

**CITY OF MERCED
Planning Commission**

Resolution #4077

WHEREAS, the Merced City Planning Commission at its regular meeting of December 8, 2021, held a public hearing and considered **Zone Change #428**, initiated by MCP, LLC, property owner. This application involves a request for a Zone Change from a Low-Density Residential (R-1-6) Zone to a Medium-Density Residential (R-3-2) Zone with an Urban Residential Overlay (R-3-2/UR) at 565, 575, 601, and 609 Q Street. The 0.88-acre subject site is generally located on the west side of Q Street, directly south of West 6th Street. General Plan Amendment #21-01 from Low Density Residential (LD) to High-Medium Density Residential (HMD) was approved for this site on July 19, 2021. The subject sites are more particularly described as Parcels 1, 2, 3, and 4 as shown on the map entitled "Parcel Map for Samuel E. and Kathie K. Bartholomew" recorded in Volume 103, Page 45, in Merced County Records; also known as a portion of Assessor's Parcel Number (APN) 032-183-039, 032-183-040, 032-183-041, and 032-183-042; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through J (Exhibit B) of Staff Report #21-918; and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council adoption of a California Environmental Quality Act Section 15162 Findings regarding Environmental Review #21-39, and recommend approval of Zone Change #428 subject to the Conditions set forth in Exhibit A, and the Findings set forth in Exhibit B, attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Camper, DeAnda, Delgadillo, Greggains, White, and Chairperson Harris
NOES: None
ABSENT: None
ABSTAIN: Commissioner Dylina

PLANNING COMMISSION RESOLUTION #4077

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December 8, 2021

Adopted this 8th day of December 2021

Michael Harris

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:


Secretary

Attachments:

Exhibit A - Conditions of Approval

Exhibit B - Findings

Conditions of Approval
Planning Commission Resolution #4077
Zone Change #428

1. The proposed project shall be constructed/designed generally as shown on Exhibit 1 (parcel map/site plan - Attachment D of Planning Commission Staff Report #21-918, except as modified by the conditions.
2. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
3. 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, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City's attorney's fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval of the City Attorney and to provide all required deposits to fully fund the City's defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.
4. The developer/applicant shall construct and operate the project in strict

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4077

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.

5. All projects on this site shall comply with Post Construction Standards in accordance with the requirement for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).
6. All landscaping on the site shall be in compliance with the City's Water Efficient Landscaping and Irrigation Ordinance (Merced Municipal Code Section 17.60) and all state-mandated conservation and drought restrictions as well as the City's Zoning Ordinance Section 20.36 - Landscaping.
7. Irrigation for all onsite landscaping shall be provided by a low-volume system in accordance with the State's Emergency Regulation for Statewide Urban Water Conservation or any other State or City-mandated water regulations dealing with drought conditions.
8. All landscaping in the public right-of-way shall comply with the most recently adopted water regulations by the State and City addressing water conservation measures. If turf is proposed to be installed in medians or park strips, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed.
9. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
10. All mechanical equipment shall be screened from public view (details to be worked out with staff during the building permit stage).
11. The proposal shall comply with Merced Municipal Code Section 20.46.020 - General Design Standards for Single-Family Dwellings, required for single-family homes in any Zoning district within the City.
12. The Engineering Department may require the applicant to make additional public improvements during the building permit stage (such as repairing damaged sidewalk for projects exceeding valuation of \$100,000.00).

Findings and Considerations
Planning Commission Resolution #4077
Zone Change #428

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) With the proposed Zone Change with Urban Overlay, the proposed project would conform with the General Plan designation of High-Medium Density Residential (HMD) and proposed zoning of Medium-Density Residential (R-3-2) with an Urban Residential Overlay. At 16 units on 0.88 acres, the density shall be 18 dwelling units/acre, which conforms to the HMD designation, which allows densities of 12 to 24 dwelling units/acre.

The Housing Element of the *Merced Vision 2030 General Plan* includes policies supporting higher densities.

Policy H-1.1 Support Increased in Residential Zoning Districts

This proposal offers an opportunity for a higher density project to provide needed housing within the City.

Policy 1.1.e Encourage Alternate Housing Types

The proposed project would include 16 single-family homes on independent lots. This provides a different housing type to meet the growing need of housing within the community and supports this policy of providing alternate housing types.

Policy 1.8b Prioritize City efforts to encourage residential development by focusing on in-fill development and densification within the existing City Limits.

The proposed project is on an in-fill site and meets the density requirements of the City's High-Medium Density Residential classification.

The following are Land Use Policies and Implementing Actions of the General Plan that could be met with the proposed project.

Findings - Zone Change/ Urban Overlay

- B) Chapter 20.80 (Zoning Ordinance Amendments) outlines procedures for considering Zone Changes, but does not mention adopting Overlay Zones. Merced Municipal Code Section 20.22.040 - Urban Residential (/UR) Overlay Zones, discusses the intent of the UR Zone with development standards, but does not require any specific findings to be made for approval. However, Planning practice would be to provide objective reasons for approval or denial, but these can take whatever form deemed appropriate by the Planning Commission and City Council. Based on State law and case law, the following findings are recommended:

1. *The proposed amendment is deemed to be in the public interest.*

The proposed amendment is deemed to be in the public interest because it will provide needed housing for residential projects.

2. *The proposed amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.*

The proposed amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.

3. *The potential impacts of the proposed amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.*

The proposed project does not include any uses that would be detrimental to the public health, safety, and welfare of the City. Implementation of the conditions of approval and adherence to all applicable Building and Fire Codes and City Standards would prevent the project from having any detrimental effect on the health, safety, and welfare of the City.

4. *The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).*

Planning staff has conducted an environmental review (#21-39) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a CEQA Section 15162 Findings are being recommended (see Attachment J of Planning Commission Staff Report #21-918).

Traffic/Circulation

- C) The project site is in southcentral Merced, approximately 1.5 miles from Downtown, 0.75-miles from State Route 59, and 1 mile south of State Route 99. The project site is bounded by local roads, with the nearest north-south bound road being Q Street, and the nearest east-west bound road being 8th Street. 8th Street connects with R Street, which is considered a Major Arterial Road and designed to carry large volumes of traffic traveling throughout the community. R Street also provides access to both Highway 59 and Highway 99, that connect Merced with other regional communities throughout the State.

The subject site is currently entitled for 12 units (up to 3 units per parcel can be allowed under current accessory dwelling unit laws), the proposed 16 units would generate a relatively minimal increase in vehicle traffic. According to Trip Generation (ITE Report) the average daily trips per unit is 6.59. At 12 units, that would total 79 trips per day, and at 16 units it would total 105 trips per day which would equate to a 25% increase in trips correlating to the 25% increase in number of residential units. The Engineering Department believes that the existing street network could adequately serve this proposal.

The increase in density would result in less vehicle miles traveled to surrounding uses such as Tenaya Middle School, Margaret Sheehy Elementary, McNamara Park, and Golden Valley Health Centers.

Per CEQA Guidelines Section 15064.3, alternative modes of transportation were assessed with the previous Initial Study (Environmental Review #21-04) and are available within a 1.5 mile distance of the site. The Merced County Bus provides services with several stops nearby (within a ¼ mile) along R Street linking the residents to the M1 Route. The Amtrak (passenger train service) is located within 1.5 miles providing services to the greater California area and connections to travel across the county. The closest airport is Merced Regional Airport, located approximately 1 mile to the east.

Parking

- D) The Zoning Ordinance requires 1 space of parking for each single-family home which requires 16 parking spaces for this site. The applicant is providing 31 parking spaces, which exceeds the parking required for this project.

In addition, the site is located close to several alternative modes of transportation such as bike lanes, and bus stops that link with rail service (Amtrak) and the Merced Regional Airport. Bicycle parking would be provided as required by the California Green Code, and reviewed during the Building Permit stage.

Public Improvements/City Services

- E) Water

There is a water line in Q Street along the frontage of the subject sites. The City's water supply would be sufficient to serve the proposed project. Each lot shall have water lateral connections from Q Street.

Sewer

The Merced Waste Water Treatment Plant (WWTP) recently finished two major upgrades (Phase IV and Phase V) to improve the quality of the treated water, referred to as plant effluent, and to improve the quality of biosolids and methods of treatment. The Merced Wastewater Treatment Plant is now one of the most advanced facilities in the state. It is capable of treating up to 12 million gallons of influent a day. The proposed project is estimated to generate approximately 1,280 - 1,600 gallons of wastewater per day (based on 80-100 gallons/day per residential unit). The additional wastewater generated by the project would be approximately 0.0133% of the overall capacity of the WWTP.

There is sufficient capacity at the WWTP, and the existing lines along the back portion of the properties (western portion) have enough capacity to accommodate the additional wastewater and transmit it to the WWTP for processing. Each lot shall have sewer lateral connections from the western portion of the property.

Public Improvements

The Engineering Department may require the applicant to make additional public improvements during the building permit stage (such as repairing damaged sidewalks), per for projects exceeding valuation of \$100,000.00.

Building Design

- F) There would be a single-family home on each lot, for a total of 16 units within the subject sites (Attachment D of Planning Commission Staff Report #21-918). The specific details of the homes, such as floor plans and elevations are shown at Attachments E and F of Planning Commission Staff Report #21-918. However, the proposal shall comply with Merced Municipal Code Section 20.46.020 - General Design Standards for Single-Family Dwellings, required for single-family residential homes in any Zoning district within the City. The applicant currently has no plans to add any accessory dwelling units (ADU's) in addition to the 16 units, however, ADU's are allowed in single-family developments per current codes.

Site Design

- G) The project site consists of 4 rows (each row having 4 homes) aligned perpendicular along Q Street. Each row of homes would be separated in the middle by a 6-foot-gap. Even though the parcels would remain independent, there would be some common space between the parcels. The homes would be located on the western portion of the subject site, and the parking and access would be located along the eastern portions of the subject sites - closer to Q Street. There would be one 26-foot-wide driveway located along Q Street. The parking area is located immediately behind the driveway and consists of 31 parking stalls and two sets of trash enclosures along eastern and western portions of the parking lot. Two walkways would create a pedestrian path between the parking lot and entrances to each residential unit. Each parcel would have a back yard that is at least 10 feet deep.

Landscaping

- H) Landscaping and irrigation shall be required to meet the City's Water Efficient Landscape Ordinance.

Neighborhood Impact/Interface

- I) The subject site is located within an older portion of the City that was generally developed between the 1900's and the 1950's. As such, there are a variety of properties that were developed prior to adoption of development standards or unified local codes. This has resulted in a neighborhood containing a variety of parcel shapes/sizes, and buildings that are unique in their development with many properties having secondary or multiple dwelling units on one parcel. Even though the majority of these parcels are zoned for single-family homes, there are several parcels within a 1,000-foot-radius that have two, three, or more units that are considered legal non-conforming. In addition, 190 feet north of the subject sites, there is a small area zoned Medium Density Residential with a similar concept to what is being proposed by the applicant (multiple independent lots with cross-access and parking agreements). Given the context of the surrounding multifamily units within legal non-conforming lots, and nearby Medium Density Residential Zone, staff is of the opinion that the proposed multifamily project is compatible with the character of the neighborhood.

Public hearing notices were sent to all property owners within 300 feet of the subject sites three weeks prior to the public hearing. As of the date this report was prepared, staff has not had any comments from the public regarding the project.

Environmental Clearance

- J) The Planning staff has conducted an environmental review (#21-39) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a CEQA Section 15162 Findings is being recommended (see Attachment J of Planning Commission Staff Report #21-918).

CITY OF MERCED
Planning Commission

Resolution #4082

WHEREAS, the Merced City Planning Commission at its regular meeting of December 8, 2021, held a public hearing and considered **Tentative Subdivision Map #1318, and Minor Use Permit #21-09**, initiated by MCP, LLC, property owner. The applicant is requesting to subdivide four parcels (approximately 0.88 acres) into 16 single-family lots ranging in size from 897 square feet to 1,251 square feet with an out-parcel for a shared parking lot (totaling 21,584 square feet) at 565, 575, 601, and 609 Q Street. The 0.88-acre subject site is generally located on the west side of Q Street, directly south of West 6th Street. The subject sites are more particularly described as Parcels 1, 2, 3, and 4 as shown on the map entitled "Parcel Map for Samuel E. and Kathie K. Bartholomew" recorded in Volume 103, Page 45, in Merced County Records; also known as a portion of Assessor's Parcel Number (APN) 032-183-039, 032-183-040, 032-183-041, and 032-183-042; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through K (Exhibit B) of Staff Report #21-918; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations for Minor Use Permits in Merced Municipal Code Section 20.68.020 (E) and other Considerations as outlined of Staff Report #21-918; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations for Tentative Subdivision Maps in Merced Municipal Code Section 18.16.080 and other Considerations as outlined of Staff Report #21-918; and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a California Environmental Quality Act Section 15162 Findings regarding Environmental Review #21-39, and approve Tentative Subdivision Map #1318 and Minor Use Permit #21-09, subject to the Conditions set forth in Exhibit A, and the Findings set forth in Exhibit B, attached hereto and incorporated herein by this reference.

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

PLANNING COMMISSION RESOLUTION #4082

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December 8, 2021

AYES: Commissioners Camper, DeAnda, Delgadillo, Greggains, White, and
Chairperson Harris

NOES: None

ABSENT: None

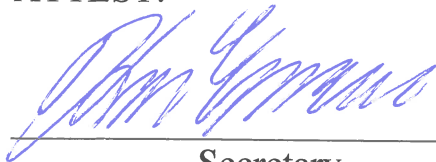
ABSTAIN: Commissioner Dylina

Adopted this 8th day of December 2021

Michael Harris

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachments:

Exhibit A - Conditions of Approval

Exhibit B - Findings

PLANNING COMMISSION RESOLUTION #4082

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December 8, 2021

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

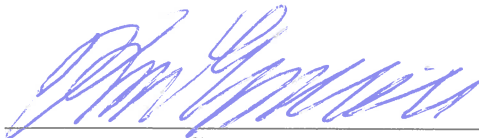
ABSTAIN: Commissioner(s)

Adopted this 8th day of December 2021



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachments:

Exhibit A - Conditions of Approval

Exhibit B - Findings

Conditions of Approval
Planning Commission Resolution #4082
Tentative Subdivision Map #1318,
and Minor Use Permit #21-09

1. The proposed project shall be constructed/designed generally as shown on Exhibit 1 (parcel map/site plan), Exhibit 2 (floor plans), Exhibit 3 (elevations), and Exhibit 5 (development standards) - Attachments D, E, F, and G of Planning Commission Staff Report #21-918, except as modified by the conditions.
2. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
3. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
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, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City's attorney's fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval

of the City Attorney and to provide all required deposits to fully fund the City's defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.

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. Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access. This shall be a minimum access road of 22 feet in width. The architect shall demonstrate that the turning radius to get into the parking lot is acceptable for fire apparatus (radius 33 feet inside, and 47 feet outside).
7. The fire access road shall extend to within 150 feet of all portions of the facility and all portions of exterior walls of the first story of the building, or as otherwise approved by the Fire Chief. This may require widening the parking lot driving aisles to 22 feet.
8. The applicant shall consult with the Fire Chief so they may determine if aerial access would be required, based on building height.
9. All projects on this site shall comply with Post Construction Standards in accordance with the requirement for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).
10. Bicycle parking for all projects on the site shall meet the minimum requirements of the California Green Building Code or Merced Municipal Code Section 20.38.080 (whichever number bicycle racks is higher).
11. All landscaping on the site shall be in compliance with the City's Water Efficient Landscaping and Irrigation Ordinance (Merced Municipal Code Section 17.60) and all state-mandated conservation and drought restrictions as well as the City's Zoning Ordinance Section 20.36 – Landscaping.
12. Irrigation for all onsite landscaping shall be provided by a low-volume system in accordance with the State's Emergency Regulation for

Statewide Urban Water Conservation or any other State or City-mandated water regulations dealing with drought conditions.

13. All landscaping in the public right-of-way shall comply with the most recently adopted water regulations by the State and City addressing water conservation measures. If turf is proposed to be installed in medians or park strips, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed.
14. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
15. All parking lot and other exterior lighting shall be oriented in such a way so that it does not spill over onto adjacent properties. The parking lot shall include ample lighting for residents walking between the parking lot and their respective residential homes.
16. Containers for refuse and recycled goods shall be stored in enclosures that are designed with colors compatible with the buildings and shall be constructed to meet City Standards. At the Building Permit stage, the developer shall work with the City Refuse Department to determine the best location for these enclosures to ensure proper access is provided for City Refuse Trucks as well as the number of containers needed to adequately serve the site. This may also allow for independent trash receptacles for each home. Use of a trash compactor should be considered to reduce the number of pick-ups per week.
17. All mechanical equipment shall be screened from public view (details to be worked out with staff during the building permit stage).
18. The applicant shall record cross-access agreements and parking agreements between the 16 parcels for the homes and the common parking lot, during the building permit stage.
19. The applicant shall work with the City's Engineering Department to determine if each parcel shall have its own water, domestic, and fire service lines. Each service line shall extend from the City's main water line to the property line, with all water services separated by 10 feet or more from the sewer lateral connection.
20. The applicant shall work with the City's Public Works department to determine the appropriate location for water meters and backflow placement.

21. The proposal shall comply with Merced Municipal Code Section 20.46.020 – General Design Standards for Single-Family Dwellings, required for single-family homes in any Zoning district within the City.
22. If the perimeter of the site is to be fenced, the applicant shall provide gate access to both Fire and Refuse Departments. This may include installing a Click-to-Enter system, or a Knox-box.
23. The design of a future fence shall match or complement the design, color, and materials used for the exterior of the building.
24. The proposed driveway along Q Street shall be designed to meet City Engineering Standards. The work performed on the driveway shall be done by a licensed contractor under an Encroachment Permit issued by the Engineering Department.
25. Minor modifications to the development standards, design, or layout of this proposal may be approved by the Director of Development Services or be referred to the Planning Commission if deemed appropriate by the Director of Development Services.
26. The Engineering Department may require the applicant to make additional public improvements during the building permit stage (such as repairing damaged sidewalk for projects exceeding valuation of \$100,000.00).
27. Approval of this Tentative Subdivision Map and Minor Use Permit is contingent upon City Council approval of Zone Change #428 for this site.

Findings and Considerations
Planning Commission Resolution #4082
Tentative Subdivision Map #1318 and Minor Use Permit #21-09

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) With the proposed Tentative Subdivision Map, Minor Use Permit, and Zone Change with Urban Overlay (via Zone Change #428 to be reviewed by the City Council), the proposed project would conform with the General Plan designation of High-Medium Density Residential (HMD) and proposed zoning of Medium-Density Residential (R-3-2) with an Urban Residential Overlay. At 16 units on 0.88 acres the density shall be 18 dwelling units/acre, which conforms to the HMD designation, which allows densities of 12 to 24 dwelling units/acre.

The Housing Element of the *Merced Vision 2030 General Plan* includes policies supporting higher densities.

Policy H-1.1 Support Increased in Residential Zoning Districts

This proposal offers an opportunity for a higher density project to provide needed housing within the City.

Policy 1.1.e Encourage Alternate Housing Types

The proposed project would include 16 single-family homes on independent lots. This provides a different housing type to meet the growing need of housing within the community and supports this policy of providing alternate housing types.

Policy 1.8b Prioritize City efforts to encourage residential development by focusing on in-fill development and densification within the existing City Limits.

The proposed project is on an in-fill site and meets the density requirements of the City's High-Medium Density classification.

Findings - Tentative Subdivision Map Requirements

- B) Per Merced Municipal Code (MMC) Section 18.16.080 – Information Required, a tentative subdivision map shall include all of the requirements shown at Attachment H of Planning Commission Staff Report #21-918. Said requirements include stating the location of the subject site, the name of the subdivision, and showing the layout of the proposed lots. MMC 18.16.090 – Required Statement, requires the applicant to provide a statement that explicitly states any deviations from tentative subdivision map requirements, standard drawings, or Zoning laws. In this case, the applicant is not requesting any deviations from City requirements. MMC 18.16.100 - Public Hearing – Generally, requires a public hearing to review and approve a tentative subdivision map in conformance with the Subdivision Map Act. Per the California Environmental Quality Act, a public hearing notice was mailed to property owners within 300 feet of the subject site and published in a qualifying newspaper, Merced County Times, three weeks prior to this meeting. In addition, staff reached out to

local utility companies, local school districts, and other relevant government agencies to solicit comments. Staff did not receive any comments regarding this application.

Findings – Minor Use Permit

C) Per Merced Municipal Code Section 20.22.040 (E-2), specific project based development standards may be adopted for an Urban Overlay Zone through a Minor Use Permit. The applicant is proposing the development standards shown at Attachment G of Planning Commission Staff Report #21-918, as part of their Minor Use Permit approval. Per Merced Municipal Code Section 20.68.020 – Conditional Use and Minor Use Permits, the Merced City Development Services Department Director, or their designee, may approve an application for a Minor Use Permit only if all of the following findings can be made:

a. *The proposed use is consistent with the purpose and standards of the zoning district, the General Plan, and any adopted area or neighborhood plan, specific plan, or community plan.*

The proposed property has a General Plan designation of Medium-High Density Residential with a proposed Zoning classification of Medium Density Residential (R-3-2) with an Urban Residential Overlay Zone (/UR). With the approval of the conditions within this resolution, the project is consistent with this Zoning classification and General Plan designation.

b. *The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.*

With the approval of the conditions found within this resolution, the proposed project will be compatible with the existing and future land uses in the vicinity of the subject property. Plans showing the elevations or floor plan are included at Attachment E and F of Planning Commission Staff Report #21-918. The homes shall comply with Merced Municipal Code Section 20.46.020 – General Design Standards for Single-Family Dwellings, required for single-family residential homes in any Zoning district within the City.

c. *The proposed use will not be detrimental to the public health, safety, and welfare of the City.*

The proposal meets City standards with approval of this permit and the conditions found within this resolution. The proposed project would not be detrimental to the public health, safety, and welfare of the City.

d. *The proposed use is properly located within the City and adequately served by existing or planned services and infrastructure.*

The proposed subject site is considered infill development located within City limits, and is adequately served by existing or planned services and infrastructure.

Traffic/Circulation

- D) The project site is in southcentral Merced, approximately 1.5 miles from downtown, 0.75-miles from State Route 59, and 1 mile south of State Route 99. The project site is bounded by local roads, with the nearest north-south bound road being Q Street, and the nearest east-west bound road being 8th Street. 8th Street connects with R Street, which is considered a Major Arterial Road and designed to carry large volumes of traffic traveling throughout the community. R Street also provides access to both Highway 59 and Highway 99, that connect Merced with other regional communities throughout the State.

The subject site is currently entitled for 12 units (up to 3 units per parcel can be allowed under current accessory dwelling unit laws), the proposed 16 units would generate a relatively minimal increase in vehicle traffic. According to Trip Generation (ITE Report) the average daily trips per unit is 6.59. At 12 units, that would total 79 trips per day, and at 16 units it would total 105 trips per day which would equate to a 25% increase in trips correlating to the 25% increase in number of residential units. The Engineering Department believes that the existing street network could adequately serve this proposal.

The increase in density would result in less vehicle miles traveled to surrounding uses such as Tenaya Middle School, Margaret Sheehy Elementary, McNamara Park, and Golden Valley Health Centers.

Per CEQA Guidelines Section 15064.3, alternative modes of transportation were assessed with the previous Initial Study (Environmental Review #21-04) and are available within a 1.5 mile distance of the site. The Merced County Bus provides services with several stops nearby (within a ¼ mile) along R Street linking the residents to the M1 Route. The Amtrak (passenger train service) is located within 1.5 miles providing services to the greater California area and connections to travel across the county. The closest airport is Merced Regional Airport, located approximately 1 mile to the east.

Parking

- E) The Zoning Ordinance requires 1 space of parking for each single-family home which requires 16 parking spaces for this site. The applicant is providing 31 parking spaces, which exceeds the parking required for this project.

In addition, the site is located close to several alternative modes of transportation such as bike lanes, and bus stops that link with rail service (Amtrak) and the Merced Regional Airport. Bicycle parking would be provided as required by the California Green Code, and reviewed during the Building Permit stage.

Public Improvements/City Services

F) Water

There is a water line in Q Street along the frontage of the subject sites. The City's water supply would be sufficient to serve the proposed project. Each lot shall have water lateral connections from Q Street (Condition #19 of Staff Report #21-918).

Sewer

The Merced Waste Water Treatment Plant (WWTP) recently finished two major upgrades (Phase IV and Phase V) to improve the quality of the treated water, referred to as plant effluent, and to improve the quality of biosolids and methods of treatment. The Merced Wastewater Treatment Plant is now one of the most advanced facilities in the state. It is capable of treating up to 12 million gallons of influent a day. The proposed project is estimated to generate approximately 1,280 – 1,600 gallons of wastewater per day (based on 80-100 gallons/day per residential unit). The additional wastewater generated by the project would be approximately 0.0133% of the overall capacity of the WWTP.

There is sufficient capacity at the WWTP, and the existing lines along the back portion of the properties (western portion) have enough capacity to accommodate the additional wastewater and transmit it to the WWTP for processing. Each lot shall have sewer lateral connections from the western portion of the property (Condition #19 of Staff Report #21-918).

Public Improvements

The Engineering Department may require the applicant to make additional public improvements during the building permit stage (such as repairing damaged sidewalk), per for projects exceeding valuation of \$100,000.00 (Condition #26 of Staff Report #21-918).

Building Design

- G) There would be a single-family home on each lot, for a total of 16 units within the subject sites (Attachment D of Planning Commission Staff Report #21-918). The specific details of the homes, such as floor plans and elevations are shown at Attachments E and F of Planning Commission Staff Report #21-918. However, the proposal shall comply with Merced Municipal Code Section 20.46.020 – General Design Standards for Single-Family Dwellings, required for single-family residential homes in any Zoning district within the City. The applicant currently has no plans to add any accessory dwelling units (ADU's) in addition to the 16 units, however, ADU's are allowed in single-family developments per current codes.

Site Design

- H) The project site consists of 4 rows (each row having 4 homes) aligned perpendicular along Q Street. Each row of homes would be separated in the middle by a 6-foot-gap. Even though the parcels would remain independent, there would be some common space between the parcels. The homes would be located on the western portion of the

subject site, and the parking and access would be located along the eastern portions of the subject sites – closer to Q Street. There would be one 26-foot-wide driveway located along Q Street. The parking area is located immediately behind the driveway and consists of 31 parking stalls and two sets of trash enclosures along eastern and western portions of the parking lot. Two walkways would create a pedestrian path between the parking lot and entrances to each residential unit. Each parcel would have a back yard that is at least 10 feet deep.

Landscaping

- I) Landscaping and irrigation shall be required to meet the City’s Water Efficient Landscape Ordinance (Conditions #11, #12, and #13 of Staff Report #21-918).

Neighborhood Impact/Interface

- J) The subject site is located within an older portion of the City that was generally developed between the 1900’s and the 1950’s. As such, there are a variety of properties that were developed prior to adoption of development standards or unified local codes. This has resulted in a neighborhood containing a variety of parcel shapes/sizes, and buildings that are unique in their development with many properties having secondary or multiple dwelling units on one parcel. Even though the majority of these parcels are zoned for single-family homes, there are several parcels within a 1,000-foot-radius that have two, three, or more units that are considered legal non-conforming. In addition, 190 feet north of the subject sites, there is a small area zoned Medium Density Residential with a similar concept to what is being proposed by the applicant (multiple independent lots with cross-access and parking agreements). Given the context of the surrounding multifamily units within legal non-conforming lots, and nearby Medium Density Residential Zone, staff is of the opinion that the proposed multifamily project is compatible with the character of the neighborhood.

Public hearing notices were sent to all property owners within 300 feet of the subject sites three weeks prior to the public hearing. As of the date this report was prepared, staff has not had any comments from the public regarding the project.

Environmental Clearance

- K) The Planning staff has conducted an environmental review (#21-39) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a CEQA Section 15162 Findings is being recommended (see Attachment J of Planning Commission Staff Report #21-918).