



Planning Commission

Staff Report

January 8, 2020

PREPARED BY:
APPROVED BY:

BRIAN GUERRERO, PROJECT PLANNER
MARK HENDRICKSON, DIRECTOR

9TH EXTENSION No. EXT19-012 TO MAJOR SUBDIVISION APPLICATION No. MAS05-006 – “RED ROCK INDUSTRIAL PARK” – Vegalab, Inc.: A request to extend the expiration date of the approved tentative map for Major Subdivision Application No. MAS05-006 for 1 year, FROM: December 21, 2019 TO: December 21, 2020. The project site is located on the west side of North Arboleda Drive, 400 feet south of East Highway 140, identified as Assessor's Parcel Number (APN) 061-033-007. The property is designated Tuttle Rural Center – Industrial land use in the General Plan and zoned M-1 (Light Manufacturing). CEQA: Staff recommends that the Planning Commission find that no further environmental review is required pursuant to Section 15162 of the CEQA Guidelines - “Subsequent EIRs and Negative Declarations.” **BG**

SUPERVISORIAL DISTRICT: 1 – Rodrigo Espinoza

RECOMMENDATION(S):

1. Open/close the public hearing;
2. Determine no further environmental review is required pursuant to Section 15162 - “Subsequent EIRs and Negative Declarations” of the CEQA Guidelines; and,
3. Approve Extension Application No. EXT19-012 based on the findings identified in the Staff Report and subject to the proposed conditions of approval.

LOCATION MAP:



BACKGROUND:

Site Description

Major Subdivision Application No. MAS05-006, also known as “Red Rock Industrial Park”, was approved by the Planning Commission on December 21, 2005 to subdivide a 20.8 acre parcel into 17 lots of 1.2+/- acres each, with 18 conditions of approval. The project site is located on the west side of North Arboleda Drive, 400 feet south of East Highway 140, and is designated Tuttle Rural Center – Industrial land use in the General Plan and zoned M-1 (Light Manufacturing). The project site is in the Agricultural Preserve but is not under a Williamson Act contract.

Surrounding Uses

	General Plan	Zoning	Current Land Use
On-Site:	Industrial	M-1	Row Crops
North:	Industrial	M-1	Warehouse/Water Tank
East:	Agricultural	A-1	Truck Repair Shop/Storage
South:	Industrial	M-1	Agricultural Equipment Storage
West:	Agricultural	A-1	Orchards

Prior Actions/Entitlements

This tentative map has been subject to several extensions. In a letter dated November 26, 2019, the president of Vegalab, Inc. submitted a timely request to extend the expiration date of the tentative map to December 21, 2020.

On January 9, 2008, the Planning Commission approved EXT07-026 to extend the tentative map to December 21, 2008. On December 17, 2008, the Planning Commission approved a two-year extension: One year paid extension and one year granted by the State of California via Senate Bill SB-1185 to extend the tentative map to December 21, 2010 (EXT08-031).

Subsequently, the State of California granted four automatic extensions to MAS05-006:

- In 2009, Assembly Bill AB-333 automatically extended the expiration date by two years to December 21, 2012 (EXT09-020).
- In 2011, Assembly Bill AB-208 automatically extended the expiration date by two years to December 21, 2014 (EXT11-015).
- In 2013, Assembly Bill AB-116 automatically extended the expiration date by two years to December 21, 2016 (EXT13-015).
- In 2015, Assembly Bill AB-1303 automatically extended the expiration date by two years to December 21, 2018 (EXT15-015).

On January 23, 2019, the Planning Commission approved the 8th overall extension to extend the tentative map from December 21, 2018 to December 21, 2019. This application will be the 9th extension for this tentative map and will expire on December 21, 2020.

ANALYSIS

Project Description

The application is a request to extend the expiration date of the tentative map for Major Subdivision No. MAS05-006 for one year, FROM: December 21, 2019 TO: December 21, 2020. If the final map is not recorded or another extension is applied for by December 21, 2020, the tentative map will expire.

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 changes to the project, project site, or surrounding area since the subdivision was approved by the Planning Commission on December 21, 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 M-1 (Light Manufacturing) per the Merced County Zoning map. The purpose of the Light Manufacturing zone is to provide for warehousing, assembling, manufacturing, wholesaling, research and development facilities, commercial offices and limited accessory retail sales. Uses within this zone typically involve assembly of previously manufactured materials and have low nuisance characteristics, such as noise, heat, glare, odor and vibration and are compatible with each other and surrounding uses.

There have been no changes to the project, project site, or surrounding area. The project remains consistent with the M-1 (Light Manufacturing) 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 9th extension to the major subdivision tentative map, five of the seven previous extensions were automatic extensions granted by the State of California. EXT19-012 would be the fourth discretionary extension considered by the Planning Commission and not automatically granted by the State of California.

While the expiration date for the approved tentative map has passed, the application for an extension was filed prior to expiration of the approved tentative map. As a result, the Planning Commission may still extend the expiration of the approved tentative map for the requested one year.

California Environmental Quality Act (CEQA)

On February 23, 1999, the Merced County Board of Supervisors approved a General Plan Amendment (GPA98-006) amending the project site from Agricultural to Industrial with a

concurrent Zone Change (ZC98-007) from A-1 (General Agricultural) to M-1 (Light Manufacturing) and an expansion of the Tuttle Specific Urban Development Plan (now Tuttle Rural Center) boundary to include the project site. On the same date, the Board of Supervisors adopted a Mitigated Negative Declaration for the project site. On December 21, 2005, the Planning Commission determined that the adopted Mitigated Negative Declaration for the project site was still valid for Major Subdivision Application No. MAS05-006.

There have been no changes to the environmental character of the project site or the surrounding areas since Major Subdivision No. MAS05-006 was approved. Staff has determined that pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations", Extension Application No. EXT19-012 requires no further environmental review since adoption of the Mitigated Negative Declaration.

Community Engagement

The project application was routed to applicable County departments comment. Comments were received from Environmental Health regarding access to potable water and changes in setback requirements from the proposed drainage basin to wells and septic systems. Current setback requirements make the two parcels adjacent to the proposed drainage basin undevelopable due to having less than one net acre of useable land.

Notice of the public hearing was mailed to all property owners located within 300 feet of the project and published in the Merced Sun-Star on **December 27, 2019**. 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 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines.

Staff recommends that the Planning Commission approve Extension Application No. EXT19-012 based upon these findings and subject to the recommended conditions of approval.

RECOMMENDED PLANNING COMMISSION ACTION:

A. CEQA Determination

MOTION: Determine no further environmental review is required pursuant to CEQA Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines.

CEQA Findings:

1. The Merced County Board of Supervisors adopted a Mitigated Negative Declaration for the project site on February 23, 1999. On December 21, 2005, the Planning Commission determined that the Mitigated Negative Declaration was still valid for Major Subdivision Application No. MAS05-006.
2. Extension Application No. EXT19-012 proposes only to extend the time for recordation of a final map for Major Subdivision Application No. MAS05-006.

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 Mitigated 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. MAS05-006 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. EXT19-012 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 a 20.8 acre parcel into 17 lots of 1.2+/- acres each.
2. The project site is located on the west side of North Arboleda Drive, 400 feet south of East Highway 140.
3. The project area is designated Tuttle Rural Center – Industrial land use in the General Plan and zoned M-1 (Light Manufacturing).
4. The subdivision application conforms to the Merced County Zoning Code, Section 18.26.030 for the design and size of new lots.
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 proposed subdivision, 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.

EXHIBITS

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

cc
Property Owner – Tuttle Cross Dock, Inc.
Applicant – Vegalab, Inc.



**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

EXT19-012 CONDITIONS OF APPROVAL

Merced County Community and Economic Development Department

1. The Tentative Map for Major Subdivision Application No. MAS05-006 shall expire on December 21, 2020, unless an extension request is applied for.
2. The current Extension Application No. EXT19-012 shall comply with all conditions of approval as required by the previously approved Minor Subdivision No. MS05-006 and any previously approved discretionary extensions (EXT07-026, EXT08-031 and EXT18-043).
3. The Applicant shall continue to work with the Merced County Division of Environmental Health (MCDEH) to reconfigure the parcel lines on the Final Map to come into compliance with current setback requirements for the wells and septic systems.

County Counsel

4. INDEMNITY AND HOLD HARMLESS AGREEMENT:

TUTTLE CROSS DOCK, INC. 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.

From: MaryBeth Gannon marybeth.gannon@vegalab.com
Date: Nov 26, 2019 at 2:09:05 PM
To: Bob Geyer bob.geyer@vegalab.com

EXHIBIT B

vegalab

Vegalab Inc
636 US Highway 1, Ste 113
North Palm Beach, Florida
800 206 1880
www.vegalab.us
contact@vegalab.com

November 26th, 2019

Merced County Planning & Development
2222 M Street
Merced, California 95340

RE: Major Sud 05006-Red Rock Industrial Park - 17 Zoned Lots
CURRENT APN 061-033-007 PREVIOUS APN: 061-030-092

To Whom it May Concern:

Vegalab Inc., is requesting a one-year extension to the above tentative map, Major Subdivision # 05006, Red Rock Industrial Park, which includes 17 Zoned Lots.

We are requesting this as it part of our future development.

If you require additional information please do not hesitate to contact Marybeth Gannon, at (561) 202-7537 or email marybeth.gannon@vegalab.com

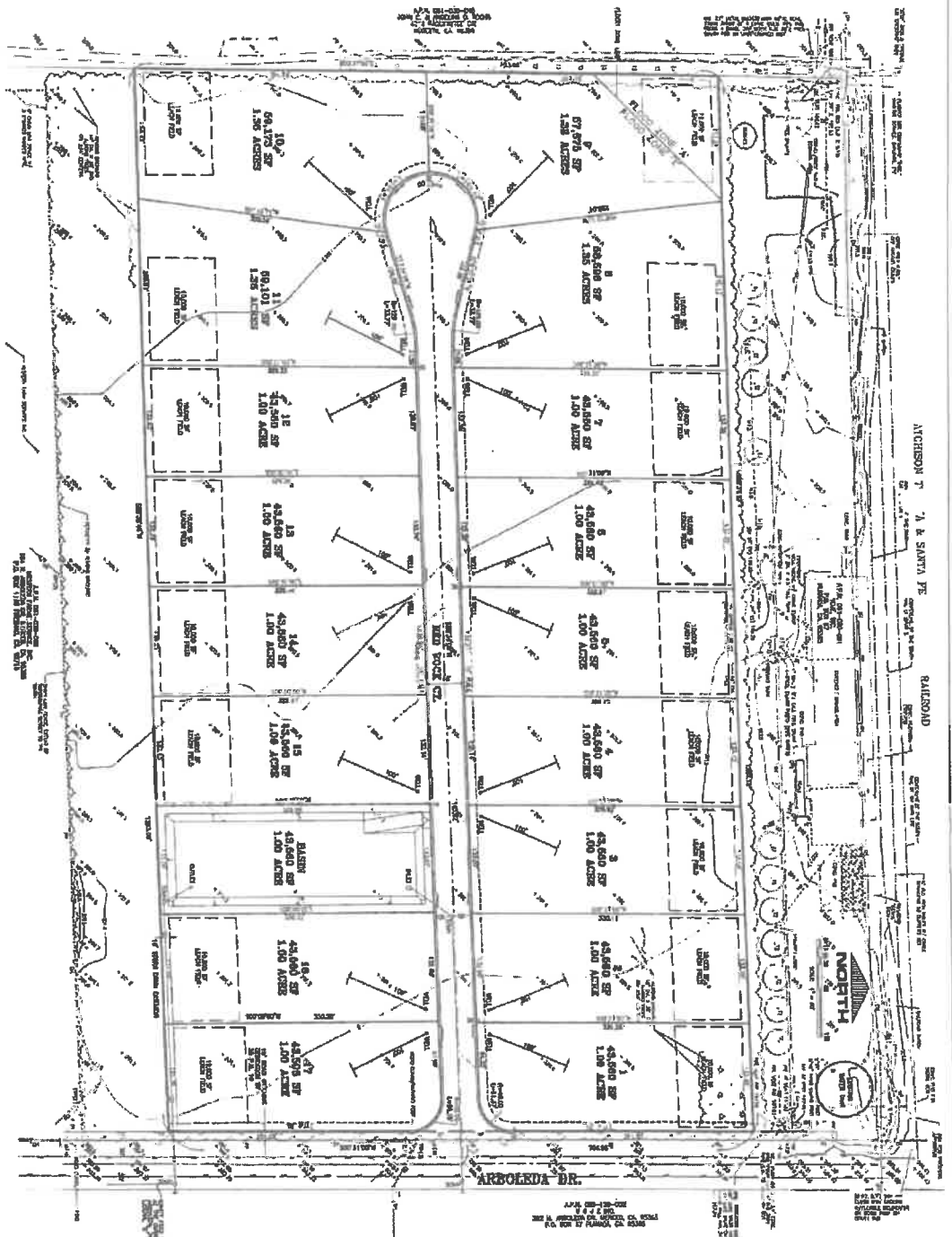
Best Regards,



Marybeth Gannon
Director of Operations

Cc: David Selakovic
Bob Geyer
Ed Hesety

9th EXT TO MAS 05006
EXT # 19012



1	10' x 60.170' SF 1.37 ACRES
2	67.970' SF 1.55 ACRES
3	60.510' SF 1.38 ACRES
4	60.510' SF 1.38 ACRES
5	60.510' SF 1.38 ACRES
6	60.510' SF 1.38 ACRES
7	60.510' SF 1.38 ACRES
8	60.510' SF 1.38 ACRES
9	60.510' SF 1.38 ACRES
10	60.510' SF 1.38 ACRES
11	60.510' SF 1.38 ACRES
12	60.510' SF 1.38 ACRES
13	60.510' SF 1.38 ACRES
14	60.510' SF 1.38 ACRES
15	60.510' SF 1.38 ACRES
16	60.510' SF 1.38 ACRES
17	60.510' SF 1.38 ACRES
18	60.510' SF 1.38 ACRES
19	60.510' SF 1.38 ACRES
20	60.510' SF 1.38 ACRES

9th EXT TO MAS 05006 - EXT. # 19012



- TENTATIVE SUBDIVISION MAP OF RED ROCK INDUSTRIAL PARK**
1. The proposed subdivision is shown on the attached map.
 2. The proposed subdivision is shown on the attached map.
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 20. The proposed subdivision is shown on the attached map.

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RED ROCK INDUSTRIAL PARK
 P.L. 061-030-092
 50 P.M. 10
 SECTION 25, T7S, R14E, M.D.B. 7 N.
 CALIFORNIA

VESTING TENTATIVE MAP FOR RED ROCK INDUSTRIAL PARK
 MID WALLACE
 A.P.N. 061-030-092
 50 P.M. 10
 SECTION 25, T7S, R14E, M.D.B. 7 N.
 CALIFORNIA

MAJOR SUB. 05006
GOLDEN VALLEY
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 Phone: (510) 735-5000 • Fax: (510) 735-5551