

**RESOLUTION NO. 2025-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF MERCED, CALIFORNIA,  
APPROVING THE APPEAL OF THE MERCED  
PLANNING COMMISSION APPROVAL OF  
CONDITIONAL USE PERMIT #25-0006**

**WHEREAS**, AT&T Mobility (AT&T) on behalf of the City of Merced, property owner, applied for Conditional Use Permit #25-0006 to construct a new 55 foot tall wireless communication tower in the form of a stealth mono-palm tree (“Wireless Communication Tower”) at 3400 Parsons Avenue also known as Merced County Assessor’s parcel number 006-150-002; and

**WHEREAS**, the Wireless Communication Tower is proposed to be located within a Low Density Residential (R-1-6) Zone of the City; and

**WHEREAS**, pursuant to Merced Municipal Code Land Use Table 20.58-2, a site plan review is required for a stealth wireless communication facility to be located within a designated R-1 Zone that is over 140% of the maximum height allowed by the Merced Municipal Code, however since the City of Merced’s (“City”) Site Plan Review Committee declined to approve AT&T’s initial request administratively, a Conditional Use Permit was required to be issued by the Merced Planning Commission pursuant to Merced Municipal Code Section 20.58.050(C)(2); and

**WHEREAS**, Merced Municipal Code Chapter 20.58 Wireless Communication Facilities adopted by the Merced City Council by Ordinance Number 2465 in 2016, among other things, provides the objective requirements all new wireless communication towers must comply with and those requirements are consistent with applicable federal regulations; and

**WHEREAS**, on May 7, 2025, the Merced Planning Commission approved Conditional Use Permit #25-0006, finding that there was substantial evidence within the record of its proceedings for Conditional Use Permit #25-0006 that the Wireless Communication

Tower did meet the requisite findings under Finding/Considerations A through L of the May 7, 2025, Staff Report #25-302; and

**WHEREAS**, the Merced Planning Commission in making its approval determination, considered all evidence contained in the record, including a report and presentation prepared by City Staff, City's Draft Environmental Review #25-0002, proposed conditions of approvals, required Merced Municipal Code findings, Wireless Communication Tower site plan and elevations, photo simulations of the Wireless Communication Tower, AT&T coverage map, radio frequency emission compliance report, AT&T alternative site analysis, oral and written public comments, as well as testimony from AT&T's designated representative; and

**WHEREAS**, Brenda Morgun, on May 10, 2025 appealed the Merced Planning Commission's approval of Conditional Use Permit #25-0006; and

**WHEREAS**, on July 21, 2025 the Merced City Council held an appeal of Conditional Use Permit #25-0006 and considered all evidence in the record of Conditional Use Permit #25-0006 and took additional testimony from all interested parties on Conditional Use Permit #25-0006 pursuant to Merced Municipal Code Chapter 20.74 ("Appeal Record"); and

**WHEREAS**, the Merced City Council after thorough consideration and evaluation of the Appeal Record, finds that there is not substantial evidence in the Appeal Record to overturn the Merced Planning Commission's approval of Conditional Use Permit #25-0006.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:**

**SECTION 1.** That the City Council of the City of Merced based on the Appeal Record overturns the Merced Planning Commission's approval of Conditional Use Permit #25-0006 and denies Conditional Use Permit #25-0006.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_ 202\_, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:  
MATTHEW SERRATTO, MAYOR

\_\_\_\_\_  
Mayor

ATTEST:  
D. SCOTT MCBRIDE, CITY CLERK

BY: \_\_\_\_\_  
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:  
CRAIG J. CORNWELL, CITY ATTORNEY

 6/10/2025  
City Attorney Date