



## ADMINISTRATIVE REPORT

File #: 25-257

Meeting Date: 4/9/2025

*Report Prepared by: Diana Lowrance, Deputy Director, Development Services Department*

**SUBJECT:** General Plan Amendment #25-0001, Zone Change #25-0002, and Environmental Review #25-0006, initiated by Stonefield Home, Inc., applicant on behalf of TRS Enterprises, Inc., property owner. The General Plan Amendment would amend the General Plan Land Use designation from Neighborhood Commercial (CN) to Low Density Residential (LD) and the Zone Change would change the Zoning designation from Neighborhood Commercial (C-N) to Low Density Residential (R-1-5) for a five (5) acre portion of a larger site to allow for the development of twenty-seven (27) single-family lots, previously approved for this site, by Tentative Subdivision Map #1263 ("Crossing at River Oaks"). The subject site is generally located on the south side of E. Childs Avenue approximately 780 feet east of the intersection of E. Childs Avenue and Coffee Street. \*PUBLIC HEARING\*

**ACTION:** PLANNING COMMISSION:

Recommendation to City Council

- 1) Environmental Review #25-0006 (*Categorical Exemption*)
- 2) General Plan Amendment #25-0001
- 3) Zone Change #25-0002

CITY COUNCIL:

Approve/Disapprove/Modify

- 1) Environmental Review #25-0006 (*Categorical Exemption*)
- 2) General Plan Amendment #25-0001
- 3) Zone Change #25-0002

### SUMMARY

The proposed General Plan Amendment would amend the General Plan Land Use designation from Neighborhood Commercial (CN) to Low Density Residential (LD) and the Zone Change would change the Zoning from Neighborhood Commercial (C-N) to Low Density Residential (R-1-5) for a 5-acre site to allow for the development of 27 single-family lots, previously approved for this site, by Tentative Subdivision Map #1263 ("Crossing at River Oaks"). Staff is recommending approval with conditions.

### RECOMMENDATION

Planning staff recommends that the Planning Commission recommend approval to the City Council

of Environmental Review #25-0006 (Categorical Exemption), General Plan Amendment #25-0001, and Zone Change #25-0002 subject to the conditions contained in Draft Planning Commission Resolution #4154 (Attachment A) and Planning Commission Resolution #2792 (Attachment D) and the findings/considerations in Exhibit B of the Draft Resolution.

## DISCUSSION

The project site is a five (5) acre portion of a larger site, generally located south of East Childs Avenue, approximately 780 feet east of the intersection of E. Childs Avenue and Coffee Street.

The Planning Commission's action would be to make a recommendation to the City Council regarding Environmental Review #25-0006 (Categorical Exemption), General Plan Amendment #25-0001, and Zone Change #25-0002. The City Council will take final action on these items.

### Project Description

The project consists of a General Plan Amendment from Neighborhood Commercial (CN) to Low Density Residential (LMD) and a Zone Change from Neighborhood Commercial (C-N) to Low Density Residential (R-1-5) to allow for the development of twenty-seven (27) single-family lots on 5 acres, located south of East Childs Avenue, approximately 780 feet east of the intersection of East Childs Avenue and Coffee Street.

This undeveloped site was part of the 1993 Weaver Area Annexation (Ordinance No. 1913). Additionally, this project site was part of a larger area approved for the "Crossing at River Oaks" Tentative Subdivision Map (TSM) #1263 back in December 2004 (Attachment C). This TSM was subject to several time extensions. All but this five (5) acre portion of the property included in TSM #1263 is currently zoned R-1-5. This action serves to amend the land use designation and zoning on this portion to allow for the previously approved development of the twenty-seven (27) single-family lots.

Surrounding uses as noted in Attachment B.

Surrounding Land	Existing Use of Land	City Zoning Designation	City General Plan Land Use Designation
North	Single-family, Duplex	R-1-6, R-2	Low Density Residential (LD) and Low Medium Density Residential (LMD)
South	Undeveloped. Approved for single family	R-1-5	Low Density Residential (LD)
East	Undeveloped. Approved for single family	R-3-2	Medium Density Residential (MD)
West	Undeveloped. Approved for single family	R-1-5	Low Density Residential (LD)

### Background

The subject site is part of Tentative Subdivision Map #1263 "Crossings at River Oaks" which was approved on December 8, 2004.

Findings/Considerations

Please refer to Exhibit B of the Draft Planning Commission Resolution at Attachment A for the Findings.

**ATTACHMENTS**

- A. Draft Planning Commission Resolution
- B. Location Map
- C. Tentative Parcel Map #1263 (Approved December 8, 2004)
- D. Planning Commission Resolution #2792
- E. Environmental Review #25-0006 (Categorical Exemption)
- D. Presentation

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

**Resolution #4154**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of April 9, 2025, held a public hearing and considered **General Plan Amendment #25-0001 and Zone Change #25-0002**, initiated by Stonefield Home, Inc., on behalf of TRS Enterprises, Inc., property owner. The General Plan Amendment would change the General Plan land use designation from Neighborhood Commercial (CN) to Low Density Residential (LD). The Zone Change would change the zoning of the property from Neighborhood Commercial (C-N) to Low Density Residential (R-1-5). The applicant is requesting these changes to allow the development of twenty-seven (27) single-family lots. The approximate 5-acre subject site is generally located south of East Childs Avenue, approximately 780 feet east of the intersection of East Childs Avenue and Coffee Street; also known as a portion of Assessor's Parcel Number (APN) 061-710-001; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through H of Staff Report #25-257 (Exhibit B of Planning Commission Resolution #4154); 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 recommend to City Council that they find that the project is not subject to the California Environmental Quality Act pursuant to the Notice of Exemption (Environmental Review #25-0006), and recommend approval of General Plan Amendment #25-0001, and Zone Change #25-0002 subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

ABSTAIN: Commissioner(s)



PLANNING COMMISSION RESOLUTION #4154

Page 2

April 9, 2025

Adopted this 9<sup>th</sup> day of April 2025

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Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

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Secretary

Exhibits:

Exhibit A – Conditions of Approval

Exhibit B – Findings/Considerations

**Conditions of Approval**  
**Planning Commission Resolution # 4154**  
**General Plan Amendment #25-0001/Zone Change #25-0002**

1. The proposed project shall be constructed as shown on Vesting Tentative Subdivision Map #1263 for “Crossing at River Oaks”, approved December 8, 2004 and as amended (Attachment C of Planning Commission Staff Report #25-257)
2. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as required by the City Engineering Department.
3. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
4. All previously adopted conditions, mitigation measures which are applicable to Vesting Tentative Subdivision Map #1263, approved December 8, 2004, and as amended, which are applicable to this project and all subsequent final maps, improvement plans, and building permits.
5. 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

EXHIBIT A  
OF PLANNING COMMISSION RESOLUTION #4154

Page 1

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.

6. 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.

**Findings and Considerations**  
**Planning Commission Resolution #4154**  
**General Plan Amendment #25-0001/Zone Change #25-0002**

**FINDINGS/CONSIDERATIONS:**

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

- A) If the General Plan Amendment is approved, the proposed project would comply with the General Plan land use designation of Low Density Residential, which allows single family uses. The conditions of approval from previously approved Tentative Subdivision (TSM #1263) which includes the approximate twenty-seven (27) single-family lots proposed in this five (5) acre area will help achieve the following General Plan land use policies:

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

In 2010, in the aftermath of the Great Recession and the collapse of the housing market, the City had a significant inventory of undeveloped residential lots. Today, the availability of large areas of “greenfield” residential land within city limits has dwindled. This has put increasing pressure to annex areas within the City’s Sphere of Influence. In this instance, the proposed general plan amendment and zone change will allow for additional residential development in an area that is within City limits, and that is almost exclusively residential.

Further, commercial uses are available for residents in the Campus Parkway Plaza (Hwy 99 and Campus Parkway) in addition to the Merced Gateway Marketplace (E. Mission Ave. and S. Coffee St.).

**General Plan Amendment - Findings**

- B) Chapter 20.82 (General Plan Amendments) outlines procedures for considering General Plan Amendments, but does not require any specific findings to be made for approval. However, Planning practice would be to provide objective reasons for approval or denial. These findings can take whatever form deemed appropriate by the Planning Commission and City

Council. Based on State law and case law, the following findings are recommended:

1. *The proposed amendment is deemed to be in the public interest.*

The proposed amendment is deemed to be in the public interest because it will provide additional housing opportunities by allowing for the approximate twenty-seven (27) single-family lots proposed on this subject site.

2. *The proposed amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.*

The proposed project would comply with the General Plan designation of Low Density Residential if the General Plan Amendment is approved.

The proposed amendment is consistent and compatible with the rest of the General Plan and will not impact any implementation programs.

3. *The potential impacts of the proposed amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.*

The proposed project does not include any uses that would be detrimental to the public health, safety, and welfare of the City. Additionally, implementation of the conditions of approval from the previously approved Tentative Subdivision #1263 (Planning Commission Resolution #2792 at Attachment D) and adherence to all applicable Building Codes, Fire Codes, and City Standards would prevent the project from having any detrimental effect on the health, safety, and welfare of the City as a whole.

4. *The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).*

The proposed General Plan Amendment has been processed in accordance with all applicable California Government Code sections and the California Environmental Quality Act. In addition, staff has determined that the project is covered by the “common sense” exemption that CEQA applies only to projects that have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is not possibility that the activity in question may have a significant effect on the environment the activity is not subject to CEQA.

The project does not have the potential to cause significant effect on the environment for the following reasons:

- 1) The project site is previously disturbed land, with no value as habitat for any endangered, rare, or threatened species.
- 2) The project site can be adequately served by all required utilities and public services.
- 3) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- 4) The project site is not more than five (5) acres and will be surrounded by Low and Medium Density residential uses.

### **Traffic/Circulation**

- C) The project consists of a General Plan Amendment from Neighborhood Commercial (CN) to Low Density Residential (LD) and a Zone Change from Neighborhood Commercial (C-N) to Low Density Residential (R-1-5) to allow for the development of twenty-seven (27) single-family lots on a five (5) acre portion of a larger parcel. The project is located south of East Childs Avenue, approximately 780 feet east of the intersection of East Childs Avenue and Coffee Street. Vehicle access would be internal to the subdivision.

However, the subdivision does have access off East Childs Avenue.

D) Vehicle Miles Traveled

The Office of Planning and Research (OPR) advisory suggests that the Vehicle-Miles Traveled (VMT) contribution of small projects need not be considered significant. Specifically, OPR suggests that agencies can find projects generating fewer than 110 vehicles trips a day to be less than significant.

The Merced County Association of Governments (MCAG) recommends a daily trip threshold of 1,000 ADT (Average Daily Trips) be applied to projects that are consistent with the lead agency's General Plan and a screening threshold of 500 ADT for projects that are not consistent with the lead agencies General Plan. Projects generating fewer daily trips than these thresholds would be eligible to be exempt from VMT analysis.

In this instance, the project includes a General Plan Amendment and a zone change to allow for the development of twenty-seven (27) single-family lots, previously approved for this site, by Tentative Subdivision Map #1263 ("Crossing at River Oaks"). MCAG data indicates, for the detached single-family residential land use, where the project requires a general plan amendment, a maximum of 53 dwelling units would be eligible to be exempt from VMT analysis. Therefore, this project would be exempt from VMT analysis.

Improvements

Any improvements required for this project, which is the development of twenty-seven (27) single-family lots, previously approved for this site, by Tentative Subdivision Map #1263 ("Crossing at River Oaks") shall be per the Planning Commission Resolution #2792 attached as Attachment D and incorporated herein by reference.

**Neighborhood Impact**

- E) The subject site is surrounded by existing single-family and duplex uses on the north and approved single-family uses (currently under construction) to the south, east and west. Further, the proposed Low Density Residential land

use designation will have less of an impact than the existing Neighborhood Commercial land use designation as it is compatible with the surrounding single-family homes under construction.

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.

### **Affordability Requirements**

- F) In 2023, the City Council updated the City's Regional Housing Needs Allocation Unit Production Plan. A housing affordability requirement is triggered by two qualifiers that need to be met: entitlement type and number of units created. For single-family residential developments, the affordability requirement is triggered by a legislative action agreement (through annexations, general plan amendments, site utilization plan revisions, or zone changes) for projects with over 60 single-family homes. However, as this five (5) acre project site was part of a larger area approved for the "Crossing at River Oaks" Vesting Tentative Subdivision Map (TSM) #1263 back in December 2004 (Attachment C) and this TSM was subject to several time extensions (Attachment E), the Regional Housing Needs Allocation Unit Production Plan does not apply.

### **Housing Opportunity**

- G) The subject site, as it is zoned Neighborhood Commercial (C-N), is not part of the City's current Housing Element Cycle, nor has it been identified in the Draft Multi-Jurisdiction Housing Element as a site that could potentially be rezoned for higher density in order to meet the City's Regional Housing Need Allocation (RHNA) obligations for the 6<sup>th</sup> Cycle Housing Element. However, as the Tentative Subdivision Map "Crossing at River Oaks" (TSM #1263) was approved back in December 2004 (and subject to several time extensions, See Staff Report, Attachment E) the twenty-seven (27) single-family lots have likely been included in the City's pipeline projects and therefore counted toward the current RHNA.

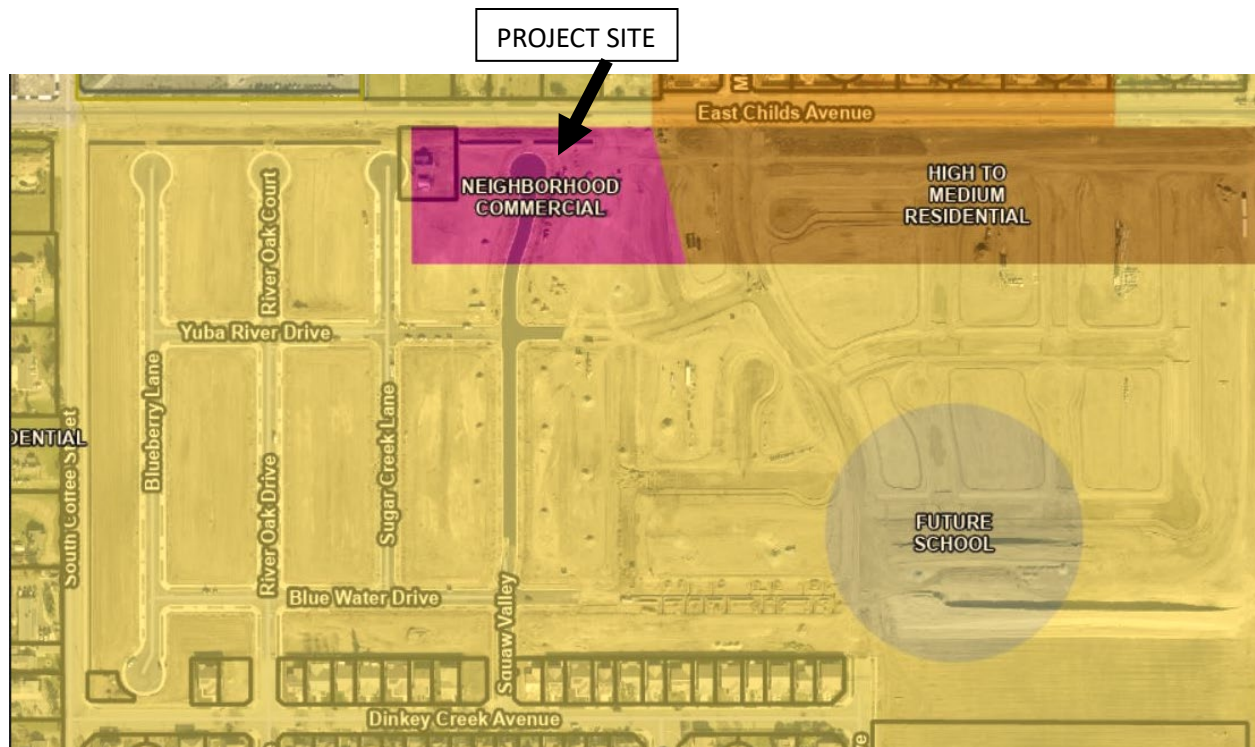


## **Environmental Clearance**

- H) Infill projects over 5 acres or projects that don't comply with Zoning/General Plan designations generally require an Initial Study, per the California Environmental Quality Act (CEQA). However, in this case, staff has determined that the project is covered by the "common sense" exemption that CEQA applies only to projects that have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is not possibility that the activity in question may have a significant effect on the environment the activity is not subject to CEQA.

The project does not have the potential to cause significant effect on the environment for the following reasons:

- 1) The project site is previously disturbed land, with no value as habitat for any endangered, rare, or threatened species.
- 2) The project site can be adequately served by all required utilities and public services.
- 3) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- 4) The project site is not more than five (5) acres and will be surrounded by Low and Medium Density residential uses.



## LOCATION MAP

## ATTACHMENT B - Location Map



TENTATIVE MAP NOTES:

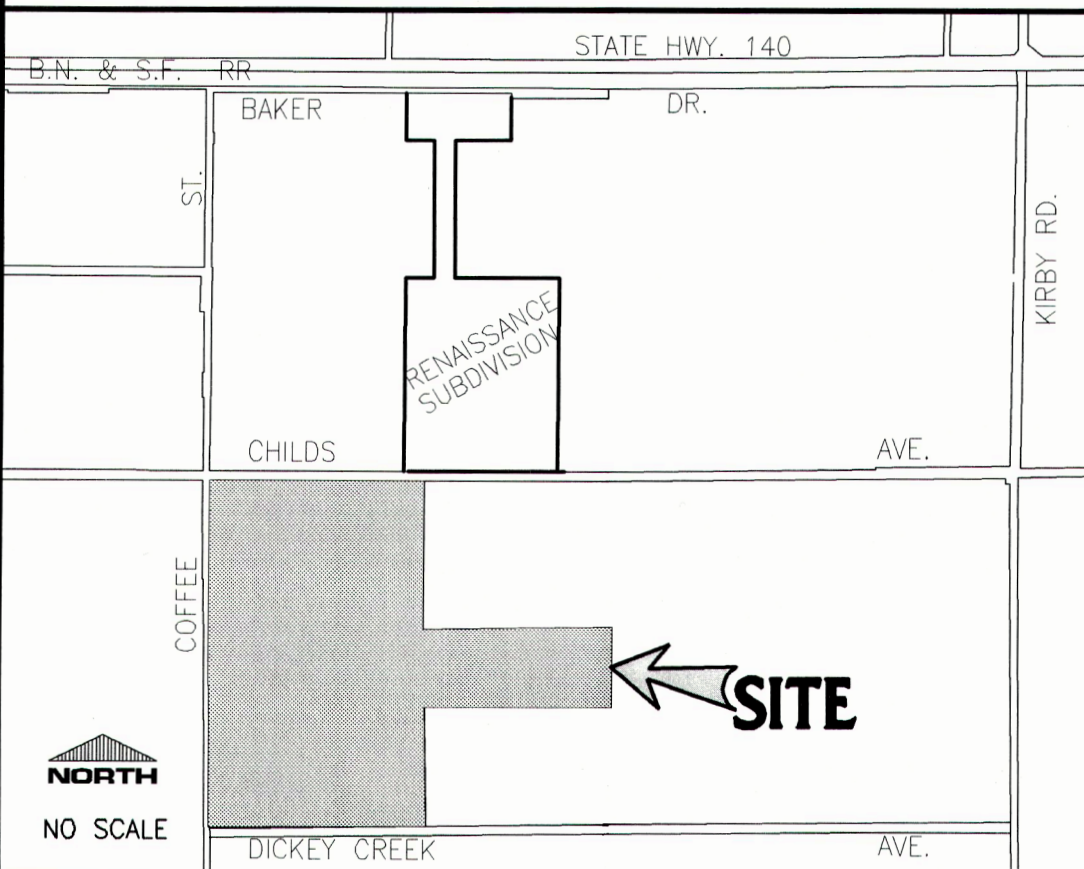
INFORMATION REQUIRED PER MERCED MUNICIPAL CODE SECTION 18.16.080

- 1.) LOCATION MAP AS SHOWN HEREON.
- 2.) TRACT NAME, DATE, NORTH ARROW, SCALE AND LEGAL DESCRIPTION AS SHOWN HEREON.
- 3.) OWNER: RIDGE SUTTER  
P.O. BOX 3520  
MODESTO, CA. 95352  
(209) 529-6361
- 4.) SUBDIVIDER: NONE
- 5.) MAP PREPARED BY: GOLDEN VALLEY ENGINEERING & SURVEYING, INC.  
405 W. 19TH STREET  
MODESTO, CA. 95340  
(209) 722-3200
- 6.) ACREAGE APPROXIMATELY 66.78 ACRES
- 7.) NO CONTOURS SHOWN. GROUND RELATIVELY FLAT
- 8.) LOCATIONS, NAMES, WIDTHS, RADI OF CURVES AND GRADES OF ALL EXISTING AND PROPOSED ROADS, STREETS IN AND ADJACENT TO THE PROPOSED SUBDIVISION AS SHOWN.
- 9.) NO PROTECTIVE COVENANTS PROPOSED AT THIS TIME. PROTECTIVE COVENANTS TO BE RECORDED WITH FINAL MAP, IF ANY.
- 10.) LOCATION AND DESCRIPTION OF ALL EASEMENTS AS SHOWN HEREON. EIGHT FOOT PUBLIC FACILITY EASEMENTS TO BE PROVIDED ALONG ALL LOT FRONTS.
- 11.) LOCATION AND SIZE OF ALL EXISTING AND PROPOSED PUBLIC UTILITIES AS SHOWN HEREON.
- 12.) SEWAGE DISPOSAL BY CITY OF MERCED FACILITIES. STORM WATER DISPOSAL BY EXISTING SYSTEM TO CITY OF MERCED FACILITIES ADJACENT TO PROJECT SITE.
- 13.) PUBLIC OPEN SPACE EXISTS WITHIN OR ADJACENT TO THE PROPOSED SUBDIVISION.
- 14.) LOT LAYOUT, APPROXIMATE DIMENSIONS AND AREA OF EACH IRREGULAR LOT AND LOT NUMBERS AS SHOWN.
- 15.) PROPOSED SUBDIVISION IS WITHIN MERCED CITY LIMIT.
- 16.) INTENDED LAND USE: RESIDENTIAL R-1-6 AND R-1-5. PROPOSED DENSITY: LOW DENSITY (4.1 UNITS PER GROSS ACRE); COMMERCIAL & VILLAGE RESIDENTIAL R-3-2
- 17.) APPROXIMATE BEARINGS AND DISTANCES TO NEAREST 1/4 SECTION CORNER AS SHOWN HEREON.
- 18.) PROPOSED PUBLIC IMPROVEMENTS PER CITY STANDARDS.
- 19.) DEVELOPMENT PHASE: THE DEVELOPER RESERVES THE RIGHT TO PHASE THIS PROJECT IN ACCORDANCE WITH THE PROVISIONS OF THE STATE SUBDIVISION MAP ACT.
- 20.) EXISTING USE AND OWNERSHIP OF LAND IMMEDIATELY ADJACENT TO SUBDIVISION AS SHOWN HEREON.
- 21.) PRELIMINARY TITLE REPORT TO BE SUBMITTED WITH TENTATIVE MAP.
- 22.) EXISTING BUILDINGS WITHIN THE SUBDIVISION AS SHOWN.
- 23.) EXISTING TREES WITHIN THE SUBDIVISION AS SHOWN.
- 24.) AREA SUBJECT TO PERIODIC INUNDATION OF STORM WATER OVERFLOW TO THE BEST OF OUR KNOWLEDGE AND BELIEF. LOCATION AND DIRECTION OF FLOW OF ALL WATER COURSES AS SHOWN HEREON. THE SITE IS WITHIN FLOOD ZONE "AO" DEPTH 1 FOOT PER F.I.R.M. MAP NUMBER 06047C0445 E EFFECTIVE DATE AUGUST 2, 1995 PREPARED BY F.E.M.A.

LEGEND:

- PROPOSED STREET LIGHT
- PROPOSED FIRE HYDRANT
- PROPOSED DRAINAGE FLOW DIRECTION
- PROPOSED WATER MAIN
- PROPOSED SANITARY SEWER MAIN
- PROPOSED STORM DRAIN MAIN
- PROPOSED STORM DRAIN MANHOLE
- PROPOSED SANITARY SEWER MANHOLE
- PROPOSED CATCH BASIN
- PROPOSED WHEEL CHAIR RAMP
- PUBLIC UTILITY EASEMENT
- PROPOSED BLOCK WALL
- EXISTING TREE
- POSSIBLE FUTURE LOT

VICINITY MAP:



DESCRIPTION:

BEING A SUBDIVISION OF LOTS 97, 98, AND PORTION OF LOT 96, LOT 94 AND LOT 95 AS SHOWN ON THE "MAP OF MERCED COLONY" FILED FOR RECORD IN VOLUME 4, OF OFFICIAL PLATS, AT PAGE 24 MERCED COUNTY RECORDS SECTION 34, T.7S., R.14 E., M.D.B. & M.

These drawings are instruments of service and are the property of Golden Valley Engineering & Surveying, Inc. All designs and other information on these drawings are for use on the specified project and shall not be used otherwise without the express written permission of Golden Valley Engineering & Surveying, Inc.

REVISIONS:

**GOLDEN VALLEY**  
ENGINEERING & SURVEYING  
405 W. 19th Street • P.O. Box 349 • Merced, CA 95340  
Phone (209) 722-3200 • Fax (209) 722-3254



0 20 40 60 80 100 200  
SCALE: 1" = 100'

SHEET CONTENTS:  
TENTATIVE MAP

PREPARED FOR:  
Ridge Sutter  
P.O. Box 3520  
Modesto, CA 95352  
209-529-6361

VESTING TENTATIVE SUBDIVISION MAP FOR  
**THE CROSSING AT  
RIVER OAKS**

APN 061-250-025

MERCED

CALIFORNIA

DESIGNED: GOLDEN VALLEY ENGINEERING  
DRAWN BY: CCL  
CHECKED: STAFF  
DATE: SEP. 2004  
JOB NO.: 04-225

SHEET  
**TSM**

EXHIBIT #1

TSM #1263

P.C. MTG. - Dec. 8, 2004

R-3-2  
5.78 ACRES

RECOMMENDED FOR APPROVAL/DENIAL  
BY THE MERCED PLANNING  
COMMISSION ON Dec 8, 2004  
IN ACCORDANCE WITH RESOLUTION  
# 277546  
SIGNED: *[Signature]*

COMMERCIAL  
5.00 ACRES

SCHOOL SITE  
12.00 ACRES

4.06 ACRES



ATTACHMENT C



**CITY OF MERCED  
Planning Commission**

**Resolution #2792**

Extended on 12/1/06, 11/20/07, 7/15/08, 7/15/09, 7/15/11, 7/11/13, 10/10/15, 10/24/19, 12/10/20, 1/11/24. See Pages 5-6
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**WHEREAS**, the Merced City Planning Commission at its regular meeting of December 8, 2004, held a public hearing and considered **Vesting Tentative Subdivision Map #1263** (“Crossing at River Oaks”), initiated by Golden Valley Engineering, engineers for Ridge Sutter, developer, to allow the subdivision of a 66.76-acre area of land into approximately 277 single-family residential lots plus 3 remainder lots for commercial, multi-family, and a school. The project is located between Dinkey Creek (extended) and Childs Avenues and east of Coffee Street within R-1-5 and R-1-6 single-family residential zones; also known as Assessor’s Parcel No. 58-020-010; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through N of Staff Report # 04-47; and,

**WHEREAS**, after reviewing the City’s Initial Study and Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt the Section 15162 Findings (Environmental Review #04-57), and approve Vesting Tentative Subdivision Map #1263 (“Crossing at River Oaks”) subject to the following conditions:

1. The proposed project shall be constructed/designed as shown on Exhibit 1 as supplemented by Exhibit 2 (Proposed Vesting Tentative Map) – Attachment B2 of Staff Report, subject to conditioned changes.
2. All conditions contained in Resolution #1175 Amended (“Standard Tentative Subdivision Conditions”) shall apply
3. The proposed project shall comply with all standard Merced Municipal Code and Subdivision Map Act requirements as applied by the Engineering Department.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply including R-1-5 standards, MMC 20.10.070 (G)
5. Community Facilities District (CFD) formation is required for annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees street lights, parks and open space. CFD procedures shall be initiated before final map approval. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City

## PLANNING COMMISSION RESOLUTION #2792

Page 2

December 8, 2004/December 1, 2006/November 20, 2007/July 15, 2008/July 15, 2009/  
July 15, 2011/July 11, 2013/Oct.10, 2015/Oct.24, 2019/Dec. 10, 2020/Jan. 11, 2024

Engineer to be sufficient to cover procedure cost and maintenance costs expected prior to first assessments being received.

6. The developer/applicant shall indemnify, protect, defend, 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, or proceedings 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. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees or agents.
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. Street names to be approved by City Engineer.
9. Dedicate, by Final Map, all interior street rights-of way and all necessary easements and as needed for irrigation, utilities, drainage, landscaping, and open space.
10. Developer shall conform to existing sanitary sewer master plan established for the area east of Coffee Road between Baker Drive and Gerard Avenue.
11. 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 southeast of the proposed vesting tentative map.

## PLANNING COMMISSION RESOLUTION #2792

Page 3

December 8, 2004/December 1, 2006/November 20, 2007/July 15, 2008/July 15, 2009/July 15, 2011/July 11, 2013/Oct.10, 2015/Oct.24, 2019/Dec. 10, 2020/Jan. 11, 2024

12. Developer shall pay the project's proportionate share of traffic signal (12 ½ percent) at the intersection of Childs Avenue and Coffee Street.
13. Wall end points shall match front of house on corner lots (Lots #20, 86, 87, 102, 103, 118, 214, 215, 240 and 244) per City policy. Wall heights closer to corner shall "step down" to 4 feet and 2 ½ feet per City Zoning Ordinance.
14. All cul-de-sac bulbs, except Coldwater Court shall be open-end style including sidewalk connectors to adjacent streets and walls from front of house to front of house. Any wall openings shall be a minimum of 20 feet with wrought iron gates to allow pedestrian access per City design practices.
15. Lot A is not a legal parcel. It shall become part of Lot 58 or the parcel to the north.
16. Developers shall install all Childs Avenue improvements, except landscaping and wall, between Lot 57 and Lot 68.
17. Reconstruct Coffee Street pavement to meet City Standards for Collector Streets. Local streets and roadways may utilize alternative designs as shown and described in the *Merced Vision 2015 General Plan*.
18. Reconstruct Childs Avenue pavement to meet City Standards for Arterial streets.
19. Dedicate additional Coffee Street right of way and easements to match *Merced Vision 2015 General Plan* requirements for a collector road (74 feet) plus ten feet of landscape and public facilities easement (Attachment C).
20. Dedicate additional Childs Avenue right of way and easements to match *Merced Vision 2015 General Plan* requirements for 94-foot wide arterial, plus landscape and public facilities easements varying from 12-feet to 15-feet in width.
21. Provide for City review and approval of landscape/irrigation plans, prepared by a licensed landscape architect, for all areas of landscaping that are to be maintained by City.

PLANNING COMMISSION RESOLUTION #2792

Page 4

December 8, 2004/~~December 1, 2006/September 10, 2007/August 3, 2010~~Nov 20, 2007 / Jul 15, 2008/Jul 15, 2009/Jul 15, 2011/Jul 11, 2013/Oct 10, 2015/ Oct 24, 2019/Dec 10, 2020 Jan 11, 2024

21. Provide for City review and approval of landscape/irrigation plans, prepared by a licensed landscape architect, for all areas of landscaping that are to be maintained by City.
22. At the building permit stage, the site plans for each lot shall include paved side yard or backyard location for storage of 3 refuse cans/containers.
23. Developer shall install the Childs Avenue curb, gutter and pavement along the frontage of the "Commercial" and "R-3-2" parcels (along the south side of Childs Avenue).
24. Compliance with the 40-foot visual corner is required for corner lots (approximately 48 lots), and may result in the applicant constructing smaller homes on these lots or increasing the front yard setbacks. A 4-foot encroachment for the porch area can be allowed within this area. Details to be worked out with staff.
25. Front yard setbacks for the homes of 15 feet are approved for all R-1-5 lots except for the 48 corner-lots, but the driveways must remain 20 feet in length. Lots 1 through 36 will need to retain a front yard setback of 20 feet, as per R-1-6 zoning requirements.

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

AYES: Commissioners Conte, Eisenhart, Pollard, Shankland, Acheson, and Vice Chairman Fisher

NOES: None

ABSENT: Chairman Burr

Adopted this 8th day of December, 2004

  
Chairman, Planning Commission of  
the City of Merced, California

ATTEST:  
  
Secretary

tl/P.RES:#2792

## PLANNING COMMISSION RESOLUTION #2792

Page 5

December 8, 2004/December 1, 2006/November 20, 2007/July 15, 2008/July 15, 2009/July 15, 2011/July 11, 2013/Oct.10, 2015/Oct.24, 2019/Dec. 10, 2020/Jan. 11, 2024

~~**December 1, 2006:** On December 1, 2006, the Minor Subdivision Committee approved a one-year extension for Vesting Tentative Subdivision Map #1263 (“Crossing at River Oaks”), to December 8, 2012.~~

See Secretary's  
Note on Page 6

**November 20, 2007:** On September 10, 2007, the developer requested an additional 3-years be approved under Subdivision map Act Section 66452.6 due to pipelining of an off-site, off-frontage irrigation canal. The Minor Subdivision Committee, on November 20, 2007, verified the 3-year request as correct and substantiated and approved the 3-year extension from ~~December 8, 2007 to December 8, 2010~~. The developer still has four one-year extensions remaining. Correct dates are December 8, 2012 to December 8, 2015.

~~**July 15, 2008/July 15, 2009:** On July 15, 2008, the State of California gave a one-year extension to all active (not expired) tentative maps that were otherwise scheduled to expire on or before December 30, 2010. On July 15, 2009, the State of California gave a second, two-year extension. Therefore, this Tentative Map #1263 hereby has its expiration date extended to December 8, 2013.~~

The revised expiration date no longer qualifies this map for State Extension under SB 1185 and AB 333.

~~**July 15, 2011:** On July 15, 2011, the State of California gave a 24-month extension to all active (not expired) tentative maps that were otherwise scheduled to expire on or before January 1, 2014. Therefore, Vesting Tentative Subdivision Map #1263 hereby has its expiration date extended to December 8, 2015.~~

The revised expiration date no longer qualifies this map for State Extension under AB 208.

**July 11, 2013:** On July 11, 2013, the State of California gave a 24-month extension to all active (not expired) tentative maps that were approved on or after January 1, 2000. Therefore, Vesting Tentative Subdivision Map #1263 hereby has its expiration date extended to December 8, 2017.

**October 10, 2015:** On October 10, 2015, the State of California gave a 24-month extension to all active (not expired) tentative maps that were approved on or after January 1, 2002, and not later than July 11, 2013. Therefore, Vesting Tentative Subdivision Map #1263 hereby has its expiration date extended to December 8, 2019.

**October 24, 2019:** On October 24, 2019, the Site Plan Review Committee approved the extension of Vesting Tentative Subdivision Map #1263



## PLANNING COMMISSION RESOLUTION #2792

Page 6

December 8, 2004/December 1, 2006/November 20, 2007/July 15, 2008/July 15, 2009/July 15, 2011/July 11, 2013/Oct.10, 2015/Oct.24, 2019/Dec. 10, 2020/Jan. 11, 2024

("Crossing at River Oaks") for one year. The new expiration date is December 8, 2020.

**December 10, 2020:** On December 10, 2020, the Site Plan Review Committee approved the extension of Vesting Tentative Subdivision Map #1263 ("Crossing at River Oaks") for three years. The new expiration date is December 8, 2023.

**Secretary's Note:** This map is included under the Weaver Annexation and is entitled to a 7-year initial map life rather than the standard 2-year map life. Therefore, with this granted extension request, the expiration date is December 8, 2012.

**January 11, 2024:** On September 28, 2020, the State of California granted an automatic 18-month extension for certain maps under AB 1561. This map meets the criteria set forth in AB 1561 and is hereby retroactively extended for 18 months. The new expiration date is June 8, 2025.

**Notice of Exemption****Appendix E**

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk

County of: Merced

**From:** (Public Agency): City of Merced

678 W. 18th Street

Merced, CA 95340

(Address)

**Project Title:** General Plan Amendment #25-0001 and Zone Change #25-0002, and Env. Review #25-0006.

**Project Applicant:** Initiated by Stonefield Inc., on behalf of TRS Enterprises, Inc., property owner.

**Project Location - Specific:**

A five (5) acre portion of APN 061-710-001 located south of E. Childs Ave., approx. 780 feet east of the intersection of E. Childs Ave. and Coffee St.

**Project Location - City:** Merced

**Project Location - County:** Merced

**Description of Nature, Purpose, and Beneficiaries of Project:**

The General Plan Amendment would amend the General Plan Land Use designation from Neighborhood Commercial to Low Density Residential and change the Zoning designation from Neighborhood Commercial (C-N) to R-1-5 on a five (5) acre portion of (APN) 061-710-001. The General Plan Amendment and Zone Change would allow for the development of twenty-seven (27) single-family lots, previously approved for this site, by Tentative Subdivision Map #1263 ("Crossing at River Oaks").

**Name of Public Agency Approving Project:** City of Merced

**Name of Person or Agency Carrying Out Project:** Stonefield Inc., on behalf of TRS Enterprises, Inc., property owner.

**Exempt Status: (check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Section 15061 (b)(3) Common Sense Exemption
- ☐ Statutory Exemptions. State code number: \_\_\_\_\_

**Reasons why project is exempt:**

The project consists of a General Plan amendment from Neighborhood Commercial to Low Density Residential and a Zone change from Neighborhood Commercial (C-N) to R-1-5 to allow for the development of twenty-seven (27) single-family lots on a five (5) acre portion of (APN) 061-710-001 located south of E. Childs Ave., approx. 780 feet east of the intersection of E. Childs Ave. and Coffee Street.

Staff has determined that the project is covered by the "common sense" exemption that CEQA applies only to projects that have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is not possibility that the activity in question may have a significant effect on the environment the activity is not subject to CEQA.

The project does not have the potential to cause significant effect on the environment for the

following reasons:

- 1) The project site is previously disturbed land, with no value as habitat for any endangered, rare, or threatened species.
- 2) The project site can be adequately served by all required utilities and public services.
- 3) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- 4) The project site is not more than five (5) acres and will be surrounded by Low and Medium Density residential uses.

**Lead Agency**

**Contact Person:** Diana Lowrance

**Area Code/Telephone/Extension:** 209-388-7125

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?      Yes      No

**Signature:**

*Diana Lowrance*

**Date:**

*3/21/25*

**Title:** Deputy Director

Signed by Lead Agency

Signed by Applicant

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

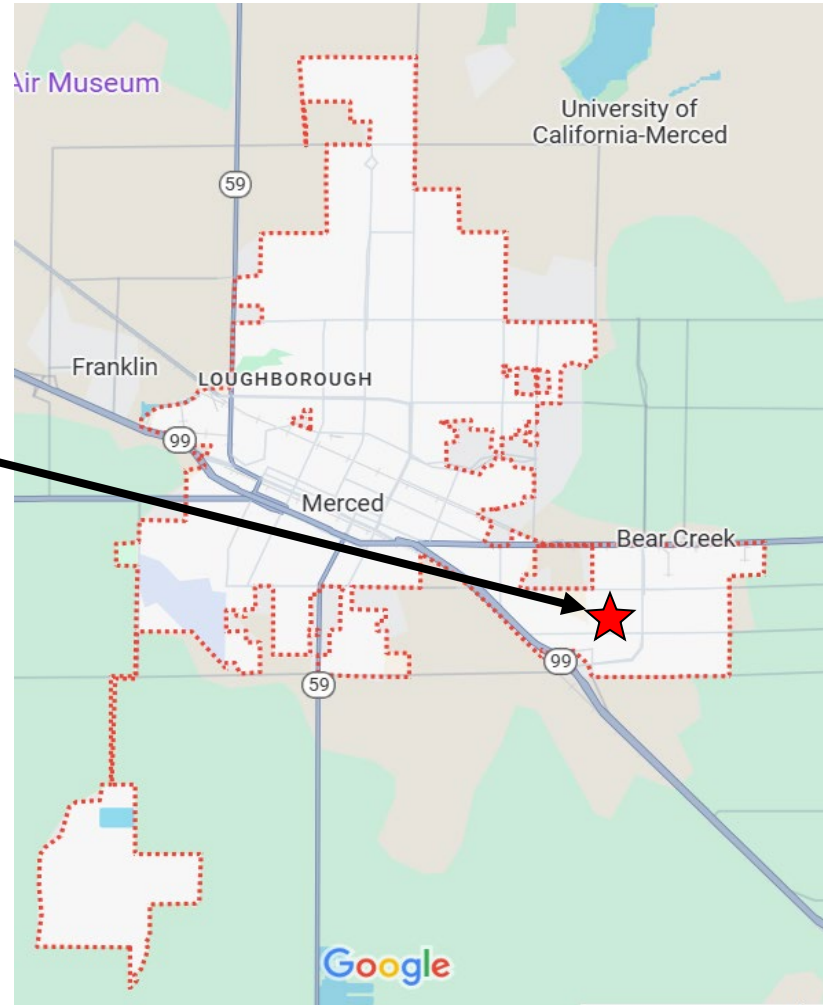
Date Received for filing at OPR: \_\_\_\_\_

**General Plan Amendment #25-0001;  
Zone Change #25-0002; and  
Environmental Review #25-0006.**

**Stonefield Home, Inc. - Applicant**

# City-Scale Context

**Project Site**

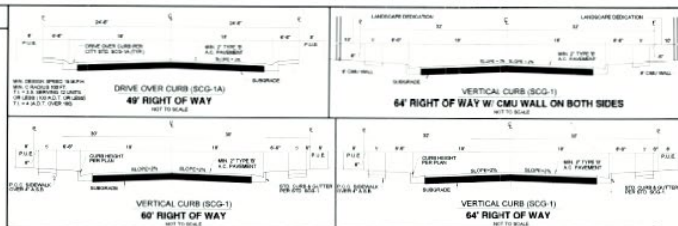




# Project Location



EXHIBIT  
#1  
TSM #1263  
P.C. MTG. - Dec. 8, 2000  
2000

[illegible][illegible]

BEING A SUBDIVISION OF  
LOTS 9786, AND PORTION OF LOT 96,  
LOT 9A AND LOT 9B, AS SHOWN ON THE "MAP OF MARCO COLONY"  
FILED FOR RECORD IN  
VOLUME 8, OF OFFICIAL PLATS, AT PAGE 24  
MARCO COUNTY RECORDS.  
SECTION 34, T15S, R14E, MOHAWK N



PREPARED FOR:  
Ridge Sutter  
P.O. Box 3520  
Modesto, CA 95352  
209-529-6361

VESTING TENTATIVE SUBDIVISION MAP FOR  
**THE CROSSING AT  
RIVER OAKS**  
APN 061-250-025

353585 123.20% 000.00 0.000000  
 353586 123.20% 000.00 0.000000  
 353587 123.20% 000.00 0.000000  
 353588 123.20% 000.00 0.000000  
 353589 123.20% 000.00 0.000000

## TSM



# Background

1993

- Weaver Area Annexation

2004

- Tentative Subdivision Map (TSM) #1263 Approved (Crossing at River Oaks)
- TSM #1263 was subject to several time extensions

9/2024

- Stonefield Home, Inc. applied for a Final Map that included the Project Area



# Application Request

- **General Plan Amendment**
  - Change from Neighborhood Commercial to Low Density Residential.
- **Zone Change**
  - Change from Neighborhood Commercial (C-N) to Low Density Residential (R-1-5).

# Recommendation to City Council

## Approve/Disapprove/Modify

- **Environmental Review #25-0006**  
(Categorical Exemption);
- **General Plan Amendment #25-0001; and**
- **Zone Change #25-0002.**

# Questions

