

**CITY OF MERCED
Planning Commission**

MINUTES

Merced City Council Chambers
Wednesday, October 23, 2019

Vice Chairperson HARRIS called the meeting to order at 7:04 p.m., followed by a moment of silence and the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Stephanie Butticci, Jose Delgadillo, Robert Dylina, Dorothea Lynn White, and Vice Chairperson Michael Harris

Commissioners Absent: Commissioners Camper and Rashe

Staff Present: Director of Development Services McBride, Planning Manager Espinosa, Associate Planner Mendoza-Gonzalez, Deputy City Attorney Campbell, and Recording Secretary Gates

1. **APPROVAL OF AGENDA**

M/S BUTTICCI-DYLINA, and carried by unanimous voice vote (two absent), to approve the Agenda as submitted.

2. **MINUTES**

M/S DELGADILLO-BUTTICCI, and carried by unanimous voice vote (two absent), to approve the Minutes of October 9, 2019, as submitted.

3. **COMMUNICATIONS**

None

4. **ITEMS**

*Secretary's note:

Commissioner DYLINA recused himself prior to the reading of Item 4.1 and left the Chambers.

- 4.1 Conditional Use Permit #1235, initiated by J Dean Investments, property owner. This application involves a request to allow for three small lots (each approximately 6,575 square feet) for single-family homes at 1406 and 1426 E. Alexander Avenue. The subject site is generally located on the south side of Alexander Avenue, 350 feet west of Nottingham Lane, within a Low Medium Density Residential (R-2) Zone with a Low to Medium Density Residential (LMD) General Plan designation.

Associate Planner MENDOZA-GONZALEZ reviewed the report on this item. He noted a memo from staff recommending the addition of Finding I and the deletion of Condition #7, which was provided to the Commission prior to the meeting. For further information, refer to Staff Report #19-26.

Public testimony was opened at 7:20 p.m.

Commissioner DYLINA returned to the dais to recuse himself on the record and then left the Chambers again.

Speaker from the Audience in Favor:

BEN PENFIELD, Representative of the applicant, Merced

No one spoke in opposition to the project.

Public testimony was closed at 7:22 p.m.

M/S DELGADILLO-BUTTICCI, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #19-26, and approve Conditional Use Permit #1235, subject to the Findings and sixteen (16) Conditions set forth in Staff Report #19-26,

with the addition of Finding I and the removal of Condition #7 as follows (RESOLUTION #4030):

(New language underlined, deleted language ~~strike-through~~.)

“I) This request to create small lots for single-family homes in a Low Medium Density Residential (R-2) Zone requires a Conditional Use Permit per MMC Section 20.40.030 – Permits Required. 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.

1. The proposed use is consistent with the purpose and standards of 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 Low Medium Density (LMD) Residential and the zoning designation Low Medium Density (R-2) Residential with approval of this conditional use permit.

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.

Given the medium density residential units near the subject site along Alexander Avenue, and the 69 small lots to the south of the subject site, staff does not anticipate that the approval of this proposal (three small lots) would significantly change the character of the neighborhood or create any unusual circumstance for the surrounding area.

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

The subject site, along with most of the parcels on the south side of Alexander Avenue are zoned Low Medium Density Residential (R-2) which allows for the construction of single-family homes and duplexes at a rate of one unit per 3,000 square feet of land.

Given that the subject site totals 19,679 square feet, the site would qualify for a maximum of six residential units. The proposed project consist of three single family homes which would be less than the six units allowed in this zone, resulting in reduced impacts to traffic, noise, air quality, public health, safety, and general welfare of the City.

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

The proposed project is considered infill development as it would be constructed on a mostly vacant lot that is surrounded by city services and infrastructure. Sewer and water lateral connections can be made from the main lines along Alexander Avenue. The roads surrounding the site are fully developed and vehicle access would be available from Alexander Avenue.”

AYES: Commissioners Butticci, Delgadillo, White and Vice
Chairperson Harris
NOES: None
ABSENT: Commisioners Camper and Rashe
ABSTAIN: Commissioner Dylina

Commissioner DYLINA returned to the dais.

5. INFORMATION ITEMS

5.1 Calendar of Meetings/Events

Planning Manager ESPINOSA introduced the newly appointed Commissioners DELGADILLO and WHITE to the Planning Commission.

Planning Manager ESPINOSA briefed the Planning Commission on items for the next few Planning Commission meetings.

6. ADJOURNMENT

6. **ADJOURNMENT**

There being no further business, Vice Chairperson HARRIS adjourned the meeting at 7:27 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:



MICHAEL HARRIS, Vice Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #4030

WHEREAS, the Merced City Planning Commission at its regular meeting of October 23, 2019, held a public hearing and considered **Conditional Use Permit #1235**, initiated by J Dean Investments, property owner. This application involves a request to allow for three small lots (each approximately 6,575 square feet) for single-family homes at 1406 and 1426 E. Alexander Avenue. The subject site is generally located on the south side of Alexander Avenue, 350 feet west of Nottingham Lane, within a Low Medium Density Residential (R-2) Zone with a Low to Medium Density Residential (LMD) General Plan designation; also known as Assessor's Parcel Numbers (APN) 007-121-029 and 007-121-030; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through H of Staff Report #19-26; and,

WHEREAS, the Merced City Planning Commission concurs with the Findings for Approval for Conditional Use Permits in Merced Municipal Code Section 20.68.020 (E) and other Considerations 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 Categorical Exemption regarding Environmental Review #19-26, and approve Conditional Use Permit #1235, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Butticci, Delgadillo, White, and Vice Chairperson Harris
NOES: None
ABSENT: Commissioners Camper and Rashe
ABSTAIN: Commissioner Dylina

PLANNING COMMISSION RESOLUTION #4030

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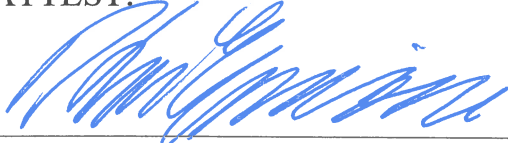
October 23, 2019

Adopted this 23rd day of October 2019



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Exhibit B – Findings and Considerations

Conditions of Approval
Planning Commission Resolution #4030
Conditional Use Permit #1235

1. Conditional Use Permit #1235 The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibit 2 (elevations) -- Attachments B and C of Staff Report #19-26.
2. All conditions contained in Resolution #1249 ("Standard Conditional Use Permit Conditions") and 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. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. The developer/applicant shall indemnify, protect, defend, 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 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. 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. 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.
8. Developer shall coordinate with all utility companies and include utility information on the improvement plans at time of Parcel Map submittal to the City.
9. All undeveloped areas shall be maintained free of weeds or other debris.
10. Refuse containers shall be stored out of site of the general public. A concrete pad (3 x 6 foot minimum) with a paved access to the street shall be installed in the side or back yard of each unit to house refuse containers.
11. As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repared if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
12. To connect to City water and sewer services, the applicant shall demolish any existing septic tanks and water wells that may be located onsite.
13. Each new lot shall have independent sewer and water line lateral connections.
14. The developer shall apply for a Parcel Map to record the proposed three lots.

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4030

15. The homes shall meet the design standards shown under Merced Municipal Code Section 20.46 - Residential Design Standards.
16. The developer shall meet the development standards shown on the chart under Finding C of Staff Report #19-26.

n:shared:planning:PC Resolutions: CUP #1235 Exhibit A

**Findings of Approval per Merced Municipal Code 20.68.020 (E) and
Other Considerations
Planning Commission Resolution #4030
Conditional Use Permit #1235**

WHEREAS, the Merced City Planning Commission concurs with the Findings for Approval for Conditional Use Permits in Merced Municipal Code Section 20.68.020 (E) as follows:

1. *The proposed use is consistent with the purpose and standards of 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 Low Medium Density (LMD) Residential and the zoning designation Low Medium Density (R-2) Residential with approval of this conditional use permit.

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.*

Given the medium density residential units near the subject site along Alexander Avenue, and the 69 small lots to the south of the subject site, staff does not anticipate that the approval of this proposal (three small lots) would significantly change the character of the neighborhood or create any unusual circumstance for the surrounding area.

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

The subject site, along with most of the parcels on the south side of Alexander Avenue are zoned Low Medium Density Residential (R-2) which allows for the construction of single-family homes and duplexes at a rate of one unit per 3,000 square feet of land. Given that the subject site totals 19,679 square feet, the site would qualify for a maximum of six residential units. The proposed project consist of three single family homes which would be less than the six units allowed in this zone, resulting in reduced impacts to traffic, noise, air quality, public health, safety, and general welfare of the City.

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

The proposed project is considered infill development as it would be constructed on a mostly vacant lot that is surrounded by city services and infrastructure. Sewer and water lateral connections can be made from the main lines along Alexander Avenue. The roads surrounding the site are fully developed and vehicle access would be available from Alexander Avenue.

CONSIDERATIONS.

The Planning Commission has considered all of the evidence submitted into the administrative record including, but not limited to:

- A. A location map of the proposed premises
- B. An aerial map of the proposed premises
- C. A proposed site plan and floor plans
- D. Proposed elevations
- E. Environmental Review #19-26 (Categorical Exemption)
- F. Planning Commission Staff Report #19-26, and attachments thereto
- G. Staff presentation