

CITY OF MERCED
Planning & Permitting Division

STAFF REPORT: #18-29

AGENDA ITEM: 4.3

FROM: Kim Espinosa,
Planning Manager

PLANNING COMMISSION
MEETING DATE: Oct. 3, 2018

PREPARED BY: Julie Nelson,
Associate Planner

SUBJECT: **Vesting Tentative Subdivision Map (VTSM) #1291**, 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). *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #18-56 (CEQA Section 15162 Findings)
- 2) Modifications to Vesting Tentative Subdivision Map #1291

SUMMARY

Vesting Tentative Subdivision Map (VTSM) #1291 was approved January 16, 2007, to subdivide 39.8 acres of land generally located on the east side of G Street at Merrill Place (extended) (Attachments A and B). The State of California granted tentative subdivisions maps several automatic extensions which kept the map alive. After a referral from the Site Plan Review Committee, the Planning Commission granted an additional extension of the map which extended the expiration date to January 16, 2019.

When the Planning Commission approved the extension, the following conditions were added to the tentative map approval:

- 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.

The required modifications to VTSM were made by the developer and they are now requesting approval of the modified Vesting Tentative Subdivision Map found at Attachment C.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve the Modification of Vesting Tentative Subdivision Map #1291 (including the adoption of the Revised Resolution at Attachment I) subject to the following amended and additional conditions (Note: ~~strikethrough~~ text indicates deleted text, underlined text indicates new text):

- *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.
- 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 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.

(*) Denotes non-discretionary conditions.

PROJECT DESCRIPTION

This request is for a modification of Vesting Tentative Subdivision Map #1291 in compliance with the conditions of approval for the recent extension granted by the Planning Commission. The proposed modifications place all the lots and all access on property owned by or under the control of Bright Development. To accommodate the conditions of approval, the number of lots have been reduced from 168 to 161 and some of the roads have been realigned and redesigned. For

comparison, the original subdivision map is provided at Attachment B and the modified map is provided at Attachment C.

Surrounding Uses
(Attachment A)

Surrounding Land	Existing Use of Land	City Zoning Designation	City General Plan Land Use Designation
North	Vacant Land	R-1-5	Low Density Residential (LD)
South	Vacant Land/Agriculture	P-D #53	Low-Medium Density Residential (LMD) & Village Residential (VR)
East	Vacant Land	RP-D #61	Village Residential (VR)
West	Residential (across G Street)	P-D #42	Low Density Residential (LD)

BACKGROUND

Vesting Tentative Subdivision Map #1291 was originally approved on January 16, 2007. This map as well as the Tentative Map for the Palisades subdivision to the north of this site were submitted at the same time. Both the developers of the Palisades subdivision (Rick Telegan and Lee Jay Kolligian for Leeco LLC) and Bright Development were using the same engineering firm (Golden Valley Engineering) at that time. In order to maximize the number of lots within each subdivision, the engineer designed the subdivisions with lots on each other’s property (Attachment D). At the time the maps were approved, the property owners planned to do a Lot Line Adjustment to rectify this situation. However, this never occurred, and now 16 lots from the Bright Development Subdivision Map are on property owned by Leeco LLC. The Palisades Tentative Map has expired as of January 2, 2018. Therefore, none of the lots originally approved with the Palisades subdivision are on the Bright property any longer.

On June 6, 2018, the Planning Commission approved an extension of Vesting Tentative Subdivision Map #1291 which extended the life of the map to January 16, 2019. The owner could request additional extensions under the provisions of the Subdivision Map Act.

FINDINGS/CONSIDERATIONS:

General Plan Compliance

- A) Vesting Tentative Subdivision #1291 (modified) complies with the General Plan designation of Low Density Residential (LD) and the Zoning designation of R-1-5.

Traffic/Circulation

- B) The biggest change to the subdivision map is the relocation of the north/south road running through the subdivision. As originally approved, the road curved more to the east before connecting with Merrill Place (extended). The modified map, realigns the road to stay off of property not owned by Bright Development and curves the road to the west. The north/south road would eventually connect to Foothill Drive providing access to G Street. Because this road will not be constructed with this subdivision, an emergency vehicle

access is being provided onto G Street (Attachment C). This access would be gated and would only be used by emergency vehicles. Once the north/south road connects to G Street, this access would be eliminated (Condition #34).

Access to Lot A (the area east of the subdivision) is not shown on the tentative map, but would be provided from the subdivision. Access could be obtained along "K" Street (the names will be changed with the final map). Condition #37 requires that access be provided to Lot A through the subdivision.

Site Design

- C) As described in the traffic section above, some of the roads have been redesigned and 7 lots have been lost with the redesign of the subdivision (Attachment C). The lot sizes are still approximately the same as with the previous map. The lots range in size from 5,000 square feet to over 10,000 square feet. These lot sizes are consistent with the R-1-5 zoning. The subdivision may be developed in two phases as shown on the map at Attachment C.

Neighborhood Impact/Interface

- D) Public hearing notices were sent to all property owners within 300 feet of the site. We received comments from one property owner, Rick Telegan. Those comments were written on a copy of the map and have been provided at Attachment E. The comment regarding the location of the pump station has been addressed with Condition #38. The proposed construction phases have been indicated on the map, the other two comments were not addressed. Staff also had a phone conversation with Mr. Telegan. At that time he expressed concern that no access had been shown for Lot A. Condition #37 requires access be provided to Lot A through this subdivision.

Staff received no other comments on this project.

Environmental Clearance

- E) 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 (Expanded Initial Study #04-02 for Pending Annexation/Pre-Zoning Application #04-01 adopted by the Merced City Council on April 17, 2006). A copy of the Section 15162 Findings can be found at Attachment F

Attachments:

- A) Location Map
- B) Original Map for VTSM #1291
- C) Modified Map for VTSM #1291

- D) Map of Palisades and Bright Development Subdivisions showing lots on each other's property
- E) Comments from Rick Telegan
- F) CEQA Section 15162 Findings
- G) Revised Planning Commission Resolution #2904

Ref: *N:\SHARED\PLANNING\STAFFREP\SR2018\SR 18-29 TSM #1291 Modification for Brigh Dev.docx*



MODIFICATION OF VTSM #1291 BRIGHT DEVELOPMENT

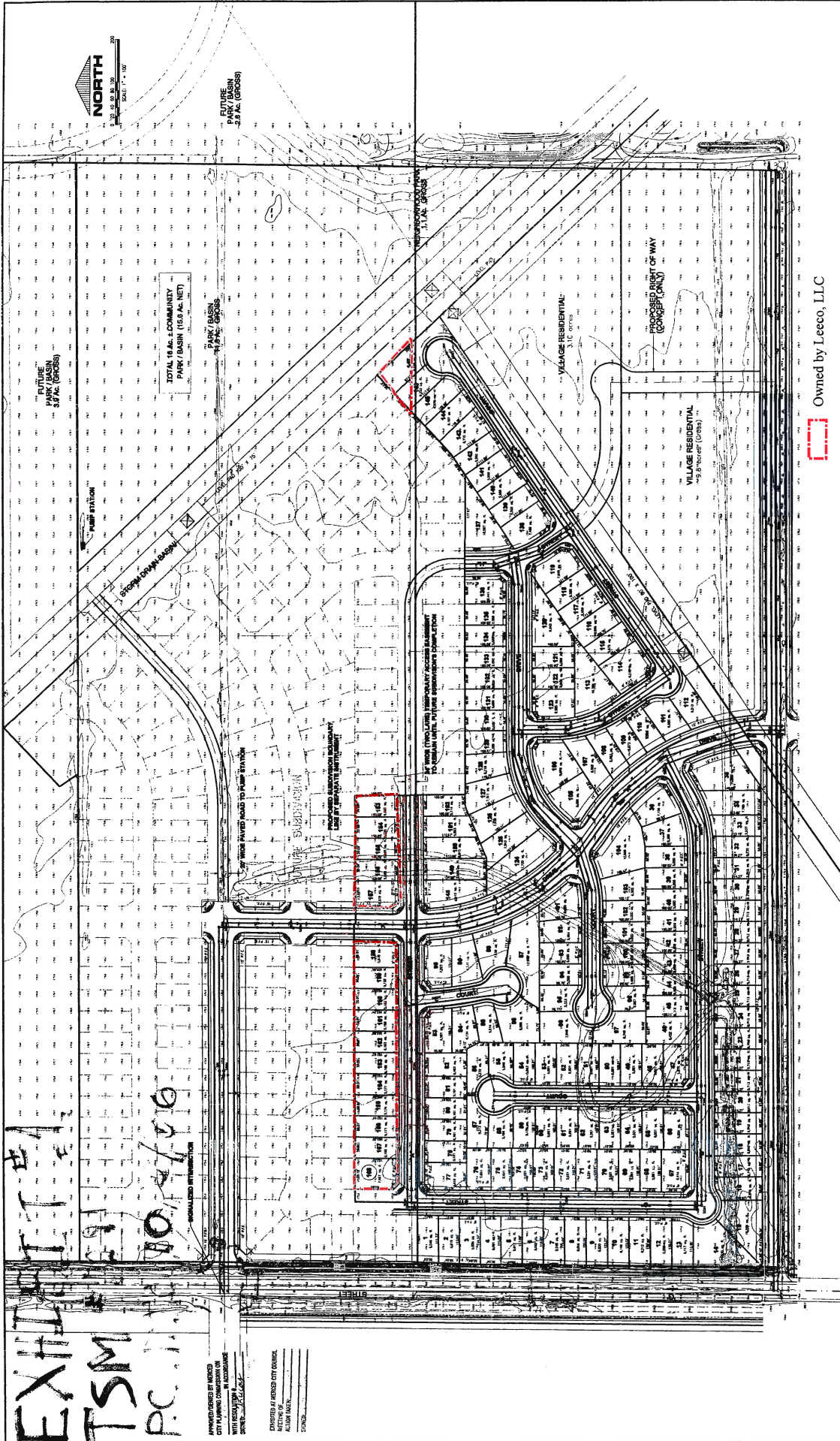
Disclaimer: This document was prepared for general inquiries only. The City of Merced is not liable for errors or omissions that might occur. Official information concerning specific parcels should be obtained from recorded or adopted City documents.

ATTACHMENT A



Subject Site

Original Vesting
Tentative Map #1291



DESIGNED: GOLDEN VALLEY ENGINEERING
DRAWN: BT/LJC/CL
CHECKED: JAI
DATE: JUNE 2008
JOB NO.: 04101, 04111, 04112
SHEET

2

VESTING TENTATIVE SUBDIVISION MAP
FOR
BRIGHT DEVELOPMENT
PORTION SECTION 5 & 8, T.7 S., R.14 E., M.D.B.A. M.
CITY OF MERCED

TENTATIVE MAP
BRIGHT HOMES
1801 W. STREET, SUITE 115
MERCED, CA 95341-1153
PROJECT: (209) 371-9425
CALL: (209) 652-2017
FAX: (209) 382-8281

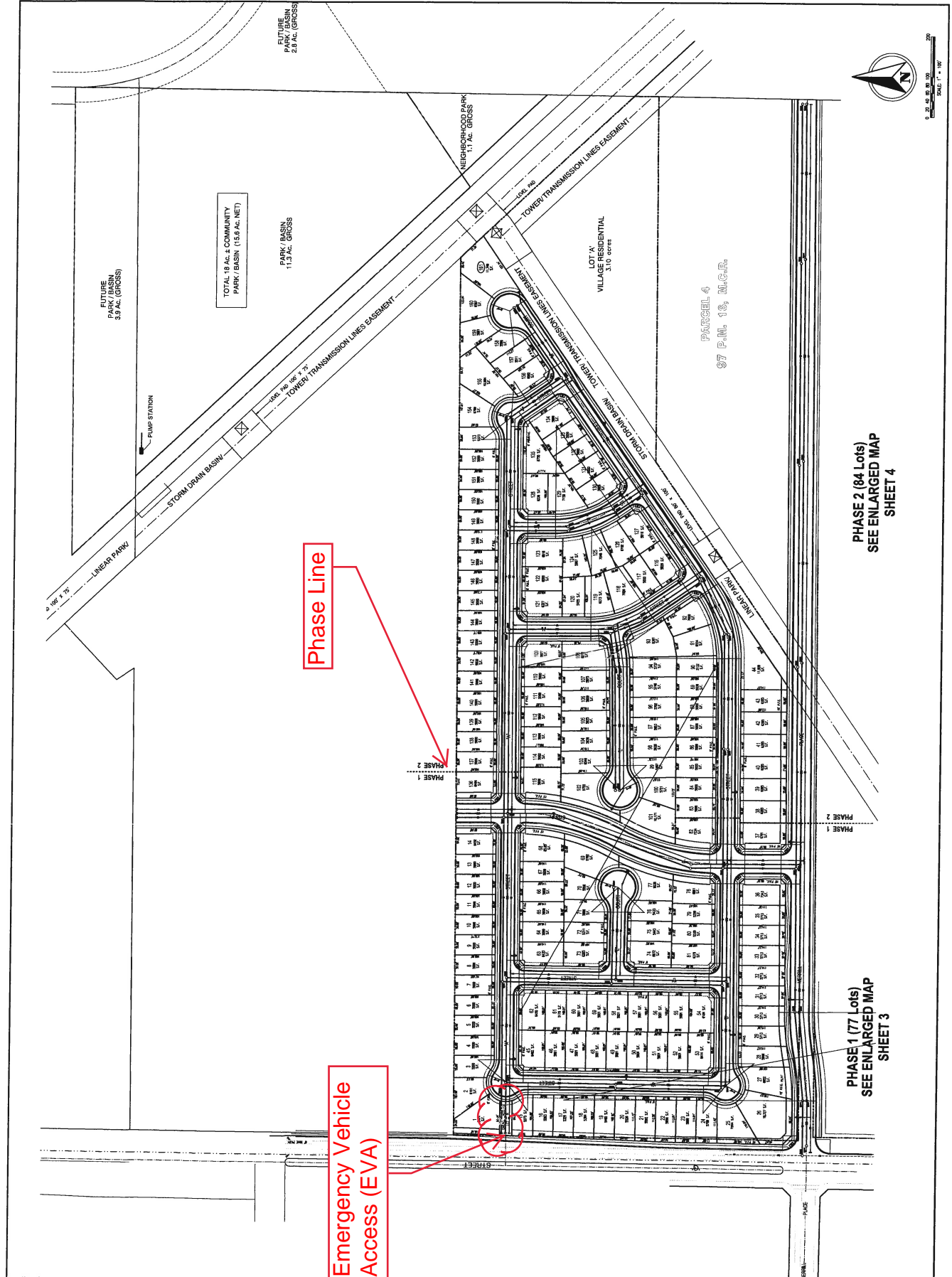
GOLDEN VALLEY ENGINEERING & SURVEYING
408 W. 18th Street - P.O. Box 940 - Merced, CA 95340
Phone (209) 722-5250 • Fax (209) 722-5254

THIS PROJECT IS IN ACCORDANCE WITH THE CITY OF MERCED'S SUBDIVISION MAP ACT AND THE CALIFORNIA SUBDIVISION MAP ACT. THE CITY ENGINEER'S REVIEW AND APPROVAL OF THIS TENTATIVE MAP DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE MAP AND DOES NOT CONSTITUTE A GUARANTEE OF THE LEGAL ASPECTS OF THE PROJECT. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE MAP AND DOES NOT CONSTITUTE A GUARANTEE OF THE LEGAL ASPECTS OF THE PROJECT.

MODIFIED VESTING TENTATIVE SUBDIVISION MAP FOR
BRIGHT DEVELOPMENT
 PORTION SECTION 5 & 8, T.7 S., R.14 E., M.D.B. & M.
 CALIFORNIA

PREPARED BY:
GOLDEN VALLEY ENGINEERING & SURVEYING
 1500 N. Carpenter Rd., Bldg. 'B'
 Merced, CA 95351
 Phone: (209) 526-3242
 Fax: (209) 723-3294
 Date: April 2018
 Scale: As Shown
 Drawn By: Rick R.
 Job No.: 18-001
 SHEET NUMBER

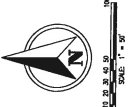
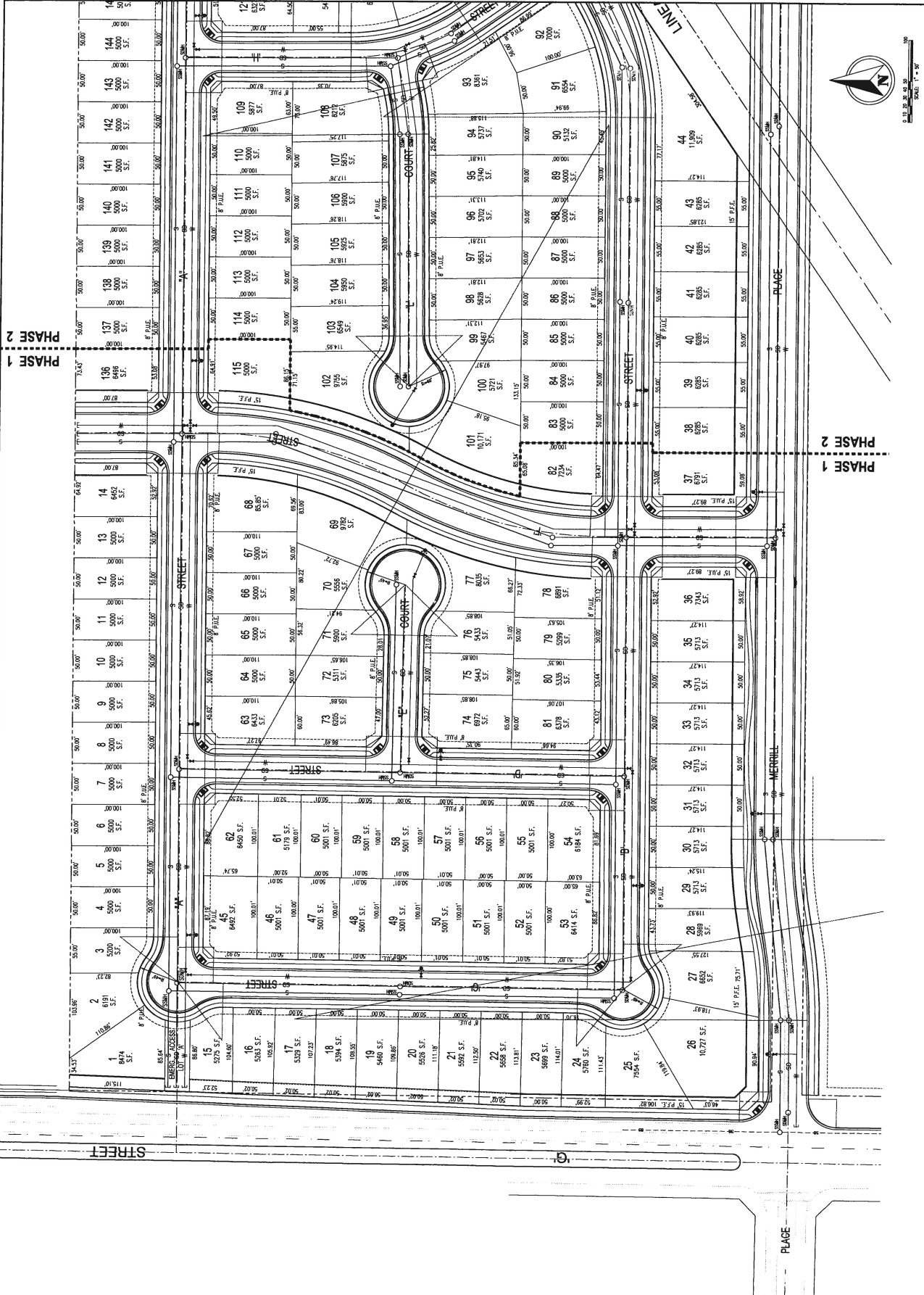
PROJECT:
 Subdivision Map
PROJECT NO.:
 BRIGHT DEVELOPMENT
 1500 N. Carpenter Rd., Bldg. 'B'
 Merced, CA 95351
 Phone: (209) 526-3242
DATE: April 2018
SCALE: As Shown
DRAWN BY: Rick R.
JOB NO.: 18-001
SHEET NUMBER:

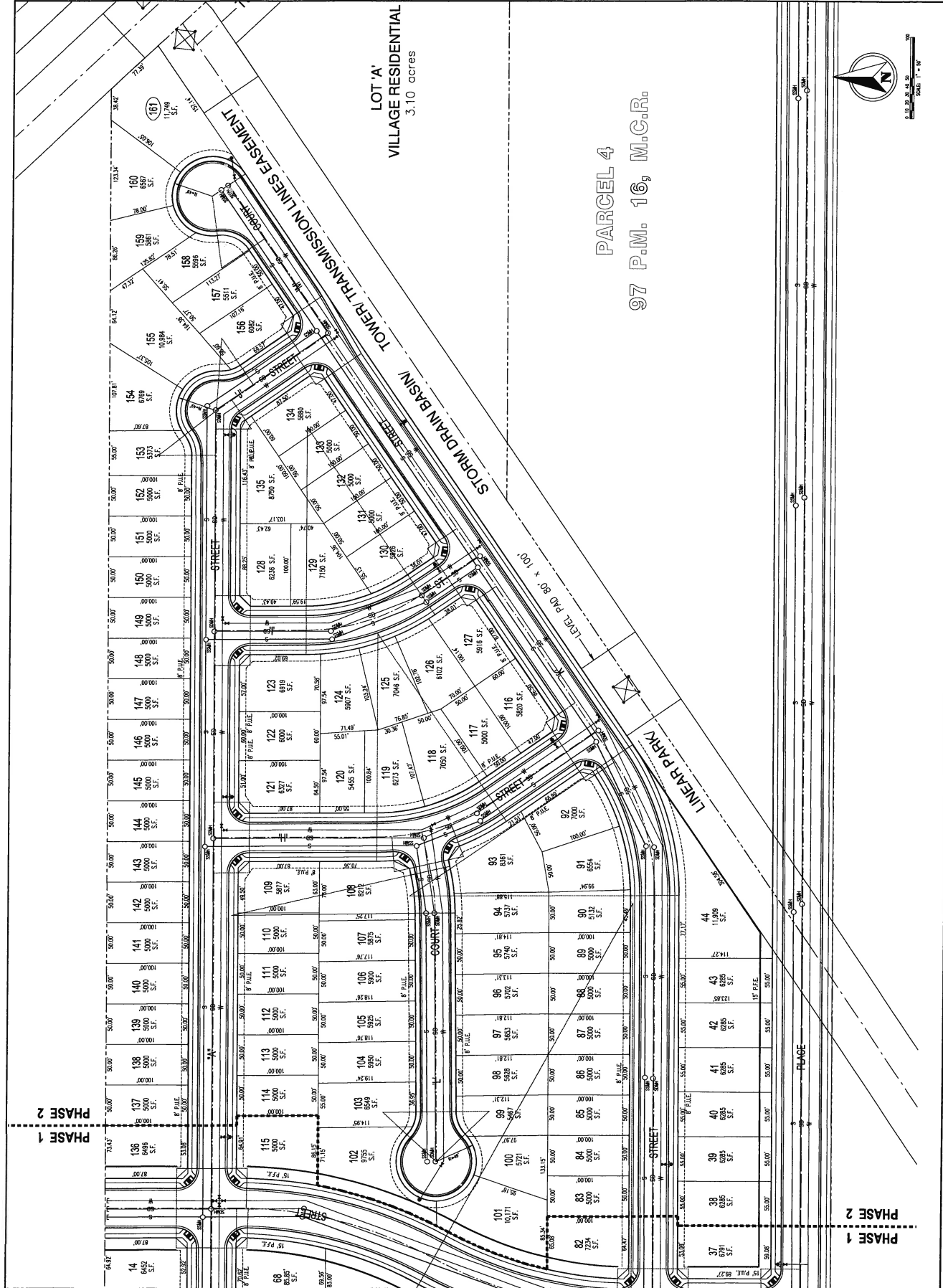


GOLDEN VALLEY
 ENGINEERING & SURVEYING
 105 West Lake Street, Suite 100
 Merced, CA 95351
 Phone: (209) 723-8294
 Fax: (209) 723-8294
 Website: www.goldenvalley.com

PORTION SECTION 5 & 8, T.7 S., R.14 E., M.D.B. & M.
BRIGHT DEVELOPMENT
 MODIFIED VESTING TENTATIVE SUBDIVISION MAP FOR

MERGED
 SHEET CONTAINS:
 Subdivision Map
 RECORDED FOR:
BRIGHT DEVELOPMENT
 Auto, Dna, Buz
 1850 N. Carpenter Rd., Bldg. B
 Merced, CA 95351
 PH: (209) 528-9242
 PROJECT DATE:
 Date: April 2018
 Scale: AS SHOWN
 Drawn By: P.B.R. R.
 Job No.: 18-031
 SHEET NUMBER:





FORWARDED TO:
 GOLDEN VALLEY
 ENGINEERING & SURVEYING
 200 West Lake Street, Suite 1050
 Merced, CA 95341
 Ph: (209) 723-3294

PROJECT NO.:
 DATE:
 SHEET NO.:
 SHEET TOTAL:
 PROJECT NAME:
 PROJECT LOCATION:
 PROJECT DESCRIPTION:
 PROJECT OWNER:
 PROJECT ENGINEER:
 PROJECT SURVEYOR:
 PROJECT CHECKER:
 PROJECT DATE:
 PROJECT SCALE:
 PROJECT STATUS:
 PROJECT COMMENTS:

CALIFORNIA

MODIFIED VESTING TENTATIVE SUBDIVISION MAP FOR
BRIGHT DEVELOPMENT
 PORTION SECTION 5 & 8, T.7S., R.14E., M.D.B. & M.

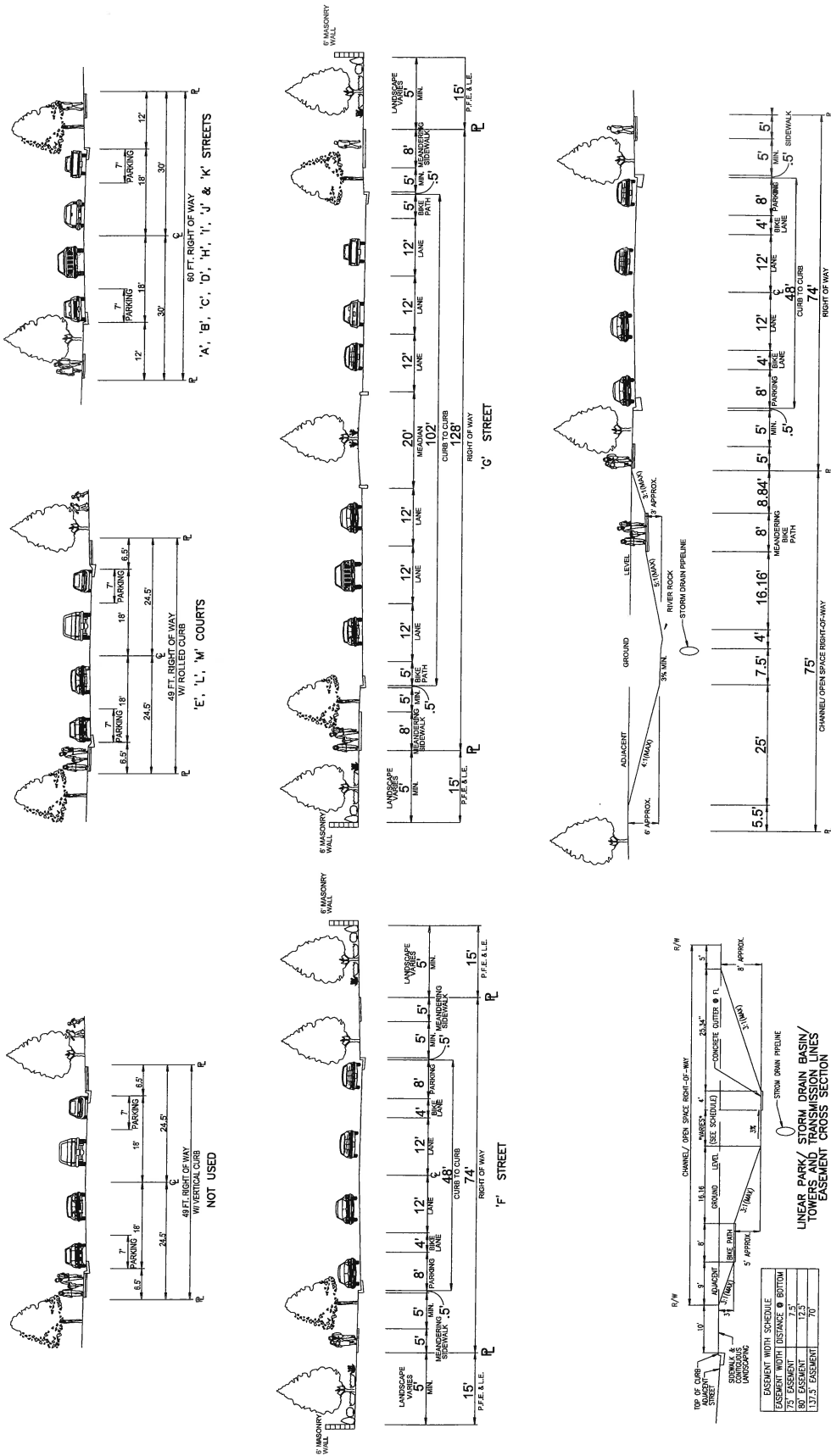
MERCED

NUMBER

SHEET COMMENTS
 Sheet Sections

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 DATE: April 2018
 SHEET NO.:
 SHEET TOTAL:
 PROJECT NAME:
 PROJECT LOCATION:
 PROJECT DESCRIPTION:
 PROJECT OWNER:
 PROJECT ENGINEER:
 PROJECT SURVEYOR:
 PROJECT CHECKER:
 PROJECT DATE:
 PROJECT SCALE:
 PROJECT STATUS:
 PROJECT COMMENTS:

PROJECT NO.:
 DATE: April 2018
 SHEET NO.:
 SHEET TOTAL:
 PROJECT NAME:
 PROJECT LOCATION:
 PROJECT DESCRIPTION:
 PROJECT OWNER:
 PROJECT ENGINEER:
 PROJECT SURVEYOR:
 PROJECT CHECKER:
 PROJECT DATE:
 PROJECT SCALE:
 PROJECT STATUS:
 PROJECT COMMENTS:



PROJECT NO. 17-00000001
 SHEET NO. 6
 DATE: 01/15/2018



GOLDEN VALLEY
 ENGINEERING & SURVEYING
 405 West 10th Street, Ste 100
 Modesto, CA 95351
 Phone: (209) 723-2294
 Fax: (209) 723-2294

PROJECT NO. 17-00000001
 SHEET NO. 6
 DATE: 01/15/2018

CALIFORNIA

**MODIFIED VESTING TENTATIVE SUBDIVISION MAP FOR
 BRIGHT DEVELOPMENT
 PORTION SECTION 5 & 8, T.7 S., R.14 E., M.D.B.& M.**

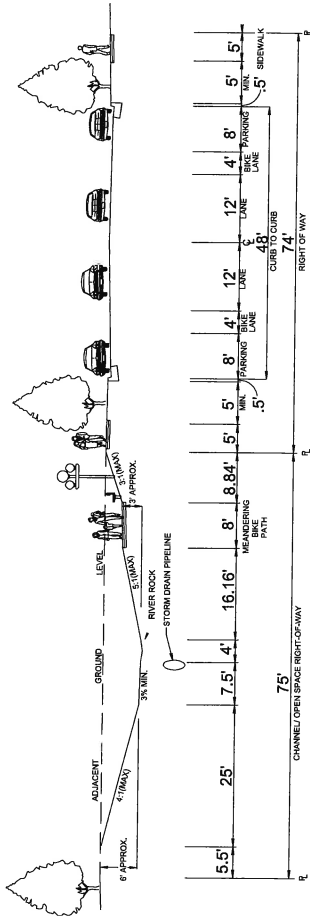
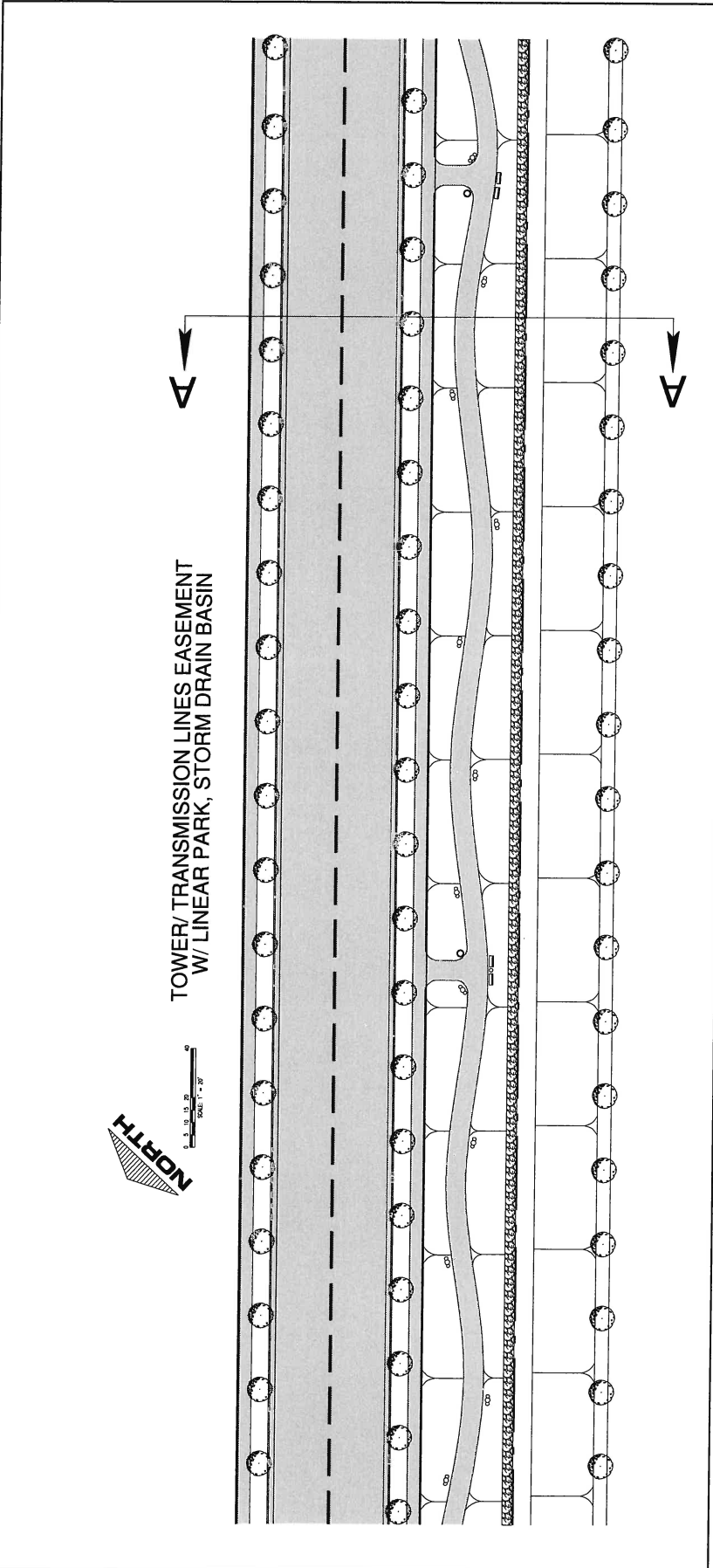
MERCED

NUMBER

SHEET CONTAINS:
 - Transmission Line Easement
 - Park Basin

PROJECT NO. 17-00000001
 SHEET NO. 6
 DATE: 01/15/2018

BRIGHT DEVELOPMENT
 1620 N. Campbell Rd., Bldg. 8
 Modesto, CA 95351
 Phone: (209) 566-6242

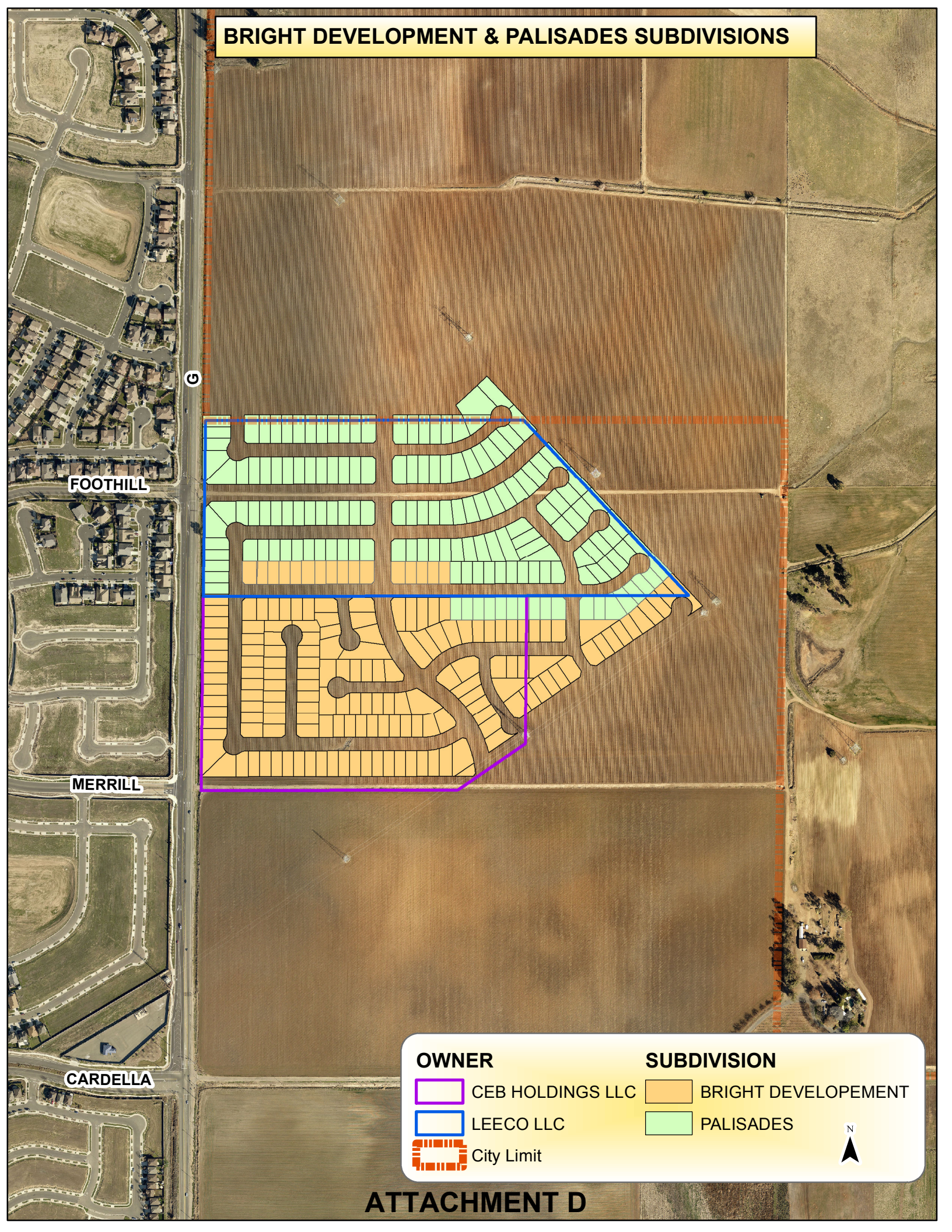


SECTION 'A-A'
 75' WIDE LINEAR PARK / STORM DRAIN BASIN /
 TOWERS AND TRANSMISSION LINES
 ADJACENT TO A 74' R.O.W.

SCALE: 1"=10'

CROSS SECTION

BRIGHT DEVELOPMENT & PALISADES SUBDIVISIONS








FOOTHILL

MERRILL

CARDELLA

G

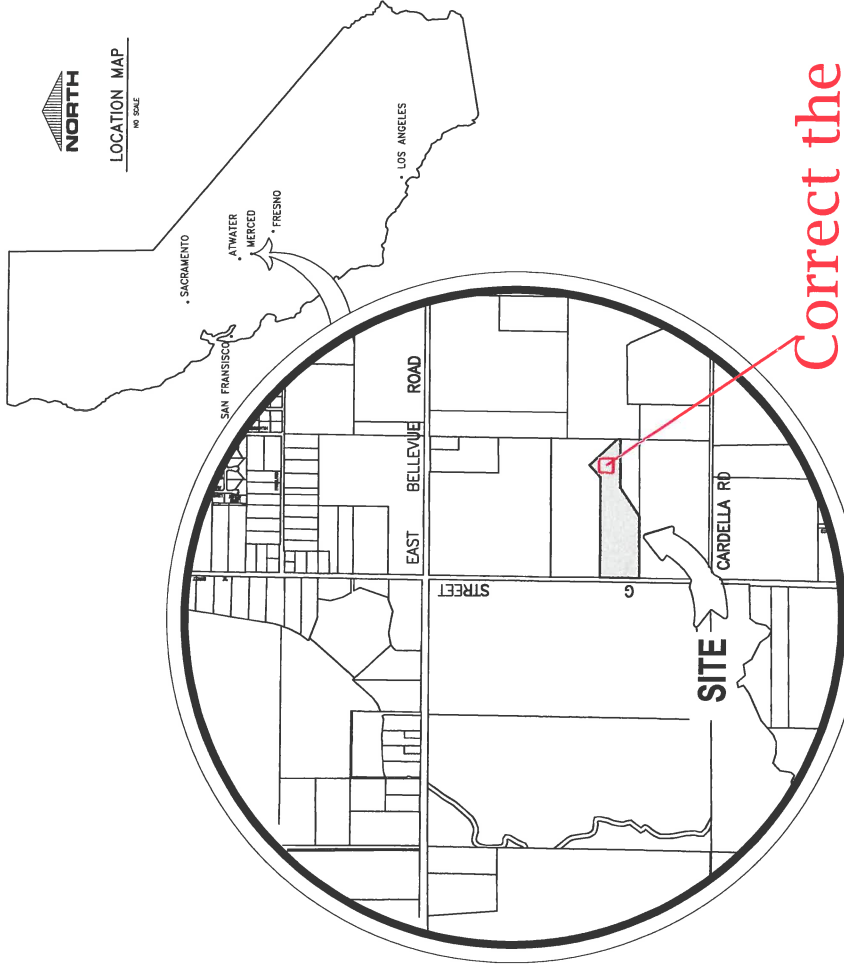
OWNER		SUBDIVISION	
	CEB HOLDINGS LLC		BRIGHT DEVELOPEMENT
	LEECCO LLC		PALISADES
	City Limit		



Comments received from Rick Telegan via e-mail 8/17/2018.

MODIFIED VESTING TENTATIVE SUBDIVISION MAP FOR BRIGHT DEVELOPMENT PORTION SECTION 5 & 8, T.7 S., R.14 E., M.D.B.& M.

If this map is to be phased, show phase lines on the map.



SUBDIVISION MAP NOTES:
INFORMATION REQUIRED PER MERCED MUNICIPAL CODE SECTION 18.16.080
1.) LOCATION MAP AS SHOWN HEREON.
2.) TRACT MAP DATE, NORTH ARROW, SCALE AND LOCAL DESCRIPTION AS SHOWN ON THE TRACT MAP.
3.) OWNER, CESS FLOWLINES, ADDRESS, PERMITS, AND ADJACENT TO THE PROPOSED SUBDIVISIONS TO BE RECORDED WITH THIS MAP.
4.) SUBDIVISIONS WITH INTERESTS IN BLOCK 8
1620 N. CREWATER RD., BLOCK 8
MERCED, CA 95301-1153
PH: (209) 532-9213
1620 N. CROWDER RD., BLOCK 8
MERCED, CA 95301-1153
PH: (209) 203-9424
5.) MAP PREPARED BY: GOLDEN VALLEY ENGINEERING & SURVEYING, INC.
2525 N. STURGEON AVENUE
MERCED, CA 95300
(209) 722-3200

6.) AVERAGE APPROXIMATELY 28.22 ACRES (GROSS)
7.) CONTIGUOUS AS SHOWN GROUND RELATIVELY FLAT
8.) SURFACE GRADE, ELEVATIONS, AND GRADES OF ALL EXISTING AND PROPOSED ROADS, BRIDGES, AND ADJACENT TO THE PROPOSED SUBDIVISIONS TO BE RECORDED WITH THIS MAP.
9.) LOCATION AND DESCRIPTION OF ALL EXISTING AS SHOWN HEREON GOLF CROFT PUBLIC FACILITY EXISTENCES TO BE PROVIDED ALONG ALL LOT FRONTAGES.
10.) LOCATION AND SIZE OF ALL EXISTING AND PROPOSED PUBLIC UTILITIES AS SHOWN ON THIS MAP.
11.) LOCATION AND DESCRIPTION OF ALL EXISTING AND PROPOSED PUBLIC UTILITIES AS SHOWN ON THIS MAP.
12.) ANY OTHER PUBLIC UTILITIES EXISTING WITHIN OR ADJACENT TO THE PROPOSED SUBDIVISIONS TO BE RECORDED WITH THIS MAP.
13.) PUBLIC OPEN SPACE EXISTING WITHIN OR ADJACENT TO THE PROPOSED SUBDIVISIONS TO BE RECORDED WITH THIS MAP.
14.) LOT SIZES, APPROXIMATE DIMENSIONS AND AREA OF EACH REGULAR LOT AND LOT NUMBERS AS SHOWN.
15.) CITY LIMIT LINES AS SHOWN.
16.) INTENDED LAND USE, RESIDENTIAL, R-1-5
DESIGN: NEIGHBORHOOD (LUMP UNITS PER GROSS ACRE)
17.) ALL ZONING ORDINANCES AND ORDINANCES TO BUREAU 7/4 SECTION CORNER AS SHOWN HEREON.
18.) PROPOSED PUBLIC IMPROVEMENTS FOR CITY STANDARDS.
19.) DEVELOPMENT PHASE: THE DEVELOPER RESERVES THE RIGHT TO PHASE THIS PROJECT IN ACCORDANCE WITH THE PROVISIONS OF THE STATE SUBDIVISION MAP ACT.
20.) THE ORDER AND PRIORITY OF LAND IMMEDIATELY ADJACENT TO SUBDIVISIONS AS SHOWN HEREON.
21.) PRELIMINARY TITLE REPORT TO BE SUBMITTED WITH TENTATIVE MAP.
22.) EXISTING BUILDINGS WITHIN THE SUBDIVISION AS SHOWN.
23.) ALL EXISTING TREES.
24.) ANY OTHER INFORMATION OF INTEREST TO THE COUNTY AND ALL WATER COURSES AS SHOWN HEREON. THE SITE IS WITHIN FLOOD ZONE "X" ZONE NUMBER 004290C AND IS SUBJECT TO SPECIAL FLOOD HAZARD ZONING. NUMBER 004290C IS EFFECTIVE DATE AUGUST 2, 1993 PREPARED BY F.E.A.A.

SHEET INDEX:

1	TITLE SHEET
2	OVERALL SUBDIVISION MAP
3	ENLARGED SUBDIVISION MAP (WEST)
4	ENLARGED SUBDIVISION MAP (EAST)
5	STREET SECTIONS
6	TRANSMISSION LINES PARK BASIN

LEGEND:

○	PROPOSED STREET LIGHT
□	PROPOSED STREET CLEAN OUT
○	PROPOSED WATER BLUM OFF
□	PROPOSED WATER BLUM ON
+	PROPOSED WATER SOURCE
—	PROPOSED WATER SERVICE
+	DRAINAGE FLOW DIRECTION
+ 12.26	EXISTING CHANAL ELEVATION
○	PROPOSED RADIUS OF ROAD
□	PROPOSED WATER MAIN
+	PROPOSED WATER MAIN
+	PROPOSED STORM SEWER MAIN
+	PROPOSED STORM SEWER MAIN
+	PROPOSED SANDPILE UNDER BRIDGE
+	PROPOSED WATER MAIN
+	PROPOSED DITCH MAIN
+	PROPOSED WHEEL ORIE RAMP
P/F	PUBLIC FACILITIES FOOTPRINT
C.T.	CITY BOUNDARY

Correct the parcel boundary

GOLDEN VALLEY ENGINEERING & SURVEYING
P.O. BOX 900
1000 N. CREWATER RD., BLOCK 8
MERCED, CA 95301-1153
PH: (209) 722-3200
FAX: (209) 722-3254
N. DATE: 03/08/2018
SHEET NUMBER: 1

BRIGHT DEVELOPMENT
MODIFIED VESTING TENTATIVE SUBDIVISION MAP FOR
PORTION SECTION 5 & 8, T.7 S., R.14 E., M.D.B.& M.
MERCED CALIFORNIA

PROJECT INFORMATION:

PROJECT NAME:	BRIGHT DEVELOPMENT
DATE OF MAP:	03/08/2018
SCALE AS SHOWN:	
DRAWN BY:	RICK TELEGAN
CHECKED BY:	RICK TELEGAN
REVIEWED BY:	

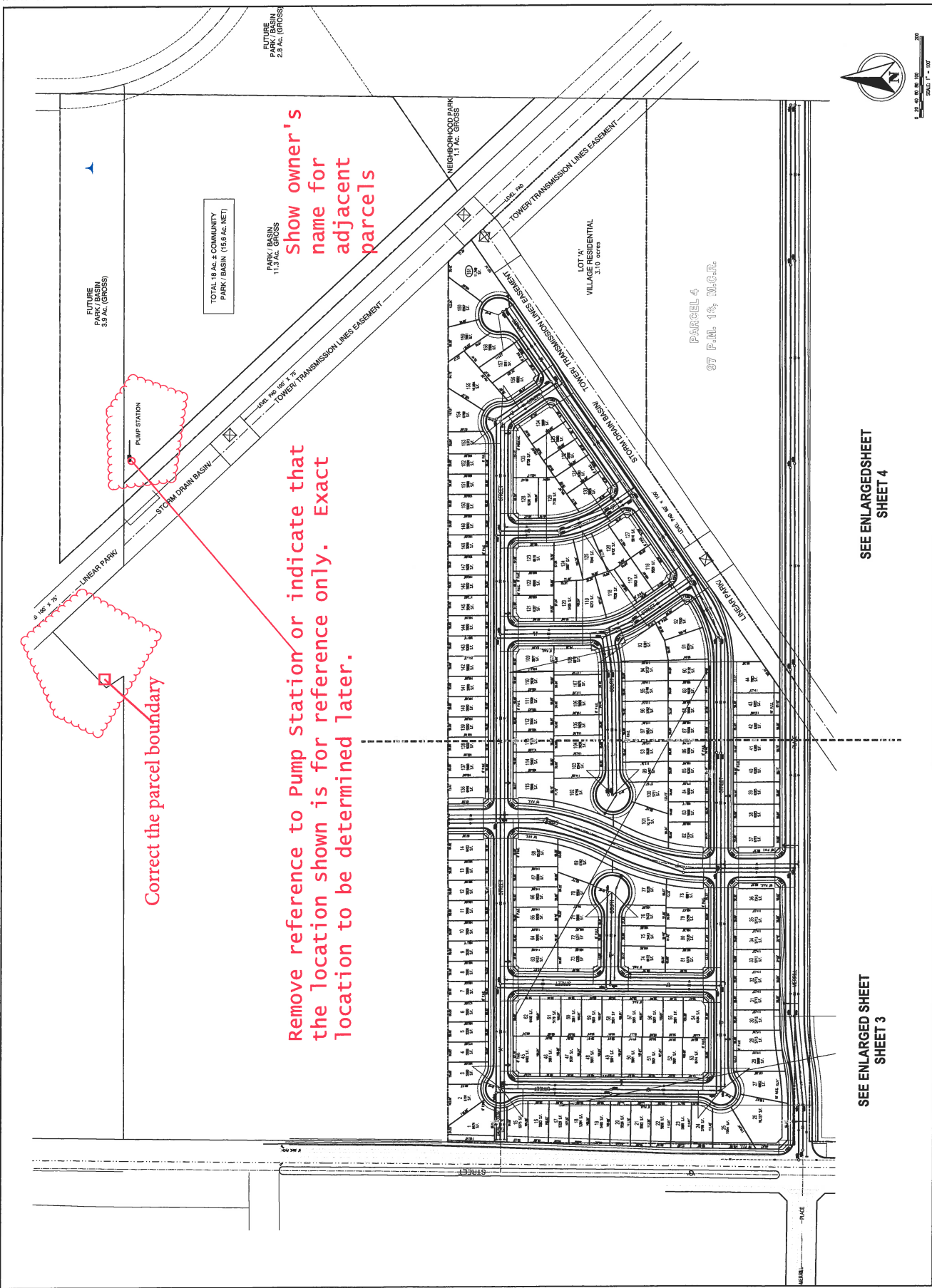
PROJECT DEVELOPER:
4410 Olin Blvd
1620 N. Crewater Rd., Bldg. 8P
Merced, CA 95301-1153
PH: (209) 532-9242

GOLDEN VALLEY
ENGINEERS & ARCHITECTS
 405 West 10th Street, Suite 200
 P.O. Box 346, Ukiah, CA 95568
 Ph: (709) 722-2000
 Fax: (709) 722-2004

PROJECT: BRIGHT DEVELOPMENT
 SHEET: 2

CALIFORNIA
 BRIGHT DEVELOPMENT
 MODIFIED VESTING TENTATIVE SUBDIVISION MAP FOR
 PORTION SECTION 5 & 8, T.7 S., R.14 E., M.D.B.&M.
 MERCED
 DRAWN BY: RICK R.
 CHECKED BY: [Signature]
 DATE: April 2018

PROJECT: BRIGHT DEVELOPMENT
 ADDRESS: 405 West 10th Street, Suite 200, Ukiah, CA 95568
 PHONE: (709) 722-2000
 DATE: April 2018
 DRAWN BY: RICK R.
 CHECKED BY: [Signature]
 SHEET NUMBER: 2



SEE ENLARGED SHEET
 SHEET 4

SEE ENLARGED SHEET
 SHEET 3

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

Application: Vesting Tentative Subdivision Map #1291 (Modification) – Environmental Review #18-56

Assessor Parcel Number or Location: Assessor’s Parcel Number (APN): 060-030-037 and -017

Previous Initial Study/EIR Reference: This site was previously reviewed through Expanded Initial Study #04-02, resulting in a Mitigated Negative Declaration. The current proposal to modify an approved Vesting Tentative Subdivision map by reducing the number of lots and realigning the roads within the subdivision.

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

Section A - Previous Studies

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

Comment/Finding: The proposed modifications to the tentative map are consistent with the previous environmental review. This site was identified in the previous environmental review for single-family dwellings. Thus, this project remains consistent with the previous environmental review.

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

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

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

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

Section B - New Information

- | | | |
|---|--|--|
| A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration. | Yes
<input type="checkbox"/> | No
<input checked="" type="checkbox"/> |
| B) Significant effects previously examined will be substantially more severe than shown in the previous EIR. | Yes
<input type="checkbox"/> | No
<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. | Yes
<input type="checkbox"/> | No
<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. | Yes
<input type="checkbox"/> | No
<input checked="" type="checkbox"/> |

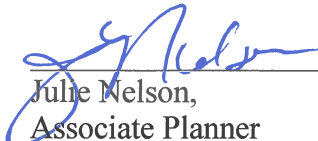
Comment/Finding: All previously identified mitigation measures will be enforced with this project including payment of Public Facility Impact Fees. Therefore, the resulting impacts are no greater than those previously analyzed and the previously imposed mitigation measures remain sufficient to address 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 #2904

AMENDED by Planning Commission on 6/6/18 – see pg. 10
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Extended on 7/15/08, 7/15/09, 7/15/11, 7/11/13, and 10/10/15–See Pages 9-10
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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 – 4th 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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October 10, 2015/ June 6, 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 8th day of November, 2006



Chairman, Planning Commission of
the City of Merced, California

ATTEST:


Secretary

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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 – 4th 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.

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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.

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.
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 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.
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 50th 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.
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.
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.
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.

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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