

CITY OF MERCED
Planning Commission

Resolution # 4045

WHEREAS, the Merced City Planning Commission at its regular meeting (held via teleconference) of August 19, 2020, held a public hearing and considered **Vesting Tentative Subdivision Map #1313 and Conditional Use Permit #1244**, initiated by Lamplight Capital & Asset Management, LLC, property owner. This application involves a request to subdivide one parcel (approximately 16 acres) into 103 single-family lots ranging in size from 4,600 square feet to 5,100 square feet, generally located on the north side of Monaco Drive, between El Redondo Drive and Horizons Avenue, within Planned Development (P-D) #50 with a General Plan designation of Village Residential (VR). Said property being more particularly described as Parcel 2 as shown on that certain Parcel Map for YCH, recorded in Volume 102, Page 46 of Merced County Records; also known as Assessor's Parcel Number (APN) 206-030-018; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through K (Exhibit B) of Staff Report #20-17; 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 Findings for Tentative Subdivision Map in Merced Municipal Code 18.16.080 (F), 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 Finding of 15162 regarding Environmental Review #20-11, and approve Conditional Use Permit #1244 and Tentative Subdivision Map #1313, 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 White, and carried by the following vote:

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, White, and Chairperson Harris

NOES: None

ABSENT: Commissioner Rashe

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4045

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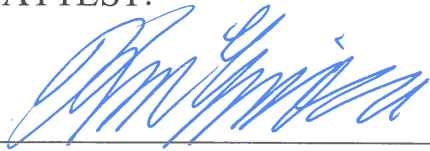
August 19, 2020

Adopted this 19th day of August 2020

Michael Harris

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Exhibit B - Findings

Conditions of Approval
Planning Commission Resolution #4045
Vesting Tentative Subdivision Map #1313 and Conditional Use Permit
#1244

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Proposed Vesting Tentative Map at Attachment B) and Exhibit 2 (Development Standards at Attachment C), 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) 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 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 (with counsel selected by the City), 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 such governmental entity. 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.

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. All public improvements shall be provided as required by the City Engineer along Monaco Drive, El Redondo, and Horizons Avenue, as well as the new cul-de-sacs. All improvements shall meet City Standards.
10. 10) A 7-foot-high concrete block wall shall be installed along El Redondo Drive and Horizons Avenue. 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.
11. Landscaping shall be provided along El Redondo Drive/Horizons Avenue 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.
12. 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.
13. 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.

14. All undeveloped areas shall be maintained free of weeds and debris.
15. Street names shall be approved by the City Engineer.
16. 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.
17. Valley Gutters may be installed in this subdivision per City standards.
18. Rolled curbing may be installed in this subdivision consistent with City Standard Design ST-1, as approved by the City Engineer.
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. A paved access to the street from this pad shall be provided.
20. As required by Merced Municipal Code Section 17.04.050 and 17.04.060, 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.
21. The applicant shall provide a minimum 30 inches of coverage between the top of the sewer line and the surface of the street, or as required by the City Engineer.
22. The cul-de-sacs shall be designed with a minimum 48-foot radius to meet City Fire Department Standards.
23. Floor plans and elevations for the single-family homes shall require a Site Plan Review approval.
24. Pedestrian access at the end of each cul-de-sac to establish a direct pedestrian path to the future commercial developments to the north, is not required but it is encouraged. Gates may be installed as long as public access is still maintained. If pedestrian access is included with this project, details would be worked out with staff during the building permit stage.

25. 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).
26. Sewer manholes shall be installed at the center of the new courts (cul-de-sacs).
27. To utilize the storm drain basin located southeast of the subject site (Assessor's Parcel Number 206-030-012), the developer shall provide all required calculations to the Engineering Department.
28. The water line shall include a loop system designed as required by the Public Works Department, unless otherwise approved by the City Engineer.
29. A temporary turnaround shall be installed along El Redondo Drive. The turnaround shall be designed as required by the City Engineer. Frontage improvements shall be required up to the end of where the project site terminates along El Redondo Drive (the end of Lot 13 as shown at Attachment B of Planning Commission Staff Report #20-17), even if the temporary turnaround is installed south of this area near Lots 7 and 8.
30. The applicant shall comply with the Traffic Study Mitigation Table shown at Attachment F of Planning Commission Staff Report #20-17, except as modified by the conditions.
31. The developer shall install missing roadway improvements as determined by the City Engineer for the western portion El Redondo Drive, between Monaco Drive and Avignon Drive (unless installed first by the Lantana West subdivision on Assessor's Parcel Number 206-030-021). The missing surface improvements along the eastern portion of El Redondo Drive, between Monaco Drive and Pettinotti Road (future extension) shall be installed by the developer to meet the City Standard 74-foot-wide Collector Road, to include surface improvements to the centerline, 12-foot-wide paved lane, and a 4-foot-wide bench on the west side of the centerline. The developer shall utilize slip rock to provide drainage in this area, as required by the City Engineer.
32. The developer shall install missing or deteriorated roadway improvements as determined by the City Engineer for the northern and southern portions of Monaco Drive, between El Redondo Drive and Horizons Avenue.
33. Monaco Drive may be designed to be an "Alternative Collector Road" per City Standard ST-2D.

Findings and Considerations
Planning Commission Resolution #4045
Tentative Subdivision Map #1313 and Conditional Use Permit #1244

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 Planned Development (P-D) #50.

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 have applied for a Site Plan Review Permit for 248 apartment units on 13.5 acres at the northeast corner of Monaco Drive and Horizons Avenue, which is also designated Village Residential. This 18.37 dwelling unit per acres development will bring the overall density in the VR area up to the required average of 10 dwelling units per acre.

Traffic/Circulation

- B) It is anticipated that the proposal would generate approximately 985.71 Average Daily Trips (ADT) based on an average daily rate of 9.57 trips per dwelling unit. The subject would be accessed via a collector street, Monacco Drive (Attachment B of Planning Commission Staff Report #20-17) which connects with other collector streets, El Redondo Drive and Horizons Avenue. 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 (up to 30 dwelling units per acre, compared to the proposed 7 dwelling units per acre). Improvements would need to be installed to connecting streets such El Redondo Drive, Monaco Drive, and Horizons Avenue to ensure residents have a direct path to the nearest developed major arterial road, Yosemite Avenue (Conditions #31 and #32 of Planning Commission Staff Report #20-17). In addition, the developer shall install the public improvements shown at Attachment F of Planning Commission Staff Report #20-17 which includes paying their fair share contributions towards traffic signals, re-timing existing

traffic signals, and paying fair share contributions towards future roads improvements.

The right-of-way widths of the new cul-de-sacs would be 49 feet (even though Attachment B of Planning Commission Staff Report #20-17 shows 48 feet), including 5.5 feet on each side of the street to accommodate sidewalks. This meets the City's right-of-way requirement for local streets. However, the cul-de-sac bulb needs to have a minimum 48-foot-radius to accommodate Fire engine/refuse truck turning radius (Condition #22 of Planning Commission Staff Report #20-17).

Site Design

- C) The subdivision is designed with homes along the interior of the cul-de-sacs with direct access to Monaco Drive. Concrete block walls would be installed along El Redondo Drive and Horizons Avenue, with landscaping along the walls (Condition #10 of Planning Commission Staff Report #20-17).

At the moment, the applicant is not proposing any specific floor plans, site plans, or elevations. Prior to constructing the homes, they will be required to obtain a Site Plan Review Permit so that the Site Plan Review Committee may review the aesthetics and emergency accessibility of the homes. Attachment C of Planning Commission Staff Report #20-17 shows the proposed parameters, or development standards for the Planning Commission's consideration. The proposed development standards include a front yard setback of 15 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 (and 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 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).

Municipal Code Compliance - Tentative Subdivision Map Requirements

- D) Per Merced Municipal Code (MMC) Section 18.16.080 – Information Required, a tentative subdivision map shall include all of the requirements shown at Attachment D of Planning Commission Staff Report #20-17. 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. Staff did not receive any comments regarding this application.

Elevations

- E) The applicant is not providing elevations at this moment. They would like to proceed with the tentative subdivision map process, and provide elevations at a later time when they are prepared to submit an application for Final Map approval. At that time, they would like to submit elevations for review and propose an exterior design and floor plan. The developer would be required to submit said plans for review and approval from the Site Plan Review Committee. The Site Plan Review Committee would review the plans to ensure they meet the development standards approved by the Planning Commission (at Attachment C of Planning Commission Staff Report #20-17), 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 E of Planning Commission Staff Report #20-17).

Public Improvements/Services

- F) All public improvements will be necessary for the new street and lots. All utilities are available in the area.

Sanitary Sewer collection, treatment, and disposal will be provided by the City.

Storm Drainage and Streetscape: Storm drainage collection, retention and discharge shall conform to City Standards and be subject to Engineering Department approval.

Public Safety Costs: 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 #20-17) to help fund roadway, police, fire, and park infrastructure to help fund operating costs for police and fire services.

There are several areas surrounding the site that are missing infrastructure. The photographs at Attachment G of Planning Commission Staff Report #20-17 depict some of the missing infrastructure surrounding the site or near the site.

Some of this infrastructure needs to be installed in order to connect the project site to the existing street network, even though some of these areas not fronting the project site. For example, the portion of El Redondo Drive, between Monaco Drive and Avignon Drive, does not contain complete roadways. If this development is constructed prior to Lantana West subdivision, or any other fronting project(s) fronting this site, the applicant would be responsible for installing the complete road (not sidewalk or streetlights) and be in position to be reimbursed by other developers fronting this site if they develop within 15 years per City Code requirements. In addition, the southern portion Monaco Drive, between El Redondo Drive and Horizons Avenue, has roadway that is either deteriorated or needs to be completed. Should the developer desire to use this existing roadway, the Public Works Department would need to assess the road conditions to determine if this infrastructure can be salvaged or need to be redone completely. Conditions #31, #32, and #33 address these issues.

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.

Parking

- H) 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) setback at least 20 feet from the front property line. Typically, 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 C of Planning Commission Staff Report #20-17, the Sage Creek subdivision would require at least 2 onsite parking stalls and a 20-foot-long driveway for backing space.

Conditional Use Permit Required Findings

- I) 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 #20-17, 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 existing single-family homes to the south across Monaco Drive, but the remaining parcels surrounding the site are currently undeveloped. The parcels to the east and west of the site are designated for Village Residential (VR) which is intended for high density residential uses ranging between 7 and 30 dwelling units per acre. Based on the proposed density for the Sage Creek subdivision (approximately 7 dwelling units per acres), this proposal would generally be consistent with future developments to the east and west. The parcel to the north is designated Office Commercial (CO) and Neighborhood Commercial (CN). To improve connectivity with those future developments, staff is recommending that a walking path would be installed at the ends of the courts to provide a direct pedestrian path to these commercial sites (Condition #24 of Planning Commission Staff Report #20-17).

At the moment, the applicant is not proposing any specific floor plans, site plans, or elevations. Prior to constructing the homes the developer will be required to obtain a Site Plan Review Permit so that the Site Plan Review Committee may review the aesthetics and functionality of the homes. Attachment C of Planning Commission Staff Report #20-17 show the proposed parameters, or development standards for Planning Commission consideration. The proposed development standards show a front yard setback of 15 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 (and 3 stories), maximum lot coverage of 60%, and a minimum of 2 parking stalls. With the implementation of the proposed conditions of approval and the conditions approved with this request, the proposed project would be required to be in compliance with the design standards single-family dwellings (MMC Sections 20.46.230). The proposed project meets the minimum design and zoning standards. 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 #20-17). 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 site surrounded by residential uses. 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.

Public Facilities Impact Fee Program

- J) The section of Cardella Road from Highway 59 to R Street is not included the City's current Public Facilities Financing Impact Fee Program for road improvements (albeit traffic signals are included). The developer would be responsible for paying their fair share contribution towards road improvements in this area, as shown at Attachment F. However, if in the future, the City updates the Public Facilities Impact Fee Program to include Cardella Road from Highway 59 to R Street, 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.

Environmental Clearance

- K) 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 new project is equal to or lesser than the previous project studied and approved for this site.

Planning staff conducted an environmental review of the project in accordance with the requirements of CEQA, and concluded that Environmental Review #20-11 is a second tier environmental document, based upon the City's determination that the proposed development remains consistent with the current General Plan and provision of CEQA Guidelines, Section 15162 (Initial Study #20-11 for CUP #1244 and TSM #1313). A Copy of the Section 15162 Findings can be found at Attachment H of Planning Commission Staff Report #20-17.