



CITY OF MERCED

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

Meeting Agenda

Planning Commission

Wednesday, April 21, 2021

7:00 PM

By Teleconference

NOTICE TO PUBLIC

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

WELCOME TO THE MEETING OF THE MERCED PLANNING COMMISSION

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

MODIFIED PUBLIC COMMENT INSTRUCTIONS

MODIFIED PUBLIC COMMENT INSTRUCTIONS FOR TELECONFERENCE MEETINGS

Please submit your public comment to the Planning Commission electronically no later than 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 [21-329](#)

SUBJECT: Planning Commission Minutes of April 7, 2021

ACTION:

Approving and filing the Planning Commission Minutes of April 7, 2021

D.2 [21-300](#)

SUBJECT: Vacation #21-03, to vacate the northern portion of the Arbor Walkway easement (approximately 2,800 square feet) which would revert development rights back to adjacent property owner of 534 W. Main Street, Merced.

ACTION:

Finding

The proposed vacation is consistent with the General Plan.

SUMMARY

The property owner of 534 W. Main Street is requesting the vacation of the northern portion of Arbor Walkway. Engineering and Planning Department staff have reviewed this request and recommend that the Planning Commission adopt a Finding stating that the proposed Vacation is consistent with the General Plan. The General Plan does not address the abandonment of easements; and thus, this action does not conflict with any General Plan policies, text, or maps, so it can be considered "consistent." The area to be vacated consists of approximately 2,800 square feet.

RECOMMENDATION

Adopt a motion by minute action adopting a Finding that the proposed Vacation #21-03 is consistent with the General Plan.

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 [21-332](#)

SUBJECT: General Plan Amendment #21-01 and Zone Change #427, initiated by MCP, LLC, property owner. The application involves a change from the current General Plan land use designation of Low Density Residential (LD) to Low-Medium Density Residential (LMD), and a Zone Change from Low Density Residential (R-1-6) to Medium Density Residential (R-3-2) for four 0.22-acre parcels located at 565, 575, 601, and 609 Q Street. The applicant would like to develop a 4-plex on 4 separate parcels, for a total of 16 units. The current zoning designation allows for up to 3 units on 4 separate parcels, for a total of 12 units. The 0.88-acre subject sites are generally located at the west side of Q Street, directly south of West 6th Street. *PUBLIC HEARING*

ACTION: No action required, item to be tabled.

SUMMARY

Staff recommends that this item be tabled. There was an error in the original public hearing notice which incorrectly showed the proposed General Plan designation as Low-Medium Density Residential (LMD) when it should be High-Medium Density Residential (HMD). Staff has updated the Public Hearing Notice and recirculated it with the correct proposed General Plan designation to be heard at the Planning Commission Meeting of May 5, 2021.

RECOMMENDATION

Planning staff recommends that the Planning Commission open the public hearing and hear any testimony provided, then table the matter.

F. INFORMATION ITEMS

F.1 [21-338](#) **SUBJECT:** Report by Planning Manager of Upcoming Agenda Items

ACTION

Information only.

F.2 [21-339](#) **SUBJECT:** Calendar of Meetings/Events

Apr. 19 City Council, 6:00 p.m. **(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)**
June 7 City Council, 6:00 p.m. **(May be by Teleconference)**
9 Planning Commission, 7:00 p.m. **(By Teleconference)**
21 City Council, 6:00 p.m. **(May be by Teleconference)**
22 Bicycle/Pedestrian Advisory Commission, 4:00 p.m. **(By Teleconference)**
23 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 #: 21-329

Meeting Date: 4/21/2021

Report Prepared by: Taylor Gates, Administrative Assistant I

SUBJECT: Planning Commission Minutes of April 7, 2021

ACTION:

Approving and filing the Planning Commission Minutes of April 7, 2021



CITY OF MERCED

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

Minutes Planning Commission

Wednesday, April 7, 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 WHITE led the Pledge of Allegiance to the Flag.

B. ROLL CALL

Clerk's Note: Commissioner BUTTICCI was absent, excused.

The Planning Commission has one vacancy at this time.

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

Absent: 1 - Member Stephanie Butticci

C. ORAL COMMUNICATIONS

There were no public comments.

D. CONSENT CALENDAR

Approval of the Consent Agenda

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

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

No: 0

Absent: 1 - Member Butticci

D.1**SUBJECT:** Planning Commission Minutes of March 17, 2021**ACTION:**

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

This Consent Item was approved.

D.2

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.

This Consent Item was approved.

D.3**SUBJECT:** Planning Commission Annual Attendance Report**ACTION**

Reviewing and approving the Annual Attendance Report.

This Consent Item was approved.

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

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.

Associate Planner MENDOZA reviewed the report on this item. For further information, refer to Staff Report #21-254. (Members of the public were given the opportunity to leave voice mail messages as well prior to the meeting. One was received from JOEL MOSES and was in opposition to the project).

Public testimony was opened at 7:19 PM

Speakers Via Teleconference in Favor:

Inder Singh, Applicant, FAIRFIELD

Julio Tinajero, Designer for Applicant, YUBA CITY

Speakers Via Teleconference in Opposition:

Joel Moses (voicemail)

Recording Secretary GATES played the voicemail noted above.

Public testimony was closed at 7:26 PM

A motion was made by Member Delgadillo, seconded by Member White, and carried by the following vote, to find the previous Environmental Review (Initial Study #06-58 for General Plan Amendment #06-17) remains sufficient and no further documentation is required (CEQA Section 15162 Findings) and approve Conditional Use Permit #1253 and Site Plan Review #471, subject to the Findings and Conditions set forth in Staff Report #21-254 (RESOLUTION #4062).

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

No: 0

Absent: 1 - Member Butticci

F. INFORMATION ITEMS

F.1 **SUBJECT: Report by Planning Manager of Upcoming Agenda Items****ACTION**

Information only.

Planning Manager Espinosa described upcoming items for future agendas.

F.2 **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

Clerk's Note: The Regular Meeting adjourned at 7:35 PM

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

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

No: 0

Absent: 1 - Member Butticci

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

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

PLANNING COMMISSION RESOLUTION #4062

Page 2

April 7, 2021

Adopted this 7th day of April, 2021

Michael Harris

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Kim Espinosa

Secretary

Attachments:

Exhibit A - Conditions of Approval

Exhibit B - Findings



ADMINISTRATIVE REPORT

File #: 21-300

Meeting Date: 4/21/2021

Planning Commission Staff Report

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

SUBJECT: Vacation #21-03, to vacate the northern portion of the Arbor Walkway easement (approximately 2,800 square feet) which would revert development rights back to adjacent property owner of 534 W. Main Street, Merced.

ACTION:

Finding

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

SUMMARY

The property owner of 534 W. Main Street is requesting the vacation of the northern portion of Arbor Walkway. Engineering and Planning Department staff have reviewed this request and recommend that the Planning Commission adopt a Finding stating that the proposed Vacation is consistent with the General Plan. The General Plan does not address the abandonment of easements; and thus, this action does not conflict with any General Plan policies, text, or maps, so it can be considered "consistent." The area to be vacated consists of approximately 2,800 square feet.

RECOMMENDATION

Adopt a motion by minute action adopting a Finding that the proposed Vacation #21-03 is consistent with the General Plan.

DISCUSSION

Project Description

The subject site is a 7,500-square-foot developed parcel zoned Central Commercial at 534 W. Main Street. The subject site contains a two-story building located in Downtown Merced with multiple suites that include several businesses such as United Way and Merced Chamber of Commerce. The northern portion of Arbor Walkway was installed several decades ago by the Redevelopment Agency. The intent was to create a mid-block walking path for residents parking within the City Parking Lot located on the south side of 18th Street, between M Street and Canal Street. Arbor Walkway would act as a direct path for residents parking in this area walking to Main Street.

Over the years, there have been several maintenance issues with the northern portion of Arbor Walkway, such as vandalism, trash, and debris being left at the site. The owner of 534 W. Main Street would like to take back full development rights of this walkway to better secure the area and improve it with outdoor seating (with food and drink service). City staff has indicated that this area has become a public nuisance and that there is no need for public use, as there are other pedestrian access points to Main Street from M Street and Canal Street sidewalks, although these access points are less direct than the direct cut-through currently provided by Arbor Walkway.

Background

Arbor Walkway was acquired through the Redevelopment Agency. After the Redevelopment Agency was disbanded around 2010, the area was transferred over to the Designated Local Authority. As the City has no public benefit for Arbor Walkway, if the vacation is approved, the walkway agreement between the City and 534 W. Main Street would be terminated, and the development rights to use the area would revert back to the property owner of 534 W. Main Street.

Findings/Considerations

City Staff believes this easement is no longer needed and should be abandoned to give the property owners full use of their property. The General Plan does not address the abandonment of easements; and thus, this action does not conflict with any General Plan policies, text, or maps, so it can be considered “consistent.”

ATTACHMENTS

1. Location Map
2. Legal Description
3. Parcel Map
4. Easement Agreement

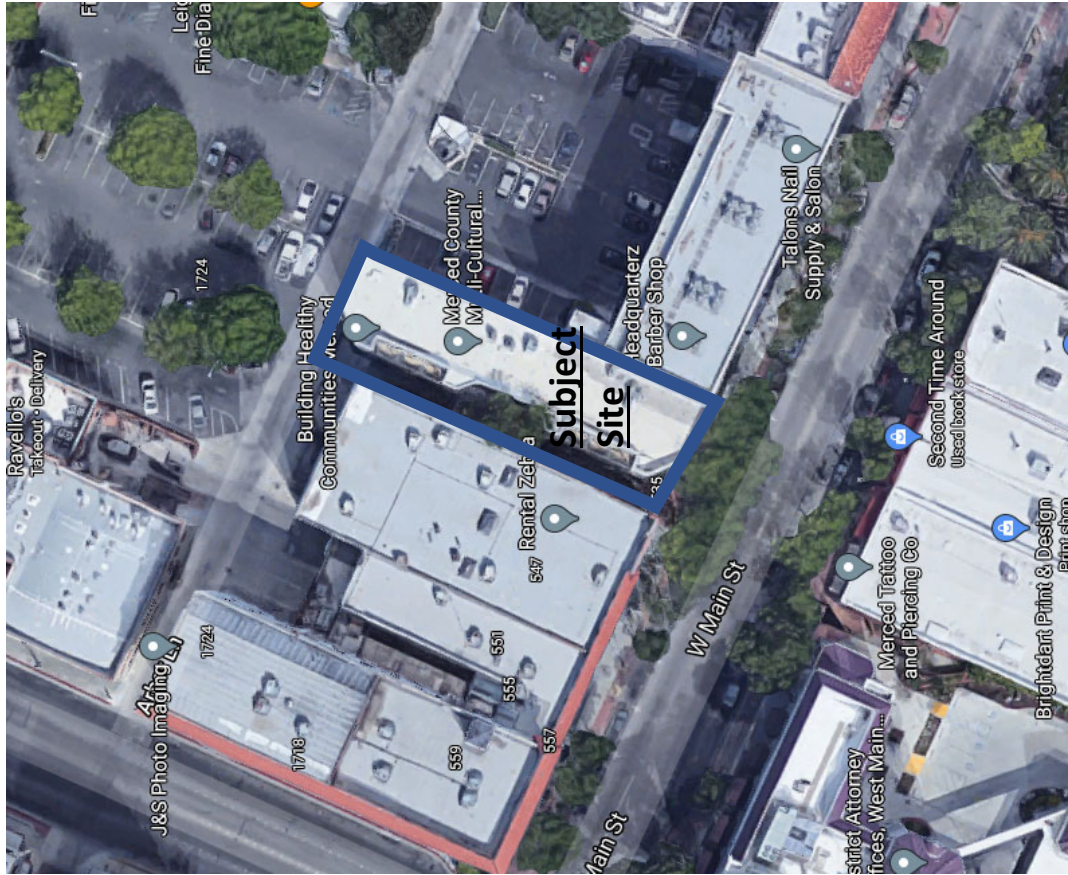


EXHIBIT A

LEGAL DESCRIPTION

Real property in the City of Merced, County of Merced, State of California, described as follows:

That portion of Lot 11 and Lot 12 in Block 163 according to that certain map entitled, "SUPPLEMENATL MAP TO TOWN OF MERCED, " recorded March 4, 1889, in Book 1 of Maps, Page 12, and now appears in Book 2 of Maps, Page 12, Merced County Records, described as follows:

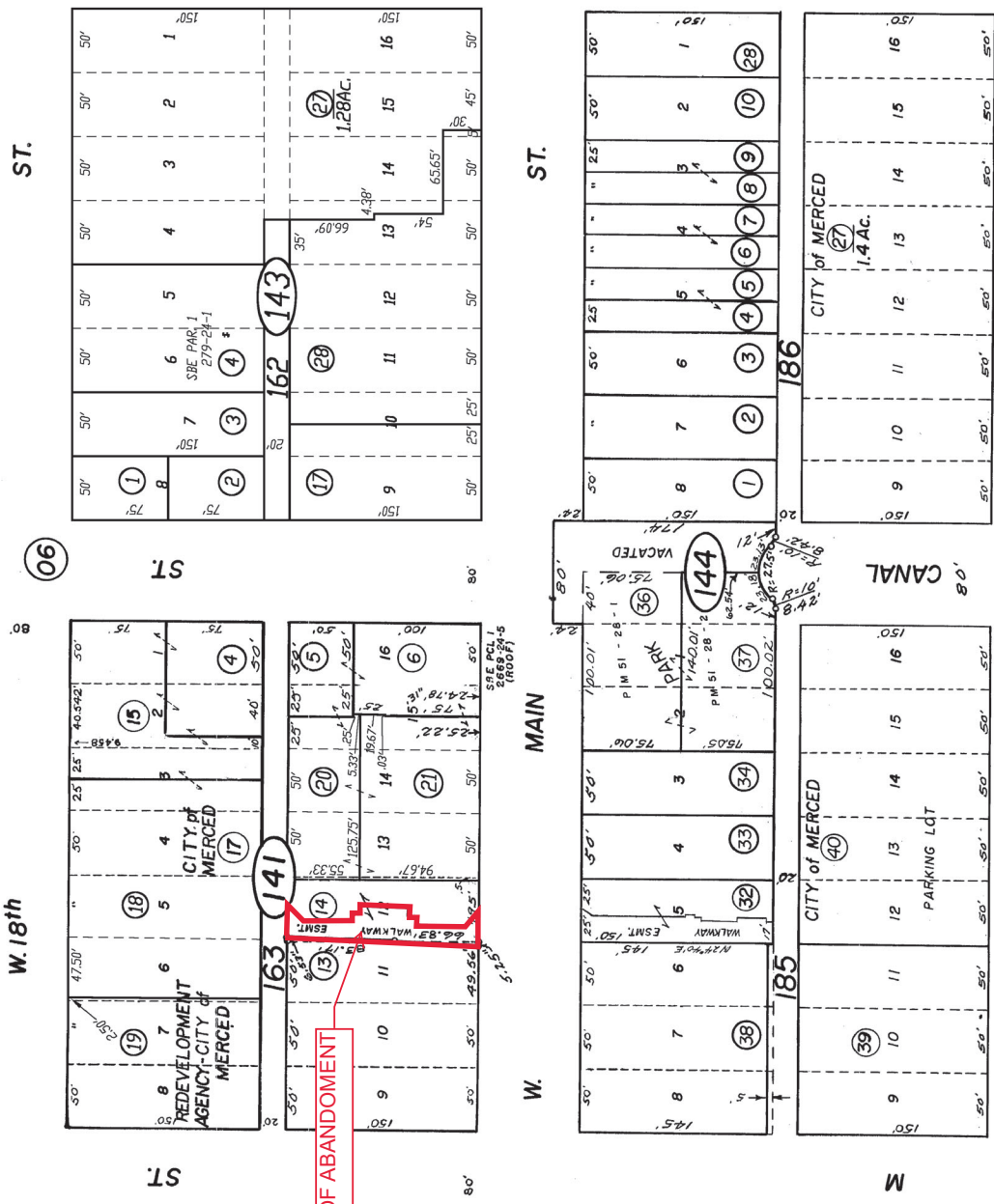
Beginning at the most westerly corner of said Lot 12; thence N65°20'W, along the southwesterly line of said Lot 11, a distance of five and one-quarter inches; thence N25°02'30"E, for 150.00 feet to a point on the northeasterly line of said Lot 12 that is S65°20'E, for 6.53 inches from the most northerly corner of said Lot 12; thence S65°20'E, for 24.83 feet along the northeasterly line of said Lot 12; thence S69°29'55"W, for 16.97 feet; thence S24°29'55"W, for 38.00 feet; thence S65°30'05"E, for 6.00 feet; thence S24°29'55"W, for 6.00 feet; thence S65°30'05"E, for 6.00 feet; thence S24°29'55"W, for 38.00 feet; thence N 65°30'05"W, for 6.00 feet; thence S24°29'55"W, for 6.00 feet; thence N65°30'05"W, for 6.00 feet; thence S24°29'55"W, for 38.00 feet; thence S20°30'05"E, for 16.97 feet to a point on the southwesterly line of said Lot 12; thence N65°20'W, for 25.81 feet to the place of beginning.

— NOTE —
This map is for Assessment purposes only.
It is not to be construed as portraying
legal ownership or divisions of land for
purposes of zoning or subdivision law.

TOWN OF MERCED
R.M. Vol.2 Pg.12
POR. SEC.30,T.7S.,R.14E.,M.D.B.&M.

Tax Rate Area
5-49
5-50

31-14



REVISED
5/65
11/73
12/76
2/80
12-28-05

CITY OF MERCED
Assessor's Map Bk.31 -Pg.14
County of Merced, Calif.
1956

NOTE—Assessor's Block Numbers shown in Ellipses
Assessor's Parcel Numbers shown in Circles

RECORDED AT THE REQUEST OF:
Redevelopment Agency of the City of Merced
WHEN RECORDED: RETURN TO:

RECORDED BY: *Handwritten*
ON: **NOV 10 1982** VOL: **2348** PAGE: **289**
Official Records Of Merced County, Calif.
Leroy G. Gilchrist, Recorder *Handwritten*
No Documentary Transfer Tax is Due

EASEMENT AGREEMENT

This Agreement is entered into this 10th day of November, 1982, by and between the Redevelopment Agency of the City of Merced (the "Agency") and Creative Development Concepts, Inc. (the "Redeveloper").

RECITALS:

A. The Agency is a public body, corporate and politic exercising governmental functions and powers and organized and existing under the Community Redevelopment Law of the State of California (Health and Safety Code Sections 33000 et seq.). The office of the Agency is located at 1713 M Street, Merced, California 95340. The "Agency," as used in this Agreement, includes the Redevelopment Agency of the City of Merced, California, and any assignee of, or any successor to, its rights, powers and responsibilities.

B. Creative Development Concepts, Inc., is a California Corporation currently in bankruptcy and is acting through the Trustee pursuant to the order of the U. S. Bankruptcy Court, Eastern District of California, filed February 22, 1982 and recorded herewith as Exhibit A, and the order of said court, filed July 15, 1982 and recorded herewith as Exhibit B. Wherever the term "Redeveloper" is used herein, such term shall include any permitted nominee, assignee or successor in interest as herein provided.

C. The Redeveloper is the owner of certain real property commonly known as 537 West Seventeenth Street in the City of Merced, Merced County, California, hereinafter referred to as the "Servient Tenement" and more particularly described as follows:

PARCEL 1:

All of Lot 12, Block 163, as shown on the map entitled, "Supplemental Map to Town of Merced," recorded March 4, 1889, in Book 2 of Maps, Page 12, Merced County Records.

Excepting therefrom the southeasterly 6 inches front and rear. Also excepting therefrom that portion described as follows:

Beginning at the northwest corner of said lot; thence southwesterly along the northwesterly line of said lot, 83 feet 2 inches; thence northeasterly to a point on the northeasterly line of said lot, a distance thereon southeasterly 6.53 inches from the northwest corner of said lot; thence northwesterly along said line, 6.53 inches to the point of beginning.

Parcel 2:

All that portion of Lot 11, Block 163, according to the "Supplemental Map to Town of Merced," recorded March 4, 1889, in Book 2 of Maps, Page 12, Merced County Records, described as follows:

Beginning at the southeast corner of said lot; thence northeasterly along the southeasterly line of said lot, 66 feet 10 inches; thence southwesterly to a point on the southwesterly line of said lot, distant thereon northwesterly five and one-quarter inches from the southeast corner of said lot; thence southeasterly along said line, five and one-quarter inches to point of beginning.

D. Richard B. Cross and Janet A. Cross, Lesley B. Walsh and Louis E. Walsh, and Norman E. Graham and Virginia B. Graham (the "Shaffer Partners") own as partners certain real property located at 557 West Seventeenth Street in the City of Merced, Merced County, California, more particularly described as follows:

PARCEL 1:

Lots 9, 10 and 11 in Block 163, according to map entitled, "Supplemental Map to Town of Merced," originally recorded March 4, 1889, in Volume 1 of Map, Page 12, and now appears in Volume 2 of Map, Page 12, Merced County Records.

Excepting from said Lot 11, the following, to wit:

Beginning at the southeast corner of said lot; thence northeasterly along the southeasterly line of said lot, 66 feet 10 inches; thence southwesterly to a point on the southwesterly line of said lot distant thereon northwesterly five and one-quarter inches from the southeast corner of said lot; thence southeasterly along said line, five and one-quarter inches to point of beginning.

PARCEL 2:

All that portion of Lot 12 in Block 163, according to the "Supplemental Map to Town of Merced," recorded March 4, 1889, in Book 2 of Map, Page 12, in the office of the County Recorder of Merced County, described as follows:

Beginning at the northwest corner of said lot; thence southwesterly along the northwesterly line of said lot, 83 feet 2 inches; thence northeasterly to a point on the northeasterly line of said lot, distant thereon southeasterly 6.53 inches from the northwest corner of said lot; thence northwesterly along said line, 6.53 inches to point of beginning.

Shaffer Partners own a building on such property, the eastern wall (the "Shaffer Wall"), of which stands on the division line between the two properties, all on the Shaffer Partners' property.

E. The Agency, in accordance with the "Development and Disposition Agreement" between the Agency and the Redeveloper executed July 18, 1979, desires to acquire certain rights in the Servient Tenement.

NOW, THEREFORE, it is agreed as follows:

1. Redeveloper hereby grants to the Agency and its successors and assigns an easement as hereinafter described.
2. The easement granted is an easement in gross.
3. The easement granted is a right-of-way to be used by the general public.
4. The easement granted is located generally on a 15-foot strip along the western boundary of the Servient Tenement. Such easement has an uneven eastern boundary which adjoins but does not include the western surface of the western wall of the building located on the Redevelopers property and is more particularly described as follows:

That portion of Lot 11 and Lot 12 in Block 163 according to that certain map entitled, "Supplemental Map to Town of Merced," recorded March 4, 1889, in Book 1 of Maps, Page 12, and now appears in Book 2 of Maps, Page 12, Merced County Records, described as follows:

Beginning at the most westerly corner of said Lot 12; thence N. 65° 20' W. along the southwesterly line of said Lot 11, a distance of five and one-quarter inches; thence N. 25° 02' 30" E. 150.00 feet to a point on the northeasterly line of said Lot 12 that is S. 65° 20' E. 6.53 inches from the most northerly corner of said Lot 12; thence S. 65° 20' E. 24.83 feet along the northeasterly line of said Lot 12; thence S. 69° 29' 55" W. 16.97 feet; thence S. 24° 29' 55" W. 38.00 feet; thence S. 65° 30' 05" E. 6.00 feet; thence S. 24° 29' 55" W. 6.00 feet; thence S. 65° 30' 05" E. 6.00 feet; thence S. 24° 29' 55" W. 38.00 feet; thence N. 65° 30' 05" W. 6.00 feet; thence S. 24° 29' 55" W. 6.00 feet; thence N. 65° 30' 05" W. 6.00 feet; thence S. 24° 29' 55" W. 38.00 feet; thence S. 20° 30' 05" E. 16.97 feet to a point on the southwesterly line of said Lot 12; thence N. 65° 20' W. 25.81 feet to the place of beginning.

5. The easement granted includes the following use of the Servient Tenement.

a. Use by the general public as a pedestrian right-of-way to be used for the purpose of traversing between West Seventeenth Street and the alley and parking lot on the north side of the Servient Tenement.

b. The right to install and provide electricity, lighting, water and planting in order to provide a safe, clean and attractive right-of-way to be used by the public.

c. Any other uses which are necessary and convenient to the use and maintenance of the Servient Tenement as a right-of-way for the use of the public.

6. The easement granted is exclusive and the Redeveloper shall have no rights to obstruct or interfere in any manner with the use of the Servient Tenement as a public right-of-way.

7. The easement granted includes incidental rights of maintenance, repair and replacement including, but not limited to:

a. The right to clean, resurface and repair the surface of the walkway.

b. The right to clean, repair, replace, improve and maintain the lighting, water, planting and other utilities and improvements in the right-of-way.

8. Agency agrees to perform and pay for all repairs and maintenance of the walkway, and further agrees to pay the cost of providing electricity and water for the purpose of lighting and maintaining the right-of-way.

9. The Agency has the obligation to maintain adequate insurance on the walkway.

10. The Agency shall indemnify the Redeveloper and hold it harmless from any and all liability for bodily injury, death and property damage which occurs on the walkway.

11. This Agreement contains the entire agreement between the parties relating to the rights herein granted and the obligations herein.

12. This Agreement shall bind and enure to the benefit of the respective heirs, personal representatives, successors, and assigns of both parties; provided, however, the Agency's obligations and rights under this Agreement shall continue only until it assigns and transfers such obligations and rights to the City of Merced.

13. The Agency shall have the right to assign and transfer its obligations and rights under this Agreement to the City of Merced.


IN WITNESS WHEREOF the parties hereto have executed this Agreement the day and year first written above.

REDEVELOPMENT AGENCY OF
THE CITY OF MERCED


APPROVED AS TO FORM:


STEVEN F. NORD, City Attorney

By 
Chairman

By 
Secretary
JACK A. ULRICH, TRUSTEE IN BANKRUPTCY FOR
CREATIVE DEVELOPMENT CONCEPTS, INC.,
A CALIFORNIA CORPORATION

1

By 
Trustee

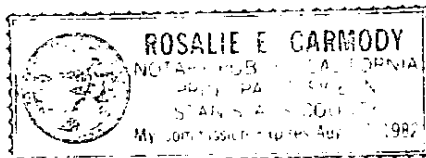
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STATE OF CALIFORNIA

County of Stanislaus } ss.

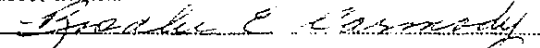
On this 16th day of July in the year one thousand nine hundred and eighty-two
before me Rosalie E. Carmody, a Notary Public in and for the

County of Stanislaus State of California, residing therein
duly commissioned and sworn, personally appeared Jack A. Ulrich



known to me to be the person whose name is subscribed to the within instrument
and acknowledged to me that he executed the same.

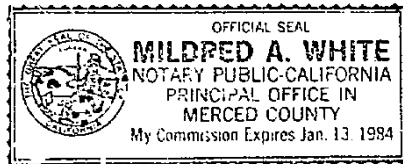
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal
in the County of Stanislaus the day and year in this
certificate first above written.



Notary Public in and for the County of Stanislaus
State of California
My Commission Expires August 27, 1982

STATE OF CALIFORNIA)
) ss.
COUNTY OF MERCED)

On this 10th day of November, 1982, before me MILDRED A. WHITE
personally appeared NORMAN HERMAN and ALLAN R. SCHELL, known to me to be the
Chairman and Secretary of the Redevelopment Agency of the City of Merced and
known to me to be the persons who executed the within instrument on behalf
of said public body, and acknowledged to me that such persons executed the
same.



Mildred A. White
Notary Public in and for said County and
State

RECORDERS MEMO: This page does
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ADMINISTRATIVE REPORT

File #: 21-332

Meeting Date: 4/21/2021

Planning Commission Staff Report

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

SUBJECT: General Plan Amendment #21-01 and Zone Change #427, initiated by MCP, LLC, property owner. The application involves a change from the current General Plan land use designation of Low Density Residential (LD) to Low-Medium Density Residential (LMD), and a Zone Change from Low Density Residential (R-1-6) to Medium Density Residential (R-3-2) for four 0.22-acre parcels located at 565, 575, 601, and 609 Q Street. The applicant would like to develop a 4-plex on 4 separate parcels, for a total of 16 units. The current zoning designation allows for up to 3 units on 4 separate parcels, for a total of 12 units. The 0.88-acre subject sites are generally located at the west side of Q Street, directly south of West 6th Street. *PUBLIC HEARING*

ACTION: No action required, item to be tabled.

SUMMARY

Staff recommends that this item be tabled. There was an error in the original public hearing notice which incorrectly showed the proposed General Plan designation as Low-Medium Density Residential (LMD) when it should be High-Medium Density Residential (HMD). Staff has updated the Public Hearing Notice and recirculated it with the correct proposed General Plan designation to be heard at the Planning Commission Meeting of May 5, 2021.

RECOMMENDATION

Planning staff recommends that the Planning Commission open the public hearing and hear any testimony provided, then table the matter.



CITY OF MERCED

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

ADMINISTRATIVE REPORT

File #: 21-338

Meeting Date: 4/21/2021

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 #: 21-339

Meeting Date: 4/21/2021

Planning Commission Staff Report

SUBJECT: Calendar of Meetings/Events

Apr. 19 City Council, 6:00 p.m. **(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)**
Jun 7 City Council, 6:00 p.m. **(May be by Teleconference)**
e
9 Planning Commission, 7:00 p.m. **(By Teleconference)**
21 City Council, 6:00 p.m. **(May be by Teleconference)**
22 Bicycle/Pedestrian Advisory Commission, 4:00 p.m. **(By Teleconference)**
23 Planning Commission, 7:00 p.m. **(By Teleconference)**