

**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 record evidence including, but not limited to, the administrative report, attachments thereto, comments, testimony and other information provided during the 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:

Shueen A. Dink      7-23-19  
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.

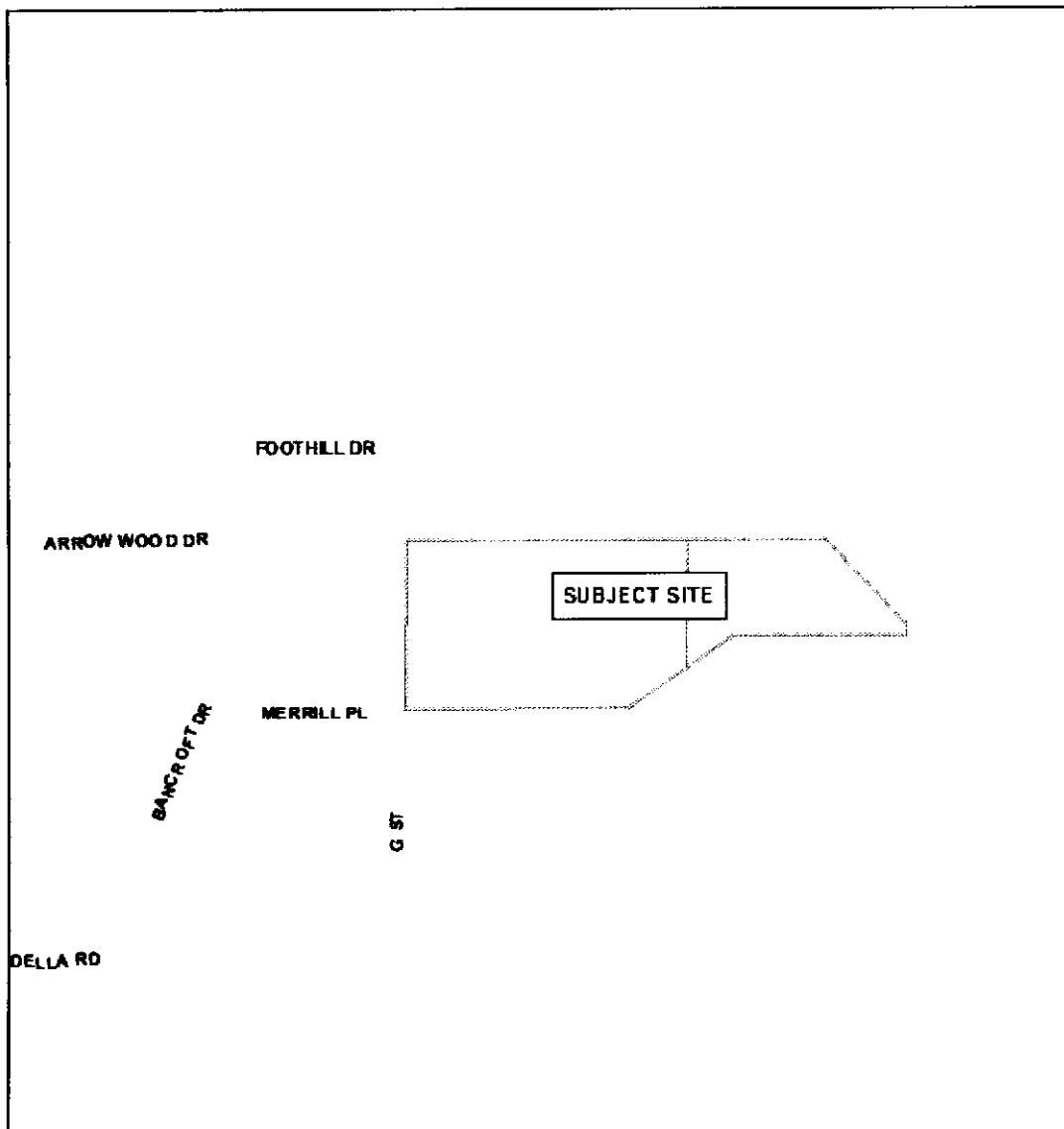
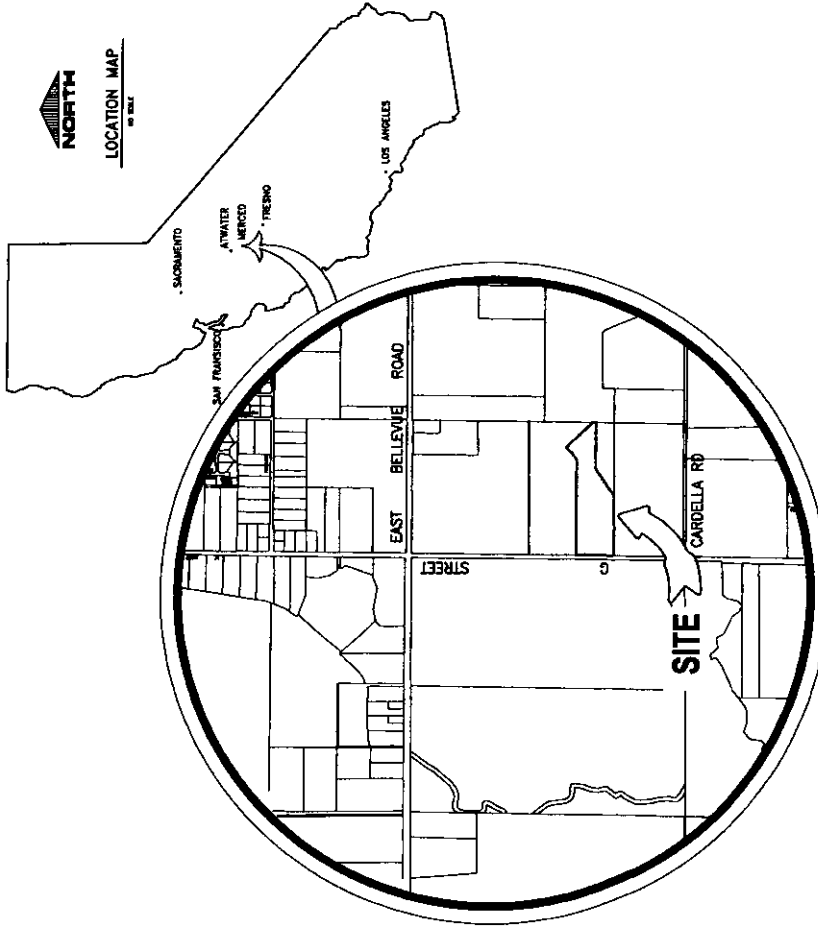


EXHIBIT A

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

# MODIFIED VESTING TENTATIVE SUBDIVISION MAP FOR BRIGHT DEVELOPMENT

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



VICINITY MAP  
AS SHOWN

### SUBDIVISION MAP NOTES:

INFORMATION REQUIRED PER MERCED MUNICIPAL CODE SECTION 16.14.00

- 1) LOCATION MAP AS SHOWN HEREIN.
- 2) LEGAL, METRIC, STATE PLAT AREA, STATE OR LOCAL DESCRIPTION AS SHOWN.
- 3) OWNER: GOLDEN VALLEY DEVELOPMENT CORP. 155 N. COLUMBIA AVE. SUITE B, SUITE 8 FRESNO, CA 93701 PH: 559-241-5422
- 4) PREPARED BY: SACRAMENTO SUBDIVISION & SURVEYING, INC. 401 E. 5TH STREET SUITE 200 FRESNO, CA 93701 PH: 559-242-4931
- 5) MAP PREPARED BY: GOLDEN VALLEY DEVELOPMENT CORP. 155 N. COLUMBIA AVE. SUITE B, SUITE 8 FRESNO, CA 93701 PH: 559-241-5422
- 6) RECORD APPROXIMATELY 30 DAYS BEFORE THE COMPLETION OF THE CITY'S REVIEW AND RECORDING OF THE MAP AS REQUIRED BY LOCAL ORDINANCES AND STATUTES.
- 7) RECORDING: RECORDING OFFICE OF THE COUNTY CLERK, 1500 S. G ST. SUITE 101, FRESNO, CA 93702-3401
- 8) RECORDING: RECORDING OFFICE OF THE COUNTY CLERK, 1500 S. G ST. SUITE 101, FRESNO, CA 93702-3401
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### SHEET INDEX:

- 1 TITLE SHEET
- 2 OVERALL SUBDIVISION MAP
- 3 ENLARGED SUBDIVISION MAP (WEST)
- 4 ENLARGED SUBDIVISION MAP (EAST)
- 5 STREET SECTIONS
- 6 TRANSMISSION LINES PARK BURN

### LEGEND:

- 1.0 UNIMPROVED STREET LINES
- 1.5 IMPROVED STREET LINES
- 2.0 PUBLIC HIGHWAY RIGHT OF WAY
- 3.0 PUBLIC HIGHWAY RIGHT OF WAY WITH
- 3.5 STATE ROUTE RIGHT OF WAY
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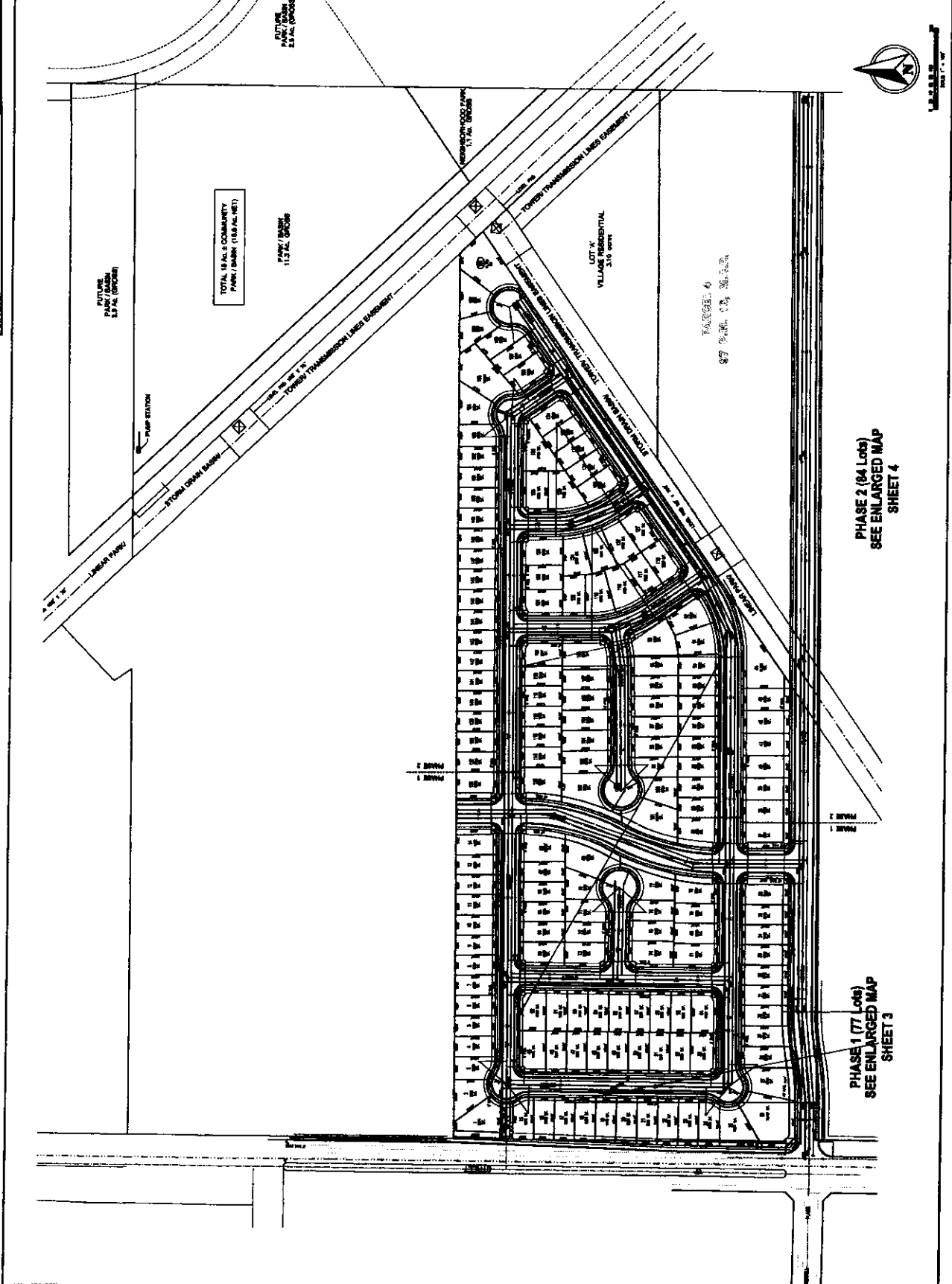
Modified Map Approved by the  
Planning Commission October 3, 2018.



**GOLDEN VALLEY**  
COMMUNITY DEVELOPMENT  
20011 130th Street, Suite 100  
Golden, CO 80427  
Phone: (303) 755-1000  
Fax: (303) 755-1001  
www.goldenvalleynet.org

**MODIFIED VESTING TENTATIVE SUBDIVISION MAP FOR  
BRIGHT DEVELOPMENT  
PORTION SECTION 5 & 8, T7 & 8, R14E, M.D.B.A.M.**

<b>BRIGHT DEVELOPMENT</b>	
1300 E. Colfax Ave., Suite 100 Golden, CO 80427	
Prepared By:	Golden Valley
Date:	April 2018
Scale:	As Shown
Drawn By:	John R. Smith
Checked By:	John R. Smith
Approved By:	John R. Smith



PHASE 2 (84 Lots)  
SEE ENLARGED MAP  
SHEET 4

PHASE 1 (77 Lots)  
SEE ENLARGED MAP  
SHEET 3

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

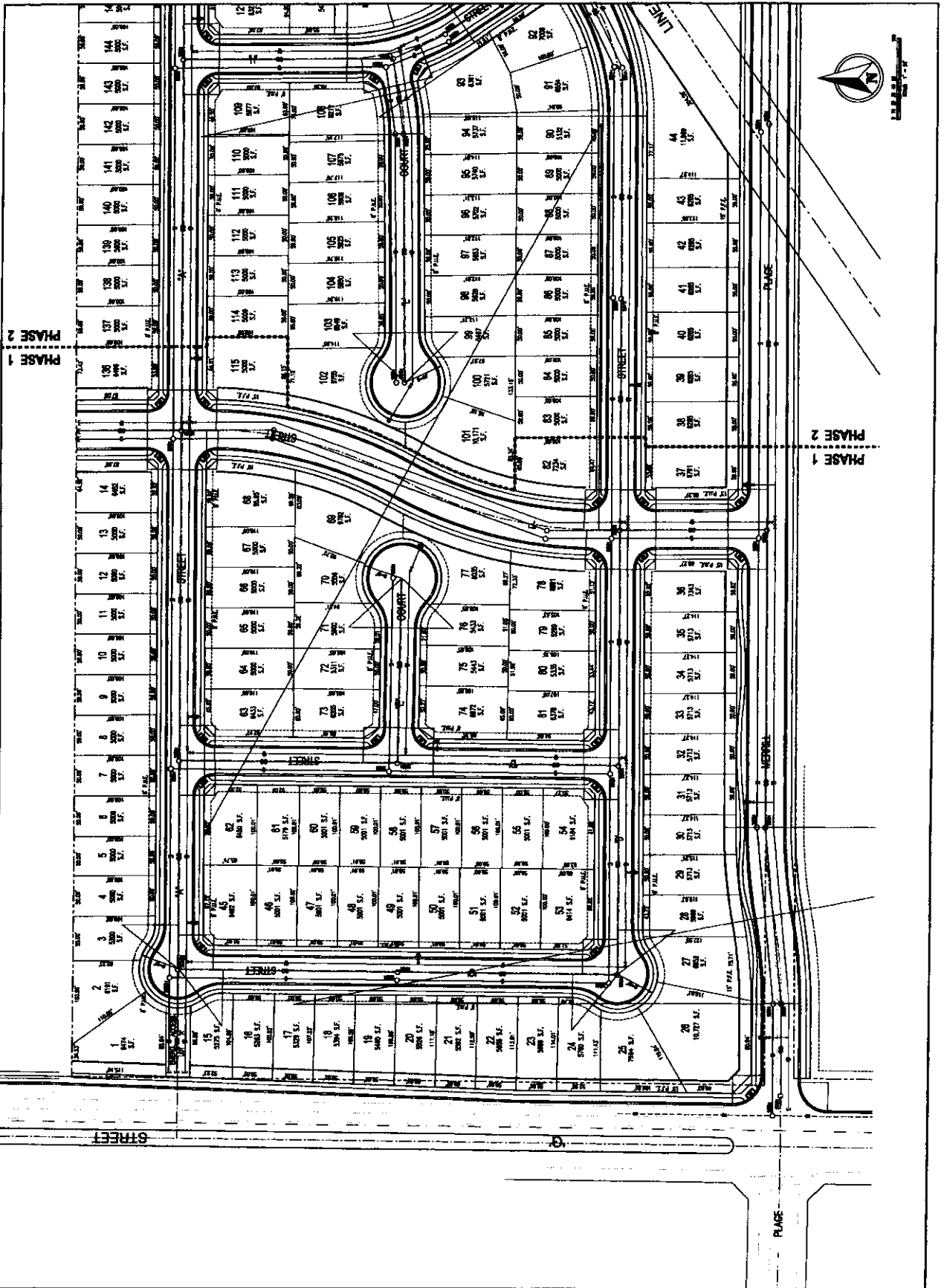
**MODIFIED VESTING TENTATIVE SUBDIVISION MAP FOR  
 BRIGHT DEVELOPMENT  
 PORTION SECTIONS 8 & 17 S, R 14 E, M 2 B A M**

**GOLDEN VALLEY  
 ATTORNEY  
 10000 W. CENTRAL EXPRESS  
 SUITE 100  
 WESTLAKE, CALIFORNIA 91369  
 TEL: (818) 770-8800  
 FAX: (818) 770-8801**

**BRIGHT DEVELOPMENT  
 14201 W. CENTRAL EXP. SUITE 100  
 WESTLAKE, CALIFORNIA 91369  
 TEL: (818) 770-8800  
 FAX: (818) 770-8801**

DATE: 10/03/18  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 IN CHARGE: [Name]

3

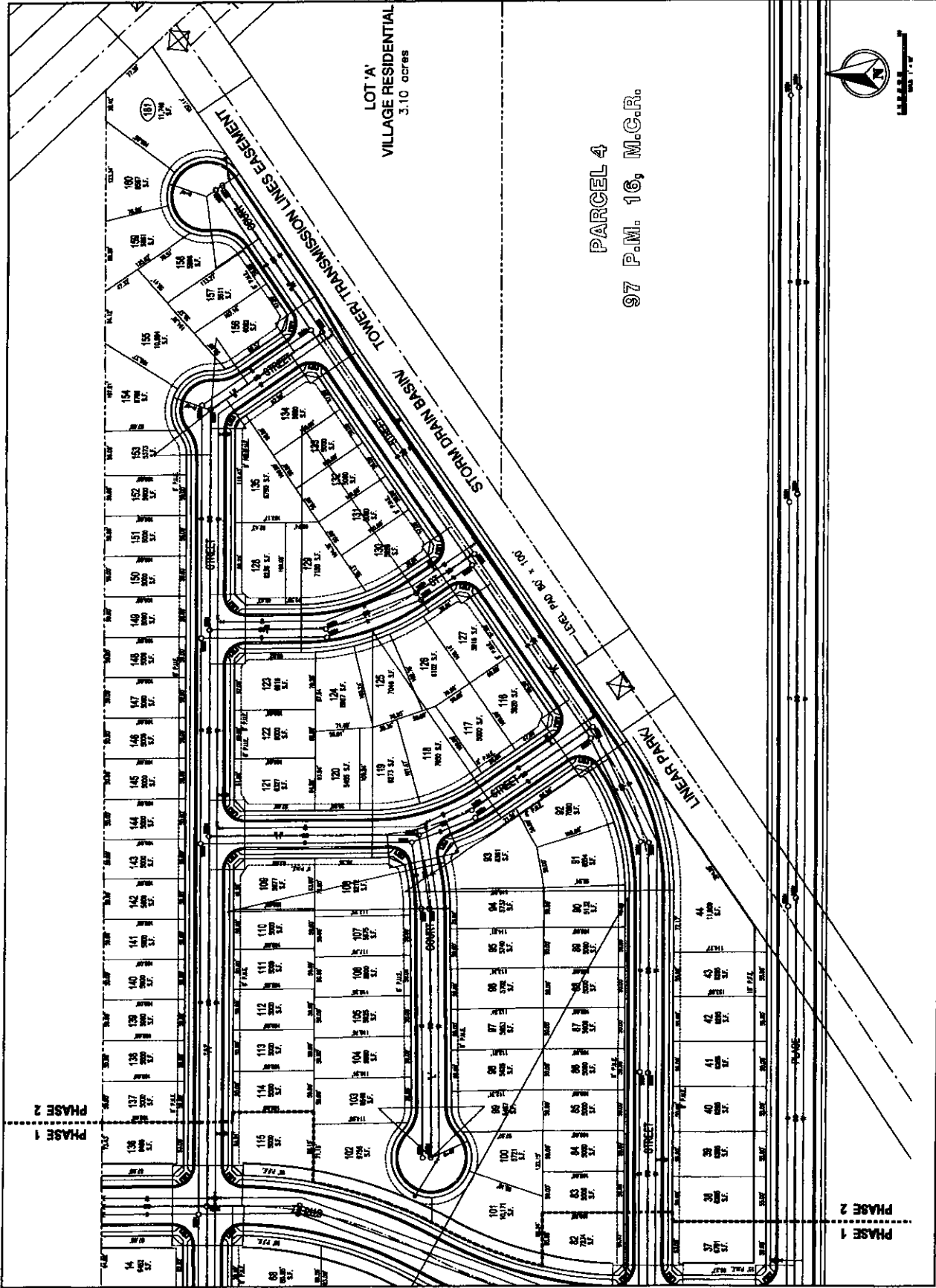


Modified Map Approved by the  
 Planning Commission October 3, 2018.

**GOLDEN VALLEY**  
 ENGINEERS & ARCHITECTS  
 1000 N. GARDEN ST., SUITE 200  
 ANAHEIM, CA 92805  
 TEL: (714) 771-1100  
 FAX: (714) 771-1101  
 WWW.GVENGINEERS.COM

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

PROJECT BY  
**BRIGHT DEVELOPMENT**  
 1000 N. GARDEN ST., SUITE 200  
 ANAHEIM, CA 92805  
 TEL: (714) 771-1100  
 FAX: (714) 771-1101  
 WWW.BRIGHTDEV.COM





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

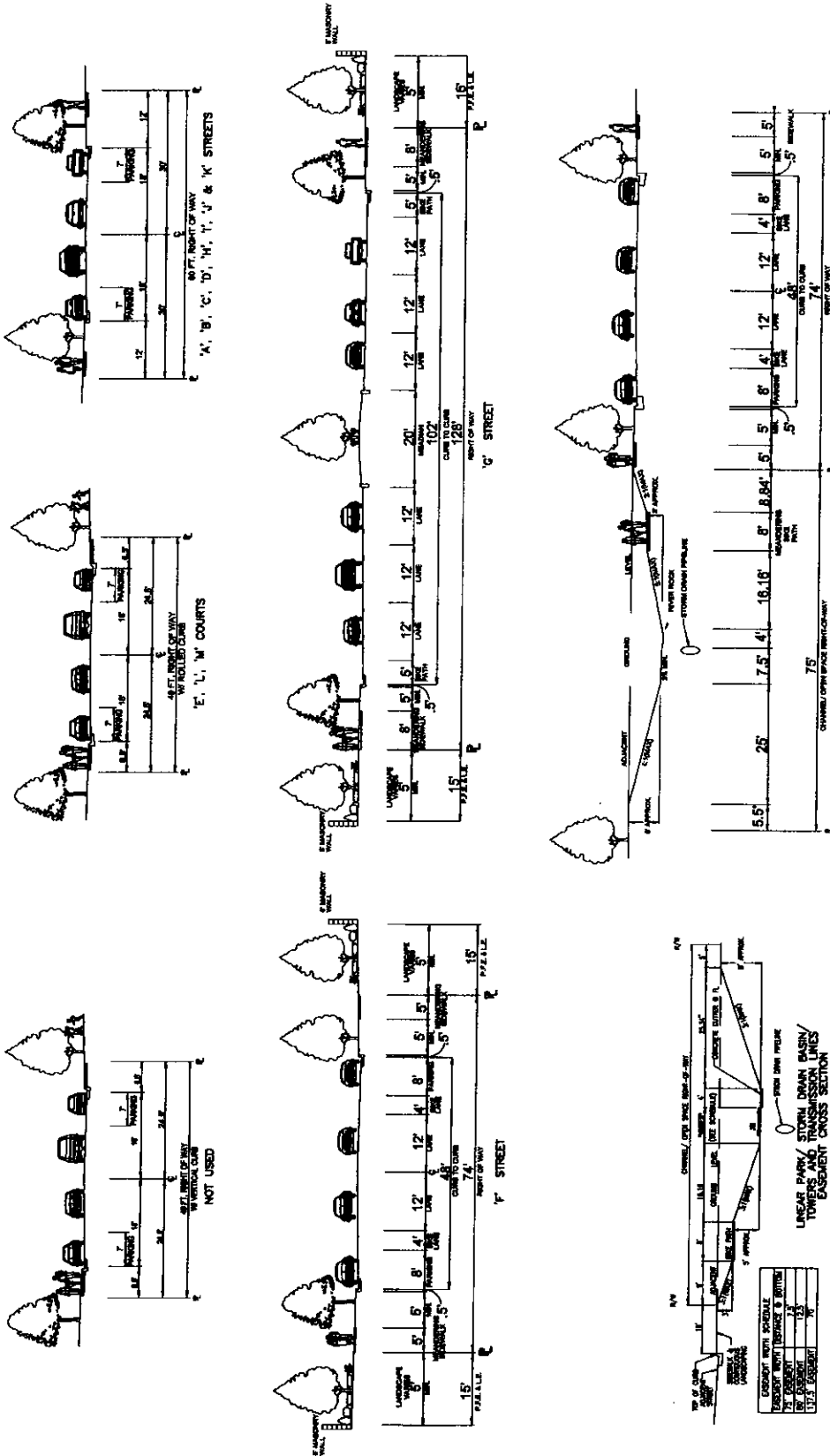
**GOLDEN VALLEY**  
ENGINEERING & SURVEYING  
22250 E. 11th Street, Suite 100  
Denver, CO 80231  
Tel: 303.751.1300  
Fax: 303.751.1301  
www.goldenvalleyeng.com

CALIFORNIA

**MODIFIED VESTING TENTATIVE SUBDIVISION MAP FOR  
BRIGHT DEVELOPMENT  
PORTION SECTION 5 & 17 S, R.14E, M.D.B.&M.**

NEEDED

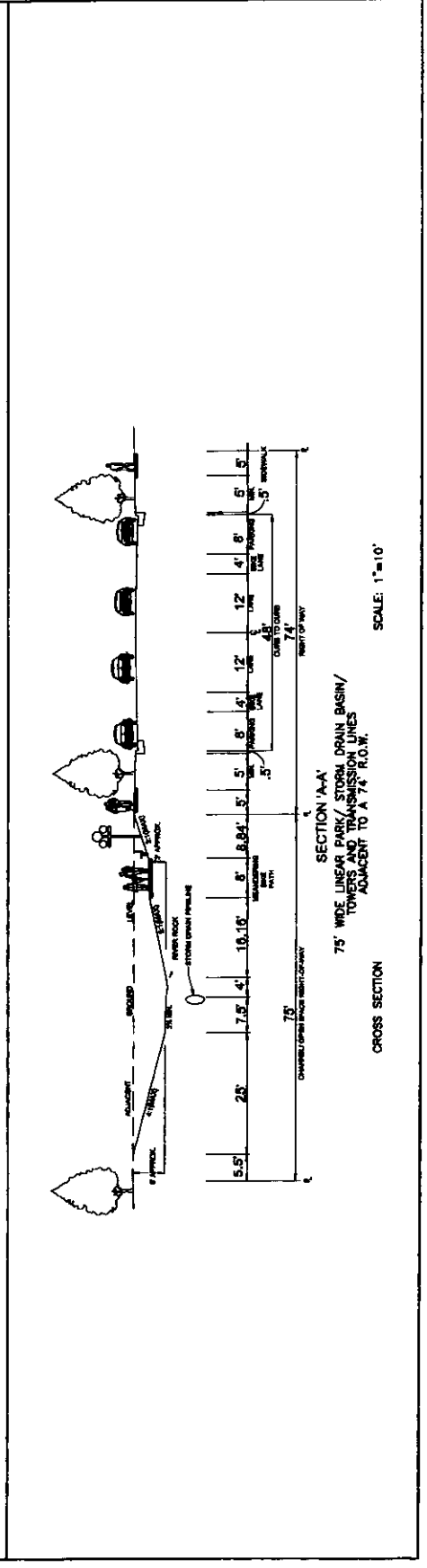
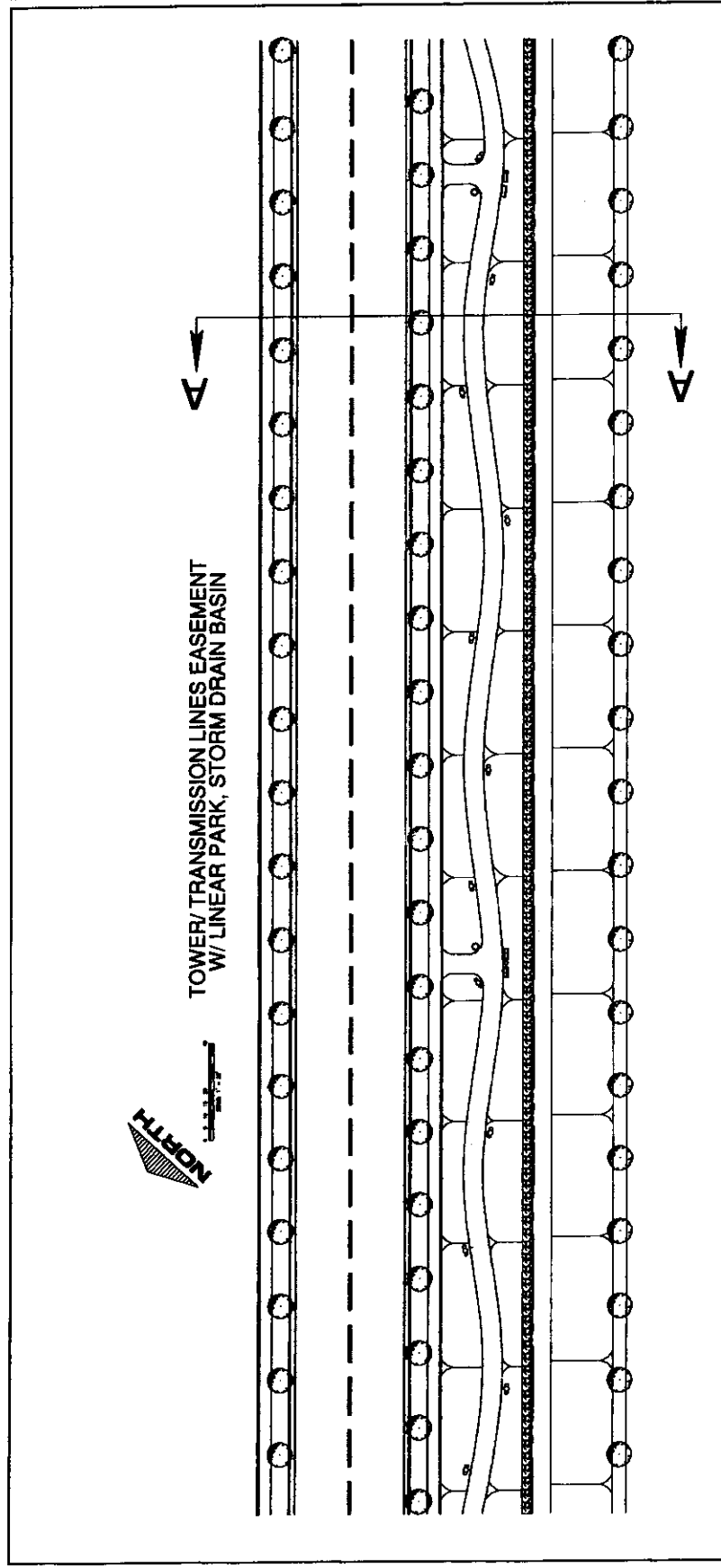
**BRIGHT DEVELOPMENT**  
1820 N. C. Street  
Mesa, AZ 85201  
Tel: 480.948.8888  
www.brightdevelopment.com



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

CONCRETE WITH GRANULAR	12"
ASBESTOS REMOVAL & ENTRY	12"
10% ASPHALT	12"
10% ASPHALT	12"
10% ASPHALT	12"

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



**MODIFIED VESTING TENTATIVE SUBDIVISION MAP FOR**  
**BRIGHT DEVELOPMENT**  
 PORTION SECTION 5 & 6, T7S, R14E, MDB&M  
 CALIFORNIA

SHEET NO. 6  
 SHEET TOTAL 6  
 DATE: 10/03/18  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT NO.: [Number]  
 CLIENT: [Name]  
 ADDRESS: [Address]  
 CITY: [City]  
 COUNTY: [County]  
 STATE: [State]

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 administrative report and attachments thereto, comments, testimony and other information and evidence presented during the public hearing and having considered the same, 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 administrative report and attachments thereto, comments, testimony, and other 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 fact, the project was reviewed by various City departments including the Engineering, Police, and Fire Departments and no health or safety concerns related to traffic, turning movements, the Emergency Vehicle Access, or any other matter was identified. In addition, there was no evidence submitted by technical professionals to support the dangerous health and safety finding set forth in Section 66498.1 as they related to traffic, turning movements, the Emergency Vehicle Access, or any other health and safety concerns raised at the public hearing. Finally, there was no evidence submitted that the denial is required to comply with state or federal law.