

**CITY OF MERCED**  
**Planning & Permitting Division**

**STAFF REPORT:** #19-22

**AGENDA ITEM:** 4.2

**FROM:** Kim Espinosa,  
Planning Manager

**PLANNING COMMISSION**  
**MEETING DATE:** Aug. 21, 2019

**PREPARED BY:** Julie Nelson,  
Associate Planner

**CITY COUNCIL**  
**MEETING DATE:** Oct. 7, 2019  
(Tentative)

**SUBJECT:** **General Plan Amendment #19-02, Zone Change #426, and Conditional Use Permit #1231.** This application was initiated by Merced Holdings, LP, property owner. The General Plan Amendment and Zone Change application is a request to change the General Plan designation from Low Density Residential (LD) to Neighborhood Commercial (CN) and change the Zoning designation from R-1-6 to Neighborhood Commercial (C-N) for approximately 22,670 square feet of land located approximately 360 feet south of Yosemite Avenue, on the east side of McKee Road. The Conditional Use Permit application is a request to allow the construction of 428 Efficiency Dwelling Units and 18,000 square feet of retail on 5.94 acres of land with a General Plan designation of Neighborhood Commercial (CN) and Zoning designation of Neighborhood Commercial (C-N) generally located at the southeast corner of Yosemite Avenue and McKee Road.  
\*PUBLIC HEARING\*

**ACTION:** PLANNING COMMISSION:

Recommendation to City Council

- 1) Environmental Review #19-18 (Mitigated Negative Declaration)
- 2) General Plan Amendment #19-02
- 3) Zone Change #426

Approve/Disapprove/Modify

- 1) Conditional Use Permit #1231 (contingent on City Council approval of the General Plan Amendment and Zone Change)

CITY COUNCIL:

Approve/Disapprove/Modify

- 1) Environmental Review #19-18 (Mitigated Negative Declaration)
- 2) General Plan Amendment #19-02
- 3) Zone Change #426

## **SUMMARY**

The proposed project is on a 5.94-acre parcel located at the southeast corner of Yosemite Avenue and McKee Road (Attachment A) and includes a request for General Plan Amendment and Zone Change for 22,670 square feet of lot area along the southern property line of the Subject Site (refer to the Proposed Land Use Map at Attachment B). The application also includes a request for a Conditional Use Permit to allow a mixed use project including 428 Efficiency Dwelling Units and retail space (see the Plot Plan and Site Plan at Attachment C).

As shown on the Proposed Land Use Map at Attachment B, the majority of the site has a General Plan designation of Neighborhood Commercial (CN) and a Zoning designation of Neighborhood Commercial (C-N). However, the developer recently acquired approximately 22,670 square feet of land from the adjacent parcel to the south. This area currently has a General Plan designation of Low Density Residential (LD) and a Zoning designation of R-1-6. The proposed General Plan Amendment would change this area from Low Density Residential (LD) to Neighborhood Commercial (CN) and the Zoning designation from R-1-6 to Neighborhood Commercial (C-N).

Within a C-N zone, multi-family uses are allowed with approval of a Conditional Use Permit (CUP). The property owner has submitted an application for a CUP to allow a mixed use development that would include 428 Efficiency Dwelling Units (EDU's), 18,000 square feet of space dedicated to amenities for the residential units (i.e., gym, study/community areas, etc.), as well as 18,000 square feet of retail space.

There would be a total of four buildings constructed on the site. All of the buildings would be three-stories tall. Buildings 1 and 3 as shown on the site plan at Attachment C would each contain 102 units, while Buildings 2 and 4 would each contain 112 units. Buildings 2 and 4 would have a mixture of retail commercial uses and community/common area for the residential tenants on the ground floor. The building elevations are provided at Attachment D as well as renderings at Attachment E.

Each residential unit would be approximately 330 square feet in size and would be limited to a single occupant. The units would include kitchen facilities, a bathroom, and a living/sleeping area. The proposed floor plan for the efficiency dwelling units, the commercial area, and the shared common tenant areas is provided at Attachment F.

The density proposed for this project based on the number of units exceeds what is allowed by the General Plan. However, because the proposal is for Efficiency Dwelling Units with a single occupant, the actual number of people on the site could be less than the number of people allowed with a traditional multi-family apartment complex. As shown in the table below, a multi-family apartment complex developed at the maximum density allowed under the General Plan (High Density – 36 units/acre), could have 428 people in the complex if each unit were a 2 bedroom unit (assuming one person per bedroom). If the units were all 3 bedroom units, that number would increase to 642 people (assuming one person per bedroom). If more than one person shared the bedrooms, the number would increase accordingly. Additional details on the density and number of people on the site is provided under the Land Use Section (Finding A) of this report.

DENSITY & PEOPLE PER ACRE						
Acres	Density	Max Units/Acre	Allowed DU/Acre	Bdrm/Unit	Total People	People/Acre
5.94	HD	36	214	2	428	72
5.94	HD	36	214	3	642	108
Proposed Project						
5.94				1	428	72

The proposed General Plan Amendment and Zone Change require City Council approval. Therefore, the Planning Commission would be making a recommendation to the City Council on these items. Even if the Planning Commission does not wish to approve the project, consideration should be given to recommending approval of the General Plan Amendment and Zone Change to make the land use designations consistent for the entire parcel. If the Planning Commission votes to recommend approval of the General Plan Amendment and Zone Change, staff has provided conditions of approval to be included with a recommendation of approval.

The Planning Commission is the final decision-maker for the Conditional Use Permit. However, the Planning Commission’s decision is subject to appeal. If the Planning Commission votes to approve the Conditional Use Permit, the approval would be contingent upon the City Council approving the proposed General Plan Amendment and Zone Change (refer to Condition #5 of the Conditional Use Permit conditions). Staff has prepared conditions of approval for the Conditional Use Permit if the Planning Commission votes to approve the request.

If the Planning Commission recommends denial of the General Plan Amendment and Zone Change or denies the Conditional Use Permit, it would be appropriate to provide staff with direction to prepare Findings in Denial for the project. If the Planning Commission denies the Conditional Use Permit, this decision could be appealed to the City Council.

**GENERAL PLAN AMENDMENT AND ZONE CHANGE**

Planning staff recommends that the Planning Commission recommend approval of Environmental Review #19-18 (Mitigated Negative Declaration), General Plan Amendment #19-02 and Zone Change #426 (including the adoption of the Resolution at Attachment L) subject to the following conditions:

- \*1) The proposed General Plan Amendment and Zone Change shall be as shown on the Proposed Land Use Map at Attachment B of Staff Report #19-22.
- \*2) The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
- \*3) The Project shall comply with the applicable conditions set forth in Resolution #3049 for General Plan Amendment #14-06 and Zone Change #421 previously approved for this site.
- \*4) All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
- \*5) Approval of the General Plan Amendment and Zone Change is subject to the applicant's entering into a written (developer) agreement that they agree to all the conditions and shall

pay all City and school district fees, taxes, and/or assessments, in effect on the date of any subsequent subdivision and/or permit approval, any increase in those fees, taxes, or assessments, and any new fees, taxes, or assessments, which are in effect at the time the building permits are issued, which may include public facilities impact fees, a regional traffic impact fee, Mello-Roos taxes—whether for infrastructure, services, or any other activity or project authorized by the Mello-Roos law, etc. Payment shall be made for each phase at the time of building permit issuance for such phase unless an Ordinance or other requirement of the City requires payment of such fees, taxes, and or assessments at an earlier or subsequent time. Said agreement to be approved by the City Council prior to the adoption of the ordinance, resolution, or minute action.

- \*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 (with counsel selected by the City), 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 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.
- \*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) 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, streetlights, parks and open space. CFD procedures shall be initiated before final map approval or issuance of a building permit, whichever comes first. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.

- \*9) The project shall comply with all mitigation measures outlined in the Mitigation Monitoring Program for Initial Study #19-18 (Exhibit B of Planning Commission Resolution #J) and all applicable mitigation measures outlined in the Mitigation Monitoring Program for Initial Study #14-32 (Appendix A of Initial Study #19-18, Attachment KI of Staff Report #19-22).

(\* Denotes non-discretionary conditions.

### **CONDITIONAL USE PERMIT**

If the Planning Commission wishes to approve Conditional Use Permit #1231, staff recommends the approval include Environmental Review #19-18 (Mitigated Negative Declaration), and the adoption of the Resolution at Attachment M) subject to the following conditions:

- \*1) The proposed shall be constructed/designed in substantial compliance with the Site Plan, Floor Plan, Elevations, and Renderings (Attachments C, D, E, F, and G of Planning Commission Staff Report #19-22), 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) The Project shall comply with the applicable conditions set forth in Resolution #3049 for General Plan Amendment #14-06 and Zone Change #421 previously approved for this site.
- \*4) All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
- \*5) The approval of this Conditional Use Permit is contingent on City Council approval of General Plan Amendment #19-02 and Zone Change #426. The effective date of the Conditional Use Permit approval will be the effective date of the City Council approval of the General Plan Amendment and Zone Change. If the General Plan Amendment and Zone change are not approved, the Planning Commission's approval of the Conditional Use Permit will be null and void.
- \*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 (with counsel selected by the City), 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 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.
- \*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) 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, parks and open space. CFD procedures shall be initiated before final map approval or issuance of a building permit, whichever comes first. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
  - \*9) The project shall comply with all mitigation measures outlined in the Mitigation Monitoring Program for Initial Study #19-18 (Exhibit B of Planning Commission Resolution #K) and all applicable mitigation measures outlined in the Mitigation Monitoring Program for Initial Study #14-32 (Appendix A of Initial Study #19-18, Attachment K of Staff Report #19-22).
  - \*10) All signs shall comply with the North Merced Sign Ordinance and Section 20.62.040 (B)(2) of the City's Zoning Ordinance for signs in a Neighborhood Commercial (C-N) zone.
  - \*11) The applicant shall construct all missing improvements along the property frontage on Yosemite Avenue and McKee Road including, but not limited to, sidewalk, curb, gutter, street lights, and street trees.
  - \*12) All necessary right-of-way along the property frontage, including Yosemite Avenue, McKee Road, and Whitewater Way, needed for public improvements shall be dedicated prior to the issuance of the first building permit.
  - \*13) Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access.
  - \*14) Parking lot trees shall be installed per City Parking Lot Landscape Standards and Section 20.38.070 (F). At a minimum, parking lot trees shall be provided at a ratio of one tree for every six parking spaces. Trees 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).
  - \*15) 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).

- \*16) Prior to issuance of the first grading/building permit for any project on the site, the applicant shall demonstrate compliance with San Joaquin Valley Air Pollution Control District Rule 9510 to the Planning Department. Changes to the site plan resulting from compliance with Rule 9510 are subject to review by City Staff or the Planning Commission, as determined by the Director of Development Services.
- \*17) Bicycle parking for all projects on the site shall meet the minimum requirements of the California Green Building Code and Merced Municipal Code Section 20.38.080.
- \*18) 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.
- \*19) 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 the current drought conditions.
- \*20) 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 parkstrips, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed.
- \*21) If it is determined by the Fire Department that emergency vehicle access to Whitewater Way is needed to adequately serve the site or the surrounding area, the developer shall work with the City to provide such access, including an emergency gate with appropriate knock boxes, etc. as required by the Fire Department.
- \*22) For buildings over 30 feet tall, a minimum 26-foot-wide drive aisle shall be provided for emergency vehicle access. The developer shall work with the Fire Department to determine the areas that need the 26-foot-wide drive aisle.
- \*23) A fire control room may be required for the buildings on the site. The applicant shall work with the Fire Department to determine the location of the fire control room. Additional fire control rooms may be required at the discretion of the Fire Chief.
- \*24) Each building shall be provided with a Fire Department Connection.
- \*25) Buildings that do not provide an elevator (other than a freight elevator) shall be provided with an additional exit. The developer shall work with the Chief Building Official to determine the number of exits required for each building.
- \*26) Each unit shall be provided with cooking facilities, other than a hot plate or microwave, as well as bathroom facilities per the California Building Code definition of an "Efficiency Dwelling Unit."
- \*27) A minimum turning radius of 33 feet inside, curb-to-curb and 49 feet wall-to-wall for fire apparatus access must be provided throughout the project site or as required by the Fire Department.

- \*28) All storm water shall be retained onsite and metered out to the City's storm water system in accordance with City Standards, subject to a storm drain plan approved by the City Engineer.
- \*29) The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
- \*30) All parking lot and other exterior lighting shall be oriented in such a way so that it does not spill over onto adjacent properties.
- 31) Each unit shall be only be rented to a single occupant. At no time shall more than one person reside in each unit.
- 32) The owner/developer shall work with the City Engineer and Public Works Director to determine the best method for wastewater discharge from the site. This may be accomplished by providing an on-site storage system to capture wastewater and store it for discharge to the City's wastewater system during off-peak hours. The City Engineer and/or Public Works Director shall have final approval of the method used.
- 33) 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. Use of a trash compactor should be considered to reduce the number of pick-ups per week.
- 34) A minimum 6-foot high concrete block wall shall be installed along the southern property line. The height of the wall could be increased, not to exceed 8-feet tall, if required by the Planning Commission. A minimum five-foot wide landscaping area shall be provided to allow for the planting of vines or other appropriate landscape material.
- 35) Drive-thru uses, bars, nightclubs, and large convenience markets similar to a 7-Eleven type store are not allowed. Small convenience markets intended to serve the tenants or the immediate neighborhood could be allowed. Restaurants serving alcohol could be allowed with Conditional Use Permit approval.
- 36) All construction activity shall be conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday.
- 37) All walking paths, bicycle and vehicle parking areas, and recreational areas shall be provided with sufficient lighting to ensure a safe environment.
- 38) All mechanical equipment shall be screened from public view.

(\* ) Denotes non-discretionary conditions.



**PROJECT DESCRIPTION**

The proposed project consists of a General Plan Amendment, Zone Change, and Conditional Use Permit to allow the construction of a mixed-use project. The General Plan Amendment would change the land use designation for approximately 22,670 square feet of land from Low Density Residential (LD) to Neighborhood Commercial (CN). The Zone Change would change the zoning for this same area from R-1-6 to Neighborhood Commercial (C-N). These changes are reflected on the Proposed Land Use Map at Attachment B.

The Conditional Use Permit would allow the construction of a mixed use project containing 428 Efficiency Dwelling Units, 18,000 square feet of community/common area for the residents, and 18,000 square feet of retail space (refer to the Site Plan at Attachment C). The uses would be contained within four three-story buildings. The retail space and community/common area space would be interspersed throughout the first floor of Buildings 2 and 4.

Although no specific tenants have been identified for the retail portion of the project, the Floor Plan at Attachment F, identifies the types of uses the developer envisions for the project. These uses could include service related uses such as barbershops and nail salons, general retail uses, and restaurant/food uses.

A project description provided by the applicant is provided at Attachment H.

Surrounding Uses  
Attachment A

<b>Surrounding Land</b>	<b>Existing Use of Land</b>	<b>Zoning Designation</b>	<b>City General Plan Land Use Designation</b>
North	Single-Family Residential/Church/School (across Yosemite Avenue)	County	Rural Residential (RR)
South	Single-Family Residential	R-1-6	Low Density Residential (LD)
East	Single-Family Residential	P-D #52	Low Density Residential (LD)
West	Single-Family Residential (across McKee Road)	R-1-6	Low Density Residential (LD)

**BACKGROUND**

The project site was annexed to the City in 2003 as part of the Hunt Farms Annexation. The project site is currently vacant, but was previously occupied by two single-family dwellings (these were demolished in 2017). The site is currently zoned Neighborhood Commercial (C-N), with a small portion of the site being zoned R-1-6. The subject site consists of two individual lots [Assessor’s Parcel Numbers (APN’s): 008-310-053 and -038 totaling 5.94 acres]. Recently, 22,670 square feet of lot area was acquired from the neighboring property to the south and made part of APN 008-310-053 (Proposed Land Use Map at Attachment B). This area is currently designated on the *Merced Vision 2030 General Plan* Land Use Map as Low Density Residential and has a zoning designation of R-1-6. The proposed General Plan Amendment and Zone Change would amend

the General Plan designation to Neighborhood Commercial (CN) and the zoning designation to Neighborhood Commercial (C-N) for this 22,670-square-foot area.

In 2014, the owner applied for a General Plan Amendment and Zone Change to change the entire site from Low Density Residential (LD) and R-1-6 to Neighborhood Commercial (CN). At that time, the owner proposed the construction of a 62,000-square-foot retail commercial center that would have included a small grocery store, a fast-food restaurant (with a drive-through), and other retail uses appropriate to the Neighborhood Commercial (C-N) zone. The City Council approved the General Plan Amendment and Zone Change to Neighborhood Commercial in 2015.

When the General Plan Amendment and Zone Change were approved in 2015, the City Council had two options for the Shopping Center design on the project site. One option included providing direct access to Whitewater Way from Yosemite Avenue, and the other option did not provide access other an entrance-only service road to serve commercial uses proposed on the site. The City Council voted to prohibit direct access from Yosemite Avenue to Whitewater Way and instead, approved the option with an entrance-only service road.

**FINDINGS/CONSIDERATIONS:**

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

- A) The *Merced Vision 2030 General Plan* uses the number of units to determine density of a project. Typically, density would be determined by dividing the number of proposed units by the total gross acres. The General Plan has a range of multi-family densities as shown in the table below.

Density Classification	Units/Acre
Low-Medium Density Residential (LMD)	6 to 12
High-Medium Density Residential (HMD)	12 to 24
High Density Residential (HD)	24 to 36

The Zoning designations that correlate to the multi-family General Plan designations would be R-2, R-3-1.5, R-3, and R-4.

While using the above calculation for determining density has been the long-standing practice and the method used in the General Plan, a new way of looking at density has emerged. With the increase in the number of bedrooms recently being proposed in many multi-family projects, an increase in the number of people occupying a site has become a topic of interest when considering density rather than just the number of units.

As shown in the table below, based on a High Density General Plan designation allowing 36 units per acre, a maximum of 214 units could be constructed on the site. However, if the units were 2 or 3 bedroom units (considering one person per bedroom), the number of people on the site would actually be equal to or higher than what the number of people would be under the current proposal which includes Efficiency Dwelling Units for a single occupant. If more than one person resided in each bedroom, the number would be even greater.

DENSITY & PEOPLE PER ACRE						
Acres	Density	Max Units/Acre	Allowed DU/Acre	Bdrm/Unit	Total People	People/Acre
5.94	HD	36	214	2	428	72
5.94	HD	36	214	3	642	108
Proposed Project						
5.94				1	428	72

The proposed density would be above the City’s maximum density standard for units/acre. However, in considering the actual number of people per acre, the number of people would be less than what could feasibly be allowed if the site were developed with 2 or 3 bedroom units. The average household size for Merced is approximately 3 persons per household. If 75% of the site was developed with housing for a total of 161 units, based on the average household size, there could be as many as 483 residents on the site with an average of 81 people/acre. The current proposal would have 72 people/acre.

Based on the foregoing analysis, the density could be considered equal to that of the High Density Residential (HD) General Plan Designation.

The Housing Element of the *Merced Vision 2030 General Plan* includes policies supporting affordable housing, mixed-use development, and higher densities.

*Policy H-1.1*                      *Support Increased in Residential Zoning Districts*

Although the proposed project would not be located within a residential zone, it does provide an opportunity for a higher density project to provide needed housing within the City.

*Policy H 1.1.c*                      *Encourage Mixed Use Development*

The proposed project would provide a mixture of retail commercial uses to serve the neighborhood and multi-family efficiency dwelling units.

*Policy 1.1.e*                      *Encourage Alternate Housing Types*

The proposed project would include efficiency dwelling units that would essentially house a single occupant within an approximately 350-square-foot unit. Each unit would provide kitchen facilities, a bathroom, and living and sleeping areas. This type of unit is unusual for the City of Merced. This policy encourages housing designs with a smaller footprint as a form of alternate housing.

*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 as explained above, when considering the number of people per acre, proposes a density that is equal to the City’s highest density classification.

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

Policy L-1.1

*Promote Balanced Development Which Provides Jobs, Services, and Housing.*

*Implementing Action 1.1.a: Promote mixed use development combining compatible employment, service and residential elements.*

*Implementing Action 1.1.c: Determine the types of housing opportunities needed for the type of employment opportunities being created in the City.*

The Zoning Ordinance does not specify a density for multi-family housing allowed within a C-N zone, it merely states that multi-family uses are allowed within the C-N zone as a Conditional Use. Therefore, approval of the proposed Conditional Use Permit would bring the project into compliance with the Zoning Ordinance.

**Traffic/Circulation**

- B) The project site is located at the southeast corner of Yosemite Avenue and McKee Road. Yosemite Avenue, east of Parsons is designated as a “Special Street Section” in the *Merced Vision 2030 General Plan*. As such, the ultimate right-of-way for this road is 94 feet. McKee Road is a Collector Road with an ultimate right of way of 74 feet. The project would have access from Yosemite Avenue (right-in/right-out only) and McKee Road (full access). Both the intersections of Yosemite Avenue and McKee and Yosemite Avenue and Via Moraga (approximately 0.3 miles east of McKee Road) are signalized.

Yosemite Avenue Access

The primary access on Yosemite Avenue would be a driveway that is located approximately 320 feet east of the intersection of Yosemite Avenue and McKee Road (refer to the Site Plan at Attachment C). This driveway would provide right in/right out access only. The existing median in Yosemite Avenue would remain unchanged along the project site frontage. No other access to the site would be provided on Yosemite Avenue.

McKee Road Access

The primary access on McKee Road would be through a driveway located approximately 195 feet south of the intersection of Yosemite Avenue and McKee Road. This driveway would allow both left and right turning movements.

Whitewater Way

No access is proposed to Whitewater Way from the project site, unless the Fire Department requires an emergency access per Condition #21 of the Conditional Use Permit Conditions.

Traffic Impact Analysis

Transportation and traffic impacts were previously analyzed for this site with General Plan Amendment #14-06 and Zone Change #421. A traffic analysis was prepared as part of Initial Study #14-32 at the time the previous General Plan Amendment and Zone Change were considered and approved (Appendix D of Initial Study #19-15 at Attachment K). The traffic analysis at that time analyzed impacts associated with a 62,000-square-foot shopping center. When comparing the previous project to the current project, it was

determined that the level of impacts were similar based on traffic generation rates for the dwelling units being based on the number of occupants rather than the number of units (similar to the analysis for Land Use and Density). Using a rate of 3.31 average daily trips (ADT's) per resident, there would be 1,417 ADT's for the residential portion of the project. The exact type of tenants that would occupy the commercial portion of the project is unknown. Therefore, the same calculation method was used for this project as used in the previous analysis (Specialty Retail). Based on this calculation, the retail portion of the project would add an additional 798 ADT's, bringing the total estimated ADT's for the mixed-use project to 2,214 ADT's. The previous traffic analysis estimated a total of 2,647 ADT's for the previously proposed 62,000-square-foot shopping center. The previously analysis allowed for a 35% reduction of trips based on "pass-by" traffic (traffic that would already be on the roadway, not making a specific trip to the subject location). This reduction resulted in a net of 1,721 ADT's.

The previous traffic analysis analyzed the following road segments and intersections.

*Roadways:*

- Yosemite Avenue between Parsons Avenue and McKee Road
- McKee Road between Yosemite Avenue and Silverado Avenue

*Intersections:*

- Yosemite Avenue and Parsons Avenue
- Yosemite Avenue and McKee Road
- Yosemite Avenue and Hatch Road
- McKee Road and Olive Avenue

The quality of traffic operating conditions is rated by Level of Service (LOS) Categories A through F, ("A" being the best). LOS A indicates free-flow traffic conditions with little or no delay. LOS F represents over-saturated conditions where traffic flows exceed capacity resulting in long queues and delays. The City of Merced has adopted LOS D as the standard for streets to operate at an acceptable level.

Yosemite Avenue and Parsons/Gardner

The previous analysis found that all the intersections studied would operate at an acceptable level of service (LOS), except the intersection of Yosemite Avenue and Parsons Avenue/Gardner Road. This intersection would operate at an LOS F under the existing, plus project scenario. The intersection currently operates at an LOS E. The City's General Plan identifies a level of service (LOS) D as acceptable. The following Mitigation Measure is recommended in Initial Study #19-18 for this project to ensure this intersection operates at an acceptable level of service (see the Mitigation Monitoring Program at Exhibit B of the Planning Commission Resolution at Attachment M).

Mitigation Measure

TRA-01     The westbound lane of Yosemite Avenue at Parsons Avenue shall be modified to accommodate an additional 200-foot shared thru/right turn lane. In addition, the existing shared left/thru/right lane shall be restriped to be a

shared left/thru lane. (The Traffic Analysis recommended an additional 100 foot lane be installed. The City Engineer recommends the length of the lane be increased to 200 feet.)

-or-

The applicant shall be required to pay for their proportionate share of the above improvement as determined by the City Engineer.

#### Olive Avenue and McKee Road

The intersection of Olive Avenue and McKee Road would also decrease from LOS C to LOS F under the Cumulative 2035 scenario analyzed by the previous traffic study. The following Mitigation Measure is recommended for this intersection which would bring the level of service back to an LOS C (the existing LOS).

#### Mitigation Measure

TRA-02 The following modifications to the intersection of Olive Avenue and McKee Road shall be made:

##### Southbound Approach:

- Remove the adjacent on-street parking for 100 feet on the southbound approach.
- Re-stripe the approach as shared left/through lane and share right/through lane.
- Remove the adjacent on-street parking for 100 feet on the southbound receiving lane and stripe it as a lane drop.

##### Northbound Approach

- Remove the adjacent on-street parking for 100 feet on the north bound approach.
- Re-stripe the approach as shared left/through lane and shared right/through lane.
- Remove the adjacent on-street parking for 100 feet on the northbound receiving lane and stripe it as a lane drop. The City Engineer shall determine if this measure is feasible due to the location of residential driveways in this area.

It should be noted that a traffic signal is planned for this intersection in the future. The cost of the signal would be the responsibility of the City of Merced. The traffic analysis determined that this intersection meets the Manual on Uniform Traffic Control Devices (MUTCD) warrants for traffic signals. However, the traffic analysis recommends that prior to installation of a traffic signal, the remaining MUTCD warrants be conducted to determine if the need exists for a traffic signal at this time. Because the cost of the traffic signal would be borne by the City, it was determined that the recommended mitigation was more feasible at this time.

In addition to the mitigation for the intersection at Parsons and Yosemite Avenues, all previously approved mitigation measures approved at the time of annexation would still apply.

The project would incentivize the use of alternate transportation by offering a discount on rent for residents who don't have a vehicle. Additionally, they will provide specific areas for Uber and Lyft pick-ups, and they are exploring the possibility of offering rentals of bicycles, scooters, and zip cars. The site is also located near transit stops for The Bus and Cat Tracks.

Although the estimated average daily trips for the proposed mixed-use project is slightly higher than the net result for the previously proposed shopping center, no reductions have been applied to the ADT's for the mixed-use project for pass-by traffic or transit and bicycle facilities. When consideration is given to the alternate transportation available and encouraged on the project site, it is likely that the ADT's generated by the current project would be approximately equal to the previously proposed project.

**Parking**

- C) The Zoning Ordinance requires 1.75 spaces of parking for each multi-family unit up to 30 units, plus an additional 1.5 spaces for each unit over 30. There is also an increase in the number of spaces required based on the number of bedrooms and bathrooms in a unit (refer to Attachment I for an excerpt of the Zoning Ordinance). Based on this calculation, the residential portion of this project would require 650 parking spaces.

Parking for the commercial portion of the project would be based on the actual uses. Since the uses are unknown at this point, but expected to be a mixture of retail, service, and restaurant uses, a factor of one space for every 250 square feet of floor area was used to calculate the required parking for the commercial portion of the project. The Zoning Ordinance allows a 15% reduction in floor area for non-usable commercial space such as restrooms, storage areas, etc. Using this formula, the parking requirements for the commercial portion of the project would be 61 spaces.

The applicant is proposing a total of 412 parking spaces as shown in the table below:

Parking Type	Spaces	Parking Type	Spaces
Motorcycle/Scooter	36	Accessible Parking	12
Standard Parking	290	Compact Parking	74

The applicant provided an analysis of the City's parking requirements based on the actual number of people occupying a unit (Attachment J). Based on this analysis, an apartment project that has 214 3-bedroom units with one person per bedroom would be required to provide 435 parking spaces under the City's Zoning Ordinance, which equates to 0.68 spaces per bed/resident.

The applicant's analysis shows that they are providing 0.81 spaces per unit which exceeds the 0.68 which would be required for a typical development with 3 bedroom units. Using the factor of 0.81 spaces/unit, the parking required for the residential use would be 348 spaces. The site proved 412 spaces which would be slightly more than what is estimated

for the retail uses plus the residential uses. In addition to the parking spaces provided, the development would have a dedicated area for Uber and Lyft pickups to help encourage the use of alternative transportation. The proximity to bus stops would also help encourage the use of public transportation rather than having a personal vehicle.

In addition to the vehicle parking provided, indoor bicycle storage facilities would be provided to encourage the use of bicycles. The site has easy access to the bicycle trail system which could encourage the use of bicycles rather than cars.

The Zoning Ordinance (MMC Section 20.38.050 – Attachment I) also allows for reductions in parking requirements for mixed used projects, projects near transit, and other reductions which could be applied to this project.

If insufficient parking is required on-site, however, tenant parking could spill out into the adjacent neighborhood. The Moraga neighborhood has very narrow streets and limited on-street parking so this could be an issue.

### **Public Improvements/City Services**

#### D) *Water*

There is a 16-inch water line in Yosemite Avenue and another 16-inch line in McKee Road to serve the project site. The City's water supply would be sufficient to serve the proposed project.

#### *Sewer*

A 6-inch sewer force main line exists in Yosemite Avenue which flows to G Street, then continues out to the Waste Water Treatment Plant. There is no sewer line in McKee Road. Due to constrictions in the Yosemite Avenue line, the proposed project would need to provide an alternative to discharging the wastewater generated from the site into the Yosemite Avenue line during peak flow times. The developer has been working with the City's Public Works Director on a solution for this issue. One solution may be to provide underground storage for the projects wastewater discharge and release the wastewater during off-peak hours. Condition #32 of the recommended conditions for the Conditional Use Permit requires the developer to work with the City Engineer and Public Works Director to find a satisfactory solution for this issue.

#### *Stormwater*

An 18-inch storm drain exists in Yosemite Avenue. The project would be required to retain storm water on-site and meter it into the City's system (Condition #28).

### **Building Design**

- E) The proposed building designs would be similar to the style of the buildings at UC Merced. The three story buildings would have clean lines and use a variety of building materials to provide interest. The balconies on the upper floors are staggered to add additional interest. The elevations are provided at Attachment D and E. The table below provides a breakdown of each building by unit number and building height.



**BUILDING DETAILS**

<b>Building No.</b>	<b>Stories</b>	<b>Units</b>	<b>Use</b>	<b>Total Square Feet</b>	<b>Height (to top of parapet)</b>
1	3	102	Residential	34,560	33' 4 1/4"
2	3	112	Residential/Retail/ Common Area	59,520	31' 10 1/4"
3	3	102	Residential	34,560	33' 4 1/4"
4	3	112	Residential/Retail/ Common Area	59,520	31' 10 1/4"
TOTAL		428		188,160	

Each residential unit would be approximately 330 square feet and contain a kitchen, bathroom, and living/sleeping area. The units are designed for a single occupant. Some of the units include a balcony and some don't have balconies, which would slightly increase the indoor living area. The balconies have been staggered to help provide depth and interest to the building elevations. All the units would have access through the interior of the building, which would increase security for the tenants.

The floor plan (Attachment F) provided for each unit may be slightly modified depending on handicap accessibility requirements. As currently designed, every unit within the project is handicap accessible. In order to meet the accessibility requirements, the shower area is separated from the water closet area in order to provide the necessary space for wheelchair accessibility. If not all the units have to be accessible, the floor plan would be modified to combine these two areas. The developer will work with the Chief Building Official to determine the requirements for accessibility.

Buildings 2 and 4 have a mixture of commercial space and common space for the residential tenants on the first floor of each building. The common areas would include amenities such as a gym, a kitchen/community area for gatherings and events, a meditation room, a study area, a media room, indoor bike storage area, laundry facilities, and a management office, mailroom, and office center for tenants. Building 2 also provides a roof-top deck area to provide additional outdoor open space for the tenants (Attachment G). This area would provide an additional outdoor area for tenants to lounge and socialize.

**Site Design**

F) The project site is located at the southeast corner of Yosemite Avenue and McKee Road. The site is designed to keep the buildings near the center of the site away from the residential uses. The front building (Building 2) is set back approximately 75 feet from Yosemite Avenue. Building 1 is approximately 50 feet from McKee Road, Building 3 is approximately 125 feet from the southern property line, and Building 4 is approximately 55 feet from the eastern property line near Whitewater Way.

Parking is provided around the perimeter of the site and between the buildings. Bicycle parking is provided inside Building 4.

A promenade area is provided between Buildings 2 and 4 (refer to Page 2 of Attachment C as well as the renderings at Attachment E) which will include landscaping, tables, and chairs/benches to provide an open space area for the tenants and customers of the

commercial uses. The developers envision this area would be used by customers of the food establishments and other retail uses as well as the residential tenants.

A minimum six-foot tall block wall would separate the project from the residential uses to the south of the site (Condition #34). This height may be increased to 8 feet if the Planning Commission desires.

#### Distance to Adjacent Residential Uses

All the buildings on the site would be 3-stories tall and between 31 and 33 feet tall. The homes on the west side of McKee are approximately 50 feet from the western property line. Building 1 is located closest to McKee Road and would be approximately 90 feet from the western property line on the project site. With the additional 50-foot setback from the property line, Building 1 would be approximately 140 feet from the nearest residential unit.

The nearest home across Yosemite Avenue is approximately 200 feet from the project site. With the additional setback on Yosemite Avenue, the distance from Building 2 to the home would be approximately 275 feet.

The homes to the east across Whitewater Way are approximately 25 feet from the project site. Building 4 would be approximately 95 feet from these homes.

The nearest home to the south is located approximately 45 feet from the southern property line. The proposed site design has been considerate of the proximity of this home and includes a larger landscape buffer in the area immediately adjacent to this home. The nearest building to this home would be Building 3 which would be over 125 feet away.

For context, the block where City Hall is located between M and N Streets is approximately 400 feet long. The distance from the corner of 18<sup>th</sup> and M Street to the edge of the alley between 18<sup>th</sup> Street and Main Street is approximately 150 feet. Therefore, the nearest home across McKee Road would be approximately equal to the distance from the corner of 18<sup>th</sup> Street and M Street to the northern edge of the alley. The nearest home across Yosemite Avenue would be over half a City Block from the nearest building on the site. The homes on Whitewater Way would be close to the distance between City Hall and the UC Merced Building across 18<sup>th</sup> Street.

As described below in the Landscaping Section (Finding G), the site would be provided with dense landscaping to help buffer the surrounding uses from noise and lights and to help provide privacy between the uses.

#### **Landscaping**

- G) As shown on the site plan at Attachment C, a 15-foot landscape area is provided along Yosemite Avenue. The landscape area along McKee road is over 14 feet wide and along Whitewater Way, the landscape area is approximately 7.5 feet wide. The landscape area along the southern property line is 5 feet wide, but would also have a concrete block wall to provide a separation from the adjacent residential uses.

As described above, the promenade area between Buildings 2 and 4 would be landscaped to create a welcoming outdoor area (Attachment E). Parking lot trees would be provided

throughout the site in compliance with the City's Parking Lot Landscape Standards.

According to Table 20.36-1 of the Zoning Ordinance, the site is required to provide a minimum landscape area equal to 15% of the project site. Landscaping and irrigation shall be required to meet the City's Water Efficient Landscape Ordinance.

### **Neighborhood Impact/Interface**

- H) As previously described, the project site is surrounded by residential uses as well as Yosemite Church and Providence School to the north across Yosemite Avenue. The developer held two neighborhood meetings on August 13, 2019, at Yosemite Church. The first meeting was held at 3:00 p.m., but no one from the neighborhood attended. At this meeting there were people who work at the church in attendance, but no neighborhood residents. The second meeting was held at 6:00 p.m. There were 6 people in attendance at this meeting. Some of the neighbors in attendance voiced concerns about the number of people on the site and the traffic impacts. There was also concerns voiced from one of the neighbors across Yosemite Avenue about the building heights and the ability of the residential tenants being able to see into their back yard. There were also questions about where the customers for the retail uses would park. The neighbors also noted that they don't want uses like nightclubs or bars to be allowed in the commercial areas.

Neighborhood Commercial zones allow multi-family uses with approval of a Conditional Use Permit. The City's interface regulations apply when a commercial use is adjacent to or across the street from a residential use. The purpose of the Interface Regulations is to protect existing residential neighborhoods and to ensure that new development is designed in a manner to minimize negative impacts on nearby uses to the greatest extent possible.

The height of the buildings would be taller than most of the other buildings in the area. However, Yosemite Church's main building is close to the same height as the proposed buildings. There are several two-story homes in the area, and most are less than 30 feet in height, but a few have steeper roofs and higher peaks making them approximately 28 feet tall.

As discussed in the traffic section of this report, the traffic generated by the proposed mixed-use project would be comparable to that of the previously proposed shopping center. Mitigation measures are included to help minimize the effects of the additional traffic in the area.

Public hearing notices were sent to all property owners within 300 feet of the site. To date, staff has not had any comments other than those heard at the community meetings held by the developer.

### **Signage**

- I) All signs on the site would be required to comply with the North Merced Sign Ordinance and the Neighborhood Commercial sign regulations. As such, with illuminated signs may be required to shut off at 10:00 p.m. (Condition #10 for the Conditional Use Permit).

### **Land Use/Density Issues**

- J) As outlined in the General Plan section above (Finding A), the proposed density for this project is higher than is typically allowed based on the number of units. However, in looking at the actual number of people, the density would be comparable to that of a High Density Residential designation. In 2015, the City Council approved a Conditional Use Permit for a multi-family project located east of G Street at Merrill Place. This project contained 216 units with 1, 2, 3, and 4 bedrooms. Although the density based on the number of units was consistent with the General Plan, the actual number of people on the site far exceeded the density. This project would have allowed 678 people (considering one person per bedroom) on 9.7 acres for a density of 70 people/acre. The proposed mixed use project under consideration would have a density of 71 people/acre. Because the proposed Efficiency Dwelling Units would be for a single occupant, the density would not be greater than 71 people/acre. The project on G Street and Merrill could exceed 70 people/acre because there is no limit on the number of people allowed in a bedroom.

### **Environmental Clearance**

- K) The Planning staff has conducted an environmental review (Initial Study # 19-18) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Draft Mitigated Negative Declaration (i.e., no significant effects in this case because of the mitigation measures and/or modifications described in Initial Study #19-18) is being recommended (Attachment K).

### **Attachments:**

- A) Location Map
- B) Proposed Land Use Changes
- C) Plot Plan and Site Plan
- D) Elevations
- E) Renderings
- F) Floor Plan
- G) Rooftop Deck
- H) Project Description from Applicant
- I) Zoning Ordinance Excerpt – Parking Requirements
- J) Parking Analysis
- K) Initial Study
- L) Draft Planning Commission Resolution for General Plan Amendment and Zone Change
- M) Draft Planning Commission Resolution for Conditional Use Permit

REFER TO ATTACHMENTS 1, 2, 4, 6 THROUGH 8, 10 AND 11  
OF ADMINISTRATIVE REPORT FOR ATTACHMENTS A  
THROUGH G, J AND K OF PLANNING COMMISSION STAFF  
REPORT #19-22

Note: Because this is not an official City document, the City Seal was removed from the document on 9/19/2019.

## *University Village at Yosemite*

The project site is located on two parcels totaling approximately 5.94 acres at the southeast corner of Yosemite Avenue and McKee Road (APNs 008-310-038 and 008-310-050) in the City of Merced.

The areas of the new buildings would be approximately 183,520 square feet, 147,520 square feet of residential area and 18,000 square feet of commercial/retail and 18,000 square feet of student/resident facilities. The site will also include a pedestrian promenade between Building 1 and Building 3 catering to both the residents and community. The project also would include approximately 376 parking spots, with 9 ADA parking stalls. In addition, the project will focus on green building and living methods, and include bicycle parking, pedestrian site access, and the installation of low-flow fixtures and systems.

Construction of the proposed project would involve site preparation, very minor grading, building construction, and architectural coating. Without the time and cost associated with subterranean infrastructure, construction would take approximately twelve months.

The project site is currently zoned C-N. The project site is currently undeveloped with no structures on the property.

With a vision for “Tomorrow’s Merced, Today”, we are proposing a student focused, green community environment to support the growth of both UC Merced and the City of Merced. With housing currently one of the biggest problems facing Merced and UC Merced, overcrowding on campus has forced students to seek ever more residential settings requiring 5 and 6 students to occupy a single family residence, deep in to residential neighborhoods not accessible to mass transit and lacking public infrastructure to support this population.

We have a unique opportunity to benefit both the UC Merced population and the City as a whole by creating a wonderful student community environment, focused on efficient living arrangements with communal meeting and study areas, and on-site retail and quick-serve restaurants to support both the on-site community as well as the surrounding community at large.

With an overall community plan geared towards mass transit, public transit and green transit, we intend to heavily promote alternatives to independent car ownership. Some of the options we intend to promote in order to accomplish this goal are:

- Promoting CALTRACK (E-1, E-2, and Fastcat lines) usage among students with Stops directly in front of the property
- “The Bus” (UC Merced route-Local) stops located within steps of the facility

- Planned partnerships with ride-sharing companies Lyft and Uber
- On-site rental Bicycles and Zip-Cars
- Excess bicycle and moped parking

By providing several alternative and more cost effective options, students won't have a need to incur the additional expenses associated with traditional transportation. By providing so many more cost effective transportation options, we believe that a majority of our residents will forego car ownership for their day to day transit needs and enjoy the financial savings along with environmental impacts of commuting responsibly.

With a focus on clean building practices and long term sustainability, we shall focus on any and all ways to support green building methods, and minimizing community impact in the process, which may include recycled material, off-site construction, solar panels and walkways, low-flow fixtures and systems and timed and sensor based lighting.

By creating the onsite retail, service and quick serve dining options, we intend to not only contain residences need to venture off-site for these services, but also intend to benefit the greater surrounding community through these offerings. With minimal retail and food options in the immediate area, The Food Court and quick retail and services offered in the retail center will also support the immediate area residents. All of these retail areas proposed are situated on Yosemite Ave, so as to preserve the serenity of the residential surrounding.

We look forward to working with the immediate community and the community at large to create what will hopefully become a template for efficient and affordable student housing. By focusing on mass transit and green building to minimize community and environmental impact, we intend to be a long term partner with the City of Merced to help create the infrastructure needed to support continued growth and prosperity.

**B. Changes in Existing Structures and Uses.**

1. Additional parking shall be required for a change in use or any modification to an existing structure that results in an increase in the unit of measurement used to determine the amount of required off-street parking as specified in Table 20.38-1 (Off-Street Parking Requirements).
2. Additional off-street parking shall be required only to accommodate the incremental change or expansion of the structure or use. Additional parking shall not be required to remedy parking deficiencies existing prior to the change to an existing structure or use.
3. Additional parking for nonresidential uses is not required if the parking needed to accommodate the change is either:
  - a. Two or fewer parking spaces; or,
  - b. Ten (10) percent or less of the total required off-street parking spaces for the use.

**TABLE 20.38-1 OFF-STREET PARKING REQUIREMENTS**

Land Uses	Number of Required Parking Spaces
<b>RESIDENTIAL LAND USES</b>	
Caretaker's Home	1 per unit
Duplexes	1.75 spaces per each unit up to 30 units and 1.5 spaces per each unit thereafter
Group Homes and Facilities	1 per unit plus 1 per 300 sq. ft. of office and other nonresidential areas
Group Housing	1 per unit
Live/Work Units	1.75 per unit
Mobile Home Parks	1 per unit and 1 per office or employee
Multiple Family Dwellings/Condominiums	1.75 spaces per unit of 2 bedrooms or less up to 30 units and 1.5 spaces per unit thereafter, plus 0.5 spaces per additional bedroom over 2 in each unit and 1.0 spaces per additional full or partial bathroom over 3 in each unit
Residential Care Facilities, Small	1 per unit
Residential Care Facilities, Large (Includes Convalescent/Nursing Homes)	1 per 4 beds; plus 1 per 300 sq. ft. of office or 1 per employee, whichever is greater
Secondary Dwelling Units ("Second Units")	One or two bedrooms: 1 per unit; Three or more bedrooms: 2 per unit



**C. Off-Site Parking.**

1. For multi-family housing and non-residential uses, the Site Plan Review Committee may approve off-site parking if it finds that practical difficulties prevent the parking from being located on the same lot it is intended to serve.

2. Off-site parking shall be located within 400 feet of the use it is intended to serve or another reasonable distance as determined by the Site Plan Review Committee.



3. If off-site parking is approved, a covenant record, approved by the City Attorney, shall be filed with the County Recorder. The covenant record shall require the owner of the property where the off-site parking is located to

continue to maintain the parking space so long as the building, structure, or improvement is maintained within the City. This covenant shall stipulate that the title and right to use the spaces shall not be subject to multiple covenants or contracts for use, or termination, without prior written consent of the City.

**D. Parking for Persons with Disabilities.**

1. Parking spaces for persons with disabilities shall be provided in compliance with California Code of Regulations Title 24.

2. Parking spaces required for the disabled shall count toward compliance with the number of parking spaces required by Table 20.38-1.



**20.38.050 Parking Reductions**

The minimum number of required off-street parking spaces as specified in Table 20.38-1 may be reduced as described below.

**A. Shared Parking.** Multiple land uses on a single parcel or development site may use shared parking facilities when operations for the land uses are not normally conducted during the same hours, or when hours of peak use differ. Requests for the use of shared parking may be approved if:

1. A parking demand study approved by the Director of Development Services demonstrates that there will be no substantial conflicts between the land uses' principal hours of operation and periods of peak parking demand;

2. The total number of parking spaces required for the land uses does not exceed the number of parking spaces anticipated at periods of maximum use;
3. The proposed shared parking facility is located no further than 400 feet from the primary entrance of the land use which it serves; and,
4. A covenant record as described in Section 20.38.040.C.3 shall be recorded.

**B. Common Parking Facilities.** Common parking facilities, public or private, may be provided in lieu of the individual requirements contained in this chapter, provided, the total of such off-street parking facilities, when used together, shall not be less than the sum of the various uses computed separately. Such common facilities shall be approved by the Planning Commission with a Conditional Use Permit, and the Planning Commission may grant a reduction in the total required parking for the uses by no more than fifteen percent.

**C. Low Demand.** The number of parking spaces may be reduced if the land use will not utilize the required number of spaces due to the nature of the specific use, as demonstrated by a parking demand study approved by the Director of Development Services.

**D. Transportation Demand Management**

**Plan.** The number of parking spaces may be reduced by the Director of Development Services up to 20 percent if the project applicant prepares a Transportation Demand Management Plan which demonstrates a reduction in the demand for off-street parking spaces by encouraging the use of transit, ridesharing, biking, walking, or travel outside of peak hours.



**E. Bus Stop/Transportation Facility Credit.** The number of parking spaces may be reduced by up to 5 percent for commercial or multiple-family development projects within 400 feet of a City-approved bus stop. If a commercial or multiple-family development project is located within 400 feet of a transit center, the project may reduce parking spaces by up to 10 percent.

**F. Mixed-Use Projects.** A mixed-use project with commercial and residential units may reduce parking requirements by up to 30 percent as demonstrated by a parking demand analysis approved by the Director of Development Services.