

CITY OF MERCED
Planning & Permitting Division

STAFF REPORT: #19-08

AGENDA ITEM: 4.2

FROM: Kim Espinosa,
Planning Manager

PLANNING COMMISSION
MEETING DATE: Mar. 20, 2019

PREPARED BY: Francisco Mendoza-Gonzalez,
Planner

CITY COUNCIL
MEETING DATE: May 6, 2019
(Tentative)

SUBJECT: **Vacation #19-01**, initiated by Greg Hostetler/Ranchwood Development, to vacate a 0.18-acre lot known as Lot A of the Tuscan East subdivision, generally located at the southeast corner of Merced Avenue and Sable Street.

ACTION: Finding:

- 1) The proposed Vacation is consistent with the General Plan.

BACKGROUND AND RECOMMENDATION

In 2005, the Planning Commission approved the Tuscan East subdivision (in Southeast Merced) which would subdivide an 8.6-acre lot into 47 lots for single-family homes (Exhibit A). The Final Map for this subdivision was subsequently approved by the City Council in 2006. Said Final Map required the developer to dedicate Lot A to the City of Merced to install ground water clean-up/monitoring equipment (Condition #12 at Exhibit E).

The ground water had been contaminated by General Electric for many decades when they occupied a nearby site at 1715 Kibby Road, sometime between the 1950's and 1990's. During this time, General Electric used an onsite pond to dump waste and cleaning residue. Some of that waste contained traces of trichloroethylene (TCE), which poses many health risks. The TCE percolated through their soil and contaminated the groundwater throughout the surrounding area. The City used Lot A to install filtration systems that would treat contaminated ground water then pump clean/treated water out onto the adjacent Hartley Lateral canal.

Around 2011, the State Water Board determined that the water treatment equipment was no longer needed (Exhibit F). The City no longer needs Lot A to monitor water contamination in this area. The City Engineer, along with other City staff, have reviewed this request and are recommending that the City vacate Lot A and return the lot to the original owner, Greg Hostetler/Ranchwood Development. Greg Hostetler would like to develop Lot A into a single-family home. This home would be required to meet the conditions of approval for this subdivision, including those conditions regarding development standards and design standards.

The General Plan does not address such routine items as easements or vacating parcels, so there is little guidance provided for such a vacation. Because such matters are not addressed, the proposed Vacation is not inconsistent with any of the General Plan's goals or policies. Therefore, the proposed Abandonment is consistent with the General Plan and a Finding of Consistency is recommended. Planning staff recommends the Planning Commission adopt a Finding showing that the proposed Vacation is consistent with the General Plan.

Attachments:

- A) Location Map
- B) Legal Description
- C) Parcel Map
- D) Ground Water Clean-Up/Monitoring Equipment
- E) Resolution Requiring Lot A be Transferred to the City of Merced
- F) Letter from the State Water Board



EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 061-640-001-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MERCED, COUNTY OF MERCED, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOT A, AS SHOWN ON THE MAP ENTITLED "FINAL MAP FOR TUSCANY EAST" RECORDED APRIL 19, 2006 IN BOOK 73 OF OFFICIAL PLATS, PAGES 9 THROUGH 12, INCLUSIVE, MERCED COUNTY RECORDS AND BY CERTIFICATE OF CORRECTION RECORDED JUNE 28, 2006 AS INSTRUMENT NO. 2006-045788, MERCED COUNTY RECORDS AND BY CERTIFICATE OF CORRECTION RECORDED NOVEMBER 03, 2006 AS INSTRUMENT NO. 2006-075517, MERCED COUNTY RECORDS.

ATTACHMENT B

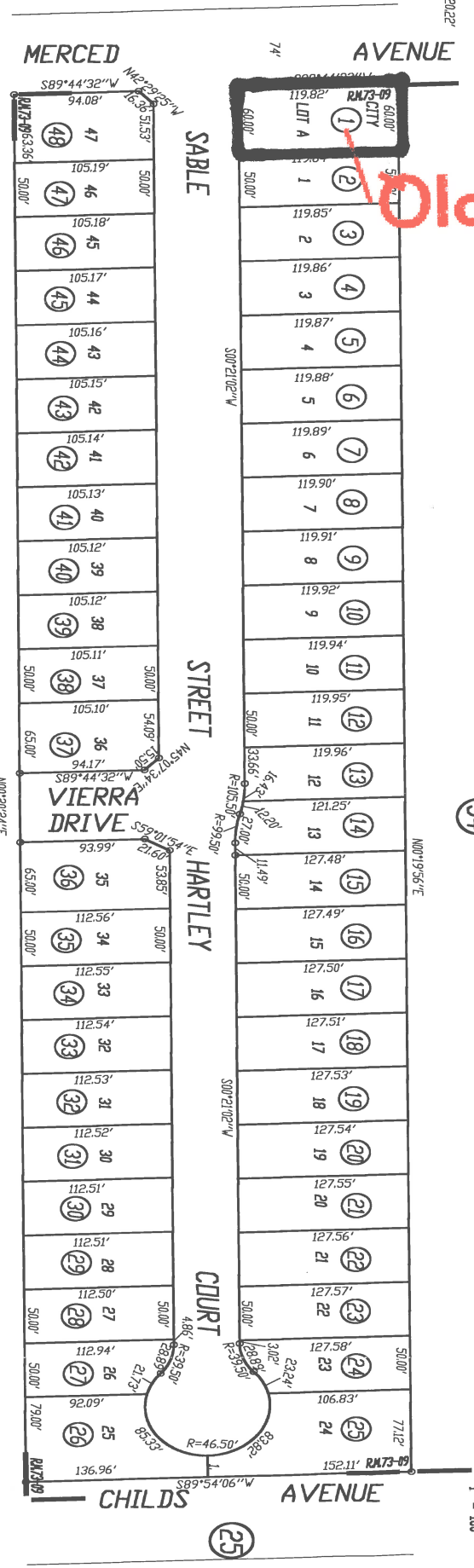
NOTE -
 For Assessment purposes only,
 this map/plot is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land,
 and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company
 does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

PDR. S1/2 SEC.27, T.7S.,R.14E., M.D.B.&M.

Tax Rate Area 005-146

61-64

1" = 100'



(35)

(34)

(25)

ATTACHMENT C



Tuscany East, R.M. Vol.73, Pg.9

NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 61 -Pg.64
 County of Merced, Calif.
 2006



01/01/2004

CITY OF MERCED
Planning Commission

Resolution #2801

WHEREAS, the Merced City Planning Commission at its regular meeting of February 23, 2005, held a public hearing and considered **Vesting Tentative Subdivision Map (VTSM) #1268** ("Tuscany East"), initiated by Golden Valley Engineering, engineers for James and Catherine Lynn, property owners, to allow the subdivision of 8.6 acres into approximately 47 single-family residential lots located north of Childs Avenue and west of the Doane Hartley Lateral within a Rr-1-5 (Low Density Residential 5,000-square-foot lot minimum) zone; also known as Assessor's Parcel No. 061-340-009; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through M of Staff Report #05-16; and,

WHEREAS, Merced City Planning Commission does resolve to hereby find that the previous environmental review [Environmental Impact Report for the Weaver Annexation (SCH#94062048)] remains sufficient and no further documentation is required (CEQA Section 15162), and approve Vesting Tentative Subdivision Map #1268 ("Tuscany East"), subject to the following conditions:

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Proposed Vesting Tentative Map) - Attachment B, subject to conditioned changes, of Staff Report #05-16.
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 (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.

PLANNING COMMISSION RESOLUTION #2801

Page 2

February 23, 2005

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.

PLANNING COMMISSION RESOLUTION #2801

Page 3

February 23, 2005

9. Dedicate, by Final Map, all interior street rights-of-way and all necessary easements and as needed for irrigation, utilities, drainage, landscaping, and open space.
10. The tentative map shows no surface storage of storm water. Developer shall install underground pipe storage with consideration as to whether the existing pump station pumping rate can or cannot be adjusted.
11. Tentative Map approval is subject to recordation of a Parcel Map creating the parcel shown north of this tentative map.
12. The parcel north of Lot 1 shall be one Lot instead of two. Label the 60 x 119.82 parcel as "Lot A". Grant the City a "public facilities and ground water treatment" easement over all of Lot A. Final Map may contain a note that the developer would have ownership and rights to build a house on the lot should the City ever abandon the easement.
13. The drainage or the valley gutter in the street along Lots 1 through 13 is unacceptable. In addition, no valley gutter of any kind shall be installed within this subdivision.
14. Dedicate additional Childs Avenue right-of-way and easements to match *Merced Vision 2015 General Plan* requirements for 94-foot wide arterial, plus landscape and public facilities easements varying from 12-feet to 15-feet in width.
15. 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.
16. Reconstruct Childs Avenue pavement to meet City Standards for Arterial streets.
17. Compliance with the 40-foot visual corner is required for corner lots (approximately 3 lots), and may result in the applicant constructing smaller homes on these lots or increasing the front yard setbacks. A

PLANNING COMMISSION RESOLUTION #2801

Page 4

February 23, 2005

4-foot encroachment for the porch area can be allowed within this area. Details to be worked out with staff.

18. At the building permit stage, the site plans for each lot shall include paved side yard or backyard location for storage of 3 refuse cans/containers.
19. The cul-de-sac bulb shall be open-end style including sidewalk connectors to adjacent streets and walls from back of house to back of house. Any wall openings shall be a minimum of 20 feet wide with wrought iron gates to allow pedestrian access per City design practices.
20. A 6-foot masonry wall will need to be constructed along the entire length of the eastern property line. Design and details will need to be worked out with staff at the building permit stage.

Upon motion by Commissioner Shankland, seconded by Commissioner Acheson and carried by the following vote:

AYES: Commissioners Shankland, Acheson, Fisher, Conte, Pollard,
and Chairman Burr

NOES: None

ABSENT: Commissioner Eisenhart

Adopted this 23rd day of February, 2004


Chairman, Planning Commission of
the City of Merced, California

ATTEST:


Secretary

Effluent flow measurements were recorded daily. The results of VOC and inorganic constituent analyses, flow measurements, and field parameter measurements from the effluent indicate the system is in compliance with the NPDES permit. Laboratory analytical results for treatment system samples analyzed for TCE, inorganic constituents, and toxicity are summarized in Tables 2, 3, and 4, respectively.

2.2 OFF-SITE GROUNDWATER REMEDIATION

Off-site groundwater remediation consists of the 100-foot zone and multizone remediation systems and domestic wellhead treatment systems. The off-site groundwater remediation systems are permanently shut down in accordance with RWQCB approval letters (RWQCB, 2009 and 2011). The wellhead treatment systems are installed at four domestic supply wells adjacent to the site where there have been historical TCE detections at concentrations greater than 3 µg/L in well water samples. Historically, TCE was detected at trace concentrations in the Weaver School well until 1994. A wellhead treatment system was installed at the Weaver School in 1993 as a precautionary measure. In 2008, the school elected to bypass the treatment system for its well and reportedly connected the well to the school's landscape irrigation system.

When operating, extracted groundwater is treated using liquid-phase GAC at the off-site and wellhead treatment systems. Treated water from the 100-foot zone and multizone systems is discharged to the MID Hartley Lateral Canal west of the former Kendall site (Figure 9) and sampled in accordance with the NPDES permit.

2.2.1 Former 100-Foot Zone Remediation System

The 100-foot zone treatment system has been permanently shut down in accordance with a May 13, 2009, RWQCB letter (RWQCB, 2009). During monitoring events, samples are collected from well MW-46A using the pump and purge method as described in Section 2.3.2.

2.2.2 Multizone Remediation System

The multizone treatment system has been permanently shut down in accordance with a September 16, 2011, RWQCB letter (RWQCB, 2011). During monitoring events, samples are collected from well MW-57D using the pump and purge method as described in Section 2.3.2.

2.2.3 Domestic Wellhead Treatment Systems

Wellhead treatment systems are installed at the Weaver School supply well and domestic wells located at 409 North Coffee, 459 North Coffee, 81 North Coffee, and 3160 East Childs. The domestic wellhead systems at 409 North Coffee and 3160 East Childs consist of 20 cubic feet (or approximately 550 pounds) of GAC underlain by 500 pounds of gravel filter medium. The domestic wellhead systems at 81 North Coffee and 459 North Coffee consist of about