

CITY OF MERCED
Planning Commission

MINUTES

Merced City Council Chambers
Wednesday, May 9, 2018

Chairperson DYLINA called the meeting to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Mary Camper, Jeremy Martinez, Peter Padilla, and Chairperson Robert Dylina

Commissioners Absent: Sonia Alshami (excused) and Travis Colby (excused), (one vacancy)

Staff Present: Director of Development Services McBride, Planning Manager Espinosa, Principal Planner Hren, Associate Planner Nelson, Interim Deputy City Attorney Kaufman, and Recording Secretary Davis

1. APPROVAL OF AGENDA

M/S PADILLA-MARTINEZ, and carried by unanimous voice vote (two absent, one vacancy), to approve the Agenda as submitted.

2. MINUTES

M/S PADILLA-CAMPER, and carried by unanimous voice vote (two absent, one vacancy), to approve the Minutes of April 18, 2018, as submitted.

3. COMMUNICATIONS

None.

4. **ITEMS**

- 4.1 Vesting Tentative Subdivision Map (VTSM) #1306 (“Stoneridge South”), initiated by Golden Valley Engineering, applicant for Biltmore Financial, Inc., property owner. This application involves the subdivision of approximately 29.75 acres of an approximately 39.7-acre parcel into 160 single-family lots. This property is generally located approximately 620 feet east of G Street between Winder Avenue and Mission Avenue, within Planned Development (P-D) #58 and has a General Plan Designation of Village Residential (VR). (Item continued from meeting of April 4, and April 18, 2018).

Associate Planner NELSON reviewed the report on this item. For further information, refer to Staff Report #18-08-2nd Addendum.

Public testimony was opened at the previous meeting.

Speaker from the Audience in Favor:

JIM XU, Golden Valley Engineering, Applicant, Merced

There were no speakers from the audience in opposition to the project.

Public testimony was completed at 7:11 p.m.

M/S PADILLA-CAMPER, and carried by the following vote, to find that the previous environmental review (Expanded Initial Study #04-13 for the Mission Avenue Annexation) remains sufficient and no further documentation is required (CEQA Section 15162 Findings), and approve Vesting Tentative Subdivision Map #1306, subject to the Findings and forty-five (45) Conditions set forth in Staff Report #18-08-2nd Addendum (RESOLUTION #3092):

AYES: Commissioners Camper, Martinez, Padilla, and Chairperson Dylina

NOES: None

ABSENT: Commissioners Alshami and Colby, (one vacancy)

ABSTAIN: None

- 4.2 Zone Change #425, initiated by Merced Gateway LLC. This application involves amending the Zoning of two parcels from Agricultural (A-1-20) to Business Park (B-P), consistent with the parcels' existing General Plan designations. The parcels total 71.135 acres and are located approximately 1,300 feet east of Coffee Drive along the north and south sides of Campus Parkway to approximately 264 feet west of the intersection of Gerard Avenue and Campus Parkway, between Gerard Avenue and Mission Drive. (Item continued from meeting of April 4, and April 18, 2018).

Principal Planner HREN reviewed the report on this item. For further information, refer to Staff Report #18-07-2nd Addendum.

Public testimony was opened at the previous meeting.

Speaker from the Audience in Favor:

JOHN PEDROZO, Precision Engineering, Representative for Applicant, Merced

There were no speakers from the audience in opposition to the project.

Public testimony was completed at 7:19 p.m.

Chairperson DYLINEA re-opened and closed public testimony at 7:22 p.m. to allow the Applicant's representative to clarify a question for the Commission.

M/S CAMPER-MARTINEZ, and carried by the following vote, to recommend to City Council to find that the previous environmental review (Merced Vision 2030 General Plan EIR, SCH# 2008071069) remains sufficient and no further documentation is required (CEQA Section 15162), and recommend approval of Zone Change #425 and Environmental Review #18-11, subject to the Findings and ten (10) Conditions set forth in Staff Report #18-07-2nd Addendum (RESOLUTION #3093):

AYES: Commissioners Camper, Martinez, Padilla, and Chairperson Dylina

NOES: None

ABSENT: Commissioners Alshami and Colby, (one vacancy)

ABSTAIN: None

5. **INFORMATION ITEMS**

5.1 **Calendar of Meetings/Events**

Planning Manager ESPINOSA briefed the Planning Commission on items for the next few Planning Commission meetings.

6. **ADJOURNMENT**

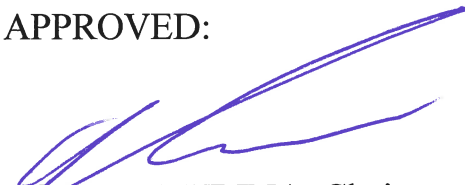
There being no further business, Chairperson DYLINEA adjourned the meeting at 7:28 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:



ROBERT DYLINEA, Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #3092

WHEREAS, the Merced City Planning Commission at its regular meeting of May 9, 2018, held a public hearing and considered **Vesting Tentative Subdivision Map #1306 (“Stone Ridge South”)**, initiated by Golden Valley Engineering, applicant for Biltmore Financial, Inc., property owner. This application involves the subdivision of approximately 29.75 acres of an approximately 39.7-acre parcel into 160 single-family lots. This property is generally located approximately 620 feet east of G Street between Winder Avenue and Mission Avenue, within Planned Development (P-D) #58 and has a General Plan Designation of Village Residential (VR); also known as Assessor’s Parcel No. (APN) 259-130-018; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through I of Staff Report #18-08 - 2nd Addendum; and,

NOW THEREFORE, 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 find that the previous environmental review (Expanded Initial Study #04-13 for the Mission Avenue Annexation) remains sufficient and no further documentation is required (CEQA Section 15162 Findings), and approve Vesting Tentative Subdivision Map #1306, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner PADILLA seconded by Commissioner CAMPER, and carried by the following vote:

AYES: Commissioners Camper, Martinez, Padilla, and Chairperson Dylina
NOES: None
ABSENT: Commissioners Alshami and Colby
ABSTAIN: None

PLANNING COMMISSION RESOLUTION # 3092

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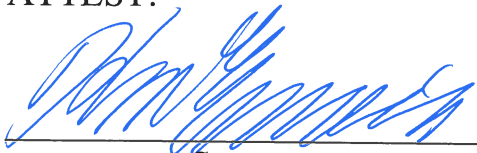
May 9, 2018

Adopted this 9th day of May 2018



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

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Conditions of Approval
Planning Commission Resolution #3092
Vesting Tentative Subdivision Map # 1306

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Vesting Tentative Subdivision Map), -- Attachment A of Planning Commission Staff Report #18-08 - 2nd Addendum, except as modified by the conditions.
2. All conditions contained in "Standard Tentative Subdivision Map Conditions" shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. The Project shall comply with the conditions set forth in Resolution #2808 for the Mission Avenue Annexation and all conditions of the Pre-Annexation Development Agreement for the Mission Annexation (Pre-Annexation #04-03) previously approved for this project including all applicable mitigation measures.
5. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
6. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (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.

7. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
8. Community Facilities District (CFD) formation 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.
9. A secondary access road for emergency vehicle access shall be provided with the first phase of construction. The secondary access shall be approved by the City of Merced Fire Department.
10. A permanent emergency vehicle access shall be installed at the end of "I" Court as shown on Vesting Tentative Subdivision Map (VTSM) #1306. The access road shall meet all Fire Department requirements.
11. All cul-de-sac bulbs shall have a minimum diameter of 96 feet and shall be posted as "no parking" in compliance with Fire Department Standards adopted by Merced Municipal Code Section 17.32.
12. All public improvements shall be provided along all new roadways and any damaged or missing improvements along Winder and Mission Avenues within the project area's frontage shall be repaired/replaced as required by the City Engineer.
13. Developer shall construct full public improvements including, but not limited to, curb and gutter, pavement, sidewalk and one drive approach per lot, street lights, landscaping, and utilities on all new streets within

the subdivision and on Winder Avenue. A minimum 10-foot-wide landscape strip and block wall shall be installed along Winder Avenue.

14. Developer shall coordinate with the City Engineer on the construction of Mission Avenue. Mission Avenue shall ultimately be constructed to the full 128-foot width plus a minimum 10-foot-wide landscape strip along the block wall. In lieu of constructing the improvements, the developer may pay their fair share of the cost of the improvements. The developer's fair share is estimated to be \$236,236.00 according to the Engineer's estimate provided by Golden Valley Engineering dated April 2, 2018, and approved by the City Engineer May 3, 2018. Full payment of the developer's fair share (\$236,236.00) shall be made or bonded for prior to the issuance of the 65th building permit within this subdivision.
15. Mission Avenue is an arterial roadway. Construction of Mission Avenue would be eligible for reimbursement from the Public Facilities Financing Plan (PFFP) as provided for in Section 17.62 of the Merced Municipal Code.
16. 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.
17. 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).
18. All dwellings shall be designed to include fire sprinklers as required by the California Fire Code.
19. No residential driveways shall front on any arterial or collector street.
20. The project shall comply with all requirements of the California Building Code and all flood requirements of the Federal Emergency Management Agency (FEMA). All necessary documentation related to the construction of the residential uses shall be provided at the building permit stage.
21. All mechanical equipment shall be screened from public view.
22. Dedication by Final Map of all interior street rights-of-way and all necessary easements will be made as shown on Vesting Tentative

Subdivision Map #1306 and as needed for irrigation, utilities, drainage, landscaping, and open space.

23. All landscaping shall comply with State Water Resources Control Board Resolution No. 2015-0032 “To Adopt an Emergency Regulation for Statewide Urban Water Conservation” or the most recent water regulations adopted by the State and City addressing water conservation measures. If turf is proposed to be installed in park strips, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed. 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).
24. 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).
25. All entryway and subdivision signs shall be administratively approved by Planning Staff prior to the issuance of a building permit.
26. Traffic control signs, street markings, and striping shall be as directed by the City Engineer.
27. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
28. Provide all utility services to each lot, including sanitary sewer, water, electric power, gas, telephone, and cable television. All new utilities are to be undergrounded.
29. 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. Per Mitigation Measure 11.1 of Expanded Initial Study (EIS) #04-13 for the Mission Annexation area, the applicant shall provide a noise attenuation study prepared by an acoustical engineer to show that the noise levels within this development meet the City's adopted noise level standards. This study shall be provided prior to the construction of Phase 5 of the development.
32. Per Mitigation Measure 3-a of Expanded Initial Study #04-13 for the Mission Annexation area, a survey shall be conducted for special status species prior to the disturbance of potentially suitable habitat. All surveys shall be conducted in accordance with applicable state and federal guidelines.
33. Per Mitigation Measures 15.1, 15.3, 15.4, 15.5, and 15.6 of Expanded Initial Study #04-13 for the Mission Annexation area, a fee of \$1,002.61 shall be collected with each building permit issued within this subdivision to cover the costs of traffic improvements identified in EIS #04-13.
34. The future apartment complex to the east of the proposed subdivision shall be developed at a density high enough to provide an average minimum density of 10 units per acre for the entire 39.7 acre parcel.
35. Prior to building permits being issued, all building elevations shall be approved by Planning Staff. The building facades shall be of high-quality design providing varied elevations and color schemes.
36. Bulb-outs (also called curb extensions) shall be installed on the north/south street connecting Winder and Mission Avenues. A minimum of two bulb-outs shall be installed. Location of the bulb-outs shall be determined by the City Engineer.
37. No driveways shall be allowed on the north/south street connecting Winder and Mission Avenue. All driveways shall be placed on the cul-de-sac streets.
38. The storm drain basin shall be constructed per City Standards and as approved by the City Engineer with Phase One of construction. All discharge from the basin shall be approved by the Merced Irrigation District and the City of Merced.

39. A minimum 10-foot-wide landscape strip shall be provided along Mission Avenue and Winder Avenue. This landscape strip shall be included in the public right-of-way and dedicated to the City of Merced.
40. A 6-foot tall block wall shall be installed along Mission Avenue and Winder Avenue. The wall on Winder Avenue shall be installed with Phase One and the wall on Mission Avenue shall be installed no later than Phase 5.
41. A two-way stop sign stopping northbound and southbound traffic shall be installed at the intersection of Winder Avenue and La Habra Street.
42. The water and storm drain lines shall extend across the full project frontage on Winder and Mission Avenues. The water line shall be looped to Mather Road. Any oversizing of the water lines shall be eligible for reimbursement or credit per Merced Municipal Code Section 15.40.090 (water). MMC Section 15.40.090 provides that reimbursement may be given for any water line in excess of 8-inches, provided that the installing applicant does not need more than an eight-inch diameter water line to serve his own premises. Water lines extended beyond the project development shall be eligible for reimbursement from a subsequent applicant per MMC Sections 15.40.070 and 15.40.080. Per MMC Section 15.40.080, no reimbursement shall be given after the 10th anniversary of the date the water lines were accepted by the City.
43. Curb, gutter, sidewalk, as well as sewer, water, and storm drain lines shall extend across the entire project frontage on Mission and Winder Avenues and along the frontage of the "Remainder" parcel along Winder Avenue.
44. 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.
45. Landscaping and irrigation details shall be provided by the applicant with final maps for each phase and are subject to approval by the City.

CITY OF MERCED
Planning Commission

Resolution #3093

WHEREAS, the Merced City Planning Commission at its regular meeting of Wednesday, May 9, 2018, held a public hearing and considered **Zone Change #425**, and Environmental Review #18-11, initiated by Merced Gateway LLC. This application involves amending the Zoning of two parcels from Agricultural (A-1-20) to Business Park (B-P), consistent with the parcels' existing General Plan designations. The parcels total 71.135 acres and are located approximately 1,300 feet east of Coffee Drive along the north and south sides of Campus Parkway to approximately 264 feet west of the intersection of Gerard Avenue and Campus Parkway, between Gerard Avenue and Mission Drive.; also known as Assessor's Parcel Numbers 061-250-094 and 061-250-050; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through I of Staff Report #18-07 2nd Addendum; and,

NOW THEREFORE, 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 recommend to City Council to find that the previous environmental review (Merced Vision 2030 General Plan EIR, SCH# 2008071069) remains sufficient and no further documentation is required (CEQA Section 15162), and recommend approval of Zone Change #425 and Environmental Review #18-11, subject to the conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner CAMPER, seconded by Commissioner MARTINEZ and carried by the following vote:

AYES: Commissioners Camper, Martinez, Padilla, and Chairperson Dylina

NOES: None

ABSENT: Commissioners Alshami and Colby

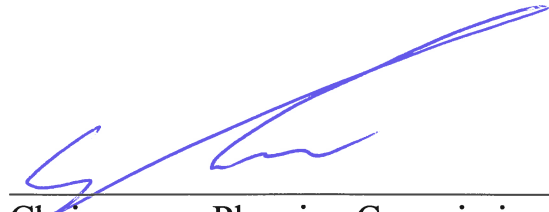
ABSTAIN: None

PLANNING COMMISSION RESOLUTION # 3093

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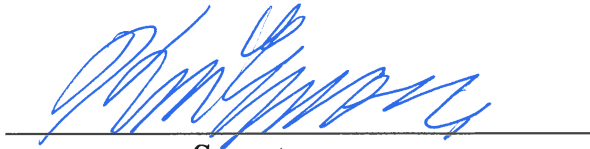
May 9, 2018

Adopted this 9th day of May, 2018



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Conditions of Approval
Planning Commission Resolution # 3093
Zone Change #425

1. The Zoning Designation shall be changed from Agricultural (A-1-20) to Business Park (B-P) for the property shown in Attachment A of Staff Report #18-07 2nd Addendum.
2. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
3. The Project shall comply with the applicable mitigation measures set forth in Expanded Initial Study #97-22 for the Lyons Annexation to the City of Merced, Attachment E of Planning Commission Staff Report #18-07 (Item M-5 is for improvements not located on the site of the Project and is not applicable).
4. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
5. Approval of the Zone Change is subject to the applicant's entering into a written Legislative Action Agreement that they agree to all the conditions and shall pay all City and school district fees, taxes, and/or assessments, in effect on the date of any subsequent subdivision and/or permit approval, any increase in those fees, taxes, or assessments, and any new fees, taxes, or assessments, which are in effect at the time the building permits are issued, which may include public facilities impact fees, a regional traffic impact fee, Mello-Roos taxes—whether for infrastructure, services, or any other activity or project authorized by the Mello-Roos law, etc. Payment shall be made for each phase at the time of building permit issuance for such phase unless an Ordinance or other requirement of the City requires payment of such fees, taxes, and or assessments at an earlier or subsequent time. Said agreement to be approved by the City Council prior to the adoption of the ordinance, resolution, or minute action.
6. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #3093

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.

7. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
8. Community Facilities District (CFD) formation is required for annual operating costs for storm drainage, public landscaping within State Highway rights-of-way, street trees, and street lights. CFD procedures shall be initiated before any final permit 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.
9. All development on the site would be subject to the Interface Regulations of Chapter 20.32 of the City's Zoning Ordinance. Therefore, all permitted uses on lots of the site that are across Gerard Avenue from homes in the R-1-5 Zone would be subject to Site Plan Review.
10. Access to Campus Parkway will be limited solely to Pluim Drive; no other curb cuts to Campus Parkway shall be permitted.

n:shared:planning:PC Resolutions:ZC#425 Exhibit A

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #3093