



ADMINISTRATIVE REPORT

File #: 23-642

Meeting Date: 8/9/2023

Planning Commission Staff Report

Report Prepared by: Francisco Mendoza-Gonzalez, Associate Planner

SUBJECT: Conditional Use Permit #1272, initiated by Paramjeet Singh, on behalf of Encina Investment Group Mainplace Merced, LLC, property owner. This application involves a request for alcohol sales (beer, wine, and distilled spirits) for off-site consumption for a new convenience market at 429 W. Main Street, generally located on the north side of Main Street, approximately 75 feet east of Canal Street, with a General Plan designation of Regional/Community Commercial (RC), and a Zoning classification of Central Commercial (C-C) *CONTINUED PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #23-18 (*Categorical Exemption*)
- 2) Conditional Use Permit #1272

SUMMARY

Paramjeet Singh is requesting approval to sell beer, wine, and distilled spirits for off-site consumption (Type 21 Alcoholic Beverage Control License) for a new convenience market located at 429 W. Main Street. A conditional use permit is required to approve the sale of alcohol for off-site consumption for buildings under 20,000 square feet per Merced Municipal Code Section 20.44.010 - Alcoholic Beverage Sales for Off-Premises Consumption. On July 5, 2023, the Planning Commission considered this matter and voted to continue the public hearing to August 9, 2023. Staff is recommending approval of this application subject to the conditions contained in the Staff Report.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #23-18 (*Categorical Exemption*), and Conditional Use Permit #1272, including the adoption of the Draft Resolution at Attachment A of Staff Report #23-642, subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

DISCUSSION

Project Description

The subject site is located in Downtown Merced on the north side of Main Street, approximately 75 feet east of Canal Street at 429 W. Main Street (Attachment B). The subject site is currently a vacant 1,750-square-foot suite that is part of the Mainplace Merced development adjacent to the Regal Hollywood movie theatre. The applicant is proposing to remodel the interior of the suite to operate a

convenience market that would sell a variety of goods, snacks, and drinks, including this request for beer, wine, and distilled spirits for off-site consumption. The applicant is proposing to operate Sunday through Thursday from 9:00 a.m. to 12:00 a.m., and Friday through Saturday from 9:00 a.m. to 2:00 a.m.

A Finding of Public Convenience or Necessity (adopted by City Council) is required, because the subject site is located within a Census Tract that is considered over-concentrated with alcohol licenses by Alcoholic Beverage Control standards. The Police Department has determined that they would support the sale of alcohol for off-site consumption if specific conditions are included to reduce the potential for alcohol-related incidents such as Conditions #15 through #23.

Surrounding uses as noted in Attachment B.

Surrounding Land	Existing Use of Land	City Zoning Designation	City General Plan Land Use Designation
North	AT&T Facility	Central Commercial (C-C)	Regional/Community Commercial (RC)
South	Envy Clothing (across Main Street)	Central Commercial (C-C)	Regional/Community Commercial (RC)
East	Vinho's Wine & Lounge	Central Commercial (C-C))	Regional/Community Commercial (RC)
West	Cold Stone Creamery	Central Commercial (C-C)	Regional/Community Commercial (RC)

Background

The subject site is part of the Mainplace Merced development which is directly west of the Regal Hollywood movie theatre. Merced Mainplace has a variety of restaurants and shops within the building such as Cold Stone Creamery, Little Oven Pizza, a Hookah Bar, Pretty Good Burger, and a few other vacant suites. The subject site was previously one larger suite that was recently divided into two separate suites. The other recently created suite is currently occupied by Vihos Wine Lounge & Tapa Bar which operates as a wine lounge (sells wine for both on-site and off-site consumption) that offers live music. Before this suite was divided, it operated as a nightclub with alcohol sales that has had a variety of operators such as Club Azteca, and Paradigm Lounge (approved by Planning Commission in 2012 through Conditional Use Permit #1168).

During the Planning Commission Meeting of July 5th, 2023, the Planning Commission voted to continue this item to allow staff additional time to conduct research regarding the concentration of alcohol sales for off-site consumption within 400 feet of the subject site. Staff reached out to the State Department of Alcoholic Beverage Control and found that there are currently no alcohol licenses for off-site consumption within 400 feet of the subject site. The nearest such license (within Census Tract - 13.02) is located approximately 1,000 feet south at 1425 Martin Luther King Jr Way (Smart & Final). This information was added to Finding F - Neighborhood Impact of Planning Commission Resolution #4117.

In addition, the Planning Commission requested Condition #25 be adjusted to include language

prohibiting the sale of small liquor containers (shooters). Staff modified Condition #25 to allow the sale of liquor bottles only if the bottle is at or over 100 ml.

Findings/Considerations

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

ATTACHMENTS

- A. Draft Resolution
- B. Location Map
- C. Floor Plan Showing Location of Alcohol Stored
- D. Sensitive Uses
- E. Police Department Incident Map (500-foot-radius from Site)
- F. Police Department City-Wide Incident Hot Spot Map
- G. Categorical Exemption
- H. Presentation

CITY OF MERCED
Planning Commission

Resolution #4117

WHEREAS, the Merced City Planning Commission at its regular meeting of August 9, 2023, held a public hearing and considered **Conditional Use Permit #1272**, initiated by Paramjeet Singh, on behalf of Encina Investment Group Mainplace Merced, LLC, property owner. This application involves a request for alcohol sales (beer, wine, and liquor) for off-site consumption for a new convenience market at 429 W. Main Street, generally located on the north side of Main Street, approximately 75 feet east of Canal Street, with a General Plan designation of Regional/Community Commercial (RC), within a Zoning classification of Central Commercial (C-C). The subject site is more particularly described as a portion of Lots 11, 12, 13, 14, and 15 from Block 162 on Recorded Map entitled “Supplemental Map to Town of Merced,” recorded in Volume 2, Page 12, in Merced County Records; also known as a portion of Assessor’s Parcel Number (APN) 031-143-028; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through J (Exhibit B) of Staff Report #23-642; and,

WHEREAS, the Merced City Planning Commission concurs with the Findings 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 #23-18, and approve Conditional Use Permit #1272, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by 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 #4117

Page 2

August 9, 2023

Adopted this 9th day of August 2023

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Attachments:

Exhibit A - Conditions of Approval

Exhibit B - Findings

Conditions of Approval
Planning Commission Resolution #4117
Conditional Use Permit #1272

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan/floor plan/elevations) -- Attachment C of Staff Report #23-642 except as modified by the conditions.
2. All conditions contained in Resolution #1249-Amended (“Standard Conditional Use Permit Conditions”—except for Condition #16 which has been superseded by Code) shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply, including the Post Construction Standards for Storm Water that became effective July 1, 2015.
5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, 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

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4117

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.

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. Appropriate turning radii shall be provided within the parking areas to allow for Fire engine and refuse truck access.
8. The developer shall work with the City Engineer to determine the requirements for storm drainage on the site. The developer shall provide all necessary documentation for the City Engineer to evaluate the storm drain system. All storm drain systems shall be installed to meet City Standards and state regulations.
9. A grease interceptor may be required. This will be determined at the building permit stage based on the type of food prepared and served and waste generated.
10. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
11. The applicant shall work with the City's Refuse Department to determine the proper location for a trash enclosure and if a recycling container will be required to comply with AB 341. The container(s) shall be enclosed within a refuse enclosure built to City Standards.
12. Sufficient lighting shall be provided throughout the site to provide a safe environment for employees and patrons of the business.
13. 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, installing traffic calming measures, 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.

14. A temporary banner permit shall be obtained prior to installing any temporary signs. Free-standing temporary signs (i.e., sandwich boards, A-frame signs, etc.) are prohibited.
15. Business signage and the design of the fuel island shall be reviewed with a staff level design review permit. Signage shall comply with Merced Municipal Code Section 17.36 (Article IV) – Regulations for Downtown.
16. Future signage, and building lights shall be shielded or oriented in a way that does not allow “spill-over” onto adjacent lots or be a nuisance to adjacent residential properties. This shall be done in compliance with the California Energy Code requirements. Any lighting on the building shall be oriented to shine downward and not spill-over onto adjacent parcels.
17. No beer or wine shall be displayed or stored outside of the cooler areas.
18. No self-illuminated advertising for beer or wine shall be located on the building or in the windows.
19. No sale of alcoholic beverages shall be made from a drive-in window.
20. No display or sale of beer or wine shall be made from an ice tub.
21. Employees on duty between the hours of 10 p.m. and 2 a.m. shall be at least 21 years of age to sell beer and wine.
22. The proprietor and/or successors in interest and management shall comply with all Municipal Codes relating to loitering, open container laws and other nuisance-related issues.
23. The area within the convenience market dedicated to the display and sale of alcoholic beverages (beer, wine, and distilled spirits) shall not be more than 165 square feet as shown in the floor plan at Attachment C of Staff Report #23-642.
24. The City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area) arise as determined by the Police Chief including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct result from the proposed land use, the conditional use permit may be subject to review and revocation by the City of Merced after a public hearing and in

conformance with the procedures outlined in the Merced Municipal Code.

25. No single-serving containers shall be sold separately unless authorized by the City of Merced Police Department. All single-serving beer and wine containers shall be sold as part of a pack or carton, except for wine bottles at or over 750 ml, or liquor bottles at or over 100 ml.
26. Approval of CUP #1272 is contingent upon the City Council approval of a Finding of Public Convenience or Necessity. Prior to obtaining a license from the Alcoholic Beverage Control to sell alcohol, the business (for the convenience market) shall obtain approval for a Finding of Public Convenience or Necessity from the Merced City Council.
27. This approval is subject to the business owner being in good standing with all laws of the State of California, including the Alcohol Beverage Control (ABC), City of Merced, and other regulatory agencies.

**Findings and Considerations
Planning Commission Resolution #4117
Conditional Use Permit #1272**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Regional/Community Commercial (RC) and the zoning classification of Central Commercial (C-C) with approval of a Conditional Use Permit. Alcohol sales for off-site consumption require a conditional use permit per MMC 20.44.010 – Alcoholic Beverage Sales for Off-Premises Consumption.

Public Improvements/City Services

- B) Any damaged or missing public improvements shall be repaired if the permit value of the project exceeds \$100,000.00. The need for repairs or replacement of any missing improvements would be evaluated at the building permit stage by the City’s Engineering Department (Condition #13).

Parking

- C) The subject site is located within the City’s Downtown Parking District which does not require parking for businesses located on the first floor of a building. City Parking Lots 1, 7, 8, 9, 10, 12, and 14 are located within 400 feet (1 block) of the subject site. Supplemental parking is provided behind the building (approximately 26 space) for employees working at Mainplace Merced.

Building Elevations

- D) The applicant is not proposing any modifications to the exterior of the building. The building was part of a larger remodel with the Regal Hollywood movie theatre during the early 2000’s. The exterior of the building has a modern design with a stucco finish, brick, and large storefront windows. The applicant is not proposing any modifications to the exterior of the building. Exterior modifications such as exterior paint

or wall signage shall require a staff level design review permit (Condition #15).

Floor Plan

- E) The subject site is a recently created suite of 1,750 square feet. The proposed floor plan includes a cashier counter by the primary entrance along Main Street, sales floor area, beverage counter, walk in coolers, an office, bathroom, electrical room, and a restroom. Beer and wine selection would be stocked within the walk in coolers. Additional wine and distilled spirits would be shelved behind the employee counter as shown at Attachment C of PC Staff Report #23-642). In total, the 165 square feet of sales floor area would be dedicated to alcohol sales (Condition #23).

Neighborhood Impact

- F) The subject site is located in Downtown Merced and is surrounded by a variety of commercial and entertainment businesses. Entertainment businesses are common throughout the neighborhood with the Merced Theater (live performance), 17th Street Public House (pub), Vinho's Wine Lounge, The Den (hookah lounge), Regal Hollywood (movie theatre), The Partisan (pub), O'Ryleigh's Tavern (pub), Casino Merced, Poker Flats, Merced Playhouse Merced (live theatre), and El Palacio Night Club, Tioga Sequoia (tap room), and Hi-Fi Wine (wine bar) all located within 1,400 feet of the subject site. Given the abundance of alcohol sales and entertainment businesses in the Downtown area, and the fact that this site was previously approved for a nightclub with alcohol sales, staff does not anticipate that this approval would create any unusual circumstances for the neighborhood.

Staff reached-out to the State Department of Alcoholic Beverage Control and found that there are currently no alcohol licenses for off-site consumption within 400 feet of the subject site. The nearest such license (within Census Tract - 13.02) is located approximately 1,000 feet south at 1425 Martin Luther King Jr Way (Smart & Final).

A Public Hearing Notice was circulated in the Merced County Times and mailed to property owners within 300 feet of the subject site three weeks prior to this public hearing. As of the date that this report was prepared,

staff has not received any comments or concerns from the public about this request.

Signage

- G) The applicant has yet to determine the official locations of signs, and type of signs they would install. The subject site is located within the City's Design Review District and would require a staff level design review permit prior to installation of any signage and require compliance with Merced Municipal Code Section 17.36 (Article IV) – Regulations for Downtown (Conditions #15).

Alcohol Sales

- H) The Merced Municipal Code requires a Conditional Use Permit for alcohol sales for markets under 20,000 square feet (MMC 20.44.010). In addition, alcohol sales shall require a Finding of Public Convenience or Necessity from City Council, because the census tract in which the site is located is considered to be overconcentrated with licenses for off-site consumption by Alcoholic Beverage Control Standards.

In order for the Planning Commission to approve or deny a request for the sale of alcoholic beverages for off-site consumption, they must consider the following criteria and make findings to support or deny each criteria per MMC 20.44.010:

Criteria #1

The proposed use will not result in an "undue concentration" of establishments dispensing alcoholic beverages as defined by Section 23958 and 23958.4 of the California Business and Professional Code and giving consideration to the California Department of Alcoholic Beverage Control's guidelines related to number and proximity of such establishments within a 1,000-foot radius of the site.

Finding #1

The subject site is located within Alcoholic Beverage Control Census Tract 13.02. In checking with the State of California Alcoholic Beverage Control District, this census tract is overconcentrated with alcohol licenses. In addition, Merced is listed as a Moratorium City for Type 20 and Type 21 alcohol licenses by the Department of Alcoholic Beverage Control. Due to this the applicant would need a Finding of Public Convenience or Necessity which the City of Merced requires be

approved by the City Council. Approval of CUP #1272 is contingent upon City Council approval of a Finding of Public Convenience or Necessity (refer to Condition #26)

Criteria #2

The proposed use will not adversely affect the economic and societal welfare of the pertinent community or residentially zoned community in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds, and other similar uses; and other establishments dispensing, for sale or other considerations, alcoholic beverages including beer and wine.

Finding #2:

There are residential uses located approximately 350-400 feet to the west of the subject site (the Loft Apartments) and additional residential uses approximately 500 feet to the east (apartments above the Merced Theater). All of these units are located within a Central Commercial (C-C) Zone. Additional residential uses in the C-C zone are located within a 600-foot and 1,000-foot radius. The nearest park is Bob Hart Square approximately 250 feet west of the subject site. The nearest school is East Campus Educational Center and Independence Highschool approximately 2,400 feet east of the subject site.

Criteria #3

The crime rate in the area of the proposed site. Particular attention shall be given to those crimes involving public drunkenness, the illegal sale of narcotics, disturbing the peace, and disorderly conduct.

Finding #3:

Between June 1, 2022, and June 7, 2023, the Merced Police Department recorded approximately 1,000 incidents within a 500-foot radius of the subject site. The table on the next page shows the number of incidents within that area involving public intoxication, assaults, MMC violations, and narcotics violations (totaling 221 incidents during the 12-month period). As shown on the attached Incident Map (Attachment E of Staff Report #23-642. The number of incidents reported City-wide for the same time period was approximately 73,000. Based on the total number of calls within the City, the 1,000 calls to this area equals 1.3% of the overall calls for service within the City. As shown on the attached Crime Hot Spot Map for the City of Merced (Attachment D of Staff Report #23-

EXHIBIT B

OF PLANNING COMMISSION RESOLUTION #4117

642), crime rates in this area are considered Verry High compared to the rest of the City. However, most of the incidents surrounding the site were not related to alcohol.

Incidents and Cases Reported (June 1, 2022 – June 7, 2023)

Incident/Case Type	Number of Incidents
Public Intoxication	7
Disturbance (assaults)	127
MMC*	82
Narcotics violations	5

*Municipal Code Violations regarding open containers, drinking in public, etc.

Planning staff consulted with the Merced Police Department regarding alcohol sales at this location. The Police Department did not have significant concerns with this request and is not requiring any conditions of approval not normally associated with alcohol sales for off-site consumption. Based on the information provided by the Police Department, staff does not anticipate that the approval of this request would adversely affect the economic and social welfare of the surrounding area.

Conditional Use Permit Findings

D) 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.*

As shown under Finding A, the proposed project complies with the General Plan designation of Regional/Community Commercial (RC) and the zoning classification of Central Commercial (C-C) with approval of this conditional use permit and design review 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.*

As shown under Finding D – Building Elevation , Finding E – Floor Plan, and Finding F -Neighborhood Impact, staff believes that the location, size, design, and operating characteristics of the proposal would be compatible existing and future land uses in the vicinity.

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

As shown under Finding H– Alcohol Sales, staff does not anticipate that this proposal would be detrimental to the public health, safety, and welfare of the City. Planning staff consulted with the Merced Police Department regarding alcohol sales at this location; the Police Department did not have any significant concerns with this request and is not requiring any conditions of approval not normally associated with alcohol sales for off-site consumption. Based on the information provided by the Police Department, staff does not anticipate that the approval of this request would adversely affect 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 convenience market is properly located within the City and adequately served by existing or planned services and infrastructure such was street access, sewer connections, water connections, and other utilities.

Environmental Clearance

- J) Planning staff conducted an environmental review (Environmental Review #23-18) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption (no further environmental review is required) is being recommended (Attachment F of Staff Report #23-642).





REVISION	DATE
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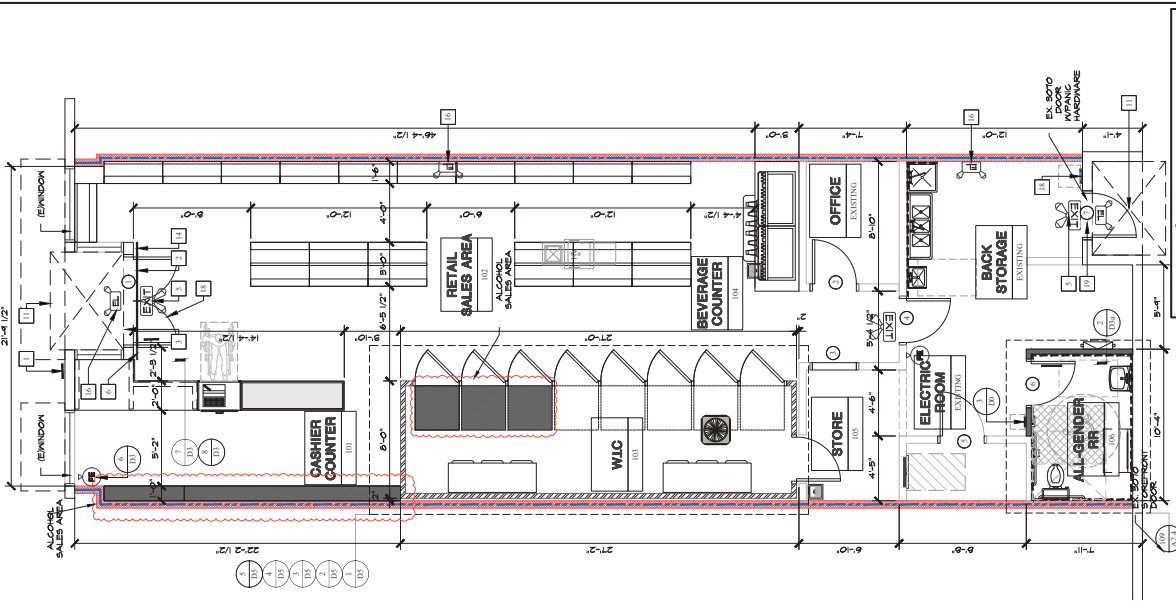
PROPOSED FLOOR PLAN	
CREW JOB #:	28020
DATE:	6/15/2023
PLANNING SUBMITTAL #:	
PLAN CHECK SUBMITTAL #:	
DRAWN BY:	JK
CHECKED BY:	IL
SCALE:	NOTE ON PLANS

A2.1

CIVIL ENGINEERING • LAND SURVEYING • CONSULTING • ARCHITECTURAL DRAFTING • COMMERCIAL • RESIDENTIAL BUILDING DESIGN • PLANNING & PROJECT MANAGEMENT

- FLOOR PLAN KEYED NOTES**
- INSTALL 12-INCH-HIGH ADDRESS ON THE BUILDING IF NOT EXISTING. A SEPARATE SUITE SIGN SHALL BE TACTILE WITH SUITE NUMBERS IN RAISED NUMBERS AND BRILLE AT THE MAIN ENTRY IF NOT EXISTING.
 - IN BUILDINGS IN OCCUPANCY GROUPS HAVING AN OCCUPANCY LOAD OF 500 OR LESS, GROUPS B, F, M, AND S, AND IN PLACES OF PUBLIC ACCOMMODATION, THE MAIN DOOR OR DOORS ARE PERMITTED TO BE EQUIPPED WITH RET-OPEATED LOCKING DEVICES FROM THE BRESSIE SIDE PROVIDED:
 - THE LOCKING DEVICE IS READILY DISTRINGUISHABLE AS LOCKED.
 - A READILY VISIBLE DURABLE SIGN POSTED OVER THE PRIMARY DOOR AT EACH SPACE STATING THIS DOOR SHALL REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED WITH IT HIGH OR LOW VISIBILITY TO THE PUBLIC.
 - THE USE OF THE RET-OPEATED LOCKING DEVICE IS NEGOTIABLE BY THE FIRE CODE OFFICIAL FOR FIRE CAUSE.
 - THERE SHALL BE NO VERTICAL OFFSET GREATER THAN 1/2 INCH ALONG THE ENTIRE PATH OF TRAVEL FROM THE PUBLIC WAY / ACCESSIBLE PARKING SPALL INTO THE BUILDING OR RESTROOMS.
 - INSTALL 6" x 6" ACCESSIBILITY SIGN AT FRONT MAIN ENTRANCE.
 - PROVIDE ILLUMINATED EXIT SIGNS AT EXTERIOR EXIT DOORS WITH BATTERY BACKUP OR AN APPROVED ALTERNATIVE.
 - INSTALL AN APPROVED OCCUPANT LOAD SIGN THAT READS "MAXIMUM OCCUPANCY - XX" IN A CONSPICUOUS LOCATION IN THE ROOM OR SPACE. REFER TO OCCUPANT LOAD PLAN SHEET AS3 FOR MAXIMUM LOAD OF EACH ROOM.
 - INSTALL 2-INCH-FIRE EXTINGUISHERS (MINIMUM 75 FOOT TRAVEL DISTANCE FROM ANY POINT IN THE BUILDING) ON THE FLOOR AND THE BOTTOM OF THE EXTINGUISHER SHALL NOT BE LESS THAN 5 FEET.
 - NEW BRILLE SIGNS) AT THE MALL ADJACENT TO THE RESTROOM ENTRY DOORS. REFER TO DETAIL B/D1.
 - NEW TACTILE DOOR SIGNS) ON RESTROOM ENTRY DOORS. REFER TO DETAIL 2/D1.
 - INDICATE 84" X 48" FORWARD APPROACH TO THE 84" HIGH COUNTER AT 84" MAX HEIGHT WITH 10" MIN CLEARANCE 27" CLEAR HEIGHT AND 1" MIN CLEAR DEPTH.
 - 6'X8' LANDING AREA.
 - PROVIDE ALTERNATIVE MATERIALS SHALL BE OF NON-COMBUSTIBLE OR APPROVED FLAME RETARDANT TREATED MATERIALS.
 - PROVIDE AN ANSUL PULL STATION NEAR THE TYPE I HOOD. REFER TO ANSUL PULL STATION NOTES THIS SHEET.
 - PROVIDE THE HOOD WITH A 10" CLEARANCE FROM THE WALLS TO THE CEILING. PROVIDE 18" MIN CLEARANCE FROM THE FLOOR TO THE HOOD WITH A 10" CLEARANCE FROM THE WALLS TO THE CEILING. PROVIDE 18" MIN CLEARANCE FROM THE FLOOR TO THE HOOD WITH A 10" CLEARANCE FROM THE WALLS TO THE CEILING.
 - PROVIDE THE FOLLOWING FOR FLOORS AND WALLS IN WATER CLOSET COMPARTMENTS:
 - FLOORS, TOILET ROOM FLOORS SHALL HAVE A SMOOTH, HARD ABSORBENT SURFACE SUCH AS POLISHED CONCRETE OR POLISHED CERAMIC TILE. WALLS SHALL HAVE A SMOOTH, HARD ABSORBENT SURFACE. WALLS WITHIN 6 FEET OF THE FRONT AND REAR OF URINALS AND WATER CLOSETS SHALL HAVE SMOOTH, HARD ABSORBENT SURFACE OF PORTLAND CEMENT CONCRETE OR POLISHED CERAMIC TILE. WALLS SHALL BE NON-POROUS AND NON-ABSORBENT SURFACES TO A HEIGHT OF 4 FEET. THE MAXIMUM ALLOWABLE WATER SPILL BE ON A TILE THAT IS NOT ADJACENTLY AFFECTED BY MOISTURE.
 - ROVISE EMERGENCY LIGHTS WITH A BATTERY BACKUP OR AN APPROVED ALTERNATIVE.
 - PROVIDE REQUIRED PATTERNS TO MAINTAIN LIQUOR RATINGS FOR NEW WORK IN THE MALLS COMMON WITH OTHER PARTITIONS NEXT CORP. 2 WITH GRC T1.1 THRU 5. FIRE BARRIERS, SMOKE BARRIERS, MALLS, AND FIRE PARTITIONS SHALL BE 1" MIN THICK. REFER TO DETAIL 4/P2 FOR ANY FLUING OR MECHANICAL PENETRATIONS THROUGH THESE WALLS.
 - PROVIDE SELF-CLOSER AT DESIGNATED DOORS.
 - ALL EXIT DOORS SHALL BE PROVIDED WITH PANIC HARDWARE.

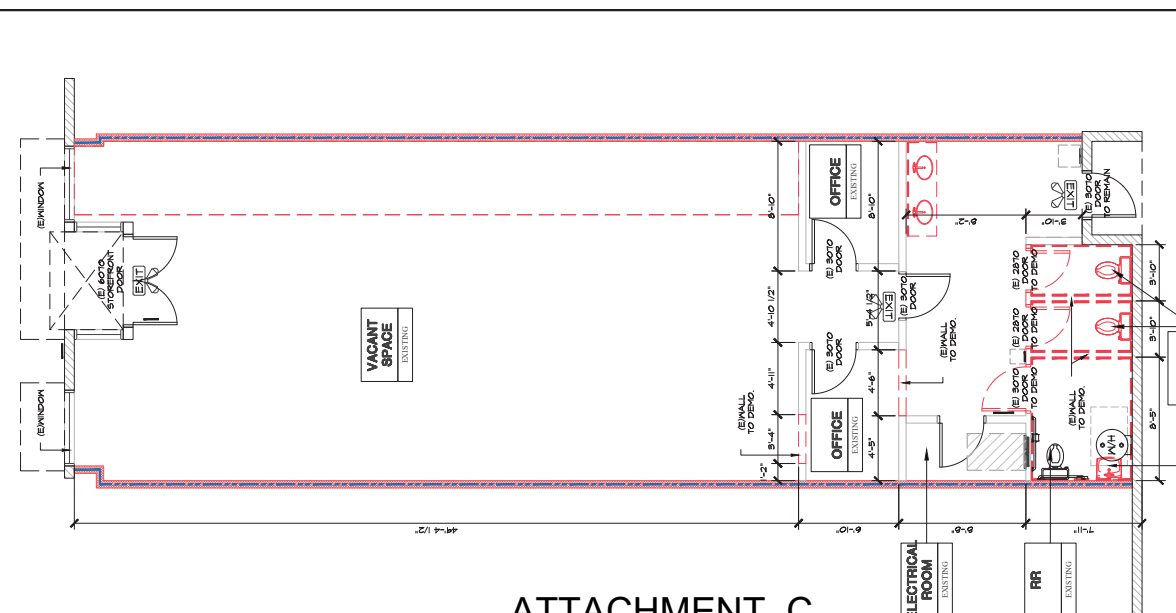
TOTAL ALCOHOL SALES AREA
165 SQFT.



WALL LEGEND

- EXISTING WALL TO REMAIN
- NEW INTERIOR WALL - 2x4 DF #2 AT 16" O.C.
- EXISTING WALL TO REMAIN
- NEW 4" HIGH FRP BEHIND ALL SINKS.

PROPOSED FLOOR PLAN
 SCALE: 1/4" = 1'-0"



WALL LEGEND

- EXISTING WALL TO REMAIN
- EXISTING SEPARATION WALL
- EXISTING WALL TO REMOVED

EXISTING/DEMO FLOOR PLAN
 SCALE: 1/4" = 1'-0"

Sensitive Uses

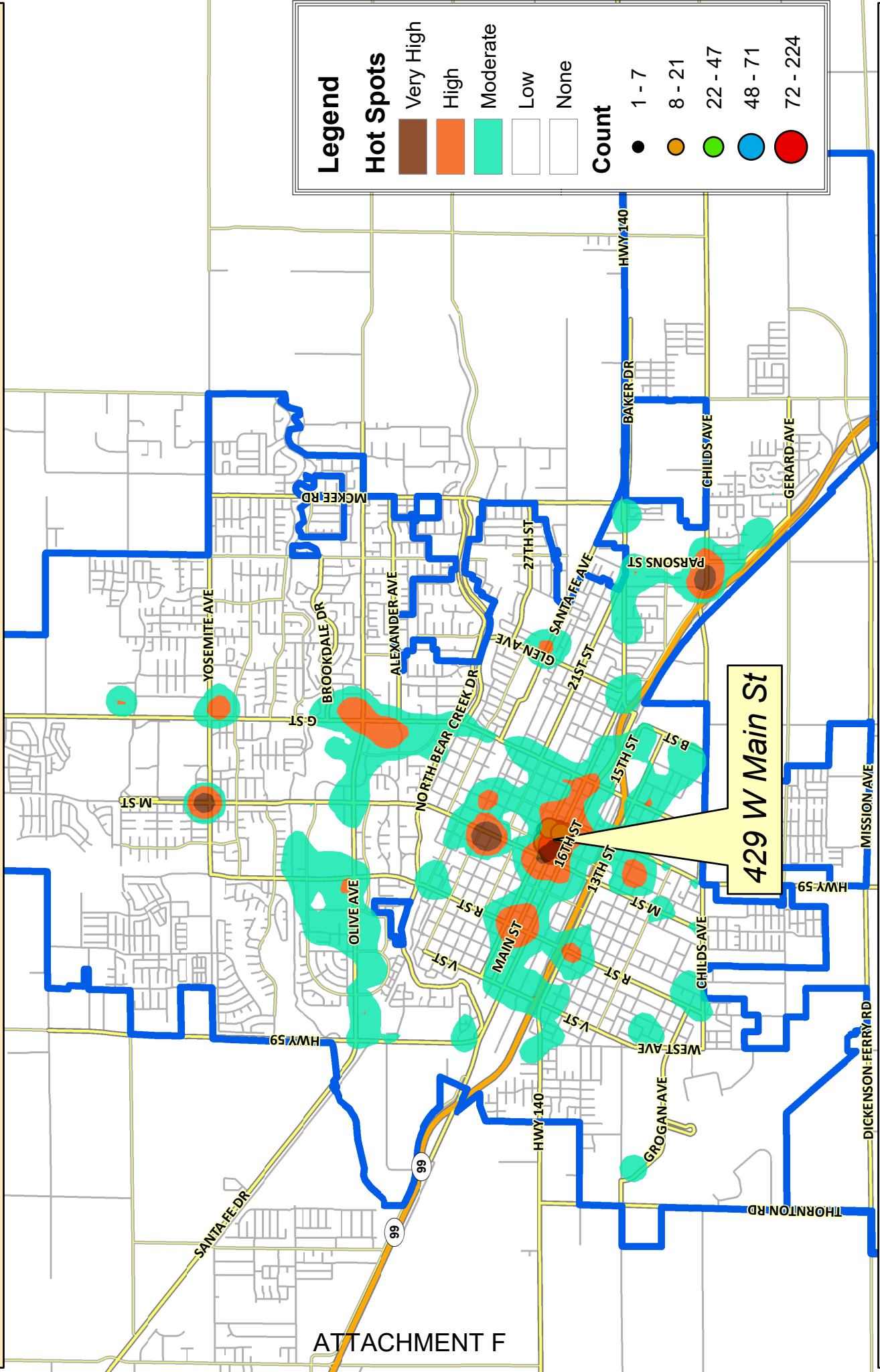


1,000+ Incidents within 500ft of 429 W Main St
for period of 6/1/22 to 6/7/23



HOT SPOTS of ALL POLICE INCIDENTS for 6/1/22 to 6/7/23

73,000+ incidents city wide



ATTACHMENT F

Disclaimer: This document was prepared for general inquiries only. The City of Merced makes no warranty, representation, or guarantee regarding the accuracy of this map. The City of Merced is not responsible for errors or omissions that might occur. Official information regarding specific parcels should be obtained from official recorded or adopted City documents.

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 #1272 (Environmental Review #23-18)

Project Applicant: Paramjeet Singh, on behalf of Encina Investment Group Mainplace Merced, LLC, property owner Trust

Project Location (Specific): 429 W. Main Street **APN:** 031-143-028

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

Description of Nature, Purpose, and Beneficiaries of Project: Alcohol sales for off-stie consumption for new convenience market

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Paramjeet Singh, on behalf of Encina Investment Group Mainplace Merced, LLC, property owner

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: 15301 (a)
- Statutory Exemptions. State Code Number: _____.
- General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt: As defined under the above referenced Section, the proposed project consists of minor interior and exterior alterations, and a request to serve alcohol, which are considered to be exempt under the CEQA Guidelines per Section 15301 (a).

Lead Agency: City of Merced

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

Signature:  **Date:** 6-14-2023 **Title:** Associate Planner

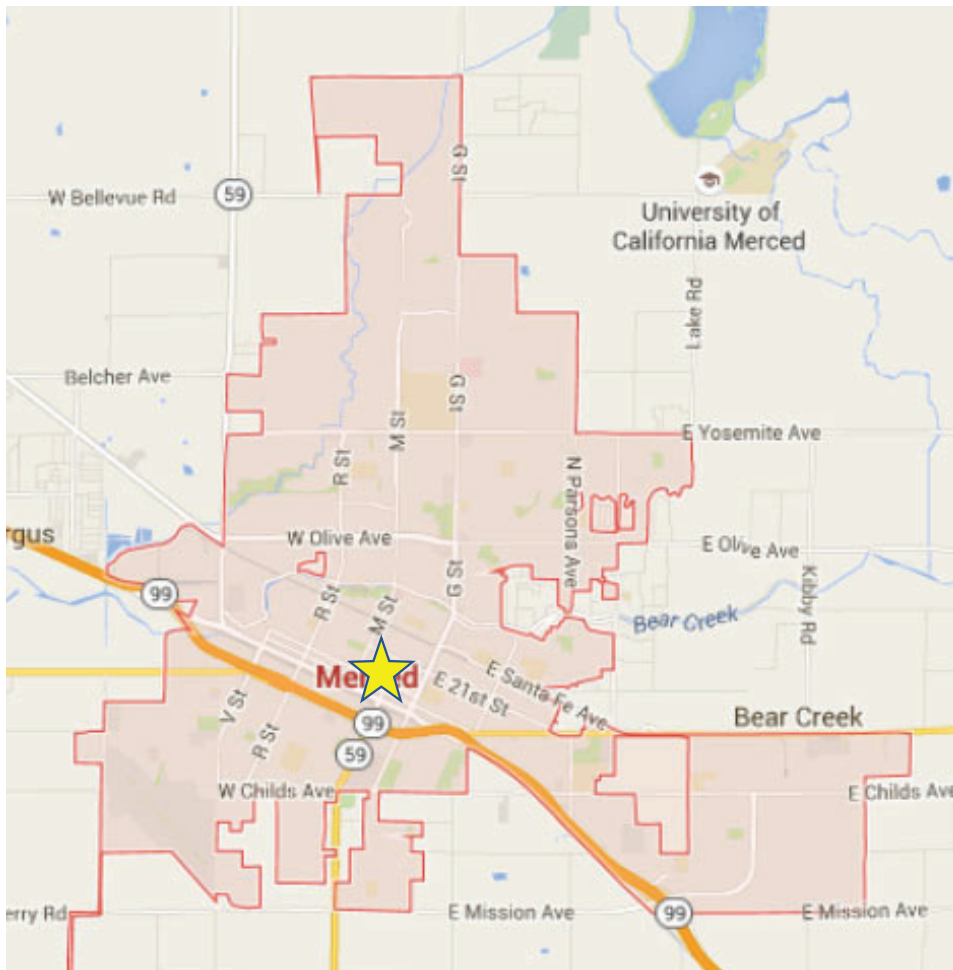
X Signed by Lead Agency **Date Received for Filing at OPR:** _____
(If applicable)

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



CUP #1272
New Convenience Market
(W/Alcohol Sales)
429 W. Main Street

City-Scale Map

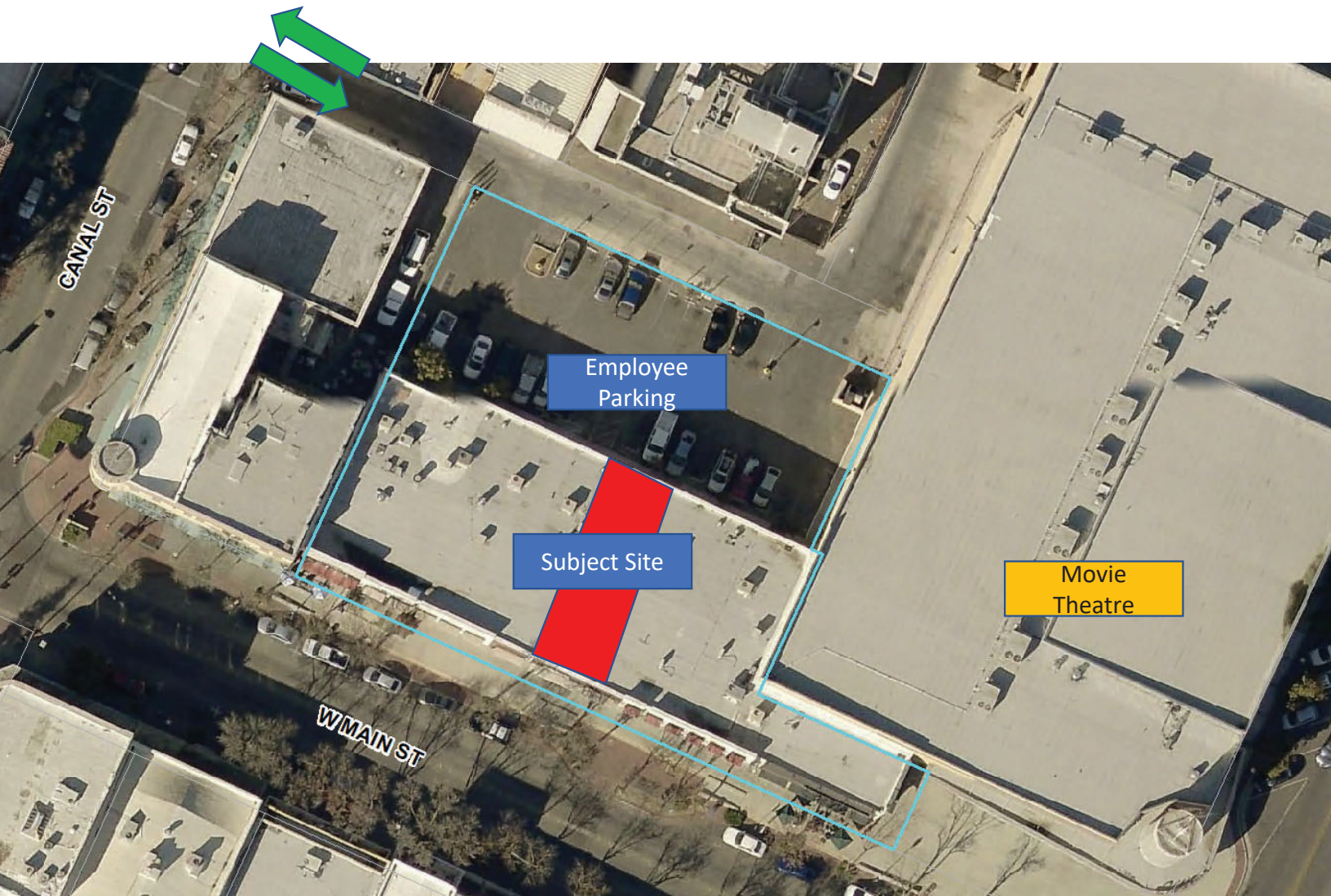


Land Use Policy & Design Review Boundary

- **MMC 20.10-1** – Permitted Land Uses in the Commercial Zoning District has a convenience market as a principally permitted use for the Central Commercial (C-C) Zone
- **MMC 20.44.010** – Requires Conditional Use Permit for selling alcohol for off-site if the building under 20,000-s.f. (which the subject site is under). This regulation is meant to generally exempt larger grocery stores where alcohol is a smaller percentage of sales.
- **Finding of Public Convenience or Necessity** is required because subject site is within a Census Tract determined to be overconcentrated with alcohol licenses by the State department of Alcoholic Beverage Control (this is a subsequent step reviewed and approved by City Council).

Location Map





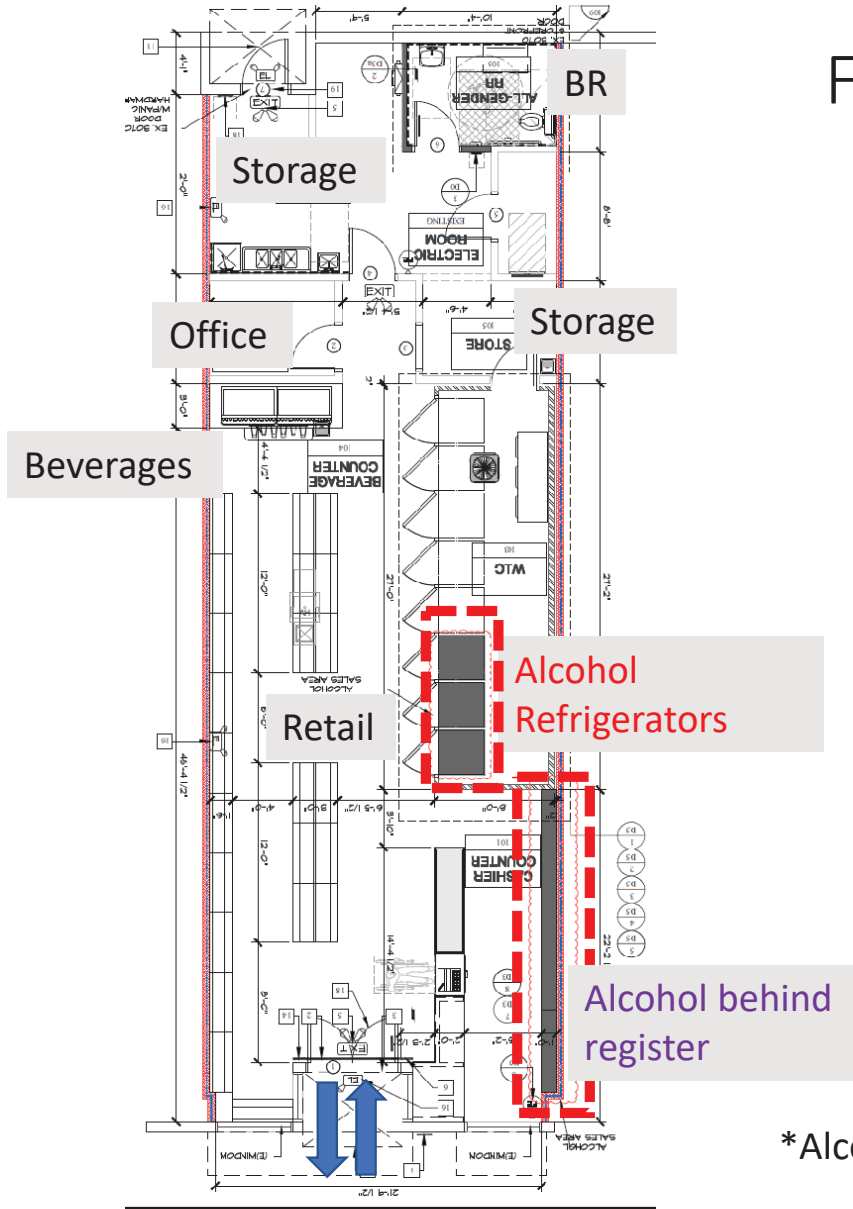
Street View (Main Street)



Floor Plan/Program

- Recently created suite (1,750 s.f.)
- No exterior modifications (future exterior modifications such as paint or signage could be processed with a staff level design review permit)
- Customer Parking – Not required because subject site is within the City’s Parking District (but there is an employee parking lot behind the building)
- Hours of Operation(with alcohol sales):
 - Sunday-Thursday=9:00 a.m. – 12:00 a.m.
 - Friday-Saturday=9:00 a.m. – 2:00 a.m.

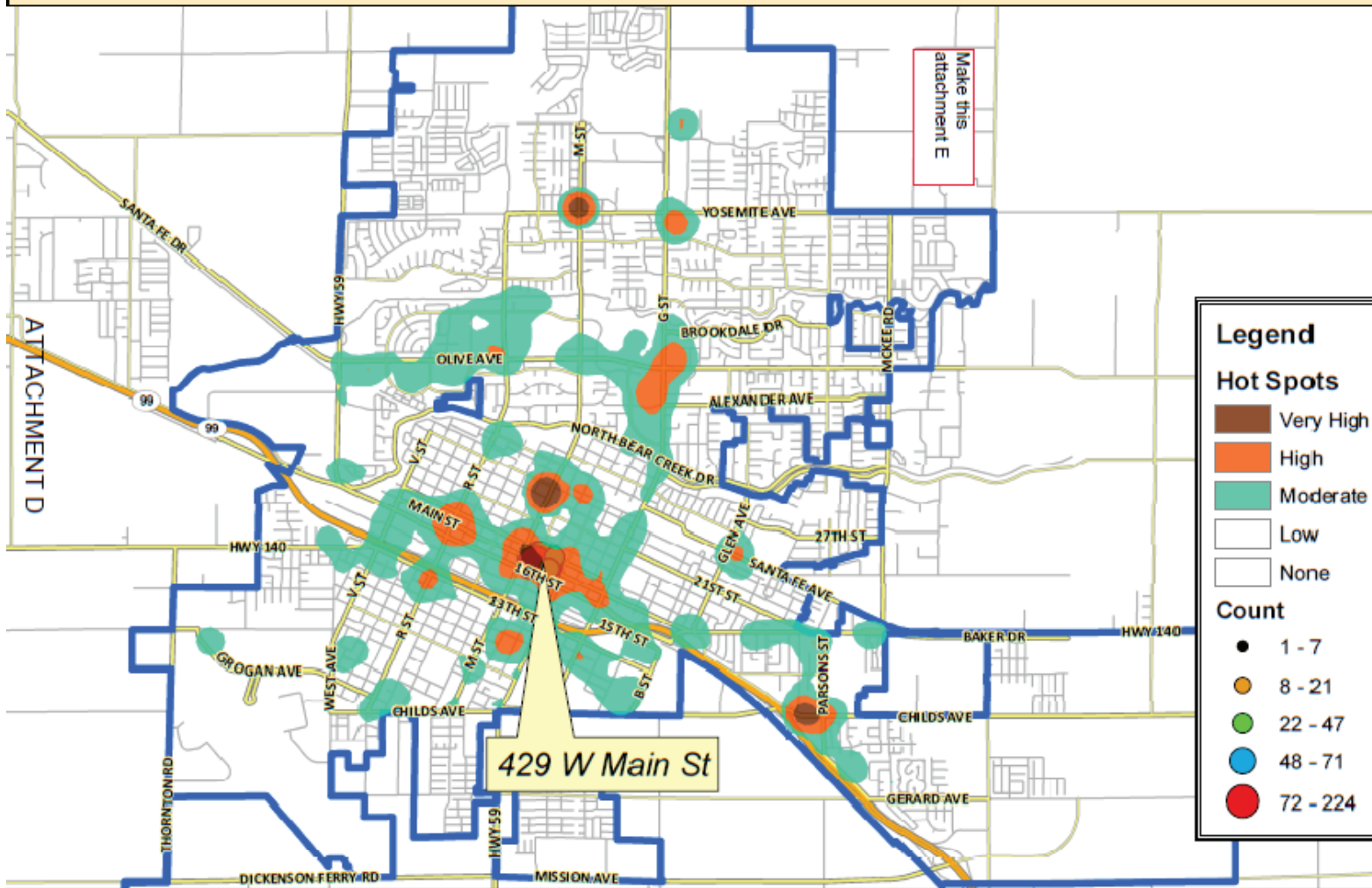
Floor Plan



* Alcohol Sales=165 s.f.

HOT SPOTS of ALL POLICE INCIDENTS for 6/1/22 to 6/7/23

73,000+ incidents city wide



Disclaimer: This document was prepared for general inquiry only. The City of Mansfield makes no warranty, representation, or guarantee regarding the accuracy of this map. The City of Mansfield is not responsible for any errors or omissions.

1,000+ Incidents within 500ft of 429 W Main St
for period of 6/1/22 to 6/7/23



Incident Types

Incident Type	Number of Incidents
Disturbance	127
Public Intoxication	7
Narcotics	5
MMC*	0

POLICE DEPARTMENT



- The Police Department does not have any issues with this request.
- The conditions of approval are typical for this use.
- Based on their crime analysis, the Police Department does not expect this project to adversely affect the surrounding neighborhood or be a burden on Police resources.

Neighborhood Impact

- Entertainment businesses are common throughout the neighborhood with the **Merced Theater (live performance), 17th Street Public House (pub), Vinho's Wine Lounge, The Den (hookah lounge), Regal Hollywood (movie theatre), The Partisan (pub), O'Ryleigh's Tavern (pub), Casino Merced, Merced Playhouse Merced (live theatre), El Palacio Night Club, Tioga Sequoia (tap room), and Hi-Fi Wine (wine bar)** all located within **1,400 feet of the subject site**.
- Given the abundance of alcohol sales and entertainment businesses in the Downtown area, and the fact that this site was previously approved for a nightclub with alcohol sales, staff does not anticipate that this approval would create any unusual circumstances for the neighborhood.
- Public Hearing Notice was published in Merced County Times and mailed to property owners within 300 feet of subject site 3 weeks prior to this meeting. Staff received **1** letter from public about this project with concerns about single container sales and loitering.

Background

- This item was continued from the Planning Commission Meeting of July 5th, 2023.
- Planning Commission requested additional research to find out how many businesses within 400 feet of the subject site currently sell alcohol for off-site consumption.
- Staff reached out to the Department of Alcoholic Beverage Control and found that there are no such licenses within a 400-foot-radius of the subject site. The nearest such license is located approximately 1,000 feet south at 1425 MLK Jr Way (Smart & Final).
- Planning Commission also request Condition #25 be adjusted to regulate the size of liquor bottles that could be sold.
- Condition #25 was adjusted to allow the sale of liquor bottles at or over 100 ml.

Conditions of Approval

- **Conditions #17:** Employees selling alcohol between 10 p.m. and 2 a.m. shall be at least 21 years of age.
- **Condition #19:** Alcohol sales shall be limited to 165 square feet (as shown on the proposed floor plan).
- **Condition #22:** Prior to selling alcohol, the applicant shall obtain a Finding of Public Convenience or Necessity from City Council.
- **Condition #23:** Approval is subject to owner being in good standing with the State department of Alcoholic Beverage Control.
- **Condition #25:** Single-serving alcohol containers may not be sold separately unless authorized by the Police Department (wine over 750 ml or liquor over 100 ml are exempt).

Planning Commission Action

After Holding the Public Hearing, the Commission may:

Approve/Disapprove/Modify

- Environmental Review #23-18 (Categorical Exemption)
- Conditional Use Permit #1272 (Subject to the Conditions in the Staff Report)