

**RESOLUTION NO. 2025-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF MERCED, CALIFORNIA, # 24-30  
(MITIGATED NEGATIVE DECLARATION) FOR  
GENERAL PLAN AMENDMENT #24-03 FOR  
APPROXIMATELY 61.7 ACRES OF LAND  
GENERALLY LOCATED ON THE SOUTHWEST  
CORNER OF EAST GERARD AVENUE AND  
CAMPUS PARKWAY, AND APPROVING  
GENERAL PLAN AMENDMENT #24-03 FOR THE  
SAME PROPERTY CHANGING THE GENERAL  
PLAN DESIGNATION FROM BUSINESS PARK  
(BP) AND MANUFACTURING/INDUSTRIAL (IND)  
TO BUSINESS PARK (BP), LOW MEDIUM  
DENSITY RESIDENTIAL (LMD), HIGH-MEDIUM  
DENSITY (HMD)**

WHEREAS, the City is processing an application for a General Plan Amendment for approximately 61.7 acres of land generally located on the south west corner of East Gerard Avenue and Campus Parkway, and more particularly described in Exhibit "A" and shown on the map at Exhibit "B", both of which are attached hereto and incorporated herein by the reference, where an environmental review was required; and,

WHEREAS, the Planning Commission of the City of Merced held a noticed public hearing on July 9, 2025, 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 #4163, attached hereto 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, The City Council held a noticed public hearing on September 2, 2025, 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 Environmental Review #24-30 (Mitigated Negative Declaration) 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 #24-03, which changes the General Plan designation for approximately 61.7 acres of land generally located on the south west corner of Gerard Avenue and Campus Parkway from Business Park (BP) and Manufacturing and Industrial (IND) to Business Park (BP), Low Density Residential and High Medium Residential (HMD) as shown on Exhibit B, attached hereto and incorporated by this reference.

SECTION 3. APPROVAL OF LEGISLATIVE ACTION AGREEMENT. The Legislative Action Agreement between the City of Merced and Merced Gateway, LLC and Lyons Investments, pertaining to the approvals granted herein and the development of the property subject to these approvals is hereby approved. The approvals granted herein are contingent upon the property owner executing and returning the Legislative Action Agreement and the documents being recorded. The City Manager or designee is hereby authorized to execute the Legislative Action Agreement on behalf of the City of Merced.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_ 2025, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:  
MATTHEW SERRATTO, MAYOR

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Mayor

ATTEST:  
D. SCOTT MCBRIDE, CITY CLERK

BY: \_\_\_\_\_  
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:  
CRAIG J. CORNWELL, CITY ATTORNEY

Craig Cornwell 7-28-2025  
City Attorney Date

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MERCED, COUNTY OF MERCED, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

TRACT ONE:

PARCEL ONE:

LOT 171, AS SHOWN ON THE MAP ENTITLED, "MAP OF MERCED COLONY", FILED FEBRUARY 3, 1910, IN THE OFFICE OF THE COUNTY RECORDER OF MERCED COUNTY, IN [VOL. 4 OF OFFICIAL PLATS, AT PAGE 24](#).

EXCEPTING THEREFROM THAT PORTION DEEDED TO COUNTY OF MERCED, A BODY POLITIC AND CORPORATE ACCORDING TO THAT GRANT DEED RECORDED JULY 30, 2008, AS DOCUMENT NO. [2008-040849](#), OF OFFICIAL RECORDS.

ALSO EXCEPT THEREFROM ALL OIL, GAS, AND OTHER HYDROCARBONS AND MINERALS, AS RESERVED IN THE DEED FROM OSCAR B. CHANEY, ET UX, RECORDED JUNE 30, 1938, IN [BOOK 578 OF OFFICIAL RECORDS, PAGE 211](#), MERCED COUNTY RECORDS.

PARCEL TWO:

LOTS 172, 231 AND 232, AS SHOWN ON HUMAN ENTITLED "MAP OF MERCED COLONY", FILED FEBRUARY 3, 1910, IN THE OFFICE OF THE COUNTY RECORDER OF MERCED COUNTY, IN [VOL. 4 OF MAPS, AT PAGE 24](#).

EXCEPTING THEREFROM THAT PORTION DEEDED TO COUNTY OF MERCED, A BODY POLITIC AND CORPORATE ACCORDING TO THAT GRANT DEED RECORDED JULY 30, 2008, AS DOCUMENT NO. [2008-040850](#), OF OFFICIAL RECORDS.

ALSO EXCEPTNG THEREFROM THAT PORTION DEEDED TO CITY OF MERCED, A CALIFORNIA CHARTER MUNICIPAL CORPORATION ACCORDING TO THAT GRANT DEED DATED OCTOBER 18, 2023 AND RECORDED: OCTOBER 31, 2023, AS INSTRUMENT NO. [2023-26063](#), MERCED COUNTY RECORDED.

ALSO EXCEPTNG THEREFROM THE PROPERTY RIGHTS RESERVED IN DEED RECORDED JUNE 4, 1954 IN [VOL. 1158 OF OFFICIAL RECORDS, PAGE 520](#), MERCED COUNTY RECORDS.

TRACT TWO:

PARCEL ONE:

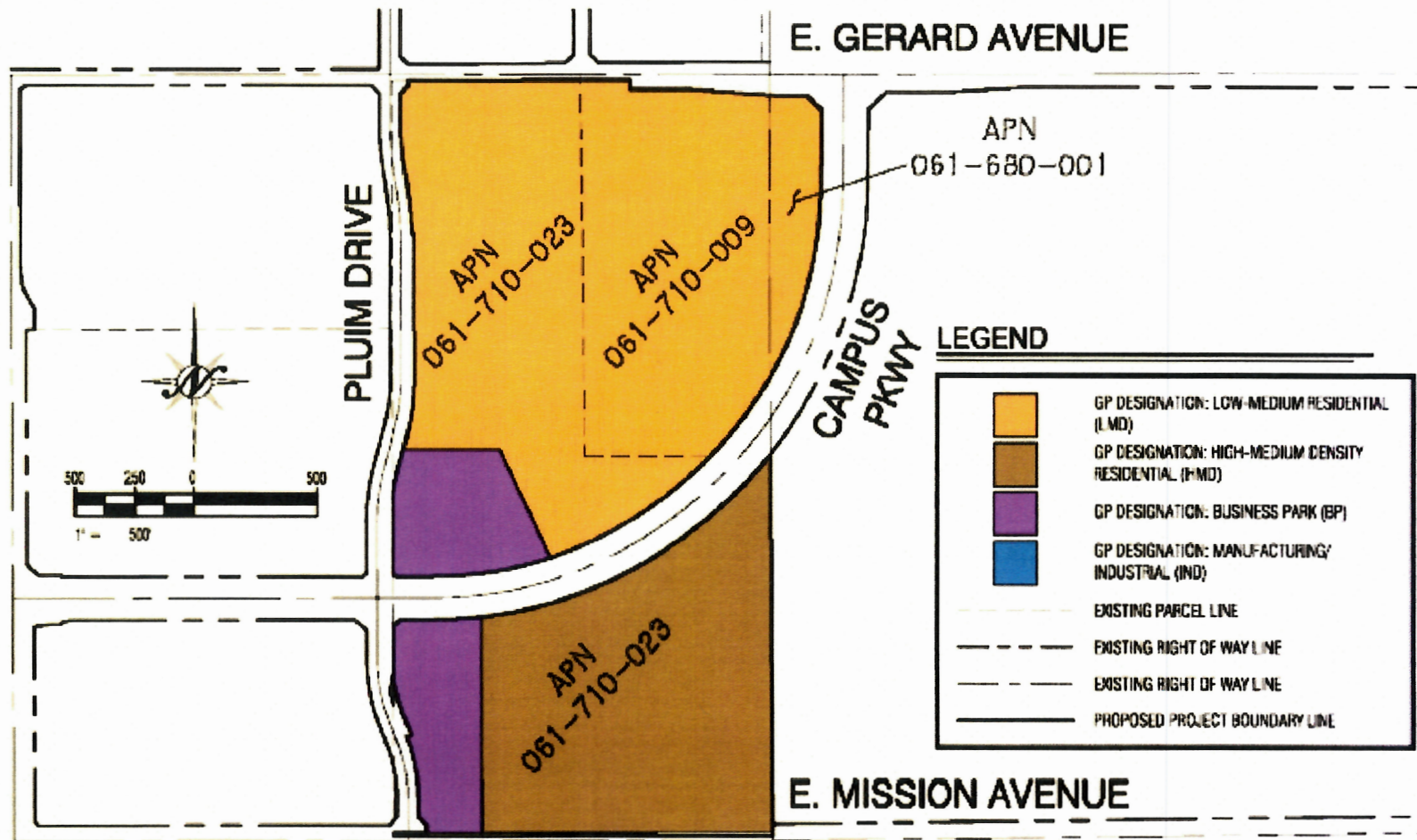
PARCEL 1, AS SHOWN UPON THAT CERTAIN PARCEL MAP RECORDED APRIL 2, 2021 IN [BOOK 119 OF PARCEL MAPS, PAGES 27 THROUGH 31](#), MERCED COUNTY RECORDS.



EXCEPTING THEREFROM, THE INTEREST IN AND TO ALL OIL, GAS, PETROLEUM, NAPHTHA, OTHER HYDROCARBON SUBSTANCES AND MINERALS OF WHATSOEVER KIND AND NATURE, IN, UPON, OR BENEATH THE PROPERTY HEREIN DESCRIBED AS RESERVED IN THE DEED FROM BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION, A NATIONAL BANKING ASSOCIATION, AS EXECUTOR UNDER THE LAST WILL AND TESTAMENT OF FRED B. FANCHER, DECEASED, RECORDED MARCH 01, 1960 IN [BOOK 1464, PAGE 305](#), OFFICIAL RECORDS AND AS RESERVED IN THE DEED FROM COOK LAND AND CATTLE CO., INC., A CORPORATION RECORDED MARCH 23, 1971 IN [BOOK 1850, PAGE 215](#), OFFICIAL RECORDS, AND AS MODIFIED BY VARIOUS DEEDS OF RECORD.

APN: 061-250-050 [AFFECTS TRACT ONE, PARCEL ONE]  
061-250-094 [AFFECTS TRACT ONE, PARCEL TWO]  
061-680-001 [AFFECTS TRACT TWO, PARCEL ONE]

# MERCED GATEWAY PROPOSED CITY OF MERCED GENERAL PLAN EXHIBIT MARCH, 2025



**CITY OF MERCED**  
**Planning Commission**

**Resolution #4163**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of July 9, 2025, held a public hearing and considered **General Plan Amendment #24-03, Zone Change #435 and Residential Planned Development Establishment #83**, initiated by Lennar Homes of California, on behalf of Merced Gateway, LLC and Lyons Investments property owners for the property located at 3610 East Gerard Avenue (APNs 061-680-001, 061-710-009 and 061-710-023). The General Plan Amendment would change the General Plan land use designation of the 73.7-acre site from Business Park (BP) and Manufacturing/Industrial (IND) to Business Park (BP), Low Medium Residential (LMD), and High Medium Residential (HMD). Zone Change #435 would rezone the site to establish Residential Planned Development (RP-D) #83 changing the zone for 64.6 acres from Business Park (BP) and Heavy Industrial (I-H) to Residential Planned Development #83 and to Business Park for the remaining 9 acres. The approximate 73.7- acre subject site is generally located on the southwest corner of East Gerard Avenue and Campus Parkway. The property being more particularly described as Lots “9” and “23” of

Assessors Map Book 61 - Page 71 and Lot “1” of Assessors Map Book 61 – Page 68.

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through E of Staff Report #25-638 (Exhibit B of Planning Commission Resolution #4163); and,

**WHEREAS**, the Merced City Planning Commission concurs with the Findings for Planned Development (P-D) Zoning Districts in Merced Municipal Code Section 20.20.020 (J); 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 recommend to City Council adoption of a Negative Declaration regarding Environmental Review #24-30, and recommend approval of General Plan Amendment #24-03, Zone Change #435 and Residential Planned Development #83 Establishment, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

**AYES:** Commissioners Ochoa, Delgadillo, Smith, Thao, Swiggart, Greggains, and Chairperson Gonzalez

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

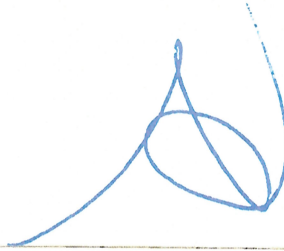
**Exhibit C**

PLANNING COMMISSION RESOLUTION #4163

Page 2

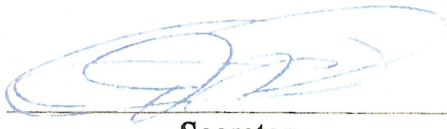
July 9, 2025

Adopted this 9<sup>th</sup> of July 2025



Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:



Secretary

Exhibits:

Exhibit A – Conditions of Approval

Exhibit B – Findings/Considerations

**Conditions of Approval**  
**Planning Commission Resolution # 4163**  
**General Plan Amendment #24-03 Zone Change #435, and**  
**Establishment of Residential Planned Development (R-PD) #83**

1. The proposed General Plan Amendment and Residential Planned Development shall be as shown on the Proposed Land Use Map at Attachment E of Planning Commission Staff Report #25-638.
2. Any project constructed on this site shall comply with all Design/Development Standards (Attachment I of Planning Commission Staff Report #25-638 adopted by the establishment of Residential Planned Development #83).
3. In compliance with Merced Municipal Code Section 20.20.020 Q, all projects shall require a Site Plan Review Permit or Minor Use Permit at the discretion of the Director of Development Services to address conformance to the Design Standards approved with this Planned Development Establishment. This does not replace the requirement for any other approval for a specific use required by the Zoning Ordinance.
4. Approval of the General Plan Amendment and Establishment of Residential Planned Development is subject to the applicant(s) entering into a written Legislative Action 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.
5. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as required by the City Engineering Department.



6. The Project shall comply with all applicable conditions set forth in the resolutions for Annexation No. 183 (Lyons Annexation) previously approved for this site.
7. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
8. 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.
9. 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.

10. 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.

**Findings and Considerations**  
**Planning Commission Resolution #4163**  
**General Plan Amendment #24-03, Zone Change #435 and**  
**Residential Plan Development #83 Establishment**

**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), Low Medium Residential (LMD) and High Medium Residential (HMD), which allows for the development of a residential small lot subdivision, open space and adjacent commercial/business park uses. The project would also comply with the Zoning classification of Residential Planned Development (RP-D) #83 with the change in land use designation from Business Park (BP) and Heavy Industrial (I-H) to Business Park (BP), Low Medium Residential (LMD) and High Medium Residential (HMD). 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 73.7-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 impact 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.

**General Plan Amendment - Findings**

- B) Chapter 20.82 (General Plan Amendments) outlines procedures for considering General Plan Amendments but does not require any specific findings to be made for approval. However, Planning practice would be to provide objective reasons for approval or denial. These findings can take whatever form deemed appropriate by the Planning Commission and City Council. Based on State law and case law, the following findings are recommended:

1. *The proposed amendment is deemed to be in the public interest. The proposed amendment is deemed to be in the public interest because it will provide employment and housing which will help alleviate the housing needs in the community.*
2. *The proposed amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.*

As shown under Finding A, the proposed development meets the General Plan Goals and Policies regarding promoting infill developments. The proposed project would comply with the General Plan designation of Business Park (BP) Low Medium Residential (LMD) and High Medium Residential (HMD) if the General Plan Amendment is approved.

3. *The potential impacts of the proposed amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.*

The proposed project does not include any uses that would be detrimental to the public health, safety, and welfare of the City. Implementation of the conditions of approval and adherence to all applicable Building Codes, Fire Codes, and City Standards would prevent the project from having any detrimental effect on the health, safety, and welfare of the City as a whole.

4. *The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).*

The proposed General Plan Amendment has been processed in accordance with all applicable California Government Code sections. In addition, Planning staff has conducted an environmental review (#24-30) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Mitigated Negative Declaration (see Attachment J of Planning Commission Staff Report #25-638) has been recommended.

**Zoning Code Compliance for Planned Development Establishments or Revision**

- C) Per Merced Municipal Code Section 20.20.20 (J) Planned Development (P-D) Zoning Districts, an application for Planned Development Establishment or Revision can only be approved if the following findings can be made.

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 Residential Planned Development would change the land use designation for the approximately 73.7-acre subject site from Business Park(BP) and Heavy Industrial (I-H) to Business Park (BP), Low Medium Residential (LMD) and High Medium Residential (HMD). This use would be consistent with the General Plan if General Plan Amendment #24-03 is approved. As described in Finding A above, the project would help achieve Land Use Policy L-3.2 by encourage in-fill development.

2. *The site for the proposed development is adequate in size and shape to accommodate proposed land uses.*

The project site is approximately 73.7 acres, and would be used to develop 570 detached residential units, 3 acres of open space and 9 acres of business park/commercial uses. Therefore, the project site is considered adequate in size and shape to accommodate the proposed land uses

3. *The site for the proposed development has adequate access considering the limitations of existing and planned streets and highways.*

The proposal would have adequate access to existing and planned streets and highways. The proposed development would have access to E. Gerard Avenue, Campus Parkway, East Mission Avenue and Pluim Drive through streets at the northern, western and southern property lines. The project proposes new internal streets that would connect to the arterial and collector streets listed above. These

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internal streets would be constructed to Merced City Standards as required in the Conditions of Approval of Planning Commission Resolution #4164 for the Vesting Tentative Subdivision Map #1333, Attachment C of Planning Commission Staff Report #25-638).

4. *Adequate public services exist or will be provided to serve the proposed development.*

City utilities such as water and sewer main lines are available adjacent to the project site. The developer will be required to provide storm drainage for the proposed development. The Developer/applicant will provide the City Engineer with storm drainage improvement plans and any related agreements at the time of Final Map application. These lines and requirements are adequate to serve the project.

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.*

There may be some temporary impacts such as vibration, noise, and dust during construction, but as described under Finding F – Neighborhood Impact, the proposed development would not have a substantial adverse effect on surrounding property, will be compatible with the existing and character of the surrounding area, and will enhance the desirability of the area and have a beneficial effect.

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.*

The proposed development provides efficient use of land optimizing the property proposing a Residential Planned Development to allow for the development of 570 detached residential units. These units will provide a different type of housing which could increase home ownership opportunities for some of our community members. This type of housing would not normally be allowed under established

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OF PLANNING COMMISSION RESOLUTION #4163

zoning standards. These standards are provided at Attachment I of Planning Commission Staff Report #25-638.

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.*

The proposed development consists of a residential subdivision, open space and 9 acres of business park/commercial uses. This residential development could remain residential, capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development.

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.*

As shown on Attachment G of Staff Report #25-638 the proposal includes small lot single detached residential units, allowing for affordability by design. This could give the community an addition opportunity for home ownership.

*The principles incorporated in the proposed development plan indicate certain unique or unusual features, which could not otherwise be achieved under the other zoning district.*

The proposed use would allow development of the entire parcel. By allowing a deviation in the setback requirements, the proposed development is able to provide a range of usable residential units that are efficient and attractive.

### **Planned Development Standards**

- D) Specific development standards are typically established within a Planned Development. The applicant could propose a standard City Zoning classification; however, by proposing a Residential Planned Development, the developer has the opportunity to request unique development standards that deviate from the City's typical requirements. Through the establishment of

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Residential Planned Development #83, the developer has requested a number of development standards specific to this development as mentioned in Attachment I of Staff Report #25-638.

### **Traffic/Circulation**

- E) The proposed development includes a small lot subdivision that is proposed with approximately 570 residential units, and 9 acres of adjacent Business Park/Commercial uses. The site is located on an approximately 73.7-acre vacant parcel located at 3610 East Gerard Avenue at the southwest corner of East Gerard Avenue and Campus Parkway. The project site fronts a collector road to the north (East Gerard Avenue) Campus Parkway to the east and an arterial to the south (East Mission Avenue). Vehicle access would be available from East Gerard Avenue, East Mission Avenue and Pluim Drive, once it is completed. Campus Parkway, which dissects the development, is designed to carry large volumes of traffic traveling north and south from Highway 99 to eventually the University of California, Merced, campus. Its close connection to Highway 99 connects this development and the rest of Merced with other regional communities throughout the State.

### **Vehicle Miles Traveled**

The residential use is expected to generate 5,141 daily trips with an internal trip capture of 912 daily trips. Though the expected daily trips required that analysis be done, the result of that analysis showed that with mitigations the impact of the proposed trip generation would be less than significant with implemented mitigations. The roadways surrounding the project are built to address the additional traffic.

### **Improvements**

The development requires the construction of a street network connecting the residential subdivision to Campus Parkway, East Gerard Avenue and East Mission Avenue. This street network shall be built to Merced City Standards (Planning Commission Resolution #4164 – Attachment C of Planning Commission Staff Report #25-638).

### **Neighborhood Impact**

- F) The subject site is surrounded by a variety of uses which include residential to the north, vacant industrial to the east, county agricultural uses to the south and regional commercial to the west. The subject site is designated Business Park (BP) and Heavy Commercial (I-H). Even though the applicant is proposing a General Plan designation of Business Park, Low Medium Density Residential (LMD) and High Medium Density Residential (HMD), the proposed uses are expected to produce less traffic than expected for a Business Park development and would not significantly alter the traffic patterns throughout the adjacent neighborhood.

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.

### **Housing Opportunity**

- G) The proposed would change the General Plan designation from Business Park and Heavy Industrial to Business Park (BP), Low Medium Density Residential (LMD) and High Medium Density Residential (HMD). As such, zoning at this location currently does not allow for any residential uses. Thus, by changing the land use designation to Business Park (BP), Low Medium Density Residential (LMD) and High Medium Density Residential (HMD), the site goes from no potential of having any residential units constructed at its current designation, to up to 12 to 24 units per acre in the proposed High Medium Density residential portion of the project.

Staff believes this site would be good for residential given that the site fronts a major roads (East Gerard, Campus Parkway, East Mission and the future Plum Drive) and its close proximity to shopping centers and the 99 freeway.

### **Environmental Clearance**

- H) 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 is over 5 acres (at 73.7 acres), and the site is not consistent with Zoning or the General Plan requiring an

Initial Study. 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 #24-30 results in a Mitigated Negative Declaration as the proposal would not have a significant effect on the environment if mitigations are implemented (Attachment J of Planning Commission Staff Report #25-638) 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 #25-638.

Mitigation Monitoring Program					
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<b>Aesthetics</b>				
	No Mitigation required.				
	<b>Agriculture and Forest Resources</b>				
	No Mitigation required.				
	<b>Air Quality</b>				
#1	AQ-1: The project contractor or project representatives shall ensure that all off-road diesel-powered construction equipment meets the CARB Tier 4 emissions standards or equivalent.	During construction related activities.	Project proponent/contractor, Lead Agency		
		A. The Project proponent/contract shall comply with the listed mitigation measure. B. Lead Agency shall verify compliance.			
	<b>Biological Resources</b>				
#2	<b>BIO-1:</b> a) A pre-construction clearance survey of the project site shall be conducted for special-status wildlife species and nesting migratory birds and raptors. The survey shall occur no less than 14-30 days prior to the start of construction activities. If construction is delayed beyond 30 days from the time of the survey, then another survey shall be conducted. The survey shall be conducted by a qualified biologist with adequate training and prior experience conducting surveys for special-status wildlife species. If no special-status species or migratory birds/raptors or their sign are observed, no further action is warranted. A report outlining the results of the clearance survey shall be provided to the Lead Agency as evidence of compliance. b) If dens/burrows/nests that could support any of these special-status species are discovered during the preconstruction survey, the avoidance buffers outlined below shall be established, and den or burrow monitoring shall be conducted in accordance with the California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation (CDFG 2012) and U.S. Fish and Wildlife Service (USFWS) Standardized Recommendations for Protection of	Within 14 to 30 days prior to any construction-related activities .  <b>Steps to Compliance:</b> A. A qualified biologist shall be responsible for a preconstruction survey. B. If necessary, the qualified biologist shall contact CDFW and USFWS to determine next steps. C. If necessary, the qualified biologist shall implement next steps in consultation with the wildlife agencies. D. The qualified biologist shall prepare a brief report to be submitted to the wildlife agencies within 5 days of completion of the preconstruction survey. E. Lead Agency shall verify compliance.	Lead Agency, Qualified Biologist; U.S. Fish and Wildlife Service, if necessary; and California Department of Fish and Wildlife if necessary.		

Mitigation Monitoring Program				Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials																									
Impact	Mitigation Measure																															
	<p>the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (U.S. Fish and Wildlife Service, 2011). Den(s) or burrow(s) shall be monitored using trail cameras or tracking mediums such as diatomaceous earth. If no species are detected for a minimum of four consecutive days/nights, the den or burrow may be burrow-scoped and plugged with a filled sandbag under the direct supervision of a qualified biologist. All tunnels must be examined for animal presence before plugging with a sandbag to ensure no burrowing owls, kit foxes, or other animals are hiding inside.</p> <p>No work shall occur within these buffers unless the biologist approves and monitors the activity. A copy of the preconstruction survey report shall be submitted to the Lead Agency as evidence of compliance.</p>																															
	<p>Burrowing Owl (active burrows)</p> <table border="1"> <thead> <tr> <th>Location</th> <th>Time of Year</th> <th colspan="3">Level of Disturbance</th> </tr> <tr> <th></th> <th></th> <th>Low</th> <th>Med</th> <th>High</th> </tr> </thead> <tbody> <tr> <td>Nesting Sites</td> <td>April 1-Aug 15</td> <td>200 m</td> <td>500 m</td> <td>500 m</td> </tr> <tr> <td>Nesting Sites</td> <td>Aug 16-Oct 15</td> <td>200 m</td> <td>200 m</td> <td>500 m</td> </tr> <tr> <td>Nesting Sites</td> <td>Oct 16-Mar 31</td> <td>50 m</td> <td>100 m</td> <td>500 m</td> </tr> </tbody> </table> <p>American badger/SJKF</p> <p>Potential or Atypical den – 50 feet Known den – 100 feet Natal Den –Contact CDFW for consultation</p>			Location	Time of Year	Level of Disturbance					Low	Med	High	Nesting Sites	April 1-Aug 15	200 m	500 m	500 m	Nesting Sites	Aug 16-Oct 15	200 m	200 m	500 m	Nesting Sites	Oct 16-Mar 31	50 m	100 m	500 m				
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Mitigation Monitoring Program					
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
#3	<b>BIO-2:</b> If construction is planned during the nesting season for migratory birds and raptors (February 15 to August 31) and nesting birds are identified during the preconstruction survey, active Swainson's hawk nest shall be avoided by 0.5 miles, other raptor nests shall be avoided by 500 feet and all other migratory bird nests shall be avoided by 250 feet. Avoidance buffers may be reduced if a qualified biological monitor determines that encroachment into the buffer area is not affecting nest building, the rearing of young, or otherwise affecting the breeding behaviors of the resident birds.	During construction during the nesting season (February 1 to August 31)  <b>Steps to Compliance:</b> A. A qualified biologist to be present during construction. B. The Lead Agency shall verify compliance.	Qualified biologist, Project contractors		
#4	<b>BIO-3:</b> If an active Swainson's hawk nest is discovered at any time within 0.5 miles of active construction, a qualified biologist shall complete an assessment of the potential for current construction activities to impact the nest. The assessment would consider the type of construction activities, the location of construction relative to the nest, the visibility of construction activities from the nest location, and other existing disturbances in the area that are not related to the construction activities of this project. Based on this assessment, the biologist will determine if construction activities can proceed and the level of nest monitoring required. Construction activities shall not occur within 500 feet of an active nest, but depending on conditions at the site, this distance may be reduced. Full-time monitoring to evaluate the effects of construction activities on nesting Swainson's hawks may be required. The qualified biologist shall have the authority to stop work if it is determined that project construction is disturbing the nest. These buffers may need to increase depending on the sensitivity of the nesting Swainson's hawk to disturbances and at the discretion of the qualified biologist.	Prior to construction activities.  <b>Steps to Compliance</b> A. A qualified biologist shall be responsible for a preconstruction survey. B. If necessary, the qualified biologist shall contact CDFW and USFWS to determine next steps. C. If necessary, the qualified biologist shall implement next steps in consultation with the wildlife agencies. D. The Lead Agency shall verify compliance.	Project proponent, Lead Biologist, Lead Agency		
#5	<b>BIO-4:</b> Prior to the initiation of construction activities, all personnel shall attend a Worker Environmental Awareness Training program	Prior to ground-disturbing activities	Qualified biologist, project contractor, Lead Agency		



Mitigation Monitoring Program				
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	developed by a qualified biologist. The program shall include information on the life histories of special-status species with the potential to occur on the project, their legal status, the course of action shall these species be encountered on-site, and avoidance and minimization measures to protect these species.	<p>A. A qualified biologist shall be responsible for preparing and conducting the Construction Worker Environmental Awareness Training and Education Program.</p> <p>B. Throughout construction the contractor shall ensure all new construction crew members receive the WEAT and sign an acknowledgement form.</p> <p>C. A copy of the training program and of the signed acknowledgement forms shall be maintained on-site for the duration of construction activities and also be provided to the Lead Agency.</p>		
#6	<p><b>BIO-5:</b> The following measures shall be implemented during all phases of the project to reduce the potential for impact from the project.</p> <p>a. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from the construction or project site.</p> <p>b. Construction-related vehicle traffic shall be restricted to established roads and predetermined ingress and egress corridors, staging, and parking areas. Vehicle speeds shall not exceed 20 miles per hour within the project site. A 10-mile-per-hour speed limit shall be implemented during night-time construction activities.</p> <p>c. To prevent inadvertent entrapment of kit fox or other animals during construction, the contractor shall cover all excavated, steep-walled holes or trenches more than two feet deep at the close of each workday with plywood or similar materials. If holes or trenches cannot be covered, one or more escape ramps constructed of earthen fill or wooden planks shall be installed in the trench. Before such holes or trenches are filled, the contractor shall thoroughly inspect</p>	<p>During construction</p> <p><b>Steps to Compliance:</b></p> <p>A. The developer or contractor shall ensure compliance with the listed measures.</p> <p>B. The Lead Agency shall verify compliance.</p>	<p>Project contractors, Lead Agency</p>	

Mitigation Monitoring Program				
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	<p>them for entrapped animals. All construction-related pipes, culverts, or similar structures with a diameter of four inches or greater that are stored on the project site shall be thoroughly inspected for wildlife before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If at any time an entrapped or injured kit fox is discovered, work in the immediate area shall be temporarily halted, and USFWS and CDFW shall be consulted for guidance.</p> <p>d. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS and CDFW have been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity until the fox has escaped.</p> <p>e. No pets, such as dogs or cats, shall be permitted on the project sites to prevent harassment, mortality of kit foxes, or destruction of dens.</p> <p>f. No fueling of construction equipment will occur within 100 feet of a drainage, water crossing, or wetlands. If a spill or pipe break occurs within 100 feet of any water feature, adherence to the CREH Spill Prevention, Control, and Countermeasure (SPCC) Plan will be followed.</p>			

Mitigation Monitoring Program				
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	<p>g. Use of anticoagulant rodenticides and herbicides in project sites shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe labels and other restrictions mandated by the EPA, California Department of Food and Agriculture, and other State and federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS and CDFW. If rodent control must be conducted, zinc phosphide shall be used because of the proven lower risk to kit foxes.</p> <p>h. A representative shall be appointed by the project proponent, who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured, or entrapped kit fox. The representative shall be identified during the employee education program, and their name and telephone number shall be provided to the USFWS.</p> <p>i. The Sacramento Fish and Wildlife Office of USFWS and CDFW shall be notified in writing within three working days of the accidental death or injury to an SJKF during project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species at the addresses and telephone numbers below. The CDFW contact can be reached at (559) 243-4014 and R4CESA@wildlifeca.gov. The BLM will also be informed about those wells on the Split Estate property.</p> <p>j. All sightings of the SJKF shall be reported to the CNDDDB. A copy of the reporting form and a topographic map clearly</p>			

Mitigation Monitoring Program				
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	<p>marked with the location of where the kit fox was observed shall also be provided to the USFWS at the address below.</p> <p>k. Any project-related information required by the USFWS or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at Endangered Species Division, 2800 Cottage Way, Suite W 2605, Sacramento, California 95825-1846, phone: (916) 414-6620 or (916) 414-6600.</p> <p>l. A copy of the pre-construction survey report shall be submitted to the Lead Agency as evidence of compliance.</p>			
#7	<p><b>BIO-6:</b> Prior to issuance of any grading or building permit, the Project proponent/developer shall submit a formal notification to the US Army Corps of Engineers (ACOE), Water Resources Control Board (SWRCB) and California Department of Fish and Wildlife (CDFW). If no comments or request of additional permitting are received by the agencies, no further action is necessary. A copy of all correspondence shall be submitted to the lead agency.</p> <p>If a regulatory agency comments or requests additional permitting, the following actions may be taken. A copy of all correspondence and subsequent permitting and/or reports shall be made available to the Lead Agency. The report shall include information as shown below as a plan if necessary and shall outline compliance with the following::</p> <ol style="list-style-type: none"> <li>1. Delineation of all jurisdictional features at the project site. Potential jurisdictional features within the project boundary identified in the jurisdictional delineation report may be shown in plan form.</li> <li>2. If the Project has a potential to directly or indirectly impact jurisdictional aquatic resources, a formal aquatic resource delineation of these areas shall be performed by a qualified professional to determine the extent of agency jurisdiction</li> </ol>	<p>Prior to issuance of grading or building permit</p> <p><b>Steps to Compliance:</b></p> <ol style="list-style-type: none"> <li>A. Formal notification to the U.S. Army Corps of Engineers, Water Resources Control Board, and California Department of Fish and Wildlife shall be submitted for potential waters of the U.S. or the State. If no comments are received, no further action under the mitigation measure is required.</li> <li>B. If comments are received from the regulatory agencies, the project proponent shall comply with the provisions of the mitigation measure and direction of the regulatory agencies.</li> <li>C. All correspondence and subsequent report and permits shall be provided to the Lead Agency to verify compliance.</li> </ol>	<p>Project proponent, CDFW, USFWS, Lead Agency</p>	

Mitigation Monitoring Program				
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date Initials
	<p>and permits/authorizations from the appropriate regulating agencies (Central Valley Regional Water Quality Control Board (RWQCB), CDFW and US Army Corps of Engineers (USACE) shall be obtained prior to disturbance to jurisdictional features.</p> <p>If it is determined that drainage is jurisdictional and cannot be avoided, the Project proponent shall obtain a Section 401 Waters Quality Certification from the RWQCB, a Section 404 permit from USACE and a Lake and Streambed Alteration Agreement under Section 1602 from the CDFW, if required prior to impacting any waters.</p> <p>As part of these authorizations, compensatory mitigation may be required by the regulating agencies to offset the loss of aquatic resources. If so, and as part of the permit application process, a qualified professional shall draft a Mitigation and Monitoring Plan to address implementation and monitoring requirements under the permit to ensure that the Project would result in no net loss of habitat functions and values. The Plan shall contain, at a minimum, mitigation goals and objectives, mitigation location, a discussion of actions to be implemented to mitigate the impact, monitoring methods and performance criteria, extent of monitoring to be conducted, actions to be taken in the event that the mitigation is not successful, and reporting requirements. The Plan shall be approved by the appropriate regulating agencies and compensatory mitigation shall take place either on site or at an appropriate off-site location.</p> <p>3. Any material/spoils generated from project activities containing hazardous materials shall be located away from jurisdictional areas or special-status habitat and protected from storm water run-off using temporary perimeter</p>			

Mitigation Monitoring Program				
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	<p>sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate. Protection measures should follow project-specific criteria as developed in a Stormwater Pollution Prevention and Protection Plan (SWPPP).</p> <p>4. Equipment containing hazardous liquid materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and at least 50 feet outside the delineated boundary of jurisdictional water features.</p> <p>5. Any spillage of material shall be stopped if it can be done safely. The contaminated area shall be cleaned, and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative shall be notified.</p>			
<b>Cultural Resources</b>				
#8	<p><b>CUL-1:</b> If prehistoric or historic-era cultural materials are encountered during construction activities, all work in the immediate vicinity of the find shall halt until a qualified archaeologist can evaluate the find and make recommendations. Cultural resource materials may include prehistoric 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 may be required to mitigate adverse impacts from Project implementation. These additional studies may include avoidance, testing, and evaluation or data recovery excavation. Implementation of the mitigation measure below would ensure that</p>	During construction	Project operator, Project proponent, Lead Agency	
		<p><b>Steps to Compliance:</b></p> <p>A. If necessary, work shall cease and the project proponent shall retain a qualified archaeologist and/or paleontologist to assess finds and recommended procedures.</p> <p>B. The qualified cultural resources specialist shall assess the significance of the find and determine next steps.</p> <p>C. The Lead Agency shall verify compliance.</p>		



Mitigation Monitoring Program					
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	the proposed Project would not cause a substantial adverse change in the significance of a historical resource.				
#9	CUL-2: If human remains are discovered during construction or operational activities, further excavation or disturbance shall be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and Senate Bill 447 (Chapter 44, Statutes of 1987), shall be followed. Section 7050.5(c) shall guide the potential Native American involvement, in the event of a discovery of human remains, at the direction of the county coroner.	During construction and operational activities	Project Operator, Lead Agency		
		<p>A. If necessary, work shall cease and the project proponent shall retain a qualified archaeologist to assess finds and recommended procedures.</p> <p>B. The qualified cultural resources specialist shall assess the significance of the find and determine next steps.</p> <p>C. The Lead Agency shall verify compliance.</p>			
#10	CUL-3: If human remains are discovered during construction or operational activities, further excavation or disturbance shall be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and Senate Bill 447 (Chapter 44, Statutes of 1987), shall be followed. Section 7050.5(c) shall guide	During construction	Project Operator, Lead Agency		
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Mitigation Monitoring Program					
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	the potential Native American involvement, in the event of a discovery of human remains, at the direction of the county coroner.				
	<b>Energy</b>				
	No Mitigation required.				
	<b>Geology and Soils</b>				
#11	<p><b>GEO-1:</b> If the proposed development will disturb an area of one or more acres, prior to issuing of grading or building permits, the project applicant shall submit to the City; (1) the approved Stormwater Pollution Prevention Plan (SWPPP) and (2) the Notice of Intent (NOI) to comply with the General National Pollutant Discharge Elimination System (NPDES) from the Central Valley Regional Water Quality Control Board. The requirements of the SWPPP and NPDES shall be incorporated into design specifications and construction contracts. Recommended Best Management Practices for the construction phase may include the following:</p> <ul style="list-style-type: none"> <li>• Stockpiling and disposing of demolition debris, concrete, and soil properly.</li> <li>• Protecting existing storm drain inlets and stabilizing disturbed areas.</li> <li>• Implementing erosion controls.</li> <li>• Properly managing construction materials.</li> <li>• Managing waste, aggressively controlling litter, and implementing sediment control.</li> </ul>	<p>Prior to issuance of grading or building permits</p> <p><b>Steps to Compliance:</b></p> <p>A. The Project proponent shall submit the approved SWPP and NOI to the Lead Agency.</p> <p>B. The Lead Agency shall verify compliance.</p>	Project Proponent, Lead Agency		

Mitigation Monitoring Program					
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#12	<p>GEO-2: If any paleontological resources are encountered during ground-disturbance activities, all work within 25 feet of the find shall halt until a qualified paleontologist, as defined by the Society of Vertebrate Paleontology Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010), can evaluate the find and make recommendations regarding treatment. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. The qualified paleontologist shall contact the Natural History Museum of Los Angeles County or another appropriate facility regarding any discoveries of paleontological resources.</p> <p>If the qualified paleontologist determines that the discovery represents a potentially significant paleontological resource, additional investigations and fossil recovery may be required to mitigate adverse impacts from Project implementation. If avoidance is not feasible, the paleontological resources shall be evaluated for their significance. If the resources are not significant, avoidance is not necessary. If the resources are significant, they shall be avoided to ensure no adverse effects, or such effects must be mitigated. Construction in that area shall not resume until the resource-appropriate measures are recommended, or the materials are determined to be less than significant. If the resource is significant and fossil recovery is the identified form of treatment, then the fossil shall be deposited in an accredited and permanent scientific institution. Copies of all correspondence and reports shall be submitted to the Lead Agency.</p>	During ground disturbance activities	Project operator, Lead Agency		
		<p>A. In the event that paleontological resources are encountered during ground disturbance activities, all work within 25 feet shall halt.</p> <p>B. If required, the project proponent shall contact the qualified paleontologist to assess the find.</p> <p>C. The operator shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement.</p> <p>D. The Lead Agency shall verify compliance with the mitigation measure.</p>			
Greenhouse Gas Emissions					

Mitigation Monitoring Program						
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	No Mitigation required.					
	<b>Hazardous Materials</b>					
	No Mitigation required.					
	<b>Hydrology and Water Quality</b>					
	No Mitigation required.					
	<b>Land Use and Planning</b>					
	No Mitigation required.					
	<b>Mineral Resources</b>					
	No Mitigation required.					
	<b>Noise</b>					
<b>#13</b>	<b>NSE-1:</b> A sound wall shall be constructed to a minimum height of 7 feet above ground level along the residential portions of the project site that are directly adjacent with Campus Parkway. Suitable construction materials include concrete blocks, masonry, or stucco on both sides of a wood or steel stud wall.	Prior to issuance of building permit A. The Project proponent shall submit plans to the Lead Agency for approval. B. The Lead Agency shall verify compliance with the mitigation measure.	Project Agency Proponent/Lead			
<b>#14</b>	<b>NSE-2:</b> Two-story home construction of lots that will be directly adjacent with Campus Parkway shall be constructed without second-floor balconies. A note prohibiting such second-floor balconies shall be placed as a Note on the TTM XX XXX, and all plans and specs.	Prior to issuance of building permits A. The Project proponent shall submit plans to the Lead Agency for approval. B. The Lead Agency shall verify compliance with the mitigation measure.	Project Agency Proponent/Lead			
<b>#15</b>	<b>NSE-3:</b> Air conditioning or mechanical ventilation shall be installed in the units so that it will be possible for windows and doors to remain closed for sound insulation purposes.	Prior to issuance of building permits A. The Project proponent shall submit plans to the Lead Agency for approval.	Project Agency Proponent/Lead			

Mitigation Monitoring Program					
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		B. The Lead Agency shall verify compliance with the mitigation measure.			
#16	NSE-4: Unless further restricted in the City of Merced Municipal Code, grading and construction shall not take place beyond the hours of 7:00 A.M. and 7:00 P.M. Monday-Sunday.	During ground-disturbing activities	Project Proponent/Lead Agency		
		A. The developer or contractor shall ensure compliance with the listed measures. B. The Lead Agency shall verify compliance.			
	<b>Population and Housing</b>				
	No Mitigation required.				
	<b>Public Services</b>				
	No Mitigation required.				
	<b>Recreation</b>				
	No Mitigation required.				
	<b>Traffic and Transportation</b>				
#17	TRA-1: The project proponent shall pay its equitable share costs percentages for intersection improvements pertaining to the storage pocket length at the northbound right approach at the Mission Avenue and SR 99 NB Off-Ramp intersection.  Payment amount of the equitable share costs shall be determined by the City of Merced and Caltrans and paid prior to issuance of building permits or at a time determined by the Lead Agency. The equitable share cost percentage shall be 7.7% for AM Peak Hour and 13% for PM Peak Hour.	Prior to issuance of building permit A. The Lead Agency shall determine total improvement cost of intersections and provide it to the Project proponent. B. The Project Proponent shall pay their equitable share of the cost for intersection improvements as indicated in the Mitigation Measure and the Traffic Study prior to issuance of building permit.	Project Proponent/Lead Agency		
	<b>Tribal Cultural Resources</b>				
	Implement Mitigation Measures MM CUL-1 and MM CUL-2.				
	<b>Utilities and Service Systems</b>				
	No Mitigation required.				
	<b>Wildfire</b>				

Mitigation Monitoring Program					
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	No Mitigation required.				