

**CITY OF MERCED**  
**Planning Commission**

**Resolution #4092**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of June 8, 2022, held a public hearing and considered **Vesting Tentative Subdivision Map #1316, and Conditional Use Permit #1264**, initiated by Surinder Kaur Virk, property owner. This application involves a request to subdivide three parcels (approximately 19.50 acres) into 113 single-family lots ranging in size from 4,600 square feet to 5,100 square feet, with one 3.60-acre parcel reserved for multifamily residential, generally located on the south side of W. Cardella Road, west of El Redondo Drive, within Residential Planned Development (P-D) #57, with a General Plan designation of Village Residential (VR); also known as Assessor's Parcel Number's (APN) 206-010-010, 206-010-011, and 206-010-012; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through M of Staff Report #22-398 (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,

**WHEREAS**, the Merced City Planning Commission concurs with the Findings for Conditional Use Permits in Merced Municipal Code Section 20.68.020 (E), and other Considerations as outlined in Exhibit B; and,

**NOW THEREFORE**, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #21-12 and approve Vesting Tentative Subdivision Map #1316, and Conditional Use Permit #1264, and subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Camper, Greggains, DeAnda, Delgadillo, Dylina, and Chaiperson Harris  
NOES: None  
ABSENT: Commissioner White  
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4092

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June 8, 2022

Adopted this 8<sup>th</sup> day of June 2022



Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

  
Secretary

Exhibits:

Exhibit A – Conditions of Approval

Exhibit B – Findings/Considerations

**Conditions of Approval**  
**Planning Commission Resolution # 4092**  
**Vesting Tentative Subdivision Map #1316**  
**Conditional Use Permit #1264**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Proposed Vesting Tentative Map at Attachment C), Exhibit 2 (General Site Plan Layout at Attachment D), Exhibit 3 (Elevations at Attachment E), Exhibit 4 (Development Standards at Attachment F), and as modified by the conditions of approval within this resolution.
2. All conditions contained in *Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions")* shall apply. All conditions contained in Resolution #1249-Amended ("Standard Conditional Use Permit Conditions"—except for Condition #16 which has been superseded by Code) shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. The Project shall comply with all applicable conditions set forth in the resolutions for Annexation No. 190 (Fahrens Creek North Annexation) and Expanded Initial Study #01-32 previously approved for this site.
5. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
6. Community Facilities District (CFD) annexation is required for annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, street lights, parks and open space. CFD procedures shall be initiated before final map approval. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
7. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an

approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, 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 any claim, action, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City's attorney's fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval of the City Attorney and to provide all required deposits to fully fund the City's defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.

8. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
9. 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).
10. All public improvements shall be provided as required by the City Engineer along Pettinoti Road, El Redondo Drive, and the new cul-de-sacs and roads within the proposed subdivision. All improvements shall meet City Standards.
11. 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.

12. 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).
13. A 7-foot-tall concrete block wall shall be installed along El Redondo Drive and Pettinoti Road. The wall shall be treated to allow easy removal of graffiti or the developer shall plant fast-growing vines to cover the wall to deter graffiti. Developer shall submit landscape/irrigation/wall plans for approval by City Engineer. All walls shall be solid masonry. Fast-growing vines or other plants shall be planted on or near the wall to deter graffiti and/or a graffiti resistant coating applied to the wall. Details to be worked out with staff.
14. Landscaping shall be provided along El Redondo Drive and Pettinoti Road between the block wall and the sidewalk. This strip of land shall be dedicated to the City and maintained through the Community Facilities District during the Final Map stage, as required by the City Engineer.
15. 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.
16. Traffic control signs, street markings, and striping shall be as directed by the City Engineer.
17. The applicant shall dedicate interior street rights-of-way and all necessary easements as needed for irrigation, utilities, drainage, landscaping, and open space during the Final Map stage as required by the City Engineer.
18. Fire hydrants shall be installed along the street frontage to provide fire protection to the area. The hydrants shall meet all City of Merced standards and shall comply with all requirements of the City of Merced Fire Department. Final location of the fire hydrants shall be determined by the Fire Department.
19. All undeveloped areas shall be maintained free of weeds and debris.
20. Street names shall be approved by the City Engineer.

21. Compliance with the “corner visual triangle” provisions of MMC 20.30.030 is required for corner lots, and may result in the applicant constructing smaller homes on these lots or increasing the front yard setbacks.
22. Valley Gutters may be installed in this subdivision per City standards.
23. Rolled curbing may be installed in this subdivision consistent with City Standard Design ST-1, if approved by the City Engineer.
24. At the building permit stage, the site plans for each lot shall include a minimum 3-foot by 6-foot concrete pad located in the side yard or backyard for the storage of 3 refuse containers. A paved access to the street from this pad shall be provided.
25. Full public improvements shall be installed/repared if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
26. The cul-de-sacs shall be designed with a minimum 48-foot radius as required by Fire Department Standards (MMC 17.32).
27. Pedestrian access at the end of each cul-de-sac to establish a direct pedestrian path to the commercial designations to the northeast is not required, but it is encouraged. Gates may be installed as long as public access is still maintained. If pedestrian access is included within this subdivision, details would be worked out with staff during the building permit stage.
28. 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).
29. Sewer manholes shall be installed at the center of the new courts (cul-de-sacs).
30. To utilize the storm drain basin located east of the subject site (Assessor’s Parcel Number 206-030-012), the developer shall provide all required calculations to the Engineering Department. The applicant shall work with the Engineering Department to confirm that this site was originally entitled to use this basin.
31. The applicant shall install a temporary turnaround at the end of the single-family home subdivision along El Redondo Drive, if the future apartments to the north are not constructed concurrently with this subdivision. The design

of the turnaround and signage shall be reviewed and approved by the City Engineer.

32. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
33. The main water line for the subdivision shall include a loop system designed as required by the Public Works Department, unless otherwise approved by the City Engineer.
34. Minor modifications to the development standards or elevations (as determined by the Director of Development Services), may be reviewed and approved through a Minor Use Permit.
35. A Site Plan Review Permit for a minimum 20 units per acre density for the multi-family parcel shall be approved by the City's Site Plan Review Committee prior to the approval of the Final Map.
36. A variety of colors, textures, and materials shall be offered by the builder for the front elevations of the homes, including at least one option that is not stucco.



**Findings and Considerations  
Planning Commission Resolution #4092  
Vesting Tentative Subdivision Map #1316  
Conditional Use Permit #1264**

**FINDINGS/CONSIDERATIONS:**

**General Plan Compliance and Policies Related to This Application**

- A) The proposed development complies with the General Plan designation of Village Residential (VR) and the Zoning Classification of Residential Planned Development (RP-D) #57.

The proposed Tentative Subdivision Map, with conditions of approval, will help achieve the following General Plan land use policies:

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

It should also be noted that the applicants submitted a Site Plan Review Permit application (Site Plan #492) for 72 apartment units on 3.6 acres on the northern portion of the subject site, which is also designated Village Residential. The apartment's density of 20 dwelling units per acre would keep the overall density in this VR designation above the required average of 10 dwelling units per acre. Condition #35 requires that permit to be issued prior to Final Map approval.

**Traffic/Circulation**

- B) It is anticipated that the proposal would generate approximately 1,081.41 Average Daily Trips (ADT) based on an average daily rate of 9.57 trips per dwelling unit (not considering the future multi-family project on the new 3.60-acre parcel north of the single-family subdivision). The subject site would be accessed via a collector street, El Redondo Drive (Attachment B of Planning Commission Staff Report #22-398) which connects with two arterial roads,



Yosemite Avenue and Cardella Road. The traffic generated by this subdivision should not exceed the current and projected capacity for the surrounding street system as the area was designed to accommodate a higher density of residential units per the *Merced Vision 2030 General Plan* (up to 30 dwelling units per acre, compared to the proposed 10 dwelling units per acre).

Improvements would need to be installed to fronting streets such as Cardella Road, El Redondo Drive, and Pettinoti Drive to ensure residents have a direct path to the nearest developed major east/westbound arterial roads such as Cardella Road and El Redondo Drive (Condition #25 of Planning Commission Staff Report #22-398). In addition, the developer shall comply with the traffic mitigation requirements from the previously approved initial study when this area was first annexed into the City (see Condition #4 of Planning Commission Staff Report #22-398).

The right-of-way widths of the new interior streets would be 49 feet, which includes 5 feet on each side of the street to accommodate sidewalks. This meets the City's right-of-way requirement for local streets. Streets with an elbow design, and cul-de-sac bulbs needs to have a minimum radius of 48 to accommodate Fire engine/refuse truck turning radius (Condition #22 of Planning Commission Staff Report #22-398). The proposed site plan shows a radius of 49 feet at these locations.

### **Site Design**

- C) The subdivision is designed with homes along the interior of two cul-de-sacs within future Kealum Court and Greenville Court that connect with future Garden City Road branching out to future Cloviddale Avenue and future Surrey Place with direct access to El Redondo Drive. The lots would range in size generally between 3,078 square feet and 5,465 square feet. Concrete block walls would be installed along El Redondo Drive and Pettinoti Road with landscaping along the walls (Condition #10 of Planning Commission Staff Report #22-398).

At the moment, the applicant is not proposing any specific floor plans. The applicant does include a general site plan and elevations for four model homes with one single-story option (1,248 square feet) and three two-story options (from 1,563 square feet to 2,235 square feet). Attachment F of Planning Commission Staff Report #22-398 shows the proposed parameters, or development standards for the Planning Commission's consideration. The

proposed development standards include a front yard setback of 16 feet, a garage setback of 20 feet, side yard setbacks of 5 feet and 10 feet (different for corner lots), a maximum building height of 40 feet (maximum of 3 stories), maximum lot coverage of 60%, and a minimum parking requirement of 2 stalls.

The proposed development standards are consistent with other developed subdivisions within the City which includes the Sage Creek Subdivision (directly east of the subject site across El Redondo Drive), Highland Park subdivision (behind the Merced Marketplace), the Horizons at Compass Pointe subdivision (at the southeast corner of El Redondo Drive and Pacific Drive), the Sunrise at Compass Pointe subdivision (at the northwest and northeast corner of Pacific Drive and Horizons Avenue), the Bellevue Ranch West Village 2 subdivision (at the southwest and southeast corners of Bancroft Drive and W. Cardella Road), and the Paseo subdivision (at northwest corner of Bellevue Road and G Street).

### **Elevations**

- D) The subdivision has a traditional design with a stucco exterior and window treatment of trim, or faux shutters. Minor modifications to the exterior design may be approved by the City's Director of Development Services (see Condition #34 of Planning Commission Staff Report #22-398). The proposed development standards at Attachment F of Planning Commission Staff Report #22-398 show that the maximum building height allowed would be 40 feet with a maximum of 3 stories. During the building permit stage, staff would review plans to confirm compliance with Fire Department standards, and ensure that the architecture is of high quality that provide a variety of colors, textures, materials, and building forms. Staff would also review the elevations to confirm that they meet the Zoning Ordinance's minimum design standards for single-family homes as shown under Merced Municipal Code 20.46 – Residential Design Standards (Attachment H of Planning Commission Staff Report #22-398).

### **Public Improvements/City Services**

- E) The developer would be required to install all streets, utilities, and other improvements within the subdivision. City water and sewer lines would be extended from the southeast to serve this subdivision. Each lot would be required to pay connection fees for sewer and water connections at the building permit stage. Each parcel would be required to meet the City's storm drainage and run-off requirements for the City's MS-IV permit.

In response to significant growth in Merced without a corresponding increase in the General Fund and other revenues, the City Council adopted public facilities impact fees in 1998 and also established a requirement for Community Facilities Districts (Condition #6 of Planning Commission Staff Report #22-398) to help fund roadway, police, fire, and park infrastructure to help fund operating costs for police and fire services. Also to cover cost related to streetlights, storm drain, and maintenance of landscaping.

### **Public Facilities Impact Fee Program**

- F) The section of Cardella Road from Highway 59 to Lake Road is included in the City's current Public Facilities Financing Impact Fee Program for road improvements. However, the developer would be responsible for paying for the "collector equivalent" (74-foot right-of-way) of road construction. The developer would be able to apply their impact fees to meet their mitigation obligations instead of paying their fair share contribution for road improvements in this area. Fee credits or reimbursements may also be available per the terms of Merced Municipal Code 17.62.

### **Schools**

- G) The Project site falls within the jurisdiction of the Merced City School District (elementary and middle schools) and the Merced Union High School District (MUHSD). Students from the subdivision would attend elementary schools, middle schools, and the high school surrounding the area. School fees per State law requirements are considered to be full mitigation for the impacts on schools from new development.

### **Landscaping**

- H) 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.

The landscape area along the block walls on public right-of-way would be maintained through the Communities Facilities District (CFD).

### **Parking**

- I) Merced Municipal Code Section 20.40.B.2 – Small Lot Single-Family Homes Development Standards and Guidelines, recommends that small lots provide a minimum of 2 onsite parking stalls (with at least one being covered) with a driveway setback of at least 20 feet from the front property line. Typically,

EXHIBIT B

OF PLANNING COMMISSION RESOLUTION #4092

single-family homes require a minimum of 1 parking stall. However, because small lots tend to be narrower, driveway curb cuts will occupy a larger percentage of the lot frontage resulting in less on-street parking. To compensate for the reduction in street parking, the Zoning Ordinance recommends that small lots have at least 2 onsite parking stalls. As part of the development standards shown at Attachment F of Planning Commission Staff Report #22-398, the Royal Woods subdivision would require at least 2 onsite parking stalls and a 20-foot-long driveway for backing space.

### **Neighborhood Impact/Interface**

- J) The property to the north across Cardella Road is within Merced County jurisdiction and used for agriculture purposes. To the south and east of the project site are single-family dwellings that are either constructed or in the process of being constructed. The proposed subdivision is consistent with the General Plan and Zoning classification for this site. A tentative map for similar number of lots and similar home designs were previously approved for this site, but expired before a final map could be recorded. The proposed subdivision would not create any increased impacts to the neighborhood beyond what was generally previously approved for this site.

Public hearing notices were sent to all property owners within 300 feet of the project site. At the time that this report was prepared, the City had not received any comments regarding this project.

### **Tentative Subdivision Map Requirements**

- K) Per Merced Municipal Code (MMC) Section 18.16.080 – Information Required, a tentative subdivision map shall include all of the requirements shown at Attachment I of Planning Commission Staff Report #22-398. 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. As of the moment this staff report was prepared, staff did not receive any comments regarding this application.

### **Conditional Use Permit Required Findings**

L) Section 20.68.020 sets forth specific Findings that must be made in order for the Planning Commission to approve a Conditional Use Permit. These Findings are provided below.

- 1. The proposed use is consistent with the purpose and standards of the zoning district, the General Plan, and any adopted area or neighborhood plan, specific plan, or community plan.*

As described under Finding A of Planning Commission Staff Report #22-398, the project meets the requirements of the General Plan. This area is designated as Village Residential in the Fahrens Creek North Specific Plan as well.

- 2. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.*

There are single-family homes being constructed to the south across Pettinoti Road and southeast across EL Redondo Drive, but the remaining parcels surrounding the site are currently undeveloped. The parcels to west and northeast of the site are designated Low-Density Residential (LDR), Village Residential (VR), and Office Commercial (CD). Based on the proposed density for the Royal Woods subdivision (approximately 10 dwelling units per acres), this proposal would be generally consistent with the pending subdivision to the east (Sage Creek) designated VR. The parcel to the north, across W. Cardella Road, is in Merced County Jurisdiction. To improve connectivity with those future developments, staff is recommending that a walking path could be installed at the ends of the courts to provide a direct pedestrian path to the commercial sites northeast of the subject site (Condition #27 of Planning Commission Staff Report #22-398).

At the moment, the applicant is not proposing any specific floor plans but they are providing general site plans, and elevations. Attachment F of Planning Commission Staff Report #22-398 show the proposed parameters, or development standards for Planning Commission



consideration which include setbacks, maximum lot coverage, maximum building height, etc. The proposal would be consistent with the character of the neighborhood with the implementation of the proposed conditions of approval, and compliance with the design standards single-family dwellings (MMC Sections 20.46.230). Therefore, with the implementation of the conditions of approval, the proposed project would not interfere with the enjoyment of the existing and future land uses in the vicinity.

3. *The proposed use will not be detrimental to the public health, safety, and welfare of the City.*

The proposed subdivision does not include any uses that would be detrimental to the public health, safety, and welfare of the City. The project would be required to be annexed into the City's Community Facilities District to pay for costs related to police and fire safety (Condition #6 of Planning Commission Staff Report #22-398). Implementation of the conditions of approval and adherence to all Building and Fire Codes, and City Standards would prevent the project from having any detrimental effect on the health safety, and welfare of the City.

4. *The proposed use is properly located within the City and adequately served by existing or planned services and infrastructure.*

The project site is an in-fill parcel surrounded by residential uses and some commercial land to the northeast of the subject site. The project would be adequately served by the City's water and sewer systems. Through the implementation of the conditions of approval, the project would be adequately served by the City's sewer and storm water systems. Additionally, the project would be required to pay Public Facilities Impact Fees to help pay for future improvements needed to the City's infrastructure.

### **Environmental Clearance**

- M) Infill projects over 5 acres require an Initial Study, per the California Environmental Quality Act (CEQA). An Initial Study includes a wide range of analysis required by the State covering an array of subjects including, but not limited to impacts on traffic, biological resource, public services, cultural resources, utilities, etc. Per CEQA, a future developer may utilize an existing adopted Initial Study, through what is known as a Section 15162 Findings, if the new project is consistent with Zoning/General Plan, and if the scope of the