

CITY OF MERCED
Planning Commission

Resolution #4132

WHEREAS, the Merced City Planning Commission at its regular meeting of April 3, 2024, held a public hearing and considered **Tentative Subdivision Map #1325 (“Bellevue Ranch North, Village 29-B”)**, initiated by Benchmark Engineering, applicant for Bellevue Merced, LLC, property owner. This application involves the subdivision of approximately 16.07 acres into 98 single-family lots ranging in size generally between 4,499 square feet and 7,759 square feet. This property is generally located at the southeast corner of M Street (extension) and Farmland Avenue (extension), within Planned Development (P-D) #42 with a Low-Medium Density Residential (LMD) General Plan Designation; also known as Assessor’s Parcel Number (APN) 170-060-019; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through K of Staff Report #24-255; and,

NOW THEREFORE, after reviewing the City’s Initial Study and 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) along with a CEQA Section 15183 Exemption, and approve Vesting Tentative Subdivision Map #1325, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

ABSTAIN: Commissioner(s)

PLANNING COMMISSION RESOLUTION #4132

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April 3, 2024

Adopted this 3rd day of April 2024

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 #4132
Vesting Tentative Subdivision Map # 1325

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Vesting Tentative Subdivision Map for Bellevue Ranch Village 29-B).
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) formation 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. CFD procedures shall be initiated before Final Map approval. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the Development Services Director to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
10. All dwellings shall be designed to include fire sprinklers as required by the California Fire Code.
11. 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.

12. 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
13. 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.
14. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
15. The development standards for “Patios Homes” (Attachment E of Planning Commission Staff Report #24-255) described in the BRMDP shall apply.
16. 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, including at least one option that is not stucco. Elevations shall be reviewed and approved by the Planning Division during the building permit stage.
17. Each lot shall provide a parking garage for a minimum of two vehicles.
18. All mechanical equipment shall be screened from public view.
19. Each lot within the subdivision shall be provided with one driveway. No residential driveways shall front on any arterial or collector street.
20. 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).
21. 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).

22. 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.
23. The applicant shall work with the City's Water and Engineering Divisions to provide a plan showing how City water lines would be extended to serve Village 29-B. The water service lines shall include a redundant water looped system. Details to be reviewed and approved by the City Engineer.
24. The applicant shall work with Engineering Division to dedicate land for a future well site somewhere in the northwestern region of Bellevue Ranch North. Details to be reviewed and approved by the City Engineer.
25. 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).
26. All undeveloped areas shall be maintained free of weeds and debris.
27. 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).
28. A 7-foot-tall masonry wall shall be installed along M Street, Farmland Avenue, and Barclay Way. 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.
29. Landscaping shall be provided along M Street, Farmland Avenue, and Barclay Way between the block wall and the sidewalk. 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.

30. Sewer manholes shall be installed as required by the Engineering Department (if needed).
31. Traffic control signs, street markings, and striping shall be as directed by the City Engineer.
32. 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.
33. Additional right-of-way improvements, such as road widening beyond the City standard, would not be eligible for Public Facilities Impact Fee reimbursement.
34. Dedication of all necessary easements will be made as shown on Vesting Tentative Subdivision Map #1325 and as needed for irrigation, utilities, drainage, landscaping, open space, and access.
35. 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.
36. 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.
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 along M Street, Farmland Avenue, and Barclay Way. 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 fund under MMC 20.30.030 – Corner Vision Triangles, for the lots determined appropriate by the Director of Development Services.
43. 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.
44. The adjacent electrical tower laterals do not go through the proposed subdivision, so the developer would not be required to underground the laterals.
45. The developer would be required to develop the park/basin at Villages 29C and 29D. The park portion would have to be developed as a park, and the remainder portion of the basin could be fenced off unless it is needed to meet the minimum area per person for park land.
46. All reimbursement for parks would be subject to prevailing wage standards.
47. The developer shall install "No Dumping" signs along Fahrens Creek. Details to be worked-out between the developer and the Merced Irrigation District.

**Findings and Considerations
Planning Commission Resolution #4132
Vesting Tentative Subdivision Map #1325**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

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

The proposed subdivision would be constructed on approximately 16.07 acres of vacant land. The gross density for the site, would be approximately 6.09 units/acre. The Low Medium Density Residential (LMD) land use designation in the Bellevue Ranch Master Development Plan area allows a density between 5.5 and 12 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-1.6 Continue to pursue quality single-family and higher density residential development.

L-1.8 Create livable and identifiable residential neighborhoods.

Traffic/Circulation

- B) It is anticipated that the proposal would generate approximately 938. Average Daily Trips (ADT) based on an average daily rate of 9.57 trips per dwelling unit. The primary access points into the subdivision would be from M Street (2 access points) and Barclay Way (2 access points). M Street, Farmland Avenue, and Barclay Way are classified as collector roads. All streets interior to the subdivision would be local roads. 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 6.09 dwelling units per acre, which is less than the maximum 12 dwelling units per acre allowed within a Low Medium Density Residential (LMD) General Plan designation.

The interior roads within the subdivision include four east/west roads and two north/south roads. As shown at Attachment C of Planning Commission Staff Report #24-255, the six streets shown as Streets A, B, C, D, E, and F would be designed to Local Street standards with 59 feet of right-of-way which includes street, curb, gutter, park strip, sidewalk, and a public utility easement. M Street and Barclay Way would have 89 feet of right-of-way and include the same right-of-way components mentioned above, and include a masonry block wall. Farmland Avenue would have 104 feet of right-of-way and also include a masonry block wall.

Parking

- C) The proposal would exceed 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 include a minimum of two parking spaces per unit (Condition #17) within a two-car garage. The driveway leading up to the garage would be at least 20 feet deep and 18 feet wide.

Public Improvements/City Services

- D) The developer would be required to install all streets, utilities, and other improvements within the subdivision and around the subdivision to be up to City Standards (Condition #38 and #39). There are currently no water lines extended north across Fahrens Creek (just south of the subject site). The applicant is working with the City's Water and Engineering Divisions to provide a utility plan showing how water lines would be extended to serve Villages 29-A and 29-B. The water service lines would be required to include a redundant water looped system (Condition #23). In addition, the applicant is working with the Engineering Department to dedicate land for a future well site in the northwestern region of Bellevue Ranch North (Condition #24). Attachment I of Planning Commission Staff Report #24-255 shows a conceptual water system and well location that could potentially be utilized.

Each lot would be required to pay fees for sewer and water connections at the building permit stage. In addition, each lot within the subdivision would be required to meet the City's storm drainage and run-off requirements for the City's MS-IV permit (Condition #21).

Building Design

- E) The developer has not submitted building designs at this time. Because this site has a zoning classification of Planned Development, the building design/elevations shall be reviewed and approved by the 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 (Attachment F of Planning Commission Staff Report #24-255) as well as the design standards for "Patio Homes" as shown on Attachment E.

Site Design

- F) As shown on the Vesting Tentative Subdivision Map (Attachment C of Planning Commission Staff Report #24-255), the proposed design of the subdivision includes four east/west roads, and two north/south roads. There would be no cul-de-sacs within this subdivision.

A future bike path would be located within Lot "I" (not part of this project), near the southwest corner of the subdivision. This lot is deemed undevelopable for housing as it contains electrical tower laterals. This bike path would extend northwest out to several future pocket parks throughout the master development area.

Similarly, Lot "A-2" and "A-3," near the southeast corner of the subdivision would include bike paths along Fahrens Creek which would extend up to the northeast corner of Bellevue Ranch North and along the way split-out to Village 36-C. This vesting tentative map also includes Village 29-D which would be used as a park/basin, and Village 29C which would be used as a basin.

Lot sizes for this subdivision range from 5,000 square feet to approximately 13,250 square feet. The majority of the lots have a street frontage of at least 50 feet (about 3 lots at 49 feet), with some having between 55 and 100 feet of frontage. Some of the lots on the end of the cul-de-sacs have between 74 and 100 feet of frontage.

The table below shows the mixture of lot sizes in the subdivision.

Number of Lots	Lot Size (S.F)
38	4,499 to 5,000
55	5,001 to 5,915
3	6,253 to 6,593
2	7,160 to 7,759

The specific development standards for the construction of each house on the individual lots shall comply with the Patio Home Standards from the BRMDP (Attachment E of Planning Commission Staff Report #24-255).

The interior local streets would have 59 feet of right-of-way that includes a 34-foot-wide road, and on both sides of the street contain a 7-foot-wide park strip, 5-foot-wide meandering sidewalk, and 10-foot-wide public utility easement. The north, east, and west portions of the perimeter of the subdivision would be surrounded by a masonry block wall.

Landscaping

- G) Each lot within the subdivision shall be provided with front yard landscaping in compliance with Zoning Ordinance Section 20.36 – Landscaping. Section 20.36.050 requires all exterior setback areas, excluding areas required for access to the property to be landscaped (Condition #27).

For landscaping within public right-of-way, the developer shall install landscaping in front of the block walls along M Street, Farmland Avenue, and Barclay Way. Landscaping in this area would be reviewed by the City prior to installation (Condition #25). The landscaping within this area would be maintained by the Community Facilities District (Condition #29).

Neighborhood Impact/Interface

- H) The proposed subdivision would add additional homes to the area, but the use is consistent with the General Plan and Zoning classification. There is primarily undeveloped land surrounding the subject site. To the southwest of the subject site (across M Street), there is a pending tentative subdivision map application submitted by the applicant (VTSM #1324). This map, known as Village 29-A, is for 140 single family lots on 27.35 acres (lots between 5,000 square feet to 13,250 square feet). To the south and east of the subject site are Village 25-B and 29-D, which have a General Plan designation of Open Space - Park and Recreation. To the north and west of the subject site is undeveloped

land with a General Plan designation of Low Medium Density Residential (LMD).

The proposed subdivision of 98 lots would have a density of 6.09 units per acre, which is less than the maximum allowed for the Low Medium Density Residential (LMD) of up to 12 units per acre.

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 from property owners regarding this project.

Land Use/Density Issues

- I) The proposed subdivision would provide a density of 6.09 units per acre based on the gross acreage of the site. This density is well within the allowable density for the Low Medium Density Residential General Plan designation that allows between 5.5 and 12 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 #24-255. 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 had received comments from utility companies. Their comments are provided at Attachment J of Planning Commission Staff Report #24-255.

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 #22-42 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 L of Planning Commission Staff Report #24-255. In addition, staff determined that the project qualifies for a CEQA Section 15183 Exemption for projects which are consistent with the development density established by a Community Plan, General Plan, or Zoning for which an EIR has been certified, as shown at Attachment M of Planning Commission Staff Report #24-255.