

CITY OF MERCED
Planning & Permitting Division

STAFF REPORT: #19-26

AGENDA ITEM: 4.1

FROM: Kim Espinosa,
Planning Manager

PLANNING COMMISSION
MEETING DATE: Oct. 23, 2019

PREPARED BY: Francisco Mendoza-Gonzalez,
Associate Planner

SUBJECT: **Conditional Use Permit Application #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 *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #19-26 (Categorical Exemption)
- 2) Conditional Use Permit Application #1235

SUMMARY

J Dean Investments is requesting conditional use permit approval to allow for three small lots (each approximately 6,575 square feet) to develop single-family homes at 1406 and 1426 E. Alexander Avenue (Attachment A). Per Merced Municipal Code Chapter 20.40 – Small Lot Single-Family Homes, small lots are allowed in the Low Medium Residential (R-2) Zone with conditional use permit approval from the Planning Commission. Each lot would have a rectangular shape, with lot dimensions being 46 feet wide and 143 feet deep. If this request is approved by the Planning Commission, the applicant would subsequently submit a Parcel Map to reconfigure the existing parcels (reviewed by City staff). City staff have reviewed this request and are recommending approval with conditions.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #19-26 (Categorical Exemption), and Conditional Use Permit Application #1235 subject to the following conditions (in accordance with the Draft Resolution at Attachment E):

- *1) The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibit 2 (elevations) -- Attachments B and C.
- *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.
 - 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.
- (*) Denotes non-discretionary conditions.

PROJECT DESCRIPTION

J Dean Investments is requesting conditional use permit approval to allow for three small lots (each approximately 6,575 square feet) to develop single-family homes at 1406 and 1426 E. Alexander Avenue (Attachment A). Per Merced Municipal Code Chapter 20.40 – Small Lot Single-Family Homes, small lots are allowed in the Low Medium Residential (R-2) Zone with conditional use permit approval from the Planning Commission. Each lot would have a rectangular shape, with lot dimensions being 46 feet wide and 143 feet deep (with an area of 6,575 square feet). The single story homes would have a 1,725-square-foot building footprint consisting of four bedrooms, two bathrooms, a living room, a kitchen, and a two-car garage. If this project is approved by the Planning Commission, the applicant would subsequently request approval from the City for a Parcel Map to reconfigure the existing parcels. The developer would also need to obtain building permits and encroachment permits from the City's Building Division and Engineering Division.

Surrounding uses are noted at Attachment A

Surrounding Land	Existing Use of Land	City Zoning Designations	City General Plan Land Use Designation
North	Calvary Baptist Church (Across E. Alexander Ave.)	Low Density Residential (R-1-6)	Low Density (LD) Residential
South	Single Family Homes	Residential Planned Development (RP-D) #38	Low Density Residential (LD)
East	Vacant Lot	Low Medium Density Residential (R-2)	Low Medium Density Residential (LMD)
West	Vacant	Residential Planned Development (RP-D) #38	Low Density Residential (LD)

BACKGROUND

Subject Site

The subject site consist of two 0.22-acre parcels that were originally created in Merced County Jurisdiction. The subject site, along with the surrounding neighborhood, were annexed into the City limits in 1992. 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, and air quality. In addition, the proposed small lots would be consistent with the adjacent Hansen Park Subdivision to the south, which consists of 69 lots each generally being about 45 feet wide and 90 feet deep, and about 4,000 square feet in size.

Zoning Ordinance

In 2005, the City Council adopted the Small-Lot Design Guidelines to provide direction for the development of lots less than 50 feet wide. The guidelines were adopted to address various General Plan Urban Design goals to establish a means of developing affordable homes that maintain high aesthetic standards. The guidelines discuss various architectural and site plan elements such as parking configuration, facade design, bulk standards, open space, service areas,

driveway accesses, and fencing. Initially, small lots were limited to properties in Residential Planned Development Zones, but in 2015, the City adopted a comprehensive Zoning Ordinance Amendment that allowed other zones to qualify for small lots, such as the Low Medium Density Residential (R-2) Zone, the Inner Village Residential (R-IV) Zone, and the Outer Village Residential (R-OV) Zone. This is the City's first proposal for small lots in an R-2 Zone.

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) 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.

General Plan "Land Use" policies that relate to this proposal include:

Policy L-1.2: Encourage a diversity of building types, ownership, prices, designs, and site plans for residential areas throughout the City.

Policy L-1.3: Encourage a diversity of lot sizes in residential subdivisions.

Parking

- B) The City's parking requirement for single-family homes is one parking stall per unit. The proposal exceeds that requirement by having two parking stalls per unit. Parking for each lot would be accessible from a 20-foot-wide driveway approach along Alexander Avenue.

Development Standards

- C) Per Merced Municipal Code Section 20.40.050 – Development Standards and Guidelines, the Planning Commission has the authority to approve the development standards for small lot projects. Development standards for Planning Commission consideration include the minimum lot area, lot dimensions, parking requirements, setbacks, maximum lot coverage, and building height. The proposed site plan and elevations shown at Attachments B and C confirm that many of these development standards are consistent with the Low Density Residential Development Standards by maintaining a front yard setback of at least 20 feet, side yard setbacks of at least 5 feet, rear yard setbacks of at least 10 feet (proposed is 51 feet), maximum lot coverage of 45% (proposed 26%), maximum building height 35 feet (proposed is under 30 feet), and a minimum of one parking stall per unit (proposed is two parking stalls per unit). In addition, the proposed lot sizes are generally consistent with the recommended standards shown under Merced Municipal Code Table 20.40.050 – Development Standards for Small Lot Single-Family Homes, which recommend a lot area minimum of 5,000 square feet (proposed is 6,575 square feet), a minimum lot width of 40 feet (proposed is 46 feet), and a minimum lot depth of 75 feet (proposed is 143 feet). Staff has reviewed the proposed development standards and determined that they are appropriate given their consistency with the development standards for single-family homes (within low density residential zones) and the City's guidelines for small lots. Below is a chart that shows the proposed standards for this project (see Condition #16).

SMALL LOT DEVELOPMENT STANDARDS FOR THIS SITE	
Lot Size	6,500 square feet lots (Minimum)
Setbacks	20-foot front yards 10-foot rear yards 5-foot side yards
Building Heights	35 feet maximum
Distance Between Buildings	10 feet house side to house side
Lot Coverage (house s.f. / lot s.f)	50%
Building Densities	1 unit per and 1 Accessory Dwelling Unit per lot (or as otherwise allowed by Code)
Parking Required	1 space for each unit (ADU would need to comply with parking requirements from ADU Ordinance)
Landscaping Requirements	All plant materials appropriate for Sunset Zones 8-9; focus on low water plants; programmable automatic controllers; mixed species trees; reduced water & maintenance focus for turf

Public Improvements/City Services

D) The frontage of the subject site (along E. Alexander Avenue) already contains several public improvements such as an existing road, gutters, storm drain lines, water lines, sewer lines, sidewalk, and street lights. The Engineering Department may require the applicant to make additional public improvements during the building permit stage (such as repairing damaged sidewalk), per Merced Municipal Code 17.04.050 and 17.04.060 for projects exceeding valuation of \$100,000.00 (Condition #11). To formally record the three small lots, the applicant shall submit a parcel map application. Said application shall be reviewed by the City (Condition #14). During this stage, the parcel map shall be conditioned to ensure that each lot has independent sewer and water lateral connections from E. Alexander Avenue (Conditions #12 and #13 also addresses utility connections). Refuse service shall be provided on the street frontages along E. Alexander Avenue. The developer shall install concrete pads behind their fence large enough to accommodate the City's recycling container, garbage container, and organic waste container (Condition #10).

Building Design

- E) The applicant is proposing one floor plan with two different elevation styles for this project (Attachment C). The same floor plan would be used for all three homes, but the middle home would mirror the other floor plans to add some architectural variety from the street view. The homes would have a building footprint of 1,750 square feet, and include a two-car garage, a living room, a kitchen, four bedrooms, and two bathrooms. The exterior of the single-story home would be finished with stucco, the windows would be treated with trim, and the roof would be covered with composite shingles. Each home would have a covered porch with thick columns that add façade variation and architectural character. The homes shall meet the City's design standards for single-family homes as required by Merced Municipal Code Section 20.46 - Residential Design Standards (Condition #15).

Site Design

- F) This proposal includes three single-family homes on three small lots. The site plan for each home is generally the same. The site plan includes vehicle access from independent driveway approaches off Alexander Avenue. The two-car garage is set back 20 feet from the front property line (satisfying the City's vehicle backing requirements). The 1,750-square-foot homes are located closer to the northern portion of the parcel allowing for backyards that are 57 feet deep. The homes are set back 5 feet from the side property lines, meeting the Fire Department's requirement for equipment access. The building footprint occupies 27% of the lot, which is below the maximum lot coverage of 50% for the R-2 Zone.

Neighborhood Impact

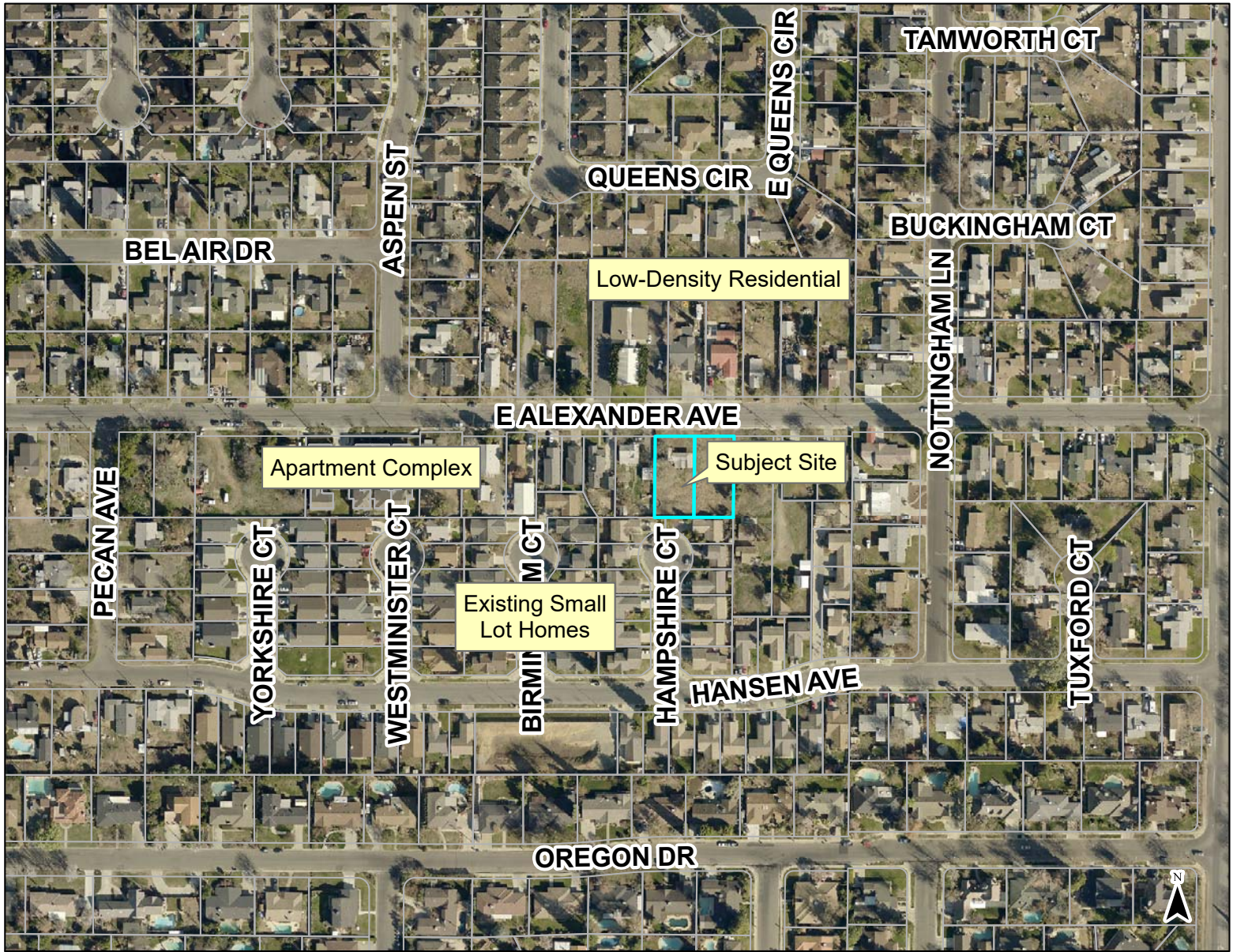
- G) The subject site is located in northeast Merced, and is surrounded by a variety of medium density residential uses, such as apartments, duplexes, and small lot single-family homes. The majority of the duplexes and apartments are located along the south side of E. Alexander Avenue. Most of the homes along this corridor are zoned Low Medium Density (LMD) Residential. To the south of the subject site is an established neighborhood, known as the Hansen Park Subdivision, that consists of 69 small lots built on approximately 15.9 acres. These small lots are generally about 45 feet wide and 90 feet deep with a general parcel size of 4,000 square feet. This subdivision was approved by the Merced Planning Commission in 1991, and constructed soon after. Given the medium density residential units 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. A public hearing notice was published in the Merced County Times and distributed to property owners within 300 feet of the subject site, and as of the time that this report was prepared (10/18/2019), staff had not received any comments from the public.

Environmental Clearance

- H) Planning staff has conducted an environmental review (#19-26) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption (i.e., no significant adverse environmental effects have been found) 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

EXHIBIT C
PROPOSED LOT ADJUSTMENT
AND SPLIT

Original Lot Line

46.106 P/L

46.106 P/L

46.106 P/L

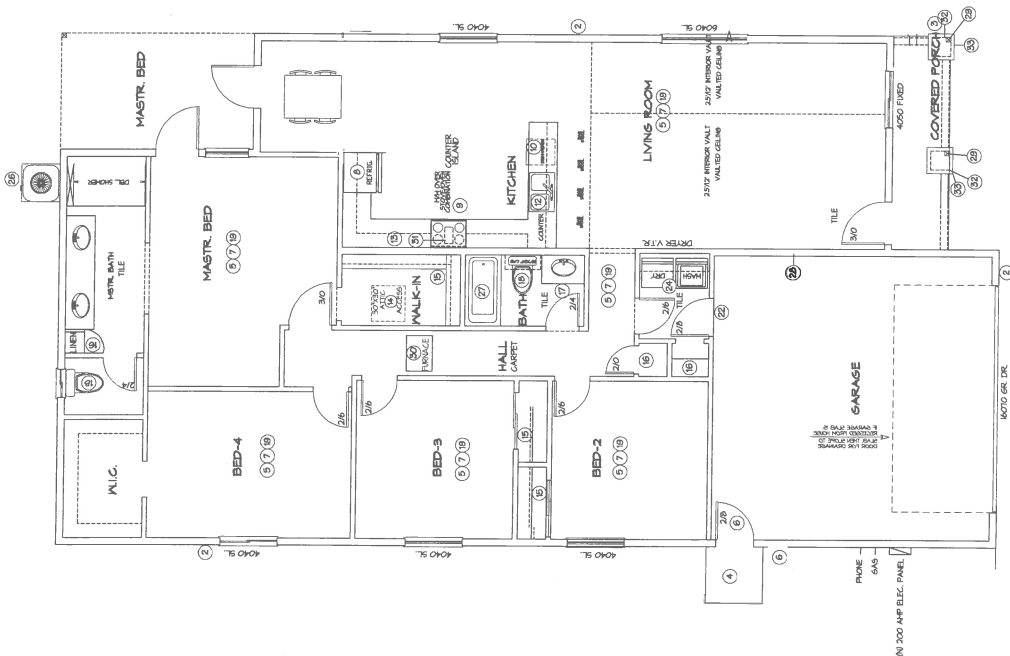


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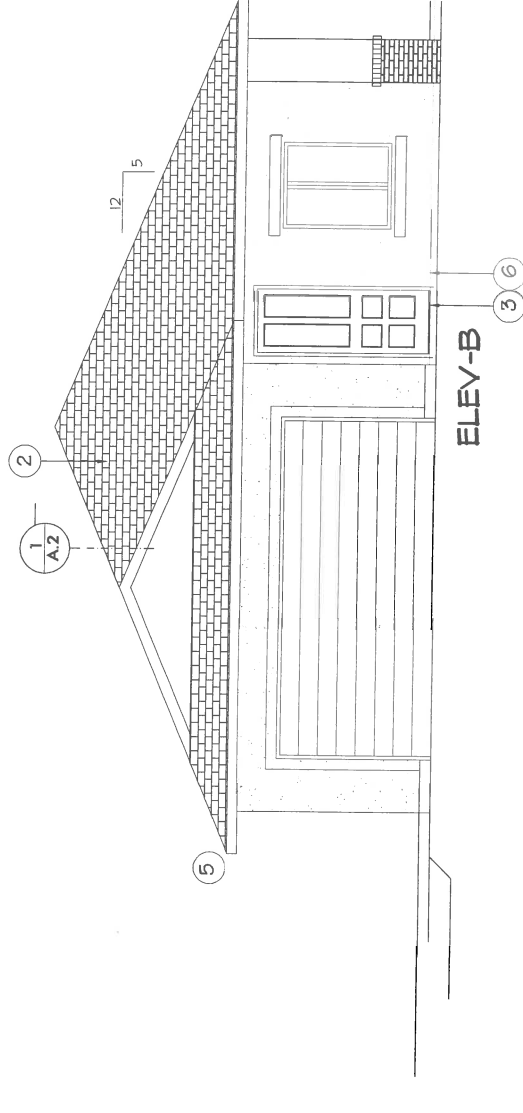
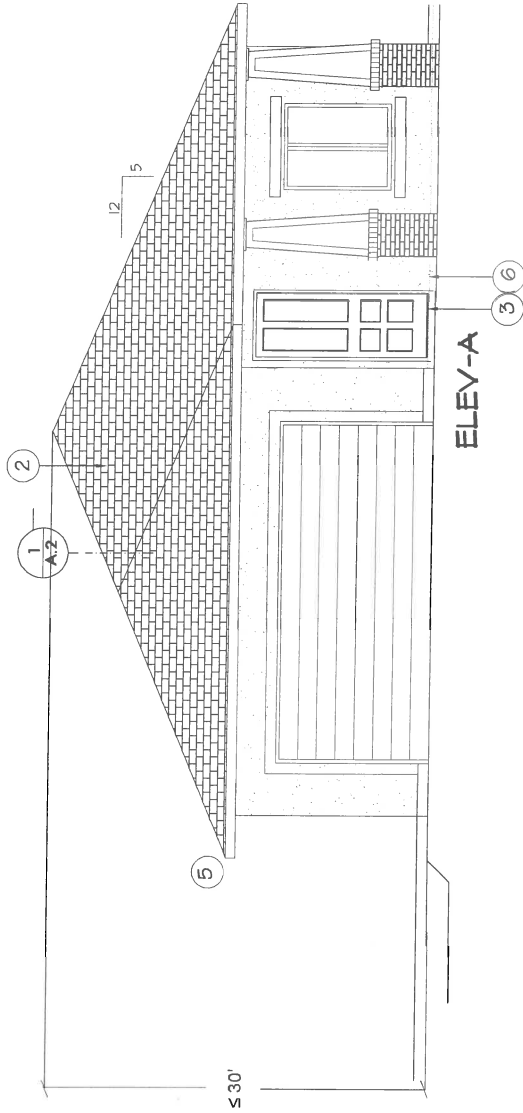
46.106 P/L

46.106 P/L

ALEXANDER AVE



1725 SF CFA



ATTACHMENT C

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: Conditional Use Permit #1235 (Environmental Review #19-26)

Project Applicant: J Dean Investments

Project Location (Specific): 1406 and 1426 E. Alexander Ave. **APN:** 007-121-029/30

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: J Dean Investments

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));
- Categorical Exemption. State Type and Section Number: 15332
- 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 is considered an in-fill project. The project location is within the City limits on an approximately 0.22-acre parcels surrounded by urban uses. The site can be served by all required utilities and public services, and the project site has no value as habitat for endangered, rare or threatened species. No significant effects resulting from traffic, noise, air quality, or water quality will result from the construction of the building. The project is consistent with the City of Merced General Plan and Zoning regulations.

Lead Agency: City of Merced

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

Signature:  **Date:** 9-30-2019 **Title:** Associate Planner

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 #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 A through H of Staff Report #19-26; 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 _____, seconded by Commissioner _____, and carried by the following vote:

AYES:

Commissioner(s)

NOES:

Commissioner(s)

ABSENT: Commissioner(s)

ABSTAIN: Commissioner(s)

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

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.

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

MEMORANDUM

DATE: October 23, 2019
TO: City of Merced Planning Commission
FROM: Francisco Mendoza-Gonzalez, Associate Planner, Development Services
SUBJECT: Modified Findings, Conditions, and Resolution for Conditional Use Permit #1235, and Attached Letter from the Applicant

Staff is recommending the following changes to the staff report for Conditional Use Permit #1235 (underlined text indicates added language, ~~strickethrough~~ text indicates deleted language). Finding I is being added to include findings of approval as required by Merced Municipal Code Section 2068.020 (E) - Findings for Approval. The resolution at Attachment E of the staff report is being revised to reference the addition of Finding I (see attached). Condition #7 is being deleted, as Community Facilities District formations are required for commercial projects or residential subdivisions of 5 parcels or more. In this case, the applicant is proposing to create 3 residential parcels.

Findings:

Conditional Use Permits

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.

Conditions

- ~~*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.~~

CITY OF MERCED
Planning Commission

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

AYES:

Commissioner(s)

NOES:

Commissioner(s)

ABSENT: Commissioner(s)

ABSTAIN: Commissioner(s)

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.
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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.

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