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**CITY OF MERCED  
Planning Commission**

Amended by City  
Council Sept. 8, 2020

**Resolution #4035**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of January 22, 2020, held a public hearing and considered **Conditional Use Permit #1238**, initiated by Merced Holdings, LP, property owner. This application involves a request to construct a mixed-use development with ~~214~~ 200 apartment units and approximately 37,000 square feet of commercial uses within four buildings (two 2-story buildings and two 3-story buildings) on two parcels totaling approximately 5.94 acres, generally located at the southeast corner of Yosemite Avenue and McKee Road. The property has a General Plan designation of Neighborhood Commercial (CN) and is zoned Neighborhood Commercial (C-N); also known as Assessor's Parcel Numbers (APN) 008-310-053 and 008-310-038; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through L (Exhibit B) of Staff Report #20-01; and,

**WHEREAS**, the Merced City Planning Commission concurs with the Findings for Conditional Use Permits in Merced Municipal Code Section 20.68.020 (E) and other Considerations as outlined in Exhibit B; and,

**NOW THEREFORE**, after reviewing the City's Initial Study and Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to adopt a Mitigated Negative Declaration and Mitigation Monitoring Program (Exhibit C) regarding Environmental Review #19-37, and approve Conditional Use Permit #1238, subject to the Conditions set forth in Exhibit A and the Mitigation Monitoring Program set forth in Exhibit C attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, Rashe, White and Chairperson Harris

NOES: None

ABSENT: None

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4035

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January 22, 2020/September 8, 2020

Adopted this 22<sup>nd</sup> day of January 2020



Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

  
Secretary

Attachment:

Exhibit A – Conditions of Approval

Exhibit B – Findings

Exhibit C – Mitigation Monitoring Program

**Conditions of Approval**  
**Planning Commission Resolution # 4035**  
**Conditional Use Permit #1238**

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1. The proposed project shall be constructed/designed in substantial compliance with the Site Plan, Floor Plan, Elevations, and Renderings (Attachments B, C, D, and E of Planning Commission Staff Report #20-01), except as modified by the conditions and as clarified by the plans submitted June 11, 2020, and August 25, 2020.
2. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
3. The Project shall comply with the applicable conditions set forth in Planning Commission Resolution #3049 for General Plan Amendment #14-06 and Zone Change #421 and Planning Commission Resolution #4025 for General Plan Amendment #19-02 and Zone Change #426 previously approved for this site.
4. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the developer/applicant of any

claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

6. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
7. Community Facilities District (CFD) formation is required for annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, street lights, parks and open space. CFD procedures shall be initiated before final map approval or issuance of a building permit, whichever comes first. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
8. The project shall comply with all mitigation measures outlined in the Mitigation Monitoring Program for Initial Study #19-37 (Exhibit B of Planning Commission Resolution #4035 - Attachment K of Planning Commission Staff Report #20-01) and all applicable mitigation measures outlined in the Mitigation Monitoring Program for Initial Study #14-32 (Appendix A of Initial Study #19-37, Attachment K of Staff Report #20-01).
9. Due to constraints in the existing sewer collection system, the project shall be allowed to release wastewater into the City's system at a rate of 8,000 gallons per day (gpd) during peak hours. All wastewater in excess of this amount shall be stored on-site in an approved wastewater storage tank or other method approved by the Public Works Director and/or City Engineer to be released during off-peak hours. A flow monitor shall be installed with a telemetry or SCADA system approved by the Public Works Director and/or City Engineer to monitor the flow and ensure compliance with this requirement. The

City shall periodically monitor the flow. Should the flow exceed 8,000 gpd during peak hours, the City may use any legal remedies available to gain compliance with this condition.

10. The developer shall provide an operations and maintenance plan for the on-site wastewater storage tank to address the timing of the off-peak discharge, emergency procedures for breakdowns and repairs, and odor control. The plan shall include steps to ensure ongoing objectionable odors do not affect the site or surrounding area. The operations and maintenance plan shall be approved by the City Public Works Director and/or City Engineer.
11. A minimum of 15% of the site shall be covered with landscaping as required by Section 20.36 (Table 20.36-1) of the Zoning Ordinance. Landscaping and irrigation shall be required to meet the City's Water Efficient Landscape Ordinance and the requirements of Zoning Ordinance Section 20.36.040.
12. All signs shall comply with the North Merced Sign Ordinance and Section 20.62.040 (B)(2) of the City's Zoning Ordinance for signs in a Neighborhood Commercial (C-N) zone. Illuminated signs may be illuminated until 10:00 p.m. or the end of the business day, whichever is later.
13. The applicant shall construct all missing improvements along the property frontage on Yosemite Avenue and McKee Road including, but not limited to, sidewalk, curb, gutter, street lights, and street trees. Any existing improvements that are damaged or that do not meet current standards shall be repaired or replaced as required by the City Engineer.
14. All necessary right-of-way along the property frontage, including Yosemite Avenue, McKee Road, and Whitewater Way, needed for public improvements shall be dedicated prior to the issuance of the first building permit.
15. Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access.
16. Parking lot trees shall be installed per City Parking Lot Landscape Standards and Section 20.38.070 (F). At a minimum, parking lot trees shall be provided at a ratio of one tree for every six parking spaces. 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

EXHIBIT A

OF PLANNING COMMISSION RESOLUTION #4035

the City's approved tree list).

17. All projects on this site 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).
18. All storm water shall be contained on-site for a minimum of 48 hours, then released into the City's storm water system at a rate not to exceed the 2-year pre-development flow or as approved by the City Engineer.
19. Prior to issuance of the first grading/building permit for any project on the site, the applicant shall demonstrate compliance with San Joaquin Valley Air Pollution Control District Rule 9510 to the Planning Department. Changes to the site plan resulting from compliance with Rule 9510 are subject to review by City Staff or the Planning Commission, as determined by the Director of Development Services.
20. Bicycle parking for all projects on the site shall meet the minimum requirements of the California Green Building Code and Merced Municipal Code Section 20.38.080.
21. All landscaping in the public right-of-way shall comply with the most recently adopted water regulations by the State and City addressing water conservation measures. If turf is proposed to be installed in medians or park strips, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed.
22. If it is determined by the Fire Department that emergency vehicle access to Whitewater Way is needed to adequately serve the site or the surrounding area, the developer shall work with the City to provide such access, including an emergency gate with appropriate knock boxes, etc. as required by the Fire Department.
23. For buildings over 30 feet tall, a minimum 26-foot-wide drive aisle shall be provided for emergency vehicle access. The developer shall work with the Fire Department to determine the areas that need the 26-foot-wide drive aisle.
24. A fire control room may be required for the buildings on the site. The applicant shall work with the Fire Department to determine the location of the fire control room. Additional fire control rooms may be required at the discretion of the Fire Chief.

25. Each building shall be provided with a Fire Department Connection.
26. Buildings that do not provide an elevator (other than a freight elevator) shall be provided with an additional exit. The developer shall work with the Chief Building Official to determine the number of exits required for each building.
27. 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.
28. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
29. All parking lot and other exterior lighting shall be oriented in such a way so that it does not spill over onto adjacent properties.
30. In order to comply with the parking requirements for this project, a parking demand analysis would be required in order for the project to qualify for the mixed-use reduction allowed by Section 20.38.050 (F). This study shall be provided at the time of building permit submittal and shall be approved by the Director of Development Services. In no case shall the reduction be greater than 30% as allowed by the Zoning Ordinance.
31. 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 Refuse Department to determine the best location for these enclosures to ensure proper access is provided for City Refuse Trucks as well as the number of containers needed to adequately serve the site. Use of a trash compactor should be considered to reduce the number of pick-ups per week.
32. A minimum 8-foot high concrete block wall shall be installed along the southern property line. A minimum five-foot wide landscaping area adjacent to the wall shall be provided to allow for the planting of vines or other appropriate landscape material.
33. Drive-thru uses, bars, nightclubs, and large convenience markets similar to a 7-Eleven type store are not allowed. Small convenience markets intended to serve the tenants or the immediate neighborhood

could be allowed. Restaurants serving alcohol could be allowed with Conditional Use Permit approval.

34. All construction activity shall be conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday.
35. All walking paths, bicycle and vehicle parking areas, and recreational areas shall be provided with sufficient lighting to ensure a safe environment.
36. All mechanical equipment shall be screened from public view.
37. Hours for use of the rooftop deck shall be limited to from 7:00 a.m. to 10:00 p.m. daily. The rooftop deck shall be screened and shall provide a canopy as shown on the clarified plans dated June 11, 2020.
38. A) The maximum number of units on the site shall not exceed 200 units. The reduction of units shall be made proportionally to the unit types. The number of one-bedroom units shall be reduced by 6 units to allow 76 one-bedroom units, the number of two-bedroom units shall be reduced by 7 units to allow 105 two-bedroom units, and the number of three-bedroom units shall be reduced by 1 unit, to allow 19 three-bedroom units; B) The roof deck shall be modified as described in the letter dated June 12, 2020, submitted by Glaser Weil on behalf of the applicant; C) McKee Road shall be widened to its full width as required in the General Plan Circulation Element for the entire project frontage; D) The number of parking spaces proposed on Attachment B of Planning Commission Staff Report #20-01 shall not be reduced even though the number of units have been reduced.

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**Findings and Considerations**  
**Planning Commission Resolution # 4035**  
**Conditional Use Permit #1238**

**FINDINGS/CONSIDERATIONS:**

**General Plan Compliance and Policies Related to This Application**

A) The proposed mixed-use project complies with the General Plan designation of Neighborhood Commercial (CN) and the Zoning classification of Neighborhood Commercial (C-N). The proposed commercial uses comply with the General Plan designation of Neighborhood Commercial (CN). Although the General Plan encourages mixed-use developments, it does not specifically address the density allowed within a commercial zone for a mixed-use project. The *Merced Vision 2030 General Plan* includes two classifications for higher density residential uses – High-Medium Density (HMD) and High Density (HD). The High-Medium designation allows 12 to 24 units per acre, while the High Density designation allows 24 to 36 units per acre. The proposed project at 200 units has a density of 34 units per acre, which is consistent with the High Density (HD) designations. Therefore, because there is no definitive designation for a mixed use project and there are General Plan policies that encourage higher density and alternate housing types (see below), the City has relied upon the High Density designation to determine compliance with the General Plan. Based on this designation, the proposed multi-family portion of the project would comply with the General Plan.

The Housing Element of the *Merced Vision 2030 General Plan* includes policies supporting affordable housing, mixed-use development, and higher densities.

*Policy H-1.1 Support Increased in Residential Zoning Districts*

Although the proposed project would not be located within a residential zone, it does provide an opportunity for a higher density project to provide needed housing within the City.

*Policy H 1.1.c Encourage Mixed Use Development*

The proposed project would provide a mixture of retail commercial uses to serve the neighborhood and the multi-family dwelling units.

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Policy 1.1.e      *Encourage Alternate Housing Types*

The proposed project would include one, two, and three-bedroom apartments. The units range in size from 276 square feet for a one-bedroom unit with a balcony, to 876 square feet for a 3 bedroom unit. This mixture provides a variety of different housing types to meet the growing need of housing within the community and supports this policy of providing alternate housing types.

Policy 1.8b      *Prioritize City efforts to encourage residential development by focusing on in-fill development and densification within the existing City Limits.*

The proposed project is on an in-fill site and meets the density requirements of the City's highest density classification.

The following are Land Use Policies and Implementing Actions of the General Plan that could be met with the proposed project.

Policy L-1.1      *Promote Balanced Development Which Provides Jobs, Services, and Housing.*

*Implementing Action 1.1.a: Promote mixed use development combining compatible employment, service and residential elements.*

*Implementing Action 1.1.c: Determine the types of housing opportunities needed for the type of employment opportunities being created in the City.*

The Zoning Ordinance does not specify a density for multi-family housing allowed within a C-N zone, it merely states that multi-family uses are allowed within the C-N zone as a Conditional Use. Therefore, approval of the proposed Conditional Use Permit would bring the project into compliance with the Zoning Ordinance.

**Zoning Ordinance Compliance – Conditional Use Permit Required Findings**

B) Section 20.68.020 sets forth specific Findings that must be made in order for the Planning Commission to approve a Conditional Use Permit. These Findings are provided below.

*1. The proposed use is consistent with the purpose and standards of the zoning district, the General Plan, and any adopted area*

*or neighborhood plan, specific plan, or community plan.*

The purpose of a Neighborhood Commercial (C-N) zone is to provide areas for shopping centers and other commercial uses that serve the day-to-day needs of a residential neighborhood. The C-N zone allows a variety of commercial uses and residential uses, subject to approval of a Conditional Use Permit. The proposed project would provide a variety of retail and restaurant uses to serve the tenants of the project as well as the surrounding neighborhood. With the approval of the requested Conditional Use Permit, the project would comply with the requirements and purpose of the C-N Zone.

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

2. *The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.*

As described above, the commercial uses are allowed within a C-N zone. The proposed multi-family component of the project is a conditional use. The developer has revised the project to address some of the concerns expressed with the previously proposed project. The building heights have been reduced for the buildings on the east and west side of the site closest to the existing residential uses. The setbacks have been increased for those buildings as well in an effort to reduce impacts on the surrounding neighborhood. The site is surrounded by residential uses and a church to the north. Therefore, residential uses are common in this area. Another apartment complex is currently under construction east of this site at the corner of Yosemite and Lake Road, in the same general vicinity, which provides a mixture of housing units for the area. Given the proximity to the UC, multi-family uses are appropriate for this area. Further, the project would provide a new bus stop near the intersection of Yosemite Avenue and McKee Road, providing alternative transportation for current and future area residents and users. This bus stop, along with the bicycle and pedestrian facilities in the project area, will

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support the residential uses in the area. The right-hand turning lane heading north on McKee will also be extended to the end of the property line to provide additional turning capacity for the convenience of the community, as approved by the City Engineer. Therefore, through the implementation of the conditions of approval, the proposed apartment project (as part of the overall mixed-use project) would be compatible with the existing and future land uses in the vicinity.

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

The proposed project does not include any uses that would be detrimental to the public health, safety, and welfare of the City. The project would be required to annex to the City's Community Facilities District to pay for costs related to police and fire safety. Implementation of the conditions of approval and adherence to all Building and Fire Codes, and City Standards would prevent the project from having any detrimental effect on the health safety, and welfare of the City.

4. *The proposed use is properly located within the City and adequately served by existing or planned services and infrastructure.*

The project site is an in-fill site near the edge of the City's eastern boundary, surrounded by residential uses. The project would be adequately served by the City's water system. Through the implementation of the conditions of approval, including providing on-site storage and releasing that storage in off-peak hours in compliance with state and local regulations, the project would be adequately served by the City's sewer and storm water systems. Additionally, the project would be required to pay Public Facilities Impact Fees to help pay for future improvements needed to the City's infrastructure.

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### **Traffic/Circulation**

- C) The project site is located at the southeast corner of Yosemite Avenue and McKee Road. Yosemite Avenue, east of Parsons Avenue is designated as a "Special Street Section" in the *Merced Vision 2030 General Plan*. As such, the ultimate right-of-way for this road is 94

feet. McKee Road is a Collector Road with an ultimate right of way of 74 feet. The project would have access from Yosemite Avenue (right-in/right-out only) and McKee Road (full access). Both the intersections of Yosemite Avenue and McKee Road and Yosemite Avenue and Via Moraga (approximately 0.3 miles east of McKee Road) are signalized.

#### Yosemite Avenue Access

The primary access on Yosemite Avenue would be a driveway that is located approximately 320 feet east of the intersection of Yosemite Avenue and McKee Road (refer to the revised Site Plan submitted June 11, 2020 – Attachment 10 of Administrative Report 20-358 for the City Council meeting of August 17, 2020). This driveway would provide right in/right out access only. The existing median in Yosemite Avenue would remain unchanged along the project site frontage. No other access to the site would be provided on Yosemite Avenue.

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#### McKee Road Access

The primary access on McKee Road would be through a driveway located approximately 195 feet south of the intersection of Yosemite Avenue and McKee Road. This driveway would allow both left and right turning movements.

#### Whitewater Way

No access is proposed to Whitewater Way from the project site, unless the Fire Department requires an emergency access per Condition #22 of the Conditional Use Permit Conditions.

#### Traffic Impact Analysis

A traffic analysis was prepared for the proposed project by K2 Traffic Engineering, Inc. This analysis studied the following roadway segments:

1. Yosemite Avenue between Parsons Avenue and McKee Road.
2. McKee Road between Yosemite Avenue and Silverado Road.

The following intersections were also studied:

1. Yosemite Avenue at Parsons Avenue/Gardner Avenue
2. Yosemite Avenue at McKee Road
3. Yosemite Avenue at Hatch Road

#### 4. McKee Road at Olive Avenue

The analysis looked at six different scenarios to determine the impact of the project. The scenarios included:

1. Existing Conditions
2. Existing Conditions plus Project
3. Existing plus Approved Conditions
4. Existing plus Approved Conditions, plus Project
5. Cumulative Year (2035) without Project Conditions
6. Cumulative Year (2035) with Project Conditions

The traffic analysis determined that the proposed project would generate a total of 1,876 Average Daily Trips (ADT's). After standard reductions are given for transit and bicycle use, pass-by traffic, and internal capture, the total net ADT's are 1,184. Notably, the project's close proximity to the UC Merced campus (2.6 miles) substantiates trip reduction. A Class I bike path (2.2 miles) is provided parallel to Lake Road for exclusive use of bicycles and pedestrians with minimal cross flow of motorists. Class II, on-street bike lanes are provided on Yosemite Avenue (0.4 miles). The project site is one of the nearest residential developments around the campus and the estimated riding time via bicycle is a reasonable 14 minutes between the project site and UC Merced campus. The trip generation numbers are provided on page 13 of the traffic analysis (Appendix D of the Initial Study at Attachment K of Planning Commission Staff Report #20-01)

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The *Merced Vision 2030 General Plan* establishes an acceptable Level of Service (LOS) as LOS D for intersection and roadway operations. The traffic study found that, under existing conditions, the LOS for the intersection at Yosemite Avenue and Parsons/Gardner Avenue currently operates at an LOS F for AM Peak Hour traffic and an LOS E for PM Peak Hour traffic. Additionally, the intersection of McKee Road and Olive Avenue operate at an LOS E and LOS D, respectively. The other two intersections studied (Yosemite Avenue at McKee Road and Yosemite Avenue at Hatch Road) operate at acceptable levels of service (LOS B or better).

With the addition of the proposed project, the intersection at Yosemite Avenue and Parsons/Gardner Avenue, the level of service would be reduced to LOS F and LOS E for the AM and PM peak hours,

respectively. The level of service for McKee Road and Olive Avenue would remain an LOS E for the AM peak hour traffic. All other intersections would retain an LOS D or better rating. Under the Cumulative 2035 with project scenario, these same intersections are reduced to an LOS F for both AM and PM peak hours.

The traffic study also conducted a Peak Hour Signal Warrant Analysis and found that signal warrants are satisfied for signals at the intersections of Yosemite Avenue and Parsons/Gardner Avenue and McKee Road and Olive Avenue.

The traffic study recommended the following mitigation measures:

**TRA-01** Pay a proportionate share of the cost of the traffic signal at the intersection of Yosemite Avenue and Parsons/Gardner Avenue.

**TRA-02** Pay a proportionate share of the cost of the traffic signal at the intersection of McKee Road and Olive Avenue.

Because these intersections are currently operating at a level of service below LOS D (the standard established by the General Plan), and the project impacts are not the cause of the existing problems with these intersections, the project would only be required to contribute a fair share to the cost of the traffic signals. The fair share contribution is based on the projects impacts, which in this case would be 2.4% of the cost of the traffic signal at Yosemite Avenue and Parsons/Gardner Avenue and 1.4% of the cost of the signal at McKee Road and Olive Avenue. The applicants would be eligible for reimbursement for up to 100% of the cost for the Yosemite Avenue and Parsons/Gardner Avenue traffic signal, which is an arterial/arterial intersection, through the City's Public Facilities Financing Program (PFFP). The McKee Road and Olive Avenue intersection would be eligible for up to 50% reimbursement through the PFFP as an arterial/collector intersection. The other 50% would be reimbursed if the owners of the 4 corners do any improvements that would require them to provide mitigation. The City would collect the money for reimbursement for up to 15 years.

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In addition to contributing to the cost of the traffic signals, the project would be providing access to alternate forms of transportation to reduce the impacts from the project. The project will provide a new bus stop near the intersection of Yosemite Avenue and McKee Road,

providing alternative transportation for current and future area residents and users. In addition, the developer would provide on-site pick-up/drop-off areas for Uber and Lyft, provide bicycles for tenants to use, and possibly provide Zip cars and/or scooters that could be used by the tenants.

In comparison to the previously proposed mixed-use project, the ADT's are reduced from 2,215 ADT's to 1,876 ADT's (gross, with no reductions given) and 1,146 net. It should also be noted that this amount is less than the estimated traffic generation for the proposed shopping center that was approved for this site in 2014.

Additional mitigation measures were adopted with the General Plan Amendment and Zone Change approved in 2019. The development would be required to comply with the applicable mitigation measures as determined by the City Engineer.

### **Parking**

- D) The Zoning Ordinance requires 1.75 spaces of parking for each multi-family unit up to 30 units, plus an additional 1.5 spaces for each unit over 30. There is also an increase in the number of spaces required based on the number of bedrooms and bathrooms in a unit. Based on this calculation, the residential portion of this project (214 units) would require 339 parking spaces.

Parking for the commercial portion of the project would be based on the actual uses. When the parking requirements are based on the square footage of the tenant space, the Zoning Ordinance allows a reduction in the floor area for non-public space. In this case, a standard 15% reduction was applied when calculating the parking requirements for the office and retail portions of the project. General office uses require one parking space for every 250 square feet of floor area and retail spaces generally require one space for every 300 square feet of floor area (not including restaurant uses). Based on these requirements, the required parking for the office portion would be 49 spaces and for the retail portion, 64 spaces. This brings the total number of required parking spaces to 452.

The project site provides a total of 386 parking spaces which includes 25 motorcycle parking stalls. In addition, the project provides 70 bicycle parking spaces. Although the total number of spaces required is 452, the Zoning Ordinance allows reductions based on certain



criteria. If the project site is located within 400 feet of an approved bus stop, a 5% reduction may be given. Up to a 30% reduction may be given for mixed use developments with the approval of a parking demand study approved by the Director of Development Services. Based on the current design and number of parking spaces provided, the project would need the 5% reduction for a transit stop and a 15% reduction for the mixed-uses granted to comply with the parking requirements. However, it should be noted that through the building permit process, the number of stalls may change given the need to provide trash enclosures and other possible minor site modifications, which could increase the reduction amount. In no case would the reduction be greater than 30% as allowed by the Zoning Ordinance.

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The City Council subsequently determined that although the number of units are to be reduced to 200 units that the number of parking spaces proposed (386) shall not be reduced further. 200 units (with the reduction in units proportional to each unit type) would normally require 318 spaces under the provisions of the Zoning Ordinance. With the addition of the 49 spaces for the office uses and 64 spaces for the retail uses, the total required parking with 200 units would be 431 spaces. Therefore, a 10.5% reduction in parking would be needed.

The project will provide a new bus stop near the intersection of Yosemite Avenue and McKee Road, so it will qualify for the 5% reduction previously described. In addition, the developer will be providing pick-up/drop-off locations for Uber and Lyft to encourage ride sharing, offering bicycles, and possibly Zip cars and scooters for their tenants to use to reduce the actual number of parking spaces needed. Also, because this is a mixed-use project, it is likely there would be commercial uses that would not need parking in the evenings, which would leave additional spaces open for the other uses during these hours. Condition #30 requires the developer to provide a parking demand analysis demonstrating that a reduction is warranted prior to the issuance of a building permit.

As previously mentioned, the project will also provide indoor bicycle storage facilities as well as bicycle parking for the commercial uses. The site has easy access to the bicycle trail system which could encourage the use of bicycles rather than cars.

Although the Zoning Ordinance allows for parking reductions, it is important that sufficient parking still be maintained on the site to prevent parking from spilling out into the adjacent neighborhoods.

**Public Improvements/City Services**

E) Water

There is a 16-inch water line in Yosemite Avenue and another 16-inch line in McKee Road to serve the project site. The City’s water supply would be sufficient to serve the proposed project.

Sewer

A 6-inch sewer force main line running from the existing sewer pump station on Whitewater to Yosemite Avenue. The force main discharges into the intersection at Yosemite Avenue and McKee Road. From that point, the sewer is conveyed by way of an 18-inch gravity line in Yosemite Avenue to G Street. Due to constrictions in the Yosemite Avenue line, the project site is limited to discharging a maximum of 8,000 gallons per day of wastewater during peak hours. Additional wastewater shall be contained onsite and discharged at off-peak hours (refer to Conditions #9 and #10). This condition also requires a monitoring system to allow the City to monitor the flow and requires the developer to ensure the onsite storage tank doesn’t emit objectionable odors. There is an existing sanitary sewer pump station near the southeast corner of the project site. The bottom of the that pump station is about 30 feet below the existing ground surface. The project would locate any required on-site sewage storage tanks in close proximity to the existing pump station so that the on-site tank may empty by gravity into the wet well of the existing City sewer pump station. The tank will be constructed to meet the requirements of Titles 22 and 23 of the California Code of Regulations and the applicable provisions of the California Building Code. The proposed on-site storage tank is similar to the City’s existing lift stations.

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Stormwater

An 18-inch storm drain exists in Yosemite Avenue. The project would be required to comply with the State Post Construction Standards and to retain storm water on-site and meter it into the City’s system (Conditions #17 and 18).

**Building Design**

- F) The proposed building designs would be similar to the style of the buildings at UC Merced. The buildings would have clean lines and use a variety of building materials to provide interest. The balconies on the upper floors are staggered to add additional interest. Buildings 1 and 3 are two-story buildings and Buildings 2 and 4 are three-story buildings. The elevations are provided at Attachment D of Planning Commission Staff Report #20-01. The table below provides a breakdown of each building by the number of stories, uses and number of residential units, and building height.

\*The City Council reduced the number of units to 200 which will change the number of units on each floor and in each building, so those numbers will change to match the total number of units.

***BUILDING DETAILS***

<b>Buildin g No.</b>	<b>Storie s</b>	<b>1<sup>st</sup> Floor*</b>	<b>2<sup>nd</sup> Floor *</b>	<b>3<sup>rd</sup> Floor *</b>	<b>Total Square Feet</b>	<b>Height (to top of parapet )</b>
1	2	22 units	27 units	n/a	30,456	26' 1 1/8"
2	3	Retail/Residen t Space	34 units	33 units	57,622	35'
3	2	Office	29 units	n/a	30,533	26' 1 1/8"
4	3	Retail/Residen t Space	34 units	35 units	58,262	35'
<b>TOTAL UNITS</b>		200			176,87 3	

The development would have 76 - 1 bedroom/1bath units, 105 - 2 bedroom/2 bath units, and 19 - 3 bedroom/3 bath units. The one-bedroom units would vary in size depending on whether the unit includes a balcony. A one-bedroom unit with a balcony would have 276 square feet and without a balcony it would have 300 square feet. The two-bedroom units would be 576 square feet with a 24-square-foot balcony, and the three bedroom units would be 876 square feet with a 24-square-foot balcony. Access to all the units would be through an interior corridor, which would increase safety for the tenants.

Building 1 is a two-story building with residential units on both floors.

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Buildings 2 and 4 are three-story buildings with commercial space and common areas for the residential tenants on the first floor and residential units on the second and third floors. Building 3 is a two-story building with office space on the first floor and residential units on the second floor.

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The floor plans for each building are provided at Attachment C of Planning Commission Staff Report #20-01, and also with the clarifying plans provided on June 11, 2020 (Attachment 10 of Administrative Report #20-358 for the City Council meeting of August 17, 2020). These plans show the residential units as well as the areas for commercial uses and common/community areas for the residential tenants. The floor plans at Attachment E of Planning Commission Staff Report #20-01 show the layout of each of the different unit types.

The common/community areas in Buildings 2 and 4 would include amenities such as a gym, a kitchen/community area for gatherings and events, a meditation room, a study area, a media room, indoor bike storage area, laundry facilities, and a management office, mailroom, and office center for tenants. Building 2 also provides a roof-top deck area to provide additional outdoor open space for the tenants (Attachment 3 of Administrative Report #20-461 for the September 8, 2020 City Council meeting). This area would provide an additional outdoor area for tenants to lounge and socialize. The lounge area would be located near the center of the roof and would include tables, chairs, etc. for the tenants to use while in this area. There would be a 42-inch-high railing around the lounge area separating it from the rest of the roof-top area for safety purposes.

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### Security

The building and the site have been designed to incorporate security features for the safety of the tenants and the surrounding area. The buildings have been designed with linear hallways to ensure line of site as residents enter and exist their units. Access to the buildings and individual units would be through a key-fob security system. Each tenant on the lease would be issued a key-fob. This key-fob would not only allow access to the buildings and individual units, but would also have to be in the unit in order for the power to come on. This means of access and security helps to ensure only the tenants

listed on the lease are staying in the units and also provides security against unwanted guests. There will be emergency call boxes placed throughout the site that will connect directly to the Police Department in case of emergency. There will also be an on-site manager to deal with emergency and security issues.

### **Site Design**

- G) The project site is located at the southeast corner of Yosemite Avenue and McKee Road. The site is designed to keep the buildings near the center of the site away from the residential uses. The front building (Building 2) is set back approximately 75 feet from Yosemite Avenue. Building 1 is approximately 85 feet from McKee Road (increased from approximately 50 feet in the previous design), Building 3 is approximately 82 feet from the from the eastern property line near Whitewater Way (an increase from 55 feet), and Building 4 is approximately 125 feet from the southern property line.

Parking is provided around the perimeter of the site and between the buildings. Bicycle parking is provided inside Building 4.

A promenade area is provided between Buildings 2 and 4 (refer to the Site Plan at Attachment B of Planning Commission Staff Report #20-01) which will include landscaping, tables, and chairs/benches to provide an open space area for the tenants and customers of the commercial uses. The developers envision this area would be used by customers of the food establishments and other retail uses as well as the residential tenants.

A minimum eight-foot tall block wall would separate the project from the residential uses to the south of the site (Condition #32).

### **Distance to Adjacent Residential Uses**

The previous project design included all three-story buildings. The applicant has revised the design and reduced Buildings 1 and 3 to two-story buildings. The two-story buildings would have a height of approximately 26 feet. Buildings 2 and 4 are three-story buildings and would have a height of approximately 34 feet. On the roof of each of the buildings there would be an elevator shaft and screening for the mechanical equipment that would extend above the roof line. The homes on the west side of McKee Road are approximately 75 feet from the western property line of the project site. Building 1 is

located closest to McKee Road and would be set back approximately 85 feet from the western property line of the project site, making the closest home approximately 160 feet away from Building 1. Refer to Attachment I of Planning Commission Staff Report #20-01 and Attachment 10 Administrative Report #20-358 for the City Council meeting of August 17, 2020).

The nearest home across Yosemite Avenue is approximately 180 feet from the project site. The distance from Building 2 to the nearest home across Yosemite Avenue would be approximately 370 feet and from Building 3 it would be approximately 300 feet.

The homes to the east across Whitewater Way are approximately 40 feet from the project site. Building 3 would be approximately 125 feet from these homes.

The nearest home to the south is located approximately 40 feet from the southern property line of the project site. The proposed site design has been considerate of the proximity of this home and includes a larger landscape buffer in the area immediately adjacent to this home. The nearest building to this home would be Building 1 which would be approximately 140 feet away. It should be noted that the owner of the property to the south recently sold the developer approximately ½ acre of land in order for this development to expand to the south. This ½ acre was the subject of the recent General Plan Amendment and Zone Change approved in October 2019.

For context, the block where City Hall is located between M and N Streets is approximately 400 feet long. The distance from the corner of 18<sup>th</sup> and M Streets to the edge of the alley between 18<sup>th</sup> Street and Main Street is approximately 150 feet. Therefore, the nearest home across McKee Road would be approximately equal to the distance from the corner of 18<sup>th</sup> Street and M Street to the northern edge of the alley. The nearest home across Yosemite Avenue would be over half a City Block from the nearest building on the site. The homes on Whitewater Way would be close to the distance between City Hall and the UC Merced Building across 18<sup>th</sup> Street (refer to Page 2 of Attachment I).

As described below in the Landscaping Section (Finding H), the site would be provided with dense landscaping to help buffer the surrounding uses from noise and lights and to help provide privacy

between the uses.

### **Landscaping**

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- H) As shown on the site plan at Attachment B of Planning Commission Staff Report #20-01 and the clarifying plans submitted on June 11, 2020, Attachment 10 of Administrative Report #20-358 for the City Council meeting of August 17, 2020), a 15-foot landscape area is provided along Yosemite Avenue. The landscape area along McKee Road is over 14 feet wide and along Whitewater Way, the landscape area is approximately 7.5 feet wide. The landscape area along the southern property line is 5 feet wide, but would also have a concrete block wall to provide a separation from the adjacent residential uses.

As described above, the promenade area between Buildings 2 and 4 has been increased from 11,300 square feet to 28,500 square feet. This area would be landscaped to create a welcoming outdoor area. Parking lot trees would be provided throughout the site in compliance with the City's Parking Lot Landscape Standards.

According to Table 20.36-1 of the Zoning Ordinance, the site is required to provide a minimum landscape area equal to 15% of the project site. Landscaping and irrigation shall be required to meet the City's Water Efficient Landscape Ordinance. Compliance with these requirements is also included in Condition #11.

### **Neighborhood Impact/Interface**

- I) As previously described, the project site is surrounded by residential uses as well as Yosemite Church and Providence School to the north across Yosemite Avenue. The developer held two neighborhood meetings on January 14, 2020, at Yosemite Church. The afternoon (3:00 p.m.) meeting was attended by approximately 10 people and the evening meeting (6:00 p.m.) was attended by approximately 25-30 people.

The neighbors had questions regarding the on-site sewer storage, the density, the parking, the tenants expected for the retail portion of the project, whether the units would be for college students, and traffic impacts.

Raj Joshi, the developer's representative, addressed the questions and explained that they are looking to develop this site in order to serve the UC and are working with the UC on an agreement to house

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graduate, doctorate, and post-doctorate students. He explained that this site is the closest vacant site to the UC that has access to City facilities, (i.e., sewer and water). He further explained that he has been working with the City's Public Works Director, Ken Elwin, on the sewer capacity and on-site storage issues. Mr. Joshi pointed out the incentives they would be implementing to reduce the need for vehicles such as providing bicycles and bicycle parking, providing Uber and Lyft drop-off/pick-up areas, installing a bus stop in front of their site, and possibly providing Zip cars for the tenants. In addition, there could be a reduction in rent if the tenant agrees not to have a vehicle. He explained that the traffic study done for this project recommended that this project pay a proportionate share of the cost of traffic signals at Yosemite Avenue & Parsons/Gardner Avenue and Olive Avenue and McKee Road. Additionally, they would be required to modify the striping at these intersections to help with the existing congestion at in these areas. It should be noted that a development is only required to mitigate the impacts related to their project. The existing conditions are not the responsibility of the development.

During the review process for the previous proposal, the neighborhood voiced concerns regarding having bars and nightclubs in this project. The developer agreed that they would not allow bars and/or nightclubs to be located within their project. Refer to Condition #33 for the restrictions placed on the uses selling alcoholic beverages.

Public hearing notices are typically sent to all property owners within 300 feet of the project site. In this case, notices were sent to all property owners within 500 feet of the site as well as an extended area on McKee and Hatch Roads. To date, staff has not had any comments other than those heard at the community meetings held by the developer.

### **Signage**

- J) All signs on the site would be required to comply with the North Merced Sign Ordinance and the Neighborhood Commercial sign regulations. As such, with illuminated signs may be required to shut off at 10:00 p.m. (Condition #12 of Staff Report #20-01).



## **Land Use/Density Issues**

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- K) The project proposes to construct a mixed-use project to include 200 multi-family dwelling units and approximately 37,117 square feet of commercial space (retail and office). As described in Finding A, the proposed land uses are allowable under the current Zoning designation of Neighborhood Commercial, with the residential portion requiring Conditional Use Permit approval. The residential portion of the project has a density of 34 units per acre. This density is consistent with the General Plan designation of High Density Residential (HD) which allows 24 to 36 units per acre. The density of the project is consistent with the density requirements of the High Density Residential (HD) designation which allows 24 to 36 units per acre.

The Neighborhood Commercial (C-N) zone allows a variety of commercial uses. The table at Attachment J of Planning Commission Staff Report #20-01 provides a list of the types of uses allowed. As mentioned above in the Neighborhood Impact section, the developer has agreed to limitations on the types of uses.

## **Environmental Clearance**

- L) The Planning staff has conducted an environmental review (Initial Study # 19-37) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Draft Mitigated Negative Declaration (i.e., no significant effects in this case because of the mitigation measures and/or modifications described in Initial Study #19-37) is being recommended (Attachment K of Planning Commission Staff Report #20-01).

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**ENVIRONMENTAL REVIEW #19-37**  
**Mitigation Monitoring Program**

**MITIGATION MONITORING CONTENTS**

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

**LEGAL BASIS AND PURPOSE OF THE MITIGATION MONITORING PROGRAM**

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

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

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

- 1) The requirements of the adopted mitigation monitoring program for the Conditional Use Permit #1238 shall run with the real property. Successive owners, heirs, and assigns of this real property are bound to comply with all of the requirements of the adopted program.
- 2) Prior to any lease, sale, transfer, or conveyance of any portion of the subject real property, the applicant shall provide a copy of the adopted program to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.

**MITIGATION MONITORING PROCEDURES**

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

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

### **GENERAL PLAN MITIGATION MEASURES**

As a second tier environmental document, Initial Study #19-18 incorporates some mitigation measures adopted as part of the *Merced Vision 2030 General Plan Program Environmental Impact Report* (SCH# 2008071069), as mitigation for potential impacts of the Project.

### **NONCOMPLIANCE COMPLAINTS**

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

### **MONITORING MATRIX**

**The following pages provide a series of tables identifying the mitigation measures proposed specifically for Conditional Use Permit #1238. The columns within the tables are defined as follows:**

<b>Mitigation Measure:</b>	Describes the Mitigation Measure (referenced by number).
<b>Timing:</b>	Identifies at what point in time or phase of the project that the mitigation measure will be completed.
<b>Agency/Department Consultation:</b>	This column references any public agency or City department with which coordination is required to satisfy the identified mitigation measure.
<b>Verification:</b>	These columns will be initialed and dated by the individual designated to verify adherence to the project specific mitigation.

**Conditional Use Permit #1238  
Mitigation Monitoring Checklist**

**Project Name:** \_\_\_\_\_ **File Number:** \_\_\_\_\_  
**Approval Date:** \_\_\_\_\_ **Project Location** \_\_\_\_\_  
**Brief Project Description** \_\_\_\_\_

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

<b>5) Cultural Resources</b>				
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
<i>d</i>	AQ-1 The developer shall provide an operations and maintenance plan for the on-site wastewater storage tank to address the timing of the off-peak discharge, emergency procedures for breakdowns and repairs, and odor control. The plan shall include steps to ensure ongoing objectionable odors do not affect the site or surrounding area. The operations and maintenance plan shall be approved by the City Public Works Director and/or City Engineer.	Building Permit	Engineering/ Public Works	
<b>5) Cultural Resources</b>				
<i>a</i>	CUL-1) If unknown pre-contact or historic-period archaeological materials are encountered during project activities, all work in the immediate vicinity of the find shall halt until a qualified archaeologist can evaluate the find and make recommendations.  Cultural resources materials may include pre-contact resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock, as well as historic resources such as glass, metal, wood, brick, or structural remnants. If the qualified archaeologist determines that the discovery represents a potentially significant cultural resource, additional investigations shall be required to mitigate adverse impacts from the project implementation.  <i>(continued on next page)</i>	Building Permits	Planning Department	

<p><i>a</i></p>	<p>These additional studies may include, but are not limited to, recordation, archaeological excavation, or other forms of significance evaluations.</p> <p>The applicant shall inform its contractor(s) of the sensitivity of the project site for archaeological deposits, and include the following directive in the appropriate contract documents:</p> <p>“The subsurface of the construction site is sensitive for archaeological deposits. If archaeological deposits are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist shall assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any archaeological materials. Archaeological deposits can include, but are not limited to, shellfish remains; bones, including human remains; and tools made from, obsidian, chert, and basalt; mortars and pestles; historical trash deposits containing glass, ceramics, and metal artifacts; and structural remains, including foundations and wells.”</p> <p>The City shall verify that the language has been included in the grading plans prior to issuance of a grading permit or other permitted project action that includes ground-disturbing activities on the project site.</p>			
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<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
<i>b</i>	CUL-2) Implementation of Mitigation Measure CUL-1.	Building Permits	Planning Department	
<i>c</i>	CUL-3) If human remains are identified during construction and cannot be preserved in place, the applicant shall fund: 1) the removal and documentation of the human remains from the project corridor by a qualified archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for Archaeology, 2) the scientific analysis of the remains by a qualified archaeologist, should such analysis be permitted by the Native American Most Likely Descendant, and 3) the reburial of the remains, as appropriate. All excavation, analysis, and reburial of Native American human remains shall be done in consultation with the Native American Most Likely Descendant, as identified by the California Native American Heritage Commission.	Building Permits	Planning Department	
<b>6) Energy</b>				
<i>a</i>	ENE-1) The applicant shall comply with all applicable California Energy Code, AB 341, and San Joaquin Valley Air Pollution Control District rules and regulations regulating energy efficiency and waste.	Building Permits	Building Department	
<i>b</i>	ENE-2) Implementation of Mitigation Measure ENE-1.	Building Permits	Building Department	

<b>7) Geology and Soils</b>				
<b>Impact No.</b>	<b>Mitigation Measures</b>	<b>Timing</b>	<b>Agency or Department</b>	<b>City Verification (date and initials)</b>
<b>b</b>	GEO-1) The project shall comply with all requirements of the State Water Resources Board (SWRCB) and obtain a General Construction Activity Stormwater Permit.	Building/ Encroachment Permits	Engineering Department	
	GEO-2) The project shall comply with all applicable mitigation measures for Expanded Initial Study #02-27 for General Plan Amendment #02-02 and Annexation/Pre-Zoning Application #02-02.	Building/ Encroachment Permits	Engineering Department	
<b>8) Hydrology and Water Quality</b>				
<b>a</b>	HYDRO-1) To minimize any potential short-term water quality effects from project-related construction activities, the project contractor shall implement Best Management Practices (BMPs) in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity. In addition, the proposed project shall be in compliance with existing regulatory requirements, including the Water Pollution Control Preparation (WPCP) Manual. In addition, implementation of a Storm Water Pollution Prevention Plan (SWPPP) would be required under the National Pollutant Discharge Elimination System (NPDES) to regulate water quality associated with construction activities.	Building/ Encroachment Permits	Engineering Department	



<b><i>Impact No.</i></b>	<b><i>Mitigation Measures</i></b>	<b><i>Timing</i></b>	<b><i>Agency or Department</i></b>	<b><i>City Verification (date and initials)</i></b>
<b><i>a</i></b>	HYDRO-2 If any storm drainage from the site is to drain into MID facilities, the developer shall first enter into a “Storm Drainage Agreement” with MID and pay all applicable fees.	Building/ Encroachment Permits	Engineering Department	
<b><i>a</i></b>	HYDRO-3) To reduce the potential for degradation of surface water quality during project operation, a SWPPP shall be prepared for the proposed project. The SWPPP shall describe specific programs to minimize stormwater pollution resulting from the proposed project. Specifically, the SWPPP shall identify and describe source control measures, treatment controls, and BMP maintenance requirements to ensure that the project complies with post-construction stormwater management requirements of the RWQCB.	Building/ Encroachment Permits	Engineering Department	
<b><i>c</i></b>	HYDRO-4 Prior to issuance of a building permit or as required by the City Engineer, the developer shall demonstrate to the City that storm drainage facilities are adequate to meet the Project demands and that improvements are consistent with the City Standards and the City’s Storm Drain Master Plan.	Building/ Encroachment Permits	Engineering Department	

<b>13) Noise</b>				
<i><b>Impact No.</b></i>	<i><b>Mitigation Measures</b></i>	<i><b>Timing</b></i>	<i><b>Agency or Department</b></i>	<i><b>City Verification (date and initials)</b></i>
	NOI-1) To reduce potential construction noise impacts, the following multi-part mitigation measure shall be implemented for the project: <ul style="list-style-type: none"> <li>• The construction contractor shall ensure that all internal combustion engine-driven equipment is equipped with mufflers that are in good condition and appropriate for the equipment.</li> <li>• The construction contractor shall locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction disturbance area. In addition, the project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.</li> </ul> <p><i>(continued on next page)</i></p>			

<b>13) Noise</b>				
<i><b>Impact No.</b></i>	<i><b>Mitigation Measures</b></i>	<i><b>Timing</b></i>	<i><b>Agency or Department</b></i>	<i><b>City Verification (date and initials)</b></i>
<i><b>a</b></i>	<ul style="list-style-type: none"> <li>• The construction contractor shall prohibit unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes is prohibited).</li> <li>• The construction contractor shall locate, to the maximum extent practical, on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.</li> <li>• The construction contractor shall limit all noise producing construction activities, including deliveries and warming up of equipment, to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No such work shall be permitted on Sundays or federal holidays without prior approval from the City.</li> </ul>	Building Permit	Building Department	

<b>17) Transportation and Traffic</b>				
<b>Impact No.</b>	<b>Mitigation Measures</b>	<b>Timing</b>	<b>Agency or Department</b>	<b>City Verification (date and initials)</b>
<b>a</b>	<p><b>TRA-01</b> Pay a proportionate share of the cost of the traffic signal at the intersection of Yosemite Avenue and Parsons/Gardner Avenue.</p> <p><b>The following mitigation measures were adopted with Initial Study #19-18 and would apply, unless deemed unnecessary by the City Engineer.</b></p> <p>The westbound lane of Yosemite Avenue at Parsons Avenue shall be modified to accommodate an additional 200-foot shared thru/right turn lane. In addition, the existing shared left/thru/right lane shall be restriped to be a shared left/thru lane. (The Traffic Analysis recommended an additional 100 foot lane be installed. The City Engineer recommends the length of the lane be increased to 200 feet.)</p> <p style="text-align: center;">-or-</p> <p>The applicant shall be required to pay for their proportionate share of the above improvement as determined by the City Engineer.</p>	Building Permit	Planning/ Engineering Department	

<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
<i>a</i>	<p><b>TRA-02</b> Pay a proportionate share of the cost of the traffic signal at the intersection of McKee Road and Olive Avenue.</p> <p><b>The following mitigation measures were adopted with Initial Study #19-18 and would apply, unless deemed unnecessary by the City Engineer.</b></p> <p>The following modifications to the intersection of Olive Avenue and McKee Road shall be made:</p> <p><u>Southbound Approach:</u></p> <ul style="list-style-type: none"> <li>• Remove the adjacent on-street parking for 100 feet on the southbound approach.</li> <li>• Re-stripe the approach as shared left/thru lane and share right/thru lane.</li> <li>• Remove the adjacent on-street parking for 100 feet on the southbound receiving lane and stripe it as a lane drop.</li> </ul> <p><u>Northbound Approach</u></p> <ul style="list-style-type: none"> <li>• Remove the adjacent on-street parking for 100 feet on the north bound approach.</li> <li>• Re-stripe the approach as shared left/thru lane and shared right/thru lane.</li> <li>• Remove the adjacent on-street parking for 100 feet on the northbound receiving lane and stripe it as a lane drop. The City Engineer shall determine if this measure is feasible due to the location of residential driveways in this area.</li> </ul>	Building Permit	Planning/ Engineering Department	

<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
<i>b</i>	<b>TRA-03</b> The developer shall work with the Transit Joint Powers Authority of Merced County (The Bus) to locate a bus stop within ½-mile of the project site.	Building Permit	Planning/Engineering Department	
<b>19) Utilities and Service Systems</b>				
<i>c</i>	<b>UTI-01)</b> The project shall provide for on-site storage of wastewater in an underground storage tank, then release the wastewater into the City’s system during off-peak hours or an alternative approved by the City Engineer. Details to be worked out with the City Engineer prior to construction.	Building Permit	Engineering 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