

CITY OF MERCED
Planning Commission

Resolution #4091

WHEREAS, the Merced City Planning Commission at its regular meeting of May 18, 2022, held a public hearing and considered **Vesting Tentative Subdivision Map #1319**, initiated by Benchmark Engineering, on behalf of Stonefield Home, Inc., property owner. This application involves a request to subdivide 9.71 acres of land into 106 small single-family lots ranging in size from 1,875 square feet to 5,011 square feet. The site is located south of Winder Avenue, approximately 650 feet east of G Street and has a General Plan Designation of Village Residential (VR) and a Zoning designation of Planned Development (P-D) #58; also known as Assessor's Parcel No. 259-130-045; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through M of Staff Report #22-360 (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 #22-21 and approve Vesting Tentative Subdivision Map #1319, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Camper, DeAnda, Delgadillo, Dylina, Greggains, White, and Chairperson Harris

NOES: None

ABSENT: None

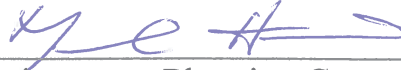
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4091

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May 18, 2022

Adopted this 18th day of May 2022.



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 # 4091
Vesting Tentative Subdivision Map #1319

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Vesting Tentative Subdivision Map for “Mission 106”)—Attachment C of Planning Commission Staff Report #22-360, except as modified by the conditions herein.
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 and Subdivision Map Act requirements as applied by the City Engineering Department, except as modified by the Planning Commission to grant a deviation from City Standard D-8.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. The project shall comply with the conditions set forth in Resolution #2808 for the Mission Avenue Annexation and all applicable 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.
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, 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.

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. This property was designated as a "Future Annexation" area with CFD Annexation No. 14. Prior to recording a final map, the property shall be fully annexed into the CFD.
9. A Site Plan Review Permit shall be obtained prior to construction to determine design standards for building heights, setbacks, lot coverage, etc. and architectural design. The building elevations shall be substantially consistent with the conceptual elevations provided at Attachment D of Planning Commission Staff Report #22-360.
10. 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).
11. All necessary documentation related to the construction of the residential uses shall be provided at the building permit stage.
12. 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).

13. 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.
14. 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).
15. 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.
16. Winder Avenue shall be designed and constructed with a 6-foot-tall decorative wall and a 23-foot-wide landscape strip with a 5-foot-wide sidewalk along the project's frontage (consistent with the subdivision to the east). The 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. Mission Avenue shall ultimately be constructed to the full 128-foot width plus a minimum 10-foot-wide landscape strip with a minimum 6-foot-tall block wall. In lieu of constructing the roadway improvements, the developer may pay their fair share of the cost of the improvements as determined by the City Engineer. The developer shall install the block wall and landscaping along the project frontage on Mission Avenue.
18. Mission Avenue is an arterial roadway. Construction of Mission Avenue would be eligible for reimbursement from the Public Facilities Impact Fees as provided for in Section 17.62 of the Merced Municipal Code.
19. Refuse containers shall be stored out of the public view.

20. All street widths shall comply with City Standards. All turning radii shall comply with City Standards and applicable Fire Department Standards.
21. 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.
22. Traffic control signs, street markings, and striping shall be as directed by the City Engineer.
23. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
24. 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.
25. The developer shall install appropriate street name signs and traffic control signs with locations, names, and types approved by the City Engineer.
26. 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.
27. Dedication by Final Map of all necessary easements will be made as shown on Vesting Tentative Subdivision Map #1319 and as needed for irrigation, utilities, drainage, landscaping, open space, and access.
28. The developer shall be responsible for construction and dedication of all interior collector and local streets within the Project Boundaries.
29. Developer shall provide storm drainage calculations as required by the City Engineer to confirm that the existing basin east of the project site constructed as part of the Stoneridge South Subdivision, has sufficient volume to serve this development.
30. All mechanical equipment shall be screened from public view.
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 submitting for building permits for any phase within the subdivision.
32. Per Mitigation Measure 3-a of Expanded Initial Study #04-13 for the Mission Annexation area, a survey prior to any construction on site 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 water lines shall extend across the full project frontage on 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.
 35. A deviation from City Standard D-8 is approved allowing more than 50% of the lot to be open for a curb-cut. The curb-cut width shall be approved by the Engineering Department at the Building Permit stage.

**Findings and Considerations
Planning Commission Resolution #4091
Vesting Tentative Subdivision Map #1319**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Village Residential (VR) Residential and the Zoning designation of Planned Development (P-D) #58.

The proposed subdivision would be constructed on 9.71 acres of vacant land. The gross density for the site, would be 11 units/acre. The Village Residential land use designation has a density range of 7 to 30 units per acre with an average minimum density of 10 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) Zoning Ordinance Section 20.20.020(Q) requires that individual projects within a Planned Development obtain a Site Plan Review Permit to address conformance with the Site Utilization Plan for the Planned Development. In this case, because the Planned Development does not include development standards, the Site Plan Review will also address development standards for this particular development. These standards will include setbacks, lot coverage, architecture, building height, etc. Condition #9 requires the developer to obtain a Site Plan Review Permit prior to construction of any homes.

Traffic/Circulation

- C) The subdivision has access from Winder and Mission Avenues. Internal circulation includes an additional north/south street connecting to Winder

Avenue and four east/west streets dividing the subdivision into four separate blocks.

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 616 trips per weekday would be generated. This would be consistent with the estimates made in the *Merced Vision 2030 General Plan* for this area.

Parking

- D) Each lot is provided with a driveway that would lead to a two-car garage for parking. Per the Zoning Ordinance, each home would be required to provide one space of off-street parking. Due to the compact development, there would be very little street parking in front of the homes. Therefore, parking spaces have been provided in clusters along the street. There are five parking clusters along the east side of Street F and four clusters on the west side of Street G (refer to the tentative map at Attachment C of Planning Commission Staff Report #22-360). In total, these spaces provide 38 parking spaces. These spaces are in addition to on-street parking areas between some of the driveways. .

Public Improvements/City Services

- E) The developer would be required to install all streets, utilities, and other improvements within the subdivision. City water and sewer lines would be extended from Winder 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.

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 #12). All storm water would ultimately be delivered to the storm drain basin constructed to the east currently serving the Stoneridge South subdivision.

Mission Avenue

The City is currently working on a project to improve Mission Avenue from Hwy 99 to G Street. This project would widen Mission Avenue to a four-lane arterial with a 128-foot right of way, plus a 10-foot landscape strip on each side. As an arterial roadway, Mission Avenue is eligible for reimbursement through the City's Public Facilities Impact Fees. However, the developer is responsible for paying for a portion of the roadway (the collector equivalent or a 74-foot width). Condition #17 requires the developer to pay the

EXHIBIT B

OF PLANNING COMMISSION RESOLUTION #4091

developer's fair share of improvements along the project's Mission Avenue frontage. This amount would be determined by the improvement costs approved by the City Engineer.

Refuse Collection

Each homeowner would place their refuse container along the street for pick-up. Due to the compact development, some containers may need to be placed in the parking clusters along F and G Streets as shown on the tentative map at Attachment C of Planning Commission Staff Report #22-360. There is also space between some of the driveways to allow for containers to be placed for pickup without blocking access to the homes. The streets within the subdivision are standard width local roads (59-foot right-of-way) which should provide sufficient room for the Refuse Department to service the area.

The property will be annexed into the City's Community Facilities District (CFD) for Services (No. 3002-2) as required by Condition #8. The CFD covers costs related to police and fire, as well as maintenance of landscaping, streetlights, storm drains, etc.

Building Design

- F) Conceptual building elevations are provided at Attachment D. These elevations show zero-lot line homes constructed on individual lots. The architecture and design standards will be reviewed by the Site Plan Review Committee prior to construction (Condition #9).

Site Design

- G) As previously described, the proposed design of the subdivision includes two north/south streets and four east-west streets (all local streets). The proposed lots range in size from 1,877 to 5,011 square feet. Each lot would be connected by sidewalks throughout the subdivision. The table below shows the mixture of lot sizes in the subdivision.

Number of Lots	Lot Size (S.F)
51	1,877
2	1,958 to 1,977
8	1,619 to 2,663
41	2,751 to 2,884
3	3,089 to 3,249
1	5,011

A concrete block wall would be required along the project's Mission Avenue frontage along with a 10-foot-wide landscape strip (Condition #17). A concrete block wall would also be constructed along Winder Avenue with a 5-foot-wide landscape strip between the wall and sidewalk to match the Stoneridge South subdivision to the east of the project site.

As described in Finding B, the specific design standards for each site will be established through the Site Plan Review permit process.

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 #14).

A 10-foot-wide landscape area will be provided on Mission Avenue (Condition #17) and a 5-foot-wide landscape area will be provided on Winder Avenue. Lot A near the southwest corner of the subdivision will provide an open space area with landscaping. The landscape areas along these roads and Lot A would be maintained through the Communities Facilities District (CFD).

Neighborhood Impact/Interface

- I) As shown on the location map at Attachment B of Planning Commission Staff Report #22-360, the site is adjacent to the Farmdale Elementary School to the west, the Stoneridge South subdivision to the east, and single-family homes to the north across Winder Avenue. There are two single-family homes to the south across Mission Avenue in the County.

The construction of the proposed subdivision would add two-story buildings to the area and an increase in the number of units in the area which would result in more traffic. However, the additional traffic was anticipated with the General Plan and would not cause a major impact or reduce the level of service for the roads in the area.

The proposed small-lot subdivision is consistent with the General Plan and Zoning for the site. The density of 11 units per acre is consistent with the Village Residential land use designation.

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 Village Residential (VR) 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 E of Planning Commission Staff Report #22-360. 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 requesting a deviation from City Standards for driveway approaches (see Finding L below). 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 F of Planning Commission Staff Report #22-360.

Deviation from City Standard

- L) City Standard D-8, item 1(a) states that a curb opening for a residential driveway shall not exceed 50% of the width of the lot. Because these are very small lots and the width of the lots varies between 25 feet and 37 feet, the width of a driveway approach would be more than 50% of the lot width for many if not all of the lots. Therefore, the developer is requesting a deviation from this standard.

The City Engineer has reviewed this request and agrees to the granting of the deviation (Condition #35).

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 G of Staff Report #22-360).