



CITY OF MERCED

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

Meeting Agenda

Planning Commission

Wednesday, January 6, 2021

7:00 PM

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

NOTICE TO PUBLIC

Pursuant to Governor Newsom's Executive Order N-29-20, this meeting will be conducted by teleconference and there will be no in-person public access to the meeting location.

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 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.

MODIFIED PUBLIC COMMENT INSTRUCTIONS

MODIFIED PUBLIC COMMENT INSTRUCTIONS FOR TELECONFERENCE MEETINGS

Please submit your public comment to the Planning Commission electronically no later than 3 PM on the day of the meeting. Comments received before the deadline will be provided as part of the record. Material may be emailed to planningweb@cityofmerced.org and should be limited to 500 words or less. Please specify which portion of the agenda you are commenting on, i.e. item # or Oral Communications. Your comments will be provided to Planning Commission at the appropriate time. Any correspondence received during or after the meeting will be distributed to the Planning Commission and retained for the official record.

You may provide telephonic comments via voicemail by calling (209) 388-7390 by no later than 3:00 PM on the day of the meeting to be added to the public comment. Voicemails will be limited to a time limit of three (3) minutes. Please specify which portion of the agenda you are commenting on, i.e. item # or Oral Communications. Your comments will be provided to the Planning Commission at the appropriate time.

If you wish to leave a name and phone number and email address prior to 3 PM, technology permitting, you may be called at the time of the Public Hearing to provide your comments to the Planning Commission in real time. Due to technical limitations, any voice mails received after 3 PM may or may not be made available to the Planning Commission.

To listen to the Planning Commission meeting live, go to Facebook Live, or Comcast Public Access (Channel 96).

INDIVIDUALS WITH DISABILITIES

Accommodation for individuals with disabilities may be arranged by contacting the Planning Division at (209) 385-6858. Assisted hearing devices are available for meetings held in the Council Chamber.

A. CALL TO ORDER

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

B. ROLL CALL

C. ORAL COMMUNICATIONS

Members of the public who wish to speak on any matter not listed on the agenda may provide email or voice mail comments during this portion of the meeting and should follow the guidelines posted above in the **MODIFIED PUBLIC COMMENT INSTRUCTIONS** to do so.

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. Please see **MODIFIED PUBLIC COMMENT INSTRUCTIONS** above. 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. [20-801](#) **SUBJECT:** Planning Commission Minutes of December 9, 2020, and December 23, 2020 (Cancellation)

ACTION:

Approving and filing the Planning Commission Minutes of December 9, 2020, and December 23, 2020

E. PUBLIC HEARINGS AND ACTION ITEMS

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. To submit comments to the Commission, please review the **MODIFIED PUBLIC COMMENT INSTRUCTIONS** listed above.

E.1 [21-026](#)

SUBJECT: Conditional Use Permit #1246, initiated by God's Love Outreach Ministries, applicant for Usha and Kumar Arvind, property owners. This application involves a request to allow a State Licensed Adult Residential Care Facility with 10 beds at 1369 Derby Court, generally located on the north side of Derby Court, approximately 300 feet east of Alviso Drive, within Planned Development (P-D) #46 with a General Plan designation of Low Density (LD) Residential **PUBLIC HEARING** (Continued from the meetings of November 4, 2020, and December 9, 2020)

ACTION: Continue the public hearing to the Planning Commission meeting of February 3, 2021

SUMMARY

This item was originally heard during the Planning Commission meeting of November 4, 2020, and continued to the Planning Commission meeting of December 9, 2020, to allow the applicant additional time to conduct outreach throughout the neighborhood. This item was subsequently continued to the Planning Commission meeting of January 6, 2021, to allow staff time to conduct research. Staff is recommending continuing this item to the Planning Commission meeting of February 3, 2021, to allow additional time for research.

RECOMMENDATION

Staff recommends continuing this item to the Planning Commission meeting of February 3, 2021, to allow additional time to conduct research.

F. INFORMATION ITEMS

F.1 [21-025](#)

SUBJECT: Report by Planning Manager of Upcoming Agenda Items

ACTION

Information only.

F.2 [20-805](#)**SUBJECT: Calendar of Meetings/Events**

Jan. 4 City Council, 6:00 p.m. ***(May be by Teleconference)***
6 Planning Commission, 7:00 p.m. ***(By Teleconference)***
19 City Council, 6:00 p.m. ***(May be by Teleconference)***
20 Planning Commission, 7:00 p.m. ***(By Teleconference)***
Feb. 1 City Council, 6:00 p.m. ***(Teleconference)***
3 Planning Commission, 7:00 p.m. ***(By Teleconference)***
16 City Council, 6:00 p.m. ***(May be by Teleconference)***
17 Planning Commission, 7:00 p.m. ***(By Teleconference)***
23 Bicycle/Pedestrian Advisory Commission, 4:00 p.m. ***(By Teleconference)***

G. ADJOURNMENT



CITY OF MERCED

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

ADMINISTRATIVE REPORT

File #: 20-801

Meeting Date: 1/6/2021

Report Prepared by: Jessie Lee, Temporary Development Services Technician

SUBJECT: Planning Commission Minutes of December 9, 2020, and December 23, 2020 (Cancellation)

ACTION:

Approving and filing the Planning Commission Minutes of December 9, 2020, and December 23, 2020



CITY OF MERCED

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

Minutes Planning Commission

Wednesday, December 9, 2020

7:00 PM

A. CALL TO ORDER

Chairperson HARRIS called the Regular Meeting to order at 7:00 PM.

Clerk's note: The meeting was held via teleconference per Governor Newsom's Executive Order N-29-20 and roll call votes were taken.

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Commissioner CAMPER led the Pledge of Allegiance to the Flag.

B. ROLL CALL

Clerk's note: The Planning Commission has 1 vacancy at this time.

Present: 5 - Chairperson Michael Harris, Stephanie Butticci, Robert Dylina, Jose Delgadillo, and Vice Chair Mary Camper

Absent: 1 - Dorothea White

C. ORAL COMMUNICATIONS

There were no public comments.

D. CONSENT CALENDAR

A motion was made by Member Delgadillo, seconded by Vice Chair Camper, to approve the Consent Calendar. The motion carried by the following vote:

Aye: 5 - Harris
Butticci
Dylina
Delgadillo
Camper

No: 0

Absent: 1 - White

D.1. **SUBJECT: Planning Commission Minutes of November 4, 2020, and November 18, 2020 (Cancellation)**

ACTION:

Approving and filing the Planning Commission Minutes of November 4, 2020, and November 18, 2020

E. PUBLIC HEARINGS AND ACTION ITEMS**E.1.**

SUBJECT: Conditional Use Permit #1246, initiated by God's Love Outreach Ministries, applicant for Usha and Kumar Arvind, property owners. This application involves a request to allow a State Licensed Adult Residential Care Facility with 10 beds at 1369 Derby Court, generally located on the north side of Derby Court, approximately 300 feet east of Alviso Drive, within Planned Development (P-D) #46 with a General Plan designation of Low Density (LD) Residential **PUBLIC HEARING** (Continued from meeting of November 4, 2020)

ACTION:

Approve/Disapprove/Modify

Environmental Review #20-26 (*Categorical Exemption*)

Conditional Use Permit #1246

SUMMARY

God's Love Outreach Ministry (G.L.O.M.) is requesting Conditional Use Permit approval for a large State licensed adult residential care facility with 10 beds at 1369 Derby Court. The care facility would assist adults dealing with mental illness or disorders and be used for dwelling purposes only. Counseling and treatment would take place offsite within approved medical or office locations. Small Residential Care Facilities (6 people or less) are principally permitted within most residential zones, but Large Residential Care Facilities (7 people or more) require Conditional Use Permit approval in most residential zones, such as is required for this site. This item was continued from the November 4, 2020, Planning Commission Meeting to allow the applicant to do more neighborhood outreach. Several neighbors have expressed opposition to the project with concerns about traffic, parking, and safety. City staff, including the Police Department, have reviewed this request and are recommending approval with conditions.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #20-26 (*Categorical Exemption*) and Conditional Use Permit #1246 (including the adoption of the Draft Resolution at

Attachment A) subject to the conditions in Exhibit A and the findings/considerations in Exhibit B of the Draft Resolution.

Commissioner DEGADILLO recused himself from Conditional Use Permit #1246 and Environmental Review #20-26 due to the proximity to his residence and did not view or participate in the item.

Associate Planner MENDOZA-GONZALEZ informed the Planning Commission that Staff is recommending that the Conditional Use Permit #1246 be continued to the next Planning Commission Meeting of January 6, 2021, to conduct further research. Staff also received fourteen emails in opposition and one email in favor to the project prior to the meeting from CINDY PULLIAM, STEVEN KILE, NATALIE SOBALVARRO, MARIELENA VEGA, BOBBY MANN, WILLIAM ZHANG, IVAN AND ISABEL PEREZ, SOCORRO VELAZQUEZ, LILLY ZHAO, CHAD BEYMER, KAWAL TANDON, JEREMY HENDERSON, MR. and MRS. LOMELI, and CAROLYN NEUMANN. Those emails were provided to the Planning Commission via email prior to the meeting. (Members of the public were given the opportunity to leave voice mail messages as well prior to the meeting, one was received from ANDREA PICKINPAUGH, was in opposition to the project).

Public testimony was opened at 7:13 PM

Speaker Via Teleconference in Favor:

CAROLYN NEUMANN, Resident, Merced

Speakers in Opposition Via Teleconference:

MICHAL LOMELI, Resident, Merced

Emails in opposition were noted above

Recording Secretary LEE played one voice mail in opposition previously noted

A motion was made by Member Dylina, seconded by Vice Chair Camper, to continue Conditional Use Permit #1246 and Environmental Review #20-26 to the January 6, 2021, Planning Commission meeting. The motion carried by the following vote:

Aye: 4 - Harris
Butticci
Dylina
Camper

No: 0

Absent: 1 - White

Recused: 1 - Delgadillo

E.2.

SUBJECT: Conditional Use Permit #1249, initiated by Jasdeep Randhawa, on behalf of Shemoil Moradsazdeh, property owner. This application involves a request to sell beer, wine, and distilled spirits for off-site consumption for a new gas station (Chevron/Urban Market), generally located at the southwest corner of South Coffee Street and East Campus Parkway (809 S. Coffee Street), within a zoning classification of Planned Development (P-D) #35, and a General Plan designation of Thoroughfare Commercial (CT). *PUBLIC HEARING*

ACTION

Approve/Disapprove/Modify
Environmental Review #20-30 (*Categorical Exemption*)
Conditional Use Permit #1249

SUMMARY

Chevron/Urban Market is requesting approval to sell beer, wine, and distilled spirits for off-site consumption at 809 S. Coffee Street. The subject site is a vacant 8.2-acre parcel located at the southwest corner of Campus Parkway and Coffee Street (Attachment B). A conditional use permit is required for any business that wants to sell alcoholic beverages for off-site consumption in a building of 20,000 square feet or less. Staff is recommending approval of this application subject to conditions.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #20-30 [*Categorical Exemption*] including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

At 7:37 p.m, Commissioner DELEGADILLO returned to participate in the meeting.

Commissioner BUTTICCI recused herself from the Conditional Use Permit #1249 and Environmental Review #20-30 due to the proximity to her residence and did not view or participate in the item.

Associate Planner MENDOZA-GONZALEZ reviewed the report on this item. He noted that staff recommended the addition of Condition #25 to prohibit the sale of tobacco given the proximity of the site to a school. For further information, refer to Staff Report #20-643. (Members of the public

were given the opportunity to leave voice mail messages as well prior to the meeting, none were received).

Public testimony was opened at 7:50 PM

Speaker Via Teleconference in Favor:

JASDEEP RANDHAWA, Applicant, Merced

There were no Speakers in opposition to the project.

Public testimony was closed at 7:52 PM

(Note: ~~Strikethrough~~ deleted language, underline added language.)

“25. The sale of tobacco is prohibited per MMC 20.44.160, as the subject site is currently located within 1,000 feet of a school.

A motion was made by Vice Chair Camper, seconded by Member Delgadillo, to adopt a Categorical Exemption regarding Environmental Review #20-30 and approve Conditional Use Permit #1249, subject to the Findings and Conditions set forth in Staff Report #20-643 with the addition of Condition #25 as shown above (RESOLUTION #4051). The motion carried by the following vote:

Aye: 4 - Harris
Dylina
Delgadillo
Camper

No: 0

Absent: 1 - White

Recused: 1 - Buttici

E.3.

SUBJECT: Conditional Use Permit #1250, initiated by Mayra Contreras on behalf of Mahinder Singh Kajla, property owner. This application involves a request to operate a food truck within the parking lot at 1619 I Street, generally located on the northwest corner of 16th Street and I Street, within a Central Commercial (C-C) Zone. *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify
Environmental Review #20-31 (*Categorical Exemption*)
Conditional Use Permit #1250

SUMMARY

Mayra Contreras is requesting conditional use permit approval to operate

a food truck within the parking lot located at 1619 I Street (Attachment B). Mobile Food Vendors are considered a conditional use within a Central Commercial (C-C) Zone. The proposed food truck would be located within a parking lot near the northeastern portion of the parcel (Attachment C). The Planning Commission will be reviewing this proposal to ensure that the new site plan is designed in a manner that minimizes negative impacts to the existing site and promotes compatible and orderly development. Staff is recommending approval of this request subject to conditions.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #20-31 (Categorical Exemption) and Conditional Use Permit #1250 (including the adoption of the Resolution at Attachment A).

At 7:53 p.m., Commissioner BUTTICCI returned to participate in the meeting.

Associate Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #20-701. (Members of the public were given the opportunity to leave email and voice mail messages as well prior to the meeting, one was received from JOHN LEWIS, in favor of the project).

Public testimony was opened at 8:02 PM

There were no speakers in favor or in opposition to the project.

Recording Secretary LEE played one voice mail in favor previously noted.

Public testimony was closed at 8:06 PM

A motion was made by Member Delgadillo, seconded by Vice Chair Camper, to adopt a Categorical Exemption regarding Environmental Review #20-31 and approve Conditional Use Permit #1250, subject to the Findings and Conditions set forth in Staff Report #20-701 (RESOLUTION #4052). The motion carried by the following vote:

Aye: 5 - Harris
Butticci
Dylina
Delgadillo
Camper

No: 0

Absent: 1 - White

E.4.

SUBJECT: Vesting Tentative Subdivision Map #1315 for Mission

Ranch, Phase 2. This application involves the subdivision of approximately 7.78 acres into 70 small single-family residential lots ranging in size from 3,109 to 5,648 square feet and a deviation from City Standard ST-1. This deviation, if granted, would allow streets, other than cul-de-sacs, to deviate from the requirement to install park strips. This property is generally located on the southwest corner of G Street and Rancho Camino Drive. This property has a General Plan designation of Village Residential (VR) and is zoned Planned Development (P-D) #58. **PUBLIC HEARING**

ACTION

Approve/Disapprove/Modify

Environmental Review #20-35 (CEQA Section 15162 Findings)

Vesting Tentative Subdivision Map #1315

SUMMARY

The project site is located at the southwest corner of G Street and Rancho Camino Drive (Attachment B). The proposed subdivision would subdivide 7.78 acres of land into 70 small single-family lots (Attachment C).

The request for the subdivision also includes a request to deviate from City Standard ST-1 which requires a park strip along local roads with a 49-foot right-of-way, other than cul-de-sacs. This request is consistent with Mission Ranch Phase 1 and conditions have been included to ensure street trees and front yard trees are installed on all lots.

Planning staff along with other City staff, including the Engineering and Fire Departments, have reviewed the project and recommend approval subject to conditions.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #20-35 (CEQA Section 15162 Findings) and Vesting Tentative Subdivision Map #1315 (Mission Ranch Phase 2) (including the adoption of the Draft Resolution) subject to the conditions in Exhibit A and the findings/considerations in Exhibit B of Draft Resolution #4053 at Attachment A.

Senior Planner NELSON reviewed the report on this item. For further information, refer to Staff Report #20-702. Staff also received one email in opposition to the project prior to the meeting from MICHAEL BELLUOMINI. The email was provided to the Planning Commission via email. (Members of the public were given the opportunity to leave voice mail messages as well prior to the meeting, none were received).

Public Testimony was opened at 8:03 PM

Speakers Via Teleconference in Favor:

SAM SAHOTA, Applicant, Merced

JIM XU, Engineer, Golden Valley Engineering, Merced

There were no speakers in opposition to the project.

Public testimony was closed at 8:22 PM

A motion was made by Member Butticci, seconded by Member Dylina, to find that the previous environmental review (Initial Study #04-13 for the Mission Ranch Annexation) remains sufficient and no further documentation is required (CEQA Section 15162 Findings) and approve Vesting Tentative Subdivision Map #1315, subject to the Findings and Conditions set forth in Staff Report #20-702 (RESOLUTION #4053). The motion carried by the following vote:

Aye: 5 - Harris
Butticci
Dylina
Delgadillo
Camper

No: 0

Absent: 1 - White

E.5.

SUBJECT: General Plan Amendment #20-03, initiated by the City of Merced. This application involves a request to amend Table 3.2, Standards of Population Density and Building Intensity, of the Land Use Element of the *Merced Vision 2030 General Plan* by adding standards for population density to the Regional/Community Commercial (RC), Neighborhood Commercial (CN), and Commercial/Professional Office (CO) land use categories for mixed use and residential developments. References to new Zoning Districts established after the 2012 adoption of the General Plan will also be added to the Table.**PUBLIC HEARING**

ACTION PLANNING COMMISSION:

Recommendation to City Council
Environmental Review #20-38 (*Categorical Exemption*)
General Plan Amendment #20-03

CITY COUNCIL:

Approve/Disapprove/Modify
Environmental Review #20-38 (*Categorical*

Exemption)
General Plan Amendment #20-03

SUMMARY

General Plan Amendment #20-03 will provide standards for population density for mixed use and residential projects in commercial land use categories as well as adding references to several new Zoning Districts in Table 3.2 of the Land Use Element. Staff is recommending that the Planning Commission recommend approval of the amendment to the City Council.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend approval to the City Council of Environmental Review #20-38 [*Categorical Exemption*] and General Plan Amendment #20-03 (including the adoption of the Draft Resolution #4054 at Attachment A) subject to the findings/considerations in Exhibit A of the Draft Resolution.

Director Development Services MCBRIDE informed the Commission that comments were received prior to the meeting requesting more discussion on the project. Therefore Staff is requesting to continue General Plan Amendment #20-03 to the Planning Commission meeting of January 20, 2021.

Planning Manager ESPINOSA reviewed the report on this item. For further information, refer to Staff Report #20-728. Staff also received two neutral emails regarding the project prior to the meeting from MICHAEL BELLUOMINI and RICHARD L. HARRIMAN. Those emails were provided to the Planning Commission via email. (Members of the public were given the opportunity to leave voice mail messages as well prior to the meeting, one was received from CASEY STEED.)

Ms. ESPINOSA requested that General Plan Amendment #20-03 be continued to the next Planning Commission meeting of January 20, 2021.

Chairperson HARRIS noted that the Residential Density of High Density (HD) should be starting at 24.1 rather than 24.0.

Ms. ESPINOSA confirmed that was an error, which will be corrected.

Public testimony was opened at 8:35 PM

There were no speakers in favor of the project.

Speaker Via Teleconference in Opposition:

MICHAEL BELLUOMINI, Resident, Merced

Recording Secretary LEE played one voice mail previously noted.

Public testimony was closed at 8:44 PM

A motion was made by Vice Chair Camper, seconded by Member Butticci, to continue General Plan Amendment #20-03 to the January 20, 2021, Planning Commission meeting. The motion carried by the following vote:

Aye: 5 - Harris
Butticci
Dylina
Delgadillo
Camper

No: 0

Absent: 1 - White

E.6.

SUBJECT: Cancellation of Planning Commission Meeting of December 23, 2020, due to the holidays

ACTION:

Cancel the Planning Commission Meeting of December 23, 2020

Principal Planner HREN stated that the Planning Commission meeting of December 23, 2020, should be cancelled due to the holidays.

A motion was made by Member Delgadillo, seconded by Member Butticci, to cancel the Planning Commission Meeting of December 23, 2020, due to the holidays. The motion carried by the following vote:

Aye: 5 - Harris
Butticci
Dylina
Delgadillo
Camper

No: 0

Absent: 1 - White

F. INFORMATION ITEMS

F.1.

SUBJECT: Report by Planning Manager of Upcoming Agenda Items

ACTION

Information only.

Planning Manager ESPINOSA went over items for the next several

Planning Commission meetings.

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

Dec. 7 City Council, 6:00 p.m. **(In person)**
9 Planning Commission, 7:00 p.m. **(By Teleconference)**
15 Bicycle/Pedestrian Advisory Commission, 4:00 p.m. **(By Teleconference)**
21 City Council, 6:00 p.m. **(May be by Teleconference)**
23 Planning Commission, 7:00 p.m. **(To be Cancelled)**
Jan. 4 City Council, 6:00 p.m. **(May be by Teleconference)**
6 Planning Commission, 7:00 p.m. **(By Teleconference)**
19 City Council, 6:00 p.m. **(May be by Teleconference)**
20 Planning Commission, 7:00 p.m. **(By Teleconference)**

G. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 8:52 PM.

A motion was made by Vice Chair Camper, seconded by Member Butticci, to adjourn the Regular Meeting. The motion carried by the following vote:

Aye: 5 - Harris
Butticci
Dylina
Delgadillo
Camper

No: 0

Absent: 1 - White

The Planning Commission meeting of December 23, 2020, was cancelled due to the holiday. Therefore, there are no Minutes.

CITY OF MERCED
Planning Commission

Resolution #4051

WHEREAS, the Merced City Planning Commission at its regular meeting (held via teleconference) of December 9, 2020, held a public hearing and considered **Conditional Use Permit #1249**, submitted by Jasdeep Randhawa, on behalf of Shemoil Moradsazdeh, property owner. This application involves a request to sell beer, wine, and distilled spirits for off-site consumption for a new gas station (Chevron/Urban Market), generally located at the southwest corner of Coffee Street and Campus Parkway (809 S. Coffee Street), within a zoning classification of Planned Development (P-D) #35, and a General Plan designation of Thoroughfare Commercial (CT); said property being more particularly described as Parcel 4 as shown on that certain Parcel Map entitled "L.J. Steiner, LLC," recorded in Volume 99, Page 26 of Merced County Records; also known as Assessor's Parcel Number (APN) 061-250-099; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through F (Exhibit B) of Staff Report #20-643; 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 #20-30, and approve Conditional Use Permit #1249, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by reference.

Upon motion by Commissioner Camper, seconded by Commissioner Delgadillo, and carried by the following vote:

AYES: Commissioners Camper, Delgadillo, Dylina, and Chairperson Harris
NOES: None
ABSENT: Commissioner White (one vacancy)
ABSTAIN: Commissioner Buttici

PLANNING COMMISSION RESOLUTION #4051

Page 2

December 9, 2020

Adopted this 9th day of December 2020

Michael Harris

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 #4051
Conditional Use Permit #1249

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (floor plan) - Attachment E of Staff Report #20-643, 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 Project shall comply with the conditions set forth in Site Plan Resolution #439, previously approved for this project.
4. 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, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
5. 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,

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4051

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.

6. Sufficient lighting shall be provided throughout the site to provide a safe environment for employees and patrons of the business.
7. All landscaping shall be kept healthy and maintained in good condition and any damaged or missing landscaping shall be replaced immediately.
8. The premises shall remain clean and free of debris and graffiti at all times. Any damaged materials shall be replaced by matching materials.
9. A temporary banner permit shall be obtained prior to installing any temporary signs. Free-standing temporary signs (i.e., sandwich boards, A-frame signs, etc.) are prohibited.
10. No beer shall be displayed or stored outside of the cooler areas.
11. No display or sale of beer or wine shall be made from an ice tub.
12. Employees shall be at least 21 years old to sell alcohol.
13. The proprietor and/or successors in interest and management shall comply with all Municipal Codes relating to loitering, open container laws, and other nuisance-related issues.
14. The area within the convenience market dedicated to the display and sale of beer, wine, and distilled spirits shall not exceed 50 square feet as shown at Attachment E of Staff Report #20-643.
15. The City reserves the right to periodically review the area for potential problems. If in the opinion of the Police Chief, problems (on-site or within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace, and disorderly conduct result from the proposed land use, the conditional use permit may be subject to review and revocation by the City of Merced after a public hearing and in conformance with the procedures outlined in the Merced Municipal Code.
16. No single-serving containers shall be sold separately unless authorized by the City of Merced Police Department. All single-serving beer and wine cooler containers shall be sold as part of a pack or carton. However, wine bottles or cartons of sizes 750 ml or larger may be sold as single-serving containers.

17. No alcohol shall be displayed within five feet of the cash register or the front door.
18. No advertisement of alcoholic beverages shall be displayed on motor fuel islands, in landscaped areas, or outside the buildings or windows.
19. No self-illuminated advertising for alcoholic beverages shall be located on buildings or windows.
20. No sale of alcoholic beverages shall be made from a drive-up window.
21. The business shall comply with all applicable requirements from the Merced County Health Department.
22. This approval is subject to the business owner being in good standing with all laws of the State of California, including the Alcohol Beverage Control (ABC), City of Merced, and other regulatory agencies.
23. A permanent tamper-proof outdoor trash receptacle shall be installed near the main entrance to the convenience market.
24. A Finding of Public Convenience or Necessity must be obtained from the City Council for this use.
25. The sale of tobacco is prohibited per MMC 20.44.160, as the subject site is currently located within 1,000 feet of a school.

**Findings and Considerations
Planning Commission Resolution #4051
Conditional Use Permit #1249**

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 Planned Development (P-D) #35 with approval of a Conditional Use Permit.

Alcohol Sales

- B) This request requires a Conditional Use Permit because Chevron/Urban Market will be less than 20,000 square feet in size. In order for the Planning Commission to approve or deny a request for the sale of alcoholic beverages for off-site consumption, it must consider the following criteria and make findings to support or deny each criteria per MMC 20.44.010:

Criteria #1

The proposed use will not result in an "undue concentration" of establishments dispensing alcoholic beverages as defined by Section 23958 and 23958.4 of the California Business and Professional Code and giving consideration to the California Department of Alcoholic Beverage Control's guidelines related to number and proximity of such establishments within a 500-foot radius of the site.

Finding #1:

The subject site is located within Alcoholic Beverage Control Census Tract #17. In checking with the State of California Alcoholic Beverage Control, this census tract is over concentrated with business selling alcohol as 5 licenses are allowed outright, but there are currently 10 active sites. The City Council will need to approve a Finding of Public Convenience or Necessity for this use (Condition #24 of Planning Commission Resolution #4051.

Criteria #2

The proposed use will not adversely affect the economic and societal welfare of the pertinent community or residentially-zoned community in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds, and other similar uses; and other establishments dispensing, for sale or other considerations, alcoholic beverages including beer and wine.

Finding #2:

The nearest residential uses (single-family homes) are located over 1,000 feet northwest of the subject site, at the northwest corner of Parsons Avenue and Alfarata Boulevard (Attachment B of Staff Report #20-643). The nearest sensitive use (besides residential properties) is Pioneer Elementary School, which is located approximately 1,000 feet away from the subject site with the main entrance to the

**EXHIBIT B
OF PLANNING COMMISSION RESOLUTION #4051**

school being approximately 1,750 feet away from the subject site, at the southwest intersection of Gerard Avenue and Coffee Street.

Criteria #3

The crime rate in the area of the proposed site with particular attention given to those crimes involving public intoxication, the illegal sale of narcotics, disturbing the peace, and disorderly conduct.

Finding #3:

Between October 1, 2019, and September 30, 2020, the Merced Police Department recorded 33 incidents within a 500-foot radius of the subject site. The table below shows the number of incidents within that area involving public intoxication, assaults, MMC violations, and narcotics violations (totaling 2 incidents during the 12-month period). As shown on the attached Incident Maps (Attachment H of Staff Report #20-643), the majority of those incidents occurred at the intersection of Campus Parkway and Coffee Street (most of which were traffic related incidents). The number of incidents reported City-wide for the same time period was 72,396. Based on the total number of calls within the City, the 33 calls to this area equals 0.045% of the overall calls for service within the City.

Incidents and Cases Reported (October 1, 2019 – September 30, 2020)

Incident/Case Type	Number of Incidents
Public Intoxication	0
Disturbance (assaults)	2
MMC*	0
Narcotics violations	0

*Municipal Code Violations regarding open containers, drinking in public, etc.

Planning staff consulted with the Merced Police Department regarding alcohol sales at this location; the Police Department did not have any significant concerns with this request and is not requiring any conditions of approval not normally associated with alcohol sales for off-site consumption. Based on the information provided by the Police Department, staff does not anticipate that the approval of this request would adversely affect the economic and social welfare of the surrounding area.

Neighborhood Impact/Interface

- C) The subject site is surrounded by vacant parcels and Highway 99. Residential uses (single-family homes) are located over 1,000 feet northwest of the subject site, at the northwest corner of Parsons Avenue and Alfarata Boulevard (Attachment B of Staff Report #20-643). The nearest sensitive use (besides residential properties) is Pioneer Elementary School, which is located approximately 1,000 feet away from the subject site with the main entrance to the school being approximately 1,750 feet away from the subject site, at the southwest intersection of Gerard Avenue and Coffee Street. The subject site is surrounded by vacant parcels, arterial roads, and Highway 99. These barriers would reduce the impact that this development would have on the

neighborhood. Given the context of the site and the fact that there are no accessible sensitive uses within 1,000 feet of the site, staff believes that approval of this request should not have a significant impact in the surrounding area.

A public hearing notice was circulated in the Merced County Times and mailed to property owners within 300 feet of the subject site three weeks prior to this public hearing. As of the date that this report was prepared, staff did not receive any comments from the community about this project.

Signage

- D) The applicant is not proposing any signage with this request. However, staff is recommending that certain restrictions regarding the advertisement of alcohol be included with this permit. Said restrictions would prohibit the advertisement of beer, wine, and distilled spirits on the building walls, windows, and in the parking lot (Conditions #18 and #19 of Planning Commission Resolution #4051). A formal request for permanent signage shall be reviewed with a building permit application and shall require compliance with the North Merced Sign Ordinance.

Conditional Use Permit Findings

- E) In order for the Planning Commission to approve or deny a conditional use permit they must consider the following criteria and make findings to support or deny each criteria per MMC 20.68.020 (E) – Findings for Approval.

1. *The proposed use is consistent with the purpose and standards of zoning district, the general plan, and any adopted area or neighborhood plan, specific plan, or community plan.*

The proposed project complies with the General Plan designation of Thoroughfare Commercial (CT) and the zoning designation of Planned Development (P-D) #35 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 site plan for this site was previously approved by the Site Plan Review Committee under Site Plan #439. The applicant will not be making any significant modifications to the design of the interior or exterior of the building, besides what is required by the State and Building Code. Staff does not anticipate that the approval of this proposal would significantly change the character of the neighborhood or create any unusual circumstance for the surrounding area.

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

As shown under Finding B, staff does not anticipate that this proposal would be detrimental to the public health, safety, and welfare of the City. Planning staff consulted with the Merced Police Department regarding alcohol sales at this location; the Police Department did not have any significant concerns with this request and is not requiring any conditions of approval not normally associated

EXHIBIT B

OF PLANNING COMMISSION RESOLUTION #4051

with alcohol sales for off-site consumption. Based on the information provided by the Police Department, staff does not anticipate that the approval of this request would adversely affect the public health, safety, and welfare of the City.

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

The subject site is in the process of being constructed and can be served by existing infrastructure.

Environmental Clearance

- F) Planning staff has conducted an environmental review (Environmental Review #20-30) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption (no further environmental review is required) is being recommended (Attachment I of Staff Report #20-643).

CITY OF MERCED
Planning Commission

Resolution #4052

WHEREAS, the Merced City Planning Commission at its regular meeting (held via teleconference) of December 9, 2020, held a public hearing and considered **Conditional Use Permit #1250**, submitted by Mayra Contreras, on behalf of Mahinder Singh Kajla, property owner. This application involves a request to operate a food truck within the parking lot at 1619 I Street, generally located on the northwest corner of 16th Street and I Street, within a Central Commercial (C-C) Zone; said property being more particularly described as Lots 15 and 16 of Block 188 as shown on that certain Parcel Map entitled "Supplemental Map to Town of Merced," recorded in Volume 99, Page 26 of Merced County Records; also known as Assessor's Parcel Number (APN) 031-154-016; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through J (Exhibit B) of Staff Report #20-701; 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 #20-31, and approve Conditional Use Permit #1250, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by reference.

Upon motion by Commissioner Delgadillo, seconded by Commissioner Camper, and carried by the following vote:

AYES: Commissioners Camper, Butticci, Delgadillo, Dylina, and Chairperson Harris
NOES: None
ABSENT: Commissioner White (one vacancy)
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4052

Page 2

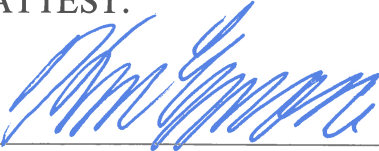
December 9, 2020

Adopted this 9th day of December 2020

Michael Harris

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 #4052
Conditional Use Permit #1250

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Site Plan) - Attachment C of Staff Report #20-701, 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, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4052

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. No outdoor tables or chairs shall be permitted on the premises, unless otherwise approved by the Planning Department in consideration of all relevant parking and vehicle circulation areas on this site.
9. At least two tamperproof trash receptacles shall be provided 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.
10. All signing shall be contained on the food truck. 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.
11. The hours of operation shall be any span of time between 7:00 a.m. and 9:00 p.m. and the business may be open 7 days a week. 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 at least a 50-foot radius around the vehicle. If lights are not provided, the foodtruck shall close at sundown.
12. If the business owners wish to extend 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 back to the Planning Commission for action.
13. Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or alternative approved facility.

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 Staff Report #20-701, 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 truck shall be oriented perpendicular to the parking stalls 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 on the site shall be dedicated to food truck customers. These spaces shall be located as close as possible to the food truck.

22. 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.
23. 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.
24. The mobile food vendor is prohibited from selling alcohol.
25. "No Loitering" signs shall be posted on the food truck and building onsite at specific locations approved by the City Police Department.

**Findings and Considerations
Planning Commission Resolution #4052
Conditional Use Permit #1250**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed Project complies with the General Plan designation of Regional Community Commercial (RC) and the zoning designation of Central Commercial (C-C) with approval of this Conditional Use Permit.

Traffic/Circulation

- B) The applicant is proposing to locate the food truck within the northeast portion of the parking lot (Attachment C of Staff Report #20-701). The food truck would be located about 25 feet from the nearest driveway along I Street. The food truck would be oriented parallel to the adjacent parking stalls (Condition #18 of Staff Report #20-701), in a manner that does not block any driving aisles, and provides space for customers to gather around the food truck without backing into the adjacent driving aisle. Orienting the food truck in this manner allows vehicles to enter and exit the subject site without impediments. In addition, the applicant shall be required to preserve access for the Refuse Department so that their trucks can access this site and serve this property (Condition #22 of Staff Report #20-701).

Parking

- C) The subject site must meet the minimum parking requirements for the existing business onsite and the proposed food truck. The 8,000-square-foot building onsite is currently unoccupied. A mobile food vendor is required to have a minimum of 2 parking stalls. Together, both uses would require a minimum of 2 parking stalls, as the building is not occupied at this time which does not require parking. The subject site would exceed this requirement by having the capacity for approximately 12 parking stalls. Designated food truck parking stalls would be located adjacent to the west of the food truck. Future land uses within the building may be limited due to parking.

Public Improvements/City Services

- D) The subject site is fully developed and most public improvements are existing. The food truck is self-contained and would not require a separate connection to the City's sewer and/or water systems.

Site Design

- E) The subject site is located at the northwest corner of 16th Street and I Street. The subject site is a developed 0.35-acre parcel with an 8,000-square-foot building on the northern portion of the parcel. Vehicle access is available from one driveway along 16th Street, and one driveway along I Street. Customer parking is available along the southern portion of the parcel. As shown at Attachment C of Staff Report #20-701, the food truck (and customer parking stalls) would be located near the northern

portion of the parking lot and oriented in a manner that does not create congestion between customers driving to the site. The food truck would be located approximately 25 feet from the nearest driveway along I Street. The property owner is not proposing to make any interior or exterior modifications to the existing building. Outdoor seating is prohibited (e.g. tables, umbrellas, chairs, etc.) as shown under Condition #8 of Staff Report #20-701, unless subsequently approved by the Planning Department. "No Loitering" signs shall be posted on the food truck and building onsite at specific locations approved by the City Police Department (Condition #25 of Staff Report #20-701).

Neighborhood Impact/Interference

- F) The subject site is surrounded by a variety of commercial and residential uses. Surrounding uses to the north, south, east, and west, include No Limit Smoke Shop, C & S Motor Services, an apartment building, and San Benito Glass respectively. There is a chain link fence between the subject site and the site to the west. 16th Street is a major arterial road that exhibits high volumes of traffic and connects with several commercial sites. Given the existing traffic volumes and dense variety of commercial uses throughout the neighborhood, staff does not anticipate that this proposal would significantly change the character of the neighborhood.

Signage

- G) The food truck is not allowed any signs other than what is provided on the vehicle itself. Condition #10 of Staff Report #20-701 prohibits the use of any A-frame signs, inflatable signs, feather signs, pennants, or other freestanding signs.

Truck Details/Operation

- H) The food truck is standard in appearance and size. It is approximately 8 feet wide by 23 feet long, and approximately 7 ½ feet tall. The food truck will operate daily between 7:00 a.m. to 9:00 p.m. The food truck will sell traditional Mexican food including, but not limited to, tacos, tortas, and burritos. Trash receptacles will be provided to collect the plates, forks, aluminum foil, and paper bags that are typically used to serve these meals (Condition #9 of Staff Report #20-701). The sale of alcohol is prohibited (Condition #24 of Staff Report #20-701). Employee restrooms will be available inside the market as allowed by the Health Department and agreed upon by the property owner (Condition #23 of Staff Report #20-701). Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or alternative approved facility (Condition #13 of Staff Report #20-701). 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 Staff Report #20-701, or as otherwise required by the WQCD (Condition #14 of Staff Report #20-701).

Conditional Use Permit Findings

- I) A Conditional Use Permit is required to allow mobile food vendors within a Central Commercial Zone per Merced Municipal Code (MMC) Table 20.10-1 Permitted

EXHIBIT B OF PLANNING COMMISSION RESOLUTION #4052

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 Central Commercial (CC) and the zoning designation of Central Commercial (C-C) 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 vendor 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 in regard to hours of operation, parking, access, maintenance, advertising, and licenses required.

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 mobile food vendor is located within the City and can be adequately accessed through existing roads. The food truck would be self-contained with its own water and power, and would not need to hook-up to City utilities. The food truck would be serviced at an appropriate commissary facility.

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 E of Staff Report #20-701).

CITY OF MERCED
Planning Commission

Resolution #4053

WHEREAS, the Merced City Planning Commission at its regular meeting of December 9, 2020, held a public hearing and considered **Vesting Tentative Subdivision Map #1315**, initiated by Golden Valley Engineering, on behalf of Bhupinder Sahota, property owner. This application involves a request to subdivide approximately 7.78 acres into 70 small single-family residential lots ranging in size from 3,109 to 5,648 square feet and a deviation from City Standard ST-1. This deviation, if granted, would allow streets, other than cul-de-sacs, to deviate from the requirement to install park strips. This property is generally located on the southwest corner of G Street and Rancho Camino Drive. This property has a General Plan designation of Village Residential (VR) and is zoned Planned Development (P-D) #58.; also known as Assessor's Parcel No. 259-130-034; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through K of Staff Report # 20-702 (Exhibit B); and,

WHEREAS, the Merced City Planning Commission concurs with the Findings for Tentative Subdivision Map Requirements in Merced Municipal Code Section 18.16.80, 18.16.90, and 18.16.100 as outlined in Exhibit B; and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby find that the previous environmental review (Initial Study #04-13 for the Mission Ranch Annexation) remains sufficient and no further documentation is required (CEQA Section 15162 Findings) and approve Vesting Tentative Subdivision Map #1315, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner Butticci, seconded by Commissioner Dylina, and carried by the following vote:

AYES: Commissioners Camper, Butticci, Delgadillo, Dylina, and Chairperson Harris
NOES: None
ABSENT: Commissioner White (one vacancy)
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4053

Page 2

December 9, 2020

Adopted this 9th day of December 2020

Michael Harris

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Exhibits:

Exhibit A – Conditions of Approval

Exhibit B – Findings/Considerations

Conditions of Approval
Planning Commission Resolution # 4053
Vesting Tentative Subdivision Map #1315

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Vesting Tentative Subdivision Map for "Mission Ranch Phase 2")— Attachment C of Planning Commission Staff Report #20-702, except as modified by the conditions herein.
2. All conditions contained in Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions") 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, except as modified by the Planning Commission to grant a deviation from City Standard ST-1.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. All previously adopted conditions and mitigation measures Mission Avenue Annexation (Annexation Application #04-03) shall apply to this project unless subsequently amended. All previously adopted conditions for Conditional Use Permit #1076 shall apply to this project unless subsequently amended.
6. 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

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4053

- any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
7. 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.
 8. Community Facilities District (CFD) formation (or payment of the equivalent costs) is required for annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, street lights, parks and open space. CFD procedures shall be initiated and completed before Final Map approval. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the Development Services Director to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
 9. The proposed subdivision and all subsequent house designs shall comply with the Conditions set forth in Planning Commission Resolution #2847 for Conditional Use Permit #1076 (Attachment D of Staff Report #20-702). If the developer wishes to vary from the requirements of CUP #1076, a modification to the existing CUP or a new CUP may be required, as determined by the Director of Development Services.
 10. At the time of building permit issuance, the developer shall pay the mitigation fee required by the Mitigation Measures for Mitigated Negative Declaration #04-13 approved for the Mission Avenue Annexation. This fee is \$1,002.61.
 11. Each lot within the subdivision shall be provided with one driveway. No residential driveways shall front on any arterial or collector street.
 12. The project shall comply with all requirements of the California Building Code and all flood requirements of the Federal Emergency Management Agency (FEMA), as well as the requirements for the California Urban Level of Flood Protection (CA 200-year flood).
 13. All necessary documentation related to the construction of the residential uses shall be provided at the building permit stage.

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4053

14. The project shall comply with all the Post Construction Standards required to comply with state requirements for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).
15. All landscaping within the public right-of-way shall comply with state and local requirements for water conservation. All irrigation provided to street trees or other landscaping shall be provided with a drip irrigation or micro-spray system and shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030). Landscape plans for all public landscaping shall be provided with the Improvement Plans.
16. Prior to final inspection of any home, all front yards and side yards exposed to public view shall be provided with landscaping to include, ground cover, trees, shrubs, and irrigation in accordance with Merced Municipal Code Section 20.36.050. Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray system in accordance with the State's Emergency Regulation for Statewide Urban Water Conservation or any other state or City mandated water regulations dealing with the current drought conditions. All landscaping shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030).
17. Compliance with the "corner vision triangle" per MMC 20.30.030 is required for corner lots, and may result in the applicant constructing smaller homes on these lots or increasing the front yard setbacks.
18. A minimum 6-foot-tall decorative wall and a 10-foot-wide landscape strip shall be constructed along the project's frontage on G Street.
19. At the building permit stage, the site plans for each lot shall include a minimum 3-foot by 6-foot concrete pad located in the side yard or backyard for the storage of 3 refuse containers.
20. All cul-de-sac bulbs shall have a minimum diameter of 96 feet in compliance with Fire Department Standards adopted by Merced Municipal Code Section 17.32.
21. Fire hydrants shall be installed along street frontages to provide fire protection to the area. The hydrants shall meet all City of Merced standards and shall comply with all requirements of the City of Merced Fire Department. Final location of the fire hydrants shall be determined by the Fire Department.
22. Traffic control signs, street markings, and striping shall be as directed by the City Engineer.

23. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
24. The developer shall provide all utility services to each lot, including sanitary sewer, water, electric power, gas, telephone, and cable television. All new utilities are to be undergrounded, except on-ground transfer boxes for cable, telephone, and/or power, as necessary.
25. The developer shall install appropriate street name signs and traffic control signs with locations, names, and types approved by the City Engineer.
26. Developer shall provide construction plans and calculations for all landscaping and public maintenance improvements. All such plans shall conform to City standards and meet approval of the City Engineer.
27. Dedication by Final Map of all necessary easements will be made as shown on Vesting Tentative Subdivision Map #1315 and as needed for irrigation, utilities, drainage, landscaping, open space, and access.

The following conditions are part of Conditional Use Permit #1076 and will also apply to this Tentative Map. Some conditions have been modified slightly to adjust for development done with Mission Ranch Phase 1.

28. On local streets with a 49-foot right-of-way width and park strips, the minimum park strip width shall be 5 feet and the minimum sidewalk width shall be 5 feet. Trees shall be planted with root barriers to help prevent damage to the sidewalk.
29. On local streets with a 49-foot right-of-way width and no park strips a front yard landscape tree and a separate City street tree shall be planted in each lot. The City street tree shall be within the Public Utilities and Tree Planting Easement. Deed Restrictions shall clearly state that these trees are the property of the City and shall not be removed.
30. The developer shall be responsible for construction and dedication of all interior collector and local streets within the Project Boundaries.
31. The developer shall construct a 3-way intersection at Rancho Camino Road and G Street. The intersection shall be furnished with 3-way stop signs and crosswalks by the developer. An east-west cross walk shall be provided on G Street and a north south crosswalk shall be provided on Rancho Camino.
32. A north-south crosswalk shall be provided on Sedona Drive at G Street.

33. City utility service (water and sewer) connections shall be located under the driveway for each lot that faces a City street. Water lines are privately owned and maintained between the meter and the home. Sewer lines are privately owned and maintained from the point of connection to the City-owned main sewer line.
34. Developer shall provide storm drainage calculations, including retention volumes where such volume is proposed, and share proportionally in the cost of the storm pump station located adjacent to Gerard Avenue.

**Findings and Considerations
Planning Commission Resolution #4053
Vesting Tentative Subdivision Map #1315**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Village Residential (VR) and the Zoning designation of Planned Development (P-D) #58.

The density required for Village Residential is 7-30 units/acre with an average density of 10 units/acre. The density based on the gross acreage of 7.78 acres is 9 units/acre. However, based on the net acreage being developed with single-family lots, the density is 12 units/acre, which complies with the requirement for an average of 10 units/acre.

The proposed subdivision would achieve the following General Plan Land Use Policies:

L-1.2 Encourage a diversity of building types, ownership, prices, designs, and site plans for residential areas throughout the City.

L-1.3 Encourage a diversity of lot sizes in residential subdivisions.

L-1.6 Continue to pursue quality single-family and higher density residential development.

L-1.8 Create livable and identifiable residential neighborhoods.

Zoning Code Compliance

- B) Chapter 20.40 – Small Lot Single-Family Homes provides standards and requirements for small lot subdivisions. This section requires a Conditional Use Permit be approved for small lot single-family homes. Conditional Use Permit (CUP) #1076 was approved for this site in 2006. This CUP remains valid and includes specific design standards (refer to Planning Commission Resolution #2847 at Attachment D). If the developer adheres to these design standards and conditions of approval, the construction of the homes could be done with this CUP. However, if the developer varies from the requirements of CUP #1076, a modification to the CUP or a new CUP may be required (Condition #9 of Planning Commission Resolution #4053)).

Traffic/Circulation

- C) The subdivision has two points of access from G Street and once the development to the west is completed Rancho Camino Drive would connect to SR 59. Two of the north-south streets within the subdivision would connect to Rancho Camino Drive and third street would end in a cul-de-sac.

According to the Institute of Traffic Engineers (ITE) Manual, a detached single-family dwelling generates 9.57 trips per day. Based on the proposed 70 lots within this subdivision, a total of 679 trips per day would be generated. This would be consistent with the estimates made in the *Merced Vision 2030 General Plan* for this area.

Public Improvements/City Services

- D) The developer would be required to install all streets, utilities, and other improvements within the subdivision. City water and sewer lines currently exist in G Street and Rancho Camino Drive which will serve this project.

Each lot within the subdivision would be required to meet the City's storm drainage and run-off requirements for the City's MS-IV permit. All storm water would ultimately be delivered to the storm drain basin northwest of the site (Attachment B of Planning Commission Staff Report #20-702).

The proposed north-south streets within the subdivision (Sedona Drive, Dorada Drive, and Valencia Ct.) all propose a 49-foot right-of-way. City Standard ST-1 (Attachment E of Planning Commission Staff Report #20-702) allows local streets to have a 49-foot right-of-way, but the street must also include a park strip, with the exception of cul-de-sacs. As proposed, Sedona Drive and Dorada Drive do not include a park strip. Therefore, a deviation from City Standard ST-1 is required. If granted, the deviation would be consistent with the design for Mission Ranch Phase 1 on the north side of Rancho Camino Drive.

Per the conditions of approval for the previous Tentative Map for this site and Conditional Use Permit #1076, a three-way stop sign shall be installed at the intersection of G Street and Rancho Camino Drive. Additionally, crosswalks shall be installed at this intersection (both east-west and north-south) and a north-south crosswalk shall be installed at the intersection of Sedona Drive and G Street (Condition #32 of Planning Commission Resolution #4053).

Building Design

- E) As described in Finding B above, Conditional Use Permit #1076 was approved in 2006 and included conditions of approval related to the building design. There are no home designs proposed with the tentative map. However, all future homes would be required to comply with Conditional Use Permit #1076, all requirements of P-D #58 (Condition #9 of Planning Commission Resolution #4053).

Site Design

- F) The proposed design of the subdivision includes local streets and cul-de-sacs extending from Rancho Camino Drive. As previously mentioned, the lots are small lots ranging from 3,109 square feet to 5,658 square feet. Each lot would be connected by sidewalks throughout the subdivision. The table below shows the mixture of lot sizes in the subdivision.

Number of Lots	Lot Size (S.F)
27	3109 to 3,180
30	3,200 to 3,966
13	4,014 to 5,648

A concrete block wall would be constructed within an easement area for the all the lots having rear yards on G Street (Lots 92 through 99). The block wall and approximately 10-feet of landscape area would be constructed within the 10-foot Public Facilities Easement on G Street. This design is consistent with Mission Ranch Phase 1.

All requirements set forth in Planning Commission Resolution #2847 for Conditional Use Permit #1076 would apply to the subdivision and subsequent building permits for single-family homes.

Landscaping

- G) Each lot within the subdivision shall be provided with front yard landscaping in compliance with Zoning Ordinance Section 20.36 – Landscaping. Section 20.36.050 requires all exterior setback areas, excluding areas required for access to the property to be landscaped.

If the deviation from City Standard ST-1 is approved, there would be no park strip for street trees to be installed on two of the north-south streets (Sedona Drive and Dorada Drive). Cul-de-sacs (Valencia Court) are not required to have park strips.

As described above, a block wall and a 10-foot landscape area will be provided on G Street. The landscape area will be maintained through the Communities Facilities District (CFD)

Neighborhood Impact/Interface

- H) The project site is surrounded by vacant land to the south and west. Single-family dwellings (Mission Ranch Phase 1) are located to the north of the site and Farmdale School to the east (refer to the Location Map at Attachment B of Planning Commission Staff Report #20-702). The proposed use is consistent with the General Plan and Zoning for this site. A tentative map for the same number of lots and the same design was previously approved for this site, but expired January 4, 2020. Therefore, the proposal does not create any increase impacts to the neighborhood beyond what was previously approved for this site.

Public hearing notices were sent to all property owners within 300 feet of the project site and extended to all the property owners on the streets to the north of site. At the time of this report, the City had not received any comments regarding this project.

Land Use/Density Issues

- I) The proposed subdivision is on 7.78 acres of vacant land. The gross density for the site, would be 9 units/acre and the net density (excluding streets) would be 12 units/acre. This density is consistent with the General Plan designation of Village Residential (VR) and the requirements of Planned Development (P-D) #58.

Tentative Subdivision Map Requirements

- J) Per Merced Municipal Code (MMC) Section 18.16.080 – Information Required, a tentative subdivision map shall include all of the requirements shown at Attachment F of Planning Commission Staff Report #20-702. Said requirements include stating the location of the subject site, the name of the subdivision, and showing the layout of the proposed lots. MMC 18.16.090 – Required Statement requires the applicant to provide a statement that explicitly states any deviations from tentative subdivision map requirements, standard drawings, or Zoning laws. In this case, the applicant is not requesting any deviations from City requirements. MMC 18.16.100 - Public Hearing – Generally, requires a public hearing to review and approve a tentative subdivision map in conformance with the Subdivision Map Act. Per the

California Environmental Quality Act a public hearing notice was mailed to property owners within 300 feet of the subject site and published in a qualifying newspaper, Merced County Times, three weeks prior to this meeting. In addition, staff reached out to local utility companies, local school districts, and other relevant government agencies to solicit comments. At the time this report was prepared, staff had received comments from PG&E and from the Merced Irrigation District (MID). These comments are provided at Attachment G of Planning Commission Staff Report #20-702. Caltrans has indicated they are reviewing the project and requested additional information. Any information received from Caltrans will be provided to the Commission at the time of the meeting.

Environmental Clearance

- K) The Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and concluded that Environmental Review #20-35 is a second tier environmental document, based upon the City's determination that the proposed development remains consistent with the current General Plan and provisions of CEQA Guidelines, Section 15162 (previous environmental review for the Mission Ranch Annexation #04-13). A copy of the Section 15162 Findings can be found at Attachment H of Planning Commission Staff Report #20-702.



CITY OF MERCED

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

ADMINISTRATIVE REPORT

File #: 21-026

Meeting Date: 1/6/2021

Planning Commission Staff Report

Report Prepared by: Francisco Mendoza-Gonzalez, Associate Planner, Development Services Department

SUBJECT: Conditional Use Permit #1246, initiated by God's Love Outreach Ministries, applicant for Usha and Kumar Arvind, property owners. This application involves a request to allow a State Licensed Adult Residential Care Facility with 10 beds at 1369 Derby Court, generally located on the north side of Derby Court, approximately 300 feet east of Alviso Drive, within Planned Development (P-D) #46 with a General Plan designation of Low Density (LD) Residential
PUBLIC HEARING (Continued from the meetings of November 4, 2020, and December 9, 2020)

ACTION: Continue the public hearing to the Planning Commission meeting of February 3, 2021

SUMMARY

This item was originally heard during the Planning Commission meeting of November 4, 2020, and continued to the Planning Commission meeting of December 9, 2020, to allow the applicant additional time to conduct outreach throughout the neighborhood. This item was subsequently continued to the Planning Commission meeting of January 6, 2021, to allow staff time to conduct research. Staff is recommending continuing this item to the Planning Commission meeting of February 3, 2021, to allow additional time for research.

RECOMMENDATION

Staff recommends continuing this item to the Planning Commission meeting of February 3, 2021, to allow additional time to conduct research.



CITY OF MERCED

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

ADMINISTRATIVE REPORT

File #: 21-025

Meeting Date: 1/6/2021

Planning Commission Staff Report

SUBJECT: Report by Planning Manager of Upcoming Agenda Items

ACTION

Information only.



CITY OF MERCED

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

ADMINISTRATIVE REPORT

File #: 20-805

Meeting Date: 1/6/2021

Planning Commission Staff Report

SUBJECT: Calendar of Meetings/Events

Jan.4	City Council, 6:00 p.m. (<i>May be by Teleconference</i>)
6	Planning Commission, 7:00 p.m. (<i>By Teleconference</i>)
19	City Council, 6:00 p.m. (<i>May be by Teleconference</i>)
20	Planning Commission, 7:00 p.m. (<i>By Teleconference</i>)
Feb 1	City Council, 6:00 p.m. (<i>Teleconference</i>)
.	
3	Planning Commission, 7:00 p.m. (<i>By Teleconference</i>)
16	City Council, 6:00 p.m. (<i>May be by Teleconference</i>)
17	Planning Commission, 7:00 p.m. (<i>By Teleconference</i>)
23	Bicycle/Pedestrian Advisory Commission, 4:00 p.m. (<i>By Teleconference</i>)