



CITY OF MERCED

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

Minutes Planning Commission

Wednesday, June 4, 2025

6:00 PM

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

Vice Chair GREGGAINS led the Pledge of Allegiance to the Flag.

B. ROLL CALL

Clerk's Note: Commissioners OCHOA and SMITH were absent, excused. Deputy City Attorney TANIGUCHI attended the meeting via Microsoft Teams.

Present: 5 - Member Jose Delgadillo, Chair Anthony Gonzalez, Member Yang Pao Thao, Vice Chair Jeremiah Greggains, and Member Conchita Swiggart

Absent: 2 - Member Walter Smith, and Member Emanuelle Ochoa

C. PUBLIC COMMENT

There were no public comments.

D. CONSENT CALENDAR

D.1

SUBJECT: Planning Commission Minutes of May 21, 2025

ACTION:

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

Chairperson GONZALEZ recessed the meeting at 6:05 PM due to technical issues. The meeting resumed at 6:10 PM.

A motion was made by Vice Chair Greggains, seconded by Member Swiggart and carried by the following vote, to approve the Consent Agenda.

Aye: 5 - Member Delgadillo
Chair Gonzalez
Member Pao Thao
Vice Chair Greggains
Member Swiggart

No: 0

Absent: 2 - Member Smith
Member Ochoa

E. PUBLIC HEARINGS

E.1

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.

Assistant Planner LIVINGSTON reviewed the report on this item. For further information, refer to Staff Report #25-499.

Public Testimony was opened at 6:15 PM.

Speaker from the Audience in Favor

ARVIN KAINTH, Applicant, Merced, CA

There were no speakers in opposition to the project.

Public Testimony was closed at 6:16 PM.

Staff modified Condition #10 as follows: (Note:Strikethrough deleted language, underline added language.)

"10. This approval allows for the request to extend the hours of operation from ~~7:00 a.m. to 2:00 a.m.~~ 9:00 a.m. to 10:00 p.m. on Sundays through Thursdays, and 9:00 a.m. to 11:00 p.m. on Fridays and Saturdays. Hours may be adjusted with approval from the Director of Development Services. 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."

A motion was made by Vice Chair Greggains, seconded by Chairperson Gonzalez and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #25-0008, and approve Conditional Use Permit #25-0003, subject to the Findings and thirty-seven (37) Conditions set forth in Staff Report #25-499, with Condition #10 amended as shown above (RESOLUTION #4158)

Aye: 5 - Member Delgadillo
Chair Gonzalez
Member Pao Thao
Vice Chair Greggains
Member Swiggart

No: 0

Absent: 2 - Member Smith
Member Ochoa

E.2

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.

Associate Planner RENTERIA reviewed the report on this item. For further information, refer to Staff Report #25-462.

There was no one present wishing to speak regarding the project; therefore, public testimony was opened and closed at 6:31 PM.

A motion was made by Vice Chair Greggains, seconded by Member Delgadillo and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #25-0009, and approve Conditional Use Permit #25-0004, subject to the Findings and sixteen (16) Conditions as set forth in Staff Report #25-462 (RESOLUTION #4157).

Aye: 5 - Member Delgadillo
Chair Gonzalez
Member Pao Thao
Vice Chair Greggains
Member Swiggart

No: 0

Absent: 2 - Member Smith
Member Ochoa

F. ACTION ITEMS

There were no Action items.

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

Information only.

Acting Principal Planner MENDOZA-GONZALEZ went over the items for the next several Planning Commission meetings.

G.2 **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

Clerk's Note: The Regular Meeting adjourned at 6:38 PM.

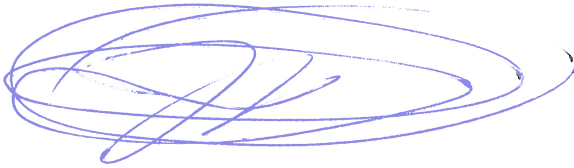
A motion was made by Vice Chair Greggains, seconded by Member Swiggart and carried by the following vote, to adjourn the Regular Meeting.

Aye: 5 - Member Delgadillo
Chair Gonzalez
Member Pao Thao
Vice Chair Greggains
Member Swiggart

No: 0

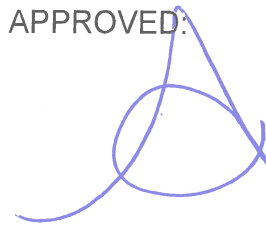
Absent: 2 - Member Smith
Member Ochoa

BY:



JONNIE LAN, SECRETARY
MERCED CITY PLANNING COMMISSION

APPROVED:



ANTHONY GONZALEZ, CHAIRPERSON
MERCED CITY PLANNING COMMISSION

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 Greggains, seconded by Chairperson Gonzalez, and carried by the following vote:

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

NOES: None

ABSENT: Commissioners Ochoa and Smith

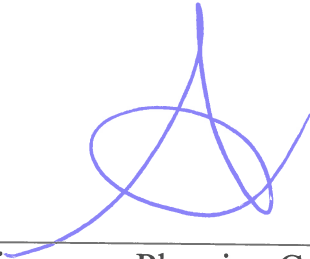
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4158

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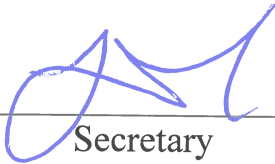
June 4, 2025

Adopted this 4th 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 #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

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 9:00 a.m. to 10:00 p.m. on Sundays through Thursdays, and 9:00 a.m. to 11:00 p.m. on Fridays and Saturdays. Hours may be adjusted with approval from the Director of Development Services. 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).

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 Greggains seconded by Commissioner Delgadillo, and carried by the following vote:

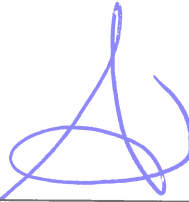
AYES: Commissioners Greggains, Thao, Swiggart, Delgadillo, and Chairperson Gonzalez
NOES: None
ABSENT: Commissioners Ochoa and Smith
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4157

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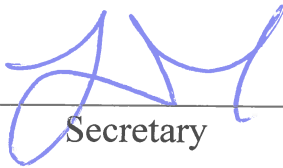
June 4, 2025

Adopted this 4th 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).