



Legislation Details

File #:	20-473	Version:	1	Name:	
Type:	Public Hearing Item	Status:		Agenda Ready	
File created:	8/20/2020	In control:		Planning Commission	
On agenda:	10/7/2020	Final action:			
Title:	SUBJECT: Public Hearing to consider the Modification of Conditional Use Permit #1200, submitted by Rick Telegan, on behalf of BP Investors, LLC. This request is to modify Condition #10 of City Council Resolution No. 2015-33 to allow the construction of a part-width roadway for Merrill Place (extended east of G Street). **PUBLIC HEARING**				

ACTION

PLANNING COMMISSION:

Recommendation to City Council
Environmental Review #20-20 (CEQA Section 15162 Findings)
Modification of Conditional Use Permit #1200

CITY COUNCIL:

Approve/Disapprove/Modify
Environmental Review #20-20 (CEQA Section 15162 Findings)
Modification of Conditional Use Permit #1200

SUMMARY

This is a request is to modify Condition #10 of City Council Resolution 2015-33 to allow the construction of a part-width street (Merrill Place) east of G Street, to the western edge of property owned by BP Investors, LLC (see the location map Attachment A). BP Investors, LLC obtained Conditional Use Permit approval (CUP #1200) in 2015, to construction a 216-unit apartment complex on a 9.8-acre parcel as shown on the site plan at Attachment B (refer to the Background section of this report for updates on the number of units). However, in order to build this project, they need access to G Street via Merrill Place. To date, BP Investors, LLC, has been unable to obtain the necessary right-of-way for Merrill Place (extended). Therefore, Mr. Telegan, on behalf of BP Investors, LLC, is requesting a modification to the conditions of approval for Conditional Use Permit #1200 to allow Merrill Place to be constructed as a part-width road from G Street to the western edge of the apartment project site (refer to Attachment A).

Merced Municipal Code (MMC) Section 18.12.020 - Streets - Conditions of design Section F (2) allows a part-width street to be constructed upon recommendation of the Planning Commission and subject to the approval of the City Council.

Condition #21 of City Council Resolution #2015-33 states that if the necessary right-of-way needed for Merrill Place cannot be obtained by the developer, the City would take action to obtain the necessary right-of-way. However, subsequent to the approval, it was determined by the Interim City Attorney at the time, Jolie Houston, that this condition would not be enforceable as the City cannot force the dedication of right-of-way only to benefit a specific project. Therefore, staff is recommending this condition be eliminated.

Staff is recommending the Planning Commission recommend to the City Council the modification of Condition #10 to allow the construction a part-width street for Merrill Place and the deletion of Condition #21.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend approval of Environmental Review #20-20 (CEQA Section 15162 Findings) and the applicant's request to allow a part-width street be constructed for Merrill Place, east of G Street, subject to the approval of the modification of

Finding B "Traffic/Circulation" of Exhibit B, and the modification of Condition #10 and deletion of Condition #21 of Exhibit C (Conditions of Approval) of City Council Resolution #2015-33, as shown on Attachment G.

Sponsors:**Indexes:****Code sections:**

Attachments: 1. Location Map - Partial Width Road.pdf, 2. Site Plan 8.3.2015.pdf, 3. Parcel Map for Bandoni.pdf, 4. VTSM #1291.pdf, 5. 186 Units.pdf, 6. Site Plan 128 Units.pdf, 7. City Council Res #2015-33_with recommended changes 10.7.20.pdf

Date	Ver.	Action By	Action	Result
10/7/2020	1	Planning Commission	continued	Pass