

**CITY OF MERCED**  
**Planning Commission**

**Resolution #4157**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of June 4, 2025, held a public hearing and considered Conditional Use Permit #25-0004, initiated by Michael Chen, on behalf of 1700 Investors, LLC, property owner. This application involves a request to establish a Massage Therapy Spa at 2975 G Street. The subject site is generally located on the west side of G Street, approximately 230 feet south of East Alexander Avenue. The subject site has a General Plan designation of Neighborhood Commercial (CN) and a zoning classification of Planned Development (P-D) #2. Said property is more particularly described as Parcel 2, as shown on that certain map entitled “Parcel Map for RFC Holdings, LLC” recorded in Book 112 Page 25 of Merced County Records; also known as Assessor’s Parcel Number (APN) 007-290-041.

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through H as outlined in 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 #25-0009, and approve Conditional Use Permit #25-0004, 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:

NOES:

ABSENT:

ABSTAIN:

**Attachment A**

PLANNING COMMISSION RESOLUTION #4157

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June 4, 2025

Adopted this 4<sup>th</sup> day of June 2025

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Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

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Secretary

Attachments:

Exhibit A - Conditions of Approval

Exhibit B - Findings

**Conditions of Approval**  
**Planning Commission Resolution #4157**  
**Conditional Use Permit #25-0004**

1. The proposed project shall be constructed/designed/operated as shown on the Floor Plan (Attachment C of Planning Commission Staff Report #25-462), except as modified by the conditions.
2. All conditions contained in Resolution #1283-Amended (“Standard Conditional Use Permit Conditions”)
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. The developer/applicant shall indemnify, protect, defend (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.

6. The developer/applicant shall demolish, 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. All signing shall comply with the City's Sign Ordinance. Building permits shall be obtained prior to installing any permanent signing. A Temporary Sign Permit shall be obtained prior to installing any temporary signs or banners. Temporary freestanding or A-frame signs are not allowed.
8. Tenant Improvement Plans shall be submitted by a design professional prior to issuance of a building permit. Plans shall meet Federal Emergency Management Agency (FEMA) requirements if substantial improvements are required.
9. This approval allows a total of 5 massage technicians to operate within this tenant space. Any increase in the number of massage technicians at this location shall be subject to review by the Director of Development Services, or if deemed necessary, the Planning Commission.
10. All existing landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.
11. The premises shall remain clean and free of debris and graffiti at all times.
12. The applicant shall install interior and 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.
13. The Police Department reserves the right to enter the site and conduct inspections with a 24 hour notice.

14. The massage establishment shall operate within the proposed hours of 9:30 a.m. to 9:00 p.m. Hours of operation may be extended by the Director of Development Services or their designee.
15. The applicant shall comply with Merced Municipal Code Section 5.44 – Massage Establishments.
16. A fire extinguisher service company must be contacted for the set up and installation of fire extinguishers.

**Findings and Considerations**  
**Planning Commission Resolution #4157**  
**Conditional Use Permit #25-0004**

**FINDINGS/CONSIDERATIONS:**

**General Plan Compliance and Policies Related to This Application**

- A) The proposed Project complies with the General Plan designation of Neighborhood Commercial (CN) and the zoning classification of Planned Development (P-D) #2, with approval of this Conditional Use Permit.

**Merced Police Department**

- B) The Police Department has reviewed this request and is recommending that the applicant install interior and exterior video cameras, as required by the Police Chief during the building permit stage or prior business operating. This footage shall be made available to the Police Department upon their request (Condition #12). In addition, the Police Department shall be granted access to all portions of the building with a 24-hour notice (Condition #13). All new massage technicians shall obtain a proper license from the California Massage Technician Council, which would have been approved by the State with a background check and health screening. Should there be any issues relating to this establishment that result in increased number of incident calls the City reserves the right to revoke this conditional use permit as allowed by the Merced Municipal Code.

**Parking**

- C) The parking requirement for personal service, such as massage establishments, is 1 parking space per 250 square feet of floor space, or 1 parking space per employee working during the largest shift. In this case the tenant suite would be approximately 1,200 square feet and the business would have 5 massage technicians. Based on this information, 5 parking spaces would be required for this establishment.

The shopping center was approved in 1977 for nearly 400 parking spaces, 23 of which were specifically assigned for “Pad F”, the building where the proposed massage establishment would be located. With the approved parking lot, the Bear Creek Village Shopping Center has

adequate parking to serve this business and other businesses within the shopping center.

#### **MMC 5.44 Massage Establishments**

- D) The massage establishment shall be required to comply with all associated regulations outlined under Merced Municipal Code Section 5.44 – Massage Establishments (Condition #15 ).

#### **Signage**

- E) The applicant is not proposing any signage with this conditional use permit application. A formal request for permanent signage shall be reviewed with a building permit application and shall be required to comply with the City's Sign Ordinance

#### **Neighborhood Impact / Public Comments**

- F) Staff mailed a public hearing notice to property owners within 300 feet of the subject site, and published the public hearing notice in the Merced County Times. As of the time this report was prepared, (5/30/2025), Planning staff did not receive any formal comments from any residents or business owners.

The subject site is located within a commercial shopping center with a variety of commercial and professional uses. The proposed use of personal service is consistent with the variety of commercial uses found along this segment of G Street. Based on this information, staff is of the opinion that the proposed massage establishment is a business that is compatible with the neighborhood.

#### **Conditional Use Permit Findings**

- G) A conditional use permit (CUP) is required to allow a message establishment with multiple massage technicians within a Neighborhood Commercial land use designation. In order for the Planning Commission to approve or deny a CUP, they must consider the following criteria and make findings to support or deny each criteria per MMC 20.68.020 (E) Findings for Approval for Conditional Use Permits.

#### **MMC 20.68.020 (E) Findings for Approval.**

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.*

The proposed project complies with the General Plan designation of Neighborhood Commercial (CN) and the zoning classification of Planned Development (P-D) #2 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.*

The applicant is not proposing any significant changes to the building, besides installing signs for their business. All signs shall be required to comply with the City's Sign Ordinance.

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

To ensure the proposal is not detrimental to the public health, safety, and welfare of the City, the applicant shall subsequently apply for building permits with the City's Building Department. Plans shall be submitted by a design professional and building modification shall be done by a licensed contractor (license type as required by the California Building Code).

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

The applicant is proposing to utilize an existing building that is located within the City and can be adequately served by City services and infrastructure.

### **Environmental Clearance**

- H) Planning staff has conducted an environmental review (ERC-25-0009) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption (i.e., no further environmental review is needed) is being recommended (Attachment E of Planning Commission Staff Report #25-462).