

CITY OF MERCED
SITE PLAN REVIEW COMMITTEE
MODIFIED RESOLUTION #429

<u>The Richman Group/Merced County</u> APPLICANT	<u>Modify Site Plan Resolution #429 to develop an apartment complex (119 units) with 80% market rate units and 20% affordable units <u>100% low-income serving units.</u></u> PROJECT
<u>420 31st Street, Ste. B1/2222 M St.</u> ADDRESS	<u>1137 B Street</u> PROJECT SITE
<u>Newport Beach, CA 92663/Merced, CA 95340</u> CITY/STATE/ZIP	<u>035-010-071</u> APN
<u>(619) 708-8797/(209) 385-7601</u> PHONE	<u>Planned Development (P-D) #6</u> ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Site Plan Review Committee reviewed and approved Modified Site Plan Application #429 on January 24, 2019, submitted by The Richman Group and Merced County on behalf of Merced County, property owner. This request would modify and replace an existing resolution (adopted December 13, 2018) for the construction of an apartment complex (119 units) with 100% low-income serving units ~~80% market rate units and 20% affordable units~~ at 1137 B Street, within Planned Development (P-D) #6 with a General Plan designation of Office Commercial (CO). Said property being more particularly described as Parcel B as shown on the Map entitled “Raymond A. Bessemer, M.D.,” recorded in Book 86, Page 23 of Merced County Records; also known as Assessor’s Parcel Number (APN) 035-010-071.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15332 (a) (Exhibit H); and,

WHEREAS, the Merced City Site Plan Review Committee makes the following Findings and Conditions with the modifications and additions as shown below:

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

- A) The Project site includes a ~~approximate 4-acre~~ 4.03-acre apartment complex ~~and a 1-acre storm basin~~ located at the northwest corner of E. Childs Avenue and B Street.
- B) As shown on the Site Plan at Exhibit B, this development includes a courtyard style community comprised of five 3-story buildings with 119 residential dwelling units (100% low-income serving) ~~with a mix of 100% affordable housing, with up to 25%~~ including 30 permanent supportive housing units. The

apartment complex includes a variety of one, two, and three bedroom apartments. Community amenities include a multi-purpose room, manager's and service provider's offices, computer center, fitness room, ~~mailboxes, laundry facilities~~ a patio and barbecue area, swimming pool, and a play area for children. ~~community garden. The central courtyard includes a patio, swimming pool (with a 5-foot tall iron rod perimeter fence), and a children's play area.~~

- C) As shown on the Zoning Interpretation Letter at Exhibit G, the Site Plan Review Committee is of the opinion that this application can be processed with a site plan review permit instead of a conditional use permit. This is based on the establishment of Zoning for the subject site from 1970, when the City designated the site for "Mental Health Services/Staff Housing," and the Planned Development as a whole was intended to include multiple-family/senior housing complexes, medical offices/clinics, and a neighborhood park. Comparatively, these specific land uses are proposed with this affordable housing project in the form of low-income housing, community buildings, and office/clinic spaces for community services to be able to provide on-site visits for residents, thereby matching the intent of the established Planned Development zoning classification and the site's original Site Utilization Plan Designation.
- D) As shown under Finding C, this proposal complies with the City of Merced General Plan designation of Office Commercial (CO) and the Zoning classification of Planned Development (P-D) #6.
- E) This Project includes 123 off-street parking spaces with 16 adjacent on-street parking spaces, for a total of 139 parking spaces for this site. The parking requirements for traditional multiple-family housing is based on the number of bedrooms and bathrooms for each unit as shown at Merced Municipal Code Table 20.38-1 - Off-Street Parking Requirements for Multiple Family Dwellings/Condominiums.
- F) As allowed under Merced Municipal Code Section 20.38.050 (D) - Parking Reductions, the applicant is providing a Transportation Demand Management Plan to obtain a 20% parking reduction from the Director of Development Services. A parking reduction may be granted if the developer "demonstrates a reduction in the demand for off-street parking spaces by encouraging the use of transit, ridesharing, biking, walking, or travel outside peak hours." In this case, the applicant is providing a transit proposal that encourages bicycle use with 17 short-term bicycle racks and 12 long-term bicycle racks, and is including a bus pullout along B Street for The Bus which provides services within City limits and throughout Merced County. In addition, approximately 30 affordable units will be reserved for homeless individuals/families that are expected to not have vehicles.
- G) The Director of Development Services has determined that this proposal qualifies for a 20% parking reduction based on the variety of transit options described under Finding F. With this parking reduction, the Project exceeds

parking requirements by providing 139 parking spaces (133 parking spaces are required).

- H) The Site Plan Review Committee originally approved Site Plan Resolution #429 on December 13, 2018.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Modified Site Plan Application #429 subject to the following conditions:

- 1) The proposed project shall be constructed/designed in substantial compliance with Exhibit B (site plan), Exhibit D (floor plans), and Exhibit E (elevations) - except as modified by the conditions.
- 2) All conditions contained in Site Plan Review #79-1 – Amended (“Standard Conditions for Site Plan Review Application”) shall apply.
- 3) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply including, but not limited to, the California Building Code and Fire Codes.
- 4) The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
- 5) The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.

- 6) The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
- 7) Notwithstanding all other conditions, all construction and improvements shall be in strict accordance with Zoning, Building, and all other codes, ordinances, standards, policies of the City of Merced, including full compliance with 2010 Title II ADA standards for government programs.
- 8) The perimeter picket fence shall be of a color that matches or complements the colors of the apartment complex.
- 9) The premises shall remain clean and free of debris and graffiti at all times.
- 10) All landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.
- 11) Parking lot and building lighting shall be shielded or oriented in a way that does not allow “spillover” onto adjacent lots in compliance with the California Energy Code requirements.
- 12) The parking lot layout shall comply with all applicable City Standards. Parking lot trees shall be provided at a ratio of one tree for every six parking spaces within this site. These trees shall be installed per the City’s Parking Lot Landscape Standards, shall be a minimum of 15-gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City’s approved tree list).
- 13) Based on the proposed use and size of the building, the applicant should provide short-term bicycle parking spaces equivalent to 10% of required parking spaces and long-term bicycle parking spaces equivalent to 1 bicycle rack for every 10 units. In addition, the bicycle parking spaces should meet the City’s design standards for bicycle racks, including racks with covered shelters. Based on the required 133 parking spaces (after approval of the Transportation Demand Management Plan parking reduction), the applicant should provide 13 short-term and 13 long-term bicycle parking spaces. Details to be worked out with Planning staff at the building permit stage.
- ~~14) The traffic signal at the intersection of Childs Avenue and B Street shall require a building permit with specs, details, and plans designed by a California Licensed Traffic Engineer.~~
- 14) The southernmost driveway along B Street shall be located at least ~~200~~ 150 feet from the face of the curb along Childs Avenue or as approved by the City Engineer.
- 15) Utility connections (for sewer, water, fire, etc.) to City services shall be made from B Street.
- 16) As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repaired if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they

- comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
- 17) All street frontage improvements within City right-of-way (curb, gutter, sidewalk, driveway approaches, landscape areas, etc.) shall be designed and constructed to meet City Standards and are subject to review by the City Engineer.
 - 18) This Project is categorized as a “Regulated Project.” The Project shall comply with the criteria defined under the Post-Construction Standards Plan. All Post-Construction Treatment Control measures are subject to an Operations and Maintenance Plan and Agreement.
 - 19) Storm drainage design shall address all on-site run-off with a biofiltration system or approved California Stormwater Quality Association Best Management Practices before draining to the adjacent basin south of the apartment complex or underground storage. The storm drain shall be designed to meet City Engineering Standards. Storm water shall be metered out from the basin to the nearby Merced Irrigation District (per MID requirements). Storm water shall be retained onsite per City Standards.
 - 20) Any proposed on-site swales or post-construction storm treatment shall be addressed in the Post-Construction Standards Plan and identified in the Operations and Maintenance Agreement.
 - 21) ~~The storm drain basin shall be designed for a 50-year storm per City Standard Designs and shall comply with the rules and regulations mandated by the State Water Quality Control Board and the General Permit for Storm Water Pollution Prevention Plan. The developer shall contribute a fair share contribution towards the maintenance of the storm drain basin to the south of the site through the Community Facilities District (CFD).~~
 - 22) The Project site shall have two means of ingress and egress.
 - 23) The parking lot shall include full-width access and a complete ingress/egress circuit for City Fire and Refuse vehicles.
 - 24) The applicant shall work with the City’s Refuse Department to determine the best design, location, and angle for the refuse enclosure and to determine if a recycling container would be required for this use.
 - 25) A backflow prevention device shall be provided for all water services (i.e., domestic, irrigation, and fire) per Merced Municipal Code.
 - 26) The development is allowed one domestic and one irrigation water service line.
 - 27) Plans shall be drawn by a licensed California design professional, meeting current codes at the time of building permit application submittal. Fire sprinklers are required for this Project. If local, State, or Federal funds are used, including tax credits, Chapter 11B of the current California Building Code shall apply.
 - 28) The Project shall comply with the residential design standards for multi-family projects as outlined in Merced Municipal Code Chapter 20.46.

- 29) ~~The proposed storm drain basin shall be dedicated to the City of Merced (through the lot split process), but maintained by the developer.~~
- 30) ~~The developer shall be responsible for obtaining an agreement with the Merced Irrigation District for storm drainage.~~
- 29) The bus turnout shall be designed per Merced County Association of Governments standards.
- 30) Community Facilities District (CFD) formation is required for annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, street lights, and parks and open space. Developer/Owner shall submit a request agreeing to such a procedure, waiving their right to protest and posting a deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received- issuance of the first building permit.

If there are any questions concerning these conditions and recommendations, please contact Francisco Mendoza-Gonzalez at (209) 385-6858.

1-24-2019

DATE



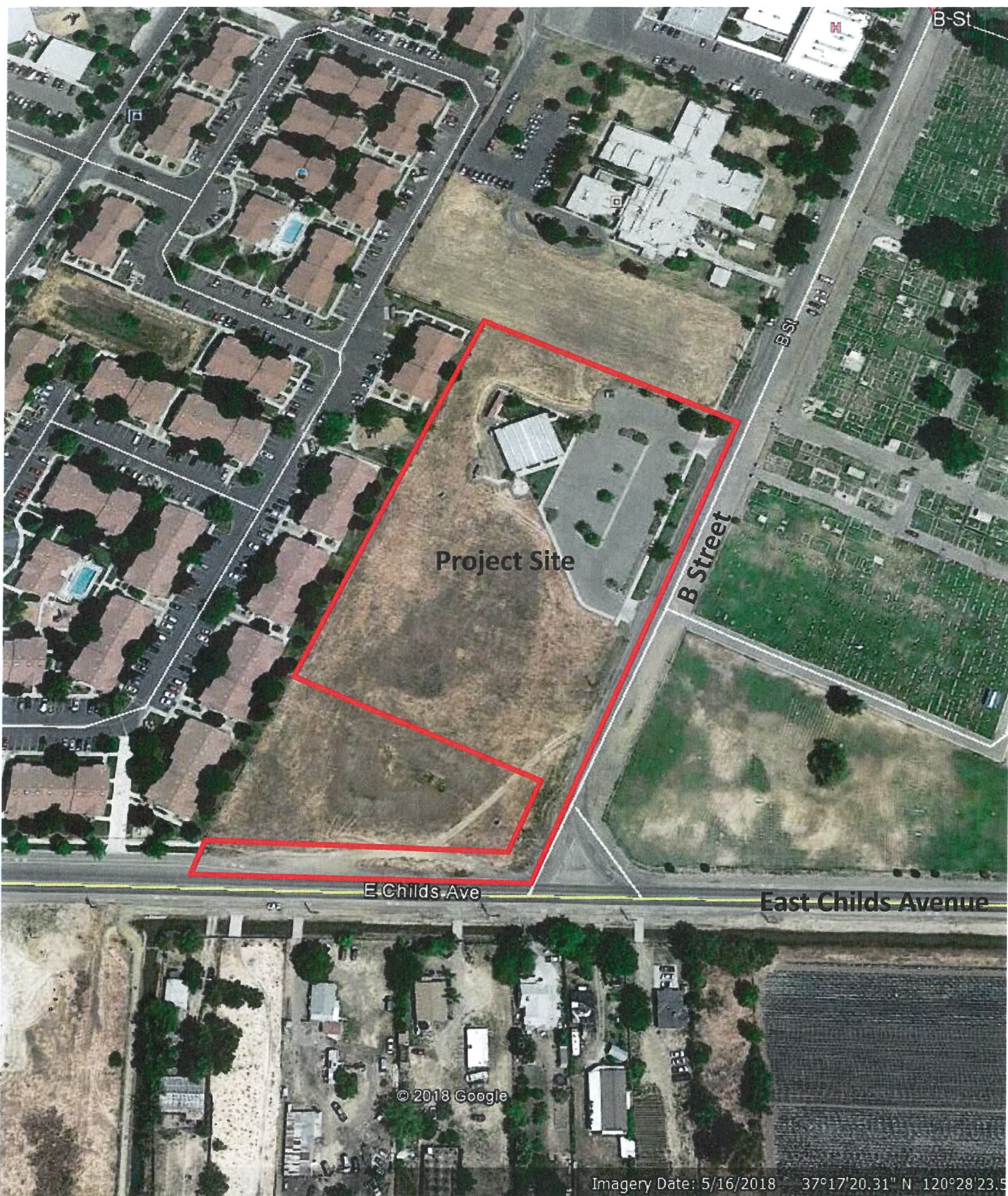
SIGNATURE

Planner

TITLE

Exhibits

- A) Location Map
- B) Site Plan
- C) Site Plan (with Program Identification Legend)
- D) Floor Plans
- E) Elevations
- F) Applicant's Project Description
- G) Zoning Interpretation Letter
- H) Categorical Exemption



 Project Site

EXHIBIT A



420 31ST STREET, SUITE B1
NEWPORT BEACH, CA 92663

UNIT TYPE	UNIT COUNT	AREA	PARKING TYPE	#
1 BR	17	636 SF	STANDARD SPACES	97
1 BR FSH	30	636 SF	COMPACT SPACES	19
2 BR	35	847 SF	ACCESSIBLE SPACES	7
3 BR	35	1,138 SF	EV CHARGING (1)	-
FSH PERMANENT SUPPORTIVE HOUSING	118	—	TOTAL SPACES	123

TOTAL BUILDING FOOTPRINT:
TOTAL BUILDING AREA:
123,324 SF

PAVED AREA ESTIMATE:
106,104 SF

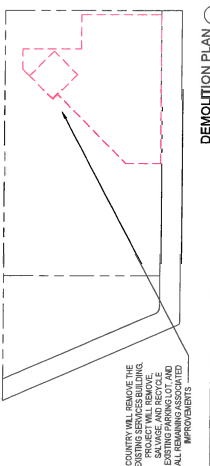
UNPAVED AREA ESTIMATE:
17,220 SF

ANIS PER ACRE:
50

43,783 SF
123,324 SF
106,104 SF
17,220 SF
43,783 SF

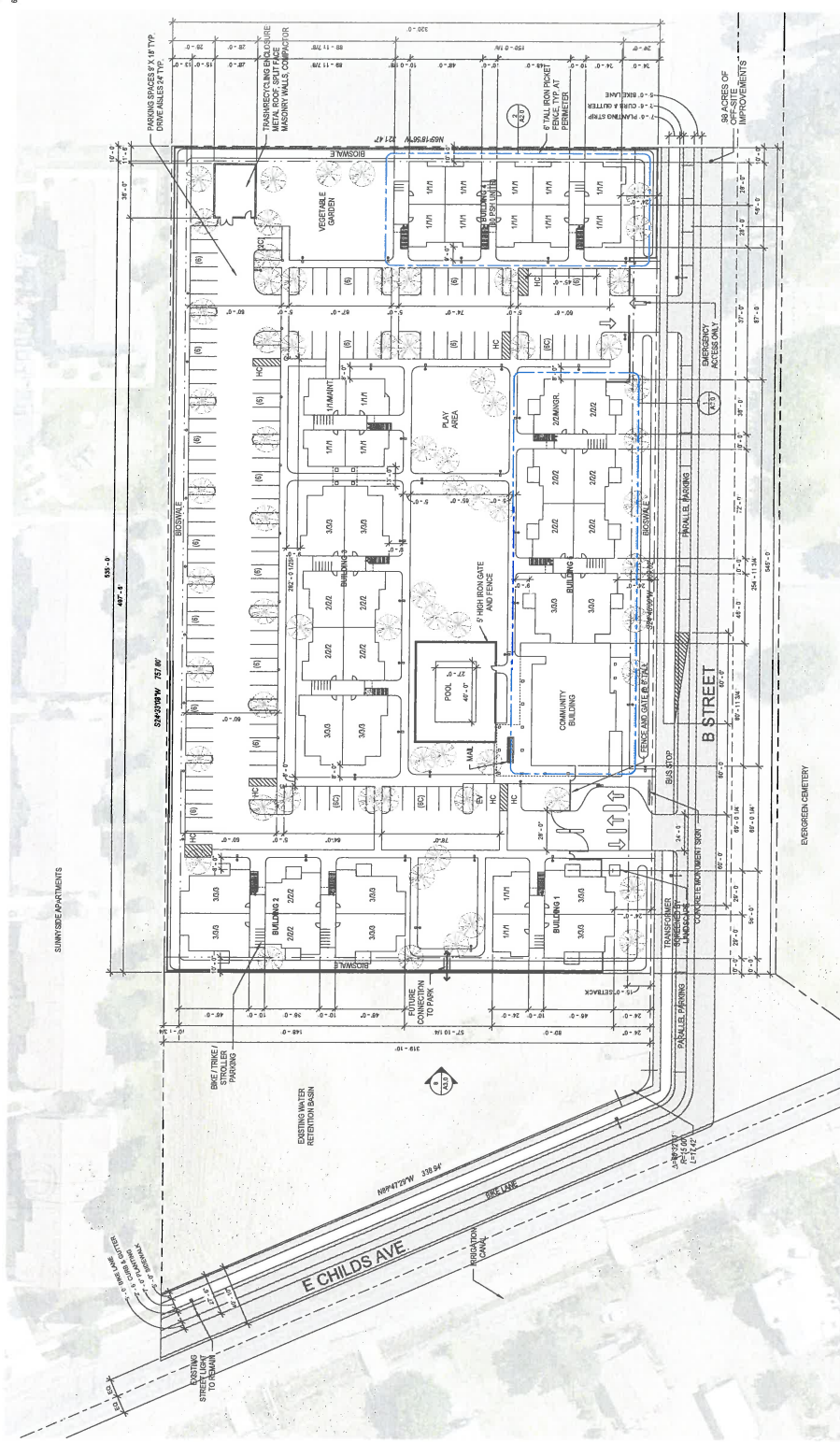
6,400 ACRE@2
6,400 ACRE@2
6,400 ACRE@2
6,400 ACRE@2
6,400 ACRE@2

TOTAL BUILDING FOOTPRINT: 43,783 SF
TOTAL BUILDING AREA: 122,324 SF
SITE AREA TOTAL: 174,600 SF or 4.003 ACRES
PAVED AREA ESTIMATE: 106,974 SF
LANDSCAPED AREA ESTIMATE: 67,426 SF
UNITS PER ACRE: 30



DEMOLITION PLAN

UNNYSIDE APARTMENTS



EVERGREEN CEMETERY

Site Plan 1
1" = 30'-0"

CO-1400	1708
Author	Chaplin
Checked by	5 November 2012
DATE	As indicated
FILE	

WHITE PAPER

A1.0

PRELIMINARY - Not for Construction -

0978-6460(200605)24:5;1-D

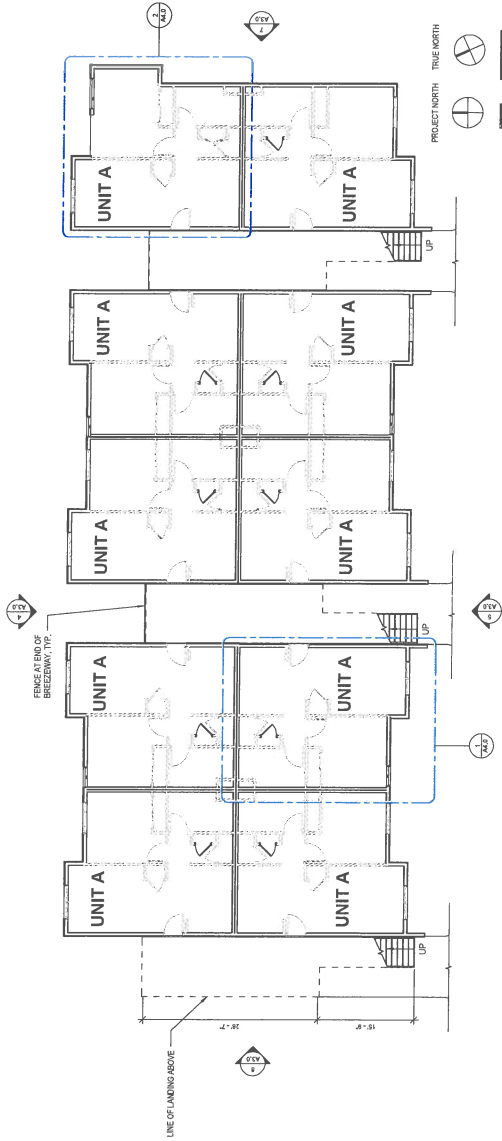
STAMP

REVISION SCHEDULE
NO. ISSUE DATE

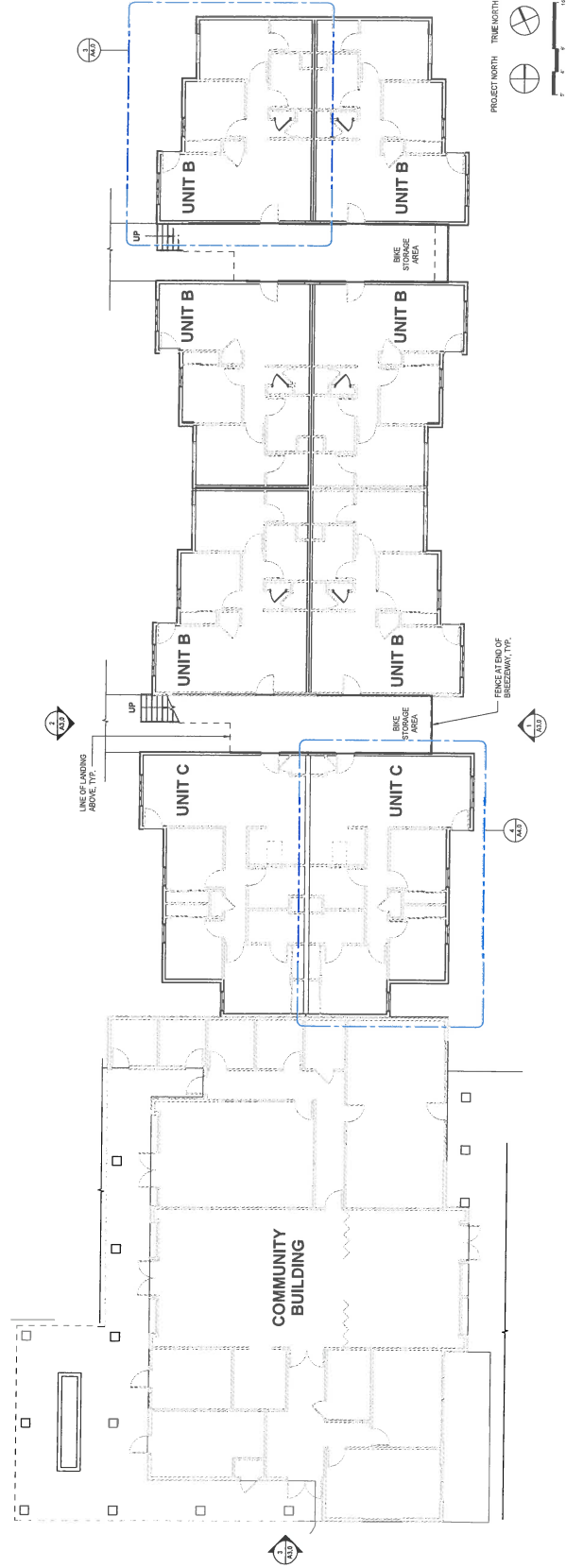
DATE PREPARED: 10/1/18
DRAWN BY: J. J. J.
CHECKED BY: J. J. J.
DATE: November 2018
SCALE: 1/8" = 1'-0"
SHEET NO. 10
BUILDING PLANS

SHEET
A2.0

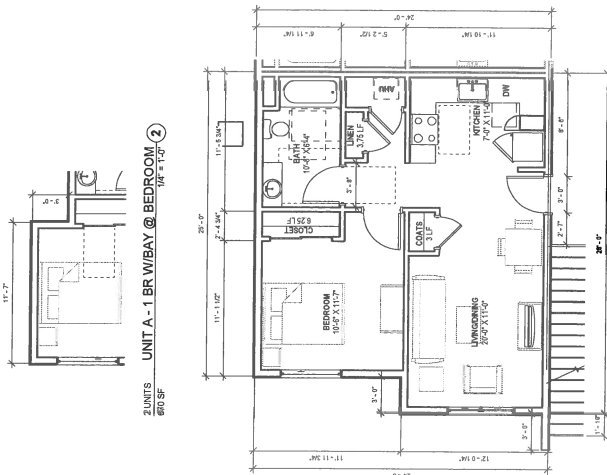
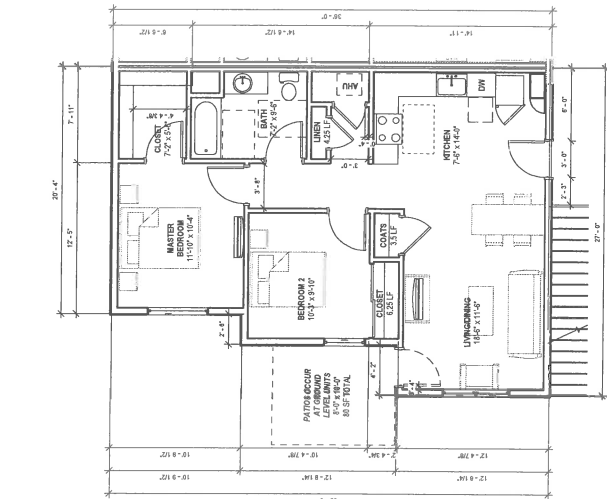
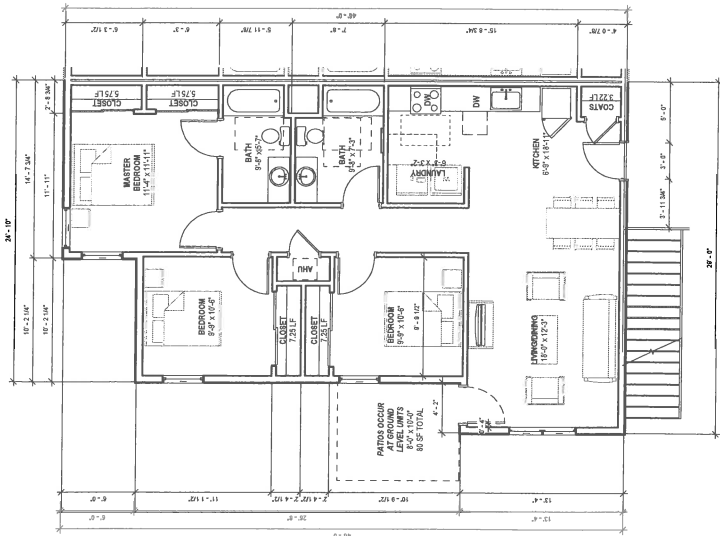
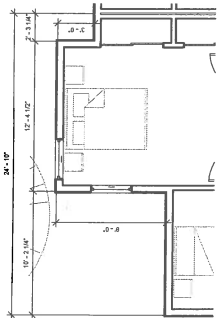
PRELIMINARY - Not for Construction -
www.piatok.com/permissions

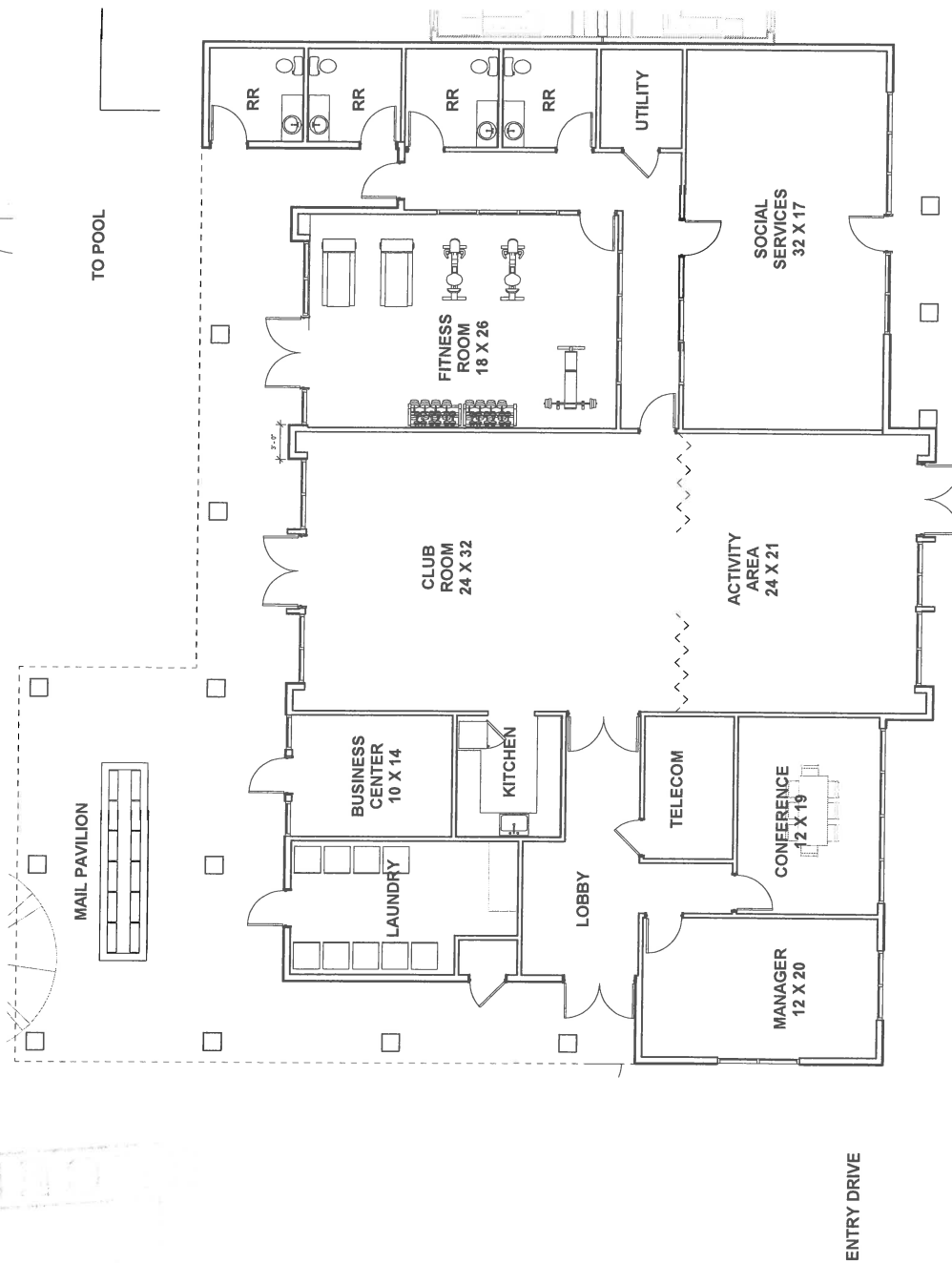


BUILDING 4 - PSH (1 BR UNITS)
10' x 14' 0"



BUILDING 5
10' x 14' 0"





STAMP

REVISION SCHEDULE
NO. / ISSUE / DATE

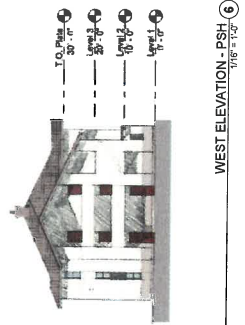
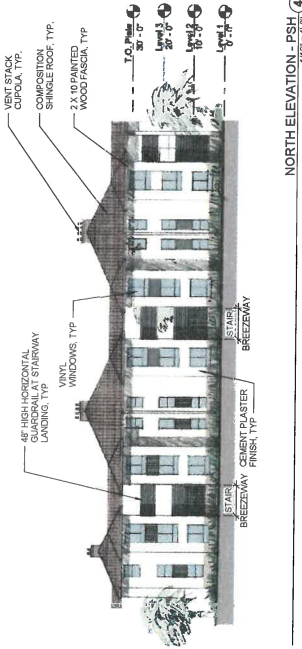
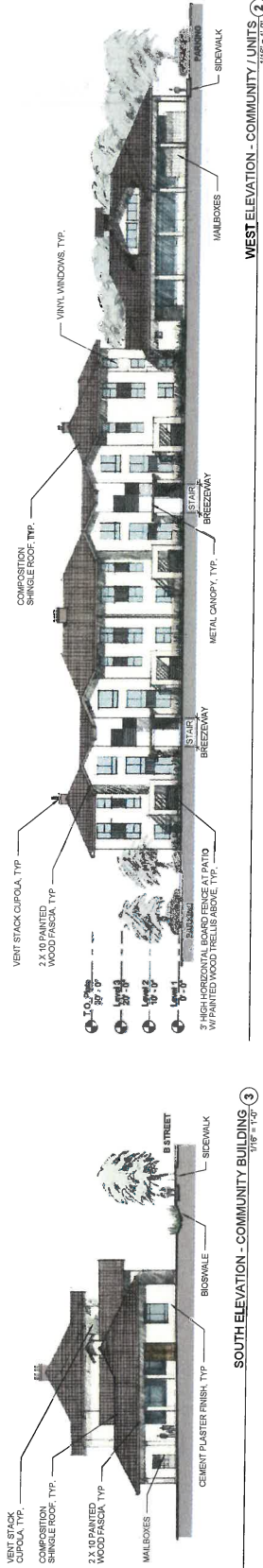
DATE: 10/27/2017
DRAWN BY: CHEN
CHECKED BY: CHEN
DATE: 10/27/2017
SCALE: 1/8" = 1'-0"

ELEVATIONS

SHEET

A3.0

PRELIMINARY - Not for Construction
PIATOK ARCHITECTS, INC. 10/27/2017



CITY OF MERCED
PLANNING DIVISION
678 W. 18th Street
Merced, CA 95340
(209) 385-6858
FAX: (209) 725-8775

GENERAL DESCRIPTION OF PROJECT (CONT.)

Name of Firm: The Richman Group Type of Business: Real Estate Development

Location of Project: Street Address: 905 B. St. Merced, CA 95341 (proposed new address)

Project Description:

The Childs & B Street TOD Affordable Housing Project is the result of a development partnership of the Richman group and the Central Valley Coalition for Affordable Housing. In collaboration with the City and County of Merced, the project will provide new housing opportunities and supportive services to low-income families and individuals.

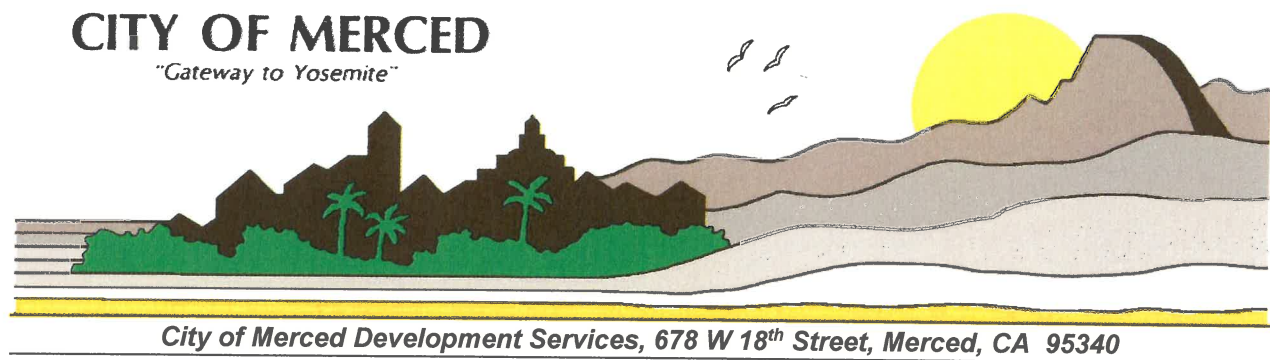
The 4 acre site is bound by a storm basin and Childs Avenue to the south, B Street to the east, by existing apartments to the west, and by existing business and county services to the north.

The development is a courtyard style community comprised of five 3-story wood frame walk up buildings. There will be 119 residential dwelling units with a mix of one, two and three bedroom apartments. A two bedroom manager's unit is included. Off-street parking totaling 122 spaces is situated around the perimeter of the housing courts.

The community building locates amenities near the secured main entrance, and includes a multi-purpose room, manager's and service provider's offices, computer center, fitness room, mailboxes, and laundry facilities. The adjacent central courtyard has a patio, swimming pool, and children's play areas. Other spaces provide for recreation and gardening.

A secondary auto gate is provided for resident egress and emergency access only. Parallel parking spaces along B Street provide additional parking for the greater community. Storm water is managed and cleansed in vegetated bioswales along the perimeter of the site. Other improvements include a maintenance storage space, a trash and recycling enclosure with compactor, accessible parking spaces (van and standard) and infrastructure for future electric vehicle charging stations. Street frontage improvements include new lighting, street trees, and sidewalks/curb/gutter on Childs and B Streets.

The project will have onsite energy generation and exceed residential energy codes by 10-20%. It will be constructed in accordance with the CA Green Building Code and be certified at the Gold Level in the Green Point Rated multifamily sustainable building system.



October 1, 2018

*Re: Zoning Process Interpretation and Determination re: Affordable Housing Project at
1137 B Street (APN: 035-010-071)*

To Whom It May Concern:

The developers, The Richman Group of California, LLC, in partnership with the City of Merced, have proposed an affordable housing project, consisting of 119 units on approximately five acres at the northwest corner of Childs Avenue and B Street within the City of Merced. One hundred percent (100%) of the project will be affordable housing units, with up to 25% of those units set aside for permanent supportive housing intended to help individuals and families at-risk of homelessness, as well as; office and multi-purpose spaces for supportive, social, and educational services; a fitness room, playground, and swimming pool; a multimodal bus stop; water and sewer mains; and full street frontage and intersection improvements.

This letter confirms that a Site Plan Review process has been determined to be the appropriate discretionary review process of the above-referenced project. It also seeks to explain City staff's interpretation of Merced Municipal Code Section 20.20.020(Q) in reaching this determination.

Background:

The property is currently zoned Planned Development #6 (P-D #6), with a General Plan land use designation of "CO/Commercial Office" (assigned upon the establishment of zoning when it was annexed to the City in 1970), along with a Site Utilization Plan (SUP) designation of "Mental Health Services/Staff Housing" for its planned future use within the P-D zone. At establishment, the development plan for P-D #6 intended to include, among other similar uses, multi-family dwellings, medical offices, mental health facilities, a day nursery, a senior citizen housing complex, a neighborhood park, and a convalescent hospital. City staff recommended Planned Development zoning so as to be able to include all of the intended land uses in one zone, and the Planning Commission found that the P-D zoning would both permit the owner to complete the proposed complex and allow the City to exercise control over the development.

In February 2001, the City Council approved a revision to the SUP designation to "Church," after the vacant site was gifted to a local church congregation for a twenty-year phased project. However, the church project did not progress beyond the beginnings of Phase 1. Therefore, the project failed to meet Condition #2 of Planning Commission Resolution #2634 (adopted by the February 5, 2001, City Council decision that approved the SUP Revision) in which Phase 1, a fellowship hall and full public improvements, was required to be completed by March 31, 2002. No development has occurred on the site, except for a modular office building built in 2004, and

the required public improvements were never installed. Based on this failure to meet the conditions of approval, the City has determined that the SUP designation should revert back to its original designation, which includes multi-family.

Discussion:

Zoning Code Section 20.20.020(Q) states the following: *“Q. Individual Projects within a Planned Development. After the Final SUP has been approved, individual projects within a Planned Development shall require a Site Plan Review Permit prior to development to address conformance with the Final SUP.”*

It has been determined that the Site Plan Review process is the appropriate level of discretionary review for this project, based upon the findings below:

- Upon Establishment of Zoning in 1970, as explained above, this parcel’s SUP designation was for “Mental Health Services/Staff Housing,” and P-D #6 as a whole intended to include multiple-family/senior housing complexes, medical offices/clinics, and a neighborhood park. Comparatively, these specific land uses are proposed with the affordable housing project in the form of low-income housing, community buildings, and office/clinic spaces for community services to be able to provide on-site visits for residents, thereby matching the intent of the established P-D zoning and the site’s original SUP designation.
- The church project failed to meet the conditions of approval for the SUP Revision approved in 2001. Therefore, the City has determined that the site should revert back to its original SUP designation described above.
- The proposed affordable housing project and its proposed uses also meet the General Plan land use designation of Commercial Office (multi-family residential projects are allowable with discretionary review under this designation).
- There will be no expansion of the previously-approved density.
- There is a strong community need within the City for affordable housing project(s) with a focus towards families and individuals currently and at risk of homelessness, in order to address the growing homelessness issue within the City and County. This project serves to target that need.
- The City of Merced and the County of Merced have formed a partnership regarding this site and its relationship to nearby County-owned mental health and medical clinic facilities.
- The City and the project developer are partnering with local health and homeless services agencies to provide necessary services to the future residents of the project.
- Upon completion, the project will provide badly-needed public infrastructure improvements in the form of repaving and widening of adjacent deteriorated streets, a traffic signal at the W. Childs and B Street intersection, sidewalks/curb/gutters, water and sewer mains, streetlights, and a storm water drainage basin that will also serve as a neighborhood park. These improvements will not only serve the affordable housing project, but the existing single-family and multi-family developments nearby.
- In addition to public improvements, the project will install public transit, vehicular, bicycle, and pedestrian transportation improvements to the area.

Based upon the above findings, along with its strong benefits to the community as a whole and a need to streamline the land use approval process to meet project funding deadlines, I have made

the interpretation per Merced Municipal Code Section 20.20.020(Q), that the project should be subject to the Site Plan Review approval process.

If you have any questions or concerns, please contact me by telephone at (209) 385-6858 or by email to mcbrides@cityofmerced.org.

Sincerely,

Scott McBride
Director of Development Services
City of Merced

Kn/Cc: Mark Hamilton, Housing Program Supervisor
Kim Espinosa, Planning Manager

NOTICE OF EXEMPTION

To: _____ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

From: (Public Agency)
City of Merced
678 West 18th St.
Merced, CA 95340

 X County Clerk
County of Merced
2222 M Street
Merced, CA 95340

Project Title: Site Plan Review #429 (Environmental Review #18-66)

Project Applicant: The Richman Group/Merced County

Project Location (Specific): 1137 B Street **APN:** 035-010-071

Project Location - City: Merced **Project Location - County:** Merced

Description of Nature, Purpose, and Beneficiaries of Project:

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: The Richmond Group/Merced County

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ X Categorical Exemption. State Type and Section Number: 15332
☐ Statutory Exemptions. State Code Number: _____
☐ General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt:

As defined under the above referenced Section, the proposed project is considered an in-fill project. The project location is within the City limits. The apartment complex would be built approximately 4.00-acres and is surrounded by urban uses. The site can be served by all required utilities and public services, and the project site has no value as habitat for endangered, rare or threatened species. No significant effects resulting from traffic, noise, air quality, or water quality will result from the construction of the building. The project is consistent with the City of Merced General Plan and Zoning regulations.

Lead Agency: City of Merced

Contact Person: Francisco Mendoza-Gonzalez

Area Code/Telephone: (209) 385-6858

Signature:  **Date:** 12-5-2018 **Title:** Planner

 X Signed by Lead Agency

Date Received for Filing at OPR: _____
(If applicable)

Authority Cited: Sections 21083 and 21110. Public Resources Code
Reference: Sections 21108, 21152, and 21152.1. Public Resources Code

EXHIBIT H