

ATTACHMENT # 4

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

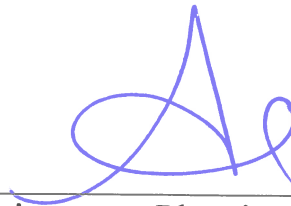
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4148

Page 2

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 tuning 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

Attachment F of Planning Commission Staff Report #25-077 and Condition #14).

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.