

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

**Resolution #3033**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of August 20, 2014, held a public hearing and considered **Vesting Tentative Subdivision Map #1302 (“Mansionette Estates Unit 5”)**, initiated by Fremming, Parson, and Pecchenino, a Quad Knopf Company, applicant for Della Wathen, property owner. This application involves the subdivision of a 5.92-acre parcel into 20 single-family lots generally located at the southeast corner of Mercy Avenue and Mansionette Drive, within an R-1-6 zone. This application also includes a request to allow a deviation from City Standard D-8 and ST-1. City Standard D-8 limits the amount of lot frontage open for a driveway approach to 50% of the lot width. The deviation would allow up to 77% of the lot width to be open for a driveway approach. City Standard St-1 requires a park strip on local roads. The deviation would allow a 49’ right-of-way with no park strip (the sidewalk would be adjacent to the curb); also known as Assessor’s Parcel No. 231-040-001; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through L of Staff Report #14-11; 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 #13-07, and approve Vesting Tentative Subdivision Map #1302, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

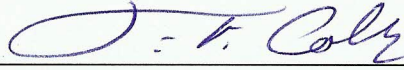
AYES: Commissioners Williams, Smith, Smoot, Padilla, and  
Chairperson Colby  
NOES: None  
ABSENT: Commissioner McCoy (one vacancy)  
ABSTAIN: None

PLANNING COMMISSION RESOLUTION # 3033

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August 20, 2014

Adopted this 20th day of August 2014



Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

**Conditions of Approval**  
**Planning Commission Resolution #3033**  
**Vesting Tentative Subdivision Map #1302**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Vesting Tentative Subdivision Map for Mansionette Estates Unit 5) -- Attachments B and C of Staff Report #14-11, except as modified by the conditions.
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. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. 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, 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.

6. 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.
7. 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.
8. All public improvements shall be provided along Mercy Avenue and any damaged or missing improvements along Mansionette Drive shall be repaired/replaced.
9. Construct full public improvements (including, but not limited to, curb and gutter, pavement, sidewalk and one drive approach per lot, street lights, landscaping, and utilities) on all new streets.
10. Fire hydrants shall be installed along street frontages to provide fire protection to the area. The hydrants shall meet all City of Merced standards and shall comply with all requirements of the City of Merced Fire Department. Final location of the fire hydrants shall be determined by the Fire Department.
11. All dwellings shall be designed to include fire sprinklers as required by the California Fire Code.
12. The Project shall comply with all previously approved conditions for the Northeast Yosemite Specific Plan.
13. A 6-foot tall masonry wall and landscaping shall be installed along Mercy Avenue and Mansionette Drive consistent with the requirements of the Northeast Yosemite Specific Plan including requiring a 5-foot wide landscaping buffer with dense landscaping along Mercy Avenue and landscaping along Mansionette Drive to match the existing landscaping

on Mansionette Drive. Landscape and sprinkler plans shall be approved by City staff at the Final Map stage. The sidewalk along Mansionette Drive shall be a meandering design to match the existing sidewalk on Mansionette Drive. The sidewalk along Mercy Avenue shall not be meandering to allow a full 5-foot width of dense landscaping along the entire length of the wall.

14. Dedication by Final Map of all interior street rights-of-way and all necessary easements will be made as shown on Vesting Tentative Subdivision Map #1302 and as needed for irrigation, utilities, drainage, landscaping, and open space.
15. Provide all utility services to each lot, including sanitary sewer, water, electric power, gas, telephone, and cable television. All new utilities are to be undergrounded.
16. Install appropriate street name signs and traffic control signs with locations, names, and types approved by the City Engineer.
17. 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.
18. The City Engineer shall approve all street names.
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. Deviation from City Standards ST-1 and D-8 are hereby granted as shown in Attachments F, G, and H of Staff Report #14-11.

n:\shared\planning\PC Resolutions\VTSM#1302 Exhibit A