

CITY OF MERCED
Planning Commission

Resolution #4126

WHEREAS, the Merced City Planning Commission at its regular meeting of January 17, 2024, held a public hearing and considered **Vesting Tentative Subdivision Map #1327, and Site Plan Review Permit #530**, initiated by Redondo and Cardella, LLC, property owner. This application involves a request to subdivide a 5.46-acre portion of a 10.42-acre parcel into 75 single-family lots (with zero-lot line dwellings) ranging in size from 1,500 square feet to 2,275 square feet, generally located on the south side of Cardella Road, west of El Redondo Drive (extended), within Residential Planned Development (RP-D) #57, with a General Plan designation of Village Residential (VR); also known as Assessor's Parcel Number's (APN) 206-010-010; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through O of Staff Report #24-059 (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,

WHEREAS, the Merced City Planning Commission concurs with the Findings for Site Plan Review Permits in Merced Municipal Code Section 20.68.050 (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 Categorical Exemption regarding Environmental Review #23-34 and approve Vesting Tentative Subdivision Map #1327, and Site Plan Review Permit #530, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

PLANNING COMMISSION RESOLUTION #4126

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January 17, 2024

Adopted this 17th day of January 2024

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 # 4126
Vesting Tentative Subdivision Map #1327
Site Plan Review Permit #530

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Parcel Layout at Attachment C), Exhibit 2 (Subdivision Map at Attachment D), Exhibit 3 (Elevations at Attachment F), Exhibit 4 (Development Standards at Attachment G), 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) annexation 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, 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. 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).
10. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
11. Plans shall be drawn by a licensed California design professional, meeting current codes at the time of building permit application submittal. Building permit applications shall comply with the newest enacted California Building Codes.

12. Fire hydrants shall be installed at the end of Lots 41m 53, 65, and 75 , or as otherwise required by the Fire Department 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.
13. Fire lanes shall be marked along the north side of the entrance and in between duplexes (to prevent parking between garages), as required by the Fire Department
14. The drive aisle widths shall be determined by the Fire Department based on building height. The drive aisle along Lot A may need to be at least 26 feet wide to allow for Fire engine access and spacing for Fire action response. Details to be reviewed and approved by the Fire Department during the Building Permit stage.
15. All public improvements shall be provided as required by the City Engineer along Cardella Road, and El Redondo Drive. All improvements shall meet City Standards.
16. A 7-foot-tall concrete block wall shall be installed along El Redondo Drive and Cardella Road. 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. Developer shall submit landscape/irrigation/wall plans for approval by City Engineer. All walls shall be solid masonry. Fast-growing vines or other plants shall be planted on or near the wall to deter graffiti and/or a graffiti resistant coating applied to the wall. Details to be worked out with staff.
17. Landscaping shall be provided along El Redondo Drive and Cardella Road 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.
18. 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.
19. Traffic control signs, street markings, and striping shall be as directed by the City Engineer.
20. The applicant shall dedicate all necessary street right-of-way and easements as needed for irrigation, utilities, drainage, landscaping, and open space during the Final Map stage as required by the City Engineer.
21. Valley Gutters may be installed in this subdivision per City standards.

22. 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.
23. 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).
24. Sewer manholes shall be installed as required by the Engineering Department (if needed).
25. To utilize the storm drain basin located east of the subject site (Assessor's Parcel Number 206-030-012), the developer shall provide all required calculations to the Engineering Department. The applicant shall work with the Engineering Department to confirm that this site was originally entitled to use this basin. If the project is unable to use the basin, the applicant shall work with the Engineering Department to satisfy their storm drain requirements.
26. The main water line for the subdivision shall include a loop system designed as required by the Public Works Department, unless otherwise approved by the City Engineer.
27. The owner shall create a Homeowner's Association (HOA), or approved alternative, to govern this project. The HOA shall be responsible for the maintenance of all streets, common utilities (not including water, sewer, and storm drain lines within Lot A) and landscaping within the gated area of the development as well as sweeping/cleaning of all interior streets. The HOA (or approved alternative) shall be established prior to issuance of the first building permit.
28. An easement shall be provided for the City's main water line, sewer line, and storm drain line going through Lot A as well as for access for public safety, public works repair vehicles, and refuse. The City is not responsible for the maintenance or repairs of the lateral connections beyond Lot A within the private alleys shown as Lots C through P at Attachment C.
29. The owner shall work with all other utility companies to ensure they have proper access and easements to maintain their facilities within the gated area.
30. Should the City need to excavate over, under or across Lot A for utility maintenance, the portion of the road being excavated shall be repaired to the most current City standards which may include but not limited to asphalt or

concrete finishes. The City will not provide any surface finish customization that is above City standards, such as concrete stamping, pavers, bricks, stones, etc. This language regarding road repairs to Lot A shall be included in the Homeowner's Association agreement

31. The developer shall install a backflow preventer for lateral water connection into the City's main water line going through the project site (for water service after the meter, as required by the Engineering Department).
32. All vehicular gates shall be provided with a "click-to-enter" access and remote controls shall be provided to the City of Merced Police, Fire, and Public Works Departments. Plans shall be submitted showing the location of the fencing and gates as well as documentation regarding all Knox-boxes and click-to-enter access devices that are required by the Fire Department, including for the Emergency Vehicle Access from Cardella Road.
33. A building permit shall be obtained for any electrical work and an encroachment permit obtained for any work in the City's right-of-way.
34. The developer would be responsible for their portion of frontage improvements along El Redondo Drive and Cardella Road. Should this development (Royal Wood Villas) be initiated before the adjacent/entitled subdivision to the south (Royal Wood Estates), then the developer shall be responsible for constructing El Redondo Drive from Cardella Drive south to its current terminus. All roads shall be constructed to meet City Standards.
35. Vehicle cross-access shall be provided through CC&R's for Lot 'A' and Lots 'C' through 'P'
36. Lot 'B' shall be dedicated for Green Space for the development. An easement would need to be provided for the refuse enclosure. The developer would be responsible for maintaining the Green Space via a Homeowners Association or similar governing structure.
37. The developer shall be responsible for paying for 12.5% of the cost to install a traffic signal at the intersection of Cardella Road and El Redondo Drive. Details and final estimated costs shall be determined by the City Engineer. This would be due at the time that the Development Agreement is processed in conjunction with the Final Map, or as otherwise required by the City Engineer. The developer would need to work with a traffic engineer to install traffic control measures at the intersection of Cardella Road and El Redondo Drive (such as stop signs) that would be used until the traffic signal is installed.

38. The applicant shall provide a minimum 36 inches of coverage between the top of the sewer line and the surface of the street, or as otherwise required by the City Engineer.
39. This Project is categorized as a “Regulated Project.” The Project shall comply with the criteria defined under the Post-Construction Standards Plan. All Post-Construction Treatment Control measures are subject to an Operations and Maintenance Plan and Agreement.
40. The applicant shall work with the City’s Refuse Department to determine the best design, location, and angle for the refuse enclosures and to determine if a recycling container would be required for this use. Use of compactor shall also be considered to reduce the number of pick-up requests.
41. All landscaping within the public right-of-way along Cardella Road and El Redondo Drive 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.
42. 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).
43. All undeveloped areas shall be maintained free of weeds and debris.
44. 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.
45. Minor modifications to the development standards or elevations (as determined by the Director of Development Services), may be reviewed and approved through a Minor Use Permit.

46. A variety of colors, textures, and materials shall be offered by the builder for the front elevations of the homes, including at least one option that is not stucco.
47. The development shall comply with the development standards proposed for this subdivision as shown on Attachment G. Minor modifications to the development standards may be approved by the Director of Development Services or be processed through a Minor Use Permit or Site Plan Review Permit, as deemed necessary by the Director of Development Services.
48. The proposal shall comply with the City's Design Standards for Single-Family Homes (MMC 20.46.020 – Design Standards for Single-Family Dwellings and Mobile Homes).

**Findings and Considerations
Planning Commission Resolution #4126
Vesting Tentative Subdivision Map #1327
Site Plan Review Permit #530**

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 Residential Planned Development (RP-D) #57.

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

Traffic/Circulation

- B) It is anticipated that the proposal would generate approximately 717.75 Average Daily Trips (ADT) based on an average daily rate of 9.57 trips per dwelling unit. Royal Wood Villas would be a gated community with one driveway along El Redondo Drive (collector road) that connects the project site south to Yosemite Avenue (arterial road), and north to Cardella Road (arterial road). Emergency Vehicle Access for Fire engine access would be available along Cardella Road. 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. The proposal has a density of 13.73 dwelling units per acre, which is significantly less than the 30 dwelling units per acre allowed within a Village Residential (VR) General Plan designation.

The main interior road within the gated subdivision would be privately owned and maintained (Lot A). As shown at Attachment C, Lot A would be 54 feet wide and be designated for a road (with space for parallel parking), curb, gutter, and sidewalk. This road would connect with several 20-foot-wide alleys (shown as Lots C through I) that provide vehicle access into the parking garages for each unit.

Public Improvements

C) Road Improvements

The Royal Wood Villas subdivision would be a gated community with private interior streets. Frontage improvements would be made to Cardella Road and be designed to have 148 feet of right-of-way. El Redondo Drive would need to be extended from its current terminus, south of the project site, up to Cardella Road, and be designed to have 94 feet of right-of-way. The right-of-way segments along Cardella Road and El Redondo Drive would be designed to accommodate the road, park strip, sidewalk, landscaping, and a concrete masonry unit wall as shown in the cross-section details at Attachment D of Planning Commission Staff Report #24-059).

Traffic Signal and Mitigation Measures from Prior Approval

The developer shall be responsible for contributing towards the future traffic signal at the intersection of Cardella Road and El Redondo Drive (Condition #37) that would be due at the time that the Development Agreement is processed in conjunction with the Final Map. Until the traffic signal is installed, the applicant shall work with a traffic engineer to install traffic control measures at the intersection of Cardella Road and El Redondo Drive (such as stop signs), as required by the City Engineer. In addition, the developer shall comply with traffic mitigation requirements from the expanded initial study from when this area was first annexed into the City under the Fahrens Creek North Annexation (Condition # 4). The subject site is referenced as a portion of “Area Z” on the Mitigation Monitoring Table and Master List of Mitigation Measures attached at Attachments K and L of Planning Commission Staff Report #24-059.

Water Connection Fees

Each lot would be required to pay connection fees for sewer and water connections at the building permit stage. Each parcel would be required to meet the City’s storm drainage and run-off requirements for the City’s MS-IV permit.

Community Facility District

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) to help fund roadway, police, fire, and park infrastructure to help fund operating costs for police and fire services. Also to cover cost related to streetlights, storm drain, and maintenance of landscaping.

Utilities

- D) City water and sewer lines would be extended from the subdivision to the south (Sage Creek) to serve this subdivision. The City's main water line, sewer line, and storm drain line would go through the project site and be installed under an easement along their primary private street (Lot A – see Conditions #28 and #30

The applicant will work with the Engineering Department to determine if the site qualifies to use the storm drain basin located southeast of the subject site at Assessor's Parcel Number 206-030-012. If determined appropriate by the Engineering Department, the developer shall provide all required calculations to the Engineering Department (Condition #25).

Parking

- E) The proposal exceeds the City's standard parking requirements for single-family homes. The standard parking requirement for single-family homes is one parking space per unit. The proposed development standards include a minimum of two parking spaces per unit. The additional parking space is beneficial as there would be limited street parking compared to traditional single-family home subdivisions that have wider lot frontages that accommodate more on-street parking. This parking requirement is being proposed as part of the development standards for this project is shown at Attachment G of Planning Commission Staff Report #24-059.

Site Design

- F) Royal Wood Villas would be a gated community with one driveway along El Redondo Drive (collector road) that connects the project site south to Yosemite Avenue (arterial road), and north to Cardella Road (arterial road). Emergency Vehicle Access (EVA) for Fire engine access only would be available along Cardella Road. The interior streets would be privately owned

and maintained, with the primary street being 42 feet wide shaped like an “L” to provide connectivity for homes between Cardella Road and El Redondo Drive. The residential units are clustered into 10 different groups or “blocks” that are accessible via 20-foot-wide alleys that provide vehicle access to the back portion of the units where the garages are located. The 10 housing “blocks” have a “Rosewalk” compound layout where the front of the homes are accessible via shared pedestrian walkways. The site plan also includes a 0.10-acre “Green Space” at Lot B that would be for common space with picnic tables, trees, landscaping, and open space. Common space would be maintained by a Homeowner’s Association (Condition #27). The site plan also shows two trash enclosures that would be shared by homes within the subdivision, located within the western and eastern portions of the project site. The Fire Department indicated that they would like the curbs along the EVA entrance and in between the duplexes to be painted red to allow adequate space for fire service and fire engine parking during emergencies (Condition #13).

Development Standards

- G) The subject site is located within a Planned Development, as such the developer has the opportunity to request unique development standards that are different from the City’s standard residential zones. The developer can request unique development standard for items such as minimum lot size requirements, minimum setbacks, maximum building height, parking requirements, etc. The proposed development standards for this project are shown on the following page and at Attachment G of Planning Commission Staff Report #24-059.

Lot Standards (Minimums)	
Lot Area	1,500 square feet
Lot Width	25 feet
Lot Width for Corner Lots	25 feet
Lot Depth	60 feet
Setbacks (Minimums)	
Exterior/Front	9 feet
One Interior/Side Yard	5 feet
One Interior/Side Yard	0 feet
One Interior/Rear Yard	4 feet
Garage Opening Facing Alley	6 Feet
Architecture/Design Guidelines	
Architecture/Design Guidelines	Per Merced Municipal Code (Section 20.040.050)
Building (Maximums)	
Building Height	30 feet
Stories	2
Lot Coverage	65% (960 <u>s.f.</u> footprint)
On-Site Parking (Minimum)	
Parking Spaces per Unit	2 parking spaces
Landscape & Irrigation Requirements	
Landscape & Irrigation	Per Merced Municipal Code (Chapter 17.60 and 20.36)

Some unique develop standards to note include the minimum lot size of 1,500 square feet. Although the lot sizes are significantly smaller than other parts of the community, the proposed density of 13.73 dwelling units per acre is within the acceptable range of 7 to 30 dwelling units per acre for sites with a General Plan designation of Village Residential (VR). The proposed lot sizes are similar to other subdivisions in northwest Merced such as the Paseo Subdivision, and Villages 2 and 3 for Bellevue Ranch West which have lot sizes around 2,000 square feet.

Other unique proposed development standards to note include a driveway length of 6 feet as opposed to the typical length of 20 feet. The proposed backing space of 6 feet is similar to what is allowed for units that are accessible off alleys that have a minimum of 5 feet of backing space out to a 20-foot-wide alley. This is common in older parts of the community such as Downtown and the southern parts of Merced that have back units adjacent to alleys.

Elevations

- H) The subdivision has a contemporary design with a stucco exterior and window treatment. Some elevations have decorative accents using stone veneers, horizontal siding, or board and batten siding. This proposal is for a zero lot-line development where every two units share a wall (similar to a duplex), but each unit would be on its own lot. All of the units would be 2 stories with a maximum building height of 30 feet. The front and back elevations of each unit would include second level protrusions that provide architectural interest that break-up the flat, or box-like facades.

During the building permit stage, staff would review plans to confirm compliance with Fire and Building Codes, 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 (see Attachment H of Planning Commission Staff Report #24-059 and Condition #48).

Landscaping

- I) 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.

The landscape area along the block walls on public right-of-way would be maintained through the Communities Facilities District (CFD).

Neighborhood Impact/Interface

- J) The property to the north across Cardella Road is located outside City limits within Merced County jurisdiction and used for agriculture purposes. To the south and east of the subject site are subdivisions that are either entitled or in

the process of being constructed. The proposed subdivision is consistent with the General Plan and Zoning classification for this site and consistent with the surrounding residential land use designations.

Public hearing notices were sent to all property owners within 300 feet of the project site. At the time that this report was prepared, the City staff received the Public Comment shown at Attachments O and P from the same community member.

Schools

- K) The subject 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.

Public Facilities Impact Fee Program

- L) The section of Cardella Road from Highway 59 to Lake Road is included in the City's current Public Facilities Financing Impact Fee Program for road improvements. However, the developer would be responsible for paying for the "collector equivalent" (74 feet of right-of-way) of road construction along their project frontage. Fee credits or reimbursements may also be available per the terms of Merced Municipal Code 17.62.

Tentative Subdivision Map Requirements

- M) Per Merced Municipal Code (MMC) Section 18.16.080 – Information Required, a tentative subdivision map shall include all of the requirements shown at Attachment I of Planning Commission Staff Report #24-059. 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. At the time that this staff report was prepared, staff did not receive any comments regarding this application.

Site Plan Review Permit Required Findings

N) Per Merced Municipal Code Section 20.68.050 – Site Plan Review Permit, the Site Plan Review Committee may approve an application for a Site Plan Review Permit only if all of the following findings can be made.

1. *The proposed project is consistent with the general plan, and any adopted area, specific, community, or neighborhood plan.*

As shown under Finding A, the proposed project is consistent with the General Plan designation, and Zoning classification for this site.

2. *The proposed project complies with all applicable provisions of the zoning ordinance and Municipal Code.*

With approval of the conditions found within this resolution, the proposal would comply with all applicable provisions of the Zoning Ordinance and Municipal Code.

3. *The design and layout of the proposed project will not interfere with the use and enjoyment of existing and future neighboring properties and structures.*

With approval of the conditions found within this resolution, the building design and layout described under Findings F and H, and shown at Attachment D of Planning Commission Staff Report #24-059 would not interfere with the use and enjoyment of existing and future neighboring properties and structures.

4. *The proposed architectural design makes use of appropriate materials, texture and color, and will remain aesthetically appealing and appropriately maintained.*

The proposal would be required to comply with the City's minimum design standards for single-family homes as found under Merced

Municipal Code Section 20.46.020 - Design Standards for Single-Family Dwellings and Mobile Homes. The architectural quality and aesthetics of the proposed buildings and site plan are appealing and compatible with the surrounding neighborhood.

5. *Any proposed landscaping design, including color, location, size, texture, type, and coverage of plant materials, as well as provisions for irrigation, maintenance, and protection landscaping elements, will complement structures and provide an attractive environment.*

Detailed landscape plans shall be submitted during the building permit stage to ensure compliance with all applicable landscaping standards found under Merced Municipal Code Section 20.36 – Landscaping, and any other relevant Municipal Code or State requirements. All landscaping design and related elements will complement structures and provide an attractive environment.

6. *The proposed design will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the proposed project.*

The proposal meets City standards with approval of this permit and the conditions found within this resolution. The proposed project would not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the proposed project.

Environmental Clearance

- O) 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.

An Expanded Initial Study (#01-32) was conducted for the Fahrens Creek North Annexation and includes the subject site referenced in that report as a portion of “Area Z.” The proposed density for this project is consistent with the proposed density for the Village Residential General Plan designation (VR) as studied under Expanded Initial Study #01-32. This project shall comply with all relevant conditions found within that initial study and as shown on the Mitigation Table at Attachment K and the Master List of Mitigation Measures at Attachment L, both found in Planning Commission Staff Report #24-059.

Planning staff conducted an environmental review of the project in accordance with the requirements of CEQA, and concluded that Environmental Review #23-34 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 (Environmental Review #23-34 for TSM #1327 and Site Plan Review #530). A Copy of the Section 15162 Findings can be found at Attachment M of Planning Commission Staff Report #24-059.