

RESOLUTION NO. 2019-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
DENYING AN APPEAL BY BP INVESTORS, LLC;
LEECO, LLC; AND EXPOSITION PROPERTIES,
LLC, CONCERNING THE ACTION OF THE
PLANNING COMMISSION RESULTING IN THE
APPROVAL OF THE EXTENSION OF VESTING
TENTATIVE SUBDIVISION MAP #1291
(MODIFIED) FOR BRIGHT DEVELOPMENT,
WHICH EXTENDED THE EXPIRATION DATE OF
THE VESTING TENTATIVE SUBDIVISION MAP
TO JANUARY 16, 2020**

WHEREAS, the Planning Commission of the City of Merced (“Planning Commission”) at its regular meeting of April 3, 2019, held a public hearing, and considered a request for a one year extension of Vesting Tentative Subdivision Map #1291 (Modified) for Bright Development, which would extend the expiration date of the map to January 16, 2020;

WHEREAS, Vesting Tentative Subdivision Map #1291 (modified) would allow the subdivision of approximately 39.8 acres of land generally located on the east side of G Street at Merrill Place (extended) into 161 single-family lots as described in Exhibit A, and shown on the approved Vesting Tentative Subdivision Map #1291 in Exhibit B;

WHEREAS, After hearing all evidence and testimony and after exercising its independent judgment, the Planning Commission approved the extension of Vesting Tentative Subdivision Map #1291 extending the expiration date of the map to January 16, 2020;

WHEREAS, the Planning Commission’s action granting the extension was appealed by BP Investors, LLC; Leeco, LLC; and Exposition Properties, LLC, on April 12, 2019; and

WHEREAS, THE City Council held a public hearing on June 3, 2019, at which time all those interested in the matter were provided the opportunity to speak or to provide written or oral testimony regarding the application.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. EXTENSION OF VESTING TENTATIVE SUBDIVISION MAP #1291. Based upon the evidence and testimony in the record at the City Council public hearing, the City Council exercising its independent judgment and making its own decision, hereby denies the appeal and adopts the Findings for Approval described in Exhibit C, attached hereto, thereby sustaining and affirming the Planning Commission’s approval of the extension of Vesting Tentative Subdivision Map #1291.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2019, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

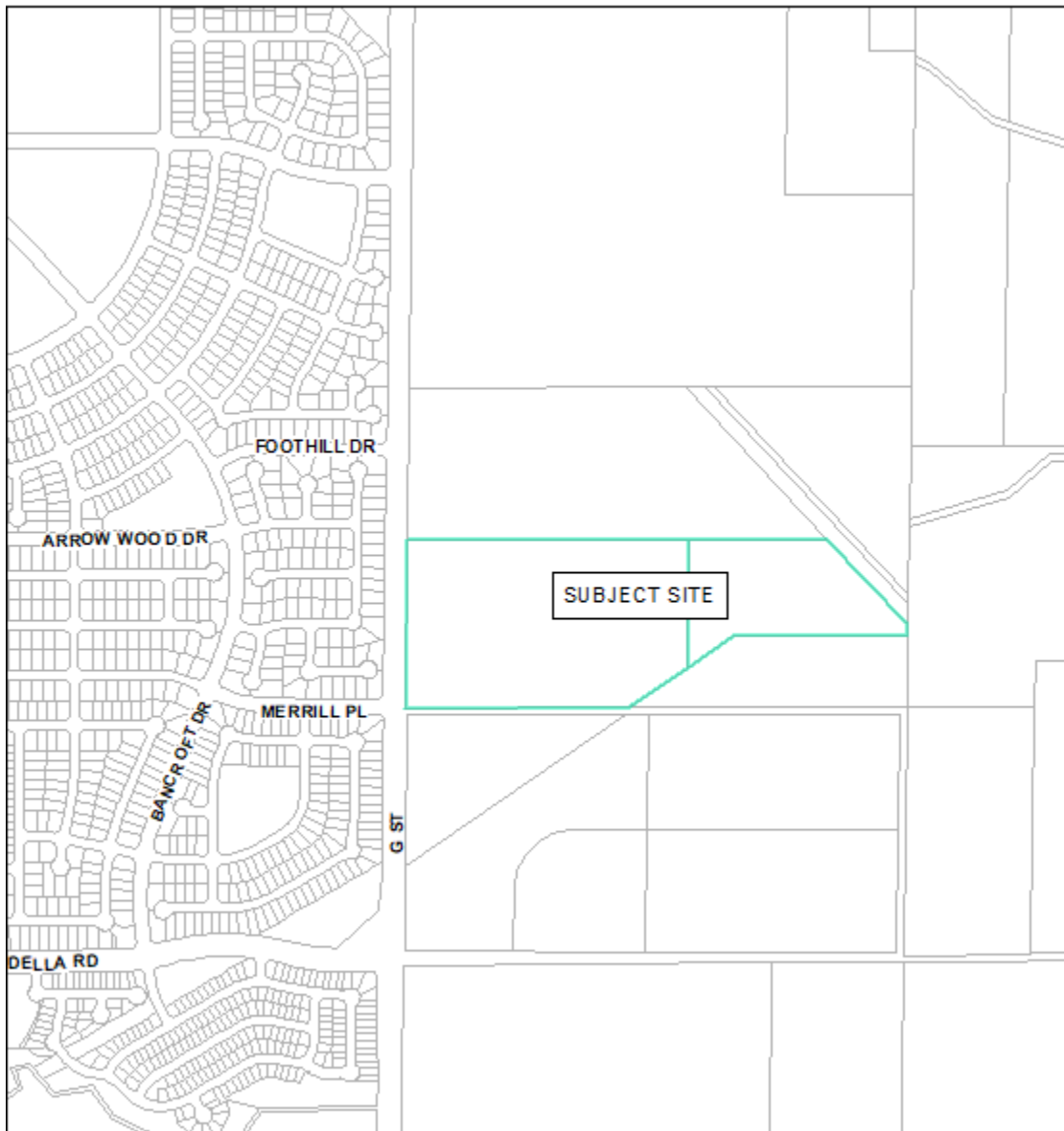
(SEAL)

APPROVED AS TO FORM:

Shirley A. Nink 6.25.19
City Attorney Date

EXHIBIT A
LEGAL DESCRIPTION

Lot 2 and a portion of Lot 3 as shown on that map entitled "Parcel Map for Benber Property," recorded in Book 97, Page 17 of Merced County Records on September 2, 2004; also known as Assessor's Parcel Number (APN) 060-030-037 and a portion of 060-030-038.

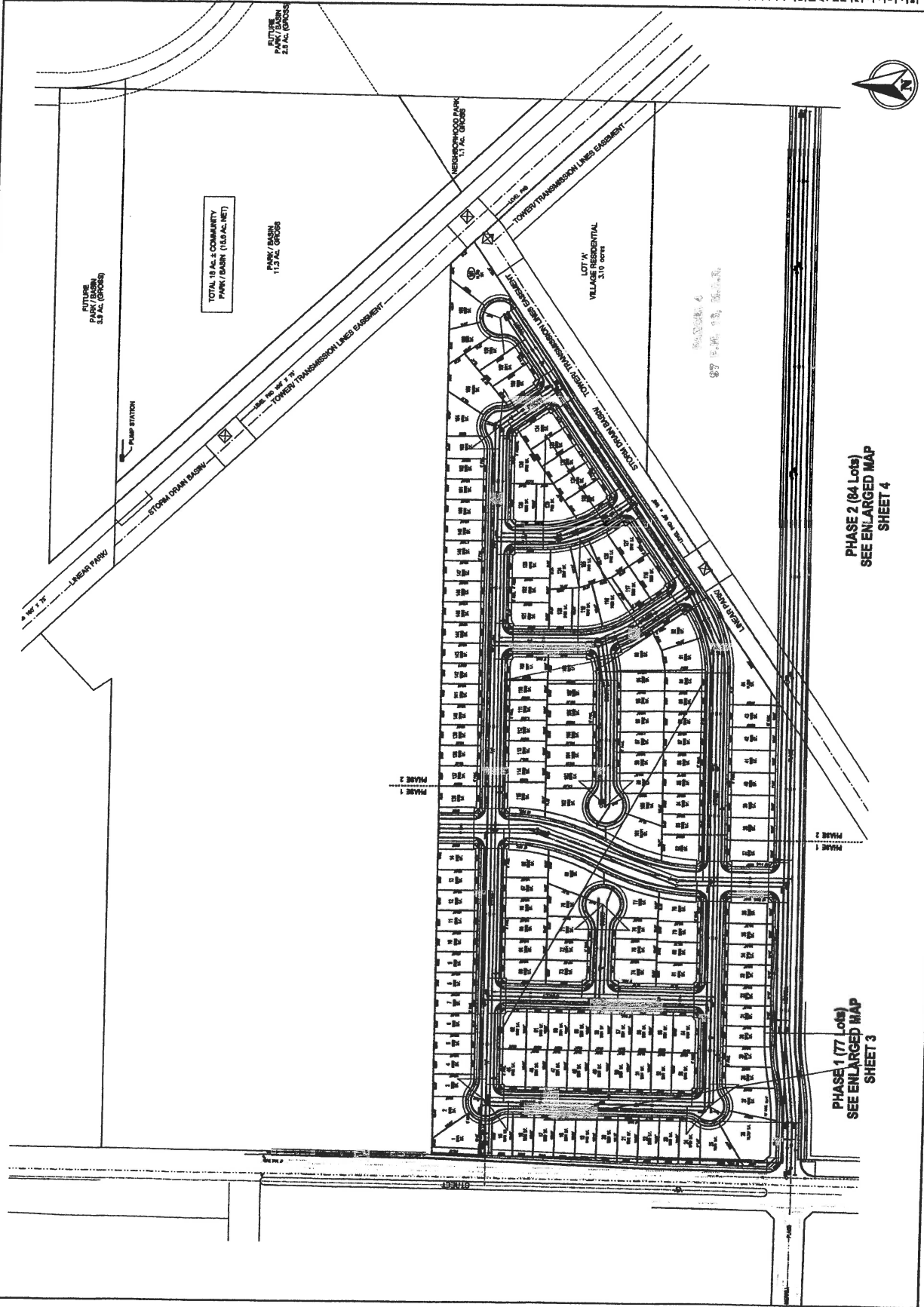


Modified Map Approved by the
 Planning Commission October 3, 2018.

CV
GOLDEN VALLEY
ENGINEERS & ARCHITECTS
 400 West 12th Street, Suite 1000
 Berkeley, CA 94710
 Phone: (925) 775-2200
 Fax: (925) 775-2201
 www.goldenvalley.com

CALIFORNIA
**MODIFIED VESTING TENTATIVE SUBDIVISION MAP FOR
 BRIGHT DEVELOPMENT**
 PORTION SECTION 5 & 8, T.7 S., R.14 E., M.D.B. & M.
 MERCED

PROJECT NO. 18-00000001
 SHEET NUMBER 2
 DATE: April 2018
 DRAWN BY: RSC/R
 CHECKED BY: RSC/R
 PROJECT NAME: BRIGHT DEVELOPMENT
 1000 N. Chestnut St., Berkeley, CA 94710
 PHONE: (925) 775-2200
 FAX: (925) 775-2201
 WWW: www.goldenvalley.com



Modified Map Approved by the
Planning Commission October 3, 2018.

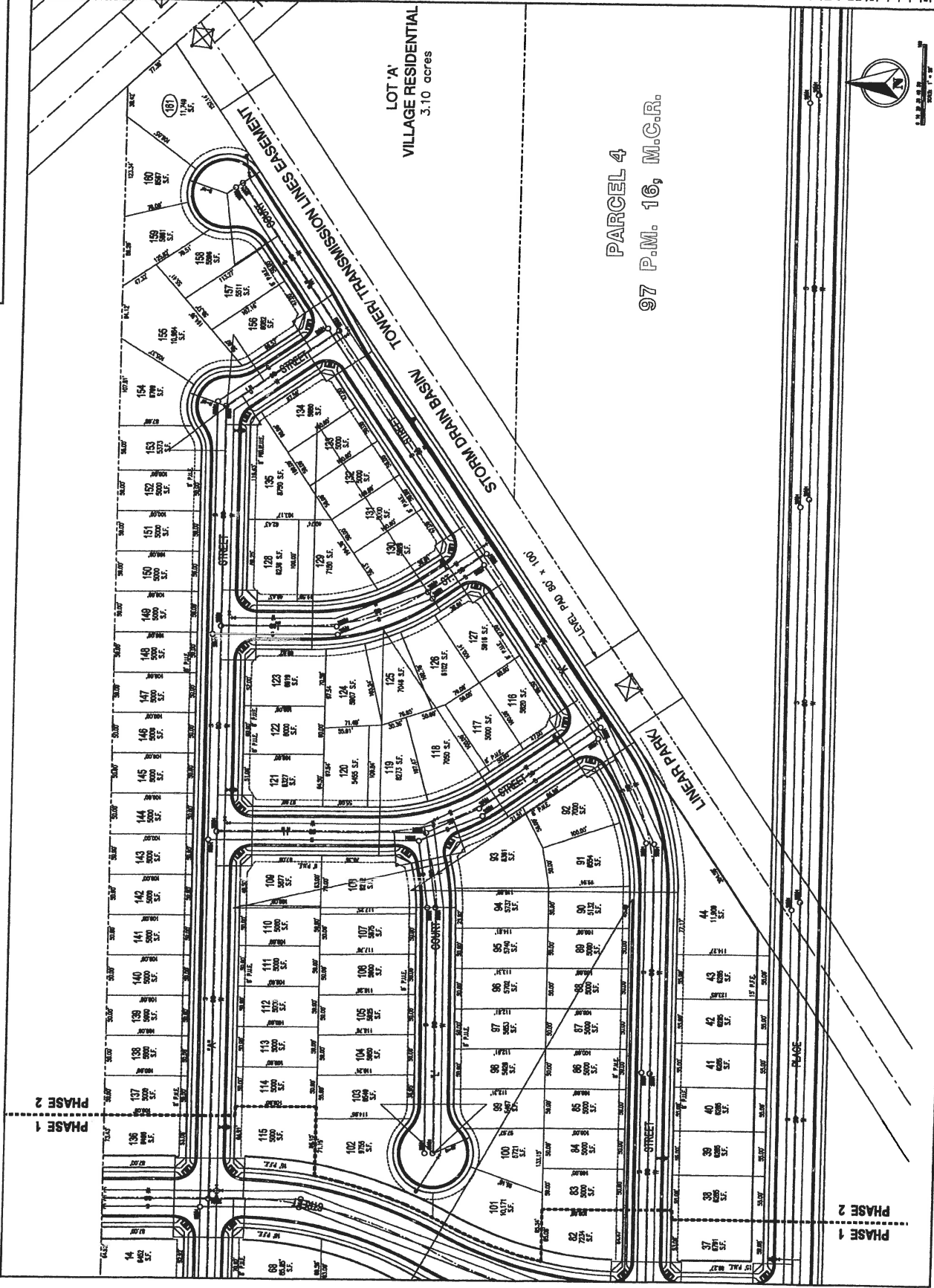
GOLDEN VALLEY
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P.O. Box 1000, Chico, CA 95926
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CALIFORNIA

**MODIFIED VESTING TENTATIVE SUBDIVISION MAP FOR
BRIGHT DEVELOPMENT
PORTION SECTION 5 & T.7 S., R.14 E., M.D.B. & M.**

MERCER

BRIGHT DEVELOPMENT
1620 N. Compton Rd., Bldg. 37
P.O. Box 10001
Chico, CA 95926
Tel: (530) 723-2304
www.brightdev.com



PARCEL 16,
97 P.M. 16, M.C.R.

LOT 'A'
VILLAGE RESIDENTIAL
3.10 acres



Modified Map Approved by the
Planning Commission October 3, 2018.

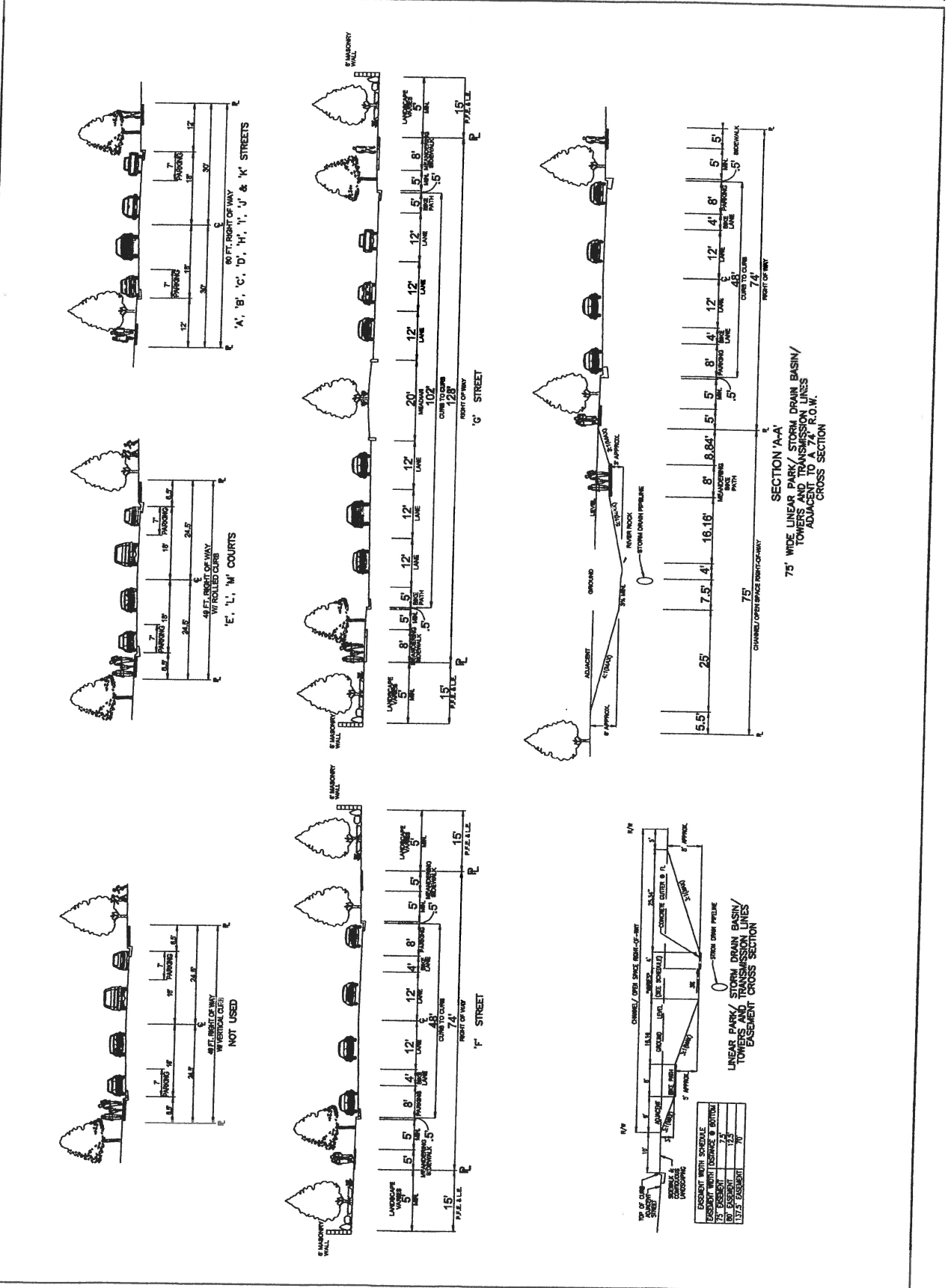
Golden Valley Engineering & Surveying
 1425 W. 10th Street, Suite 1000
 Modesto, CA 95208
 P: (209) 528-8800
 F: (209) 528-8801
 Fax: (209) 725-2424

PROJECT NO. 18-001
 SHEET NO. 5
 DATE: 10/3/2018

**MODIFIED VESTING TENTATIVE SUBDIVISION MAP FOR
 BRIGHT DEVELOPMENT
 PORTION SECTION 5 & 8, T.7 S., R.14 E., M.D.B. & M.**

BRIGHT DEVELOPMENT
 1425 W. 10th Street, Suite 1000
 Modesto, CA 95208
 P: (209) 528-8800
 F: (209) 725-2424

DATE: 10/3/2018
 SHEET NO. 5
 PROJECT NO. 18-001



Modified Map Approved by the Planning Commission October 3, 2018.

PROJECT NO. 18-001
 DATE: 10/03/18
 SHEET NO. 6 OF 6

GOLDEN VALLEY
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 215 N. 1st St., Suite 100
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 Ukiah, CA 95568
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CALIFORNIA

PORTION SECTION 5 & 8, T.7 S., R.14 E., M.D.B.A.M.

BRIGHT DEVELOPMENT

MODIFIED VESTING TENTATIVE SUBDIVISION MAP FOR

MERCED

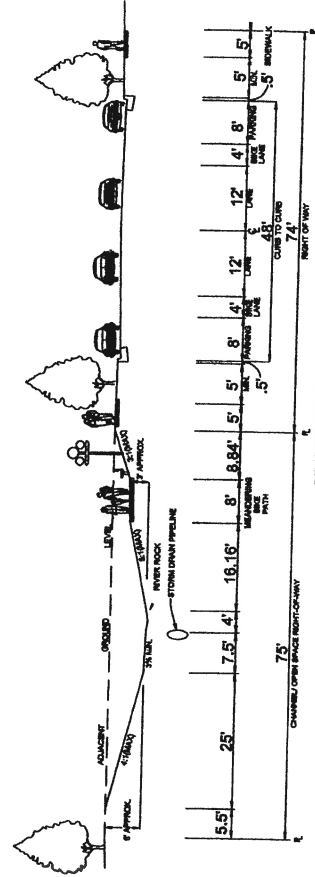
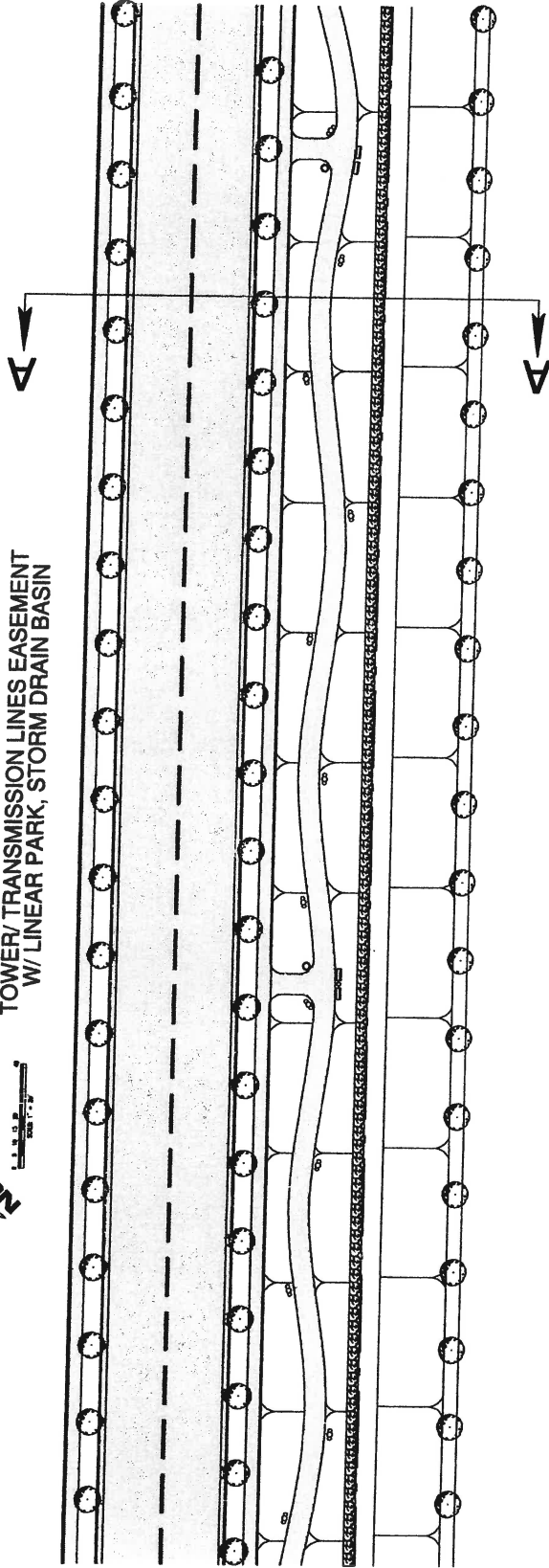
PROJECT NO. 18-001
 DATE: 10/03/18
 SHEET NO. 6 OF 6

BRIGHT DEVELOPMENT
 1851 N. California Rd., Map 37
 Merced, CA 95301
 PROJECT NO. 18-001
 DATE: 10/03/18
 SHEET NO. 6 OF 6

PROJECT NO. 18-001
 DATE: 10/03/18
 SHEET NO. 6 OF 6



TOWER/ TRANSMISSION LINES EASEMENT
 W/ LINEAR PARK, STORM DRAIN BASIN



SECTION 'A-A'
 75' WIDE LINEAR PARK/ STORM DRAIN BASIN/
 TOWERS AND TRANSMISSION LINES
 ADJACENT TO A 74' R.O.W.

CROSS SECTION

SCALE: 1"=10'

FINDINGS FOR APPROVAL OF
EXTENSION OF VESTING TENTATIVE SUBDIVISION MAP #1291
FOR BRIGHT DEVELOPMENT

Subdivision Map Act

- A) Section 66498.1 of California Government Code sets forth the determinations that would permit the City to further condition or deny an extension of an approved vesting tentative subdivision map.

Pursuant to Section 66498.1, the local agency may condition or deny a permit, approval, extension, or entitlement if it determines any of the following:

1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 2. The condition or denial is required in order to comply with state or federal law.
- B. After presentation of the staff report and having considered all of the testimony provided and information and evidence submitted during the Public Hearing, June 3, 2019, the City Council, in its discretion, finds and determines that Vesting Tentative Subdivision Map#1291 for Bright Development shall be extended to January 16, 2020.
- C. The City Council further finds and determines, based upon the testimony, information and evidence submitted during the Public Hearing, June 3, 2019, that the extension of the vesting tentative subdivision map would not place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both. In addition, the denial is not required to comply with state or federal law.