CITY OF MERCED
Planning & Permitting Division

STAFF REPORT:	**#15-04 - Addendum**	**AGENDA ITEM: 4.1**
FROM:	Kim Espinosa, Planning Manager	**PLANNING COMMISSION** **MEETING DATE: February 4, 2015** **(Continued from January 21, 2015)**
PREPARED BY:	Bill King, Principal Planner	**CITY COUNCIL** **MEETING DATE: Mar. 16, 2015** **(Tentative)**

SUBJECT: **General Plan Amendment #14-05, Site Utilization Plan Revision #10 to Planned Development (P-D) #42, Conditional Use Permit #1194 and Vesting Tentative Subdivision Map #1303** ("Bellevue Ranch Condos") , initiated by Golden Valley Engineering, on behalf of C.W.N. Development, LLC, property owner. This application involves: a General Plan Amendment and Site Utilization Plan Revision to modify the improvement order and financing of off-site infrastructure within the Bellevue Ranch Master Development Plan; a Conditional Use Permit to allow the construction of 432 condominium dwellings and associated parking, open space and on-site amenities on 20.77 acres; and a Vesting Tentative Subdivision Map to enable condominium properties to be created. The project site is bound by M Street, M Street Circle, Mandeville Lane and Barclay Way within the Bellevue Ranch Master Development Plan Area and is zoned Planned Development (P-D) #42. *PUBLIC HEARING*

ACTION: PLANNING COMMISSION:

Recommendation to City Council

1) Environmental Review #14-30 (Subsequent EIR/ND Section 15162 Findings)
2) General Plan Amendment #14-05
3) Site Utilization Plan Revision #10 to Planned Development (P-D) #42

Approve/Disapprove/Modify (contingent upon City Council approval of General Plan Amendment #14-05 & Site Utilization Plan Revision #10 to Planned Development (P-D) #42)

1) Conditional Use Permit #1194
2) Vesting TSM #1303

CITY COUNCIL:

Approve/Disapprove/Modify

1) Environmental Review #14-30 (Subsequent EIR/ND Section 15162 Findings)
2) General Plan Amendment #14-05
3) Site Utilization Plan Revision #10 to Planned Development (P-D) #42

SUMMARY

The subject site is located south of Bellevue Road and west of G Street (Attachment A) within Village 22 of the Bellevue Ranch Master Development Plan (BRMDP). The proposed project consists of a 432-unit condominium complex on land planned for multi-family land uses. Linked to the development of the subject site is the responsibility of project developers to install and/or finance off-site infrastructure within the greater BRMDP. Due to the rate and location with which the overall Bellevue Ranch project has developed, staff supports the request of the applicant to develop out-of-phase, and has conditioned the project to focus on installing and contributing toward future completion of infrastructure within the eastern portion of the Bellevue Ranch project, while deferring such action on infrastructure in its western portion. The subject site is already designated for high-density condominiums, so the General Plan Amendment/SUP Revision does not involve a change in land use, but merely a change in infrastructure timing and development.

The Planning Commission is asked to take two actions on the project. The first action would be to make a recommendation to the City Council regarding the General Plan Amendment and Site Utilization Plan (SUP) Revision. The second action would be to approve/disapprove/modify the Conditional Use Permit (CUP) and Tentative Subdivision Map (TSM). Because the Conditional Use Permit and Tentative Subdivision Map would not be valid unless the General Plan Amendment and Site Utilization Plan Revision are approved, any action to approve the CUP and TSM would be contingent upon the City Council's action on the General Plan Amendment and Site Utilization Plan Revision.

Planning staff is recommending the Planning Commission recommend approval to the City Council regarding the General Plan Amendment and SUP Revision and to approve the CUP and TSM contingent upon the City Council's action.

RECOMMENDATION FOR GENERAL PLAN AMENDMENT AND SITE UTILIZATION PLAN REVISION

Planning staff recommends that the Planning Commission recommend approval of Environmental Review #14-30 (Subsequent EIR/ND Section 15162 Findings), General Plan Amendment #14-05, and Site Utilization Plan Revision #10 to Planned Development #42 (including the adoption of the Resolution at Attachment P) subject to the following conditions:

*1) The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.

*2) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.

*3) Approval of the General Plan Amendment and Site Utilization Plan Revision is subject to the applicants entering into a written (developer) agreement that they agree to all the conditions and shall pay all City and school district fees, taxes, and/or assessments, in effect on the date of any subsequent subdivision and/or permit approval, any increase in those fees, taxes, or assessments, and any new fees, taxes, or assessments, which are in effect at the time the building permits are issued, which may include public facilities impact fees, a regional traffic impact fee, Mello-Roos taxes—whether for infrastructure, services, or any other activity or project authorized by the Mello-Roos law, etc. Payment shall be made for each phase at the time of building permit issuance for such phase unless an Ordinance or other requirement of the City requires payment of such fees, taxes, and or assessments at an earlier or subsequent time. Said agreement to be approved by the City Council prior to the adoption of the ordinance, resolution, or minute action.

*4) The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), 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, suits, proceedings, or judgments 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. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. 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.

*5) 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.

*6) A Conditional Use Permit shall be approved for all new construction on the project site.

Off-Site Improvements

7) *Bellevue Road Improvements*: Consistent with the schedule and finance plan outlined in Condition #8 below, the following improvements, consistent with Finding Y, shall be installed by the developer of the project:

a. *Bellevue Road / G Street to Barclay Way*: Right-of-way improvements resulting in a lane configuration of 3 westbound and 3 eastbound travel lanes, bike lanes,

and full frontage improvements (curb, gutter, sidewalk and landscaped parkway) on the south side of Bellevue Road;

b. *Bellevue Road / Barclay Way to M Street*: Right-of-way improvements resulting in a lane configuration of 2 westbound and 3 eastbound lanes, bike lanes, and curb and gutter on the south side with tapers as needed. Construction of the park-strip and sidewalk on the south side are deferred to Village 21 East;

c. Relocation of the PG&E Power Poles on the south side of the road between G Street and M Street, as necessary;

d. Necessary upgrades as defined by the City Engineer to the existing traffic signals at G Street and Bellevue Road, and Barclay Way and Bellevue Road.

8) *Phasing of Off-Site Road Improvements:* The project's construction sequence is to be completed per the Phasing Plan, Attachment J:

a. Prior to issuance of a building permit for the 1st Building to be constructed, an off-site infrastructure finance or installation plan, prepared by the developer, shall be reviewed and approved by City Staff. At the determination of the Director of Development Services, further provisions or modifications of this schedule may be reviewed by the Planning Commission. Otherwise he/she has the authority to permit modifications. In addition to the scheduled improvements noted below, the Director of Development Services may request either a bond or provision of other security to cover the costs of the required improvements if the sequence of scheduled off-site improvements noted herein should change for any reason.

b. Prior to occupancy of any unit in the 2nd Building to be constructed, the relocation of the PG&E power poles on Bellevue Road between G Street and M Street and/or the design work necessary for the required future street improvements to Bellevue Road shall be completed.

c. Prior to occupancy of any unit in the 3rd Building to be constructed, the Storm Drain system (including the inlet structures) between G Street and Barclay shall be completed

d. Prior to occupancy of any unit in the 4th Building to be constructed, the Traffic Signal at G Street and Bellevue Road shall be upgraded in preparation of the required Bellevue Road Street improvements.

e. Prior to occupancy of any unit in the 5th Building to be constructed, the paving improvements (including curb, gutter and bike lanes) of Bellevue Road between G Street and Barclay Way, adding one more westbound lane and two eastbound lanes, shall be completed.

f. Prior to occupancy of any unit in the 6th Building to be constructed, the eastbound sidewalk and parkway landscape improvements on Bellevue Road between G Street and Barclay Way, shall be completed.

g. Prior to occupancy of any unit in the 9th Building to be constructed, the Traffic Signal per the direction of the City Engineer at the corner of Barclay Way and Bellevue Road shall be upgraded.

h. Prior to occupancy of any unit in the 10th Building to be constructed, the Storm Drain system between M Street and Barclay Way (including the inlet structures) shall be completed.

i. Prior to occupancy of any unit in the 12th Building to be constructed, the paving improvements (including curb, gutter and bike lanes) for the two eastbound and one westbound Bellevue Road lanes between M Street and Barclay Way, including the taper east of M Street shall be completed. Note: Curb and gutter improvements are only for the south side of the road.

9) In addition to payment of Public Facility Impact Fees at time of building permit review, the developer shall provide a fair-share payment of $861.00 per dwelling unit as its fair-share reimbursement of the cost to improve the future Bellevue Road bridge over Fahrens Creek.

10) In addition to payment of Public Facility Impact Fees at time of building permit review, the developer shall provide a fair-share payment of $141.00 per dwelling unit toward the future traffic signal at M Street/Cardella Road.

11) In addition to payment of Public Facility Impact Fees at time of building permit review, the developer shall provide a fair-share payment of $405.00 per dwelling unit toward the future construction of the G Street Improvements between Cardella Road and Mercy Avenue.

RECOMMENDATION – CONDITIONAL USE PERMIT AND VESTING TENTATIVE MAP

Planning Staff recommends that the Planning Commission approve Conditional Use Permit #1194 and Vesting Tentative Subdivision Map #1303 (including the adoption of the Resolution at Attachment P), contingent on City Council approval of General Plan Amendment #14-05 and Site Utilization Plan Revision #10 to Planned Development #42, subject to the following conditions:

*1) The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan), Exhibit 2 (elevations and floor plans), and Exhibit 3 (tentative map) - Attachments B, C, D and E, except as modified by the conditions.

*2) Unless included as part of the original application and included in the project exhibits, all accessory buildings, such as carports, either shown on the approved plans or proposed at a later date, shall be designed to include the styles and materials utilized in the exterior design of the principal buildings, whose permitting shall not unreasonably preclude use of renewable energy elements such as solar panels. Requests for modification of the approved Project plans shall be processed as described in Section 1.6.2 "Amendment Process" provided for in the *Bellevue Ranch Master Development Plan (BRMDP).*

*3) The proposed project shall comply with all standard Municipal Code 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.

*5) All conditions contained in Resolution #1249-Amended ("Standard Conditional Use Permit Conditions"—except for Condition #16 which has been superceded by Code) and

Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions") shall apply.

*6) All applicable mitigation measures of the BRMDP Final Environmental Impact Report dated May 15, 1995 (Attachment L) shall apply to the design, construction and operation of the project.

*7) The Project shall comply with the conditions of approval for General Plan Amendment #14-05 and Site Utilization Plan Revision #10 to Planned Development #42 (Draft Planning Commission Resolution at Attachment P. The project shall also comply with all terms and conditions of the Developer Agreement for the General Plan Amendment and Site Utilization Plan Revision.

*8) The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), 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, suits, proceedings, or judgments 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. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. 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.

*9) The approval of the Conditional Use Permit and Tentative Subdivision Map are contingent upon the approval of General Plan Amendment #14-05 and Site Utilization Plan Revision #10 to Planned Development #42 by City Council. The effective date of the Conditional Use Permit and Tentative Subdivision Map shall be the same as the effective date of the Site Utilization Plan Revision.

*10) Prior to the issuance of building permits, a Vesting Tentative Subdivision Map and Final Map shall have been recorded.

<u>Condominium-based Conditions</u>

*11) *Preparation and Review of Condominium Organizational Documents:* Concurrent with or prior to submittal of a Final Map for the project, the organizational documents of the condominium shall be submitted to the City Attorney for a determination that such documents comply with the requirements of MMC 20.65 (Condominiums), including the formation of a Homeowners Association.

*12) *Building Construction:* Per MMC 20.56.040.J, at the time of building permit review, the developer shall demonstrate: (a) that wall assemblies conform to a minimum sound transmission class (STC) rating of 56 and that floor/ceiling assemblies conform to a minimum impact insulation class (IIC) rating of 63 (52 where kitchens and bathrooms are located) (MMC 20.56.040.F); and (b) that wall and floor/ceiling assemblies comply with fire wall separation standards, as specified in the latest adopted edition of the California Building Code.

*13) *Storage Space:* Per MMC 20.56.060, at least two-hundred cubic feet, with a minimum horizontal surface area of twenty-five square feet, of enclosed, weatherproof, lockable storage space shall be provided for each dwelling unit. The storage space shall be in addition to that ordinarily contained within a unit as cabinets, pantries, and clothes closets. The storage space may be located in or separated from the dwelling unit.

*14) *Separate Meters:* Per MMC 20.56.080, the consumption of gas and electricity within each dwelling unit shall be separately metered so that the unit owner can be separately billed for each utility. A water shutoff valve shall be provided for each unit.

*15) *Laundry Facilities:* Per MMC 20.56.040.E, the project shall be amended to include individual hookups in each unit to accommodate washing machines and dryer, or the existence of ample common facilities for washing and drying of clothes is demonstrated.

Utilities and Services

16) Provide all utility services to each lot, including sanitary sewer, water, electric power, gas, telephone, and cable television. All new utilities are to be undergrounded.

If potable water is provided to the Project using a master meter instead of each condominium dwelling having its own separate water meter, then the City will bill the Homeowners Association for the applicable per-unit sewer charge under the Merced Municipal Code and the Homeowners Association shall be responsible for paying those monthly charges.

*17) Dedication by Final Map of all necessary easements will be made as shown on Vesting Tentative Subdivision Map #1303 and as needed for irrigation, utilities, drainage, landscaping, and open space.

*18) All storm drainage related to the Bellevue Ranch Development must comply with the City's Draft Storm Drainage Master Plan and any applicable requirements of the Merced Irrigation District (MID). The developer shall provide all necessary documentation for the City Engineer to evaluate the storm drain system. All storm drain systems shall be installed to meet City Standards.

*19) 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. CFD's were created that include the subject site. If additional information is needed or any additional process is required, the developer shall comply with all requirements to ensure the CFD is assessed properly.

*20) This permit is for a total of 432 condominium units. The Director of Development Services may allow a reduction in the number of units to no less than 416 dwelling units. Requests to reduce the number of units below this amount shall be reviewed by the Planning Commission through the Conditional Use Permit Process.

*21) Prior to issuance of the first occupancy permit, the developer shall provide a payment of $55,905 to the City of Merced as their fair-share reimbursement of the cost of a prior improvement to install a water line loop in the vicinity of the project.

Circulation and Parking

*22) A minimum turning radius of 33 feet inside, curb-to-curb and 49 feet wall-to-wall for fire apparatus access must be provided throughout the project. Refuse containers or other items shall not be permitted to be placed in the required clear space of the turning area.

*23) Bicycle parking shall meet the minimum requirements of the California Green Building Code.

*24) All driveways shall comply with the City of Merced Standard for commercial driveways and are to be reviewed by the Fire Department as part of the review of the tentative subdivision map and improvement plan submittals.

*25) The applicant shall improve all fronting roads to meet City Standards and the Bellevue Ranch Master Development Plan where necessary, including but not limited to, curb, gutter, sidewalk, park strip, landscaping, street lights, parking and travel lanes.

26) Public sidewalks, parkway landscaping and street trees along each parcel shall be installed entirely with the development of each parcel, or in no less than three phases per parcel in a manner determined by the City's Director of Development Services. At a minimum, such improvements will be installed prior to occupancy of the first building, including a transit stop, walkway (whether on-site or as a public sidewalk), and associated appurtenances necessary to connect the building to the bus transit stop. The sidewalk may include a shallow meander. The phasing plan for this improvement as described in this condition is intentionally different than the project phasing plan (Attachment J) and shall take precedence.

27) Prior to occupancy of the first building, a notice of completion for the Class II bike lanes along both sides of the adjacent collector streets of the project (M Street, M Street Circle, Mandeville Lane and Barclay Way) shall have been issued.

*28) The location and design of transit stop or stops shall be based on a recommendation from *Merced County Transit* and other applicable transit providers and shall be installed by the developer prior to the issuance of the first certificate of occupancy unless determined otherwise by the Director of Development Services.

29) The site plan shall be modified to include pedestrian walkways that extend the private on-site walkways to the public off-site sidewalks at or near each adjacent street intersection, resulting in four such connections per parcel.

Safety

*30) All buildings shall be designed to include commercial fire sprinklers (13-system) as required by the California Fire Code. Eight-foot wide accessways to the buildings through the parking lots shall be provided; handicapped loading zones may not be used for this purpose. Details will be worked out with Staff at the building permit review stage.

*31) Fire Hydrants shall meet minimum fire-flow requirements and located in accordance with City of Merced codes and standards. The maximum spacing between hydrants is 500 feet. The placement of fire hydrants and the number of hydrants for the site is to be worked out with the Fire Department no later than the review of improvement plans.

*32) If Entrance Gates are to be proposed at the two main driveway entrances/exits, adequate vehicle stacking room and a Knox-box with "click-to-enter" technology for the Fire Department shall be provided. Details to be reviewed by the Planning and Fire Departments as part of the review of the tentative subdivision map and improvement plan submittals.

Construction

*33) Prior to any demolition work, the applicant shall obtain all necessary approvals from the San Joaquin Valley Air Pollution Control District and a demolition permit from the City of Merced Inspection Services Department if required.

*34) The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.

*35) All construction activity shall be conducted in accordance with City of Merced standards for times of operation.

Building Design

36) At least two building color palettes for each of the two building elevations approved for this project shall be applied to the buildings, and these must be consistent with those represented in Attachment C.

*37) All mechanical equipment shall be screened from public view.

*38 Containers for refuse and recycled goods shall be stored in enclosures that are designed with colors compatible with the buildings, and shall be built to meet City design standards.

*39) Consistent with the original conditions of the BRMDP (Conditions #87, #88, and #89), the buildings shall be varied in character and enhance the pedestrian-oriented character of neighborhood. The proposed building elevations (Attachment C) meet this standard.

*40) Sound-rated windows to be consistent with the 45 dB interior noise level maximum are required on buildings within 125 feet of the centerline of M Street (BRMDP Mitigation Measures 4.12.2).

Landscaping and Lighting

*41) Concurrent with or prior to the submittal of a Building Permit Application, the applicant shall submit to the Development Services Department a detailed landscape plan that is consistent with the City's Water Efficient Landscaping & Irrigation Ordinance (Merced Municipal Code 17.60).

*42) All exterior utilities will need to be screened with a mixture of building extensions and dense landscaping. Vehicle lights will need to be screened through a combination of landscaping, mounds and walls (details to be worked out with Staff). Greater use of wrought-iron fencing will be used than walls, and plant materials will be designed to grow on such walls to enhance aesthetics and to limit graffiti.

43) The Landscape Plan shall include three landscape palettes having different plant types and arrangements. These palettes will be assigned to different primary buildings on the site in order to enhance the unique character of each building site.

*44) Unless otherwise permitted, parking lot trees shall be installed per the City's Parking Lot Landscape Standards. Trees shall be a minimum of 15-gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City's approved tree list). Trees shall be installed at a ratio of at least one tree for each six parking spaces. The trees may be located in planter areas that protrude into the parking areas, or which run along the edge of the parking areas.

45) Concurrent with or prior to submitting the building permit plan, a Lighting Plan shall be submitted to the Planning Department for review. The plan shall be designed to include decorative lamps, low foot-candles and an even distribution of light. Per BRMDP Mitigation Measure 4.3.3, the exterior lighting shall be limited to mercury vapor, low pressure sodium and incandescent and fluorescent lamps (150 watts or less). The Planning Manager may permit contemporary equivalents.

46) All private outdoor walking areas shall be properly lighted with ground-mounted lights.

*47) In compliance with the California Energy Code requirements, parking lot and building lighting shall be shielded or oriented in a way that does not allow "spill-over" onto adjacent lots. Shields shall be used to prevent light from spilling onto surrounding streets and properties. Top shields are required on pole-mounted lights. All lighting shall have cut-off lenses that confine light to intended areas of illumination (BRMDP Mitigation Measure 4.3.3).

*48) Prior to submittal of a grading or building permit, and consistent with the landscape and lighting conditions noted above, the developer shall satisfy the City's objectives for the project's perimeter design, namely, to: a) present an attractive frontage along all public roads; and b) provide for public view into the project site, while securing the development. Required elements of the plan include an attractive placement of trees, shrubs, groundcover, mounds, signs and lawns, and an articulated combination of walls and wrought-iron fencing. The preferred method of providing security is through use of wrought-iron fencing, with limited use of walls. When walls are used, they should be designed with graffiti prevention in mind with combinations of landscaping, vines, or graffiti-proof coatings. Per Merced Municipal Code 20.62.040.E, the plan shall comply with the "40-foot visual corner."

Signs

*49) The design, permitting and installation of signs shall comply with the City of Merced Sign Ordinance.

50) A temporary banner permit shall be obtained prior to installing any temporary signs. Free standing temporary signs (i.e., sandwich boards, A-frame signs, etc.) are prohibited.

*51) All external signage shall be indirectly illuminated. All address numbers shall be internally illuminated. All signage and addressing shall match the building façade on which it is attached.

Affordable Housing

*52) In accordance with the Affordable Housing Agreement between the City of Merced, the Central Valley Coalition for Affordable Housing, and Bellevue Ranch - Merced, L.P., dated July 17, 2006, a total of 40 "low-income" housing units shall be provided within the subject condominium project. The units shall be made available to all individuals or families who meet the low-income guidelines established by HUD. These units shall be rent or re-sale restricted for five years. Prior to issuance of the first certificate of occupancy, a monitoring plan acceptable to City Staff shall have been developed by the developer. The design and construction of the affordable housing dwelling units shall be no different than the other dwelling units constructed with the condominium project.

The affordable housing units shall be dispersed throughout the project. 20 units shall be provided on Parcel X and 20 units shall be provided on Parcel W. The affordable units shall be distributed amongst the units in generally the same ratio as the bedroom types (See Finding C). Thus, on each parcel, the distribution of 20 affordable units by bedroom type shall be: 4 one-bedroom units; 6 two-bedroom types; 7 three-bedroom types; and 3 four-bedroom type. No less than one and no more than three affordable housing units shall be provided in each building. Within each building, the affordable units may not be applied to units having the same number of bedrooms.

Maintenance

*53) The premises shall remain clean and free of debris and graffiti at all times.

*54) All landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.

(*) Denotes non-discretionary conditions.

PROJECT DESCRIPTION

The subject site is located south of Bellevue Road and west of G Street (Attachment A) within Village 22 of the Bellevue Ranch Master Development Plan (BRMDP). The Planning Commission is requested to review site design elements and a proposed alternative approach to the provision for installation and payment for off-site infrastructure improvements within the BRMDP. This discussion on “Project Description” is organized into three main sections:

- Surrounding Land Uses;
- Site Design Overview; and,
- Overview of Infrastructure.

Surrounding Land Uses

The project is comprised of 10.13-acre Parcel X and 10.64-acre Parcel W, totaling 20.77 acres. These parcels are located on the northeast corner of M Street and Barclay Way within the Bellevue Ranch area, and is referred to as Village 22 East. Village 22 West is located on the west side of "M" Street, and is also designated for multifamily dwellings in the BRMDP. Village 22 West is not part of the applicant's proposal (Attachment A).

Surrounding uses are noted at Attachment A.

North: Vacant Commercial Land, Lot V (Zoned P-D #42) (across Mandeville Lane)

East: Single-Family Residential Subdivision, Village 15 ("Windsong by Mathews Homes"), partially developed (across Barclay Way)

South: Single-Family Residential Subdivision, Village 14 ("Reverie by Ryland Homes"), partially developed (across Barclay Way)

West: Vacant High-Medium Density Residential Land, Village 21 (Zoned P-D #42) (across M Street)

Site Design Overview

The proposed project consists of a 432-unit condominium complex on two parcels already designated in the City's General Plan as High-to-Medium Density Residential (HMD). On each parcel will be sited eight three-story buildings each containing 27 condominium-units, resulting in a total of 216 units per parcel. Details of the proposed bedrooms and location within the buildings are described in Attachment D. Other details that describe the project's parking, open space, accessory buildings and architecture are provided under the "Findings and Consideration" portion of this Staff Report.

Overview of Infrastructure

The site is adjacent to collector roads (M Street, M Street Circle, Barclay Way, Bancroft Drive and Mandeville Lane). While some improvements to these rights-of-way are needed (sidewalks, street trees, park-strip landscaping, transit stops, bike lanes), these roads are complete and operational and include travel lanes, traffic control, curb and gutter, street lights and fire hydrants. Sewer and water lines exist adjacent to the project site. The BRMDP also requires specific off-site improvements to be installed with the project (these are described and considered in Staff Report Finding Y). Additionally, since the applicant is requesting to develop the site "out-of-phase" with the BRMDP minor-phasing plan, under the authority granted by Section 6.1 of the BRMDP Development Agreement, City Staff is allowing the change in phasing provided that the developer install and/or provide security for specific infrastructure that would have been installed with the minor phases that have not been constructed. These topics are addressed in Staff Report Findings Z, AA and BB.

BACKGROUND

The Bellevue Ranch Master Development Plan (BRMDP) was approved in 1995, and Planned Development (P-D) zoning was established to implement the Master Development Plan. A majority of the development plan is Single Family Residential with two mixed-use neighborhoods comprised of Commercial, High-Medium Density Residential and Low-Medium Density Residential. The proposed condominium project is located within the "High-Medium Density Residential" designation, is consistent with the original BRMDP approved in 1995, and would be the first multi-family project proposed for construction within the BRMDP.

In June 2008, the Planning Commission approved a similar condominium project on the subject parcels. That project had 20 buildings (ten on each parcel), containing a total of 440 condominium units with a density of 21.2 dwelling units per acre, comprised of 1 and 2 bedroom units, resulting in 344 bedrooms. The subject project has 16 buildings (eight on each parcel), containing 432 condominium units with a density of 20.8 dwelling units per acre, comprised of 1, 2, 3, and 4 bedroom units, resulting in 424 bedrooms. The biggest "site-design" change between the original project and the current proposal is the location of the buildings. In the original approval, the parking areas were placed behind the buildings with the buildings sited next to the public sidewalks and streets. The current plan puts the parking between the public sidewalk and street and the condominium units, and inclusion of a central private open space area (Attachment B).

The General Plan Amendment and Site Utilization Plan portion of the Staff Report focuses on two items:

- Requirements for off-site infrastructure; and,
- Change in site design features.

Off-Site Infrastructure: The BRMDP includes a minor phasing plan that lists off-site infrastructure such as bridges, roads and traffic signals to be installed with different phases. The project is located within minor phase 22 (commonly referred to as "Village 22"). While the BRMDP allows development to occur "out-of-phase" with its adopted minor phasing plan (referred to as Table 6.1, Attachment H), the Development Agreement enables for either installation or advance payment for the "skipped" infrastructure that is listed with prior phases that have not yet been fully developed, which include Phases 3, 10, 12, 17, 19 and 21. This staff report presents an alternative method for providing the off-site infrastructure.

Site Design Features: The proposed site plan includes significant changes to the parking and building design standards of the BRMDP, and is inconsistent with several original BRMDP conditions of approval. In lieu of positioning buildings adjacent to the street, the applicant is proposing to shift them away from the street and to provide an attractive perimeter screen without creating a "walled-in" appearance.

FINDINGS/CONSIDERATIONS:

Land Use

A) *Consistency with the Merced Vision 2030 General Plan*

The proposed project complies with the General Plan Land Use Designation of "High Medium Density Residential" (which include a variety of multi-family dwelling styles such as apartments and condominiums), and the zoning classification of Planned Development (P-D) #42, and with the following General Plan policies:

Land Use 2.8.e: Preserve the existing housing stock and build a mix of new higher density housing.

Land Use 1.2.a: Encourage higher-density residential developments within walking distance (approx. 1/4 mile) of commercial centers.

Land Use 3.1.c: Plan areas for higher density development within 1/4 mile of locations identified as transit hubs and commercial centers.

Land Use 3.1.d: Encourage higher housing densities in areas served by the full range of urban services. Consider higher housing densities for areas around existing and planned transit hubs.

Land Use Policy 3.2.a: Encourage a diversity of building types, ownership, prices, designs, and site plans for residential areas throughout the City.

B) *Project Density:* Based on 432 units on 20.77 acres, the overall project density is approximately 20.8 dwelling-units per acre. Residential densities of 22 dwelling units per acre may be permitted according to the adopted Bellevue Ranch Development Master Plan. Multi-family housing is an important component of the City's mixed-use neighborhoods and is necessary to support the economic viability of the commercial core, maintain a walkable urban core, support transit services, and to provide housing for all income levels within the City.

C) *Dwelling Units and Bedrooms:* The 432 dwelling units consist of 216 dwellings on each parcel. Each parcel will have 8 buildings, each with 27 dwelling units (7 on the first floor, 10 on the second floor, and 10 on the third floor). Within each building, these 27 dwellings are comprised of 9 one-bedroom units, 12-two-bedroom units, 4 three-bedroom units, and 2 four-bedroom units. Of the 216 dwelling units on each parcel, 72 are one-bedroom units, 96-two-bedroom units, 32 three-bedroom units, and 16 four-bedroom units. The ratios of bedrooms per parcel are 33.4% one-bedroom; 44.4% two-bedroom; 14.8% three-bedroom; and 7.4% four-bedroom.

D) *Low-Income Housing Requirement:* In accordance with the Affordable Housing Agreement between the City of Merced, the Central Valley Coalition for Affordable Housing, and Bellevue Ranch - Merced, L.P., dated July 17, 2006, and consistent with BRMDP Mitigation Measure 4.13 requiring the provision of affordable housing within the Bellevue Ranch project, the applicant is proposing 40 affordable housing units to be dispersed throughout the 20.77-acre site.

E) *Neighborhood Amenities:* The project will have access to future commercial sites, neighborhood parks, and schools. All these amenities will be located within the Bellevue Ranch area (Attachment A).

F) *Interface with the Neighborhood*: While the land use designation and zoning for the site are consistent with the adopted General Plan and Official Zoning Map, site design features can be required to assure compatibility with adjacent land uses. The project site design and recommended conditions are intended to create a compatible development with the future shopping center to the north and the single family homes located east and south of the project site.

Public Improvements/City Services

G) *Refuse*: The condominium project will provide the minimum required capacity for waste and recycled materials. Each parcel is served by three enclosures containing bins for waste and recycled goods. These enclosures are required to use the same exterior building materials that are found on the condominium buildings (CUP/VTSM Condition #38).

H) *Storm Drainage and Streetscape:* Storm drainage collection, retention and discharge shall conform to City Standards and shall be subject to Engineering Department approval.

I) *Sanitary Sewer:* Sanitary sewer collection, treatment, and disposal will be provided by the City. At present, M Street contains a sewer main that can serve the project. The developer will extend sewer mains per the City's Master Plan as well as local mains.

J) *Water Supply:* Water supply for both domestic uses and fire flow protection is provided for by existing wells and lines that service the area. Part of this network was the recent construction of a water line loop. This improvement was required per Condition 7.d of Conditional Use Permit #1114, the previously approved CUP for the subject site. Such improvement was needed to reduce fluctuations in water pressure; ensure constant minimum fire pressure; and to provide increased circulation in the water system, thereby, providing fresher domestic water. CUP/VTSM Condition #21 requires the applicant to reimburse the City in the amount of $55,905 for this improvement. As necessary, the applicant may extend water mains to serve the project, including all requirements to meet necessary fire flows and pressures per code with each phase of construction.

K) *Fire Sprinklers and Access*: The project will be designed with adequate fire sprinklers and fire accessibility. Such design improvements include the requirement for commercially-rated fire sprinklers; the provision of fire access and staging areas adjacent to the buildings; vehicular access to the clubhouse that is located behind the dwellings and in the center of the project's open space; the use of knox-boxes and "click-to-enter" technology at project gates; and meeting minimum fire-flow requirements (CUP/VTSM Conditions #30-32).

L) *Fire Coverage*: For purposes of long-term planning and locating fire stations, the Fire Department has a goal of maintaining a response time of four to six minutes, 90 percent of the time (within the financial constraints of the City) for the first crew to arrive at the

scene. This equates to a station located roughly 1.5 miles from the scene. The City has acquired properties for future fire stations in Bellevue Ranch and Merced College, and is collecting funds for the eventual construction of a fire station. This project will pay public facility impact fees that will contribute to the fire station construction fund.

M) *Public Safety Costs:* In 1997, the Bellevue Ranch developers agreed through a Development Agreement to payment of fees and taxes for future development in order to defray the cost of new growth. In response to significant growth in Merced without a corresponding increase in the General Fund and other revenues, the City Council adopted Public Facilities Impact Fees in 1998, and in 2003, directed staff to implement ways of paying operating costs for police and fire services through Community Facilities Districts (CFD).

In 2003, the City adopted a Resolution forming a Community Facilities District (CFD) in compliance with the "Mello-Roos Community Facilities Act of 1982." The revenue generated from the CFD would be used to fund services such as police and fire protection, landscape maintenance, parks, and storm drain facilities. The subject parcels were part of the original formation of the CFD (CFD No. 2003-2). Once developed, property owners will be assessed a special tax on their annual tax bill.

In addition to the CFD for services, the developers of the Bellevue Ranch area also requested approval of a CFD to fund infrastructure costs (CFD No. 2003-1). This CFD funded water and sewer systems, storm drainage facilities, street improvements, public safety facilities, and other required improvements. As with the CFD for services, a special tax is assessed on the tax bill for the property once it is developed.

Although the CFD is already formed, in the event additional information or documentation is needed, or an additional process is required to implement the assessment, the developer shall comply with any necessary CFD formation requirements to ensure the CFD is properly administered (CUP/VTSM Condition #19).

N) *CFD Bond Requirement:* In order to ensure the value of the Bonds issued to the City of Merced for the Bellevue Ranch Development, the City of Merced can allow only a minimal variation in approved units constructed on site. If the applicant decides to reduce the number of units by more than roughly 5% of the total approved units, then the applicant will be required to apply for a separate Conditional Use Permit for the revised application (CUP/VTSM Condition #20).

<u>Site Design</u>

O) The design of the project will be shaped by previously imposed actions, including 35 adopted Guiding Principles of the BRMDP (Attachment K), and 95 Conditions of Approval of the BRMDP (Attachment M). Additionally, the project is subject to previously adopted mitigation measures (MM) for the overall BRMDP (Attachment L). Any conflicts with the conditions, guiding principles and mitigation measures are noted in the "Findings and Considerations" discussed below.

P) Traffic/Circulation

1. *Vehicle Trip Generation*: According to the *Institute of Transportation Engineers (ITE) Trip Generation 8th Edition* for a "Residential Condominium/Townhouse," the "Peak Hour Trips" (PHT) for adjacent street traffic, 4-6 p.m., weekday is 0.52 trip per unit. Using the ITE rate of 0.52 PHT per occupied unit (432), 225 peak hour trips are estimated to occur. Average daily trips (ADT's) are based on the average rate of 5.81 trips on a weekday per occupied unit. With 432 units, it is expected that the proposed residential project would generate approximately 2,510 Average Daily Trips (ADT's). Vehicle trips generated by the forecasted multi-family land use were accounted for in the EIR for the Bellevue Ranch Master Development Plan, and were the basis for the required road improvement projects listed in the BRMDP mitigation measures and conditions of approval. Construction of planned project roadways, payment of Public Facility Impact Fees, and implementation of the Infrastructure Phasing Plan (Table 6.1) for the BRMDP (Attachment H) will adequately mitigate the project's traffic impacts.

2. *Project Access:* The project's primary driveways are located on Bancroft Drive (Local Street) with secondary emergency access located on "M" Street and Mandeville Lane, and exit-only on Barclay Way.

3. *Transit*: Consistent with BRMDP Condition of Approval #91, the proposed bus stops will be reviewed by local transit authorities.

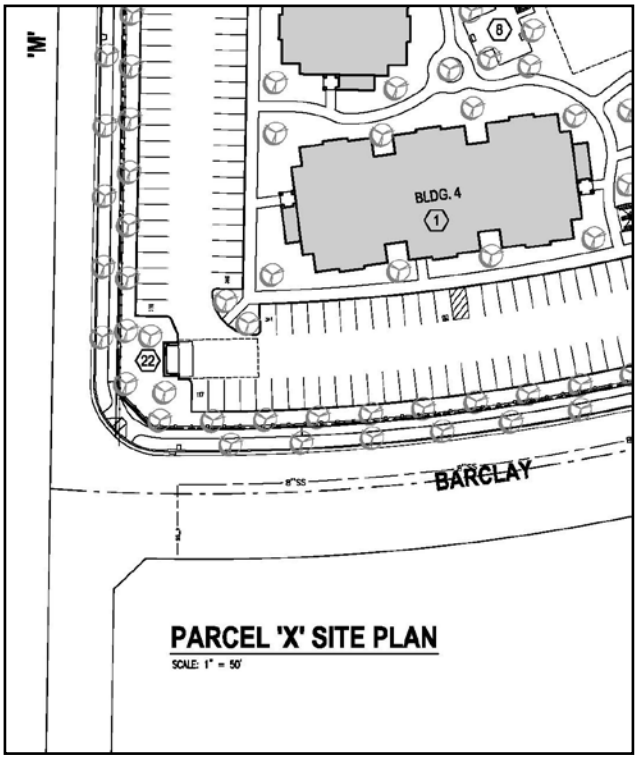
4. *Pedestrian Access*: Consistent with BRMDP Condition of Approval #91, the proposed on-site pedestrian plan will be adjusted to provide direct access to the planned commercial center and transit facility located north of M Street Circle (CUP/VTSM Condition #29).

Q) *Building Design*: The proposal includes eight condominium buildings per parcel, as well as several accessory buildings described in Finding S. Most building design elements were established by the City when Planned Development #42 was created in 1995. The standards are provided in the BRMDP Conditions of Approval and Mitigation Measures.

1. *Height*: BRMDP original condition of approval #81 encourages the placement of multi-storied buildings and structural parking near transit stops in and in proximity to commercial centers. Per Section 2.8 of the BRMDP, building height is governed by the City's zoning code. The height limit in the R-3 and R-4 zones is 3 stories or 35 feet (R-3) and 40-feet (R-4) respectfully. The applicant proposes a height of 38-feet for Building Elevation A, and a height of 39'-10" for Building Elevation B.

2. *Noise*: Consistent with BRMDP Mitigation Measure 4.12.2, the proposed buildings along M Street will include sound-rated windows to maintain a 45dB interior noise level maximum. All construction activity shall be conducted in accordance with City of Merced standards for hours of operation (CUP/VTSM Condition #35).

3. *Building Setback*: The buildings are proposed to be setback between 97-feet to 102-feet from the existing curb. The developer will install a 7-foot-wide street tree planter and 5-foot-wide public sidewalk, resulting is a building setback of 85 feet to 90 feet from the sidewalk. An off-street parking lot is proposed to be sited between the buildings and public right-of-way. However, BRMDP Condition #79 states that all streets except arterials, should have land uses that front on them, and BRMDP Condition #77 states that parking lots shall be integrated into the overall design of streetscapes; (a) such lots shall not dominate the frontage of pedestrian-oriented streets or street segments (lots should not occupy more than 33% of the frontage of commercial "main streets," residential streets, and streets in office areas); (b) shall not interrupt major pedestrian routes; and (c) can be located behind buildings or in the interior of blocks. The project as proposed does not comply with these standards.



For additional information, also see Finding R3.

As a Planned Development, the Planning Commission has significant leeway to adjust the design of the project if it feels that it is merited. Staff recommends approval of a design that: (a) reduces the impact a placing several large three-story buildings across the street from smaller one- and two-story single-family homes; (b) presents an attractive frontage along all public roads; and, (c) provides for public view into the project site, while securing the development. Objective 1 can be achieved by lower building heights or by shifting the buildings back as proposed. Objective 2 can be achieved through inclusion of a high-quality landscape perimeter design that includes trees, shrubs, groundcover, mounds and lawns, all framed by an articulated combination of walls and wrought-iron fencing. The exhibit provided by the applicant (Attachment F) shows intent to do this, but many details to raise and assure the quality of design will need to be worked out between Staff and the applicant prior to issuance of a building permit. Objective 3 can be provided through judicious use of walls, greater use of wrought-iron fencing, and appropriate selection of landscaping. CUP/VTSM Condition #48 is crafted to assure all these objectives are met.

4. *Building Architecture*: BRMDP Condition of Approval #87 requires varied and articulated residential building facades, and BRMDP Condition of Approval #89 requires facades to vary from one building to the next. The applicant proposes two distinct building designs, both of which include articulated facades (Attachment C). CUP/VTSM Condition #2 assures consistency of design for any accessory buildings that may be added to the site in the future.

Building 1 building materials consist of a flat concrete tile roof with the following building materials listed in order of most coverage:

Wall: horizontal board and batton siding, stucco, and shingle siding.

Building 2 building materials consist of a mission-style concrete tile roof with the following building materials listed in order of most coverage:

Wall: Stucco and stone masonry veneer.

Two color palettes for each building are proposed.

Attachment C describes the elevation type and color-pallet proposed for the buildings in the complex.

As discussed in Finding T, several distinct plant-palettes will be distributed through the site to enhance the distinctive character of each building.

R) *Parking:*

1. *On-Street Parking:* Per BRMDP Condition #74, the developer is required to include on-street parking within the rights-of-way on adjacent roads; these roads are constructed and provide such space. This provision is independent of any off-street parking requirements.

2. *Off-Street Parking Amount*: For each condo unit with no garage, Zoning Ordinance Section 20.58.035 requires 2 parking spaces. The applicant is not proposing any of the parking spaces to be covered or enclosed. At this ratio, 864 parking spaces are required for the proposed 432 units. The project includes 882 parking spaces.

3. *Off-Street Parking Location*: The proposal places the off-street parking between the buildings and public sidewalk and street. Doing so enables the formation of a large private open space enclosed by the buildings (Attachment B), and minimizes the size and bulk of the proposed units as viewed from existing residents and property owners on the south side of Barclay Way (Attachment F), whose homes face the project. Placing off-street parking adjacent to the street, however, is inconsistent with BRMDP Condition of Approval #77 (Location of parking lots set behind buildings); BRMDP Condition of Approval #88 (Requirement for specific design elements that face a street); and Condition of Approval 10c of CUP #1114. These three conditions support the plan's goal to emphasize: (a) choice in mobility (in this case pedestrian travel); (b) attractive neighborhoods; (c) a strong market for nearby commercial uses; and (d) a functional transit system, all of which support efforts to provide clean air.

As a Planned Development, the Planning Commission has significant leeway to adjust the design of the project if merited, however. An option could be to require buildings to be placed adjacent to some of the streets, but to balance issues of scale and bulk with appearance and aesthetic considerations. For example, placing buildings adjacent to Barclay Way directly across the street from existing single-family homes, would score high in appearance, but the scale and bulk of the condos as compared to the detached single-family homes raises issues of light, noise, and imbalance of building sizes. Also refer to discussion presented in Finding Q3 under *Building Setback*, and R4 below.

4. *Off-Street Parking Lot Screen*: To partially screen the parking area, a combination of low walls, wrought iron fencing and dense landscaping is being proposed (Attachment F), which would help shield the nearby homes from vehicle lights and would form an attractive streetscape (CUP/VTSM Condition #48).

S) *Project Amenities:* Internal to the site, several private amenities are proposed, including: 1) a 3,000-square-foot community building; 2) a swimming pool; 3) a pavilion with community BBQ and restrooms; 4) a 100-foot by 200-foot open field; 5) a picnic area with private BBQ; 6) a volleyball court; 7) a water feature with landscaping; 8) a trellace with shaded fabric structure; and, 9) on-site walkways (Attachment B).

T) *Landscaping:* Attractive landscaping consistent with the City's Water-Efficient Landscape Ordinance is proposed on the subject site and public parkways. Additionally, four different plant-palettes will be distributed through the site adjacent to the primary buildings to enhance the distinctive character of each building. Landscaping will also be designed to screen vehicle lights in the off-street parking lot from shining into nearby homes (CUP/VTSM Condition #42).

U) *Lighting:* All exterior lighting is proposed to be consistent with BRMDP guiding principles, mitigation measures and conditions of approval, including the use of cut-off lenses that confine light to intended areas of illumination (CUP/VTSM Condition #47).

V) Signage: At this time, a sign package has not been proposed. The applicants are aware that any signing will need to comply with the Merced Municipal Code (CUP/VTSM Conditions #49-51).

W) *Construction-related impacts*: Initially, the project will generate construction-related impacts (noise, dust, etc.); however, these will typically occur during daylight hours when disturbances are less disruptive. Interim construction impacts to the existing area residences will not remain long-term.

<u>Infrastructure Needs</u>

X) BRMDP *Category 1 Type Improvements:* The Bellevue Ranch Master Development Plan (BRMDP) defines Category 1 Type Improvements as "in-tract" facilities that are within or are adjacent to the project site. Installation is required and costs are fully attributed to the applicant; no reimbursement is provided. These improvements include: (1) curb,

gutter and sidewalk; (2) all local and collector street paving; (3) street lighting; (4) sanitary sewer collection systems; (5) local on-site storm drainage collection systems, including pump stations, detention facilities, pipes, manholes, inlet structures and outlet structures; (6) domestic water and fire flow distributions systems, piping, valves and hydrants; (7) arterial and divided arterial curb, gutter, sidewalk, landscape corridors and the outside 18-feet of pavement on each side of the street; and, (8) well sites where the full capacity is committed to the project. Although many of these improvements have already been installed, there are several remaining items that the developer will need to install, and include:

- landscaped parkways with street trees;
- public sidewalks (may have a shallow meander);
- bike lane striping on M Street Circle and Barclay Way adjacent to the project site.
- sanitary sewer "mainline" extensions onto the site;
- extension of domestic water and fire flow distributions systems onto the site;
- on-site storm drainage collection systems

Y) *Near-term Category 2 Type Improvements*: Category 2 Improvements are described by the Development Agreement of the BRMDP as public improvements required to develop the Bellevue Ranch project, but where varying degrees of over-sizing of facilities is required due to the expectation that said facilities will not only be used by the Bellevue Ranch project, but also adjacent parcels which may develop in the future and will require services from the improvements or facilities. Category 2 Improvements include the following types of infrastructure: arterial roads; M Street; Old Lake Road; traffic signals and intersection widening; bridges; and sewer trunk lines and sanitary sewer pump stations; water transmission mains; Cottonwood Creek Drainage Bypass System; and drainage facilities. Per the BRMDP, Category 2 Improvements are to be initially funded and improved by developers of the various phases. Table 6.1 of the BRMDP (Attachment H) describes with which sub-phase these improvements are to be installed. The proposal includes the improvement of off-site infrastructure listed in Table 6.1 for Village 22 East and required by Conditional Use Permit #1114 (the previously approved CUP for the subject site). These improvements include the following, and are depicted in Attachment J:

1. Upgrade the G Street/Bellevue Road Traffic Signal;
2. Complete the Bellevue Road right-of-way improvements between G Street and Barclay Way*;
3. Upgrade the Bellevue Road/Barclay Way Traffic Signal;
4. On Bellevue Road, add one westbound lane and two eastbound lanes with curb and gutter between Barclay Way and M Street*, and include transition lanes, as appropriate;
5. Relocate the PG&E Power Poles between G Street and M Street, as appropriate;

* include Class II bikeways and any necessary turn lanes.

Category 2 Improvements are proposed to be installed with development of the project site in accordance with the schedule and finance plan described in GPA/SUP Revision Condition #8.

Z) *Bellevue Bridge at Fahrens Creek*: Table 6.1 lists Village 22 as a financial contributor toward the Bellevue Road Bridge over Fahrens Creek; this improvement is planned to be installed with Village 21, the commercial property between Bellevue Road and the subject project. Staff determined the fair-share fee is $861.00 per dwelling unit. GPA/SUP Revision Condition #9 assures payment of this fee to the City to be placed in a set-aside fund to help pay for this future improvement.

AA) *Intervening Category 2 Type Improvements*: In 2004, the Bellevue Ranch Major Infrastructure Phasing document (Table 6.1) was revised through Site Utilization Plan Revision #1 to Planned Development #42. That action re-ordered the phasing plan to reflect the duality of ownership, one east of M Street – Bellevue Ranch East (BRE) and the other west of M Street – Bellevue Ranch West (BRW), while retaining the overall south-to-north growth pattern. Development of BRE properties far outpaced the growth of BRW, however. This growth pattern resulted in a lop-sided south–to-north growth whereby much of BRW is currently undeveloped, and BRE is almost fully developed. The subject site is located in BRE. The phasing plan still reflects the 2004 growth vision, and as described below, includes requirements for BRE to install substantial infrastructure located in BRW.

Section 6.1 of the BRMDP Development Agreement states that "Bellevue" may not proceed with any phase out-of-sequence unless <u>all</u> Category 2 improvements for the prior phase and all intervening phases have been completed. Per the agreement, the City Engineer may defer improvements or modify the phasing plan, and has sole discretion in determining any modifications to the improvement requirements required for the requested deferral. The City Engineer may also require, as a condition of any such deferral, that the developers of the Bellevue Ranch Project post adequate security in the form of cash, bonds and/or letters of credit in an amount sufficient to guarantee construction of the deferred improvements, and establish a performance schedule for the construction of the deferred improvements. Category 2 Improvements of all intervening phases include the following, most of which are located in Bellevue Ranch West (BRW):

1. Traffic Signals:
   - M Street/Cardella
   - R Street/Cardella
   - R Street/Franciscan Drive
2. Bridges:
   - Cardella/Fahrens Creek
   - Franciscan Drive/Fahrens Creek
3. Roadway Segments:
   - R Street from current terminus to Bellevue Road
   - Cardella Road from current terminus to R Street

- Franciscan Drive from Freemark Ave to R Street

Respecting the growth patterns and needs of BRE and BRW, the City Engineer has decided to focus the completion and financing of improvements to occur in BRE, and to defer installation and improvements in BRW. Thus, in addition to the Bellevue Road improvements required to be installed (Finding Y), the developer of this subject project will need to contribute a fair-share payment of $141.00 per unit toward the future traffic signal at M Street/Cardella Road (GPA/SUP Revision Condition #10).

Under the authority granted in Section 6.1 of the Development Agreement of the BRMDP, the City Engineer: (a) is permitting the deferral of the remaining improvements; (b) is not requiring the developer to establish a performance schedule; and, (c) is not requiring the developer to post security for these improvements. The extent of the action essentially modifies the minor phasing plan of the BRMDP by a de-facto reordering of this sub-phase of development, and assigning new infrastructure responsibilities to it, namely the traffic signal at M and Cardella and the segment of G Street between Cardella Road and Mercy Avenue. Consistent with BRMDP Original Condition of Approval #16, public notice has been provided to property owners that may be affected by this action, including those within 300-feet of BRE, as well as the owner of BRW.

BB) *G Street Improvements between Cardella and Mercy*: Per the minor phasing plan (Table 6.1), this improvement is scheduled to be installed with Village 21, the commercial site located between Bellevue Road and the subject site. Although not an intervening infrastructure, or triggered by Village 22, this road improvement is needed to complete the development of infrastructure within Bellevue Ranch East. Thus, consistent with the City Engineer's emphasis to complete Bellevue Ranch East improvements, the developer of the subject project will need to contribute a fair-share payment of $405.00 per dwelling unit toward this future G Street Road segment Road (GPA/SUP Revision Condition #11).

CC) *Future G Street/Hwy 59 Traffic Signal*: The construction of a traffic signal at the intersection of Highway 59 and Bellevue Road is included in the City's Public Facilities Financing Plan. Impact fees paid by this project will fund the projects listed in this plan. At this time, there is no scheduled date for installation of the signal.

Condominium-based Topics

DD) Chapter 20.56 of the City of Merced Municipal Code sets forth local regulations that pertain to the development and operation of condominiums. Section 20.56.040 specifies several requirements for issuance of a use permit. Applicable requirements include: 1) the preparation and review of condominium organizational documents; 2) building construction; 3) storage space; 4) separate gas and electricity meters, and the provision of a water shutoff valve for each unit; and 5) provision of laundry facilities. The project includes conditions of approval to assure these requirements are satisfied.

Environmental Review

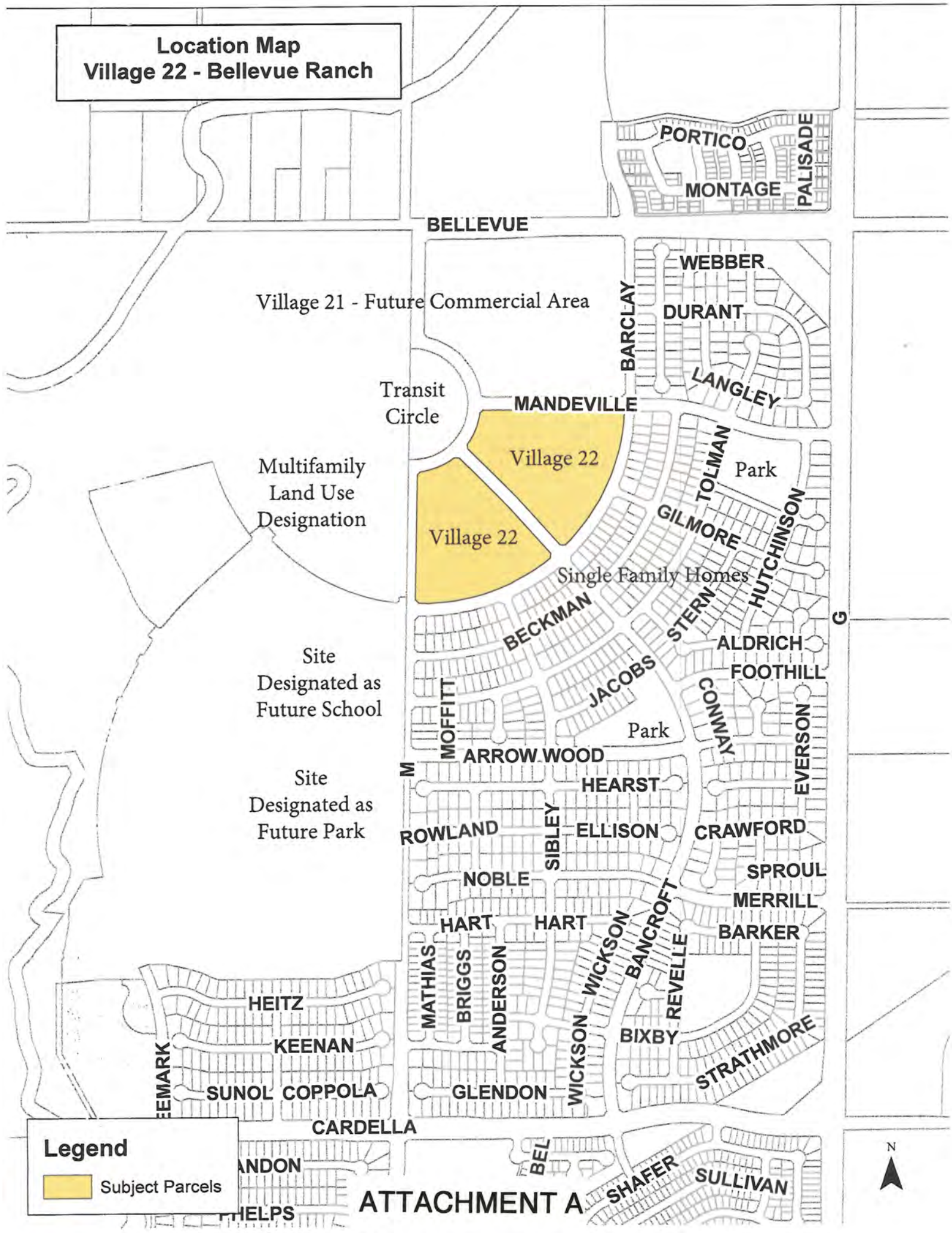
EE) The City of Merced, in accordance with the requirements of the California Environmental Quality Act (CEQA), conducted an environmental review of the project entitled "Subsequent EIR/ND Section 15162 Findings," Environmental Review #14-30 (Attachment O). It was found that the original EIR prepared for the BRMDP is sufficient and no further documentation is required.

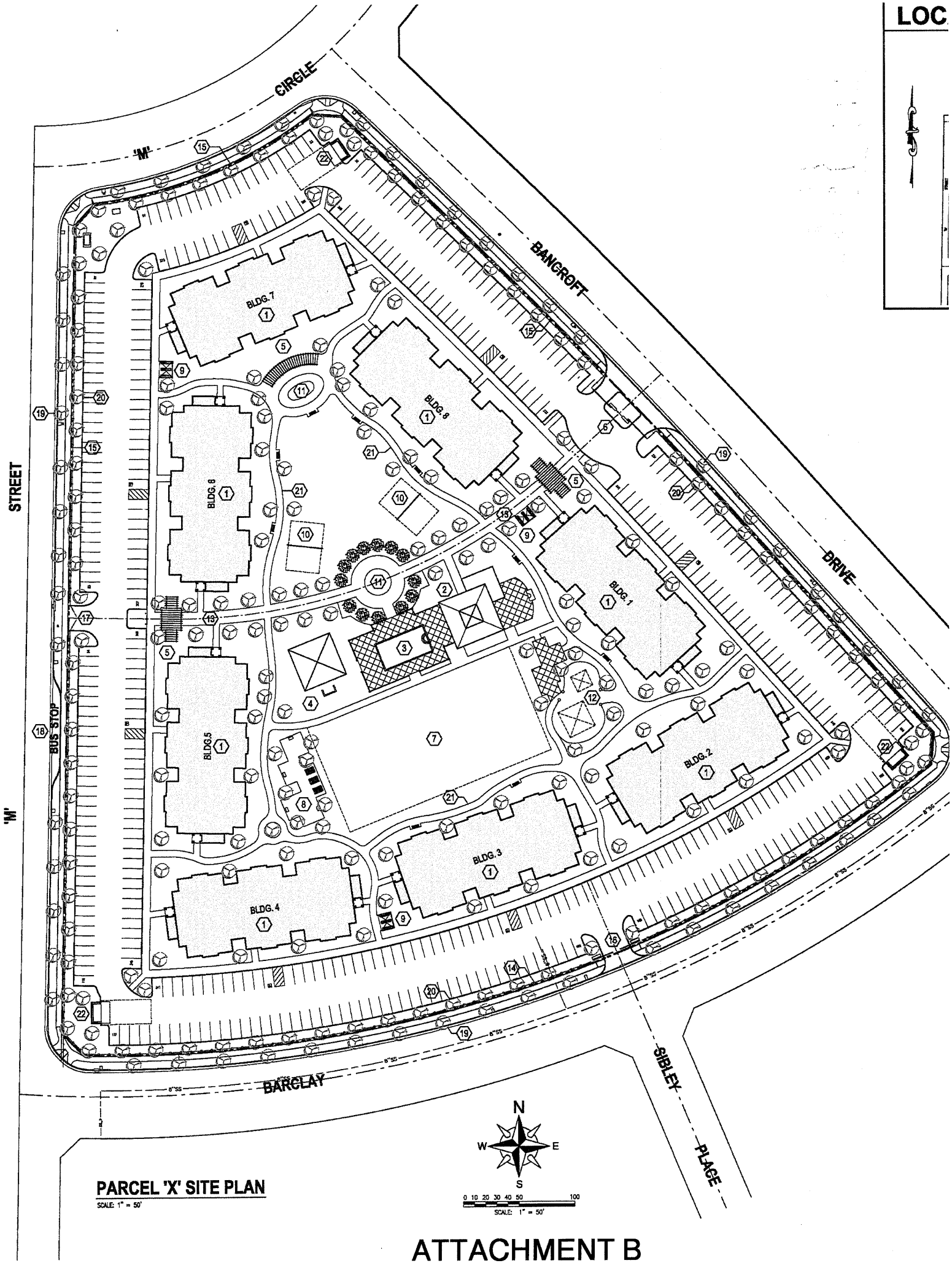
Public Input Received

FF) An adjacent property owner has submitted a comment letter objecting to the project. (Attachment N). Staff also received a phone call from a citizen who stated concerns about the project and its impact on the local neighborhood. Please note that the high-density land use is consistent with the zoning district and only project design details and provision of infrastructure are at issue.

Attachments:

A) Vicinity Map
B) Site Plan and Internal Private Open Space
C) Building Elevations and Building Color Palettes
D) Building Floor Plans and Bedroom Data
E) Vesting Tentative Subdivision Map
F) Perimeter Landscape/Wall/Fence Design
G) Bellevue Ranch Master Development Plan Minor Phasing Plan
H) Bellevue Ranch Master Development Plan Infrastructure Phasing Plan (Table 6.1)
I) Section 6, Excerpt from the Bellevue Ranch Development Agreement
J) Map of Off-Site Improvements and Project Phasing Plan
K) Bellevue Ranch Master Development Plan Guiding Principles
L) Bellevue Ranch Master Development Plans Mitigation Measures
M) Bellevue Ranch Master Development Plan Conditions of Approval
N) Letter received from neighboring resident (placeholder only)
O) Subsequent EIR/ND Section 15162 Findings
P) Draft Planning Commission Resolution for GPA/SUP Revision.
Q) Draft Planning Commission Resolution for CUP/VTSM.

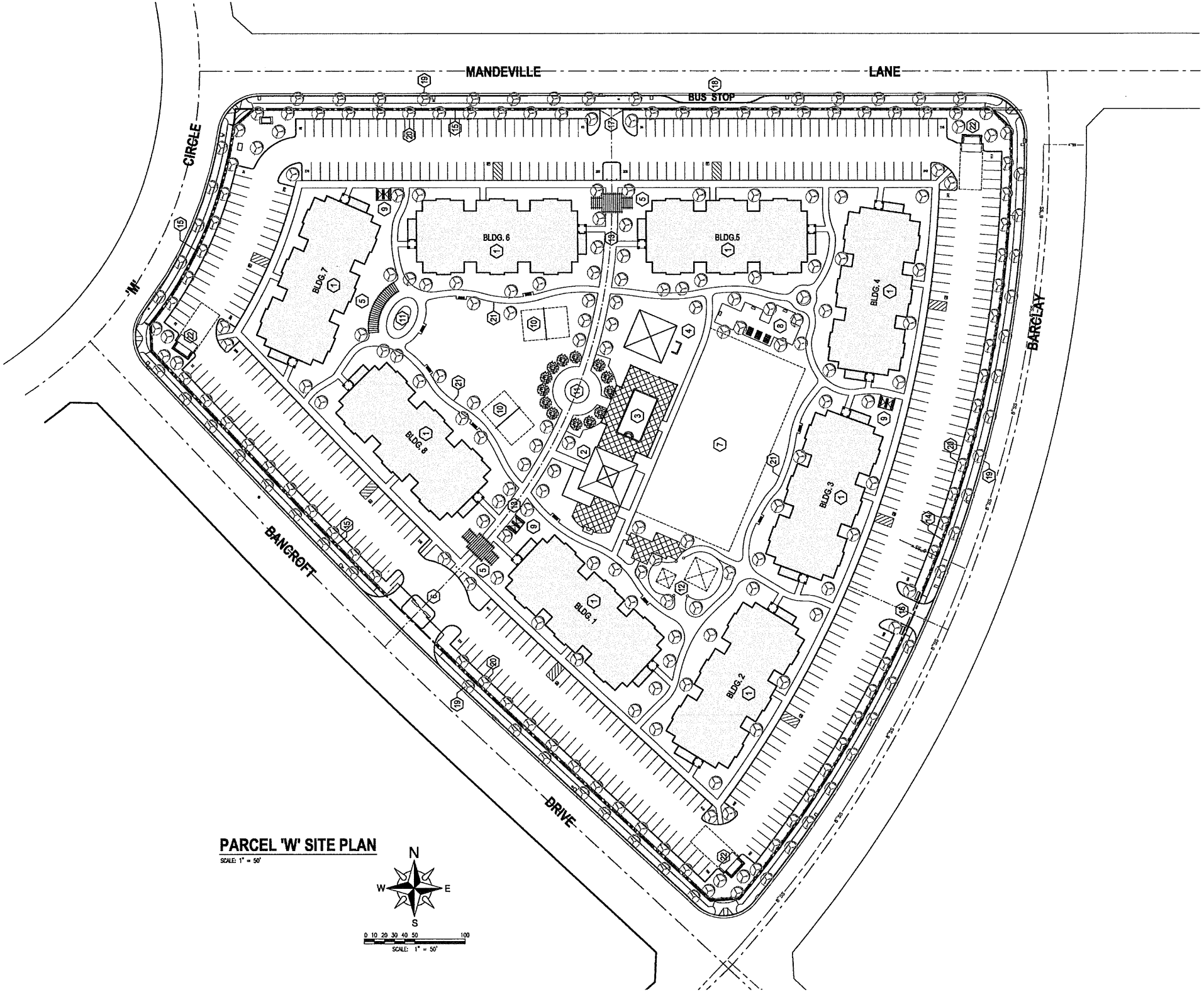

Location Map
Village 22 - Bellevue Ranch
PORTICO
MONTAGE
PALISADE
BELLEVUE
WEBBER
DURANT
BARCLAY
LANGLEY
Village 21 - Future Commercial Area
Transit Circle
MANDEVILLE
Village 22
Village 22
Multifamily Land Use Designation
TOLMAN
Park
GILMORE
HUTCHINSON
Single Family Homes
STERN
BECKMAN
ALDRICH
FOOTHILL
G
Site Designated as Future School
JACOBS
CONWAY
MOFFITT
Park
EVERSON
ARROW WOOD
M
HEARST
Site Designated as Future Park
ROWLAND
SIBLEY
ELLISON
CRAWFORD
SPROUL
NOBLE
MERRILL
HART
HART
BARKER
WICKSON
BANCROFT
REVELLE
MATHIAS
BRIGGS
ANDERSON
HEITZ
KEENAN
BIXBY
STRATHMORE
WICKSON
SUNOL
COPPOLA
GLENDON
CARDELLA
BEL
SHAFER
SULLIVAN
Legend
Subject Parcels
N
ATTACHMENT A



PARCEL 'X' SITE PLAN

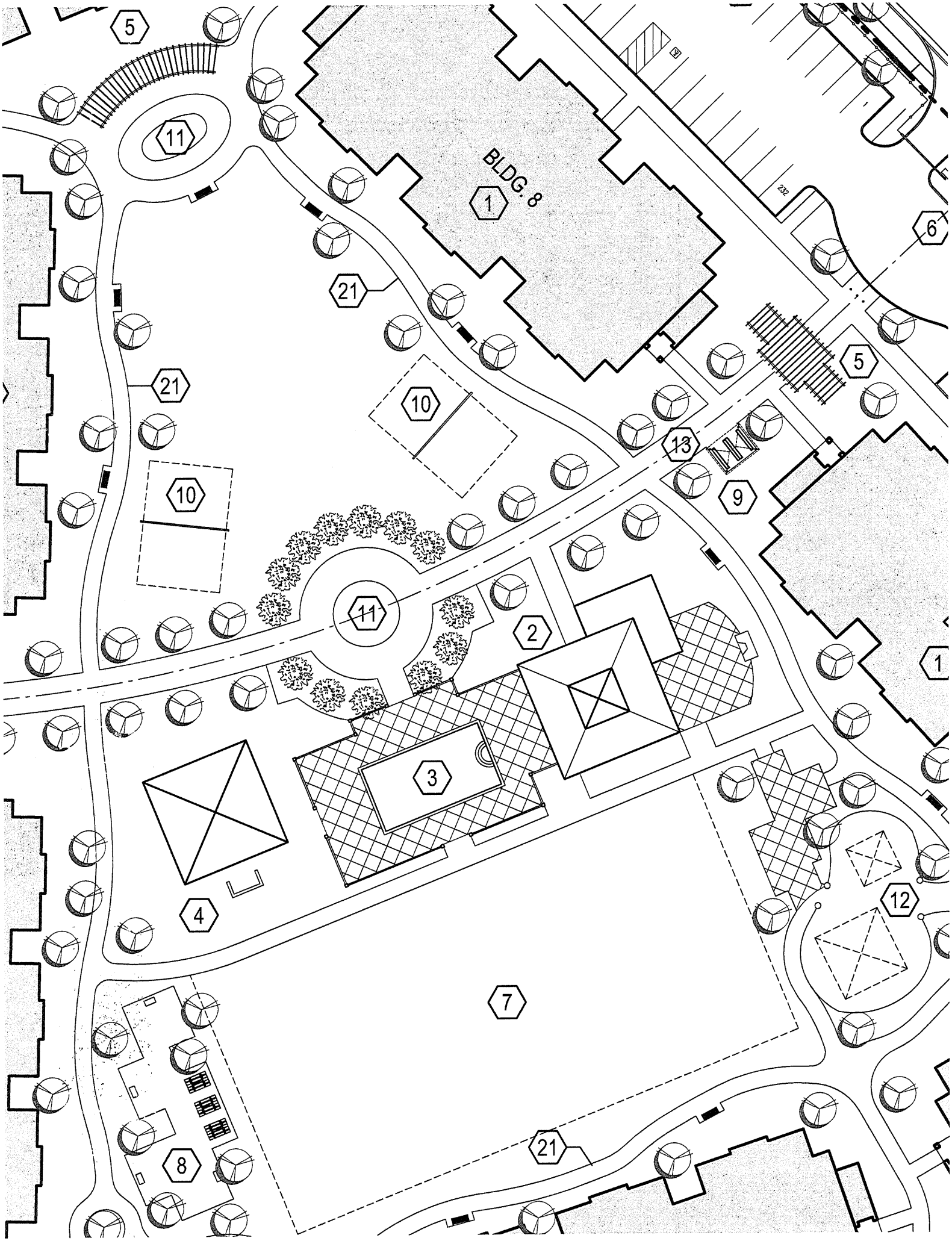
SCALE: 1" = 50'

ATTACHMENT B



PARCEL 'W' SITE PLAN

SCALE: 1" = 50'


BLDG. 8
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ATTACHMENT C

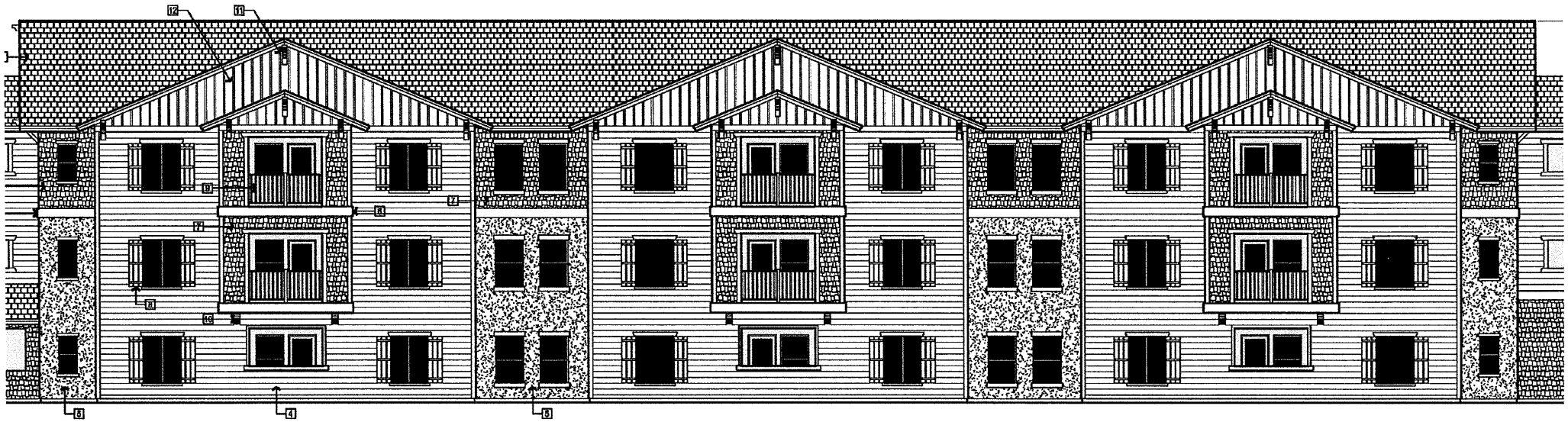
BELLEVUE RANCH CONDOS

BUILDING 1

Building 1, Rear Elevation

EXTERIOR MATERIALS

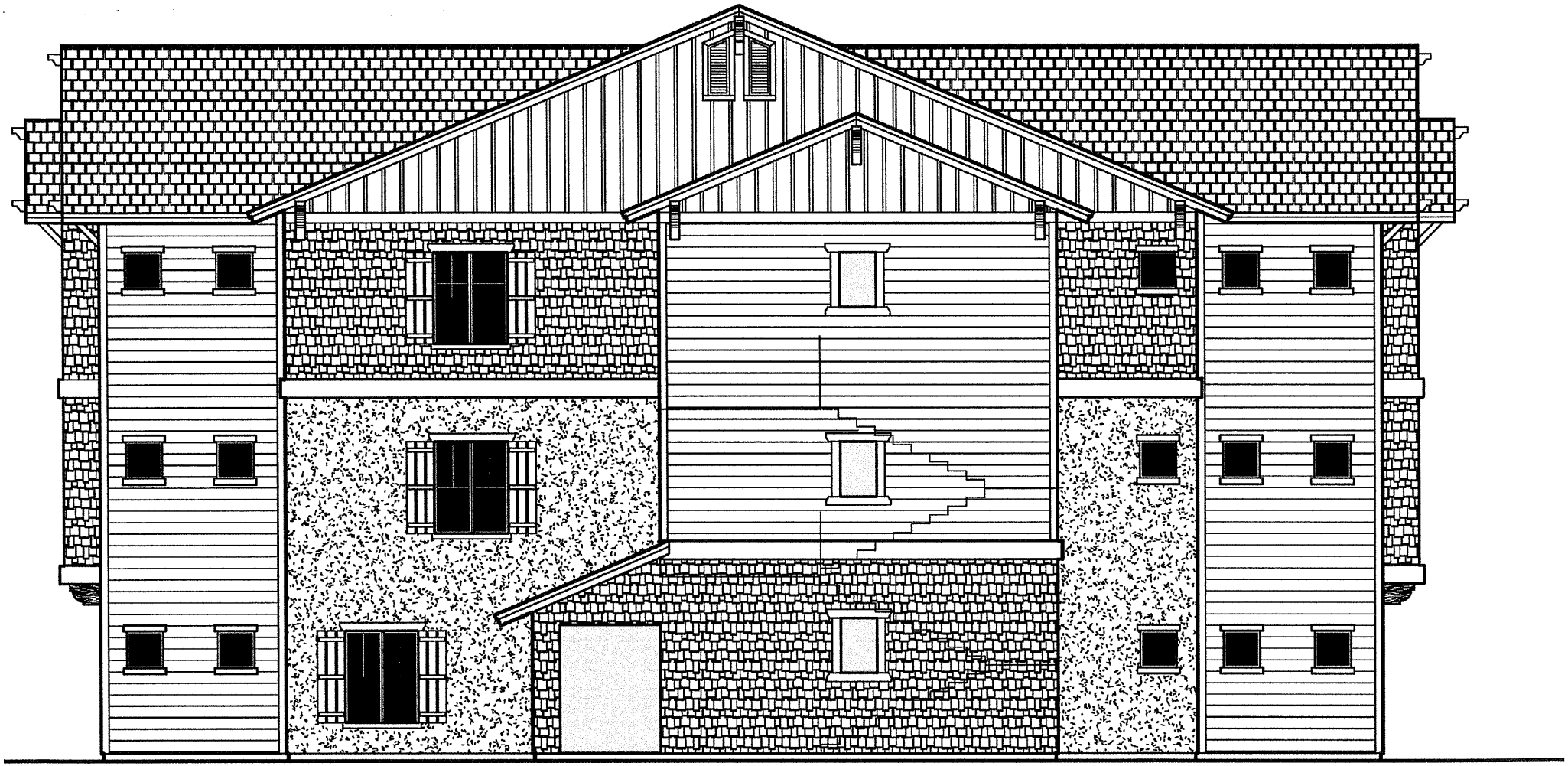
1. MASONRY VENEER
2. FLAT CONC. ROOF TILE
3. TRIMMERS
4. HORIZ. CONC. SIDING
5. STUCCO
6. BELLY BAND
7. SHINGLE SIDING
8. DECORATIVE SHUTTERS
9. METAL RAILING
10. DECORATIVE CORBELS
11. DECORATIVE KNEE BRACE
12. BOARD & BATTON SIDING



BUILDING 1
REAR ELEVATION 'A'
BELLEVUE RANCH CONDOS
SCALE: 3/16" = 1'-0"

EXTERIOR MATERIALS

1	MASONRY VENEER	7	SHINGLE SIDING
2	FLAT CONC. ROOF TILE	8	DECORATIVE SHUTTERS
3	TRIMMERS	9	METAL RAILING
4	HORIZ. CONC. SIDING	10	DECORATIVE CORBELS
5	STUCCO	11	DECORATIVE KNEE BRACE
6	BELLY BAND	12	BOARD & BATTON SIDING



BUILDING 1
SIDE ELEVATION
BELLEVUE RANCH CONDOS

SCALE: 3/16" = 1'-0"

Building 1

Elevation Scheme A

Building 1

Elevation Scheme B

BELLEVUE RANCH CONDOS

SCALE: 3/16" = 1'-0"

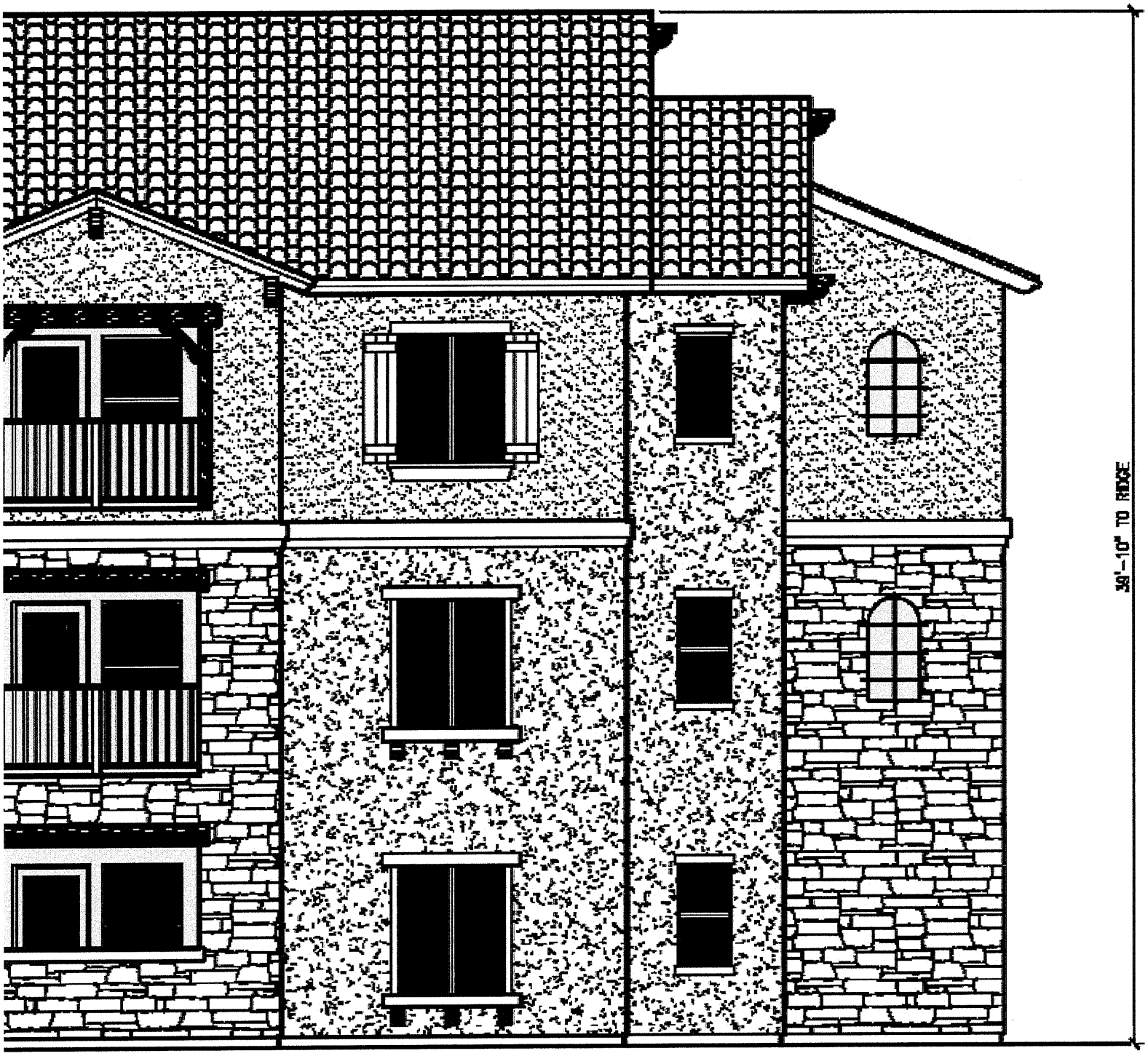
BUILDING 2

EXTERIOR MATERIALS

1. MASONRY VENEER
2. CONC. ROOF 'S' TILE
3. DECORATIVE WROUGHT IRON ACCENTS
4. BELLY BAND
5. DECORATIVE RAFTER TAILS
6. STUCCO EXTERIOR
7. DECORATIVE SHUTTERS
8. DECORATIVE CORBELS @ GABLE
9. METAL RAILING
10. DECORATIVE WINDOW SHELF
11. DECORATIVE WOOD TRIM
12. DECORATIVE WINDOW TRIM
13. WINDOW PLANTER BOX

STUCCO COLOR 1

STUCCO COLOR 2



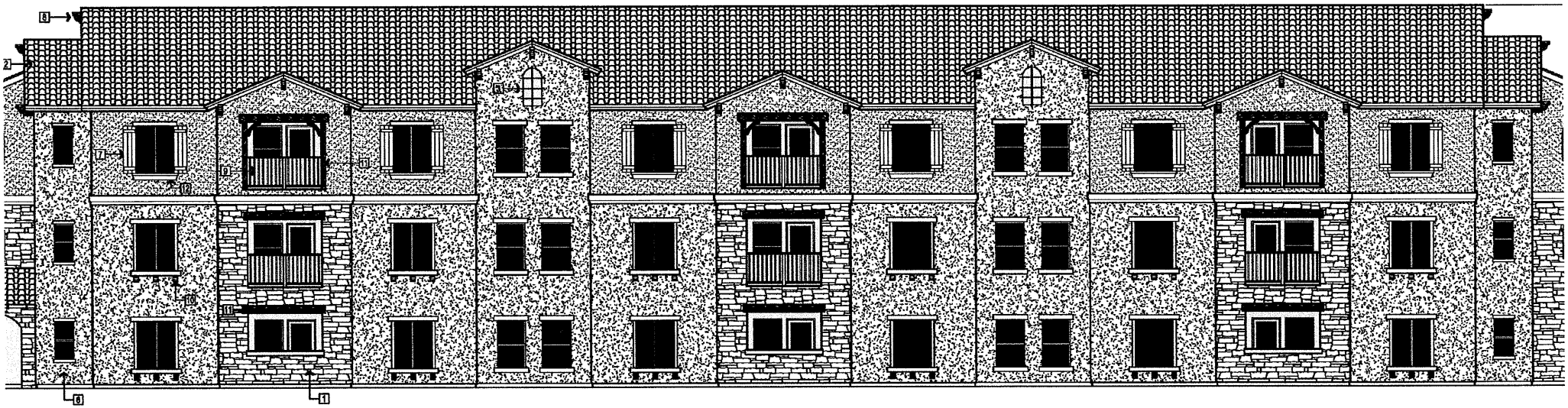
Building 2 Rear Elevation

EXTERIOR MATERIALS

1. MASONRY VENEER
2. CONC. ROOF 'S' TILE
3. DECORATIVE WROUGHT IRON ACCENTS
4. BELLY BAND
5. DECORATIVE RAFTER TAILS
6. STUCCO EXTERIOR
7. DECORATIVE SHUTTERS
8. DECORATIVE CORBELS @ GABLE
9. METAL RAILING
10. DECORATIVE WINDOW SHELF
11. DECORATIVE WOOD TRIM
12. DECORATIVE WINDOW TRIM
13. WINDOW PLANTER BOX

STUCCO COLOR 1

STUCCO COLOR 2



BUILDING 2
REAR ELEVATION 'A'
BELLEVUE RANCH CONDOS
SCALE: 3/16" = 1'-0"

EXTERIOR MATERIALS

1 MASONRY VENEER
2 CONC. ROOF 'S' TILE
3 DECORATIVE WROUGHT IRON ACCENTS
4 BELLY BAND
5 DECORATIVE RAFTER TAILS
6 STUCCO EXTERIOR
7 DECORATIVE SHUTTERS
8 DECORATIVE CORBELS @ GABLE
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12 DECORATIVE WINDOW TRIM
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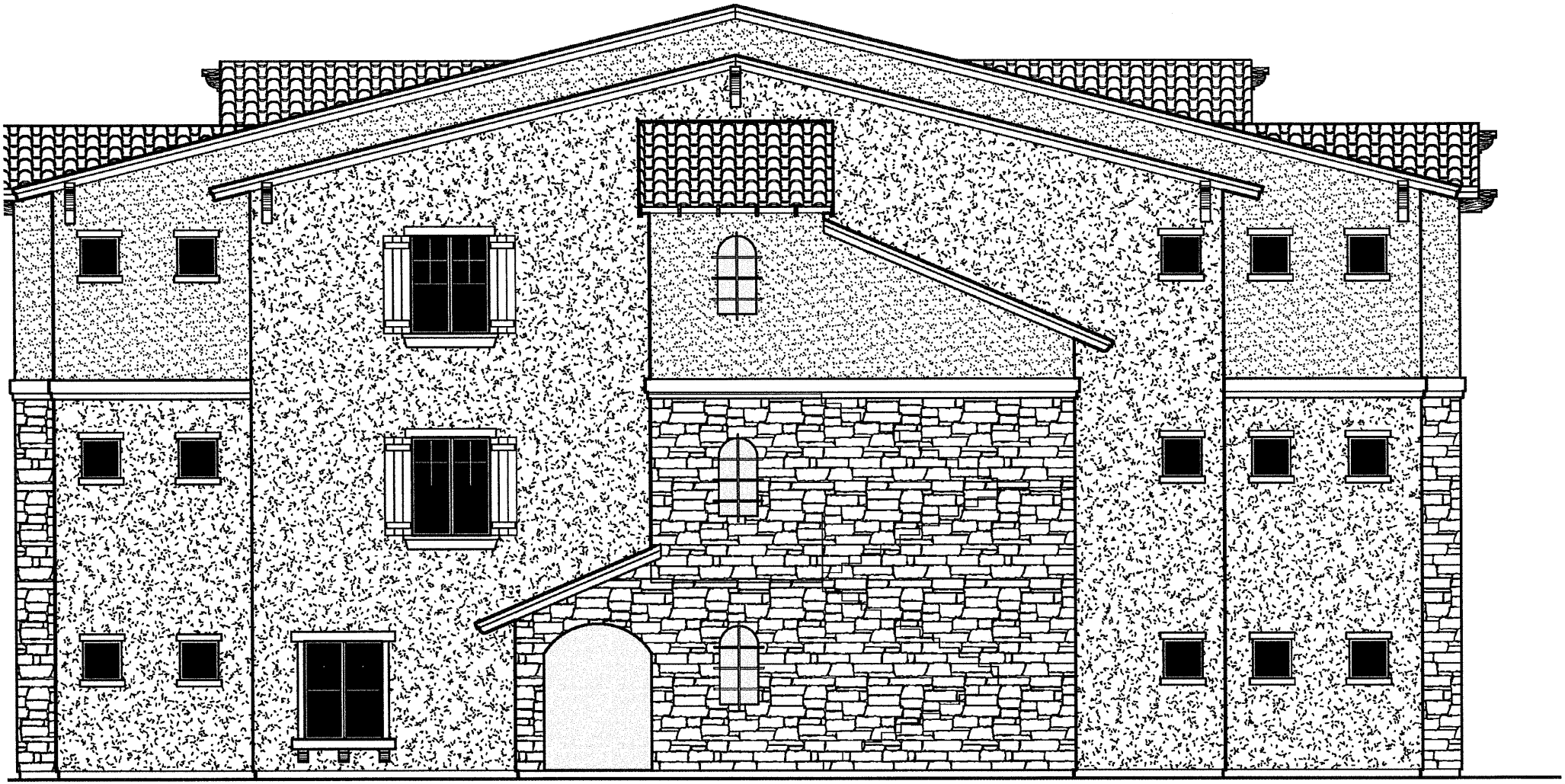


BUILDING 2
SIDE ELEVATION
BELLEVUE RANCH CONDOS

SCALE: 3/16" = 1'-0"

Building 2

Elevation Scheme C

Building 2

Elevation Scheme D

ATTACHMENT D

FIRST FLOOR PLAN

SCALE: 3/16" = 1'-0"

SECOND & THIRD FLOOR PLAN

SCALE: 3/16" = 1'-0"

BUILDING ANALYSIS:

PARCEL 'X' 10.13 Acres

UNITS TABULATION

FIRST FLOOR :

TYPE	# OF UNITS	# OF BDRMS.
4 Bedroom	2	8
3 Bedroom	2	6
2 Bedroom	2	4
1 Bedroom	1	1
Total per Floor	7	19

SECOND FLOOR :

TYPE	# OF UNITS	# OF BDRMS.
4 Bedroom	0	0
3 Bedroom	1	3
2 Bedroom	5	10
1 Bedroom	4	4
Total per FLoor	10	17

THIRD FLOOR :

TYPE	# OF UNITS	# OF BDRMS.
4 Bedroom	0	0
3 Bedroom	1	3
2 Bedroom	5	10
1 Bedroom	4	4
Total per Floor	10	17
BUILDING TOTAL	27	53
SITE TOTAL x 8	216	424

PARCEL 'W' 10.64 Acres

UNITS TABULATION

FIRST FLOOR :

TYPE	# OF UNITS	# OF BDRMS.
4 Bedroom	2	8
3 Bedroom	2	6
2 Bedroom	2	4
1 Bedroom	1	1
Total per Floor	7	19

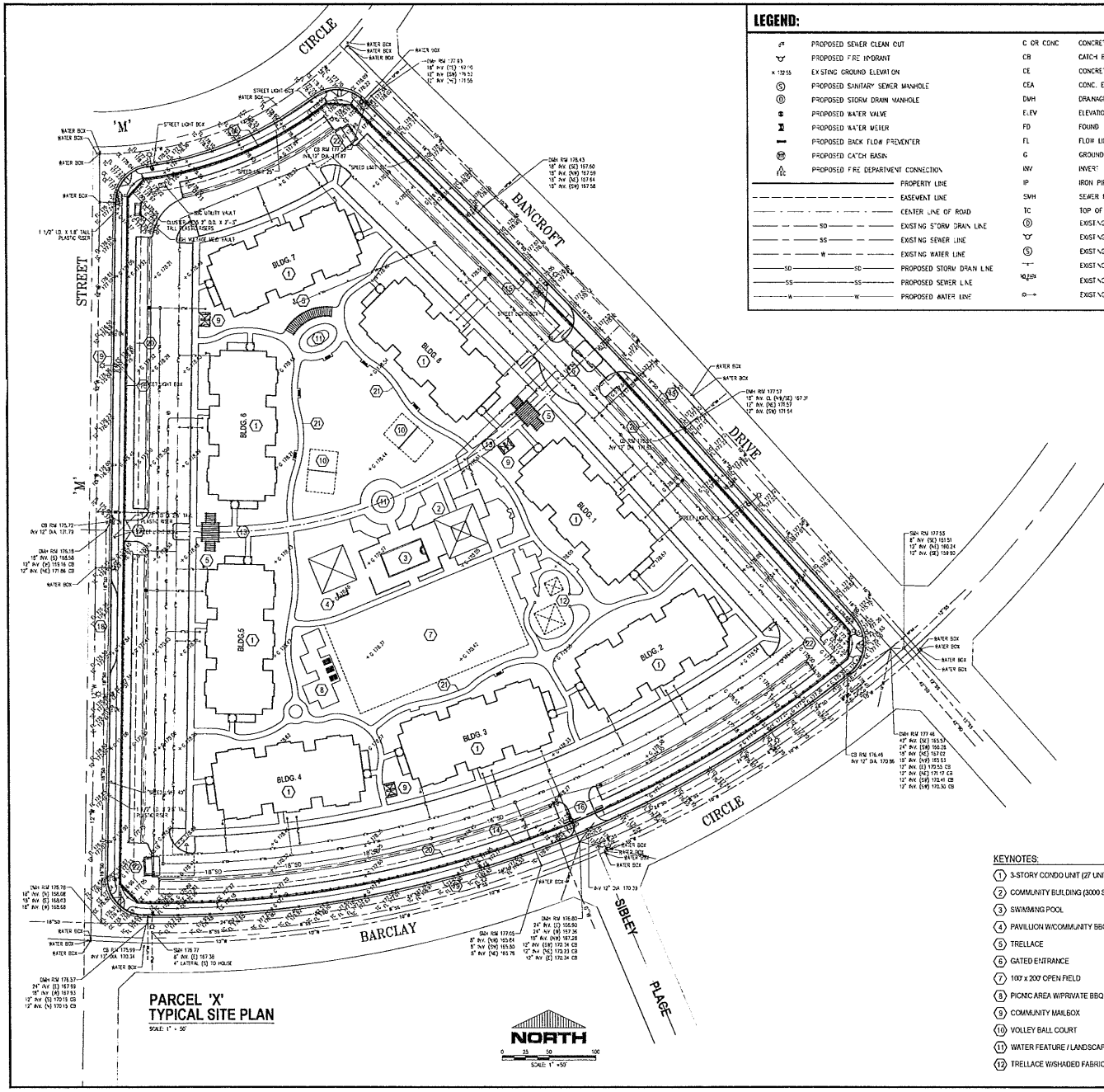
SECOND FLOOR :

TYPE	# OF UNITS	# OF BDRMS.
4 Bedroom	0	0
3 Bedroom	1	3
2 Bedroom	5	10
1 Bedroom	4	4
Total per FLoor	10	17

THIRD FLOOR :

TYPE	# OF UNITS	# OF BDRMS.
4 Bedroom	0	0
3 Bedroom	1	3
2 Bedroom	5	10
1 Bedroom	4	4
Total per Floor	10	17
BUILDING TOTAL	27	53
SITE TOTAL x 8	216	424

ATTACHMENT E



PARCEL 'X'
TYPICAL SITE PLAN
SCALE: 1" = 50'

LEGEND:

	PROPOSED SEWER CLEAN OUT	C OR CONC	CONCRETE
	PROPOSED FIRE HYDRANT	CB	CATCH BASIN
× 132.55	EXISTING GROUND ELEVATION	CE	CONCRETE EDGE
Ⓢ	PROPOSED SANITARY SEWER MANHOLE	CEA	CONC. EDGE ADJACENT TO AC & FLUSH
Ⓓ	PROPOSED STORM DRAIN MANHOLE	DMH	DRAINAGE MANHOLE
	PROPOSED WATER VALVE	ELEV	ELEVATION
	PROPOSED WATER METER	FD	FOUND
	PROPOSED BACK FLOW PREVENTER	FL	FLOW LINE
	PROPOSED CATCH BASIN	G	GROUND
	PROPOSED FIRE DEPARTMENT CONNECTION	INV	INVERT
	PROPERTY LINE	IP	IRON PIPE
	EASEMENT LINE	SMH	SEWER MANHOLE
	CENTER LINE OF ROAD	TC	TOP OF CURB
SD	EXISTING STORM DRAIN LINE	Ⓓ	EXISTING DRAINAGE MANHOLE
SS	EXISTING SEWER LINE		EXISTING FIRE HYDRANT
W	EXISTING WATER LINE	Ⓢ	EXISTING SEWER MANHOLE
SD	PROPOSED STORM DRAIN LINE		EXISTING SIGN – AS NOTED
SS	PROPOSED SEWER LINE	NO PARKING	EXISTING SIGN – NO PARKING
W	PROPOSED WATER LINE		EXISTING STREET LIGHT

TENTATIVE MAP NOTES:

INFORMATION REQUIRED PER MERCED MUNICIPAL CODE SECTION 18.16.080

1.) LOCATION MAP AS SHOWN HEREON.
2.) TRACT NAME, DATE, NORTH ARROW, SCALE AND LEGAL DESCRIPTION AS SHOWN HEREON
3.) OWNER: KEN CARTER
3415 PASEO VERDE AVE.
MERCED, CA
(209) 383-4315
4.) SUBDIVIDER: SAME AS ABOVE
5.) MAP PREPARED BY: GOLDEN VALLEY ENGINEERING & SURVEYING, Inc.
405 W. 19th STREET
MERCED, CA 95348
(209) 722-3200
6.) ACREAGE APPROXIMATELY 10.13 ACRES (NET)
7.) NO CONTOURS SHOWN. GROUND RELATIVELY FLAT
8.) LOCATIONS, NAMES, WIDTHS, RADII OF CURVES AND GRADES OF ALL EXISTING AND PROPOSED ROADS, STREETS IN AND ADJACENT TO THE PROPOSED SUBDIVISION AS SHOWN.
9.) NO PROTECTIVE COVENANTS PROPOSED AT THIS TIME. PROTECTIVE COVENANTS TO BE RECORDED WITH FINAL MAP, IF ANY.
10.) LOCATION AND DESCRIPTION OF ALL EASEMENTS AS SHOWN HEREON.
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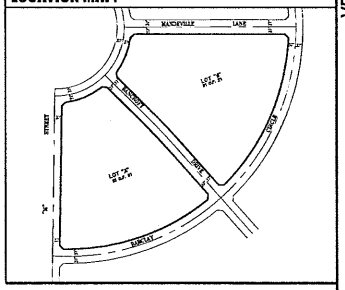
13.) PUBLIC OPEN SPACE EXISTS WITHIN OR ADJACENT TO THE PROPOSED SUB-DIVISION.
14.) LOT LAYOUT, APPROXIMATE DIMENSIONS AND AREA OF EACH IRREGULAR LOT AND LOT NUMBERS AS SHOWN.
15.) CITY LIMIT LINES AS SHOWN
16.) INTENDED LAND USE: PLANNED DEVELOPMENT PD (42)
DENSITY: HIGH TO MEDIUM DENSITY
17.) APPROXIMATE BEARINGS AND DISTANCES TO NEAREST 1/4 SECTION CORNER 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 STATE SUBDIVISION MAP ACT.
20.) EXISTING USE AND OWNERSHIP OF LAND IMMEDIATELY ADJACENT TO SUBDIVISION AS SHOWN HEREON.
21.) PRELIMINARY TITLE REPORT TO BE SUBMITTED WITH TENTATIVE MAP.
22.) EXISTING BUILDINGS WITHIN THE SUBDIVISION AS SHOWN.
23.) NO EXISTING TREES.
24.) AREA SUBJECT TO PERIODIC INUNDATION OF STORM WATER OVERFLOW TO THE BEST OF OUR KNOWLEDGE AND BELIEF. LOCATION AND DIRECTION OF FLOW OF ALL WATER COURSES AS SHOWN HEREON. THE SITE IS WITHIN FLOOD ZONE "AO" DEPTH 1 FOOT PER F.I.R.M. MAP NUMBER 06047C0445 E EFFECTIVE DATE AUGUST 2, 1995 PREPARED BY FEMA.

LOCATION MAP:



KEYNOTES:

1. 3-STORY CONDO UNIT (27 UNITS EA BLDG.)
2. COMMUNITY BUILDING (3000 S.F.)
3. SWIMMING POOL
4. PAVILLION W/COMMUNITY BBQ & TOILETS
5. TRELLACE
6. GATED ENTRANCE
7. 100' x 200' OPEN FIELD
8. PICNIC AREA W/PRIVATE BBQ
9. COMMUNITY MAILBOX
10. VOLLEY BALL COURT
11. WATER FEATURE / LANDSCAPING
12. TRELLACE W/SHADED FABRIC STRUCTURE
13. 12' WIDE WALKWAY W/REMOVABLE POSTS EA END
14. 6' CMU WALL
15. 6' WROUGHT IRON FENCE ON 'M', 'M' CIRCLE AND BANCROFT
16. EXIT ONLY W/GATE
17. EMERGENCY EXIT W/FIRE DEPT KNOX BOX
18. BUS STOP
19. CITY STREET TREES @ 40' O.C.
20. ON-SITE TREES @ 30' O.C.
21. ON-SITE WALK WAY
22. TRASH ENCLOSURES
23. -

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PREPARED BY
GOLDEN VALLEY
ENGINEERING & SURVEYING
405 West 19th Street 95340
P.O. Box 349
Merced, CA 95341
Ph. (209) 722-3200
Fax (209) 722-3254

No.	Date	Description

It is the client's responsibility to or a strong construction to verify the accuracy of all the provided survey information to the client and coordination of data is necessary between engineering and the building plans and contract of construction drawings. Any discrepancies found in the field must be reported to the engineer of record before any work is performed. The engineer shall not be liable for the effect of field conditions or deviations from the plans. The client shall be responsible for the above & construction if these conditions are not followed.

VESTING TENATIVE SUBDIVISION MAP FOR CONDOMINIUM PURPOSES

LOT X

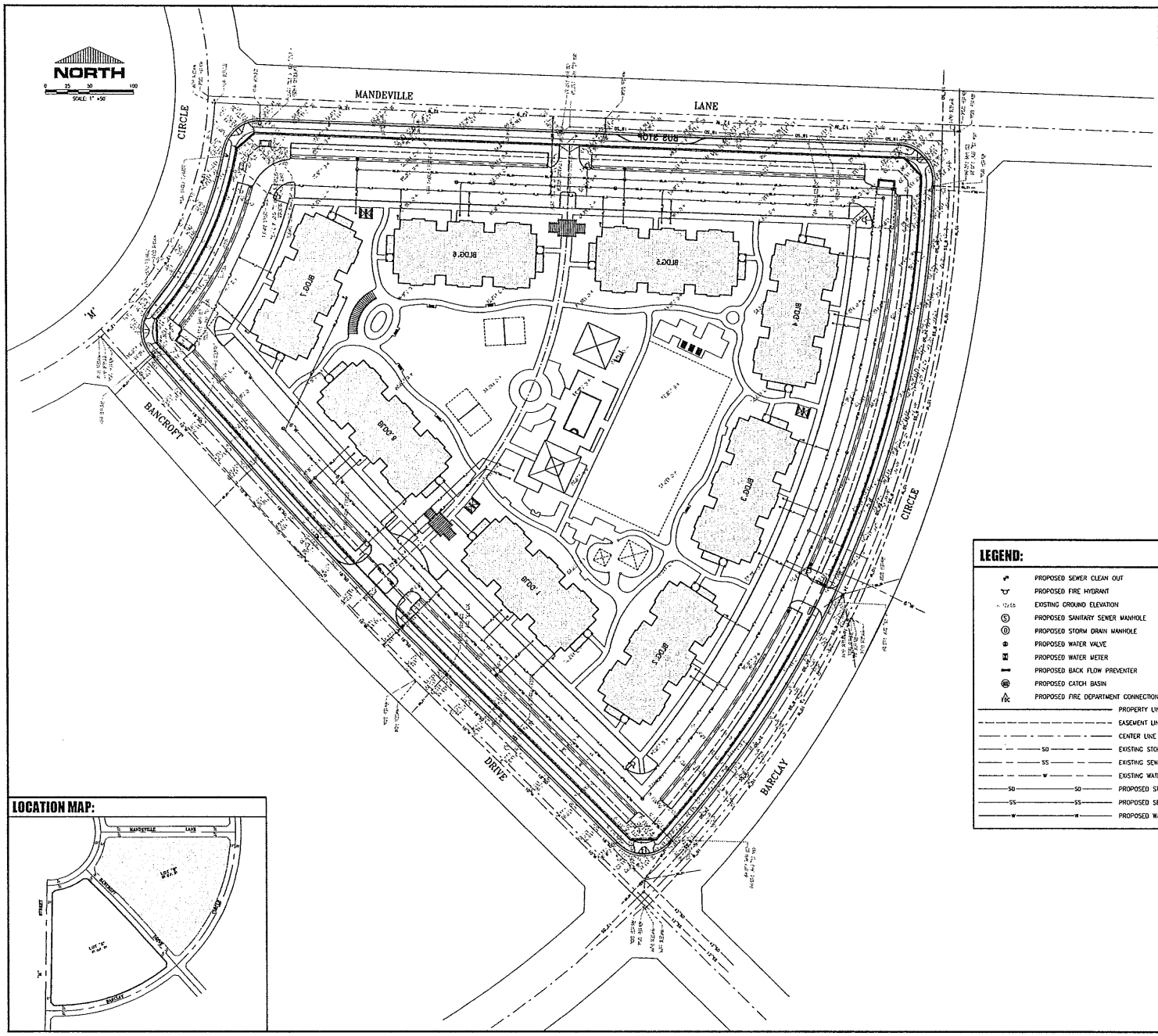
"M" STREET AND BARCLAY CIRCLE

CITY OF MERCED CALIFORNIA

SHEET CONTENTS
TENATIVE MAP FOR CONDOMINIUM PURPOSES

PREPARED FOR
KEN CARTER
3415 PASEO VERDE AVE.
MERCED, CA 95348
209-383-4315

PROJECT DATA
Date DECEMBER 2014
Checked By ZTJ
Drawn By KLF
Job No. 14162
SHEET NUMBER
TSM1



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16.) INTENDED LAND USE: PLANNED DEVELOPMENT PD (42)
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LEGEND:

	PROPOSED SEWER CLEAN OUT	C OR CONC	CONCRETE
	PROPOSED FIRE HYDRANT	CB	CATCH BASIN
123.45	EXISTING GROUND ELEVATION	CE	CONCRETE EDGE
(S)	PROPOSED SANITARY SEWER MANHOLE	CEA	CONC. EDGE ADJACENT TO AC & FLUSH
(D)	PROPOSED STORM DRAIN MANHOLE	DMH	DRAINAGE MANHOLE
	PROPOSED WATER VALVE	ELEV	ELEVATION
	PROPOSED WATER METER	FD	FOUND
	PROPOSED BACK FLOW PREVENTER	FL	FLOW LINE
	PROPOSED CATCH BASIN	G	GROUND
	PROPOSED FIRE DEPARTMENT CONNECTION	INV	INVERT
	PROPERTY LINE	IP	IRON PIPE
	EASEMENT LINE	SMH	SEWER MANHOLE
	CENTER LINE OF ROAD	TC	TOP OF CURB
SD	EXISTING STORM DRAIN LINE		EXISTING DRAINAGE MANHOLE
SS	EXISTING SEWER LINE		EXISTING FIRE HYDRANT
W	EXISTING WATER LINE		EXISTING SEWER MANHOLE
SD	PROPOSED STORM DRAIN LINE		EXISTING SIGN - AS NOTED
SS	PROPOSED SEWER LINE		EXISTING SIGN - NO PARKING
W	PROPOSED WATER LINE		EXISTING STREET LIGHT

LOCATION MAP:

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ENGINEERING & SURVEYING
405 West 19th Street 95340
P.O. Box 349
Merced, CA 95341
Ph.: (209) 722-3200
Fax: (209) 722-3254

No.	Date	Description

It is the owner's responsibility and it is a strong precaution to verify the location and utility of any underground utilities on the property before beginning any excavation. Contact Underground Service Alert at 1-800-227-2600 at least two working days before you dig. This plan does not indicate the location of any underground utilities. The owner is responsible for all costs associated with the work. The plan does not indicate the location of any utilities on the property. Underground utilities are not shown.

VESTING TENATIVE SUBDIVISION MAP
FOR CONDOMINIUM PURPOSE

LOT W

BANCROFT DRIVE AND BARCLAY CIRCLE

CITY OF MERCED CALIFORNIA

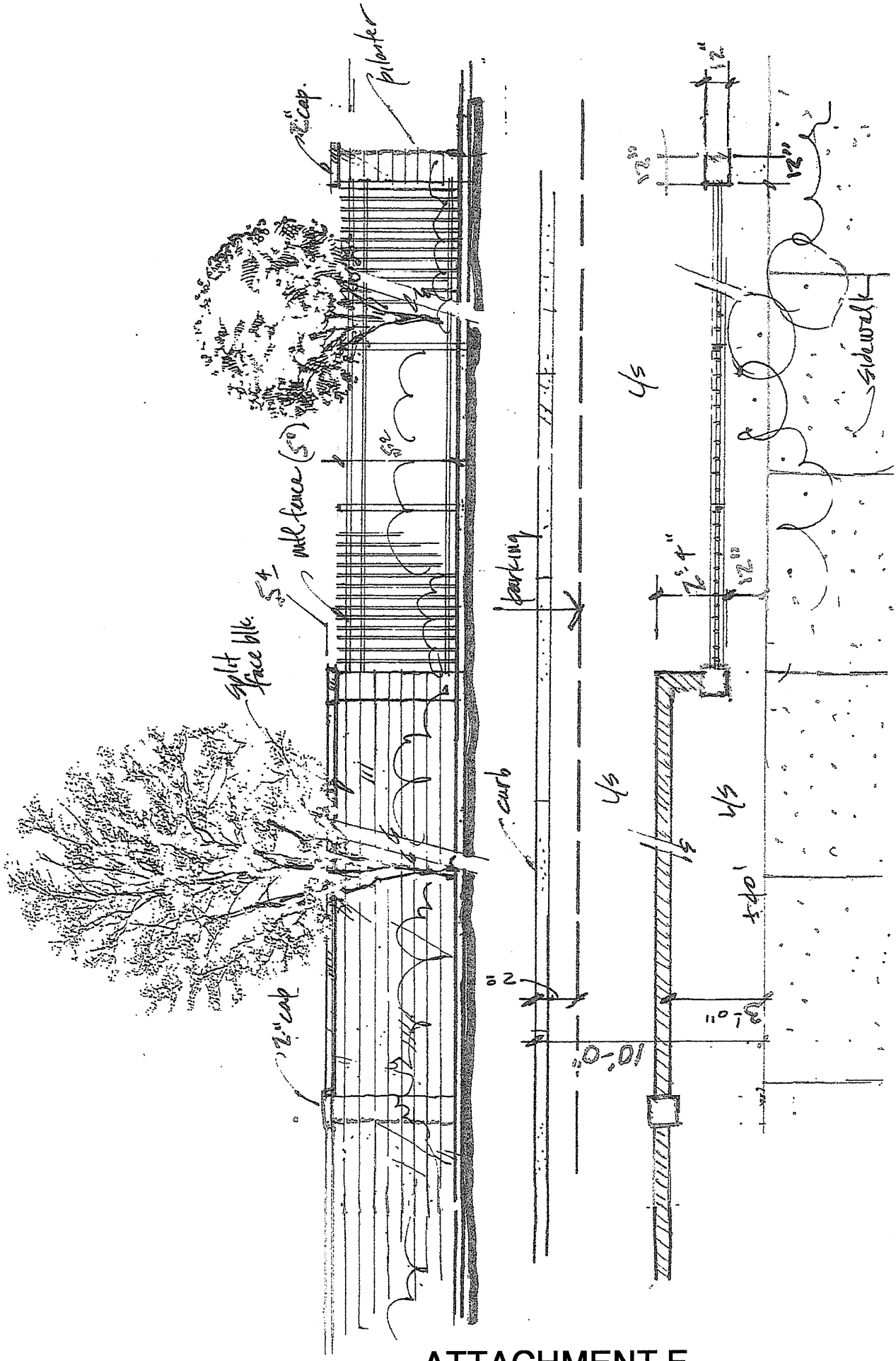
REGISTERED PROFESSIONAL ENGINEER
JIANBO XU
No. C049906
Exp 9/30/16
CIVIL
STATE OF CALIFORNIA

SHEET CONTENTS
TENATIVE MAP FOR
CONDOMINIUM PURPOSES

PREPARED FOR
KEN CARTER
3415 PASEO VERDE AVE.
MERCED, CA 95348
209-383-4315

PROJECT DATA
Date: DECEMBER 2014
Checked By: ZTJ
Drawn By: KLF
Job No.: 14162

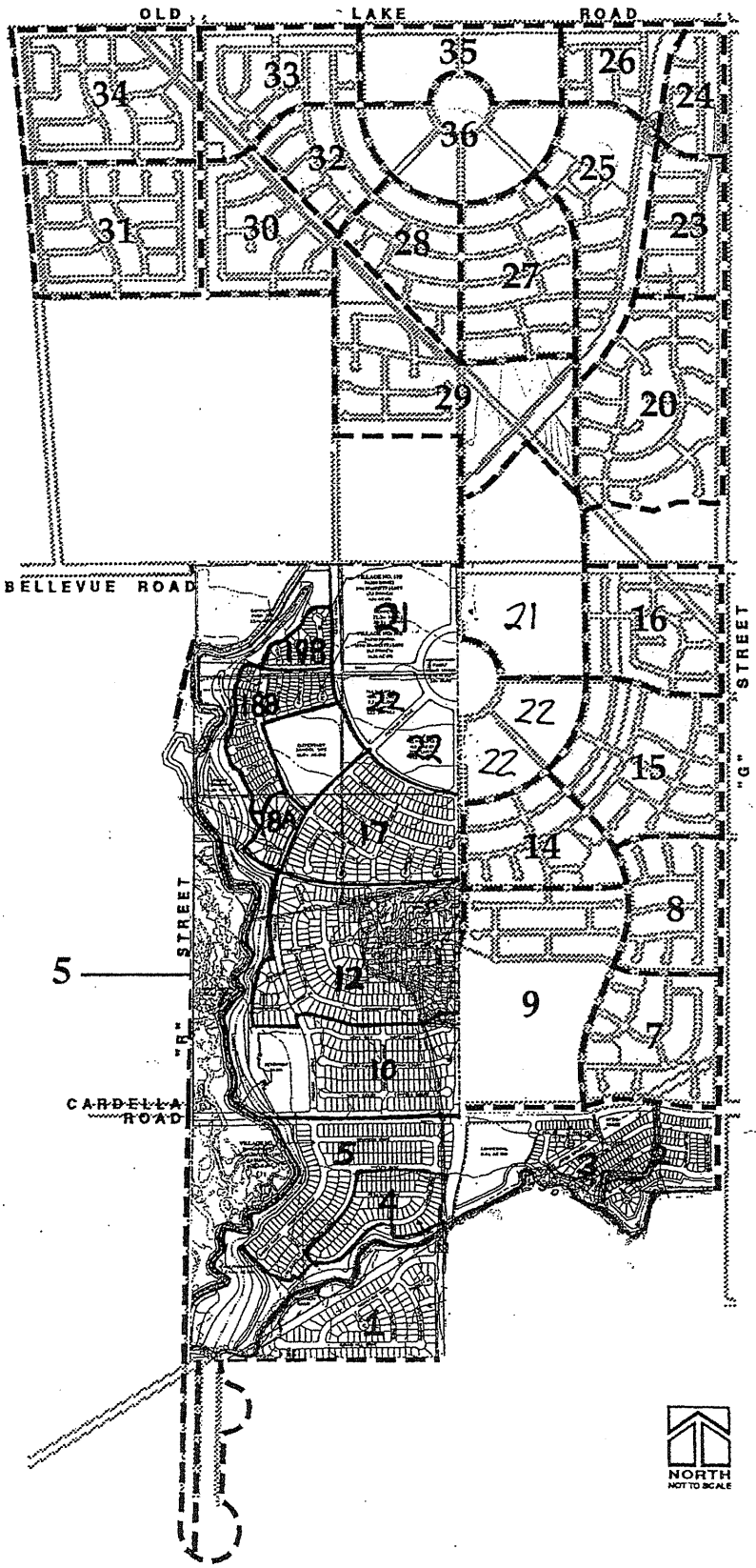
SHEET NUMBER
TSM2



ATTACHMENT F

MINOR PHASING DIAGRAM

BELLEVUE RANCH



ATTACHMENT G

Bellevue Ranch Master Development Plan (MDP) Table 6.1
Major Infrastructure Phasing
~~(Revised & Adopted by City Council on June 21, 2004)~~
~~(Revision & Adopted by Planning Staff on August 17, 2005)~~
(Revision & Adopted by Planning Commission on June 18, 2008)

The following table shows the same circulation and major infrastructure improvements listed in the MDP Table 6.1,adopted by the City Council May 15, 1995, in the columns for contiguous and non-contiguous improvements. Two new columns have been added to show the village interior improvements as well as concurrent construction phasing. This table indicates when certain improvements are **warranted** by Sub-Phase development. It does not address funding sources or the timing of available funding. In general, each Developer shall be responsible for construction of the warranted improvements, with the exception of wells, which the City will construct.

The Sub-Phases have been reorganized to show the order in which the Villages are now expected to be developed by Crosswinds and Woodside, for the area south of Bellevue Road. North of Bellevue Road the order shown in the adopted Table 6.1 shall be maintained except as noted. MDP Villages 6, 11, 13 and 19 have been excluded from this proposed sequence due to floodplain constraints.

Bellevue Ranch Master Development Plan Table 6.1—Major Infrastructure Phasing				
Sub-Phase (Village)	**Contiguous Improvements**	**Non-Contiguous Improvements**	**Interior Improvements**	**Villages Able to Construct out of sequence with this sub-phase**
BIIP I	**None**	• **M St (Barclay Rd. to Lehigh)(1/2 street)** • **M St Cottonwood Creek Bridge (1/2 Street)** • **Well Site (G St/ Cardella Rd)**	• **BIIP I Collectors** • **Sewer, Drain and Water** • **Detention Basins DB-P, T and U** • **Storm Drain and Sewer Pump Stations Outfalls**	• **Village 15, 16, 8A, 14 and 9**
8A	**None**	**None**	• **V-8A streets and utilities**	• **Concurrent with BIIP I**
15	**None**	• **Fire Station Dedication**	• **Village-15 streets and utilities**	• **Concurrent with BIIP I**
1	• M St: Lehigh to Cottonwood Ck (1/2 Street) • M St: Cottonwood Bridge (1/2 street) and bike crossing	• M St: Cottonwood Ck to Cardella Rd intersection (1/2 street)	• V-1 streets and utilities	• None Note: Sub-Phase (Village) 1 is not dependent on Sub-Phases BBIP I, 8A, and 15.
9	**None**	**None**	• **V-9 streets and utilities**	• **Concurrent with BIIP I**

ATTACHMENT H

Bellevue Ranch Master Development Plan
Table 6.1—Major Infrastructure Phasing
June 18, 2008 Version, Page 2

3	• Cardella Road: M St to Bancroft Dr (1/2 street) • Cottonwood Ck bike path/imp. • Cardella Rd (Bancroft Dr to G St) (1/2 street)	None	• V-3 streets and utilities • V-11 drainage basin	• Village 2 Note: Sub-Phase (Village) 3 is not dependent on Sub-Phases BBIP I, 8A, 9, and 15.
2	• Cottonwood Ck bike path/improvements	None	• V-2 streets and utilities	• Concurrent with Village 3
5	• Cardella: (M St to Round Hill Dr (Freemark)) (4 lanes total) • Well site (Cardella Rd/Fahrens Ck.)	None	• V-5 streets and utilities	• Villages 4, 10, & 12 Note: Sub-Phase (Village) 5 is not dependent on Sub-Phases BBIP I, 8A, 15 and 9.
14	**None**	**None**	• **Village-14 streets and utilities**	• **Concurrent with BIIP I**
16	• **Well Site (G Street/Bellevue Road)**	• **M St: Cardella to Barclay (remainder to full improvements)**	• **Village-16 streets and utilities**	• **Concurrent with BIIP I**
BIIP II	**None**	**None**	• **BIIP II Collector Roadways** • **Sewer, Drain and Water**	• **Village 8B, 7 and Lot Q**
4	• Cottonwood Ck pedestrian bridge	None	• V-4 streets and utilities	• Concurrent with Village 5
8B	**None**	**None**	• **V-8B streets and utilities**	• **Concurrent with BIIP II**
7	• **Cardella Rd (M St to G St)(1/2 street)** • **Cardella Road/G Street signal**		• **V-7 streets and utilities**	• **Concurrent with BIIP II**
10	None	None	• V-10 streets and utilities	• Concurrent with Villages 5 and BBIP I (M Street component only)
12	None	• M St/Cardella Rd signal[1]	• V-12 streets and utilities	• Concurrent with Village 10

Bellevue Ranch Master Development Plan
Table 6.1—Major Infrastructure Phasing
June 18, 2008 Version, Page 3

17	None	• R St (Yosemite to Cardella)(4 lanes total) [1, 8] • Cardella Rd (Round Hill Dr (Freemark) to R St) (4 lanes total) [1,8] • Fahrens Ck Bridge at /Cardella Rd (4 lanes total) [1,8] • R St/Cardella Rd Signal[1]	• V-17 streets and utilities	• Villages 18 & 19 • Note: Sub-Phase (Village) 17 is not dependent on Sub-Phases BBIP I, 8A, 15, 9, 14, 16, BBIP II, 8B and 7. Excepting "M" Street portion of BBIP I.
18	None	• R Street: Cardella Rd to Franciscan Dr (4 lanes total)[1,8] • R Street: Franciscan Dr to Bellevue Rd (4 lanes total)[1,8] • Cardella Rd/Bancroft Signal • Franciscan Dr/R St signal[1,8] • R St/Bellevue Rd Signal[1] • Cardella Rd/Round Hill Dr (Freemark) signal	• V-18 streets and utilities	• Concurrent with Village 17 •
19	None	• Franciscan Dr (Freemark Ave to R St)[1,8] • Fahrens Creek Bridge at Franciscan Dr[8]	• V-19 streets and utilities	• Concurrent with Village 17
Lot Q	**None**	• **None**	• **Lot Q streets & utilities**	• **Concurrent with BIIP II**
~~**22[6] (MFR)**~~	~~• **M Street (Barclay Drive to Bellevue Road) (2 lanes) including Transit Circle w/ V-21 segments**~~	~~• **Bellevue/G Signal[1]**~~ ~~• **Well site (Bellevue/R St)[7]**~~ ~~• **Fahrens Creek Bridge at Bellevue Rd(3 lanes)[8]**~~ ~~• **Bellevue Rd: R St to G St (3 lanes)[8]**~~	~~**None**~~	~~**None**~~
22-East[6] (MFR)	• **M Street (Barclay Drive to Bellevue Road) (2 lanes) on east side including Transit Circle w/ V-21 segments [8]**	• **Bellevue/G Signal[1, 8]** • **Bellevue Rd: M St to G St (3 lanes)[8, 9]**	**None**	**None**

22-West (MFR)	• **M Street (Barclay Drive to Bellevue Road) (2 lanes) on west side including Transit Circle w/ V-21 segments** [8]	• **Well site (Bellevue/R St)**[7, 8] • **Bellevue Rd: R St to M St (3 lanes)**[8, 9]	None	None
21[6] **(Comm)**		• **M & Bellevue Signal**[1] • **G St: Bellevue to Merced College (4 lanes total)**[3] • **G & Foothill (Harvest) Signal**[1] • **Fahrens Creek Bridge at Bellevue Rd(3 lanes)**[8] •	None	

Above Bellevue Road	Same as adopted in the MDP, 5/15/95 (see below)	**Non-Contiguous Improvements**	Each village's streets and utilities
20	• Fahrens Creek Bypass (Drainage Phase 3)	~~• G St: 2 lanes Bellevue to Yosemite (4 lanes total)~~ ~~• G St/Bellevue Traffic Signal~~ ~~• G St/Cardella Traffic Signal~~ ~~• G St/Collector St. Traffic Signal (in Phase 15)~~ • Fahrens Creek Bypass (Phase 3)	• V. 20 streets and utilities
23	None	None	• V. 23 streets and utilities
24	• Well Site No. 6 • Old Lake Rd (2 lanes)	None	• V. 24 streets and utilities
25	• Collector St./Fahrens Cr. Bridge (near Phase 23/24) • Collector St/Fahrens Cr. Bridge (near Phase 20)	None	• V. 25 streets and utilities
26	• Old Lake Rd: 2 lanes • Old Lake Rd/Fahrens Creek Bridge	• G St: 2 lanes Old Lake Rd to Bellevue Rd (4 lanes total) • G St/Collector St Traffic Signal (near Phase 20/23)	• V. 26 streets and utilities
27	• M St: 2 lane ultimate section	• Collector St/Fahrens Cr. Bridge (near Phase 20/23) • N/S Collector/Bellevue Signal	• V. 27 streets and utilities
28	None	None	• V. 28 streets and utilities
29	• M St: 2 lane ultimate section	• N/S Collector/Fahrens Creek Bridge (between M & R Sts.) • M St: 2 lanes (So. To Bellevue) • M St/Fahrens Creek Bridge	• V. 29 streets and utilities
30	• R St: 2 lanes • Fire Station	• R St: 2 lanes ½ mile north of Bellevue to	• V. 30 streets and utilities

		Bellevue Rd • R St: 2 lanes Bellevue to ½ mile south of Bellevue (4 lanes total) • R St/Fahrens Creek Bridge: 2 lanes (4 lanes total) • R St/Collector St Traffic Signal (near Phases 13/18)	
31	None	None	• V. 31 streets and utilities
32	None	None	• V. 32 streets and utilities
33	• R St: 2 lanes • Old Lake Rd: 2 lanes	• Old Lake Rd: 2 lanes (in Phase 35)	• V. 33 streets and utilities
34	None	None	• V. 34 streets and utilities
35	None	None	• V. 35 streets and utilities
36	None	None	• V. 36 streets and utilities

Color Coding of Responsible Areas:

Red Bold=Bellevue Ranch East Improvements (Crosswinds)
Blue Underlined=Bellevue Ranch West Improvements (Woodside)
Black Bold=Bellevue Ranch Improvements, joint responsibility in Village~~s~~ 21 ~~and 22~~
Black=Bellevue Ranch Improvements, North of Bellevue Road (unchanged since May 15, 1995).
[Phases are as noted on Minor Phasing Diagram in Master Development Plan—page 60 and Attachment B of Planning Commission Staff Report #04-13 2nd Addendum]

Notes:

1. The R Street improvements as well as the staging of signal improvements throughout the plan area have been revised as recommended by the memorandum dated December 2, 2004 entitled "Timing of off-site roadway improvements for Bellevue Ranch" prepared by Fehr & Peers.

2. Not used.

3. The G Street improvements have been revised as recommended by the memorandum dated December 2, 2004 entitled "Timing of off-site roadway improvements for Bellevue Ranch" prepared by Fehr & Peers.

4. Projects revised due to lack of Corps of Engineers drainage projects:
   a. Cottonwood Creek Bypass (Drainage Phase 1, 2): By Bellevue Ranch West, Villages 1-3.
   b. Fahrens Creek Bypass (Drainage Phase 1, 2, 3): deleted

5. Project moved to a later phase: Bellevue Rd: M to R (last 1 of 6 lanes) is moved into Phase 3/4.

6. The timing and responsibility (Crosswinds or Woodside) for these improvements in Village~~s~~ 21 (commercial) ~~and 22 (multi-family)~~ will be determined at the time of conditional use permit approval for ~~these areas~~ this village.

7. Well site may be required sooner if deemed necessary by the City Engineer.

8. Improvements shall be completed prior to occupancy of any unit in this village.

9. Frontage improvements per Table B (Attachment H) of PC Staff Report #07-32 – 3rd Addendum.

for the purpose of paying for, and for financing some or all of the costs of maintenance and/or construction of public facilities hereunder. Nothing herein shall be deemed to require City to approve the formation of such districts, provided that City acknowledges that the formation of the district or districts for these purposes may be appropriate.

Section 5.2. Utilities. Nothing herein shall be construed to limit the City's ability to impose reasonable conditions and future discretionary approvals which require developers to install water wells, water and sewer lines and appurtenances servicing the Property. Notwithstanding any other provision of this Agreement, if Bellevue requests, City shall issue a minimum number of building permits equating to 200 single family dwelling units or 20% of the City's sewer plant capacity (as determined by the City), whichever is less, unless the City is enjoined from doing so by a court of competent jurisdiction. The permits shall be available to Bellevue on a calendar year basis and shall not accumulate from year to year.

SECTION 6. PHASING. The Property should be developed in thirty-six (36) phases as shown in the Plan.

Section 6.1. Development by Phases.

The development of the Property is anticipated to be phased as shown on the Plan. However, minor phasing changes are expected to occur in the course of development of the Property. Bellevue may not proceed with any phase out of sequence unless all Category 2 improvements for the prior phase and all

tervening phases have been completed. For example, if Bellevue wishes to develop Phase 20, Bellevue must have completed all Category 2 improvements for Phases 1-19. Notwithstanding the above, Bellevue may apply to the City Engineer to have certain of the Category 2 improvements deferred or to modify the phasing plan or sequence of phasing. The City Engineer shall, in his sole discretion, determine any modifications to the improvement requirements required for the requested deferral. The City Engineer may also require, as a condition of any such deferral, that Bellevue post adequate security in the form of cash, bonds and/or letters of credit in an amount sufficient to guarantee the construction of the deferred improvements, and establish a performance schedule for the construction of the deferred improvements.

Any determination with regard to required Category 2 improvements to be completed by Bellevue made by the City Engineer may be appealed to the City Council. Upon such appeal, the City Council shall, in its sole discretion, determine any modifications to the improvement requirements required for the requested deferral. The City Council may also require as a condition of any such deferral that Bellevue post adequate security in the form of cash, bonds and/or letters of credit in an amount sufficient to guarantee the construction of the deferred improvements, and establish a performance schedule for the construction of the deferred improvements.

Category 3 fees and charges shall be reviewed annually

and adjusted to reflect current cost estimates determined in a similar manner as 1600 fees (Government Code section 66018). Any fee collected shall only be used for the purpose for which it was collected and shall be refunded (without interest) to Bellevue should City determine that construction of the facility or improvement is not needed.

Section 6.2. The City and Bellevue agree that the phasing of various aspects of the Project and the infrastructure for the Project may require further refinement and City and Bellevue agree to work together to attempt to refine the phasing and infrastructure sequencing and to develop threshold levels of infrastructure requirements with certain triggering points based upon the number of units to be developed.

Section 6.3. In the event that Bellevue is required to construct Category 1 or 2 Improvements which are not under the control of Bellevue or the City (for example, if said improvement is to be located on property that has not been annexed to the City), Bellevue may nonetheless proceed with development (if all other terms and conditions of this Agreement are met) if Bellevue provides security in the form of cash, a bond or letter of credit in an amount determined by the City Engineer to be sufficient to complete the improvements once the land comes under the control of Bellevue or the City, and agrees to promptly construct said improvements when control is obtained. Notwithstanding the above, the City Engineer, in his sole discretion, may determine that the required improvement needs to be completed prior to

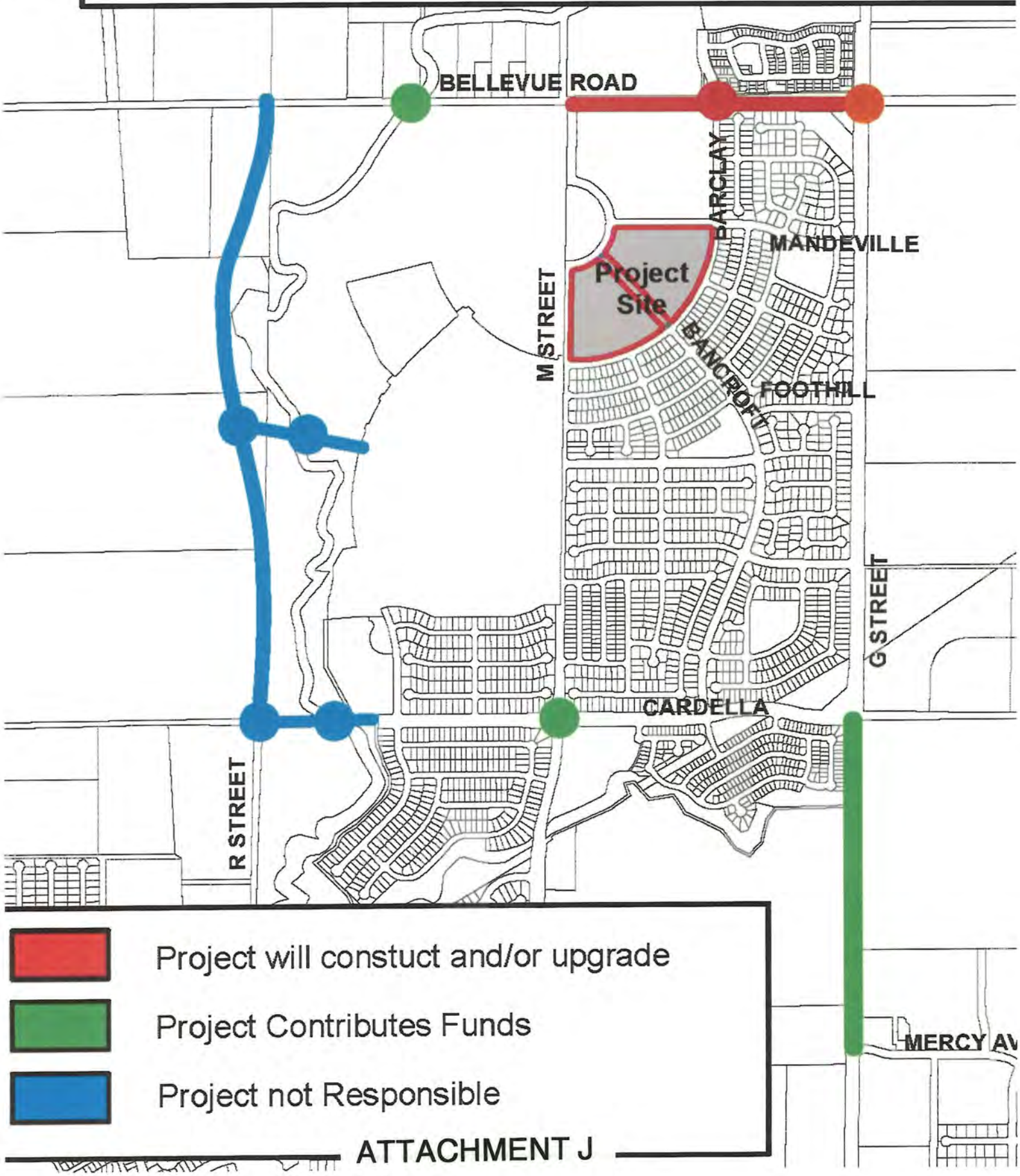
further development provided that the off-site improvements will be located pursuant to Government Code §66462.5 or other applicable law on land in which Bellevue or City has or is able to obtain sufficient title or interest.

Should Bellevue request that the City undertake proceedings by condemnation, negotiation, or otherwise to acquire control of the land, City will consider said request but shall be under no obligation to act upon Bellevue's request except as set forth in Section 8. Should City determine to proceed, Bellevue shall enter into a Reimbursement Agreement with City agreeing to pay for all costs associated with the undertaking, including without limitation all staff time, out-of-pocket expenses, etc. associated with City's efforts to obtain control of the land authorized by Government Code § 66462.5. The provisions contained in Government Code §66462.5 shall govern the applications of this Section 6.3.

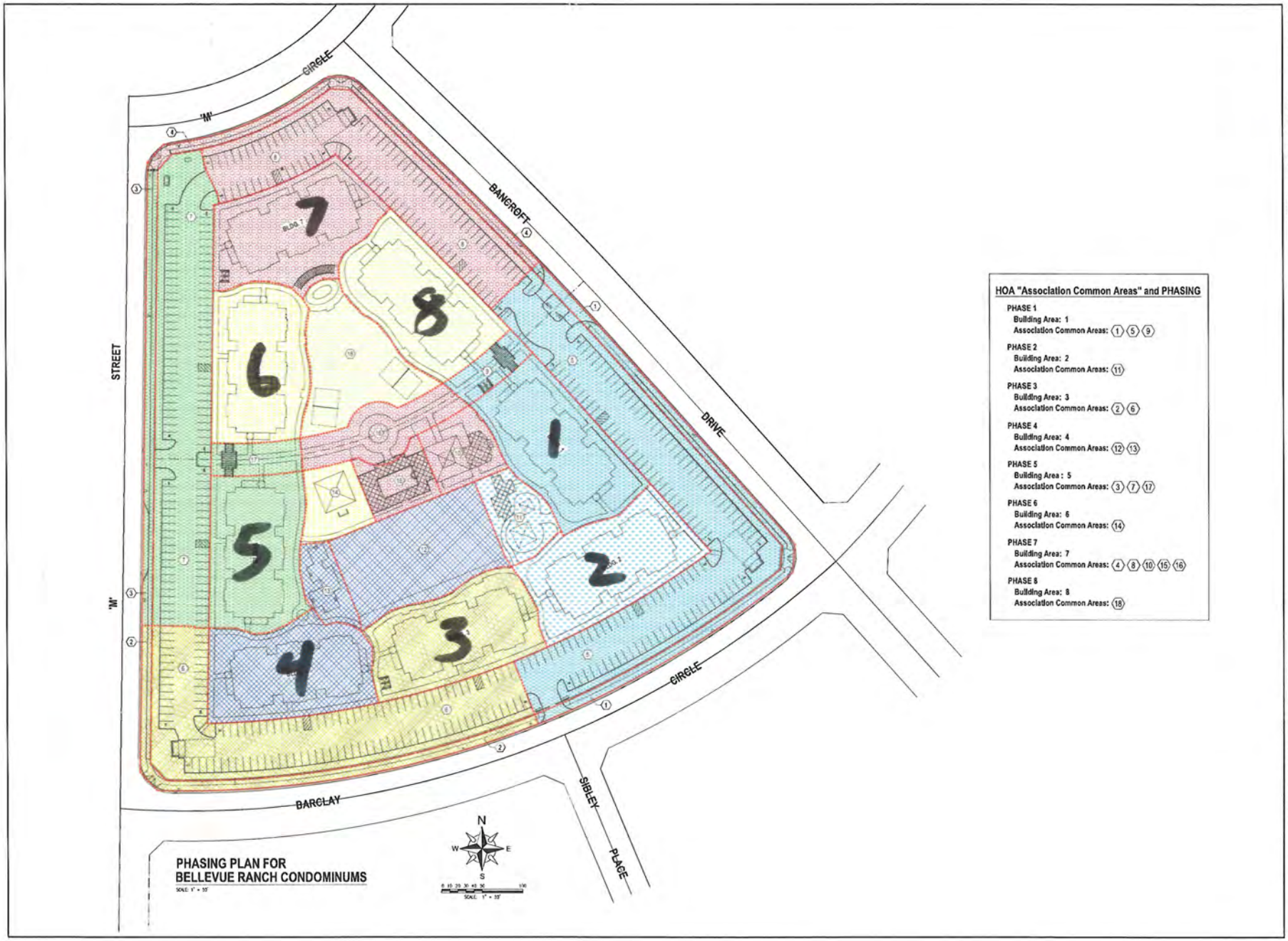
SECTION 7. <u>CURE/REAPPROVAL.</u>

In the event that a court enters a judgment requiring reconsideration by City of any matter pertaining to the Project, the Project Approvals, or this Agreement, then City shall reconsider that matter in a manner consistent with the intent of this Agreement. If any such judgment invalidates all or any portion of any of the Project, the Project Approvals, or this Agreement, City and Bellevue shall work together to attempt to cure any deficiencies identified in any such judgment. Upon City and Bellevue reaching agreement City shall then readopt the

Project Infrastructure Responsibility



ATTACHMENT J



PHASING PLAN FOR
BELLEVUE RANCH CONDOMINIUMS
SCALE: 1" = 35'

HOA "Association Common Areas" and PHASING

PHASE 1
Building Area: 1
Association Common Areas: 1 5 9

PHASE 2
Building Area: 2
Association Common Areas: 11

PHASE 3
Building Area: 3
Association Common Areas: 2 6

PHASE 4
Building Area: 4
Association Common Areas: 12 13

PHASE 5
Building Area : 5
Association Common Areas: 3 7 17

PHASE 6
Building Area: 6
Association Common Areas: 14

PHASE 7
Building Area: 7
Association Common Areas: 4 8 10 15 16

PHASE 8
Building Area: 8
Association Common Areas: 18

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No.	Date	Description
1		

BELLEVUE RANCH CONDOMINIUMS PHASING PLAN

MERCED CALIFORNIA

ENGINEER

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PROJECT DATA:

Date: NOVEMBER 2014

Scale: AS SHOWN

Drawn By: RICK

File Name: K_CARTER.ZIP

SHEET NUMBER:

1

BELLEVUE RANCH
FINAL GUIDING PRINCIPLES
Adopted May 15, 1995

1. 1.06 Architectural treatment, building elevations and site plans shall be consistent with Exhibit 1 (Master Site Plan or Official Site Utilization Plan for Bellevue Ranch, as may otherwise be modified), Exhibit 2 (conceptual commercial/multi-family site plan adopted for the southeast corner of Cardella Road and M Street and elevations for that portion of the Official Site Utilization Plan located below Cardella Road). Additional details, consistent with the City of Merced Planned Development ordinance, for any land uses other than standard single family residential, approved in the vicinity of the above intersection must be received and accepted by the City staff prior to processing of any discretionary approvals east of "M" Street and south of Cardella Road within the Bellevue Ranch MDP project area.

2. 8.03 In the event the applicants or successors propose a revision(s) to the MDP/Official Site Utilization Plan (SUP) initially adopted, there are a number of critical factors that any such change shall remain consistent with, including:

   A. Commercial activities shall not be permitted to locate at or in the vicinity of major (arterial/arterial) intersections, but will be limited to locations in proximity to intersections of the "M" Street minor arterial/transit way with east-west arterials;

   B. The proposed project shall comply with the City of Merced Village Design Guidelines, unless provisions contained therein have been superseded by adoption of other requirements in conjunction with the approval of the Bellevue Ranch project.

   C. The Bellevue Ranch MDP area will be developed in accordance with the village concept, presented in the Merced Villages Design Guidelines, Calthorpe Associates et al, October 1991, which visualizes future northward growth in a series of villages (diverse and highly livable extended neighborhoods), each located within an approximate square mile bounded by major roadways (arterials), in an effort to retain compact urban development patterns while evenly distributing public and private services, and maintaining a strong sense of community; the village concept visualizes three distinct areas within a village or extended neighborhood: the village core or village commercial center ("village center"); "village" or residential area surrounding the village core, which is greater than traditional single-family densities ("inner village"); and surrounding area or secondary/ relatively lower density residential ("outer village").

   The shape of a village may vary but in no case extend more than 2,000 feet from a transit stop. Village size requires:

ATTACHMENT K

a. a minimum average of 1,600 feet from transit stops adjacent to a Comparison center, and at least 100 acres;

b. a minimum average of 1,400 feet from transit stops adjacent to neighborhood centers, and at least 70 acres; and,

c. a minimum average of 1,200 feet from transit stops adjacent to convenience centers, and at least 50 acres.

3. 14.42 In the event the applicants or successors propose a revision(s) to the MDP/SUP, there are a number of critical roadway factors that any such change shall remain consistent with, as provided in the City of Merced Circulation Element And/or Merced Villages Design Guidelines and supporting studies (reference figure 7 {Intersection Spacing and Access Control}, Bellevue Ranch Environmental Impact Report Working Paper #1 Circulation System Review, Fehr & Peers, October 1992), including:

a. designated east-west collector streets within the project area:

1. will be the only non-arterial streets to directly access (intersect) major (North-South) arterial;

2. will intersect north-south (major) Arterial only at one-quarter mile intervals, or intervals of one-quarter of whatever the total distance is, between the two east-west arterial closest to and straddling the particular collector;

3. will be allowed a maximum individual variation from these one-quarter interval points of no more than 120 feet In either direction;

4. will be allowed a minimum distance of no less than 1,200 feet from the nearest one-quarter interval point(s) or parallel east-west arterial;

5. will be, as circumstances warrant and at the City's discretion, limited to right-turn-in, right-turn-out traffic movements, through the use of a raised median, except for the designated east-west collector located on the midpoint between east-west arterial, which is projected for ultimate four-way signalization;

6. must, in addition to being consistent with each of the provisions of this condition, be located so that any other, still unconstructed, east-west collector designated within the same one-mile "grid" between adjacent parallel east-west arterial can also meet these required standards.

b. access points to East-West Arterial will be only at intersection points that are

1. designated North-South Major Arterial (G and R Streets);

2. designated North-South Collectors (and the M Street/M Street Transitway) located at specific one-quarter mile intervals, or intervals of one-quarter of whatever the total distance is, between the two designated north-south major arterial;

3. local streets that intersect only at the approximate mid-points between the north-south arterial and designated north-south collectors within the project, or approximate mid-points between designated north-south collectors and the M Street Transitway;

4. Such designated north-south collectors (Including the M Street Transitway) shall

a). Have a minimum separation of 1,200 feet between its intersection with the east-west collector and the existing or future intersection(s) of adjacent north-south arterial/ collector(s);

b). Have a maximum variation from its designated interval point of no more than 120 feet in either direction;

c). be designated for ultimate four-way signalization;

5. such designated local streets

a). shall have a minimum separation of 600 feet between its intersection with the East-West Arterial and the intersection of adjacent parallel Collector Street or Major North-South Arterial;

b). shall have a maximum allowable variation from its designated mid-point of no more than 60 feet in either direction;
c). will be, as circumstances warrant and at the City's discretion, limited to right-turn-in, right-turn-out traffic movements through the use of a solid raised median;

6. any Designated North-South Collector or Local Street, in addition to being located consistent with each of the provisions of this condition, shall also be located so that any as yet unbuilt Designated Collector or properly located local street intersections within the same one-mile distance between adjacent parallel North-South Major Arterial can also meet these required standards; and,

7. the City may, at its discretion, prohibit or otherwise restrict the one-eighth interval local street

a) closest to and parallel to R Street, which intersects the East-West Arterial from the south; and,

b) closest to and parallel to G Street, which intersects the East-West Arterial from the north (accompanying illustration).

4. Introduction: The Bellevue Ranch MDP project area planned development (P-D) is based upon Merced's Village Concept, a strategy to accommodate projected growth while maintaining Merced's quality of life and allowing for continued economic vitality. Merced's Village Concept is fashioned to:

*create as much flexibility of movement as possible for people within individual villages or neighborhoods

*locate land uses for the most effective transit service within and between Villages and other major destinations

*foster compact and efficient development patterns

*provide a diversity of housing types that are all served effectively by needed urban services

*efficiently distribute public facilities to effectively serve all residents

*create a sense of neighborhood and community.

This will be accomplished by taking typical elements of urban growth (retail centers, single and multi-family housing, roads, and public services) and reorganizing them to form a more efficient and pedestrian-oriented development pattern as illustrated.

A few terms from the Merced Villages Design Guidelines will be interchanged with, or otherwise modified, in the Bellevue Ranch MDP planned development (P-D) Site Utilization Plan (SUP) in the following manner:

"Village" = Describes the overall community or Extended Neighborhood within a mile square arterial grid

"Village Center" = (Village) Core Commercial or retail/public activity center

"Inner Village" = low medium/medium density mixed type residential area within easy walking distance (one-quarter mile) of the outer limit of the Village Center

"Outer Village" = "Surrounding Area" or low density residential area outside the "Inner Village"/Village Center

5. 16.02 Design, site planning, land use locations, residential densities, commercial land uses and retail center sizes, and all other Bellevue Ranch Master Site Plan or Site Utilization Plan (SUP) features will be consistent with the Merced Villages Design Guidelines (October 1991) unless superseded by provisions of another document(s) referenced in the Bellevue Ranch Development Agreement.

6. 16.03 "Village Core Commercial" or "Village Center" is the focus of an individual "Village" or extended Neighborhood.

7. 16.04 There are four types of retail centers (Comparison, Neighborhood, Convenience, and Travel Commercial), varying in size and directed toward different market segments; each type includes a different range of commercial uses, such as:

   A. Convenience Centers - provide many convenience goods and services, such as dry cleaners and video stores

   B. Neighborhood Centers - grocery store and second anchor such as a drugstore, ancillary shops, liquor stores

   C. Comparison Centers - creates major retail and cultural focus in the planning area; may include apparels, household furnishings, electronic equipment, sporting goods, multiplex cinema, health clubs, other entertainment-related services, comparison retailers (junior/discount department stores), grocery stores, drugstores, other retail shops and services, professional offices, possible civic uses such as libraries, post office, community complex

   D. Travel Commercial Areas (in proximity to Highway 59) - intended to provide convenient locations for auto-oriented locations for auto-oriented uses, such as gas stations, fast food restaurants, car washes, other commercial uses that require high drive-by visibility, possible equipment dealerships

8. 16.05 Retail centers also vary in size and character depending on the size of the Village and its relationship to households, roads, transit and other commercial areas.

9. 16.06 Some type of retail center is to be located within each "Village" or extended Neighborhood (as defined by area arterials), to allow Village residents to reach a retail center without having to cross an arterial street.

10. 16.10 The "Inner Village," the mixed-use community area of the overall "Village" or extended Neighborhood, which provides the land use transition from the Village

Core Commercial or Village Center, will be within an average 1,200 to 1,600 foot walking distance of a transit stop and its Core Commercial Area.

11. 16.11 All "Inner Village/Core Commercial" areas must include a mixture of parks, shops, median density housing, civic uses, and direct transit access.

12. 16.12 Villages shall be distributed in a pattern that allows the greatest number of residents access to a variety of shopping opportunities without relying on arterials, by spacing major retail centers at least one mile apart, with one Village for each full square mile bound by arterials (except in rural areas).

13. 16.13 The boundary of each "Inner Village" will vary with the size of the Village Core Commercial or Village Center, but will not extend across any arterial.

14. 16.14 The shape of an "Inner Village" may vary but shall not be less than the area described by the minimum average distance required: extend a minimum average of 1,600 feet from transit stops adjacent to a Comparison Center; a minimum average of 1,400 feet from transit stops adjacent to Neighborhood Centers; and a minimum average of 1,200 feet from transit stops adjacent to Convenience Centers.

15. 16.15 The minimum average distance from Core transit stops to "Inner Village" boundary does not apply to areas with major intervening natural or manmade features, but may be modified to accommodate such features.

16. 16.16 Villages shall be at least 100 acres when associated with a Comparison Center, 70 acres when associated with a Neighborhood Center, and 50 acres when associated with a Convenience Center.

17. 16.17 In no event shall an "Inner Village" extend more than 2,000 feet from a transit stop.

18. 16.18 The street system for "Inner" and "Outer" Village areas shall be simple, formalized, and interconnected, converging on or near common destinations that contribute to an area's unique identity; winding roads, dead-end streets, and culdesacs that cut off direct access to Village Centers shall be avoided.

19. 16.19 No single street within a Village or extended Neighborhood area shall by the street system design be overburdened by excessive traffic in comparison with other streets of the same category within an individual Village street system.

20. 16.20 The street system within an individual Village or extended Neighborhood shall provide multiple and parallel routes between the Village Core or Center, the Inner Village, and the Outer Village; in no case shall a prospective trip internal to a Village or Neighborhood be made more directly by recourse to a perimeter arterial.

21. 16.21 A Village/Neighborhood Street System should allow autos, bicycles, and pedestrians to travel on local streets directly to any location within that Village.

22. 16.22 At no time shall a perimeter arterial be the only, or even the most direct, route from a Village Core/Inner Village and the Outer Village within a particular Village or extended Neighborhood.

23. 16.23 Arterial streets are barriers to local travel and shall not pass through Villages, but will instead be located at Village or extended Neighborhood perimeters.

24. 16.25 Intersections of designated internal collectors and arterials perimeter to any Village shall be spaced as provided for in the Bellevue Ranch MDP, including provisions for maximum deviation that may be allowed from such spacing.

25. 16.26 A network of Connector streets shall connect Inner and Outer Village areas to the Core Commercial within a Village through many, frequent alternative paths, without the use of arterials.

26. 16.27 The Connector network shall not provide a speedy through-route alternative to external arterials.

27. 16.32 "M" Street's major focus above Cardella Road shall be a "Transit way," to provide the most direct and relatively uninterrupted route to major destinations in proximity to "M" Street throughout the Bellevue Ranch MDP project area as well as the entire City of Merced and Merced Region.

28. 16.33 A central transit stop shall be located within or in proximity to each Village Center/Village Green for each Village or extended Neighborhood; feeder bus stops may be located in "Inner" or "Outer" Village areas, along Connector Streets, serving public destinations such as parks.

29. 16.41 Residential densities are to be highest in proximity to the Village Center and will become lower as distance from the Village Center increases.

30. 16.43 Each Village must have a mixed-use Core Commercial or Village Center, containing a minimum ground floor retail and commercial space as follows: Convenience Centers (1.5 to 3 acres); Neighborhood Centers (8 to 12 acres); and Comparison Centers (20 to 30 acres).

31. 16.44 The configuration of shops in a Core Commercial or Village Center needs to maintain a balance between pedestrian and auto comfort, visibility, and accessibility; while anchor stores may orient to arterial streets and parking lots, smaller shops must orient to pedestrian "main streets" and plazas.

32. 16.53 The location of parks, plazas, and trails should be coordinated to distribute a variety of recreation opportunities throughout the project area. "Greenway" trails should provide bicycle and pedestrian access to and shall when possible connect village parks, Village greens, school parks and other neighborhood parks.

33. 16.54 "Village greens" are a special category of village park, and should be located between Core Commercial or Village Centers and Village residential areas, away from arterial streets, as illustrated. Public facilities such as day care, libraries, community centers and post offices should be developed within or immediate across from Village greens whenever possible.

34. 16.55 Village park sites should reinforce retail and residential areas by creating "town squares" suitable for informal gatherings, public events, as well as recreation.

35. 16.56 Convenient, flexible accessibility must be maintained within Villages/Neighborhoods; all land uses internal to individual Villages/Neighborhoods shall be made readily accessible by all types of transportation (pedestrian, bicycle, transit, auto) via the internal circulation system (local and collector streets). It is a basic design premise, for all locations within the Bellevue Ranch MDP project area, that it is more pleasant, convenient, and preferable for any resident of a village or neighborhood grid to travel to any other destination within that neighborhood, by whatever method of travel is chosen, than for that resident to use the external arterial road system to reach such internal destinations.

BRPRIN2

BELLEVUE RANCH
FINAL EIR MITIGATION MEASURES
ADOPTED MAY 15, 1995

1.0) AESTHETICS

1.01) Prior to approval of required Conditional Use Permits, the project applicant will prepare conceptual landscape plans for the subject project. Detailed landscape plans must be prepared for building permit review and shall generally adhere to the landscape concepts contained in the Merced Villages Design Guidelines and applicable adopted plans. MM 4.3.1

1.02) In conjunction with the approval of required Conditional Use Permits and tentative subdivision maps, the project applicant shall provide preliminary building plans, elevations, and architectural treatment for City. City review will ensure general project consistency with the Merced Villages Design Guidelines, Planned Development Ordinance and applicable adopted plans. MM 4.3.2

1.03) Prior to approval of conditional use permits, the project applicant shall provide detailed lighting, signage, and fencing/decorative soundwall plans consistent with the City's Planned Development Ordinance, Merced Villages Design Guidelines and applicable adopted plans. Covenants, Conditions, and Restrictions (CC & R's) shall limit the exterior lighting on residential dwelling units to mercury vapor, low pressure sodium, incandescent and fluorescent lamps (150 watt or less). All lighting shall have cut-off lenses that confine light to intended areas of illumination. MM 4.3.3

1.04) The mature stands of existing eucalyptus trees found on site shall be preserved to the greatest extent possible and designed into the land uses of the Bellevue Ranch Master Development Plan unless otherwise confirmed by the City's aborist to be unhealthy or a significant public safety hazard. Preservation of these stands of trees shall be consistent with policies contained within the City's General Plan. MM 4.3.4

1.05) Prior to the approval of each Conditional Use Permit, the project applicant will demonstrate to the City Planning Department consistency of overall design features with the general principles of the Merced Villages Design Guidelines. MM 4.3.5

2.0) AGRICULTURAL LAND USE

2.01) The project applicant, in cooperation with adjacent land owners, shall provide interim buffers between future urbanized areas and existing agriculture uses that use pesticides, herbicides, or create substantial dust and/or odors. The width and location of this buffer shall be determined prior to the approval of tentative maps with input from the County Food and Agriculture Commission and the owner of the adjacent agricultural use. The buffer shall be maintained until the project applicant has demonstrated that adjacent agriculture uses have ceased. MM 4.2.1

ATTACHMENT L

3.0) AIR QUALITY

3.01) To ensure that construction mitigation is utilized, final improvement plan approval should shall not be given to any development until the developer/contractor submits a satisfactory construction mitigation plan to the City of Merced. This plan shall specify the methods of control that will be utilized, and identify a responsible individual who can authorize the implementation of additional measures if needed.

The construction dust mitigation plan may include, but not be limited to the following measures, as deemed appropriate by the City (or as required by the San Joaquin Valley Unified Air Pollution Control District/SJVUAPCD) at the time of improvement plan approval:

a. Suspend earthmoving or other dust-producing activities during periods of winds greater than 20 mph

b. Provide equipment for watering of all construction areas at least twice dail.

c. Stockpiles of soil, or other fine materials being left for periods in excess of one day during site construction shall be watered, covered or track walked after stockpiling is complete.

Paved areas at controlled access points shall be swept or washed once a day, or more frequently if necessary, within 100 yards of the point of entry.

e. All unpaved construction areas shall be sprayed with water at least twice per day within areas being graded, excavated or used as construction haul roads.

f. Haul trucks used for moving materials on/or off-site shall not be overfilled, or shall be covered if overfilled.

g. Exposed dirt surfaces shall be paved, landscaped, track walked or hydroseeded as quickly as possible following completion of work. MM 4.11.1

3.02) As a condition of project approval, the project applicant shall coordinate with the City to implement a Transportation Demand Program (TDP). In order to implement the program, the City should, during subsequent review of proposed project plans (tentative maps/conditional use permits), identify the types of improvements which should be incorporated into specific project designs. Such improvements may include such items as public transportation dedications, bikeway/paths, transit improvements/amenities, and pedestrian access facilities. MM 4.11.2

3.03) Employers within the Master Plan area shall coordinate with the City to implement a strong Transportation Demand Management (TDM) program for all employment generating uses. TDM strategies shall use parking incentives for ridesharing, bicycle amenities, employee shower and locker areas, on-site cafeteria and eating facilities and other appropriate strategies for trip reduction. MM 4.11.3

3.04) Project design shall be reviewed by the City Planning Department prior to tentative map approvals to encourage tele-commuting by providing designs that accommodate home offices and satellite work centers within the project. MM 4.11.4

3.05) Project design shall be reviewed by the City Planning Department prior to approval of tentative subdivision maps to encourage the provision of park- and-ride amenities within the project, which are generally consistent with the Villages Concept Design Guidelines, for people commuting out of the development. MM 4.11.5

3.06) Prior to issuance of certificates of occupancy, individual homes will require the installation of low NOx space and water heaters, and include in residential units perimeter electrical outlets to allow the use of electric mowers and blowers. MM 4.11.6

3.07) In conjunction with the processing of building permits, the applicant will provide a maximum of one EPA certified pellet stove, wood stove or fireplace insert per residence. MM 4.11.7

3.08) In conjunction with the processing of pertinent discretionary approvals, development plans shall be reviewed to ensure that building orientation and design be utilized to reduce heating and cooling requirements. MM 4.11.8

3.09) In conjunction with applications for discretionary approvals the project applicant may be required to incorporate current practices to promote the use of alternative fuels within the proposed development. Implementation of this measure may include the use of alternative fuel facilities (compressed natural gas filling stations and electric charging stations) for automobiles/vehicles. Electric service standards may also be incorporated for commercial, residential and industrial sites that would provide adequate capacity to allow installation of recharging facilities as needed in the furure as determined by the City of Merced. MM 4.11.9

4.0) BIOTIC RESOURCES

4.01) Prior to issuance of grading permits, the project applicant shall produce a wetlands delineation consistent with the 1987 Corps of Engineers Wetlands Delineation Manual or succeeding standards and obtain verification of the wetlands delineation by the U.S. Army Corps of Engineers. The applicant shall consult with the City Planning Department and demonstrate compliance with the COE requirements. MM 4.8.1

4.02) Prior to issuance of grading permits in affected wetlands areas, the project applicant shall secure a permit to fill wetlands consistent with Section 404 of the Clean Water Act, and the corresponding 1603 Streambed Alteration permit required by the State of California. Such permit shall include a wetlands mitigation plan consistent with the policy of "no net loss in wetlands acreage or value". The applicant shall consult with the City, the Department of Fish and Game and the COE during the preparation of this plan to develop a consolidated mitigation program, within the guidelines of the COE.

Due to the proposed U.S. Army Corps of Engineers levee and channel improvement plan, the project applicant has two options regarding modifications to Fahrens and Cottonwood Creeks. The applicant shall:

A) Postpone modifications to creek channels until U.S. Army Corps of Engineers begins the Merced-area project. Mitigation for wetland impacts associated with this project would then be the responsibility of the U.S. Army Corps of Engineers; or,

B) Make modifications to creek channels subject to approval by the City of Merced and the U.S. Army Corps of Engineers. Mitigation for wetland impacts associated with creek modifications shall be the responsibility of the project applicant. The mitigation plan for impacts to Fahrens and Cottonwood Creeks shall include a detailed native vegetation and restoration planting plan consistent with the Merced Streams Project (Merced Streams Project-Design Memorandum No. 11, 1983). Vegitation and riparian restoration plans shall be subject to review and approval by the City of Merced. All plans must be deemed adequate by City standards as a condition of approval for flood control improvements.

The mitigation plan for impacts to isolated wetlands shall include on-site preservation/ compensation areas, off-site compensation areas, or a combination of the two with the intent of providing for a consolidated mitigation area. Compensation wetlands must be located in Merced County and meet the following success criteria:

A) Compensation wetlands will remain inundated or saturated for sufficient duration to support hydrophytic vegetation.

B) Compensation wetlands will exhibit plant and invertebrate species richness comparable to existing wetlands on site.

C) Compensation wetlands will be monitored each year for five years, and a report of monitoring results will be submitted to the U.S. Army Corps of Engineers for review. MM 4.8.2

4.03) Prior to the issuance of grading permits, the project biologist shall conduct late spring surveys of vernal pools for Dwarf Downingia. If species are confirmed on the project site, mitigation measures consistent with the most current listing status of the species shall be prepared and submitted to the City for inclusion in the Mitigation Monitoring Program for the project. MM 4.8.3

4.04) Once a decision on whether to list fairy shrimp and tadpole shrimp as endangered species is reached and prior to the issuance of grading permits, the project applicant shall comply with the appropriate mitigation measure listed below:

A) If Branshinecta lynchi and Linderiella occidentalis are listed as threatened or endangered species under the Federal Endangered Species Act, the project sponsor shall initiate a Section 7

consultation with the USFWS as part of compliance with Section 404 of the Clean Water Act. Although the mitigation requirements under this scenario are not known at this time, they would likely take the form of wetlands habitat reconstruction; or,

B) If Branshinecta lynchi and Linderiella occidentalis are not listed as threatened or endangered species under the Federal Endangered Species Act, a wetlands mitigation plan shall be submitted as part of compliance with Section 404 of the Clean Water Act. This mitigation plan shall include language that specifically addresses fairly shrimp impacts and, as part of the wetlands mitigation monitoring plan, will monitor fairy shrimp populations incompensation wetlands. Fairy shrimp species richness in compensation will equal or exceed that of historic wetlands. MM 4.8.4

5.0) CULTURAL RESOURCES

5.01) State of California Historic Resource Inventory Form(s) and an Archeological Site Record Form (State of California DPR 422 A (Rev. 4/86) Form) of the Bellevue Ranch complex shall be completed by a qualified architectural historian prior to the issuance of grading, demolition, or building permits for the areas within the project which will impact the Bellevue Ranch complex. Copies of the Form(s) shall be filed with the local historical society, the Merced County Museum and Historical Society, the Office of Historic Preservation, and the Central Information Center as appropriate. MM 4.6.1

5.02) Archaeological monitoring of any demolition and subsurface construction in the vicinity of the Bellevue Ranch buildings shall be conducted by a qualified archaeological monitor and funded by the project applicant . Archaeological monitoring shall include the observation of all ground disturbing construction either on or in the near vicinity of a culturally sensitive area. The archaeological monitor shall have the authority to suspend or modify the intensity of the monitoring effort at his/her discretion depending on his/her perception of the field results at the time. The archeological monitor shall have the authority to temporarily halt construction operations in the immediate vicinity (defined as a 10 meter radius) of an archaeological find if significant or potentially significant cultural resources are exposed and/or adversely affected by the construction operations. The archaeological monitor shall notify the City of any significant or potentially significant cultural resources exposed, in a timely fashion. MM 4.6.2

5.03) If any significant cultural materials (artifacts, human burials, or the like) are exposed during demolition, excavation, grading or other construction activities in the vicinity of the Bellevue Ranch buildings or anywhere else on the project site, operations shall be ceased within 10 feet of the find, the City shall be notified, and a qualified archaeologist contacted for further recommendations.

If the find is determined to be significant, then a representative of the construction and engineering firms, the archaeologist, City and agency officials and a representative of the local (i.e., most likely descendant) native American community (if the discovery is an aboriginal burial) will meet to determine an appropriate course of action. This shall focus on modifying the engineering and construction plans for resource avoidance, data recovery through excavation or preservation, or a combination of the two. The primary objective shall be to recommend

alternative means for the preservation and/or controlled recovery of cultural resources without undue delay, wherever and whenever possible, to construction operations. Any artifacts or samples collected as part of the initial discovery, monitoring, or mitigation phases shall be properly conserved, cataloged, analyzed, evaluated, and curated along with associated documentation in a professional manner consistent with current archaeological standards. MM 4.6.3

5.04) A Historic American Building Survey (HABS; administered by the National Park Service) or HABS-like architectural recordation and narrative/descriptive report of all standing Bellevue Ranch structures shall be prepared by a qualified architectural historian, funded by the project applicant, and filed with the City prior to the issuance of any grading, demolition, or building permits for the project. The report shall include a discussion of the degree to which Bellevue Ranch meets National Register criteria. The report shall also include identification of buildings or areas where potentially significant subsurface historic archaeological remains may be expected, to facilitate archaeological monitoring. The report shall be reviewed by the monitoring archeologist prior to acceptance by the City.

Prior to preparation of the survey and report, the architectural historian, based on his/her preliminary research, may make recommendations to the City regarding the scope of survey, including recommendations for the analysis of selected, rather than all, structures. Any reduction in the scope of the survey and report shall be subject to City Council or Planning Commission approval. MM 4.6.4

5.05) An Archeological Site Record Form (State of California DPR 422 A (Rev. 4/86) Form) for the segment of the Yosemite Valley Railroad Grade within the Bellevue Ranch project shall be completed by a qualified architectural historian prior to the issuance of any grading, demolition, or building permits for the project phase(s) affected by the Grade. Copies of the Form(s) shall be filed with the Central Information Center. MM 4.6.5

6.0) HUMAN HEALTH

6.01) Exploration trenching or other adequate excavation methods shall be conducted prior to the issuance of any project building permits to identify the location of the bone-filled burial trenches. Following delineation of the burial trenches, the trenches shall be excavated, backfilled with select import fill, and compacted to appropriate construction standards. MM 4.14.1

6.02) Abandoned automobiles, ranch equipment, tires and other miscellaneous farm refuse shall be removed to an appropriate disposal facility prior to issuance of project grading permits for the appropriate phase. MM 4.14.2

6.03) A Phase II site reconnaissance and sampling investigation of those portions of the project site where areas of potential enviromental contamination have been identified shall be conducted at applicant's expense, by professionals acceptable to the City and submitted for City review prior to consideration of final subdivision maps within the affected areas. The Phase II investigation shall be conducted following removal of all on-site refuse material. Paint storage and cleaning

areas at the site shall be identified during the Phase II investigation and sampled for lead and other compounds, if deemed necessary. Screening analysis of randomly selected shallow soil samples from the cropland areas shall be analyzed during the Phase II investigation to assess if cropland soils contain residual concentrations of pesticides and/or herbicides. During the Phase II investigation, sampling of site building materials shall be conducted to assess if ACBMs and LBP are present at the site. As part of the Phase II investigation, P.G.&E. shall be contacted for on-site inspection of transformers to determine if they contain PCB's. Based on the results of the Phase II site reconnaissance, areas of potential impacted site soils shall be identified for soil sampling and possibly groundwater sampling. Soil sampling results shall be used to quantify the types and concentrations of possible contaminants present in site soils and to identify areas that require excavation and appropriate off- site disposal of affected soils. Results of Phase II samples shall be used to assess the need to conduct a risk assessment to evaluate potential health impacts from residual chemical concentrations in the soils, to determine proper health and safety requirements necessary during demolition, and to evaluate proper disposal requirements for the demolition debris. The Phase II Assessment shall be conducted by a qualified firm approved by the City. The Phase II Hazardous Materials Site Assessment firm shall report to the City whether a risk assessment is required. The project sponsor shall comply with, or bond for, all mitigations specified in the resulting report(s) and risk assessment prior to issuance of any project grading or construction related permits. Mitigations specified in the report(s) shall be included in the Mitigation Monitoring Program for the proposed project as required by the California Environmental Quality Act. Should the report(s) identify the need for substantial changes in the project, if it reveals significant new information about potential project impacts, if any required remediation will result in additional project impacts, or if impacts are identified which will remain significant after mitigation, the EIR for the proposed project shall be recirculated or a supplemental or subsequent EIR shall be prepared. MM 4.14.3

6.04 Soil samples shall be collected during the demolition of the vehicle maintenance building from beneath the floor slab and the concrete-lined work pit to assess if subsurface soils have been impacted. The analytical results of the collected soils samples shall be used to identify the types and concentrations of possible chemicals present in site soils and to assess if excavation and off-site disposal of site soils from this area is required. Testing shall be conducted by a qualified firm approved by the City. The project sponsor shall comply with, or bond for, all mitigations specified in the resulting report prior to issuance of any project construction related permits within the affected area. Mitigations specified in the report shall be included in the Mitigation Monitoring Program for the proposed project as required by the California Environmental Quality Act. Should the report result in the need for substantial changes in the project, if it reveals significant new information about potential project impacts, if remediation will result in additional project impacts, or if impacts which will remain significant after mitigation are identified, the EIR for the proposed project shall be recirculated or a subsequent or supplemental EIR shall be prepared. MM 4.14.4

6.05) Appropriate precautions and personal protection equipment shall be utilized during demolition of structures if building materials contain asbestos of lead based paint, in keeping with OSHA and other applicable regulations. MM 4.14.5

6.06) Prior to approval of final maps, the project applicant shall submit all plans for review to PG&E, Yosemite Division Capital Investment Department to ensure that site development does not conflict with existing PG&E facilities and accomodates new utility requirements. The project applicant shall seek, to the City's satisfaction a Consent Agreement from PG&E prior to the issuance of any permits for development within PG&E tranmission easements. MM 4.14.6

6.07) Land Uses which will limit the exposure of humans to electric and magnetic fields, such as parks, open space, trails and other non-residential uses, will be encouraged in and around tranmission line easements. Ultimate land use determination will be dependent upon City design review (outside of easements) and PG&E consultation (within easements) during tentative map review and approval. Tentative maps will also comply with California Department of Education regulations for the setback of school property lines from power line easements. MM 4.14.7

7.0) HYDROLOGY & WATER QUALITY

7.01) Prior to approval of the final tract map for a development within the Bellevue Ranch project area, the City will review the development proposal to ensure adequate provisions for flood control facilities consistent with the Army Corp of Engineers (COE), Merced Streams Group Project, Design Memorandum No. 11, September, 1983 (including any subsequent modifications); Bellevue Ranch master drainage plan and City of Merced engineering standards. Corp of Engineers endorsement consistent with "Specific Phase Conditions No. 13.18, 13.22 & 13.27 shall be required. MM 4.7.1

7.02) Prior to approval of tentative subdivision maps (including Fahrens Creek), the project applicant shall secure Army Corp of Engineers (COE) and City of Merced endorsement of the proposed creek channel designs consistent with "Project Condition No. 13.27. Prior to Final Map recordation, the project applicant shall also secure COE endorsement of the proposed channel improvements. MM 4.7.2

7.03) Development will not be permitted within the southwestern portion of the project site (south of Lehigh Drive, extended) within the regulatory floodway of Fahrens Creek. MM 4.7.3

7.04) A comprehensive plan to prevent erosion, siltation and contamination of storm water during construction will be required for any development proposal within the Bellevue Ranch project area prior to approval. This plan must be prepared in accordance with permit conditions and requirements of the State Water Resources Control Board. MM 4.7.4

7.05) Grading operations should be targeted for the dry months of the year as directed by the City. MM 4.7.5

7.06) If project construction occurs during storm events, sediment traps, barriers, covers or other methods approved by the City shall be used to reduce erosion. MM 4.7.6

7.07) Cut and fill slopes shall not be steeper than that recommended by the project geotechnical engineer and approved by the City. MM 4.7.7

7.08 Temporary mulching, seeding, or other suitable erosion stabilization measures approved by the City shall be used to protect exposed areas during construction activities. MM 4.7.8

7.09) Excavated materials shall not be deposited or stored where the material could be washed away by stormwater runoff. MM 4.7.9

7.10) Final grades shall be revegetated as soon as practical within one year after completion of grading. MM 4.7.10

7.11) Final grades shall be graded so that runoff of surface water is minimized. MM 4.7.11

8.0) <u>LAND USE</u>

8.01) Bellevue Ranch will continue to be reviewed and monitored to ensure that the City-wide goal of density distribution and land use mix is achieved pursuant to the general goals of the City's General Plan (Housing Element) and Villages Concept Plan. MM 4.1.2

8.02) Prior to approval of a tentative map, concurrent with CUP application submittal, for areas adjacent to existing development in the City of Merced, the project applicant shall submit to the City for review and approval conceptual landscape and standard building placement plans to ensure adequate buffering and transition between land uses. To ensure project compatibility, this plan will consist of landscaped berms, building setback requirements, and other specific requirements as outlined in the City's Planned Development Ordinance and Conditional Use Permit process. MM 4.1.3

9.0) <u>LANDFORM, TOPOGRAPHY & SOILS</u>

9.01). Prior to the approval of final subdivision maps, the developer shall provide a detailed geotechnical report prepared by a California registered geotechnical engineer for each project. These investigations shall recommend at a minimum appropriate foundations, pavement sections, grading and compaction techniques, slope design, and mitigation of expansive soils if present. MM 4.5.1

9.02) The City shall require that recommendations contained in the geotechnical report as approved by the City are incorporated into design prior to approval of the tentative map.MM 4.5.2

9.03) During construction a geotechnical engineer shall provide inspection to ensure that recommendations and plans are properly implemented. MM 4.5.3

9.04) Prior to the issuance of building permits, the project applicant shall demonstrate to the City that the project features have been designed to withstand any maximum ground acceleration standard required of such development at the time of specific approval. MM 4.5.4

10.0) NOISE

10.01) For the year 2010 with project scenario noise environment, 6 to 12 foot high sound walls or earthen berms (or combination of both) shall be constructed to meet the City's recommended outdoor noise goal of DNL 65 dB in the primary outdoor activity area of existing and new residential developments located within 50 to 150 feet of the roadway centerlines of all roadway segments analyzed in this report. Depending on the DNLs and the acoustical shielding provided by the first row of buildings (if any), existing and new residential developments located further than 150 feet from the roadway centerlines may require lower sound walls or a combination of sound attenuation methods. MM 4.12.1

10.02) Most future residences within Bellevue Ranch that are located within 125 feet of Bellevue Road, Cardella Road and M Street roadway centerlines would require sound-rated windows to be consistent with the 45 dB interior noise level maximum. New Bellevue Ranch residences within 175 feet of R and G Streets will require sound-rated windows. Additionally, new Bellevue Ranch residences located within 50 feet of R and G Streets will also require sound-rated exterior wall assemblies. MM 4.12.2

10.03) Trucks used for the development of Bellevue Ranch will be required to use the City's designated truck routes, to be demonstrated by the project applicant through the submittal of a construction traffic plan to the City prior to issuance of grading permits. Olive Avenue, G Street, State Route 59 and Highway 99 will be the roadways used to access the project site. A noise study should be performed if trucks and heavy equipment are routed along roads that pass existing residential land uses. MM 4.12.3

10.04) All construction activity shall be conducted in accordance with City of Merced standards for times of operation. MM 4.12.4

11.0) PARKS, RECREATION & OPEN SPACE

11.01) Based on the maximum total dwelling unit and population figures estimated in the Master Development Plan, adjustment (as buildout of the Bellevue Ranch Project occurs), to the presently proposed park acreage total may be necessary, involving up to approximately 12 additional acres of park land for the project area located north of Bellevue Road, in order to reflect the actual dwelling unit and population figures determined by the City of Merced during Final Map approvals consistent with the Merced Municipal Code and the Parks and Open Space Master Plan. MM 4.4.1

12.0) POPULATION, HOUSING & EMPLOYMENT

12.01) The project applicant shall insure that the project contributes proportionally to the City's affordable housing goals, and demonstrate compliance with this requirement prior to approval of tentative maps. Compliance with this mitigation measure can be satisfied by setting aside the appropriate share of project housing for very low, low, and moderate income households, or through rehabilitation or conservation of the appropriate number of very low, low, or moderate

income housing units elsewhere in the City, or some combination thereof. In no case shall the share of very low income housing provided be below 4.33%, the share of low income housing be below 6.63%, or the share of moderate income housing be below 6.35% of total project housing. MM 4.13.1

13.0) PUBLIC FACILITIES & SERVICES

13.01) Prior to the approval of a tentative map, the project applicant shall submit to the City of Merced Engineering Department detailed water supply and delivery plans for review and approval. This shall include the location of proposed wells, water lines, hook-ups with existing water mains, phasing and water zone delineation to ensure adequate water pressure, as well as appropriate financing mechanisms for all on- and off-site improvements. MM 4.9.1

13.02) The following water conservation measures shall be implemented as required by state law.

A) All buildings shall include low-flow fixtures to conserve water.
B) Insulation of hot water lines in water recirculating systems.
C) Installation of water meters on all new services. MM 4.9.2

13.03 Prior to the approval of conditional use permits, the project applicant shall submit to the City Planning Department for review and approval detailed landscape plans for common areas and commercial areas as well as for on and off-site landscaping to include native and drought resistant (low water usage) plant materials. MM 4.9.3

13.04) The project applicant, as approved by the City Engineering and Fire Departments, will demonstrate that the water system proposed for the project is designed to meet the projected water capacity and fire flow requirements as well as all City specifications, prior to the approval of the first final map. MM 4.9.4

13.05) Prior to the approval of a final subdivision map, the project applicant will submit to the City Engineering Department detailed wastewater service plans for review and approval. This will include the sizing and location of collection lines in conformance with the City's Master Plan, and provide for the appropriate financing mechanism for both on- and off-site improvements. MM 4.9.5

13.06) Prior to the approval of a final subdivision map, the project applicant will demonstrate to the City that they have coordinated with PG & E regarding the location and phasing of natural gas and electrical facilities to serve the project. MM 4.9.6

13.07) Prior to the issuance of building permits, the project applicant shall demonstrate to the City that their architect(s) have consulted with PG & E regarding the incorporation of energy conservation techniques into building and landscape design. Consideration shall be given to the following:

A) Architectural and design, to the extent feasible, shall take full advantage of such concepts as natural heating and/or cooling through sun and wind exposure and solar energy collection systems.

B) Landscape design should be tailored, where feasible, to the use requirements of individual structures, with the intent to minimize heat gain in the summer, maximize heat gain in the winter, and promote air circulation for both heating and cooling purposes.

C) Domestic hot water systems, to the extent feasible, should be designed to utilize alternative energy sources. Should such systems be deemed infeasible by the City at the time of initial construction, building design should incorporate provision to allow them to be easily accommodated at a later date.

D) All building construction shall comply with Title 24 of the Uniform Building Code. MM 4.9.7

13.08) Prior to the approval of a final subdivision map, the project applicant will demonstrate to the City that they have coordinated with Pacific Bell regarding the extension, location and phasing of telecommunication facilities to serve the project. MM 4.9.8

13.09) The project applicant shall pay all CRIS (Cost Revenue Impact System) fees, or other applicable program fees as defined by the City, including any fees intended to cover Police Department costs for purchase of new or replacement vehicles, substation space, personnel costs and general overhead. MM 4.9.9

13.10) The developer for each subdivision within the Bellevue Ranch shall meet with the Merced Police Department prior to issuance of building permits. Specific security mitigations as agreed between the Police Department representative and the developer shall be incorporated into the construction plans. MM 4.9.10

13.11) Payment of CRIS impact fees or other applicable fees will be required as determined by the City of Merced, which will among other things help finance necessary new substations, new fire apparatus, vehicle maintenance, station maintenance and personnel costs to adequately serve the proposed project. MM 4.9.12

13.12) Construction of exterior and interior water lines as outlined in Section 4.9-A (Water) of the Bellevue Ranch EIR, along with fire hydrants (with the design and spacing of hydrants to be approved by the Merced Engineering Department) with sufficient water pressure as required to meet State and local standards MM 4.9.13

13.13) Prior to submittal of tentative subdivision maps within the project, each applicant shall meet with representatives from the Merced Fire Department to mutually outline necessary fire prevention requirements. MM 4.9.14

13.14) The developer of each subdivision within the Bellevue ranch project shall pay all City and school district fees, taxes and/or assessments in effect on the date of this approval, as permitted by State law, and any new fees which are in effect at the time building permits are isssued. MM 4.9.15

13.15) The developer of the Bellevue Ranch project shall reserve one high school site of at least 40 acres (net of right of ways), consistent with State of California standards, for acquisition by the Merced Union High School District. The developer shall also reserve between two and four 10 acre (net) minimum elementary school sites for acquisition by the Merced City Elementary School District. The actual number of elementary school sites will depend upon school enrollment and the District's ability to adjust attendance boundaries of existing schools. In each instance, sites to be reserved shall be mutually agreed to by the developer, the respective school district, and the City of Merced. MM 4.9.16

14.0) TRAFFIC & CIRCULATION

The Bellevue Ranch Project is not solely responsible for all the circulation related improvements contained in the Mitigation Measures below. Responsibility of the Bellevue Ranch Project for roadway, intersection and other traffic/circulation related improvements is addressed within the Development Agreement and Master Development Plan adopted for the project.

Year 2000 roadway improvements

14.01) Extend R Street to approximately 1/2 mile north of Cardella Road. Construct a 2 lane divided arterial between present terminus and Cardella Road. Construct a 2 lane divided arterial north of Cardella Road. Build R Street with ultimate curb to curb width of 84 feet to allow widening inside without reconstructing curb, gutter, sidewalks, etc. The applicant shall enter into and be financially responsible for Eminant Domain Procedings and to acquire all necessary property(s) to allow construction of the above. MM 4.10.1

14.02) Extend Cardella Road from G Street to present terminus east of Kansas Street. Construct a 4 lane divided arterial (ultimate curb to curb width of 84 feet) between G and R Streets and a 2 lane divided arterial west of R Street. Build 2 lane section with an ultimate curb to curb width of 84 feet. MM 4.10.2

14.03) Extend Yosemite Avenue to SR 59 (planned improvement). Construct a 4 lane divided arterial from present terminus to R Street and as a 2 lane divided street from R Street to SR 59. If possible, build 4 lane and 2 lane sections with an ultimate curb to curb width of 98 feet in anticipation of widening to 6 lanes. Maintain expressway level access restrictions on the extension. MM 4.10.3

14.04) Extend M Street from present terminus to Cardella Road. Construct a 2 lane divided arterial (maintaining existing tree-lined median). MM 4.10.4

14.05) Widen SR 59 to a 4 lane divided expressway from West Olive Avenue to Yosemite Avenue. Maintain expressway level access restrictions. MM 4.~~11~~10.5

Year 2000 Intersection Improvements

Lane configurations for all intersections are shown in Figure 4.10-9 of the EIR for the Bellevue Ranch Master Development Plan 1993.

14.06) Build new intersections of Cardella/R, Cardella/M, and western side of Cardella/G with the lane configurations shown in Figure 4.10-9 of the EIR for the Bellevue Ranch Master Development Plan 1993.

A) Cardella/G- construct left turn pockets at all approaches. Install stop sign on eastbound Cardella approach.

B) Cardella/M- construct intersection to ultimate configuration as shown in Figure 4.10-9 of the EIR for the Bellevue Ranch Master Development Plan 1993. Since the intersection does not warrant a traffic signal in 2000, improvement alternatives are:

1) install all way stop control and close off inside dual left turn lane (westbound) until a signal is required.

2) signalize the intersection, which will operate at a LOS A in the morning and afternoon peak hours.

C) Cardella/R- construct intersection as shown in Figure 4.10-9 of the EIR. Install all way stop control until signal is required. MM 4.10.6

14.07) Build the new intersections of Yosemite/R and Yosemite/SR 59, with the four- lane configurations for Yosemite/R shown in (Figure 4.10.8) ~~4.10-9~~ of the EIR. Install a traffic signal at Yosemite/R and a stop sign at the westbound approach to SR 59. MM 4.10.7

14.08) Yosemite/G- mitigate service level with a change in signal phasing to include protected left turns on the Yosemite Avenue approaches. Maintain existing lane configurations. MM 4.10.8

14.09) West Olive/SR 59- concurrent with widening SR 59 construct a free right turn lane southbound SR 59 to westbound Santa Fe Drive. Add a right turn lane to the northbound SR 59 approach at West Olive Avenue.

West Olive/SR 59 cannot easily be mitigated to LOS D or better because of right-of-way constraints. To mitigate to LOS D the following improvements in addition to those described above would be needed:

-Dual left turn lanes southbound on SR 59
-Dual left turn lanes eastbound on West Olive

Exclusive right turn lane westbound on West Olive
-Two through lanes on SR 59 north and south of West Olive
-Three through lanes eastbound on Santa Fe Drive MM 4.10.9

14.10) West Olive/G- apply improvements recommended in the 1992 Smiths Food and Drug Store traffic impact study. These improvements are dual left turn lanes on all approaches and exclusive right turn lanes on the northbound and southbound G Street, and eastbound Olive Avenue approaches. These improvements, however, do not improve the service level to LOS D or better. MM 4.10.10

14.11) West Olive/R and West Olive/M --no mitigations are recommended for these intersections because of right-of-way constraints. Dual left turns on all approaches of both intersections would result in a LOS F at West Olive/R and a LOS D/E at West Olive/M. Additional through lanes on R and M Streets are needed to fully mitigate these intersections. Rather than incur high right-of-way costs to improve these intersections, it is recommended that funds be used for additional capacity to divert traffic away from West Olive Avenue. If redevelopment projects occur adjacent to these intersections, the City should evaluate potential improvements as part of the project. MM 4.10.11

Year 2005 Roadway Improvements

Roadway improvements are illustrated in Figure 4.10-10 of the EIR for the Bellevue Ranch Master Development Plan 1993.

14.12) Extend R Street from north of Cardella Road to Bellevue Road. Maintain this section of R Street as a 2 lane divided arterial with ultimate curb-to curb width of 84 feet. MM 4.10.12

14.13) Widen Bellevue Road to its ultimate curb to curb width (84 feet) from G Street to R Street. MM 4.10.13

14.14) Widen Yosemite Avenue to a 4 lane divided arterial from R Street to SR 59. MM 4.10.14

14.15) Widen Cardella Road to a 4 lane divided arterial from R Street to SR 59. MM 4.10.15

14.16) Widen G Street to a 4 lane divided arterial from Yosemite Avenue to Bellevue Road. MM 4.10.16

14.17) Widen SR 59 to a 4 lane divided arterial from Yosemite Avenue to Bellevue Road. Maintain expressway level access restrictions. MM 4.10.17

14.18) Widen M Street to 4 lanes from present terminus to Cardella Road. MM 4.10.18

Year 2005 Intersection Improvements

Lane configurations for intersections are shown in Figure 4.10-11 of the EIR for the Bellevue Ranch Master Development Plan 1993.

14.19) Build new intersections of Bellevue/R and Bellevue/M with the lane configurations shown in Figure 4.10-11 of the EIR for the Bellevue Ranch Master Development Plan 1993. Install traffic signals at both intersections. MM 4.10.19

14.20) Bellevue/G- improve with the addition of a left turn pocket and a shared through-right lane on the northbound and eastbound approaches. Signalize the intersection. MM 4.10.20

14.21) Cardella/R- improve with an additional through lane in each directions of Cardella Road concurrent with widening road east of R Street. Signalize the intersection. MM 4.10.21

14.22) Cardella/G- improve concurrent with the G Street widening and development east of G Street. Add additional through lanes on G Street and in both directions of Cardella Road. Add an exclusive right turn lane on the eastbound Cardella approach. Signalize the intersection. MM 4.10.22

14.23) Cardella/SR 59- improve concurrent with the Cardella Road widening and development east of SR 59. Add additional through lanes on the SR 59 approaches and construct a free right turn lane northbound with a lane addition on eastbound Cardella. Signalize the intersection. MM 4.10.23

14.24) Yosemite/R- improve concurrent with the widening of the west approach of Yosemite. Add through lanes to the approaches of Yosemite and R Street. MM 4.10.24

14.25) Yosemite/M- convert the existing westbound and eastbound shared through-left turn lanes to exclusive through lanes. Add an exclusive right turn lane eastbound, and an exclusive through lane westbound. Provide dual left turn lanes northbound. Modify signal phasing to provide protected left turns on all approaches. MM 4.10.25

14.26) Yosemite/G- improve concurrent with the G Street widening (G Street lane configurations remain the same). Stripe an additional through lane in each direction of Yosemite Avenue. MM 4.10.26

14.27) West Olive/SR 59- no improvements beyond those described for the year 2000 are recommended. MM 4.10.27

Year 2010 Roadway Improvements

Roadway improvements are illustrated in Figure 4.10-12 of the Bellevue Ranch Master Development Plan 1993.

14.28) Widen SR 59 to a 6 lane divided expressway from Yosemite Avenue to approximately 1/2 mile north of Cardella Road. MM 4.10.28

14.29) Widen G Street to 6 lane divided arterial from Yosemite Avenue to approximately 1/2 mile north of Cardella Road. The entire segment of "G" Street is not required to be six lanes. Six lanes are require, however, 1/4 mile before and after each intersection along this roadway segment, allowing for lane additions and lane drops. MM 4.10.29

14.30) Extend R Street from Bellevue Road to Old Lake Road. Widen R Street to a 4 lane divided arterial from 1/2 mile north of Yosemite Avenue to Bellevue Road. Construct R Street as a 2 lane divided arterial from Bellevue Road to Old Lake Road with ultimate curb to curb width of 84 feet. MM 4.10.30

14.31) Extend Old Lake Road from "G" Street to SR 59 as a 2-lane undivided road, (possibly) incorporating existing Nevada Street. MM 4.10.31

14.32) Extend R Street from Bellevue Road to Old Lake Road as a 2 lane divided arterial, with ultimate curb to curb width of 84 feet. MM 4.10.32

14.33) Widen G Street to a 4 lane divided arterial from Bellevue Road to Old Lake Road. MM 4.10.33

14.34) Widen Yosemite Avenue to a 6 lane divided expressway from San Jose Avenue to SR 59. Extend Yosemite Avenue as a 6 lane expressway (Yosemite Bypass) from SR 59, intersecting Santa Fe Drive, and continuing south potentially along the Cooper Avenue alignment to connect with SR 99. Construct a new interchange with SR 99 and eliminate the existing 16th Street interchange. MM 4.10.34

Year 2010 Intersection Improvements

Lane configurations for intersections are shown in Figure 4.10-12 of the EIR for the Bellevue Ranch Master Development Plan 1993.

14.35) Cardella/SR 59- add a through lane in each direction of SR 59 concurrent to widening the state route to 6 lanes. Add dual left turns on the westbound Cardella approach. Maintain the free right turn northbound with a lane addition eastbound on Cardella Road. MM 4.10.35

14.36) Yosemite/R- improve concurrent with Yosemite Avenue widening. Provide two through lanes on the westbound approach of Yosemite Avenue. Construct a free right turn lane southbound on R Street with a lane addition westbound on Yosemite Avenue. The third through lane eastbound on Yosemite Avenue will drop at or before San Jose Avenue. MM 4.10.36

14.37) Yosemite/M- improve with the addition of a second left turn lane on the westbound approach of Yosemite Avenue. MM 4.10.37

14.38) Yosemite/G- improve concurrent with the G Street widening. Flare northbound approach to provide three through lanes. Third southbound through lane on G Street is dropped as an exclusive left or right turn lane. MM 4.10.38

FINBRMM

BELLEVUE RANCH
FINAL CONDITIONS
Adopted May 15, 1995

1. 8.07 Lot/dwelling unit combinations that conform to the provisions of the City standard single family detached dwelling unit zones (R-1-5/5,000 square foot minimum size lot or larger) shall be subject only to applicable design provisions contained in the City zoning ordinance; non-standard single family dwelling land uses identified in the Master Development Plan (MDP) shall require site plan review to determine conformity to the residential densities established in the MDP.

2. 8.09 Prior to submission of any preliminary land subdivisions or any other applications for discretionary action within any designated commercial or multi-family designated areas on the master site plan or Official Site Utilization Plan (SUP) for the Bellevue Ranch project, the applicants shall prepare site plans and architectural elevations/details for these areas. These plans must be consistent with the planned development provisions of the City zoning ordinance, and of a sufficient level of detail that they will be eligible for consideration at public hearings, for adoption to fulfill the requirements for a complete Official Site Utilization Plan (SUP) for the planned development (P-D) prezoning adopted for the designated area.

3. 8.11 The commercial land use designation for the southeast corner area of the special intersection of the "M" Street Transit Way and Cardella Road shall be consistent with Exhibit 1 (Bellevue Ranch Master Site Plan, and as also illustrated within the MDP, both as revised), with the understanding that:

a) certain design criteria must be met for any commercial (or other type) land use on the subject corner:

1) no access point on Cardella Road closer than approximately 660 feet (1/8 mile) from the "M" Street intersection;

2) no access point on "M" Street other than in the location currently shown on Exhibit B (immediately adjacent to the open space corridor along the north side of Cottonwood Creek);

b) the commercial site may be considered for expansion to the size of an 8-10 acre shopping center (NOTE: this site was expanded by City Council action of May 15, 1995 to an approximate nine acre site at this location); and, that

c) in the event substantial new commercial development has been committed to within a mile or less of this location, prior to actual development of Sub-phase 3 of the Bellevue Ranch MDP, the City agrees, upon request of the majority property owner of that sub-phase, to carefully consider the issue of modification of these land use designations in this location, in favor of less intense residential development.

ATTACHMENT M

4. 10.05 A minimum fifteen foot wide landscape buffer area shall be required along all project areas fronting on designated arterials ("G" or "R" Streets, Cardella, Bellevue and Old Lake Roads); a solid decorative masonry wall will also be required within this buffer area adjacent, as a minimum, to all residential projects, to provide a noise/visual barrier. Details of ownership for these areas will be subject to acceptance by and approval of the City; care and maintenance of landscaping and the walls will be by landscape maintenance district or other method of responsibility acceptable to the City.

5. 10.06 A ten foot minimum landscape buffer area shall be required along the project's "R" Street (extended) frontage south of Bellevue Road (adjacent to the future Fahrens Creek/Fahrens flood channel corridor).

6. 11.04 Whenever possible, existing on-site large, healthy trees (as determined by the City) shall be preserved and incorporated into the subject development. Any large trees requested for removal by an applicant at the time of future discretionary approvals shall be replaced with a minimum 15 gallon tree on a one-to-one ratio, actual size and type of tree to be determined by the City. Any off-site existing large healthy trees impacted by facilities necessary to serve the Bellevue Ranch project shall be treated consistent with the above provisions.

7. 11.06 All lands designated as park on the Master Development Plan shall be dedicated by Final Maps or separate deed documents.

8. 11.08 Circulation and operational design details (relating to motor vehicles, bikes, pedestrians), acceptable to City staff, for the adjacent portions of the "M" Street Transit way and Transit Center circles/open space shall be fully evaluated by the applicant under the direction of staff no later than at the time the first discretionary project application is received that affects any portion of the adjacent commercial/multi-family areas on the Master Development Plan map.

9. 11.09 Design details of proposed sound walls, preliminary landscape and setback criteria applicable to all arterial fronting phases shall be submitted for review and approval by the City Planning Commission, concurrent with Tentative Subdivision Maps for each respective development phase or portion thereof that contains such frontage.

10. 11.10 Right-of-Way (ROW) shall be provided for an open space/bicycle trail system through the PG&E high voltage transmission line easement corridor, consistent with the Bellevue Ranch Master Development Plan (Non-Vehicular Circulation System Plan map).

11. 11.11 Two guiding priorities in the establishment and expansion of the Merced trail system have been a) maintenance of a continuous trail system, and b) locations if at all possible along waterways within the most attractive natural planted environments.

As such, for any portions of either Cottonwood or Fahrens Creek that have not been shifted into the (interim) flood channel system when it is constructed for the Bellevue Ranch project, a dedication of 50 feet from the centerline (or 25 feet from the crown, whichever is greater) may be required from each side of either creek within the Bellevue Ranch MDP project area, for use in

maintenance access, as community open space, natural riparian preserve, and/or bicycle/ pedestrian trail system.

In conjunction with the construction of any portion of the (interim) flood channel for either creek within the project area, if the creek segment remaining outside that portion of flood channel provides an alternative local trail location that would still maintain the overall continuous trail system for the entire project, the City shall retain the option to require that the subject trail system segment designed along the prospective flood channels in the MDP be redesigned for and constructed along that segment of the natural creek that remains outside the respective flood channel portion.

Where a creek is undergrounded, dedications will be required to allow continuity. If a natural creek segment(s) is subsequently relocated into the project area flood channel system as proposed in the Bellevue Ranch MDP, dedications obtained under this condition, shall be deeded back to the last property owner of record wherever the subject dedication can be used to create a legal lot(s) of record, upon determination by the City planning Commission.

12. 11.12 Land located within a prospective park or creekside open space system that also lies within a transmission power line corridor easement shall be given 25% park fee credit if contiguous to other designated park areas. Transmission power line corridor easements not contiguous to park or creekside open space shall not be given park fee credit.

13. 13.16 All storm drainage related to the Bellevue Ranch Development must comply with the Merced County Critical Area Flooding and Drainage Master Plan and any applicable requirements of the Merced Irrigation District (MID). All storm drainage facilities including storm drainage pump stations shall meet City standards and be included in a maintenance district.

14. 13.17 All infrastructure and public facility improvements shall be installed/constructed consistent with City of Merced Engineering Standards and the Bellevue Ranch Project Public Facilities Phasing Plan within the adopted MDP.

15. 13.18 Bellevue Ranch development shall obtain and provide to the City all necessary documentation, as determined by the City Engineer, from the Army Corps of Engineers (COE), which endorses to the satisfaction of the City Engineer, Fahrens and Cottonwood flood control channel improvements and designs compatible with the Merced Streams Group Project Improvements, COE Design Memorandum No. 11, September 1983 (as amended/updated). The City Engineer shall have the right to determine, to the satisfaction of the City, the actual request to be submitted to the COE for the specific documentation in question. Proposed improvements/designs shall be reviewed and approved in conjunction with design details otherwise adopted (Condition 20) by the City for the Bellevue Ranch flood control channel/open space corridors prior to any issuance of grading permits within Fahrens or Cottonwood channel rights-of-ways as illustrated in the project MDP.

16. 13.19 Any proposed modification to the originally adopted sequence of development phases contained in the Bellevue Ranch Major Infrastructure Phasing Plan (MDP) may require

public notice to property owners within 300 feet of the Bellevue Ranch project boundaries if it is determined by the City of Merced to substantially impact the above described property owners.

17. 13.22 Applicants shall submit to the City Engineer an acceptable report for providing flows to Fahrens Creek south of Yosemite Avenue (extended) within the Fahrens park area, including consideration of pertinent Merced Irrigation District (MID) easements. Completion and acceptance of said report will be necessary prior to City approval of any work that would alter the existing waterways. The report will include recommendations for construction of needed facilities, as well as a procedure for paying for operation and maintenance of the facilities. Any required improvements shall be constructed as necessary to maintain adequate flows.

18. 13.25 Unless such plans have already been provided by others, the applicant, prior to or concurrent with the first application for discretionary approval of any type of development project within sub-Phase 2, is required to provide an accurate, scaled site plan of that portion of the "G" Street corridor which includes as a minimum Cottonwood Creek as it intersects "G" Street from the east and the existing Cardella Road/G Street intersection, as well as the preliminary Sumner Ranch project design along the east side of G Street in this location. This plan shall also show the location of the "Cottonwood Creek" trail undercrossing of "G" Street within this area, at a level of detail acceptable to the City Engineer, that adequately illustrates that the undercrossing can be accommodated by adjacent Sub-phase 2 development. Bellevue Ranch shall design in detail and pay a proportionate share for construction of this undercrossing no later than as part of the "G" Street expansion (from two to four lanes) scheduled in the MDP Major Infrastructure Phasing Plan tied to a subsequent Sub-Phase. Construction of off-site improvements which are in addition to Bellevue Ranch's proportionate share shall be subject to reimbursement consistent with Section 4.6 of the Bellevue Ranch Development Agreement.

19. 13.26 The Bellevue Ranch MDP project will:

A. Dedicate sufficient land to accommodate the full U.S. Corps of Engineers flood channel project currently under study (within the project area, potentially to the project's northern boundary at Old Lake Road);

B. Designate the dedicated area for flood channel-related activities, as well as open space and recreationally-related activities;

C. If not fully used for the flood project, be available to the City of Merced for additional open space and possible recreation.

20. 13.27 Fahrens and Cottonwood Creek flood channel/open space corridors shall be constructed consistent with right-of-ways (row's) and preliminary designs contained within the Bellevue Ranch MDP and shall be subject to U.S. Army Corps of Engineers approval and be dedicated by Final Map including creekside dedication set forth in the City of Merced General Plan. Final design plans for all on and off site interim and permanent channels (Fahrens and Cottonwood), including but not limited to bicycle/pedestrian paths, tree plantings, habitat installation, aesthetic enhancement, landscape design and landscape construction plans, etc., shall

require Conditional Use Permit (CUP) approval, with input requested from the California Department of Fish and Game, prior to any grading permits and/or construction of any channel improvements within the channel right-of-way illustrated in the MDP. The above reviews and approvals shall be oriented toward insuring ample and sufficient re-vegetation, with consideration toward the rate of growth and density of riparian plantings.

21. 13.28 A portion of each or any of the project sub-Phases identified in the Master Development Plan (MDP) may be considered as a location of a prospective water well site consistent with the City of Merced Water Master Plan and as indicated within the water system plan for the Bellevue Ranch project contained in the Bellevue Ranch MDP, subject to further City review and approval by the City Engineer.

22. 13.29 When requested by the City of Merced, Bellevue Ranch shall dedicate fire station sites as shown in the Master Development Plan; fee credit for the sites shall be as provided in the Bellevue Ranch Development Agreement.

23. 13.30 A future fire station site shall be reserved in the vicinity of the intersection of Cardella Road and the first north-south collector street located west of "G" Street. The site shall be dedicated prior to or concurrent with the recordation of any final subdivision map within Sub-phase 2. The developer may submit an alternative fire station site location subject to the approval by the City Engineer.

24. 13.31 A fire station site shall be provided consistent with the Bellevue Ranch Master Site Plan (Official Site Utilization Plan) within the development phase shown on the Infrastructure Phasing Plan contained in the Master Development Plan . The site shall be a minimum of one (1) acre in size. Final location and size are subject to final review and approval by the City of Merced. The designated site (shown on Sub-phase 33) in question shall be dedicated by the initial parcel or first Final Map within the subject Sub-Phase or earlier if required by the City.

25. 13.33 A PG&E substation site shall be reserved within the project area. The location and size of the substation site shall be subject to final review and approval by the City of Merced and PG&E consistent with Mitigation Measure Condition No. 06.06 (Note: a prospective location is the major intersection corner within Sub-phase 16 delineated by the high voltage transmission lines).

26. 13.36 Based upon City evaluation of the need for upgraded communications equipment and/or a new communications system, to allow City service vehicles, police and fire units, ambulances, and other units serving the public to operate in the North Merced Growth Area, an additional fee may be levied at building permit to assist in paying for the Bellevue Ranch project's proportionate share of such equipment/system.

27. 13.37 Easement, Open Space and Park areas may, at the discretion of the City, be placed in a Maintenance and Landscaping District or substitute mechanism acceptable to the City of Merced, that may be used for continued maintenance of such areas; such districts or acceptable substitute may include but shall not necessarily be limited to:

*the Parkinson Storm Drain Easement
*the public landscape buffer areas (including walls) along the perimeter arterial roads
*any portion(s) of the Fahrens or Cottonwood Creek floodway channel dedication areas that are not the responsibility of another agency for such purposes
*M Street Transit way and Collector Street landscape corridor/median areas
*park/open space related to M Street Transit Centers
*public open space/trail systems in proximity to creeks/flood channels as well as other off-street bicycle/pedestrian path systems
*Parks and additional public open space that may be associated with any public park but not designated as, or given credit as, a park
*storm retention basins
*arterial median landscaping
*other areas may be required at City discretion or applicant request with City approval
*street trees
*street lights

28. 13.38 The Parkinson storm drainage system will be installed as a Category 2 public improvement. Landscaping shall also be designed and installed concurrent with the development of adjacent sub-phases, at the discretion and approval of the City of Merced.

13.39a While in general projects required to do off-site road improvements are not responsible for adjacent improvements (such as sidewalks, curbs, gutters and street trees), there are off-project areas related to the MDP projects that shall at the sole discretion of the City (to be determined at the tentative map stage) require combinations of these improvements for off-site major roads that are included in the Category 2 improvements classification contained in the MDP. These special circumstances are noted hereunder and in related conditions dealing with the sequence of lane construction and the required additional road-related public improvements for certain road segments:

a) "M" street, from University to Lehigh Drive, may require two travel lanes on the east side of the existing median (extended), necessary right-of-way (ROW), curb, gutter and sidewalk (consistent with current Merced City Engineering standards for the "M" Street divided roadway, subject to City acceptance and approval of any modifications that might be implemented during the present master planning effort currently underway by Merced College including changes to the school's "M" Street frontage);

b) Construction of this segment of roadway may include as a minimum sidewalk, curb, gutter, and curbside travel lane in any first phase (currently listed in sub-phase 1 of the Bellevue Ranch major infrastructure phasing plan contained in the Bellevue Ranch MDP); construction of the median-side travel lane could be deferred to a second phase (currently sub-phase 4), along with the necessary improvements associated with transitioning from two lanes to one lane at Lehigh;

c) "M" Street, from Lehigh Drive to Cottonwood Creek, may include necessary right-of-way (ROW) and full frontage improvements for both south bound and north bound (adjacent to the current Merced college property) portions of this segment;

d) Construction of the Lehigh to Cottonwood Creek traffic improvements may involve as a minimum in any first phase sidewalks, curbs, gutters, and curbside travel lane for both north and south bound traffic (currently listed in sub-phase 1 of the MDP infrastructure phasing plan); construction of the median-side travel lanes in each direction could be deferred to a second phase (currently sub-phase 21); and,

e) Construction of "M" Street improvements from Cottonwood Creek to Cardella Road may be constructed in identical sequence, if phased, any first phase including "M" Street improvements approaching and adjacent to the Cardella intersection would also require necessary right-of-way and construction of needed improvements to transition traffic from a two-way major traffic roadway south of Cardella to a "transit way only" north of Cardella.

30. 13.39b For any off-site Category 2 road improvement, the City retains the right to require a sidewalk (or substitute such as a temporary pedestrian walkway, where circumstances allow) at time of construction in the event such a sidewalk is needed to connect existing sidewalks/ walkways on both ends of the subject road segment.

13.40 The developer of Sub-Phase 2 (reference the map entitled "Minor Phasing Diagram Bellevue Ranch" contained in the Master Development Plan), or any portion thereof, may at the sole discretion of the City (to be determined at the tentative map stage) install pedestrian/ bicycle access along the west side of "G" Street from the south end of the Bellevue Ranch project property (at Cottonwood Creek) to the midpoint between Yosemite Avenue and Cardella Road (extended), subject to approval by the City of Merced Engineer (temporary access, such as an asphalt sidewalk, could be considered for this area). (NOTE: this referenced segment would extend pedestrian/bicycle access south from the sidewalk required of Bellevue Ranch along the west side of "G" Street, adjacent to Sub-phase 2 of its project, to the approximate northern boundary of the currently developed Merced College campus)

32. 13.41 In the event the prospective high school at the intersection of Cardella Road and M Street (Transitway) begins operation without reasonably direct pedestrian/bicycle access from any proximate neighborhood:

a) the City of Merced reserves the right to require, at time of approval of any subsequent project sub-Phase or portion of a project sub-Phase shown on the "Minor Phasing Diagram Bellevue Ranch" contained in the Master Development Plan (MDP), some form of acceptable pedestrian/ bicycle access to and from the high school from that area;

b) in the event the prospective high school is operational by the time Sub-Phase 9 (Infrastructure Phasing Plan in the MDP) is developed, and if no sidewalk, or only a partial sidewalk, has been constructed along the high school's "M" Street frontage by that time, such a sidewalk shall be constructed as a Sub-Phase 9 non-contiguous improvement; and,

c) improvements to be constructed along the "M" Street frontage in conjunction with Sub-Phase 10 (Infrastructure Phasing Plan in the MDP) shall include curb and gutter along the high school (east) side of the "M" Street Transit way.

33. 13.42 Construction of "R" Street south of Bellevue Road shall include:

a) necessary right-of-way (ROW) (including off-site ROW, sidewalk, curb, gutter, street trees, and whatever other road-related public improvements would normally be required of adjacent local property, and two adjacent travel lanes on the northbound (east) side of the ultimate ROW, to Yosemite Avenue (Sub-Phases 4 and 19 of the Infrastructure Phasing Plan in the Master Development Plan);

b) necessary ROW, median construction (including curbs and landscaping), and two travel lanes on the southbound (west) side of the ultimate ROW (Sub-Phase 30); and,

c) as appropriate, the City will attempt to obtain reimbursement for these public improvements from the adjacent property owners (including those within the project area, east of and immediately adjacent to the Fahrens Creek floodway dedication area).

34. 13.43 Construction of two additional travel lanes for "G" Street, from Bellevue Road to Yosemite Avenue (Sub-Phase 20 of Infrastructure Phasing in the MDP) may at the sole discretion of the City (to be determined at the tentative map stage)

a) require enough additional pavement beyond the existing roadway paving to equal four full travel lanes in addition to the required center median, dimensions to be consistent with the adopted cross-section for major arterials contained in the MDP;

b) require removal of necessary (existing) pavement to accommodate construction of the required center median;

c) construction of curb, gutter, and sidewalk along the Merced College frontage (possible options may be considered at that time by the City - one example might be four feet of paved shoulder plus sidewalk, that would meet current air quality standards); and,

d) necessary improvements or modifications necessary to transition "G" Street from four lanes to two lanes in the vicinity of the Bellevue Road/"G" Street intersection.

35. 13.44 Construction of "R" Street north of Bellevue Road shall include necessary improvements or modifications in proximity to the Bellevue Road/"R" Street intersection to transition from four lanes south of Bellevue to two lanes north of Bellevue Road (Sub-Phase 30 of the Infrastructure Phasing Plan in the Master Development Plan).

13.45 For any off-site roadway improvements, if associated curb and gutter is not a requirement by the City of Merced, necessary right-of-way for and a four-foot wide paved

shoulder (air quality requirement) will be needed, unless requirements have been modified by time of implementation.

37. 13.47 This project shall pay its fair share of the full cost of extension of City sewer lines necessary to provide sewer service to the project, from the existing sewer line terminus location to the farthest point of extension required to fulfill sewer extension provisions of the Merced municipal code.

38. 14.25 Yosemite/M: convert the existing westbound and eastbound shared through-left turn lanes to exclusive through lanes. Add an exclusive right turn lane eastbound, and an exclusive through lane westbound. Provide dual left turn lanes northbound. Modify signal phasing to provide protected left turns on all approaches.

39. 14.39 Necessary right of way for all major arterials and intersections will be dedicated, as necessary, within each final map area, to the satisfaction of the City Engineer.

40. 14.41 Dedication by Final Subdivision Map submitted for any portion of the Bellevue Ranch project involving, or immediately adjacent to, any portion of the "M" Street Transitway and/or Special Intersection right-of-ways and easements for, but not limited to utilities, park strips, bicycle lanes/paths, deceleration lanes and expanded intersections etc. as indicated in the Environmental Impact Report (EIR) for the Bellevue Ranch Master Development Plan, including Public Facilities Phasing Plan.

41. 14.46 Traffic signalization devices per City code

a) shall be installed at all intersections identified for signals in the Bellevue Ranch Major Infrastructure Phasing Plan contained in the Master Development Plan (MDP);

b) may be required in an earlier phase than shown on the MDP Infrastructure Phasing Plan if traffic conditions/warrants so require (less traffic than anticipated could let the City delay requiring signals until a later phase).

If, as determined by the City, traffic signalization of a particular intersection is not warranted at a certain time, the City retains the option to require a developer at that time to pay in-lieu fees for the full or partial cost of future signalization. Reimbursement for this cost shall be consistent with the Bellevue Ranch Project Development Agreement.

42. 14.47 "Transit only" "M" Street Transitway sections north of Cardella Road as designated in the Bellevue Ranch Master Development Plan shall be limited to City/County Transit Buses, School Buses and City/County emergency service vehicles including police/sheriff, fire protection and ambulance/medical emergency services.

43. 14.49 Final location and design details for all bicycle/pedestrian undercrossings (as shown on the Bellevue Ranch Non-vehicular Circulation System Map, Page 35 of the Master Development Plan document) shall be reviewed and approved by city staff prior to any permit

issuance for adjoining or adjacent circulation facilities (bridges, roadways etc.) or approval of adjacent land uses, as applicable. The actual locations shall be consistent with those recommended within the non-vehicular circulation plan of the approved Bellevue Ranch master development plan. The design of the undercrossings when located adjacent to Fahrens or Cottonwood channels and located under bridges shall be open, as illustrated in the master development plan for the project, and as found within the city of merced on the Bear Creek bikeway system at/under "M," "G," and "R" Streets. Actual timing of construction for specific undercrossings shall be concurrent with, and tied to, applicable circulation facilities (bridges, roadways etc.).

44. 14.50 Approval of individual local street right-of-way options shall be as currently handled, during public hearing consideration of tentative subdivision maps by the Merced City Planning Commission, except that a new 53 foot right-of-way option for a local street, as detailed in the Master Development Plan, could be approved by the Planning Commission at that time, based upon the individual circumstances of a particular project application.

45. 14.53 Existing or prospective segments of Collector-designated streets within the Bellevue Ranch Master Development Plan which include land uses (residential, commercial, churches and public activities such as parks and schools, etc.) other than standard single-family residential (5,000 square foot or larger residential lots) shall dedicate sufficient right-of-way to accommodate traditional on-street parking unless other parking provisions are made to the satisfaction and approval of the City (independent of any off-street parking requirements applicable per the City Zoning Ordinance).

46. 14.54 The Bellevue Ranch Project shall not allow fronting residential lots on any designated "Arterial"; fronting residential lots will be avoided on designated "Collector" streets (reference the Bellevue Ranch Master Development Plan document map entitled "Circulation Plan") or on any additional future street(s) within the Bellevue Ranch project area that, it is subsequently determined, will also fulfill the function of a Collector. The reduced right-of-way (ROW) Collector (Collector Street Alternative) contained in the Master Development Plan may only be used where there are no adjacent residential lots fronting on the subject collector unless, at the discretion of the City, other provisions have been provided for sufficient area parking.

47. 14.55 Special intersection configurations will occur on "M" Street at the Cardella, Bellevue and Old Lake Road intersections, as detailed in the Master Development Plan. Necessary right-of-way, geometrical configurations and circulation patterns shall be as approved by the City Engineer, prior to improvement plans for affected areas.

48. 14.56 Vehicle turning movements for local street accesses located on the west and east sides of "M" Street south of Cardella Road shall be limited to right-turn-in/right-turn-out turning movements; the only exception to this may be, with City approval, an access point as close as practical to the mid-point between Lehigh and Cardella (this will require a change in the Master Site Plan/ Official Site Utilization Plan to relocate farther north the only proposed subdivision connection now shown on the west side of M Street, south of Cottonwood Creek) - this will be

based upon further study to determine how close such an intersection can be located to the southern end of the future M Street bridge across Cottonwood Creek.

49. 14.57 Provision for a safe pedestrian/bicycle crossing of the Fahrens Creek/Floodway shall be made as part of the design/ construction of the future North-South Collector Street bridge located between the M Street Transitway and G Street (within Sub-Phase 25) north of Bellevue Road, to provide connection between trail segments within the community park area and nearby PG&E power line corridor easement on both sides of the Creek/Floodway, and prospective Parkinson Creek and Fahrens Creek/Floodway trail systems.

50. 14.58 An Irrevocable Offer of Dedication (IOD) for Lehigh Drive shall be recorded by Final Map or separate deed document in the event future extension across Fahrens Channel to connect to "R" Street is necessary.

51. 14.60 An Irrevocable Offer of Dedication (IOD) shall be recorded by Final Map or separate deed document in the event future local street extension is necessary across Cottonwood Creek to the Merced College property located to the south of the project site.

52. 14.61 Vehicle access to the high school site at the northeast corner of Cardella and M Street shall have the following limitations, consistent with the provisions of the overall circulation plan for Bellevue Ranch and the North Merced Growth Area, the M Street Transitway concept, Merced General Plan and Circulation Element:

a) turning movements along the north side of Cardella Road to and from the High School site shall be limited to one right-turn-in/ right- turn-out vehicle (automobiles only) access point located midway between the M Street Transitway and the North-South Collector located along the eastern edge of the high school site;

b) no bus or truck traffic serving the high school site will be allowed to use the Cardella entrance; and,

c) bus access to the site may be from the M Street Transitway or the streets located along the site's eastern or northern edges, while truck traffic access will be limited to only the two traditional city streets, with final circulation/access details subject to City review and approval.

53. 14.62 Right-of-Way and design details for the "M" Street Transitway and Collector Street segments within Commercial and Multi-Family Village Core Areas shall be reviewed and approved by City staff and the City Planning Commission with respect to circulation capacities and on-street parking provisions. The review and approval shall occur concurrent with Tentative Subdivision Map approval.

54. 14.64 All Arterial and Collector Street bridges constructed across the Fahrens Interim/ Ultimate and Cottonwood channels as indicated in the Bellevue Ranch Master Development Plan shall be designed/engineered to allow future extension and/or expansion/widening of the bridges in question to accommodate ultimate future traffic volumes and lane configurations (ex. expanded

Arterial intersections). Ultimate right-of-ways for the ultimate travel/turn land configuration, as identified in Bellevue Ranch Master Development Plan (MDP), shall be recorded by Final Map.

55. 14.66 The intersections of "M" Street and Bellevue Road, and "M" Street and Old Lake Road, will have to be special design intersection, to address the special circumstances of the "M" Street Transitway/ arterial intersection with major retail commercial on two corners; at this time a conceptual long-term design (Special Intersection 2 as contained in the Bellevue Ranch Master Development Plan {MDP}) has been prepared; no later than at the time the first proposed subdivision of land or other request for discretionary approval affecting the adopted preliminary design within any of the project sub-phases (Bellevue Ranch MDP Minor Phasing Diagram) adjacent to either of these intersections is received, the applicant shall at the City's discretion provide more advanced plans of the subject intersection, acceptable to the City Engineer, including such factors as special transit lane alignments, vehicle travel/turning lane alignments, signing plans related to limited access of specific types of vehicles and intersection right-of- ways, travel control devices, etc., in order to accurately establish necessary right-of-way requirements.

56. 14.67 Computation of the Category 3 (off-site public improvements) fee amount shall include the Bellevue Ranch project's proportionate share of future traffic signals at the intersection of a) Lehigh Drive and "M" Street; and, b) University and "M" Street.

57. 14.68 The minimum pavement (travel) width required for a partial street, the first two lanes installed of a future major road, will be 24 feet (the City of Merced reserves the right to increase this minimum if local circumstances so dictate for individual road segments).

58. 14.70 Road improvements relating to any road segment identified for construction or expansion within the Infrastructure Phasing Plan contained in the Master Development Plan shall by definition include necessary related improvements as determined by the City of Merced for any intersection(s) that is within such segment or forms the terminus for such segment.

59. 14.71 The Bellevue Ranch Non-Vehicular Circulation System map contained in the Master Development Plan shall be modified to reflect:

a) a multi-use path undercrossing at San Jose Drive (extended) as it crosses over (future) Cottonwood Creek (flood channel); and

b) a multi-use path undercrossing at the North-South Collector west of the "M" Street Transitway, north of Bellevue Road, as it crosses over (future) Fahrens Creek (flood channel).

60. 15.01 All Bellevue Ranch development shall comply with the provisions of the Development Agreement adopted for the Bellevue Ranch Project.

61. 15.04 The proposed Bellevue Ranch project shall be designed and constructed consistent with the provisions of the Bellevue Development Agreement and Bellevue Ranch Master Development Plan, as well as the Master Site Plan (Bellevue Ranch Official Site Utilization Plan

UP) adopted for the Bellevue Ranch project (Exhibit 1), as amended by any other action(s) and/or conditions adopted in connection with their approval.

62. 15.07 Approval of a General Plan Amendment(s), Annexation, and/or Prezoning for the Bellevue Ranch project is subject to all adopted Mitigation Measures contained in the Final Environmental Impact Report (EIR) for the MDP (SCH No 92102055), excepting those for which overriding considerations have been adopted.

63. 15.07 The applicants shall provide to the City of Merced within 30 days of approval of the Master Development Plan (MDP), or concurrent with or prior to the initial application for a discretionary approval within the project area, whichever comes first, a minimum of three copies of all pertinent technical support documents and/or other necessary supporting references relating to the contents of the Bellevue Ranch MDP, acceptable to and approved by the City Engineer.

64. 15.11bThe Master Development Plan shall be modified to reflect the following revision to text:

> Modification of 6.3.2 (Project Facilities - Category 2), subparagraph I, to reflect the conditioned location of the fire station at or in proximity to the south (Cardella Road) end of the project site (NOTE: change to be consistent with wording adopted by City Council on May 15, 1995 at Attachments 2 (3) and 2 (6) of Administrative Report Item I-2-e for subject meeting: In proximity to the intersection of Cardella Road and the North-South collector located along the east side of the future high school site, unless already provided off-site; also cross-reference to Condition 23).

65. 15.13 The project applicants shall reimburse the City of Merced for processing and related fees incurred by the City to annex the 95-plus acres of Merced College property, south of and adjacent to Cottonwood Creek, independently of the Bellevue Ranch property.

66. 15.14 A provision shall be recorded by Bellevue Ranch or its successors, at time of sale of any residential property within the project that lies within 1,000 feet of the external boundary of any non-project property which then currently has an active agricultural operation, or has had an agricultural operation on it during the calendar year preceding the year within which the sale takes place. This provision shall notify the buyer(s) and any subsequent owner(s) of the possible inconvenience or discomfort of farming operations, arising from the use of agricultural chemicals, including pesticides, and fertilizers, as well as from the pursuit of agricultural operations including plowing, spraying, and harvesting which occasionally generate dust, smoke, noise and odor, and the priority to which Merced County places on agricultural operations.

67. 16.01 Unless otherwise provided for within these provisions or subsequent amendments thereto, the Bellevue Ranch Master Development Plan (MDP) document, or approved as part of a specific development application for some portion of the Bellevue Ranch MDP area, the zoning regulations contained in the City of Merced's Zoning Ordinance shall apply to equivalent land /land use zoning. Any issue of equivalency may be determined by City staff, subject to normal rights of appeal.

68. 16.07 A Comparison Retail Center, projected as a major retail a cultural focus, shall be located at the juncture (south side) of "M" Street ("Transit way") and Bellevue Road, at the prospective transit spur to the potential University of California Lake Yosemite location and Castle Air Force Base regional employment center; a large office complex will be located on the north side of this intersection.

69. 16.08 A Convenience Center is currently shown on the Merced Village Concept land use plan for the intersection of "M" Street ("Transit way") and Cardella Road; that area shall be relocated to the southeast corner of that intersection and redesignated a "Neighborhood Center" with an approximate size of eight acres (NOTE: City Council so designated an 8-9 acre site at its May 15, 1995 meeting).

70. 16.09 Preliminary site design details, consistent with the Site Utilization Plan (SUP) requirements for a planned development (P-D) contained in the Merced City Zoning Ordinance and acceptable to City staff, shall be submitted by the applicant for the "Neighborhood Center" at Cardella and M at time of application for any conditional use permit within the project area.

71. 16.29 "M" Street shall be a special category street ("M" Street Transit way) north of Cardella Road, designed to accommodate transit movement and easy bicycle movement.

16.30 The "M" Street Transit way north of Cardella Road will have a minimum right-of-way (ROW) of 74 feet, including two travel lanes (limited to bus, emergency, and certain public service vehicles in certain restricted areas), bicycle routes, and special landscaping, consistent with the cross-section of this special category street contained in the Bellevue Ranch Master Development Plan.

73. 16.52 Residential garages should be designed to reduce the visual impact of the automobile along residential streets; a garage accessing directly onto a public street from a residential front yard shall be set back a minimum of 20 feet from the front property line or residence-side edge of the adjacent sidewalk, whichever is closer to the residence. In the event an exception is granted for an individual project that allows less than traditional single family minimum driveway lengths (20 feet) as measured from the pertinent exterior yard property line, such units must have roll-up garage doors.

74. 14.53 Existing or prospective segments of Collector-designated streets within the Bellevue Ranch Master Development Plan which include land uses (residential, commercial, churches and public activities such as parks and schools, etc.) other than standard single-family residential (5,000 square foot or larger residential lots) shall dedicate sufficient right-of-way to accommodate traditional on-street parking unless other parking provisions are made to the satisfaction and approval of the City (independent of any off-street parking requirements applicable per the City Zoning Ordinance).

75. 16.28 Connector/Collector streets shall be designed as provided in the Bellevue Ranch Master Development Plan, including the option of a special reduced right-of-way (ROW) Collector for road segments that do not have fronting residential lots in that location.

76. 16.31 Any design of a Village, or portion thereof, shall provide for pedestrian and bicycle access that is clear, comfortable and direct to the Village Core Commercial or Village Center and its central transit stop. Configurations of parking, shopping, and pedestrian routes within Village Centers should reinforce access to transit.

77. 16.34 Parking lots shall be integrated into the overall design of Village streetscapes; such lots:

A. shall not dominate the frontage of pedestrian-oriented streets or street segments (lots should not occupy more than 33 percent of the frontage of commercial "main streets," residential streets, and streets in office areas);

B. shall not interrupt major pedestrian routes; and,

C. can be located behind buildings or in the interior of blocks.

(NOTE: the 33 percent requirement does not apply to auto-oriented street segments immediately c[illegible]terials, or to streets that pass through travel commercial and industrial areas, where little pedestrian movement will occur).

78. 16.35 With the exception of anchor retail stores, primary building entrances and active interior areas shall if at all possible be physically and visually oriented toward streets, sidewalks, parks, and plazas to create active, convenient, safe walking environments.

79. 16.36 All streets except arterials should have land uses that front on them (Collector streets may be another exception under certain circumstances).

80. 16.39 Building intensities and densities should meet the minimum requirements set forth in the Merced Villages Design Guidelines in order to promote more active, efficient commercial cores, to effectively support public transit, and to make pedestrian-oriented development that fronts onto neighborhood streets as viable as possible.

81. 16.40 Multi-storied buildings and structural parking are strongly encouraged near transit stops in and in proximity to Village Centers.

82. 16.42 Upper story residential uses are encouraged in Village Centers.

83. 16.45 Core Commercial or Village Centers need to have:

a. shallow parking quantities, access and visibility for the auto;

b. convenient paths for local pedestrians;

c. internal circulation without using arterials.

84. 16.46 Gross residential densities within "Inner Village" sites must be a minimum of 7 units per acre, an average of at least 10 units per acre, and a maximum of 30 units per acre. Any project proposal involving less than a 10 units/(gross) acre average density within the designated "Inner Village" shall obtain a commitment acceptable to the City from another property owner(s) within this "Inner Village" for sufficient increased density to offset the reduction in total number of units (below the 10 units/(gross) acre minimum average) represented by the initial project.

85. 16.47 Gross residential densities within designated "Outer Villages" must have a minimum average density of 5 units/(gross) acre with a minimum of 2 units per acre. Any project proposal involving less than a 5 units/(gross) acre average density within the designated "Outer Village" shall obtain a commitment acceptable to the City from another property owner(s) within this "Outer Village" for sufficient increased density to offset the reduction in total number of units (below the 5 units/(gross) acre minimum average) represented by the initial project.

{NOTE: Five (5) dwelling units per gross acre translate into approximately 7.15 dwelling units per NET acre for the Outer Village, or an average lot size to maintain of approximately 6,000 square feet. Ten (10) dwelling units per gross acre translate into approximately 14.3 dwelling units per net acre for the Inner Village, or an average lot size to maintain of approximately 3,000 square feet (for single family detached, if utilized)}.

86. 16.48 An ancillary unit (granny unit, carriage house, etc.) may be counted as three-fourths of a dwelling unit to meet residential density requirements.

87. 16.49 The exterior of residential building facades should be varied and articulated to provide visual interest to pedestrians.

88. 16.50 In no case shall a facade of a residential building facing a public street consist of an unarticulated wall or an unbroken series of garage doors; frequent building entries and windows should face the street, and front porches, bays, and balconies are strongly encouraged. Such features may be considered for discretionary approval by the City of Merced, for extension into the established front yard setback area for a residential lot, as follows:

a) bay windows and balconies a distance not to exceed 20% of the total setback (such features may not occupy, in the aggregate, more than one-third of the area of the building wall on which they are located); and,

b) open, unenclosed, uncovered porches, which do not extend above the level of the first floor of the building, a distance not to exceed 30% of the total setback (an open railing not more than forty-two (42) inches in height may be installed or constructed on any such porch).

(NOTE: a) Up to 6 foot extension into 20 foot setback;

Up to 4.5 foot extension into 15 foot setback;
Up to 3 foot extension into 10 foot setback

b) Up to 4 foot extension into 20 foot setback;
Up to 3 foot extension into 15 foot setback;
Up to 2 foot extension into 10 foot setback)

89. 16.51 Residential facades should vary from one building to the next along any public street frontage, to avoid a monotonous streetscape.

90. 16.57 Any proposed residential or commercial land use that involves a level(s) overlooking the private outdoor space of an existing single family residence outside the Bellevue Ranch project area shall be subject to design review by City staff, if not otherwise required, with any resulting action subject to appeal to the City Planning Commission, specifically to consider available design options that could eliminate or to some greater extent mitigate possible conflicts.

91. 16.58 All projects shall be subject to review by appropriate transit staff in order to establish locations for required, or anticipated future, transit stops. These stops may be required to accommodate (future) full-size buses; actual construction, or necessary funds to complete such construction, of appropriate transit shelter(s) may also be required.

15.15 A computer disk containing the full MDP text and tables, as reviewed during the public hearing process, shall be provided to the City within ten days of approval of any portion of the Bellevue Ranch project, to allow the City to incorporate revisions made during the approval process.

93. 15.16 Prior to processing any discretionary approvals or permit applications, any and all changes adopted in the Master Development Plan (MDP) by the City of Merced shall be incorporated into an accurately updated MDP. This update shall include revisions needed to make the MDP consistent with the Development Agreement adopted for the project.

94. 15.17 Any discrepancies in the Master Development Plan (Section VI and Appendices B and C), shall be made consistent with the provisions of Bellevue Ranch Environmental Impact Report Section 4.10 in the update (reference Condition 93).

95. 15.18 In the event any state of federal agency, in the opinion of the City, blocks or substantially affects implementation of the MDP, all affected undeveloped portions of the MDP, land uses and infrastructure shall be redesigned to mitigate the effects of the state and/or federal action/ inaction. Such redesign shall be at the expense of Bellevue Ranch project.

To: Director of Development Services; City of Merced
678 West 18th Street
Merced, CA 95340

From: Dr. Jessie Guerrero
44 Barrows Ct.
Merced, CA 95348

RECEIVED
JAN 21 2015
CITY OF MERCED
PLANNING DEPT.

Re: Agenda Item 4.4

RE: **Bellevue Condominiums located at the Northeast corner of M Street and Barclay Way**

January 19, 2015

Dear Director of Development Services,

I am writing this letter to express my strong opposition to Conditional Use Permit #1194 which would 'allow the construction of 432 condominium dwellings and associated parking, open space and on-site amenities,' as well as, Subdivision Map #1303 which would 'enable condominium properties to be created.'

The present surrounding neighborhood of the proposed plan consists of an established neighborhood containing low crime and fosters a peaceful feeling within a city/country atmosphere. There are currently over 15 brand new family homes in construction and more planned alongside Mandeville and Barclay nearly adjacent to the proposed site. Construction of condominiums may rapidly change the medium-high density residential designated property to being high density; thus increasing the potential for growth in crime, noise and traffic. These are of great concern to me. Currently, this area is low density and crime has been very minimal until the recently added bus stop on Barclay. This stop has resulted in rows of cars being parked, left and unattended for several hours as well as overnight. One morning a row of three to five cars were broken into with smashed windows resulting in not only safety concerns of neighbors with their own personal property, but also planting the seed of fear in young children who saw the destruction. If one bus stop on Barclay assisted in crime to occur and fear to set in, one could only imagine what 432 dwellings within the small allocated area could do.

Along with this potential increase in crime rate, noise may become a nuisance and increased traffic may pose threats to the young children who play in the surrounding areas near their family-designed and built homes. Furthermore, with El Capitan High School nearby, the high density traffic may cause additional safety concerns for students who attend the campus which may include the potential for drug traffic, gangs and violence.

Finally, residents such as I purchased homes here with the understanding, confidence and trust that the surrounding neighborhood would be developed with similar family homes along with a park, elementary school and fire station as initially designed. We all still pay taxes for those things not being built, which should be addressed first.

In closing, high density housing is contrary to the neighborhood concept and I oppose the moving forward of the Conditional Use Permit #1194 and Subdivision Map #1303.

Respectfully,

Jessie Guerrero, Ed.D.; P.P.S.

ATTACHMENT N

The California Environmental Quality Act
(CEQA) Section 15162 Findings:

Application: General Plan Amendment #14-05 Conditional Use Permit #1194; Site Utilization Plan #10 to PD#42; and Vesting Tentative Subdivision Map #1303.

Assessor Parcel Number: Assessor's Parcel Numbers (APNs): 224-020-006 and 224-020-008.

Previous Initial Study/EIR Reference: Environmental Impact Report for the Bellevue Ranch Master Development Plan (SCH #9212055)

Original Project Date: The Environmental Impact Report was approved in February 1995 by the Merced City Council.

Section A - Previous Studies

	Yes	No
1. Substantial changes are proposed in the project that will require major revisions of the previous project EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects?		X

Comment/Finding: The proposed building is consistent with the previous environmental review. No changes are proposed.

	Yes	No
2. Substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects?		X

Comment/Finding: There have been no changes in the circumstances under which the project is undertaken that would require major revisions in the previous Mitigated Negative Declaration. There are no new significant environmental effects or substantial increases in the severity of previously identified environmental effects, and the area under consideration remains the same area previously evaluated.

	Yes	No
3. New information of substantial importance that was not known and could not have been know with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, has been revealed? (If "Yes" is checked, go to Section "B" below)		X

Comment/Finding: There is no new information of substantial importance that was not known and could not have been known with the reasonable diligence at the time the previous Mitigated Negative Declaration was adopted.

ATTACHMENT O

Section B - New Information

	Yes	No
A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration.		NA
B) Significant effects previously examined will be substantially more severe than shown in the previous EIR.		NA
C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.		NA

Comment/Finding: There are no previous mitigate measures or alternatives that would change in any fashion because of the currently proposed project.

	Yes	No
D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.		NA

Comment/Finding: All previously identified mitigation measures will be enforced with this project including payment of Public Facility Impact Fees. Therefore, the resulting impacts are no greater than those previously analyzed and the previously imposed mitigation measures remain sufficient to address all impacts from this project.

On the basis of this evaluation, in accordance with the requirements of Section 15162 of the CEQA Guidelines:

	1. It is found that subsequent negative declaration will need to be prepared.
	2. It is found that an addendum Negative Declaration will need to be prepared.
	3. That a subsequent EIR will need to be prepared.
X	4. No further documentation is required.

Date: December 22, 2014
Prepared By:

Bill King

Bill King,
Principal Planner

CITY OF MERCED
Planning Commission

Resolution #_____

WHEREAS, the Merced City Planning Commission at its regular meeting of February 4, 2015, held a public hearing and considered **General Plan Amendment #14-05 and Site Utilization Plan Revision #10 to Planned Development (P-D) #42** , initiated by Golden Valley Engineering, on behalf of C.W.N. Development, LLC, property owner. This application involves a General Plan Amendment and Site Utilization Plan Revision to modify the improvement order and financing of off-site infrastructure within the Bellevue Ranch Master Development Plan. The project site is bound by M Street, M Street Circle, Mandeville Lane, and Barclay Way within the Bellevue Ranch Master Development Plan Area and is zoned Planned Development (P-D) #42; also known as Assessor's Parcel Numbers 224-020-006 and 224-020-008; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through FF of Staff Report #15-04 - Addendum; and,

NOW THEREFORE, 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 recommend to City Council to find that the previous environmental review [Environmental Impact Report for the Bellevue Ranch Master Development Plan (SCH#9212055)] remains sufficient and no further documentation is required (Subsequent EIR/ND 15162 Findings), and recommend for approval General Plan Amendment #14-05 and Site Utilization Plan Revision #10 to Planned Development (P-D) #42, subject to the Conditions set forth in Exhibit A attached hereto.

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

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)
ABSTAIN: Commissioner(s)

ATTACHMENT P

Adopted this 4th day of February 2015

_____
Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

_____
Secretary

Attachment:
Exhibit A – Conditions of Approval

n:shared:planning:PC Resolutions:GPA#14-05/SUP REV#10 to PD#42 Bellevue Condos

Conditions of Approval
Planning Commission Resolution #_____
General Plan Amendment #14-05 and
Site Utilization Plan Revision #10 to Planned Development (P-D) #42

1. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.

2. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.

3. Approval of the General Plan Amendment and Site Utilization Plan Revision is subject to the applicants entering into a written (developer) agreement that they agree to all the conditions and shall pay all City and school district fees, taxes, and/or assessments, in effect on the date of any subsequent subdivision and/or permit approval, any increase in those fees, taxes, or assessments, and any new fees, taxes, or assessments, which are in effect at the time the building permits are issued, which may include public facilities impact fees, a regional traffic impact fee, Mello-Roos taxes—whether for infrastructure, services, or any other activity or project authorized by the Mello-Roos law, etc. Payment shall be made for each phase at the time of building permit issuance for such phase unless an Ordinance or other requirement of the City requires payment of such fees, taxes, and or assessments at an earlier or subsequent time. Said agreement to be approved by the City Council prior to the adoption of the ordinance, resolution, or minute action.

4. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), 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, suits, proceedings, or judgments 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. Furthermore, developer/applicant shall indemnify, protect,

defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. 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.

5. 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.

6. A Conditional Use Permit shall be approved for all new construction on the project site.

Off-Site Improvements

7. *Bellevue Road Improvements*: Consistent with the schedule and finance plan outlined in Condition #8 below, the following improvements, consistent with Finding Y, shall be installed by the developer of the project:
   a. *Bellevue Road / G Street to Barclay Way*: Right-of-way improvements resulting in a lane configuration of 3 westbound and 3 eastbound travel lanes, bike lanes, and full frontage improvements (curb, gutter, sidewalk and landscaped parkway) on the south side of Bellevue Road;
   b. *Bellevue Road / Barclay Way to M Street*: Right-of-way improvements resulting in a lane configuration of 2 westbound and 3 eastbound lanes, bike lanes, and curb and gutter on the south side with tapers as needed. Construction of

the park-strip and sidewalk on the south side are deferred to Village 21 East;

c. Relocation of the PG&E Power Poles on the south side of the road between G Street and M Street, as necessary;

d. Necessary upgrades as defined by the City Engineer to the existing traffic signals at G Street and Bellevue Road, and Barclay Way and Bellevue Road.

8. *Phasing of Off-Site Road Improvements:* The project's construction sequence is to be completed per the Phasing Plan, Attachment J:

a. Prior to issuance of a building permit for the 1st Building to be constructed, an off-site infrastructure finance or installation plan, prepared by the developer, shall be reviewed and approved by City Staff. At the determination of the Director of Development Services, further provisions or modifications of this schedule may be reviewed by the Planning Commission. Otherwise he/she has the authority to permit modifications. In addition to the scheduled improvements noted below, the Director of Development Services may request either a bond or provision of other security to cover the costs of the required improvements if the sequence of scheduled off-site improvements noted herein should change for any reason.

b. Prior to occupancy of any unit in the 2nd Building to be constructed, the relocation of the PG&E power poles on Bellevue Road between G Street and M Street and/or the design work necessary for the required future street improvements to Bellevue Road shall be completed.

c. Prior to occupancy of any unit in the 3rd Building to be constructed, the Storm Drain system (including the inlet structures) between G Street and Barclay shall be completed

d. Prior to occupancy of any unit in the 4th Building to be constructed, the Traffic Signal at G Street and Bellevue Road shall be upgraded in preparation of the required Bellevue Road Street improvements.

e. Prior to occupancy of any unit in the 5th Building to be constructed, the paving improvements (including curb, gutter and bike lanes) of Bellevue Road between G Street and Barclay Way, adding one more westbound lane and two

eastbound lanes, shall be completed.

f. Prior to occupancy of any unit in the 6th Building to be constructed, the eastbound sidewalk and parkway landscape improvements on Bellevue Road between G Street and Barclay Way, shall be completed.

g. Prior to occupancy of any unit in the 9th Building to be constructed, the Traffic Signal per the direction of the City Engineer at the corner of Barclay Way and Bellevue Road shall be upgraded.

h. Prior to occupancy of any unit in the 10th Building to be constructed, the Storm Drain system between M Street and Barclay Way (including the inlet structures) shall be completed.

i. Prior to occupancy of any unit in the 12th Building to be constructed, the paving improvements (including curb, gutter and bike lanes) for the two eastbound and one westbound Bellevue Road lanes between M Street and Barclay Way, including the taper east of M Street shall be completed. Note: Curb and gutter improvements are only for the south side of the road.

9. In addition to payment of Public Facility Impact Fees at time of building permit review, the developer shall provide a fair-share payment of $861.00 per dwelling unit as its fair-share reimbursement of the cost to improve the future Bellevue Road bridge over Fahrens Creek.

10. In addition to payment of Public Facility Impact Fees at time of building permit review, the developer shall provide a fair-share payment of $141.00 per dwelling unit toward the future traffic signal at M Street/Cardella Road.

11. In addition to payment of Public Facility Impact Fees at time of building permit review, the developer shall provide a fair-share payment of $405.00 per dwelling unit toward the future construction of the G Street Improvements between Cardella Road and Mercy Avenue.

CITY OF MERCED
Planning Commission

Resolution #_____

WHEREAS, the Merced City Planning Commission at its regular meeting of February 4, 2015, held a public hearing and considered **Conditional Use Permit #1194 and Vesting Tentative Subdivision Map #1303** ("Bellevue Ranch Condos"), initiated by Golden Valley Engineering, on behalf of C.W.N. Development, LLC, property owner. This application involves a Conditional Use Permit to allow the construction of 432 condominium dwellings and associated parking, open space and on-site amenities on 20.77 acres; and a Vesting Tentative Subdivision Map to enable condominium properties to be created. The project site is bound by M Street, M Street Circle, Mandeville Lane, and Barclay Way within the Bellevue Ranch Master Development Plan Area and is zoned Planned Development (P-D) #42; also known as Assessor's Parcel Numbers 224-020-006 and 224-020-008; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through FF of Staff Report #15-04 - Addendum; and,

NOW THEREFORE, 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 find that the previous environmental review [Environmental Impact Report for the Bellevue Ranch Master Development Plan (SCH#9212055)] remains sufficient and no further documentation is required (Subsequent EIR/ND 15162 Findings), and approve Conditional Use Permit #1194 and Vesting Tentative Subdivision Map #1303 ("Bellevue Condos"), subject to the Conditions set forth in Exhibit A attached hereto.

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

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)
ABSTAIN: Commissioner(s)

ATTACHMENT Q

Adopted this 4th day of February 2015

_____
Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

_____
Secretary

Attachment:
Exhibit A – Conditions of Approval

n:shared:planning:PC Resolutions:CUP#1194/VTSM#1303 Bellevue Condos

Conditions of Approval
Planning Commission Resolution #_____
Conditional Use Permit #1194 and
Vesting Tentative Subdivision Map #1303 ("Bellevue Ranch Condos")

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan), Exhibit 2 (elevations and floor plans), and Exhibit 3 (tentative map) - Attachments B, C, D and E of Staff Report #15-04 - Addendum, except as modified by the conditions.

2. Unless included as part of the original application and included in the project exhibits, all accessory buildings, such as carports, either shown on the approved plans or proposed at a later date, shall be designed to include the styles and materials utilized in the exterior design of the principal buildings, whose permitting shall not unreasonably preclude use of renewable energy elements such as solar panels. Requests for modification of the approved Project plans shall be processed as described in Section 1.6.2 "Amendment Process" provided for in the *Bellevue Ranch Master Development Plan (BRMDP)*.

3. The proposed project shall comply with all standard Municipal Code 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.

5. All conditions contained in Resolution #1249-Amended ("Standard Conditional Use Permit Conditions"—except for Condition #16 which has been superceded by Code) and Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions") shall apply.

6. All applicable mitigation measures of the BRMDP Final Environmental Impact Report dated May 15, 1995 (Attachment L of Staff Report #15-04 - Addendum) shall apply to the design, construction and operation of the project.

7. The Project shall comply with the conditions of approval for General Plan Amendment #14-05 and Site Utilization Plan Revision #10 to Planned Development #42 (Draft Planning Commission Resolution at Attachment P of Staff Report #15-04 - Addendum. The project

shall also comply with all terms and conditions of the Developer Agreement for the General Plan Amendment and Site Utilization Plan Revision.

8. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), 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, suits, proceedings, or judgments 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. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. 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.

9. The approval of the Conditional Use Permit and Tentative Subdivision Map are contingent upon the approval of General Plan Amendment #14-05 and Site Utilization Plan Revision #10 to Planned Development #42 by City Council. The effective date of the Conditional Use Permit and Tentative Subdivision Map shall be the same as the effective date of the Site Utilization Plan Revision.

10. Prior to the issuance of building permits, a Vesting Tentative Subdivision Map and Final Map shall have been recorded.

Condominium-based Conditions

11. *Preparation and Review of Condominium Organizational Documents:* Concurrent with or prior to submittal of a Final Map for the project, the organizational documents of the condominium shall be submitted to the City Attorney for a determination that such documents comply with the requirements of MMC 20.65 (Condominiums), including the formation of a Homeowners Association.

12. *Building Construction:* Per MMC 20.56.040.J, at the time of building permit review, the developer shall demonstrate: (a) that wall assemblies conform to a minimum sound transmission class (STC) rating of 56 and that floor/ceiling assemblies conform to a minimum impact insulation class (IIC) rating of 63 (52 where kitchens and bathrooms are located) (MMC 20.56.040.F); and (b) that wall and floor/ceiling assemblies comply with fire wall separation standards, as specified in the latest adopted edition of the California Building Code.

13. *Storage Space:* Per MMC 20.56.060, at least two-hundred cubic feet, with a minimum horizontal surface area of twenty-five square feet, of enclosed, weatherproof, lockable storage space shall be provided for each dwelling unit. The storage space shall be in addition to that ordinarily contained within a unit as cabinets, pantries, and clothes closets. The storage space may be located in or separated from the dwelling unit.

14. *Separate Meters:* Per MMC 20.56.080, the consumption of gas and electricity within each dwelling unit shall be separately metered so that the unit owner can be separately billed for each utility. A water shutoff valve shall be provided for each unit.

15. *Laundry Facilities:* Per MMC 20.56.040.E, the project shall be amended to include individual hookups in each unit to accommodate washing machines and dryer, or the existence of ample common facilities for washing and drying of clothes is demonstrated.

Utilities and Services

16. Provide all utility services to each lot, including sanitary sewer, water, electric power, gas, telephone, and cable television. All new utilities are to be undergrounded.

    If potable water is provided to the Project using a master meter

instead of each condominium dwelling having its own separate water meter, then the City will bill the Homeowners Association for the applicable per-unit sewer charge under the Merced Municipal Code and the Homeowners Association shall be responsible for paying those monthly charges.

17. Dedication by Final Map of all necessary easements will be made as shown on Vesting Tentative Subdivision Map #1303 and as needed for irrigation, utilities, drainage, landscaping, and open space.
18. All storm drainage related to the Bellevue Ranch Development must comply with the City's Draft Storm Drainage Master Plan and any applicable requirements of the Merced Irrigation District (MID). The developer shall provide all necessary documentation for the City Engineer to evaluate the storm drain system. All storm drain systems shall be installed to meet City Standards.
19. 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. CFD's were created that include the subject site. If additional information is needed or any additional process is required, the developer shall comply with all requirements to ensure the CFD is assessed properly.
20. This permit is for a total of 432 condominium units. The Director of Development Services may allow a reduction in the number of units to no less than 416 dwelling units. Requests to reduce the number of units below this amount shall be reviewed by the Planning Commission through the Conditional Use Permit Process.
21. Prior to issuance of the first occupancy permit, the developer shall provide a payment of $55,905 to the City of Merced as their fair-share reimbursement of the cost of a prior improvement to install a water line loop in the vicinity of the project.

<u>Circulation and Parking</u>

22. A minimum turning radius of 33 feet inside, curb-to-curb and 49 feet wall-to-wall for fire apparatus access must be provided throughout

the project. Refuse containers or other items shall not be permitted to be placed in the required clear space of the turning area.

23. Bicycle parking shall meet the minimum requirements of the California Green Building Code.

24. All driveways shall comply with the City of Merced Standard for commercial driveways and are to be reviewed by the Fire Department as part of the review of the tentative subdivision map and improvement plan submittals.

25. The applicant shall improve all fronting roads to meet City Standards and the Bellevue Ranch Master Development Plan where necessary, including but not limited to, curb, gutter, sidewalk, park strip, landscaping, street lights, parking and travel lanes.

26. Public sidewalks, parkway landscaping and street trees along each parcel shall be installed entirely with the development of each parcel, or in no less than three phases per parcel in a manner determined by the City's Director of Development Services. At a minimum, such improvements will be installed prior to occupancy of the first building, including a transit stop, walkway (whether on-site or as a public sidewalk), and associated appurtenances necessary to connect the building to the bus transit stop. The sidewalk may include a shallow meander. The phasing plan for this improvement as described in this condition is intentionally different than the project phasing plan (Attachment J of Staff Report #15-04 - Addendum) and shall take precedence.

27. Prior to occupancy of the first building, a notice of completion for the Class II bike lanes along both sides of the adjacent collector streets of the project (M Street, M Street Circle, Mandeville Lane and Barclay Way) shall have been issued.

28. The location and design of transit stop or stops shall be based on a recommendation from *Merced County Transit* and other applicable transit providers and shall be installed by the developer prior to the issuance of the first certificate of occupancy unless determined otherwise by the Director of Development Services.

29. The site plan shall be modified to include pedestrian walkways that extend the private on-site walkways to the public off-site sidewalks at or near each adjacent street intersection, resulting in four such connections per parcel.

Safety

30. All buildings shall be designed to include commercial fire sprinklers (13-system) as required by the California Fire Code. Eight-foot wide accessways to the buildings through the parking lots shall be provided; handicapped loading zones may not be used for this purpose. Details will be worked out with Staff at the building permit review stage.
31. Fire Hydrants shall meet minimum fire-flow requirements and located in accordance with City of Merced codes and standards. The maximum spacing between hydrants is 500 feet. The placement of fire hydrants and the number of hydrants for the site is to be worked out with the Fire Department no later than the review of improvement plans.
32. If Entrance Gates are to be proposed at the two main driveway entrances/exits, adequate vehicle stacking room and a Knox-box with "click-to-enter" technology for the Fire Department shall be provided. Details to be reviewed by the Planning and Fire Departments as part of the review of the tentative subdivision map and improvement plan submittals.

Construction

33. Prior to any demolition work, the applicant shall obtain all necessary approvals from the San Joaquin Valley Air Pollution Control District and a demolition permit from the City of Merced Inspection Services Department if required.
34. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
35. All construction activity shall be conducted in accordance with City of Merced standards for times of operation.

Building Design

36. At least two building color palettes for each of the two building elevations approved for this project shall be applied to the buildings, and these must be consistent with those represented in Attachment C of Staff Report #15-04 - Addendum.
37. All mechanical equipment shall be screened from public view.

38. Containers for refuse and recycled goods shall be stored in enclosures that are designed with colors compatible with the buildings, and shall be built to meet City design standards.

39. Consistent with the original conditions of the BRMDP (Conditions #87, #88, and #89), the buildings shall be varied in character and enhance the pedestrian-oriented character of neighborhood. The proposed building elevations (Attachment C of Staff Report #15-04 - Addendum) meet this standard.

40. Sound-rated windows to be consistent with the 45 dB interior noise level maximum are required on buildings within 125 feet of the centerline of M Street (BRMDP Mitigation Measures 4.12.2).

Landscaping and Lighting

41. Concurrent with or prior to the submittal of a Building Permit Application, the applicant shall submit to the Development Services Department a detailed landscape plan that is consistent with the City's Water Efficient Landscaping & Irrigation Ordinance (Merced Municipal Code 17.60).

42. All exterior utilities will need to be screened with a mixture of building extensions and dense landscaping. Vehicle lights will need to be screened through a combination of landscaping, mounds and walls (details to be worked out with Staff). Greater use of wrought-iron fencing will be used than walls, and plant materials will be designed to grow on such walls to enhance aesthetics and to limit graffiti.

43. The Landscape Plan shall include three landscape palettes having different plant types and arrangements. These palettes will be assigned to different primary buildings on the site in order to enhance the unique character of each building site.

44. Unless otherwise permitted, parking lot trees shall be installed per the City's Parking Lot Landscape Standards. Trees shall be a minimum of 15-gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City's approved tree list). Trees shall be installed at a ratio of at least one tree for each six parking spaces. The trees may be located in planter areas that protrude into the parking areas, or which run along the edge of the parking areas.

45. Concurrent with or prior to submitting the building permit plan, a Lighting Plan shall be submitted to the Planning Department for review. The plan shall be designed to include decorative lamps, low foot-candles and an even distribution of light. Per BRMDP Mitigation Measure 4.3.3, the exterior lighting shall be limited to mercury vapor, low pressure sodium and incandescent and fluorescent lamps (150 watts or less). The Planning Manager may permit contemporary equivalents.
46. All private outdoor walking areas shall be properly lighted with ground-mounted lights.
47. In compliance with the California Energy Code requirements, parking lot and building lighting shall be shielded or oriented in a way that does not allow "spill-over" onto adjacent lots. Shields shall be used to prevent light from spilling onto surrounding streets and properties. Top shields are required on pole-mounted lights. All lighting shall have cut-off lenses that confine light to intended areas of illumination (BRMDP Mitigation Measure 4.3.3).
48. Prior to submittal of a grading or building permit, and consistent with the landscape and lighting conditions noted above, the developer shall satisfy the City's objectives for the project's perimeter design, namely, to: a) present an attractive frontage along all public roads; and b) provide for public view into the project site, while securing the development. Required elements of the plan include an attractive placement of trees, shrubs, groundcover, mounds, signs and lawns, and an articulated combination of walls and wrought-iron fencing. The preferred method of providing security is through use of wrought-iron fencing, with limited use of walls. When walls are used, they should be designed with graffiti prevention in mind with combinations of landscaping, vines, or graffiti-proof coatings. Per Merced Municipal Code 20.62.040.E, the plan shall comply with the "40-foot visual corner."

Signs

49. The design, permitting and installation of signs shall comply with the City of Merced Sign Ordinance.
50. A temporary banner permit shall be obtained prior to installing any temporary signs. Free standing temporary signs (i.e., sandwich boards, A-frame signs, etc.) are prohibited.

51. All external signage shall be indirectly illuminated. All address numbers shall be internally illuminated. All signage and addressing shall match the building façade on which it is attached.

Affordable Housing

52. In accordance with the Affordable Housing Agreement between the City of Merced, the Central Valley Coalition for Affordable Housing, and Bellevue Ranch - Merced, L.P., dated July 17, 2006, a total of 40 "low-income" housing units shall be provided within the subject condominium project. The units shall be made available to all individuals or families who meet the low-income guidelines established by HUD. These units shall be rent or re-sale restricted for five years. Prior to issuance of the first certificate of occupancy, a monitoring plan acceptable to City Staff shall have been developed by the developer. The design and construction of the affordable housing dwelling units shall be no different than the other dwelling units constructed with the condominium project.

    The affordable housing units shall be dispersed throughout the project. 20 units shall be provided on Parcel X and 20 units shall be provided on Parcel W. The affordable units shall be distributed amongst the units in generally the same ratio as the bedroom types (See Finding C of Staff Report #15-04 - Addendum). Thus, on each parcel, the distribution of 20 affordable units by bedroom type shall be: 4 one-bedroom units; 6 two-bedroom types; 7 three-bedroom types; and 3 four-bedroom type. No less than one and no more than three affordable housing units shall be provided in each building. Within each building, the affordable units may not be applied to units having the same number of bedrooms.

Maintenance

53. The premises shall remain clean and free of debris and graffiti at all times.

54. All landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.