

**CITY OF MERCED**  
**Planning Commission**

**Resolution #4164**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of July 9, 2025, held a public hearing and considered **Vesting Tentative Subdivision Map #1333** initiated by Lennar Homes of California, on behalf of Merced Gateway, LLC and Lyons Investments property owners for the property located at 3610 East Gerard Avenue (APNs 061-680-001, 061-710-009 and 061-710-023). The Vesting Tentative Subdivision Map would divide the site and create 570 single-family residential lots, four lots designated as open space, and two lots designated for business park/commercial uses. The approximate 73.7-acre subject site is generally located on the southwest corner of East Gerard Avenue and Campus Parkway. The property being more particularly described as Lots “9” and “23” of Assessors Map Book 61 - Page 71 and Lot “1” of Assessors Map Book 61 – Page 68; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through J of Staff Report #25-638 (Exhibit B of Planning Commission Resolution #4164); 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 adopt a Mitigated Negative Declaration regarding Environmental Review #24-30 and approve Vesting Tentative Subdivision Map #1333 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 #4164

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July 9, 2025

Adopted this 9th day of July 2025

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Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

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Secretary

Exhibits:

Exhibit A – Conditions of Approval

Exhibit B – Findings/Considerations

**Conditions of Approval**  
**Planning Commission Resolution # 4164**  
**Vesting Tentative Subdivision Map #1333**

**General**

1. The proposed project shall be constructed/designed as shown on Attachment G of Planning Commission Staff Report 25-638 (Site Plan, Floor Plans and Elevations), and as supported by the conditions of approval within this resolution.
2. The Project shall comply with all applicable conditions set forth in the resolutions for Annexation No. 183 previously approved for this site.
3. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
4. The developer/owner is required to finance the annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, streetlights, parks and open space, which may include a financing mechanism such as a Community Facilities District (CFD) or, assessment district. Procedures for financing these services and on-going maintenance shall be initiated before final map approval or issuance of a certificate of occupancy for any building, whichever comes first. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
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.

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.

### **Building**

7. 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) at the time of permit issuance.

### **Landscaping**

8. All landscaping in the public right-of-way shall comply with State Water Resources Control Board Resolution No. 2015-0032 "To Adopt an Emergency Regulation for Statewide Urban Water Conservation" and the City's Water Conservation Ordinance (Merced Municipal Code Section 15.42) and any amendments. Xeriscape or pervious artificial turf shall be used in place of natural sod or other living ground cover. If turf is proposed to be installed in park-strips or on-site, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed. All irrigation provided to street trees, parking lot trees, or other landscaping shall be provided with a drip irrigation or micro-spray system. All landscaping shall

comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030) and any amendments

9. All landscaping shall be kept healthy and maintained in good condition. Any damaged or missing landscaping shall be replaced immediately.
10. Trees and or fast-growing vines or other plants shall be planted on or near the required sound wall along roadways to soften the visibility of the walls and protect them from graffiti. Details to be worked out with Planning staff during the building permit stage.
11. Sound walls must be coated in a graffiti protectant coating as approved by Public Works director or designee to protect them from tagging and graffiti prior to landscape growth.

### **Engineering**

12. 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.
13. Any missing or damaged improvements along the property frontage shall be installed/repared to meet City Standards. Any improvements that don't meet current City Standards shall be replaced to meet all applicable standards.
14. 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) and include onsite or approved offsite stormwater retention capacity for a 50-year, 24-hour storm.
15. The developer must address general storm water drainage on-site unless approved by the City Engineer or their designee. The developer will submit storm water drainage plans and agreements, if applicable, with their final map application, all to be approved by the City Engineer.
16. All residential exterior setback areas, excluding areas required for access to the property, shall be landscaped. Landscaping may consist of any combination of living plants such as trees, shrubs and turf; related natural features such as rock, stone or bark chips; or pervious artificial turf that meets acceptable standards as determined by the Department of Development Services Director or their designee. Decorative hardscape featuring pervious

EXHIBIT A

OF PLANNING COMMISSION RESOLUTION #4164

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materials are permitted within required landscaping areas. Drought tolerant landscape materials are required, unless otherwise approved with a minor use permit. Any street trees must be per city standards.

17. Drainage from the individual residential lots shall be retained on the lots. No drainage shall run-off onto adjacent properties or the right of way.
18. Prior to approval of final map, Developer will work with the City Engineer or their designee to satisfy the requirements for a looped water system from Mission Avenue to Gerard Avenue
19. Prior to approval of final map, Developer will work with the City Engineer or their designee to satisfy the requirements for the development to be served by City sewer, including ensuring there is enough sewer capacity and that it can be supported by the proposed lift station. If required, the Project Developer will enter into a fair-share agreement to address the sewer services.
20. Prior to approval of final map, developer shall provide the City Engineer with storm drainage calcs for the proposed storm drainage basin.
21. Developer must work with utilities who will serve this area and comply with all requirements.
22. Developer will provide their fair share of improvements as determined by the City Engineer including, but not limited to street, curb, sidewalk and any traffic control devices along Pluim, Gerard, Campus Parkway and/or Mission.
23. Improvement agreement for any and all improvements, including, but not limited to those listed above shall be provided to the City Engineer prior to approval of final map.
24. Any temporary improvements must be reviewed by the City Engineer.

### **Merced Irrigation District**

25. An Encroachment Agreement with MID will be required for any work associated with MID facilities and for any roadways, walkways, bike paths, utilities and pipelines crossing MID facilities or rights of way. A joint use agreement between the City of Merced and MID will be executed for those sections of the City's improvements within MID's right of way.
26. Pending MID Board approval, MID will quitclaim its existing 40.00-foot easement. In return, the developer will grant back to MID an exclusive 30.00-foot-wide easement prior to the subdivision map filing.

27. If storm water runoff from the site is to be discharged into an MID facility, the Owner would be required to enter into a Storm Drainage Agreement with the MID, paying all applicable fees.
28. Design plans for the development shall be reviewed for any impacts to MID facilities and signed off by MID.
29. No structures, trees or fences will be allowed within MID rights of way.
30. MID reserves the right for further comment as unforeseen circumstances may arise.

### **Public Safety**

31. Developer shall work with the Police Department and the City Engineer to establish location of stop signs during the final map approval process.
32. Any gates to support public access shall be provided with a Knox Box, as required by the Fire Department.
33. Any construction must meet any and all fire codes applicable at the time of development and building permit application.

### **Planning**

34. Minor modifications to the tentative map may be reviewed and approved by the Director of Development Services or designee as allowed by Merced Municipal Code Section 20.20.020 (O). If the Director of Development Services determines the map modifications require a higher level of approval, they may elevate the review and refer the consideration to the Site Plan Committee or Planning Commission, as the changes require.
35. This resolution for a Vesting Tentative Subdivision Map (VTSM #1333) does not become effective until the General Plan Amendment (GPA #24-03) and establishment of Residential Planned Development (R-PD #83) are approved by the City Council.
36. All mechanical equipment shall be screened from public view.
37. A sound wall shall be required and constructed to a minimum height of 7 feet above ground level along all residential properties adjacent to arterial and collector roads unless otherwise determined by the City. Suitable construction materials include concrete blocks, masonry, or stucco on both sides of a wood or steel stud wall.

38. The developer/applicant will be subject to the mitigations as determined by ERC #25-30 Mitigated Negative Declaration (SCH 2025060379).
39. Unless further restricted in the City of Merced Municipal Code, grading and construction shall not take place beyond the hours of 7:00 A.M. and 7:00 P.M. Monday- Sunday.
40. Two-story home construction of lots that will be directly adjacent with Campus Parkway shall be constructed without second-floor balconies. A note prohibiting such second-floor balconies shall be placed as a Note on the VSTM #1333, and all plans and specs.
41. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
42. Developer shall dedicate and improve the proposed park spaces unless otherwise approved by the City.
43. Developer will pay impact fees applicable at the time of building permit submission.
44. Any modifications to the street parking plan as shown in Attachment H of SR 25-638 shall be reviewed by the Director of Development Services or designee.



**Findings and Considerations  
Planning Commission Resolution # 4164  
Vesting Tentative Subdivision Map #1333**

**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 Business Park (BP), Low Medium Residential (LMD), High-Medium Residential (HMD) and Open Space-Park Recreation (OS-PK), which allows for the development of a residential small lot subdivision, open space and adjacent commercial/business park uses. The project would also comply with the Zoning classification of Residential Planned Development (RP-D) #83 with the change in land use designation from Business Park (BP) and Heavy Industrial (I-H) to Business Park (BP), Low Medium Residential (LMD), High-Medium Residential (HMD) and Open Space-Park Recreation (OS-PK).

The proposed project, with conditions of approval, will help achieve the following General Plan land use policies:

Policy L-3.2: Encourage Infill Development and a Compact Urban Form

The proposed project would develop an approximate 73.7-acre site that has been vacant for decades. Developing this site addresses some maintenance issues associated with undeveloped parcels, such as overgrown weeds (fire hazard), vandalism, and loitering which could impact neighboring parcels. In addition, infill development is an efficient use of development that utilizes existing infrastructure within City limits as opposed to annexing land that requires expanding City infrastructure and services.

**Traffic/Circulation**

- B) The proposed development includes a small lot subdivision that is proposed with approximately 570 residential units, and 9 acres of adjacent Business Park/Commercial uses. The site is located on an approximately 73.7-acre vacant parcel located at 3610 East Gerard Avenue at the southwest corner of East Gerard Avenue and Campus Parkway. The project site fronts a collector road to the north (East Gerard Avenue) Campus Parkway to the east and an

arterial to the south (East Mission Avenue). Vehicle access would be available from East Gerard Avenue, East Mission Avenue and Plum Drive, once it is completed. Campus Parkway, which dissects the development, is designed to carry large volumes of traffic traveling north and south from Highway 99 to eventually the University of California, Merced, campus. Its close connection to Highway 99 connects this development and the rest of Merced with other regional communities throughout the State.

#### Vehicle Miles Traveled

The residential use is expected to generate 5,141 daily trips with an internal trip capture of 912 daily trips. Though the expected daily trips required that analysis be done, the result of that analysis showed that with mitigations the impact of the proposed trip generation would be less than significant with implemented mitigations. The roadways surrounding the project are built to address the additional traffic.

#### Improvements

The development requires the construction of a street network connecting the residential subdivision to Campus Parkway, East Gerard Avenue and East Mission Avenue. This street network shall be built to Merced City Standards (Planning Commission Resolution #4164 – Attachment C of Planning Commission Staff Report #25-638).

#### **Public Improvements/City Services**

- C) Any damaged or missing public improvements shall be repaired if the permit value of the project exceeds \$100,000.00. The need for repairs or replacement of any missing improvements would be evaluated at the building permit stage by the City's Engineering Department.
- D) Developer/applicant will share the cost of improvements as needed and required by the City Engineer to support the circulation and operation of the development. These costs may be addressed through paid fees. If those improvement agreements are private, the City Engineer must be made aware of such arrangements and agree that such arrangements meet the requirements necessary to support development. This information will be supplied to the City Engineer at final map application.

## **Parking**

- E) The parking requirements for Single Family Dwellings is 1 parking stall per unit. The proposed residential development proposes at least a one-car garage per unit which would meet the parking requirements.

## **Site Design**

- F) The proposed development includes a residential subdivision of 570 residential lots, 3 acres of open space and 9 acres of business park/commercial uses. The applicant proposes two-story units. The proposed residential lots would range in size between 2,347 square feet and 6,889 square feet.

Development Standards for the 570 residential lots shall meet standards set on Attachment I - Planned Development Standards of Staff Report #25-638. Because this site has a zoning classification of Residential 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 minimum parking requirement for single-family homes is one parking space per unit. Each one of these units would have at least one covered parking space within a garage, with some of the units have two parking spaces located within a garage.

## **Elevations**

- G) The elevations shown at Attachment G illustrate the proposed residential structures for this project. The developer/applicant will be required to provide variation in the elevations for visual interest.

## **Landscaping**

- H) The proposal does not include a landscape plan, but all future landscaping for mulch, shrubs, turf, or trees should be drought tolerant and all irrigation systems must comply with the latest requirements for water conservation. In addition, parking lot trees in the future commercial shall be installed as required by the City's Parking Lot Landscape Standards at the time of development approval. Parking lot trees shall be selected from the City's approved tree list, providing a 30-foot minimum canopy at maturity. If needed, street trees would be installed along East Gerard Avenue, Campus Parkway, Plum Drive and East Mission Avenue as required by City

standards. All trees shall be planted away from the City's 10-foot clear vision corner triangle area.

### **Neighborhood Impact**

- I) The subject site is surrounded by a variety of uses which include residential to the north, vacant industrial to the east, county agricultural uses to the south and regional commercial to the west. The subject site is designated Business Park (BP) and Heavy Commercial (I-H). Even though the applicant is proposing a General Plan designation of Business Park, Low Medium Density Residential (LMD), High Medium Density Residential (HMD) and Open Space-Park Recreation (OS-PK), the proposed uses are expected to produce less traffic than expected for a Business Park development and would not significantly alter the traffic patterns throughout the adjacent neighborhood.

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.

### **Environmental Clearance**

- J) Infill projects over 5 acres or projects that don't comply with Zoning/General Plan designations require an Initial Study, per the California Environmental Quality Act (CEQA). In this case, the project is over 5 acres (at 73.7 acres), and the site is not consistent with Zoning or the General Plan requiring an Initial Study. An Initial Study includes a wide range of analysis required by the State covering an array of subjects including, but not limited to, impacts on vehicle miles traveled, air quality, biological resource, public services, cultural resources, and City utilities. Planning staff has conducted an environmental review of the project in accordance with the requirements of CEQA and concluded that Environmental Review #24-30 results in a Mitigated Negative Declaration as the proposal would not have a significant effect on the environment if mitigations are implemented (Attachment J of Planning Commission Staff Report #25-638) and does not require the preparation of an Environmental Impact Report. A copy of the Initial Study with a Mitigated Negative Declaration can be found at Attachment J of Planning Commission Staff Report #25-638.