



CITY OF MERCED

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

Minutes Planning Commission

Wednesday, August 17, 2022

7:00 PM

A. CALL TO ORDER

Chairperson HARRIS called the Regular Meeting to order at 7:00 PM.

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Vice Chair CAMPER led the Pledge of Allegiance to the Flag.

B. ROLL CALL

Present: 7 - Chairperson Michael Harris, Member Dorothea White, Member Jose Delgadillo, Vice Chair Mary Camper, Member Jeremiah Greggains, Member Ronnie DeAnda, and Member Anthony Gonzalez

Absent: 0

C. ORAL COMMUNICATIONS

There were no public comments.

D. CONSENT CALENDAR

D.1. **SUBJECT:** Planning Commission Minutes of August 3, 2022

ACTION:

Approving and filing the Planning Commission Minutes of August 3, 2022

ATTACHMENTS

1. Draft Minutes of August 3, 2022

The motion was made by Member White, seconded by Member Greggains to approve the consent agenda. The motion carried by the following vote:

Aye: 7 - Chairperson Harris
Member White
Member Delgadillo
Vice Chair Camper
Member Greggains
Member DeAnda
Member Gonzalez

No: 0

Absent: 0

E. PUBLIC HEARINGS AND ACTION ITEMS

E.1

SUBJECT: Vesting Tentative Subdivision Map #1321 for the Long Property Subdivision, initiated by Precision Engineering, on behalf of Long and Seng Thao, property owners. This application involves a request to subdivide 41.6 acres of land into 146 single-family lots. This property is generally located south of Cardella Road (extended), west of Fahrens Creek and has General Plan designation of Low Density (LD) Residential and a Zoning designation of Planned Development (P-D) #50. **PUBLIC HEARING**

ACTION: Approve/Disapprove/Modify
1) Environmental Review #22-28 (Categorical Exemption)
2) Vesting Tentative Subdivision Map #1321

SUMMARY

The project site is located on the south side of Cardella Road (extended), west of Fahrens Creek. The proposed subdivision would subdivide 41.6 acres of land into 146 single-family lots. Planning staff, along with other City staff, have reviewed the project and recommend approval subject to conditions.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #22-28 (Categorical Exemption based on CEQA Section 15183 Findings) and Vesting Tentative Subdivision Map #1321 "Long Property" (including the adoption of the Draft Resolution) subject to the conditions in Exhibit A and the findings/considerations in Exhibit B of Draft Resolution #4096 at Attachment A.

Senior Planner NELSON reviewed the report on this item. For further information, refer to Staff Report #22-606.

Public testimony was opened at 7:18 PM.

Speaker from the Audience in Favor

JIM JIMISON, Applicant, Fresno, CA

There were no speakers in opposition to the project.

Public testimony was closed at 7:23 PM.

A motion was made by Vice Chair Camper, seconded by Member Gregains, to adopt a Categorical Exemption regarding Environmental Review #22-28, and approve Vesting Tentative Subdivision Map #1321, subject to the conditions set forth in Exhibit A (RESOLUTION #4096). The motion carried by the following vote:

Aye: 7 - Chairperson Harris
Member White
Member Delgadillo
Vice Chair Camper
Member Gregains
Member DeAnda
Member Gonzalez

No: 0

Absent: 0

E.2

SUBJECT: Appeal the Site Plan Review Committee's approval of a one-year extension for Vesting Tentative Subdivision Map (VTSM) #1291 for Bright Development which would allow for the subdivision of approximately 39.8 acres of land into 161 single-family lots, generally located on the east side of G Street at Merrill Place (extended).
PUBLIC HEARING

ACTION: Grant/Deny/Modify
1) Appeal of the one-year extension granted for VTSM #1291 (Bright Development).

SUMMARY

On June 16, 2022, the Site Plan Review Committee granted a one-year extension to Vesting Tentative Subdivision Map (VTSM) #1291, extending the expiration date to July 16, 2023. On June 22, 2022, an appeal of this decision was filed by Rick Telegan on behalf of Regency Court II, LLC. On August 3, 2023, the Planning Commission continued this matter to the meeting of August 17, 2023.

RECOMMENDATION

Planning staff recommends that the Planning Commission Deny the appeal of the Site Plan Review Committee's approval of a one-year extension for Vesting Tentative Subdivision Map #1291.

Senior Planner NELSON reviewed the report on this item. For further information, refer to Staff Report #22-636.

The Planning Commission was provided a memorandum from Senior Planner NELSON, requesting this item be continued to September 7,

2022, to allow staff additional time for research.

There was no one present wishing to speak regarding the project; therefore, public testimony was opened and closed at 7:26 PM.

A motion was made by Member Greggains, seconded by Member White, to continue the Appeal of the 1-year extension of Vesting Tentative Subdivision Map #1291 to the Planning Commission Meeting of September 7, 2022. The motion carried by the following vote:

Aye: 7 - Chairperson Harris
Member White
Member Delgadillo
Vice Chair Camper
Member Greggains
Member DeAnda
Member Gonzalez

No: 0

Absent: 0

F. INFORMATION ITEMS

F.1.**SUBJECT:** Report by Planning Manager of Upcoming Agenda Items

ACTION

Information only.

Planning Manager ESPINOSA went over items for the next several Planning Commission meetings.

F.2.**SUBJECT:** Calendar of Meetings/Events

Aug.	15	City Council, 6:00 p.m.
	17	Planning Commission, 7:00 p.m.
	23	Bicycle and Pedestrian Advisory Commission, 4:00 p.m.
Sept.	6	City Council, 6:00 p.m. (Tuesday)
	7	Planning Commission, 7:00 p.m.
	19	City Council, 6:00 p.m.
	21	Planning Commission, 7:00 p.m.
Oct.	3	City Council, 6:00 p.m.
	5	Planning Commission, 7:00 p.m.
	17	City Council, 6:00 p.m.
	19	Planning Commission, 7:00 p.m.
	25	Bicycle and Pedestrian Advisory Commission, 4:00 p.m.

G. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 7:30 PM

A motion was made by Member Greggains, seconded by Member Delgadillo, to adjourn the Regular Meeting. The motion carried by the following vote:

Aye: 7 - Chairperson Harris
Member White
Member Delgadillo
Vice Chair Camper
Member Greggains
Member DeAnda
Member Gonzalez

No: 0

Absent: 0

BY:

A handwritten signature in blue ink, appearing to read 'Kim Espinosa', written in a cursive style.

KIM ESPINOSA, SECRETARY
MERCED CITY PLANNING COMMISSION

APPROVED:

A handwritten signature in blue ink, appearing to read 'Michael Harris', written in a cursive style.

MICHAEL HARRIS, CHAIRPERSON
MERCED CITY PLANNING COMMISSION

CITY OF MERCED
Planning Commission

Resolution #4096

WHEREAS, the Merced City Planning Commission at its regular meeting of August 17, 2022, held a public hearing and considered **Vesting Tentative Subdivision Map #1321**, initiated by initiated by Valley Premier Land Group, on behalf of Long and Seng Thao, property owners. This application involves a request to subdivide approximately 41.6 acres of land into 146 single-family lots ranging in size from 4,500 square feet to 9,546 square feet. The project site is generally located south of Cardella Road (extended), west of Fahrens Creek. The site has a General Plan Designation of Low Density (LD) Residential and a Zoning designation of Planned Development (P-D) #50.; also known as Assessor's Parcel No. 206-030-007 and -008; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through O of Staff Report #22-606 (Exhibit B); 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 Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #22-28 and approve Vesting Tentative Subdivision Map #1321, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Camper, Greggains, DeAnda, Delgadillo, White, Gonzalez, and Chairperson Harris

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

PLANNING COMMISSION RESOLUTION #4096

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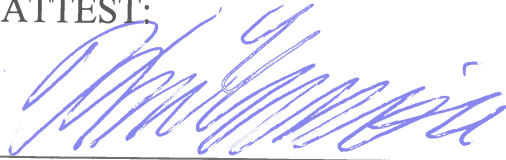
August 17, 2022

Adopted this 17th day of August 2022.



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Exhibits:

Exhibit A – Conditions of Approval

Exhibit B – Findings/Considerations

Conditions of Approval
Planning Commission Resolution #4096
Vesting Tentative Subdivision Map #1321

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Vesting Tentative Subdivision Map for “Long Property”)—Attachment C of Planning Commission Staff Report #22-606, except as modified by the conditions herein.
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 project shall comply with the applicable conditions set forth in Planning Resolution #2704 for Annexation and Pre-Zone #01-03 and #01-04, all applicable conditions of the Pre-Annexation Development Agreement for the Fahrens Creek North Annexation, including all applicable mitigation measures adopted for Initial Study #01-32 (refer to Attachment D of Planning Commission Staff Report #22-606).
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, 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.

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. 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.
9. A Site Plan Review Permit shall be obtained prior to construction to determine design standards for building heights, setbacks, lot coverage, etc. and architectural design.
10. 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).
11. All necessary documentation related to the construction of the residential uses shall be provided at the building permit stage.
12. The project shall comply with all the Post Construction Standards required to comply with state requirements for the City's Phase II MS-IV Permit (Municipal Separate Storm Sewer System).

13. Per Mitigation Measure F-2 of Initial Study #01-32 (Attachment D of Planning Commission Staff Report #22-606), the interior noise level for homes shall not exceed 45dB. In order to achieve this level, noise attenuation measures may be required. A noise study shall be provided prior to the issuance of any building permits for lots along Cardella Road and R Street.
14. Per Mitigation Measure F-5 of Initial Study #01-32 (Attachment D of Planning Commission Staff Report #22-606), all grading and construction activity shall be limited to daylight hours (between 7 a.m. and 7 p.m.).
15. Per Mitigation Measure E-1 of Initial Study #01-32 (Attachment D of Planning Commission Staff Report #22-606), a biological assessment by a qualified biologist registered to perform such assessments for vernal wetlands and related sensitive-type areas shall be provided prior to the issuance of a grading permit or any other work which may disturb the site.
16. As shown on VTSM #1321 (Attachment C of Planning Commission Staff Report #22-606), Outlot C is not a buildable lot. If the owner cannot come to an agreement with the adjacent property owner to combine this lot with Lot D from the Horizons at Compass Pointe, Unit 2, to create buildable lots, the City shall only accept this lot if it is included in the CFD for maintenance purposes. If for some reason it cannot be included in the CFD, the property owner shall be responsible for all maintenance.
17. If the owner can come to an agreement with the owners of Lots D and E from the Horizons at Compass Pointe, Unit 2 subdivision to combine Lots D and E with Outlot C, a maximum of 5 additional lot may be added in the area at the corner of Evening Star Drive and Solstice Avenue without having to formally modify the tentative map.

Street Improvements & Infrastructure

Cardella Road

18. The developer shall dedicate 79 feet of right-of-way for Cardella Road (refer to Mitigation Measure M-3 of Initial Study #01-32 – Attachment D of Planning Commission Staff Report #22-606). This is equivalent to the half-width of Cardella Road (a divided arterial with a 148' ultimate right-of-way).
19. The intersection of Cardella Road and R Street shall be designed to meet the standards for an expanded intersection of a major arterial (R Street) and a Divided Arterial (Cardella Road) as shown in Figure 4.28 of the *Merced Vision 2030 General Plan*, unless otherwise approved by the City Engineer.

20. The full width of Cardella Road is not required to be constructed with this development. The collector equivalent (74-foot width) shall be constructed providing two travel lanes (one in each direction) as well as all other standard improvements including, but not limited to, sidewalk, curb, gutter, street lights, and landscaping on the south side of Cardella Road along the project frontage.
21. A 7-foot-tall concrete block wall shall be constructed along the full frontage of Cardella Road and R Street. In addition to the typical park strip, a minimum 10-foot-wide landscape strip shall be provided between the back of the sidewalk and the block wall. The block wall shall be placed in the public right-of-way, not an easement.

R Street

22. The developer shall dedicate sufficient right-of-way to provide an ultimate width of 143 feet for R Street. R Street shall be constructed with full improvements along the full length of the project frontage. Partial reimbursement through the Public Facilities Financing Plan (PFFP) for the construction of R Street is available per City Administrative Policy A-32.
23. Modifications to the existing street south of Lehigh Drive may be necessary as determined by the City Engineer to eliminate the turn pocket at the current terminus of R Street.
24. A traffic signal will be installed at the intersection of R Street and Cardella Road in the future. This project shall install interim traffic control measures including, but not limited to, a left-turn pocket from R Street onto Cardella Road, stop signs, paving, and striping as required by the City Engineer.
25. A median shall be installed in R Street per City Standards. Right turn movements from R Street onto Monaco Drive would be allowed with a break (“worm”) in the median.
26. R Street shall be constructed to match the existing street south of Lehigh Drive with a concrete block wall and landscape strip behind the sidewalk, as well as a park strip between the curb and the sidewalk. The wall and landscape strip shall be located within the public right-of-way and not placed in an easement.
27. A traffic signal is required at the intersection of R Street and Lehigh Drive unless otherwise determined by the City Engineer. The developer may propose an alternative to the traffic signal. All alternative designs shall be supported by a traffic analysis or other documentation as required by the City Engineer. The traffic analysis shall be performed by a consultant approved

by the City. The scope of work shall be approved by the City. The City Engineer shall make the final determination on whether the traffic signal or other alternative is required based on the information provided.

28. No homes shall face R Street or Cardella Road. Lots fronting R Street and Cardella Road shall not have vehicular access to R Street or Cardella Road. Abutters rights to these roads shall be relinquished with the final map.

Lehigh Drive & Monaco Drive

29. Lehigh Drive shall have a 94-foot right-of-way (74-feet, plus 10-foot-wide landscape strips on each side). This includes a 6-foot-tall concrete block wall and 10-foot-wide landscape strip behind the sidewalk, as well as a park strip between the sidewalk and street. The landscape strip and wall shall be placed in the right-of-way, not in an easement.
30. Monaco Drive shall have a 74-foot right-of-way and shall be constructed to include two travel lanes, a 7.5-foot-wide park strip, a 5-foot-wide sidewalk, a 6-foot-tall block wall, and a 5-foot-wide landscape strip between the wall and the back of sidewalk. The landscape strip and the block wall shall be placed in the City right-of-way, not in an easement. The 5-foot-wide landscape strip behind the sidewalk shall be planted with drought tolerant plants. Vines may be planted on the wall. The landscaping should include shrubs and other plants, and if possible, small trees.
31. No homes shall front Lehigh Drive or Monaco Drive. All abutters rights to these streets shall be relinquished with the final map. No vehicular access shall be allowed from any lot onto these streets.

Street I

32. Street I shall have a 64-foot right-of-way and be constructed to include a park strip and vertical curb per City Standard ST-1.
33. Traffic calming measures shall be incorporated into the design of Street I. These measures shall be approved by the City Engineer and be included with the improvement plans for the subdivision. Small roundabouts similar to the design at Crescendo Avenue and Pleasant Lane/Court may be allowed.

Streets F, G , and H

34. All cul-de-sacs shall comply with the length, width, and turnaround requirements of Appendix D of the California Fire Code, as adopted in Merced Municipal Code Section 17.32.180. The cul-de-sacs shall have a minimum diameter of 96 feet. The open-ended cul-de-sacs proposed for Streets F, G, and H shall be reduced to allow only pedestrian traffic, not vehicular traffic, unless otherwise required by Table D103.4. If vehicular traffic is allowed, it shall only be for emergency vehicle access, with gates, knox boxes, and remote entry required.

Other

35. The 40-foot-wide right-of-way dedication generally located approximately 1,065 feet south of the northern property line shall be abandoned with the final map.
36. All street widths shall comply with City Standards. All turning radii shall comply with City Standards and applicable Fire Department Standards.
37. 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.
38. Traffic control signs, street markings, and striping shall be as directed by the City Engineer.

Utilities

39. A 16-inch water line shall be installed in R Street, unless otherwise determined by the City Engineer. This line shall extend from its current terminus across the entire project frontage on R Street.
40. All utilities installed in R Street, Cardella Road, Monaco Drive, and Lehigh Drive shall extended across the entire project frontage as required by Merced Municipal Code Sections 15.08.110 and 15.40.030. All water lines shall be looped as required by the City Engineering Department.
41. Any oversizing of water and sewer lines shall be eligible for reimbursement or credit per Merced Municipal Code Sections 15.08.150 (Sewer) and 15.40.090 (Water). No reimbursement shall be given after the 10th anniversary of the date the water/sewer lines were accepted by the City.
42. A 10-foot-wide storm drain easement exists between proposed Lots 133 and 134. No structures shall encroach into the easement area. The Inspection

Services Department may require an additional setback from the easement area for any structures built on the lot.

43. The developer shall provide all utility services to each lot, including sanitary sewer, water, electric power, gas (if designed to use gas), telephone, and cable television. All new utilities are to be undergrounded, except on-ground transfer boxes for cable, telephone, and/or power, as necessary.
44. Developer shall provide storm drainage calculations as required by the City Engineer to confirm that the existing basin east of the project site has sufficient volume to serve this development.

Landscaping

45. 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.
46. 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).

Site Design

47. As required by Condition #9, a Site Plan Review permit is required to approve Design Standards. The Design Standards shall include those standards required by MMC Section 20.20.020 (M)(6).
48. Compliance with the "corner vision triangle" per 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.
49. Refuse containers shall be stored out of the public view. 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.

50. In the northern portion of the subdivision, the driveway for Lots 1 and 48 shall be on Street A. The driveway for Lots 46 and 47 shall be at the southern edge of the lots to allow as much distance as possible from the intersection of Cardella Road and Street I. The driveways for Lot 29 shall face Street D and the driveways for Lots 30 and 31 shall be at the northern edge of the lots to allow as much distance as possible from the intersection of Street I and Monaco Drive.
51. In the southern portion of the subdivision the driveway for Lots 80, 93 94, 103, 104 112 and 116 shall face the cul-de-sac, not Street I. The driveways for Lots 145 and 146 shall be at the southern end of the lots to allow as much distance as possible from the intersection of Monaco Drive and Street I. The driveways for Lots 123 and 124 shall be at the northern edge of the lots to provide as distance as possible from the intersection of Lehigh Drive and Street I.
52. All mechanical equipment shall be screened from public view.

General Requirements

53. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
54. The developer shall install appropriate street name signs and traffic control signs with locations, names, and types approved by the City Engineer.
55. 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.
56. Dedication by Final Map of all necessary easements will be made as shown on Vesting Tentative Subdivision Map #1321 and as needed for irrigation, utilities, drainage, landscaping, open space, and access.

**Findings and Considerations
Planning Commission Resolution #4096
Vesting Tentative Subdivision Map #1321**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Low Density (LD) Residential and the Zoning designation of Planned Development (P-D) #50.

The proposed subdivision would be constructed on 41.6 acres of vacant land. The gross density for the site, would be 3.5 units/acre. The Low Density (LD) Residential land use designation has a density range of 2 to 6 units per acre. Therefore, the proposed density is consistent with the land use designation.

The proposed subdivision would achieve the following General Plan Land Use Policies:

L-1.2 Encourage a diversity of building types, ownership, prices, designs, and site plans for residential areas throughout the City.

L-1.3 Encourage a diversity of lot sizes in residential subdivisions.

L-1.8 Create livable and identifiable residential neighborhoods.

Fahrens Creek Specific Plan Compliance

- B) The project site is located within the Fahrens Creek Specific Plan (FCSP). The FCSP shows this site with an R-1-5 land use designation. The R-1-5 designation in the FCSP is consistent with the Zoning designation of R-1-5 which requires a minimum lot size of 5,000 square feet. Although this subdivision proposes some lots below the minimum 5,000-square-foot lot size, the Planned Development Zoning allows some flexibility in the requirements for an R-1-5 designation. Finding L provides details on compliance with the Planned Development Standards and the ability to vary from the standard zoning requirements such as allowing a smaller lot size.

Zoning Code Compliance

- C) Zoning Ordinance Section 20.20.020(Q) requires that individual projects within a Planned Development obtain a Site Plan Review Permit to address conformance with the Site Utilization Plan for the Planned Development. In this case, because the Planned Development does not include development standards, the Site Plan Review will also address development standards for

this particular development. These standards will include setbacks, lot coverage, architecture, building height, etc. Condition #9 requires the developer to obtain a Site Plan Review Permit prior to construction of any homes.

Traffic/Circulation

- D) The proposed subdivision is located at the corner of two arterials – Cardella Road and R Street. Cardell Road is a major arterial and R Street is a divided arterial. The subdivision is also bisected by two east/west collector roads – Monaco Drive and Lehigh Drive.

According to the Institute of Traffic Engineers (ITE) Manual, a single-family home generates 9.57 trips per weekday. Based on the proposed 106 lots within this subdivision, a total of 1,397 trips per weekday would be generated.

Cardella Road and R Street

Cardella Road is a divided arterial that requires a 118-foot-right-of-way. However, the Engineering Department is currently updating their standards and will increase the right-of-way to 148 feet to avoid having public facilities within easements on private property. This development would be required to dedicate half of the right-of-way (74 feet). The developer would be required to construct two travel lanes and frontage improvements along their property frontage.

R Street is a major arterial that requires 128-foot-right-of-way. With the changes to the Engineering Standards, the right-of-way will increase to 158 feet wide. The City has already obtained 15 feet of the needed right-of-way, so the overall dedication needed to provide sufficient right-of-way is only 143 feet. Because Fahrens Creek is on the west side of R Street, the City is only able to obtain 15 feet of right-of-way from that side of the road. Therefore, this development would be required to dedicate the balance which is 143 feet.

The intersection of Cardella Road and R Street would eventually have a traffic signal. Traffic signals at the corner of two arterials are fully reimbursable by the City's Public Facilities Financing Plan (PFFP). Because the City does not have the right-of-way on the north side of Cardella Road (this property is still in the County), the exact location of the traffic signal is not clear. Until R Street extends further north, R Street will dead end at the intersection with Cardella Road. There will be a stop sign at the intersection which will function similar to the existing intersection of R Street and Pacific Drive. Therefore, this development is not required to install the traffic signal, but it

is required to dedicate the necessary right-of-way needed to accommodate the development's share of the land required for the future traffic signal. The signal would be put in either with future development to the north or as a City project in the future.

Monaco Drive

Monaco Drive is a collector street and would require a 74-foot right-of way. As a collector street, no houses should front this street to avoid conflicts with through traffic and vehicles exiting driveways. Condition #31 prohibits driveway access on Monaco Drive and requires the developer to relinquish the abutters rights to Monaco Drive. By relinquishing the abutters rights, the property would not longer have access to Monaco Drive. Monaco Drive would include a park strip, sidewalk, 5-foot-wide landscape strip, and concrete block wall.

Lehigh Drive

Lehigh Drive is also a collector street. However, in this area, Lehigh Drive has been constructed with a 94-foot-wide right-of-way. Therefore, to be consistent with the street section east of this site, Lehigh Drive is required to have a 94-foot right-of-way which would include a 10-foot-wide landscape strip behind the sidewalk (Condition #29).

Condition #31 also prohibits driveway access on Lehigh Drive and requires the developer to relinquish the abutters rights to Lehigh Drive.

The intersection of Lehigh Drive and R Street is at the ½ mile mark between Cardella Road and Yosemite Avenue. As such, the *Merced Vision 2030 General Plan* requires a traffic signal to allow left-hand turns. Because Lehigh is no longer planned to go across the creek and connect to the existing section of Lehigh Drive off of M Street, the developer feels a traffic signal may not be warranted at this intersection. Condition #27 allows the developer to suggest an alternative to the traffic signal. All alternatives must be supported by a traffic analysis. The traffic analysis and any alternatives to a traffic signal are subject to approval by the City Engineer (Condition #27).

Street I

Street I is a local street that would run the full length of the subdivision. Condition #32 requires Street I to have a 64-foot right-of-way to include a park strip and vertical curb. Condition #33 requires traffic calming measures to be incorporated into the design of Street I. Traffic calming measures may include a small round-about similar to the one installed at the intersection of

Crescendo Avenue and Pleasant Lane/Court near Dunn Road and Gardner Avenue (refer to Attachment E) or other measures approved by the City Engineer.

Streets F, G, and H

Streets F, G, and H as proposed have a 40-foot-wide open-ended cul-de-sac design to allow for an Emergency Vehicle Access (EVA). As proposed, the cul-de-sacs do not need to have an EVA. Therefore, Condition #34 requires the openings onto R Street be reduced to allow pedestrian traffic only.

Evening Star

Evening Star Drive was partially constructed with the subdivision to the southwest (Horizons at Compass Pointe, Unit 2). This subdivision would be required to construct the remainder of Evening Star Drive connecting it to Solstice Avenue.

Parking

- E) Each lot would be provided with a driveway that would lead to the garage for parking. Per the Zoning Ordinance, each home would be required to provide one space of off-street parking. The driveway would not count as the off-street parking to meet this requirement.

Public Improvements/City Services

- F) The developer would be required to install all streets, utilities, and other improvements within the subdivision. City water and sewer lines are available in this area to be extended to serve this subdivision. Each lot would be required to pay the required connection fees for sewer and water connections at the building permit stage. All utilities would be required to be extended across the full frontage of the project site as required by Merced Municipal Code (MMC) Sections 15.08.110 (sewer) and 15.40.030 (water).

Each lot within the subdivision would be required to meet the City's storm drainage and run-off requirements for the City's MS-IV permit (Condition #12). All storm water would ultimately be delivered to the storm drain basin constructed to west at the corner of Monaco Drive and Horizons Avenue.

The property will be annexed into the City's Community Facilities District (CFD) for Services (No. 3002-2) as required by Condition #8. The CFD covers costs related to police and fire, as well as maintenance of landscaping, streetlights, storm drains, etc.

Building Design

- G) The architecture and design standards will be reviewed by the Site Plan Review Committee prior to construction as required by MMC Section 20.20.020 (Q) (Condition #9). The homes shall comply with the Single-family Residential Development Standards as outlined in MMC Section 20.20.020 (M)(6) as detailed below:
- a. **Garages.** A minimum of 25 percent of garages fronting a street shall have recessed doors (by at least 1 foot) for dwelling units with the standard 20 foot setback. A minimum of 25 percent of the garages along a street shall have greater setbacks which are 5 feet greater than the minimum setback for the remainder of the dwelling unit. No three-car garages are allowed for lots 5,000 square feet or smaller, except on lots with alley access or lots exceeding 60 feet in width.
 - b. **Elevations.** Projects shall incorporate a variety of dwelling elevations. Varied setbacks, some two-story houses, front porches, bays and balconies are encouraged as ways of achieving variety; and windows, doors, non-recessed garage doors on the front elevation shall have raised trim in order to provide visual interest and relief.
 - c. **Neighborhood Compatibility.** Projects shall be designed to be compatible with adjacent single-family residential neighborhoods. The Director of Development Services shall consider the relationship of second-story windows, doors, and balconies with the privacy of neighbors, and may require that these features be redesigned or omitted from second-story rear walls.
 - d. **Landscaping.** Front yard shall contain landscaping, including trees, lawn, or other type of drought-tolerant groundcover, shrubs, and an irrigation system, to be installed prior to occupancy.

Site Design

- H) The northern portion of the subdivision between Cardella Road (extended) and Monaco Drive (extended) includes a north/south street (Street I) that will connect to the southern portion of the subdivision. The northern portion also includes a grid-type design that includes 4 east/west streets and one additional north/south street.

The southern portion of the subdivision includes the extension of Street I and

has four cul-de-sacs extending to the east from Street I. There would be six lots that would face Evening Star Drive.

No lots with frontage on Cardella Road, R Street, Monaco Drive, or Lehigh Drive shall have houses facing these streets or have vehicular access to these streets.

The proposed lots range in size from 4,500 to 9,546 square feet. Each lot would be connected by sidewalks throughout the subdivision. The table below shows the mixture of lot sizes in the subdivision.

Number of Lots	Lot Size (S.F)
26	4,500 to 4,994
77	5,000 to 5,992
24	6,050 to 6,995
19	7,090 to 9,546

A concrete block wall would be required along the project's Cardella Road and R Street frontage with a 10-foot-wide landscape strip (Condition #21) between the back of the sidewalk and the wall. A concrete block wall would also be constructed along Monaco Drive with a 5-foot-wide landscape strip and along Lehigh Drive with a 10-foot-wide landscape strip between the wall and sidewalk.

As described in Finding C, the specific design standards for each site will be established through the Site Plan Review permit process.

Landscaping

- I) 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 (Condition #46).

As described above, landscape strips in addition to park strips would be provided along all arterial and collector roads. Street I would also have a park strip. The other local streets and cul-de-sacs would not have park strips.

Neighborhood Impact/Interface

- J) As shown on the location map at Attachment B of Planning Commission Staff Report #22-606, the site is adjacent to vacant land to the west, with the exception of the single-family homes along Evening Star Drive. To the east would be the extension of R Street and Fahrens Creek beyond that. To the north is vacant land currently not annexed into the City. To the south are single-family homes.

The construction of the proposed subdivision would increase in the number of units in the area which would result in more traffic. However, the additional traffic was anticipated with the General Plan and would not cause a major impact or reduce the level of service for the roads in the area.

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

Land Use/Density Issues

- K) As previously explained, the site is designated for Low Density Residential. Although the Fahrens Creek Specific Plan identifies this site as R-1-5 which would require a minimum lot size of 5,000 square feet, the Planned Development Zoning designation provides some flexibility in applying this standard. The majority of the lots are 5,000 square feet or greater. Given the amount of right-of-way dedication needed for streets, the developer has done a good job with maximizing the number of lots. As described in Finding D above, because of the creek, this site is required to dedicate 143 of right-of-way along the eastern property line for the extension of R Street. This large dedication along with the dedication needed for Cardella Road and the extra right-of-way required for Lehigh Drive reduced the buildable area of the site. Therefore, staff determined the reduction in some of the lots is acceptable and helps maintain the density at 3.5 units/acre. Given the need for housing, staff and the developer worked to maximize the number of lots while still maintaining the larger lot size for as many lots as possible. The smaller lots may provide a more affordable housing option.

Planned Development

- L) This site is located within Planned Development (P-D) #50. According to MMC Section 20.20.020 (A), the purpose of a Planned Development is to allow for high quality development that deviates from standards and

regulations applicable to other zoning districts. This section goes on to state that the P-D zoning district is intended to promote creativity in building design, flexibility in permitted land uses, and innovation in development concepts. The reduced lot sizes within the subdivision would be consistent with the purpose of the Planned Development zoning designation. The reduced lot sizes allow the number of lots to be maximized. Out of the 146 proposed lots, 26 are less than 5,000 square feet. The smallest of the lots would be 4,500 square feet. The table below shows the number of lots less than 5,000 square feet by the size of the lots. As shown, the major of these lots are 4,750 square feet or larger.

Number of Lots	Lot Size
2	4,500
7	4,680
5	4,750
6	4,860
6	4,920 o 4994

There were no development standards established for this Planned Development when it was established. Therefore, at the Site Plan Review stage, development standards for this subdivision will be established. This will allow staff to work with the developer to develop standards that work for their home product. The development standards would be based on the standards for the R-1-5 zone, but provide flexibility as needed for lot size, lot coverage, and setbacks. The standards would also incorporate the building design standards described in Finding G.

Horizons at Compass Pointe, Unit 2

- M) The subdivision to the south of Lehigh Drive, Horizons at Compass Pointe 2, was constructed in 2004. At that time, the intent was to include a portion of the subject site to connect Evening Star Drive and Solstice Avenue. At that time the developer did not own the land needed to make that connection, but the design was shown on their tentative map (Attachment F of Planning Commission Staff Report #22-606). Currently, there are two lots left over from the Horizons subdivision that are unbuildable – Lots D and E (refer to the map at Attachment G of Planning Commission Staff Report #22-606).

The proposed subdivision would include the continuation of Evening Star Drive with the connection to Solstice Avenue, but it leaves a small sliver

(Outlot C) that would be undevelopable (refer to Attachment C). However, if Outlot C were to be combined with Lot D from the Horizons subdivision, an additional 3 or 4 lots could be created. Additionally, if the remainder Lot E from the Horizons subdivision were added to the proposed subdivision, an additional lot may be able to be created.

Staff has met with the developer of this subdivision and the owners of the remaining Lots in the Horizons subdivision to introduce them and start the conversation between the parties to determine if they can work out a solution to this situation that would create more lots, eliminate vacant land, and be beneficial to all parties involved. The parties are currently working together, but no solution has been determined to date.

If the owners of the property can't work out an agreement to combine the lots, Outlot C would be unbuildable. The City does not want Outlot C to be dedicated to the City unless it is incorporated into the CFD for maintenance purposes. Condition #16 requires that Outlot C either be combined with the other lots or be included in the CFD for maintenance purposes. If the owners can reach an agreement and additional lots can be added to this map, Condition #17 allows the addition of up to 5 additional lots in this area without having to modify the tentative map.

Tentative Subdivision Map Requirements/Public Comments Received

- N) Per Merced Municipal Code (MMC) Section 18.16.080 – Information Required, a tentative subdivision map shall include all of the requirements shown at Attachment H of Planning Commission Staff Report #22-606. 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 Standards. 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 report was prepared, staff had received comments the Merced

Irrigation District (MID) stating this area is outside of their District Boundary and could not be served by MID. No other comments have been received.

Environmental Clearance

- O) Planning staff has conducted an environmental review of the project (Environmental Review #22-28) in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption (i.e., no further environmental review is needed) is being recommended (Attachment I of Planning Commission Staff Report #22-606).