

**CITY OF MERCED**  
**Planning & Permitting Division**

**STAFF REPORT:** #18-28

**AGENDA ITEM:** 4.2

**FROM:** Kim Espinosa,  
Planning Manager

**PLANNING COMMISSION**  
**MEETING DATE: Oct. 3, 2018**

**PREPARED BY:** Julie Nelson,  
Associate Planner

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**SUBJECT:** **Vesting 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). \*PUBLIC HEARING\*

**ACTION:** Approve/Disapprove/Modify

- 1) Environmental Review #18-54 (CEQA Section 15161 Findings)
- 2) Vesting Tentative Subdivision Map #1309

**SUMMARY**

The project site is an approximately 20.6-acre site located south of Pettinotti Road, between El Redondo Drive (extended) and San Augustine Drive (extended) (Attachment A). The proposed Vesting Tentative Subdivision Map (VTSM) would subdivide the property into 99 single-family lots (Attachment B). The proposed subdivision was part of a Tentative Subdivision Map for Lantana Estates (TSM # 1271) originally approved in 2006. Phase One of the previously approved Tentative Map was constructed as shown on the map at Attachment C. Tentative Subdivision Map #1273 expired in February 2018. Therefore, a new tentative map is required. The proposed map would be to construct Phases 2 and 3 as originally approved with VTSM #1271. Phase 2 includes 50 lots and Phase 3 has 49 lots. The lots vary in size from approximately 5,100 square feet to approximately 8,000 square feet.

Staff is recommending approval for the proposed Vesting Tentative Subdivision subject to the conditions below.

**RECOMMENDATION**

Planning staff recommends that the Planning Commission approve Environmental Review #18-54 and Vesting Tentative Subdivision Map #1309, (including the adoption of the Resolution at Attachment F) subject to the following conditions:

- \*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.
- \*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, street lights, and street trees.
- \*20) Pettinotti Road shall be improved to three-quarters (3/4) of the ultimate width along the project frontage with the first 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. The City reserves the right to request additional improvements as determined 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. 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% 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 these improvements. The proportionate share shall be determined by the acreage included within the Barnell Annexation area. 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% 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 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% 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 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 shall provide cash security in an amount equal to 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 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).
- \*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 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.

(\*) Denotes non-discretionary conditions.

**PROJECT DESCRIPTION**

This application involves the subdivision of approximately 20.6 acres of land into 99 single family residential lots. The proposed lots range in size from approximately 5,100 square feet to approximately 8,500 square feet. The majority of the lots are between 5,100 and 6,000 square feet in size.

Surrounding Uses  
(Attachment A)

<b>Surrounding Land</b>	<b>Existing Use of Land</b>	<b>City Zoning Designation</b>	<b>City General Plan Land Use Designation</b>
North	Vacant Land	P-D #57 & County	Low Density Residential (LD)/Village Residential (VR)
South	Residential	R-1-5 & P-D #50	Low Density Residential(LD)
East	Residential	P-D #50	Low Density Residential (LD)
West	Residential	County	Low Density Residential (LD)

## **BACKGROUND**

This property was annexed into the City with the Barnell Annexation in 2006. Subsequently, the Planning Commission approved a Tentative Map for Lantana Estates South (TSM #1271). Phase One of this map was constructed, but the economic downturn prevented the other two phases from being constructed. Tentative Subdivision Map #1271 expired in February 2018.

## **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 zoning designation of Low Density Residential (R-1-5).

The proposed Tentative Subdivision Map will help achieve the following General Plan land use policies:

Policy L-1.5 Protect existing neighborhoods from incompatible developments.

Policy L-1.6 Continue to pursue quality single-family residential development.

Policy L-1.8 Create livable and identifiable residential neighborhoods.

### **Traffic/Circulation**

- B) According to the Institute of Traffic Engineers (ITE) Manual, detached single-family dwellings are estimated to generate 9.57 trips per unit on a weekday. Therefore, the proposed subdivision would generate 947 average daily trips (ADT’s). Vehicle trips from this subdivision were accounted for in the Environmental Review for the Barnell Annexation. This development is required to install all the streets along the project site frontage (Pettinotti Road, San Augustine Drive, and El Redondo Drive). This will complete the circulation around the project site and provide a connection to Highway 59 via Pettinotti Road.

The project would be required to contribute a portion of the cost for the future traffic signals at Cardella Road and San Augustine Drive, Cardella Road and Highway 59, and San Augustine Drive and Yosemite Avenue (refer to Conditions #24 and #25). Additionally, the owner/developer is required to contribute a proportionate share of the cost of improvements to Cardella Road west of San Augustine (Condition #25). This proportionate share is based on the acreage of the site in relation to the overall annexation area for the Barnell Annexation. The annexation area included 73.17 acres. This project consists of approximately 20.6 acres which equates to approximately 28% of the annexation area. Therefore, the proportional share of the Cardella Road improvements is 28% of the total cost approved by the City Engineer (Condition #25).

### **Public Improvements/City Services**

- C) As described above, this project would be required to install street and frontage improvements as well as contribute to improvements on Cardella Road and the intersection of Cardella Road and San Augustine Drive, and the intersection of Yosemite Avenue and San Augustine Drive.



- D) Water/Sewer Supply: The City has sufficient water supply and sewer capacity to serve the proposed 99-lot subdivision. Water and sewer lines shall be extended to this subdivision as required by the City Engineer.
- E) Storm Drainage: The storm drainage from this development is proposed to drain into the existing basin at the corner of Horizons and Monaco Drives. However, per Condition #30, the owner/developer shall provide documentation as required by the City Engineer to confirm sufficient capacity is available in this basin to serve this subdivision.
- F) Community Facilities District: The entire subdivision (the previous Vesting Tentative Subdivision Map #1271) was annexed into the City's Community Facilities District (CFD) 2003-2 (Services) prior to the final map for Phase 1 of this subdivision in 2007.

### **City Funding Obligations/Reimbursements**

- G) The project will be responsible for contributing a fair share to the cost of the improvements to Cardella Road, west of San Augustine Drive. Cardella Road is an arterial roadway. As such, it would be eligible for reimbursement of a portion of the improvements. The owners/developers within the Barnell Annexation area are required to pay for the cost of a "collector equivalent" roadway or a 74-foot wide portion of the roadway. The ultimate width of Cardella Road would be 128 feet wide. Therefore, the owners/developers are obligated to pay for the remaining 54-foot-width of the road. In this case, this project shall pay a proportionate share of the cost of the improvements (Condition #25). This portion of Cardella Road is not currently in the City's Public Facilities Financing Plan (PFFP), so it is not currently eligible for reimbursement of the "collector equivalent" roadway. However, if this portion of Cardella is added into the PFFP, the developer would be eligible for reimbursement. A five-year update of the PFFP will begin in 2019 and it is anticipated that Cardella Road would likely be added back into the program as it was previously included, but determined not to be needed in the adopted timeframe during the last update in 2012.

The traffic signal at State Highway 59 and Cardella Road is eligible for reimbursement through the City's Public Facilities Financing Plan. However, the upfront cost of the installation shall be borne by the owner/developers within the Barnell Annexation area. Once the traffic signal is installed, the owner/developer may request reimbursement for their proportionate share of the cost of the traffic signal in accordance with the City's PFFP. The PFFP allows reimbursement as funds are available on a first in time basis. The developer shall request reimbursement and would be reimbursed in the order that the request was received and as funds are available.

### **Site Design**

- H) As described in the Traffic/Circulation section above, the subdivision will have access from Pettinotti Road, El Redondo Drive, and San Augustine Drive. Phase Two of the subdivision would include 50 lots with three cul-de-sacs. Phase Three would include 49 lots with 4 cul-de-sacs. A copy of the Vesting Tentative Subdivision Map may be found at Attachment B.

### **Landscaping**

- D) A 10-foot-wide landscape strip is required along San Augustine Drive and El Redondo Drive. All front yards of the single family dwellings are required to have front yard landscaping in compliance with the City's Zoning Ordinance. Street trees are required in compliance with City Standards.

### **Neighborhood Impact/Interface**

- J) The proposed subdivision is consistent with the General Plan and Zoning designations for the site. The site is adjacent to residential uses to the south, east, and west. The development of the subdivision would create additional traffic in the area, but not more than was originally anticipated with the annexation and the General Plan.

Notices were sent to all property owners within 300 feet of the project site. Staff has received one letter from a concerned neighbor. This letter is provided at Attachment D. This letter raises concerns about several issues. However, most of these issues have been addressed through conditions of approval. The conditions addressing the neighbor's concerns are denoted on the letter at Attachment D.

The letter questions the street names proposed for the subdivision and requests certain names be changed. While it is desirable to have names with a common theme, it is not a requirement. Street names cannot have duplicate or similar names, but the City does not require a theme to be maintained.

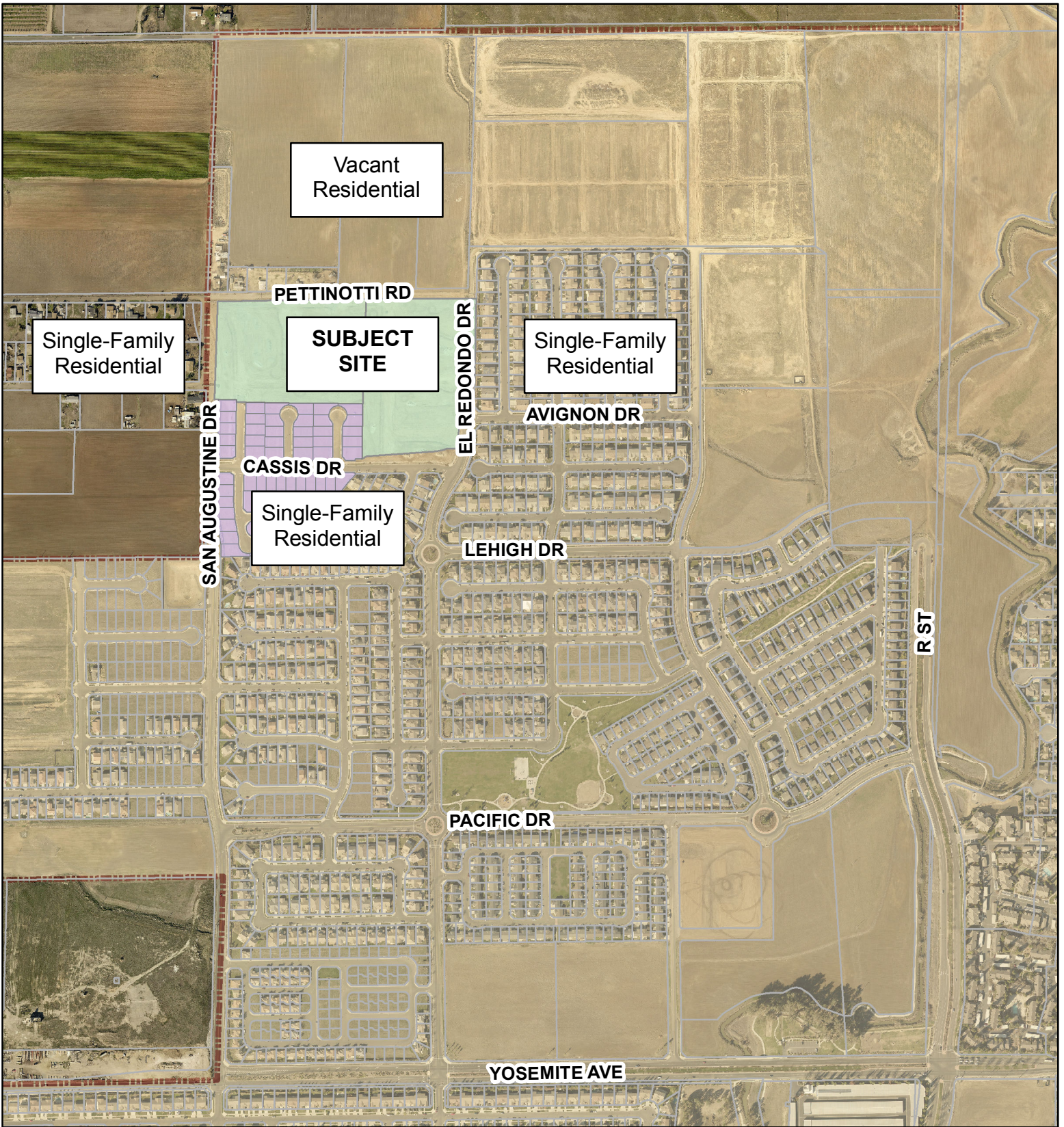
The City is working on a Capital Improvement Project to improve Yosemite Avenue from San Augustine Drive to Yosemite Avenue. This project will likely take place in early 2019.

### **Environmental Clearance**

- K) 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 #18-54 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 [Environmental Review #04-22 for Barnell Annexation [a supplement to Expanded Initial Study #01-32 for Fahrens Creek North Annexation (SCH #2001101082)]. A copy of the Section 15162 Findings can be found at Attachment E

### **Attachments:**

- A) Location Map
- B) Vesting Tentative Subdivision Map #1309
- C) Lantana Estates - Phase One
- D) Letter from neighbor
- E) CEQA Section 15162 Findings
- F) Draft Planning Commission Resolution



## VESTING TENTATIVE SUBDIVISION MAP #1309

Disclaimer: This document was prepared for general inquiries only. The City of Merced is not liable for errors or omissions that might occur. Official information concerning specific parcels should be obtained from recorded or adopted City documents.

	Subject Site
	Lanata Estates Phase 1
	City Limit



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## ATTACHMENT A





## Lantana Estates Subdivision

	Subject Site
	Lantana Estates Phase 1(Lantana South)



# ATTACHMENT C

September 27, 1018

City of Merced Planning Commission  
678 W. 18<sup>th</sup> Street  
Merced, CA 95438

Re: Vesting Tentative Subdivision May # 1309

Honorable Commissioners:

My name is Joel Moses. My wife and I own property at 1322 Cassis Drive across the street from the proposed vesting tentative map's site. Since we moved into our home approximately 3 years ago we have been concerned about the incomplete subdivision improvement across the street and are happy that work is now moving forward. However I do have some concerns with the proposed public improvements and site development standards, particularly the rear of the through lots backing up to Cassis Drive and the setback requirement for garages in the subdivision.

**Through Lots – lots 38 – 43, lots 8 – 13:** While through lots are a standard type of lot allowed in the city, they do present some problems. When backing up to collector or major streets, standards call for the development of a landscape area and block wall. These improvements are added to an overall landscape maintenance district to assure upkeep of the improvements. It is my understanding that since Cassis and Petinotti Road are designated as residential streets these requirements may not be applied. It is my opinion that the design of the subdivision is not typical. This may lead to non-maintenance of any landscape or wall improvements. On through lots it is likely that the public improvements at the rear of the lots may not be maintained, being out of sight and out of mind. *The landscaping of these areas needs to match the improvements along El Redondo including a masonry block wall. These areas should also be included in a landscape-maintenance district.*

Condition  
#40

While access from the rear of a through residential lot leading into an alley is typical, it is not typical when leading onto a standard street, as such access to the adjoining rear street needs to be restricted in order to prevent safety problems and disruption of landscaping. *A 1'-0" no-access easement needs to be placed along the rear of all these lots.*

Condition  
#34

**Garage Set-Backs** – The proposed improvement plans show a non-typical cross section showing the sidewalk on the private homeowners property (48 ft. right-of-way). This allows the sidewalk to encroach into the driveway, shortening the driveway to approximately 15 feet (difficult to read precise numbers on the reduced-size map). By reducing the setback, any car parked in the driveway will block the sidewalk which is not only inconvenient to pedestrians and difficult for wheelchair users, but is a violation of the vehicle code. *The Vesting Tentative Map needs to include a condition setting a 20'-0" setback from the rear edge of the sidewalk to the face of any garage.*

Condition  
#35

**Pettinoti Road** – The proposed Vesting tentative map shows a half-road pavement section for development of Pettinoti Road. I was told in the past that city improvements required a full curb-to-curb pavement. The proposed map shows the connection of Pettinoti Drive to the current end of Pettinoti to the west and ultimately to Snelling Highway, a much needed circulation improvement to the area. This will be a definite improvement to the traffic circulation in this area. *Pettinoti Road should be improved to a minimum of three-quarters of the curb-to-curb improvement for safety and provision of two and a half lanes of traffic in order to have room for parking and traffic. The improvement should be completed prior to the completion of any homes in phase II.*

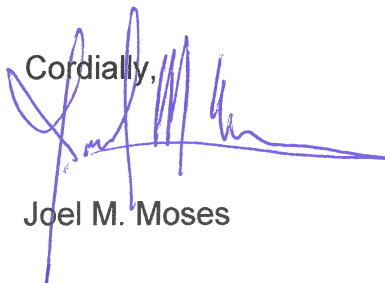
Condition  
#20

**Road Names** – In the past the City had a street naming policy requiring street names to fit a pattern for each area. This policy assists emergency responders and the general public to identify an areas of the city by street names. In this subdivision, a majority of the names fit into a preexisting street-name pattern with the unfortunate exception of two streets whose names do not fit the pattern. *Bayonet and Essex streets should be renamed to fit the established naming pattern.*

**Overall Street Traffic** – I am under the impression that improvements to Yosemite between San Augustine and Snelling Highway are in the offing. This development will have a direct impact on the current traffic and safety problem in this area. The same can be said for the section of Snelling Highway north of Olive. Hopefully these planned improvements can be made before the subdivision is started or completed.

I will be out of town and will not be able to attend the Commission meeting on October third, but my son, who also lives at this address, will be in attendance. Hopefully you will consider my request positively. If you have any questions feel free to contact me by phone at 559-395-2123.

Cordially,



Joel M. Moses

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

**Application:** Tentative Subdivision Map #1309 – Environmental Review #18-54

**Assessor Parcel Number or Location:** Assessor’s Parcel Number (APN): 206-030-021 and -022

**Previous Initial Study/EIR Reference:** This site was previously reviewed through Environmental Review #04-22 for Barnell Annexation [a supplement to Expanded Initial Study #01-32 for Fahrens Creek North Annexation (SCH #2001101082)].

**Original Project Date:** Initial Study #04-22 was approved on April 18, 2005, by the Merced City Council.

**Section A - Previous Studies**

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

**Comment/Finding:** The proposed project is consistent with the previous environmental review. The original subdivision map for this property expired. The currently proposed Tentative Subdivision Map is exactly the same as the map which expired. Therefore, there are no changes with this project.

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

**Comment/Finding:** There have been no changes in the circumstances under which the project is undertaken that would require major revisions in the previous EIR. There are no new significant environmental effects or substantial increases in the severity of previously identified environmental effects, and the area under consideration remains the same area previously evaluated.

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

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



**Section B - New Information**

- |   |  |  |
|---|--|--|
| A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration.   | <b>Yes</b><br><input type="checkbox"/> | <b>No</b><br><input checked="" type="checkbox"/> |
| B) Significant effects previously examined will be substantially more severe than shown in the previous EIR.  | <b>Yes</b><br><input type="checkbox"/> | <b>No</b><br><input checked="" type="checkbox"/> |
| C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.           | <b>Yes</b><br><input type="checkbox"/> | <b>No</b><br><input checked="" type="checkbox"/> |
| D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. | <b>Yes</b><br><input type="checkbox"/> | <b>No</b><br><input checked="" type="checkbox"/> |

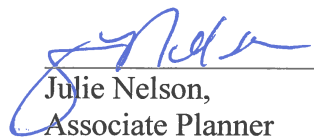
**Comment/Finding:** All previously identified mitigation measures will be enforced with this project including payment of Public Facility Impact Fees. Therefore, the resulting impacts are no greater than those previously analyzed and the previously imposed mitigation measures remain sufficient to address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

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

- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/>            | 1. It is found that subsequent negative declaration will need to be prepared.  |
| <input type="checkbox"/>            | 2. It is found that an addendum Negative Declaration will need to be prepared. |
| <input type="checkbox"/>            | 3. That a subsequent EIR will need to be prepared.                             |
| <input checked="" type="checkbox"/> | 4. No further documentation is required.                                       |

Date: September 10, 2018

Prepared By:

  
 \_\_\_\_\_  
 Julie Nelson,  
 Associate Planner

**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 \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and carried by the following vote:

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

ABSTAIN: Commissioner(s)

PLANNING COMMISSION RESOLUTION #4009

Page 2

October 3, 2018

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

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Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

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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.
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, street lights, and street trees.
20. Pettinotti Road shall be improved to three-quarters (3/4) of the ultimate width along the project frontage with the first 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. The City reserves the right to request additional improvements as determined 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. 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% 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 these improvements. The proportionate share shall be determined by the acreage included within the Barnell Annexation area. 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% 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 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% 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 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 shall provide cash security in an amount equal to 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 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).

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.