

CITY OF MERCED
Site Plan Review Committee

MINUTES

Planning Conference Room
2nd Floor Civic Center
Thursday, August 2, 2018

Chairperson McBRIDE called the meeting to order at 1:30 p.m.

1. **ROLL CALL**

Committee Members Present: Development Services Director McBride, City Engineer Son, and Chief Building Official Frazier

Committee Members Absent: None

Staff Present: Planning Manager Espinosa and Associate Planner/Recording Secretary Nelson

2. **MINUTES**

M/S SON/FRAIZER, and carried by unanimous voice vote, to approve the Minutes of April 26, 2018, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

4.1 **Extension of Vesting Tentative Subdivision Map (VTSM) #1298 (“Salazar”)**, submitted by Jay Thiara, on behalf of Jinder, Michelle, Ravinder, and Sureena Thiara, property owners, for 41 single-family lots on 8.85 acres, generally located south of Childs Avenue, at the eastern end of Dinkey Creek Avenue and approximately 124 feet east of Rye Street within an R-1-5 zone.

Associate Planner NELSON reviewed the application for this item. For further information, refer to the memo to the Site Plan Review Committee dated August 2, 2018.

The applicant was not in attendance.

The Committee discussed the regulations of the Subdivision Map Act regarding extensions for tentative subdivision maps. Committee Member SON expressed concern about extending the map without knowing what the property owner's plans were. There was further discussion regarding the requirements of the subdivision map act and about the improvements that were required with the original approval of the tentative map.

There being no one from the public wishing to speak on this matter, the public hearing was opened and closed at 1:38 p.m.

M/S FRAZIER/McBRIDE, and carried by the following vote, to grant a one-year extension for Vesting Tentative Subdivision Map #1298 subject to the Findings and thirty-six (36) conditions set forth in the Planning Commission Resolution #2929.

AYES: Committee Member Frazier and Chairperson McBride

NOES: None

ABSENT: None

ABSTAIN: Committee Member Son

- 4.2 **Extension of Vesting Tentative Subdivision Map (VTSM) #1296 ("Summerfield")**, submitted by Jay Thiara, on behalf of Jinder, Michelle, Ravinder, and Sureena Thiara, property owners, for 251 single-family lots on 55.24 acres, generally located south of Childs Avenue, approximately 250 feet west of Coffee Street and 300 feet north of Gerard Avenue within an R-1-5 zone.

Associate Planner NELSON reviewed the application for this item. For further information, refer to the memo to the Site Plan Review Committee dated August 2, 2018.

The applicant was not in attendance.

There being no one from the public wishing to speak on this matter, the public hearing was opened and closed at 1:45 p.m.

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M/S FRAZIER/SON, and carried by the following vote, to grant a one-year extension for Vesting Tentative Subdivision Map #1296 subject to the Findings and fifty-one (51) conditions set forth in the Planning Commission Resolution #2928.

AYES: Committee Members Frazier, Son, and Chairperson
McBride

NOES: None

ABSENT: None

5. **ADJOURNMENT**

There being no further business, Chairperson McBRIDE adjourned the meeting at 1:50 p.m.

Respectfully submitted,


Julie Nelson, Secretary
Merced City Site Plan Review Committee

APPROVED:



Scott McBride, Chairperson/Development
Services Director
Merced City Site Plan Review Committee

**CITY OF MERCED
Planning Commission**

Resolution #2929

Extended on 7/15/08, 7/15/09,
7/15/11, 7/11/13, 10/10/15, &
8/2/18-See Page 9.

WHEREAS, the Merced City Planning Commission at its regular meeting of August 22, 2007, held a public hearing and considered **Vesting Tentative Subdivision Map #1298** (“Salazar”), initiated by O’Dell Engineering, applicants for Rucker Family Trust, property owner, to allow the subdivision of 8.85 acres, generally located south of Childs Avenue, at the eastern end of Dinkey Creek Avenue, and 124 feet east of Rye Street, into approximately 41 single-family residential lots within an R-1-5 (Low-Density Residential 5,000 square-foot lot minimum) pre-zone; also known as Assessor’s Parcel No. 061-260-005; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through S of Staff Report #07-20 – 2nd Addendum; and,

WHEREAS, the Merced City Planning Commission does resolve to hereby find that the previous environmental review [Expanded Initial Study #04-80 (Mitigated Negative Declaration) for the Coffee Street Annexation] remains sufficient and no further documentation is required (Subsequent EIR/ND Section 15162 Findings), and approve Vesting Tentative Subdivision Map Application #1298, subject to the following conditions:

1. The proposed project shall be constructed/designed as shown on Exhibits 1 & 2 (Proposed Vesting Tentative Map) – Attachments B, C, & D of Staff Report #07-20 – 2nd Addendum, subject to conditioned changes.
2. All conditions contained in *Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions")* and Ordinance #2276 (Annexation for the Coffee Street Annexation) shall apply.
3. The proposed project shall comply with all standard Municipal Code (including R-1-5 design standards) 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.

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5. 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 cost and maintenance costs expected prior to first assessments being received.
6. The developer/applicant shall indemnify, protect, defend, 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, or proceedings 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. 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. Street names to be approved by City Engineer.

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9. Dedicate, by Final Map, all interior street rights-of-way and all necessary easements, as shown on plans, and as needed for irrigation, utilities, drainage, landscaping, and open space.
10. Developer shall conform to existing sanitary sewer master plan established for the area. Developer shall share cost of pump station with the subdivision to the east (“Summerfield”) if joint use occurs.
11. Developer shall provide storm drainage calculations, including retention volumes where such volume is proposed, and share proportionally in the cost of the storm pump station located adjacent to Dinkey Creek Drive.
12. Compliance with the 40-foot visual corner is required for corner lots and may result in the applicant constructing smaller homes on these lots or increasing the front yard setbacks. A 4-foot encroachment for the porch area can be allowed within this area. Details to be worked out with staff.
13. Front yard setbacks for the living portion of the home shall be a minimum of 15-feet. The garage portion of the home shall maintain a minimum setback of 20-feet, allowing for a minimum 20-foot driveway. The driveway length shall be measured from either the back of the sidewalk or from the property line, whichever results in a 20-foot driveway length without encroachment on the sidewalk area.
14. Fire Hydrants to be provided and spaced in accordance with City of Merced standards. The maximum spacing between hydrants is 500 feet. Placement of fire hydrants and number of hydrants to be worked out at the improvement plan stage.
15. Utility meters serving the homes shall be placed adjacent to the City-owned street or sidewalk to facilitate the electronic reading of said meters. All utilities will need to be located prior to approval of the map; this includes water, sewer, electrical, gas, and cable.

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16. The street tree and street light locations shall be located prior to approval of the Final Map.
17. Refuse containers shall be stored out of site of the general public. A concrete pad (3 x 6 foot minimum) with paved access to the street shall be installed in the side or back yard of each unit to house refuse containers.
18. City utility service (water and sewer) connections shall be located under the driveway for each lot that faces a City street. Water lines are privately owned and maintained between the meter and the home. Sewer lines are privately owned and maintained from the point of connection to the City-owned main sewer line.
19. All open space and landscape areas along the western edge of the proposed local street (to be named Weaver Avenue) and cul-de-sac (to be named Weaver Court) shall be fully maintained by CFD's, and shall be dedicated to the City of Merced.
20. Additional right-of-way and easements shall be granted along Dinkey Creek Avenue within the Project site to comply with current requirements to allow for a 64-foot wide collector and landscape/public facilities easements of 10-feet in width.
21. Additional right-of-way and easements shall be acquired and granted along Childs Avenue to comply with the *Merced Vision 2015 General Plan* requirements to allow for a 94-foot wide arterial and landscape/public facilities easements of 15-feet in width in front of properties.
22. On local streets, cul-de-sac's, and dead-end roads with a 49-foot ROW width and park-strips, the minimum park strip width shall be 7 feet and the minimum sidewalk width shall be 5 feet. Trees shall be planted with root barriers to help prevent damage to the sidewalk.

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23. All local streets, cul-de-sac's, and dead-end roads shall be designed to City Standards. In no case shall a park strip be eliminated along any Local Street.
24. The effective date of this tentative map approval shall be the effective date of the final annexation for Coffee Street Annexation. (Annexation to the City has not yet been finalized and is subject to pre-clearance under the Voting Rights Act before the Annexation can become effective.)
25. There shall be no valley gutters allowed within this subdivision.
26. The tentative map shows no surface storage of storm water. Developer shall install underground pipe storage facility as approved by the City Engineer, or connection to the east (Summerfield) storage basin.
27. For the purposes of traffic calming on Dinkey Creek Avenue and to satisfy Mitigation Measure #15-7 of EIS #04-80, the developer is responsible to share in the cost for the raised intersection to be installed by the developer of Summerfield at the intersection of Dinkey Creek Avenue and Manzanita Drive designed as shown at Attachment E of Staff Report #07-20 – 2nd Addendum with the full cost proportionally shared between the Salazar and Summerfield Subdivisions.
28. For the purposes of traffic calming on Dinkey Creek Avenue and to satisfy Mitigation Measure #15-7 of ERC #04-80, the developer is responsible to share in the cost for the two speed tables that are to be installed by the developer of Summerfield; the first one shall be installed between Yorktown Street and Watertown Drive, and the second shall be installed between South Fork Drive and Sweetwater Street. The speed tables shall be designed as shown at Attachment E of Staff Report #07-20 – 2nd Addendum with the full cost proportionally shared between the Salazar and Summerfield Subdivisions.

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29. Consistent with Mitigation Measure #15-6 of EIS #09-80, the developer shall incur the cost to analyze modifying the timing of the signal located at the intersection of Childs and Parsons Avenues. The developer shall reimburse the City its cost for this modification.
30. Developer shall be responsible for a proportional share of cost and development of the Park/Basin area in the adjacent Summerfield subdivision.
31. The developer/applicant shall not be required to install a sidewalk along the western portion of Weaver Avenue that abuts Assessor Parcel No. 061-260-002 or along the eastside of Lots #1 through 7 & #25 through 28 of Hartley Crossings (Tuscany Estates III). However, curb, gutter, park-strip, and asphalt to the centerline of the road shall be installed along the western portion of Weaver Avenue and Weaver Court. The developer shall construct the park-strip, sidewalk, curb, gutter and pavement only along the east side of Weaver Avenue. At no time shall the intersection of Weaver and Childs Avenue be gated or blocked.
32. City review and approval of landscape/irrigation plans, to be prepared by a licensed landscape architect is required for all areas of landscaping that are to be maintained by City.
33. Childs Avenue: Consistent with the Project Pre-Annexation Development Agreement previously approved, the developer/applicant shall acquire and dedicate additional rights-of-way prior to approval of the Final Map, within their Project site and northern portion of Parcel 1. The developer/applicant shall be 100% responsible for the frontage improvements for the Childs Avenue frontage along both the Tuscany IV (Rucker) and the Parcel 1 non-owned frontage (approximately 297.3 feet), coordinating efforts with the "Summerfield" portion of the development. The developer/applicant is responsible for all improvements inclusive of piping and covering the Merced Irrigation District Canal, the relocation of overhead power, cable, and telephone lines, sidewalk, park-strip, curb, gutter, and needed asphalt to the centerline of Childs Avenue. The improvements shall be required when Alfarata Boulevard is required to be built and connected to Childs

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- Avenue for non-emergency use. If water, sewer, and storm water are not available to the land area covered by this agreement, however, then the City may choose to defer construction of Childs Avenue frontage improvements. Owner is entitled to reimbursement for said improvements adjacent to the U-T zoned properties if and when those properties are developed, to the extent City can acquire funds due to such development.
34. The developer/applicant shall be required to install an emergency access drive with full-pavement width, curb, and gutter that connects Weaver Avenue to Childs Avenue. Acquisition and construction of emergency access drive shall commence prior to the first certificate of occupancy, inclusive of completion of model homes for the proposed subdivision.
 35. Traffic Mitigation Fee Payment: Consistent with Mitigation Measures #15-1, #15-4, #15-5, and #15-8, the developer/applicant shall pay the City of Merced their fair-share of traffic mitigation fees as part of the final map process.
 36. A provision shall be recorded by the developer or its successor, at time of sale of any residential property within the project that lies within 1,000 feet of the external boundary of any non-project property which then currently has an active agricultural operation, or has had an agricultural operation on it during the calendar year preceding the year within which the sale takes place. This provision shall notify the buyer(s) and any subsequent owner(s) of the possible inconvenience or discomfort of farming operations, arising from the use of agricultural chemicals, including pesticides, and fertilizers, as well as from the pursuit of agricultural operations including plowing, spraying, and harvesting which occasionally generate dust, smoke, noise and odor, and the priority to which Merced County places on agricultural operations.

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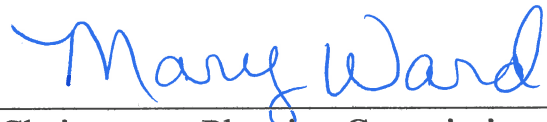
Upon motion by Commissioner Amey, seconded by Commissioner Williams, and carried by the following vote:

AYES: Commissioners Shankland, McCoy, Amey, Cervantes, Williams, Acheson, and Chairperson Ward

NOES: None

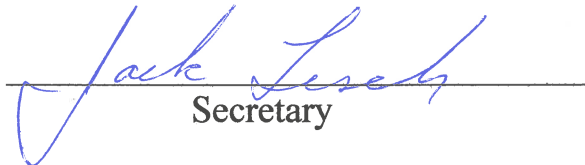
ABSENT: None

Adopted this 22nd day of August, 2007



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

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July 15, 2008/July 15, 2009: On July 15, 2008, the State of California gave a one-year extension to all active (not expired) tentative maps that were otherwise scheduled to expire on or before December 30, 2010. On July 15, 2009, the State of California gave a second, two-year extension. Therefore, this Tentative Map #1298 hereby has its expiration date extended to August 22, 2012.

July 15, 2011: On July 15, 2011, the State of California gave a 24-month extension to all active (not expired) tentative maps that were otherwise scheduled to expire on or before January 1, 2014. Therefore, Vesting Tentative Subdivision Map #1298 hereby has its expiration date extended to August 22, 2014.

July 11, 2013: On July 11, 2013, the State of California gave a 24-month extension to all active (not expired) tentative maps that were approved on or after January 1, 2000. Therefore, Vesting Tentative Subdivision Map #1298 hereby has its expiration date extended to August 22, 2016.

October 10, 2015: On October 10, 2015, the State of California gave a 24-month extension to all active (not expired) tentative maps that were approved on or after January 1, 2002, and not later than July 11, 2013. Therefore, Vesting Tentative Subdivision Map #1298 hereby has its expiration date extended to August 22, 2018.

August 2, 2018: On August 2, 2018, the City of Merced Site Plan Review Committee granted a one-year extension for Vesting Tentative Subdivision Map #1296. The expiration date is now August 22, 2019.

**CITY OF MERCED
Planning Commission**

Resolution #2928

Extended on 7/15/08, 7/15/09,
7/15/11, 7/11/13, 10/10/15, &
8/2/18-See Page 12.

WHEREAS, the Merced City Planning Commission at its regular meeting of July 18, 2007, held a public hearing and considered **Vesting Tentative Subdivision Map #1296** (“Summerfield”), initiated by Golden Valley Engineering, applicants for L & G Land, LLC, property owner, to allow the subdivision of 55.24 acres, generally located south of Childs Avenue, into approximately 251 single-family residential lots within an R-1-5 (Low-Density Residential 5,000 square-foot lot minimum) pre-zone; also known as Assessor’s Parcel Numbers 061-260-028, -029, -032, -036, -077, and -085; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through T of Staff Report #07-21; and,

WHEREAS, the Merced City Planning Commission does resolve to hereby find that the previous environmental review [Expanded Initial Study #04-80 (Mitigated Negative Declaration) for the Coffee Street Annexation] remains sufficient and no further documentation is required (Subsequent EIR/ND Section 15162 Findings), and approve Vesting Tentative Subdivision Map Application #1296, subject to the following conditions:

1. The proposed project shall be constructed/designed as shown on Exhibits 1 & 2 (Proposed Vesting Tentative Map, Plot-Plans, elevations) – Attachments C & D of Staff Report #07-21, subject to conditioned changes.
2. All conditions contained in *Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions")*, and Ordinance #2275 (Annexation for the Coffee Street Annexation) shall apply, as well as conditions and mitigation measures spelled out in the Pre-Annexation Development Agreement for Coffee Street Annexation adopted January 16, 2007, and any subsequent amendments (see Attachment H of Staff Report #07-21 for mitigation measures).

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3. The proposed project shall comply with all standard Municipal Code (including R-1-5 design standards) 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. 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 cost and maintenance costs expected prior to first assessments being received.
6. The developer/applicant shall indemnify, protect, defend, 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, or proceedings 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. 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

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and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.

8. Street names to be approved by City Engineer.
9. Dedicate, by Final Map, all interior street rights-of-way and all necessary easements, as shown on plans, and as needed for irrigation, utilities, drainage, landscaping, and open space.
10. Developer shall conform to existing sanitary sewer master plan established for the area.
11. Developer shall provide storm drainage calculations, including retention volumes where such volume is proposed, and pay any cost to modify existing storm pump station located adjacent to Halley Avenue.
12. Compliance with the 40-foot visual corner is required for corner lots and may result in the applicant constructing smaller homes on these lots or increasing the front yard setbacks. A 4-foot encroachment for the porch area can be allowed within this area. Details to be worked out with staff.
13. Front yard setbacks for the living portion of the home shall be a minimum of 15-feet. The garage portion of the home shall maintain a minimum setback of 20-feet, allowing for a minimum 20-foot driveway. The driveway length shall be measured from either the back of the sidewalk or from the property line, whichever results in a 20-foot driveway length without encroachment on the sidewalk area.
14. A 6-foot tall masonry wall will need to be constructed along the entire length of the northern property line of parcels that neighbor the southern boundary of the park/basin (APN's 061-522-001 through -010). The wall shall separate the development from the local park. Design and details shall be worked out with Planning Staff at the Improvement Plan review stage.
15. Fire Hydrants shall be provided and spaced in accordance with City of Merced standards. The maximum spacing between hydrants is 500

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- feet. Due to access issues to Lots 20 & 99, a fire hydrant will need to be placed near the entrance to these lots. Placement of fire hydrants, sprinklers, and number of hydrants is to be worked out with the Fire Department.
16. Utility meters serving the homes located on Lots 20 & 99 shall be placed adjacent to the City-owned street or sidewalk to facilitate the electronic reading of said meters. In no case shall these meters be located along the private driveways. All utilities will need to be located prior to approval of the map; this includes water, sewer, electrical, gas, and cable.
 17. The street tree and street light locations shall be located prior to approval of the Final Map.
 18. Refuse containers utilized by homes on the private driveways shall be placed on the City-owned streets for collection. City refuse vehicles will not travel on the private driveways to collect refuse.
 19. Refuse containers shall be stored out of site of the general public, including those homes located on the private driveways. A concrete pad (3 x 6 foot minimum) with paved access to the street shall be installed in the side or back yard of each unit to house refuse containers.
 20. City utility service (water and sewer) connections shall be located under the driveway for each lot that faces a City street. Water lines are privately owned and maintained between the meter and the home. Sewer lines are privately owned and maintained from the point of connection to the City-owned main sewer line.
 21. All open space and landscape areas, will be fully maintained by CFD's, and shall be dedicated to the City of Merced. The Park/Basin and level Park Area shall be eligible for park fee credits pursuant to existing City Policies and Standards.
 22. Additional right-of-way and easements shall be acquired and granted along Childs Avenue to comply with the *Merced Vision 2015 General*

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- Plan* requirements to allow for a 94-foot wide arterial and landscape/public facilities easements.
23. Additional right-of-way and easements shall be granted along Dinkey Creek Avenue within the Project site to comply with current requirements to allow for a 64-foot wide collector and landscape/public facilities easements. Lots 30 through 36 shall have landscape and utility/public easements of 10-feet in width in front of a 6-foot high masonry wall.
 24. Additional right-of-way and easements shall be granted along Alfarata Boulevard to comply with current requirements to allow for a 68-foot wide collector and landscape/public facilities easements. Lots 247 through 251 shall have landscape and utility/public easements of 10-feet in width in front of a 6-foot high masonry wall. The right-of-way and easements shall be acquired and dedicated from Gerard Avenue to Childs Avenue and completed prior to the issuance of the 100th Building Permit.
 25. On local streets, cul-de-sac's, and dead-end roads with a 49-foot ROW width and park-strips, the minimum park strip width shall be 7 feet and the minimum sidewalk width shall be 5 feet. Trees shall be planted with root barriers to help prevent damage to the sidewalk.
 26. All local streets, cul-de-sac's, and dead-end roads shall have a continuous park-strip that shall extend from intersection to intersection, beginning of bulb, or end of right-of-way. In no case shall a park strip be removed along any Local Street.
 27. A minimum turning radius of 33 feet inside, 47 feet curb-to-curb and 49 feet wall-to-wall for fire apparatus access must be provided throughout the subdivision. Refuse containers or other items shall not be permitted or placed within the required clear space of the turning area.
 28. All cul-de-sac bulbs shall be open-end style, including sidewalk connectors to adjacent streets and walls from back-of-house to back-of-house. Any wall openings shall be a minimum of 20 feet wide and have

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- wrought iron gates, which would allow pedestrian access per City design practices and handicapped accessibility standards.
29. A water main shall be included in Alfarata Boulevard and Gerard Avenue as part of the construction required in Conditions #42 and #45 herein. Storm and sanitary sewer mains shall be installed if deemed necessary by the City Engineer.
 30. The effective date of this tentative map approval shall be the effective date of the final annexation for Coffee Street Annexation. (Annexation to the City has not yet been finalized and is subject to pre-clearance under the Voting Rights Act before the Annexation can become effective.)
 31. The Developer shall provide and construct a minimum 20-foot wide all weather access easement and road along the northern portion of Lot 102 and connecting the east-west street with Coffee Street prior to issuance of a certificate of occupancy for Lots 102 through 117. There shall be an emergency access gate installed along the western property line as the street intersects with Lot 102.
 32. There shall be no valley gutters or rolled curbs allowed to be installed within this subdivision.
 33. Lots 244 through 246 shall be required to have either hammerhead or circular driveways accessing Dinkey Creek Drive.
 34. For the purposes of traffic calming on Dinkey Creek Avenue and to satisfy Mitigation Measure #15-7 of EIS #04-80, there shall be a raised intersection installed (prior to issuance of the 125th building permit) at the intersection of Dinkey Creek Avenue and Manzanita Drive designed as shown at Attachment F of Staff Report #07-21 at the full cost of the developer.
 35. For the purposes of traffic calming on Dinkey Creek Avenue and to satisfy Mitigation Measure #15-7 of EIS #04-80, there shall be two speed tables installed (prior to issuance of the 125th building permit); the first one shall be installed between Yorktown Street and Watertown Drive, and the second shall be installed between South Fork Drive and

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- Sweetwater Street. The speed tables shall be designed as shown at Attachment F of Staff Report #07-21 at the full cost of the developer.
36. Developer shall install a four-way stop intersection at the intersection of Alfararta Boulevard and Dinkey Creek Avenue per City standards.
 37. The developer shall coordinate with Merced County Public Works (“The Bus”) on the design and location of two bus stops within the Coffee Street Annexation area. The Project Final Map shall include the bus stop locations and provide adequate area within the right-of-way for their design. The Project Improvement Plans submitted to the City shall include these bus stops.
 38. Consistent with Mitigation Measure #15-6 of EIS #04-80, the developer shall incur the cost to analyze modifying the timing of the signal located at the intersection of Childs and Parsons Avenues. The developer shall reimburse the City its cost for this modification. Such analysis and signal modification will occur during the later phases of the Project.
 39. The right-of-way frontage for Lot 10 shall develop as a local street intersection. The developer shall install an intersection for this location inclusive of the following: a street sign pole, stormwater drains, curb and gutter radii, etc., ADA compliant crosswalk shall be installed until the City is able to make a determination to either have the street fully developed and extended south to the neighboring property line or deeded back to the developer.
 40. The houses for Lots 9 & 11 shall be designed on these parcels as if they were to be corner lots with double street frontage. These two lots shall conform to Municipal Code Section 20.10.070.C. whereas Lot 9 would have a 10-foot eastern property line setback and Lot 11 would have a 10-foot western property line setback.
 41. The Parks and Community Services Director shall review and approve the design and the layout for the park/basin prior to Final Map approval. Developer shall be responsible for the development of the Park/Basin area to the extent required by City Code. Additional landscaping and

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- improvement would be through a reimbursement agreement pursuant to existing City Policies and Standards.
42. The park/storm basin within the specific site shall be dedicated to the City and shall be maintained by a combination of City and CFD funds, as allowed by law. The specific combination will be determined as part of the Rate and Method of Apportionment study for the Services CFD.
 43. *Gerard Avenue:* Consistent with the Project Pre-Annexation Development Agreement, the developer/applicant shall acquire and dedicate additional rights-of-way (prior to issuance of the 125th building permit) and construct frontage improvements on the north side of Gerard Avenue frontage from the southeast corner of APN 061-500-011 eastward to the centerline of the Coffee Street. The developer/applicant shall be provided a reimbursement for a portion of road improvements when adjacent properties not owned by the developer/applicant are subsequently developed, pursuant to the mechanisms and amounts set forth in Municipal Code Section 17.58.030. The developer/applicant is entitled to reimbursements of said improvements as development occurs per city code. The improvements shall be required once Alfarata Boulevard is connected to Gerard Avenue. The City is requiring this intersection to be improved with the third phase of the development. Said improvement shall be included in the improvements plans of the third Final Map of the Project, consistent with the Phasing Plan shown in Attachment F of Staff Report #07-21.
 44. *Childs/Coffee Street Intersection:* The developer/applicant shall acquire and dedicate additional rights-of-way and construct any remaining improvements for the completion of the Childs Avenue and Coffee Street intersection. The developer/applicant is responsible for all improvements inclusive of sidewalk, park-strip, curb, gutter, and needed asphalt to the centerline of Childs Avenue and Coffee Street. This is inclusive of piping the MID lateral and the relocation of aboveground utilities as deemed necessary for the completion of this intersection. The improvements shall be required when Alfarata Boulevard is connected to Childs Avenue for non-emergency access.

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- Consistent with Mitigation Measure #15-3 of EIS #04-80, the Developer shall also pay the City 12.5% of the Coffee Street/Childs Avenue signal costs at time of issuance of the 45th building permit.
45. *Childs Avenue*: Consistent with the Project Pre-Annexation Development Agreement, the developer/applicant shall acquire and dedicate additional rights-of-way (prior to issuance of the 200th building permit), within their Project site and from those properties zoned “Urban Transition” within the boundaries of the Coffee Street Annexation. The developer/applicant shall construct frontage improvements for the Childs Avenue frontage from the northwest corner of the Coffee Street Annexation eastward to the centerline of Coffee Street, coordinating efforts with the “Salazar” portion of the development. The developer/applicant is responsible for all improvements inclusive of piping and covering the Merced Irrigation District Canal, the relocation of overhead power, cable, and telephone lines, sidewalk, park-strip, curb, gutter, and needed asphalt to the centerline of Childs Avenue. The improvements shall be required when either Weaver Avenue or Alfarata Boulevard are required by the City to be built and connected to Childs Avenue for non-emergency use.
46. *Alfarata Blvd*: Consistent with the Project Pre-Annexation Development Agreement, the developer/applicant shall acquire and dedicate necessary rights-of-way and construct full-street and related improvements for Alfarata Boulevard within the Project site and through the “Urban-Transition” zoned properties situated north of Gerard Avenue and south of the proposed subdivision. The developer/applicant is responsible for all improvements inclusive of stubbing the local roads from Alfarata Boulevard to Polaris Court and Cappella Court, sidewalk, park-strip, curb, gutter, and storm water drainage, as well as the landscaped easement and wall typically associated with collector roads. The developer/applicant shall be provided a reimbursement for a portion of road improvements when adjacent properties not owned by the developer/applicant are subsequently developed, pursuant to the mechanisms and amounts set forth in Municipal Code Section 17.58.030. Acquisition and construction to commence with full improvements at the intersection of

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Alfarata Boulevard and Gerard Avenue. The City is requiring this intersection to be improved as part of the third Final Map of the development, consistent with the Phasing Plan shown in Attachment E of Staff Report #07-21.

47. *Emergency Access:* Consistent with the Project Pre-Annexation Development Agreement, the developer/applicant shall install a “minimum fire access” which shall provide an all-weather asphalt emergency road that has three points of access and connects the interior of the Project to Coffee Street, Childs Avenue, and Gerard Avenue. Within phases being developed, the road shall be constructed as fully improved roadways. The developer/applicant is not entitled to reimbursements of said improvements for emergency access to the proposed development. Said road shall be complete prior to issuance of the first building permit, inclusive of model homes, for the proposed subdivision. Said emergency road shall be included in the improvement plans for the first phase of the Project.
48. A provision shall be recorded by the developer or its successor, at time of sale of any residential property within the project that lies within 1,000 feet of the external boundary of any non-project property which then currently has an active agricultural operation, or has had an agricultural operation on it during the calendar year preceding the year within which the sale takes place. This provision shall notify the buyer(s) and any subsequent owner(s) of the possible inconvenience or discomfort of farming operations, arising from the use of agricultural chemicals, including pesticides, and fertilizers, as well as from the pursuit of agricultural operations including plowing, spraying, and harvesting which occasionally generate dust, smoke, noise, and odor, and the priority to which Merced County places on agricultural operations.
49. Consistent with Mitigation Measure #4-2 of EIS #04-80, a spring pre-construction survey shall be conducted prior to any construction or removal of trees, and evidence of such survey shall be provided to the City.

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50. *Storm Drainage:* Consistent with the Project Pre-Annexation Development Agreement, the developer/applicant shall design and construct a storm-drainage system to allow flow from "Starlight Estates I & II" such that flow no longer goes to Gerard Avenue. Said design shall be included in the Improvement Plans for the Project's park/basin design.

51. *Traffic Mitigation Fee Payment:* Consistent with Mitigation Measures #15-1, #15-4, #15-5, and #15-8 of EIS #04-80, the developer/applicant shall pay the City of Merced their fair-share of traffic mitigation fees as part of the final map process.

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

AYES: Commissioners Amey, Ward, McCoy, Cervantes, Acheson,
and Chairman Shankland

NOES: None

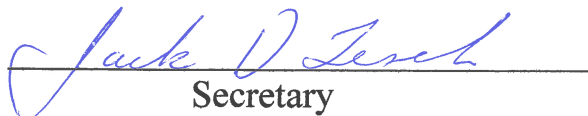
ABSENT: Commissioner Williams

Adopted this 18th day of July, 2007



Chairman, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

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July 15, 2008/July 15, 2009: On July 15, 2008, the State of California gave a one-year extension to all active (not expired) tentative maps that were otherwise scheduled to expire on or before December 30, 2010. On July 15, 2009, the State of California gave a second, two-year extension. Therefore, this Tentative Map #1296 hereby has its expiration date extended to July 18, 2012.

July 15, 2011: On July 15, 2011, the State of California gave a 24-month extension to all active (not expired) tentative maps that were otherwise scheduled to expire on or before January 1, 2014. Therefore, Vesting Tentative Subdivision Map #1296 hereby has its expiration date extended to July 18, 2014.

July 11, 2013: On July 11, 2013, the State of California gave a 24-month extension to all active (not expired) tentative maps that were approved on or after January 1, 2000. Therefore, Vesting Tentative Subdivision Map #1296 hereby has its expiration date extended to July 18, 2016.

October 10, 2015: On October 10, 2015, the State of California gave a 24-month extension to all active (not expired) tentative maps that were approved on or after January 1, 2002, and not later than July 11, 2013. Therefore, Vesting Tentative Subdivision Map #1296 hereby has its expiration date extended to July 18, 2018.

August 2, 2018: On August 2, 2018, the City of Merced Site Plan Review Committee granted a one-year extension for Vesting Tentative Subdivision Map #1296. The expiration date is now July 18, 2019.