

**Findings and Considerations  
Planning Commission Resolution #4140  
Conditional Use Permit #1279  
Minor Use Permit #24-11**

**FINDINGS/CONSIDERATIONS:**

**General Plan Compliance and Policies Related to This Application**

- A) The proposed project complies with the General Plan designation of Neighborhood Commercial (CN) and the Zoning classification of Neighborhood Commercial (C-N) with approval of a Conditional Use Permit. Multi Family Dwellings requires a conditional use permit per MMC 20.10.020 – Land Use Regulations for Commercial Zoning Districts.

For the C-N Zone, the Zoning Ordinance allows a residential density of 12.1 to 24 units per acre. The proposed 8 units on 0.34 acres would have a density of 24 units per acre, which is within the allowed range for this zone.

*Policy L 1.2.a Encourage Higher-Density Residential Developments within Walking distance of a Commercial Center*

The proposed housing project is surrounded by commercial buildings to the east and west, which creates a walkable environment.

*Policy L-3.2 Encourage Infill Development and a Compact Urban Form*

The undeveloped 0.34 acre parcel has remained vacant for many decades. The subject site is surrounded by existing infrastructure such as roads, sewer, water, and power which allows development to occur within an urbanized site that prevents further sprawl and extension of infrastructure.

**Public Improvements/City Services**

- B) Any damaged or missing public improvements shall be repaired if the permit value of the project exceeds \$100,000.00. The need for repairs or replacement of any missing improvements would be evaluated at the building permit stage by the City's Engineering Department (Condition #5).

## **Site Plan**

- C) The subject site consists of a rectangular lot that is approximately 150 feet long, and 50 feet wide. The existing 0.34-acre lot is undeveloped. Vehicle access would be available through an alley located immediately south of the project site that can be accessed via T Street and S Street. The alley would give vehicle access to the parking lot (11 spaces) located towards the southern portion of the project site. A pedestrian walking path would connect the parking lot to the 8 residential units located on the eastern and western portions of the parcel. The 8 residential units would be located within 2 separate single-story buildings with identical floor plans. Each unit would consist of approximately 962 square feet with 2 bedrooms and 1 bathroom.

## **Building Elevations**

- D) As shown on Attachment D, the proposed four-plex units would be approximately 16 feet tall which would meet the allowed maximum height of 35 feet for development of a commercial lot adjacent to or across from a residential zone. The exterior of the buildings has a modern design with light gray colored exterior walls and dark roofing. The exterior wall finish with consist of stucco with board and batten accent panels on the sides of the structure.

To meet the conditions within the resolution, there is the possibility that the fourplexes would have to be 2-story structures instead of a single-story structure. If so, the proposal would need to be reviewed by the Director of Development Services and the design would need to be consistent with design and colors shown on the proposed elevations at Attachment D.

### **Floor Plan**

- E) The proposal includes two four-plex buildings for a total of eight residential units. The proposed floor plan includes two 3,850-square-foot buildings composed of four units each with an approximate size of 962 square feet per unit. Each unit would include two bedrooms, one bathroom, a kitchen, and a family and dining area.

### **Parking**

- F) Pursuant to Section 20.38.030 of the Merced City Municipal Code (MMC), the proposed shall provide 1.75 spaces per unit of two bedrooms for multi-family dwellings/condominiums of 30 units or less. The proposed 8 units (each 2 bedrooms/1bathroom) would require 14 parking spaces. The proposed site plan includes 14 parking spaces which satisfies the parking requirements.

### **Traffic/Circulation**

- G) The project site is in southcentral Merced, approximately one mile from downtown, 0.75 miles from State Route 59, and about 1,730 feet south of State Route 99. The project site is bounded by local roads, with the nearest north-south arterial road being R Street, and the nearest east-west bound arterial being Childs Avenue. R Street 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 0.34-acre site can be permitted for up to 12 units with approval of a conditional use permit. The proposed 8 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 8 units, that would total 52.72 trips per day. 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 (VMT) to surrounding uses, such as Tenaya Middle School, Margaret Sheehy Elementary, McNamara Park, and Golden Valley Health Centers.

## **Neighborhood Impact/Interface Review**

- H) The subject site is located in the southern portion of Merced and is surrounded by a variety of commercial and residential uses. The immediate surroundings of the subject site, include a food market to the west, restaurant and laundromat to the east, single family residences to the north, and a church and multifamily residences to the south.

Per MMC Section 20.32 a Minor Use Permit is required for interface review. Interface review is triggered by the development of a commercially zoned lot across the street from a Low-Density Residential Zone (R-1-6). The proposal includes conditions that help this development be compatible with the single-family homes across 9<sup>th</sup> Street, which includes prohibiting future signage from having internal illumination that shines across 9<sup>th</sup> Street (Condition #20).

A Public Hearing Notice was circulated in the Merced County Times and mailed to property owners within 300 feet of the subject site three weeks prior to the public hearing date. As of the date that this report was prepared, staff has not received any comments or concerns from the public about this request.

## **Conditional Use and Minor Use Permit Findings**

- I) In order for the Planning Commission to approve or deny a conditional use and minor use permit, they must consider the following criteria and make findings to support or deny each criteria per MMC 20.68.020 (E) – Findings for Approval.

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

As shown under Finding A, the proposed project complies with the General Plan designation of Neighborhood Commercial (CN) and the zoning classification of Neighborhood Commercial (C-N) with approval of this conditional use permit and minor use permit.

2. *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.*

As shown under Finding B – Site Plan, and Finding C – Building Elevations, staff believes that the location, size, design, and operating characteristics of the proposal would be compatible with existing and future land uses in the vicinity.

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

Staff does not anticipate that this proposal would be detrimental to the public health, safety, and welfare of the City. As mentioned above, the project is compatible with adjacent uses and is consistent with development standards for its zone.

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

The proposed four-plexes are properly located within the City and adequately served by existing or planned services and infrastructure such as street access, sewer connections, water connections, and other utilities.

### **Multi-Family Residential Design Standards**

- J) The development shall comply with MMC Section 20.46.030 – General Design Standards for Multi-Family Dwellings and MMC Section 20.46.040 – Specific Standards for Multi-Family Dwellings as shown at Attachment F. Exceptions from individual standards may be granted through a subsequent minor use permit.

### **Environmental Clearance**

- K) Planning staff conducted an environmental review (Environmental Review #24-20) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption (no further environmental review is required) is being recommended (Attachment G of Staff Report #24-768).