

CITY OF MERCED
Planning Commission

Resolution #2801

WHEREAS, the Merced City Planning Commission at its regular meeting of February 23, 2005, held a public hearing and considered **Vesting Tentative Subdivision Map (VTSM) #1268** ("Tuscany East"), initiated by Golden Valley Engineering, engineers for James and Catherine Lynn, property owners, to allow the subdivision of 8.6 acres into approximately 47 single-family residential lots located north of Childs Avenue and west of the Doane Hartley Lateral within a Rr-1-5 (Low Density Residential 5,000-square-foot lot minimum) zone; also known as Assessor's Parcel No. 061-340-009; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through M of Staff Report #05-16; and,

WHEREAS, Merced City Planning Commission does resolve to hereby find that the previous environmental review [Environmental Impact Report for the Weaver Annexation (SCH#94062048)] remains sufficient and no further documentation is required (CEQA Section 15162), and approve Vesting Tentative Subdivision Map #1268 ("Tuscany East"), subject to the following conditions:

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Proposed Vesting Tentative Map) - Attachment B, subject to conditioned changes, of Staff Report #05-16.
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 (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 costs 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 and as needed for irrigation, utilities, drainage, landscaping, and open space.
10. The tentative map shows no surface storage of storm water. Developer shall install underground pipe storage with consideration as to whether the existing pump station pumping rate can or cannot be adjusted.
11. Tentative Map approval is subject to recordation of a Parcel Map creating the parcel shown north of this tentative map.
12. The parcel north of Lot 1 shall be one Lot instead of two. Label the 60 x 119.82 parcel as "Lot A". Grant the City a "public facilities and ground water treatment" easement over all of Lot A. Final Map may contain a note that the developer would have ownership and rights to build a house on the lot should the City ever abandon the easement.
13. The drainage or the valley gutter in the street along Lots 1 through 13 is unacceptable. In addition, no valley gutter of any kind shall be installed within this subdivision.
14. Dedicate additional Childs Avenue right-of-way and easements to match *Merced Vision 2015 General Plan* requirements for 94-foot wide arterial, plus landscape and public facilities easements varying from 12-feet to 15-feet in width.
15. Provide for City review and approval of landscape/irrigation plans, prepared by a licensed landscape architect, for all areas of landscaping that are to be maintained by City.
16. Reconstruct Childs Avenue pavement to meet City Standards for Arterial streets.
17. Compliance with the 40-foot visual corner is required for corner lots (approximately 3 lots), and may result in the applicant constructing smaller homes on these lots or increasing the front yard setbacks. A

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4-foot encroachment for the porch area can be allowed within this area. Details to be worked out with staff.

18. At the building permit stage, the site plans for each lot shall include paved side yard or backyard location for storage of 3 refuse cans/containers.
19. The cul-de-sac bulb 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 with wrought iron gates to allow pedestrian access per City design practices.
20. A 6-foot masonry wall will need to be constructed along the entire length of the eastern property line. Design and details will need to be worked out with staff at the building permit stage.

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

AYES: Commissioners Shankland, Acheson, Fisher, Conte, Pollard,
and Chairman Burr


NOES: None

ABSENT: Commissioner Eisenhart

Adopted this 23rd day of February, 2004


Chairman, Planning Commission of
the City of Merced, California

ATTEST:


Secretary