

CITY OF MERCED
Planning & Permitting Division

STAFF REPORT: #17-15

AGENDA ITEM: 4.2

FROM: Kim Espinosa,
Planning Manager

PLANNING COMMISSION
MEETING DATE: Oct. 18, 2017

PREPARED BY: Francisco Mendoza-Gonzalez,
Planner

SUBJECT: **Conditional Use Permit #1220**, initiated by All Pro Bail Bonds, applicant for Paul and Socorro Gonzales, Trustees, property owners. This application involves a request to relocate an existing bail bond company (All Pro Bail Bonds) from 611 W. Main Street to 735 W. 22nd Street, generally located on the north side of W. 22nd Street, approximately 200 feet west of N Street, within an Office Commercial (C-O) Zone. *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #17-11 (Categorical Exemption)
- 2) Conditional Use Permit #1220

SUMMARY

All Pro Bail Bonds is requesting approval to relocate their business from 611 W. Main Street to 735 W. 22nd Street (Attachment A). The new site is located approximately five blocks north from their existing building in Downtown Merced. The new site is surrounded by various public safety divisions, such as the Merced County Sheriff's Office and the Merced Police Department, and near related agencies such as the Merced County Superior Court and the Merced County Probation Department. The proposed site includes a 1,145-square-foot office on a 7,500-square-foot lot that is located within an Office Commercial (C-O) Zone, with a General Plan designation of Office Commercial (CO). A bail bond business is considered a conditional use within the C-O Zone and requires Planning Commission approval. Police Department staff have reviewed this request and they do not have any particular concerns with this business or expect it to have any significant impacts on police resources. Given the site's close proximity to various safety divisions and legal agencies, staff is of the opinion that the proposed site is logical and that All Pro Bail Bonds would be a complementary use to the surrounding facilitates. Staff is recommending approval of this request, subject to the conditions in the staff report.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #17-11 (Categorical Exemption) and Conditional Use Permit #1220 (including the adoption of the Resolution at Attachment E), subject to the following conditions:

- *1) The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan/floor plan) - Attachment B, 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) 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) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
- *5) 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.
- *6) 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.
- *7) All signing shall comply with the City’s Sign Ordinance. Building permits shall be obtained prior to installing any permanent signing. A Temporary Sign Permit shall be obtained prior to installing any temporary signs or banners. Temporary freestanding or A-frame signs are not allowed.
- 8) All business activities at this location shall be conducted within the building space.
- 9) All lighting on site shall be shielded or oriented in a way that does not allow “spillover” onto adjacent lots in compliance with the California Energy Code requirements. Any lighting on the building, parking lot lighting, or signage shall be oriented to shine downward and not spillover onto adjacent parcels.

(* Denotes non-discretionary conditions.

PROJECT DESCRIPTION

The applicant is requesting Conditional Use Permit approval to relocate their existing bail bond company from 611 W. Main Street to 735 W. 22nd Street. The business would operate 24 hours a day, seven days a week. The new site includes a 1,145-square-foot office on a 7,500-square-foot lot with adequate parking on the northern portion of the parcel (Attachment B). The subject site is surrounded by various professional uses, government agencies, and non-profit organizations (see Attachment A). Given the existing nature of the neighborhood, Planning and Police staff do not anticipate that this proposal would bring any unusual circumstances to the area.

Surrounding Uses
(Attachment A)

Surrounding Land	Existing Use of Land	City Zoning Designation	City General Plan Land Use Designation
North	Apartments (across alley)	High Density Residential (R-4)	Medium to High Density Residential (HMD)
South	Merced County Library (across 22 nd Street)	Office Commercial (C-O)	Public/General Use (P/G)
East	Aladdin Bail Bonds	Office Commercial (C-O)	Office Commercial (CO)
West	Merced County Water Quality Control Division	Office Commercial (C-O)	Office Commercial (CO)

BACKGROUND

All Pro Bail Bonds is a fairly large company that has been around for over 10 years with over 20 locations in California with several offices in the Bay Area, Central Valley, and Southern California. All Pro Bail Bonds has been in Downtown Merced since 2010. In August 2017, they received a Notice of Termination of Tenancy from their property management company informing them that their property owner would not be renewing their month-to-month lease; the tenant space is one of several suites that is scheduled for demolition to make room for the El Capitan Hotel remodel that was approved by the Planning Commission in September 2016. The applicant is satisfied with their new location because it is conveniently located in close proximity to other agencies that they regularly do business with.

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Office Commercial (CO) and the zoning designation of Office Commercial (C-O) with Conditional Use Permit approval.

Parking

- B) An office is required to provide parking at a ratio of one space for every 250 square feet of floor area. Based on the 1,145-square-foot office, All Pro Bail Bonds is required to provide

a minimum of 5 parking spaces. The subject site has 5 parking spaces on the northern portion of the parcel, in addition to the supplemental parking located on the 100-foot-long driveway along 22nd Street. The subject site's parking spaces exceed the minimum parking requirements for this use.

Building Design

- C) The applicant is not proposing any changes to the exterior of the building. This building was originally a single family home, but was remodeled in 2008 to meet the City's commercial development standards. Said remodel included improvements to the site plan (adding a parking lot), providing ADA building access, and redesigning the interior of the building to meet Fire and Building Code requirements.

Should the applicant wish to further modify the exterior or interior of the building, they may be required to obtain building permits from the Building Department. The subject site is located one block away from the City's Design Review Boundary, so exterior remodels or new exterior paint would not require a Design Review Permit.

Site Design

- D) The subject site is located on the north side of 22nd Street, on the middle of the block, between O Street and N Street. The subject site is a rectangular 0.17-acre parcel that is 50 feet wide by 150 feet long. Pedestrian access is available from a pedestrian path that connects the main entrance to the sidewalk along 22nd Street. Vehicle access is available at two locations. One vehicle access point is available from 22nd Street through a 100-foot-long driveway that leads directly into a single-car garage. Vehicle access is also available from the alley between 22nd Street and 23rd Street, that leads directly into an uncovered 5-car parking lot. The 1,145-square-foot office is located at the center of the parcel and is surrounded by landscaping that includes trees, shrubs, bushes, and turf.

Neighborhood Impact/Interface

- E) The subject site is located north of Downtown Merced within one of the largest Office Commercial Zones (over 100 acres) in the City. Professional businesses and government buildings are common throughout this neighborhood. The subject site is surrounded by the Merced County Sheriff's Department, the Merced City Police Department, the Merced County Superior Court House, and the Merced County Probation Department (see Attachment A). In addition, there is an existing bail bond company directly east of the subject site at 727 W. 22nd Street (Aladdin Bail Bonds).

Even though there are some residential properties directly to the north of the subject site (across the alley), this project does not require Interface Zone approval because those properties are zoned high-density residential. Nevertheless, conditions are being included to reduce impacts associated with lighting generated from this business (Conditions #9).

Given the surrounding professional uses, and the fact that Aladdin Bail Bonds has been in the neighborhood for approximately 15 years, staff does not anticipate that the approval of this bail bond company would create any unusual circumstances for the neighborhood.

Signage

- F) The applicant is not proposing signage at this time. The maximum amount of signage allowed in the C-O Zone is 4 square feet per building. For additional signage allowance, the applicant may apply for an Administrative Conditional Use Permit for additional signage equating $\frac{1}{4}$ square foot of signage for every lineal feet of building street frontage.

Environmental Clearance

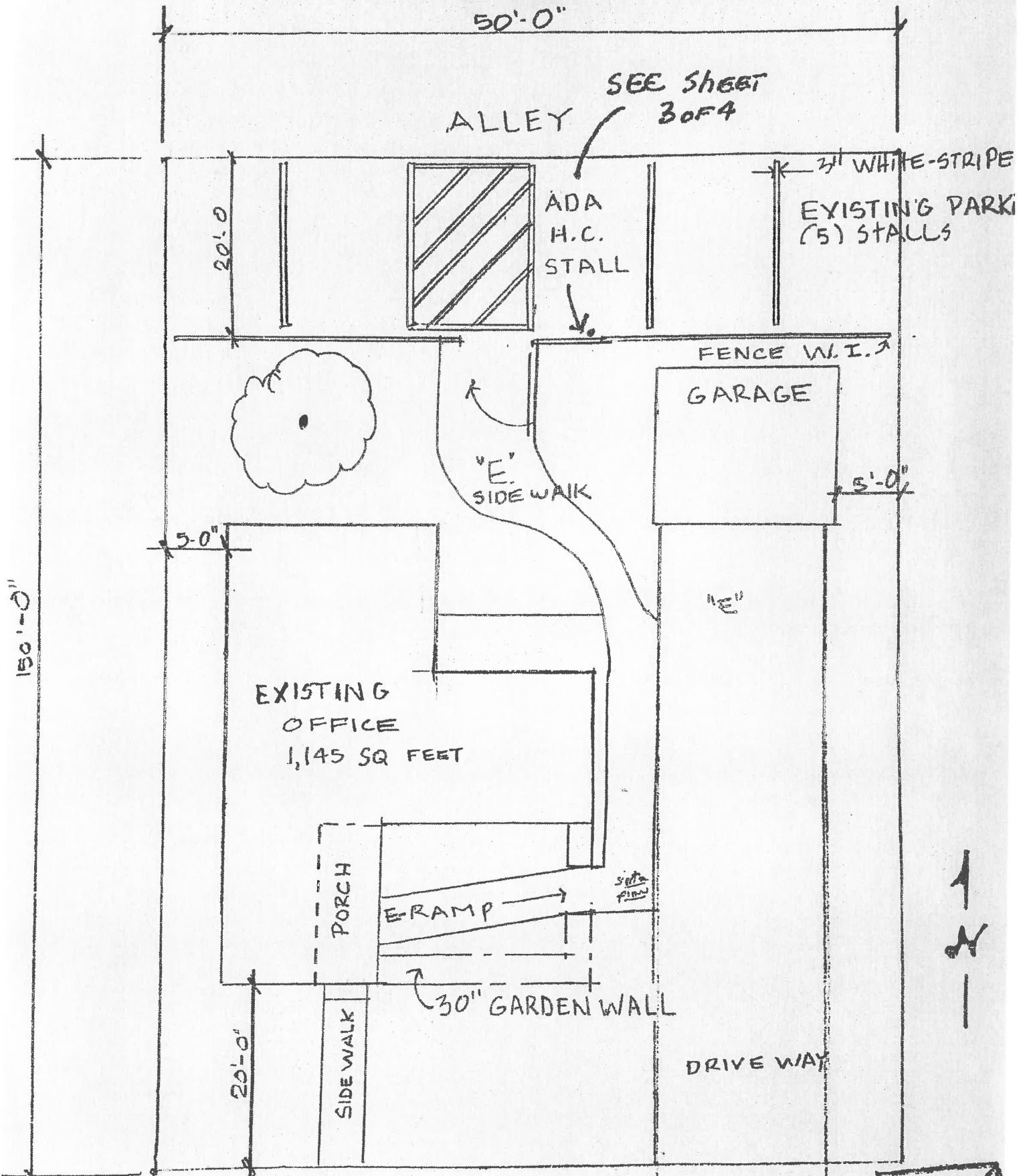
- G) Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption (i.e., no further environmental review is needed) is being recommended (Attachment D).

Attachments:

- A) Location Map
- B) Site Plan/Floor Plan
- C) Elevations
- D) Categorical Exemption
- E) Draft Planning Commission Resolution

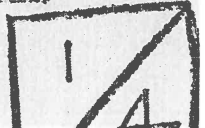


ATTACHMENT A



735 W. 22ND.

ATTACHMENT B



5024

PROJECT ELEVATIONS



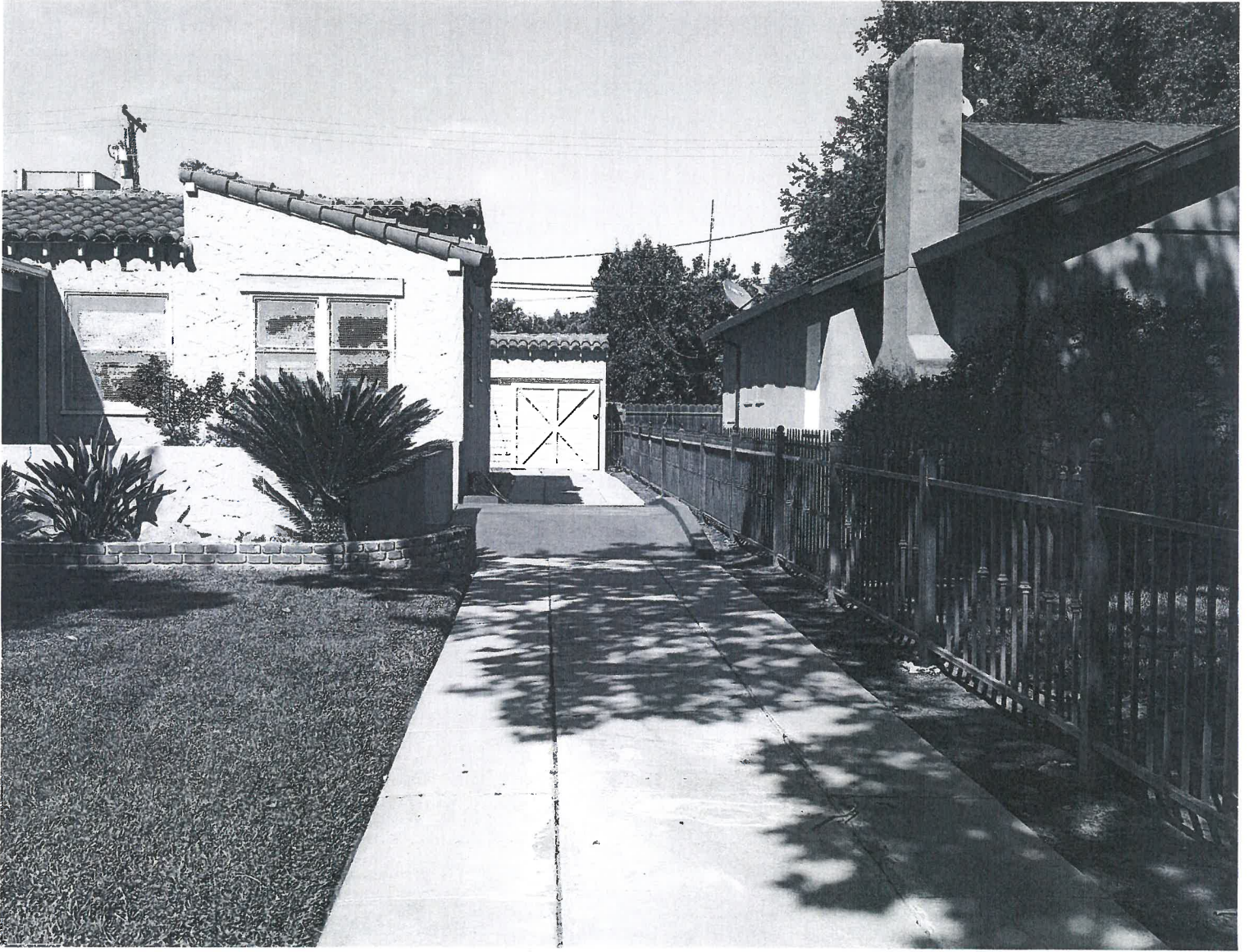
ATTACHMENT C

NORTH

Project Elevations



EAST



PROJECT ELEVATIONS

WIES!



PROJECT ELEVATIONS

NOTICE OF EXEMPTION

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

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

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

Project Title: CUP #1220 (Environmental Review #17-11)

Project Applicant: Myles Kuikahi for Paul and Socorro Gonzales (property owners)

Project Location (Specific): 735 W. 22nd Street APN: 030-172-012

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

Description of Nature, Purpose, and Beneficiaries of Project:

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Myles Kuikahi for Paul and Socorro Gonzales
(property owners)

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- X Categorical Exemption. State Type and Section Number: 15301 (a)
- Statutory Exemptions. State Code Number: _____
- General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt: As defined under the above referenced Section, the proposed project consists of minor interior/exterior alterations with a land use request to operate a bail bond company, which are considered to be exempt under the CEQA Guidelines per Section 15301 (a).

Lead Agency: City of Merced

Contact Person: Francisco Mendoza-Gonzalez **Area Code/Telephone:** (209) 385-6858

Signature:  **Date:** 9-12-2017 **Title:** Planner

X Signed by Lead Agency **Date Received for Filing at OPR:** _____
(If applicable)

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

CITY OF MERCED
Planning Commission

Resolution #_____

WHEREAS, the Merced City Planning Commission at its regular meeting of October 18, 2017, held a public hearing and considered **Conditional Use Permit #1220**, initiated by All Pro Bail Bonds, applicant for Paul and Socorro Gonzales, Trustees, property owners. This application involves a request to relocate an existing bail bond company (All Pro Bail Bonds) from 611 W. Main Street to 735 W. 22nd Street, generally located on the north side of W. 22nd Street, approximately 200 feet west of N Street, within an Office Commercial (C-O) Zone; also known as Assessor's Parcel Number 031-172-012; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through G of Staff Report #17-15; and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #17-11, and approve Conditional Use Permit #1220, subject to the Conditions set forth in Exhibit A 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)

ATTACHMENT E

PLANNING COMMISSION RESOLUTION # _____

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October 18, 2017

Adopted this 18th day of October 2017

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Attachment:

Exhibit A – Conditions of Approval

n:shared:planning:PC Resolutions: CUP#1220 All Pro Bail Bonds (735 W. 22nd Street)

Conditions of Approval
Planning Commission Resolution # _____
Conditional Use Permit #1220

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan/floor plan) - Attachment B of Staff Report #17-15, 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) 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. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. 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.

6. 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.
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n:shared:planning:PC Resolutions: CUP #1220 Exhibit A