

CITY OF MERCED
Planning & Permitting Division

STAFF REPORT: #20-02

AGENDA ITEM: 4.1

FROM: Kim Espinosa,
Planning Manager

PLANNING COMMISSION
MEETING DATE: Feb. 19, 2020

PREPARED BY: Julie Nelson,
Associate Planner

SUBJECT: **Extension of Vesting Tentative Subdivision Map (VTSM) #1291 (modified)**, initiated by Bright Development. This application involves a request for a one-year extension of time for filing a final map for VTSM #1291 (modified). VTSM #1291 (modified) would allow the subdivision of 39.8 acres of land into 161 single-family lots generally located on the east side of G Street at Merrill Place (extended) within an R-1-5 zone with a General Plan designation of Low Density Residential (LD). *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify

- 1) Extension of Vesting Tentative Subdivision Map (VTSM) #1291

SUMMARY

Vesting Tentative Subdivision Map #1291 was approved on January 16, 2007, to subdivide 39.8 acres of land generally located on the east side of G Street at Merrill Place (extended) (Attachments A and B). This map would have expired after two years per the Subdivision Map Act. However, as a result of the automatic extensions granted by the State of California and extensions granted by the Planning Commission the map's expiration date was extended to January 16, 2020.

In 2018, the Planning Commission approved a modification of the map which reduced the number of lots from 168 to 161. The revised map is provided at Attachment C. This action did not affect the expiration date of the map.

On December 30, 2019, the property owner, CEB Holdings, LLC (an entity of Bright Development) requested the map be granted a one-year (minimum) extension (see letter at Attachment D).

Typically, the Site Plan Review Committee can take action on the extension of a tentative subdivision map. However, given the history of this map and the probability that the Site Plan Committee's action would be appealed to the Planning Commission, staff determined it would be prudent to have the Planning Commission review the request and hold a duly noticed public hearing to consider the request, thus saving time in the event of an appeal.

The Merced Municipal Code (MMC) Section 18.24-010- Filing – Time Limits allows a developer to receive discretionary extensions on a tentative map for a period or periods not exceeding three years. However, the Subdivision Map Act (SMA) (state law) allows extensions for a period or periods not exceeding six years (see Attachment E for both the MMC and SMA Sections).

Merced Municipal Code (MCC) Section 18.04.060 states that the provisions of Chapter 18 - Subdivisions of the Municipal Code shall be in addition to and shall be considered as supplementing the provisions of the Subdivision Map Act of the state. Therefore, the provisions of the Subdivision Map Act would take precedence allowing a tentative subdivision map to be eligible for discretionary extensions for a period not exceeding six years.

Planning staff are recommending approval of a one-year extension of Vesting Tentative Subdivision Map #1291.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve the Extension of Vesting Tentative Subdivision Map #1291 to January 16, 2021.

PROJECT DESCRIPTION

This project is a request to extend Vesting Tentative Subdivision Map #1291 for a period of one year from the date of expiration (January 16, 2020). This map, as modified by the Planning Commission on October 3, 2018, would allow the subdivision of 39.8 acres of land into 161 single-family lots (Attachment C). The subdivision is generally located on the east side of G Street at Merrill Place (extended). The lots range in size from approximately 5,000 square feet to approximately 10,000 square feet.

BACKGROUND

This property was annexed as part of the Absolute-Bright annexation approved in 2006. As part of the annexation, each party signed a Pre-Annexation Development Agreement that stipulated certain requirements for development within the annexation area.

Vesting Tentative Subdivision Map #1291 was originally approved on January 16, 2007 (see the originally approved map at Attachment B). This map as well as the Tentative Map for the Palisades subdivision to the north of this site (Attachment F) were submitted at the same time. Both the developers of the Palisades subdivision (Rick Telegan and Lee Jay Kolligian for Leeco LLC) and Bright Development were using the same engineering firm (Golden Valley Engineering). In order to maximize the number of lots within each subdivision, the engineer designed the subdivisions with lots on each other's property (Attachment G). At the time the maps were approved, the property owners planned to do a Lot Line Adjustment to rectify this situation. However, this never occurred, and 16 lots from the Bright Development Subdivision Map were on property owned by Leeco LLC. The Palisades Tentative Map expired as of January 2, 2018. Therefore, none of the lots originally approved with the Palisades subdivision are on the Bright property any longer.

On March 15, 2018, the Site Plan Review Committee heard the request to extend Vesting Tentative Subdivision Map #1291. After hearing testimony regarding the extension request, the Site Plan Committee voted to refer the matter to the Planning Commission.

The Planning Commission considered the extension request at their meeting of June 6, 2018. After considering all the testimony, the Planning Commission unanimously voted to extend the map, subject to the condition that the map be modified to have all the lots on property owned by Bright Development (or CEB Holdings, LLC). This action extended the map through January 16, 2019.

On October 3, 2019, the Planning Commission approved the modification of Vesting Tentative Map #1291 which moved all the lots onto property owned by CEB Holdings, LLC and allowed a Temporary Emergency Vehicle Access (EVA) onto G Street. The approved modified map is provided at Attachment C. At the time the modified map was approved and during the subsequent hearings regarding extensions for this map, Rick Telegan testified that he believed the EVA onto G Street was a danger to public health and safety and violated the General Plan. Staff explained that the EVA was not an access point for the general public and would only be used in case of an emergency, and then only if other access points into the subdivision were blocked, therefore it did not violate the General Plan. As for it being a public health and safety concern, staff also disagreed due to the fact that it would not be used by the general public.

On January 10, 2019, Bright Development submitted another extension (the second discretionary extension). The Site Plan Committee considered this request at their meeting of February 14, 2019. Due to concerns raised by Rick Telegan, the Site Plan Committee voted to refer the matter to the Planning Commission for consideration and action.

On April 3, 2019, the Planning Commission considered and approved a one-year extension to VTSM #1291 extending the map to January 16, 2020.

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) Vesting Tentative Subdivision #1291 complies with the General Plan designation of Low Density Residential (LD) and the Zoning designation of R-1-5.

Subdivision Map Act and Municipal Code

- B) The Subdivision Map Act Section 66452.6 (e) allows a city to approve discretionary extensions for a period or periods not exceeding a total of 6 years. These extensions are in addition to the automatic extensions granted by the State beginning in 2013.

Section 66498.1 of the Subdivision Map Act provides that additional conditions may only be added to a Vesting Tentative Subdivision Map (VTSM) or an extension request for a VTSM may only be denied if the Legislative Body 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.

Merced Municipal Code (MCC) Section 18.04.020 states that this section is to supplement and implement the Subdivision Map Act. It further states that all provisions of the Subdivision Map Act which are mandatory in nature are incorporated by reference in this title. MCC Section 18.04.060 states that the provisions of Chapter 18 of the Municipal Code shall be in addition to and shall be considered as supplementing the provisions of the Subdivision Map Act of the state.

Environmental Clearance

- C) The act of extending a tentative map does not require an additional environmental review. This previous environmental review (Environmental Review #06-26 - CEQA Section 15162 Findings) remains sufficient for this project. Although Planning Staff usually provides these Findings to the Planning Commission and asks the Commission to adopt them, the Planning Commission's adoption of the 15162 Findings is not required by CEQA.

Attachments:

- A) Location Map
- B) Original VTSM #1291
- C) Modified VTSM #1291
- D) Letter Requesting Extension
- E) SMA & MMC Excerpts
- F) VTSM #1292 for Palisades Park Subdivision
- G) Map of Palisades and Bright Subdivisions
- H) Planning Commission Resolution #2904

Ref: N:\SHARED\PLANNING\STAFFREP\SR2020\SR 20-02 Extension of VTSM #1291.docx



EXTENSION OF VTSM #1291 (MODIFIED) CEB HOLDINGS, LLC (BRIGHT DEVELOPMENT)

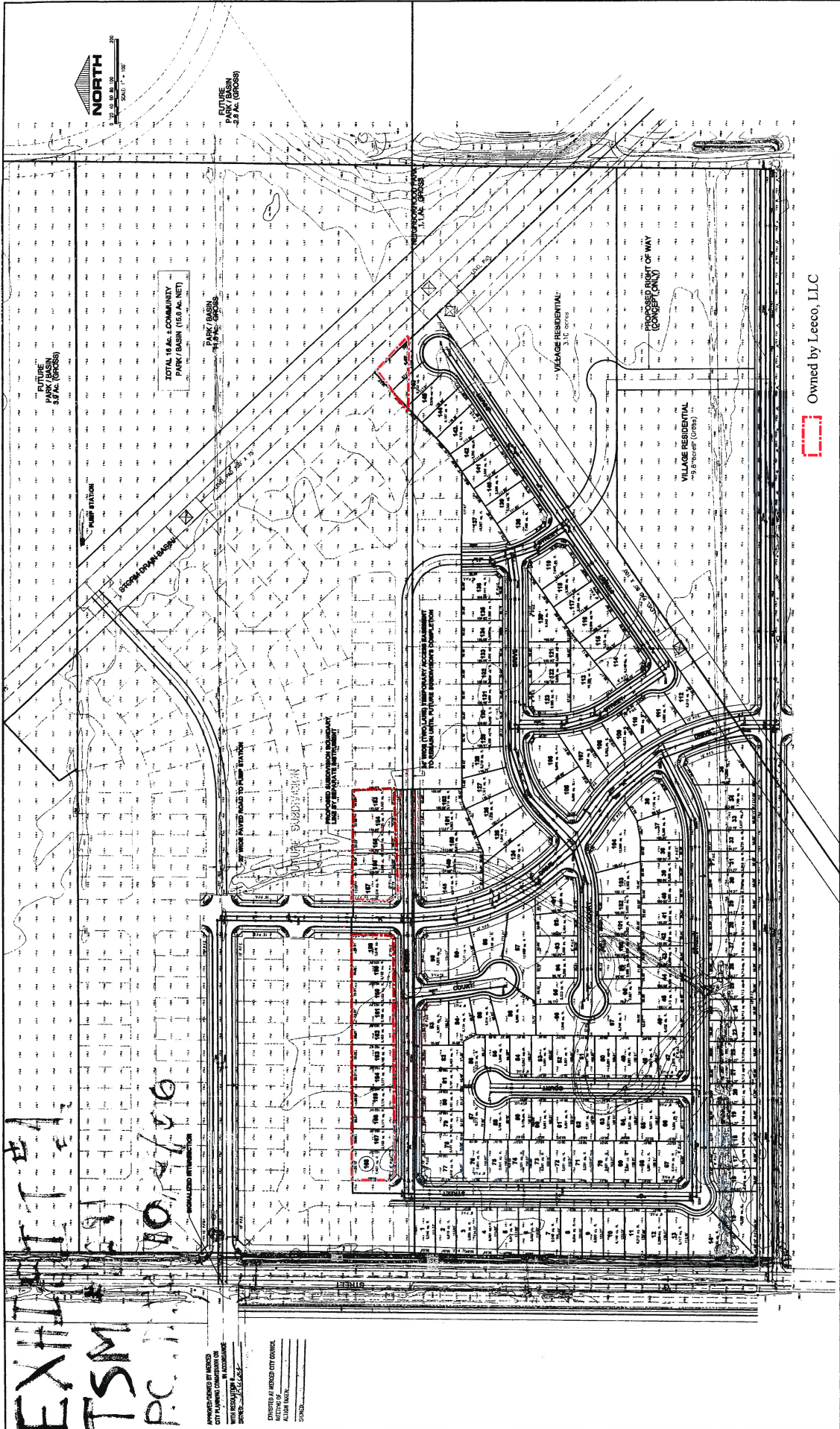
Disclaimer: This document was prepared for general inquiries only. The City of Merced is not liable for errors or omissions that might occur. Official information concerning specific parcels should be obtained from recorded or adopted City documents.

ATTACHMENT A



Subject Site

Original Vesting Tentative Map #1291
See Attachment C for Modified Map.



Owned by Leeco, LLC

DESIGNED: GOLDEN VALLEY ENGINEERING
DRAWN: BT/JL/CCL
CHECKED: JAU
DATE: JUNE 2008
JOB NO.: 04101-04111-0010
SHEET

2

VESTING TENTATIVE SUBDIVISION MAP
FOR
BRIGHT DEVELOPMENT
PORTION SECTION 5 & 8, T.7 S., R.14 E., M.D.B.A. M.
CITY OF MERCED, CALIFORNIA

PREPARED BY:
BRIGHT PONES
1000 W. STREET, SUITE 115
MERCED, CA 95371-1155
PHONE: (209) 371-9425
FAX: (209) 371-9425
CELL: (209) 825-2817
TEL: (209) 345-0524

GOLDEN VALLEY
ENGINEERING & SURVEYING
608 W. 18th Street - P.O. Box 948 - Merced, CA 95340
Phone (209) 725-5255 • Fax (209) 725-5254

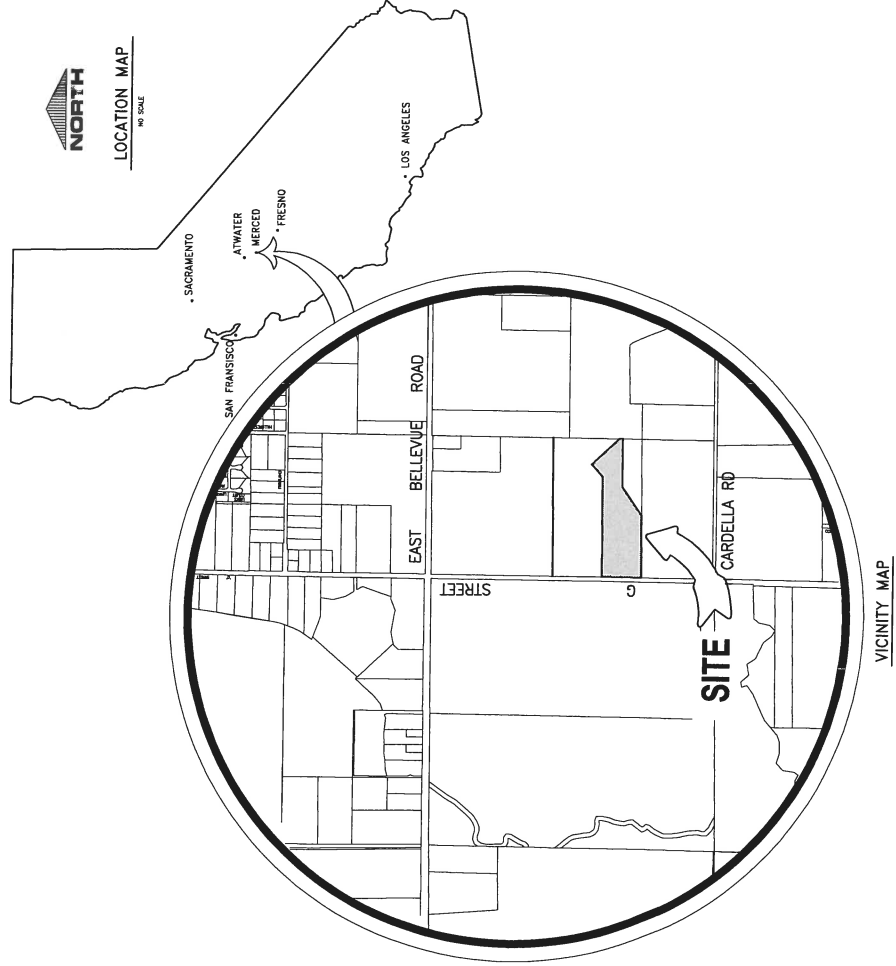
THIS MAP WAS PREPARED BY GOLDEN VALLEY ENGINEERING & SURVEYING, INC. (G.V.E.S.), A PROFESSIONAL ENGINEERING FIRM LICENSED UNDER THE PROFESSIONAL ENGINEERING ACT OF 1907, AS AMENDED, BY THE STATE OF CALIFORNIA. THE ENGINEER'S SEAL AND SIGNATURE ARE REQUIRED BY LAW TO BE PLACED ON THIS MAP. THE ENGINEER'S SEAL AND SIGNATURE ARE REQUIRED BY LAW TO BE PLACED ON THIS MAP.

EXHIBIT #1
TSM
PC
NO. 10-10-10

ATTACHMENT B

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.



SUBDIVISION MAP NOTES:

- 1.) LOCATION MAP AS SHOWN HEREON.
- 2.) TRACT NAME, DATE, NORTH ARROW, SCALE AND LEGAL DESCRIPTION AS SHOWN HEREON.
- 3.) OWNER: GDB HOLDINGS
1503 N. CARPENTER RD., BLDG. B
MERCED, CA 95351-1133
PH: (209) 539-9474
- 4.) SURVYOR: GOLDEN VALLEY ENGINEERING & SURVEYING, INC.
1620 N. CARPENTER RD., BLDG. B
MERCED, CA 95351-1133
PH: (209) 332-4242
- 5.) MAP PREPARED BY: GOLDEN VALLEY ENGINEERING & SURVEYING, INC.
1620 N. CARPENTER RD., BLDG. B
MERCED, CA 95351-1133
(209) 722-3200
- 6.) ACREAGE APPROXIMATELY 35.35 ACRES (GROSS)
- 7.) CONTOURS AS SHOWN, GROUND RELATIVELY FLAT
- 8.) LOCATIONS INDICATE LOCATIONS OF ALL EXISTING AND PROPOSED UTILITY LINES AND FACILITIES TO THE PROPOSED SUBDIVISION AS SHOWN.
- 9.) ALL EXISTING CONVEYANCES APPROVED AT THE TIME PROTECTIVE CONVEYANCES WERE FILED ARE SHOWN AS SHOWN.
- 10.) LOCATION AND DESCRIPTION OF ALL EXISTING AS SHOWN HEREON, EXISTING FOOT PUBLIC FACILITY ASSIGNMENTS TO BE PROVIDED ALONG ALL LOT FRONTS.
- 11.) LOCATION AND SIZE OF ALL EXISTING AND PROPOSED PUBLIC UTILITIES AS SHOWN.
- 12.) STANCE GENERAL OF CITY OF MERCED FACILITIES, STORM WATER INFLOW BY EXISTING SYSTEM TO CITY OF MERCED FACILITIES ADJACENT TO PROJECT SITE.
- 13.) PUBLIC OPEN SPACE EXISTS WITHIN OR ADJACENT TO THE PROPOSED SUBDIVISION.
- 14.) SETBACKS, ENCROACHMENTS, DIMENSIONS AND AREA OF EACH REGULAR LOT AND SUBMARGINS AS SHOWN.
- 15.) CITY LIMIT LINES AS SHOWN.
- 16.) INTENDED LAND USE: RESIDENTIAL R-1-5
- 17.) ADJACENT: MEDIUM DENSITY (409 UNITS PER GROSS ACRE) AS SHOWN HEREON.
- 18.) PROPOSED PUBLIC IMPROVEMENTS PER CITY STANDARDS.
- 19.) DEVELOPMENT PHASE: THE DEVELOPER RESERVES THE RIGHT TO PHASE THIS PROJECT IN ACCORDANCE WITH THE PROVISIONS OF THE SAME SUBDIVISION MAP ACT.
- 20.) SHOWN HEREON AND VICINISHP OF LAND IMMEDIATELY ADJACENT TO SUBDIVISION AS SHOWN.
- 21.) PRELIMINARY TITLE REPORT TO BE SUBMITTED WITH TENTATIVE MAP.
- 22.) EXISTING BUILDINGS WITHIN THE SUBDIVISION AS SHOWN.
- 23.) NO EXISTING TREES.
- 24.) BESS SUBJECT TO APPROVE AMOUNT OF STORM WATER OVERFLOW TO THE EXISTING SYSTEM TO CITY OF MERCED FACILITIES ADJACENT TO PROJECT SITE. ALL WATER CONVEYS AS SHOWN HEREON. THE SITE IS WITHIN FLOOD ZONE "X" ZONE.
- 25.) THIS MAP IS A PRELIMINARY MAP AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. AUGUST 21, 1994, PREPARED BY F.E.S.A. NUMBER 800400401.1. EFFECTIVE DATE

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:

- | | |
|------------------------------|------------------------------|
| PROPOSED STREET LIGHT | EXISTING STREET LIGHT |
| PROPOSED STREET CLEVER CUT | EXISTING STREET CLEVER CUT |
| PROPOSED WATER BLOW OFF | EXISTING WATER BLOW OFF |
| PROPOSED FIRE HYDRANT | EXISTING FIRE HYDRANT |
| PROPOSED WATER MAIN | EXISTING WATER MAIN |
| PROPOSED SANITARY SEWER MAIN | EXISTING SANITARY SEWER MAIN |
| PROPOSED STORM SEWER MAIN | EXISTING STORM SEWER MAIN |
| PROPOSED TRANSMISSION LINES | EXISTING TRANSMISSION LINES |
| PROPOSED FLOW INJECTION | EXISTING FLOW INJECTION |
| PROPOSED GRADE ELEVATION | EXISTING GRADE ELEVATION |
| PROPOSED CORNER OF ROAD | EXISTING CORNER OF ROAD |
| PROPOSED SHARPER CORNER MAIN | EXISTING SHARPER CORNER MAIN |
| PROPOSED STORM DRAIN MANHOLE | EXISTING STORM DRAIN MANHOLE |
| PROPOSED WATER MAIN MANHOLE | EXISTING WATER MAIN MANHOLE |
| PROPOSED WATER MAIN | EXISTING WATER MAIN |
| PROPOSED WALKWAY | EXISTING WALKWAY |
| PROPOSED WHEEL DRIVE RAMP | EXISTING WHEEL DRIVE RAMP |
| P.F.E. | PUBLIC FACILITIES EASEMENT |
| C.T. | CRUIS TRAIL |

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

GOLDEN VALLEY ENGINEERING & SURVEYING
405 West 10th Street, Room 10304
Merced, CA 95341
Phone: (209) 722-3204
Fax: (209) 722-3204
www.goldenvalley.com

BRIGHT DEVELOPMENT
1620 N. Carpenter Rd., Bldg. B
Merced, CA 95351
PH: (209) 539-9474

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

GW GOLDEN VALLEY ENGINEERING & SURVEYING
 1500 N. Carpenter Rd., Bldg. 'B'
 Merced, CA 95354
 Phone: (209) 526-3242
 Fax: (209) 723-3294

PROJECT NO. 18-001
 SHEET NO. 2

DATE: APRIL 2018
 DRAWN BY: P. RICK, P.E.
 CHECKED BY: J. SHOWN
 PROJECT NAME: BRIGHT DEVELOPMENT

REVISIONS:
 1. Subdivision Map

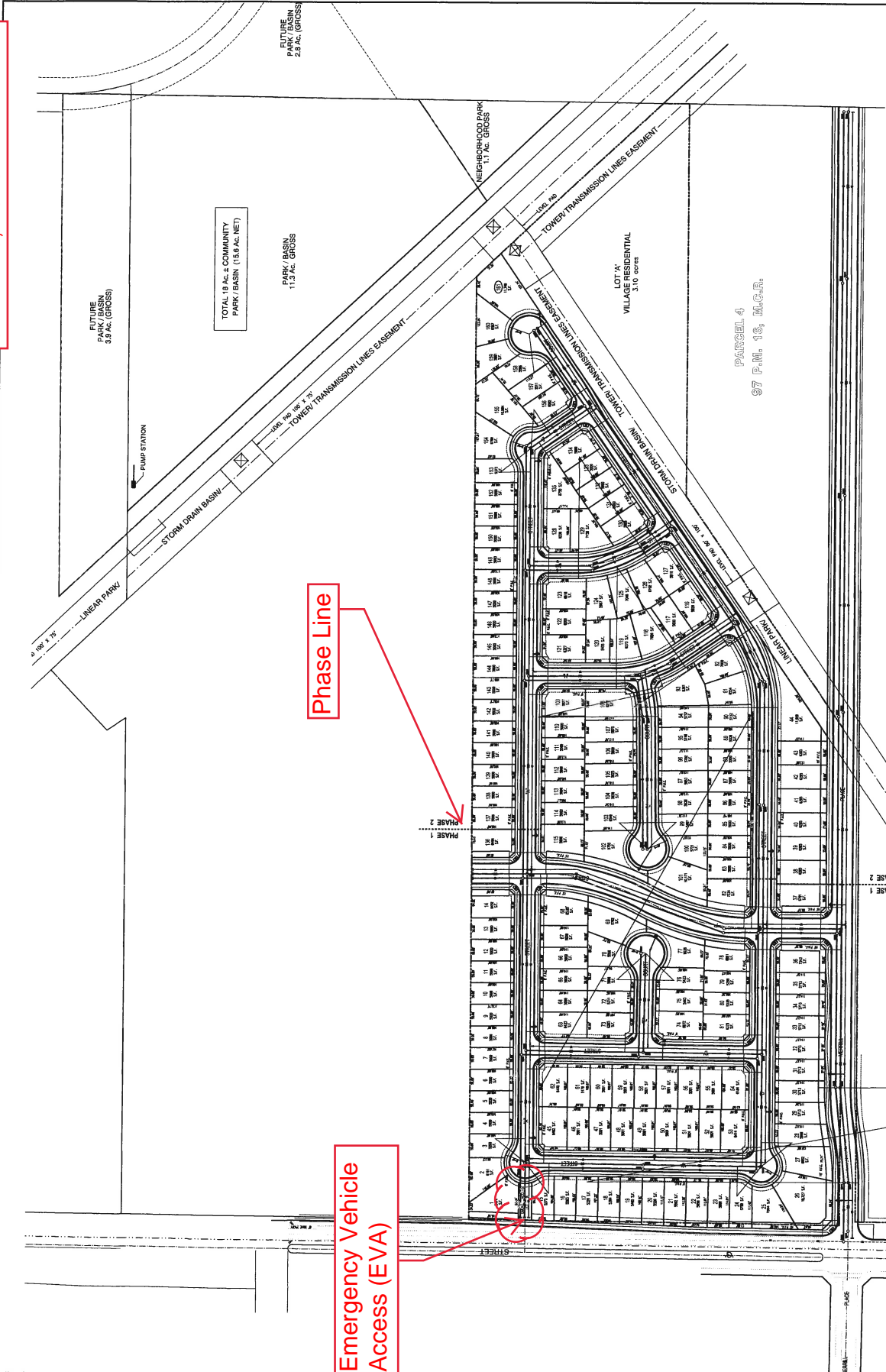
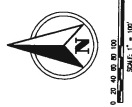
PREPARED BY:
 Golden Valley Engineering & Surveying, Inc.
 1500 N. Carpenter Rd., Bldg. 'B'
 Merced, CA 95354
 Phone: (209) 526-3242
 Fax: (209) 723-3294

CALIFORNIA
 PORTION SECTION 5 & 8, T.17 S., R.14 E., M.D.B. & M.
BRIGHT DEVELOPMENT
 MODIFIED VESTING TENTATIVE SUBDIVISION MAP FOR
 MERCED

PROJECT NO. 18-001
 SHEET NO. 2

DATE: APRIL 2018
 DRAWN BY: P. RICK, P.E.
 CHECKED BY: J. SHOWN
 PROJECT NAME: BRIGHT DEVELOPMENT

REVISIONS:
 1. Subdivision Map



Phase Line

Emergency Vehicle Access (EVA)

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.

GOLDEN VALLEY
ENGINEERING & SURVEYING
105 West Lake Street, Suite 100
Merced, CA 95351
Phone: (209) 723-3254
Fax: (209) 723-3254

PROVIDED BY:
GOLDEN VALLEY ENGINEERING & SURVEYING, INC.
105 West Lake Street, Suite 100
Merced, CA 95351
Phone: (209) 723-3254
Fax: (209) 723-3254

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

MERCED
SHEET CONTAINS:
Subdivision Map

RECORDED FOR:
BRIGHT DEVELOPMENT
Atty. Dina Buz
1850 N. Carpenter Rd., Bldg. B
Merced, CA 95351
PH: (209) 528-5242

PROJECT DATA:
Date: April 2018
Scale: AS SHOWN
Drawn By: P.B.R. R.
Job No.: 18-031
SHEET NUMBER:



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

GOLDEN VALLEY
ENGINEERING & SURVEYING
1700 West 140th Street, Suite 100
Merced, CA 95341
Phone: (209) 724-3294
Fax: (209) 724-3294

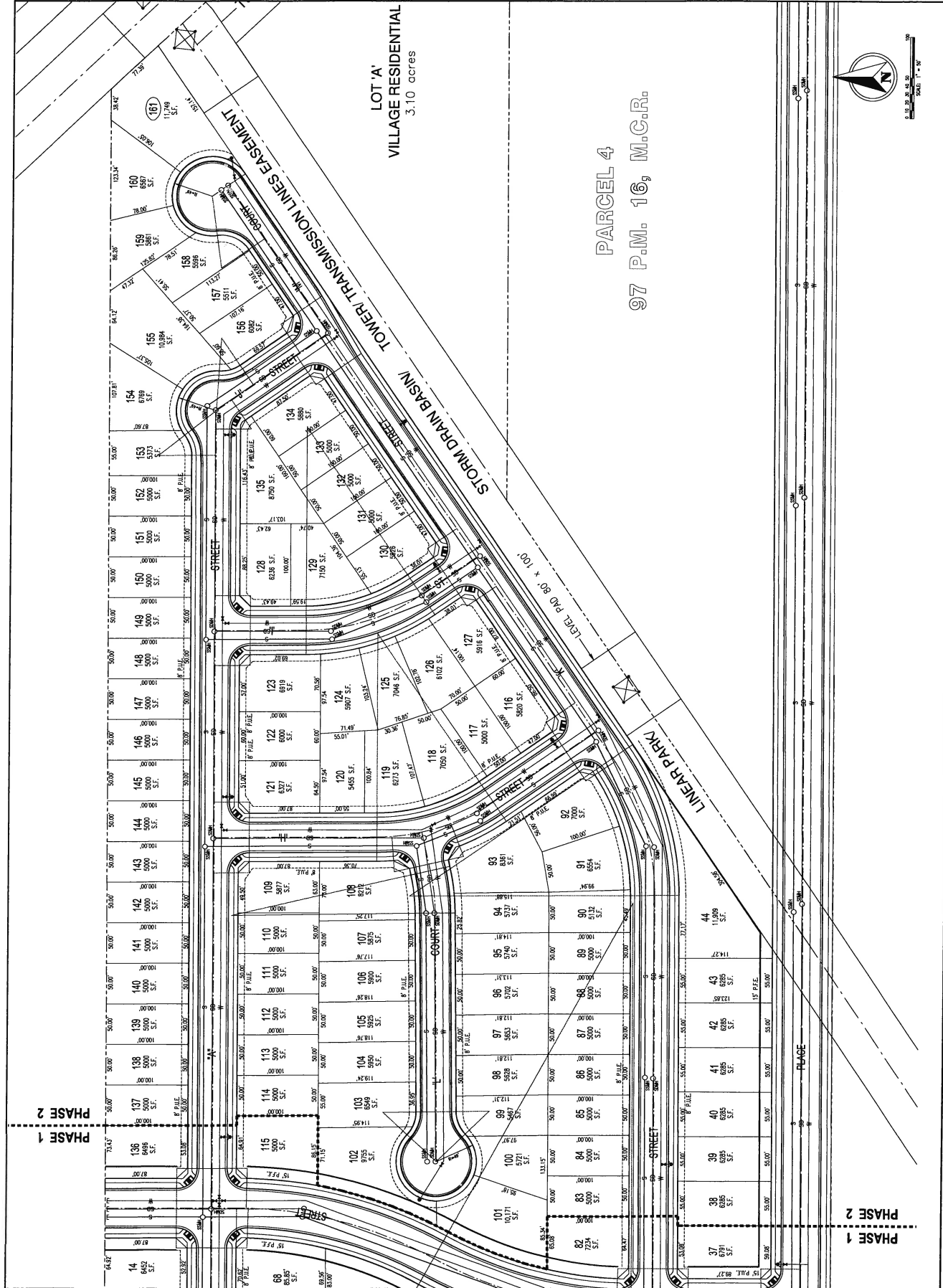
PROJ. NO. 18-000000
DATE: 08/20/18

PROJECT NAME:
SHEET NUMBER:

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

PROJECT NO. 18-000000
PROJECT NAME: BRIGHT DEVELOPMENT
ADDRESS: 1600 N. Carpenter Rd., Bldg. B
Merced, CA 95341
PHONE: (209) 526-5252

DATE: April 2018
SCALE: AS SHOWN
DRAWN BY: H.M.R.
JOB NO.: 18-0001
SHEET NUMBER:



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

PROJECT NO. 18-031
SHEET NUMBER 5

GOLDEN VALLEY
ENGINEERING & SURVEYING
200 West Lake Street, Suite 1050
Merced, CA 95341
PH: (209) 723-3254
FAX: (209) 723-3254

DATE: 10/18/18
BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]

CALIFORNIA

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

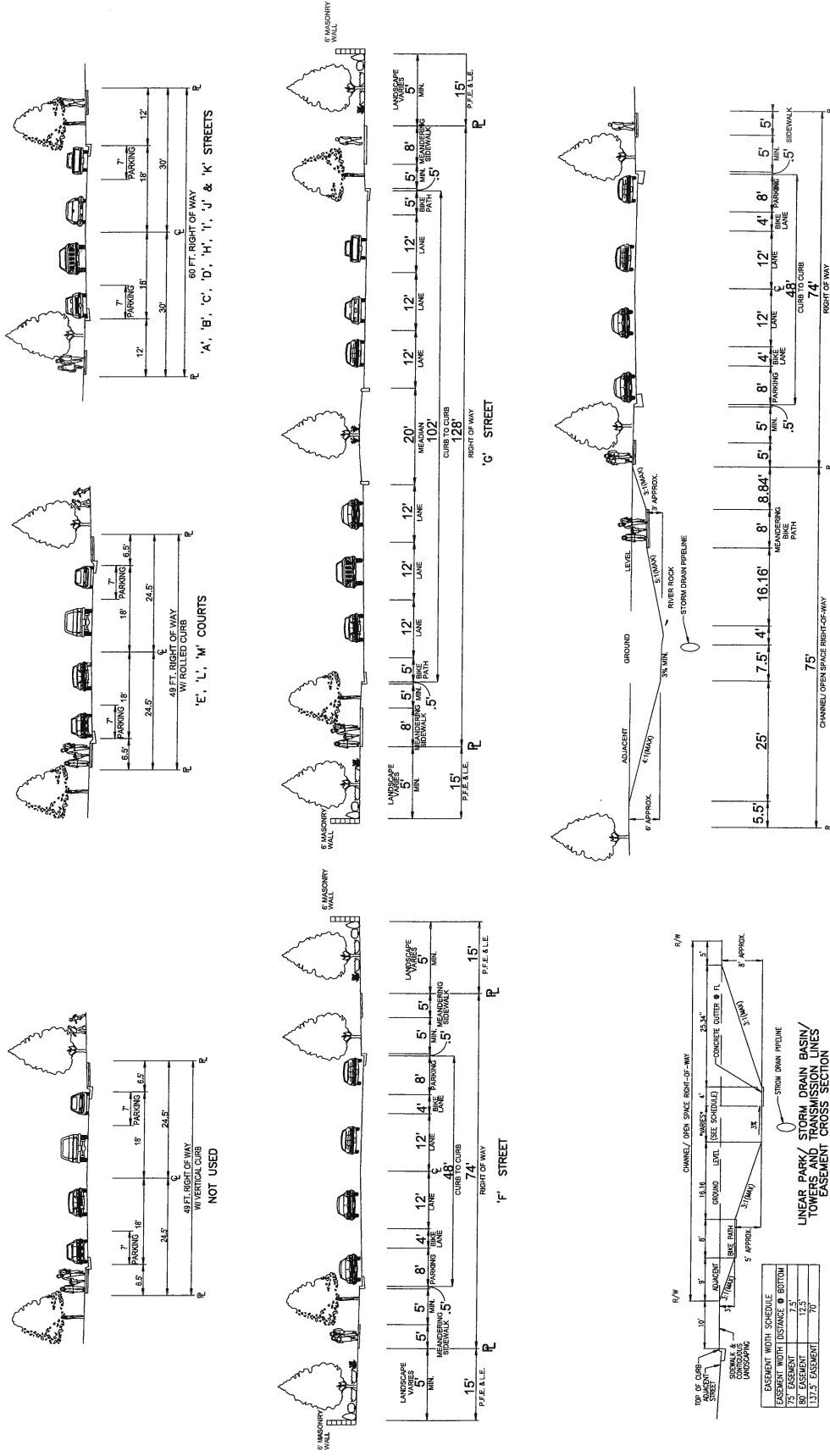
MERCED

PROJECT NO. 18-031
SHEET NUMBER 5

DATE: 10/18/18
BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]

BRIGHT DEVELOPMENT
1620 N. Carpenter Rd., Bldg. 'B'
Merced, CA 95341
PH: (209) 624-5242

DATE: 10/18/18
BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]



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

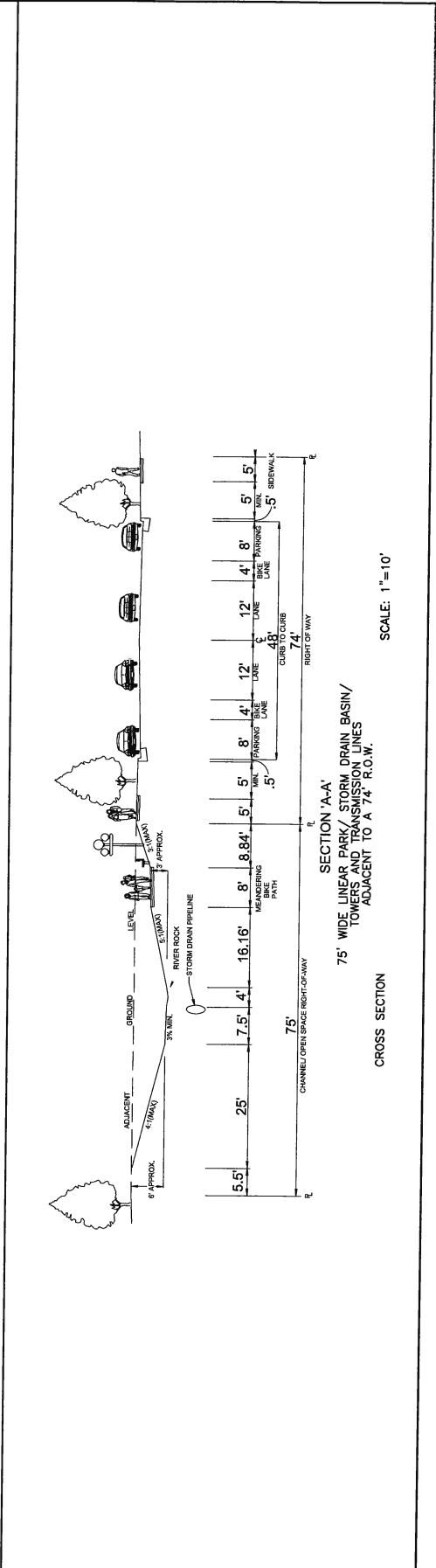
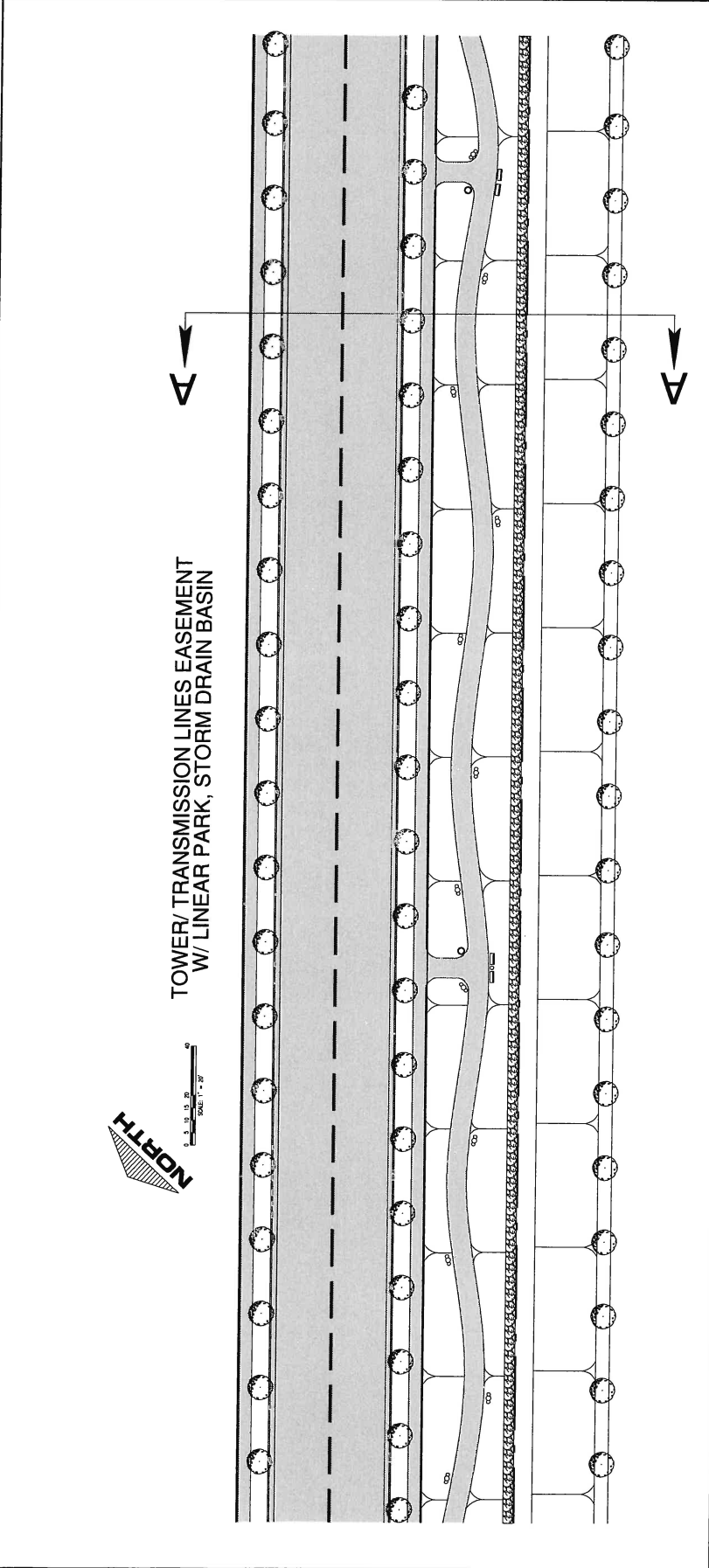
GOLDEN VALLEY
ENGINEERING & SURVEYING
405 West Olive Street, #340
Palo Alto, CA 94301
Phone: (650) 723-2294
Fax: (650) 723-2294
www.gveng.com

CALIFORNIA

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

MERCED

BRIGHT DEVELOPMENT
1620 N. Campanar Rd., Bldg. 8
Modesto, CA 95351
Tel: (209) 564-6242





1620 N. CARPENTER ROAD
BUILDING B
MODESTO, CALIFORNIA 95351

PHONE: 209.526.8242
BRIGHT-HOMES.COM
BRE#0978136

December 24, 2019

City of Merced Planning Department
Attn: Julie Nelson
678 West 18th Street
Merced, CA 95340

Subject: Vesting Tentative Subdivision Map #1291 (Merzoian)

Dear Ms. Nelson,

We are writing to request a minimum one-year time extension for the above referenced Vesting Tentative Subdivision Map. Attached please find Check No. 272827 for the \$256 application fee. Our records indicate that the map has an expiration date of January 16, 2020. With the approval of this one-year extension the new expiration date would be January 16, 2021.

If you have any questions or need additional information please contact me.

Sincerely,

A handwritten signature in blue ink that reads "D. W. Butz".

David W. Butz
Bright Development



Subdivision Map Act

66452.6 (e)

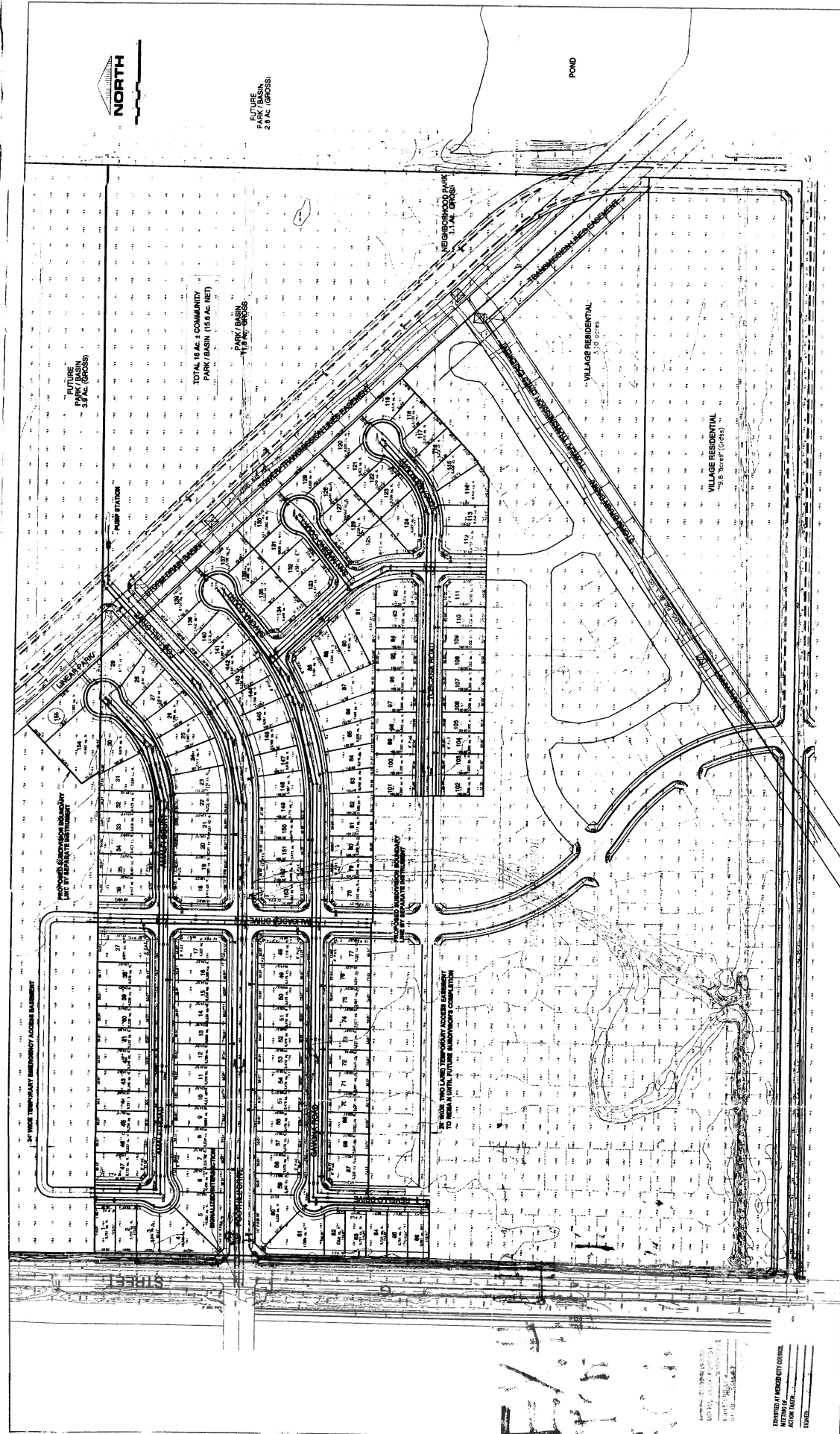
Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Prior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

Merced Municipal Code

18.24.010 - Filing—Time limits.

The subdivider or his agent may file a final map within twenty-four months after the approval or conditional approval of the tentative map. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the site approval committee may extend the time for filing a final map for a period or periods not exceeding a total of three years, if it determines that conditions affecting the subdivision have not substantially changed. In any case where a final map has not been filed within such extended period of time as may be granted by the site approval committee, approval of a new tentative map shall be required.

(Ord. 1853 § 9, 1993: Ord. 1591 § 1, 1985: Ord. 1423 § 1, 1981: Ord. 1342 § 2 (part), 1980: prior code § 25.70(a)).



ATTACHMENT F

NOTES:

1. ALL DISTANCES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
2. ALL DISTANCES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
3. ALL DISTANCES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
4. ALL DISTANCES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
5. ALL DISTANCES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

EXISTING:

EXISTING AT NEARBY CITY OWNERS:

GV
GOLDEN VALLEY
 ENGINEERING & SURVEYING
 400 W. 18th Street - P.O. Box 946 - Mendocino, CA 95624
 Phone: (707) 725-0229 - Fax: (707) 725-0224

DATE DRAWN:
TENTATIVE MAP
 ABSOLUTE, LLC / LEECO, LLC
 9 AMER PARK PLACE EAST
 SUITE 101
 FRESNO CA 93720
 PROJECT: 559-434-1234

VESTING TENTATIVE SUBDIVISION MAP
 FOR
THE PALISADES
 ABSOLUTE, LLC / LEECO, LLC
 PORTION SECTION 5 & 8, T.7 S., R.14 E., M.D.B. & M.
 CITY OF MERCED CALIF.

**CITY OF MERCED
Planning Commission**

Resolution #2904

MODIFIED by Planning Commission on
10/3/18 –see pg. 3-13

AMENDED by Planning Commission on
6/6/18 – see pg. 10

Extended on 7/15/08, 7/15/09, 7/15/11, 7/11/13,
10/10/15, and 4/3/2019–See Pages 9-14

AMENDED by City Council on 1/16/07 – Pg 3

WHEREAS, the Merced City Planning Commission at its regular meeting of November 8, 2006, held a public hearing and considered **Vesting Tentative Subdivision Map #1291** (“Bright Development”), initiated by Golden Valley Engineering, applicants for Bright Homes Corporation, property owner, to allow the subdivision of 39.8 acres into 168 single-family residential lots. The area is located east of G Street, and ¼ mile north of Cardella Road within an R-1-5 (Low Density Residential, 5,000-square-foot lot minimum) pre-zone; also known as Assessor’s Parcel No. 061-030-017 and -038; and,

WHEREAS, the Merced City Planning Commission does not concur with Findings A through V of Staff Report #06-41 – 4th Addendum, and finds as follows in additional Finding W:

“W. During their testimony during the public hearing, the project applicants indicated that they wanted changes to Condition Numbers 2, 16, 20, & 21 and the deletion of Condition #29. Planning staff indicated that these changes were not recommended since they appeared to be in conflict with the Voting Rights Act and the adopted Pre-Annexation Development Agreement signed by the applicants. The Planning Commission reviewed various documents regarding the Annexation Agreement and the City Attorney clarified the delay with the recordation of the annexation pending required pre-clearance under the Voting Rights Act.

“At that time, the Commission indicated that they didn't feel they had enough information to make a decision to approve the project at this point and they did not want to contradict the previous agreements. However, the applicants had asked that a decision be made at this meeting due to the previous continuances. Given the above, the Planning Commission voted to deny the applications and informed the applicants that they could appeal their decision to the City Council.”

WHEREAS, after reviewing the City’s Initial Study and Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning

PLANNING COMMISSION RESOLUTION #2904

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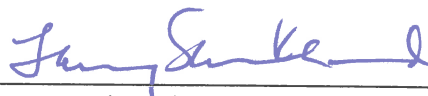
November 8, 2006 / January 16, 2007 / August 3, 2010 / July 15, 2011 / July 11, 2013 / October 10, 2015 / June 6, 2018 / October 3, 2018 / April 3, 2019

WHEREAS, 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 deny Vesting Tentative Subdivision Map #1291.

Upon motion by Commissioner Amey, seconded by Commissioner Burr, and carried by the following vote:

AYES: Commissioners Acheson, Amey, Burr, and Chairman Shankland
NOES: Commissioner Ward
ABSENT: Commissioners Conte and Fisher

Adopted this 8th day of November, 2006



Chairman, Planning Commission of
the City of Merced, California

ATTEST:


Secretary

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January 16, 2007: At their regularly scheduled City Council meeting of January 16, 2007, the City Council considered the Applicant's appeal of the Planning Commission Denial of Vesting Tentative Subdivision Map #1291 ("Bright Development") and took the following action:

Upon Motion by Council Member Gabriault-Acosta, Seconded by Council Member Pollard, duly carried, resolved, to approve Findings A through S, finding that the previous environmental review [Expanded Initial Study #04-02 (Mitigated Negative Declaration) for the Absolute/Leeco Annexation] remains sufficient and no further documentation is required (Subsequent EIR/ND Section 15162 Findings), and approves Vesting Tentative Subdivision Map Application No. 1291 ("Bright Development"), subject to the amended conditions as recommended by Staff to the Planning Commission on November 8, 2006, and modification of Condition #21 of Staff Report No. 06-42 – 4th Addendum, as follows:

1. ~~The proposed project shall be constructed/designed as shown on Exhibit 1 (Proposed Vesting Tentative Map) Attachment C, subject to the listed conditions.~~
2. All conditions contained in Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions") shall apply, as well as conditions and mitigation measures spelled out in the Pre-Annexation Development Agreement for Absolute/Leeco Annexation (including the need to comply with the 6-minute emergency response time in the Pre-Annexation Development Agreement), adopted April 17, 2006, and any subsequent amendments (see Attachment F for mitigation measures).
3. The proposed project shall comply with all standard Municipal Code (including R-1-5 design standards) 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.

Modified
by PC on
10/3/18.
See pg. 11

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5. Community Facilities District (CFD) formation 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. CFD procedures shall be initiated before final map approval. 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.
6. The developer/applicant shall indemnify, protect, defend, 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, or proceedings 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. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
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. Street names to be approved by City Engineer.
9. Dedicate, by Final Map, all interior street rights-of-way and all necessary easements and as needed for irrigation, utilities, drainage,

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landscaping, and open space, including any right-of-way necessary to reflect the modified alignment of the north-south oriented collector road in the eastern portion of the project located adjacent to the park and linear open space corridor.

Modified
by PC on
10/3/18.
See pg. 11

~~10. Developer shall design storm drainage with consideration as to whether the shared pump station pumping rate can or needs to be constructed in phases. Developer shall share costs of pump station with the subdivision to the north (“Palisades Park”) if joint use occurs, or if pump station is necessary. Storm drainage shall comply with City Storm Drainage Master Plan.~~

Modified
by PC on
10/3/18.
See pg. 11

~~11. Developer shall design sanitary sewer with consideration as to whether the shared pump station pumping rate can or needs to be constructed in phases. Developer shall share costs of pump station with the subdivision to the north (“Palisades Park”) if joint use occurs, or if pump station is necessary.~~

Modified by
PC on
10/3/18. See
pg. 11

~~12. Dedicate additional G Street right of way and easements to match Merced Vision 2015 General Plan requirements for 128 foot wide arterial, plus landscape and public facilities easements of 15 feet in width, including the construction of a 6 foot high masonry wall. Consistent with Planning Commission Resolution #2871 (Absolute Leeco Annexation), all of “G” Street within the annexation boundary shall be constructed at the time of improvements for the first tentative map, along with all other requirements listed in Condition #7 of said Resolution.~~

Modified by
PC on
10/3/18. See
pg. 11

~~13. Dedicate additional right of way and easements along the northern half of Merrill Avenue to match Merced Vision 2015 General Plan requirements for 74 foot wide collector (37 feet of ROW), plus landscape and public facilities easements varying from 10 feet to 12 feet in width, including the construction of a 6 foot high masonry wall along the northern portion of the roadway. These improvements shall terminate at the northeast corner of the intersection of Merrill Avenue and “K” Drive as indicated on the Tentative Map.~~

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14. Provide for City review and approval of landscape/irrigation plans, prepared by a licensed landscape architect, for all areas of landscaping that are to be maintained by City.
15. Compliance with the 40-foot visual corner is required for corner lots (approximately 20 lots), and may result in the applicant constructing smaller homes on these lots or increasing the front yard setbacks. A 4-foot encroachment for the porch area can be allowed within this area. Details to be worked out with staff.
16. The effective date of this tentative map approval shall be the effective date of the final annexation for Absolute/Leeco. (Annexation to the City has not yet been finalized and is subject to pre-clearance under the Voting Rights Act before the Annexation can become effective.)
17. The proposed Community Park shall be designed for park and recreational use only. Basin or storm-water retention allowed within this park shall be consistent with the Park Master Plan. All bike trails within the linear park shall be a minimum width of 10-12 feet as per the Park Master Plan.
18. Refuse containers shall be stored out of site of the general public, including those homes located on the private driveways. A concrete pad (3 x 6 foot minimum) shall be installed in the side or back yard of each unit to house refuse containers with a paved path to the street.
19. There shall be no valley (cross) gutters installed within this subdivision.
20. Merrill Avenue shall be constructed to include a paved travel lane that is 23.5 feet wide curb-to-curb, with a 6-inch vertical asphalt curb along the south boundary line. The north side of Merrill Avenue will need to include curb and gutter, park strip, and a 5-foot sidewalk. Developer shall construct the roadway prior to issuance of the first certificate of occupancy. Developer shall complete the intersection of Foothill Drive and G Street by expanding the intersection to a 4-way, signalized intersection prior to the issuance of the 50th building permit. This

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includes a median at the intersection of G Street and Merrill Avenue. The Developer shall coordinate the design of this roadway, to the extent feasible, with the adjoining property owner to the south.

21. The drainage basins along the PG&E power-line easements and within the neighborhood park/basins shall be designed in an open manner with no barriers, fences, etc., hindering their use as open space. All basins will need to be constructed and functional with City acceptance prior to issuance of the first certificate of occupancy. The linear and neighborhood parks will need to be transferred to the City of Merced per the terms of the Pre-Annexation Development Agreement.

Modified by
PC on
10/3/18. See
pg. 12

- ~~22. The secondary access point shall be located at the intersection of Foothill Drive and G Street. The secondary access point shall be installed prior to the issuance of the 1st certificate of occupancy permit.~~

23. City staff encourages and recommends the applicant to seek a water agreement with Merced Irrigation District for the usage of non-potable water for the use of irrigation of the City Landscaped areas such as Park-Strips, Parks, and any other area where non-potable water is allowed to be used and is approved by the Public Works Director.

24. The street tree and street light locations shall be approved by City Staff prior to approval of the first Final Map.

Modified
by PC on
10/3/18.
See pg. 12

- ~~25. The cul-de-sac bulb, 'J' Court, shall be open end style including sidewalk connectors to adjacent linear parks (within the PG&E easement) and local streets and walls from back of house to back of house. The linear park and PG&E Easement shall be designed in an open manner, with no fences or other hindrances that would impede pedestrian accessibility of both easements as they intersect with each other and 'J' Court.~~

Deleted by
PC on
10/3/18.

- ~~26. The cul-de-sac bulb labeled as 'D' Court shall be designed with park-strips due to its extended length.~~

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27. City utility service (water and sewer) connections shall be located under the driveway for each lot that faces a City street. Water lines are privately owned and maintained between the meter and the home. Sewer lines are privately owned and maintained from the point of connection to the City-owned main sewer line.
28. Fire Hydrants to be provided and spaced in accordance with City of Merced standards. The maximum spacing between hydrants is 500 feet. Due to width issues of G Street, fire hydrants will need to be placed along the east side of this arterial roadway. The number and placement of fire hydrants to be worked out with the Fire Department.
29. The following design features shall be added to the elevations for the homes throughout the subdivision:
 - a. *Garages Doors:* Design features such as windows and door molds, or driveway pavement treatments, such as aggregate, integral color, and stamped patterns, shall be added. These designs shall be varied from one lot to the other.
 - b. *Front Elevations:*
 - i. All proposed elevations show stucco as the primary building facia material. At least one of the plans shall be amended to show wood siding as the primary facia material, or stone or brick panels (approximately 3 feet high) along the bottom of the facia as a required element, not an option.
 - ii. Each elevation is to be evenly distributed throughout the site. Prior to submittal of building permits, the applicant shall provide the Development Services Director with a “distribution plan” showing the: house plan elevation, color, roof material, porch design, and garage door/pavement design selected for each lot. In no case, shall any more than two adjacent lots in a row have the same elevation.

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- iii. Blank rear and side elevations visible from a street are not permitted. The elevation shall include functional features (windows and doors, or be adorned with attractive features in addition to landscaping).
- iv. The color palette for houses shall be varied (at least 6 distinct sets of colors) and be consistent with the style of the house.
- v. High quality aesthetically pleasing materials (wood, stone, iron, pre-formed plastic fencing, etc.) shall be used.

BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: SPRIGGS, CORTEZ, GABRIALT-ACOSTA, POLLARD, SANDERS, WOOTEN

NOES: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: OSORIO

July 15, 2008/July 15, 2009: On July 15, 2008, the State of California gave a one-year extension to all active (not expired) tentative maps that were otherwise scheduled to expire on or before December 30, 2010. On July 15, 2009, the State of California gave a second, two-year extension. Therefore, this Tentative Map #1291 hereby has its expiration date extended to January 16, 2012.

July 15, 2011: On July 15, 2011, the State of California gave a 24-month extension to all active (not expired) tentative maps that were otherwise scheduled to expire on or before January 1, 2014. Therefore, Vesting Tentative Subdivision Map #1291 hereby has its expiration date extended to January 16, 2014.

July 11, 2013: On July 11, 2013, the State of California gave a 24-month extension to all active (not expired) tentative maps that were approved on or after January 1, 2000. Therefore, Vesting Tentative Subdivision Map #1291 hereby has its expiration date extended to January 16, 2016.

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October 10, 2015: On October 10, 2015, the State of California gave a 24-month extension to all active (not expired) tentative maps that were approved on or after January 1, 2002, and not later than July 11, 2013. Therefore, Vesting Tentative Subdivision Map #1291 hereby has its expiration date extended to January 16, 2018.

June 6, 2018: At their regularly scheduled meeting of June 6, 2018, the Planning Commission approved the Extension of Vesting Tentative map #1291 (“Bright Homes”) for one year (to January 16, 2019), subject to the following additional conditions:

30. A revised vesting tentative map shall be submitted within 60 days of the date this extension is granted. The revised map shall include the following:
 - a. All lots shall be on property owned by the applicant.
 - b. All roads through the subdivision shall be on property owned by the applicant.
 - c. Access from Merrill Place into the subdivision on Palisades Drive shall be on property owned by the applicant or the right-of-way must have been dedicated to the City of Merced prior to submitting the revised map.
31. If after 60 days the above conditions have not been met, Vesting Tentative Map #1291 will automatically expire.

Upon motion by Commissioner PADILLA, seconded by Commissioner COLBY, and carried by the following vote:

AYES: Commissioners Alshami, Camper, Colby, Martinez, Padilla, and Chairperson Dylina

NOES: None

ABSENT: None, (One vacancy)

ABSTAIN: None

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October 3, 2018: At their regularly scheduled meeting of October 3, 2018, the Planning Commission approved the modifications to Vesting Tentative map #1291 (“Bright Homes”) subject to the conditions contained within this resolution, including modifications to Conditions #1, #10, #11, #12, #13, #22, and #25, the deletion of Condition #26, and the addition of Conditions #32 through #44. :

1. The proposed project shall be constructed/designed as shown on Exhibit 1 [Proposed Vesting Tentative Map #1291 (Modified)] - Attachment C of Staff Report #18-29, except as modified by the conditions.
10. Developer shall design storm drainage with consideration as to whether the shared pump station pumping rate can or needs to be constructed in phases. Developer shall share costs of pump station with the property owner to the north, if joint use occurs, or if pump station is necessary. Storm drainage shall comply with City Storm Drainage Master Plan.
11. Developer shall design sanitary sewer with consideration as to whether the shared pump station pumping rate can or needs to be constructed in phases.
12. Dedicate additional G Street right-of-way and easements to match *Merced Vision 2030 General Plan* requirements for a 128-foot wide arterial, plus an additional 15 feet of right-of-way to accommodate the required landscape area, block wall, and utilities. A 7-foot-tall block wall shall be constructed along the project’s frontage on G Street. Consistent with Planning Commission Resolution #2871 (Absolute Leeco Annexation), all of “G” Street within the annexation boundary shall be constructed at the time of improvements for the first tentative map, along with all other requirements listed in Condition #7 of said Resolution.
13. Dedicate additional right-of-way and easements along the northern half of Merrill Avenue to match *Merced Vision 2030 General Plan* requirements for 74-foot wide collector (37-feet of ROW), an additional 10 feet of right-of-way to accommodate the required landscape area, block wall, and utilities. A 7-foot-tall wall shall be constructed along the project’s frontage on Merrill Avenue (Place). The

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- block wall may be constructed in phases consistent with the tentative map. All of the land required for this development's share of Merrill Avenue (Place) shall be dedicated with the first final map.
22. Secondary access to the subdivision shall be provided by a Temporary Emergency Vehicle Access easement constructed between Lots 1 and 15 of Modified Tentative map #1291 to be maintained by the CFD.
 25. The linear park and PG&E Easement shall be designed in an open manner, with no fences or other hindrances that would impede pedestrian accessibility.
 32. At the time of Final Map, all references to a "PFE" (Public Facilities Easement) shall be changed to reflect the actual purpose of the easement. For example, if the easement is for utilities and a block wall, the easement should be labeled as a PUE (Public Utilities Easement) and Block Wall easement.
 33. The Emergency Vehicle Access (EVA) is allowed on G Street as a temporary access only. The design of the EVA shall be approved by the Fire, Engineering, and Planning Departments. Pedestrian access should be implemented into the EVA.
 34. Once Palisades Drive and Foothill Drive are constructed which provides secondary access into the subdivision, the EVA shall be abandoned at the owner's expense.
 35. All easements shall be large enough to provide room for all utilities without utilities being placed underneath the City sidewalk.
 36. The Tentative Map shows the EVA as "Lot A" and the 3.10 acres at the eastern edge of the subdivision as "Lot A". This shall be corrected on the final map so that there is no duplication of the lot designations.
 37. Access to Lot A (at the eastern edge of the subdivision) as shown on VTSM #1291 (Modified) shall be provided from this subdivision. The exact location of the access point shall be determined when development occurs on Lot A.
 38. The location of the pump station shown on the park/basin parcel is not approved. The exact location of the pump station will be determined prior to the first final map.

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39. The cul-de-sacs at Court E and Court L shall be open-ended cul-de-sacs providing access to F Street.
40. The owner shall work with the City of Merced to obtain the additional right of way needed for the southern portion of Merrill Place.
41. The area shown as Lot A for the Emergency Vehicle Access on the tentative map shall be re-labeled due to duplication with the area to the east of the subdivision also shown as Lot A.
42. The Emergency Vehicle Access (EVA) Easement area shall be dedicated to the City. If sewer and water main lines are to be placed this area, a public utilities easement shall be maintained upon vacation of the EVA.
43. The EVA area may remain open to allow pedestrian access to the subdivision from G Street if the developer desires to do so after it is no longer needed as an EVA. However, if the pedestrian access is not maintained or problems arise with the use of the access area, it shall be the responsibility of the developer/subdivider to install the block wall in this area.
44. "F" Street shall have a 94-foot-wide right-of-way to include the 74-foot-wide collector road and a 10-foot-wide easement. All walls, landscaping, and utilities shall be included in this easement area.

Upon motion by Commissioner PADILLA, seconded by Commissioner HARRIS, and carried by the following vote:

AYES: Commissioners Camper, Drexel, Harris, Padilla, Rashe, and Chairperson Dylina

NOES: None

ABSENT: Commissioner Martinez

ABSTAIN: None

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2011/July 11, 2013/Oct. 10, 2015/June 6, 2018/Oct. 3, 2018/April 3, 2019

April 3, 2019: At their regularly scheduled meeting of April 3, 2019, the Planning Commission approved the Extension of Vesting Tentative map #1291 (“Bright Homes”) for one year (to January 16, 2020).

Upon motion by Commissioner PADILLA, seconded by Commissioner HARRIS, and carried by the following vote:

AYES: Commissioners Drexel, Harris, Martinez, Padilla, Rashe, and Chairperson Dylina

NOES: None

ABSENT: Commissioner Camper

ABSTAIN: None

**CITY OF MERCED
Planning Commission**

Resolution #2904

MODIFIED by Planning Commission on 10/3/18 –see pg. 3-13

AMENDED by Planning Commission on 6/6/18 – see pg. 10

Extended on 7/15/08, 7/15/09, 7/15/11, 7/11/13, 10/10/15, and 4/3/2019–See Pages 9-14

AMENDED by City Council on 1/16/07 – Pg 3

WHEREAS, the Merced City Planning Commission at its regular meeting of November 8, 2006, held a public hearing and considered **Vesting Tentative Subdivision Map #1291** (“Bright Development”), initiated by Golden Valley Engineering, applicants for Bright Homes Corporation, property owner, to allow the subdivision of 39.8 acres into 168 single-family residential lots. The area is located east of G Street, and ¼ mile north of Cardella Road within an R-1-5 (Low Density Residential, 5,000-square-foot lot minimum) pre-zone; also known as Assessor’s Parcel No. 061-030-017 and -038; and,

WHEREAS, the Merced City Planning Commission does not concur with Findings A through V of Staff Report #06-41 – 4th Addendum, and finds as follows in additional Finding W:

“W. During their testimony during the public hearing, the project applicants indicated that they wanted changes to Condition Numbers 2, 16, 20, & 21 and the deletion of Condition #29. Planning staff indicated that these changes were not recommended since they appeared to be in conflict with the Voting Rights Act and the adopted Pre-Annexation Development Agreement signed by the applicants. The Planning Commission reviewed various documents regarding the Annexation Agreement and the City Attorney clarified the delay with the recordation of the annexation pending required pre-clearance under the Voting Rights Act.

“At that time, the Commission indicated that they didn't feel they had enough information to make a decision to approve the project at this point and they did not want to contradict the previous agreements. However, the applicants had asked that a decision be made at this meeting due to the previous continuances. Given the above, the Planning Commission voted to deny the applications and informed the applicants that they could appeal their decision to the City Council.”

WHEREAS, after reviewing the City’s Initial Study and Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning

PLANNING COMMISSION RESOLUTION #2904

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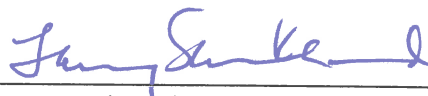
November 8, 2006 / January 16, 2007 / August 3, 2010 / July 15, 2011 / July 11, 2013 / October 10, 2015 / June 6, 2018 / October 3, 2018 / April 3, 2019

WHEREAS, 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 deny Vesting Tentative Subdivision Map #1291.

Upon motion by Commissioner Amey, seconded by Commissioner Burr, and carried by the following vote:

AYES: Commissioners Acheson, Amey, Burr, and Chairman Shankland
NOES: Commissioner Ward
ABSENT: Commissioners Conte and Fisher

Adopted this 8th day of November, 2006



Chairman, Planning Commission of
the City of Merced, California

ATTEST:


Secretary

PLANNING COMMISSION RESOLUTION #2904

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November 8, 2006/January 16, 2007/July 15, 2008/July 15, 2009/July 15,
2011/July 11, 2013/Oct. 10, 2015/June 6, 2018/Oct. 3, 2018/April 3, 2019

January 16, 2007: At their regularly scheduled City Council meeting of January 16, 2007, the City Council considered the Applicant's appeal of the Planning Commission Denial of Vesting Tentative Subdivision Map #1291 ("Bright Development") and took the following action:

Upon Motion by Council Member Gabriault-Acosta, Seconded by Council Member Pollard, duly carried, resolved, to approve Findings A through S, finding that the previous environmental review [Expanded Initial Study #04-02 (Mitigated Negative Declaration) for the Absolute/Leeco Annexation] remains sufficient and no further documentation is required (Subsequent EIR/ND Section 15162 Findings), and approves Vesting Tentative Subdivision Map Application No. 1291 ("Bright Development"), subject to the amended conditions as recommended by Staff to the Planning Commission on November 8, 2006, and modification of Condition #21 of Staff Report No. 06-42 – 4th Addendum, as follows:

1. ~~The proposed project shall be constructed/designed as shown on Exhibit 1 (Proposed Vesting Tentative Map) Attachment C, subject to the listed conditions.~~
2. All conditions contained in Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions") shall apply, as well as conditions and mitigation measures spelled out in the Pre-Annexation Development Agreement for Absolute/Leeco Annexation (including the need to comply with the 6-minute emergency response time in the Pre-Annexation Development Agreement), adopted April 17, 2006, and any subsequent amendments (see Attachment F for mitigation measures).
3. The proposed project shall comply with all standard Municipal Code (including R-1-5 design standards) 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.

Modified
by PC on
10/3/18.
See pg. 11

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November 8, 2006/January 16, 2007/July 15, 2008/July 15, 2009/July 15,
2011/July 11, 2013/Oct. 10, 2015/June 6, 2018/Oct. 3, 2018/April 3, 2019

5. Community Facilities District (CFD) formation 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. CFD procedures shall be initiated before final map approval. 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.
6. The developer/applicant shall indemnify, protect, defend, 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, or proceedings 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. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
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. Street names to be approved by City Engineer.
9. Dedicate, by Final Map, all interior street rights-of-way and all necessary easements and as needed for irrigation, utilities, drainage,

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landscaping, and open space, including any right-of-way necessary to reflect the modified alignment of the north-south oriented collector road in the eastern portion of the project located adjacent to the park and linear open space corridor.

Modified
by PC on
10/3/18.
See pg. 11

~~10. Developer shall design storm drainage with consideration as to whether the shared pump station pumping rate can or needs to be constructed in phases. Developer shall share costs of pump station with the subdivision to the north (“Palisades Park”) if joint use occurs, or if pump station is necessary. Storm drainage shall comply with City Storm Drainage Master Plan.~~

Modified
by PC on
10/3/18.
See pg. 11

~~11. Developer shall design sanitary sewer with consideration as to whether the shared pump station pumping rate can or needs to be constructed in phases. Developer shall share costs of pump station with the subdivision to the north (“Palisades Park”) if joint use occurs, or if pump station is necessary.~~

Modified by
PC on
10/3/18. See
pg. 11

~~12. Dedicate additional G Street right of way and easements to match Merced Vision 2015 General Plan requirements for 128 foot wide arterial, plus landscape and public facilities easements of 15 feet in width, including the construction of a 6 foot high masonry wall. Consistent with Planning Commission Resolution #2871 (Absolute Leeco Annexation), all of “G” Street within the annexation boundary shall be constructed at the time of improvements for the first tentative map, along with all other requirements listed in Condition #7 of said Resolution.~~

Modified by
PC on
10/3/18. See
pg. 11

~~13. Dedicate additional right of way and easements along the northern half of Merrill Avenue to match Merced Vision 2015 General Plan requirements for 74 foot wide collector (37 feet of ROW), plus landscape and public facilities easements varying from 10 feet to 12 feet in width, including the construction of a 6 foot high masonry wall along the northern portion of the roadway. These improvements shall terminate at the northeast corner of the intersection of Merrill Avenue and “K” Drive as indicated on the Tentative Map.~~

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14. Provide for City review and approval of landscape/irrigation plans, prepared by a licensed landscape architect, for all areas of landscaping that are to be maintained by City.
15. Compliance with the 40-foot visual corner is required for corner lots (approximately 20 lots), and may result in the applicant constructing smaller homes on these lots or increasing the front yard setbacks. A 4-foot encroachment for the porch area can be allowed within this area. Details to be worked out with staff.
16. The effective date of this tentative map approval shall be the effective date of the final annexation for Absolute/Leeco. (Annexation to the City has not yet been finalized and is subject to pre-clearance under the Voting Rights Act before the Annexation can become effective.)
17. The proposed Community Park shall be designed for park and recreational use only. Basin or storm-water retention allowed within this park shall be consistent with the Park Master Plan. All bike trails within the linear park shall be a minimum width of 10-12 feet as per the Park Master Plan.
18. Refuse containers shall be stored out of site of the general public, including those homes located on the private driveways. A concrete pad (3 x 6 foot minimum) shall be installed in the side or back yard of each unit to house refuse containers with a paved path to the street.
19. There shall be no valley (cross) gutters installed within this subdivision.
20. Merrill Avenue shall be constructed to include a paved travel lane that is 23.5 feet wide curb-to-curb, with a 6-inch vertical asphalt curb along the south boundary line. The north side of Merrill Avenue will need to include curb and gutter, park strip, and a 5-foot sidewalk. Developer shall construct the roadway prior to issuance of the first certificate of occupancy. Developer shall complete the intersection of Foothill Drive and G Street by expanding the intersection to a 4-way, signalized intersection prior to the issuance of the 50th building permit. This

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includes a median at the intersection of G Street and Merrill Avenue. The Developer shall coordinate the design of this roadway, to the extent feasible, with the adjoining property owner to the south.

21. The drainage basins along the PG&E power-line easements and within the neighborhood park/basins shall be designed in an open manner with no barriers, fences, etc., hindering their use as open space. All basins will need to be constructed and functional with City acceptance prior to issuance of the first certificate of occupancy. The linear and neighborhood parks will need to be transferred to the City of Merced per the terms of the Pre-Annexation Development Agreement.

Modified by
PC on
10/3/18. See
pg. 12

- ~~22. The secondary access point shall be located at the intersection of Foothill Drive and G Street. The secondary access point shall be installed prior to the issuance of the 1st certificate of occupancy permit.~~

23. City staff encourages and recommends the applicant to seek a water agreement with Merced Irrigation District for the usage of non-potable water for the use of irrigation of the City Landscaped areas such as Park-Strips, Parks, and any other area where non-potable water is allowed to be used and is approved by the Public Works Director.

24. The street tree and street light locations shall be approved by City Staff prior to approval of the first Final Map.

Modified
by PC on
10/3/18.
See pg. 12

- ~~25. The cul-de-sac bulb, 'J' Court, shall be open end style including sidewalk connectors to adjacent linear parks (within the PG&E easement) and local streets and walls from back of house to back of house. The linear park and PG&E Easement shall be designed in an open manner, with no fences or other hindrances that would impede pedestrian accessibility of both easements as they intersect with each other and 'J' Court.~~

Deleted by
PC on
10/3/18.

- ~~26. The cul-de-sac bulb labeled as 'D' Court shall be designed with park-strips due to its extended length.~~

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27. City utility service (water and sewer) connections shall be located under the driveway for each lot that faces a City street. Water lines are privately owned and maintained between the meter and the home. Sewer lines are privately owned and maintained from the point of connection to the City-owned main sewer line.
28. Fire Hydrants to be provided and spaced in accordance with City of Merced standards. The maximum spacing between hydrants is 500 feet. Due to width issues of G Street, fire hydrants will need to be placed along the east side of this arterial roadway. The number and placement of fire hydrants to be worked out with the Fire Department.
29. The following design features shall be added to the elevations for the homes throughout the subdivision:
 - a. *Garages Doors:* Design features such as windows and door molds, or driveway pavement treatments, such as aggregate, integral color, and stamped patterns, shall be added. These designs shall be varied from one lot to the other.
 - b. *Front Elevations:*
 - i. All proposed elevations show stucco as the primary building facia material. At least one of the plans shall be amended to show wood siding as the primary facia material, or stone or brick panels (approximately 3 feet high) along the bottom of the facia as a required element, not an option.
 - ii. Each elevation is to be evenly distributed throughout the site. Prior to submittal of building permits, the applicant shall provide the Development Services Director with a “distribution plan” showing the: house plan elevation, color, roof material, porch design, and garage door/pavement design selected for each lot. In no case, shall any more than two adjacent lots in a row have the same elevation.

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- iii. Blank rear and side elevations visible from a street are not permitted. The elevation shall include functional features (windows and doors, or be adorned with attractive features in addition to landscaping).
- iv. The color palette for houses shall be varied (at least 6 distinct sets of colors) and be consistent with the style of the house.
- v. High quality aesthetically pleasing materials (wood, stone, iron, pre-formed plastic fencing, etc.) shall be used.

BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: SPRIGGS, CORTEZ, GABRIALT-ACOSTA, POLLARD, SANDERS, WOOTEN

NOES: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: OSORIO

July 15, 2008/July 15, 2009: On July 15, 2008, the State of California gave a one-year extension to all active (not expired) tentative maps that were otherwise scheduled to expire on or before December 30, 2010. On July 15, 2009, the State of California gave a second, two-year extension. Therefore, this Tentative Map #1291 hereby has its expiration date extended to January 16, 2012.

July 15, 2011: On July 15, 2011, the State of California gave a 24-month extension to all active (not expired) tentative maps that were otherwise scheduled to expire on or before January 1, 2014. Therefore, Vesting Tentative Subdivision Map #1291 hereby has its expiration date extended to January 16, 2014.

July 11, 2013: On July 11, 2013, the State of California gave a 24-month extension to all active (not expired) tentative maps that were approved on or after January 1, 2000. Therefore, Vesting Tentative Subdivision Map #1291 hereby has its expiration date extended to January 16, 2016.

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October 10, 2015: On October 10, 2015, the State of California gave a 24-month extension to all active (not expired) tentative maps that were approved on or after January 1, 2002, and not later than July 11, 2013. Therefore, Vesting Tentative Subdivision Map #1291 hereby has its expiration date extended to January 16, 2018.

June 6, 2018: At their regularly scheduled meeting of June 6, 2018, the Planning Commission approved the Extension of Vesting Tentative map #1291 (“Bright Homes”) for one year (to January 16, 2019), subject to the following additional conditions:

30. A revised vesting tentative map shall be submitted within 60 days of the date this extension is granted. The revised map shall include the following:
 - a. All lots shall be on property owned by the applicant.
 - b. All roads through the subdivision shall be on property owned by the applicant.
 - c. Access from Merrill Place into the subdivision on Palisades Drive shall be on property owned by the applicant or the right-of-way must have been dedicated to the City of Merced prior to submitting the revised map.
31. If after 60 days the above conditions have not been met, Vesting Tentative Map #1291 will automatically expire.

Upon motion by Commissioner PADILLA, seconded by Commissioner COLBY, and carried by the following vote:

AYES: Commissioners Alshami, Camper, Colby, Martinez, Padilla, and Chairperson Dylina

NOES: None

ABSENT: None, (One vacancy)

ABSTAIN: None

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October 3, 2018: At their regularly scheduled meeting of October 3, 2018, the Planning Commission approved the modifications to Vesting Tentative map #1291 (“Bright Homes”) subject to the conditions contained within this resolution, including modifications to Conditions #1, #10, #11, #12, #13, #22, and #25, the deletion of Condition #26, and the addition of Conditions #32 through #44. :

1. The proposed project shall be constructed/designed as shown on Exhibit 1 [Proposed Vesting Tentative Map #1291 (Modified)] - Attachment C of Staff Report #18-29, except as modified by the conditions.
10. Developer shall design storm drainage with consideration as to whether the shared pump station pumping rate can or needs to be constructed in phases. Developer shall share costs of pump station with the property owner to the north, if joint use occurs, or if pump station is necessary. Storm drainage shall comply with City Storm Drainage Master Plan.
11. Developer shall design sanitary sewer with consideration as to whether the shared pump station pumping rate can or needs to be constructed in phases.
12. Dedicate additional G Street right-of-way and easements to match *Merced Vision 2030 General Plan* requirements for a 128-foot wide arterial, plus an additional 15 feet of right-of-way to accommodate the required landscape area, block wall, and utilities. A 7-foot-tall block wall shall be constructed along the project’s frontage on G Street. Consistent with Planning Commission Resolution #2871 (Absolute Leeco Annexation), all of “G” Street within the annexation boundary shall be constructed at the time of improvements for the first tentative map, along with all other requirements listed in Condition #7 of said Resolution.
13. Dedicate additional right-of-way and easements along the northern half of Merrill Avenue to match *Merced Vision 2030 General Plan* requirements for 74-foot wide collector (37-feet of ROW), an additional 10 feet of right-of-way to accommodate the required landscape area, block wall, and utilities. A 7-foot-tall wall shall be constructed along the project’s frontage on Merrill Avenue (Place). The

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- block wall may be constructed in phases consistent with the tentative map. All of the land required for this development's share of Merrill Avenue (Place) shall be dedicated with the first final map.
22. Secondary access to the subdivision shall be provided by a Temporary Emergency Vehicle Access easement constructed between Lots 1 and 15 of Modified Tentative map #1291 to be maintained by the CFD.
 25. The linear park and PG&E Easement shall be designed in an open manner, with no fences or other hindrances that would impede pedestrian accessibility.
 32. At the time of Final Map, all references to a "PFE" (Public Facilities Easement) shall be changed to reflect the actual purpose of the easement. For example, if the easement is for utilities and a block wall, the easement should be labeled as a PUE (Public Utilities Easement) and Block Wall easement.
 33. The Emergency Vehicle Access (EVA) is allowed on G Street as a temporary access only. The design of the EVA shall be approved by the Fire, Engineering, and Planning Departments. Pedestrian access should be implemented into the EVA.
 34. Once Palisades Drive and Foothill Drive are constructed which provides secondary access into the subdivision, the EVA shall be abandoned at the owner's expense.
 35. All easements shall be large enough to provide room for all utilities without utilities being placed underneath the City sidewalk.
 36. The Tentative Map shows the EVA as "Lot A" and the 3.10 acres at the eastern edge of the subdivision as "Lot A". This shall be corrected on the final map so that there is no duplication of the lot designations.
 37. Access to Lot A (at the eastern edge of the subdivision) as shown on VTSM #1291 (Modified) shall be provided from this subdivision. The exact location of the access point shall be determined when development occurs on Lot A.
 38. The location of the pump station shown on the park/basin parcel is not approved. The exact location of the pump station will be determined prior to the first final map.

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39. The cul-de-sacs at Court E and Court L shall be open-ended cul-de-sacs providing access to F Street.
40. The owner shall work with the City of Merced to obtain the additional right of way needed for the southern portion of Merrill Place.
41. The area shown as Lot A for the Emergency Vehicle Access on the tentative map shall be re-labeled due to duplication with the area to the east of the subdivision also shown as Lot A.
42. The Emergency Vehicle Access (EVA) Easement area shall be dedicated to the City. If sewer and water main lines are to be placed this area, a public utilities easement shall be maintained upon vacation of the EVA.
43. The EVA area may remain open to allow pedestrian access to the subdivision from G Street if the developer desires to do so after it is no longer needed as an EVA. However, if the pedestrian access is not maintained or problems arise with the use of the access area, it shall be the responsibility of the developer/subdivider to install the block wall in this area.
44. "F" Street shall have a 94-foot-wide right-of-way to include the 74-foot-wide collector road and a 10-foot-wide easement. All walls, landscaping, and utilities shall be included in this easement area.

Upon motion by Commissioner PADILLA, seconded by Commissioner HARRIS, and carried by the following vote:

AYES: Commissioners Camper, Drexel, Harris, Padilla, Rashe, and Chairperson Dylina

NOES: None

ABSENT: Commissioner Martinez

ABSTAIN: None

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April 3, 2019: At their regularly scheduled meeting of April 3, 2019, the Planning Commission approved the Extension of Vesting Tentative map #1291 (“Bright Homes”) for one year (to January 16, 2020).

Upon motion by Commissioner PADILLA, seconded by Commissioner HARRIS, and carried by the following vote:

AYES: Commissioners Drexel, Harris, Martinez, Padilla, Rashe, and Chairperson Dylina

NOES: None

ABSENT: Commissioner Camper

ABSTAIN: None