



# CITY OF MERCED

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

## Meeting Agenda

### Planning Commission

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Wednesday, June 4, 2025

6:00 PM

City Council Chamber, 2nd Floor, Merced Civic  
Center, 678 W. 18th Street, Merced, CA 95340

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#### NOTICE TO PUBLIC

##### WELCOME TO THE MEETING OF THE MERCED PLANNING COMMISSION

At least 72 hours prior to each regular Planning Commission meeting, a complete agenda packet is available for review on the City's website at [www.cityofmerced.org](http://www.cityofmerced.org) or at the Planning Division Office, 678 W. 18th Street, Merced, CA 95340. All public records relating to an open session item that are distributed to a majority of the Commission will be available for public inspection at the Planning Division Office during regular business hours. The Planning Commission also serves as the Board of Zoning Adjustment and the Design Review/Historic Preservation Commission. Assisted hearing devices are available for meetings held in the Council Chamber.

##### PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CLERK

Members of the audience who wish to address the Planning Commission are requested to complete a speaker card available at the podium against the right-hand side of the Council Chamber. Please submit the completed card to the Clerk before the item is called, preferably before the meeting begins. Speakers will be called up, 3 to 5 at a time, in the order in which the forms are received. Please use the microphone and state your name and city of residence for the record. For permits, licenses, and other entitlements, the applicant will be allowed 15 minutes (including rebuttal), the appellant/leader of the opposition will be allowed 15 minutes (including rebuttal), and all other speakers shall have 3 minutes each, unless the number of speakers is over 10, which in that case, comments shall be limited to 2 minutes each. For all other issues, for 3 or less speakers, 3 minutes each and for over 10 speakers, 2 minutes each shall be allotted. A timer clock is located above the City Council dais illuminating the remaining time. Once the buzzer sounds, please be courteous and conclude your remarks.

Material may be emailed to [planningweb@cityofmerced.org](mailto:planningweb@cityofmerced.org) no later than 1 PM on the day of the meeting. Please specify which portion of the agenda you are commenting on, for example, Item # or Oral Communications. Your comments will be presented to the Planning Commission at the appropriate time. Any correspondence received after 1 PM will be distributed to the Planning Commission and retained for the official record.

#### A. CALL TO ORDER

##### A.1. Moment of Silence

## A.2. Pledge of Allegiance to the Flag

**B. ROLL CALL****C. PUBLIC COMMENT**

Members of the public who wish to speak on any matter not listed on the agenda may speak during this portion of the meeting and will be allotted 3 minutes. The Chairperson may, at their discretion, reduce the time to 2 minutes if there are more than 10 speakers, in order to accommodate as many speakers as possible. State law prohibits the Planning Commission from acting at this meeting on any matter raised during the public comment period. Members of the public who wish to speak on a matter that is listed on the agenda will be called upon to speak during discussion of that item. Please submit a Request to Speak card prior to the item being called.

**D. CONSENT CALENDAR**

Adoption of the Consent Calendar may be made with one motion of the Planning Commission provided that any Planning Commission member, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the item will be discussed and voted on separately. With Consent items, there is generally no staff presentation but staff is available for questions.

**D.1**     [25-553](#)                      **SUBJECT:** Planning Commission Minutes of May 21, 2025

**ACTION:**

Approving and filing the Planning Commission Minutes of May 21, 2025

**E. PUBLIC HEARINGS**

Members of the public who wish to speak on public hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to public comment. After the public has commented, the item is closed to further public comment and brought to the Commission for discussion and action. Further comment will not be received unless requested by the Commission.

**E.1**     [25-499](#)                      **SUBJECT:** Conditional Use Permit #25-0003, initiated by Arvin Kainth, applicant for Valley Prime Hospitality, Inc., property owner. This application involves a request to operate a food truck parking area for multiple food trucks on an approximately 1-acre lot at 720 Motel Drive. The subject site is generally located at the southwest corner of Yosemite Parkway and Motel Drive. The subject site has 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 #25-0008 (*Categorical Exemption*)
  - 2) Conditional Use Permit #25-0003

**SUMMARY**

Arvin Kainth is requesting conditional use permit approval to establish a food truck parking area to allow multiple food truck vendors and outdoor seating. The subject site is an approximately 1-acre lot at 720 Motel Drive. The subject site is generally located at the southwest corner Yosemite Parkway and Motel Drive. Food truck parking lots are considered a conditional use within a Thoroughfare Commercial (C-T) Zone. The Planning Commission will be reviewing this proposal to ensure that the site plan is designed in a manner that minimizes negative impacts to the existing site and promotes compatible and orderly development with the surrounding uses. Staff is recommending approval with conditions.

**RECOMMENDATION**

Planning staff has reviewed this request and recommends that the Planning Commission approve Environmental Review #25-0008 (Categorical Exemption) and Conditional Use Permit #25-0003, including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

**E.2**     [25-462](#)

**SUBJECT:** Conditional Use Permit #25-0004, initiated by Michael Chen, applicant for 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. \*\*PUBLIC HEARING\*\*

- ACTION:** Approve/Disapprove/Modify
- 1) Environmental Review #25-0009 (*Categorical Exemption*)
  - 2) Conditional Use Permit #25-0004

**SUMMARY**

Michael Chen is requesting conditional use permit approval to convert a retail suite into a massage center. The proposed massage establishment

would be located in a 1,200-square-foot suite within an approximately 6,300 square foot building that includes two other commercial establishments. The subject site is currently developed and is located on a 9.92 acre parcel commonly known as Bear Creek Plaza at the southwest corner of west Alexander Avenue and G Street. Massage establishment uses are allowed in the Neighborhood Commercial designation with approval of a conditional use permit pursuant to Merced City Zoning Ordinance Table 20.10-1. The Planning Commission will be reviewing this proposal to ensure that the proposal is designed in a manner that minimizes negative impacts to the existing site and promotes compatible and orderly development with the surrounding uses. Staff is recommending approval with conditions.

#### RECOMMENDATION

Planning staff has reviewed this request and recommends that the Planning Commission approve Environmental Review #25-0009 (Categorical Exemption) and Conditional Use Permit #25-0004, including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

#### F. ACTION ITEMS

#### G. INFORMATION ITEMS

- G.1 [25-554](#)      **SUBJECT:** Report by Acting Planning Manager of Upcoming Agenda Items

#### ACTION

Information only.

- G.2 [25-555](#)      **SUBJECT:** Calendar of Meetings/Events

Jun.	2	City Council, 6:00 p.m.
	4	Planning Commission, 6:00 p.m.
	16	City Council, 6:00 p.m.
	18	Planning Commission, 6:00 p.m.
	24	Bicycle and Pedestrian Advisory Committee, 4:00 p.m.
Jul.	7	City Council, 6:00 p.m.
	9	Planning Commission, 6:00 p.m.
	21	City Council, 6:00 p.m.
	23	Planning Commission, 6:00 p.m.



## H. ADJOURNMENT



# CITY OF MERCED

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

## ADMINISTRATIVE REPORT

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**File #:** 25-553

Meeting Date: 6/4/2025

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*Report Prepared by: Kayla Abarca, Administrative Assistant II, Planning Division*

**SUBJECT:** Planning Commission Minutes of May 21, 2025

**ACTION:**

Approving and filing the Planning Commission Minutes of May 21, 2025



# CITY OF MERCED

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

## Minutes Planning Commission

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Wednesday, May 21, 2025

6:00 PM

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### A. CALL TO ORDER

Chairperson GONZALEZ called the meeting to order at 6:00 PM.

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Commissioner DELGADILLO led the Pledge of Allegiance to the Flag.

### B. ROLL CALL

**Clerk's Note:** Commissioners Thao and Ochoa were absent, excused.

**Present:** 5 - Member Jose Delgadillo, Chair Anthony Gonzalez, Member Walter Smith, Vice Chair Jeremiah Greggains, and Member Conchita Swiggart

**Absent:** 2 - Member Yang Pao Thao, and Member Emanuelle Ochoa

### C. PUBLIC COMMENT

There were no public comments.

### D. CONSENT CALENDAR

D.1

**SUBJECT:** Planning Commission Minutes of May 7, 2025

**ACTION:**

Approving and filing the Planning Commission Minutes of May 7, 2025

**A motion was made by Member Delgadillo, seconded by Member Greggains and carried by the following vote, to approve the Consent Agenda.**

**Aye:** 5 - Member Delgadillo  
Chair Gonzalez  
Member Smith  
Vice Chair Greggains  
Member Swiggart

**No:** 0

**Absent:** 2 - Member Pao Thao  
Member Ochoa

**E. PUBLIC HEARINGS****E.1.**

**SUBJECT:** Conditional Use Permit #25-0002, initiated by Golden Valley Engineering, applicant for Tom Lawler, property owner. This application involves a request to convert an existing 7,500 square foot industrial building into a fitness center at 2250 Cessna Way. The subject site is generally located south of Cessna Way, and approximately 150 feet west of Beechcraft Avenue. The subject site has a General Plan designation of Manufacturing/ Industrial, (IND) and a zoning classification of Light Industrial (I-L). \*\*PUBLIC HEARING\*\*

**ACTION:** Approve/Disapprove/Modify

- 1) Environmental Review #25-0010 (*Categorical Exemption*)
- 2) Conditional Use Permit #25-0002

**SUMMARY**

Golden Valley Engineering is requesting conditional use permit approval to convert a 7,500 square foot, industrial building into a fitness center to be operated by Students With Aspiring Goals (SWAG). The subject site is approximately 0.48 acres and is located on the south side of Cessna Way, approximately 150 feet west of Beechcraft Avenue. Fitness Center uses are considered a conditional use within a Light Industrial (I-L) Zone. The Planning Commission will be reviewing this proposal to ensure that the site plan is designed in a manner that minimizes negative impacts to the existing site and promotes compatible and orderly development with the surrounding uses. Staff is recommending approval with conditions.

**RECOMMENDATION**

Planning staff has reviewed this request and recommends that the Planning Commission approve Environmental Review #25-0010 (Categorical Exemption) and Conditional Use Permit #25-0002, 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 #25-343.

Public Testimony was opened at 6:11 PM.

Speakers from the Audience in Favor

MARCELLO MARTINELLI, SWAG, Merced, CA

ERIC JAURIQUE-POUNCEY, SWAG, Merced, CA

DEVON HILLARD, SWAG, Merced, CA

There were no speakers in opposition to the project.

Public Testimony was closed at 6:21 PM.

Staff modified Condition #27 and Finding C as follows: (Note: Strikethrough deleted language, underline added language.)

"27. The Director of Development Services shall review and approve the parking demand study for this use, pursuant of Merced Municipal Code Section 20.38.050 (C) -- Low Demand. The parking reduction proposal shall be reviewed and approved during the building permit stage or prior to obtaining a business license, whichever comes first. If in the future, the applicant wishes to increase the number of occupants on site, the applicant must provide a revised parking demand study showing there is sufficient parking to accommodate additional participants. The Director of Development Services reserves the right to reconsider and potentially revoke the permit if deemed necessary if parking becomes an issue at this site."

"C. The proposed site plan shows 9 available parking spaces. Typically, for indoor recreation uses, the Merced Municipal Code requires 1 parking space per 300 square feet of building space. The site existing building is 7,500 square feet, so typically 25 parking spaces would be required. ~~This specific use differs from other indoor recreation uses in the fact that customers will be visiting on a by appointment basis, and the max amount of people on site at any time would be 12.~~

However, the proposed use is by appointment only and would not have more than 12 individuals. The applicant previously had a facility in Merced at 1405 W. Main Street, and currently has a facility at 761 Enterprise Court, Atwater. There would be three trainers working at the facility during the largest shift. The program participants are primarily between 4th grade and 10th grade, with approximately 66% of the students being dropped-off. Based on the percentage of students being dropped -off (66%) and the maximum number of trainers (3) working the largest shift, staff believes that the parking required should be 7 spaces. Thus, the proposed 9 parking spaces should adequately serve this site.

To verify this information, the applicant shall be required to provide a parking demand study, pursuant of Merced Municipal Code Section 20.38.050 (C) --Low Demand. The parking demand study would need to

be reviewed and approved by the Director of Development Services during the building permit stage or prior to obtaining a business license application, whichever comes first (see Condition #27).

~~The applicants also noted that the site will be vacant at certain times if no appointments have been scheduled. Given the difference in this proposed use and a typical indoor recreation facility, the City of Merced planning department has concluded that the provided parking is adequate. Condition #27 of Exhibit A of Planning Commission Resolution #4156 grants the Director of Development Services the ability to review or revoke this permit if parking becomes an issue."~~

A motion was made by Vice Chair Greggains, seconded by Member Swiggart and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #25-0010, and approve Conditional Use Permit #25-0002, subject to the Findings and twenty-seven (27) Conditions as set forth in Staff Report #25-343, with Finding C and Condition #27 amended as shown above (RESOLUTION #4156).

**Aye:** 5 - Member Delgadillo  
Chair Gonzalez  
Member Smith  
Vice Chair Greggains  
Member Swiggart

**No:** 0

**Absent:** 2 - Member Pao Thao  
Member Ochoa

## F. ACTION ITEMS

### F.1

**SUBJECT:** Annual Review of the Five-Year (2025-2030) Capital Improvement Program (CIP), Determination of Whether the Individual Projects are Consistent with the General Plan Maps, Policies, and Principles and Recommendation to the City Council Regarding the Consistency with the Merced Vision 2030 General Plan

**ACTION** Adopt a finding that the CIP is consistent with the General Plan

#### SUMMARY

A function of the Planning Commission is the annual review of the Capital Improvement Program (CIP). The CIP is a list of the physical improvements the City plans on funding and constructing over the next five years. The Planning Commission's role is to determine whether the individual projects are consistent with the General Plan maps, policies, and principles. The Draft Project List for the 2025-2026 Capital Improvement Program document is provided at Attachment A with the entire 2025

-2030 CIP provided at Attachment B. Please note that the budget numbers are still being finalized so they are subject to change prior to City Council consideration.

### RECOMMENDATION

Staff recommends that the Planning Commission recommend to the City Council that the Draft Five- Year Capital Improvement Program is consistent with the “*Merced Vision 2030 General Plan*” and related master plans.

Senior Engineer MADDOX reviewed the report on this item. For further information, refer to Staff Report #25-366.

**A motion was made by Vice Chair Greggains, seconded by Member Delgadillo and carried by the following vote, to adopt a Finding that the Fiscal Year 2025-2030 Capital Improvement Program is consistent with the General Plan.**

**Aye:** 5 - Member Delgadillo  
Chair Gonzalez  
Member Smith  
Vice Chair Greggains  
Member Swiggart

**No:** 0

**Absent:** 2 - Member Pao Thao  
Member Ochoa

## G. INFORMATION ITEMS

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

### ACTION

Information only.

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

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

May	19	City Council, 6:00 p.m.
	21	Planning Commission, 6:00 p.m.
Jun.	2	City Council, 6:00 p.m.
	4	Planning Commission, 6:00 p.m.
	16	City Council, 6:00 p.m.
	18	Planning Commission, 6:00 p.m.
	24	Bicycle and Pedestrian Advisory Committee, 4:00 p.m.

Jul.	7	City Council, 6:00 p.m.
	9	Planning Commission, 6:00 p.m.
	21	City Council, 6:00 p.m.
	23	Planning Commission, 6:00 p.m.

## H. ADJOURNMENT

**Clerk's Note:** The Regular Meeting adjourned at 6:31 PM.

**A motion was made by Vice Chair Greggains, seconded by Member Swiggart and carried by the following vote, to adjourn the Regular Meeting.**

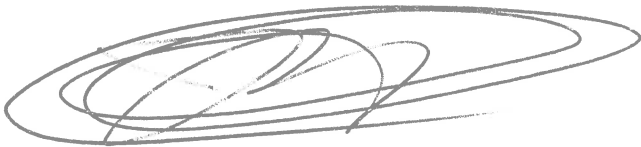
**Aye:** 5 - Member Delgadillo  
Chair Gonzalez  
Member Smith  
Vice Chair Greggains  
Member Swiggart

**No:** 0

**Absent:** 2 - Member Pao Thao  
Member Ochoa



BY:

A handwritten signature in dark ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

JONNIE LAN, SECRETARY  
MERCED CITY PLANNING COMMISSION

APPROVED:

ANTHONY GONZALEZ, CHAIRPERSON  
MERCED CITY PLANNING COMMISSION

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

**Resolution #4156**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of May 21, 2025, held a public hearing and considered Conditional Use Permit #25-0002, initiated by Golden Valley Engineering, for Tom Lawler property owner. This application involves a request to convert an existing 7,500 square foot, industrial building into a fitness center at 2250 Cessna Way. The subject site is generally located south of Cessna Way, and approximately 150 feet west of Beechcraft Avenue. The subject site has a General Plan designation of Manufacturing/Industrial, (IND) and a zoning classification of Light Industrial (I-L); Assessor's Parcel Number (APN) 059-640-006.

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through I of Staff Report #25-343; 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 #25-0010, and approve Conditional Use Permit #25-0002, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by reference.

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

AYES: Commissioners Greggains, Delgadillo, Smith, Swiggart, and Chairperson Gonzalez

NOES: None

ABSENT: Commissioner Thao and Ochoa

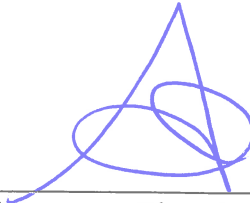
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4156

Page 2

May 21, 2025

Adopted this 21<sup>st</sup> May, 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 #4156**  
**Conditional Use Permit #25-0002**

1. The proposed project shall be constructed/designed/operated as shown on the Site Plan and Floor Plan (Attachments C-1 and C-2 of Staff Report #25-343), 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. An encroachment permit shall be obtained for all work in the public right-of-way and a building permit shall be obtained for on-site work (as required by the Building Department).
8. Submitted plans must be prepared by a design professional, and all work must be done by a licensed contractor, per the City of Merced Building Department.
9. If any changes are to be made to the landscaping on the site, these changes shall be in compliance with the City's Water Efficient Landscaping and Irrigation Ordinance (Merced Municipal Code Section 17.60) and all state-mandated conservation and drought restrictions as well as the City's Zoning Ordinance Section 20.36 – Landscaping.
10. All landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.
11. The applicant shall comply with all City of Merced business licensing requirements and with all requirements of the Merced County Environmental Health Department.
12. The project shall comply with all requirements of the Uniform Fire Codes including, but not limited to, a fire suppression (sprinkler) system and on-site fire hydrant(s). All required Fire Permits shall be obtained from the City of Merced Fire Department. Some of these permits will depend on the operations or functions conducted at the building and may be required after obtaining the certificate of occupancy for this development.
13. The applicant shall work with the Fire Department to provide work details for the required fire control room for the sprinkler risers.
14. Fire protection systems shall be monitored by fire alarm systems, or as otherwise required by the Fire Department.

15. If the business owners wish to extend the business hours in the future, they must obtain approval from the Development Services Director or designee, or if deemed necessary by the Development Services Director or designee, be referred to the Planning Commission for action.
16. 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, lewd and/or disorderly conduct, this approval may be subject to review and revocation by the City of Merced.
17. Business signage and minor exterior changes to the building shall be reviewed with a staff level design review permit. Signage shall comply with Merced Municipal Code Section 20.62 – Signs.
18. The applicant must obtain applicable building permits when completing tenant improvements, if required by the City of Merced Inspection Services Division.
19. Sufficient lighting shall be provided throughout the exterior of the building.
20. All parking lot and other exterior lighting shall be oriented in such a way so that it does not spill over onto adjacent properties. The parking lot shall include ample lighting for occupants.
21. Minor modifications to the design, or layout of this proposal may be approved by the Director of Development Services or be referred to the Planning Commission if deemed necessary by the Director of Development Services.
22. The Engineering Department may require the applicant to make additional public improvements during the building permit stage (such as repairing damaged sidewalk), for projects exceeding valuation of \$100,000.00.
23. Future expansions may be reviewed through the Minor Use Permit process or Site Plan Review Permit process, as deemed necessary by the Director of Development Services. If proposed expansions are deemed substantial by the Director of Development Services, the proposal may be referred to the Planning Commission for their review.
24. If needed, the applicant shall obtain proper permits from the Division of the State Architect and comply with their requirements.

25. All refuse container locations shall be approved by the City of Merced Refuse Department at the building permit stage. All refuse containers shall be located within a refuse enclosure constructed per City Standards. The refuse enclosure shall be designed to meet the City's Engineering Standards for refuse enclosures.
26. The premises shall always remain clean and free of debris. The exterior of the building shall be appropriately maintained and maintain an aesthetically appealing appearance. All graffiti shall be removed within 48 hours.
27. The Director of Development Services shall review and approve the parking demand study for this use, pursuant of Merced Municipal Code Section 20.38.050 (C) – Low Demand. The parking reduction proposal shall be reviewed and approved during the building permit stage or prior to obtaining a business license, whichever comes first. If in the future, the applicant wishes to increase the number of occupants on site, the applicant must provide parking to accommodate additional participants.

**Findings and Considerations  
Planning Commission Resolution #4156  
Conditional Use Permit #25-0002**

**FINDINGS/CONSIDERATIONS:**

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

- A) The proposed Project complies with the General Plan designation of Manufacturing/ Industrial (IND) and the zoning classification of Light Industrial (I-L), with approval of this Conditional Use Permit.

**Traffic/Circulation**

- B) The applicant is proposing to locate the fitness center near the southwest corner of Beechcraft Avenue and Cessna Way. This site has already been built, and this use would not affect the flow of traffic and parking in this lot. The property has an entrance and exit off of Cessna Way.

**Parking**

- C) The proposed site plan shows 9 available parking spaces. Typically, for indoor recreation uses, the Merced Municipal Code requires 1 parking space per 300 square feet of building space. The existing building is 7,500 square feet, so typically 25 parking spaces would be required.

However, the proposed use is by appointment only and would not have more than 12 individuals. The applicant previously had a facility in Merced at 1405 W. Main Street, and currently has a facility at 761 Enterprise Court, Atwater. There would be three trainers working at the facility during the largest shift. The program participants are primarily between 4th grade and 10th grade, with approximately 66% of the students being dropped-off. Based on the percentage of students being dropped-off (66%) and the maximum number of trainers (3) working the largest shift, staff believes that the parking required should be 7 spaces. Thus, the proposed 9 parking spaces should adequately serve this site.

To verify this information, the applicant shall be required to provide a parking demand study, pursuant of Merced Municipal Code Section 20.38.050 (C) – Low Demand. The parking demand study would need to be reviewed and approved by the Director of Development Services during the building permit stage or prior to obtaining a business license application, whichever comes first (see Condition #27).

EXHIBIT B  
OF PLANNING COMMISSION RESOLUTION #4156



### **Public Improvements/City Services**

- D) The subject site currently has a 7,500 square foot building on it, and all required public improvements have already been installed. With approval of this Conditional Use Permit, the applicants would be changing the occupancy of the building from industrial to a fitness center.

### **Site Design**

The subject site is located on the southwest corner of Beechcraft Avenue and Cessna Way. The subject site is a 0.48-acre lot. Currently, there is a 7,500 square foot building on this site. The floor plan indicates that roughly half of the fitness center will be an open turf area, with the other half being stocked with weights. The site will also feature a reception area, 3 offices, and 2 bathrooms. There will be refuse containers at the north of the site off Cessna Way, which will be accessible to the City's refuse department from the alley. Exact placement and details will be worked out with City staff at the building permit stage. The site is currently landscaped, and features grass with various plants throughout. The applicants did not indicate any desire to alter the exterior landscaping, but they will be required to follow the City's rules and regulations regarding landscaping if they choose to in the future.

### **Neighborhood Impact/Interference**

- E) The subject site is located at the corner of Beechcraft Avenue and Cessna Way. To the north of this property is a business called Lawler Excavation Pipeline & Utilities Inc. To the east of this site is a pest control company called D & D Pest Control. To the west of the site is a U-Haul neighborhood dealer truck rental agency. To the south of the site, there is an industrial truck storage park. Further to the south of the site, a cannabis cultivation, distribution, and manufacturing facility was approved in 2024, but has not been constructed yet. The Merced Municipal Code prohibits cannabis permits from being approved within 600 feet of a youth center. Given that the cannabis operation was approved prior to this application, approval of this application (which will serve youth) will not impact this previously approved cannabis permit. However, approval of this application would prohibit any additional cannabis permits from being approved within 600 feet of this project.

### **Signage**

- F) The submitted site plan did not indicate any signage for this project. Any other signage that the applicants would want to add would need to follow the Merced Municipal Code Section 20.62 – Signs, and a building permit may be required.

### **Operations**

- G) The proposed project would serve as a fitness center that would be operated by SWAG, (Students with Aspiring Goals). They will be providing individual and small group training for kids and high schoolers. The applicant also noted the possibility of occasionally training college aged athletes as well. The training would be on an appointment basis, and the building will be vacant during times when no appointments are scheduled. The business will have the ability to be open daily from 8:00 A.M. to 8:00 P.M. The business will employ 3 people, and the personal training sessions will either be for individual customers or small groups.

### **Conditional Use Permit Findings**

- H) A Conditional Use Permit is required for this project as it is within the Light Industrial Zone per Merced Municipal Code (MMC) Table 20.12.1 Permitted Land Uses in the Industrial Zoning Districts. 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 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 Manufacturing/ Industrial (IND) and the zoning classification of Light Industrial (I-L) 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 project shall be required to comply with all relevant standards and requirements from the Merced Municipal Code. Said standards

and requirements regarding hours of operation, parking, access, maintenance, and licenses required.

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

Staff does not believe this project will be detrimental to the health 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 project is located within the City and can be adequately accessed through existing roads. The project has adequate access to the required infrastructure.

### **Environmental Clearance**

- I) Planning staff has conducted an environmental review 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 Staff Report #25-343).



## ADMINISTRATIVE REPORT

File #: 25-499

Meeting Date: 6/4/2025

### Planning Commission Staff Report

*Report Prepared by: Matt Livingston, Assistant Planner, Development Services Department*

**SUBJECT:** Conditional Use Permit #25-0003, initiated by Arvin Kainth, applicant for Valley Prime Hospitality, Inc., property owner. This application involves a request to operate a food truck parking area for multiple food trucks on an approximately 1-acre lot at 720 Motel Drive. The subject site is generally located at the southwest corner of Yosemite Parkway and Motel Drive. The subject site has 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 #25-0008 (*Categorical Exemption*)
- 2) Conditional Use Permit #25-0003

### SUMMARY

Arvin Kainth is requesting conditional use permit approval to establish a food truck parking area to allow multiple food truck vendors and outdoor seating. The subject site is an approximately 1-acre lot at 720 Motel Drive. The subject site is generally located at the southwest corner Yosemite Parkway and Motel Drive. Food truck parking lots are considered a conditional use within a Thoroughfare Commercial (C-T) Zone. The Planning Commission will be reviewing this proposal to ensure that the site plan is designed in a manner that minimizes negative impacts to the existing site and promotes compatible and orderly development with the surrounding uses. Staff is recommending approval with conditions.

### RECOMMENDATION

Planning staff has reviewed this request and recommends that the Planning Commission approve Environmental Review #25-0008 (Categorical Exemption) and Conditional Use Permit #25-0003, including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

### DISCUSSION

#### Project Description

The applicant is proposing to establish a food truck parking area to allow multiple food truck vendors with outdoor seating on an approximately 1-acre parcel. The applicant does not have a list of confirmed vendors to be participating, but the parking lot includes eleven food truck parking spaces on the site. To the south of this site is a hotel (Quality Inn), which is owned by the same owner as this site. A cross-access agreement as well as a parking agreement with the hotel to the south of the site, (730 Motel Drive) will be required to ensure adequate access to this site (Condition #31 of Planning

Commission Resolution #4158). This project specifically will bring an additional 38 parking spaces, which on its own would exceed the required 22 parking spaces for this project. The proposed site plan includes outdoor seating with 26 tables located near the center of the parcel. The spaces reserved for the food trucks would be located along most of the perimeter of the site and be positioned in a way that does not interfere with the circulation of the parking lot (Attachment C). The applicant proposes building a permanent restroom structure for customer and employee use. The sale of alcohol by any food truck is prohibited (Condition #26 of Planning Commission Resolution #4158). Merced Municipal Code Section 20.44.020 - Food Trucks at Fixed Locations, allows food truck hours of operation between 7:00 a.m. and 9:00 p.m., unless otherwise approved with a Conditional Use Permit. The applicant is requesting that the hours of operation be from 9:00 a.m. to 2:00 a.m., 7 days per week.

The applicant is also requesting the ability to begin operations as soon as the paving for the food trucks is complete, and prior to the completion of the restroom structure being completed. The Merced County Environmental Health department requires restrooms to be accessible for employees. The applicant is proposing allowing the employees and customers to use the restrooms at the hotel to the south of the site, until the permanent restroom structure can be completed, (Condition #32 of Planning Commission Resolution #4158).

#### Surrounding Uses

Surrounding Land	Existing Use of Land	City Zoning Designation	City General Plan Land Use Designation
North	Gas Station (across Yosemite Parkway)	Thoroughfare Commercial (C-T)	General Commercial (CG)
South	Hotel	Thoroughfare Commercial (C-T)	Thoroughfare Commercial (CT)
East	Single-Family Home	Low Medium Density Residential (R-2)	Low to Medium Density Residential (LMD)
West	Funeral Home (across Highway 99)	General Commercial (C-G)	General Commercial (CG)

#### Background

In 2016, the City of Merced conducted a comprehensive amendment to the Zoning Ordinance for the first time in over 50 years. The revised Zoning Ordinance now allows food truck parking areas with a conditional use permit within most commercial and industrial zones. The Zoning Ordinance Focus Group modeled the food truck parking area concept after examples found throughout the Central Valley in communities like Modesto and Fresno. Food truck parking areas differ from the City's traditional food truck projects, as they allow for multiple food truck vendors with outdoor seating on

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one parcel. In June 2018, the Planning Commission approved the City's first food truck parking area located at 825 W. Main Street.

Findings/Considerations

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

**ATTACHMENTS**

- A. Draft Planning Commission Resolution #4158
- B. Location Map
- C. Site Plan and Elevations
- D. Water Quality Control Division Best Management Practices Brochure
- E. Fire Department Food Truck Safety Fact Sheet
- F. Categorical Exemption
- G. Presentation

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

**Resolution #4158**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of June 4, 2025, held a public hearing and considered Conditional Use Permit #25-0003, initiated by Arvin Kainth, applicant for Valley Prime Hospitality, Inc., property owner. This application involves a request to operate a food truck parking area for multiple food trucks on a vacant lot (approximately 1 acre). The subject site is generally located at the southwest corner of Yosemite Parkway and Motel Drive. The subject site has a General Plan designation of Thoroughfare Commercial (CT) and a zoning classification of Thoroughfare Commercial, (C-T) and is also known as Assessor's Parcel Number (APN) 035-061-008.

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through J 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 #25-0008, and approve Conditional Use Permit #25-0003, 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 #4158

Page 2

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 #4158**  
**Conditional Use Permit #25-0003**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Site Plan) - Attachment C of Planning Commission Staff Report #25-499, 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.
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

EXHIBIT A  
OF PLANNING COMMISSION RESOLUTION #4158

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. The applicant shall comply with all City of Merced business licensing requirements and with all requirements of the Merced County Environmental Health Department.
8. At least two tamperproof trash receptacles shall be provided per truck while food is being served. The site and the immediate surrounding area shall be maintained free of all debris and trash generated from this use.
9. All signing shall be contained on the food trucks. No A-frame signs, banners, inflatable signs, feather signs, pennant signs, flags, or other moving or portable signs shall be permitted for this use anywhere on or off the site, except as otherwise allowed by the City's Sign Ordinance. However, the food truck parking lot itself may have a permanent sign, identifying the name of Food Truck Park, per the Sign Ordinance.
10. This approval allows for the request to extend the hours of operation from 7:00 a.m. to 2:00 a.m. However, 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 the site at least a 50-foot radius around each. If lights are not provided, the food trucks shall close at sundown.
11. If the business owners wish 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.
12. Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or alternative approved facility.

13. The applicant shall need to install a commissary for the food vendors equipped with a 1000-gallon minimum underground grease interceptor, or as required by the City Engineer.
14. 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 Attachment D of Planning Commission Staff Report #25-499, or as otherwise required by the WQCD.
15. 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, lewd and/or disorderly conduct, this approval may be subject to review and revocation by the City of Merced.
16. During hours of operation, food truck employees shall have access to a cell phone (either their own or one provided by the business owner) in case of emergencies.
17. In the future, if there are excessive calls for police assistance in the opinion of the Police Chief, the Police Chief may require the applicant to install exterior video surveillance cameras. 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.
18. The food trucks shall be parked to allow room for customers to gather without being in danger of collisions from vehicles entering/exiting the site.
19. It shall be the operator's responsibility to ensure all customers park in an orderly fashion and don't block the driveway entrances or interfere with other customers visiting the site.
20. The applicant shall comply with all regulations found in Merced Municipal Code Section 20.44.020 - Food Trucks in Fixed Locations, except as modified by these conditions.

21. A minimum of 2 parking spaces per food truck shall be required.
22. The parking stalls shall be striped with paint.
23. Food truck stalls may not be placed over storm drains or inlets, as required by the City's engineering department.
24. Food truck activities shall in no way interfere with the operation of any business on the lot, or nearby businesses, including noise, litter, loitering, and traffic circulation, refuse service, and public safety.
25. The owner shall ensure that restroom facilities are available for the employees. These restrooms shall be provided in a permanent building that meets the Health Department's requirements for distance from the business operation. Portable toilets shall not be allowed.
26. The mobile food vendors are prohibited from selling alcohol.
27. "No Loitering" signs shall be posted on the food trucks and building onsite at specific locations approved by the City Police Department.
28. Restrooms shall be locked and the doors to the restrooms must be constructed with high quality doors to prevent them from being accessed during non-business hours, as required by the Police Department. Materials to be reviewed during the building permit stage.
29. The food truck shall comply with the Fire Departments Food Truck Safety Fact Sheet shown at Attachment E of Planning Commission Staff Report #25-499.
30. All landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately, per City standards.
31. A cross-access agreement as well as a parking agreement with the hotel to the south of the site (730 Motel Drive) shall be provided to the City prior to operating the food truck park.
32. The applicant may begin operations prior to the completion of the permanent restroom structure once the paving for the food truck parking area is completed, as long as the food truck employees have access to the restrooms at the hotel south of the site.
33. The proposed restrooms shall be connected to City sewer and water utilities, as required by the City Engineer.

34. The applicant shall work with the City's Refuse Department to determine the proper location for a trash enclosure and if a recycling container shall be required to comply with AB 341. The container(s) shall be enclosed within a refuse enclosure built to City Standards.
35. At least 10 feet of space shall be required between each food truck, per the City of Merced Fire Department.
36. If the applicant wishes to install a permanent canopy-style structure covering the dining area, plans shall be required to be reviewed and approved by the City of Merced Building Department. If the applicant wishes to use temporary structures to cover the dining area, a fire permit shall be required.
37. The applicant must contact the San Joaquin Air Pollution Control District prior to operating if the food trucks will be using gas generators.

**Findings and Considerations**  
**Planning Commission Resolution #4158**  
**Conditional Use Permit #25-0003**

**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.

**Traffic/Circulation**

- B) The proposed site plan shows vehicle access to the subject site from the parking lot of the hotel to the immediate south (730 Motel Drive). A shared access agreement with the hotel will be required prior to the issuance of a Certificate of Occupancy to ensure adequate access to this site. The hotel has vehicle access from Motel Drive near the eastern portion of the site. Customer and employee parking stalls would be located within the southern portion of parcel. The parking stalls for the food trucks are spread over the northern portion of the site. All parking areas and seating areas shall be designed to satisfy the City's Engineering Standards for parking lots, and oriented in a manner that does not block any driving aisles and provides ample space for customers to gather around the food trucks without backing into traffic. The new parking stalls will be required to be striped with paint (Condition #22).

**Parking**

- C) The subject site is currently undeveloped and located to the north of multiple hotels. The proposed site plan shows adequate parking, with 38 parking spaces being provided and only 22 being required. The parking requirement for food trucks is 2 parking stalls per food truck (Condition #21). Additional food trucks may be added to the food truck park, if there is sufficient parking for them. Parking requirements would be reviewed by Planning staff as food truck vendors request business license approval to sell within the subject site.

### **Public Improvements/City Services**

- D) The subject site is currently undeveloped, and this project would include developing a parking lot specifically designed for a food truck park. The food trucks are self-contained and would not require a separate connection to the City's sewer and/or water systems. However, the property owner would be required to connect to City services (sewer and water) for the proposed restrooms to be constructed onsite (Condition #33 )

### **Site Plan**

- E) The subject site includes an undeveloped 1-acre lot located at the southwest corner of Yosemite Parkway and Motel Drive. Vehicle access shall be required via an access agreement with the hotel to the south of this site at 730 Motel Drive (Condition #31 ). The hotel that will be providing access has access from Motel Drive. Outdoor seating and food truck parking reserved near the center of the site (Attachment C ). The applicant proposes the install 26 tables (approximately 104 total seats). The subject site, parking stalls, and driving aisles shall be designed to meet the City's Engineering Standards for parking lots.

### **Neighborhood Impact/Interference**

- F) The subject site is surrounded by a variety of uses. Surrounding uses to the north, south, east, and west, include a gas station, multiple hotels, a single-family home, and a funeral home across Highway 99. There is also some low density residential further from the site to the north. Given the existing commercial surrounding the site, staff is of the opinion that the proposed food truck parking lot is consistent with the area and can conveniently sell food to the nearby business's employees, hotel guests, and the residents living in the neighborhood.

### **Signage**

- G) Food trucks are not allowed any signs other than what is provided on the vehicle itself. Condition #9 prohibits the use of any A-frame signs, feather signs, pennants, or other freestanding signs. However, a permanent sign to identify the parking area itself is allowed (details to be worked out with staff).

### **Truck Details/Operation**

- H) The applicant does not have a list of confirmed vendors to be participating, but the proposed site plan would allow for 11 vendors to



operate. Food trucks shall be standard in appearance and size and meet the requirements of the Merced County Environmental Health Department. Trash receptacles would be provided to collect the disposable plates, eating utensils, aluminum foil, and paper bags that are typically used to serve their meals (Condition #8 ). The sale of alcohol is prohibited (Condition #26) by any food truck. The applicant proposes to construct 2 restrooms for customers to use on site. Employee restrooms shall be made available as allowed by the Health Department and agreed upon by the property owner (Condition #25). Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or alternative approved facility (Condition #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 at Attachment D of Planning Commission Staff Report #25-499, or as otherwise required by the WQCD (Condition #14). The applicant has requested that the hours be extended to 9:00 a.m. to 2:00 a.m. (instead of ending at 9:00 p.m. per MMC 20.44.020 (C)), 7 days per week.

### **Conditional Use Permit Findings**

- I) A Conditional Use Permit is required to allow mobile food vendors within a Thoroughfare Commercial Zone per Merced Municipal Code (MMC) Table 20.10-1 Permitted Land Uses in the Commercial Zoning Districts. 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 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 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.*

The mobile food vendors shall be required to comply with all relevant standards and requirements from MMC Section 20.44.020 – Food Trucks in Fixed Location, to provide compatibility with surrounding sites. Said standards and requirements are regarding hours of operation, parking, access, maintenance, advertising, and licenses required, including modifications within this approval.

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 permit approval from the Merced County Environmental Health Department, as required for establishments selling hot meals. The Environmental Health Department would inspect food truck cooking facilities before the business could sell food to the general public.

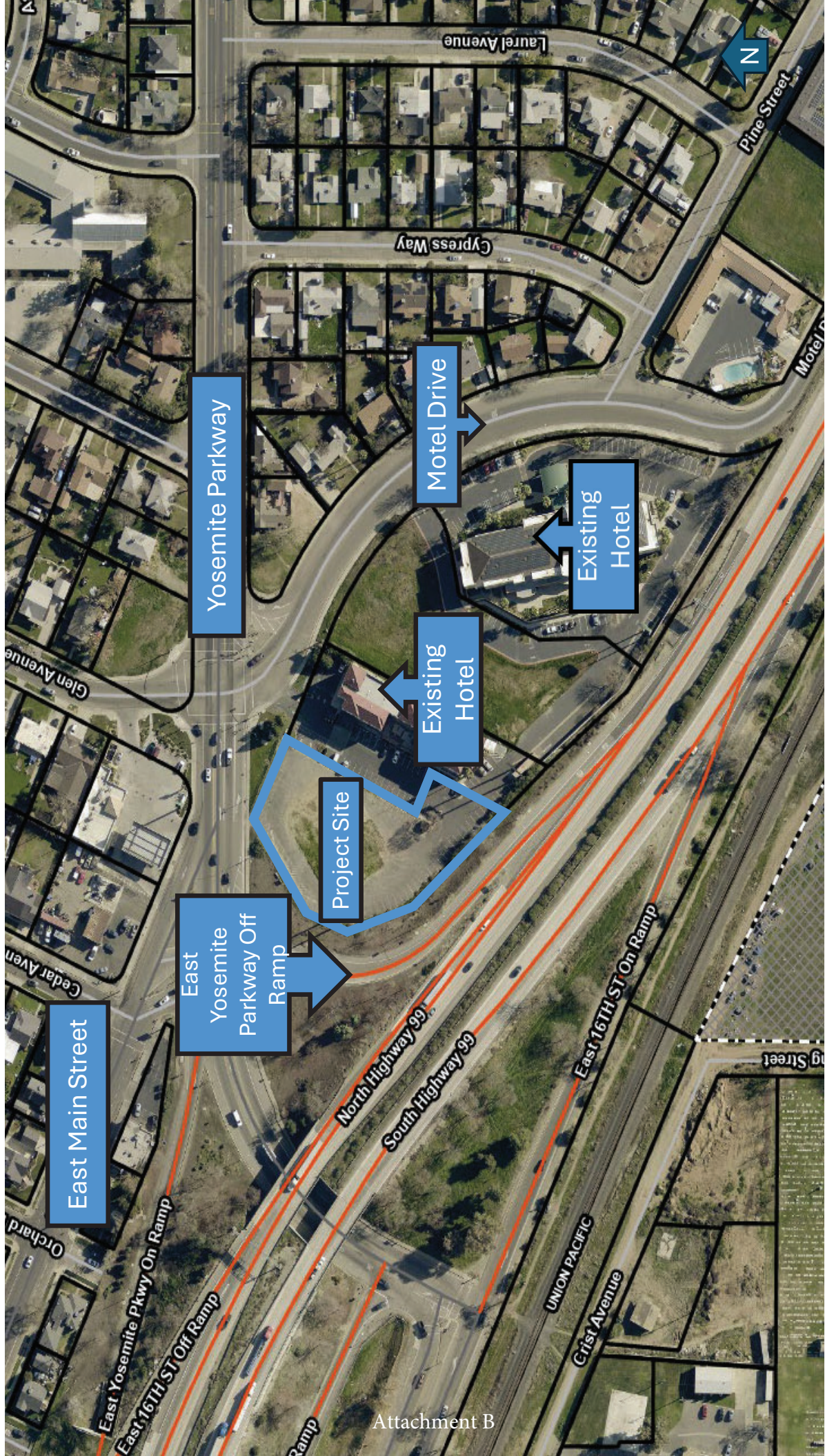
4. *The proposed use is properly located within the City and adequately served by existing or planned services and infrastructure.*

The proposed food truck park would be located within the City and can be adequately accessed through existing roads. Each food truck would be self-contained with its own water and power and would not need to hook-up to City utilities. Each food truck would be serviced at an appropriate commissary facility. Restrooms would be constructed onsite and would be connected to City water and sewer.

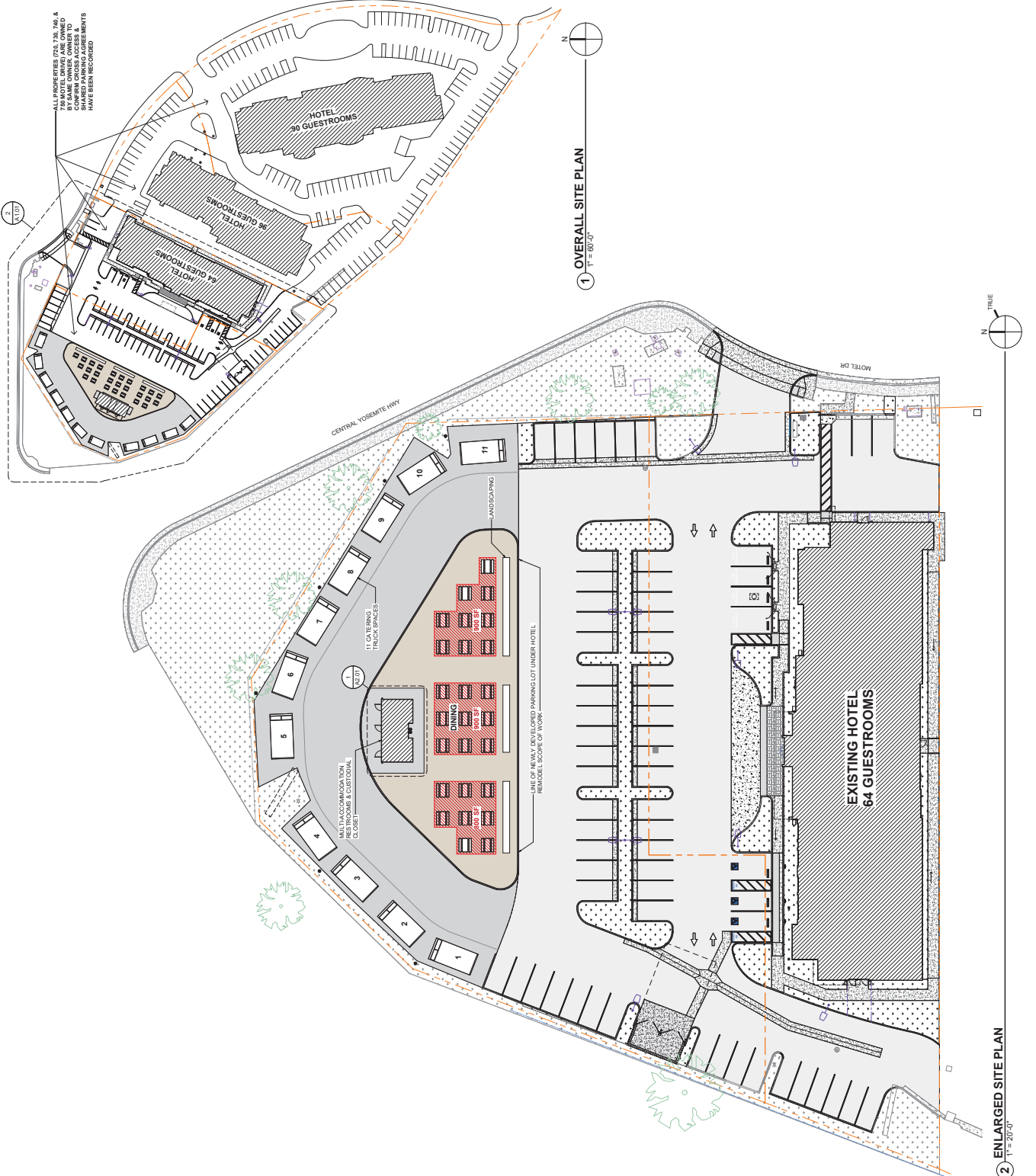
### **Environmental Clearance**

- J) Planning staff has conducted an environmental review 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 F .











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](http://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

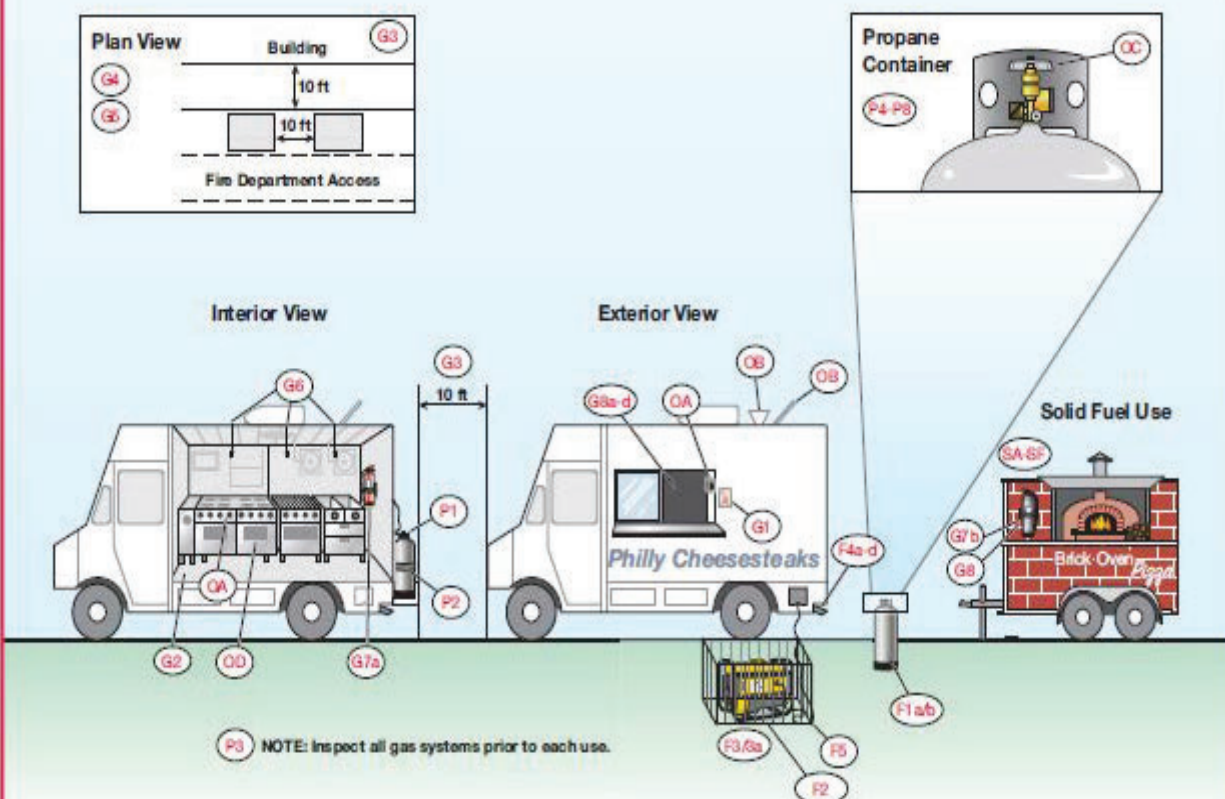


Do not clean mobile food truck at place of residence





# FOOD TRUCK SAFETY



NFPA code references are provided at the end of each item. The red keys correspond to the NFPA food truck safety diagram. For more detailed information, see NFPA 1 and Chapter 17 in NFPA 96.

## General Safety Checklist

- ☐ Obtain license or permits from the local authorities. [1:112.8(a)] **G1**
- ☐ Ensure there is no public seating within the mobile food truck. [1:50.8.3.2] **G2**
- ☐ Check that there is a clearance of at least 10 ft away from buildings, structures, vehicles, and any combustible materials. [96:17.2] **G3**
- ☐ Verify fire department vehicular access is provided for fire lanes and access roads. [1:18.2.4] **G4**
- ☐ Ensure clearance is provided for the fire department to access fire hydrants and access fire department connections. [1:13.1.4; 1:13.1.5] **G5**
- ☐ Check that appliances using combustible media are protected by an approved fire extinguishing system. [96:10.1.2] **G6**
- ☐ Verify portable fire extinguishers have been selected and installed in kitchen cooking areas in accordance with NFPA 10. [96:10.9] **G7a**
- ☐ Where cooking appliances that use solid fuel, such as charcoal or wood, produce grease-laden vapors, make sure the appliances are protected by listed fire-extinguishing equipment. [96:15.7.1] **G7b**
- ☐ Ensure that workers are trained in the following: [96:17.10] **G8**
  - ☐ Proper use of portable fire extinguishers and extinguishing systems [96:17.10.1(1)] **G8a**
  - ☐ Proper method of shutting off fuel sources [96:17.10.1(2)] **G8b**
  - ☐ Proper procedure for notifying the local fire department [96:17.10.1(1)] **G8c**
  - ☐ Proper procedure for how to perform simple leak test on gas connections [96:17.10.1(5)] **G8d**



FOOD TRUCK SAFETY *CONTINUED***Fuel & Power Sources Checklist**

- ☐ Verify that fuel tanks are filled to the capacity needed for uninterrupted operation during normal operating hours. [1:10.14.11.1 for carnivals only] **F1a**
- ☐ Ensure that refueling is conducted only during non-operating hours. [96:17.8.3] **F1b**
- ☐ Check that any engine-driven source of power is separated from the public by barriers, such as physical guards, fencing, or enclosures. [96:17.5.2.2] **F2**
- ☐ Ensure that any engine-driven source of power is shut down prior to refueling from a portable container. [1:10.15.4] **F3**
- ☐ Check that surfaces of engine-driven source of power are cool to the touch prior to refueling from a portable container. **F3a**
- ☐ Make sure that exhaust from engine-driven source of power complies with the following: **F4**
  - ☐ At least 12 ft in all directions from openings and air intakes [96:17.5.2.3(1)] **F4a**
  - ☐ At least 12 ft from every means of egress [96:18.13] **F4b**
  - ☐ Directed away from all buildings [96:17.5.2.3(2)] **F4c**
  - ☐ Directed away from all other cooking vehicles and operations [96:17.5.2.3(3)] **F4d**
- ☐ Ensure that all electrical appliances, fixtures, equipment, and wiring complies with the NFPA 70® [96:17.8.1] **F5**

**Propane System Integrity Checklist**

- ☐ Check that the main shutoff valve on all gas containers is readily accessible. [58:6.26.4.1(3)] **P1**
- ☐ Ensure that portable gas containers are in the upright position and secured to prevent tipping over. [58:6.26.3.4] **P2**
- ☐ Inspect gas systems prior to each use. [96:17.2.3] **P3**
- ☐ Perform leak testing on all new gas connections of the gas system. [58:6.16; 58:6.17] **P4**
- ☐ Perform leak testing on all gas connections affected by replacement of an exchangeable container. [58:6.16; 58:6.17] **P5**
- ☐ Document leak testing and make documentation available for review by the authorized official. [58:6.26.5.1(M)] **P6**
- ☐ Ensure that on gas system piping, a flexible connector is installed between the regulator outlet and the fixed piping system. [58:6.26.5.1(B)] **P7**
- ☐ Where a gas detection system is installed, ensure that it is tested monthly. [96:17.2.2] **P8**

**Operational Safety Checklist**

- ☐ Do not leave cooking equipment unattended while it is still hot. (This is the leading cause of home structure fires and home fire injuries.) **OA**

- ☐ Operate cooking equipment only when all windows, service hatches, and ventilation sources are fully opened. [96:12.1.1] **OB**
- ☐ Close gas supply piping valves and gas container valves when equipment is not in use. [58:6.26.8.3] **OC**
- ☐ Keep cooking equipment, including the cooking ventilation system, clean by regularly removing grease. [96:12.4] **OD**

**Solid Fuel Safety Checklist (Where Wood, Charcoal, Or Other Solid Fuel Is Used)**

- ☐ Fuel is not stored above any heat-producing appliance or vent. [96:15.9.2.2] **SA**
- ☐ Fuel is not stored closer than 3 ft to any cooking appliance. [96:15.9.2.2] **SB**
- ☐ Fuel is not stored near any combustible flammable liquids, ignition sources, chemicals, and food supplies and packaged goods. [96:15.9.2.7] **SC**
- ☐ Fuel is not stored in the path of the ash removal or near removed ashes. [96:15.9.2.4] **SD**
- ☐ Ash, cinders, and other fire debris should be removed from the firebox at regular intervals and at least once a day. [96:15.9.3.6.1] **SE**
- ☐ Removed ashes, cinders, and other removed fire debris should be placed in a closed, metal container. [96:15.9.3.8.1] **SF**

**Learn More**

- Get free digital access to NFPA codes and standards at: [nfpa.org/docinfo](https://nfpa.org/docinfo)
- Read the latest news and updates at: [nfpa.org/foodtrucksafety](https://nfpa.org/foodtrucksafety)
- Review the following and other NFPA resources at: [nfpa.org](https://nfpa.org)
  - NFPA 1, *Fire Code*, 2021 Edition
  - NFPA 1 *Fire Code Handbook*, 2021 Edition
  - NFPA 10, *Standard for Portable Fire Extinguishers*, 2018 Edition
  - NFPA 58, *Liquefied Petroleum Gas Code*, 2020 Edition
  - LP-Gas *Code Handbook*, 2020 Edition
  - NFPA 70®, *National Electrical Code®*, 2020 Edition
  - *National Electrical Code® Handbook*, 2020 Edition
  - NFPA 96, *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations*, 2021 Edition
  - NFPA 96: *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations Handbook*, 2017 Edition



IT'S A BIG WORLD.  
LET'S PROTECT IT TOGETHER.®

NOTE: This information is provided to help advance safety of mobile and temporary cooking operations. It is not intended to be a comprehensive list of requirements for mobile and temporary cooking operations. Check with the local jurisdiction for specific requirements. This safety sheet does not represent the official position of the NFPA or its Technical Committees. The NFPA disclaims liability for any personal injury, property, or other damages of any nature whatsoever resulting from the use of this information. For more information, go to [nfpa.org/foodtrucksafety](https://nfpa.org/foodtrucksafety).

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## 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 #25-0003 (Environmental Review #25-0008)

**Project Applicant:** Arvin Kainth for Edwin Anthony (property owner)

**Project Location (Specific):** 720 Motel Drive APN: 035-061-008

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

**Description of Nature, Purpose, and Beneficiaries of Project:** Food Truck Lot

**Name of Public Agency Approving Project:** City of Merced

**Name of Person or Agency Carrying Out Project:** Arvin Kainth for Edwin Anthony (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)).  
☒ 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 with the development of a parking lot for a food truck parking lot. The project location is within the City limits on a 1.01-acre subject site 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:** Matt Livingston **Area Code/Telephone:** (209) 388-7350

**Signature:** \_\_\_\_\_ **Date:** 05-15-2025 **Title:** Assistant 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

Conditional Use  
Permit #25-0003

Food Truck Park  
720 Motel Drive

June 4, 2025

## Location Map



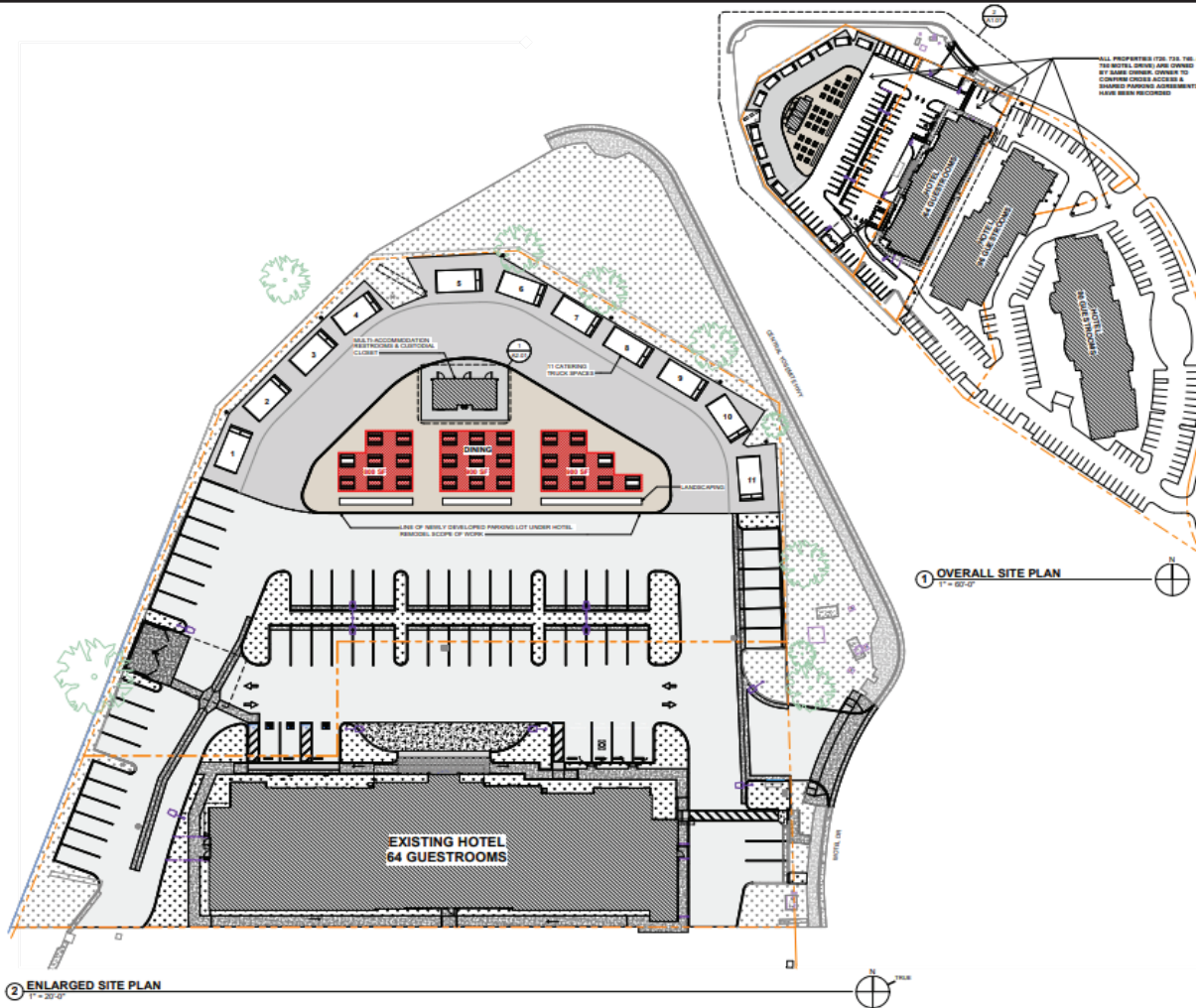


## Current Street View



View from entrance to hotel off Motel Drive

# Site Plan



- 11 spaces for food trucks to park along northern portion of site
- Proposed seating area near center of site, with permanent restroom structures nearby.
- Access from hotel to south of site, (730 Motel Drive). Shared access agreement will be required.
- 38 total parking spaces, with additional available at hotel due to required shared parking and access agreement
- Refuse container located at western portion of site

## Operation Details

- Site would be permitted for 11 food trucks
- The applicant has requested the hours of operation to be 9:00 a.m. to 2:00 a.m.
- Site would contain a permanent restroom structure, as well as permanent dining area tables for guests

## Operation Details

Applicant is also requesting to begin operating as soon as the food truck parking area is paved, before restroom structure is complete.

Restroom access would be provided by the hotel at 730 Motel Drive, which is owned by the same property owners as this site.

Employee and guest restroom access would be provided by permanent restroom structure once it is finished being built.

Condition 32: The applicant may begin operations prior to the completion of the permanent restroom structure once the paving for the food truck parking area is completed, as long as the food truck employees have access to the restrooms at the hotel south of the site.

## Notable Conditions

- Condition 8: At least two tamperproof trash receptacles shall be provided per truck while food is being served. The site and the immediate surrounding area shall be maintained free of all debris and trash generated from this use.
- Condition 18: The food trucks shall be parked to allow room for customers to gather without being in danger of collisions from vehicles entering/exiting the site.
- Condition 26: The mobile food vendors are prohibited from selling alcohol.
- Condition 31: A cross access and a parking agreement with the hotel to the south of the site, (730 Motel Drive) shall be provided to the City prior to operating the food truck park.



## Planning Commission Action

- After the public hearing, the Planning Commission may Approve/Disapprove/Modify:
  - Categorical Exemption (Environmental Review #25-0008)
  - Conditional Use Permit #25-0003, subject to the 37 conditions found in the staff report



## ADMINISTRATIVE REPORT

File #: 25-462

Meeting Date: 6/4/2025

### Planning Commission Staff Report

*Report Prepared by: Valeria Renteria, Associate Planner, Development Services Department*

**SUBJECT:** Conditional Use Permit #25-0004, initiated by Michael Chen, applicant for 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. \*\*PUBLIC HEARING\*\*

**ACTION:** Approve/Disapprove/Modify

- 1) Environmental Review #25-0009 (*Categorical Exemption*)
- 2) Conditional Use Permit #25-0004

### SUMMARY

Michael Chen is requesting conditional use permit approval to convert a retail suite into a massage center. The proposed massage establishment would be located in a 1,200-square-foot suite within an approximately 6,300 square foot building that includes two other commercial establishments. The subject site is currently developed and is located on a 9.92 acre parcel commonly known as Bear Creek Plaza at the southwest corner of west Alexander Avenue and G Street. Massage establishment uses are allowed in the Neighborhood Commercial designation with approval of a conditional use permit pursuant to Merced City Zoning Ordinance Table 20.10-1. The Planning Commission will be reviewing this proposal to ensure that the proposal is designed in a manner that minimizes negative impacts to the existing site and promotes compatible and orderly development with the surrounding uses. Staff is recommending approval with conditions.

### RECOMMENDATION

Planning staff has reviewed this request and recommends that the Planning Commission approve Environmental Review #25-0009 (Categorical Exemption) and Conditional Use Permit #25-0004, including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

### DISCUSSION

#### Project Description

The applicant is requesting conditional use permit approval to operate a massage establishment within the Bear Creek Plaza at 2975 G Street (Attachment B). The applicant is requesting approval

for a maximum of 5 massage technicians working during the largest shift. All massage technicians would be required to obtain a license from the California Massage Therapy Council, a State level agency that verifies proper massage training requirements, conducts health screening, and provides individual background checks. This would be verified by Planning staff prior to opening the business. The business would operate daily, generally between the hours of 9:30 a.m. and 9:00 p.m. (see Condition #14 of Planning Commission Resolution #4157). The business would take both walk-ins and appointments. Massage technicians would provide a variety of massages ranging from foot massages to full-body massages. Security measures are being provided by the applicant, such as installing video cameras inside their business (see Condition #12 of Planning Commission Resolution #4157).

#### Surrounding Uses

Surrounding Land	Existing Use of Land	City Zoning Designation	City General Plan Land Use Designation
North	Commercial Suite	Planned Development (P-D) #2	Neighborhood Commercial (CN)
South	Commercial Strip Mall	Planned Development (P-D) #2	Neighborhood Commercial (CN)
East	Commercial Uses (across G Street)	Office Commercial (C-O)	Commercial Office (CO)
West	Professional Office Uses (Dental, Medical, Law and Engineering Offices)	Planned Development (P-D) #2	Commercial Office (CO)

#### Background

The Bear Creek Village Shopping Center was approved in March 1977. The Subject site is located within Planned Development (P-D) #2 and has a General Plan designation of Neighborhood Commercial (CN). The shopping center was approved to have a mixture of uses within the five buildings at the site.

#### Background on Massage Establishments

Previous State Law did not allow local jurisdictions to treat massage establishments differently from other personal services such as barber shops, beauty salons, estheticians, nail salons, etc. In August 2014, Assembly Bill No. 1147 ("Massage Therapy Act of 2014") was passed by the California Legislature and signed by the Governor. This new legislation went into effect on January 1, 2015. Soon after the City Council updated the Zoning Ordinance (and all other relevant sections) to reflect changes in State Law. New massage technicians were required to obtain background check approval and health screening approval at the State level, instead of working with local jurisdiction such as the City's Police Department and the Merced County Environmental Health Department. After going through this new State process, massage technicians are given a license number that is verified by

Planning staff through the California Massage Therapy Council monitoring website (camtc.org).

In general, new massage establishments operated by sole practitioners (1 technician) are principally permitted within most commercial zones and processed with a standard City Business License Application. Conditional use permits are not needed for sole practitioners. However, new massage establishments with multiple technicians (more than one technician) require a conditional use permit reviewed and approved by the Planning Commission. The conditional use permit process gives the City's Police Department an opportunity to review the proposal and recommend conditions regarding security measures, video camera installation, access to video footage, etc. The first conditional use permit for a massage establishment since adopting the new land use policy in 2015, was applied for by the same applicant and reviewed by the Planning Commission in May 2020.

#### Findings/Considerations

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

#### **ATTACHMENTS**

- A. Draft Planning Commission Resolution #4157
- B. Location Map
- C. Floor Plan
- D. Operation Details
- E. Categorical Exemption
- F. Presentation

**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:

PLANNING COMMISSION RESOLUTION #4157

Page 2

June 4, 2025

Adopted this 4<sup>th</sup> day of June 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 #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).

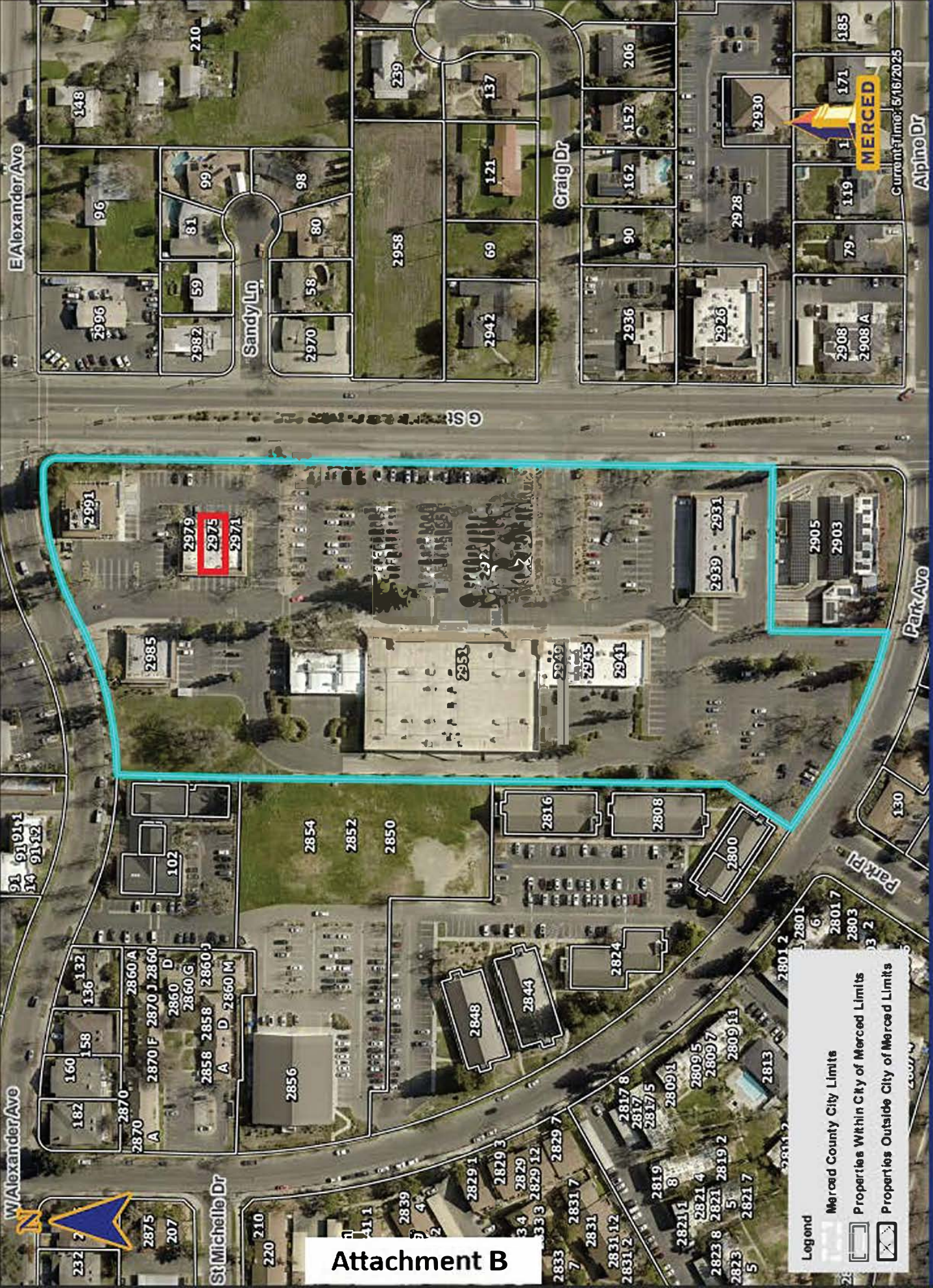
4. *The proposed use is properly located within the City and adequately served by existing or planned services and infrastructure.*

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**

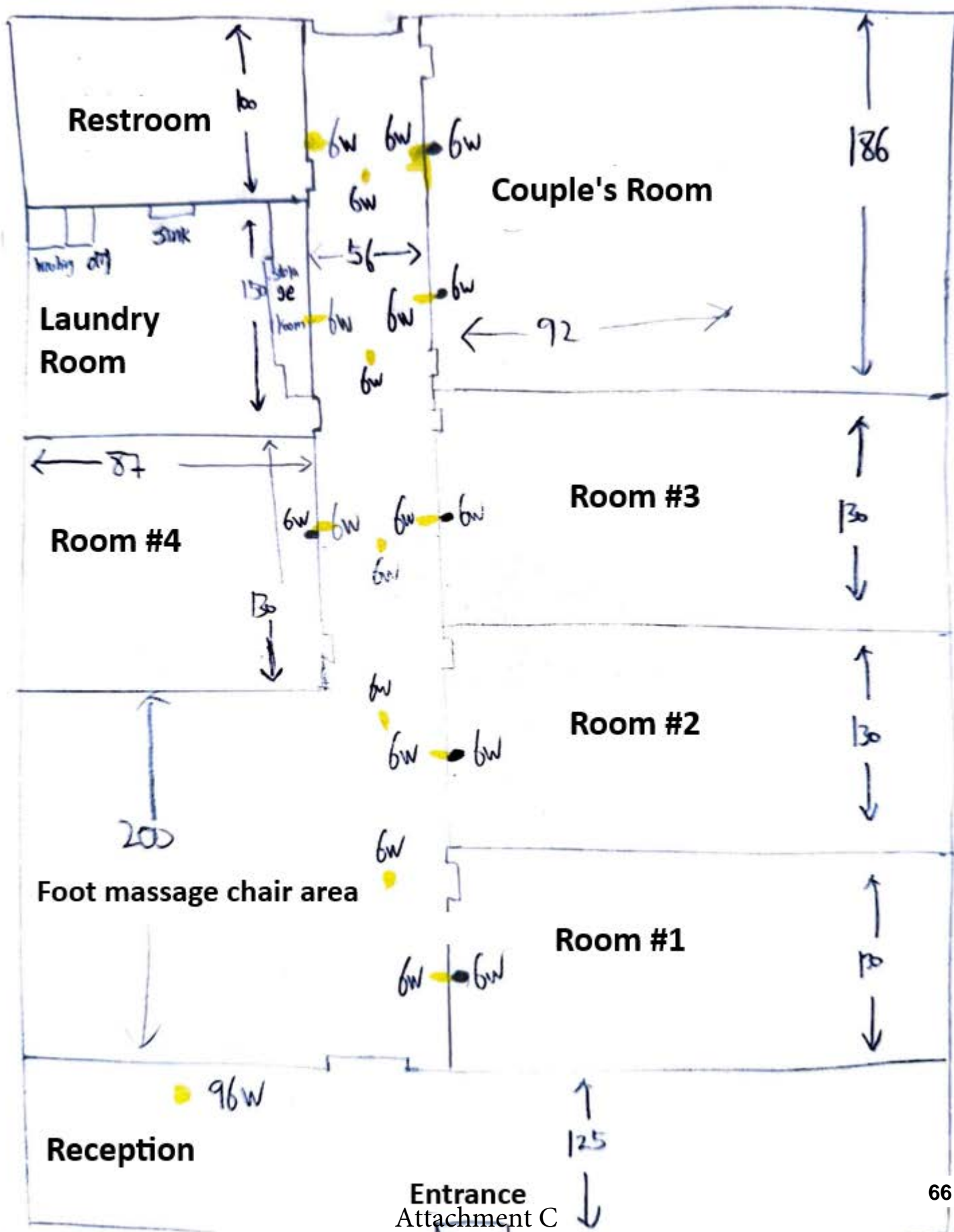
- H) Planning staff has conducted an environmental review (ERC-25-0009) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption (i.e., no further environmental review is needed) is being recommended (Attachment E of Planning Commission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





# CUP25-0004 - I Love Spa





**Description:** Business Description – I Love Spa (2975 G Street, Merced, CA)

I Love Spa is a locally owned wellness business specializing in professional foot and body massage services. Our mission is to promote relaxation, pain relief, and overall health for the Merced community in a clean, quiet, and welcoming space.

We currently operate a successful and well-reviewed location at 755 E Yosemite Ave, Suite E, Merced, CA, where we have earned the trust of many loyal customers. Due to continued growth and increasing demand, we are now seeking to expand with a second location at 2975 G Street.

This new location will be designed with care and operated with professionalism. It will include five private massage rooms (including one couple's room), a small reception area, and a comfortable waiting space. Services will be available both by appointment and for walk-in customers, ensuring a calm and respectful atmosphere for both customers and neighboring businesses. Our business hours will be 9:30 AM to 9:00 PM daily.

We take pride in complying with all city, county, and state regulations, including licensing and safety standards. Our goal is to continue contributing to Merced's health and wellness landscape in a positive, community-friendly way.

**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 #25-0004 (Environmental Review #25-0009)

**Project Applicant:** Michael Chen for 1700 Investors LLC., (property owner)

**Project Location (Specific):** 2979 G St APN: 007-290-041

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

**Description of Nature, Purpose, and Beneficiaries of Project:** Massage Establishment

**Name of Public Agency Approving Project:** City of Merced

**Name of Person or Agency Carrying Out Project:** Michael Chen for 1700 Investors 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)).  
X 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/exterior alterations for a massage establishment, such as adding rooms within an existing suite, which are considered to be exempt under the CEQA Guidelines per Section 15301 (a).

**Lead Agency:** City of Merced

**Contact Person:** Valeria Renteria **Area Code/Telephone:** (209) 385-6967

**Signature:** Valeria Renteria **Date:** 05-16-2025 **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





# Conditional Use Permit

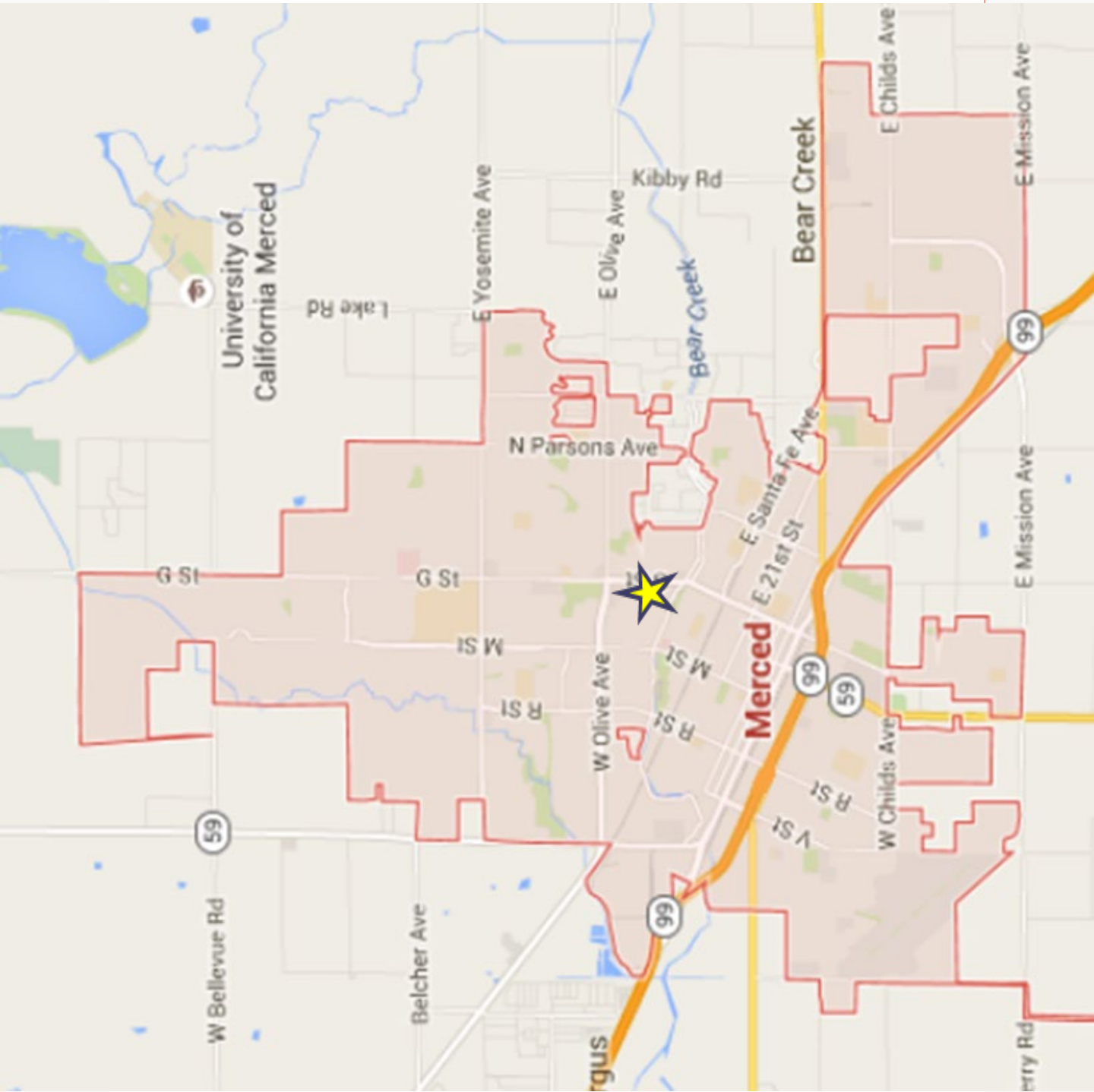
## #25-0004



2975 G Street  
Michael Chen  
Massage Establishment

Attachment F

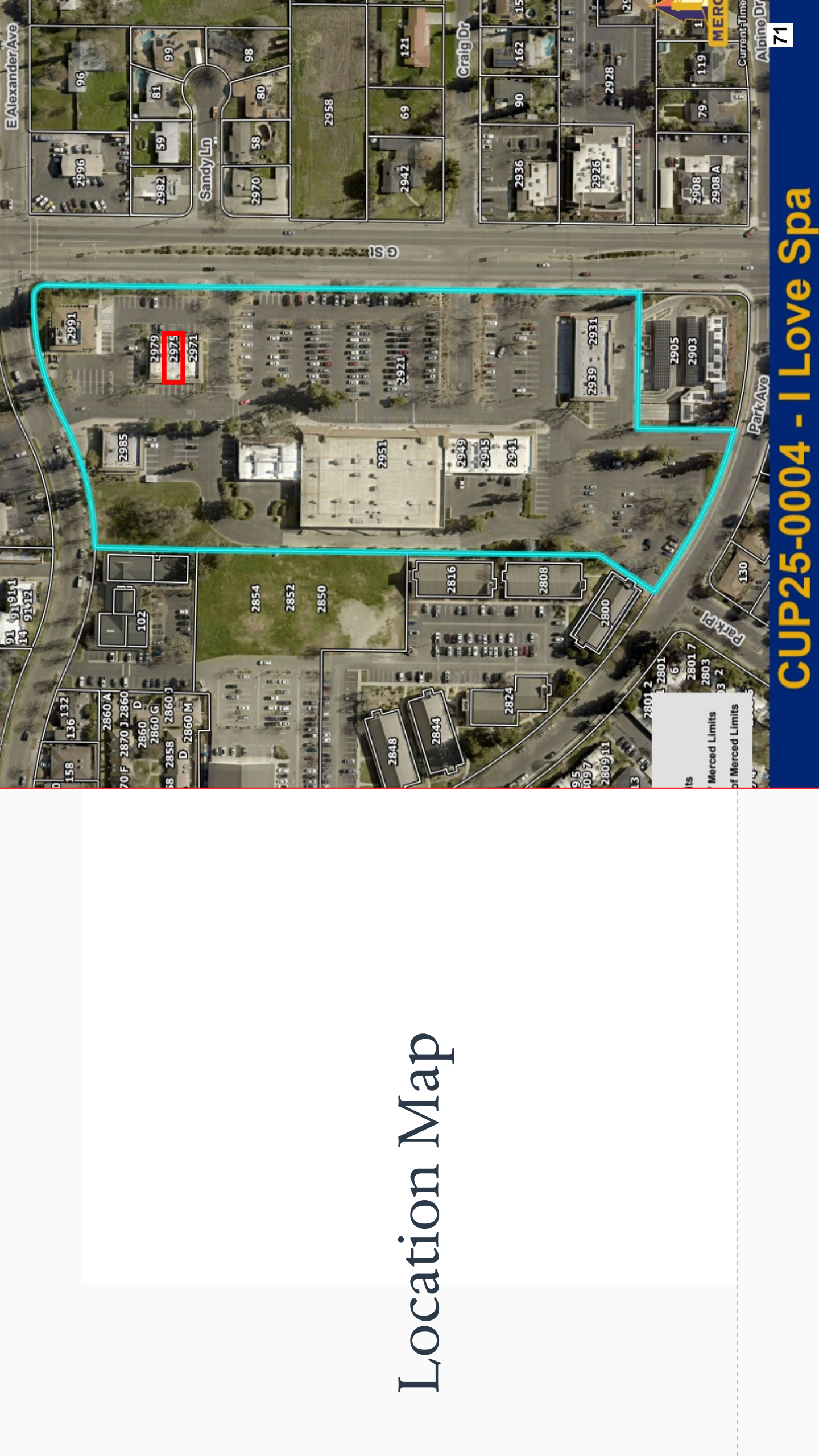
# City-Scale Context





## Location Map

The map displays a residential area with various properties and streets. The property at 2975 is highlighted in a red box. Surrounding streets include E Alexander Ave, Sandy Ln, Craig Dr, and Park Ave. Other properties shown include 2991, 2979, 2971, 2985, 2951, 2949, 2945, 2941, 2939, 2931, 2905, 2903, 2936, 2926, 2928, 2908, 2908 A, 2919, 2917, 2915, 2912, 2910, 2908, 2906, 2904, 2902, 2900, 2898, 2896, 2894, 2892, 2890, 2888, 2886, 2884, 2882, 2880, 2878, 2876, 2874, 2872, 2870, 2868, 2866, 2864, 2862, 2860, 2858, 2856, 2854, 2852, 2850, 2848, 2846, 2844, 2842, 2840, 2838, 2836, 2834, 2832, 2830, 2828, 2826, 2824, 2822, 2820, 2818, 2816, 2814, 2812, 2810, 2808, 2806, 2804, 2802, 2800, 2798, 2796, 2794, 2792, 2790, 2788, 2786, 2784, 2782, 2780, 2778, 2776, 2774, 2772, 2770, 2768, 2766, 2764, 2762, 2760, 2758, 2756, 2754, 2752, 2750, 2748, 2746, 2744, 2742, 2740, 2738, 2736, 2734, 2732, 2730, 2728, 2726, 2724, 2722, 2720, 2718, 2716, 2714, 2712, 2710, 2708, 2706, 2704, 2702, 2700, 2698, 2696, 2694, 2692, 2690, 2688, 2686, 2684, 2682, 2680, 2678, 2676, 2674, 2672, 2670, 2668, 2666, 2664, 2662, 2660, 2658, 2656, 2654, 2652, 2650, 2648, 2646, 2644, 2642, 2640, 2638, 2636, 2634, 2632, 2630, 2628, 2626, 2624, 2622, 2620, 2618, 2616, 2614, 2612, 2610, 2608, 2606, 2604, 2602, 2600, 2598, 2596, 2594, 2592, 2590, 2588, 2586, 2584, 2582, 2580, 2578, 2576, 2574, 2572, 2570, 2568, 2566, 2564, 2562, 2560, 2558, 2556, 2554, 2552, 2550, 2548, 2546, 2544, 2542, 2540, 2538, 2536, 2534, 2532, 2530, 2528, 2526, 2524, 2522, 2520, 2518, 2516, 2514, 2512, 2510, 2508, 2506, 2504, 2502, 2500, 2498, 2496, 2494, 2492, 2490, 2488, 2486, 2484, 2482, 2480, 2478, 2476, 2474, 2472, 2470, 2468, 2466, 2464, 2462, 2460, 2458, 2456, 2454, 2452, 2450, 2448, 2446, 2444, 2442, 2440, 2438, 2436, 2434, 2432, 2430, 2428, 2426, 2424, 2422, 2420, 2418, 2416, 2414, 2412, 2410, 2408, 2406, 2404, 2402, 2400, 2398, 2396, 2394, 2392, 2390, 2388, 2386, 2384, 2382, 2380, 2378, 2376, 2374, 2372, 2370, 2368, 2366, 2364, 2362, 2360, 2358, 2356, 2354, 2352, 2350, 2348, 2346, 2344, 2342, 2340, 2338, 2336, 2334, 2332, 2330, 2328, 2326, 2324, 2322, 2320, 2318, 2316, 2314, 2312, 2310, 2308, 2306, 2304, 2302, 2300, 2298, 2296, 2294, 2292, 2290, 2288, 2286, 2284, 2282, 2280, 2278, 2276, 2274, 2272, 2270, 2268, 2266, 2264, 2262, 2260, 2258, 2256, 2254, 2252, 2250, 2248, 2246, 2244, 2242, 2240, 2238, 2236, 2234, 2232, 2230, 2228, 2226, 2224, 2222, 2220, 2218, 2216, 2214, 2212, 2210, 2208, 2206, 2204, 2202, 2200, 2198, 2196, 2194, 2192, 2190, 2188, 2186, 2184, 2182, 2180, 2178, 2176, 2174, 2172, 2170, 2168, 2166, 2164, 2162, 2160, 2158, 2156, 2154, 2152, 2150, 2148, 2146, 2144, 2142, 2140, 2138, 2136, 2134, 2132, 2130, 2128, 2126, 2124, 2122, 2120, 2118, 2116, 2114, 2112, 2110, 2108, 2106, 2104, 2102, 2100, 2098, 2096, 2094, 2092, 2090, 2088, 2086, 2084, 2082, 2080, 2078, 2076, 2074, 2072, 2070, 2068, 2066, 2064, 2062, 2060, 2058, 2056, 2054, 2052, 2050, 2048, 2046, 2044, 2042, 2040, 2038, 2036, 2034, 2032, 2030, 2028, 2026, 2024, 2022, 2020, 2018, 2016, 2014, 2012, 2010, 2008, 2006, 2004, 2002, 2000, 1998, 1996, 1994, 1992, 1990, 1988, 1986, 1984, 1982, 1980, 1978, 1976, 1974, 1972, 1970, 1968, 1966, 1964, 1962, 1960, 1958, 1956, 1954, 1952, 1950, 1948, 1946, 1944, 1942, 1940, 1938, 1936, 1934, 1932, 1930, 1928, 1926, 1924, 1922, 1920, 1918, 1916, 1914, 1912, 1910, 1908, 1906, 1904, 1902, 1900, 1898, 1896, 1894, 1892, 1890, 1888, 1886, 1884, 1882, 1880, 1878, 1876, 1874, 1872, 1870, 1868, 1866, 1864, 1862, 1860, 1858, 1856, 1854, 1852, 1850, 1848, 1846, 1844, 1842, 1840, 1838, 1836, 1834, 1832, 1830, 1828, 1826, 1824, 1822, 1820, 1818, 1816, 1814, 1812, 1810, 1808, 1806, 1804, 1802, 1800, 1798, 1796, 1794, 1792, 1790, 1788, 1786, 1784, 1782, 1780, 1778, 1776, 1774, 1772, 1770, 1768, 1766, 1764, 1762, 1760, 1758, 1756, 1754, 1752, 1750, 1748, 1746, 1744, 1742, 1740, 1738, 1736, 1734, 1732, 1730, 1728, 1726, 1724, 1722, 1720, 1718, 1716, 1714, 1712, 1710, 1708, 1706, 1704, 1702, 1700, 1698, 1696, 1694, 1692, 1690, 1688, 1686, 1684, 1682, 1680, 1678, 1676, 1674, 1672, 1670, 1668, 1666, 1664, 1662, 1660, 1658, 1656, 1654, 1652, 1650, 1648, 16





# Elevation Visible from G Street





# Proposed Floor Plan



# Applicant Operation Plan

Specialization in  
foot and body  
massage services

This would be  
the second  
location for this  
business

Establishment  
would include  
five massage  
rooms, including  
one couples  
room

Hours of  
operation would  
be 9:30 am to  
9:00 pm daily

# Conditions of Approval

Condition #8 - Tenant Improvement Plans shall be submitted by a design professional prior to issuance of a building permit.

Condition #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.

Condition # 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)

Condition #16 - A fire extinguisher service company must be contacted for the set up and installation of fire extinguishers.

# Planning Commission Action

- ♦ After the public hearing, the Planning Commission may Approve / Disapprove / Modify:
- ♦ Categorical Exemption (Environmental Review #25-0009)
- ♦ Conditional Use Permit #25-0004, subject to the 16 conditions of approval





# CITY OF MERCED

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

## ADMINISTRATIVE REPORT

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**File #:** 25-554

Meeting Date: 6/4/2025

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### **Planning Commission Staff Report**

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

**ACTION**

Information only.



# CITY OF MERCED

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

## ADMINISTRATIVE REPORT

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File #: 25-555

Meeting Date: 6/4/2025

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### Planning Commission Staff Report

#### **SUBJECT:** Calendar of Meetings/Events

Jun.	2	City Council, 6:00 p.m.
	4	Planning Commission, 6:00 p.m.
	16	City Council, 6:00 p.m.
	18	Planning Commission, 6:00 p.m.
	24	Bicycle and Pedestrian Advisory Committee, 4:00 p.m.
Jul.	7	City Council, 6:00 p.m.
	9	Planning Commission, 6:00 p.m.
	21	City Council, 6:00 p.m.
	23	Planning Commission, 6:00 p.m.