

Date: February 23, 2021

To: Merced City Council

From: Vicki Bandoni

Subject: Merrill Place

Dear City Council Members,

Leapfrog development! This describes the proposal that is before you today. I am Vicki Bandoni and my family owns the land directly South and East of the Merrill Place project. Our land encompasses approximately 240 acres of farmland planted to almonds and oats. We have lived on and farmed this land since 1980. All of the land to our North, East and South is open land. To our West across "G" Street is the Bellevue development. The Merrill Place project proposed today sits in the middle of open land about one half mile East of "G" Street.

Questionable "Student Housing"

Last week, you approved the annexation of the UC Merced campus into the City of Merced, with the intention that services to the UC could be provided closer to the UC without what Mayor Sarrato described as "sprawl." Before you today is a project designated as "student housing," yet between this "student housing" project and the University there is no infrastructure to support a student housing project along "G" street or Bellevue Road, and it is sandwiched between farmland. There is also no continuous bike lane between this proposed project and UC Merced, nor a means of public transportation. The UC student housing needs are best met near the UC, as per the UC Long Range Development Plan (UC LRDP) so it is questionable why this is designated as "student housing." It is the definition of a project contributing to "sprawl" as it is auto-dependent and puts an unnecessary distance between the development and its intended user's daily destination.

The Telegan-Bright Fallout

Besides this questionable placement as “student housing” for the UC, there is a much more concerning issue of the impacts of this “leapfrog development” on the surrounding properties. Originally, this project was part of a larger joint development with Bright Homes (Tentative Map is on the City Council agenda for March 3, 2021). In the plans for this development was a phased development structure that would have ensured that a full road was built for Merrill Place, and the infrastructure built would connect the two developments to “G” Street. Mr. Telegan had worked with Mr. Bright planning the infrastructure for drainage and for roads. Over the course of time there was a disagreement between the two developers. This fallout left two issues to be dealt with: drainage, and the construction of the Merrill Place road itself.

Road Easements Never Intended to Impact Farming

The road easement on Merrill Place, as well as the road easement on the future Paulson road, was dedicated by the Bandoni’s to the City of Merced with the idea that development would occur contiguously and regularly, from South to North in the future. ***In fact, the almond orchard on the Bandoni property still has a lifespan of 15-20 more years!*** These dedications were never intended to burden our active farmland prior to our development. The Telegan project has shown this normal cadence of development is not happening, with developers being allowed to skip over large parcels of undeveloped land. Telegan’s project is asking for an additional 17’ right of way within our actively farmed almond orchard (with a remaining life span of 15+ years) to align with Merrill Place to the West across “G” Street. This 17’ is ACTIVE farmland and it was stated by Condition #10 that if the additional easement was not acquired, it would be acquired WHEN AND IF Bandoni develops in the future. We will not grant the 17’ easement at this time.

Seeking Drainage on OUR Property

As a result of the Telegan-Bright fallout, Mr. Telegan has also looked to our land to provide drainage for his development, when he could not come to an agreement with his original development partner. The location he has suggested on OUR property within the PG&E easement is NOT in annexed city land, was NOT included in the Initial Study, and would disrupt farming practices. The parcel for Mr. Telegan's project is surrounded by PG&E easements to the North and West that are indeed annexed, were included in the Initial Study, and are part of a development project (Bright) that actively has plans to develop (tentative map is on the agenda for March 3, 2021). Telegan's project is also adjacent to a future city park. City parks are often used for drainage.

The Half-Road -- Why Not Align with Bright and Build a Full Road?

Both of these suggested easements would inch and creep their project onto agricultural land prematurely. Not only that, but the developer wishes to use our dedicated easement to the City of Merced for Merrill Place to build a **half road** from "G" street back to his housing development, leaving the rest of the North side of the road to be completed in the future. Upon Final Map stage, Bright will dedicate the North side of the road, making it possible to build a full road, and they are just behind Telegan in approvals. Wouldn't it be better for the City of Merced if a full road was built? If Telegan has bullied his way into being allowed to build a "half road," is he also putting in half-sufficient pipe sizes to support fire water pressure that would support long-term development in the area? In short, isn't there a cost for "jumping in front of the line"?

The Fire Access Road -- Bulldozing Through Farmland Doesn't Make Sense.

This project aims to build an insufficient fire access road across the middle of our ranch on the extension of Paulson Ave, connecting to East Cardella Road, and dividing our farming operation in half with a 24-foot gravel road that does not take into account topography, dividing the driveway to our

home in half, mature trees, and above all, an active farming operation. In the attached letter, dated June 6, 2015, during the Conditional Use Permit stage for #1200 (at that time under BP Investors LLC), we stated this exact concern. We plead with you to look at other fire access options that go across developing land North or West of the Telegan project, on future PAVED roads (not all-weather gravel roads) rather than disrupting farmland. When this fire road easement was dedicated, it could never have been guessed developers would be allowed to “leapfrog” across miles of active farmland to build “student housing” that was not even close to the university! It was thought development would come from the South, moving in an orderly fashion, instead of creating sprawl.

Relocation of the Private Drain

Finally, there is the issue of the relocation of the private drain within the dedicated easement. As stated many times before, and unmistakably present should anyone set eyes on the property line, this drain runs underneath what will be Merrill Place and within the dedicated easement. It serves the Bandoni property for runoff from our property to the East of the lower field into the Six-Mile Drain on “G” Street. This pipeline is dual-purpose, carrying storm water during the winter and irrigation water for the lower field from the MID canal during the summer. (See letter dated January 16, 2018 attached and exhibits). It is our understanding that the developer will agree to relocate this historic drain into the public facilities easement and outside of the City’s right-of-way at their sole cost (including any studies, engineering, costs for removal of trees, reconnection of irrigation lines, connection to the MID Six-mile drain, etc.). The drain “shall not serve any other use or purpose besides those currently established unless there is agreement by all parties that have a right to discharge” (Draft condition report). We are not interested in providing drainage solutions nor in any way paying costs that would otherwise not occur if the developer was not building this project. We are only interested in maintaining our drainage pipe. In the letter from MID (attached, dated June 17, 2004), MID states, “When development occurs, owner must enter into a “Storm Drainage Agreement...” yet WE are not developing at this point and

should not be subject to pay connection nor ongoing fees until development of our land, nor offer the developer a permanent easement to the pipeline.

Why Is This Being Approved “Out of Order”?

Mr. Telegan has bullied and politicked his way into approvals for this premature development. It is unfair to our family to place any of the burden of this unorderedly development on our land or on our pockets. This has already been a burden to our time and finances. We should not be subject to offer additional easements, divide our agricultural property, pay for developers’ costs, or to disrupt our farming practices due to disagreements between developers or urban sprawl.

This is a leapfrog development. This housing project should wait until Bright Development has a final map, the other half of the easement of Merrill Place has been dedicated by Bright so that a FULL road can be built, and an orderly development process occurs from “G” St. back to this project including proper fire access (not dividing farmland), drainage, upgrades to “G” street, and well-constructed streets which will serve both the needs of the housing development and this “student housing” project. If there is going to be urban sprawl, at least have it done correctly. We plan to continue actively farming our land until orderly development occurs.

As City Council Members, and as the gatekeepers of our city you hold the power to protect Merced and defend the rights of our citizens.

Sincerely,

Vicki Bandoni and the Bandoni Family



Six-Mile Drain on "G" Street ==>

Bright Project

Bandoni Almond Orchard

Telegan Project

Future City Park

Proposed drainage basin
(on Bandoni property ==>)

MULTI-FAMILY HOUSING PROJECT

Unannexed farmland

"G" STREET

MERRILL PLACE

CARDELLA ROAD

Parcel 1
10.10 ac. DC.

Parcel 2
15.56 ac. DC.

Parcel 3
9.41 ac. DC.

Parcel 4
17.68 ac. DC.

Remainder
18.75 ac. DC.

Proposed fire road on future Paulson Rd ==>

Historic drain on Bandoni Property starts here and runs to "G" Street (inlet seen on aerial) ==>

20' ACCESS EASEMENT OF ACCESS FROM BOUNDARY TO SEPARATE INSTRUMENT

20' ACCESS EASEMENT OF ACCESS FROM BOUNDARY TO SEPARATE INSTRUMENT

19' ROAD DEDICATION BY THIS MAP

37' ROAD DEDICATION BY THIS MAP

37' ROAD DEDICATION BY THIS MAP

37' ROAD DEDICATION BY THIS MAP

37' ROAD DEDICATION BY THIS MAP

9' ROAD DEDICATION BY THIS MAP

15' L.E.

80' ROAD DEDICATION BY THIS MAP DEED 1398 O.R. 274

113' 45"

37' ROAD DEDICATION BY THIS MAP

10' P.F.E.

37' ROAD DEDICATION BY THIS MAP

37' ROAD DEDICATION BY THIS MAP

37' ROAD DEDICATION BY THIS MAP

37' ROAD DEDICATION BY THIS MAP

25'

53'

1324.07'

1284.03'

437.85'

779.78'

30' ROAD DEDICATION BY THIS MAP

496.18'

100.01'

219.96'

404.68'

268.99'

637.12'

1292.22'

1292.22'

12'

40'

110'

637.27'

1322.69'

20'

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August 3 2015

Merced City Council
678 West 18th St.
Merced, CA 95340

Re: Appeal of the Planning Condition's denial of CUP #1200 (BP Investors)

Dear Merced City Council,

In addition to our comments submitted to the Merced County Planning Department (attached), we would like to also add the following comments:

- The proposed development is a "leapfrog" across agricultural lands to create a large apartment building where there exists no infrastructure or roads, and is simply not that close to the UC Campus or amenities. It would disturb the current agricultural practices, exasperate trespassing issues, and provide a sub-par standard of living for students to live in such an isolated environment. There are other parcels of land, zoned for this type of development, closer to the UC and/or amenities that would be more suitable for student housing or high-density housing in general.
- **The proposed road connecting the development project to Cardella needs to be reconsidered for the following reasons:**
 1. The proposed road would sever one of the main farming fields, the 80 acres directly to the south of the development, from the equipment storage and maintenance barn near the Bandoni family house. **The proposed development leaves no plan for moving large farm equipment across the road connecting down to Cardella nor along Cardella.**
 2. The proposed road would require the destruction of numerous mature trees and part of a large vineyard that is also actively farmed and utilized by the Bandoni family.
 3. The developer owns the property to the north of the proposed development, where a connector road could be built without disturbing farming practices, destroying trees or a family vineyard, since this land to the north has historically been used as fallow grazeland.
- High density students apartments would be more suitably placed within walking distance or near existing bike paths to the UC Merced campus instead of creating a situation where students rely on shuttles, cars, etc. **The property under the power lines owned by the Bandoni family that is proposed to be the bike path is also currently being farmed at present and into the indefinite future.**
- As part of regular farming practices, which the Bandoni family and its leasees currently engage in and plan to continue indefinitely, **tenants would be subject to the byproducts of normal farming practices.**
- In general, the project as it currently is proposed is not the highest and best use of the land, is not in the best location for proposed future tenants, and has not taken into consideration all of the impacts that would be created.

August 3 2015

Merced City Council
678 West 18th St.
Merced, CA 95340

Re: Appeal of the Planning Commission's denial of CUP #1200 (BP Investors)

We ask that you deny the application for this project #1200 for BP Investors.

Thank you,

The Bandoni Family



Technical MEMO

Date: October 26, 2020
To: City of Merced, Planning Department
From: Garth A. Pecchenino, PE, PLS
Subject: Drainage Pipeline in future Merrill Place
cc: Pete & Vicki Bandoni

Project No.: P200843 /

The property developer of APN 060-030-039 or CUP #1200 has proposed to construct out Merrill Place by building the south half of the roadway along the north line of APN 060-030-042 and complete the full roadway along that portion that is between APN's 060-030-039 & 045. Located in the southern portion the 37-foot road dedication on the Parcel Map for the Bandoni's exists a 36-inch drainage pipeline that was in existence prior to the roadway dedication.

The drainage pipe is part of a system that connects to the G Street Drain (Six-mile Drain) that is operated and maintained by the Merced Irrigation District (MID). There are several other similar ditches or pipelines that connect up slope lands to the east of G Street with the drainage facility that runs along the eastside of G Street. The MID has been contacted for their response to this existing facility that they operate. The attached USGS Quad Map and APN map show approximately the watershed area that is benefited by this drainage pipe within the future road right-of-way for Merrill Place.

As with any land use change the impacts of the project to that specific parcel and the surrounding parcels is most important when dealing with drainage and the potential to interfere with existing drainage facilities, paths, or routes. The proposed development in CUP #1200 has the obligation to take into account the impact this project will have on existing drainage facilities so not to impact those lands that benefit from the drainage facility. As the G Street Drain was installed to relieve flooding issues from up slope lands east of G Street and those lands have been receiving this benefit through the existing 36 inch pipeline that is located within the proposed road right-of-way for Merrill Place needs to be maintain or re-routed to maintain that benefit to those lands to prevent any damage to those lands or adjacent lands should the benefit be removed under the principles of California Drainage Law as defined by the California State Water Resources Control Board in "Drainage Criteria Manual (V.1) Drainage Law", dated 06/2001.

Also, it is typical for the developer during a tentative map or Condition Use Permit for a property during the review process prior to approval, to review the utilities for the development and off-site improvements be identified, can you please provide the material provided for the approval of CUP #1200 as they relate to drainage for the development and for the interference of the natural drainage pattern that the 36-inch pipeline currently and has historically supported as an outfall to the G Street Drain (Six-mile Drain).

Respectfully;

Garth A. Pecchenino, PE, PLS

GAP

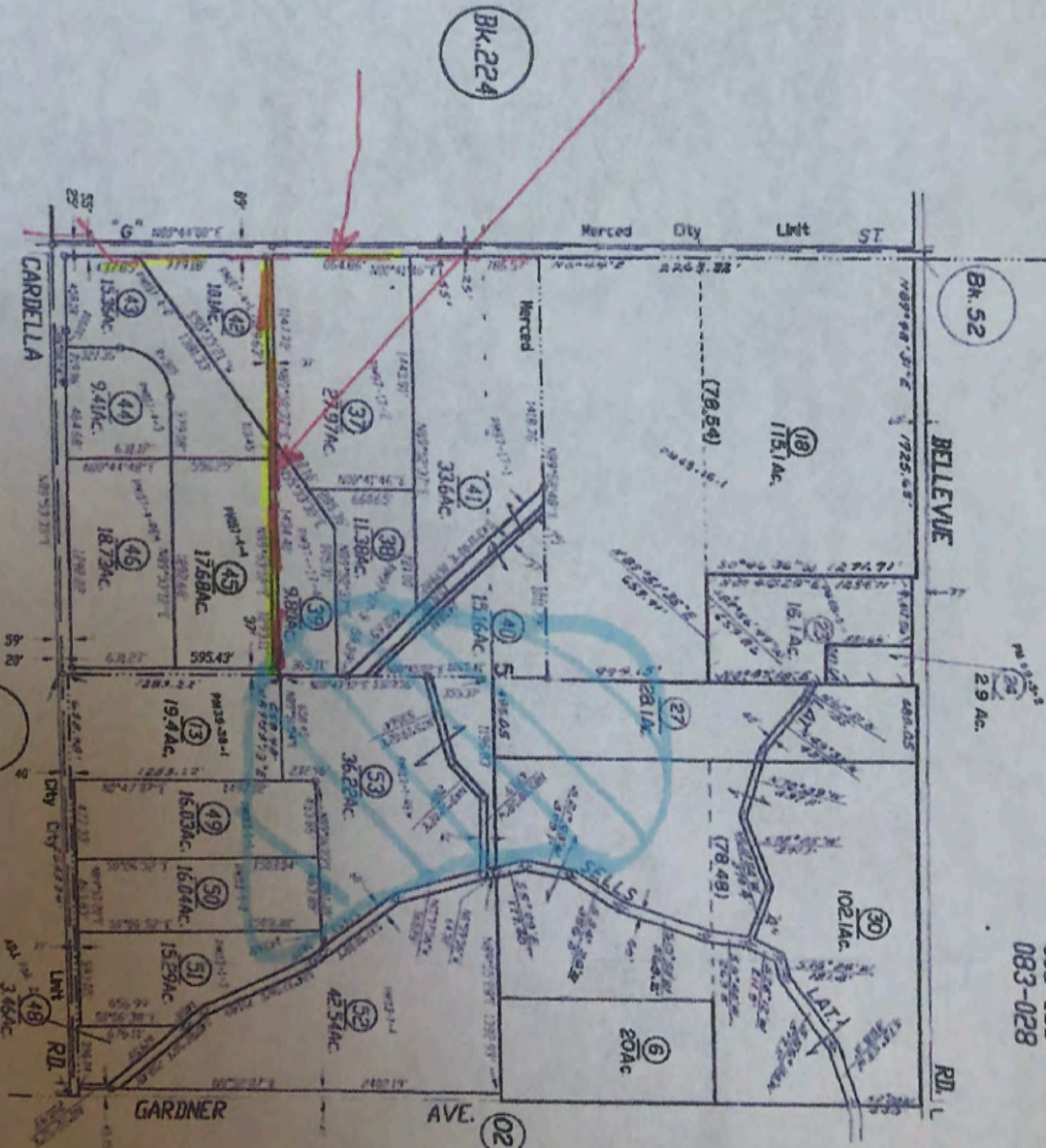
—NOTE—
 This map is for Assessment purposes only.
 It is not to be construed as portraying
 legal ownership or divisions of land for
 purposes of zoning or subdivision law.

T 7S, R14E, M.D.B. & M.

Tax Rate Area
 005-184
 005-185
 083-028

60-0:

Upland Drain
G St. Drain
(6 mile Drain)
Drainage Area



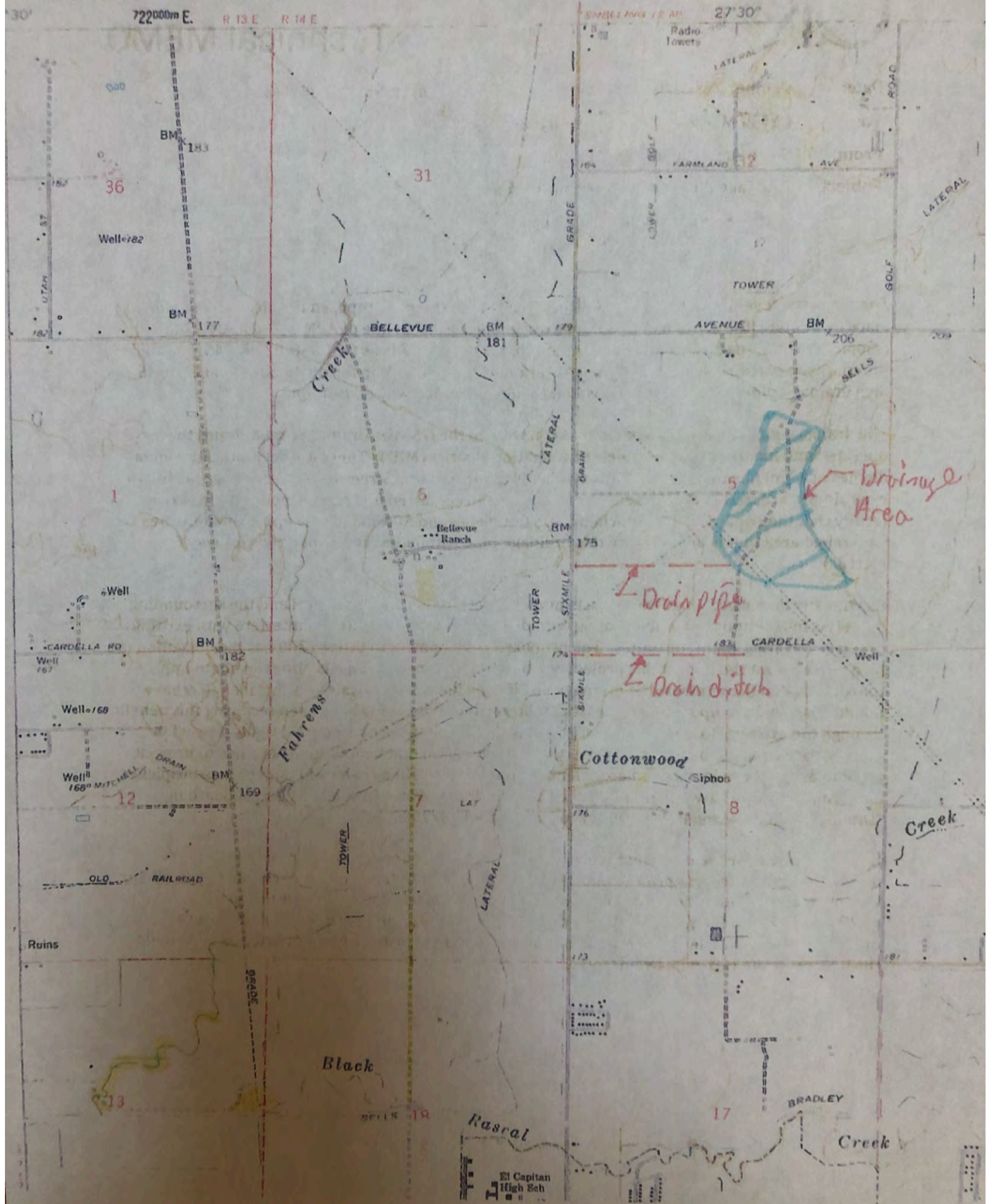
NOTE—Assessor's Block Numbers shown in Ellipses
 Assessor's Parcel Numbers shown in Circles

Assessor's Map Bk. 60 -Pg.03
 County of Merced, Calif.
 1959

829 8-67 11-15-13
 10-16
 2-62
 11-63
 04-68

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

DEPAI



January 16, 2018

Scott Mc Bride
Director of Development Service
City of Merced
678 West 18th St.
Merced, CA 95340

RE: Modification of CUP#1200

Dear Mr. McBride:

We are writing in regards to the property that adjoins our ranch on two side. We want to be sure that you are aware that there is a poured in place drain which runs underneath what will be Merrill Place. This drain delivers any runoff from our property to the east of the lower field into the "G St. drain which runs along the east side of G St., in front of our ranch and along the Bright property. This pipeline is a dual-purpose pipeline, carrying storm water during the winter and irrigation water for the lower field from the Merced Irrigation District canal during the summer. It is imperative that the apartment builders address this pipeline in plans for building Merrill Place.

It is also important to note that this project which will be built to house students is located in a vacant field surrounded by farm land and an almond orchard. More units mean more cars, more people, more noise. The only access to the University will be along Merrill Place to G St. and on to the University via Bellevue Road. G St. and Bellevue are very busy traffic roads and the bike paths are limited and dangerous. Because the apartments will house a large number of students in a rural setting, we are concerned that the dirt farm roads running behind the purposed apartment complex will become an unauthorized access for student wishing to "take a shortcut" to the University. Any access will be considered trespassing and should be addressed by the apartment owners/builders. Building Merrill Place to the full size is necessary to provide a buffer between our Almond orchard and the apartment building in addition to carrying the full load of traffic created by a large number of students living in the apartments.

We also understand that additional land to the south may be required to build the access from G St. to Merrill Place to the full size which was origionally required when the project was approved. Is this true?

We have owned and farmed this land for over 40 years. We make every effort to be a good neighbor. We must protect our "rights to farm" our land.

Regards,

Pete and Vicki Bandoni

[REDACTED]
Merced, CA 95340
[REDACTED]

June 17, 2004

Christine Grider, Associate Planner
City of Merced, Planning Dept.
678 West 18th Street
Merced, CA 95340

Subject: Annexation and Pre-zoning Applications No. 03-02; Environmental Review No. 03-23 – Pete Bandoni

Dear Ms. Grider:

The Merced Irrigation District (MID) has reviewed the above referenced applications and offers the following comments:

1. MID operates and maintains the Six Mile Drain located within a 40-foot wide fee strip by canal reservation and exception as recorded in Volume 533, Official Records, Page 454, Merced County Records. This fee strip parallels the entire west boundary of the subject property south to Cardella Road.
2. MID also has title to a 40-foot wide fee strip, containing no current facilities, by canal reservation and exception as recorded in Volume 533, Official Records, Page 454, Merced County Records. This fee strip parallels the entire south boundary of the subject property north of the section line from "G" Street east to the east property line. This 40-foot wide fee strip is in the same footprint as the City of Merced's 40-foot wide right of way north of the section line thus giving MID the underlying fee of said street.

MID respectfully requests that the County require the following, as conditions of approval.

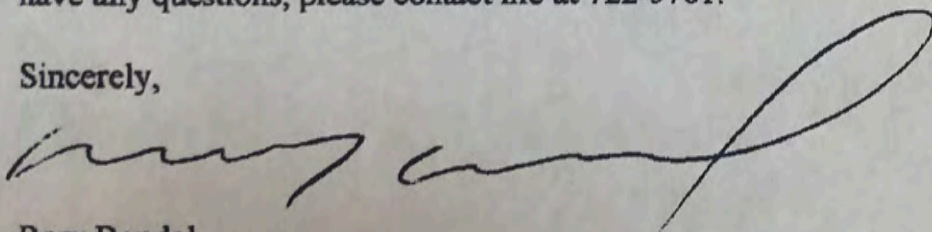
1. There is a crossing over the Six Mile Drain at the northwest corner of the subject property with no existing agreement. To mitigate this situation, the applicant must obtain an "Ingress/Egress Easement" from MID including a "Driveway License Agreement" to hold MID harmless of any liability associated with the existing crossing and designating that the property owner will be solely responsible for all maintenance, repair and or replacement of said crossing. Any future crossings over or under MID facilities will also require the aforementioned easements and/or agreements.

2. When development occurs, owner must enter into a "Storm Drainage Agreement" with Merced Irrigation District Drainage Improvement District No. 1 (MIDDID No. 1), paying all applicable fees, in order to utilize Six Mile Drain for storm drainage.
3. Maintain existing irrigation deliveries (if property should sell) by providing easements through applicant's remaining property.
4. MID is willing to negotiate with the City of Merced for the transfer of ownership of the 40-foot wide fee strip paralleling the east side of "G" Street from MID to the City for the future widening of said street. MID is also amenable to relinquishing the underlying fee in Cardella Road to the City. A City representative should contact Hicham ElTal of MID at the phone number listed below.

MID is a local provider of electrical services and was granted such rights as an irrigation district through the California Water Code since 1919. As of today, MID-Electric Services has over 3000 meters including 2000 residential customers with a system load over 80 MW's. As the developer, should you choose MID electric services and install energy efficient appliances, windows, air conditioners, etc., you may qualify for MID-Electric Services Energy-Rebate Programs to offset your costs and deliver to your clients an energy efficient product resulting in a win-win situation. For more information, please contact Isaias Franco at 722-5761.

Thank you for the opportunity to comment on the above referenced applications. If you have any questions, please contact me at 722-5761.

Sincerely,

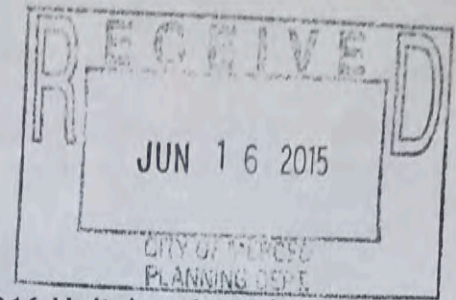


Rory Randol
Facilities Specialist

cc: Garith Krause, General Manager
Ted Selb, Deputy General Manager
Robert Acker, Director of Facilities and Streams
Hicham ElTal, Manager of Engineering - Water Resources
Ron Price, Associate Engineer - Water Resources
Greg Thompson, MIDDID No. 1
Charlie Crandall, Account Representative - Electric Services
Pete Bandoni, Applicant

June 6 2015

City of Merced Planning Commission
678 West 18th St.
Merced, CA 95340



RE: Conditional Use Permit #1200 BP Investors, LLC, for a 216 Unit Apartment complex

Dear Planning Commission Members:

The Bandoni family land directly borders the proposed sight for the 216-unit apartment complex to the south and east. Our home is on the land, and we have lived here for over 35 years, and have no plans to relocate. After attending the Planning Commission meeting on May 20, 2015 and hearing the full discussion, we are writing to express our disapproval of the project and ask that you vote to disapprove the project at your next meeting.

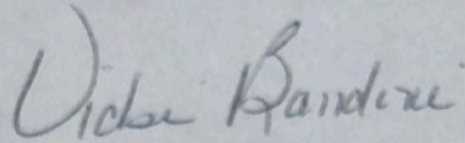
The proposed complex has been planned as student housing, and given that information is true, there should be more consideration given to the lifestyle of students and the requirements for bike parking, regular parking, and transportation infrastructure in the most direct way to UC Merced. Using "normal" calculations for single families does not take into account that the intention for this complex is NOT to be for single families. It is intended for young, single students who likely will have individual cars and bikes given current road infrastructure to UC Merced is still over 3 miles from the proposed project. For example, the calculation to place the number of 17 bike parking spaces for an estimated up to 1,356 occupants is ridiculous.

The proposed sight is off a main access roads to the campus and is currently surrounded by active farmland ON ALL SIDES for which there is no immediate future plans for development. This places a large number of tenants in a rural location at the end of a dead end road. The roads suggested to be build In Phase II, Paulson Road to the South to Cardella Road and Cardella Road from Paulson to G St., CANNOT be built while the Bandoni property is being actively farmed, and therefore the fire and police access suggested via the Paulson and Cardella Roads is not viable. The building of Paulson Rd. would cross our farmland and divide our land in half, taking part of our vineyard, and making it impossible to move farm equipment across the property. In addition, we and lessors of our property are not organic farmers and do use pesticides on our crops which may be a concern ESPECIALLY FOR HIGH DENSITY APARTMENT DWELLERS that are proposed to be located WITHIN A FEW FEET of the actively farmed land. It is not stated how the developers will orient the site to mitigate for the farming practices of dust, pesticides, early morning/evening noise, and moving equipment across paved roads.

While we do not think this is the right location for apartments at this time, we believe any access roads to a development should be built ON THE DEVELOPERS LAND TO THE NORTH and connect to the bike lanes on G St. and Bellevue Road. There are

presently many locations within the city zoned for apartments which have streets, sewer, and transit in place for such a project, and more consideration is needed.

Sincerely,



Pete and Vicki Bandoni

Merced, CA 95340

"THE PALISADES"

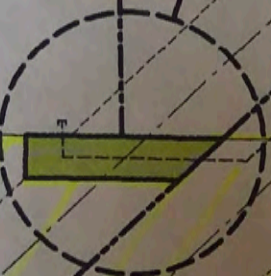
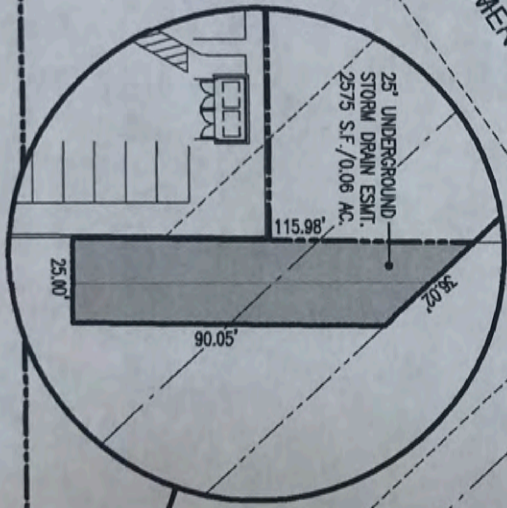
STORM WATER
BASIN

TOWER-AND-TRANSMISSION

LINES-EASEMENT

TOWER-TRANSMISSION

PARCEL 4
97 P.M. 16, M.C.R.
"REGENCY COURT"
(STUDENT HOUSING)



Bandoni Property
(Farmed, unannexed land)

LINES-EASEMENT

STORM DRAIN

(161)

STORM DRAIN

STORM DRAIN

152
153
154
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STREET

STREET

COURT