

City of Merced
SITE PLAN REVIEW COMMITTEE
Agenda

Assisted Listening Devices Available
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(Available only for meetings held in the Council Chambers)

CALL TO ORDER

Planning Conference Room
Merced Civic Center
678 W. 18th Street, Merced
Thursday, December 15, 2022
1:30 p.m.

1. ROLL CALL

2. MINUTES: November 10, 2022

S P E A K E R S

If you wish to comment on any agenda items or on a subject that is not listed on the agenda, you may also submit your comments via email to the planningweb@cityofmerced.org.

Please be brief and to the point - preferably 3 to 5 minutes.
Max Time Limit prior to Agendized items: 15 minutes. Once the maximum has been reached, remaining speakers will be asked to wait until the end of the meeting to make their comments.

Please write your name and address on the sign-in sheet provided for the record.

Information/instruction on how the meeting will be run appear on the reverse side of this page.

REVIEW/REPORTS:

Permits, license, and other entitlements:

Applicant's Representative – 15 minutes (including rebuttal)

Appellant's Representative – 15 minutes (including rebuttal)

All other speakers will have 5 minutes each.

All other issues:

3 or less speakers: 5 minutes each

Over 3 speakers: Maximum of 3 minutes each

For further information on citizen participation and placing an item on the Site Plan Review Committee Agenda, please contact a Planning Staff representative at (209) 385-6858.

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THE SITE PLAN REVIEW COMMITTEE

The Site Plan Review Committee is comprised of three City Staff members: the Director of Development Services, the City Engineer, and the Chief Building Official. The Committee's primary duties are to review permits for uses such as principally permitted uses in Industrial zones; second units in R-1 zones, recycling facilities, wireless communications facilities, and temporary warehouse uses in C-C zones. (Municipal Code Sections 20.10, 20.24, 20.32, 20.34, 20.36, 20.42, 20.54, 20.58, 20.62, 20.74, and 20.92).

The Director of Development Services and his staff prepare the agenda, provides reports, etc. Other City staff members such as the Civil Engineer also serve as advisors to the Commission.

SITE PLAN REVIEW COMMITTEE MEETINGS

The Committee is interested in your views and waits to hear them. The Agenda for the meeting is posted for public review by the City Clerk's Office at least 72 hours prior to the meeting.

Consent Items

All matters listed as "CONSENT" are considered routine by the Site Plan Review Committee and will be adopted by one action of the Commission unless any citizen or Commission member has any question or wishes to make a statement or discuss an item. In that event, the Chairman will remove that item from the Consent Calendar and place it for separate consideration.

Consideration of Items

Please note that public hearings are NOT required for Site Plan Review applications. If a member of the public wishes to speak on an item, he/she must request permission to speak on that item after the staff presentation.

The Committee will ask those who are for* or against** a proposal to speak at all meetings. The sequence of events is:

1. Staff report of facts and a recommendation.
2. Applicant's statement.
3. Opportunity for public input (if requested).

If you decide to speak, please start by giving your name and address, then tell the Committee Members your concern. We want your views; don't worry about how to say them. If several people have spoken, try not to be repetitious. If there are several in your area with concerns, why not appoint a spokesman. The Committee is particularly interested in the specific reasons you are for or against a proposal because their decision has to be based on specific reasons.

A Committee denial of a request or proposal is final unless appealed in writing to the Planning Commission within ten days. On many other items, the Committee may RECOMMEND ACTION to the Planning Commission. If your item is passed on to the Planning Commission, be sure to follow up by attending the Commission hearings and expressing your point of view.

You may also find that the Committee may not get to your item - set for 1:30 p.m. public hearing - until 2:00 p.m. for instance. We regret you having to wait. Experience has shown that setting items 1/2 - 1 hour apart is unwise, however. Sometimes matters are withdrawn or are resolved quickly leaving the Committee and public in a position of waiting for an appointed time to arrive.

GENERAL INFORMATION

The Planning staff can assist you with other planning questions on matters such as conditional use permits, annexation to the city, land subdivision, downtown Merced projects, home occupation permits, zoning, population, and housing. (Phone 385-6858) 678 West 18th Street, Merced, CA 95340

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3. COMMUNICATIONS

At this time, any member of the audience may comment on any matter which is not listed on the agenda. If you wish to comment on any agenda items or on a subject that is not listed on the agenda, you may also submit your comments via email to the planningweb@cityofmerced.org.

4. ITEMS

All matters listed as “**CONSENT**” are considered routine by the Site Plan Review Committee and will be adopted by one action of the Committee unless any citizen or Committee member has any question or wishes to make a statement or discuss an item. In that event, the Chairperson will remove that item from “**CONSENT**” and place it for separate consideration.

- 4.1 **Site Plan Application #505**, submitted by CR Consulting Group, Inc., for California Retail Builders, Incorporated, property owner. The applicant is requesting approval to construct an apartment complex (24 units) on a vacant 1.33-acre lot at 3351 R Street. The subject site is generally located on the west side of R Street, approximately 170 feet north of Loughborough Drive, within Planned Development (P-D) #8 with a General Plan designation of Office Commercial (CO).

ACTION: Approve/Disapprove/Modify

1. Environmental Review #22-44 (Categorical Exemption)
2. Site Plan Review Application #505

- 4.2 **Site Plan Application #507**, submitted by Jose Figueroa, applicant for Balbir Kaur and Gurdial Singh, property owners, to allow a food truck in the parking lot of Smiley’s, the gas station and used car lot, located at 1480 W. 16th Street, within a Thoroughfare Commercial (C-T) Zone with a General Plan designation of Thoroughfare Commercial (CT).

ACTION: Approve/Disapprove/Modify

1. Environmental Review #22-47 (Categorical Exemption)
2. Site Plan Review Application #507

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- 4.3 **Site Plan Application #504**, submitted by Golden Valley Engineering on behalf of MG Star, LLC, property owners, to allow the construction of a gated entrance on Portico Drive, east of Barclay Way, for the Paseo subdivision, making the subdivision a gated, private subdivision. The Paseo subdivision consists of 136 single-family lots, generally located at the northwest corner of G Street and Bellevue Road, with the entrance to the subdivision being off Barclay Way and Portico Drive. The site is zoned Residential Planned Development (RP-D) #63 with a General Plan designation of Low-Medium Density (LMD).

ACTION: Approve/Disapprove/Modify

1. Environmental Review #22-40 (Categorical Exemption)
2. Site Plan Review Application #504

5. ADJOURNMENT (Traditionally no later than 2:00 p.m.)

CITY OF MERCED
SITE PLAN REVIEW COMMITTEE
RESOLUTION #505

DRAFT

<u>CR Consulting Group</u> APPLICANT	<u>New Apartment Complex (24 units)</u> PROJECT
<u>2615 Tuolumne Street</u> ADDRESS	<u>3351 R Street</u> PROJECT SITE
<u>Fresno/California/ 93721</u> CITY/STATE/ZIP	<u>058-030-023</u> APN
<u>(559) 286-4605</u> PHONE	<u>Planned Development (P-D) #8</u> ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Site Plan Review Committee reviewed and approved Site Plan Application #505 on December 15, 2022, submitted by CR Consulting Group, Inc., for California Retail Builders, Incorporated, property owner. The applicant is requesting approval to construct an apartment complex (24 units) on a vacant 1.33-acre lot at 3351 R Street. The subject site is generally located on the west side of R Street, approximately 170 feet north of Loughborough Drive, within Planned Development (P-D) #8 with a General Plan designation of Office Commercial (CO). Said property being more particularly described as Parcel A as shown on the Map entitled "Parcel Map for J.F. Collins & M.P. Michaletz," recorded in Book 28, Page 30 of Merced County Records; also known as Assessor's Parcel Number (APN) 058-030-023.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15332 (Exhibit G); and,

WHEREAS, the Merced City Site Plan Review Committee makes the following Findings and Conditions as shown below:

- A) Proposed developments within a Planned Development Zone that do not have specific designations can be processed with a Site Plan Review Permit. This permit allows the applicant to propose specific development standards that can be reviewed and approved by the Site Plan Review Committee.
- B) The Project complies with the General Plan designation of Office Commercial (CO) and the Zoning classification of Planned Development (P-D) #8 with approval of this Site Plan Review Permit.
- C) The Merced Municipal Code Land Use Table 20.10.020 – Land Use Regulations for Commercial Zoning Districts, allows multifamily developments within an Office Commercial (C-O) Zone with a conditional use permit. Given that the proposed development standards require Site Plan Review Permit and that the environmental review is considered categorically exempt as infill development,

staff has determined this request could be reviewed by the Site Plan Review Committee. Subject to the conditions of approval, the project would comply with the Zoning classification and General Plan designation for this site.

- D) The subject site is located south of Fahrens Park/Black Rascal Creek bike path.
- E) The subject site consists of one undeveloped parcel approximately 1.33 acres in size. The Merced Municipal Code Land Use Table 20.10.020 – Land Use Regulations for Commercial Zoning Districts allows multifamily housing developments at a density between 12 and 24 dwelling units per gross acre. The proposal has a density of 18 dwelling units per gross acre, which is within the allowed density range for this designation.
- F) As shown on the Site Plan at Exhibit B, the apartment complex would consist of 24 residential units (all 2-bedroom/1-bathroom units) within two identical two-story buildings. Vehicle access would be provided from 2 separate driveways along R Street (see Condition #39). The parking lot (45 stalls) would mostly be located along the western and southern portions of the parcel, with 2 trash enclosures serving the entire site. The perimeter of the site would be fenced-in (CMU wall on southern parcel line).
- G) As shown on the Elevations at Exhibit E, the exterior building materials would consist of several materials such as cement siding, stucco, and stone veneers. The top of the building wall would be 21'6" and the top of the roof line would be 28'10."
- H) The site plan includes 45 onsite parking spaces. The parking requirement for multiple-family housing is based on the number of bedrooms and bathrooms for each unit as shown at Merced Municipal Code Table 20.38-1- Off-Street Parking Requirements for Multiple Family Dwellings/Condominiums. The residential units consist of 24 2-bedroom units with 1 bathroom. The required parking for this proposal is 42 parking stalls, however, due to proximity to the Merced County and Cat Tracks bus routes along R Street, the subject site qualifies for a 10% parking reduction down to 37 parking stalls.
- I) The affordable housing requirements approved by City Council in April 2022 through Resolution 2022-15 are not applicable as this proposal did not require a Legislative Action Agreement.
- J) Per Merced Municipal Code Section 20.68.050 – Site Plan Review Permit, the Site Plan Review Committee may approve an application for a Site Plan Review Permit only if all of the following findings can be made:

1. *The proposed project is consistent with the general plan, and any adopted area, specific, community, or neighborhood plan.*

As shown under Findings A, B, and C, the proposed project is consistent with the General Plan designation, and Zoning classification for this site with approval of this Site Plan Review Permit.

2. *The proposed project complies with all applicable provisions of the zoning ordinance and Municipal Code.*

With approval of the conditions found within this resolution, the proposal would comply 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.*

With approval of the conditions found within this resolution, the building design and layout described under Finding G, and shown at Exhibit E would 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.*

It is the opinion of the Site Plan Review Committee that this project is of high architectural quality and that the aesthetics of the proposed buildings and site plan are appealing and compatible with the surrounding neighborhood.

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.*

A Landscape Plan is being provided at Exhibit C. Detailed landscape plans shall be submitted during the building permit stage to ensure compliance with all applicable landscaping standards found under Merced Municipal Code Section 20.36 – Landscaping, and any other relevant Municipal Code or State requirements. All landscaping design and related 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.*

The proposal meets City standards with approval of this permit and the conditions found within this resolution. The proposed project would 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.

- K) Per Merced Municipal Code Section 20.34.030 – Land Use Regulations, a Minor Use Permit is required for developments to be approved within creek buffer

areas only if all of the following findings can be made (in addition to the findings under Section 20.68.020):

- 1) *The proposed use, structure, or encroachment cannot be feasibly located outside the riparian area because such location would have a more adverse effect on the stream environment or alter the flood plain.*

Given the dimensions and size of the subject site, there is limited space to fully develop the parcel with structures and required parking stalls. The applicant is proposing to keep the primary structures away from the riparian area to limit impacts within this area. Development within the riparian area would be limited to parking areas, landscaping, and possibly small portions of buildings. Per Condition #37, during the building permit stage, the applicant would be required to provide documentation showing that development within this area would not have an adverse effect on the stream environment or alter the flood plain.

- 2) *Measures are included that provide adequate protection of wildlife habitat, water quality and in-stream habitat, and capacity for flood management.*

Per Condition #38, during the building permit stage, the applicant would be required to submit measures that provide adequate protection of wildlife habitat, water quality and in-stream habitat, and capacity for flood management; doing so would satisfy the requirements needed for this finding.

- L) As noted under Finding K, development within riparian zones also requires adoption of findings under Section 20.68.020 – Conditional Uses and Minor Use Permits:

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.*

As shown under Finding A, the proposed apartment complex is compatible with the Zoning district and the General Plan for this site with approval of this Site Plan Review Permit. There is no adopted area or neighborhood plan, specific, plan, or community plan for this site.

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.*

With approval of the conditions found within this resolution, the proposed project would be compatible with the existing and future land uses in the vicinity of the subject property.

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

The proposal meets City standards with approval of this permit and the conditions found within this resolution. The proposed project would not be detrimental to the public health, safety, and 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 subject site is located within City limits and is adequately served by existing or planned services and infrastructure.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Application #505 subject to the following conditions:

- 1) The proposed project shall be constructed/designed in substantial compliance with Exhibit B (site plan), Exhibit C (landscape plans), Exhibit D (floor plans), and Exhibit E (elevations) - except as modified by the conditions.
- 2) All conditions contained in Site Plan Review #79-1 – Amended (“Standard Conditions for Site Plan Review Application”) shall apply.
- 3) All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply including, but not limited to, the California Building Code and Fire Codes.
- 4) 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, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City’s attorney’s fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval of the City Attorney and to provide all required deposits to fully fund the City’s defense

- immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.
- 5) 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.
 - 6) The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
 - 7) Notwithstanding all other conditions, all construction and improvements shall be in strict accordance with Zoning, Building, and all other codes, ordinances, standards, policies of the City of Merced.
 - 8) The perimeter fence shall be of a color that matches or complements the colors of the apartment complex. Details to be reviewed with Planning staff during the building permit stage.
 - 9) The applicant shall work with the Police and Fire Departments to provide proper gate access equipment such as a Knox box and a click-to-enter system.
 - 10) Vehicle stacking space for at least two vehicles shall be provided between gates and driveways to prevent traffic back-up onto City streets.
 - 12) The premises shall remain clean and free of debris and graffiti at all times.
 - 13) All landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.
 - 14) Parking lot and building lighting shall be shielded or oriented in a way that does not allow “spillover” onto adjacent lots in compliance with the California Energy Code requirements.
 - 15) The parking lot layout shall comply with all applicable City Standards. Parking lot trees shall be provided at a ratio of one tree for every six parking spaces within this site. These trees shall be installed per the City’s Parking Lot Landscape Standards, shall be a minimum of 15-gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City’s approved tree list).
 - 16) Based on the proposed use and size of the complex, the applicant shall provide short-term bicycle parking spaces equivalent to 10% of required parking spaces and long-term bicycle parking spaces equivalent to 1 bicycle rack for every 10 units. In addition, the bicycle parking spaces shall meet the City’s design standards for bicycle racks, including racks with covered shelters. Based on the required 37 parking spaces, the applicant shall provide 4 short-term and 4 long-term bicycle parking spaces. Details to be worked out with Planning staff at the building permit stage.

- 17) The applicant shall work with the Fire Department to determine if each building shall have its own independent Fire Department Connection and Fire Control Room. Details to be reviewed and approved by the Fire Department during the Building Permit stage.
- 18) The driving aisle widths shall be determined by the Fire Department based on building height. The driving aisles may need to be at least 26-feet-wide to allow for Fire engine access and spacing for Fire action response. Details to be reviewed and approved by the Fire Department during the Building Permit stage.
- 19) 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.
- 20) All street frontage improvements within City right-of-way (curb, gutter, sidewalk, driveway approaches, landscape areas, etc.) shall be designed and constructed to meet City Standards and are subject to review by the City Engineer.
- 21) The landscape plan shall comply Merced Municipal Code Section 20.36 – Landscaping, which also addresses the Water Efficient Landscape Ordinance under Merced Municipal Code Section 17.60. Landscaping shall also comply with all relevant State requirements regarding water efficiency.
- 22) All landscaping in the public right-of-way shall comply with State Water Resources Control Board Resolution No. 2015-0032 “To Adopt an Emergency Regulation for Statewide Urban Water Conservation” and the City’s Water Conservation Ordinance (Merced Municipal Code Section 15.42). Xeriscape or artificial turf shall be used in place of natural sod or other living ground cover. If turf is proposed to be installed in park-strips or on-site, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed. All irrigation provided to street trees, parking lot trees, or other landscaping shall be provided with a drip irrigation or micro-spray system.
- 23) Compliance with the “corner vision triangle” provisions of MMC 20.30.030 is required.
- 24) This Project is categorized as a “Regulated Project.” The Project shall comply with the criteria defined under the Post-Construction Standards Plan. All Post-Construction Treatment Control measures are subject to an Operations and Maintenance Plan and Agreement.
- 25) Storm drainage design shall address all on-site run-off with a biofiltration system or approved California Stormwater Quality Association Best Management Practices before draining to any off-site basins or underground storage. The storm drain shall be designed to meet City Engineering Standards.

- 26) The applicant shall dedicate street right-of-way and all necessary easements as needed for irrigation, utilities, drainage, landscaping, and open space.
- 27) Any proposed on-site swales or post-construction storm treatment shall be addressed in the Post-Construction Standards Plan and identified in the Operations and Maintenance Agreement.
- 28) Community Facilities District (CFD) annexation 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. 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. The applicant shall begin forming the CFD prior to building permit issuance.
- 29) The parking lot shall include full-width access and a complete ingress/egress circuit for City Fire and Refuse vehicles.
- 30) Fire hydrants may need to be installed along the street frontage to provide fire protection to the area, as required by the Fire Department. The hydrants shall meet all City of Merced standards and shall comply with all requirements of the City of Merced Fire Department. Final location of the fire hydrants shall be determined by the Fire Department.
- 31) The applicant shall work with the City's Refuse Department to determine the best design, location, and angle for the refuse enclosures and to determine if a recycling container would be required for this use. Use of compactor shall also be considered to reduce the number of pick-up requests.
- 32) A backflow prevention device shall be provided for all water services (i.e., domestic, irrigation, and fire) per Merced Municipal Code.
- 33) The development is allowed one domestic and one irrigation water service line.
- 34) Plans shall be drawn by a licensed California design professional, meeting current codes at the time of building permit application submittal. Building permit applications submitted after December 31, 2022, shall comply with 2022 California Building Codes.
- 35) The Project shall comply with the residential design standards for multi-family projects as outlined in Merced Municipal Code Chapter 20.46 (see Exhibit F).
- 36) Minor modifications to the site plan or building heights may be reviewed and approved by the Director of Development Services or be referred to the Site Plan Review Committee for consideration, at the discretion of the Director of Development Services.
- 37) During the building permit stage, the applicant shall provide documentation showing that development within this area would not have an adverse effect on the stream environment or alter the flood plain.

- 38) During the building permit stage, the applicant shall provide document showing adequate protection of wildlife habitat, water quality and in-stream habitat, and capacity for flood management.
- 39) The proposed northernmost driveway along R Street shall be eliminated and the parking spaces along that driveway relocated if needed to meet parking requirements. Details to be worked out with staff.
- 40) The applicant shall work with the Engineering Department to dedicate a portion of the land along the northern property line towards Black Racial Creek bike path/Fahrens Park, as required by the City Engineer.
- 41) The Site Plan at Exhibit B references the City of Sanger Standards. During the building permit stage, that language shall be removed, and updated to reflect City of Merced Standards.
- 42) The applicant shall work with the Engineering Department to determine if the fence on the southern property line can be installed in conformance with City standards and in a manner that does not conflict with cross-access or parking agreements with the property to the south (Assessor's Parcel Number 058-030-009).
- 43) The existing median fronting the project site along R Street shall be extended another 25 feet north, or as required by the City Engineer during the building permit stage.

If there are any questions concerning these conditions and recommendations, please contact Francisco Mendoza-Gonzalez at (209) 385-6858.

12-15-2022

DATE

SIGNATURE

Associate Planner

TITLE

Exhibits

- A) Location Map
- B) Site Plan
- C) Landscape Plans
- D) Floor Plans
- E) Elevations
- F) Design Standards for Multifamily Homes
- G) Categorical Exemption



20.46.030 General Design Standards for Multi-Family Dwellings

A. Applicability. The following standards shall apply to all multi-family residential development of 3 units or more in any zoning district.

B. Exterior Treatment.

1. Blank walls shall be treated with a variety of textures, use of projecting details that create shade/shadow and contrasting trim materials.
2. Any pipes, vents or tubes, etc., on the roof shall be painted or otherwise covered to match roof color or shall be screened.
3. Ground-mounted air conditioning units shall be screened from public view, using either landscaping or a combination of landscaping and screening comprised of the same materials as used on the buildings.



C. Landscaping. (Also refer to Chapter 20.36.)

1. An automatic irrigation system shall be provided to all planting areas within the project.



2. Landscaping other than turf shall be located a minimum of 3 feet from any fire hydrant to allow access.

D. Parking.

1. Parking areas shall be screened from public right-of-way by landscaping, which may include berms or fencing/screening.
2. Parking areas shall be landscaped with a minimum of 1 tree per every 6 spaces.
3. Parking areas shall be lit at night for security reasons, but the lighting shall not spill over onto adjacent properties.

E. Trash Collection Area.

1. No trash collection area shall be located within 10 feet (horizontal) of the outermost extent allowable for a roof projection on a residential structure.
2. Refuse collection areas shall be screened with the same and/or complementary materials and colors used on the main buildings.

F. Apartment Unit.

1. Each apartment unit shall have unique identification (i.e. numbers, letters, etc.) and all unit identification shall be in proper sequential order.
2. Unit identifications shall be 6 inches to 8 inches in height.
3. Unit identifications shall be treated so that it is clearly read from a street or access.
4. The project "mail directory" required by the postal service shall be located to be only accessible to the postal carrier, and not to the general public.



G. Location. Each dwelling shall face or have frontage upon a street or permanent means of access to a street by way of a public or private easement other than an alley. Such easements shall not be less than 10 feet in width.

H. Safety and Defensible Space.

1. Placement of windows and doors should facilitate neighborhood surveillance of their neighbor's entryways.
2. The number of apartments that enter their front door from the same hallway or courtyard should be limited to no more than 12 (or as otherwise approved by City staff) so that residents can learn to distinguish fellow neighbors from visitors and/or intruders.
3. Apartment common recreational areas should be easily viewed by residents within the units and shall be defined by a physical boundary.
4. Physical changes (such as picket fences, porches, decks, or landscape features) to mark and define areas near a dwelling as that unit's "territory" should be installed.
5. Keyed access gates and surveillance cameras should be installed to enter common areas.

I. Private Outdoor Space.



1. Ground Floor Units. Every dwelling unit which is on the ground floor should have a private outdoor usable space, if feasible, of a minimum size of 5 feet by 8 feet.

2. Units Above Ground Floor. Every dwelling unit which is above the ground floor should, if feasible, have a useable outdoor balcony space of a minimum size of 5 feet by 8 feet.

20.46.040 Specific Design Standards for Multi-Family Dwellings

A. All Multi-Family Dwelling in the Planned Development Zoning District and Multi-Family Dwellings with Five or More Units (or Three or More Units on Corner Lots) in Non-Planned Development Zoning Districts. In addition to the standards in Section 20.46.040 above, such units shall comply with the following:

1. Building construction shall not exceed the plane established by 1:1 height and setback ratio from any exterior property line of a lot or parcel, for more than 50 percent of the allowable building area at any established distance from said exterior property line.

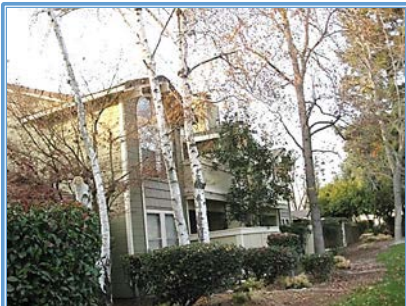
2. A minimum of 1 tree per 3 units is required, and foundation plantings with a minimum mean horizontal depth of 3 feet covering the equivalent of a minimum of 50 percent of the overall horizontal building frontage shall be required in the overall project area.



3. Fences.

- a. Private balconies or patios shall be screened with solid or near-solid fencing/railings.
 - (1) Materials used shall be comparable quality and aesthetics to those used on the rest of the project.
 - (2) The color shall complement or match building trim.
- b. Patio or Swimming Pool. Following standards exclude perimeter fencing.
 - (1) Fencing shall use the same materials, textures and colors as are used for the main building.
 - (2) Fencing shall not include chain link.
- c. Chain link may be allowed for tennis courts if it uses vinyl-covered (or equivalent shading) chain link in complementary colors and masonry pilasters with complementary landscaping.

4. Parking, Garage, and Carports.



- a. Carports shall have fascia boards. Materials for the fascia board shall match building material(s) of main structures; both fascia boards and vertical members (supports, screening elements, etc.) shall be painted to match or complement building trim.

- b. A directory, with a list of all apartment unit identifications and a schematic or other locational device/site plan, shall be required in proximity to each parking lot entrance for use by emergency vehicles or visitors:
 - (1) Materials and color(s) of the directory will match/complement the building(s).
 - (2) City's approval is required for its placement and dimension, including orientation and lighting arrangements.

5. Mechanical and Utility Equipment and Trash Collection Area.



- a. No roof-mounted air-conditioning equipment shall be permitted.
- b. **Trash Collection Areas.**
 - (1) The perimeter of trash enclosures shall be planted with landscaping, such as shrubs or climbing evergreen vines, unless otherwise required by the City.
 - (2) Decorative gates shall enclose a trash area; walk-in access for tenants, other than the main gates to the trash area, shall be provided unless otherwise required by the City.
- c. Utility meters shall not be located within setback nor should they be visible from the public right-of-way, consistent with the following:
 - (1) A 3-foot clear space shall be provided in front of the meters;
 - (2) The meters shall be located near the front of the complex, but may be along the side of a unit;
 - (3) The meters may be screened with plants or materials as long as the utility company can still reach the meters to read them;
 - (4) Screening materials shall be the same as used on main buildings and shall be painted to match/complement building colors; and,
 - (5) The meters shall be located away from parking areas where they could be hit or backed into.

B. Multi-Family Dwellings in the Planned Development Zoning District. In addition to the standards in Section 20.46.030 and 20.46.040.A above, such units shall comply with the following: No composition roof materials shall be permitted except three-dimensional, architectural grade shingles.

C. Multi-Family Dwellings with 3 to 5 Units in Non-Planned Development Zoning District. In addition to the standards in Section 20.46.030 above, such units shall comply with the following: Roof-mounted air conditioning units are prohibited unless approved by the Site Plan Review Committee. If so approved, they shall be:

- 1. Mounted on the side of the building away from the public right-of-way, and,
- 2. Screened (to provide sufficient air circulation) with materials that will blend into the rest of the roof structure and block any view of the unit.

NOTICE OF EXEMPTION

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

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

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

Project Title: Site Plan Review #505 (Environmental Review #22-44)

Project Applicant: CR Consulting Group, Inc. for California Retail Builders, Incorporated

Project Location (Specific): 3351 R Street APN: 058-030-023

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

Description of Nature, Purpose, and Beneficiaries of Project: Apartment Complex with 24 units on vacant 1.33-acre infill lot

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: CR Consulting Group, Inc. for California Retail Builders, Incorporated

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: 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 a 1.33-acre parcel 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:** 12-08-2022 **Title:** Associate 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

EXHIBIT G

CITY OF MERCED
SITE PLAN APPROVAL
RESOLUTION #507

DRAFT

<u>Jose Figueroa</u> APPLICANT	<u>Food Truck</u> PROJECT
<u>1138 Evening Star Drive</u> ADDRESS	<u>1480 W. 16th Street</u> PROJECT SITE
<u>Merced, CA, 95348</u> CITY/STATE/ZIP	<u>031-172-001</u> APN
<u>N/A</u> PHONE	<u>Thoroughfare Commercial (C-T)</u> ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Site Plan Review Committee reviewed and approved Site Plan Application #507 on December 15, 2022, submitted by Jose Figueroa, applicant for Balbir Kaur and Gurdial Singh, property owners, to allow a food truck in the parking lot of Smiley's, the gas station and used car lot located at 1480 W. 16th Street (southeast corner of W. 16th and V Streets), within a Thoroughfare Commercial (C-T) Zone with a General Plan designation of Thoroughfare Commercial (CT). Said property being more particularly described as a portion of Lot 1 on Recorded Map entitled "Town of Merced," recorded in Volume 2, Page 12 of Merced County Records; also known as Assessor's Parcel Number (APN) 031-172-001.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15311(c), Class 11 (Exhibit D); and,

WHEREAS, the Merced City Site Plan Review Committee makes the following Findings:

- A) A food truck is allowed with Site Plan Review approval within a Thoroughfare Commercial (C-T) Zone per the Zoning Ordinance Table 20.10-1.
- B) The applicant is proposing to operate until 10:00 p.m., at the latest (Condition #9).
- C) Aside from operation hours, the applicant and all employees of Tacos Y Mariscos El Chingon food truck satisfies the City Standards and expectations outlined under the Merced Municipal Code Section 20.44.020 – Food Trucks in Fixed Locations, regarding operational standards, parking and access, maintenance, advertising, and licenses.
- D) The food truck would be located near the northwest corner of the parcel, adjacent to a driveway access off of V Street (see Exhibit B).
- E) The food truck would not block any driving aisles, fire lanes, fire hydrants, parking stalls, or building exits.
- F) This proposal does not include any outdoor seats or tables.

- G) The property owners have given permission to allow employees of Tacos Y Mariscos El Chingon to use the restrooms inside Smiley's gas station, on site, as required by the Merced County Public Health Department (Exhibit C) (Condition #17).
- H) Per Merced Municipal Code Section 20.68.050 – Site Plan Review Permit, the Site Plan Review Committee may approve an application for a Site Plan Review Permit only if all of the following findings can be made:

1. *The proposed project is consistent with the general plan, and any adopted area, specific, community, or neighborhood plan.*

The proposed project is consistent with the General Plan designation of Thoroughfare Commercial and Zoning classification of Thoroughfare Commercial for this site.

2. *The proposed project complies with all applicable provisions of the zoning ordinance and Municipal Code.*

With approval of the conditions found within this resolution, the proposal would comply 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.*

With approval of the conditions found within this resolution, the proposed food truck would not interfere with the 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.*

The proposal does not include the construction or installation of any structures. Signage for the food truck is allowed only on the truck. Temporary signs such as flags, pennants, inflatable signs, and A-frame signs are prohibited per provisions within the Merced Municipal Code and conditions found within this resolution (Condition #8).

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.*

The proposal does not include modifications to the existing landscape plan for this site.

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.*

The proposal meets City standards with approval of this permit and the conditions found within this resolution. The proposed project would 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.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Review Application #507 subject to the following conditions:

- 1) All conditions contained in Site Plan Approval Resolution #79-1 (“Standard Conditions of Site Plan Approval”) shall apply.
- 2) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply including, but not limited to, the California Building Code and Fire Codes.
- 3) The site shall be operated as shown on Exhibit B (site plan) and as modified by the conditions of approval within this resolution.
- 4) 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, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City’s attorney’s fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval of the City Attorney and to provide all required deposits to fully fund the City’s defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.
- 5) 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.
- 6) Modifications to the location of the food truck shall be subject to review by the Planning Manager, or if deemed necessary, the Site Plan Review Committee.
- 7) At least two trash receptacles shall be provided while food is being served. The site and immediate area shall be maintained free of all debris and trash generated from the use.
- 8) All signage shall be contained on the food truck. No A-frame signs, banners, flags, or other moving or portable signs shall be permitted for this use anywhere onsite or off site.

- 9) This approval shall allow for the hours of operation to be between 7:00 a.m. and 10:00 p.m. daily.
- 10) If the business is open after dark, lights shall be provided on the vehicle or on the property that are sufficient to light the vehicle and at least a 50-foot radius around the vehicle. If lights are not provided, the business shall close at sundown.
- 11) Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or an alternatively approved facility.
- 12) The applicant shall comply with the Water Quality Control Division's (WQCD) Best Management Practices regarding the disposal of cooking grease and proper cleaning of kitchen equipment, as shown on Exhibit D, or as otherwise required by the WQCD.
- 13) The applicant shall comply with all City of Merced business licensing requirements and all requirements of the Merced County Health Department.
- 14) If problems arise as a result of this business that may require excessive Police Department service calls, in the opinion of the Police Chief to the site or within the immediate area including, but not limited to, excessive harassment, malicious property damage, or lewd and/or disorderly conduct, this approval may be subject to review and revocation by the City of Merced.
- 15) Food truck activities shall in no way interfere with the operation of the existing business on the lot, or nearby businesses, including noise, litter, loitering, and traffic circulation.
- 16) The applicant shall comply with all regulations found in Merced Municipal Code Section 20.44.020 - Food Trucks in Fixed Locations.
- 17) The applicant shall provide restroom facilities for their employees. These restrooms shall be available in a permanent building that meets the Health Department's requirements for distance from the business operation. Portable toilets shall not be allowed.
- 18) The food truck shall be fully self-contained for electrical, gas, and plumbing.
- 19) Outdoor seating may be reviewed and approved by the Director of Development Services or their designee.

If there are any questions concerning these findings and/or conditions, please contact Stephani Davis at (209) 385-6858.

December 15, 2022

DATE

SIGNATURE

Development Services Tech II

TITLE

Exhibits

- A) Location Map
- B) Site Plan
- C) Letter from Property Owner Granting Restroom Access
- D) Water Quality Control Division Best Management Practices Brochure
- E) Categorical Exemption

1400
West 16TH Street
B

V Street



UNION PACIFIC

Merced

subject
site

1480 1450

1480

A 1450
031-172-001

031-172-002

031-172-008

031-172-009

031-171-002

031-171-001

031-094-008

031-094-007

1457

1439

EXHIBIT A


Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, GIS



We would like to operate till 9 or 10 PM.

**I hereby give permission to Tacos
Y Mariscos El Chingon to use the
bathroom and to station on my lot.**

Sincerely,

X  11/23/22

MERCED MUNICIPAL CODE

15.50.050 - Discharge of non-storm water prohibited


A. Except as provided in Section 15.50.060, it is unlawful, and a misdemeanor subject to punishment in accordance with Chapter 1.12 of this Code, for any person to make or cause to be made any non-storm water discharge.

B. Notwithstanding the exemptions provided by Section 15.50.060, if the regional water quality control board or the enforcement official determines that any otherwise exempt discharge causes or significantly contributes to violations of any storm water permit, or conveys significant quantities of pollutants to a surface water or storm water conveyance, or is a danger to public health or safety, such discharge shall be prohibited from entering the storm water conveyance system.

1.12.020 - General penalties

A. Misdemeanors. Unless otherwise provided, any person convicted of a misdemeanor under the provisions of this code shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail of Merced County for a period not exceeding one (1) year, or by both such fine and imprisonment.

**REPORT
ILLEGAL DUMPING
(209) 385-6905**

City of 
Merced
Gateway to Yosemite



For further information, please contact our office at:

City of Merced
Water Quality Control Division
1776 Grogan Avenue
Merced, CA 95341
(209) 385-6204
www.cityofmerced.org

FOOD TRUCKS AND STORM WATER



The City of Merced is promoting storm water pollution prevention through public outreach and the Storm Water Ordinance. The Merced Municipal Code 15.50.020 - Purpose and Intent states,

A. The purpose of this chapter is to protect and promote the health, safety, and general welfare of the citizens of City of Merced by controlling non-storm water discharges to the storm water conveyance system from spills, dumping, or disposal of materials other than storm water, and by reducing pollutants in urban storm water discharges to the maximum extent practicable.

B. This chapter is intended to assist in the protection and enhancement of the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. Sections 1251 et seq.) and any subsequent amendments thereto, by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges into the storm drain system.



Anything that spills or lands on the ground of areas such as streets, sidewalks, drainage channels, or parking lots of the City of Merced eventually becomes storm water pollution. Everything that flows into a storm drain, goes directly to our creeks and rivers, untreated. This means aquatic life can die off and areas for water recreation become unsafe for human enjoyment.

Mobile Food Trucks play a major role in minimizing storm water pollution, because of the mobile aspect of the business. The following are important responsibilities of Food Trucks to aid in the protection of our environment, as well as, the health, safety and general welfare of the citizens of Merced:

DO'S

Visit commissary DAILY for disposing of fats, oils and grease
- keep logs



Clean spills using dry methods, like absorbents



Clean kitchen equipment indoors or at wash facility with an oil separator or a grease interceptor



Clean mobile food truck at an approved wash facility



DON'TS

Do not dispose of waste fats, oils and grease in storm drains or drainage ditches



Do not use water to clean up spills



Do not clean kitchen equipment outdoors where wastewater could impact the storm drain



Do not clean mobile food truck at place of residence



NOTICE OF EXEMPTION

To: _____ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044
Merced, CA 95340

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

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

Project Title: Site Plan Review Application #507 (Environmental Review #22-47)

Project Applicant: Jose Figueroa for Balbir Kaur and Gurdial Singh (property owners)

Project Location (Specific): 1480 W. 16th Street **APN:** 031-172-001

Project Location - City: Merced

Project Location - County: Merced

Description of Nature, Purpose, and Beneficiaries of Project: operate food truck at existing gas station

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Jose Figueroa for Balbir Kaur and Gurdial Singh (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: 15311c
☐ 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 accessory structure. Class 11 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:

- (a) On-premise signs
(b) Small parking lots
(c) Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use.

Lead Agency: City of Merced

Contact Person: Stephani Davis **Area Code/Telephone:** (209) 385-6858

Signature:  **Date:** December 9, 2022

Title: Development Services Technician II

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

CITY OF MERCED
SITE PLAN REVIEW APPLICATION
RESOLUTION #504

DRAFT

<u>MG Star LLC</u> APPLICANT	<u>Construct a gated entrance into the existing Paseo subdivision</u> PROJECT
<u>P.O. Box 25543</u> ADDRESS	<u>Barclay Way and Portico Drive</u> PROJECT SITE
<u>Fresno, CA 93729</u> CITY/STATE/ZIP	<u>n/a (gated entrance is in the street)</u> APN
<u>(559) 994-1197</u> PHONE	<u>Residential Planned Development (RP- D) #63</u> ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Merced City Site Plan Review Committee considered and approved Site Plan Review Application #504 on November 10, 2022, submitted by Golden Valley Engineering on behalf of MG Star, LLC, property owners, to allow the construction of a gated entrance on Portico Drive, east of Barclay Way, for the Paseo subdivision, making the subdivision a gated, private subdivision. The Paseo subdivision consists of 136 single-family lots, generally located at the northwest corner of G Street and Bellevue Road, with the entrance to the subdivision being off Barclay Way and Portico Drive. The project site is more particularly described as being approximately 100 feet east of the intersection of Barclay Way and Portico Drive as shown on the on the Final Subdivision Map entitled "Paseo," recorded in Volume 76 at Pages 36-44 of Merced County Records.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), in accordance with Section 15061 (b)(3); and,

WHEREAS, the Merced City Site Plan Review Committee makes the following Findings:

- A) The Paseo subdivision is an existing subdivision with 136 single-family lots, generally located at the northwest corner of Bellevue Road and G Street (Exhibit 1).
- B) The proposed gate would be generally located on Portico Drive, approximately 100 feet east of Barclay Way (Exhibits 2 and 3).
- C) Barclay Way is designated as a Collector Street on the *Merced Vision 2030* Circulation Map. Portico Drive is designated as a local street.
- D) The Paseo subdivision is currently enclosed with a concrete block wall, with the exception of the entrance on Portico Drive, the entrance to the bike path from Bellevue Road, an emergency vehicle access on Bellevue Road, and an entrance to the alley along the northern property line (Exhibits 3, 4, and 5).

- E) The gated entrance would be set back approximately 100 feet from Barclay Way allowing for the stacking of approximately 5 vehicles off Barclay Way (Exhibit 2).
- F) The gated entrance would consist of two separate gates. The south side of Portico Drive for entering the subdivision and the north side for exiting the subdivision. The gates would be separated by a 5-foot-wide concrete median. Each gate would be 13 feet wide and the drive aisle for entering and exiting would be 14.5 feet wide at the gate (Exhibit 2).
- G) A new sliding wrought-iron gate would be installed at the entrance to the alley way along the northern property line (Exhibit 4). This access would be for emergency access only. There is also an emergency access entrance with a wrought-iron gate off Bellevue Road, between G Street and Barclay Way.
- H) Pedestrian gates are provided along the sidewalk on each side of the vehicular gates (Exhibit 2).
- I) A new wrought-iron fence would be constructed to enclose Lots 2, 3, and 4 on the south side of Portico Drive and Lots 95, 96, and 97 on the north side of Portico Drive. The fence would be set back behind the sidewalk. Each lot would have a pedestrian gate to enter the property from the sidewalk.
- J) With this approval, the bike path would no longer have access through the subdivision. However, the sidewalk along Bellevue Road is 8 feet wide allowing for both pedestrian and bicycle traffic. Bicyclists would be able to access the bike lane on Barclay Way to continue on the City's bicycle transportation system.
- K) The intent of this gate is to make this subdivision a private, gated community. The owner will be responsible for submitting an application to vacate all the streets and will be responsible for all maintenance of the streets, streetlights, and landscaping within the gated area (Conditions #6, #7, and #8).
- L) Per Merced Municipal Code Section 20.68.050 – Site Plan Review Permit, the Site Plan Review Committee may approve an application for a Site Plan Review Permit only if all the following findings can be made:

1. *The proposed project is consistent with the General Plan and any adopted area, specific, community, or neighborhood plan.*

The General Plan does not specifically address gated communities or the installation of gates to create a gated community. The subdivision is consistent with the General Plan designation of Low-Medium Density Residential. There are no other plans for this area.

2. *The proposed project complies with all applicable provisions of the zoning ordinance and Municipal Code.*

With approval of the conditions found within this resolution, the proposed project would comply 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.*

The proposed gated subdivision would not interfere with the use and enjoyment of existing and future neighboring properties and structures. Currently, there is no other development adjacent to the site, other than El Capitan High School to the north. The proposed gated subdivision would not interfere with the homes to the south or any future development in the area.

4. *The proposed architectural design makes use of appropriate materials, texture and color, and will remain aesthetically appealing and appropriately maintained.*

The proposed gates would be wrought-iron and provide an aesthetically pleasing appearance and be consistent with the use of wrought-iron on the south side of the subdivision where the existing emergency access is located.

5. *Any proposed landscaping design, including color, location, size, texture, type, and coverage of plan materials, as well as provisions for irrigation, maintenance, and protection landscaping elements, will complement structures and provide an attractive environment.*

There are no landscaping designs proposed with this modification. However, Condition 14 requires that landscaping be provided in the median between the gates and along the park strips on each side of the entrance.

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.*

The proposed project would 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. The proposed changes would provide a safer environment for the residents of the subdivision.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Review Application #504, subject to the following conditions:

- 1) The proposed project shall be constructed/designed as shown on Exhibit 2 (Site Plan for Proposed Security Gate).
- 2) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
- 3) The project shall comply with all applicable conditions previously set forth by approvals for this subdivision.
- 4) 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, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City's attorney's fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval of the City Attorney and to provide all required deposits to fully fund the City's defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.
- 5) 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.
- 6) The owner shall work with the City Surveyor to determine the most efficient process for vacating the streets and any other necessary right-of-way within the

gated subdivision.

- 7) An easement shall be provided for all utilities that remain in the vacated right-of-way area.
- 8) The vacation of the streets shall be completed prior to the gates being installed.
- 9) The owner shall work with all other utility companies to ensure they have proper access and easements to maintain their facilities within the gated area.
- 10) All vehicular gates shall be provided with a “click-to-enter” access and remote controls shall be provided to the City of Merced Police, Fire, and Public Works Departments. The device used shall be approved by the City prior to installation.
- 11) All gates shall be provided with a knox box, as required by the Fire Department.
- 12) A permit shall be obtained for any electrical work and an encroachment permit obtained for any work in the City’s right-of-way. Plans shall be submitted showing the location of the fencing and gates as well as documentation regarding all knox-boxes and click-to-enter access devices.
- 13) The owner shall create a Homeowner’s Association (HOA), or approved alternative, to govern this project. The HOA shall be responsible for the maintenance of all streets and landscaping within the gated area of the development as well as sweeping/cleaning of all interior streets. The HOA (or approved alternative) shall be established prior to installing the gates.
- 14) The median at the entrance gate shall be provided with landscaping or some other form of decoration/ornamentation to provide an aesthetically pleasing entrance to the subdivision. This area shall be maintained by the HOA.

If there are any questions concerning these conditions and recommendations, please contact Julie Nelson at (209) 385-6858.

November 10, 2022

DATE

SIGNATURE

Senior Planner

TITLE

Exhibits:

- 1) Location Map
- 2) Site Plan
- 3) Picture of Entrance
- 4) Alley Entrance
- 5) Bike Path and EVA on Bellevue Road
- 6) Categorical Exemption

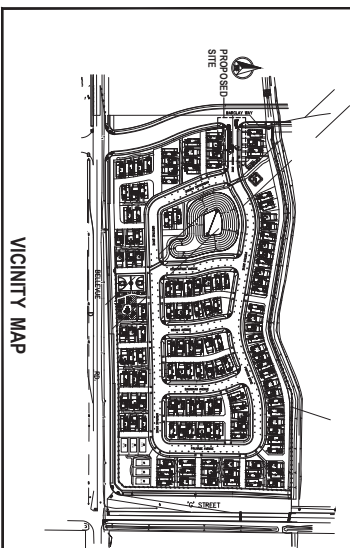
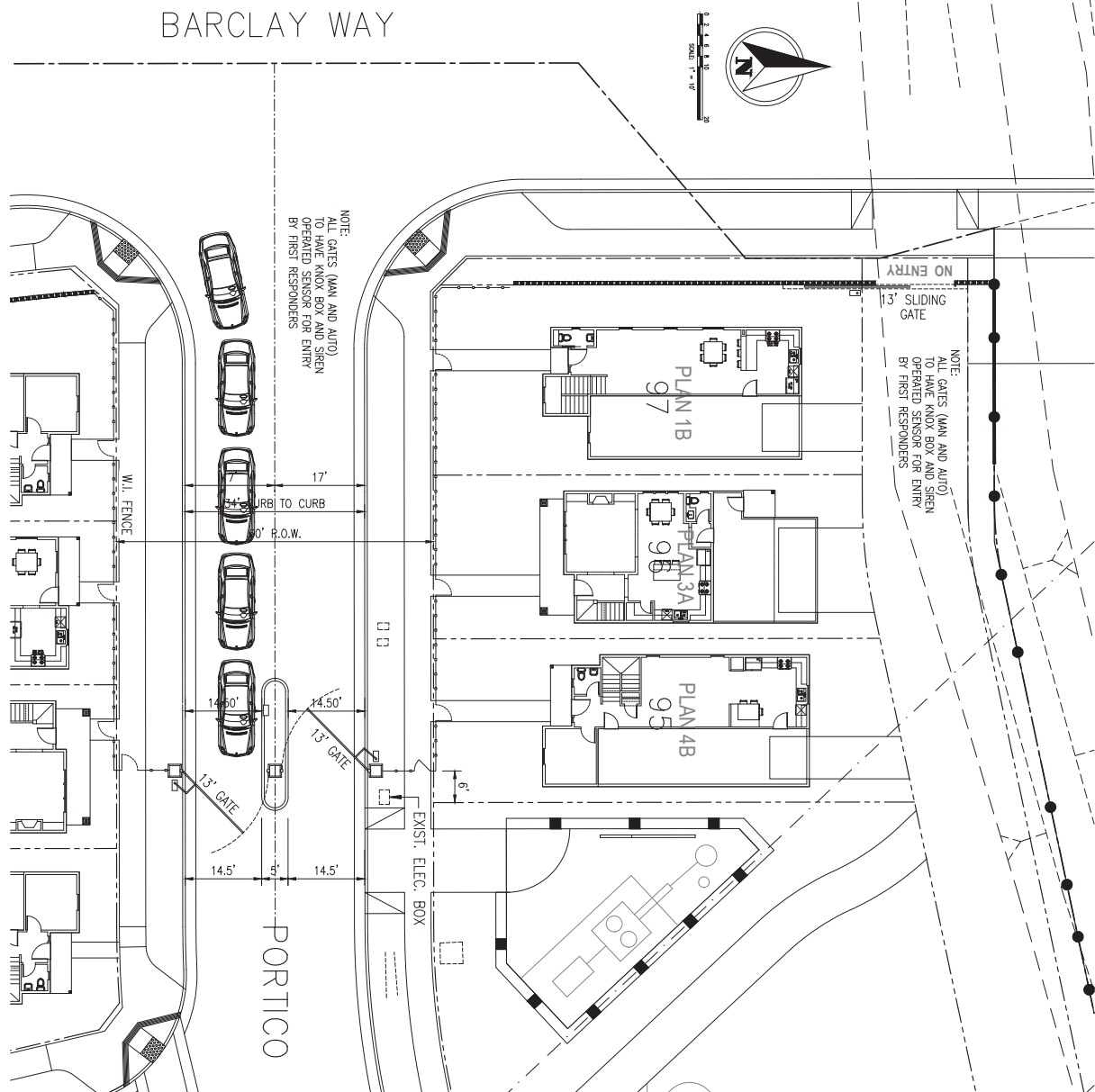


Disclaimer: This document was prepared for general inquiries only. The City of Merced is not liable for errors or omissions that might occur. Official information concerning specific parcels should be obtained from recorded or adopted City documents.

**Site Plan Review Application #594
Paseo Subdivision**

EXHIBIT 1





SITE PLAN FOR PROPOSED SECURITY GATE PASEO SUBDIVISION

JOB SITE:
NORTHWEST CORNER OF BELLEVUE RD. & 'G' STREET
CITY OF MERCER, CA 95338

EXHIBIT 2

[illegible]

Entrance to Paseo Subdivision (Intersection of Barclay Way and Portico Drive)



EXHIBIT 3



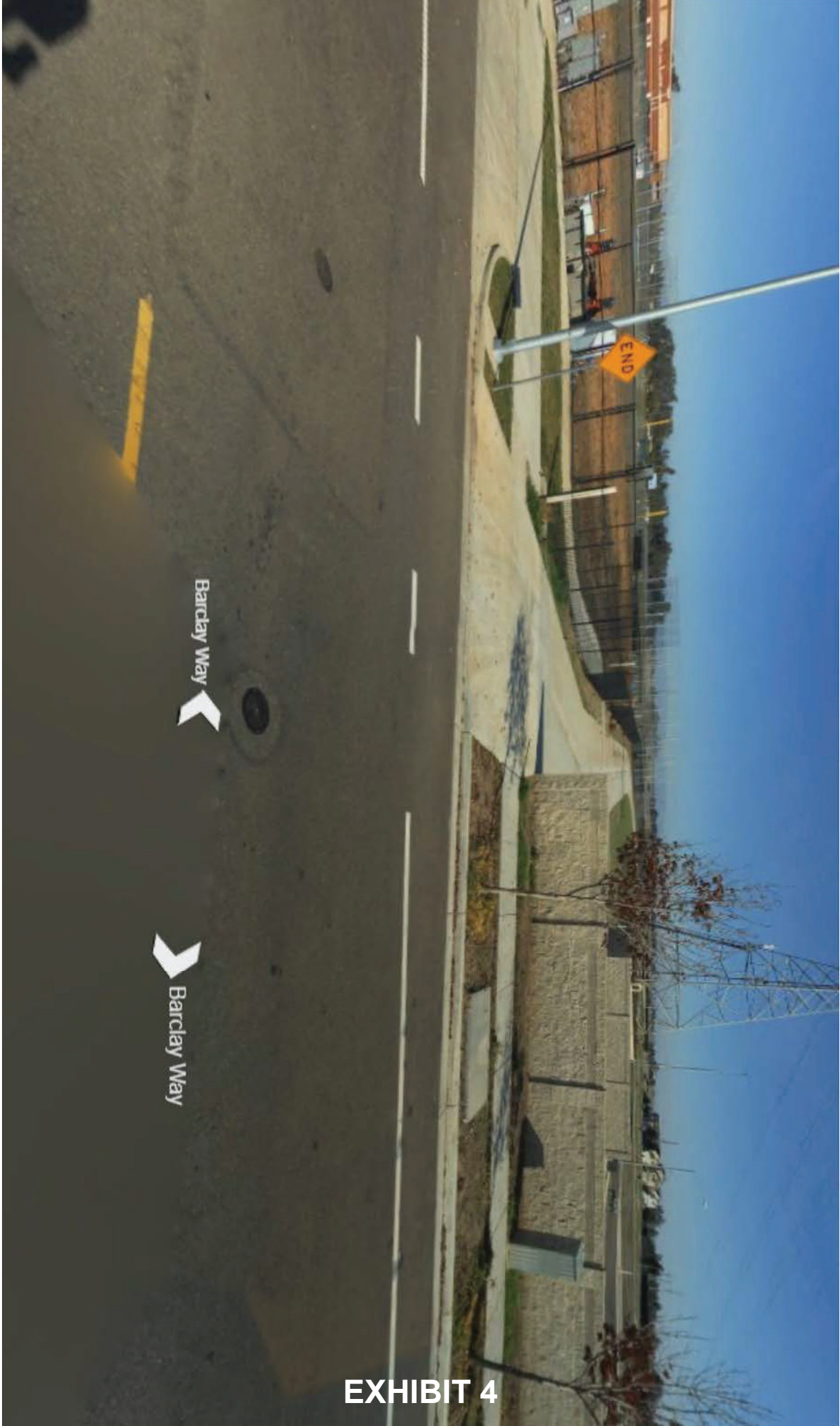


EXHIBIT 4

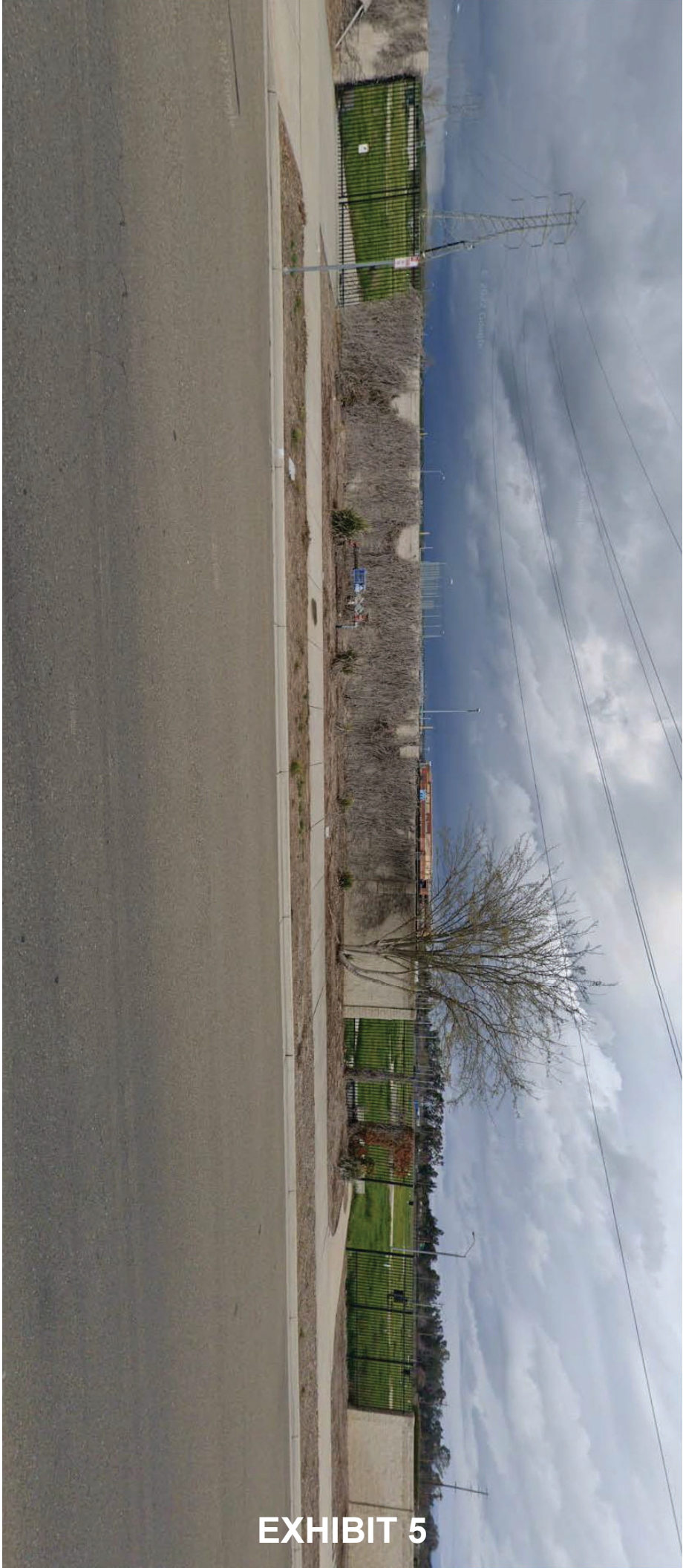


EXHIBIT 5

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: Site Plan Review #484

Project Applicant: MG Star, LLC on behalf of Bellevue Ranch Paseo, LLC

Project Location (Specific): Barclay Way and Portico Drive

APN: n/a

Project Location - City: Merced

Project Location - County: Merced

Description of Nature, Purpose, and Beneficiaries of Project:

The project includes the construction of a gated entrance into the existing Paseo Subdivision, making the subdivision a gated, private subdivision.

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Mubarek Geham of MG Star, LLC on behalf of Bellevue Ranch Paseo, LLC

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. Section Number: Section 15061 (b)(3)
 Statutory Exemptions. State Code Number: _____.
 General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt: This project consists of the construction of a gated entrance into an existing subdivision. There are no additional environmental impacts created by the construction of the proposed gate. The subdivision and all roads have been constructed. Therefore, the land has already been disturbed. No additional impacts would be created by adding a gate to the entrance of the subdivision.

Lead Agency: City of Merced

Contact Person: Julie Nelson, Senior Planner

Area Code/Telephone: (209) 385-6858

Signature:  _____ **Date:** 11/1/22 **Title:** Senior 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
Site Plan Review Committee

MINUTES

Planning Conference Room
2nd Floor Civic Center
Thursday, Nov. 10, 2022

Chairperson McBRIDE called the meeting to order at 1:34 p.m.

1. **ROLL CALL**

Committee Members Present: Chief Building Official Frazier, City Surveyor Cardoso (for City Engineer Beltran), and Director of Development Services McBride

Committee Members Absent: None

Staff Present: Planning Manager Espinosa, Economic Development Manager Mendoza, and Senior Planner Nelson

2. **MINUTES**

M/S CARDOSO/ FRAZIER, and carried by unanimous voice vote, to approve the Minutes of October 13, 2022, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 **Site Plan Application #504**, submitted by Golden Valley Engineering on behalf of MG Star, LLC, property owners, to allow the construction of a gated entrance on Portico Drive, east of Barclay Way, for the Paseo subdivision, making the subdivision a gated, private subdivision. The Paseo subdivision consists of 136 single-family lots, generally located at the northwest corner of G Street and Bellevue Road, with the entrance to the subdivision being off

Barclay Way and Portico Drive. The site is zoned Residential Planned Development (RP-D) #63.

Senior Planner NELSON reviewed the application for this item. Refer to Draft Site Plan Review Resolution #504 for further information.

The following people were in attendance representing the applicant, MG Star, LLC:

Mubarek Geham, MG Star, LLC
Stephanie Stine, MG Star, LLC
Jim Xu, Golden Valley Engineering
Zach Janz, Golden Valley Engineering

City Surveyor, CARDOSO, asked if the storm drain lines and the basin would be maintained by the HOA or still be maintained by the City. Jim XU explained the storm drain facilities would still be maintained by the Community Facilities District (CFD). Senior Planner NELSON agreed that had been the determination during earlier discussions. City Surveyor, CARDOSO asked that a Finding be added to the resolution to reflect that the storm drain facilities would be maintained by the CFD.

City Surveyor CARDOSO explained that the process to vacate the streets would be difficult due to the fact that there is already a final map recorded on the property creating the lots and providing an easement over the streets to the City rather than being dedicated in fee. There was discussion on different methods to use to achieve the vacation, but there were drawbacks with each method discussed.

The Commission, with agreement from the applicant, determined it would be best if this item was tabled and brought back before the Site Plan Review Committee at a later date once the method for vacating the streets has been determined.

M/S McBRIDE-FRAZIER, and carried by the following vote, to Table Site Plan Review Application #504:

Site Plan Review Committee Minutes

November 10, 2022

Page 3

AYES: Committee Members Cardoso, Frazier, and
Chairperson McBride

NOES: None

ABSENT: None

5. **INFORMATION ITEMS**

5.1 Calendar of Meetings/Events

There was no discussion regarding the calendar of meetings/events.

6. **ADJOURNMENT**

There being no further business, Chairperson McBRIDE adjourned the meeting at 2:15 p.m.

Respectfully submitted,



Kim Espinosa, Secretary

Merced City Site Plan Review Committee

APPROVED:

Scott McBride, Chairperson/
Director of Development Services
Merced City Site Plan Review Committee