



Planning Commission  
Staff Report  
October 11, 2017

AGENDA ITEM # \_\_\_

PREPARED BY: BRIAN GUERRERO, PROJECT PLANNER  
APPROVED BY: MARK HENDRICKSON, DIRECTOR

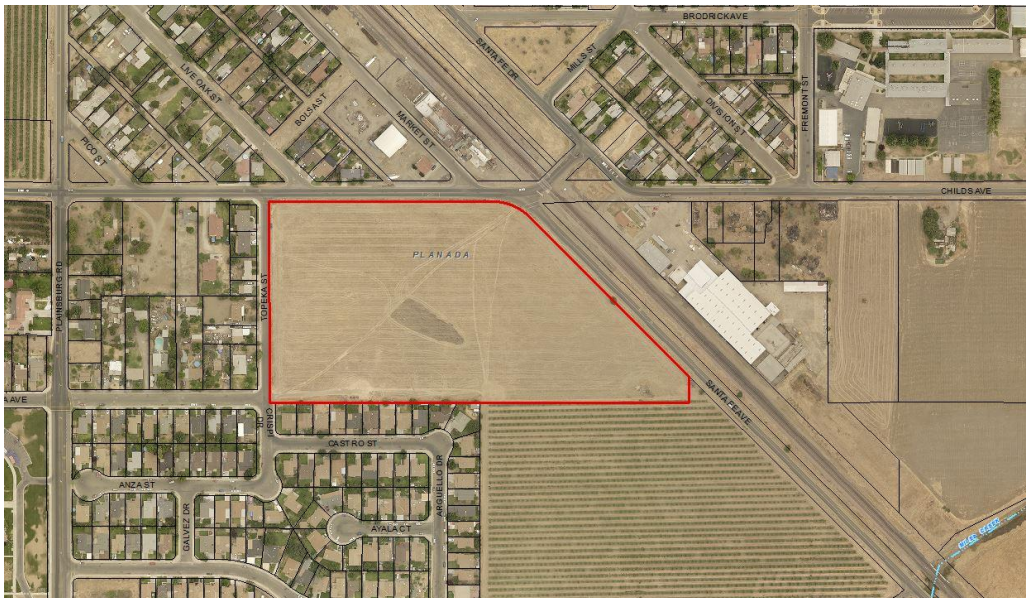
**MAJOR SUBDIVISION APPLICATION MAS08-005: Self Help Enterprise:** A request to subdivide an approximately 15.6 acre parcel into 72 lots, ranging in sizes of 4,770 square feet to 9,528 square feet, identified as Assessor's Parcel No. (APN) 037-242-001. The property is located at the southwest corner of Childs Avenue and Santa Fe Avenue in the urban community of Planada. The property is designated Planada Urban Community Low Density Residential and zoned R-1-5000 (Single Family Residential). CEQA – No further environmental review is required pursuant to Section 15183 – “Projects Consistent with a Community Plan or Zoning”.

**SUPERVISORIAL DISTRICT:** 1 - RODRIGO ESPINOZA

**RECOMMENDATION(S):**

1. Open/close the public hearing;
2. Determine no further environmental review is required pursuant to Section 15183 – “Projects Consistent with a Community Plan or Zoning”, and;
3. Approve Major Subdivision No. MAS08-005 based on the findings included in the staff report and subject to the proposed conditions of approval.

**LOCATION MAP:**



**BACKGROUND:**

**Site Description**

The project site is located at the southwest corner of Childs Avenue and Santa Fe Avenue in the urban community of Planada. The site is bounded by single family residential uses to the north, west and south, and the Santa Fe Railroad to the east. A portion of the southern boundary is also bounded by orchards. The site is approximately 15.6 acres and is currently fallow. This project proposes to subdivide the parcel into 72 lots ranging in sizes of 4,770 square feet to 9,528 square feet in size. The property was recently rezoned from M-1 (Light Manufacturing) to R-1-5000 (Single Family Residential – 5,000 square foot lots). The applicant is proposing sub-5,000 square foot lots in order to qualify for the density bonus program.

The application was originally submitted in 2008 as part of a package to amend the General Plan land use and zoning of the property. At the time, however, the Planning Department was preparing a revision to the Planada Community Plan that would accomplish the amendments, and the project applicant elected to postpone the project while the Community Plan update was underway. The Planada Community Plan update was adopted in March of 2017, and included the above referenced amendments. During this time, re-designs specifically for circulation on Childs Avenue and Santa Fe Avenue were being addressed and a solution has been agreed upon with the Merced County Department of Public Works.

**Surrounding Uses**

	<b>General Plan</b>	<b>Zoning</b>	<b>Current Land Use</b>
<b>On-Site:</b>	Low Density Residential	R-1-5000	Vacant/Fallow
<b>North:</b>	Low Density Residential	M-1/R-1	Single Family Residential
<b>East:</b>	Business Park	M-2	Food Processing Facility
<b>South:</b>	Medium Density Residential	R-1-5000	Single Family Residential
<b>West:</b>	Low Density Residential	R-1	Single Family Residential

**Prior Actions/Entitlements**

No prior actions or entitlements have been approved for this site.

**ANALYSIS**

**Project Description**

Request to divide a 15.6 acre parcel into 72 residential lots.

**Consistency with Adopted Plans and Policies**

**1. General Plan**

The 2030 General Plan provides a set of guiding principles, goals, and policies that communicate the adopted philosophy of the County regarding growth, development and sustainability. These statements, together with adopted diagrams, standards and analysis, provide the context under which specific land use proposals are reviewed. The 2030 General Plan is therefore considered the local "constitution" for planning and development and serves to direct the physical growth and development of the County for the long term.

**Land Use Element, Goal LU-1 (page LU-10)**

*Create a countywide land use pattern that enhances the integrity of both urban and rural areas by focusing urban growth towards existing or suitably located new communities.*

**Land Use Element, Policy LU-1.1, Countywide Development (page LU-10)**

*Direct urban development to areas within adopted urban boundaries of cities, Urban Communities, and Highway Interchange Centers in order to preserve productive agriculture, limit urban sprawl, and protect natural resources.*

The project is located within the Planada Urban Community, which is an adopted urban boundary, which can be considered an infill project with minimal impacts to agriculture or protected natural resources.

**Land Use Element, Policy LU-1.4, Urban Communities (page LU-10)**

*Continue to support compact Urban Communities through the efficient use of land to reduce conflicts with agricultural and open space areas, and minimize public service costs.*

The project can be considered an infill development project located within an urban boundary that would not conflict with agricultural or open space areas because the site is completely surrounded by urban uses (residential subdivisions to the north, and east, and an elementary school to the west). Approximately half of the southern portion of the site is bounded by an existing orchard, however, agricultural uses are an approved temporary use until such time that development within an urban area occurs.

**Land Use Element, Goal LU-5.A (page LU-17)**

*Preserve and enhance the character of Merced County by focusing future unincorporated development towards Urban Communities.*

**Land Use Element Policy LU-5.A.2, Public Sewer and Water (page LU-17)**

*Require all development within Urban Communities to be connected to public sewer and water systems where such systems exist.*

The project has received a commitment from the Planada Community Services District for service of the project. This commitment is subject to approval from all regulatory agencies and with the provision that improvements will be paid by the developer/property owner. Sewer services will be provided by the Planada Community Services District, which has demonstrated capacity for the proposed project.

**Transportation and Circulation Element**

This element provides the policy context for Merced County to achieve its vision for the safe and efficient circulation of people, vehicles, and goods throughout the County. Roadways, rail, and air are the three primary travel conduits in Merced County. This element has been written to establish goals and policies for the circulation system in order to balance the varying needs of motorists, bicyclists, pedestrians as well as the unique needs for the movement of farm equipment and agricultural commodities. The following goal and policies are applicable to this project:

**Goal CIR-1, (page CIR-7)**

*Maintain an efficient roadway system for the movement of people and goods that enhances the physical, economic, and social environment while being safe, efficient, and cost-effective.*

Policy CIR-1.5: County Level of Service Standards, (page CIR-8)

*Implement a Countywide roadway system that achieves the following level-of-service (LOS) standards during peak traffic periods:*

- a). *For roadways located within rural areas: LOS "C" or better.*
- b). *For roadways located outside Urban Communities that serve as connectors between Urban Communities: LOS of "D" or better.*
- c). *For roadways located within Urban Communities: LOS of "D" or better.*

Access to individual lots within the proposed subdivision will be provided by roads to be constructed by the developer to County standards. All proposed roads will be dedicated to the County and properly integrated with the existing road network. According to the IS/MND, the proposed project would result in an additional 685 daily vehicle trips, with 54 of those trips occurring in the peak a.m. hour and 72 trips occurring during the p.m. peak hour at full build out. The Planada Community Plan took into consideration the development of the site and because the proposed project is part of the Community Plan, and would pay the traffic fees that would ultimately fund the improvements identified in Mitigation Measures 4.8-1 and 4.8-7, this is an impact for which the mitigation measures identified in the Planada Community Plan EIR may be found adequate to reduce circulation impacts to a less-than-significant level.

**2. Zoning Code**

The site is zoned R-1-5000 (Single-Family Residential, 5000 square foot lots) per the Merced County Zoning map. The purpose of the R-1-5000 single-family residential zone is to provide a full range of urban services and reserve appropriately located areas similar to the R-1 zone for family living at slightly higher range densities consistent with sound standards of public health, welfare, and safety. It is the intent of this zone to protect the residential characteristics of an area and to promote a suitable environment for family life.

The minimum required development standards for these zones are summarized in Table 18-7 of the Zoning Code, and excerpted here for reference:

<b>Development Standards</b>	<b>R-1</b>
Minimum parcel size (interior lot)	5,000 sq. ft
Minimum parcel size (corner lot)	6,000 sq. ft
Minimum lot width at front lot line (interior)	50 feet
Minimum lot width at front lot line (corner)	60 feet
Minimum lot width at front lot line (cul-de-sac or bulb)	40 feet
Minimum lot depth	None

The proposed tentative map can be found consistent with the development standards outlined in R-1-5000 zones and therefore can be found consistent with the County Zoning Code.

**3. Other Adopted Plans and Policies**

**Planada Community Plan**

The Planada Community Plan encourages development of a range of densities and residential types, such as detached and attached single family homes, garden homes, townhomes, and multi-family complexes. With an increased diversity of housing types comes a significant opportunity and greater need to provide neighborhood amenities that will make Planada a more attractive place to live. The proposed development application has been found to be consistent with the following Goals and Objectives of the current Planada Community Plan:

### **Land Use**

Objective: LU 1.0 – *Housing needs are provided for a broad range of socioeconomic groups.*

Policy LU 1.1 - *The Community shall accommodate a range of residential dwelling types, densities and amenities.*

Implementation Measure LU 1.1.a - *A variety of housing types are encouraged to meet the broadest range of resident needs, including single-family detached and attached homes and multifamily housing (e.g., duplexes, tri- and four-plexes, apartments).*

The project proposes to develop a 15.6 acre parcel into a 72 lot subdivision for detached single family residences. The project residences would be constructed through the Self-Help Enterprises mutual self-help program. This “sweat-equity” program is marketed to low-income households at or below 80 percent of area median income. This development program conforms with the goal of provision of housing to all socioeconomic groups, and the single-family residence development pattern provides an atypical style of affordable housing than is otherwise provided within Merced County.

### **Circulation**

Objective CI 1.0 – *Establish a hierarchical circulation system which served the Community Plan Area and regional traffic.*

Policy CI 1.1 – *Provide and maintain a circulation system of arterials, major and minor collectors, local streets, and bicycle and pedestrian facilities.*

Implementation Measure(s) –

CI1.1.j – *To the extent practical, subdivision networks shall maximize the number of connections to surrounding major and minor collectors.*

CI1.1.m – *The intersection of Childs Avenue/Santa Fe Avenue shall be re-aligned and improved as shown in Figure 4.7 of the Community Plan.*

The design of the project proposes to have ingress/egress from Topeka Street to the west, a local road, and Santa Fe Avenue to the east, a major collector and is therefore consistent with Implementation Measure CI1.1.j. Additionally, Self Help Enterprises has worked diligently with the Department of Public Works on a re-design of the intersection at Childs Avenue and Santa Fe Avenue and found with the solution to re-align the intersection as

recommended in the Community Plan. Therefore, the project can be found consistent with Implementation CI1.1.m.

### **Subdivision Map Act and County of Merced Subdivision Code**

Based upon review of the project information submitted by the applicant, the project complies with all applicable provisions of the Subdivision Map Act (Section 66411 of the California Government Code) in addition to the Merced County Subdivision Code (Title 17). All lots will have frontage on a public street.

### **California Environmental Quality Act (CEQA)**

An Initial Study was prepared for the Self Help Subdivision application. That Initial Study determined that the proposal can be found exempt from CEQA under Section 15183 – “Projects Consistent with a Community Plan or Zoning. According to Section 15183(a) of the CEQA Guidelines:

*“CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.”*

The County has made a determination that the proposed project is consistent with the adopted Revised Planada Community Plan and certified EIR, and the Merced County General Plan, and that no project-specific significant impacts may exist. As a result, per section 15183(a) of the CEQA guideline, no further environmental review is required. This determination is based upon the following findings:

- The project proposes approval of a tentative subdivision map for 72 residential lots, on property that is zoned as R-1-5000 (single-family residential).
- Impacts associated with the proposed project were contemplated in the Revised Planada Community Plan EIR. Those impacts have been determined to not exceed impacts identified in the Community Plan EIR and therefore no new mitigation measures are required. This determination is documented in the Initial Study and supported by site-specific studies prepared for the proposed project, including a biological resource and wetlands evaluation, greenhouse gas analysis, noise assessment, vibration analysis, geotechnical engineering investigation, Phase 1 site assessment and cultural resource assessment.
- The proposed project is consistent with the Revised Planada Community Plan, the County General Plan, the County Subdivision Code, and the Zoning Code.
- No substantial changes have occurred on the project site or the surrounding area since adoption of the Revised Community Plan, EIR and preparation of the attached Initial Study.
- No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Environmental Impact Report of the Revised Planada Community Plan has been identified.
- In an initial study prepared for the project (and attached herein), no project-specific impacts exist that are peculiar to the project or the parcel on which the project will be located.

- There are no potentially significant off-site impacts and/or cumulative impacts unique to the project that were not considered as part of the Planada Community Plan EIR.
- The project will undertake any feasible mitigation measures as identified in the Planada Community Plan EIR.

### **Community Engagement**

The project application was routed to applicable County departments as well as outside agencies for comment. Comments were received from the Division of Environmental Health, Fire Department, Department of Public Works Roads Division, and the City of Merced.

Public Works/Roads Division submitted comments requiring the following:

- The developer shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code, which generally includes dedication of right-of-way and public utilities easements, roadway construction and installation of matching pavement along existing roadways, street lighting, storm drainage system, and underground or relocate utilities and irrigation facilities.
- Project will be subject to Regional Transportation Impact Fee, Law Enforcement Facilities Impact Fee, Fire Facilities Impact Fee, and Planada Bridge and Major Thoroughfare Area of Benefit Fee and the Recreational Parkland Space and Improvement Fee.
- The developer must annex into or form a lighting and drainage zone of benefit.
- Provide centerline striping for the first 200 feet for those new roads which intersect the peripheral street.
- The storm drainage system shall be designed pursuant to requirements stipulated in Ordinance No. 1923, "Regulation of Stormwater of the County of Merced.
- Soundwalls within and around the subdivision must be landscaped with a vine approved by the Department of Public Works.
- All lot grading shall be completed, all underground improvements shall be installed and aggregate base material placed on all new streets shall have been rough graded and compacted, prior to the issuance of any building permits. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.
- Developer/Applicant is advised he/she may be obligated to comply with all applicable requirement of the San Joaquin Valley Air Pollution Control Districts. Regulation VIII Record Keeping Forms and District Rules and Regulations may be obtained at [www.valleyair.org](http://www.valleyair.org) or by calling (209) 557-6400.

Major Subdivision Application No. MAS08-005 was also referred to the Regional Water Quality Control Board (RWQCB) Sacramento, San Joaquin Valley Air Pollution Control District (SJVAPCD), the Planada Community Services District, State Department of Fish & Game, US Fish & Wildlife, Le Grand Union High School District and the Santa Fe Railroad. Conditions of approval have been added to the project in response to submitted comments, as summarized below.

Staff received comments from the San Joaquin Valley Air Pollution Control District. The comment letter stated the project will be subject to District Rule 9510 and Regulation VIII.

Notice of the public hearing was published in the Merced Sun-Star on September 30, 2017 and mailed to all owners of property located within 300 feet of the project site on September 29, 2017. No written or verbal comments were received by staff prior to the completion of this staff report.

The project was also taken to the Planada Municipal Advisory Council (MAC) on September 6, 2017. After a brief presentation from representatives from Self Help, a brief discussion took place regarding the Self Help Program itself. Additionally, one member of the MAC expressed concerns that the timing of the Planning Commission hearing was too soon and thought that Planada citizens should have more information regarding the program. After discussions, the MAC voted to approve the project with a vote of 4-1 with one abstention.

**CONCLUSION:**

The analysis provided in this staff report demonstrates that the project may be found consistent with the General Plan and the Revised Planada Community Plan. The project will create 72 parcels that comply with the development standards provided in Section 18.08.03 of the Zoning Code. The County has determined that the Initial Study can be used to support approval of this proposed subdivision as existing site conditions have not substantially changed and no significant environmental effects have been identified for this proposed subdivision since adoption of the Revised Planada Community Plan and EIR. Therefore, staff recommends that the Planning Commission approve Major Subdivision Application No. MAS08-005 based upon the findings and subject to the conditions of approval provided in Section VIII of this report.

**RECOMMENDED PLANNING COMMISSION ACTION:**

**A. CEQA Determination**

**MOTION:** The Planning Commission finds that MAS08-005 is consistent with the adopted Revised Planada Community Plan, General Plan and Zoning Code and therefore no further environmental review is required pursuant to Section 15183 – “Projects Consistent with a Community Plan or Zoning” of the CEQA Guidelines based on the CEQA findings in the staff report.

**CEQA Findings:**

1. The project proposes approval of a tentative subdivision map for 72 residential lots, on property that is zoned as R-1-5000 (single-family residential).
2. Impacts associated with the proposed project were contemplated in the Revised Planada Community Plan EIR. Those impacts have been determined to not exceed impacts identified in the Community Plan EIR and therefore no new mitigation measures are required. This determination is documented in the Initial Study and supported by site-specific studies prepared for the proposed project, including a biological resource and wetlands evaluation, greenhouse gas analysis, noise assessment, vibration analysis, geotechnical engineering investigation, Phase 1 site assessment and cultural resource assessment.
3. The proposed project is consistent with the Revised Planada Community Plan, the County General Plan, the County Subdivision Code, and the Zoning Code.
4. No substantial changes have occurred on the project site or the surrounding area since adoption of the Revised Community Plan, EIR and preparation of the attached Initial Study.



5. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Environmental Impact Report of the Revised Planada Community Plan has been identified.
6. In an initial study prepared for the project (and attached herein), no project-specific impacts exist that are peculiar to the project or the parcel on which the project will be located.
7. There are no potentially significant off-site impacts and/or cumulative impacts unique to the project that were not considered as part of the Planada Community Plan EIR.
8. The project will undertake any feasible mitigation measures as identified in the Planada Community Plan EIR
9. This decision to use the previously adopted Environmental Impact Report from the Revised Planada Community Plan reflects the independent judgment of the County.

**Comment [MS1]:** Update these to match what was added above.

**B. Project Determination**

**MOTION:** The Planning Commission approves Major Subdivision Application No. MAS08-005 based on the findings included in the staff report and subject to the proposed conditions of approval.

**Project Findings:**

1. Major Subdivision Application No. MAS08-005 proposes to subdivide approximately 15.6 acres into 72 residential lots for single-family dwellings.
2. The project is located at the southwest corner of Childs Avenue and Santa Fe Avenue in the Planada Urban Community.
3. The proposed subdivision conforms to the Merced County Subdivision Code Section 17.04.050 (Design Requirements) for the design of new lots.
4. The project is consistent with the Merced County General Plan in that it promotes urban land uses at intensities and densities commensurate with the level of public services available in an Urban Community. The project will be served by urban sewer and water, and the applicant has obtained a Can and Will Serve letter from the Planada Community Services District in support of this project.
5. The project is consistent with the Planada Community Plan, as the plan calls for development within urban community boundaries and provides for a variety of residential development and socioeconomic backgrounds.
6. The project has been reviewed by the following County Departments: Department of Public Works/Roads Division, Public Works/Building Division, Fire Department, and Environmental Health.
7. The project has also been referred to the Regional Water Quality Control Board (RWQCB) Sacramento, San Joaquin Valley Air Pollution Control

District (SJVAPCD), Department of Fish and Wildlife, Planada Community Services District, Le Grand High School District and the California Department of Fish & Wildlife.

8. The proposed Major Subdivision complies with the development standards provided in Section 18.08.03 of the Zoning Code.
9. The proposed division, with proposed conditions, is compatible with adjacent uses, properties, and neighborhoods.
10. The subdivision, with all conditions and requirements, will not be a nuisance or detrimental to the public health, safety or general welfare.
11. The public hearing has been adequately noticed and advertised.

#### **ATTACHMENTS**

1. Conditions of Approval
2. Parcel Map
3. Initial Study

Cc: Property Owner- Self Help Enterprises.