



CITY OF MERCED

City Council Chamber
Merced Civic Center
678 W. 18th Street
Merced, CA 95340

Minutes Planning Commission

Wednesday, September 17, 2025

6:00 PM

A. CALL TO ORDER

Vice Chair GREGGAINS called the meeting to order at 6:00 PM.

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Commissioner SMITH led the Pledge of Allegiance to the Flag.

B. ROLL CALL

Clerk's Note: Chairperson GONZALEZ and Commissioner THAO were absent, excused.

Present: 5 - Member Walter Smith, Member Emanuelle Ochoa, Vice Chair Jeremiah Greggains, Member Jerry Vue, and Member Conchita Swiggart

Absent: 2 - Chair Anthony Gonzalez, and Member Yang Pao Thao

C. PUBLIC COMMENT

There were no public comments.

D. CONSENT CALENDAR

D.1

SUBJECT: Planning Commission Minutes of August 6, 2025

ACTION:

Approving and filing the Planning Commission Minutes of August 6, 2025

A motion was made by Member Ochoa, seconded by Member Vue and carried by the following vote, to approve the Consent Agenda.

Aye: 5 - Member Smith
Member Ochoa
Vice Chair Greggains
Member Vue
Member Swiggart

No: 0

Absent: 2 - Chair Gonzalez
Member Pao Thao

E. PUBLIC HEARINGS

E.1

SUBJECT: Vesting Tentative Subdivision Map #25-0003, initiated by Paramjit Singh and Jaswinder Kaur, property owners. This application involves a request to subdivide approximately 3.38 acres of land at 2500 E Childs Avenue, into 17 residential lots generally ranging in size between 6,200 square feet and 14,579 square feet. This subject site is generally located south of East Childs Avenue, approximately 500 feet east of Brimmer Road, with a General Plan designation of Low Density Residential (LD), and a Zoning classification of Low Density Residential (R-1-5). **PUBLIC HEARING**

ACTION: Approve/Disapprove/Modify
1) Environmental Review #25-0022 (Categorical Exemption)
2) Vesting Tentative Subdivision Map #25-0003

SUMMARY

The applicant is proposing a vesting tentative subdivision map for 17 low density residential lots at 2500 E. Childs Avenue. The subject site is generally located, south of East Childs Avenue, approximately 500 feet east of Brimmer Road (Attachment B). The proposed subdivision would subdivide approximately 3.38 acres of land into 17 residential single-family lots generally ranging in size from 6,200 square feet to 14,579 square feet. Planning staff, along with other City staff, have reviewed the project and recommend approval subject to conditions.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #25-0022 (Categorical Exemption) and Vesting Tentative Subdivision Map #25-0003 (including the adoption of the Draft Resolution) subject to the conditions in Exhibit A and the findings/considerations in Exhibit B of Draft Resolution #4165 at Attachment A.

Assistant Planner LIVINGSTON reviewed the report on this item. For further information, refer to Staff Report #25-654.

Public Testimony was opened at 6:11 PM.

Staff received 3 emails from ARIEL MANN, MID, and ROBERT RUYBE. The emails were provided to the Planning Commission via email prior to

the meeting and posted on the City's website.

Speaker from the Audience in Favor

CESAR PEREZ, Applicant, Golden Valley Engineering, Merced, CA

Speakers from the Audience in Opposition

ROBERT RUYBE, Resident, Merced, CA

DEBORAH CAMPBELL, Resident, Merced, CA

AMY VALENCIA, Resident, Merced, CA

PATRICIA GONZALEZ, Resident, Merced, CA

Speaker from the Audience (Neutral)

JEFF DINNOW, Resident, Merced, CA

Public Testimony was closed at 6:25 PM.

The application was withdrawn by the applicant. No motion was made.

E.2

SUBJECT: Conditional Use Permit #25-0015, submitted by Malek Mosleh, on behalf of Chanana Sham & Meenu Trustee, property owners. This application involves a request for tobacco sales (for off-site consumption) for a new convenience market at 1277 V Street, Suite B. The subject site is generally located at the southwest corner of V Street and McSwain Road (turns into 13th Street going east), with a General Plan Designation of Thoroughfare Commercial (CT) and a Zoning classification of Thoroughfare Commercial (C-T). *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify
1) Environmental Review #25-0021 (*Categorical Exemption*)
2) Conditional Use Permit #25-0015

SUMMARY

Malek Mosleh is requesting approval to operate a convenience market with tobacco sales for off-site consumption at 1277 V Street, Suite B. The convenience market would be located within an approximate 950-square-foot commercial suite. A conditional use permit is required for

“tobacco sales” for off-site consumption for sites within 600 feet of a “youth center” per Merced Municipal Code Section 20.44.160 - Tobacco Sales Prohibited Near Schools. The youth center located near the convenience market is Dennis Chavez Memorial Park. The primary use of a convenience market is principally permitted within the site’s Zoning classification of Thoroughfare Commercial (C-T), and General Plan designation of Thoroughfare Commercial (CT), but tobacco sales for off-site consumption requires conditional use permit approval from the Planning Commission. Staff is recommending approval of this application subject to conditions.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #25-0021 (Categorical Exemption) including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

Assistant Planner LIVINGSTON reviewed the report on this item. For further information, refer to Staff Report #25-789.

Public Testimony was opened at 6:49 PM.

Staff received 1 email from MID. The email was provided to the Planning Commission via email prior to the meeting and posted on the City's website.

There was no one present wishing to speak regarding the project; therefore, public testimony was closed at 6:50 PM.

A motion was made by Member Ochoa, seconded by Member Swiggart and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #25-0021, and approve Conditional Use Permit #25-0015, subject to the Findings and nineteen (19) Conditions as set forth in Staff Report #25-789 (RESOLUTION #4166).

Aye: 5 - Member Smith
Member Ochoa
Vice Chair Greggains
Member Vue
Member Swiggart

No: 0

Absent: 2 - Chair Gonzalez
Member Pao Thao

E.3

SUBJECT: General Plan Amendment #24-02/ Site Utilization Plan Revision #3 to Planned Development #20/ Vesting Tentative Subdivision Map #1332/ Site Plan Review Permit #551/ Minor Use Permit #24-13, initiated by Eric Gonsalves, on behalf of Yosemite 1380

LLC, property owner. The General Plan Amendment would change the General Plan land use designation from Commercial Office (CO) to Business Park (BP) for 3.02 acres and from Commercial Office (CO) to Low Medium Density (LMD) residential for the remaining 4.85 acres. The Site Utilization Plan Revision would change the land use designation within P-D #20 from Commercial Office to Self-Storage for 3.02 acres and to Residential for the remaining 4.85 acres. The Minor Use Permit would be for interface review to allow commercial development adjacent to or across from a Low Density Residential (R-1-6) Zone. The Site Plan Review Permit would allow the development a self-storage facility (approximately 500 storage units). The vesting tentative subdivision map would divide the self-storage from the residential lots and create the 28 residential lots. *PUBLIC HEARING*

ACTION:**PLANNING COMMISSION:**

Recommendation to City Council:

- 1) Environmental Review #24-25 (*Negative Declaration*)
- 2) General Plan Amendment #24-02
- 3) Site Utilization Plan Revision #3 to Planned Development #20

Approve/Disapprove/Modify:

- 1) Environmental Review #24-25 (*Negative Declaration*)
- 2) Vesting Tentative Subdivision Map #1332
- 3) Site Plan Review Permit #551
- 4) Minor Use Permit #24-13
[subject to City Council approval of General Plan Amendment #24-02, and Site Utilization Plan Revision #3 to Planned Development #20]

SUMMARY

The Project site consists of two parcels that total approximately 8.05 acres located at 1380 Yosemite Avenue (APN: 006-050-068) and 3595 Parsons Avenue (APN: 006-050-072) (Attachment C). The subject site has a General Plan designation of Commercial Office (CO) and a Zoning classification of Planned Development(P-D) #20. The subject site is surrounded by a variety of uses which include residential to the east, south, and west, a religious institution to the north and University Surgery Center adjacent northeast of the project site.

The applicant is requesting approval to develop 28 single-family homes and a self-storage facility. Of the 28 residential lots, lots 1-15 would be

single story homes and lots 16-28 would be a mix of single- and two-story homes. The proposed residential lots would range in size between 4,365 square feet and 8,930 square feet. These lots would be located within the southern portion of the subject site on approximately 4.85 acres. The remaining 3.02 acres would be used to establish a self-storage facility with 500 storage units. The applicant has provided a site plan, floor plan, and elevations (Attachments E and F) for this proposal.

RECOMMENDATION

General Plan Amendment and Site Utilization Plan Revision to Planned Development

Planning staff recommends that the Planning Commission make a recommendation to the City Council of Environmental Review #24-25 (Negative Declaration), General Plan Amendment #24-02, and Site Utilization Plan Revision #3 to Planned Development #20 (including the adoption of the Draft Resolution at Attachment A) subject to the conditions in Exhibit A and the findings/considerations in Exhibit B of the Draft Resolution.

Vesting Tentative Subdivision Map, Site Plan Review Permit, and Minor Use Permit

Planning staff recommends that the Planning Commission approves Vesting Tentative Subdivision Map #1332, Site Plan Review Permit #551 and Minor Use Permit #24-13 (including the adoption of the Draft Resolution at Attachment B) subject to the conditions in Exhibit A, the findings/considerations in Exhibit B of the Draft Resolution, and contingent upon City Council approval of General Plan Amendment #24-02 and Site Utilization Plan Revision #3 to Planned Development (P-D) #20.

Acting Planning Manager LAN reviewed the report on this item for Associate Planner RENTERIA. For further information, refer to Staff Report #25-835.

Public Testimony was opened at 7:13 PM.

Staff received 3 emails from CAROL DINUZZO, ROBERT DINUZZO, and TOM CLENDININ. The emails were provided to the Planning Commission via email prior to the meeting and posted on the City's website.

Speaker from the Audience in Favor

TODD BENDER, Applicant, Merced, CA

Speakers from the Audience in Opposition

TOM CLENDENIN, Leader of Opposition, Resident, Merced, CA

ROBERT DINUZZO, Resident, Merced, CA

CAROL DINUZZO, Resident, Merced, CA

LEE BOESE, Resident, Merced, CA

Public Testimony was closed at 7:43 PM.

A motion was made by Vice Chair Greggains, seconded by Commissioner Ochoa to approve Vesting Tentative Subdivision Map #1332, Site Plan Review Permit #551, and Minor Use Permit #24-13. The motion to approve failed. Therefore, the items were denied per the Merced Municipal Code.

Aye: 3 - Member Ochoa
Member Vue
Member Swiggart

No: 2 - Member Smith
Vice Chair Greggains

Absent: 2 - Chair Gonzalez
Member Pao Thao

A motion was made by Member Ochoa, seconded by Member Swiggart to recommend to the City Council the denial of General Plan Amendment #24-02 and Site Utilization Plan #3 to Planned Development (P-D) #20. The motion failed, and the items were denied per the Merced Municipal Code.

Aye: 3 - Member Ochoa
Vice Chair Greggains
Member Swiggart

No: 2 - Member Smith
Member Vue

Absent: 2 - Chair Gonzalez
Member Pao Thao

F. ACTION ITEMS

F.1

SUBJECT: Cancellation of October 8, 2025, Planning Commission Meeting due to a lack of items

ACTION:

Cancel the Planning Commission Meeting of October 8, 2025

A motion was made by Member Ochoa, seconded by Member Swiggart and carried by the following vote, to cancel the Planning Commission Meeting of October 8, 2025, due to a lack of items.

Aye: 5 - Member Smith
Member Ochoa
Vice Chair Greggains
Member Vue
Member Swiggart

No: 0

Absent: 2 - Chair Gonzalez
Member Pao Thao

G. INFORMATION ITEMS

G.1 **SUBJECT:** Report by Acting Planning Manager of Upcoming Agenda Items

ACTION

Information only.

Acting Planning Manager LAN went over items for the next several Planning Commission meetings.

G.2 **SUBJECT:** Calendar of Meetings/Events

Sept.	15	City Council, 6:00 p.m.
	17	Planning Commission, 6:00 p.m.
Oct.	6	City Council, 6:00 p.m.
	8	Planning Commission, 6:00 p.m. (To be cancelled)
	20	City Council, 6:00 p.m.
	22	Planning Commission, 6:00 p.m.
Nov.	3	City Council, 6:00 p.m.
	5	Planning Commission, 6:00 p.m.
	17	City Council, 6:00 p.m.
	19	Planning Commission, 6:00 p.m. (May be cancelled)

H. ADJOURNMENT

Acting Director of Development Services QUINTERO introduced Chief Deputy City Attorney RONDA LUCAS to the Commission.

Clerk's Note: The Regular Meeting adjourned at 8:20 PM.

A motion was made by Member Ochoa, seconded by Member Swiggart and carried by the following vote, to adjourn the Regular Meeting.

Aye: 5 - Member Smith
Member Ochoa
Vice Chair Greggains
Member Vue
Member Swiggart

No: 0

Absent: 2 - Chair Gonzalez
Member Pao Thao

BY:



JONNIE LAN, SECRETARY
MERCED CITY PLANNING COMMISSION

APPROVED:

ANTHONY GONZALEZ, CHAIRPERSON
MERCED CITY PLANNING COMMISSION

CITY OF MERCED
Planning Commission

Resolution #4166

WHEREAS, the Merced City Planning Commission at its regular meeting of September 17, 2025 held a public hearing and considered **Conditional Use Permit #25-0015**, submitted by Malek Mosleh, on behalf of Chanana Sham & Meenu Trustee, property owners. This application involves a request to operate a convenience store that sells tobacco and tobacco products at 1277 V Street, Suite B. The subject site is generally located at the southwest corner of V Street and McSwain Road (turns into 13th Street going East), with a General Plan Designation of Thoroughfare Commercial (CT) , and a Zoning classification of Thoroughfare Commercial (C-T),; said property being more particularly described as Parcels 1,2,3, and 4 of Block 262, as shown on that certain map entitled “Map of The Mussotto Tract,” recorded in Page 59 of Book 2 of Merced County Records; also known as Assessor’s Parcel Number (APN) 031-271-016; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through J of Exhibit B; 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 #25-0021 and approve Conditional Use Permit #25-0015 subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by reference.

Upon motion by Commissioner Ochoa, seconded by Commissioner Swiggart, and carried by the following vote:

AYES: Commissioners Ochoa, Swiggart, Vue, Smith, and Vice Chair Greggains
NOES: None
ABSENT: Chairperson Gonzalez and Commissioner Thao
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4166

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September 17, 2025

Adopted this 17th day of September 2025


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 #4166
Conditional Use Permit #25-0015

1. The proposed project shall be constructed/designed/operated as shown on the Site Plan and Floor Plan, 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 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.

4. 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.
5. Sufficient lighting shall be provided throughout the site to provide a safe environment for employees and patrons of the business.
6. All landscaping shall be kept healthy and maintained in good condition and any damaged or missing landscaping shall be replaced immediately.
7. The premises shall remain clean and free of debris and graffiti at all times. Any damaged materials shall be replaced by matching materials.
8. A temporary banner permit shall be obtained prior to installing any temporary signs.
9. The proprietor and/or successors in interest and management shall comply with all Municipal Codes relating to loitering, and other nuisance-related issues.
10. The City reserves the right to periodically review the area for potential problems. If, in the opinion of the Police Chief, problems (on-site or within the immediate area) including, but not limited to, 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.
11. The business shall comply with all applicable requirements from the Merced County Health Department.
12. The applicant shall obtain proper permits and licenses from the State to sell tobacco products.
13. Building improvement work shall be done by qualified licensed contractors.
14. The applicant shall install exterior video surveillance cameras that continuously record outside activities 24 hours a day, 7 days a week (locations to be worked out with the Police Department). Any video related to criminal investigations must be accessible immediately for

viewing by the Merced Police Department or any other law enforcement agency. A recorded copy of surveillance video, requested in connection with a criminal investigation, must be reasonably accessible and available within 24 hours when requested by law enforcement. The business owner is responsible for maintaining the video surveillance equipment in an operable manner at all times.

15. Any music played shall be kept to a minimum noise level so as not to travel outside the immediate area around the building.
16. Signage approval is not being included with this request. Future signage shall match or compliment the design of the facade (in regard to color, design, and materials) and be in compliance with the City of Merced Municipal Code regarding signage.
17. Tobacco products and associated paraphernalia shall be kept inaccessible from the general public, stored behind the employee counter.
18. The business shall be allowed to operate from 8:00 A.M. to 10:00 P.M. Should the Police Department receive excessive calls regarding noise or disturbances, the Police Chief may reduce the hours of operation at their discretion, or potentially revoke the permit.
19. If the business owner wishes to extend or modify the business hours in the future, they must obtain approval from the Development Services Director and the Police Chief, or if deemed necessary by the Development Services Director, be referred to the Planning Commission for action.

**Findings and Considerations
Planning Commission Resolution #4166
Conditional Use Permit #25-0015**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Thoroughfare Commercial (CT), and the Zoning classification of Thoroughfare Commercial (C-T) with approval of this Conditional Use Permit.

Tobacco Sales

- B) Per Merced Municipal Code Land Use 20.44.160 – Tobacco Sales Prohibited Near Schools, a conditional use permit is required for tobacco sales within 600 feet of “youth oriented” facilities. A convenience market is principally permitted within the subject site, but the proximity to Dennis Chavez Memorial Park is triggering the need for a conditional use permit. Tobacco Sales is a discretionary permit that does not require adoption of specific findings (such as is required for alcohol sales), but the general findings required for all conditional use permits is required and are being included under Finding I.

Neighborhood Impact

- C) The subject site is located in the southern portion of Merced and is surrounded by a variety of commercial uses. The tobacco sales ordinance (MMC 20.44.160 – Tobacco Sales Prohibited Near Schools) was adopted in 2016 through the City’s comprehensive Zoning Ordinance Update, and then amended again in 2022. As such, there are several businesses throughout the community that were in operation prior to the adoption of the ordinance, selling tobacco products near schools and youth-oriented facilities. There are currently some businesses near this project site selling tobacco products, including an Arco roughly 500 feet away, and a Sinclair approximately 600 feet away. Given the existing businesses selling tobacco in the area, staff, including the City of Merced Police Department, do not anticipate that the approval of this convenience market with tobacco sales would create any unusual circumstances for the neighborhood.

A public hearing notice was circulated in the Merced County Times and mailed to property owners within 300 feet of the subject site prior to this

public hearing. As of the date that this report was prepared, staff did not receive any comments from the public about this project.

Building Elevation

- D) This subject site is located within a suite of a larger commercial building. The applicant is not proposing any modifications to the site plan or exterior elevations, beyond possibly adding new business signage (not provided at this time). If the applicant were to add new signage, the sign would be required to be comply with the City of Merced's Municipal Code regarding signage and would require a building permit.

Floor Plan

- E) As shown on the floor plan at Attachment C of Planning Commission Staff Report #25-789, the convenience market would be accessible through the main entrance along the east elevation. The floor plan includes areas displaying snacks such as candies and chips. Along the southern portion of the floor plan, there would be large refrigerators to store a variety of beverages and water. Alcohol sales are not included with this request (alcohol sales would require a Conditional Use Permit and a Finding of Public Convenience or Necessity). The floor plan also includes a restroom along the southeast portion of the store. Tobacco products would be required to be kept inaccessible to the public, stored behind the employee counter (Condition #17). Also stored behind the employee counter would be a variety of clothing products and hats for sale for customers.

Signage

- F) The applicant is not proposing any specific signage with this request. Typically, a signage plan is produced towards the end of the development process. A formal request for permanent signage shall be reviewed with a building permit application and shall require compliance with the signage regulations for the City of Merced as shown at Condition #16.

Parking

- G) The building and site plan will remain as is. The applicant is not proposing anything that would require additional parking, such as adding square footage to the building or intensifying the site with a use that requires more parking. As such, the existing parking lot complies with the City's parking requirements. The site is also located with the City of Merced High Quality Transit Corridor and is exempt from parking requirements.

Operation Details

- H) The applicant has indicated that they would like to operate daily from 8:00 a.m. to 10:00 p.m. The market would sell snacks, candies, and drinks normally found in convenience markets. They also plan on selling clothes and hats. Alcohol would not be sold at this location (this requires a conditional use permit and possibly a finding of public convenience or necessity). Tobacco products would be stored away from the public, behind the employee counter.

Conditional Use Permit Findings

- I) 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 Thoroughfare Commercial (CT), and the Zoning classification of Thoroughfare Commercial (C-T) with approval of this conditional use permit.

2. *The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.*

This application is for a land use request only (for tobacco sales). Modifications will not be made to the exterior of the existing building. 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 Findings B and C, 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 tobacco 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 tobacco 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 subject site is existing and currently served by existing infrastructure.

Environmental Clearance

- J) Planning staff has conducted an environmental review (Environmental Review #25-0021) 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.