

From: [Ariel Mann](#)
To: [planningweb](#)
Subject: Public comment for 09/17/25 meeting
Date: Sunday, September 14, 2025 6:23:22 PM

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RE: public hearing for vesting tentative subdivision map #25-0003

Attn: Planning Commission

I will be out of town and unable to attend the meeting, but ask you to please consider my comments below.

I have owned my home on Rye St for 17 years; I held on through the 2008 housing market crash, and major life changes. We have a healthy and classic neighborhood, with children playing outside and neighbors that wave hello to each other, that I attribute to being tucked away at the end of Dinkey Creek Ave. I've personally watched this neighborhood grow from only 2 houses, to 2 full courts just a few years ago. The physical shape of our street has always been a court, and I was unaware until very recently that Rye St wasn't simply a misnomer.

I would support the proposed subdivision of 17 more houses with only 1 request; please do not connect Rye St to Childs Ave for vehicular traffic. Allowing through traffic would remove the safety our neighborhood has relied on; speeders and those with nefarious intent would find easy access via Rye St to and from the Brimmer/Gerard area. Children would stop playing in the street, more cameras would be mounted on homes, and the crime rate for Rye St and Arroyo Ct would increase dramatically.

Numerous similar streets exist in the Childs area, such as Sable St to Hartley Ct. Allowing pedestrian traffic to access the brand new walk path and the local schools is a valuable benefit to our neighborhood, but allowing vehicular traffic will be a tangible detriment.

Thank you for allowing me to voice my concerns and I hope you will take a few moments to see our quiet neighborhood for yourself. I am happy to make myself available should you have any questions.

Thank you,

Ariel Mann
[REDACTED]

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September 17, 2025

Kayla Abarca Administrative Assistant II, Planning Department
City Of Merced
678 West 18th Street
Merced, California 95340

Subject: Vesting Tentative Map #25-0003

Dear Ms. Abarca:

The Merced Irrigation District (MID) has reviewed the above referenced application and offers the following comments. MID respectfully requests that the City require the following, as conditions of approval:

1. That the Deferment of Construction Agreement, which includes the pipelining of the Hartley Lateral, be addressed per document No. 2005-073909, M.C.R.
2. If the owner desires to discharge storm drainage into MID facilities, the project will be subject to all the conditions and fees as agreed to in the Subdivision Drainage Agreement with Merced Irrigation District Drainage Improvement District No. 1 (MIDDID No.1), recorded as document 2005-045686, M.C.R.
3. Owner shall be responsible for securing an Easement Grant Deed in favor of MID for the Hartley Lateral pipeline, easement shall be of adequate width for said pipeline.
4. An Encroachment Agreement with MID will be required for any work associated with MID facilities and for any roadways, walkways, bike paths, utilities and pipelines crossing MID facilities or rights of way.
5. No structures, trees or fences will be allowed within MID rights of way.
6. A signature block will be provided for MID on all Improvement Plans.
7. MID reserves the right for further comment as unforeseen circumstances may arise.

Thank you for the opportunity to comment on the above referenced application. If you have any questions, please contact me at [REDACTED] .

Sincerely,

Dusty Ryan

Dusty Ryan
Engineering Technician

From: [REDACTED]
To: [planningweb](#)
Subject: 2500 East Childs Avenue Development Concerns
Date: Saturday, September 6, 2025 9:42:39 AM

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Dear Frank Quintero and Merced City Planning Department,

I am writing on behalf of the residents of our established neighborhood on Rye Street in Southeast Merced, regarding the recent proposal to extend through streets by converting our current cul-de-sac layout. We have carefully reviewed the viewpoint, which states that "the original developer did not set this up to be a court permanently" and referenced easements and proprietary drawings. While we acknowledge these technical points, we respectfully submit the following concerns and counterarguments:

- **Preservation of Community Character:**

Our neighborhood has thrived as a cul-de-sac environment since at least 2008. The design was a key factor for residents when choosing to invest in their homes, ensuring a low-traffic, safe, and quiet residential setting. Changing this layout will fundamentally alter the character of our community, likely leading to increased noise, traffic, and a decline in property values.

- **Interpretation of Easements:**

The existence of easements for potential future road access does not mandate that they be activated at the expense of our established neighborhood. Easements should be considered contingent, not guaranteed, and must be balanced against the community's right to maintain the residential character and safety of the area.

- **Transparency and Public Review:**

While we understand that certain drawings are currently protected under the builder's code, the absence of transparency in the review process prevents residents from fully understanding the impact of the proposed changes. A thorough, public evaluation of these plans is essential to ensure that any modifications truly serve the best interest of both the community and the city.

- **Legal and Zoning Considerations:**

Our neighborhood was designed and approved as a cul-de-sac community. Any significant alteration—such as converting these cul-de-sacs into through streets—should be rigorously examined to ensure compliance with established zoning laws and the subdivision map. Approving the developer's proposal solely on the basis of technical easements sets a precedent that could lead to further unwanted changes in other established neighborhoods.

- **Alternative Access via Childs Avenue and Protecting Dinky Creek:**

It has been suggested that the developer cannot reasonably access their property via Childs Avenue because of the waterway (Dinky Creek) that runs along the frontage. However, there is in fact substantial frontage on Childs Avenue that could provide access if the creek were properly protected or covered. Importantly, other developers within the last year have been required to comply with these protections when building near Dinky Creek and were not permitted to bypass this requirement.

Allowing this developer to avoid those same obligations would not only be inequitable and unfair, but it would also guarantee a negative environmental impact. With the addition of 17 new homes, stormwater runoff, pollutants, and construction activity will inevitably put Dinky Creek at risk if proper protections are not enforced. To waive these protections here would create both an unfair competitive advantage and a dangerous precedent for future development while directly threatening an important water resource.

In light of these concerns, we urge the City Planning Department to require a comprehensive review of the proposed modifications, including access to all pertinent plans and an independent traffic and environmental impact study. We respectfully ask that you consider the significant negative effects that increased through traffic and inadequate environmental protections will have on our community's quality of life and request that alternative development options—such as access via Childs Avenue with appropriate safeguards for Dinky Creek—be fully explored before any approval is given.

Thank you for your time and consideration. We look forward to your response and receiving more information on the proposed development and we are available to discuss this matter further at your convenience.

Sincerely,

Robert Ruybe and all the neighbors of Rye Street.

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Livingston, Matt

From: Robert Ruybe [REDACTED]
Sent: Wednesday, September 17, 2025 4:20 PM
To: planningweb
Cc: Lee, Jessie; Livingston, Matt
Subject: Public Comment on Agenda Item E.1 – Vesting Tentative Subdivision Map #25-0003

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Dear Chair and Planning Commissioners,

This decision is not simply about preference — it is about **public safety, legal compliance, and the City's duty to uphold its own laws**. We, the undersigned residents of Rye Street, urge you to deny the map as currently proposed and require the developer to provide access from East Childs Avenue, which is both safer and fully feasible.

1. Violation of General Plan and Municipal Code

Policy L-1.5 requires protecting existing neighborhoods from incompatible development, and the Municipal Code mandates preserving the “character and stability” of residential areas. For 17 years, Rye Street has been defined by its safe, quiet cul-de-sac design. Converting it into a cut-through corridor for a new subdivision is the definition of incompatible.

2. Improper CEQA Exemption

The City's reliance on a categorical exemption under CEQA is legally indefensible. The California Supreme Court's *Berkeley Hillside Preservation v. City of Berkeley* ruling makes clear that unusual circumstances — such as dismantling a long-established cul-de-sac — require full environmental review. This project introduces a new traffic corridor carrying over 160 daily trips (about one car every 5–6 minutes), creating documented risks to children, pedestrians, and neighborhood safety.

3. Feasible Childs Avenue Alternative

The developer's frontage along Childs Avenue is already subject to major conditions of approval: undergrounding the canal, relocating power poles, and crossing the MID pipeline. These prove the City itself acknowledges significant engineering is required at Childs Avenue. To burden Rye Street instead is not about feasibility — it is about shifting costs from the developer onto the community.

4. Equity and Consistency

Other developers along Dinky Creek were required to comply with environmental protections. To allow this developer to bypass those obligations is inequitable, arbitrary, and sets a dangerous precedent.

5. Safety and Property Value Impacts

Research shows cul-de-sacs are safer for children, reduce crime, and foster social cohesion. Homes on cul-de-sacs carry up to a 29% price premium. By destroying our cul-de-sac, this project strips both the safety and economic value that families here invested in.

We are not opposed to new homes being built. We are opposed to sacrificing our community's integrity and safety when a better alternative exists. We respectfully request that you deny the

current plan, require access from Childs Avenue, and preserve Rye Street as the safe cul-de-sac it was designed to be.

Your decision will set the precedent for whether Merced protects its neighborhoods or erodes them. We urge you to stand with the families of Rye Street.

Sincerely,
Robert Ruybe and the Residents of Rye Street

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Livingston, Matt

From: Robert Ruybe [REDACTED]
Sent: Thursday, September 18, 2025 12:19 PM
To: planningweb
Cc: Livingston, Matt; Lee, Jessie; Serratto, Matthew
Subject: Misuse of CEQA Exemptions for Vesting Tentative Subdivision Map #25-0003

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Dear Chair and Commissioners,

On behalf of the residents of Rye Street, I wish to formally place into the record our continued opposition to converting Rye Street into a through street as proposed in the original version of Vesting Tentative Subdivision Map #25-0003.

We appreciate being able to speak at last night's meeting on the matter and also that the applicant has withdrawn that design to consider the sensible alternative,

but we submit this rebuttal to the arguments made in support of the through-street configuration and state clearly that if the developer resubmits it, we remain firmly opposed.

CEQA misapplication

Staff cited **§§15332 (Class 32 infill)** and **§15183 (General Plan consistency)** to justify a categorical exemption. Both are misapplied.

- **§15332** applies only if the project “would not result in any significant effects relating to traffic [and] noise.” The City’s own estimate is **162.69 daily trips** forced onto a street that has functioned as a quiet cul-de-sac for ~17 years. That is a **significant change in traffic character, safety, and noise**. Under **Berkeley Hillside Preservation v. City of Berkeley**, unusual circumstances that may cause significant effects **invalidate** reliance on a categorical exemption.
- **§15183** applies only when a project is **truly consistent** with the General Plan. *Converting Rye Street into a through street is, by definition, incompatible with the established neighborhood. Therefore, the project is not consistent with the General Plan, and §15183 does not apply.* Courts have struck down exemptions where agencies claimed “consistency” while ignoring clear policy conflicts. The General Plan is more than density numbers; it **protects established neighborhoods**.

General Plan & Municipal Code conflicts

Merced Vision 2030 **Policy L-1.5** requires protecting existing neighborhoods from incompatible development. The Municipal Code likewise requires preserving the **character and stability** of residential areas. Replacing a long-standing cul-de-sac with a cut-through corridor violates both.

Subdivision Map Act §66474(b)

Gov. Code §66474(b) requires denial if a tentative map would create unsafe conditions or be detrimental to public safety. While **early plans may have contemplated** a future connection ~20 years ago, **Rye Street was constructed and has operated as a cul-de-sac for 2 decades.**

Its built form, traffic-calming function, and residential use make it **physically unsuitable as a through connector** without materially degrading safety. Adding 160+ daily trips where children now play is substantial evidence of a foreseeable hazard.

Emergency services claim

Staff suggested a through connection improves emergency access. The facts do not support that:

- Current route from Childs Avenue is **0.40 miles**; the proposed through-route would be **0.39 miles** — a **53-foot** difference, not a meaningful improvement.
- Emergency services have accessed Rye Street **without issue for nearly 20 years**; any true deficiency would have been documented.
- The existing cul-de-sac **meets California Fire Code** turnaround requirements. Emergency responders already reach Rye via direct arterials like Childs Avenue; a through-street adds **no measurable benefit.**

Childs Avenue alternative is feasible and equitable

The applicant's **Childs Avenue frontage** is already subject to major required work (canal undergrounding, utility relocations, MID crossings). Those conditions demonstrate that **Childs access is feasible and contemplated.**

Shifting costs and impacts onto Rye Street residents is a matter of convenience, not necessity. Other nearby projects have been required to protect **Dinky Creek**; exempting this applicant would be **inequitable and arbitrary.**

Safety and property value harm

Cul-de-sacs are associated with **safer play environments**, lower cut-through speeds, and **higher home values.** Removing this design feature strips both safety and economic value from existing residents for a benefit that can be achieved from Childs Avenue.

Conclusion

We respectfully request that the Commission uphold CEQA, the General Plan, the Municipal Code, and the Subdivision Map Act by ensuring that **Rye Street remains a cul-de-sac.**

Should the through-street proposal be resubmitted, we will continue to oppose it as unsafe, incompatible with City policy, and unlawfully exempted under CEQA.

Thank you for protecting the integrity of established neighborhoods in Merced.

Sincerely,
Robert Ruybe and the Residents of Rye Street

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