



Planning Commission
Staff Report
March 25, 2020

PREPARED BY:
APPROVED BY:

SHANNON THAGGARD, PLANNER
MARK HENDRICKSON, DIRECTOR

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1st EXTENSION APPLICATION No. EXT20-002 TO MAJOR SUBDIVISION No. MAS17-002 - "RANCHO PROSPERIDAD" - Gold Star Investments LLC. - A request to extend the expiration date of the tentative map for Major Subdivision No. MAS17-002 by one year, FROM: April 11, 2020 TO: April 11, 2021. The project site is located at the southeast corner of North Merced Avenue and West Letteau Avenue, identified as Assessor's Parcel Number (APN) 009-310-001. The property is designated Delhi Urban Community - Low Density Residential land use in the General Plan and zoned R-1 (Single Family Residential). 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." ST

SUPERVISORIAL DISTRICT: 4 - Lloyd Pareira

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. EXT20-002 based on the findings identified in the Staff Report and subject to the recommended conditions of approval.

LOCATION MAP:



BACKGROUND:

Site Description

Major Subdivision Application No. MAS17-002, also known as “Rancho Prosperidad”, was approved by the Planning Commission on April 11, 2018 to subdivide a 4.6-acre parcel into 23 lots, with 26 conditions of approval. The project site is located at the southeast corner of North Merced Avenue and West Letteau Avenue identified as Assessor’s Parcel Number (APN) 009-310-001. The property is designated Delhi Urban Community – Low Density Residential land use in the General Plan and is zoned R-1 (Single Family Residential). The project site is not in the Agricultural Preserve and is not under a Williamson Act contract.

Surrounding Uses

| Location | General Plan | Zoning | Current Land Use |
|-----------------|-------------------------|--------|---------------------------|
| On-Site: | Low Density Residential | R-1 | Single-Family Residential |
| North: | Low Density Residential | R-1 | Single-Family Residential |
| South: | Low Density Residential | R-1 | Single-Family Residential |
| East: | Low Density Residential | R-1 | Single-Family Residential |
| West: | Agricultural | A-1 | General Agricultural |

Prior Actions/Entitlements

Major Subdivision Application No. MAS17-002 was approved by the Planning Commission on April 11, 2018. Prior to this application no extensions were requested and/or approved.

ANALYSIS:

Project Description

The application is a request to extend the expiration date of the tentative map for Major Subdivision No. MAS17-002 by one year, FROM: April 11, 2020 TO: April 11, 2021. In a letter dated February 26, 2020, Kyla Mahowald (project planner) submitted a timely request to extend the expiration date of the tentative map.

If approved, Extension Application No. EXT20-002 would be the first extension to Major Subdivision No. MAS17-002. If the final map is not recorded by April 11, 2021, or if an extension is not requested, 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 April 11, 2018. The project remains consistent with the General Plan with regards to density standards and is consistent with the 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 single-family living with 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 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. Extension Application No. EXT20-002 would be the first discretionary extension considered by the Planning Commission.

The tentative map for MAS17-002 does not qualify for any statutory extensions. Extension Application No. EXT20-002 would be the first discretionary extension considered by the Planning Commission, therefore, the tentative map will still be eligible for a total of five years if this extension request is approved.

California Environmental Quality Act (CEQA)

On April 11, 2018, the Planning Commission adopted the Mitigated Negative Declaration for Major Subdivision Application No. MAS17-002. Staff has determined that pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines, Extension Application No. EXT20-002 requires no further environmental review, as there have been no changes to the environmental character of the project site or the surrounding areas since Major Subdivision No. MAS17-002 was approved by the Planning Commission on April 11, 2018.

Community Engagement

Notice of the public hearing was mailed to all property owners located within 300 feet of the project site on **March 13, 2019** and published in the Merced Sun-Star on **March 13, 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. EXT20-002 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. On April 11, 2018, the Planning Commission adopted the Mitigated Negative Declaration for Major Subdivision Application No. MAS17-002.
2. Extension Application No. EXT20-002 proposes only to extend the time for recordation of a final map for Major Subdivision Application No. MAS17-002 by 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. No new information has been identified that would require revisions to the Negative Declaration in accordance with Section 15162 - "Subsequent EIRs and Negative Declarations" 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. MAS17-002 was approved on April 11, 2018.
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. EXT20-002 based on the findings included in the staff report and subject to the recommended conditions of approval.

Project Findings:

1. The approved tentative map is to subdivide a 4.6-acre parcel into 23 lots.
2. The project site is located at the southwest corner of North Merced Avenue and West Letteau Avenue, identified as Assessor's Parcel Number (APN) 009-310-001.
3. The project area is designated Delhi Urban Community – Low Density Residential land use in the General Plan and is zoned R-1 (Single-Family Residential).
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 Merced County General Plan. 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. Conditions of Approval
- B. Request for Extension
- C. Tentative Map

cc:
Property Owner – Gold Star Investments LLC
Project Engineer – Kyla Mahowald

EXHIBIT A



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT**

Mark J. Hendrickson
Director

Steve Maxey
Deputy Director

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Merced, CA 95340
(209) 385-7654
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EXT20-002 CONDITIONS OF APPROVAL

Merced County Community and Economic Development Department

Equal Opportunity Employer

1. The Tentative Map for Major Subdivision Application No. MAS17-002 shall expire on April 11, 2021, unless the map is recorded or an extension request is applied for.
2. The current Extension Application No. EXT20-002 shall comply with all conditions of approval as required by the previously approved Major Subdivision No. MAS17-002.

County Counsel

3. INDEMNITY AND HOLD HARMLESS AGREEMENT:

GOLD STAR INVESTMENTS LLC 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.



NorthStar
Engineering Group, Inc.

February 26, 2020

Brian Guerrero, Planner III
Merced County Community
& Economic Development
2222 M Street
Merced, CA 95340


Subject: Rancho Prosperidad Tentative Subdivision Map
Application No. MAS17-002 APN 009-310-001

Dear Jeremy Ballard,

On behalf of Gold Star Investments, LLC, NorthStar Engineering Group, Inc. is requesting an extension of the Rancho Prosperidad Tentative Subdivision Map Application No. MAS17-002 approved on April 11, 2018, in order to complete the project.

If you have any questions please feel free to contact me.

Sincerely,



Kyla Mahowald, PE
NorthStar Engineering Group, Inc.

Coy Stark
Gold Star Investments, LLC

1st EXT TO MAS 17002
EXT # 20002

