

**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

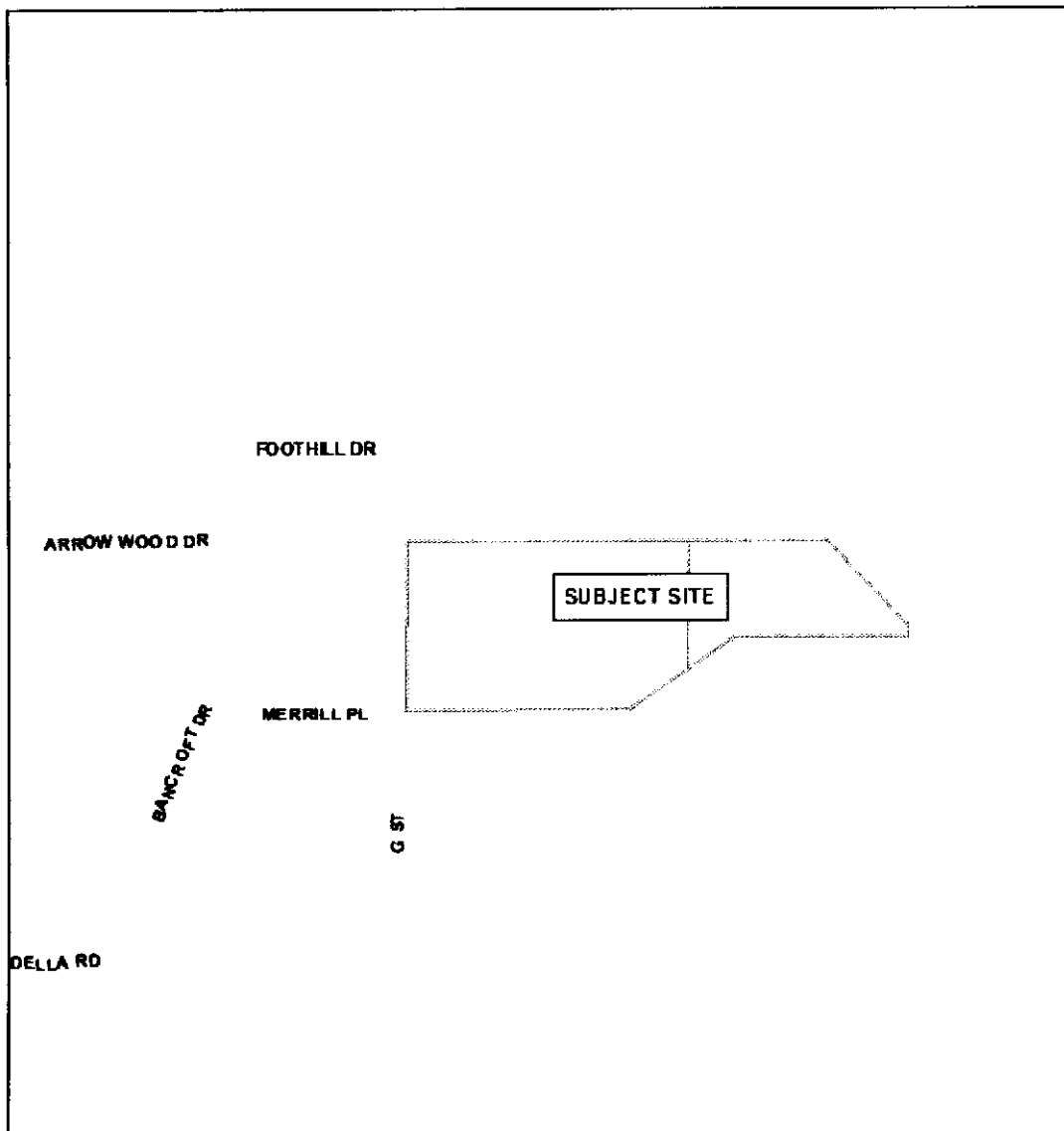
(SEAL)

APPROVED AS TO FORM:

Phaedra A. Doherty      7-23-19  
City Attorney      Date

**EXHIBIT A  
LEGAL DESCRIPTION**

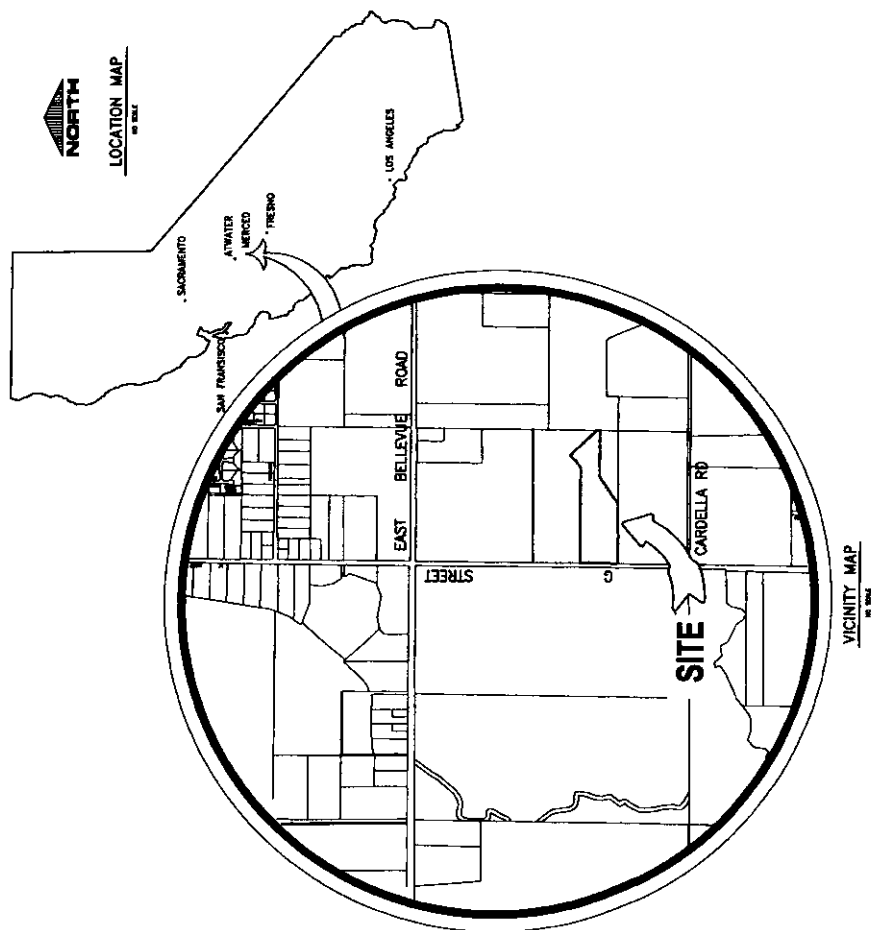
Lot 2 and a portion of Lot 3 as shown on that map entitled "Parcel Map for Benber Property," recorded in Book 97, Page 17 of Merced County Records on September 2, 2004; also known as Assessor's Parcel Number (APN) 060-030-037 and a portion of 060-030-038.



**EXHIBIT A**

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

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



**SUBDIVISION MAP NOTES:**

INFORMATION REQUIRED PER MERCED MUNICIPAL  
CODE SECTION 18.18.060

- [illegible]

**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 BASIN   |

**LEGEND:**

- [illegible]

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



**GOLDEN VALLEY**  
ENGINEERING & SURVEYING

1988 Year 1988 Street 902-04  
 P.O. Box 240  
 Portland, CA 95241  
 Tel: (509) 723-5300  
 Fax: (509) 723-5854

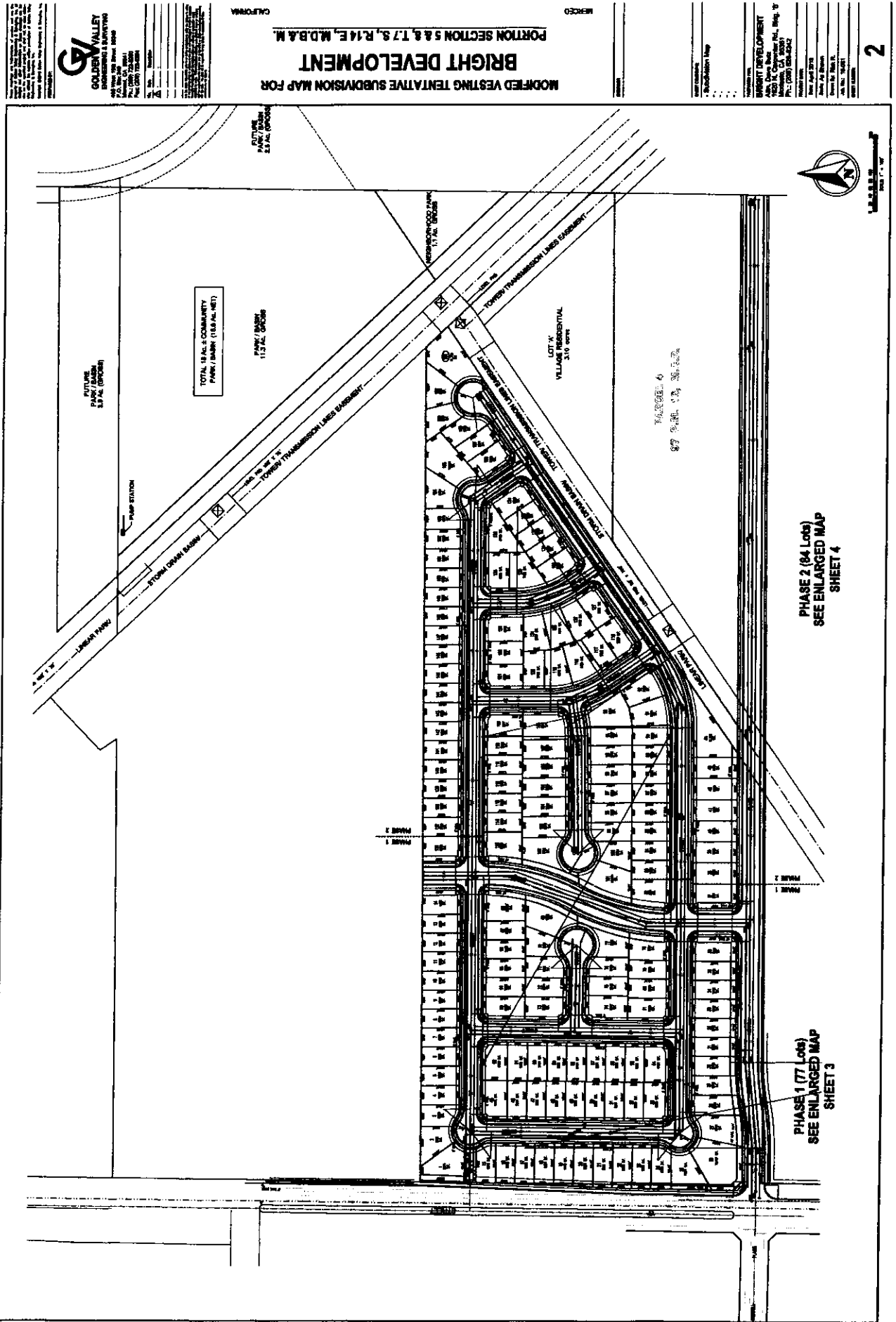
1990-1991

**CEANE**

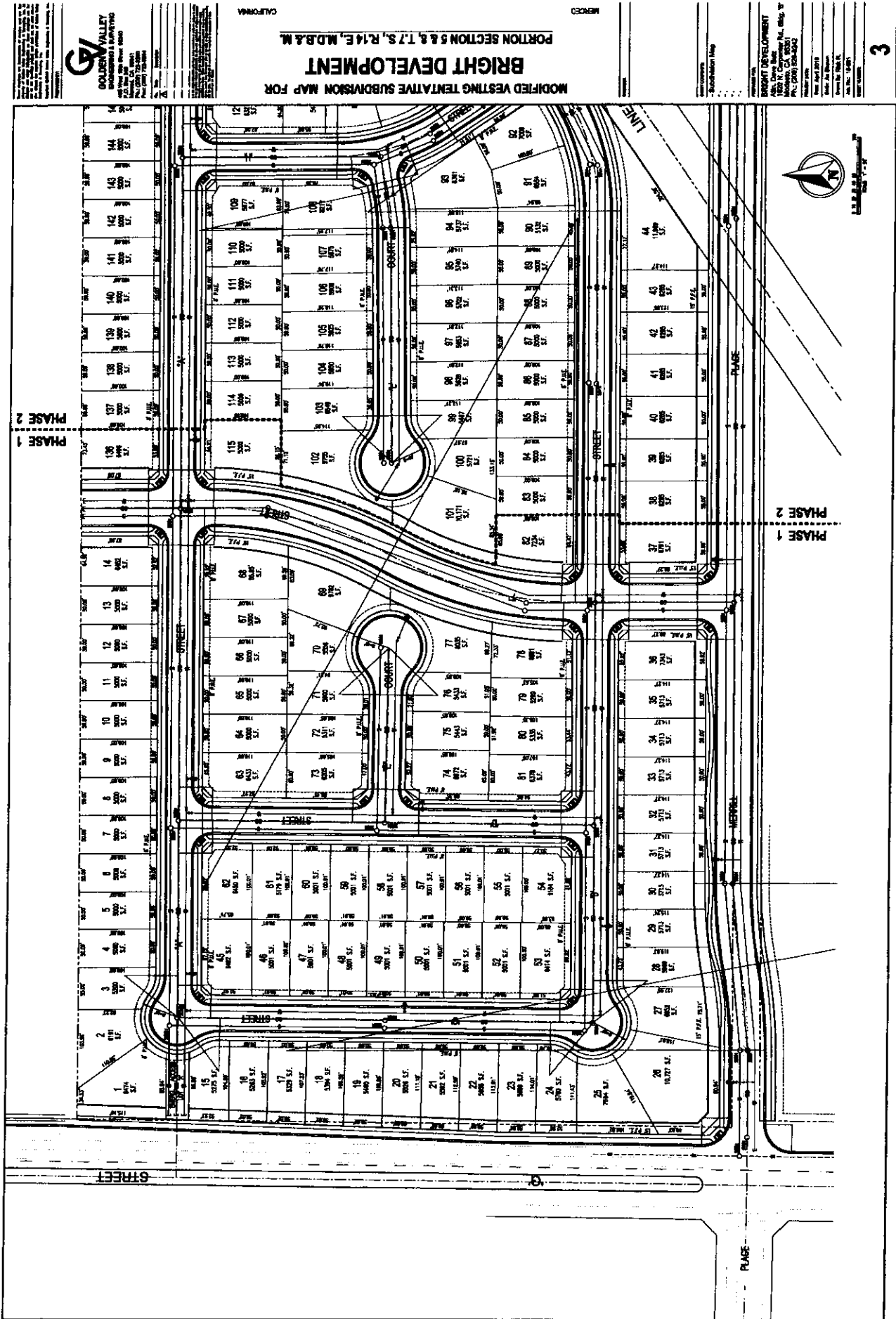
**BRIGHT DEVELOPMENT**  
 Alan Davis Ruiz  
 1820 N. Carpenter Rd., Ste. 1  
 Modesto, CA 95351  
 P: (209) 528-4242

**PROJECT NAME**  
 Date: April 2018  
 Name: Joe Williams  
 Design by: Frank R.  
 Art. No.: 18-021  
 Survey Station:

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



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



GOLDEN VALLEY  
ATTORNEY  
1000 E. 10th Street, Suite 100  
P.O. Box 750000  
Phoenix, AZ 85075-0000  
Phone: (602) 750-0000  
Fax: (602) 750-0001

CALIFORNIA

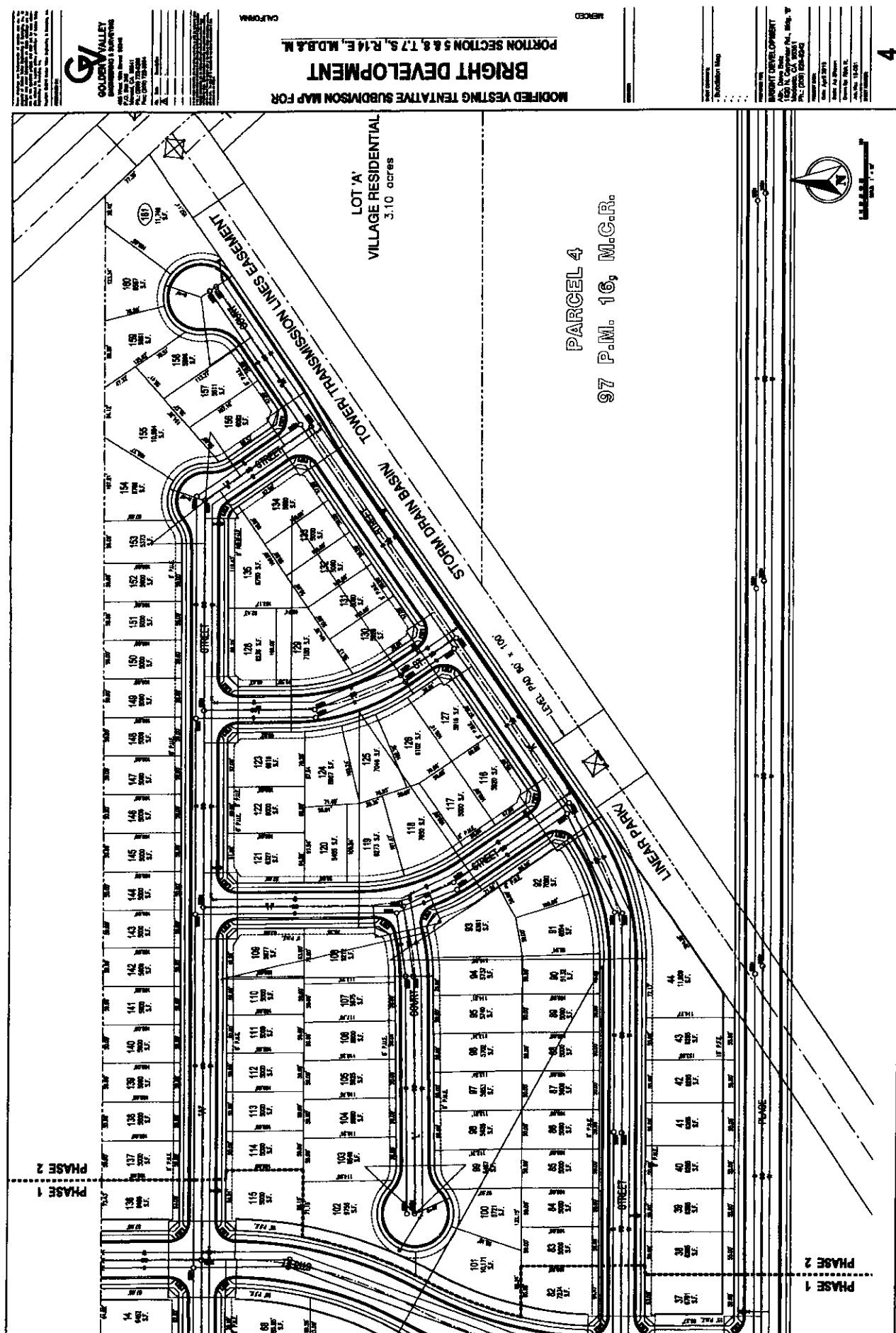
MODIFIED VESTING TENTATIVE SUBDIVISION MAP FOR  
BRIGHT DEVELOPMENT  
PORTON SECTIONS 5 & 8, T.7 S., R.14 E., M.D.B.A.M.

RECEIVED

RECEIVED  
SUBDIVISION MAP

BRIGHT DEVELOPMENT  
1000 E. 10th Street, Suite 100  
P.O. Box 750000  
Phoenix, AZ 85075-0000  
Phone: (602) 750-0000  
Fax: (602) 750-0001

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





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

It is a common mistake to think that the only way to avoid the problems of the first two methods is to use a third method, the "method of the least squares." This method is also based on the assumption that the data are normally distributed. It is a common mistake to think that the only way to avoid the problems of the first two methods is to use a third method, the "method of the least squares." This method is also based on the assumption that the data are normally distributed.

**GV**  
**GOLDEN VALLEY**  
**ENGINEERING & SURVEYING**  
1000 West 10th Street, Suite 1000  
Wichita, KS 67202  
Tel: 316-262-1100  
Fax: 316-262-1101  
www.gveng.com

**72-896**  
**ALABAMA, CO 00041**  
**P. 0000 720-0000**  
**FAC 0000 720-0000**

**CALIFORNIA**

**BRIGHT DEVELOPMENT**  
PORTION SECTION 5 & 8, T7S., R14E., MD.B.A.M.

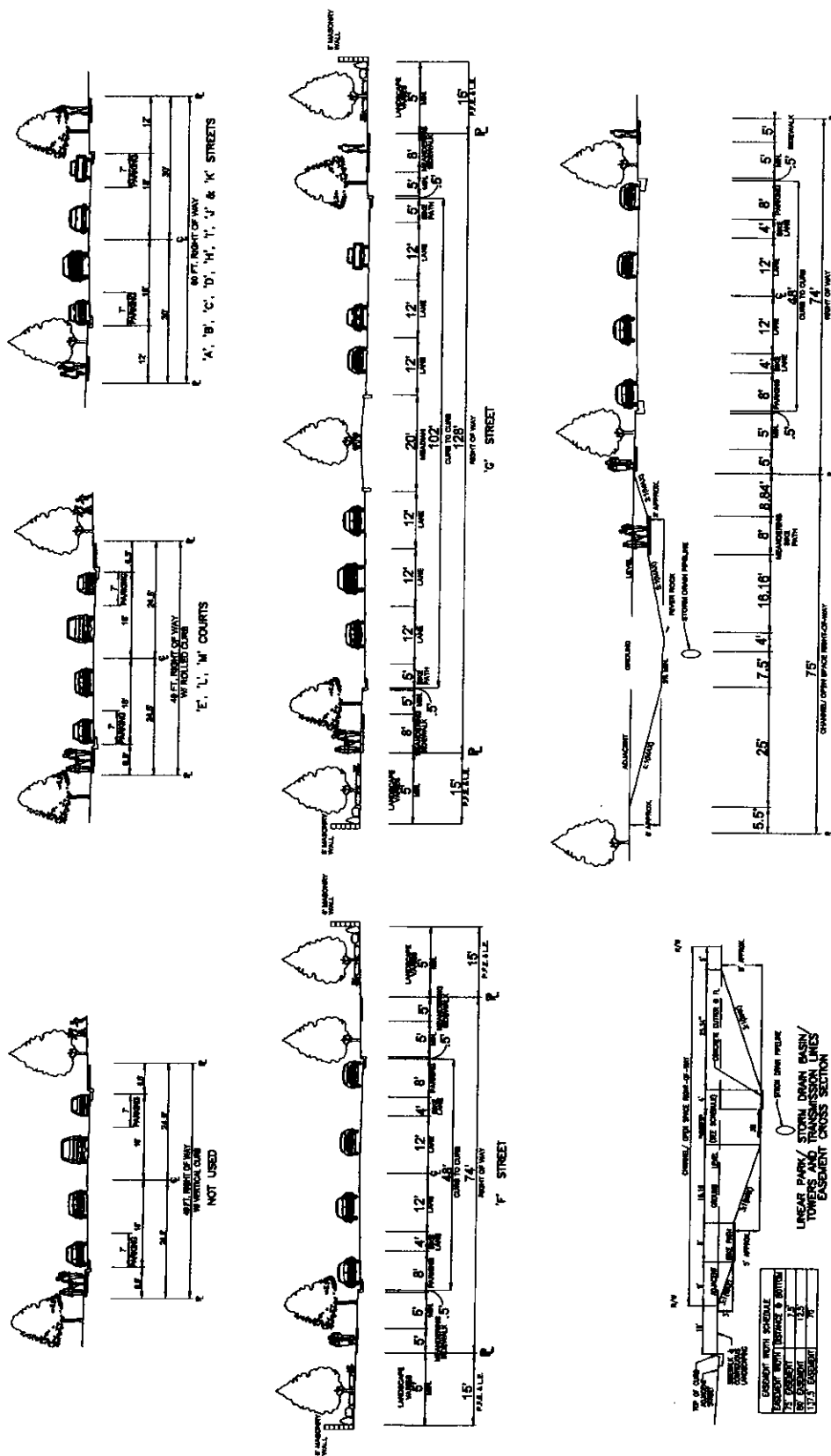
**RECEIVED**

Street Section

**BRIGHT DEVELOPMENT**  
Attn: Dave Butz  
620 N. Carpenter Rd., Bldg. W  
Folsom, CA 95635  
Ph: (209) 828-8242

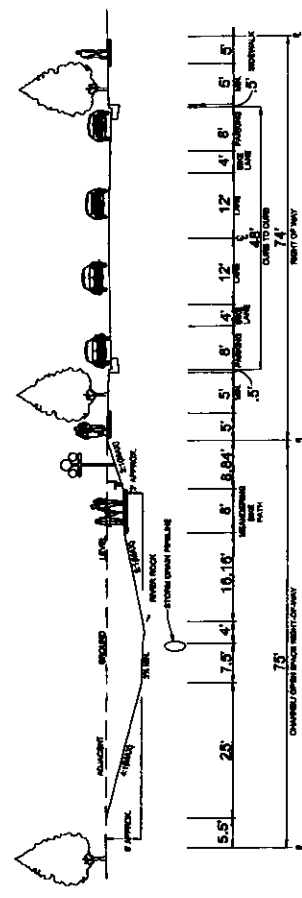
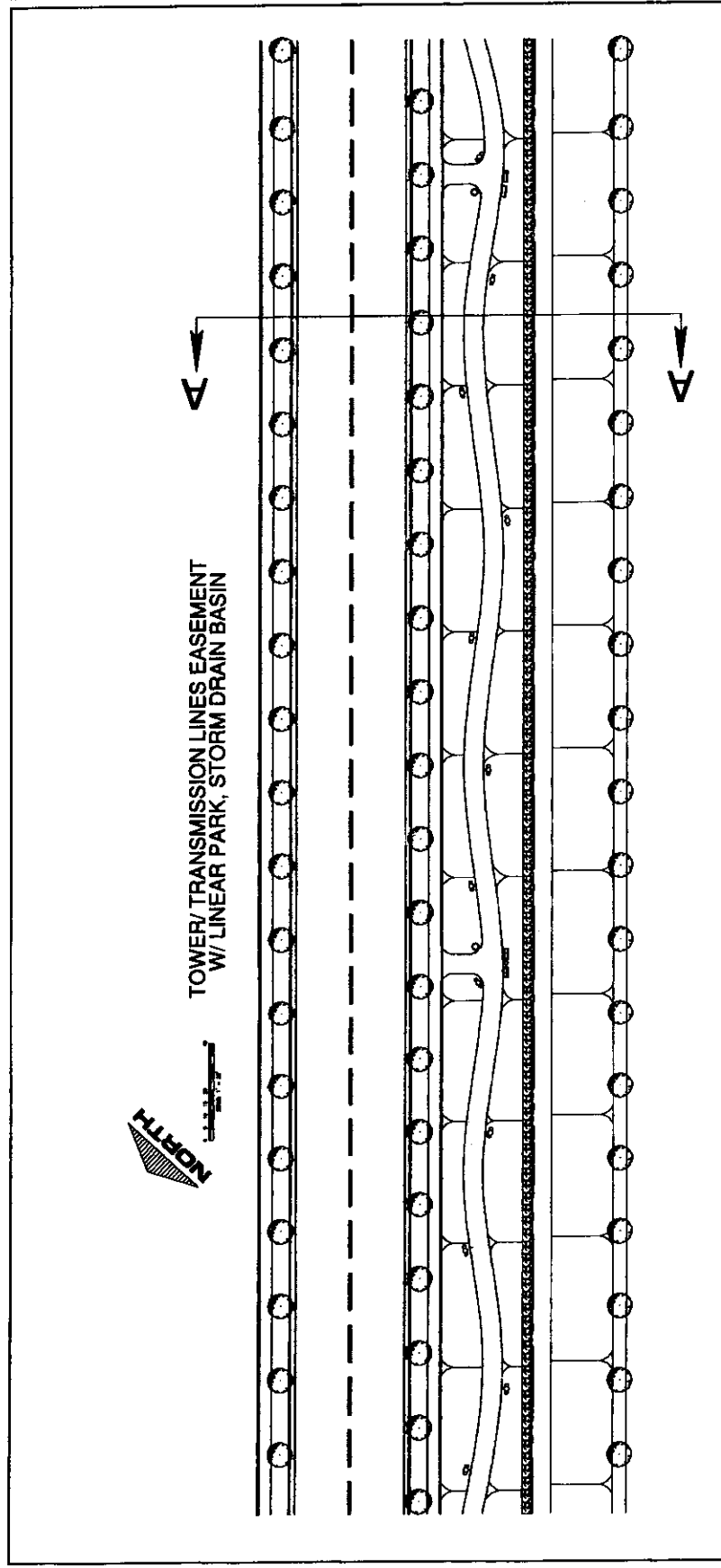
**POLYMER**  
**Date April 2018**  
**Issue Apr Suppn**  
**Cover by Nick R.**  
**Vol. No. 18-071**  
**Page 69**

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SECTION 'A-A'

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



SECTION A-A'  
75' WIDE LINEAR PARK/STORM DRAIN BASIN/  
TOWER/TRANSMISSION LINES  
ADJACENT TO A 14' R.O.W.  
CROSS SECTION  
SCALE: 1"=10'

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

**GOLDER VALLEY**  
ENGINEERING & SURVEYING  
225 N. 1st Street, Suite 200  
P.O. Box 1000  
Tulsa, Oklahoma 74101  
Tel: 918.596.1234  
Fax: 918.596.1235  
www.goldervalley.com

**6**

**PROJECT DATA**  
• Transmission Line Easement  
• Park Basin

**BRIGHT DEVELOPMENT**  
1000 N. 1st Street  
Tulsa, Oklahoma 74101  
Tel: 918.596.1234  
Fax: 918.596.1235  
www.goldervalley.com

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.