

**CITY OF MERCED**  
**Planning Commission**

**MINUTES**

Merced City Council Chambers  
Wednesday, April 3, 2019

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

**ROLL CALL**

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

Commissioners Absent: Mary Camper (unexcused)

Staff Present: Director of Development Services McBride, Planning Manager Espinosa, Associate Planner Nelson, Associate Planner Mendoza-Gonzalez, Chief Deputy City Attorney Fincher, Secretary I Hensley, and Recording Secretary Davis

1. **APPROVAL OF AGENDA**

Commissioner PADILLA motioned for the Agenda to be amended to move Item 4.3 ahead of Item 4.2.

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

2. **MINUTES**

M/S PADILLA-HARRIS, and carried by unanimous voice vote (one absent), to approve the Minutes of March 20, 2019, as submitted.

3. **COMMUNICATIONS**

None

4. **ITEMS**

- 4.1 Conditional Use Permit #1229, initiated by 59 Petroleum, LLC, on behalf of Louann Bianchi, property owner. This application involves a request to sell beer and wine for off-site consumption for a new gas station (Arco AM/PM), generally located at the northwest corner of Santa Fe Drive/Olive Avenue and N. Highway 59 (3297 Santa Fe Drive), within a zoning classification of Thoroughfare Commercial (C-T) and a General Plan designation of Thoroughfare Commercial (CT) once the annexation to the City is completed.

Associate Planner MENDOZA-GONZALEZ reviewed the report. For further information, refer to Staff Report #19-10.

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

Speaker from the Audience in Favor:

CHARLIE NATTLAND, CSHQA, representing the applicant

No one spoke in opposition to the project.

Public testimony was completed at 7:14 p.m.

M/S PADILLA-DREXEL, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #19-05, and approve Conditional Use Permit #1229, subject to the Findings and twenty-three (23) Conditions set forth in Staff Report #19-10, deleting Condition #9 as follows (RESOLUTION #4018):

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

~~“9. No beer shall be displayed or store outside of the cooler areas.”~~

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

NOES: None

ABSENT: Commissioner Camper

ABSTAIN: None

- 4.3 General Plan Amendment #19-01 and Vacation #18-01, initiated by the City of Merced. This application involves a request to modify the City of Merced Circulation Plan (Figures 4.1 and 4.2) and all associated maps and descriptions throughout the General Plan, for the purpose of vacating excess right-of-way and easements along Mission Avenue, between Coffee Street and State Highway 99.

Associate Planner MENDOZA-GONZALEZ reviewed the report. For further information, refer to Staff Report #19-09.

Public testimony was opened at 7:25 p.m.

Speaker from the Audience in Favor:

GREGORY WELLMAN, Merced, representing the applicant

No one spoke in opposition to the project.

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

The Commission asked for clarification from staff on the motion they would need to make. Staff indicated that a motion should be made on the General Plan Amendment and a separate one on the vacation.

Commissioner PADILLA inquired about the ownership of the land described in the proposed vacation.

Chief Deputy City Attorney FINCHER clarified that ownership could not be determined before they received a title report, but that it would not affect the decision before the Commission.

Commissioner PADILLA expressed concern over how the land would be transferred and suggested postponing the decision.

Planning Manager ESPINOSA explained that issues related to the ownership of the property are reserved for City Council, and should not affect the Commission's recommendation on whether the roadway is needed in the future.

M/S HARRIS-DREXEL, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #19-07, and to recommend approval of General Plan Amendment #19-01 (RESOLUTION #4019).

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

NOES: None

ABSENT: Commissioner Camper

ABSTAIN: None

M/S HARRIS-RASHE, and carried by the following vote, to find that the proposed Vacation (to vacate Mission Avenue, west of Coffee Street), is consistent with the *Merced Vision 2030 General Plan*.

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

NOES: None

ABSENT: Commissioner Camper

ABSTAIN: None

4.2 Vesting Tentative Subdivision Map #1291, initiated by Bright Development. This application involves a request for a one-year extension of time for filing a final map for VTSM #1291. VTSM #1291 would allow the subdivision of 39.8 acres of land into 161 single-family lots 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). This extension request was referred to the Planning Commission for final action by the City's Site Plan Review Committee on February 14, 2019.

Associate Planner NELSON reviewed the report. For further information, refer to Staff Report #19-09.

Commissioner DREXEL asked staff to clarify if approving the extension would violate any state laws or place residents in immediate danger. Staff indicated that would not be the case.

Public testimony was opened at 7:51 p.m.

Speakers from the Audience in Favor:

DAVE BUTZ, Bright Development, Modesto, representing the applicant  
JOHN DUNN, Bright Development, Modesto, representing the applicant  
MARK BEISSWANGER, Bright Development, Modesto, representing the applicant

Commissioner PADILLA inquired of the applicant about when they were planning to break ground on the project, and if they plan to apply for another extension.

Mr. BUTZ remarked that they hoped to break ground in either 2020 or 2021, and reiterated that this tentative submission map was still eligible for a final extension next year.

Speakers from the Audience Neutral/in Opposition:

RICK TELEGAN, Fresno

RICK TELEGAN noted his support for the project, but also stated that the proposed Emergency Vehicle Access was a public health and safety concern, and that it violated the *Merced Vision 2015 General Plan*.

Public testimony was closed at 8:51 p.m.

M/S PADILLA-DREXEL, and carried by the following vote, to approve the Extension of Vesting Tentative Subdivision Map #1291 through January 16, 2020 (RESOLUTION #2904).

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

NOES: None

ABSENT: Commissioner Camper

ABSTAIN: None

5. **INFORMATION ITEMS**

5.1 Calendar of Meetings/Events

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

Commissioners HARRIS and MARTINEZ informed the Commission that they will not be present for the Planning Commission meeting of April 17, 2019.

6. ADJOURNMENT

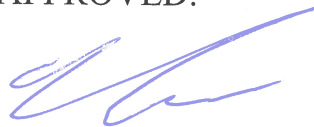
There being no further business, Chairperson DYLINA adjourned the meeting at 8:29 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary  
Merced City Planning Commission

APPROVED:



ROBERT DYLINA, Chairperson  
Merced City Planning Commission

**CITY OF MERCED**  
**Planning Commission**

**Resolution #4018**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of April 3, 2019, held a public hearing and considered **Conditional Use Permit #1229**, initiated by 59 Petroleum, LLC, on behalf of Louann Bianchi, property owner. This application involves a request to sell beer and wine for off-site consumption for a new gas station (Arco AM/PM), generally located at the northwest corner of Santa Fe Drive/Olive Avenue and N. Highway 59 (3297 Santa Fe Drive), within a zoning classification of Thoroughfare Commercial (C-T), and a General Plan designation of Thoroughfare Commercial (CT) once the annexation to the City is completed; also known as Assessor's Parcel Number (APN) 057-200-067; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through E of Staff Report #19-10; and,

**NOW THEREFORE**, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #19-05, and approve Conditional Use Permit #1229, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

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

NOES: None

ABSENT: Commissioner Camper

ABSTAIN: None

PLANNING COMMISSION RESOLUTION # 4018

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April 3, 2019

Adopted this 3 day of April 2019.

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

ATTEST:

  
\_\_\_\_\_  
Secretary

Attachment:

Exhibit A – Conditions of Approval

n:shared:planning:PC Resolutions: CUP#1229 (Alc sales for off-site consumption at new gas station)



**Conditions of Approval**  
**Planning Commission Resolution #4018**  
**Conditional Use Permit #1229**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (floor plan) -- Attachment D of Staff Report #19-10, except as modified by the conditions.
2. All conditions contained in Resolution #1249-Amended (“Standard Conditional Use Permit Conditions”—except for Condition #16 which has been superseded by Code) shall apply.
3. The Project shall comply with the conditions set forth in Planning Commission Resolution #3095 for Pre-zoning Application #15-01 and General Plan Amendment #15-04, previously approved for this project (Attachment I of Staff Report #19-10).
4. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

5. 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.
6. Sufficient lighting shall be provided throughout the site to provide a safe environment for employees and patrons of the business.
7. All landscaping shall be kept healthy and maintained in good condition and any damaged or missing landscaping shall be replaced immediately.
8. The premises shall remain clean and free of debris and graffiti at all times. Any damaged materials shall be replaced by matching materials.
9. A temporary banner permit shall be obtained prior to installing any temporary signs. Free-standing temporary signs (i.e., sandwich boards, A-frame signs, etc.) are prohibited.
10. No display or sale of beer or wine shall be made from an ice tub.
11. Employees shall be at least 21 years old to sell alcohol.
12. The proprietor and/or successors in interest and management shall comply with all Municipal Codes relating to loitering, open container laws, and other nuisance-related issues.
13. The area within the convenience market dedicated to the display and sale of beer shall not be more than 7 cooler spaces (typical of those found in a grocery store or convenience market) or 150 square feet, in addition to 60 square feet outside the cooler area. The area dedicated to the display and sale of wine on free-standing shelves or coolers shall not exceed 20 square feet.
14. The City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace, and disorderly conduct result from the proposed land use, the conditional use permit may be subject to review and revocation by the City of Merced after a public hearing and in conformance with the procedures outlined in the Merced Municipal Code.

15. No single-serving containers shall be sold separately unless authorized by the City of Merced Police Department. All single-serving beer and wine cooler containers shall be sold as part of a pack or carton. However, wine bottles or cartons of sizes 750 ml or larger may be sold as single-serving containers.
16. No alcohol shall be displayed within five feet of the cash register or the front door.
17. No advertisement of alcoholic beverages shall be displayed on motor fuel islands, in landscaped areas, or outside the buildings or windows.
18. No self-illuminated advertising for alcoholic beverages shall be located on buildings or windows.
19. No sale of alcoholic beverages shall be made from a drive-up window.
20. The business shall comply with all applicable requirements from the Merced County Health Department.
21. This approval is subject to the business owner being in good standing with all laws of the State of California, including the Alcohol Beverage Control (ABC), City of Merced, and other regulatory agencies.
22. A permanent tamper-proof outdoor trash receptacle shall be installed near the main entrance to the convenience market.
23. The conditional use permit will only become valid on the date that the annexation to the City is complete. If the annexation is not completed within two years of this Planning Commission date, the approval will be null and void, and a new conditional use permit would need to be applied for.

n:\shared\planning\PC Resolutions: CUP #1229 Exhibit A

**CITY OF MERCED**  
**Planning Commission**

**Resolution #4019**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of April 3, 2019, held a public hearing and considered **General Plan Amendment #19-01**, initiated by the City of Merced. This application involves the review and recommendation to the City Council for a request to modify the City of Merced Circulation Plan (Figures 4.1 and 4.2) and all associated maps and descriptions throughout the General Plan, to vacate excess right-of-way and easements along Mission Avenue, between Coffee Street and State Highway 99; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through D of Staff Report #19-09; and,

**NOW THEREFORE**, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council adoption of a Categorical Exemption regarding Environmental Review #19-07, and approval of General Plan Amendment #19-01.

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

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

NOES: None

ABSENT: Commissioner Camper

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4019

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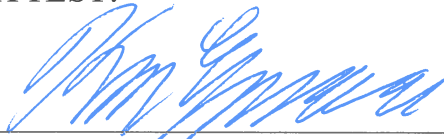
April 3, 2019

Adopted this 3<sup>rd</sup> day of April 2019



Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:



Secretary

**CITY OF MERCED  
Planning Commission**

**Resolution #2904**

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

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

Extended on 7/15/08, 7/15/09, 7/15/11, 7/11/13,  
10/10/15, and 4/3/2019–See Pages 9-14

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

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

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

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

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

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

PLANNING COMMISSION RESOLUTION #2904

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November 8, 2006 /January 16, 2007/August 3, 2010/July 15, 2011/July 11, 2013 /  
October 10, 2015/ June 6, 2018/October 3, 2018 /April 3, 2019

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

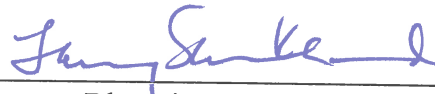
Upon motion by Commissioner Amey, seconded by Commissioner Burr, and carried by the following vote:

AYES: Commissioners Acheson, Amey, Burr, and Chairman Shankland

NOES: Commissioner Ward


ABSENT: Commissioners Conte and Fisher

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



Chairman, Planning Commission of  
the City of Merced, California

ATTEST:

  
Secretary

PLANNING COMMISSION RESOLUTION #2904

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November 8, 2006/January 16, 2007/July 15, 2008/July 15, 2009/July 15,  
2011/July 11, 2013/Oct. 10, 2015/June 6, 2018/Oct. 3, 2018/April 3, 2019

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

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

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

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



## PLANNING COMMISSION RESOLUTION #2904

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November 8, 2006/January 16, 2007/July 15, 2008/July 15, 2009/July 15,  
2011/July 11, 2013/Oct. 10, 2015/June 6, 2018/Oct. 3, 2018/April 3, 2019

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,

PLANNING COMMISSION RESOLUTION #2904

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

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

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

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

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

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

~~12. Dedicate additional G Street right of way and easements to match Merced Vision 2015 General Plan requirements for 128 foot wide arterial, plus landscape and public facilities easements of 15 feet in width, including the construction of a 6 foot high masonry wall. Consistent with Planning Commission Resolution #2871 (Absolute Leeco Annexation), all of “G” Street within the annexation boundary shall be constructed at the time of improvements for the first tentative map, along with all other requirements listed in Condition #7 of said Resolution.~~

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

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

## PLANNING COMMISSION RESOLUTION #2904

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

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

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

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

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

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

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

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

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

Deleted by  
PC on  
10/3/18.

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

PLANNING COMMISSION RESOLUTION #2904

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2011/July 11, 2013/Oct. 10, 2015/June 6, 2018/Oct. 3, 2018/April 3, 2019

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

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

BY THE FOLLOWING VOTE:

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

NOES: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: OSORIO

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

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

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

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

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

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

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

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

NOES: None

ABSENT: None, (One vacancy)

ABSTAIN: None

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

1. The proposed project shall be constructed/designed as shown on Exhibit 1 [Proposed Vesting Tentative Map #1291 (Modified)] - Attachment C of Staff Report #18-29, except as modified by the conditions.
10. Developer shall design storm drainage with consideration as to whether the shared pump station pumping rate can or needs to be constructed in phases. Developer shall share costs of pump station with the property owner to the north, if joint use occurs, or if pump station is necessary. Storm drainage shall comply with City Storm Drainage Master Plan.
11. Developer shall design sanitary sewer with consideration as to whether the shared pump station pumping rate can or needs to be constructed in phases.
12. Dedicate additional G Street right-of-way and easements to match *Merced Vision 2030 General Plan* requirements for a 128-foot wide arterial, plus an additional 15 feet of right-of-way to accommodate the required landscape area, block wall, and utilities. A 7-foot-tall block wall shall be constructed along the project’s frontage on G Street. Consistent with Planning Commission Resolution #2871 (Absolute Leeco Annexation), all of “G” Street within the annexation boundary shall be constructed at the time of improvements for the first tentative map, along with all other requirements listed in Condition #7 of said Resolution.
13. Dedicate additional right-of-way and easements along the northern half of Merrill Avenue to match *Merced Vision 2030 General Plan* requirements for 74-foot wide collector (37-feet of ROW), an additional 10 feet of right-of-way to accommodate the required landscape area, block wall, and utilities. A 7-foot-tall wall shall be constructed along the project’s frontage on Merrill Avenue (Place). The



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

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

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

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

NOES: None

ABSENT: Commissioner Martinez

ABSTAIN: None

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**April 3, 2019:** At their regularly scheduled meeting of April 3, 2019, the Planning Commission approved the Extension of Vesting Tentative map #1291 (“Bright Homes”) for one year (to January 16, 2020).

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

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

NOES: None

ABSENT: Commissioner Camper

ABSTAIN: None