

**CITY OF MERCED
Planning Commission**

MINUTES

Via Teleconference
Wednesday, May 6, 2020

Chairperson HARRIS called the Special meeting via teleconference to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Stephanie Butticci, Mary Camper, Jose Delgadillo, Robert Dylina, Sam Rashe, Dorothea Lynn White, and Chairperson Michael Harris

Commissioners Absent: None

Staff Present: Director of Development Services McBride, Planning Manager Espinosa, Principal Planner Hren, Associate Planner Nelson, Deputy City Attorney Campbell, and Recording Secretary Gates

1. APPROVAL OF AGENDA

M/S WHITE-DELGADILLO, and carried by the following vote, to approve the Agenda as submitted.

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

NOES: None

ABSENT: None

ABSTAIN: None

2. MINUTES

M/S DELGADILLO -RASHE, and carried by the following vote, to approve the Minutes of April 13, 2020, as submitted.

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

NOES: None

ABSENT: None

ABSTAIN: None

3. **COMMUNICATIONS**

None

4. **ITEMS**

4.1 (Consent) Vacation #20-01, initiated by Tim Razzari, property owner, to abandon a 908-square-foot sewer lift station easement, a 980-square-foot temporary construction easement, and a 2,791-square-foot public utilities easement generally located at the west end of the parcel located at 1610 West 16th Street.

4.2 (Consent) Vacation #20-02, initiated by Rick Telegan on behalf of Exposition, LLC and Leeco, LLC, to abandon a 25-foot-wide access easement in Foothill Drive (extended) and a 25-foot-wide temporary access easement along the east side of G Street at Foothill Drive (extended).

Secretary's Note: The Planning Commission decided to vote on Items 4.1 and 4.2 simultaneously.

M/S RASHE-CAMPER, and carried by the following vote, to find that the proposed Vacations #20-01 (to abandon a 908-square-foot sewer lift station easement, a 980-square-foot temporary construction easement, and a 2,791-square-foot public utilities easement generally located at the west end of the parcel located at 1610 West 16th Street.) and #20-02 [to abandon a 25-foot-wide access easement in Foothill Drive (extended) and a 25-foot-wide temporary access easement along the east side of G Street at Foothill Drive (extended)], are consistent with the *Merced Vision 2030 General Plan*.

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

NOES: None

ABSENT: None

ABSTAIN: None

Secretary's Note: Commissioner BUTTICCI recused herself prior to the reading of Item 4.3.

- 4.3 Conditional Use Permit #1242, initiated by Shemoil Moradzedah, property owner. This application involves consideration of a Comprehensive Sign Package (including a 65-foot-tall double-sided freeway pylon sign with digital boards) for the new Campus Parkway Plaza. The site is generally located on the southwest corner of Campus Parkway and Coffee Street, within Planned Development (P-D) #35, with a Thoroughfare Commercial (CT) General Plan designation.

Associate Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #20-09.

Public testimony was opened at 7:18 p.m.

Speakers Via Teleconference in Favor:

Daniel MORADZEDAH, Merced

There were no speakers in opposition to the project.

Public testimony was closed at 7:22 p.m.

M/S RASHE-CAMPER, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #20-08 and approve Conditional Use Permit #1242, subject to the Findings and twenty-three (23) Conditions set forth in Staff Report #20-09 (RESOLUTION #4038):

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AYES: Commissioners Camper, Delgadillo, Dylina, Rashe, White, and Chairperson Harris

NOES: None

ABSENT: None

ABSTAIN: Commissioner Butticci

Commissioner BUTTICCI rejoined the telephonic meeting.

4.4 Conditional Use Permit #1240, initiated by Weiben Chen, applicant for Promenade Center, Limited Partnership, property owner. This application involves a request to allow a new massage establishment with multiple massage technicians (5 technicians), located at 755 E. Yosemite Avenue, Suite E, within the Promenade Shopping Center. The subject site is generally located at the northwest corner at Yosemite Avenue and Paulson Road, with a zoning classification of Planned Development (P-D) #48 and a General Plan designation of Neighborhood Commercial (CN).

Associate Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #20-05.

Public testimony was opened at 7:31 p.m.

Speakers in Favor:

A letter from the applicant, Weiben CHEN, was read into the record on his behalf.

There were no speakers in opposition to the project.

Public testimony was opened at 7:33 p.m.

M/S CAMPER-BUTTICCI, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #20-06, and approve Conditional Use Permit #1240, subject to the Findings and thirteen (13) Conditions set forth in Staff Report #20-05 (RESOLUTION #4037):

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

NOES: None

ABSENT: None

ABSTAIN: None

- 4.5 Vesting Tentative Subdivision Map #1312, initiated by Rick Telegan, applicant for Exposition Properties, LLC, and Leeco, LLC, property owners. This application involves the subdivision of approximately 29.35 acres into 140 single-family lots generally located on the east side of G Street at Foothill Drive. This property has a Low Density (LD) General Plan Designation and is zoned R-1-5.

Planning Manager ESPINOSA noted a memo from staff advising that the applicant requested this item be continued to the Planning Commission meeting of May 20, 2020. This was provided to the Commission prior to the meeting. For further information, refer to Staff Report #20-08

M/S HARRIS-WHITE, and carried by the following vote, to continue the public hearing to the Planning Commission meeting of May 20, 2020, at 7:00 p.m. in the City Council Chambers.

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

NOES: None

ABSENT: None

ABSTAIN: None

5. INFORMATION ITEMS

5.1 Calendar of Meetings/Events

Planning Manager ESPINOSA briefed the Planning Commission on items for the next few Planning Commission meetings, which will also likely be held via teleconference.

6. **ADJOURNMENT**

M/S DELGADILLO-BUTTICCI, and carried by the following vote, to adjourn the meeting.

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

NOES: None

ABSENT: None

ABSTAIN: None

There being no further business, Chairperson HARRIS adjourned the meeting at -7:40 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:



MICHAEL HARRIS, Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #4037

WHEREAS, the Merced City Planning Commission at its regular meeting (held via teleconference) of May 6, 2020, held a public hearing and considered **Conditional Use Permit #1240**, initiated by Weiben Chen, on behalf of Promenade Center, Limited Partnership, property owner. This application involves a request to allow a new massage establishment with multiple massage technicians (5 technicians), located at 755 E. Yosemite Avenue, Suite E, within the Promenade Shopping Center. The subject site is generally located at the northwest corner at Yosemite Avenue and Paulson Road, with a zoning classification of Planned Development (P-D) #48 and a General Plan designation of Neighborhood Commercial (CN); said property being more particularly described as a Portion of Parcel C as shown on that certain Parcel Map for Pearson Scott, LLC, recorded in Volume 100, Page 24 of Merced County Records; also known as Assessor's Parcel Number (APN) 231-180-003; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through I (Exhibit B) of Staff Report #20-05; and,

WHEREAS, the Merced City Planning Commission concurs with the Findings for Conditional Use Permits in Merced Municipal Code Section 20.68.020 (E) and other Considerations as outlined in Exhibit B; and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #20-06, and approve Conditional Use Permit #1240, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, Rashe, White,
And Chairperson Harris

NOES: None

ABSENT: None

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4037

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May 6, 2020

Adopted this 6th day of May 2020



Chairperson, Planning Commission
of the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Exhibit B - Findings

Conditions of Approval
Planning Commission Resolution #4037
Conditional Use Permit #1240

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (floor plan) – and Exhibit 2 (elevations) -- Attachments C and D of Staff Report #20-05, 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 developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
4. 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.

5. All signing shall comply with the City's Sign Ordinance. Building permits shall be obtained prior to installing any permanent signing. A Temporary Sign Permit shall be obtained prior to installing any temporary signs or banners. Temporary freestanding or A-frame signs are not allowed.
6. Tenant Improvement Plans shall be submitted by a design professional prior to issuance of a building permit. Plans shall meet Federal Emergency Management Agency (FEMA) requirements if substantial improvements are required.
7. This approval allows a total of 5 massage technicians to operate within this tenant space. Any increase in the number of massage technicians at this location shall be subject to review by the Director of Development Services, or if deemed necessary, the Planning Commission.
8. All existing landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.
9. The premises shall remain clean and free of debris and graffiti at all times.
10. The applicant shall install interior and exterior video surveillance cameras that continuously record outside activities 24 hours a day, 7 days a week (locations to be worked out with the Police Department). Any video related to criminal investigations must be accessible immediately for viewing by the Merced Police Department or any other law enforcement agency. A recorded copy of surveillance video, requested in connection with a criminal investigation, must be reasonably accessible and available within 24 hours when requested by law enforcement. The business owner is responsible for maintaining the video surveillance equipment in an operable manner at all times.
11. The Police Department reserves the right to enter the site and conduct inspections with a 24 hour notice.
12. The massage establishment shall not operate past 10:30 p.m.
13. The applicant shall comply with Merced Municipal Code Section 5.44 – Massage Establishments.

**Findings and Considerations
Planning Commission Resolution # 4037
Conditional Use Permit #1240**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Neighborhood Commercial (CN) and the zoning classification of Planned Development (P-D) #48 with approval of a Conditional Use Permit.

Merced Police Department

- B) The Police Department has reviewed this request and is recommending that the applicant install interior and exterior video cameras, as required by the Police Chief during the building permit stage. This footage shall be made available to the Police Department upon their request (Condition #10 from Planning Commission Staff Report #20-05). In addition, the Police Department shall be granted access to all portions of the building with a 24-hour notice (Condition #11 from Planning Commission Staff Report #20-05). All new massage technicians shall obtain a proper license from the California Massage Technician Council, which would have been approved by the State with a background check and health screening. Should there be any issues relating to this establishment that result in increased number of incident calls the City reserves the right to revoke this conditional use permit as allowed by the Merced Municipal Code.

Parking

- C) In 2016, the Site Plan Review Committee reviewed and approved a parking lot expansion at the Promenade Shopping Center to accommodate the parking requirements for future tenants. A 65-space parking lot was added to the northwest portion of the shopping center. The parking requirement for personal service, such as massage establishments, is 1 parking space per 250 square feet of floor space, or 1 parking space per employee working during the largest shift. In this case the 1,104-square-foot tenants and 5 massage technicians, require 5 parking spaces for this establishment. With the approved parking lot expansion, the Promenade Shopping Center has adequate parking to serve this business and other businesses within the shopping center.

MMC 5.44 Massage Establishments

- D) The massage establishment shall be required to comply with all associated regulations outlined under Merced Municipal Code Section 5.44 – Massage Establishments (Condition #13 from Planning Commission Staff Report #20-05).

Signage

- E) The applicant is not proposing any signage with this conditional use permit application. A formal request for permanent signage shall be reviewed with a building permit application and shall require compliance with the North Merced Sign Ordinance.

Neighborhood Impact/Public Comments

- F) Staff mailed a public hearing notice to property owners within 300 feet of the subject site, and published the public hearing notice in the Merced County Times. As of the time this report was prepared, (4/30/2020), Planning staff did not receive any formal comments from any residents or business owners.

Conditional Use Permit

- G) A conditional use permit (CUP) is required to allow a message establishment with multiple massage technicians within a Neighborhood Commercial (CN) General Plan designation. In order for the Planning Commission to approve or deny a CUP, they must consider the following criteria and make findings to support or deny each criteria per MMC 20.68.020 (E) Findings for Approval for Conditional Use Permits.

MMC 20.68.020 (E) Findings for Approval.

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

The proposed project complies with the General Plan designation of Neighborhood Commercial (CN) and the zoning designation of Planned Development (P-D) #48 with approval of this Conditional Use Permit.

2. *The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.*

The applicant is not proposing any significant changes to the building, besides installing signs for their business. All signs shall be required to comply with the North Merced Sign Ordinance standards and requirements found in Merced Municipal Code Section Article III – Regulations for North Merced ensuring consistent signs standards with signs located on surrounding commercial buildings.

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

To ensure the proposal is not detrimental to the public health, safety, and welfare of the City, the applicant shall subsequently apply for building permits with the City's Building Department. Plans shall be submitted by a design

professional and building modification shall be done by a licensed contractor (license type as required by the California Building Code).

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

The applicant is proposing to utilize an existing building that is located within the City and can be adequately served by City services and infrastructure.

Distance Requirements

- H) The Zoning Ordinance does not establish distance requirements between massage establishments and any other businesses, sensitive uses, Zoning designations, or General Plan designations.

Environmental Clearance

- I) Planning staff has conducted an environmental review (#20-06) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption is being recommended (Attachment F from Planning Commission Staff Report #20-05).

CITY OF MERCED
Planning Commission

Resolution #4038

WHEREAS, the Merced City Planning Commission at its regular meeting (held via teleconference) of May 6, 2020, held a public hearing and considered **Conditional Use Permit #1242**, initiated by Shemoil Moradzedah, property owner. This application involves consideration of a Comprehensive Sign Package (including a 65-foot-tall double-sided freeway pylon sign with digital boards) for the new Campus Parkway Plaza. The site is generally located on the southwest corner of Campus Parkway and Coffee Street, within Planned Development (P-D) #35, with a Thoroughfare Commercial (CT) General Plan designation. Said property being described as Parcel 4 as shown on the map entitled “L.J. Steiner, LLC,” recorded in Volume 99, Page 26 of Merced County Records (APN) 061-250-084; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through G (Exhibit B) of Staff Report #20-09; and,

WHEREAS, the Merced City Planning Commission concurs with the Findings for Conditional Use Permits in Merced Municipal Code Section 20.68.020 (E) and other Considerations as outlined in Exhibit B; and,

NOW THEREFORE, after reviewing the City’s Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #20-08, and approve Conditional Use Permit #1242, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Camper, Delgadillo, Dylina, Rashe, White, and Chairperson Harris

NOES: None

ABSENT: None


ABSTAIN: Commissioner Butticci

PLANNING COMMISSION RESOLUTION #4038

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May 6, 2020

Adopted this 6th day of May 2020



Chairperson, Planning Commission
of the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Exhibit B - Findings

Conditions of Approval
Planning Commission Resolution #4038
Conditional Use Permit #1242

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Master Sign Program) and Exhibit 2 (Freeway Pylon Sign), - Attachments C and D of Planning Commission Staff Report #20-09, 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 (with counsel selected by the City), 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 such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
5. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws,

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. No temporary freestanding or moveable signs shall be allowed, unless otherwise authorized by the Municipal Code.
7. 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, 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.
8. The premises shall remain clean and free of debris and graffiti at all times. Any damaged materials shall be replaced by matching materials.
9. Additional shopping center signs and monument signs may be considered along Coffee Street as allowed by the Merced Municipal Code.
10. Final approval of each individual tenant sign shall require a sign permit and are subject to the Sign Criteria as spelled out in Attachment C of Planning Commission Staff Report #20-09.
11. Digital Board shall comply with Merced Municipal Code Section 20.36.667.L.2.C – Free-Standing or Wall-Mounted Signs, including those provisions that allow for advertising for public events as determined by the City of Merced (Attachment E of Planning Commission Staff Report #20-09).
12. The proposed digital board shall not advertise private businesses that are located off-site.
13. The digital board cannot include any type of signs deemed a traffic hazard by the City Engineer for vehicles driving along Highway 99. This may include the use of scrolling text, flashing signs, or rapidly rotating advertisements.
14. Future shopping center signs, monument signs, or garden signs shall be designed to match the freeway pylon sign. This shall require using similar colors, textures, material, and overall aesthetic style.

15. Minor modifications to Master Sign Program may be reviewed and approved by the Director of Development Services, or if deemed necessary be referred to the Site Plan Review Commission, or Planning Commission.
16. In the event that the Master Sign Program conflicts with the Merced Municipal Code, the stricter of the two shall be implemented.
17. Final locations of all signs, including required setbacks from intersections and driveways as determined by the Municipal Code, are subject to Planning Division approval at the time of issuance of a sign permit.
18. The Freeway Pylon sign shall be modified to read “Merced Gateway to Yosemite” instead of just “Gateway to Yosemite” on the top in conformance with MMC 20.36.667.L

**Findings and Considerations
Planning Commission Resolution # 4038
Conditional Use Permit #1242**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Thoroughfare Commercial (CT) and the Zoning designation of Planned Development (P-D) #35 with approval of this Conditional Use Permit.

Public Improvements/City Services

- B) Per Condition #7, Merced Municipal Code Section 17.04.050 and 17.04.060, requires full public improvements to be installed/repared if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, 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. The need for any new improvements or repairs to existing improvements would be determined by the Engineering Department at the building permit stage.

Signage

- C) All signs would be required to comply with the Merced Municipal Code. Building permits are required prior to the installation of any permanent signs. As stated in the proposed Master Sign Program, the shopping center will require internal review and approval from the landlord prior to tenants submitting signage proposals for City review. The landlord intends to be flexible with tenant signage, as some tenants may be trying to achieve a uniform standard corporate design, but the owner will try to ensure that signage throughout the shopping center is cohesive, compatible, or complementary to achieve design balance for the entire plaza. The Master Sign Program includes several standards that are consistent with the North Merced Sign Ordinance (such as requiring individual channel letters), along with other specific internal regulations such as prohibiting the use of neon colored signs, and limiting the type of temporary or window signs that could be used by tenants. In the event that the Master Sign Program conflicts with the Sign Ordinance, the stricter of the two codes will be implemented (Condition #16). This also applies to usage and duration of temporary signs.

Freeway Pylon Sign

- D) The applicant has provided the Master Sign Program shown at Attachment C. Individual tenant signs would be reviewed by the landlord (before submitting sign permit applications to the Building Department) to ensure a cohesive aesthetic between the various tenants - with consideration for design, materials, and colors. The proposed double-sided freeway pylon sign would be approximately 65-foot-tall

and 16-foot-wide, providing visibility from both the north- and south-bound Highway 99 lanes. Each pylon face would have eleven tenant slots and would be crowned with the City slogan showing “Merced Gateway to Yosemite;” per Condition #18 of Planning Commission Staff Report #20-09 The backboard would be made of composite wood deck material intended for durability and weather resistance, and the tenant slots would be internally illuminated and finished with polycarbonate faces. The specific individual tenant signs have yet to be determined, but would be reviewed during the building permit stage for consistency with the Master Sign Program and the Merced Municipal Code. The pylon sign also includes an approximate 100-square-foot digital board on each face, which would be used to advertise the businesses within the shopping center only. Per MMC 17.36.667.L.2.C a free standing sign may include a changeable copy (digital board) if they meet specific standards as shown at Attachment E, with the inclusion of periodically displaying City/community events or safety campaigns (and other matters) as directed by the City of Merced.

The adjacent development, the Gateway Shopping Center, would also be installing a freeway-oriented pylon sign of their own. In addition, near the Childs Avenue exit there is a 110-foot-tall freeway oriented pylon sign used by the Arco/KFC development that was approved in 2011 by the Planning Commission via CUP #1158. Several other establishments in Merced along Highway 99 also have freeway pylon signs including In-n-Out, Popeyes, Smart and Final, McDonalds, Jack in the Box, etc. The proposed freeway pylon sign is consistent with various businesses along the Highway 99 corridor that have pylon signs.

Neighborhood Impact/Public Comments

- E) Staff mailed a public hearing notice to property owners within 300 feet of the subject site, and published the public hearing notice in the *Merced County Times*. As of the time this report was prepared, (4/30/2020), Planning staff did not receive any formal comments from any residents or business owners.

Conditional Use Permit

- F) A conditional use permit (CUP) is required to allow a freeway pylon sign with changeable copies. 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 Merced Municipal Code (MMC) 20.68.020 (E) Findings for Approval for Conditional Use Permits.

MMC 20.68.020 (E) Findings for Approval.

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

The proposed project complies with the General Plan designation of Thoroughfare Commercial (CT) and the zoning designation of Planned Development (P-D) #35 with approval of this Conditional Use Permit.

- 2. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.*

All signs shall be required to comply with the Merced Municipal Code and the proposed Master Sign Program ensuring consistent sign standards throughout the development. The adjacent development, Gateway Shopping Center, would also intend to install a freeway oriented pylon sign of their own. In addition, near the Childs Avenue exit there is a freeway oriented pylon sign of larger height used for the Arco/KFC development. Several other establishments in Merced along Highway 99 also have freeway pylon signs, including In-n-Out, Popeyes, Smart and Final, McDonald's, Jack in the Box, etc. The proposed freeway pylon sign is consistent with various businesses along the Highway 99 corridor that have pylon signs.

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

To ensure the proposal is not detrimental to the public health, safety, and welfare of the City, the applicant shall subsequently apply for sign permits with the City's Building Department. Plans shall be submitted by a design professional and signage installation shall be done by a licensed contractor (license type as required by the California Building Code).

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

The proposed signs are located within the City and can be adequately served by existing services and infrastructure. The project will also comply with the following Code section in regards to the Freeway Pylon Sign:

Merced Municipal Code Section 17.36.667.L.2.C – Free-Standing and Wall-Mounted Signs

Merced Municipal Code Section 17.36.667.L.2.C – Free-Standing and Wall-Mounted Signs note that a "Changeable Copy Sign" (synonymous with digital board sign described throughout this report) may be allowed if the property owner agrees to allow the City to advertise City/community sponsored events, or outreach campaigns (e.g. Safe and Sane Fireworks during 4th of July, etc.) at the discretion of the City as part of a continuous rotation of advertising. Besides this, changeable copy signs may not advertise activities or businesses not occurring on premise. The property owner is aware of this requirement, which is being included under Conditions #11 and #12.

Environmental Clearance

- G) 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 (Attachment F of Planning Commission Staff Report #20-09).