

CITY OF MERCED
Planning Commission

Resolution #4108

WHEREAS, the Merced City Planning Commission at its regular meeting of April 5, 2023, held a public hearing and considered **Vesting Tentative Subdivision Map #1322 and Minor Modification #22-01**, initiated by Benchmark Engineering, on behalf of Likwid Assets Management, LLC., property owner. This application involves a request to subdivide 25.6 acres of land into 154 single-family lots ranging in size from 4,121 square feet to 9,663 square feet. The Minor Modification would allow 6 lots to be smaller than the minimum allowed size of 4,400 square feet. The project site is generally located on the north side of Merced Avenue, approximately 1,300 feet east of Coffee Street. The site has a General Plan Designation of Low Density (LD) Residential and a Zoning designation of Residential Planned Development (P-D) #56; also known as Assessor's Parcel No. 061-310-017; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through M of Staff Report #23-227 (Exhibit B); and,

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

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #22-31 and approve Vesting Tentative Subdivision Map #1322 and Minor Modification #22-01, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioner White, Delgadillo, Gonzalez, Greggains, Camper, and Chairperson Harris

NOES: None

ABSENT: None (1 vacancy)

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4108

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April 5, 2023

Adopted this 5th day of April 2023



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 # 4108
Vesting Tentative Subdivision Map #1322

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Vesting Tentative Subdivision Map for “Renaissance 154”)—Attachment C of Planning Commission Staff Report #23-227, except as modified by the conditions herein.
2. Minor Modification #22-01 is approved as proposed to allow Lots 2, 3, 12, 13, 80, and 93 be less than 4,400 square feet. These lots shall not be more than 10% below the minimum lot size of 4,400 square feet.
3. All conditions contained in Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions") shall apply.
4. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
5. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
6. The project shall comply with the conditions set forth in Resolution #2800 for the Zone Change #392 and the Establishment of Residential Planned Development (RP-D) #56, unless otherwise modified by this approval.
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. 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. This property was designated as a "Future Annexation" area with CFD Annexation No. 2. Prior to recording a final map, the property shall be fully annexed into the CFD.
10. All lots shall be designed to meet the Development Standards for Residential Planned Development (RP-D) #56 as shown on Attachment D of Planning Commission Staff Report #23-227. However, the driveway shall have a minimum length of 20 feet behind the sidewalk to prevent vehicles from overhanging the sidewalk.
11. The homes constructed within the subdivision shall be constructed of high-quality materials consistent with or exceeding the materials used for the homes in the Renaissance Phase 1 subdivision to the south. The architecture shall also be consistent with or exceed the designs of the homes in the Renaissance Phase 1 subdivision to the south. If the Director of Development Services determines the materials and architecture are not of the same character and quality as the existing homes, a Site Plan Review Permit may be required to approve the proposed home design and materials.

12. The project shall comply with all requirements of the California Building Code and all flood requirements of the Federal Emergency Management Agency (FEMA), as well as the requirements for the California Urban Level of Flood Protection (CA 200-year flood).
13. All necessary documentation related to the construction of the residential uses shall be provided at the building permit stage.
14. The project shall comply with all the Post Construction Standards required to comply with state requirements for the City's Phase II MS-IV Permit (Municipal Separate Storm Sewer System).
15. All landscaping within the public right-of-way shall comply with state and local requirements for water conservation. All irrigation provided to street trees or other landscaping shall be provided with a drip irrigation or micro-spray system and shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030). Landscape plans for all public landscaping shall be provided with the Improvement Plans.
16. Prior to final inspection of any home, all front yards and side yards exposed to public view shall be provided with landscaping to include, ground cover, trees, shrubs, and irrigation in accordance with Merced Municipal Code Section 20.36.050. Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray system in accordance with the State's Emergency Regulation for Statewide Urban Water Conservation or any other state or City mandated water regulations dealing with the current drought conditions. All landscaping shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030).
17. Compliance with the "corner vision triangle" per MMC 20.30.030 is required for corner lots, and may result in the applicant constructing smaller homes on these lots or increasing the front yard setbacks.
18. All streets within the subdivision shall comply with City Standards. All turning radii shall comply with City Standards and applicable Fire Department Standards, including the minimum diameter of 96 feet for cul-de-sac bulbs. Sable Court may be reduced to a 49-foot right-of-way (consistent with City Standards for a cul-de-sac) if the developer so chooses.
19. Any missing and/or damaged frontage improvements on the north side of Merced Avenue shall be installed per City Standards.

20. Traffic calming measures are required on Merced Avenue and Bodie Street. The developer shall work with the City Engineer to determine the type of calming measure to be installed and the placement of the calming measure.
21. All abutters rights to Merced Avenue shall be relinquished prior to or as part of the final map approval.
22. The water system shall be a looped system to ensure adequate flow can be provided. The developer shall work with the City Engineer and the Water Department to determine the most efficient way of accomplishing this.
23. Fire hydrants shall be installed along street frontages to provide fire protection to the area. The hydrants shall meet all City of Merced standards and shall comply with all requirements of the City of Merced Fire Department. Final location of the fire hydrants shall be determined by the Fire Department.
24. Traffic control signs, street markings, and striping shall be as directed by the City Engineer.
25. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
26. The developer shall provide all utility services to each lot, including sanitary sewer, water, electric power, gas (if designed to use gas), telephone, and cable television. All new utilities are to be undergrounded, except on-ground transfer boxes for cable, telephone, and/or power, as necessary.
27. At the Final Map stage, Lot A shall be dedicated to the City of Merced for the existing sewer lift station.
28. Lot B shall be dedicated to the City of Merced. An easement over Lot B shall be dedicated on the final map to accommodate the Merced Irrigation District (MID) and PG&E facilities. The type of easement to be dedicated shall be determined prior to recording the final map. The easement area shall be included in the CFD for maintenance. The Hartley Lateral (Lot B) shall be placed in an underground pipeline as per the developer's agreement with MID.
29. The developer shall install appropriate street name signs and traffic control signs with locations, names, and types approved by the City Engineer.
30. 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.

31. Dedication by Final Map of all necessary easements will be made as shown on Vesting Tentative Subdivision Map #1322 and as needed for irrigation, utilities, drainage, landscaping, open space, and access.
32. The developer shall be responsible for construction and dedication of all interior collector and local streets within the Project Boundaries.
33. Developer shall provide storm drainage calculations as required by the City Engineer to confirm that the existing basin north of the project site constructed as part of the Renaissance Phase I Subdivision, has sufficient volume to serve this development.
34. As required by Mitigation Measure 3.02 of the Weaver Annexation, to reduce the noise impacts from the railroad track, a concrete block wall or other material approved by the Director of Development Services shall be constructed along the northern property line adjacent to the existing dwellings and shall extend along the existing drainage basin and along the eastern property line adjacent to Lot B.
35. All mechanical equipment shall be screened from public view.

**Findings and Considerations
Planning Commission Resolution #4108
Vesting Tentative Subdivision Map #1322**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Low Density (LD) Residential and the Zoning designation of Residential Planned Development (RP-D) #56.

The proposed subdivision would be constructed on approximately 25.6 acres of vacant land. The gross density for the site, would be 6 units/acre. The Low Density (LD) Residential land use designation requires a density of 2 to 6 dwelling units per acre.

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

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

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

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

L-1.8 Create livable and identifiable residential neighborhoods.

Zoning Code Compliance

- B) Residential Planned Development (RP-D) #56 was established in 2005 and incorporated specific development standards (refer to Attachment D of Planning Commission Staff Report #23-227). All the lots within the subdivision shall be developed to meet these minimum standards, the exception of 6 lots (Attachment E of Planning Commission Staff Report #23-227) that would be slightly smaller than the minimum lot size. This exception is addressed through Minor Modification #22-01 as described in Finding L. Additionally, the homes shall be constructed with high-quality materials to match or exceed the construction of the homes in adjacent subdivision (Renaissance Phase 1) (refer to Conditions # 9 and #10).

Traffic/Circulation

- C) The subdivision has access from Merced Avenue or from the south via Childs Avenue through Childs Avenue through the Renaissance Phase 1 Subdivision with connection to Sable Street (refer to Location Map at Attachment B of Planning Commission Staff Report #23-227). Additional access is available from Coffee Street through the Sierra Vista Subdivision to the east via Bodie Street. The internal street system has three streets that connect to Merced Avenue (Dylan Street, Nadine Street, and Sable Street). Bodie Street is an east/west street that bisects the subdivision with five cul-de-sacs to the north of Bodie Street and the three through streets previously mentioned and two cul-de-sacs to the south of Bodie Street (refer to the Tentative Map at Attachment C of Planning Commission Staff Report #23-227).

According to the Institute of Traffic Engineers (ITE) Manual, a condominium/townhouse generates 5.81 trips per weekday. Based on the proposed 106 lots within this subdivision, a total of 895 trips per weekday would be generated. This would be consistent with the estimates made in the *Merced Vision 2030 General Plan* for this area.

Both Merced Avenue and Bodie Street have relatively long stretches of road with no stops or other traffic calming measures. In order to prevent issues in the future with speeding traffic on these streets, Condition #20 requires traffic calming measures to be installed on these streets.

Parking

- D) Each lot is provided with a driveway that would lead to a two-car garage for parking as required by the Development Standards for RP-D #56 (Attachment D of Planning Commission Staff Report #23-227). Although the front setback for the homes is 15 feet per the Development Standards, Condition #10 requires the driveway to be 20 feet behind the sidewalk to ensure enough room for cars to park in the driveway without overhanging the sidewalk and impeding pedestrians.

Public Improvements/City Services

- E) The developer would be required to install all streets, utilities, and other improvements within the subdivision bring any damaged or missing improvements along Merced Avenue up to City Standards (Condition #18 and #19). City water and sewer lines would be extended from Merced Avenue to serve this subdivision. Each lot would be required to pay the required connection fees for sewer and water connections at the building permit stage.

The water system shall be a looped system as required by the City's Water Department (Condition #22).

Each lot within the subdivision would be required to meet the City's storm drainage and run-off requirements for the City's MS-IV permit (Condition #14). All storm water would ultimately be delivered to the storm drain basin constructed to the east currently serving the Stoneridge South subdivision.

Building Design

- F) The developer has not submitted building designs at this time. It is the developer's intent to construct homes that are consistent with the character of the neighborhood to the south (Renaissance Phase 1). However, if staff determines the design is not of the same quality and character as the Renaissance Phase 1, a Site Plan Review may be required to approve the architecture and design (Condition #11).

Site Design

- G) As previously described, the internal circulation of the subdivision includes an east/west street (Bodie Street) extending from the subdivision to the west, east to the end of the street at the end of the subdivision (Sable Street). There are five cul-de-sacs north of Bodie Street. There are two through streets connecting to Merced Avenue south of Bodie Street and two additional cul-de-sacs south of Bodie Street. Each lot would be connected by sidewalks throughout the subdivision. The cul-de-sacs south of Bodie Street would have open ended cul-de-sacs to allow access to Merced Avenue.

As shown on the Vesting Tentative Subdivision Map (Attachment C of Planning Commission Staff Report #23-227), Sable Court is 59 feet wide which matches Sable Street south of Bodie Street. Because the City Standard allows cul-de-sacs to be a minimum of 49 feet wide, the final map may reduce the width of this cul-de-sac to 49 feet (Condition #18). In order to meet Fire Department Standards, all cul-de-sacs must have a diameter of 96 feet (Condition #18).

Lot A as shown in the southwest corner of the tentative map (Attachment C of Planning Commission Staff Report #23-227) is an existing sewer lift station. This lot would be dedicated to the City (Condition #27).

Lot B as shown on the eastern edge of the tentative map is the Hartley Lateral, a Merced Irrigation District (MID) Canal. Per an agreement between the developer and MID the canal would be placed in an underground pipeline. Lot B would be dedicated to the City of Merced (Condition #28). A concrete

block wall (or other material approved by the Director of Development Services) would be constructed along the eastern property line of the subdivision adjacent to Lot B (Condition #34).

The project site was part of the Weaver Annexation. Mitigation Measure 3.2 of the Weaver Annexation requires “acoustical treatment” to reduce the noise from the railroad track to the north below 65 dB. Additionally at build out of the General Plan, the noise from Hwy 140 is expected to be greater than 65dB. Therefore, Condition #34 also requires a concrete block wall (or other material approved by the Director of Development Services) to be installed along the north property line.

Residential Planned Development (RP-D #56) has a minimum lot size of 4,400 square feet. The proposed lots range in size from 4,121 to 9,663 square feet. The table below shows the mixture of lot sizes in the subdivision. There are 6 lots that are smaller than the required 4,400 square feet. If approved, the Minor Modification application would allow these smaller lots (refer to Finding L for information on the Minor Modification.)

Number of Lots	Lot Size (S.F)
6	4,121 to 4,370
35	4,414 to 4,500
50	4,501 to 4,991
44	5,101 to 5,890
19	6,160 to 9,663

The specific design standards for the construction of each house on the individual lots shall comply with the Development Standards adopted for RP-D #56 (Attachment D of Planning Commission Staff Report #23-227).

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 (Condition #16).

Merced Avenue has a 7-foot-wide park strip. The through streets (Dylan Street, Nadine Street, and Sable Street) would have 7-foot-wide park strips as well. The cul-de-sacs would not have park strips. The park strip along Merced Avenue would ultimately be maintained by the Community Facilities District (CFD).

Neighborhood Impact/Interface

- I) As shown on the location map at Attachment B of Planning Commission Staff Report #23-277, the site is adjacent to the Renaissance Subdivision to the south, across Merced Avenue and the Sierra Vista Subdivision to the east.

The proposed subdivision would add additional homes to the area, but the use is consistent with the General Plan and Zoning designations. Additionally, this subdivision was originally planned and approved in 2007, but never constructed. The requirement for traffic calming measures on Merced Avenue should address any traffic impacts from the additional traffic generated from the subdivision.

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

Land Use/Density Issues

- J) As discussed in Finding A of this resolution, the density is found to be consistent with the Low-Density (LD) Residential land use designation.

Tentative Subdivision Map Requirements/Public Comments Received

- 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 F of Planning Commission Staff Report #23-227. 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. MMC 18.16.100 - Public Hearing – Generally, requires a public hearing to review and approve a tentative subdivision map in conformance with the Subdivision Map Act.

Per the California Environmental Quality Act a public hearing notice was mailed to property owners within 300 feet of the subject site and published in a qualifying newspaper, Merced County Times, three weeks prior to this meeting. In addition, staff reached out to local utility companies, local school districts, and other relevant government agencies to solicit comments. At the time this report was prepared, staff had received comments from PG&E and the Merced Irrigation District (MID). Their comments are provided at Attachment G of Planning Commission Staff Report #23-227.

Minor Modification

- L) As previously described, the minimum lot size for RP-D #56 is 4,400 square feet. The proposed subdivision includes 6 lots that are below this minimum size (Lots 2, 3, 12, 13, 80, and 93 - Attachment E of Planning Commission Staff Report #23-227). Merced Municipal Code (MMC) Section 20.20.020 (O) allows minor changes to a Planned Development to be approved as described in MMC Section 20.72.050. This section authorizes the Director of Development Services to approve minor changes to an approved project (such as the small reduction in the minimum lot size for six lots). However, consistent with MMC Section 20.66.040 (C) which states that if a project requires multiple approvals by both the Planning Commission and Development Services Department, the Planning Commission shall act on all permits as a single application.

The requested reduction to the minimum lot size for the six lots listed above is considered a minor change as it would only affect 4% of the total number of lots. Additionally, the proposed reduction in lot size ranges from a 3% reduction to a 10% reduction which is considered minor. The change would not change the character of the neighborhood and is considered consistent with the spirit and intent of the original approval.

Environmental Clearance

- M) Planning staff has conducted an environmental review of the project (Environmental Review #22-21) in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption (i.e., no further environmental review is needed) is being recommended (Attachment H of Staff Report #23-227).