

**CITY OF MERCED**  
**Planning Commission**

**Resolution #4110**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of April 5, 2023, held a public hearing and considered **Vesting Tentative Subdivision Map #1326**, initiated by ISEA International, property owner. The proposed subdivisions would subdivide one parcel (approximately 10.76 acres) into 53 single-family lots, ranging in size between 5,000 square feet to 6,750 square feet. The approximate 10.76-acre subject site is generally located south of Cardella Road, between El Redondo Drive and Horizon Avenue. The subject site is more particularly described as Parcel 1 as shown on the map entitled “Parcel Map for YCH” recorded in Volume 102, Page 16, in Merced County Records; also known as a portion of Assessor’s Parcel Number (APN) 206-030-017; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through M of Staff Report #23-289 (Exhibit B of Planning Commission Resolution #4110); and,

**WHEREAS**, the Merced City Planning Commission concurs with the Findings for Tentative Subdivision Map Requirements in Merced Municipal Code Section 18.16.80, 18.16.90, and 18.16.100 as outlined in Exhibit B; and,

**NOW THEREFORE**, after reviewing the City’s Initial Study and Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Negative Declaration regarding Environmental Review #22-50, and approve Vesting Tentative Subdivision Map #1326, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

ABSTAIN: Commissioner(s)

PLANNING COMMISSION RESOLUTION #4110

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April 5, 2023

Adopted this 5<sup>th</sup> day of April 2023

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Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

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Secretary

Exhibits:

Exhibit A – Conditions of Approval

Exhibit B – Findings/Considerations

**Conditions of Approval**  
**Planning Commission Resolution # 4110**  
**Vesting Tentative Subdivision Map #1326**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Proposed Vesting Tentative Map at Attachment E), and as modified by the conditions of approval within this resolution.
2. All conditions contained in *Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions")* shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. The Project shall comply with all applicable conditions set forth in the resolutions for Annexation No. 190 (Fahrens Creek North Annexation) previously approved for this site as well as all applicable conditions of the Fahrens Creek Specific Plan.
5. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
6. Community Facilities District (CFD) annexation is required for annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, street lights, parks and open space. CFD procedures shall be initiated before final map approval. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
7. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold

harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City's attorney's fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval of the City Attorney and to provide all required deposits to fully fund the City's defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.

8. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
9. The project shall comply with all requirements of the California Building Code and all flood requirements of the Federal Emergency Management Agency (FEMA), as well as the requirements for the California Urban Level of Flood Protection (CA 200-year flood).
10. All public improvements shall be provided as required by the City Engineer along new Streets A, B, and C, and the widening of Cardella Road and Gaucho Drive, and the extensions of El Redondo Drive and Horizons Avenue within the proposed subdivision. All improvements shall meet City Standards.
11. All landscaping within the public right-of-way shall comply with state and local requirements for water conservation. All irrigation provided to street trees or other landscaping shall be provided with a drip irrigation or micro-spray system and shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030). Landscape plans for all public landscaping shall be provided with the Improvement Plans.

12. Prior to final inspection of any home, all front yards and side yards exposed to public view shall be provided with landscaping to include, ground cover, trees, shrubs, and irrigation in accordance with Merced Municipal Code Section 20.36.050. Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray system in accordance with the State's Emergency Regulation for Statewide Urban Water Conservation or any other state or City mandated water regulations dealing with the current drought conditions. All landscaping shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030).
13. A 7-foot-tall concrete block wall shall be installed along Horizons Avenue, El Redondo Drive, and Cardella Road. The wall shall be treated to allow easy removal of graffiti or the developer shall plant fast-growing vines to cover the wall to deter graffiti. Developer shall submit landscape/irrigation/wall plans for approval by City Engineer. All walls shall be solid masonry. Fast-growing vines or other plants shall be planted on or near the wall to deter graffiti and/or a graffiti resistant coating applied to the wall. Details to be worked out with staff.
14. Landscaping shall be provided between the block wall and the sidewalk along Horizons Avenue, El Redondo Drive, and Cardella Road. This strip of land shall be dedicated to the City and maintained through the Community Facilities District during the Final Map stage, as required by the City Engineer.
15. Developer shall provide construction plans and calculations for all landscaping and public maintenance improvements. All such plans shall conform to City standards and meet approval of the City Engineer.
16. Traffic control signs, street markings, and striping shall be as directed by the City Engineer.
17. The applicant shall dedicate interior street rights-of-way and all necessary easements as needed for irrigation, utilities, drainage, landscaping, and open space during the Final Map stage as required by the City Engineer.
18. Fire hydrants shall be installed along the street frontage to provide fire protection to the area. The hydrants shall meet all City of Merced standards and shall comply with all requirements of the City of Merced Fire Department. Final location of the fire hydrants shall be determined by the Fire Department.
19. All undeveloped areas shall be maintained free of weeds and debris.
20. Street names shall be approved by the City Engineer.

21. Compliance with the “corner visual triangle” provisions of MMC 20.30.030 is required for corner lots, and may result in the applicant constructing smaller homes on these lots or increasing the front yard setbacks.
22. Valley Gutters may be installed in this subdivision per City standards.
23. Rolled curbing may be installed in this subdivision consistent with City Standard Design ST-1, if approved by the City Engineer.
24. At the building permit stage, the site plans for each lot shall include a minimum 3-foot by 6-foot concrete pad located in the side yard or backyard for the storage of 3 refuse containers. A paved access to the street from this pad shall be provided.
25. Full public improvements shall be installed/repared if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
26. The project shall comply with all the Post Construction Standards required to comply with State requirements for the City’s Phase II MS-4 Permit (Municipal Separate Storm Sewer System).
27. Sewer manholes shall be installed as determined necessary by the City Engineer.
28. To utilize a basin, the developer shall provide all required calculations to the Engineering Department.
29. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
30. The main water line for the subdivision shall include a loop system designed as required by the Public Works Department, unless otherwise approved by the City Engineer.
31. Minor modifications to the tentative subdivision map may be reviewed and approved through a Site Plan Review Permit, or be referred back to the Planning Commission if deemed necessary by the Director of Development Services.
32. This resolution for a Tentative Subdivision Map (TSM #1326) does not become effective until the General Plan Amendment, Specific Plan Amendment, Zone Change, and Establishment of Residential Planned

Development #78 for this site (GPA #22-05, Fahrens Creek Specific Plan Amendment #5, ZC #432, and RP-D #78) are approved by the City Council.

33. The developer shall design the public right-of-way along Cardella Road so that it totals 158 feet of right-of-way (with 79 feet of right-of-way dedicated along property frontage), or as required by the City Engineer.
34. The developer shall install a 16 inch ductile iron pipe for water services along Cardella Road, or as required by the City Engineer.
35. The developer shall design public right-of-way along El Redondo Drive and Horizons Avenue so that it totals 94 feet of right-of-way, or as required by the City Engineer.
36. The street corner ramps along the northern side of Gaucho Drive, between El Redondo Drive and Horizons Avenue, shall be designed to match the street corner ramps along the southern side of El Redondo Drive recently designed by the developer of the subdivision to the south. Details to be worked out with the Engineering Department.
37. The developer shall reach-out to the Merced Irrigation District to determine if a storm drainage agreement is required for storm drainage discharge to MID facilities.
38. If there is a private irrigation line from the MID through the site, the applicant shall re-route or replace the line so that it may continue to serve nearby properties. The applicant shall work with MID to determine the need, size, and location of these lines.
39. The proposal is subject to the development standards for the City's Low Density Residential (R-1-5) Zone, and the Design Standards set forth under Merced Municipal Code Section 20.46.020.

**Findings and Considerations  
Planning Commission Resolution #4110  
Vesting Tentative Subdivision Map #1326**

**FINDINGS/CONSIDERATIONS:**

**General Plan Compliance and Policies Related to This Application**

- A) If the General Plan Amendment is approved, the proposed project would comply with the General Plan land use designation of Low Density Residential (LD) which allows 2 to 6 dwelling units per acre. The proposed 53 lot subdivision would provide a density of 4.93 units/acre. The project would also comply with the Zoning designation of Residential Planned Development (RP-D) #78 if the Zone Change and Establishment of RP-D #78 are approved.

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

- Policy L-1.5: Protect existing neighborhoods from incompatible developments.
- Policy L-1.6: Continue to pursue quality single-family residential development.
- Policy L-1.8: Create livable and identifiable residential neighborhoods.
- Policy L-9: Ensure connectivity between existing and planned urban areas.

**Traffic/Circulation**

- B) It is anticipated that the proposal would generate approximately 507.21 Average Daily Trips (ADT) based on an average daily rate of 9.57 trips per dwelling unit. The subject site would be accessed via two collector streets, El Redondo Drive and Horizons Avenue (Attachments C and D of Planning Commission Staff Report #23-289). This would connect the subject site and surrounding properties to roads further north such as Cardella Road. This street connectivity would no longer require neighboring residents to drive 0.75 miles south to Yosemite Avenue to then drive back up north 1 mile to access Cardella Road or other northern roads. The traffic generated by this subdivision should not exceed the current and projected capacity for the surrounding street system as the subject site was designed to accommodate



higher traffic counts for a 10-acre commercial/professional center with the existing General Plan designations of Neighborhood Commercial and Office Commercial.

Public improvements would need to be installed and frontage streets. As shown on Attachment D of Planning Commission Staff Report #23-289, this proposal includes the creation of Streets A, B, and C, the widening of Gaucho Drive and Cardella Road, and the extensions of El Redondo Drive and Horizons Avenue.

The right-of-way width of Cardella Road would be 158 feet. El Redondo and Horizons Avenue's right-of-way widths would be 94 feet. The new street's (Street "A" and Street "B") right-of-way widths would be 49 feet. The right-of-way includes streets, curb, gutter, sidewalk, and in some cases concrete masonry unit (CMU) block walls and park strips. All streets would need to be designed to City Engineering Design Standards (Conditions #33 and #35 of Planning Commission Staff Report #23-289). The applicant is proposing that Gaucho Drive, Street "A", Street "B", and Street "C" have rolled curbs and gutters (Condition #23 of Planning Commission Staff Report #23-289).

### **Site Design**

- C) The proposed subdivision with 53 residential lots is considered relatively smaller than those currently on the City's active Tentative Subdivision Map Activity List, which has 17 active maps with 9 maps over 100 units, three of those maps containing over 249 single family units. The proposed layout for the subdivision does not include any cul-de-sacs, it consists of three streets with two being approximately 200 feet long, and one being approximately 500 long. These new streets are connected to create a wide u-shape street network that loops back to Gaucho Drive. The subdivision does not include the construction of any parks or basins. The subject site was designed to be served by the existing storm basin at the southeast corner of Horizons Avenue and Monaco Drive (or other site approved by Engineering). The nearest park is Rudolph Joseph Merino Park located approximately ½ mile south. As mentioned under the Traffic/Circulation Finding, the proposed road extension would serve as a significant road connection that would link the existing subdivision and future subdivisions to the south, east, and west out to Cardella Road providing more direct access to northern parts of Merced and eventually a more direct path to UC Merced when Cardella Road connects to G Street.

### **Elevations**

- D) At this time, the applicant does not have any proposed elevations. This proposal will be within a Residential Planned Development, but the applicant does not have a particular design style or features proposed for this subdivision. During the building permit stage, staff would review the elevations to confirm that they meet the Zoning Ordinance's minimum design standards for single-family homes as shown under Merced Municipal Code 20.46 – Residential Design Standards (Attachment G of Planning Commission Staff Report #23-289). Staff would review plans to confirm compliance with Fire Department standards, and ensure that the architecture is of high quality that provides a variety of colors, textures, materials, and building forms.

### **Public Improvements/City Services**

- E) The developer would be required to install all streets, utilities, and other improvements within the subdivision. City water and sewer lines would be extended from the south (along El Redondo Drive and Horizons Avenue) to serve this subdivision. Each lot would be required to pay connection fees for sewer and water connections at the building permit stage. Each parcel would be required to meet the City's storm drainage and run-off requirements for the City's MS-IV permit.

In response to significant growth in Merced without a corresponding increase in the General Fund and other revenues, the City Council adopted public facilities impact fees in 1998, and also established a requirement for Community Facilities Districts (Condition #6 of Planning Commission Staff Report #23-289) to help fund roadway, police, fire, and park infrastructure to help fund operating costs for police and fire services. In addition, this district would cover cost related to streetlights, storm drain, and maintenance of landscaping.

### **Public Facilities Impact Fee Program**

- F) The developer is responsible for paying public facility impact fees for each home, and are typically paid at the time that the building permit is issued by the Building Department. These fees are used to pay for their fair share towards capital facilities and infrastructure generated by new development such as arterial streets, traffic signals, bridges, police/fire stations, bikeways, etc. The City Council adopted new impact fees in early 2022, and this included fee updates to commercial, industrial, and residential projects. The current

impact fee per single family homes in this area is \$12,326.00. These fees are updated annually at the start of the calendar year, in accordance with the Engineering Construction Cost Index as published by Engineering News Record.

### **Schools**

- G) The Project site falls within the jurisdiction of the Merced City School District (elementary schools and middle schools) and the Merced Union High School District (MUHSD). Students from the subdivision would attend elementary schools, middle schools, and the high school surrounding the area. School fees per State law requirements are considered to be full mitigation for the impacts on schools from new development.

### **Landscaping**

- H) Each lot within the subdivision shall be provided with front yard landscaping in compliance with Zoning Ordinance Section 20.36 – Landscaping. Section 20.36.050 requires all exterior setback areas, excluding areas required for access to the property to be landscaped.

The landscape area along the street side of concrete masonry unit wall shall be maintained through the Communities Facilities District (CFD).

### **Parking**

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

## **Neighborhood Impact**

- J) The subject site is surrounded by mostly undeveloped land and located on the edge of the City limits within the Northwest quadrant of the City, south of Cardella Road between El Redondo Drive and Horizons Avenue. Approval of this proposal would prevent the creations of the Urban Village Residential Neighborhood that was originally intended for this area when it was annexed into the City in 2003. Urban Villages are intended to create a high-density neighborhood (through multi-family, town houses, small single-family lots, etc.) that surround a regional commercial center (minimum of 10 acres). The subject site was reserved to be the regional commercial center for this area. The residential surrounding the commercial is called an Inner Village that allows a density between 10-36 dwelling units per acres. Surrounding the Inner Village is the Outer Village which has a reduced density between 4-12 dwelling units per acre. The commercial land is the central part of the Urban Village Residential concept which is intended to be sustained by the surrounding high density uses where residents can easily walk to either work, commercial amenities (retail/restaurants), and entertainment opportunities located (similar to Downtown Merced). This land use concept is intended to promote active walkable neighborhoods with accessible amenities that would not be car-dependent, resulting in less pollution and more environmentally friendly development. The approval of this land use change would eliminate the commercial that is needed for the Urban Village Residential concept to function. With the loss of commercial land there would also be a loss in job creation and amenities to the community, but additional housing would be generated.

Surrounding the project site are some recently approved developments, which have not been constructed yet. To the east is the Sage Creek Apartments (248 units on 13.5 acres), to the south is the Sage Creek subdivision (103 single-family homes on 16 acres), and to the west is the Royal Woods Estates Development (113 single-family lots on 16 acres with 3.60 acres reserved for future multifamily). Building permits have not been submitted for any of the surrounding projects. A final map has been recorded for the Sage Creek subdivision and grading/construction work is in progress. Approving this subdivision would connect the surrounding sites up to an arterial road at Cardella Road via the extension of two collector roads at El Redondo Drive and Horizons Avenue. This would further develop the street network in the area – along with extending utilities such as sewer and water main lines. Approving this proposal would not result in incompatible development, as it

would be residential surrounded by a variety of residential zones, but it would eliminate this area from completing the Urban Village concept originally envisioned for this area when it was annexed into the City, and the neighborhood would not benefit from the walkability that was first planned for this area while losing job opportunities and amenities typically associated with commercial developments.

Public hearing notices were sent to all property owners within 300 feet of the project site. At the time that this report was prepared, the City had not received any comments regarding this project.

### **Tentative Subdivision Map Requirements**

- K) Per Merced Municipal Code (MMC) Section 18.16.080 – Information Required, a tentative subdivision map shall include all of the requirements shown at Attachment I of Planning Commission Staff Report #23-289. Said requirements include stating the location of the subject site, the name of the subdivision, and showing the layout of the proposed lots. MMC 18.16.090 – Required Statement, requires the applicant to provide a statement that explicitly states any deviations from tentative subdivision map requirements, standard drawings, or Zoning laws. In this case, the applicant is not requesting any deviations from City requirements. MMC 18.16.100 - Public Hearing – Generally, requires a public hearing to review and approve a tentative subdivision map in conformance with the Subdivision Map Act.

Per the California Environmental Quality Act, a public hearing notice was mailed to property owners within 300 feet of the subject site and published in a qualifying newspaper, Merced County Times, three weeks prior to this meeting. In addition, staff reached out to local utility companies, local school districts, and other relevant government agencies to solicit comments. At the time this staff report was prepared, staff did not receive any comments regarding this application.

### **Affordability Requirements**

- L) In April 2022, the City Council approved Resolution #2022-15 regarding the requirement for 12.5% affordable housing for new single-family residential subdivisions and multifamily residential projects under specific circumstances. This requirement is triggered by two qualifiers that need to be met; entitlement type and number of units created. For single-family residential developments, the affordability requirement is triggered by legislative action agreements that are required for Zone Changes (or site

utilization plan revisions, general plan amendments, or annexations) for projects over 60 single-family residential homes. Projects under 60 single-family residential homes are not required to provide affordable units, even with a legislative action agreement. The proposed 53-unit subdivision is exempt from having to provide affordable units, as even though the proposal requires a legislative action agreement (via Zone Change and General Plan Amendment) it contains less than the 60 units required to trigger the affordability requirement.

### **Environmental Clearance**

- M) Infill projects over 5 acres or projects that don't comply with Zoning/General Plan designations require an Initial Study, per the California Environmental Quality Act (CEQA). In this case, the project site is not consistent with Zoning or the General Plan and is over 5 acres (at 10.7 acres) – thus an Initial Study was required. An Initial Study includes a wide range of analysis required by the State covering an array of subjects including, but not limited to, impacts on vehicle miles traveled, air quality, biological resource, public services, cultural resources, and City utilities. Planning staff has conducted an environmental review of the project in accordance with the requirements of CEQA, and concluded that Environmental Review #22-50 results in a Negative Declaration as the proposal would not have a significant effect on the environment and does not require the preparation of an Environmental Impact Report. A copy of the Initial Study with a Negative Declaration can be found at Attachment K of Planning Commission Staff Report #23-289.