

CITY OF MERCED
Planning Commission

Resolution #2876

WHEREAS, the Merced City Planning Commission at its regular meeting of April 19, 2006, held a public hearing and considered **Vesting Tentative Subdivision Map #1288** ("Cypress Terrace 6, 7a, & 7b"), initiated by Golden Valley Engineering, applicants for Ranchwood Homes, property owner, to allow the subdivision of 46.2 acres located on both sides of Gerard Avenue, west of 'M' Street (currently being annexed into the City) into approximately 260 single family residential lots within an R-1-5 (Low-Density Residential 5,000 square-foot lot minimum) pre-zone; also known as Assessor's Parcel Numbers 059-290-014 and -038 ; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through N of Staff Report #06-29; and,

WHEREAS, the Merced City Planning Commission does resolve to hereby find that the previous environmental review [Expanded Initial Study #04-14 (Mitigated Negative Declaration) for the Ranchwood Annexation] remains sufficient (Section 15162 Findings), and approve Vesting Tentative Subdivision Map #1288, subject to the following conditions:

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Proposed Vesting Tentative Map) - Attachment B of Staff Report #06-29, except as changed by other conditions.
2. All conditions contained in *Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions")* shall apply.
3. The proposed project shall comply with all standard Municipal Code (including R-1-5 design standards) and Subdivision Map Act requirements as applied by the City Engineering Department.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. Community Facilities District (CFD) formation is required for annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, street lights, parks and open space.

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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.

6. The developer/applicant shall indemnify, protect, defend, and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, or proceedings against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
7. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
8. Street names to be approved by City Engineer.
9. Dedicate, by Final Map, all interior street rights-of-way and all necessary easements as needed for irrigation, utilities, drainage, landscaping, and open space.
10. The tentative map shows the removal of a City-owned storm water basin at the southwest corner of Gerard Avenue and 'M' Street. This retention basin shall be filled in and deeded over to the applicant.

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The developer shall provide additional basin area to accommodate the removal of the current City-owned basin.

11. All cul-de-sac bulbs shall be open-end style, including sidewalk connectors to adjacent streets and walls from back of house to back of house. Any wall openings shall be a minimum of 20 feet with wrought iron gates to allow pedestrian access per City design practices and handicapped –accessibility standards.
12. There shall be no valley gutters installed within this subdivision.
13. Additional right-of-way and easements shall be granted along Gerard Avenue to comply with the *Merced Vision 2015 General Plan* requirements to allow for a 74-foot wide collector and landscape/public facilities easements varying from 10-feet to 12-feet in width in front of a 6-foot-high masonry wall.
14. Provide for City review and approval of landscape/irrigation plans, prepared by a licensed landscape architect, for all areas of landscaping that are to be maintained by the City.
15. Reconstruct and extend Gerard Avenue and 'M' Street pavement to meet City Standards for Collector streets.
16. Compliance with the 40-foot visual corner is required for corner lots (approximately 15 lots), and may result in the applicant constructing smaller homes on these lots or increasing the front yard setbacks. A 4-foot encroachment for the porch area can be allowed within this area. Details to be worked out with staff.
17. At the building permit stage, the site plans for each lot shall include a paved or concrete area designated for refuse containers with paved access to the street. This pad shall be located either in the side yard or back yard and shall be sized to accommodate the storage of 3 refuse cans/containers.
18. The following Courts will need to be designated as local streets: Marcus, Christine, Sherry, & Veronica (49 to 64-foot right-of-way) and cul-de-sac bulbs will need to be labeled as temporary on the Final Map. The streets shall have a temporary turn-around area until such

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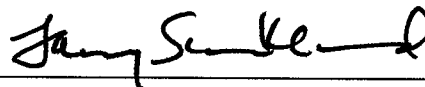
time as development to the west permits for these streets to be extended.

19. The drainage basin shall be designed in an open manner with no barriers, fences, etc., hindering its use. A recommended slope of 6:1 should be provided to allow for City Public Works staff to operate their equipment and maintain this area in an efficient manner.
20. The pedestrian opening between Gerard Avenue and Brent/Dillon Courts shall be a minimum width of 50-feet with a sidewalk a minimum of 8-feet in width. The entire 50-foot-wide area shall be landscaped and improved per City standards. (Details to be worked out at the Final Map stage.)
21. There shall be a minimum of a 20-foot all weather access easement along the southern portions of Lots B and C. There shall be two emergency access gates installed at the two southern stub streets (M Street and Calle Street) as they intersect with Lots B and C.

Upon motion by Commissioner Ward, seconded by Commissioner Fisher, and carried by the following vote:

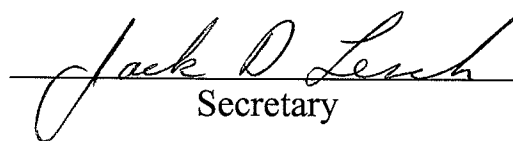
AYES: Commissioners Acheson, Amey, Fisher, Ward, Burr, and
Chairman Shankland
NOES: None
ABSENT: Commissioner Conte

Adopted this 19th day of April, 2006



Chairman, Planning Commission of
the City of Merced, California

ATTEST:



Secretary