



Planning Commission

Staff Report

April 25, 2018

AGENDA ITEM # D

PREPARED BY:
APPROVED BY:

BRIAN GUERRERO, PROJECT PLANNER
MARK HENDRICKSON, DIRECTOR

(20)

EXTENSION APPLICATION NO. EXT18-004, 8TH EXTENSION TO MAJOR SUBDIVISION APPLICATION NO. MAS04-005: LAS CASAS de SANTA FE. A request to extend the expiration date of the tentative map for one year From: April 27, 2018 To: April 27, 2019, on property located at the northwest corner of East Washington Street & South Jackson Street, identified as Assessor's Parcel Numbers (APNs) 318-010-008 & 318-010-009. The property is designated Le Grand Urban Community - Low Density Residential land use in the General Plan and zoned R-1 (Single Family Residence). CEQA: No further environmental review is required in compliance with CEQA Guidelines Section 15162 – "Subsequent EIRs and Negative Declarations".

SUPERVISORIAL DISTRICT: 1 – Rodrigo Espinoza

RECOMMENDATION(S):

1. Open/close public hearing;
2. Determine no further environmental review is required in compliance with CEQA Section 15162 – "Subsequent EIRS and Negative Declarations" of the CEQA Guidelines; and,
3. Approve Extension Application No. EXT18-004 based on the findings included in the staff report and subject to the proposed conditions of approval.

LOCATION MAP:



BACKGROUND:

Site Description

Major Subdivision No. MAS04-005, also known as the “Las Casas de Santa Fe”, was approved to subdivide two parcels totaling 5.15 acres into 27 single family residential lots by the Planning Commission on April 27, 2005 with 24 conditions of approval.

The project site is primarily used for row crops and the use hasn’t changed since approval of the major subdivision. Santa Fe Avenue bounds the property to the north, while single family residences exist to the west, east and south.

The project site is located on the northwest corner of Washington Street and Jackson Street in the Le Grand area and is designated Le Grand Urban Community – Low Density Residential in the General Plan and zoned R-1 (Single Family Residential).

Surrounding Uses

	General Plan	Zoning	Current Land Use
On-Site:	Low Density Residential	R-1	Row Crops
North:	Low Density Residential	R-1	Vacant
East:	Low Density Residential	R-1	Single-Family Residences
South:	Low Density Residential	R-1	Single-Family Residences
West:	Low Density Residential	R-1	Single-Family Residences

Prior Actions/Entitlements

This tentative map has been subject to several extensions. The first two one year extensions were discretionary extensions approved by the Planning Commission and the five extensions prior to this application were statutory extensions granted by the State of California.

First Extension Application No. EXT07-007 to MAS04-005 was approved by the Planning Commission on June 13, 2007, to extend the approval to April 27, 2008, subject to 25 conditions of approval and 5 new conditions.

Second Extension Application No. EXT08-012 was approved by the Planning Commission on November 19, 2008, to extend the approval to April 27, 2009, subject to 30 conditions of approval.

Thereafter, the State of California has granted five automatic extensions to MAS04-005:

- In 2008, Senate Bill SB-1185 automatically extended the expiration date by 12 months to April 27, 2010 (EXT08-055)
- In 2009, Assembly Bill AB-333 automatically extended the expiration date by two years to April 27, 2012 (EXT09-015)
- In 2011, Assembly Bill AB-208 automatically extended the expiration date by two years to April 27, 2014 (EXT11-010).
- In 2013, Assembly Bill AB-116, automatically extended the expiration date by two years to April 27, 2016 (EXT13-010).
- In 2015, Assembly Bill AB-1303 automatically extended the expiration date by two year to April 27, 2018 (EXT15-010).

ANALYSIS

Project Description

The application is a request for an 8th extension to record the tentative map to divide two parcels totaling 5.15 acres into 27 single family residential lots. If the final map is not recorded by April 27, 2018, the tentative map will expire.

In a letter dated March 23, 2018, the property owners submitted a timely request for a one year extension. No new improvements are proposed.

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.

The project site is designated Le Grand Urban Community - Low Density Residential in the General Plan. There have been no significant changes to the project, project site, or surrounding area since the subdivision was approved by the Planning Commission on April 27, 2005. The project remains consistent with the General Plan with regards to density standards and residential character of the surrounding area.

2. Zoning Code

The project site is zoned R-1 (Single Family Residential) per the Merced County Zoning map. The purpose of the Single-Family Residential Zone is to provide a full range of urban services and reserve appropriately located areas for family living at a range of low population 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 (Single-Family Residential) zoning in terms of density, setbacks, parking standards, lot sizes, etc.

3. Other Adopted Plans and Policies

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 8th extension to the major subdivision tentative map, five of the seven extensions were automatic extensions granted by the State of California. EXT18-004 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 April 27, 2005 the Planning Commission adopted the Negative Declaration for Major Subdivision

Application No. MAS04-005. Staff has determined that pursuant Section 15162 – “Subsequent EIRs and Negative Declarations”, the extension requires no further environmental review since adoption of the Negative Declaration and no changes to the environmental character of the site or the surrounding area.

Community Engagement

The project application was routed to applicable County departments, who had no additional comments.

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 extension requires no additional CEQA review under Section 15162 – “Subsequent EIRs and Negative Declarations” of the CEQA Guidelines.

Staff recommends the Planning Commission approve Extension Application No. EXT18-004 based upon the findings and subject to the proposed conditions of approval.

RECOMMENDED PLANNING COMMISSION ACTION:

A. CEQA Determination

MOTION: Determine no further environmental review is required in compliance with CEQA Section 15162 – “Subsequent EIRs and Negative Declarations” of the CEQA Guidelines based on the findings listed in the Staff Report.

CEQA Findings:

1. The Merced County Planning Commission adopted the Negative Declaration for Major Subdivision No. MAS04-005 on April 27, 2005.
2. The only change to the project resulting from Extension Application No. EXT18-004 is to extend the time for recordation of the tentative map for Major Subdivision Application No. MAS04-005.
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 require revisions to the Negative Declaration in accordance with Section 15162 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. MAS04-005 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. EXT18-004 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 two parcels totaling 5.15 acres into 27 residential lots.
2. The project site is located on the northwest corner of Washington Street and Jackson Street in the Le Grand area.
3. The project area is designated as Le Grand Urban Community – Low Density Residential and zone R-1 (Single-Family Residential)
4. The subdivision application conforms to the Merced County Zoning Code, Section 18.008.030 for the design and size of new lots and is compatible with the purposes.
5. The subdivision application conforms to the Merced County Subdivision Code, Section 17.08 (Major Subdivisions) and Section 17.04.050 (Design Requirements).
6. The project has been reviewed by the Department of Public Works Road Division, Department of Public Health Environmental Health Division, Department of Public Works Building and Safety Division, and the Fire Department.
7. The project, as conditioned, is consistent with the Merced County General Plan, compatible with surrounding area and uses, and has the potential to meet all applicable development requirements.
8. 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.
9. The project, as conditioned, will not have an adverse impact on public health, safety, or general welfare.
10. The public hearing has been adequately noticed and advertised.

ATTACHMENTS/EXHIBITS

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

cc.

Property Owner – Timothy Razzari

Representative – Duane Andrews, Golden Valley Engineering



**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

EXT18-004 CONDITIONS OF APPROVAL

Equal Opportunity Employer

Merced County Community and Economic Development Department

1. The project proponents shall submit an Unconditional Water and Sewer Commitment Notice from the Le Grand Community Services District to the County prior to recordation of the Final Map.
2. A sound wall shall be constructed to reduce exterior noise exposure in outdoor activity areas and the level of noise affecting exterior building facades in accordance with the noise standards contained in the General Plan. The wall shall be constructed in accordance with the conclusions and recommendations of the *Acoustical Analysis, Las Casas de Santa Fe Subdivision, Merced County California, August 18, 2004*, prepared by Brown-Buntin Associates, Inc. The sound wall shall be constructed in accordance with Chapter 18.37.07 of the Merced County Zoning Code. The sound wall shall be constructed prior to the issuance of a certificate of occupancy for any lot which is affected by railroad noise as identified in the above Acoustical Analyses.
3. Acoustic baffles shall be installed on the interior side of attic vents on the residences that face, or are perpendicular to, the Santa Fe railway on Lots 1-7, 24-26 & 16-17. Certificates of occupancy shall not be issued for the residences on these parcels if acoustical baffles are not installed on the residences on these parcels.
4. If two-story homes are proposed, an acoustical analysis of interior noise levels shall be provided to ensure acceptable interior noise environment, and mitigation, if necessary, implemented prior to the issuance of a certificate of occupancy for the affected residences.
5. A Right-To-Farm statement shall be placed on the face of the Final Map or any phased Final Maps consistent with County Ordinance No. 1213.
6. Water and sewer improvements shall be constructed and applicable user fees paid as per the specifications and requirements of the Le Grand Community Services District.
7. Street trees shall be provided in the front yard of each lot. The tree species shall be accepted by the County Department of Public Works Parks and Recreation Division and Planning Department as part of the improvement plan approval process.
8. The project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
9. The applicants shall provide a bond for \$10,000 for site maintenance and trash removal

to be kept until the final map has been approved and signed.

Fire Department

10. Any phasing of the proposed subdivision shall be subject to review by the Merced County Fire Department.
11. The minimum fire hydrant flow of 1,000 gallons per minute for residential areas shall be required by the Merced County Fire Department.

Environmental Health

12. All abandoned wells and septic tanks must be properly destroyed in accordance with Merced County standards and under permit and inspection from the Division of Environmental Health.

Public Works – Roads Division

13. All lot and street grading shall be completed, all underground improvements shall be installed and aggregate base material on all new streets shall have been rough graded and compacted prior to the issuance of any building permits. The project proponent shall enter into an agreement with public works that no occupancy shall occur until such time as all improvements are completed.
14. The project proponent shall release and relinquish all abutter's rights of access to and from the entire Santa Fe Avenue frontage of all corner lots in the subdivision.
15. The project proponent shall be financially responsible for all costs associated with upgrading the existing storm drain pump station located within the American Heritage Homes No. 1 Major Subdivision No. 898 with the inclusion of stormwater runoff from the Las Casas de Santa Fe Subdivision. The project proponent shall be financially responsible for all costs associated with expanding the American Heritage Homes No. 1 storm drain retention basin within McPherson Subdivision No. 03001. The project proponent shall be financially responsible for all costs associated with replacing the existing storm drainage transmission facilities to increase capacity to accommodate the additional runoff from the Las Casas de Santa Fe subdivision to the American Heritage Homes No. 1 storm drain retention basin, if necessary.
16. No stormwater runoff from the subdivision shall be allowed to surface flow offsite without offsite improvements being designed and constructed by the project proponent with subdivision improvements.
17. The project proponent shall provide centerline striping for those new roads which intersect the existing peripheral streets.
18. Streets shall be named and designated to the satisfaction of the Fire Department and the Merced County Department of Public Works.
19. The project proponent shall provide a letter from MID accepting storm drainage water from the project into MID facilities prior to recording the Final Map.

EXHIBIT A

20. The project proponent 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, streetlighting, storm drainage system and underground or relocate utilities and irrigation facilities.
21. The project proponent shall pay all costs and provide all documents necessary to form or annex into a landscaping and/or park maintenance zone of benefit prior to recording the Final Map. Walls adjacent to landscaped areas shall be masonry.
22. The project proponent may be required to comply with Federal Regulations for stormwater runoff issued by the Environmental Protection Agency on November 16, 1990 (40 Code of Federal Regulations Part 122, 123, and 124). Construction activities disturbing five or more acres are required by the State Water Resources Control Board (SWRCB) to obtain a General Construction Activity Stormwater Permit and a National Discharge Elimination System (NPDES) permit. Prior to the initiation of grading, the project proponent shall contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 657-1146 to determine if the project is subject to applicable stormwater runoff permits. If subject to this permitting the project proponent will be required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to water quality during construction of the project. If the project is subject to this permitting process, the project proponent shall obtain all required permitting and submit a copy of the approved plans to the Merced County Planning and Community Development Department prior to the issuance of grading permits for the project. If not subject to this permitting process, the project proponent shall submit verification to that effect to the Planning and Community Development Department.

New Condition Added to EXT07-007

23. The project shall be subject to the current Law Enforcement Facilities Impact Fee established by Resolution No. 2004-148, adjusted for inflation, in place at the time of building permit issuance.

New Condition Added to EXT07-007

24. The project shall be subject to the current Fire Facilities Impact Fee established by Resolution No. 2004-149, adjusted for inflation, in place at the time of building permit issuance.

New Condition Added to EXT07-007

25. The project shall be subject to the current Regional Transportation Impact Fee (RTIF) pursuant to Chapter 5.60 of the Merced County Code and established by Ordinance No. 1749 in place at the time of building permit issuance.

New Condition Added to EXT07-007

26. Prior to recordation of the final map creating new County roads, the owner shall provide all documentation and pay all fees associated with forming a road maintenance zone of

EXHIBIT A

benefit in County Service Area Number One for extended road maintenance services which includes, but is not limited to, street sweeping.

New Condition Added to EXT07-007

27. The developer shall pay \$500 per lot at the building permit stage as a proportionate share of the cost to finance a comprehensive traffic and circulation study for the Le Grand SUDP until such time as the Board of Supervisors adopts Bridge and Major Thoroughfare fees for Le Grand.

Merced Irrigation District

28. The project proponent shall enter into a "Subdivision Drainage Agreement" with the Merced Irrigation District Drainage Improvement District (MIDDID No. 1) for stormwater discharge into the Fancher Lateral, paying all applicable fees, prior to the recordation of the Final Map. Owner/developer should contact Robert Lindsey of MIDDID No. 1 to initiate the agreement.

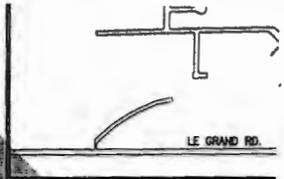
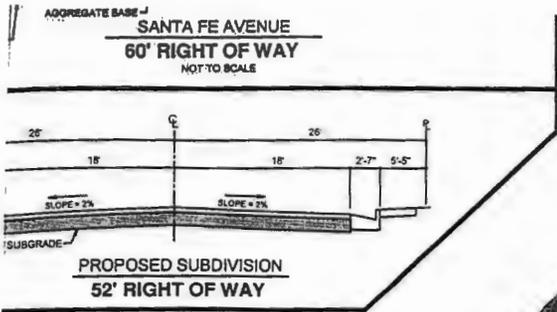
San Joaquin Valley Air Pollution Control District

29. Construction equipment used at the site shall be equipped with catalysts/particulate traps to reduce particulate and NOx emissions unless demonstrated to be infeasible by project contractors.

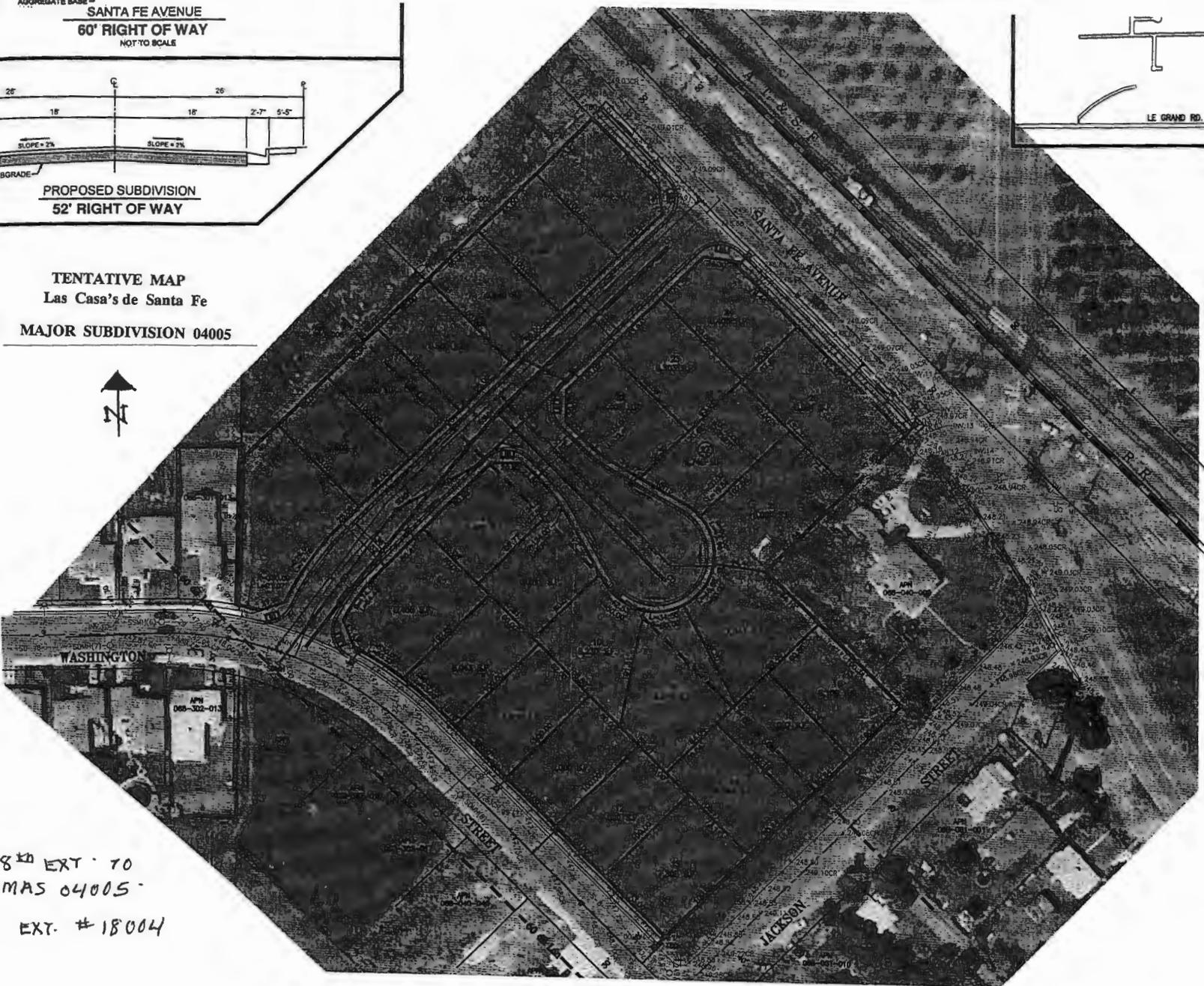
County Counsel

30. INDEMNITY AND HOLD HARMLESS AGREEMENT:

Timothy Razzari 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. This duty shall arise at the first claim, action, or proceeding against 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.



TENTATIVE MAP
Las Casa's de Santa Fe
MAJOR SUBDIVISION 04005



8th EXT. TO
 MAS 04005
 EXT. #18004



MARK HENDRICKSON
Community Development Director
2222 "M" Street
Merced, CA 95340

March 23, 2018

RE: Major Subd. 04005, request for map extension- Las Casa de Santa Fe, Le Grand, CA.

APN'S 318-010-008, 009

Dear Mark,

On behalf of the property owner, this is our formal request for a one year extension for MSA 04005. The fee for a map extension is attached. Your cooperation is appreciated.

Sincerely,
Golden Valley Engineering &
Surveying, Inc.

A handwritten signature in blue ink that reads "Duane J. Andrews".

Duane J Andrews, PLS 4052

8th EXT. TO MAS 04005
EXT. # 18004