

CITY OF MERCED
Planning Commission

Resolution #4119

WHEREAS, the Merced City Planning Commission at its regular meeting of July 5, 2023, held a public hearing and considered **Conditional Use Permit #1274, and Site Plan Review Permit #516** initiated by Merced Security Storage, LLC, on behalf of REM Land Group, LLC, property owner. The General Plan Amendment would change the General Plan land use designation from Commercial Office (CO) to Business Park (BP). The Site Utilization Plan Revision would change the land use designation within P-D #12 from Commercial Office to Self-Storage. The applicant is requesting these changes to allow the development a self-storage facility (approximately 440 storage units) with long-term boat and recreational vehicle parking spaces (approximately 171 parking spaces). The approximate 6-acre subject site is generally located on the north side of Olive Avenue, approximately 725 feet east of Highway 59. The subject site is more particularly described as “Parcel E” as shown on the map entitled “Parcel Map No. 3 for C.H.M. Company” recorded in Book 19, Page 46, in Merced County Records; also known as a portion of Assessor’s Parcel Number (APN) 058-030-005; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through M of Staff Report #23-289 (Exhibit B of Planning Commission Resolution #4119); and,

WHEREAS, the Merced City Planning Commission concurs with the Findings for Conditional Use Permit in Merced Municipal Code Section 20.68.020 (E), and Site Plan Review Permit in Merced Municipal Code Section 20.68.050 (F) as outlined in Exhibit B; 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 adopt a Mitigated Negative Declaration regarding Environmental Review #23-08, and approve Conditional Use Permit #1274, and Site Plan Review Permit #516, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

ABSTAIN: Commissioner(s)

PLANNING COMMISSION RESOLUTION #4119

Page 2

July 5, 2023

Adopted this 5th day of July 2023

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Exhibits:

Exhibit A – Conditions of Approval

Exhibit B – Findings/Considerations

Exhibit C – Mitigation Monitoring Program

Conditions of Approval
Planning Commission Resolution # 4119
Conditional Use Permit #1274
Site Plan Review Permit #516

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Site Plan at Attachment E of Planning Commission Staff Report #23-534), Exhibit 2 (Floor Plans at Attachment F of Planning Commission Staff Report #23-534), Exhibit 3 (Elevation at Attachment G of Planning Commission Staff Report #23-534), and as modified by the conditions of approval within this resolution.
2. The Project shall comply with all applicable conditions set forth in the resolutions for Annexation No. 86 (Fahrens Creek Annexation) previously approved for this site.
3. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
4. The developer/owner is required to finance the annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, streetlights, parks and open space, which may include a financing mechanism such as a Community Facilities District (CFD) or, assessment district. Procedures for financing these services and on-going maintenance shall be initiated before final map approval or issuance of a certificate of occupancy for any building, whichever comes first. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
5. 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.

6. 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.
7. The project shall comply with all requirements of the California Building Code and all flood requirements of the Federal Emergency Management Agency (FEMA), as well as the requirements for the California Urban Level of Flood Protection (CA 200-year flood).
8. All landscaping in the public right-of-way shall comply with State Water Resources Control Board Resolution No. 2015-0032 "To Adopt an Emergency Regulation for Statewide Urban Water Conservation" and the City's Water Conservation Ordinance (Merced Municipal Code Section 15.42). Xeriscape or artificial turf shall be used in place of natural sod or other living ground cover. If turf is proposed to be installed in park-strips or on-site, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed. All irrigation provided to street trees, parking lot trees, or other landscaping shall be provided with a drip irrigation or micro-spray system. All landscaping shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030).

9. The proposal shall comply with Merced Municipal Code Chapter 20.34 – Creek Buffers, for development near Black Rascal Creek.
10. All landscaping shall be kept healthy and maintained in good condition and any damaged or missing landscaping shall be replaced immediately.
11. Trees and or fast-growing vines or other plants shall be planted on or near the block wall along Olive Avenue to deter graffiti and/or a graffiti resistant coating applied to the wall. Details to be worked out with Planning staff during the building permit stage.
12. The proposed fencing within the floodway shall require a No Rise Certificate prepared by a licensed Hydrologist. If a No Rise Certificate cannot be issued, fencing would not allowed within the floodway area of the property.
13. Full public improvements shall be installed/repared if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
14. The developer shall work with a traffic engineer to determine the sufficient distance for vehicle stacking space to enter the site to prevent vehicles from stacking on Olive Avenue. Details to be reviewed and approved by the City Engineer
15. Any missing or damaged improvements along the property frontage shall be installed/repared to meet City Standards. Any improvements that don't meet current City Standards shall be replaced to meet all applicable standards.
16. The applicant shall work with the City's Refuse Department to determine the proper location for a trash enclosure and if a recycling container will be required to comply with AB 341. The container(s) shall be enclosed within a refuse enclosure built to City Standards.
17. All mechanical equipment shall be screened from public view.
18. The parking lot layout shall comply with all applicable City Standards. Parking lot trees shall be provided at a ratio of one tree for every six parking spaces provided for customers (this does not apply to the long-term parking spaces). These trees shall be installed per the City's Parking Lot Landscape Standards, shall be a minimum of 15-gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City's approved tree list).

19. The driving aisles shall be paved with an impervious surface, as approved by the City Engineer. This includes the driving aisles for the long-term parking lot for boats and recreational vehicles.
20. The driving aisles shall be designed to meet all Fire Department requirements, including those pertaining to turning radius.
21. The parking spaces for boats and recreational vehicles may be surfaced with gravel or similar material, as approved by the Director of Development Services.
22. All vehicular gates shall be provided with a “click-to-enter” access and remote controls shall be provided to the City of Merced Police, Fire, and Public Works Departments. The device used shall be approved by the City prior to installation.
23. All gates shall be provided with a knock box, as required by the Fire Department.
24. All service drives including the access and egress gates shall be posted as Fire Lanes. All signs and markings shall be as required by the Fire Department.
25. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
26. Parking lot lights and building lights shall be shielded or oriented in a way that does not allow “spill-over” onto adjacent lots or be a nuisance to adjacent residential properties. This shall be done in compliance with the California Energy Code requirements. Any lighting on the building shall be oriented to shine downward and not spill-over onto adjacent parcels.
27. 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).
28. The self-storage, and boat and recreational vehicle parking lot may operate daily between 7 a.m. and 10 p.m. Hours of operation may be adjusted at the discretion of the Director of Development Services.
29. Residency or dwelling is not allowed within any storage facility or within any recreational vehicles or boats parked onsite.

30. Minor modifications to the site plan, floor plan, or elevations may be reviewed and approved by the Director of Development Services as allowed by Merced Municipal Code Section 20.20.020 (O).
31. The proposal shall comply with the Mitigation Monitoring Table at Attachment K of Planning Commission Staff Report #23-534.
32. This resolution for a Conditional Use Permit (CUP #1274) and Site Plan Review Permit (SP #516) does not become effective until the General Plan Amendment (GPA #23-02) and Site Utilization Plan Revision (SUP Rev #3) to Planned Development (P-D) #12 are approved by the City Council and the Ordinance for the Site Utilization Plan Revision becomes effective.
33. All drainage from the site shall be retained on the project site. No drainage shall run-off onto adjacent properties. This includes drainage from buildings.
34. The traffic signal timing at the intersection of Olive Avenue/Santa Fe Drive and Highway 59 shall be optimized, if deemed necessary by the City Engineer.
35. The applicant shall work with the Engineering Department to determine if the driveway along Olive Avenue needs to be widened for this development (including the turning radius for large trucks hauling boats). Details to be reviewed and approved by the City Engineer during the building permit stage.

**Findings and Considerations
Planning Commission Resolution #4119
Conditional Use Permit #1274
Site Plan Review Permit #516**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) If the General Plan Amendment is approved, the proposed project would comply with the General Plan land use designation of Business Park (BP) which allows parking facilities as a principally permitted use and self-storage facilities with a site plan review permit. The project would also comply with the Zoning designation of Planned Development (P-D) #12 if the Site Utilization Plan Revision is approved.

The proposed project, with conditions of approval, will help achieve the following General Plan land use policies:

Policy L-3.2: Encourage infill Development and a Compact Urban Form

The proposed project would develop an approximate 6-acre site that has been vacant for decades. Developing this site addresses some maintenance issues associated with undeveloped parcels such as overgrown weeds (fire hazard), vandalism, and loitering which could affect neighboring parcels. In addition, infill development is an efficient use of development that utilizes existing infrastructure within City limits as opposed to annexing land that requires expanding City infrastructure and services.

Traffic/Circulation

- B) The proposed development includes a self-storage facility with approximately 440 storage units, and a long-term boat and recreational vehicle parking facility with approximately 171 on an approximately 6-acre vacant parcel located in northwest Merced. The project site fronts an arterial road (Olive Avenue). Vehicle access is available from an existing driveway along Olive Avenue that is shared with the parcel to the west. The nearest north-south roads being Highway 59 (expressway) and Loughborough Drive (collector road) both designed to carry large volumes of traffic traversing through a large portion of the community. Highway 59 provides access to Highway 99 that connects Merced with other regional communities throughout the State.

Vehicle Miles Traveled

The Office of Planning and Research (OPR) advisory suggests that the Vehicle-Miles Traveled (VMT) contribution of small projects need not be considered significant. OPR suggests that agencies can find projects generating fewer than 110 vehicles trips a day to be less than significant. The Olive Avenue Mini-Storage project is comprised of land uses estimated to generate 74 vehicle trips per day. As this trip generation estimate falls below the 110 daily trip threshold identified by OPR the proposed project qualifies as a “small project” that can be assumed to have a less than significant impact on regional VMT.

Improvements

The development does not require the construction of any streets. Staff is of the opinion that the existing streets can adequately serve the development, but based on the level of service study at Attachment I of Planning Commission Staff Report #23-534, traffic signal timing optimization may be required at the intersection of Olive Avenue/Santa Fe Drive and Highway 59 (Condition #34). Given the loading/unloading of storage facilities and the long-term boat and recreational vehicle parking spaces, staff anticipates that large trucks and vehicles will be entering and existing the site. To prevent these large vehicle from stacking onto Olive Avenue and creating traffic congestion, staff is including Condition #14 requiring that the developer work with a traffic engineer to determine the sufficient distance for vehicle stacking space to enter the site. This may require making minor modifications to the site plan that would need to be reviewed and approved by the Director of Development Services (Condition #30).

Public Improvements/City Services

- C) Any damaged or missing public improvements shall be repaired if the permit value of the project exceeds \$100,000.00. The need for repairs or replacement of any missing improvements would be evaluated at the building permit stage by the City’s Engineering Department (Condition #13).

Parking

- D) Per Merced Municipal Code Table 20.38 -1- Off Street Parking Requirements, the parking requirements for Public/Mini Storage is 1 parking stall per 50 storage units or 5 spaces, whichever is greater. Based on the proposed 440 storage units, the site is required to have at least 9 parking stalls. The site plan at Attachment E of Planning Commission Staff Report #23-534 shows 5 parking spaces. The proposed parking spaces do not satisfy standard parking requirements, the developer is proposing the planned development parking standards for this site require at least 5 parking stalls (Attachment I of Planning Commission Staff Report #23-534).

Site Design

- E) The proposed development includes a self-storage facility with approximately 440 storage units, and a long-term boat and recreational vehicle parking facility with approximately 171 parking spaces (Site Plan at Attachment E of Planning Commission Staff Report #23-534). The southern portion of the development along Olive Avenue would be reserved for the self-storage portion of the business and would be accessible through an existing driveway along Olive Avenue and may be required to be widened (Condition #35 of Planning Commission Staff Report #23-534). The storage units would range in dimensions between 5 feet by 5 feet, and 10 feet by 25 feet. The applicant is proposing a zero-lot line development (no setbacks) and would include storage units on portions of the west and east property lines. On the eastern property line, the back of the storage buildings would be made out of concrete blocks and be 12 feet tall. The north, south, west, and east (segment for boat and recreational vehicle parking only) property lines would be secured with a wrought iron perimeter fence. The southern portion of the project site would be secured with gates that would be equipped with electronic opening devices to restrict access.

The northern portion of the subject site (approximately 4 acres) would be dedicated for long-term boat and recreational vehicle parking with approximately 171 parking stalls with spaces ranging in size between 10 feet by 28 feet, and 12 feet by 58 feet. The long-term parking stalls would consist of gravel or other similar surface, but the driving aisles to said stalls would be paved with an impervious surface (Condition #21). The proposed long-term boat and recreational vehicle parking is considered long term storage and there are no separation and barrier requirements between this parking area and the residential properties to the east (unlike short term parking lots).

Elevations

- F) The elevations shown at Attachment G of Planning Commission Staff Report #23-534 illustrate the proposed structures. The tallest structure would be the office which would be approximately 22 feet tall with the exterior consisting of terracotta tile roofing, walls with stucco finish with stone veneer columns, and storefront windows. The storage units would be about 11 feet tall and range in dimensions between 5 feet by 5 feet, and 10 feet by 25 feet. The storage units would have a metal finish and a sloped roof from 11 feet to 10 feet, and other similar angled heights slopping away adjacent parcels to prevent drainage on neighboring sites. The majority of the southern property line would be screened with the back of the storage units which would be made out of decorative concrete blocks with a base height of 9 feet that jets up to approximately 12 feet as an accent feature that adds further screening as shown on Attachment G of Planning Commission Staff Report #23-534. The block building wall would be an off-white color with grey ribbon accents along the top of the building wall. Cultured stones would be used throughout the wall to add architectural interest. Staff is recommending landscaping or trees along this wall to soften the visibility of the site and discourage graffiti along the block building wall (Condition #11).

Landscaping

- G) The proposal does not include a landscape plan, but all future landscaping for mulch, shrubs, turf, or trees should be drought tolerant and all irrigation systems must comply with the latest requirements for water conservation (Condition #8). In addition, parking lot trees shall be installed as required by the City's Parking Lot Landscape Standards at a minimum ratio of one tree for every six parking spaces. Parking lot trees shall be selected from the City's approved tree list, providing a 30-foot minimum canopy at maturity (Condition #18). Street trees may also be installed along Olive Avenue as required by City standards. All trees shall be planted away from the City's 10-foot visual corner triangle area.

Neighborhood Impact

- H) The land uses in the area included Light Industrial (IL) to the east of the subject site and Low Density Residential (LD) to the west of the subject site. The subject site was designated for Commercial Office (CO) to be a buffer between the industrial and residential uses. The CO designation offered reduced impacts to the adjacent residential properties as professional and

medical offices tend to have limited hours of operation during the evening and weekends with less traffic and noise compared to light industrial uses. The requested land use change to Business Park would allow the site to still act as a buffer between the industrial and residential designations as Business Park is somewhat of a hybrid between light industrial and office commercial, described in the Zoning Ordinance as a district that allows back offices, and research and development businesses. There may be some temporary impacts such as vibration, noise, and dust during construction, but in general the proposed land use would separate the light industrial uses to the west and residential to the east.

As shown in the Traffic Impact Study at Attachment I of Planning Commission Staff Report #23-534 the proposed development is expected to generate 74 vehicle trips per day which is considered a “small project” due to having under 110 daily trips (with 5 trips in a.m. peak hour and 8 trips in the p.m. peak hour). Although not many people are expected to come to the site throughout the day, noise and lighting from the proposed development would be reduced by the 12-foot-tall block building wall along the eastern property line between the subject site and residential properties to the east. In addition, staff is including conditions requiring parking lot lights and building lights be shielded so that lighting does not “spill-over” to adjacent parcels (Conditions #26), require controlled hours of operation only allowing operation between 7 a.m. and 10 p.m. (Condition #28), and prohibit dwelling within storage facilities or within any recreational vehicle or boats parked onsite (Condition #29).

Public hearing notices were sent to all property owners within 300 feet of the project site. At the time that this report was prepared, the City had not received any comments regarding this project.

Black Rascal Creek/Floodway

- I) The northern portion of the project is located within a floodway due to its close proximity to Black Rascal Creek (100 feet north). This portion of the project would not have any buildings and would be used for boat and recreational vehicle parking purposes only. Within this floodway, the applicant would like to install a wrought iron fence along the northern, western, and eastern (portion for boat and recreational vehicle parking only) property lines. However, doing so would require a No Rise Certificate

prepared by a licensed Hydrologist confirming the fence would not increase the flood heights in the area or alter the flow of water. If the proposal does not qualify for a No Rise Certificate, the applicant would not be able to install any fencing within this area (Condition #12).

In addition, the proposal would have to comply with Merced Municipal Code Chapter 20.34 – Creek Buffers, which is intended to reduce the risks to property owners and the public from erosion and flooding, protect and enhance chemical, physical, and biological integrity of water resources in the City, minimize pollutants entering water bodies from urban stormwater runoff, and preserve riparian vegetation and protect vegetation, and protect wildlife habitats and wildlife corridors along natural drainage ways (Condition #9).

Affordability Requirements

- J) In April 2022, the City Council approved Resolution 2022-15 regarding the requirement for 12.5% affordable housing for new single-family residential subdivisions and multifamily residential projects. This requirement is triggered by two qualifiers that need to be met: entitlement type and number of units created. For single-family residential developments, the affordability requirement is triggered by a legislative action agreement (through annexations, general plan amendments, site utilization plan revisions, or zone changes) for projects with over 60 homes and for multi-family for projects over 30 units. The proposed singular (1) live/work unit for the manager of the self-storage facility is exempt from having to provide affordable units, as even though the proposal does require a legislative action agreement it contains less than the number of units needed to trigger the affordability requirement.

Conditional Use Permit Findings

- K) In order for the Planning Commission to approve or deny a conditional use permit, they must consider the following criteria and make findings to support or deny each criteria per MMC 20.68.020 (E) – Findings for Approval.

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

As shown under Finding A, if the General Plan Amendment is approved, the proposed project would comply with the General Plan land use designation of Business Park (BP) which allows parking facilities as a

principally permitted use and self-storage facilities with a site plan review permit. The project would also comply with the Zoning designation of Planned Development (P-D) #12 if the Site Utilization Plan Revision is approved

- 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.*

As shown under Finding E - Site Design, Finding F - Elevations, and Finding H – Neighborhood Impact, staff believes that the location, size, design, and operating characteristics of the proposal would be compatible with existing and future land uses in the vicinity. The proposed operation is relatively quiet and generates low traffic counts. In addition, Condition #28 limits the business hours of operation between 7 a.m. and 10 p.m. daily.

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

This proposal will require building permits with compliance with the California Building Code. During plan check staff will review the proposal for matters concerning health and safety. With approval of the conditions within this resolution staff does not anticipate that the approval of this request would adversely affect 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.*

The proposed development is considered in-fill development which is properly located within the City and adequately served by existing services and infrastructure such as street access, sewer connections, water connections, and other utilities.

Site Plan Review Findings

- L) A Site Plan Review Permit is required for this project for two reasons: 1) to develop a project within a Planned Development Zone; and, 2) because a public/mini storage is listed as a use that requires site plan review under the Land Use Table 20.10-1 – Permitted Land Uses in the Commercial Zoning Districts. This section applies to Planned Development Zones with General Plan designations of Business Park, unless specific land uses are identified by the Site Utilization Plan. Therefore, in order for the Planning Commission to approve or deny a site plan review permit, they must consider the following criteria and make findings to support or deny each criteria. The Findings

EXHIBIT B

OF PLANNING COMMISSION RESOLUTION #4119

required by MMC Section 20.68.050 (F) “Findings for Approval for Site Plan Review Permits” are provided below along with recommended reasons to support each finding.

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

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

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

Approval of the proposed Site Plan Review Permit and implementation of the conditions of approval for CUP #1274 and Site Plan Review #516 would bring the project into compliance with the applicable provisions of the Zoning Ordinance and Municipal Code.

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

There may be some temporary impacts such as vibration, noise, and dust during construction, but as shown under Finding E -Site Design, Finding F - Elevations, and Finding H – Neighborhood Impact, staff believes that the location, size, design, and operating characteristics of the proposal would be compatible existing and future land uses in the vicinity. Therefore, with the implementation of the conditions of approval, the proposed project would not interfere with the enjoyment of the existing and future land uses in the vicinity.

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

As shown under Finding F – Elevations, the applicant is proposing a typical design for a mini storage with a mixture of materials, colors, and textures. The building exterior would consist of a stucco finish with stone veneers. A decorative block wall would be installed along the southern elevation (Olive Avenue) with a variety of colors and materials. All structures onsite would generally consist of a uniform design and aesthetic. Staff believes that the proposed architectural design makes use of appropriate materials, texture, and color.

EXHIBIT B

OF PLANNING COMMISSION RESOLUTION #4119

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

The proposal does not include a landscape plan at the moment. Landscaping would be reviewed at the building permit stage. Trees would be planted throughout the parking lot and along street frontages (if required by Public Works). Parking lot trees would have to conform with minimum City Standards regarding quantity (1 tree per 6 required parking stalls), gallon size (15 gallons), and branch width (30-foot canopy). Parking lot trees shall be from the City's list of approved tree species found within City Engineering Standards. Street trees shall be reviewed by the Engineering and Public Works Departments to ensure conformance with City Standards in regard to species type, irrigation plan, and tree spacing. All landscaping must comply with local regulations and State regulations regarding water conservation, as found under Merced Municipal Code Section 20.36 – Landscaping, and affiliated sections found under the WELO Act (MMC 17.60).

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

The proposed project does not include any uses that would be detrimental to the public health, safety, and welfare of the City with implementation of the conditions of approval for the Conditional Use Permit and Site Plan Review Permit. Implementation of the conditions of approval and adherence to all Building and Fire Codes, and City Standards would prevent the project from having any detrimental effect on the health safety, and welfare of the City.

Environmental Clearance

- M) Infill projects over 5 acres or projects that don't comply with Zoning/General Plan designations require an Initial Study, per the California Environmental Quality Act (CEQA). In this case, the project site is not consistent with Zoning or the General Plan and is over 5 acres (at 6 acres) – thus an Initial Study was required. An Initial Study includes a wide range of analysis required by the State covering an array of subjects including, but not limited to, impacts on vehicle miles traveled, air quality, biological resource, public services, cultural resources, and City utilities. Planning staff has conducted an

environmental review of the project in accordance with the requirements of CEQA, and concluded that Environmental Review #23-08 results in a Mitigated Negative Declaration as the proposal would have an effect on the environment, but could be mitigated with certain measures (Attachment J of Planning Commission Staff Report #23-534) and does not require the preparation of an Environmental Impact Report. A copy of the Initial Study with a Mitigated Negative Declaration can be found at Attachment J of Planning Commission Staff Report #23-534.

ENVIRONMENTAL REVIEW #23-08
Revised
Mitigation Monitoring Program

MITIGATION MONITORING CONTENTS

This mitigation monitoring program includes a brief discussion of the legal basis and purpose of the mitigation monitoring program, a key to understanding the monitoring matrix, a discussion of noncompliance complaints, and the mitigation monitoring matrix itself.

LEGAL BASIS AND PURPOSE OF THE MITIGATION MONITORING PROGRAM

Public Resource Code (PRC) 21081.6 requires public agencies to adopt mitigation monitoring or reporting programs whenever certifying an environmental impact report or mitigated negative declaration. This requirement facilitates implementation of all mitigation measures adopted through the California Environmental Quality Act (CEQA) process.

The City of Merced has adopted its own “Mitigation Monitoring and Reporting Program” (MMC 19.28). The City’s program was developed in accordance with the advisory publication, *Tracking CEQA Mitigation Measures*, from the Governor’s Office of Planning and Research.

As required by MMC 19.28.050, the following findings are made:

- 1) The requirements of the adopted mitigation monitoring program for the General Plan Amendment #23-02, Site Utilization Plan (SUP) Revision #3 to Planned Development (P-D) #12, Conditional Use Permit #1274, and Site Plan Review #516 shall run with the real property. Successive owners, heirs, and assigns of this real property are bound to comply with all of the requirements of the adopted program.
- 2) Prior to any lease, sale, transfer, or conveyance of any portion of the subject real property, the applicant shall provide a copy of the adopted program to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.

MITIGATION MONITORING PROCEDURES

In most cases, mitigation measures can be monitored through the City’s construction plan approval/plan check process. When the approved project plans and specifications, with mitigation measures, are submitted to the City Development Services Department, a copy of the monitoring checklist will be attached to the submittal. The Mitigation Monitoring Checklist will be filled out upon project approval with mitigation measures required. As project plans and specifications are checked, compliance with each mitigation measure can be reviewed.

In instances where mitigation requires on-going monitoring, the Mitigation Monitoring Checklist will be used until monitoring is no longer necessary. The Development Services Department will be required to file periodic reports on how the implementation of various mitigation measures is progressing or is being maintained. Department staff may be required to conduct periodic inspections to assure compliance. In some instances, outside agencies and/or consultants may be required to conduct necessary periodic inspections as part of the mitigation monitoring program. Fees may be imposed per MMC 19.28.070 for the cost of implementing the monitoring program.

GENERAL PLAN MITIGATION MEASURES

As a second-tier environmental document, Initial Study #23-08 incorporates some mitigation measures adopted as part of the *Merced Vision 2030 General Plan Program Environmental Impact Report* (SCH# 2008071069), as mitigation for potential impacts of the Project.

NONCOMPLIANCE COMPLAINTS

Any person or agency may file a complaint asserting noncompliance with the mitigation measures associated with the project. The complaint shall be directed to the Director of Development Services in written form providing specific information on the asserted violation. The Director of Development Services shall cause an investigation and determine the validity of the complaint. If noncompliance with a mitigation measure has occurred, the Director of Development Services shall cause appropriate actions to remedy any violation. The complainant shall receive written confirmation indicating the results of the investigation or the final action corresponding to the particular noncompliance issue. Merced Municipal Code (MMC) Sections 19.28.080 and 19.28.090 outline the criminal penalties and civil and administrative remedies which may be incurred in the event of noncompliance. MMC 19.28.100 spells out the appeals procedures.

MONITORING MATRIX

The following pages provide a series of tables identifying the mitigation measures proposed specifically for General Plan Amendment #23-02, Site Utilization Plan Revision #3 to Planned Development (P-D) #12, Conditional Use Permit #1274, and Site Plan Review #516. 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 #23-02/Site Utilization Plan Revision #3 to Planned Development (P-D)
#12/Conditional Use Permit #1274/
Site Plan Review Permit #516
Mitigation Monitoring Checklist**

Project Name: _____ File Number: _____
Approval Date: _____ Project Location _____
Brief Project Description _____

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

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

<p style="text-align: center;"><i>a</i></p>	<p>GHG-1) The project applicant shall demonstrate compliance with the applicable BPS strategies to the Planning Division prior to the issuance of a building permit. The following BPS strategies are considered to be applicable, feasible, and effective in reducing GHG emissions generated by the project:</p> <ul style="list-style-type: none"> • The project will provide a pedestrian access network that internally links all uses and connects to existing external streets and pedestrian facilities. Existing facilities are defined as those facilities that are physically constructed and ready for use prior to the first 20% of the project's occupancy permits being granted. • Site design and building placement will minimize barriers to pedestrian access and interconnectivity. Physical barriers such as walls, berms, landscaping, and slopes between residential and nonresidential uses that impede bicycle or pedestrian circulation will be eliminated. Barriers to pedestrian access of neighboring facilities and sites will be minimized. This measure is not meant to prevent the limited use of barriers to ensure public safety by prohibiting access to hazardous areas. This measure is not meant to prevent features needed to securely operate a mini-storage facility. • Merced Regional Transit System The Bus Route MI - Merced West - provides bus service with one-half hour headways. A bus stop for Route MI is located at the Walmart store at Olive Avenue and 	<p>Building Permit/Grading Permit</p>	<p>Building / Engineering Departments</p>
---	--	---------------------------------------	---

	<p>Loughborough Drive, directly south of the project site. The project will provide safe and convenient bicycle/pedestrian access to the bus stop and provides essential transit stop improvements (i.e., shelters, route information, benches, and lighting). The project applicant shall plant trees to provide shade.</p> <ul style="list-style-type: none"> • The project will install light-colored/high/albedo roof materials on the portion of the project containing climate-controlled units. Light-colored/high/albedo roof materials reflect more of the sun's rays, decreasing the amount of heat transferred into a building. • The project will provide shade (within 5 years) and/or use light-colored/high-albedo materials (reflectance of at least 0.3) and/or open grid pavement for at least 30% of the site's non-roof impervious surfaces, including parking lots, walkways, plazas, etc.; OR use an open-grid pavement system (less than 50% impervious) for a minimum of 50% of the parking lot area. Unshaded parking lot areas, driveways, fire lanes, and other paved areas will have a minimum albedo of 0.3 or greater. 			
b	GHG-2) Implementation of Mitigation Measure of GHG-1.			

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