

CITY OF MERCED
Planning & Permitting Division

STAFF REPORT: #19-27

AGENDA ITEM: 4.2

FROM: Kim Espinosa,
Planning Manager

PLANNING COMMISSION
MEETING DATE: Nov. 6, 2019

PREPARED BY: Francisco Mendoza-Gonzalez,
Associate Planner

SUBJECT: **Vesting Tentative Subdivision Map #1311** (“Benny Hills Estates”), initiated by Quad Knopf, Inc., applicant for BMP Properties, property owner. This application involves a request to subdivide one parcel (approximately 1.90 acres) into 12 single-family lots ranging in size from 4,946 square feet to 6,475 square feet, generally located at the southeast corner of N. Coffee Street and Merced Avenue (at 1600 N. Coffee Street), within a Residential Planned Development (RP-D) #54 zone. *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #19-25 (Categorical Exemption)
- 2) Vesting Tentative Subdivision Map #1311

SUMMARY

The project site is located at the southeast corner of N. Coffee Street and Merced Avenue (Attachment A). The applicant is proposing to subdivide one parcel (approximately 1.90-acres) into 12 single-family lots. The subject site is located within a Residential Planned Development (RP-D) #54 zone, which requires a minimum lot size of 3,600 square feet. The proposed lots range in size between 4,964 square feet and 6,475 square feet (Attachment B). The existing structures on-site will be demolished and removed to accommodate the new development. The site will be accessible via N. Coffee Street and Merced Avenue. Staff is recommending approval with conditions.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #19-25 (Categorical Exemption) and Vesting Tentative Subdivision Map #1311 (“Benny Hills Estates”), subject to the following conditions (and the Draft Resolution at Attachment F):

- *1) The proposed project shall be constructed/designed as shown on Exhibit 1 (Proposed Vesting Tentative Map at Attachment B) and Exhibit 2 (Elevations at Attachment C), and as modified by the conditions of approval within this resolution.
- *2) All conditions contained in *Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions")* shall apply.

- *3) The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
- *4) The Project shall comply with all applicable conditions set forth in the resolutions for Annexation No. 193 (Franco Annexation) and Residential Planned Development (RP-D) #54 previously approved for this site.
- *5) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
- *6) 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.
- *7) The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
- *8) 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.
- *9) All public improvements shall be provided along N. Coffee Street and Merced Avenue as well as the new cul-de-sac. All improvements shall meet City Standards.

- *10) A 7-foot-high concrete block wall shall be provided along N. Coffee Street. The wall shall be treated to allow easy removal of graffiti or the developer shall plant fast-growing vines to cover the wall to deter graffiti.
- 11) A 10-foot strip of landscaping shall be provided along N. Coffee Street between the block wall and the sidewalk. This strip of land shall be dedicated to the City and maintained through the Community Facilities District during the Final Map stage, as required by the City Engineer.
- 12) The applicant shall dedicate interior street rights-of-way and all necessary easements as needed for irrigation, utilities, drainage, landscaping, and open space during the Final Map stage as required by the City Engineer.
- *13) Fire hydrants shall be installed along the street frontage to provide fire protection to the area. The hydrants shall meet all City of Merced standards and shall comply with all requirements of the City of Merced Fire Department. Final location of the fire hydrants shall be determined by the Fire Department.
- 14) All undeveloped areas shall be maintained free of weeds and debris.
- *15) Street names shall be approved by the City Engineer.
- *16) Compliance with the “corner visual triangle” provisions of MMC 20.30.030 is required for corner lots, and may result in the applicant constructing smaller homes on these lots or increasing the front yard setbacks.
- 17) No Valley Gutters shall be installed in this subdivision.
- 18) No “rolled” curbing shall be installed in this subdivision.
- 19) At the building permit stage, the site plans for each lot shall include a minimum 3-foot by 6-foot concrete pad located in the side yard or backyard for the storage of 3 refuse containers. A paved access to the street from this pad shall be provided.
- *20) As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repared if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
- 21) The applicant shall provide a minimum 30 inches of coverage between the top of the sewer line and the surface of the street, or as required by the City Engineer.
- 22) The cul-de-sacs shall be designed with a minimum 48 foot radius, to meet City Fire Department Standards.

* Denotes non-discretionary conditions

PROJECT DESCRIPTION

The subject site is located at the southeast corner of N. Coffee Street and Merced Avenue. Weaver Middle School is located to the south of the subject site. The properties to the north and east are also zoned Residential Planned (RP-D) Development #54 with single-family homes. The properties to the west, across N. Coffee Street, are located within County Jurisdiction, but they

have a General Plan designation of Rural Residential (RR). The applicant is requesting to subdivide the existing 1.90-acre parcel into 12 single-family lots (Attachment B). A new cul-de-sac street would be constructed from Merced Avenue providing access to the new lots. There would be no vehicle access from the new lots directly onto N. Coffee Street. The lots would meet the minimum lot size requirement for an RP-D #54 zone (between 3,600 square feet and 7,000 square feet – see Condition #4). They would range in size from 4,946 square feet to 6,475 square feet. The existing structures on the site would be demolished to accommodate the new single-family homes. There would be a concrete block wall along N. Coffee Street with a 10-foot landscape strip between the wall and the sidewalk to help reduce concerns regarding noise and lighting (Condition #10). The landscape strip would be extended to Merced Avenue and be consistent with landscape strip to the north along Coffee Street.

Surrounding uses are noted at Attachment A

Surrounding Land	Existing Use of Land	City Zoning Designation	City General Plan Land Use Designation
North	Residential	Residential Planned Development (RP-D) #54	Low Density (LD) Residential
South	School	R-1-6	School (SCH)
East	Residential	Residential Planned Development (RP-D) #54	Low Density (LD) Residential
West	Residential (across N. Coffee Street)	Merced County Jurisdiction	Rural Residential (RR)

Background

This property was annexed into the City in 2005 as part of the Franco Annexation and is now within Residential Planned (RP-D) Development #54. Since being annexed into the City, most of the area surrounding this parcel has been subdivided and developed with single-family homes similar in density to this proposal (Attachment A). However, the previous property owners were not interested in developing this parcel. The current property owner is seeking approval of this application to subdivide their property at the same density as the subdivision adjacent to the east of this parcel.

FINDINGS/CONSIDERATIONS:

General Plan Zoning Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Low Density Residential (LD) and the Zoning Classification of Residential Planned Development (RP-D) #54.
The proposed Tentative Subdivision Map, with conditions of approval, will help achieve the following General Plan land use policies:

- Policy L-1.5: Protect existing neighborhoods from incompatible developments.
- Policy L-1.6: Continue to pursue quality single-family residential development.
- Policy L-1.8: Create livable and identifiable residential neighborhoods.
- Policy L-9: Ensure connectivity between existing and planned urban areas.

Traffic/Circulation

- B) It is anticipated that the project as proposed would generate approximately 114.84 Average Daily Trips (ADT) based on an average daily rate of 9.57 trips per dwelling unit. The project will be accessed via a collector street, N. Coffee Street (Attachment B). Merced Avenue is a local street. The relatively low level of traffic generated by this project should not exceed the current and projected capacity of the adjacent street system.

The cul-de-sac street width is proposed to be 36 feet wide (curb to curb) with an additional 6.5 feet on each side of the street to accommodate the sidewalk. This meets the City's curb-to-curb requirement for cul-de-sac streets. However, the cul-de-sac bulb needs to be a minimum 48 foot radius (Condition #22).

Site Design

- C) The project is designed to allow the homes to be constructed along a cul-de-sac with direct access from Merced Avenue. The homes would satisfy the minimum required setbacks for RP-D #54 (15 foot front yard setbacks, and 20 foot garage setbacks to meet vehicle backing space standards). There will be a concrete block wall along N. Coffee Street with a 10-foot landscape strip between the wall and the sidewalk. The landscape strip will be extended to the Merced Avenue frontage.

Tentative Subdivision Map Requirements

- D) Per Merced Municipal Code (MMC) Section 18.16.080 – Information Required, a tentative subdivision map shall include all of the requirements shown at Attachment D. Said requirements include stating the location of the subject site, the name of the subdivision, and showing the layout of the proposed lots. MMC 18.16.090 – Required Statement requires the applicant to provide a statement that explicitly states any deviations from tentative subdivision map requirements, standard drawings, or Zoning laws. In this case, the applicant is not requesting any deviations from City requirements. MMC 18.16.100 - Public Hearing – Generally, requires a public hearing to review and approve a tentative subdivision map in conformance with the Subdivision Map Act. Per the California Environmental Quality Act a public hearing notice was mailed to property owners within 300 feet of the subject site and published in a qualifying newspaper, Merced County Times, three weeks prior to this meeting. In addition, staff reached out to local utility companies, local school districts, and other relevant government agencies to solicit comments. Staff did not receive any comments regarding this application.

Elevations

- E) The proposed homes would range in size between 1,730 square and 2,140 square feet with options for single and 2-story homes. The homes would include a 2 car garage, 4 bedrooms, at least 2 bathrooms, a living room, a kitchen, and a covered patio and porch. The exterior of the homes would include a stucco finish, the windows would be treated with trim or shutters, and some elevations would be partially treated with stone veneers. The homes would be consistent with the design of the existing subdivision and should blend in with the architectural character of the existing neighborhood.

Public Improvements/Services

- F) All public improvements will be necessary for the new street and lots. All utilities are available in the area.

Sanitary Sewer collection, treatment, and disposal will be provided by the City.

Storm Drainage and Streetscape: Storm drainage collection, retention and discharge shall conform to City Standards and be subject to Engineering Department approval.

Public Safety Costs: In response to significant growth in Merced without a corresponding increase in the General Fund and other revenues, the City Council adopted public facilities impact fees in 1998 and also established a requirement for Community Facilities Districts (Condition #6) to help fund roadway, police, fire, and park infrastructure to help fund operating costs for police and fire services.

Schools

- G) The Project site falls within the jurisdiction of the Merced City School District (elementary and middle schools) and the Merced Union High School District (MUHSD). Students from the development would be in the Pioneer Elementary School, Weaver Middle School attendance area. High School students would attend Golden Valley High School. School fees per State law requirements are considered to be full mitigation for the impacts on schools from new development.

Environmental Clearance

- H) The Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption is being recommended (see Attachment E).

Attachments:

- A) Location Map
- B) Tentative Subdivision Map Layout
- C) Elevations and Floor Plans
- D) MMC 18.16.080 – Information Required
- E) Categorical Exemption
- F) Draft Resolution



ATTACHMENT A

TENTATIVE SUBDIVISION MAP FOR BENNY HILLS ESTATES MERCED, CALIFORNIA

OWNER & SUBDIVIDER

BMP PROPERTIES
15250 CANTON WAY
MERCED, CA 95340

STATEMENT OF SUBDIVIDER

- ASSESSORS PARCEL NOS. 081-490-001
- EXISTING ZONING RP-(D64)
- EXISTING ZONING MAP AND ALL APPLICABLE ORDINANCES AND STANDARDS FOR THE CITY OF MERCED
- FRONT YARD SETBACKS AND ALL APPLICABLE ORDINANCES AND STANDARDS AND THE B.R.A.D.P.
- SEWAGE DISPOSAL BY CITY OF MERCED.
- STORM DRAINAGE BY CITY OF MERCED.
- ALL IMPROVEMENTS AND PUBLIC UTILITIES WILL BE INSTALLED OR CONSTRUCTED AT THE TIME OF DEVELOPMENT.

NOTES

- STREET IMPROVEMENTS SHALL BE INSTALLED PER CITY OF MERCED STANDARD
- ALL EXISTING WELLS AND SEPTIC TANKS SHALL BE DESTROYED PER COUNTY HEALTH DEPT. STANDARDS
- INDICATED BY FLOOD INSURANCE RATE MAP PANEL NUMBER 0804704400
- ERECTIVE ON 12/09/2008 IN ZONE AO WITH A 1 FOOT DEPTH.
- LOTS. AREA OF THIS SUBDIVISION IS 1/3 ACRES CONTAINING 12 RESIDENTIAL LOTS.

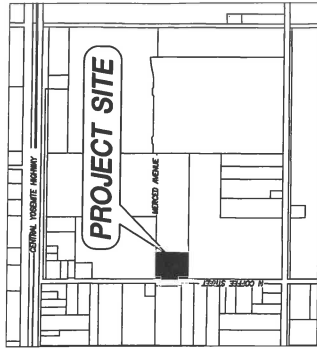
LEGEND

- EXISTING FIRE HYDRANT
- EXISTING STANDARD MANHOLE
- EXISTING WATER VALVE
- EXISTING TREE
- EXISTING CHAINLINK FENCE
- EXISTING WOODEN FENCE
- EXISTING GAS LINE
- EXISTING STORM DRAIN LINE
- EXISTING SANITARY SEWER LINE
- EXISTING WATER LINE
- PROPOSED FIRE HYDRANT
- PROPOSED STANDARD MANHOLE
- PROPOSED STORM DRAIN INLET
- PROPOSED STREETLAMP
- PROPOSED WATER VALVE
- PROPOSED SANITARY SEWER LINE
- PROPOSED STORM DRAIN LINE
- PROPOSED WATER LINE
- GROUND CONTOURS

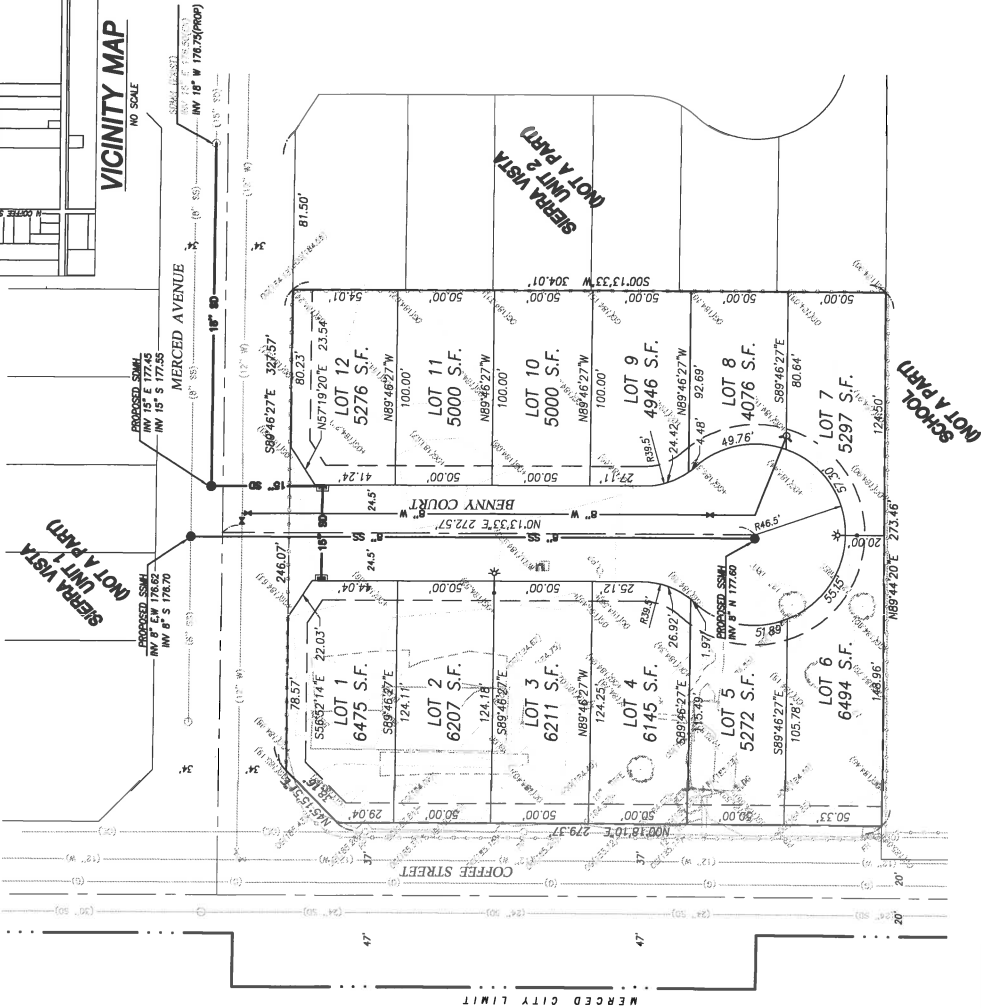


40' 0' 40'
SCALE: 1" = 40'

BEING A SUBDIVISION OF LOT 81 OF SIERRA VISTA UNIT 2, RECORDED IN VOLUME 68 AT PAGE 26, MERCED COUNTY RECORDS, SITUATE IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 7 SOUTH, RANGE 14 EAST, M.D.B. & M., IN THE CITY OF MERCED, COUNTY OF CALIFORNIA.



VICINITY MAP
NO SCALE



DATE	PROJECT MANAGER	REVISIONS
GARTH A. PECHONINO R.C.E. 52878		

APPROVED BY: _____

2816 BUNK AVENUE
MERCED, CA 95348
TEL: (209) 723-2066
WWW.QKINC.COM

QK INC. COPYRIGHT BY Q&K INC., MC. UNREGISTERED USE PROHIBITED

COVER SHEET

TENTATIVE SUBDIVISION MAP

BENNY HILLS ESTATES

MERCED, CALIFORNIA

PROJECT NO.: 100105
DRAWN BY: AM
DATE: 04/06/09
SCALE: AS SHOWN
SHEET NO.: 1 OF 1

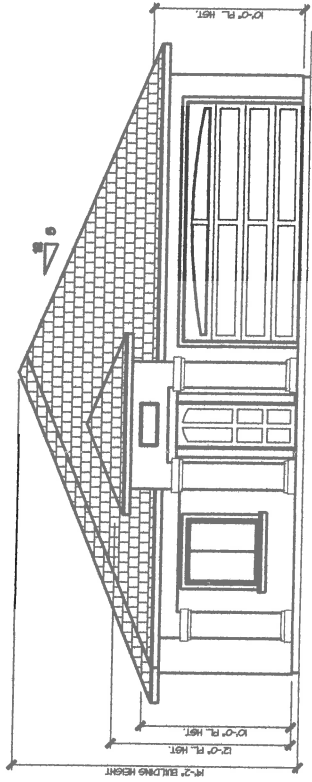
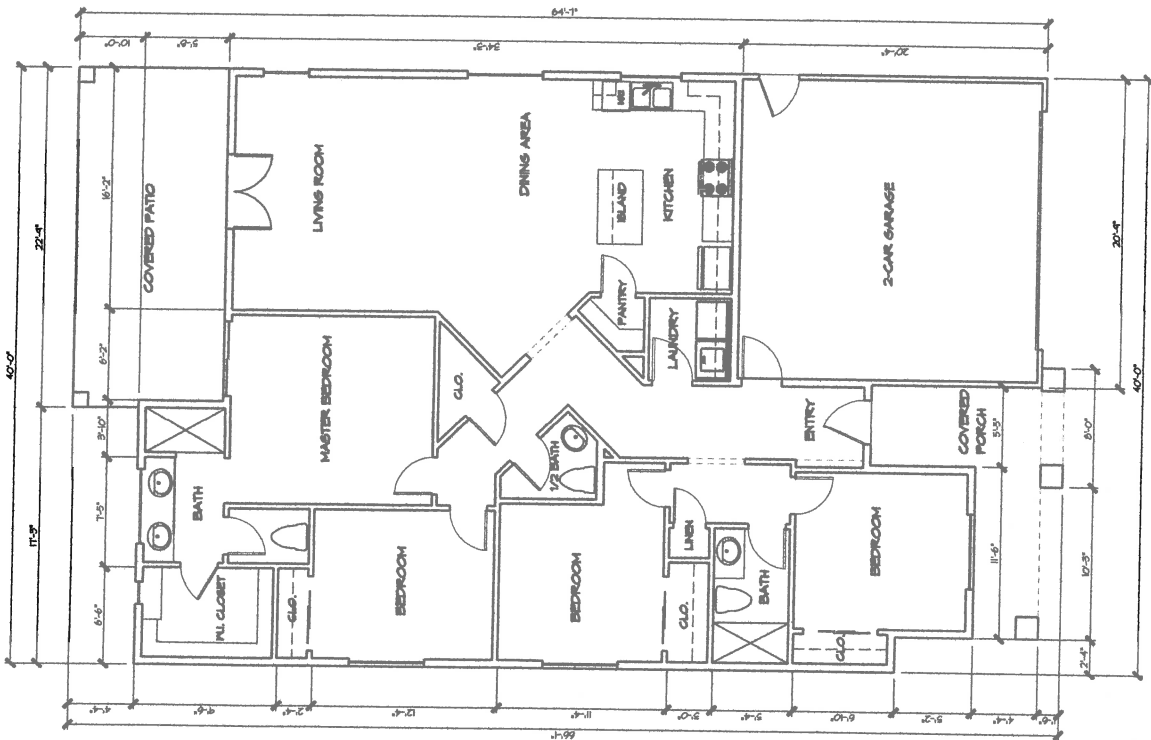


REVISIONS	DATE	DESCRIPTION

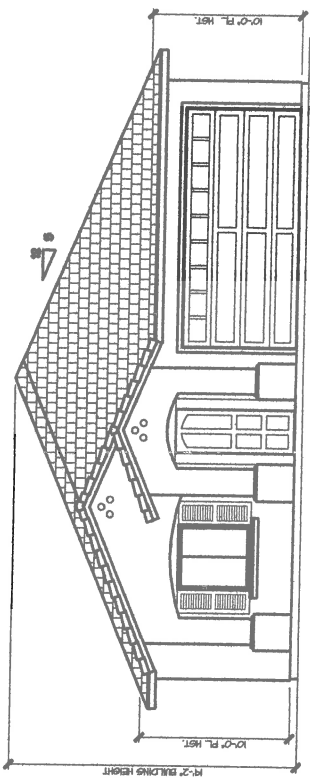
PROJECT SITE
 1816 HOWARD ROAD
 MADIRA, CA 94657 (394) 674-4599

PLANS FOR

NUMBER BY	DATE



Front Elevation - Hip
 SCALE: 1/4" = 1'-0"



Front Elevation - Gable
 SCALE: 1/4" = 1'-0"

FLOOR PLAN - 1730 sq. ft.

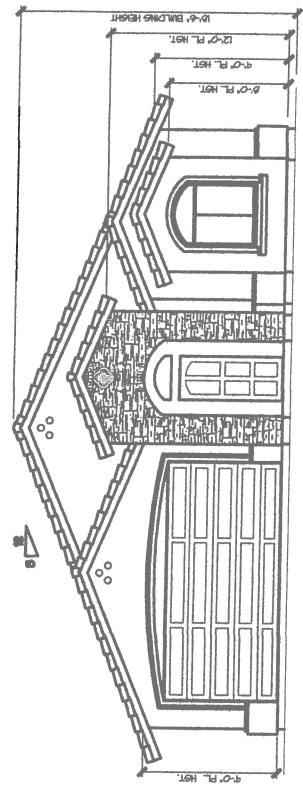
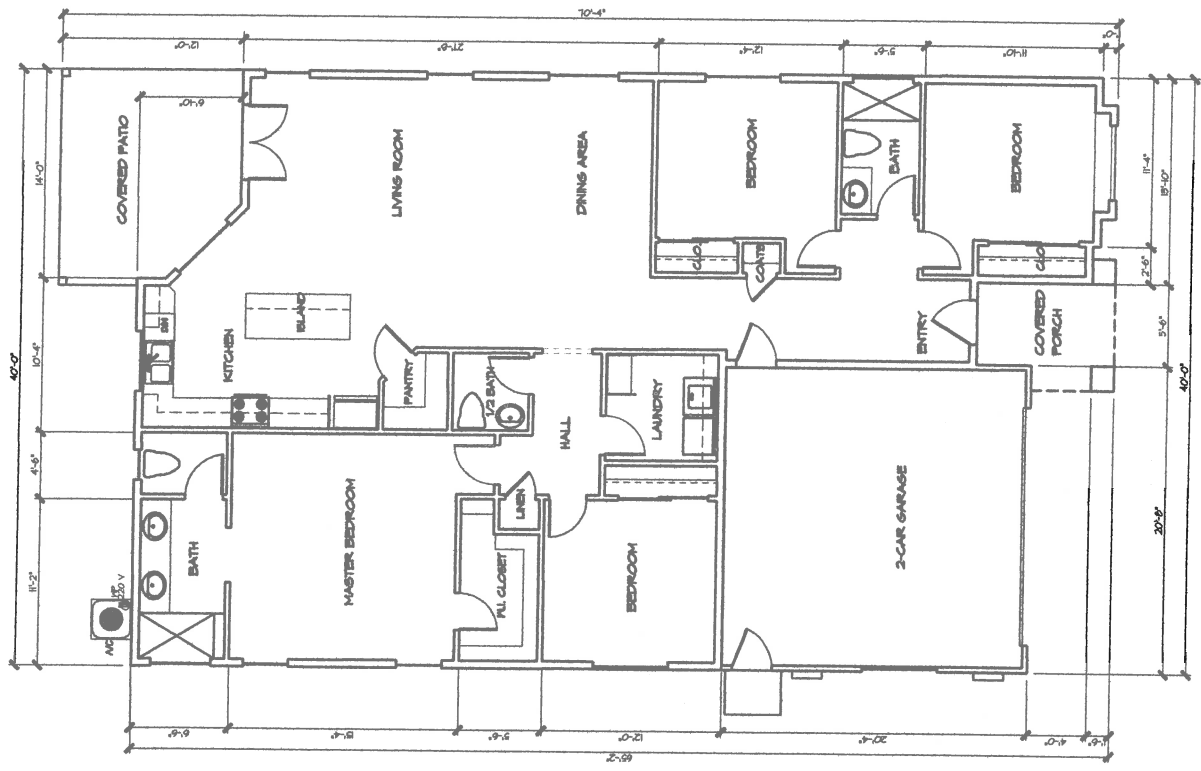


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BY:	

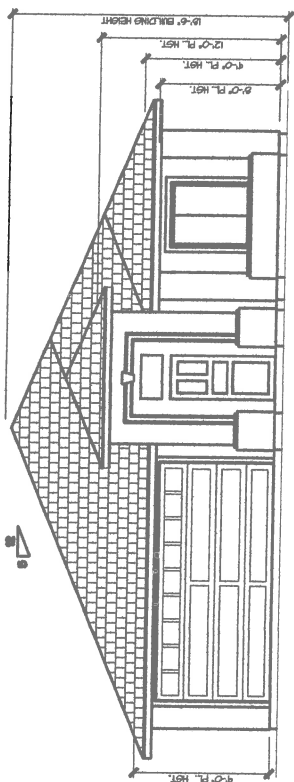
PROJECT SITE:
 MADRA, CA 93627 (391) 674-6598
 GARY A. ROGERS
 1616 HOWARD ROAD

PLANS FOR:	
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DATE:	07/20/04
BY:	GA
SCALE:	AS SHOWN
NO.:	100
REV.:	



Front Elevation - Gable
 SCALE 1/4" = 1'-0"



Front Elevation - Hip
 SCALE 1/4" = 1'-0"

FLOOR PLAN - 1938 sq. ft.



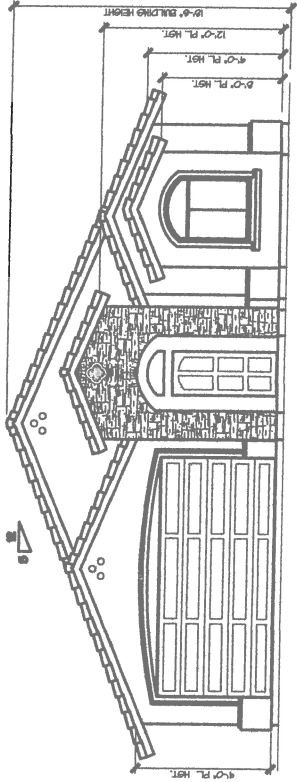
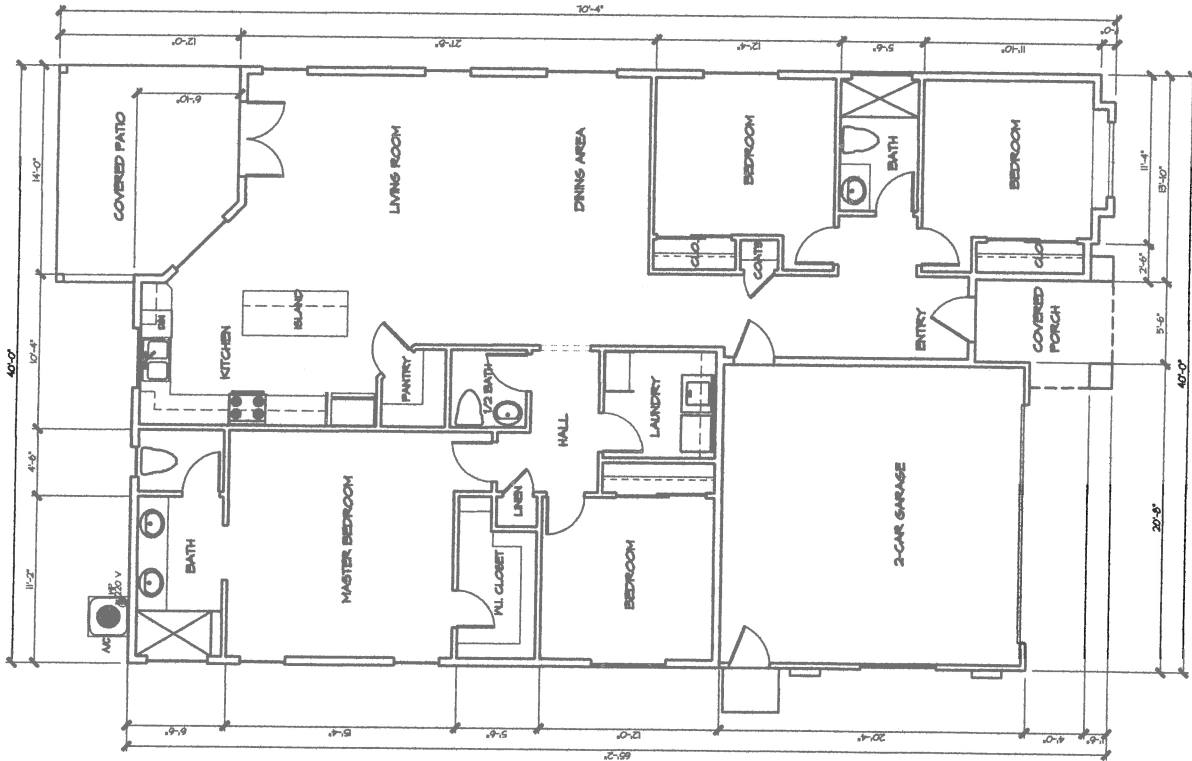
REVISIONS
 NO. DESCRIPTION

PROJECT SITE:
 GARY A. ROGERS
 1816 HOWARD ROAD
 MADIRA, CA 93637 (569) 674-6998

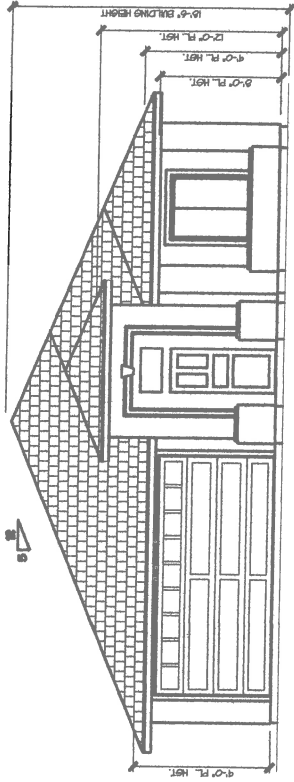
PLANS NO.:

DATE: 8/2/2014
 DRAWN BY: JPN
 CHECKED BY: JPN
 PROJECT NO.: 1816
 SHEET NO.:

2
 OF 10 SHEETS



Front Elevation - Gable
 SCALE: 1/4" = 1'-0"



Front Elevation - Hip
 SCALE: 1/4" = 1'-0"

FLOOR PLAN - 1938 sq. ft.

310

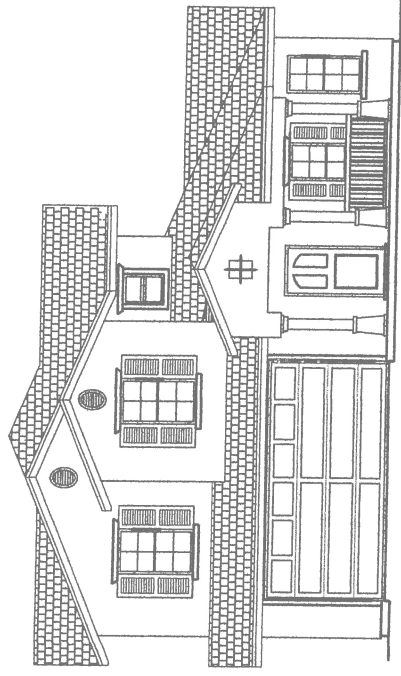


REVISIONS	DATE	DESCRIPTION

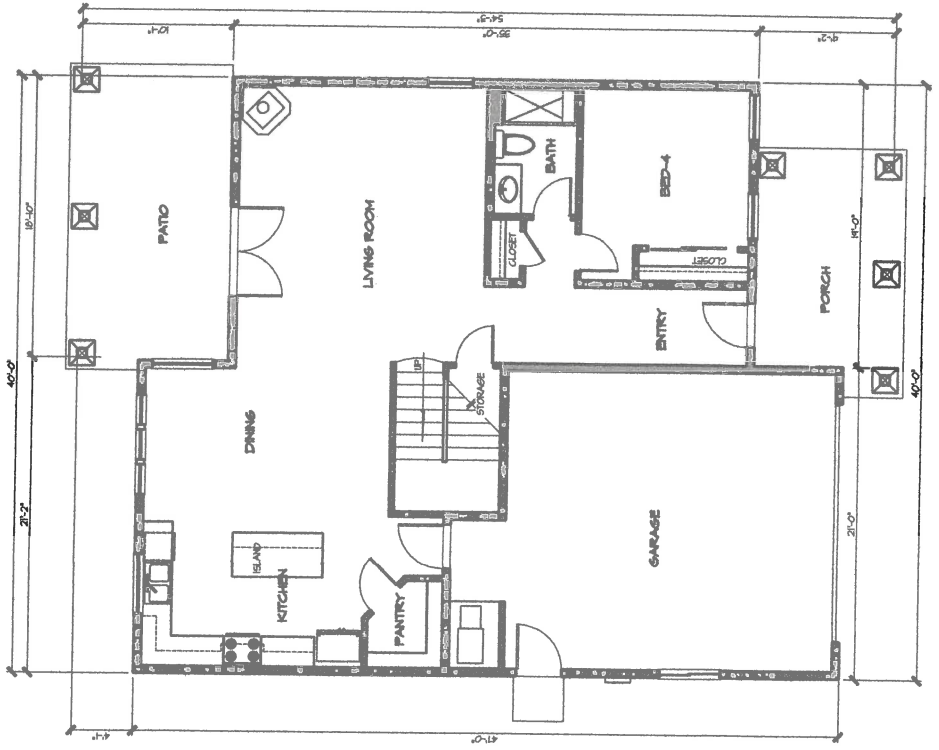
PROJECT SITE
 GARY A. ROGERS
 1816 HOWARD ROAD
 MADRA, CA 94657 (559) 674-6598

PLANS FOR

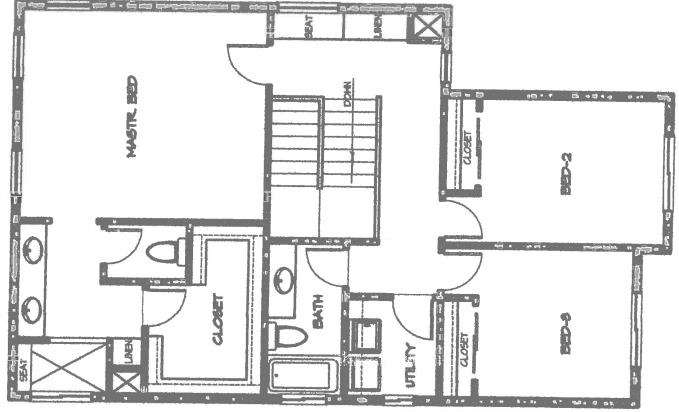
DATE	
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Front Elevation
 SCALE 1/4" = 1'-0"



FIRST FLOOR



SECOND FLOOR

FLOOR PLAN - 2140 sq. ft.

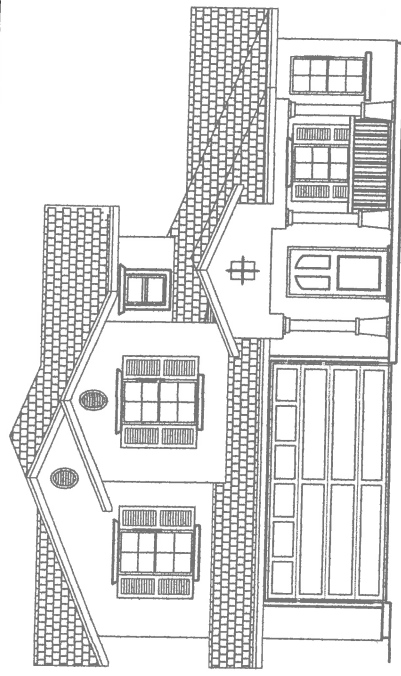


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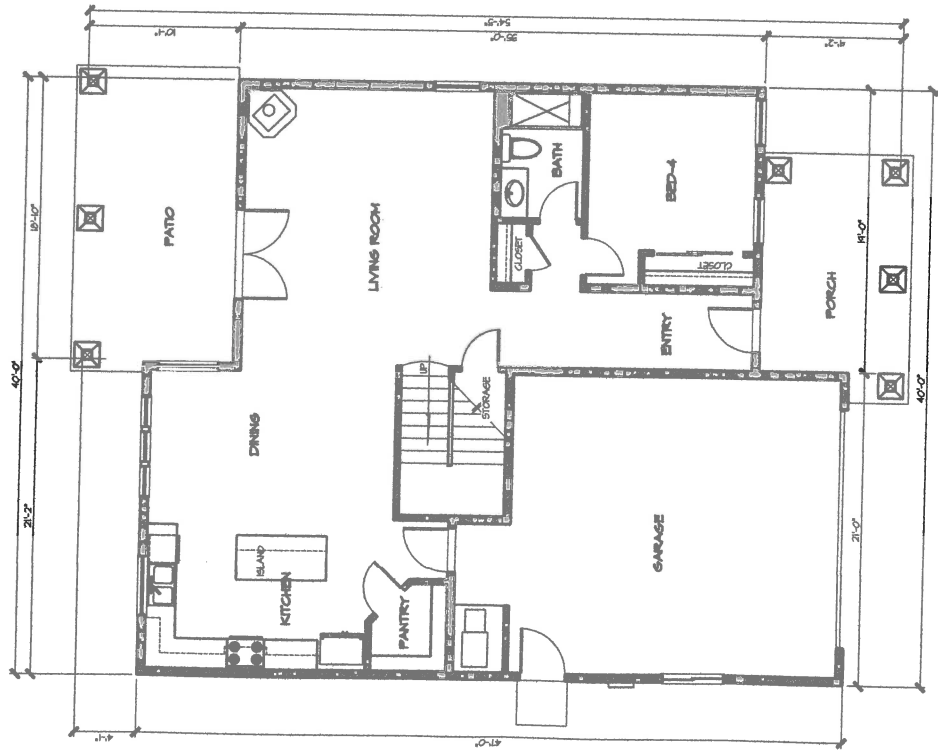
PROJECT SITE:
 1816 HOWARD ROAD
 MADIRA, CA 94257 (594) 674-6998

PLANS FOR:

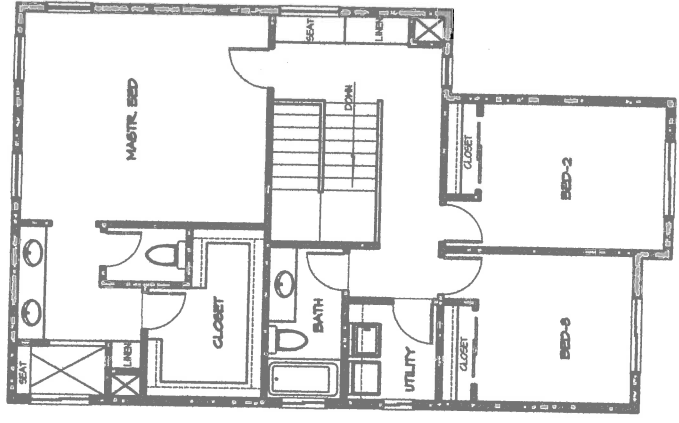
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DATE:	



Front Elevation
 SCALE 1/4" = 1'-0"



FIRST FLOOR



SECOND FLOOR

FLOOR PLAN - 2140 sq. ft.

18.16.080 - Information required.

Every tentative map shall be clearly and legibly reproduced. The following information shall be shown on, or accompanying, the map:

1. A key or location map on which is shown the general area including adjacent property, subdivisions and roads;
2. The tract name, date, north point, scale and sufficient legal description to define location and boundaries of the proposed subdivision;
3. Name and address of recorded owner or owners;
4. Name and address of the subdivider;
5. Name and business address of the person who prepared the map;
6. Acreage of proposed subdivision to the nearest tenth of an acre;
7. Contours at six-inch intervals to determine the general slope of the land and the high and low point thereof;
8. The locations, names, widths, approximate radii of curves and grades of all existing and proposed roads, streets, highways, alleys and ways in and adjacent to the proposed subdivision or subdivision to be offered for dedication;
9. Proposed protective covenants;
10. Location and description of all easements;
11. Locations and size of all existing and proposed public utilities;
12. Proposed method of sewage and stormwater disposal;
13. Location and character of all existing and proposed public open space in and adjacent to the subdivision and a statement of intention with regard to park land dedication or payment of a fee in lieu thereof;
14. Lot layout, approximate dimensions and area in square feet of each irregular lot and lot numbers;
15. City limit lines occurring within the general vicinity of the subdivision;
16. Classification of lots as to intended land use, zone, and density;
17. Approximate bearings and distances to quarter-section bounds within the general vicinity of the subdivision;
18. Proposed public improvements;
19. Statement as to whether the subdivision is to be recorded in stages;
20. Existing use and ownership of land immediately adjacent to the subdivision;
21. Preliminary title report issued not more than sixty days prior to filing of the tentative map;
22. The outline of any existing buildings and indication of any to remain in place and their locations in relation to existing or proposed street and lot lines;

23. Location of all existing trees and indication of those proposed to remain in place, standing within the boundaries of the subdivision;
24. Location of all areas subject to inundation or storm water overflow, the location, width and direction of flow of all watercourses and indicate flood zone classification;
25. Elevations of sewers at proposed connection.

(Ord. 1533 § 1, 1984: Ord. 1358 § 3, 1980: Ord. 1342 § 2 (part), 1980: prior code § 25.32(c)).

18.16.090 - Required statement.

A statement shall be presented by the subdivider in written form accompanying the map and shall contain justification and reasons for any exceptions to provisions of this title, the standard drawings or for any amendments to or variation from the zoning law, which may be requested in conjunction with the subdivision proposed.

(Ord. 1533 § 2, 1984: Ord. 1342 § 2 (part), 1980: prior code § 25.33).

18.16.100 - Public hearing—Generally.

The planning commission shall review the tentative map at a public hearing to determine whether it is in conformity with the provisions of law and of this title and upon that basis, within the time allowed in the Subdivision Map Act.

(Ord. 1358 § 4, 1980: Ord. 1342 § 2 (part), 1980: prior code § 25.34(a)).

NOTICE OF EXEMPTION

To: _____ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

From: (Public Agency)
City of Merced
678 West 18th St.
Merced, CA 95340

X County Clerk
County of Merced
2222 M Street
Merced, CA 95340

Project Title: Tentative Subdivision Map #1311 (Environmental Review #19-26)

Project Applicant: BMP Properties

Project Location (Specific): APN: 061-600-001

Project Location - City: 1600 N. Coffee St. **Project Location - County:** Merced

Description of Nature, Purpose, and Beneficiaries of Project: Subdivision for 12 single-family homes

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: BMP Properties

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State Type and Section Number: 15332
- Statutory Exemptions. State Code Number: _____.
- General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt:

As defined under the above referenced Section, the proposed project is considered an in-fill project. The project location is within the City limits on an approximately 1.90-acre parcel surrounded by urban uses. The site can be served by all required utilities and public services, and the project site has no value as habitat for endangered, rare or threatened species. No significant effects resulting from traffic, noise, air quality, or water quality will result from the construction of the building. The project is consistent with the City of Merced General Plan and Zoning regulations.

Lead Agency: City of Merced

Contact Person: Francisco Mendoza-Gonzalez **Area Code/Telephone:** (209) 385-6858

Signature:  _____ **Date:** 10-15-2019 **Title:** Associate Planner

X Signed by Lead Agency **Date Received for Filing at OPR:** _____
(If applicable)

Authority Cited: Sections 21083 and 21110. Public Resources Code
Reference: Sections 21108, 21152, and 21152.1. Public Resources Code

CITY OF MERCED
Planning Commission

Resolution # _____

WHEREAS, the Merced City Planning Commission at its regular meeting of November 6, 2019, held a public hearing and considered **Vesting Tentative Subdivision Map #1311** (“Benny Hill Estates”), initiated by Quad Knopf, Inc., applicant for BMP Properties, property owner. This application involves a request to subdivide one parcel (approximately 1.90 acres) into 12 single-family lots ranging in size from 4,946 square feet to 6,475 square feet, generally located at the southeast corner of N. Coffee Street and Merced Avenue (at 1600 N. Coffee Street), within a Residential Planned Development (RP-D) #54 zone; also known as Assessor’s Parcel Number (APN) 061-600-001; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through H of Staff Report # 19-27 (Exhibit B); 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 #19-25, and approve Vesting Tentative Subdivision Map #1311 (“Benny Hill Estates”), subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

ABSTAIN: Commissioner(s)

PLANNING COMMISSION RESOLUTION # _____

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November 6, 2019

Adopted this 6th day of November, 2019

Chairman, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Conditions of Approval
Planning Commission Resolution # _____
Vesting Tentative Subdivision Map # 1311

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Proposed Vesting Tentative Map at Attachment B of Staff Report #19-27) and Exhibit 2 (Elevations at Attachment C Staff Report #19-), and as modified by the conditions of approval within this resolution.
2. All conditions contained in Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions") shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. The Project shall comply with all applicable conditions set forth in the resolutions for Annexation No. 193 (Franco Annexation) and Residential Planned Development (RP-D) #54 previously approved for this site.
5. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
6. 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.
7. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION # _____

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

8. 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.
9. All public improvements shall be provided along N. Coffee Street and Merced Avenue as well as the new cul-de-sac. All improvements shall meet City Standards.
10. A 7-foot-high concrete block wall shall be provided along N. Coffee Street. The wall shall be treated to allow easy removal of graffiti or the developer shall plant fast-growing vines to cover the wall to deter graffiti.
11. A 10-foot strip of landscaping shall be provided along N. Coffee Street between the block wall and the sidewalk. This strip of land shall be dedicated to the City and maintained through the Community Facilities District during the Final Map stage, as required by the City Engineer.
12. The applicant shall dedicate interior street rights-of-way and all necessary easements as needed for irrigation, utilities, drainage, landscaping, and open space during the Final Map stage as required by the City Engineer.
13. Fire hydrants shall be installed along the street frontage to provide fire protection to the area. The hydrants shall meet all City of Merced standards and shall comply with all requirements of the City of Merced Fire Department. Final location of the fire hydrants shall be determined by the Fire Department.

14. All undeveloped areas shall be maintained free of weeds and debris.
15. Street names shall be approved by the City Engineer.
16. Compliance with the “corner visual triangle” provisions of MMC 20.30.030 is required for corner lots, and may result in the applicant constructing smaller homes on these lots or increasing the front yard setbacks.
17. No Valley Gutters shall be installed in this subdivision.
18. No “rolled” curbing shall be installed in this subdivision.
19. At the building permit stage, the site plans for each lot shall include a minimum 3-foot by 6-foot concrete pad located in the side yard or backyard for the storage of 3 refuse containers. A paved access to the street from this pad shall be provided.
20. As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repared if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
21. The applicant shall provide a minimum 30 inches of coverage between the top of the sewer line and the surface of the street, or as required by the City Engineer.
22. The cul-de-sacs shall be designed with a minimum 48-foot radius, to meet City Fire Department Standards.

EXHIBIT B

Planning Commission Staff Report #19-27