

**CITY OF MERCED
Planning Commission**

Resolution #2675

Amended by City Council on July 20, 2015
Amended by Planning Commission on May 20, 2015
AMENDED by City Council 12-17-2001

WHEREAS, the Merced City Planning Commission at its regular meeting of December 5, 2001, held a public hearing and considered **Annexation Application #00-03, Pre-Zone Application #00-03, General (including Specific) Plan Amendment #00-09, and Environmental Review #00-31**, initiated by O'Dell Engineering, agent for Morgan Capital, Mathew & Barbara Bruno, and Mary Genevieve Reinero, Trustee, property owners; and Golden Valley Engineering, agent for Doris Gonella and August & Lillian Dal Porto, property owners, for an approximate 273.6 acre portion of the Fahrens Creek Specific Plan Area, located generally west of "R" Street (extended) and north of Yosemite Avenue (extended); also known as Assessor's Parcel Numbers 057-160-30 and 31, 057-160-81 through 84 and 057-190-01 ; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through R of Staff Report #01-33; and,

WHEREAS, after reviewing the City's Initial Study and Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does hereby recommend to City Council adoption of a Mitigated Negative Declaration regarding Expanded Initial Study #00-31, subject to the mitigation measures outlined in Attachment A and the Mitigation Monitoring Program as seen in Appendix E of Expanded Initial Study #00-31; and approval of Annexation/Prezoning Application #00-03, General Plan Amendment (Specific Plan Establishment) #00-09, and Fahrens Creek Conceptual Specific Plan (Northern Half), subject to the following conditions:

1. Approval of the General Plan Amendment/Annexation/Prezoning is subject to the applicants entering into a written (development) agreement that they agree to all the conditions and shall pay all City and school district fees, taxes, and/or assessments, in effect on the date of any subsequent subdivision and/or permit approval, any increase in those fees, taxes, or assessments, and any new fees, taxes or assessments, which are in effect at the time the building permits are issued, which may include traffic impact fees, a Parsons Avenue impact fee, Mello-Roos, etc.; said agreement to be approved by the City Council prior to the adoption of the ordinance, resolution, or minute action.
2. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the Engineering Department.
3. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
4. The development of the project shall conform with an adopted Phasing Plan to be submitted by the applicants and adopted as part of this approval process. Due to the

potential long-range development of the project, changes in the phasing plan, consistent with City Codes, may be approved by the City's Director of Development Services (DDS), without need for review by the Planning Commission or City Council. Any decision of the DDS to change the adopted Phasing Plan may be appealed to the Planning Commission.

5. The project shall conform to all mitigation measures in Expanded Initial Study #00-31 for Fahrens Creek Annexation (Appendix E to Attachment E of Staff Report #01-33). This includes modification to two measures as follows: F-3: (eliminate the last sentence, pertaining to a possible noise study; a construction traffic plan approved by the City will provide sufficient mitigation); and N-1: The applicants shall be required to provide a level of accessibility and rangeland management (firebreaks and/or disking) for fire suppression that is acceptable to the City of Merced.
6. Prior to City Council approval of the Fahrens Creek Annexation request, the applicants shall sign a waiver regarding Proposition 218 proceedings (Attachment F of Staff Report #01-33).
7. The proposed Fahrens Creek Specific Plan Master Design shall be modified as shown on the proposed plan (Attachment B) and Exhibit 1 of Staff Report #01-33; three copies of the Specific Plan, as ultimately approved, shall be provided to the City.
8. Adopted City of Merced ordinances shall be utilized to address densities, intensities, setbacks and heights, unless otherwise adapted as part of the planned development standards for this specific plan area. General architectural character and appearance will be at a design level consistent with Attachment C to this report (City of Merced Staff Report #01-33).
9. The Merced Village Design Guidelines shall be utilized for more detail on architectural features and design {Chapter 6: Urban Design (General Plan)}. The underlying zoning standards of the City of Merced ordinances consistent with each land use shall apply unless otherwise modified or exempted. Examples of acceptable building materials for single family homes include stucco, masonry, and architectural grade wood siding; roof material examples include tile, wood shake, and architectural composition shingles.
10. Village Residential (VR) areas will contain an average minimum gross density of 10 dwelling units per acre; this may involve a mix of small lot single-family, single family with ancillary carriage houses or other types of second units, townhouses, multiple-family units, etc., and may be supplemented by upper level residential within the Core Commercial Area. Acceptable building materials include stucco, masonry and architectural grade wood siding; examples of acceptable roofs materials include tile, wood shake and architectural composition shingles.

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11. Building materials used in construction within the Village Center/Core commercial area should convey durability and permanence, be suited to Merced's climate, and to the greatest extent possible involve concrete, stucco, masonry, tile, stone and wood, with accents of tile and glass. Acceptable roof materials include tile, wood shake, standing seam metal, and architectural composition shingle.
12. No new, permanent access directly to Highway 59 will be allowed from any parcel within the annexation; over time, existing access to 59 from individual parcels will be subject to relocation at the direction of the City of Merced, when reasonable, alternative means of access becomes available to these parcels with construction of the future Reverse Frontage Road (RFR) to the east of them.
13. A six-foot high decorative, solid wall shall be constructed along the east side of the north-south collector located one-quarter mile east of and parallel to Highway 59, and designated a Reverse Frontage Road (RFR) Collector on the Fahrens Creek Specific Plan; this wall and any associated landscaping between the wall and the RFR shall be part of a maintenance district. Design details for the wall and landscape plan for adjacent common areas shall be required as part of any tentative subdivision map or conditional use permit approval process involving any of this frontage area.
14. Approval of the Annexation of those parcels located west of the designated Reverse Frontage Road (RFR) Collector, which are currently outside the North Merced Sewer District, is subject to: a) approval from the City Council for sewer services from the Sewer District; and b) respective property owners entering into agreements with the City of Merced to pay all sewer connection costs within their property, pursuant to Chapter 15.16 of the Merced Municipal Code.
15. City policy now anticipates the foreseeable requirement of stop signs at both the southeast and southwest corners of the school site (on Lehigh Drive extended). These will be the responsibility of the first developer through a final development approval process (subdivision map, conditional use permit, etc.) involving this portion of Lehigh, with appropriate reimbursement from later, adjacent (across the street) development.
16. ~~Prior to alteration or removal of the existing YVRR roadbed within the project area, the responsible property owner(s), on the basis of the analysis required by Mitigation Measure C 2 (Expanded Initial Study #00 31 For Fahrens Creek Annexation to the City of Merced), will, as necessary, enter into an agreement with any other affected property owner, to eliminate or otherwise address in a manner acceptable to both parties any identified impact to such other property, to the degree to which such impact(s) exceeds flood protection regulations that exist at the time the roadbed is removed. Any costs associated with the study, or related changes to the federal flood map series, shall be the responsibility of the owner of the property involved.~~

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17. At least in residential areas, designated collector streets will be designed consistent with the cross-section design at Attachment B-3 (to allow wider park strips and the opportunity for larger trees) to Merced City Staff Report #01-33.

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

AYES: Commissioners Burr, Osorio, Riordan, Eisenhart, Pollard, and
Chairman Love
NOES: None
ABSENT: Commissioner Lopez

Adopted this 5th day of December, 2001

Chairman, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Attachment A – Mitigation Measures

tl/P.RES.#2675

December 17, 2001: At their regularly scheduled meeting of December 17, 2001, the City Council approved Pending Annexation #00-03, General Plan Amendment #00-09, and Prezoing Application #00-03, subject to the conditions of this Resolution, amending Condition #7 as follows:

7. The proposed Fahrens Creek Specific Plan Master Design shall be modified as shown on the proposed plan (Attachment B) and Exhibit 1 of Staff Report #01-33; three copies of the Specific Plan, as ultimately approved, shall be provided to the City.

The elimination (relocation) of residential lots from the northwest corner of the central (Village Core) park shown on Attachment B1 (of Staff Report #01-33) may be brought up for further discussion by the applicant with the city at the time of subsequent processing of a subdivision map for this area.

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The City Council also approved an Agreement [affecting the property located between Hwy 59 and R Street from Yosemite Avenue (Extended) to a half mile south of Cardella Road], which amended Condition #16 and added Condition #18 as follows:

16. Prior to alteration or removal of the existing Yosemite Valley Railroad (YVRR) roadbed within the project area, a study must be conducted in accordance with Mitigation Measure C-2 (Expanded Initial Study #00-31 for Fahrens Creek Annexation to the City of Merced), to determine the impact alteration or removal of the roadbed might have with regard to flooding of the project area, the surrounding properties, and any other property that might be impacted by a change. Any negative impact that is identified by such study must be eliminated or otherwise addressed and mitigated in a manner that is acceptable to the City and all parties affected by any negative impact. Any costs associated with the study of impacts of roadbed alteration or removal, related changes to the federal flood map series, and any costs for mitigation measures shall be the responsibility of the party or parties whose development plans in the project are directly dependent on alteration or removal of the existing YVRR roadbed within the project area. If more than one party is involved, such parties shall enter into an agreement specifying the percentage of costs that each individual party shall be responsible for.

18. ~~No approvals will be adopted or permits issued by the City of Merced, for actual construction on the portion of the Fahrens Creek Specific Plan depicted on Attachment 3* and Exhibit 1*, as further described as that portion outlined by heavy dashed line, until authorization has been received from, or a waiver acceptable to the City has been granted by, the U.S. Army Corps of Engineers (the "Corps") regarding flood control measures to be taken to comply with that portion of the Merced Streams Group Project located within the Fahrens Creek Specific Plan. If the Corps does not authorize construction in that portion of the property, or grant a satisfactory waiver by December 31, 2005, the applicant may request review of this condition by the City Planning Commission to determine whether, at that time, an extension of this condition is necessary or advisable (*Attachment 3 to City Manager Administrative Report on Fahrens Creek Specific Plan Adoption, dated December 10, 2001; and Planning Commission/City Council Exhibit 1: Fahrens Creek Specific Plan.)~~

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Secretary's Note: The actions that took place at the City Council Meeting on December 17, 2001, as noted above, are referenced in the Developer Agreement between the City of Merced and Sequoia Land Investments; Matthew and Barbara Bruno; Doris Gonella; Lillian Dal Porto; and Edith M. Nahas that was recorded on April 4, 2002 (Instrument No. 16796, Volume 4414, Page 998, of the Official Records of Merced County, California).

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May 20, 2015: At their regularly scheduled meeting of May 20, 2015, the Planning Commission recommended to City Council deletion of Condition #18 of Planning Commission Resolution #2675 (Condition #3 of Planning Commission Resolution #3050 and Staff Report #15-05 – 3rd Addendum).

July 20, 2015 At their regularly scheduled meeting of July 20, 2015, the Merced City Council approved the deletion of Condition #18 of Planning Commission Resolution #2675 (Condition #3 of Planning Commission Resolution #3050 and Staff Report #15-05 – 3rd Addendum).