



CITY OF MERCED

Amended Meeting Agenda

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

Planning Commission

Wednesday, September 9, 2020

7:00 PM

City Council Chamber, 2nd Floor, Merced Civic
Center, 678 W. 18th Street, Merced, CA 95340

NOTICE TO PUBLIC

Pursuant to Governor Newsom's Executive Order N-29-20, this meeting will be conducted by teleconference and there will be no in-person public access to the meeting location.

WELCOME TO THE MEETING OF THE MERCED PLANNING COMMISSION

At least 72 hours prior to each regular Planning Commission meeting, a complete agenda packet is available for review on the City's website at www.cityofmerced.org or at the Planning Division Office, 678 W. 18th Street, Merced, CA 95340. All public records relating to an open session item that are distributed to a majority of the Commission will be available for public inspection at the Planning Division Office during regular business hours. The Planning Commission also serves as the Board of Zoning Adjustment and the Design Review/Historic Preservation Commission.

MODIFIED PUBLIC COMMENT INSTRUCTIONS

MODIFIED PUBLIC COMMENT INSTRUCTIONS FOR TELECONFERENCE MEETINGS

Please submit your public comment to the Planning Commission electronically no later than 3 PM on the day of the meeting. Comments received before the deadline will be read as part of the record. Material may be emailed to planningweb@cityofmerced.org and should be limited to 500 words or less. Please specify which portion of the agenda you are commenting on, i.e. item # or Oral Communications. Your comments will be read to Planning Commission at the appropriate time. Any correspondence received during or after the meeting will be distributed to the Planning Commission and retained for the official record.

You may provide telephonic comments via voicemail by calling (209) 388-7390 by no later than 3:00 PM on the day of the meeting to be added to the public comment. Voicemails will be limited to a time limit of three (3) minutes. Please specify which portion of the agenda you are commenting on, i.e. item # or Oral Communications. Your comments will be read to the Planning Commission at the appropriate time.

If you wish to leave a name and phone number and email address prior to 3 PM, technology permitting, you may be called at the time of the Public Hearing to provide your comments to the Planning Commission in real time. Due to technical limitations, any voice mails received after 3 PM may or may not be made available to the Planning Commission.

To listen to the Planning Commission meeting live, go to Facebook Live, or Comcast Public Access Channel 96).

INDIVIDUALS WITH DISABILITIES

Accommodation for individuals with disabilities may be arranged by contacting the Planning Division at (209) 385-6858. Assisted hearing devices are available for meetings held in the Council Chamber.

A. CALL TO ORDER

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

B. ROLL CALL

C. ORAL COMMUNICATIONS

Members of the public who wish to speak on any matter not listed on the agenda may provide email or voicemail comments during this portion of the meeting and should follow the guidelines posted above in the **MODIFIED PUBLIC COMMENT INSTRUCTIONS** to do so.

D. CONSENT CALENDAR

Adoption of the Consent Calendar may be made with one motion of the Planning Commission provided that any Planning Commission member, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. Please see **MODIFIED PUBLIC COMMENT INSTRUCTIONS** above. If a request for removal of an item from the Consent Calendar has been received, the item will be discussed and voted on separately. With Consent items, there is generally no staff presentation but staff is available for questions.

D.1. [20-510](#) **SUBJECT:** Planning Commission Minutes of August 19, 2020

ACTION:

Approving and filing the Planning Commission Minutes of August 19, 2020

D.2. [20-470](#) **SUBJECT:** Adoption of a Resolution Recommending to the City Council Denial of the Proposed Modifications to the Pre-Annexation Development Agreement for the Absolute-Bright Annexation

ACTION: PLANNING COMMISSION:

Recommendation to City Council

Environmental Review #20-15 (*Categorical Exemption*)

Modification of Pre-Annexation Development Agreement

CITY COUNCIL:

Approve/Disapprove/Modify

Environmental Review #20-15 (*Categorical Exemption*)

Modification of Pre-Annexation Development Agreement

SUMMARY

At the Planning Commission meeting of August 19, 2020, the Planning Commission voted to recommend denial of the request to modify the Pre-Annexation Development Agreement for the Absolute-Bright Annexation. This report provides the Planning Commission Resolution, along with the findings for denial, for the Planning Commission to formally adopt their action to recommend denial to the City Council.

RECOMMENDATION

The Planning Commission should make a motion to adopt the resolution at Attachment A formalizing their action to recommend denial of the requested modifications to the Pre-Annexation Development Agreement for the Absolute-Bright Annexation.

ATTACHMENTS

A) Planning Commission Resolution #4044

E. PUBLIC HEARINGS AND ACTION ITEMS

Members of the public who wish to speak on public hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to public comment. After the public has commented, the item is closed to further public comment and brought to the Commission for discussion and action. Further comment will not be received unless requested by the Commission. To submit comments to the Commission, please review the **MODIFIED PUBLIC COMMENT INSTRUCTIONS** listed above.

E.1. [20-451](#)

SUBJECT: Public Hearing to Consider Adoption of a Mitigated Negative Declaration and for Vesting Tentative Subdivision Map #1314 for Yosemite & G, LLC., property owners; to subdivide Approximately 21.5 Acres of Land into 17 Lots; the Property has a Neighborhood Commercial (CN) General Plan designation, is Zoned Planned Development (P-D #72), and is Generally Located at the Northeast

Corner of Yosemite Avenue and G Street. **PUBLIC HEARING****ACTION:** Recommendation to City Council

- 1) Amendment to Legislative Action Agreement with Yosemite & G, LLC

Approve/Disapprove/Modify

Environmental Review #20-13 (CEQA Section 15162 Findings)

Vesting Tentative Subdivision Map #1314,
Contingent on the

City Council's Approval of the Amendment to the
Legislative
Action Agreement

SUMMARY

The project site is located at the northeast corner of Yosemite Avenue and G Street (Attachment 2). The applicant is proposing to subdivide two parcels of approximately 21.5 acres of land into 17 lots (Attachment 3). The site is vacant except for City of Merced Storm Pump Station #10, which will remain. The amendment to the Legislative Action Agreement requires City Council Approval. The proposed Vesting Tentative Subdivision Map and associated Environmental Review #20-13 require the approval of the Planning Commission. Staff is recommending approval.

RECOMMENDATION

Planning staff recommends that the Planning Commission:

- a) Recommend Approval by City Council of the Amendment to the Legislative Action Agreement, and
- b) Approve Environmental Review #20-13, Negative Declaration, and
- c) Contingent on the City Council's Approval of the above Amendment to the Legislative Action Agreement, Approve Vesting Tentative Subdivision Map #1314, including the adoption of the Draft Resolution at Attachment 1, subject to the Conditions in Exhibit A and the Findings/Considerations in Exhibit B of the Draft Resolution.

F. INFORMATION ITEMS**F.1.** [20-509](#)

SUBJECT: Report by Planning Manager of Upcoming Agenda Items

ACTION

Information only.

F.2. [20-508](#)SUBJECT: Calendar of Meetings/Events

Sept8 City Council, 6:00 p.m. (***Tuesday, By Teleconference***)
9 Planning Commission, 7:00 p.m. (***By Teleconference***)
21 City Council, 6:00 p.m. (***May be by Teleconference***)
23 Planning Commission, 7:00 p.m. (***May be Cancelled***)
Oct. 5 City Council, 6:00 p.m. (***May be by Teleconference***)
7 Planning Commission, 7:00 p.m. (***By Teleconference***)
19 City Council, 6:00 p.m. (***May be by Teleconference***)
21 Planning Commission, 7:00 p.m. (***By Teleconference***)
27 Bicycle/Pedestrian Advisory Commission, 4:00 p.m. (***By Teleconference***)

G. ADJOURNMENT



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 20-510

Meeting Date: 9/9/2020

Report Prepared by: Taylor Gates, Administrative Assistant I

SUBJECT: Planning Commission Minutes of August 19, 2020

ACTION:

Approving and filing the Planning Commission Minutes of August 19, 2020

ATTACHMENTS

1. Planning Commission Minutes of August 19, 2020

CITY OF MERCED
Planning Commission

MINUTES

Via Teleconference
Wednesday, August 19, 2020

Chairperson HARRIS called the Meeting via teleconference to order at 7:01 p.m., followed by a moment of silence and the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Stephanie Butticci, Mary Camper, Jose Delgadillo, Robert Dylina, Dortha Lynn White, and Chairperson Michael Harris

Commissioners Absent: Sam Rashe (absent, excused)

Staff Present: Planning Manager Espinosa, Principal Planner Hren, Associate Planner Nelson, Associate Planner Mendoza-Gonzales, Deputy City Attorney Campbell, Temporary Development Services Technician Lee, and Recording Secretary Davis

1. APPROVAL OF AGENDA

M/S WHITE-DELGADILLO, and carried by the following vote, to approve the Agenda as submitted.

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, White, and Chairperson Harris

NOES: None

ABSENT: Commissioner Rashe (excused)

ABSTAIN: None

2. MINUTES

M/S CAMPER-BUTTICCI, and carried by the following vote, to approve the Agenda as submitted.

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, White, and Chairperson Harris

NOES: None

ABSENT: Commissioner Rashe (excused)

ABSTAIN: None

3. **COMMUNICATIONS**

Interim City Manager STEPHANIE DIETZ and Finance Officer VENUS RODRIGUEZ introduced themselves to the Planning Commission.

4. **ITEMS**

- 4.1 Modification to the Pre-annexation Development Agreement for the Absolute-Bright Annexation, initiated by Rick Telegan on behalf of Exposition Properties, LLC, and Leeco, LLC, property owners. This application involves a request to modify Exhibits "D" and "G" of the Pre-Annexation Development Agreement. The requested modification of Exhibit "D" would remove the requirement that development within the annexation area be done from south to north, thus allowing any of the property owners to develop without being delayed by the development of the other property, and the requested modification of Exhibit "G" would modify Condition #7 of Planning Commission Resolution #2871 removing the requirement that all infrastructure on G Street be completed in one construction project, and not be divided by ownership or tentative maps. The affected property consists of approximately 85 acres, generally located on the east side of G Street, north of Merrill Place (extended). The property has General Plan designations of Low Density Residential (LD), Village Residential (VR), and Open Space/Park Recreation (OS-PK); and is zoned R-1-5 and Residential Planned Development (P-D) #61.

Associate Planner NELSON reviewed the report on this item. For further information, refer to Staff Report #20-16 - Addendum.

August 19, 2020

Staff recommended that this item be continued to the meeting of September 23, 2020, to allow the applicant and Bright Development to agree upon the proposed amendments. Alternative action would be to deny the proposed amendments. The City Attorney's Office had determined that agreement of both parties would be required for approval. Bright Development had not yet consented.

Commissioner DELLGADILIO asked Ms. NELSON if the City Attorney's Office was involved in the negotiation.

Associate Planner NELSON clarified that the Attorney's Office was not on any of the calls, but has been involved in reviewing the agreement and determining what process needs to be taken in order to amend the proposed agreement.

Commissioner WHITE asked Ms. NELSON what the nature of the disagreement was and if the City can intervene.

Associate Planner NELSON stated that both parties could still come to an agreement regarding the proposed modifications.

Public testimony was opened at 7:30 p.m.

Speaker Via Teleconference in Favor:

RICK TELEGAN, Applicant, Fresno

Mr. TELEGAN claimed that the City modified the Pre-annexation Development Agreement without consent of either parties through the General Plan Update in 2012 and ultimately urged the Commission to recommend denial rather than continue the item.

There were no speakers in opposition to the project.

Public testimony was closed at 7:43 p.m.

M/S DYLINA-CAMPER, and carried by the following vote, to recommend to City Council the denial of the Categorical Exemption regarding Environmental Review #20-15 and the Modification to the Pre-Annexation Development Agreement.

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, White, and Chairperson Harris

NOES: None

ABSENT: Commissioner Rashe (excused)

ABSTAIN: None

- 4.2 Vesting Tentative Subdivision Map #1313 and Conditional Use Permit #1244 ("Sage Creek"), initiated by Lamplight Capital & Asset Management, LLC, property owner. This application involves a request to subdivide one parcel (approximately 16 acres) into 103 single-family lots ranging in size from 4,600 square feet to 5,100 square feet, generally located on the north side of Monaco Drive, between El Redondo Drive and Horizons Avenue, within Planned Development (P-D) #50, with a General Plan designation of Village Residential (VR).

Associate Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #20-17.

Public testimony was opened at 8:03 p.m.

Speaker Via Teleconference in Favor:

JOSHUA MANN, Applicant, Senior Planner, Mid Valley Engineering

Speaker via Email in Opposition:

JOEL MOSES, Merced

Public testimony was closed at 8:08 p.m.

M/S DYLINA-WHITE, and carried by the following vote, to adopt a Finding of 15162 regarding Environmental Review #20-11 and approve Conditional Use Permit #1244 and Tentative Subdivision Map #1313, subject to the Findings and thirty-three (33) Conditions set forth in Staff Report #20-17 (RESOLUTION #4045):

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, White, and Chairperson Harris

NOES: None

ABSENT: Commissioner Rashe (excused)

ABSTAIN: None

4.3 Direction from Planning Commission on Future Meetings Via Teleconference and Update on Conversion to Digital Agenda System (Granicus/Legistar) and Subsequent Changes to Agenda and Staff Report Formats

Planning Manager ESPINOSA briefed the Commission on upcoming changes to Agendas and Staff Reports for the meeting of September 9, 2020.

Principal Planner HREN clarified that the City's I.T. Department would prefer that the entire Commission either choose remote or in-person meetings, as opposed to a combination of the two for different Commissioners.

Commissioner DELGADILLO made a motion to meet in-person.

The motion failed due to lack of a second.

M/S BUTTICCI-WHITE, and carried by the following vote, to proceed with teleconference meetings.

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, White, and Chairperson Harris

NOES: None

ABSENT: Commissioner Rashe (excused)

ABSTAIN: None

5. **INFORMATION ITEMS**

5.1 **Calendar of Meetings/Events**

Planning Manager ESPINOSA briefed the Planning Commission on items for the next few Planning Commission meetings.

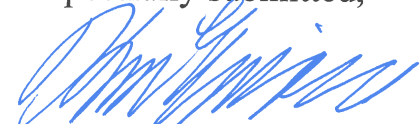
6. **ADJOURNMENT**

M/S CAMPER-BUTTICCI, and carried by the following vote, to adjourn the meeting.

AYES: Commissioners Camper, Butticci, Delgadillo, Dylina, White, and Chairperson Harris
NOES: None
ABSENT: Commissioner Rashe (excused)
ABSTAIN: None

There being no further business, Chairperson HARRIS adjourned the meeting at 8:31 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:

MICHAEL HARRIS, Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution # 4045

WHEREAS, the Merced City Planning Commission at its regular meeting (held via teleconference) of August 19, 2020, held a public hearing and considered **Vesting Tentative Subdivision Map #1313 and Conditional Use Permit #1244**, initiated by Lamplight Capital & Asset Management, LLC, property owner. This application involves a request to subdivide one parcel (approximately 16 acres) into 103 single-family lots ranging in size from 4,600 square feet to 5,100 square feet, generally located on the north side of Monaco Drive, between El Redondo Drive and Horizons Avenue, within Planned Development (P-D) #50 with a General Plan designation of Village Residential (VR). Said property being more particularly described as Parcel 2 as shown on that certain Parcel Map for YCH, recorded in Volume 102, Page 46 of Merced County Records; also known as Assessor's Parcel Number (APN) 206-030-018; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through K (Exhibit B) of Staff Report #20-17; and,

WHEREAS, the Merced City Planning Commission concurs with the Findings for Conditional Use Permits in Merced Municipal Code Section 20.68.020 (E), and Findings for Tentative Subdivision Map in Merced Municipal Code 18.16.080 (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 Finding of 15162 regarding Environmental Review #20-11, and approve Conditional Use Permit #1244 and Tentative Subdivision Map #1313, 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 Butticci, Camper, Delgadillo, Dylina, White, and Chairperson Harris

NOES: None

ABSENT: Commissioner Rashe

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4045

Page 2

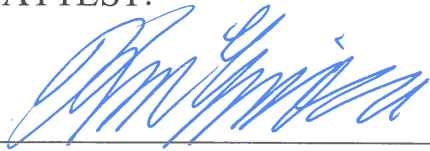
August 19, 2020

Adopted this 19th day of August 2020

Michael Harris

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Exhibit B - Findings

Conditions of Approval
Planning Commission Resolution #4045
Vesting Tentative Subdivision Map #1313 and Conditional Use Permit
#1244

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Proposed Vesting Tentative Map at Attachment B) and Exhibit 2 (Development Standards 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. 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) 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. 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 (with counsel selected by the City), 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 such governmental entity. 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.

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. All public improvements shall be provided as required by the City Engineer along Monaco Drive, El Redondo, and Horizons Avenue, as well as the new cul-de-sacs. All improvements shall meet City Standards.
10. 10) A 7-foot-high concrete block wall shall be installed along El Redondo Drive and Horizons Avenue. 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.
11. Landscaping shall be provided along El Redondo Drive/Horizons Avenue 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.
12. 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.
13. 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.

14. All undeveloped areas shall be maintained free of weeds and debris.
15. Street names shall be approved by the City Engineer.
16. 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.
17. Valley Gutters may be installed in this subdivision per City standards.
18. Rolled curbing may be installed in this subdivision consistent with City Standard Design ST-1, as approved by the City Engineer.
19. 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.
20. As required by Merced Municipal Code Section 17.04.050 and 17.04.060, 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.
21. The applicant shall provide a minimum 30 inches of coverage between the top of the sewer line and the surface of the street, or as required by the City Engineer.
22. The cul-de-sacs shall be designed with a minimum 48-foot radius to meet City Fire Department Standards.
23. Floor plans and elevations for the single-family homes shall require a Site Plan Review approval.
24. Pedestrian access at the end of each cul-de-sac to establish a direct pedestrian path to the future commercial developments to the north, is not required but it is encouraged. Gates may be installed as long as public access is still maintained. If pedestrian access is included with this project, details would be worked out with staff during the building permit stage.

25. 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).
26. Sewer manholes shall be installed at the center of the new courts (cul-de-sacs).
27. To utilize the storm drain basin located southeast of the subject site (Assessor's Parcel Number 206-030-012), the developer shall provide all required calculations to the Engineering Department.
28. The water line shall include a loop system designed as required by the Public Works Department, unless otherwise approved by the City Engineer.
29. A temporary turnaround shall be installed along El Redondo Drive. The turnaround shall be designed as required by the City Engineer. Frontage improvements shall be required up to the end of where the project site terminates along El Redondo Drive (the end of Lot 13 as shown at Attachment B of Planning Commission Staff Report #20-17), even if the temporary turnaround is installed south of this area near Lots 7 and 8.
30. The applicant shall comply with the Traffic Study Mitigation Table shown at Attachment F of Planning Commission Staff Report #20-17, except as modified by the conditions.
31. The developer shall install missing roadway improvements as determined by the City Engineer for the western portion El Redondo Drive, between Monaco Drive and Avignon Drive (unless installed first by the Lantana West subdivision on Assessor's Parcel Number 206-030-021). The missing surface improvements along the eastern portion of El Redondo Drive, between Monaco Drive and Pettinotti Road (future extension) shall be installed by the developer to meet the City Standard 74-foot-wide Collector Road, to include surface improvements to the centerline, 12-foot-wide paved lane, and a 4-foot-wide bench on the west side of the centerline. The developer shall utilize slip rock to provide drainage in this area, as required by the City Engineer.
32. The developer shall install missing or deteriorated roadway improvements as determined by the City Engineer for the northern and southern portions of Monaco Drive, between El Redondo Drive and Horizons Avenue.
33. Monaco Drive may be designed to be an "Alternative Collector Road" per City Standard ST-2D.

Findings and Considerations
Planning Commission Resolution #4045
Tentative Subdivision Map #1313 and Conditional Use Permit #1244

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 Planned Development (P-D) #50.

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.

It should also be noted that the applicants have applied for a Site Plan Review Permit for 248 apartment units on 13.5 acres at the northeast corner of Monaco Drive and Horizons Avenue, which is also designated Village Residential. This 18.37 dwelling unit per acres development will bring the overall density in the VR area up to the required average of 10 dwelling units per acre.

Traffic/Circulation

- B) It is anticipated that the proposal would generate approximately 985.71 Average Daily Trips (ADT) based on an average daily rate of 9.57 trips per dwelling unit. The subject would be accessed via a collector street, Monacco Drive (Attachment B of Planning Commission Staff Report #20-17) which connects with other collector streets, El Redondo Drive and Horizons 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 (up to 30 dwelling units per acre, compared to the proposed 7 dwelling units per acre). Improvements would need to be installed to connecting streets such El Redondo Drive, Monaco Drive, and Horizons Avenue to ensure residents have a direct path to the nearest developed major arterial road, Yosemite Avenue (Conditions #31 and #32 of Planning Commission Staff Report #20-17). In addition, the developer shall install the public improvements shown at Attachment F of Planning Commission Staff Report #20-17 which includes paying their fair share contributions towards traffic signals, re-timing existing

traffic signals, and paying fair share contributions towards future roads improvements.

The right-of-way widths of the new cul-de-sacs would be 49 feet (even though Attachment B of Planning Commission Staff Report #20-17 shows 48 feet), including 5.5 feet on each side of the street to accommodate sidewalks. This meets the City's right-of-way requirement for local streets. However, the cul-de-sac bulb needs to have a minimum 48-foot-radius to accommodate Fire engine/refuse truck turning radius (Condition #22 of Planning Commission Staff Report #20-17).

Site Design

- C) The subdivision is designed with homes along the interior of the cul-de-sacs with direct access to Monaco Drive. Concrete block walls would be installed along El Redondo Drive and Horizons Avenue, with landscaping along the walls (Condition #10 of Planning Commission Staff Report #20-17).

At the moment, the applicant is not proposing any specific floor plans, site plans, or elevations. Prior to constructing the homes, they will be required to obtain a Site Plan Review Permit so that the Site Plan Review Committee may review the aesthetics and emergency accessibility of the homes. Attachment C of Planning Commission Staff Report #20-17 shows the proposed parameters, or development standards for the Planning Commission's consideration. The proposed development standards include a front yard setback of 15 feet, a garage setback of 20 feet, side yard setbacks of 5 feet and 10 feet (different for corner lots), a maximum building height of 40 feet (and maximum of 3 stories), maximum lot coverage of 60%, and a minimum parking requirement of 2 stalls. The proposed development standards are consistent with other developed subdivisions within the City which includes the Highland Park subdivision (behind the Merced Marketplace), the Horizons at Compass Pointe subdivision (at the southeast corner of El Redondo Drive and Pacific Drive), the Sunrise at Compass Pointe subdivision (at the northwest and northeast corner of Pacific Drive and Horizons Avenue), the Bellevue Ranch West Village 2 subdivision (at the southwest and southeast corners of Bancroft Drive and W. Cardella Road), and the Paseo subdivision (at northwest corner of Bellevue Road and G Street).

Municipal Code Compliance - Tentative Subdivision Map Requirements

- D) Per Merced Municipal Code (MMC) Section 18.16.080 – Information Required, a tentative subdivision map shall include all of the requirements shown at Attachment D of Planning Commission Staff Report #20-17. 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. Staff did not receive any comments regarding this application.

Elevations

- E) The applicant is not providing elevations at this moment. They would like to proceed with the tentative subdivision map process, and provide elevations at a later time when they are prepared to submit an application for Final Map approval. At that time, they would like to submit elevations for review and propose an exterior design and floor plan. The developer would be required to submit said plans for review and approval from the Site Plan Review Committee. The Site Plan Review Committee would review the plans to ensure they meet the development standards approved by the Planning Commission (at Attachment C of Planning Commission Staff Report #20-17), 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. 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 (Attachment E of Planning Commission Staff Report #20-17).

Public Improvements/Services

- F) All public improvements will be necessary for the new street and lots. All utilities are available in the area.

Sanitary Sewer collection, treatment, and disposal will be provided by the City.

Storm Drainage and Streetscape: Storm drainage collection, retention and discharge shall conform to City Standards and be subject to Engineering Department approval.

Public Safety Costs: 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 #20-17) to help fund roadway, police, fire, and park infrastructure to help fund operating costs for police and fire services.

There are several areas surrounding the site that are missing infrastructure. The photographs at Attachment G of Planning Commission Staff Report #20-17 depict some of the missing infrastructure surrounding the site or near the site.

Some of this infrastructure needs to be installed in order to connect the project site to the existing street network, even though some of these areas not fronting the project site. For example, the portion of El Redondo Drive, between Monaco Drive and Avignon Drive, does not contain complete roadways. If this development is constructed prior to Lantana West subdivision, or any other fronting project(s) fronting this site, the applicant would be responsible for installing the complete road (not sidewalk or streetlights) and be in position to be reimbursed by other developers fronting this site if they develop within 15 years per City Code requirements. In addition, the southern portion Monaco Drive, between El Redondo Drive and Horizons Avenue, has roadway that is either deteriorated or needs to be completed. Should the developer desire to use this existing roadway, the Public Works Department would need to assess the road conditions to determine if this infrastructure can be salvaged or need to be redone completely. Conditions #31, #32, and #33 address these issues.

Schools

- G) The Project 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.

Parking

- H) Merced Municipal Code Section 20.40.B.2 – Small Lot Single-Family Homes Development Standards and Guidelines, recommends that small lots provide a minimum of 2 onsite parking stalls (with at least one being covered) setback at least 20 feet from the front property line. Typically, single-family homes require a minimum of 1 parking stall. However, because small lots tend to be narrower, driveway curb cuts will occupy a larger percentage of the lot frontage resulting in less on-street parking. To compensate for the reduction in street parking, the Zoning Ordinance recommends that small lots have at least 2 onsite parking stalls. As part of the development standards shown at Attachment C of Planning Commission Staff Report #20-17, the Sage Creek subdivision would require at least 2 onsite parking stalls and a 20-foot-long driveway for backing space.

Conditional Use Permit Required Findings

- I) Section 20.68.020 sets forth specific Findings that must be made in order for the Planning Commission to approve a Conditional Use Permit. These Findings are provided below.

1. *The proposed use is consistent with the purpose and standards of the zoning district, the General Plan, and any adopted area or neighborhood plan, specific plan, or community plan.*

As described under Finding A of Planning Commission Staff Report #20-17, the project meets the requirements of the General Plan. This area is

designated as Village Residential in the Fahrens Creek North Specific Plan as well.

2. *The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.*

There are existing single-family homes to the south across Monaco Drive, but the remaining parcels surrounding the site are currently undeveloped. The parcels to the east and west of the site are designated for Village Residential (VR) which is intended for high density residential uses ranging between 7 and 30 dwelling units per acre. Based on the proposed density for the Sage Creek subdivision (approximately 7 dwelling units per acres), this proposal would generally be consistent with future developments to the east and west. The parcel to the north is designated Office Commercial (CO) and Neighborhood Commercial (CN). To improve connectivity with those future developments, staff is recommending that a walking path would be installed at the ends of the courts to provide a direct pedestrian path to these commercial sites (Condition #24 of Planning Commission Staff Report #20-17).

At the moment, the applicant is not proposing any specific floor plans, site plans, or elevations. Prior to constructing the homes the developer will be required to obtain a Site Plan Review Permit so that the Site Plan Review Committee may review the aesthetics and functionality of the homes. Attachment C of Planning Commission Staff Report #20-17 show the proposed parameters, or development standards for Planning Commission consideration. The proposed development standards show a front yard setback of 15 feet, a garage setback of 20 feet, side yard setbacks of 5 feet and 10 feet (different for corner lots), a maximum building height of 40 feet (and 3 stories), maximum lot coverage of 60%, and a minimum of 2 parking stalls. With the implementation of the proposed conditions of approval and the conditions approved with this request, the proposed project would be required to be in compliance with the design standards single-family dwellings (MMC Sections 20.46.230). The proposed project meets the minimum design and zoning standards. Therefore, with the implementation of the conditions of approval, the proposed project would not interfere with the enjoyment of the existing and future land uses in the vicinity.

3. *The proposed use will not be detrimental to the public health, safety, and welfare of the City.*

The proposed subdivision does not include any uses that would be detrimental to the public health, safety, and welfare of the City. The project would be required to be annexed into the City's Community Facilities District to pay for costs related to police and fire safety (Condition #6 of Planning Commission Staff Report #20-17). Implementation of the conditions of approval and adherence to all Building and Fire Codes, and City Standards

would prevent the project from having any detrimental effect on the health safety, and welfare of the City.

4. *The proposed use is properly located within the City and adequately served by existing or planned services and infrastructure.*

The project site is an in-fill site surrounded by residential uses. The project would be adequately served by the City's water and sewer systems. Through the implementation of the conditions of approval, the project would be adequately served by the City's sewer and storm water systems. Additionally, the project would be required to pay Public Facilities Impact Fees to help pay for future improvements needed to the City's infrastructure.

Public Facilities Impact Fee Program

- J) The section of Cardella Road from Highway 59 to R Street is not included the City's current Public Facilities Financing Impact Fee Program for road improvements (albeit traffic signals are included). The developer would be responsible for paying their fair share contribution towards road improvements in this area, as shown at Attachment F. However, if in the future, the City updates the Public Facilities Impact Fee Program to include Cardella Road from Highway 59 to R Street, the developer would be able to apply their impact fees to meet their mitigation obligations instead of paying their fair share contribution for road improvements in this area.

Environmental Clearance

- K) 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.

Planning staff conducted an environmental review of the project in accordance with the requirements of CEQA, and concluded that Environmental Review #20-11 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 (Initial Study #20-11 for CUP #1244 and TSM #1313). A Copy of the Section 15162 Findings can be found at Attachment H of Planning Commission Staff Report #20-17.



ADMINISTRATIVE REPORT

File #: 20-470

Meeting Date: 9/9/2020

Planning Commission Staff Report

Report Prepared by: Julie Nelson, Development Services Department

SUBJECT: Adoption of a Resolution Recommending to the City Council Denial of the Proposed Modifications to the Pre-Annexation Development Agreement for the Absolute-Bright Annexation

ACTION: PLANNING COMMISSION:

Recommendation to City Council

- 1) Environmental Review #20-15 (*Categorical Exemption*)
- 2) Modification of Pre-Annexation Development Agreement

CITY COUNCIL:

Approve/Disapprove/Modify

- 1) Environmental Review #20-15 (*Categorical Exemption*)
- 2) Modification of Pre-Annexation Development Agreement

SUMMARY

At the Planning Commission meeting of August 19, 2020, the Planning Commission voted to recommend denial of the request to modify the Pre-Annexation Development Agreement for the Absolute-Bright Annexation. This report provides the Planning Commission Resolution, along with the findings for denial, for the Planning Commission to formally adopt their action to recommend denial to the City Council.

RECOMMENDATION

The Planning Commission should make a motion to adopt the resolution at Attachment A formalizing their action to recommend denial of the requested modifications to the Pre-Annexation Development Agreement for the Absolute-Bright Annexation.

ATTACHMENTS

- A) Planning Commission Resolution #4044

CITY OF MERCED
Planning Commission

Resolution #4044

WHEREAS, the Merced City Planning Commission at its regular meeting of August 19, 2020, held a public hearing and considered Modifications to the Pre-Annexation Development Agreement for the Absolute-Bright Annexation, initiated by Rick Telegan, on behalf of Exposition Properties, LLC, and Leeco, LLC, This application involves a request to modify Exhibits “D” and “G” of the Pre-Annexation Development Agreement. The requested modification of Exhibit “D” would remove the requirement that development within the annexation area be done from south to north, thus allowing any of the property owners to develop without being delayed by the development of other property, and the requested modification of Exhibit “G” would modify Condition #7 of Planning Commission Resolution #2871 removing the requirement that all infrastructure on G Street be completed in one construction project, and not be divided by ownership or tentative maps. The affected property consists of approximately 85 acres, generally located on the east side of G Street, north of Merrill Place (extended). The property has General Plan designations of Low Density Residential (LD), Village Residential (VR), and Open Space/Park Recreation (OS-PK); and is zoned R-1-5 and Residential Planned Development (P-D) #61; Also known as Assessor’s Parcel Numbers (APN) 060-030-037; -038; and -039; and 060-080-001; -002; -003; and -004; and,

WHEREAS, the Merced City Planning Commission concurs with the Findings in Exhibit A; 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 # 20-15, and recommend denial of the modifications to the Pre-Annexation Development Agreement for the Absolute-Bright Annexation.

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

AYES: Commissioners Camper, Buttici, Delgadillo, White, Dylina, and Chairperson Harris
NOES: None
ABSENT: Commissioner Rashe
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4044

Page 2

September 9, 2020

Adopted this 9th day of September 2020

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Exhibits:

Exhibit A – Findings/Considerations

Findings and Considerations
Planning Commission Resolution #4044
Modification to the Pre-Annexation Development Agreement for the
Absolute-Bright Annexation

FINDINGS/CONSIDERATIONS:

Compliance with Agreement and State Law

- A) According to Section 25 of the Pre-Annexation Development Agreement and Government Code Section 65868, all parties must agree to modifications made to the Pre-Annexation Development Agreement. To date, Bright Development has not agreed to the proposed changes. Therefore, in compliance with the provisions of the agreement and state law, the proposed modifications can not be approved.

Direction from Applicant

- B) Based on the direction from the City Attorney and Planning Staff regarding the provision of the agreement and state law, the Planning Commission could not recommend approval of the proposed modifications. Therefore, the applicant requested the Planning Commission recommend denial of the proposed modifications in order to allow the request to move forward to the City Council for final decision.



ADMINISTRATIVE REPORT

File #: 20-451

Meeting Date: 9/9/2020

Planning Commission Staff Report

Report Prepared by: Michael Hren, Principal Planner, Planning Division

SUBJECT: Public Hearing to Consider Adoption of a Mitigated Negative Declaration and for Vesting Tentative Subdivision Map #1314 for Yosemite & G, LLC., property owners; to subdivide Approximately 21.5 Acres of Land into 17 Lots; the Property has a Neighborhood Commercial (CN) General Plan designation, is Zoned Planned Development (P-D #72), and is Generally Located at the Northeast Corner of Yosemite Avenue and G Street. **PUBLIC HEARING**

ACTION: Recommendation to City Council

- 1) Amendment to Legislative Action Agreement with Yosemite & G, LLC

Approve/Disapprove/Modify

- 1) Environmental Review #20-13 (CEQA Section 15162 Findings)
- 2) Vesting Tentative Subdivision Map #1314, Contingent on the City Council's Approval of the Amendment to the Legislative Action Agreement

SUMMARY

The project site is located at the northeast corner of Yosemite Avenue and G Street (Attachment 2). The applicant is proposing to subdivide two parcels of approximately 21.5 acres of land into 17 lots (Attachment 3). The site is vacant except for City of Merced Storm Pump Station #10, which will remain. The amendment to the Legislative Action Agreement requires City Council Approval. The proposed Vesting Tentative Subdivision Map and associated Environmental Review #20-13 require the approval of the Planning Commission. Staff is recommending approval.

RECOMMENDATION

Planning staff recommends that the Planning Commission:

- a) Recommend Approval by City Council of the Amendment to the Legislative Action Agreement, and
- b) Approve Environmental Review #20-13, Negative Declaration, and
- c) Contingent on the City Council's Approval of the above Amendment to the Legislative Action Agreement, Approve Vesting Tentative Subdivision Map #1314, including the adoption of the Draft Resolution at Attachment 1, subject to the Conditions in Exhibit A and the Findings/Considerations in Exhibit B of the Draft Resolution.

DISCUSSION

Project Description

The applicant proposes the subdivision of two existing parcels at the northeast corner of Yosemite Avenue and G Street into 17 lots. This subdivision, with some minor modifications, is in line with the approvals granted in January 2020 regarding a General Plan Amendment and Site Utilization Plan Revision.

Surrounding Uses

Surrounding Land	Existing Use of Land	City Zoning Designation	City General Plan Land Use Designation
North	Dignity Health Medical Center and Vacant Lot	C-O	Commercial Office (CO)
South	Retail, Restaurants, Grocery (across Yosemite Ave.)	P-D #26	Neighborhood Commercial (CN)
East	Single-Family Residential and vacant commercial (across extended Sandpiper Ave.)	R-1-6, PD-#72	Low Density Residential (LD), High to Medium Density Residential (HMD), and Neighborhood Commercial (CN)
West	Merced College (across G St.)	R-1-6	School

Background

The City of Merced Planning Commission reviewed and recommended for approval of General Plan Amendment #19-03 and the Site Utilization Plan Revision #3 to Planned Development #72 for the Yosemite Crossing Development in December 2019, with the City Council approving the same in January 2020. The new shopping center will consist of retail locations, restaurants of both sit-down and drive-through type, a gas station, office uses, a four-story hotel, and a multi-family housing element. In May 2020, the Planning Commission approved Conditional Use Permit #1241 for a Comprehensive Sign Program for the property including 6 monument signs, three pylon signs, and a wall sign for the identification of the center, along with proposed locations and guidelines for the signage of future tenants to ensure consistency with all signage types throughout the center.

Findings/Considerations

Please refer to Exhibit B of the Draft Planning Commission Resolution at Attachment 1.

Legislative Action Agreement

For the Vesting Tentative Subdivision Map to proceed, an amendment to the existing agreement is necessary in order to both meet the infrastructure needs of the City of Merced and the viability of the site to the developer. The most recent agreement references previous agreements that have several outdated, contradictory, or infeasible requirements, schedules, and terms. The amendment removes these issues, adds a new phasing requirement tying the off-site improvements required to the phased development of the parcels, and generally removes unnecessary language that the developer believes has the potential to deter potential tenants from locating on the subject site. The amendment proposes to unify all conditions in this single agreement, superseding all previous agreements.

ATTACHMENTS

1. Draft Planning Commission Resolution
2. Location Map
3. VTSM #1314
4. Environmental Review #20-13
5. Proposed Amendment to Legislative Action Agreement with Yosemite & G, LLC.
6. MMC Section 18.16.080-100
7. Staff Presentation

CITY OF MERCED
Planning Commission

Resolution #4046

WHEREAS, the Merced City Planning Commission at its regular meeting (held via teleconference) of September 9, 2020, held a public hearing and considered **Vesting Tentative Subdivision Map #1314**, and **Amendment to the Legislative Action Agreement**, initiated by Yosemite and G, LLC., property owners. The application involves a request to allow the subdivision of approximately 21.5 acres into 17 lots, generally located at the northeast corner of Yosemite Avenue and G Street. The property is within Planned Development #72 and has a General Plan designation of Neighborhood Commercial (CN); also known as Assessor's Parcel Number (APN) 231-040-004 and APN 231-040-005.

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through J of Staff Report #20-451 (Exhibit B); and,

WHEREAS, the Merced City Planning Commission concurs with the Findings for Tentative Subdivision Map Requirements in Merced 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 fully discussing all the issues, the Merced City Planning Commission does resolve to hereby find that the previous environmental review (Initial Study #19-28 for General Plan Amendment #19-03 and Site Utilization Plan Revision #3 to Planned Development #72) remains sufficient and no further documentation is required (CEQA Section 15162 Findings), and recommend to the Merced City Council the approval of Amendment to the Legislative Action Agreement, and approve Vesting Tentative Subdivision Map #1314, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference, and contingent upon the approval by City Council of Amendment to the Legislative Action Agreement.

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

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

ABSTAIN: Commissioner(s)

PLANNING COMMISSION RESOLUTION #4046

Page 2

September 9, 2020

Adopted this 9th day of September 2020

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Exhibits:

Exhibit A – Conditions of Approval

Exhibit B – Findings/Considerations

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Conditions of Approval
Planning Commission Resolution #4046
Vesting Tentative Subdivision Map #1314

Note: The Conditions of Approval are based on Planning Commission Resolution # 4034 for General Plan Amendment #19-03 and Site Utilization Plan #3 to Planned Development (PD) #72 (“Prior Conditions of Approval”); Changes to such Prior Conditions of Approval are indicated by Strike Through (Deletions) and Bold Underline (Additions). It is the parties’ intention that the Conditions of Approval attached hereto shall supersede and replace in their entirety the Prior Conditions of Approval.

1. The proposed General Plan Amendment and SUP Revision shall be constructed/designed in substantial compliance with the Site Plan, Rendering, and Typical Elevations and Floor Plans (Attachments D, E, and F of Planning Commission Staff Report #19-29), except as modified by the conditions.
2. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
3. The Project shall comply with the applicable conditions set forth in Resolution #2974 for General Plan Amendment #10-02 and Zone Change #410 previously approved for this site, **except as amended by these conditions**.
4. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
5. Approval of the General Plan Amendment and Site Utilization Plan Revision is subject to the applicant's entering into a written (developer) agreement that they agree to all the conditions and shall pay all City and school district fees, taxes, and/or assessments, in effect on the date of any subsequent subdivision and/or permit approval, any increase in those fees, taxes, or assessments, and any new fees, taxes, or assessments, which are in effect at the time the building permits are issued, which may include public facilities impact fees, a regional traffic impact fee, Mello-Roos taxes—whether for infrastructure, services, or any other activity or project authorized by the Mello-Roos law, etc. Payment shall be made for each phase at the time of building permit issuance for such phase unless an Ordinance or other requirement of the City requires payment of such fees, taxes, and or assessments at an earlier or subsequent time. Said agreement to be approved by the City Council prior to the adoption of the ordinance, resolution, or minute action.

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 (with counsel selected by the City), 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 such governmental entity. 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. De-annexation from the existing Maintenance District and Annexation to Community Facilities District (CFD) #2003-2 is required for annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, streetlights, parks and open space. CFD procedures shall be completed prior to any final map approvals or issuance of any building permits, whichever comes first. 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.

9. The project shall comply with all mitigation measures outlined in the Mitigation Monitoring Program for Initial Study #19-28 (Attachment H of Planning Commission Staff Report #19-29) and all applicable mitigation measures outlined in the Mitigation Monitoring Program for Initial Study #10-06 (Appendix C of Initial Study #19-28, Attachment G of Staff Report #19-29).

10. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
11. All signs shall comply with the Master Sign Program approved as a part of Conditional Use Permit #1241, approved by the Merced Planning Commission on May 20, 2020, and with the North Merced Sign Ordinance and Section 20.62.040 (B)(2) of the City's Zoning Ordinance for signs in a Neighborhood Commercial (C-N) zone.
12. The applicant shall construct all missing improvements along the property frontage on Yosemite Avenue and G Street including, but not limited to, sidewalk, curb, gutter, street lights, and street trees.
13. All necessary right-of-way along the property frontage, including Yosemite Avenue, G Street, and Sandpiper Avenue needed for public improvements shall be dedicated prior to the issuance of the first building permit or recordation of a parcel map, whichever comes first.
14. Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access.
15. Parking lot trees shall be installed per City Parking Lot Landscape Standards and Section 20.38.070 (F). At a minimum, parking lot trees shall be provided at a ratio of one tree for every six parking spaces. Trees shall be a minimum of 15-gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City's approved tree list).
16. All projects on this site shall comply with Post Construction Standards in accordance with the requirement for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System). Applicant may fulfill this requirement by contributing its "Fair Share" to the CFD of the cost for treatment facilities that will treat the stormwater generated by the entire service area. Applicant's "Fair Share" will be based on the applicant's percentage of discharge within the service area.
17. Prior to issuance of the first grading/building permit for any project on the site, the applicant shall demonstrate compliance with San Joaquin Valley Air Pollution Control District Rule 9510 to the Planning Department. Changes to the site plan resulting from compliance with Rule 9510 are subject to review by City Staff or the Planning Commission, as determined by the Director of Development Services.

18. Bicycle parking for all projects on the site shall meet the minimum requirements of the California Green Building Code and Merced Municipal Code Section 20.38.080.

19. All landscaping on the site shall be in compliance with the City's Water Efficient Landscaping and Irrigation Ordinance (Merced Municipal Code Section 17.60) and all state-mandated conservation and drought restrictions as well as the City's Zoning Ordinance Section 20.36 – Landscaping.

20. Irrigation for all onsite landscaping shall be provided by a low-volume 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.

21. All landscaping in the public right-of-way shall comply with the most recently adopted water regulations by the State and City addressing water conservation measures. If turf is proposed to be installed in medians or park strips, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed.

22. For buildings over 30 feet tall, a minimum 26-foot-wide drive aisle shall be provided for emergency vehicle access. The developer shall work with the Fire Department to determine the areas that need the 26-foot-wide drive aisle. An emergency access lane made of an all-weather surface shall be constructed to the south of the southernmost multi-family building. This lane shall either be able to meet the turnaround needs of emergency vehicles if it is 150 feet long or more, or it shall be less than 149 feet long but still meet the needs of emergency access for the residential building. In the event that the southernmost residential building is 30 feet tall or less, this path shall be a minimum of 22 feet wide. If the southernmost residential building is more than 30 feet tall, the path shall be a minimum of 26 feet wide. These details shall be confirmed as acceptable by the Fire Chief or designee prior to the issuance of occupancy permits for any of the multi-family residential buildings.

23. A fire control room may be required for the buildings on the site. The applicant shall work with the Fire Department to determine the location of the fire control room. Additional fire control rooms may be required at the discretion of the Fire Chief.

24. Each building shall be provided with a Fire Department Connection.

25. Buildings that do not provide an elevator (other than a freight elevator) shall be provided with an additional exit. The developer shall work with the Chief Building Official to determine the number of exits required for each building.

26. A minimum turning radius of 33 feet inside, curb-to-curb, and 49 feet wall-to-wall for fire apparatus access must be provided throughout the project site or as required by the Fire Department.
27. All storm water shall be retained onsite or in the basin immediately to the east of the project site and metered out to the City's storm water system in accordance with City Standards, subject to a storm drain plan approved by the City Engineer. The applicant shall submit calculations to the City showing, to the satisfaction of the City Engineer or designee, that the basin to the east of the project site has enough capacity for the proposed plans.
28. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
29. All parking lot and other exterior lighting shall be oriented in such a way so that it does not spill over onto adjacent properties.
30. Containers for refuse and recycled goods shall be stored in enclosures that are designed with colors compatible with the buildings and shall be constructed to meet City Standards. At the Building Permit stage, the developer shall work with the City Refuse Department to determine the best location for these enclosures to ensure proper access is provided for City Refuse Trucks as well as the number of containers needed to adequately serve the site. Use of a trash compactor should be considered to reduce the number of pick-ups per week.
31. All construction activity shall be conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday.
32. All walking paths, bicycle and vehicle parking areas, and recreational areas shall be provided with sufficient lighting to ensure a safe environment.
33. All mechanical equipment shall be screened from public view.
34. Instead of the typical requirements for additional Conditional Use Permits and Site Plan Review for interface, this Site Utilization Plan process will address interface regulations, additional review, and permissibility of specific uses in Planned Development #72. These modifications apply in the portions of Planned Development #72 covered by the subject site parcels (Assessor's Parcel Number 231-040-004 and 231-040-005) in the following manner, taking into consideration that the adjacency of parcels may change in the event of parcel modifications in the future:
 - a. Multi-family housing will require a Site Plan Review Permit rather than a Conditional Use Permit, and if on a parcel abutting or across from (per the definitions

in Section 20.32.020 of the Zoning Ordinance) a property with R-1 zoning, will require a publicly noticed public hearing at the Site Plan Review meeting per Section 20.32 of the Zoning Ordinance; and,

b. The hotel, rather than being “use not allowed”, shall require a Site Plan Review Permit rather than a Conditional Use Permit, and if on a parcel abutting or across from (per the definitions in Section 20.32.020 of the Zoning Ordinance) a property with R-1 zoning, will require a publicly noticed public hearing at Site Plan Review meeting per Section 20.32 of the Zoning Ordinance, but will not require an additional Conditional Use Permit; and,

c. Restaurants selling alcohol for consumption on-site will require only a Site Plan Review Permit use without further requirement for a Conditional Use Permit or public hearing for interface considerations; and,

d. Gas and service stations will require only a Site Plan Review Permit without further requirement for a Conditional Use Permit unless the gas and service station wishes to sell alcohol, in which case a Conditional Use Permit is required, and a letter of Public Convenience and Necessity may be required, but an additional public hearing for interface consideration is not required; and,

e. Day care centers require only a Site Plan Review Permit without further requirement for a Minor Use Permit or public hearing for interface considerations; and,

f. Drive-through and drive-up sales require only a Site Plan Review Permit without further requirement for a Conditional Use Permit or public hearing for interface considerations; and,

g. General retail uses, professional offices, restaurants, and banks require only a Site Plan Review Permit without further requirement for a public hearing for interface considerations.

35. The traffic signal at G Street and Project Driveway 1, north of the proposed hotel, shall be connected into the City’s street synchronization system to the satisfaction of the City Engineer or designee.

~~36. Sandpiper Drive, at a minimum, shall be constructed from Yosemite Avenue north to “Children’s Avenue”. Upon completion of the traffic signal at G Street and Project Driveway 1, north of the proposed hotel, Sandpiper Drive shall be constructed to Project Driveway 1. Prior to the issuance of any occupancy permit for any of the multi-family residential buildings, the two office buildings at the northern portion of the project site, or the hotel, Sandpiper Drive shall be constructed in its entirety to connect to Mercy Avenue.~~

36. The following improvements depicted on the Vesting Tentative Map shall be constructed by the applicant consistent with the phasing shown on page 3 of the Vesting Tentative Map attached as Exhibit “B”:

Phase 1: The G Street frontage for Phase 1 and Sandpiper Avenue up to the north line of the driveway of Phase 1.

Phase 2: Sandpiper Avenue from the driveway of Phase 1 to the north property line of Phase 2.

Phase 3: G Street frontage north of the traffic signal, the traffic signal itself, the interior private road between Phase 3 and Phase 4, and Sandpiper Avenue up to the north line of the interior private road.

Phase 4: The remaining frontage on G Street, the remaining portion of Sandpiper Avenue to the end of the north property line of Phase 4.

If development occurs out of sequence, the foregoing improvements will be constructed as reasonably directed by the City Engineer.

37. Safe pedestrian access from the multi-family residential portion of the project to the commercial portions of the site shall be provided.

38. In the event that the parcels of the subject site are ever subdivided or modified, in the manner suggested by the site plan or otherwise, cross-access and use agreements shall be put into place such that parking for all uses meets or exceeds City standards.

39. The entire development should be designed with a similar or complimentary aesthetic to the renderings shown at Attachment F of Planning Commission Staff Report #19-29.

40. For any illuminated signs placed above the ground floor, all illumination shall be located and directed in such a manner that light does not spill over to the east or north. Prior to installation, illuminated signs shall be approved by the Planning Manager or designee, and may require an analysis of lumens or other measurements of illumination as deemed necessary. Monument signs are not subject to this condition.

Findings and Considerations
Planning Commission Resolution #4046
Vesting Tentative Subdivision Map #1314

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed Vesting Tentative Subdivision Map (VTSM) conforms with the General Plan designation of Neighborhood Commercial (CN) and zoning of Planned Development (P-D) #72. The VTSM carries forward the project approved on January 21, 2020: General Plan Amendment (GPA) #19-03 and Site Utilization Plan (SUP) Revision #3 to Planned Development #72.

The SUP Revision included changes to a number of aspects of Planned Development #72, including a four-story, 128-room hotel of approximately 80,104 square feet, and two medical office buildings totaling approximately 66,465 square feet. It also included 44 Units of Multi-Family Residential Housing totaling approximately 29,887 square feet, fast food uses with drive-through windows totaling approximately 5,494 square feet, and a mixed-use development with approximately 59,616 square feet of other retail and office uses.

Traffic/Circulation

- B) The project site is located at the northeast corner of Yosemite Avenue and G Street. The VTSM introduces minor changes to the layout of the project that should not cause significant variation in the traffic analysis prepared for the GPA and SUP Revision. The off-site improvements necessitated by this project, including improvements to G Street and the extension of Sandpiper Avenue, have timing requirements based on the new phasing plan for the project (Condition #36 of Exhibit A of Planning Commission Resolution #4046).

Parking

- C) Parking for the site is altered slightly by the changes in site layout introduced by the VTSM. Staff believes that, with proper cross-access and use agreements in place, the changes still meet and exceed the parking needs for the proposed uses.

Public Improvements/City Services

- D) Water

There is a 16-inch water line in Yosemite Avenue and another 16-inch line in G Street to serve the project site. The City's water supply would be sufficient to serve the proposed project.

Sewer

An 18-inch sewer line exists in Yosemite Avenue which flows to G Street, then continues out to the Waste Water Treatment Plant (WWTP). The G Street sewer line is 27 inches

wide at the project location. There is sufficient capacity at the WWTP, and the existing lines in Yosemite Avenue and G Street have enough capacity during peak hours to accommodate the additional wastewater and transmit it to the WWTP for processing.

Stormwater

A 24-inch storm drain exists in G Street. The project would be required to retain storm water onsite or in the collection basin to the east of the site that is part of P-D #72, and meter it into the City's system. If the project's stormwater conveyance system traverses the Merced Irrigation District's Sells Lateral located just south of Cottonwood Creek, an appropriate "Crossing Agreement" must be executed.

Site Design

- E) The project site is bounded by Yosemite Avenue to the south, G Street to the west, the future extension of Sandpiper Avenue to the east, and approximately a hypothetical extension of University Avenue or Bobolink Court to the north. For clarity, Sandpiper Avenue is projected to extend between Yosemite Avenue and Mercy Drive during the lifespan of this project, while neither Yosemite Avenue nor Bobolink Court have such projections and are mentioned for the purpose of illustration only.

As proposed, the project site is divided into 17 lots. These lots are divided into phases as follows:

- Phase 1: Retail, Bank, Restaurant, Fast Food, Gas Station and Convenience Mart
 - Lots 1, 2, 3, 4, 9, and 10
- Phase 2: Office, Restaurant
 - Lots 5, 6, 7, 8, 11, and 12
- Phase 3: Hotel and Multi-Family Residential
 - Lots 13, 14, and 15
- Phase 4: Medical Office
 - Lots 16 and 17

Staff believes that this phasing plan represents a sensible path for the project to follow, starting with the likely fastest-developing parcels near the corner of Yosemite Avenue and G Street and expanding into the property over time, capturing different segments as it expands. Allowing the site to add retail uses and other attractive businesses prior to introducing the multi-family housing element also makes the site more appealing to potential residents and by adding residents creates on-site demand for additional services, which is valuable to both businesses and residents alike.

Neighborhood Impact/Interface

- F) As previously described, the project site is bordered on the east by residential uses, as well as Merced College to the west across G Street. The VTSM does not propose to modify the uses approved in the GPA and SUP Revision.

Public hearing notices were sent to all property owners within 300 feet of the site. To date, staff has not received any comments.

Tentative Subdivision Map Requirements

- G) Per Merced Municipal Code (MMC) Section 18.16.080 – Information Required, a tentative subdivision map shall include all of the requirements shown at Attachment 6 of Staff Report 20-451. 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. Staff did not receive any comments regarding this application.

Signage

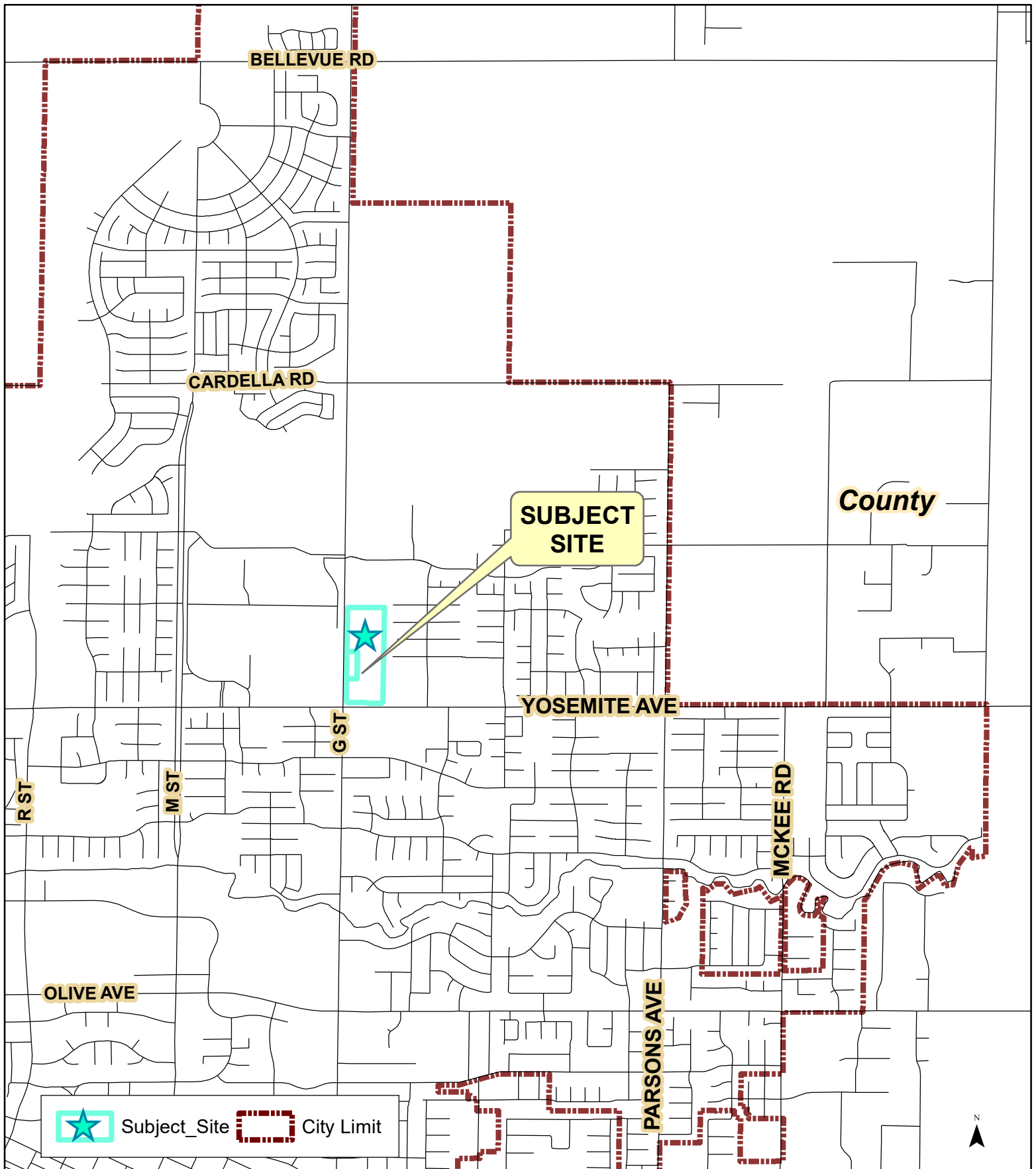
- H) All signs on the site would be required to comply with the approved Master Sign Plan, the North Merced Sign Ordinance and the Neighborhood Commercial sign regulations (Condition #11), as well as Condition #40 dealing with illumination. Final sign/design details will be addressed by staff at the Site Plan Review phase.

Environmental Clearance

- I) The Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and concluded that Environmental Review #20-13 is a second tier environmental document, based upon the City's determination that the proposed development remains consistent with the previously adopted Initial Study #19-28 and provisions of CEQA Guidelines, Section 15162 (previous environmental review for General Plan Amendment #19-03 and Site Utilization Plan SUP Revision #3 to Planned Development #72). A copy of the Section 15162 Findings can be found at Attachment 4 of Planning Commission Staff Report #20-451.

Legislative Action Agreement

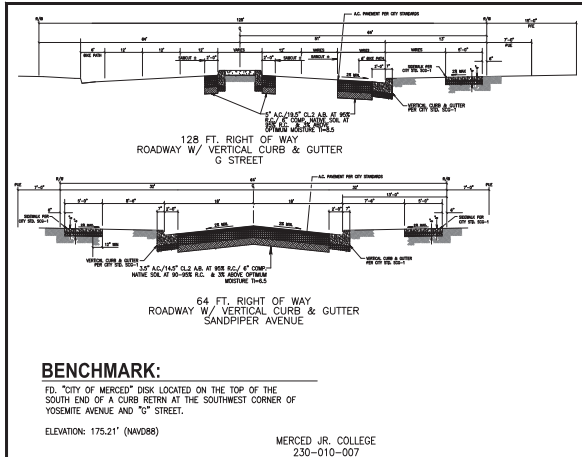
- J) For the Vesting Tentative Subdivision Map to proceed, an amendment to the existing agreement is necessary in order to both meet the infrastructure needs of the City of Merced and the viability of the site to the developer. The most recent agreement references previous agreements that have several outdated, contradictory, or infeasible requirements, schedules, and terms. The amendment removes these issues, adds a new phasing requirement tying the off-site improvements required to the phased development of the parcels, and generally removes unnecessary language that the developer believes has the potential to deter potential tenants from locating on the subject site. The amendment proposes to unify all conditions in this single agreement, superseding all previous agreements.



Disclaimer: This document was prepared for general inquiries only. The City of Merced is not liable for errors or omissions that might occur. Official information concerning specific parcels should be obtained from recorded or adopted City documents.

LOCATION MAP





BENCHMARK:

TO: "CITY OF MERCED" DISK LOCATED ON THE TOP OF THE SOUTH END OF A CURB RETAIN AT THE SOUTHWEST CORNER OF YOSEMITE AVENUE AND "G" STREET.
ELEVATION: 175.21' (NAVD88)
MERCED JR. COLLEGE
250-010-007

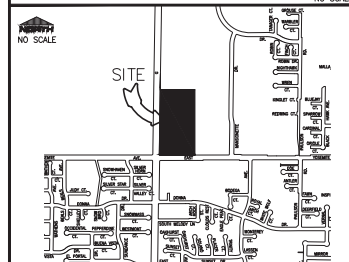
SURVEY LEGEND:

AC	ASPHALT	MH	MANHOLE	ARROWS	STRIPING
BOW	BACK OF SIDEWALK	(N)	NORTH	DR	DRAINAGE MANHOLE
C OR CONC	CONCRETE	OD	OUTSIDE DIAMETER	FI	FIRE HYDRANT
CB	CATCH BASIN	OG	ORIGINAL GROUND	GW	GUY WIRE
CE	CONCRETE EDGE	PP	POWER POLE	SMH	SEWER MANHOLE
E	CENTERLINE	(S)	SOUTH	SN	SIGN - AS NOTED
CR	CROWN OF ROAD	SMH	SEWER MANHOLE	SL	STREET LIGHT
DMH	DRAINAGE MANHOLE	TC	TOP OF CURB	TL	TRAFFIC LIGHT - SHORT
DT	DIRT	(W)	WEST	UP	UTILITY POLE
DTM	DRAINAGE MANHOLE			TR	TREE - DECIDUOUS
DTT	DIRT TOE			TE	TREE - EUCALYPTUS
DYLT	DAY LIGHT			TO	TREE - OAK
(E)	EAST				
ELEV	ELEVATION				
EP	EDGE OF PAVEMENT				
FL	FLOW LINE				
G	GROUND				
GE	GRASS EDGE				
GB	GRADE BREAK				
IB	IRRIGATION BOX				
ID	INSIDE DIAMETER				
INV	INVERT				
LA	LANDSCAPE AREA				
LIP	LIP OF GUTTER				

LEGEND:

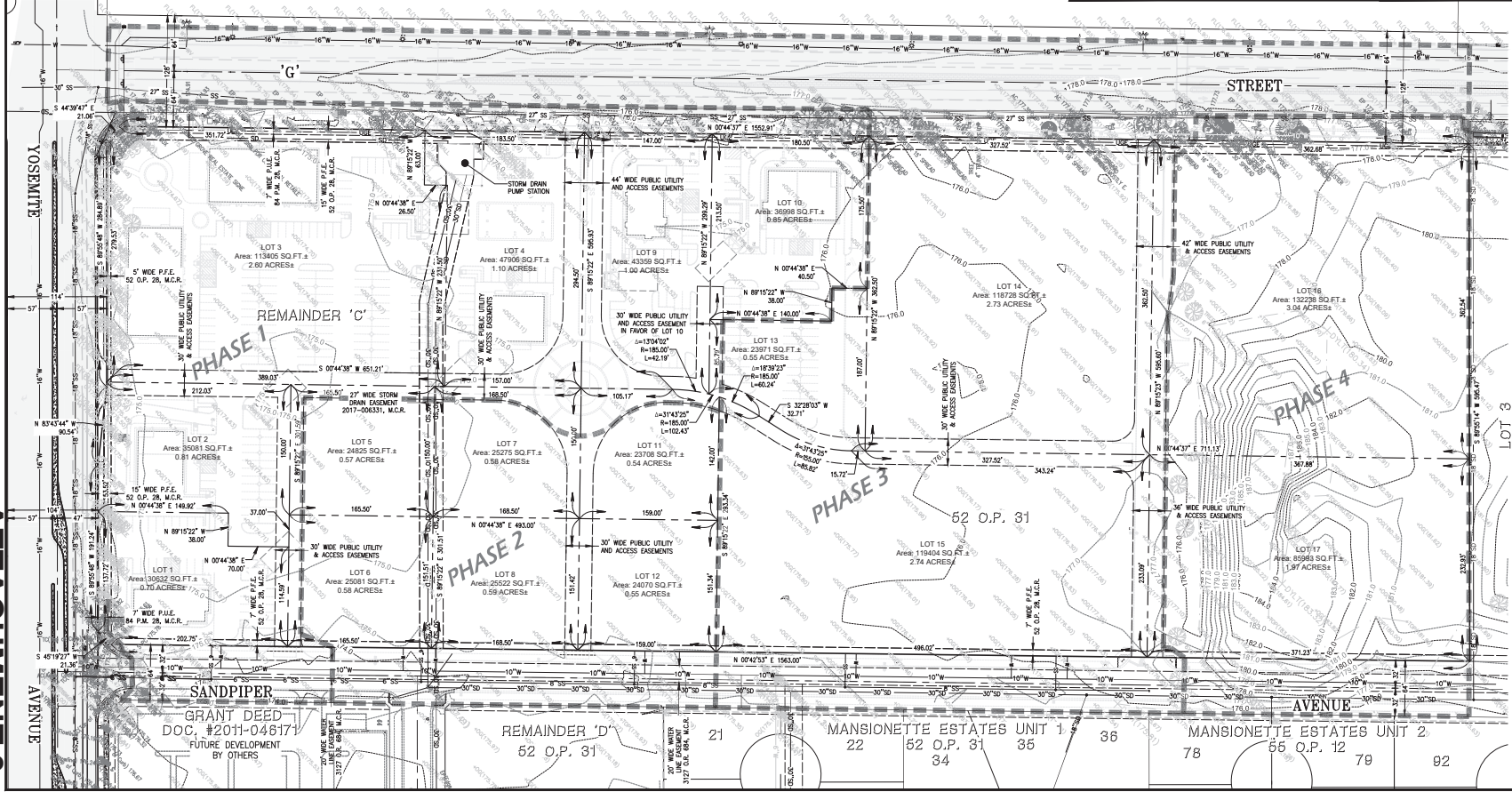
---	PROPERTY LINE
---	NEIGHBORING PROPERTY LINE
---	EASEMENT LINE
---	CENTER LINE OF EASEMENT
---	EXISTING WATER LINE
---	EXISTING SEWER LINE
---	EXISTING STORM LINE

VICINITY MAP:



TENTATIVE MAP NOTES:

- INFORMATION REQUIRED PER MERCED MUNICIPAL CODE SECTION 18.16.080
1. LOCATION MAP AS SHOWN HEREON.
 2. TRACT NAME, DATE, NORTH ARROW, SCALE, AND LEGAL DESCRIPTION AS SHOWN HEREON.
 3. OWNER: YOSEMITE & G, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY
155 W. SHAW AVE., #104
FRESNO, CA 93711
(559) 222-5768
 4. SUBDIVIDER: SAME AS ABOVE
 5. MAP PREPARED BY: GOLDEN VALLEY ENGINEERING & SURVEYING, INC.
405 W. 10TH STREET
MERCED, CA 95341
(209) 722-3200
 6. ACREAGE: APPROXIMATELY 21.5 ACRES (800SS)
 7. CONTOUR SHOWN.
 8. LOCATIONS, NAMES, WIDTHS, RATES OF CURVES AND GRADES OF ALL EXISTING AND PROPOSED ROADS, STREETS IN AND ADJACENT TO THE PROPOSED SUBDIVISION AS SHOWN.
 9. NO PROTECTIVE COVENANTS PROPOSED AT THIS TIME. PROTECTIVE COVENANTS TO BE REDUCED WITH FINAL MAP, IF ANY.
 10. LOCATION AND DESCRIPTION OF ALL EASEMENTS AS SHOWN HEREON.
 11. LOCATION AND SIZE OF ALL EXISTING AND PROPOSED UTILITIES AS SHOWN HEREON.
 12. SOURCE DISPOSAL BY CITY OF MERCED FACILITIES: STORM WATER DISPOSAL BY EXISTING SYSTEM TO CITY OF MERCED FACILITIES ADJACENT TO PROJECT SITE.
 13. NO PUBLIC OPEN SPACE EXISTS WITHIN OR ADJACENT TO THE PROPOSED SUBDIVISION.
 14. LOT LAYOUT, APPROXIMATE DIMENSIONS AND AREA OF EACH IRREGULAR LOT AND LOT NUMBERS AS SHOWN.
 15. ZONE PLANNED DEVELOPMENT
 16. APPROXIMATE BEARINGS AND DISTANCES TO NEAREST 1/4 SECTION CORNER AS SHOWN HERE ON.
 17. PROPOSED PUBLIC IMPROVEMENTS PER CITY STANDARDS.
 18. DEVELOPMENT PHASE: THE OWNER RESERVES THE RIGHT TO PHASE THIS PROJECT IN ACCORDANCE WITH THE PROVISIONS OF THE STATE SUBDIVISION MAP ACT.
 19. EXISTING USE AND OWNERSHIP OF LAND IMMEDIATELY ADJACENT TO SUBDIVISION AS SHOWN HEREON.
 20. PRELIMINARY TITLE REPORT TO BE SUBMITTED WITH TENTATIVE MAP.
 21. EXISTING TREES SHOWN.
 22. AREAS OF 0.25 ANNUAL CHANCE FLOODS: AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 ACRE ARE SHOWN AND AREAS PROTECTED BY LEVEES FROM THE ANNUAL CHANCE FLOOD. THE SITE IS WITHIN FLOOD ZONE "X" FOR FLOOD MAP NUMBER D0420429 G EFFECTIVE DATE: DECEMBER 2, 2009 PREPARED BY: E.J.M.A.



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PREPARED BY:

GOLDEN VALLEY ENGINEERING & SURVEYING
405 West 10th Street
Merced, CA 95341
P.O. Box 349
Merced, CA 95341
Ph: (209) 722-3200
Fax: (209) 722-3254

No.	Date	Description

1. A tentative map is a preliminary map of a proposed subdivision of land. It is not a final map and should not be used for any purpose other than to show the general location and boundaries of the proposed subdivision. It is subject to change without notice.

VESTING TENTATIVE MAP
"G" STREET & YOSEMITE AVENUE
231-040-004

STATE OF CALIFORNIA
CITY OF MERCED

SHEET CONTENTS:
VESTING TENTATIVE MAP

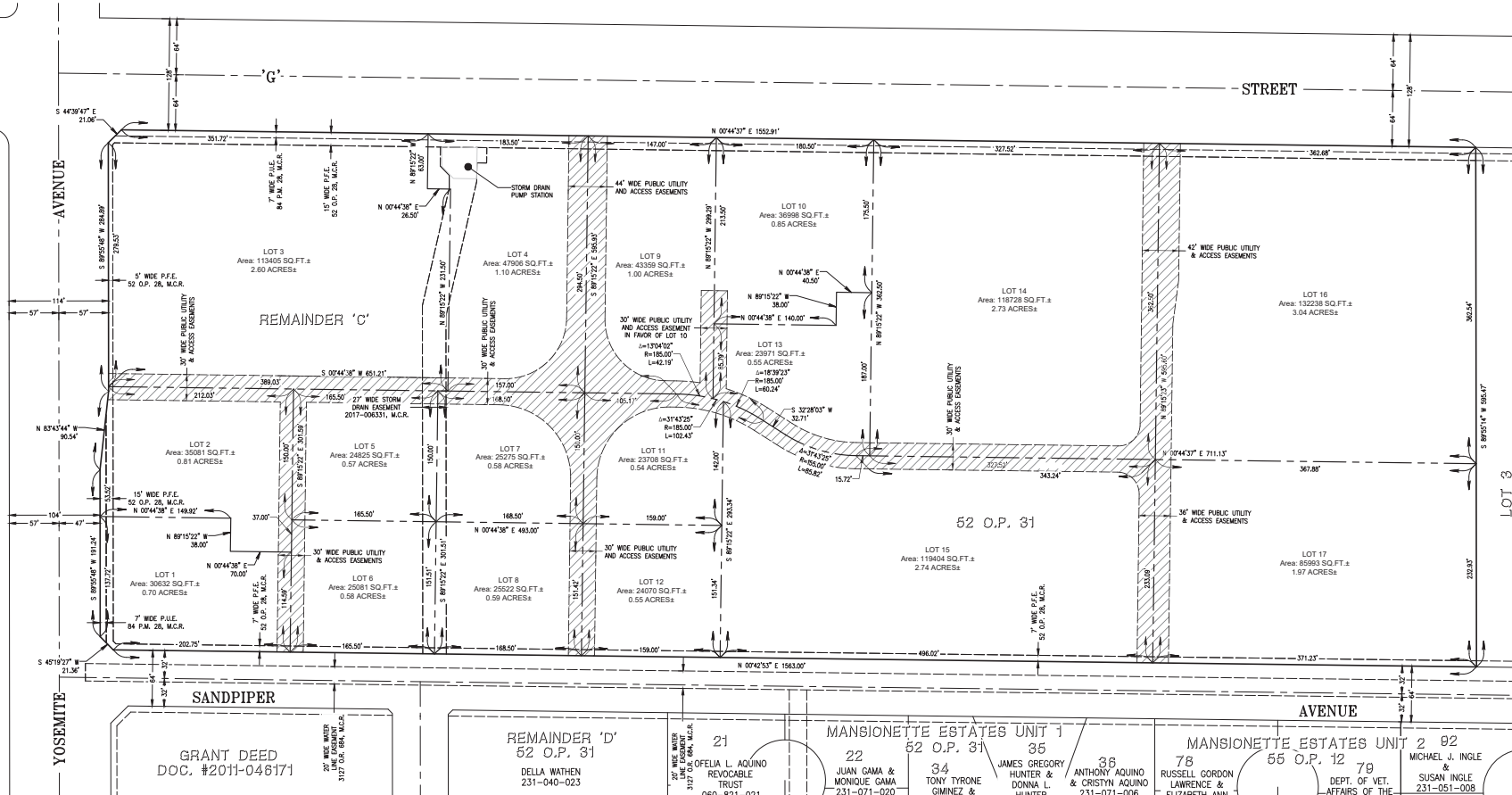
PREPARED FOR:
YOSEMITE & G LLC
ATTN: NEIL ANGELLILLO
1155 W. SHAW AVE., #104
FRESNO, CA 93711
PH: (559) 222-5768

PROJECT DATA:
Date: 3/16/2020
Checked By: JX
Drawn By: TB
Job No.: 19250
SHEET NUMBER:

Know what's below.
Call before you dig.
1-800-227-2600

811

MERCED JR. COLLEGE
230-010-007



BENCHMARK:

- PROPERTY LINE
- NEIGHBORING PROPERTY LINE
- EASEMENT LINE
- CENTER LINE OF EASEMENT
- PROPOSED PROPERTY LINE

PROPOSED PUBLIC UTILITY AND
ACCESS EASEMENT

REMAINDER 'D'
52 O.P. 31
DELLA WATHEN
231-040-023

21
OFELIA L. AQUINO
REVOCABLE
TRUST
060-821-021

MANSIONETTE ESTATES UNIT 1
52 O.P. 31
JUAN GAMA &
MONIQUE GAMA
231-071-020
34
TONY TYRONE
GIMINEZ &
TRACY ANN
GIMINEZ
231-071-008

35
JAMES GREGORY
HUNTER &
DONNA L.
HUNTER
060-821-007
36
ANTHONY AQUINO
& CRISTYN AQUINO
231-071-006

MANSIONETTE ESTATES UNIT 2
55 O.P. 12
78
RUSSELL GORDON
LAWRENCE &
ELIZABETH ANN
LAWRENCE
231-051-022
79
DEPT. OF VET.
AFFAIRS OF THE
STATE OF CA.
231-051-021

82
MICHAEL J. INGLE
&
SUSAN INGLE
231-051-008

LOT 3
86 P.M. 48
DENNY HEATH
231-040-003

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defined by the State of California. They are not to be used
for any other purpose without the express written consent of
Golden Valley Engineering & Surveying, Inc.

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PREPARED BY:

GOLDEN VALLEY
ENGINEERING & SURVEYING
405 West 19th Street
Merced, CA 95340
P.O. Box 349
Merced, CA 95341
Ph: (209) 722-3200
Fax: (209) 722-3254

No.	Date	Description

1. In the event of a conflict between the printed text of these drawings and the notes hereon, the notes shall govern.

2. The drawings shall be read in conjunction with the specifications and conditions of contract.

3. The drawings shall be read in conjunction with the specifications and conditions of contract.

4. The drawings shall be read in conjunction with the specifications and conditions of contract.

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**The California Environmental Quality Act
(CEQA) Section 15162 Findings:**

Application: Tentative Subdivision Map #1314 – Environmental Review #20-13

Assessor Parcel Number or Location: Assessor's Parcel Numbers (APN): 231-040-004 & 231-040-005

Previous Initial Study/EIR Reference: Initial Study #19-28 for General Plan Amendment #19-03 and Site Utilization Plan Revision #3 for Planned Development #72.

Original Project Date: General Plan Amendment #19-03 and Site Utilization Plan Revision #3 for Planned Development #72 were adopted on January 21, 2020.

Section A - Previous Studies

- | | | |
|--|--------------------------|-------------------------------------|
| | Yes | No |
| 1. Substantial changes are proposed in the project that will require major revisions of the previous project EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment/Finding: The proposed Tentative Subdivision Map would subdivide 21.5 acre of land into 17 lots. The General Plan and Zoning designations remain consistent with the original environmental review (#20-13), and the proposed lots follow the GPA and SUP Revision's plan.

- | | | |
|--|--------------------------|-------------------------------------|
| | Yes | No |
| 2. Substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment/Finding: There have been no changes in the circumstances under which the project is undertaken that would require major revisions in the previous EIR. There are no new significant environmental effects or substantial increases in the severity of previously identified environmental effects.

- | | | |
|---|--------------------------|-------------------------------------|
| | Yes | No |
| 3. New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, has been revealed? (If "Yes" is checked, go to Section "B" below) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment/Finding: There is no new information of substantial importance that was not known and could not have been known with the reasonable diligence at the time the previous EIR was adopted.

Section B - New Information

A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration.

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

B) Significant effects previously examined will be substantially more severe than shown in the previous EIR.

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment/Finding: The proposed Tentative Subdivision Map proposed on these parcels follows through with and complies with the stated plan in the GPA and SUP Revision, no new information is present as a result of this application.

On the basis of this evaluation, in accordance with the requirements of Section 15162 of the CEQA Guidelines:

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | 1. It is found that subsequent negative declaration will need to be prepared. |
| <input type="checkbox"/> | 2. It is found that an addendum Negative Declaration will need to be prepared. |
| <input type="checkbox"/> | 3. That a subsequent EIR will need to be prepared. |
| <input checked="" type="checkbox"/> | 4. No further documentation is required. |

Date: July 23, 2020

Prepared By:



Michael Hren, AICP
Principal Planner

RECORDING REQUESTED BY:

City of Merced, A California charter municipal corporation

WHEN RECORDED MAIL TO:

City of Merced
City Clerk
678 West 18th Street
Merced, California 95340

(Above for Recorder's Use Only)

LEGISLATIVE ACTION AGREEMENT

THIS AGREEMENT is made and entered into as of this ____ day of August, 2020, by and between the City of Merced, a California Charter Municipal Corporation ("City") and Yosemite and G, LLC, a California limited liability company ("Owner").

WITNESSETH

WHEREAS, Owner applied to the City for a General Plan Amendment and Site Utilization Plan Revision for two (2) parcels containing approximately 21.5 acres located at the northeast corner of Yosemite Avenue and G Street, and as legally described on Exhibit "A" attached hereto and incorporated herein by this reference and as depicted on Vesting Tentative Map attached hereto as Exhibit "B" and incorporated herein by this reference; and,

WHEREAS, Owner has applied to the City for the approval of the Vesting Tentative Map attached as Exhibit "B"

WHEREAS, City has granted on January 22, 2020 the General Plan Amendment, the Schematic Master Site Plan 1.11 and the Site Utilization Plan Revision by City Council Resolution 2020-03 provided that certain conditions are met in the Legislative Action Agreement dated January 21, 2020 by and between City and Owner ("Prior Legislative Action Agreement").

WHEREAS, the parties desire to supersede the Prior Legislative Action Agreement as more particularly hereinafter provided and to approve the Vesting Tentative Map attached hereto

as Exhibit "B";

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representations contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and agreed, the parties hereto agree as follows:

1. The City acknowledges that it has approved the Vesting Tentative Map attached hereto as Exhibit "B".
2. Owner, for himself and all successors thereto, agrees to pay all City and school district fees, taxes, and/or assessments in effect on the date of subdivision and/or permit approval, any increase in those fees, taxes, and/or assessments, and any new fees, taxes, and/or assessments which are in effect at the time the water/sewer connection and/or building or encroachment permits are issued, which may include public facility impact fees, other impact fees as applicable, and any Mello-Roos taxes-whether for infrastructure, services, or any other activity or project authorized by the Mello- Roos law, etc., and to comply with the Conditions of Approval attached hereto and incorporated herein by this reference as Exhibit "C" ("Conditions of Approval"). Payment shall be made at the time of building permit issuance unless an Ordinance or other requirement of the City mandates or permits payment of such fees, taxes, and/or assessments at an earlier or subsequent time.
3. Owner desires to comply with the Conditions of Approval and acknowledges that the conditions are necessary to mitigate the environmental impact caused by Owner's development or are necessary to offset the costs to the City generated by Owner's development including sewer connection costs pursuant to Chapter 15.16 of the Merced Municipal Code.
4. Owner agrees to pay all sewer connection costs imposed by the City as delineated in Section 15.16.070 of the Merced Municipal Code and to pay all other costs required by Chapter 15.16 of the Merced Municipal Code, except as specifically agreed, if at all, in a written agreement with the City.
5. The Owner shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and its/their 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, Owner shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the Owner 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 Owner 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.

6. No building permit or other permit shall be issued that is not in compliance with this Agreement.

7. It is expressly agreed that this Agreement is not intended to limit the power of the City to impose other requirements, limitations, or fees, etc., as a condition of development, and does not relieve the Owner from complying with all other requirements that may be imposed as a condition of development, whether now in existence or hereinafter imposed by the City whether by zone change, subdivision map approval, ordinance, resolution, use permit, or otherwise. The parties agree that this Paragraph does not apply to the approval of the final map and issuance of building permits for project(s) subject to this Agreement on the property described in Exhibit "A."

8. To the extent allowed by law, the conditions of this Agreement constitute covenants running with the land, and shall be enforceable by the City or by any present or future owner of any of the land described in Exhibit "A."

9. Owner agrees to comply with and abide by all conditions set forth by the City relating to the development of the property subject to this Agreement, including the installation of all required public improvements and the Master Sign Program approved as part of the Conditional Use Permit #1241, approved by the Merced Planning Commission on May 20, 2020.

10. In the event that either City or the Owner shall at any time or times waive any breach of this Agreement by the other, such waiver shall not constitute a waiver of any other or succeeding breach of this Agreement, whether of the same or any other covenant, condition or obligation. Waiver shall not be deemed effective until and unless signed by the waiving party.

11. This Agreement and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this agreement shall be held exclusively in a state court in the County of Merced.

12. This Agreement shall not be amended, modified, or otherwise changed unless in writing and signed by both parties hereto.

13. This Agreement constitutes the entire understanding and agreement of the parties and supersedes all previous and/or contemporaneous understanding or agreement between the parties with respect to all or any part of the subject matter hereof. The following instruments are expressly superseded: (i) Development Agreement by and between City of Merced and Della Wathen, individually, and Della Wathen as Trustee of the Spaulding G. Wathen Q-Tip Trust dated August 2, 2010 and recorded August 10, 2010 as Instrument No. 2010-030606, Official Records, a copy of which is attached hereto as Exhibit "D"; (2) Development Agreement by and between the City of Merced and the Prior Developer and recorded January 17, 2012, recorded January 25, 2012 as Instrument No. 2012-002753, Official Records, a copy of which is attached hereto as Exhibit "E"; (3) Agreement (Deferment of Construction) by and between City of Merced and Spaulding G. Wathen and Della Wathen Dated November 30, 1989, recorded December 1, 1989, as Instrument No. 31271 in Book 2788, Page 553 of Official Records, as modified by Partial Termination of Agreement, recorded April 22, 2010 as Instrument No. 2010-015023 in Official Records, and Partial Termination of Agreement, recorded August 28, 2017 as Instrument No. 2017027795, Official Records, a copy of which is attached hereto as Exhibit "F"; and (4) Prior Legislative Action Agreement.

14. This Agreement may be executed in counterparts which, when taken together, constitute one (1) original.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first above written.

CITY OF MERCED
A California Charter Law Municipal Corporation

BY: _____
Interim City Manager

ATTEST:
STEPHANIE DIETZ, INTERIM CITY CLERK

BY: _____
Assistant/Deputy City Clerk

APPROVED AS TO FORM:

BY: _____
City Attorney Date

ACCOUNT DATA:

BY: _____
Verified by Finance Officer

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first above written.

OWNER
YOSEMITE AND G, LLC,
A California Limited Liability Company

BY: _____
Print Name: _____
Its: _____

ADDRESS:

TELEPHONE:

FAX:

E-MAIL:

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

EXHIBIT "A"
LEGAL DESCRIPTION

"Remainder C" of Final Map No. 5233, amended map for Mansionette Estates Unit 1, according to the map filed July 13, 2000 in Book 52, Pages 31, 32 and 33 of Official Plats, Merced County Records.

Assessor's Parcel Numbers (APN) 231-040-004, and 231-040-005.

EXHIBIT “B”

VESTING TENTATIVE MAP

(3 pages attached)

EXHIBIT “C”
Conditions of Approval

Note: The Conditions of Approval are based on Planning Commission Resolution # 4034, for General Plan Amendment #19-03 and Site Utilization Plan #3 to Planned Development (PD) #72 (“Prior Conditions of Approval”); Changes to such Prior Conditions of Approval are indicated by Strike Through (Deletions) and Bold Underline (Additions). It is the parties intention that the Conditions of Approval attached hereto shall supersede and replace in their entirety the Prior Conditions of Approval.

1. The proposed General Plan Amendment and SUP Revision shall be constructed/designed in substantial compliance with the Site Plan, Rendering, and Typical Elevations and Floor Plans (Attachments D, E, and F of Planning Commission Staff Report #19-29), except as modified by the conditions.
2. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
3. The Project shall comply with the applicable conditions set forth in Resolution #2974 for General Plan Amendment #10-02 and Zone Change #410 previously approved for this site, **except as amended by these conditions.**
4. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
5. Approval of the General Plan Amendment and Site Utilization Plan Revision is subject to the applicant's entering into a written (developer) agreement that they agree to all the conditions and shall pay all City and school district fees, taxes, and/or assessments, in effect on the date of any subsequent subdivision and/or permit approval, any increase in those fees, taxes, or assessments, and any new fees, taxes, or assessments, which are in effect at the time the building permits are issued, which may include public facilities impact fees, a regional traffic impact fee, Mello-Roos taxes—whether for infrastructure, services, or any other activity or project authorized by the Mello-Roos law, etc. Payment shall be made for each phase at the time of building permit issuance for such phase unless an Ordinance or other requirement of the City requires payment of such fees, taxes, and or assessments at an earlier or subsequent time. Said agreement to be approved by the City Council prior to the adoption of the ordinance, resolution, or minute action.
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 (with counsel selected by the City), 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 such governmental entity. 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. De-annexation from the existing Maintenance District and Annexation to Community Facilities District (CFD) #2003-2 is required for annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, streetlights, parks and open space. CFD procedures shall be completed prior to any final map approvals or issuance of any building permits, whichever comes first. 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.

9. The project shall comply with all mitigation measures outlined in the Mitigation Monitoring Program for Initial Study #19-28 (Attachment H of Planning Commission Staff Report #19-29) and all applicable mitigation measures outlined in the Mitigation Monitoring Program for Initial Study #10-06 (Appendix C of Initial Study #19-28, Attachment G of Staff Report #19-29).

10. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.

11. All signs shall comply with the Master Sign Program approved as a part of Conditional Use Permit #1241, approved by the Merced Planning Commission on May 20, 2020, and with the North Merced Sign Ordinance and Section 20.62.040 (B)(2) of the City's Zoning Ordinance for signs in a Neighborhood Commercial (C-N) zone.

12. The applicant shall construct and/or repair all missing improvements along the property frontage on Yosemite Avenue and G Street including, but not limited to, sidewalk, curb, gutter, street lights, and street trees.

13. All necessary right-of-way along the property frontage, including Yosemite Avenue, G Street, and Sandpiper Avenue needed for public improvements shall be dedicated prior to the issuance of the first building permit or recordation of a parcel map, whichever comes first.

14. Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access.

15. Parking lot trees shall be installed per City Parking Lot Landscape Standards and Section 20.38.070 (F). At a minimum, parking lot trees shall be provided at a ratio of one tree for every six parking spaces. Trees shall be a minimum of 15-gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City's approved tree list).

16. All projects on this site shall comply with Post Construction Standards in accordance with the requirement for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System). Applicant may fulfill this requirement by contributing its "Fair Share" to the CFD of the cost for treatment facilities that will treat the stormwater generated by the entire service area. Applicant's "Fair Share" will be based on the applicant's percentage of discharge within the service area.
17. Prior to issuance of the first grading/building permit for any project on the site, the applicant shall demonstrate compliance with San Joaquin Valley Air Pollution Control District Rule 9510 to the Planning Department. Changes to the site plan resulting from compliance with Rule 9510 are subject to review by City Staff or the Planning Commission, as determined by the Director of Development Services.
18. Bicycle parking for all projects on the site shall meet the minimum requirements of the California Green Building Code and Merced Municipal Code Section 20.38.080.
19. All landscaping on the site shall be in compliance with the City's Water Efficient Landscaping and Irrigation Ordinance (Merced Municipal Code Section 17.60) and all state-mandated conservation and drought restrictions as well as the City's Zoning Ordinance Section 20.36 – Landscaping.
20. Irrigation for all onsite landscaping shall be provided by a low-volume 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.
21. All landscaping in the public right-of-way shall comply with the most recently adopted water regulations by the State and City addressing water conservation measures. If turf is proposed to be installed in medians or park strips, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed.
22. For buildings over 30 feet tall, a minimum 26-foot-wide drive aisle shall be provided for emergency vehicle access. The developer shall work with the Fire Department to determine the areas that need the 26-foot-wide drive aisle. An emergency access lane made of an all-weather surface shall be constructed to the south of the southernmost multi-family building. This lane shall either be able to meet the turnaround needs of emergency vehicles if it is 150 feet long or more, or it shall be less than 149 feet long but still meet the needs of emergency access for the residential building. In the event that the southernmost residential building is 30 feet tall or less, this path shall be a minimum of 22 feet wide. If the southernmost residential building is more than 30 feet tall, the path shall be a minimum of 26 feet wide. These details shall be confirmed as acceptable by the Fire Chief or designee prior to the issuance of occupancy permits for any of the multi-family residential buildings.
23. A fire control room may be required for the buildings on the site. The applicant shall work with the Fire Department to determine the location of the fire control room. Additional fire control rooms may be required at the discretion of the Fire Chief.
24. Each building shall be provided with a Fire Department Connection.
25. Buildings that do not provide an elevator (other than a freight elevator) shall be provided with an additional exit. The developer shall work with the Chief Building Official to determine the number of exits required for each building.

26. A minimum turning radius of 33 feet inside, curb-to-curb, and 49 feet wall-to-wall for fire apparatus access must be provided throughout the project site or as required by the Fire Department.

27. All storm water shall be either (a) retained onsite and metered out to the City's storm water system or (b) directed to the basin immediately to the east of the project site in accordance with City Standards, subject to a storm drain plan approved by the City Engineer. The applicant shall submit calculations to the City showing, to the satisfaction of the City Engineer or designee, that the basin to the east of the project site has enough capacity for the proposed plans.

28. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.

29. All parking lot and other exterior lighting shall be oriented in such a way so that it does not spill over onto adjacent properties.

30. Containers for refuse and recycled goods shall be stored in enclosures that are designed with colors compatible with the buildings and shall be constructed to meet City Standards. At the Building Permit stage, the developer shall work with the City Refuse Department to determine the best location for these enclosures to ensure proper access is provided for City Refuse Trucks as well as the number of containers needed to adequately serve the site. Use of a trash compactor should be considered to reduce the number of pick-ups per week.

31. All construction activity shall be conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. For construction in the public right-of-way, activity shall be conducted between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday. Work in the public right-of-way on Saturday may take place if approved by the City Engineer and an Engineering Inspector is present.

32. All walking paths, bicycle and vehicle parking areas, and recreational areas shall be provided with sufficient lighting to ensure a safe environment.

33. All mechanical equipment shall be screened from public view.

34. Instead of the typical requirements for additional Conditional Use Permits and Site Plan Review for interface, this Site Utilization Plan process will address interface regulations, additional review, and permissibility of specific uses in Planned Development #72. These modifications apply in the portions of Planned Development #72 covered by the subject site parcels (Assessor's Parcel Number 231-040-004 and 231-040-005) in the following manner, taking into consideration that the adjacency of parcels may change in the event of parcel modifications in the future:

a. Multi-family housing will require a Site Plan Review Permit rather than a Conditional Use Permit, and if on a parcel abutting or across from (per the definitions in Section 20.32.020 of the Zoning Ordinance) a property with R-1 zoning, will require a publicly noticed public hearing at the Site Plan Review meeting per Section 20.32 of the Zoning Ordinance; and,

b. The hotel, rather than being "use not allowed", shall require a Site Plan Review Permit rather than a Conditional Use Permit, and if on a parcel abutting or across from (per the definitions in Section 20.32.020 of the Zoning Ordinance) a property with R-1 zoning, will require a publicly noticed public hearing at Site Plan Review meeting per Section 20.32 of the Zoning Ordinance, but will not require an additional Conditional Use Permit; and,

c. Restaurants selling alcohol for consumption on-site will require only a Site Plan Review Permit use without further requirement for a Conditional Use Permit or public hearing for interface considerations; and,

d. Gas and service stations will require only a Site Plan Review Permit without further requirement for a Conditional Use Permit unless the gas and service station wishes to sell alcohol, in which case a Conditional Use Permit is required, and a letter of Public Convenience and Necessity may be required, but an additional public hearing for interface consideration is not required; and,

e. Day care centers require only a Site Plan Review Permit without further requirement for a Minor Use Permit or public hearing for interface considerations; and,

f. Drive-through and drive-up sales require only a Site Plan Review Permit without further requirement for a Conditional Use Permit or public hearing for interface considerations; and,

g. General retail uses, professional offices, restaurants, and banks require only a Site Plan Review Permit without further requirement for a public hearing for interface considerations.

35. The traffic signal at G Street and Project Driveway 1, north of the proposed hotel, shall be connected into the City's street synchronization system to the satisfaction of the City Engineer or designee.

~~36. Sandpiper Drive, at a minimum, shall be constructed from Yosemite Avenue north to "Children's Avenue". Upon completion of the traffic signal at G Street and Project Driveway 1, north of the proposed hotel, Sandpiper Drive shall be constructed to Project Driveway 1. Prior to the issuance of any occupancy permit for any of the multi-family residential buildings, the two office buildings at the northern portion of the project site, or the hotel, Sandpiper Drive shall be constructed in its entirety to connect to Mercy Avenue.~~

36. The following improvements depicted on the Vesting Tentative Map shall be constructed by the applicant consistent with the phasing shown on page 3 of the Vesting Tentative Map attached as Exhibit "B":

Phase 1: The G Street frontage for Phase 1 and Sandpiper Avenue up to the north line of the driveway of Phase 1.

Phase 2: Sandpiper Avenue from the driveway of Phase 1 to the north property line of Phase 2.

Phase 3: G Street frontage north of the traffic signal, the traffic signal itself, the interior private road between Phase 3 and Phase 4, and Sandpiper Avenue up to the north line of the interior private road.

Phase 4: The remaining frontage on G Street, the remaining portion of Sandpiper Avenue to the end of the north property line of Phase 4.

If development occurs out of sequence, the foregoing improvements must be constructed.

37. Safe pedestrian access from the multi-family residential portion of the project to the commercial portions of the site shall be provided.

38. In the event that the parcels of the subject site are ever subdivided or modified, in the

manner suggested by the site plan or otherwise, cross-access and use agreements shall be put into place such that parking for all uses meets or exceeds City standards.

39. The entire development should be designed with a similar or complimentary aesthetic to the renderings shown at Attachment F of Planning Commission Staff Report #19-29.

40. For any illuminated signs placed above the ground floor, all illumination shall be located and directed in such a manner that light does not spill over to the east or north. Prior to installation, illuminated signs shall be approved by the Planning Manager or designee, and may require an analysis of lumens or other measurements of illumination as deemed necessary. Monument signs are not subject to this condition.

EXHIBIT "D"

2010 DEVELOPMENT AGREEMENT

Development Agreement by and between City of Merced and Della Wathen, individually, and Della Wathen as Trustee of the Spaulding G. Wathen Q-Tip Trust dated August 2, 2010 and recorded August 10, 2010 as Instrument No. 2010-030606, Official Records

EXHIBIT "E"

2012 DEVELOPMENT AGREEMENT

Development Agreement by and between the City of Merced and the Prior Developer and recorded January 17, 2012, recorded January 25, 2012 as Instrument No. 2012-002753, Official Records.

EXHIBIT "F"

AGREEMENT (DEFERMENT OF CONSTRUCTION)

Agreement (Deferment of Construction) by and between City of Merced and Spalding G. Wathen and Della Wathen Dated November 30, 1989, recorded December 1, 1989, as Instrument No. 31271 in Book 2788, Page 553 of Official Records, as modified by Partial Termination of Agreement, recorded April 22, 2010 as Instrument No. 2010-015023 in Official Records, and Partial Termination of Agreement, recorded August 28, 2017 as Instrument No. 2017027795, Official Records

18.16.080 - Information required.

Every tentative map shall be clearly and legibly reproduced. The following information shall be shown on, or accompanying, the map:

1. A key or location map on which is shown the general area including adjacent property, subdivisions and roads;
2. The tract name, date, north point, scale and sufficient legal description to define location and boundaries of the proposed subdivision;
3. Name and address of recorded owner or owners;
4. Name and address of the subdivider;
5. Name and business address of the person who prepared the map;
6. Acreage of proposed subdivision to the nearest tenth of an acre;
7. Contours at six-inch intervals to determine the general slope of the land and the high and low point thereof;
8. The locations, names, widths, approximate radii of curves and grades of all existing and proposed roads, streets, highways, alleys and ways in and adjacent to the proposed subdivision or subdivision to be offered for dedication;
9. Proposed protective covenants;
10. Location and description of all easements;
11. Locations and size of all existing and proposed public utilities;
12. Proposed method of sewage and stormwater disposal;
13. Location and character of all existing and proposed public open space in and adjacent to the subdivision and a statement of intention with regard to park land dedication or payment of a fee in lieu thereof;
14. Lot layout, approximate dimensions and area in square feet of each irregular lot and lot numbers;
15. City limit lines occurring within the general vicinity of the subdivision;
16. Classification of lots as to intended land use, zone, and density;
17. Approximate bearings and distances to quarter-section bounds within the general vicinity of the subdivision;
18. Proposed public improvements;
19. Statement as to whether the subdivision is to be recorded in stages;
20. Existing use and ownership of land immediately adjacent to the subdivision;
21. Preliminary title report issued not more than sixty days prior to filing of the tentative map;
22. The outline of any existing buildings and indication of any to remain in place and their locations in relation to existing or proposed street and lot lines;
23. Location of all existing trees and indication of those proposed to remain in place, standing within the boundaries of the subdivision;
24. Location of all areas subject to inundation or storm water overflow, the location, width and direction of flow of all watercourses and indicate flood zone classification;
25. Elevations of sewers at proposed connection.

(Ord. 1533 § 1, 1984: Ord. 1358 § 3, 1980: Ord. 1342 § 2 (part), 1980: prior code § 25.32(c)).

18.16.090 - Required statement.

A statement shall be presented by the subdivider in written form accompanying the map and shall contain justification and reasons for any exceptions to provisions of this title, the standard drawings or for any amendments to or variation from the zoning law, which may be requested in conjunction with the subdivision proposed.

(Ord. 1533 § 2, 1984: Ord. 1342 § 2 (part), 1980: prior code § 25.33).

18.16.100 - Public hearing—Generally.

The planning commission shall review the tentative map at a public hearing to determine whether it is in conformity with the provisions of law and of this title and upon that basis, within the time allowed in the Subdivision Map Act.

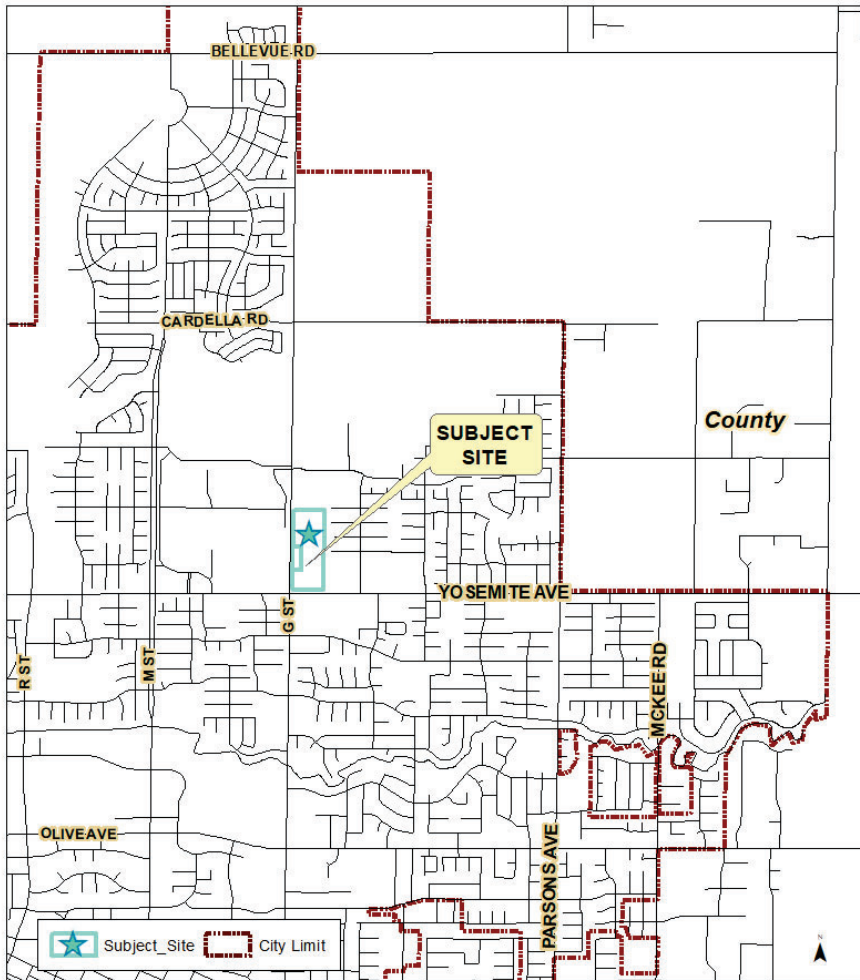
(Ord. 1358 § 4, 1980: Ord. 1342 § 2 (part), 1980: prior code § 25.34(a)).

TSM #1314 / ERC #20-13

Public Hearing- 09/09/20

*Yosemite & G LLC;
Tentative Subdivision Map Application
NEC of G Street and Yosemite Avenue*





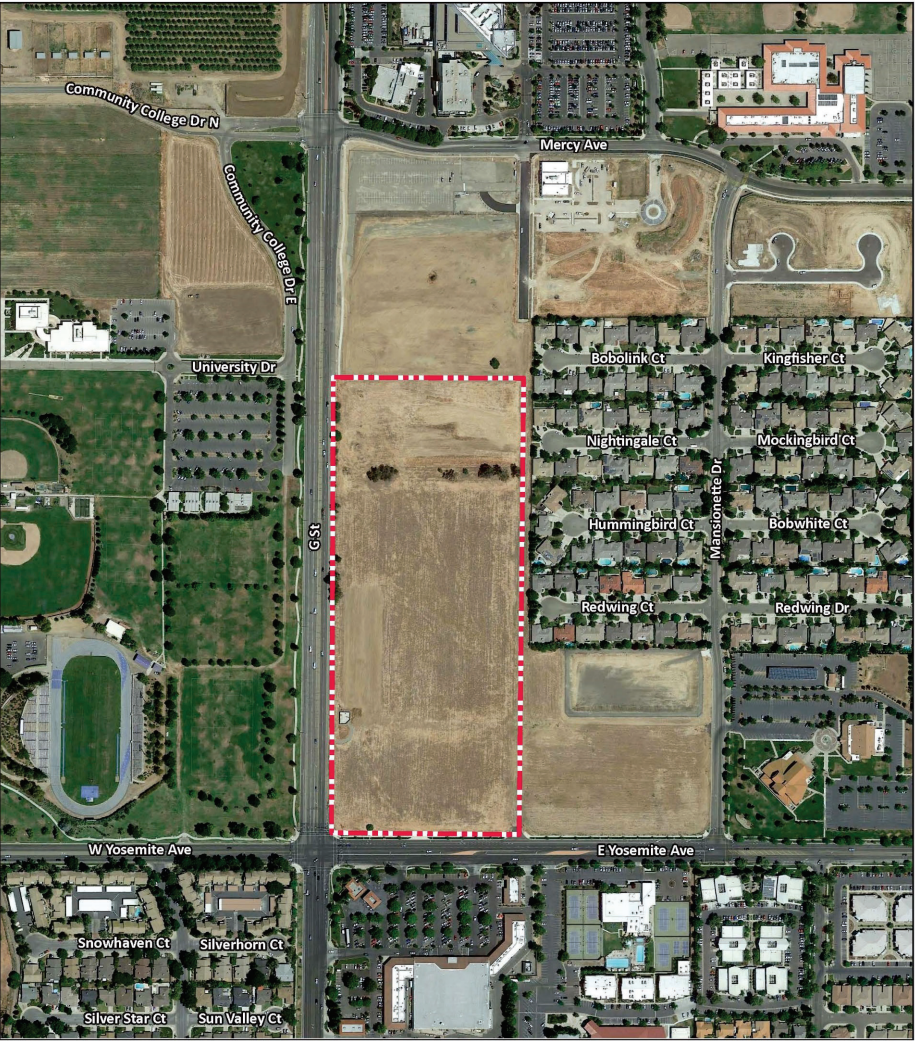
PROXIMITY MAP

Disclaimer: This document was prepared for general inquiries only. The City of Merced is not liable for errors or omissions that might occur. Official information concerning specific parcels should be obtained from recorded or adopted City documents.



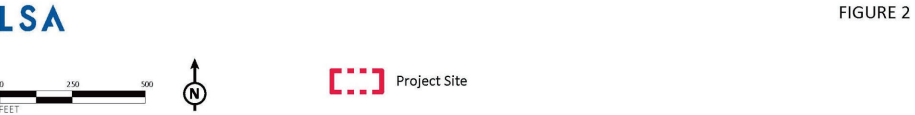
Northeast Corner of W Yosemite Ave. and G St.

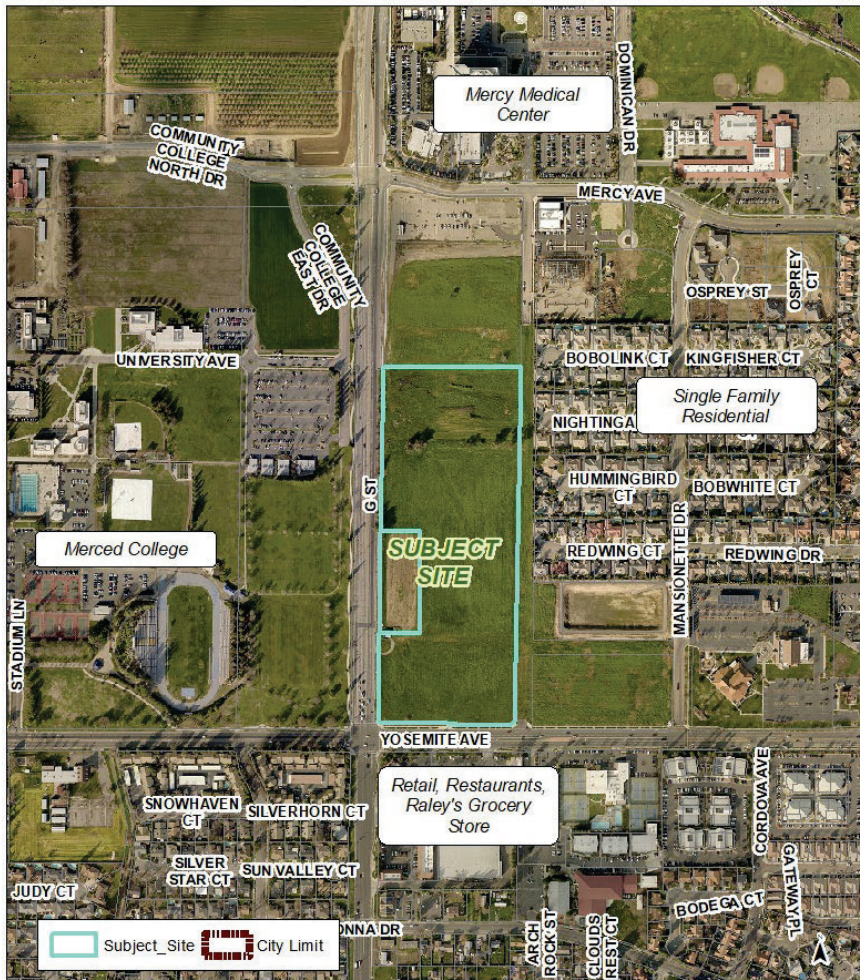
The applicants propose a Tentative Subdivision Map for the approved mixed-use development on the project site.



Aerial View of Site

The Site is currently vacant other than City of Merced Storm Pump Station #10.





Disclaimer: This document was prepared for general inquiries only. The City of Merced is not liable for errors or omissions that might occur. Official information concerning specific parcels should be obtained from recorded or adopted City documents.

SUBJECT SITE & SURROUNDING USES



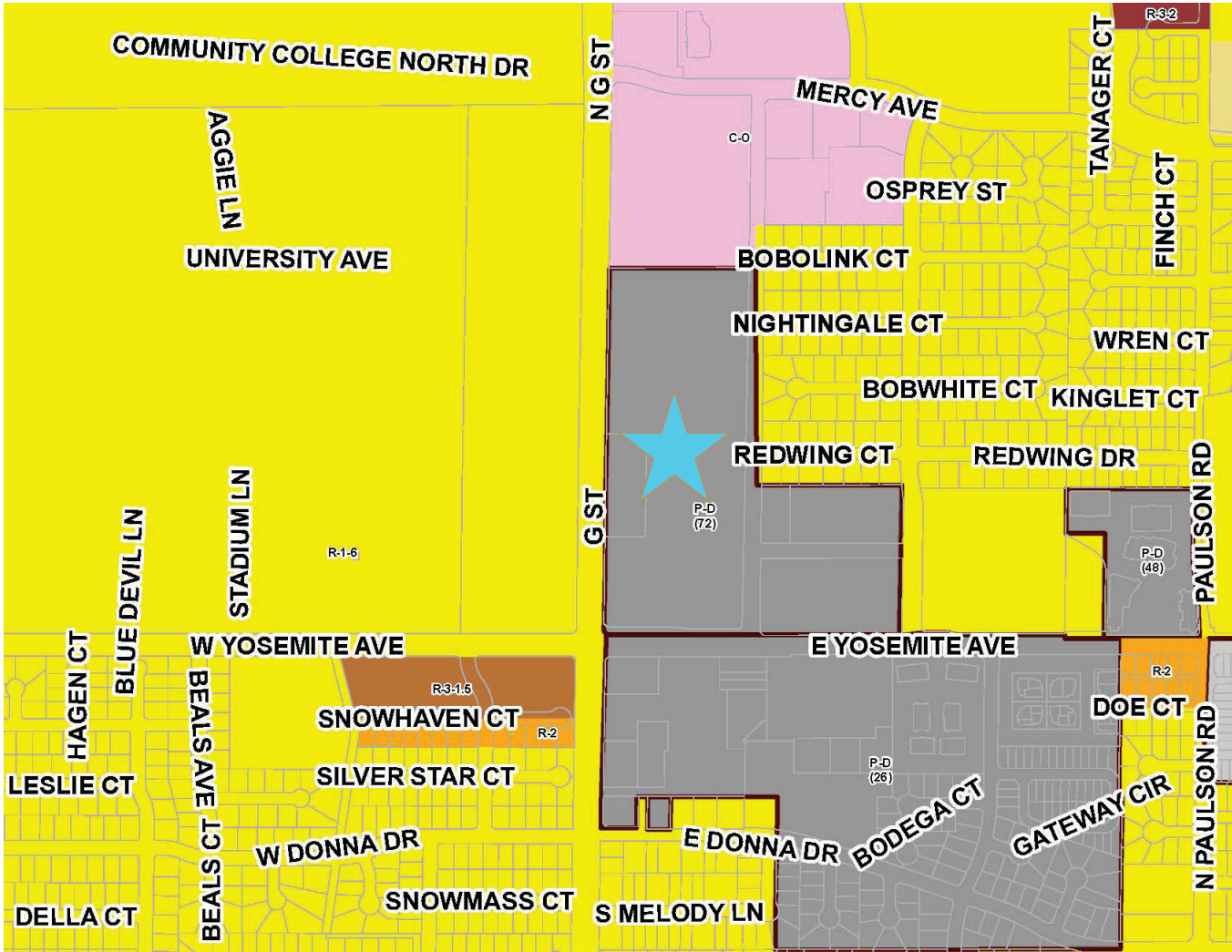
Surrounding Uses

North- Dignity Health Medical Center and Vacant Lot

South- Retail, Restaurants, Grocery Store
(across Yosemite Ave.)

East- Single-Family Residential
(across extended Sandpiper Ave.)

West- Merced College
(across G St.)

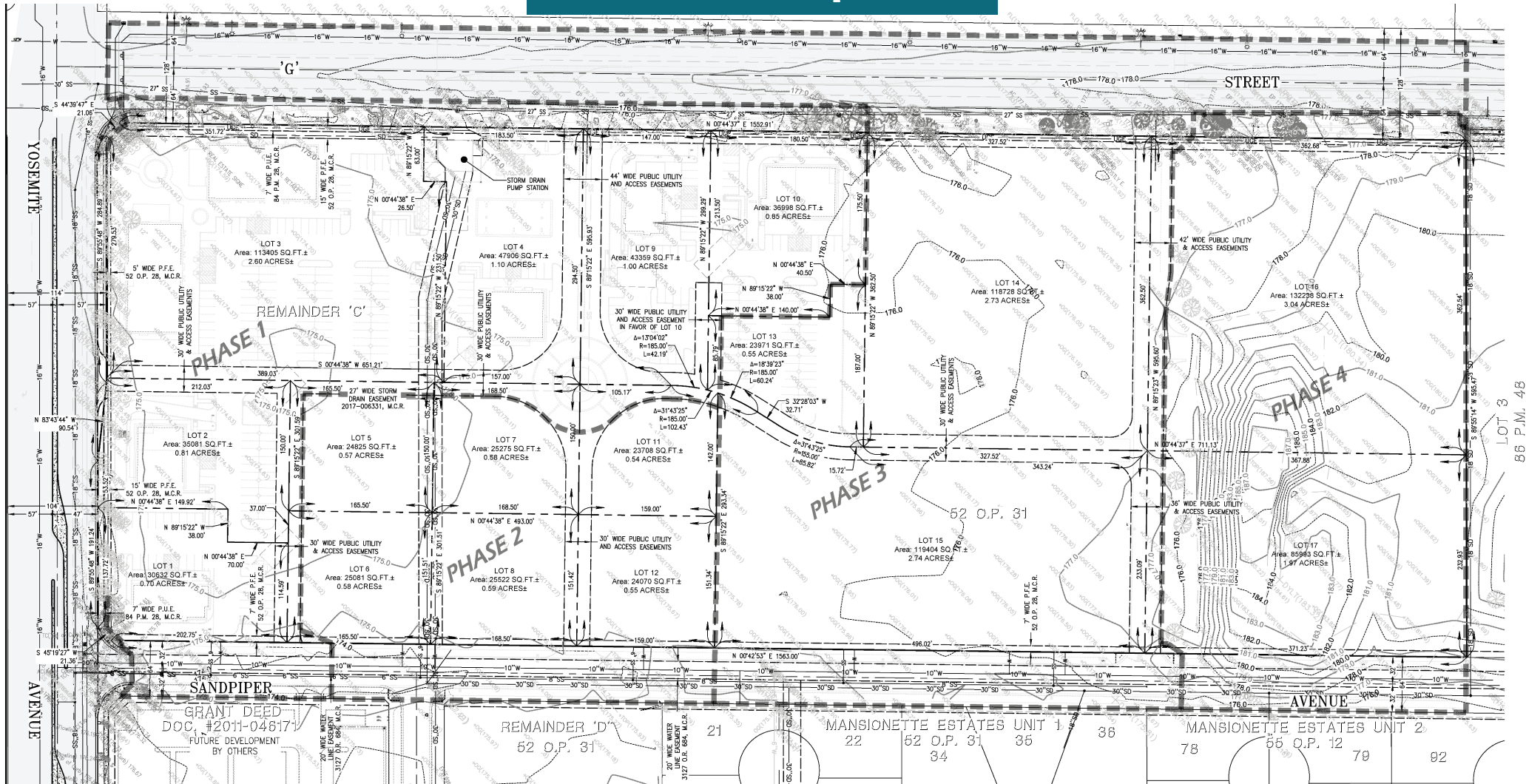


Zoning & General Plan

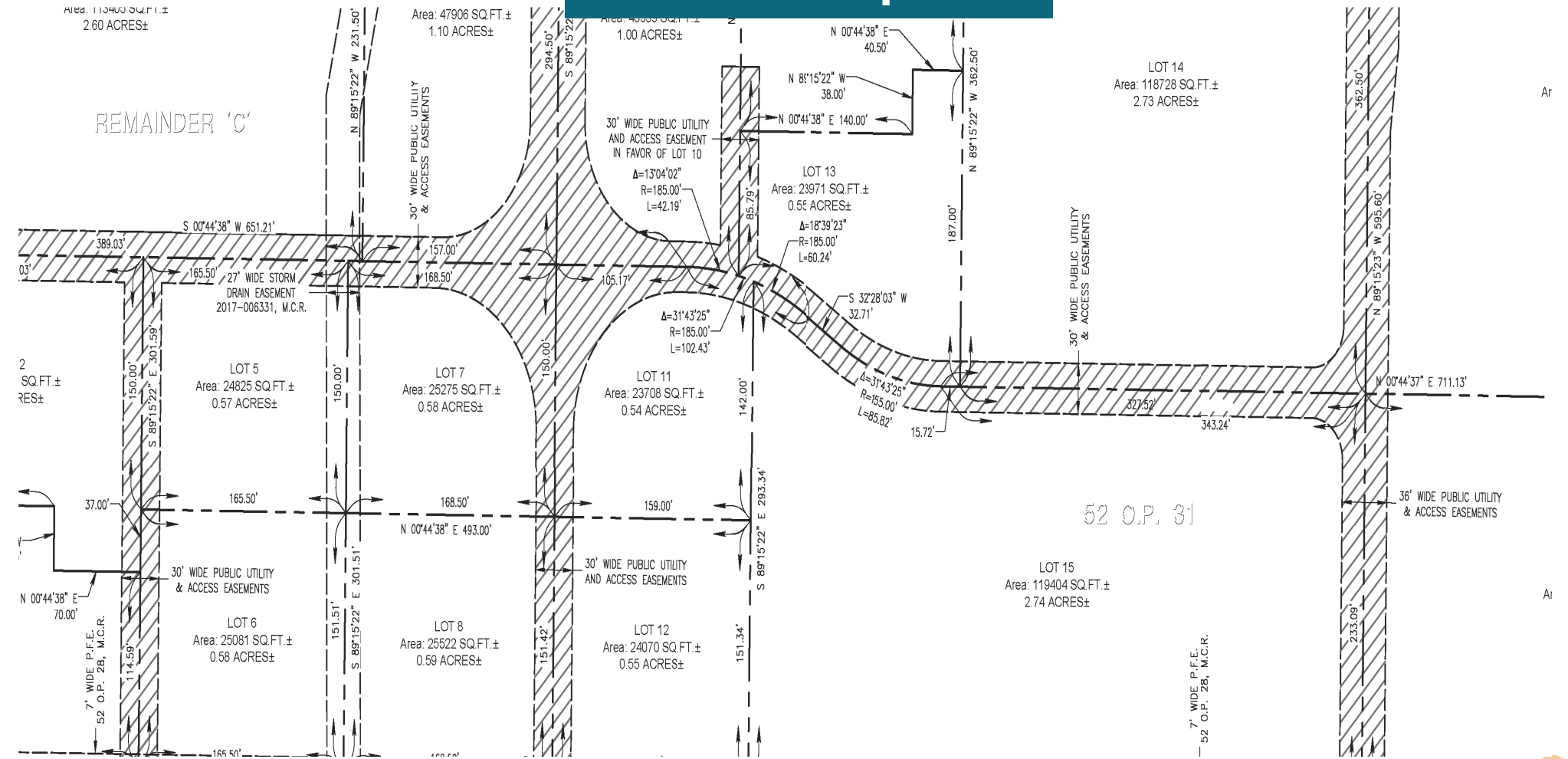
The current zoning of the site is Planned Development (#72).

The City Council approved the General Plan Amendment in January of 2020 for this site, making it Neighborhood Commercial (CN).

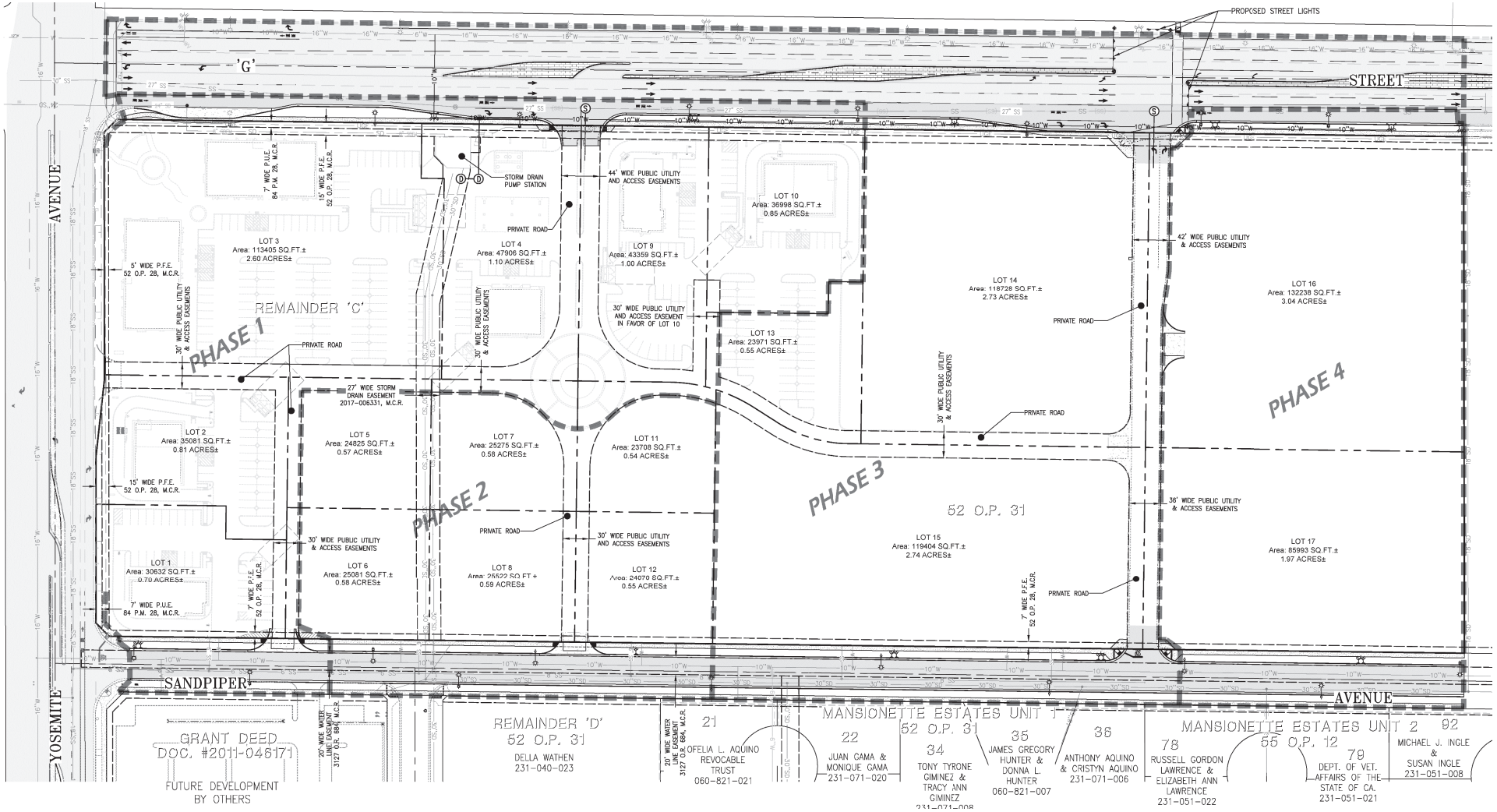
TSM Maps



TSM Maps



TSM Maps



TSM Maps

Phase 1: Retail

Phase 2:
Office

Phase 3:
Hotel &
Multi-
Family

Phase 4:
Medical
Office

GRANT DEED
DOC. #2011-046171

FUTURE DEVELOPMENT
BY OTHERS

REMAINDER 'D'
52 O.P. 31
DELLA WATHEN
231-040-023

21
OFELIA L. AQUINO
REVOCABLE
TRUST
060-821-021

22
JUAN GAMA &
MONIQUE GAMA
231-071-020

34
TONY TYRONE
GIMNEZ &
TRACY ANN
GIMNEZ
231-071-008

35
JAMES GREGORY
HUNTER &
DONNA L.
HUNTER
060-821-007

36
ANTHONY AQUINO
& CRISTYN AQUINO
231-071-006

78
RUSSELL GORDON
LAWRENCE &
ELIZABETH ANN
LAWRENCE
231-051-022

MANSONETTE ESTATES UNIT 2 82
65 O.P. 12
70
DEPT. OF VET.
AFFAIRS OF THE
STATE OF CA.
231-051-021

MICHAEL J. INGLE
&
SUSAN INGLE
231-051-008

Amendment to Legislative Action Agreement

Legislative Action Agreement with Yosemite & G, LLC.

For the Vesting Tentative Subdivision Map to proceed, an amendment to the existing agreement is necessary in order to both meet the infrastructure needs of the City of Merced and the viability of the site to the developer. The most recent agreement references previous agreements that have several outdated, contradictory, or infeasible requirements, schedules, and terms. The amendment removes these issues, adds a new phasing requirement tying the off-site improvements required to the phased development of the parcels, and generally removes unnecessary language that the developer believes has the potential to deter potential tenants from locating on the subject site. The amendment proposes to unify all conditions in this single agreement, superseding all previous agreements.

ENVIRONMENTAL CLEARANCE

Environmental Review #20-13

Planning Staff conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act, and recommend finding that the previous environmental review (Initial Study #19-28 for General Plan Amendment #19-03 and Site Utilization Plan Revision #3 to Planned Development #72) remains sufficient and no further documentation is required (CEQA Section 15162 Findings).

PLANNING COMMISSION ACTION

Recommend to City Council Approval/Disapproval/Modification

Amendment to Legislative Action Agreement with Yosemite & G, LLC.

Approve/Disapprove/Modify

Environmental Review #20-13

*Vesting Tentative Subdivision Map
#1314*



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 20-509

Meeting Date: 9/9/2020

Planning Commission Staff Report

SUBJECT: Report by Planning Manager of Upcoming Agenda Items

ACTION

Information only.



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 20-508

Meeting Date: 9/9/2020

Planning Commission Staff Report

SUBJECT: Calendar of Meetings/Events

Sep 8	City Council, 6:00 p.m. (<i>Tuesday, By Teleconference</i>)
t.	
9	Planning Commission, 7:00 p.m. (<i>By Teleconference</i>)
21	City Council, 6:00 p.m. (<i>May be by Teleconference</i>)
23	Planning Commission, 7:00 p.m. (<i>May be Cancelled</i>)
Oct. 5	City Council, 6:00 p.m. (<i>May be by Teleconference</i>)
7	Planning Commission, 7:00 p.m. (<i>By Teleconference</i>)
19	City Council, 6:00 p.m. (<i>May be by Teleconference</i>)
21	Planning Commission, 7:00 p.m. (<i>By Teleconference</i>)
27	Bicycle/Pedestrian Advisory Commission, 4:00 p.m. (<i>By Teleconference</i>)