



CITY OF MERCED

Meeting Agenda

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

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

Tuesday, February 18, 2020

6:00 PM

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

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

NOTICE TO PUBLIC

WELCOME TO THE MEETING OF THE MERCED CITY COUNCIL

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

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CITY CLERK

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

INDIVIDUALS WITH DISABILITIES

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

A. CLOSED SESSION ROLL CALL

B. CLOSED SESSION

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

B.1. [20-101](#)

SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency
Designated Representative: City Manager Steve Carrigan; Employee
Organization: American Federation of State, County, and Municipal
Employees (AFSCME) Council 57; Local 2703; International Association
of Fire Fighters, Local 1479; Merced Association of City Employees
(MACE). AUTHORITY: Government Code Section 54957.6

- B.2.** [20-102](#) **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Steve Carrigan; Employee Organizations: Merced Police Officers' Association (MPOA).
AUTHORITY: Government Code Section 54957.6
- B.3.** [20-105](#) **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Steve Carrigan; Employee Organizations: Merced Association of Police Sergeants. AUTHORITY: Government Code Section 54957.6
- B.4.** [20-103](#) **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION; Englert, et. al. v. City of Merced; Case No. 1:18-CV-01239-LJO-EPG; AUTHORITY: Government Code Section 54956.9(d)(1)
- B.5.** [20-104](#) **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION; McKinnon, et. al. v. City of Merced; Case No. 1:18-CV-01124-LJO-SAB; AUTHORITY: Government Code Section 54956.9(d)(1)

C. CALL TO ORDER

C.1. Invocation - Joel Dorman, First Baptist Church

C.2. Pledge of Allegiance to the Flag

D. ROLL CALL

D.1. In accordance with Government Code 54952.3, it is hereby announced that the City Council sits either simultaneously or serially as the Parking Authority and the Public Financing and Economic Development Authority. City Council members receive a monthly stipend of \$20.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$50.00 each month as a part of the adopted budget and Resolution 1975-37. The members of the Parking Authority and the Public Financing and Economic Development Authority receive no compensation.

E. REPORT OUT OF CLOSED SESSION

F. SPECIAL PRESENTATIONS

- F.1.** [20-111](#) **SUBJECT:** Arts and Culture Advisory Commission Annual Report

REPORT IN BRIEF

The Annual Report will be given by Colton Dennis, Chair of the Arts and Culture Advisory Commission

RECOMMENDATION

For Information-Only.

G. WRITTEN PETITIONS AND COMMUNICATIONS

H. ORAL COMMUNICATIONS

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

I. CONSENT CALENDAR

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

- I.1. [19-749](#) **SUBJECT: Reading by Title of All Ordinances and Resolutions**

REPORT IN BRIEF

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

RECOMMENDATION

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

- I.2. [20-062](#) **SUBJECT: Information Only - Planning Commission Meeting Minutes of January 8, 2020**

RECOMMENDATION

For information only.

- I.3. [20-050](#) **SUBJECT: Information Only - Site Plan Approval Committee Meeting Minutes of July 18, October 10, October 24, and December 5, 2019**

RECOMMENDATION

For information only.

I.4. [20-112](#)

SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of January 21, 2020

REPORT IN BRIEF

Official adoption of previously held meeting minutes.

RECOMMENDATION

City Council/Public Financing and Economic Development/Parking Authority - Adopt a motion approving the meeting minutes of January 21, 2020.

I.5. [20-063](#)

SUBJECT: Approval of Street Closure Request #20-01 by Merced LGBTQ Alliance to Host the Annual Merced LGBTQ Alliance Pride 2020 Event, Located on W. Main Street Between M and K Streets (Including Bob Hart Square); and Canal Street Between W. Main Street and Arbor Lane, on Saturday, May 2, 2020, from 10:00 a.m. to 11:00 p.m.

REPORT IN BRIEF

Considers approving a request by the Merced LGBTQ Alliance for the closure and use of City streets and Bob Hart Square on Saturday, May 2, 2020, for the Annual Merced LGBTQ Alliance Pride 2020 event. The request seeks approval to close W. Main Street, between M and K Streets, including Bob Hart Square, and Canal Street between W. Main Street and Arbor Lane, on Saturday, May 2, 2020, from 10:00 a.m. to 11:00 p.m.

RECOMMENDATION

City Council - Adopt a motion approving the street closure of W. Main Street between M and K Streets, including the use of Bob Hart Square, and Canal Street between W. Main Street and Arbor Lane, on Saturday, May 2, 2020, from 10:00 a.m. to 11:00 p.m., subject to the details and conditions outlined in the administrative staff report.

I.6. [20-065](#)

SUBJECT: Approval of an Increase of \$240,000 in Development Services Revenue Account 017-0805-310.03-00 License and Permits/Construction Permits, Appropriating \$220,000 in Development Services Expenditure Account 017-0805-512.17-00 Professional Services for Fiscal Year 2019-2020, and Appropriating \$20,000 in Development Services Expenditure Account 017-0805-511.04-01 Regular Overtime for Fiscal Year 2019-2020

REPORT IN BRIEF

Considers approving an increase of \$240,000 in Development Services Department revenue account 017-0805-310.03-00 License and Permits/Construction Permits; approving an appropriation of \$220,000 in Development Services expenditure account 017-0805-512.17-00 Professional Services for Fiscal Year 2019-2020; and approving an appropriation of \$20,000 in Development Services expenditure account 017-0805-511.04-01 Regular Overtime for Fiscal Year 2019-2020.

RECOMMENDATION

City Council - Adopt a motion approving an increase of \$240,000 in Development Services revenue account number 017-0805-310-00 (License and Permits/Construction Permits); approving an appropriation of \$220,000 in Development Services expenditure account number 017-0805-512.17-00 Professional Services; and approving an appropriation of \$20,000 in Development Services expenditure account 017-0805-511.04-01 Regular Overtime for Fiscal Year 2019-2020.

I.7. [20-089](#)

SUBJECT: Acceptance of \$40,826.00 in Fiscal Year 2017 State Homeland Security Grant Program (SHSGP) Funds, Waiver of the Competitive Bidding Requirements to Maintain the Radios and Equipment Standards, and Authorization to Purchase the Portable Radios and Radio Equipment

REPORT IN BRIEF

Considers accepting \$40,826.00 in Fiscal Year 2017 SHSGP funds for the purchase of Portable Radios and Radio Equipment as revenue, appropriating supplemental funds, using pooled cash to cover the appropriation until grant funds are reimbursed, and waiving the competitive bidding requirements.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting Fiscal Year 2017 SHSGP grant funds in the amount of \$40,826.00 as revenue in the Intergovernmental - State Governments Grants - Other State Grants account 001-0901-324.02-00; and

B. Appropriating \$40,826.00 to the Machinery/Equipment account 001-0901-523.43-00 to purchase portable radios and radio equipment; and

C. Waiving the competitive bidding requirements to maintain the radios

and equipment standards; and

D. Authorizing the use of pooled cash to cover the appropriation until grant funds are reimbursed; and

E. Authorizing the City Manager or the Assistant City Manager to sign the necessary documents.

I.8. [20-079](#)

SUBJECT: Approval of the Updated 2020-21 Regional, State and Federal Legislative Platform

REPORT IN BRIEF

Consider approving the updated 2020-21 Regional, State, and Federal Legislative Platform.

RECOMMENDATION

City Council - Adopt a motion adopting the updated 2020-21 Regional, State and Federal Legislative Platform.

I.9. [20-078](#)

SUBJECT: Adoption of Resolution Setting a Public Hearing for March 16, 2020 to Consider the Work and Expense Report and Any Protest or Objections Thereto for the Abatement Work Done for 1716 East 23rd Street (Abatement of Public Nuisance and Demolition of Building)

REPORT IN BRIEF

Considers setting a public hearing to hear the work and expense report for the abatement work done for 1716 East 23rd Street.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2020-06**, a Resolution of the City Council of the City of Merced, California, receiving the cost of assessment and report on 1716 (APN 034-063-006) East 23rd Street, Merced, California, and setting a public hearing thereon for March 16, 2020.

J. PUBLIC HEARINGS

Members of the public who wish to speak on public hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to public comment. After the public has commented, the item is closed to further public comment and brought to the Council for discussion and action. Further comment will not be received unless requested by the Council.

J.1. [20-004](#)

SUBJECT: Public Hearing to Consider Amendments to Chapter 2.52.

"Bicycle Advisory Commission" of the Merced Municipal Code to
Expand the Role of the Bicycle Advisory Commission to Include all
Modes of Active Transportation

REPORT IN BRIEF

Considers the expansion of the Merced Bicycle Advisory Commission's scope to include all modes of Active Transportation, in accordance with the recommendations made in the City's adopted Active Transportation and Safe-Routes-to-School Plan.

RECOMMENDATION

City Council - Adopt a motion introducing **Ordinance 2513**, an Ordinance of the City Council of the City of Merced, California, amending Chapter 2.52, "Bicycle Advisory Commission" of the Merced Municipal Code.

K. REPORTS

K.1. [20-037](#)

SUBJECT: Mid-Year Budget Review for Fiscal Year 2019-2020
Including Requests for Approval of General Fund Supplemental
Appropriations and Budget Amendments in Various Funds Totaling
\$214,500

REPORT IN BRIEF

Presents the Fiscal Year 2019-2020 Mid-Year Financial Report and seeks approval for General Fund Supplemental Appropriations and Budget Amendments in Various Funds totaling \$214,500.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a Supplemental Appropriation from the unreserved, unencumbered General Fund balance in the amount of \$14,500, transferring to Fund 024 Parks and Community Services and appropriating the same; and,

B. Approving a Supplemental Appropriation from the unreserved, unencumbered General Fund balance in the amount of \$200,000, transferring to Fund 666 Workers Compensation and appropriating the same.

L. BUSINESS

L.1. [20-099](#) **SUBJECT:** Request to Add Item to Future Agenda

REPORT IN BRIEF

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

L.2. [20-100](#) **SUBJECT:** City Council Comments

REPORT IN BRIEF

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

M. ADJOURNMENT



CITY OF MERCED

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

ADMINISTRATIVE REPORT

Agenda Item B.1.

Meeting Date: 2/18/2020

SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Steve Carrigan; Employee Organization: American Federation of State, County, and Municipal Employees (AFSCME) Council 57; Local 2703; International Association of Fire Fighters, Local 1479; Merced Association of City Employees (MACE). AUTHORITY: Government Code Section 54957.6



CITY OF MERCED

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

ADMINISTRATIVE REPORT

Agenda Item B.2.

Meeting Date: 2/18/2020

SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative:
City Manager Steve Carrigan; Employee Organizations: Merced Police Officers' Association
(MPOA). AUTHORITY: Government Code Section 54957.6



CITY OF MERCED

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

ADMINISTRATIVE REPORT

Agenda Item B.3.

Meeting Date: 2/18/2020

SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative:
City Manager Steve Carrigan; Employee Organizations: Merced Association of Police Sergeants.
AUTHORITY: Government Code Section 54957.6



CITY OF MERCED

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

ADMINISTRATIVE REPORT

Agenda Item B.4.

Meeting Date: 2/18/2020

SUBJECT: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION; Englert, et. al. v. City of Merced; Case No. 1:18-CV-01239-LJO-EPG; AUTHORITY: Government Code Section 54956.9(d)(1)



CITY OF MERCED

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

ADMINISTRATIVE REPORT

Agenda Item B.5.

Meeting Date: 2/18/2020

SUBJECT: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION; McKinnon, et. al. v. City of Merced; Case No. 1:18-CV-01124-LJO-SAB; AUTHORITY: Government Code Section 54956.9(d)(1)



CITY OF MERCED

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

ADMINISTRATIVE REPORT

Agenda Item F.1.

Meeting Date: 2/18/2020

SUBJECT: Arts and Culture Advisory Commission Annual Report

REPORT IN BRIEF

The Annual Report will be given by Colton Dennis, Chair of the Arts and Culture Advisory Commission

RECOMMENDATION

For Information-Only.



ARTS AND CULTURE ADVISORY COMMISSION

City of Merced

February 18, 2020

OVERVIEW

- Established Mission Statement
- Established Goals & Priorities
- Recommended PG&E Grant allocation to maintenance
- Created City of Merced Arts Inventory
- Recommended Community Calendar to inform residents of local events
- Applied for and received 2020 Levitt AMP Grant - \$50,000 concert series

MISSION STATEMENT

GOALS & PRIORITIES

ART MAINTENANCE



ARTS INVENTORY



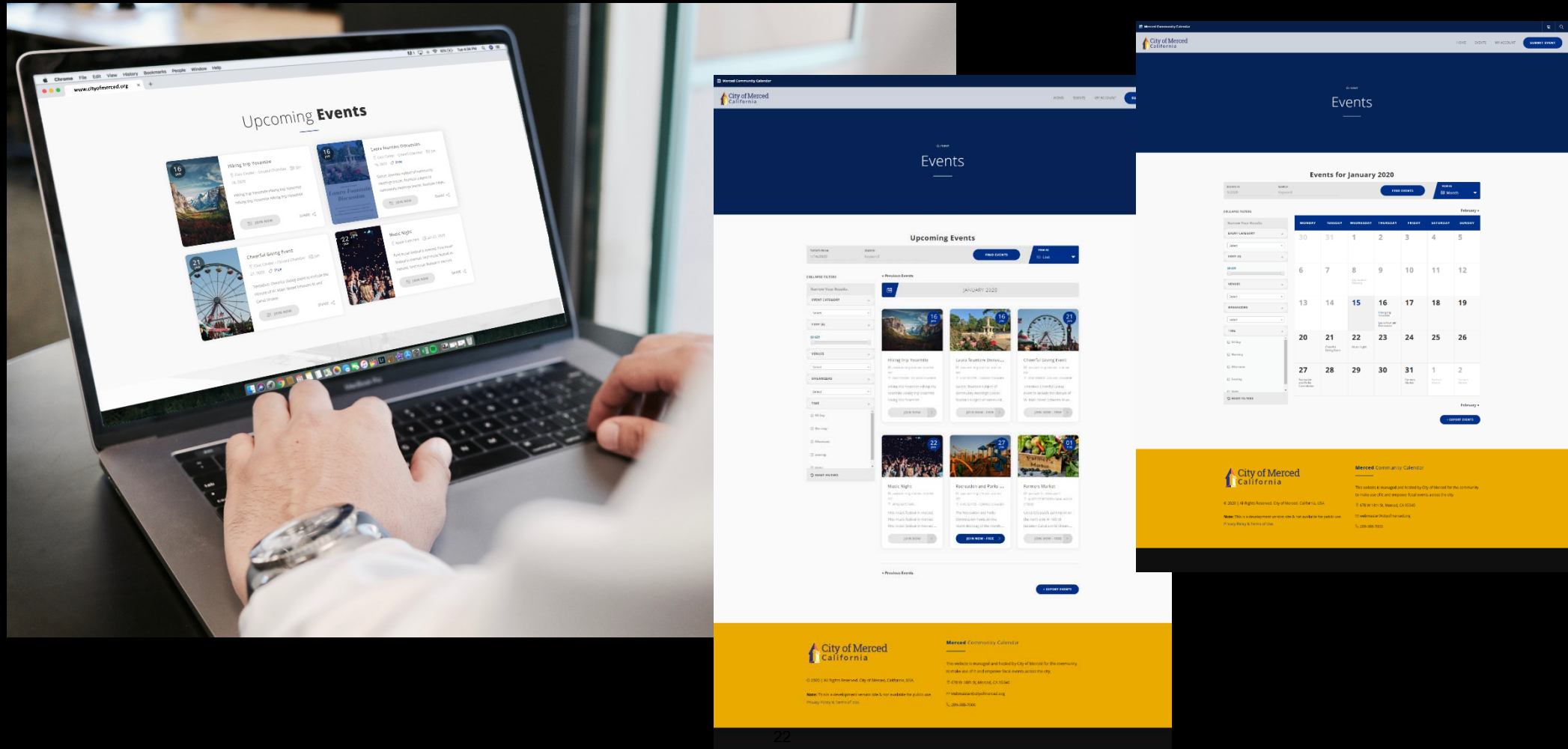
City of Merced
Public Art
Inventory



2020 LEVITT AMP GRANT



COMMUNITY CALENDAR





CITY OF MERCED

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

ADMINISTRATIVE REPORT

Agenda Item I.1.

Meeting Date: 2/18/2020

SUBJECT: Reading by Title of All Ordinances and Resolutions

REPORT IN BRIEF

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

RECOMMENDATION

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



CITY OF MERCED

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

ADMINISTRATIVE REPORT

Agenda Item I.2.

Meeting Date: 2/18/2020

Report Prepared by: Taylor Gates, Administrative Assistant I, Planning Division

SUBJECT: Information Only - Planning Commission Meeting Minutes of January 8, 2020

RECOMMENDATION

For information only.

ATTACHMENTS

1. Minutes

CITY OF MERCED
Planning Commission

MINUTES

Merced City Council Chambers
Wednesday, January 8, 2020

Chairperson HARRIS called the meeting to order at 7:01 p.m., followed by a moment of silence and the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Stephanie Butticci, Mary Camper, Jose Delgadillo, Robert Dylina, Sam Rashe, Dorothea Lynn White, and Chairperson Michael Harris

Commissioners Absent: None

Staff Present: Director of Development Services McBride,
Planning Manager Espinosa, City Attorney
Norton, and Recording Secretary Gates

1. **APPROVAL OF AGENDA**

M/S DYLINEA-DELGADILLO, and carried by unanimous voice vote, to approve the Agenda as submitted.

2. **MINUTES**

M/S DYLINEA-RASHE, and carried by unanimous voice vote, to approve the Minutes of December 4, 2019, as submitted.

3. **COMMUNICATIONS**

None

4. **ITEMS**

4.1 Set Joint City Council/Planning Commission Study Session on North Merced Annexation Feasibility Study for Monday, January 27, 2020, at 6:00 p.m. in the City Council Chambers

M/S DYLINEA-RASHE, and carried by the following vote, to set the Joint City Council/Planning Commission Study Session for Monday, January 27, 2020, at 6:00 p.m., as follows:

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, Rashe, White and Chairperson Harris
NOES: None
ABSENT: None
ABSTAIN: None

4.2 Brown Act Training by City Attorney's Office

City Attorney NORTON held a brief presentation for the Commission. Ms. NORTON explained Brown Act Laws and gave examples of how they may affect the Commission.

5. **INFORMATION ITEMS**

5.1 Calendar of Meetings/Events

Planning Manager ESPINOSA briefed the Planning Commission on items for the next few Planning Commission meetings.

Director of Development Services MCBRIDE encouraged the Commissioners to attend an upcoming community meeting related to a project on Yosemite Avenue and McKee Road, as well as the State of the City. Mr. MCBRIDE also informed the Commission of the upcoming League of California Cities Planning Commissioners Academy. Commissioners Camper, Delgadillo, Dylina, White, Rashe, and Chairperson Harris all expressed interest in attending.

6. **ADJOURNMENT**

There being no further business, Chairperson HARRIS adjourned the meeting at 7:45 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:



MICHAEL HARRIS, Chairperson
Merced City Planning Commission



CITY OF MERCED

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

ADMINISTRATIVE REPORT

Agenda Item I.3.

Meeting Date: 2/18/2020

Report Prepared by: Taylor Gates, Administrative Assistant I, Planning Division

SUBJECT: Information Only - Site Plan Approval Committee Meeting Minutes of July 18, October 10, October 24, and December 5, 2019

RECOMMENDATION

For information only.

ATTACHMENTS

1. Minutes of July 18, 2019
2. Minutes of October 10, 2019
3. Minutes of October 24, 2019
4. Minutes of December 5, 2019

CITY OF MERCED
Site Plan Review Committee

MINUTES

Planning Conference Room
2nd Floor Civic Center
Thursday, July 18, 2019

Chairperson McBRIDE called the meeting to order at 1:32 p.m.

1. ROLL CALL

Committee Members Present: Chief Building Official Frazier, Land Surveyor Cardoso (for Acting City Engineer Beltran), and Director of Development Services McBride

Committee Members Absent: None

Staff Present: Planning Manager Espinosa, and Associate Planner/Recording Secretary Mendoza-Gonzalez

2. MINUTES

M/S FRAZIER - CARDOSO, and carried by unanimous voice vote, to approve the Minutes of June 20, 2019, as submitted.

3. COMMUNICATIONS

None.

4. ITEMS

[Secretary's Note: Item 4.2 was moved ahead of Item 4.1]

- 4.2 Site Plan Application #441, submitted by James Kinney, on behalf of Nation Retail Properties, LP, property owner. The applicant is requesting approval to add a second queue line and install shade canopies with payment islands at the Prime Shine Car Wash located at 1800 West Olive Avenue within Planned Development (P-D) #16.

Associate Planner MENDOZA-GONZALEZ reviewed the application. Refer to Draft Site Plan Resolution #441 for further information.

M/S FRAZIER - CARDOSO, and carried by the following vote to adopt a Categorical Exemption regarding Environmental Review #19-16, and approve Site Plan Application #441, subject to the Findings and thirteen (13) conditions set forth in Draft Resolution #441:

AYES: Committee Members Cardoso, Frazier, and
Chairperson McBride

NOES: None

ABSENT: None

- 4.1 Site Plan Application #439, submitted by Shemoil Moradzadeh, property owner. The applicant is requesting approval to construct the Campus Parkway Plaza, consisting of 4 drive-thru restaurants (3 building pads totaling 9,200 square feet), 2 dine-in restaurants (2 building pads totaling 4,800 square feet), a gas station/24-hour food mart (4,000 square feet and separate 12-pump fuel canopy), and a 5-story hotel with 134 rooms and conference space (totaling 105,300 square feet) on an approximate 7.5-acre vacant lot, generally located at the southwest corner of Mission Avenue and Coffee Street within Planned Development (P-D) #35, with a General Plan designation of Thoroughfare Commercial (CT).

Associate Planner MENDOZA-GONZALEZ reviewed the application. Refer to Draft Site Plan Resolution #439 for further information.

The applicant and his engineer were in attendance to answer questions from the Committee.

Director of Development Services McBRIDE noted that Condition #7 should be modified to require the initiation of a Community Facilities District (CFD) prior to issuance of the first certificate of occupancy instead of the first building permit. This would be

consistent with other projects within the City, and this would provide the developer additional time to form the CFD.

The applicant's engineer asked if a condition could be added to reflect that this Site Plan Review Permit is being reviewed in lieu of a conditional use permit, as originally required when this parcel was rezoned in 2001 (shown at Exhibit E of Draft Resolution #439).

Planning Manager ESPINOSA explained that the City Council recently adopted a comprehensive Zoning Ordinance Amendment. The entitlement process for various developments is now different. The current Zoning Ordinance now requires a site plan review permit instead of a conditional use permit for the proposed project. Condition #33 could be added to reflect this.

M/S CARDOSO - FRAZIER, and carried by the following vote to adopt a Section 15162 Finding regarding Environmental Review #19-13, and approve Site Plan Application #439, subject to the Findings and thirty-two (32) conditions set forth in Draft Resolution #439, with a modification to Condition #7 and the addition of Condition #33:

- “7. Community Facilities District (CFD) formation is required for the entire Campus Parkway Plaza 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 issuance of the first ~~building permit~~ certificate of occupancy. 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.
- “33. The approval of this Site Plan Review Permit shall substitute for the conditional use permit referred to at Exhibit E under Mitigation R-1.”

AYES: Committee Members Cardoso, Frazier, and
Chairperson McBride
NOES: None
ABSENT: None

5. **INFORMATION ITEMS**

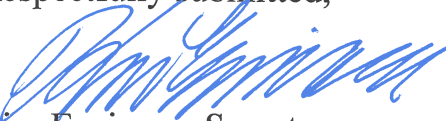
5.1 Calendar of Meetings/Events

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

6. **ADJOURNMENT**

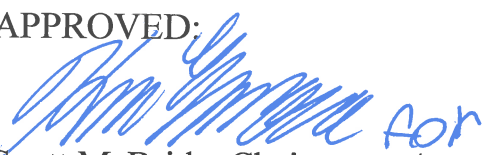
There being no further business, Chairperson McBRIDE adjourned the meeting at 2:15 p.m.

Respectfully submitted,



Kim Espinosa, Secretary
Merced City Site Plan Review Committee

APPROVED:



Scott McBride, Chairperson/
Director of Development Services
Merced City Site Plan Review Committee

CITY OF MERCED
SITE PLAN REVIEW COMMITTEE
RESOLUTION #439

Shemoil Moradzadeh	Request to construct the Campus Parkway Plaza consisting of 4 drive-thru restaurants, 2 dine-in restaurants, a gas station, and a hotel with ancillary uses/amenities.
APPLICANT	PROJECT
3070 M St., #8	Southwest Corner of Campus Parkway and Coffee Street
ADDRESS	PROJECT SITE
Merced, CA 95384	061-250-084
CITY/STATE/ZIP	APN
(209) 383-3370	Planned Development (P-D) #35
PHONE	ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Site Plan Review Committee reviewed and approved Site Plan Application #439 on July 18, 2019, submitted by Shemoil Moradzadeh, property owner. The applicant is requesting approval to construct the Campus Parkway Plaza, consisting of 4 drive-thru restaurants (3 building pads totaling 9,200 square feet), 2 dine-in restaurants (2 building pads totaling 9,100 square feet), a gas station/24-hour food mart (4,000 square feet and separate 12-pump fuel canopy), and a 5-story hotel with 134 rooms and conference space (totaling 105,300 square feet) on an approximately 7.5-acre lot, generally located at the southwest corner of Campus Parkway and Coffee Street within Planned Development (P-D) #35, with a General Plan designation of Thoroughfare Commercial (CT). Said property being described as Parcel 4 as shown on the map entitled “L.J. Steiner, LLC,” recorded in Volume 99, Page 26 of Merced County Records, also known as Assessor’s Parcel Number (APN) 061-250-084.

WHEREAS, 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 #19-13 is a second tier environmental document, based upon the City's determination that the proposed development remains consistent with the current General Plan and provisions of CEQA Guidelines, Section 15162 [Environmental Review #00-05 (Expanded Initial Study for General Plan Amendment #00-01/Zone Change #370)]. A copy of the Section 15162 Findings can be found at Exhibit F; and,

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

- A) The proposal complies with the General Plan designation Thoroughfare Commercial (CT) and the Zoning classification of Planned Development (P-D) #35.
- B) The applicant is proposing to construct 4 drive-thru restaurants (with 3 building pads totaling 9,200 square feet), 2 dine-in restaurants (2 building pads totaling 4,800 square feet), a gas station/24-hour food mart (4,000 square feet and separate 12-pump fuel canopy), and a 5-story hotel with 134 rooms and conference space (totaling 105,300 square feet) on an approximately 7.5-acre lot. Vehicle access will be provided from 3 driveways along Coffee Street (Exhibit B).
- C) The applicant will provide landscape plans during the building permit stage (see Conditions #8 and #19).
- D) All applicable Mitigation Measures contained in the Mitigation Monitoring Program previously approved for this site shall apply (see Exhibit E).
- E) The signage shown on the elevations (Exhibit C) is being provided for conceptual purposes only and is excluded from this request, and is specifically not approved with this request. Any new “Freeway” signs as defined by the City’s Ordinance are subject to the Planning Commission approval as well. Sign permit applications for individual signs will be submitted to the Inspection Services Department. All signing shall comply with the City’s Sign Ordinance, and a Master Sign Program shall be submitted to City staff for approval. Building permits shall be obtained prior to installing any permanent signing. A Temporary Sign Permit shall be obtained prior to installing any temporary signs or banners (see Condition #21).
- F) The proposed building pads are being reviewed and approved in concept with this Site Plan Review Permit. Exterior elevations have yet to be submitted for the building pads, except for the Hilton Hotel and Chevron gas station/food mart. The remaining exterior elevations shall be reviewed and approved by the Director of Development Services during the building permit stage (Condition #31). Said elevations shall match or compliment the architectural style (in design, material, and color) that is being approved for the Hilton Hotel and Chevron gas station/food mart. Significant modifications to this site plan may require referral to the Site Plan Review Committee, at the discretion of the Director of Development Services.
- G) The parking requirement for hotels is 1 parking space per 1 sleeping unit or suite up to 100 units, 1 per each 2 units for each unit thereafter. Hotel conference rooms and hotel restaurants are considered ancillary uses which do not require additional parking spaces. Therefore, the parking requirement for the hotel is 117 spaces. The parking requirement for a gas station is 3 spaces plus 1 per 250 square feet of retail space, thus requiring 19 parking spaces for the proposed Chevron/Food Mart. The parking requirements for drive-thru establishments is

1 space per 350 square feet of floor area, thus requiring 27 parking spaces for the proposed drive-thru restaurants. The parking requirement for full service restaurants is 1 parking space per 100 square feet of floor seating area or 1 per 2.5 seats, whichever is greater, thus requiring 91 parking spaces based on the floor areas of the proposed restaurants (information about seating could not be provided at this time). As proposed, the entire Campus Parkway Plaza requires a minimum of 254 parking spaces. The proposal exceeds those requirements by providing a total of 388 parking spaces.

- H) The applicant shall provide short-term bicycle parking spaces for the new building pads equivalent to 8% of required parking spaces and long-term bicycle parking spaces equivalent to 8% of required parking spaces (minimum of 2 spaces per building). In addition, the bicycle parking spaces should meet the City's design standards for bicycle racks, including those pertaining to installing covered shelters. Details to be worked out with Planning staff during the building permit stage. Gas Stations are exempt from providing bicycle parking spaces, however, the convenience market is not exempt. Therefore, bicycle parking spaces are required in compliance with Section 20.38.080 (Condition #9).
- I) Zoning Ordinance Section 20.44.160 prohibits tobacco sales within 1,000 feet of a school site. Pioneer Elementary School is located at the northwest corner of Parsons Avenue and Alfalfa Road, and is within 1,000 feet of the project site (Exhibit D). The applicant is considering submitting a minor subdivision application so that the gas station is located at least 1,000 feet away from Pioneer Elementary School. Once the parcel map is recorded, the parcel for the gas station may be outside the 1,000-foot buffer for tobacco sales. Refer to Condition #17 regarding tobacco sales.
- J) Alcohol sales are not proposed with this application. Alcohol sales for offsite consumption require approval of a conditional use permit from the Planning Commission (Condition #16).
- K) The City Council recently approved General Plan Amendment #19-01 to eliminate the portion of Mission Avenue, between Coffee Street and Highway 99, from the City's General Plan Transportation and Circulation Element (City Council Resolution #2019-25).
- L) The City Council recently approved Vacation #18-01 to vacate the portion of Mission Avenue, between Coffee Street and Highway 99, and to allow the City Manager to execute a quit claim or grant deed to transfer ownership of said land to the owner of the subject site, Shemoil Moradzadeh (City of Merced Resolution #2019-34). The applicant intends to submit a minor subdivision application to ensure that the added land meets the City's lot size/dimension requirements (Condition #32).

- M) The southernmost 40-foot-wide strip of land is owned by Merced County and located within their jurisdiction. The Merced Irrigation District (MID) currently has facilities within this area. The applicant is in the process of working with Merced County to develop on this strip of land. Approval of this specific site plan, does not give the applicant the right to develop on County property however. The approval of this permit is to develop on property within the City limits only. The applicant must obtain approval from Merced County to develop on their land (Condition #11).
- N) The storm drainage basin for this project will be located off-site on Assessor's Parcel Number 061-250-098 (a 13.25-acre parcel). See Condition #26.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Application #439 subject to the following conditions:

- 1) The site shall be constructed as shown on Exhibit B (site plan), Exhibit C (elevations), and 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) 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.
- 4) The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, 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.

- 5) The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
- 6) 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.
- 7) Community Facilities District (CFD) formation is required for the entire Campus Parkway Plaza 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 issuance of the first certificate of occupancy. 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 parking lot layout shall comply with all applicable City Standards. Parking lot trees shall be provided at a ratio of one tree for every six parking spaces within this site. These trees shall be installed per the City's Parking Lot Landscape Standards, shall be a minimum of 15 gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City's approved tree list).
- 9) Bicycle parking shall be provided as required by Zoning Ordinance Section 20.38.080. Short-term bicycle parking shall be equivalent to 8% 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) The property owner shall contact MID and enter into all necessary agreements for all crossings over or under any MID facilities including utilities, bridges, driveways, and pipelines and for all work associated with MID facilities and for any construction within MID easements.
- 11) The property owner shall provide the City proof of approval from Merced County to develop the southernmost 40-foot-wide strip of land that belongs to Merced County and is located within their jurisdiction prior to issuance of a building permit for the hotel.
- 12) Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access.
- 13) All improvements including, but not limited to, sidewalk, curb, gutter, street lights, and street trees, shall be installed along the project frontage on Coffee Street and Campus Parkway.

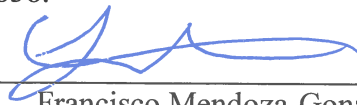
- 14) The design of the intersection of Campus Parkway and Coffee Street, including the northbound turn lanes and stacking distances, shall be subject to approval of the City Engineer.
- 15) The applicant shall demonstrate to the satisfaction of the City Engineer that sufficient stacking room is provided for the turn lane on Coffee Street. If sufficient stacking room is not provided, an additional turn lane shall be provided.
- 16) Alcohol sales are not permitted with this approval. If alcoholic beverages are to be sold for off-site consumption at this location, approval of a conditional use permit shall be required. If the Census Tract for this location is over-concentrated as determined by the California Department of Alcoholic Beverage Control (ABC), a Finding of Public Convenience or Necessity by the City Council shall be required.
- 17) Tobacco sales are not permitted with this approval. However, if in the future, the parcel is determined to be more than 1,000 feet from a school, tobacco sales would be allowed.
- 18) 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.
- 19) The on-site landscape design shall include the use of xeriscape landscaping and avoid the use of turf as much as possible.
- 20) All landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.
- 21) The signage shown on the elevations (Exhibit C) is excluded from this request and shall be approved through the Master Sign Program process. A conditional use permit is required for freeway signs. Building permits shall be obtained prior to installing any permanent signing. A Temporary Sign Permit shall be obtained prior to installing any temporary signs or banners. Temporary freestanding or A-frame signs are not allowed.
- 22) A grease interceptor or other approved device shall be installed for the convenience market and any other restaurants or other uses that are required by City Standards.
- 23) All mechanical equipment shall be screened from public view, including hotel wall-through air conditioners and roof/ground mounted equipment.
- 24) A backflow prevention device shall be provided for all water services (i.e., domestic, irrigation, and fire).
- 25) The applicant shall work with the City's Refuse Department to determine the best location for the refuse enclosures. Recycling containers would be required. A double trash enclosure may be required. All refuse containers shall be located within a refuse enclosure constructed per City Standards. The enclosures shall be designed to be "tamper proof," with lids or enclosure devices (designed as required by the City's Refuse Department).

- 26) 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.
- 27) The project shall comply with all the Post Construction Standards required to comply with state requirements for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).
- 28) The premises shall remain clean and free of debris at all times. All graffiti shall be removed within 48 hours.
- 29) The proposed driveways along Coffee Street shall line-up with driveways approved for the Gateway Shopping Center across Coffee Street, or be located as otherwise required by the City Engineer.
- 30) The developer shall contribute their fair share (12.5% of cost) towards installing a traffic signal at the intersection of Coffee Street and Campus Parkway. Estimate costs for the traffic signal shall be determined by the City Engineer.
- 31) The proposed building pads are being reviewed and approved in concept with this Site Plan Review Permit. Exterior elevations have yet to be submitted for the building pads, except for the Hilton Hotel and Chevron gas station/food mart. The remaining exterior elevations shall be reviewed and approved by the Director of Development Services during the building permit stage. Said elevations shall match or compliment the architectural style (in design, material, and color) that is being approved for the Hilton Hotel and Chevron gas station/mini mart. Significant changes to this site plan may require referral to the Site Plan Review Committee, at the discretion of the Director of Development Services.
- 32) The applicant shall submit a minor subdivision application to ensure that the land added by Vacation #18-01 meets City lot size/dimension requirements.
- 33) The approval of this Site Plan Review Permit shall substitute the conditional use permit referred to at Exhibit E under Mitigation R-1.

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

7/18/19

DATE



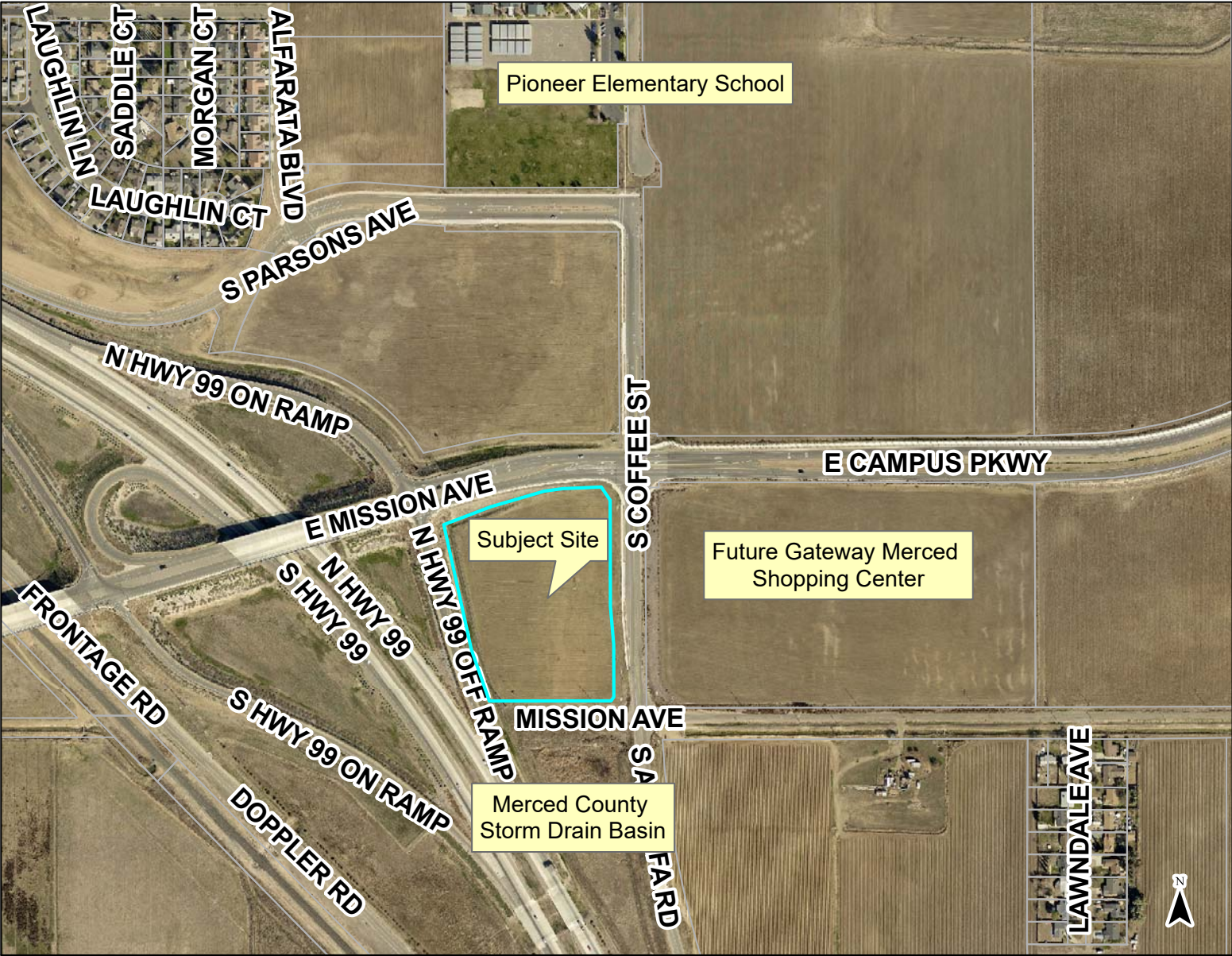
Francisco Mendoza-Gonzalez

Associate Planner

TITLE

Exhibits

- A) Location Map
- B) Site Plan
- C) Elevations
- D) Map of 1,000-foot radius from a School
- E) Mitigation Measures and Mitigation Monitoring Program
- F) CEQA Section 15162 Findings



CAMPUS

MISSION AVENUE AND COFFEE STREET

MERCED, CALIFORNIA

SHEET DESCRIPTION
COVER SHEET; PROJECT STATISTICS; MUNICIPALITY MAP; BOUNDARY MAP; SITE NOTES
SITE PLAN
HOTEL EXTERIOR ELEVATIONS
HOTEL AND PROJECT SIGN ELEVATIONS
RETAIL PAD EXTERIOR ELEVATIONS
RETAIL PAD AND FUEL ISLAND ELEVATIONS

STATISTICS

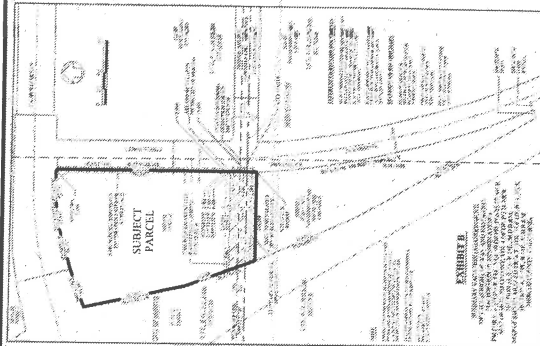
[illegible]

SITE AREA		360,000 S.F. / 8.3 ACRES
a.	LANDING AREA	44,224 SQ. FT. (12.20 AC)
b.	BUILDING AREA	100,000 SQ. FT. (2.28 AC)
c.	PAVING AREA	80,000 SQ. FT. (1.83 AC)
BUILDING AREAS		
a.	GROUND FLOOR	21,024 S.F.
b.	2ND FLOOR	10,000 S.F.
c.	3RD FLOOR	10,000 S.F.
d.	4TH FLOOR	10,000 S.F.
e.	5TH FLOOR	10,000 S.F.
f.	6TH FLOOR	10,000 S.F.
g.	7TH FLOOR	10,000 S.F.
h.	8TH FLOOR	10,000 S.F.
i.	9TH FLOOR	10,000 S.F.
j.	10TH FLOOR	10,000 S.F.
k.	11TH FLOOR	10,000 S.F.
l.	12TH FLOOR	10,000 S.F.
m.	13TH FLOOR	10,000 S.F.
n.	14TH FLOOR	10,000 S.F.
o.	15TH FLOOR	10,000 S.F.
p.	16TH FLOOR	10,000 S.F.
q.	17TH FLOOR	10,000 S.F.
r.	18TH FLOOR	10,000 S.F.
s.	19TH FLOOR	10,000 S.F.
t.	20TH FLOOR	10,000 S.F.
u.	21ST FLOOR	10,000 S.F.
v.	22ND FLOOR	10,000 S.F.
w.	23RD FLOOR	10,000 S.F.
x.	24TH FLOOR	10,000 S.F.
y.	25TH FLOOR	10,000 S.F.
z.	26TH FLOOR	10,000 S.F.
aa.	27TH FLOOR	10,000 S.F.
ab.	28TH FLOOR	10,000 S.F.
ac.	29TH FLOOR	10,000 S.F.
ad.	30TH FLOOR	10,000 S.F.
ae.	31ST FLOOR	10,000 S.F.
af.	32ND FLOOR	10,000 S.F.
ag.	33RD FLOOR	10,000 S.F.
ah.	34TH FLOOR	10,000 S.F.
ai.	35TH FLOOR	10,000 S.F.
aj.	36TH FLOOR	10,000 S.F.
ak.	37TH FLOOR	10,000 S.F.
al.	38TH FLOOR	10,000 S.F.
am.	39TH FLOOR	10,000 S.F.
an.	40TH FLOOR	10,000 S.F.
ao.	41ST FLOOR	10,000 S.F.
ap.	42ND FLOOR	10,000 S.F.
aq.	43RD FLOOR	10,000 S.F.
ar.	44TH FLOOR	10,000 S.F.
as.	45TH FLOOR	10,000 S.F.
at.	46TH FLOOR	10,000 S.F.
au.	47TH FLOOR	10,000 S.F.
av.	48TH FLOOR	10,000 S.F.
aw.	49TH FLOOR	10,000 S.F.
ax.	50TH FLOOR	10,000 S.F.
ay.	51ST FLOOR	10,000 S.F.
az.	52ND FLOOR	10,000 S.F.
ba.	53RD FLOOR	10,000 S.F.
bb.	54TH FLOOR	10,000 S.F.
bc.	55TH FLOOR	10,000 S.F.
bd.	56TH FLOOR	10,000 S.F.
be.	57TH FLOOR	10,000 S.F.
bf.	58TH FLOOR	10,000 S.F.
bg.	59TH FLOOR	10,000 S.F.
bh.	60TH FLOOR	10,000 S.F.
bi.	61ST FLOOR	10,000 S.F.
bj.	62ND FLOOR	10,000 S.F.
bk.	63RD FLOOR	10,000 S.F.
bl.	64TH FLOOR	10,000 S.F.
bm.	65TH FLOOR	10,000 S.F.
bn.	66TH FLOOR	10,000 S.F.
bo.	67TH FLOOR	10,000 S.F.
bp.	68TH FLOOR	10,000 S.F.
bq.	69TH FLOOR	10,000 S.F.
br.	70TH FLOOR	10,000 S.F.
bs.	71ST FLOOR	10,000 S.F.
bt.	72ND FLOOR	10,000 S.F.
bu.	73RD FLOOR	10,000 S.F.
bv.	74TH FLOOR	10,000 S.F.
bw.	75TH FLOOR	10,000 S.F.
bx.	76TH FLOOR	10,000 S.F.
by.	77TH FLOOR	10,000 S.F.
bz.	78TH FLOOR	10,000 S.F.
ca.	79TH FLOOR	10,000 S.F.
cb.	80TH FLOOR	10,000 S.F.
cc.	81ST FLOOR	10,000 S.F.
cd.	82ND FLOOR	10,000 S.F.
ce.	83RD FLOOR	10,000 S.F.
cf.	84TH FLOOR	10,000 S.F.
cg.	85TH FLOOR	10,000 S.F.
ch.	86TH FLOOR	10,000 S.F.
ci.	87TH FLOOR	10,000 S.F.
cj.	88TH FLOOR	10,000 S.F.
ck.	89TH FLOOR	10,000 S.F.
cl.	90TH FLOOR	10,000 S.F.
cm.	91ST FLOOR	10,000 S.F.
cn.	92ND FLOOR	10,000 S.F.
co.	93RD FLOOR	10,000 S.F.
cp.	94TH FLOOR	10,000 S.F.
cq.	95TH FLOOR	10,000 S.F.
cr.	96TH FLOOR	10,000 S.F.
cs.	97TH FLOOR	10,000 S.F.
ct.	98TH FLOOR	10,000 S.F.
cu.	99TH FLOOR	10,000 S.F.
cv.	100TH FLOOR	10,000 S.F.
cw.		

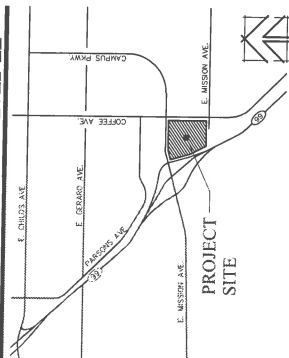
SITE NOTES

1. NO USES OF LAND, BUILDINGS OR STRUCTURES OTHER THAN THOSE PERMITTED BY THE CITY ZONING ORDINANCES SHALL BE ALLOWED PRIOR TO THE COMPLETION OF THE PROJECT.
2. REPAIR ALL DAMAGED ANTILOP OR SITE CONDITIONS IMPROVEMENTS AS REQUIRED BY THE CITY ZONING ORDINANCES PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL EXISTING UTILITIES AND STRUCTURES REMAINING ON THE PROJECT SITE PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR A SURFACE INSPECTION OF THE PROJECT SITE PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL EXISTING UTILITIES AND STRUCTURES REMAINING ON THE PROJECT SITE PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
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14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL EXISTING UTILITIES AND STRUCTURES REMAINING ON THE PROJECT SITE PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

BOUNDARY MAP



VICINITY MAP

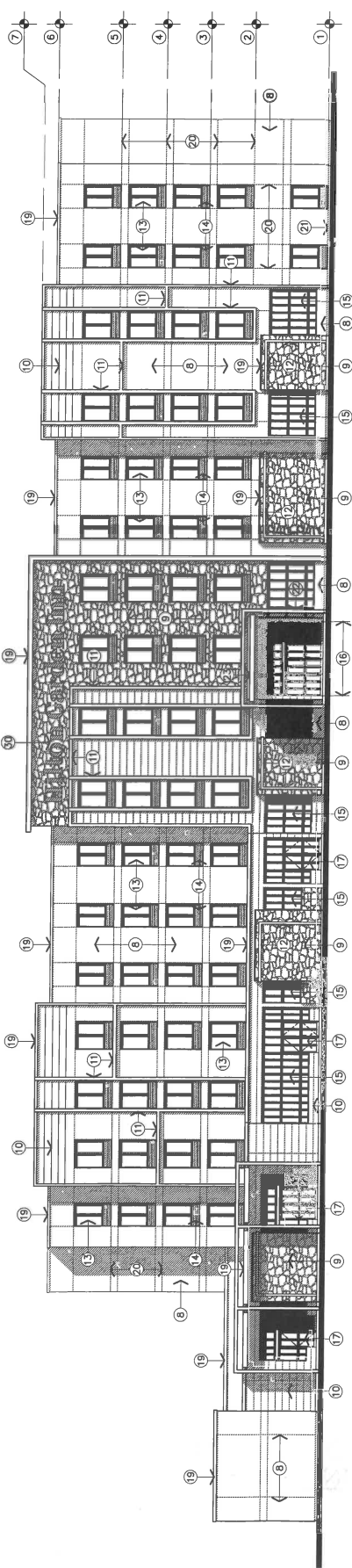


PROPOSED COMMERCIAL DEVELOPMENT FOR:
**CAMPUS
PARKWAY PLAZA**
MISSION AVENUE AND COFFEE STREET
MERCED, CALIFORNIA





Project Address: _____
Date: _____
Revision: _____
Drawn: _____
Checked: _____
Reviewed: _____
Approved: _____
Project Number: 171021
Sheet Number: _____
Scale: 3/32" = 1'-0"
Project Name: PARKWAY PLAZA CAMPUS
Project Location: MERCED, CALIFORNIA
Project Date: 05.21.19



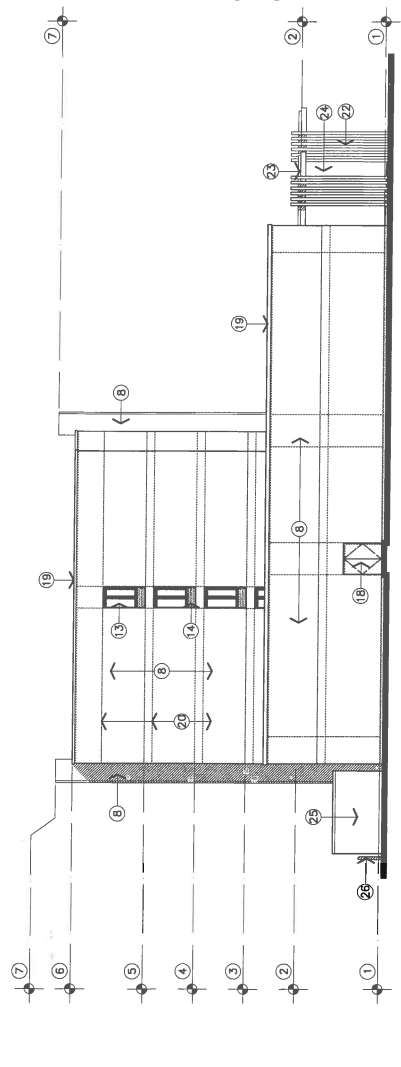
HOTEL NORTH ELEVATION

EXTERIOR ELEVATIONS

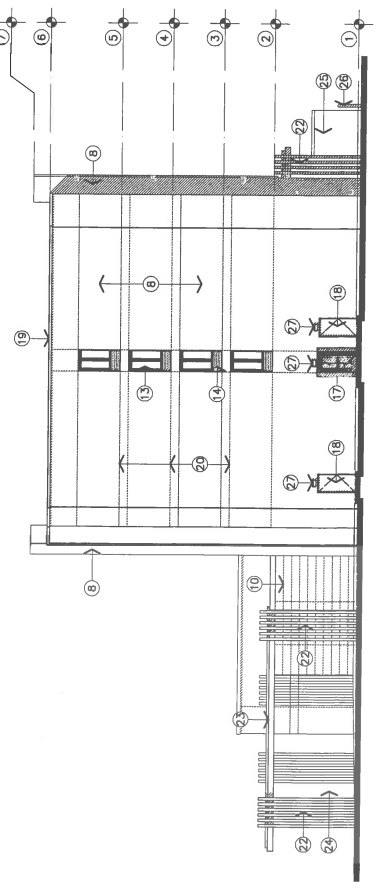
3/32" = 1'-0"

KEYNOTES

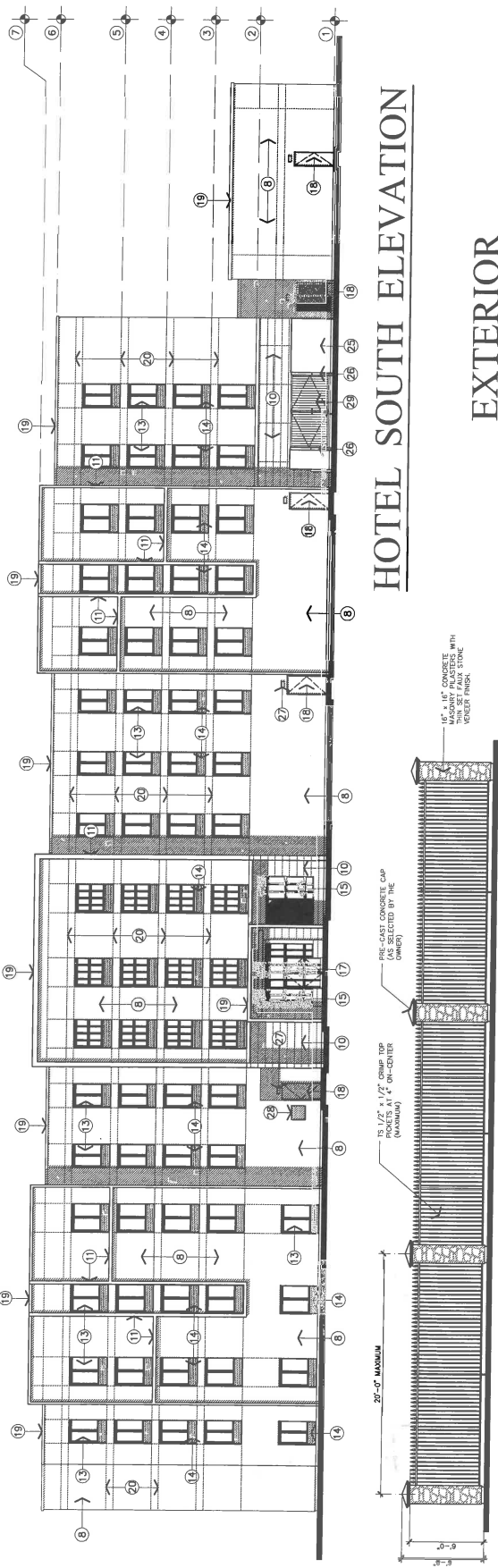
- 1 FINISHED FLOOR ELEVATION: + 0'-0"
- 2 FINISHED SECOND FLOOR ELEVATION: + 15'-5"
- 3 FINISHED THIRD FLOOR ELEVATION: + 34'-5"
- 4 FINISHED FOURTH FLOOR ELEVATION: + 54'-1"
- 5 FINISHED FIFTH FLOOR ELEVATION: + 73'-5"
- 6 TOP OF PARAPET ELEVATION: + 90'-5"
- 7 TOP OF WALL ELEVATION: + 95'-5"
- 8 INSTALL EXTERIOR INSULATION AND FINISH SYSTEM (E15) IN ACCORDANCE WITH THE MANUFACTURER'S MOST RECENT RECOMMENDATIONS AS APPROVED BY THE ARCHITECT.
- 9 COORDINATE THE LOCATION OF THROUGH-THE-WALL AIR CONDITIONING UNIT WITH LOUVERED COVER. PAINT TO MATCH ADJACENT WALL FINISH.
- 10 COORDINATE THE LOCATION OF THROUGH-THE-WALL AIR CONDITIONING UNIT WITH LOUVERED COVER. PAINT TO MATCH ADJACENT WALL FINISH.
- 11 COORDINATE THE LOCATION OF THROUGH-THE-WALL AIR CONDITIONING UNIT WITH LOUVERED COVER. PAINT TO MATCH ADJACENT WALL FINISH.
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- 26 COORDINATE THE LOCATION OF THROUGH-THE-WALL AIR CONDITIONING UNIT WITH LOUVERED COVER. PAINT TO MATCH ADJACENT WALL FINISH.
- 27 COORDINATE THE LOCATION OF THROUGH-THE-WALL AIR CONDITIONING UNIT WITH LOUVERED COVER. PAINT TO MATCH ADJACENT WALL FINISH.
- 28 COORDINATE THE LOCATION OF THROUGH-THE-WALL AIR CONDITIONING UNIT WITH LOUVERED COVER. PAINT TO MATCH ADJACENT WALL FINISH.



HOTEL WEST ELEVATION

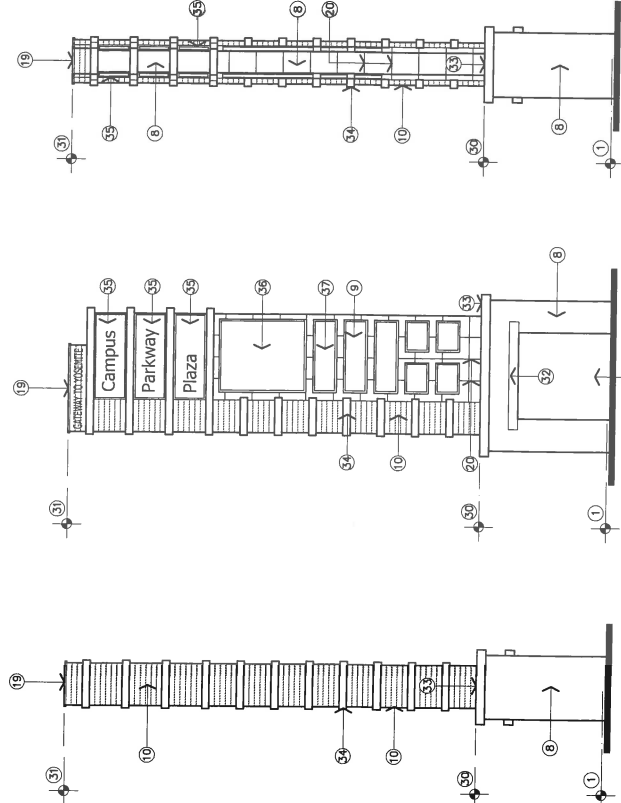


HOTEL EAST ELEVATION

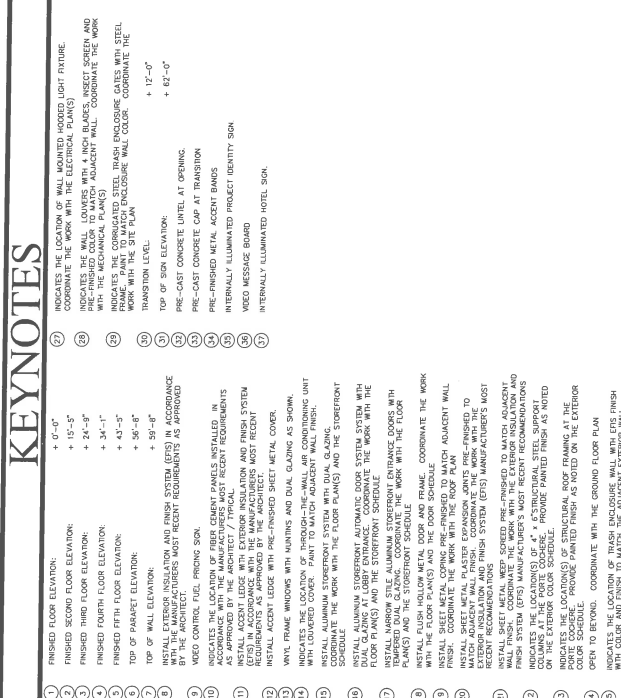


HOTEL SOUTH ELEVATION

POOL AREA FENCE ELEVATIONS

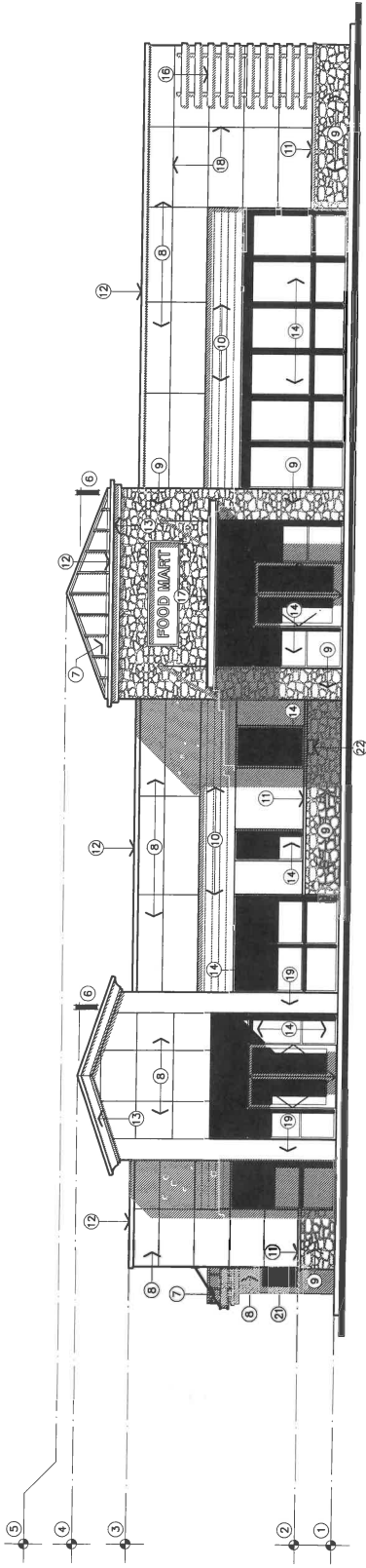


PROJECT FREEWAY SIGN ELEVATIONS

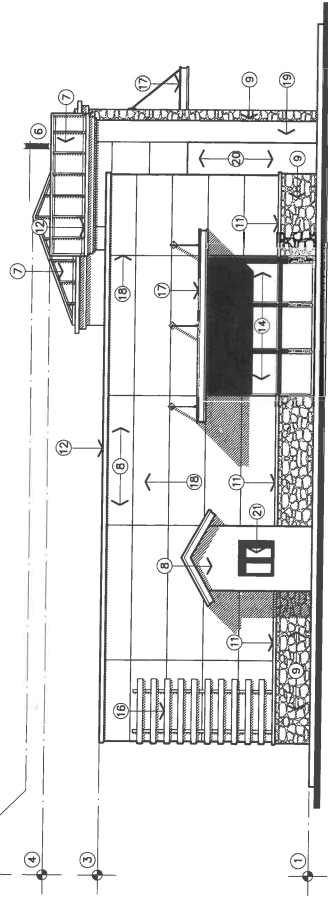


EXTERIOR ELEVATIONS

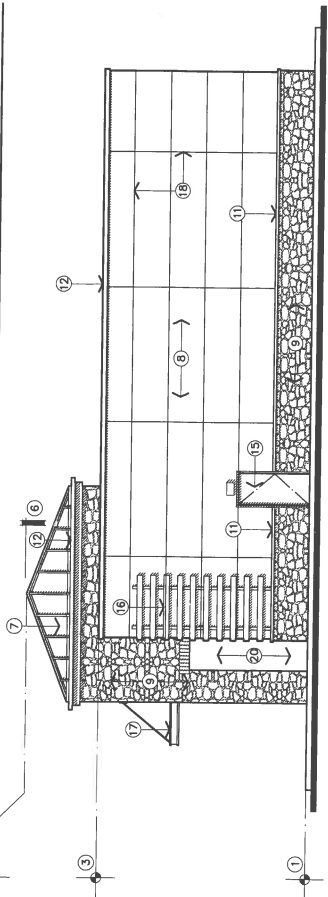
- KEYNOTES
- 1 FINISHED FLOOR ELEVATION: + 0'-0"
 - 2 FINISHED SECOND FLOOR ELEVATION: + 1'-0"
 - 3 FINISHED THIRD FLOOR ELEVATION: + 2'-0"
 - 4 FINISHED FOURTH FLOOR ELEVATION: + 3'-0"
 - 5 FINISHED FIFTH FLOOR ELEVATION: + 4'-0"
 - 6 TOP OF PARAPET ELEVATION: + 4'-0"
 - 7 TOP OF WALL ELEVATION: + 9'-0"
 - 8 INSTALL EXTERIOR INSULATION AND FINISH SYSTEM (ETFS) IN ACCORDANCE WITH THE ARCHITECT'S NOTES AND MOST RECENT REQUIREMENTS AS APPROVED BY THE ARCHITECT.
 - 9 VIDEO CONTROL, FUEL PUMPING SON.
 - 10 INDICATES THE LOCATION OF FIBER CEMENT PANELS INSTALLED IN ACCORDANCE WITH THE ARCHITECT'S NOTES AND MOST RECENT REQUIREMENTS AS APPROVED BY THE ARCHITECT / TYPICAL.
 - 11 INSTALL ACENT EDGE WITH EXTERIOR INSULATION AND FINISH SYSTEM (ETFS) IN ACCORDANCE WITH THE ARCHITECT'S NOTES AND MOST RECENT REQUIREMENTS AS APPROVED BY THE ARCHITECT.
 - 12 INSTALL ACENT EDGE WITH PRE-FINISHED SHEET METAL COVER.
 - 13 VINYL FRAME WINDOW WITH HUNTING AND DUAL GLAZING AS SHOWN.
 - 14 INDICATES THE LOCATION OF EXTERIOR INSULATION AND FINISH SYSTEM (ETFS) IN ACCORDANCE WITH THE ARCHITECT'S NOTES AND MOST RECENT REQUIREMENTS AS APPROVED BY THE ARCHITECT.
 - 15 INSTALL ALUMINUM STOREFRONT SYSTEM WITH DUAL GLAZING.
 - 16 INSTALL ALUMINUM STOREFRONT SYSTEM WITH DUAL GLAZING.
 - 17 INSTALL ALUMINUM STOREFRONT SYSTEM WITH DUAL GLAZING.
 - 18 INSTALL ALUMINUM STOREFRONT SYSTEM WITH DUAL GLAZING.
 - 19 INSTALL ALUMINUM STOREFRONT SYSTEM WITH DUAL GLAZING.
 - 20 INSTALL ALUMINUM STOREFRONT SYSTEM WITH DUAL GLAZING.
 - 21 INSTALL ALUMINUM STOREFRONT SYSTEM WITH DUAL GLAZING.
 - 22 INSTALL ALUMINUM STOREFRONT SYSTEM WITH DUAL GLAZING.
 - 23 INSTALL ALUMINUM STOREFRONT SYSTEM WITH DUAL GLAZING.
 - 24 INSTALL ALUMINUM STOREFRONT SYSTEM WITH DUAL GLAZING.
 - 25 INSTALL ALUMINUM STOREFRONT SYSTEM WITH DUAL GLAZING.
 - 26 INSTALL ALUMINUM STOREFRONT SYSTEM WITH DUAL GLAZING.
 - 27 INSTALL ALUMINUM STOREFRONT SYSTEM WITH DUAL GLAZING.
 - 28 INSTALL ALUMINUM STOREFRONT SYSTEM WITH DUAL GLAZING.
 - 29 INSTALL ALUMINUM STOREFRONT SYSTEM WITH DUAL GLAZING.



RETAIL PAD FRONT ELEVATION



RETAIL PAD LEFT ELEVATION



RETAIL PAD RIGHT ELEVATION

KEYNOTES

- 1 FINISHED FLOOR ELEVATION: +0'-0"
- 2 TOP OF TRIM: +3'-0"
- 3 TOP OF PARAPET ELEVATION: +17'-0"
- 4 TOP OF ROOF ELEVATION: +24'-0"
- 5 TOP OF ROOF ELEVATION: +28'-0"
- 6 TYPICAL ROOF PITCH: 4:12
- 7 PRE-FINISHED STANDING SEAM METAL ROOFING OVER 30# ROOFING FELT. FLASHING AND GUTTERS TO BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS. RECENT RECOMMENDATIONS AS APPROVED BY THE ARCHITECT.
- 8 WITH THE MANUFACTURER'S MOST RECENT RECOMMENDATIONS AS APPROVED BY THE ARCHITECT.
- 9 INDICATES THE LOCATION OF THIN SET FAUX STONE VENEER FINISH. INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S MOST RECENT RECOMMENDATIONS AS APPROVED BY THE ARCHITECT.
- 10 INDICATES THE LOCATION OF FIBER CEMENT PANELS INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S MOST RECENT RECOMMENDATIONS AS APPROVED BY THE ARCHITECT.
- 11 INSTALL THIN-SET CHISELED EDGED MANSICOT SILL FOR THE MANUFACTURER'S RECOMMENDATIONS.
- 12 INDICATES LOCATION OF STEPPED CHAMFER PLASTER FASCIA INSTALLED OVER 1/2" MINIMUM THICKNESS OF FIBER CEMENT BOARD. FLASHING AND GUTTERS TO BE INSTALLED PER MANUFACTURER'S MOST RECENT RECOMMENDATIONS AS APPROVED BY THE ARCHITECT.
- 13 FLASHING AND GUTTERS TO BE INSTALLED PER MANUFACTURER'S MOST RECENT RECOMMENDATIONS AS APPROVED BY THE ARCHITECT.
- 14 FLASHING AND GUTTERS TO BE INSTALLED PER MANUFACTURER'S MOST RECENT RECOMMENDATIONS AS APPROVED BY THE ARCHITECT.
- 15 FLASHING AND GUTTERS TO BE INSTALLED PER MANUFACTURER'S MOST RECENT RECOMMENDATIONS AS APPROVED BY THE ARCHITECT.
- 16 FLASHING AND GUTTERS TO BE INSTALLED PER MANUFACTURER'S MOST RECENT RECOMMENDATIONS AS APPROVED BY THE ARCHITECT.
- 17 FLASHING AND GUTTERS TO BE INSTALLED PER MANUFACTURER'S MOST RECENT RECOMMENDATIONS AS APPROVED BY THE ARCHITECT.
- 18 FLASHING AND GUTTERS TO BE INSTALLED PER MANUFACTURER'S MOST RECENT RECOMMENDATIONS AS APPROVED BY THE ARCHITECT.
- 19 FLASHING AND GUTTERS TO BE INSTALLED PER MANUFACTURER'S MOST RECENT RECOMMENDATIONS AS APPROVED BY THE ARCHITECT.
- 20 FLASHING AND GUTTERS TO BE INSTALLED PER MANUFACTURER'S MOST RECENT RECOMMENDATIONS AS APPROVED BY THE ARCHITECT.
- 21 FLASHING AND GUTTERS TO BE INSTALLED PER MANUFACTURER'S MOST RECENT RECOMMENDATIONS AS APPROVED BY THE ARCHITECT.
- 22 FLASHING AND GUTTERS TO BE INSTALLED PER MANUFACTURER'S MOST RECENT RECOMMENDATIONS AS APPROVED BY THE ARCHITECT.

T H E
VINCENT
COMPANY
ARCHITECTS, INC.
1500 West Shaw, Ste. 304
Fresno, California 93711
Phone: 559.225.2602

PROPOSED COMMERCIAL DEVELOPMENT FOR:
CAMPUS
PARKWAY PLAZA
MISSION AVENUE AND COFFEE STREET
MERCED, CALIFORNIA



DATE: _____
DESIGN REVIEW: _____
PLAN CHECK: _____
BACK CHECK: _____
PERMITS: _____
CONSTRUCTION: _____
AS-BUILT: _____
All drawings and written material prepared by or for the architect and are to be used only for the project and site specified. No other use or reproduction without the written consent of the architect.

Project Name: CAMPUS PARKWAY
Project Number: 18-013
Sheet Number: PP5

Scale: 3/16" = 1'-0"
Fresno, California
Date: 10/2/18
Sheet: 1 of 1

1,000-foot Radius from Sensitive Uses



EXHIBIT C

EXPANDED INITIAL STUDY #00-05 for GENERAL PLAN AMENDMENT #00-01 FOR STEINER DEVELOPMENT

Mitigation Measures

A. EARTH

- A-1 The Project applicants shall prepare grading plans for individual projects for review and approval by the City of Merced Inspection Services, Engineering, and Public Works Departments prior to approval of building permits. The grading plans shall include the nature and extent of work proposed, phasing, and minimize the effects of disruptions, displacement, compaction, and over-covering of soils.
- A-2 Prior to approval of a parcel map or conditional use permit, the City shall review plans for drainage and stormwater run-off control systems and their component facilities to ensure that these systems are non-erosive in design.
- A-3 Upon completion of construction, subsequent Projects 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, subject to the approval of the City.
- A-4 Projects under review shall be required to submit temporary erosion control plans for construction activities.
- A-5 Prior to the issuance of a building permit, the applicant shall design all structures according to the Uniform Building Code Seismic Section 3.
- A-6 Prior to issuance of building permits, the applicant shall retain a qualified geologist to conduct soil samples throughout the Project area to identify expansive soils, and those areas shall be identified on a map for the City.
- A-7 Building plans shall be reviewed by a registered engineer specializing in geo-technical assessments to ensure that the soils can support the load.

B. AIR

- B-1 All active portions of construction sites, earthen access roads, and material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice a day with complete coverage, preferably in the late morning and after work is done for the day. Where feasible, reclaimed water shall be used.
- B-2 All clearing, grading, earth moving, or excavation activities shall cease during periods of winds greater than 20 miles per hour averaged over one hour.
- B-3 All material transported off site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.

- B-4 The area disturbed by clearing, earth moving, or excavation activities shall be minimized at all times. This can be accomplished by mowing instead of disking for weed control and seeding and watering inactive portions of the construction site until grass is evident, if construction time frames warrant.
- B-5 Construction site vehicle speeds shall be limited to 15 miles per hour.
- B-6 If used, petroleum-based dust palliatives shall meet the road oil requirements of the District's rule regarding Cutback Asphalt Paving Materials.
- B-7 Streets adjacent to the Project site shall be swept as needed to remove silt and/or mud that may have accumulated from construction activities. The streets are required to be wet prior to or in conjunction with rotary sweeping.
- B-8 All internal combustion engine-driven equipment shall be properly maintained and well tuned according to the manufacturer's specifications.
- B-9 When reasonably available and economically feasible, diesel powered or electric equipment shall be utilized in lieu of gasoline powered engines.
- B-10 Construction activities shall minimize obstruction of through traffic lanes adjacent to the site and a flag person shall be retained to maintain safety adjacent to existing roadways.
- B-11 Prior to issuance of a grading permit, the project will be required to comply with District Regulation VIII. Specifically, the rules that apply to this project are: Rule 8010 (Administrative Requirements) and Rule 8020 (Construction, Demolition, Excavation, and Extraction Activities). Additional rules that may apply to this project depending on construction practices employed are: Rule 8030 (Handling and Storage of Bulk Materials), Rule 8060 (Paved and Unpaved Roads), and Rule 8070 (Parking , Shipping, Receiving, Transfer, Fueling, and Service Areas).
- B-12 If public transit is available in the Southeast Merced area, a public transit stop shall be located within safe walking distance from the Project site or included as part of the Project. The parking lot(s) shall be designed to provide maximum traffic flow, thus reducing the number of times necessary for a vehicle to stop and start again while in the parking lot. Adequate bicycle parking shall be provided for both patrons and employees.

C. WATER

- C-1 Prior to approval of parcel maps or conditional use permits, the applicant shall demonstrate to the City that storm drainage facilities are adequate to meet Project demands and that improvements are consistent with the Merced County Critical Area Flooding and Drainage Plan and any updates.
- C-2 Prior to approval of building permits, the applicants shall demonstrate to the City that temporary erosion control measures will be followed during construction.
- C-3 Prior to development, individual projects within Flood Zone "AO" will be required to comply with all pertinent provisions of the City's Flood Damage Prevention Ordinance (MMC 17.48) and all updates.

E. ANIMAL LIFE

- E-1 *The Initial Study and Environmental Assessment Mission Avenue Interchange and Route 99 Freeway Conversion in Merced* (Caltrans, October 2000) includes

(05/02/2001)

EXHIBIT C—Page 2

"Mitigation Measures for the loss of the roosting and maternity roost habitat and impacts to the species" for one or more species of bats located in the abandoned grain silo in the Alfarata Ranch headquarters complex. In the event construction of the Project involves impacting the subject silo (i.e., precedes actions relating to construction of the pending Interchange that were to impact the silo and trigger the above Mitigation Measures), the Mitigation Measures described in the above document may need to be tied to this Project.

- E-2 Prior to approval of the first conditional use permit, the applicants shall submit a site-specific biological resource survey for special status species, prepared by a qualified biologist, to the City for review and possible mitigation. The survey shall include a review of existing literature relating to the occurrence and distribution of any special status species and habitats. The applicants shall consult with the U.S. Fish and Wildlife Department and/or California Department of Fish and Game to ensure adequacy and completeness. However, nothing in this condition shall be construed (expressly or implied) to provide or vest additional authority to U.S. Fish and Wildlife or the California Department of Fish and Game concerning the Project's approval. If a master biological survey is prepared and approved by the City for the entire site, then no further assessments will be needed for individual projects within the site boundaries.

F. NOISE

- F-1 Grading and construction activity shall be limited to daylight hours (between 7 a.m. and 7 p.m.) in areas where noise sensitive receptors (i.e. Pioneer Elementary school and adjacent single-family development) are located.
- F-2 In noise sensitive areas, construction equipment, compressors, and generators shall be fitted with heavy duty mufflers specifically designed to reduce noise impacts.

G. LIGHT AND GLARE

- G-1 The applicants shall utilize lighting fixtures of minimal wattage necessary to provide adequate lighting for security, commercial operations, and circulation. Light spill shall be controlled by baffles, cut-off lenses, and fixture height necessary to minimize spill-over onto adjacent properties. Prior to building permit approvals, lighting plans shall be submitted for review by the City which specifies lighting type, location, and methods for minimizing spill.

J. RISK OF UPSET

- J-1 Prior to safety certification of the gasoline stations, the applicant will be required to install double-wall storage tanks, breakaway valves, an emergency shut-off device, a leak detection device, and other safety measures as required by federal, state, and local codes regarding gasoline storage facilities. In addition, the applicant must submit a hazardous material management plan to the City Fire Department, Environmental Health Division, and Public Works Department for evaluation and conformance with Federal, State, and local hazardous material requirements and standards.

M. TRANSPORTATION /CIRCULATION

- M-1 The Project shall pay all fees as required under the City's Public Facilities Impact Fees (Chapter 17.62 of the Merced Municipal Code) prior to building permit issuance.
- M-2 *"F-3 Mission Interchange Frontage Road":*
- a) The alignment of the "F-3 Mission Interchange Frontage Road" through the Project site shall be generally as shown in Figure 4 of this Expanded Initial Study. All improvements, final design, and ultimate right-of-way are subject to, and contingent upon, City approval and permitting prior to construction. (The City will consult with Caltrans on relevant matters.) The final design shall be coordinated with the design of the section of the frontage road from Gerard Avenue to the western property line of the Project site.
 - b) The property owner has agreed to dedicate a 74-foot minimum right-of-way for the frontage road and to accept full responsibility for construction costs of the frontage road within the Project site. Preparation of final engineered design plans and construction cost estimates are the responsibility of the property owner, subject to City approval. (The City will consult with Caltrans on relevant matters.) Security shall be posted in a form, and in an amount, acceptable to the City Engineer and City Attorney for funding of the roadway improvements prior to issuance of the first building permit for the Project site. Additional right-of-way may be required (for turn lanes, turning radii, etc.), subject to agreement between the City, Caltrans, and the property owner.
 - c) The roadway shall be constructed by Caltrans as part of the Mission Interchange project or by the property owner whichever is sooner. It is the City's and the property owner's desire that construction of the frontage road shall occur in the early phases of interchange construction by Caltrans if possible. In any event, construction of the frontage road shall be completed no later than the completion of construction of the interchange and the property owner reserves the right to complete the improvements prior to Caltrans if he so chooses.
 - d) Construction of the frontage road through the Project site shall be to City standards and shall include full improvements as defined in MMC 17.58.070, including but not limited to, sidewalk, curb and gutter, park strip, street lights, etc. If the frontage road is constructed by Caltrans without these frontage improvements, the Property Owner shall be responsible for installing these improvements concurrent with development of the Project.
 - e) In no case shall the frontage road be constructed without the appropriate utilities, including but not limited to, water, sewer, electric, telephone, cable TV, and gas being installed first.
- M-3 *Traffic Signal at Coffee Street and Mission Avenue:* Owner shall provide financial security acceptable to the City equivalent to a 25 percent share of the cost of a traffic signal at the intersection of Coffee Street and Mission Avenue. Scope of improvements includes a traffic signal and related intersection

- improvements to City standards and to the satisfaction of the City Engineer. The final cost and form of security shall be determined at the time of the first conditional use permit or other discretionary action.
- M-4 *Coffee Street:* The developer shall construct and dedicate half of the 74-foot right-of-way for Coffee Street (north and south of the Mission interchange) along the Project boundaries. In addition, the developer shall construct full frontage improvements on that half of Coffee adjacent to the Project boundaries. In addition, the developer shall construct two southbound travel lanes and one northbound travel lane and shoulder for Coffee. If the developer cannot acquire the necessary right-of-way for the northbound lane, the City may assist the developer in obtaining the necessary off-site right-of-way or easements at the developer's expense. The timing of construction of the improvements are to be determined at the conditional use permit stage. Any off-site construction is subject to reimbursement per Merced Municipal Code (MMC) section 17.58.
- M-5 *Coffee Street Cul-de-sac:* Coffee Street will become a cul-de-sac at some point south of Pioneer Elementary School to protect the school and Coffee Street residents from regional traffic impacts from the Mission Interchange. Non-vehicular (pedestrian/bicycle) access between Coffee Street and the Project site shall be maintained. It is expected that these improvements will be made by Caltrans in association with construction of the Interchange. However, the Project applicants will be responsible for integrating bicycle/pedestrian access to and within the Project site and for providing traffic barriers and a temporary vehicle turnaround if the frontage road is built prior to the Caltrans project. (Details to be worked out with City staff at the first conditional use permit stage.
- M-6 *Alfarata Blvd:* The applicant shall be responsible for extending Alfarata Blvd from Gerard Avenue to the frontage road. Timing of construction and level of improvements to be determined at the time of the first conditional use permit. If the developer cannot acquire the necessary right-of-way, the City may assist the developer in obtaining the necessary off-site right-of-way or easements at the developer's expense. These improvements shall be subject to reimbursement from adjacent property owners when development of those properties occur per MMC 17.58.
- M-7 *Access to Pluim Property and Driveway Locations:* Driveway access to the frontage road and Coffee Street are subject to City (in consultation with Caltrans if deemed relevant) review and approval with each conditional use permit. To the extent possible, driveway access should be shared between properties to minimize the number of curbcuts. Joint access and parking agreements shall be maintained. (Details to be addressed at the conditional use permit stage.) Street and/or driveway access to the Pluim property (APN #61-250-013) shall also be addressed at that time with the aim of establishing a 3-way intersection at the intersection of the frontage road and Coffee Street.

N. PUBLIC SERVICES

- N-1 Development of the Project site will be closely coordinated with the Merced City Fire Department, particularly in connection with the projected future location/construction of a new fire station in the immediate area and access to and

- from the fire station site to the Project site and adjacent residential and commercial areas.
- N-2 Prior to the issuance of building permits, the applicant shall be responsible for the payment of school facility impact fees as adopted by the Weaver Union School District and Merced Union High School District.

P. UTILITIES

- P-1 Prior to approval of subsequent individual commercial projects, the City shall review the Project application to ensure that wastewater facilities are adequate to meet Project service demands and are consistent with wastewater master plans.
- P-2 Prior to approval of conditional use permits or parcel maps, the applicant shall demonstrate to the City that storm drainage facilities are adequate to meet Project demands and/or the applicants shall provide improvements, consistent with master plans, necessary to meet Project demands.

R. AESTHETICS

- R-1 All subsequent commercial development on the Project site will require conditional use permits. The Project shall be developed as a "Planned Development" with standards for landscaping, screening, buffering, compatible architecture, signing, etc. Particular emphasis shall be paid to the visual appearance along perimeter and interior roadways.

T. CULTURAL RESOURCES

- T-1 If evidence of archaeological artifacts is discovered during construction, all operations within an area at and adjacent to the discovered site shall halt until a qualified archaeologist determines the extent of significance of the site.
- T-2 On-site preservation of a resource is the preferred alternative. Preserving a cultural deposit maintains the artifacts in context and may prevent inadvertent discovery of, or damage to, human burials. Preservation may be accomplished through a number of means such as capping or covering the site with a layer of soil, fencing the site area, and/or incorporation of the resource in a park area.

APPLICABLE MITIGATION MEASURES QUOTED FROM THE GENERAL PLAN EIR:

Plant/Animal Life

- 3-a) When site-specific development proposals are submitted to the City for review and action, surveys should be conducted for special-status species prior to the disturbance of potentially suitable habitat. All surveys will be conducted in accordance with applicable state and federal guidelines.
- 3-b) Habitat losses for burrowing owls could be mitigated by preservation of open space and rangeland. When a development proposal is likely to disturb suitable burrowing owl habitat, the California Department of Fish and Game should be consulted.

Traffic/Circulation

- 7-a) Appropriate traffic studies shall be prepared for all development projects which can be expected to reduce a road segment or intersection levels of service below "D."
- 7-b) The City shall require all development proposals to contribute, based on their proportionate share of impact, to circulation system improvements necessary to maintain at least a level of service "D" on all road segments and intersections impacted by the development project.

Public Facilities/Services

- 8-d) Development projects will be required to pay public facilities impact fees as established by the City in accordance with the requirements of State law.

**CONDITIONS OF APPROVAL FOR
GENERAL PLAN AMENDMENT #00-01/ZONE CHANGE #370**

On June 6, 2001, the Merced City Planning Commission recommended (by a 7-0 vote):

- A) Approval of Environmental Review #00-05 (Mitigated Negative Declaration) as outlined in Expanded Initial Study #00-05 and subject to the Mitigation Measures as outlined in Attachment E and the Mitigation Monitoring Program as outlined in Appendix A of Expanded Initial Study #00-05;
- B) Approval of General Plan Amendment #00-01; and,
- C) Approval of Zone Change #370, subject to the following conditions:
 - *1) Approval of the General Plan Amendment/Zone Change is subject to the applicant's entering into a written (development) 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 traffic impact fees, a Parsons Avenue impact fee, Mello-Roos, etc.; said agreement to be approved by the City Council prior to the adoption of the ordinance, resolution, or minute action.
 - *2) The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the Engineering Department.
 - *3) All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
 - 4) "No parking" shall be posted on both sides the frontage road and Coffee Street within and adjacent to the Project boundaries. (Details to be worked out with City staff prior to construction.)
 - 5) A six-foot masonry wall and landscaping shall be installed along the north side of the frontage road for that portion of the roadway adjacent to Pioneer Elementary School. (Details and timing to be worked out with City staff prior to approval of the first conditional use permit.)

Steiner Development 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).

<i>Mitigation Measure</i>		<i>Timing</i>	<i>Agency or Department Consultation</i>	<i>City Verification (date and initials)</i>
A. EARTH				
A-1	The Project applicants shall prepare grading plans for individual projects for review and approval by the City of Merced Inspection Services, Engineering, and Public Works Departments prior to approval of building permits. The grading plans shall include the nature and extent of work proposed, phasing, and minimize the effects of disruptions, displacement, compaction, and over-covering of soils.	Building Permits	City Inspection Services, Engineering, & Public Works	
A-2	Prior to approval of a parcel map or conditional use permit, the City shall review plans for drainage and stormwater run-off control systems and their component facilities to ensure that these systems are non-erosive in design.	Parcel Map or Conditional Use Permit	City Engineering & Public Works	
A-3	Upon completion of construction, subsequent Projects 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, subject to the approval of the City.	Certificate of Occupancy	City Inspection Services	

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, the *Expanded Initial Study for General Plan Amendment #00-01 for Steiner Development* incorporates some mitigation measures adopted as part of the *Merced Vision 2015 General Plan Program Environmental Impact Report* (SCH# 95082050), as mitigation for potential impacts of the Project. Therefore, following the Steiner Development Mitigation Monitoring Checklist (starting on page A-15) is a list of these relevant General Plan mitigation measures along with the General Plan Mitigation Monitoring Checklists (Forms A and B) to be used to verify that the General Plan mitigation measures have been met.

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 City Planner in written form providing specific information on the asserted violation. The City Planner shall cause an investigation and determine the validity of the complaint. If noncompliance with a mitigation measure has occurred, the City Planner 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 the Steiner Development. The columns within the tables are defined as follows:

Mitigation Measure:	Summarizes the Mitigation Measure (referenced by number) identified in Expanded Initial Study #00-05.
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.
Verification:	These columns will be initialed and dated by the individual designated to verify adherence to the project specific mitigation.

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
A-4 Projects under review shall be required to submit temporary erosion control plans for construction activities.	Building Permits	City Inspection Services	
A-5 Prior to the issuance of a building permit, the applicant shall design all structures according to the Uniform Building Code Seismic Section 3.	Building permits	City Inspection Services	
A-6 Prior to the issuance of building permits, the applicant shall retain a qualified geologist to conduct soil samples throughout the Project area to identify expansive soils, and those areas shall be identified on a map for the City.	Building Permits	City Inspection Services	
A-7 Building plans shall be reviewed by a registered engineer specializing in geo-technical assessments to ensure that the soils can support the load.	Building Permits	City Inspection Services, Engineering, & Public Works	
B. AIR			
B-1 All active portions of construction sites, earthen access roads, and material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice a day with complete coverage, preferably in the late morning and after work is done for the day. Where feasible, reclaimed water shall be used.	Building Permits	City Inspection Services	
B-2 All clearing, grading, earth moving, or excavation activities shall cease during periods of winds greater than 20 miles per hour averaged over one hour.	Building Permits	City Inspection Services	
B-3 All material transported off site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.	Building Permits	City Inspection Services	
B-4 The area disturbed by clearing, earth moving, or excavation activities shall be minimized at all times. This can be accomplished by mowing instead of disking for weed control and seeding and watering inactive portions of the construction site until grass is evident, if construction time frames warrant.	Building Permits	City Inspection Services	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
B-5 Construction site vehicle speeds shall be limited to 15 miles per hour.	Building Permits	City Inspection Services	
B-6 If used, petroleum-based dust palliatives shall meet the road oil requirements of the District's rule regarding Cutback Asphalt Paving Materials.	Building Permits	SJVUAPCD	
B-7 Streets adjacent to the Project site shall be swept as needed to remove silt and/or mud that may have accumulated from construction activities. The streets are required to be wet prior to or in conjunction with rotary sweeping.	Building Permits	City Inspection Services	
B-8 All internal combustion engine-driven equipment shall be properly maintained and well tuned according to the manufacturer's specifications.	Building Permits	City Inspection Services	
B-9 When reasonably available and economically feasible, diesel powered or electric equipment shall be utilized in lieu of gasoline powered engines.	Building Permits	City Inspection Services	
B-10 Construction activities shall minimize obstruction of through traffic lanes adjacent to the site and a flag person shall be retained to maintain safety adjacent to existing roadways.	Building Permits	City Inspection Services	
B-11 Prior to issuance of a building permit, the project will be required to comply with District Regulation VIII. Specifically, the rules that apply to this project are: Rule 8010 (Administrative Requirements) and Rule 8020 (Construction, Demolition, Excavation, and Extraction Activities). Additional rules that may apply to this project depending on construction practices employed are: Rule 8030 (Handling and Storage of Bulk Materials), Rule 8060 (Paved and Unpaved Roads), and Rule 8070 (Parking, Shipping, Receiving, Transfer, Fueling, and Service Areas).	Building Permits	SJVUAPCD	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p>B-12 If public transit is available in the Southeast Merced area, a public transit stop shall be located within safe walking distance from the Project site or included as part of the Project. The parking lot(s) shall be designed to provide maximum traffic flow, thus reducing the number of times necessary for a vehicle to stop and start again while in the parking lot. Adequate bicycle parking shall be provided for both patrons and employees.</p>	<p>Conditional Use Permits</p>	<p>City Planning and Merced County Transit Service ("The Bus")</p>	
<p>C. WATER</p>			
<p>C-1 Prior to approval of parcel maps or conditional use permits, the applicant shall demonstrate to the City that storm drainage facilities are adequate to meet Project demands and that improvements are consistent with the <i>Merced County Critical Area Flooding and Drainage Plan</i> and any updates.</p>	<p>Parcel Maps or Conditional Use Permits</p>	<p>City Engineering & Public Works</p>	
<p>C-2 Prior to approval of building permits, the applicants shall demonstrate to the City that temporary erosion control measures will be followed during construction.</p>	<p>Building Permits</p>	<p>City Inspection Services</p>	
<p>C-3 Prior to development, individual projects within Flood Zone "AO" will be required to comply with all pertinent provisions of the City's Flood Damage Prevention Ordinance (MMC 17.48) and all updates..</p>	<p>Building Permits</p>	<p>City Inspection Services & Engineering</p>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p>E. ANIMAL LIFE</p> <p>E-1 <i>The Initial Study and Environmental Assessment Mission Avenue Interchange and Route 99 Freeway Conversion in Merced (Caltrans, October 2000) includes "Mitigation Measures for the loss of the roosting and maternity roost habitat and impacts to the species" for one or more species of bats located in the abandoned grain silo in the Alfárata Ranch headquarters complex. In the event construction of the Project involves impacting the subject silo (i.e., precedes actions relating to construction of the pending Interchange that were to impact the silo and trigger the above Mitigation Measures), the Mitigation Measures described in the above document may need to be tied to this Project.</i></p>	<p>Building Permits</p>	<p>City Planning and Caltrans</p>	
<p>E-2 <i>Prior to approval of first conditional use permit, the applicants shall submit a site-specific biological resource survey for special status species, prepared by a qualified biologist, to the City for review and possible mitigation. The survey shall include a review of existing literature relating to the occurrence and distribution of any special status species and habitats. The applicants shall consult with the U.S. Fish and Wildlife Department and/or California Department of Fish and Game to ensure adequacy and completeness. However, nothing in this condition shall be construed (expressly or implied) to provide or vest additional authority to U.S. Fish and Wildlife or the California Department of Fish and Game concerning the Project's approval. If a master biological survey is prepared and approved by the City for the entire site, then no further assessments will be needed for individual projects within the site boundaries.</i></p>	<p>Tentative Map</p>	<p>City Planning CA Dept of Fish & Game</p>	

Mitigation Measure		Timing	Agency or Department Consultation	City Verification (date and initials)
F. NOISE				
F-1	Grading and construction activity shall be limited to daylight hours (between 7 a.m. and 7 p.m.) in areas where noise sensitive receptors (i.e. Pioneer Elementary school and adjacent single-family development) are located.	Building Permits	City Inspection Services	
F-2	In noise sensitive areas, construction equipment, compressors, and generators shall be fitted with heavy duty mufflers specifically designed to reduce noise impacts.	Building Permits	City Inspection Services	
G. LIGHT AND GLARE				
G-1	The applicants shall utilize lighting fixtures of minimal wattage necessary to provide adequate lighting for security, commercial operations, and circulation. Light spill shall be controlled by baffles, cut-off lenses, and fixture height necessary to minimize spill-over onto adjacent properties. Prior to building permit approvals, lighting plans shall be submitted for review by the City which specifies lighting type, location, and methods for minimizing spill.	Building Permits	City Planning	
J. RISK OF UPSET				
J-1	Prior to safety certification of the gasoline stations, the applicant will be required to install double-wall storage tanks, breakaway valves, an emergency shut-off device, a leak detection device, and other safety measures as required by federal, state, and local codes regarding gasoline storage facilities. In addition, the applicant must submit a hazardous material management plan to the City Fire Dept, Environmental Health Division, and Public Works Dept for evaluation and conformance with Federal, State, and local hazardous material requirements and standards.	Building Permits	Merced County Environmental Health; City Fire, Environmental Health, & Public Works	

Mitigation Measure		Timing	Agency or Department Consultation	City Verification (date and initials)
M. TRANSPORTATION /CIRCULATION				
M-1	The Project shall pay all fees as required under the City's Public Facilities Impact Fees (Chapter 17.62 of the Merced Municipal Code) prior to building permit issuance.	Certificate of Occupancy	City Planning & City Engineer	
M-2	<p>"F-3 Mission Interchange Frontage Road":</p> <p>a) The alignment of the "F-3 Mission Interchange Frontage Road" through the Project site shall be generally as shown in Figure 4 of this Expanded Initial Study. All improvements, final design, and ultimate right-of-way are subject to, and contingent upon, Caltrans and City approval and permitting prior to construction. The final design shall be coordinated with the design of the section of the frontage road from Gerard Avenue to the western property line of the Project site.</p> <p>b) The property owner has agreed to dedicate a 74-foot minimum right-of-way for the frontage road and to accept full responsibility for construction costs of the frontage road within the Project site. Preparation of final engineered design plans and construction cost estimates are the responsibility of the property owner, subject to Caltrans and City approval. Security shall be posted in a form, and in an amount, acceptable to the City Engineer and City Attorney for funding of the roadway improvements prior to issuance of the first building permit for the Project site. Additional right-of-way may be required (for turn lanes, turning radii, etc.), subject to agreement between the City, Caltrans, and the property owner.</p>	Parcel Maps/ Conditional Use Permits	City Planning & Engineering	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p>c) The roadway shall be constructed by Caltrans as part of the Mission Interchange project or by the property owner whichever is sooner. It is the City's and the property owner's desire that construction of the frontage road shall occur in the early phases of interchange construction by Caltrans if possible. In any event, construction of the frontage road shall be completed no later than the completion of construction of the interchange and the property owner reserves the right to complete the improvements prior to Caltrans if he so chooses.</p> <p>d) Construction of the frontage road through the Project site shall be to City standards and shall include full improvements as defined in MMC 17.58.070, including but not limited to, sidewalk, curb and gutter, park strip, street lights, etc. If the frontage road is constructed by Caltrans without these frontage improvements, the Property Owner shall be responsible for installing these improvements concurrent with development of the Project.</p>			
<p>M-3 <i>Traffic Signal at Coffee Street and Mission Avenue:</i> Owner shall provide financial security acceptable to the City equivalent to a 25 percent share of the cost of a traffic signal at the intersection of Coffee Street and Mission Avenue. Scope of improvements includes a traffic signal and related intersection improvements to City standards and to the satisfaction of the City Engineer. The final cost and form of security shall be determined at the time of the first conditional use permit or other discretionary action.</p>	<p><i>Parcel Maps/ Conditional Use Permits</i></p>	<p><i>City Planning & Engineering</i></p>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p>M-4 <i>Coffee Street:</i> The developer shall construct and dedicate half of the 74-foot right-of-way for Coffee Street (north and south of the Mission interchange) along the Project boundaries. The developer shall construct full frontage improvements on Coffee and at least one travel lane in each direction. The timing of construction of the improvements are to be determined at the conditional use permit stage. Any off-site construction is subject to reimbursement per Merced Municipal Code (MMC) section 17.58.</p>	<p>Parcel Maps/ Conditional Use Permits</p>	<p>City Planning & Engineering</p>	
<p>M-5 <i>Coffee Street Cul-de-sac:</i> Coffee Street will become a cul-de-sac at some point south of Pioneer Elementary School to protect the school and Coffee Street residents from regional traffic impacts from the Mission Interchange. Non-vehicular (pedestrian/bicycle) access between Coffee Street and the Project site shall be maintained. It is expected that these improvements will be made by Caltrans in association with construction of the Interchange. However, the Project applicants will be responsible for integrating bicycle/pedestrian access to and within the Project site.</p>	<p>Parcel Maps/ Conditional Use Permits</p>	<p>City Planning & Engineering</p>	
<p>M-6 <i>Alfarata Blvd:</i> The applicant shall be responsible for extending Alfarata Blvd from its existing southern extension (approximately 700 feet south of Gerard Avenue) to the frontage road concurrent with development of the first project on the Project site. If the developer cannot acquire the necessary right-of-way, the City may assist the developer in obtaining the necessary off-site right-of-way or easements at the developer's expense. These improvements shall be subject to reimbursement from adjacent property owners when development of those properties occur per MMC 17.58.</p>	<p>Parcel Maps/ Conditional Use Permits</p>	<p>City Planning & Engineering</p>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p>M-7 Access to Pluim Property and Driveway Locations: Driveway access to the frontage road and Coffee Street are subject to City (and/or Caltrans) review and approval with each conditional use permit. To the extent possible, driveway access should be shared between properties to minimize the number of curbcuts. Joint access and parking agreements shall be maintained. (Details to be addressed at the conditional use permit stage.) Street and/or driveway access to the Pluim property (APN #61-250-013) shall also be addressed at that time with the aim of establishing a 3-way intersection at the intersection of the frontage road and Coffee Street.</p>	<p>Parcel Maps/ Conditional Use Permits</p>	<p>City Planning & Engineering</p>	
<p>N. PUBLIC SERVICES</p>			
<p>N-1 Development of the Project site will be closely coordinated with the Merced City Fire Department, particularly in connection with the projected future location/construction of a new fire station in the immediate area and access to and from the fire station site to the Project site and adjacent residential and commercial areas.</p>	<p>Conditional Use Permits</p>	<p>City Planning and City Fire Dept</p>	
<p>N-2 Prior to the issuance of building permits, the applicant shall be responsible for the payment of school facility impact fees as adopted by the Weaver Union School District and Merced Union High School District.</p>	<p>Building Permits</p>	<p>Weaver School District and MUHSD</p>	
<p>P. UTILITIES</p>			
<p>P-1 Prior to approval of subsequent individual commercial projects, the City shall review the Project application to ensure that wastewater facilities are adequate to meet Project service demands and are consistent with wastewater master plans.</p>	<p>Parcel Maps/ Building Permits</p>	<p>City Engineering & Public Works</p>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
P-2 Prior to approval of conditional use permits or parcel maps, the applicant shall demonstrate to the City that storm drainage facilities are adequate to meet Project demands and/or the applicants shall provide improvements, consistent with master plans, necessary to meet Project demands.	Parcel Maps/ Building Permits	City Engineering & Public Works	
R AESTHETICS R-1 All subsequent commercial development on the Project site will require conditional use permits. The Project shall be developed as a "Planned Development" with standards for landscaping, screening, buffering, compatible architecture, signing, etc. Particular emphasis shall be paid to the visual appearance along perimeter and interior roadways.	Conditional Use Permits	City Planning	
T. CULTURAL RESOURCES			
T-1 If evidence of archaeological artifacts is discovered during construction, all operations within an area at and adjacent to the discovered site shall halt until a qualified archaeologist determines the extent of significance of the site.	Building Permits	City Inspection Services	
T-2 On-site preservation of a resource is the preferred alternative. Preserving a cultural deposit maintains the artifacts in context and may prevent inadvertent discovery of, or damage to, human burials. Preservation may be accomplished through a number of means such as capping or covering the site with a layer of soil, fencing the site area, and/or incorporation of the resource in a park area.	Building Permits	City Inspection Services	

Copies of This Form Distributed To:

City Council _____ City Manager _____ City Planner _____ Public Works Dir. _____ City Engineer _____ Fire Chief _____
Police Chief _____ Leisure Serv. Dir. _____ County of Merced (Dept. _____) Other (List _____)
Responsible Agency: (List _____)

I hereby certify that I have inspected the project site and that the above information is true to the best of my knowledge.

Name: (Print) _____ Representing: (Agency/Firm) _____

Signature: _____ Date: _____

APPLICABLE MITIGATION MEASURES OF THE GENERAL PLAN EIR—STEINER DEVELOPMENT

<i>Mitigation Measure</i>	<i>Timing</i>	<i>Agency or Department Consultation</i>	<i>City Verification (date and initials)</i>
<i>Plant/Animal Life</i>			
3-a) When site-specific development proposals are submitted to the City for review and action, surveys should be conducted for special-status species prior to the disturbance of potentially suitable habitat. All surveys will be conducted in accordance with applicable state and federal guidelines.	Conditional Use Permits	City Planning	
3-b) Habitat losses for burrowing owls could be mitigated by preservation of open space and rangeland. When a development proposal is likely to disturb suitable burrowing owl habitat, the California Department of Fish and Game should be consulted.	Conditional Use Permits	City Planning	
<i>Traffic/Circulation</i>			
7-a) Appropriate traffic studies shall be prepared for all development projects which can be expected to reduce a road segment or intersection levels of service below "D."		City Planning	
7-b) The City shall require all development proposals to contribute, based on their proportionate share of impact, to circulation system improvements necessary to maintain at least a level of service "D" on all road segments and intersections impacted by the development project.	Certificate of Occupancy	City Planning	
<i>Public Facilities/Services</i>			
8-d) Development projects will be required to pay public facilities impact fees as established by the City in accordance with the requirements of State law.	Certificate of Occupancy	City Planning	

**Merced Vision 2015 General Plan
Environmental Mitigation Checklist Form A**

Project Name: _____ File Number: _____ Conditional Neg. Dec. _____
Approval Date: _____ EIR _____

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 with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6)

Mitigation Measure	Type	Monitoring Dept.	Shown on Plans	Verified Implementation	Remarks
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
(Add additional Measures as Necessary)					

Explanation of Headings:

Type: Project, ongoing, cumulative.
Monitoring Dept. Department or Agency responsible for monitoring a particular mitigation measure.
Shown on Plans: When mitigation measure is shown on plans, this column will be initialed and dated.
Verified Implementation: When a mitigation measure has been implemented, this column will be initialed and dated.
Remarks: Area for describing status of ongoing mitigation measure, or for other information.

Merced Vision 2015 General Plan
Mitigation Measure Monitoring Checklist--Form B

Monitoring Phase: Pre-Construction Construction

Project File Number: _____

Project Name: _____

Brief Project Description: _____

Project Location: _____

Requirement Met:			Description of Mitigation Measures
Date	Yes	No	
_____	_____	_____	1. _____
_____	_____	_____	2. _____
_____	_____	_____	3. _____
_____	_____	_____	4. _____
_____	_____	_____	5. _____

Requirement On-Going:			Description of Mitigation Measures
Date	Yes	No	
_____	_____	_____	1. _____
_____	_____	_____	2. _____
_____	_____	_____	3. _____
_____	_____	_____	4. _____
_____	_____	_____	5. _____

Trustee Agency	Date	Yes	No
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____

Copies of This Form Distributed To:

_____ City Council _____ City Manager _____ Planning Dir. _____ Public Works Dir.
_____ City Engineer _____ Fire Chief _____ Police Chief _____ Leisure Services Dir.
_____ County of Merced (Dept. _____) _____ Other (List _____)
_____ Responsible Agency: (List _____)

I hereby certify that I have inspected the project site and that the above information is true to the best of my knowledge.

Name: (Print) _____

Representing: (Agency/Firm) _____

Signature: _____

Date: _____

Subsequent EIR/ND Section 15162 Findings
The California Environmental Quality Act
(CEQA) Section 15162 Findings:

Project: Site Plan Review #439 – Environmental Review #19-13

Assessor Parcel Number or Location: Assessor's Parcel Number (APN): 061-250-084

Previous Initial Study/EIR Reference: The site was previously reviewed through Environmental Review/Expanded Initial Study #00-05 for Zone Change #370/General Plan Amendment #00-01

Original Project Date: The Expanded Initial Study was approved on June 11, 2001, by the Merced City Council.

Section A--Previous Studies

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?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment/Finding:

There have been no changes to the project that was evaluated under the certified EIR. Thus, there is no need for revisions to the Project EIR due to new environmental effects or increase in the severity of previously identified effects.

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?

Yes	No
<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 Environmental Impact Report. There are no new significant environmental effects of substantial increases in the severity of previously identified environmental effects.

3. New information of substantial importance, which 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

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

was adopted, has been revealed? (If “Yes” is checked, go to Section “B” below)

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 Initial Study was adopted.

Section B--New Information

- | | | |
|---|--------------------------|-------------------------------------|
| | Yes | No |
| A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment/Finding:

The project will not any significant effects not discussed in the previous EIR.

- | | | |
|--|--------------------------|-------------------------------------|
| | Yes | No |
| B) Significant effects previously examined will be substantially more severe than shown in the previous EIR; | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment/Finding:

No significant effects previously examined will be substantially more severe than shown in the previous EIR.

- | | | |
|---|--------------------------|-------------------------------------|
| | Yes | No |
| 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. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment/Finding:

No new information of substantial importance has become available since certification of the EIR. The EIR assessed the impacts of the widened roadway; the design of the current Project is the same as described in the EIR.

- | | | |
|---|--------------------------|-------------------------------------|
| | Yes | No |
| 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. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment/Finding: As indicated in C) directly above, this situation does not exist.

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

Subsequent EIR/ND Section 15162 Findings

July 18, 2019

Page 3 of 3

- | | |
|-------------------------------------|--|
| <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: July 11, 2019

Prepared By:



Francisco Mendoza-Gonzalez,
Associate Planner

CITY OF MERCED
SITE PLAN REVIEW COMMITTEE
RESOLUTION #441

<u>James Kinney</u> APPLICANT	<u>Add second queueing line and install shade canopies for existing car wash.</u> PROJECT
<u>222 E. 5th Street</u> ADDRESS	<u>1800 West Olive Avenue</u> PROJECT SITE
<u>Tucson, AZ 85705</u> CITY/STATE/ZIP	<u>058-220-027</u> APN
<u>(520) 241-3688</u> PHONE	<u>Planned Development (P-D) #16</u> ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Site Plan Review Committee reviewed and approved Site Plan Application #441 on July 18, 2019, submitted by James Kinney, on behalf of Nation Retail Properties, LP, property owner. The applicant is requesting approval to add a second queueing line and install shade canopies with payment islands on an existing car wash located at 1800 West Olive Avenue within Planned Development (P-D) #16. Said property being described as a portion of Lot 2 as described as shown on the map entitled "Parcel Map for Norm Porges," filed August 13, 2001, Volume 88, Page 47 of Merced County Records, also known as Assessor's Parcel Number (APN) 058-220-027.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15301 (Exhibit D); and,

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

- A) The proposal complies with the City of Merced Zoning designation of Planned Development (P-D) #16 and the General Plan designation of Regional/Community Commercial (RC).
- B) The Site Plan Review Committee recognizes the proposed design is an effort to alleviate the stacking that occurs on Loughborough Drive due to queueing for the car wash.
- C) The proposed site plan modifications include removing 6 vacuum stalls on the eastern portion of the parcel to create space for a second queueing line. In addition, a 100-square-foot metal canopy with a payment equipment island would be installed for each queueing line.
- D) The applicant is not proposing to make any modifications to the interior or exterior of the existing building.

- E) The Zoning Ordinance does not provide parking requirements for a car wash. However, because this is not a self-serve car wash and there would be employees at the site, parking spaces are needed for the employees. Staff has traditionally required one parking space for every employee working during the largest shift. Based on the four employees working during the largest shift, Prime Shine Car Wash is required to have a minimum of four parking spaces. Prime Shine Car Wash exceeds this requirement by providing 9 parking spaces. The vacuum parking stalls are not required parking, but they may be converted into employee parking stalls in the future to comply with parking requirements if necessary.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Application #441 subject to the following conditions:

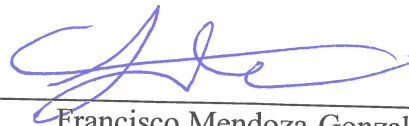
- 1) The site shall be constructed as shown on Exhibit B (site plan), and Exhibit C (elevations) except as modified by the conditions of approval within this resolution.
- 2) All conditions contained in Site Plan Review #79-1 – Amended (“Standard Conditions for Site Plan Review Application”) shall apply.
- 3) 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.
- 4) The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, 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.
- 5) The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event

- of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
- 6) 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.
 - 7) Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access.
 - 8) Signs shall be posted advising that vehicles exiting the vacuum area will be merging into the queue line and advising motorists to allow these vehicles to merge. If congestion results as motorists trying to merge into the queue line, a Prime Shine employee shall direct traffic to allow vehicles to merge.
 - 9) The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
 - 10) 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 \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
 - 11) The color of the shade canopies shall match or compliment the colors used for the carwash.
 - 12) The premises shall remain clean and free of debris and graffiti at all times.
 - 13) 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 Francisco Mendoza-Gonzalez at (209) 385-6858.

7-18-19

DATE



Francisco Mendoza-Gonzalez

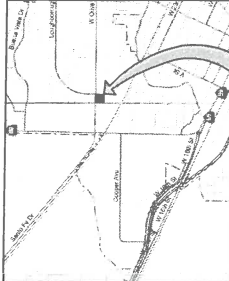
Associate Planner

TITLE

Exhibits

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





PROJECT LOCATION

1800 W. OLIVE AVE
MERCED, CA

PROJECT TEAM

PROJECT CONSULTANT
ARCHITECTURE PLUS INC.
4335-8 NORTH STAR WAY
MERCED, CA 95356
CONTACT: TARA WEBB
PH: 209.577.4661
WWW.ARCHITECTUREPLUS.COM

ARCHITECT
ARCHITECTURE PLUS INC.
4335-8 NORTH STAR WAY
MERCED, CA 95356
CONTACT: TARA WEBB
PH: 209.577.4661
WWW.ARCHITECTUREPLUS.COM

PROJECT DESCRIPTION

RENE CAR WASH TUNING APPROACH DRIVE TO PROVIDE A SECOND LANE AND TON-ON-SALE AREA. NEW SPACE CHANGES WILL BE PROVIDED TO COVER THE TON-ON-SALE AREA.

SITE DATA

PROPERTY INFO:
PROPERTY AREA: 0.8675669/0.867
EXISTING BUILDING COVERAGE: 22,674 SQ. FT. / 31 AC
CURRENT ZONE: PD-16
GENERAL PLAN: REGIONAL COMMUNITY COMMERCIAL

SITE COVERAGE OF PROPOSED PROJECT:
EXISTING CAR WASH AND STORAGE: 2,480 SQ. FT.
NEW CAR WASH: 2,480 SQ. FT. / 2,480 SQ. FT.
NEW CAR WASH: 2,480 SQ. FT. / 2,480 SQ. FT.
TOTAL LANDSCAPING AREA: 4,724 SQ. FT. / 20% OF SITE AREA

LANDSCAPING AREA - SEE BELOW FOR COMPLETE LANDSCAPING AREA AND LANDSCAPING TOTALS:
LANDSCAPING AREA: 4,724 SQ. FT. / 20% OF SITE AREA
TOTAL LANDSCAPING AREA: 4,724 SQ. FT. / 20% OF SITE AREA
TOTALS: 14,637 SQ. FT. / 108% OF SITE AREA
O.K. PARKING / LANDSCAPING AREA: 22,674 SQ. FT. / 100%

LANDSCAPING

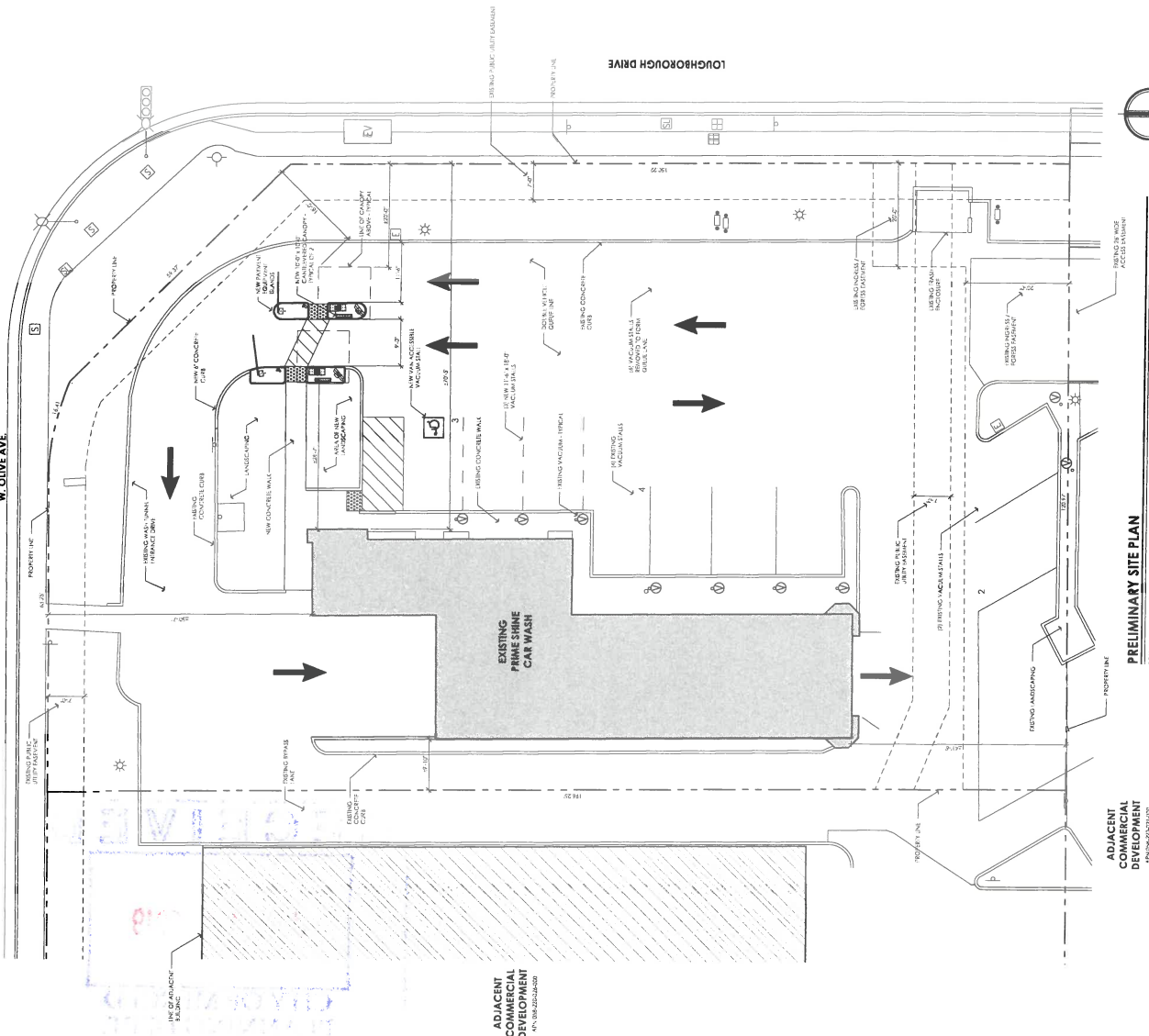
EXISTING LANDSCAPING AREA:
LANDSCAPING AREA: 28 SQ. FT.
LANDSCAPING AREA: 307 SQ. FT.
LANDSCAPING AREA: 4,724 SQ. FT.

BUILDING DATA

EXISTING BUILDING AREAS:
EXISTING CAR WASH: 2,480 SQ. FT.
EXISTING BUILDING HEIGHT: 12'-0"
NEW CAR WASH: 2,480 SQ. FT.
NEW CAR WASH HEIGHT: 12'-0"

PARKING DATA

PARKING REQUIREMENTS:
PARKING REQUIRED: 14 STALLS
PARKING PROVIDED: 14 STALLS
TOTAL PROVIDED: 14 STALLS



PRELIMINARY SITE PLAN

SCALE: 1" = 100'

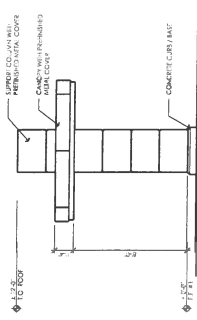
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4741204/2025/1/202

ARCHITECTURE PLUS INC.
4335-B NORTH STAR WAY
MODESTO, CA 95356
ph. 209.577.4661
fx. 209.577.0213
www.opiarc.com



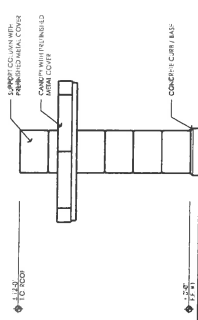
EAST ELEVATION

CALL 1-800-111-1111



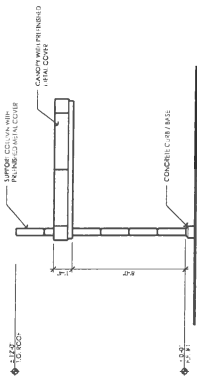
WEST ELEVATION

SCALE IN USE = 4705



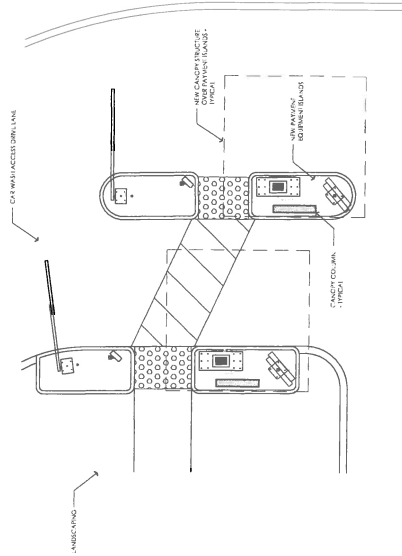
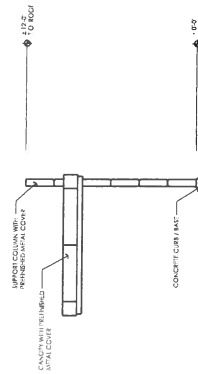
SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



NORTH ELEVATION

SC-110-271-41V35



PRELIMINARY SITE PLAN - ENLARGED

SCA18. 1/4" = 1'-0"

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 #441 (Environmental Review #19-16)

Project Applicant: James Kinney, for Nation Retail Properties, LP

Project Location (Specific): 1800 W. Olive Ave. **APN:** 058-220-027

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

Description of Nature, Purpose, and Beneficiaries of Project: The applicant is requesting approval to add a second queueing line and install shade canopies with payment islands on an existing car wash

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: James Kinney, for Nation Retail Properties, LP

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: 15301 (a)
☐ 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 consists of minor interior and exterior alterations only, which are considered to be exempt under the CEQA Guidelines per Section 15301 (a).

Lead Agency: City of Merced

Contact Person: Francisco Mendoza-Gonzalez **Area Code/Telephone:** (209) 385-6858

Signature:  **Date:** 7-11-2019 **Title:** Planner

 X Signed by Lead Agency **Date Received for Filing at OPR:** _____
(If applicable)

CITY OF MERCED
Site Plan Review Committee

MINUTES

Planning Conference Room
2nd Floor Civic Center
Thursday, October 10, 2019

Acting Chairperson ESPINOSA called the meeting to order at 1:32 p.m.

1. ROLL CALL

Committee Members Present: Chief Building Official Frazier, City Engineer Beltran, and Planning Manager Espinosa (for Director of Development Services McBride)

Committee Members Absent: None

Staff Present: Deputy Fire Chief Wilson and Associate Planner/Recording Secretary Nelson

2. MINUTES

M/S BELTRAN-FRAZIER, and carried by unanimous voice vote, to approve the Minutes of July 18, 2019, as submitted.

3. COMMUNICATIONS

None.

4. ITEMS

- 4.1 Site Plan Application #443, submitted by John Heintz and Greg Fish on behalf of Merced Station LLC, property owner. The approval allows for an increase in the number of apartment units, which results in the same number of bedrooms, for the Merced Station Apartment project located on the south side of Yosemite Avenue at Lake Road within Planned Development (P-D) #76, with a General Plan designation of High Medium Density Residential (HMD).

Associate Planner NELSON reviewed the application. Refer to Draft Site Plan Resolution #443 for further information.

The applicant, John Heintz, and Doug Parson and Des Johnston with Quad Knopf, were in attendance.

Ted WALSTROM, Merced Union High School District, spoke to advocate for the City and developers to work with the School District to ensure adequate school facilities are provided as housing development continues. He mentioned that he was concerned schools were not mentioned in the project information.

Ken TESTA, Merced City School District, stated that the City has a good relationship with the School District, but agrees that providing school facilities to serve new developments is challenging.

M/S FRAZIER - BELTRAN, and carried by the following vote to adopt a Environmental Review #19-27 (CEQA Section 15162 Findings), and approve Site Plan Application #443, subject to the Findings and three (3) conditions set forth in Draft Resolution #443:

AYES: Committee Members Beltran, Frazier, and Acting
Chairperson Espinosa
NOES: None
ABSENT: None

- 4.2 Extension of Vesting Tentative Subdivision Map (VTSM) #1271 ("Moraga of Merced"), submitted by Bill Walls on behalf of Lennar Homes, Inc., property owners, for the subdivision of 117 acres into 520 single-family lots generally located east of McKee Road and south of Yosemite Avenue.

Associate Planner NELSON reviewed the application for this item. For further information, refer to the memo to the Site Plan Review Committee dated October 10, 2019.

The applicant was not in attendance.

Ted WALSTROM, Merced Union High School District, stated that he believed that Section 66452.6 (e) of the Subdivision Map Act only provides a 60 day extension or until the City takes action (whichever comes first). Ms. NELSON explained that the previous City Attorney, Jolie Houston, had advised that the automatic extension granted when an applicant requests an extension extends the map until the City takes action.

The Committee had no questions for staff and no one from the audience spoke on this matter.

M/S FRAZIER-BELTRAN, and carried by the following vote to to grant a one-year extension for Vesting Tentative Subdivision Map #1271 subject to the Findings and thirty-nine (39) conditions set forth in the Planning Commission Resolution #2817.

AYES: Committee Members Beltran, Frazier, and Acting
Chairperson Espinosa
NOES: None
ABSENT: None

5. **INFORMATION ITEMS**

5.1 **Calendar of Meetings/Events**

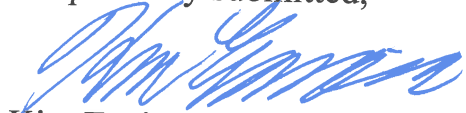
There was no discussion regarding the calendar of meetings/events.

6. **ADJOURNMENT**

There being no further business, Acting Chairperson ESPINOSA adjourned the meeting at 1:55 p.m.

Site Plan Review Committee Minutes
October 10, 2019
Page 4

Respectfully submitted,



Kim Espinosa, Secretary
Merced City Site Plan Review Committee

APPROVED:



Scott McBride, Chairperson/
Director of Development Services
Merced City Site Plan Review Committee

CITY OF MERCED
SITE PLAN REVIEW COMMITTEE
RESOLUTION #443

John Heintz and Greg Fish for Merced Station, LLC APPLICANT	Site Plan Review to increase the number of apartment units allowed for the Merced Stations project from 225 units to 270 units. PROJECT
774 Mays Blvd., Stew 10-499 ADDRESS	South side of Yosemite Avenue at Lake Road PROJECT SITE
Incline Village, NV CITY/STATE/ZIP	008-010-071 and -075 APN
89451-7632 PHONE	Planned Development (P-D) #76 ZONING

In accordance with Chapters 20.20.020 (O) and 20.72.050 of the Merced City Zoning Ordinance, the Site Plan Review Committee reviewed and administratively approved Site Plan Application #444 on October 10, 2019, submitted by John Heintz and Greg Fish on behalf of Merced Station LLC, property owner. The approval allows for an increase in the number of apartment units, which results in the same number of bedrooms, for the Merced Station Apartment project located on the south side of Yosemite Avenue at Lake Road. Said property being more particularly described as all that property described in Document No. 2018005302 (Grant Deed), Merced County Records, also known as Assessor's Parcel Numbers 008-010-071 and -075 (Exhibit 1).

WHEREAS, 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 #19-27 is a second tier environmental document, based upon the City's determination that the proposed development remains consistent with the current general plan and provisions of CEQA Guidelines, Section 15162 (Mitigated Negative Declaration for Environmental Review #16-37). A copy of the Section 15162 Findings can be found at Exhibit 7.

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

- A) Planned Development (P-D) #76 was established by Ordinance No. 2477, introduced by the City Council on June 5, 2017, and adopted June 19, 2017 (Exhibit 2).

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Application #443 subject to the following conditions:

- 1) The Floor Plans and Site Plan provided at Exhibits 4 and 5 are approved as proposed.
- 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 all conditions of Planning Commission Resolution #3082, including all mitigation measures for Environmental Review #16-37 (Exhibit E of Site Plan Resolution #409), and all conditions of Site Plan Review #409 (Exhibit 3).

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

10/10/2019

DATE


SIGNATURE

Associate Planner

TITLE

Exhibits:

- 1) Location Map
- 2) Ordinance No., 2477
- 3) Site Plan Review #409
- 4) Proposed Floor Plan
- 5) Proposed Site Plan
- 6) Unit Comparison Chart
- 7) CEQA Section 15162

N:\SHARED\PLANNING\Site Plan Review\Resolutions\Draft Resolutions\2019\SP #443 - SUP Rev for Merced Stations.doc

ORDINANCE NO. 2477

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, ESTABLISHING PLANNED DEVELOPMENT (P-D) #76 AND AMENDING THE OFFICIAL ZONING MAP BY REZONING 14.86 ACRES OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF YOSEMITE AVENUE AT LAKE ROAD FROM LOW DENSITY RESIDENTIAL (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; AND APPROVING A DEVELOPER AGREEMENT THEREFORE

THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. The City Council finds that the facts submitted with the applicant and presented at the public hearing establish compliance with the Findings required by Merced Municipal Code Section 20.20.020 – Planned Development (P-D) Zoning Districts for the property described in Exhibit A, and as shown on the map at Exhibit B, which are attached hereto and incorporated herein by this reference. These Findings are described in Exhibit C, attached hereto and incorporated herein by this reference.

SECTION 2. AMENDMENT TO CODE. The property described in Exhibit A and shown on the map depicted in Exhibit B, both of which are attached hereto and incorporated herein by this reference, is hereby rezoned as shown on said map from Low Density Residential (R-1-6) and Planned Development (P-D) #52 to Planned Development (P-D) #76 and shall be subject to all limitations, restrictions and requirements of Chapter 20.20.020 of the Merced Municipal Code.

SECTION 3. STANDARDS. Pursuant to Section 20.20.020 of the Merced Municipal Code, the rezoned property shall be subject to the following standards:

	<ol style="list-style-type: none"> 3. Apartment common recreational areas should be easily viewed by residents within the units and shall be defined by a physical boundary. 4. Physical changes (such as picket fences, porches, decks, or landscape features) to mark and define areas near a dwelling as that unit's "territory" should be installed. 5. Keyed access gates and surveillance cameras should be installed to enter common areas.
--	---

SECTION 4. CHANGE OF MAP. The Director of Development Services is hereby directed to make the appropriate markings on the Official Zoning Map in conformance with this Ordinance and the provisions of Title 20 of the Merced Municipal Code, as shown on Exhibit D, attached hereto and incorporated herein by this reference.

SECTION 5. OFFICIAL SITE UTILIZATION PLAN. The map shown on Exhibit E, is hereby established and designated as the official Site Utilization Plan for the property subject to this Ordinance.

SECTION 6. DEVELOPER AGREEMENT. The Developer Agreement between the City of Merced and Fagundes Dairy a General Partnership and CBCP Assets, LLC, pertaining to the approvals granted herein, and by Ordinance establishing Planned Development (P-D) #76 and approving Zone Change #424 is hereby approved. These approvals are contingent upon the property owner executing and returning the Developer Agreement. The City Manager or Assistant City Manager is hereby authorized to execute the Developer Agreement on behalf of the City of Merced.

SECTION 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

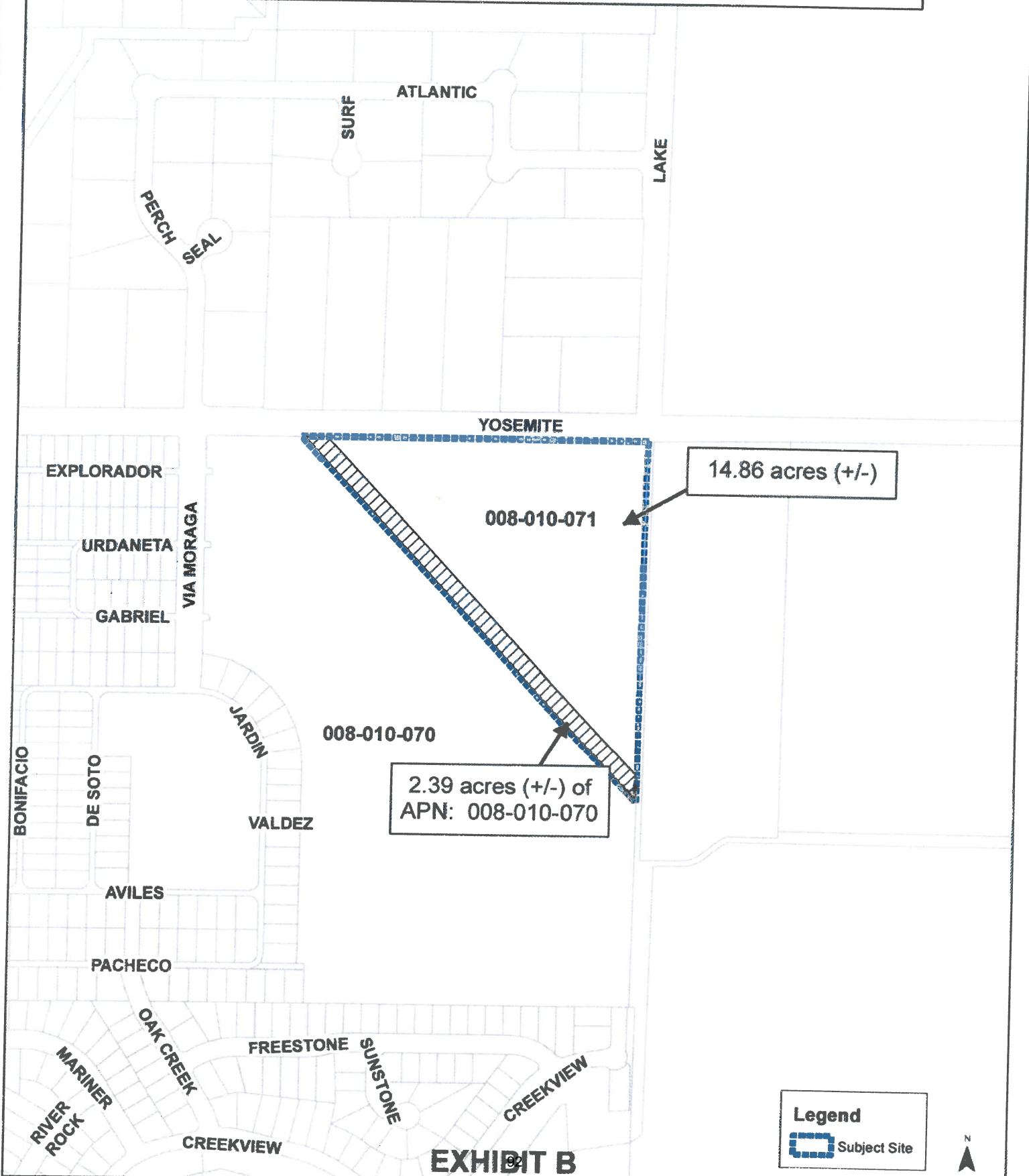
SECTION 8. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections,

APPROVED AS TO FORM:



City Attorney **5-10-2017**
Date

**ZONE CHANGE #424
ESTABLISHMENT OF PLANNED DEVELOPMENT #76**



14.86 acres (+/-)

008-010-071

008-010-070

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

Legend

 Subject Site



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

The proposed project would sit on 17.25 acres of land. The residential portion of the project would sit on approximately 16.25 acres and be developed at a density of 14 units per acre which is consistent with the General Plan designation of High-Medium Density Residential (HMD). The commercial component of the project would consume the remaining 1 acre of land. As shown on the site plan at Attachment B, the proposed project provides ample setbacks, open space and recreational areas, as well as parking. The site is of sufficient size to accommodate the proposed development.

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

The proposed project would have two access points from Yosemite Avenue. The main entrance would align with Lake Road and the secondary access would be near the western edge of the site. This provides sufficient access to the site for residents, customers, and emergency services.

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

The site would be served by the City's water and sewer facilities. Sufficient capacity is available for both water and sewer to serve this project. A water line exists in Yosemite Avenue which extends the full length of the project frontage. This line is of adequate size to serve the proposed development.

A sewer line is available for extension in Yosemite Avenue at Via Moraga. This line would have to be extended to the project site and across the full frontage of the property to serve the site.

The storm drain facilities in Yosemite Avenue are sufficient to serve the project as well. Although, storm water shall be captured onsite prior to entering the City's storm drain system.

The developer would be required as a condition of approval to annex into the City's Community Facilities District for Services (CFD) #2003-2. Revenue collected from the CFD would help pay for police, fire, landscape maintenance, and storm drain facilities.

- 5) *The proposed development will not have a substantial adverse effect on surrounding property, will be compatible with the existing and planned land use character of the surrounding area, and will enhance the desirability of the area and have a beneficial effect.*

The proposed project is not expected to adversely effect the surrounding property. Certain impacts are to be expected when developing vacant land. However, the developer has been sensitive to the surrounding uses with the proposed design. The large setbacks, the use of "green" construction practices, and the use of an experienced apartment management company would help reduce any adverse

- 8) *Any deviation from the standard ordinance requirements is warranted by the design and additional amenities incorporated in the development plan, which offer certain unusual redeeming features to compensate for any deviations that may be permitted.*

The proposed project deviates from the standard zoning requirements by the use of a mixed-use development which combines both residential and retail uses in one development. Additionally, the building height proposed for the student housing units exceeds the height allowed by the R-3 and R-4 zones. In exchange for allowing these deviations, the developer has incorporated several nice amenities into the complex, such as a gated complex, a community plaza, a dog park, basketball court, and a complete network of walking paths throughout the student housing complex. In addition, an onsite shuttle service would be provided for the residents to go to and from the UC Merced and Merced College Campuses. Along with these amenities, both the residential buildings and commercial building will be designed to incorporate many energy-saving features and elements that are typical for LEED certified buildings

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

The proposed project incorporates a mixed-use design that could not be achieved in other zoning districts. While other zoning districts may allow these same uses individually, the Planned Development zone allows the uses to be designed as one cohesive development and allows for the deviation of the height restriction for the student housing buildings.

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.

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)

Hochhauser
Blatter

ARCHITECTURE
AND PLANNING

121 E. ARRELLAGA
SUNNYVALE, CA 94086
CALIFORNIA 94086
805 962 2746

UNIVERSITY VILLAGE AT LAKE

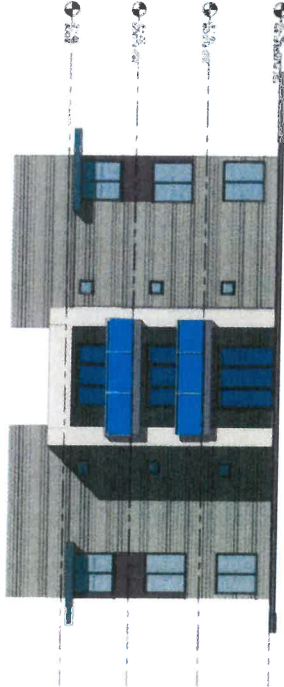
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NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20	NO. 21	NO. 22	NO. 23	NO. 24	NO. 25	NO. 26	NO. 27	NO. 28	NO. 29	NO. 30	NO. 31	NO. 32	NO. 33	NO. 34	NO. 35	NO. 36	NO. 37	NO. 38	NO. 39	NO. 40	NO. 41	NO. 42	NO. 43	NO. 44	NO. 45	NO. 46	NO. 47	NO. 48	NO. 49	NO. 50	NO. 51	NO. 52	NO. 53	NO. 54	NO. 55	NO. 56	NO. 57	NO. 58	NO. 59	NO. 60	NO. 61	NO. 62	NO. 63	NO. 64	NO. 65	NO. 66	NO. 67	NO. 68	NO. 69	NO. 70	NO. 71	NO. 72	NO. 73	NO. 74	NO. 75	NO. 76	NO. 77	NO. 78	NO. 79	NO. 80	NO. 81	NO. 82	NO. 83	NO. 84	NO. 85	NO. 86	NO. 87	NO. 88	NO. 89	NO. 90	NO. 91	NO. 92	NO. 93	NO. 94	NO. 95	NO. 96	NO. 97	NO. 98	NO. 99	NO. 100
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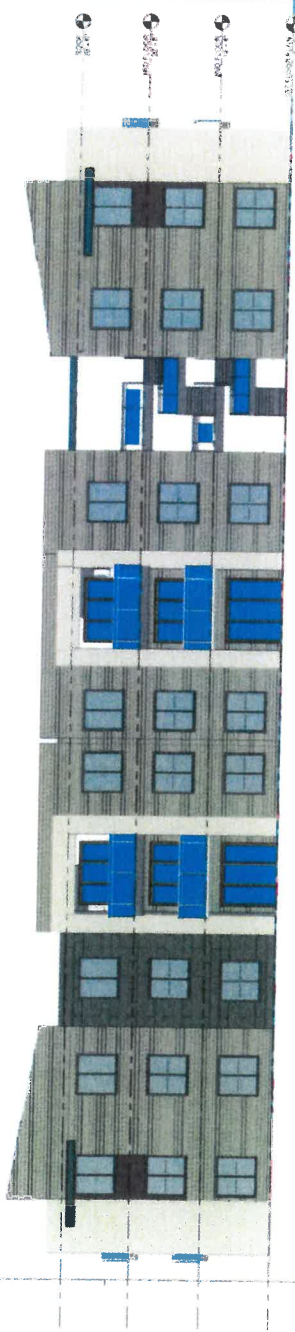
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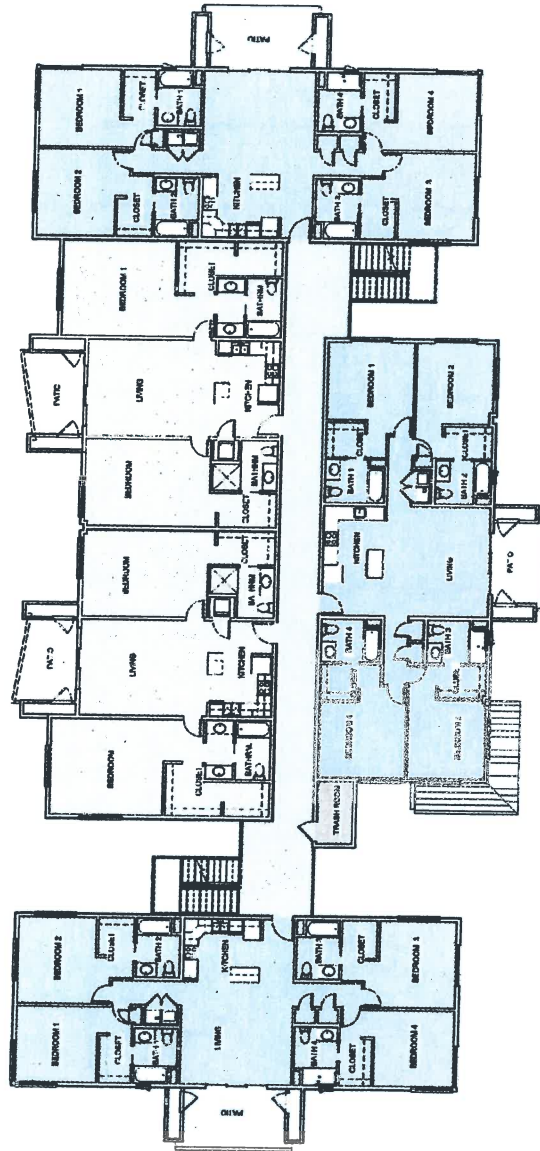
A3.2R



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



RESIDENTIAL - NORTH ELEVATION 1/8" = 1'-0" 2



SECOND 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

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

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

EXHIBIT A
of Planning Commission Resolution #3082

Page 3

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

<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 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).

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	

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

10



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

Application: Site Plan #443

Assessor Parcel Number or Location: Assessor's Parcel Number (APN): 008-010-071 and -075

Previous Initial Study/EIR Reference: This site was previously reviewed through the Initial Study #16-37, resulting in a Mitigated Negative Declaration. The current proposal is to construct 270 apartment units on approximately 16 acres of land.

Original Project Date: Environmental Review #16-37 for the University Village, Merced Project (now known as the Merced Stations Project), resulting in a Mitigated Negative Declaration, was adopted by the Merced City Council on June 5, 2017.

Section A - Previous Studies

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?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment/Finding: The proposed change to the project to increase the number of units from 225 units to 270 is consistent with the previous environmental review. The increase in the number of units does not constitute a significant change in the project. All previously reviewed impacts are not substantially changed by the increase in the number of units. Thus, this project remains consistent with the previous environmental review.

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?

Yes	No
<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 Mitigated Negative Declaration. There are no new significant environmental effects or substantial increases in the severity of previously identified environmental effects, and the area under consideration remains the same area previously evaluated.

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)

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

CITY OF MERCED
Site Plan Review Committee

MINUTES

Planning Conference Room
2nd Floor Civic Center
Thursday, October 24, 2019

Acting Chairperson HREN called the meeting to order at 1:33 p.m.

1. **ROLL CALL**

Committee Members Present: Chief Building Official Frazier, City Engineer Beltran, and Principal Planner Hren (for Director of Development Services McBride)

Committee Members Absent: None

Staff Present: Economic Development Director Quintero, Deputy Fire Chief Wilson, Planning Manager Espinosa, and Associate Planner/Recording Secretary Mendoza-Gonzalez

2. **MINUTES**

M/S BELTRAN-FRAZIER, and carried by unanimous voice vote, to approve the Minutes of October 10, 2019, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Site Plan Application #444, submitted by Roman Catholic Bishop of Fresno, property owner, to install ten modular buildings (eight modular buildings being 960 square feet, and two modular buildings being 480 square feet) east of an existing church located at 671 E. Yosemite Avenue, within a Low Density Residential (R-1-6) Zone, with a General Plan designation of Low Density (LD) Residential.

Associate Planner MENDOZA-GONZALEZ reviewed the application. Refer to Draft Site Plan Resolution #444 for further information.

The applicant's Engineer, Garth Pecchenino, was in attendance to answer questions from the Committee.

Committee Member BELTRAN recommended adding Condition #20 which would require the applicant to install public improvements (as needed) if the projects exceed a valuation of \$100,000.00.

M/S FRAZIER - BELTRAN, and carried by the following vote, to adopt Environmental Review #19-29 (Categorical Exemption), and approve Site Plan Application #444, subject to the Findings and nineteen (19) conditions set forth in Draft Resolution #444 with the addition of Condition #20:

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

- 20) "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 \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations."

AYES: Committee Members Beltran, Frazier, and Acting Chairperson Hren

NOES: None

ABSENT: None

- 4.2 Extension of Vesting Tentative Subdivision Map (VTSM) #1263 ("Crossing at River Oaks"), submitted by Golden Valley Engineering on behalf of TRS Enterprises, property owners, for the

subdivision of 66.76 acres into 277 single-family lots generally located at the southeast corner of Childs Avenue and Coffee Road.

Associate Planner MENDOZA-GONZALEZ reviewed the application for this item. For further information, refer to the memo to the Site Plan Review Committee dated October 24, 2019.

The applicant was not in attendance.

The Committee had no questions for staff and no one from the audience spoke on this matter.

M/S FRAZIER-BELTRAN, and carried by the following vote, to grant a one-year extension for Vesting Tentative Subdivision Map #1263, subject to the Findings and twenty-five (25) conditions set forth in the Planning Commission Resolution #2792:

AYES: Committee Members Beltran, Frazier, and Acting
Chairperson Hren
NOES: None
ABSENT: None

- 4.3 Clarification of Condition #7 of Site Plan Review #440, submitted by Seritage SRC Finance, LLC, property owner, to modify the interior/exterior of an existing building, and to construct two new building pads at 1011 W. Olive Avenue within Planned Development (P-D) #1, with a General Plan designation of Regional/Community Commercial (RC).

Associate Planner MENDOZA-GONZALEZ reviewed this item, noting that Condition #7 was being revised to clarify that the applicant would be required to submit a Master Sign Program for their site only, and not the entire Merced Mall.

The applicant, Sean Lahijani, was in attendance to answer questions from the Committee.

The Committee had no questions for staff and no one from the audience spoke on this matter.

M/S BELTRAN -FRAIZER, and carried by the following vote, to approve the clarification to Condition #7 of Site Plan Review #440:

AYES: Committee Members Beltran, Frazier, and Acting
Chairperson Hren
NOES: None
ABSENT: None

5. **INFORMATION ITEMS**

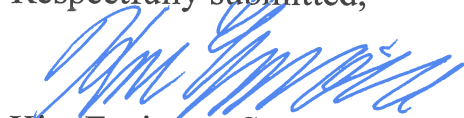
5.1 **Calendar of Meetings/Events**

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

6. **ADJOURNMENT**

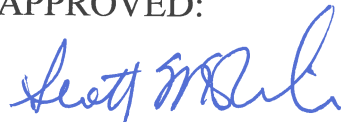
There being no further business, Acting Chairperson HREN adjourned the meeting at 1:50 p.m.

Respectfully submitted,



Kim Espinosa, Secretary
Merced City Site Plan Review Committee

APPROVED:



Scott McBride, Chairperson/
Director of Development Services
Merced City Site Plan Review Committee

CITY OF MERCED
Site Plan Review Committee

MINUTES

Planning Conference Room
2nd Floor Civic Center
Thursday, December 5, 2019

Chairperson McBRIDE called the meeting to order at 1:30 p.m.

1. **ROLL CALL**

Committee Members Present: Chief Building Official Frazier, City Engineer Beltran, and Chairperson/Director of Development Services McBride

Committee Members Absent: None

Staff Present: Economic Development Director Quintero, Deputy Fire Chief Wilson, Lead Refuse Equipment Operator Kimbro, Public Works Water Manager Baptista, Associate Planner Nelson, Interim Deputy Public Works Director Angulo, Planning Manager Espinosa, and Development Services Technician II/Recording Secretary Davis

2. **MINUTES**

M/S FRAZIER-BELTRAN, and carried by unanimous voice vote, to approve the Minutes of November 14, 2019, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Site Plan Application #446, submitted by Charles Hilsabeck, applicant for JWK Holdings, Inc., property owner, to construct a 35,280-square foot shell building at 150 Hawk Drive, within a Light Industrial (I-L) Zone.

Development Services Technician DAVIS reviewed the application. Refer to Draft Site Plan Resolution #446 for further information.

The applicant was not in attendance.

Economic Development Director QUINTERO noted that approval from the Airport Land Use Commission (ALUC) would not be necessary due to the height clearance of the project complying with the Commission's standards.

Planning Manager ESPINOSA noted that the applicant may still need approval from the Airport Land Use Commission; she added that the applicant may be able to go through a staff review process instead of a formal meeting. Ms. ESPINOSA added, in addition to the size of the building, the Commission would need to review how many people would be occupying the location (i.e. employees, customer traffic, etc.).

Chairperson McBRIDE suggested that Condition #28 be modified to reflect what Ms. ESPINOSA and Mr. QUINTERO discussed by removing "is" and replacing it with "may be."

Committee member FRAZIER suggested the modification of Condition #8.

Committee member BELTRAN suggested the modification of Conditions #20, #24, and #33.

M/S BELTRAN - FRAZIER, and carried by the following vote, to adopt Environmental Review #19-34 (Categorical Exemption), and approve Site Plan Application #446, subject to the Findings and thirty-six (36) conditions set forth in Draft Resolution #446 with modifications to Conditions #8, #20, #24, #28, and #33 as follows:

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

- “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. The plans shall identify the flood zone for the property and address all requirements of the flood zone. Plans shall be drawn by a licensed design professional. The construction work shall be performed by an appropriately licensed Contractor (B-Contractor).
- “20. As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repaired if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the ~~sidewalk~~, curb, gutter, and street corner ramp(s) so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
- “24. The developer shall work with the City’s Engineering Division to determine the requirements for storm drainage on the site. The developer shall provide all necessary documentation for the City’s Engineering Division to evaluate the storm drain system. All storm drain systems shall be installed to meet City Standards and State regulations including, but not limited to, post-construction standards.
- “28. Approval of this application is may be 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.
- “33. The refuse enclosure shall be designed to meet the City’s Engineering Standards for refuse enclosures (R-4). The applicant shall not install any posts in front of the refuse enclosure. A side gate shall be provided with ADA compliant pedestrian access, as required by the City Engineering Division.”

AYES: Committee Members Beltran, Frazier, and Chairperson McBride

NOES: None

ABSENT: None

- 4.2 Site Plan Application #447, submitted by Teresa Ortega, on behalf of Amador and Maria Garcia, property owners, to allow a hair and nail salon within an existing building (approximately 736 square feet) located at 2172 Yosemite Parkway, within a Thoroughfare Commercial (C-T) Zone.

Development Services Technician DAVIS reviewed the application. Refer to Draft Site Plan Resolution #447 for further information.

The applicant was not in attendance.

Committee member FRAZIER identified the project as being located within an A01 Flood zone and stated that the project would need to comply with ventilation requirements.

Ms. FRAZIER suggested the modification of Condition #5 to include Federal Emergency Management Agency (FEMA) requirements in the event that improvements are required and to remove “if needed.”

M/S BELTRAN - FRAZIER, and carried by the following vote, to adopt Environmental Review #19-35 (Categorical Exemption), and approve Site Plan Application #447, subject to the Findings and nine (9) conditions set forth in Draft Resolution #447 with a modification to Condition #5 as follows:

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

- “5. Tenant Improvement Plans shall be submitted by a design professional ~~if needed~~ prior to issuance of a building permit. Plans shall meet Federal Emergency Management Agency (FEMA) requirements if substantial improvements are required.”

AYES: Committee Members Beltran, Frazier, and Chairperson McBride
NOES: None
ABSENT: None

- 4.3 Site Plan Application #448, submitted by Fineline Industries, LLC, on behalf of Rick and Pamela Lee, property owners, to add an 11,270-square-foot warehouse for boat mold storage located at 485 Grogan Avenue, within a Light Industrial (I-L) Zone.

Associate Planner NELSON reviewed the application and noted the applicant has submitted Boundary Adjustment #19-03 to clear up property lines. Refer to Draft Site Plan Resolution #448 for further information.

The applicant's engineering team was present to answer questions.

Ms. NELSON noted that modifications will be applied to Conditions #8 in regards to flood zone requirements, #20 in regards to required improvements, and #26 in regards to Airport Commission review, to mirror the Committee's suggestions during the review of Site Plan Application #446.

Committee member FRAZIER addressed the applicant and suggested a modification to Condition #20 to include "trash enclosures must be ADA compliant."

The applicant responded that there would not be an enclosure for the receptacles.

The applicant addressed the Committee and suggested a modification to Condition #9 to allow for the recordation of the boundary adjustment to be done prior to final inspection.

M/S BELTRAN - FRAZIER, and carried by the following vote, to adopt Environmental Review #19-36 (Categorical Exemption), and approve Site Plan Application #448, subject to the Findings and twenty-nine (29) conditions set forth in Draft Resolution #448 with modifications to Conditions #8, #9, #20, and #26 as follows:

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

- “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. The plans shall identify the flood zone for the property and address all requirements of the flood zone. Plans shall be drawn by a licensed design professional. The construction work shall be performed by an appropriately licensed Contractor (B-Contractor).
- “9. ~~Prior to issuance of a building permit~~ Final Inspection, a Boundary Adjustment shall be approved and recorded, moving the southeastern property line to avoid the proposed building crossing or straddling said property line.
- “20. 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 \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the ~~sidewalk~~, curb, gutter, and street corner ramp(s) so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations
- “26. Approval of this application is may be 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.”

AYES: Committee Members Beltran, Frazier, and Chairperson McBride
NOES: None
ABSENT: None

5. INFORMATION ITEMS

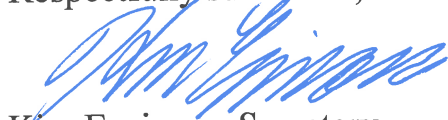
5.1 Calendar of Meetings/Events

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

6. **ADJOURNMENT**

There being no further business, Chairperson McBRIDE adjourned the meeting at 1:50 p.m.

Respectfully submitted,



Kim Espinosa, Secretary
Merced City Site Plan Review Committee

APPROVED:



Scott McBride, Chairperson/
Director of Development Services
Merced City Site Plan Review Committee

CITY OF MERCED
SITE PLAN APPLICATION
RESOLUTION #446

Charles Hilsabeck, JWK Holdings, Inc.	Construct a 35,280-s.f. additional shell building to be used as tenant space.
APPLICANT	PROJECT
4001 W. Indian School Rd.	150 Hawk Drive
ADDRESS	PROJECT SITE
Phoenix, AZ 85019	059-430-018
CITY/STATE/ZIP	APN
(602) 233-1191 ext. 1022	Light Industrial (I-L)
PHONE	ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Site Plan Review Committee reviewed and approved Site Plan Application #446 on December 5, 2019, submitted by Charles Hilsabeck, applicant for JWK Holdings, Inc., property owner, to construct a 35,280-square-foot shell building at 150 Hawk Drive, within a Light Industrial (I-L) Zone. Said property being more particularly described as Parcel 1 as shown on that certain map entitled "Amended Parcel Map for Norman J. Winsor," recorded in Volume 29, Page 31, of Merced County Records; also known as Assessor's Parcel Number (APN) 059-430-018.

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

WHEREAS, the Merced City Site Plan Review Committee makes the following Findings per Merced Municipal Code section 20.68.050(F):

- A) The proposed project is consistent with the General Plan, and any adopted area, specific, community, or neighborhood plan.
- B) The proposed project complies with all applicable provisions of the Zoning Ordinance and municipal Code.
- C) The design and layout of the proposed project will not interfere with the use and enjoyment of existing and future neighboring properties and structures.
- D) The proposed architectural design makes use of appropriate materials, texture and color, and will remain aesthetically appealing and appropriately maintained.
- E) 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.

- F) The proposed design will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the proposed project.
- G) The parking requirement for a use of manufacturing and processing is 1 space per 1,000 square feet of floor area or 1 per 2 employees working the largest shift, whichever is greater. There is no tenant for this building at this time, therefore no employees; based on square footage, the new 35,280-square-foot-shell building would require a minimum of 36 parking spaces. This site meets the minimum requirements by providing 36 parking spaces along the southern and western portion of the parcel (Exhibit B).
- H) Approval of this use shall be subject to approval from the Airport Land Use Commission or its staff designee (see Condition #28). The City Council may override the Commission's determination.
- I) The proposed project complies with the General Plan designation of Industrial (IND) and the Zoning classification of Light Industrial (I-L).
- J) With the approval of the proposed project, the previous application (Site Plan Review #295) and all approved conditions will be considered null and void.
- K) Parking lot trees are not required, but are encouraged to be installed, in Industrial Zones. If parking lot trees are included in the landscaping, they 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.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Application #446, subject to the following conditions:

1. All conditions contained in Site Plan Approval Resolution #79-1 ("Standard Conditions of Site Plan Approval") shall apply.
2. The proposed project shall be constructed as shown on Exhibit B (site plan), and Exhibit C (elevations).
3. 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.
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. This may include adding a hydrant, as required by the Fire Department.

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. The property owner shall establish a cross-access agreement with the proposed parcel and the adjacent parcel at APN 059-430-019 to accommodate for the driveway and freight vehicles encroaching on the parcel as shown in the site plan (Exhibit B).
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. The plans shall identify the flood zone for the property and address all requirements of the flood zone. Plans shall be drawn by a licensed design professional. The construction work shall be performed by an appropriately licensed Contractor (B-Contractor).
9. Any damaged or missing curb and gutter shall be repaired.
10. 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.

11. All property not occupied by paving or landscaping (i.e., the rear portion of the site) 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 in height or as otherwise required by the Fire Department and County Health Department.
12. Slats or other approved screening shall be provided in the chain-link fence along the western and southern property lines. Once a tenant moves in, any designated employee parking area shall not be used for storage purposes. All materials or landscaping used for screening shall be properly maintained and kept free of graffiti.
13. All signing for the site shall be approved and a building permit issued prior to installation. No free-standing "A-frame" or "sandwich board" signs shall be allowed.
14. The site shall be maintained free of graffiti. Any graffiti shall be removed immediately and painted over with a color that matches the existing surface color.
15. Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access. This includes providing a minimum 22-foot-wide emergency vehicle access roadway around the structures.
16. All required Fire Permits shall be obtained from the City of Merced Fire Department. Some of these permits will depend on the operations or functions conducted inside the building, and may be required after obtaining the certificate of occupancy for this development.
17. If the site is to be gated, there must be a minimum 22-foot-wide clearance for emergency vehicles to pass through when the gate is opened. If the gate requires manual operation, the applicant shall provide a Knox padlock. If the gate requires electronic operation, the applicant shall provide a Knox override switch with "Click-to-Enter."
18. Both short-term and long-term bicycle racks shall be provided at a minimum ratio equal to 8% of the vehicular parking spaces, as required by Merced Municipal Code Table 20.38-4 Required Bicycle Parking Spaces.
19. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
20. 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 \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the 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.
21. All mechanical equipment shall be screened from public view.

22. 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 issuance of certificate of occupancy. Said requirements may include, but may not be limited to, utilizing secondary containers and providing spill kits for leaks or spills.
23. A backflow prevention device shall be provided for all water services (i.e., domestic, irrigation, and fire) per Merced Municipal Code.
24. The developer shall work with the City's Engineering Division to determine the requirements for storm drainage on the site. The developer shall provide all necessary documentation for the City's Engineering Division to evaluate the storm drain system. All storm drain systems shall be installed to meet City Standards and State regulations including, but limited to, post-construction standards.
25. All landscaping shall be kept healthy and maintained; any damaged or missing landscaping shall be replaced immediately.
26. The applicant shall submit an Industrial User Survey to the City's Water Quality Control Division during the building permit stage.
27. 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. The site plan permit may be subject to review and revocation by the City of Merced per the procedures in the Merced Municipal Code.
28. Approval of this application may be 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.
29. 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.
30. A change in use or increase in number of employees working during the largest shift may require additional parking in the future.
31. The Project shall have a separate Irrigation and Domestic water service line going from the water main to the property line.
32. During the building permit stage, the applicant shall provide a site plan with a note indicating who will be installing landscaping for this site.
33. The refuse enclosure shall be designed to meet the City's Engineering Standards for refuse enclosures (R-4). The applicant shall not install any posts in front of the refuse enclosure. A side gate shall be provided with ADA compliant pedestrian access, as required by the City Engineering Division.

December 5, 2019

34. 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. This may include placing the refuse enclosure further from the street to allow the refuse truck to turn around within the subject site instead of out to the street.
35. Canopies shall be made out of permanent/weather tolerant materials, as determined appropriate by Planning Department staff during the building permit stage.
36. The Project shall comply with the City's Performance Standards for developments within Industrial Zones as outlined under Merced Municipal Code Section 20.12.030 (C) – Development Standards for Industrial Zoning Districts – Performance Standards (e.g. noise, air quality, odor, etc.)

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

12-5-2019

DATE



SIGNATURE

Development Services Technician II

TITLE

Exhibits

- A) Location Map
- B) Site Plan
- C) Elevations
- D) Site Plan #295 (previously approved review)
- E) Categorical Exemption

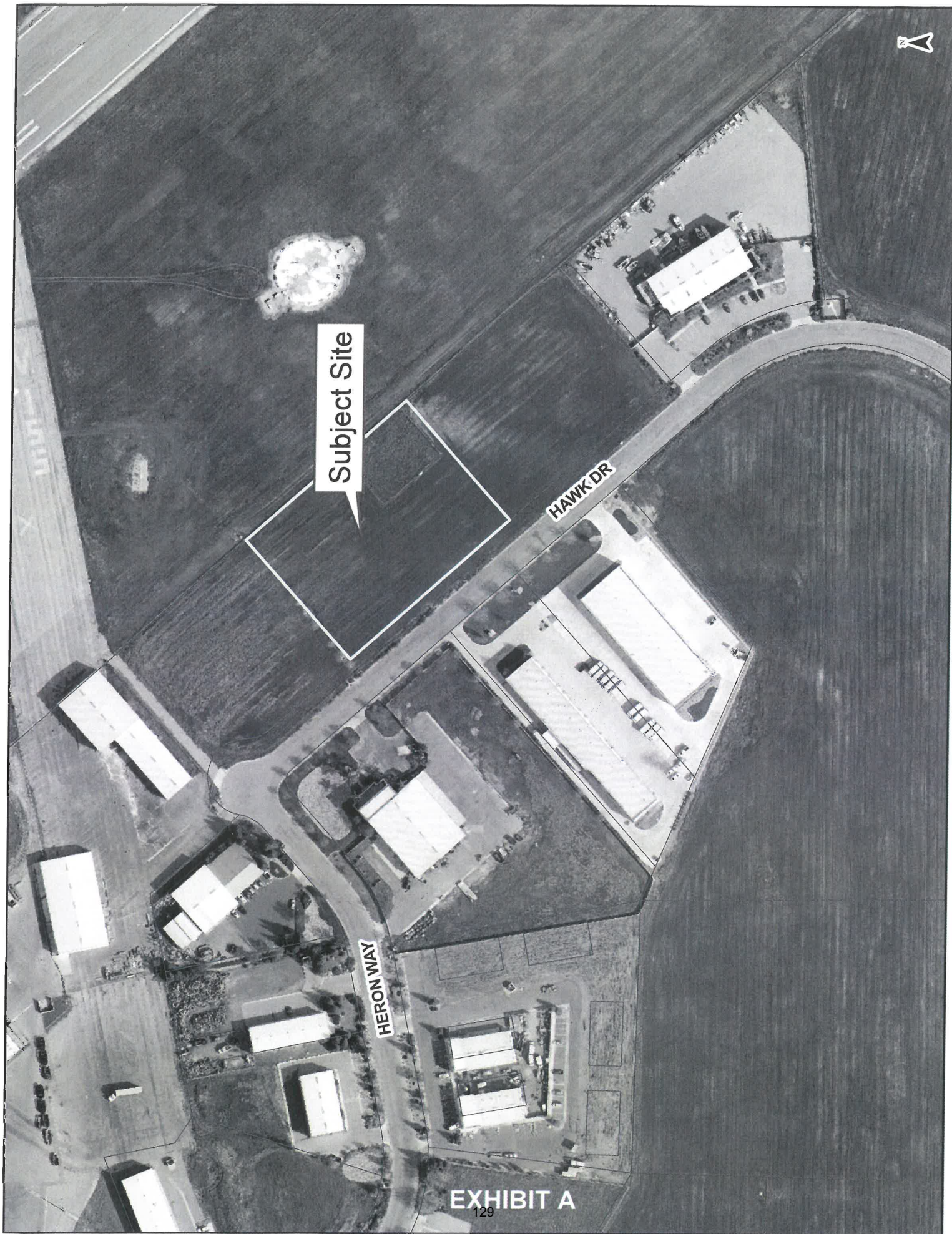
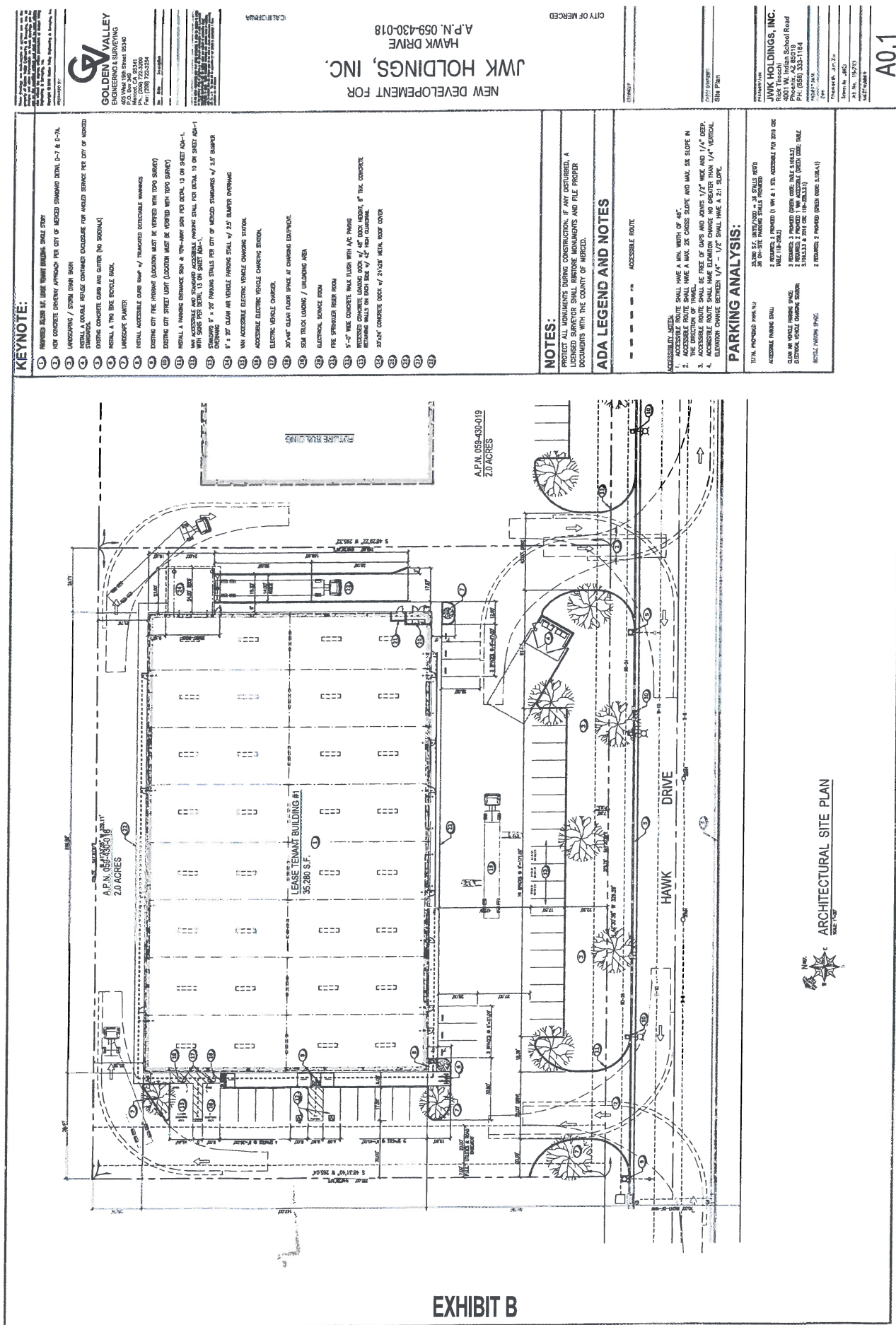


EXHIBIT A



GOLDEN VALLEY
ENGINEERING & ARCHITECTURE
405 West 18th Street, Suite 200
Marina del Rey, CA 90291
Tel: (310) 772-2244
Fax: (310) 772-2244

CALIFORNIA

JWK HOLDINGS, INC.
NEW DEVELOPMENT FOR
HAWK DRIVE
A.P.N. 059-430-018

CITY OF MERCED

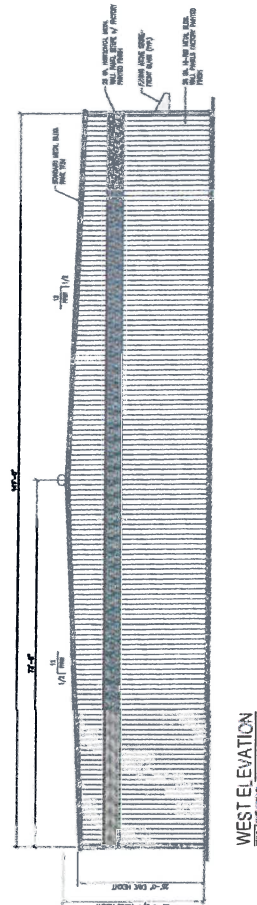
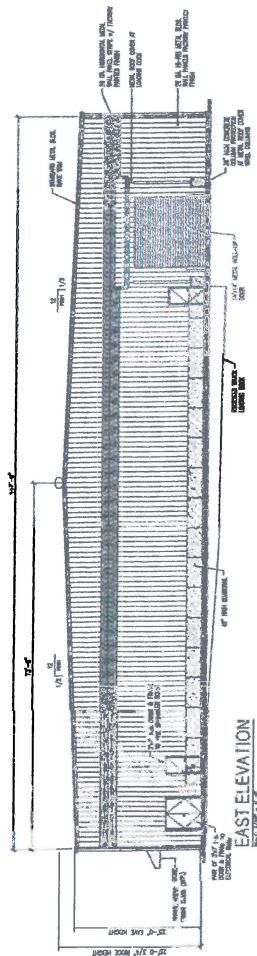
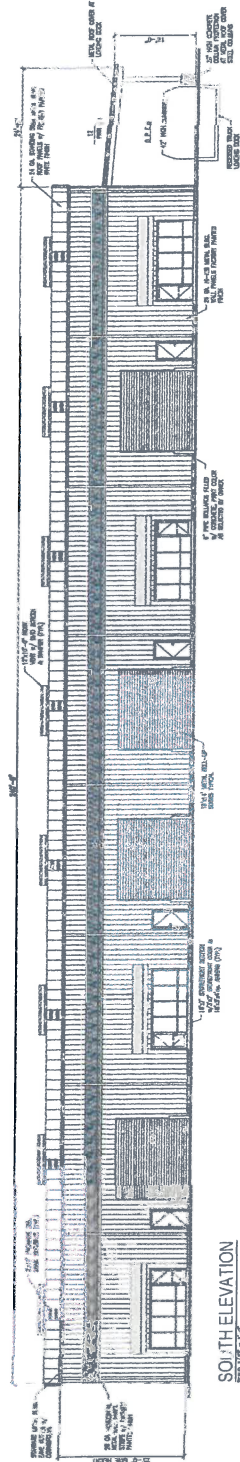
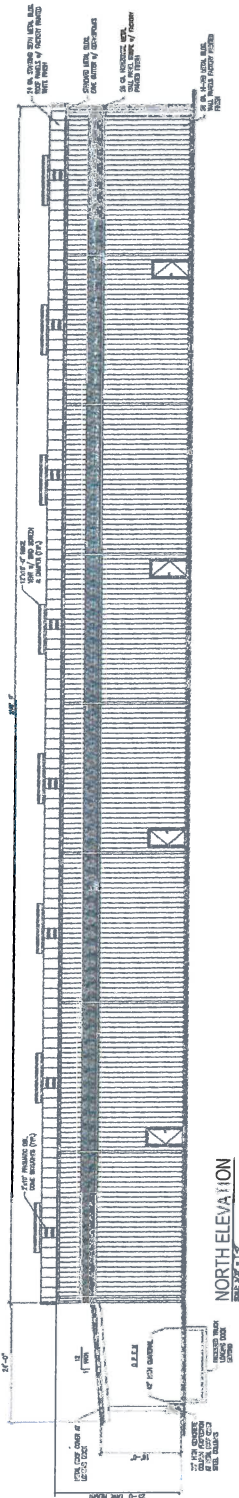
PROJECT NO.

DATE: 11/11/15
BY: J. J. J. J.

JWK HOLDINGS, INC.
10000 N. 10th Street
Phoenix, AZ 85021
PH: (602) 333-1184

PROJECT NO.
DATE: 11/11/15
BY: J. J. J. J.

A2.0



CITY OF MERCED
SITE PLAN APPROVAL
RESOLUTION #295

<u>Charles Hilsabeck</u> APPLICANT	<u>Construction of a 7,200 sq. ft warehouse and ancillary office space on a 2-acre parcel</u> PROJECT
<u>4001 W. Indian School Road</u> ADDRESS	<u>150 Hawk Drive</u> PROJECT SITE
<u>Phoenix, AZ 85019</u> CITY/STATE/ZIP	<u>059-430-018</u> APN
<u>(602) 233-1191</u> PHONE	<u>I-L (Light Industrial)</u> ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Merced City Site Plan Review Committee considered and approved Site Plan Approval Application #295 on August 28, 2008, submitted by Charlie Hilsabeck, applicant and owner of Kenyon Plastering Products on behalf of JWK Holdings Inc, property owner. The approval allows for the construction of a new 7,200-square-foot warehouse and ancillary office building on a 2-acre parcel located at 150 Hawk Drive; said Lot 9 and being delineated on that certain map entitled "MAP OF THE MERCED AIRPORT INDUSTRIAL PARK" recorded on October 16, 1972 in Volume 20, at Pages 49-54, Merced County Records; also known as Assessor's Parcel Number's (APN's) 059-430-018.

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

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

1. The proposal complies with the City of Merced General Plan designation of Light Industrial (I-L) and the conditions of approval for I-L.
2. The proposal meets the requirements of Zoning Ordinance Section 20.34.020 (Light Industrial).
3. With the approval of the proposed project, the previous application (Site Plan Review #277) and all approved conditions will be considered null and void.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Approval Application #295, subject to the following conditions:

1. All applicable conditions contained in Site Plan Approval Committee Resolution #79-1 ("Standard Conditions for Site Plan Approval") shall apply.
2. 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 the Uniform Fire Code.
3. The site shall be constructed as shown on Exhibit B (site plan) and Exhibit C (elevations) and as modified by the conditions of approval within this resolution.
4. 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.
5. Any proposed signage (freestanding or wall-mounted) must receive City Staff approval through the submittal of a building permit.
6. Parking lot trees (one tree for each six spaces) may be installed at the applicant's discretion.
7. 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, or as otherwise required by the Fire Department and County Health Department. The outdoor storage area shown on the site plan (Exhibit B) shall also be paved.
8. There shall be a concrete or asphalt path of travel for employees from all exterior exit doors of the building to the parking areas. This path shall be a minimum of 5 feet in width and maintained in a clean and orderly manner. Details to be worked out with Inspection Services.
9. An on-site fire hydrant shall be required; the applicant will need to determine this in further review by the Fire Department at the building permit stage.
10. There shall be no additional outdoor storage permitted on the project site unless staff approves adequate screening.

August 28, 2008

11. There shall not be any Constantine or Razor Wire placed on top of the chain link fencing being proposed and the slats and vines proposed shall be maintained in good order.
12. All land uses/tenants must meet the requirements of the Light Industrial (I-L) zone – only limited office uses are allowed in association with a principally permitted industrial use. Details to be worked out with Planning Staff prior to leases being approved.
13. The refuse enclosure shall be reoriented at an angle and located near the eastern property line. Details to be approved by the Refuse Division at the building permit stage.
14. The eastern driveway entrance shall be relocated to the eastern property line and be considered a joint access drive entrance with the neighboring parcel (APN#059-430-019). The drive aisle shall be extended to the east and connected with the neighboring parcel.
15. No gravel or crushed granite areas shall be allowed. This type of surface will need to be replaced with either a non-permeable surface or hydro-seed.
16. It is recommend that the basin be rotated 180-degrees. This is to allow for the entrance to be next to and across from the neighboring parcel's (APN#059-430-019) basin entrance. The basin access must be accessible from a non-permeable surface material from Hawk Drive to the basin entrance point. Details to be worked out with staff.
17. The overhang shall be painted an accent color. There will need to be trim placed around all windows and doors. These design features shall be maintained at all times.

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

August 28, 2008

DATE



SIGNATURE

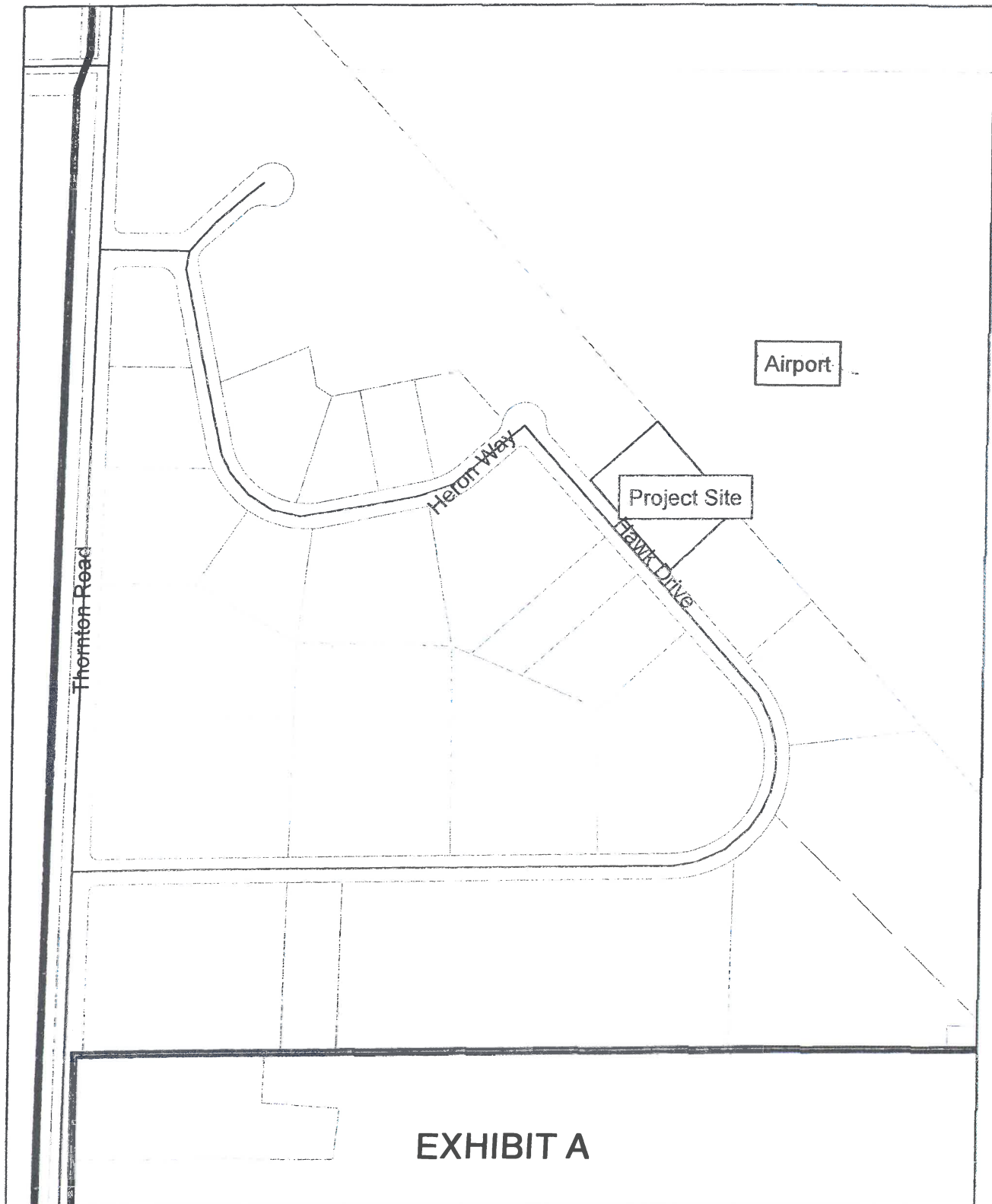
Planner

TITLE

Exhibits:

- A) Vicinity Map
- B) Site Plan
- C) Elevations
- D) Notice of Categorical Exemption

Site Plan Review #295

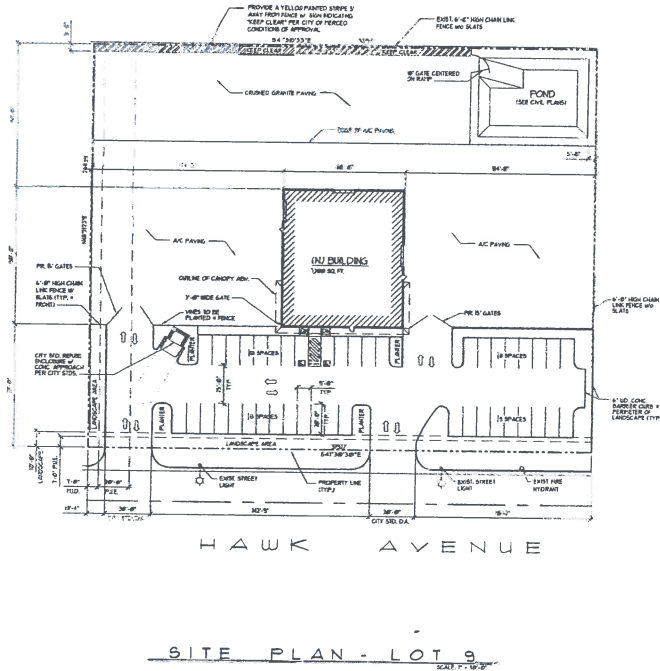
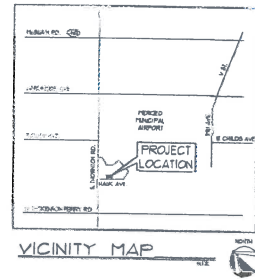


Disclaimer: This document was prepared for general inquiries only. The City of Merced makes no warranty, representation, or guarantee regarding the accuracy of this map. The City of Merced is not responsible for errors or omissions that might occur. Official information regarding specific parcels should be obtained from official recorded or adopted City documents.



EXHIBIT B

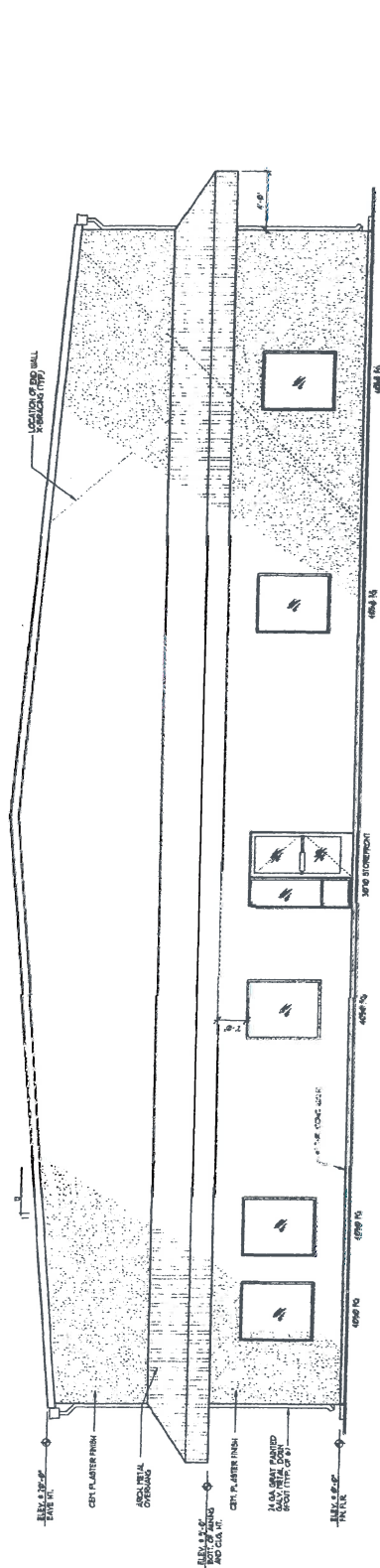
PROJECT STATISTICS	
ZONE:	50
TOTAL LOT AREA:	9720 SQ. FT. (2 ACRES)
LOT COVERAGE:	10% ALLOWED
TYPE OF OCCUPANCY:	IND. PROVIDED
OFFICE AREA:	0
WAREHOUSE:	0
TYPE OF CONSTRUCTION:	0
LANDSCAPE AREA:	
AREA REQUIRED:	
AREA PROVIDED:	3,811 SQ. FT.
LOF #:	
PARKING:	
SPACES REQUIRED:	1 SPACE FOR EACH 3 EMPLOYEES AND 1 SPACE FOR EACH VEHICLE USED IN CONDUCT OF BUSINESS
SPACES PROVIDED:	4)
LOF #:	



LEGAL DESCRIPTION
APN 892-430-000, LOT 9
RD HARB DRIVE
MERCED, CALIFORNIA

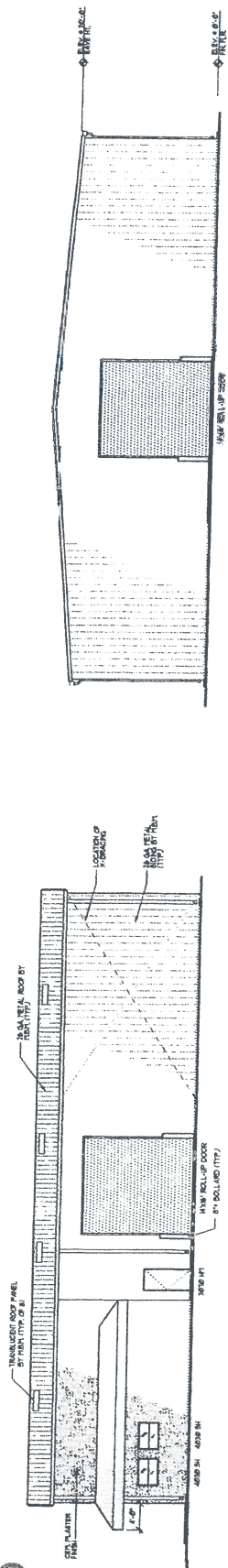
[illegible]

2 SHEET NO. DATE: 10/1/00 BY: J. L. LEMAY CHECKED BY: J. L. LEMAY APPROVED BY: J. L. LEMAY		KENTON CONSTRUCTION A NEW BUILDING FOR MERCED, CALIFORNIA PROJECT NO. 1		TAE, Inc. ARCHITECTURE / PLANNING 214 TOWER DR. TALLAHASSEE, FL 32304 (904) 241-2871 FAX: (904) 241-2872 KEITH H. REYNOLDS - PRESIDENT MICHAEL P. PORTER CALIFORNIA STATE LICENSED ARCHITECT - C 14250 CALIFORNIA STATE LICENSED ARCHITECT - C 14250		BUILDING: 1200 SQ. FT. EXTERIOR ELEVATIONS		DATE: 10/1/00 BY: J. L. LEMAY CHECKED BY: J. L. LEMAY APPROVED BY: J. L. LEMAY	
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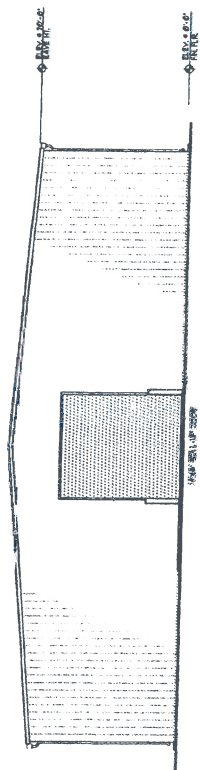


SOUTHWEST ELEVATION

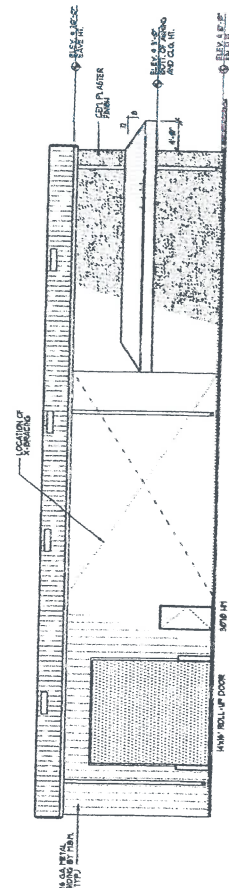
EXHIBIT C



SOUTHEAST ELEVATION



NORTHEAST ELEVATION



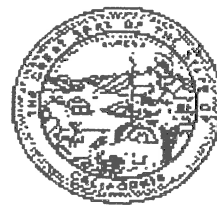
NORTHWEST ELEVATION

EXTERIOR ELEVATIONS

NOTICE OF EXEMPTION**Appendix I**

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: City of Merced
678 West 18th St.
Merced, CA 95340



X County Clerk
County of Merced

Project Title: Site Plan Application #295/Environmental Review #08-34 (APN 059-430-018)

Project Location: Located the east side of Hawk Drive, approximately 164 feet east of Heron Way, within a 2-acre site.

Project Location - City: Merced

Project Location - County: Merced

Description of Project: To construct one 7,200-square-foot Industrial building, which will have a combination of warehouse and general office space.

Name of Public Agency Approving Project: City of Merced

Name of Person Carrying Out Project: Charlie Hilsabeck, applicant.

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: Class 32, Section 15332(c)
- ☐ Statutory Exemptions.
- ☐ General Rule (Sec. 15061 (b)(3))


Reasons why Project is Exempt: Pursuant to the California Environmental Quality Act (CEQA), Guidelines Section 15332 Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section. (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered, rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services.

Lead Agency: City of Merced

Contact Person: Mark Hamilton, Planner

Area Code/Telephone: (209) 385-6858

Signature:


For Mark Hamilton

Date: August 25, 2008

X Signed by Lead Agency

EXHIBIT D

NOTICE OF EXEMPTION

To: _____ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044
Merced, CA 95340

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

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

Project Title: Site Plan Review #446 (Environmental Review #19-34)

Project Applicant: Charles Hilsabeck for JWK Holdings, Inc. (property owner)

Project Location (Specific): 150 Hawk Drive APN: 059-430-018

Project Location - City: Merced

Project Location - County: Merced

Description of Nature, Purpose, and Beneficiaries of Project: 35,280-s.f. shell building for tenant space

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Charles Hilsabeck for JWK Holdings, Inc. (property owner)

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));
☒ X 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 approximately 1.88 acres of land, surrounded by urban uses. The site can be served by all required utilities and public services, and the project site has no value as a 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: Stephani Davis **Area Code/Telephone:** (209) 385-6858

Signature:  **Date:** November 26, 2019

Title: Development Services Technician II

X Signed by Lead Agency

Date Received for Filing at OPR: n/a
(If applicable)

CITY OF MERCED
SITE PLAN REVIEW COMMITTEE
RESOLUTION #447

<u>Teresa Ortega</u> APPLICANT	<u>Locate a hair and nail salon inside an existing building.</u> PROJECT
<u>2499 E. Gerard Ave. #128</u> ADDRESS	<u>2172 Yosemite Parkway</u> PROJECT SITE
<u>Merced, CA 95341</u> CITY/STATE/ZIP	<u>061-390-007</u> APN
<u>(209) 737-4179</u> PHONE	<u>Thoroughfare Commercial (C-T)</u> ZONING

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 #447 on December 5, 2019, submitted by Teresa Ortega, on behalf of Amador and Maria Garcia, property owners, to allow a hair and nail salon within an existing building (approximately 736 square feet) located at 2172 Yosemite Parkway, within a Thoroughfare Commercial (C-T) Zone. Said property being more particularly described as Lot 14 on that Map entitled "Merced Colony," recorded in Volume 4, Page 24, of Merced County Records; also known as Assessor's Parcel Number (APN) 061-390-007.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15301 (a) (Exhibit D); and,

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

- A) The proposed project is consistent with the General Plan, and any adopted area, specific, community, or neighborhood plan.
- B) The proposed project complies with all applicable provisions of the Zoning Ordinance and Municipal Code.
- C) The design and layout of the proposed project will not interfere with the use and enjoyment of existing and future neighboring properties and structures.
- D) The proposed architectural design makes use of appropriate materials, texture and color, and will remain aesthetically appealing and appropriately maintained.
- E) 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.

- F) The proposed design will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the proposed project.
- G) There are no changes proposed to the exterior of the building or the parking lot.
- H) The proposed project complies with the zoning classification of Thoroughfare Commercial (C-T) with this approval of site plan review.
- I) This business includes 3 hair stations, 1 manicure and 2 pedicure stations, and an esthetician room (Exhibits B and C).
- J) The parking requirement for a personal service use is 1 space per 250 square feet of floor area or 1 space per employee, whichever is greater. Based on square footage of the site, the approximately 736-square-foot site would require a minimum of 3 parking spaces; based on the current number of employees, per the applicant, a total of 3, a minimum of 3 parking spaces would be required. The subject site has adequate parking for this use, and the radio station that shares the building, with a total of 6 spaces on this parcel.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Review Application #447, subject to the following conditions:

1. All applicable conditions contained in Site Plan Approval Resolution #79-1-Amended ("Standard Conditions for Site Plan Application") shall apply.
2. 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.
3. The site shall be constructed as shown on Exhibit B (floor plan), as modified by the conditions of approval within this resolution.
4. 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, including installing a ventilation system for nail polishing services, as required by the California Mechanical Code.
5. Tenant Improvement Plans shall be submitted by a design professional prior to issuance of a building permit. Plans shall meet Federal Emergency Management Agency (FEMA) requirements if substantial improvements are required.
6. This approval allows a total of 6 operators (i.e., stylists, manicurists, estheticians, etc.) to operate within this tenant space. Any increase in the number of operators at this location shall be subject to review by the Director of Development Services, or if deemed necessary, the Site Plan Review Committee.
7. All signing shall comply with the City's Sign Ordinance. Sign permits shall be obtained prior to installing any permanent signing. A Temporary Sign Permit shall be obtained

December 5, 2019

prior to installing any temporary signs or banners. Temporary freestanding or A-frame signs are not allowed.

8. All existing landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.
9. The premises shall remain clean and free of debris and graffiti at all times.

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

December 5, 2019

DATE



SIGNATURE

Development Services Technician II

TITLE

Exhibits:

- A) Location Map
- B) Floor Plan
- C) Images of Interior of Building
- D) Categorical Exemption

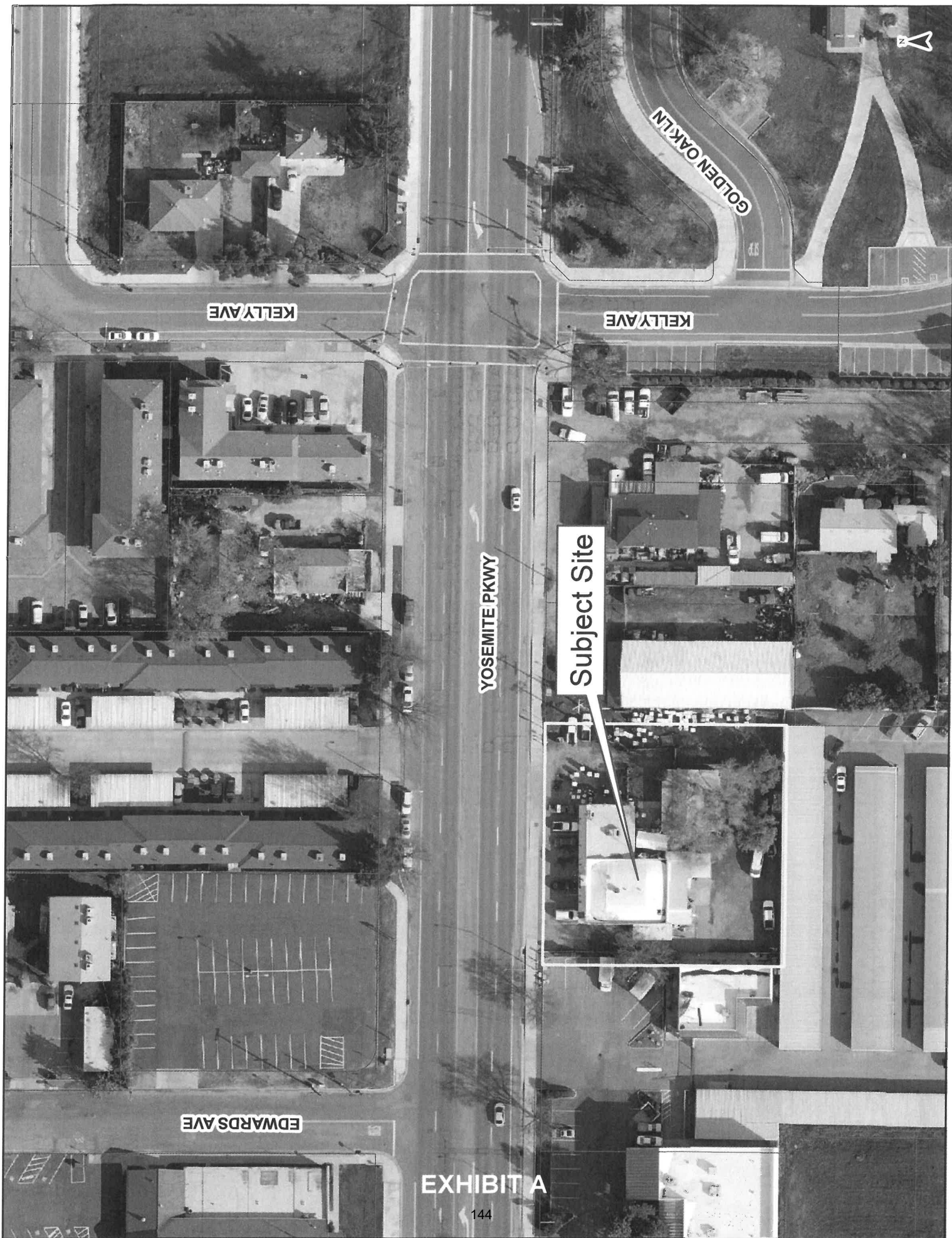


EXHIBIT A

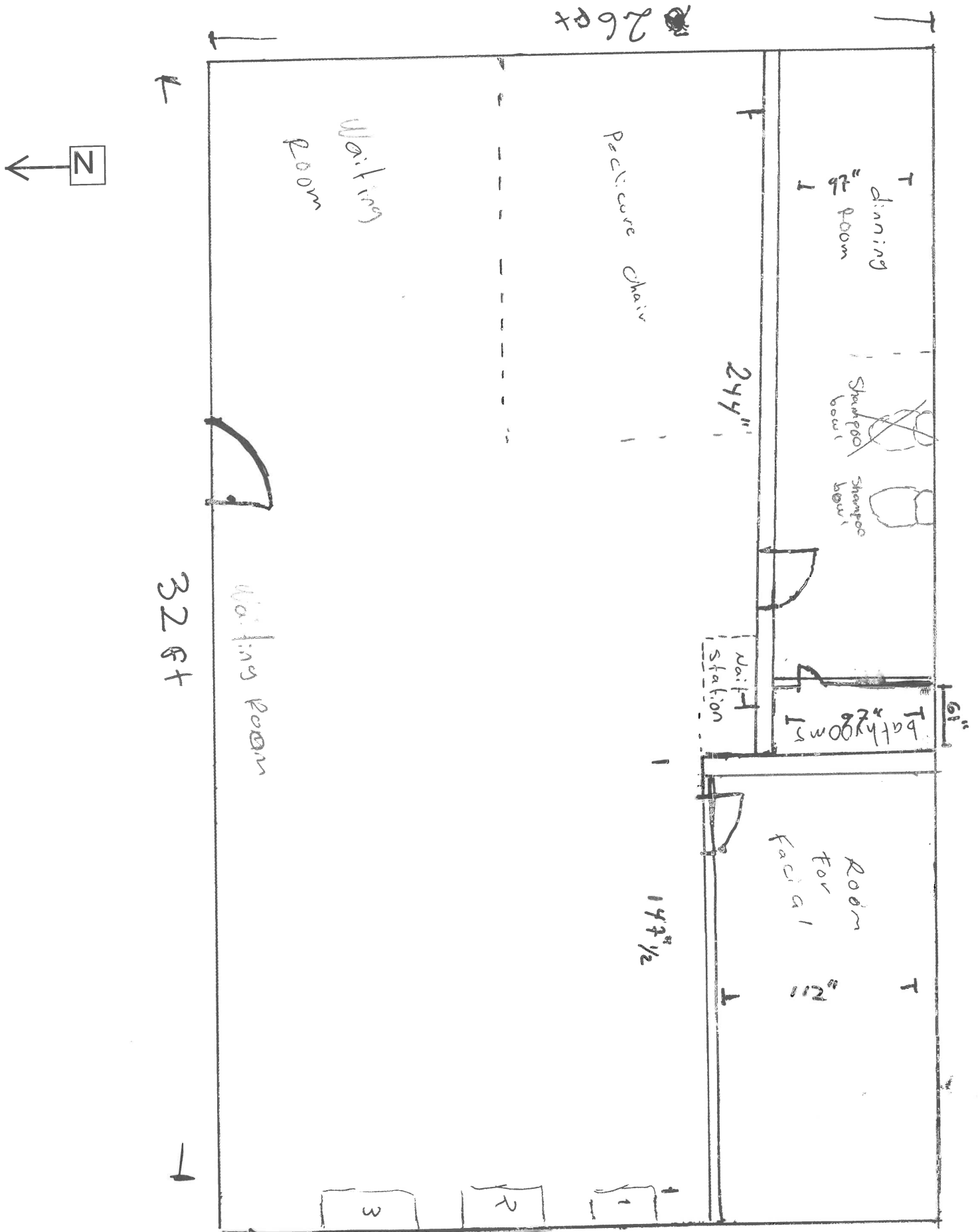
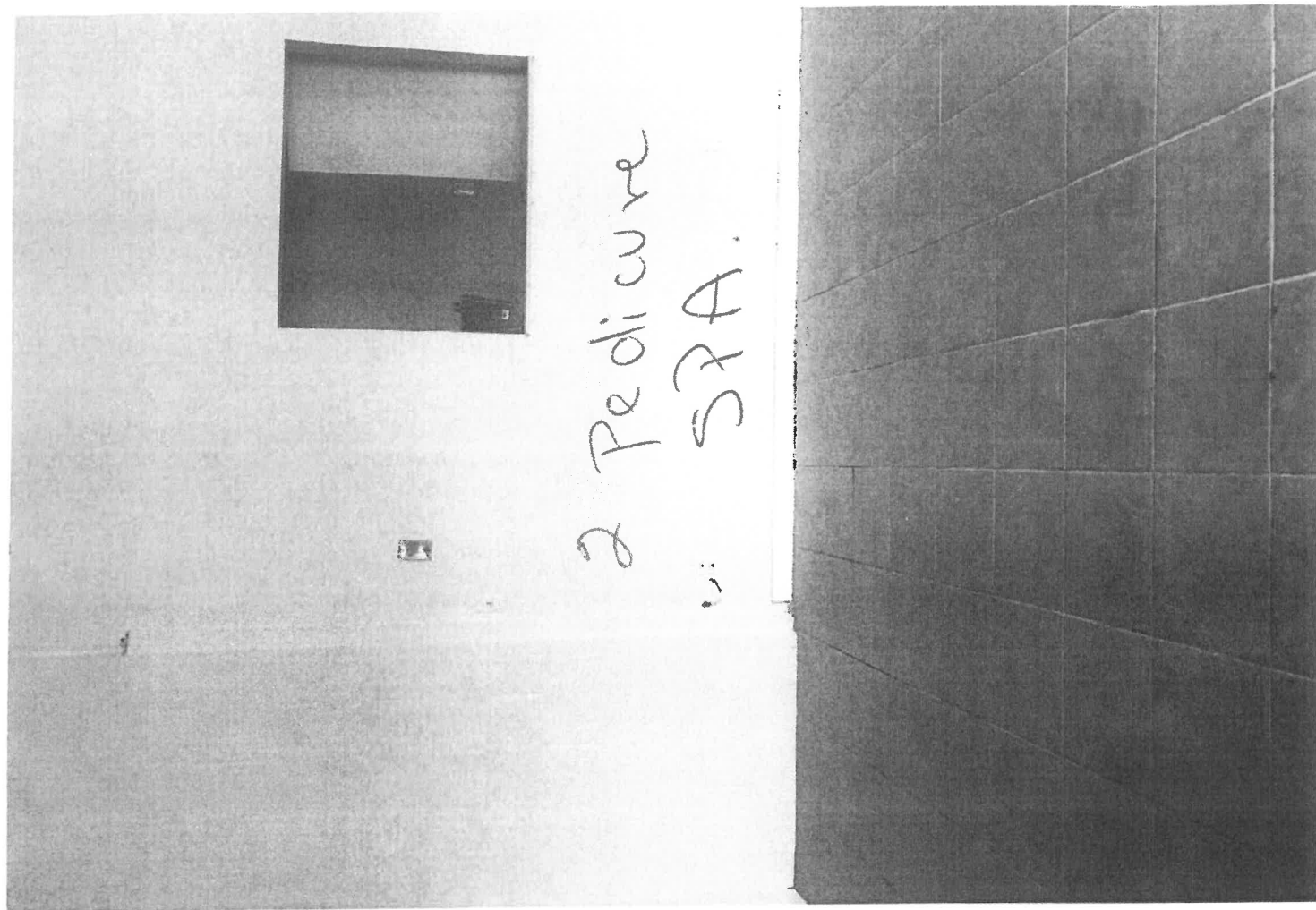
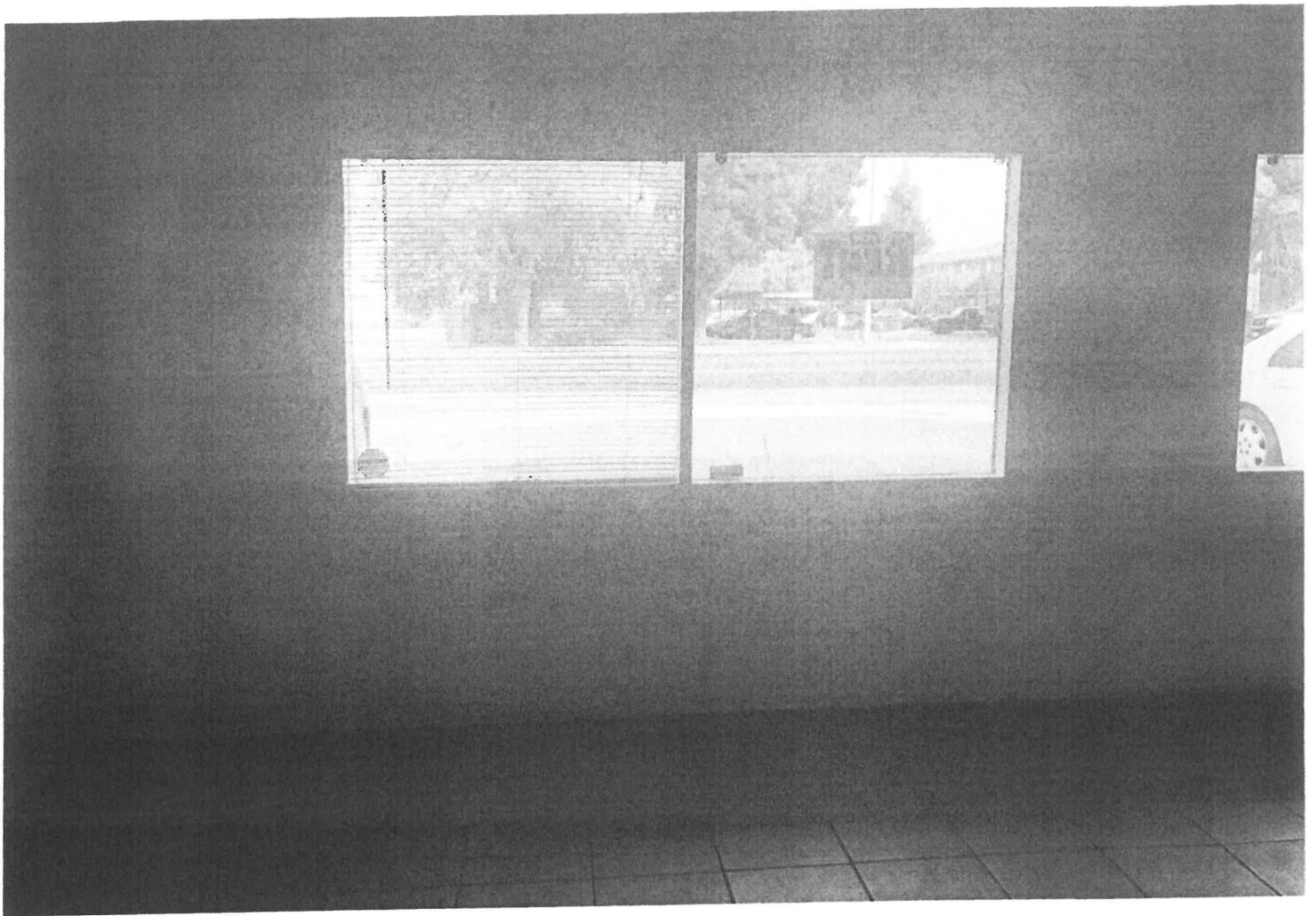


EXHIBIT B

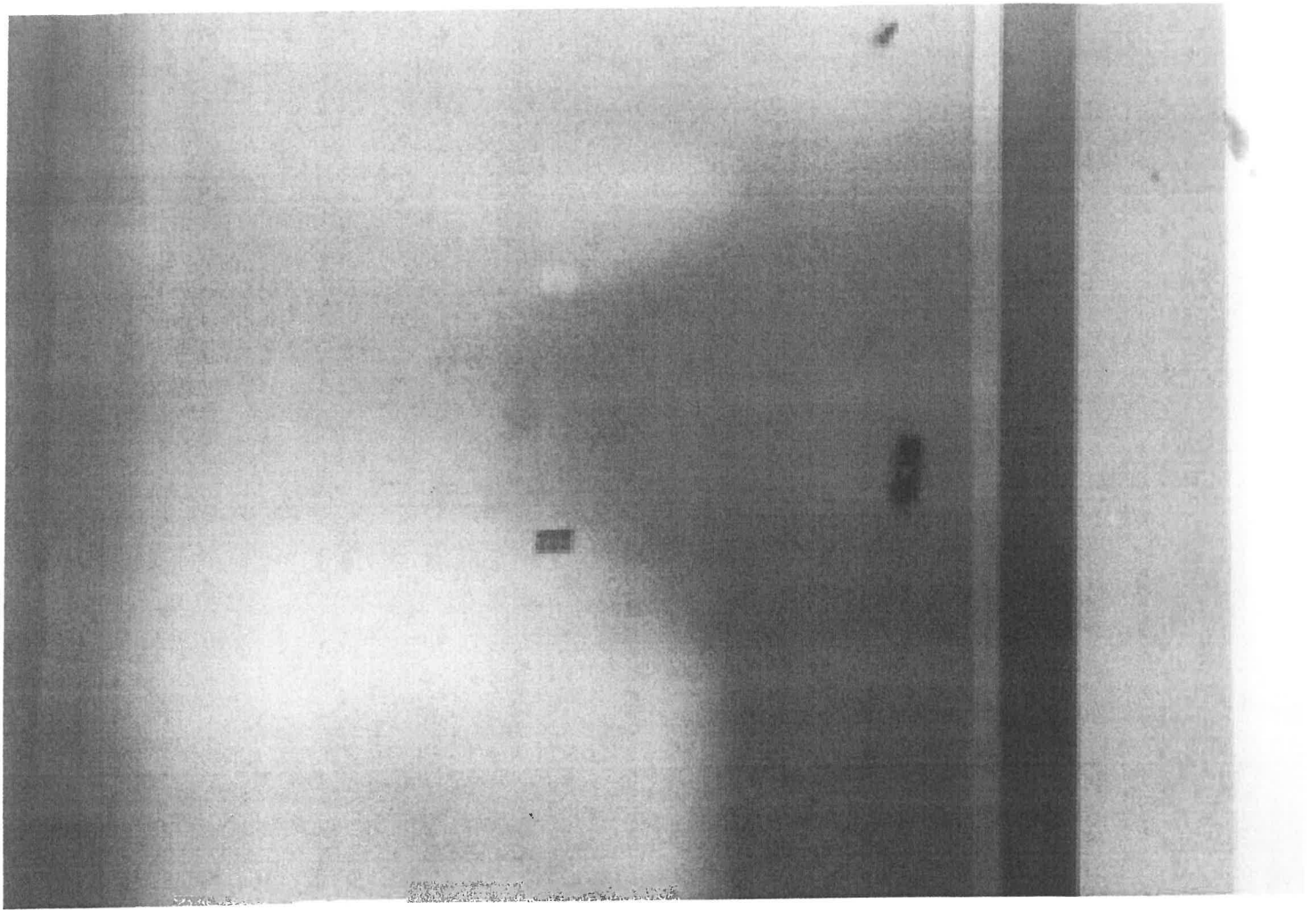




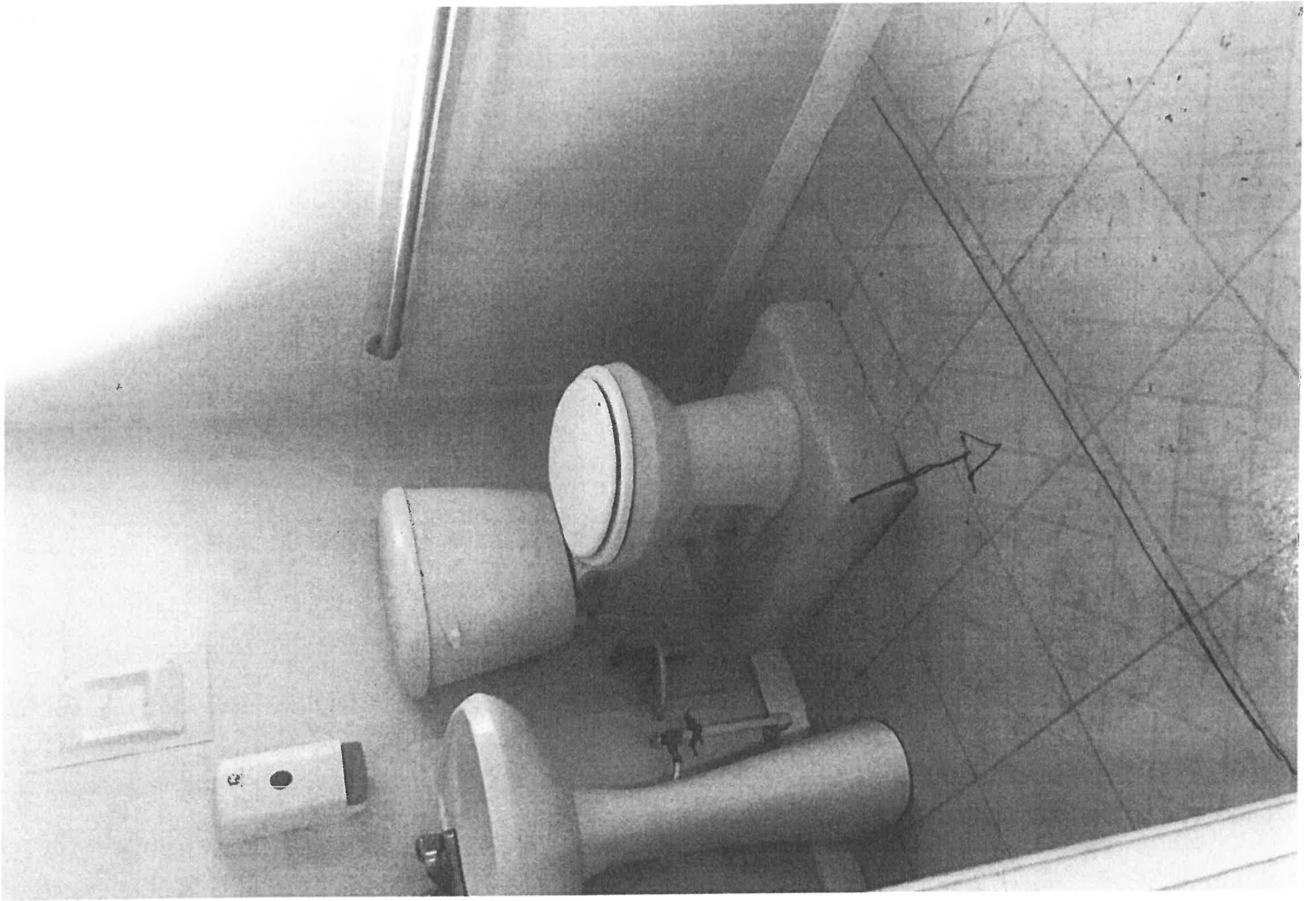




Cancel this window
and 2 more station.



Room
and Dining
Room
Shampoo



Let us know if we
Need to fix the toilet

NOTICE OF EXEMPTION

To: _____ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044
Merced, CA 95340

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

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

Project Title: Site Plan Review #447 (Environmental Review #19-35)

Project Applicant: Teresa Ortega, for Amador and Maria Garcia (property owner)

Project Location (Specific): 2172 Yosemite Parkway APN: 061-390-007

Project Location - City: Merced

Project Location - County: Merced

Description of Nature, Purpose, and Beneficiaries of Project: Locate a hair and nail salon within an existing building

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Teresa Ortega, for Amador and Maria Garcia (property owner)

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));
☒ X Categorical Exemption. State Type and Section Number: 15301 (a)
☐ 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 consists of minor interior/exterior alterations with a land use request to operate a hair and nail salon, which are considered to be exempt under the CEQA Guidelines per section 15301 (a).

Lead Agency: City of Merced

Contact Person: Stephani Davis **Area Code/Telephone:** (209) 385-6858

Signature:  **Date:** November 26, 2019

Title: Development Services Technician II

 X Signed by Lead Agency **Date Received for Filing at OPR:** n/a
(If applicable)

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

CITY OF MERCED
SITE PLAN APPLICATION
RESOLUTION #448

Fineline Industries, LLC on behalf of Rick and Pamela Lee, Property Owners APPLICANT	Addition of an 11,270-square-foot warehouse area for boat mold storage PROJECT
2047 Grogan Ave ADDRESS	485 Grogan Avenue PROJECT SITE
Merced, CA 95341 CITY/STATE/ZIP	059-410-001 APN
209-384-0255 PHONE	Light Industrial (I-L) ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Site Plan Review Committee reviewed and approved Site Plan Application #448 on December 5, 2019, submitted by Fineline Industries, LLC, on behalf of Rick and Pamela Lee, property owners, to add an 11,270-square-foot warehouse for boat mold storage located at 485 Grogan Avenue, within a Light Industrial (I-L) Zone. Said property being more particularly described as Lot 67 as shown on that certain map entitled "Map of Airport Industrial Park" recorded in Volume 20, Page 49 of Merced County Records; also known as Assessor's Parcel Number (APN) 059-410-001.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15301 (Exhibit F); 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 subject site is currently occupied by Fineline Industries, LLC, a boat manufacturing facility. The existing facility includes approximately 20,500 square feet of building area and associated parking. The applicant is proposing to remove 2 existing structures and add an 11,270-square-foot warehouse adjacent to the 12,000-square-foot fabrication building and 4,800-square-foot molding prep building.
- C) The proposed building crosses the property line between the project site and the adjacent parcel to the southeast (APN: 059-410-023). Both parcels are owned by Richard and Pamela Lee. A Boundary Adjustment (BA #19-03) has been submitted to move the property line so that the new structure would not cross the property line. This Boundary Adjustment shall be approved and recorded prior to the issuance of a building permit (Condition #9).

- D) 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. If parking is based on the floor area of the building, 15 parking spaces would be required (17,988 s.f. existing buildings, plus 11,270 s.f. addition). However, the number of employees working during the largest shift would be 42, which would require 21 parking stalls. According to Site Plan Review #371, Fineline Industries provides parking at 455 and 485 Grogan Avenue (APN: 059-410-001 and -023). Site Plan Review #371 indicates that 35 spaces are provided between these two parcels. Additionally, Fineline Industries has a 10-year lease on the property located at 405 Grogan Avenue to provide additional parking if needed. Therefore, parking requirements for the existing buildings and the proposed building would be met.
- E) 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.
- F) This site is located within the area covered by the Merced County Airport Land Use Compatibility Plan (Adopted June 21, 2012). As such, this site is identified as being within a B1 zone. This zone applies a factor of 0.40 to the Maximum Site-wide Average Intensity (people/acre) of 50 people per acre. Therefore, the maximum number of people per acre within the B1 zone is 20 people. Once the Boundary Adjustment is approved, the site would increase to 2.14 acres which would yield a Maximum Site-Wide Average Intensity of 20 people/acre. Therefore, this project would comply with the Airport Land Use Compatibility Plan.
- G) 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 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.*

As shown under Finding A above, the proposed project is consistent with the General Plan designation and Zoning classification for this site.
 2. *The proposed project complies with all applicable provisions of the zoning ordinance and Municipal Code.*

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 site is surrounded by Industrial uses. With the approval of the conditions found within this resolution, the proposed project would not interfere with the use and enjoyment of existing and future neighboring properties and structures.

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

The proposed structure would be consistent with the existing buildings on the site and the surrounding uses.

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

The proposed building will be behind a screened fence and setback from the public way by approximately 200 feet. All areas visible from the public right-of-way are currently landscaped and well-maintained.

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 proposal meets City standards with approval of this permit and the conditions found within this resolution. 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 Application #448, subject to the following conditions:

1. The proposed project shall be constructed as shown on Exhibit B (site plan) and Exhibit C (elevations).
2. All conditions contained in Site Plan Approval Resolution #79-1 ("Standard Conditions of Site Plan Approval") shall apply.
3. The Project shall comply with all relevant conditions set forth for Site Plan Resolution #371, 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. This may include adding a hydrant, as required by the Fire Department.
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. The plans shall identify the flood zone for the property and address all requirements of the flood zone. Plans shall be drawn by a licensed design professional. The construction work shall be performed by an appropriately licensed Contractor (B-Contractor).

9. Prior to Final Inspection, a Boundary Adjustment shall be approved and recorded, moving the southeastern property line to avoid the proposed building crossing or straddling said property line.
10. 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.
11. All property not occupied by paving or landscaping (i.e., the rear portion of the site) 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 in height or as otherwise required by the Fire Department and County Health Department.
12. Outdoor storage shall be located in an area that is screened by the slats in the fence or in an area that is not visible from the public right-of-way. The employee parking area shall not be used for storage purposes. All materials or landscaping used for screening shall be properly maintained and kept free of graffiti.
13. All signing for the site shall be approved and a building permit issued prior to installation. No free-standing "A-frame" or "sandwich board" signs shall be allowed.
14. The site shall be maintained free of graffiti. Any graffiti shall be removed immediately and painted over with a color that matches the existing surface color.
15. To ensure Fire Department Access, the existing driveway located northeast of the proposed building, shall be marked as a fire lane. This fire lane shall have a minimum 22-foot width and shall extend to the new warehouse. This area shall remain clear at all times and shall not be used for parking or storage.
16. Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access. This includes providing a minimum 22-foot-wide emergency vehicle access roadway around the structures or as otherwise required by the Fire Department.
17. All required Fire Permits shall be obtained from the City of Merced Fire Department. Some of these permits will depend on the operations or functions conducted inside the building, and may be required after obtaining the certificate of occupancy for this development.
18. If the site is to be gated, there must be a minimum 22-foot-wide clearance for emergency vehicles to pass through when the gate is opened. If the gate requires manual operation, the applicant shall provide a Knox padlock. If the gate requires electronic operation, the applicant shall provide a Knox override switch with "Click-to-Enter."
19. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.

December 5, 2019

20. 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 \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the 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.
21. The project shall comply with all Post-Construction Standards for storm water. All required plans and documentation required by the Engineering Department shall be provided.
22. All mechanical equipment shall be screened from public view.
23. 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 issuance of certificate of occupancy. Said requirements may include, but may not be limited to, utilizing secondary containers and providing spill kits for leaks or spills.
24. All landscaping shall be kept healthy and maintained; any damaged or missing landscaping shall be replaced immediately.
25. The applicant shall submit an Industrial User Survey to the City's Water Quality Control Division during the building permit stage.
26. Approval of this application may be 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. 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.
28. A change in use or increase in number of employees working during the largest shift may require additional parking in the future. Details to be worked out with City staff in that instance.
29. The Project shall comply with the City's Performance Standards for developments within Industrial Zones as outlined under Merced Municipal Code Section 20.12.030 (C) – Development Standards for Industrial Zoning Districts – Performance Standards (e.g. noise, air quality, odor, etc.).

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

12-5-2019

DATE



SIGNATURE

Planner

TITLE

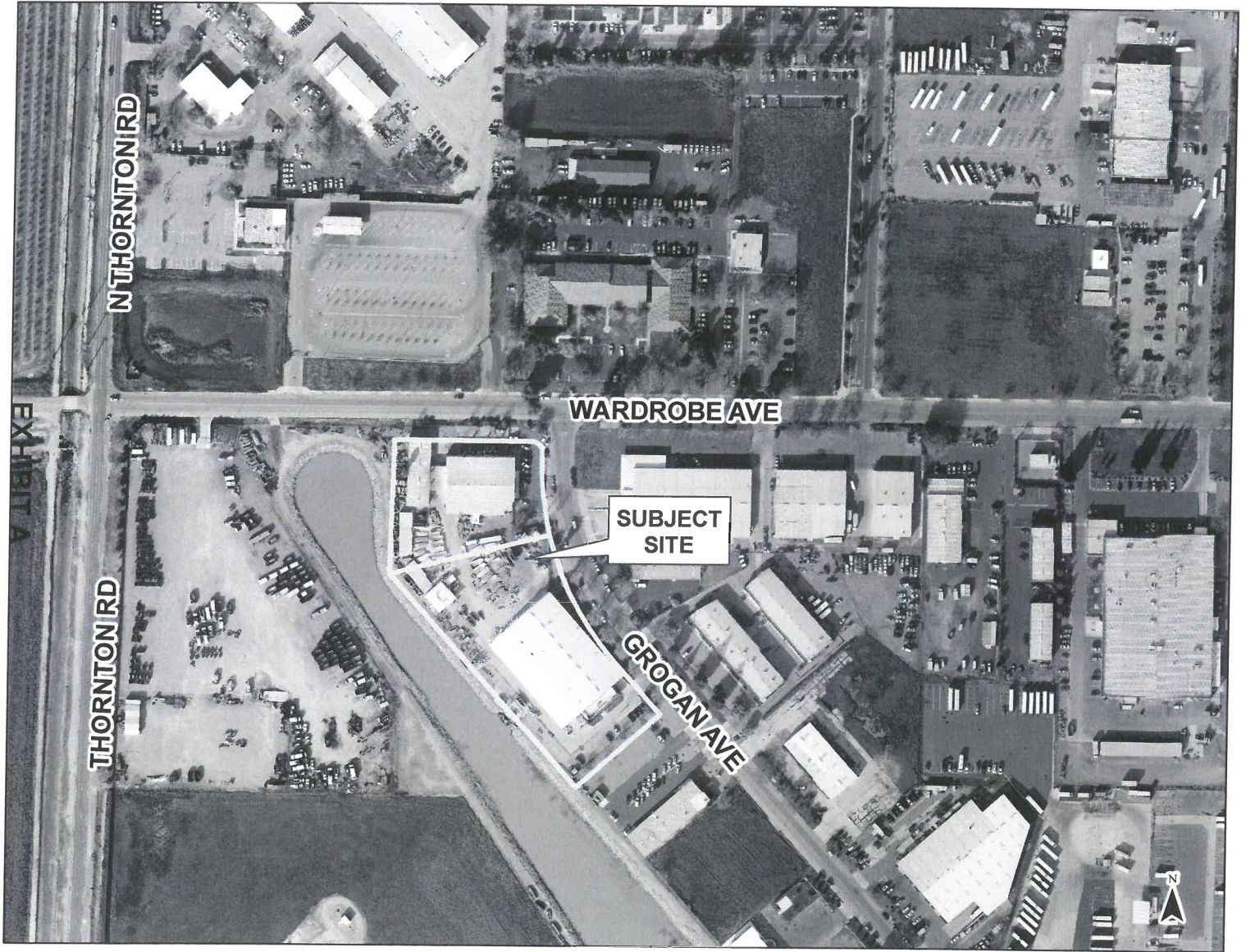
Site Plan Approval #448

Page 7

December 5, 2019

Exhibits

- A) Location Map
- B) Site Plan
- C) Elevations
- D) Resolution for SP #313
- E) Categorical Exemption



GOLDEN VALLEY
ENGINEERING & SURVEYING
P.O. Box 140
Merced, CA 95341
Phone: (209) 732-2200
Fax: (209) 732-2204

PROJECT NO. 19-140
DRAWN BY: JAD
DATE: 11-19-18
SHEET NAME: SITE PLAN

FINELINE INDUSTRIES, LLC
BOAT MOLD WAREHOUSE EXPANSION FOR:
485 GROGAN AVENUE, MERCED, CA 95341
A.P.N. 059-410-001

CITY OF MERCED

A0.1

CLENDENIN BROS. INC.
1000 N. 1st St., Box 1342
Merced, CA 95341
Phone: (209) 732-2200
Fax: (209) 732-2204

- KEYNOTE:**
- PROPOSED 11,270 S.F. METAL BUILDING ADDITION, SINGLE STORY
 - EXISTING CONCRETE DRIVE
 - EXISTING LANDSCAPING
 - EXISTING CONCRETE CURB AND GUTTER (NO REPAIRS)
 - EXISTING CONCRETE PAVING STALL PER DETAIL 10 ON SHEET A0-1 WITH SLOPE PER DETAIL 13 ON SHEET A0-1
 - EXISTING EXISTING ACCESSIBLE PAVING STALL PER DETAIL 10 ON SHEET A0-1 WITH SLOPE PER DETAIL 13 ON SHEET A0-1
 - EXISTING 8" x 24" PAVING STALL PER CITY OF MERCED STANDARD
 - EXISTING PAVING DIFFERENCE 8" x 24" - 1/2" SLOPE PER DETAIL 13 ON SHEET A0-1
 - EXISTING CURB LINE FINISH
 - EXISTING CITY FIRE HYDRANT
 - EXISTING CITY STREET LIGHT
 - EXISTING FIRE BRIDGE INSULATION PROTECTED VALUE w/ TYPE CONNECTION
- NOTES:**
- PROTECT ALL MONUMENTS DURING CONSTRUCTION. IF ANY DISTURBED, A LICENSED SURVEYOR SHALL RE-SET MONUMENTS AND FILE PROPER DOCUMENTS WITH THE COUNTY OF MERCED.
- ADA LEGEND AND NOTES**
- ***** ACCESSIBLE ROUTE
- ACCESSIBILITY NOTES:**
- ACCESSIBLE ROUTE SHALL HAVE A MIN. WIDTH OF 4'.
 - ACCESSIBLE ROUTE SHALL HAVE A MAX. 2% CROSS SLOPE AND MAX. 2% SLOPE IN THE DIRECTION OF TRAVEL.
 - ACCESSIBLE ROUTE SHALL BE FREE OF CURBS AND GROTES 1/4" MAX AND 1/4" DEEP.
 - ACCESSIBLE ROUTE SHALL HAVE ELEVATION CHANGE NO GREATER THAN 1/4" VERTICAL ELEVATION CHANGE BETWEEN 1/4" - 1/2" SHALL HAVE A 2:1 SLOPE.

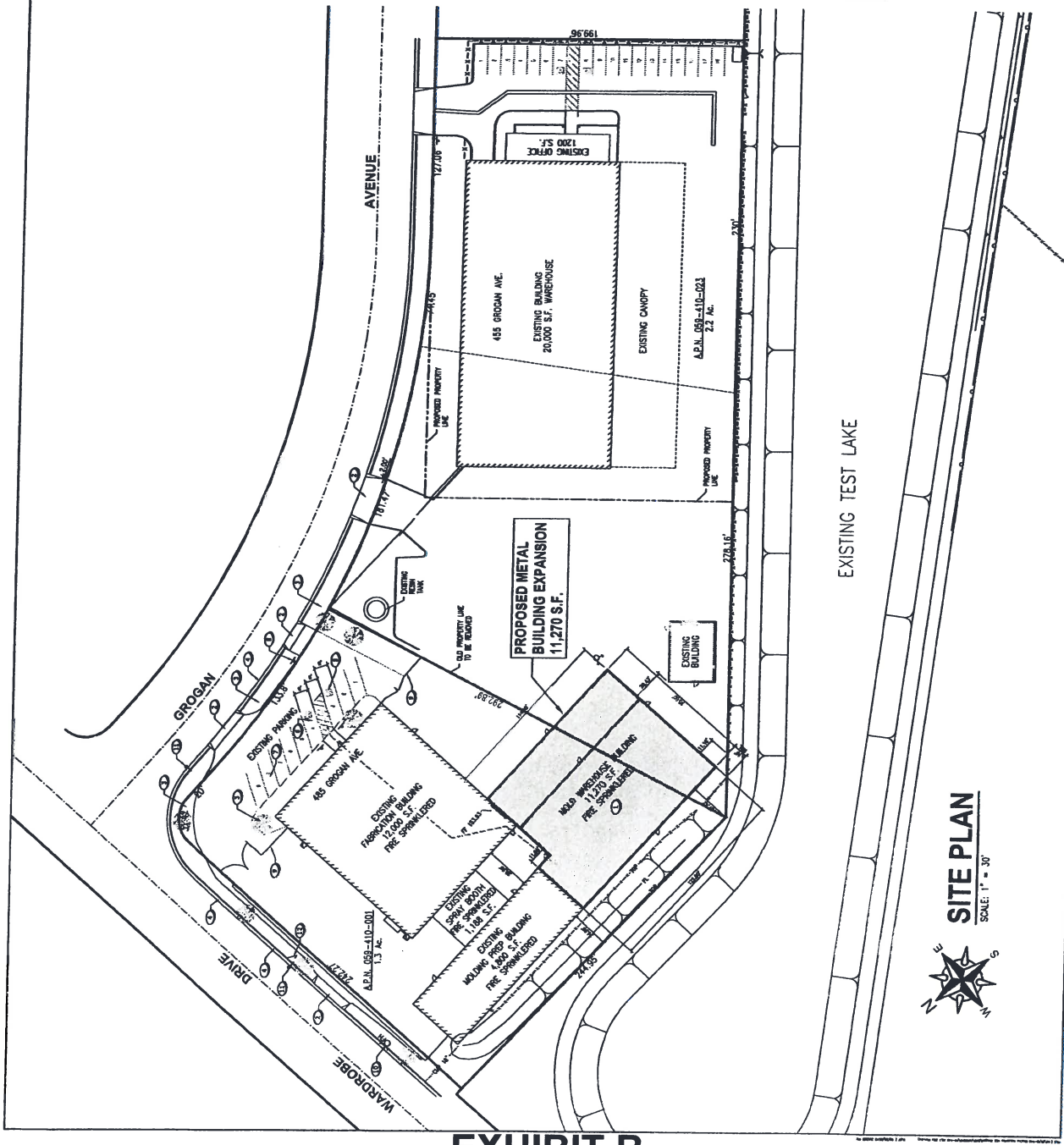


EXHIBIT B

GOLDEN VALLEY
ENGINEERING & SURVEYING
P.O. Box 1400, Merced, CA 95344
Phone: (209) 725-0000
Fax: (209) 725-0001
www.goldenvalleyeng.com

CALIFORNIA

FINELINE INDUSTRIES, LLC
BOAT MOLD WAREHOUSE EXPANSION FOR:
485 GROGAN AVENUE, MERCED, CA 95341
A.P.N. 059-410-001

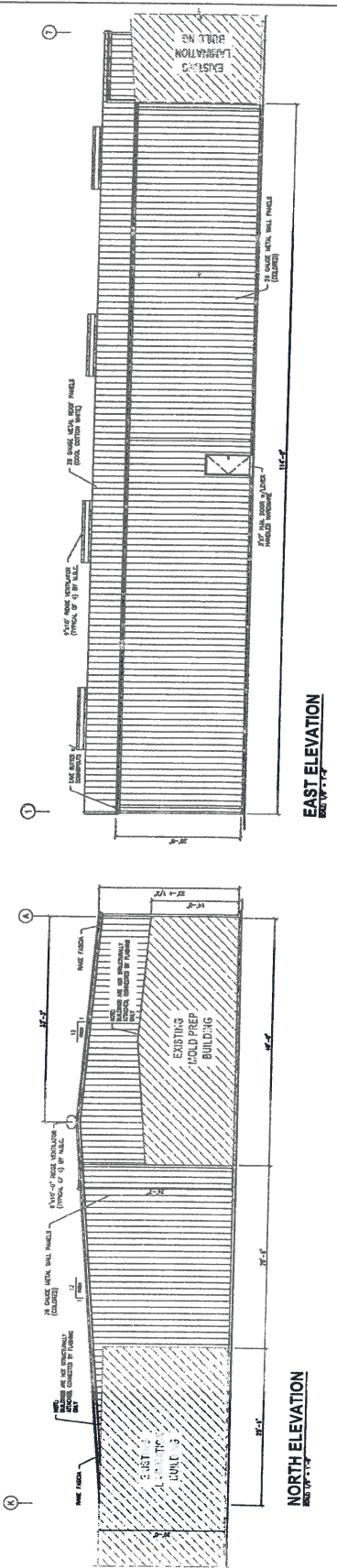
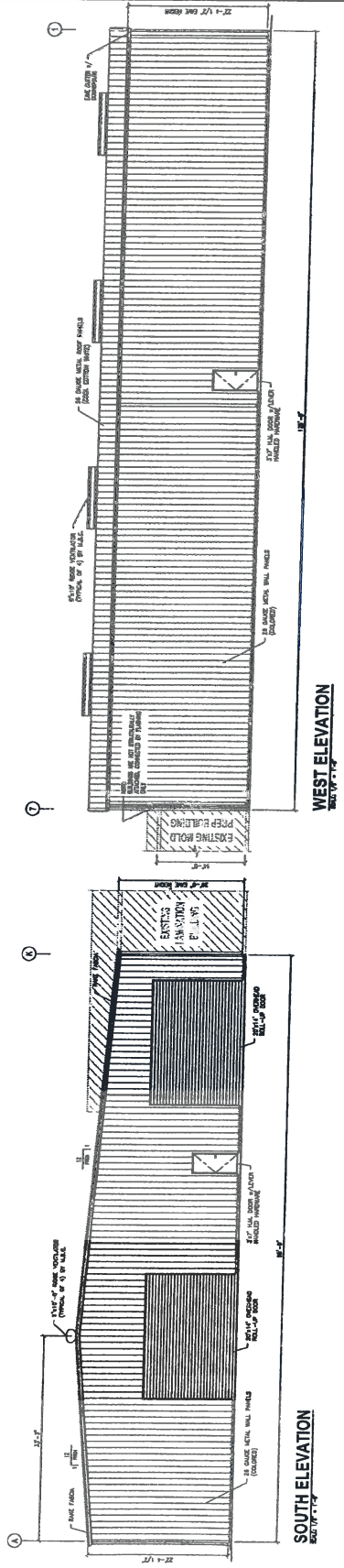
CITY OF MERCED

PREPARED BY:
CLENDENIN BROS. INC.
1515 Grogan Avenue, P.O. Box 1342
Merced, CA 95344
Ph: (209) 383-0007
Fax: (209) 383-0006
www.clendeninbros.com

DATE: 08/20/13
DESIGNED BY: J.E.
DRAWN BY: J.E.
CHECKED BY: J.E.
DATE: 08/20/13
JOB NO.: 13-148
SHEET NUMBER:

A2.0

NEEDED ELEVATIONS



CITY OF MERCED
SITE PLAN REVIEW APPLICATION
RESOLUTION #371

Fineline Industries/Rick Lee	Construct a 6,000 gallon resin tank, 7,200-square-foot building, 9 on-site parking spaces, and an off-site parking lot (98 spaces).
APPLICANT	PROJECT
455 Grogan Avenue	485, 455, and 405 Grogan Avenue
ADDRESS	PROJECT SITE
Merced, CA 95341	059-410-001, 059-410-023, and 059-410-005
CITY/STATE/ZIP	APN
(209) 384-0255	Light Industrial (I-L)
PHONE	ZONING

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 #371 on November 13, 2014, submitted by Fineline Industries/Rick Lee, for Richard D. & Pamela H Lee CO-TR, property owners of 485 and 455 Grogan Avenue and for CV Housing LLC, property owners of 405 Grogan Avenue, to allow the construction of a 6,000 gallon resin tank, a 7,200-square-foot building, 9 onsite parking spaces, and an off-site parking lot (98 parking spaces at 405 Grogan Avenue), within a Light Industrial (I-L) Zone, with a General Plan designation of Manufacturing/Industrial (IND). Said properties being more particularly described as Parcels 68, 67, and 65, as shown on that certain map entitled "Map of Merced Airport Industrial Park," recorded July 1972, in Volume 20, Page 54 of Parcel Maps, Merced County Records; also known as Assessor's Parcel Numbers (APN) 059-410-001, 059-410-023, and 059-410-005.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15301 (a) (Exhibit E); and,

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

- A) The proposal complies with the City of Merced General Plan designation of Manufacturing/Industrial (IND) and the Zoning designation of Light Industrial (I-L).
- B) The proposal complies with the Merced County Airport Land Use Compatibility Zone of "B-1."
- C) According to Merced Municipal Code Section 20.34.030, a parking lot is considered an "accessory use" in the Light Industrial (I-L) zone.
- D) The applicant is requesting the parking for the use of Fineline Industries located at 485 and 455 Grogan Avenue, APN: 059-410-001 and 059-410-023.

- E) The proposed parking lot is located within 400 feet of Fineline Industries and, thus, satisfies the minimum distance required between a parking lot and the building it serves, as outlined in Merced Municipal Code Section 20.58.370. C.
- F) The applicant, Fineline Industries, has a 10-year lease on the property at 405 Grogan Avenue. The parking provided by this site is not needed to satisfy the minimum parking requirements for Fineline Industries. Termination of said lease will not prevent Fineline Industries from meeting the minimum parking requirements unless the number of employees (during the largest work shift) is increased to a number that can no longer be served by the parking at 485 and 455 Grogan Avenue (can currently serve up to 68 employees and one business vehicle).
- G) 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.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Review Application #371, subject to the following conditions:

1. All applicable conditions contained in Site Plan Approval Resolution #79-1-Amended ("Standard Conditions for Site Plan Application") shall apply.
2. The Project shall comply with the conditions set forth in Site Plan Review Application Resolutions #178 and #180, previously approved for this business.
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.
4. The site shall be constructed as shown on Exhibits B (Site Plan), C (Floor Plan), D (Elevations), and as modified by the conditions of approval within this resolution.
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. 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.
 7. A building permit is required for the construction of the proposed resin tank, 7,200-square-foot building, and parking lot. The permit shall be issued to an appropriately licensed contractor with an active City of Merced Business License.
 8. The proposed 7,200-square-foot building shall be sprinklered and shall have the appropriate fire ratings as required by the Building Code for proximity to property lines and other buildings.
 9. The applicant shall work with the Fire Department to ensure that the existing fire hydrant, currently located southeast of the building at 485 Grogan Avenue, is relocated to a more protected area that does not interfere with vehicular circulation and can be easily accessible to the Fire Department. This may also include installing bollards to protect the fire hydrant from vehicular impact.
 10. The parking lot layout shall comply with all applicable City Standards.
 11. Parking lot lighting shall be provided for safety/security purposes and 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.
 12. The applicant shall submit an application for a Minor Subdivision (either a Lot Merger or Lot Line Adjustment) so that the proposed 7,200-square-foot building is not located on two separate parcels. The Minor Subdivision application shall be submitted prior to the issuance of a Building Permit.
 13. The applicant shall work with the Engineering Department to ensure that storm drainage for the proposed parking lot at 405 Grogan Avenue is provided.
 14. If the parking area 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.
 15. Any missing or damaged public improvements (i.e., sidewalk, curb, and gutter) along the property frontage shall be repaired/replaced to meet City Standards (as deemed necessary by the Engineering Department).
 16. The premises shall remain clean and free of debris and graffiti at all times.

November 13, 2014

17. Outdoor storage shall be relocated indoors or located in a manner that is not visible from the street.

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

November 13, 2014

DATE



SIGNATURE

Planner

TITLE

Exhibits:

- A) Location Map
- B) Site Plan
- C) Floor Plan
- D) Elevations
- E) Notice of Categorical Exemption

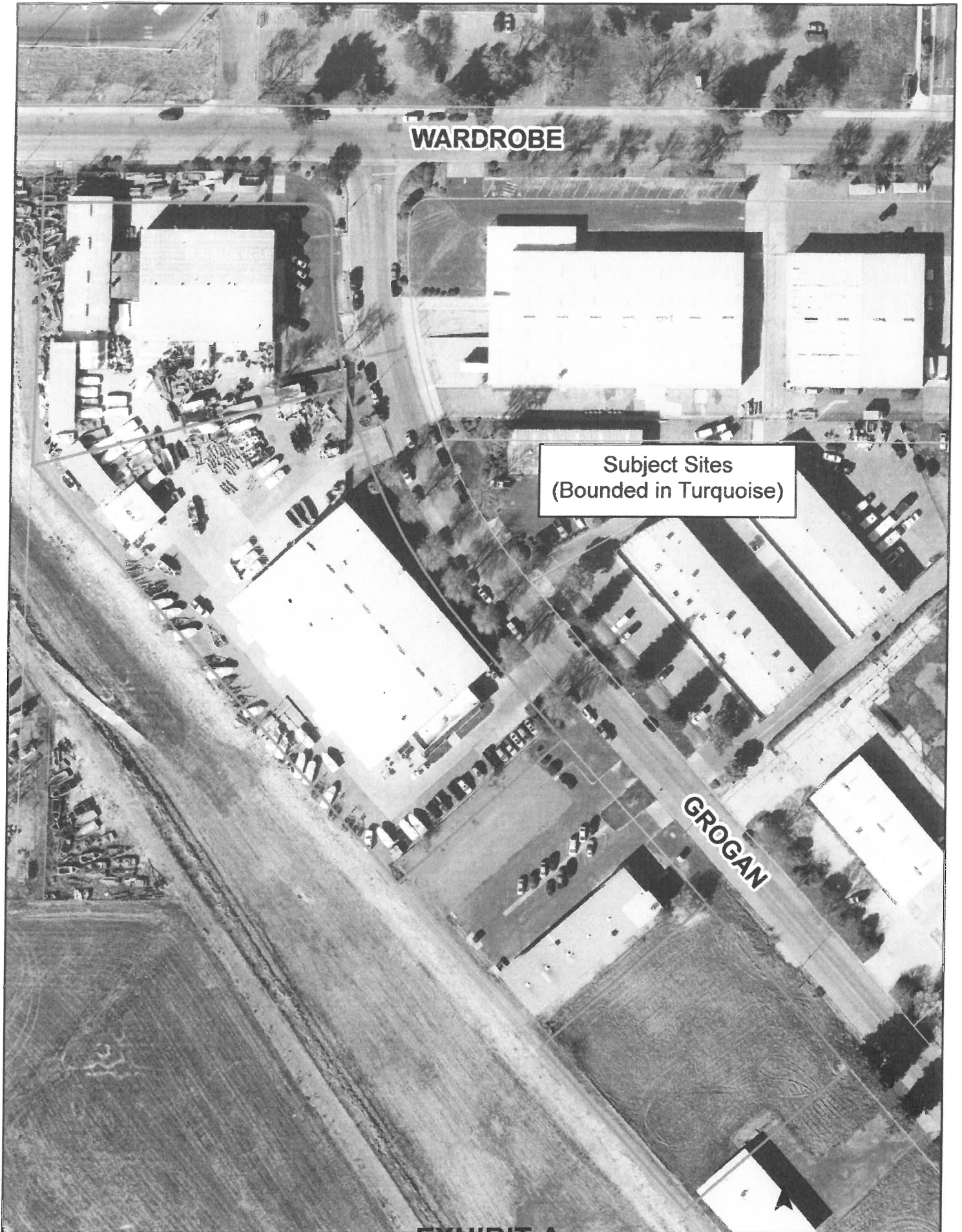
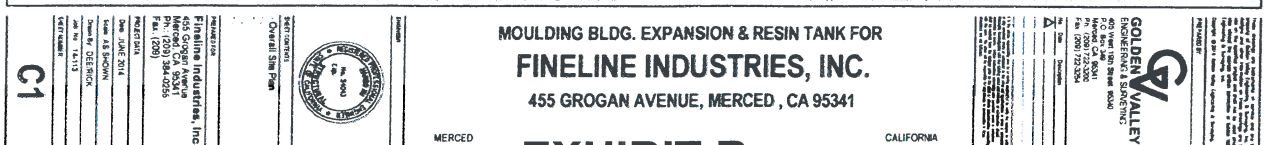


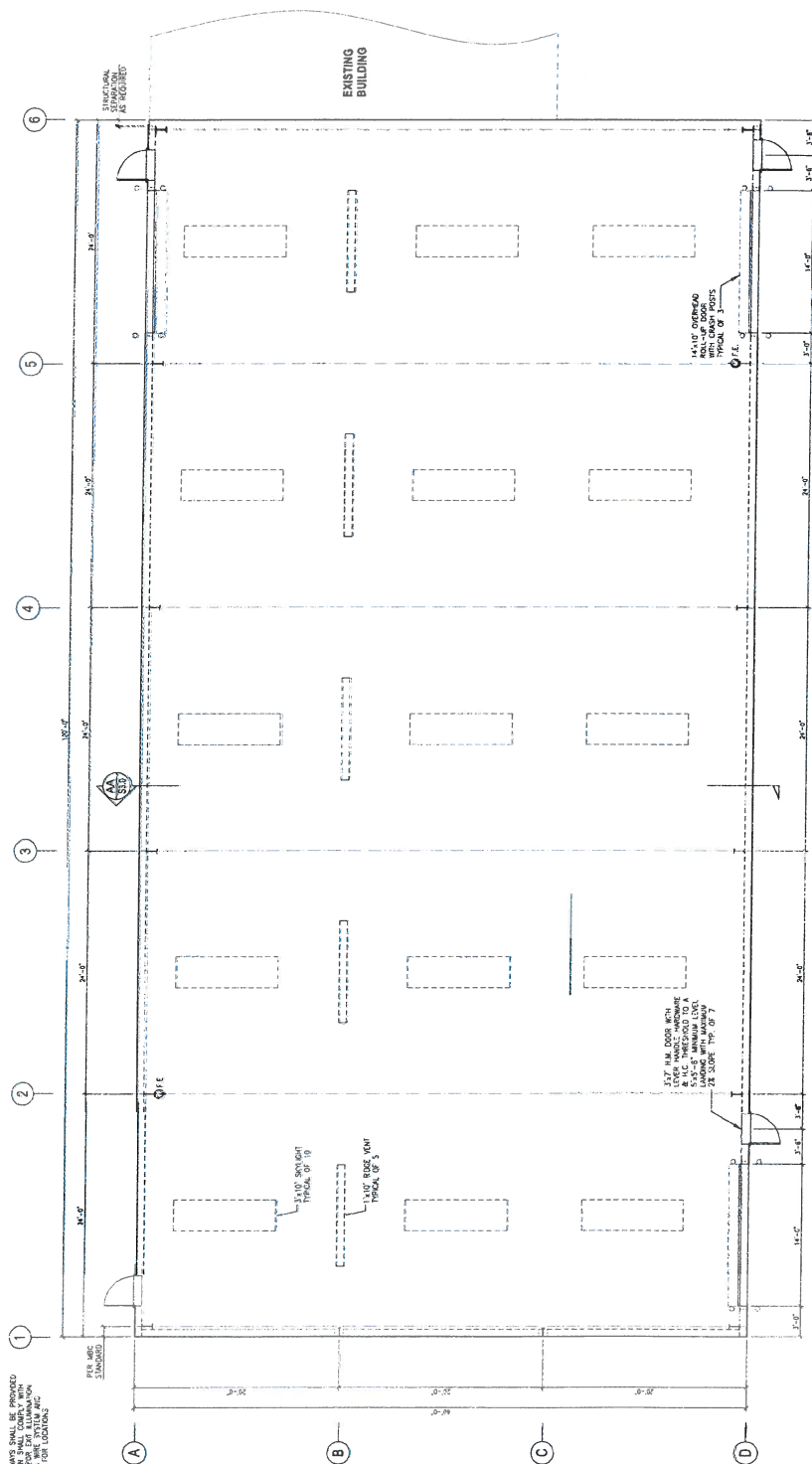
EXHIBIT A



[illegible]

NOTE:
THE DRAWING ON THIS SHEET IS NOT FOR THE METAL BUILDING CONSTRUCTION PURPOSES FOR METAL BUILDING INSTALLATION, REFER TO THE METAL BUILDING COMPANIES ERECTION DRAWINGS.
BUILDING MATERIALS TO MATCH TYPE AND COLOR OF THE MATERIALS OF THE EXISTING BUILDING.
ABC = METAL BUILDING COMPANY

FLOOR PLAN
SCALE: 3/16" = 1'-0"



34. **Bookings & Reservations**
 When making a reservation, guests should be made aware of the hotel's policies regarding cancellations, deposits, and special requests. It is important to ensure that all necessary information is provided to the guest, including the hotel's location, amenities, and contact information. The hotel should also have a system in place to manage bookings and reservations efficiently, ensuring that all guest requests are handled promptly and accurately.

GV
GOLDEN VALLEY
ENGINEERING & SURVEYING
1005 West 19th Street 80340
P.O. Box 349
Denver, CO 80202
Tel. (303) 733-3200

fax: (205) 773-3254

CALIFORNIA

**STORAGE BUILDING EXPANSION FOR
FINELINE INDUSTRIES, INC.,
485 GROGAN AVENUE, MERCED, CA 95341**

MERGED



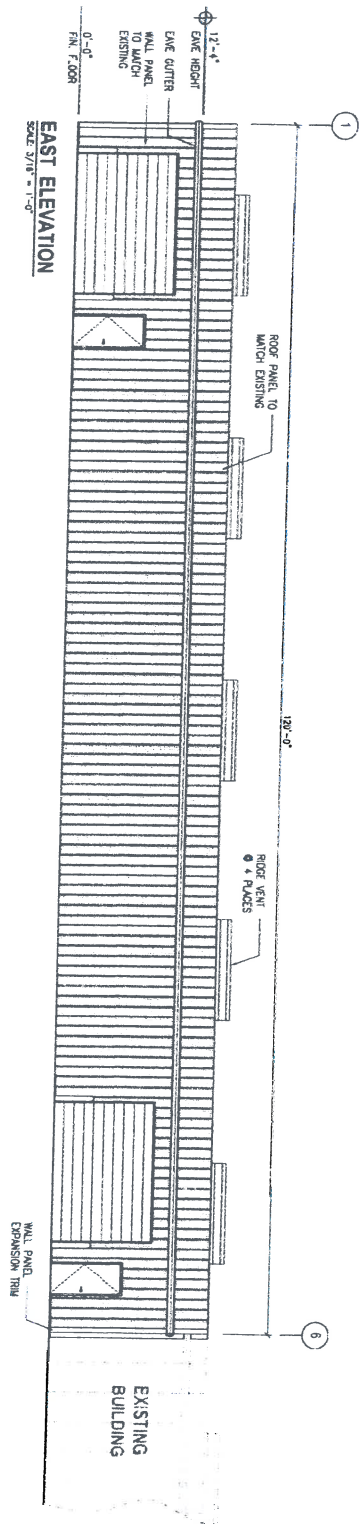
SHEET CONTENTS:

- Floor Plan
- General Notes

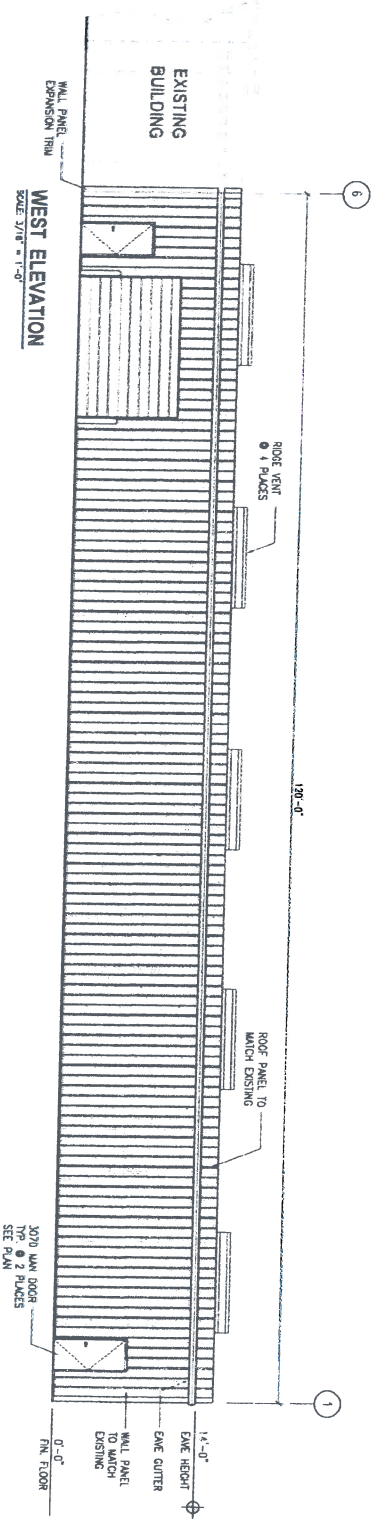
Flinelne Industries, Inc.
455 Grogan Avenue
Merced, CA 95341
Ph.: (209) 384-0255

PROJECT DATA
Order: JUNE 2014
Status: AS SHOWN
Engineer By: DGE
Proj. No.: 14-113

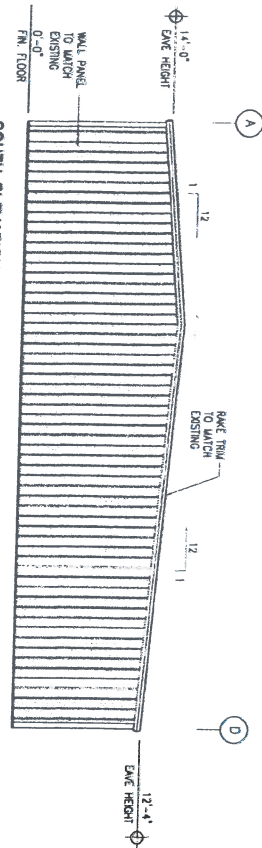
A1.0



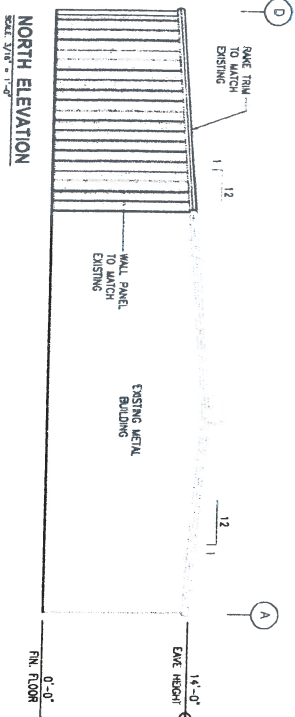
EAST ELEVATION
SCALE 3/8" = 1'-0"



WEST ELEVATION
SCALE 3/8" = 1'-0"



SOUTH ELEVATION
SCALE 3/8" = 1'-0"



NORTH ELEVATION
SCALE 3/8" = 1'-0"

STORAGE BUILDING EXPANSION FOR
FINELINE INDUSTRIES, INC.
455 GROGAN AVENUE, MERCED, CA 95341

EXHIBIT D

CALIFORNIA

GOLDEN VALLEY
ENGINEERING & SURVEYING
455 Grogan Avenue, Suite 200
Merced, CA 95341
Tel: (209) 723-3363
Fax: (209) 723-3363

PROJECT:
STORAGE BUILDING EXPANSION FOR FINELINE INDUSTRIES, INC.
455 GROGAN AVENUE, MERCED, CA 95341
DATE: 06/01/2014
DRAWN BY: J. BROWN
CHECKED BY: J. BROWN
DATE: 06/01/2014



A20

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 #371
Environmental Review #14-21

Project Applicant: Fineline Industries/Rick Lee

Project Location (Specific): 485, 455, and 405 Grogan Avenue

APN: 059-410-001, 059-410-023, and 059-410-005

Project Location - City: Merced

Project Location - County: Merced

Description of Nature, Purpose, and Beneficiaries of Project:

The project involves allowing a resin tank, building, and parking lot on existing parcels.

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Fineline Industries/Rick Lee

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));
X Categorical Exemption. State Type and Section Number: Section 15301 (a)
____ Statutory Exemptions. State Code Number: _____
____ General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt: Project is considered an in-fill development project. The project locations are within the City Limits, are all on parcels less than 5-acres in size, and are surrounded by urban uses. All the sites can be served by all required utilities and public services, and the project sites have 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 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, Planner

Area Code/Telephone: (209) 385-6858

Signature:  **Date:** 11-06-2014 **Title:** Planner

X Signed by Lead Agency Date Received for Filing at OPR: _____
(If applicable)

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

EXHIBIT E

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 #448 (Environmental Review #19-37)

Project Applicant: Richard D. and Pamela H. Lee, property owners

Project Location (Specific): 485 Grogan Ave. **APN:** 059-410-001

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

Description of Nature, Purpose, and Beneficiaries of Project:

The project involves the construction of a new 11,270-square-foot warehouse building for boat molds on an existing site.

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Mike Sater, Sater Oil International, LLC

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));
 X Categorical Exemption. Section Number: Section 153032 (in-fill Development Projects)
 Statutory Exemptions. State Code Number: _____
 General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt: Project is considered an in-fill development project. The project location is within the City limits on a 1.6 acre parcel surrounded by urban uses. The site has previously been developed and 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 subdivision of the lots. The project is consistent with the City of Merced General Plan and Zoning regulations.

Lead Agency: City of Merced

Contact Person: Julie Nelson, Planner

Area Code/Telephone: (209) 385-6858

Signature:  **Date:** 11/25/19 **Title:** Associate 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



ADMINISTRATIVE REPORT

Agenda Item I.4.

Meeting Date: 2/18/2020

SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of January 21, 2020

REPORT IN BRIEF

Official adoption of previously held meeting minutes.

RECOMMENDATION

City Council/Public Financing and Economic Development/Parking Authority - Adopt a motion approving the meeting minutes of January 21, 2020.

ALTERNATIVES

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

ATTACHMENTS

1. Minutes of January 21, 2020



CITY OF MERCED

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

Minutes

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

Tuesday, January 21, 2020

6:00 PM

A. CLOSED SESSION ROLL CALL

Clerk's Note: Mayor MURPHY attended Closed Session via teleconference from the Benjamin Franklin Room at the St. Regis Hotel located at 923 16th and K Streets, N.W., Washington, District of Columbia.

Clerk's Note: Council Member MARTINEZ arrived to Closed Session at 5:22 PM.

Present: 6 - Council Member Anthony Martinez, Mayor Mike Murphy, Council Member Kevin Blake, Mayor Pro Tempore Matthew Serratto, Council Member Delray Shelton, and Council Member Fernando Echevarria

Absent: 1 - Council Member Jill McLeod

B. CLOSED SESSION

Mayor Pro Tempore SERRATTO called the Closed Session to order at 5:03 PM.

- B.1.** **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Steve Carrigan; Employee Organization: American Federation of State, County, and Municipal Employees (AFSCME) Council 57; Local 2703; International Association of Fire Fighters, Local 1479; Merced Association of City Employees (MACE). AUTHORITY: Government Code Section 54957.6
- B.2.** **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION; Englert, et. al. v. City of Merced; Case No. 1:18-CV-01239-LJO-EPG; AUTHORITY: Government Code Section 54956.9(d)(1)
- B.3.** **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION; McKinnon, et. al. v. City of Merced; Case No. 1:18-CV-01124-LJO-SAB; AUTHORITY: Government Code Section 54956.9(d)(1)
- B.4.** **SUBJECT:** CONFERENCE WITH REAL PROPERTY NEGOTIATORS -

Property: 3033 G Street, Merced, CA APN 007-350-009; Agency
Negotiator: Frank Quintero, Director, Economic Development;
Negotiating Parties: Doug Collins Representing Merced City School
Districts and City of Merced and; Under Negotiation: Price and Terms
of Payment

Clerk's Note: Council adjourned from Closed Session at 5:52 PM.

C. CALL TO ORDER

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

C.1. Invocation - Monika Grasley, Lifeline Community Development Corp.

The invocation was delivered by Monika GRASLEY from Lifeline Community Development Corp.

C.2. Pledge of Allegiance to the Flag

City Attorney Phaedra NORTON led the Pledge of Allegiance to the Flag.

D. ROLL CALL

Present: 5 - Council Member Anthony Martinez, Council Member Kevin Blake, Mayor Pro Tempore Matthew Serratto, Council Member Delray Shelton, and Council Member Fernando Echevarria

Absent: 2 - Mayor Mike Murphy, and Council Member Jill McLeod

D.1. In accordance with Government Code 54952.3, it is hereby announced that the City Council sits either simultaneously or serially as the Parking Authority and the Public Financing and Economic Development Authority. City Council members receive a monthly stipend of \$20.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$50.00 each month as a part of the adopted budget and Resolution 1975-37. The members of the Parking Authority and the Public Financing and Economic Development Authority receive no compensation.

E. REPORT OUT OF CLOSED SESSION

There was no report .

F. CEREMONIAL MATTERS

F.1. Recognition of Community Donations to O'Keeffe's/Safti First

Mayor Pro Tempore SERRATTO presented a Certificate of Recognition to O'Keeffe's/Safti First for their investment in the city and contributions to the community.

G. SPECIAL PRESENTATIONS

G.1. Regional Homeless Plan Update - John Ceccoli, Merced County Management Analyst

Merced County Management Analyst John CECCOLI gave a slide show presentation updating Council on the Regional Homeless Plan.

Council and Mr. CECCOLI discussed prioritizing Merced homeless citizens, law enforcement role regarding the navigation center, de-escalation techniques, and affordable housing. They also discussed the number of homeless youth.

H. WRITTEN PETITIONS AND COMMUNICATIONS

There were none.

I. ORAL COMMUNICATIONS

Jill CUNNINGHAM, Friends of Merced College, Merced - spoke on an upcoming campaign kick-off in support of Measure J for Merced College.

Monica VILLA, Merced - spoke on the homeless count and on-going issues with a resident at Stephen Leonard Park.

J. CONSENT CALENDAR

Clerk's Note: No items were pulled from the Consent Calendar.

Approval of the Consent Agenda

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

Aye: 5 - Council Member Martinez, Council Member Blake, Mayor Pro Tempore Serratto, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 2 - Mayor Murphy, and Council Member McLeod

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

REPORT IN BRIEF

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

RECOMMENDATION

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

This Consent Item was approved.

J.2.

SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of December 16, 2019

REPORT IN BRIEF

Official adoption of previously held meeting minutes.

RECOMMENDATION

City Council/Public Financing and Economic

Development/Parking Authority - Adopt a motion approving the meeting minutes of December 16, 2019.

This Consent Item was approved.

J.3.

SUBJECT: Authorization to Waive the Competitive Bidding Process and Approval of Professional Services Agreement with SCI Consulting to Assist with the Inspection of Permitted Commercial Cannabis Businesses in a not-to-Exceed Amount of \$150,000

REPORT IN BRIEF

Considers waiving the competitive bidding process and approving a professional services agreement with SCI Consulting to assist with the inspection of permitted Commercial Cannabis Businesses in a not-to-exceed amount of \$150,000.

RECOMMENDATION

City Council - Adopt a motion waiving the competitive bidding process and approving the Professional Services Agreement with SCI Consulting in the amount of \$150,000 for assistance in inspection of permitted Commercial Cannabis Businesses and authorizing the City Manager or the Assistant City Manager to execute the documents.

This Consent Item was approved.

J.4.

SUBJECT: Approval of a Temporary Encroachment Permit #19-01 to Permit Merced College to Install Merced College Banners on Various Light Poles Within the City for Three (3) Years with Authorization to Extend for an Additional Two (2) Years Upon

Written Request by the Applicant and Approval of the City Manager

REPORT IN BRIEF

Considers approving a temporary encroachment permit to allow Merced College to install banners on various light poles within the City.

RECOMMENDATION

City Council - Adopt a motion approving a temporary encroachment permit with Creative Products Unlimited, dba: Sign Guys, on behalf of Merced College, to allow the placement of banners on City light poles in various locations and authorizing the City Manager or the Assistant City Manager to execute the necessary documents.

This Consent Item was approved.

J.5.

SUBJECT: Approval of Allocation of an Additional Portion of the 2019/20 Community Development Block Grant (CDBG) Program to Fund a Sub-Recipient Agreement with Merced Gateway Investors II, LP (\$250,000) for the Primary Purpose of Assisting with the Cost of Necessary On- and Off-Site City Water and Sewer Main Repairs and ADA Sidewalk Improvements Related to the Gateway Terrace II Apartments, Approval of the Deed Restriction Covenant and Grant Agreement, and Cooperative Agreement

REPORT IN BRIEF

Considers approving a sub-grantee agreement with the Developer for the use of CDBG funds and an amended and restated interdepartmental cooperative agreement that authorizes the City's Engineering Department to administer same funds and oversee the design and construction of the project.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving agreements for the project identified as "Gateway Terrace II Apartments - Change Order" ("Project") in the 2019 Department of Housing and Urban Development (HUD) Annual Plan with Community Development Block Grant (CDBG) funds for the 2019/20 Fiscal Year (Account 018-1301-552-29.00-Proj 117050), per previous City Council recommendation, for:

1. An agreement with Merced Gateway Investors II, LP, for use of CDBG funds towards Project in the amount of \$250,000;

and,

2. Amended and restated interdepartmental cooperative agreement with the Engineering Department for project in the amount of \$250,000 towards overseeing the design and construction of the project; and,

B. Authorizing the City Manager or the Assistant City Manager to execute, and if necessary, make minor modifications to the agreements described above and attached to this report, and all associated documents; and,

C. Authorizing the Finance Officer to make any necessary budget adjustments.

This Consent Item was approved.

J.6.

SUBJECT: Authorization to Apply for and Receive Grant Funding Through the California State Department of Housing and Community Development's (HCD) CalHome Program and Authorization for the City Manager or Assistant City Manager to Execute Any and All Necessary Documents to Participate in the Program

REPORT IN BRIEF

Authorizes Housing Division Staff to apply for grant funding in association with a CalHome Program Notice of Funding Availability issued by the California State Department of Housing and Community Development, and authorizes the receipt of grant funds.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2020-02**, a Resolution of the City Council of the City of Merced, California, hereby authorizes the submittal of an application to the California State Department of Housing and Community Development for funding under the CalHome Program; the execution of a standard agreement if selected for such funding and any amendments thereto; and any related documents necessary to participate in the Program; and,

B. Authorizing the City Manager or the Assistant City Manager to execute the standard agreement and other necessary documents associated with the grant application and award process.

This Consent Item was approved.

J.7.

SUBJECT: Consideration of a Ground Lease Between the City of Merced and Vegetable Flight Resources, LLC for Development of a Private Hangar on Approximately 10,000 Square Feet of Land on the Merced Regional Airport with Rent Starting at \$3,100.00 per Year for a Term of Thirty (30) Years, with an Option Term of Fifteen (15) Years

REPORT IN BRIEF

Considers a lease agreement (30-year term with 15-year option) with Vegetable Flight Resources, LLC for use of approximately 10,000 square feet located on the Merced Regional Airport for development of a private aircraft hangar.

RECOMMENDATION

City Council - Adopt a motion approving a lease agreement between Vegetable Flight Resources, LLC and the City of Merced and authorizing the City Manager or the Assistant City Manager to execute all necessary documents.

This Consent Item was approved.

K. PUBLIC HEARINGS

K.1.

SUBJECT: Public Hearing to Consider Adoption of a Mitigated Negative Declaration for General Plan Amendment #19-03, Site Utilization Plan Revision #3 to Planned Development #72, Changing the Land Use Designation from Commercial Office (CO) and High to Medium Density Residential (HMD) to Neighborhood Commercial (CN) for Approximately 21.5 Acres Located at the Northeast Corner of Yosemite Avenue and G Street; Introduction of an Ordinance Approving Site Utilization Plan Revision #3 to Planned Development #72, Including a Hotel, Medical Office Buildings, Multi-Family Residential Housing, Fast Food Uses, and a Mixed-use Development; and Approval of a Legislative Action Agreement for the Project

REPORT IN BRIEF

Request for City Council approval to change the General Plan and Site Utilization Plan designations for two parcels of approximately 21.5 acres located at the northeast corner of Yosemite Avenue and G Street to allow a mixed-use development, including the adoption of a Mitigated Negative Declaration.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2020-03**, A Resolution of the City Council of the City of Merced, California, approving a Mitigated Negative Declaration for General Plan Amendment #19-03 and Site Utilization Plan Revision #3 to Planned Development #72 for two parcels containing approximately 21.5 acres located at the northeast corner of Yosemite Avenue and G Street; and approving General Plan Amendment #19-03 for the same two parcels changing the General Plan Designation from Commercial Office (CO) and High to Medium Density Residential (HMD) to Neighborhood Commercial (CN); and,

B. Introducing **Ordinance 2512**, an Ordinance of the City Council of the City of Merced, California, approving Site Utilization Plan Revision #3 to Planned Development #72 changing the land use designation from "Commercial Office" (CO) and "High-Medium Residential" (HMD) to "Neighborhood Commercial" (CN) for 2 parcels of approximately 21.5 acres of land generally located on the northeast corner of Yosemite Avenue and G Street; and,

C. Approving the Legislative Action Agreement and Authorizing the City Manager or the Assistant City Manager to execute the necessary documents.

Principal Planner Michael HREN gave a slide show presentation on the Yosemite Crossing Mixed Use Center.

Council Member MARTINEZ and Mr. HREN discussed the multi-family development, development phasing, and the traffic plan.

Mayor Pro Tempore SERRATTO opened the Public Hearing at 7:26 PM.

Land Development Services Representative Dirk POESCHEL spoke on the proposed project.

Council Member SHELTON and Mr. POESCHEL discussed the project timeline.

Mayor Pro Tempore SERRATTO closed the Public Hearing at 7:30 PM.

A motion was made by Council Member Blake, seconded by Council Member Shelton, to approve option 2 of Resolution 2020-03 and introducing Ordinance 2512. The motion carried by the following vote:

Aye: 5 - Council Member Martinez, Council Member Blake, Mayor Pro Tempore Serratto, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 2 - Mayor Murphy, and Council Member McLeod

K.2.

SUBJECT: Public Hearing for the Potential Introduction of Ordinance Adding the "Tax Transparency Commission" to the Merced Municipal Code to Consolidate all Current and Future Tax Oversight Committees Into One Oversight Commission and Discussion and Direction on a Transition Plan for the Existing Oversight Committees

REPORT IN BRIEF

Considers adoption of an ordinance to consolidate all current and future tax measure oversight commissions into a single commission.

RECOMMENDATION

City Council - Adopt a motion introducing **Ordinance 2510**, an ordinance of the City Council of the City of Merced, California, adding chapter 2.56, "Tax Transparency Commission," to the Merced Municipal Code.

Assistant City Clerk John TRESSIDER gave a brief presentation on the proposed Tax Transparency Commission and transitioning the Citizens' Oversight Committee - Measure C to the Tax Transparency Commission.

Council, Mr. TRESSIDER, and Assistant City Manager Stephanie DIETZ discussed transitioning the Measure C members to the Tax Transparency Commission and the Charter Review Committee's recommendation.

Mayor Pro Tempore SERRATTO opened the Public Hearing at 7:42 PM.

Glen DAVIS, Measure C Committee Member, Merced - spoke in support of the transition.

Mayor Pro Tempore SERRATTO closed the Public Hearing at 7:47 PM.

Council discussed transitioning Measure C Committee Members to the proposed Tax Transparency Commission and selecting liaisons to districts.

A motion was made by Council Member Blake, seconded by Council Member Echevarria, to introduce Ordinance 2510. The motion carried by the following vote:

Aye: 5 - Council Member Martinez, Council Member Blake, Mayor Pro Tempore Serratto, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 2 - Mayor Murphy, and Council Member McLeod

L. BUSINESS

L.1. SUBJECT: Request to Add Item to Future Agenda

REPORT IN BRIEF

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

No items were added.

L.2. SUBJECT: City Council Comments

REPORT IN BRIEF

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

Council Member MARTINEZ reported on attending the CP-42 Community meeting, the Golden Valley Health Center Grand Opening, the Martin Luther King Jr. Celebration event, and meeting with the owner of Bitwise.

Council Member ECHEVARRIA spoke on an upcoming event. He also reported on attending the CP-42 Community meeting.

Council Member BLAKE reported on attending the Laura Fountain Community meeting.

Council Member SHELTON reported on attending the Martin Luther King Jr. Celebration event.

Mayor Pro Tempore SERRATTO reported on attending the CP-42 Community meeting, the Laura Fountain Community meeting, the Golden Valley Health Center grand opening, meeting with members from the Public Health Department regarding vaping, the Fire Department Promotion ceremony, meeting with the owner of Bitwise, and the Martin Luther King Jr. celebration.

M. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 8:00 PM.

A motion was made by Council Member Blake, seconded by Council Member Martinez, to adjourn the Regular Meeting. The motion carried by the following vote:

Aye: 5 - Council Member Martinez, Council Member Blake, Mayor Pro Tempore Serratto, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 2 - Mayor Murphy, and Council Member McLeod



ADMINISTRATIVE REPORT

Agenda Item I.5.

Meeting Date: 2/18/2020

Report Prepared by: Stephani Davis, Development Services Technician II, Planning Division

SUBJECT: Approval of Street Closure Request #20-01 by Merced LGBTQ Alliance to Host the Annual Merced LGBTQ Alliance Pride 2020 Event, Located on W. Main Street Between M and K Streets (Including Bob Hart Square); and Canal Street Between W. Main Street and Arbor Lane, on Saturday, May 2, 2020, from 10:00 a.m. to 11:00 p.m.

REPORT IN BRIEF

Considers approving a request by the Merced LGBTQ Alliance for the closure and use of City streets and Bob Hart Square on Saturday, May 2, 2020, for the Annual Merced LGBTQ Alliance Pride 2020 event. The request seeks approval to close W. Main Street, between M and K Streets, including Bob Hart Square, and Canal Street between W. Main Street and Arbor Lane, on Saturday, May 2, 2020, from 10:00 a.m. to 11:00 p.m.

RECOMMENDATION

City Council - Adopt a motion approving the street closure of W. Main Street between M and K Streets, including the use of Bob Hart Square, and Canal Street between W. Main Street and Arbor Lane, on Saturday, May 2, 2020, from 10:00 a.m. to 11:00 p.m., subject to the details and conditions outlined in the administrative staff report.

ALTERNATIVES

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

AUTHORITY

City of Merced Charter Section 200; California Vehicle Code (CVC) Section 21101(e), as follows:

“CVC 21101. Local authorities, for those highways under their jurisdiction, may adopt rules and regulations by ordinance or resolution on the following matters:

(e) Temporarily closing a portion of any street for celebrations, parades, local special events, and other purposes when, in the opinion of local authorities having jurisdiction or a public officer or employee that the local authority designates by resolution, the closing is necessary for the safety and protection of person who are to use that portion of the street during the temporary closing.”

CITY COUNCIL PRIORITIES

Not applicable.

DISCUSSION

Requested Streets and City Facilities

The applicant requests the use of City streets and facilities as listed below and illustrated on Attachments 1 and 2:

Saturday, May 2, 2020, from 10:00 a.m. to 11:00 p.m.:

- W. Main Street, between M and K Streets
- Bob Hart Square Park
- Canal Street, between W. Main Street and Arbor Lane

Event Description

PRIDE 2020:

For several years, the Merced LGBTQ Alliance have held annual Pride events located within the Merced Applegate Park. Last year was the inaugural year of holding the event within the downtown; they plan to continue this new tradition for a second year with this street closure request.

The applicant proposes to close W. Main Street, between M and K Streets; Canal Street, between W. Main Street and Arbor Lane; and reserve Bob Hart Square Park for their exclusive use, beginning at 10:00 a.m. on Saturday, May 2, 2020. The event itself will run from 4:00 p.m. to 9:00 p.m., and streets will reopen by 11:00 p.m. (Attachments 1 and 2).

The event will include tables along Main Street for vendors and other affiliates who will be providing merchandise; food vendors will be lined along Canal Street. In Bob Hart Square Park, the sponsor will be placing a bounce house for guests to enjoy, with the rest of the park reserved for guests to intermingle (Attachment 2). In the street of Bob Hart Square, there will be a stage for local performances and poetry readings. Ample time is allowed, before and after the event, for set-up and takedown of tables, the bounce house, the stage, and necessary equipment.

The event sponsor will need to provide their own electricity, if necessary, for the vendor tables or activities occurring in the street closure (W. Main Street and Canal Street). If use of City-supplied electricity is requested for use in Bob Hart Square during the event, the sponsor will be responsible for making arrangements prior to the event with appropriate City staff to make the electricity hookups available (Condition #17).

Security guards will be provided at a minimum ratio of one guard per one-hundred guests, as is normally required by the Police Department for events that will not be serving or selling alcohol (Condition #8).

The applicant is required to notify all businesses and residences affected by the street closure within one-half mile with information on the range of time that the street will be closed and the reason. This notice must be given at least seventy-two (72) hours prior to the street first being closed off. The applicant must then confirm with Planning Department staff that this notice was distributed to those businesses and residences (Condition #7 and Attachment 3).

Conditions of Approval

The event and street closure will be subject to the following conditions, if approved:

1. By applying for the street closure and use of City-owned real property, the Permittee shall agree to indemnify, protect, defend (with counsel selected by the City), save, and hold City, its officers, employees, agents, and volunteers harmless from any and all claims or causes of action for death or injury to persons, or damage to property resulting from intentional or negligent acts, errors, or omissions of Event Sponsor or Event Sponsor's officers, employees, agents, volunteers, and participants during performance of the Event, or from any violation of any federal, state, or municipal law or ordinance, to the extent caused, in whole or in part, by the willful misconduct, negligent acts, or omissions of Event Sponsor or its officers, employees, agents, volunteers, or participants, or resulting from the negligence of the City, its officers, employees, agents, and volunteers, except for loss caused solely by the gross negligence of the City. Acceptance by City of insurance certificates and endorsements required for this Event does not relieve Event Sponsor from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply.
2. Prior to engaging in the event, Event Sponsor shall provide the City with a Certificate of Liability Insurance evidencing coverage in an amount of no less than \$500,000 for property damage and \$500,000 for personal injury or a minimum combined single limit coverage of \$500,000. Said policy shall stipulate that this insurance will operate as primary insurance and that no other insurance will be called on to cover a loss covered thereunder. Additional insured endorsements evidencing this coverage, naming the City of Merced, its Officers, Employees, and Agents as additional insureds, must be submitted to the City prior to the event. This certificate shall provide that thirty (30) days written notice of cancellation shall be given to the City. Certificates of Insurance shall also be provided for Automobile insurances of all automobiles used for the event. If the Event Sponsor has any employee(s), full workers' compensation insurance shall be provided with a limit of at least \$100,000 for any one person as required by law.
3. The applicant shall obtain, at its sole cost and expense, special events coverage insuring the City and its officer, employees, volunteers, and agents from any and all claims relating to the project. Special events coverage may be obtained through private insurance or is available through application with the City Clerk's office three weeks prior to the event.
4. Failure to comply with any law, rule, or regulation applicable to the use of said streets shall be grounds to revoke any such permit and, in such circumstances, the Chief of Police shall immediately revoke said permit. The Event Sponsor or permit holder, in such case, shall have the right to appeal said revocation to the City Council.

5. The applicant shall comply with all applicable statutes, ordinances, rules, regulations, etc., including all requirements of the City of Merced Fire Department.
6. Event sponsor shall provide and maintain a minimum 22-foot-wide emergency vehicle access path into and through the street closure area at all times via movable barriers. Fire hydrant access shall not be blocked at any time whatsoever.
7. Event sponsor shall contact all businesses and residences affected by the street closure(s), advising them of the hours, conditions, and reason thereof within one half-mile of the encroachment area at least seventy-two (72) hours prior to the event. Event Sponsor shall provide the City confirmation that the proper notification was given (Attachment 3).
8. Adequate supervision and security throughout the event perimeter shall be provided by the event sponsor to ensure the safety of event participants and the public, as required by the City of Merced Police Department. Security guards shall be provided at a minimum of one guard per each one-hundred guests.
9. The Merced City Police Department or their designee has the authority to immediately cancel all activities requested with this street closure if there is a police or other emergency incident in the area. Application fees are non-refundable.
10. Event sponsor shall be responsible for placing and removing all traffic barricades and posting of parking restrictions where street is closed. "No Parking" signs shall be posted at least twenty-four (24) hours prior to towing of vehicle(s) per California Vehicle Code Section 22651(m). All barricades and signs shall be removed by the event sponsor immediately following the end of the event.
11. Event sponsor shall be responsible for dismantling and removing all equipment, temporary structures, trash, and debris within and around the closure area generated by the event prior to the expiration of the closure permit.
12. Noise from music or other activities shall be kept to a minimum, so as not to disturb the nearby residential loft units. Music shall not be played later than 9:00 p.m.
13. Event sponsor shall be responsible for ensuring that all independent vendors and services involved with the event obtain or already possess a current City of Merced business license.
14. Event sponsor and all food vendors and caterers shall comply with all requirements of the Merced County Environmental Health Department with regards to the preparation and serving of food and drink.
15. Event sponsor shall provide access to disabled-accessible restrooms, as required by the California Building Code.
16. Event sponsor shall arrange and pay for special Event City Refuse service, or provide other suitable means for trash collection, as deemed appropriate by the City of Merced Public Works

Department/Refuse Division.

17. Event Sponsor shall be responsible for making timely arrangements with the City's Public Works staff to turn the electrical power supply in the park on and off before and after the event on Saturday, May 2, 2020. The Event Sponsor shall provide generators, if needed, for the vendor tables and activities occurring within the remaining street closure area on W. Main Street (between M and K Streets) and Canal Street (between W. Main Street and Arbor Lane).

18. Any temporary modifications of the City's electrical system in the park shall be approved by City staff. Only a State-licensed electrician shall be permitted to make any such modifications. All modifications shall be completely removed and reverted back to the original system after the event.

19. All other provisions addressed in Ordinance #1941 Chapter 12.42 (Temporary Street Closures) shall apply.

IMPACT ON CITY RESOURCES

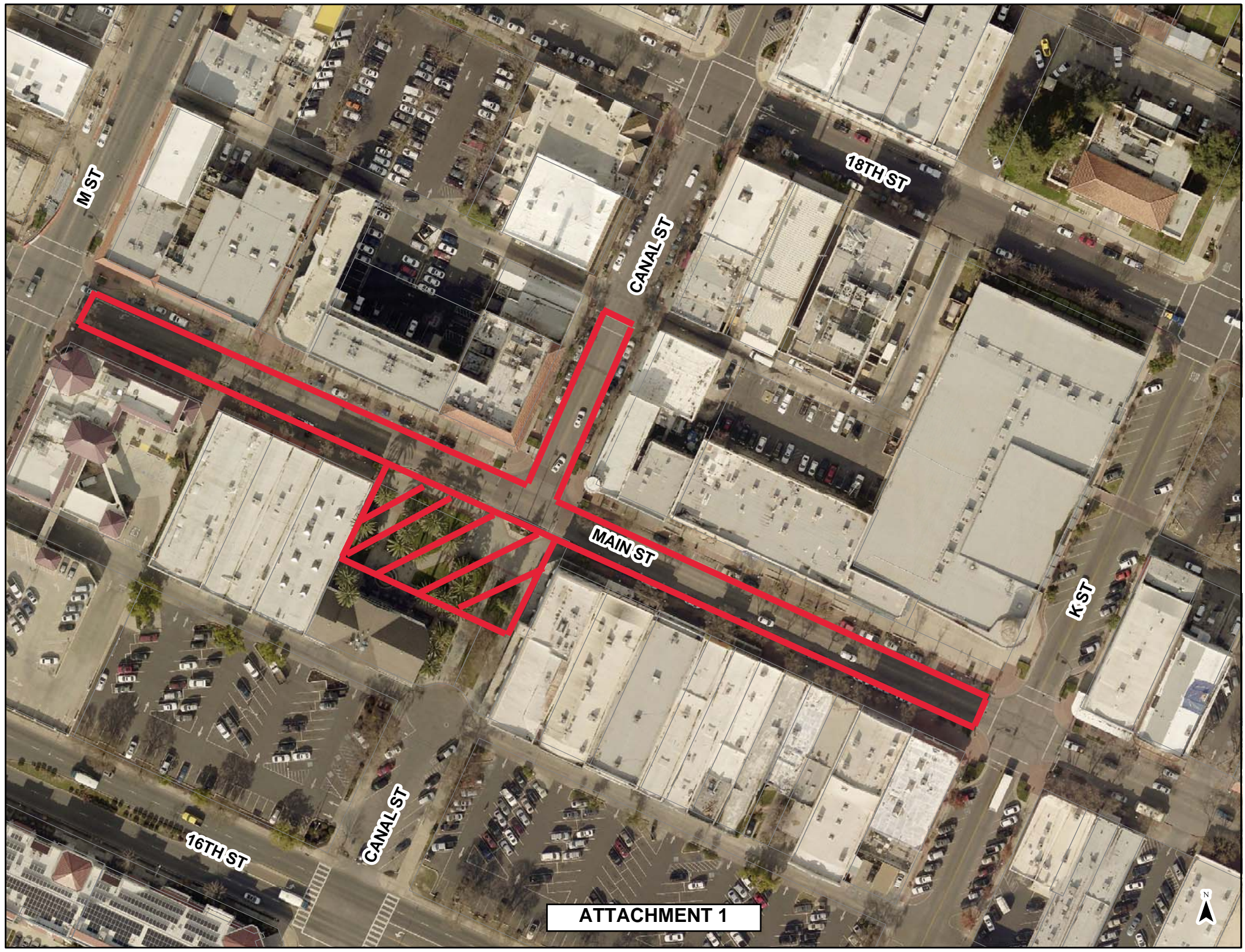
As the event proposed will be handled entirely by members of the Merced LGBTQ Alliance, the event is not expected to significantly impact any City resource.

The applicant may need to arrange for special event City refuse and use of City-supplied electricity for the use of Bob Hart Square, if needed.

The event sponsor will be providing security for the event and generators for any electricity needed within the street closures on W. Main Street, between M and K Streets and Canal Street, between W. Main Street and Arbor Lane.

ATTACHMENTS

1. Location Map
2. Site Plan
3. Notification of Pending Street Closure

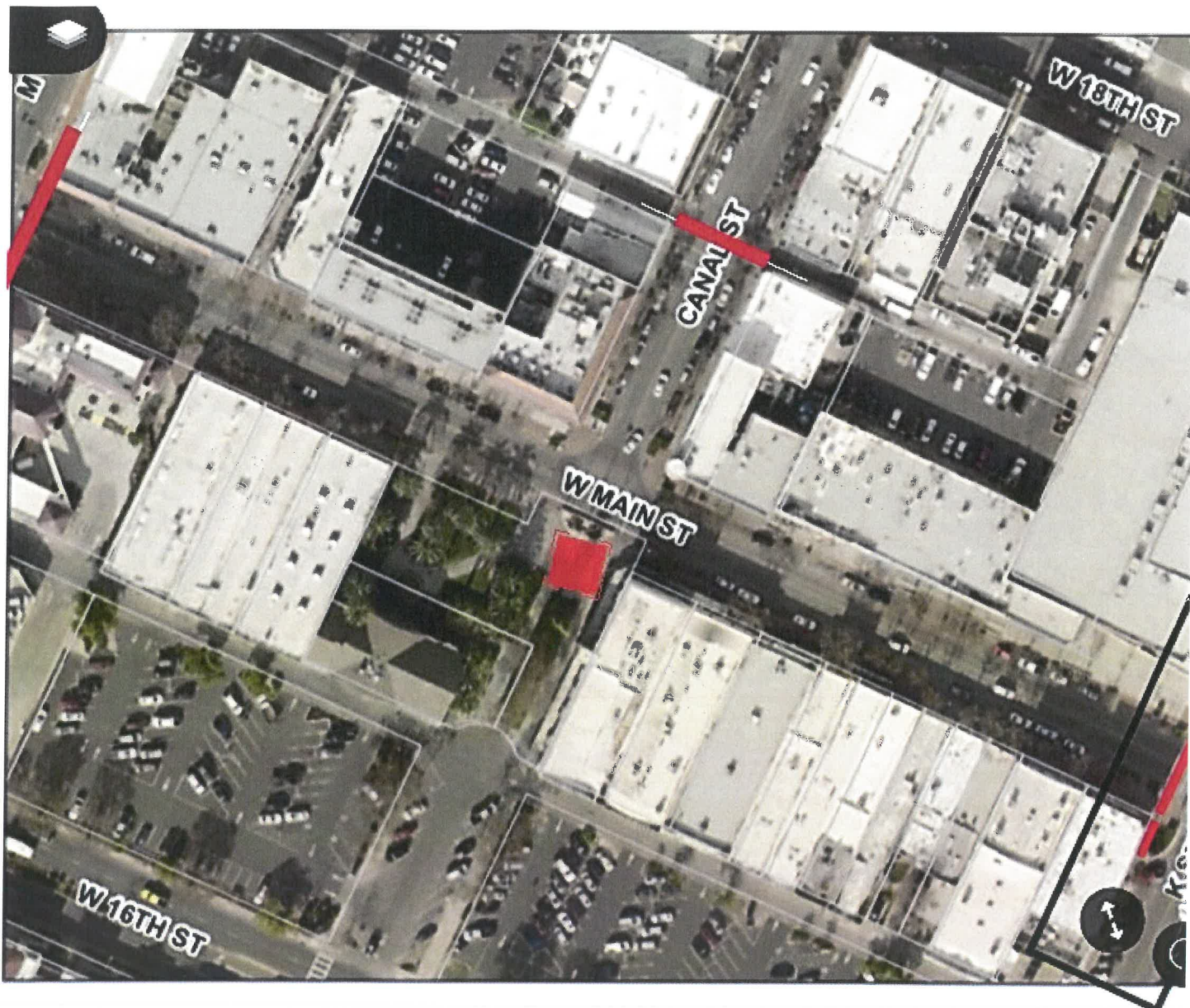


Davis, Stephani

From: [REDACTED]
Sent: Friday, January 3, 2020 3:55 PM
To: Davis, Stephani
Subject: Pride 2020 street plan



ATTACHMENT 2



[NOTICE: This message originated outside of City of Merced -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

NOTIFICATION OF PENDING STREET CLOSURE

This is to notify you of an event that will require the closure of street(s) in your area. Please note the details below, including the date and time of the closure(s), and plan to park your vehicle(s) off the affected street(s) on the day of the event. Your cooperation is greatly appreciated. If you have any concerns, please notify the contact person listed.

Name of Event: _____ Type of event (parade, etc.): _____

Contact Person: _____ Phone Number: _____

Date(s) of closure: _____ Time: between _____ am/pm and _____ am/pm

Streets to be closed: _____

Other streets with restricted access: _____

Please Note: Event Sponsor is responsible for posting of parking restrictions where street is closed. "No Parking" signs shall be posted at least twenty-four (24) hours prior to any necessary towing of vehicle(s), per California Vehicle Code Section 22651(m).

To avoid having your vehicle towed, please keep this notice as a reminder and comply with the posted parking restrictions. If you are a business with employees, please notify your employees as soon as possible and post this notice in a conspicuous location. Thank you.

NOTIFICATION OF PENDING STREET CLOSURE

This is to notify you of an event that will require the closure of street(s) in your area. Please note the details below, including the date and time of the closure(s), and plan to park your vehicle(s) off the affected street(s) on the day of the event. Your cooperation is greatly appreciated. If you have any concerns, please notify the contact person listed.

Name of Event: _____ Type of event (parade, etc.): _____

Contact Person: _____ Phone Number: _____

Date(s) of closure: _____ Time: between _____ am/pm and _____ am/pm

Streets to be closed: _____

Other streets with restricted access: _____

Please Note: Event Sponsor is responsible for posting of parking restrictions where street is closed. "No Parking" signs shall be posted at least twenty-four (24) hours prior to any necessary towing of vehicle(s), per California Vehicle Code Section 22651(m).

To avoid having your vehicle towed, please keep this notice as a reminder and comply with the posted parking restrictions. If you are a business with employees, please notify your employees as soon as possible and post this notice in a conspicuous location. Thank you.

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To be signed by Event Sponsor Representative after completion of required 72-hour notification and submitted to the City of Merced Planning Dept, City Hall (2nd Floor), 678 W. 18th Street, Merced.

I have notified the required parties of the dates, times, and affected streets, as required.

Signed _____ Title: _____ Date: _____



ADMINISTRATIVE REPORT

Agenda Item I.6.

Meeting Date: 2/18/2020

Report Prepared by: Denise Frazier, Chief Building/Construction Project Official

SUBJECT: Approval of an Increase of \$240,000 in Development Services Revenue Account 017-0805-310.03-00 License and Permits/Construction Permits, Appropriating \$220,000 in Development Services Expenditure Account 017-0805-512.17-00 Professional Services for Fiscal Year 2019-2020, and Appropriating \$20,000 in Development Services Expenditure Account 017-0805-511.04-01 Regular Overtime for Fiscal Year 2019-2020

REPORT IN BRIEF

Considers approving an increase of \$240,000 in Development Services Department revenue account 017-0805-310.03-00 License and Permits/Construction Permits; approving an appropriation of \$220,000 in Development Services expenditure account 017-0805-512.17-00 Professional Services for Fiscal Year 2019-2020; and approving an appropriation of \$20,000 in Development Services expenditure account 017-0805-511.04-01 Regular Overtime for Fiscal Year 2019-2020.

RECOMMENDATION

City Council - Adopt a motion approving an increase of \$240,000 in Development Services revenue account number 017-0805-310-00 (License and Permits/Construction Permits); approving an appropriation of \$220,000 in Development Services expenditure account number 017-0805-512.17-00 Professional Services; and approving an appropriation of \$20,000 in Development Services expenditure account 017-0805-511.04-01 Regular Overtime for Fiscal Year 2019-2020.

ALTERNATIVES

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

AUTHORITY

Merced City Charter, section 1105

CITY COUNCIL PRIORITIES

As provided in the FY2019-20 adopted budget.

DISCUSSION

Pursuant to the adoption of permit fees, Resolution No. 2009-73, Section 1 (e) of this resolution states, "The amounts of the proposed Building and Plan Review fees do(es) not exceed the sums reasonably necessary to cover the costs of processing the applications and to cover the costs incurred in conducting required hearings, and that revenue sources for the services provided will be fees paid for such services;"

During the budget process, certain numbers and types of permits are taken into consideration in order to generate an amount for the estimated revenue, in this instance, revenue account 017-0805-310.03-00 (License and Permits/Construction Permits). The estimated revenue in the budget would cover all the estimated expenditures in the budget so the budget would be in balance.

Currently, the Inspection Services Department is using one Development Services Tech 3 days per week and two Building Inspectors through the Professional Services contracts with CSG Consultants Inc. and Interwest Consultants in order to supplement staff to meet everyday deadlines and demands for permit and plans processing and inspections. Staff is also working overtime in excess of the hours in the original budget.

The construction license and permits revenue generation is related to the inspections or works performed by the contracted Building Inspectors and Development Services Tech and overtime worked by staff.

The fiscal year 2019-20 revenue budget was estimated to be \$1.6 million. As of the end of January 2020, the revenue account 017-0805-310.03-00 (License and Permits/Construction Permits) has received 100% of the estimated revenue. There are five months left in the fiscal year in which we will continue to receive revenue; therefore is it appropriate to increase revenue and appropriations. The fees collected through this process would pay for the services such as processing plans, permits and inspections. Both the Professional Services account and Regular Overtime account need additional funds in order to keep development projects moving and meeting deadlines.

IMPACT ON CITY RESOURCES

An increase of \$240,000 is needed for Development Services Licenses and Permits revenue account and an appropriation of the same amount split accordingly between the Development Services expenditure account Professional Services and the Development Services expenditure account Regular Overtime to cover contracted and regular staff costs needed to meet deadlines for permits and plans processing and inspections.

ATTACHMENTS

None.



ADMINISTRATIVE REPORT

Agenda Item I.7.

Meeting Date: 2/18/2020

Report Prepared by: Billy Alcorn, Fire Chief, Fire Department

SUBJECT: Acceptance of \$40,826.00 in Fiscal Year 2017 State Homeland Security Grant Program (SHSGP) Funds, Waiver of the Competitive Bidding Requirements to Maintain the Radios and Equipment Standards, and Authorization to Purchase the Portable Radios and Radio Equipment

REPORT IN BRIEF

Considers accepting \$40,826.00 in Fiscal Year 2017 SHSGP funds for the purchase of Portable Radios and Radio Equipment as revenue, appropriating supplemental funds, using pooled cash to cover the appropriation until grant funds are reimbursed, and waiving the competitive bidding requirements.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting Fiscal Year 2017 SHSGP grant funds in the amount of \$40,826.00 as revenue in the Intergovernmental - State Governments Grants - Other State Grants account 001-0901-324.02-00; and
- B. Appropriating \$40,826.00 to the Machinery/Equipment account 001-0901-523.43-00 to purchase portable radios and radio equipment; and
- C. Waiving the competitive bidding requirements to maintain the radios and equipment standards; and
- D. Authorizing the use of pooled cash to cover the appropriation until grant funds are reimbursed; and
- E. Authorizing the City Manager or the Assistant City Manager to sign the necessary documents.

ALTERNATIVES

- 1. Approve as recommended by staff; or,
- 2. Deny; or,
- 3. Refer back to staff; or
- 4. Continue to a future meeting.

AUTHORITY

Charter of the City of Merced, Section 200 - Powers

Charter of the City of Merced, Section 405 - Powers Vested in the City Council

Charter of the City of Merced, Section 1105 - Budget Appropriations

CITY COUNCIL PRIORITIES

Public Safety as provided for in the 2019-20 Adopted Budget.

DISCUSSION

The Merced County Office of Emergency Services (OES) has awarded the City of Merced \$40,826.00 from the Fiscal Year 2017 State Homeland Security Grant Program (SHSGP). The funds will be used towards the purchase of \$42,761.88 in portable radios and associated radio equipment (Attachment 1) with the balance being funded through previously appropriated funds.

The purchase of this equipment will improve the communication capabilities of the department and assist us with replacing our outdated portable radios. The items being purchased include: Portable Radios, Vehicle Charging Equipment, Batteries, Remote Speaker Microphones, and Radio Housing.

The Merced Fire Department has been financially challenged in replacing all of its portable radios that exist within the department. Accepting this grant funding will allow us to replace a portion of our radios that are in dire need of replacement.

SHSGP Funds to be Appropriated to Account # 001-0901-523.43-00	\$40,826.00
Previously Appropriated to General Fund Account # 001-0901-522.26-00	<u>\$ 1,935.88</u>
Total Cost of Radios and Accessories	\$42,761.88

The request to waive the competitive bidding element is based on standardization and the existing portable radios and associated equipment are proprietary, therefore, only one vendor can provide the equipment and accessories (Attachment 2).

Within the parameters and requirements of the grant program, the FY 2017 Office of Emergency Services State Homeland Security Grant Programs - Equipment, Planning, Administration, Training and Exercises Agreement and the FY 2017 Grant Assurances Agreement have been previously completed.

IMPACT ON CITY RESOURCES

Through the adoption of the FY 19/20 budget, \$1,935.88 has been appropriated towards the purchase of portable radios and accessories with the balance of the funding being derived from the SHSGP grant. Pooled cash will be utilized to cover the appropriation until grant funds are reimbursed.

ATTACHMENTS

1. Motorola Invoice
2. Motorola Proprietary Letter



Quote Number: QU0000496862

Effective: 10 JAN 2020

Effective To: 10 MAR 2020

Bill-To:

MERCED, CITY OF
99 E 16TH ST
MERCED, CA 95340
United States

Ultimate Destination:

MERCED, CITY OF
99 E 16TH ST
MERCED, CA 95340
United States

Attention:

Name: Nathan Frankhouser
Email: FrankhouserN@ci.merced.ca.us
Phone: 2097687945

Sales Contact:

Name: Randy Emerzian
Email: randye@j-scommunications.com
Phone: 5594424400

Contract Number: LA COUNTY (CA)
Freight terms: Prepay and Add to Invoice
Payment terms: Net 30 Due

Item	Quantity	Nomenclature	Description	List price	Your price	Extended Price
1	11	NNTN7624C	CHARGER,CHR IMP VEH EXT NA/EU KIT	\$472.00	\$354.00	\$3,894.00
2	11	NNTN8575A	AUDIO ACCESSORY-REMOTE SPEAKER MICROPHONE,IMPRES XE RSM XT CABLE GREEN	\$538.00	\$457.30	\$5,030.30
3	10	PMNN4504A	BATT IMPRES 2 LIION UL2054 DIV2 R IP68 3400T	\$193.00	\$154.40	\$1,544.00
4	10	H98KGF9PW6BN	APX6000 VHF MHZ MODEL 2.5 PORTABLE	\$3,026.00	\$2,208.98	\$22,089.80
4a	10	H02AK	ENH: TACTICAL RADIO STW-STUN/KILL	\$75.00	\$54.75	\$547.50
4b	10	QA01833AH	ADD: EXTREME 1-SIDED NOISE REDUCTION	\$25.00	\$18.25	\$182.50
4c	10	QA01843AA	ADD: MANDOWN OPERATION	\$150.00	\$109.50	\$1,095.00
4d	10	QA09000AA	ADD: DIGITAL TONE SIGNALING	\$150.00	\$109.50	\$1,095.00
4e	10	Q887AT	ADD: 5Y ESSENTIAL SERVICE	\$162.00	\$162.00	\$1,620.00
4f	10	QA05570AA	ALT: LI-ION IMPRES 2 IP68 3400 MAH	\$100.00	\$73.00	\$730.00
4g	10	H842AU	ADD: SINGLE UNIT PACKING	-	-	-
4h	10	H499JM	ENH: SUBMERSIBLE (DELTA T)	\$150.00	\$109.50	\$1,095.00
4i	10	QA01427AB	ALT: IMPACT GREEN HOUSING	\$25.00	\$18.25	\$182.50

Estimated Tax Amount

\$3,226.12

Estimated Freight Amount

\$430.16

Total Quote in USD

\$42,761.88

PO Issued to Motorola Solutions Inc. must:

- >Be a valid Purchase Order (PO)/Contract/Notice to Proceed on Company Letterhead. Note: Purchase Requisitions cannot be accepted
- >Have a PO Number/Contract Number & Date
- >Identify "Motorola Solutions Inc." as the Vendor
- >Have Payment Terms or Contract Number
- >Be issued in the Legal Entity's Name
- >Include a Bill-To Address with a Contact Name and Phone Number
- >Include a Ship-To Address with a Contact Name and Phone Number
- >Include an Ultimate Address (only if different than the Ship-To)
- >Be Greater than or Equal to the Value of the Order
- >Be in a Non-Editable Format
- >Identify Tax Exemption Status (where applicable)

>Include a Signature (as Required)

January 27, 2020

Captain Nathan Frankhauser
City of Merced, Fire Department

Dear Mr. Frankhauser,

Thank you for your interest in Motorola's products and services. We appreciate the ongoing relationship with you, our valued customer. Our mission is to provide you with the most advanced products and services for voice and data communications. Everyday our offerings expand and our commitment to support our customers completely increases. To provide you with even more service, we developed a program to extend the effectiveness of our sales force and give you more expertise in our representation. This program is called the Manufacturer's Representative (MR).

Your Motorola Account Manager, Chris Chamberlain, is your direct representative for Motorola Solutions, Inc. Your Account Manager combines the knowledge and understanding of both your agency's operations and your existing voice and data systems to guide you toward the best solutions for your mobile communications. To assist the Account Manager, we have assigned Randy Emerzian with J's Communications, Inc. as the Motorola Manufacturer's Representative to your agency.

The role of the Manufacturer's Representative is to be a resource for you in the products and services previously procured through your Direct Motorola Account Manager. A Manufacturer's Representative can facilitate a transaction between Motorola and a customer by assisting with price quotations, presenting proposals, processing customer purchase orders, and tracking product deliveries. All binding quotes or proposals must be signed by a Motorola authorized signatory because Manufacturer's Representatives do not have authority to contractually bind Motorola. Any subsequent contract shall be between Motorola and the customer. Invoices for Motorola products and services come directly from Motorola. The Manufacturer Representative acts as an agent of Motorola and has access to contract price levels like our Direct Motorola Account Manager.

Both your Account Manager and your Manufacturer's Representative are highly trained to bring you the best knowledge and skill in the industry of mission critical voice and data technology. Together with you, our customer, the Account Manager and the Manufacturer's Representative work as a team to assist your agency in the evaluation and implementation of the most effective communications possible.

We consider it a privilege to be a part of the solutions that makes your agency "best in class". We look forward to a long, positive relationship with you and your personnel. If I can answer any questions or concerns, please feel free to call.

Best Regards,



Michael De Benedetti
Area Sales Manager, Motorola Solutions, Inc
303 Twin Dolphin Drive
Redwood City, 6th Floor #28
(510) 772 2992
michael.debenedetti@motorolasolutions.com



ADMINISTRATIVE REPORT

Agenda Item I.8.

Meeting Date: 2/18/2020

Report Prepared by: Mike Conway, Senior Management Analyst

SUBJECT: Approval of the Updated 2020-21 Regional, State and Federal Legislative Platform

REPORT IN BRIEF

Consider approving the updated 2020-21 Regional, State, and Federal Legislative Platform.

RECOMMENDATION

City Council - Adopt a motion adopting the updated 2020-21 Regional, State and Federal Legislative Platform.

ALTERNATIVES

1. Approve, as recommended by staff; or,
2. Approve, subject to other than recommended by staff (identify specific findings and/or conditions amended to be addressed in the motion); or,
3. Deny; or,
4. Refer to staff for consideration of specific items (specific items to be addressed in the motion); or,
5. Continue to a future meeting (date and time to be specified in the motion).

AUTHORITY

Charter of the City of Merced, Chapter 200

CITY COUNCIL PRIORITIES

As provided for in the 2020-21 Adopted Budget

DISCUSSION

The City Council adopted its first Legislative Platform in August 2017 after the Council expressed a desire for the City to take a stronger role advocating on behalf of the City in the regional, state and federal arenas. The Legislative Platform serves as the policy document to guide the City's advocacy efforts. It has been used to respond to State and Federal legislation and other initiatives that have been proposed during the year.

The City hired Townsend Public Affairs in October 2017 to provide advocacy services. Their representatives and staff have reviewed the Legislative Platform, reorganizing it and making some revisions and adding elements.

Additions to the platform include:

- Support legislation to protect local control of housing.
- Support legislation regarding creation and financing of quiet zones and other rail safety issues.
- Support legislation to improve the quality of life, and seeking assistance in financing an arts district and funding for arts and cultural events.
- Support for potential use of reclaimed water in future projects.
- Support legislation that would allow the City to share sales tax revenues.

Staff will continue to use the Legislative Platform to advocate on behalf of the City using a variety of means including letters, phone calls, personal meetings, testimony and media outreach. Council will be kept aware of staffs efforts and receive copies of materials that are distributed. Monthly Legislative updates are provided to Council and Townsend representatives have provided Council with annual updates at their meetings.

If there are matters not addressed in the Legislative Platform that come up staff will bring them before Council for consideration. The entire Legislative Platform will be brought back annually to the City Council for review and adoption after the California legislative session ends in October.

IMPACT ON CITY RESOURCES

No appropriation of funds are needed.

ATTACHMENTS

1. 2020-21 Regional, State and Federal Legislative Platform
2. 2020-21 Regional, State and Federal Legislative Platform, redline version



City of Merced

2020-21 Regional, State and Federal Legislative Platform

Platform Overview

The purpose of the Legislative Platform is to provide a means for summarizing the City of Merced's core legislative principles for the purpose of advocacy efforts at the regional, state and Federal level. The Legislative Platform contains broad policy statements pertaining to a variety of issues that impact the City of Merced.

The Legislative Platform sets forth the City of Merced's legislative objectives for the 2018-19 Congressional and State Legislative Sessions and provides direction for our legislative advocates as they work to secure clear and strategic initiatives in Sacramento and Washington, D.C. Approval of the Legislative Platform also streamlines the City of Merced's process and allows the Executive team, Mayor and Mayor Pro Tem to effectively respond and take immediate action on pressing legislation under City Council direction.

The City Manager's Office will annually update the Legislative Platform taking into account new issues or priorities and State and Federal budget as they relate to Merced or other regional partners. Additionally, the policies established within the platform do not preclude City Council consideration of additional legislative matters arising throughout the year that may be brought forward for City Council action.

The City of Merced's primary legislative focus includes protecting local government control, maintaining local government revenue, and obtaining funding for environmental sustainability, public safety, transportation, recreational, technology and infrastructure improvements.

Council will receive copies of correspondence to representatives and regulators regarding pending legislation, policies and rules, along with updates on any substantial meetings that take place.

The Legislative Platform includes the following guiding principles:

- The City favors legislation that enhances our ability to provide services to our residents;
- The City favors legislation that relieves the local government from rules and regulations with advantages and benefits that exceed the disadvantages to City residents;
- The City favors legislation that provides additional revenue or enables us to seek new or innovative revenue streams;
- The City opposes legislation that limits our self-rule or inhibits the ability of our residents to participate in local government decisions;
- The City opposes legislation that adds new or unjustified rules and regulations with disadvantages that exceed the benefits and advantages to City residents; and
- The City opposes unfunded mandates or any other legislation that adds more costs to City operations that aren't reimbursed, or takes away City funding or revenue streams without replacing the funds.

The Legislative Platform is organized into several broad categories that cover the breadth of the City of Merced's services, operations and assets, and other responsibilities. These categories include:

1. General Government
 - a. Local Control
 - b. Economic Sustainability
 - c. Sustainable Public Pensions
2. Public Safety, Emergency Management and Homeland Security
3. Community Development and Transportation
4. Community Services, Housing and Homelessness
5. Water and Utilities
6. Environmental Sustainability
7. Regional Partnerships

1. General Government

- Oppose additional State and Federal unfunded mandates.
- Oppose any State or Federal mandates without the direct or indirect reimbursement for the costs associated with complying with new and/or modified laws, regulations, policies, procedures, permits and/or programs.
- Oppose legislation that would result in the City and/or its residents to be unduly burdened by new or increased fees, levies, rates, charges or taxes that don't have a direct and measurably benefit to the public.
- Oppose legislation that would require public agencies to share information that could be used by malicious intended groups or individuals to compromise the systems, services or private information of public employees or citizens.
- Support best practices in fiscal sustainability and best practices administrative initiatives to ensure the delivery of superlative City services.
- Monitor initiatives which seek changes in fiscal relationships at the local, State and Federal level.
- Support legislation that guarantees on-going revenue sources for local government.
- Pursue funding opportunities for public facilities and services including capital improvement projects, public works projects, homeland security, public safety, technology, and parks and recreation.
- Support legislation that would prohibit the flying of helicopters or other aircraft at low altitudes over residential neighborhoods excluding police, fire or other public safety or other health and safety or industrial aircraft.
- Support legislation that would establish statewide regulations prohibiting the use of unmanned aircraft to record or transmit any visual or audio recording of any person or private real property in which the subject person or owner of property has a reasonable expectation of privacy, excluding public safety agencies.

Local Control

- Support legislation that enhances local control of resources and allows cities to address the needs of local constituents within a framework of regional cooperation.
- Oppose pre-emption of local authority whether by State or Federal legislation or ballot propositions.

- Support legislation that encourages the use of Federal and State incentives for local government action rather than mandates.
- Oppose legislation that would prevent public comment or review where it is currently allowed, prevents public comments from being used for the basis of regulatory decisions and oppose legislation that removes Council oversight of land use and other regulatory processes.
- Monitor land use issues and support legislative and administrative efforts to maintain the integrity of local government control over land use, planning and zoning matters.
- Support legislation that would preserve local control for regulation of cannabis sales, delivery, distribution, warehousing, growing and testing facilities. Also support preserving the City's right to tax the sales of cannabis products and keep revenues from local taxes, and prevent lowering the consumer protections of Proposition 64 and 215.
- Support measures increasing local autonomy, protecting privacy and maintaining local authority over public records. This includes measures that provide for the recovery of costs with regards to public records requests.
- Support transparent government and the role of the California Public Records Act while simultaneously observing and protecting the current Rule of Law in California including better legislation for the protection of privacy of public records and enhancing laws related to digital records.
- Oppose any legislation that would undermine voter-approved initiatives to guarantee on-going revenue sources for local government.
- Oppose legislation that would pre-empt local authority over local taxes and fees.
- Protect the City's right to levy and collect Transient Occupancy Taxes from hotels, including online hotel intermediaries.
- Oppose any Federal or State legislation that would provide immunity to online hotel intermediaries and/or prohibit the City from collecting, retroactively or otherwise, Transient Occupancy Taxes.
- Oppose any attempt to eliminate or limit the traditional tax exemption for municipal bonds.
- Continue to promote increased flexibility for the utilization of municipally-generated revenues.

- Engage in, and advocate for, legislation or ballot measures to prevent the State from borrowing, raiding or otherwise redirecting local government funds (local taxes, property taxes, etc.).
-
- Support legislation to enhance local control to define franchise requirements for public, educational, government access (PEG) channels, and oppose defining any franchise requirement as a “in-kind” contribution under a cable franchise agreement.

Economic Sustainability

- Advocate for measures that support the City’s continued efforts to retain and promote the success of local businesses and industries.
- Support tourism and its role in creating jobs and economic benefits to the City.
- Support legislation that would allow local brick-and-mortar retailers to compete more effectively against out-of-state internet sellers.
- Oppose legislation or other measures that would change sales tax distribution processes or prohibit local governments from entering into agreements to share sale tax revenues with distribution companies to help mitigate for health and infrastructure improvements, as well as to guarantee employment and wage levels.
- Support legislative efforts on behalf of the Investing in Opportunity Act that would result in the creation of Economic Opportunity Zones, and, support efforts to have the Governor designate Economic Opportunity Zones in Merced.

Sustainable Public Pensions

- Support League of California Cities and other legislative efforts for reform and to achieve sustainability of pensions and other post-employment benefits (OPEB).
- Oppose legislative efforts that constrain the ability of the California Public Employees’ Retirement System (CalPERS) to effectively manage its investment portfolio or otherwise impair the sustainability of the pension system.

Monitor legislative initiatives designed to achieve public employee pension reform.**2.**

Public Safety, Emergency Management and Homeland Security

- Support legislation and seek funding that will assist in preventing and reducing crimes, primarily related to drugs, violence, mental illness, and pedestrian safety.
- Oppose legislation to expand “early release” for low-risk serious and violent offenders without an increase in sustained funding to ensure responsible supervision by parole agents and for local agencies that provide post-release supervision.
- Oppose any efforts to further decriminalize existing crimes in California or lessen the sentences of any offenses that would result in the release of serious criminals who would further threaten the safety of the public and law enforcement personnel.
- Support a more effective and relevant reporting of local public safety agency data, and ensure that any disclosed data be fair and equitable.
- Advocate to maintain peace officer privacy rights in Pitchess motions and Public Record Act requests.
- Advocate against any extension of the statute of limitations in public safety worker’s compensation cases.
- Support strategies, legislation and funding that promote emergency management, resilience and recovery efforts.
- Oppose legislation or other administrative actions that seek to limit the Police Department’s ability to collect and utilize asset forfeiture funds for a wide variety of police services.
- Support legislation that provides frontline funding for police services associated with the early release of state prisoners as a result of State-mandated criminal justice realignment.
- Support the development and use of new firefighting technology that result in higher levels of health and safety.
- Advocate for legislation and funding that would take advantage of current technology to prevent crime (i.e. the ability to use surveillance cameras and automatic license plate recognition technology).
- Support the deployment and research of new emerging technologies that provide law enforcement with tools to provide the highest level of service including:
 - Next Generation 911

- Mobile and Body Worn Cameras
- New Generation Investigative Technology
- Collect, store and retain digital evidence
- Support interoperable communication solutions that meet radio spectrum needs of first responders and funding to digitize public safety communications.
- Advocate for Interagency Communications Interoperability System (I.C.I. System) participation among jurisdictions and funding for equipment and operations.
- Support efforts to eradicate human trafficking.
- Support legislation that aids paramedics and other emergency medical service practitioners in their ability to be responsive to community needs.
- Seek grants and pilot project/demonstration project funding for public safety programs and priorities.
- Support funding initiatives for Peace Officers Standards and Training (POST) and other law enforcement support organizations.
- Support and encourage legislation and budget negotiations that retain funding for State and local law enforcement agencies, including behavioral health treatment, drug and trafficking taskforces, crisis intervention teams, and adequate patrol staffing.
- Identify opportunities for reimbursements to supplement increased custodial and supervision costs resulting from prison realignment.
- Oppose legislation with mandates for local agency adherence to operations and programs that may not be reimbursable by State budget funds.
- Support legislation that expands the treatment of, and response to, mentally ill persons and the growing issues associated with the mentally ill.
- Support funding for the increased demand being placed on fire and law enforcement for response to societal issues including homelessness; substance abuse and dependency; and unpredictable and potentially harmful behavior towards the public and public safety officers.
- Support funding opportunities for local homeland security, public safety and emergency management programs including, training, and new technology and equipment (e.g. closed-circuit television) that does not supplant other City funding, services or operations.

- Seek grants and pilot project/demonstration project funding for City homeland security, public safety and emergency management priorities.

3. Community Development and Transportation

- Support legislation to streamline and increase efficiency of the California Environmental Quality Act (CEQA) while ensuring environmental stewardship is retained.
- Oppose legislation that adds more mandatory elements or requirements to City and County General Plans, including the Housing Element, or reduces or eliminates public input into local land use decisions.
- Support legislation that furthers the needs of UC Merced and oppose legislation that would impede its mission to educate students and continue its research mission.
- Support measures and discretionary grant opportunities that provide funding for critical transportation infrastructure projects to improve goods movement, safety and mobility for residents and visitors in and around Merced.
- Support legislation that expands transportation, planning, funding, and voluntary incentives to include an increasingly multi-modal perspective focusing on transit, alternative fuel vehicles and fleets, pedestrian walkways, bikeways, multi-use trails and parking.
- Support legislation that brings the California High-Speed Rail Project to Merced and oppose legislation that impedes its progress. Support strategies, legislation, regulatory efforts and funding that promote the location of the California High Speed Rail Heavy Maintenance Facility and other support facilities in Merced and advocate with the High-Speed Rail Authority on behalf of that location.
- Support legislation that brings the Altamont Commuter Express (ACE) to Merced and oppose legislation that impedes its progress.
- Oppose legislation that would prevent the City from providing regulatory oversight or requiring licensing to online transportation networks.
- Support State and Federal legislation that enhances the safety of City streets for automobile, bicycle and pedestrian traffic, including issues related to photo speed radar enforcement, traffic congestion reduction programs, air quality improvement and regional transportation improvements.
- Support measures which provide the City's fair share of funding from the State's cap and trade funding sources.

- Support legislation that would discourage the misuse of disabled parking placards or parking spaces.
- Work with other agencies in the region to support current State and Federal funding levels and encourage increased funding and flexibility in both operating and capital funding for mass transit.
- In conjunction with Merced Association of Governments (MCAG) and other agencies, support legislation that provides incentives for the development of local transportation corridors.
- Support local, regional, State and Federal legislative, administrative, and regulatory efforts that will expand and/or supplement funding for maintaining and upgrading major thoroughfares in the City, allowing for better traffic flow, goods movement, improved air quality and pedestrian safety.
- Support efforts to increase State or Federal funding for necessary infrastructure improvements.
- Support increased State and Federal resources to mitigate traffic congestion and improve air quality on City streets and rebuild and maintain roads.
- Support legislation and other efforts that would assist the City in the creation and financing of quiet zones and enhancing rail safety.

4. Community Services, Housing and Homelessness

- Support legislation that provides for increased services to, or funding for, at-risk populations such as adult and aging, homeless, disabled and other challenged populations.
- Continue to support legislation that enhances the health of the general population, with an emphasis on programs that focus on youth, adult, aging and at-risk populations.
- Support legislation that encourages policies and programming that promote healthy lifestyles; e.g. physical activity, preventative screenings, healthful eating and core wellness for people of all ages and abilities.
- Support efforts to increase State resources for local arts, cultural events, and education and library programs, including performing and visual arts programs.
- Support funding for ADA facility, sidewalk and park upgrades.

- Support legislative and administrative efforts that ensure equitable and transparent distribution of funding from Proposition 68 for park, recreation and related purposes.
- Support legislation that addresses the need for housing and supportive services, (e.g. health, mental health and social services) for the City's homeless population.
- Support legislative efforts to regulate second-hand smoke of any substance.
- Support efforts to provide additional services to veterans, especially homeless veterans, ranging from medical care to counseling to education and employment.
- Pursue incentive-based housing legislation to encourage expanding the housing supply in the City, including more flexibility for local jurisdictions to work together to provide housing that counts towards Regional Housing Needs Assessment (RHNA) requirements.
- Support Federal and State funding for affordable senior and veteran housing opportunities and projects.
- Support continued or expanded funding for the Community Development Block Grant (CDBG) Program.
- Oppose Legislation that would usurp local housing processes and community character.
- Support efforts to provide funding mechanisms for developing housing and other related infrastructure, as well as funding for effective housing development and ownership programs.
- Support efforts to provide funding for grant programs that connect housing with employment, recreation, schools, and public services.

Support legislation and other efforts that improve the quality of life for the residents of Merced, including additional funding for arts and cultural activities and events, historic, cultural and artistic preservation, and the potential creation of a Downtown Arts District.

5. Environmental Sustainability

- Advocate for cost-effective, sustainable, and responsible environmental policy and programs in the areas of energy efficiency, greenhouse gases, potable water, clean air, and wastewater, solid waste removal and storm water.
- Support legislation protecting, preserving and restoring the natural environment where it does not conflict with local control and land use designations.
- Support efforts to create partnerships between the City government, County government, School Districts, Water Agencies, other entities, businesses, residents and all other community stakeholders as necessary to achieve a sustainable community.
- Support funding to foster an energy-efficient, walk-able community that provides ample goods, services and benefits to all residents while respecting the local environment.
- Support legislation and other efforts that would provide funding and resources to address the effects of climate change, including water, flood, drought, wildfire, and others.

6. Water and Utilities

- Ensure the State continues to fund the California Department of Transportation (Caltrans) capital construction budget for offsetting their requirements to limit their total maximum daily load (TMDL) for pollutant discharge. Encourage Caltrans to continue to enter into Cooperative Implementation Agreements with local jurisdictions to fund storm water capture and retention projects.
- Ensure the State Water Resources Control Board continues to provide Caltrans a Compliance-Based Credit System that includes compliance based on using funding to support storm water projects that would meet statewide TMDLs.
- Support legislation for funding storm water infrastructure improvements, including building facilities to capture storm water runoff and integrate with local, regional and statewide water resources.
- Support legislation that would provide pragmatic compliance in statewide and regional National Pollution Discharge Elimination System (NPDES) permits.
- Support State and regional efforts to develop avenues for agencies to collect revenue to support storm water retention efforts.
- Support legislation that would classify storm water as a utility similar to water, wastewater and solid waste services.

- Support measures that uphold the ability of locally-elected City Councils to regulate and manage their publicly-owned water utility so that local authority is not eroded by State or Federal agencies, authorities or other regulatory agencies.
- Oppose legislation that adds requirements to provide services that utility customers do not value, want or need.
- Support legislation that ensures local ratemaking authority is preserved and remains meaningful.
- Support policies that recognize, support and credit the role of water conservation and use of efficiency in reducing greenhouse gas emissions.
- Support local control of groundwater uses and groundwater rights.
- Support local control for planning management and use of water supplies to address local needs and contribute to long-term sustainability.
- Support efforts that seek to bring Federal sources of funding to California for water infrastructure development and renewable energy development through water management.
- Support cost-effective water conservation programs and incentives that are funded by the State or Federal government.
- Support flexible funding options that will help local communities upgrade and replace water and wastewater infrastructure.
- Support legislation for State and Federal funding and permitting for the development of local water supplies and water conservation efforts, along with additional surface water and groundwater storage and recharge efforts.
- Support legislative and administrative efforts that ensure equitable and transparent distribution of funding from Propositions 1 and 68, as well as any future bond measures, for water- and wastewater-related projects.

7. Regional Partnerships

- Support legislation in conjunction with Merced County that will result in additional funding, services or programs that will benefit City residents including law enforcement, homeless housing, veterans support, transportation and mental health services, and work with Merced County to oppose legislation or regulations that would cut those services, programs or funding.

- Support legislation working with local educational institutions including the Merced City School District, Weaver Union School District, Merced Union High School District, Merced County Office of Education, Merced College and the University of California, Merced, that will result in additional funding, services or programs that will benefit City residents including job training, STEAM teaching and new and upgraded facilities.
- Support legislation working with the Merced Irrigation District and other water partners that will result in additional funding, services or programs that will benefit City residents, including funding groundwater basin studies and floodwater mitigation measures, or creating additional water storage.
- Support legislation and other efforts that would assist and finance the City's future plans to establish a program to use reclaimed water from the Wastewater Treatment Plant.
- Support legislation working with the Continuum of Care and other agencies to support those who are facing the challenges of homelessness.



City of Merced

2020-2118-19 Regional, State and ~~Federal~~Federal Legislative Platform

Platform Overview

The purpose of the Legislative Platform is to provide a means for summarizing the City of Merced's core legislative principles for the purpose of advocacy efforts at the regional, state and ~~federal~~Federal level. The Legislative Platform contains broad policy statements pertaining to a variety of issues that impact the City of Merced.

The Legislative Platform sets forth the City of Merced's legislative objectives for the 2018-19 Congressional and State Legislative Sessions and provides direction for our legislative advocates as they work to secure clear and strategic initiatives in Sacramento and Washington, D.C. Approval of the Legislative Platform also streamlines the City of Merced's process and allows the Executive team, Mayor and Mayor Pro Tem to effectively respond and take immediate action on pressing legislation under City Council direction.

The City Manager's Office will annually update the Legislative Platform taking into account new issues or priorities and State and ~~federal~~Federal budget as they relate to Merced or other regional partners. Additionally, the policies established within the platform do not preclude City Council consideration of additional legislative matters arising throughout the year that may be brought forward for City Council action.

The City of Merced's primary legislative focus includes protecting local government control, maintaining local government revenue, and obtaining funding for environmental sustainability, public safety, transportation, recreational, technology and infrastructure improvements.

Council will receive copies of correspondence to representatives and regulators regarding pending legislation, policies and rules, along with updates on any substantial meetings that take place.

The Legislative Platform includes the following guiding principles:

- The City favors legislation that enhances our ability to provide services to our residents;
- The City favors legislation that relieves the local government from rules and regulations with advantages and benefits that exceed the disadvantages to City residents;
- The City favors legislation that provides additional revenue or enables us to seek new or innovative revenue streams;
- The City opposes legislation that limits our self-rule or inhibits the ability of our residents to participate in local government decisions;
- The City opposes legislation that adds new or unjustified rules and regulations with disadvantages that exceed the benefits and advantages to City residents; and
- The City opposes unfunded mandates or any other legislation that adds more costs to City operations that aren't reimbursed, or takes away City funding or revenue streams without replacing the funds.

The Legislative Platform is organized into several broad categories that cover the breadth of the City of Merced's services, operations and assets, and other responsibilities. These categories include:

1. General Government
 - a. Local Control
 - b. Economic Sustainability
 - c. Sustainable Public Pensions
2. Public Safety, Emergency Management and Homeland Security
3. Community Development and Transportation
4. Community Services, Housing and Homelessness
5. Water and Utilities
6. Environmental Sustainability
7. Regional Partnerships

1. General Government

- Oppose additional State and ~~Federal~~Federal unfunded mandates.
- Oppose any State or ~~Federal~~Federal mandates without the direct or indirect reimbursement for the costs associated with complying with new and/or modified laws, regulations, policies, procedures, permits and/or programs.
- Oppose legislation that would result in the City and/or its residents to be unduly burdened by new or increased fees, levies, rates, charges or taxes that don't have a direct and measurably benefit to the public.
- Oppose legislation that would require public agencies to share information that could be used by malicious intended groups or individuals to compromise the systems, services or private information of public employees or citizens.
- Support best practices in fiscal sustainability and best practices administrative initiatives to ensure the delivery of superlative City services.
- Monitor initiatives which seek changes in fiscal relationships at the local, State and ~~Federal~~Federal level.
- Support legislation that guarantees on-going revenue sources for local government.
- Pursue funding opportunities for public facilities and services including capital improvement projects, public works projects, homeland security, public safety, technology, and parks and recreation.
- Support legislation that would prohibit the flying of helicopters or other aircraft at low altitudes over residential neighborhoods excluding police, fire or other public safety or other health and safety or industrial aircraft.
- Support legislation that would establish statewide regulations prohibiting the use of unmanned aircraft to record or transmit any visual or audio recording of any person or private real property in which the subject person or owner of property has a reasonable expectation of privacy, excluding public safety agencies.

Local Control

- Support legislation that enhances local control of resources and allows cities to address the needs of local constituents within a framework of regional cooperation.
- Oppose pre-emption of local authority whether by State or ~~Federal~~Federal legislation or ballot propositions.

- Oppose legislation that would prevent public comment or review where it is currently allowed, prevents public comments from being used for the basis of regulatory decisions and oppose legislation that removes Council oversight of land use and other regulatory processes.
- Monitor land use issues and support legislative and administrative efforts to maintain the integrity of local government's control over land use, planning and zoning matters.
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- Oppose any legislation that would undermine voter-approved initiatives to guarantee on-going revenue sources for local government.
- Oppose legislation that would pre-empt local authority over local taxes and fees.
- Protect the City's right to levy and collect Transient Occupancy Taxes from hotels, including online hotel intermediaries.
- Oppose any ~~Federal~~Federal or State legislation that would provide immunity to online hotel intermediaries and/or prohibit the City from collecting, retroactively or otherwise, Transient Occupancy Taxes.
- Oppose any attempt to eliminate or limit the traditional tax exemption for municipal bonds.
- Continue to promote increased flexibility for the utilization of municipally-generated revenues.

State from borrowing, raiding or otherwise redirecting local government funds (local taxes, property taxes, etc.).

- ~~o Continue to promote increased flexibility for the utilization of municipally generated revenues.~~
- ~~o Support legislation that includes operational expenses as an acceptable use of public, educational, government access (PEG) funds, collected from cable franchise fees per the Federal Communications Commission, for government access stations.~~
- o Support legislation to enhance local control to define franchise requirements for public, educational, government access (PEG) channels, and oppose defining any franchise requirement as a “in-kind” contribution under a cable franchise agreement.

Economic Sustainability

- o Advocate for measures that support the City’s continued efforts to retain and promote the success of local businesses and industries.
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investment portfolio or otherwise impair the sustainability of the pension system.

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- Support the development and use of new firefighting technology that result in higher levels of health and safety.
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- Support the deployment and research of new emerging technologies that provide law enforcement with tools to provide the highest level of service including:
 - Next Generation 911
 - Mobile ~~and~~ Body Worn Cameras
 - New ~~g~~Generation Investigative Technology
 - Collect, store and retain digital evidence
- Support interoperable communication solutions that meet radio spectrum needs of first responders and funding to digitize public safety communications.
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- Support and encourage legislation and budget negotiations that retain funding for State and local law enforcement agencies, including behavioral health treatment, drug and trafficking taskforces, crisis intervention teams, and adequate patrol staffing.
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- Support funding opportunities for local homeland security, public safety and emergency management programs including, training, and new technology and

equipment (e.g. closed-circuit television) that does not supplant other City funding, services or operations.

- Seek grants and pilot project/demonstration project funding for City homeland security, public safety and emergency management priorities.

3. Community Development and Transportation

- Support legislation to streamline and increase efficiency of the California Environmental Quality Act (CEQA) while ensuring environmental stewardship is retained.
- Oppose legislation that adds more mandatory elements or requirements to City and County General Plans, including the Housing Element, or reduces or eliminates public input into local land use decisions.
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- Support legislation that expands transportation, planning, funding, and voluntary incentives to include an increasingly multi-modal perspective focusing on transit, alternative fuel vehicles and fleets, pedestrian walkways, bikeways, multi-use trails and parking.
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- Oppose legislation that would prevent the City from providing regulatory oversight or requiring licensing to online transportation networks.
- Support State and ~~federal~~Federal legislation that enhances the safety of City streets for automobile, bicycle and pedestrian traffic, including issues related to photo speed radar enforcement, traffic congestion reduction programs, air quality improvement and regional transportation improvements.

- Support measures which provide the City's fair share of funding from the State's cap and trade funding sources.
- Support legislation that would discourage the misuse of disabled parking placards or parking spaces.
- Work with other agencies in the region to support current State and ~~Federal~~Federal funding levels and encourage increased funding and flexibility in both operating and capital funding for mass transit.
- In conjunction with Merced Association of Governments (MCAG) and other agencies, support legislation that provides incentives for the development of local transportation corridors.
- Support local, regional, State and ~~Federal~~Federal legislative, administrative, and regulatory efforts that will expand and/or supplement funding for maintaining and upgrading major thoroughfares in the City, allowing for better traffic flow, goods movement, improved air quality and pedestrian safety.
- Support efforts to increase State or ~~Federal~~Federal funding for necessary infrastructure improvements.
- Support increased State and ~~Federal~~Federal resources to mitigate traffic congestion and improve air quality on City streets and rebuild and maintain roads.
- Support legislation and other efforts that would assist the City in the creation and financing of quiet zones and enhancing rail safety.

4. Community Services, Housing and Homelessness

- Support legislation that provides for increased services to, or funding for, at-risk populations such as adult and aging, homeless, disabled and other challenged populations.
- Continue to support legislation that enhances the health of the general population, with an emphasis on programs that focus on youth, adult, aging and at-risk populations.
- Support legislation that encourages policies and programing that promote healthy lifestyles; e.g. physical activity, preventative screenings, healthful eating and core wellness for people of all ages and abilities.
- Support efforts to increase State resources for local arts, cultural events, and education and library programs, including performing and visual arts programs.

- Support funding for ADA facility, sidewalk and park upgrades.
- Support legislative and administrative efforts that ensure equitable and transparent distribution of funding from Proposition 68 for park, recreation and related purposes.
- ~~• Support legislation that provides for increased services to, or funding for, at risk populations such as adult and aging, homeless, disabled and other challenged populations.~~
- Support legislation that addresses the need for housing and supportive services, (e.g. health, mental health and social services) for the City's homeless population.
- Support legislative efforts to regulate second-hand smoke of any substance.
- Support efforts to provide additional services to veterans, especially homeless veterans, ranging from medical care to counseling to education and employment.
- Pursue incentive-based housing legislation to encourage expanding the housing supply in the City, including more flexibility for local jurisdictions to work together to provide housing that counts towards Regional Housing Needs Assessment (RHNA) requirements.
- Support ~~Federal~~Federal and State funding for affordable senior and veteran housing opportunities and projects.
- Support continued or expanded funding for the Community Development Block Grant (CDBG) Program.
- Oppose Legislation that would usurp local housing processes and community character.
- Support efforts to provide funding mechanisms for developing housing and other related infrastructure, as well as funding for effective housing development and ownership programs.
- Support efforts to provide funding for grant programs that connect housing with employment, recreation, schools, and public services.
- Support legislation and other efforts that improve the quality of life for the residents of Merced, including additional funding for arts and cultural activities and events, historic, cultural and artistic preservation, and the potential creation of a Downtown Arts District.

5. Environmental Sustainability

- Advocate for cost-effective, sustainable, and responsible environmental policy and programs in the areas of energy efficiency, greenhouse gases, potable water, clean air, and wastewater, solid waste removal and storm water.
- Support legislation protecting, preserving and restoring the natural environment where it does not conflict with local control and land use designations.
- Support efforts to create partnerships between the City government, County government, School Districts, Water Agencies, other entities, businesses, residents and all other community stakeholders as necessary to achieve a sustainable community.
- Support funding to foster an energy-efficient, walk-able community that provides ample goods, services and benefits to all residents while respecting the local environment.
- Support legislation and other efforts that would provide funding and resources to address the effects of climate change, including water, flood, drought, wildfire, and others.

6. Water and Utilities

- Ensure the State continues to fund the California Department of Transportation (Caltrans) capital construction budget for offsetting their requirements to limit their total maximum daily load (TMDL) for pollutant discharge. Encourage Caltrans to continue to enter into Cooperative Implementation Agreements with local jurisdictions to fund storm water capture and retention projects.
- Ensure the State Water Resources Control Board continues to provide Caltrans a Compliance-Based Credit System that includes compliance based on using funding to support storm water projects that would meet statewide TMDLs.
- Support legislation for funding storm water infrastructure improvements, including building facilities to capture storm water runoff and integrate with local, regional and statewide water resources.
- Support legislation that would provide pragmatic compliance in statewide and regional National Pollution Discharge Elimination System (NPDES) permits.
- Support State and regional efforts to develop avenues for agencies to collect revenue to support storm water retention efforts.

- Support legislation that would classify storm water as a utility similar to water, wastewater and solid waste services.
- Support measures that uphold the ability of locally-elected City Councils to regulate and manage their publicly-owned water utility so that local authority is not eroded by State or ~~federal~~Federal agencies, authorities or other regulatory agencies.
- Oppose legislation that adds requirements to provide services that utility customers do not value, want or need.
- Support legislation that ensures local ratemaking authority is preserved and remains meaningful.
- Support policies that recognize, support and credit the role of water conservation and use of efficiency in reducing greenhouse gas emissions.
- Support local control of groundwater uses and groundwater rights.
- Support local control for planning management and use of water supplies to address local needs and contribute to long-term sustainability.
- Support efforts that seek to bring ~~federal~~Federal sources of funding to California for water infrastructure development and renewable energy development through water management.
- Support cost-effective water conservation programs and incentives that are funded by the State or ~~federal~~Federal government.
- Support flexible funding options that will help local communities upgrade and replace water and wastewater infrastructure.
- Support legislation for State and ~~Federal~~Federal funding and permitting for the development of local water supplies and water conservation efforts, along with additional surface water and groundwater storage and recharge efforts.
- Support legislative and administrative efforts that ensure equitable and transparent distribution of funding from Propositions 1 and 68, as well as any future bond measures, for water- and wastewater-related projects.

7. Regional Partnerships

- Support legislation in conjunction with Merced County that will result in additional funding, services or programs that will benefit City residents including law enforcement, homeless housing, veterans support, transportation and mental

health services, and work with Merced County to oppose legislation or regulations that would cut those services, programs or funding.

- Support legislation working with local educational institutions including the Merced City School District, Weaver Union School District, Merced Union High School District, Merced County Office of Education, Merced College and the University of California, Merced, that will result in additional funding, services or programs that will benefit City residents including job training, STEAM teaching and new and upgraded facilities.
- Support legislation working with the Merced Irrigation District and other water partners that will result in additional funding, services or programs that will benefit City residents, including funding groundwater basin studies and floodwater mitigation measures, or creating additional water storage.
- Support legislation and other efforts that would assist and finance the City's future plans to establish a program to use reclaimed water from the Wastewater Treatment Plant.
- Support legislation working with the Continuum of Care and other agencies to support those who are facing the challenges of homelessness.



ADMINISTRATIVE REPORT

Agenda Item I.9.

Meeting Date: 2/18/2020

Report Prepared by: Stephanie Dietz, Assistant City Manager, City Manager's Office

SUBJECT: Adoption of Resolution Setting a Public Hearing for March 16, 2020 to Consider the Work and Expense Report and Any Protest or Objections Thereto for the Abatement Work Done for 1716 East 23rd Street (Abatement of Public Nuisance and Demolition of Building)

REPORT IN BRIEF

Considers setting a public hearing to hear the work and expense report for the abatement work done for 1716 East 23rd Street.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2020-06**, a Resolution of the City Council of the City of Merced, California, receiving the cost of assessment and report on 1716 (APN 034-063-006) East 23rd Street, Merced, California, and setting a public hearing thereon for March 16, 2020.

ALTERNATIVES

1. Request additional information and continue to a subsequent date.
2. Modify the recommended action.
3. Disapprove the recommended action.

AUTHORITY

Merced Municipal Code Section 17.16.010.

Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings:

Section 901 of the Uniform Code for the Abatement of Dangerous Buildings states as follows:

"The director of public works shall keep an itemized account of the expense incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of Section 701.3, Item 3, of this code. Upon the completion of the work of repair or demolition, said director shall prepare and file with the clerk of this jurisdiction a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Section 401.3."

Section 902 provides that the clerk shall present the itemized account of the expense to

the legislative body of the jurisdiction for consideration. The legislative body shall set a date for a hearing to hear the report and any protests or objections thereto. The clerk shall cause notice of said hearing and such notice shall be given at least ten days prior to the date of said hearing.

Section 904 provides that upon the hearing of the matter, the legislative body shall make any such revision, correction, or modification in the report or the charge as it may deem just, and shall confirm or reject the report.

Section 905 provides that the legislative body may order the charge be made a personal obligation of the property owner or assess said charge against the property involved. If the legislative body opts to make the charge a personal obligation, it shall direct the attorney for the jurisdiction to collect the amount by use of all appropriate legal remedies. If the legislative body orders that the charge be assessed against the property, it shall confirm the assessment, cause it to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property.

CITY COUNCIL PRIORITIES

This action is consistent with the City Council's priority to address substandard properties within the City that pose immediate threats to health and public safety.

DISCUSSION

The City has adopted the Uniform Code for the Abatement of Dangerous Buildings as part of the Merced Municipal Code at Section 17.16.010. The Uniform Code for the Abatement of Dangerous Buildings defines what constitutes dangerous buildings and provides a procedure for identifying dangerous buildings and either making them safe or demolishing them. The Code also provides for notice of violations to the owner(s) of the property and notice of their appeal rights. Finally, as described in the "Authority" section of this report, if the City is forced to abate a nuisance condition, when the abatement is complete, the Code provides for the collection by the City of the costs of abatement.

History of Abatement of Nuisance on the Property

The subject property was a single-family residence in Merced located at 1716 East 23rd Street, Assessor's Parcel Number 034-063-006 (the "Property"). The residence was built sometime around 1952 and at the time of the abatement had existed for several years in an extremely substandard, hazardous and dilapidated condition. The City initially posted/red-tagged the Property as uninhabitable and unsafe to enter in 2006; it was reposted as such on multiple occasions over the past 13 years. The Property was an eyesore constituting blight upon the surrounding neighborhood and attracting transients for unsafe activities. In February 2017, the Property became the focus of law and code enforcement efforts.

In October 2017, the Chief Building Official issued a Notice and Order to vacate and demolish the Property by November 12, 2017, which the Property owner failed to do. On January 2, 2019, a

second Notice and Order to Abate approximately 29 violations of state and local law was served on the Property owner. Again, the Property owner ignored the Notice and Order and did not comply or appeal by the deadlines. On February 20, 2019, upon request of the City, the Merced Superior Court issued a Warrant to inspect and abate the Property by demolition. The City hired Unruh Bobcat Service to demolish the Property and abate the nuisances. On March 7, 2019, the City demolished the single-family residence on the Property pursuant to and in accordance with the Uniform Code for the Abatement of Dangerous Buildings. Additionally, all other trash and debris was removed, leaving a clean and vacant lot.

Since March 2019, the Property owner has lived out of a tent on the Property. Over the past ten months, City Code Enforcement has cited the Property owner for several violations of state and local law, and police have responded to seventeen calls regarding the Property. To date, the Property remains unsecured and beset with trash, debris, discarded appliances, mattresses, and fire hazards. It is an eyesore and a blight on the neighborhood. The Property continues to deteriorate and is an attractive nuisance to outsiders who may enter it and be subject to serious risk of harm given the Property's unsafe and unsanitary conditions. On November 19, 2019, the Chief Building Official issued a Notice and Order to abate the public nuisances on the Property. The Property owner was given until January 19, 2020 to comply, which he failed to do. The City will seek a court ordered receivership in the near future.

The City has expended funds for the cost of demolition, for staff time involved in the inspections of the building, for police calls to the Property, and the process of obtaining authority from the court to abate the nuisance on the Property. There were additional costs for staff time responding to complaints and citing the continuing violations on the Property post-demolition. All expenditures are set forth in Attachment "1" hereto.

As addressed in the "Authority" section of this report, if the City wishes to recover its costs with regard to the abatement, the City Council must review and approve the accounting of the costs presented after a public hearing and after hearing any protests or objections to the cost accounting. The City Council may make changes it deems to be just. Once the City Council has approved the cost report and the charge based thereon, the City Council may order that the charge be made a special assessment and lien against the Property.

IMPACT ON CITY RESOURCES

No appropriation of funds is needed.

ATTACHMENTS

1. Cost Assessment Report - Public Nuisance Abatement by the City of Merced Pertaining to 1716 East 23rd Street
2. Resolution to Schedule Hearing of Costs Assessment Report

**COST ASSESSMENT REPORT
PUBLIC NUISANCE ABATEMENT
1716 EAST 23RD STREET, MERCED, CA
APN 034-063-006-000**

This Cost Assessment Report pertains to the nuisance abatement proceedings regarding property located at **1716 East 23rd Street, Merced, California**, also known as Assessor's Parcel Number: 034-063-006-000

<u>ITEM</u>		<u>COST</u>
1	TransCounty Title Co.-Litigation Guarantee	550.00
2	Unruh Bobcat Service-Demolition	17,400.00
3	Staff Time (reported below)	<u>15,012.03</u>
TOTAL		<u>\$32,962.03</u>

SUMMARY OF COSTS RELATED TO STAFF TIME

<u>JOB TITLE</u>	<u>TOTAL</u>
City Manager	108.99
City Attorney	386.90
Chief Deputy City Attorney	288.42
Fire Chief	73.37
Community Services Officer(s)	5,165.30
Chief Building Official	1,668.63
Merced Police Patrol Officer(s)	7,251.50
Deputy Fire Chief	<u>68.92</u>
TOTAL	<u>\$15,012.03</u>

TIMESHEETS - 1716 East 23rd Street

CITY MANAGER:

<u>DATE</u>	<u>ITEM</u>	<u>RATE</u>	<u>TIME</u>	<u>COST</u>
9/6/2017	Met with Code Enforcement Team	217.98	0.50	108.99

CITY ATTORNEY:

<u>DATE</u>	<u>ITEM</u>	<u>RATE</u>	<u>TIME</u>	<u>COST</u>
9/6/2017	Property visit/consultation with Code Enforcement Team	193.45	2.00	386.90

CHIEF DEPUTY CITY ATTORNEY:

<u>DATE</u>	<u>ITEM</u>	<u>RATE</u>	<u>TIME</u>	<u>COST</u>
9/6/2017	Property visit/consultation with Code Enforcement Team	144.21	2.00	288.42

FIRE CHIEF

<u>DATE</u>	<u>ITEM</u>	<u>RATE</u>	<u>TIME</u>	<u>COST</u>
9/6/2017	Property visit/consultation with Code Enforcement Team	146.73	0.50	73.37

COMMUNITY SERVICES OFFICER:

<u>DATE</u>	<u>ITEM</u>	<u>RATE</u>	<u>TIME</u>	<u>COST</u>
2/21/2017	Site Inspection & Photos	87.92	0.75	65.94
3/14/2017	Reinspection of property	87.92	0.50	43.96
3/14/2017	Phone contact with Complainant	87.92	0.50	43.96
4/10/2017	Reinspection of property/Citation issued	87.92	0.50	43.96
5/8/2017	Reinspection of property/Citation issued	87.92	1.00	87.92
5/24/2017	Reinspection of property/Citation issued	87.92	1.00	87.92
6/28/2017	Reinspection of property/3 Vehicles Posted for Abatement	87.92	1.00	87.92
7/27/2017	Reinspection of property/Citation issued	87.92	1.00	87.92
7/31/2017	Visit to property. Requested consent for Building Inspection, Fire inspection, declined all consent for interior inspection	87.92	0.50	43.96
8/9/2017	Property reinspection. Additional Vehicle posted for abatement. Citation issued	87.92	0.50	43.96
8/23/2017	Reinspection of property/Ava vehicle. Met with neighborhood complaintant/Citation issued	87.92	2.00	175.84

9/6/2017	Met with Code Enforcement Team and City Manager. Consent given for CE and Dart to enter residence for inspection. Photos taken	87.92	0.50	43.96
9/25/2017	Met with DART Team, United Way to speak with Property owner about condition of interior of his residence; Located others living in vehicle in backyard, posted it for abatement	87.92	0.75	65.94
10/11/2017	Served Property owner with Notice And Order to Abate	87.92	0.50	43.96
10/20/2017	Reinspection of property	87.92	0.50	43.96
11/7/2017	Reinspection of property/Citation of property	87.92	0.50	43.96
11/20/2017	Visit property/encouraged No Trespass Letter of Authority/ owner refused	87.92	0.50	43.96
12/20/2017	Reinspection of property	87.92	0.50	43.96
1/3/2018	Reinspection of property	87.92	0.50	43.96
1/29/2018	Reinspection of property/Citation issued	87.92	0.50	43.96
2/15/2018	Reinspection of property/Citation issued	87.92	0.50	43.96
3/8/2018	Reinspection of property/Citation issued	87.92	0.75	65.94
3/28/2018	Reinspection of property/Citation issued	87.92	0.50	43.96
4/9/2018	Reinspection of property	87.92	0.50	43.96
5/3/2018	Reinspection of property	87.92	0.50	43.96
6/7/2018	Reinspection of property	87.92	0.50	43.96
6/21/2018	Reinspection of property	87.92	0.50	43.96
7/10/2018	Reinspection of property/Citation issued	87.92	0.50	43.96
7/25/2018	Reinspection of property/Citation issued	87.92	0.50	43.96
8/13/2018	Reinspection of property/Citation issued	87.92	0.50	43.96
9/13/2018	Reinspection of property/Citation issued	87.92	0.50	43.96
10/30/2018	Reinspection of property/Vehicle posting	87.92	1.00	87.92
11/5/2018	Issuance of 27 violation Citations exterior	87.92	1.00	87.92
11/6/2018	Prepare and submit case file to City Attorney for Abatement Warrant	87.92	1.00	87.92
11/9/2018	Reinspection of property/Citations issued	87.92	1.00	87.92
11/20/2018	Reinspection of property/Citations issued	87.92	0.50	43.96
11/27/2018	Code Enforcement Team visit property/consent given to enter property/photos taken	87.92	1.00	87.92
12/3/2018	Code Enforcement team met for further inspection/consent denied	87.92	0.50	43.96
12/17/2018	Reinspection of property	87.92	0.50	43.96
1/2/2019	Posting of Notice and Order to Abate	87.92	0.50	43.96
1/9/2019	Responded to property regarding complaints received entire alley blocked and is a concern for safety etc	87.92	0.75	65.94
1/30/2019	Reinspection of property/Citation issued	87.92	0.75	65.94
2/18/2019	Reinspection of property	87.92	0.50	43.96
2/28/2019	Posted Inspection/Abatement Warrant	87.92	1.00	87.92

3/1/2019	Met with CBO performed interior, exterior inspection, photos, video. Abatement began due to findings and Warrant authority	87.92	8.00	703.36
3/21/2019	Met with Demo Contractor and confirmed job complete. Photos taken	87.92	2.00	175.84
4/17/2019	Posted white Chevy cavalier lic 6btw408 for abatement removal	87.92	0.50	43.96
4/18/2019	Reinspection of nuisance lot trash/debris, disruptive activity/Citation issued to owner	87.92	0.50	43.96
4/22/2019	Reinspection of nuisance lot for vehicle violations, disruptive activity, trash/debris; owner refused citation posted to cardboard house/Citation issued to owner; refused posted to cardboard house	87.92	0.50	43.96
4/25/2019	Reinspection of nuisance lot; continued violations, owner refused citation posted to cardboard house; Admin citation issued to owner; refused posted to cardboard house	87.92	0.50	43.96
4/29/2019	Chevy vehicle abatement follow up; vehicle was gone on arrival. Lot has piles of trash/debris still	87.92	0.50	43.96
5/21/2019	Documentation, preparation of Cost Recovery for filing	87.92	8.00	703.36
6/13/2019	Reinspection with complaint of more trash, motor homes and individual staying on the property. Continued nuisance property	87.92	0.25	21.98
7/16/2019	Reinspection of property with camps and trash/debris. Posted noncompliant dodge caravan for abatement	87.92	0.25	21.98
7/19/2019	Inspection of property more trash/debris, vehicles, misc. items.	87.92	0.25	21.98
10/21/2019	Inspection posted multiple vehicles parked on lot and photos taken of misc. trash/debris piled up	87.92	1.00	131.88
10/24/2019	Inspection for criminal prosecution for owner allowing illegal activity; owner unable to locate	87.92	0.50	43.96
10/28/2019	Inspection for criminal prosecution for owner unable to locate; advised he left town and not returning.	87.92	0.50	43.96
11/1/2019	Reinspection for vehicle abatement; all vehicles gone on arrival. Scattered debris everywhere. Trailer dragged down street towed by parking enforcement	87.92	1.50	131.88
11/19/2019	Notice & order posted for abatement of property nuisance; continued property nuisance	87.92	0.50	43.96
1/22/2020	Inspection of property more trash/debris, misc. items. Dumping area	87.92	0.25	21.98
1/29/2020	Prepare documentation; Cost Recovery	87.92	3.00	<u>263.76</u>
				5,165.30

CHIEF BUILDING OFFICIAL

<u>DATE</u>	<u>ITEM</u>	<u>RATE</u>	<u>TIME</u>	<u>COST</u>
9/6/2017	Met with Code Enforcement Team	123.61	0.50	61.80
9/26/2017	Gather permit and enforcement history	123.61	0.50	61.80
10/3/2017	Draft Notice and Order to Abate	123.61	0.50	61.80
10/11/2017	Revise Notice and Order to Abate	123.61	0.50	61.80
10/13/2017	Finalize Notice and Order to Abate	123.61	2.50	309.02
10/20/2017	Order Condition of Title Report	123.61	0.50	61.80
11/14/2017	Met with Mr. Easley in Building Dept. to discuss his property	123.61	0.50	61.80
11/17/2017	Met with Code Enforcement Team to discuss meeting with Mr. Easley on 11/14/2017	123.61	0.50	61.80
11/28/2018	Draft 2nd Notice and Order to Abate/Demolish	123.61	0.50	61.80
12/3/2018	Travel to property/attempt inspection	123.61	1.50	185.41
12/17/2018	Review Litigation Guarantee and revise Notice and Order to Abate/Demolish	123.61	0.50	61.80
1/14/2019	Provide status update for neighborhood complaint	123.61	0.50	61.80
1/28/2019	Review files from Fire Dept. and organize/update case file	123.61	0.50	61.80
2/4/2019	Met with Mr. Easley in Building Dept. to discuss his property	123.61	1.00	61.80
2/14/2019	Travel to property/confirmed state of property, exterior inspection	123.61	0.50	61.80
2/21/2019	Staff communication regarding Inspection Warrant	123.61	0.50	61.80
2/22/2019	Staff communication regarding Purchase Order and Statement of Services for Demolition	123.61	0.50	61.80
2/25/2019	Further Staff communication regarding Purchase Order and Statement of Services	123.61	0.50	61.80
3/5/2019	Draft Declaration and organize documents for Inspection Warrant	123.61	1.00	61.80
3/8/2019	Inspection coordination of demolition-Final	123.61	0.50	61.80
3/14/2019	Site visit post demolition	123.61	0.50	61.80
				1,668.63

POLICE- all time is for response calls to Property except as noted

<u>DATE</u>	<u>ITEM</u>	<u>RATE</u>	<u>TIME</u>	<u>COST</u>
5/24/2017	Kalvin Haygood #158	132.05	2.25	297.11
5/24/2017	Samuel Sannadan # 172	132.05	2.00	264.10
6/20/2017	Samuel Sannadan #172	132.05	0.25	33.01
7/3/2017	Samuel Sannadan #172	132.05	0.25	33.01
7/3/2017	Jacob Fister #253	106.77	0.25	26.69
8/18/2017	Jeremy Salyers #191	128.66	0.25	32.17
8/18/2017	Edwin Arias #220	125.04	0.25	31.26
9/6/2017	Samuel Sannadan #172	132.05	0.25	33.01

9/17/2017 Lance O'Brien #246	119.52	0.50	59.76
10/11/2017 Peter Villarreal #155	131.31	0.50	65.66
10/11/2017 Miguel Gallegos # 110	125.04	0.25	31.26
10/11/2017 Jose Cruz #226	113.50	1.00	113.50
10/11/2017 Nathaniel McKinnon #162	131.31	0.25	32.83
10/11/2017 Levi Crain #256	95.25	0.25	23.81
10/11/2017 Rodney Court (SGT)	151.49	0.25	37.87
11/20/2018 Brian Rinder #175	135.46	0.25	33.87
11/20/2018 Samuel Sannadan #172	132.05	0.25	33.01
11/20/2018 Brian Rinder #175	135.46	1.00	135.46
11/26/2018 Arturo Dehoyos #250	95.25	0.25	23.81
12/3/2018 Shaun Kramer #268	90.49	0.25	22.62
12/17/2018 Shaun Kramer #268	90.49	0.25	22.62
1/4/2019 Patrick Radke #272	106.74	0.25	26.68
2/28/2019 Jacob Partlow #6002	87.92	1.00	87.92
2/28/2019 Sean Greene #122	131.27	2.00	262.54
2/28/2019 Brian Rinder #175	135.46	2.00	270.92
2/28/2019 Samuel Sannadan #172	132.05	1.00	132.05
2/28/2019 Sgt. Solis #121	137.48	2.00	274.96
3/1/2019 Mark Jenkins #146-demolition day/crowd control	131.97	8.00	1,055.76
3/1/2019 Sean Greene #122-demolition day/crowd control	131.27	8.00	1,050.16
3/1/2019 Brian Rinder #175-demolition day/crowd control	135.46	8.00	1,083.68
3/1/2019 Spencer Aguirre #259-demolition day	94.18	0.25	23.55
3/1/2019 Patrick Radke #272-demolition day	106.74	0.25	26.69
3/1/2019 Zachary Stewart #247-demolition day	104.70	0.25	26.18
3/4/2019 Shaun Kramer #268	90.49	0.75	67.87
3/4/2019 Enrique Rodriguez #251	106.90	0.75	80.18
3/6/2019 Spencer Aguirre #259	94.18	0.25	23.55
3/6/2019 Israel Garcia #257	100.59	0.75	75.44
4/17/2019 Brian Rinder #175	135.46	0.50	67.73
4/18/2019 Sgt. Solis #121	137.48	0.50	68.74
4/22/2019 Brian Rinder #175	135.46	0.50	67.73
4/29/2019 Brian Rinder #175	135.46	0.50	67.73
7/16/2019 Brian Rinder #175	142.56	0.25	35.64
7/31/2019 Jessica Phillips #595	63.21	0.75	47.41
9/26/2019 Sgt. Foster #192	146.03	0.75	109.52
9/26/2019 E Gaytan #264	107.31	0.75	80.48
9/26/2019 T Prevostini #270	103.85	0.75	77.89
9/26/2019 Arias #220	129.73	0.75	97.30
9/26/2019 Vincent Wilkins #285	87.15	0.75	65.36
9/29/2019 Leah Garcia #277	95.50	0.50	47.75
9/29/2019 Leah Garcia #277	95.50	0.25	23.88
10/21/2019 Rinder #175	142.56	1.00	142.56
10/21/2019 Sean Greene #122	132.90	1.00	132.90
10/24/2019 Mark Jenkins #146	140.39	0.50	70.20
10/28/2019 Mark Jenkins #146	140.39	0.50	70.20

11/19/2019 Cameron Switzer #5902

47.79

0.50

23.90

7,251.50

DEPUTY FIRE CHIEF

DATE

ITEM

RATE

TIME

COST

Demolition day Site Review. Contact PG&E to shut off
3/1/2019 power

137.83

0.50

68.92

RESOLUTION NO. 2020 - _____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
RECEIVING THE COST OF ASSESSMENT AND
REPORT ON 1716 (APN 034-063-006) East 23RD
STREET, MERCED, CALIFORNIA, AND
SETTING A PUBLIC HEARING THEREON FOR
MARCH 16, 2020**

WHEREAS, The Director of Public Works is required to keep an itemized account of expense incurred by the City of Merced in the repair or demolition of any building done pursuant to the provisions of Section 701.2, Item 3, of the Uniform Code for the Abatement of Dangerous Buildings; and,

WHEREAS, The itemized account of expense relating to the nuisance abatement (demolition) at 1716 (APN 034-063-006) East 23rd Street, Merced, California has been prepared and filed with the City Clerk; and,

WHEREAS, Said report complies with the requirements of Section 901 of the Uniform Code for the Abatement of Dangerous Buildings; and,

WHEREAS, A public hearing on said report is proposed for March 16, 2020.

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

SECTION 1. A public hearing is hereby set for Monday, March 16, 2020 at 6:00 p.m. to consider any protests or objections presented regarding the subject matter of this report. The City Clerk is hereby directed to give notice hereof in accordance with Section 902 of the Uniform Code for the Abatement of Dangerous Buildings, by posting notice on the property involved, publishing once in a newspaper of general circulation in this jurisdiction, and serving by certified mail, postage prepaid, addressed to the owner of the property as the owner's name appears on the last equalized assessment roll of the county, if such so appears, or as known to the clerk. Such notice shall be given at least 10 days prior to the date set for the hearing.

SECTION 2. Any person interested in or affected by the proposed accounting of expense may file written protests or objections with the City Clerk at any time prior to the time set for the hearing on the report of the director, in accordance with Section 903 of the Uniform Code for the Abatement of Dangerous Buildings. The City Clerk shall present such protests or objections to the City Council at the time set for the hearing, and no other protests or objections shall be considered.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____, 2020, by the following called vote:

AYES: **Council Members:**

NOES: **Council Members:**

ABSTAIN: **Council Members:**

ABSENT: **Council Members:**

APPROVED:

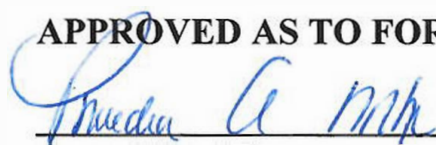
Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

 2-4-2020
City Attorney Date



ADMINISTRATIVE REPORT

Agenda Item J.1.

Meeting Date: 2/18/2020

Report Prepared by: Michael Hren, Principal Planner, Development Services Department, Planning Division

SUBJECT: Public Hearing to Consider Amendments to Chapter 2.52, "Bicycle Advisory Commission" of the Merced Municipal Code to Expand the Role of the Bicycle Advisory Commission to Include all Modes of Active Transportation

REPORT IN BRIEF

Considers the expansion of the Merced Bicycle Advisory Commission's scope to include all modes of Active Transportation, in accordance with the recommendations made in the City's adopted Active Transportation and Safe-Routes-to-School Plan.

RECOMMENDATION

City Council - Adopt a motion introducing **Ordinance 2513**, an Ordinance of the City Council of the City of Merced, California, amending Chapter 2.52, "Bicycle Advisory Commission" of the Merced Municipal Code.

ALTERNATIVES

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

AUTHORITY

Merced Municipal Code Section 13.38.040

CITY COUNCIL PRIORITIES

Traffic and Pedestrian safety, as well as Safe Routes to School - Childs Ave., are listed as elements of Priority 4- Local Streets.

DISCUSSION

As a result of the ongoing discussion of the Bicycle Advisory Commission regarding its scope and jurisdiction, Caltrans' support for Active Transportation as a whole, and per the recommendation of the adopted City of Merced Active Transportation and Safe-Routes-to-School Plan, staff has provided a draft Ordinance expanding the role of the Bicycle Advisory Commission to include all modes of Active Transportation. This change would allow for a more holistic approach to the Commission's

review of the City's Active Transportation needs, particularly as those needs pertain to pedestrian activity and other active modes that are currently beyond its jurisdiction, which presently only includes bicycle-related matters.

The proposed Ordinance also expands the non-voting ex-officio positions from two to four, in order to allow for more experts from local schools, organizations representing individuals with disabilities, and organizations supporting other Active Transportation modes to take part in the Commission's duties to advise the City Council. The proposed Ordinance also modifies the structure of the newly renamed Bicycle and Pedestrian Advisory Commission to include District representation, in keeping with the practices of the City Council and other Commissions in the City.

On October 22, 2019, the Bicycle Advisory Commission voted to recommend the draft Ordinance to the City Council, 4-0.

IMPACT ON CITY RESOURCES

No appropriation of funds is needed.

ATTACHMENTS

1. Draft Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AMENDING CHAPTER 2.52, "BICYCLE
ADVISORY COMMISSION," OF THE MERCED
MUNICIPAL CODE**

**THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN
AS FOLLOWS:**

SECTION 1. AMENDMENT TO CODE. Chapter 2.52, "Bicycle
Advisory Commission," of the Merced Municipal Code is hereby amended to read
as follows:

**"Chapter 2.52
BICYCLE AND PEDESTRIAN ADVISORY
COMMISSION**

Section:

- 2.52.010 Purpose.**
- 2.52.020 Establishment.**
- 2.52.030 Terms.**
- 2.52.040 Meetings.**
- 2.52.050 Officials.**
- 2.52.060 Jurisdiction of the Commission.**

2.52.010 Purpose.

The purpose of the Bicycle and Pedestrian Advisory Commission is to serve as an advisory body to the City Council on matters having to do with bicycling, pedestrian activity, and other modes of active transportation within the City of Merced, as well as the mobility needs of the elderly and those with disabilities. It is the intent of the City Council to improve conditions for users of all active modes in the City of Merced, promote active transportation with the associated benefits of improved air quality, improved safety conditions for users of all modes, and health benefits, and to help

advise on matters of policy, programs, and bike routes for active transportation users of all ages. Active transportation includes any method of travel that is human-powered, including, but not limited to, walking, bicycling, skateboarding, and use of wheelchairs and other assistance devices.

2.52.020 Establishment.

A. Pursuant to Section 700 of the Charter, there is hereby established a Bicycle and Pedestrian Advisory Commission which shall consist of seven (7) voting Members. At least two (2) voting Members of the Commission shall be from a recognized bicycle organization. All seven (7) voting Members must be qualified electors of the City of Merced. Six (6) Member shall each represent a different District of the City of Merced, with one (1) Member serving at-large.

B. A majority of the voting Members of the Commission shall constitute a quorum.

C. In accordance with Section 702 of the Charter, Members shall be appointed by at least four (4) affirmative votes of the City Council and subject to removal by motion of the City Council adopted by at least five (5) affirmative votes.

D. The City Council may appoint an additional four (4) Members to sit on the Commission as ex-officio, non-voting Members. Said ex-officio, non-voting Members may be non-City residents who live within the City of Merced's sphere of influence or persons who represent a Merced-based school, persons who represent an organization specializing in the needs of individuals with disabilities or the elderly, or persons who otherwise demonstrate a strong concern for active transportation related issues within the City of Merced.

2.52.030 Terms.

A. In accordance with Section 702 of the Charter, the Bicycle and Pedestrian Advisory Commission Members shall serve for a term of four (4) years and until their respective successors are appointed and qualified.

B. Notwithstanding subsection A of Section 2.52.020 of this Code, the existing Members of the Bicycle Advisory Commission shall continue their appointed terms as Members of the Bicycle and Pedestrian Advisory Commission, regardless of the District of their residence. If the single Member serving at-large is insufficient to cover any overlapping Districts of residence, the overlapping Members shall, upon the first meeting following the enactment of this Ordinance, determine which Member is serving the District of their residence and which will serve as an at-large representative for a District without an existing representative until the end of their term.

2.52.040 Meetings.

Regular Bicycle and Pedestrian Advisory Commission meetings shall be held on the fourth Tuesday of every even numbered month during normal City business hours or as otherwise set by Resolution of the City Council. The meetings shall be conducted in accordance with Section 704 of the Charter.

2.52.050 Officials.

A. In accordance with Section 704 of the Charter, the Members of the Bicycle and Pedestrian Advisory Commission shall as soon as practical following the first day of July, organize by electing two (2) of the seven (7) voting Members to serve as Chair and Vice-Chair at the pleasure of the Commission.

B. Notwithstanding subsection A of this Section, the Members of the existing Bicycle Advisory Commission

currently serving as Chair and Vice-Chair shall be conferred their respective roles as part of the Bicycle and Pedestrian Advisory Commission upon the enactment of this Ordinance and shall retain those positions until the next annual election.

2.52.060 Jurisdiction of the Commission.

A. The Bicycle and Pedestrian Advisory Commission shall have the responsibilities as provided below:

1. Review and advise the City Council, as directed by the City Council or requested by the staff, on the design of capital improvement projects, street improvements, and parking facility projects as they relate to bicycling, pedestrian activity, or other active transportation issues.
2. Review and advise the City Council, as directed by the City Council or requested by the staff, on changes and updates to the Active Transportation and Safe-Routes-to-School Plan, General Plan, Municipal Code and other policy documents which relate to active transportation.
3. Promote any and all forms of active transportation as a viable form of transportation.
4. Assist in the development and dissemination of awareness and education materials for all forms of active transportation to the community.
5. Initiate requests to City staff from the community on issues of concern related to bicycling, pedestrian issues, and issues that relate to other forms of active transportation or the transportation needs of elderly individuals or those with disabilities.
6. Such other duties as the City Council may prescribe.”

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ____ day of _____, 20__, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 20__, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:


Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:



City Attorney



Date



ADMINISTRATIVE REPORT

Agenda Item K.1.

Meeting Date: 2/18/2020

Report Prepared by: Venus Rodriguez, Finance Officer

SUBJECT: Mid-Year Budget Review for Fiscal Year 2019-2020 Including Requests for Approval of General Fund Supplemental Appropriations and Budget Amendments in Various Funds Totaling \$214,500

REPORT IN BRIEF

Presents the Fiscal Year 2019-2020 Mid-Year Financial Report and seeks approval for General Fund Supplemental Appropriations and Budget Amendments in Various Funds totaling \$214,500.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a Supplemental Appropriation from the unreserved, unencumbered General Fund balance in the amount of \$14,500, transferring to Fund 024 Parks and Community Services and appropriating the same; and,

B. Approving a Supplemental Appropriation from the unreserved, unencumbered General Fund balance in the amount of \$200,000, transferring to Fund 666 Workers Compensation and appropriating the same.

ALTERNATIVES

1. Approve, as recommended; or
2. Approve, subject to other than recommended (identify specific findings and/or conditions amended to be addressed in the motion; or
3. Deny; or
4. Continue to a future meeting (date and time to be specified in the motion).

AUTHORITY

Charter of the City of Merced, Section 1105.

DISCUSSION

The purpose of this agenda item is to provide the City Council with a reconciliation on how the City ended Fiscal Year 2018-19, a General Fund update for the current Fiscal Year 2019-20, and to request changes to the budget due to needs that have been identified since the budget was adopted on June 17, 2019.

Beginning Fund Balance July 1, 2019

The table below reflects the Fiscal Year 19-20 adopted budget assumptions compared to actual fund balance at June 30, 2019.

Fund	FY 2019-20 Actual Beginning Balance	FY 2019-20 Beginning Budget Balance	Savings or (Deficit)
General Fund	\$10,945,139	\$9,280,900	\$1,664,239
Development Services	\$1,548,903	\$1,227,174	\$321,729
Parks & Community Services	\$236	\$0	\$236
Airport	\$(19)	\$0	\$(19)
Measure C	\$2,201,091	\$1,561,071	\$ 640,020

Fiscal Year 2019-20

The City Council adopted the Fiscal Year 2019-20 budget for all funds on June 17, 2019. Subsequent to the budget adoption, there have been several actions approved by the City Council that affected the budget.

General Fund Expenditures

The City Council has approved revenue increases of \$2,017,454 with equal offsetting expenditures. In addition, there has been \$55,000 in Supplemental Appropriations for the following:

Outside Attorney Legal Services	\$ 30,000
Applegate Park MOAT Rehabilitation	<u>25,000</u>
Total	<u>\$ 55,000</u>

MID-YEAR RECOMMENDATIONS**General Fund Supplemental Appropriations:**Parks and Community Services

During the February 3, 2020 City Council meeting, the Council directed staff to include an appropriation for a Block Party Trailer through the Mid-Year budget process. The trailer is to be utilized in different neighborhoods of the City to create community unity and outreach. The supplemental appropriation includes a one-time purchase of \$10,000 for the trailer, popcorn and snow cone machines, portable generator, yard games, first aid kit, tables, and chairs. The additional \$4,500 will be for on-going costs of supplies through the end of the fiscal year. On-going costs are

estimated to be \$9,000 annually and will be included in the Parks and Recreation department budget process in future years.

Worker's Compensation

The City of Merced's Workers' Compensation program is a self-funded plan. During the annual budget process, the Support Services department works with the City Attorney's office and Finance to estimate needs of existing claims and pending settlements to recommend funding for this program. During this fiscal year and last fiscal year, the City has experienced higher than anticipated workers' compensation claims activity. The Fiscal Year 2019-20 Workers Compensation budget is \$2.3 million. As of the end of January 2020 we should be at approximately 58% of the budget but have expended 71% of the budget. Through the completion of analysis, we have determined that in order to get us through the rest of the fiscal year the Workers Compensation program will need an additional \$200,000.

Total General Fund Supplemental Appropriations:

Block Party Trailer	\$ 14,500
Worker's Compensation	<u>200,000</u>
Total	<u>\$214,500</u>



CITY OF MERCED

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

ADMINISTRATIVE REPORT

Agenda Item L.1.

Meeting Date: 2/18/2020

SUBJECT: Request to Add Item to Future Agenda

REPORT IN BRIEF

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



CITY OF MERCED

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

ADMINISTRATIVE REPORT

Agenda Item L.2.

Meeting Date: 2/18/2020

SUBJECT: City Council Comments

REPORT IN BRIEF

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