

CITY OF MERCED
Planning Commission

Resolution #4102

WHEREAS, the Merced City Planning Commission at its regular meeting of December 7, 2022, held a public hearing and considered **Vesting Tentative Subdivision Map #1323**, initiated by Sam Sahota, property owner. The applicant is requesting to subdivide one parcel (approximately 9.91 acres) into 45 single-family lots ranging in size from 6,000 square feet to 8,691 square feet with an additional tot lot and basin lot. The 9.91-acre subject site is generally located at the west side of S. Coffee Street, 300 feet north of E. Gerard Avenue. The subject site is more particularly described as portions of Lots 163 and 165 as shown on the map entitled “Map of Merced Colony” recorded in Volume 4, Page 24, in Merced County Records; also known as a portion of Assessor’s Parcel Number (APN) 061-260-025; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through M of Staff Report #22-915 (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 Initial Study and Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Negative Declaration regarding Environmental Review #22-32, and approve Vesting Tentative Subdivision Map #1323, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioner Gonzalez, White, Delgadillo, Greggains, and
Chairperson Harris

NOES: None

ABSENT: None (one vacancy)

ABSTAIN: Commissioner Camper

PLANNING COMMISSION RESOLUTION #4102

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December 7, 2022

Adopted this 7th day of December 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 # 4102
Vesting Tentative Subdivision Map #1323

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Proposed Vesting Tentative Map at Attachment C), 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.
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. 200 (Coffee Street Annexation) 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. All public improvements shall be provided as required by the City Engineer along S. Coffee Street, and the extension of Capella Drive within the proposed subdivision. All improvements shall meet City Standards.
11. 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.
12. 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).

13. A 7-foot-tall concrete block wall shall be installed along Coffee Street. 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.
14. Landscaping shall be provided along S. Coffee Street 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.
15. 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.
16. Traffic control signs, street markings, and striping shall be as directed by the City Engineer.
17. The applicant shall dedicate interior street rights-of-way and all necessary easements as needed for irrigation, utilities, drainage, landscaping, and open space during the Final Map stage as required by the City Engineer.
18. Fire hydrants shall be installed along the street frontage 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.
19. All undeveloped areas shall be maintained free of weeds and debris.
20. Street names shall be approved by the City Engineer.
21. 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.
22. Valley Gutters may be installed in this subdivision per City standards.

23. Rolled curbing may be installed in this subdivision consistent with City Standard Design ST-1, if approved by the City Engineer.
24. 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. A paved access to the street from this pad shall be provided.
25. 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.
26. 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).
27. Sewer manholes shall be installed as determined necessary by the City Engineer.
28. To utilize the proposed basin, the developer shall provide all required calculations to the Engineering Department.
29. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
30. 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.
31. Minor modifications to the tentative subdivision map may be reviewed and approved through a Site Plan Review Permit, or be referred back to the Planning Commission if deemed necessary by the Director of Development Services.
32. The existing home shall be demolished prior to recording of Final Map (as the structure is not allowed to cross new lot lines).
33. Any existing wells or septic tanks shall be demolished prior to recording of Final Map.
34. This resolution for a Tentative Subdivision Map (TSM #1323) does not become effective until the Zone Change for this site (ZC #431) is approved by the City Council.

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4102

35. A portion of the proposed basin lot shall be dedicated for the future extension of Mira Court, as required by the City Engineer.
36. The developer shall remove the existing cul-de-sac at Capella Court for the extension of Capella Court.
37. Along the Coffee Street frontage, the developer shall dedicate 48 feet towards public right-of-way for the widening of Coffee Street, or as determined by the City Engineer.
38. The developer shall reach-out to the Merced Irrigation District to determine if a storm drainage agreement is required for storm drainage discharge to MID facilities.
39. The developer shall re-route or replace the private irrigation line from MID Well No. 87 that goes through the subject site to serve the adjacent parcels to the south at Assessor Parcel Numbers 061-261-030 and 061-261-031. The developer shall work with MID to determine the need, size, and location of these lines.
40. If there is a private irrigation line from the MID Doane Lateral A that goes through the subject site along the west side of Coffee Street, the applicant shall re-route or replace the line so that it may continue to serve nearby properties. The applicant shall work with MID to determine the need, size, and location of these lines.
41. A signature block shall be provided for MID for the relocation of all MID facilities.
42. The 7-foot-high wood fence along the southern property line shall be designed with reinforcements, such as larger baseboards or other such design features. Details to be worked out with staff at the Final Map stage.

**Findings and Considerations
Planning Commission Resolution #4102
Vesting Tentative Subdivision Map #1323**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed residential subdivision would comply with Zoning with approval of the proposed Zone Change from Urban Transition (U-T) to Low Density Residential (R-1-5). The proposal would also conform with the existing General Plan designation of Low Density Residential (LD). At 45 units on 9.91 acres, the density would be approximately 4.5 dwelling units/acre, which is within the allowable range for the LD General Plan designation (allows residential densities between 2 to 6 dwelling units/acre).

The proposed Tentative Subdivision Map, with conditions of approval, will help achieve the following General Plan land use policies:

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| 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 430.65 Average Daily Trips (ADT) based on an average daily rate of 9.57 trips per dwelling unit. The subject site would be accessed via a collector street, S. Coffee Street (Attachment C of Planning Commission Staff Report #22-915), which connects with two arterial roads, Childs Avenue and Gerard Avenue. 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 (per the *Merced Vision 2030 General Plan* (up to 6 dwelling units per acre, compared to the proposed 4.5 dwelling units per acre).

Public improvements would need to be installed to frontage streets. This proposal contains only one street, the extension of Capella Drive (and a minor portion of Coffee Street). This extension would ensure residents have a direct path to the nearest developed major north/south collector road, Coffee Street (Condition #25 of Planning Commission Staff Report #22-915).

The right-of-way width of Capella Drive would be 64 feet. The right-of-way includes 5 feet on each side of the street to accommodate sidewalks, and 8.5 feet park strips between the sidewalks and gutters. Outside the public right-of-way would be a 10-foot public utility easement to accommodate access to utility companies and their infrastructure (cable, internet, etc.). This meets the City's right-of-way requirement for local streets. Improvements will also be installed along the project site fronting Coffee Street, to bring this portion of the street in conformance with the City's Engineering Standards.

Site Design

- C) The proposed subdivision with 45 residential lots is considered relatively smaller than those currently on the City's active Tentative Subdivision Map Activity List, which has 16 active maps with 9 maps over 100 units, three of those maps containing over 249 single family units. The proposed layout for the subdivision does not include any cul-de-sacs, it consists only of one street extension (Capella Drive) being approximately ¼ mile long going east-west bound parallel to Gerard Avenue. Forty-five single-family lots would be located north and south of this road extension, with lots generally being 50 feet wide and 130 feet long. On the western end of the subdivision would be a basin with a pump on a 29,260-square-foot lot and a tot lot for playground equipment on a 8,351-square-foot lot. As mentioned under the Traffic/Circulation Finding, the proposed road extension would serve as a central road extension that would connect the existing subdivisions to the east and west, and provide another vehicle access point for the subdivision to the west out to Coffee Street which links to major arterial roads such as Childs Avenue and Gerard Avenue.

Elevations

- D) At this time, the applicant does not have any proposed elevations. This proposal is not within a Planned Development, so the applicant is not required to provide elevations for architectural review. During the building permit stage, staff would 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 (Attachment G of Planning Commission Staff Report #22-915). Staff would review plans to confirm compliance with Fire Department standards, and ensure that the architecture is of high quality that provide a variety of colors, textures, materials, and building forms.

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 either the east or the west to serve this subdivision. 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.

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 of Planning Commission Staff Report #22-915) to help fund roadway, police, fire, and park infrastructure to help fund operating costs for police and fire services. In addition, this district would cover cost related to streetlights, storm drain, and maintenance of landscaping.

Public Facilities Impact Fee Program

- F) The developer is responsible for paying public facility impact fees for each home, and are typically paid at the time that the building permit is issued by the Building Department. These fees are used to pay for their fair share towards capital facilities and infrastructure generated by new development such as arterial streets, traffic signals, bridges, police/fire stations, bikeways, etc. The City Council adopted new impact fees in early 2022, and this included fee updates to commercial, industrial, and residential projects. The current impact fee per single family home is \$11,671.00. These fees are updated annually at the start of the calendar year, in accordance with the Engineering Construction Cost Index as published by Engineering News Record.

Schools

- G) The Project site falls within the jurisdiction of the Weaver Union School District (elementary schools 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.

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.

The landscape area within the tot lot or the basin area would be maintained through the Communities Facilities District (CFD).

Parking

- I) The applicant does not have any site plans showing the proposed parking for each single-family residential lot. However, the proposal would be required to comply with the standard parking requirements for single-family homes. Per Merced Municipal Code Section 20.38 – Parking and Loading, the parking requirements for a single-family home is 1 parking stall, indifferent of the number of bedrooms or bathrooms in the home. The applicant has noted that they expect to exceed the parking requirement with 2 car garages for each home. During the building permit stage, Planning staff would review each site plan to ensure that each residential lot contains at least 1 parking stall. Each lot would also need to provide a 20-foot-long driveway for vehicle backing space.

Neighborhood Impact/Interface

- J) The subject site is surrounded by single family homes and urban transition parcels. To the east and the west are subdivisions with similar density to what is being proposed by the applicant. To the south are large lot residential parcels sized between 0.30 acres and 1.30 acres with single-family homes with an Urban Transition (U-T) Zoning classification. To the north are several 8-acre Low Density Residential parcels currently being used for agricultural purposes. However, the entire region surrounding the subject site has a General Plan designation of Low Density Residential (LDR), primarily intended for single-family homes. Approving the Zone Change from U-T to R-1-5 would bring the parcel into compliance with the City's General Plan designations for this neighborhood. The extension of Capella Drive with this subdivision would extend missing street network and other utilities bridging the gap in infrastructure between the two subdivisions. The proposed

residential subdivision would not create any unusual circumstances for the neighborhood, as the majority of the surrounding properties are used for residential purposes.

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 had not received any comments regarding this project.

Tentative Subdivision Map Requirements

- 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 H of Planning Commission Staff Report #22-915. 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 this staff report was prepared, staff did not receive any comments regarding this application.

Affordability Requirements

- L) In April 2022, the City Council approved Resolution #2022-15 regarding the requirement for 12.5% affordable housing for new single-family residential subdivisions and multifamily residential projects. This requirement is triggered by two qualifiers that need to be met; entitlement type and number of units created. For single-family residential developments, the affordability requirement is triggered for Zone Changes (and annexations or site utilization plan revisions) for projects with over 60 or more single-family residential homes. Projects under 60 single-family residential homes are not required to provide affordable units. The proposed 45-unit subdivision is exempt from having to provide affordable units, as even though the proposal does require a

Zone Change it contains less than the 60 units that trigger the affordability requirement.

Environmental Clearance

- M) Infill projects over 5 acres or projects that don't comply with Zoning/General Plan designations require an Initial Study, per the California Environmental Quality Act (CEQA). In this case, the project site is consistent with the City's General Plan, but it is not consistent with Zoning and is over 5 acres – so an Initial Study was required. 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. Planning staff has conducted an environmental review of the project in accordance with the requirements of CEQA, and concluded that Environmental Review #22-32 results in a Negative Declaration as the proposal would not have a significant effect on the environment and does not require the preparation of an Environmental Impact Report. A copy of the Initial Study with a Negative Declaration can be found at Attachment J of Planning Commission Staff Report #22-915.