



Planning Commission

Staff Report

April 25, 2018

AGENDA ITEM # _____

PREPARED BY:
APPROVED BY:

TIFFANY HO, PROJECT PLANNER *eh*
MARK HENDRICKSON, DIRECTOR

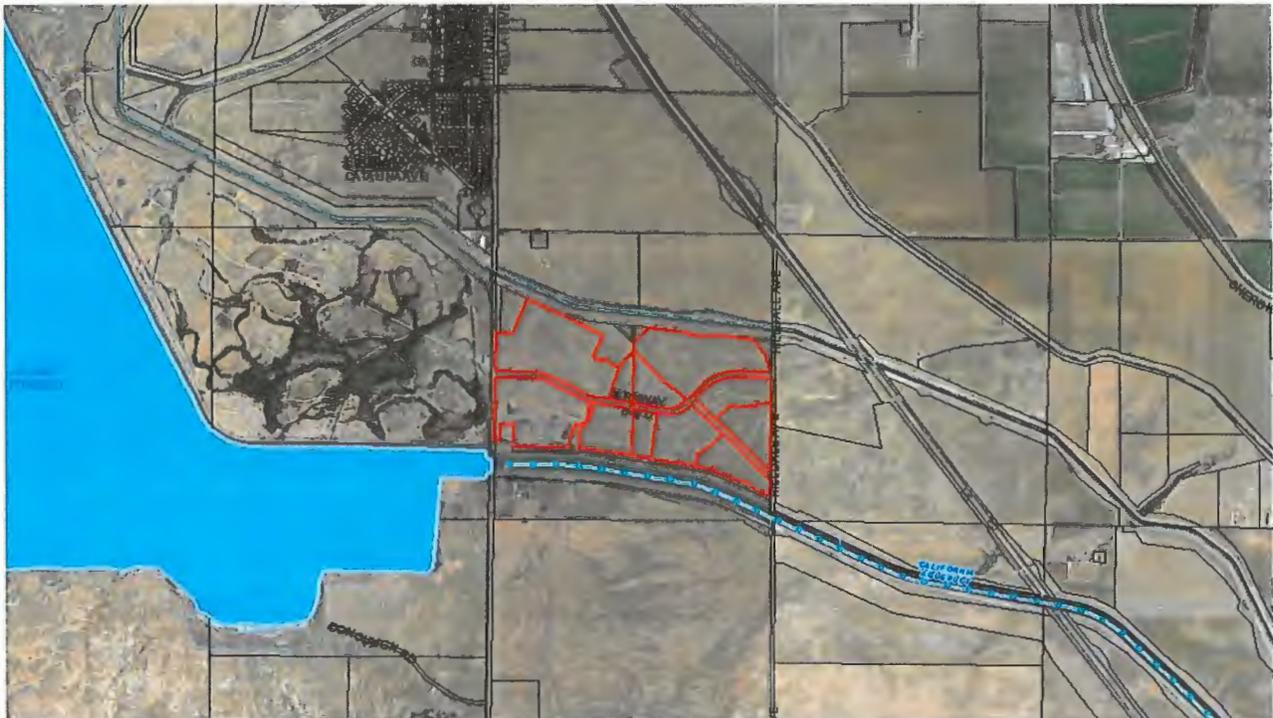
EXTENSION APPLICATION NO. EXT18-003, 8TH EXTENSION TO MAJOR SUBDIVISION APPLICATION NO. MAS03-015: PARKWAY II: A request to extend the expiration date of the final map for Major Subdivision No. MAS03-015 for a period of 1 year, FROM: July 13, 2018 TO: July 13, 2019. The project site is located on the north and south sides of West Parkway Boulevard, east of South Highway 33 in the Santa Nella area, identified as Assessor's Parcel Number (APN) 078-380-003, 004, 009, 010, 023, 016, 025, 026, 027, 028, and 029. The property is designated Santa Nella Urban Community - Low Density Residential land use and zoned R-1-5000 (Single Family Residence). CEQA: Project can be found exempt from further environmental review under CEQA Section 15182 – “Residential Projects Pursuant to a Specific Plan”.

SUPERVISORIAL DISTRICT: 5 – Jerry O'Banion

RECOMMENDATION(S):

1. Open/close public hearing;
2. Determine the application can be found exempt from further environmental review under CEQA Section 15182 – “Residential Projects Pursuant to a Specific Plan” of the CEQA Guidelines; and,
3. Approve Extension Application No. EXT18-003 based on the findings included in the staff report and subject to the proposed conditions of approval.

LOCATION MAP:



BACKGROUND:

Site Description

Major Subdivision Application No. MAS03-015, also known as “The Parkway Phase II”, was approved to subdivide 312 acres into 1,162 residential lots by the Planning Commission on July 13, 2005 with 18 conditions of approval. The project site is located on the north and south sides of West Parkway Boulevard, east of South Highway 33 in the Santa Nella area.

Surrounding Uses

	General Plan	Zoning	Current Land Use
On-Site:	Low Density Residential	R-1-5000	Vacant
North:	Low Density Residential	R-1-5000	Vacant
East:	Agricultural	A-1	Vacant
South:	Institutional	A-1	Vacant
West:	Foothill Pasture	A-2	O'Neil Forebay & Pasture

Prior Actions/Entitlements

This tentative map has been subject to several extensions. The first two extensions were discretionary approvals and the most recent extensions have been statutory extensions granted by the State of California. On June 27, 2007, EXT07-013 was approved by the Planning Commission to extend the expiration date for a period of one year to July 13, 2008. On August 7, 2008, EXT08-026 was approved by the Planning Director to extend the expiration date for a period of one year to July 13, 2009.

The State of California has granted five automatic extensions to MAS03-015:

- In 2008, Senate Bill SB-1185 automatically extended the expiration date by 12 months to July 13, 2010 (EXT08-057)
- In 2009, Assembly Bill AB-333 automatically extended the expiration date by two years to July 13, 2012 (EXT09-013)
- In 2011, Assembly Bill AB-208 automatically extended the expiration date by two years to July 13, 2014 (EXT11-008).
- In 2013, Assembly Bill AB-116, automatically extended the expiration date by two years to July 13, 2016 (EXT13-008).
- In 2015, Assembly Bill AB-1303 automatically extended the expiration date by two years to July 13, 2018 (EXT15-008).

ANALYSIS

Project Description

The application is a request for a 8th extension to record the final map to divide a 312 acres into 1,162 residential lots. If the final map is not recorded by July 13, 2018 and the extension is not approved, the tentative map will expire.

In a letter dated February 21, 2018, the project manager explained the property owners/developers have been working with the Santa Nella County Water District (SNCWD) to secure water and sewer infrastructure for the subdivision, including funding infrastructure master plans water and sewer infrastructure studies. The letter states significant process has been made on the infrastructure; however, not all of the infrastructure has been constructed.

Additionally, the letter states the property owner/developers has fully funded the cost of the SNCWD and San Luis Water District (SLWD) boundary reorganization approved by Merced County Local Agency Formation Commission (LAFCO) in 2007.

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.

There have been no significant changes to the project, project site, or surrounding area since the subdivision was approved by the Planning Commission on July 13, 2005. The project remains consistent with the General Plan with regards to density standards and consistent with the character of the surrounding area.

2. Zoning Code

The project site is zoned R-1-5000 (Single-Family Residential – 5000) 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.

There have been no significant changes to the project, project site, or surrounding area. The project remains consistent with the R-1-5000 (Single-Family Residential – 5000) zone in terms of density, setbacks, parking standards, lot sizes, etc.

3. Other Adopted Plans and Policies

Santa Nella Community Plan

There have been no significant changes to the project, project site, surrounding area, or Santa Nella Community Plan land use designation since the map was approved. The project remains consistent with the Community Specific Plan in terms of land use, circulation, open space, conservation and recreation, infrastructure and noise concepts of the Specific Plan.

Subdivision Map Act

Pursuant to Section 66452.6 of the Subdivision Map Act, an approved or conditionally approved tentative map shall expire 24 months after its approval. After the 24-month period, an approved tentative map may be extended by a legislative body for a period or periods not to exceed a total of six years. Although this is considered the 7th extension to the major subdivision tentative map, five of the seven extensions were automatic extensions granted by the State of California. EXT18-003 would be the third discretionary extension considered by the Planning Commission and not automatically granted by the State of California.

California Environmental Quality Act (CEQA)

On July 13, 2005, the Planning Commission determined that Major Subdivision No. MAS03-015 was exempt from further environmental review under CEQA guidelines 15182 – “Residential Projects Pursuant to a Specific Plan”. Staff has determined that Section 15182 – Residential Projects Pursuant to a Specific Plan still applies to this map extension application since there have been no significant changes to the environmental character of the site or the surrounding area.

Community Engagement

The project application was routed to applicable County departments as well as outside agencies for comment via email correspondence. County Counsel has recommended to add an indemnity agreement as a new condition of approval to this extension. No comments or concerns have been received.

Notice of the public hearing was mailed to all property owners located within 300 feet of the project on **April 13, 2018** and published in the Merced Sun-Star on **April 14, 2018**. No written or verbal comments were received by staff prior to the completion of this staff report.

CONCLUSION:

The analysis provided in this staff report finds that the project continues to be consistent with applicable provisions of the General Plan and Zoning Code. Furthermore, the project can be found exempt from further CEQA review under Section 15182 – “Residential Projects Pursuant to a Specific Plan” of the CEQA Guidelines.

Staff recommends the Planning Commission approve Extension Application No. EXT18-003 based upon the findings and subject to the proposed conditions of approval.

RECOMMENDED PLANNING COMMISSION ACTION:

A. CEQA Determination

MOTION: Determine that the project can be found exempt from further CEQA Review under Section 15182 – “Residential Projects Pursuant to a Specific Plan” of the CEQA Guidelines based on the findings listed in the Staff Report.

CEQA Findings:

1. The Merced County Planning Commission determined Major Subdivision No. MAS03-015 to be exempt from further CEQA review under Section 15182 – “Residential Projects Pursuant to a Specific Plan” on July 13, 2005.
2. The only change to the project resulting from Extension Application No. EXT18-003 is to extend the time for recordation of the final map for Major Subdivision Application No. MAS03-015 for a period of one year.
3. The extension in time for recording the Final Map does not constitute substantial changes to the project, and therefore does not warrant preparation of a subsequent environmental document and no new information has been identified that would change the conclusions of the previous exemption in accordance with Section 15182 of the CEQA Guidelines.

4. There have been no changes to the environmental character of the project site or surrounding area since Major Subdivision No. MAS03-015 was approved.
5. The determination that the application is exempt from CEQA review reflects the independent judgment of the County.

B. Project Determination

MOTION: Approve Extension Application No. EXT18-003 based on the findings included in the staff report and subject to the proposed conditions of approval.

Project Findings:

1. The approved tentative map is to subdivide 312 acres into 1,162 residential lots.
2. The project site is located on the north and south sides of West Parkway Boulevard, east of South Highway 33 in the Santa Nella area.
3. The project area is designated as Low Density Residential in the Santa Nella Community Specific Plan and zoned R-1-5000 (Single-Family Residential – 5,000 square foot minimum lot size).
4. The subdivision application conforms with the Merced County Zoning Code, Section 18.08.030 for the design of new lots and is compatible with the purposes and intent of the Santa Nella Community Design Guidelines.
5. The subdivision application conforms with the Merced County Subdivision Code, Section 17.08 (Major Subdivisions) and Section 17.04.050 (Design Requirements).
6. The project, as conditioned, is consistent with the Santa Nella Community Specific Plan including but not limited to the Land Use Concept, Noise Concept, Circulation Concept, Open Space, Conservation and Recreation Concept, and the Infrastructure Concept.
7. The proposed subdivision does not meet the findings for denial listed in Section 66474 of the Subdivision Map Act as the design is consistent with the County General Plan and with the implementation of the proposed mitigation measures, the site is: physically suitable for the size and density for this type of development; it will not cause substantial environmental harm; it will not create serious health problems; and it does not conflict with existing public easements.
8. The proposed subdivision will not have an adverse impact on public health, safety, or general welfare.
9. The public hearing has been adequately noticed and advertised.

ATTACHMENTS/EXHIBITS

- A. Proposed Conditions of Approval
- B. Map
- C. Applicant's Request for Extension
- D. Public Agency Comments

cc.

Property Owner – John C. & Lesley Ann Kemp

Agent – John Palmer

Applicant – AKT Santa Nella Investors LLC



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT**

EXHIBIT A

Mark J. Hendrickson
Director

Steve Maxey
Deputy Director

2222 "M" Street
Merced, CA 95340
(209) 385-7654
(209) 726-1710 Fax
www.co.merced.ca.us

Equal Opportunity Employer

EXT18-001 CONDITIONS OF APPROVAL

Merced County Community and Economic Development Department

1. The Final Map shall be recorded within one year of the Planning Commission approval.
2. Prior to the issuance of building permits the applicant shall provide the Planning and Community Development Department evidence that school development fees have been resolved to the satisfaction of the Gustine Unified School District.
3. No grading shall be undertaken until the developer provides to the Merced County Planning and Community Development Department evidence of approval from the United States Fish and Wildlife Service.
4. Prior to the Recordation of the Final Map the applicant shall provide the Planning and Community Development Department with an unconditional "Can and Will Serve Letter" from the Santa Nella County Water District, and San Luis Water District should the project still be within their jurisdiction at the time of recordation.
5. A noise study shall be prepared prior to recordation of the final map to determine whether projected noise levels will exceed 65 dBA Ldn. If sound exceed 65 dBA, measures to reduce noise levels (screening or increased setbacks) shall be identified and implemented as part of the project, and identified on the subdivision improvement plans. Sound alteration measures along Highway 33 shall incorporate landscaping improvements consistent with the guidelines in the Santa Nella CSP.
6. Bike Routes shall be constructed consistent with the Santa Nella CSP.
7. A condition monitoring fee of **\$250.00** shall be required prior to the recordation of the Final Map.
8. The project shall comply with all standard conditions contained in Planning Commission Resolution No. 97-1.

Merced County Division of Environmental Health

9. A soils analysis and percolation test must be performed on each lot and submitted to the Division of Environmental Health for approval prior to recording of the final map. All lots must meet Merced County minimum standards for sewage disposal systems.
10. The final subdivision map shall be redrawn, as necessary, to eliminate conflicts with the proposed location of on-site sewage disposal systems and site topography.

EXHIBIT A

11. With the exception of the existing residence on proposed Lot #6, the existing structures, (including an underground vault), must be removed prior to recording the final map.
12. Prior to recording the final map, the applicant shall prepare and submit to the County Division of Environmental Health for review and approval a hydrological Study (including test results), that assesses groundwater quality and quantity on the project site and the impacts of the proposal on groundwater supplies.
13. The subdivision shall be subject to new sewage disposal system requirements, effective November 18, 2005 which require special design onsite sewage treatment systems, which release an effluent concentration of less than 10 mg/l of total nitrogen. Such systems shall be operated and maintained by the property owner, and a Zone of Benefit shall be formed for the subdivision project to monitor the operation and maintenance of the new onsite treatment systems.

Merced County Roads Division

14. Satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code.
15. Release and relinquish all abutters' rights of access to and from the frontage as directed by the Public Works Roads Division.
16. Notwithstanding Condition No. 3, all lot and street grading shall be completed prior to 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.
17. The developer shall provide for striping of roads to the satisfaction of the Public Works Roads Division.
18. The developer is obligated to comply with Federal Regulations for storm water runoff issued by the United States Environmental Protection Agency (CFR 122 – 124).
19. Design and Construction of roads including but not limited to Parkway Boulevard and Hilldale Avenue shall be to the satisfaction of the Merced County Public Works /Road Division.
20. Satisfy Caltrans requirements for improvements to State Highway 33 as may be required.
21. The developer shall enter into a Development Agreement with the County of Merced (in conformance with Article 2.5 of Chapter 4 of Division 1 of the California Government Code) prior to the recordation of the Final Map, agreeing to pay for this development's proportionate share of the cost for circulation improvements required to mitigate the impact of this development on various public roads as noted in the EIR and required by the Santa Nella CSP to be payable at the time of issuance of building permits within "The Parkway Phase II" subdivision.
22. USFWS easements previously established by the developer for San Joaquin Kit Fox corridors shall be extinguished where they overlay the proposed storm drainage basins. A management plan for the operation and maintenance of the basins shall be prepared by the

EXHIBIT A

developer that allows access by kit fox through the basin fences for safe refuge from natural predators, but which in no way impedes the ability of the Department of Public Works to insure proper operation as storm drainage percolation basins in perpetuity. This management plan shall meet the satisfaction of the Director of Public Works prior to the approval of the subdivision improvement plans.

23. In the event that Condition No. 17 is not achieved, a modification to the Tentative Map shall be required for approval by the Planning Commission. The modification would address revisions to the storm drainage basins and related improvements as recommended by the Director of Public Works

County Counsel

****NEW****

24. INDEMNITY AND HOLD HARMLESS AGREEMENT:

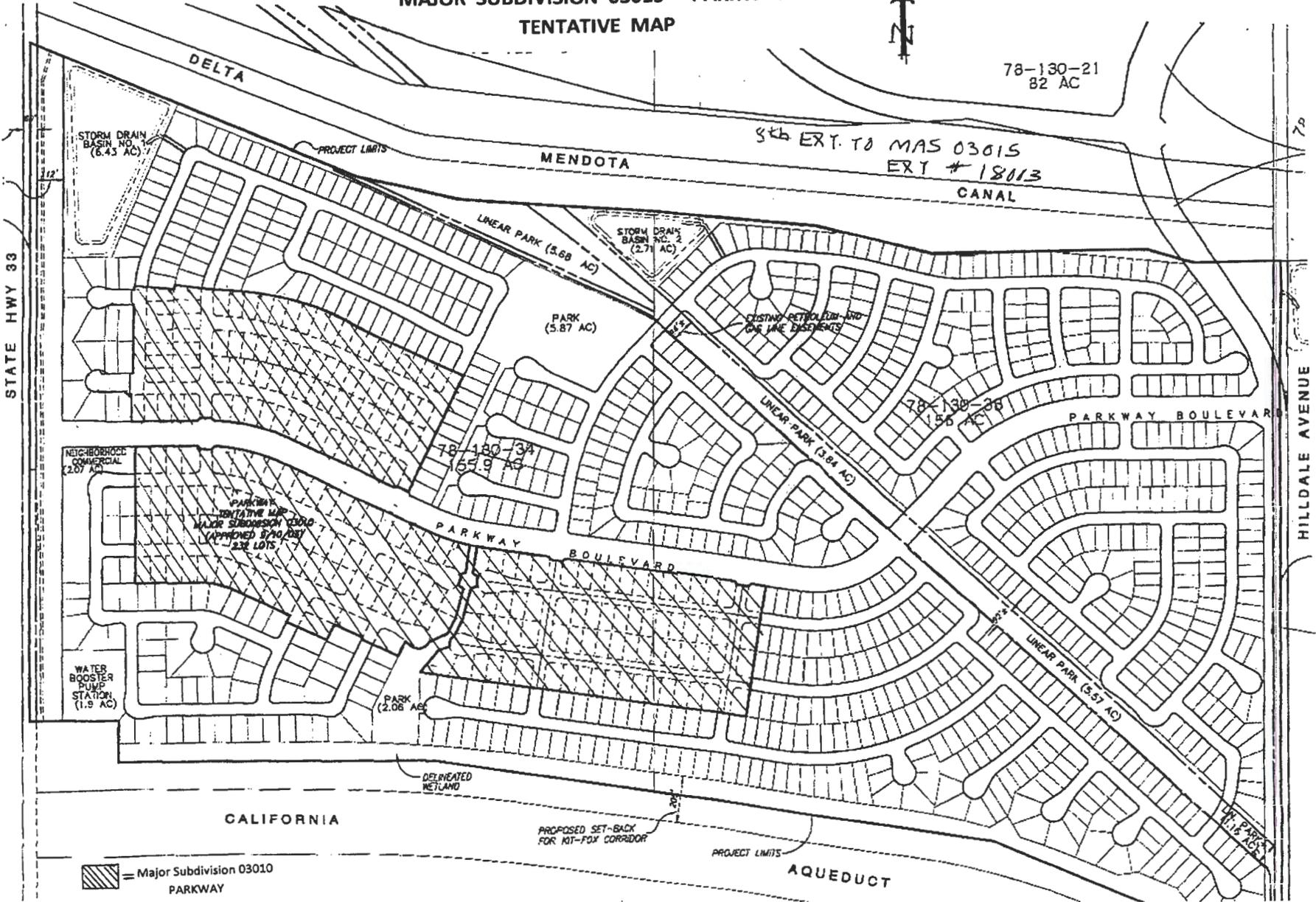
PARKWAY II, has the contracted duty (hereinafter "the duty") to defend, indemnify and hold harmless the County of Merced, its Board of Supervisors, commissions, officers, employees, agents, and assigns (hereinafter "COUNTY") from any claim, action, or proceeding arising out of, or in connection with the COUNTY's approval of the project including, but not limited to, COUNTY's actions regarding related environmental determinations. This obligation shall extend to any such claim, action, or proceeding against COUNTY to attack, set aside, void, or annul, an approval by COUNTY. In the event that a claim, action, or proceeding is brought, COUNTY shall promptly notify the applicant and cooperate fully in the defense. This clause for indemnification shall be interpreted to the broadest extent permitted by law.

EXHIBIT B

MAJOR SUBDIVISION 03015 - PARKWAY - II
TENTATIVE MAP



78-130-21
82 AC



STATE HWY 33

72

HILDALE AVENUE

 = Major Subdivision 03010
PARKWAY

CALIFORNIA

PROPOSED SET-BACK
FOR KIT-FOX CORRIDOR

PROJECT LIMITS
AQUEDUCT

STORM DRAIN
BASIN NO. 1
(6.45 AC)

PROJECT LIMITS

MENDOTA

5th EXT. TO MAS 03015
EXT # 18013
CANAL

LINEAR PARK (5.68 AC)

PARK
(5.87 AC)

STORM DRAIN
BASIN NO. 2
(2.71 AC)

EXISTING PETROLEUM AND
GAS LINE EASEMENTS

LINEAR PARK (5.68 AC)

78-130-38
1.56 AC

PARKWAY BOULEVARD

NEIGHBORHOOD
COMMERCIAL
(2.07 AC)

PARKWAY
TENTATIVE MAP
MAJOR SUBDIVISION 03015
(APPROVED 8/10/08)
232 LOTS

78-180-34
65.9 AC

PARKWAY
BOULEVARD

WATER
BOOSTER
PUMP
STATION
(1.9 AC)

PARK
(2.06 AC)

DEGRADED
WETLAND

LINEAR PARK (5.57 AC)

LINEAR PARK
(5.12 AC)

EXHIBIT C

February 21, 2018

Merced County
Planning and Community Development Department
Attn: Steven Maxey, Deputy Director of Planning
2222 M Street
Merced, CA 95340

Subject: **Written Request for Map Extension**
Merced County Major Subdivision 03-015 Parkway II

APP: 078-380-003 + MANY OTHERS

Dear Mr. Maxey,

The above noted tentative subdivision map is set to expire on July 13, 2018. In compliance with Merced County Code Section 17.12.030 B., this letter provides the written request for map extension for the above noted tentative subdivision map. The request is for the maximum extension that will be granted by Merced County.

Upon approval of the Parkway II subdivision map, the owners also subsequently received approval from Merced County for on-site grading and improvement plans and commenced with development of the Parkway II Project. The development has been held up because of a third-party soil contamination issue that has since been cleaned up and resolved, the recession and completion of remaining entitlements that relies on coordination and cooperation of multiple agencies. A short project status/summary is provided below.

A significant portion of the Parkway II on-site backbone infrastructure has been installed. The entire Parkway II Project has been graded and on-site infrastructure installed associated with Parkway Boulevard includes street pavement, street lights, sidewalks, curb and gutters, storm drain utilities, and the sewer and water utilities. The storm retention pond and perimeter sound walls were also installed. The in-tract pads and streets are cut in and ready for in-tract utilities. With recent inspections of the Parkway Boulevard improvements by Merced County Public Works, my team is currently working with PW staff on the process for the County to accept the Parkway Boulevard improvements. In addition, the owners of the proposed Parkway Subdivision have also continued to work with the Santa Nella County Water District (SNCWD) to complete and provide water and sewer capacity to serve Parkway II. The Parkway II owners have funded and continue to fund SNCWD infrastructure master plans to support the Santa Nella Community Specific Plan, and several project specific water and sewer infrastructure studies prepared by SNCWD for the Parkway II Subdivision. Although significant progress has been made on infrastructure, to date not all the water and sewer infrastructure or capacity has been constructed to serve the Parkway II subdivision.

8th EXT TO MAS 03015 - EXT. # 18003 - PARKWAY

Also, a reorganization of the SNCWD and San Luis Water District (SLWD) boundaries to place the entire SNCSP within the SNCWD boundary and remove it from the SLWD boundary was approved by Merced County Local Agency Formation Commission (LAFCO) in 2007. This boundary reorganization is necessary to allow the Parkway II subdivision to receive retail water and sewer service from SNCWD. Although the Parkway owners have fully funded the cost to complete the boundary reorganization, the LAFCO approval is conditioned to require that SNCWD establish a Central Valley Project (CVP) Water Contract and a Partial Assignment of the SLWD CVP Contract for the water associated with the lands that are in SNCWD. As you are aware, this is a complicated process that requires the approval of the U.S. Bureau of Reclamation (USBR). We are making progress with SNCWD, SLWD and USBR, and hopeful to see completion within the next year.

Due to the above issues, the Parkway II subdivision has not been able to start home construction or pursue the final map process and the owners respectfully request for a map extension.

The Merced County application fee of \$452.00 for map extension is enclosed. Please do not hesitate to call me with any questions regarding this map extension request at (209) 639-1642 or email at: john@jppalmer.net.

Sincerely,

John Palmer
Project Manager for Parkway South

8th EXT. TO MAS 03015 - EXT. # 18023

Ho, Tiffany

From: Bohn, Rich
Sent: Monday, March 12, 2018 12:46 PM
To: Hymiller, Ashley; Ho, Tiffany
Subject: RE: Project Referrals

Fire has no comments/concerns for this extension.

Rich Bohn

Fire Marshal

Merced County Fire Dept.

(209) 385-7347 office option 3 Ext.4680

(209) 761-1970 cell

(209) 725-0174 fax

Striving for excellence in Fire & Life Safety

From: Hymiller, Ashley
Sent: Friday, March 09, 2018 1:35 PM
To: Soto, Sara; Bohn, Rich; Mendenhall, Charles; Rowe, Ron
Subject: Project Referrals

For your records, attached are the copies of the project packets for the following: EXT18-001 & EXT18-003. Please forward any questions and comments to project Planner, Tiffany Ho.