



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT**

STAFF REPORT


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DATE: OCTOBER 28, 2015

TO: PLANNING COMMISSION

PROJECT PLANNER: BRIAN GUERRERO, PLANNER III 

PROJECT NO.: EXTENSION APPLICATION NO. EXT15-001, 7th
EXTENSION TO MAJOR SUBDIVISION
APPLICATION NO. MAS03-010 – THE PARKWAY

PROPERTY OWNER: PARKWAY SOUTH, INC.

APPLICANT: SAME

REPRESENTATIVE: JOHN PALMER, PARKWAY SOUTH, INC.

REQUEST: TO EXTEND FOR ONE YEAR THE EXPIRATION
DATE OF THE TENTATIVE MAP FOR MAJOR
SUBDIVISION NO. MAS03-010 FROM
SEPTEMBER 10, 2015 TO SEPTEMBER 10, 2016.

LOCATION/SITUS: NORTHEAST CORNER OF HIGHWAY 33 AND
PARKWAY BOULEVARD IN THE SANTA NELLA
AREA.

APN: 08-380-003, 079-380-004, -005, -009, -016, -025, -
026

SUPERVISORIAL DISTRICT: 5 – O'BANION

MUNICIPAL ADVISORY COUNCIL: NONE

The following table indicates the General Plan, Zoning and Current Land Use designations of the parcel on-site and the adjacent parcels generally to the north, east, south and west of the application request:

	GENERAL PLAN	ZONING	LAND USE
ON-SITE:	Low Density Residential*	R-1-5000	Fallow
NORTH:	Low Density Residential*	R-1-5000	Fallow
EAST:	Agricultural	A-1	Fallow
SOUTH:	Institutional*	A-1	Fallow
WEST:	Foothill Pasture	A-2	Open Space

*Located within the Santa Nella Urban Community

I. PROJECT DESCRIPTION:

This application is a request for a 7th extension to record the tentative map to divide 60 acres into 232 single family residential lots. If the final map is not recorded by September 10, 2015, the tentative map will expire unless extended.

II. SUMMARY OF RECOMMENDATION:

Staff recommends the Planning Commission make a determination that the previously approved Major Subdivision No. MAS03-010 tentative map is exempt from CEQA under Section 15182 – “Residential Projects Pursuant to a Specific Plan” based on the CEQA findings listed in this report and approve Extension Application No. EXT15-001 to Major Subdivision Application No. MAS03-010, based on the findings and subject to the attached conditions of approval.

III. ANALYSIS:

A. Background

Major Subdivision Application No. MAS03-010, also known as “The Parkway”, was approved to subdivide 60 acres into 232 single family residential lots. The project is located in the northeast corner of Highway 33 and Parkway Boulevard in the Santa Nella area. According to the submitted operational statement the applicant has stated that the developer (Parkway South, Inc.) is working with the Santa Nella Community Water District on water and sewer infrastructure and infrastructure master plans.

In a letter dated June 30, 2015, the project manager for Parkway South, Inc. submitted a timely request to extend the recordation of the tentative map to September 10, 2016. On September 10, 2003, the Planning Commission approved the Major Subdivision No. MAS 03-010 with 19 conditions of approval. This tentative map has been subject to several extensions and a modification. The modification (MM05-005) was approved by the Planning Commission to revise two conditions of approval.

On January 25, 2006, map extension number EXT05-011 was approved by the Planning Commission. However, the Planning Commission, realizing the timeframe the applicant would have in getting appropriate infrastructure for water and sewer systems, approved the map extension for two years instead of one, to an expiration date of September 10, 2007. Merced County Code Title 17 Subdivisions, Section 17.08.030C.1. allows the Planning Commission the ability to approve tentative map extensions for a period no more than three years prior to any expiration date.

On June 27, 2007, the Planning Commission approved EXT07-012 to extend the tentative map to September 10, 2008. However, due to the passing of State Bill 1185 (SB1185) in 2008, the applicant was allowed a

“free” year to extend the recordation of the tentative map and would not expire until September 10, 2009 (EXT08-025).

On July 15, 2009, the State of California approved Assembly Bill AB-333, granting an automatic 2-year extension to eligible tentative subdivision maps. AB-333 extended MAS03-010’s expiration date to September 10, 2011 (EXT09-010). In 2011, the State of California approved Assembly Bill AB-208, which granted a 2-year automatic extension to eligible tentative subdivision maps. MAS03-010 was extended two years to an expiration date of September 10, 2013 (EXT11-005). In 2013, the State again approved Assembly Bill No. AB-116, granting another 2-year extension for eligible tentative subdivision maps. MAS03-010 was granted a new expiration date of September 10, 2015 (EXT13-005).

B. General Plan Consistency

No significant changes have occurred within the project or surrounding area since the subdivision was approved by the Planning Commission, nor have there been any changes to the zoning and General Plan designations of the project site and surrounding area. The project remains consistent with the General Plan with regards to density standards and consistent with the character of the surrounding area.

Santa Nella Community Specific Plan

No significant changes have occurred within the project or surrounding area since the subdivision was approved by the Planning Commission, nor have there been any changes to the Santa Nella Community Specific Plan land use designations 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.

C. Zoning Code Consistency

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

D. Subdivision Map Act Provisions

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 five years. Although this is considered the 7th extension to the major subdivision tentative map, four of the seven extensions were automatic extensions granted by the State of California. EXT15-001

would be the third extension approved by the Planning Commission and not automatically granted by the State of California.

IV. PUBLIC AGENCY REVIEW:

The application was referred to County Departments (Fire, Health, Roads, and Building) via e-mail correspondence. The Public Works Roads Division, Building and Safety Division and the Merced County Division of Environmental Health responded stating they do not have any additional conditions to recommend.

V. PUBLIC COMMENT:

Notice of the application was sent for publishing in the newspaper on October 17, 2015 and mailed to property owners within 300 feet of the project site on October 16, 2015. No comments or concerns have been submitted to date.

VI. ENVIRONMENTAL REVIEW

On September 10, 2003, the Planning Commission determined that Major Subdivision No. MAS03-010 was exempt from CEQA review under Section 15162 – “Residential Projects Pursuant to a Specific Plan” (now Section 15182). 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 changes to the environmental character of the site or the surrounding area.

VII. CONCLUSION

No significant changes have occurred within the project area since MAS03-010 was approved by the Planning Commission, nor have there been any changes in zoning or General Plan designations for the surrounding property. The subdivision is still in compliance with County’s Zoning and Subdivision Codes, and consistent with the Merced County General Plan. Staff recommends approval of the one year extension to Major Subdivision Application No. MAS03-010. It can also be concluded that the extension for the approved tentative map can be found exempt from CEQA under Section 15182 – Residential Projects Pursuant to a Specific Plan.

VIII. REQUIRED ACTION

A. CEQA Determination

Staff recommends that the Planning Commission determine that the major subdivision tentative map extension number EXT15-001 is exempt from CEQA review under Section 15182 – Residential Projects Pursuant to a Specific Plan and that no further environmental documentation is necessary by passing the following motion:

MOTION: The Planning Commission determines that Extension No. EXT15-001 to Major Subdivision No. MAS03-010 is exempt from CEQA under Section 15182 of the CEQA Guidelines, and no further

environmental documentation is necessary, based upon the following findings:

CEQA Findings

1. The Merced County Planning Commission determined Major Subdivision No. MAS03-010 to be exempt from CEQA review under Section 15162 (now 15182)– “Residential Projects Pursuant to a Specific Plan” on September 10, 2003
2. The only change to the project resulting from Extension No. EXT15-001 is to extend the time for recordation of the tentative map for Major Subdivision Application No. MAS03-010.
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. MAS03-010 was approved.
5. The determination that the application is exempt from CEQA review reflects the independent judgment of the County.

B. Project Determination

If the Planning Commission can make the determination that the extension is exempt from CEQA, staff recommends that the Planning Commission make the following motion:

MOTION: The Planning Commission approves Extension Application No. EXT15-001 to MAS03-010 based on the following findings and subject to the recommended conditions of approval.

Project Findings

1. The approved tentative map is to subdivide 60 acres into 232 single family residential lots and a remainder to be known as the “The Parkway” subdivision.
2. The property is located east of State Highway 33 between the Delta-Mendota Canal and the California Aqueduct 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 18.040.060 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 will not have an adverse impact on public health, safety, or general welfare.
8. The public hearing has been adequately noticed and advertised.

C. Conditions of Approval

Community & Economic Development Department

1. A Final Map shall be recorded by September 10, 2016 as required by the Merced County Subdivision Code. If a Final Map cannot be recorded by September 10, 2016, the applicant must apply for a map extension prior to September 10, 2016 so that the map does not expire.
2. The applicant\property owners shall pay all applicable development impact fees as are now adopted, or modified, by the Board of Supervisors.
3. Prior to the Recordation of the Final Map the applicant shall provide the Community and Economic Development Department with an unconditional "Can and Will Serve Letter" from the Santa Nella County Water District and the San Luis Water District if still within its jurisdiction at the time of recordation.
4. No grading shall be undertaken until the developer provides to the Merced County Community Development and Economic Department evidence that approval for such activities has been granted from the California State Department of Fish and Wildlife, The Army Corp of Engineers, and the United States Fish and Wildlife Service.
5. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.

6. 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.

County Counsel

7. PARKWAY SOUTH, INC. must indemnify, defend and hold harmless, the County of Merced, its Board of Supervisors, commissions, officers, employees, agents and assigns (hereinafter "County") from and against any and all claims, petitions, demands, liability, judgments, awards, interest, attorney's fees, expert witness and consultant fees and other costs and expenses of whatsoever kind or nature, at any time arising out of or in any way connected with the approval, modification, denial, or the exhaustion of administrative appeals associated with Extension No. EXT15-001 ("project") whether in tort, contract, writ of mandamus, or otherwise. This duty shall include, but not be limited to, claims, petitions, or the like for bodily injury, property damage, personal injury, contractual damages, writ of mandamus, or otherwise alleged to be caused to any person or entity including, but not limited to employees, agents, commissions, boards, and officers of PARKWAY SOUTH, INC.. The liability of PARKWAY SOUTH, INC. for indemnity under this term and condition shall apply, regardless of fault, to any acts or omissions, willful misconduct, or negligent conduct of any kind, on the part of PARKWAY SOUTH, INC., its employees, subcontractors, agents, and officers. The duty shall extend to any allegation or claim of liability, or petition, except in circumstances found by a jury or judge to be the sole and legal result of the willful misconduct of County. This duty shall arise at the first notice of filing a lawsuit, claim, petition, or allegation of liability against County. PARKWAY SOUTH, INC. will on request and at its expense, defend any action suit or proceeding arising hereunder. This term and condition shall not be limited to any claim, petition, demand, liability, judgment, award, interest, attorney's fees, expert or consultant witness fees, legal research fees, staff and administrative costs, administrative record costs, materials, and costs and expenses of whatsoever kind or nature, that may arise at the time of project approval, modification, or denial, but shall also apply to all such claims and the like, after project approval, modification, denial, or the exercise or exhaustion of administrative appeals, including but not limited to actions arising from public interest, land use and environmental legal actions. Attorney's fees shall include any and all attorney's fees but not be limited to attorney's fees and staff time incurred by the offices of County counsel. County shall have full discretion to

select legal counsel of its own choosing to represent County, at a cost not exceeding the prevailing and reasonable rates for counsel practicing environmental and land use law in the State of California, or practicing any other area of law that the County determines the claim may reasonably require. This term and condition for indemnification shall be interpreted to the broadest extent permitted by law.

Department of Public Works Roads Division

8. Satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code.
9. Release and relinquish all abutters' rights of access to and from the entire Parkway Boulevard frontage of Lots 67 – 123.
10. Notwithstanding Condition no. 4, 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.
11. The developer shall provide for the centerline striping of Parkway Blvd at its intersection with State Highway 33.
12. The developer is obligated to comply with Federal Regulations for storm water runoff issued by the United States Environmental Protection Agency (CFR 122 – 124).
13. Temporary turnarounds shall be constructed at the northern ends of Streets E, F, and G and the southern ends of Streets E, K and L.
14. Parkway Blvd construction shall extend to State Highway 33 with the portion extending west of E Street being a minimum of 92 feet wide to accommodate additional channelization at the intersection with State Highway 33.
15. Satisfy Caltrans requirements for interim improvements to State Highway 33 as may be required.
16. 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 Parkways" subdivision. (This may be combined with Condition No. 2).

17. Two points of access are required for emergency vehicle access (UFC 902.2.1). Access roads are to be a minimum of 20 feet in width, with a vertical clearance of at least 16 feet, 6 inches with an all weather driving surface capable of supporting highway loads (UFC901, 902)
18. Class I and II Bike Routes shall be constructed consistent with the Santa Nella CSP, including a Class II Lane on Parkway Boulevard and A Class I on Highway 33.

IX. ATTACHMENTS

1. Maps
2. Applicant's Extension Request
3. Public Agency Comments

cc: Applicant – Parkway South, Inc.
Agent – John Palmer, Parkway South, Inc.



DEPARTMENT OF PUBLIC WORKS
Road Division

Dana S. Hertfelder
Director

345 West 7th Street
Merced, CA 95340
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(209) 722-7690
www.co.merced.ca.us

Equal Opportunity Employer

Date: October 21, 2015

To: Brian Guerrero, Planner III
Planning and Community Development Department

From: Sara V. Soto, Engineering Associate
Department of Public Works *SS*

Subject: Map Extension No. EXT15-001 to Major Subdivision No. MAS03-010
The Parkway (7th Extension)

MEMORANDUM

We have reviewed this map extension that intends to extend for one year the expiration date of the tentative map of this major subdivision from September 10, 2015 to September 10, 2016, on property located at the northeast corner of South Highway 33 and W. Parkway Boulevard. The property is designated Santa Nella Urban Community – Low Density Residential in the General Plan and zoned R-1-5000 (Single Family Residence).

Upon review, it is determined that the Road Division does not have any comments on the extension.

SS:jlr

R:\WP\LETTERS\PLANNING REFERRALS\MAS\EXT15-001 The Parkway.docx



DEPARTMENT OF PUBLIC HEALTH

Kathleen Grassi, R.D., M.P.H.
Director
Ron Rowe, R.E.H.S., M.P.A.
Environmental Health Director

Memorandum

DATE: October 9, 2015
TO: Brian Guerrero, Planner III
FROM: Brent Cronk, EHS III
(209) 381-1095; bcronk@co.merced.ca.us
SUBJECT: MAS03-010 EXT07-012 – Parkway South
SITUS: Santa Nella

Observations & Comments – Merced County Division of Environmental Health (MCDEH):
Subdivision will be served by community water and sewer. MCDEH has no comments.

PROJECT INFORMATION

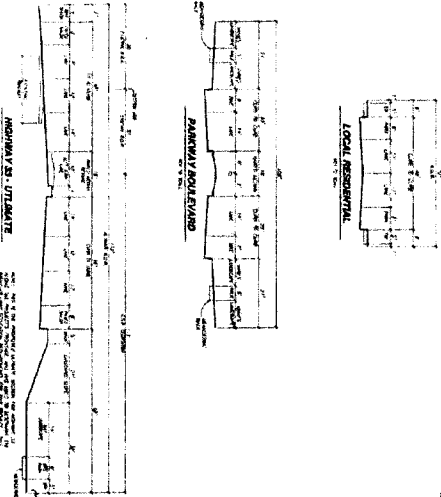
32 WILLOW AVE
 SAN ANTONIO, TEXAS 78204
 PHONE (512) 343-1111
 FAX (512) 343-1112
 WWW.MERENGINEERING.COM

DATE: 01/15/01
 DRAWN BY: J. G. GIBSON
 CHECKED BY: J. G. GIBSON
 SCALE: AS SHOWN
 SHEET NO. 1 OF 2

PROJECT NOTES

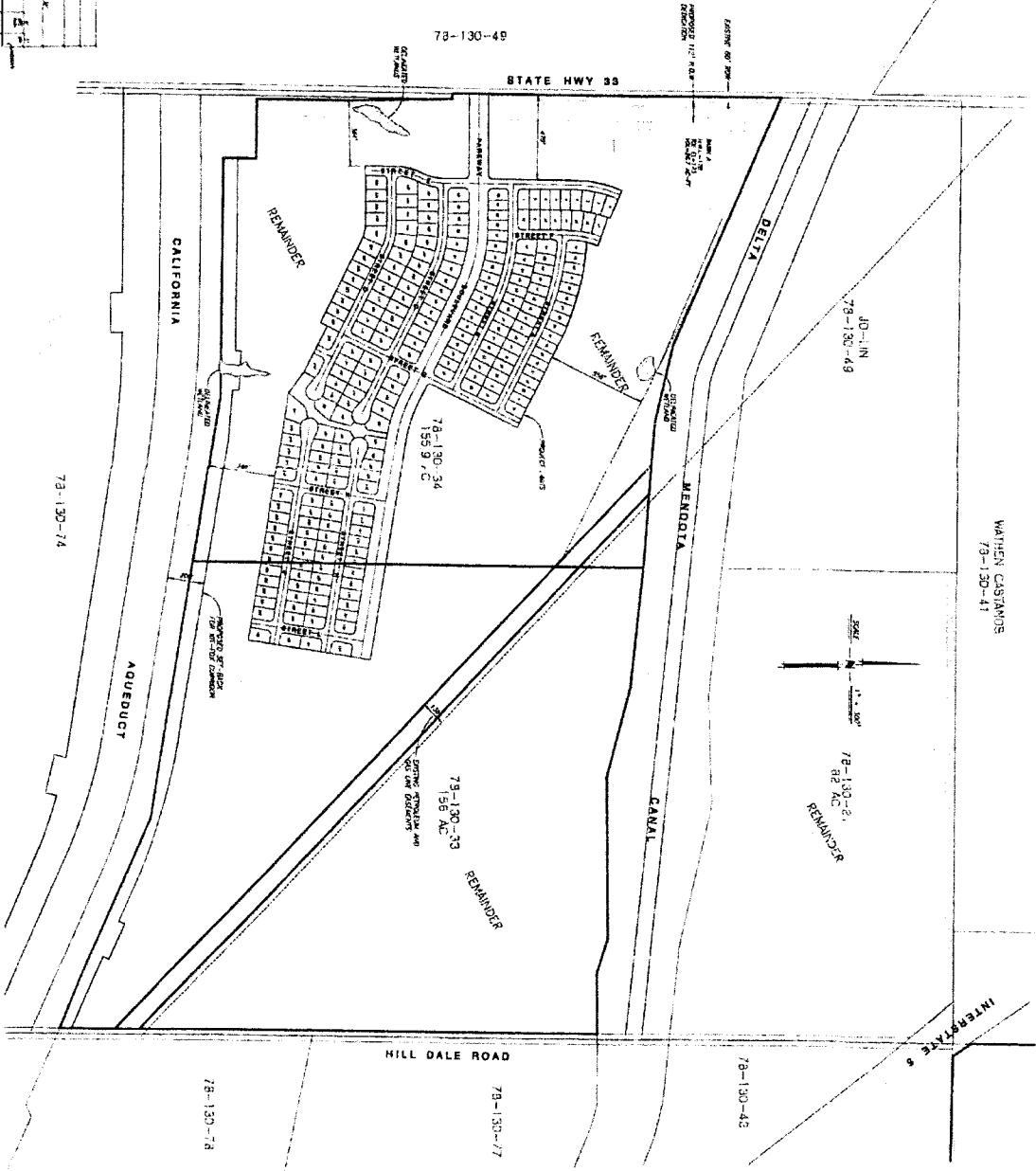
1. THE MAP SHOWS THE PROPOSED LAYOUT OF THE TRACT AND THE LOCATION OF THE EXISTING UTILITY LINES AND STRUCTURES.
2. THE LAYOUT OF THE TRACT IS BASED ON THE RECORD PLANS AND SURVEY DATA.
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STREET SECTIONS



VESTING TENTATIVE MAP FOR THE PARKWAY SANTA NELLA, CALIFORNIA

WARREN CANTARIS
 73-130-41



7th EXT. TO MAPS 03010 - EXT. # 15001

MAJOR SUB. 03010

SHEET 1 OF 2 SHEETS	COVER SHEET THE PARKWAY TENTATIVE MAP SANTA NELLA, CALIFORNIA	MER Engineering, Inc. PLANNING • ENGINEERING • SURVEYING 202 San Red Pine - Ukiah, California 95527 (707) 428-1128 FAX (707) 428-0119		CHECKED BY: J. G. GIBSON DRAWN BY: J. G. GIBSON DESIGNED BY: J. G. GIBSON SCALE: AS SHOWN DATE: 01/15/01	TITLE: PROJECT SHEET PROJECT NO.: 03010 SHEET NO.: 1 OF 2
	15001				