



Legislation Details (With Text)

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On agenda:	1/16/2024	Final action:	1/16/2024		

Title: SUBJECT: Continued Public Hearing to Consider General Plan Amendment #17-02 and Site Utilization Plan Revision #12 to Planned Development (P-D) #42, Initiated by Benchmark Engineering, on Behalf of Bellevue Merced, LLC, Baxter Ranches, LLC, and Stonefield Home, Inc., the General Plan Amendment and Site Utilization Plan Revision Would Amend the Land Use Designation for Approximately 156 Acres of Land Within the Bellevue Ranch Master Development Plan (BRMDP) Area. The Site Utilization Plan Revision Would Also Amend Table 6.1 of the BRMDP Related to Required Roadway Improvements and the Timing of Said Improvements. This Property is Generally Bounded by the City Limit Line to the North, Cardella Road to the South, G Street to the East, and the City Limit Line to the West

REPORT IN BRIEF

Request for City Council approval of a General Plan Amendment and Site Utilization Plan Revision amending the land use designations for approximately 156 acres of land within the Bellevue Ranch Master Development Plan (BRMDP) and the modification of Table 6.1 of the BRMDP related to required improvements and the timing of those improvements.

RECOMMENDATION

City Council - Adopt a motion:

- A. Adopting Resolution 2024-09, A Resolution of the City Council of the City of Merced, California, Approving an Addendum to the Merced Vision 2030 General Plan EIR for General Plan Amendment #17-02 and Site Utilization Plan Revision #12 to Planned Development (P-D) #42 to amend the land use designations for approximately 156 acres of land within the Bellevue Ranch Master Development Plan (BRMDP) area and amend Table 6.1 of the BRMDP and approving General Plan Amendment #17-02 for the same approximately 156 acres of land within the BRMDP Area; and,
- B. Introducing Ordinance 2559, An Ordinance of the City Council of the City of Merced, California, approving Site Utilization Plan Revision #12 to Planned Development (P-D) #42 changing the land use designation for approximately 156 acres of land within the Bellevue Ranch Master Development Plan (BRMDP) area and amending Table 6.1 of the BRMDP; and,
- C. Authorizing the City Manager to execute the Legislative Action Agreements.

Sponsors:

Indexes:

Code sections:

Attachments: 1. BRMDP Area Map, 2. Map of Affected Areas, 3. Wetland Delineation Map, 4. VTSM #1213, 5. VTSM #1280, 6. Map & Table of Proposed Changes, 7. Table 6-1 Modifications.pdf, 8. Changes to Table 6.1, 9. Map of roadway changes, 10. Conceptual Affordable Housing Sites, 11. Map of Parks/Open Space, 12. Park Acreage Table, 13. Public Comment.pdf, 14. Planning Commission Staff Rept #23-979.pdf, 15. Planning Commission Staff Report 23-1081 PC 12-6-23.pdf, 16. Planning Commission Resolution #4125 GPA 17-02 & SUP Rev #12 to P-D #42_Amended.pdf, 17. Environmental Review, 18. City Council Resolution 2024-09, 19. Ordinance 2559, 20. Legislative Action Agreement – Bellevue Merced, LLC, 21. Legislative Action Agreement – Baxter Ranches, LLC, 22. Legislative Action Agreement – Stonefield Home, Inc., 23. Presentation.pdf

Date	Ver.	Action By	Action	Result
1/16/2024	1	City Council/Public Finance and Economic Development Authority/Parking Authority	approved	Pass

Report Prepared by: Julie Nelson, Senior Planner, Development Services Department

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- C. Authorizing the City Manager to execute the Legislative Action Agreements.

ALTERNATIVES

- 1. Approve as recommended by the Planning Commission and staff; or,
- 2. Approve subject to modifications as conditions by City Council; or,
- 3. Deny; or
- 4. Refer back to staff for reconsideration of specific items (to be addressed in the motion); or,
- 5. Continue to a future meeting (date and time to be specified in the motion).

AUTHORITY

Title 19 of the Merced Municipal Code outlines environmental review procedures and California Government Code Section 65358(a) grants authority to amend all or part of an adopted General Plan. Merced Municipal Code Section 20.80 and 20.82 outlines procedures for zone changes and General Plan Amendments.

DISCUSSION

Project Location and Overview

The project site is located within the Bellevue Ranch Master Development Plan (BRMDP) area, generally bounded by the City Limits to the north and west, G Street to the east and Cardella Road to the south (Attachment 1). The BRMDP divided the development area into three sections according to ownership at the time the plan was development (Areas 1, 2, 3, and 4). These areas are now known as Bellevue Ranch East (BRE), Bellevue Ranch West (BRW), and Bellevue Ranch North (BRN) (refer to the map at Attachment 1 for the boundaries of each area).

The applicant is requesting a General Plan Amendment and Site Utilization Plan Revision for approximately 156 acres of land within the BRMDP area. The General Plan Amendment and Site Utilization Plan revision would change the land use designations for all or portions of 21 Villages and Lots within the BRMDP area. The map at Attachment 2 shows the areas proposed to be changed. The Site Utilization Plan Revision also includes changes to Table 6.1 of the BRMDP regarding roadway improvements and the timing of said improvements.

The proposed changes are a result of biological issues (wetland areas) being identified within the BRMDP area north of Bellevue Road. The identification of the biologically sensitive areas preclude development within much of the Bellevue Ranch North area. These areas must be preserved as open space along with a buffer area around the sensitive land. A wetland delineation map was prepared to show the sensitive areas (refer to the map at Attachment 3).

Background

The Bellevue Ranch Master Development Plan (BRMDP) was adopted in 1995. The Plan provides guidance on the development of over 1,300 acres of land. The Plan's concept is to develop a mixed-use development that would include single-family, multi-family, and commercial uses as well as schools, parks, and fire stations. The BRMDP divided the development area into three areas according to ownership at the time the plan was developed (Areas 1, 2, 3, and 4). These areas are now known as Bellevue Ranch East (BRE), Bellevue Ranch West (BRW), and Bellevue Ranch North (BRN) (refer to the map at Attachment 1 for the boundaries of each area). The BRMDP identified development areas by villages and in some cases, lots. The BRMDP shows a range for the number of residential units expected to be developed within the plan area. The range for single-family dwellings was between 4,084 and 4,979. The range for multi-family dwellings is between 759 and 1,669 units. This would provide a total range for residential units within the BRMDP of 4,843 to 6,648 units. The original master developers had planned to construct approximately 6,600 units in order to help pay for the infrastructure required within the BRMDP area.

The original Tentative Subdivision Map (TSM #1213) for Bellevue Ranch East and West is provided at Attachment 4 and shows the original design of these areas. Through the years, there have been changes made to the original design to accommodate needs that were not anticipated when the BRMDP was originally developed. These changes are not reflected on the Tentative Map at

Attachment 4. One of these changes was the relocation of the high school site from the northeast corner of Cardella Road and M Street to the current location of the El Capitan High School, north of Bellevue Road and Farmland Avenue and G Street.

The Bellevue Ranch North (BRN) area also identified the different development areas by villages and lots. A large lot tentative subdivision map (TSM #1280) was approved in 2006 and modified in 2022 (refer to the modified map at Attachment 5). This map shows the villages and lots as they are proposed to be developed today. The modifications made in 2022, reflect the changes necessary to accommodate the biological areas identified as being undevelopable.

Development within the Bellevue Ranch area began in the late 1990's and early 2000's with homes being constructed in the Bellevue Ranch East section of the master plan area. To date, the single-family residential areas have been completed within the BRE area providing approximately 1,015 single family homes. There remains vacant area for multi-family and commercial development.

Most of the Bellevue Ranch West (BRW) area has also been developed or is approved for development, with the exception of Villages 18B, 19, 21, 22 A & B, and the R Street site referred to as Lot F on the original tentative map for Bellevue Ranch (TSM #1213 - Attachment 4). Under the current land use designations, BRW would provide a total of 1,267 single family dwellings and approximately 340 multi-family units. There is also approximately 312,000 square feet of commercial uses designated for the BRW area.

Prior to Bellevue Ranch North being developed, a biological assessment was required. This assessment found areas of wetlands with sensitive biological species. Because of this, much of the Bellevue Ranch North area cannot be developed. The map at Attachment 3 shows the areas identified as avoidance areas due to biological habitat. Due to the avoidance areas, the number of dwelling units that could be developed was reduced by approximately 1,500 units. This reduction is the catalyst for the proposed General Plan Amendment and Site Utilization Plan Revision. It should also be noted that as a result of the biological constraints identified on the map, Old Lake Road would not be able to be extended as originally proposed. A new alignment would have to be determined in the future to avoid this area. Due to the wetlands south of the current alignment of Old Lake Road, the new alignment would need to move the road to the north. In order to provide a connection to Highway 59, Nevada Street (currently a county road that runs east of Highway 59) would be extended east to M Street (extended).

Changes to Acreage

After the Planning Commission action on November 8, 2023, it was discovered that the acreage used to describe the project was incorrect. The Planning Commission public hearing notice and staff report stated that the proposed land use changes would affect approximately 239 acres. This acreage was also used in the environmental document. As staff prepared for the City Council's action on this matter, it was discovered that the actual acreage being affected by the proposed land use changes was approximately 156 acres. The difference in the acreage was due to the acreage used to describe a change to a lot or village was the entire acreage of that lot or village, not just the area affected by the change. For instance, in Village 34 at the northwest corner of the BRMDP, the entire Village (Village 34 A & B) consists of 35.54 acres, but the proposed land use change would only affect 9.42 acres. In addition, the acreage used in the exhibits provided to the Planning Commission reflected the gross acreage of the village or lot proposed to be changed. The difference in the affected acres does not affect the number of units that could be built within the BRMDP area.

The unit count was based on the entire village and not just the area proposed for change. The new exhibit provided at Attachment 6 reflects net acreage after allowing for a loss of land for streets, etc. Therefore, the City Council’s action would be to consider the changes to 156 acres rather than 239 acres. On December 6, 2023, the Planning Commission took action to amend Resolution #4125 to reflect the correction acreage (additional details are provided below under “Planning Commission Action”). The amended resolution is provided at Attachment 16.

Project Description & Findings

The proposed General Plan Amendment and Site Utilization Plan land use changes would allow for the development of housing, including a percentage of affordable housing, in areas not currently designated for residential uses. The land use changes also include changes in density for some areas currently designated for residential uses and the change to park/open space for the areas affected by the biological issues. The map and Table at Attachment 6 identify the areas to be changed along with the current General Plan land use designation, the proposed General Plan land use designation, and the proposed Site Utilization Plan land use designation.

The loss of developable land in the Bellevue Ranch North area significantly reduced the number of housing units that could be developed within the BRMDP area. Under the original plan, the Bellevue Ranch North (BRN) area would have over 3,300 housing units. The land lost to development due to the biological issues reduces the number of units that can be constructed in the BRN area to 1,814 units (a reduction in over 1,500 units). The table below shows the changes to the number of units by area (BRE, BRW, and BRN) between the approved BRMDP and the number of units proposed with the changes and existing units. The unit number includes both single-family and multi-family.

Area	Approved BRMDP	Proposed & Existing Units	Difference
BRE	1,375	1,429	+54
BRW	1,982	1,829	-153
BRN	3,305	1,814	-1,491
Total			-1,590

Along with the land use changes requested, the applicant is requesting modifications to Table 6.1 of the BRMDP (Attachment 7 - proposed changes shown in green). Table 6.1 of the BRMDP identifies the phasing of major infrastructure required with each village within the BRMDP area. The infrastructure phasing is only directed toward regional improvements such as arterial roads, intersection signalization, bridges, sewer lift stations, and water wells. Each village is responsible for the infrastructure within the villages, such as interior roads, utilities, etc. Some villages are also responsible for the installation of regional improvements such as arterial roads and bridges. The table is divided into 5 columns: Sub-phase (Village), Contiguous Improvements, Non-Contiguous Improvements, Interior Improvements, and Villages Able to Construct Out of Sequence with This Sub-Phase. The table at Attachment 8 is an overview of the proposed changes to Table 6.1.

The changes proposed for Table 6.1 would incorporate a North Merced Roadway Improvement Impact Fee (NMMRIIF) that would be assessed on certain construction within the BRMDP area to help pay for major roadway improvements. The changes also identify the improvements that are eligible for reimbursement/credit through the City’s Public Facilities Financing Program (PFFP) and

the improvements that would be made as part of a City Capital Improvement Project. Additionally, as a result of the wetland areas, there are two bridges proposed to be eliminated as well as the extension of Old Lake Road, west of G Street (refer to the map at Attachment 9). The applicant had a traffic study prepared with this request to determine the current and future infrastructure needs based on current conditions and the proposed land use changes. The study revealed that due to the decrease in the number of units within the BRMDP area certain improvements were not warranted as required by Table 6.1. Therefore, the requested update would modify the timing of these improvements as determined by the traffic analysis.

General Plan Compliance

The proposed General Plan and Site Utilization Plan Revision land use changes are shown on the map and table at Attachment 6. The project would comply with the proposed General Plan and Site Utilization Plan land use designations if the requested General Plan Amendment and Site Utilization Plan Revision are approved.

The proposed land use changes also help provide areas for affordable housing potentially for homeownership rather than apartments for rent.

Because the proposed changes would allow more housing units to be constructed than would currently be allowed due to the biological constraints in the Bellevue Ranch North area, the proposed General Plan Amendment and Site Utilization Plan Revision would achieve several General Plan Goals and Policies related to housing. These goals and policies are described in Finding D of Planning Commission Resolution #4125 at Attachment 16.

General Plan - Urban Village Concept

The Urban Village Concept is the growth concept the City's General Plan has been based on for many years. This concept is based on mixed-use, pedestrian and transit-friendly design principles. The BRMDP was based on this concept and the concept can clearly be seen when looking at the design of the BRMDP (i.e., the wagon wheel design at Bellevue Road and M Street and at the north end of Bellevue Ranch north).

Although the BRMDP was based on the Village Concept, the plan also realized that it may be necessary to make changes to the plan to accommodate specific needs in the future. Section 2.4 of the BRMDP describes the design of the commercial areas as being part of the Village core areas as described in the Village Concept. However, this section also states that "If necessary, these commercial areas may be redesignated to residential, or office uses in the future."

The proposed change for Villages 21A & B (the southwest corner of M Street and Bellevue Road) would change the land use designation from Regional/Community Commercial to Low-Medium Density Residential. It should be noted that there would still be approximately 21 acres of land at the southeast corner of M Street and Bellevue Road that would have a Regional/Community Commercial land use designation and would provide a large number of commercial uses to the area. In addition, there is an approximately 8-acre Neighborhood Commercial site at the southeast corner of M Street and Cardella Road that would provide commercial uses for the area. North of Bellevue Road is approximately 23 acres of land designated as Commercial Office and at the north end of the BRMDP area, is an additional 13 acres of land (Village 35A) designated for Neighborhood Commercial uses. In addition to the commercial land use designations that would remain unchanged in the BRMDP

area, the city is currently processing several annexations near the UC Merced campus that would include commercial uses, as well as the Rogina Annexation directly north of the BRMDP area that would include a Neighborhood Commercial area. With the future improvements to Bellevue Road and the future transit system envisioned by the Bellevue Corridor Community Plan, the area near the UC Merced Campus would be easily accessible by alternative transportation. There is also commercial development at the corner of Yosemite and G Street that is easily accessible to the BRE and BRW areas.

Based on the discussion above, the change of the Regional/Community Commercial land use designation for Villages 21 A & in Bellevue Ranch West, would not violate the Village Concept of the General Plan or the BRMDP. In addition, the change would allow for much needed housing and the possibility of affordable single-family housing in this area.

Affordable Housing

The BRMDP Environmental Impact Report (EIR) includes a mitigation measure that requires a total of 17.31% of all the units within the BRMDP area to be affordable. This requirement is substantially more than the RHNA Production Policy recently amended by the City Council which required 5% of all units to be affordable when a development is subject to a Pre-Annexation Development Agreement, Development Agreement, or Legislative Action Agreement. The table below shows the affordable housing obligations by income level based on the range of total units proposed by the BRMDP.

Income Level	% of Project Housing
Very Low	4.33%
Low	6.63%
Moderate	6.35%
Total	17.31%

The obligation for affordable housing applies to the entire BRMDP area. However, the previous developers chose to defer the majority of the affordable housing development to a later time. Unfortunately, with the economic downturn in the early 2000's, the original developers abandoned the development, and the majority of the affordable housing was never constructed. The exception was an 81-unit moderate-income subdivision at the northeast corner of M Street and Cardella Road, and an apartment project that was developed off-site to satisfy a portion of the affordable housing requirements. The apartment project was the Gateway Terrace Apartment complex at 410 Leshner Drive in Merced. This complex provides 66 affordable housing units. This development was part of the obligation of the BRE area.

The current developer is aware of the affordable housing required by the mitigation measure for the areas he is developing in the BRW and BRN areas. Based on the total number of units proposed for BRW and BRN, with the proposed land use changes, the total number of units constructed (single- and multi-family) would be 2,793. Based on the EIR mitigation measure, 485 affordable housing units would be required to satisfy the mitigation measure requirements. The developer has conceptually planned to provide affordable housing in the villages shown on the map at Attachment 10.

One of the proposed land use changes is to change Villages 21A and B from Regional/Community Commercial to Low-Medium Density Residential. This change would allow for the development of approximately 60 zero-lot line townhomes that would be affordable to the moderate-income levels. This development would provide an opportunity for homeownership of these units. In addition, there would be an affordable component included in the multi-family developments within the areas designated as High-Medium Density (HMD) Residential which will incorporate low- and very low-income levels.

No Net Loss

Per California Government Code 65863, when a land use is proposed to be changed from residential to a non-residential land use or the density of the site is reduced, the City must demonstrate that sufficient residentially zoned land remains available to meet the City’s Regional Housing Needs Allocation (RHNA). According to Table 9.4.2 of the City’s current Housing Element (adopted in 2016), the City has a total of 2,768 acres of planned residential vacant land within its limits. When analyzing sites that would accommodate the RHNA, the City considered those sites that would allow a minimum of 20 dwelling units per acre. These include land that has a General Plan designation of High-Medium Density (HMD) (allows 12-24 dwelling units/acre) and Village Residential (allows a minimum of 10 dwelling units/acre for an overall average of 30 dwelling units/acre). Villages 22 A and B are currently designated for High-Medium Density Residential (12-24 units/acre). These parcels were included in the City’s Housing Element as sites to meet the RHNA for affordable housing sites. Therefore, a change in land use, requires a finding of no net loss to confirm the City continues to have sufficient land zoned appropriately to meet the RHNA allocation.

The proposed General Plan Amendment and Site Utilization Plan Revision would change the land use designation for Villages 22 A and B (approximately 17 acres) from HMD Residential to Low-Medium Density (LMD) Residential (6-12 units/acre). While the change reduces the density for this site, there are other changes included in the project that would replace the sites lost through the proposed General Plan Amendment and Site Utilization Plan Revision. The Vacant Sites Analysis to accommodate the RHNA allocation for the City’s 5th Cycle Housing Element (2016 to 2024) estimated that Villages 22 A and B would provide a realistic capacity of 256 units. As shown in the table below, there are four villages that are proposed to be changed to allow for High Medium Density Residential (12-24 units/acre). If approved the General Plan Amendment and Site Utilization Plan revision would change the land use designation for 23.3 acres of land as shown in the table below which would off-set the loss of Villages 22 A and B. The villages listed in the table below would provide approximately 466 housing units. This would be approximately 55% more units than would have been provided in Villages 22 A and B.

Village	Acres	Current GP Designation	Proposed GP Designation
19 A & B	10.55	OS/PK	HMD
R St.	5.81	OS/PK	HMD
28B	6.94	LMD	HMD

Additionally, as described in Finding E above, a minimum of 17.3% of all the units built in Bellevue Ranch West and Bellevue Ranch North are required to be affordable. Therefore, a total of 485 affordable housing units would be provided throughout the development.

It should be noted that the City is currently working on the Multi-Jurisdictional Housing Element. As part of the update, sites are being identified to meet the new RHNA requirements for the 6th Housing Element Cycle (January 31, 2024, to January 31, 2032). In order to meet the RHNA, several sites would need to be rezoned to allow multi-family development. One of the sites identified that would need to be rezoned, if not approved with this project, is the R Street parcel (east side of R Street, south of Cardella Road).

Parks and Open Space

Section 4 of the BRMDP addresses Parks, Open Space, and Recreation. The amount of park land required was determined using the formula of 5 acres/1,000 population. Based on the original BRMDP, it was estimated that approximately 75 - 100 acres of park land would be required. This included a combination of neighborhood parks, mini-parks, and community parks, as well as linear parks and bike trails. The proposed General Plan Amendment and Site Utilization Plan Revision includes changes to villages/lots designated for Open Space/Parks. As shown in the table at Attachment 6, Villages 19 A and B and the R Street site are currently designated as Open Space/Park. These parcels are proposed to be changed to High Medium Density Residential. The map at Attachment 11 shows the land to be dedicated for open space/park use. The areas identified as wetlands on the wetland delineation map at Attachment 3 would be dedicated as open space. A portion of those areas could also be used as active park sites. The Table at Attachment 12 shows that with the existing open space/park land and the proposed open space/park land there would be approximately 293 acres of open space/park land within the BRMDP area. This total includes park/basin areas, linear parks, open space along Fahrens Creek, Cottonwood Creek, and the Parkinson Drain, and the parks previously dedicated in Bellevue Ranch East and West.

Neighborhood Impact

As previously discussed, much of the BRMDP area has already been developed with single-family housing in the BRE and BRW areas. The proposed changes in the BRW area include changing Villages 22 A and B from High-Medium Density (HMD) Residential to Low-Medium Density (LMD) Residential. This change would change the development for these villages from multi-family to single-family development (this could include duplexes, zero-lot-line townhomes, etc.). Multi-family development is proposed in Village 19 A & B and the R Street site south of Cardella Road.

The nearest occupied homes near Villages 22 A & B are at the corner of M Street and Barclay Way. There are houses under construction in Villages 17 and 18 west of M Street, but no occupied homes yet. Because most single-family neighborhoods do not favor having multi-family units nearby, the proposed change for Villages 22 A & B would most likely be welcomed by the existing and future residents in the area.

There are no occupied homes within the BRMDP area near Villages 19 A & B. There are ranchettes across Bellevue Road to the north. The impacts from multi-family on the ranchettes is expected to be minimal given the width of Bellevue Road and the requirement for a wall along Bellevue Road when Village 19 develops.

The R Street site is bounded by Fahrens Creek to the east and R Street to the west. There are existing single-family homes across Fahrens Creek to the east and across R Street to the west. These neighborhoods would be most likely to be impacted by the proposed land use changes.

Approval of the General Plan Amendment and Site Utilization Plan Revision would allow the development of multi-family housing on this site which was previously designated as Open Space/Park. This site was originally designated as Open Space due to the flood hazard designation for the site. Prior to the recent approval of a Letter of Map Revision (LOMR) through FEMA for the Bellevue Ranch area which amended the flood zone designation for certain sites within the BRMDP area, this site was partially designated as a floodway which would not allow development. The recent changes to the flood zone removed this site from the floodway which would allow the site to be developed. Although the construction of a multi-family development would have some impact on the single-family neighborhoods, the fact that both neighborhoods have a buffer between the site (Fahrens Creek to the east and R Street to the west) reduces some of the potential impacts. Additionally, access to the site would not be through either neighborhood which would reduce any traffic-related impacts to the existing neighborhoods. Prior to development of the R Street site (as with the other multi-family sites), a Site Plan Review Permit would be required. Through this permit process, the impacts of development would be reviewed, and conditions placed to reduce potential impacts.

The overall BRMDP area could be affected by the reduction of commercial land along Bellevue Road. The reduction of commercial land would reduce the amount of land available for the development of large retail centers that would be within walking/biking distance of most of the development. However, as previously explained, a reduction in the amount of commercial land to allow for more residential development was contemplated by the BRMDP. Additionally, there would still be over 20 acres of retail commercial land at Bellevue Road and M Street. In addition, based on the current trend, many retailers are reducing the number of brick-and-mortar buildings they have and rely more on online retail. Although the proposal includes the reduction of commercial land, the commercial development at Yosemite Avenue and G Street is within 2 miles or less of most of the development within the BRMDP area. It should also be noted that as the City continues to grow and the annexations near UC Merced develop, additional retail areas would develop that would be accessible by future bike/walking facilities and public transit.

Public Comment

Prior to the Planning Commission meeting, staff received correspondence from Patricia Lewis regarding her concern about the effects of development on the native wildlife in the area. We also received comments from Ashley Marie Suarez with the Leadership Counsel for Justice and Accountability. Her comments referred to the Baxter Ranch annexation which is a different project. The comments from Ms. Lewis and Ms. Suarez are provided at Attachment 13.

The City Council held a public hearing on this matter on January 2, 2024. At that time there were three speakers voicing concern and requesting additional information on the R Street parcel. Those speakers were: Charles Pereira, Paul Olson-Diehl, and Eric Olson-Diehl. City Manager McBride suggested that a meeting with the neighborhood could be coordinated to address their concerns. The City Council voted to continue this matter to the January 16, 2024, City Council meeting to allow time for the applicant and staff to meet with the neighborhood.

On January 6, 2024, Charles Pereira emailed Council member Boyle to express his concerns regarding the parcel on the east side of R Street, south of Cardella. His email is provided as part of Attachment 13. The city was also made aware of a flyer that was circulated to the residents of the "College Community" regarding the concerns Mr. Periera expressed in his email. The flyer is also

provided at Attachment 13.

Neighborhood Meeting

In response to the concerns expressed at the City Council meeting on January 2, 2024, the developer coordinated a neighborhood meeting with the residents of the “College Community” (generally the area east of Merced College bounded by Yosemite Avenue to the south, Lehigh to the north, M Street to the east and R Street to the west). The meeting was held at 6:00 p.m. on Tuesday, January 9th. There were approximately 65 residents in attendance. Tiffanie Marshal with Stonefield Home, Inc., and Rick Mummert with Benchmark Engineering provided information about the project, the flood zone, and answered the resident’s questions.

Planing Commission Action

On November 8, 2023, the Planning Commission held a duly noticed public hearing regarding this matter. The Planning Commission staff report is provided at Attachment 14. There were no speakers in opposition of the project. The project engineer, Rick Mummert with Benchmark Engineering, provided additional background on the project and answered the Commission’s questions. After closing the public hearing, the Planning Commission voted unanimously to recommend approval of the General Plan amendment, Site Utilization Plan Revision, and Environmental Review to the City Council. Planning Commission Resolution #4125 reflecting this recommendation is provided at Attachment 16.

As previously described in this report, the Planning Commission’s review considered a change to 239 acres within the BRMDP area. Since the Planning Commission’s action, it was discovered that the change would only affect 156 acres of land. The change in acreage does not affect the number of units that could be built. In order to clarify the Planning Commission’s action was consistent with the actual acreage being considered or changes, the Planning Commission took action to amend Resolution #4125 on December 6, 2023. Planning Commission Staff Report #23-1081 submitted to the Planning Commission on December 6, 2023, is provided at Attachment 15 and Amended Planning Commission Resolution #4125 is provided at Attachment 16.

Environmental Review

Pursuant to the California Environmental Quality Act (CEQA), the project was reviewed and an Addendum to the Environmental Impact Report for the *Merced Vision 2030 General Plan* (SCH #2008071069) was prepared. This Addendum is provided at Attachment 17. The Addendum concluded that no additional impacts would be caused by the proposed change. As described above, the acreage that is affected by the proposed changes was reduced from 239 acres to 156 acres. The addendum has been updated to reflect this change. Because the change is a decrease in acreage, no additional impacts not already evaluated would be created by this change.

City Council Action

On January 2, 2024, the City Council opened the public hearing and continued this matter at the request of the applicant. The City Council should re-open the public hearing and hear any comments related to this matter. After the public hearing is closed, staff recommends that the City Council adopt the Draft Resolution at Attachment 18 approving Environmental Review #17-07 (Addendum to the *Merced Vision 2030 General Plan EIR*) and General Plan Amendment #17-02, introduce the Draft Ordinance at Attachment 19 for Site Utilization Plan Revision #12 to Planned Development (P-D)

#42, approve the Legislative Action Agreements at Attachments 20, 21, and 22 (one for each of the property owners) and authorize the City Manager to execute the agreements.

IMPACT ON CITY RESOURCES

The Bellevue Ranch West area has been annexed into the City's CFD for services. The Bellevue Ranch North area would also be annexed into the CFD. The CFD would help fund the costs for maintenance of public landscape areas, storm drains, and streetlights. The CFD also provides funding for police and fire services. In addition, Public Facilities Financing Plan (PFFP) impact fees are required to be paid with each building permit. These fees help fund the cost of infrastructure and parks as well as facilities for the Police and Fire Departments.

ATTACHMENTS

1. BRMDP Area Map
2. Map of Affected Areas
3. Wetland Delineation Map
4. VTSM #1213
5. VTSM #1280
6. Map & Table of Proposed Changes
7. Table 6.1 Modifications
8. Changes to Table 6.1
9. Map of roadway changes
10. Conceptual Affordable Housing Sites
11. Map of Parks/Open Space
12. Park Acreage Table
13. Public Comments
14. Planning Commission Staff Report
15. Planning Commission Staff Report #23-1081
16. Planning Commission Resolution #4125
17. Environmental Review
18. City Council Resolution 2024-09
19. Ordinance 2559
20. Legislative Action Agreement - Bellevue Merced, LLC
21. Legislative Action Agreement - Baxter Ranches, LLC
22. Legislative Action Agreement - Stonefield Home, Inc.
23. Presentation