

CITY OF MERCED
Planning & Permitting Division

STAFF REPORT: #20-08 - 2nd Addendum

AGENDA ITEM: 4.1

FROM: Kim Espinosa,
Planning Manager

PLANNING COMMISSION
MEETING DATE: June 3, 2020
(Cont. from May 6 & 20, 2020)

PREPARED BY: Julie Nelson,
Associate Planner

SUBJECT: **Vesting Tentative Subdivision Map #1312**, initiated by Rick Telegan, applicant for Exposition Properties, LLC, and Leeco, LLC, property owners. This application involves the subdivision of approximately 29.35 acres into 140 single-family lots generally located on the east side of G Street at Foothill Drive. This property has a Low Density (LD) General Plan Designation and is zoned R-1-5. ***PUBLIC HEARING***

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #20-03 (CEQA Section 15162 Findings)
- 2) Vesting Tentative Subdivision Map #1312

SUMMARY

The project site is located at the intersection of G Street and Foothill Drive (extended) (Attachment A). The proposed subdivision would subdivide four parcels totaling approximately 29.35 acres of land into 140 single-family lots (Attachment B). The project site is zoned R-1-5, which requires a minimum lot size of 5,000 square feet.

The subdivision would consist of a series of streets and cul-de-sacs extending from Foothill Drive and Palisades Drive (proposed north/south collector) which would connect this subdivision to the proposed subdivision to the south for Bright Development (Vesting Tentative Subdivision Map (VTMS) #1291 – Attachment C). Foothill Drive (extended) would provide access to a future City Park as shown on the Location Map provided at Attachment A. A PG&E easement area for transmission towers is located at the eastern edge of the subdivision as shown on the VTSM at Attachment B. This area was previously dedicated to the City. As currently proposed a storm water basin is proposed at the southeast corner of the project site, adjacent to the PG&E easement and between Lots 18 and 19.

The subdivision proposes a mixture of lot sizes ranging from 4,518 square feet to 11,175 square feet (refer to the Tentative Map provided at Attachment B). Because the zoning for this site is R-1-5 which requires a minimum 5,000-square-foot lot size, Condition #2 has been included to require all lots to meet this minimum lot size. There are 5 lots that would need to be modified to meet the minimum lot size requirements.

Planning staff along with the other City staff, including the Engineering and Fire Departments, have reviewed the project and recommend approval subject to the conditions below.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #20-03 (CEQA Section 15162 Findings) and Tentative Subdivision Map #1312 (including the adoption of the Resolution at Attachment H) subject to the following conditions:

- *1) The proposed project shall be constructed/designed as shown on Exhibit 1 (Vesting Tentative Subdivision Map for “The Palisades”)—Attachment B of Planning Commission Staff Report #20-08, except as modified by the conditions herein.
- *2) In compliance with the R-1-5 Zoning District, all lots shall be a minimum 5,000 square feet in size.
- *3) All conditions contained in Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions") shall apply.
- *4) The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
- *5) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
- *6) All previously adopted conditions and mitigation measures contained in the Pre-Annexation Development Agreement for the Absolute-Bright Annexation (Annexation Application #04-01) shall apply to this project unless subsequently amended.
- *7) 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.
- *8) 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.

- *9) Community Facilities District (CFD) formation is required for annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, street lights, parks and open space. CFD procedures shall be initiated before Final Map approval. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the Development Services Director to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
- *10) The proposed subdivision and all subsequent house designs shall comply with Section 20.08.030 (D) – Standards for Residential Zoning Districts (Attachment D of Planning Commission Staff Report #20-08) and all applicable requirements of Section 20.46.020 - Design Standards for Single-Family Dwellings and Mobile Homes (Attachment E of Planning Commission Staff Report #20-08), as well as the applicable landscape standards found in Section 20.36 - Landscaping (Attachment F of Planning Commission Staff Report #20-08).
- *11) Each lot within the subdivision shall be provided with one driveway. No residential driveways shall front on any arterial or collector street.
- *12) The project shall comply with all requirements of the California Building Code and all flood requirements of the Federal Emergency Management Agency (FEMA), as well as the requirements for the California Urban Level of Flood Protection (CA 200-year flood).
- *13) All necessary documentation related to the construction of the residential uses shall be provided at the building permit stage.
- *14) 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).
- *15) All landscaping within the public right-of-way shall comply with state and local requirements for water conservation. All irrigation provided to street trees or other landscaping shall be provided with a drip irrigation or micro-spray system and shall comply with the City’s Water Efficient Landscape Ordinance (MMC Section 20.36.030). Landscape plans for all public landscaping shall be provided with the Improvement Plans.
- *16) Prior to final inspection of any home, all front yards and side yards exposed to public view shall be provided with landscaping to include, ground cover, trees, shrubs, and irrigation in accordance with Merced Municipal Code Section 20.36.050. Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray system in accordance with the State’s Emergency Regulation for Statewide Urban Water Conservation or any other state or City mandated water regulations dealing with the current drought conditions. All landscaping shall comply with the City’s Water Efficient Landscape Ordinance (MMC Section 20.36.030).
- *17) Compliance with the “corner vision triangle” per MMC 20.30.030 is required for corner lots, and may result in the applicant constructing smaller homes on these lots or increasing the front yard setbacks.

- *18) A 6-foot-tall decorative wall and a 15-foot-wide landscape strip shall be constructed along the project's frontage on G Street. Consistent with Planning Commission Resolution #2871 (Absolute Leeco Annexation), all of G Street within the annexation boundary shall be constructed at the time of improvements for the first tentative map, along with all other requirements listed in Condition #7 of said Resolution, unless otherwise amended.
- *19) The developer shall install the traffic signal for west-bound traffic at the intersection of G Street and Foothill Drive to provide for a full four-way intersection instead of the three-way intersection that currently exists. The developer may be entitled to up to 50% reimbursement for the installation of this segment of the traffic signal per the policies of the Public Facilities Impact Fee program (MMC 17.62).
- *20) If the existing traffic signal poles on the east side of G Street at Foothill Drive has to be relocated and/or modified in any way to accommodate the ultimate improvements for this intersection, the relocation and/or modifications shall be made at the developer's expense. The City Engineer shall determine if relocation and/or modification is necessary.
- 21) Secondary access to the subdivision shall be provided by a 22-foot-wide Temporary Emergency Vehicle Access easement constructed on at the northern-most end of Lot 120. This Temporary Emergency Vehicle Access (EVA) shall be constructed to meet Fire Department Standards and shall be maintained by the developer or by the CFD. Once secondary full access is provided to the subdivision, the (EVA) shall be abandoned at the developer's expense. Pedestrian access should be implemented in the EVA.
- 22) The drainage basin location is approved as shown on VTSM #1312. However, if in the future an agreement is reached for a shared basin with the subdivision to the south, the basin may be modified or relocated through an administrative Minor Modification review process approved by the Development Services Director in consultation with the City Engineer. Any proposed modification shall be limited to the addition of a maximum of seven additional R-1-5 lots.
- 23) At the building permit stage, the site plans for each lot shall include a minimum 3-foot by 6-foot concrete pad located in the side yard or backyard for the storage of 3 refuse containers.
- 24) All cul-de-sac bulbs shall have a minimum diameter of 96 feet in compliance with Fire Department Standards adopted by Merced Municipal Code Section 17.32.
- *25) Fire hydrants shall be installed along street frontages to provide fire protection to the area. The hydrants shall meet all City of Merced standards and shall comply with all requirements of the City of Merced Fire Department. Final location of the fire hydrants shall be determined by the Fire Department.
- 26) Traffic control signs, street markings, and striping shall be as directed by the City Engineer.
- *27) The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
- 28) The developer shall provide all utility services to each lot, including sanitary sewer, water, electric power, gas, telephone, and cable television. All new utilities are to be

undergrounded, except on-ground transfer boxes for cable, telephone, and/or power, as necessary.

- 29) The developer shall install appropriate street name signs and traffic control signs with locations, names, and types approved by the City Engineer.
- 30) Developer shall provide construction plans and calculations for all landscaping and public maintenance improvements. All such plans shall conform to City standards and meet approval of the City Engineer.
- 31) Dedication by Final Map of all necessary easements will be made as shown on Vesting Tentative Subdivision Map #1312 and as needed for irrigation, utilities, drainage, landscaping, open space, and access.
- 32) The developer shall work with the Merced Irrigation District to enter into any required agreements for storm-drainage or under-grounding of any facilities as required by MID.

(* Denotes non-discretionary conditions.

PROJECT DESCRIPTION

The project site is located on the east side of G Street at Foothill Drive (extended). The proposed subdivision would provide 140 single-family lots with a minimum lot size of 5,000 square feet as required by Condition #2. The largest lot would be over 11,000 square feet. The proposed lots would be on a series of local streets extending from Foothill Drive (east/west collector) and Palisades Drive (north/south collector).

Surrounding uses are noted at Attachment A.

Surrounding Land	Existing Use of Land	Zoning Designation	City General Plan Land Use Designation
North	Vacant	County	Low Density Residential (LD)
South	Vacant	R-1-5	Low Density Residential (LD)
East	Future Park	R-1-5	Open Space/Park (OS-P)
West	Single-Family Residential (across G Street)	P-D #42	Low Density Residential (LD)

BACKGROUND

The project site was part of the Absolute-Bright Annexation approved in 2006. A tentative map for this area was approved in 2006 for 155 lots, but expired in 2016.

In 2013, a parcel map was submitted to subdivide the site into four parcels. Due to restrictions placed on the property by the Pre-Annexation Development Agreement, this parcel map was not approved until 2019. The parcel map was recorded in December 2019, and is provided at Attachment C.

The owner had some concerns with the conditions of approval. In order to allow staff time to work with the owner, this item was continued from the May 6, 2020, and May 20, 2020, Planning Commission meetings.

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Low Density Residential (LD) and the R-1-5 Zoning designation (subject to Condition #2 of Planning Commission Staff Report #20-08).

The proposed subdivision would achieve the following General Plan Land Use Policies:

- L-1.2 Encourage a diversity of building types, ownership, prices, designs, and site plans for residential areas throughout the City.*
- L-1.3 Encourage a diversity of lot sizes in residential subdivisions.*
- L-1.6 Continue to pursue quality single-family and higher density residential development.*
- L-1.8 Create livable and identifiable residential neighborhoods.*

Traffic/Circulation

- B) The subdivision would ultimately have access from Foothill Drive and Palisades Drive via Merrill Place when the subdivision to the south is constructed. Until all the roads are constructed to create the full circulation system through the subdivision, a Temporary Emergency Vehicle Access is being provided to G Street through Lot 125.

Since the number of lots has been reduced from the previously approved subdivision, the amount of traffic generated would also be reduced. According to the Institute of Traffic Engineers (ITE) Manual, the proposed subdivision would generate 1,340 vehicle trips per day. This would be consistent with the estimates made in the *Merced Vision 2030 General Plan*.

Public Improvements/City Services

- C) The developer would be required to install all streets, utilities, and other improvements within the subdivision. City water and sewer lines currently exist in G Street up to Farmland Avenue. This subdivision would be required to extend the lines to serve this subdivision. There is sufficient capacity within the City's water and sewer system to serve this development.

Each lot within the subdivision would be required to meet the City's storm drainage and run-off requirements for City's MS-IV permit. All storm water would ultimately be delivered to the storm drain being constructed at the southeast corner of the subdivision.

The traffic signal at G Street and Foothill Drive was installed in 2009 by the City. The intersection is currently a 3-way intersection. Per Conditions #19 and #20, the developer shall install the traffic signal for west-bound traffic at the intersection of G Street and Foothill Drive and relocate or modify, as necessary, the traffic signal on the east side of the

intersection. The developer may be eligible for reimbursement of up to 50% of the cost of the installation of the signal on the west side of G Street per the City's Public Facilities Financing Program.

Building Design

- D) There are no homes proposed with the tentative map. However, all future homes would be required to comply with all design standards for R-1-5 zoning as required by Condition #10 of Planning Commission Staff Report #20-08, as well as the Design Standards required by MMC Sections 20.08.030 and 20.46.020 (Attachments D and E).

Site Design

- E) The proposed design of the subdivision includes local streets and cul-de-sacs extending from Foothill Drive (extended) and the future Palisades Drive. As required by Condition #2 of Planning Commission Staff Report #20-08, all lots would have a minimum lot area of 5,000 square feet. Each lot would be connected by sidewalks throughout the subdivision. The table below shows the mixture of lot sizes in the subdivision.

Number of Lots	Lot Size (S.F)
5	4,518 to 4,996
58	5,000 to 5,999
43	6,000 to 6,999
18	7,000 to 7,999
6	8,000 to 8,999
4	9,000 to 9,999
6	10,000 to 11,175

Landscaping

- F) Each lot within the subdivision shall be provided with front yard landscaping in compliance with Zoning Ordinance Section 20.36 – Landscaping (Attachment F). Section 20.36.050 requires all exterior setback areas, excluding areas required for access to the property to be landscaped.

The developer shall install a 15-foot-wide landscape strip along the project frontage on G Street (Condition #18) and the required landscaping along the collector roadways (Foothill and Palisades Drive).

Neighborhood Impact/Interface

- G) The project site is surrounded by vacant land to the north, south, and east. The nearest homes are across G Street to the west. Therefore, at this point in time, there would be very little, if any, neighborhood impact.

Public hearing notices were sent to all property owners within 300 feet of the project site. At the time of this report, the City had not received any comments regarding this project.

Land Use/Density Issues

- H) The proposed subdivision would provide a density of 4.7 units per acre based on the gross acreage of the site. This density is within the allowable density for the Low Density Residential General Plan designation of 2 to 6 units per acre.

Tentative Subdivision Map Requirements

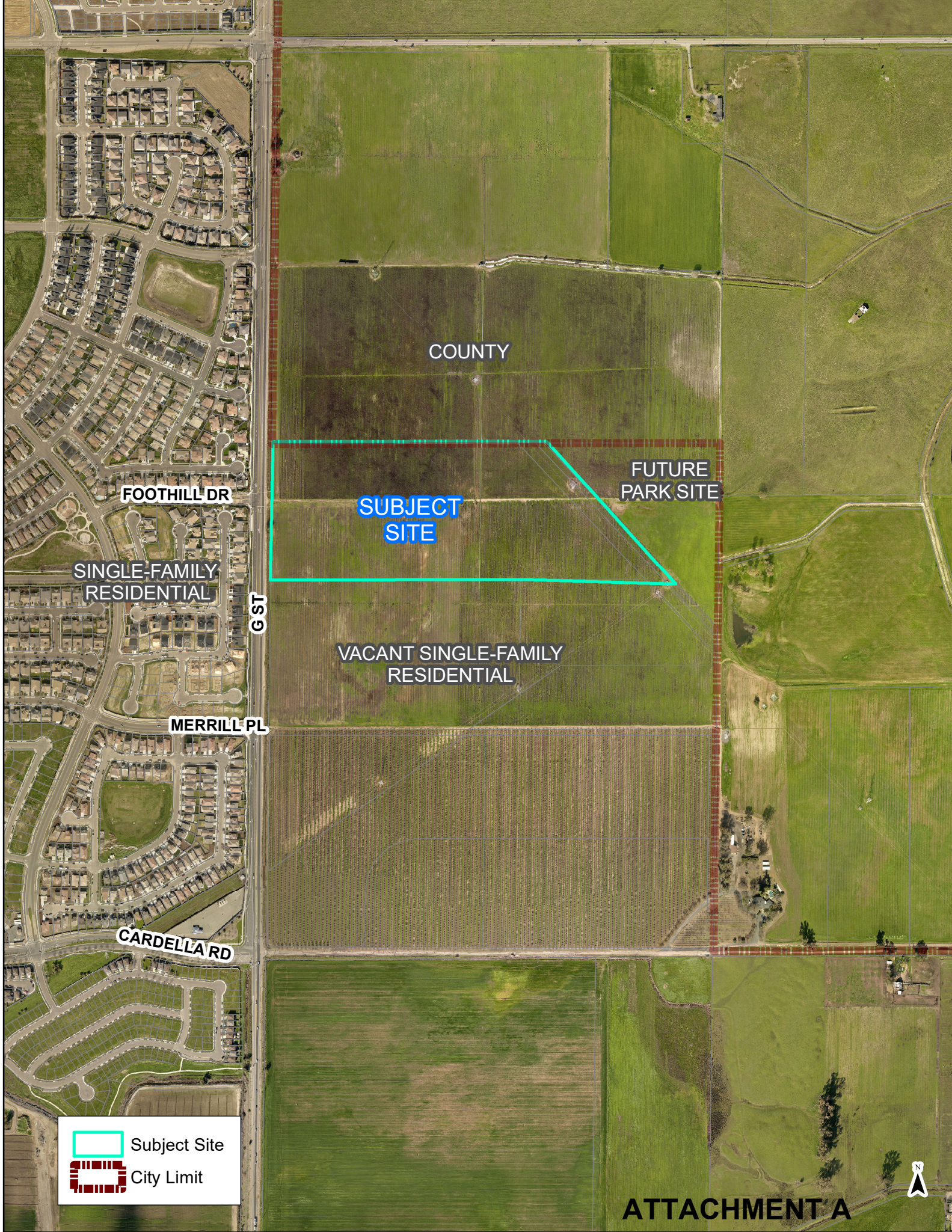
- I) Per Merced Municipal Code (MMC) Section 18.16.080 – Information Required, a tentative subdivision map shall include all of the requirements shown at Attachment D. Said requirements include stating the location of the subject site, the name of the subdivision, and showing the layout of the proposed lots. MMC 18.16.090 – Required Statement requires the applicant to provide a statement that explicitly states any deviations from tentative subdivision map requirements, standard drawings, or Zoning laws. In this case, the applicant is not requesting any deviations from City requirements. MMC 18.16.100 - Public Hearing – Generally, requires a public hearing to review and approve a tentative subdivision map in conformance with the Subdivision Map Act. Per the California Environmental Quality Act a public hearing notice was mailed to property owners within 300 feet of the subject site and published in a qualifying newspaper, Merced County Times, three weeks prior to this meeting. In addition, staff reached out to local utility companies, local school districts, and other relevant government agencies to solicit comments. Staff did not receive any comments regarding this application.

Environmental Clearance

- J) The Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and concluded that Environmental Review #20-03 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 (previous environmental review for the Absolute-Bright Annexation #04-01). A copy of the Section 15162 Findings can be found at Attachment G of Planning Commission Staff Report #20-08.

Attachments:

- A) Location Map
- B) VTSM #1312
- C) Parcel Map for Exposition Properties, LLC and Leeco, LLC
- D) MMC Section 20.08-030
- E) MMC Section 20.46.020
- F) MMC Section 20.36
- G) CEQA Section 15162
- H) Draft Planning Commission Resolution
- I) Draft Presentation



COUNTY

FOOTHILL DR

SUBJECT SITE

FUTURE PARK SITE



SINGLE-FAMILY RESIDENTIAL

G ST

VACANT SINGLE-FAMILY RESIDENTIAL

MERRILL PL

CARDELLA RD

 Subject Site
 City Limit



ATTACHMENT B

VESTING TENTATIVE MAP FOR THE PALISADES

CALIFORNIA

PORTION OF SECTION 5 TOWNSHIP 7 SOUTH, RANGE 14 EAST, MOUNT Diablo BASE AND MERIDIAN

GOLDEN VALLEY ENGINEERING & SURVEYING
400 West 17th Street
Alhambra, CA 91801
Phone: (909) 752-2200
Fax: (909) 752-2200
www.goldenvalley.com

PROJECT NO. VTM 2019-0411

DRAWN BY: J. HARRIS

CHECKED BY: J. HARRIS

DATE: JANUARY 2020

SCALE: AS SHOWN

PROJECT NO. VTM 2019-0411

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SCALE: AS SHOWN

PROJECT NO. VTM 2019-0411

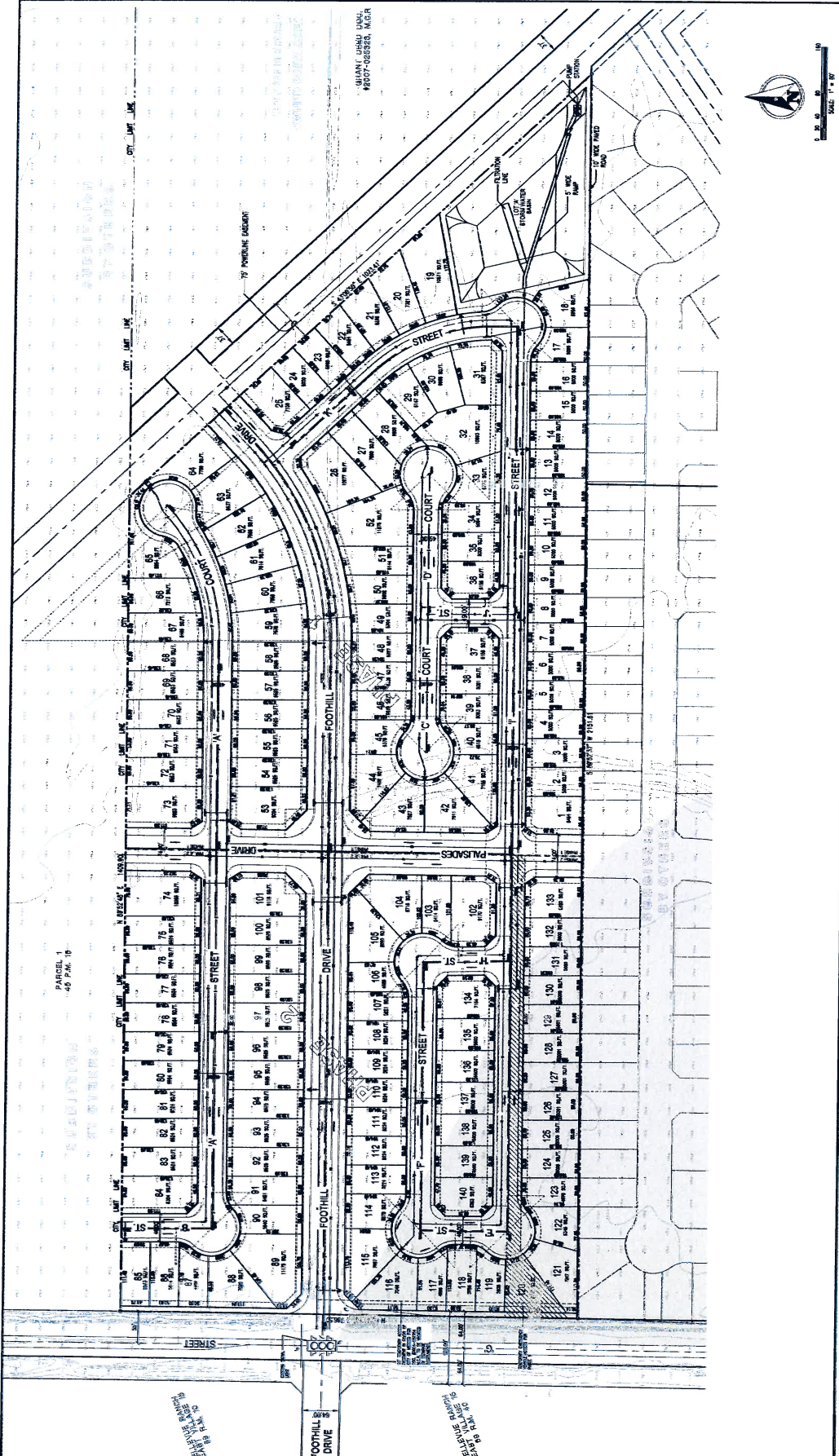
DATE: JANUARY 2020

SCALE: AS SHOWN

PROJECT NO. VTM 2019-0411

DATE: JANUARY 2020

SCALE: AS SHOWN



TENTATIVE MAP NOTES:

- 1) LOT LINE MAP AS SHOWN HEREON.
- 2) THESE LOTS, UNITS, NORTH ARROWS, SCALE AND LEGAL DESCRIPTION AS SHOWN.
- 3) OWNER: GOLDEN VALLEY ENGINEERING & SURVEYING, INC. 400 WEST 17TH STREET, ALHAMBRA, CA 91801.
- 4) SUBDIVISION NAME AS SHOWN: THE PALISADES.
- 5) MAP PREPARED BY: GOLDEN VALLEY ENGINEERING & SURVEYING, INC. 400 WEST 17TH STREET, ALHAMBRA, CA 91801. PHONE: (909) 752-2200.
- 6) JURISDICTION APPROXIMATELY 302 ACRES (84000).
- 7) THIS MAP IS A TENTATIVE MAP. PROPERTY LINES, DIMENSIONS, AND EXISTING AND PROPOSED IMPROVEMENTS ARE SUBJECT TO FIELD SURVEY.
- 8) EXISTING AND PROPOSED WATER UTILITIES ARE SHOWN AS SHOWN ON THE PROVIDED SUBDIVISION AS SHOWN.
- 9) INFORMATION REQUIRED PER MERGED MUNICIPAL CODE SECTION 16.03.05.0.
- 10) LOT LINE MAP AS SHOWN HEREON.
- 11) THESE LOTS, UNITS, NORTH ARROWS, SCALE AND LEGAL DESCRIPTION AS SHOWN.
- 12) OWNER: GOLDEN VALLEY ENGINEERING & SURVEYING, INC. 400 WEST 17TH STREET, ALHAMBRA, CA 91801.
- 13) SUBDIVISION NAME AS SHOWN: THE PALISADES.
- 14) MAP PREPARED BY: GOLDEN VALLEY ENGINEERING & SURVEYING, INC. 400 WEST 17TH STREET, ALHAMBRA, CA 91801. PHONE: (909) 752-2200.
- 15) JURISDICTION APPROXIMATELY 302 ACRES (84000).
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- 17) EXISTING AND PROPOSED WATER UTILITIES ARE SHOWN AS SHOWN ON THE PROVIDED SUBDIVISION AS SHOWN.
- 18) PREPARED PUBLIC IMPROVEMENTS PER CITY STANDARDS.
- 19) REGULATIONS MADE BY THE PROPOSED MUNICIPAL ORDINANCE ARE SUBJECT TO CHANGE. THE PROPOSED REGULATIONS ARE SUBJECT TO THE ADOPTION OF THE PROPOSED MUNICIPAL ORDINANCE AS SHOWN ON THIS MAP.
- 20) EXISTING AND PROPOSED IMPROVEMENTS TO BE SHOWN AS SHOWN AS SHOWN.
- 21) PRELIMINARY TITLE REPORT TO BE SUBMITTED WITH TENTATIVE MAP.
- 22) EXISTING BUILDINGS WITHIN THE SUBDIVISION AS SHOWN.
- 23) ALL WATER COURSES ARE SHOWN HEREON. THE SITE IS WITHIN FLOOD ZONE "X".
- 24) ALL EXISTING TREES TO BE PRESERVED UNLESS OTHERWISE INDICATED OTHERWISE.
- 25) ALL EXISTING TREES TO BE PRESERVED UNLESS OTHERWISE INDICATED OTHERWISE.
- 26) ALL EXISTING TREES TO BE PRESERVED UNLESS OTHERWISE INDICATED OTHERWISE.

LEGEND:

	PROPOSED STREET LIGHT
	PROPOSED WATER MAIN
	PROPOSED SEWER SERVICE
	PROPOSED WATER MAIN
	PROPOSED SEWER SERVICE
	PROPOSED STREET NAME WALL
	PROPOSED WATER MAIN
	PROPOSED SEWER SERVICE
	PROPOSED STREET NAME WALL

VICINITY MAP:

SHEET CONTAINS

NO SCALE

SCALE 1" = 20'

SCALE AS SHOWN

SCALE AS SHOWN

SCALE AS SHOWN

SCALE AS SHOWN

SCALE AS SHOWN

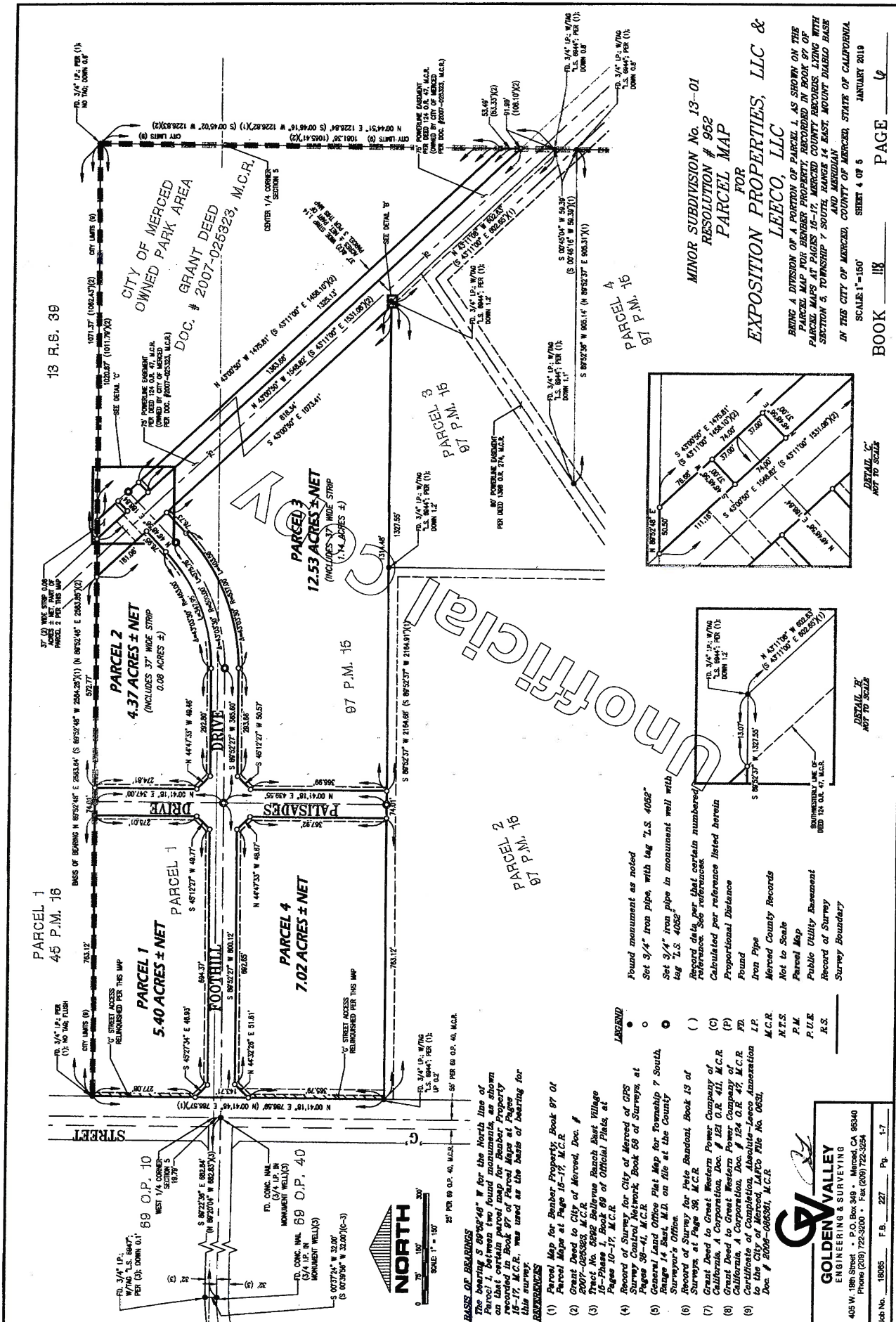
SCALE AS SHOWN

PARCEL 1
48 P.M. 19

VSTM-1A

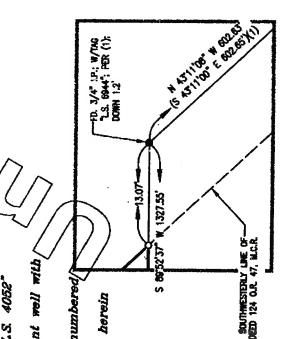
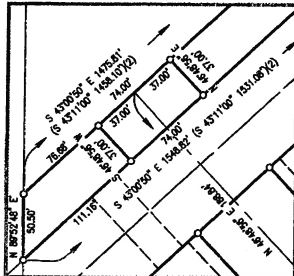
Exposition Properties,
8050 Pratt Ave., Suite 300
Fremont, CA 94511
Tel: (925) 203-5411

DATE: JANUARY 2020
DRAWN BY: J. HARRIS
CHECKED BY: J. HARRIS
PROJECT NO. VTM 2019-0411



MINOR SUBDIVISION No. 13-01
 RESOLUTION # 952
 PARCEL MAP
 FOR
EXPOSITION PROPERTIES, LLC & LEECO, LLC
 BEING A DIVISION OF A PORTION OF PARCEL 1, AS SHOWN ON THE PARCEL MAP FOR BEAUBER PROPERTY, RECORDED IN BOOK 97 OF PARCEL MAPS AT PAGES 15-17, MERCED COUNTY RECORDS, LYING WITH SECTION 5, TOWNSHIP 7 SOUTH, RANGE 14 EAST, MOUNT Diablo BASE AND MERIDIAN
 IN THE CITY OF MERCED, COUNTY OF MERCED, STATE OF CALIFORNIA
 SCALE: 1" = 150'
 SHEET 4 OF 5
 JANUARY 2019

BOOK 118 PAGE 17



Found monument as noted
 Set 9/4" iron pipe in monument wall with tag T.S. 4052"
 Record data per that certain numbered reference. See references.
 Calculated per reference listed herein
 Proportional Distance
 Found
 Iron Pipe
 Merced County Records
 Not to Scale
 Parcel Map
 Public Utility Reassessment
 Record of Survey
 Survey Boundary

- LEGEND**
- Parcel Map for Beaber Property, Book 97 of
 - Grant Deeds to City of Merced, Dec. #
 - Tract No. 4592 Salinas Ranch East Village
 - 15-Phase 1, Book 69 of Official Plans, at
 - Pages 10-17, M.C.R.
 - Record of Survey for City of Merced of GPS
 - Survey Control Network, Book 69 of Surveys, at
 - Pages 38-41, M.C.R.
 - General Land Office Plat Map for Township 7 South
 - Range 14 East, M.D. on file at the County
 - Surveyors Office.
 - Record of Survey for Palo Bandoal, Book 19 of
 - Surveys, at Page 58, M.C.R.
 - Grant Deed to Great Western Power Company of
 - California, Co. Rec. # 121, C.R. 411, M.C.R.
 - Grant Deed to Great Western, Co. Rec. # 124, C.R. 417, M.C.R.
 - California, A Corporation, Dec. # 124, C.R. 417, M.C.R.
 - Certificate of Completion, Absolute-Leece Lamination
 - to the City of Merced, LATCO File No. 0631,
 - Dec. # 2009-068361, M.C.R.
 - I.P.
 - M.C.R.
 - N.T.S.
 - P.M.
 - P.U.R.E.
 - R.S.

GOLDEN VALLEY
 ENGINEERING & SURVEYING
 405 W. 19th Street • P.O. Box 949 • Merced, CA 95340
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Job No. 18095 F.B. 227 Pt. 1-7

- B. Duplex Homes in the R-1-6 Zoning District.** Duplex homes are permitted in the R-1-6 zoning district when the following standards are met:



1. The lot is 8,000 square feet or greater.
2. The lot is a corner lot with distinct frontages on two intersecting streets.
3. Off-street parking for each unit is provided consistent with Chapter 20.38 (Off-Street Parking).
4. Driveways are a minimum 20 feet in length.
5. The lot does not have frontage along a designated collector or higher order street as defined in the General Plan, or has a circular driveway or other driveway configuration that enables vehicles to enter and exit the site in the same direction and not back out into the street.

20.08.030 Development Standards for Residential Zoning Districts

- A. Basic Standards.** Tables 20.08-2 and 20.08-3 identify development standards that apply in residential zoning districts.

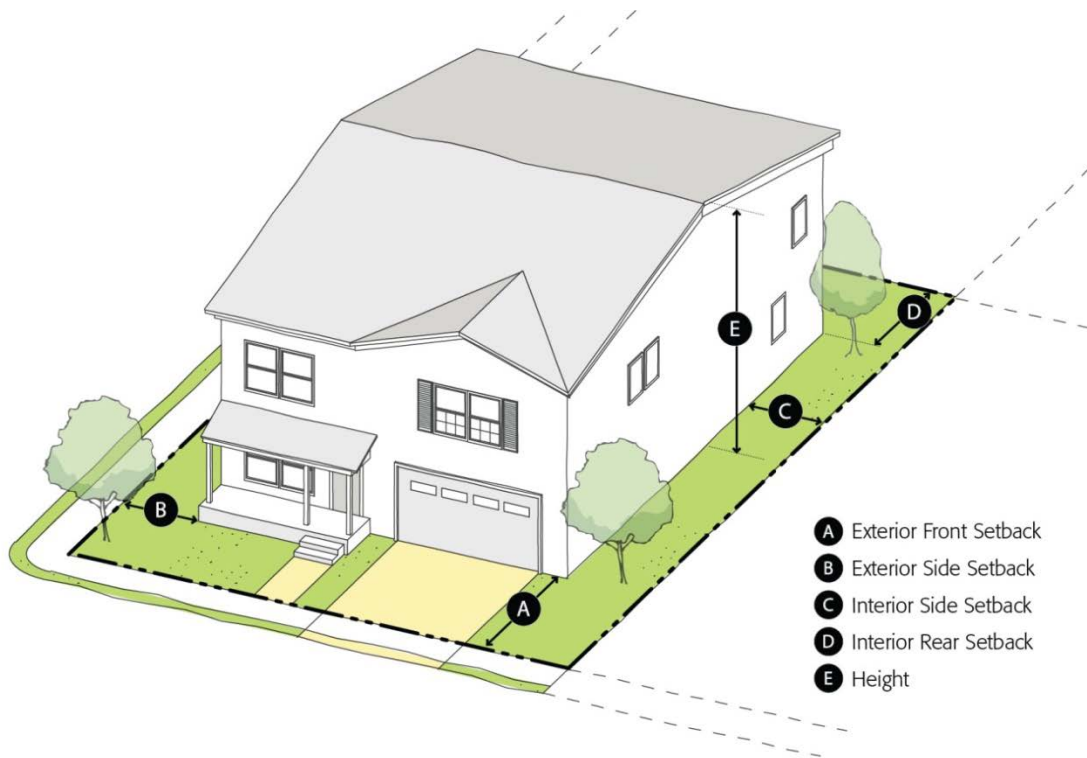
- B. Variation in Lot Dimensions for R-1-6 Subdivisions.** The Planning Commission may approve reduced lot widths for an R-1-6 subdivision when the following conditions are met:

1. The subdivision creates at least 10 lots.
2. Excluding corner lots, at least 25 percent of the remaining lots are at least 5 feet above the minimum required width.
3. Excluding corner lots, no more than 40 percent of the remaining lots may be less than the minimum required width.
4. No lot shall have a depth less than the minimum required depth or a width less than 15 feet below the minimum required width.
5. No corner lot may be less than the minimum required width or area.
6. No more than two lots below the minimum required width may be adjacent to one another.



- C. **Residential Design Standards.** All residential structures shall comply with the design standards established in Chapter 20.46 (Residential Design Standards). See Figure 20.08-1.

Figure 20.08-1 -- Residential Development Standards



**TABLE 20.08-2 DEVELOPMENT STANDARDS FOR SINGLE-FAMILY RESIDENTIAL
ZONING DISTRICTS**

	Figure Label	Zoning District				
		R-R	R-1-20	R-1-10	R-1-6	R-1-5
Lot and Density Standards (Minimums)						
Lot Area		1 acre [4]	20,000 sq. ft.	10,000 sq. ft.	6,000 sq. ft.	5,000 sq. ft.
Lot Width [2]						
Interior Lots		125 ft.	85 ft.	70 ft.	60 ft.	50 ft.
Corner Lots		125 ft.	85 ft.	70 ft.	65 ft.	55 ft.
Lot Depth [3]		None	125 ft.	100 ft.	100 ft.	80 ft.
Lot Area per Dwelling Unit		1 acre [4]	20,000 sq. ft.	10,000 sq. ft.	6,000 sq. ft.	5,000 sq. ft.
Primary Structure Standards						
Setbacks (min.)						
Exterior Yards, Front	A	30 ft.	30 ft.	20 ft.	20 ft.	15 ft. [1]
Exterior Yards, Side (<i>Corner Lots only</i>) [5]	B	15 ft.	15 ft.	10 ft.	10 ft.	10 ft.
Exterior Yards, Cul-De-Sacs		30 ft.	30 ft. [1]	15 ft. [1]	15 ft.[1]	15 ft.[1]
One Interior Yard	C D	15 ft.	15 ft.	10 ft.	10 ft.	10 ft.
All Other Interior Yards	C D	25 ft.	10 ft.	7 ft.	5 ft.	5 ft.
Height (max.)	E					
Feet		35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Other Standards						
Accessory Structure Standards		See Chapter 20.28				
Driveway Length (min.)		20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Lot Coverage (max.)		25%	30%	40%	45%	50%
Off-Street Parking		See Chapter 20.38				
Projections Into Required Yards		See Chapter 20.26				
Separation Between Structures (min.)		As required by the California Building Code				

Notes:

- [1] 20-foot minimum for garages.
- [2] Lots located on curved streets, turnarounds, or cul-de-sac bulbs shall meet the minimum lot width requirement at the established front setback line.
- [3] Cul-de-sac lots located on the cul-de-sac bulbs shall meet the minimum lot depth requirement measured at the mean horizontal distance between the front and rear lot lines, but at no point shall be less than 80 feet in depth.
- [4] May be reduced to 1/3 acre if City sewer and water serves the property.
- [5] On corner lots, if the yard abuts the exterior front yard of an adjacent lot, then it shall be considered an exterior front yard. Otherwise, it shall be considered an exterior side yard.

TABLE 20.08-3 DEVELOPMENT STANDARDS FOR MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS

	Figure Label	Zoning District				
		R-2	R-3-2	R-3-1.5	R-4	R-MH
Lot and Density Standards (Minimums)						
Lot Area		6,000 sq. ft.	6,000 sq. ft.	7,500 sq. ft.	7,500 sq. ft.	10 acres
Lot Width						
Interior Lots		60 ft.	60 ft.	60 ft.	70 ft.	200 ft.
Corner Lots		65 ft.	65 ft.	65 ft.	70 ft.	200 ft.
Lot Depth		100 ft.	-	-	-	200 ft.
Lot Area per Dwelling Unit		3,000 sq. ft.	2,000 sq. ft.	1,500 sq. ft.	1,000 sq. ft.	[1]
Primary Building Standards						
Setbacks (min.)						
Exterior Yards, Front	A	15 ft.	15 ft.	15 ft.	15 ft.	25 ft.
Exterior Yards, Side (Corner Lots Only)	B	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
One Interior Yard	C D	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
All Other Interior Yards	C D	5 ft.	5 ft.	5 ft.	6 ft. [2]	10 ft.
Height (max.)	E					
Feet		35 ft.	35 ft.	35 ft.	40 ft.	35 ft.
Other Standards						
Accessory Structure Standards		See Chapter 20.28				
Driveway Length (min.)		20 ft.	-	-	-	-
Lot Coverage (max.)		50%	55%	55%	65%	65%
Off-Street Parking		See Chapter 20.38				
Projections Into Required Yards		See Chapter 20.26				
Separation Between Structures (min.)		15 ft.	15 ft.	15 ft.	10 ft.	15 ft.

Notes:

[1] The maximum residential density in the R-MH zoning district is ten dwelling units per acre.

[2] Rear yard minimum 10 feet for structures over 25 feet in height, an additional 1 foot per each additional 5 feet in height.

D. R-1-5 Subdivisions. Homes for R-1-5 subdivisions shall comply with the following design standards:

1. A minimum of 25 percent of the front elevations along a street shall have a minimum 25-foot garage setback.
2. A minimum of 25 percent of the garages along a street with the standard 20-foot setback shall have recessed doors (recessed at least 1 foot).
3. No three-car garages shall be allowed on 5,000-square-foot lots, except on lots with alley access or lots exceeding 60 feet in width.
4. All subdivisions shall provide a variety of dwelling elevations appropriate for the scale of the project. Elevations shall be approved by the Planning Division. At a minimum, the same elevations shall not be repeated for adjacent houses. Varied front setbacks and heights are encouraged as ways of achieving variety.
5. Windows, doors, and garage doors (except recessed garage doors) on the front elevation shall have raised trim in order to provide visual interest and relief.
6. Plans for two-story structures immediately adjacent to a developed R-1 area shall receive special attention by the Planning Division. Planning Division staff shall consider the relationship of second-story windows, doors, and balconies with the privacy of neighbors, and may require that these features be redesigned or omitted from second-story rear walls.



E. Exceptions on Required Front Setback. In any residential zoning district, the required front setback may be modified with a Minor Use Permit if at least 50 percent of the homes are already constructed on the same block with front setbacks that are different from the front setback requirement in Table 20.08-2 (Setback and Height Standards for Residential Zoning Districts). In such cases, the modified setbacks shall comply with the following requirements:

1. The front setback shall not exceed the average of existing front setbacks on the same block.
2. The front setback shall not exceed the average of existing front setbacks of the two immediately adjoining lots.
3. For corner lots, the front setback shall not exceed the front setback of the immediately adjoining lot.
4. The front setback for all lots shall be a minimum of 10 feet and a maximum of 50 feet.

F. Parking.

1. Within the R-1 and R-2 zoning districts, required off-street parking spaces may not be located within any required exterior setback area.
2. Within the R-3 and R-4 zoning districts, off street parking spaces may be located within required exterior setback areas if the total off-street parking requirement exceeds four spaces.
3. When the required off-street parking for a single-family or duplex home in any residential zoning district is provided outside of a covered garage or carport, each parking space shall be located and designed so that it may later be covered by a garage or carport structure.

20.08.040 Additional Dwelling Units on R-1 Lots
--

A. General. Up to three (3) single-family dwelling units are permitted on an R-1 lot provided that all of the following conditions are met:

1. The minimum lot size is 15,000 square feet for R-1-5; 18,000 square feet for R-1-6; 30,000 square feet for R-1-10; and 60,000 square feet for R-1-20.
2. The minimum lot area per dwelling unit is 5,000 square feet for R-1-5; 6,000 square feet for R-1-6; 10,000 square feet for R-1-10; and 20,000 square feet for R-1-20.
3. A minimum separation of 20 feet is provided between dwelling units located behind each other.
4. For dwelling units located side by side on one lot:
 - a. The lot has a width of at least 100 feet.
 - b. A minimum separation of 10 feet is provided between dwelling units.

B. Deep R-1 Lots. R-1 lots that are over 150 feet in depth with an existing dwelling unit may add an additional dwelling unit, provided that the following conditions are met:

1. The existing dwelling unit existed prior to the adoption of this title.
2. The existing dwelling unit is located at least 75 feet back from the front lot line.
3. The additional dwelling unit is located on the front half of the lot.
4. A minimum separation of 20 feet is provided between the two dwelling units.



Chapter 20.46 - RESIDENTIAL DESIGN STANDARDS

Sections:

20.46.010 Purpose

20.46.020 Design Standards for Single-Family Dwellings and Mobile Homes

20.46.030 General Design Standards for Multi-Family Dwellings

20.46.040 Specific Design Standards for Multi-Family Dwellings

20.46.010 Purpose

This chapter establishes design standards for residential uses, in addition to regulations set forth in Chapter 20.08 (Residential Zones).

20.46.020 Design Standards for Single-Family Dwellings and Mobile Homes

- A. Applicability.** The following standards shall apply to all single-family developments and mobile homes.
- B. Siding.** No shiny or reflective exterior siding materials, which are more reflective than semi-gloss paint, shall be permitted.
- C. Exterior Walls.**
1. Materials shall extend to the ground where a unit is mounted at grade-level or the top of the solid concrete or masonry perimeter foundation where an above-grade foundation is used.
 2. Materials shall be limited to stucco, wood, brick, stone, glass, or decorative concrete block. No tin or other metallic exterior wall material shall be used.
 3. Materials shall be the same as or complementary to the wall materials and roofing materials of the dwelling unit.
- D. Windows.**
1. All windows, doors, and gable ends shall be architecturally treated with a trim.
 2. No shiny or reflective materials shall be permitted for trim which are more reflective than semi-gloss paint.



E. Roof.

1. **Roof Pitch Slope.** The slope or inclination of a pitched roof shall be no less than a ratio of 4 inches vertical rise for each 12 inches horizontal run (4:12).



2. **Projection.** Overhanging eaves shall be at least 12 inches from the exterior vertical walls.

3. **Materials.**

- a. Roofs shall be composed of shingles, shake shingles, non-reflective and matte-finish metal, rock or concrete or adobe or composition tile, or other similar materials commonly used in the area.

- b. Fascia boards shall be used on all sides of the structure to screen exposed elements, like rafters and vents, and to give the roof a finished edge.

- c. Roofing materials for a garage or carport shall be the same as the wall materials and roofing materials of the dwelling unit.

4. **Mechanical and Utility Equipment.** All mechanical and utility equipment shall be screened from the public right-of-way.

- F. **Parking.** Each unit shall have at least 200 square feet of off-street parking outside of required setback areas.

- G. **Width.** Each unit shall have a width of at least 20 feet.

- H. **Location.** Each dwelling shall face or have frontage upon a street or permanent means of access to a street by way of a public or private easement other than an alley. Such easements shall not be less than 10 feet in width.



- I. **Landscaping.** All front yards, and all side yards exposed to public view on corner lots, shall be landscaped with drought-tolerant ground cover, trees, and shrubs, including but not limited to, City street trees. Underground irrigation of the required landscaping shall be required. All shall be installed prior to occupancy. (Refer to Chapter 20.36.)

- J. **Foundation.** All homes and mobile homes must be attached to a permanent foundation system that complies with all building codes of the City.

- K. **Addresses.** The street address number of the house shall be displayed on the front wall of the house clearly visible from the street and shall be a minimum height of 4 inches with a ½ inch stroke (or as otherwise required in the California Residential and Fire Codes.)

Chapter 20.36 - LANDSCAPING

Sections:

20.36.010 Purpose

20.36.020 Applicability

20.36.030 Water Efficient Landscaping Ordinance

20.36.040 Landscape and Sprinkler Plans

20.36.050 Required Landscape Areas

20.36.060 Landscape Standards

20.36.010 Purpose

The landscaping standards contained in this chapter are intended to enhance the aesthetic appearance of developed areas within Merced and to promote the efficient use of water resources.

20.36.020 Applicability

This chapter applies to all new development with landscape areas as follows:

- A.** Greater than 500 square feet; or,
- B.** Rehabilitated landscape projects with an aggregated landscape area equal to or greater than 2,500 square feet.



20.36.030 Water Efficient Landscaping Ordinance

In addition to the standards contained in this chapter, all applicable development in Merced shall also comply with Municipal Code Chapter 17.60 (Water Efficient Landscaping and Irrigation) and any subsequent amendments or emergency drought regulations. Chapter 17.60 implements the California Water Conservation in Landscaping Act (Government Code Section 65591 et seq.). In the event of a conflict, Chapter 17.60 or State regulations will prevail, whichever is more stringent.

20.36.040 Landscape and Sprinkler Plans

A. Landscape and Sprinkler Plan Required. Projects subject to the requirements of this chapter and Chapter 17.60 shall submit a landscape and sprinkler plan as part of applications for all permits as required by the Zoning Ordinance and as part of subsequent Building Permit applications.

B. Required Contents. Landscape plans shall include the following features and information:



1. Site boundaries.
2. Existing structures on the property.
3. Structures immediately adjacent to the property.
4. All new structures and improvements proposed as part of the development project.
5. Existing landscaping, trees, and vegetation to be retained.

6. All new landscaping proposed, including parking lot and street trees, as part of the development project specifying plant location, species, and size.

7. Irrigation plan specifying the location, type, and size of all components of the irrigation system, including backflow prevention devices.

8. Water efficient landscape calculations, including hydrozone information table, water budget calculations, maximum applied water allowance, estimated total water use, and soil management and grading plans per Chapter 17.60.

9. Any additional information as determined by the Director of Development Services to demonstrate compliance with the requirements of this chapter.



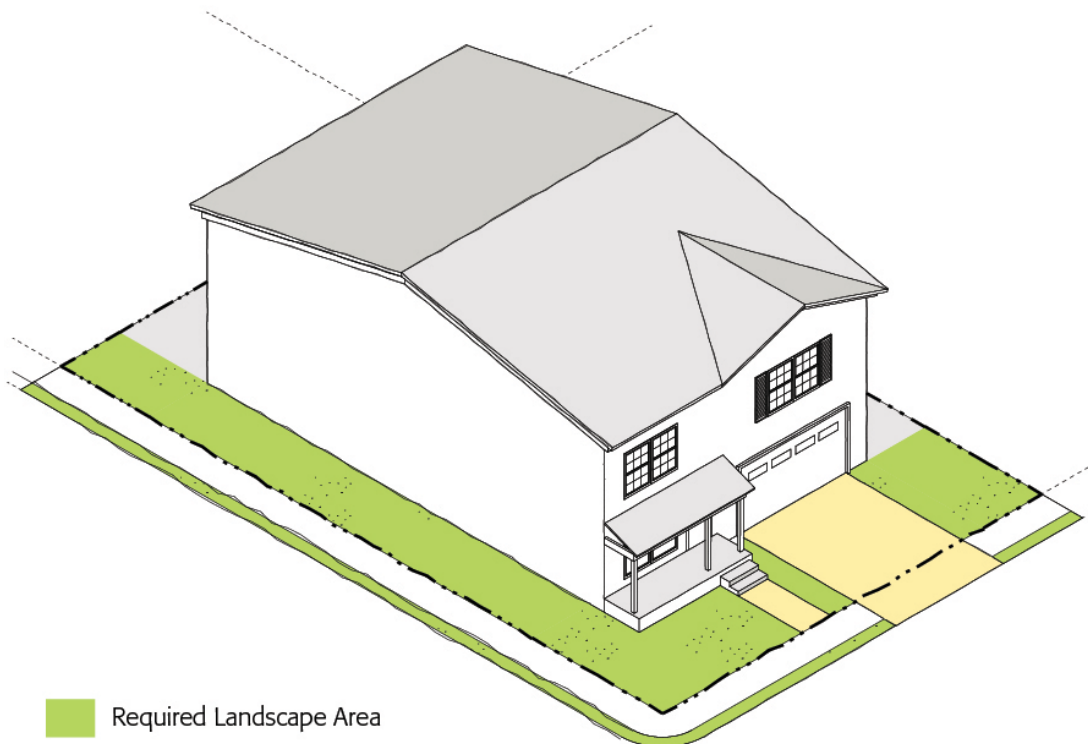
C. Review and Approval. The Development Services Department shall review all landscape plans to verify compliance with the requirements of this chapter. Landscape plans shall be approved by the review authority acting upon the permit application for the proposed new development.

D. Changes to Approved Landscape Plans.

1. Substantial modifications to an approved landscape plan shall be made only by the review authority which approved the landscape plan.
2. The Director of Development Services may approve minor modifications to a landscape plan previously approved by the Planning Commission or City Council. Minor modifications are defined as changes to a landscape plan that bring the plans into conformance with State Law (including emergency drought regulations), do not significantly decrease the total amount of landscaped area, alter the general design character or water conservation of the landscaped area, or alter a feature of the landscaped area specifically required by the decision-making authority, unless as otherwise required by State law.

20.36.050 Required Landscape Areas**A. Residential Zoning Districts.**

1. All required exterior setback areas, excluding areas required for access to the property, shall be landscaped. See Figure 20.36-1.

FIGURE 20.36-1 REQUIRED LANDSCAPE AREA FOR RESIDENTIAL ZONING DISTRICTS

2. Landscaping may consist of any combination of living plants such as trees, shrubs and turf; related natural features such as rock, stone or bark chips; or artificial turf that meets acceptable standards as determined by the Department of Development Services. Decorative hardscape featuring pervious materials are permitted within required landscaping areas. Drought tolerant landscape materials are required, unless otherwise approved with a Minor Use Permit.
3. Street trees per City standards.

B. Non-Residential Zoning Districts.

1. The minimum landscaped area on a site shall be as shown in Table 20.36-1. Outdoor dining areas and other similar quasi-public outdoor seating areas do not count toward landscaping requirements.
2. All required exterior setback areas excluding areas required for access to the property and public or quasi-public open space such as courtyards and outdoor seating shall be landscaped.

TABLE 20.36-1 MINIMUM LANDSCAPED AREA IN NON-RESIDENTIAL ZONING DISTRICTS

Zoning Districts	Minimum Landscaped Area
D-COR, D-O, D-CM, P-PK	10%
C-G, C-T, C-N, C-SC, C-O, P-F, C-V	15%
I-L, I-H, A-G, U-T	None
B-P	15%
P-OS, P-D	As determined by the permit approval process

20.36.060 Landscape Standards

- A. General Standards.** The following standards apply within all zoning districts.
1. **Plant Selection.** A minimum of 90 percent of plants and trees shall be selected drought-tolerant, non-invasive species, unless otherwise approved with a Minor Use Permit.

2. Turf Lawns.

- a. Natural turf areas shall be limited to no more than 50 percent of the landscaped area. The Planning Commission may approve larger areas if the lawn area provides functional open space for ballfields, etc.



- b. Drought-resistant grass species shall be used exclusively.

- c. Turf shall not be used on berms, slopes greater than 25 percent, street median, or park strips less than 10 feet wide unless sub-surface irrigation is used.

- d. Artificial turf may be used in all areas if it meets the minimum standards as established by the Development Services Department.

3. **Plant Groupings.** Where irrigation is proposed, plants shall be grouped in separate hydrozones (i.e., plants within each irrigation valve area shall have the same watering requirements).
4. **Water Features.** Decorative water features (e.g., fountains, ponds, waterfalls) shall have recirculating water systems.
5. **Public Safety.** Plant species shall be selected and located so that at maturity they do not interfere with pedestrian, bicycle, or vehicular circulation and do not conflict with overhead lights, or utility lines.

B. Irrigation and Water Efficiency.

Landscaped areas shall comply with the following irrigation and water efficiency.

1. **Irrigation System.** Water-efficient irrigation systems (e.g., bubbler type, drip, mini-spray) shall be required. Irrigation systems shall include check valves to prevent low head drainage, appropriate nozzles to prevent overspray, and automatic and self-adjusting irrigation controllers that include moisture and/or rain sensor shutoff; or other systems meeting minimum standards as established by the Development Services Department.





2. Irrigation Schedule.

Landscape irrigation hours shall be in compliance with Section 15.42 (Water Shortage Regulations).

C. Timing of Installation.

Landscaping systems shall be installed prior to final building permit inspection or certification of occupancy.

D. Maintenance.

1. **General.** Landscape areas shall be maintained in a neat and healthful condition at all times, except in times of an official drought declaration by the Merced City Council.
2. **Replacement of Dead or Dying Plants.** Within 90 days of a determination by the Director of Public Works that a plant is dead or severely damaged or diseased, the plant shall be replaced by the property owner in accordance with the standards specified in this chapter.

3. **Removal of Landscaping.** Any removed mature landscaping shall be replaced with landscaping of similar size and maturity as that which was removed. Mature trees shall be replaced with a 24 inch-box tree at minimum.



4. **Irrigation Systems.**

Irrigation systems shall be maintained in a fully functional manner as approved by the City and required by this chapter.

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

Application: Vesting Tentative Subdivision Map #1312 (“Palisades”) – Environmental Review #20-03

Assessor Parcel Number or Location: Assessor’s Parcel Numbers (APN’s): 060-880-001; -002; -003; and -004

Previous Initial Study/EIR Reference: This site was previously reviewed through Expanded Initial Study #04-02, resulting in a Mitigated Negative Declaration. The current proposal is to subdivide approximately 29.35 acres into 140 single-family lots.

Original Project Date: Expanded Initial Study #04-02, resulting in a Mitigated Negative Declaration, adopted by the Merced City Council on April 17, 2006.

Section A - Previous Studies

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

Comment/Finding: The proposed vesting tentative subdivision would subdivide 29.35 acres of land into 140 single-family lots. The General Plan and Zoning designations remain consistent with the original environmental review. A tentative subdivision map was approved for this site (TSM #1292), and was evaluated under the original Environmental Review (#04-02). TSM #1291 proposed 150 lots within the same area. The number of lots has been reduced to 140 lots which reduces any possible impacts.

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

Comment/Finding: There have been no changes in the circumstances under which the project is undertaken that would require major revisions in the previous 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.

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

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

Section B - New Information

A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration. Yes No

B) 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. 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. Yes No

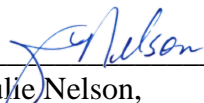
Comment/Finding: All previously identified mitigation measures will be enforced with this project including payment of Public Facility Impact Fees. Therefore, the resulting impacts are no greater than those previously analyzed and the previously imposed mitigation measures remain sufficient to address all impacts from this project.

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

- 1. It is found that subsequent negative declaration will need to be prepared.
- 2. It is found that an addendum Negative Declaration will need to be prepared.
- 3. That a subsequent EIR will need to be prepared.
- 4. No further documentation is required.

Date: April 13, 2020

Prepared By:



 Julie Nelson,
 Associate Planner

**CITY OF MERCED
Planning Commission**

Resolution #4039

WHEREAS, the Merced City Planning Commission at its regular meeting of June 3, 2020, held a public hearing and considered **Vesting Tentative Subdivision Map #1312**, initiated by Rick Telegan, on behalf of Exposition Properties, LLC, and Leeco, LLC, property owner(s). This application involves a request to allow the subdivision of approximately 29.35 acres into 140 single-family lots, generally located on the east side of G Street at Foothill Drive. This property has a Low Density (LD) General Plan Designation and is zoned R-1-5; also known as Assessor’s Parcel Numbers (APN) 060-880-001; -002; -003; and -004; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through J of Staff Report #20-08 – 2nd Addendum (Exhibit B); and,

WHEREAS, the Merced City Planning Commission concurs with the Findings for Tentative Subdivision Map Requirements in Merced Municipal Code Section 18.16.080, 18.16.090, and 18.16.100 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 hereby find that the previous environmental review (Initial Study #04-02 for the Absolute-Bright Annexation #04-02) remains sufficient and no further documentation is required (CEQA Section 15162 Findings), and approve Vesting Tentative Subdivision Map #1312, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

ABSTAIN: Commissioner(s)

PLANNING COMMISSION RESOLUTION #4039

Page 2

June 3, 2020

Adopted this 3rd day of June 2020

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Exhibits:

Exhibit A – Conditions of Approval

Exhibit B – Findings/Considerations

Conditions of Approval
Planning Commission Resolution # 4039
Vesting Tentative Subdivision Map #1312

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Vesting Tentative Subdivision Map for “The Palisades”)—Attachment B of Planning Commission Staff Report #20-08, except as modified by the conditions herein.
2. In compliance with the R-1-5 Zoning District, all lots shall be a minimum 5,000 square feet in size.
3. All conditions contained in Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions") shall apply.
4. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
5. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
6. All previously adopted conditions and mitigation measures contained in the Pre-Annexation Development Agreement for the Absolute-Bright Annexation (Annexation Application #04-01) shall apply to this project unless subsequently amended.
7. 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.
8. 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.
 9. Community Facilities District (CFD) formation is required for annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, street lights, parks and open space. CFD procedures shall be initiated before Final Map approval. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the Development Services Director to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
 10. The proposed subdivision and all subsequent house designs shall comply with Section 20.08.030 (D) – Standards for Residential Zoning Districts (Attachment D of Planning Commission Staff Report #20-08) and all applicable requirements of Section 20.46.020 - Design Standards for Single-Family Dwellings and Mobile Homes (Attachment E of Planning Commission Staff Report #20-08), as well as the applicable landscape standards found in Section 20.36 - Landscaping (Attachment F of Planning Commission Staff Report #20-08).
 11. Each lot within the subdivision shall be provided with one driveway. No residential driveways shall front on any arterial or collector street.
 12. The project shall comply with all requirements of the California Building Code and all flood requirements of the Federal Emergency Management Agency (FEMA), as well as the requirements for the California Urban Level of Flood Protection (CA 200-year flood).
 13. All necessary documentation related to the construction of the residential uses shall be provided at the building permit stage.

14. 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).
15. All landscaping within the public right-of-way shall comply with state and local requirements for water conservation. All irrigation provided to street trees or other landscaping shall be provided with a drip irrigation or micro-spray system and shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030). Landscape plans for all public landscaping shall be provided with the Improvement Plans.
16. Prior to final inspection of any home, all front yards and side yards exposed to public view shall be provided with landscaping to include, ground cover, trees, shrubs, and irrigation in accordance with Merced Municipal Code Section 20.36.050. Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray system in accordance with the State's Emergency Regulation for Statewide Urban Water Conservation or any other state or City mandated water regulations dealing with the current drought conditions. All landscaping shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030).
17. Compliance with the "corner vision triangle" per MMC 20.30.030 is required for corner lots, and may result in the applicant constructing smaller homes on these lots or increasing the front yard setbacks.
18. A 6-foot-tall decorative wall and a 15-foot-wide landscape strip shall be constructed along the project's frontage on G Street. Consistent with Planning Commission Resolution #2871 (Absolute Leeco Annexation), all of G Street within the annexation boundary shall be constructed at the time of improvements for the first tentative map, along with all other requirements listed in Condition #7 of said Resolution, unless otherwise amended.
19. The developer shall install the traffic signal for west-bound traffic at the intersection of G Street and Foothill Drive to provide for a full four-way intersection instead of the three-way intersection that currently exists. The developer may be entitled to up to 50% reimbursement for the installation of this segment of the traffic signal per the policies of the Public Facilities Impact Fee program (MMC 17.62).
20. If the existing traffic signal poles on the east side of G Street at Foothill Drive has to be relocated and/or modified in any way to accommodate the ultimate improvements for this intersection, the relocation and/or modifications shall

- be made at the developer's expense. The City Engineer shall determine if relocation and/or modification is necessary.
21. Secondary access to the subdivision shall be provided by a 22-foot-wide Temporary Emergency Vehicle Access easement constructed on at the northern-most end of Lot 125. This Temporary Emergency Vehicle Access (EVA) shall be constructed to meet Fire Department Standards and shall be maintained by the developer or by the CFD. Once secondary full access is provided to the subdivision, the (EVA) shall be abandoned at the developer's expense. Pedestrian access should be implemented in the EVA.
 22. The drainage basin location is approved as shown on VTSM #1312. However, if in the future an agreement is reached for a shared basin with the subdivision to the south, the basin may be modified or relocated through an administrative Minor Modification review process approved by the Development Services Director in consultation with the City Engineer. Any proposed modification shall be limited to the addition of a maximum of seven additional lots.
 23. At the building permit stage, the site plans for each lot shall include a minimum 3-foot by 6-foot concrete pad located in the side yard or backyard for the storage of 3 refuse containers.
 24. All cul-de-sac bulbs shall have a minimum diameter of 96 feet in compliance with Fire Department Standards adopted by Merced Municipal Code Section 17.32.
 25. Fire hydrants shall be installed along street frontages to provide fire protection to the area. The hydrants shall meet all City of Merced standards and shall comply with all requirements of the City of Merced Fire Department. Final location of the fire hydrants shall be determined by the Fire Department.
 26. Traffic control signs, street markings, and striping shall be as directed by the City Engineer.
 27. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
 28. The developer shall provide all utility services to each lot, including sanitary sewer, water, electric power, gas, telephone, and cable television. All new utilities are to be undergrounded, except on-ground transfer boxes for cable, telephone, and/or power, as necessary.
 29. The developer shall install appropriate street name signs and traffic control signs with locations, names, and types approved by the City Engineer.

30. Developer shall provide construction plans and calculations for all landscaping and public maintenance improvements. All such plans shall conform to City standards and meet approval of the City Engineer.
31. Dedication by Final Map of all necessary easements will be made as shown on Vesting Tentative Subdivision Map #1312 and as needed for irrigation, utilities, drainage, landscaping, open space, and access.
32. The developer shall work with the Merced Irrigation District to enter into any required agreements for storm-drainage or under-grounding of any facilities as required by MID.

**Findings and Considerations
Planning Commission Resolution #4039
Vesting Tentative Subdivision Map #1312**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Low Density Residential (LD) and the R-1-5 Zoning designation (subject to Condition #2 of Planning Commission Staff Report #20-08).

The proposed subdivision would achieve the following General Plan Land Use Policies:

L-1.2 Encourage a diversity of building types, ownership, prices, designs, and site plans for residential areas throughout the City.

L-1.3 Encourage a diversity of lot sizes in residential subdivisions.

L-1.6 Continue to pursue quality single-family and higher density residential development.

L-1.8 Create livable and identifiable residential neighborhoods.

Traffic/Circulation

- B) The subdivision would ultimately have access from Foothill Drive and Palisades Drive via Merrill Place when the subdivision to the south is constructed. Until all the roads are constructed to create the full circulation system through the subdivision, a Temporary Emergency Vehicle Access is being provided to G Street through Lot 125.

Since the number of lots has been reduced from the previously approved subdivision, the amount of traffic generated would also be reduced. According to the Institute of Traffic Engineers (ITE) Manual, the proposed subdivision would generate 1,340 vehicle trips per day. This would be consistent with the estimates made in the *Merced Vision 2030 General Plan*.

Public Improvements/City Services

- C) The developer would be required to install all streets, utilities, and other improvements within the subdivision. City water and sewer lines currently exist in G Street up to Farmland Avenue. This subdivision would be required to extend the lines to serve this subdivision. There is sufficient capacity within the City's water and sewer system to serve this development.

Each lot within the subdivision would be required to meet the City’s storm drainage and run-off requirements for City’s MS-IV permit. All storm water would ultimately be delivered to the storm drain being constructed at the southeast corner of the subdivision.

The traffic signal at G Street and Foothill Drive was installed in 2009 by the City. The intersection is currently a 3-way intersection. Per Conditions #19 and #20, the developer shall install the traffic signal for west-bound traffic at the intersection of G Street and Foothill Drive and relocate or modify, as necessary, the traffic signal on the east side of the intersection. The developer may be eligible for reimbursement of up to 50% of the cost of the installation of the signal on the west side of G Street per the City’s Public Facilities Financing Program.

Building Design

- D) There are no homes proposed with the tentative map. However, all future homes would be required to comply with all design standards for R-1-5 zoning as required by Condition #10 of Planning Commission Staff Report #20-08, as well as the Design Standards required by MMC Sections 20.08.030 and 20.46.020 (Attachments D and E).

Site Design

- E) The proposed design of the subdivision includes local streets and cul-de-sacs extending from Foothill Drive (extended) and the future Palisades Drive. As required by Condition #2 of Planning Commission Staff Report #20-08, all lots would have a minimum lot area of 5,000 square feet. Each lot would be connected by sidewalks throughout the subdivision. The table below shows the mixture of lot sizes in the subdivision.

Number of Lots	Lot Size (S.F)
5	4,518 to 4,996
58	5,000 to 5,999
43	6,000 to 6,999
18	7,000 to 7,999
6	8,000 to 8,999
4	9,000 to 9,999
6	10,000 to 11,175

Landscaping

- F) Each lot within the subdivision shall be provided with front yard landscaping in compliance with Zoning Ordinance Section 20.36 – Landscaping (Attachment F). Section 20.36.050 requires all exterior setback areas, excluding areas required for access to the property to be landscaped.

The developer shall install a 15-foot-wide landscape strip along the project frontage on G Street (Condition #18) and the required landscaping along the collector roadways (Foothill and Palisades Drive).

Neighborhood Impact/Interface

- G) The project site is surrounded by vacant land to the north, south, and east. The nearest homes are across G Street to the west. Therefore, at this point in time, there would be very little, if any, neighborhood impact.

Public hearing notices were sent to all property owners within 300 feet of the project site. At the time of this report, the City had not received any comments regarding this project.

Land Use/Density Issues

- H) The proposed subdivision would provide a density of 4.7 units per acre based on the gross acreage of the site. This density is within the allowable density for the Low Density Residential General Plan designation of 2 to 6 units per acre.

Tentative Subdivision Map Requirements

- I) Per Merced Municipal Code (MMC) Section 18.16.080 – Information Required, a tentative subdivision map shall include all of the requirements shown at Attachment D. Said requirements include stating the location of the subject site, the name of the subdivision, and showing the layout of the proposed lots. MMC 18.16.090 – Required Statement requires the applicant to provide a statement that explicitly states any deviations from tentative subdivision map requirements, standard drawings, or Zoning laws. In this case, the applicant is not requesting any deviations from City requirements. MMC 18.16.100 - Public Hearing – Generally, requires a public hearing to review and approve a tentative subdivision map in conformance with the Subdivision Map Act. Per the California Environmental Quality Act a public hearing notice was mailed to property owners within 300 feet of the subject site and published in a qualifying newspaper, Merced County Times, three weeks prior to this meeting. In addition, staff reached out to local utility

companies, local school districts, and other relevant government agencies to solicit comments. Staff did not receive any comments regarding this application.

Environmental Clearance

- J) The Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and concluded that Environmental Review #20-03 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 (previous environmental review for the Absolute-Bright Annexation #04-01). A copy of the Section 15162 Findings can be found at Attachment G of Planning Commission Staff Report #20-08.

Vesting Tentative
Subdivision Map
#1312 - Palisades

DRAFT



County

Single-Family

FOOTHILL DR

SUBJECT SITE

County

Vacant Single-Family

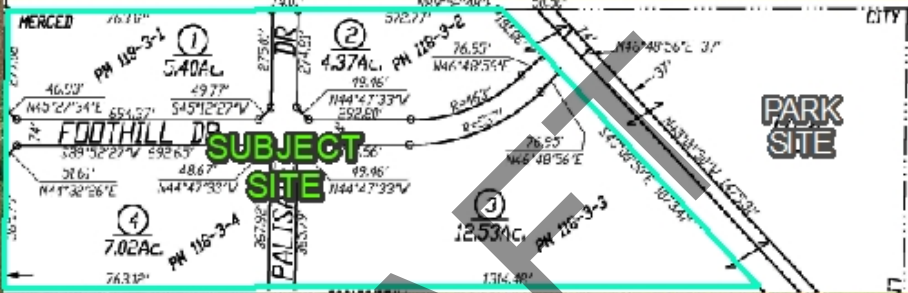
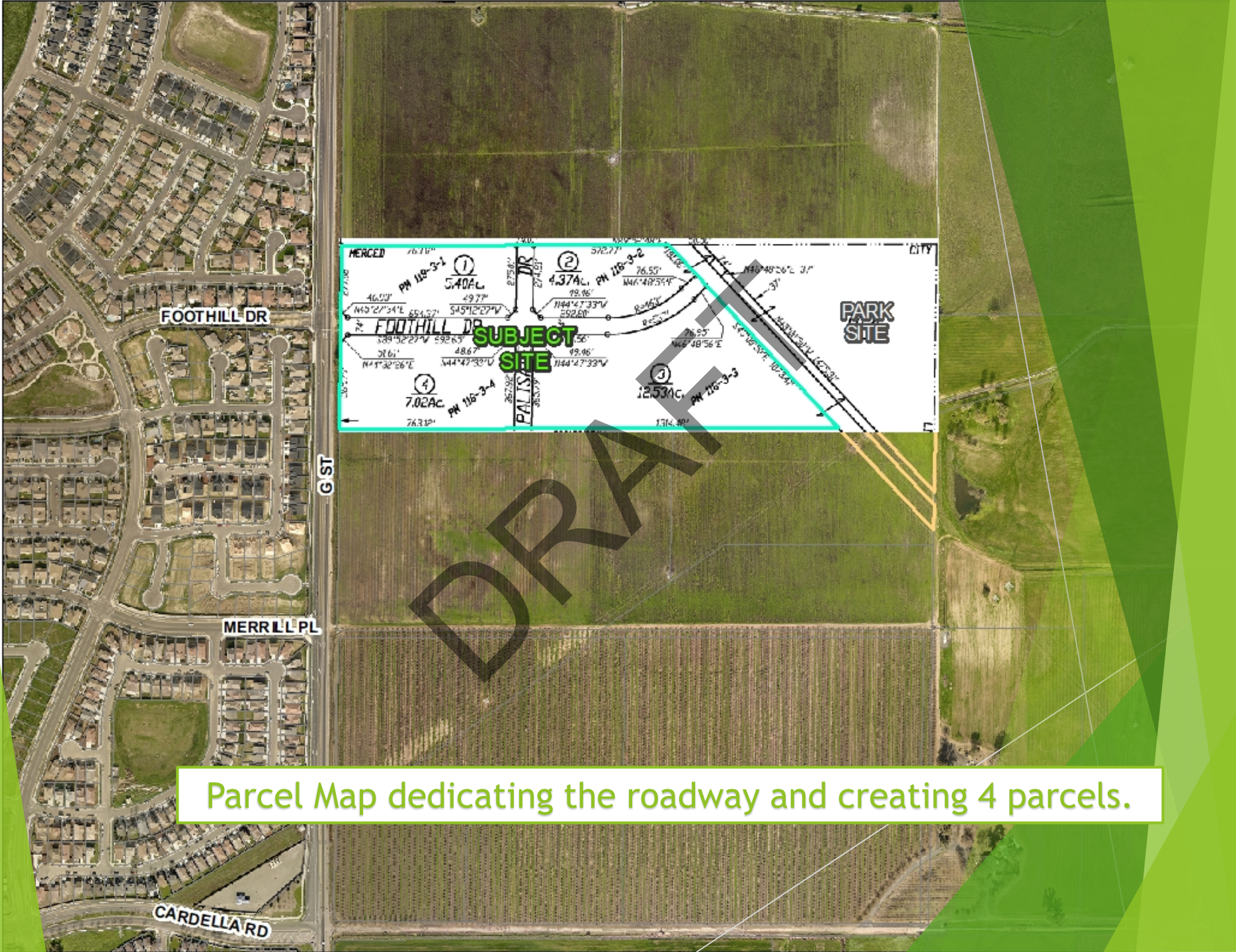
G ST

MERRILL PL

CARDELLA RD

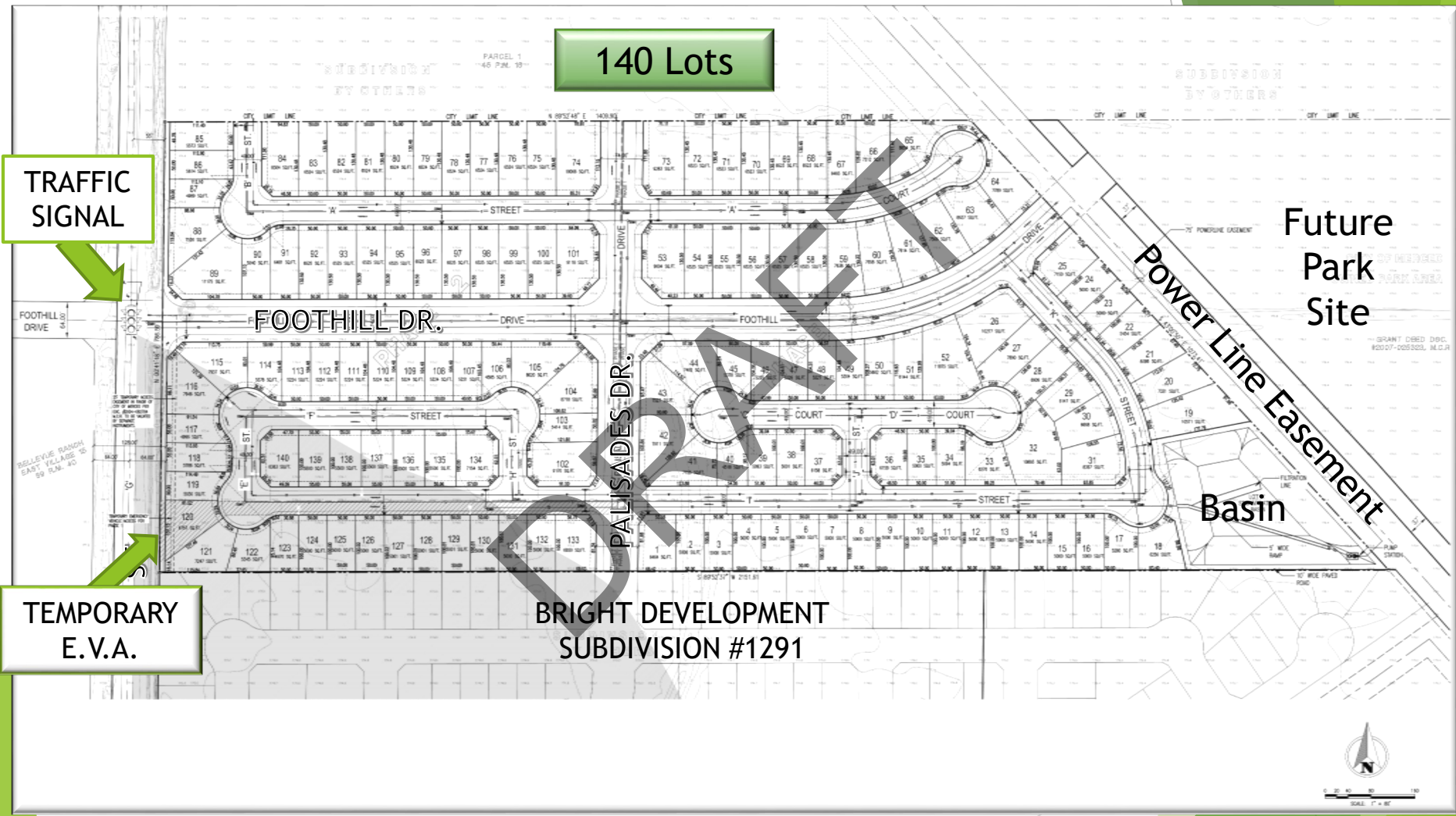
DRAFT

-  Subject Site
-  City Boundary



Parcel Map dedicating the roadway and creating 4 parcels.

VESTING TENTATIVE SUBDIVISION MAP #1312



TRAFFIC SIGNAL

140 Lots

TEMPORARY E.V.A.

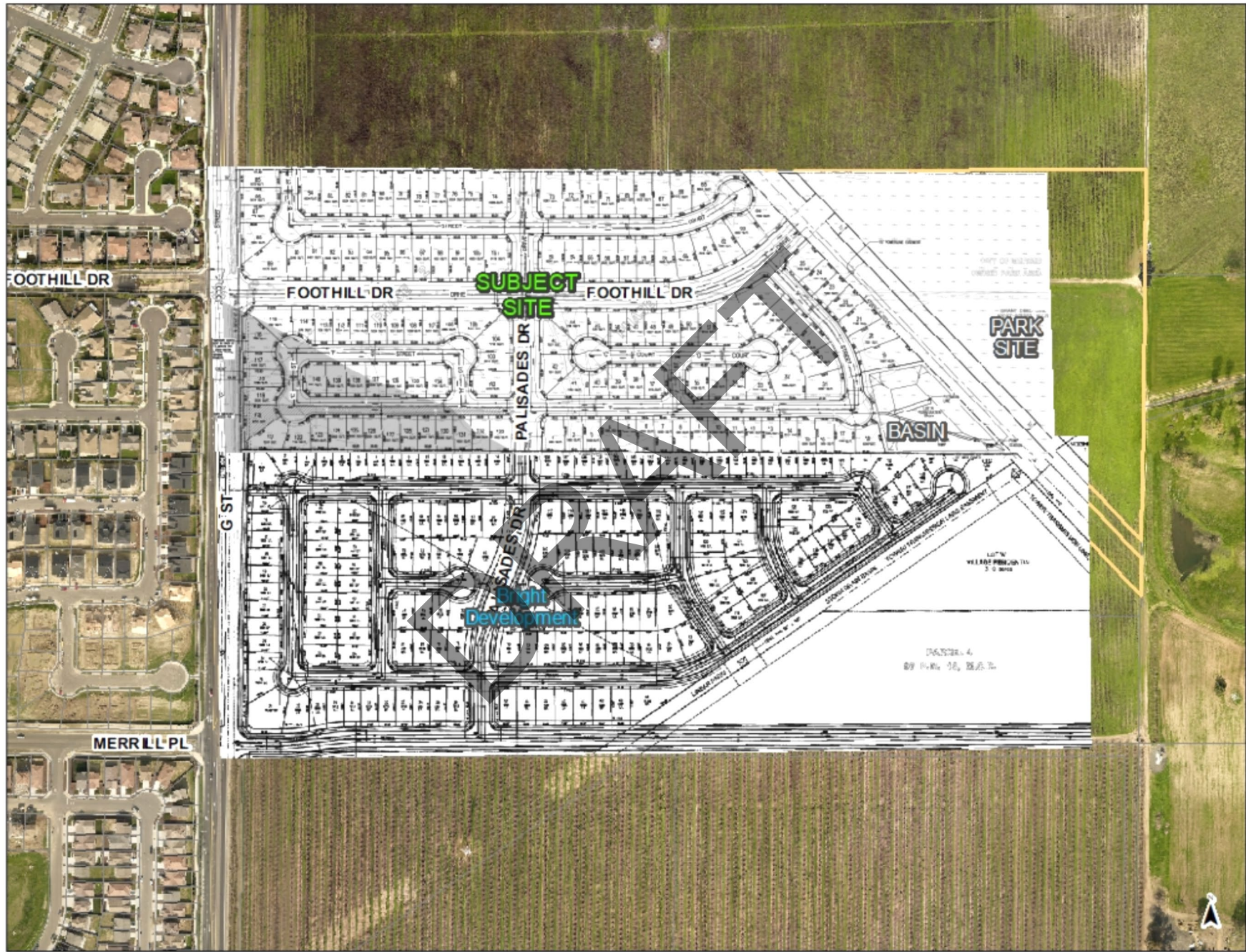
Future Park Site

Power Line Easement

Basin

BRIGHT DEVELOPMENT SUBDIVISION #1291

PROPOSED LOT SIZES VARY FROM 4,518 S.F. TO 11,175 S.F.
CONDITION #2 REQUIRES ALL LOTS TO BE A MINIMUM OF 5,000 S.F.



FOOTHILL DR

FOOTHILL DR

FOOTHILL DR

SUBJECT SITE

PARK SITE

BASIN

G ST

PALISADES DR

Bright Development

MERRILL PL

SECTION 4
89 14-15, 16, 18, 21



Drainage Basin

- ▶ Basin designed to serve the Palisades Subdivision.
- ▶ May be redesigned to serve the Bright Subdivision to the South.
- ▶ If redesigned, the Director of Development Services and City Engineer may approve the redesign through a Minor Modification Permit process (Condition #22).

Traffic Signal

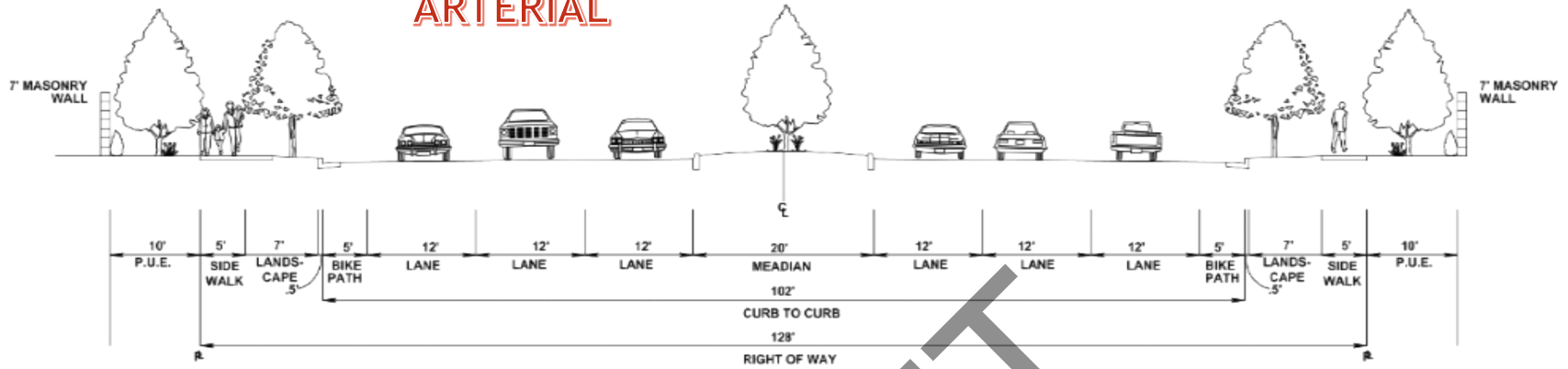
- ▶ The traffic signal at G Street and Foothill will have to be modified to a 4-way intersection (Condition #19).
- ▶ Developer may have to pay a proportionate share of the traffic signal depending on staff research.

Design Standards

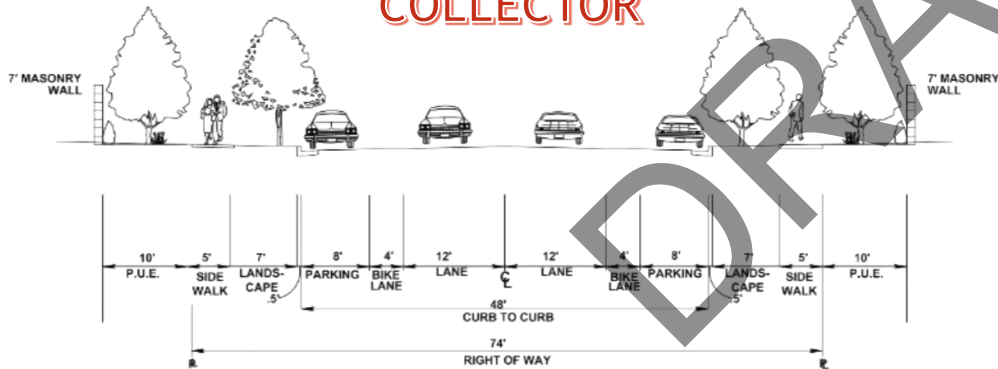
- ▶ Construction of the homes on the single-family lots would be required to comply with City Design Standards.
 - ▶ Standards for Residential Zoning Districts;
 - ▶ Design Standards for Single-Family Dwellings and Mobile Homes;
 - ▶ Landscaping

Condition #10

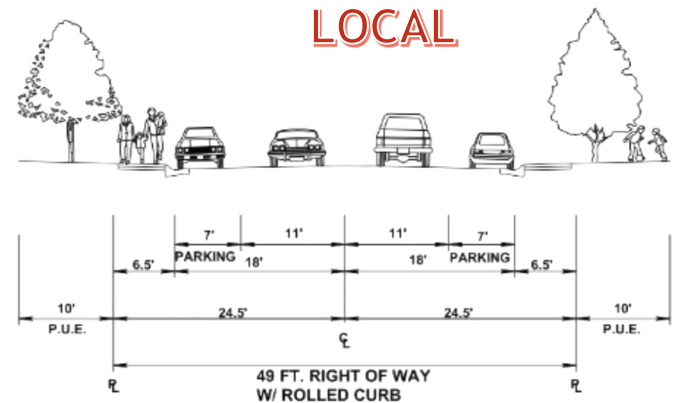
ARTERIAL



COLLECTOR



LOCAL



No lots shall front an Arterial or Collector Street - Condition #11.

CEQA

- ▶ CEQA SECTION 15162 FINDINGS
 - ▶ PREVIOUS ENVIRONMENTAL REVIEW FOR ANNEXATION #04-01) REMAINS SUFFICIENT.
 - ▶ NUMBER OF LOTS PROPOSED FOR THE MAP IS LESS THAN ORIGINAL APPROVAL (155 LOTS ORIGINALLY APPROVED, 140 LOTS PROPOSED).

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PLANNING COMMISSION ACTION

- ▶ APPROVE/DISAPPROVE/MODIFY
 - ▶ ENVIRONMENTAL REVIEW #20-03 (CEQA SECTION 15162 FINDINGS)
 - ▶ VESTING TENTATIVE SUBDIVISION MAP #1312

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