

CITY OF MERCED
SITE PLAN REVIEW APPLICATION
RESOLUTION #509

<u>Greg Fish on behalf of 2980 Yosemite, LLC</u>	<u>Construct a new retail building with a drive-through coffee shop and two other tenant spaces</u>
<u>APPLICANT</u>	<u>PROJECT</u>
<u>774 Mays Blvd., Ste. 10-499</u>	<u>2990 Yosemite Avenue</u>
<u>ADDRESS</u>	<u>PROJECT SITE</u>
<u>Incline Village, NV 89451</u>	<u>008-520-001 (a 0.78-acre portion)</u>
<u>CITY/STATE/ZIP</u>	<u>APN</u>
<u>995-324-3500</u>	<u>Residential Planned Development (RP- D) #76</u>
<u>PHONE</u>	<u>ZONING</u>

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Merced City Site Plan Review Committee considered and approved Site Plan Review Application #509 on January 12, 2023, submitted by Greg Fish on behalf of 2980 Yosemite, LLC, property owners, to allow the construction of an approximately 6,500-square foot retail building on the south side of Yosemite Avenue at Lake Road (2990 E Yosemite Avenue). The project site is more particularly described as Parcel 1 as shown on the Tentative Parcel map found at Exhibit B of Resolution #993 for Lot Split #22-04, being a portion of 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 the 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) 008-520-001.

WHEREAS, The Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and concluded that Environmental Review #22-51 is a second-tier environmental document, based upon the City's determination that the proposed development remains consistent with the Mitigated Negative Declaration #16-37 previously adopted for this site as part of General Plan Amendment #16-06, Zone Change #424, and the Establishment of Planned Development (P-D) #76) and the provisions of CEQA Guidelines, Section 15162. A copy of the Section 15162 Findings can be found at Exhibit J; and,

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

- A) The project site is located on the south side of Yosemite Avenue, east of Lake Road, adjacent to the Merced Station Apartment Complex (Exhibit A).

- B) The project site has a General Plan designation of Neighborhood Commercial (CN) and is zoned Planned Development (P-D) #76.
- C) The applicant is proposing to construct an approximately 6,500 square-foot retail building for a future coffee shop with a drive-through window (identified as Starbucks on the plan at Exhibit B), and two other tenant spaces.
- D) The proposed retail building was contemplated with the approval of General Plan Amendment #16-06, Zone Change #424, and the establishment of Planned Development (P-D) #76.
- E) A Mitigation Monitoring Program was adopted with Environmental Review #16-37 for General Plan Amendment #16-06, Zone Change #424, and the establishment of Planned Development (P-D) #76 and remains in effect for this project. The Mitigation Monitoring Program and all previously applied conditions of approval for General Plan Amendment #16-06, Zone Change #424, and the Establishment of Planned Development (PD) #76 are found in Planning Commission Resolution #3082 (Exhibit C).
- F) Lot Split #22-04 was approved for the project site on October 5, 2022. This Lot Split would create a 0.78-acre parcel for the retail building and related parking (Exhibit D). A Parcel Map has not been recorded to finalize the Lot Split.
- G) The site design (Exhibit B) is consistent with the previous approvals for the site, with the exception of additional parking added to the east side of the proposed building. Access to the site would be through the main driveway on Yosemite Avenue shared with the Merced Station Apartments. The building would be set back approximately 135 feet from the north property line along Yosemite Avenue, approximately 31 feet from the east property line, approximately 40 feet from the west property line, and approximately 50 feet from the south property line.
- H) The floor plan at Exhibit E is for the shell building. All tenants would be required to obtain a building permit for tenant improvements (Condition #7).
- I) The building elevations (Exhibit F) are consistent with the architecture for the Merced Stations Apartment complex.
- J) In addition to the drive-through window, Starbucks also provides food and beverage service for customers to dine-in with seats both inside and outside. Therefore, the parking requirements would be based on a restaurant. As such, the parking requirements would be 1 space for every 100 square feet of floor area or 1 space for each 2.5 seats, whichever is greater. Because the number of seats provided and the actual space dedicated to customers within the Starbucks is unknown at this time, the parking requirements cannot be accurately calculated at this time. Condition #8 requires that sufficient parking be provided for all tenants within the new building. In order to provide sufficient parking, the number of tenants that require a large number of parking spaces may be limited, including additional restaurants and other eateries.

- K) It is estimated that the drive-through lane would accommodate approximately 15 cars without blocking the parking spaces in the first drive aisle.
- L) Access to the first drive aisle off of Yosemite Avenue provides access to the drive-through window and is designed to be entrance only. Exiting from the drive aisle would via the parallel lane beside the drive-through lane and then through the second drive aisle to the south (refer to Exhibit B).
- M) In an effort to avoid conflicts between cars leaving the parking stalls in the first drive aisle and those entering the drive-through lane, the parking spaces in the first drive aisle are required to be angled spaces to encourage traffic exiting the site from the parking stalls to use the lane that runs parallel to the drive-through lane and exit from aisle #2.
- N) The project site was annexed into the Community Facilities District (CFD) for Services (2003-3) as part of Annexation No. 12.
- O) A free-standing sign exists along Yosemite Avenue advertising the Merced Station Apartment Complex and has space for two additional tenants to advertise on this sign (Exhibit G). No other free-standing signs would be allowed along Yosemite Avenue (Condition #19).

Required Findings for Site Plan Review

- P) Per Merced Municipal Code Section 20.68.050 – Site Plan Review Permit, the Site Plan Review Committee may approve an application for a Site Plan Review Permit only if all of the following findings can be made:

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

The site has a General Plan designation of Neighborhood Commercial (CN) and is zoned Planned Development (P-D) #76. The approval General Plan Amendment #16-06, Zone Change #424, and the Establishment of Planned Development (P-D) #76 included a retail building at this location. The proposed building is consistent with these approvals and the General Plan designation of Neighborhood Commercial (CN).

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

The proposed retail building complies with the standards for Planned Development (P-D) #76 as approved by Ordinance No. 2477. With approval of the conditions found within this resolution, the proposal would comply with all applicable provisions of the Zoning Ordinance and Municipal Code.

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

The project site is a 0.78-acre site adjacent to the Merced Station Apartment complex. The proposed retail building will use the same entrance as the apartment complex at Yosemite Avenue and Lake Road. The proposed retail

building was approved as part of the establishment of Planned Development (P-D) #76 and is intended to provide services to the tenants of the apartment complex.

There are single-family residential uses across Yosemite Avenue that are outside the City Limits. The proposed retail building is setback approximately 135 feet from Yosemite Avenue. The traffic impacts were evaluated with the General Plan Amendment, Zone Change, and Planned Development establishment. A traffic signal is being installed at the entrance to the site and the intersection of Lake Road. No additional mitigation is required as a result of the additional traffic. Condition #27 requires all lighting to be shielded so it would not spill-over onto the residential uses to the north across Yosemite Avenue. The project design, previously required traffic signal, and the conditions contained within this resolution would prevent the proposed project from interfering with the use and enjoyment of existing and future neighboring properties and structures.

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

The proposed architectural design is consistent with the Merced Station apartments. This design is appropriate since the project is integrated with the apartment complex and uses a shared driveway.

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

Landscape plans have not been submitted with this project. However, the project would provide landscaping consistent with the apartment complex. Detailed landscape plans shall be submitted during the building permit stage to ensure compliance with all applicable landscaping standards found under Merced Municipal Code Section 20.36 – Landscaping, and any other Municipal Code or State requirements (Condition #16).

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

The proposed project is consistent with the previously approved General Plan Amendment, Zone Change, and the Establishment of Planned Development (P-D) #76. In addition, with the implementation of the conditions in this resolution, the project would comply with all other aspects of the General Plan, Zoning Ordinance, and City standards. The proposed project would not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the proposed project.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Review Application #509, subject to the following conditions:

- 1) The proposed project shall be constructed as shown on Exhibit B (revised site plan), Exhibit E (floor plan), Exhibit F (elevations), and as otherwise modified by the conditions within this resolution.
- 2) All conditions contained in Site Plan Approval Resolution #79-1 (“Standard Conditions of Site Plan Approval”) shall apply.
- 3) 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. This may include adding a hydrant, as required by the Fire Department.
- 4) The project shall comply with all applicable conditions previously set forth by approvals for this subdivision, including Planning Commission Resolution #3082 for General Plan Amendment #16-04, Zone Change #424, and the Establishment of Planned Development (P-D) #76 and all Mitigation Measures in the Mitigation Monitoring Program for Environmental Review #16-37.
- 5) The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City’s attorney’s fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval of the City Attorney and to provide all required deposits to fully fund the City’s defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.

- 6) The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
- 7) 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. Plans shall be drawn by a licensed design professional. The construction work shall be performed by an appropriately licensed Contractor. The plans shall indicate the flood zone for the project (Zone X). Each tenant within the building shall obtain a building permit with documents meeting these same requirements prior to commencing construction on tenant improvements.
- 8) At the building permit stage for each tenant, plans shall include a parking analysis to show the number of existing parking spaces and how many spaces would be required for each tenant. The number of parking spaces required for each tenant shall be as required by Merced City Zoning Ordinance Section 20.38. Parking reductions may be allowed if the project meets any of the criteria for reductions outlined in Section 20.38.050 of the Zoning Ordinance. At the time of building permit, if necessary and if the project qualifies, a parking reduction may be requested. The Director of Development Services may grant the request if all the necessary documentation is provided and the project meets the minimum requirements for such a reduction.
- 9) Bicycle parking shall be provided as required by Zoning Ordinance Section 20.38.080. Short-term bicycle parking shall be equivalent to 8% (1 space) of required automobile parking spaces. Long-term parking spaces are not required for this use. All bicycle parking spaces shall meet the City's design standards for bicycle racks.
- 10) A properly sized grease control device shall be installed prior to occupancy of the Starbucks tenant space. When sizing and locating the device, the developer should consider whether future tenants would need such a device and size and locate accordingly.
- 11) Water lines shall not cross property lines. The approved tentative parcel map shall record prior to construction beginning on the site.
- 12) A backflow prevention device shall be provided for all water services (i.e., domestic, irrigation, and fire).
- 13) An encroachment permit shall be obtained for all work in the public right-of-way and a building permit shall be obtained for all on-site work.
- 14) Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access.
- 15) All improvements including, but not limited to, sidewalk, curb, gutter, street

lights, and street trees, shall be installed along the project frontage. If the improvements have already been installed, any missing or damaged improvements shall be replaced per City Standards.

- 16) Detailed landscape and irrigation plans shall be submitted at the time of building permit submittal. All landscaping shall comply with all Merced Municipal Code Section 20.36 – Landscaping as well as any other standards set for in the Merced Municipal Code. Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray system in accordance with the State’s Emergency Regulation for Statewide Urban Water Conservation or any other state or city mandated water regulations dealing with the current drought conditions.
- 17) Parking lot trees shall 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.
- 18) All landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.
- 19) All signing shall comply with the City of Merced Sign Ordinance in effect at the time of Building Permit submittal. No other freestanding signs shall be allowed along Yosemite Avenue, other than the existing sign advertising the apartment complex and two tenants of the retail building.
- 20) All mechanical equipment shall be screened from public view.
- 21) All refuse container locations shall be approved by the City of Merced Refuse Department at the building permit stage. All refuse containers shall be located within a refuse enclosure constructed per City Standards. The refuse enclosure shall be designed to meet the City’s Engineering Standards for refuse enclosures (R-4). The refuse enclosure shall be covered from above to prevent direct access to refuse. The applicant shall not install any posts in front of the refuse enclosure. A side gate shall be provided with pedestrian access, as required by the City Engineering Division.
- 22) The project shall comply with all City Standards for storm drainage. The developer shall work with the City Engineer to determine the requirements for storm drainage on the site. The developer shall provide all necessary documentation for the City Engineer to evaluate the storm drain system. All storm drain systems shall be installed to meet City Standards and State regulations.
- 23) 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).

- 24) The premises shall remain clean and free of debris at all times. The exterior of the building shall be appropriately maintained and maintain an aesthetically appealing appearance. All graffiti shall be removed within 48 hours.
- 25) Fire protection systems shall be monitored by fire alarm systems, or as otherwise required by the Fire Department.
- 26) The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
- 27) Parking lot and building lighting shall be shielded or oriented in a way that does not allow "spill-over" onto adjacent lots in compliance with the California Energy Code requirements. Any lighting on the building shall be oriented to shine downward and not spill over onto adjacent properties.
- 28) All parking in the first drive aisle off of Yosemite Avenue, shall be angled to encourage vehicles leaving the site to use the drive aisle parallel to the drive-through lane and exit through the second drive aisle. Additionally, an "Entrance Only" sign shall be posted at the entrance to the first drive aisle.

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

January 12, 2023

DATE


SIGNATURE

Senior Planner

TITLE

Exhibits:

- A) Location Map
- B) Revised Site Plan
- C) Planning Commission Resolution #3082
- D) Tentative Parcel Map
- E) Floor Plan
- F) Building Elevations
- G) Existing freestanding sign
- H) CEQA Section 15162 Findings



Disclaimer: This document was prepared for general inquiries only. The City of Merced is not liable for errors or omissions that might occur. Official information concerning specific parcels should be obtained from recorded or adopted City documents.

Site Plan #509
2990 E Yosemite Ave.

EXHIBIT A



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

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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

<p style="text-align: center;">ENVIRONMENTAL REVIEW #16-37 Mitigation Monitoring Program</p>
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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	

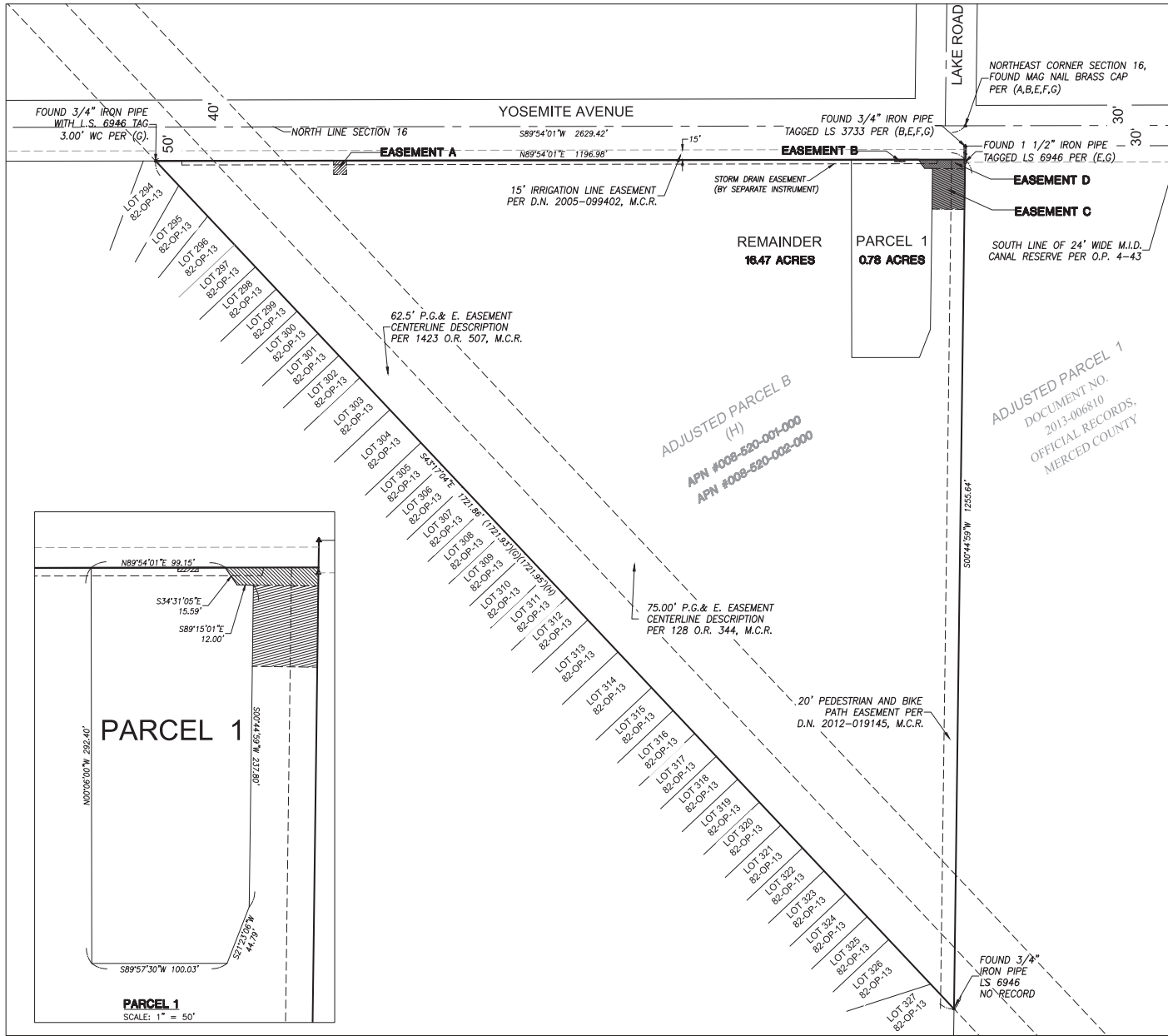
H) Hydrology and Water Quality				
H-5	H-5) Prior to the issuance of a building permit for this project, the applicant shall demonstrate to the City that storm drainage facilities are adequate to meet the Project demands and that improvements are consistent with the City's Storm Drainage Master Plan 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



TENTATIVE MAP

BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 16, SUBDIVIDED PARCEL B, TOWNSHIP 7 SOUTH, RANGE 14 EAST, MOUNT DIABLO BASE AND MERIDIAN,

IN THE CITY OF MERCED, COUNTY OF MERCED, STATE OF CALIFORNIA.

AUGUST, 2022

LEGEND

ALL DISTANCES SHOWN ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.

▲	FOUND MONUMENT AS SHOWN AND ACCEPTED
S.F.N.F.	SEARCHED FOR, NOTHING FOUND
M.C.R.	MERCED COUNTY RECORDS
---	BOUNDARY LINE
---	EASEMENT LINES
---	CENTERLINE
---	EXISTING RIGHT OF WAY

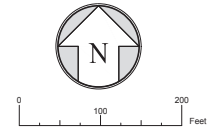
REFERENCES

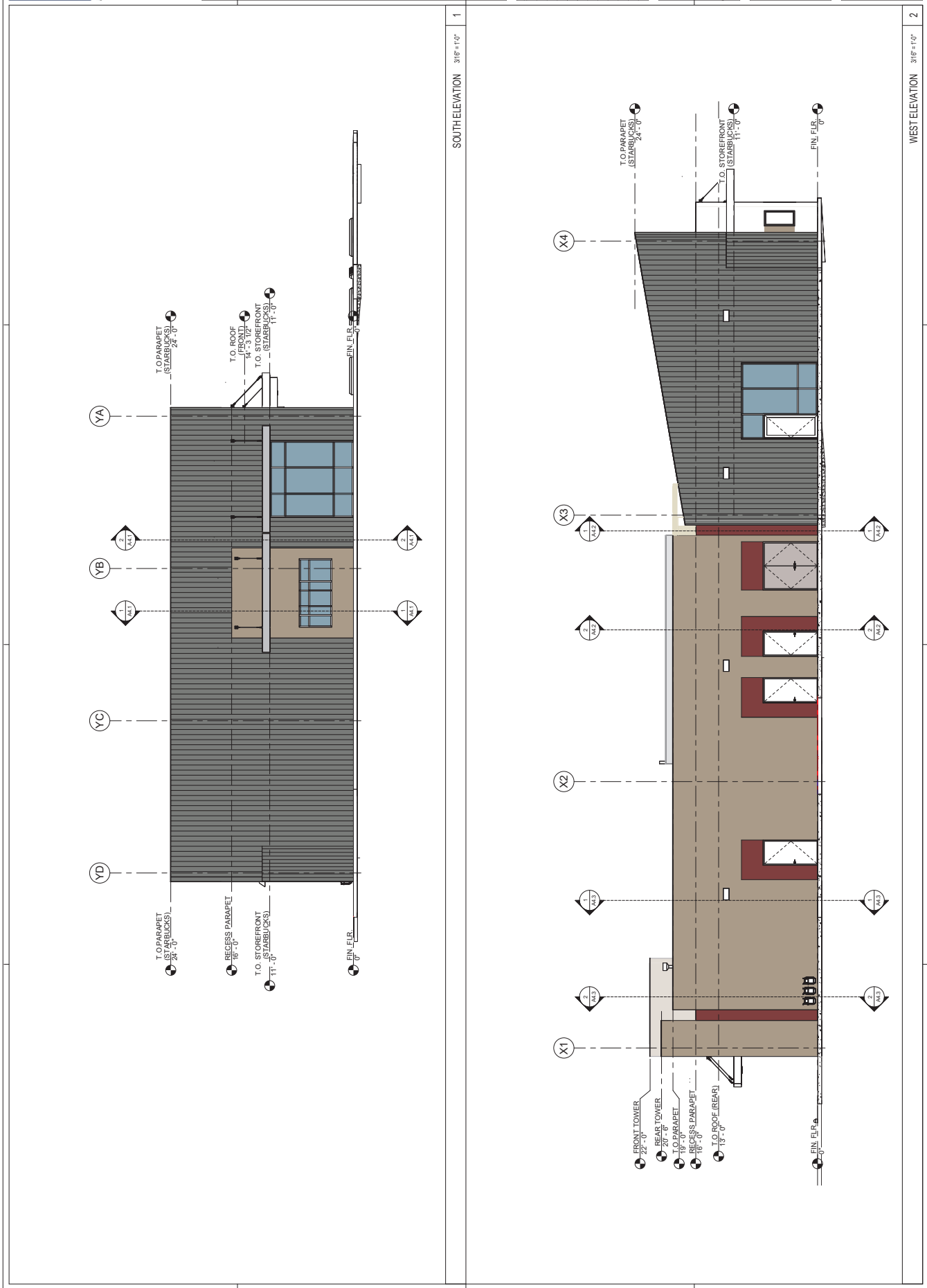
- (A) YOSEMITE MEADOWS, BOOK 25, PAGE 47 OF OFFICIAL PLATS M.C.R.
 (B) RECORD OF SURVEY FOR HUNT FARMS, BOOK 25, PAGE 24 OF RECORDS OF SURVEY M.C.R.
 (C) PARCEL MAP FOR CALVIN R. & CHARLENE TAYLOR, BOOK 28, PAGE 35 OF PARCEL MAPS M.C.R.
 (E) MORAGA OF MERCED BOOKS 46, PAGE 26 OF OFFICIAL PLATS M.C.R.
 (F) SUMMER CREEK PHASE 2, BOOK 75, PAGE 1 OF PARCEL MAPS M.C.R.
 (G) MORAGA OF MERCED 2, BOOK 82, PAGE 13 OF PARCEL MAPS M.C.R.
 (H) DEED DOCUMENT NO. 2018005302, GRANT DEED RECORDED IN OFFICIAL RECORDS FEBRUARY 23, 2018 M.C.R.

BASIS OF BEARINGS

THE BASIS OF BEARINGS OF THIS SURVEY IS IDENTICAL WITH THAT MAP ENTITLED RECORD OF SURVEY FOR HUNT FARMS FILED FOR RECORD IN BOOK 25 OF RECORDS OF SURVEY AT PAGES 24, MERCED COUNTY RECORDS AND IS BASED UPON THE BEARING N0°44'59"E OF THE LINE BETWEEN FOUND MONUMENTS AS SHOWN HEREON.

MAP NOTES

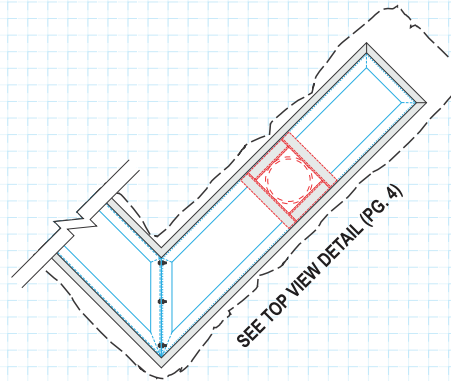




Entrance Monument

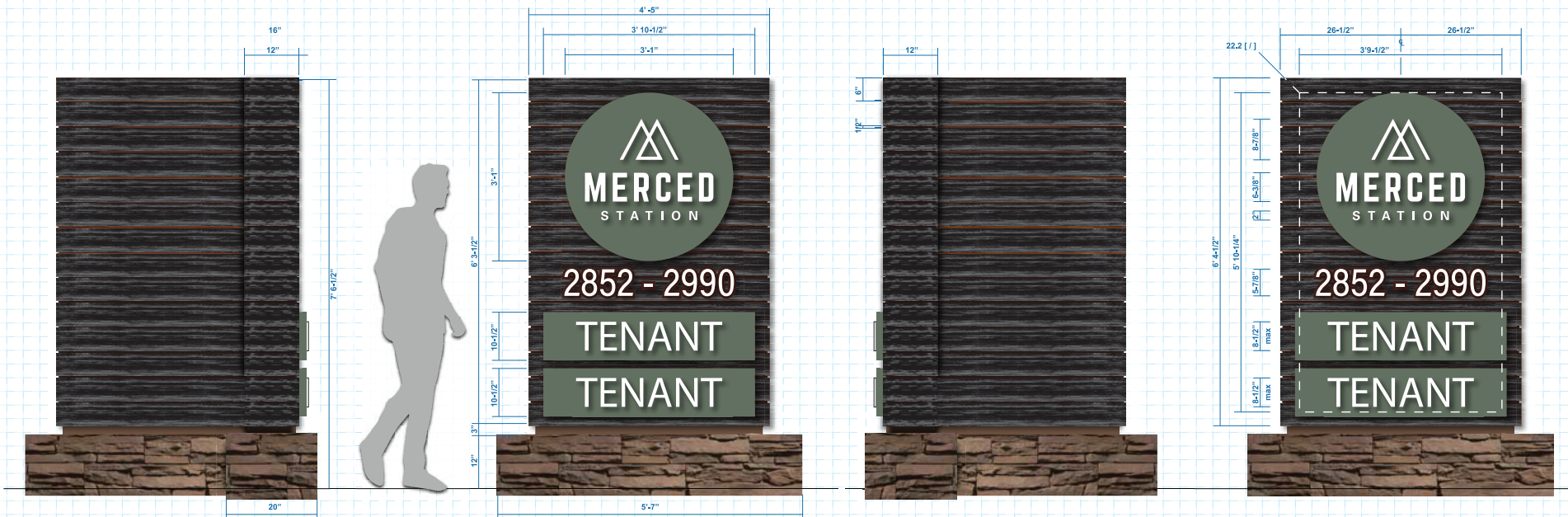
Architectoral | V-shaped Illuminated Monument

Fabricated cabinet with wood veneer with routed & pushed through copy on the upper round logo and address numbers. Tenant panels are to be routed and pushed through as well. Vert support direct embedded in concrete footing.



MAX HEIGHT: Verify code restrictions
[/] FT. OF SIGN: 22.2 square feet of active face
INTERNAL ILLUMINATION: LED lights, standard white
SETBACK: Verify conditions
ELECTRICAL SVC.: (1) 20amp circ. @ 110v B.O.
SOIL COND.: Assumes normal conditoins

EXHIBIT G



Customer: Merced Station
Contact: -
Phone #: -
Address: 2980 E Yosemite Ave, Merced

Product: Entrance Monument Sign
Quantity: 1
Sides: 2
Install Info: -

NOTES: Fabricated cabinet with faux wood veneer with routed & pushed through copy on the upper round logo and address numbers. Tenant panels are to be routed and pushed through as well. Vert support direct embedded in concrete footing. See above for details.

**The California Environmental Quality Act
(CEQA) Section 15162 Findings:**

Application: Site Plan Review #509 – Environmental Review #22-51

Assessor Parcel Number or Location: Assessor's Parcel Numbers (APN): 008-520-001 (a .078-acre portion)

Previous Initial Study/EIR Reference: Initial Study #16-37 for General Plan Amendment #16-06, Zone Change #424, and the establishment of Planned Development (P-D) #76.

Original Project Date: General Plan Amendment #16-06 was adopted June 5, 2017, Zone Change #424 and the Establishment of Planned Development (P-D) #76 were adopted June 19, 2017.

Section A - Previous Studies

- | | | |
|--|--------------------------|-------------------------------------|
| | Yes | No |
| 1. Substantial changes are proposed in the project that will require major revisions of the previous project EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment/Finding: The proposed retail building was contemplated with the approval of General Plan Amendment #16-06, Zone Change #424, and the establishment of Planned Development (P-D) #76. Impacts from the retail building were evaluated as part of Environmental Review #16-37. No substantial changes are proposed with this application. This application is to review the architectural and design elements of the proposed retail building.

- | | | |
|--|--------------------------|-------------------------------------|
| | Yes | No |
| 2. Substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment/Finding: There have been no changes in the circumstances under which the project is undertaken that would require major revisions in the previous EIR. There are no new significant environmental effects or substantial increases in the severity of previously identified environmental effects.

- | | | |
|---|--------------------------|-------------------------------------|
| | Yes | No |
| 3. New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, has been revealed? (If "Yes" is checked, go to Section "B" below) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment/Finding: There is no new information of substantial importance that was not known and could not have been known with the reasonable diligence at the time the previous EIR was adopted.

Section B - New Information

A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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B) Significant effects previously examined will be substantially more severe than shown in the previous EIR.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
--	---------------------------------	---

C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
---	---------------------------------	---

D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
---	---------------------------------	---

Comment/Finding: The proposed Conditional Use Permit is substantially consistent with the stated plan in the GPA and SUP Revision, no significant new information is present as a result of this application.

On the basis of this evaluation, in accordance with the requirements of Section 15162 of the CEQA Guidelines:

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | 1. It is found that subsequent negative declaration will need to be prepared. |
| <input type="checkbox"/> | 2. It is found that an addendum Negative Declaration will need to be prepared. |
| <input type="checkbox"/> | 3. That a subsequent EIR will need to be prepared. |
| <input checked="" type="checkbox"/> | 4. No further documentation is required. |

Date: January 3, 2023

Prepared By:


 Julie Nelson,
 Senior Planner