

**CITY OF MERCED  
Planning Commission**

**MINUTES**

Merced City Council Chambers and Via Teleconference  
Wednesday, June 3, 2020

Chairperson HARRIS called the meeting and teleconference to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

ROLL CALL

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

Commissioners Absent: Stephanie Butticci (absent, excused)

Staff Present: Director of Development Services McBride, Planning Manager Espinosa, Deputy City Attorney Campbell, and Recording Secretary Lane

1. APPROVAL OF AGENDA

M/S RASHE-DYLINA, and carried by the following vote, to approve the Agenda as submitted.

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

NOES: None

ABSENT: Commissioner Butticci (excused)

ABSTAIN: None

2. **MINUTES**

M/S DYLINA-WHITE, and carried by the following vote, to approve the Minutes of May 20, 2020, as submitted.

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

NOES: None

ABSENT: Commissioner Butticci

ABSTAIN: None

3. **COMMUNICATIONS**

None

4. **ITEMS**

4.1 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

Planning Manager ESPINOSA reviewed the report on this item. Staff noted a memo provided to the Commission prior to the meeting with a Modified Finding I. For further information, refer to Staff Report #20-08 – 2<sup>nd</sup> Addendum.

Public testimony was opened at 7:10 p.m.

Speaker from the Audience in Favor:

Rick Telegan, Applicant, Fresno

There were no speakers in opposition to the project.

Public testimony was closed at 7:18 p.m.

M/S DELGADILLO -DYLINA and carried by the following vote, to 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 #1312, subject to the Findings and thirty-two (32) Conditions set forth in Staff Report #20-08 – 2nd Addendum (RESOLUTION #4039):

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

NOES: None

ABSENT: Commissioners Butticci

ABSTAIN: None

#### 4.2 2019 General Plan Annual Progress Report.

Planning Manager ESPINOSA gave a brief presentation on the 2019 General Plan Annual Progress Report, which was provided to the Commission for information only.

### 5. INFORMATION ITEMS

#### 5.1 Calendar of Meetings/Events

Planning Manager ESPINOSA briefed the Planning Commission on items for the next few Planning Commission meetings. Ms. ESPINOSA also informed the Commission of the need for a Special Meeting on June 10, 2020, to take action on the 2020-2021 Capital Improvement Program.

6. **ADJOURNMENT**

M/S DYLINA-RASHE, and carried by the following vote, to adjourn the meeting.

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

NOES: None

ABSENT: Commissioners Butticci (absent, excused)

ABSTAIN: None

There being no further business, Chairperson HARRIS adjourned the meeting at 7:34 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary  
Merced City Planning Commission

APPROVED:



MICHAEL HARRIS, Chairperson  
Merced City Planning Commission

**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 – 2<sup>nd</sup> 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 DELGADILLO, seconded by Commissioner DYLINEA, and carried by the following vote:

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

**NOES:** None

**ABSENT:** Commissioner Butticci

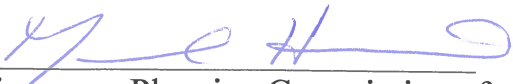
**ABSTAIN:** None

PLANNING COMMISSION RESOLUTION #4039

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June 3, 2020

Adopted this 3<sup>rd</sup> 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.

EXHIBIT A

OF PLANNING COMMISSION RESOLUTION #4039

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 D2. 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.