
City of Merced

MEMORANDUM

DATE: August 19, 2020
TO: Planning Commission
FROM: Kim Espinosa, Planning Manager
SUBJECT: Direction from Planning Commission on Future Meetings Via Teleconference and Update on Conversion to Digital Agenda System (Granicus/Legistar) and Subsequent Changes to Agenda and Staff Report Formats
ACTION: Provide Staff with Direction on Future Meetings and Accept for Information Only Granicus Conversion Update

Future Meetings Via Teleconference or In-Person

During the continuing COVID crisis, the City Council and Planning Commission has held public meetings by teleconference and in-person with social distancing requirements. The City Council has recently given direction that individual City Boards and Commissions can make their own decisions regarding how future meetings should be held. The City Council is deciding prior to each meeting (based on Merced County COVID case numbers) whether to have their next meeting via teleconference or in-person. However, such a “hybrid” model makes it difficult for staff to prepare public hearing notices which must go out 10 to 21 days in advance of the meeting depending on the type of item and the level of CEQA review. It is also confusing for the public. Therefore, staff is asking the Planning Commission to decide for the foreseeable future whether they want to have meetings via teleconference or in-person. Staff would NOT recommend that decisions be made on a meeting by meeting basis for the reasons above.

It should be noted that Information Technology (IT) staff will be available during future Planning Commission meetings so the meeting will be livestreamed over Facebook Live and Comcast Channel 96 (and over the City’s website with the Granicus conversion below). The City will also be shortly implementing a live call-in option for the public during City Council and Planning Commission meetings, starting with the September 9, 2020, Planning Commission meeting.

Conversion to Digital Agenda System (Granicus/Legistar)

The City Council agendas and administrative reports have been generated for many years with a digital agenda system known as Granicus/Legistar. It is the desire of City management to see all City boards and commissions on the same system, so that agendas and staff reports can have a uniform look and format. Granicus also has the advantage of allowing the meetings to be live-streamed over the City’s website in addition to Facebook Live and Comcast. It will also make agendas and staff reports easier to find in that all Boards and Commissions as well as the City Council agendas will eventually all be available through the Granicus portal on the City’s website <https://cityofmerced.legistar.com/Calendar.aspx>. Therefore, the Planning Commission will be converting to Granicus as of its September 9, 2020 meeting. (Other City Boards and Commissions will be converting over time.)

Previous to this change, City staff had also been asked by the City Attorney's office to attach the Findings from each Staff Report as an Exhibit to the Planning Commission Resolution. This has led to a duplication of effort as the same Findings in the staff report are then included as an Exhibit to the Resolution. Therefore, City staff has proposed to change the format of the Staff Reports and Resolutions to eliminate that duplication. Instead of repeating the proposed Conditions of Approval and the Findings in both the Staff Report and Resolution, the Staff Report will become more of a "cover memo" for the Resolution and the Conditions and Findings will appear in the Resolution only. Other background information will continue to appear in the Staff Report.

Starting with the September 9, 2020, Planning Commission agenda, Planning staff will be using the Granicus system to prepare the Planning Commission packet. This will also necessitate changes in the format of various documents. See Attachments A through C for the new format of the Planning Commission Agendas, Staff Reports, and Resolutions. City staff will go over the changes in detail at the meeting. Please note that these are the templates that staff will use to prepare the reports, which will be modified as needed to match the needs of specific projects and application types.

Attachments

- A) New Planning Commission Agenda Format
- B) New Planning Commission Staff Report Format
- C) New Planning Commission Resolution Format



CITY OF MERCED

Meeting Agenda

City Council Chamber
Merced Civic Center
2nd Floor
678 W. 18th Street
Merced, CA 95340

Planning Commission

Wednesday, _____, 2020

7:00 PM

Council Chambers, 2nd Floor, Merced Civic
Center, 678 W. 18th Street, Merced, CA 95340

Regular Meeting at 7:00 PM

NOTICE TO PUBLIC

WELCOME TO THE MEETING OF THE MERCED PLANNING COMMISSION

At least 72 hours prior to each regular Planning Commission meeting, a complete agenda packet is available for review on the City's website at www.cityofmerced.org or at the Planning Division Office, 678 W. 18th Street, Merced, CA 95340. All public records relating to an open session item that are distributed to a majority of the Commission will be available for public inspection at the Planning Division Office during regular business hours. The Planning Commission also serves as the Board of Zoning Adjustment and the Design Review/Historic Preservation Commission.

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CLERK

Members of the audience who wish to address the Planning Commission are requested to complete a speaker card available at the podium against the right-hand side of the Council Chamber. Please submit the completed card to the Clerk before the item is called, preferably before the meeting begins. Speakers will be called up, 3 to 5 at a time, in the order in which the forms are received. Please use the microphone and state your name and city of residence for the record. For permits, licenses, and other entitlements, the applicant will be allowed 15 minutes (including rebuttal), the appellant/leader of the opposition will be allowed 15 minutes (including rebuttal), and all other speakers shall have 5 minutes each, unless the number of speakers is over 3, which in that case, comments shall be limited to 3 minutes each. For all other issues, for 3 or less speakers, 5 minutes each and for over 3 speakers, 3 minutes each shall be allotted. A timer clock is located above the City Council dais illuminating the remaining time. Once the buzzer sounds, please be courteous and conclude your remarks.

INDIVIDUALS WITH DISABILITIES

Accommodation for individuals with disabilities may be arranged by contacting the Planning Division at (209) 385-6858. Assisted hearing devices are available for meetings held in the Council Chamber.

A. CALL TO ORDER

- A.1 Moment of Silence
- A.2 Pledge of Allegiance to the Flag

B. ROLL CALL

C. ORAL COMMUNICATIONS

Members of the public who wish to speak on any matter not listed on the agenda may speak during this portion of the meeting and will be allotted 5 minutes. The Chairperson may, at their discretion, reduce the time to 3 minutes if there are more than 3 speakers, in order to accommodate as many speakers as possible. State law prohibits the Planning Commission from acting at this meeting on any matter raised during the public comment period. Members of the public who wish to speak on a matter that is listed on the agenda will be called upon to speak during discussion of that item. Please submit a Request to Speak card prior to the item being called.

D. CONSENT CALENDAR

Adoption of the Consent Calendar may be made with one motion of the Planning Commission provided that any Planning Commission member, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the item will be discussed and voted on separately. With Consent items, there is generally no staff presentation but staff is available for questions.

D.1. [{File #}](#). **SUBJECT:** Approval of Planning Commission Minutes of [Insert Date].

ACTION: Approve/Disapprove/Modify

D.2. [{File #}](#). **SUBJECT:** .

ACTION: .

E. PUBLIC HEARINGS and ACTION ITEMS

Members of the public who wish to speak on public hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to public comment. After the public has commented, the item is closed to further public comment and brought to the Commission for discussion and action. Further comment will not be received unless requested by the Commission.

E.1. [{File #}](#). **SUBJECT:** .

ACTION:

RECOMMENDATION:

E.2. [{File #}](#). **SUBJECT:** .

ACTION:

RECOMMENDATION:

F. INFORMATION ITEMS

F.1. {Item #} **SUBJECT:** Report by Planning Manager of Upcoming Agenda Items

ACTION: Information only

F.2. {Item #} **SUBJECT:** Calendar of Meetings/Events

- [Month] [Day] City Council, 6:00 p.m.
- [Month] [Day] Planning Commission, 7:00 p.m.
- [Month] [Day] City Council, 6:00 p.m.
- [Month] [Day] Planning Commission, 7:00 p.m.
- [Month] [Day] City Council, 6:00 p.m.
- [Month] [Day] Planning Commission, 7:00 p.m.
- [Month] [Day] Bicycle and Pedestrian Advisory Commission, 4:00 p.m.
- [Month] [Day] City Council, 6:00 p.m.
- [Month] [Day] Planning Commission, 7:00 p.m.

G. ADJOURNMENT (Traditionally no later than 11:00 p.m.)



CITY OF MERCED

Planning & Permitting Division
Merced Civic Center
678 W. 18th Street
Merced, CA 95340

PLANNING COMMISSION
STAFF REPORT

File #: 20-__

Agenda Item: _____

Meeting Date: _____

From: Kim Espinosa, Planning Manager

Report Prepared by: [Replace with name & title]

..Title

SUBJECT: [Replace with title text, should include File Name and Number; Property Owner/Applicant; General description of the action to be taken; Location and Size of Property (including address if known), and Zoning and General Plan Designation. If a **“**PUBLIC HEARING**”** insert this language at end.]

ACTION

[Choose one of the below depending on if the Commission takes final action or makes a recommendation to Council]

ACTION: PLANNING COMMISSION:

Recommendation to City Council

- 1) Environmental Review #20-__ (*Categorical Exemption/Negative Declaration/Mitigated Negative Declaration*)
- 2)
- 3)

CITY COUNCIL:

Approve/Disapprove/Modify

- 1) Environmental Review #20-__ (*Categorical Exemption/Negative Declaration/Mitigated Negative Declaration*)
- 2)
- 3)

CITY OF MERCED
Planning Commission

Resolution # _____

WHEREAS, the Merced City Planning Commission at its regular meeting of _____, 20__, held a public hearing and considered **[Insert File Name and Number]**, initiated by _____, on behalf of _____, property owner(s). This application involves a request to allow _____, generally located _____ within a _____ Zoning District with a _____ General Plan designation; also known as Assessor's Parcel No. _____; and,

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

WHEREAS, the Merced City Planning Commission concurs with the Findings for [Conditional Use Permits in Merced Municipal Code Section 20.68.020 (E) or Tentative Subdivision Map Requirements in Merced Municipal Code Section 18.16.080, 18.16.090, and 18.16.100 or Design Review Permits in Merced Municipal Code Section 20.68.030 (H) or Site Plan Review Permits in Merced Municipal Code Section 20.68.050 (F) and Interface Regulations per Merced Municipal Code Section 20.32 or Special Project Permits in Merced Municipal Code Section 20.68.060 (G) or Variances in Merced Municipal Code Section 20.68.070 (F)] or as outlined in Exhibit B; and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a _____ [*and Mitigation Monitoring Program (Exhibit C)*] regarding Environmental Review # _____, and approve/recommend approval of _____, subject to the Conditions set forth in Exhibit A [*and the Mitigation Monitoring Program in Exhibit C*] attached hereto and incorporated herein by this reference.

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

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

ABSTAIN: Commissioner(s)

PLANNING COMMISSION RESOLUTION # _____

Page 2

_____, 20__

Adopted this ___ day of _____ 20__

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Exhibits:

Exhibit A – Conditions of Approval

Exhibit B – Findings/Considerations

Exhibit C – Mitigation Monitoring Program (if applicable)

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Conditions of Approval
Planning Commission Resolution # _____
[Insert File Name and #]

1. The proposed project shall be constructed/designed generally as shown on Exhibit 1 (site plan) and Exhibit 2 (elevations) - Attachments __ and __ of Staff Report # _____, except as modified by the conditions.
2. All conditions contained in *Resolution #1249-Amended (“Standard Conditional Use Permit Conditions”—except for Condition #16 which has been superseded by Code) or Resolution #1175-Amended (“Standard Tentative Subdivision Map Conditions”)* shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. The project shall comply with all applicable conditions and/or mitigation measures set forth in Resolution # _____ for _____ Application # _____ previously approved for this project.
5. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
6. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, 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. Approval of the [*General Plan Amendment/Zone Change/Site Utilization Plan Revision/Annexation/Prezoning*] 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.
9. **[For all new development projects}** Community Facilities District (CFD) formation is required for annual operating costs for police and fire services as well as storm drainage, public landscaping (*if applicable, add “within State Highway rights-of-way”*), street trees, street lights, parks and open space. CFD procedures shall be initiated before final map approval and/or issuance of the first 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.

Findings and Considerations
Planning Commission Resolution # _____
[Insert File Name and #]

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies/does not comply with the General Plan designation of _____ and the zoning designation of _____.

[Excerpt any applicable General Plan goals and/or policies here and note how project relates to the goals.]

Zoning Ordinance Compliance--Mandatory Conditional Use Permit Findings

- B) A Conditional Use Permit is required to allow _____ within a _____ Zone per Merced Municipal Code (MMC) Table _____ "Permitted Land Uses in the _____ Zoning Districts." In order for the Planning Commission to approve or deny a conditional use permit, they must consider the following criteria and make findings to support or deny each criteria per MMC 20.68.020 (E) "Findings for Approval for Conditional Use Permits." These findings are provided below.

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

The proposed project complies with the General Plan designation of _____ and the zoning designation of _____ with approval of this Conditional Use Permit. As described in Finding A above, the project meets the requirements of the General Plan. *[There are no other area, specific, or neighborhood plans for this area. Or The proposed project is within and is consistent with the requirements of the _____ Plan.]*

2. *The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.*

[Insert discussion here of how project meets this Finding.]

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

The proposed project does not include any uses that would be detrimental to the public health, safety, and welfare of the City. Implementation of the conditions of approval and adherence to all applicable Building and Fire Codes and City Standards would prevent the project from having any detrimental effect on the health, safety, and welfare of the City.

EXHIBIT B
OF PLANNING COMMISSION RESOLUTION # _____

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

[Insert discussion here of how project meets this Finding.]

OR

Subdivision Ordinance Compliance--Mandatory Tentative Subdivision Map Requirements

B) Per Merced Municipal Code (MMC) Section 18.16.080 – Information Required, a tentative subdivision map shall include all of the requirements shown below. Said requirements include stating the location of the subject site, the name of the subdivision, and showing the layout of the proposed lots.

MMC 18.16.090 – Required Statement requires the applicant to provide a statement that explicitly states any deviations from tentative subdivision map requirements, standard drawings, or Zoning laws. In this case, the applicant is not requesting any deviations from City requirements.

MMC 18.16.100 - Public Hearing – Generally, requires a public hearing to review and approve a tentative subdivision map in conformance with the Subdivision Map Act. Per the California Environmental Quality Act a public hearing notice was mailed to property owners within 300 feet of the subject site and published in a qualifying newspaper, Merced County Times, three weeks prior to this meeting. In addition, staff reached out to local utility companies, local school districts, and other relevant government agencies to solicit comments. Staff did not receive any comments regarding this application.

“MMC 18.16.080- Information required.

Every tentative map shall be clearly and legibly reproduced. The following information shall be shown on, or accompanying, the map:

1. A key or location map on which is shown the general area including adjacent property, subdivisions and roads;
2. The tract name, date, north point, scale and sufficient legal description to define location and boundaries of the proposed subdivision;
3. Name and address of recorded owner or owners;
4. Name and address of the subdivider;
5. Name and business address of the person who prepared the map;
6. Acreage of proposed subdivision to the nearest tenth of an acre;
7. Contours at six-inch intervals to determine the general slope of the land and the high and low point thereof;
8. The locations, names, widths, approximate radii of curves and grades of all existing and proposed roads, streets, highways, alleys and ways in and adjacent to the proposed subdivision or subdivision to be offered for dedication;
9. Proposed protective covenants;
10. Location and description of all easements;
11. Locations and size of all existing and proposed public utilities;

EXHIBIT B
OF PLANNING COMMISSION RESOLUTION # _____

12. Proposed method of sewage and stormwater disposal;
13. Location and character of all existing and proposed public open space in and adjacent to the subdivision and a statement of intention with regard to park land dedication or payment of a fee in lieu thereof;
14. Lot layout, approximate dimensions and area in square feet of each irregular lot and lot numbers;
15. City limit lines occurring within the general vicinity of the subdivision;
16. Classification of lots as to intended land use, zone, and density;
17. Approximate bearings and distances to quarter-section bounds within the general vicinity of the subdivision;
18. Proposed public improvements;
19. Statement as to whether the subdivision is to be recorded in stages;
20. Existing use and ownership of land immediately adjacent to the subdivision;
21. Preliminary title report issued not more than sixty days prior to filing of the tentative map;
22. The outline of any existing buildings and indication of any to remain in place and their locations in relation to existing or proposed street and lot lines;
23. Location of all existing trees and indication of those proposed to remain in place, standing within the boundaries of the subdivision;
24. Location of all areas subject to inundation or storm water overflow, the location, width and direction of flow of all watercourses and indicate flood zone classification;
25. Elevations of sewers at proposed connection.

(Ord. 1533 § 1, 1984: Ord. 1358 § 3, 1980: Ord. 1342 § 2 (part), 1980: prior code § 25.32(c)).

MMC 18.16.090 - Required statement.

A statement shall be presented by the subdivider in written form accompanying the map and shall contain justification and reasons for any exceptions to provisions of this title, the standard drawings or for any amendments to or variation from the zoning law, which may be requested in conjunction with the subdivision proposed.

(Ord. 1533 § 2, 1984: Ord. 1342 § 2 (part), 1980: prior code § 25.33).

MMC 18.16.100 - Public hearing—Generally.

The planning commission shall review the tentative map at a public hearing to determine whether it is in conformity with the provisions of law and of this title and upon that basis, within the time allowed in the Subdivision Map Act.

(Ord. 1358 § 4, 1980: Ord. 1342 § 2 (part), 1980: prior code § 25.34(a)).”

OR

Zoning Ordinance Compliance--Mandatory Design Review Findings

- B) A Design Review Permit is required for this project per MMC 20.68.030. In order for the Planning Commission to approve or deny a design review permit, they must consider the following criteria and make findings to support or deny each criteria per MMC 20.68.030 (H) “Findings for Approval for Design Review Permits.” These findings are provided below.

EXHIBIT B
OF PLANNING COMMISSION RESOLUTION # _____

1. *The proposed project is consistent with the General Plan, and any adopted area, community, specific, or neighborhood plan.*
2. *The proposed project complies with all applicable provisions of the Zoning Code and Municipal Code.*
3. *The design and layout of the proposed project will not interfere with the use and enjoyment of existing and future neighboring properties and structures.*
4. *The proposed building design makes use of appropriate materials, texture and color, and will remain aesthetically appealing and appropriately maintained.*
5. *The proposed design will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the proposed project.*

OR

Zoning Ordinance Compliance--Mandatory Site Plan Review Findings

B) A Site Plan Review Permit is required for this project per MMC 20.68.050 and per the Interface requirements at MMC 20.32. In order for the Planning Commission to approve or deny a site plan review permit, they must consider the following criteria and make findings to support or deny each criteria per MMC 20.68.050 (F) "Findings for Approval for Site Plan Review Permits." These findings are provided below.

1. *The proposed project is consistent with the General Plan, and any adopted area, specific, community, or neighborhood plan.*
2. *The proposed project complies with all applicable provisions of the Zoning Ordinance and Municipal Code.*
3. *The design and layout of the proposed project will not interfere with the use and enjoyment of existing and future neighboring properties and structures.*
4. *The proposed architectural design makes use of appropriate materials, texture and color, and will remain aesthetically appealing and appropriately maintained.*
5. *Any proposed landscaping design, including color, location, size, texture, type, and coverage of plant materials, as well as provisions for irrigation, maintenance, and protection landscaping elements, will complement structures and provide an attractive environment.*
6. *The proposed design will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the proposed project.*

OR

Zoning Ordinance Compliance--Mandatory Special Project Permit Findings

B) A Special Project Permit is required for this project per MMC 20.68.060. In order for the Planning Commission to approve or deny a special project permit, they must consider the following criteria and make findings to support or deny each criteria per MMC 20.68.060 (G) "Findings for Approval for Special Project Permits." These findings are provided below.

EXHIBIT B
OF PLANNING COMMISSION RESOLUTION # _____

1. *The proposed project is consistent with the purpose of the zoning district, the General Plan, Zoning Ordinance, Merced Municipal Code, and any adopted area, specific, community, or neighborhood plan.*
2. *The proposed project will produce a development with greater public benefits than what might otherwise result from using the standard development regulations.*
3. *Public benefits provided by the proposed project are commensurate with the requested deviation from the standard development regulations.*
4. *The subject property is adequate in terms of size, shape, topography, and circumstances to accommodate the proposed development.*
5. *The proposed project will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the subject property.*

OR

Zoning Ordinance Compliance--Mandatory Variance Findings

B) A Variance is required for this project per MMC 20.68.070. In order for the Planning Commission to approve or deny a variance, they must consider the following criteria and make findings to support or deny each criteria per MMC 20.68.070 (F) "Findings for Approval for Variances." These findings are provided below.

1. *There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zoning district as the subject property. Unique circumstances required for approval of a Variance shall not include conditions created by any act of the property owner or occupant; personal, family, or financial conditions; loss of prospective profits; or neighboring violations.*
2. *The strict application of the Zoning Ordinance requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zoning district as the subject property.*
3. *The Variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zoning district as the subject property.*
4. *The Variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity or in the same zoning district as the subject property.*
5. *The Variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zoning district as the subject property.*
6. *The Variance complies with applicable standards in the Zoning Ordinance, other City ordinances, the General Plan and any other applicable community, neighborhood, specific, or area plan adopted by the City.*

EXHIBIT B
OF PLANNING COMMISSION RESOLUTION # _____

Traffic/Circulation

- C) *[Finding should include estimated number of ADT & PHT and a summary of any traffic-related issues]*

Parking

- D) *[Should include the number of spaces proposed and the number required]*

Public Improvements/City Services

- E)

City Funding Obligations/Reimbursements

- F) The project will be responsible for the installation/construction of the following public improvements, among others:
 - 1) *List all street improvements, including right-of-way dedication, installation of lanes, construction of public streets, widenings, etc. that are eligible for reimbursement/credit*
 - 2) *List all traffic signals*
 - 3) *List any bridges*
 - 4) *List any Parks or other parcels being dedicated for wells, storm basins, fire stations, etc.*
 - 5) *List any other improvements*

For the above improvements, the developer may be eligible for reimbursement/ credit from the City per the procedures in the Merced Municipal Code. Projects eligible for reimbursement/credit, include street oversizing (per MMC 17.58); Public Facilities Impact Fee (PFIF) projects (per MMC 17.62); and Park dedication (per MMC 18.40). The developer may also be eligible for sewer/water oversizing improvements per MMC 15.08 and MMC 15.40. Under the terms of the Pre-Annexation Development Agreement, the developer is also eligible for reimbursement for _____.

In particular, the developer will likely be eligible for reimbursement for a) *__ lanes of _____ from _____ to _____ (100% reimbursement from the PFIF program for arterial oversizing); b) a traffic signal at _____ and _____ (100% reimbursement from the PFIF program for an arterial/arterial intersection; c) a traffic signal at _____ and _____ (50% reimbursement from the PFIF program for an arterial/collector intersection); d) a bridge on _____ at _____ Creek (100% reimbursement from the PFIF program); e) dedication and/or construction of a _____ - acre park at _____; and/or f) any other eligible reimbursements/credits. The amount of fee credit/reimbursement will be based on the cost of the improvements*

and shall be determined at the final map stage for residential subdivisions or the building permit stage for other projects.

[Optional] The City is owed reimbursement from the developer for improvements on _____ Road installed by the City in _____. The developer also owes frontage reimbursement to the adjacent property owner for construction of improvements on _____ in _____. Amounts shall be determined at the Final Map stage for subdivisions or at the building permit stage for other projects.

Building Design

G) *[Should include a description of the buildings proposed—materials, height, etc.]*

Site Design

H)

Landscaping

I)

Neighborhood Impact/Interface

J)

Signage

K) *[Should include the amount of signage proposed and the amount allowed under the ordinance]*

Land Use/Density Issues

L)

Timeliness of Annexation

M)

[Add other Issues/Findings as Appropriate]

N)

Environmental Clearance

O) The Planning staff has conducted an environmental review (Initial Study # _____) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a *[Categorical Exemption or Draft Negative Declaration (i.e., no significant adverse environmental effects have been found) or Draft Mitigated Negative Declaration (i.e., no significant effects in this case because of the mitigation measures and/or modifications described in Initial Study # _____ or a Draft Environmental Impact Report has been prepared]* is being recommended (see Attachment ____).

or

- P) *[Section 15162 Findings]* The Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and concluded that Environmental Review #____ is a second tier environmental document, based upon the City's determination that the proposed development remains consistent with the current general plan and provisions of CEQA Guidelines, Section 15162 (*Insert reference here to the previous Environmental Review and whether a Neg Dec, Mit Neg Dec, etc. was adopted*). A copy of the Section 15162 Findings can be found at Attachment ____.

[OR for CUP's and TSM's where Planning Commission takes the final action]

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #20-____ (*Categorical Exemption/Negative Declaration/Mitigated Negative Declaration*)
- 2)
- 3)

SUMMARY

[Summary of the report—Highlight major issues and if there is agreement/disagreement on project conditions. Indicate whether the staff is recommending approval, etc.]

RECOMMENDATION

[Enter recommended action here, including adoption of the Planning Commission Resolution, with Conditions of Approval (Exhibit A) and Findings and Considerations (Exhibit B) now included in Resolution and not in the body of the report. If a Mitigation Monitoring Program is required, it should be attached as Exhibit C to the Resolution. If there are multiple files being approved, the action should be broken down into a, b, c, etc., with the environmental review always being first.]

Planning staff recommends that the Planning Commission [*approve or recommend approval to the City Council*] of Environmental Review # ____ [*Categorical Exemption or Negative Declaration or Mitigated Negative Declaration*] and [*Insert Application Name(s) and File Number(s)*] (including the adoption of the Draft Resolution at Attachment ____) subject to the conditions in Exhibit A and the findings/considerations in Exhibit B of the Draft Resolution at Attachment A.

..Body

DISCUSSION

[Enter a discussion of the item. Using headings to break up text, as appropriate. Required headings are below.]

Project Description

[Insert Project Description Here—what does the project involve? Avoid outlining issues that are discussed in the Findings.]

Surrounding uses as noted in Attachment B.

Surrounding Land	Existing Use of Land	City Zoning Designation	City General Plan Land Use Designation
North			
South			
East			
West			

Background

[Insert Background here, generally past actions on the property or project.]

Findings/Considerations

Please refer to Exhibit B of the Draft Planning Commission Resolution at Attachment A.

ATTACHMENTS

[List your attachments in the order you have attached them in Legistar.]

- A. Draft Planning Commission Resolution
- B. Location Map
- C. Site Plan
- D. Elevations
- E. Environmental Review