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By Planning Dept at 11:49 am, Mar 01, 2021

February 26, 2021

Merced City Council  
City of Merced  
678 West 18<sup>th</sup> Street  
Merced, CA 95340

**Subject: Review of Comments on CUP #1200  
Public Hearing – to Consider Approving Environmental Review #20-20 (CEQA  
Section 15162 Findings) and Approving Amendments to Resolution 2015-33**

Dear City Council:

Thank you for this opportunity to provide insight on the item before you to make a very important decision regarding impacts to adjacent lands and the Community of Merced with the approval and construction of this proposed project. The proposed project is located in an ocean of agriculture and is a high-density use project, this use along with being an out of order development (Unorderly Development) lacks the ability to be supported without the support of the adjacent land being developed (Bright Subdivision, as was the findings of Initial Study #04-02) or by additional expense on the City.

Below is a brief summary of those Conditions of Approval that provide impacts and proposed path forward, additional detail and supporting information is attached as referenced.

1. Condition of Approval #10 – Construction of Particle width roadway, the modification of the condition to allow a particle width roadway to a high density, high vehicle traffic load project on a road length of 2,600 feet +/-.
  - a. Proposed road width is not correct width to handle traffic load to a high-density housing project. Expanded Initial Study #04-02 referenced a full width road for the traffic loads to be generated by the development.
  - b. Project was approved based on the Annexation Document for the lands of Bright (Initial Study #04-02), this document did not include the Bandoni property or the proposed impacts to the Bandoni property to allow this project to move forward as defined by the supporting Staff Report and Conditions.
  - c. The distance to the project from the available City utilities present public safety issues; length of water pipeline cannot provide the adequate fire flow and maintain minimum system pressure without being part of a looped system. Rough calculations show a 12-inch pipeline with a required flow of 2,500 gpm for fire would have a residual pressure below the 20-psi requirement with a static residual pressure of 40 psi. Having a dead-end water pipeline of this length presents public health issues when lower pressure occur and is below the State required standard.

- d. Constructability – The ability to place all of the required utilities in a half street that is normally placed in a full street – The trunk sewer pipeline on G Street is approximately 10 feet deep and the length of pipeline run (2,600 feet) to reach the project and place the sewer main in Merrill Lane at a depth for future growth will require additional space to construct and limit the ability in the future for the City to make repairs on the pipeline since it will have to be placed to one side of the half street. Would the development need to put in a sewer lift station at this time and would the City need to maintain it?

These are just a few of the obvious issues to having a high-density housing development in the middle of an agricultural area, that is not supported by surrounding development, and the impacts to City services and adjacent undeveloped land.

2. Condition of Approval #12 – This condition in day's documents requires the developer to build an all-weather road for fire access along the future alignment of Paulson Road in the 37 foot road dedication on the Bandoni Map from Cardella Road north to Merrill Lane with the second phase of the development, this condition in the original approval was for a fully constructed half street to City Standards, I have requested the meeting documents that changed this original condition change and have not been provided any documentation of the change through a public meeting. Additionally, the topography of the road dedication area would not allow for the construction of an all-weather road without impacts to adjacent undeveloped land from drainage or earthwork grading to provide an all-weather road to meet the needs and requirements of the Fire access route. Therefore, the support road could not be constructed within the available road dedication without impacts to adjacent undeveloped land. This condition was supported by the Initial Study #04-02, which had no reference to the Bandoni property for this impact or any findings to support this condition.
3. Condition of Approval #21 – The removal of this condition shows a pattern of forcing this project to move forward without the adequate supporting infrastructure to support the density of the development. The Condition is requested to be removed without any analysis of the impacts to not having a full width road constructed for the support of this development. Condition should remain for the project.
4. Condition of Approval #46 – The relocation of the existing drainage pipeline, we wish to request that the following language be added to the condition "The improvement plans shall be provided to the agent of the Bandoni property for review and approval at the same time as the improvement plans are provided to the City Engineer for review."

This development has been approved through the reference to Expanded Initial Study #04-02 that was for the Absolute/Leeco Annexation, within this document it makes no or minimal notations to the Bandoni property, the development of the subject property within this

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annexation, which the project under CUP #1200 is a part confines all necessary improvements and impacts to that subject property. The approval of CUP #1200 has allowed a minor portion of a master development to move forward without correctly addressing the impacts for this unorderly development. This in turn has pushed impacts onto adjacent land and to City services without acknowledgement of those impacts or the correct documents to support the approval of the project.

This project should be developed in an orderly manner with the property that it was a part of in the annexation and supported by those improvements and not the impacts to adjacent lands or to City services.

I have attached a review of the Expanded Initial Study #04-02 as it applies to the conditions of approval for CUP #1200.

Thank you for your review of my document and your consideration.

Sincerely,



Garth A. Pecchenino, PE  
Vice President of Technical Services

Enclosures: Review of Expanded Initial Study #04-02

cc:

200398  
GAP/ SR

Review of Initial Study #04-02

Condition of Approval #10:

Construction of a half street on the Bandoni property.

The Project description does not include the Bandoni property to the south, nor does it include the property as being required for support services; roads/access.

Initial Study shows Bandoni property as in agriculture, not developed. Fig. 2

Cardella Road, page 66 of report in Section 15 Transportation & Traffic

“Construction of Cardella Road will occur in the future (after this project is constructed) and will .....

Page A-7, Public Facilities/Services, 8c – Site designs will need to be reviewed to assure that development does not hinder efficient and cost-effective public services delivery.

How does the construction of ½ mile of road and additional roadways to the south comply with this question, or the long drive to pickup solid waste or to provide police protection to the highly dense population site as a multi-family development.

Appendix D – Water Assessment – Water Supply Assessment report prepared by Land Use Associates, February 2005, Page 3, 3. Project Description, third paragraph:

“The site is relatively flat (0 to 3% slopes) with no unique geologic features or topographic relief. Six Mile Drain, a man-made ditch, parallels “G” Street just outside the property. A remnant of a tributary of Cottonwood Creek runs through the western third of the property, but the water from this original tributary has been diverted to Sell’s Lateral and to the Six Mile Drain. ....”

Recognition of the historical drainage of the area and the need to maintain the drainage pipe on the Bandoni Property within the road right-of-way dedication along the northern boundary of their property.

Administrative Report, File #15-111, 08/03/2015

Environmental Review #15-07 provides reference to Expanded Initial Study #04-02, 04/29/2015; This review does not address the proposed conditions of the construction of the north/south road between Cardella Road and Merrill Place, nor does it discuss the

improvements to the existing Cardella Road, but it has the improvement of these roads to support the project as conditions.

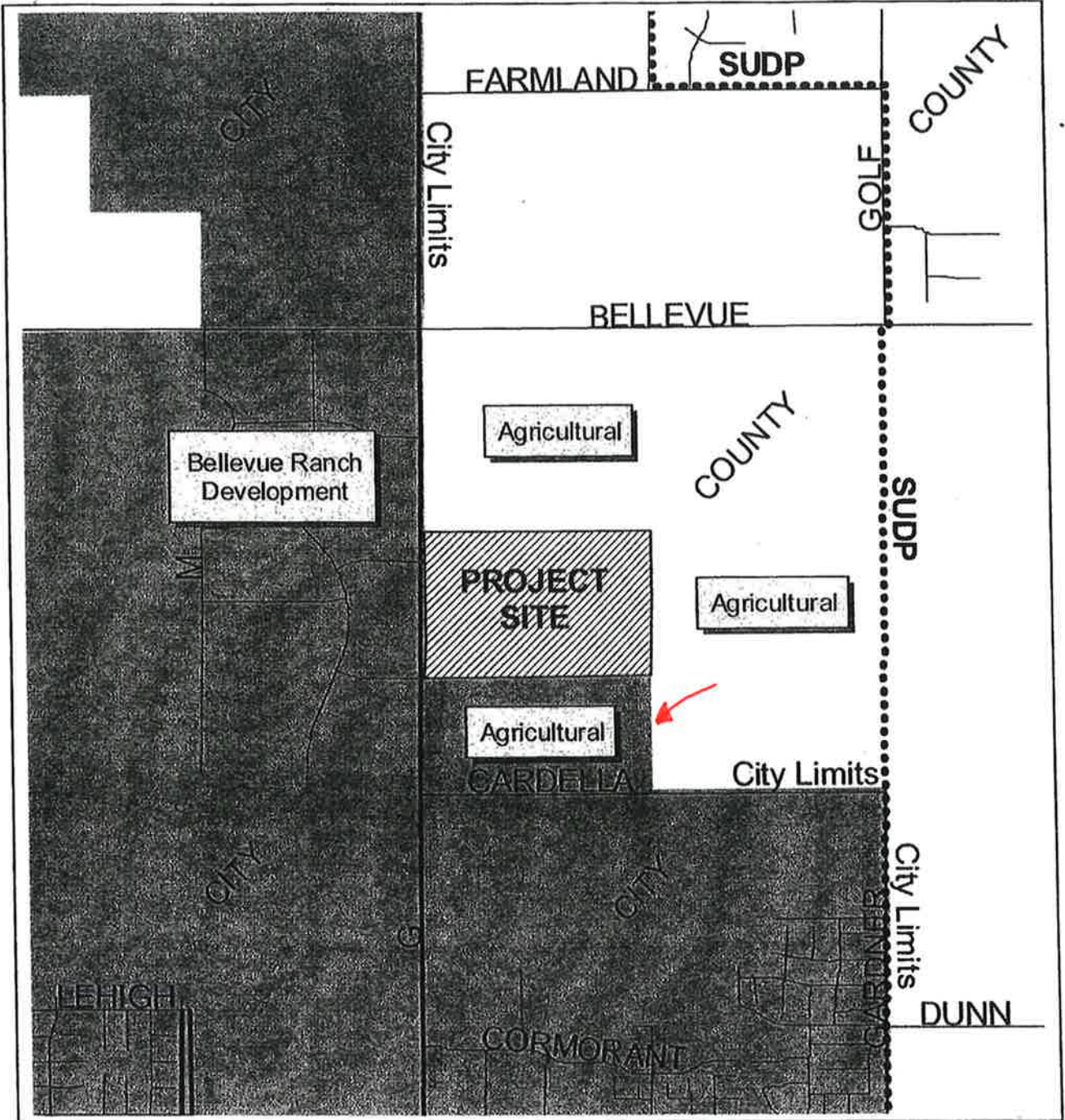
Condition #10 – Calls for the construction of the whole Merrill Plane, full width, to City Standards. Current request is to only construct the south half of the roadway to the project and the full roadway along the project frontage.

Condition #12 – Calls for the construction of a north/south road to City Standards between Merrill Place and Cardella Road, current conditions call for an all-weather road, what meeting or action by the public body changed this condition.

None of the documents related to the review or approval of this project provides any discussion about the impacts to the proposed conditions of the north/south connector road between Merrill Place and Cardella or the improvement to Cardella road. This is not included in any project description in any of the documents.

The project area was considered as part of the overall project when reviewed and now it is being pieced out of the whole project description and scope to be able to have the Initial Study #04-02 support the development. This appears to be an issue with CEQA as the ability for the project and its impacts as a single project are not within the documents referenced to support the development.

**Figure 2**  
Relationship to City Planning Boundaries





**APPLICABLE MITIGATION MEASURES OF THE GENERAL PLAN EIR— ABSOLUTE-LEECO ANNEXATION**

<i>Mitigation Measure</i>	<i>Timing</i>	<i>Agency or Department Consultation</i>	<i>City Verification (date and initials)</i>
<p><i>Plant/Animal Life</i></p> <p>3-a) When site-specific development proposals are submitted to the City for review and action, surveys should be conducted for special-status species prior to the disturbance of potentially suitable habitat. All surveys will be conducted in accordance with applicable state and federal guidelines.</p>	<p>Annexation</p>	<p>City Planning</p>	<p>Completed in March 2004 and 2005 with Biological Resources Inventory by Live Oaks Associates (Appendix D)</p>
<p><i>Traffic/Circulation</i></p> <p>7-a) Appropriate traffic studies shall be prepared for all development projects which can be expected to reduce a road segment or intersection levels of service below "D."</p> <p>7-b) The City shall require all development proposals to contribute, based on their proportionate share of impact, to circulation system improvements necessary to maintain at least a level of service "D" on all road segments and intersections impacted by the development project.</p>	<p>Annexation</p>	<p>City Planning</p>	<p>Not Applicable (roads operating at LOS D or better).</p>
<p><i>Public Facilities/Services</i></p> <p>8-c) Site designs will need to be reviewed to assure that development does not hinder efficient and cost-effective public services delivery.</p> <p>8-d) Development projects will be required to pay public facilities impact fees as established by the City in accordance with the requirements of State law.</p>	<p>Certificate of Occupancy</p>	<p>City Planning</p>	<p>Not Applicable</p>
<p>8-c) Site designs will need to be reviewed to assure that development does not hinder efficient and cost-effective public services delivery.</p>	<p>Tentative Subdivision Map</p>	<p>City Planning</p>	<p>Not Applicable</p>
<p>8-d) Development projects will be required to pay public facilities impact fees as established by the City in accordance with the requirements of State law.</p>	<p>Certificate of Occupancy</p>	<p>City Planning</p>	<p>Not Applicable</p>

General Plan to assure that water conservation measures are adequate in light of future conditions. Mitigation has also been adopted to minimize the adverse effects of "urban runoff" on the region's surface water system.

### 3. PROJECT DESCRIPTION

The proposed project is a request to zone (prezone) approximately 100 acres consistent with the Land Use Diagram of the *South Merced Strategic Plan* and to annex the property to the City of Merced (Annexation #04-01).

The Project site is located on the east side of "G" Street approximately 1,300 feet north of Cardella Road in the northern portion of the Merced community (APN 060-030-017). Figure 1 shows the project location, and its relationship to city boundaries.

→ The site is relatively flat (0 to 3% slopes) with no unique geologic features or topographic relief. Six Mile Drain, a man-made ditch, parallels "G" Street just outside the property. A remnant of a tributary of Cottonwood Creek runs through the western third of the property, but the water from this original tributary has been diverted to Sell's Lateral and to the Six Mile Drain. There are no dwellings on the site.

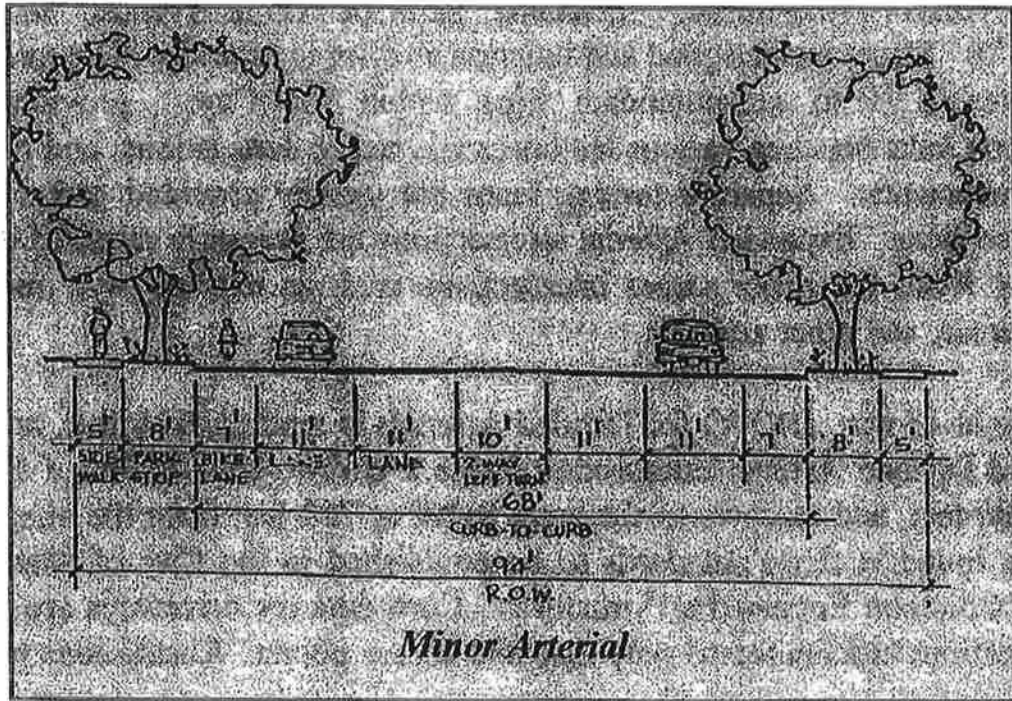
The nearest developed portion of the City of Merced is located approximately one mile to the south at the intersection of "G" Street and Cormorant Drive. The area immediately adjacent to the site is developing. Municipal sewer and water lines were installed in "G" Street in 2003-2004. The 80-acre Bandoni property to the south was annexed to the City in 2004. On the west side of "G" Street, Bellevue Ranch Development is under construction.

Proposed land uses and zone districts are shown in Table 1. The project would result in the development of approximately 732 residential units, of which 370 would be single family homes at 5.5 units to the acre and 362 would be higher density detached or attached housing at 24 units to the acre.

### 4. DESCRIPTION OF THE MERCED WATER SERVICE AREA

The City is the main water purveyor for the City of Merced. The water service area is the City's boundary. The *Merced Vision 2015 General Plan* describes the urban expansion area, referred to as the specific urban development plan (SUDP) boundaries. The SUDP boundary is recognized as the ultimate growth boundary of the City over the life of the General Plan.





Cardella Road (extended)—Cardella Road is an east-west oriented 20-foot wide gravel/asphalt roadway that extends 1/2 mile to the east from “G” Street. Presently, this dead-end road serves as an access road to agricultural lands and a homesite and carries very little traffic. It is planned to be a divided-arterial street with a 118-foot r.o.w., and will eventually extend between Lake Road in the east to Highway 59 and points west. Construction of Cardella Road will occur in the future (after this project is constructed) and will then be located approximately 1/4 mile to the south of the project and be accessed by collector roads within the one-square mile neighborhood.

