



CITY OF MERCED

City Council Chamber
Merced Civic Center
678 W. 18th Street
Merced, CA 95340

Minutes Planning Commission

Wednesday, April 9, 2025

6:00 PM

A. CALL TO ORDER

Chairperson GONZALEZ called the meeting to order at 6:00 PM.

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Commissioner SWIGGART led the Pledge of Allegiance to the Flag.

B. ROLL CALL

Clerk's Note: Deputy City Attorney TANIGUCHI attended the meeting via Microsoft Teams.

Present: 7 - Member Jose Delgadillo, Chair Anthony Gonzalez, Member Yang Pao Thao, Member Walter Smith, Member Emanuelle Ochoa, Vice Chair Jeremiah Greggains, and Member Conchita Swiggart

Absent: 0

C. PUBLIC COMMENT

There were no public comments.

D. CONSENT CALENDAR

D.1

SUBJECT: Planning Commission Minutes of March 19, 2025

ACTION:

Approving and filing the Planning Commission Minutes of March 19, 2025

A motion was made by Vice Chair Greggains, seconded by Member Ochoa and carried by the following vote, to approve the Consent Agenda.

Aye: 7 - Member Delgadillo
Chair Gonzalez
Member Pao Thao
Member Smith
Member Ochoa
Vice Chair Greggains
Member Swiggart

No: 0

Absent: 0

D.2 **SUBJECT:** Planning Commission Annual Attendance Report

ACTION

Reviewing and approving the Annual Attendance Report.

E. PUBLIC HEARINGS AND ACTION ITEMS

E.1 **SUBJECT:** Conditional Use Permit #1286, initiated by Veronica Perez, on behalf of Cencal Land and Cattle Company LLC, property owners. This application involves a request to operate a food truck within the parking lot at 850 West Main Street, generally located on the southeast corner of West Main Street and P Street, within a Central Commercial (C-C) Zone. *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify
 1) Environmental Review #25-05 (*Categorical Exemption*)
 2) Conditional Use Permit #1286

SUMMARY

Veronica Perez is requesting conditional use permit approval to operate a food truck within the parking lot located at 850 West Main Street (Attachment B). Mobile Food Vendors are considered a conditional use within a Central Commercial (C-C) Zone. The proposed food truck would be located within a parking lot near the southern corner portion of the parcel (Attachment C). The Planning Commission will be reviewing this proposal to ensure that the new site plan is designed in a manner that minimizes negative impacts to the existing site and promotes compatible and orderly development. Staff is recommending approval of this request subject to conditions.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #25-05 (Categorical Exemption) and Conditional Use Permit #1286 (including the adoption of the Resolution at Attachment A).

Assistant Planner LIVINGSTON reviewed the report on this item. For further information, refer to Staff Report #25-148.

There was no one present wishing to speak regarding the project;

therefore, Public Testimony was opened and closed at 6:10 PM.

A motion was made by Member Ochoa, seconded by Vice Chair Greggains and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #25-05 and approve Conditional Use Permit #1286, subject to the Findings and thirty-nine (39) Conditions set forth in Staff Report #25-148 (RESOLUTION #4150).

Aye: 7 - Member Delgadillo
Chair Gonzalez
Member Pao Thao
Member Smith
Member Ochoa
Vice Chair Greggains
Member Swiggart

No: 0

Absent: 0

E.2

SUBJECT: General Plan Amendment #25-0001, Zone Change #25-0002, and Environmental Review #25-0006, initiated by Stonefield Home, Inc., applicant on behalf of TRS Enterprises, Inc., property owner. The General Plan Amendment would amend the General Plan Land Use designation from Neighborhood Commercial (CN) to Low Density Residential (LD) and the Zone Change would change the Zoning designation from Neighborhood Commercial (C-N) to Low Density Residential (R-1-5) for a five (5) acre portion of a larger site to allow for the development of twenty-seven (27) single-family lots, previously approved for this site, by Tentative Subdivision Map #1263 ("Crossing at River Oaks"). The subject site is generally located on the south side of E. Childs Avenue approximately 780 feet east of the intersection of E. Childs Avenue and Coffee Street. *PUBLIC HEARING*

ACTION:

PLANNING COMMISSION:

Recommendation to City Council

- 1) Environmental Review #25-0006 (*Categorical Exemption*)
- 2) General Plan Amendment #25-0001
- 3) Zone Change #25-0002

CITY COUNCIL:

Approve/Disapprove/Modify

- Exemption)
- 1) Environmental Review #25-0006 (*Categorical Exemption*)
 - 2) General Plan Amendment #25-0001
 - 3) Zone Change #25-0002

SUMMARY

The proposed General Plan Amendment would amend the General Plan Land Use designation from Neighborhood Commercial (CN) to Low Density Residential (LD) and the Zone Change would change the Zoning from Neighborhood Commercial (C-N) to Low Density Residential (R-1-5) for a 5-acre site to allow for the development of 27 single-family lots, previously approved for this site, by Tentative Subdivision Map #1263 ("Crossing at River Oaks"). Staff is recommending approval with conditions.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend approval to the City Council of Environmental Review #25-0006 (Categorical Exemption), General Plan Amendment #25-0001, and Zone Change #25-0002 subject to the conditions contained in Draft Planning Commission Resolution #4154 (Attachment A) and Planning Commission Resolution #2792 (Attachment D) and the findings/considerations in Exhibit B of the Draft Resolution.

Deputy Director of Development Services LOWRANCE reviewed the report on this item. For further information, refer to Staff Report #25-257.

Public Testimony was opened at 6:14 PM.

Speaker from the Audience in Favor

MATTHEW RODGERS, Engineer for the Applicant, Benchmark Engineering, Modesto, CA

Speaker from the Audience in Opposition

ASHLEY MARIE SUAREZ, Leadership Counsel for Justice and Accountability, Merced, CA

Public Testimony was closed at 6:18 PM.

A motion was made by Vice Chair Greggains, seconded by Member Ochoa and carried by the following vote, to recommend to the City Council the adoption of a Categorical Exemption regarding Environmental Review #25-0006, and approval of General Plan Amendment #25-0001 and Zone Change #25-0002, subject to the Findings set forth in Staff Report #25-257 (RESOLUTION #5154).

Aye: 7 - Member Delgadillo
Chair Gonzalez
Member Pao Thao
Member Smith
Member Ochoa
Vice Chair Greggains
Member Swiggart

No: 0

Absent: 0

E.3

SUBJECT: Vesting Tentative Subdivision Map #1335 ("Bellevue Ranch North Village 24") initiated by Benchmark Engineering, applicant for Hostetler Investments, LLC, property owner. This application involves a request to subdivide approximately 17.90 acres into 55 single-family lots within a gated community. The lots would range in size from approximately 8,000 square feet to approximately 18,000 square feet. The subject site is generally located on the west side of G Street, south of E. Old Lake Road, within Planned Development (P-D) #42, with a General Plan designation of Low Density Residential (LD); *PUBLIC HEARING*.

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #24-41 (CEQA 15162 Findings)
- 2) Vesting Tentative Subdivision Map #1335

SUMMARY

Planning Commission Meeting of March 19, 2025

During the Planning Commission Meeting of March 19, 2025, the Planning Commission voted to continue this item to the Planning Commission Meeting of April 9, 2025.

Information regarding the Public Hearing Notice process can be found at Attachment A (Draft Planning Commission Resolution #4148) under Finding J - Tentative Subdivision Map Requirements/Public Comments Received.

Reasons for Vesting Tentative Subdivision Map Denial

Title 18 of the Merced Municipal Code outlines the conditions under which a Tentative Subdivision Map (TSM) may be denied. Below are the relevant

provisions:

Reasons for Disapproval of a TSM, as outlined in Title 18:

- **18.12.130 - Length of Block:**

A Tentative Subdivision Map may be disapproved if it includes blocks longer than 600 feet or cul-de-sacs exceeding 300 feet in length.

(Ord. 1342 § 2 (part), 1980: prior code § 25.24 (part)).

- **18.18.030 - Consistency:**

No land shall be subdivided or developed under a vesting tentative map for any purpose that is inconsistent with the general plan, applicable specific plans, or other provisions of Title 20 or this code.

(Ord. 1604 § 1 (part), 1986).

In this case, the applicant's proposal does not contain any blocks exceeding 600 feet in length or cul-de-sacs longer than 300 feet. Furthermore, the proposal is consistent with the General Plan designation, zoning classification, and the Bellevue Ranch Master Plan Development, which governs this site.

The Subdivision Map Act further notes that a map could be denied based on public health and safety concerns, as outlined below:

Public Health and Safety Concerns:

- **Section 66474(b):** This section allows for denial if the proposed subdivision design or improvements are determined to be detrimental to public health, safety, or welfare, including concerns regarding inadequate infrastructure or unsafe conditions.

As part of the development review process, the City's Police and Fire Departments reviewed this proposed Tentative Subdivision Map and did not express any concerns related to public health or safety. Both departments noted they could adequately serve this site with the conditions included in the draft Planning Commission Resolution #4148.

Project Summary

The subject site is located west of G Street, south of E. Old Lake Road, as shown at Attachment B. The proposed subdivision would subdivide

approximately 17.90 acres of land into 55 single-family lots within a gated community (Attachment C). The lots would generally range in size between 8,000 square feet and 18,000 square feet, with most of the lots being approximately 10,000 square feet.

This subject site is part of the Bellevue Ranch Master Development Plan and is commonly referred to as Village 24 (Attachment E). This subdivision would be the second phase of a gated community. The first phase of the gated community was approved in 2019 by the Planning Commission (Village 23 - 58 single-family lots on 23.20 acres) and is currently pending construction. Together Villages 23 and 24 would total 113 single-family lots within this gated community.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #24-41 (CEQA Section 15162 Findings) and Vesting Tentative Subdivision Map #1335 - "Bellevue Ranch North Village 24" (including the adoption of the Draft Resolution) subject to the conditions in Exhibit A and the findings/considerations in Exhibit B of Draft Resolution #4148 at Attachment A of Planning Commission Staff Report #25-077.

Senior Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #25-270.

Public Testimony was opened at 6:37 PM.

Speaker from the Audience in Favor

MATTHEW RODGERS, Engineer for the Applicant, Benchmark Engineering, Modesto, CA

Speaker from the Audience in Opposition

ASHLEY MARIE SUAREZ, Leadership Counsel for Justice and Accountability, Merced, CA

Public Testimony was closed at 6:41 PM.

A motion was made by Vice Chair Greggains, seconded by Member Delgadillo and carried by the following vote, to adopt CEQA Section 15162 Findings regarding Environmental Review #24-41 and approve Vesting Tentative Subdivision Map #1335, subject to the Findings and forty-six (46) Conditions set forth in Staff Report #25-270 (RESOLUTION #4148)

Aye: 7 - Member Delgadillo
Chair Gonzalez
Member Pao Thao
Member Smith
Member Ochoa
Vice Chair Greggains
Member Swiggart

No: 0

Absent: 0

E.4

SUBJECT:

General Plan Amendment #24-02/ Site Utilization Plan Revision #3 to Planned Development #20/ Vesting Tentative Subdivision Map #1332 / Site Plan #551/ Minor Use Permit #24-13, initiated by Eric Gonsalves, on behalf of Yosemite 1380 LLC, property owner. The General Plan Amendment would change the General Plan land use designation from Commercial Office (CO) to Business Park (BP) for 2.72 acres and from Commercial Office (CO) to High Medium Density (HMD) residential for the remaining 4.48 acres. The Site Utilization Plan Revision would change the land use designation within P-D #20 from Commercial Office to Self-Storage for 2.72 acres and to Residential for the remaining 4.48 acres. The Minor Use Permit would be for interface review to allow commercial development adjacent to or across from a Low Density Residential (R-1-6) Zone. The Site Plan Review Permit would allow the development a self-storage facility (approximately 500 storage units). The vesting tentative subdivision map would divide the self-storage from the residential lots and create the 41 residential lots. *PUBLIC HEARING*

ACTION:

PLANNING COMMISSION:

Recommendation to City Council:

- 1) Environmental Review #24-25 (*Negative Declaration*)
- 2) General Plan Amendment #24-02
- 3) Site Utilization Plan Revision #3 to Planned Development #20

Approve/Disapprove/Modify:

- 1) Environmental Review #24-25 (*Negative Declaration*)
- 2) Vesting Tentative Subdivision Map #1332
- 3) Site Plan Review Permit #551
- 4) Minor Use Permit #24-13

[subject to City Council approval of General Plan Amendment #24-02, and Site Utilization Plan

Revision #3 to Planned Development #20]

CITY COUNCIL:

Approve/Disapprove/Modify:

- 1) Environmental Review #24-25 (*Negative Declaration*)
- 2) General Plan Amendment #24-02
- 3) Site Utilization Plan Revision #3 to Planned Development #20

SUMMARY

The Project site consists of two parcels that total approximately 8.05 acres located at 1380 Yosemite Avenue (APN: 006-050-068) and 3595 Parsons Avenue (APN: 006-050-072) (Attachment A). The subject site has a General Plan designation of Commercial Office (CO) and a Zoning classification of Planned Development #20. The subject site is surrounded by a variety of uses which include residential to the east, south, and west, Episcopal Church of the Resurrection to the north and University Surgery Center immediately to the northeast vicinity of the project site.

The applicant is requesting approval to develop 41 single-family homes and a self-storage facility. 17 of the 41 of the residential lots would be single story single-family homes and the remaining 24 would be two-story single-family homes. The proposed residential lots would range in size between 2,160 square feet and 5,374 square feet. These lots would be located within the southern portion of the subject site and would total approximately 4.48 acres. The remainder 2.72 acres would be used to establish a self-storage facility. The northern portion of the parcel along E. Yosemite Avenue, would be reserved for the self-storage with approximately 500 storage units. The applicant has provided a site plan floor plans, and elevations (Attachment E) for this proposal.

RECOMMENDATIONGeneral Plan Amendment Site Utilization Plan Revision to Planned Development

Planning staff recommends that the Planning Commission recommend approval to the City Council of Environmental Review #24-25 (*Negative Declaration*), General Plan Amendment #24-02, and Site Utilization Plan Revision #3 to Planned Development #20 (including the adoption of the Draft Resolution at Attachment A) subject to the conditions in Exhibit A and the findings/considerations in Exhibit B of the Draft Resolution.

Vesting Tentative Subdivision Map, Site Plan Review, and Minor Use Permit

Planning staff recommends that the Planning Commission approve Vesting Tentative Subdivision Map #1332, Site Plan #551 and Minor Use Permit #24-13 (including the adoption of the Draft Resolution at Attachment B) subject to the conditions in Exhibit A, the findings/considerations in Exhibit B, and the Mitigation Monitoring Program in Exhibit C of the Draft Resolution, and contingent upon City Council approval of General Plan Amendment #24-02 and Site Utilization Plan Revision #3 to Planned Development #20.

Associate Planner RENTERIA reviewed the report on this item. For further information, refer to Staff Report #25-263.

Public Testimony was opened at 6:55 PM.

Staff received 6 emails from JESSICA DUFFY, KELLI MAXEY, LEIGH BERNACCHI, ROBERT DINUZZO, STEVE MAXEY, AND TRACY PROIETTI. The emails were provided to the Planning Commission via email prior to the meeting and posted on the City's website. Staff also received a petition at the meeting.

Speaker from the Audience in Favor

ERIC GONSALVES, Applicant, Merced, CA

Speakers from the Audience in Opposition

TOM CLENDENIN, Leader of Opposition, Merced, CA

ROBERT, DINUZZO, Resident, Merced, CA

CAROL DINUZZO, Resident, Merced, CA

JESSICA DUFFY, Resident, Merced, CA

KELLI MAXEY, Resident, Merced, CA

STEVEN MAXEY, Resident, Merced, CA

MICHELLE PORRAS, Resident, Merced, CA

LEE BOESE, Resident, Merced, CA

Public Testimony was closed at 7:38 PM.

A motion was made by Chairperson Gonzalez, seconded by Vice Chair

Greggains and carried by the following vote, to recommend to the City Council the denial of General Plan Amendment #24-02 and Site Utilization Plan Revision #3 to Planned Development #20.

Aye: 5 - Chair Gonzalez
Member Pao Thao
Member Ochoa
Vice Chair Greggains
Member Swiggart

No: 2 - Member Delgadillo
Member Smith

Absent: 0

A motion was made by Chairperson Gonzalez, seconded by Member Ochoa and carried by the following vote, to deny the adoption of a Negative Declaration regarding Environmental Review #24-25 and deny approval of Vesting Tentative Subdivision Map #1332, Site Plan Review Permit #551, and Minor Use Permit #24-13.

Aye: 7 - Member Delgadillo
Chair Gonzalez
Member Pao Thao
Member Smith
Member Ochoa
Vice Chair Greggains
Member Swiggart

No: 0

Absent: 0

E.5

SUBJECT: Cancellation of April 23, 2025, Planning Commission Meeting due to a lack of items

ACTION:

Cancel the Planning Commission Meeting of April 23, 2025

A motion was made by Member Thao, seconded by Member Swiggart and carried by the following vote, to cancel the Planning Commission meeting of April 23, 2025, due to a lack of items.

Aye: 7 - Member Delgadillo
Chair Gonzalez
Member Pao Thao
Member Smith
Member Ochoa
Vice Chair Greggains
Member Swiggart

No: 0

Absent: 0

F. INFORMATION ITEMS

F.1 **SUBJECT:** Report by Deputy Director of Development Services of Upcoming Agenda Items

ACTION

Information only.

Deputy Director of Development Services LOWRANCE went over the items for the next several Planning Commission meetings.

F.2 **SUBJECT:** Calendar of Meetings/Events

Apr.	7	City Council, 6:00 p.m.
	9	Planning Commission, 6:00 p.m.
	21	City Council, 6:00 p.m.
	22	Bicycle and Pedestrian Advisory Committee, 4:00 p.m.
	23	Planning Commission, 6:00 p.m. (May Be Cancelled)
May	5	City Council, 6:00 p.m.
	7	Planning Commission, 6:00 p.m.
	19	City Council, 6:00 p.m.
	21	Planning Commission, 6:00 p.m.

G. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 7:54 PM.

A motion was made by Member Ochoa, seconded by Vice Chair Greggains and carried by the following vote, to adjourn the Regular Meeting.

Aye: 7 - Member Delgadillo
Chair Gonzalez
Member Pao Thao
Member Smith
Member Ochoa
Vice Chair Greggains
Member Swiggart

No: 0

Absent: 0

BY:



DIANA LOWRANCE, SECRETARY
MERCED CITY PLANNING COMMISSION

APPROVED:



ANTHONY GONZALEZ, CHAIRPERSON
MERCED CITY PLANNING COMMISSION

CITY OF MERCED
Planning Commission

Resolution #4150

WHEREAS, the Merced City Planning Commission at its regular meeting of April 9, 2025, held a public hearing and considered **Conditional Use Permit #1286**, initiated by Veronica A. Perez. This application involves a request to operate a food truck at 850 West Main Street. The subject site is generally located on the southeast corner of P Street and West Main Street, within a Zoning Classification of Central Commercial (C-C) Zone; Assessor's Parcel Number (APN) 031-124-010.

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through J (Exhibit B) of Staff Report #25-148; and,

WHEREAS, the Merced City Planning Commission concurs with the Findings for Conditional Use Permits in Merced Municipal Code Section 20.68.020 (E), and other Considerations as outlined in Exhibit B; and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #25-05, and approve Conditional Use Permit #1286, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by reference.

Upon motion by Commissioner Ochoa, seconded by Commissioner Greggains, and carried by the following vote:

AYES: Commissioners Greggains, Swiggart, Delgadillo, Ochoa, Thao, Smith, and
Chairperson Gonzalez

NOES: None

ABSENT: None

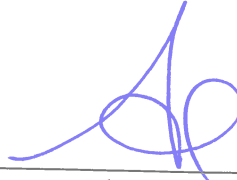
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4150

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April 9, 2025

Adopted this 9th day of April 2025



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachments:

Exhibit A - Conditions of Approval

Exhibit B – Findings

Conditions of Approval
Planning Commission Resolution #4150
Conditional Use Permit #1286

1. The proposed project shall be constructed/designed/operated as shown on the Site Plan (Attachment C of Staff Report #25-148), except as modified by the conditions.
2. All conditions contained in Resolution #1282-Amended (“Standard Conditional Use Permit Conditions”—except for Condition #16 which has been superseded by Code) shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City’s attorney’s fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4150

of the City Attorney and to provide all required deposits to fully fund the City's defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.

6. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
7. The applicant shall comply with all City of Merced business licensing requirements and with all requirements of the Merced County Environmental Health Department.
8. No outdoor tables or chairs shall be permitted on the premises, unless otherwise approved by the Planning Department in consideration of all relevant parking and vehicle circulation areas on this site.
9. At least two tamperproof trash receptacles shall be provided while food is being served. The site and the immediate surrounding area shall be maintained free of all debris and trash generated from this use.
10. All signing shall be contained on the food truck. No A-frame signs, banners, inflatable signs, feather signs, pennant signs, flags, or other moving or portable signs shall be permitted for this use anywhere on or off the site.
11. The hours of operation shall be any span of time between 7:00 a.m. and 9:00 p.m. and the business may be open 7 days a week. However, if the business is open after dark, lights shall be provided on the vehicle or on the property that are sufficient to light the vehicle and at least a 50-foot radius around the vehicle. If lights are not provided, the food truck shall close at sundown.
12. If the business owners wish to extend the business hours in the future, they must obtain approval from the Development Services Director or designee, or if deemed necessary by the Development Services Director or designee, be referred back to the Planning Commission for action.

13. Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or alternative approved facility.
14. The applicant shall comply with the Water Quality Control Division's (WQCD) Best Management Practices regarding the disposal of cooking grease and proper cleaning of kitchen equipment, as shown on Attachment D of Staff Report #25-148, or as otherwise required by the WQCD.
15. If problems arise as a result of this business that may require excessive Police Department service calls, in the opinion of the Police Chief, to the site or within the immediate area including, but not limited to, excessive harassment, malicious property damage, lewd and/or disorderly conduct, this approval may be subject to review and revocation by the City of Merced.
16. During hours of operation, food truck employees shall have access to a cell phone (either their own or one provided by the business owner) in case of emergencies.
17. The food truck shall be oriented as to not block the parking stalls to allow room for customers to gather without being in danger of collisions from vehicles entering/exiting the site.
18. It shall be the operator's responsibility to ensure all customers park in an orderly fashion and don't block the driveway entrances or interfere with other customers visiting the site.
19. The applicant shall comply with all regulations found in Merced Municipal Code Section 20.44.020 - Food Trucks in Fixed Locations, except as modified by these conditions.
20. Food truck activities shall in no way interfere with the operation of any business on the lot, or nearby businesses, including noise, litter, loitering, and traffic circulation, refuse service, and public safety.
21. The owner shall ensure that restroom facilities are available for the employees. These restrooms shall be provided in a permanent building that meets the Health Department's requirements for distance from the business operation. Portable toilets shall not be allowed.
22. The mobile food vendor is prohibited from selling alcohol.

23. “No Loitering” signs shall be posted on the food truck and building onsite at specific locations approved by the City Police Department.
24. The site is to remain well lit.
25. If the food truck will not stay at this location after hours, the water and electrical hookups must be secured.
26. The operators of this food truck must identify what they will use as commissary, as the property does not have a grease interceptor.
27. All electrical cords must be organized in a way to prevent tripping, and outlets must not be overcharged with multiple connections, per the City Fire department.
28. Propane tanks must not exceed 5 gallons in size without special approval from the City Fire Department.
29. Replacement of fuel gas containers in portable outdoor gas-fired heating appliances shall not be conducted while the public is present.
30. Spare tanks are not allowed in the area.
31. No motorized vehicles shall be parked within 20 feet of the food truck.
32. Fire extinguishers must be in an easily accessible location.
33. No combustible storage is allowed near any cooking equipment or other sources of ignition.
34. No Cooking operations used under any membrane structures. (Canopies)
35. The food truck must be at least 10 feet away from any building.
36. 1 2A-10B:C fire extinguisher is required to be on site at all times.
37. If the operators wish to use a deep fat fryer, a class K extinguisher is required.
38. Hood system must be maintained and service every 6 months, or more if recommended by service provider.
39. The food truck must not be set up directly over any drains.

**Findings and Considerations
Planning Commission Resolution #4150
Conditional Use Permit #1286**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed Project complies with the General Plan designation of Regional/Community Commercial (RC) and the zoning classification of Central Commercial District (C-C), with approval of this Conditional Use Permit.

Traffic/Circulation

- B) The applicant is proposing to locate the food truck at the southeast corner of a parking lot located at 850 West Main Street. The parking on this property supports Mega Furniture and Changarrito, (Attachment B of Staff Report #25-148). The food truck would be oriented in a way to not affect the flow of traffic and parking in this lot, and to provide space for customers to gather around the food truck (Condition #17 of Staff Report #25-148). Orienting the food truck in this manner allows vehicles to enter and exit the subject site without impediments. In addition, the applicant shall be required to preserve access for the Refuse Department so that their trucks can access this site and serve this property (Condition #20 of Staff Report #25-148).

Parking

- C) The subject site must meet the minimum parking requirements for the existing businesses onsite and the proposed food truck. This parking lot is used by Mega Furniture and Changarrito. Typically, a mobile food vendor is required to have a minimum of 2 parking stalls. This location falls within the High-Quality Transit area and qualifies for a parking reduction, therefore, the parking provided onsite has been deemed to be adequate.

Public Improvements/City Services

- D) The subject site is fully developed, and most public improvements are existing. The food truck is self-contained and would not require a separate connection to the City's sewer and/or water systems.

Site Design

- E) The subject site is located on the southeast corner of West Main Street and P Street. The subject site is a paved 0.69-acre parcel that is currently being used as parking for Mega Furniture at 850 West Main Street. Vehicle access is available from West Main Street, and an alley that connects O Street to P Street. Customer parking is available throughout the lot that the food truck will operate at, as shown at Attachment B of Staff Report #25-148. The food truck would be located near the southern portion of the parcel and oriented in a manner that does not create congestion for customers driving to and from the site. The property owner is not proposing to make any other modifications. Outdoor seating is prohibited (e.g., tables, umbrellas, chairs, etc.) as shown under Condition #8 of Staff Report #25-148, unless subsequently approved by the Planning Department. “No Loitering” signs shall be posted on the food truck onsite at specific locations approved by the City Police Department (Condition #23 of Staff Report #25-148).

Neighborhood Impact/Interference

- F) The subject site is located on West Main Street, a busy street in Downtown, surrounded by a variety of commercial uses. Adjacent to the north of this property is a coffee shop. To the east is an auto body shop. To the south of the site is a used car dealer. Given the existing traffic volumes and dense variety of commercial uses throughout the neighborhood, staff does not anticipate that this proposal would significantly change the neighborhood’s character.

Signage

- G) The food truck is not allowed any signs other than what is provided on the vehicle itself. Condition #10 of Staff Report #25-148 prohibits the use of any A-frame signs, inflatable signs, feather signs, pennants, or other freestanding signs.

Truck Details/Operation

- H) Per the Municipal Code, the food truck can operate daily between 7:00 a.m. to 9:00 p.m. Trash receptacles will be provided to collect the plates, forks, aluminum foil, and paper bags that are typically used to serve these meals (Condition #9 of Staff Report #25-148). The sale of alcohol is prohibited (Condition #22 of Staff Report #25-148). Employee restrooms will be available inside Changarrito as allowed by the Health Department and agreed upon by the property owner (Condition #21 of Staff Report #25-148). Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or alternative approved facility (Condition #13 of Staff Report #25-148). The applicant shall comply with the Water Quality Control Division's (WQCD) Best Management Practices regarding the disposal of cooking grease and proper cleaning of kitchen equipment, as shown at Attachment D of Staff Report #25-148, or as otherwise required by the WQCD (Condition #14 of Staff Report #25-148).

Conditional Use Permit Findings

- I) A Conditional Use Permit is required to allow mobile food vendors within the Central Commercial District Zone per Merced Municipal Code (MMC) Table 20.10-1 Permitted Land Uses in the Commercial Zoning Districts. In order for the Planning Commission to approve or deny a conditional use permit, they must consider the following criteria and make findings to support or deny each criteria per MMC 20.68.020 (E) "Findings for Approval for Conditional Use Permits."

MMC 20.68.020 (E) Findings for Approval.

- 1. The proposed use is consistent with the purpose and standards of the zoning district, the general plan, and any adopted area or neighborhood plan, specific plan, or community plan.*

The proposed project complies with the General Plan designation of Regional/Community Commercial (RC) and the zoning classification of Central Commercial District (C-C) with approval of this Conditional Use Permit.

- 2. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.*

The mobile food vendor shall be required to comply with all relevant standards and requirements from MMC Section 20.44.020 – Food Trucks in Fixed Location, to provide compatibility with surrounding sites. Said standards and requirements are in regard to hours of operation, parking, access, maintenance, advertising, and licenses required.

3. *The proposed use will not be detrimental to the public health, safety, and welfare of the City.*

To ensure the proposal is not detrimental to the public health, safety, and welfare of the City, the applicant shall subsequently apply for permit approval from the Merced County Environmental Health Department, as required for establishments selling hot meals. The Environmental Health Department would inspect food truck cooking facilities before the business could sell food to the general public.

4. *The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.*

The proposed mobile food vendor is located within the City and can be adequately accessed through existing roads. The food truck would be self-contained with its own water and power and would not need to hook-up to City utilities. The food truck would be serviced at an appropriate commissary facility.

Environmental Clearance

- J) Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption (i.e., no further environmental review is needed) is being recommended (Attachment E of Staff Report #25-148).

CITY OF MERCED
Planning Commission

Resolution #4154

WHEREAS, the Merced City Planning Commission at its regular meeting of April 9, 2025, held a public hearing and considered **General Plan Amendment #25-0001 and Zone Change #25-0002**, initiated by Stonefield Home, Inc., on behalf of TRS Enterprises, Inc., property owner. The General Plan Amendment would change the General Plan land use designation from Neighborhood Commercial (CN) to Low Density Residential (LD). The Zone Change would change the zoning of the property from Neighborhood Commercial (C-N) to Low Density Residential (R-1-5). The applicant is requesting these changes to allow the development of twenty-seven (27) single-family lots. The approximate 5-acre subject site is generally located south of East Childs Avenue, approximately 780 feet east of the intersection of East Childs Avenue and Coffee Street; also known as a portion of Assessor's Parcel Number (APN) 061-710-001; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through H of Staff Report #25-257 (Exhibit B of Planning Commission Resolution #4154); and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council that they find that the project is not subject to the California Environmental Quality Act pursuant to the Notice of Exemption (Environmental Review #25-0006), and recommend approval of General Plan Amendment #25-0001, and Zone Change #25-0002 subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner Greggains, seconded by Commissioner Ochoa, and carried by the following vote:

AYES: Commissioners Ochoa, Greggains, Swiggart, Thao, Smith, Delgadillo, and Chairperson Gonzalez

NOES: None

ABSENT: None

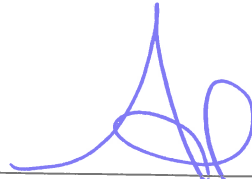
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4154

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April 9, 2025

Adopted this 9th day of April 2025



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:


Secretary

Exhibits:

Exhibit A – Conditions of Approval

Exhibit B – Findings/Considerations

Conditions of Approval
Planning Commission Resolution # 4154
General Plan Amendment #25-0001
Zone Change #25-0002

1. The proposed project shall be constructed as shown on Tentative Parcel Map #1263 Approved December 8, 2004 and as amended (Attachment C, Vesting Tentative Subdivision Map for “Crossing at River Oaks”).
2. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as required by the City Engineering Department.
3. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
4. All previously adopted conditions, mitigation measures which are applicable to Vesting Tentative Subdivision Map #1263, approved December 8, 2004, and as amended, which are applicable to this project and all subsequent final maps, improvement plans, and building permits.
5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited

to, City's attorney's fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval of the City attorney and to provide all required deposits to fully fund the City's defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.

10. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.

**Findings and Considerations
Planning Commission Resolution #4154
General Plan Amendment #25-0001
Zone Change #25-0002**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) If the General Plan Amendment is approved, the proposed project would comply with the General Plan land use designation of Low Density Residential, which allows single family uses. The conditions of approval from previously approved Tentative Subdivision (TSM #1263) which includes the approximate twenty-seven (27) single-family lots proposed in this five (5) acre area will help achieve the following General Plan land use policies:

Policy L-1.6: Continue to pursue quality single family and higher density residential development.

In 2010, in the aftermath of the Great Recession and the collapse of the housing market, the city had a significant inventory of undeveloped residential lots. Today, the availability of large areas of “greenfield” residential land within city limits has dwindled. This has put increasing pressure to annex areas within the city’s Sphere of Influence. In this instance, the proposed general plan amendment and zone change will allow for additional residential development in an area that is within city limits, and that is almost exclusively residential.

Further, commercial uses are available for residents in the Campus Parkway Plaza (Hwy 99 and Campus Parkway) in addition to the Merced Gateway Marketplace (E. Mission Ave. and S. Coffee St.).

General Plan Amendment - Findings

- B) Chapter 20.82 (General Plan Amendments) outlines procedures for considering General Plan Amendments but does not require any specific findings to be made for approval. However, Planning practice would be to provide objective reasons for approval or denial. These findings can take

whatever form deemed appropriate by the Planning Commission and City Council. Based on State law and case law, the following findings are recommended:

1. The proposed amendment is deemed to be in the public interest.

The proposed amendment is deemed to be in the public interest because it will provide additional housing opportunities by allowing for the approximate twenty-seven (27) single-family lots proposed on this subject site.

2. The proposed amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.

The proposed project would comply with the General Plan designation of Low Density Residential if the General Plan Amendment is approved.

The proposed amendment is consistent and compatible with the rest of the General Plan and will not impact any implementation programs.

3. The potential impacts of the proposed amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.

The proposed project does not include any uses that would be detrimental to the public health, safety, and welfare of the city. Additionally, implementation of the conditions of approval from the previously approved Tentative Subdivision #1263 (Planning Commission Resolution #2792 at Attachment D) and adherence to all applicable Building Codes, Fire Codes, and City Standards would prevent the project from having any detrimental effect on the health, safety, and welfare of the City as a whole.

4. *The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).*

The proposed General Plan Amendment has been processed in accordance with all applicable California Government Code sections and the California Environmental Quality Act. In addition, staff has determined that the project is covered by the “common sense” exemption that CEQA applies only to projects that have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is not possibility that the activity in question may have a significant effect on the environment the activity is not subject to CEQA.

The project does not have the potential to cause significant effect on the environment for the following reasons:

- 1) The project site is previously disturbed land, with no value as habitat for any endangered, rare, or threatened species.
- 2) The project site can be adequately served by all required utilities and public services.
- 3) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- 4) The project site is not more than five (5) acres and will be surrounded by Low and Medium Density residential uses.

Traffic/Circulation

- C) The project consists of a General Plan amendment from Neighborhood Commercial to Low Density Residential and a Zone change from Neighborhood Commercial (C-N) to R-1-5 to allow for the development of twenty-seven (27) single-family lots on a five (5) acre portion of (APN) 061-710-00. The project is located south of East Childs Avenue, approximately 780 feet east of the intersection of East Childs Avenue and Coffee Street. Vehicle access would be internal to the subdivision. However, the subdivision

does have access off East Childs Avenue.

D) Vehicle Miles Traveled

The Office of Planning and Research (OPR) advisory suggests that the Vehicle-Miles Traveled (VMT) contribution of small projects need not be considered significant. Specifically, OPR suggests that agencies can find projects generating fewer than 110 vehicles trips a day to be less than significant.

The Merced County Association of Governments (MCAG) recommends a daily trip threshold of 1,000 ADT (Average Daily Trips) be applied to projects that are consistent with the lead agency's General Plan and a screening threshold of 500 ADT for projects that are not consistent with the lead agencies General Plan. Projects generating fewer daily trips than these thresholds would be eligible to be exempt from VMT analysis.

In this instance, the project includes a General Plan Amendment and a zone change to allow for the development of twenty-seven (27) single-family lots, previously approved for this site, by Tentative Subdivision Map #1263 ("Crossing at River Oaks"). MCAG data indicates, for the detached single-family residential land use, where the project requires a general plan amendment, a maximum of 53 dwelling units would be eligible to be exempt from VMT analysis. Therefore, this project would be exempt from VMT analysis.

Improvements

Any improvements required for this project, which is the development of twenty-seven (27) single-family lots, previously approved for this site, by Tentative Subdivision Map #1263 ("Crossing at River Oaks") shall be per the Planning Commission Resolution #2792 attached as Attachment D and incorporated herein by reference.

Neighborhood Impact

- E) The subject site is surrounded by existing single-family and duplex uses on the north and approved single-family uses (currently under construction) to the south, east and west. Further, the proposed Low Density Residential land

use designation will have less of an impact than the existing Neighborhood Commercial land use designation as it is compatible with the surrounding single family homes under construction.

Public hearing notices were sent to all property owners within 300 feet of the project site. At the time that this report was prepared, the city had not received any comments regarding this project.

Affordability Requirements

- F) In 2023, the City Council updated the City's Regional Housing Needs Allocation Unit Production Plan. A housing affordability requirement is triggered by two qualifiers that need to be met: entitlement type and number of units created. For single-family residential developments, the affordability requirement is triggered by a legislative action agreement (through annexations, general plan amendments, site utilization plan revisions, or zone changes) for projects with over 60 single-family homes. However, as this five (5) acre project site was part of a larger area approved for the "Crossing at River Oaks" Vesting Tentative Subdivision Map (TSM) #1263 back in December 2004. (Attachment C) and this TSM was subject to several time extensions. (Attachment E), the Regional Housing Needs Allocation Unit Production Plan does not apply.

Housing Opportunity

- G) The subject site, as it is zoned Neighborhood Commercial (C-N), is not part of the City's current Housing Element Cycle, nor has it been identified in the Draft Multi-Jurisdiction Housing Element as a site that could potentially be rezoned for higher density in order to meet the City's Regional Housing Need Allocation (RHNA) obligations for the 6th Cycle Housing Element. However, as the Tentative Subdivision Map "Crossing at River Oaks" (TSM #1263) was approved back in December 2004 (and subject to several time extensions, See Staff Report, Attachment E) the twenty-seven (27) single-family lots on this portion of (APN) 061-710-001 have likely been included in the city's pipeline projects and therefore counted toward the current RHNA.

Environmental Clearance

- H) Infill projects over 5 acres or projects that don't comply with Zoning/General Plan designations generally require an Initial Study, per the California Environmental Quality Act (CEQA). However, in this case, staff has determined that the project is covered by the "common sense" exemption that CEQA applies only to projects that have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is not possibility that the activity in question may have a significant effect on the environment the activity is not subject to CEQA.

The project does not have the potential to cause significant effect on the environment for the following reasons:

- 1) The project site is previously disturbed land, with no value as habitat for any endangered, rare, or threatened species.
- 2) The project site can be adequately served by all required utilities and public services.
- 3) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- 4) The project site is not more than five (5) acres and will be surrounded by Low and Medium Density residential uses.

CITY OF MERCED
Planning Commission

Resolution #4148

WHEREAS, the Merced City Planning Commission at its regular meeting of April 9, 2025, held a public hearing and considered **Vesting Tentative Subdivision Map #1335 (“Bellevue Ranch North, Village 24”)**, initiated by Benchmark Engineering, applicant for Hostetler Investments, LLC, property owners. This application involves a request to subdivide approximately 17.9 acres into 55 single-family lots within a gated community. The lots would range in size from approximately 8,000 square feet to approximately 18,000 square feet. The subject site is generally located on the west side of G Street, south of E. Old Lake Road, within Planned Development (P-D) #42, with a General Plan designation of Low Density Residential (LD); also known as Assessor’s Parcel Number (APN) 170-060-028; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through K of Staff Report #25-077; and,

NOW THEREFORE, after reviewing the City’s Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby find that the previous environmental review [Environmental Impact Report (EIR) for the Bellevue Ranch Master Development Plan (SCH #9212055)] remains sufficient and no further documentation is required (CEQA Section 15162 Findings), and approve Vesting Tentative Subdivision Map #1335, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner Greggains, seconded by Commissioner Delgadillo, and carried by the following vote:

AYES: Commissioners Ochoa, Greggains, Delgadillo, Smith, Thao, Swiggart, and Chairperson Gonzalez

NOES: None

ABSENT: None

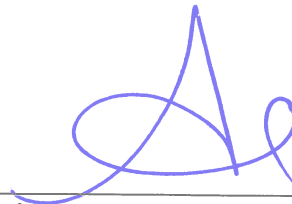
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4148

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April 9, 2025

Adopted this 9th day of April 2025



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:


Secretary

Attachment:

Exhibit A – Conditions of Approval

Exhibit B – Findings

Conditions of Approval
Planning Commission Resolution #4148
Vesting Tentative Subdivision Map # 1335

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Attachment C, Vesting Tentative Subdivision Map for Bellevue Ranch Village 24).
2. All conditions contained in Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions") shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. All previously adopted conditions, mitigation measures, and guiding principles contained in Appendices D, E, and F of the Bellevue Ranch Master Development Plan (BRMDP) adopted by the Merced City Council on May 15, 1995, and as amended, which are applicable to this project, shall apply to this tentative map and all subsequent final maps, improvement plans, building permits, and discretionary approvals.
6. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant

of any claim, action, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City's attorney's fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval of the City Attorney and to provide all required deposits to fully fund the City's defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.

7. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
8. Should any conflicts arise between the tentative map conditions contained herein and those conditions, mitigation measures, and guiding principles contained in the BRMDP, Appendices D, E, and F, or any other pertinent Sections/Appendices of the BRMDP, said conditions, mitigation measures, guiding principles, and sections/appendices shall take precedence.
9. Community Facilities District (CFD) annexation is required for annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, street lights, parks and open space. This process was completed through CFD Annexation #24.
10. All dwellings shall be designed to include fire sprinklers as required by the California Fire Code.
11. Plans shall meet current codes at the time of building permit application submittal. Building permit applications shall comply with the newest enacted California Building Codes. Plans shall be drawn by a licensed California design professional.
12. At the building permit stage, the site plans for each lot shall include a minimum 3-foot by 6-foot concrete pad located in the side yard or backyard for the storage of 3 refuse containers.

13. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
14. Per the BRMDP, all exterior building materials shall consist of stucco, masonry, or architectural grade wood siding, and roofing materials shall consist of tile, wood shake (with acceptable fire rating), and architectural composition shingles. A variety of colors, textures, and materials shall be offered by the builder for the front elevations of the homes. All designs shall be consistent with the requirements of the BRMDP and Planned Development (P-D) #42. The elevation would also have to comply with the design standards for single-family homes as required under Merced Municipal Code Section 20.46.020 - Design Standards for Single-Family Dwellings and Mobile Homes. Elevations shall be reviewed and approved by the Planning Division during the building permit stage.
15. All garages shall have a minimum setback of 20 feet measured from the property line or back of sidewalk, whichever is closest to the front of the garage. Per the BRMDP, the setback for the living area portion of the house may be reduced to 15 feet and shall be measured from the property line, whichever is closest to the living area portion of the house. Lot coverage shall not exceed 55% for all lots.
16. Each lot shall provide a parking garage for a minimum of one vehicle.
17. All mechanical equipment shall be screened from public view.
18. Each lot within the subdivision shall be provided with one driveway. No residential driveways shall front on any arterial or collector street.
19. The project shall comply with all requirements of the California Building Code and all flood requirements of the Federal Emergency Management Agency (FEMA), as well as the requirements for the California Urban Level of Flood Protection (CA 200-year flood).
20. The project shall comply with all the Post Construction Standards required to comply with state requirements for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).
21. The applicant shall provide a minimum 36 inches of coverage between the top of the sewer line and the surface of the street, or as otherwise required by the City Engineer.

22. All landscaping within the public right-of-way shall comply with state and local requirements for water conservation. All irrigation provided to street trees or other landscaping shall be provided with a drip irrigation or micro-spray system and shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030).
23. All undeveloped areas shall be maintained free of weeds and debris.
24. Prior to final inspection of any home, all front yards and side yards exposed to public view shall be provided with landscaping to include ground cover, trees, shrubs, and irrigation in accordance with Merced Municipal Code Section 20.36.050. Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray system in accordance with the State's Emergency Regulation for Statewide Urban Water Conservation or any other state or City mandated water regulations dealing with the current drought conditions. All landscaping shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030).
25. A 6-foot-tall masonry wall shall be installed along G Street. The wall shall include anti-graffiti coating. Graffiti shall be removed within 7 days or as determined to be a reasonable timeframe by the Director of Development Services. This requirement would also apply to additional block walls that the developer installs.
26. Landscaping shall be provided between the block wall and the sidewalk along G Street. This strip of land shall be dedicated to the City and maintained through the Community Facilities District during the Final Map stage, as required by the City Engineer.
27. Sewer manholes shall be installed as required by the Engineering Department (if needed).
28. The applicant shall dedicate all necessary street right-of-way and easements as needed for irrigation, utilities, drainage, landscaping, and open space during the Final Map stage as required by the City Engineer.
29. Additional right-of-way improvements on non-arterial streets, such as road widening beyond the City standard, would not be eligible for Public Facilities Impact Fee reimbursement.
30. Dedication of all necessary easements will be made as shown on Vesting Tentative Subdivision Map #1335 and as needed for irrigation, utilities, drainage, landscaping, open space, and access.

31. The developer shall provide all utility services to each lot, including sanitary sewer, water, electric power, gas, telephone, and cable television. All new utilities are to be undergrounded.
32. All cul-de-sac bulbs shall have a minimum diameter of 96 feet and shall be posted as “no parking” in compliance with Fire Department Standards adopted by Merced Municipal Code Section 17.32.
33. All streets within the subdivision shall be private streets and shall be privately maintained. An easement for utilities and access shall be granted to the City of Merced with the Final Map.
34. Any work done by the City of Merced to maintain utilities shall be restored to City Standards. Any decorative treatments shall be the responsibility of the Homeowner’s Association (HOA) to repair/replace.
35. The gates at the entrances shall be setback a minimum of 20 feet from the roadway to allow stacking room for at least two vehicles. Gate width on each side of the entrance/exit shall be at least 14 feet wide. The gates shall be provided with a “click-to-enter” access and controls shall be provided to the City of Merced Police, Fire, and Public Works Departments. The device used shall be approved by the City prior to installation.
36. Fire hydrants shall be installed along street frontages to provide fire protection to the area. The hydrants shall meet all City of Merced standards and shall comply with all requirements of the City of Merced Fire Department. Final location of the fire hydrants shall be determined by the Fire Department.
37. The developer shall install appropriate street name signs and traffic control signs with locations, names, and types approved by the City Engineer.
38. Full public improvements shall be installed/repared if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
39. All public improvements shall be provided as required by the City Engineer. All improvements shall meet City Standards.

40. The developer shall provide construction plans and calculations for all landscaping and public maintenance improvements. All such plans shall conform to City standards and meet approval of the City Engineer.
41. All entryway and subdivision signs shall be administratively approved by Planning Staff prior to the issuance of a building permit.
42. The Caltrans corner vision triangle standards may be used over the City's standard found under MMC 20.30.030 – Corner Vision Triangles, for the lots determined appropriate by the Director of Development Services.
43. The developer shall establish a Homeowner's Association (HOA) (or approved alternative) governing this project. The HOA shall be responsible for the maintenance of all streets and landscaping within the development as well as sweeping/cleaning of all interior streets. Prior to the Final Map approval, the HOA and any Conditions, Covenants and Restrictions (CC&R's) shall be reviewed and approved by the City Attorney.
44. Should the Tentative Map trigger any improvements/alternations to any water way, the applicant shall have completed all Federal and State permitting requirements for such phase. Documentation of such permits shall be provided to the City prior to approval of a final map.
45. Should the Federal and/or State permitting process relative to wetlands and/or waters of the United States cause the design of the Tentative map to be modified, the applicant shall reconcile the modification(s) with the City of Merced through an amended tentative map process.
46. Minor modifications to the development standards or elevations (as determined by the Director of Development Services), may be reviewed and approved through a Minor Use Permit.

**Findings and Considerations
Planning Commission Resolution #4148
Vesting Tentative Subdivision Map #1335**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Low to Residential (LD) and the Zoning classification of Planned Development (P-D) #42.

The proposed subdivision would be constructed on approximately 17.90 acres of vacant land. The gross density for the site would be approximately 3.07 units/acre. The Low Density Residential (LD) General Plan designation allows a density between 2 and 6 dwelling units per acre. This proposal is within the allowable density range.

The proposed subdivision would achieve the following General Plan Land Use Policies:

L-1.2 Encourage a diversity of building types, ownership, prices, designs, and site plans for residential areas throughout the City.

L-1.3 Encourage a diversity of lot sizes in residential subdivisions.

L-1.8 Create livable and identifiable residential neighborhoods.

Traffic/Circulation

- B) It is anticipated that the proposal would generate approximately 527 daily vehicle trips. The Average Daily Trips (ADT) is based on an average daily rate of 9.57 trips per dwelling unit. This subdivision (Village 24) is the second phase of this gated community. The first phase (Villas 23) was approved by the Planning Commission in 2019 for 58 single-family lots on 23.2 acres. The vehicle access points into the gated community would be from Farmland Avenue (south) and G Street (east). G Street is classified as an Arterial Road and Farmland Avenue is classified as a Collector Road.

All streets interior to the subdivision would be local private roads as this proposal is part of a gated community. The traffic generated by this subdivision should not exceed the current and projected capacity for the surrounding street system as the area was designed to accommodate a higher density of residential units. The proposal has a density of 3.07 dwelling units

per acre, which is less than the maximum 6 dwelling units per acre allowed within a Low Density Residential (LD) General Plan designation.

The interior roads within the subdivision include five east/west roads and one north/south road. As shown at Attachment C of Planning Commission Staff Report #25-077, the six streets shown as Courts A, B, C, D, Willet Way (which is also a court), and Stellars Jay Lane would be designed to be 46 feet wide to include street, curb, and gutter with an adjacent 10-foot-wide public utility easement along both sides of the street. There would be no sidewalks within the gated subdivision. Because the streets are privately owned and maintained, they do not have to be constructed to City standards to include sidewalks.

Traffic Study for the Gated Community

As part of the first phase of this gated community (Village 23) the City Engineer required a traffic study to determine if the access on Farmland Avenue and G Street would operate efficiently. This was required due to the volume of traffic generated by El Capitan High School on the south side of Farmland Avenue. A traffic study was prepared by K.D. Anderson and Associates (Attachment J). Although the traffic study primarily focuses on Village 23, it does impact the vehicle turning movements in and out of Village 24 (the proposed VTSM). This traffic study determined that although there may be periods that vehicles would have to wait during the high volume times associated with the school (typically a 15-minute period in the morning), there would still be sufficient gaps available when westbound traffic is halted at the traffic signal on G Street to allow vehicles to enter Farmland Avenue. However, vehicles entering Farmland Avenue from the south out of the subdivision may have longer wait times than normal during high volume times, such as the a.m. and p.m. peak hour times when school is in session. Nevertheless, the addition of the subdivision traffic would not reduce the level of service of the intersection at G Street and Farmland Avenue below the City's standard Level of Service (LOS) D.

Additionally, once the G Street entrance is constructed as part of Village 24 (the proposed VTSM), it is anticipated that most traffic from the subdivision would use the G Street entrance/exit during peak hours of school traffic. Eventually, G Street would have a median that would prohibit left turns out of the subdivision. However, a U-turn could be made at the traffic signal at G Street and Farmland Avenue.

Parking

- C) The proposal would need to satisfy the City's standard parking requirements for single-family homes. The standard parking requirement for single-family homes is one parking space per unit. The development would be required to include a minimum of one parking space per unit (Condition #16), however the developer indicated that they would be providing two parking spaces per unit.

Public Improvements/City Services

- D) The developer would be required to install all utilities within the subdivision. Because the streets are private streets, not maintained by the City, all City utilities would be located within an easement in the private streets (see Condition #33).

There is sufficient capacity within the City's water and sewer system to serve this development. City water and sewer lines exist in G Street near Farmland Avenue. The first phase of the subdivision, Village 23, has City utilities up to the southern border of Village 24 through Stellars Jay Lane. Village 24 would extend those utilities further north via Stellars Jay Lane. The sewer line would exit the gated community through a 10-foot-wide sewer easement between Lots 94 and 95, towards the intersection of G Street and Old Lake Road for future development to connect to. There is sufficient capacity within the City's water and sewer system to serve this development. The water line would exit the gated community by going between Lots 91 and 92, and then around Lot 92 out to Nevada Avenue/E. Old Lake Road.

Each lot within the subdivision would be required to meet the City's storm drainage and run-off requirements for City's MS-IV permit. All storm water would ultimately be delivered to the storm drain being constructed southwest of the project site at Village 29-C (labeled as Basing Park, refer to Attachment E).

Building Design

- E) Because this site has a zoning classification of Planned Development, the building design/elevations shall be reviewed and approved by Planning Staff prior to issuance of a building permit for this subdivision. The homes shall be required to comply with the City's minimum design standards for single-family homes as required under Merced Municipal Code Section 20.46.020 - Design Standards for Single-Family Dwellings and Mobile Homes (see

Site Design

- F) Village 24 is the second phase of this gated subdivision. Village 23 was the first phase of this gated community, and it was approved by the Planning Commission in 2019. In total, this gated community would have 113 residential lots. The lots are generally larger than those typically found in low density residential zones. Low density residential zones lots tend to be around 6,000 s.f., but this gated community would have lots ranging in size between 8,000 square feet and 18,000 square feet with the majority of the lots being around 10,000 square feet. On average, each lot has about 70 feet of street frontage, with some lots having between 90 and 100 feet of frontage. Some lots on the cul-de-sac bulbs have between 45 and 55 feet of frontage.

The proposed design of the subdivision includes 5 interior east/west streets (all cul-de-sacs), and 1 interior north/south street. As this is a gated community, the interior streets would be privately owned and maintained. There would be no sidewalks within the gated subdivision. Because the streets would be privately owned and maintained, they do not have to be constructed to City standards to include sidewalks. There would be a masonry block wall along G Street. The sidewalk along G Street would continue its meandering path consistent with the sidewalk design along Village 23 up to E. Old Lake Road.

The western portion of the subdivision is bounded by Fahrens Creek. This project includes open cul-de-sacs with private gate access for the residents of the subdivision. This would allow residents to have a more direct access the bike path on the western side of Fahrens Creek.

Adjacent to Fahrens Creek are Lots A and B. Lot B is closer to the western boundary of the subdivision and would be dedicated to the City as Open Space/Linear Parkway Parcel, and a 20-foot-wide drainage easement. Lot A, which is closer to the creek, would be dedicated to the City as Fahrens Creek. A 100-foot-wide Merced Irrigation District Easement would span from Lot B westward beyond the project site over Fahrens Creek. A bike path is planned on the western side of Fahrens Creek which would split near the Village 24 out west towards Nevada Avenue east towards the intersection of E. Old

Lake Road and G Street. These bike paths go south over Bellevue Road through the western boundary of Bellevue Ranch West down to Fahrens Park.

Landscaping

- G) Each lot within the subdivision shall be provided with front yard landscaping in compliance with Merced Municipal Code Section 20.36.050 (Landscaping) that requires all exterior setback areas, excluding areas required for access to the property to be landscaped (Condition #24).

For landscaping within public right-of-way, the developer shall install landscaping in front of the block walls along G Street. Landscaping in this area would be reviewed by the City prior to installation. The landscaping within this area would be maintained by the Community Facilities District (Condition #26).

Neighborhood Impact/Interface

- H) As described under Finding A, the proposed subdivision is consistent with the General Plan designation (including density) and zoning classification for this site. In addition, the proposal is consistent with the Bellevue Ranch Master Development Plan shown at Attachment E.

The subject site is surrounded by a variety of uses. Directly south of the subject site, across Farmland Avenue, is El Capitan High School. To the west, across Fahrens Creek, is a school site reserved for future development. To the northwest, across Fahrens Creek, is approximately 20 acres of opens space up to Nevada Avenue. This open space area would have two bike paths that meander north and west, and converge along the western boundary of the subjects site down to Fahrens Park.

Approximately 100 acres west of the subject site are designated either High to Medium Density Residential (HMD) for 12 to 24 dwelling units per acre, or High Density Residential (HD) for 24 to 36 dwelling units per acre. East of the subject site, across G Street, is County Jurisdiction with the majority of the land having a General Plan designation of Low Density Residential (LD) for 2 to 6 dwelling units per acre.

Given that the proposed use and density is consistent with the General Plan, zoning classification, and master development plan approved for this site, staff does not anticipate that the proposed subdivision would alter the character of the neighborhood.

Land Use/Density Issues

- I) The proposed subdivision would provide a density of 3.07 units per acre based on the gross acreage of the site. This density is well within the allowable density for the Low Density (LD) Residential General Plan designation that allows between 2 and 6 units per acre in the BRMDP area.

Tentative Subdivision Map Requirements/Public Comments Received

- J) Per Merced Municipal Code (MMC) Section 18.16.080 – Information Required, a tentative subdivision map shall include all of the requirements shown at Attachment G of Planning Commission Staff Report #25-077. Said requirements include stating the location of the subject site, the name of the subdivision, and showing the layout of the proposed lots. MMC 18.16.090 – Required Statement requires the applicant to provide a statement that explicitly states any deviations from tentative subdivision map requirements, standard drawings, or Zoning laws. MMC 18.16.100 - Public Hearing – Generally, requires a public hearing to review and approve a tentative subdivision map in conformance with the Subdivision Map Act.

Per the California Environmental Quality Act, a public hearing notice was mailed to property owners within 300 feet of the subject site and published in a qualifying newspaper, Merced County Times, three weeks prior to this meeting. In addition, staff reached out to local utility companies, local school districts, and other relevant government agencies to solicit comments. At the time this report was prepared, staff did not receive comments from utility companies.

Environmental Clearance

- K) Planning staff conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and concluded that Environmental Review #24-41 is a second tier environmental document, based upon the City's determination that the proposed development remains consistent with the current General Plan and provisions of CEQA Guidelines, Section 15162 [Environmental Impact Report (EIR) for the Bellevue Ranch Master Development Plan (SCH #9212055)]. A copy of the Section 15162 Findings can be found at Attachment K of Planning Commission Staff Report #25-077.