

CITY OF MERCED
Planning Commission

Resolution #4053

WHEREAS, the Merced City Planning Commission at its regular meeting of December 9, 2020, held a public hearing and considered **Vesting Tentative Subdivision Map #1315**, initiated by Golden Valley Engineering, on behalf of Bhupinder Sahota, property owner. This application involves a request to subdivide approximately 7.78 acres into 70 small single-family residential lots ranging in size from 3,109 to 5,648 square feet and a deviation from City Standard ST-1. This deviation, if granted, would allow streets, other than cul-de-sacs, to deviate from the requirement to install park strips. This property is generally located on the southwest corner of G Street and Rancho Camino Drive. This property has a General Plan designation of Village Residential (VR) and is zoned Planned Development (P-D) #58.; also known as Assessor's Parcel No. 259-130-034; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through K of Staff Report # 20-702 (Exhibit B); and,

WHEREAS, the Merced City Planning Commission concurs with the Findings for Tentative Subdivision Map Requirements in Merced Municipal Code Section 18.16.80, 18.16.90, and 18.16.100 as outlined in Exhibit B; and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby find that the previous environmental review (Initial Study #04-13 for the Mission Ranch Annexation) remains sufficient and no further documentation is required (CEQA Section 15162 Findings) and approve Vesting Tentative Subdivision Map #1315, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Camper, Butticci, Delgadillo, Dylina, and Chairperson Harris
NOES: None
ABSENT: Commissioner White (one vacancy)
ABSTAIN: None

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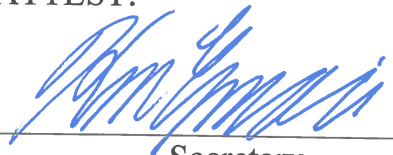
December 9, 2020

Adopted this 9th day of December 2020

Michael Harris

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Exhibits:

Exhibit A – Conditions of Approval

Exhibit B – Findings/Considerations

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Conditions of Approval
Planning Commission Resolution # 4053
Vesting Tentative Subdivision Map #1315

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Vesting Tentative Subdivision Map for "Mission Ranch Phase 2")—Attachment C of Planning Commission Staff Report #20-702, except as modified by the conditions herein.
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, except as modified by the Planning Commission to grant a deviation from City Standard ST-1.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. All previously adopted conditions and mitigation measures Mission Avenue Annexation (Annexation Application #04-03) shall apply to this project unless subsequently amended. All previously adopted conditions for Conditional Use Permit #1076 shall apply to this project unless subsequently amended.
6. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of

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- any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
7. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
 8. Community Facilities District (CFD) formation (or payment of the equivalent costs) 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 and completed 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 Development Services Director to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
 9. The proposed subdivision and all subsequent house designs shall comply with the Conditions set forth in Planning Commission Resolution #2847 for Conditional Use Permit #1076 (Attachment D of Staff Report #20-702). If the developer wishes to vary from the requirements of CUP #1076, a modification to the existing CUP or a new CUP may be required, as determined by the Director of Development Services.
 10. At the time of building permit issuance, the developer shall pay the mitigation fee required by the Mitigation Measures for Mitigated Negative Declaration #04-13 approved for the Mission Avenue Annexation. This fee is \$1,002.61.
 11. Each lot within the subdivision shall be provided with one driveway. No residential driveways shall front on any arterial or collector street.
 12. The project shall comply with all requirements of the California Building Code and all flood requirements of the Federal Emergency Management Agency (FEMA), as well as the requirements for the California Urban Level of Flood Protection (CA 200-year flood).
 13. All necessary documentation related to the construction of the residential uses shall be provided at the building permit stage.

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14. The project shall comply with all the Post Construction Standards required to comply with state requirements for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).
15. All landscaping within the public right-of-way shall comply with state and local requirements for water conservation. All irrigation provided to street trees or other landscaping shall be provided with a drip irrigation or micro-spray system and shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030). Landscape plans for all public landscaping shall be provided with the Improvement Plans.
16. Prior to final inspection of any home, all front yards and side yards exposed to public view shall be provided with landscaping to include, ground cover, trees, shrubs, and irrigation in accordance with Merced Municipal Code Section 20.36.050. Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray system in accordance with the State's Emergency Regulation for Statewide Urban Water Conservation or any other state or City mandated water regulations dealing with the current drought conditions. All landscaping shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030).
17. Compliance with the "corner vision triangle" per 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.
18. A minimum 6-foot-tall decorative wall and a 10-foot-wide landscape strip shall be constructed along the project's frontage on G Street.
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.
20. All cul-de-sac bulbs shall have a minimum diameter of 96 feet in compliance with Fire Department Standards adopted by Merced Municipal Code Section 17.32.
21. Fire hydrants shall be installed along street frontages 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.
22. Traffic control signs, street markings, and striping shall be as directed by the City Engineer.

23. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
24. The developer shall provide all utility services to each lot, including sanitary sewer, water, electric power, gas, telephone, and cable television. All new utilities are to be undergrounded, except on-ground transfer boxes for cable, telephone, and/or power, as necessary.
25. The developer shall install appropriate street name signs and traffic control signs with locations, names, and types approved by the City Engineer.
26. Developer shall provide construction plans and calculations for all landscaping and public maintenance improvements. All such plans shall conform to City standards and meet approval of the City Engineer.
27. Dedication by Final Map of all necessary easements will be made as shown on Vesting Tentative Subdivision Map #1315 and as needed for irrigation, utilities, drainage, landscaping, open space, and access.

The following conditions are part of Conditional Use Permit #1076 and will also apply to this Tentative Map. Some conditions have been modified slightly to adjust for development done with Mission Ranch Phase 1.

28. On local streets with a 49-foot right-of-way width and park strips, the minimum park strip width shall be 5 feet and the minimum sidewalk width shall be 5 feet. Trees shall be planted with root barriers to help prevent damage to the sidewalk.
29. On local streets with a 49-foot right-of-way width and no park strips a front yard landscape tree and a separate City street tree shall be planted in each lot. The City street tree shall be within the Public Utilities and Tree Planting Easement. Deed Restrictions shall clearly state that these trees are the property of the City and shall not be removed.
30. The developer shall be responsible for construction and dedication of all interior collector and local streets within the Project Boundaries.
31. The developer shall construct a 3-way intersection at Rancho Camino Road and G Street. The intersection shall be furnished with 3-way stop signs and crosswalks by the developer. An east-west cross walk shall be provided on G Street and a north south crosswalk shall be provided on Rancho Camino.
32. A north-south crosswalk shall be provided on Sedona Drive at G Street.

33. City utility service (water and sewer) connections shall be located under the driveway for each lot that faces a City street. Water lines are privately owned and maintained between the meter and the home. Sewer lines are privately owned and maintained from the point of connection to the City-owned main sewer line.
34. Developer shall provide storm drainage calculations, including retention volumes where such volume is proposed, and share proportionally in the cost of the storm pump station located adjacent to Gerard Avenue.

**Findings and Considerations
Planning Commission Resolution #4053
Vesting Tentative Subdivision Map #1315**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Village Residential (VR) and the Zoning designation of Planned Development (P-D) #58.

The density required for Village Residential is 7-30 units/acre with an average density of 10 units/acre. The density based on the gross acreage of 7.78 acres is 9 units/acre. However, based on the net acreage being developed with single-family lots, the density is 12 units/acre, which complies with the requirement for an average of 10 units/acre.

The proposed subdivision would achieve the following General Plan Land Use Policies:

L-1.2 Encourage a diversity of building types, ownership, prices, designs, and site plans for residential areas throughout the City.

L-1.3 Encourage a diversity of lot sizes in residential subdivisions.

L-1.6 Continue to pursue quality single-family and higher density residential development.

L-1.8 Create livable and identifiable residential neighborhoods.

Zoning Code Compliance

- B) Chapter 20.40 – Small Lot Single-Family Homes provides standards and requirements for small lot subdivisions. This section requires a Conditional Use Permit be approved for small lot single-family homes. Conditional Use Permit (CUP) #1076 was approved for this site in 2006. This CUP remains valid and includes specific design standards (refer to Planning Commission Resolution #2847 at Attachment D). If the developer adheres to these design standards and conditions of approval, the construction of the homes could be done with this CUP. However, if the developer varies from the requirements of CUP #1076, a modification to the CUP or a new CUP may be required (Condition #9 of Planning Commission Resolution #4053)).

Traffic/Circulation

- C) The subdivision has two points of access from G Street and once the development to the west is completed Rancho Camino Drive would connect to SR 59. Two of the north-south streets within the subdivision would connect to Rancho Camino Drive and third street would end in a cul-de-sac.

According to the Institute of Traffic Engineers (ITE) Manual, a detached single-family dwelling generates 9.57 trips per day. Based on the proposed 70 lots within this subdivision, a total of 679 trips per day would be generated. This would be consistent with the estimates made in the *Merced Vision 2030 General Plan* for this area.

Public Improvements/City Services

- D) The developer would be required to install all streets, utilities, and other improvements within the subdivision. City water and sewer lines currently exist in G Street and Rancho Camino Drive which will serve this project.

Each lot within the subdivision would be required to meet the City's storm drainage and run-off requirements for the City's MS-IV permit. All storm water would ultimately be delivered to the storm drain basin northwest of the site (Attachment B of Planning Commission Staff Report #20-702).

The proposed north-south streets within the subdivision (Sedona Drive, Dorada Drive, and Valencia Ct.) all propose a 49-foot right-of-way. City Standard ST-1 (Attachment E of Planning Commission Staff Report #20-702) allows local streets to have a 49-foot right-of-way, but the street must also include a park strip, with the exception of cul-de-sacs. As proposed, Sedona Drive and Dorada Drive do not include a park strip. Therefore, a deviation from City Standard ST-1 is required. If granted, the deviation would be consistent with the design for Mission Ranch Phase 1 on the north side of Rancho Camino Drive.

Per the conditions of approval for the previous Tentative Map for this site and Conditional Use Permit #1076, a three-way stop sign shall be installed at the intersection of G Street and Rancho Camino Drive. Additionally, crosswalks shall be installed at this intersection (both east-west and north-south) and a north-south crosswalk shall be installed at the intersection of Sedona Drive and G Street (Condition #32 of Planning Commission Resolution #4053).

Building Design

- E) As described in Finding B above, Conditional Use Permit #1076 was approved in 2006 and included conditions of approval related to the building design. There are no home designs proposed with the tentative map. However, all future homes would be required to comply with Conditional Use Permit #1076, all requirements of P-D #58 (Condition #9 of Planning Commission Resolution #4053).

Site Design

- F) The proposed design of the subdivision includes local streets and cul-de-sacs extending from Rancho Camino Drive. As previously mentioned, the lots are small lots ranging from 3,109 square feet to 5,658 square feet. Each lot would be connected by sidewalks throughout the subdivision. The table below shows the mixture of lot sizes in the subdivision.

Number of Lots	Lot Size (S.F)
27	3109 to 3,180
30	3,200 to 3,966
13	4,014 to 5,648

A concrete block wall would be constructed within an easement area for the all the lots having rear yards on G Street (Lots 92 through 99). The block wall and approximately 10-feet of landscape area would be constructed within the 10-foot Public Facilities Easement on G Street. This design is consistent with Mission Ranch Phase 1.

All requirements set forth in Planning Commission Resolution #2847 for Conditional Use Permit #1076 would apply to the subdivision and subsequent building permits for single-family homes.

Landscaping

- G) Each lot within the subdivision shall be provided with front yard landscaping in compliance with Zoning Ordinance Section 20.36 – Landscaping. Section 20.36.050 requires all exterior setback areas, excluding areas required for access to the property to be landscaped.

If the deviation from City Standard ST-1 is approved, there would be no park strip for street trees to be installed on two of the north-south streets (Sedona Drive and Dorada Drive). Cul-de-sacs (Valencia Court) are not required to have park strips.

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As described above, a block wall and a 10-foot landscape area will be provided on G Street. The landscape area will be maintained through the Communities Facilities District (CFD)

Neighborhood Impact/Interface

- H) The project site is surrounded by vacant land to the south and west. Single-family dwellings (Mission Ranch Phase 1) are located to the north of the site and Farmdale School to the east (refer to the Location Map at Attachment B of Planning Commission Staff Report #20-702). The proposed use is consistent with the General Plan and Zoning for this site. A tentative map for the same number of lots and the same design was previously approved for this site, but expired January 4, 2020. Therefore, the proposal does would not create any increase impacts to the neighborhood beyond what was previously approved for this site.

Public hearing notices were sent to all property owners within 300 feet of the project site and extended to all the property owners on the streets to the north of site. At the time of this report, the City had not received any comments regarding this project.

Land Use/Density Issues

- I) The proposed subdivision is on 7.78 acres of vacant land. The gross density for the site, would be 9 units/acre and the net density (excluding streets) would be 12 units/acre. This density is consistent with the General Plan designation of Village Residential (VR) and the requirements of Planned Development (P-D) #58.

Tentative Subdivision Map Requirements

- J) Per Merced Municipal Code (MMC) Section 18.16.080 – Information Required, a tentative subdivision map shall include all of the requirements shown at Attachment F of Planning Commission Staff Report #20-702. 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. At the time this report was prepared, staff had received comments from PG&E and from the Merced Irrigation District (MID). These comments are provided at Attachment G of Planning Commission Staff Report #20-702. Caltrans has indicated they are reviewing the project and requested additional information. Any information received from Caltrans will be provided to the Commission at the time of the meeting.

Environmental Clearance

- K) The Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and concluded that Environmental Review #20-35 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 (previous environmental review for the Mission Ranch Annexation #04-13). A copy of the Section 15162 Findings can be found at Attachment H of Planning Commission Staff Report #20-702.