

CITY OF MERCED  
Planning Commission

RESOLUTION #2098 - CORRECTED  
- AMENDED BY PLANNING COMMISSION 8/22/

WHEREAS, the Merced City Planning Commission at its regular meeting of June 7, 1989 held a public hearing and considered Conditional Use Permit (CUP) Application #730 (RP-D #13), initiated by Jack and Mona Hooper, property owners, to open a "bed-and-breakfast inn" with up to four guest rooms in the existing historical structures ("Hooper House," formerly the "C. Ray Robinson House") on a 1.5-acre parcel on the northeast corner of West North Bear Creek Drive and "M" Street within Residential Planned Development (RP-D) #13; also known as Assessor's Parcel No. 07-310-02; and

WHEREAS, the Merced City Planning Commission concurs with Findings A through M of Staff Report #89-34, modified as follows:

D. While parking for normal operation of the bed-and-breakfast would appear to be more-than adequate, parking for any large group meetings is still a concern. Staff is, therefore, proposing that no such large meetings of more than 28 people be allowed at this time unless prior arrangements are made with the City and adequate parking is provided either on- or off-site (Condition No. 7). Twenty-eight people would be allowed because 11 extra parking spaces will be provided on-site and the staff has proposed a parking standard of one space for each 2-1/2 persons, the standard now used for restaurants.

K. The staff has, for years, interpreted North Bear Creek Drive's designation as a "Scenic Corridor" on our General Plan as meaning that it could be exempted from certain normally-required public improvements such as curb, gutter and sidewalk, in order to preserve its rural and unique character. A recent interpretation by the City Attorney, however, has concluded that an exemption from public improvements can be only granted if a street is designated as a "Special Street" on the General Plan Circulation Map. (The only such street now designated as such is "M" Street from Black Rascal Creek to Cardella Road.) Therefore, unless the General Plan circulation element is changed by the City Council to designate Bear Creek Drive as a "special street," this proposal would be required to install full public improvements, including curb, gutter and sidewalk, and new driveway approaches along the entire Bear Creek Drive frontage. (Such improvements already exist along "M" Street.) These improvements are required with any new construction as defined under Section 17.04.050 of the Municipal Code (Attachment H) unless the City Engineer authorized a deferral agreement under Section 17.04.070.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Planning Commission does approve Conditional Use Permit (CUP) Application #730 (RP-D #13) subject to the following conditions:

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) -- Attachments B.

June 7, 1989 / August 22, 1990

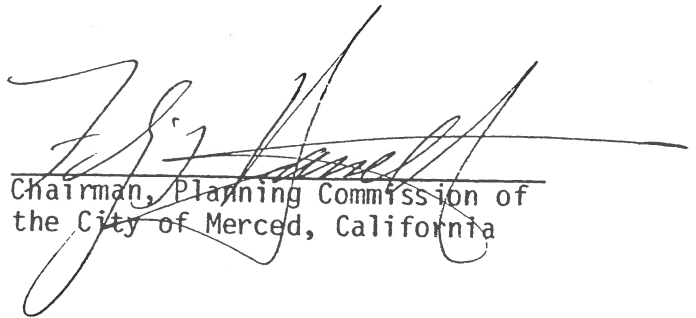
- Delete \*'s.
- ENDED - SEE PAGE 3
- \*2. All conditions contained in Resolution #1249 ("Standard Conditional Use Permit Conditions") shall apply.
- \*3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the Engineering Department.
- \*4. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
5. Storm drainage must comply with the Merced County Critical Area Flooding and Drainage Plan.
6. No driveway approach shall be allowed along the "M" Street frontage.
- ENDED - SEE PAGE 3
7. No group meetings consisting of more than 28 people shall be allowed on the site unless authorized by the City in advance and sufficient parking (one space for each 2-1/2 persons) is provided for either on- or off-site. This condition shall not apply to purely personal gatherings initiated by the residents of the property.

Delete: Note:- Conditions that are not discretionary are designated with a (\*).

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

AYES: Commissioners Dawson, Melanson, Davis, Sullivan, Keene,  
Chairman Hassett  
NOES: None  
ABSENT: Commissioner Vara

Adopted this 7th day of June, 1989.

  
Chairman, Planning Commission of  
the City of Merced, California

ATTEST:

Philip W. Blou  
Secretary

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AUGUST 22, 1990: At their meeting of August 22, 1990, the Planning Commission granted a one-year extension of Conditional Use Permit #730 (to August 22, 1991) per the original conditions with Findings D & K and Conditions No. 4 and No. 7 modified and Conditions No. 8 and No. 9 added (see Page 4).

Findings D and K amended to read:

- D. The applicant is providing 15 off-street parking spaces for the bed-and-breakfast facility. As part of the applicant's business, group meetings, such as weddings, receptions, political, club, charity, and family gatherings will be allowed provided that there are no more than 15 vehicles on-site for these purposes. If the number of vehicles exceeds 15, the applicant must locate another source of off-street parking and provide shuttle transportation. (Condition No. 7).
- K. The staff has, for years, interpreted North Bear Creek Drive's designation as a "Scenic Corridor" on our General Plan as meaning that it could be exempted from certain normally required public improvements such as curb, gutter, and sidewalk, in order to preserve its rural and unique character. A recent interpretation by the City Attorney, however, has concluded that an exemption from public improvements can be only granted if a street is designated as a "Special Street" on the General Plan Circulation Map. (The only such street now designated as such is "M" Street from Black Rascal Creek to Cardella Road.) Therefore, unless the General Plan circulation element is changed by the City Council to designate Bear Creek Drive as a "special street," this proposal would be required to install full public improvements, including curb, gutter, and sidewalk, and new driveway approaches along the entire Bear Creek Drive frontage. (Such improvements already exist along "M" Street.) These improvements are required with any new construction as defined under Section 17.04.050 of the Municipal Code (Attachment H) unless the City Engineer authorized a deferral agreement under Section 17.04.070. The Commission felt that any such public improvements should be deferred until June 1992 to allow the City time to amend the General Plan.

Conditions No. 4 and No. 7 amended to read:

4. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply, except for the installation of public improvements along the applicant's Bear Creek frontage, which shall be deferred to January 1, 1992. If a General Plan amendment has been submitted and approved to change the status of Bear Creek Drive to a "special street" designation prior to January 1, 1992, then no public improvements will be required on the Bear Creek frontage.
7. Group meetings held as part of the applicant's business such as wedding receptions, political, club, charity, and family gatherings are permitted provided that there are no more than fifteen (15) vehicles on the site for these purposes and that activities cease no later than 11:00 p.m. on Sunday - Thursday

and 1:00 a.m. on Friday and Saturday evenings. Off-site parking and shuttle transportation shall be provided when the number of vehicles exceeds fifteen (15). This condition shall not apply to purely personal gatherings initiated by the residents of the property.

Conditions No. 8 and No. 9 added:

8. Condition No. 7 is subject to re-evaluation by the City if there is a change in ownership of the property.
9. Upon receipt of complaints from neighbors, City staff shall investigate the complaints and if appropriate will bring the matter before the Commission for possible revocation proceedings of Condition #7.

PK:ls/PCRESO2098