

MERCED : WRITTEN COMMENTS FOR MARCH 20,  
2019 PLANNING COMMISSION MEETING  
(BRIGHT DEVELOPMENT VTSM # 1291)

- \* The second page of your staff memo accurately and correctly describes the two (2) requisite findings of the California Government Code Section 66498.1 (c) (1) & (2), either of which is necessary for the Planning Commission to deny Bright Development's request for an extension of VTSM # 1291 (as modified). My comments herein will address both of these required findings and why Bright's request *must* be denied.
- \* On "Attachment C--page 5" (attached), "EASEMENT WIDTH SCHEDULE" included in your staff report, identifies the PG & E easement as eighty (80) feet in width, ½ (or 40 feet), on Bright's property and the other ½ (40 feet) on ours (BP Investors, LLC). Yet, "Attachment C--page 6" (attached) it shows the subdivision planned with a street and autos on one (1) portion of "Section A-A" (74 feet), and the remaining portion of "Section A-A" (75 feet), as a planned storm-drain basin/swale (8 to 12.5 feet deep). That storm-drain basin/swale appears to be depicted ½ on our property (within the 75 feet). Consequently, approximately 35 feet would extent into our Village Residential development where we intend to locate some of our required parking and a drive-aisle.

Because the applicant's plan offers only one (1) cross-section of the power-line easement proposed for a storm-drain basin/swale with an adjacent roadway (and autos), as shown on "Attachment C, page 6", the only reasonable conclusion one could make is that it represents a large majority of the length of that PG & E easement area, including that portion along our City approved student-housing project (CUP # 1200), which the City will likely want to review.

Should the City Planning Commission approve Bright's requested extension as shown, such approval may then constitute a public or private "taking" in violation of both the 5<sup>th</sup> Amendment to the U.S. Constitution, and Article 1, Section 19 of the California Constitution (See attached references). Clearly, that circumstance would achieve the threshold required by the State's Government Code. Therefore, Bright's extension request for VTSM #1291 (as modified) must be denied.

- \* Regarding the use of the PG & E easement area : For many years the property owners and the City anticipated using the easement for, in part, as a storm-drainage area. When the City approved a student-housing development at Lake Road and Yosemite Avenue, the City conditioned that project with a requirement that before the City would issue any building permit, the developer would need written documentation to substantiate that PG & E would allow parking within their easement area (See attached City condition and responsive email). That established condition alerted me to question whether or not PG & E would allow the storm-drain basin/swale which has long been considered acceptable and planned by the City and both property owners as a part of the development for this area.

In the summer of 2017, I sought approval from PG & E to use its easement area for a storm-water collection basin/swale. On August 24, 2017, I received an email from PG & E's Land Agent (See attached email) stating that PG & E would NOT allow a basin/swale beneath their high-voltage power lines. Consequently, VTSM # 1291, as modified, can not be built as currently designed, and thus Bright's subdivision map extension request must be denied.

- \* The "Environmental Clearance" in the City's **STAFF REPORT: # 18-29** describes an action to be taken by the Planning Commission

as, “1) Environmental Review # 18-56”, CEQA Section 15162 Findings (Approve/Disapprove/Modify) (attached) and according to that meeting’s official minutes posted on the City’s web-site, the City failed to make a CEQA Determination (See the attached official Planning Commission minutes for the meeting of October 3, 2018).

Further, on page 4 of that Staff Report is the paragraph referred to as Environmental Clearance, which we believe was intended to summarize staff’s Section 15162 Findings, and included in the Staff Report as Attachment F. The paragraph states, in part, “...and concluded that Environmental Review # 18-54 (sic) is a second tier environmental document, based upon the City’s determination that the proposed development remains *consistent with the current general plan* and provisions of CEQA Guidelines, Section 15162...” [Emphasis added]. On October 3, 2018, the “current general plan” was the *MERCED VISION 2030 GENERAL PLAN*, adopted on January 3, 2012. The reference to the proposed development as being “consistent” with the 2030 General Plan is in **direct** conflict with “Exhibit C” of the “ABSOLUTE-BRIGHT” **PRE-ANNEXATION DEVELOPMENT AGREEMENT** signed by Absolute LLC, Leeco LLC, BP Investors LLC, Bright Development, a California Corporation and the City of Merced (See attached “Exhibit C”). That Agreement clearly describes in the “Land Use Regulations” (Section 2.9) “...all ordinances, resolutions, codes, rules, regulations, and official policies of City, governing the development and use of land including without limitation, the permitted use of land...listed on “Exhibit C” attached...”. “Exhibit C” specifically lists “*Merced Vision 2015 General Plan*, as amended through April 4, 2005” (excerpts from Chapter 4—Transportation and Circulation attached).

Consequently, because the CEQA Section 15162 Findings were “based” (or evaluated) on the 2030 General Plan (not adopted until 2012), the purported Environmental Determination is, or had it been made, would have been flawed.



1. The project is located within the Golden Valley Planning Area, which is subject to the Golden Valley Planning Area General Plan and the Golden Valley Planning Area Specific Plan. The project is located within the Golden Valley Planning Area, which is subject to the Golden Valley Planning Area General Plan and the Golden Valley Planning Area Specific Plan.



**GOLDEN VALLEY**  
 PLANNING AREA  
 425 West 10th Street  
 Suite 200  
 Reno, NV 89501  
 Phone: (775) 784-2000  
 Fax: (775) 784-2001  
 Email: info@goldenvalleypa.com

|           |                |
|-----------|----------------|
| DATE      | DESCRIPTION    |
| 10/1/2018 | Initial Design |
| 10/1/2018 | Final Design   |
| 10/1/2018 | Construction   |

CALIFORNIA  
 BRIGHT DEVELOPMENT  
 PORTION SECTION 5 & 8, T.7 S., R.14 E., M.D.B. & M.

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

WENCED

10/1/2018

10/1/2018

10/1/2018

10/1/2018

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10/1/2018

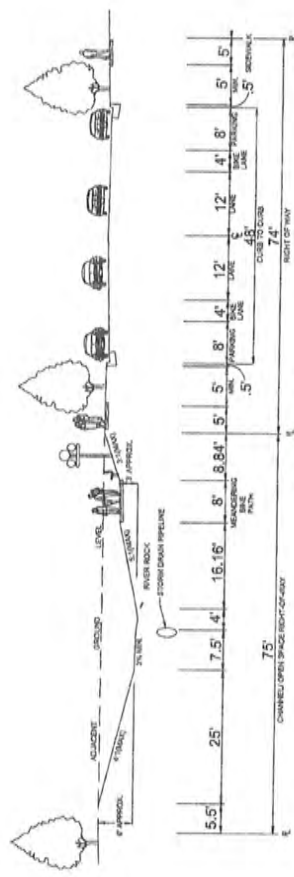
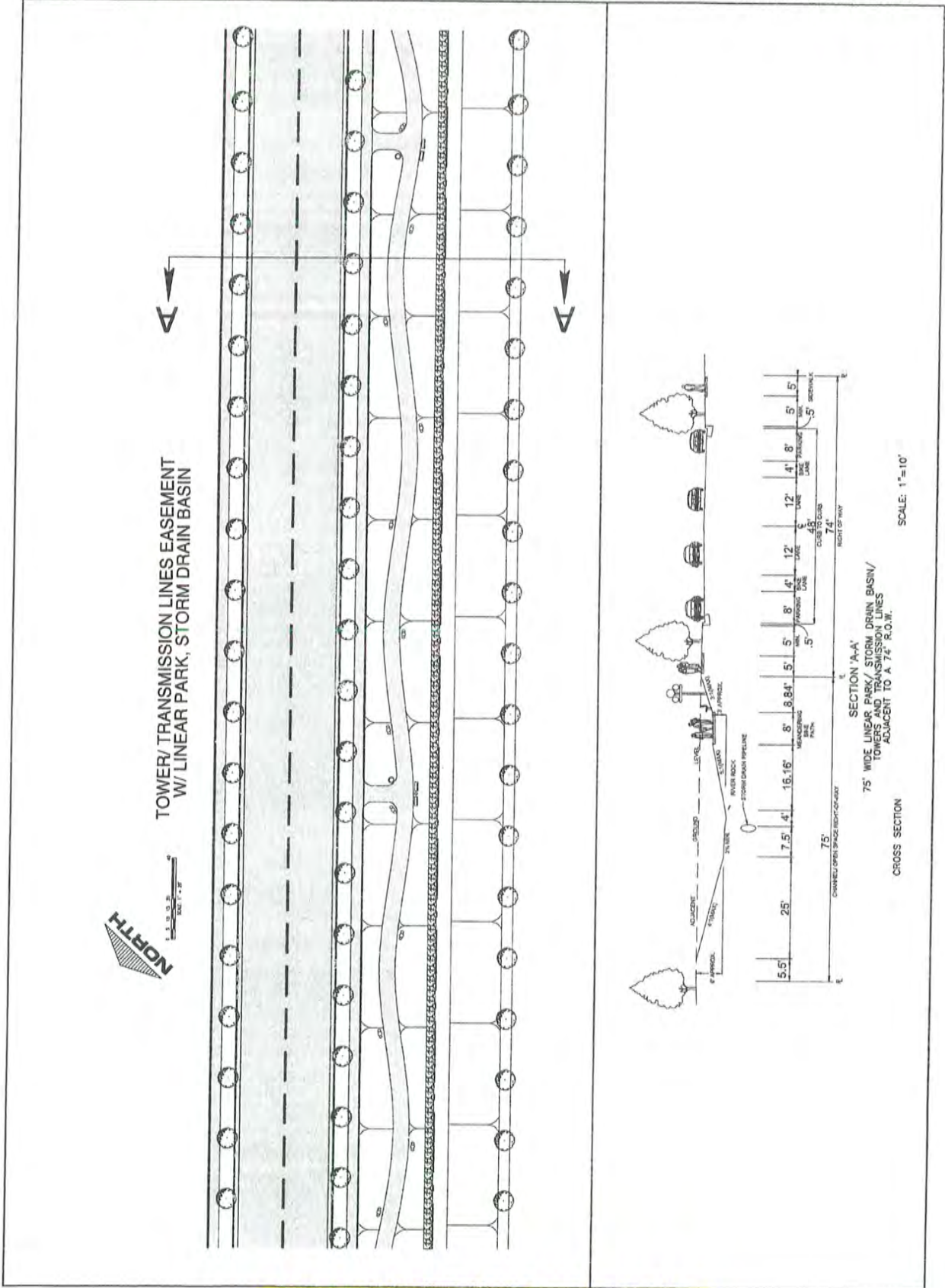
10/1/2018

10/1/2018

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10/1/2018



SECTION 'A-A'  
 75' WIDE LINEAR PARK/ STORM DRAIN BASIN/  
 TOWERS AND TRANSMISSION LINES  
 ADJACENT TO A 7.5' R.O.W.  
 CROSS SECTION  
 SCALE: 1"=10'

# Takings clause

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## Eminent domain

The Supreme Court has held that the federal government and each state has the power of eminent domain—the power to take private property for "public use." The *Takings Clause*, the last clause of the Fifth Amendment, limits the power of eminent domain by requiring that "just compensation" be paid if private property is taken for public use. The just compensation provision of the Fifth Amendment did not originally apply directly to the states, but since *Chicago, B. & Q. Railroad Co. v. Chicago* (1897), federal courts have held that the Fourteenth Amendment extended the effects of that provision to the states. The federal courts, however, have shown much deference to the determinations of Congress, and even more so to the determinations of the state legislatures, of what constitutes "public use". The property need not actually be used by the public; rather, it must be used or disposed of in such a manner as to benefit the public welfare or public interest. One exception that restrains the federal government is that the property must be used in exercise of a government's enumerated powers.

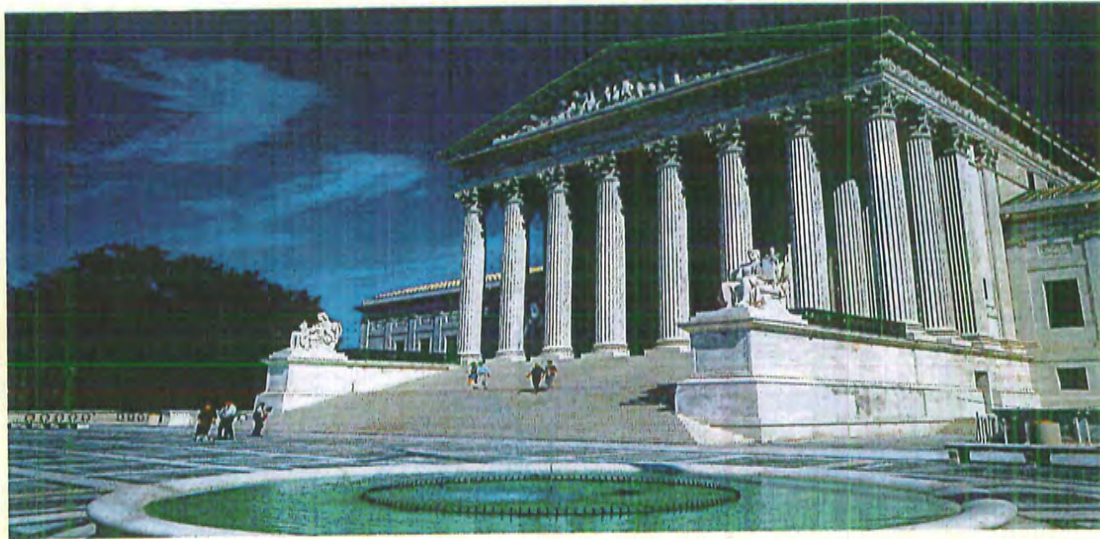
[https://en.wikipedia.org/wiki/Fifth\\_Amendment\\_to\\_the\\_United\\_States\\_Constitution](https://en.wikipedia.org/wiki/Fifth_Amendment_to_the_United_States_Constitution)

3/6/2019

## "Just compensation"

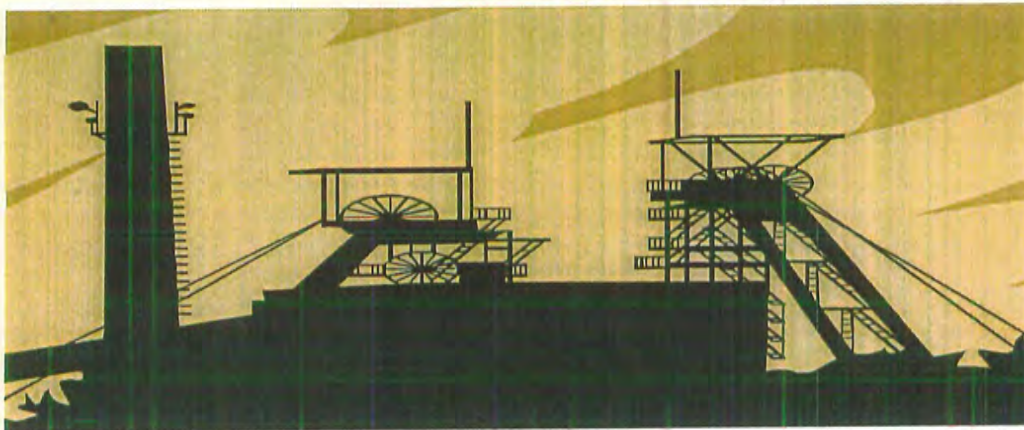
The last two words of the amendment promise "just compensation" for takings by the government. In *United States v. 50 Acres of Land* (1984), the Supreme Court wrote that "The Court has repeatedly held that just compensation normally is to be measured by "the market value of the property at the time of the taking contemporaneously paid in money." *Olson v. United States*, 292 U.S. 246 (1934) ... Deviation from this measure of just compensation has been required only "when market value has been too difficult to find, or when its application would result in manifest injustice to owner or public." *United States v. Commodities Trading Corp.*, 339 U.S. 121, 123 (1950).

## The Takings Clause Fifth Amendment, U.S. Constitution

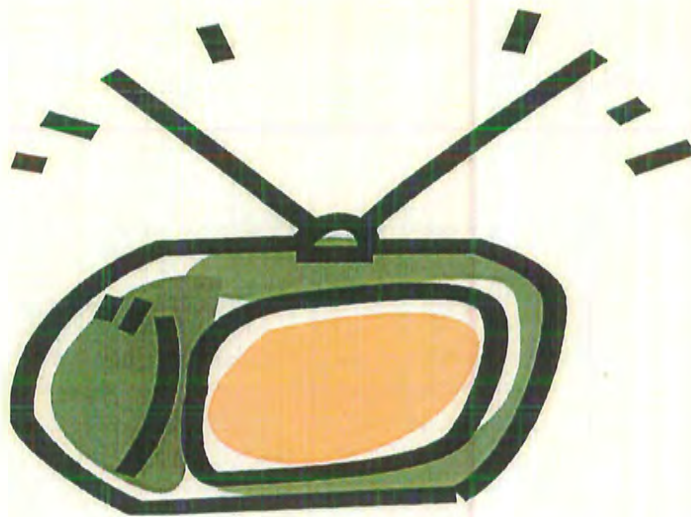


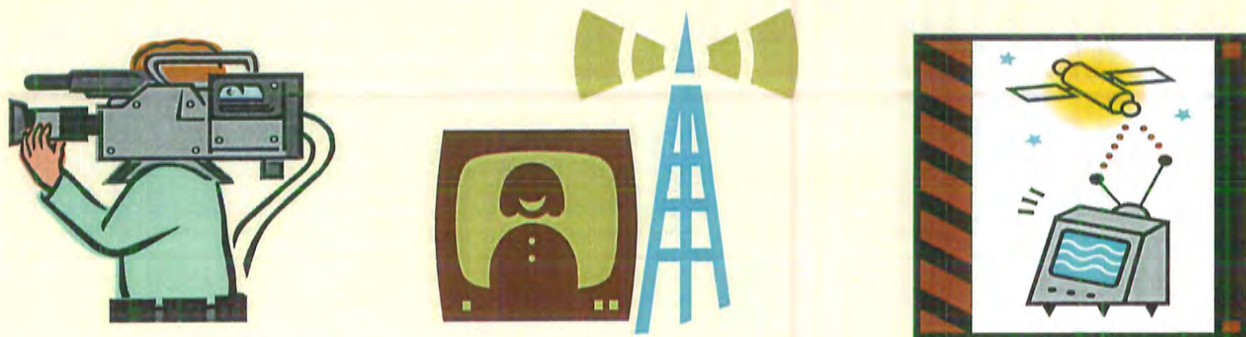
“No person shall be....deprived of...property with due process of law; nor shall private property be taken for public use, without just compensation.”

The doctrine of **regulatory takings** aims to identify regulatory actions that are functionally equivalent to the classic taking. Thus, it is a taking when a state regulation forces a property owner to submit to a **permanent physical occupation**, or deprives him of **all economically beneficial use** of his property. “[W]hile property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking.” *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393, 415 (1922).



It is a taking when a state regulation forces a property owner to submit to a permanent physical occupation, *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 425-426, (1982) (CATV cables in rental housing by city franchise).





To succeed on a takings claim, a citizen would have to show that the State's action affected a “legally cognizable property interest.” *Prometheus Radio Project v. F.C.C.*, 373 F.3d 372, 428 (3d Cir.2004) (upholding FCC regulation of airwaves).

CALIFORNIA CONSTITUTION  
ARTICLE 1 DECLARATION OF RIGHTS

SEC. 19. Private property may be taken or damaged for public use only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner. The Legislature may provide for possession by the condemnor following commencement of eminent domain proceedings upon deposit in court and prompt release to the owner of money determined by the court to be the probable amount of just compensation.

CALIFORNIA CONSTITUTION  
ARTICLE 1 DECLARATION OF RIGHTS



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## \* CALIFORNIA CONSTITUTION - CONS

### ARTICLE I DECLARATION OF RIGHTS [SECTION 1 - SEC. 32] (*Article 1 adopted 1879.*)

**SEC. 19.** (a) Private property may be taken or damaged for a public use and only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner. The Legislature may provide for possession by the condemnor following commencement of eminent domain proceedings upon deposit in court and prompt release to the owner of money determined by the court to be the probable amount of just compensation.

(b) The State and local governments are prohibited from acquiring by eminent domain an owner-occupied residence for the purpose of conveying it to a private person.

(c) Subdivision (b) of this section does not apply when State or local government exercises the power of eminent domain for the purpose of protecting public health and safety; preventing serious, repeated criminal activity; responding to an emergency; or remedying environmental contamination that poses a threat to public health and safety.

(d) Subdivision (b) of this section does not apply when State or local government exercises the power of eminent domain for the purpose of acquiring private property for a public work or improvement.

(e) For the purpose of this section:

1. "Conveyance" means a transfer of real property whether by sale, lease, gift, franchise, or otherwise.
2. "Local government" means any city, including a charter city, county, city and county, school district, special district, authority, regional entity, redevelopment agency, or any other political subdivision within the State.
3. "Owner-occupied residence" means real property that is improved with a single-family residence such as a detached home, condominium, or townhouse and that is the owner or owners' principal place of residence for at least one year prior to the State or local government's initial written offer to purchase the property. Owner-occupied residence also includes a residential dwelling unit attached to or detached from such a single-family residence which provides complete independent living facilities for one or more persons.
4. "Person" means any individual or association, or any business entity, including, but not limited to, a partnership, corporation, or limited liability company.
5. "Public work or improvement" means facilities or infrastructure for the delivery of public services such as education, police, fire protection, parks, recreation, emergency medical, public health, libraries, flood protection, streets or highways, public transit, railroad, airports and seaports; utility, common carrier or other similar projects such as energy-related, communication-related, water-related and wastewater-related facilities or infrastructure; projects identified by a State or local government for recovery from natural disasters; and private uses incidental to, or necessary for, the public work or improvement.
6. "State" means the State of California and any of its agencies or departments.

(*Sec. 19 amended June 3, 2008, by Prop. 99. Initiative measure.*)

36. The applicant shall provide written documentation from PG&E agreeing to allow the proposed parking spaces within their easement area. This documentation shall be provided with the submittal of the first building permit that includes the parking in this area.

n:shared:planning:PC Resolutions:GPA#16-06/ZC#242/Est. of PD #76 (Student Housing Village) Exhibit A

**RICK TELEGAN**

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**From:** Nelson, Julie <NelsonJ@cityofmerced.org>  
**Sent:** Monday, February 4, 2019 1:44 PM  
**To:** Fresno3rdm@aol.com  
**Subject:** Project at Lake & Yosemite  
**Attachments:** PG&E approval for parking in easement\_5-24-18.pdf

Good afternoon, Rick. Attached is the documentation from PG&E to allow the parking in the easement area. No structures are allowed, but they can have the parking lot within the easement area. Hopefully this will help with your efforts. Have a good day!

Julie Nelson,  
Associate Planner  
City of Merced  
209-385-6967  
209-388-7314 (fax)



May 21, 2018

Doug Parsons  
Principal Engineer  
QK Inc.  
2816 Park Ave  
Merced, CA 95348

Re: Merced Station Student Housing, 2980 E. Yosemite Ave, Merced, CA

Dear Doug:

Thank you for the opportunity to review the site plans for the proposed Merced Station Student Housing project. PG&E has the following comments to offer.

1. PG&E owns and operates electric transmission and distribution facilities located within the project area. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed development plans should provide for unrestricted utility access, and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.
2. Developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facilities relocations require long lead times and are not always feasible, developers should be encouraged to consult with PG&E as early in their planning stages as possible.
3. Relocations of PG&E's electric transmission and substation facilities (50,000 volts and above) may also require formal approval from the California Public Utilities Commission. If required, this approval process may take up to two years to complete. Proponents with development plans that may affect such electric transmission facilities should be referred to PG&E for additional information and assistance in the development of their project schedules.
4. We have the following specific comments and recommended modifications regarding the site plans for your Merced Station Student Housing project:
  - a. The proposed storm drains and sewer lines that are shown to be approximately 21 feet from the base of the two electric towers have been reviewed and approved by PG&E's Electric Transmission Engineering Department. Those two towers being Tower 057/364 and Tower 003/022 of the MELONES-WILSON 230kV / WARNERVILLE-WILSON 230kV and EL CAPITAN-WILSON 115kV / WILSON-ATWATER #2 115kV electric transmission lines. Any changes that differ from the Developer's provided design will invalidate this approval.
  - b. PGE and the Developer has agreed on the proposed parking lot layout plan, to which no structures are to be erected within PG&E's easement area, as shown on attachment titled

A1.0. Any changes that differ from the Developer's provided design will invalidate this approval.

- c. PGE and the developer has agreed on the proposed street light poles as shown on attachment title E1.2, to which the maximum height of the street light poles is to not exceed the maximum height of 16 feet from the finish grade. Any changes that differ from the Developer's provided design will invalidate this agreement.
- d. The Developer is to make sure that the 6 feet tall galvanize steal fence surrounding the perimeter of the project site, as it is labeled on the Site Plans A1.0, must be grounded.
- e. Landscaping within overhead electric transmission easement such as trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. Do not plant trees or deep-rooted shrubs within 10 feet of the transmission structures. Reasonable access to PG&E facilities is to be maintained, including access by heavy equipment. Greenbelts are encouraged.

5. The California Constitution vests in the California Public Utilities Commission (CPUC) exclusive power and sole authority with respect to the regulation of privately owned or investor owned public utilities such as PG&E. This exclusive power extends to all aspects of the location, design, construction, maintenance and operation of public utility facilities. Nevertheless, the CPUC has provisions for regulated utilities to work closely with local governments and give due consideration to their concerns. PG&E must balance our commitment to provide due consideration to local concerns with our obligation to provide the public with a safe, reliable, cost-effective energy supply in compliance with the rules and tariffs of the CPUC.

Sincerely,

Bounma Moua  
Land Agent

Attachments:

A0.1 & A1.0 - Site plans

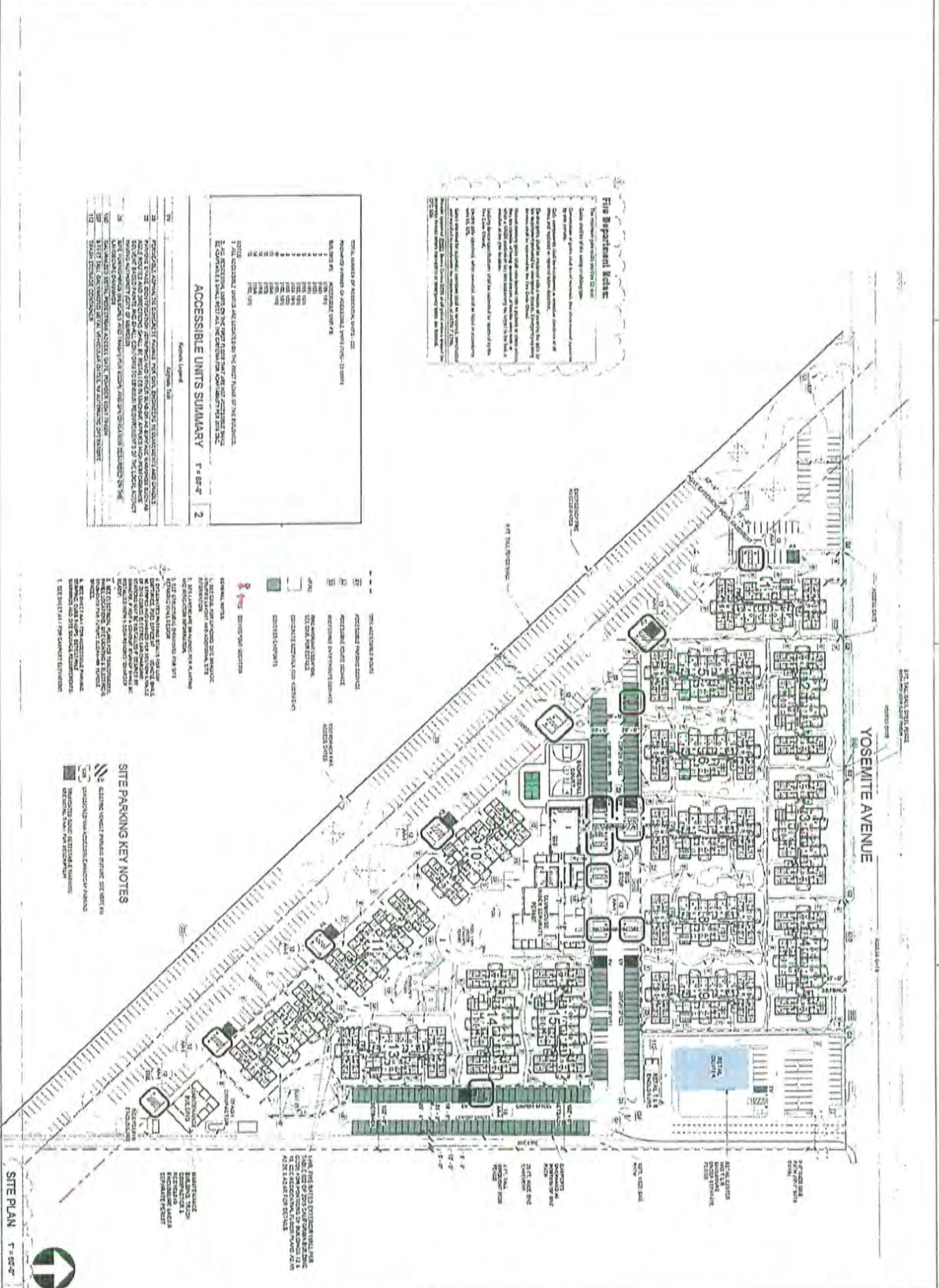
Storm drain plans

Engineering profile near base of towers

Doc. 10107, Volume 1423, Official Records, Page 507, MCR – Easement Document

Document 11105, Volume 128 Official Records, Page 344, MCR - Easement Documents

E1.2 - Engineers street light plans



**Fire Department Notes**

The following information is provided for the Fire Department's review and use. This information is not intended to be a substitute for the Fire Department's own investigation and assessment of the site. The Fire Department is responsible for determining the appropriate fire protection measures for the site.

The site is located in an area with a high fire hazard potential. The site is surrounded by residential areas and is adjacent to a major thoroughfare. The site is located in an area with a high fire hazard potential. The site is surrounded by residential areas and is adjacent to a major thoroughfare.

**ACCESSIBLE UNITS SUMMARY** T = 60' x 4'

Legend

| NO. | DESCRIPTION                                                                                                                                                                                                            | NO. OF UNITS |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| 1   | STANDARD ACCESSIBLE UNITS                                                                                                                                                                                              | 10           |
| 2   | STANDARD ACCESSIBLE UNITS WITH BATH                                                                                                                                                                                    | 10           |
| 3   | STANDARD ACCESSIBLE UNITS WITH BATH AND KITCHEN                                                                                                                                                                        | 10           |
| 4   | STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, AND LAUNDRY                                                                                                                                                              | 10           |
| 5   | STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, LAUNDRY, AND STORAGE                                                                                                                                                     | 10           |
| 6   | STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, LAUNDRY, STORAGE, AND CLOSET                                                                                                                                             | 10           |
| 7   | STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, LAUNDRY, STORAGE, CLOSET, AND LINEN                                                                                                                                      | 10           |
| 8   | STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, LAUNDRY, STORAGE, CLOSET, LINEN, AND PANTRY                                                                                                                              | 10           |
| 9   | STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, LAUNDRY, STORAGE, CLOSET, LINEN, PANTRY, AND BREAKFAST ROOM                                                                                                              | 10           |
| 10  | STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, LAUNDRY, STORAGE, CLOSET, LINEN, PANTRY, BREAKFAST ROOM, AND DINING ROOM                                                                                                 | 10           |
| 11  | STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, LAUNDRY, STORAGE, CLOSET, LINEN, PANTRY, BREAKFAST ROOM, DINING ROOM, AND LIVING ROOM                                                                                    | 10           |
| 12  | STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, LAUNDRY, STORAGE, CLOSET, LINEN, PANTRY, BREAKFAST ROOM, DINING ROOM, LIVING ROOM, AND PORCH                                                                             | 10           |
| 13  | STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, LAUNDRY, STORAGE, CLOSET, LINEN, PANTRY, BREAKFAST ROOM, DINING ROOM, LIVING ROOM, PORCH, AND PATIO                                                                      | 10           |
| 14  | STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, LAUNDRY, STORAGE, CLOSET, LINEN, PANTRY, BREAKFAST ROOM, DINING ROOM, LIVING ROOM, PORCH, PATIO, AND GARAGE                                                              | 10           |
| 15  | STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, LAUNDRY, STORAGE, CLOSET, LINEN, PANTRY, BREAKFAST ROOM, DINING ROOM, LIVING ROOM, PORCH, PATIO, GARAGE, AND DRIVEWAY                                                    | 10           |
| 16  | STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, LAUNDRY, STORAGE, CLOSET, LINEN, PANTRY, BREAKFAST ROOM, DINING ROOM, LIVING ROOM, PORCH, PATIO, GARAGE, DRIVEWAY, AND FRONT PORCH                                       | 10           |
| 17  | STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, LAUNDRY, STORAGE, CLOSET, LINEN, PANTRY, BREAKFAST ROOM, DINING ROOM, LIVING ROOM, PORCH, PATIO, GARAGE, DRIVEWAY, FRONT PORCH, AND BACK PORCH                           | 10           |
| 18  | STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, LAUNDRY, STORAGE, CLOSET, LINEN, PANTRY, BREAKFAST ROOM, DINING ROOM, LIVING ROOM, PORCH, PATIO, GARAGE, DRIVEWAY, FRONT PORCH, BACK PORCH, AND DECK                     | 10           |
| 19  | STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, LAUNDRY, STORAGE, CLOSET, LINEN, PANTRY, BREAKFAST ROOM, DINING ROOM, LIVING ROOM, PORCH, PATIO, GARAGE, DRIVEWAY, FRONT PORCH, BACK PORCH, DECK, AND FENCE              | 10           |
| 20  | STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, LAUNDRY, STORAGE, CLOSET, LINEN, PANTRY, BREAKFAST ROOM, DINING ROOM, LIVING ROOM, PORCH, PATIO, GARAGE, DRIVEWAY, FRONT PORCH, BACK PORCH, DECK, FENCE, AND LANDSCAPING | 10           |

- THE ACCESSIBLE UNITS**
- 1. STANDARD ACCESSIBLE UNITS
  - 2. STANDARD ACCESSIBLE UNITS WITH BATH
  - 3. STANDARD ACCESSIBLE UNITS WITH BATH AND KITCHEN
  - 4. STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, AND LAUNDRY
  - 5. STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, LAUNDRY, AND STORAGE
  - 6. STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, LAUNDRY, STORAGE, AND CLOSET
  - 7. STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, LAUNDRY, STORAGE, CLOSET, AND LINEN
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  - 17. STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, LAUNDRY, STORAGE, CLOSET, LINEN, PANTRY, BREAKFAST ROOM, DINING ROOM, LIVING ROOM, PORCH, PATIO, GARAGE, DRIVEWAY, FRONT PORCH, AND BACK PORCH
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  - 20. STANDARD ACCESSIBLE UNITS WITH BATH, KITCHEN, LAUNDRY, STORAGE, CLOSET, LINEN, PANTRY, BREAKFAST ROOM, DINING ROOM, LIVING ROOM, PORCH, PATIO, GARAGE, DRIVEWAY, FRONT PORCH, BACK PORCH, DECK, FENCE, AND LANDSCAPING

**Merced Station**

ARCHITECTURE AND PLANNING

122 E. ARRELLAGA  
SANTA BARBARA  
93101-3246

**HOCHHAUSER**

Blatter

ARCHITECTURE AND PLANNING

122 E. ARRELLAGA  
SANTA BARBARA  
93101-3246

**1**

**SITE PLAN** T = 60' x 4'

**A1.0**

**2**

**ACCESSIBLE UNITS SUMMARY** T = 60' x 4'

## RICK TELEGAN

---

**From:** Moua, Bounma <b2m3@pge.com>  
**Sent:** Thursday, August 24, 2017 2:57 PM  
**To:** 'Fresno3rdM@aol.com'  
**Cc:** Moua, Bounma  
**Subject:** RE: PG & E easement

Rick,

I hope all is well with you. I apologize for the late response, I've been extremely busy since my return.

I was able to determine that PG&E would not allow a swale to be created beneath the transmission tower lines. The response was that the proposed design would be unacceptable because it would impair our right to maintain our facilities as well it disturbing the grounds beneath the facilities.

I understand this isn't response you had hope for, but if you have other proposal that you would like review, please let me know.

Thank you.

**Bounma Moua** | Land Agent  
**Pacific Gas and Electric Company** | Land Management  
559.263.5688 office | 821.5688 internal | [b2m3@pge.com](mailto:b2m3@pge.com)

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**From:** Fresno3rdM@aol.com [mailto:Fresno3rdM@aol.com]  
**Sent:** Friday, July 21, 2017 10:32 AM  
**To:** Moua, Bounma  
**Cc:** jkashian@caddispropertiesllc.com  
**Subject:** Fwd: PG & E easement

\*\*\*\*\***CAUTION:** This email was sent from an EXTERNAL source. Think before clicking links or opening attachments.\*\*\*\*\*

Buonma....This email is in response to your request for an exhibit depicting our proposed swale necessary for us to satisfy our storm water detention requirements of the city. Call me, or Jim (@GVE) if you have any questions. Thx

---

**From:** [jimxu@gves.us](mailto:jimxu@gves.us)  
**To:** [fresno3rdm@aol.com](mailto:fresno3rdm@aol.com), [jkashian@lance-kashian.com](mailto:jkashian@lance-kashian.com)  
**Sent:** 7/21/2017 10:08:01 A.M. Pacific Daylight Time  
**Subj:** PG & E easement

Hi Rick,

Attached is sketch for proposed basin within PG & E easement.

Please let me know if you have any questions.

**CITY OF MERCED**  
**Planning & Permitting Division**

**STAFF REPORT: #18-29**

**AGENDA ITEM: 4.3**

**FROM:** Kim Espinosa,  
Planning Manager

**PLANNING COMMISSION**  
**MEETING DATE: Oct. 3, 2018**

**PREPARED BY:** Julie Nelson,  
Associate Planner

---

**SUBJECT:** **Vesting Tentative Subdivision Map (VTSM) #1291**, initiated by Bright Development. This application involves a request for a modification of VTSM #1291 which would reconfigure the streets within the subdivision and reduce the number of lots from 168 lots to 161 lots. This property is generally located on the east side of G Street at Merrill Place (extended) within an R-1-5 zone with a General Plan designation of Low Density Residential (LD). \*PUBLIC HEARING\*

**ACTION:** Approve/Disapprove/Modify

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

**SUMMARY**

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

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

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

- 4.3 Modification to Tentative Subdivision Map #1291 ("Bright Homes"), initiated by Bright Development. This application involves a request for a modification of VTSM #1291 which would reconfigure the streets within the subdivision and reduce the number of lots from 168 lots to 161 lots. This property is generally located on the east side of G Street at Merrill Place (extended) within an R-1-5 zone with a General Plan designation of Low Density Residential (LD).

Associate Planner NELSON reviewed the report on this item. She noted an email received by the Planning Department and a memo from Staff (which were provided to the Commission at the meeting). The memo recommended modifications to Conditions #1, #10, #11, #12, #13, #22, and #25, the deletion of Condition #26, and the addition of Conditions #32 through #44. For further information, refer to Staff Report #18-29.

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

Speakers from the Audience in Favor:

DAVE BUTZ, Bright Development, Applicant, Modesto  
RICK TELEGAN, 3<sup>rd</sup> Millennium Investments, Fresno

Mr. TELEGAN voiced concerns regarding the compliance of the tentative map's temporary emergency vehicle access (EVA).

There were no speakers from the audience in opposition to the project.

Public testimony was completed at 7:39 p.m.

Chairperson re-opened public testimony at 7:40 p.m. to allow the applicant to rebut public comment with his remaining time of 00:14:22.

Mr. BUTZ assured the public and the Commission that the map was reviewed by the Police Department and Fire Department and the temporary EVA did not raise concerns.

Public testimony was completed at 7:41 p.m.

M/S PADILLA-CAMPER, and carried by the following vote, to approve the modification to Vesting Tentative Map #1291 ("Bright Homes") subject to the thirty-one (31) Conditions contained within Resolution #2904, 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 as follows (RESOLUTION #2904):

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

- "1. The proposed project shall be constructed/designed as shown on Exhibit 1 [Proposed Vesting Tentative Map #1291 (Modified)] - Attachment C of Staff Report #18-29, subject to the listed conditions, except as modified by the conditions.
- "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")~~ 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. ~~Developer shall share costs of pump station with the subdivision to the north ("Palisades Park") if joint use occurs, or if pump station is necessary.~~

- “12. Dedicate additional G Street right-of-way and easements to match *Merced Vision 2015 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. landscape and public facilities easements of 15 feet in width, including the construction of a 6-foot high masonry wall. Consistent with Planning Commission Resolution #2871 (Absolute Leeco Annexation), all of “G” Street within the annexation boundary shall be constructed at the time of improvements for the first tentative map, along with all other requirements listed in Condition #7 of said Resolution.
- “13. Dedicate additional right-of-way and easements along the northern half of Merrill Avenue to match *Merced Vision-2015 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. 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. A 7-foot-tall block wall shall be constructed along the project's frontage on Merrill Avenue (Place). The 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. ~~The secondary access point shall be located at the intersection of Foothill Drive and G Street. The secondary access point shall be installed prior to the issuance of the 1st certificate of occupancy permit. 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 cul-de-sac bulb, ‘J’ Court, shall be open end style including sidewalk connectors to adjacent linear parks (within the PG&E easement) and local streets and walls from back of house to back of house. The linear park and PG&E Easement shall be designed in an open manner, with no fences or other hindrances that would impede pedestrian accessibility, of both easements as they intersect with each other and ‘J’ Court~~
- ~~“26. The cul-de-sac bulb labeled as ‘D’ Court shall be designed with park strips due to its extended length.~~
- “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.
- “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.”

Planning Commission Minutes

Page 12

October 3, 2018

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

NOES: None

ABSENT: Commissioner Martinez

ABSTAIN: None

4.4 Cancellation of October 17, 2018, Planning Commission  
Meeting due to Lack of Items.

M/S PADILLA-RASHE, and carried by unanimous voice vote (one  
absent), to cancel the Planning Commission meeting of October  
17, 2018, due to lack of items.

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.

6. ADJOURNMENT

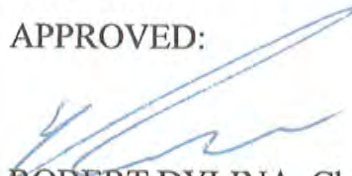
There being no further business, Chairperson DYLINEA adjourned the meeting  
at 7:46 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary  
Merced City Planning Commission

APPROVED:



ROBERT DYLINEA, Chairperson  
Merced City Planning Commission

**EXHIBIT C**  
**LAND USE REGULATIONS**

*Merced Vision 2015 General Plan*, as amended through  
April 4, 2005

Charter of the City of Merced, as amended through  
March 5, 2002

Merced Municipal Code, as amended through May 2005

City of Merced Design Standards, as amended through  
November 15, 2004

Merced Specific Urban Development Plan (SUDP)

C-1

The location and intensity of development has an effect on traffic levels in the surrounding area and on the City as a whole. Transportation engineers have developed several mathematical tools to monitor the relationship between land use and the transportation system. One tool is the traffic forecasting model. This model forecasts traffic volumes and simulates traffic conditions under future land use scenarios based on a) estimates of traffic which will be generated by new development; b) streets the traffic will use; c) and the amount of new traffic the street system can ultimately accommodate.

To evaluate the General Plan Land Use Plan, the City used a traffic model developed by the Merced County Association of Governments (MCAG) for the State Route 99 Merced-Atwater Corridor Study (see Section 4.7.3). The resulting roadway level of service capacity is summarized in Appendix 4.8.4. Major street projects needed to support the planned land uses in the City are summarized in *Table 4.1* and described in more detail in the Appendix (Section 4.8.3). The financing of these needed improvements is discussed in Section 4.7.6. The resulting Circulation Plan (map) is shown in *Figure 4.1*.

## **4.2 CIRCULATION PLANNING**

People continue to drive more. Vehicle miles of travel and the number of automobiles registered per person have continued to increase throughout the State. Shifts in employment patterns and other factors have concentrated auto use during peak daily use periods. This has special implications for an area like

Merced, which has grown from a small, relatively isolated community to a large metropolitan urban area within much less than a lifetime.

### **4.2.1 Merced's Historic Circulation Planning**

The City of Merced has grown dramatically in the past quarter century. The 1968 General Plan formally re-oriented proposed community growth from east-west to the current north-south orientation. This change was based upon major environmental constraints as well as growth pressures.

In response to growth, changes have occurred in Merced's transportation and circulation planning in the past few years. A major catalyst for these changes was the *Merced 2030: How Should We Grow?* report (1990). (See Section 2.2.2 of the Urban Expansion chapter.)

The *Merced 2030* report described possible growth scenarios for the City over a forty-year period. The "Northern City" scenario, showing growth predominantly to the north of the City towards Lake Yosemite (*Figure 2.1* in the Urban Expansion chapter), was subsequently adopted in 1990.

The *Merced 2030* document also visualized a continuation of the existing system of major north-south roadways into the northern growth areas and an M Street transit corridor. Further reports, such as the "Working Paper on Circulation Options in Future City of Merced" and the *North Merced Conceptual Land Use Plan* (1991), were subsequently prepared and introduced the concept of a Highway 59 expressway.

These reports, combined with public input, have helped to shape and modify Merced's circulation system with new features. These features were incorporated into the City's General Plan Transportation and Circulation Element in 1993 and are included in the *Merced Vision 2015 General Plan*. These features (*Figure 4.1*) include:

- a comprehensive system of arterial streets in a one-half to one mile grid system;
- an upgraded Highway 59 to serve as a beltway or "ring-road" to carry cross-town traffic around established portions of the community; and
- a major transit corridor (M Street) designated along the central core of the entire City.

#### 4.2.2 Opportunities and Challenges

The transportation/circulation environment of Merced offers a number of challenges and opportunities. Chief among these will be the location of the University of California (UC) campus northeast of Lake Yosemite. The UC will have major circulation needs, but also offers a significant opportunity for a concentrated transit destination.

The closure of military operations for nearby Castle Air Force Base (CAFB) presents significant economic challenges to the area. Successful conversion to a large civilian job base can also create a major challenge to regional circulation. Again, however, it also offers the opportunity to become a concentrated transit destination.

When considering circulation alternatives, Merced has year-around weather that is quite favorable to non-automobile options. In addition, an enhanced M Street transit corridor, within an urban area that remains strongly oriented north-south, could continue to offer convenient non-automobile access to nearly every major destination in Merced--a truly unique opportunity!

#### 4.2.3 Coordination of Circulation System Planning

Coordination between various transportation planning agencies is an important method of managing traffic growth as well as local and regional traffic problems. It is important that land use and transportation/circulation policies be carefully coordinated on a regional level.

This offers the best possible opportunity for achieving consistent comprehensive planning including a well-balanced jobs to housing relationship, which in turn can reduce the length and number of commute trips in the Merced urban area.

Merced County's land use and circulation decisions in the area have significant potential for affecting the City's circulation system. As an example, a large number of subdivision lots/dwellings in a location even miles from Merced City can create peak hour traffic impacts on a particular urban area road if most of the subdivision residents commute to and from work in Merced at similar times.

The Merced County Association of Governments (MCAG) is Merced County's regional (county-wide) planning agency, responsible for coordinating

### 4.3 ELEMENTS OF THE CIRCULATION SYSTEM

#### 4.3.1 Regional Circulation System

##### Current Regional Access

Three routes currently provide regional access for the City of Merced (*Figure 4.2*).

State Route 99 is an important north/south highway connecting the major cities of the Great Central Valley. It is a four to six lane facility extending from Interstate 5 near Bakersfield at its southern end to Interstate 5 near Redding at its northern end. It passes through a number of Valley communities, including Bakersfield, Visalia, Fresno, Merced, Modesto, Lodi, Stockton, and Sacramento. State Route 99 serves as the primary farm-to-market route for the transportation of agricultural products, as a major commuter route within many of the cities it serves, and as a popular route for recreational traffic.

State Route 59 is a north/south facility extending from Route 152 south of El Nido to Snelling north of Merced. It enters Merced from the south via Martin Luther King Jr. Way (South J Street), crosses the City via Route 99, and continues northward on its own Highway 59 corridor. This route primarily serves local and truck traffic.

State Route 140 is an east/west facility connecting I-5 and Yosemite National Park. It is a two-lane road serving local traffic and a high volume of recreational traffic. It enters the City from the west at the intersection of 13th and V Streets, crosses the City via Route 99, and

continues eastward on its Route 140/Yosemite Park Way corridor.

G Street and Santa Fe Drive play more limited regional roles by connecting Merced with the nearby communities of Snelling and Atwater respectively.

##### Expanded Regional Access

As a part of the *Merced 2030* and *North Merced Conceptual Plan* process, the City adopted a circulation plan of major streets (arterials) and an expressway (Highway 59 by-pass) for prospective growth areas north of the existing community. That system has been subsequently modified and expanded in concept over time as a result of the work of the City/County Liaison Committee, the General Plan Update, and the Highway 99 Corridor Study (by City, County, Atwater, Caltrans, and the Merced County Association of Governments).

The resulting circulation plan also contains a more inclusive future regional loop or beltway system, designed to provide additional options for regional traffic to travel around the fringes rather than through the urban area. This prospective loop system is formed by Highway 59 and Thornton Avenue to the west, Mission Avenue to the south, a route within the Lake/Kibby Road area to the east, and Bellevue Road to the north. An interchange in the vicinity of Thornton Road/Highway 99 is a key western link within this loop. An interchange in the vicinity of Mission Avenue/Highway 99 is a key eastern link within this loop. Such a system has elements which will need to be initiated within the next 20 to 30 years.

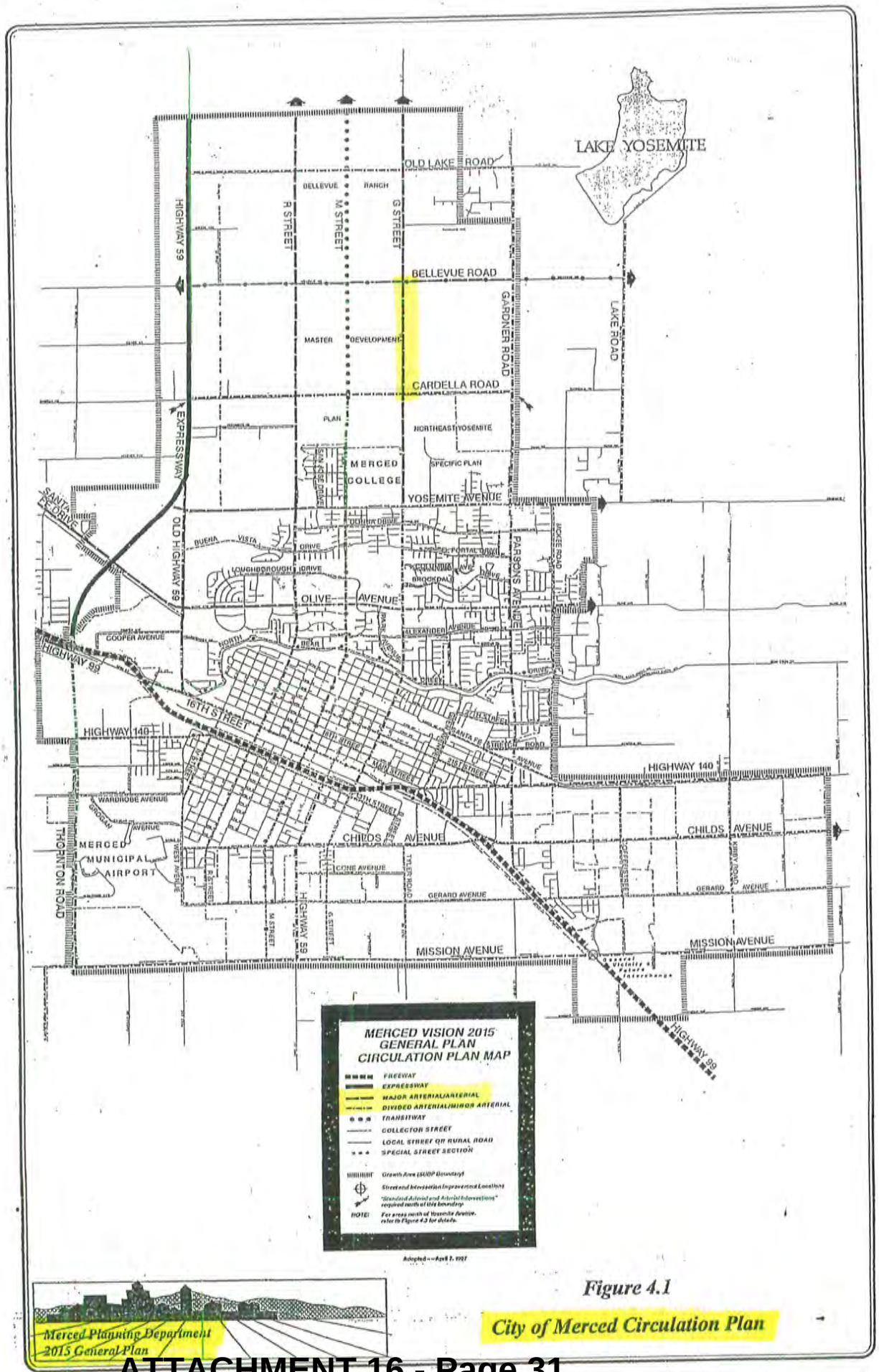


Figure 4.1

City of Merced Circulation Plan

### 4.3.2 Functional Road Classifications and Design Standards

City and regional streets and highways are classified by categories that reflect their importance and function. Freeways are the highest level of roadway, with fully controlled access, high operating speeds and volumes, and highest design standards. Local streets and alleys are the lowest functional classification, with low speeds and volumes and direct access to adjacent property.

The accompanying table (*Table 4.2*) and representative cross-sections which follow summarize the characteristics of roadway categories. (*More detailed design standards and additional cross-sections are described in Section 4.8.1.*) Specific design requirements are found in the City of Merced's Standard Designs of Common Engineering Structures, which are amended on a regular basis.

Roadway characteristics and standards described in the Circulation Element apply to most common situations and generally should be considered as minimums. However, detailed traffic and design studies for specific development projects or roadway improvements may indicate that higher levels of improvements are required or that other standards may be permitted. Like other infrastructure, circulation improvements will be required as development occurs (See Chapter 5, Public Services and Facilities, for related policies regarding the timing of improvements.)

### 4.3.3 Streets and Highways

#### Major Road System

The City has had a one-mile grid system of major north-south roadways identified

for many years (Highway 59, R Street, G Street, and Parsons Avenue are all one mile apart). This existing system will be extended and expanded to the north and south to serve Merced's new growth areas.

The circulation system concept for projected new growth areas to the north of Merced provides for one-mile grids formed by major arterial and arterial roadways. The north-south major arterials in the City's primary growth area would distribute traffic throughout the community. East-west arterials would carry traffic to a convenient north-south major arterial or expressway for ultimate distribution to the downtown, other more distant community destinations, or to Highway 99. (*Figure 4.3*).

#### Rights-of-Way and Access Spacing

The prospective arterial grid system has two basic requirements if it is to be successful -- 1) adequate right-of-way (ROW) preservation to accommodate the amount of traffic expected from major future growth, and 2) strict access control to maintain efficient movement for this greatly expanded traffic.

In order for the street system to function properly, enough capacity must be built into the roadways to handle the traffic for the next 20 to 40 years and beyond. For that purpose, the rights-of-way (ROW's) for major arterials, such as Bellevue Road, G Street, and R Street, need to be substantial.

Along with the amount of right-of-way, access control greatly affects street capacity. Every street has a maximum traffic-carrying capacity -- the maximum

Table 4.2

*City of Merced  
Summary of Street and Highway Standards*

| ROAD CLASSIFICATION | RIGHT-OF-WAY          | # OF LANES | DRIVEWAY ACCESS RESTRICTIONS | STREET INTERSECTION SPACING | PARKING                                  |
|---------------------|-----------------------|------------|------------------------------|-----------------------------|------------------------------------------|
| Expressway          | 150 ft                | 6-8        | Full                         | 1 mile                      | No                                       |
| Major Arterial      | 128 feet              | 4-6        | Full                         | 1/4 - 1/2 mile              | No                                       |
| Arterial            | 128 feet              | 4-6        | <sup>1</sup> Partial         | 1/4 - 1/2 mile              | No                                       |
| Divided Arterial    | 118 feet              | 4-6        | <sup>1</sup> Partial         | 1/4 - 1/2 mile              | No                                       |
| Minor Arterial      | 94 feet               | 2-4        | <sup>1</sup> Partial         | 1/8 - 1/4 mile              | Generally Not Permitted                  |
| Major Collector     | <sup>2</sup> 68-74 ft | 2-4        | <sup>3</sup> Partial         | As needed                   | <sup>3</sup> Permitted in Selected Areas |
| Collector           | 68 ft                 | 2          | <sup>4</sup> Partial         | As needed                   | <sup>4</sup> Permitted in Selected Areas |
| Local               | 49-60 ft              | 2          | No                           | As needed                   | Permitted                                |
| Transitway          | <sup>5</sup> Varies   | 2-6        | <sup>5</sup> Varies          | <sup>5</sup> Varies         | <sup>5</sup> Varies                      |

<sup>1</sup>Generally no direct access to adjacent property. Right-turn-in/right-turn-out local streets or combined access driveways may be permitted at the City's discretion at 1/8 mile points.

<sup>2</sup>Less (68 feet) right-of-way (ROW) may be permitted where supported by a traffic analysis to assure that the narrower street would not be overloaded. Analysis would include trip generation and distribution based on existing and future land use and circulation system. Additional width may be necessary at intersections where analysis shows need for turn lane(s).

<sup>3</sup> Generally no direct access (fronting lots and residential driveways) allowed.

<sup>4</sup> Fronting lots would be permitted on Collectors where a traffic analysis shows daily traffic volumes will not exceed 1,500 vehicles under ultimate conditions. Driveways or other direct access and parking are to be avoided if feasible within 300 feet of existing signalized intersection or an intersection with realistic prospects for future signalization

<sup>5</sup>There are different kinds of transitways, depending on their function. Some segments will allow buses only (refer to Bellevue Ranch Master Development Plan) while others will function as normal arterials except they will offer exclusive "High-Occupancy Vehicle" lanes.

NOTE: These are general standards appropriate for most situations. Higher standards may be required or less standards may be permitted based on detailed design studies. Expanded ROW's may be required at intersections to accommodate turn lanes. On-street parking may be deleted if adequate, convenient off-street parking is provided in a subdivision design. A subdivision design deleting on-street bicycle lanes may be permitted if an adequate, convenient Class I bicycle path(s) is available (subject to possible reimbursement and/or maintenance costs for existing system).

Currently adopted standards are contained in the City of Merced Standard Designs of Common Engineering Structures.

number of vehicles that can be carried at a particular speed past any given point.

To maintain this capacity, speed must be maintained. Therefore, unnecessary disruptions to peak hour traffic flow must be avoided. Carefully controlling the number of intersections is the key to maintaining such roadway efficiency.

The intersections that are allowed must also be located at specific distances from each other. This in turn allows future traffic signals to be located at proper distances to provide the most efficient timing possible. The more effective the timing coordination, the more efficient the system (more vehicles carried more quickly over a given period of time).

City traffic studies have indicated that the most efficient spacing for signalized intersections should be a) no less than one-half mile apart on Major Arterials (G and R Streets north of Yosemite Avenue), and b) at least one-quarter mile apart on Arterials (Bellevue Road) and Divided/Minor Arterials (Cardella Road). This spacing maintains an adequate flow of traffic and allows proper synchronization of traffic signals.

Right-turn-in/right-turn-out intersections (regulated by a road median) are allowed at the one-quarter mile points on Major Arterials and at the one-eighth mile points on Arterials and Divided/Minor Arterials. This conceptual arterial grid system was first recommended by the Planning Commission and adopted by the City Council in 1992 as part of the *North Merced Conceptual Plan* (Section 2.2.3).

Designation and function of the following major roadways are to a large degree

based upon the level of required access restrictions.

#### Highway 59 (Expressway)

- \* Anticipated to be the major cross-town traffic carrier for Merced's prospective growth areas to the north in the foreseeable future;
- \* East-west minor arterials to feed traffic onto the Expressway at one mile signalized intervals (no other direct access allowed);
- \* Major concentration of business parks, commercial centers, industrial activities and other service/employment oriented land uses along this corridor;
- \* Adjacent land uses served directly from frontage roads running parallel to the Expressway;
- \* By-passes the existing City road system, to provide direct access to Highway 99 and alternative access to the downtown area.

#### R Street/G Street (Major Arterials)

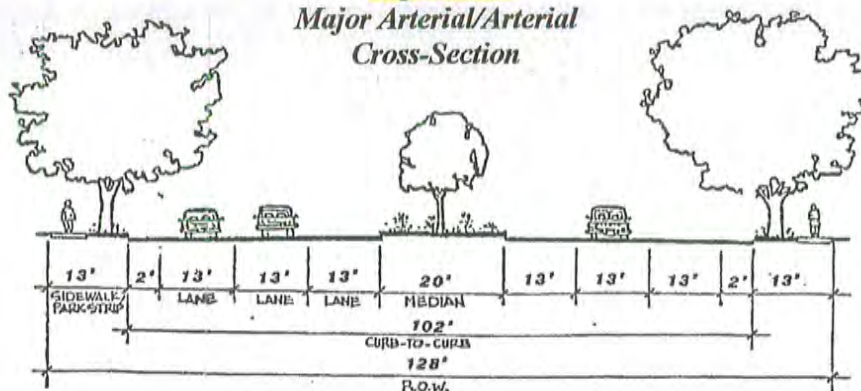
- \* Located parallel to each other at one-mile intervals, in the direction (north-south) that is anticipated over time will carry the longer distance, higher speed cross-town vehicle trips for Merced's prospective growth areas to the north (*Figure 4.3*);
- \* Cross-town function anticipated to become more important as the City extends further northward;
- \* Access to Major Arterials (*Figure 4.4*) is limited to no more than every quarter mile; signalized (four-way) intersections only allowed at every

mile (at east-west Arterials) and intervening half-mile point at major collectors; (other access points, at intervening quarter miles, limited to

right-turn-in, right-turn-out traffic only).

Figure 4.4

Major Arterial/Arterial Cross-Section



Bellevue Road and Cardella Road/Old Lake Road (Arterials)

- \* Arterials, one mile apart in a parallel (east-west) pattern perpendicular to the major arterials.
- \* Anticipated to accommodate more, but shorter, vehicle trips, distributing vehicles to major arterials.
- \* Less stringent access restrictions, to accommodate heavier traffic loads for shorter periods of time -- basically, designed to carry traffic to the nearest appropriate major

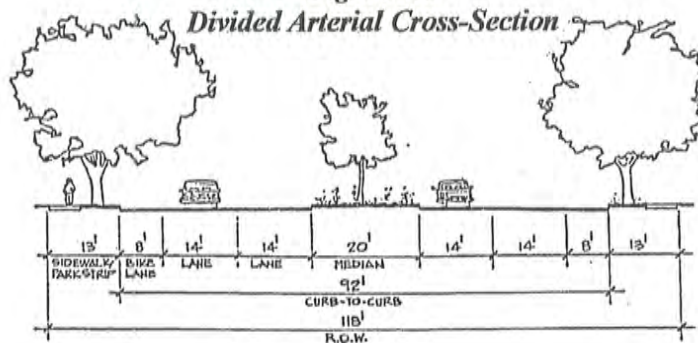
arterial, expressway or collector, for further trip distribution.

- \* Bellevue Road has a larger right-of-way requirement (128 feet, 150 feet at major intersections) because it is designated as a transitway in addition to its designation as an arterial. Cardella Road and Old Lake Road are both designated Divided Arterials (118 feet, 140 feet at intersections) (Figure 4.5)

(NOTE: Yosemite Avenue is to function as an Arterial in part but with special designations -- Figure 4.3.)

Figure 4.5

Divided Arterial Cross-Section



**Policy 1-1.1**

**Design Streets Consistent with Circulation Function and Affected Land Uses**

*It is extremely important to coordinate circulation and land use planning. Street systems are intended to move motor vehicles but streets also are expected to provide access to near-by land uses. Smaller streets called upon to carry heavy traffic to major activity centers can create large circulation problems. Large streets carrying heavy traffic through residential or other sensitive land use areas can create significant conflicts.*

**Implementing Actions:**

**1.1.a Implement the General Plan Circulation Plan (Figure 4.1) as development occurs.**

The City will implement the General Plan Circulation Plan as development occurs in new growth areas and in developed areas, as feasible. This may be accomplished through the dedication of needed right-of-way or transportation easements, the construction of roadway improvements, and/or the collection of fees, consistent with the impacts of new development.

**1.1.b Whenever feasible implement a system of arterials and higher order streets in new growth areas based upon the adopted concept of arterials/expressways.**

The adopted concept of arterials/expressways is designed to carefully separate streets by circulation function, and locate land uses consistent with these functions (Figure 4.1). Arterials and higher order streets will carry the higher-speed traffic to adjacent commercial, industrial and other major destinations. Collectors and local streets will be designed for local, neighborhood traffic that is either traveling towards a neighborhood destination or is exiting the area. It is important to try to apply these same principles to the extent possible in planning partially developed areas that have incomplete road networks.

**1.1.c Evaluate existing streets in older portions of the City, and identify means of upgrading the system where necessary.**

As in-fill development and redevelopment occurs, existing street systems should be evaluated to determine if there are ways that circulation efficiency can be improved without causing undue impacts on the neighborhoods.

**1.1.d Design and build residential collector streets that balance as effectively as possible competing needs to be safe and efficient.**

The community needs to continue to seek and evaluate design options and other ways that might help to reconcile the competing functions of residential collector streets (to be safe for local neighborhood residents while being reasonably efficient traffic carriers). The City also needs to distinguish collector streets ("Major Collectors") that, because of certain characteristics, are likely as time passes to experience increasing traffic pressures and impacts on adjacent residential settings.

[NOTE: A "Major Residential Collector" is defined as 1) being of one-half mile or more in uninterrupted length; 2) having a current or projected ADT (Average Daily Trips) of 1,500 or higher; and 3) having outlets to at least one higher order street at an intersection which is either signalized or projected for future signalization. A Major Collector by its location a) is a central element of its neighborhood circulation system with connection to additional neighborhoods; and b) will receive, or is projected to receive, significant through traffic increases from outside its primary service area to major destinations to which the major collector has convenient access. Major Collectors would be the same width as other Collectors, but should have no residential driveways accessing directly upon them. See Appendix 4.8.1.]

**1.3.h Obtain whenever feasible necessary rights-of-way in proximity to major intersections for needed turn lanes.**

Intersections can become bottlenecks to efficient traffic movement. A key to maintaining smooth-flowing traffic is to avoid as much as possible the disruption of through traffic by turning vehicles. Turn lanes of sufficient length are effective for removing traffic that is slowing to turn, with a minimum of impact upon through traffic. This can be especially important in older areas of the City where widening the entire street may not be possible, but where expanded intersections can reduce congestion.

**1.3.i In new growth areas, obtain expanded arterial intersection rights-of-way (ROW) requirements.**

As development projects are proposed in new growth areas, the expanded arterial intersection ROW's generally described in the Appendix (Section 4.8) should be dedicated, so that turn lanes can be established in these intersections when traffic conditions warrant.

**1.3.j Maintain the land use and access restrictions identified for major collector and higher order street intersections.**

Streets have functions that are often at odds with each other. Major roads are expected to carry large amounts of traffic at reasonable speeds. Each intersection, driveway access, or median break that allows other traffic to enter or otherwise disrupt the traffic flow of a major street reduces efficiency (traffic-carrying ability) from that major street. An intersection of two major streets becomes a point where each disruptive movement within proximity to the intersection has heightened potential to affect traffic flows on each street. Major traffic entering and leaving large commercial complexes or other major vehicle destinations create a variety of traffic movements that can magnify disruptions on traffic flow. Avoiding driveway access movements in the vicinity of major intersections promises to help maximize traffic flows, thereby maintaining efficiency while reducing air quality impacts at those intersections.

**1.3.k Approve driveway access locations only if consistent with approved minimum acceptable distances from major intersections, except in unusual circumstances.**

Driveways can help disrupt major street traffic flows. Over time a driveway can be expanded, land uses can intensify, and other changes can take place that can significantly increase the impacts of a driveway on major street traffic. It is important to maintain adopted driveway location standards, and to avoid driveway locations that can conflict with major street intersections. It is also important to consider the ultimate build-out of the area when determining needs at the time of initial construction.

*(Notes: Chapter 5, Public Services and Facilities, contains policies relating to the timing of infrastructure improvements, including circulation improvements.)*

## 4.8 APPENDIX

### 4.8.1 Functional Road Classifications and Design Standards

#### Functional Classification

Functional road classification categorizes each existing street or proposed street according to its primary function. This creates a hierarchical system as the basis for establishing standards, designing streets, selecting necessary traffic control measures, establishing a priority for construction, and measuring the quality of movement. In many cases, this system will also define appropriate land uses, the intensity of development, and the location of public facilities. The City's classification system is based on functional categories used by County, Regional, State, and Federal agencies.

The functional classification of streets and highways rests on the following concepts:

- Streets and highways are classified into separate and distinct systems in accordance with their intended primary circulation purpose. Each system serves the movement of traffic and the access to property to a different degree.
- Street classification governs design standards and construction and improvement priorities.
- The City's circulation system must be coordinated with the networks of the State and County.
- All major streets and highways have continuity, logical termini, and adequate capacity to allow and provide a high quality of flow.

The functional classification system used in the Circulation Element and Map (*Figure 4.1*) divides all streets and highways into categories. *Table 4.3* and the cross-sections on the following pages summarize the characteristics of each roadway category. These are illustrative characteristics only. Official design requirements are found in the City of Merced's Standard Designs of Common Engineering Structures.

#### Bikeways

Class I Bikeways (Off-Street Bike Paths) are designed to serve corridors not served by streets and highways, to provide recreational opportunities, or to provide high-speed commute routes for bicycles. In Merced, such bikepaths are found along Bear, Black Rascal, Cottonwood, and Fahrens Creeks, and will be expanded along powerline easements, canals, and abandoned railroad corridors in the future. All bikeways are designed to meet Caltrans minimum standards. Class II Bikeways (Bike Lanes), which provide striped lanes for bicycles along streets, are included in the street cross-sections on the following pages.

### Major Arterials

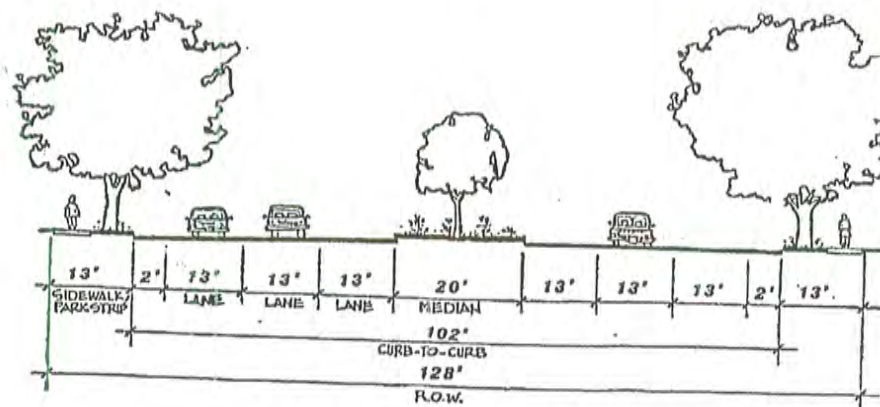
Major arterials are roads typically designed for new growth areas. They are intended to carry moderately heavy traffic volumes at moderate speeds on longer intra-city and cross-town trips, to regional destinations, and to State/Interstate routes for continuing longer trips. The extensions of "R" and "G" Streets north of Yosemite Avenue in the North Merced growth area are classified as "major arterials." Access is controlled, crossings are at-grade.

There are medians between traffic traveling in opposite directions. Expanded arterial intersections are generally at every mile, where they intersect a divided arterial or higher order street (beginning with and north of Cardella Road in the North Merced growth area). Intervening intersections with collector streets may be permitted every one-quarter mile (right-turn-in, right-turn out movements only) and one-half mile (signalized four-way intersections with appropriate median break).

The basic right-of-way for major arterials is typically 128 feet. At 970 feet from standard arterials intersections, the basic right-of-way for the major arterial will typically begin expanding; the maximum curb-to-curb width of 150 feet will be reached for the final 400 feet approaching the major intersection, or as designed in those standards to be established in the City of Merced Standard Designs of Common Engineering Structures. Access to abutting properties is restricted to internal streets or frontage roads. Parking is prohibited. Capacity varies depending upon lane width, lateral clearance, and distance between intersections. Major arterials should be heavily landscaped to give them a parkway-type character and to identify their function to the driver. Bikeways are permitted on-street when the major arterials are four lanes, but are eliminated when they are widened to six lanes due to safety concerns.

Figure 4.31

Major Arterial/Arterial Cross-Sections



Major Arterial/Arterial

Consequently, because the CEQA Section 15162 Findings were “based” (or evaluated) on the 2030 General Plan (not adopted until 2012), the purported Environmental Determination is, or had it been made, would have been flawed.

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