS EXPRESS | MOKULELE AIRLINES

Southern Airways Express hereby offers a proposal to become the air service provider at the Merced Regional Airport. The proposal is for a period of two or four years.

The Southern Story

In less than eight years, Southern Airways Express has become one of the largest commuter airlines in America and a leader in the field of Essential Air Service. Of the nearly 200 daily flights operated by Southern, almost half are contracted through the Essential Air Service program. Much of Southern's success can be attributed to targeted expansion to gain scale and stability, industry-leading initiatives to permanently solve the pilot shortage facing rural communities, and the operation of the most reliable model of 9-seat aircraft in existence. However, it is the close partnerships developed through years of community networking and engagement that have led not only to countless mutually-beneficial cooperatives but also to the Essential Air Service regulatory compliance in each community that Southern currently serves.

Southern's first flight departed from Memphis, Tennessee, in June of 2013. Launching with just two airplanes and three pilots, Southern would grow to have a respected regional presence in the Gulf South. Just a short time later, as the airline was looking for an expansion opportunity, a commuter airline with Essential Air Service contracts in the mid-Atlantic became available for acquisition. On February 29, 2016, Southern acquired Sun Air Express. Throughout that year, Southern worked closely with those incumbent EAS communities to facilitate rebranding and to renew the contracts for another bid cycle. In the process, Southern gained additional EAS contracts in the region and also in the State of Arkansas.

With Southern's Essential Air Service markets receiving near-perfect completion rates and passenger counts growing to record levels, the opportunity to make an acquisition and solidify the brand in the commuter marketplace presented itself once again. Mokulele Airlines in Hawai'i was very similar to Southern. Each airline had roughly the same number of employees and flew the same number of daily flights, but what was most compatible with Southern was the synergy of the aircraft type. Both airlines operated the reliable, efficient, and proven Cessna Caravan. The combination of the two companies in 2019 was a perfect fit. With this acquisition, Southern has become one of the largest and most-respected commuter airlines in the country.

Spring 2016: Southern doubles in size

Winter 2017: Southern doubles in size

Winter 2019: Southern doubles in size



"Voted as the best Specialty & Leisure Airline in the USA"

— Trip Advisor, April 2019



SOUTHERN'S PROVEN MODEL

Southern Airways subscribes to the business model that success in modern aviation comes from scale. A carrier cannot provide consistent and reliable service to one or two cities in a regional footprint. It needs multiple aircraft, dozens of pilots, and full support service to be able to handle the daily operational issues that come with operating an airline.

Southern is committed to consistent, targeted, and sustained growth while focusing on its primary regional footprints. Bringing more scale to each of these regions will ensure greater consistency and reliability. Despite the allure of some destinations which are hundreds or thousands of miles away from Southern's footprints, the airline realizes that reliable and quality service cannot be guaranteed without nearby and numerous planes and pilots.

ABOUT THE SOUTHERN AIRCRAFT

Having multiple models of aircraft allows for Southern to customize the flight solutions based on the needs of the community. With the Cessna Grand Caravan, Southern has demonstrated the ability to offer record-setting passenger counts across many of its cities. Southern's Hawai'i brand, Mokulele Airlines, has used the Pilatus PC-12 on many specialty routes that required higher speed and pressurization.

For Merced, Southern is proposing all flights be operated on the Pilatus PC-12. While the community may have an unfavorable opinion of this aircraft due to operational reliability of previous carriers, Southern/Mokulele's record with the PC-12 is one of stellar reliability and on-time performance.

Like the Caravan, the PC-12 has been used on Essential Air Service Routes for many years. And, unlike the Piaggio and Cessna 402, it is still in production – making parts and expertise readily available. Both the Caravan and the PC-12 are powered by the versatile and proven Pratt & Whitney PT6A turbine engine, the engine of choice for demanding, high-cycle/high-power applications.



Southern Solves The National Pilot Shortage



Entire aircraft fleets have been retired in the past decade, and many American carriers have ceased operations as a direct and proximate result of not being able to recruit and retain adequate numbers of crew members.

Southern recognized this issue early and began taking steps to position itself to stay ahead of the competition.

Southern's Chairman served as a member of the Department of Transportation Working Group to study ways to address these issues and to help alleviate the problems related to rural air service.

Since that time, Southern has implemented groundbreaking programs to recruit and retain quality pilots, including the *Southern Senior Pilot Leadership Program* and the *Southern Airways Pilot Cadet Program*. In addition, Southern has a full-time recruiting staff dedicated to bringing the "best and the brightest" to Southern Airways. The pilot corps numbers are among the best in the industry and promise a very positive 2020 and beyond.

As demonstrated by Southern's industry-leading controllable completion rates, since November of 2017, Southern has rarely cancelled a flight due to crew availability.

Though the Covid-19 crisis has likely put the pilot shortage on hold for several months, there's little doubt that it will return. Fortunately, Southern has already invested in a permanent solution.

FACEBOOK.COM/IFLYSOUTHERN

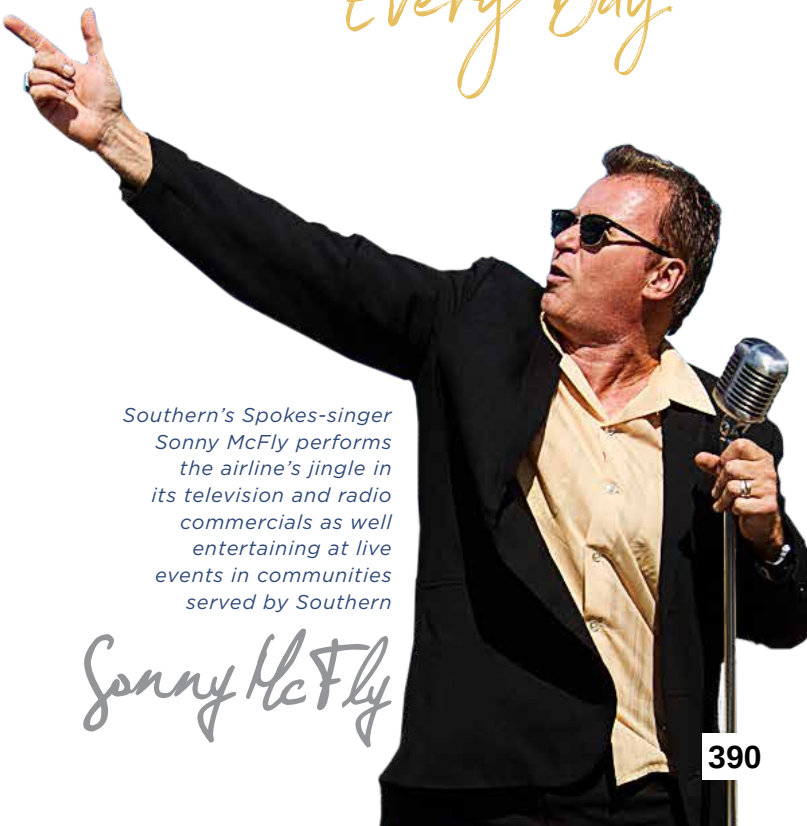
INSTAGRAM.COM/FLYSOUTHERN

PINTEREST.COM/IFLYSOUTHERN

TWITTER.COM/IFLYSOUTHERN

YOUTUBE.COM/USER/IFLYSOUTHERN

Every Passenger, Every Flight, Every Day.



Southern's Spokes-singer Sonny McFly performs the airline's jingle in its television and radio commercials as well entertaining at live events in communities served by Southern

Sonny McFly

Southern Airways
By the Numbers

218 Daily Departures
30,000 Monthly Passengers
490 Employees
200 Pilots
35 Aircraft

36 Amazing Destinations

IN THE MID-ATLANTIC:

Bradford, Penn.
DuBois, Penn.
Lancaster, Penn.
Morgantown, W.Va.

IN NEW ENGLAND

Boston/Hanscom, Mass.
Boston/Norwood, Mass.
New Bedford, Mass.
Providence, R.I.

IN NEW YORK

East Hampton
Montauk
Shelter Island

IN THE GULF:

Destin, Fla.
El Dorado, Ark.
Harrison, Ark.
Hot Springs, Ark.
Palm Beach, Fla .
Tampa, Fla.

IN CALIFORNIA:

Imperial/El Centro

IN HAWAIʻI:

Hana
Hilo
Kapalua
Kalaupapa
Kona
Lānaʻi City
Molokai
Waimea-Kohala

10 HUB/FOCUS CITIES:

Baltimore
New York City
Dallas
Memphis
Honolulu
Nantucket
Kahului
Los Angeles
Pittsburgh
Washington-Dulles


Morgantown, W.Va.

ALL MAJOR DISTRIBUTION CHANNELS

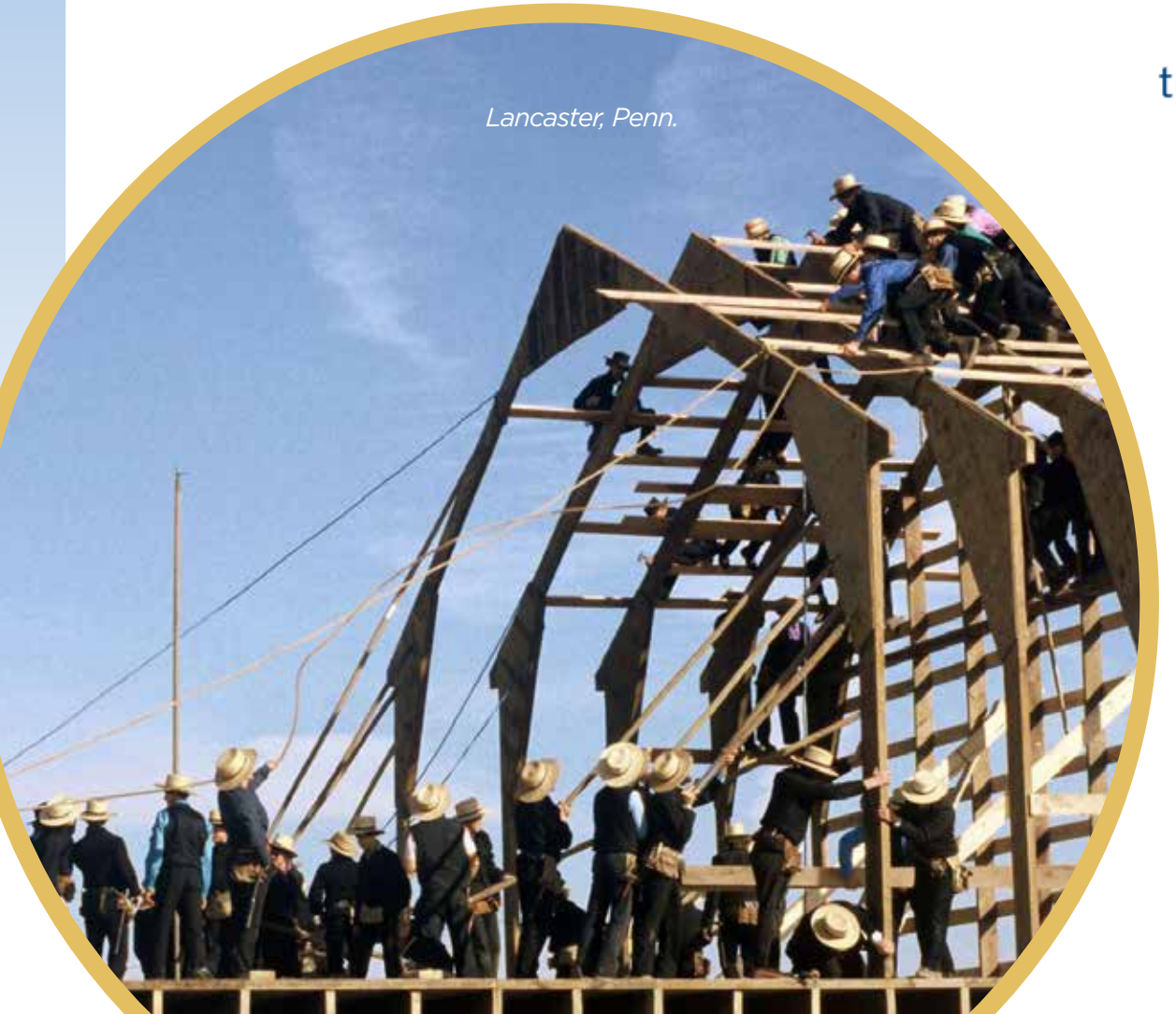
Southern invests a considerable portion of its marketing budget to promote its service to traditional travel agents and to internet shoppers who purchase tickets through online travel agencies.

MAJOR GLOBAL DISTRIBUTION SYSTEMS:

Sabre
Amadeus
Worldspan
Galileo
Travelport
Apollo

MAJOR ONLINE TRAVEL AGENCY WEBSITES:

Expedia
Travelocity
Orbitz
Kayak
Priceline
Cheaptickets



Lancaster, Penn.

Southern's interline partner, American Airlines.

In spring 2018, Southern Airways became an interline partner of American Airlines. This means that traveling from the hometown airport to any American Airlines destination now tops any other air travel option.

American Airlines





SOUTHERN'S ADDITIONAL INTERLINE PARTNER

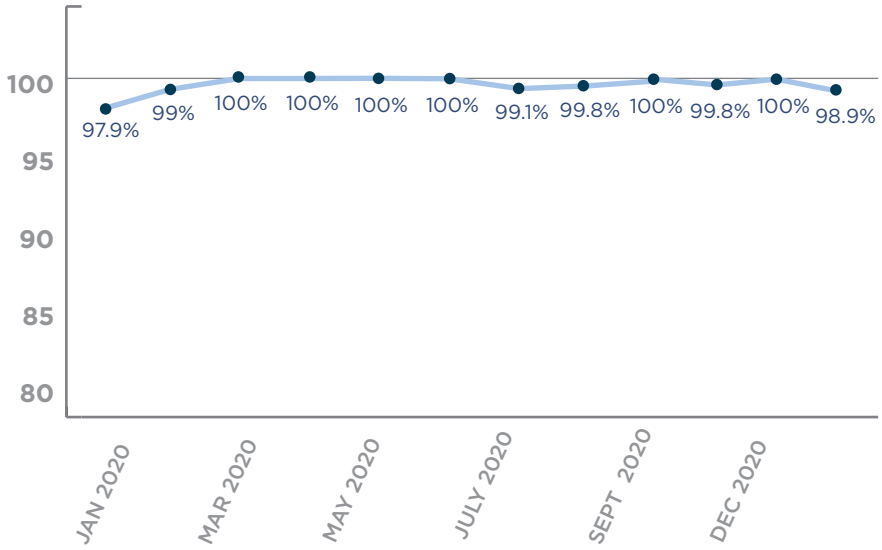
Alaska AIRLINES


Mid-Atlantic
Bradford
Dubois
Pittsburgh
Lancaster
Baltimore
Morgantown
*Washington-Dulles
O'ahu
Moloka'i
Ho'olehua
Kalaupapa
Maui
Honolulu
Kapalua
Kahului
Lāna'i City
Hāna
Lāna'i
Waimea-Kohala
Hilo
Kailua-Kona
Hawai'i
Hawai'i Island
Boston/Hanscom
Boston/Norwood
Providence
New Bedford
Nantucket
New England
TAILWIND
TRAVEL FASTER
Shelter Island
Manhattan
East Hampto
New York Seaplane
Harrison/ Branson
Hot Springs
Memphis
Dallas/ Ft. Worth
El Dorado
Destin
West Palm Beach
Tampa
Gulf
Los Angeles
Imperial
California
MOKULELE AIRLINES
SOUTHERN AIRWAYS EXPRESS
Route Map
Now serving 36 cities with over 200 daily departures!
MAP KEY
Weekend
* (Flights begin June 1)

Consistency in the Marketplace

Southern has been one of the top-performing EAS airlines in the country with controllable completion rates setting the industry standard. Further, Southern does not compare it's on-time performance against other commuter airlines. Instead, Southern compares its operational statistics against the biggest and best in the industry. Both airlines operated by Southern Airways Corporation have been industry leaders in these categories.

2020 EAS CONTROLLABLE COMPLETION



Hot off the Press!



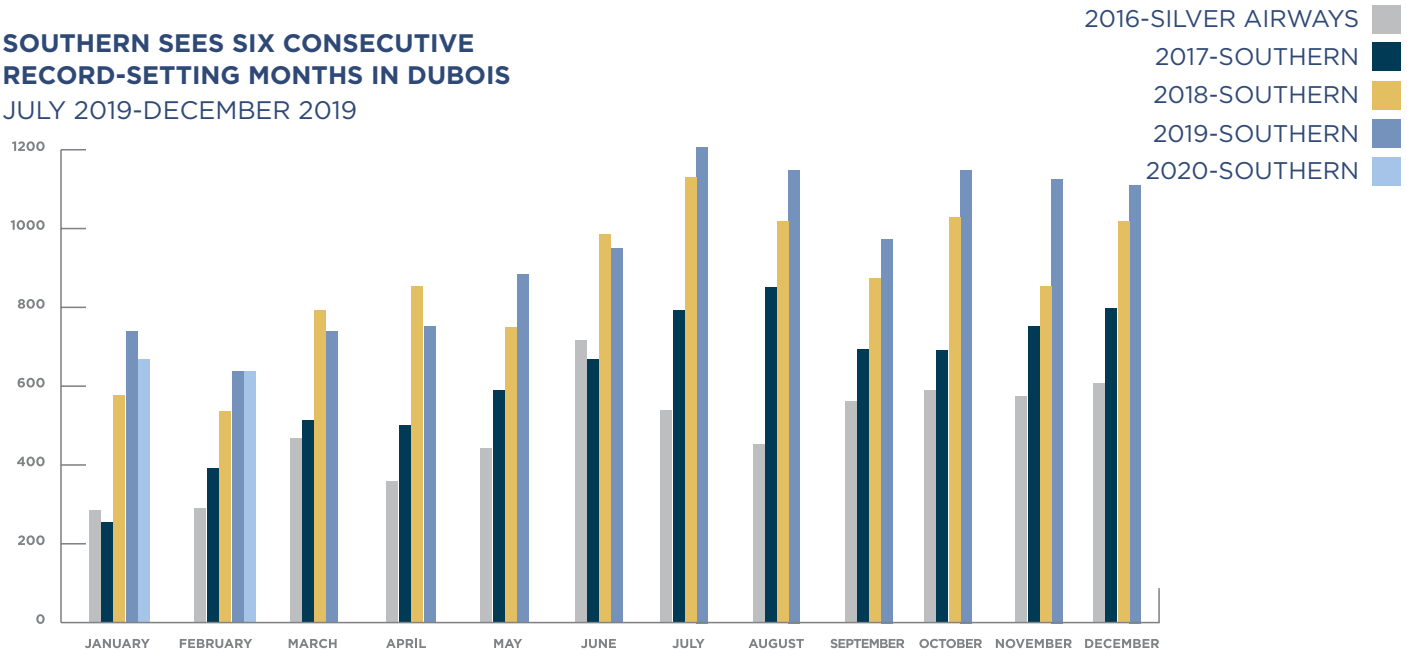
Southern was recently featured in the international magazine Airliner World!

Southern's new in-flight magazine, Cloud 9, hit the sky in November 2020!

Did you know?

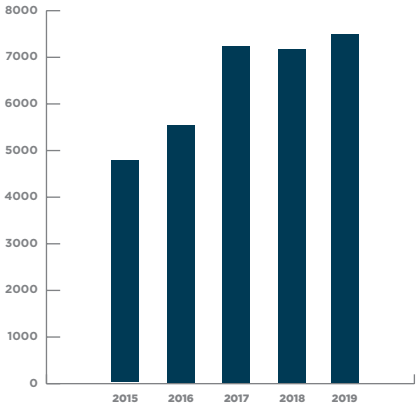
Despite having multiple proposals for regional jet service, every Arkansas city selected to stay with Southern for another two years!

SOUTHERN SEES SIX CONSECUTIVE RECORD-SETTING MONTHS IN DUBOIS
JULY 2019-DECEMBER 2019



DUBOIS, PA 2019 Highest passenger counts in eight years.

TOTAL ALTOONA PASSENGERS
2014-2019



ALTOONA, PA
Highest passenger count since 2011.

ADDITIONAL ACCOMPLISHMENTS

HARRISON, AR 2018, Over 10,000 passengers for only the third time in the last two decades.

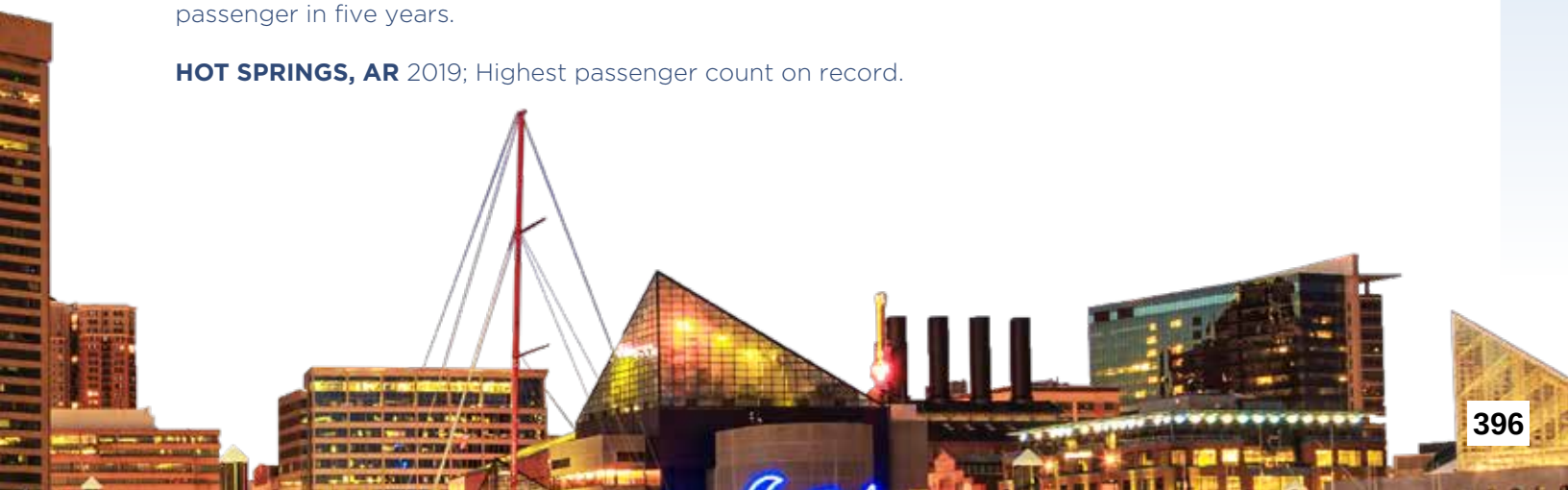
BRADFORD, PA 2016 & 2019; Respectively, the two best enplanement years in the last eleven.

MORGANTOWN, WV Eight consecutive months of record-setting passenger counts for Southern. (July 2019 - February 2020).

EL DORADO, AR 2019, The second-highest number of passengers per departure in the last 15 years.

LANCASTER, PA Fiscal Year 2019, The lowest subsidy-per-passenger in five years.

HOT SPRINGS, AR 2019; Highest passenger count on record.



Becoming the Best Small Airline in America

Southern Airways is the fastest growing airline in America. This explosive rate-of-growth is attributed to many factors. Below are a few of the improvements that Southern has made over the past few years that has positioned the airline to become "The Best Small Airline In America."

- Southern secured interlined agreements with American Airlines and Condor Airlines. Interline tickets are available for purchase on iFlySouthern.com. Southern's interline with Alaska Airlines went live on November 7, 2019.
- Southern innovated one of the most robust pilot recruiting programs in the country. As a result of two full years of pilot recruiting, training, and retention Southern is now poised to provide reliable service well into the next decade.
- Southern developed SIREN, a proprietary software program that automatically updates passengers of delays by text, email, and voice.
- Southern moved its crew-basing away from the hubs, an involved process that included the recruiting of new pilots wishing to live in smaller communities. Now completed, this move guarantees the originating flight to the hubs and the terminating flight into the EAS communities every day.
- Southern upgraded the Sun Air piston-driven fleet to an all-turbine fleet featuring the roomy and reliable Cessna Caravan.
- Southern implemented online check-in.
- Southern has upgraded all outdated arrival and departure boards at the hometown airports to digital monitors that are updated throughout the day with fight status information.
- In Fiscal Year 2019, Southern brought all of its EAS airports into subsidy compliance.
- Southern joined TSA PreCheck.
- Southern pioneered a passenger intercept data collection and reporting system to provide the local airports and their governing boards with passenger demographic data, including passengers' home ZIP codes and final destinations.
- Southern increased its call center and customer service center to 24 hours per day.

TSA Pre✓

SIREN™

SOUTHERN:
The Airline for Your Community

1



2



3



1. Need more seats from Merced for a big event…we can do that! We once chartered an MD-80 to take a full load of football fans to the Orange Bowl!

2. One of Southern's trademark customer appreciation ramp parties

3. Southern sponsors community events throughout the year

4. Southern engages the community…like the time we bet the Harrison, Arkansas airport director on the outcome of the 2020 Ole Miss versus Arkansas football game…and lost! Southern paid up with $5.00 tickets

4



ExpressPass

CARECONNECTOR

COMMUNITY CONNECTOR

CampusConnection

ENPLANEMENT INITIATIVES

Southern Airways has developed a number of proprietary business development and enplanement initiatives that can be customized to each marketplace. Many of these programs have already been launched across the Southern system. Full implementation of the Initiative Suite will happen in early 2019 in all Southern Airways markets.



Fueling the Local Economy

Southern is committed to being a good airport partner and an asset to not just the aviation community, but to the entire area as a whole. To this extent, Southern pledges to purchase as much competitively priced fuel in its hometown airports as weight and balance restrictions allow.

From a finance prospective, Southern's obligation as the EAS provider must be to operate as cost effectively as possible in an effort to manage the subsidy. If while doing so, Southern can also purchase fuel in the out-stations, then both the airline, and the local community benefit.

AS THE FOLLOWING BIDS ARE BEING REVIEWED, PLEASE CONSIDER:

Southern's commitment to reliable service and long-term sustainability is evidenced by its commitments to the hometown airports. Through solving problems related to the National Pilot Shortage, creating interline partnerships, and providing consistent executive level "boots on the ground," Southern's developed a strong platform for growth in all of its communities.

Southern Airways Express believes that its proposal will provide an unsurpassed level of service, grow enplanements, seamlessly connect passengers to the world's transportation infrastructure, and provide the local community with a sustainable airline partner for both the local passengers and the visitors traveling to the community. Southern further believes that it is the right partner to deliver the above benefits while also maintaining compliance with all Department of Transportation requirements for continued participation in the Essential Air Service program.

We respectfully submit this bid, which is consistent to the service the community currently receives.

R. Stan Little Jr.

Chairman & Chief Executive Officer
Southern Airways Express, LLC



SCHEDULE:

Upon the community's selection of the preferred option, Southern will work with local officials to develop an optimized flight schedule.

STATUS	VENDOR	VENDOR	PROJECTED SPEND
Proposed	Local Newspaper	Newspaper	$3,000
Proposed	Television	Cable/Broadcast	$4,000
Proposed	Local Radio	Radio	$5,000
Proposed	Enhanced Digital	Digital	$3,000
Proposed	Community Sponsorships	Chamber, CVB, Etc	$6,000
Proposed	Customer Appreciation Party	Live Airport Event	$4,000
Total			$25,000

Merced Proposal

	OPTION A *PC-12*	OPTION B *PC-12*	OPTION C *PC-12*	OPTION D *PC-12*
Weekly Round Trips				
MCE-LAX	16	21	28	21
MCE-SMF	12	7	-	-
MCE-LAS	-	-	-	7
Total	*28*	*28*	*28*	*28*
Operating Revenues				
MCE-LAX	$581,532	$763,140	$983,250	$827,862
MCE-SMF	$221,270	$129,150	$0	$0
MCE-LAS	$0	$0	$0	$300,150
Total Operating Revenues	*$802,802*	*$892,290*	*$983,250*	*$1,128,012*
Operating Expenses				
Flying Operations	$1,127,058	$1,108,730	$1,043,017	$1,243,004
Fuel and Into Plane	$794,365	$755,235	$830,434	$959,153
Maintenance	$943,200	$1,023,072	$1,134,312	$1,182,468
Aircraft	$508,438	$508,438	$406,750	$508,438
Indirect	$191,761	$191,471	$191,159	$192,731
Total Operating Expenses	*$3,564,821*	*$3,586,945*	*$3,605,672*	*$4,085,794*
Operating Loss	$2,762,019	$2,694,655	$2,622,422	$2,957,782
Profit Element (5%)	$178,241	$179,347	$180,284	$204,290
COMPENSATION REQUIRED	**$2,940,260**	**$2,874,003**	**$2,802,706**	**$3,162,072**
Compensation per Pax	**$199**	**$195**	**$197**	**$198**
Compensation per Departure	**$1,024**	**$1,001**	**$977**	**$1,102**
Annual Seats	25,830	25,830	25,812	25,830
Annual Passengers	14,750	14,750	14,250	16,000
Load Factor	57%	57%	55%	62%
Departures	2,870	2,870	2,868	2,870
Average Fare	$54	$60	$69	$71
Completion Factor	98.50%	98.50%	98.50%	98.50%
Compensation Required Year 1	**$2,940,260**	**$2,874,003**	**$2,802,706**	**$3,162,072**
Compensation Required Year 2	**$3,013,767**	**$2,945,853**	**$2,872,773**	**$3,241,123**
Compensation Required Year 3	**$3,089,111**	**$3,019,499**	**$2,944,593**	**$3,322,152**
Compensation Required Year 4	**$3,166,339**	**$3,094,986**	**$3,018,208**	**$3,405,205**

ADMINISTRATIVE REPORT

Agenda Item K.2. Meeting Date: 5/17/2021

Report Prepared by: Stephanie R. Dietz, City Manager

SUBJECT: Review, Discussion and Direction Regarding Community Funding Requests and of the City of Merced Fiscal Year 2021-22 Budget

REPORT IN BRIEF
Review of the Community Funding Requests and the City Manager's proposed FY 2021-22 Budget.

RECOMMENDATION
For information and discussion only.

AUTHORITY
Charter of the City of Merced, Section 1104.

CITY COUNCIL PRIORITIES
As provided for by the City Council during priority setting session.

DISCUSSION
The City Council and the Public to be presented the proposals for Community Funding and City Manager's proposed FY 2021-22 budget.

ATTACHMENTS
1. City Manager Budget Message
2. Community Funding Proposals

CITY OF MERCED

May 12, 2021

Merced City Council
678 W 18th Street
Merced, CA 95340

Re: Presentation of Fiscal Year 2021-2022 City Manager's Recommended Budget

Honorable Mayor and City Council:

I hereby submit the Fiscal Year 2021-22 City Manager's Recommended Budget for your review and consideration, in accordance with the City of Merced Charter Section 501(b). The total Proposed Budget of $320.1 million, and General Fund of $51.3 million, was developed in partnership with your department heads and staff representing a comprehensive, balanced, and sustainable plan for the upcoming fiscal year.

General Overview

Although long-term impacts of COVID-19 are uncertain, the City of Merced's economic outlook continues to be strong. Sales Tax and Property Tax receipts are outperforming current year projections, and total General Fund revenues are budgeted to include a projected 6% increase based on mid-year revised estimates. Single-family and multi-family construction continues to outpace prior years, with development occurring citywide. Despite COVID-19 restrictions, the county's unemployment rate is holding at 11.4%, which is slightly above pre-pandemic numbers.

History has proven that the City of Merced's financial position can suddenly fluctuate. The proposed budget adheres to the prudent principals established by the City Council including the following: 1) maintaining existing services and programs; 2) planning for one-time investments in parks and public spaces throughout the City; and 3) increasing funding to reserves and contingencies to protect against uncertainty.

Goals & Priorities

Staff collected survey responses for three weeks and received input from the community at two virtual Town Hall meetings. With responses and data at hand, the City Council held a strategic planning session on February 27, 2021 to develop the Fiscal Year 2021-22 Goals & Priorities. Through much thought, the Council identified the following areas for budgetary investment:

- Public Safety: exploring Measure C Renewal opportunities, developing Police Reserve Force, enhanced community engagement, and planning for future facilities.

- Economic Development: Downtown improvements including the adoption of a Property Based Improvement District (PBID), adopting business friendly strategies for entitlement, planning for additional workforce development opportunities, and expanding marketing for tourism as a "Gateway to Yosemite".

- Parks & Recreation: enhanced recreation activities, events, programs, facilities that are youth-focused (kids first), improved community partnership to expand services and facilities, and increased maintenance of parks and open spaces, including the replacement of playground equipment.

- Housing & Homelessness: continued focus on affordable housing projection through inclusionary zoning, development fees, alternative housing programs (i.e. tiny and prefab homes) and explore other housing concepts. Establish a qualified list of public and non-profit developers to construct new housing projects. Provide interim services and location direction for homeless encampments.

- Public Works City Beautification: continued resurfacing of local streets and sidewalks, enhanced tree and creek maintenance, establishing a litter abatement service citywide, develop additional public arts projects.

Along with these priority areas, the City Council also adopted Guiding Principles framing the daily work of City staff – a) building a sense of community; b) provide equal access to programs and services to all residents, c) providing excellent customer service, and d) improving the quality of life for all residents through enhanced maintenance of public spaces. The Proposed Budget reflects funding across all priority areas for Fiscal Year 2021-22.

COVID-19 Response

During 2020, the City Council responded to the needs of the community by providing financial assistance for business grants, utility rate rebates and payment assistance, rental payment assistance, funding for the Merced Food Bank, and spending incentives for local, small businesses totaling more than $3 million in funding. In March, Congress approved the American Rescue Plan Act of 2021 allocating $27.4 mil to the City of Merced. As part of the plan, an additional $1.9 million was allocated to the City to support rental assistance and housing stabilization for residents due to COVID-19. As the guidelines for these funds are shared by the U.S. Department of Treasury, staff will look to the City Council for options for one-time funding investments supporting local economic recovery.

General Fund

The total General Fund budget is $51.3 million. Part of the General Fund budget includes $46.5 million in on-going operational expenses and $4.8 million in non-operational one-time and policy

expenses. We remain encouraged as reductions from the prior fiscal year are restored through the proposed budget. As a priority of the City Council, the General Fund budget includes a new program – Rental Inspection Program. The budget supports the necessary staffing and one-time equipment purchases needed that will be covered by inspection fees on a go-forward basis. A single position is requested of the Finance Department to restore the service to pre-recession levels. Other one-time costs include planning for the November 2022 general election, enhanced Enterprise Resource Planning funding, parks maintenance equipment, dispatch communications equipment, and continued City Hall maintenance. Allocations to the Trust 115, Economic Development Opportunity Fund and Reserves and Contingencies have been made in accordance with City Council adopted policies.

Measure C

Measure C is a ½ cent sales tax initiative that expires in 2026. The City Council made evaluating the viability of renewing Measure C a priority for Fiscal Year 2021-22. In doing so, one-time funding is set aside to hire a consultant to work with the City and the Measure C Committee. Staffing continues to be the primary budget item for Measure C. Personnel funded by Measure C include, 12.30 FTE for the Fire Department and 20.49 FTE for the Police Department for a total of 32.79 FTE. One-time funding of $1 million is also set aside to allow for enhanced street maintenance for repairs in Fiscal Year 2021-22.

Measure V & SB1

For Fiscal Year 2021-22, $4.3 million is allocated to street and sidewalk projects. This funding, along with the $1 million in Measure C, is recommended to provide for the reconstruction of seven roadways, four quiet zone intersections along the BNSF Railroad, two sidewalk-only projects and the completion of two ancillary projects. The City Manager Recommended Budget includes a list of proposed projects for Council consideration. Five alternative projects have been identified, should the City Council choose to make changes to the proposed projects. All projects under consideration are based on the pavement management index.

Measure Y

Measure Y was enacted as a special tax on the cultivation, manufacturing, distribution, and sale of cannabis within the City of Merced by the voters in 2017. This fiscal year, staff is recommending a total of $4.9 million – $1.9 million from current year and $3 million in new revenue – be budgeted within the four designated funding areas: 20% Police, 20% Fire, 20% Parks & Recreation, and 40% discretionary. Below is a breakdown of the items recommended for funding. Approximately $1 million remains available for City Council consideration during the Budget hearing process.

- Police 20% - establishing a reserve officer program, upgrading vehicle cameras and communication packages, one-time vehicle repairs, outdoor cameras and drone replacement, and the purchase of a compact bomb robot to upgrade the existing unit.

- Fire 20% - replacing mobile radios, one-time safety gear replacement, purchase of a Type-6 Fire Engine, and the purchase of a portable classroom to expand training capabilities at Station 52.

- Parks & Recreation 20% - Enhanced services to accompany the Block Party trailer, expand events for all existing areas (Movies in the Park, Zpooky Nights, Mermaids & Pirates, Tiny Tots), addition of a Tennis program, expand summer camp to a full day, expand swim lessons, one-time Applegate Zoo operational costs, placeholder estimates for the Boys & Girls Club contract and $250,000 set-aside for a future youth program.

- Discretionary 40% - Staff recommendations focus heavily on improving park and passive recreational spaces including Fahrens Park Playground replacement, restroom restoration at McNamara, Applegate, Rahilly and Fahrens Park, playground equipment replacement across 12 small parks, Ada Givens Swimming Pool restoration, regular bike path and tree trimming to provide for improved access and safety throughout the City.

Merced is a strong community, that has responded to 2020 with resilience and creativity. We've met challenges head on and made bold policy decisions to ensure the fiscal sustainability of the City. Your staff is committed to the continued success of this community and focused on providing community-centered customer service.

Sincerely,

Stephanie R. Dietz

Stephanie R. Dietz
City Manager

SUMMARY OF COMMUNITY FUNDING REQUESTS

Organization	Proposed Program	Amount Requested	Met RFQ Criteria
1. Boys & Girls Club			Complete
	Building Maintenance	$30,000	
	Summer Program	$25,000	
	Teen Leadership Program	$6,000	
		$61,000	
2. Community Foundation of Merced County			Complete
	Profit with a Purpose	$23,000	
3. Kids Discovery Station			Complete
	"Our City" Exhibit	$55,000	
4. League of United African Citizens/Black Word - Ray Walton, luaac7@yahoo.com			In-Complete
	Series of Requests from Mayor and City Council	No specified amount	
5. Lifeline CDC			Complete
	Non-profit Capacity Building	$20,000	
6. Rotary CC Merced County			
	DOT Tier 1 Volunteer Program (as follows)		Complete
	CPR	$14,000	
	Health & Wellness	$7,000	
	Family Fitness	$11,500	
		$32,500	
7. Students With Aspiring Goals (SWAG)			Complete
	Strength thru Understanding - first event	$10,940	
	Strength thru Understanding - second event	$10,940	
		$21,880	
8. United Way - Community Partnership Alliance			Complete
	People's Promise	$34,000	

Boys & Girls Club of Merced County

BOYS & GIRLS CLUB
OF MERCED COUNTY

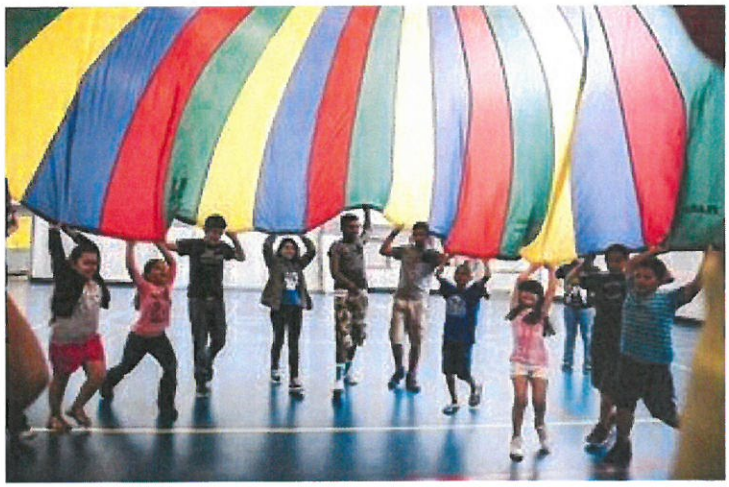
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COMMUNITY FUNDING PROPOSAL

City of Merced

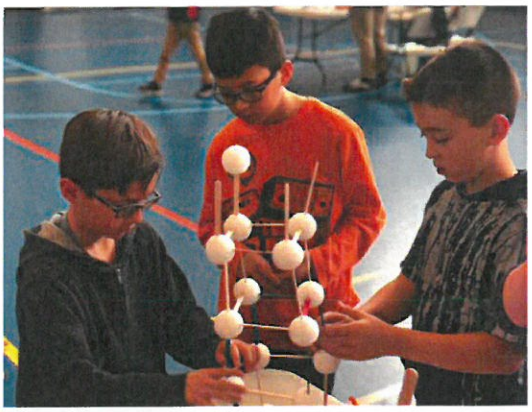
April 30, 2021

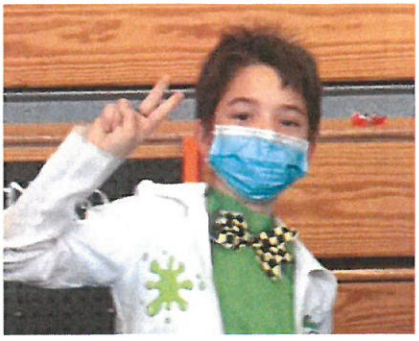
















Boys & Girls Club of Merced County
615 West 15th Street
Merced, CA 95340
Primary Contact: Virginia Hayward, Chief Executive Officer
vhaywardbgcmerced@gmail.com
Office 209.722.9922 - Cell 805.428.1821

The **Mission** of the Boys & Girls Club of Merced County is to enable all young people, especially those who need us the most, to be productive, caring, and responsible individuals. It is our **goal** to ensure success is within reach of every child and to provide children with the highest quality programs that inspire them to make a difference for themselves, their community and the Nation. Our **objective** is to provide life enhancing opportunities and access to life developing resources. To provide a safe and secure environment where children learn and grow and participate in life-enriching programs as well as character development opportunities. We don't want to just create hope and opportunity, but want to insure that the youth in Merced County graduate from High School and are ready for college, a career, a trade or the military.

The Boys & Girls Club of Merced County began a partnership with the City of Merced in 1993 when the City received funds from the McCombs trust to operate a youth center to bring needed youth program to the community. This was a brick and mortar campaign to build a building specifically for the Boys & Girls Club to provide youth services and programs and to collaborate with other non-profit youth organizations. To this day the Board of Directors and Staff at the Boys & Girls Club of Merced County continues to work hard every day to provide an array of life enhancing opportunities that focuses on critical areas such as education, career, life skills, fitness, sports, recreation, arts and character and leadership development. The Club has continued to collaborate with organizations in the community and is always willing to go above and beyond to find new innovative and ways to fill in gaps and provide opportunities for our youth.

Through this proposal, we hope we can continue our partnership with the City of Merced to further expand opportunities for youth and continue to provide the much needed summer program and expand teen and youth programs through strategic partnerships and collaboration.

The Club makes it a priority to be available to all youth during afterschool hours, in the summer and when school is out for spring and winter breaks. Our proposal is not specifically for our after-school programs, it is for the maintenance on the building, which the City owns so that we are not burden with those expenses and so that we can concentrate on providing critical services and programs in the community for children and teens. It is also for an innovative teen leadership program and summer camp. Most people do not understand that we are not a fee for service organization; **we only charge $20 per member for the entire after-school program,** which runs every day after-school from August through the beginning of June. Where else in the City can parents send their child to for 10 months, approximately 870 hours of program time, for a fee of $20? The time frame for this funding proposal will be used to provide services from July 1, 2021 through June 30, 2022.

In addition, the Boys & Girls Club of Merced County is part of one the largest and most impactful community organizations from across America that sets out to serve youth, their families, and communities through evidence based youth development programs that are designed to help youth to excel in school so they graduate from high school on time, ready for a post-secondary education or to be career ready.

We make learning fun with activities that are designed to foster creativity, develop positive behaviors, nurture a child's well-being, help youth to set personal goals, become good citizens and lead healthy productive lives that will help them to be self-sufficient adults.

Some of the programs we provide include:
PowerHour, a program that helps youth make the minutes count so that they can achieve academic success by providing homework help, tutoring and high-yield learning activities that encourage children to become self-directed learners and by helping youth to complete their assignments for the day, it gives the child a sense of accomplishment and added confidence that helps them to stay on track for success. In addition, it gives families more time to spend together at home, reduces frustration for parents that are not able to help with homework due to language barriers or the lack of understanding of what is being taught.

Education and career development is provided to enable youth to become proficient in basic educational disciplines, apply learning to everyday situations and to embrace technology to achieve success in a career. We provide a STEM program that is not only fun, but also, teaches youth how to be creative when combining Science, Technology, Engineering, and Math. It also provides opportunities to discuss and explore careers in the STEM industry. In addition, the Club utilizes Program Literacy Aides as supported by Merced College and the University of California Merced in providing trained and qualified college students who are greatly passionate in serving our community and enjoy working with youth to inspire and to help them set goals and understand why it is important to graduate from high school on time and to be ready for a post-secondary education and a 21st-century career.

Our Health and life skills program is designed to emphasize good nutrition, regular physical activity and improve overall well-being. We work with youth to help develop their capacity to engage in positive behaviors that nurture their own well-being, set personal goals and live successfully as self-sufficient adults. We collaborate with local advocates for health & nutrition to provide extended opportunities for our youth and added resources for families.

We use the Arts to enable youth to develop their creativity and cultural awareness through knowledge and an appreciation of the visual arts, crafts, performing arts and creative writing. In addition, art encourages fine motor skills, self-expression, enhances brain function and problem-solving abilities, helps youth to interact with the world around them and provides a new set of skills for communication. This year we hope to bring in local artist from Merced to provide our youth with more hands on workshops with professional artist.

Through our sports, recreation and fitness program we are able to teach our youth and show them how to use sports and recreation as a positive use of leisure time and how sports and fitness can be used to reduce stress and improve the overall health by increasing daily physical activity and living healthy. In addition, our program helps youth to develop healthy relationships and social skills. We currently partner with the Merced Parks & Recreations in evening sports and hope to further collaborate this year to expand the use of the building for morning activities with our younger children who are not yet in School.

During the pandemic, the Boys & Girls Club of Merced County was one of the only youth organizations that stayed open to serve kids in person and helped to fill in gaps for our schools. We are helping children with homework and trying to minimize learning loss. We helped children to have access to their virtual classroom when they did not have the means or technology while schools remained closed. By staying open we have also helped families by providing a safe place for their children and an opportunity for parents to have a place for their children so they could go to work and/or not leave their children home alone unsupervised. Merced is a community where two out of three children live in poverty and it is critical that there be a place that provides youngsters a positive, safe, healthy, fun and educational environment. That place is the Boys and Girls Club of Merced County.

Poverty is not the only hurdle facing youth in Merced County, according to recent studies, 32% of residents 25 years and older do not have a high school diploma and 78% of our members are from a minority population; 90%

qualify for free and reduced lunch; and 43% come from single parent families that are in need of a caring adult mentor to help them to become productive, caring, responsible individuals while encouraging them to be their best.

With this requested funding from the City of Merced we will be able to continue to make a difference for our youth, further develop programs, enrichment opportunities, strategic partnerships, mentors and help youth to navigate these difficult times and current challenges.

For almost 28 years, the Boys & Girls Club of Merced County has been able to partner with the City of Merced and bring vital services to the youth in our community. This partnership has been very successful and has provided programs such as PowerHour, Smart Girls, Passport to Manhood, Torch Club, Triple Play, Play Ball, Brain Gain and many others that help youth to prepare for a great future. These programs are part of our core areas and are provided every year. All of our staff and volunteers go through a vigorous background check and staff is trained in all program areas. The Club also undergoes a safety assessment with an outside team that conducts a thorough safety assessment of the facility and all program areas to insure a safe environment for all.

In addition to our national programs, we also collaborate with local non-profits and other organizations to further provide enrichment programs for our youth. Some of those include partnering with the City to provide evening sports programs through Park & Recreation and partnering with USC Suzanne Dworak-Peck, MCOE, Merced College, Travis Credit Union for financial literacy, Girl Scouts, Merced Youth Soccer, Merced Multicultural Arts Center, Lloyds Day, Lions Club, Merced Playhouse, On Course Youth and 4-H Club as well as a number of other organizations. We have also had a long standing partnership with the City to provide an eight week summer program for youth and last year the summer program brought so much hope and joy to the children when almost all of the other youth programs shut down. Many parents sent their gratitude and said that it not only helped them to have a much needed break, but that it was also critical for them to be able to go to work. This was especially true for our low-income families who had nowhere else to turn to.

This year we are looking forward to partnering with the local chamber of Commerce and local businesses to provide a Teen Leadership program and the school district to help with the district wide student learning plan to minimize learning loss due to the pandemic. We will also collaborate with HTSA Tennis program, Rayford Shorin-Ryu Karate & Kobudo and further explore collaboration with the Merced Park and Recreation District.

As you can see we have over 28 years' experience in providing services for our youth and have collaborated with so many to make a huge difference for kids and have provided so many wonderful enrichment activities.

In the previous pages, we have outlined in the scope of our programming and services, but this funding request will only be for the following:

1. For maintenance on the building. The building is located at 615 W 15th Street, Merced, CA and is owned by the City. Most of the maintenance has been provided under a previous contract with the City that will expire on June 30, 2021. The maintenance has been provided on a reimbursement basis in the amount of $35,000. **We are asking for the consideration of $35,000 to be considered in this RFP from July 1, 2021 through June 30, 2022**. Our overall cost to maintain the building is approximately $70,000 a year.

   Primary Contact: Lisa Umada,
   LisaUBGCMerced@gmail.com
   209.722.9922

2. Funding for our Summer Program. We are asking for funding so that we can continue to provide a safe place for kids during the summer, a place where children receive life enrichment programs, lunch and snacks, educational and fun field trips and a place where youth development professionals provide

mentoring and tutoring to help to fill in the gaps for learning loss not only due to the pandemic, but every year when school is not in session. Studies show that summer learning losses can stack up from year to year, causing low-income children to fall further and further behind, ultimately endangering their chances of high school graduation. In the past the City has partnered with us to provide to a summer program with funding in the amount of $20,000 towards the cost of the program. **We are asking for the consideration of $25,000 in this RFP for the Summer Program from July 1, 2021 through August 6, 2021 and from June 6, 2022 through June 30, 2022.** The summer camp cost is approximately $58,000 and will be held at 615 W 15th Street, Merced, CA, plus the location of any field trips.

Primary Contact: Joey Chavez
jchavezbgcmerced@gmail.com
209.722.9922



3. Funding for a 11 week Teen Leadership Program that is that is designed to take teens from learners to leaders using a curriculum that includes sessions on Learning How to Become Involved in, and Contribute to the Community; Building a Positive Self Image and Confidence; Developing Empathy for Others; How to Influence Others; Establishing Relationships and Opportunities with Professionals in STEM-Related Careers; and How to be College or Career Ready After High School.

   Teen Leadership Program includes partnering with the Merced Chamber of Commerce, 16 businesses, 3 regional colleges, 1 technology site and attending a City Council Meeting. There will also be a one day, eight-hour leadership training session, plus a number of field trips throughout the City. Teen Leadership participants also attend an Awards Ceremony celebrating their completion of the Teen Leadership program. Some meetings will be held at 615 West 15th Street, Merced, CA, but this is a hands-on experience and the teens will be visiting most of the sites and businesses in person. Transportation will be provided by the Boys & Girls Club of Merced County. The projected cost of this program is $7,500 and **the Club is asking for the consideration of $6,000 in this RFP for the program to provide services from August 1, 2021 through October 31, 2021**.

   Primary Contact: Virginia Hayward
   vhaywardbgcmerced@gmail.com
   209.722.9922



On behalf of the children at the Boys & Girls Club of Merced County, their families, the staff and board of directors, we thank you for everything you are doing for the City, the Kids, the Club and the community and for your consideration of this funding request in the amount of $66,000 for building maintenance, to provide a summer camp for youth in the community and to implement a new teen leadership program..

Warmly,

Virginia Hayward

Virginia Hayward, Chief Executive Officer
Boys & Girls Club of Merced County
615 West 15th Street
Merced, CA 95340
Office 209.722.9922/Cell 805.428.1821

RE: Building Maintenance

We have two professional key staff personnel who have a great deal of experience that will be assigned to this project. In addition, their qualification will ensure the success of the projects and that the projects are completed as outlined and on time.

Lisa Umada is our Finance/Human Resource Director and will be assigned to the proposed project for the building maintenance to accurately keep records, reports and details of all payments for all building repairs, maintenance and expenses relating to the building and the landscaping. She will also schedule all regular maintenance and coordinate payments for services rendered under the scope for the project.

The qualifications for Ms. Umada are as follows:
Previous business experience in the role of business manager and full charge bookkeeper, maintaining and monitoring fiscal financial data, accounts payable, accounts receivable, coding of expenditure, accounts payable, payroll and reconciliation of bank accounts. She holds a Bachelor of Science in Business Administration-Accounting from the California State University Fresno and an Associate Science in Business Administration from Merced College. Ms. Umada is currently the Finance Director for the Boys & Girls Club of Merced and has been with us since 2019.

Joseph Chavez is our Chief Operations Officer and will be assigned to the proposed project under building maintenance to ensure the interior and exterior of the facility is kept in good working condition with general maintenance being done regularly and to work with Facility and Safety Committee to conduct quarterly onsite assessments to insure all areas in the building, including the exterior of the building are in good working order and to report any repairs that might be needed. Mr. Chavez, along with our finance director will ensure that all records of maintenance, assessments and reports of the facility are stored and filed at the Club. Mr. Chavez will present the findings of any maintenance needed and all assessments to the Club CEO, which will be presented to the board. In conjunction with the Club HR Director, MR. Chavez will hire a janitorial and landscaping service as outlined in the scope of the project.

The qualifications for Mr. Chavez are as follows:
Previous business experience in the role as Parks and Recreation Director, Recreation Supervisor and Recreation Coordinator directing staff and departments on daily operations, functions and programs, working on department budget, developing partnerships, overseeing facility rentals, aquatics programs, sports leagues, and preparing and developing needed reports. He holds a Bachelor of Science Degree in Recreation and Leisure Studies from the San Jose State University.

The scope of project regarding this request for building maintenance will include the following: making sure the interior and exterior of the facility is kept in good working condition with general maintenance being done regularly. To provide a board led Facility and Safety Committee to conduct quarterly onsite assessments and use a preventative maintenance checklist to insure all areas in the building and on the exterior of the building are in good working order and to see if any repairs might be needed. The quarterly onsite assessments will also include a report of the findings which will be presented to the board and kept in the facilities file at the Club under the direction of the Club's Chief Operations Director. The Club will hire janitorial and landscaping services to insure the facility and premises are well taken care and in accordance to City Zoning. The Club will. A staff member will also be assigned to do weekly walkthroughs of the building to look for needed repairs and to check the cleanliness of the facility and the landscape. Janitorial services will be scheduled Monday through Friday, except on holidays and landscaping services will be scheduled once a week. The project timeline will be from July 1, 2021 through June 30, 2022 and the approximate cost is $70,000 a year for general maintenance. The RFP ask for consideration of $35,000, which if awarded will also help to minimize the added maintenance cost when the building is being used by Merced Park & Recreation and other non-profit organizations within the community.

RE: Summer Program

The key Summer Camp professional that will be assigned to the summer camp project will be Joseph Chavez who is our Chief Operations Officer. He has eight Youth Development Professionals under his supervision to help run the summer camp and Yvette White-Eddings, who is our office manager. Together staff will provide their professional skills to provide a youth summer camp for families in the City of Merced at the McCombs Youth Center.

The qualifications for Mr. Chavez are as follows:
Previous business experience in the role as Parks and Recreation Director, Recreation Supervisor and Recreation Coordinator directing staff and departments on daily operations, functions and programs, working on department budget, developing partnerships, overseeing facility rentals, aquatics programs, sports leagues, and preparing and developing needed reports. He holds a Bachelor of Science Degree in Recreation and Leisure Studies from the San Jose State University.

The qualifications for Ms. White-Eddings are as follows:
Ms. White-Eddings has worked for MCOE for more than twenty years and has over seven years' experience as an office manager. She is a Certified Sign Language Interpreter and has excellent skills in various computer programs to keep track member data, attendance and various member-related reports. She is also a trained Registered Behavior Technician.

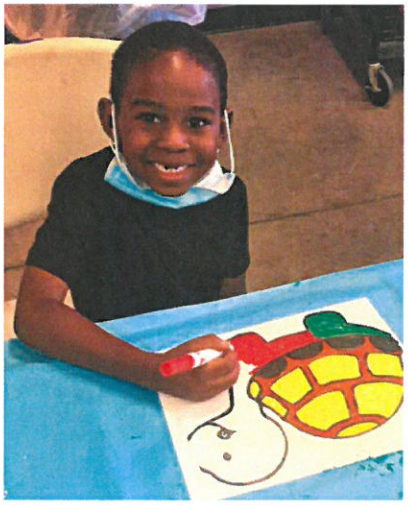
In addition to weekly fun themes such as learning about Animal Habitat, Adventures in Aerospace, Inventions, Poetry and Movie Making we will discuss with youth the importance of why rules are necessary and what a World without Rules would look like. Components of the summer camp include recreation, gardening, playtime, reading, science, technology, computer lab activities and filed trips if the covid-19 tier moves to minimal.

The scope of project for the summer program will be to provide lunch and snacks daily to those who attend. The Club will track and keep all attendance reports which include a list of all summer camp participants, including names, addresses, ages, attendance dates and any camper paid fees or if a camper received a full or partial scholarship. At the end of the Camp a report on activities, participants, collaborations and outcomes will be made available upon request to the City. Summer Camp staff will be provided with training, including First Aid and CPR and have a background check done prior to the start of camp. The Club will also include the City logo on all promotional materials related to the summer camp. The Club will provide an eight week camp, Monday through Friday for a minimum of six hours a day between the months of June and August. Funding for the Summer Camp Program will ensure that kids have a safe place to go during the summer, a place where children receive life enrichment programs, a place that provides unique experiences to help kids have fun and excel. Studies have shown that many youth face challenges that threaten their ability to have a positive summer experiences which makes it difficult for them to have a great start to the new school year. Our summer camp can help to limit these challenges and provide kids with safe and fun summer experiences that give them the confidence to learn, explore, grow, and discover their passion. The Camp will also provide a place where youth development professionals provide mentoring and tutoring to help to fill in the gaps for learning loss not only due to the pandemic, but every year when school is not in session. Studies show that summer learning losses can stack up from year to year, causing low-income children to fall further and further behind, ultimately endangering their chances of graduating from High School. Here's what one of our parents had to say about the Club. "The Boys and Girls Club of Merced has been a blessing for my household. Being new to a community without my family support system one is faced with challenges of afterschool or summer programs. As a full-time, working, single parent of a now 9-year old and new to the community, one is in search of a trusting "village". I am fortunate that I have found some members of "my village" in the Boys and Girls Club of Merced. My son has been able to attend their summer program (pre-Covid) and the afterschool program during Covid." "Thank you for having these programs for the Merced families and community."

The Club has also agreed to partner with the Merced school district to collaborate on how to help children who are and children to work through the schools learning workbook to help youth to be prepared for the start of the new school year.

Our Summer Camp will also help youth by providing structure through summer experiences, making it more likely that they will stay engaged, focused and out of trouble. It is also provides opportunities for growth, allowing kids to become independent and self-confident, while socializing and making new friends, and even learning new skills.

The cost to run our summer camp is approximately $58,000 and does not include the cost of any field trips, training or background checks. We are asking for the consideration of $25,000 in this RFP for the Summer Camp Program for the time frame of July 1, 2021 through August 6, 2021 and from June 6, 2022 through June 30, 2022.













RE: Teen Leadership Program

We have three professional key staff personnel who have a great deal of experience that will be assigned to the Teen Leadership project. Joseph Chavez who is our Chief Operations Officer and will oversee the entire project with Riley Linden who is one of our Youth Development Professionals and Virginia Hayward who is the Chief Executive Officer who will bring in community members, local businesses and volunteers to ensure the success of the program.

The qualifications for Mr. Chavez are as follows:
Previous business experience in the role as Parks and Recreation Director, Recreation Supervisor and Recreation Coordinator directing staff and departments on daily operations, functions and programs, working on department budget, developing partnerships, overseeing facility rentals, aquatics programs, sports leagues, and preparing and developing needed reports. He holds a Bachelor of Science Degree in Recreation and Leisure Studies from the San Jose State University.

The qualifications for Ms. Linden are as follows:
Is the lead program Youth Development Professional at the Boys & Girls Club of Merced County and is currently attending California State University, Fresno as a junior and plans to graduate next year with a teaching degree. In addition, Ms. Linden works with youth at Hoover Middle School and volunteers at Peterson elementary school.

The qualifications for Ms. Hayward are as follows:
Ms. Hayward is the Current CEO of Boys & Girls Club of Merced County and brings over twenty seven years of well-established leadership and business experience to this project. She is a former Chamber of Commerce CEO and has led a successful teen leadership program for Rotary and the Boys & Girls Club of Simi Valley.

The scope of the project for the Teen Leadership project will be to foster a partnership with the local Chamber of Commerce, the City of Merced, local businesses and local colleges. Staff and volunteers will help teens to develop good character and positive leadership skills. Teens will learn the value of good citizenship and community service and will be encouraged to participate in activities that promote community service, academic success, career preparation and teen outreach. The program goals are to create and maintain high standards of character, citizenship, health, and education in order for teens to grow into responsible, productive adults. Teens will have the opportunity to develop and use leadership skills; contribute to the community through service and volunteering; foster understanding and respect between groups and individuals; learn practical skills and information for living in a responsible and fulfilled way and develop self-confidence. Teens will also have a chance to explore STEM-Related Careers and lean how to be College or Career Ready after High School. There will also be a one day, eight-hour leadership training session and teen leadership participants will have opportunities to visit local colleges, attend a local chamber of commerce event, visit local business and attend a City Council meeting.

Transportation will be provided by the Boys & Girls Club of Merced County and the eleven week program will begin in August and commences in October, with an Awards Ceremony celebrating their completion of the Teen Leadership Program.

The projected cost of this program is $7,500 and does not include transportation cost. The Club is asking for the consideration of $6,000 in this RFP for the teen leadership program to provide services from August 1, 2021 through October 31, 2021.

Boys & Girls Club of Merced County			
Budget 7-1-2021 through 6-30-2022		Bugdet with RFP Funding	Budget without RFP Funding
Income			
41100 Individual Contributions		8,000.00	8,000.00
41113 Individual Unrestricted		20,000.00	20,000.00
41120 Corporate Giving Campaign		3,000.00	3,000.00
Total 41100 Individual Contributions		**$ 31,000.00**	**$ 31,000.00**
41200 Corporate Contributions		25,000.00	25,000.00
41210 Corp. Unrestricted		30,000.00	30,000.00
41212 Corporation Restricted		5,000.00	5,000.00
Total 41200 Corporate Contributions		**$ 60,000.00**	**$ 60,000.00**
41300 Foundations, Grants & Trusts		116,000.00	116,000.00
41301 Foundations Unrestricted		15,000.00	15,000.00
Total 41300 Foundations, Grants & Trusts		**$ 131,000.00**	**$ 131,000.00**
42000 Fundraiser/Special Event Revenue			
42020 Dinner Event-Auction		70,000.00	70,000.00
42500 Misc Other - Fundraising Event		10,000.00	10,000.00
42510 Mystery Dinner		10,000.00	10,000.00
Total 42500 Misc Other		**$ 20,000.00**	**$ 20,000.00**
Total 42000 Fundraiser/Special Event Revenue		**$ 90,000.00**	**$ 90,000.00**
45100 Revenue From Government Agency			
45110 Federal Contracts/Fees		8,000.00	8,000.00
45130 Local Government Contracts/Fees		0.00	0.00
45131 City of Merced		55,000.00	0.00
Total 45130 Local Government Contracts/Fees		**$ 55,000.00**	**$ 0.00**
Total 45100 Revenue From Government Agency		**$ 63,000.00**	**$ 8,000.00**
45200 Program Sales and Fees		40,000.00	40,000.00
45250 Program Transportation		5,000.00	5,000.00
45270 Soccer Program		500.00	500.00
Total 45200 Program Sales and Fees		**$ 45,500.00**	**$ 45,500.00**
45300 Revenue from Membership Dues		4,000.00	4,000.00
45500 Revenue from Summer Camp		50,000.00	50,000.00
45700 Revenue from Fall Program		13,000.00	13,000.00
45800 Other		2,000.00	2,000.00
45810 Rental Income		2,000.00	2,000.00
Total 45800 Other Income		**$ 4,000.00**	**$ 4,000.00**
Total Income		**$ 491,500.00**	**$ 436,500.00**
Gross Profit		**$ 491,500.00**	**$ 436,500.00**

Expenses			
55000 Other Personnel Related Expenses		2,000.00	2,000.00
55100 Staff		2,500.00	2,500.00
55101 Volunteer		1,500.00	1,500.00
55107 Staff Apparel		1,000.00	1,000.00
55200 Training		3,000.00	3,000.00
55300 Personnel Expense Reimbursement			
55320 Cell Phone		500.00	500.00
55321 Mileage Reimbursement		2,500.00	2,500.00
Total 55300 Personnel Expense Reimbursement		**$ 3,000.00**	**$ 3,000.00**
Total 55000 Other Personnel Related Expenses		**$ 13,000.00**	**$ 13,000.00**
59000 Salary & Benefits		250,000.00	250,000.00
59100 Unemployment taxes-self funded		28,000.00	28,000.00
Total 59000 Salary & Benefits		**$ 278,000.00**	**$ 278,000.00**
60030 Insurance		3,000.00	3,000.00
60031 Liability Insurance		24,000.00	24,000.00
60040 Postage		500.00	500.00
60050 Printing		2,000.00	2,000.00
60070 Bank related Expenses		600.00	600.00
60074 PayPal Discount & Fees		1,000.00	1,000.00
60075 Interest Expense		1,000.00	1,000.00
60080 Miscellaneous Expense		500.00	500.00
60090 Marketing		2,500.00	2,500.00
61000 Facility Related Expenses		1,000.00	1,000.00
61150 Facility Security cost		1,500.00	1,500.00
61200 Repair and Maintenance		25,000.00	25,000.00
61300 Telephone		2,500.00	2,500.00
61400 Utilities			
61402 City of Merced		8,000.00	8,000.00
61404 PG & E		12,000.00	12,000.00
61405 Utilities-MID		13,000.00	13,000.00
Total 61400 Utilities		**$ 33,000.00**	**$ 33,000.00**
Total 61000 Facility Related Expenses		**$ 63,000.00**	**$ 63,000.00**
62000 Fundraising Expenses		5,000.00	5,000.00
62100 Fundraising Costs-Annual Dinner		15,000.00	15,000.00
Total 62000 Fundraising Expenses		**$ 20,000.00**	**$ 20,000.00**
63000 Technology		3,500.00	3,500.00
63010 Technology Access		1,000.00	1,000.00
63013 Internet		867.54	867.54
Total 63010 Technology Access		**$ 1,867.54**	**$ 1,867.54**
63100 Software Costs			
63130 Financial Software		1,000.00	1,000.00
63131 QuickBooks - Intuit		1,400.00	1,400.00
Total 63130 Financial Software		**$ 2,400.00**	**$ 2,400.00**
63150 Operations			
Total 63150 Operations		**$ 0.00**	**$ 0.00**
Total 63100 Software Costs		**$ 2,400.00**	**$ 2,400.00**
Total 63000 Technology		**$ 7,767.54**	**$ 7,767.54**
64000 Dues, Fees & Memberships		500.00	500.00
64100 BGCA Organizational Dues		3,700.00	3,700.00
64300 Area Council/State Alliance		500.00	500.00
Total 64000 Dues, Fees & Memberships		**$ 4,200.00**	**$ 4,200.00**

65000 Professional Service Expense			
65010 Accounting		500.00	500.00
Total 65000 Professional Service Expense		**$ 500.00**	**$ 500.00**
66000 Program Related Expenses		2,500.00	2,500.00
66020 Supplies		12,000.00	12,000.00
66022 Equipment		5,000.00	5,000.00
66400 T-Shirts		2,500.00	2,500.00
66500 Field Trips		2,500.00	2,500.00
Total 66000 Program Related Expenses		**$ 24,500.00**	**$ 24,500.00**
66550 Food Costs		3,000.00	3,000.00
67000 Vehicle Expense		5,000.00	5,000.00
67010 Fuel		4,000.00	4,000.00
67020 Maintenance		3,000.00	3,000.00
Total 67000 Vehicle Expense		**$ 12,000.00**	**$ 12,000.00**
68000 Supplies and Equipment Expenses		5,000.00	5,000.00
68010 Computer Hardware/Software		1,000.00	1,000.00
68020 Office Supplies		5,000.00	5,000.00
Total 68000 Supplies and Equipment Expenses		**$ 11,000.00**	**$ 11,000.00**
68500 Equipment Leases			
69000 Travel and Conference Expenses			
69010 Conferences		1,500.00	1,500.00
Total 69000 Travel and Conference Expenses		**$ 1,500.00**	**$ 1,500.00**
90000 Unapplied Credit Card Charges		0.00	0.00
Total Expenses		**$ 473,567.54**	**$ 473,567.54**
Net Operating Income		**$ 17,932.46**	**-$ 37,067.54**

Merced County
Office of Education
632 W. 13th Street
Merced, CA 95341
Steve M. Tietjen, Ed.D, Superintendent

WorkAbility Program
Contact: Marcy Gamble M.S.Ed.
Special Education Teacher
Merced County Office of Education
732 W. 13th street, W -13,
Merced, CA 95341
(209) 381-5963
mgamble@mcoe.org

The Boys & Girls Club of Merced County provided access to the Club and worked with MCOE in collaboration to provide students in the WorkAbility program an opportunity for training and to be able to earn money under the direction of one of our supervisors.

The program is called "WorkAbility" and it is a program where special education students are offered opportunities to earn minimum wages for tasks they perform at different establishments in the community. The Boys and Girls club provides the location and the state pays the wage of those in the program under MCOE. Under our Janitor the students get training on how to cleaned areas or how to wipe down chairs and tables, sweep floors, clean windows and other custodial work. Each student can earn money for up to 20 hours of work. This program is a great way for the students to earn a little extra money to spend on things they need and to able make a contribution which boost their self-esteem and self-worth. .

USC Suzanne Dworak-Peck School of Social Work
Caroline Cunningham
Field Placement Development
Phone: (213) 234 2640
E-mail: ccunningham@msw.usc.edu

USC Suzanne Dworak-Peck
School of Social Work

The Boys & Girls Club of Merced County collaborated with the USC Suzanne Dworak-Peck School of Social Work, approved as a practicum site for MSW students to prepare them in the teaching field or as a clinician. We provide field work from 16 to 24 hours per week over the course of three semesters for the student to complete their required 1,000 hours in the field. The Club provides weekly supervision in regards to the work that is done by student.



Analysa Chavez Hogston, Graduate Student

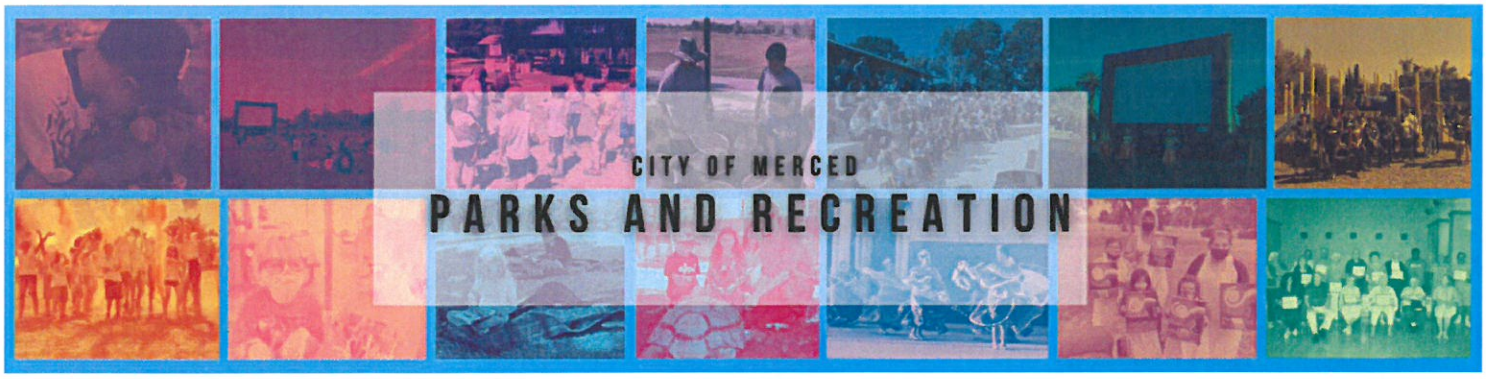
City of Merced Park & Recreation
Parks & Community Services
632 W. 18th Street
Merced, CA 95340
(209) 385-6855

Frank Quintero
Interim Director of Parks & Community Services
(209) 385-6855
QUINTEROF@cityofmerced.org

Michelle Reid
Recreation Supervisor
Applegate Park Zoo & Youth/Adult Sports
(209) 385-6895
ReidM@cityofmerced.org



The Boys & Girls Club of Merced County provided annual access to the GYM for a number of years to the City of Merced Park & Recreation to provide youth programs Monday through Thursday from 5:30p.m. to 9:00.pm. and on Saturdays from 8:30a.m. to 12:00p.m. In addition the Club has had a conversation with the staff at the Merced Park & Recreation on how we can further collaborate in the use of the facility. We hope to continue the conversations and work together to insure children and families have access to opportunities and that we utilize the facility whenever possible in the interest of how to serve youth in the community and how to bring more families together.



— MERCED COUNTY —
Office of Education
Steve M. Tietjen, Ed.D. | County Superintendent of Schools
632 WEST 13TH STREET | MERCED, CA 95341 | (209) 381-6600 | WWW.MCOE.ORG

Dear Boy's & Girl's Club,

I wanted to take some time to express my gratitude for being able to use your establishment in a multitude of ways for the last several years. As a teacher of a population of adult Special Education students, it can be a challenge to find locations and activities to perform that will provide enriching opportunities to learn and experience some positive moments.

Through a partnership between the Boy's & Girl's Club and Merced County Office of Education, we have been able to provide our students a place to stay active and participate in wholesome activities to encourage physical fitness and health awareness. They have been able to practice both fine and gross motor skills by playing basketball, using scooters, jumping rope, playing hockey, baseball, and so many other games. These activities encourage a TEAM mentality and healthy ways to work together.

In addition, and by far the most beneficial, have been the social events we have planned there. Unfortunately, our population of students are not often given opportunities to socialize with friends, however, through a combined effort, we have held social events that have enriched the lives of many!! Many community adult programs, transition classes, high school, and even middle school students have participated in these social events. It is priceless to watch these individuals engage is positive relationships, share their smiles, and practice socializing skills that can only be taught through these unique opportunities. I believe in the old saying that, "It takes a village to raise a child." This is how I feel when community members come together and work towards similar goals with a great benefit in the end.

Finally, the WorkAbility Program. Again, our population of students need opportunities to learn and thrive in their communities, however, those opportunities do not easily present themselves. Through your establishment, our students have been given opportunities to practice work ethics and work skills. It is a wonderful opportunity for the students of Merced County to be able to receive minimum wages for work they complete. Not only do they learn valuable skills, but they also earn money in the process!

For these and many other community projects you are involved in, I am grateful for your support. I am grateful for your service. I am grateful for your wonderful staff. I truly appreciate your willingness to provide many opportunities for our students to find success in their own terms. I look forward to future partnerships with you.

Cordially,

Marcy Gamble, SH Teacher
Merced County Office of Education
732 W. 13th Street
Merced, CA 95341
209-381-5963

MERCED GOLDEN LIONS

676 Cornell Ct

Merced, CA 95348

"We Serve"

To Whom It May Concern,

Since the opening of the McCombs Youth Center aka Boys & Girls Club of Merced, the Merced Golden Lions Club has developed a unique relationship with the Club. As one of only a few venues in Merced that can accommodate large gatherings we have utilized the facility for numerous events benefiting the Merced community. Following are highlights of some of these events, and how they benefited the community.

Fundraisers:

- "A Night At The Races"
- "Eggrolls to Go" sale – multiple events
- "Chicken to Go" sale – multiple events
- "Golden Harvest Feast" – event benefitting the Merced PD K-9 Unit
- Proceeds from these events, and others, funded scholarships for graduating seniors, purchased eyeglasses for those who couldn't afford them, provided donations to local emergencies such as wildfires, supported the Boys & Girls Club, provided donations to other community causes, sponsored a LEO Club at Golden Valley HS, etc.

Youth Activities:

- Our Lions Club sponsored events for the LEO Clubs from Golden Valley, Merced, and El Capitan High Schools: "Bonding Nights"; "Wake-A-Thon"s. LEO's in turn helped at the Club with their events such as "Trunk or Treat", tutoring, etc. Benefits: provided a venue for the LEO's to come together socially, use their leadership skills to organize events, and provide service to their community
- Our Lions Club sponsored vision screenings for Club members
- Our Lions Club sponsored a weekly meal program for Club members

By having a venue such as the Boys & Girls Club available for these opportunities, our Merced Golden Lions Club is able to carry out our mission..."We Serve", and continue to give back to the Merced community.

Respectfully,

Lion Jean Weaver

Sidney L Rayford-ATAMA President

1390 Derby Ct.

Merced, CA. 95348

209-658-6955

EIN: 35-2580889

To Virginia Hayward-CEO of the Boys and Girls Club of Merced-

This letter is to establish a relationship with the Boys and Girls Club of Merced and is a statement of our intent support the club with volunteer work and possible fund-raising activities.

As National President of the non-profit, American Teachers Association of the Martial Arts, it is my duty to ensure that our organization creates opportunities for children to learn martial arts, without financial burden. The community of Merced has within it many children who are unable to participate in such activities, due to the low income and/or financial hardship of their families. The Boys and Girls Club of Merced provides a place for our organization to meet and serve such children, who would otherwise go without exposure to the benefits of such training.

Our services do not include any competitive components, such as those that are found within MMA or UFC "gladiator" type of activities. What we offer is instead is designed for all participants to become winners through self-improvement in key areas. These areas include self-control, discipline, confidence or self-esteem, respect for oneself and respect for others, respect for the environment and property of others, respect for the law and officers of the law, and many others. In the 25 years of my teaching martial arts in this community, I have seen children learn how to focus and improve their academic performance. I have also taught children who were struggling to stay on a good path in life, who are now police officers for the City of Merced. The right kind of martial arts training, wherein there are only winners and no losers, can change and possible even save a life.

We have worked in the past with the Boys and Girls Club of Merced, when it was under the leadership of Mr. Tony Slaton and it was quite successful. We are looking forward to having a presence and making a difference in this post-pandemic era, wherein the children of our community may be among those who have suffered the most losses.

Sincerely,

Sidney L Rayford

ATAMA National President

To whom this may concern:

The Boys and Girls Club of Merced County has been a supporter of USC Social Work interns over the past 4 years. With their help we have been able to move our students forward with their internship studies and on to graduation. All of our students are virtual and they complete the internship component of their program in person, in their communities.

We cannot thank B&G of Merced enough for their collaboration and partnership.

Tania Morales, MA
Director of Field Placement | MSW@USC
USC Suzanne Dworak-Peck School of Social Work | Virtual Academic Center

Scott Campbell
Contracts Coordinator, VAC
USC Suzanne Dworak-Peck School of Social Work
wcampbell@msw.usc.edu | 301.298.8554 (T)

To Whom It May
Concern:

4-30-2021

The following is a positive review of the Boys and Girls Club of Merced, California.

I am the Grandmother/Guardian of my three foster care granddaughters ages 8, 10 and 12. They have been members of the Merced Boys and Girls Club for over a year. I can truly say this is their "Happy Place". They go to the club usually 5 days a week after school. They enjoy their time each day there and are always anxious to share the activities they have enjoyed when I pick them up.

The staff have been very welcoming when they arrive each day. They are very professional and follow all safety procedures when checking in the girls. Temperatures are checked and they are checked for masks and pleasantly escorted in each day. The girls love their instructors and relate well with them. I have seen them treated with the greatest respect and love from the staff. They love them in return. I feel the girls are treated well and are always shown respect and care from everyone at the club. I have no concerns about their safety as the well being of all of the members are a priority with their teachers. If there have ever been any concerns the issues were dealt with fairly and I have been notified. Positive and professional resolutions are always maintained.

Yes, the club offers my girls time to play but they are also getting many life and educational lessons. They have been helped with their homework, taught skills and crafts, learned new ways to do things and are having fun just getting along. The staff seem to be well trained on how to bring out the best in the members. I have heard how they respond to my girls and it has always been with professionalism and care. This is a neutering and pleasant environment for the kids.

I have nothing but good things to say and good feelings about the time my girls spend at the Boys and Girls Club. The girls will continue to be members of this organization as it gives so much structure, routine, motivation and positive reinforcement to my girls lives. Thank you for providing such solid and strong examples as well as supportive individuals to to be there for all of the students. Definitely a thumbs up from me.

If you need any further feedback please feel free to contact me at: Norrine McSpadden (559) 348-3584

To whom it may concern,

I am Tress Cathey the Job Developer for Loyd's Liberty Merced Day program and for the past few years my clients who are adults with varies disabilities along with our staff have been volunteering at the Boy's and Girl's Club. My clients have said they enjoy going to work because for them it is a job that they take great pride in. They enjoy cleaning and sanitizing the facility and are very hopeful to continue for years to come. The sense of belonging and helping their community has boosted their self-esteem and confidence. So, again I say in hi hopes to continue volunteering with the club for years to come. Our clients only clean when the children are not present, so we do miss volunteering during the summer months and look forward always for fall to arrive. Thank you!

Tress Cathey
Job Developer

Loyd's Liberty Merced Day Program
1503 W. Main St.
Merced, CA. 95340

p. 209-725-7993 f. 209-725-7998
c. 209-918-2658

"Alone we can do so little; together we can do so much."

~ Helen Keller~

Community Foundation for Merced County (CFMC)

COMMUNITY FOUNDATION
MERCED COUNTY
P.O. Box 3846 Merced, CA 95344 209/201/4113 www.MercedFoundation.org

April 29, 2021

City of Merced
678 W. 18th Street
Merced, CA 95340

Attn: Stephanie Dietz, Community Funding RFP

Introductory Letter

Name: Community Foundation for Merced County (CFMC)
Primary Contact: Rebecca Duffey, Executive Director
Mailing Address: PO Box 3846, Merced, CA 95344
Physical Address: 3172 Collins Ave., Suite A, Merced, CA 95348

The CFMC is a nonprofit 501(c)3 Foundation, based in Merced, established in 2012 as an independent organization with over a 2 million dollar operating budget. Over the past 10 years, the Foundation has granted over 3 million dollars in grant and scholarships to support the local community in multiple areas, most focused on nonprofit and scholarship support. The Foundation is collaborating with other California foundations to provide COVID relief, and other small business and nonprofit services. This proposal will focus on development of training programs to enhance current program service delivery.

The CFMC Mission - Merced County is our home.

We have a deep understanding of the challenges and amazing opportunity of the region. Through our partnerships with local donors, non-profits, and community members, we are dedicated to the promise of creating a strong and prosperous future for our valley.

We believe in local - we exclusively work to support Merced County initiatives. As a future donor or future applicant, partner with our local expertise to achieve your fundraising goals.

Service Being Requested

This proposal is for the Community Foundation of Merced County (CFMC) to start ***The Nonprofit Lab, Profit with a Purpose***. Nonprofits, small businesses and other start up organizations often struggle in Merced with having the capacity building tools they need. The Community Foundation has been able to fund over $3,000,000 nonprofit projects over the last ten years, but there is a need to do more to support these organizations. Often times they don't have the tools they need for success, struggle with limited budgets and staff, and lack

development and fundraising experience. We want to change that. This proposal asks for $23,000 in funds that will be matched by $42,000 in CFMC and other committed funding as per the attached budget.

Profit with a Purpose will be a training program designed to build and launch social enterprises, and is designed to give nonprofits and mission-driven businesses a step by step structure so they can launch new business ideas to earn more unrestricted revenue and sustain their mission over time. Organizations will be able to request funds for administrative and infrastructure support – such as IT and software support and services, financial planning, board and staff training materials, and will be eligible to attend monthly and quarterly live and online training sessions. The Foundation will partner with the Hispanic Chamber of Commerce and other community organizations to promote these services to small mission driven businesses and nonprofit organizations.

A social enterprise is a cause-driven business whose primary reason for being is to improve social objectives and serve as the common good. Social enterprise exists to achieve a social mission – such as creating jobs for har to employ populations, introducing renewable energy or advancing education initiatives. A successful social enterprise is one that balances the tension between upholding the social mission of the organization and maximizing the productivity of their business venture to ensure sustainability.

Past and Current Projects

Currently, the Board of Directors and Emeritus Board for the Community Foundation has staff and contractors in place to provide some of these much needed services, as well as an Executive Director with over 15 years of nonprofit fundraising and development experience. The Foundation plans to bring in experts from the field to sit on a panel for the quarterly training sessions, as well as give nonprofits the chance to ask for technical support. The Community Foundation has been a transactional organization in terms of philanthropy in Merced, but is moving towards a transformation philanthropy model, similar to other Foundations statewide that serves as a valued resource it's grantees, nonprofits, and small business ventures. Merco Credit Union, Kemper CPA, and Seivert Financial Planners will all serve to consult on the project. Merco will provide financial backing. As you will see by the below projects, CFMC is stepping in to the future by moving toward a more pro-active grantmaking model for Merced County and providing more services to nonprofits than just funding one time requests. Listed below are just a few of the projects and organizations CFMC has been involved in and supported over the past five years.

Current Projects

Adventure Risk Challenge, $5,000, to support scholarships for students attending the program, Executive Director, Sarah Ottley
COVID Relief Fund RFP, $25,000, in partnership with the City of Merced
Art Box Project, $2,000 (being awarded), Merced Multicultural Arts Center, Colton Dennis, Executive Director
ASFER, $25,000 for agricultural and soil research to Merced Community College
$5,000 to Sunrise Rotary, Support for the Veterans Field of Honor

A Taste of Merced, Hispanic Chamber, Collaborative Project – in discussion, Annissa Fragoso, President
Shain Scholarship Fund, $150,000, 2016-2021 for Los Banos, Dos Palos, and Pacheco High School students.

Past Projects

Restore Merced, $7,000, year end campaign, Matt St Pierre, Executive Director
Meced County Food Bank, Senior Meal Programs, Meal Programs, $5,000, 2015-2020, Bill Gibbs, Executive Director
Salvation Army Red Kettle Program, $10,000, 2015-2020, Directors, Captains Marjorie & Ryan Miller

Kids Discovery Station, $25,000, to start construction, partnership continues to grow

Urbanist Art, $5,000, emergency art packs, Patricia Pratt, Executive Director

LifeLine, $1,500, grant tracking software support, Monika Grasley, Executive Director

Gallo Center for the Arts, $2,500, Amber Flores, transportation for Merced City School District students

Boys and Girls Club Silver Anniversary, $2,000, Dinner and Auction

Harvest Park Educational Center, $5,000, kids aftershool programs, Robert Morris, Executive Director

Valley Children's Hospital, $3,000

Merced Youth Connect, $1,000, Youth Connect Technical Support, Emily Tolsma. Chief Communications Officer

Merced Rescue Mission, $10,000, 2016-2019

Merced Arts Council, $5,000. 2015, general program support

Playhouse Merced, $1,000, 2015, general support

Merced County Historical Society Courthouse Museum, $3,219, historical project on Italian heritage in Merced, Sarah Lim, Museum Director

Love, Inc., $1,000, Love Plus Life Skills Program, 2017, Sherry Macias, Executive Director

Make-A-Wish, $3,000, 2016, Pam Duarte, Wishes and Dreams 2016 gala sponsorship

Attached electronically are five letters of reference from community partners.

Sincerely,

Becky

Rebecca Duffey
Executive Director
Community Foundation for Merced County

Individual Staff Experience

Becky Duffey

Becky Duffey is currently the first full time Executive Director of the CFMC. With over twenty years' experience working for government and community-based organizations, she started her career at Apple Computer Inc., and believes in applying business and creative strategy to problem solving in the nonprofit world. A graduate of San Jose State University, Becky started her journey helping others as a volunteer for the American Diabetes Association.

Becky moved to Merced in November, as she felt it was important to be fully immersed in this thriving, local community to be effective in her role. Becky previously worked as the Development Director for FoodLink, the food bank serving Tulare County, Big Brothers Big Sisters of the Inland Northwest, and as the Executive Director for Susan G. Komen of Eastern Washington. While at FoodLink, several highlights included a three million dollar increase in revenue and an increase in donors, from 2,000 to over 5,000. At Big Brothers Big Sisters, she managed all aspects of a Bike Swap, that grossed over $300,000 to support mentoring programs for youth in the Spokane, WA community.

Billie Razzari

Past Director of Development for St. Luke's Episcopal School (10 years approx.) Fund Development Chair, St. Luke's School 17 years. Special Events coordinator, philanthropy management. Expert in Board Development, By-Laws, and Organization.

Cynthia Carnes, CPA

Cynthia L. Carnes graduated from California State University, Stanislaus in May, 1990 with a bachelor of science in business administration with a concentration in accounting. She passed the CPA exam in 1994.

Prior to joining Kemper CPA Group, Cindy worked for a national bank and then as a staff accountant/business analyst in the copier industry for five years. She began her career with Kemper CPA Group in January of 1997. Cindy was promoted to senior accountant in 2001 and manager in 2005. She has been the system administrator of the office for many years, and became a member of the Technology Committee in 2010.

During her years with Kemper CPA Group, Cindy has managed and performed governmental and not-for-profit audits and also gained experience preparing individual, corporation, and not-for-profit tax returns. One of Cindy's unique qualities is her ability to solve complex problems – whether in a tax return or in interpersonal relationships.

Professional Associations

- California Society of Certified Public Accountants
- American Institute of Certified Public Accountants

Mark Seivert, Financial Planner

Mark delivers personalized financial advice to help you achieve your goals, today and tomorrow, through our Confident Retirement approach. He starts with a conversation about key financial areas including covering essentials, ensuring lifestyle, preparing for the unexpected and leaving a legacy.

By identifying clear steps to take toward your goals, he can help take the uncertainty out of planning for your financial future.

Mark applies these planning steps to help identify areas where financial planning can take organizations to the next level.

Danny Royer

Danny Royer, Merced area native. Danny Royer is a technologist who believes that innovation is changing the way our food systems work and it's our responsibility to make sure that it's done in an equitable way for Merced County. He's a consultant, backyard farmer, and brings years of Ag IT experience to the table.

Aaron Rosales Hill

Originally from the Bay Area, Aaron Hill was a part of the pioneering and inaugural cohort of UC Merced from 2005 - 2009. This is where his connection to Merced begins. Post-graduation, through his professional line of work, he had the opportunity to travel throughout the United States, especially in the south and northeast regional areas. During this experience, he observed that regardless of region, strong and healthy communities are built up of civically engaged citizens who devote themselves to local causes. For the last 9 years, Aaron has been involved in the technology boom in San Francisco, working at several startups and international technology corporations. He has been a proud San Joaquin Valley transplant for the last four years

Bill Cummings

William "Bill" Cummings, Jr. is a Merced-based real estate developer and broker as well as a commercial contractor. He is involved in the day-to-day operations of Legacy Construction and provides overall company direction.

Bill moved from Washington, D.C. to Fresno, California in 2006 and created Legacy Construction. He is a licensed California real estate broker (DRE #01504861) and holds an active California A & General B Contractor's License (CSLB #891883).

In addition to Legacy Construction, Bill is involved in other healthcare and real estate related ventures. He co-owns Legacy Realty and Development (LRD), First Resource Consulting (FRC) and Convergent Healthcare Group (CHG). LRD is a pre-development firm that provides preconstruction, entitlement and construction management services. FRC is an economically disadvantaged woman owned small business (EDWOSB) that specializes in distressed asset management and training for real estate agents operating federal contracts. CHG is an FQHC specific development firm that uses data, technology and non-linear funding solutions to provide customized multi-facility expansion plans to its clients.

Scope of Service, Nonprofit Lab, Profit with a Purpose Project Activities and Timeline

Objectives/Activities	Start/ End Date	Who Is Responsible	Tracking Measures
Offer the Nonprofit Lab and Profit with a Purpose sessions for Merced nonprofit, small business, and startups with a focus on addressing organizational needs and increasing capacity.	07/21 – 06/22	CFMC	
Objective 1: By September 1, 2021, at least 10 -15 organizations will have completed the initial training offered online and in person by CFMC, as well as a needs assessment for IT, Capacity Building, staff, and planning purposes. **Objective 2: By December 1, 2021, 10-15 organizations will be regularly enrolled and attending monthly online training, scheduling one on one and technical assistance, and networking with other participants.** **Objective 2: By June 1, 2022, at least 80% of participants will have visibly increased their organizational capacity.**	07/21 – 06/22	CFMC	Participation in online training. Training materials. Type of support provided – financial, IT, development, training, board materials. Training Evaluation materials. Community Nonprofit assessment results. Online training toolkit. Financial Reports Annual Reports.
Activities:			
I. Community Education, Outreach and Marketing Campaign to raise awareness of available training and resources. **II. Online and in person training materials developed.** **III. Quarterly Training Sessions scheduled.** **IV. Monthly Online Training.** **V. Tracking of Training and Support Activities.** **VI. One on One training.**	07/21 – 06/22	CFMC Community partners, Hispanic Chamber of Commerce	Marketing and social media campaign. Participation in online training. Training materials. Type of support provided – financial, IT, development, training, board materials. Training Evaluation materials. Community Nonprofit assessment results. Online training toolkit. Financial Reports. Annual Reports.

What needs will you address? How will you achieve them?

Nonprofits and small businesses in Merced often struggle due to the rising cost of housing and living in California. Especially after the COVID pandemic, small nonprofits lack real capacity building skills, grant reporting technology, and administrative staff support. Some Executive Directors don't get paid to keep their own nonprofit afloat during hard economic times.

According to a United Way Study ***'Struggling to Stay Afloat, the real cost measure of California 2019'***, more than one in three California households—over 3.8 million families (37%)—do not earn sufficient income to meet basic needs. In Merced County, that number is significantly higher, 47% of families are unable to meet basic needs, and often have to choose between bills, food, or medication. In an area rich in agriculture, that produced over 3 billion in agricultural sales in 2018, people are struggling.

The US Federal Poverty level is primarily calculated on the need for food, however, the Real Cost Measure also takes into consideration the cost of housing, food, transportation, child care, health care, and other basic needs. Families work, but don't earn enough. A family of four (2 adults, one infant, one school age child) would need to hold more than 3 full time, minimumwage jobs to achieve economic security. 86% of families with a single working Mother fall below the Real Cost Measure. 76% of adults with less than a high school education fall below the Real Cost Measure. According to Mayor Mike Murphy, housing and homelessness are two of the top issues facing Merced. Merced County is also ranked 3rd in the nation in terms of hunger, according to the ***2017 Map the Meal Gap report***. In 2007, the ***Merced County General Plan*** conducted multiple stakeholder interviews, community workshops, and focus group meetings to identify issues facing the community.

The Nonprofit Lab, Profit with a Purpose, will address the root cause as to why nonprofit organizations and small businesses struggle. Rather than just filling the gaps, CFMC will provide tools, resources and support. CFMC will pair organizations with business mentors for consultations, provide opportunities to meet quarterly with experts, and monthly online training as well as full access to one on one support at any time. Access to experts in finance, IT, strategic planning, and marketing will be available to help provide strategies to sustain much needed community organizations and partners.

CFMC has been offering a neutral venue for building community capacity, developing partnerships since 2012. This project is a natural extension of those services.

adventure risk challenge

developing youth literacy and leadership

Board of Directors

Katie Burns

Jeff Crow

Cathy Farnsworth

Chris Inouye

Sergio Nevel

Sarah Parkes

Fernando Santillan

Ana Liz Servin-Bancroft

Liz Tucker

Katie Zanto

Executive Director

Sarah Cupery Ottley

Young Professionals Board

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Yami Gutierrez

Jasmine Marquez

Salvador Meza Lemus

Vera Reyes

Advisory Council

Jonathan Burton

Ward Fansler

Eve Giovenco

Barbara Ilfeld

Reini Jensen

Merrilyne Lundahl

Jill Penwarden

Danielle Rees

April 29, 2021

The Community Foundation of Merced County
Attn: Rebecca Duffey
PO Box 3846
Merced, CA 95344

To Whom It May Concern:

On behalf of Adventure Risk Challenge, I am providing this letter in support of the application that the Merced Community Foundation is submitting to the City of Merced to support local nonprofit capacity building.

The Foundation has contributed over 3 million dollars to local nonprofits and has supported multiple community projects. The Community Foundation made a significant impact for Adventure Risk Challenge by providing funding so students can attend our immersive, year-round literacy and leadership programming.

With this capacity-building funding, the Community Foundation will be able to enhance nonprofit services to include technical, administrative, development, and networking support through the following program: a Nonprofit Support Lab, Profit with a Purpose. As a result of this funding, the Community Foundation of Merced County will be better positioned to support the life-giving, life-saving, empowering nonprofit organizations in our community.

We strongly recommend funding this project. Please feel free to contact me if you have any questions.

Sincerely,

Sarah Cupery Ottley
Executive Director
(559) 676-5096
sarah@adventureriskchallenge.org

Family Resource Center
Prevention, Intervention & Support
one family at a time

Every Organization A Success In Their Community

632 West 13th St., Bldg. H
Merced, CA 95341
(209) 381-5980
fax (209) 381-5979

Dennis Haines,
Family Social Services Supervisor
dhaines@mcoe.org

Carrie Schallar,
Parent Resource Center Specialist
CSchallar@mcoe.org

April 28, 2021

The Community Foundation for Merced County
Attn: Rebecca Duffey
PO Box 3846
Merced, CA 95344

It is with great pleasure that the Merced County Office of Education's Family Resource Center submits this letter in support of the application that the Community Foundation of Merced County (CFMC) is submitting to the City of Merced to support local nonprofit capacity building.

CFMC has contributed over 3 million dollars to local nonprofits and has supported multiple community projects. With the funding, CFMC will be able to enhance nonprofit services to include technical, administrative, development, and networking support through the following program: a Nonprofit Support Lab, Profit with a Purpose.

The Family Resource Center has established a supportive working relationship with tCFMC County over the years. We acknowledge that our mutual goals are to increase the capacity of our nonprofits by delivering the highest quality of support and resources. We continually work together in many issues that will build the capacity of our nonprofits who embrace and support our families in Merced.

We believe that it is imperative that we support the nonprofit services as our nonprofits are a crucial part of the safety net for the many low-income individuals and underserved communities. We are therefore in full support of the Community Foundation of Merced County in their application submission to the City of Merced for grant funding to support nonprofits in need.

Sincerely,

Dennis Haines, Family Social Services Supervisor
Merced County Office of Education
Family Resource Center

Merced County Hispanic Chamber of Commerce
La Cámara de Comercio Hispana del Condado de Merced
531 West Main Street
Merced, CA 95340
Office: (209) 384-9537
Email: info@mercedhcc.com
www.mercedhcc.com

April 29 ,2021

Greetings community partner, we are excited to collaborate on providing the community of Merced additional services for their success post pandemic. The mission of the Merced County Hispanic Chamber of Commerce was founded by a group of dedicated leaders in Merced who realize the enormous potential of the Hispanic business community. The Hispanic Chamber was formed so that the needs of this particular community would be well represented through the public and private sector.

In the last 5 years, we have accomplished a network of partnerships that provide not only free business advice through the SBDC, but also successfully partnered with our National and State level Chamber's of Commerce in giving local businesses first hand information as they become available to the small business owners. We also have successfully provided educational programs through the collaboration of Merced College Business Resource Center, to our local business that would include: Educational tax courses for Sole Proprietors, Corporations, and LLC's. California State Labor Laws, and Employer Rights, Social Media Presence, and using Google as a marketing platform.

The MCHCC currently is assisting the City of Merced, California State Hispanic Chamber of Commerce along with our elected officials in providing small business of covid relief funding.

Sincerely,

Annissa Fragoso, President

Elisa Trevino, Vice President

Ana Davalos, Treasurer

Maida Miranda, Secretary

Elishah Perez, Director

Gil Cardon, Director

Maria Soto, Director

Elizabeth Guzman, Director

Bertha Perez, Director

Abel Guerra, Director

Bryan Jackson, Director

Office Phone: 209.259-8950
Email: lifeline@lifelinecdc.org
Website: lifelinecdc.org

April 28, 2021

Empowering
Neighborhoods
to Thrive

Office Address:
393 E Donna Dr.
Merced CA 95340

Mailing Address:
731 E Yosemite Ave Ste B # 165
Merced CA 95340

Winton Community Center
7081 N Winton Way
Winton CA 95388

Meadows Community Center
3135 Meadows Ave Bld 8 Apt 59
Merced CA 95348

The Community Foundation for Merced County
Attn: Rebecca Duffey
PO Box 3846
Merced, CA 95344

On behalf of LifeLine CDC, I am providing this letter in support of the application that the Merced Community Foundation is submitting to the City of Merced to support local nonprofit capacity building.

The Foundation has contributed over 3 million dollars to local nonprofits and has supported multiple community projects. The Community Foundation made a significant impact LifeLine by providing funding for much needed software to track client services so we could better manage complex grant reporting requirements.

As had conversation about the need to enhance non profit capacity and with this funding, the Foundation will be able to enhance nonprofit services to include technical, administrative, development, and networking support through the following program: a Nonprofit Support Lab, Profit with a Purpose.

We strongly recommend funding this project.

Sincerely,

Monika Grasley

Executive Director

KIDS DISCOVERY STATION
MERCED

The Community Foundation of Merced
Attn: Rebecca Duffey
P.O. Box 3846
Merced, Ca 95344

April 28, 2021

Dear Mrs. Duffey,

It is with great pleasure that the Kids' Discovery Station submits this letter in support of the Merced Community Foundation's application to the City of Merced to support local nonprofit capacity building.

The Foundation has contributed over 3 million dollars to local nonprofits and has supported multiple community projects. The Community Foundation made a significant impact for the Kids' Discovery Station being one its early supporters and donating $25,000 to become a Founding Partner of our children's museum.

With the funding from the City, the Foundation will be able to enhance nonprofit services to include technical, administrative, development, and networking support through developing the Nonprofit Support Lab, Profit with a Purpose program.

We strongly recommend that this project is funded. If I can provide any additional information to facilitate your decision, please do not hesitate to contact me at mercedforkids@gmail.com.

Sincerely,

Mayya Tokman
President of the Board of Directors and Executive Director
Kids Discovery Station
350 W. Yosemite ave.
Merced, CA 95340

EXHIBIT A: BUDGET

Community Foundation of Merced County

	Total Project Budget
In Kind - Razzari Auto Meeting Room	0
MERCO Funding - Program Support	10,000
CFMC Administrative Funds	20,000
Technical Assistance - Consulting	8,000
Non-Personnel	
Operating Costs	
Printing	1,500
Meetings	5,000
Travel	500
Communications	2,500
Website Development	2,500
Training	10,000
Marketing	5,000
	27,000
Internally Funded	42,000
City Grant Request	23,000
Total	**65,000**
CFMC Total Budget	2,075,354

Budget Notes:

EXHIBIT A: BUDGET

Hmong Leadership Developer

	Total Project Budget				equest to The California Endowme				Recommended Budget			
	Year 1	Year 2	Year 3	Total	Year 1	Year 2	Year 3	Total	Year 1	Year 2	Year 3	Total
Personnel												
Hmong Leadership Developer	54,000	54,000		108,000	42,000	42,000		84,000				
Total Personnel	**54,000**	**54,000**		**108,000**	**42,000**	**42,000**	**0**	**84,000**				
Non-Personnel												
Operating Costs												
								0				
Supplies	1,500	1,500		3,000	1,150	1,150		2,300				
Meeting Costs	750	750		1,500	750	750		1,500				
Travel inc. vouchers	1,550	1,550		3,100	1,250	1,250		2,500				
Communications	960	960		1,920	960	960		1,920				
				0				0				
Total Non-Personnel	**4,760**	**4,760**	**0**	**9,520**	**4,110**	**4,110**	**0**	**8,220**				
Direct Costs	**58,760**	**58,760**	**0**	**117,520**	**46,110**	**46,110**	**0**	**92,220**				
Indirect Costs @ % (15% max)												
Total Direct and Indirect	**58,760**	**58,760**	**0**	**117,520**	**46,110**	**46,110**	**0**	**92,220**				
Other Costs												
Subcontracts												
Capital & Equipment												
Total Other Costs	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Grand Total	**58,760**	**58,760**	**0**	**117,520**	**46,110**	**46,110**	**0**	**92,220**	**0**	**0**	**0**	**0**
Annual Organizational budget	66,000	66,000		132,000	66,000	66,000		132,000	66,000	66,000		132,000
% of organizational budget	89%	89%		89%	70%	70%		70%	0%	0%		0%
% of project budget					78%	78%		78%	0%	0%		0%

Budget Notes:

File #, Program Health Equity Coordinator

	Total Project Budget			Request to The California Endowment			TCE Staff		
	Year 1	Year 2	Total	Year 1	Year 2	Total	Year 1	Year 2	Total
Personnel									
Project Health Equity Coordinator	58,000	58,000	116,000	42,000	42,000	84,000			
			0			0			
Benefits @ % (32% max)			0			0			
Total Personnel	**58,000**	**58,000**	**116,000**	**42,000**	**42,000**	**84,000**			
Non-Personnel									
Operating Costs									
Travel	2,750	2,750	5,500	1,500	1,500	3,000			
Program Supplies	3,000	3,000	6,000	2,380	1,037	3,417			
Speaker Stipends	3,500	2,000	5,500	3,200	3,200	6,400			
Meeting Expenses	6,000	3,000	9,000	2,500	1,050	3,550			
Printing/Postage	2,000	1,500	3,500	600	600	1,200			
Communications	1,200	600	1,800	1,800	1,800	3,600			
Nonprofit Capacity Support	1,500	1,500	3,000	1,500	1,500	3,000			
Total Non-Personnel	**19,950**	**14,350**	**34,300**	**13,480**	**10,687**	**24,167**			
Direct Costs	**77,950**	**72,350**	**150,300**	**55,480**	**52,687**	**108,167**			
Indirect	**1,800**	**10,853**	**12,653**			**0**			
Total Direct and Indirect	**79,750**	**83,203**	**162,953**	**55,480**	**52,687**	**108,167**			
Other Costs									
			0			0			
			0			0			
Capital & Equipment									
Total Other Costs	**0**	**0**	**0**	**0**	**0**	**0**			
Grand Total	**79,750**	**83,203**	**162,953**	**55,480**	**52,687**	**108,167**			
Annual Organizational budget	105,000	105,000	210,000	105,000	105,000	210,000	105,000	105,000	210,000
% of organizational budget	76%	79%	78%	53%	50%	52%	0%	0%	0%
% of project budget				70%	63%	66%	0%	0%	0%

Budget Notes:

Kids Discovery Station

KIDS DISCOVERY STATION
MERCED

Kids Discovery Station
350 W. Yosemite Ave
Merced, CA 95340
mercedforkids@gmail.com

April 25, 2021

Dear Members of Merced City Council,

We are submitting this proposal in response to the Request for Proposals for Community Funding Allocation published by the City of Merced. Below we outline a partnership between the City of Merced and Kids Discovery Station to create a Safe City Exhibit at the new children's museum scheduled to open in Merced on September 1, 2021.

Kids Discovery Station (KiDS) is a non-profit organization which is bringing educational and entertainment environments and programs for children and their families, including a permanent children's museum in the city of Merced. KiDS's mission is to engage children and families in joyful play and discovery that foster appreciation of our world and its diversity, promote the love of learning and spark their imaginations. The permanent Kids Discovery Station, scheduled to open to the public in September 2021, will provide a unique in Merced County place where children of all abilities and experiences will engage in a wide range of activities that stimulate and nurture their intellectual, social-emotional and physical development. A combination of interactive exhibits and educational programs designed to spur curiosity and imagination, will encourage children and their families to play, explore and discover together. At present there is no organization or establishment, which resembles the planned museum in Merced County. The nearest such place is 60 miles away in Fresno. KiDS also provides a professional work environment that is challenging, rewarding, creative, and respectful of ideas and individuals.

As active and invested members of our community, Merced City Council fully appreciates both the great advantages and opportunities that our region offers to families that call it home, as well as challenges still faced by Merced residents. Our region is becoming an increasingly appealing place to live and to work, but our community can greatly benefit from expanded educational and entertainment opportunities for children aged 0 to 12, and their families. A combination of facilities and programs that KiDS is proposing and building is perfectly aligned with the goals and priorities of the RFP as well as the City of Merced in general.

We firmly believe that the proposed project will signify a start of a productive and mutually beneficial partnership between the City of Merced and Kids Discovery Station, a partnership which will greatly benefit the lives of Merced children and families.

Sincerely,
Mayya Tokman
President of the Board of Directors and Executive Director
Kids Discovery Station
(209) 349-2857

Organization Experience & Completed Projects

Kids Discovery Station (KiDS) started its activities in 2018. The leadership of KiDS organized three pilot exhibits with support from First 5 Merced County as well as the CalTeach programs of UC Merced and UC Berkeley. The exhibits hosted by Merced Multicultural Arts Center (May 25-June 9, 2018), Merced County Library (August 1-21, 2018) and Merced County Fair (May 5-9, 2019) attracted a total of **6,053 visits** and generated broad support from Merced residents for creation of a permanent children's museum in Merced.

A large coalition of government organizations, businesses and private donors joined to support KiDS's goals and objectives. KiDS signed a lease agreement with Merced County Office of Education (MCOE), which will be providing an in-kind donation of space at 350 W. Yosemite Ave. where the children's museum will be opened. Organizations and individuals including First 5 Merced County, Community Foundation Merced County, MCOE, Merced Breakfast Lion's Club, Golden Valley Health Centers, Webcor, UC Merced, High Speed Rail Authority, Merced County, Frances and Vinton Thengvall, STEAMPlug, HRCore Team and Legacy Construction became Founding Partners of the museum, many others provided financial and in-kind donations and this list of sponsors is continuously growing. KiDS has already unveiled on its social media several completed exhibits such as the Little Explorers Planet supported by a $100K grant from First 5 Merced County and the Health Center funded by Golden Valley Health Centers (see photos in Figure 1 and reference letters) and many more are currently being built.

Figure 1:

Little Explorers Planet Exhibit



Health Center Exhibit



Individual Staff Experience

The project will be led by Dr. Mayya Tokman who is both an Acting Executive Director and the President of the Board of Directors of Kids Discovery Station. Dr. Tokman is the founder and the leader of the organization and all activities undertaken by KiDS since its inception. She is also a Professor and Chair of the Applied Mathematics Department and a Faculty Director of the CalTeach program at UC Merced. Dr. Tokman has over 30 years of experience in education and has taught and administered educational programs targeting both higher education and K-12 schools.

Ms. Karrie Moua will serve as an administrative assistant for the project. Ms. Moua has been working with KiDS since January 2020 and has demonstrated herself as a highly skilled, creative and responsible individual. Ms. Moua has a BA in Communications with Concentration in Public Relations from CSU Fullerton and worked in sales and at Irvine's Pretend City Children's Museum. Ms. Moua will assist with coordination of the project and providing administrative support.

All of the activities of KiDS including this project will also benefit from the guidance and oversight provided by the diverse in its experiences and backgrounds Board of Directors.

The KiDS Board of Directors is comprised of the members of our community actively engaged in the life and development of our city and county including (in alphabetical order):

- *Yolanda Brewer,* a director of business and physician development at Mercy Medical Center;
- *Annissa Fragoso,* the owner of the Farmers Insurance Agency and the President of the Board of Directors of the Hispanic Chamber of Commerce in Merced;
- *Eric Gieling,* a financial advisor at Ameriprise and the Treasurer of KiDS.
- *Lee Lor,* a former elected Merced County Supervisor for District 2, an administrator with extensive experience in education and government and KiDS co-founder and chair;
- *Rick Marchini,* a partner with the law firm of Robbins, Browning, Godwin & Marchini;
- *Lauren Marks-Royer,* a realtor with Keller Williams Westland Realty;
- *Eduardo T. Villarama,* a local physician and one of the Regional Medical Directors of Golden Valley Health Centers in the Central Valley.

KiDS will be hiring several design, fabrication, installation and construction contractors to complete different components of the proposed project.

Proposed Project & Scope of Services

We propose that the City of Merced becomes a Founding Partner of Kids Discovery Station (see attached Sponsorship Package for the description of Founding Partnership benefits) and sponsors the creation of the **Safe City** portion of the outdoor **Our City** exhibit at KiDS. The **Our City** Exhibit is being designed to enable children and their families to get an added appreciation

for the amazing opportunities and services our city has to offer, to allow them to better understand the needs of our city and to engage with addressing the issues the city faces.

The **Our City** Exhibit will cover the outdoors area of the museum and will consist of three areas:

- **Connected City** will feature a mock-up of a high-speed train that children can explore and play-in, pretending to be passengers, engineers and conductors. This section is being sponsored by our Founding partner the CA High-Speed Rail Authority.

- **Fun City** will feature a play space and picnic area where children and their families can explore building forts with blue blocks, going through an obstacle course they themselves built, explore play structures, pretend to be performers or just enjoy snacks with their family.

- **Safe City** will explore the safety issues of the city life (Figure 2); the section will feature (i) a garage that will house the real firetruck City of Merced donated to the museum, an antique firetruck and a stationary police motorcycle, and (ii) a road network with authentically designed traffic signs and road markings that children will be able to navigate while riding tricycles and gyro-carts.

Figure 2: *Sample representations of the Safe City exhibit components (images from other children museums)*



The objectives and the spirit of the Safe City portion of the exhibit is perfectly aligned with the interests and priorities of the City of Merced. The benefits of the Safe City exhibit and the educational activities that will be built around it are mullti-fold including:

- It will provide a fun and engaging space for children where they can pretend to be a firefighter, a policeman or medical emergency personnel, help their family in made-up critical emergencies or imagine that they already have a driver license and explore pretend city roads. There is extensive educational research that demonstrates the value of children learning in an informal environments such as the planned exhibit. Exhibits at children's museums have been shown to be conducive to informal learning. Researchers demonstrated a relationship between children's learning levels and their behaviors in the museum exhibits (Borun, Chambers, and Cleghorn, 1996). When children engaged in behaviors such as making observations and asking and answering questions, they learned more than when they did not engage in these behaviors. Additionally, more learning occurred when children interacted with adults rather than only exploring on their own (Crowley et al., 2001; Crowley & Galco, 2001; Puchner, Rapaport, & Gaskins, 2001). In

fact, it has been shown that educational opportunities for children and their families offered in the context of a children's museum can serve as catalysts and conduits for changing behaviors in the community such as for example encouraging healthier lifestyles (Ackerman, 2016). By riding the Road Network of the Safe City exhibit, for example, children will learn to recognize important traffic signals and regulations which will promote traffic safety in our city.

- The city has experienced significant challenges in staffing essential services such as fire and police departments and attracting sufficient health care personnel from the local community. Challenges in recruitment of local residents for these important jobs have a negative effect on retention rates and pose difficulties for our city and county. One of the major goals of Kids Discovery Station is to introduce children early to a plethora of career opportunities and open their minds to different employment possibilities. The Safe City exhibit will let children learn about the important jobs of a firefighter, police or medical emergency personnel perhaps sparking a life-long interest in these professions and helping our city bring up our own heroes in these important fields.

- In addition to the opportunities to dress up as a firefighter or a police officer and pretend to put out fires or regulate traffic, children will be exposed to additional educational activities and events that will involve collaboration with organizations such as Merced fire and police departments, local medical offices or the City government. Throughout the year of the funding we plan to organize monthly events where we invite speakers from these organizations and create engaging children and families-focused activities that introduce them to important topics and issues in the city's life such as traffic and fire safety, recycling and trash collection, city governance, healthcare, etc. The Safe City exhibit will be one of the major environments which will host these events and activities at the Kids Discovery Station.

Project Timeline

The Safe City exhibit construction project will proceed based on the following timeline:

July 1 – 30, 2021	Obtain bids for construction of the exhibit components, identify contractors to carry out construction of each of the components (e.g. foundation and landscaping, fabrication and installation of the carport structure, construction of the road network) and develop work schedules.
August 1-31, 2021	Carry out and complete construction projects.
September 1-30, 2021	Develop and schedule educational activities and events to promote the objectives and goals of the Safe City exhibit.

Project Budget

If this proposal is successful the awarded funds will be primarily used for the construction and accessorizing of the Safe City exhibit. KiDS will actively fundraise, develop partnerships and use its existing resources to obtain the funding for the additional components of the Our City exhibit and to facilitate educational activities and events associated with the Safe City and other parts of the exhibit. The budget for development of the Safe City exhibit will include the following major components:

1	Laying the foundation and landscaping (6,800 sq ft)	$12K
2	Construction of weather-proof lockable carport structures for the firetrucks and the police motorcycle (Fire Station, 1178 sq ft footprint, non-heating materials safe for children irrespective of the weather)	$30K
3	Construction of Roads Network for the tricycle and gyrocarts traffic (785 sq ft)	$10K
4	Exhibit accessories (tricycles, gyrocarts, traffic signs, costumes, pretend play toys, displays	$3K
5	Promotional printed materials, event advertising	$1K
	TOTAL	$55K

References

Enclosed with this proposal are three references from the organizations KiDS has worked with including First 5 Merced County, Golden Valley Health Centers and Community Foundation of Merced.

April 19, 2021

Mayya Tokman
Kids Discovery Station
459 E. 21st Street
Merced, CA 95340

RE: Letter of Support for Kids Discovery Station

Dear Ms. Tokman,

It is with great pleasure that First 5 Merced County submits this letter in support of the application that Kids Discovery Station is submitting to the City of Merced for support in constructing outdoor exhibit space.

We are fortunate to have Kids Discovery Station to support our families and children and make our community strong, helping our youngest children learn and prepare for Kindergarten. Kids Discovery Station is an exciting educational opportunity for Merced County children and their parents. The Kids Discovery Station has met or exceeded the objectives and goals of the projects with First 5 Merced. Additionally the Kids Discovery Station has completed these projects in a high quality manner.

First 5 Merced and Kids Discovery Station have partnered on multiple projects to help improve the early childhood education in Merced County. This includes pop-up events and the installation of the Little Explores' Planet Exhibit.

Scott Waite, M.A.
Executive Director
First 5 Merced

260 East 15th Street
Merced, CA 95341-6216
(209) 385-7337 Phone
(209) 724-4006 Fax
www.first5mercedcounty.org

COMMISSIONERS

Supervisor Lee Lor
Commission Chair
Board of Supervisors, District 2

Yvonnia Brown, Director
Human Services Agency
Behavioral Health and
Recovery Services

Genevieve Valentine, Director
Behavioral Health and
Recovery Services

Salvador Sandoval
County Health Officer

Aaron Lequia
District 1 Representative

Vacant
District 2 Representative

Shirley Brown, R.N.
District 3 Representative

Eva de Long
Commission Vice-Chair
District 4 Representative

Paula Smith
District 5 Representative

Equal Opportunity Employer

GOLDEN VALLEY
HEALTH CENTERS

737 West Childs Avenue, Merced, CA 95341 (Corporate Office)
2926 G Street, Suite 201, Merced, CA 95340 (Administrative Office)
1.866.682.4842
www.gvhc.org

4/28/2021

Mayya Tokman
Kids Discovery Station
459 E. 21st Street
Merced, CA 95340

Dear Ms. Tokman,

On behalf of Golden Valley Health Centers, we are honored to offer this letter in support of the application that Kids Discovery Station is submitting to the City of Merced for the construction of their new outdoor exhibit space.

Continued education is something to be valued and appreciated. We appreciate the dedication that Kids Discovery Station has committed to in order to support our local community, especially the children. Golden Valley Health Centers is dedicated to the health and wellness of our community, as we are a community health center. We are excited to be part of such an amazing initiative.

We believe that the early years of childhood development are some of the most important. Health education starts early, and we feel there is tremendous value that this exhibit will bring. We are fortunate to be able to participate in this project and the new "Health Center" exhibit. Golden Valley Health Center sponsored the "Health Center" exhibit and Kids Discovery Station delivered on their promise for a beautiful, interactive exhibit. We are sure that this exhibit will spark joy in the children and also with their parents. We have no doubt they will do the same with the outdoor exhibit space.

Thank you,

Tony Weber
Chief Executive Officer
Golden Valley Health Centers

COMMUNITY FOUNDATION
MERCED COUNTY
P.O. Box 3846 Merced, CA 95344 209/201/4113 www.MercedFoundation.org

April 26, 2021

Mayya Tokman
Kids Discovery Station
459 E. 21st Street
Merced, CA 95340

Dear Ms. Tokman,

It is with great pleasure that the Community Foundation for Merced County submits this letter in support of the application that Kids Discovery Station is submitting to the City of Merced for support in constructing outdoor exhibit space.

The Kids Discovery Station brings enrichment and opportunity to families in Merced. They have created a unique space where families and children can learn and play together, while using their imagination and creativity to guide them.

The Community Foundation granted funds so the Kids Discovery Station could be started, and they have met all requirements for the project they submitted to us in a timely manner.

We strongly recommend funding their outdoor space.

Sincerely,

Becky

Rebecca Duffey
Executive Director
Community Foundation for Merced County

League of United African Citizens/Black World

From: Ray Walton <luaac7@yahoo.com>
Sent: Wednesday, April 21, 2021 2:30 PM
To: Lee, Nancy <LeeN@cityofmerced.org>; McBride, Scott <McBrideS@cityofmerced.org>; Luaac Info <info@luaac.org>; Ray Walton <luaac7@yahoo.com>
Subject: Hi Nancy from Ray Walton ceo

Luaac
Info requested from Stephenie
Dietz
Thank you

Sent from Yahoo Mail for iPhoneWE THE AFRICAN AMERICAN CITIZENS OF MERCED CITY WOULD LIKE THE MAYOR AND THE CITY COUNCIL TO CONSIDER THE FOLLOWING

REALLOCATION OF MUTUALLY AGREED UPON FUNDS TO BENEFIT THE AFRICAN AMERICAN COMMUNITY IN THE CITY OF MERCED ASAP WE IN THE AFRICAN AMERICAN COMMUNITY BELIEVE THE CONDITION OF THE AFRICAN AMERICAN CITIZENS IN MERCED IS A CITY EMERGENCY
THAT NEEDS IMMEDIATE ATTENTION BY ALL CITY OFFICIALS.

We in the African American community would like the mayor and the city council to get Behind funding for
A proactive media campaign PSA BIL BOARDS ect to educate the black community about their rights and solutions to help them make educated decisions

We in the African American Community want to hold the people accountable who have the resources to make this happen! we believe this issue is a city emergency 🚨 and should be dealt with as such ASAP our timetable is now!

We in the African American community would like the mayor to

get behind passing a anti profiling law which extends further than just the police if it's not already on the books 👮

We in the African American community would like the mayor and city council to get behind an anti hang out ordinance bill which would fine stores which allow customers to hang out outside of their stores
And in their parking lots ASAP

We in the African American community would like the mayor police chief Sherriff and a local pastor to do a press conference Declaring gang violence racial profiling violence against women a City emergency immediately! to show the urgency of the city to combat these problems

We in the African American community understand that there are a few African American organizations already doing some of these recommendations ie the NAACP and more but we believe because of the dire need within the African American community more needs to be done to help combat and help solve some of these dire and pressing
Problems. we in the African American community look forward to having these funds available
Before the budget is finalized. to show The commitment Merced has for the African American Citizens in the community & city of Merced. we in the African American community looks Forward to the Progress we can make as a team.

Thank you
No one left behind today

Info@nooneleftbehind.org
Ray Walton
209-675-6475
Iamready@icloud.com

Sent from my iPhone

LifeLine Community Development

Office Phone: 209.259-8950
Email: lifeline@lifelinecdc.org
Website: lifelinecdc.org

LifeLine Community Development

Empowering Neighborhoods to Thrive

April 28, 2021

City of Merced
Attn: City Manager Stephanie R. Dietz
678 W 18th Street
Merced CA 95340

Re: Community Funding Proposal

Office Address:
393 E Donna Dr.
Merced CA 95340

Mailing Address:
731 E Yosemite Ave Ste B # 165
Merced CA 95340

Winton Community Center
7081 N Winton Way
Winton CA 95388

Meadows Community Center
3135 Meadows Ave Bld 8 Apt 59
Merced CA 95348

Dear Friends in the City and Manager Stephanie,

LifeLine CDC is a community benefit corporation (501c3) that started 14 years ago to empower neighborhoods to thrive. We are using a strength based approach to work within lower socio-economic communities to create community centers that become the hub for community engagement and empowerment.
We have been working in Winton and in the Loughborough area and want to expand our work to other under-resourced neighborhoods. Our work is very place based, we bring local neighbors together to help improve their lives and the lives of the community overall. Our work is based on what community members determine they need, that includes: access and training on computers to assist with building a resume, looking for jobs, signing up for resources etc. We have active after school programs to create a safe, fun learning environment for the youth. LifeLine does not want to duplicate any work that is already going on, but partner with organizations that could help empower our neighborhoods (e.g. MC Health Department around -healthy eating, physical activities and community garden, Rivera school around a literacy program and safe learning environments for the community members and many more).

Over the years we have been approached by various neighborhoods to replicate our model and help other marginalized neighborhoods be empowered.

We are requested a grant for $20,000 for capacity building of staff, volunteers and interested organizations in using a strength based approach to empower communities to thrive. The grant would be used for salary for the trainer/coach.

Our partnerships with various organizations, non profits and faith communities makes it possible to provide many resources to our under-resourced neighborhoods while focusing on their gifts and assets to help them dream about their future.

We would appreciate your support as we continue our work to empower neighborhoods to thrive.

Sincerely,
Monika Grasley
Executive Director

Empowering Neighborhoods to Thrive

Staffing:

Monika Grasley, Executive Director - Monika is a community connector and coach and works with community members, agencies, non profits and loves to partner whenever possible to empower neighborhoods to thrive. Monika has 20+ years of training and experience in Asset Based Community Development and has successfully led the organization for from its beginnings.

LeJanae Albro, Laurell Uptegrove and Frankie Sandoval are staff members in the Loughborough area and each person has come through the Welfare to work program and has gifts and abilities and their own stories to help people move forward.

Marcella Moralez and Destiney Ybarra also have come through the Welfare to Work program and do an amazing work in Winton using their own stories to help others move out of poverty.

We also have 4 ladies from the SerJobs Program training with us and 2 Fresno Pacific University Interns for the Social work program.

Each one of the staff members has their unique stories and has a passion to help people move forward.

Prosed Project and Scope of Services

For too long we have focused on a needs based approach to address poverty issues and while that might have worked in the past, we are finding that a strength based community development approach is much more successful and sustainable, lifting people out of poverty while acknowledging and celebrating their strengths and creating ownership of the progress people make.

This means a major mind shift needs to happen and deep seated assumptions need to be addressed.

Monika will focus 10-15 hours a week for the next 12 months on the following activities:

- Capacity building of staff, so that they can take on new responsibilities and replicate the work in another under resourced neighborhood.
- Connect with apartment managers/owners, community members and organizational leaders to explore opportunities to create new community centers in lower socio-economic neighborhoods.
- Develop training modules around Asset Based Community Development to be used by staff, volunteers and organizations to empower neighborhoods to thrive.

Outputs:

- More organizations, agencies, non-profits and faith groups as as well as individuals understand and implement and Asset Based Community Development approach.
- 2 additional apartment complexes have agreed to set space aside for community centers to empower their neighbors to thrive.
- Service Clubs will understand how to engage in deeper partnerships with the community to help empower.

Outcomes:

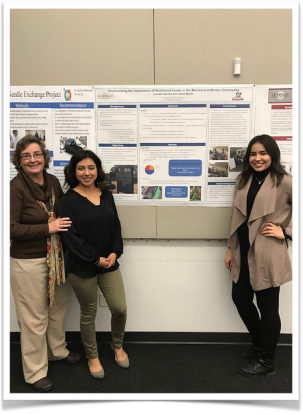
- More communities living in poverty will have access to resources to help them move forward.
- More community members and organizations are equipped to move from hand-outs to hand-ups and empowerment.
- Training will be available for organizations to understand the process of a strength based community development approach.

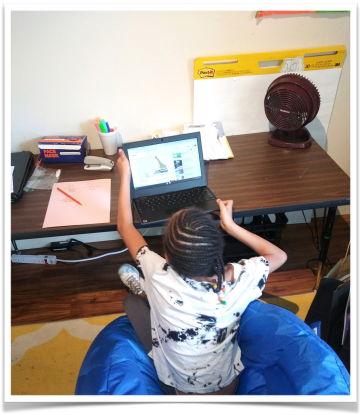
Monika is the Director of LifeLine CDC and will hire a part-time administrative Assistant to off set her time to be able to focus on the above work.

Here is an example of what happens at the Loughborough Community Center at this time:

- Daily after school activities to young people that include fun activities as well as healthy living, physical exercise and science projects (supported by volunteers)
- Individual tutoring of kids needing some extra help (done by volunteers)
- Computer classes for people in the community
- Emergency food boxes (every other week serving about 150 families)
- VITA (Volunteer Income Tax Assistance) 185 families were helped
- Help with resumes, job searches, referrals to other resources
- Partnerships with MC Health Department, Fresno Pacific University, Alliance for Health, Probation Department, City of Merced, and various other organizations
- Volunteers from both UC Merced, Merced College, Rescue Mission, and various churches and community members
- Helping community members be informed about COVID resources and vaccination
- Providing school lunches for 60+ children in the community in partnership with Rivera schools
- Starting a literacy program and a community garden in partnership with Rivera schools

We have dozens of volunteers who are part of the work and our community members are a vital part of everything we do. We believe that we never should do for people what they can do for themselves and that every person has gifts and abilities to contribute to the wellbeing of of their neighborhood.



















Photos:

UC Merced interns (pre COVID)
Distance learning (at our Center)
Staff training
Kids activities
PACT meeting with probation/parole
Earth Day craft (kit received from Library)
Volunteers from Rescue Mission
Community garden (with Rotary Club at Church property)
Community clean up (with City)

LifeLine Community Development

Empowering Neighborhoods to Thrive

References:

Stephanie Russell
Merced County Health Department
260 E 15th St, Merced, CA 95341
Phone: 209-381-1161.
E-mail: stephanie.Russell@countyofmerced.com

Partnership around health related issues

Tyson Tolbert, Pastor
Faith Community Bible Church
5890 North Winton Way
Atwater CA 95301
Phone: 209-631-8412
ttolbert@faithcommunitybible.org

Partnership for Kids activities and community engagement and community garden

---

Matthew Serratto
Mayor of Merced
678 West 18th Street
Merced, CA 95340
Phone: 209-628-0101
Email: MSerratto@co.merced.ca.us

Partnership around community clean ups and improvements in the Loughborough area

April 30, 2021

To Whom it May Concern,

I am extremely pleased to recommend LifeLine CDC to provide services to Merced residents.

I have worked with Monika Grasley and LifeLine for over eight years. During that time Monika has fulfilled both the scope of work and contractual agreements. The work was for the USDA's CalFresh Healthy Living Program, and the program required substantial reporting and adherence to strict regulations, in addition to the Merced County Department of Public Health's reporting requirements.

Furthermore, LifeLine provides interventions at the neighborhood level, in low income areas. The agency truly engages residents. They ask residents what they need, what residents can offer, and then work with the people in the neighborhood to create needed services. As an example, LifeLine has created several community gardens, and taught nutrition classes for children and parents.

I recommend LifeLine CDC to provide services in the City of Merced.

Sincerely,

Stephanie Russell, MPH, RD

1351 W. 23rd St.

Merced CA 95340

Rotary Community Corps of Merced County


ROTARY INTERNATIONAL
PEACE & RESOLUTION
DISEASE PREVENTION
ECONOMIC DEVELOPMENT
WATER & SANITATION
MATERNAL & CHILD HEALTH
EDUCATION & LITERACY
"It's Your Turn!"
MERCED COUNTY
COMMUNITY CORPS
THE CORPS WANTS YOU
IN SIX AREAS OF SERVICE
Under authorization of the Rotary Community Corps of Merced County
DC-2618

Request for Proposal [SHORT]

RFP: Domestic Outreach Team D.O.T. Tier 1 Volunteer program	Proposal Due By: 04/30/2021	Rotary Community Corps of Merced County

Project Overview:

- Train and provide volunteers to operate Kiwanis Kiddieland between July and October weekends (15 weeks)
- Provide Wellness and Health programs in Applegate park for a Tier 1 Volunteer program.

Project Goals:

- Train First Responder Volunteers (D.O.T Domestic Outreach Team)
- Operate Kiwanis Kiddieland between July and October (15 weekends)
- 10 CPR certifications classes
    - 20 students per class (200 total)
    - 2 instructors (per class)
    - Lunch provided
    - CPR certificates
    - Ages 16 and up
- Health and Wellness classes
    - First Aid, de escalation training, asthma, diabetes, nutrition
    - 20 students per class
    - Lunch provided
    - Ages 8th grade and up
- 20 Family Fitness classes
    - (4) 5 week boot camps on Saturday Mornings
    - Ages - 8th grade and up
    - 20 students per class

Scope of Work:

- Train and provide volunteers to operate Kiwanis Kiddieland between July and October weekends (15 weeks). RCC will also provide wellness and health programs in Applegate park for a Tier 1 Volunteer program.
- RCC will focus on the development and improvement of the Scout Hut area in Applegate Park.
- RCC will work with the City of Merced and other organizations to help provide trained volunteers.

Current Roadblocks and Barriers to Success • Funding. • City permission.		
Evaluation Metrics and Criteria • Number of volunteers recruited & trained. • Full schedule - meeting the needs of the public. • Number enrolled and completed CPR training.		
Project Due By: Fiscal Year 2021-2022		Budget: $32,500
Contact: Robert Garcia	Email: rccmercedcounty@gmail.com	Phone #: 209-631-5113

<u>Rotary Community Corps of Merced County</u>
Nonprofit: IRC 501c3 EIN 84-2158076
Location: 1753 M ST Box #13 Merced CA 95340 (Due to COVID our Venture lab location is being moved - Temporarily items can be mailed to 101 E 27th Merced CA 95340)
Website: www.rccmercedcounty.org
Director: Robert Freedom Garcia
Cell Phone: 209-631-5113

Rotary Community Corps of Merced County (herein "RCC") is a project sponsored by the Rotary Club of Merced Sunrise in partnership with Rotary Clubs in Merced County. RCC was established in 2019 by a special charter issued by Rotary International, headquartered in Evanston, Illinois. RCC typically operates across the developing world in partnership with other international organizations; World Health Organization (WHO), United Nations, USAID, Bill & Melinda Gates Foundation, Oxfam to build local volunteer cadre and needs assessed projects. Very few RCC operate in the United States. RCC is an IRC 501c3 in good standing.

RCC follows Rotary's Four-Way Test in its strategic, operational and practical planning and project execution;) Is it the truth?, 2) Is it fair to all concerned?, 3) Will it build goodwill and better friendships?, 4) Will it be beneficial to all concerned? RCC is not exclusive to Rotary and works with multiple youth and community groups across Merced County. RCC organizes its projects into seven general Areas of Focus. These include; peace and conflict prevention/resolution, disease prevention and treatment, the environment, water and sanitation projects, maternal and child health, basic education and literacy, and economic and community development. This proposal focuses upon community and volunteer development.

<u>Our goals for 2021</u>

- Create a program of trained first responder volunteers (D.O.T Domestic Outreach Team)
    - 200 Tier 1 Volunteers with CPR certification, live scanned and trauma informed with a focus on de-escalation training.
- Promote 1 day volunteer opportunities for the community
    - Deploy volunteers to help other organizations.
- Provide volunteers to operate Field of Honor Week at Merced College.
- Provide volunteers to operate Kiwanis Kiddieland in Applegate Park.
- Provide health and wellness classes and programs for membership.

- Organize March against Domestic Violence in October with Valley Crisis Center.

RCC is in the understanding that if awarded the RFP for Community Funding it will be used to develop a First Responder Volunteer program focused with youth and community volunteers in conjunction with the Merced County Sheriff's Office. We will be based in Applegate Park to help develop city growth We will be working in partnership with the Downtown Neighborhood Association and SWAGG to bring activities to the Rotary Scout Hut & Fountain Areas.

Domestic Outreach Team D.O.T. Tier 1 Volunteer program

Project will run 10 Months breaking in NOV-DEC
We will run 2 Health Education/Certification Classes a month on Saturdays .
We will run (4) 5 week Family Fitness Boot- Camps - Saturday mornings in Applegate Park

Train and provide volunteers to operate Kiwanis Kiddieland between July and October weekends (15 weeks)



RCC past events and projects:

October 2019 - Total budget $0

Livingston Young Men's Conference: Lead Jose Moran - RCC Board of Directors - 209-585-8565

RCC was asked to provide a motivational speaker. At the time RCC President Robert Garcia volunteered to speak to 6 break out sections focused on the Growth MindSet. Due to COVID the event did not happen in 2020. RCC is set to have a large role in planning a conference in 2022 in partnership with School Officials in Merced County.





October 2019 - Total budget $200

Rapid Xpress Car Wash Tunnel of Terror - Site Contact: Jessie - 209-205-0641

RCC was able to launch its first project with Rapid Xpress Car Wash. RCC created a community night Trunk or Treat in line with 5 nights of Tunnel of Terror drive thru car wash which had youth dressed up in character. RCC was given 2 generators from Sponsoring organization Rapid Xpress in exchange to organize the event. We spent $100 for flier design and $100 marketing on Facebook ads. This was our first event and

was put together in 2 weeks. We also provide the production of all of our videos for marketing and evaluation metrics [Tunnel of Terror link here]





October 2019 - Peace for Families March and Volunteer training Budget - $0

Pana Lee, Valley Crisis Center - (209) 725-7900

RCC helped VCC organize and run 2 community marches along with training classes against domestic violence. Each march finished at a city venue where we had a health fair with over 20 service providers. The Los Banos event also had live performances from local youth groups. The events are thrown in Merced and Los Banos and this year RCC has begun to organize marches also in Atwater and Livingston to be able to have a joint County effort in observation of Domestic Violence Awareness month. RCC also provided sound and PA services for events. Click here to see video

RCC is also an active partner with VCC in the Coalition Against Human Trafficking. RCC helps organize and provide sound PA for events and training.



Tactical communication for community :presented by Officer Jenkins and Captain West Merced PD
Police instruction includes de-escalation techneques to prevent conflict.

UC MERCED VENTRUE LAB
1735 M St, Merced, CA 95340
CONTACT ROBERT FOR INFO 209-631-5113
WWW.ROTARYCORPS.ORG



COVID RELIEF - Emergency food pop ups 2020 - Budget $0

Lilian Ramos - Dignity Health 209 345-6391

RCC along with DIgnity Health delivered over 100 boxes of food each week for over 4 months during the 1st half of 2020. Food was distributed in Merced and Livingston underserved populations. RCC has continued to work with Dignity Health and we are the stand by organization to receive any surplus food boxes to distribute. RCC has a working relationship with local senior communities in Atwater and Merced where we still help with food and other resources for seniors. Video link Here





COVID - Will trade for Mask Budget - $500

April - 2020

RCC came up with the Will Trade for Mask project where we received a $500 donation from Winton Rotary Club to help with providing Masks for the underserved populations. We took the funds and purchased gift cards from local vendors and traded them for homemade masks. At the time masks were a very hard item to come across. We were featured on ABC 30 news. Watch the video here. Link to Promo video

Flu Shots for all Migrant Camps in Merced County

Partnership with BHW

RCC is the volunteer organization that works with the Binational Health Week Committee to bring health resources to migrants in Merced County. RCC is part of the efforts to give out flu shots and run the city wide pop up drive thru events. We also helped staff COVID pop ups in Atwater , Livingston and Planada. We provided volunteers for over 10 events during 2020 and we still are on the committee for upcoming events providing resources to Migrants.



INDIVIDUAL STAFF EXPERIENCE

Robert Freedom Garcia - Director RCC (Charter member)

Specialty Education: Lions International (advanced leadership development training). Specialty strengths: Life coach and owner of Team Pump (over 1,000 clients in a span of 8 years)

State Certified Advocate with Valley Crisis Center trained in Domistic Violince and Sexial Assalt.

Past President of Merced Breakfast Lions , Past Charter President of Yosemite CP Lions Club (Link of charter promotion). Past youth advisor for Merced High Leos Club (7 years including my last 2 years as the District 4a1C Leo Chair for all clubs) (Link with youth event), Current Board of Directors for Community Service , Merced Sunrise Rotary. recent fundraiser event in Partnership with RCC and Mariposa Trails

Awarded Volunteer of the Year 2020 from past Mayor Mike Murphy.

Marcus Padilla - State Certified Instructor (Charter Member of RCC)

Marcus is currently a LVN working with special needs students in the Merced City Schools District.

Marcus is also a board member of BHW and very active in organizing COVID shots clinics. He is currently working with Team Asadi and continues to help organize and gather volunteer medical staff for events .

PROPOSED PROJECT & SCOPE OF SERVICES

10 CPR certifications classes

20 students per class (200 total)

2 instructors (per class)

Lunch provided

CPR certificates

CPR Total Budget= $14,000

$400 a day for (2) instructors for CPR classes = $4,000

200 lunches $10 each = $2,000

200 CPR certificates (processing fee) $10 each = $2,000

Pop Up tents and outdoor class supplies = $5,000

Marketing = $1,000

10 Health and Wellness classes

First Aid, de escalation training, asthma, diabetes, nutrition

20 students per class

Ages 8th grade and up

Health and Wellness Classes Budget = $7,000

$400 a day for (2) instructors for wellness classes = $4,000

200 lunches $10 each = $2,000

Marketing = $500

Supplies = $500

20 Family Fitness classes

(4) 5 week boot camps on Saturday Mornings

Family Fitness Program (ages 8 and up)

20 students per class

Family Fitness Class Budget = $11,500

20 weeks of programing and instruction = $6,000

Supplies = $5,000

Marketing = $500

Total Budget Requested = $32,500

Project Timeline

June & July - Begin training volunteers for opening of Kiddieland (1st CPR class is already planned with the Merced County Sheriff's Association for June 12th)

Opening of Kiddieland scheduled for July 10th

Family Fitness (5 week program) July 3- July 31 tied to the opening of Kiddieland partnership with John Muir elementary

We are planning on starting off with a fun run in the park to celebrate the reopening of the 2021 Kiddieland session. (Partnership with John Muir Elementary is already in place. In process of connecting with Fremont summer school program)

RCC will be planning 2 weekends a month focused on health and wellness (1 educational class and 1 CPR certification class)

RCC will be working with the community 10 months out of the year taking a Winter break Nov-Dec

RCC will have membership meetings once a month to continue to build relationships and address any issues. We would like to have access to a club house near or in Applegate Park. We currently have access to utilize Kiddieland space but are looking for a more permanent location. RCC would like to see the possibilities of using the Rotary Scout Hut as a base of operations. By getting access to the Scout RCC can build out weekday programs and projects in the park sponsored by Rotary. RCC would work with our partnerships to share the space for meetings. RCC has support from Rotary Clubs to sponsor future growth in that area of the park.

PO Box 7, Merced CA 95341
DNAMerced@gmail.com

Board of Directors:
Diana Odom Gunn, President
Bob Scoble, Vice President
Kristn Mata, Treasurer
Wayne Eisenhart, Secretary
Ryan Heller
Dan Baladad
Sair Lara Rodriguez
Karen Adams
Marc Medefind

Stephanie Dietz
City Manager
City of Merced
678 W. 18th Street
Merced, CA 95340

April 28, 2021

Dear Stephanie,

The Merced Downtown Neighborhood Association (DNA) is delighted to see the revitalization of our parks. We are especially enthused by recent upgrades to Applegate Park. The neighborhoods surrounding the park tell us they feel much safer. They are taking walks in the park again.

To fully reclaim Applegate Park, we need to fill its spaces. There is regular activity on the R Street side, with the zoo and Kiddieland. However, the M Street side of the park gets much less activity. It is a beautiful area with the MOAT, gazebo, rose garden, and Laura Fountain. We would like to see more people utilizing that end of Applegate Park.

We were approached by the Rotary Community Corps (RCC) and asked to support their planned activities in Applegate Park. DNA supports their effort because we believe it will help to revitalize the park. To take back our park, we must use it. We want to see Applegate Park restored to its former glory, giving residents access to beautiful green space and open areas for play or gathering. We think that the regular presence of RCC in the park will advance that goal.

DNA appreciates your time and consideration.

Sincerely,

Diana Odom Gunn
DNA President

dodomgunn@comcast.net
408-784-4732

Kiwanis Club of Greater Merced

P.O. Box 1450
Merced, CA 95341-1450

April 30. 2021

Stephanie Dietz, Merced City Manager,

The Kiwanis Club of Greater Merced is the host Club for the running of Kiddieland in Applegate Park. A member of our Board, it is my great pleasure to write this letter of recommendation for Robert Garcia.

Robert and his service with the Rotary Community Corps (RCC), has been a great part of helping our club and assisting us in the running of Kiddieland in Applegate Park for the past 6 years or more.

He has assisted us as DJ for our annual Easter Egg Hunt and Fright Night at Kiddieland. He has also been of extreme importance in working with our Youth groups, Merced Key Clubs, Kwins and Circle K clubs. He has also been a great mentor for the RCC Youth members as well.

Robert is a born leader and problem solver, showing plenty of initiative and persistence in our club activities and has been able to balance his social and Community schedule with apparent ease. He never seems to get flustered and his enthusiasm is very contagious.

Robert always has a smile and kind word for others. I am in awe of how easily the youth always follow his lead in the different projects that he is involved in He has always been very conscientious and shown an optimistic attitude to those around him, no club project has been too big for him to undertake and follow thru to completion.

Robert and his RCC members have been of great assistance to our Kiwanis Club and the running of Kiddieland.

Sincerely,

James Eckman
Kiwanis Club of Greater Merced Foundation, Inc.
Key Club Advisor for Merced High School

Students With Aspiring Goals

April 30, 2021

Community Funding Proposal

Students With Aspiring Goals

DeVon Hilliard

Founder

(209) 676-0335

dhilliard.swag@gmail.com

1. INTRODUCTORY LETTER

City Manager Dietz:

This introductory letter is for the RFP #04302021CF. Students With Aspiring Goals (SWAG) is a non-profit organization that is based out of Merced County. The primary contact for the organization is DeVon Hilliard. The mailing address is PO Box 218, Atwater CA 95301. The telephone number is 209-676-0335. The physical address is 1032 Fairway Drive, Atwater CA 95301. At this time SWAG is working at various sites and virtual.

The mission of SWAG is to prepare student athletes in Central California for college admission through academics, mentoring, and national exposure. The reasoning for this service in this county is because Merced County is underprivileged and underserved. The goals of SWAG is to give the student athletes the knowledge and the ability to develop confidence and become leaders in this community. We use physical activity (sports) as a "Carrot" to engage conversation about education, leadership, respect, and equality.

SWAG believes that sports in an underserved part of the city of Merced will impact the community in a good way. Giving the youth an outlet through athletics, mentorship, and financial literacy will give the youth an opportunity to change the narrative. Our project will address a sense of community on the Southside of Merced.

SWAG has worked with various community agencies within the last five years. In 2017 SWAG was awarded an RFP through Merced County Probation. This RFP was through the Board of State and Community Corrections. The project is based in the Los Banos area known as the "Westside." SWAG is the lead organization that works with two other community based organizations- Symple Equazion and El Joven Noble. This program is for males that are involved with the system. The program entails recreation, mentorship, healing circles, and leadership training. The total allocated budget of this program was for $850,000.00. The contact person is Chief Kalisa Rochester and she can be contacted at (209) 385-7494. SWAG is also contracted with the Merced County Office Of Education (MCOE). SWAG Coaches are on campus and facilitate physical activity and mentorship. The total number of campuses that Coaches are on is six. SWAG has a total of eight employees spread throughout the campuses. It should be noted that the campus houses students that have been kicked out of their traditional schools. The grades of the students are 4th-12th grade. SWAG is contracted for 240 hours at a rate of $60.00/hr. The contact person is Siobhan Hanna (MCOE) and she can be reached at (209) 381-6600.

Thank you for your consideration of this proposal. SWAG appreciates the City of Merced's efforts to support nonprofits in supporting the greater community.

Attentively,

DeVon Hilliard

DeVon Hilliard, Founder Students With Aspiring Goals

2. Individual Staff Experience

Director Of Camps – DeVon Hilliard- Mr. Hilliard will oversee all of the sports camps. Mr. Hilliard will make sure everything is in place (facility, insurance, sign ups, etc). He is the Director of SWAG and works full time with the Division of Adult Parole Operations. Mr. Hilliard has a degree in Criminal Justice (University of Texas-San Antonio), Masters in Criminal Justice Administration (Columbia Southern University) and Masters in Business Administration (University of Phoenix). He has been involved with SWAG since 2013.

Assistant Director of Camps- Brett Nickelson- Mr. Nickelson will assist the camp director with all tasks. Will ensure all paid and volunteer staff are in compliance. Mr. Nickelson is currently an Educational Specialist for the Merced Union High School District. Prior to this academic year, Mr. Nickelson served the Delhi Unified School District in various administrative posts including, Principal of Delhi High School. Currently is the Academic Coordinator with SWAG and is overseeing the MCOE project. Bachelor of Arts, Social Science, University of Washington, Education Specialist, Education Credential, Master's in Education and Administrative Credential, Brandman University. Mr. Nickelson has been involved with SWAG since 2013.

Mentoring Coordinator- Jermaine Paster- Mr. Paster will oversee the mentoring of the camp participants. Mr. Paster is currently the Mentoring Coordinator for SWAG. He is the lead mentor for the MCOE project and the "Hub." Although Mr. Paster does not possess an advanced degree, his life experiences are very valuable to the organization and this project.

Director of Coaches- Eddie Fraizer- Mr. Fraizer will oversee the camp coaches and answer any questions in regards to the athletic portion of the camp. Mr. Fraizer is currently a Deputy Conservator with Merced County. Mr. Fraizer has a degree from Holy Names University (General Education)**.** Mr. Fraizer played basketball at the collegiate level and also played overseas. Mr. Fraizer has coached basketball and football locally. Mr. Fraizer has been involved with SWAG since 2013.

Head of Football- Lorenzo Gilliam- Coach Gilliam will oversee the football camp. Will ensure the paid and volunteer staff is in compliance. Coach Gilliam is currently employed with SWAG through MCOE. Coach Gilliam is a veteran and has many years of coaching experience in Merced County. Coach Gilliam has been involved with SWAG since 2017.

Head of Girls Basketball- Tamika Dungy- Coach Dungy will oversee the girls basketball camp. Coach Dungy will ensure the paid and volunteer is in compliance. Coach Dungy is a self-employed trainer. She is the current Head Girls Basketball Coach at Stone Ridge Christian High School. Coach Dungy has a degree from Stanislaus State (Kinesiology). Coach Dungy has been involved with SWAG since 2015.

Food Services- Kelly Turner- Mrs. Turner will oversee the meals being served at the camps. Mrs. Turner is the owner of Symple Soul Food Truck. Ms. Turner is also the Founder of Symple Equazion, a local non-profit organization. Ms. Turner has been working alongside SWAG since 2017.

Financial Teacher- Robert Garrett- Mr. Garrett will oversee the financial literacy piece at all of our camps. He will prepare packets for all participants and have a follow up via virtual. The guardians of the participants will also be able to be involved in the virtual session. He will give lessons on basic financial literacy. Mr. Garrett is a successful tax preparer and the owner the Thee Tax Man. Mr. Garrett grew up in Merced County and had a long road to his success. Now one of the most successful tax preparers in

the area. He also works with building non-profits, financial management, and account audits. Mr. Garrett is managing the Merced County Probation grant. Mr. Garrett has a degree in Business Administration, Minor Accounting (Stanislaus State University).

3. PROPOSED PROJECT & SCOPE OF SERVICES

The project will be a series of sports camps on the southside of Merced. With the climate of the world today, SWAG would like to propose a "Strength Through Understanding" camp series. These camps will be detailed below. But the overall mission of the camp would entail youth from South Merced engaging in activities and have law enforcement officials coaching the youth along with coaches that have played or coached at a high level. This will bridge the gap with community and law enforcement.

Camp 1- September 2021 Girls Empowerment Basketball Camp

This will be a skills and drills basketball camp with competitions throughout. There will be 2 separate groups (2nd-5th and 6th- 8th). Each session will be 2 hours. This camp will be headed by Tamika Dungy, Head Basketball Coach at Stone Ridge Christian High School. There will be guest speakers (mentors). We will canvass local law enforcement to help with this camp along with other successful women in the community. This camp will be geared around gender equalities and the empowerment of women. We will service 25 youth per session. There will be a financial literacy segment at the end of the camp that will address poverty issues and give the participants and families to join a virtual conversation with our financial teacher. Food will be served from Symple Soul.

Project Timeline- Start promoting the project in July through a network of schools in the demographic area. We will launch the camp in mid-September.

Camp 2- February 2022 Coed Football Camp

This will be a skills and drills basketball camp with competitions throughout. There will be 2 separate groups (2nd-5th and 6th- 8th). Each session will be 2 hours. This camp will be headed by Coach Lorenzo Gilliam. There will be guest speakers (mentors). We will canvass local law enforcement to help with this camp. We will service 50 kids per session. There will be a financial literacy segment at the end of the camp that will address poverty issues and give the participants and families to join a virtual conversation with our financial teacher. Food will be served from Symple Soul.

Project Timeline- Start promoting the project in December through schools in the demographic area. We will launch the program in mid-February.

Budget

Stipends

Director of Camps- $500 each camp= $1,000.00

Assistant Director of Camps- $400 each camp= $800.00

Mentoring Coordinator- $300 each camp- $600.00

Director of Coaches- $300 each camp- $600.00

Head of Girls Basketball- $300 camp= $300.00

Head of Football- $300 camp= $300.00

Financial Teacher- $300 each camp= $600.00

Total- $4,200.00

Coaches

(5) Paid Coaches each camp @ $100.00= $500 X 3 camps $1,000

(5) Volunteers each camp= In Kind Donation

Total- $1,000

Equipment

Camp Equipment- $250 each camp= $500.00

Safety Equipment- $300 each camp= $300.00

Total- $800.00

Food

Water= In Kind

Lunch- $10.00 per participant and coach (190)= $1,500.00

Total- $1,900.00

Camp Shirts/Bags

Participant Shirts- $8.00 per shirt X 170 participant shirts- $1,360.00

Coaches Shirts- $8.00 per shirt X 40 staff- $320.00

SWAG Bags $8.00 per bag (with financial literacy items) X 170- $1,360.00

Total- $3,040.00

Facilities

McNamara Park (In Kind)

Boys and Girls Club (In Kind)

Total- In Kind

Total for Camp Series- $10,940.00

References

Siobhan Hanna- Principal Merced County Office of Education 632 W. 13th Street, Merced CA 95341, (209) 381-6600- Date- 2018-Current

Kalisa Rochester- Chief of Merced Probation- 2150 M Street, Merced CA 95340, (209) 385-7494- Date- 2017-Current

Kelly Turner- Founder of Symple Equazion- 2093 Nebela Dr, Atwater CA 95301 (682) 553-2366- Date- 2017-Current

Andre Griggs- Founder of Restorative Justice League- 364 27th West Avenue, Merced CA 95341 (209) 564-0356- Date- 2017-2019

United Way of Merced County

United Way of Merced County
531 W. Main Street Merced, CA 95340
(209) 383-4242
www.unitedwaymerced.org
(A 501 (c) (3) Organization—Donations are tax deductible)

LIVE UNITED
United Way

President
Tim Robertson
North Valley Labor Federation

Vice President
Sheilah Brooks
Merced County Office of Education

Past President
Enrique Guzman
U.C. Merced

Board of Directors

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Harmon Insurance

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California State University, Stanislaus

Daniel Sabzehzar
Tesserakt Ventures

Andre Urquidez
Merced College

Chief Executive Officer

Manuel J Alvarado

Introductory Letter from Authorized Representative

Applicant 501c3:
United Way of Merced County, 531 W Main Street, Merced, CA, 95340
Manuel Alvarado, CEO, Main (209) 383-4242, Direct (209) 384-1205, ceo@unitedwaymerced.org

Fiscally sponsored group to implement the proposed program:
Community Partnership Alliance, 936 W. 18th Street, Merced, CA 95340
Stergios (Steve) Roussos, Coordinating Director, 209-489-9913, sroussos5@gmail.com

Dear City of Merced Team,

Thank you for the opportunity to propose a request for Community Funding for 2021-2022. For over 67 years, the United Way of Merced County has been serving our community through our mission of connecting people, resources, and organizations to create a thriving community for everyone. One way we live our mission is by serving as a fiscal sponsor for grassroots community groups. We provide the administrative and financial services support to allow them to carry out their important work within their respective communities. One of our longest-sponsored grassroots groups (since 2009) is the Community Partnership Alliance (CPA) which will be the implementation team for this proposal. This letter provides a brief background on the CPA and our proposal.

CPA launched in 2002 through a partnership between leaders from local community-based organizations and the University of California (UC), Merced. CPA is a grassroots multicultural initiative with the mission to improve social justice and equity in Merced County through the collaboration of local residents and higher education institutions. In 2003, CPA worked with UC Merced to produce one of the few community-benefit agreements in the UC system, the Community Pledge (see this online). The Community Pledge has been guiding dozens of collaborative programs and initiatives to improve the quality of life of Merced while strengthening the relationship between residents and UC Merced. CPA is led by volunteers with paid staff contingent in grants and donations. Dr. Stergios (Steve) Roussos, a co-founder of CPA, serves as the Coordinating Director to guide the team, develop team members, and fundraise. All projects include a combination of community residents and university stakeholders (e.g., students, staff, faculty, alumni). They work together to identify, understand, and respond to local concerns and priorities. There have been many wonderful projects over the years, from local arts and recreation events, community and park clean-ups, surveys of town-gown events, and more. The following are examples of projects related to this Community Funding proposal.

- Merced Local Food Project, Community and Youth Engagement, May 2016 – September 2016, $24,500. Funded by the Merced County Department of Public Health (through USDA SNAP-Ed), Stephanie Russell, SRussell@co.merced.ca.us, 209-381-1161. The project trained and coached youth and other community members to use participatory research to identify concerns and solutions for health eating and physical activity. Volunteers began a project to help residents start front-yard garden beds to grow, eat, and share fresh produce.
- People's Garden, https://www.facebook.com/MercedPeoplesGarden/, July 2018 – June 2019, $6,000 (raised over $17,000 in-kind). Funded by the Merced County Board of Supervisor District 2 Participatory Budget Fund ("Peoples' Budget"), Lee Lor (District 2 Board of Supervisor at the time), mrsleelor@gmail.com . The 18th Street People's Garden was selected through a vote of District 2 residents. The proposal for this grant was co-developed and written by UC Merced students and community members. Over 48 volunteers worked together to design and build all aspects of the community garden that has grown to be a source of price for Merced neighbors and residents. Dozens of local businesses donated materials and supplies. Dozens of volunteers and a small staff maintain the People's Garden to share produce and put on community events to promote gardening and nutrition
- Project Grow – Partners in Healthy Nutrition, https://www.facebook.com/ProjectGrowMerced/, December 2018 – February 2021, $75,000. Funded by the Central California Alliance for Health (CCAH, Merced County's Medi-Cal insurer), Cori Lambert, grants@ccah-allliance.org, (831) 430-5784. Project Grow was a proposal written and implemented by a team that formed out of the People's Garden. The project purpose was to identify Medi-Cal members who are food insecure and to help them start home gardens and be part of community gardens, to participate in community events for nutrition and health, and to access local food support resources (e.g., WIC, SNAP, Food Bank). Over 1,500 people in the City of Merced participated in these in-person and online (due to COVID) events during the grant period, including many activities for young children. This project was recently awarded $50,000 from the Sierra Health Foundation to expand its activities.
- Pop-Up People's Pantry, https://www.facebook.com/PopupPeoplesPantry/, April 2020 – current, over $32,000 to date. This project is funded by a Go Fund Me campaign, grassroots-fundraising, ongoing weekly donations, and in-kind support. Contact Steve Roussos, sroussos5@gmail.com, 209-489-9913. This is a partnership between the People's Garden and the UC Merced Bobcat Eats Food Waste Awareness and Prevention Program. The Pop-Up People's Pantry takes place every Saturday from 1-2:30 pm at the People's Garden. It started through community demand when COVID began to increase food insecurity and has not stopped since. Over 2,000 people have participated so far (a few dozen each weekend). Volunteers and a small staff gather food donated from the Food Bank, local grocers and food businesses, the Farmer's Market, the flea markets, local farms, and home gardens. This food is arranged along tables with physical distancing, gloves, and masks and people take what they need through a line. Periodic events and non-food donations (e.g., toys, clothing) engage the community and youth.
- People's Fridge, https://www.facebook.com/PeoplesFridge/, September 2020 – current, over $38,000 to date. This project is funded by a Go Fund Me campaign, grassroots-fundraising, ongoing weekly donations, and in-kind support. This is a partnership between the People's Garden and the UC Merced Bobcat Eats Food Waste Awareness and Prevention Program. Contact Steve Roussos, sroussos5@gmail.com, 209-489-9913. Community members from the Pop-Up People's Pantry asked for more ways to access fresh produce. A "free fridge" was suggested and our team made the

idea a reality. UC Merced students built and painted the fridge shed. Volunteers and a small staff from the pantry help to stock, clean, and maintain the fridge daily. It is open 24-hours, every day. At least six to over a dozen people use the People's Fridge each day. Our team works with Merced County Environmental Health to ensure compliance with food safety. Every day, people are donating food for the People's Fridge (we have a separate donation fridge for this). We are helping more people start their own People's Fridge. There is a new Delhi People's Fridge and soon a NAACP People's Fridge on the southside of the Merced City. One Merced resident will be starting a Pink House People's Fridge near the Area Agency on Aging on 23rd Street.

Each of these projects have improved the quality of life in our city by engaging volunteers in meaningful projects to improve nutrition, reduce hunger, and strengthen relationships among neighbors, residents, and businesses. During COVID, our community has experienced an increase in the need for free, nutritious food and an increase in events and ways to connect socially and emotionally with others. Requests to volunteer and requests for help to replicate the People's Garden, Pop-Up Pantry, and Fridge have been increasing. CPA does great in volunteer management and gaining donations to help grow, but we need help.

We are requesting $34,000 for 1-year to launch the **People's Promise**. The People's Promise will coordinate and formally expand the current community activities at 18th street (i.e., People's Garden, Pop-Up People's Pantry, and People's Fridge) and replicate these in at least two new location in the City of Merced. Our priority is to replicate these resources at the three existing community centers: McNamara Youth Center, Stephen Leonard Park Community Center, and the new Merced Central Youth Center Restorative Justice League/Smiley Riley Legacy Partnership. We have collaborated with leaders from each center in prior work. The Merced Central Youth Center recently purchased materials for a garden area that we will help develop. The Food Bank recently contributed five new refrigerators to expand the People's Fridge in more locations. The $34,000 will complement existing funds to support part of a volunteer coordinator and supplies for events and activities. As with our prior initiatives, the People's Promise will use the 1-year of Community Funding from the City of Merced to leverage and multiply new funds and support that grow volunteerism for health nutrition throughout the city. More details about these activities and budget description follow in our brief proposal.

Thank you for this opportunity to work with the City of Merced to improve the quality of life for our residents. Please do not hesitate to contact me or Dr. Roussos with any questions.

Sincerely,



Manuel J. Alvarado, CEO

Proposal for the City of Merced Community Funding 2021-2022

Applicant: United Way of Merced County, c/o Community Partnership Alliance

Project Name: People's Promise

Individual Staff Experiences

Stergios Roussos, PhD, MPH, (in-kind support, 8% FTE), Program Director, provides overall project oversight. Dr. Roussos is an original co-founder of the Community Partnership Alliance (CPA) in 2002 and has co-led all the projects leading up to this proposal. He has 25-plus years of experience (19 in Merced) in collaborative advocacy initiatives as a participatory action researcher and as a social justice organizer.

Ismael Munoz, MA (50% FTE), bilingual (Spanish) Program Coordinator, manages all daily project work and paid and volunteer support team. Mr. Munoz has led Project Grow since early 2019 with strong ties to Spanish and Hmong parents. He has 15-plus years of experience in education and child development (mostly in Merced and formal and experiential training in community organizing and community-improvement initiatives.

Proposed Project & Scope of Services

Project start-end dates: July 1, 2021 through June 30, 2022

The overall goal of Project Promise is to grow the successes in volunteered, community engagement accomplished over the past three years so that more youth and community members participate in activities to improve health, nutrition, city pride, and city beautification. As illustrated in examples provided in the Introductory Letter, the People's Garden, Pop-Up People's Pantry and People's Fridge have grown into wonderful vehicles for community engagement. City residents are helping grow and organize fresh produce, reduce hunger by improving food access, beautify the community with front yard gardens, and grow relationships with their neighbors and businesses. While not a direct goal, volunteers and neighbors have told us that these public projects have made the 18th Street area around the garden feel safer and the neighbors more connected and prouder of their neighborhood. We are doing our best to manage the growth, support from the Community Funding will complement our existing resources to do this in a more organized and effective manner. We will grow our success at the location at 18th Street and at least at two other locations in the City of Merced (prioritizing the three existing City-funded community centers).

Activities and Deliverables

July – September 2021: Engage at least 12 new volunteers and reach at least 100 residents in events.

- Provide bi-weekly to monthly outdoor events (with compliance for pandemic physical distancing, masking, and protective measures) at the 18th Street People's Garden to increase home and community gardening of nutritious foods (e.g., gardening classes, pottery and stone painting for gardens, non-perishable food demos).

- Prepare a volunteer "People's Promise Team" to begin expanding garden, fridge, and pantry to at least one new location (most likely the Merced Central Youth Center that is now pursuing a garden). Each new location requires a core group of its own volunteers to organize and manage activities.
- Begin formal fund development for expansion of People's Promise beyond the Community Funding.

October – December 2021: Engage at least 15 new volunteers and reach at least 150 residents in events.

- Provide bi-weekly to monthly outdoor events (with compliance for pandemic physical distancing, masking, and protective measures) at the 18th Street People's Garden and the new location to increase home and community gardening of nutritious foods (e.g., gardening classes, pottery and stone painting for gardens, non-perishable food demos).
- Complete the expansion of People's Promise to at least one new location.
- Begin expansion of the People's Promise to its next location.
- Continue formal fund development for expansion of People's Promise beyond the Community Funding.

January – March 2022: Engage at least 20 new volunteers and reach at least 200 residents in events.

- Provide bi-weekly to monthly outdoor events (with compliance for pandemic physical distancing, masking, and protective measures) at the 18th Street People's Garden and the new locations to increase home and community gardening of nutritious foods (e.g., gardening classes, pottery and stone painting for gardens, non-perishable food demos).
- Complete the expansion of People's Promise to another new location.
- Begin expansion of the People's Promise to its next location.
- Continue formal fund development for expansion of People's Promise beyond the Community Funding.

April – June 2022: Engage at least 25 new volunteers and reach at least 250 residents in events.

- Provide bi-weekly to monthly outdoor events (with compliance for pandemic physical distancing, masking, and protective measures) at the 18th Street People's Garden and the new locations to increase home and community gardening of nutritious foods (e.g., gardening classes, pottery and stone painting for gardens, non-perishable food demos).
- Complete the expansion of People's Promise to another new location.
- Begin expansion of the People's Promise to its next location.
- Continue formal fund development for expansion of People's Promise beyond the Community Funding.

Program Budget: July 1, 2021 through June 30, 2022			
	Total	**Requested**	**Other Committed Funding**
PERSONNEL			
Salaries/Wages			
Project Director (8% FTE)	$9,984.00	$0.00	$9,984.00
Project Coordinator (100% FTE)	$41,600.00	$20,800.00	$20,800.00
Total Salaries/Wages:	$51,584.00	$20,800.00	$30,784.00
Fringe Benefits			
35%	$18,054.40	$7,280.00	$10,774.40
Total Benefits:	$18,054.40	$7,280.00	$10,774.40
Total Personnel Expenses:	$69,638.40	$28,080.00	$41,558.40
OPERATING EXPENSES			
Rent/Space Justification: Estimated $1,500 per month	$18,000.00	$0.00	$18,000.00
Utilities Justification: water, electricity and garbage adjusted for project to $110 per month on average	$1,320.00	$0.00	$1,320.00
Office Expenses Justification: $100 per month for printing, $50 per month for office supplies	$1,800.00	$300.00	$1,500.00
Local travel for project: 250 miles per month at $0.56 per mile	$1,680.00	$0.00	$1,680.00
Communications Justification: 1 project phone $100 per month			$1,200.00
Outreach materials: social media, flyers, posters at $120 per month	$1,440.00	$300.00	$1,140.00
Activity and event refreshments: estimated at 8 to 15 people per event for at least 60 events, approx. 800 people, $6 per person	$4,800.00	$2,512.00	$2,288.00
TOTAL Operating Expenses:	$30,240.00	$3,112.00	$27,128.00
TOTAL Program Expenses:	$99,878.40	$31,192.00	$68,686.40
Other Expenses: indirect costs of 15% of total, only charging 10% of salaries to grant (5% in-kind)	$14,981.76	$2,808.00	$12,173.76
TOTAL Other Expenses:	$14,981.76	$2,808.00	$12,173.76
TOTAL PROGRAM EXPENSES:	$114,860.16	$34,000.00	$80,860.16

References

Stephanie Russell, MPH, RD, Public Health Program Coordinator,
Stephanie.Russell@countyofmerced.com

Ileisha Sanders, MPH, Public Health Program Coordinator,
Ileisha.Sanders@countyofmerced.com,

Merced County Department of Public Health (MCDPH), 260 E. 15th St. Merced, CA 95341, (209) 381-1104. We have worked with both Mrs. Russell and Mrs. Sanders separately and together. MCDPH funded the early development of the community gardening work (Merced Local Food Project) and partners in current projects for gardening and food access.

Cori Lambert, Grant Program Specialist, clambert@ccah-alliance.org, 831-430-2518

Central California Alliance for Health, (CCAH, Merced County's Medi-Cal insurer), grants@ccah-allliance.org, (831) 430-5784, 1600 Green Hills Road, Ste. 101, Scotts Valley, CA 95066; 530 West 16th Street, Ste. B, Merced, CA 95340-4710. Mrs. Lambert was our program contact for Project Grow funded by CCAH Grow (see Introductory Letter).

Erin Meyer, MS, Sustainable Food Programs Coordinator, emeyer4@ucmerced.edu,
(209) 205-8102

University of California, Merced, Office of Leadership, Service and Career, Office of Sustainability
5200 Lake Road, Merced, CA 95343. Mrs. Meyer is a lead partner from UC Merced for most of the projects described in this proposal.

CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

Agenda Item L.1. Meeting Date: 5/17/2021

SUBJECT: Council Member Ornelas' Request to Discuss a Resolution of Support for City of Merced Street Vendors

REPORT IN BRIEF
Council Member Ornelas' request to discuss a resolution to support Merced's street vendors pursuant to City Council Administrative Policies and Procedures C-1.

RECOMMENDATION
Provide direction to staff on a potential resolution to support Merced's street vendors.

DISCUSSION
Street vendors are an essential part of the economic fabric in south Merced. Therefore, I hope to get agreement from the Council and get direction from them on how to do the following:

1. Create a street vendor association. Function will be able to set up open lines of communication to the several city departments.

2. Designate all Merced city parks as safe zones for vendors. Giving them open access to all events at the parks if they are a part of the association. As well as designating safe zones in the different neighborhoods.

3. Through the economic development department create a pathway for street vendors to establish a business with proper permits.

4. Create fund to purchase pepper spray and other protective devices and training how to use them safely via the association.

Attached are examples of a Resolution adopted by the City of Fresno and a policy from Los Angeles.

Council Member Jesse Ornelas, District 1

ATTACHMENTS
1. Fresno Resolution
2. LA Policy

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, ESTABLISHING A COMMITTEE TO FACILITATE THE FORMATION OF AN ASSOCIATION OF LOCAL MOBILE FOOD VENDORS

WHEREAS, there has been a rise in local violence directed at mobile food vendors in the city; and

WHEREAS, the City desires to protect mobile food vendors and ensure their safety on public streets and while at work; and

WHEREAS, the formation of a Council sub-committee will help the Council explore and address the acute needs of the mobile food vendor relating to personal public safety, law enforcement presence, licensing, and code regulations; and

WHEREAS, a committee would be beneficial in assisting mobile food vendors in forming an association to protect and advocate for their unique interests.

Example

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Local Mobile Food Vendor Association Committee (Committee) is hereby established.

2. The membership of the Committee shall consist of three members of the City Council as appointed by the Council President.

3. The purpose of the Committee is to ascertain the needs of the mobile food vendor relating to personal public safety, law enforcement presence, licensing, and

Date Adopted:
Date Approved
Effective Date:
City Attorney Approval: _____ Resolution No.

code regulations and facilitate the formation of a Local Mobile Food Vendor Association (Association).

4. The City Attorney's Office is hereby directed to work with the Committee in the formation of the Association; following formation, all tasks of the Association, including the creation of bylaws, shall be handled by the Association.

5. The Committee shall dissolve upon the formation of the Association or when dissolved by Council resolution, whichever occurs first.

6. This resolution shall be effective upon final approval.

Example

* * * * * * * * * * * * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2021.

AYES :
NOES :
ABSENT :
ABSTAIN :

YVONNE SPENCE, MMC CRM
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Pauline Brickey Date
Deputy City Attorney

Example

January 11, 2017

Honorable Members of the City Council
Los Angeles City Hall
200 N. Spring Street
Los Angeles, CA 90012

Re: Sidewalk Vending Policy - CF 13-1493

Dear Honorable Members:

The Los Angeles Street Vendor Campaign (LASVC) writes in response to the November 8, 2017 Economic Development and Public Works and Gang Reduction Committees' Report (Committees' Report), and the corresponding November 3, 2017 Report of the Chief Legislative Analyst (CLA Report), relative to the proposed City Sidewalk Vending Program (program). After more than four years of considering this issue and over a dozen public hearings, the Council is now poised to adopt a comprehensive program to legalize and regulate sidewalk vending in the City of Los Angeles. We appreciate this opportunity to provide input on the specific, important details of such a program. While we urge the Council to adopt a comprehensive Street Vending Program, we believe that certain changes to the proposals in the Committees' Report and CLA Report are necessary. We provide the following recommendations to help achieve an effective, equitable and inclusive policy that will uplift and protect *all* entrepreneurs, stakeholders, and consumers in our city.

Example

The LASVC is a broad and diverse coalition of street vendors and 65 organizations from across the city. Individually, our member organizations are leading experts in the fields of community development, immigrant rights, civil rights, public interest law, public health, municipal law, food equity, small business development, safe and vibrant streets, and economic development. Collectively, we work to protect the rights of street vendors and enhance economic opportunities for low-income entrepreneurs. We have worked directly with thousands of vendors in all corners of the city to build leadership and strengthen networks. We have created and implemented a robust vendor-driven policy development process, culminating in a series of thoughtful and pragmatic policy recommendations. We have coordinated legal clinics and provided direct legal services to vendors enduring the unjust impacts of complete criminalization. We have created financial tools and technical assistance programs to promote and sustain vendor business development. All of this supports a broader movement to establish a comprehensive permit system to allow vending on City sidewalks and parks.

This movement to legalize street vending has always been led by those most impacted by the City's criminalization policies: low-income vendors. Over the course of several years, hundreds of vendor leaders have collectively developed a policy platform that is rooted in the experiential knowledge of the vending community and further informed by legal and policy analysis and robust stakeholder input. The LASVC policy platform balances equity, opportunity, fairness, safety and accessibility.

The following recommendations derive from this platform, and are further shaped by a series of focused feedback sessions with vendors. A short summary of LASVC recommendations is provided first, followed by a more detailed set of recommendations in response to various elements of the Committees' Report and the CLA Report. We appreciate your careful consideration, and urge the Council to adopt a Sidewalk Vending Program consistent with the recommendations outlined below.

SUMMARY OF LASVC RECOMMNEDATIONS DESCRIBED HEREIN.

The following is a short summary of the specific changes that we recommend the Council include when adopting a Sidewalk Vending Program. Each is described in greater detail in this letter.

- Do not allow private property owners to disallow otherwise safe vending on the public right-of-way. We can uplift all small businesses without giving one type of business veto or extortion power over another.
- Allow program flexibility without unjust exclusion of vendors. Special Sidewalk Vending Districts should not devolve into tools of exclusion. Any prohibition on vending should be strictly limited and based on actual and demonstrable safety concerns, not business discrimination or perceived community animus toward vending.
- Do not attempt to regulate sidewalk vending with Location Restrictions that were developed for news racks– as currently proposed in the CLA Report. Instead, create location restrictions that actually account for vending practices and sidewalk accessibility. Specific recommendations are provided on page 5 of this letter.
- Promote safe, shared access to public space. An arbitrary limit of two vendors per block undermines this goal. Instead, commonsense location restrictions can impose appropriate limits on vending, but in a way that is actually tailored to the different street typologies across our city.
- Expand hours of operation in non-residential areas.
- Utilize existing County DPH Route Sheets in the application process to avoid the creation of an added layer of requirements that will add costs to the program, and allow vending without a cart, where permitted by the Department of Public Health.
- Advance a program to provide retroactive relief to vendors with pending prosecutions, prior convictions and criminal justice debt.
- Implement a first warning for street vending violations, clarify increases in penalties for subsequent offences within a year, reduce base fines, and avoid seizing vendors' property.
- Include additional incentives for Healthy Food Carts.
- Identify resources for low-income vendors and ensure an inclusive application process.

Example

PREVENT UNNECESSARY AND UNJUST RESTRICTIONS ON VENDING LOCATION.

The recommendations in the Committees' Report would impose at least four distinct layers of restrictions on vending location: (1) allowing private property owners to disallow (veto) vending on the public right-of-way near their property; (2) allowing Council Offices to create Special Sidewalk Vending Districts where vending could be further restricted or outright prohibited; (3) limiting vending in all cases to no more than two vendors per block face regardless of the size of the street; and (4) imposing overly burdensome sidewalk spacing restrictions that were created to regulate news racks, not sidewalk vendors. The cumulative effect of combining these four separate layers of restrictions will be a dramatic reduction of viable vending opportunities across wide swaths of the city. We fear this exclusionary package of policies will prevent vendors from obtaining permits, further relegating vending to the shadow economy and undermining the core objectives of this policy.

The success of the program requires a more thoughtful approach. We ask for your careful consideration of the following recommendations:

DO NOT require that vendors obtain permission from a private property owner.

Recommendation number 8 in the Committees' Report is to "request the City Attorney, in conjunction with the CLA, CAO, and EWDD, to establish a process which property owners can affirmatively opt or disallow street vending on sidewalks fronting on their property." Such an exclusionary and discriminatory requirement should absolutely not be included in the Sidewalk Vending Program, and we implore the Council to remove this recommendation.

Conditioning approval of a vending permit on permission from a private property owner blatantly favors one type of small business at the expense of another. There is no reasonable relationship between such a discriminatory policy and any legitimate health and safety interests. The CLA Report appropriately underscores the City Attorney's opinion that ***"limiting vending by suggesting that one form of economic activity is favored over another would not be advisable."*** (CLA Report Attachment 1, p. 2.)

In addition to being an improper regulatory restraint on competition, such a requirement would be difficult to administer. Are vendors expected to obtain permission from national or international companies that own and lease retail space in the City? What if a vendor is unable to discover the owner of a multi-tenant retail or manufacturing property? Who gives consent if a property is owned by multiple entities? Beyond these concerns, as has been discussed extensively, it is likely that increased instances of extortion of vendors would result from such a requirement.

The implicit message of this provision is deeply troubling as well. Handing property owners the authority to veto otherwise legal sidewalk vending businesses would only reinforce a hierarchy that values street vending less than other types of small businesses. It would elevate property ownership over micro-entrepreneurship and would classify street vending as something "other" than the type of small business that deserves our support.

Example

We support policies to uplift *all* small businesses, and believe that vendors and brick and mortar businesses can mutually thrive under a set of commonsense regulations. Neighboring brick-and-mortar businesses will already be protected by the ordinance's other health and safety restrictions on location, including a prohibition on blocking an entrance or obstructing access and keeping sidewalks clean. In addition, the City should pursue a human relations approach that resolves any conflicts between sidewalk vendors, brick and mortar businesses and other stakeholders without implicating discriminatory bans and unjust enforcement practices. Such an approach has been successfully implemented in other regulatory contexts.

Allow program flexibility without unjust exclusion of vendors.

The Program Design proposes to allow Council Offices to create additional restrictions to "expand, limit or prohibit" sidewalk vending in their district, and calls for such provisions to be submitted and incorporated into NavigateLA within the first 90 days after approval of the program. (CLA Report, Attachment 2, p. 2; recommended for approval in Committees' Report Recommendation 1). We acknowledge the need for flexibility to respond to unique local dynamics within an overall citywide program. But we also strongly urge the Council to avoid exclusions that will undermine the impact and integrity of the program. We agree with the November 25, 2017 LA Times Editorial that additional restrictions should be "driven by legitimate safety concerns as determined by city officials, not by anti-competitive or NIMBY motives." Please consider the following recommendations:

Prioritize comprehensive citywide standards. Baseline, citywide standards with commonsense regulations will maximize economic opportunity *and* better address safety and accessibility concerns. We urge the Council to maintain its commitment to citywide program, with built-in flexibility as described below.

Criteria for imposing additional restrictions should be strictly related to health and safety considerations. The CLA Report offers a list of possible criteria for imposing additional restrictions in Special Sidewalk Vending Districts (CLA Report Attachment 2, p. 2.) We support guidelines to ensure that Special Sidewalk Vending Districts do not function as tools for arbitrary exclusion. However, some of the criteria listed do not appear to be correlated with safety concerns over vending. Specifically, "inadequate parking" and "commercial activity and pedestrian traffic" should not be presumed to be inconsistent with safe and accessible vending. It is also very unclear how "compliance with Community Plans" could be interpreted to require restrictions on vending. Community Plans must not become a tool to exclude vending based on perceived animus toward vending or favoring one sector of the small business economy over another.

Include safeguards to mitigate against unjust and unnecessary exclusion. While individual streets may exhibit unique dynamics that make vending unsafe or unworkable, a Special Vending District should not be a backdoor tool to "opt-out" of the City's program. Efforts to expand or restrict vending should include the following safeguard provisions:

- No Special Sidewalk Vending District should result in complete exclusion of vending. If vending is deemed unworkable on a certain street, then a District should allow vending on an adjacent or nearby street that does not demonstrate the same constraints.
- There should be a limit on the size and boundaries. The Special Sidewalk Vending District should not become a backdoor for special interests to cause entire communities to "opt-out" of the Program. Appropriate size limitations will ensure that Special Sidewalk Vending Districts are tailored to the specific issues they are intended to address.
- Some neighborhoods have embraced vending as a core element of a thriving cultural and economic hub, and could support expanded vending opportunities. Vendors should have the same ability to initiate and structure a Special Sidewalk Vending District that reflects historical vending practices, provided they can demonstrate that the refined and more permissive rules will not negatively affect health, safety and accessibility.
- The creation of Special Sidewalk Vending Districts should require review and approval based on findings related to public health, safety and accessibility. We strongly believe that deviation from the baseline rules should require duly noticed opportunities for the public to weigh in on the boundaries, rules and processes being proposed. Approval of any Special Sidewalk Vending District should include findings that such restrictions are necessary to promote health, safety and accessibility, or that more permissive vending rules will not negatively affect health or safety.

Do not prohibit vending on certain streets unless necessary due to a demonstrable safety risk. The Program Design suggests that each City Council Office will be able to identify "no vending areas" to be incorporated into the NavigateLA map. (CLA Report Attachment 2, p. 2.) On sidewalks where vending would otherwise be permitted under the placement requirements, any prohibition should be limited in scope and occur only where there are actual and demonstrable safety risks associated with vending. Economic protectionism or perceived community animus should never be a reason to prohibit vending.

Example

Establish Placement Requirements that are tailored to vending practices and safety considerations – NOT copied directly from the City's regulation of news racks.

We recommend commonsense sidewalk placement restrictions, applied citywide and without further limitation by arbitrary caps. Appropriately crafted, these restrictions can promote opportunities for vendors while protecting public safety and avoiding congestion.

Unfortunately, the CLA Report's Proposed Placement Requirements (CLA Report Attachment 3, p. 8-9) appear to be lifted directly from LAMC 42.00(f)(6) governing the placement of ***news racks***. Needless to say, vendors are people and not inanimate objects like news racks, and sidewalk vending has distinct regulatory considerations. Several of these restrictions, if applied to vending, would have unintended results. For example, Proposed Requirement no. 21 could effectively prohibit vending on streets with parking meters. Proposed Requirement no. 4 would prohibit vending within a full 45 feet to the rear of any sign marking a bus stop. Surely these restrictions could be better tailored to vending operations.

We sincerely hope the Council will consider placement requirements that respond to the unique characteristics of the vending trade, rather than recycling regulations from an entirely different issue. We propose the following Placement Requirements for sidewalk vending:

No vending shall occur:

(1) In such a way that would restrict or interfere with the ingress or egress of the abutting owner or tenant or to create or become a nuisance, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police, or sanitation vehicles.
(2) Where placement impedes the flow of pedestrian traffic by reducing the clear space to less than 5 feet or, impedes access to or the use of abutting property, including, but not limited to, residences and places of business.
(3) Immediately in front of buildings, houses, structures, or public stairs such that it causes a violation of ADA guidelines for pedestrian passage.
(4) On any part of the public right-of-way that is improved with lawn, flowers, shrubs, trees, other plants or decorative landscaping.
(5) On the roadway portion of any street, except that vending shall be permitted within a People St. Plaza or other areas reserved exclusively for pedestrian use.
(6) On medians of divided highways, unless such median is intended as a pedestrian walkway.
(7) Within ten feet of a fire hydrant.
(8) Within twenty feet of any hospital or emergency room entrance.
(9) Where exigent circumstances exist and a police officer or other authorized officer or employee of the city gives notice to a vendor to temporarily move from a location such vendor shall not vend from such location. For the purpose of this subsection, exigent circumstances shall include but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space at or near such location, an accident, fire or other emergency situation at or near such location, or a parade, demonstration, or other such event or occurrence at or near such location.

Example

Promote safe sidewalks without arbitrary restrictions.

Do NOT include an across-the-board maximum of two vendors per block face. The Proposed Operating Requirements would limit vending to "two carts per block face" regardless of the size of the block. (CLA Report, Attachment 3, p. 6.) Two vendors per block may be appropriate for *some* streets. In fact, some

streets might only safely accommodate one vendor, or even none. However, our major boulevards can safely accommodate more than two vendors per block face. An arbitrary limit fails to account for these variations. Instead, the program should rely on location restrictions that more accurately reflect safety priorities. Spatial regulations will create a de-facto cap on the number of vendors that may legally operate on each street, but in a way that is driven by the unique safety and accessibility dynamics of that street. This program should boost the entrepreneurship that drives our city forward. A two-vendor-per-block face limit achieves the opposite. It is arbitrary, unnecessary, and an unduly burdensome restraint on entrepreneurship. Rather, the Program should increase vending opportunities on large boulevards and allow vendor applicants to petition for additional spaces where it can be demonstrated that the additional location would not reduce public safety.

Expand Hours of operation in non-residential areas. The proposed Operating Requirements would limit all forms of vending in all locations to the hours of 7:00am to 9:00pm. (CLA Report, Attachment 3, p. 6.) Many vendors work before 7:00am and after 9:00pm in order to accommodate other pressures on their schedules, such as childcare and supplemental employment, and to cater to consumer preferences. In order for this program to be successful, hours of operation need to take into account where vending already occurs and avoid excluding vendors from the permit process. The hours of 7:00a to 9:00pm may be appropriate for residential areas. But on non-residential zoned streets, vendors should have the same legal hours of operation as brick and mortar businesses in that area.

Do not create additional restrictions for food vending not imposed by the County. The proposed Operating Requirements would allow stationary and mobile vending of food products only from "Public Health Department approved **mobile pushcarts**…" (CLA Report Attachment 3, p. 6, Operating Requirements (A) and (C), emphasis added). However, in some limited cases, the California Retail Food Code and County regulations do not actually require a mobile pushcart. For example, LA County Code Section 8.04.230 allows for a "personal hawker" to vend packaged, non-hazardous food "on his person or in a container such as a pack, bag, box, or basket." This is the least expensive public health permit available, and does not require expensive equipment. By requiring all food sales to occur from "approved pushcarts," the Operating Requirements could be interpreted to prohibit this type of vending in the city, thereby eliminating an accessible start-up opportunity for low-income vendors to operate in compliance with County health regulations. These Operating Requirements should be revised to require sales from approved pushcarts, *to the extent such pushcarts are required by the Department of Public Health.*

Example

Clarify where stationary vending is permitted. The proposed Operating Requirements would allow stationary vending in "commercial and industrial areas of the city." (CLA Report, Attachment 3, p. 6.) For clarity, we recommend that the program allow permitted stationary vending in "non-exclusively-residential zones," so as to ensure that vending is permitted on sidewalks in mixed-use areas, areas zoned Public Facilities, as well as Commercial and Industrial zones.

Allow flexibility and choice in vending location. The General Program Provisions state that the Sidewalk Vending Coordinator "shall develop a lottery system to allocate sidewalk vending permits based on the availability of locations, and with a percentage of permits reserved for low income individuals." (CLA Report, Attachment 3, p. 2.) We support prioritizing low income vendors in the permitting process, but it is unclear how a lottery would work. Several questions need to be resolved, including:

- Is a lottery triggered only if multiple applicants propose to vend in the same location?
- Will a lottery system acknowledge an applicant's history of vending in a certain area?
- Will unique locations be allocated to multiple vendors if proposed days and times do not overlap (e.g., one vendor proposes to work at an intersection on the weekend only, while another vendor proposes to work that the same location during the weekdays only)?

Assigning a single fixed location is counter to the standard practice of many stationary vendors who choose to operate at different locations on different days/times depending on their schedules and consumer demands (e.g. selling in one location on the weekend, and another location on certain weekday mornings). And when an assigned space sits vacant, there will be missed opportunities for trade. Requiring such a deviation from standard practices may improperly inhibit the natural flexibility of vending to the detriment of vendors and customers, and may ultimately discourage some vendors from participating in the program. We believe vendors should be able to select a route or series of locations/times, provided they adhere to the commonsense location rules. For food vendors, the County Route Sheet (described below) offers an instructive model.

Align location selection with County Process. The Proposed Regulations would require applications for stationary vending in commercial and industrial areas to indicate the proposed "location or area marked by major cross streets, and either north, sought, east or west side of the street." (CLA Report, Attachment 3, p. 5.) To obtain a County Health Permit, food vendors are already required to submit a Route Sheet as part of their application to the County, which outlined the proposed vending location by day and time. Rather than imposing an unnecessary duplicative layer of requirements, the City should accept the County Route Sheet as adequate indication of proposed location in an application.

END THE UNJUST CRIMINALIZATION OF LOW-INCOME ENTREPRENEURS.

The Sidewalk Vendor Coordinator should collaborate with the City Attorney and others to establish a meaningful program to provide retroactive relief for vendors with pending citations and convictions.

Example

Many individuals have been unjustly cited and prosecuted in the years that the City imposed a complete criminal ban on sidewalk vending. These individuals and their families are vulnerable to the frightening consequences of changing federal immigration policy, as well as all the other collateral consequences of a criminal history. In January, 2017 the Council indicated its intent to create an amnesty program. To date, the full range of options available to help support low-income vendors with convictions and/or other criminal justice debt has not been resolved.

Many legal options are available (*see, e.g. In re Dapper*, 71 Cal. 2d 184, 188 (1969) (retroactively applying the repeal of a local ordinance to pending cases)). We need bold and creative strategies to support vendors and their families facing the consequences of years of unjust criminalization. We recommend a comprehensive program for retroactive relief that would include: (1) City Council action to clarify that decriminalization actions affect pending prosecutions; (2) legislation and/or program coordination to enable dismissal of convictions under LAMC Sections 42.00, 80.73 and 63.44; (3) City Attorney discretion to dismiss pending cases in the interest of justice; and (4) intentional coordination within the Sidewalk Vending Program to assist vendor-applicants access expungement and other resources available to dismiss convictions and citations and eliminate criminal justice debt.

As an initial matter, in adopting the Sidewalk Vending Program, we recommend the Council request the City Attorney, in conjunction with the CLA, to report on options to provide relief to sidewalk vendors with citations under Los Angeles Municipal Code Sections 42.00 and 80.73, including but not limited to expungement, dismissal, and providing referrals and resources through the Proposed Sidewalk Vending Program; and on the applicability of *In re Dapper*, 71 Cal. 2d 184 (1969), *Spears v. Modoc City*, 101 Cal. 303 (1894), and *In re Estrada*, 63 Cal. 2d 740 (1965) to the City Council's ability to affect ongoing prosecutions.

Ensure humane strategies for monitoring and compliance in the new Sidewalk Vending Program.

The City's long-standing practice of allowing criminal prosecutions for street vending violations carried devastating consequences for low-income workers and their families, and heightened the risk of detention and deportation proceedings for immigrant vendors. We wholeheartedly support the elimination of criminal penalties as part of the enforcement regime in the new Sidewalk Vending Program. While we are pleased to see this commitment to decriminalization, we also recommend the following important changes to the proposed compliance program:

Include a warning for a first violation in each enforcement tier. The proposed two-tier penalty system does not include a warning. (Attachment 3, p. 10.) Vendors should be given a first warning and an opportunity to correct violations as a matter of course. This will enable education and invite vendors into the program more effectively than issuing fines and penalties right out of the gate.

Clarify the timeframe for increased penalties for subsequent violations. The current proposed ACE fines do not have a time limit for subsequent offenses. (Attachment 3, p. 10.) Standard practice is to increase penalties for subsequent violations occurring within one year. (*See, e.g.* LAMC Section 11.2.04(a)(1), Government Code Section 36900(b)). Accordingly, the Regulations should clarify that escalating fines should only be applied to subsequent violations occurring **within one year** of the first violation.

Align the penalties for vending without a Certificate of Operation with existing law. We support a policy that allows vendors to cure citations for vending without a Certificate of Operation by obtaining a permit and having previous citations significantly reduced or eliminated. However, the proposed base fines will cause undue financial hardship for low-income vendors. ACE fines for violations of the Sidewalk Vending Program without a Certificate of Operation should be $100 for a first violation (after a warning), $200 for a second violation within one year, and $500 for a third or subsequent violation within one year**.** This range is consistent with fines relating to infractions (*see, e.g.,* LAMC Section 11.2.04(a)(1) and Government Code Section 36900(b)).

Example

Avoid property seizure. Confiscation of vendors' property - which has proven to be a procedural and legal morass - is an ineffective and inappropriate deterrent. The City is already facing lawsuits from civil rights groups about the unlawful seizure of property from street vendors. It is antithetical to the values of justice and economic mobility, and is inconsistent with an otherwise balanced and humane enforcement program.

PRIORITIZE HEALTHY FOOD VENDING AND THE INCLUSION OF LOW-INCOME VENDORS.

The Program should Incentivize Healthy Food Carts.

We strongly support the inclusion of healthy food incentives, as proposed in the General Program Provisions. The LASVC, under the leadership of the LA Food Policy Council, has long championed a healthy food cart program and has performed significant research and analysis regarding such a program. In addition to the permit fee waivers and renewal extensions outlined in the General Program Provisions, we recommend that incentives include special authorization to vend near schools, at designated "Healthy Food Corners," and a right of first refusal for vending opportunities at City-sponsored events. We also recommend the City distinguish and support healthy food carts with signage and marketing support. We hope to collaborate closely with the Sidewalk Vending Coordinator as this important program is implemented.

The Application Requirements should be inclusive and aligned with existing requirements.

We support inclusive identification options for a Sidewalk Vending Operator License and Sidewalk Vending Certificate of Operation. The list of acceptable identification included in the CLA Report (CLA Report, Attachment 3, p. 5) should be expanded to be consistent with the Proof of Identify provisions in AB 60. The Regulations should also clearly prohibit any inquiry into immigration or citizenship status within any part of the permitting or enforcement process.

The Sidewalk Vendor Coordinator should provide technical assistance and education/outreach.

We support the creation of a Sidewalk Vendor Coordinator position and the establishment of one-stop service centers where plan check and other County-related functions could occur. The Sidewalk Vendor Coordinator should prioritize language access and individualized technical support and coaching, offered to vendors free of charge. The Sidewalk Vendor Coordinator should coordinate closely with community-based organizations as necessary to create and implement an effective outreach and education program.

Program costs and budget should account for economic impact of vending and should allocate enforcement resources according to need.

A successful Sidewalk Vending Program requires resources for full implementation. As the Council considers various program costs and budgeting strategies, careful attention should be given to the impacts on low-income vendors. Fees should be set at levels that will help offset costs, without discouraging full participation. The Council should consider different fee levels for different types of vending.

Example

While we appreciate the CLA Report's analysis of cost recovery based on enforcement models, we wish to point out that the revenue analysis is based only on permit fees. (CLA Report, Attachment 2, p. 3-7.) Legalized sidewalk vending will contribute to the City's coffers in significant other ways, including tax revenue, recirculation of local capital, stimulation of local economies and supply chains, reduction in costs targeting illegal vending, and other economic multipliers (*See,* Economic Roundtable, "Sidewalk Stimulus: Economic and Geographic Impact of Los Angeles Street Vendors." 2015).

We recommend the City Council direct the Sidewalk Vending Coordinator to concentrate on streamlining the permit program by making the application process more affordable and providing effective outreach and education efforts for vendors during the first year of the program. Creating a working system for lawful vending will significantly decrease the amount of illegal vending, which will in turn reduce the enforcement burden. We recommend the City maintain current enforcement levels for the first year and subsequently decide on the appropriate enforcement model based on number of permits issued, and lessons learned during the first year of implementation.

The City should prioritize cost reduction strategies for vendors.

We applaud the CLA and Council for investigating strategies to reduce the high costs to vendors, which could serve as barriers to full compliance. We support changes to State and County regulations to be more narrowly tailored to mobile food facilities, thereby reducing food vending startup costs. We also strongly support the recommendation to explore options relating to cooperatives and incubators. The City should also support micro-lending and other programs to improve access to capital for low-income vendors who are excluded from mainstream capital. We urge the City to coordinate closely with community-based lenders and other organizations focused on building opportunities for low-income entrepreneurs. The Council should direct the Sidewalk Vending Coordinator to immediately convene a cost reduction task force - consisting of street vendors, City, County and State agencies, and community-based organizations

working with street vendors - to develop and implement additional recommendations to remove barriers to entry for vendor participation.

***

As we enter the fifth year of this effort to legalize street vending in LA, our city and our country are now facing challenges many of us could never have predicted at the outset. Finally adopting a thoughtful, citywide street vending program is an important moment– an opportunity to show that Angelenos are committed to inclusion, racial equity, and economic opportunity for everyone, especially low-income families. We urge the Council to consider the above recommendations, incorporate them into the Sidewalk Vending Program, and expeditiously approve the drafting and adoption of an ordinance to legalize sidewalk vending.

Sincerely,

The Los Angeles Street Vendor Campaign

Example

CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

Agenda Item L.2.. Meeting Date: 5/17/2021

SUBJECT: Request to Add Item to Future Agenda

REPORT IN BRIEF
Provides members of the City Council to request that an item be placed on a future City Council agenda for initial consideration by the City Council.

ADMINISTRATIVE REPORT

Agenda Item L.3. Meeting Date: 5/17/2021

SUBJECT: City Council Comments

REPORT IN BRIEF

Provides an opportunity for the Mayor and/or Council Member(s) to make a brief announcement on any activity(ies) she/he has attended on behalf of the City and to make a brief announcement on future community events and/or activities. The Brown Act does not allow discussion or action by the legislative body under this section.