



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

Minutes Planning Commission

Wednesday, December 8, 2021

7:00 PM

A. CALL TO ORDER

Chairperson HARRIS called the Regular Meeting to order at 7:05 PM

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Vice Chair CAMPER led the Pledge of Allegiance to the Flag.

B. ROLL CALL

Present: 7 - Chairperson Michael Harris, Member Robert Dylina, Member Dorothea White, Member Jose Delgadillo, Vice Chair Mary Camper, Member Jeremiah Greggains, and Member Ronnie DeAnda

Absent: 0

C. ORAL COMMUNICATIONS

Chairperson HARRIS introduced the new Planning Commissioner from District 2, RONNIE DEANDA, to the Commission.

D. CONSENT CALENDAR

A motion was made by Member Camper, seconded by Member Greggains, to approve the Consent Calendar. The motion carried by the following vote:

Aye: 7 - Chairperson Harris
Member Dylina
Member White
Member Delgadillo
Vice Chair Camper
Member Greggains
Member DeAnda

No: 0

Absent: 0

D.1

SUBJECT: Planning Commission Minutes of November 3, 2021

ACTION:

Approving and filing the Planning Commission Minutes of November 3, 2021

ATTACHMENTS

- 1. Draft Minutes of November 3, 2021

This Consent Item was approved.

E. PUBLIC HEARINGS AND ACTION ITEMS

E.1

SUBJECT: Conditional Use Permit Application #1257, initiated by Peter Herr, property owner. This application involves a request to allow for a Live/Work Unit at 2125 O Street. The subject site is generally located on the west side of O Street, 100 feet south of W. 22nd Street, within an Office Commercial (C-O) Zone with an Office Commercial (CO) General Plan designation. *PUBLIC HEARING*

ACTION:

- Approve/Disapprove/Modify
 - 1) Environmental Review #21-14 (Categorical Exemption)
 - 2) Conditional Use Permit #1257

SUMMARY

Peter Herr/Bellevue Holdings, LLC, is requesting conditional use permit approval to allow for a Live/Work Unit at 2125 O Street (Attachment B). Per Merced Municipal Code Land Use Table 20.10-1 -Permitted Land Uses in the Commercial Zoning Districts, Live/Work Units are allowed in the Office Commercial (C-O) Zone with conditional use permit approval from the Planning Commission. The subject site is located across from the Merced County Library and Merced County Courthouse Park, near the Downtown area. The front portion of the building along O Street would be used for office purposes (future real estate office) and the rear portion of the building would be used for dwelling purposes. City staff have reviewed this request and are recommending approval with conditions.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #21-14 (Categorical Exemption), and Conditional Use Permit #1257, including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the

findings/considerations in Exhibit B.

Associate Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #21-939.

Public testimony was opened at 7:16 PM

Speaker from the Audience in Favor:

Steve MORGAN, Architect, Merced

There were no speakers in opposition to the project.

Public testimony was closed at 7:17 PM

A motion was made by Member Dylina, seconded by Member Delgadillo, to adopt a Categorical Exemption regarding Environmental Review #21-14, and approve Conditional Use Permit #1257, subject to the Conditions set forth in Exhibit A, and the Findings set forth in Exhibit B (RESOLUTION #4079). The motion carried by the following vote:

- Aye:** 7 - Chairperson Harris
- Member Dylina
- Member White
- Member Delgadillo
- Vice Chair Camper
- Member Greggains
- Member DeAnda

No: 0

Absent: 0

Chairperson HARRIS recused himself before Item E.2 was read, due to his involvement with the Merced County Employees Retirement Association Board.

E.2

SUBJECT: Design Review Permit #21-01, initiated by Merced County Employee Retirement Association, property owner. This application involves a request to construct a 12,500-square-foot office at 690 W. 19th Street. The 0.41-acre vacant lot is generally located at the

southeast corner of W. 19th Street and N Street, within a Central Commercial (C-C) Zone. *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #21-36 (Categorical Exemption)
- 2) Design Review Application #21-01

SUMMARY

Merced County Employee Retirement Association is requesting approval to develop a 12,500-square-foot office on a vacant 0.41-acre parcel located at 690 W. 19th Street. This infill lot is located at the southeast corner of N Street and W. 19th Street, within a Central Commercial (C-C) Zone (Attachment B of Planning Commission Staff Report #21-919). An office is considered a principally permitted use within the C-C Zone. However, because the subject site is located within the City's Design Review Boundary (generally located in Downtown and west of Downtown - Attachment G of Planning Commission Staff Report #21-919), the proposal requires a design review permit from the Planning Commission. The design review permit generally focuses on building and site plan aesthetics, but it may also be used to address other issues regarding the site plan, noise, lighting, hours of operation, etc. Staff has reviewed this proposal, and is recommending approval of this application subject to the conditions within the staff report.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #21-36 (Categorical Exemption), and Design Review Permit #21-01, including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

Associate Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #21-919.

Commissioner GREGGAINS informed the Commission that he is a Merced County Employee, but there is no conflict as he is not a Member of the Board.

Public testimony was opened at 7:31 PM

Speaker from the Audience in Favor:

KRISTY SANTOS, Plan Administrator for MCERA, Merced

There were no speakers in opposition to the project.

Public testimony was closed at 7:37 PM

A motion was made by Member Delgadillo, seconded by Member Dylina, to adopt a Categorical Exemption regarding Environmental Review #21-36, and approve Design Review Permit #21-01 subject to the Conditions set forth in Exhibit A, and the Findings set forth in Exhibit B (RESOLUTION #4078). The motion carried by the following vote:

Aye: 6 - Member Dylina
Member White
Member Delgadillo
Vice Chair Camper
Member Greggains
Member DeAnda

No: 0

Absent: 0

Recused: 1 - Chairperson Harris

Chairperson HARRIS returned to the dais.

E.3

SUBJECT: Vesting Tentative Subdivision Map #1317 for University Park II, Phase 2, initiated by Golden Valley Engineering, on behalf of TVC Merced 125, LLC. This application involves the subdivision of approximately 18.98 acres into 125 single-family residential lots ranging in size from 4,479 to 7,317 square feet and a 12,064-square-foot remainder lot. This property is generally located at the northwest corner of La Sierra Avenue and Argosy Drive. ****PUBLIC HEARING****

ACTION: Approve/Disapprove/Modify
1) Environmental Review #21-35 (Categorical Exemption)
2) Vesting Tentative Subdivision Map #1317

SUMMARY

The project site is located west of State Route Highway 59, at the northwest corner of La Sierra Avenue and Argosy Drive (Attachment B). The proposed subdivision would subdivide 18.98 acres of land into 125

single-family lots (Attachment C of Planning Commission Staff Report 21-937). Planning staff, along with other City staff, have reviewed the project and recommend approval subject to conditions.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #21-35 (CEQA Section 15183 Findings) and Vesting Tentative Subdivision Map #1317 (University Park II, Phase 2) (including the adoption of the Draft Resolution) subject to the conditions in Exhibit A and the findings/considerations in Exhibit B of Draft Resolution #4080 at Attachment A.

Associate Planner NELSON reviewed the report on this item. For further information, refer to Staff Report #21-937. Staff received one public comment from GERALD WELKER stating that he was generally in favor of the project, but requested that a single-story home be built adjacent to his home. The applicant was receptive to this voluntary request.

Public testimony was opened at 7:51 PM

Speaker from the Audience in Favor:

CHRIS TYLER, Applicant, Modesto

There were no speakers in opposition to the project.

Public testimony was closed at 8:00 PM

Commissioner DELGADILLO requested a modification to Condition #17 as follows:

(Note: ~~Strikethrough~~ deleted language, underline added language.)

- “17. A minimum 7-foot-tall decorative wall and a 10-foot-wide landscape strip shall be constructed along the project’s frontage on Highway 59. Developer shall submit landscape/irrigation/wall plans for approval by City Engineer. All walls shall be solid masonry. Fast-growing vines or other plants shall be planted on or near the wall to deter graffiti and/or a graffiti resistant coating applied to the wall. Details to be worked out with staff.

A motion was made by Member White, seconded by Member Dylina, to adopt a Categorical Exemption regarding Environmental Review #21-35 and approve Vesting Tentative Subdivision Map #1317, subject to the Conditions set forth in Exhibit A , with a modification to Condition #17 as shown above. (RESOLUTION

#4080). The motion carried by the following vote:

Aye: 7 - Chairperson Harris
Member Dylina
Member White
Member Delgadillo
Vice Chair Camper
Member Greggains
Member DeAnda

No: 0

Absent: 0

Commissioner DYLINEA recused himself before Item E.4 was read due to a business relationship with the applicant.

E.4

SUBJECT: Zone Change #428, Tentative Subdivision Map #1318, and Minor Use Permit #21-09, 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 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). 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. *PUBLIC HEARING*

ACTION:

PLANNING COMMISSION:

Recommendation to City Council:

Approve/Disapprove/Modify

- 1) Environmental Review #21-39 (CEQA Section 15162 Findings)
- 2) Zone Change #428

Approve/Disapprove/Modify (contingent on City Council approval of the Zone Change)

- 1) Environmental Review #21-39 (CEQA Section 15162 Findings)
- 2) Tentative Subdivision Map #1318

3) Minor Use Permit #21-09

SUMMARY

The subject site is located in southcentral Merced, on the west side of Q Street, south of W. 6th Street, and consists of 4 identical parcels totaling 0.88-acres at 565, 575, 601, and 609 Q Street. The applicant would like to change the sites' current Zoning designation of Low-Density Residential (R-1-6) to Medium-Density Residential (R-3-2) with an Urban Residential Overlay (R-3-2/UR). The applicant would like to subdivide the subject site into 16 different parcels for single-family homes (with one larger out-parcel reserved for a shared parking lot) on lots ranging in size from 897 square feet to 1,251 square feet, with the parking lot being 21,584 square feet. The proposed density of 18.18 dwelling units per acre would be within the existing allowed General Plan designation of High-Medium Density Residential (HMD) which allows between 12 to 24 dwelling units per acre. Staff is recommending approval.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend approval of Environmental Review #21-39 (CEQA Section 15162 Findings), and Zone Change #428, and approve Tentative Subdivision Map #1318 and Minor Use Permit #21-09 (contingent on City Council approval of the Zone Change), including the adoption of the Draft Resolutions at Attachments A and B subject to the conditions in Exhibit A and the findings/considerations in Exhibit B of each.

Associate Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #21-918.

There was no one present wishing to speak regarding the project; therefore public testimony was opened and closed at 8:24 PM

A motion was made by Vice Chair Camper, seconded by Member Delgadillo, to recommend to City Council adoption of CEQA Section 15162 Findings regarding Environmental Review #21-39, and the approval of Zone Change #428 subject to the Conditions set forth in Exhibit A, and the Findings set forth in Exhibit B (RESOLUTION #4077). The motion carried by the following vote:

Aye: 6 - Chairperson Harris
Member White
Member Delgadillo
Vice Chair Camper
Member Greggains
Member DeAnda

No: 0

Absent: 0

Recused: 1 - Member Dylina

A motion was made by Vice Chair Camper, seconded by Member White, to adopt CEQA 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 (RESOLUTION #4082). The motion carried by the following vote:

Aye: 6 - Chairperson Harris
Member White
Member Delgadillo
Vice Chair Camper
Member Greggains
Member DeAnda

No: 0

Absent: 0

Recused: 1 - Member Dylina

Commissioner DYлина returned to the dais.

E.5

SUBJECT: Density Bonus #21-01, initiated by UP Holdings, LLC, on behalf of the Stan Short Trust, property owner. This application involves a request to consider Density Bonus #21-01 which permits an increase in density and provides for concessions to development standards to allow the construction of 65 affordable permanent supportive housing units, a manager’s unit, and a community/office area within a three-story building on a 1.54-acre parcel, generally located on the west side of Park Avenue, between Olive Avenue and Alexander Avenue. The site has a General Plan Designation of High-Medium Density (HMD) Residential and a Zoning designation of Planned Development (P-D) #4.

ACTION: PLANNING COMMISSION:

Recommendation to City Council

- 1) Environmental Review #21-43 (Categorical Exemption)
- 2) Density Bonus Application #21-01

CITY COUNCIL:

Approve/Disapprove/Modify

- 1) Environmental Review #21-43 (Categorical Exemption)
- 2) Density Bonus Application #21-01

SUMMARY

This is a request to consider Density Bonus #21-01 which permits an increase in density and provides for concessions and waivers of development standards to allow the construction of 65 affordable permanent supportive housing units, a manager’s unit, and a community/office area within a three-story building on a 1.54-acre parcel, generally located on the west side of Park Avenue, between Olive Avenue and Alexander Avenue. Staff is recommending the Planning Commission recommend approval to the City Council. No public hearing is required per state statues or local ordinances.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend approval to the City Council of Environmental Review #21-43 (Categorical Exemption) and Density Bonus #21-01 (including the adoption of the Draft Resolution at Attachment A) subject to the findings/considerations in Exhibit A of the Draft Resolution.

Associate Planner NELSON reviewed the report on this item. For further information, refer to Staff Report #20-956.

The applicant, RYAN WILSON, UP Holdings, was in available via teleconference for questions.

A motion was made by Member Dylina, seconded by Member Greggains, to recommend to City Council adoption of Environmental Review #21-43 (Categorical Exemption) and recommends approval of Density Bonus #21-01, subject to the Findings set forth in Exhibit A (RESOLUTION #4081). The motion carried by the following vote:

- Aye:** 7 - Chairperson Harris
 Member Dylina
 Member White
 Member Delgadillo
 Vice Chair Camper
 Member Greggains
 Member DeAnda

No: 0

Absent: 0

E.6

SUBJECT: Site Plan Review #487, initiated by UP Holdings, LLC, on behalf of the Stan Short Trust, property owner. This application involves a request to construct 66 multi-family units and a community/office area within a three-story building on a 1.54-acre parcel generally located on the west side of Park Avenue, approximately 150 feet north of Alexander Avenue. The site has a General Plan Designation of High-Medium Density (HMD) Residential and a Zoning designation of Planned Development (P-D) #4. **PUBLIC HEARING**

—
ACTION: No Action Required - Application Withdrawn

SUMMARY

This application has been withdrawn by the applicant for consideration by the Planning Commission. The application will be considered by the Site Plan Review Committee at a future meeting. No action is required by the Planning Commission.

RECOMMENDATION

No action is required by the Planning Commission.

This item was withdrawn; therefore no action was required.

E.7

SUBJECT: Cancellation of January 5, 2022, Planning Commission Meeting due to the lack of items

ACTION:

Cancel the Planning Commission Meeting of January 5, 2022

A motion was made by Member Greggains, seconded by Member White, to cancel the Meeting of January 5, 2022, due to a lack of items. The motion carried by the following vote:

- Aye:** 7 - Chairperson Harris
- Member Dylina
- Member White
- Member Delgadillo
- Vice Chair Camper
- Member Greggains
- Member DeAnda

No: 0

Absent: 0

F. INFORMATION ITEMS

F.1 **SUBJECT:** Report by Planning Manager of Upcoming Agenda Items

ACTION

Information only.

Planning Manager ESPINOSA went over items for the next several Planning Commission meetings.

F.2 **SUBJECT:** Calendar of Meetings/Events

- Dec. 6 City Council, 6:00 p.m.
- 8 Planning Commission, 7:00 p.m.
- 14 Bicycle/Pedestrian Advisory Commission, 4:00 p.m. (*Special Meeting*)
- 20 City Council, 6:00 p.m.
- 22 Planning Commission, 7:00 p.m. (*Cancelled due to Holiday*)
- 28 Bicycle/Pedestrian Advisory Commission, 4:00 p.m. (*To be Cancelled*)
- Jan. 3 City Council, 6:00 p.m.
- 5 Planning Commission, 7:00 p.m. (*To be Cancelled*)
- 18 City Council, 6:00 p.m. (**Tuesday**)
- 19 Planning Commission, 7:00 p.m.

G. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 9:20 PM

A motion was made by Member Greggains, seconded by Member Delgadillo, to adjourn the Regular Meeting. The motion carried by the following vote:

- Aye:** 7 - Chairperson Harris
- Member Dylina
- Member White
- Member Delgadillo
- Vice Chair Camper
- Member Greggains
- Member DeAnda

No: 0

Absent: 0

BY:

APPROVED:

KIM ESPINOSA, SECRETARY
MERCED CITY PLANNING COMMISSION

MICHAEL HARRIS, CHAIRPERSON
MERCED CITY PLANNING COMMISSION

CITY OF MERCED
Planning Commission

Resolution #4079

WHEREAS, the Merced City Planning Commission at its regular meeting of December 8, 2021, held a public hearing and considered **Conditional Use Permit #1257** initiated by Bellevue Holdings, LLC, property owner. This application involves a request to convert an existing office into a Live/Work Unit at 2125 O Street. The subject site is generally located on the west side of O Street, 100 feet south of W. 22nd Street. The subject site is more particularly described as the southern portions of Lots 1,2,3, and 4 from Block 90 as shown on the map entitled "Supplemental Map Town of Merced" recorded in Volume 2, Page 12, in Merced County Records; also known as a portion of Assessor's Parcel Number (APN) 030-253-010; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through I (Exhibit B) of Staff Report #21-939; and,

WHEREAS, the Merced City Planning Commission concurs with Findings for Conditional Use Permits in Merced Municipal Code Section 20.68.020 (E) as outlined in Exhibit B; 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 Categorical Exemption regarding Environmental Review #21-14, and approve Conditional Use Permit #1257, 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 DYLINA, seconded by Commissioner DELGADILLO, and carried by the following vote:

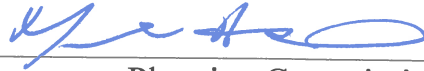
AYES: Commissioners Camper, DeAnda, Delgadillo, Dylina, Greggains, White, and Chairperson Harris
NOES: None
ABSENT: None
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4079

Page 2

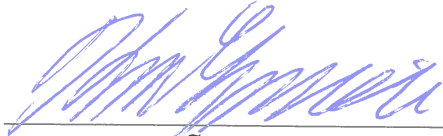
December 8, 2021

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 #4079
Conditional Use Permit #1257

1. The proposed project shall be constructed/designed generally as shown on Exhibit 1 (site plan), Exhibit 2 (floor plan/elevations) - Attachments C, and D of Planning Commission Staff Report #21-939, 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. All future 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. When future landscaping is installed, the applicant shall install irrigation 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 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.
11. All mechanical equipment shall be screened from public view (details to be worked out with staff during the building permit stage).
12. 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.

13. The design of a future fence shall match or complement the design, color, and materials used for the exterior of the building.
14. Minor modifications to the 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.
15. 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.
16. The office portion of the Live/Work Unit may allow different uses and business types as shown under Table 20.10-1 Permitted Land Uses in the Commercial Zoning Districts for the C-O Zone.
17. Fire sprinklers may be required, based on square footage, change in use, project valuation, or any combination thereof.
18. Americans with Disabilities Act (ADA) access standard upgrades may be required for both the interior of the building and exterior of the site depending on scope, change in occupancy, and project valuation.
19. A building permit application shall be submitted for this proposal. Plans shall be drawn by a licensed design professional. The construction work shall be performed by an appropriately licensed Contractor (B-Contractor).
20. All plans and supporting documents submitted for Building Permits shall meet or exceed the building codes in effect at the time of building permit application submittal. This site is located within a Flood AO + 1 Zone, and flood zone requirements would need to be addressed during the building permit stage with the flood zone shown on the plans. The proposal shall meet FEMA requirements.
21. A flood elevation certificate shall be submitted during the building permit stage, if the site requires substantial improvements as determined by the Building Department.

**Findings and Considerations
Planning Commission Resolution #4079
Conditional Use Permit #1257**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Commercial Professional Office (CO) and the zoning designation Office Commercial (C-O) Residential with approval of this conditional use permit.

General Plan "Land Use" policies that relate to this proposal include:

Policy L-1.1: Promote balanced development which provides jobs, services, and housing.

Policy L-1.2: Encourage a diversity of building types, ownership, prices, designs, and site plans for residential areas throughout the City.

Policy L-2.8: Encourage a mixture of uses and activities and reinvestment that will maintain the vitality of the downtown area.

Mandatory Findings – Conditional Use Permit

- B) This request to convert an office into a Live/Work Unit within and Office Commercial (C-O) Zone requires a Conditional Use Permit per MMC Section 20.40.030 – Permits Required. In order for the Planning Commission to approve or deny a conditional 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.

The proposed project complies with the General Plan designation of Commercial Office (CO) and the zoning designation of Office Commercial (C-O) with approval of this conditional 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.

Given the surrounding offices and nearby residential properties, the proposed Live/Work Unit would not significantly alter the character of the neighborhood or create any unusual circumstances for the surrounding area.

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

With the approval of the conditions within this resolution, the proposal would not be detrimental to the public health, safety and welfare of the City.

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

The subject site is an existing office that would be converted into a Live/Work Unit that is surrounded by City services and infrastructure. The property is already connected to City sewer and water main lines. The roads surrounding the site are developed and vehicle access would be available from O Street.

Floor Plan

- C) The floor plan shown at Attachment D of Planning Commission Staff Report #21-939 shows the proposed layout, which includes work areas on the eastern portion of the building (along O Street) and dwelling area on the western portion of the building. The work area includes an entryway, 4 office workstations, and a bathroom with a shower. The dwelling portion of the building includes two bedrooms, a kitchen area, a dining area, and a bathroom. The building has a mezzanine level that is accessible through stairs provide along the front and back portions of the building.

Fire Department records show the subject site as a B Occupancy which is defined as an office, professional, or service type use. City business license records do not list the business or businesses that were previously located at this site. Attachment E of Planning Commission Staff Report #21-939 shows photographs of the interior of the property with various cubicles, and conference rooms. Due to the change in use from professional to a mixed-use, the property may need certain upgrades to ensure compliance with Building and Fire Code requirements. This may include installing a fire sprinkler system and upgrading portions of the building for Americans with Disabilities Act (ADA) standards for accessibility (see Conditions #17, #18, #19, and #20 of Planning Commission Staff Report #21-939).

Background and Building Design

- D) The applicant is not proposing any modifications to the exterior of the building. The subject is located within the central portion of Merced near Downtown. There is limited site information regarding the construction of this building. The majority of the buildings in this area were constructed during the 1920's when the prominent architectural styles were Craftsman, Art Deco, and Neoclassical which mainly utilized wood siding. The subject site has a more recent design style with the use of brick, concrete, steel, and large glass windows. The building was not included as part of the City of Merced's 1985 Historical Resource Survey, and it is not listed on the local, State, or Federal registry of historical buildings.

Site Design

- E) The applicant is not proposing any modifications to the site plan. The subject site consists of a 10,000-square-foot parcel that is 50 feet wide by 200 feet long, adjacent to an alley. The existing building occupies the majority of the lot. Pedestrian access is available from O Street. Vehicle access is available from O Street through an alley that leads to a "tuck-under" parking lot located on the back-end of the parcel underneath the second level. Landscaping is densely placed along the eastern portion

of the parcel along the main entrance, and sparsely placed along the remaining perimeters of the parcel.

Parking

- F) The City’s parking requirement for Live/Work Units is 1.75 parking stalls per unit. The proposal exceeds the requirement of 1.75 parking spaces by having 6 parking spaces. The parking lot is available on western portion of the parcel through “tuck-under” parking accessible via alleyway from O Street.

Landscaping

- G) Future landscaping and irrigation shall be required to meet the City’s Water Efficient Landscape Ordinance (Conditions #6, #7, and #8 of Planning Commission Staff Report #21-939).

Neighborhood Impact/Interface

- H) The subject site is located in Central Merced across from the Merced County Library and Merced County Courthouse Park, near the Downtown area. The front portion of the building fronting the street would be used for office purposes and the rear portion of the building would be used for dwelling purposes. The property owner intends to occupy the Live/Work Unit living in the back portion of the building and use the office portion to operate a future real estate business. That real estate office would have standard hours of operation, generally open daily between 8:00 a.m. and 5:00 p.m. The subject site is surrounded by general office businesses, with single-family homes and high-density residential properties within a 300-foot-radius of the site. Based on the surrounding offices with nearby residential uses, staff believes that proposed Live/Work Unit would not significantly impact or alter the character of the neighborhood.

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 this meeting. At the time that this staff report was written, staff had not receive any comments or questions from the public regarding this proposal.

Environmental Clearance

- I) Planning staff has conducted an environmental review (#21-14) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption (i.e., no significant adverse environmental effects have been found) is being recommended (Attachment F of Planning Commission Staff Report #21-939).

CITY OF MERCED
Planning Commission

Resolution #4078

WHEREAS, the Merced City Planning Commission at its regular meeting of December 8, 2021, held a public hearing and considered **Design Review Permit #21-01** initiated by MCP, LLC, property owner. This application involves a request to construct a 12,500-square-foot office at 690 W. 19th Street. The 0.41-acre vacant lot is generally located at the southeast corner of W. 19th Street and N Street, within a Central Commercial (C-C) Zone. The subject site is more particularly described as Parcel 2 as shown on the map entitled “Parcel Map for City of Merced” recorded in Book 102, Page 31, in Merced County Records; also known as a portion of Assessor’s Parcel Number (APN) 031-054-024; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through J (Exhibit B) of Staff Report #21-919; and,

WHEREAS, the Merced City Planning Commission concurs with Findings for Design Review Permits in Merced Municipal Code Section 20.68.030 (H) as outlined in Exhibit B; 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 Categorical Exemption regarding Environmental Review #21-36, and approve Design Review Permit #21-01 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 DELGADILLO, seconded by Commissioner DYLINA, and carried by the following vote:

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

PLANNING COMMISSION RESOLUTION #4078

Page 2

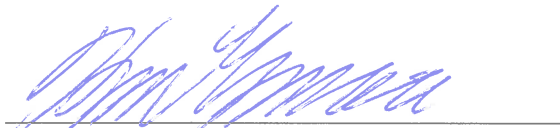
December 8, 2021

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 #4078
Design Review Permit #21-01

1. The proposed project shall be constructed/designed generally as shown on Exhibit 1 (site plan), Exhibit 2 (floor plan), Exhibit 3 (elevations) - Attachments C, D, and E of Planning Commission Staff Report #21-919, 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. The project shall comply with all City Standards for storm drainage. The developer shall work with the City Engineer to determine the requirements for storm drainage on the site. 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 and state regulations.
11. 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).
12. 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.

13. 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.
14. 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.
15. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
16. 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.
17. 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.
18. All mechanical equipment shall be screened from public view (details to be worked out with staff during the building permit stage).
19. The site 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. 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.

22. The design of a future fence shall match or complement the design, color, and materials used for the exterior of the building.
23. The proposed driveway along N 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.
24. Minor modifications to the 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.
25. 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.
26. This permit includes the approval of a parking reduction as approved by the Director of Development Services through the parking study shown at Attachment I of Planning Commission Staff Report #21-919.
27. All plans and supporting documents submitted for Building Permits shall meet or exceed the building codes in effect at the time of building permit application submittal. This site is located within a Flood AH-178 Zone, and flood zone requirements would need to be addressed during the building permit stage with the flood zone shown on the plans. Plans shall be drawn by a licensed design professional. The construction work shall be performed by an appropriately licensed Contractor (B-Contractor).
28. All plans and supporting documents submitted for Building Permits shall meet or exceed the building codes in effect at the time of building permit application submittal. This site is located within a Flood AO+1 Zone, and flood zone requirements would need to be addressed during the building permit stage with the flood zone shown on the plans. Plans shall be drawn by a licensed design professional. The construction work shall be performed by an appropriately licensed Contractor (B-Contractor).
29. The applicant shall provide a flood elevation certificate during the building permit stage.

30. A Fire Control Room (accessible from the exterior with knox box) and Fire Sprinkler System shall be installed and shown in the building design submittal during the building permit stage.
31. Signage shall be reviewed through a staff level design review permit.

**Findings and Considerations
Planning Commission Resolution #4078
Design Review Permit #21-01**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) With approval of the proposed Design Review Permit application, the proposed project would conform with the General Plan designation of Regional/Community Commercial (RC) and Zoning designation of Central Commercial (C-C).

Design Review Considerations

- B) The Zoning Ordinance does not contain any specific design review standards requiring particular architectural styles, materials, or colors. Proposals are assessed on a project basis to confirm the proposed design is of high architectural quality. Design elements to consider are outlined under Merced Municipal Code Section 20.68.030 (F) Design Review Permit – Features to consider are shown at Attachment H of Planning Commission Staff Report #21-919. Said elements to consider include design compatibility with surrounding uses, design of circulation, colors, architecture style, etc. In addition, Attachment H of Planning Commission Staff Report #21-919 also contains MMC 20.68.030 – Design Review Principles, outlining various design review principles to consider.

Mandatory Findings – Design Review Permit

- C) Per Merced Municipal Code Section 20.68.030 (H) Design Review Permit, the review authority may approve an application for a Design Review Permit application only if all of the following findings can be made:

- a. The proposed project is consistent with the General Plan, and any adopted area or neighborhood plan, specific plan, or community plan.*

As shown under Finding A, the proposed project is consistent with the General Plan designation, and Zoning classification for this site per Finding A above.

- b. The proposed project complies with all applicable provisions of the zoning ordinance and Municipal Code.*

With approval of the conditions found within this resolution, the proposal would comply with all applicable provisions of the Zoning Ordinance and Municipal Code.

- c. The design and layout of the proposed project will not interfere with the use and enjoyment of existing and future neighboring properties and structures.*

With approval of the conditions found within this resolution, the building design and layout described under Finding E and shown at Attachments C, D,

and E of Planning Commission Staff Report #21-919 would not interfere with the enjoyment of existing and future neighboring properties and structures.

- d. The proposed design will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the proposed project.*

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

Parking

- D) The subject site is located just outside of the City's Downtown Parking District. However, as shown at Attachment F of Planning Commission Staff Report #21-919, there are several City Parking Lots located within 200 feet of the subject site including two 3-level parking garages, and a surface only City Parking Lot located on the west side of N Street, between 18th Street and 19th Street. In addition, the site and surrounding uses will benefit from additional street parking provided through the recent renovation of a portion of N Street, adding additional angled parking on both sides of N Street between 16th Street and 18th Street.

Even though the site benefits from the ample City parking lots and street parking space surrounding the site, technically the site is located outside of the City's Downtown Parking District and must provide on-site parking. The applicant has submitted a request for a parking reduction, which by Code (Merced Municipal Code Section 20.38-050 (D) – Parking Reductions) may be reviewed and approved by the City's Director of Development Services. The applicant submitted the Parking Study shown at Attachment I of Planning Commission Staff Report #21-919, and they note several reasons for the parking reduction which include large amounts of storage space, infrequently used conference spaces, and low average daily visitor count based on a survey conducted between December 2019 and August 2021. The site also benefits from close proximity to several bus stops and routes and by being part of a denser part of the community that is generally more walkable and bike friendly (based on bike routes and bike racks provided onsite). The typical parking required for an office of this size is 38 parking stalls, however the site would contain 16 parking stalls. Based on the Parking Study and other factors such as proximity to public transit and bicycle parking, the Director of Development has approved the applicant's request for a parking reduction to require the proposed 16 parking spaces.

Building Design

- E) The proposed 12,500-square-foot office includes 7 offices, 2 conference rooms, 2 waiting rooms, a break room, a meeting room with a dias, a training room, 4 bathrooms, elevators, and 2 stairwells. The building has a modern orthogonal design with an exterior finish of stucco, large glass panels, and corrugated metal used on accent towers. Above the windows are horizontal cantilevers, with the main entrance

containing a large, angled cantilever (Elevations at Attachment E of Planning Commission Staff Report #21-919).

Signage

- F) The applicant is not proposing any signage at this time. Signage would be reviewed by Planning Staff with a staff-level Design Review Permit. Signage allotment and standards shall comply with Merced Municipal Code Title 17 – Article IV – Regulations for Downtown (Condition #31 of Planning Commission Staff Report #21-919).

Site Design

- G) The subject site is a vacant 0.41-acre parcel surrounded by developed lots, located at the southeast corner of N Street and W. 19th Street (Attachment B of Planning Commission Staff Report #21-919). The parcel has a rectangular shape that is 157 feet long by 114 feet wide. Pedestrian access to the building would be available from both N Street and 19th Street. Vehicle access would be available from one driveway along N Street. Onsite employee and customer parking would be available on the southern portion of the parcel, with adjacent angled street parking along N Street and W. 19th Street. Landscaping would be provided throughout the parking lot and is proposed to satisfy the City's Water Efficient Landscape Ordinance. A double door trash enclosure will be located on the southwest quadrant of the parcel (Site Plan at Attachment C of Planning Commission Staff Report #21-919).

Landscaping

- H) Landscaping and irrigation shall be required to meet the City's Water Efficient Landscape Ordinance (Conditions #12, #13, and #14 of Staff Report #21-919).

Neighborhood Impact/Interface

- I) An office is a principally permitted use within a C-C Zone. However, this Project requires a discretionary use permit from the Planning Commission because it is new construction located within the City's Design Review Boundary. The subject site is surrounded by offices and administrative buildings to the north, south, east, and west. Given the surrounding offices and businesses, staff does not anticipate that the proposed Merced County Employees Retirement Association building would create any unusual circumstances for the neighborhood. There are no specific design guidelines and staff is of the opinion that the proposed design is unique, but is also compatible with surrounding newer buildings such as the Merced College Business Resource Center and the UC Merced Downtown Campus, which also contain the use of stucco, gray tones, horizontal cantilevers, and large windows.

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 this meeting. At the time that this staff report was written, staff had not receive any comments or questions from the public regarding this proposal.

Environmental Clearance

- J) Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption is being recommended as this development is consistent with Zoning Ordinance and General Plan on an infill lot under 5-acres surrounded by developed lots with access to infrastructure (Attachment J of Planning Commission Staff Report #21-919).

CITY OF MERCED
Planning Commission

Resolution #4080

WHEREAS, the Merced City Planning Commission at its regular meeting of December 8, 2021, held a public hearing and considered **Vesting Tentative Subdivision Map #1317**, initiated by Golden Valley Engineering, on behalf of TVC Merced, LLC, property owner. This application involves a request to subdivide 18.98 acres of land into 125 single-family lots generally located at the northwest corner of La Sierra Avenue and Argosy Drive. The site has a General Plan Designation of Low Density (LD) Residential and a Zoning designation of Planned Development (P-D) #46; also known as Assessor's Parcel No. 206-223-027; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through K of Staff Report #21-937 (Exhibit B); and,

WHEREAS, the Merced City Planning Commission concurs with the Findings for Tentative Subdivision Map Requirements in Merced Municipal Code Section 18.16.80, 18.16.90, and 18.16.100 as outlined in Exhibit B; 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 Categorical Exemption regarding Environmental Review #21-35 and approve Vesting Tentative Subdivision Map #1317, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Camper, DeAnda, Delgadillo, Dylina, Greggains, White, Chairperson Harris.

NOES: None

ABSENT: None

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4080

Page 2

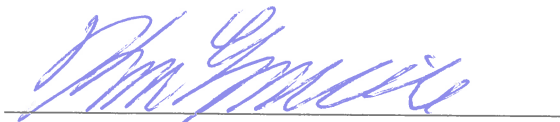
December 8, 2021

Adopted this 8th day of December 2021



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Exhibits:

Exhibit A – Conditions of Approval

Exhibit B – Findings/Considerations

Conditions of Approval
Planning Commission Resolution # 4080
Vesting Tentative Subdivision Map #1317

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Vesting Tentative Subdivision Map for “University Park II, Phase 2”)— Attachment C of Planning Commission Staff Report #21-937, except as modified by the conditions herein.
2. All conditions contained in Resolution #1175-Amended (“Standard Tentative Subdivision Map Conditions”) shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department, except as modified by the Planning Commission to grant a deviation from City Standard ST-1.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. All previously adopted conditions and mitigation measures related to the Fahrens Creek Annexation and Fahrens Creek Specific (Annexation Application #00-03) shall apply to this project unless subsequently amended. All applicable conditions previously adopted for Conditional Use Permit #1056 shall apply to this project unless superseded by this approval.
6. 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.

7. 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.
8. The building elevations and materials shall be generally consistent with the designs approved by CUP #1056 (refer to Attachment D of Planning Commission Staff Report #21-937). Minor changes to the building design and elevations may be approved by the Director of Development Services or, if the changes are deemed to be substantial, the Director may refer the changes to the Site Plan Review Committee. Changes to the floor plans would not constitute a change. Only changes to the exterior elevations would require additional review and approval.
9. The setbacks for the homes shall comply with the R-1-6 standards. Modifications may be allowed pursuant to Zoning Ordinance Section 20.68.040. Modifications not complying with this Zoning Ordinance Section may be referred to the Site Plan Review Committee or Planning Commission as determined by the Director of Development Services.
10. The project shall comply with all requirements of the California Building Code and all flood requirements of the Federal Emergency Management Agency (FEMA), as well as the requirements for the California Urban Level of Flood Protection (CA 200-year flood).
11. All necessary documentation related to the construction of the residential uses shall be provided at the building permit stage.

12. The project shall comply with all the Post Construction Standards required to comply with state requirements for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).
13. All landscaping within the public right-of-way shall comply with state and local requirements for water conservation. All irrigation provided to street trees or other landscaping shall be provided with a drip irrigation or micro-spray system and shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030). Landscape plans for all public landscaping shall be provided with the Improvement Plans.
14. Prior to final inspection of any home, all front yards and side yards exposed to public view shall be provided with landscaping to include, ground cover, trees, shrubs, and irrigation in accordance with Merced Municipal Code Section 20.36.050. Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray 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 the current drought conditions. All landscaping shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030).
15. Compliance with the "corner vision triangle" per MMC 20.30.030 is required for corner lots, and may result in the applicant constructing smaller homes on these lots or increasing the front yard setbacks.
16. The developer shall install streetlights, sidewalk, and landscaping along the project's Highway 59 frontage.
17. A minimum 7-foot-tall decorative wall and a 10-foot-wide landscape strip shall be constructed along the project's frontage on Highway 59. Developer shall submit landscape/irrigation/wall plans for approval by City Engineer. All walls shall be solid masonry. Fast-growing vines or other plants shall be planted on or near the wall to deter graffiti and/or a graffiti resistant coating applied to the wall. Details to be worked out with staff.
18. At the building permit stage, the site plans for each lot shall include a minimum 3-foot by 6-foot concrete pad located in the side yard or backyard for the storage of 3 refuse containers.
19. All cul-de-sac bulbs shall have a minimum diameter of 96 feet in compliance with Fire Department Standards adopted by Merced Municipal Code Section 17.32.

20. Fire hydrants shall be installed along street frontages to provide fire protection to the area. The hydrants shall meet all City of Merced standards and shall comply with all requirements of the City of Merced Fire Department. Final location of the fire hydrants shall be determined by the Fire Department. A Fire hydrant shall be installed at the dead end of Concordia Drive to allow the line to be maintained for water quality.
21. A backflow device for the water line located within the easement area on Lot 34 to serve the landscape area on Highway 59 shall be installed within the public right-of-way in front of Lot 34 to allow City staff to access and maintain the backflow device.
22. Traffic control signs, street markings, and striping shall be as directed by the City Engineer.
23. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
24. The developer shall 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, except on-ground transfer boxes for cable, telephone, and/or power, as necessary.
25. The developer shall install appropriate street name signs and traffic control signs with locations, names, and types approved by the City Engineer.
26. Developer shall provide construction plans and calculations for all landscaping and public maintenance improvements. All such plans shall conform to City standards and meet approval of the City Engineer.
27. Dedication by Final Map of all necessary easements will be made as shown on Vesting Tentative Subdivision Map #1317 and as needed for irrigation, utilities, drainage, landscaping, open space, and access.
28. The developer shall be responsible for construction and dedication of all interior collector and local streets within the Project Boundaries.
29. Developer shall provide storm drainage calculations as required by the City Engineer to confirm that the existing basin at the northeast corner of University Park II, Phase 1, has sufficient volume to serve this development.
30. Prior to recordation of the Final Map, developer shall make an in-lieu payment or provide security to the City of Merced toward a future water main in

Highway 59. Developer shall pay the cost equivalent to a 10" water line along the length of its Highway 59 frontage.

**Findings and Considerations
Planning Commission Resolution #4080
Vesting Tentative Subdivision Map #1317**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Low Density (LD) Residential and the Zoning designation of Planned Development (P-D) #46.

The proposed subdivision would be constructed on 18.98 acres of vacant land. The gross density for the site, would be 6.5 units/acre. Typically, the density for the Low Density (LD) Residential land use designation is 2 to 6 dwelling units per acre. Because this property was originally approved as part of the larger University Park II subdivision that included Phase 1 and Phase 2, the density for the entire area was 6 units/acre. Therefore, this development is considered to be in compliance with the density given the overall density for the area.

The proposed subdivision would achieve the following General Plan Land Use Policies:

L-1.2 Encourage a diversity of building types, ownership, prices, designs, and site plans for residential areas throughout the City.

L-1.3 Encourage a diversity of lot sizes in residential subdivisions.

L-1.6 Continue to pursue quality single-family and higher density residential development.

L-1.8 Create livable and identifiable residential neighborhoods.

Zoning Code Compliance

- B) The previous Zoning Ordinance required Conditional Use Permit approval for all developments in a Planned Development. Conditional Use Permit #1056 was approved in 2005 for this development. The current Zoning Ordinance requires Site Plan Review approval for developments within a Planned Development. CUP #1056 remains valid for this development. Although the developer has not determined the exact design of the homes that will be constructed in this subdivision, if the building elevations and materials generally comply with the designs approved by CUP #1056, no further review would be required. Condition #8 allows for minor changes to be approved by

the Director of Development Services. However, if the Director of Development Services determines the changes are substantial, the changes would be referred to the Site Plan Review Committee for approval.

Traffic/Circulation

- C) The subdivision has access from San Augustine Drive and would eventually connect to La Sierra Avenue as development occurs to the south (Attachment C of Planning Commission Staff Report #21-937). There are four east/west roads within the subdivision (Vanguard, Woodbury, Dynes, and Antioch). Dynes Street connects to San Augustine Avenue which will provide access to Yosemite Avenue and Pacific Drive. The other east/west streets connect to Phase 1 of the University Park II subdivision and terminate to the east into cul-de-sacs within Phase 1. The western end of these streets connect to the north/south street shown as Concordia Street within Phase 2. Although the subdivision abuts State Route (SR) Highway 59, there is not access to SR Highway 59 from the subdivision.

According to the Institute of Traffic Engineers (ITE) Manual, a detached single-family dwelling generates 9.57 trips per day. Based on the proposed 125 lots within this subdivision, a total of 1,196.25 trips per day would be generated. This would be consistent with the estimates made in the *Merced Vision 2030 General Plan* for this area.

Public Improvements/City Services

- D) The developer would be required to install all streets, utilities, and other improvements within the subdivision. City water and sewer lines would be extended from the east to serve this subdivision. Each lot would be required to pay the required connection fees for sewer and water connections at the building permit stage.

Although water lines are available to serve the subdivision, because the project site has frontage on SR Highway 59, the developer is responsible to pay a portion of the cost for the future extension of a water line in Highway 59. Condition #30 requires this payment or security for the water line prior to approval of a final map. The development would also be required to install curb, gutter, sidewalk, and landscaping along the Highway 59 frontage (refer to Condition #16 and #17 of Planning Commission Resolution #4080 – Attachment A of Planning Commission Staff Report #21-637). A water line would be extended from Concordia Drive to serve the landscaping on

Highway 59. This line would be located within a 5-foot-wide easement on the south side of Lot 34.

Each lot within the subdivision would be required to meet the City's storm drainage and run-off requirements for the City's MS-IV permit. All storm water would ultimately be delivered to the storm drain basin located at the northeast corner of Phase 1 of the University Park II subdivision (Attachment B of Planning Commission Staff Report #21-937).

The proposed east-west streets shown as Vanguard and Dynes Streets, and the north-south street shown as Concordia Street propose a 60-foot right-of-way that would include the travel lanes, a park strip, sidewalk, vertical curb, and gutter. The other two east-west streets (Woodbury and Antioch) propose a 49-foot right-of-way that will have the travel lanes, sidewalk, rolled curb, and gutter, but no park strip. Both designs are consistent with City Standards for local streets.

The property was annexed into the City's Community Facilities District (CFD) for Services (No. 3002-2) as part of Annexation No. 3. Therefore, no additional action is necessary regarding the CFD. The CFD covers costs related to police and fire, as well as maintenance of landscaping, streetlights, storm drains, etc.

Building Design

- E) As described in Finding B above, Conditional Use Permit #1056 was approved in 2005, and approved building designs, including floor plans, building elevations, and materials (Attachment D of Planning Commission Staff Report #21-937). There are no home designs proposed with the tentative map. However, all future homes would be required to generally comply with the exterior elevations and materials approved by Conditional Use Permit #1056 unless otherwise approved (Condition #8 of Planning Commission Resolution #4080 - Attachment A of Planning Commission Staff Report #21-937). Changes to floorplans or interior designs would not require additional Planning Department approval prior to building permit submittal.

Site Design

- F) As previously described, the proposed design of the subdivision includes 4 east-west local streets and one north-south local street. The proposed lots range in size from 4,470 to 7,317 square feet. Each lot would be connected by sidewalks throughout the subdivision. The table below shows the mixture of lot sizes in the subdivision.

Number of Lots	Lot Size (S.F)
105	4,470 to 4,872
9	5,082 to 5,965
9	6,294 to 6,861
2	7,182 to 7,317

A concrete block wall would be constructed along SR Highway 59. A 15-foot-wide right-of-way was previously dedicated along the project frontage along Highway 59. The developer is required to install sidewalk, curb, gutter, and landscaping along Highway 59 (Condition #16 of Planning Commission Resolution #4080 – Attachment A of Planning Commission Staff Report #21-937).

In 2004, Development Standards were adopted for this area with Site Utilization Plan Revision #1 to P-D #46. These standards required a 15’ front yard setback, 5’ side yard setbacks, and a 17’ rear yard setback. However, when CUP #1056 was approved for this subdivision, those setbacks were not adopted or incorporated into the approval. Therefore, University Park II, Phase 1, was constructed using the typical setbacks for R-1-6 zoning – 20’ front yard setback, 5’ side yard setbacks, and a 10’ rear yard setback. To remain consistent throughout the area, Condition #9 requires this development to comply with the standard setbacks for R-1-6. However, minor modifications to these setbacks may be administratively approved per Zoning Ordinance Section 20.68.040. Modifications not complying with this Section could be referred to the Site Plan Review Committee or Planning Commission, as determined by the Director of Development Services.

Landscaping

- G) Each lot within the subdivision shall be provided with front yard landscaping in compliance with Zoning Ordinance Section 20.36 – Landscaping. Section 20.36.050 requires all exterior setback areas, excluding areas required for access to the property to be landscaped.

A 10-foot-wide landscape area will be provided on Highway 59 (Condition #17). The landscape area will be maintained through the Communities Facilities District (CFD).

Neighborhood Impact/Interface

- H) With the exception of one single-family dwelling, the property to the north of the site is vacant. To the south and east of the project site are single-family

dwelling. Across Highway 59 to the west are single-family homes and vacant land. The proposed use is consistent with the General Plan and Zoning for this site. A tentative map for the same number of lots and the same design was previously approved for this site, but expired before a final map for Phase 2 could be recorded. The proposed tentative subdivision would not create any increased impacts to the neighborhood beyond what was previously approved for this site.

Public hearing notices were sent to all property owners within 300 feet of the project site. At the time of this report, the City had not received any comments regarding this project.

Land Use/Density Issues

- I) As discussed in Finding A of the resolution, the density is found to be consistent with the Low Density (LD) Residential land use designation.

Tentative Subdivision Map Requirements

- J) Per Merced Municipal Code (MMC) Section 18.16.080 – Information Required, a tentative subdivision map shall include all of the requirements shown at Attachment E of Planning Commission Staff Report #21-937. 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. At the time this report was prepared, staff had received comments from PG&E and from the Merced Irrigation District (MID). These comments are provided at Attachment F of Planning Commission Staff Report #21-937.

Environmental Clearance

- K) Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption (i.e., no further environmental review is needed) is being recommended (Attachment G of Staff Report #21-937).

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

Page 2

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

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

Page 2

December 8, 2021

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

NOES: None

ABSENT: None

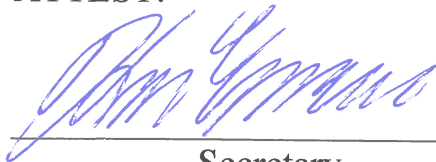
ABSTAIN: Commissioner Dylina

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

Page 2

December 8, 2021

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

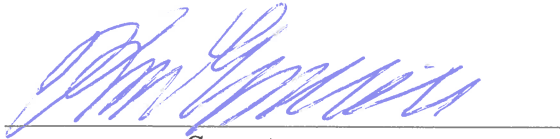
ABSTAIN: Commissioner(s)

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).

CITY OF MERCED
Planning Commission

Resolution #4081

WHEREAS, the Merced City Planning Commission at its regular meeting of December 8, 2021, considered **Density Bonus #21-01**, initiated by UP Holdings, LLC, on behalf of Stan Shore Trust, property owner. This application involves a request to consider Density Bonus #21-01 which permits an increase in density and provides for concessions to development standards to allow the construction of 65 affordable multi-family units, a manager's unit, and a community/office area within a three-story building on a 1.54-acre parcel, generally located on the west side of Park Avenue, between Olive Avenue and Alexander Avenue. The site has a General Plan Designation of High-Medium Density (HMD) Residential and a Zoning designation of Planned Development (P-D) #4.; Assessor's Parcel No. 007-350-018.; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through E of Staff Report #21-956 (Exhibit A); and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council adoption of Environmental Review #21-43 (Categorical Exemption) and recommends approval of Density Bonus #21-01, subject to the Findings set forth in Exhibit A, attached hereto and incorporated herein by the reference.

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

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

NOES: None

ABSENT: None

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4081

Page 2

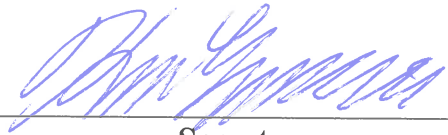
December 8, 2021

Adopted this 8th day of December 2021



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Exhibits:

Exhibit A –Findings/Considerations

**Findings and Considerations
 Planning Commission Resolution #4081
 Density Bonus #21-01**

FINDINGS/CONSIDERATIONS:

State Density Bonus Law

- A) State Density Bonus Law (SDBL) states that a development which meets the requirements of the SDBL is entitled to receive the density bonus to increase the density of a project by right. This means that no discretionary review is required to allow an increase in the density of a project.

The City is required to grant the concession or incentive proposed by the developer unless it finds one of the following:

- That the proposed concession or incentive does not result in identifiable and actual cost reductions: or,
- Would cause a public health or safety project: or,
- Would cause an environmental problem; or,
- Would harm historical property; or,
- Would be contrary to law.

The City has the burden of proof in the event it declines to grant a requested incentive or concession. Financial incentives, fee waivers, and reductions in dedication requirements may be, but are not required to be, granted by the City.

The number of required incentives or concessions is based on the percentage of affordable units in the project as shown in the table below:

No. of Incentives / Concessions	Very Low- Income Percentage	Low-Income Percentage	Moderate Income Percentage
1	5%	10%	10%
2	10%	17%	20%
3	15%	24%	30%
4	100% Low/Very Low/Mod (20% Moderate allowed)	100% Low/Very Low/Mod (20% Moderate allowed)	100% Low/Very Low/Mod (20% Moderate allowed)

A concession or incentive is defined as:

1. A reduction in site development standards or a modification of zoning requirements or architectural design requirements that exceed the minimum State building standards, such as reductions in setback,

square footage, or vehicular and bicycle parking space requirements. The requested concession or incentive must result in an identifiable and actual cost reduction to provide for affordable housing costs or rents.

2. Approval of mixed-use zoning for housing projects if associated commercial, office, industrial, or other land uses will reduce the cost of the housing project, and existing or planned development in the immediate area.
3. Other regulatory incentives or concessions that result in identifiable and actual cost reductions to provide for affordable housing costs, which may include the provision of direct financial incentives or land for the housing development by the City.

Concessions and incentives are differentiated from waivers and reductions in the SDBL. Projects that are eligible for a density bonus, and that are approved for concessions or incentives, cannot be subjected to any development standard that will have the effect of physically precluding the construction of the project. If a local development standard is found to have this effect, applicants have the option of requesting a waiver or reduction of any development standard that may preclude completion of the project; there is no limit on the number of waivers that may be requested. Waivers or reductions do not take the place of concessions or incentives that the project is qualified to receive.

In addition to waivers or reductions, upon request from the developer, the City may not require more than the following parking ratios for a density bonus project:

Studio	1 space
1 Bedroom	1 space
2 Bedroom	1.5 spaces
3 Bedroom	1.5 spaces
4 Bedroom	2.5 spaces

State Density Bonus Law requires local governments to grant an 80% density bonus on housing projects in which all the units (other than manager's units) are restricted to very low-, low-, and moderate-income residents, with a maximum of 20% restricted to moderate income units.

Additional information about Density Bonus Law is described in the Discussion Section of Planning Commission Staff Report #21-956.

Requested Density

- B) The applicant has requested an 80% increase in the density allowed on the project site. The General Plan designation of High-Medium Density (HMD) Residential allows 12-24 units per acre. Based on this designation, the 1.54-acre site would be allowed a maximum of 37 units. Density Bonus law allows the requested density to exceed the density allowed by the General Plan and Zoning designations. The applicant is requesting a total of 66 units (65 permanent supportive housing affordable units and 1 onsite manager unit), which is an 80% increase over the allowed number of units. Because all the units, except the manager's unit, will be income-restricted to tenants whose income does not exceed 30% of the Area Median Income, the project is eligible for an 80% increase in the number of units allowed. Thus, the proposed 66 units are in compliance with the Density Bonus laws.

Zoning Ordinance Findings

- C) Merced Municipal Code Section 20.56.080 (C) establishes specific findings that must be made to approve a Density Bonus. These findings are as following:
1. *The findings included in Section 20.56.030 (land Donation) if the density bonus is based all or in part on donation of land.*
This finding does not apply as the project does not include land donation.
 2. *The findings included in Section 20.56.040 (Child Care Facilities) if the density bonus, incentive, or concession is based all or in part on the inclusion of a child care facility.*
This finding does not apply as the project does not include a child care facility.
 3. *The findings included in Section 20.56.070 (Modifying Development Standards) if the incentive or concession includes mixed use development.*
This finding does not apply as the project does not include a mixed use development.
 4. *If a waiver or modification is requested, the developer has to prove by submitting substantial evidence that the waiver or modification is necessary to make the housing units economically feasible.*

The requested concession, incentive, waiver or modifications are outlined below along with the applicant's justification as to why the request is needed. Documentation provided by the applicant, including the justification for each request and a pro-forma is provided at Attachment E of Planning Commission Staff Report #21-956.

Concessions and Waivers

D) Parking (Concession)

The applicant has requested a reduction in the number of parking spaces from 107 spaces to 30 spaces. State Density Bonus Law (SDBL) allows a decrease in the parking ration required for each unit. The 65 proposed affordable permanent supportive housing units are all one-bedroom units. Therefore, according to SDBL, one parking space shall be provided for each unit. The manager's unit is a two-bedroom unit, which requires 1.5 spaces. Therefore, the total required parking under the density bonus requirements is 66.5 spaces.

Under the City's Zoning Ordinance requirements, the project would be required to provide 107 parking spaces. The project is proposing 30 parking spaces (refer to the Site Plan at Attachment D).

Justification:

The reduction in parking decreases the amount of paving required of the site, which decreases the overall cost of the project. Additionally, decreasing parking also enables greater utilization of the land for housing, which further decreases project costs.

Height (Waiver)

The applicant is requesting an increase in height from a maximum of 35' to a maximum of 45'. This increase allows the construction of three-story buildings rather than two-story buildings. The site is zoned Planned Development (P-D) #4 and has a General Plan designation of High-Medium Density (HMD) Residential. There are no specific standards for P-D #4, therefore, the City relies on the zoning category that corresponds with the General Plan designation. In this case, the R-3 zoning district corresponds with the General Plan designation of HMD. The maximum height allowed in the R-3 zoning district is 35'. Therefore, in order to construct a three-story building, an increase in the allowable height is required.

Justification:

Increasing the height of the buildings allows for greater efficiencies by enabling a greater building mass. This enables greater densities which reduces the cost of land per unit.

Setbacks (Waiver)

As explained above, staff is relying on the standards for the R-3 zoning district. This district requires a minimum 15' exterior yard setback. Additionally, Zoning Ordinance Section 20.46.040 (A)(1) requires a 1:1 height and setback ratio from an exterior property line for at least 50% of the building frontage. Based on the proposed 45' height of the buildings, the 1:1 ratio would require a portion of the building to be setback 45' from the property line.

Justification:

Decreasing setbacks allows for a greater building envelope which increases the efficiency of the development and decreases project costs per unit. Given the limitations of the lot size and shape, the required 1:1 height and setback ratio is not feasible and would render the development infeasible.

Lot Area Per Unit (Waiver)

As previously described, staff is relying on the standards for the R-3 zoning district. This standard allows one unit for every 1,500 square feet of lot area. The development proposes one unit for every 1,260 square feet of lot area.

Justification:

Decreasing lot area per dwelling unit allows for a greater building envelope which increases the efficiency of the development and decreases project costs per unit.

Roof-mounted Mechanical Equipment (Concession)

The applicant is requesting a waiver from Zoning Ordinance Section 20.46.040 (A)(5a) which prohibits roof-mounted mechanical equipment.

Justification:

Allowing roof-mounted mechanical equipment screened from public view allows more space on the ground for this small parcel. Placing

mechanical equipment on the ground takes up space that could be otherwise used for open space or general outdoor area. Additionally, the cost of a roof-mounted HVAC unit is typically less because the entire unit is on the roof. Ground-mounted units require a portion of the unit to be inside the living area. This not only takes up space, but adds cost to the apartment unit.

Safety and Defensible Space (Concession)

The applicant is requesting a waiver from Zoning Ordinance Section 20.46.030 (H)(2) which requires the number of apartments that enter their front door from the same hallway or courtyard be limited to 12 (or as otherwise approved by City staff) so that residents can learn to distinguish fellow neighbors from visitors and/or intruders.

Justification:

Given the limitations of the site, the building has been designed to maximize the limited space. The proposed design provides for all 66 units to be within the same three-story building. Limiting the number of units allowed to share an entrance to the building would limit the design, which in turn, would increase costs, and would limit the total number of units that could be built on the site.

Private Outdoor Space (Waiver)

Zoning Ordinance Section 20.46.030 (I) requires each unit to be provided with a minimum private outdoor area of 5' x 8' (40 sq. ft.). The applicant is requesting a waiver or reduction in this requirement.

Justification:

Due to the limited size of the site and the number of affordable units being provided, adding 40 square feet of outdoor private space would reduce the number of units that would be able to be constructed due to the added area needed to accommodate the outdoor space. Additionally, substantial costs are attached to providing balconies and private patios. These costs would either lead to a reduction in the number of units or render the project infeasible.

As described above, the applicant is requesting three concessions and four waivers. Based on the affordability of the project, it is eligible for four concessions. There is no limit to the waivers requested. Without the requested concessions, the project would not be feasible to build. The requested concessions would not result in any of the conditions listed in

EXHIBIT A

Finding A of this resolution that would result in the denial of the requested concessions. Therefore, the concessions comply with State Density Bonus Law. Because the project is eligible for the requested concessions, the City may not apply any development standards that would place a financial burden on the project and preclude the construction of the project. Therefore, the requested waivers also comply with state law.

Environmental Clearance

- E) The adoption of the resolution is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15194 (Affordable Housing Exemption), 15332 (In-fill Development Projects), and 15162 (Subsequent EIRS and Negative Declarations), because it can be seen with certainty that the adoption of the resolution will not have a significant effect on the environment and none of the circumstances in CEQA Guidelines Section 15300.2 applies.