

CITY OF MERCED
Site Plan Review Committee

MINUTES

Planning Conference Room
2nd Floor Civic Center
Thursday, June 29, 2017

Acting Chairperson ESPINOSA called the meeting to order at 1:42 p.m.

ROLL CALL

Committee Members Present: Planning Manager Espinosa (for Director of Development Services), Acting City Engineer Elwin, and Assistant Chief Building Official Stephenson

Committee Members Absent: None

Staff Present: Public Works Water Manager Baptista and Planner/Recording Secretary Mendoza-Gonzalez

1. **MINUTES**

M/S ELWIN - STEPHENSON, and carried by unanimous voice vote, to approve the Minutes of January 12, 2017, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

4.1 Site Plan Application #410, submitted by Karen and Ramiro Rodriguez, Trust, property owner, to construct a 4,975-square-foot office and warehouse for D&D Pest Control at 870 Beechcraft Avenue, within a Light Industrial (I-L) Zone.

Planner MENDOZA-GONZALEZ reviewed the application for this item. For further information, refer to Draft Site Plan Review Committee Resolution #410.

M/S STEPHENSON - ELWIN, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #17-05, and approve Site Plan Application #410, subject to the Findings and thirty four (34) Conditions set forth in the Draft Resolution #410 with the elimination of Condition #24 as follows:

(Note: ~~Strikethrough~~ deleted language, underline added language.)

“22) ~~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).~~”

AYES: Committee Members Stephenson, Elwin, and Acting Chairperson Espinosa

NOES: None

ABSENT: None

- 4.2 Site Plan Application #409, submitted by University Village Merced, LLC on behalf of Fagundes Dairy and CBCP Assets, property owners. This request allows the construction of a 225-unit, three-story apartment complex located at 2850 E. Yosemite Avenue.

Associate Planner NELSON reviewed the application for this item. For further information, refer to Draft Site Plan Review Committee Resolution #409.

M/S STEPHENSON - ELWIN, and carried by the following vote, to adopt a Mitigated Negative Declaration regarding Environmental Review #16-37, and approve Site Plan Application #409, subject to the Findings and fourteen (14) Conditions set forth in the Draft Resolution #409:

AYES: Committee Members Stephenson, Elwin, and Acting Chairperson Espinosa

NOES: None

ABSENT: None

5. INFORMATION ITEMS

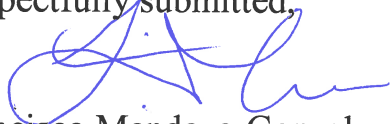
5.1 Calendar of Meetings/Events

There was no discussion regarding the calendar of meetings/events.

6. **ADJOURNMENT**

There being no further business, Acting Chairperson Espinosa adjourned the meeting at 2:58 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Francisco Mendoza-Gonzalez'.

Francisco Mendoza-Gonzalez, Acting Secretary
Merced City Site Plan Review Committee

APPROVED:

A handwritten signature in blue ink, appearing to read 'Benjamin Espinosa'.

Acting Chairperson
Merced City Site Plan Review Committee

CITY OF MERCED
SITE PLAN REVIEW COMMITTEE
RESOLUTION #410

<u>D&D Pest Control</u> APPLICANT	<u>Construct a 4,975-square-foot office and warehouse for D&D Pest Control.</u> PROJECT
<u>5408 Appaloosa</u> ADDRESS	<u>870 Beechcraft Avenue</u> PROJECT SITE
<u>Atwater, CA 95301</u> CITY/STATE/ZIP	<u>059-640-013</u> APN
<u>209-631-5175</u> PHONE	<u>Light Industrial (I-L)</u> ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Site Plan Review Committee reviewed and administratively approved Site Plan Application #410 on June 29, 2017, submitted by Karen and Ramiro Rodriguez, Trust, property owner, to construct a 4,975-square-foot office and warehouse for D&D Pest Control at 870 Beechcraft Avenue, within a Light Industrial (I-L) Zone. Said property being more particularly described as Parcel 17 as shown on the map entitled "Parcel Map For Skyview Industrial Park Phase 2," recorded in Volume 95, Page 30 of Merced County Records; also known as Assessor's Parcel Number (APN) 059-640-013.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15332 (Exhibit D); and,

WHEREAS, the Merced City Site Plan Review Committee makes the following Findings:

- A) The proposal complies with the General Plan designation of Industrial (IND) and the Zoning classification of Light Industrial (I-L).
- B) The business owner has indicated that the business will operate Monday through Friday between 8:00 a.m. and 5:00 p.m. (see Condition #34). The business will be closed during the weekends.
- C) Merced Municipal Code Table 20.12-2 *Development Standards for Industrial Zoning Districts*, Note [3], requires that the Site Plan Review Committee establish the maximum height allowed for an industrial development adjacent to a residential zone. The Site Plan Review Committee has reviewed this Project and is of the opinion that the proposed 18-foot-tall building is appropriate for this site, given the lack of windows facing the residential zone (east of the subject site) and the dense landscaping that will be required between the warehouse and the residential zone (see Condition #3). Future increases in

building height may be reviewed and approved by the Planning Manager, or if deemed necessary, the Site Plan Review Committee.

- D) The subject site is located within Flood Zone AO +1 (see Condition #9).
- E) Approval of this use shall be subject to approval from the Airport Land Use Commission or its staff designee (see Condition #27). The City Council may override the Commission's determination.
- F) The site plan includes 10 parking spaces located along the western portion of the subject site. The parking requirement for a warehouse is 1 parking space per 2,000 square feet of floor area or 1 per 2 employees working during the largest shift, whichever is greater. This business would be required to have 5 parking spaces given that there would be a maximum of 10 employees working during the largest shift. This subject site has adequate parking for this use.
- G) Parking lot trees are not required, but are encouraged to be installed per the City's Parking Lot Landscape Standards. Trees should be a minimum of 15 gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees should be selected from the City's approved tree list). Trees should be installed at a ratio of at least one tree for every six parking spaces. Street trees shall be planted as required by City Standards. Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray system in accordance with the State's Emergency Regulation for Statewide Urban Water Conservation or any other State or City mandated water regulations.
- H) The Planning Commission approved Conditional Use Permit (CUP) #1066 after a Public Hearing was held on May 4, 2005. This CUP allows the construction of a 10,000-square-foot industrial building at this site. The proposed 4,975-square-foot building is substantially smaller than that approved for CUP #1066 and the proposed site plan, elevations, and land use are generally consistent with CUP #1066.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Application #410 subject to the following conditions:

- 1) The subject site shall be constructed as shown on Exhibit B (site plan/floor plan) and Exhibit C (elevations), except as modified by the conditions of approval within this resolution.
- 2) All conditions contained in Site Plan Review #79-1 – Amended (“Standard Conditions for Site Plan Review Application”) shall apply.
- 3) The Project shall comply with relevant conditions set forth in Resolution #2816 for Conditional Use Permit #1066, including those regarding dense landscaping between the subject site and the residential properties to the east, except as modified by the conditions of approval within this resolution.

- 4) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply, including, but not limited to, the California Building Code and Fire Codes.
- 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, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
- 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) Notwithstanding all other conditions, all construction and improvements shall be in strict accordance with Zoning, Building, and all other codes, ordinances, standards, and policies of the City of Merced.
- 8) All plans and supporting documents submitted for Building Permits shall meet or exceed the building codes in effect at the time of building permit application submittal.
- 9) The subject site shall comply with all requirements for Flood Zone AO+1.
- 10) Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access.
- 11) All required Fire Permits shall be obtained from the City of Merced Fire Department during the building permit stage.
- 12) If the parking area or warehouse is to be gated, there must be a minimum 22-foot-wide clearance for emergency vehicles to pass through when the gate is opened.

- Any locking devices used on the gates shall be approved by the Fire Department prior to installation.
- 13) Bicycle racks shall be provided at a minimum ratio equal to 5% of the vehicular parking spaces.
 - 14) The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
 - 15) As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repared if the permit value of the project exceeds \$85,000.00. 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.
 - 16) All mechanical equipment shall be screened from public view.
 - 17) Any outdoor storage shall be screened from the public view with either a chain-link fence with privacy slats or a non-transparent fence.
 - 18) The premises shall remain clean and free of debris and graffiti at all times.
 - 19) The applicant shall contact the City's Water Quality Control Division and comply with all requirements for this type of business and obtain all pertinent permits prior to the final inspection. Said requirements may include, but may not be limited to, utilizing secondary containers and providing spill kits for leaks or spills.
 - 20) A backflow prevention device shall be provided for all water services (i.e., domestic, irrigation, and fire) per Merced Municipal Code.
 - 21) The developer shall work with the City's Engineering Department to determine the requirements for storm drainage on the site. The developer shall provide all necessary documentation for the City's Engineering Department to evaluate the storm drain system. All storm drain systems shall be installed to meet City Standards and State regulations.
 - 22) All landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.
 - 23) The applicant shall work with the City's Refuse Department to determine the best location for the refuse enclosure and to determine if a recycling container would be required.
 - 24) The applicant shall submit an Industrial User Survey to the City's Water Quality Control Division during the building permit stage.
 - 25) The business owner and their successors-in-interest shall be fully responsible for any Project-related contamination that may be found on the site or away from the site, and for any necessary clean-up of such contamination. This includes all types of hazardous materials or other pesticides. The site plan permit may be subject to

- review and revocation by the City of Merced per the procedures in the Merced Municipal Code.
- 26) Approval of this application is subject to approval and/or recommendation by the Airport Land Use Commission, or its staff designee, to determine that the project is consistent with the Airport Land Use Compatibility Plan.
 - 27) Pesticides not originally approved with this request may require additional permits from the Merced County Health Department or the City of Merced Water Quality Control Division. The applicant shall be responsible for contacting all pertinent regulatory agencies and informing them of any changes in pesticide types stored in this facility and obtaining proper permits.
 - 28) All portions of the property not occupied by paving or building shall be maintained to acceptable standards for health, fire safety, and aesthetic reasons. Grasses and weeds shall be kept to a maximum of six inches (however, the use of xeriscape is acceptable), or as otherwise required by the Fire Department and Merced County Health Department.
 - 29) Parking lot and building lighting shall be shielded or oriented in a way that does not allow “spillover” onto adjacent lots in compliance with the California Energy Code requirements. Any lighting on the building shall be oriented to shine downward and not spillover onto adjacent properties.
 - 30) This Project shall comply with the City’s Industrial Yard Standards for industrial development adjacent to residential zones, as outlined in Merced Municipal Code Section 20.12.030 – *Development Standards for Industrial Zoning Districts*.
 - 31) The 2-inch water connection may not be located within the driveway. The applicant shall work with the Public Works Department to determine an appropriate location for the water connection.
 - 32) The Project shall have a separate Irrigation and Domestic water service line going from the water main to the property line.
 - 33) The business may not operate between 10:00 p.m. and 6:00 a.m. (to reduce the impact of noise that this business could have on the adjacent residential zone). Extending the hours of operation shall require an acoustical analysis showing compliance with the City’s Nighttime Standards. This study would be reviewed and approved by the Planning Manager, or if deemed necessary, the Site Plan Review Committee.

If there are any questions concerning these conditions and recommendations, please contact Francisco Mendoza-Gonzalez at (209) 385-6858.

6-29-17

DATE



Francisco Mendoza-Gonzalez

Planner

TITLE

Exhibits

- A) Location Map
- B) Site Plan/Floor Plan
- C) Elevations
- D) Categorical Exemption

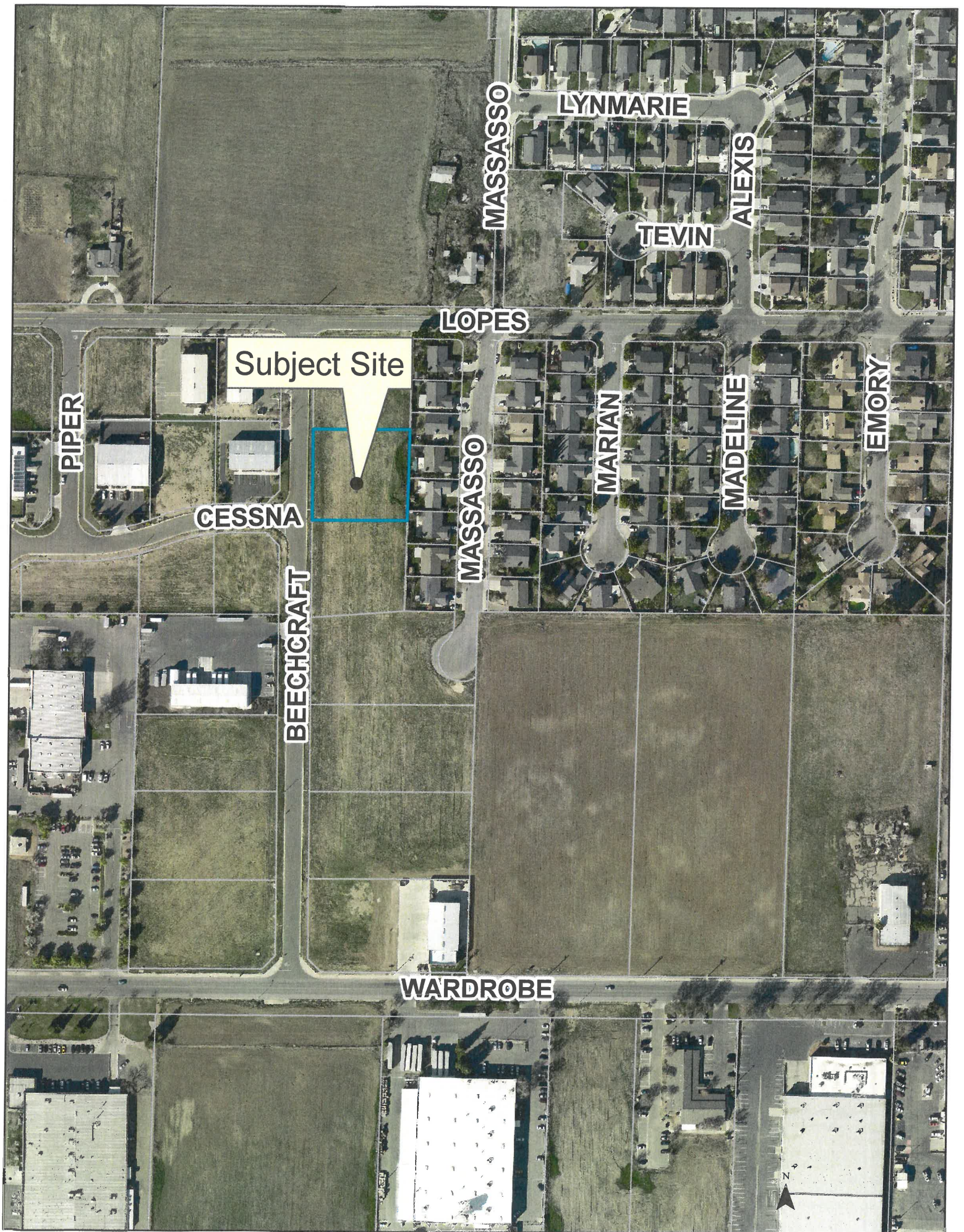


EXHIBIT A

Golden Valley Engineering & Surveying
 17111 Highway 99, Suite 100
 Merced, CA 95344
 Ph: (209) 722-3300
 Fax: (209) 722-3304
 Website: www.goldenvalleysurveying.com

GOLDEN VALLEY
 ENGINEERING & SURVEYING
 17111 Highway 99, Suite 100
 Merced, CA 95344
 Ph: (209) 722-3300
 Fax: (209) 722-3304
 Website: www.goldenvalleysurveying.com

PROJECT NO. 17-0000000000
 DATE: MAY 2017
 SCALE: AS SHOWN
 DRAWN BY: PRL
 CHECKED BY: JRL
 APPROVED BY: JRL

1. This drawing is the property of Golden Valley Engineering & Surveying, Inc. and is loaned to the client for the specific project and site only. It is not to be reproduced, copied, or used for any other project without the written consent of Golden Valley Engineering & Surveying, Inc.
 2. The client is responsible for obtaining all necessary permits and approvals from the appropriate authorities.
 3. The client is responsible for providing accurate and complete information for this project.
 4. The client is responsible for providing access to the site for this project.
 5. The client is responsible for providing all necessary information for this project.

CALIFORNIA

RAMIRO RODRIGUEZ
 A.P.N. 056-640-013
 MERCED, CA. 95341
 FOR
 A NEW FACILITY

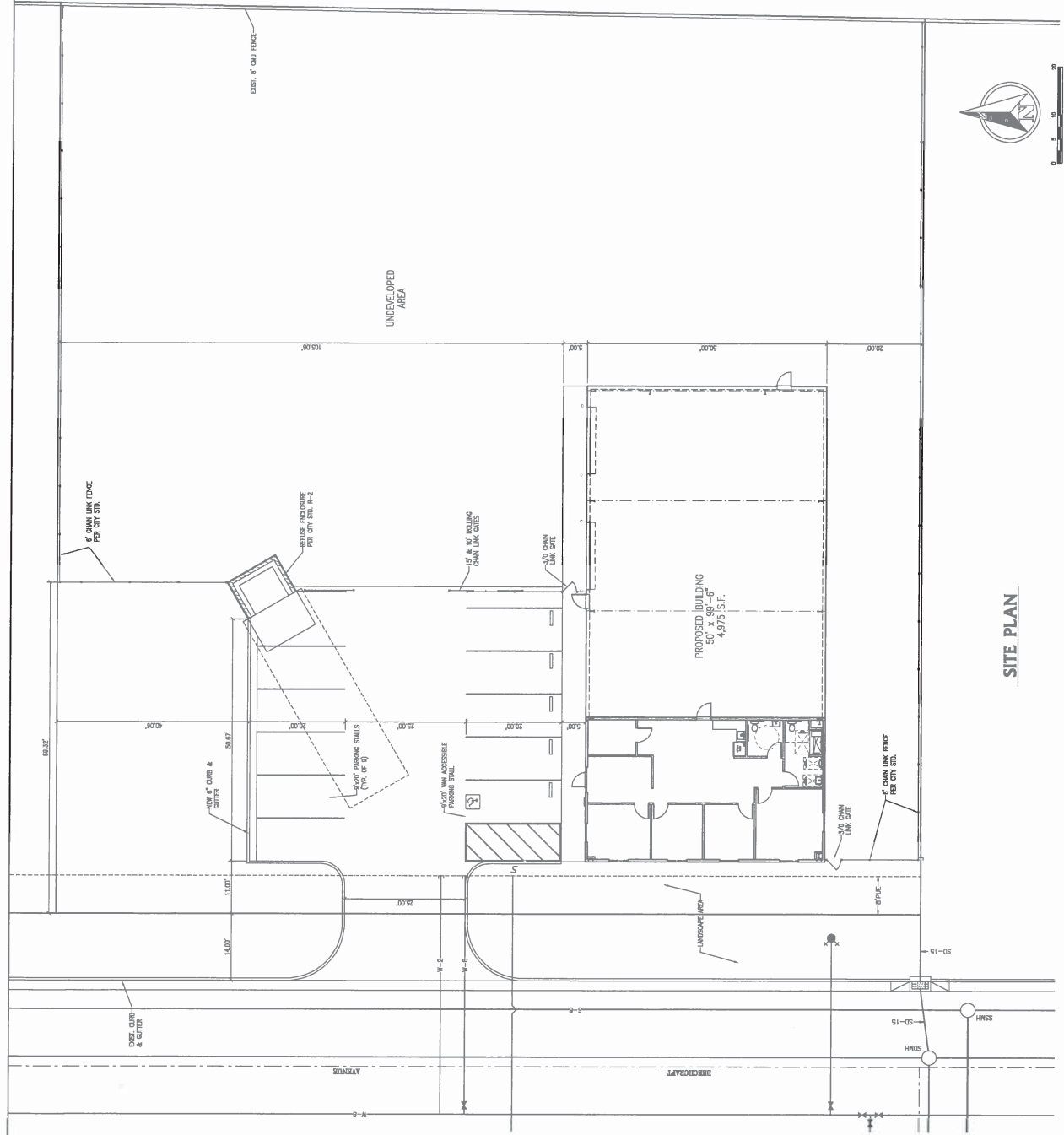
MERCED



SHEET CONTENTS
 5-T-17
 Site Plan

Client: Brea, Inc.
 17111 Highway 99, Suite 100
 Merced, CA 95344
 Ph: (209) 383-9387
 E-Mail: brea@brea.com
 PROJECT DATE: MAY 2017
 SCALE: AS SHOWN
 DRAWN BY: PRL
 CHECKED BY: JRL
 APPROVED BY: JRL

C3.0



SITE PLAN

3'x7" STOREFRONT DOOR w/14" WIDE -
SIDE LIGHTS w/MIN. 5'-0"x5'-0"
LANDING w/MAX. 2% SLOPE

NOTICE OF EXEMPTION

To: _____ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

From: (Public Agency)
City of Merced
678 West 18th St.
Merced, CA 95340

 X County Clerk
County of Merced
2222 M Street
Merced, CA 95340

Project Title: Site Plan Review #410 (Environmental Review #17-05)

Project Applicant: D&D Pest Control

Project Location (Specific): 870 Beechcraft Avenue APN: 059-640-013

Project Location - City: Merced **Project Location - County:** Merced

Description of Nature, Purpose, and Beneficiaries of Project:

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: D&D Pest Control

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ Categorical Exemption. State Type and Section Number: 15332
☐ Statutory Exemptions. State Code Number: _____
☐ General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt:

As defined under the above referenced Section, the proposed project is considered an in-fill project. The project location is within the City limits on an approximately 0.80-acre parcel surrounded by urban uses. The site can be served by all required utilities and public services, and the project site has no value as habitat for endangered, rare or threatened species. No significant effects resulting from traffic, noise, air quality, or water quality will result from the construction of the building. The project is consistent with the City of Merced General Plan and Zoning regulations.

Lead Agency: City of Merced

Contact Person: Francisco Mendoza-Gonzalez

Area Code/Telephone: (209) 385-6858

Signature:  **Date:** 06-08-2017 **Title:** Planner

 X Signed by Lead Agency

Date Received for Filing at OPR: _____
(If applicable)

Authority Cited: Sections 21083 and 21110. Public Resources Code
Reference: Sections 21108, 21152, and 21152.1. Public Resources Code

EXHIBIT D

CITY OF MERCED
SITE PLAN REVIEW COMMITTEE
RESOLUTION #409

University Village Merced, LLC on behalf of Fagundes Dairy and CBCP Assets, property owners	Construct a 225-unit, three-story apartment complex for student housing
APPLICANT	PROJECT
774 Mays Blvd., Ste. 10 PMB 449	2850 E. Yosemite Avenue
ADDRESS	PROJECT SITE
Incline Village, NV 89451	008-010-071 & a 2.39-acre portion of 008-010-070
CITY/STATE/ZIP	APN
925-324-3500	Planned Development (P-D) #76
PHONE	ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Site Plan Review Committee reviewed and administratively approved Site Plan Application #409 on June 29, 2017, submitted by University Village Merced, LLC on behalf of Fagundes Dairy and CBCP Assets, property owners. This request allows the construction of a 225-unit, three-story apartment complex. Said property being described as adjusted Parcel 2 as shown in Resolution #898 for Boundary Adjustment #06-04, recorded November 27, 2006, as Series No. 2006-079691 of Official Records, Merced County; and all that portion of the 62.5-foot-wide Pacific Gas & Electrical Easement as described in Deed recorded in Volume 1423 of Official Documents at page 507, Merced County Records, that lies within Adjusted Parcel 1 as described in Document Number 2006-079691, Merced County Official Records; also known as Assessor's Parcel Numbers (APN) 008-010-071 and a portion of 008-010-070.

WHEREAS, Planning staff has conducted an environmental review (Initial Study # 16-37) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA) as part of the approval of General Plan Amendment #16-06, Zone Change #424, and Planned Development (P-D) Establishment #76. A Mitigated Negative Declaration (i.e., no significant adverse environmental effects have been found that cannot be mitigated to be less than significant) and Mitigation Monitoring Program was adopted by the City Council on June 5, 2017. This review remains sufficient for this application. The Mitigation Monitoring Program can be found at Exhibit B of Planning Commission Resolution #3082 (Exhibit E). The City Council did not make any modifications to the conditions as approved by the Planning Commission.

WHEREAS, the Merced City Site Plan Review Committee makes the following Findings:

- A) The project site is located at the southwest corner of Yosemite Avenue and Lake Road (Exhibit A). The proposal complies with the City of Merced General Plan designation of High-Medium Density Residential (HMD) and the Zoning designation of Planned Development (P-D) #76.
- B) A Lot Line Adjustment is being processed for this site to add 2.39 acres of land from Assessor's Parcel Number 008-010-070 to Assessor's Parcel Number 008-010-071 (refer to location map at Exhibit A).
- C) The owners will contract with a waste management service to collect the refuse from each apartment building and transfer it to the compactor and recycling sites located at the southeast corner of the site. The City's Refuse Department will pick up the compacted refuse and recycling at these locations.
- D) The proposal does not include the commercial building and associated parking, which will require its own Site Plan Review Permit. However, the main entrance from Yosemite Avenue located at the east end of the project is included in this approval.
- E) The project site is located within FEMA Flood Zone 'X' [not Zone X (shaded) as referenced in Finding M of Planning Commission Resolution #3082]. According to the Urban Level of Flood Protection Summary Report prepared for the City in November 2015, projects within this FEMA Flood Zone are only required to meet the FEMA Standard of Flood Protection in order to comply with the California Urban Level of Flood Protection requirements.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Application #409 subject to the following conditions:

- 1) The proposed project shall be constructed/designed in substantial compliance with Exhibit B (site plan), Exhibit C (elevations), and Exhibit D (floor plans) - except as modified by the conditions.
- 2) All conditions contained in Site Plan Review #79-1 – Amended (“Standard Conditions for Site Plan Review Application”) shall apply.
- 3) The Project shall comply with the conditions set forth in Planning Commission Resolution #3082 (Exhibit E), including all mitigation measures outlined in the Mitigation Monitoring Program and the Developer Agreement for General Plan Amendment #16-06, Zone Change #424, and Planned Development (P-D) Establishment #76, except as modified by the conditions of approval within this resolution for Site Plan Review #409.
- 4) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply, including, but not limited to, the California Building Code and Fire Codes.

- 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, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
- 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) Notwithstanding all other conditions, all construction and improvements shall be in strict accordance with Zoning, Building, and all other codes, ordinances, standards, and policies of the City of Merced.
- 8) The commercial development is not a part of this approval, which will require its own separate Site Plan Review Permit. However, the main entrance to the site shall be constructed and provide access to the proposed apartment complex and future commercial development.
- 9) The architectural design and building materials for the clubhouse shall be consistent with those of the apartment buildings. The building elevations for the clubhouse and final colors and materials for the apartment buildings shall be approved by the Planning Department at the building permit stage.
- 10) The design and color of the wrought-iron fence around the project site shall be approved at the building permit stage.
- 11) If in the future, the owners no longer use a private waste management company to gather refuse and recycling from the apartment buildings, refuse enclosures shall be provided throughout the site to accommodate the tenants of the buildings. The number, size, design, and location shall be approved by the City's Refuse

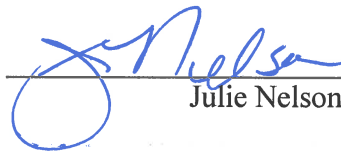
Department. The private waste management company is not allowed to remove waste from the site, which must be accomplished by the City's Refuse Department per City Code.

- 12) The design of the carports may be modified by the Director of Development Services at the building permit stage. The height of the portion of the carports that overhang the bike path shall be approved by the City Engineer and Director of Public Works at the building permit stage. The color of the carports shall match or be compatible with the color of the apartment buildings.
- 13) The premises shall remain clean and free of debris and graffiti at all times.
- 14) All landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.

If there are any questions concerning these conditions and recommendations, please contact Julie Nelson at (209) 385-6858.

6-29-17

DATE



Julie Nelson

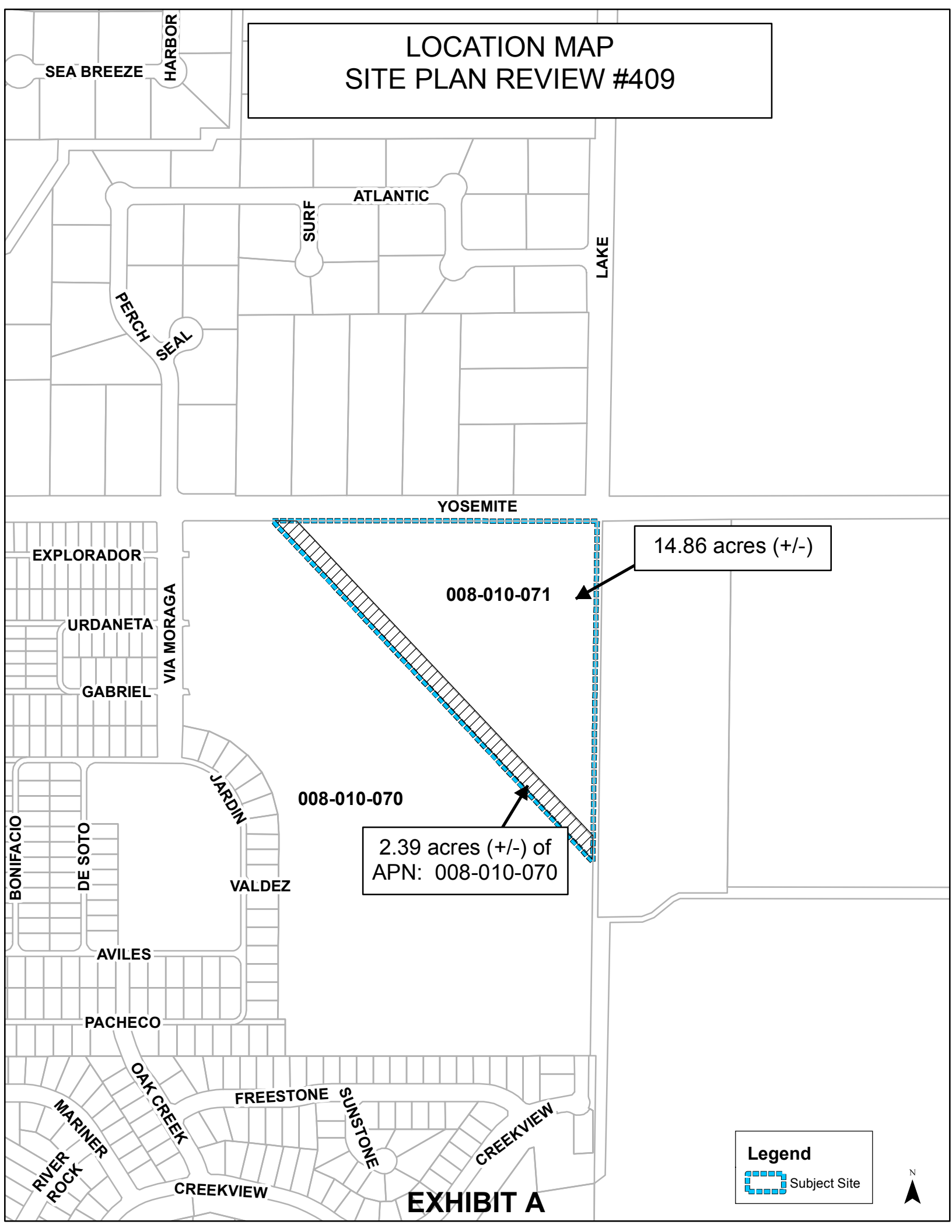
Associate Planner

TITLE

Exhibits

- A) Location Map
- B) Site Plan
- C) Elevations
- D) Floor Plans
- E) Planning Commission Resolution #3082 (including the Mitigation Monitoring Program adopted by the City Council on June 5, 2017)

LOCATION MAP
SITE PLAN REVIEW #409



14.86 acres (+/-)

008-010-071

008-010-070

2.39 acres (+/-) of
APN: 008-010-070

Legend



Subject Site

N

EXHIBIT A



DATE	DESCRIPTION
10/01/11	ARCHITECTURAL
10/01/11	STRUCTURAL
10/01/11	MECHANICAL
10/01/11	ELECTRICAL
10/01/11	PLUMBING
10/01/11	PAINTING
10/01/11	LANDSCAPE
10/01/11	INTERIOR
10/01/11	EXTERIOR
10/01/11	FINISHES
10/01/11	CONSTRUCTION

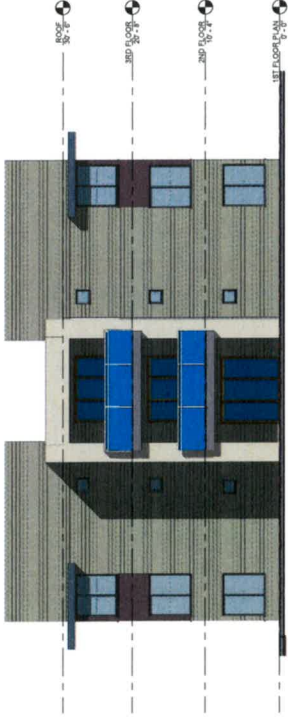
THIS DOCUMENT IS THE PROPERTY
OF HOCHHAUSER BLATTER. IT IS TO BE
USED ONLY FOR THE PROJECT AND
LOCATION SPECIFICALLY IDENTIFIED
HEREIN. IT IS NOT TO BE REPRODUCED
OR TRANSMITTED IN ANY FORM OR
BY ANY MEANS, ELECTRONIC OR
MECHANICAL, INCLUDING PHOTOCOPYING,
RECORDING, OR BY ANY INFORMATION
SYSTEM.

SHEET CONTENTS
RESIDENTIAL BUILDING
EXTERIOR ELEVATIONS

PROJECT NO. 9837

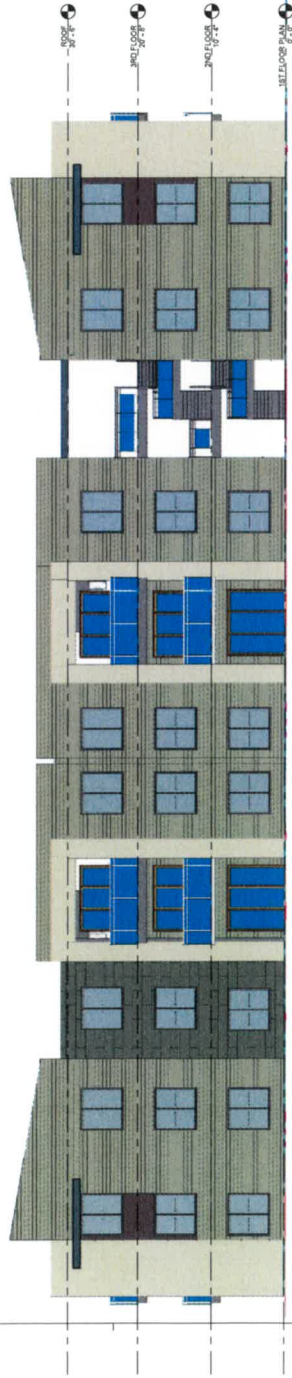
SHEET

A3.2R



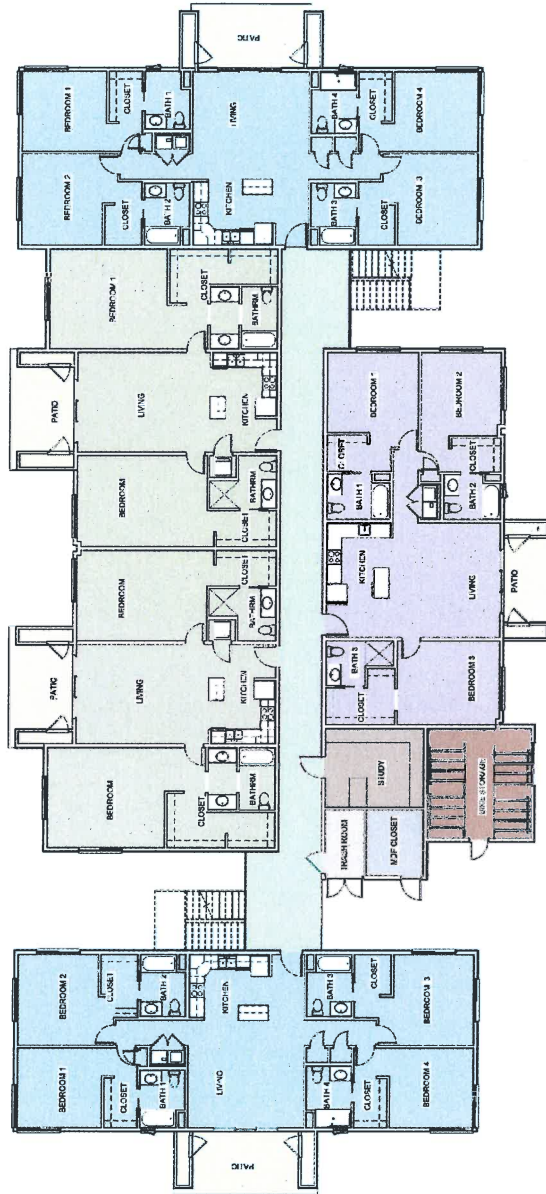
RESIDENTIAL - WEST ELEVATION 1/8" = 1'-0"

1

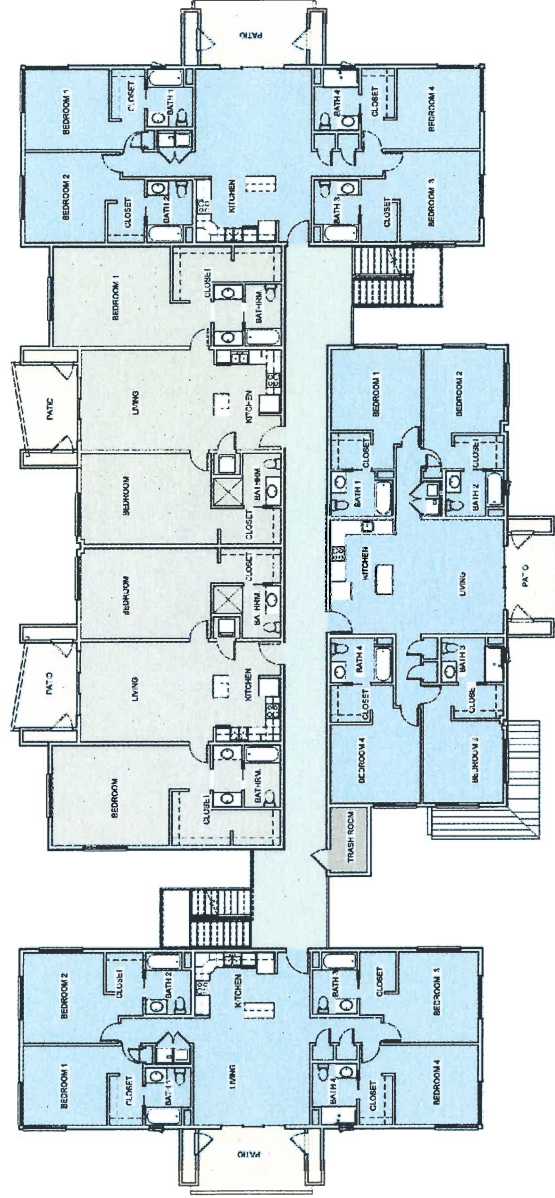


RESIDENTIAL - NORTH ELEVATION 1/8" = 1'-0"

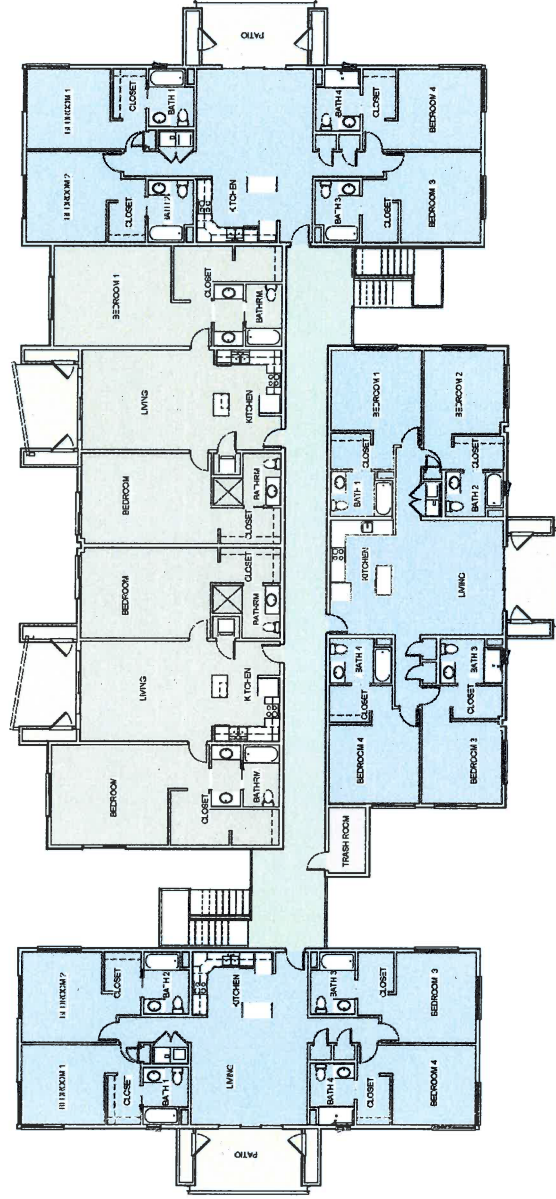
2



FIRST FLOOR PLAN
RESIDENTIAL BUILDING
UNIVERSITY VILLAGE AT LAKE



SECOND FLOOR PLAN
RESIDENTIAL BUILDING
UNIVERSITY VILLAGE AT LAKE



THIRD FLOOR PLAN
RESIDENTIAL BUILDING
UNIVERSITY VILLAGE AT LAKE

CITY OF MERCED
Planning Commission

Resolution #3082

WHEREAS, the Merced City Planning Commission at its regular meeting of April 19, 2017, held a public hearing and considered **General Plan Amendment #16-06, Zone Change #424, and the Establishment of Planned Development (P-D) #76**, initiated by University Village LLC, on behalf of Fagundes Dairy, A Partnership and CBCP Assets, LLC, property owners. The application is a request to change the General Plan and Zoning designations and to establish a Planned Development (P-D) for approximately 17.25 acres of land located on the south side of Yosemite Avenue at Lake Road. The requested General Plan Amendment would change the General Plan designation from Low Density Residential (LD) to High-Medium Density Residential (HMD) for approximately 16.25 acres and to Neighborhood Commercial (CN) for approximately 1 acre of the site. The Zone Change would change the Zoning designation for 14.86 acres from R-1-6 to Planned Development (P-D) #76 and 2.39 acres from Planned Development (P-D) #52 to Planned Development (P-D) #76 for the future development of 225 student housing units and a 6,600-square-foot commercial building; also known as Assessor's Parcel No. 008-010-071; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through L of Staff Report #17-08, with the additional Finding as follows:

- M. State law requires the City make a finding related to the California Urban Level of Flood Protection (200-year Flood) for all new development within any Special Flood Hazard Area (SFHA) as defined by FEMA. The project site is located in a FEMA Flood Zone X (shaded). According to the Urban Level of Flood Protection Summary Report prepared for the City in November 2015, projects within this FEMA Flood Zone are only required to meet the FEMA Standard of Flood Protection in order to comply with the California Urban Level of Flood Protection requirements. Condition #38 below has been added to address compliance with all flood requirements.

WHEREAS, 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

PLANNING COMMISSION RESOLUTION #3082

Page 2

April 19, 2017

a Mitigated Negative Declaration and Mitigation Monitoring Program (Exhibit B) regarding Initial Study #16-37, and approval of General Plan Amendment #16-06, Zone Change #424, and the Establishment of Planned Development (P-D) #76, subject to the Conditions set forth in Exhibit A attached hereto.

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

AYES: Commissioner(s) Baker, Camper, Colby, Padilla, Smith,

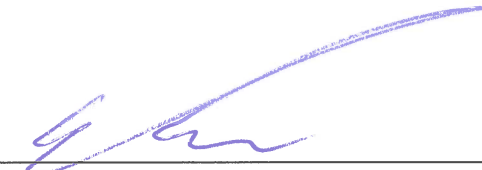
Smoot, and Chairperson Dylina

NOES: Commissioner(s) None

ABSENT: Commissioner(s) None

ABSTAIN: Commissioner(s) None

Adopted this 19th day of April 2017



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Exhibit B – Mitigation Monitoring Program

Conditions of Approval
Planning Commission Resolution #3082
General Plan Amendment #16-06, Zone Change #424, and
Establishment of Planned Development (P-D) #76

1. The proposed project shall be constructed/designed in substantial compliance with Exhibit 1 (site plan) and Exhibit 2 (elevations), -- Attachments B and C of Staff Report #17-08, except as modified by the conditions.
2. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
3. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
4. Approval of the General Plan Amendment and Zone Change is subject to the applicant's entering into a written (developer) agreement that they agree to all the conditions and shall pay all City and school district fees, taxes, and/or assessments, in effect on the date of any subsequent subdivision and/or permit approval, any increase in those fees, taxes, or assessments, and any new fees, taxes, or assessments, which are in effect at the time the building permits are issued, which may include public facilities impact fees, a regional traffic impact fee, Mello-Roos taxes—whether for infrastructure, services, or any other activity or project authorized by the Mello-Roos law, etc.. Payment shall be made for each phase at the time of building permit issuance for such phase unless an Ordinance or other requirement of the City requires payment of such fees, taxes, and or assessments at an earlier or subsequent time. Said agreement to be approved by the City Council prior to the adoption of the ordinance, resolution, or minute action.
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 (with counsel selected by the City), and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

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. Community Facilities District (CFD) formation is required for annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, street lights, parks and open space. CFD procedures shall be initiated before final map approval. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
8. The project shall comply with all mitigation measures required by the mitigation monitoring program for Initial Study #16-37 (Attachment F of Staff Report #17-08) and all applicable mitigation measures required by Expanded Initial Study #02-27 approved for the Hunt Family Annexation (#02-02).

9. In compliance with Merced Municipal Code Section 20.20.020 Q, Site Plan Review approval is required prior to development to address conformance with the standards of Planned Development (P-D) #76.
10. Any missing improvements on Yosemite Avenue along the project frontage shall be installed to meet City Standards. Any existing improvements that have been damaged or otherwise do not meet current City Standards shall be repaired or replaced to meet City Standards. This includes, but is not limited to sidewalk curb, gutter, street trees, and street lights.
11. Street trees shall be planted along the project frontage on Yosemite Avenue in compliance with City Standards.
12. The project shall be responsible for the installation of a traffic signal at the intersection of Lake Road and the project entrance. The developer shall be eligible for reimbursement of up to 50% of the cost of the traffic signal in accordance with the City's Public Facilities Financing Plan (PFFP).
13. A raised curb shall be installed at the intersection of Lake Road and Yosemite Avenue and shall extend west from the intersection 180 feet. The design of the raised curb shall be approved by the City Engineer prior to construction.
14. The project shall comply with Post Construction Standards in accordance with the requirement for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).
15. All storm water shall be retained onsite and metered out to the City's storm water system in accordance with City Standards, subject to the storm drain system approved for the Moraga subdivision.
16. All new utilities shall be installed underground.
17. The existing sewer line in Via Moraga shall be extended to a point to adequately serve the project site. The connection point shall be approved by the City Engineer and Public Works Director.
18. A minimum turning radius of 33 feet inside, curb-to-curb and 49 feet wall-to-wall for fire apparatus access must be provided throughout the project site or as required by the Fire Department.
19. All gated entrances/exits, shall be provided with a Knox-box that is

equipped with “click-to-enter” technology for the Fire Department. Details to be reviewed by Fire Department at the building permit stage.

20. If the entire apartment complex is gated, pedestrian access gates shall be provided to allow pedestrian access to the sidewalk along Yosemite Avenue.
21. Bicycle parking shall meet the minimum requirements of the California Green Building Code and Merced Municipal Code Section 20.38.080.
22. If the apartment complex is gated, a minimum of 20 feet of vehicle stacking room shall be provided onsite at each entrance.
23. Prior to any demolition work, the applicant shall obtain all necessary approvals from the San Joaquin Valley Air Pollution Control District and a demolition permit from the City of Merced Inspection Services Division if required.
24. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
25. All construction activity shall be conducted in accordance with City of Merced standards for times of operation.
26. All landscaping shall be in compliance with the City’s Water Efficient Landscaping and Irrigation Ordinance (Merced Municipal Code Section 17.60) and all state-mandated conservation and drought restrictions as well as the City’s Zoning Ordinance Section 20.36 – Landscaping.
27. Irrigation for all onsite landscaping shall be provided by a low-volume system in accordance with the State’s Emergency Regulation for Statewide Urban Water Conservation or any other state or city-mandated water regulations dealing with the current drought conditions.
28. All landscaping in the public right-of-way shall comply with the most recently adopted water regulations by the State and City addressing water conservation measures. If turf is proposed to be installed in medians or parkstrips, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed.

29. Parking lot trees shall be installed per the City's Parking Lot Landscape Standards. Trees shall be a minimum of 15-gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City's approved tree list). Trees shall be installed at a ratio of 1 tree for every 6 parking spaces. No trees shall be required where there are carports with solar panels over the parking spaces. However, if all the parking spaces are covered by a carport with solar panels, then additional trees may be required at the discretion of the Development Services Director. Trees within the PG&E easement shall comply with the regulations of this easement which limits the height of trees to a maximum of 15 feet at full maturity.
30. The on-site landscape design shall include the use of xeriscape landscaping and comply with all California Building Code regulations or other applicable state and/or local requirements as well as Chapter 20.36 of the City's Zoning Ordinance.
31. All walking paths, bicycle and vehicle parking areas, and recreational areas shall be provided with sufficient lighting to ensure a safe environment.
32. All mechanical equipment shall be screened from public view.
33. Containers for refuse and recycled goods shall be stored in enclosures that are designed with colors compatible with the buildings and shall be constructed to meet City Standards. At the Building Permit stage, the developer shall work with the City's Refuse Department to determine the best location for these enclosures to ensure proper access is provided for City Refuse Trucks.
34. The developer may install carports over some or all of the required parking spaces. Any carports installed near the bike path on the east side of the property shall have a minimum one foot setback from the edge of the easement for all vertical members and all horizontal members shall be a minimum of five feet from the property line. Specific design and location of the carports shall be approved by the Site Plan Review Committee.
35. The owner shall modify the Easement Deed granted in Document #2013-005030 to remove the conditions which reserve the grantor the right "to use the underlying property at any time for any purpose" (paragraph 2 of said document) and allows the grantor to relocate the

bike path (paragraph 3 of said document). The owner/developer shall work with the City's Land Surveyor to prepare a new easement deed prior to the issuance of a building permit for this project.

36. The applicant shall provide written documentation from PG&E agreeing to allow the proposed parking spaces within their easement area. This documentation shall be provided with the submittal of the first building permit that includes the parking in this area.
37. All signs shall comply with the requirements of the North Merced Sign Ordinance. No free-standing A-Frame or sandwich board-type signs shall be allowed. All other moveable temporary signs are prohibited as well. Temporary banners may be installed on a building wall in compliance with the City's Sign Ordinance and after obtaining a Temporary Banner Permit from the Planning Department. A building permit shall be obtained for all permanent signs.
38. The project shall comply with all FEMA Flood Zone requirements for Zone X (shaded) which will also comply with the California 200-year Urban Level of Flood Protection requirements.

n:\shared\planning\PC Resolutions\GPA#16-06\ZC#242\Est. of PD #76 (Student Housing Village) Exhibit A

ENVIRONMENTAL REVIEW #16-37 Mitigation Monitoring Program
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MITIGATION MONITORING CONTENTS

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

LEGAL BASIS AND PURPOSE OF THE MITIGATION MONITORING PROGRAM

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

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

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

- 1) The requirements of the adopted mitigation monitoring program for the General Plan Amendment #16-06, Zone Change #424, and Establishment of Planned Development (P-D) #76 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 #16-37 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 #16-06, Zone Change #424, and Establishment of Planned Development (P-D) #76. 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 #16-06/Zone Change #424/Establishment of Planned Development (P-D) #76
Mitigation Monitoring Checklist

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

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

B) Agriculture Resources				
<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
<i>B-4</i>	B-1) A provision shall be recorded by the applicants/developer or successors, at time of sale of any residentially-zoned property within the project that lies within 1,000 feet of the external boundary of any non-project property which currently has an active agricultural operation (including 4-H projects), or has had an agricultural operation on it during the calendar year preceding the year within which the sale takes place. This provision shall notify the buyer(s) and any subsequent owner(s) of the possible inconvenience or discomfort of farming operations arising from the use of agricultural chemicals, including pesticides and fertilizers; as well as from the pursuit of agricultural operations including plowing, spraying, and harvesting which occasionally generate dust, smoke, noise, and odor, and the priority to which Merced County places on agricultural operations.	Building Permits	Planning Department	
E) Cultural Resources				
<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
<i>E-1</i>	E-1) If evidence of archaeological artifacts is discovered during construction, all operations within the area and adjacent to the discovered site shall halt until a qualified archaeologist determines the extent of significance of the site and mitigation/preservation of any artifacts.	Building Permit	Planning Department	

E-3	E-2) If evidence of a paleontological resource, site, or unique geological feature is discovered during construction, all operations within the area and adjacent to the discovered site shall halt until a qualified paleontologist or geologist determines the extent of significance of the site and the mitigation/preservation of any resources.	Building Permit	Planning Department	
F) Geology and Soils				
F-2	F-1) Prior to the approval of a tentative subdivision map or building permit, the City shall review plans for drainage and storm water run-off control systems and their component facilities to ensure that these systems are non-erosive in design.	Building Permit	Engineering Department	
	F-2) Upon completion of phased construction, subsequent phases shall re-vegetate all exposed soil surfaces within 30 days, or as otherwise approved by the City, to minimize potential topsoil erosion. Reasonable alternatives to re-vegetation may be employed, especially during peak high temperature periods or to avoid negative impacts to nearby agricultural activities, subject to the approval of the City.	Building Permit	Planning Department	
	F-3) Projects under review shall be required to submit temporary erosion control plans for construction activities.	Building Permit	Engineering Department	
F-4	F-4) All recommendations for addressing expansive soils and site grading recommended in the Geotechnical Study prepared by Kleinfelder and found at Attachment E of Initial Study #16-37 shall be implemented.	Building Permit	Inspection Services Department	
	F-5) Building plans shall be reviewed by a registered engineer or other professional specializing in geo-technical assessments to ensure that the soils can support the load.	Building Permit	Inspection Services Department	

H) Hydrology and Water Quality				
H-5	H-5) Prior to the issuance of a building permit for this project, the applicant shall demonstrate to the City that storm drainage facilities are adequate to meet the Project demands and that improvements are consistent with the City's Storm Drainage Master Plan and the Post Construction Standards for the City's Phase II MS4 permit.	Building Permit	Engineering Department	
K) Noise				
K-1	K-1) Construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m.	Building Permit	Inspection Services Department	
	K-2) Construction equipment, compressors, and generators shall be fitted with heavy duty mufflers specifically designed to reduce noise impacts.	Building Permit	Inspection Services Department	
	K-3) Prior to the issuance of a building permit, the project applicant or any successor in interest, shall provide documentation showing the interior noise levels of the residential units would meet the City's interior standard of 45 dB ldn.	Building Permit	Inspection Services Department	
O) Transportation/Traffic				
O-1	O-1) The project shall pay all fees as required under the City's Public Facilities Impact Fee Program prior to issuance of a certificate of occupancy for any building.	Building Permit	Planning Department	
R) Greenhouse Gas Emissions				
R-1	R-1) The project shall comply with all mitigation measures outlined in Appendix B of the Greenhouse Gas Study prepared for this project (Attachment D of Initial Study #16-37).	Building Permit	Planning Department/Inspection Services Department	

Certificate of Completion:

By signing below, the environmental coordinator confirms that the required mitigation measures have been implemented as evidenced by the Schedule of Tasks and Sign-Off Checklist, and that all direct and indirect costs have been paid. This act constitutes the issuance of a *Certificate of Completion*.

Environmental Coordinator

Date