



CITY OF MERCED

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

Meeting Agenda

Planning Commission

Wednesday, April 7, 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 FOR TELECONFERENCE MEETINGS

MODIFIED PUBLIC COMMENT INSTRUCTIONS FOR TELECONFERENCE MEETINGS

Please submit your public comment to the Planning Commission electronically no later than 1 PM on the day of the meeting. Comments received before the deadline will be sent to the Planning Commission and will be part of the record and will be mentioned as part of the Public Comment portion of the agenda. Material may be emailed to planningweb@cityofmerced.org and should be limited to 300 words or less. Please specify which portion of the agenda you are commenting on, i.e. Oral Communication or item #. Any correspondence received after the 1 PM deadline 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 1 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, for example, Oral Communication or item #. Your comments will be played during the meeting to the Planning Commission at the appropriate time.

To view video (if available) or listen to the Planning Commission meeting live, go to the City's website www.cityofmerced.org, 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 voicemail 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 by 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.

D.1 [21-296](#)

SUBJECT: Planning Commission Minutes of March 17, 2021

ACTION:

Approving and filing the Planning Commission Minutes of March 17, 2021

D.2 [21-213](#)

SUBJECT: Vacation #21-02 - initiated by the City of Merced to abandon a 32-foot-wide portion of roadway, containing approximately 19,628.69 square feet of land, generally located approximately 330 feet north of Yosemite Avenue, between Mansionette Drive and Sandpiper Avenue (extended).

ACTION FINDING:

- 1) The proposed Vacation is consistent with the General Plan.

SUMMARY

This request is to vacate a 32-foot-wide strip of right-of-way, containing approximately 19,628.69 square feet of land, generally located approximately 330 feet north of Yosemite Avenue between Mansionette Drive and Sandpiper Avenue (extended). City staff has reviewed the need for this right-of-way and determined that a road in this location is not necessary.

RECOMMENDATION

Planning staff recommends that the Planning Commission adopt a Finding that the proposed Vacation is consistent with the General Plan.

D.3 [21-294](#)

SUBJECT: Planning Commission Annual Attendance Report

ACTION

Reviewing and approving the Annual Attendance Report.

E. PUBLIC HEARINGS AND ACTION ITEMS

Members of the public who wish to speak on the 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 the 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 [21-254](#)

SUBJECT: Conditional Use Permit #1253, and Site Plan Review #471 initiated by Guru Ardaas, Inc., on behalf of Yosemite Village, LLC, property owner. This application involves a request for interface approval to construct a new gas station/convenience market (with beer and wine for off-site consumption), and an automated carwash at 1295 Yosemite Avenue. The subject site is generally located at the northeast corner of Yosemite Avenue and El Redondo Drive, within Planned Development (PD) #46 with a General Plan designation of Neighborhood Commercial (CN). *PUBLIC HEARING*

ACTION:

PLANNING COMMISSION:

Approve/Disapprove/Modify

Environmental Review #21-02 (CEQA 15162 Findings)

Conditional Use Permit #1253
Site Plan Review #471

SUMMARY

Guru Ardaas, Inc., is requesting approval to construct a 2,000-square-foot automated car wash, a 5,000-square-foot gas station/mini-market (with alcohol sales for off-site consumption), and a 3,340-square-foot fuel pump canopy (12 pumps) on an undeveloped lot located at northeast corner of Yosemite Avenue and El Redondo Drive (Attachment B). A conditional use permit is required to approve the gas station, a car wash, and the sale of alcohol for off-site consumption (for buildings under 20,000 square feet). Gas Stations and car washes require a Conditional Use Permit within a C-N Zone per MMC 20.10.020 and this also applies to Planned Developments with C-N General Plan designations. A Site Plan Review Permit is required for interface purposes per MMC 20.32. A Finding of Public Convenience or Necessity (adopted by City Council) is required, because Merced is listed under Moratorium City for Type 20 alcohol licenses by the Department of Alcoholic Beverage Control. The Police Department has determined that they would support the sale of alcohol for off-site consumption if specific conditions are included to reduce the potential for alcohol-related incidents.

The subject site is located across the street from single-family homes (west side of El Redondo Drive) and adjacent to a future apartment complex that was approved by the Planning Commission in 2020. The proximity to residential requires interface approval reviewed by the Planning Commission through a Site Plan Review Permit to consider the proposal's compatibility with surrounding residential properties. Staff is recommending approval of this application subject to the conditions contained in the Staff Report.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #21-02 [*CEQA Section 15162 Findings*], Conditional Use Permit #1253, and Site Plan Review Permit #471 including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

F. INFORMATION ITEMS

F.1 [21-252](#) **SUBJECT:** Report by Planning Manager of Upcoming Agenda Items

ACTION

Information only.

F.2 [21-253](#)**SUBJECT: Calendar of Meetings/Events**

- Apr. 5 City Council, 6:00 p.m. ***(May be by Teleconference)***
- 7 Planning Commission, 7:00 p.m. ***(By Teleconference)***
- 19 City Council, 6:00 p.m. ***(May be by Teleconference)***
- 21 Planning Commission, 7:00 p.m. ***(By Teleconference)***
- 27 Bicycle/Pedestrian Advisory Commission, 4:00 p.m. ***(By Teleconference)***
- May 3 City Council, 6:00 p.m. ***(May be by Teleconference)***
- 5 Planning Commission, 7:00 p.m. ***(By Teleconference)***
- 17 City Council, 6:00 p.m. ***(May be by Teleconference)***
- 19 Planning Commission, 7:00 p.m. ***(By Teleconference)***

G. ADJOURNMENT



CITY OF MERCED

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

ADMINISTRATIVE REPORT

File #: 21-296

Meeting Date:

Report Prepared by: Taylor Gates, Administrative Assistant I

SUBJECT: Planning Commission Minutes of March 17, 2021

ACTION:

Approving and filing the Planning Commission Minutes of March 17, 2021



CITY OF MERCED

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

Minutes Planning Commission

Wednesday, March 17, 2021

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 DELGADILLO led the Pledge of Allegiance to the Flag.

B. ROLL CALL

Clerk's Note: The Planning Commission has one vacancy at this time.

Present: 5 - Chairperson Michael Harris, Member Stephanie Butticci, Member Dorothea White, Member Jose Delgadillo, and Vice Chair Mary Camper

Absent: 1 - Member Robert Dylina

C. ORAL COMMUNICATIONS

There were no public comments.

D. CONSENT CALENDAR

D .1 **SUBJECT:** Planning Commission Minutes of March 3, 2021

ACTION:

Approving and filing the Planning Commission Minutes of March 3, 2021

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

Aye: 5 - Chairperson Harris
Member Butticci
Member White
Member Delgadillo
Vice Chair Camper

No: 0

Absent: 1 - Member Dylina

E. PUBLIC HEARINGS AND ACTION ITEMS

E.1

SUBJECT: General Plan Amendment #20-02 and Site Utilization Plan Revision #1 to Planned Development #12, initiated by Robert Vermeltfoort on behalf of REM Land Group, LLC, Property Owner. This application involves consideration of a change from Commercial Office (CO) and Industrial (IND) to Business Park. The proposed Site Utilization Plan envisions a proposed mini-mart with fuel island, a proposed drive-through business and a proposed office/retail building. The property is generally located at the northeast corner of State Highway 59 and Olive Avenue, within a zoning classification of Planned Development (P-D) #12. **PUBLIC HEARING**

ACTION: PLANNING COMMISSION:

Recommendation to City Council
Environmental Review #20-36 (*Mitigated Negative Declaration*)
General Plan Amendment #20-02
Site Utilization Plan Revision #1 to Planned Development (P-D) #12

CITY COUNCIL:

Approve/Disapprove/Modify
Environmental Review #20-36 (*Mitigated Negative Declaration*)
General Plan Amendment #20-02
Site Utilization Plan Revision #1 to Planned Development (P-D) #12

SUMMARY

This is a request to amend the General Plan Designation from Commercial Office (CO) and Industrial (IND) to Business Park (B-P) for a 3.38-acre site located at the northeast corner of State Highway 59 and Olive Avenue. Additionally, the request includes Site Utilization Plan (SUP) Revision #1 to Planned Development (P-D) #12 to allow for a proposed mini-mart with fuel island, a proposed drive-through business, and a proposed office/retail

building. Staff is recommending approval of the request with conditions.

RECOMMENDATION

Planning Staff recommends that the Planning Commission recommend approval to the City Council of Environmental Review #20-36 (Mitigated Negative Declaration), General Plan Amendment #20-02, and Site Utilization Plan Revision #1 to Planned Development #12 (including the adoption of the Draft Resolution at Attachment A) subject to the conditions in Exhibit A and the findings/considerations in Exhibit B, and the Mitigation Monitoring Program in Exhibit C of the Draft Resolution.

Principal Planner HREN reviewed the report on this item. For further information, refer to Staff Report #21-149. (Members of the public were given the opportunity to leave email and voicemail messages as well prior to the meeting, none were received).

Public testimony was opened at 7:14 PM

Speakers Via Teleconference in Favor:

Mike Singelyn, Applicant

Robert Vermelmfoort, Architect

There were no speakers in opposition to the project.

Public testimony was closed at 7:18 PM

A motion was made by Member Delgadillo, seconded by Member White, to recommend to the City Council adoption of a Mitigated Negative Declaration and a Mitigation Monitoring Program (Exhibit C of Planning Commission Resolution #4060) regarding Environmental Review #20-36 and approval of General Plan Amendment #20-02 and Site Utilization Plan Revision #1 to Planned Development (P-D) #12, subject to the Findings and Conditions set forth in Staff Report #21-149 (Resolution #4060).

Aye: 5 - Chairperson Harris
Member Buttici
Member White
Member Delgadillo
Vice Chair Camper

No: 0

Absent: 1 - Member Dylina

E.2

SUBJECT: Zoning Ordinance Amendment #21-01, initiated by the City of Merced. This application involves changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would amend

Merced Municipal Code Sections 20.74 (Appeals), 20.44.170 (Commercial Cannabis Businesses), 20.64 (Administrative Responsibility), 20.68 (Permit Requirements), and 20.70 (Public Notice and Hearings). This amendment would clarify that appeals of actions by the Planning Commission, Site Plan Review Committee, and the Director of Development Services would be scheduled for a public hearing by the appropriate review authority and heard within 90 days unless otherwise mutually agreed to by the applicant and appellant; and modify the appeal procedures for Commercial Cannabis Business Permits to match the same language (the current requirement is 30 days). This amendment would also clarify that any action of the Planning Commission requires a vote of at least four members of the Planning Commission for all actions listed in Table 20.64-1 (Review and Decision-Making Authority), including Conditional Use Permits and other permits, approvals, and recommendations. ***PUBLIC HEARING**

ACTION PLANNING COMMISSION:

Recommendation to City Council

Environmental Review #21-03 (*Categorical Exemption*)

Zoning Ordinance Amendment #21-01

CITY COUNCIL:

Approve/Disapprove/Modify

Environmental Review #21-03 (*Categorical Exemption*)

Zoning Ordinance Amendment #21-01

SUMMARY

Several amendments to the Zoning Ordinance will be considered involving the timing of appeals for various permits considered by the Planning Commission, including Commercial Cannabis Business Permits, and clarifying the number of votes that are required for the Planning Commission to approve action items. Staff is recommending approval.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend approval to the City Council of Environmental Review #21-03 [Categorical Exemption] and Zoning Ordinance Amendment #21-01 subject to the findings/considerations in Exhibit A and the Draft Ordinance at Exhibit B of the Draft Resolution at Attachment A.

Planning Manager ESPINOSA reviewed the report on this item. For further information, refer to Staff Report #21-205. (Members of the public were given the opportunity to leave email and voicemail messages as well prior to the meeting, none were received).

There was no one present wishing to speak regarding the project; therefore, public testimony was opened and closed at 7:32 PM

A motion was made by Member Camper, seconded by Member Delgadillo, to recommend to the City Council adoption of a Categorical Exemption regarding Environmental Review #21-03 and approval of Zoning Ordinance Amendment #21-01, subject to the Findings and as outlined in the draft Ordinance set forth in Staff Report #21-205 (RESOLUTION #4061). The motion carried by the following vote:

Aye: 5 - Chairperson Harris
Member Butticci
Member White
Member Delgadillo
Vice Chair Camper

No: 0

Absent: 1 - Member Dylina

E.3

SUBJECT: Study Session on General Plan and Zoning Ordinance

ACTION: Discussion/Questions/No Action Required

SUMMARY

Per the request of the Planning Commission, City staff will provide an overview of the *Merced Vision 2030 General Plan* and the Merced Zoning Ordinance.

RECOMMENDATION

Planning staff will be available for questions; no action is required.

Planning Manager ESPINOSA gave a slideshow presentation providing details on the General Plan and Zoning Ordinance.

Clerk's Note: No formal Commission action was taken on this item.

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**

Mar. 15 City Council, 6:00 p.m. **(By Teleconference)**
17 Planning Commission, 7:00 p.m. **(By Teleconference)**
Apr. 5 City Council, 6:00 p.m. **(May be by Teleconference)**
7 Planning Commission, 7:00 p.m. **(By Teleconference)**
19 City Council, 6:00 p.m. **(May be by Teleconference)**
21 Planning Commission, 7:00 p.m. **(By Teleconference)**
27 Bicycle/Pedestrian Advisory Commission, 4:00 p.m. **(By Teleconference)**
May 3 City Council, 6:00 p.m. **(May be by Teleconference)**
5 Planning Commission, 7:00 p.m. **(By Teleconference)**
17 City Council, 6:00 p.m. **(May be by Teleconference)**
19 Planning Commission, 7:00 p.m. **(By Teleconference)**

G. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 8:32 PM

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

Aye: 5 - Chairperson Harris
Member Butticci
Member White
Member Delgadillo
Vice Chair Camper

No: 0

Absent: 1 - Member Dylina

CITY OF MERCED
Planning Commission

Resolution #4060

WHEREAS, the Merced City Planning Commission at its regular meeting of March 17, 2021, held a public hearing via teleconference and considered **General Plan Amendment #20-02 and Site Utilization Plan Revision #1 to Planned Development (P-D) #12**, initiated by Robert Vermeltfoort, on behalf of REM Land Group, LLC, property owner(s). The application involves consideration of a change from the current General Plan land use designations of Commercial Office and Industrial to Business Park. The proposed Site Utilization Plan envisions a proposed mini-mart with fuel island, a proposed drive-through business and a proposed office/retail building. The property is generally located at the northeast corner of State Highway 59 and Olive Avenue. The property is more particularly described as Adjusted Parcel 1 as described in the Grant Deed recorded as Document No. 2020047663, on December 10, 2020, in Merced County Records; also known as a portion of Assessor's Parcel Number (APN) 058-030-037; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through J of Staff Report # 21-149 (Exhibit B); and,

NOW THEREFORE, after reviewing the City's Initial Study and Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program (Exhibit C) regarding Environmental Review #20-36, and recommend approval of General Plan Amendment #20-02 and Site Utilization Revision #1 to Planned Development (P-D) #12 subject to the Conditions set forth in Exhibit A, the Findings set forth in Exhibit B, and the Mitigation Monitoring Program in Exhibit C, attached hereto and incorporated herein by this reference.

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

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

PLANNING COMMISSION RESOLUTION #4060

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March 17, 2021

Adopted this 17th day of March, 2021

Michael Harris

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Kim Espinosa

Secretary

Exhibits:

Exhibit A – Conditions of Approval

Exhibit B – Findings/Considerations

Exhibit C – Mitigation Monitoring Program

Conditions of Approval
Planning Commission Resolution #4060
General Plan Amendment #20-02, Site Utilization Plan Revision #1 to
Planned Development (P-D) #12

1. The proposed project shall be constructed/designed generally as shown on Exhibit 1 (site plan) and Exhibit 2 (elevations) - Attachments C and D of Planning Commission Staff Report #21-149, except as modified by the conditions.
2. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
3. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
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, 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

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4060

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.

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, 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. Approval of the General Plan Amendment and Site Utilization Plan Revision is subject to the applicant's entering into a written (developer) agreement that they agree to all the conditions and shall pay all City and school district fees, taxes, and/or assessments, in effect on the date of any subsequent subdivision and/or permit approval, any increase in those fees, taxes, or assessments, and any new fees, taxes, or assessments, which are in effect at the time the building permits are issued, which may include public facilities impact fees, a regional traffic impact fee, Mello-Roos taxes—whether for infrastructure, services, or any other activity or project authorized by the Mello-Roos law, etc.. Payment shall be made for each phase at the time of building permit issuance for such phase unless an Ordinance or other requirement of the City requires payment of such fees, taxes, and or assessments at an earlier or subsequent time. Said agreement to be approved by the City Council prior to the adoption of the ordinance, resolution, or minute action.
7. Community Facilities District (CFD) formation is required for annual operating costs for storm drainage, public landscaping within State Highway rights-of-way, street trees, and streetlights. CFD procedures shall be initiated before issuance of the first building permit and approved prior to any parcel map recording or sale of any part of the project. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
8. The project shall comply with all mitigation measures outlined in the Mitigation Monitoring Program for Initial Study #20-36 (Attachment E of Planning Commission Staff Report #21-149).

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4060

9. All signs shall comply with the North Merced Sign Ordinance and Section 20.62.040 (E) of the City's Zoning Ordinance for signs in a Planned Development (P-D) zone. Sign locations as shown on the site plan are not approved at this time, including the sign on Highway 59 shown in Caltrans' right-of-way.
10. Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access.
11. Parking lot trees shall be installed per City Parking Lot Landscape Standards and Section 20.38.070 (F). At a minimum, parking lot trees shall be provided at a ratio of one tree for every six parking spaces. Trees shall be a minimum of 15-gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City's approved tree list).
12. All projects on this site shall comply with Post Construction Standards in accordance with the requirement for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).
13. Prior to issuance of the first grading/building permit for any project on the site, the applicant shall demonstrate compliance with San Joaquin Valley Air Pollution Control District Rule 9510 to the City's Planning Department. Changes to the site plan resulting from compliance with Rule 9510 are subject to review by City Staff or the Planning Commission, as determined by the Director of Development Services.
14. Bicycle parking for all projects on the site shall meet the minimum requirements of the California Green Building Code and Merced Municipal Code Section 20.38.080.
15. All landscaping on the site shall be in compliance with the City's Water Efficient Landscaping and Irrigation Ordinance (Merced Municipal Code Section 17.60) and all state-mandated conservation and drought restrictions as well as the City's Zoning Ordinance Section 20.36 – Landscaping.
16. Irrigation for all onsite landscaping shall be provided by a low-volume 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 drought conditions.

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4060

17. All landscaping in the public right-of-way shall comply with the most recently adopted water regulations by the State and City addressing water conservation measures. If turf is proposed to be installed in medians or park strips, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed.
18. A fire control room may be required for the buildings on the site. The applicant shall work with the Fire Department to determine the location of the fire control room in the event of its necessity. Additional fire control rooms may be required at the discretion of the Fire Chief.
19. Each building shall be provided with a Fire Department Connection.
20. A minimum turning radius of 33 feet inside, curb-to-curb and 49 feet wall-to-wall for fire apparatus access must be provided throughout the project site or as required by the Fire Department.
21. All storm water shall be retained in the proposed onsite basin or otherwise onsite and metered out to the City's storm water system in accordance with City Standards, subject to a storm drain plan approved by the City Engineer. The applicant shall submit calculations to the City showing, to the satisfaction of the City Engineer or designee, that the basin proposed onsite has enough capacity for the proposed plans.
22. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
23. All parking lot and other exterior lighting shall be oriented in such a way so that it does not spill over onto adjacent properties.
24. Containers for refuse and recycled goods shall be stored in enclosures that are designed with colors compatible with the buildings and shall be constructed to meet City Standards. At the Building Permit stage, the developer shall work with the City Refuse Department to determine the best location for these enclosures to ensure proper access is provided for City Refuse Trucks as well as the number of containers needed to adequately serve the site. Use of a trash compactor should be considered to reduce the number of pick-ups per week.
25. All construction activity shall be conducted between the hours of 7:00 AM and 7:00 PM, Monday through Saturday, due to nearby residential uses.

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4060

26. All walking paths, bicycle paths, recreational areas, and bicycle or vehicle parking areas shall be provided with sufficient lighting to ensure a safe environment.
27. All mechanical equipment shall be screened from public view (details to be worked out with staff).
28. Building and changing grades within the Regulatory Floodway is prohibited. The City shall not approve any plan or proposal that indicates building footprints or changes of grades in the Regulatory Floodway. Prior to construction, the applicant shall cause to be performed a survey of the regulatory floodway that is deemed appropriate by the City Engineer or designee. The project shall also be designed to meet all requirements of Flood Zone "AE."
29. Cross access easement(s) shall be recorded with the parcel to the east to ensure access to the driveway approximately 368 feet east of Highway 59 on Olive Avenue.
30. The design and height of fencing to screen the ponding basin shall be approved by City Planning staff at the time of the issuance of the first building permit.
31. Site Plan Review permits shall be required prior to building permit issuance for all buildings, including canopies, on site. If alcohol sales are proposed at the gas station, a Conditional Use Permit will be required.
32. Cross access and parking easements shall be recorded with any parcel map associated with the project.
33. The project shall improve or cause to be improved the Olive Avenue driveway in accordance with Table A2 of the traffic study (included within the Initial Study found at Attachment E of Planning Commission Staff Report 21-149). To resolve the issue of queues exceeding the driveway throat depth at the Olive Avenue driveway, the project shall install a 75-foot median in driveway OR add a westbound right turn lane on Olive Avenue. To resolve the issue of a right turn deceleration lane conflict with through traffic, the project shall add a westbound right turn lane on Olive Avenue.

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4060

Findings and Considerations
Planning Commission Resolution #4060
General Plan Amendment #20-02 and Site Utilization Plan Revision #1
for Planned Development (P-D) #12

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) With the proposed General Plan Amendment and Site Utilization Plan (SUP) Revision, the proposed project will conform with the General Plan designation of Business Park and zoning of Planned Development #12. The SUP Revision includes a gas station with convenience store, a drive-through, and office and retail uses, shown on the Site Plan at Attachment C of Planning Commission Staff Report #21-149.

Traffic/Circulation

- B) According to the traffic study in the Initial Study #20-36 (Attachment E of Planning Commission Staff Report 21-149), the SR 59 / Olive Avenue Commercial Center project is a proposed convenience commercial development that will occupy 3 acres on the northeast corner of the intersection of State Route 59 (SR 59) and Olive Avenue. The proposed development plan includes a gasoline station with convenience store, a fast-food restaurant and other office / retail uses.

Access

The project proposes right-turn only access to SR 59 north of Olive Avenue, as well as a new right-turn only driveway on Olive Avenue.

Trip Generation

Based on approved trip generation rates that account for the specific land uses included in the project, and after discount for “pass-by” trips, the project could be expected to result in 1,811 net new trips (in and out) on a daily basis, with 139 new trips in the a.m. peak hour and 155 new trips in the p.m. peak hour.

Improvements

The project is assumed to complete frontage improvements on SR 59 and Olive Avenue that are consistent with the City’s Arterial Street standards. Work required along SR 59 would be conducted under an encroachment permit acquired through Caltrans.

Existing Setting

The existing system of pedestrian and bicycle facilities in this area include limited sidewalks and Class I bike paths, but pedestrians and cyclists use paved shoulders

elsewhere. Sidewalks do not exist along the project's Olive Avenue frontage, but a Class I trail exists along SR 59. Recent Caltrans improvements have included high visibility crosswalks at the SR 59 and Olive Avenue intersection.

The Local Transportation Analysis (LTA) notes that the City of Merced General Plan establishes Level of Service (LOS) D as the minimum acceptable standard for the operation of intersections and roadways.

Because COVID-19 makes collection of new traffic count data impractical, traffic counts conducted in 2017 were projected out to Year 2020 by a 1% annual increase to established existing conditions. Two safety intersection improvement projects recently completed by the City and Caltrans are assumed in the evaluation of existing conditions at the SR 59 / Olive Avenue intersection and at the SR 59 / W. 16th Street intersection.

All study intersections operate at LOS D or better during the study hours. However, the two-lane portion of SR 59 between W. 16th Street and Olive Avenue carries daily traffic volumes that are indicative of LOS F conditions.

Vehicle Miles Traveled Impacts

Under SB 743, evaluation of transportation impacts under CEQA requires that agencies move from Level of Service based analysis to consideration of a project's effect on regional Vehicle Miles Traveled (VMT). The CEQA Guidelines and the California Governor's Office of Planning and Research (OPR) document, *Technical Advisory on Evaluating Transportation Impacts in CEQA* (California Governor's Office of Planning and Research 2018) provide general guidance as to thresholds of significance for determining when a project would have significant transportation impacts based on the new metric of VMT, rather than operating Level of Service (LOS) until local agencies adopt their own standards. Because Merced County and the City of Merced have not yet adopted methods for estimating regional VMT or significance criteria for evaluating impacts based on VMT, the OPR technical advisory has been followed.

Assessment of VMT Impacts

The proposed project is generally comprised of convenience retail uses that will serve motorists already traveling on SR 59 and on Olive Avenue or who live or work in the immediate area. The project also includes up to 6,000 sf of office space. Based on OPR guidance, the project's VMT impacts can be judged as follows.

As the retail elements of the project would serve customers generated in the local area or simply stopping at the site as part of a trip on SR 59 or on Olive Avenue, and the project's total building floor area is far below the 50,000 sf threshold identified by OPR, the impacts of the project's retail uses on regional VMT is not significant.

The office space included in the project is projected to generate 74 daily trips. As this trip generation estimate falls below the 110 daily trips threshold identified by OPR,

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the office portion of the proposed project qualifies as a “small project” that can be assumed to have a less than significant impact on regional VMT. According to the traffic study, impacts to pedestrian, bicycles, hazards and safety, state facilities, and transit are also considered not significant.

LOS Results

While not a CEQA issue, the relative effects of the project on short term and long term traffic operations in this area of Merced has been investigated in a manner that is consistent with recent analysis of other development projects. Operating Levels of Service have been identified, and improvements that would be needed with and without the project to satisfy General Plan policies have been identified. Table A2 of Attachment E of Planning Commission Staff Report 21-149 notes these recommended improvements.

Three of these recommended improvements relate directly to modification of SR 59, or the intersection of SR 59 with Olive Avenue. Because the City and Caltrans will be implementing a project to widen SR 59 from 16th Street to the Black Rascal Creek bridges, these recommendations are not recommended by the City to be required as Conditions of Approval. This widening will both improve some of the issues and will also heavily modify the conditions that the analysis is predicated on in the first place. Additionally, any improvements that the proposed project would install in the short term would be rendered obsolete or removed when the widening occurs. As such, these three impacts do not require improvements from the project:

- SR 59/Olive Avenue- Lengthening of peak period queues
- SR 59/Olive Avenue/Santa Fe Drive- Exacerbate LOS F conditions during AM and PM peak hours
- SR 59 Driveway- Right turn deceleration conflict with through traffic

The traffic study also notes two impacts at the Olive Avenue driveway of the project:

- Queues exceed driveway throat depth
- Right turn deceleration lane conflict with through traffic

Driveway Throat Depths The driveway throat is the area available for exiting vehicles to wait without blocking the path of arriving traffic. The adequacy of the driveway throat is determined based on the length of exiting queue at the driveway. The LOS analysis indicates that the 95th percentile queue in the SR 59 driveway would be one vehicle or less, while the 95th percentile queue in the Olive Avenue driveway could be 75 feet (i.e., three vehicles). Table T19 of Attachment E of Planning Commission Staff Report 21-149 compares forecast queue and available throat depth. As shown, under Year 2035 conditions, the forecast 95th percentile queues at the SR 59 driveway are less than the available throat depth, and no changes are recommended. However, the Olive Avenue driveway has a limited throat depth, and the anticipated Year 2035 queue would block entry into the southern portion of

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the canopy area. To address this issue, it would be necessary to either:

1. Place a median in the driveway that would extend for 75 feet, **or**
2. Construct a westbound right turn lane on Olive Avenue at the site access to provide space outside of the through travel lane for any entering vehicles delayed by the exiting queue.

Right Turn Channelization at Entrances. The need for separate right turn lanes on the entries to project driveways has been considered within the context of the precedence under similar condition elsewhere in Merced and typical engineering practice. The volume of traffic entering the site at each driveway has been identified. The Olive Avenue driveway is projected to handle 70 to 74 inbound peak hour right turns. The number of turns reaches the level that would typically justify a separate right turn deceleration lane (i.e., more than 50 right turns).

Right turn treatments elsewhere have been reviewed. Access to Olive Avenue is limited, and separate right turn lanes have been provided elsewhere on Olive Avenue east of the project site, particularly at access to major commercial areas. However, the industrial driveways just east of the project do not have right turn lanes.

In this case, separate right turn lanes are desirable and are needed to provide adequate LOS under long term conditions. A turn lane should be provided but should be incorporated into the ultimate design of the area street system. Initially, a separate right turn lane can be provided on Olive Avenue in advance of the driveway in the remaining 120 feet of project frontage. The project should contribute its fair share to the cost of these improvements, and with this improvement the project's effect is consistent with the General Plan.

Conclusion

Transportation and traffic impacts as summarized above were analyzed by KD Anderson & Associates, Inc. in a Traffic Impact Analysis (Appendix B of Initial Study #20-36, Attachment E of Planning Commission Staff Report 21-149). The conclusions regarding the proposed project is that the impacts of the project are **less than significant** for the purposes of CEQA Impact Significance Criteria.

The project's Conditions of Approval related to Level of Service (LOS) improvements shall indicate the need for improvement to rectify the impacts along the Olive Avenue Driveway as noted above and in Table A2 of Attachment E of Planning Commission Staff Report 21-149:

Olive Avenue Driveway

- Queues exceed driveway throat depth
 - Install 75-foot median in driveway OR add a westbound right turn lane
- Right turn deceleration lane conflict with through traffic
 - Add westbound right turn lane

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Parking

- C) Parking is based on project uses and their requirements per Table 20.38-1 of the Zoning Ordinance. The Zoning Ordinance allows a 15% reduction in floor area for non-usable commercial space such as restrooms, storage areas, etc. Using this formula, the parking requirements for the project would be 46 spaces, assuming that all areas are built out using the general retail requirements. If a portion of the project develops as office, the standards are slightly reduced, depending on the square footage committed to office use. The proposed project provides 85 parking spaces, which exceeds the required amount of parking necessary for this project even under the more demanding requirements of the general retail use.

Public Improvements/City Services

- D) Water

There is a 16-inch water line in Highway 59 and another 16-inch line in Olive Avenue to serve the project site. The City's water supply would be sufficient to serve the proposed project.

Sewer

The WWTP recently finished two major upgrades (Phase IV and Phase V) to improve the quality of the treated water, referred to as plant effluent, and to improve the quality of biosolids and methods of treatment. The Merced Wastewater Treatment Plant is now one of the most advanced facilities in the state. It is capable of treating up to 12 million gallons of influent a day. The proposed project is estimated to generate approximately 11,730 gallons of wastewater per day (based on 108 gallons/day/1,000 square feet of floor area for office and commercial uses). The additional wastewater generated by the project would be approximately 0.09% of the overall capacity of the WWTP.

There is sufficient capacity at the WWTP, and the existing lines in Highway 59 and Olive Avenue have enough capacity during peak hours to accommodate the additional wastewater and transmit it to the WWTP for processing.

Stormwater

Storm drain lines exist in Olive Avenue and Highway 59 that the on-site storm drainage system would connect to. The project site would consist of approximately 101,280 square feet of impervious surfaces. All storm water run-off would be required to be captured on-site and metered into the City's storm drainage per City Standards.

Building Design

- E) As shown on the Exterior Elevations at Attachment D of Planning Commission Staff Report #21-149, the buildings on the site would stand one story tall and have a design with brick, plaster, metal, and glass as primary features and elements. The details of the convenience mart are similar to other existing convenience marts in the area,

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using the branding of 7-Eleven, the proposed tenant. Final design details are to be addressed by staff at the Site Plan Review stage.

Site Design

- F) The project site is bounded by State Highway 59 to the west, Olive Avenue to the south, commercial warehouses and a cannabis dispensary to the east, and the vacant remainder of the property which the subject site was split off from to the north. As proposed, the project site includes:
- 4,837 square feet for a proposed office/retail building
 - 4,088 square feet for a proposed mini mart
 - 4,284 square feet for the fuel island and canopy
 - 2,805 square feet for a proposed drive-through business

Landscaping

- G) As shown on the Site Plan at Attachment C of Planning Commission Staff Report #21-149, parking lot trees would be provided throughout the site in compliance with the City's Parking Lot Landscape Standards (Condition #15). According to Table 20.36-1 of the Zoning Ordinance, the site is required to provide a minimum landscape area equal to 15% of the project site. Landscaping and irrigation shall be required to meet the City's Water Efficient Landscape Ordinance (Condition #19).

Neighborhood Impact/Interface

- H) The site as it currently stands does not directly border, nor does it border across an adjacent roadway, a residential use. Public hearing notices were sent to all property owners within 300 feet of the parcel that the subject site was recently subdivided from. To date, staff has not had any comments from the public regarding the project.

Signage

- I) All signs on the site would be required to comply with the North Merced Sign Ordinance and the Business Park sign regulations (Condition #9). Final sign/design details will be addressed by staff at the Site Plan Review phase. The sign locations as shown on the Site Plan at Attachment C of Planning Commission Staff Report #21-149 are not approved, including the monument sign located on Highway 59 within Caltrans' right-of-way, which cannot be approved.

Planned Developments- Required Findings

- J) Section 20.20.020(J) of the Merced Municipal Code requires the following findings be made in order to approve a Revision to a Planned Development.
1. The proposed development is consistent with the goals, policies, and actions of the General Plan and any applicable specific plan and community plan.

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- The proposed development is consistent with and/or advances a number of goals of the General Plan, specifically UE-1.2, UE-1.5, L-2.1, L-2.2, L-2.4, L-2.5, L-3.2, and T-2.6.
- 2. The site for the proposed development is adequate in size and shape to accommodate proposed land uses.
 - The Site Plan is shown at Attachment B of Planning Commission Staff Report #21-149 and lays out a clear and feasible plan to use this site for the proposed land uses.
- 3. The site for the proposed development has adequate access considering the limitations of existing and planned streets and highways.
 - Traffic and circulation are discussed in detail in Finding B, above.
- 4. Adequate public services exist or will be provided to serve the proposed development.
 - Public Improvements and City Services are discussed in detail in Finding D, above.
- 5. The proposed development will not have a substantial adverse effect on surrounding property, will be compatible with the existing and planned land use character of the surrounding area, and will enhance the desirability of the area and have a beneficial effect.
 - The land use that the surrounding properties predominantly have is Industrial. With warehouses and a cannabis dispensary to the east, a Wal-Mart across Olive Avenue, and a proposed development of similar character in the Thoroughfare Commercial parcels across Highway 59, this development will fit in appropriately and enhance the desirability of the area.
- 6. The proposed development carries out the intent of the Planned Development zoning district by providing a more efficient use of the land and an excellence of site design greater than that which could be achieved through the application of established zoning standards.
 - Planned Development #12 is already in existence, and this proposal allows a development to move forward within it in a manner that the established zoning standards would not permit. The Commercial Office (C-O) zone would not permit a gas and service station, which can be a cornerstone of a development in such a highly travelled intersection, to exist on this location.
- 7. Each individual unit of the proposed development, in each phase as well as the total development, can exist as an independent unit capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development.
 - None of the proposed uses are wholly reliant on any of the others in order to exist. While each of the uses can benefit from the presence of the entire development, no single one of the proposed uses is a requirement for the whole to proceed.
- 8. Any deviation from the standard ordinance requirements is warranted by the design and additional amenities incorporated in the development plan, which

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offer certain unusual redeeming features to compensate for any deviations that may be permitted.

- The proposed Site Utilization Plan Revision does not envision or recommend deviations for standard ordinance requirements beyond that which was created for Planned Development #12. At that time, the subject site was a component of a larger overall parcel and permits at the time were primarily concerned with the warehouses now in existence to the east.
9. The principles incorporated in the proposed development plan indicate certain unique or unusual features, which could not otherwise be achieved under the other zoning districts.
- The proposed development plan uniquely addresses the needs and characteristics of the subject site, which is already zoned as a part of Planned Development #12. In accordance with the purpose of the Planned Development designation, this plan proposes to bring together uses that would not otherwise be possible with a different zoning district while still promoting the project's overall harmoniousness with surrounding uses.

Environmental Clearance

- K) The Planning staff has conducted an environmental review (Initial Study #20-36) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Draft Mitigated Negative Declaration (i.e., no significant effects in this case because of the mitigation measures and/or modifications described in Initial Study #20-36) is being recommended (see Attachment E of Planning Commission Staff Report #21-149).

<p style="text-align: center;">ENVIRONMENTAL REVIEW #20-36 Mitigation Monitoring Program</p>
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MITIGATION MONITORING CONTENTS

This mitigation monitoring program includes a brief discussion of the legal basis and purpose of the mitigation monitoring program, a key to understanding the monitoring matrix, a discussion of noncompliance complaints, and the mitigation monitoring matrix itself.

LEGAL BASIS AND PURPOSE OF THE MITIGATION MONITORING PROGRAM

Public Resource Code (PRC) 21081.6 requires public agencies to adopt mitigation monitoring or reporting programs whenever certifying an environmental impact report or mitigated negative declaration. This requirement facilitates implementation of all mitigation measures adopted through the California Environmental Quality Act (CEQA) process.

The City of Merced has adopted its own “Mitigation Monitoring and Reporting Program” (MMC 19.28). The City’s program was developed in accordance with the advisory publication, *Tracking CEQA Mitigation Measures*, from the Governor’s Office of Planning and Research.

As required by MMC 19.28.050, the following findings are made:

- 1) The requirements of the adopted mitigation monitoring program for the General Plan Amendment #20-02 and Site Utilization Plan Revision #1 to Planned Development #12 shall run with the real property. Successive owners, heirs, and assigns of this real property are bound to comply with all of the requirements of the adopted program.
- 2) Prior to any lease, sale, transfer, or conveyance of any portion of the subject real property, the applicant shall provide a copy of the adopted program to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.

MITIGATION MONITORING PROCEDURES

In most cases, mitigation measures can be monitored through the City’s construction plan approval/plan check process. When the approved project plans and specifications, with mitigation measures, are submitted to the City Development Services Department, a copy of the monitoring checklist will be attached to the submittal. The Mitigation Monitoring Checklist will be filled out upon project approval with mitigation measures required. As project plans and specifications are checked, compliance with each mitigation measure can be reviewed.

In instances where mitigation requires on-going monitoring, the Mitigation Monitoring Checklist will be used until monitoring is no longer necessary. The Development Services Department will be required to file periodic reports on how the implementation of various mitigation measures is progressing or is being maintained. Department staff may be required to conduct periodic inspections to assure compliance. In some instances, outside agencies and/or consultants may be required to conduct necessary periodic inspections as part of the mitigation monitoring program. Fees may be imposed per MMC 19.28.070 for the cost of implementing the monitoring program.

ATTACHMENT B

GENERAL PLAN MITIGATION MEASURES

As a second tier environmental document, Initial Study #20-36 incorporates some mitigation measures adopted as part of the *Merced Vision 2030 General Plan Program Environmental Impact Report* (SCH# 2008071069), as mitigation for potential impacts of the Project.

NONCOMPLIANCE COMPLAINTS

Any person or agency may file a complaint asserting noncompliance with the mitigation measures associated with the project. The complaint shall be directed to the Director of Development Services in written form providing specific information on the asserted violation. The Director of Development Services shall cause an investigation and determine the validity of the complaint. If noncompliance with a mitigation measure has occurred, the Director of Development Services shall cause appropriate actions to remedy any violation. The complainant shall receive written confirmation indicating the results of the investigation or the final action corresponding to the particular noncompliance issue. Merced Municipal Code (MMC) Sections 19.28.080 and 19.28.090 outline the criminal penalties and civil and administrative remedies which may be incurred in the event of noncompliance. MMC 19.28.100 spells out the appeals procedures.

MONITORING MATRIX

The following pages provide a series of tables identifying the mitigation measures proposed specifically for General Plan Amendment #20-02 and Site Utilization Plan Revision #1 to Planned Development #12. The columns within the tables are defined as follows:

Mitigation Measure:	Describes the Mitigation Measure (referenced by number).
Timing:	Identifies at what point in time or phase of the project that the mitigation measure will be completed.
Agency/Department Consultation:	This column references any public agency or City department with which coordination is required to satisfy the identified mitigation measure.
Verification:	These columns will be initialed and dated by the individual designated to verify adherence to the project specific mitigation.

**General Plan Amendment #20-36/Site Utilization Plan Revision #1 to Planned Development #12
Mitigation Monitoring Checklist**

Project Name: _____ **File Number:** _____
Approval Date: _____ **Project Location** _____
Brief Project Description _____

The following environmental mitigation measures were incorporated into the Conditions of Approval for this project in order to mitigate identified environmental impacts to a level of insignificance. A completed and signed checklist for each mitigation measure indicates that this mitigation measure has been complied with and implemented, and fulfills the City of Merced's Mitigation Monitoring Requirements (MMC 19.28) with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6).

3) Air Quality				
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
<i>c</i>	<p>AIR-1) Consistent with SJVAPCD Regulation VIII (Fugitive PM10 Prohibitions), the following controls are required to be included as specifications for the proposed project and implemented at the construction site:</p> <ul style="list-style-type: none"> -All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover. -All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant -All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking. -When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained. -All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. <p><i>(continued on next page)</i></p>			

<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
<i>c</i>	<p>-The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.</p> <p>- Following the addition of materials to, or the removal of materials from, the surface of out-door storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.</p>	Building Permits	Planning Department	
<i>c</i>	<p>AIR-2) The project contractor shall ensure all off-road diesel-powered construction equipment of 50 horsepower or more used for the project meet the California Air Resources Board (CARB) Tier 2 with a Level 3 Diesel Particulate Filter emissions standards or equivalent.</p>	Building Permits	Planning Department	

4) Biological Resources				
<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
<i>a</i>	BIO-1) Impacts to wildlife habitat can be reduced by using native plant materials in landscaping to the greatest extent possible. Native plant species provide the best wildlife habitat since native vegetation has co-evolved with the wildlife and affords food sources for which wildlife is best adapted. Native species cannot always be used to produce the desired form and floral characteristics, but some native species can usually be incorporated.	Building Permits	Planning Department	

5) Cultural Resources				
<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
<i>a</i>	<p>CUL-1) If unknown pre-contact or historic-period archaeological materials are encountered during project activities, all work in the immediate vicinity of the find shall halt until a qualified archaeologist can evaluate the find and make recommendations.</p> <p>Cultural resources materials may include pre-contact resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock, as well as historic resources such as glass, metal, wood, brick, or structural remnants. If the qualified archaeologist determines that the discovery represents a potentially significant cultural resource, additional investigations shall be required to mitigate adverse impacts from project implementation. These additional studies may include, but are not limited to, recordation, archaeological excavation, or other forms of significance evaluations.</p> <p>The applicant shall inform its contractor(s) of the sensitivity of the project site for archaeological deposits, and include the following directive in the appropriate contract documents:</p> <p><i>(continued on next page)</i></p>			

<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
<i>a</i>	<p>“The subsurface of the construction site is sensitive for archaeological deposits. If archaeological deposits are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist shall assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery.</p> <p>Project personnel shall not collect or move any archaeological materials. Archaeological deposits can include, but are not limited to, shellfish remains; bones, including human remains; and tools made from, obsidian, chert, and basalt; mortars and pestles; historical trash deposits containing glass, ceramics, and metal artifacts; and structural remains, including foundations and wells.”</p> <p>The City shall verify that the language has been included in the grading plans prior to issuance of a grading permit or other permitted project action that includes ground-disturbing activities on the project site.</p>	Building Permits	Planning Department	
<i>b</i>	CUL-2) Implementation of Mitigation Measure CUL-1	Building Permits	Planning Department	

Impact No.	Mitigation Measures	Timing	Agency or Department	City Verification (date and initials)
c	CUL-3) If human remains are identified during construction and cannot be preserved in place, the applicant shall fund: 1) the removal and documentation of the human remains from the project corridor by a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology; 2) the scientific analysis of the remains by a qualified archaeologist, should such analysis be permitted by the Native American Most Likely Descendant; and, 3) the reburial of the remains, as appropriate. All excavation, analysis, and reburial of Native American human remains shall be done in consultation with the Native American Most Likely Descendant, as identified by the California Native American Heritage Commission.	Building Permits	Planning Department	
6) Energy				
a	ENE-1) The applicant shall comply with all applicable California Energy Code, AB 341, and San Joaquin Valley Air Pollution Control District rules and regulations regulating energy efficiency and waste.	Building Permits	Building Department	
b	ENE-2) Implementation of Mitigation Measure ENE-1.	Building Permits	Building Department	

7) Geology and Soils				
<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
<i>b</i>	GEO-1) The project shall comply with all requirements of the State Water Resources Board (SWRCB) and obtain a General Construction Activity Stormwater Permit.	Building/ Encroachment Permits	Engineering Department	
8) Greenhouse Gas Emissions				
<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
<i>a</i>	<p>GHG-1) The project applicant shall demonstrate compliance with the applicable BPS strategies to the Planning Division prior to the issuance of a building permit. The following BPS strategies are considered to be applicable, feasible, and effective in reducing GHG emissions generated by the project:</p> <ul style="list-style-type: none"> • The project applicant shall provide a pedestrian access network that internally links all uses and connects to existing external streets and pedestrian facilities. <p><i>(continued on next page)</i></p>			

a	<ul style="list-style-type: none"> • The project applicant shall ensure site design and building placement minimize barriers to pedestrian access and interconnectivity. Physical barriers such as walls, berms, landscaping, and slopes between nonresidential uses that impede bicycle or pedestrian circulation shall be eliminated. In addition, barriers to pedestrian access of neighboring facilities and sites shall be minimized. • The project applicant shall design roadways to reduce motor vehicle speeds and encourage pedestrian and bicycle trips by featuring traffic calming measures. Traffic calming measures include: bike lanes, center islands, closures (cul-de-sacs), diverters, education, forced turn lanes, and roundabouts. • The project shall provide car sharing programs, accommodations such as parking spaces for the car share vehicles at convenient locations accessible by public transportation. • The project applicant shall plant trees to provide shade. • The project applicant shall install energy efficient heating and cooling systems, appliances and equipment, and control systems. 	Prior to Issuance of Building Permit	Engineering/Building/Planning Departments	
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8) Hydrology and Water Quality				
a, c	<p>HYDRO-1) To minimize any potential short-term water quality effects from project-related construction activities, the project contractor shall implement Best Management Practices (BMPs) in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity. In addition, the proposed project shall be in compliance with existing regulatory requirements, including the Water Pollution Control Preparation (WPCP) Manual. In addition, implementation of a Storm Water Pollution Prevention Plan (SWPPP) would be required under the National Pollutant Discharge Elimination System (NPDES) to regulate water quality associated with construction activities.</p>	<p>Building/ Encroachment Permits</p>	<p>Engineering Department</p>	

<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
<i>a</i>	HYDRO-2 If any storm drainage from the site is to drain into MID facilities, the developer shall first enter into a “Storm Drainage Agreement” with MID and pay all applicable fees.	Building/ Encroachment Permits	Engineering Department	
<i>a</i>	HYDRO-3A) Prior to the issuance of building permits, the project applicant shall submit a final Storm Water Mitigation Plan (SWMP) to the City of Merced for review and approval. The plan shall be developed using the California Stormwater Quality Association’s “New Development and Redevelopment Handbook.” The SWMP shall identify pollution prevention measures and BMPs necessary to control stormwater pollution from operational activities and facilities, and provide for appropriate maintenance over time. The SWMP shall include design concepts that are intended to accomplish a “first flush” objective that would remove contaminants from the first 2 inches of stormwater before it enters area waterways. The project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City identifying procedures to ensure that stormwater quality control measures work properly during operations.	Prior to Issuance of Building Permits	Engineering Department	

<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
<i>a</i>	<p>HYDRO-3B) Prior to issuance of a building permit or as required by the City Engineer, the developer shall demonstrate to the City that storm drainage facilities are adequate to meet the Project demands and that improvements are consistent with the City Standards and the City's Storm Drain Master Plan. Prior to the issuance of grading permits, the project applicant shall file a Notice of Intent with and obtain a facility identification number from the State Water Resources Control Board. The project applicant shall also submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Merced that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for BMP implementation, site restoration, contingency measures, responsible parties, and agency contacts. The SWPPP shall include, but not be limited to, the following elements:</p> <p style="text-align: center;"><i>(continued on next page)</i></p>	Building/ Encroachment Permits	Engineering Department	

a	<ul style="list-style-type: none"> • Comply with the requirements of the State of California's most current Construction Stormwater Permit. • Temporary erosion control measures shall be implemented on all disturbed areas. • Disturbed surfaces shall be treated with erosion control measures during the October 15 to April 15 rainy season. • Sediment shall be retained on-site by a system of sediment basins, traps, or other BMPs. • The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate discharge of materials to storm drains. • BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the Central Valley Regional Water Quality Control Board to determine adequacy of the measure. • In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season. <p>(continued on next page)</p>			
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	<ul style="list-style-type: none"> Specifically, the SWPPP shall identify and describe source control measures, treatment controls, and BMP maintenance requirements to ensure that the project complies with post-construction stormwater management requirements of the RWQCB. 			
<i>c</i>	<p>HYDRO-4 Prior to issuance of a building permit or as required by the City Engineer, the developer shall demonstrate to the City that storm drainage facilities are adequate to meet the Project demands and that improvements are consistent with the City Standards and the City's Storm Drain Master Plan.</p>	Prior to Issuance of Building Permit	Engineering	
<i>c</i>	<p>HYDRO-5 Building and changing grades within the Regulatory Floodway is prohibited. The City shall not approve any plan or proposal that indicates building footprints or changes of grades in the Regulatory Floodway. Prior to construction, the applicant shall cause to be performed a survey of the regulatory floodway that is deemed appropriate by the City Engineer or their designee. The project shall also be designed to meet all requirements of Flood Zone "AE."</p>	Prior to Site Plan Approval	Engineering	

13) Noise				
<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
<i>a</i>	<p>NOI-1) To reduce potential construction noise impacts, the following multi-part mitigation measure shall be implemented for the project:</p> <ul style="list-style-type: none"> • The construction contractor shall ensure that all internal combustion engine-driven equipment is equipped with mufflers that are in good condition and appropriate for the equipment. • The construction contractor shall locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction disturbance area. In addition, the project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site. • The construction contractor shall prohibit unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes is prohibited). • The construction contractor shall locate, to the maximum extent practical, on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. <p><i>(continued on next page)</i></p>	Building Permit	Building Department	

<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
<i>a</i>	<ul style="list-style-type: none">• The construction contractor shall limit all noise producing construction activities, including deliveries and warming up of equipment, to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No such work shall be permitted on Sundays or federal holidays without prior approval from the City.	Building Permit	Planning Department	

Certificate of Completion:

By signing below, the environmental coordinator confirms that the required mitigation measures have been implemented as evidenced by the Schedule of Tasks and Sign-Off Checklist, and that all direct and indirect costs have been paid. This act constitutes the issuance of a *Certificate of Completion*.

Environmental Coordinator

Date

CITY OF MERCED
Planning Commission

Resolution #4061

WHEREAS, the Merced City Planning Commission at its regular meeting of March 17, 2021, held a public hearing via teleconference and considered **Zoning Ordinance Amendment #21-01**, initiated by the City of Merced. This application involves changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would amend Merced Municipal Code Sections 20.74 (Appeals), 20.44.170 (Commercial Cannabis Businesses), 20.64 (Administrative Responsibility), 20.68 (Permit Requirements), and 20.70 (Public Notice and Hearings). This amendment would clarify that appeals of actions by the Planning Commission, Site Plan Review Committee, and the Director of Development Services would be scheduled for a public hearing by the appropriate review authority and heard within 90 days unless otherwise mutually agreed to by the applicant and appellant; and modify the appeal procedures for Commercial Cannabis Business Permits to match the same language (the current requirement is 30 days). This amendment would also clarify that any action of the Planning Commission requires a vote of at least four members of the Planning Commission for all actions listed in Table 20.64-1 (Review and Decision-Making Authority), including Conditional Use Permits and other permits, approvals, and recommendations; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through F of Staff Report #21-205 (Exhibit A); 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 recommend to City Council adoption of a Categorical Exemption regarding Environmental Review #21-03, and approval of Zoning Ordinance Amendment #21-01, as outlined in Exhibit B and subject to the Findings set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Butticci, Camper, Delgadillo, White, and Chairperson Harris

NOES: None

ABSENT: Commissioners Dylina (one vacancy)

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4061

Page 2

March 17, 2021

Adopted this 17th day of March 2021

Michael Harris

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Kim Espinosa

Secretary

Exhibits:

Exhibit A –Findings/Considerations

Exhibit B—Draft Ordinance

Ref: KIM/PROJECTS/2021/ZOA 21-01--Procedures/#4061 ZOA#21-01 Procedures.docx

Findings and Considerations
Planning Commission Resolution #4061
Zoning Ordinance Amendment #21-01

FINDINGS/CONSIDERATIONS:

General Plan Policies Related to This Application

- A) The proposed zoning ordinance amendment would make changes to the timing of appeals and clarify the number of votes required to adopt Planning Commission actions. General Plan Implementing Action L-2.3.d calls for the City to review and update the Zoning Ordinance as needed.

Proposed Changes to Zoning Ordinance

- B) The proposed changes to the Zoning Ordinance as outlined in the Findings below. The changes are contained in the Draft Ordinance at Exhibit B of Planning Commission Resolution #4061 (Attachment A) and presented in the modified Chapters at Attachments B through F of Staff Report #21-205. In general, the changes can be summarized as follows:
- 1) Amending the language regarding appeals for items that go to the Planning Commission to be consistent throughout the Zoning Ordinance, in particular Chapter 20.74 (Appeals) and Section 20.44.170 (Commercial Cannabis Businesses). All appeals will be required to be scheduled and heard within 90 days, unless mutually agreed to by the applicant and appellant.
 - 2) Clarifying the language in Chapters 20.64 (Administrative Responsibility), 20.68 (Permit Requirements), and 20.70 (Public Notice and Hearings) to make it clear that it requires 4 votes of the Planning Commission members to approve an action; otherwise, it is deemed denied.

Proposed Changes to the Code Regarding Appeals

- C) In the past, there has been some confusion regarding the timing of appeals in that the language in the Zoning Ordinance only referred to “scheduling” the item for a public hearing. It was not clear if that meant the item must be heard within that time frame or not. It also was not clear if the applicant and/or the appellant could agree to a longer time frame.

The following changes to Chapter 20.74 (Appeals) and Section 20.44.170 (Commercial Cannabis Businesses) are proposed in the Draft Ordinance at Exhibit B of Planning Commission Resolution #4061 (Attachment A) and presented in the modified Chapters at Attachments B through C of Staff Report #21-205:

- 1) Section 20.74.030(E)(1) “Filing and Processing of Appeals, Report and Noticed Hearing” would be changed to read as follows: *“When an appeal has been filed, the Development Services Department shall prepare a report on the matter, including all of the application materials in question, and schedule and hear the matter for a public hearing by the appropriate review*

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4061

authority within 90 calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant.

- 2) Section 20.44.170(L)(4)(b) "Appeal of Denial of Commercial Cannabis Business Permit (All Types)" would be changed to read as follows: *"When an appeal has been filed, the matter shall be scheduled and heard for a public hearing before the City Council within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant."*
- 3) Section 20.44.170(L)(6)(b)(i) "Appeal of Denial of Commercial Cannabis Business Permit Renewal (All Types)" would be changed to read as follows: *"Any decision of the Development Services Director may be appealed to the Planning Commission. An appeal shall be filed within five (5) business days (excluding official city holidays) following a decision by the Director of Development Services. When an appeal has been filed, the matter shall be scheduled and heard for a public hearing before the Planning Commission within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant."*
- 4) Section 20.44.170(L)(6)(b)(vi)(b) "Appeal of Denial of Commercial Cannabis Business Permit Renewal (All Types)" would be changed to read as follows: *"The decision of the Planning Commission may be appealed to the City Council. A written appeal shall be filed within five (5) business days (excluding official City holidays) following a Planning Commission decision. When an appeal has been filed, the matter shall be scheduled and heard for a public hearing before the City Council within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant."*
- 5) Section 20.44.170(L)(8)(c)(i) "Revocation of Commercial Cannabis Business Permit (All Types)" would be changed to read as follows: *"Any decision of the Development Services Director may be appealed to the Planning Commission. An appeal shall be filed within five (5) business days (excluding official city holidays) following a decision by the Director of Development Services. When an appeal has been filed, the matter shall be scheduled and heard for a public hearing before the Planning Commission within ~~(thirty) 30~~ ninety (90) days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant."*
- 6) Section 20.44.170(L)(8)(c)(vi)(b) "Revocation of Commercial Cannabis Business Permit (All Types)" would be changed to read as follows: *"The decision of the Planning Commission may be appealed to the City Council. A written appeal shall be filed within five (5) business days (excluding official city holidays) following a Planning Commission decision. When an appeal has been filed, the matter shall be scheduled and heard for a public hearing before the City Council within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant."*

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4061

Proposed Changes Related to the Number of Votes Needed to Approve Actions

- D) City staff recently noticed that the Zoning Ordinance was not clear on how many votes it took for the Planning Commission to approve an item. (Such information for the City Council is included in the City's Charter, but it is unclear about how it applies to the Planning Commission.) Therefore, staff is proposing to amend the Ordinance in order to make it clear that it takes four (4) votes of the Planning Commission members to approve an item.

The following changes to Chapters 20.64 (Administrative Responsibility), 20.68 (Permit Requirements), and 20.70 (Public Notice and Hearings) are proposed in the Draft Ordinance at Exhibit B of Planning Commission Resolution #4061 (Attachment A) and presented in the modified Chapters at Attachments D through F of Staff Report #21-205:

- 1) Section 20.64.040 "Administrative Responsibility, Planning Commission" of is proposed to be changed to read as follows:
"The role of the Planning Commission in the administration of the Zoning Ordinance includes:
 - A) *Serving as the review authority on permit and approval applications as shown in Table 20.64-1;*
 - B) *Reviewing appeals filed from Site Plan Review Committee decisions on Site Plan Review permit applications;*
 - C) *Reviewing appeals filed from Development Services Director decisions on discretionary permit applications; and,*
 - D) *Providing recommendations to the City Council on legislative actions as shown in Table 20.64-1.; and,*
 - E) *All decisions or recommendations of the Planning Commission noted above shall require at least four (4) members of the Planning Commission to vote to approve such an action; otherwise, the action is deemed denied."*
- 2) Section 20.68.020(C)(1) "Permit Requirements, Conditional Use and Minor Use Permits, Review Authority" would be changed to read as follows:
***"Conditional Use Permits.** The Planning Commission shall take action on all Conditional Use Permit applications. At least four (4) members of the Planning Commission shall be required to vote to approve a Conditional Use Permit; otherwise, the Permit is deemed denied."*
- 3) Section 20.68.030(C)(1) "Design Review Permit, Review Authority" would be changed to read as follows: ***"Planning Commission.** The Planning Commission shall take action on all Design Review Permit applications except as specified in Sections 2 and 3 below. At least four (4) members of the Planning Commission shall be required to vote to approve a Design Review Permit; otherwise, the Permit is deemed denied."*
- 4) Section 20.68.070(C) "Variance" would be changed to read as follows: ***"Review Authority.** The Planning Commission, acting as the Board of Zoning Adjustment, shall take action on all Variance applications. At least*

EXHIBIT A OF PLANNING COMMISSION RESOLUTION #4061

four (4) members of the Planning Commission shall be required to vote to approve a Variance; otherwise, the Variance is deemed denied.”

- 5) Section 20.74.050 would be changed to read as follows:

“20.74.050 Decision or Recommendation by Planning Commission

A. After a public hearing, any decision of the Planning Commission shall require at least four (4) members of the Planning Commission to vote to approve an action; otherwise, the action is deemed denied.

B. After a public hearing resulting in a Planning Commission recommendation to the City Council, the Development Services Department shall forward the recommendation to the City Council. A copy of the recommendation shall be mailed to the applicant at the address shown on the application. If at least four members of the Planning Commission do not vote to recommend approval or denial, then that action shall be deemed a recommendation of denial.”

Time Frames

- E) If recommended for approval by the Planning Commission on March 17, 2021, the Ordinance revisions would be scheduled for a City Council public hearing on May 3, 2021. A 2nd reading and adoption would follow on May 17, 2021, with the Ordinance being effective 30 days later or on or about June 17, 2021.

Environmental Clearance

- F) The 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* is being recommended (see Attachment G of Staff Report #21-205).

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AMENDING SECTIONS 20.74 (APPEALS),
20.44.170 (COMMERCIAL CANNABIS
BUSINESSES), 20.64 (ADMINISTRATIVE
RESPONSIBILITY), 20.68 (PERMIT
REQUIREMENTS), AND 20.70 (PUBLIC NOTICE
AND HEARINGS) OF THE MERCED MUNICIPAL
CODE REGARDING THE TIMING OF APPEALS
AND THE NUMBER OF VOTES REQUIRED TO
ADOPT PLANNING COMMISSION ACTIONS**

**THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN
AS FOLLOWS:**

SECTION 1. AMENDMENT TO CODE. Section 20.74.030(E)(1) “Filing and Processing of Appeals, Report and Noticed Hearing,” of the Merced Municipal Code is hereby amended to read as follows:

“E. Report and Noticed Hearing

1. When an appeal has been filed, the Development Services Department shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing by the appropriate review authority. Said public hearing should be heard within 90 ~~calendar~~ days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued by the appropriate review authority pursuant to 20.74.030(F)(3).”

SECTION 2. AMENDMENT TO CODE. Section 20.44.170(L)(4)(b) “Appeal of Denial of Commercial Cannabis Business Permit (All Types),” of the Merced Municipal Code is hereby amended to read as follows:

- “b. When an appeal has been filed, the matter shall be scheduled for a public hearing before the City Council. The public hearing should be heard within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(4)(d).”

EXHIBIT B
OF PLANNING COMMISSION RESOLUTION #4061

SECTION 3. AMENDMENT TO CODE. Section 20.44.170(L)(6)(b)(i) "Appeal of Denial of Commercial Cannabis Business Permit Renewal (All Types)," of the Merced Municipal Code is hereby amended to read as follows:

- "b. Any decision of the Development Services Director may be appealed to the Planning Commission. An appeal shall be filed within five (5) business days (excluding official city holidays) following a decision by the Director of Development Services.
 - i. When an appeal has been filed, the matter shall be scheduled for a public hearing before the Planning Commission. The public hearing should be heard within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(6)(b)(v)."

SECTION 4. AMENDMENT TO CODE. Section 20.44.170(L)(6)(b)(vi)(b) "Appeal of Denial of Commercial Cannabis Business Permit Renewal (All Types)," of the Merced Municipal Code is hereby amended to read as follows:

- "vi. The decision of the Planning Commission may be appealed to the City Council.
 - a) A written appeal shall be filed within five (5) business days (excluding official City holidays) following a Planning Commission decision.
 - b) When an appeal has been filed, the matter shall be scheduled for a public hearing before the City Council. The public hearing should be heard within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(6)(b)(vi)(e)."

SECTION 5. AMENDMENT TO CODE. Section 20.44.170(L)(8)(c)(i) "Revocation of Commercial Cannabis Business Permit (All Types)," of the Merced Municipal Code is hereby amended to read as follows:

- "c. Any decision of the Development Services Director may be appealed to the Planning Commission. An appeal shall be filed within five (5)

business days (excluding official city holidays) following a decision by the Director of Development Services.

- i. When an appeal has been filed, the matter shall be scheduled for a public hearing before the Planning Commission. The public hearing should be heard within ~~(thirty)~~ 30 ninety (90) days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(8)(c)(v).

SECTION 6. AMENDMENT TO CODE. Section 20.44.170(L)(8)(c)(vi)(b) “Revocation of Commercial Cannabis Business Permit (All Types),” of the Merced Municipal Code is hereby amended to read as follows:

- vi. The decision of the Planning Commission may be appealed to the City Council.
 - a) A written appeal shall be filed within five (5) business days (excluding official city holidays) following a Planning Commission decision.
 - b) When an appeal has been filed, the matter shall be scheduled for a public hearing before the City Council. The public hearing should be heard within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(8)(c)(vi)(e).

SECTION 7. AMENDMENT TO CODE. Section 20.64.040 “Administrative Responsibility, Planning Commission,” of the Merced Municipal Code is hereby amended to read as follows:

“The role of the Planning Commission in the administration of the Zoning Ordinance includes:

- A. Serving as the review authority on permit and approval applications as shown in Table 20.64-1;
- B. Reviewing appeals filed from Site Plan Review Committee decisions on Site Plan Review permit applications;
- C. Reviewing appeals filed from Development Services Director decisions on discretionary permit applications; ~~and~~

EXHIBIT B
OF PLANNING COMMISSION RESOLUTION #4061

- D. Providing recommendations to the City Council on legislative actions as shown in Table 20.64-1 and,
- E. All decisions or recommendations of the Planning Commission noted above shall require at least four (4) members of the Planning Commission to vote to approve such an action; otherwise, the action is deemed denied."

SECTION 8. AMENDMENT TO CODE. Section 20.68.020(C)(1) "Permit Requirements, Conditional Use and Minor Use Permits, Review Authority," of the Merced Municipal Code is hereby amended to read as follows:

- "1. **Conditional Use Permits.** The Planning Commission shall take action on all Conditional Use Permit applications. At least four (4) members of the Planning Commission shall be required to vote to approve a Conditional Use Permit; otherwise, the Permit is deemed denied."

SECTION 9. AMENDMENT TO CODE. Section 20.68.030(C)(1) "Design Review Permit, Review Authority" of the Merced Municipal Code is hereby amended to read as follows:

- "1. **Planning Commission.** The Planning Commission shall take action on all Design Review Permit applications except as specified in Sections 2 and 3 below. At least four (4) members of the Planning Commission shall be required to vote to approve a Design Review Permit; otherwise, the Permit is deemed denied."

SECTION 10. AMENDMENT TO CODE. Section 20.68.070(C) "Variance," of the Merced Municipal Code is hereby amended to read as follows:

- "C. **Review Authority.** The Planning Commission, acting as the Board of Zoning Adjustment, shall take action on all Variance applications. At least four (4) members of the Planning Commission shall be required to vote to approve a Variance; otherwise, the Variance is deemed denied."

SECTION 11. AMENDMENT TO CODE. Section 20.74.050 "Recommendation by Planning Commission," of the Merced Municipal Code is hereby amended to read as follows:

EXHIBIT B
OF PLANNING COMMISSION RESOLUTION #4061

“20.74.050 Decision or Recommendation by Planning Commission

A. After a public hearing, any decision of the Planning Commission shall require at least four (4) members of the Planning Commission to vote to approve an action; otherwise, the action is deemed denied.

B. After a public hearing resulting in a Planning Commission recommendation to the City Council, the Development Services Department shall forward the recommendation to the City Council. A copy of the recommendation shall be mailed to the applicant at the address shown on the application. If at least four members of the Planning Commission do not vote to recommend approval or denial, then that action shall be deemed a recommendation of denial.”

SECTION 12. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 13. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 14. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ____ day of ____, 2021, and was passed and adopted at a regular meeting of said City Council held on the ____ day of ____, 2021, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

EXHIBIT B
OF PLANNING COMMISSION RESOLUTION #4061

APPROVED:

Mayor

ATTEST:

STEPHANIE R. DIETZ, CITY CLERK

BY:


Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:


City Attorney

8-7-19
Date

[https://cityofmerced-my.sharepoint.com/personal/espinosak_cityofmerced_org/Documents/Documents/KIM/PROJECTS/2021/ZOA 21-01--Procedures/#4061 Exhibit B for ZOA#21-01 \(Draft Ord\).docx](https://cityofmerced-my.sharepoint.com/personal/espinosak_cityofmerced_org/Documents/Documents/KIM/PROJECTS/2021/ZOA%2021-01--Procedures/#4061%20Exhibit%20B%20for%20ZOA#21-01%20(Draft%20Ord).docx)

**EXHIBIT B
OF PLANNING COMMISSION RESOLUTION #4061**

Page 6



ADMINISTRATIVE REPORT

File #: 21-213

Meeting Date: 4/7/2021

Planning Commission Staff Report

Report Prepared by: Julie Nelson, Senior Planner, Development Services Department

SUBJECT: Vacation #21-02 - initiated by the City of Merced to abandon a 32-foot-wide portion of roadway, containing approximately 19,628.69 square feet of land, generally located approximately 330 feet north of Yosemite Avenue, between Mansionette Drive and Sandpiper Avenue (extended).

ACTION FINDING:

- 1) The proposed Vacation is consistent with the General Plan.

SUMMARY

This request is to vacate a 32-foot-wide strip of right-of-way, containing approximately 19,628.69 square feet of land, generally located approximately 330 feet north of Yosemite Avenue between Mansionette Drive and Sandpiper Avenue (extended). City staff has reviewed the need for this right-of-way and determined that a road in this location is not necessary.

RECOMMENDATION

Planning staff recommends that the Planning Commission adopt a Finding that the proposed Vacation is consistent with the General Plan.

DISCUSSION

Project Description

This right-of-way was previously dedicated to the City for roadway purposes to allow the construction of an east/west road to connect Mansionette Drive and Sandpiper Avenue (extended). The east/west street was to be constructed as part of the police station that was once proposed on the parcel to the south of the right-of-way (refer to the location map at Attachment A)

When the City Council determined the police station would not be located on this parcel, the land was subsequently sold to Valley Children's Hospital. Through the development process for Valley Children's Hospital, it has been determined that the east/west road is no longer needed.

The original dedication for the road came from two different properties. The total right-of-way is 64 feet wide. The northern 32 feet was dedicated from the parcel on the north side of the right-of-way, shown as Parcel B on the Location Map at Attachment A. This parcel serves as the drainage basin for the Mansionette area with a small park area on the west side of the parcel adjacent to the future Sandpiper Avenue. The southern 32 feet, which was recently vacated by the City, was dedicated

from the parcel on the south side of the right-of-way, which is owned and being developed by Valley Children's Hospital (Parcel A). When property is vacated, it returns to the parcel from which it was dedicated. In this case the northern 32 feet will be returned to Parcel A. However, because the basin was also dedicated to the City, the vacated property returns to the party who originally made the dedication, which would be Della Wathen (or the estate of Della Wathen) and the Spalding G Wathen Q-tip Trust. The Wathen's are currently in negotiations with Valley Children's Hospital (VCH) to sell the vacated right-of-way to VCH to be included in their development.

The east/west road was not part of the City's official circulation system or shown on the circulation map for the *Merced Vision 2030 General Plan*. Therefore, the right-of-way may be vacated without amending the General Plan.

ATTACHMENTS

- A) Location Map
- B) Legal Description and Map of Vacation Area



HUMMINGBIRD CT

BOBWHITE CT

REDWING CT

REDWING DR

Future Park Area
(not a City-owned Park)

PARCEL B

MANSIONETTE DR

32-Ft.-Wide
Right-of-Way
to be Vacated

SANDPIPER AVE

PARCEL A

YOSEMITE AVE



ATTACHMENT A

KENT B. CHRISTENSEN

11:16 AM

Merced County Recorder

RE04

RECORDING REQUESTED BY:

TransCounty Title Company

AND WHEN RECORDED MAIL TO:

AND MAIL TAX STATEMENT TO:

The City of Merced
678 W. 18th Street
Merced, CA 95340

Order No. 10-00339-DMK
Escrow No. 10-00339-DMK
Parcel No. 231-040-006

P Public

T

Doc#: 2010-015018

Titles: 1 Pages: 5



Fees	0.00
Taxes	0.00
Other	0.00
PAID	\$0.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

ROAD DEDICATION GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S) THAT DOCUMENTARY TRANSFER TAX IS \$None Pursuant to Revenue and Taxation Code Section 11922

____ Computed on full value of property conveyed, OR
 ____ Computed on full value less liens or encumbrances remaining at the time of sale
 ____ Unincorporated area: ____ x ____ City of Merced, and

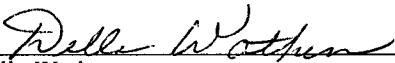
FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
 Della Wathen; and Della Wathen, as Trustee of the Spalding G. Wathen Q-Tip Trust

hereby GRANTS to The City of Merced, a California Charter Municipal Corporation

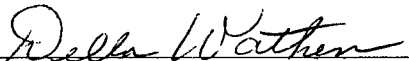
the following described real property in the County of Merced, State of California:

SEE EXHIBIT 'A' ATTACHED HERETO FOR LEGAL DESCRIPTION.

Dated: April 5, 2010


 Della Wathen

Della Wathen, as Trustee of the Spalding G. Wathen
 Q-Tip Trust


 By: Della Wathen, Trustee

STATE OF CALIFORNIA

}
} S.S.
}

COUNTY OF

On April 6, 2010, before me, Karina Garza, Notary Public,
personally appeared Della Wathen

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature Karina Garza (Seal)



January 28, 2010

W00209A

EXHIBIT "A"

DESCRIPTION OF ROAD DEDICATION FROM WATHEN


All that portion of Remainder D as shown on "Final Map for Mansionette Estates Unit 2", recorded in Volume 55 of Official Plats at pages 12, 13 and 14, Merced County Records, being more particularly described as follows:

COMMENCING at the northwest corner of said Remainder D;

thence South 00°42'36" West, 283.54 feet along the west line of said Remainder D to **TRUE POINT OF BEGINNING**;

- (1) thence North 89° 56' 09" East, 612.97 feet parallel with the north line of said Remainder D to the east line of said Remainder D;
- (2) thence North 00° 42' 17" East, 32.92 feet along the said east line of Remainder D;
- (3) thence South 45° 19' 13" West, 1.30 feet;
- (4) thence South 89° 56' 09" West, 606.92 feet parallel with and 32.00 feet north of course (1);
- (5) thence North 44° 40' 38" West, 7.21 feet to the said west line of Remainder D;
- (6) thence South 00° 42' 36" West, 37.14 feet along the said west line of Remainder D to the **TRUE POINT OF BEGINNING**;

Containing 19628.69 square feet



David D. Heinrichs
1-28-2010

AVENUE

NIGHTINGALE

COURT

21

20

19

18

17

16

15

N89°56'09"E

NORTH LINE OF REMAINDER D

POINT OF COMMENCING
N.W. CORNER OF REMAINDER D

S00°42'36"W 283.54'

REMAINDER D
55 O.P. 12
M.C.R.

ROAD DEDICATION AREA
19,628± SQUARE FEET

N44°40'38"W 7.21'

N45°19'13"E 1.30'

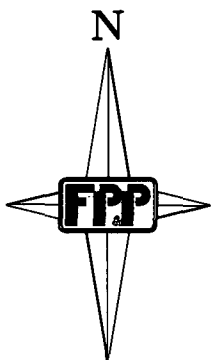
S00°42'36"W 37.14'

N89°56'09"E 606.92'

N00°42'17"E 32.92'

N89°56'09"E 612.97'

TRUE POINT OF BEGINNING



SCALE 1" = 100'



David D. Heinrichs
1-28-2010

DRIVE

MANSIONETTE

SANDPIPER

Y O S E M I T E

A V E N U E

EXHIBIT "B"

CITY OF MERCED

"Gateway to Yosemite"



CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by Road Dedication Grant Deed

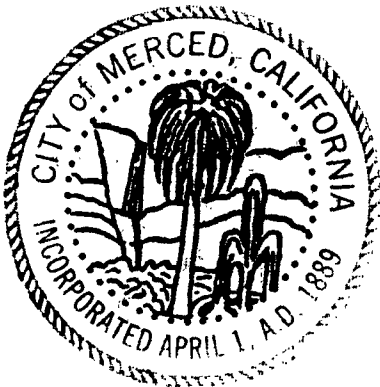
Dated April 5, 2010

From Della Wathen; and Della Wathen, as Trustee of the Spalding G. Wathen Q-Tip Trust


to the CITY OF MERCED is hereby accepted by the undersigned City Clerk on behalf of the City of Merced pursuant to authority conferred by Resolution No. 4217 of the City Council of the City of Merced adopted on May 20, 1974, and the grantee consents to recordation thereof by its duly authorized officer.

DATED: April 7, 2010

JOHN M. BRAMBLE, CITY CLERK



BY:


Dana J. Davidson, Assistant City Clerk



ADMINISTRATIVE REPORT

File #: 21-294

Meeting Date: 4/7/2021

Planning Commission Staff Report

Report Prepared by: Taylor Gates, Administrative Assistant I, Planning Division

SUBJECT: Planning Commission Annual Attendance Report

ACTION

Reviewing and approving the Annual Attendance Report.

DISCUSSION

Attached for your review are the annual Attendance Records, Attendance Policy, and Roster. Please remember that the attendance record is not based on the fiscal year, but rather from April 1, 2020, through March 31, 2021. All Commissioners have met the 70% attendance requirement.

Commissioner Rashe resigned on August 27, 2020; no one has been appointed to replace him.

The terms for Commissioners Delgadillo, Dylina, and Chairperson Harris expire on July 1, 2021.

Commissioner Delgadillo was appointed on October 21, 2019, to replace Commissioner Drexel. Since he has served less than half of the four year term, he is eligible to be reappointed two more times.

Commissioner Dylina is not eligible for reappointment, as he has served two full terms.

Chairperson Harris was appointed on July 30, 2018. He has served one term and is eligible to be reappointed.

Questions or comments can be addressed at the meeting.

ATTACHMENTS

1. Roster
2. Attendance Record
3. Board and Commission Attendance Policy



City of Merced, CA

Planning Commission

Board Roster



Jose J Delgadillo

Partial Term Jul 01, 2017 - Jul 01, 2021

Appointing Authority City Council

Position Commissioner

Category District 6



Robert Dylina

2nd Term Jul 01, 2017 - Jul 01, 2021

Appointing Authority City Council

Position Commissioner

Category District 5



Michael J Harris

1st Term Jul 01, 2017 - Jul 01, 2021

Appointing Authority City Council

Position Chair

Category District 4



Dorothea "lynn" White

1st Term Jul 01, 2019 - Jul 01, 2023

Appointing Authority City Council

Position Commissioner

Category District 3



Stephanie K Butticci

1st Term Jul 01, 2019 - Jul 02, 2023

Appointing Authority City Council

Position Commissioner

Category District 1



Mary K Camper

2nd Term Jul 01, 2020 - Jul 01, 2024

Appointing Authority City Council

Position Vice-Chair

Category At-Large



Vacancy

Appointing Authority City Council

Position Commissioner

Category District 2

PLANNING COMMISSION ATTENDANCE – 2020-2021

April 2020 to March 2021

NAME	4-8-20	4-13-20	5-6-20	5-20-20	6-3-20	6-10-20	6-17-20	6-24-20	7-8-20	7-22-20	8-5-20	8-19-20	9-9-20	9-23-20	10-9-20	10-21-20	11-4-20	11-18-20	12-9-20	12-23-20	1-6-21	1-20-21	2-3-21	2-17-21	3-4-21	3-17-21	
DYLINA	C	X	X	X	X	X	X	X	C	X	C	X	X	C	X	C	X	C	X	C	X	X	X	X	E	E	
HARRIS	C	X	X	X	X	X	X	X	C	X	C	X	X	C	X	C	X	C	X	C	X	X	X	X	X	X	
CAMPER	C	X	X	X	X	X	X	X	C	X	C	X	E	C	X	C	X	C	X	C	X	X	X	E	X	X	
RASHE (signed 8/27/20)	C	X	X	X	X	X	X	X	C	X	C	E	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
BUTTICCI	C	X	X	X	E	X	X	X	C	O	C	X	E	C	X	C	E	C	X	C	X	X	X	X	X	X	
ELGADILLO	C	X	X	X	X	X	X	X	C	X	C	X	X	C	X	C	X	C	X	C	X	X	X	X	X	X	
WHITE	C	X	X	X	X	E	X	X	C	E	C	X	X	C	X	C	X	C	E	C	X	X	X	X	X	X	

ICIAL MEETING

ENDED MEETING
SENT
CUSED
CELED

*NOTE: City Charter states that any Commissioner absent from 3 consecutive regular meetings without permission of the Commission expressed in its official minutes shall relinquish seat on Commission.

PLANNING COMMISSION

ATTENDANCE SUMMARY

April 1, 2020 through March 31, 2021

Total # of Meetings Held During Reporting Year: 19

<u>NAME</u>	<u># of Mtgs Attended*</u>	<u># of Mtgs Held*</u>	<u># of Mtgs Absent **</u>	<u># of Mtgs Excused</u>	<u>% of Mtgs Attended</u>
DYLINA, ROBERT (full year)	19	19	2	2	100%
HARRIS, M. (full year)	19	19	0	0	100%
CAMPER, MARY (full year)	19	19	2	2	100%
BUTTICCI, STEPHANI (full year)	18	19	4	3	94%
DELGADILLO, JOSE (full year)	19	19	0	0	100%
WHITE, DOROTHEA LYNN (full year)	19	19	3	3	100%
RASHE, SAM (resigned 8/27/2020)	8	9	1	1	100%

* If a member has less than a full year, please indicate the # of meetings held since their appointment.

** This # includes excused meetings.

Formula for computing percentage of meetings attended:

a. Member for full year - # of meetings attended (include excused) divided by total # of meetings held

b. Member for partial year - # of meetings attended (include excused) divided by total # of meetings held since their appointment.

Appointed Commission, Committee, and Board Member Attendance Policy

The City Council, at its July 15, 1996, August 4, 1997 and August 20, 2007 meetings, adopted motions amending the original policy adopted October 3, 1994, regarding attendance, absences, and excused absences for City Council appointed commissions, committee, and board members:

1. If a member of a board or commission is absent from three regularly scheduled meetings of such board or commission, consecutively, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, the office shall become vacant and shall be declared by the City Council.
2. A commission, committee, or board member shall be required to attend 70 percent of scheduled meetings during a fiscal year. When attending other City of Merced business meetings and subcommittee meetings as a Board representative, absence shall be recorded as being present at the meeting.
3. Excused absences shall be recognized for illness, family emergencies, and business conflicts.
4. Department Heads or staff liaisons to appointed commissions, committees, or boards shall monitor attendance requirements for non-compliance. Upon notification of such non-compliance, the City Clerk may submit a recommendation to the City Council for appropriate action.
5. The City Clerk shall prepare a report annually to the City Council of an attendance report for every commission, committee, and board. The report shall include number of meetings attended, meetings missed (excused or unexcused), and a delineation of three consecutive absences or less than 70 percent attendance.
6. Prior to the annual report being submitted for City Council review, the City Clerk shall provide the report to each committee/board/commission for review and comment. Staff shall notify those Committee Members whose attendance is below 70 percent of the need for improvement.
7. The City Council may remove those commission, committee, or board members who do not meet the requirement of appointment.
8. All applicants for commissions, committees, and boards shall be notified prior to City Council appointment regarding time requirements for serving and the policy regarding removal.



ADMINISTRATIVE REPORT

File #: 21-254

Meeting Date: 4/7/2021

Planning Commission Staff Report

Report Prepared by: Francisco Mendoza-Gonzalez, Associate Planner

SUBJECT: Conditional Use Permit #1253, and Site Plan Review #471 initiated by Guru Ardaas, Inc., on behalf of Yosemite Village, LLC, property owner. This application involves a request for interface approval to construct a new gas station/convenience market (with beer and wine for off-site consumption), and an automated carwash at 1295 Yosemite Avenue. The subject site is generally located at the northeast corner of Yosemite Avenue and El Redondo Drive, within Planned Development (PD) #46 with a General Plan designation of Neighborhood Commercial (CN). *PUBLIC HEARING*

ACTION: PLANNING COMMISSION:

Approve/Disapprove/Modify

- 1) Environmental Review #21-02 (CEQA 15162 Findings)
- 2) Conditional Use Permit #1253
- 3) Site Plan Review #471

SUMMARY

Guru Ardaas, Inc., is requesting approval to construct a 2,000-square-foot automated car wash, a 5,000-square-foot gas station/mini-market (with alcohol sales for off-site consumption), and a 3,340-square-foot fuel pump canopy (12 pumps) on an undeveloped lot located at northeast corner of Yosemite Avenue and El Redondo Drive (Attachment B). A conditional use permit is required to approve the gas station, a car wash, and the sale of alcohol for off-site consumption (for buildings under 20,000 square feet). Gas Stations and car washes require a Conditional Use Permit within a C-N Zone per MMC 20.10.020 and this also applies to Planned Developments with C-N General Plan designations. A Site Plan Review Permit is required for interface purposes per MMC 20.32. A Finding of Public Convenience or Necessity (adopted by City Council) is required, because Merced is listed under Moratorium City for Type 20 alcohol licenses by the Department of Alcoholic Beverage Control. The Police Department has determined that they would support the sale of alcohol for off-site consumption if specific conditions are included to reduce the potential for alcohol-related incidents.

The subject site is located across the street from single-family homes (west side of El Redondo Drive) and adjacent to a future apartment complex that was approved by the Planning Commission in 2020. The proximity to residential requires interface approval reviewed by the Planning Commission through a Site Plan Review Permit to consider the proposal's compatibility with surrounding residential properties. Staff is recommending approval of this application subject to the conditions

contained in the Staff Report.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #21-02 [CEQA Section 15162 Findings], Conditional Use Permit #1253, and Site Plan Review Permit #471 including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

DISCUSSION

Project Description

The subject site is located at the northeast corner of El Redondo Drive and Yosemite Avenue, and is part of a larger development that would be located on this undeveloped 14-acre site. The larger development would primarily consist of an apartment complex with 220-units (approximately 15.5-acre) that would result in an L-shaped lot that would take-up approximately $\frac{3}{4}$ of this site. The remainder $\frac{1}{4}$ of the site (or 3.5-acres) would all be located at the northeast corner of El Redondo Drive and Yosemite Avenue. This portion of the land would be subdivided into 3 parcels to allow 3 independent commercial businesses with shared driveways and cross access agreements. The proposed gas station would be located on the future parcel at the very corner of El Redondo Drive and Yosemite Avenue.

The proposal would consist of the three primary structures: a gas station canopy for 12 fuel pumps (3,340 square feet), a convenience market (5,000 square feet), and a car wash (2,000 square feet). The canopy would be located along the southern portion of the future redesignated parcel, the convenience market would be located within the central portion of the parcel, and the car wash would be located along the northern portion of parcel with adjacent vacuum stalls (7 stalls). Customer parking would primarily be located along the main entrance along the southern elevation (14 stalls) and along the east elevation (4 stalls) with supplemental parking (5 stalls) provided behind the carwash at the northwest corner of the subject site. The refuse enclosure for the site would be located adjacent to the supplemental parking area. A block wall would be installed along the northern portion of the parking lot to reduce impacts regarding noise from this site to the future apartment complex to the north. Pedestrian gate access shall also be installed along this block wall to allow the tenants within this complex to have direct walking access to this site and the future commercial projects to the east of the project site.

Surrounding uses as noted in Attachment B.

Surrounding Land	Existing Use of Land	City Zoning Designation	City General Plan Land Use Designation
North	Single-Family Residential	Planned Development (P-D) #46	Village Residential (VR)
South	Single-Family Residential (across Yosemite Avenue)	Low Density Residential (R-1-6)	Low Density Residential (LD)

East	Undeveloped Lot	Planned Development (P-D) #46	Neighborhood Commercial (CN)
West	Single-Family Residential (across El Redondo Drive)	Planned Development (P-D) #46	Village Residential (VR)

Background

The subject site consists of one of two 7.5 acres that were previously entitled as a portion of a commercial shopping center in 2006. Said development was approved by the City Council through General Plan Amendment (GPA) #06-17. This GPA re-designated half of the subject site from Office Commercial (CO) to Neighborhood Commercial (CN), and for the development of a 140,000-square-foot shopping center on the 15.5-acre site (see site plan at Attachment J).

The shopping center was never developed. In 2020, the Planning Commission approved a different proposal for a 220-unit apartment complex. This apartment complex would occupy approximately 12 acres out of the 15.5 acre site. The remaining 3.5 acres were intended to be outparceled and developed for commercial purposes. This outparcel area is located at the northeast corner of El Redondo Drive and Yosemite Avenue. The gas station will be one of three independent commercial building pads that will complete the entitlement for the entire 15.5 acre site. A parcel map application was recently submitted to the Planning Department to reconfigure the lots on this site, to accommodate the apartment complex and three independent commercial projects.

Findings/Considerations

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

ATTACHMENTS

- A. Draft Resolution
- B. Location Map
- C. Site Plan
- D. Floor Plan
- E. Elevations
- F. Landscape Plan
- G. Police Department City-Wide Incident Hot Spot Map
- H. Police Department Incident Map (500-foot-radius from Site)
- I. Noise Study
- J. Prior Commercial Project Approved for Subject Site
- K. Environmental Review #21-02 CEQA Section 15162 Findings
- L. Presentation

CITY OF MERCED
Planning Commission

Resolution #4062

WHEREAS, the Merced City Planning Commission at its regular meeting (held via teleconference) of April 7, 2021, held a public hearing and considered **Conditional Use Permit #1253, and Site Plan Review #471**, submitted by Guru Ardaas, Inc. for Yosemite Village, LLC, property owner. This application involves a request for interface approval to construct a new gas station/convenience market (with beer and wine for off-site consumption), and an automated carwash at 1295 Yosemite Avenue. The subject site is generally located at the northeast corner of Yosemite Avenue and El Redondo Drive, within Planned Development (PD) #46 with a General Plan designation of Neighborhood Commercial (CN); said property being more particularly described as Lot 120 as shown on that certain Parcel Map entitled “Sunrise at Compass Pointe,” recorded in Volume 60, Page 13 of Merced County Records; also known as Assessor’s Parcel Number (APN) 206-070-001; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through O (Exhibit B) of Staff Report #21-254; 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 Site Plan Review Permits in Merced Municipal Code Section 20.68.050 (F), 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 CEQA 15162 Findings regarding Environmental Review #21-02, and approve Conditional Use Permit #1253, and Site Plan Review #471, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by reference.

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

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

ABSTAIN: Commissioner(s)

PLANNING COMMISSION RESOLUTION #4062

Page 2

April 7, 2021

Adopted this 7th day of April, 2021

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 #4062
Conditional Use Permit #1253, and Site Plan Review Permit #471

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan), Exhibit 2 (floor plan), Exhibit 4 (elevations), and Exhibit F (landscape plan) -- Attachments C, D, E , and F of Staff Report #21-254 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, including the Post Construction Standards for Storm Water that became effective July 1, 2015.
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

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4062

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. Appropriate turning radii shall be provided within the parking areas to allow for Fire engine and refuse truck access.
8. The developer shall work with the City Engineer to determine the requirements for storm drainage on the site. The developer shall provide all necessary documentation for the City Engineer to evaluate the storm drain system. All storm drain systems shall be installed to meet City Standards and state regulations.
9. Merced Municipal Code Section 20.38.080 -Bicycle Parking identifies Gas and Service Stations as being exempt from installing short term and long-term bicycle parking. However, bicycle parking spaces may still be required per the California Green Code during the building permit stage.
10. Any missing or damaged improvements along the property frontage shall be installed/repaired to meet City Standards. Any improvements that don't meet current City Standards shall be replaced to meet all applicable standards.
11. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
12. The applicant shall work with the City's Refuse Department to determine the proper location for a trash enclosure and if a recycling container will be required to comply with AB 341. The container(s) shall be enclosed within a refuse enclosure built to City Standards.

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4062

13. All signs shall comply with the City's Sign Ordinance. All signs shall be located outside of the 10-foot visual corner at the driveway entrances on El Redondo Drive and Yosemite Avenue and shall maintain a minimum 3-foot setback from all property lines.
14. Sufficient lighting shall be provided throughout the site to provide a safe environment for employees and patrons of the business.
15. Future signage (including gas price signs), parking lot lights, and building lights shall be shielded or oriented in a way that does not allow "spill-over" onto adjacent lots or be a nuisance to adjacent residential properties. This shall be done in compliance with the California Energy Code requirements. Any lighting on the building shall be oriented to shine downward and not spill-over onto adjacent parcels.
16. All mechanical equipment shall be screened from public view.
17. All landscaping in the public right-of-way shall comply with State Water Resources Control Board Resolution No. 2015-0032 "To Adopt an Emergency Regulation for Statewide Urban Water Conservation" and the City's Water Conservation Ordinance (Merced Municipal Code Section 15.42). Xeriscape or artificial turf shall be used in place of natural sod or other living ground cover. If turf is proposed to be installed in park-strips or on-site, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed. All irrigation provided to street trees, parking lot trees, or other landscaping shall be provided with a drip irrigation or micro-spray system.
18. All landscaping shall be kept healthy and maintained in good condition and any damaged or missing landscaping shall be replaced immediately.
19. Detailed landscape plans, including irrigation plans, shall be submitted at the building permit stage.
20. A minimum six-foot-tall concrete block fence shall be constructed along the future northern property line between the convenience market/car wash parking lot and the adjacent future apartments to reduce impacts regarding noise and lighting.
21. Pedestrian gate access shall be provided between the subject site and the future apartment complex, along the subject site's northern property line.
22. The premises shall remain clean and free of debris and graffiti at all times.

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4062

23. It is recommended that the exterior building walls and block walls be treated with an anti-graffiti coating to make graffiti removal easier. In any case, graffiti removal shall take place within 24 hours of appearing and shall be painted over with a paint color that matches the existing color of the building wall.
24. 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.
25. As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repared if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, installing traffic calming measures, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
26. The parking lot layout shall comply with all applicable City Standards. Parking lot trees shall be provided at a ratio of one tree for every six parking spaces. These trees shall be installed per the City's Parking Lot Landscape Standards, shall be a minimum of 15-gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City's approved tree list).
27. Prior to the issuance of a building permit, a Parcel Map shall be approved modifying the existing property lines with future adjacent commercial developments to the east of the subject site. Said map shall provide cross-access and shared parking agreements between this site and the future commercial projects to the east.
28. The applicant shall work with the City's Fire Department to ensure that there is adequate space between the car wash and the block wall to allow access for fire personnel and their equipment during an emergency.
29. The car wash shall comply with the City's daytime and nighttime noise standards noted in the City's General Plan for commercial development adjacent to residential developments.
30. The car wash may not operate between the hours of 10:00 p.m. and 7:30 a.m. daily.
31. The sale of tobacco is currently prohibited as the subject site is located within 1,000 feet of a sensitive use (Merino Park and Merced Dog Park)

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4062

per Merced Municipal Code Section 20.44.160. Tobacco sales may be allowed if a lot line adjustment is conducted to take the subject site outside of the 1,000-foot distance requirements from sensitive uses (such as public parks).

32. No beer or wine shall be displayed or stored outside of the cooler areas.
33. The proprietor and/or successors in interest and management shall be prohibited from advertising or promoting beer & wine and/or distilled spirits on the motor fuel islands and no self-illuminated advertising for beer or wine shall be located on the building or in the windows.
34. No sale of alcoholic beverages shall be made from a drive-in window.
35. No display or sale of beer or wine shall be made from an ice tub.
36. Employees on duty between the hours of 10 p.m. and 2 a.m. shall be at least 21 years of age to sell beer and wine.
37. 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.
38. The area within the convenience market dedicated to the display and sale of alcoholic beverages (beer and wine) shall not be more 300 square feet as shown in the floor plan at Attachment D of Staff Report #21-254.
39. A grease interceptor may be required. This will be determined at the building permit stage based on the type of food prepared and served and waste generated.
40. The City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area) arise as determined by the Police Chief, 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.
41. No single-serving containers shall be sold separately unless authorized by the City of Merced Police Department. All single-serving beer and wine containers shall be sold as part of a pack or carton, except for wine bottles at or over 750 ml.

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4062

42. Prior to obtaining a license from the Alcoholic Beverage Control to sell alcohol, the business (for the convenience market) shall obtain approval for a Finding of Public Convenience or Necessity from the Merced City Council.
43. 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.
44. The developer shall reimburse the City for the subject site's proportionate share of frontage improvements previously installed by the City along Yosemite Avenue prior to issuance of the first building permit
45. Community Facilities District (CFD) formation 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 before issuance of the first certificate of occupancy or filing of a parcel map. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.

Findings and Considerations
Planning Commission Resolution #4062
Conditional Use Permit #1253, and Site Plan Review Permit #471

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 designation of Planned Development (P-D) #46 with approval of a Conditional Use Permit (for the gas station, car wash, and alcohol sales for off-site consumption) and Site Plan Review Permit. Gas Stations and car washes require a Conditional Use Permit within a C-N Zone per MMC 20.10.020 and this also applies to Planned Developments with C-N General Plan designations. A Site Plan Review Permit is required for interface purposes per MMC 20.32.

The Project would achieve the following General Plan Land Use Goals and Policies:

- 1) Land Use Policy L-2.1: Encourage further development of appropriate commercial and industrial uses throughout the City.
- 2) Land Use Police L-2.6: Provide neighborhood commercial centers in proportion to residential development in the City.
- 3) Land Use Policy L-3.2.A: Encourage infill development and compact urban form.

Alcohol Sales

- B) The Merced Municipal Code requires a Conditional Use Permit, because the retail business is less than 20,000 square feet in size [(MMC 20.26.040 (N))]. In addition, alcohol sales shall require a Finding of Public Convenience or Necessity from City Council, because the applicant is seeking a new alcohol license as Merced is listed under Moratorium City for Type 20 alcohol licenses, by the Department of Alcoholic Beverage Control.

In order for the Planning Commission to approve or deny a request for the sale of alcoholic beverages for off-site consumption, they must consider the following criteria and make findings to support or deny each criteria per MMC 20.54.320:

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 1,000-foot radius of the site.

Finding #1

The subject site is located within Alcoholic Beverage Control Census Tract 10.02. In checking with the State of California Alcoholic Beverage Control District, this census tract is allowed 11 off-sale licenses, and there is currently 1 issued. Based on these results, this census tract is not over-concentrated. However, Merced is listed

EXHIBIT B
OF PLANNING COMMISSION RESOLUTION #4062

under Moratorium City for Type 20 alcohol licenses by the Department of Alcoholic Beverage Control. If the applicant were to use an existing alcohol license, they would not need a Finding of Public Convenience or Necessity, but because they are purchasing a new alcohol State license, they will need to obtain a Finding of Public Convenience or Necessity, which the City of Merced requires be approved by the City Council.

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:

Residential uses (both single-family and multi-family), and parks (Merino Park and Merced Dog Park) are located within 1,000 feet of the subject site.

Criteria #3

The crime rate in the area of the proposed site. Particular attention shall be given to those crimes involving public drunkenness, the illegal sale of narcotics, disturbing the peace, and disorderly conduct.

Finding #3:

Between March 1, 2020, and February 28, 2021, the Merced Police Department recorded 196 incidents within a 500-foot radius of the subject site. The table on the next page shows the number of incidents within that area involving public intoxication, assaults, MMC violations, and narcotics violations (totaling 18 incidents during the 12 month period). As shown on the attached Incident Map (Attachment H of Staff Report #21-254), the majority of those incidents were traffic-related incidents at the intersection of Yosemite Avenue and El Redondo Drive, and the rest were spread out within residential zones. The number of incidents reported City-wide for the same time period was 72,000. Based on the total number of calls within the City, the 607 calls to this area equals 0.96% of the overall calls for service within the City. As shown on the attached Crime Hot Spot Map for the City of Merced (Attachment G of Staff Report #21-254), crime rates in this area are considered Low compared to the rest of the City. However, most of those incidents were not related to alcohol. Alcohol sales for off-site consumption should not have a significant impact on Police Department resources.

Incidents and Cases Reported (March 2020 - February 2021)

Incident/Case Type	Number of Incidents
Public Intoxication	0
Disturbance (assaults)	18
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 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

- C) The subject site is surrounded by residential properties, primarily single-family homes. However, the adjacent undeveloped land is entitled for apartments and commercial developments. Although this development provides many conveniences for these residents and satisfies many of the principles found in the “General Plan/Zoning Compliance and Policies Related to This Application” section of this report, some conditions are being included to reduce potential impacts regarding noise and lighting. Noise-related impacts may be reduced by requiring a six-foot-tall concrete block wall along the northern property line between the convenience market/car wash and the future apartments (Conditions #20 of Staff Report #21-254). In addition, the applicant conducted an acoustical analysis for the car wash showing that the car wash and vacuums/associated equipment would not disturb the nearby family homes and future apartments. This acoustical analysis shows compliance with the City’s daytime and nighttime noise level standards. Noise-related impacts would be reduced further by limiting the hours of operation of the car wash to prohibit use between 10:00 p.m. and 7:30 a.m. daily (Conditions #30 of Staff Report #21-254).

Lighting-related impacts may be reduced by requiring that parking lot lighting/signage be shielded or oriented in a way that does not spill-over to adjacent parcels (Condition #15 of Staff Report #21-254) and by prohibiting internal illumination on signs facing residential properties (indirect illumination may be allowed). 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 has not received any comments or concerns from the public about this request.

Building Elevations

- D) The proposed 5,000-square-foot building (for the convenience market) has a contemporary design with a stucco finish and storefront windows on the southern elevation. There is one 28-foot-tall tower at the center of the building, being the focal point to the main entrance. Ribbed wall panels would be installed along the parapet, above the awnings and storefront windows to add architectural interest. The automated car wash will utilize a stucco finish with stone veneers that match the convenience market.

The proposed building heights are below the maximum height allowed within the C-N Zone when adjacent to residential zones (35 feet), and matches the maximum height allowed within the adjacent single-family residential zone (35 feet). The proposed building heights would not be of an unusual scale to the neighborhood and would be allowed in both the C-N and Low-Density Residential designations.

Floor Plan

- E) The floor plan shows the proposed layout for the site which includes main access from the south elevation and an additional exit on the east elevation. The floor plan features a coffee station, a hot food station, 4-aisles of snacks and goods, walk in coolers, restrooms, an office, and a cashier area. The square footage dedicated to alcohol sales would be 300 out of 5,000 square feet totaling 6% of the total floor space. The majority of the alcohol would be stocked within the freezers and shelves located in the north-central portion of the floor plan.

Signage

- F) The applicant has yet to determine the location of signs, and type of signs they would install. Staff will review signs during the building permit stage to ensure compliance with the City's Sign Ordinance, Building Codes, and to ensure that signage facing residential properties is non-illuminated (except with indirect illumination). The convenience market shall be prohibited from advertising or promoting alcohol on the motor fuel island and from using illuminated signs (promoting alcohol) on building elevations or windows (Condition #33 of Staff Report #21-254). A digital LED gas price sign may be allowed, but shall be designed, located, and illuminated in a way that does not significantly impact the adjacent residential properties.

Traffic/Circulation

- G) The subject site is located at the northeast corner Yosemite Avenue and EL Redondo Drive. Vehicle access would be available from two driveways along El Redondo Drive and one driveway along Yosemite Avenue. Yosemite Avenue is primarily a 4-lane arterial road, with 2 lanes traveling west and 2 lanes traveling east with a median in between. Arterial roads are intended to carry large volumes of traffic and are considered primary corridors that carry vehicles across the community. Arterial roads generally intersect with other arterial roads, or second tier streets known as collector roads, such as El Redondo Drive, that help alleviate traffic congestion and eventually

branch out to local roads that lead to residential subdivision and other low density uses with lower traffic counts.

Traffic and circulation components for this site were originally analyzed as part of the environmental study conducted for this site under the approval of General Plan Amendment #06-17. CEQA states that a future developer may utilize an existing adopted Initial Study through a CEQA Section 15162 Findings, if the new project is consistent with Zoning/General Plan, and if the scope of the new project is equal to or lesser than the previous project studied.

In this case, the existing 15.5 acres site will transition from a full commercial shopping center, to a primarily residential development, with three commercial building pads - which is considered to have less impacts than the full commercial shopping center previously approved for this site. The average peak hour trips for the shopping center was expected to be 650. The average peak hour trips for the proposed apartment complex is expected to be 120, and the gas station with an automatic carwash is expected to generate 144 trips (12 trips per pump). The apartment complex and gas station are expected to generate about 40% of the daily trips that were projected for the previously approved shopping center for this site. As such, staff anticipates that the existing City streets and traffic system can adequately serve this Project.

Parking

- H) The parking requirement for a convenience market is one parking space for every 250 square feet of floor area. Based on the proposed 5,000-square-foot building, 20 parking spaces are required for those uses (fuel island parking does not count towards required parking). There is no parking requirement for automated car washes, because this use does not require employees to operate and because there is no need for customers to park their vehicles. The applicant is providing seven vacuum stalls on the northern portion of the parking lot (vacuum parking stalls do not count towards required parking). The subject site has a total of 23 parking spaces, mostly adjacent to the convenience market. This request complies with City parking requirements.

Public Improvements/City Services

- I) In accordance with Section 17.04.050 and 17.04.060 of the Merced Municipal Code, any damaged or missing public improvements shall be repaired if the permit value of the project exceeds \$100,000.00. The need for repairs or replacement of any missing improvements would be evaluated at the building permit stage by the City's Engineering Department (Condition #25 of Staff Report #21-254).

In addition, the developer will be responsible for reimbursing the City for installing the existing frontage improvements along the subject site (Condition #44 of Staff Report #21-254). The estimated cost for the entire Yosemite Avenue frontage was \$355,392.00, of which this site will need to pay is proportionate share based on its linear frontage.

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Site Design

- J) The subject site is in the process of being subdivided (via parcel map) into a new parcel being approximately 51,000 square feet (1.14-acres). Vehicle access would be available from one driveway along Yosemite Avenue, and two driveways along El Redondo Drive. The driveways would be 35 feet wide. The proposal would consist of three primary structures: a gas station canopy for 12 fuel pumps (3,340 square feet), and convenience market (5,000 square feet), and a touchless car wash (2,000 square feet). As noted under Finding A, a gas station and carwash require conditional use permit within a Planned Development with a C-N General Plan designation. The gas pump canopy would be located along the southern portion of the future parcel configuration, the convenience market would be located within the central portion of the parcel, and the touchless car wash would be located along the northern portion of parcel with adjacent vacuum stalls (7 stalls). Customer parking would primarily be located along the main entrance along the southern elevation (14 stalls) and along the east elevation (4 stalls), with supplemental parking spaces (5 stalls) provided behind the carwash at the northwest corner of the subject site. The refuse enclosure for the site would be located adjacent to the supplemental parking area. A block wall would be installed along the northern portion of the parking lot reduce impacts regarding noise from this site to the future apartment complex to the north (Condition #20 of Staff Report #21-254). Pedestrian gate access would also be installed to allow the tenants within this complex to have direct walking access to this site and the future commercial projects to the east of the project site (Condition #21 of Staff Report #21-254).

Landscaping

- K) The proposal includes landscaping along Yosemite Avenue, El Redondo Drive, and throughout the parking lot (Attachment F of Staff Report #21-254). Landscaping includes a mixture of mulch, turf, shrubs, and trees. Plant species should be drought tolerant and all irrigation systems must comply with the latest requirements for water conservation (Condition #17 of Staff Report #21-254). In addition, parking lot trees shall be installed as required by the City's Parking Lot Landscape Standards at a ratio of one tree for every six parking spaces. Parking lot trees shall be selected from the City's approved tree list, providing a 30-foot minimum canopy at maturity (Condition #26 of Staff Report #21-254). Street trees shall also be installed along Yosemite Avenue and El Redondo Drive as required by City standards. All trees shall be planted away from the City's 10-foot visual corner triangle area.

Noise

- L) The applicant provided the noise study at Attachment I of Staff Report #21-254 conducted by Bollard Acoustical Consultants, which concluded that the projected noise generated by the car wash (particularly the dryers and water tunnels) would be in compliance with the City of Merced General Plan Daytime and Nighttime standards. The General Plan indicates that the maximum daytime decibel reading is 55 dB, and the maximum nighttime decibel reading is 45 dB. The study concluded

EXHIBIT B OF PLANNING COMMISSION RESOLUTION #4062

the maximum decibel readings from the tunnel to sensitive uses are 42 dB (240 feet West)/39 dB (360 feet north)/ 33 dB (380 feet south) which fall within the City's Daytime and Nighttime noise standards.

To further reduce impacts of noise, Condition #20 of Staff Report #21-254 is being included to require the installation of a block wall along the northern property line, adjacent to the entitled apartment complex. There is an existing block wall to the east along El Redondo Drive that acts as a sound wall for the single-family homes within this subdivision. To further reduce noise impact, car wash operations would be prohibited between the hours of 10:00 p.m. and 7:30 a.m. daily (see Condition #30 of Staff Report #21-254).

Conditional Use Permit Findings

M) 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.*

As shown under Finding A, the proposed project complies with the General Plan designation of Neighborhood Commercial (CN) and the zoning classification of Planned Development (P-D) #46 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.*

As shown under Finding C -Neighborhood Impact, Finding D – Building Elevation, and Finding J – Site Design, staff believes that the location, size, design, and operating characteristics of the proposal would be compatible existing and future land uses in the vicinity.

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

As shown under Finding B – Alcohol Sales, 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 with alcohol sales for on-site and 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.*

EXHIBIT B OF PLANNING COMMISSION RESOLUTION #4062

The proposed development is considered infill development which is properly located within the City and adequately served by existing or planned services and infrastructure such as street access, sewer connections, water connections, and other utilities.

Zoning Ordinance Compliance – Mandatory Site Plan Review Findings

N) The proposed project is subject to MMC Section 20.32 – Interface Regulations. As such, a Site Plan Review Permit is required for this project. MMC Section 20.32 does not specify particular findings be made regarding interface, but MMC Section 20.68.050 (F) requires specific findings for a Site Plan Review Permit to be approved. Therefore, in order for the Planning Commission to approve or deny a site plan review permit, they must consider the following criteria and make findings to support or deny each criteria. The Findings required by MMC Section 20.68.050 (F) “Findings for Approval for Site Plan Review Permits” are provided below along with recommended reasons to support each finding. If the Planning Commission wishes to deny the Site Plan Review Permit, they will need to provide findings for denial and direct staff to prepare a resolution for denial to be adopted at a future meeting.

1. *The proposed project is consistent with the General Plan, and any adopted area or neighborhood plan, specific plan, or community plan.*

As described in Finding A above, the project meets the requirements of the General Plan. There are no other area, specific, or neighborhood plans for this area.

2. *The proposed project complies with all applicable provisions of the Zoning Ordinance and Municipal Code.*

Approval of the proposed Site Plan Review Permit and implementation of the conditions of approval for CUP #1253 and Site Plan Review #471 would bring the project into compliance with the applicable provisions of the Zoning Ordinance and Municipal Code.

3. *The design and layout of the proposed project will not interfere with the use and enjoyment of existing and future neighboring properties and structures.*

As shown under Finding C -Neighborhood Impact, Finding D – Building Elevations, Finding J – Site Design, and Finding L – Noise, staff believes that the location, size, design, and operating characteristics of the proposal would be compatible existing and future land uses in the vicinity. Therefore, with the implementation of the conditions of approval, the proposed project would not interfere with the enjoyment of the existing and future land uses in the vicinity.

4. *The proposed architectural design makes use of appropriate materials, texture, and color, and will remain aesthetically appealing and appropriately maintained.*

As shown under Finding D – Building Elevations, the applicant is proposing a contemporary design with a mixture of materials, colors, and textures. The building exterior would consist of a stucco finish with various buildings metal

panels. All structures onsite would generally consist of a uniform design and aesthetic. Staff believes that the proposed architectural design makes use of appropriate materials, texture, and color, and will remain aesthetically appealing and appropriately maintained.

5. *Any proposed landscaping design, including color, location, size, texture, type, and coverage of plan materials, as well as provisions for irrigation, maintenance, and protection of landscaping elements, will complement structures and provide an attractive environment.*

As shown on the Landscape Plans at Attachment F of Planning Commission Staff Report #21-254, the development would include a variety of plant and tree species that would be planted throughout the site. Trees would be planted throughout the parking lot, and along street frontages. Parking lot trees would have to conform with minimum City Standards regarding quantity (1 tree per 6 required parking stalls), gallon size (15 gallons), and branch width (30-foot canopy). Parking lot trees shall be from the City's list of approved tree species found within City Engineering Standards (Condition #26 of Staff Report #21-254). Street trees shall be reviewed by the Engineering and Public Works Departments to ensure conformance with City Standards in regard to species type, irrigation plan, and tree spacing. All landscaping must comply with local regulations and State regulations regarding water conservation, as found under Merced Municipal Code Section 20.36 – Landscaping, and affiliated sections found under the WELLO Act (MMC 17.60).

6. *The proposed design will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the proposed project.*

The proposed project does not include any uses that would be detrimental to the public health, safety, and welfare of the City. Implementation of the conditions of approval and adherence to all Building and Fire Codes, and City Standards would prevent the project from having any detrimental effect on the health safety, and welfare of the City.

Environmental Clearance

- O) The applicant was required to complete an environmental review checklist as required by the California Environmental Quality Act (CEQA). An Initial Study includes a wide range of analysis required by the State covering an array of subjects including, but not limited to, a traffic analysis, biological resource study, public services, cultural resources, utilities, cultural resources, etc. Per CEQA, a future developer may utilize an existing adopted Initial Study, through what is known as a CEQA Section 15162 Finding, if the new project is consistent with Zoning/General Plan, and if the scope of the new project is equal to or lesser than the previous project studied.

In this case, the applicant is proposing gas station, which is part of a larger development that will include two other commercial building (of similar size) and an apartment complex with 220 units. This new development is considered to have

EXHIBIT B OF PLANNING COMMISSION RESOLUTION #4062

less impacts than the 140,000-square-foot commercial shopping center previously approved for this site. The applicant will be utilizing the existing Initial Study for this site, and supplementing it with their own noise study shown at Attachment I of Planning Commission Staff Report #21-254. The results show that the noise impacts generated by the touchless car wash would result in reasonable levels allowed by the General Plan Daytime and Night time Noise Standards.

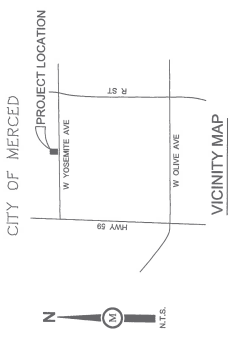
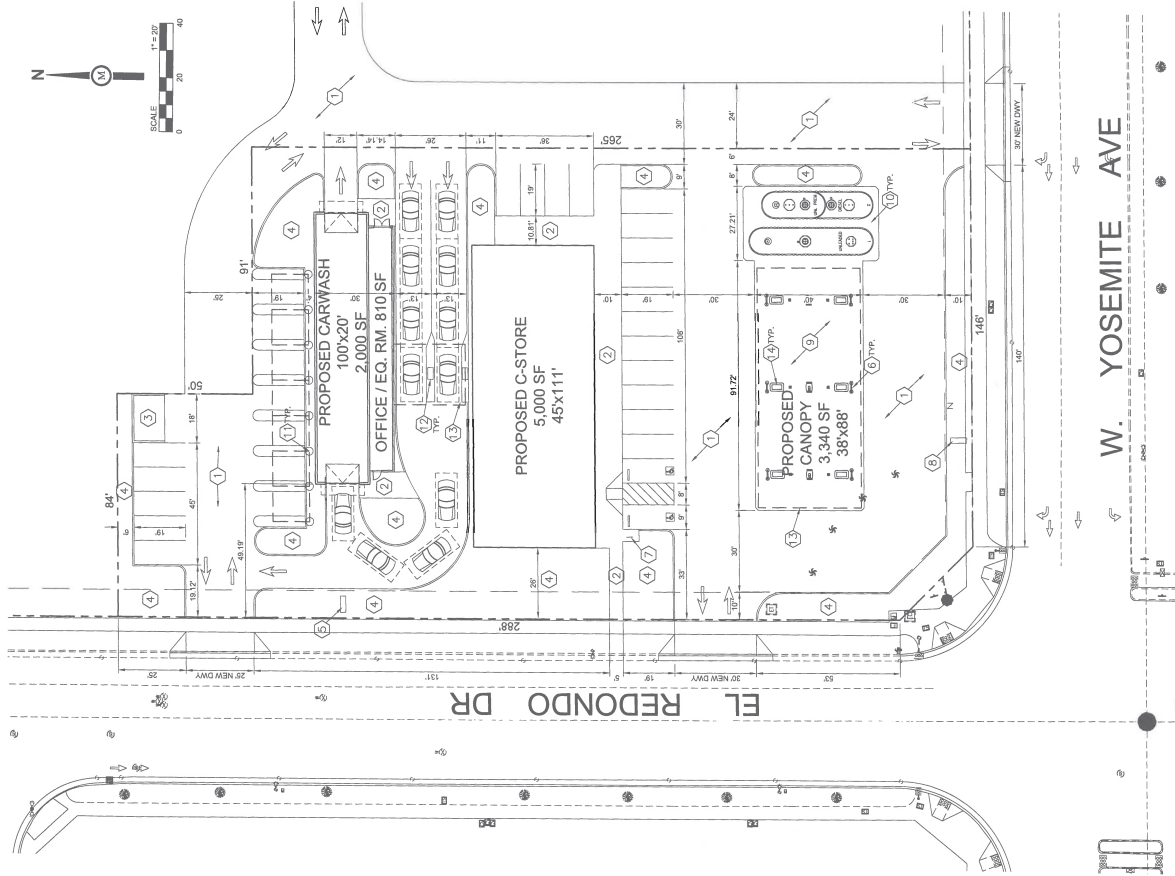
In using the existing environmental study, the developer would be tied to previous requirements/improvements approved by the City Council. The previous Initial Study resulted in a Mitigated Negative Declaration (MND). The previous MND required reimbursement for frontage improvements along Yosemite Avenue, and the extension of two westbound lanes on Yosemite Avenue (from San Augustine Drive to State Highway 59). The City Engineer noted that there is no need to redesign Yosemite Avenue from San Augustine Drive to Highway 59, as doing so would not significantly improve the traffic level of service in this area. This is partially due to the fact that the City's Public Works Department has since developed a facility along Yosemite Avenue between San Augustine Drive and Highway 59, reducing the traffic demand along this portion of the road. However, the developer would be responsible for reimbursing the City for improvements previously done along the Yosemite Avenue frontage of this site (Condition #44 of Staff Report #21-254).

Planning staff conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and concluded that Environmental Review #21-02 is a second tier environmental document, based upon the City's determination that the proposed development remains consistent with the current General Plan and provision of CEQA Guidelines, Section 15162 (Environmental Review #21-02 for CUP #1253 and SP #471). A Copy of the Section 15162 Findings can be found at Attachment K of Planning Commission Staff Report #21-254.

EXHIBIT B
OF PLANNING COMMISSION RESOLUTION #4062

Location Map





LOT DATA:

ASSESSOR'S PARCEL NUMBER: 260-070-001-000

PARCEL SIZE: 50,000 SF (1.15 AC)

EXISTING ZONE: P-D PLANNED DEVELOPMENT

PROPOSED ZONE: P-D PLANNED DEVELOPMENT

EXISTING USE: VACANT

PROPOSED USE: GAS STATION / CARWASH

SITE COVERAGE:

BUILDING COVERAGE: 11,150 SF (22.3%)

LANDSCAPE AREA: 8,473 SF (16.9%)

PAVED SURFACE AREA: 30,377 SF (60.8%)

PARKING DATA:

REQUIRED:

CONVENIENCE STORE (5,000 SF) = 13 SPACES
(3 SPACE + 1 PER 250 SF OF RETAIL AREA)

CARWASH (2,810 SF) = 7 SPACES
(1 SPACE PER 400 SF)

REQUIRED: 20 SPACES

PROVIDED:

STANDARD SPACE (9'x20') = 27 SPACES
ACCESSIBLE SPACE (9'x20') = 2 SPACES

PROVIDED: 29 SPACES

PROPERTY OWNER / APPLICANT

GURU ARDAS, INC.
CONTACT: INDERJEET SINGH
PHONE: (707) 333-3444

DESIGN FIRM

MILESTONE ASSOCIATES
CONTACT: JULIO TINAERO
100 LINCOLN ROAD, STE. H202
SAN JOSE, CA 95128
PHONE: (408) 755-4700

Milestone Associates
Imaging Corporation
a California Corporation

1000 LINCOLN ROAD, SUITE 4202
SAN JOSE, CALIFORNIA 95131

TEL: 530-755-4700
FAX: 530-755-4597

JULIO T. TINAERO
PROJECT MANAGER

STAMP:

SUBMITTAL DATE

PLANNING DEPT: 01-04-21

BUILDING DEPT: 01-04-21

ENGINEERING DEPT: 01-04-21

SURVEY: 01-04-21

REVISIONS	No.	Description	Date

SITE PLAN / PROJECT DATA

PROPOSED YOSEMITE PLAZA
1295 WEST YOSEMITE AVENUE
MERCED, CA 95348
A.P.N. 206-070-001

DATE: 01-04-21

SCALE: AS SHOWN

DRAWN BY: STAFF

JOB NUMBER: 20-059

SHEET:

DD1

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Milestone Associates
Imaging
a California Corporation

1000 LINDA AVENUE, SUITE 1602
SAN JOSE, CA 95128-5587
TEL: 510-755-4700
FAX: 510-755-4587

AUD J. THAKERO
PROJECT MANAGER

STAMP:

SUBMITTAL DATE

PLANNING DEPT: 11-04-20

BUILDING DEPT:

PUBLIC WORKS:

SURVEY:

REVISIONS

No. Description Date

PROPOSED YOSEMITE PLAZA

1295 WEST YOSEMITE AVENUE

MERCED, CA 95348

A.P.N. 206-070-001

GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE OF STUD. U.O.N.

2. MOUNT DOOR CLOSERS ON INTERIOR SIDE ONLY.

3. SAFETY GLAZING SHALL HAVE PERMANENT LABEL IDENTIFICATION.

4. SEE STRUCTURAL DRAWINGS FOR INFORMATION ON COLUMN, BEAMS, GROUND BEAMS AND FOUNDATION.

5. ALL WOOD IN CONTACT WITH CONCRETE TO BE PRESSURE TREATED.

6. ALL H.M. FRAMES SHALL BE 16 GA STEEL U.O.N.

7. FOR TYPICAL WALL FRAMING SEE DETAILS SEE SHEET SS.1

8. ALL INTERIOR WALL SURFACES SHALL HAVE BLOCKING AT ALL WALL MOUNTED AND RECESSED FIXTURES SUCH AS EQUIPMENT, SHELVEING, ETC.

9. PROVIDE CLEAR RUBCON CAULK WHERE ALL FRIED AND BUILT-IN COUNTERS/EQUIPMENT ABUTS WALL SURFACE

WALL TYPES

CMU WALLS:
PORTLAND CEMENT/SAND STUCCO MIX: 1:4 SCRATCH COAT 2" THICK 1:3 BASE COAT 2" THICK APPLIED OVER WATER RESISTIVE MOISTURE BARRIER ON 2" CDX PLYWOOD OVER 2X6 WOOD STUDS @ 16" O.C. WITH R-9 BATT INSULATION ON INTERIOR SIDE. SEE STRUCTURAL DRAWINGS FOR SHEARWALL NAILING, WHERE APPLICABLE.

EXTERIOR WALL:
PORTLAND CEMENT/SAND STUCCO MIX: 1:4 SCRATCH COAT 2" THICK 1:3 BASE COAT 2" THICK APPLIED OVER WATER RESISTIVE MOISTURE BARRIER ON 2" CDX PLYWOOD OVER 2X6 WOOD STUDS @ 16" O.C. WITH R-9 BATT INSULATION ON INTERIOR SIDE. SEE STRUCTURAL DRAWINGS FOR SHEARWALL NAILING, WHERE APPLICABLE.

FLOOR PLAN C-STORE (5,000 SF)

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DD7

DATE: 11-04-20
SCALE: AS NOTED
DRAFTER: Y.P.
JOB NUMBER: 20-069
SHEET:

1/16" = 1'-0"

96

ATTACHMENT D



**Milestone
Associates**
Imaging Engineering
a California Corporation

1000 LINCOLN ROAD, SUITE 1002
YUBA CITY, CALIFORNIA 95901

TEL: 530-795-4700
FAX: 530-795-4607

ALDO J. THALER
PROJECT MANAGER

STAMP:

SUBMITTAL DATE

PLANNING DEPT: 11-04-80
BUILDING DEPT: 11-04-80
PUBLIC WORKS: 11-04-80
SURVEY: 11-04-80

REVISIONS

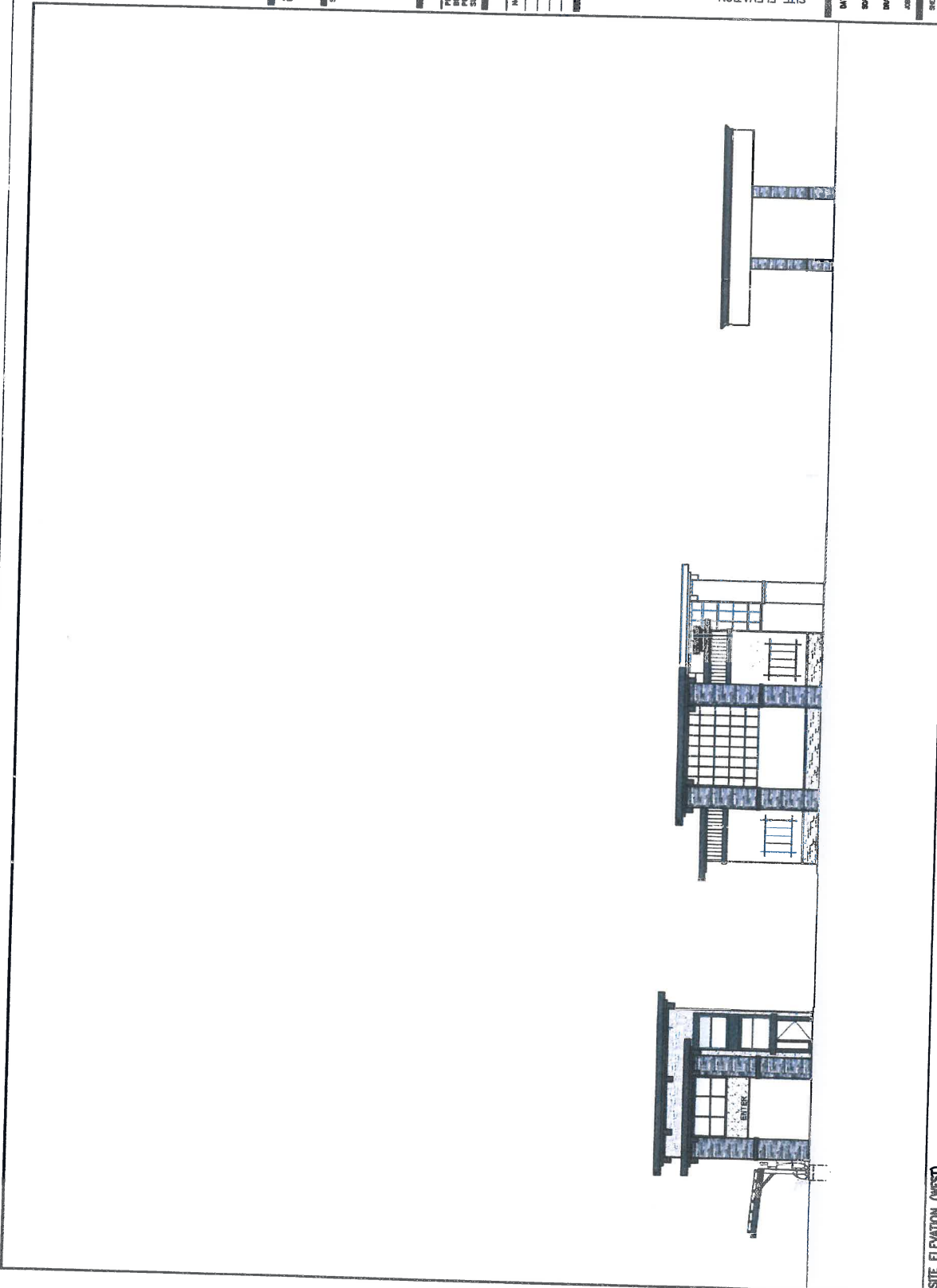
No.	Description	Date

PROPOSED YOSEMITE PLAZA
GURU ARDASS, INC.
1295 WEST YOSEMITE AVENUE
MERCED, CA 95348
A.P.N. 206-070-001

SITE ELEVATION

DATE: 12-28-20
SCALE: AS NOTED
DRAWN BY: Y.P.
JOB NUMBER: 20-009
SHEET:

DD1.3



SITE ELEVATION (WEST)

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STAMP

SUBMITTAL DATE	REVISIONS	
PLANNING DEPT:	No.	Date
BUILDING DEPT:	Description	
PUBLIC WORKS:		
SURVEY:		

CARWASH EXTERIOR ELEVATION

PROPOSED YOSEMITE PLAZA
GURU ARDASS, INC.
1295 WEST YOSEMITE AVENUE
MERCED, CA 95348
A.P.N. 206-070-001

DATE 12-28-20
SCALE AS NOTED
DRAWER Y.P
JOB NUMBER: 20-059

DD11

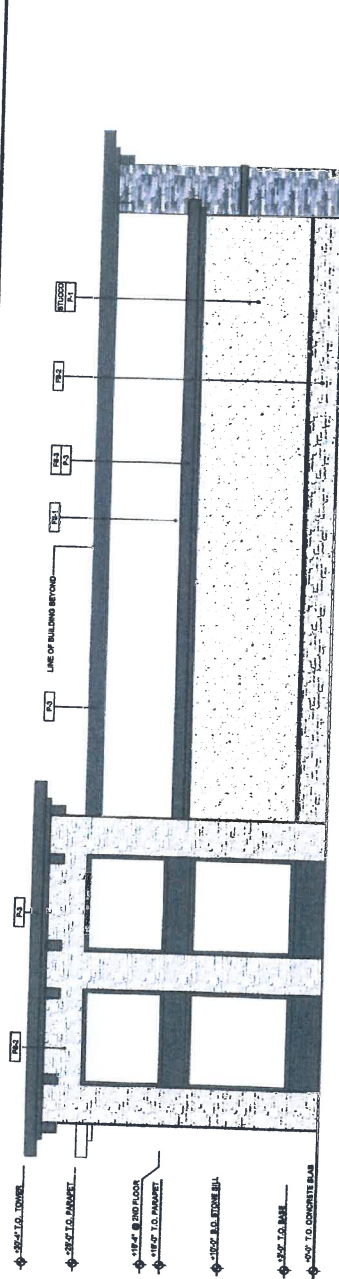
3/16" = 1'-0"	1
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MATERIAL LEGEND

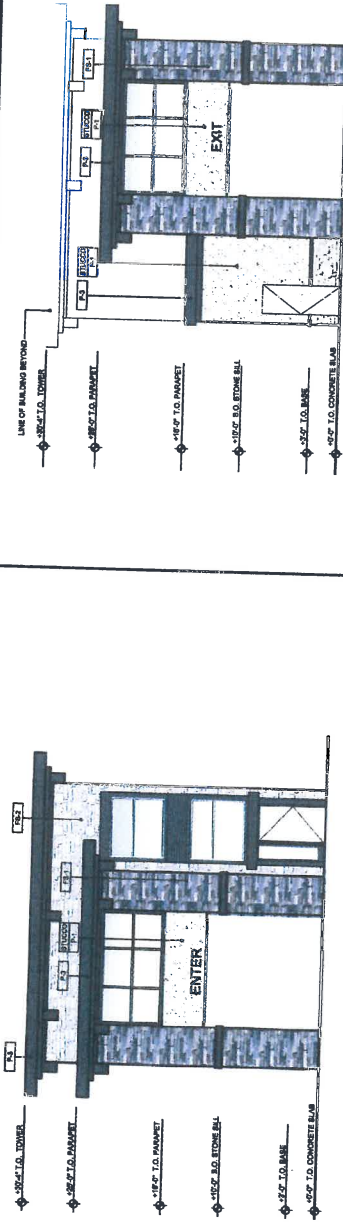
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3/16" = 1'-0"	4
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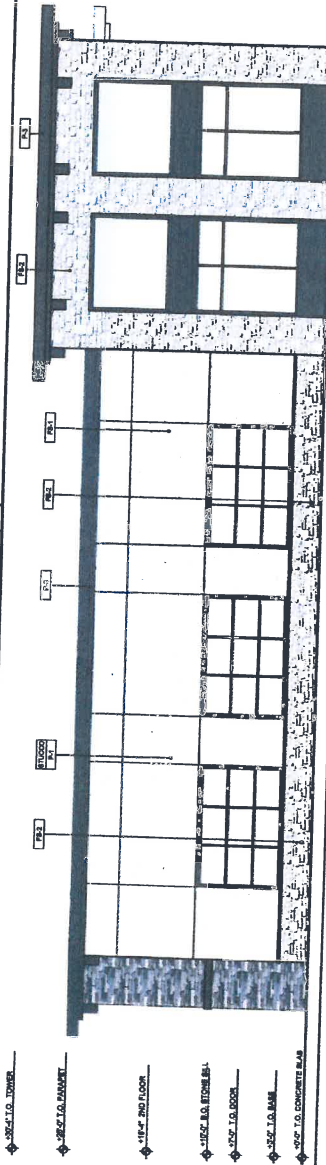
SOUTH ELEVATION



3	3/16" = 1'-0"	EAST ELEVATION
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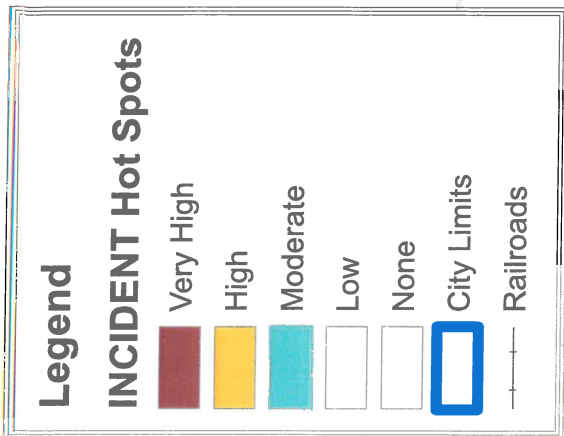
WEST ELEVATION



NORTH ELEVATION

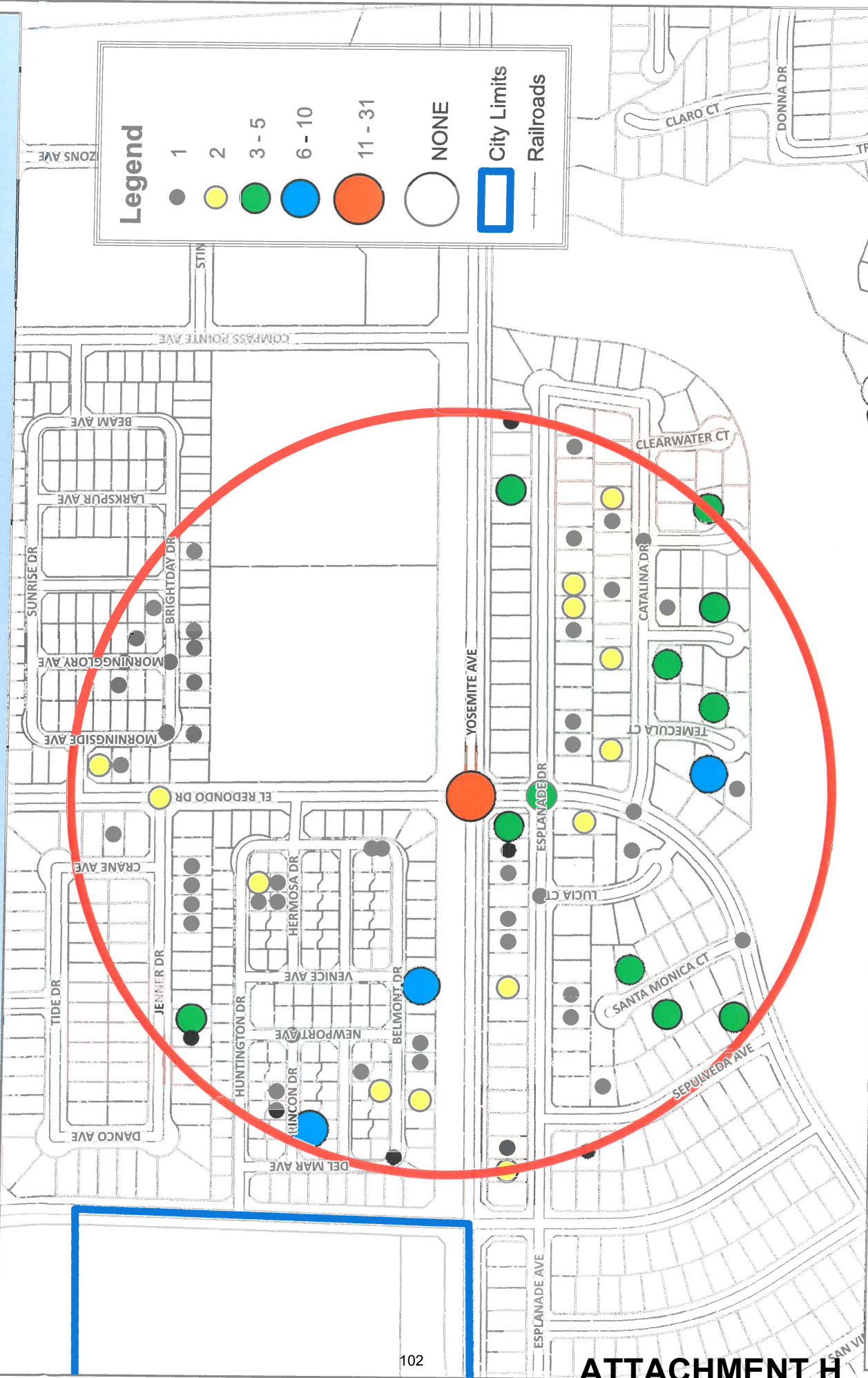
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Hot Spots of Police INCIDENTS for 3/1/20 - 2/28/21



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INCIDENTS within 1,000ft of El Redondo / W Yosemite for 3/1/20 - 2/28/21 over 72,000 Incidents Citywide



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Environmental Noise Assessment

Yosemite Plaza Car Wash

City of Merced, California

BAC Job # 2021-022

Prepared For:

Guru Ardaas, Inc.

Mr. Inderjeet Singh
560 Pine Creek Circle
Fairfield, CA 94534

Prepared By:

Bollard Acoustical Consultants, Inc.



Dario Gotchet, Senior Consultant

February 18, 2021



Introduction

The proposed project (Yosemite Plaza) consists of the construction of a convenience store, gas station, car wash tunnel, and a vehicle vacuum system located at 1295 West Yosemite Avenue in the City of Merced, California (APN: 260-070-001). The project area and site plan are shown in Figures 1 and 2, respectively.

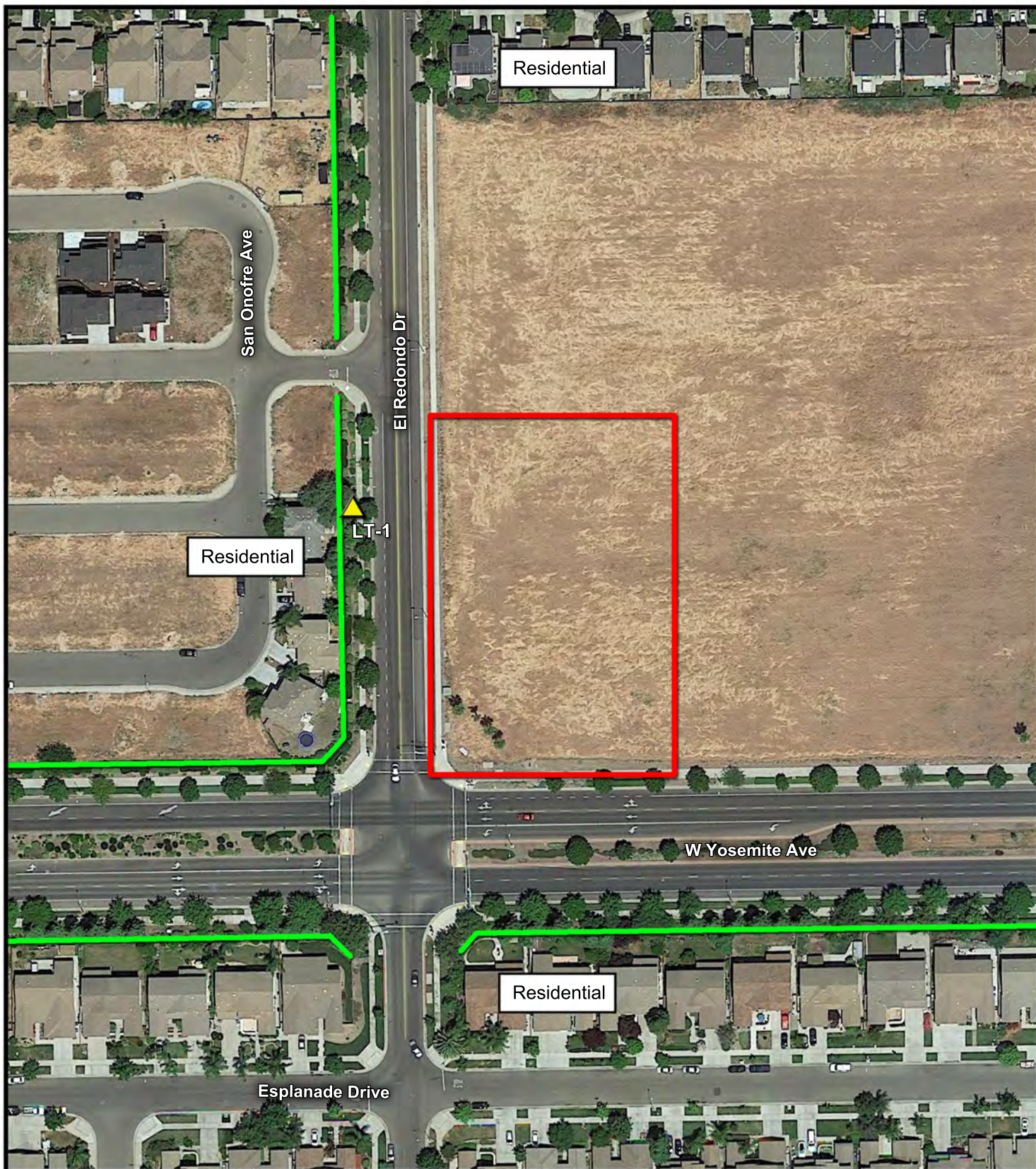
Due to the proximity of the proposed project to existing noise-sensitive uses, Bollard Acoustical Consultants, Inc. (BAC) was retained to prepare an assessment of potential noise impacts associated with the project. Specifically, the purposes of this assessment are to quantify noise levels associated with the proposed car wash and vacuum system operations, to assess the state of compliance of those noise levels with applicable Merced General Plan noise standards, and if necessary, to recommend measures to reduce those noise levels to acceptable limits at the nearest noise-sensitive uses.

Noise Fundamentals and Terminology

Noise is often described as unwanted sound. Sound is defined as any pressure variation in air that the human ear can detect. If the pressure variations occur frequently enough (at least 20 times per second), they can be heard, and thus are called sound. Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB. Another useful aspect of the decibel scale is that changes in levels (dB) correspond closely to human perception of relative loudness. Appendix A contains definitions of Acoustical Terminology. Figure 3 shows common noise levels associated with various sources.

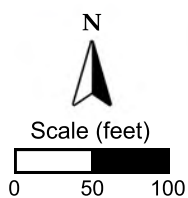
The perceived loudness of sounds is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by weighing the frequency response of a sound level meter by means of the standardized A-weighting network. There is a strong correlation between A-weighted sound levels (expressed as dBA) and community response to noise. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels in decibels.

Community noise is commonly described in terms of the “ambient” noise level, which is defined as the all-encompassing noise level associated with a given noise environment. A common statistical tool to measure the ambient noise level is the average, or equivalent, sound level (L_{eq}) over a given time period (usually one hour). The L_{eq} is the foundation of the Day-Night Average Level noise descriptor, DNL or L_{dn} , and shows very good correlation with community response to noise.



Legend

- Project Border (Approximate)
- Existing 6' Tall Sound Walls
- ▲ Long-Term Noise Measurement Location

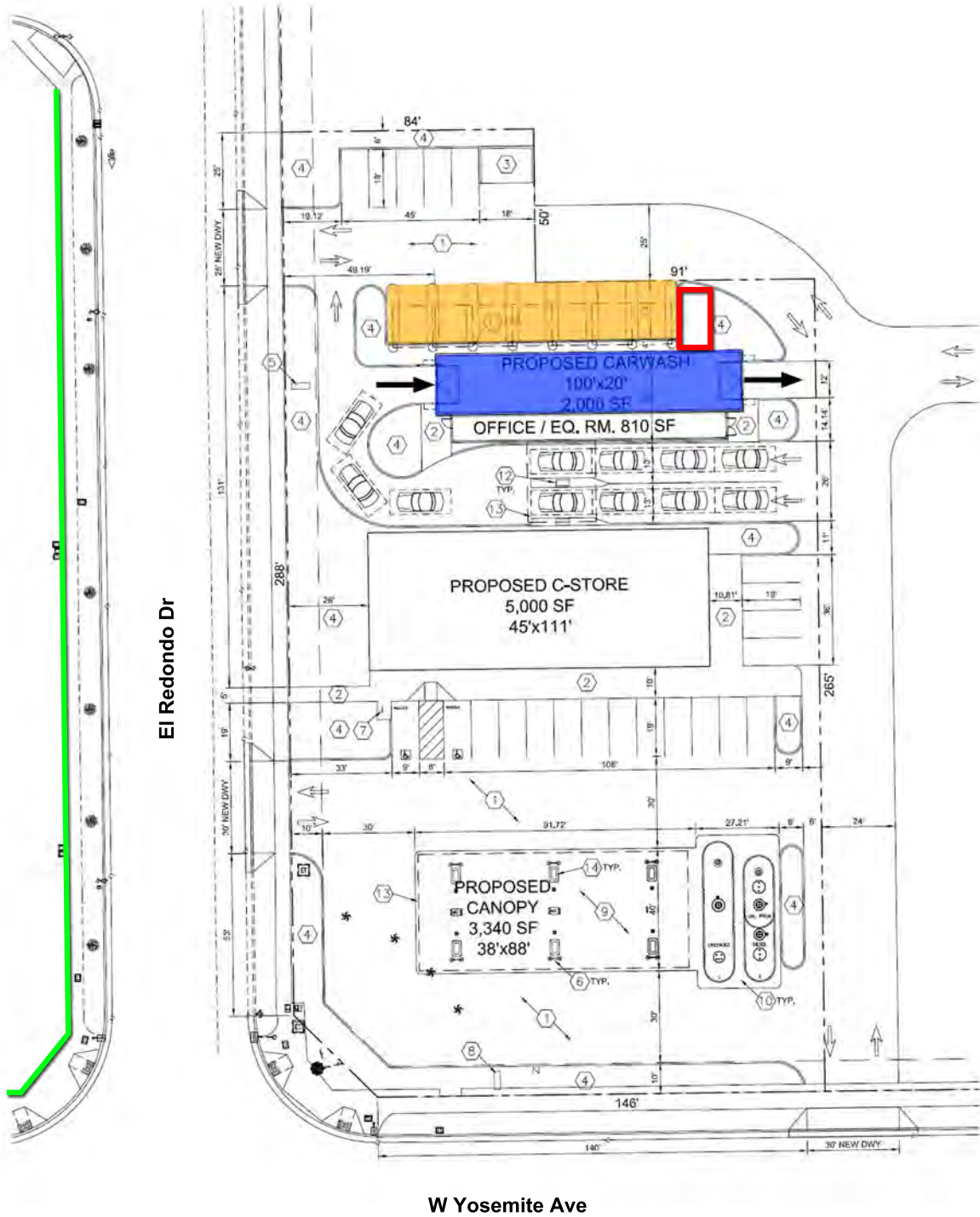


Yosemite Plaza Car Wash
Merced, California

Project Area

Figure 1



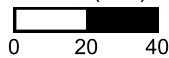


Legend

- Existing 6' Sound Wall
- Vacuum Producer Enclosure
- Vacuum Area
- Car Wash Tunnel



Scale (feet)



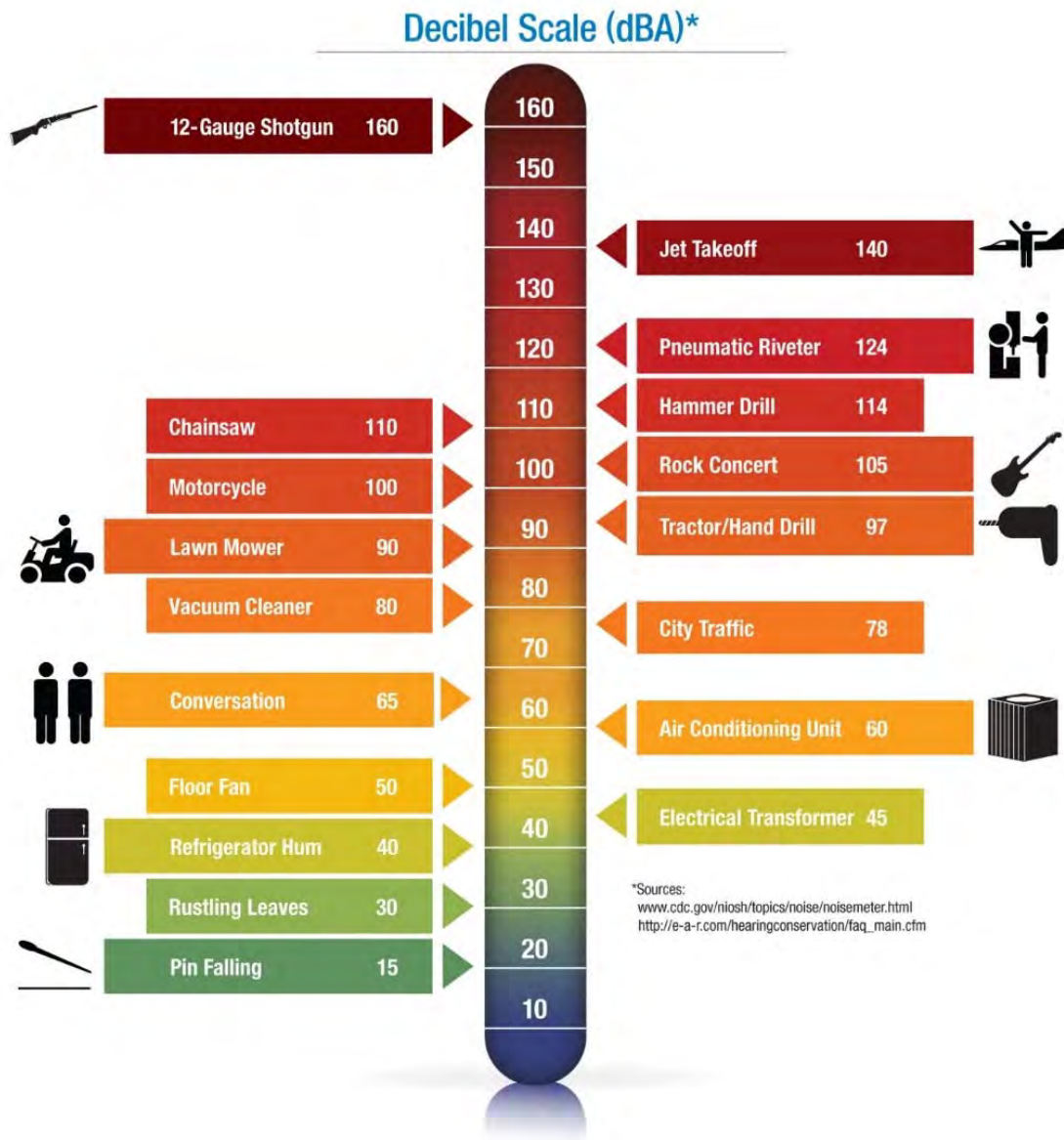
Yosemite Plaza Car Wash
Merced, California

Site Plan

Figure 2



Figure 3
Typical A-Weighted Sound Levels of Common Noise Sources



The Day-Night Average Level (DNL or L_{dn}) is based upon the average noise level over a 24-hour day, with a +10-decibel weighting applied to noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. Because DNL represents a 24-hour average, it tends to disguise short-term variations in the noise environment. DNL-based noise standards are commonly used to assess noise impacts associated with traffic, railroad, and aircraft noise sources.

Criteria for Acceptable Noise Exposure

Merced Envision 2030 General Plan

The Noise Chapter of the Merced Vision 2030 General Plan (Chapter 10) establishes exterior noise level performance standards for noise-sensitive uses affected by non-transportation (stationary) noise sources, such as those proposed by the project. The non-transportation noise level limits contained in Chapter 10 are provided below in Table 1.

Table 1
Exterior Noise Level Performance Standards for Noise-Sensitive Land Uses
Affected by Non-Transportation Noise Sources¹

Noise Level Descriptor	Daytime (7:00 a.m. to 10:00 p.m.)	Nighttime (10:00 p.m. to 7:00 a.m.)
Hourly Leq, dB	55	45
¹ Each of the noise level standards specified in Table 1 shall be reduced by five (5) dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises (e.g., humming sounds, outdoor speaker systems).		
Source: Merced Vision 2030 General Plan, Chapter 10, Table N-1.		

Existing Ambient Noise Environment

The existing ambient noise environment in the immediate project vicinity is defined primarily by traffic on W. Yosemite Avenue and El Redondo Drive. To generally quantify the existing ambient noise environment in the immediate project vicinity, BAC conducted long-term (24-hour) noise level measurements adjacent to the project site on Wednesday, February 3, 2021. The noise survey location is shown on Figure 1, identified as site LT-1. Measurement site 1 was selected to be representative of the ambient noise level environment at the nearest residential uses to the west of the project site. Photographs of the noise level survey location are provided in Appendix B.

A Larson-Davis Laboratories (LDL) Model 820 precision integrating sound level meter was used to complete the noise level survey. The meter was calibrated immediately before and after use with an LDL Model CAL200 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4).

The results of the long-term ambient noise survey are shown numerically and graphically in Appendices C and D (respectively) and are summarized in Table 2.

Table 2
Summary of Long-Term Ambient Noise Measurement Results – February 3, 2021¹

Site Description ²	DNL, dB	Average Measured Hourly Noise Levels, dB ³			
		Daytime ⁴		Nighttime ⁵	
		L _{eq}	L _{max}	L _{eq}	L _{max}
LT-1: West of the project site along residential property line	64	63 (60-65)	86 (79-95)	54 (46-58)	76 (68-82)
¹ Detailed summaries of the noise monitoring results are provided in Appendices C and D. ² Long-term ambient noise monitoring location is identified on Figure 1. ³ Ambient noise level data presented in the following format: Average (Low-High). ⁴ Daytime: 7:00 a.m. to 10:00 p.m. ⁵ Nighttime: 10:00 p.m. to 7:00 a.m. Source: <i>Bollard Acoustical Consultants, Inc. (2021)</i>					

The Table 2 data indicate that average measured hourly noise levels at the nearest residential uses located west of the project site were generally elevated throughout the survey. The elevated noise levels measured during the ambient survey were likely attributed to traffic on El Redondo Drive and W. Yosemite Avenue. It should be noted that the measured hourly average (L_{eq}) noise levels during the noise survey exceed the Merced Plan General Plan daytime and nighttime hourly average noise level standards applicable to noise-sensitive land uses affected by non-transportation noise sources.

Evaluation of Project Car Wash Equipment Noise Levels

Noise generated by project-related activities were quantified through a combination of manufacturer reference noise level data, application of accepted noise modeling techniques, and utilization of the provided site plan. The most significant noise sources associated with proposed car wash operations have been identified as the car wash drying assembly (used for drying vehicles at the end of the wash cycle) and the vacuum equipment. The proposed locations of the car wash tunnel and vacuum area are shown on Figure 2. Predicted noise levels resulting from those sources are evaluated in the following sections.

It is our understanding that the project proposes operations during the hours of 5:00 a.m. to 12:00 a.m. (midnight). Based on this information, the Merced General Plan daytime and nighttime level standards would be applicable to the project.

Car Wash Drying Assembly

Based on the experience of Bollard Acoustical Consultants, noise levels generated by car washes are primarily due to the drying portion of the operation. The project proposes to utilize a moving 2-nozzle drying assembly manufactured by WashTec Cleaning Technology. According to the manufacturer's noise specification data sheet, provided as Appendix E, the assembly generates a sound pressure level of 86 dB at approximately 10 feet (3 meters) in front of the system. The drying assembly would be located at or near the car wash tunnel exit.

The noise level generation of the car wash drying assembly varies depending on the orientation of the measurement position relative to the tunnel openings. Worst-case drying assembly noise levels occur at a position directly facing the car wash exit, considered to be 0 degrees off-axis. For car wash tunnels that are in excess of 100 feet in length, drying assembly noise levels at the car wash entrance are approximately 10 dB lower than those at the exit. At off-axis positions, the car wash building facade provides varying degrees of noise level reduction. At positions 45 degrees off-axis relative to the building facade of the car wash exit and entrance, drying assembly noise levels are approximately 5 dB lower. At 90 degrees off-axis, drying assembly noise levels are approximately 10 dB lower.

Based on the experience of BAC in previous car wash projects, average car wash cycles are approximately 5 minutes in duration, with the dryers operating during the last 1 minute of the cycle. Therefore, during a worst-case hour, the car wash would go through 12 full cycles and the dryer would operate for approximately 12 minutes during a busy hour. The reference noise levels provided in Appendix E represent maximum (L_{max}) dryer noise levels. Because the dryers are anticipated to be in operation for no more than 12 minutes during any hour, average (L_{eq}) noise levels would be approximately 6 dB less than maximum noise levels.

Based on the orientation to tunnel entrance/exit and off-axis positioning as discussed above, 12 minutes of operation during a worst-case hour, and assuming standard spherical spreading loss (-6 dB per doubling of distance from a stationary source), car wash dryer noise exposure at the nearest residential uses was calculated and the results of those calculations relative to the applicable Merced General Plan noise standards are presented in Table 3.

Predicted car wash drying assembly noise levels at the nearest residential uses to the south and west of the project take into consideration the shielding provided by existing 6' solid masonry sound walls along the property lines of those uses, which is estimated to provide approximately 5 dB of noise level reduction. The locations of the existing 6' sound walls are shown on Figure 1.

Table 3
Predicted Car Wash Drying Assembly Noise Levels at Nearest Residential Uses

Nearest Residential Uses ¹	Distance from Tunnel Exit (ft) ²	Predicted Noise Level, L_{eq} (dB) ³	General Plan Noise Standards, L_{eq} (dB)	
			Daytime	Nighttime
West	240	42		
North	360	39	55	45
South	380	33		
¹ Residential uses are shown on Figure 1. ² Distances scaled from the car wash drying assembly to the property lines of the nearest residential uses to the north, south, and west using the provided site plans and the Merced County GIS online viewer. ³ Predicted noise levels based on manufacturer noise level data and include consideration of orientation to car wash tunnel/exit and off-axis positions and shielding provided by existing solid noise barriers (where applicable). Source: Bollard Acoustical Consultants, Inc. (2021)				

As indicated in Table 3, car wash drying assembly noise levels at the nearest residential uses are predicted to satisfy the Merced General Plan daytime and nighttime hourly average (L_{eq}) noise level standards. In addition, the predicted noise levels in Table 3 are below measured ambient daytime and nighttime hourly average (L_{eq}) noise levels at the nearest residential uses (Table 2). As a result, no further consideration of car wash drying assembly noise mitigation measures would be warranted for the project.

Vacuum System

The project proposes the installation of a 7-stall central vacuum piping system offered by AutoVac Industrial (600 Series 40 HP turbine vacuum producer). The equipment manufacturer's specification sheets are provided as Appendix F. According to the project applicant, the noise-generating turbine producer will be contained within a roofed equipment enclosure at the location shown on Figure 2. Based on BAC's experience and field observations with similarly configured car washes, and after a review of the noise level data contained in Appendix F and equipment enclosure plan (provided as Appendix G), noise impacts due to the operation of the vacuum turbine producer are not expected due to the screening and noise attenuation provided by the enclosure's construction. As a result, no further analysis would be warranted for the vacuum turbine producer.

Based on noise level measurements conducted by BAC staff at recently completed car wash projects with central vacuum piping systems, the primary noise-generating aspects of such systems are use of the suction nozzles located at each of the stalls. BAC file data indicate that at a distance of 50 feet from the center of a lot with 12-18 vacuum stalls, overall vacuum noise levels are approximately 65 dB. Using the BAC file data, and assuming standard spherical spreading loss (-6 dB per doubling of distance from a stationary source), project vacuum noise exposure at the nearest residential uses was calculated and the results of those calculations relative to the applicable Merced General Plan noise standards are presented in Table 4.

Predicted vacuum system noise levels at the nearest residential uses to the south and west of the project take into consideration the shielding provided by existing 6' solid masonry sound walls along the property lines of those uses, which is estimated to provide approximately 5 dB of noise level reduction. The locations of the existing 6' sound walls are shown on Figure 1.

Table 4
Predicted Vacuum System Noise Levels at Nearest Residential Uses

Nearest Residential Uses ¹	Distance from Vacuum Area (ft) ²	Predicted Noise Level, L _{eq} (dB) ³	General Plan Noise Standards, L _{eq} (dB)	
			Daytime	Nighttime
West	175	49		
North	340	48	55	45
South	400	32		
¹ Residential uses are shown on Figure 1. ² Distances scaled from the center of the vacuum area to the property lines of the nearest residential uses to the north, south, and west using the provided site plans and the Merced County GIS online viewer. ³ Predicted noise levels based on BAC reference noise level data for similar central vacuum systems and include consideration of shielding provided by existing solid noise barriers (where applicable). Source: Bollard Acoustical Consultants, Inc. (2021)				

The Table 4 data indicate that vacuum system noise levels are predicted to satisfy the Merced General Plan *daytime* hourly average (L_{eq}) noise level standard at the nearest residential uses but would exceed the General Plan's *nighttime* hourly average noise level limit at those locations. It should be noted that the predicted daytime and nighttime noise levels in Table 4 are at or below measured ambient daytime and nighttime hourly average noise levels at the nearest residential uses (Table 2). Nonetheless, further consideration of noise mitigation measures would be warranted for this aspect of the project relative to the General Plan's nighttime noise standard.

Based on the results from the analysis provided above, the following vacuum system noise mitigation measure is recommended:

1. In order to avoid the potential for an exceedance of the Merced General Plan 45 dB L_{eq} nighttime noise level standard at the nearest residential uses, project vacuum system equipment operations should be limited to daytime hours only (7:00 a.m. to 10:00 p.m.).

Conclusions and Recommendations

Noise levels generated by operations at the proposed Yosemite Plaza Car Wash are predicted to comply with the applicable Merced General Plan noise level criteria at the nearest residential uses provided that the following specific noise mitigation measure is implemented by the project:

1. In order to avoid the potential for an exceedance of the Merced General Plan 45 dB L_{eq} nighttime noise level standard at the nearest residential uses, project vacuum system equipment operations should be limited to daytime hours only (7:00 a.m. to 10:00 p.m.).

These conclusions are based on the provided site plan shown in Figure 2, the provided equipment manufacturer's sound level data, and on BAC file data. Deviations from the site plan in Figure 2 or project equipment could cause actual noise levels to differ from those predicted in this assessment.

This concludes BAC's noise assessment for the proposed Yosemite Plaza Car Wash in Merced, California. Please contact BAC at (916) 663-0500 or dariog@bacnoise.com with any questions regarding this assessment.

Appendix A Acoustical Terminology

Acoustics	The science of sound.
Ambient Noise	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
Attenuation	The reduction of an acoustic signal.
A-Weighting	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
Decibel or dB	Fundamental unit of sound. A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.
CNEL	Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.
Frequency	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz.
IIC	Impact Insulation Class (IIC): A single-number representation of a floor/ceiling partition's impact generated noise insulation performance. The field-measured version of this number is the FIIC.
Ldn	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
Leq	Equivalent or energy-averaged sound level.
Lmax	The highest root-mean-square (RMS) sound level measured over a given period of time.
Loudness	A subjective term for the sensation of the magnitude of sound.
Masking	The amount (or the process) by which the threshold of audibility is for one sound is raised by the presence of another (masking) sound.
Noise	Unwanted sound.
Peak Noise	The level corresponding to the highest (not RMS) sound pressure measured over a given period of time. This term is often confused with the "Maximum" level, which is the highest RMS level.
RT₆₀	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
STC	Sound Transmission Class (STC): A single-number representation of a partition's noise insulation performance. This number is based on laboratory-measured, 16-band (1/3-octave) transmission loss (TL) data of the subject partition. The field-measured version of this number is the FSTC.





Legend

- [A] LT-1: Facing south towards intersection of El Redondo Drive and W Yosemite Avenue
- [B] LT-1: Looking west towards measurement location and existing 6' sound wall

Yosemite Plaza Car Wash
Merced, California

Photographs of Long-Term
Noise Survey Location

Appendix B



Appendix C
Ambient Noise Monitoring Results - Site LT-1
Yosemite Plaza Car Wash - Merced, California
Wednesday, February 03, 2021

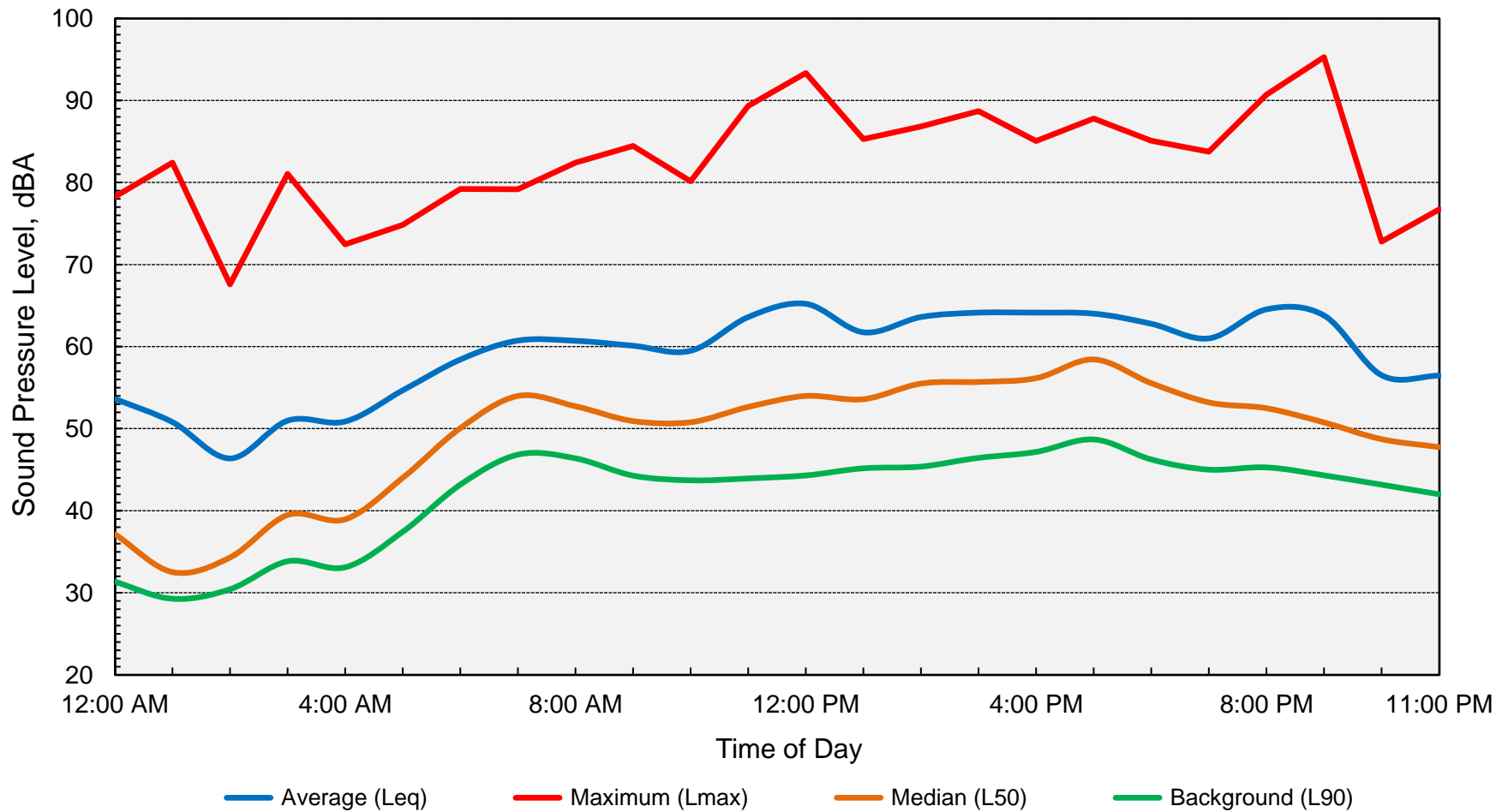
Hour	Leq	Lmax	L50	L90
12:00 AM	54	78	37	31
1:00 AM	51	82	33	29
2:00 AM	46	68	34	30
3:00 AM	51	81	40	34
4:00 AM	51	72	39	33
5:00 AM	55	75	44	37
6:00 AM	58	79	50	43
7:00 AM	61	79	54	47
8:00 AM	61	82	53	46
9:00 AM	60	84	51	44
10:00 AM	60	80	51	44
11:00 AM	64	89	53	44
12:00 PM	65	93	54	44
1:00 PM	62	85	54	45
2:00 PM	64	87	56	45
3:00 PM	64	89	56	46
4:00 PM	64	85	56	47
5:00 PM	64	88	58	49
6:00 PM	63	85	56	46
7:00 PM	61	84	53	45
8:00 PM	65	91	52	45
9:00 PM	64	95	51	44
10:00 PM	57	73	49	43
11:00 PM	56	77	48	42

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	65	60	63	58	46	54
Lmax (Maximum)	95	79	86	82	68	76
L50 (Median)	58	51	54	50	33	41
L90 (Background)	49	44	46	43	29	36

Computed DNL, dB	64
% Daytime Energy	92%
% Nighttime Energy	8%

GPS Coordinates	37°19'58.18" N
	120°29'43.36" W

Appendix D
Ambient Noise Monitoring Results - Site LT-1
Yosemite Plaza Car Wash - Merced, California
Wednesday, February 03, 2021



Computed DNL = 64 dB

Appendix E

Car Wash Drying Assembly

ARCHITECT'S PORTFOLIO WASH TUNNEL
Current Status 06.10.2011

11.1 Noise Dryer



	Non-travelling roof nozzle		Moving roof nozzle	
	1 roof nozzle	2 roof nozzle	1 roof nozzle	2 roof nozzle
Machine height at washing height 2.25 / 2.40 m	3210 / 3453 mm	3210 / 3493 mm	3453 mm (nur WH 2.40 m)	3453 mm (nur WH 2.40 m)
Machine width	3843 mm	3843 mm	3843 mm	3843 mm
Machine length	1924 mm	2564 mm	3399 mm	3907 / 4368 mm (*)
Clear width	2600 mm	2600 mm	2600 mm	2600 mm
Clearance height max.	2400 mm	2400 mm	2400 mm	2400 mm
Hall height min. at washing height 2.25 / 2.40 m	3300 / 3600 mm	3300 / 3600 mm	3600 mm	3600 mm
Ventilators	4	6	4	6
Side nozzle	2 x 7,5 KW	2 x 7,5 KW	2 x 7,5 KW	2 x 7,5 KW
Roof nozzle	2 x 3 KW	4 x 3 KW	2 x 3 KW	4 x 3 KW
Hoist motor roof nozzle	1 x 0,75 KW	2 x 0,75 KW	1 x 0,75 KW	2 x 0,75 KW
co-drive roof nozzle	/	/	1 x 0,37 KW	2 x 0,37 KW
Power requirement	22,0 KW	29,0 KW	22,5 KW	29,5 KW
Suction capacity	21650 m³/ h	30330 m³/ h	21650 m³/ h	30330 m³/ h
Bottom position roof nozzle	853 mm	853 mm	853 mm	853 mm
Sound pressure level [dB(A)]	85 dB ± 3	86 dB ± 3	85 dB ± 3	86 dB ± 3
	(1 roof nozzle - 2 side nozzle)	(2 roof nozzle - 2 side nozzle)	(1 roof nozzle - 2 side nozzle)	(2 roof nozzle - 2 side nozzle)

Values of sound pressure level with free sound transmission without reflection!

(*) roof nozzle - moving forward 3907 mm

(*) roof nozzle - moving backwards 4368 mm

Appendix F-1 Vacuum Producer



At the heart of every AutoVac central cleaning system is our powerful **Centrifugal Vacuum Producer**. The 600 Series turbine is a multistage exhauster available from 25 to 40 hp depending on your needs. It's engineered for years of reliable performance with very little maintenance.

We manufacture our 600 Series in-house in accordance with strict production standards. Combine the 600 Series with an AutoVac separator, engineered piping, and customized electronic motor controls for the most reliable vacuum system available.

888.628.8682

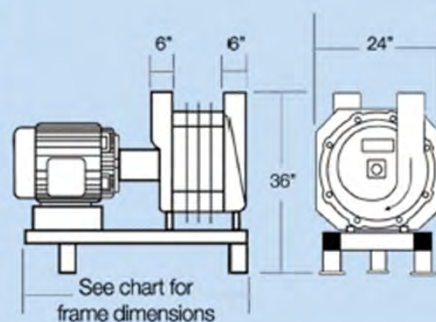
WWW.AUTOVACINC.COM

Appendix F-2 Vacuum Producer

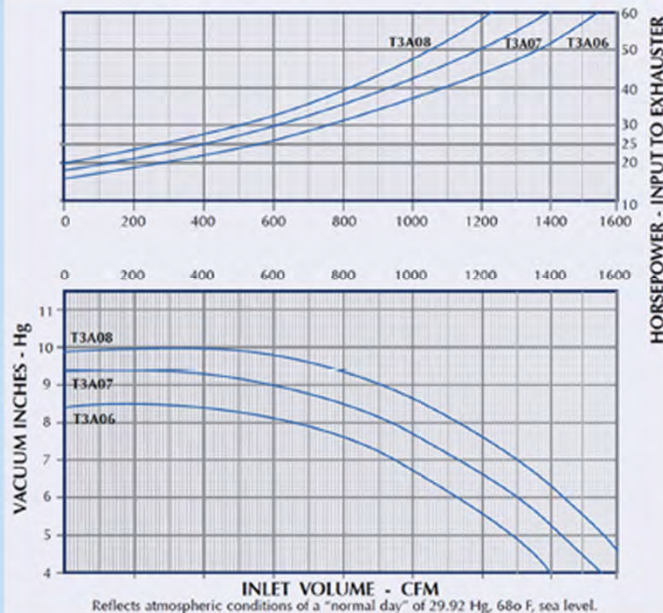
600 SERIES

VACUUM PRODUCER

Standard 3 Phase	Model: Standard Performance, 3600 RPM*					
Total Simultaneous Users 15"x1 1/2" Dia. Vac Hose	HP	Frame Dimensions	Weight lbs.	Decibels at 10ft.	Stages	Part #
7-8	25HP 3600 RPM	56.5	950	72	6	214-564001
9-10	30HP 3600 RPM	56.5	1000	74	7	214-674001
11-13	40HP 3600 RPM	62.5	1450	76	8	214-784001



PERFORMANCE INLET CURVES CENTRIFUGAL EXHAUSTER



FEATURES

- TURBINE BLOWER CASING IS HOUSED BETWEEN TWO 1/2" THICK 356 ALLOY ALUMINUM HEAD CASTINGS FOR STRENGTH, DURABILITY AND HEAT DISSIPATION.
- IMPELLERS ARE 6061-T6 AIRCRAFT GRADE ALUMINUM AND DYNAMICALLY BALANCED TO ENSURE OPERATION BELOW 1.5 MILS AT 3,600 RPMS.
- DIRECTIONAL-CONTROLLED INLET AND OUTLET AIR OPENINGS ACCELERATE AIRFLOW AND IMPROVE PERFORMANCE.
- TWO-BOLT OUTBOARD FLANGE BEARINGS ARE SELF-ALIGNING.
- EXTREMELY DURABLE CAST IRON TEFC DRIVE MOTOR IS ALIGNED AT THE FACTORY FOR VIBRATIONFREE OPERATION.
- SUREFIT SPLIT DRIVE COUPLINGS FROM MOTOR TO TURBINE DRIVE SHAFT ARE CONSTRUCTED OF DURABLE POLYURETHANE.
- MOTORS AND COUPLINGS CAN BE SERVICED WITHOUT REMOVING THE TURBINE BLOWER SECTION.
- STURDY IRON RAIL FRAME WITH THREE POINT LEG DESIGN AND ISOLATOR PADS PREVENT TURBINE FROM ROCKING ON UNEVEN MOUNTING SURFACES.

888.628.8682

WWW.AUTOVACINC.COM

Appendix G

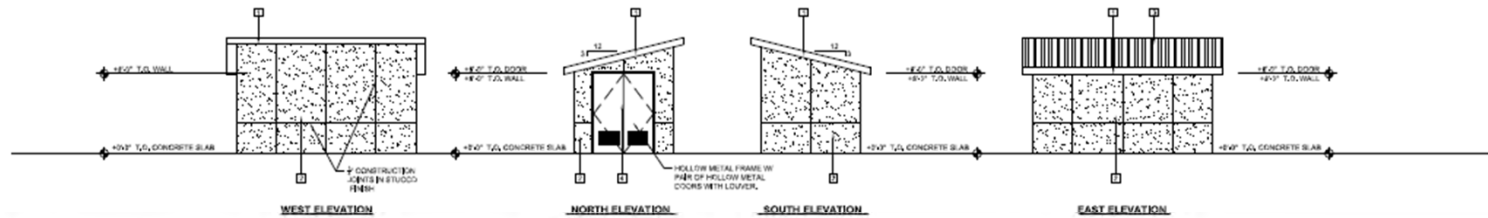
Vacuum Producer Enclosure Plan

GENERAL NOTES:

1. CAULK ALL WALL AND ROOF PENETRATIONS.
2. APPLY ONE COAT OF WATERPROOFING TO ALL HORIZONTAL STUCCO SURFACES.
3. CAULK ALL WINDOWS AND DOOR FRAMES AT HEAD, SILL AND JAMB EXTENSUR & INTERIORS.
4. STUCCO FINISH TO BE "LIGHT LACK" AS SPECIFIED BY THE STUCCO MANUFACTURERS ASSOCIATION. ALTERNATE "MEDIUM DASHED" MACHINE APPLIED.

EXTERIOR FINISH SCHEDULE

MATERIAL	PAINT COLOR NAME	COLOR	
		WATERBASE COLOR NAME	NO.
1. METAL CORNICE & TRIMS	IRON ORE	SHERIDAN WILLIAMS	007999
2. CEMENT PLASTER	OLYMPIAN WHITE	SHERIDAN WILLIAMS	000255
3. METAL CURVED ROOF	ASH GRAY	WEST COAST COASTAL MATTIENLOK	000000
4. DOOR / FRAME	OLYMPIAN WHITE	SHERIDAN WILLIAMS	000000



ENCLOSURE ELEVATIONS

3/16" = 1'-0"



SUBMITTAL DATE

PLANNING (CITY)	✓
BUILDING (CITY)	✓
PUBLIC WORKS	✓
SURVEY	✓

REVISIONS

No.	Description	Date

VACUUM EQUIPMENT ENCLOSURE

PROPOSED SOAPY JACKS EXPRESS
CARWASH & OIL CHANGE FACILITY
6325 STOCKTON BOULEVARD
SACRAMENTO, CA 95824
A.P.N. 038-018-028-0000

DATE: 01-26-21

SCALE: AS NOTED

DRAWN: BT/AT

JOB NUMBER: 20-062

SHEET

EC1.0

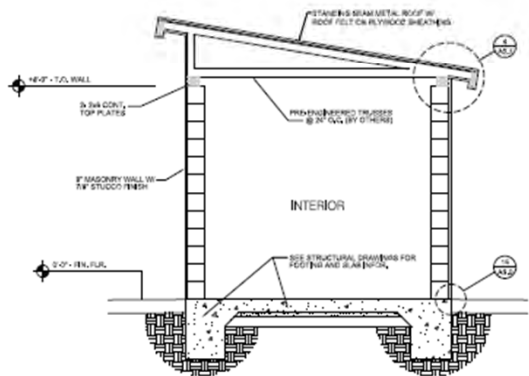
WALL TYPES

CONCRETE

PORTLAND CEMENT/STUCCO FINISH IN BAY AREA COAT 1/2" THICK, 1/2" BASE COAT 1/2" THICK APPLIED OVER EXISTING ONLY. REINFORCED PER STRUCTURAL DETAIL EXTERIOR.

GENERAL NOTES

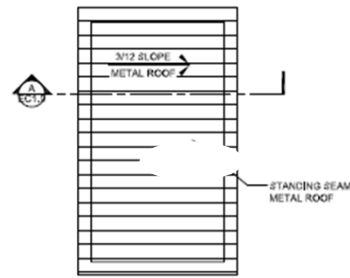
1. ALL DIMENSIONS ARE TO FACE OF STUCCO WALL.
2. MOUNT DOOR CLOSERS ON INTERIOR SIDE ONLY.
3. ALL HANGERS SHALL BE 1/2" DIA. STEEL WALL.



SECTION

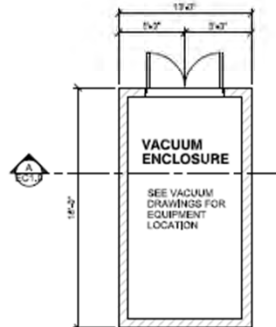
1/2" = 1'-0"

1 ROOF PLAN



1/4" = 1'-0"

2 FLOOR PLAN (180 SF)



1/4" = 1'-0"

3

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**The California Environmental Quality Act
(CEQA) Section 15162 Findings:**

Application: Conditional Use Permit #1253 and Site Plan Review #471 – Environmental Review #21-02

Assessor Parcel Number or Location: Assessor's Parcel Number (APN): 206-070-001

Previous Initial Study/EIR Reference: This site was previously reviewed through Initial Study #06-58, resulting in a Mitigated Negative Declaration. The current proposal to construct a gas station with a touchless carwash is consistent with the previous environmental review and the project remains in conformance with the City's *Merced Vision 2030 General Plan*.

Original Project Date: Initial Study #06-58, resulting in a Mitigated Negative Declaration, adopted by the Merced City Council on October 2, 2006.

Section A - Previous Studies

1. Substantial changes are proposed in the project that will require major revisions of the previous project EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment/Finding: The proposed gas station with touchless car wash is consistent with the previous environmental review. This site was identified in the previous environmental review for a commercial shopping center (140,000-square-foot of retail sales). A commercial development of this scale is considered less intensive than the commercial shopping center, thus, the project remains consistent with the previous environmental review.

2. Substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment/Finding: There have been no changes in the circumstances under which the project is undertaken that would require major revisions in the previous Mitigated Negative Declaration. There are no new significant environmental effects or substantial increases in the severity of previously identified environmental effects, and the area under consideration remains the same area previously evaluated.

3. New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, has been revealed? (If "Yes" is checked, go to Section "B" below)

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment/Finding: There is no new information of substantial importance that was not known and could not have been known with the reasonable diligence at the time the previous Mitigated Negative Declaration was adopted.

Section B - New Information

- | | | | | | |
|---|---|-----|----|--|---|
| A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration. | <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="padding: 2px 10px;">Yes</td> <td style="padding: 2px 10px;">No</td> </tr> <tr> <td style="padding: 2px 10px;"></td> <td style="padding: 2px 10px; text-align: center;">X</td> </tr> </table> | Yes | No | | X |
| Yes | No | | | | |
| | X | | | | |
| B) Significant effects previously examined will be substantially more severe than shown in the previous EIR. | <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="padding: 2px 10px;">Yes</td> <td style="padding: 2px 10px;">No</td> </tr> <tr> <td style="padding: 2px 10px;"></td> <td style="padding: 2px 10px; text-align: center;">X</td> </tr> </table> | Yes | No | | X |
| Yes | No | | | | |
| | X | | | | |
| C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative. | <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="padding: 2px 10px;">Yes</td> <td style="padding: 2px 10px;">No</td> </tr> <tr> <td style="padding: 2px 10px;"></td> <td style="padding: 2px 10px; text-align: center;">X</td> </tr> </table> | Yes | No | | X |
| Yes | No | | | | |
| | X | | | | |
| D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. | <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="padding: 2px 10px;">Yes</td> <td style="padding: 2px 10px;">No</td> </tr> <tr> <td style="padding: 2px 10px;"></td> <td style="padding: 2px 10px; text-align: center;">X</td> </tr> </table> | Yes | No | | X |
| Yes | No | | | | |
| | X | | | | |

Comment/Finding: All previously identified mitigation measures will be enforced with this project including payment of Public Facility Impact Fees. Therefore, the resulting impacts are no greater than those previously analyzed and the previously imposed mitigation measures remain sufficient to address all impacts from this project.

On the basis of this evaluation, in accordance with the requirements of Section 15162 of the CEQA Guidelines:

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | 1. It is found that subsequent negative declaration will need to be prepared. |
| <input type="checkbox"/> | 2. It is found that an addendum Negative Declaration will need to be prepared. |
| <input type="checkbox"/> | 3. That a subsequent EIR will need to be prepared. |
| <input checked="" type="checkbox"/> | 4. No further documentation is required. |

Date: March 16, 2021

Prepared By:



 Francisco Mendoza-Gonzalez,
 Associate Planner

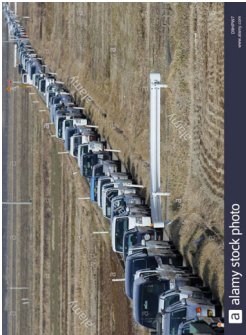


CUP #1253 & SPR #427
New Gas Station & Car Wash
(w/Alcohol Sales)
1295 Yosemite Avenue

1

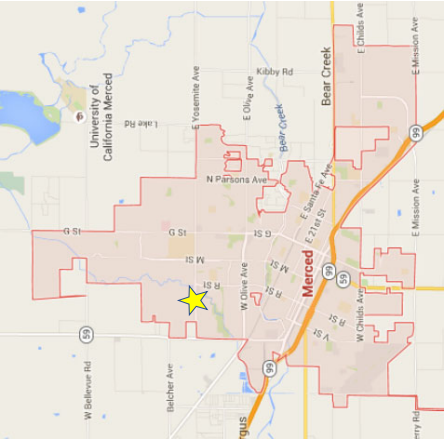
Common Issues with a Car Wash

- Excessive number of Driveways
- Vehicle Stacking into Public Road or Driving Aisles
- Vehicles Navigating Tight Spaces (enter >wash>vacuum>exit)
- Noise from Equipment (particularly if adjacent to residential)



2

City-Scale Map



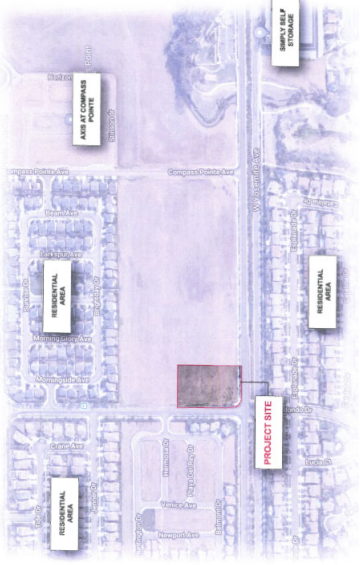
3

Location Map



4

New Parcel to Scale



- New Narrow Rectangular Lot
- 175 feet wide by 290 feet deep (approx. 51,000 s.f.)

5

Street View



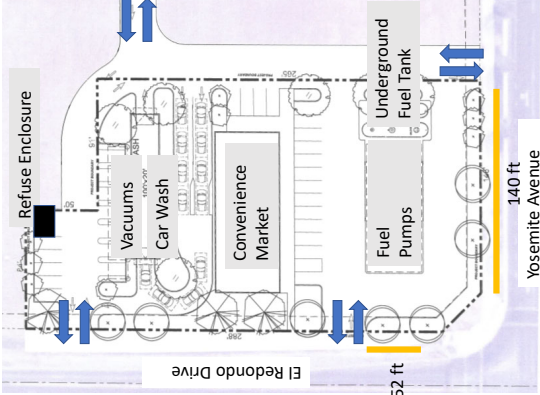
6

Site Plan Program

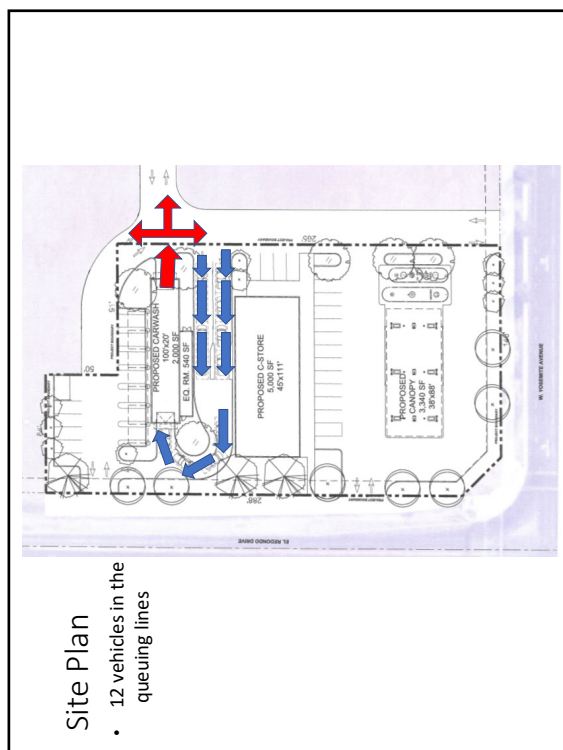
- Gas Station/Convenience Store (5,000 s.f.)
- Fuel Pump Canopy for 12 pumps (3,340 s.f.)
- Touchless Car Wash (2,000 s.f.) with vehicle stacking for 12 vehicles in the queuing lines
- Car Wash Vacuums (7 stalls)
- Customer Parking (29 parking spaces exceeds the 13 required)

7

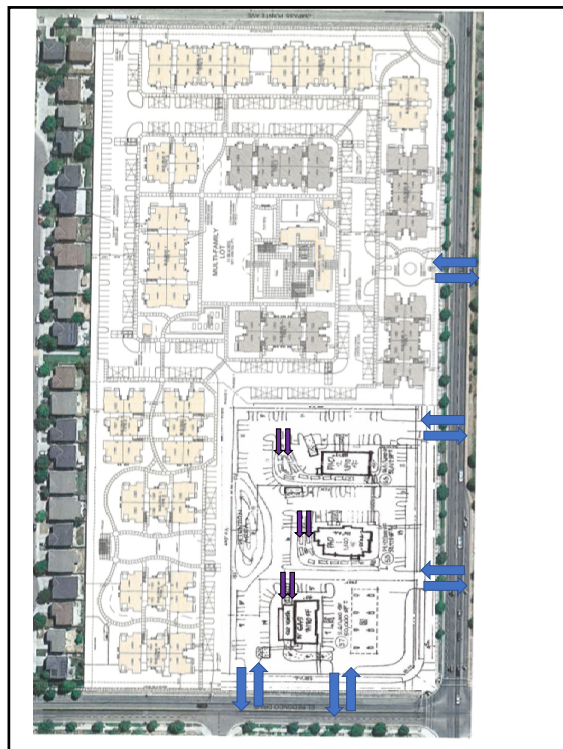
Site Plan



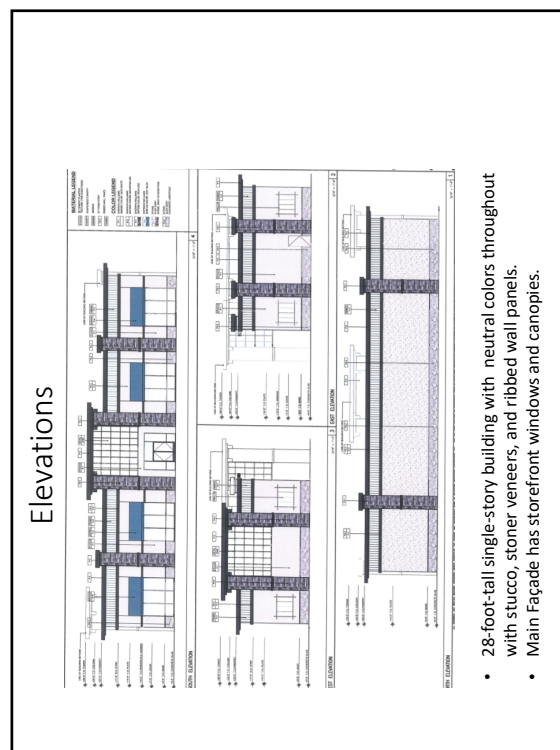
8



9



10



11

Elevations

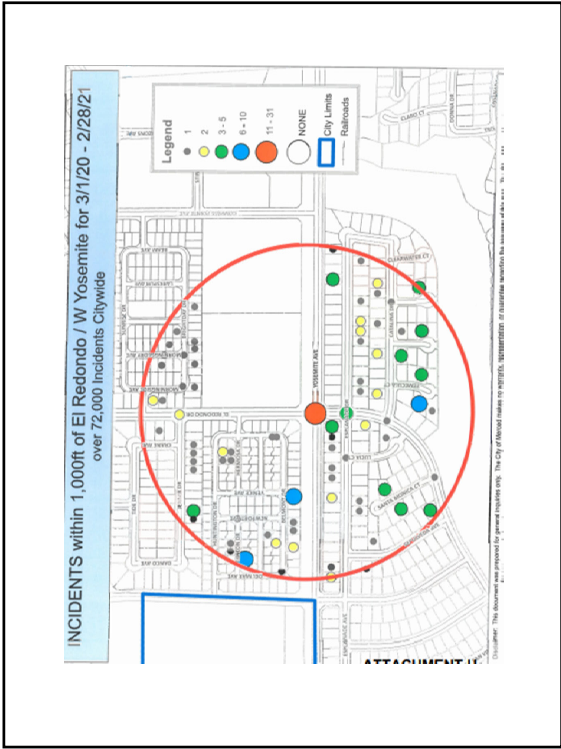
[illegible]

- 28-foot-tall single-story building with neutral colors throughout with stucco, stoner veneers, and ribbed wall panels.
- Main Façade has storefront windows and canopies.


Incident Types

Incident Type	Number of Incidents
Disturbance	18
Public Intoxication	0
Narcotics	0
MMC*	0

12



13



POLICE DEPARTMENT

- The Police Department does not have any issues with this request.
- The conditions of approval are typical for this use.
- Based on their crime analysis, the Police Department does not expect this project to adversely affect the surrounding neighborhood or be a burden on Police resources.

14

Conditions of Approval

- **Condition #30:** The car wash may not operate between 10:00 p.m. and 7:00 a.m.
- **Condition #42:** Prior to opening, the applicant shall obtain a Finding of Public Convenience or Necessity from City Council.
- **Condition #44:** The developer shall reimburse the City for frontage improvements previously done along Yosemite Avenue.

15

Planning Commission Action

After Holding the Public Hearing, the Commission may:

Approve/Disapprove/Modify

- Environmental Review #21-02 (Finding 15162)
- Conditional Use Permit #1253 (Subject to the 45 Conditions in the Staff Report)
- Site Plan Review #471

16



CITY OF MERCED

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

ADMINISTRATIVE REPORT

File #: 21-252

Meeting Date: 4/7/2021

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 #: 21-253

Meeting Date: 4/7/2021

Planning Commission Staff Report

SUBJECT: Calendar of Meetings/Events

Apr.5 City Council, 6:00 p.m. ***(May be by Teleconference)***
7 Planning Commission, 7:00 p.m. ***(By Teleconference)***
19 City Council, 6:00 p.m. ***(May be by Teleconference)***
21 Planning Commission, 7:00 p.m. ***(By Teleconference)***
27 Bicycle/Pedestrian Advisory Commission, 4:00 p.m. ***(By Teleconference)***
May3 City Council, 6:00 p.m. ***(May be by Teleconference)***
5 Planning Commission, 7:00 p.m. ***(By Teleconference)***
17 City Council, 6:00 p.m. ***(May be by Teleconference)***
19 Planning Commission, 7:00 p.m. ***(By Teleconference)***