

**CITY OF MERCED  
Planning Commission**

**MINUTES**

Merced City Council Chambers  
Wednesday, October 3, 2018

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

**ROLL CALL**

Commissioners Present: Mary Camper, Scott G. Drexel, Michael Harris, Peter Padilla, Sam Rashe, and Chairperson Robert Dylina

Commissioners Absent: Jeremy Martinez (excused)

Staff Present: Planning Manager Espinosa, Associate Planner Nelson, Deputy City Attorney Fincher, and Recording Secretary Davis

1. **APPROVAL OF AGENDA**

M/S PADILLA-HARRIS, and carried by unanimous voice vote (one absent), to approve the Agenda as submitted.

2. **MINUTES**

M/S PADILLA-DREXEL, and carried by unanimous voice vote (one absent), to approve the Minutes of September 18 and 19, 2018, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 (Consent) Vacation #18-03, initiated by Bright Development, to abandon a 20-foot-wide temporary access easement on 7 lots within the Summer Creek Subdivision, generally located west of McKee Road at Silverstone Drive.

Associate Planner NELSON reviewed the report on this item. For further information, refer to Staff Report #18-27.

M/S HARRIS-CAMPER, and carried by the following vote, to find that the proposed Vacation #18-03 (to abandon a 20-foot-wide temporary access easement on 7 lots within the Summer Creek Subdivision, generally located west of McKee Road at Silverstone Drive), is consistent with the *Merced Vision 2030 General Plan*.

AYES: Commissioners Camper, Drexel, Harris, Padilla, Rashe, and Chairperson Dylina

NOES: None

ABSENT: Commissioner Martinez

ABSTAIN: None

- 4.2 Tentative Subdivision Map #1309 (“Lantana, Phases 2 & 3”), initiated by Golden Valley Engineering, applicant for Rucker Construction Inc. Profit Sharing Plan, property owner. This application involves the subdivision of approximately 20.6 acres into 99 single-family residential lots, generally located on the south side of Pettinotti Road (extended) between El Redondo Drive (extended) and San Augustine Drive (extended), within an R-1-5 zone with a General Plan designation of Low-Density Residential (LD).

Associate Planner NELSON reviewed the report on this item. She noted a memo from staff (which was provided to the Commission at the meeting) recommending modifications to Conditions #4, #19, #20, #24, #25, #26, #27, #28, and #31. For further information, refer to Staff Report #18-28.

Public testimony was opened at 7:13 p.m.

Speaker from the Audience in Favor:

BOB RUCKER, Applicant, Twain Harte

Speaker from the Audience (Neutral):

MANUEL MARTIN, Merced

There were no speakers from the audience in opposition to the project.

Public testimony was completed at 7:17 p.m.

M/S PADILLA-CAMPER, and carried by the following vote, to find that the previous environmental review [Environmental Review #04-22 for Barnell Annexation [a supplement to Expanded Initial Study #01-32 for Fahrens Creek North Annexation (SCH #2001101082)] remains sufficient and no further documentation is required (CEQA Section 15162 Findings) and approve Vesting Tentative Subdivision Map #1309 (“Lantana, Phases 2 & 3”), subject to the Findings and forty-three (43) Conditions set forth in Staff Report #18-28, with the modifications of Conditions #4, #19, #20, #24, #25, #26, #27, #28, and #31 as follows (RESOLUTION #4009):

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

- “4. The Project shall comply with the applicable conditions (as determined by City Staff) set forth for the approval of the Fahrens Creek Specific Plan. Specifically, application approvals for the Barnell Annexation #04-06, Pre-Zoning #04-06, and Mitigation Measures identified in Expanded Initial Study #04-22 (a supplement to Expanded Initial Study #01-32), and Exhibit D (“Public Benefits”) Section of the Pre-Annexation Development Agreement as they apply to this particular site and previously approved for this project development, except as modified.

- “19. All improvements along the subdivision frontage shall be installed, including but not limited to, sidewalk, curb, gutter, street lights, and street trees, except as indicated by Conditions #20 and #28.
- “20. Pettinotti Road shall be improved to three-quarters (3/4) of the ultimate width along the project frontage with ~~the first~~ each phase of construction. These improvements shall include all improvements to the center-line of the street, plus one 12-foot-wide travel lane, plus 4 feet of shoulder backing at a minimum with final design to be approved by the City Engineer. ~~The City reserves the right to request additional improvements as determined by the City Engineer.~~
- “24. Developers at each adjacent corner of a collector/arterial intersection are responsible for 50 percent of the cost of a traffic signal designated in the City of Merced Public Facilities Impact Fees, at each quarter-mile/half-mile collector intersection with Cardella Road as warrants are met in the judgment of the City Engineer. As such, this Developer shall be responsible for 12.5 percent of the signal at Cardella Road and San Augustine Drive or a proportionate share based on a traffic study provided by the applicant (with scope of work approved by the City of Merced). ~~In such a case, installation of an intersection traffic signal by one developer could be required at any of these locations by the City Engineer prior to full build-out of adjacent properties, if warrants are met, subject to adopted reimbursement policies.~~ At the time of the first final map, the owner’s engineer shall provide a cost estimate for these improvements (subject to the approval of the City Engineer) and shall provide cash security in an amount equal to 12.5% or a proportionate share as determined by a traffic study of the cost of the improvements. Improvements made by the developer that are reimbursable by the City may be subject to prevailing wage.
- “25. Mitigation Measure M-6 for the Barnell Annexation which included this property, required the construction of 2 travel lanes on Cardella Road west of San Augustine to State Highway 59.

Because this development is not solely responsible for the traffic being generated on Cardella Road and at the intersection of Cardella Road and State Highway 59, the development shall only be required to pay a proportionate share of the cost of the 2 travel lanes required by Mitigation Measure M-6. ~~these improvements.~~ The proportionate share shall be determined by the proportionate acreage included within the Barnell Annexation area or the proportionate share of this development's contribution to the traffic in this area based on a traffic study provided by the project developer (the scope of work to be approved by the City). ~~As such, this development is responsible for 28% of the cost of these improvements. The improvements shall be installed when determined to be needed by the City Engineer.~~ At the time of the first final map, the owner's engineer shall provide a cost estimate for these improvements (subject to the approval of the City Engineer). Prior to the first final map being approved, the property owner shall provide cash security in an amount equal to 28% the development's proportional share of the cost of the improvements. ~~As an arterial roadway, Cardella Road may be eligible for reimbursement for the cost of a collector roadway (74-foot wide) through the City's Public Facilities Financing Plan (PFFP). However, this roadway segment is not currently in the PFFP. If, prior to development of the subdivision, this segment of Cardella Road is added to the PFFP, the owner/developer shall only be responsible for 28% of the cost of the roadway improvements beyond a "collector equivalent."~~ ~~Improvements made by the developer that are reimbursable by the City may be subject to prevailing wage.~~

- “26. Mitigation Measure M-6 of the Barnell Annexation, a traffic signal is required at State Highway 59 and Cardella Road. This traffic signal is eligible for 100% reimbursement through the City's Public Facilities Financing Plan. However, the cost of installation of the signal is required to be paid up front by the owner/developer. Therefore, this project is required to contribute its proportional share ~~(28%)~~ of the cost of the traffic signal. The proportionate share of the cost shall be determine by the proportionate share of acres within the annexation area or by a

traffic study provided by the developer (scope of work to be approved by the City). Reimbursement may be requested ~~and request reimbursement~~ in accordance with the provisions of the City's Public Facilities Financing Plan. At the time of the first final map, the owner's engineer shall provide a cost estimate for these improvements (subject to the approval of the City Engineer) and shall provide cash security in an amount equal to ~~28%~~ the development's proportionate share of the cost of the improvements. Improvements made by the developer that are reimbursable by the City may be subject to prevailing wage.

"27. The owner/developer shall either provide a traffic study (with scope of work to be approved by the City) to determine the project's contribution to the traffic at the intersection of Yosemite Avenue and San Augustine Drive to determine the project's fair share of the cost of the traffic signal at this intersection or, the owner/developer may choose to pay 12.5% of this traffic signal. The cost of the traffic signal shall be approved by the City Engineer. At the time of the first final map, the owner's engineer shall provide a cost estimate for these improvements (subject to the approval of the City Engineer) and the owner shall provide cash security in an amount equal to the development's proportional share or 12.5% of the cost of the improvements.

"28. The developer is responsible for acquiring necessary right-of-way (R-O-W.) and constructing the extension of San Augustine Drive along the west property line with full R-O-W on the east side of San Augustine Drive, two travel lanes, and curb and gutter on the west side of San Augustine Drive (currently the north/south portion of La Cava Road). San Augustine Drive shall be constructed with the ~~first~~ each phase of construction.

"31. 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). These requirements may be met for the subdivision as a whole or on a lot by lot basis."

AYES: Commissioners Camper, Drexel, Harris, Padilla, Rashe, and Chairperson Dylina

NOES: None

ABSENT: Commissioner Martinez

ABSTAIN: None

- 4.3 Modification to Tentative Subdivision Map #1291 (“Bright Homes”), initiated by Bright Development. This application involves a request for a modification of VTSM #1291 which would reconfigure the streets within the subdivision and reduce the number of lots from 168 lots to 161 lots. This property is generally located on the east side of G Street at Merrill Place (extended) within an R-1-5 zone with a General Plan designation of Low Density Residential (LD).

Associate Planner NELSON reviewed the report on this item. She noted an email received by the Planning Department and a memo from Staff (which were provided to the Commission at the meeting). The memo recommended modifications to Conditions #1, #10, #11, #12, #13, #22, and #25, the deletion of Condition #26, and the addition of Conditions #32 through #44. For further information, refer to Staff Report #18-29.

Public testimony was opened at 7:30 p.m.

Speakers from the Audience in Favor:

DAVE BUTZ, Bright Development, Applicant, Modesto

RICK TELEGAN, 3<sup>rd</sup> Millennium Investments, Fresno

Mr. TELEGAN voiced concerns regarding the compliance of the tentative map’s temporary emergency vehicle access (EVA).

There were no speakers from the audience in opposition to the project.

Public testimony was completed at 7:39 p.m.

Chairperson re-opened public testimony at 7:40 p.m. to allow the applicant to rebut public comment with his remaining time of 00:14:22.

Mr. BUTZ assured the public and the Commission that the map was reviewed by the Police Department and Fire Department and the temporary EVA did not raise concerns.

Public testimony was completed at 7:41 p.m.

M/S PADILLA-CAMPER, and carried by the following vote, to approve the modification to Vesting Tentative Map #1291 (“Bright Homes”) subject to the thirty-one (31) Conditions contained within Resolution #2904, including modifications to Conditions #1, #10, #11, #12, #13, #22, and #25, the deletion of Condition #26, and the addition of Conditions #32 through #44 as follows (RESOLUTION #2904):

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

- “1. The proposed project shall be constructed/designed as shown on Exhibit 1 [Proposed Vesting Tentative Map #1291 (Modified)] - Attachment C of Staff Report #18-29, ~~subject to the listed conditions.~~ except as modified by the conditions.
- “10. Developer shall design storm drainage with consideration as to whether the shared pump station pumping rate can or needs to be constructed in phases. Developer shall share costs of pump station with the ~~subdivision to the north (“Palisades Park”)~~ property owner to the north, if joint use occurs, or if pump station is necessary. Storm drainage shall comply with City Storm Drainage Master Plan.
- “11. Developer shall design sanitary sewer with consideration as to whether the shared pump station pumping rate can or needs to be constructed in phases. ~~Developer shall share costs of pump station with the subdivision to the north (“Palisades Park”)~~ if joint use occurs, or if pump station is necessary.



- “12. Dedicate additional G Street right-of-way and easements to match *Merced Vision 2015 2030 General Plan* requirements for a 128-foot wide arterial, plus an additional 15 feet of right-of-way to accommodate the required landscape area, block wall, and utilities. A 7-foot-tall block wall shall be constructed along the project’s frontage on G Street. landscape and public facilities easements of 15 feet in width, including the construction of a 6-foot high masonry wall. 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.
- “13. Dedicate additional right-of-way and easements along the northern half of Merrill Avenue to match *Merced Vision 2015 2030 General Plan* requirements for 74-foot wide collector (37-feet of ROW), an additional 10 feet of right-of-way to accommodate the required landscape area, block wall, and utilities. plus landscape and public facilities easements varying from 10 feet to 12 feet in width, including the construction of a 6-foot high masonry wall along the northern portion of the roadway. These improvements shall terminate at the northeast corner of the intersection of Merrill Avenue and “K” Drive as indicated on the Tentative Map. A 7-foot-tall block wall shall be constructed along the project’s frontage on Merrill Avenue (Place). The block wall may be constructed in phases consistent with the tentative map. All of the land required for this development’s share of Merrill Avenue (Place) shall be dedicated with the first final map.
- “22. ~~The secondary access point shall be located at the intersection of Foothill Drive and G Street. The secondary access point shall be installed prior to the issuance of the 1st certificate of occupancy permit.~~Secondary access to the subdivision shall be provided by a Temporary Emergency Vehicle Access easement constructed between Lots 1 and 15 of Modified Tentative Map #1291 to be maintained by the CFD.

- ~~“25. The cul-de-sac bulb, ‘J’ Court, shall be open end style including sidewalk connectors to adjacent linear parks (within the PG&E easement) and local streets and walls from back of house to back of house. The linear park and PG&E Easement shall be designed in an open manner, with no fences or other hindrances that would impede pedestrian accessibility of both easements as they intersect with each other and ‘J’ Court~~
- ~~“26. The cul-de-sac bulb labeled as ‘D’ Court shall be designed with park strips due to its extended length.~~
- “32. At the time of Final Map, all references to a “PFE” (Public Facilities Easement) shall be changed to reflect the actual purpose of the easement. For example, if the easement is for utilities and a block wall, the easement should be labeled as a PUE (Public Utilities Easement) and Block Wall easement.
- “33. The Emergency Vehicle Access (EVA) is allowed on G Street as a temporary access only. The design of the EVA shall be approved by the Fire, Engineering, and Planning Departments. Pedestrian access should be implemented into the EVA.
- “34. Once Palisades Drive and Foothill Drive are constructed which provides secondary access into the subdivision, the EVA shall be abandoned at the owner’s expense.
- “35. All easements shall be large enough to provide room for all utilities without utilities being placed underneath the City sidewalk.
- “36. The Tentative Map shows the EVA as “Lot A” and the 3.10 acres at the eastern edge of the subdivision as “Lot A”. This shall be corrected on the final map so that there is no duplication of the lot designations.
- “37. Access to Lot A (at the eastern edge of the subdivision) as shown on VTSM #1291 (Modified) shall be provided from this

subdivision. The exact location of the access point shall be determined when development occurs on Lot A.

“38. The location of the pump station shown on the park/basin parcel is not approved. The exact location of the pump station will be determined prior to the first final map.

“39. The cul-de-sacs at Court E and Court L shall be open-ended cul-de-sacs providing access to F Street.

“40. The owner shall work with the City of Merced to obtain the additional right of way needed for the southern portion of Merrill Place.

“41. The area shown as Lot A for the Emergency Vehicle Access on the tentative map shall be re-labeled due to duplication with the area to the east of the subdivision also shown as Lot A.

“42. The Emergency Vehicle Access (EVA) Easement area shall be dedicated to the City. If sewer and water main lines are to be placed this area, a public utilities easement shall be maintained upon vacation of the EVA.

“43. The EVA area may remain open to allow pedestrian access to the subdivision from G Street if the developer desires to do so after it is no longer needed as an EVA. However, if the pedestrian access is not maintained or problems arise with the use of the access area, it shall be the responsibility of the developer/subdivider to install the block wall in this area.

“44. “F” Street shall have a 94-foot-wide right-of-way to include the 74-foot-wide collector road and a 10-foot-wide easement. All walls, landscaping, and utilities shall be included in this easement area.”

AYES: Commissioners Camper, Drexel, Harris, Padilla, Rashe,  
and Chairperson Dylina

NOES: None

ABSENT: Commissioner Martinez

ABSTAIN: None

4.4 Cancellation of October 17, 2018, Planning Commission Meeting due to Lack of Items.

M/S PADILLA-RASHE, and carried by unanimous voice vote (one absent), to cancel the Planning Commission meeting of October 17, 2018, due to lack of items.

5. INFORMATION ITEMS

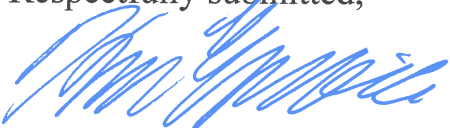
5.1 Calendar of Meetings/Events

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

6. ADJOURNMENT

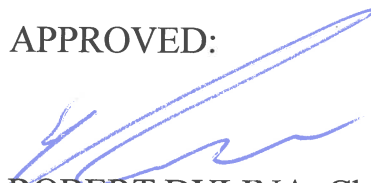
There being no further business, Chairperson DYLINA adjourned the meeting at 7:46 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary  
Merced City Planning Commission

APPROVED:



ROBERT DYLINA, Chairperson  
Merced City Planning Commission

**CITY OF MERCED  
Planning Commission**

**Resolution #2904**

MODIFIED by Planning Commission on  
10/3/18 –see pg. 3-13

AMENDED by Planning Commission on  
6/6/18 – see pg. 10

Extended on 7/15/08, 7/15/09, 7/15/11, 7/11/13,  
and 10/10/15–See Pages 9-10

AMENDED by City Council on 1/16/07 – Pg 3

**WHEREAS**, the Merced City Planning Commission at its regular meeting of November 8, 2006, held a public hearing and considered **Vesting Tentative Subdivision Map #1291** (“Bright Development”), initiated by Golden Valley Engineering, applicants for Bright Homes Corporation, property owner, to allow the subdivision of 39.8 acres into 168 single-family residential lots. The area is located east of G Street, and ¼ mile north of Cardella Road within an R-1-5 (Low Density Residential, 5,000-square-foot lot minimum) pre-zone; also known as Assessor’s Parcel No. 061-030-017 and -038; and,

**WHEREAS**, the Merced City Planning Commission does not concur with Findings A through V of Staff Report #06-41 – 4<sup>th</sup> Addendum, and finds as follows in additional Finding W:

“W. During their testimony during the public hearing, the project applicants indicated that they wanted changes to Condition Numbers 2, 16, 20, & 21 and the deletion of Condition #29. Planning staff indicated that these changes were not recommended since they appeared to be in conflict with the Voting Rights Act and the adopted Pre-Annexation Development Agreement signed by the applicants. The Planning Commission reviewed various documents regarding the Annexation Agreement and the City Attorney clarified the delay with the recordation of the annexation pending required pre-clearance under the Voting Rights Act.

“At that time, the Commission indicated that they didn't feel they had enough information to make a decision to approve the project at this point and they did not want to contradict the previous agreements. However, the applicants had asked that a decision be made at this meeting due to the previous continuances. Given the above, the Planning Commission voted to deny the applications and informed the applicants that they could appeal their decision to the City Council.”

**WHEREAS**, after reviewing the City’s Initial Study and Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning

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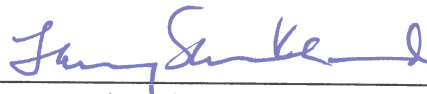
November 8, 2006 / January 16, 2007 / August 3, 2010 / July 15, 2011 / July 11, 2013 /  
October 10, 2015 / June 6, 2018 / October 3, 2018

**WHEREAS**, after reviewing the City's Initial Study and Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby deny Vesting Tentative Subdivision Map #1291.

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

AYES: Commissioners Acheson, Amey, Burr, and Chairman  
Shankland  
NOES: Commissioner Ward  
ABSENT: Commissioners Conte and Fisher

Adopted this 8<sup>th</sup> day of November, 2006



Chairman, Planning Commission of  
the City of Merced, California

ATTEST:

  
Secretary

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November 8, 2006/January 16, 2007/July 15, 2008/July 15, 2009/July 15,  
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**January 16, 2007**: At their regularly scheduled City Council meeting of January 16, 2007, the City Council considered the Applicant's appeal of the Planning Commission Denial of Vesting Tentative Subdivision Map #1291 ("Bright Development") and took the following action:

Upon Motion by Council Member Gabriault-Acosta, Seconded by Council Member Pollard, duly carried, resolved, to approve Findings A through S, finding that the previous environmental review [Expanded Initial Study #04-02 (Mitigated Negative Declaration) for the Absolute/Leeco Annexation] remains sufficient and no further documentation is required (Subsequent EIR/ND Section 15162 Findings), and approves Vesting Tentative Subdivision Map Application No. 1291 ("Bright Development"), subject to the amended conditions as recommended by Staff to the Planning Commission on November 8, 2006, and modification of Condition #21 of Staff Report No. 06-42 – 4<sup>th</sup> Addendum, as follows:

1. ~~The proposed project shall be constructed/designed as shown on Exhibit 1 (Proposed Vesting Tentative Map) Attachment C, subject to the listed conditions.~~
2. All conditions contained in Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions") shall apply, as well as conditions and mitigation measures spelled out in the Pre-Annexation Development Agreement for Absolute/Leeco Annexation (including the need to comply with the 6-minute emergency response time in the Pre-Annexation Development Agreement), adopted April 17, 2006, and any subsequent amendments (see Attachment F for mitigation measures).
3. The proposed project shall comply with all standard Municipal Code (including R-1-5 design standards) and Subdivision Map Act requirements as applied by the City Engineering Department.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.

Modified  
by PC on  
10/3/18.  
See pg. 11

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5. 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 City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
6. The developer/applicant shall indemnify, protect, defend, 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, or proceedings 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. 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.
7. 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.
8. Street names to be approved by City Engineer.
9. Dedicate, by Final Map, all interior street rights-of-way and all necessary easements and as needed for irrigation, utilities, drainage,



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landscaping, and open space, including any right-of-way necessary to reflect the modified alignment of the north-south oriented collector road in the eastern portion of the project located adjacent to the park and linear open space corridor.

Modified  
by PC on  
10/3/18.  
See pg. 11

~~10. Developer shall design storm drainage with consideration as to whether the shared pump station pumping rate can or needs to be constructed in phases. Developer shall share costs of pump station with the subdivision to the north (“Palisades Park”) if joint use occurs, or if pump station is necessary. Storm drainage shall comply with City Storm Drainage Master Plan.~~

Modified  
by PC on  
10/3/18.  
See pg. 11

~~11. Developer shall design sanitary sewer with consideration as to whether the shared pump station pumping rate can or needs to be constructed in phases. Developer shall share costs of pump station with the subdivision to the north (“Palisades Park”) if joint use occurs, or if pump station is necessary.~~

Modified by  
PC on  
10/3/18. See  
pg. 11

~~12. Dedicate additional G Street right of way and easements to match Merced Vision 2015 General Plan requirements for 128 foot wide arterial, plus landscape and public facilities easements of 15 feet in width, including the construction of a 6 foot high masonry wall. 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.~~

Modified by  
PC on  
10/3/18. See  
pg. 11

~~13. Dedicate additional right of way and easements along the northern half of Merrill Avenue to match Merced Vision 2015 General Plan requirements for 74 foot wide collector (37 feet of ROW), plus landscape and public facilities easements varying from 10 feet to 12 feet in width, including the construction of a 6 foot high masonry wall along the northern portion of the roadway. These improvements shall terminate at the northeast corner of the intersection of Merrill Avenue and “K” Drive as indicated on the Tentative Map.~~

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14. Provide for City review and approval of landscape/irrigation plans, prepared by a licensed landscape architect, for all areas of landscaping that are to be maintained by City.
15. Compliance with the 40-foot visual corner is required for corner lots (approximately 20 lots), and may result in the applicant constructing smaller homes on these lots or increasing the front yard setbacks. A 4-foot encroachment for the porch area can be allowed within this area. Details to be worked out with staff.
16. The effective date of this tentative map approval shall be the effective date of the final annexation for Absolute/Leeco. (Annexation to the City has not yet been finalized and is subject to pre-clearance under the Voting Rights Act before the Annexation can become effective.)
17. The proposed Community Park shall be designed for park and recreational use only. Basin or storm-water retention allowed within this park shall be consistent with the Park Master Plan. All bike trails within the linear park shall be a minimum width of 10-12 feet as per the Park Master Plan.
18. Refuse containers shall be stored out of site of the general public, including those homes located on the private driveways. A concrete pad (3 x 6 foot minimum) shall be installed in the side or back yard of each unit to house refuse containers with a paved path to the street.
19. There shall be no valley (cross) gutters installed within this subdivision.
20. Merrill Avenue shall be constructed to include a paved travel lane that is 23.5 feet wide curb-to-curb, with a 6-inch vertical asphalt curb along the south boundary line. The north side of Merrill Avenue will need to include curb and gutter, park strip, and a 5-foot sidewalk. Developer shall construct the roadway prior to issuance of the first certificate of occupancy. Developer shall complete the intersection of Foothill Drive and G Street by expanding the intersection to a 4-way, signalized intersection prior to the issuance of the 50<sup>th</sup> building permit. This

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includes a median at the intersection of G Street and Merrill Avenue. The Developer shall coordinate the design of this roadway, to the extent feasible, with the adjoining property owner to the south.

21. The drainage basins along the PG&E power-line easements and within the neighborhood park/basins shall be designed in an open manner with no barriers, fences, etc., hindering their use as open space. All basins will need to be constructed and functional with City acceptance prior to issuance of the first certificate of occupancy. The linear and neighborhood parks will need to be transferred to the City of Merced per the terms of the Pre-Annexation Development Agreement.

Modified by  
PC on  
10/3/18. See  
pg. 12

- ~~22. The secondary access point shall be located at the intersection of Foothill Drive and G Street. The secondary access point shall be installed prior to the issuance of the 1<sup>st</sup> certificate of occupancy permit.~~

23. City staff encourages and recommends the applicant to seek a water agreement with Merced Irrigation District for the usage of non-potable water for the use of irrigation of the City Landscaped areas such as Park-Strips, Parks, and any other area where non-potable water is allowed to be used and is approved by the Public Works Director.

24. The street tree and street light locations shall be approved by City Staff prior to approval of the first Final Map.

Modified  
by PC on  
10/3/18.  
See pg. 12

- ~~25. The cul-de-sac bulb, 'J' Court, shall be open end style including sidewalk connectors to adjacent linear parks (within the PG&E easement) and local streets and walls from back of house to back of house. The linear park and PG&E Easement shall be designed in an open manner, with no fences or other hindrances that would impede pedestrian accessibility of both easements as they intersect with each other and 'J' Court.~~

Deleted by  
PC on  
10/3/18.

- ~~26. The cul-de-sac bulb labeled as 'D' Court shall be designed with park-strips due to its extended length.~~

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27. City utility service (water and sewer) connections shall be located under the driveway for each lot that faces a City street. Water lines are privately owned and maintained between the meter and the home. Sewer lines are privately owned and maintained from the point of connection to the City-owned main sewer line.
28. Fire Hydrants to be provided and spaced in accordance with City of Merced standards. The maximum spacing between hydrants is 500 feet. Due to width issues of G Street, fire hydrants will need to be placed along the east side of this arterial roadway. The number and placement of fire hydrants to be worked out with the Fire Department.
29. The following design features shall be added to the elevations for the homes throughout the subdivision:
  - a. *Garages Doors:* Design features such as windows and door molds, or driveway pavement treatments, such as aggregate, integral color, and stamped patterns, shall be added. These designs shall be varied from one lot to the other.
  - b. *Front Elevations:*
    - i. All proposed elevations show stucco as the primary building facia material. At least one of the plans shall be amended to show wood siding as the primary facia material, or stone or brick panels (approximately 3 feet high) along the bottom of the facia as a required element, not an option.
    - ii. Each elevation is to be evenly distributed throughout the site. Prior to submittal of building permits, the applicant shall provide the Development Services Director with a “distribution plan” showing the: house plan elevation, color, roof material, porch design, and garage door/pavement design selected for each lot. In no case, shall any more than two adjacent lots in a row have the same elevation.

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- iii. Blank rear and side elevations visible from a street are not permitted. The elevation shall include functional features (windows and doors, or be adorned with attractive features in addition to landscaping).
- iv. The color palette for houses shall be varied (at least 6 distinct sets of colors) and be consistent with the style of the house.
- v. High quality aesthetically pleasing materials (wood, stone, iron, pre-formed plastic fencing, etc.) shall be used.

BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: SPRIGGS, CORTEZ, GABRIALT-ACOSTA, POLLARD, SANDERS, WOOTEN

NOES: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: OSORIO

**July 15, 2008/July 15, 2009:** On July 15, 2008, the State of California gave a one-year extension to all active (not expired) tentative maps that were otherwise scheduled to expire on or before December 30, 2010. On July 15, 2009, the State of California gave a second, two-year extension. Therefore, this Tentative Map #1291 hereby has its expiration date extended to January 16, 2012.

**July 15, 2011:** On July 15, 2011, the State of California gave a 24-month extension to all active (not expired) tentative maps that were otherwise scheduled to expire on or before January 1, 2014. Therefore, Vesting Tentative Subdivision Map #1291 hereby has its expiration date extended to January 16, 2014.

**July 11, 2013:** On July 11, 2013, the State of California gave a 24-month extension to all active (not expired) tentative maps that were approved on or after January 1, 2000. Therefore, Vesting Tentative Subdivision Map #1291 hereby has its expiration date extended to January 16, 2016.

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**October 10, 2015:** On October 10, 2015, the State of California gave a 24-month extension to all active (not expired) tentative maps that were approved on or after January 1, 2002, and not later than July 11, 2013. Therefore, Vesting Tentative Subdivision Map #1291 hereby has its expiration date extended to January 16, 2018.

**June 6, 2018:** At their regularly scheduled meeting of June 6, 2018, the Planning Commission approved the Extension of Vesting Tentative map #1291 (“Bright Homes”) for one year (to January 16, 2019), subject to the following additional conditions:

30. A revised vesting tentative map shall be submitted within 60 days of the date this extension is granted. The revised map shall include the following:
  - a. All lots shall be on property owned by the applicant.
  - b. All roads through the subdivision shall be on property owned by the applicant.
  - c. Access from Merrill Place into the subdivision on Palisades Drive shall be on property owned by the applicant or the right-of-way must have been dedicated to the City of Merced prior to submitting the revised map.
31. If after 60 days the above conditions have not been met, Vesting Tentative Map #1291 will automatically expire.

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

AYES: Commissioners Alshami, Camper, Colby, Martinez, Padilla, and Chairperson Dylina

NOES: None

ABSENT: None, (One vacancy)

ABSTAIN: None

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**October 3, 2018:** At their regularly scheduled meeting of October 3, 2018, the Planning Commission approved the modifications to Vesting Tentative map #1291 (“Bright Homes”) subject to the conditions contained within this resolution, including modifications to Conditions #1, #10, #11, #12, #13, #22, and #25, the deletion of Condition #26, and the addition of Conditions #32 through #44. :

1. The proposed project shall be constructed/designed as shown on Exhibit 1 [Proposed Vesting Tentative Map #1291 (Modified)] - Attachment C of Staff Report #18-29, except as modified by the conditions.
10. Developer shall design storm drainage with consideration as to whether the shared pump station pumping rate can or needs to be constructed in phases. Developer shall share costs of pump station with the property owner to the north, if joint use occurs, or if pump station is necessary. Storm drainage shall comply with City Storm Drainage Master Plan.
11. Developer shall design sanitary sewer with consideration as to whether the shared pump station pumping rate can or needs to be constructed in phases.
12. Dedicate additional G Street right-of-way and easements to match *Merced Vision 2030 General Plan* requirements for a 128-foot wide arterial, plus an additional 15 feet of right-of-way to accommodate the required landscape area, block wall, and utilities. A 7-foot-tall block wall 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.
13. Dedicate additional right-of-way and easements along the northern half of Merrill Avenue to match *Merced Vision 2030 General Plan* requirements for 74-foot wide collector (37-feet of ROW), an additional 10 feet of right-of-way to accommodate the required landscape area, block wall, and utilities. A 7-foot-tall wall shall be constructed along the project’s frontage on Merrill Avenue (Place). The

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- block wall may be constructed in phases consistent with the tentative map. All of the land required for this development's share of Merrill Avenue (Place) shall be dedicated with the first final map.
22. Secondary access to the subdivision shall be provided by a Temporary Emergency Vehicle Access easement constructed between Lots 1 and 15 of Modified Tentative map #1291 to be maintained by the CFD.
  25. The linear park and PG&E Easement shall be designed in an open manner, with no fences or other hindrances that would impede pedestrian accessibility.
  32. At the time of Final Map, all references to a "PFE" (Public Facilities Easement) shall be changed to reflect the actual purpose of the easement. For example, if the easement is for utilities and a block wall, the easement should be labeled as a PUE (Public Utilities Easement) and Block Wall easement.
  33. The Emergency Vehicle Access (EVA) is allowed on G Street as a temporary access only. The design of the EVA shall be approved by the Fire, Engineering, and Planning Departments. Pedestrian access should be implemented into the EVA.
  34. Once Palisades Drive and Foothill Drive are constructed which provides secondary access into the subdivision, the EVA shall be abandoned at the owner's expense.
  35. All easements shall be large enough to provide room for all utilities without utilities being placed underneath the City sidewalk.
  36. The Tentative Map shows the EVA as "Lot A" and the 3.10 acres at the eastern edge of the subdivision as "Lot A". This shall be corrected on the final map so that there is no duplication of the lot designations.
  37. Access to Lot A (at the eastern edge of the subdivision) as shown on VTSM #1291 (Modified) shall be provided from this subdivision. The exact location of the access point shall be determined when development occurs on Lot A.
  38. The location of the pump station shown on the park/basin parcel is not approved. The exact location of the pump station will be determined prior to the first final map.



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39. The cul-de-sacs at Court E and Court L shall be open-ended cul-de-sacs providing access to F Street.
40. The owner shall work with the City of Merced to obtain the additional right of way needed for the southern portion of Merrill Place.
41. The area shown as Lot A for the Emergency Vehicle Access on the tentative map shall be re-labeled due to duplication with the area to the east of the subdivision also shown as Lot A.
42. The Emergency Vehicle Access (EVA) Easement area shall be dedicated to the City. If sewer and water main lines are to be placed this area, a public utilities easement shall be maintained upon vacation of the EVA.
43. The EVA area may remain open to allow pedestrian access to the subdivision from G Street if the developer desires to do so after it is no longer needed as an EVA. However, if the pedestrian access is not maintained or problems arise with the use of the access area, it shall be the responsibility of the developer/subdivider to install the block wall in this area.
44. "F" Street shall have a 94-foot-wide right-of-way to include the 74-foot-wide collector road and a 10-foot-wide easement. All walls, landscaping, and utilities shall be included in this easement area.

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

AYES: Commissioners Camper, Drexel, Harris, Padilla, Rashe, and Chairperson Dylina

NOES: None

ABSENT: Commissioner Martinez

ABSTAIN: None

**CITY OF MERCED  
Planning Commission**

**Resolution #4009**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of October 3, 2018, held a public hearing and considered **Tentative Subdivision Map #1309**, initiated by Golden Valley Engineering, applicant for Rucker Construction Inc. Profit Sharing Plan, property owner. This application involves the subdivision of approximately 20.6 acres into 99 single-family residential lots, generally located on the south side of Pettinotti Road (extended) between El Redondo Drive (extended) and San Augustine Drive (extended), within an R-1-5 zone with a General Plan designation of Low-Density Residential (LD); also known as Assessor's Parcel Numbers (APN's) 206-030-021 and -022; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through K of Staff Report #18-28; 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 [Environmental Review #04-22 for Barnell Annexation [a supplement to Expanded Initial Study #01-32 for Fahrens Creek North Annexation (SCH#2001101082)] remains sufficient and no further documentation is required (CEQA Section 15162 Findings), and approve Vesting Tentative Subdivision Map #1309, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

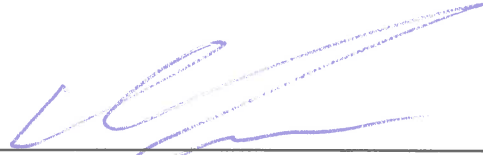
AYES: Commissioners Camper, Drexel, Harris, Padilla, Rashe, and Chairperson Dylina  
NOES: None  
ABSENT: Commissioner Martinez  
ABSTAIN: None

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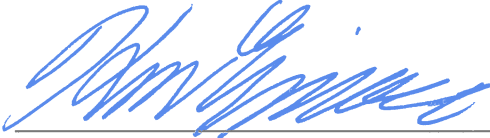
October 3, 2018

Adopted this 3<sup>rd</sup> day of October 2018



\_\_\_\_\_  
Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:



\_\_\_\_\_  
Secretary

Attachment:

Exhibit A – Conditions of Approval

**Conditions of Approval**  
**Planning Commission Resolution # 4009**  
**Vesting Tentative Subdivision Map # 1309**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Vesting Tentative Map #1309) -- Attachment B of Staff Report #18-28, except as modified by the conditions.
2. All conditions contained in Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions") shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. The Project shall comply with the applicable conditions (as determined by City Staff) set forth for the approval of the Fahrens Creek Specific Plan. Specifically, application approvals for the Barnell Annexation #04-06, Pre-Zoning #04-06, and Mitigation Measures identified in Expanded Initial Study #04-22 (a supplement to Expanded Initial Study #01-32), and Exhibit D ("Public Benefits") Section of the Pre-Annexation Development Agreement as they apply to this particular site and previously approved for this project development, except as modified.
5. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
6. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to

that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

7. 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.

#### General Subdivision

8. Dedication by Final Map of all interior street rights-of-way and all necessary easements will be made as shown on Vesting Tentative Subdivision Map #1309 and as needed for irrigation, utilities, drainage, landscaping, and open space.
9. Open-ended cul-de-sacs (combination of decorative walls/wrought iron with pedestrian gates) are required along the south side of Pettinotti Road (Lots 118, 119, 130, and 131) and the west side of El Redondo Drive (Lots 13, 14, 25, 26, 37, and 38).
10. City Engineer shall approve street names.
11. Traffic control signs, street markings, and striping shall be as directed by the City Engineer.
12. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
13. 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.
14. All undeveloped areas shall be maintained free of weeds or other debris.
15. Fire hydrants to be provided and spaced in accordance with City of Merced Standards. Additional fire hydrants are needed in the following

locations: On El Redondo Drive between Pettinotti Road and Cassis Drive; on Pettinotti Road between Bayonet and Cinnibar Court; and on Bayonet near Cassis Drive.

Street Improvements

16. Due to the existing poor condition of La Cava, Cardella and Pettinotti Roads, a complete reconstruction of these County roads will be ultimately necessary. This Project's share of these improvements shall be the north/south portion of La Cava Road (San Augustine Drive). The owner/developer shall work with the County to vacate all or a portion of La Cava Road to prevent dual roadways within the limited space available.
17. Streetlights per City Standards are required on La Cava Road (San Augustine Drive), Cardella, and Pettinotti Roads as required by the City Engineer.
18. All cul-de-sac bulbs shall have a minimum diameter of 96 feet and shall be posted as "no parking" in compliance with Fire Department Standards adopted by Merced Municipal Code Section 17.32.
19. All improvements along the subdivision frontage shall be installed, including but not limited to, sidewalk, curb, gutter, streetlights, and street trees, except as indicated by Conditions #20 and #28.
20. Pettinotti Road shall be improved to three-quarters (3/4) of the ultimate width along the project frontage with each phase of construction. These improvements shall include all improvements to the center-line of the street, plus one 12-foot-wide travel lane, plus 4 feet of shoulder backing at a minimum with final design to be approved by the City Engineer.
21. El Redondo Drive shall be extended with full improvements to Pettinotti Road with Phase 2 of the subdivision map.
22. All easements shall be large enough to provide room for all utilities without utilities being placed underneath the City sidewalk.
23. Developer shall coordinate with all utility companies and include utility information on the improvement plans at the time of Final Map submittal.
24. Developers at each adjacent corner of a collector/arterial intersection are responsible for 50 percent of the cost of a traffic signal designated in the City of Merced Public Facilities Impact Fees, at each quarter-mile/half-

mile collector intersection with Cardella Road as warrants are met in the judgment of the City Engineer. As such, this Developer shall be responsible for 12.5 percent of the signal at Cardella Road and San Augustine Drive or a proportionate share based on a traffic study provided by the applicant (with scope of work approved by the City of Merced). At the time of the first final map, the owner's engineer shall provide a cost estimate for these improvements (subject to the approval of the City Engineer) and shall provide cash security in an amount equal to 12.5% or a proportionate share as determined by a traffic study of the cost of the improvements. Improvements made by the developer that are reimbursable by the City may be subject to prevailing wage.

25. Mitigation Measure M-6 for the Barnell Annexation which included this property, required the construction of 2 travel lanes on Cardella Road west of San Augustine to State Highway 59. Because this development is not solely responsible for the traffic being generated on Cardella Road and at the intersection of Cardella Road and State Highway 59, the development shall only be required to pay a proportionate share of the cost of the 2 travel lanes required by Mitigation Measure M-6. The proportionate share shall be determined by the proportionate acreage included within the Barnell Annexation area or the proportionate share of this development's contribution to the traffic in this area based on a traffic study provided by the project developer (the scope of work to be approved by the City). At the time of the first final map, the owner's engineer shall provide a cost estimate for these improvements (subject to the approval of the City Engineer). Prior to the first final map being approved, the property owner shall provide cash security in an amount equal to the development's proportional share of the cost of the improvements.
26. Mitigation Measure M-6 of the Barnell Annexation, a traffic signal is required at State Highway 59 and Cardella Road. This traffic signal is eligible for 100% reimbursement through the City's Public Facilities Financing Plan. However, the cost of installation of the signal is required to be paid up front by the owner/developer. Therefore, this project is required to contribute its proportional share of the cost of the traffic signal. The proportionate share of the cost shall be determined by the proportionate share of acres within the annexation area or by a traffic study provided by the developer (scope of work to be approved by the City). Reimbursement may be requested in accordance with the

provisions of the City's Public Facilities Financing Plan. At the time of the first final map, the owner's engineer shall provide a cost estimate for these improvements (subject to the approval of the City Engineer) and shall provide cash security in an amount equal to the development's proportionate share of the cost of the improvements. Improvements made by the developer that are reimbursable by the City may be subject to prevailing wage.

27. The owner/developer shall either provide a traffic study (with scope of work to be approved by the City) to determine the project's contribution to the traffic at the intersection of Yosemite Avenue and San Augustine Drive to determine the project's fair share of the cost of the traffic signal at this intersection or, the owner/developer may choose to pay 12.5% of this traffic signal. The cost of the traffic signal shall be approved by the City Engineer. At the time of the first final map, the owner's engineer shall provide a cost estimate for these improvements (subject to the approval of the City Engineer) and the owner shall provide cash security in an amount equal to the development's proportional share or 12.5% of the cost of the improvements.
28. The developer is responsible for acquiring necessary right-of-way (R-O-W.) and constructing the extension of San Augustine Drive along the west property line with full R-O-W on the east side of San Augustine Drive, two travel lanes, and curb and gutter on the west side of San Augustine Drive (currently the north/south portion of La Cava Road). San Augustine Drive shall be constructed with each phase of construction.

Water/Sewer/Storm Drain

29. Developer shall demonstrate, to the satisfaction of the City Engineer, that adequate water and sewer systems are part of the project improvements. The Developer shall extend water and sewer from existing facilities as may be necessary.
30. Prior to the approval of the first Final Map, the applicant shall demonstrate to the City that storm drainage facilities are adequate to meet project demands and that improvements are consistent with the draft City of Merced Storm Drainage Master Plan.
31. 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). These requirements may be met for the subdivision as a whole or on a lot-by-lot basis.

32. Prior to the first final map approval, the owner shall provide confirmation that Lantana Estates has paid its share of the storm basin/pump station (located south of Monaco Drive and west of Horizons Avenue) that was installed by the Provence Subdivision, which the Lantana Estates Subdivision utilizes.

Building/Site Design

33. All dwellings shall be designed to include fire sprinklers as required by the California Fire Code.
34. No residential driveways shall front on any arterial or collector street (San Augustine Drive, Pettinotti Road, El Redondo Drive, and Cassis Drive).
35. All driveways shall provide a minimum length of 20 feet beyond the sidewalk. If a sidewalk is located within an easement area, the 20 feet shall be measured from the back of the sidewalk.
36. The project shall comply with all requirements of the California Building Code and all flood requirements of the Federal Emergency Management Agency (FEMA). All necessary documentation related to the construction of the residential uses shall be provided at the building permit stage.
37. Compliance with the visual triangle requirements for corner lots is required and may result in the applicant constructing smaller homes on these lots or increasing the front yard setbacks. A 4-foot encroachment for the porch area may be allowed within this area. Details to be worked out with staff.
38. Refuse containers shall be stored out of site of the general public. A concrete pad (3 x 6 foot minimum with a paved access to the street) shall be installed in the side or back yard of each unit to house refuse containers.
39. The following R-1-5 Zone “Façade Design” Provisions per Merced Municipal Code Section 20.10.070 G shall be added to the elevations for the homes throughout the subdivision:

- a. Garage frontage. A minimum of twenty-five (25%) percent of the front elevations along a street shall have a minimum twenty-five (25) foot setback for the garages.
- b. A minimum of twenty-five (25%) percent of the garages along a street with the standard twenty-foot setback shall have recessed doors.
- c. 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.
- d. Front elevations. All subdivisions shall provide a variety of dwelling elevations appropriate for the scale of the project. Elevations shall be approved by the Development Services Director or his designee. At a minimum, the same elevations shall not be repeated for adjacent houses. Varied front setbacks and same two-story houses are encouraged as ways of achieving variety.
- e. 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.
- f. Two-story dwelling units. Plans for two story structures to be constructed at the exterior boundary of a 5,000-square-foot or smaller lot subdivision adjoining a developed R-1 residential zoned area shall be reviewed by the Development Services Director or designee. The Director or designee 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.

#### Landscape

40. Developer shall submit landscape/irrigation/wall plans for areas to be maintained by the City for approval by City Engineer. All walls shall be solid masonry and 7 feet in height. Full landscaped designs are required for the Community Facilities District (CFD) areas. All landscaped areas along Cassis, San Augustine, and El Redondo Drives, as well as Pettinotti Road, shall be included in the CFD.
41. All landscaping shall comply with State Water Resources Control Board Resolution No. 2015-0032 "To Adopt an Emergency Regulation for

#### EXHIBIT A

#### OF PLANNING COMMISSION RESOLUTION #4009

Statewide Urban Water Conservation” or the most recent water regulations adopted by the State and City addressing water conservation measures. If turf is proposed to be installed in park strips, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed. 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).

42. 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).
43. A decorative wall and a 10-foot-wide landscape area along San Augustine Drive as required on collectors may be difficult to achieve with 80-foot length lots (Lots 1 – 7 and Lots 157 – 159). As such, a few lots may be lost, smaller homes built on the lots, or shifting the lots to the east may be required. Details to be worked out with staff.