



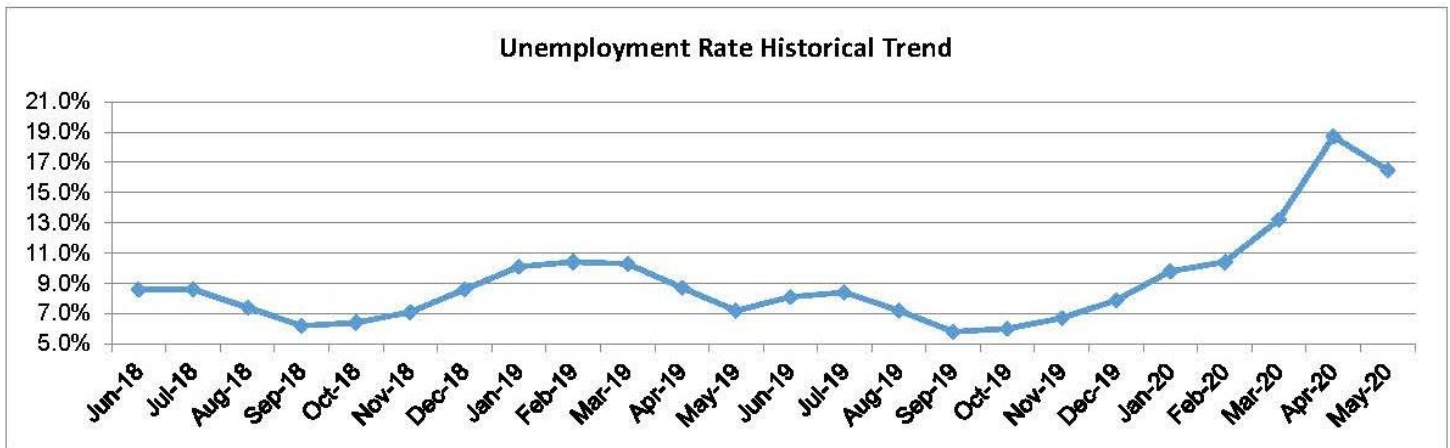
# THE CI

**MERCED**

**To:** The Honorable Mayor and City Council  
**From:** Steven S. Carrigan, City Manager  
**Date:** June 19, 2020  
**Re:** City Council Information Report

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## MERCED UNEMPLOYMENT RATE DROPS IN MAY



The unemployment rate in the Merced County was 16.5 percent in May 2020, down from a revised 18.7 percent in April 2020, and above the year-ago estimate of 7.2 percent.

This compares with an unadjusted unemployment rate of 15.9 percent for California and 13.0 percent for the nation during the same period. A copy of the May 2020 Labor Market Report is attached for your review.

## SIGNAL BATTERY BACKUPS INSTALLED DOWNTOWN

Public Works crews installed 7 traffic signal battery backups in the downtown area this week, including the intersections of 18<sup>th</sup>/Canal, 19<sup>th</sup>/M, 21<sup>st</sup>/Canal, 21<sup>st</sup>/M, K/Main, and MLK/Main Streets. Funding for this project provided for by Measure V.



## WELL 21 CONSTRUCTION (BELLEVUE ROAD & G STREET)

Work continues on the new well site at Bellevue & G Street, with testing of the emergency backup generator this week, under the supervision of the Public Works Department.



## WELL 20 CONSTRUCTION (MISSION & TYLER)

Work also continues on the new well site at Mission & Tyler, with the contractor progressing on the storm water basin construction and associated plumbing installation, under the supervision of the Public Works Department.



## **INSPECTION SERVICES REPORT**

Please find attached the biweekly Inspection Services report.

## **BOARD AND COMMISSION VACANCIES**

Please find attached a list of board and commission vacancies.

## **SPECIAL MEETING AGENDA**

Please find attached the agenda for a special meeting of the Planning Commission for Weds., June 24.

## **PLANNING COMMISSION ACTIONS**

Please find attached the Planning Commission Action Memo.

## **SAVE THE DATE**

June 25 – ACE Virtual Scoping Session 3 and 6:30 p.m.

June 29 – Special Council Meeting

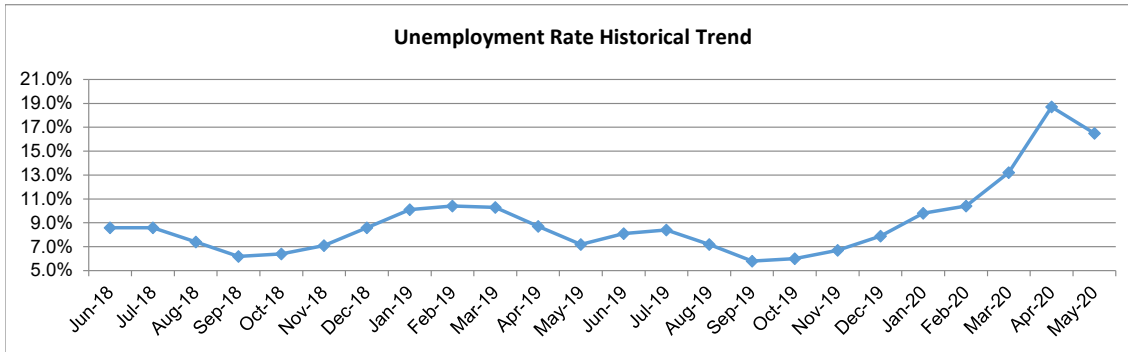
June 30 – ACE Virtual Scoping Session 6:30 p.m.

## **REPORTS & CORRESPONDENCE**

- |                                    |        |
|------------------------------------|--------|
| 1. Labor Market Report             | Pg. 5  |
| 2. Inspection Services report      | Pg. 8  |
| 3. Board, Commission vacancies     | Pg. 9  |
| 4. Planning Commission agenda      | Pg. 10 |
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IMMEDIATE RELEASE  
 MERCED METROPOLITAN STATISTICAL AREA (MSA)  
 (Merced County)

The unemployment rate in the Merced County was 16.5 percent in May 2020, down from a revised 18.7 percent in April 2020, and above the year-ago estimate of 7.2 percent. This compares with an unadjusted unemployment rate of 15.9 percent for California and 13.0 percent for the nation during the same period.



Industry	Apr-2020	May-2020	Change		May-2019	May-2020	Change
	Revised	Prelim				Prelim	

Total, All Industries	74,300	77,000	2,700		86,700	77,000	(9,700)
Total Farm	11,700	14,400	2,700		15,500	14,400	(1,100)
Total Nonfarm	62,600	62,600	0		71,200	62,600	(8,600)
Mining, Logging, and Construction	2,400	2,700	300		2,500	2,700	200
Manufacturing	8,700	8,900	200		9,800	8,900	(900)
Trade, Transportation & Utilities	12,400	12,600	200		13,500	12,600	(900)
Information	200	200	0		300	200	(100)
Financial Activities	1,900	1,800	(100)		1,900	1,800	(100)
Professional & Business Services	4,000	4,000	0		4,400	4,000	(400)
Educational & Health Services	10,300	10,200	(100)		10,500	10,200	(300)
Leisure & Hospitality	2,800	3,600	800		6,000	3,600	(2,400)
Other Services	1,200	1,300	100		1,500	1,300	(200)
Government	18,700	17,300	(1,400)		20,800	17,300	(3,500)

Notes: Data not adjusted for seasonality. Data may not add due to rounding  
 Labor force data are revised month to month  
 Additional data are available on line at [www.labormarketinfo.edd.ca.gov](http://www.labormarketinfo.edd.ca.gov)

Data Not Seasonally Adjusted

	May 19	Mar 20	Apr 20	May 20	Percent Change	
			Revised	Prelim	Month	Year
Civilian Labor Force (1)	117,200	116,600	115,500	113,800	-1.5%	-2.9%
Civilian Employment	108,800	101,300	93,900	95,000	1.2%	-12.7%
Civilian Unemployment	8,500	15,300	21,600	18,800	-13.0%	121.2%
Civilian Unemployment Rate	7.2%	13.2%	18.7%	16.5%		
(CA Unemployment Rate)	3.6%	5.8%	16.2%	15.9%		
(U.S. Unemployment Rate)	3.4%	4.5%	14.4%	13.0%		

Total, All Industries (2)	86,700	79,300	74,300	77,000	3.6%	-11.2%
Total Farm	15,500	11,000	11,700	14,400	23.1%	-7.1%
Total Nonfarm	71,200	68,300	62,600	62,600	0.0%	-12.1%
Total Private	50,400	47,900	43,900	45,300	3.2%	-10.1%
Goods Producing	12,300	11,400	11,100	11,600	4.5%	-5.7%
Mining, Logging, and Construction	2,500	2,700	2,400	2,700	12.5%	8.0%
Manufacturing	9,800	8,700	8,700	8,900	2.3%	-9.2%
Nondurable Goods	8,300	7,300	7,500	7,700	2.7%	-7.2%
Service Providing	58,900	56,900	51,500	51,000	-1.0%	-13.4%
Private Service Providing	38,100	36,500	32,800	33,700	2.7%	-11.5%
Trade, Transportation & Utilities	13,500	12,900	12,400	12,600	1.6%	-6.7%
Wholesale Trade	1,700	1,400	1,300	1,300	0.0%	-23.5%
Retail Trade	8,200	8,400	8,300	8,500	2.4%	3.7%
Transportation, Warehousing & Utilities	3,600	3,100	2,800	2,800	0.0%	-22.2%
Information	300	300	200	200	0.0%	-33.3%
Financial Activities	1,900	1,900	1,900	1,800	-5.3%	-5.3%
Professional & Business Services	4,400	4,300	4,000	4,000	0.0%	-9.1%
Educational & Health Services	10,500	10,600	10,300	10,200	-1.0%	-2.9%
Leisure & Hospitality	6,000	5,000	2,800	3,600	28.6%	-40.0%
Other Services	1,500	1,500	1,200	1,300	8.3%	-13.3%
Government	20,800	20,400	18,700	17,300	-7.5%	-16.8%
Federal Government	700	700	700	700	0.0%	0.0%
State & Local Government	20,100	19,700	18,000	16,600	-7.8%	-17.4%
State Government	4,400	3,800	3,600	3,300	-8.3%	-25.0%
State Government Education	3,800	3,200	3,000	2,700	-10.0%	-28.9%
State Government Excluding Education	600	600	600	600	0.0%	0.0%
Local Government	15,700	15,900	14,400	13,300	-7.6%	-15.3%
Local Government Excluding Education	4,200	4,100	3,800	3,700	-2.6%	-11.9%
Special Districts plus Indian Tribes	600	600	600	500	-16.7%	-16.7%

**Notes:**

(1) Civilian labor force data are by place of residence; include self-employed individuals, unpaid family workers, household domestic workers, & workers on strike. Data may not add due to rounding. The unemployment rate is calculated using unrounded data.

(2) Industry employment is by place of work; excludes self-employed individuals, unpaid family workers, household domestic workers, & workers on strike. Data may not add due to rounding.

These data are produced by the Labor Market Information Division of the California Employment Development Department (EDD). Questions should be directed to: Steven Gutierrez 559-230-4102 or Frances Gines 951-955-3204

These data, as well as other labor market data, are available via the Internet at <http://www.labormarketinfo.edd.ca.gov>. If you need assistance, please call (916) 262-2162.

#####

**REPORT 400 C**  
**Monthly Labor Force Data for Counties**  
**May 2020 - Preliminary**  
 Data Not Seasonally Adjusted

COUNTY	RANK BY RATE	LABOR FORCE	EMPLOYMENT	UNEMPLOYMENT	RATE
<b>STATE TOTAL</b>	---	<b>18,405,800</b>	<b>15,484,600</b>	<b>2,921,200</b>	<b>15.9%</b>
ALAMEDA	21	801,700	693,700	108,000	13.5%
ALPINE	56	480	380	110	22.2%
AMADOR	36	14,030	11,910	2,120	15.1%
BUTTE	21	90,400	78,200	12,200	13.5%
CALAVERAS	9	19,970	17,580	2,390	12.0%
COLUSA	55	10,220	8,060	2,160	21.1%
CONTRA COSTA	25	532,900	460,400	72,500	13.6%
DEL NORTE	18	9,170	7,980	1,190	13.0%
EL DORADO	34	90,600	77,000	13,600	15.0%
FRESNO	41	445,000	375,300	69,700	15.7%
GLENN	26	11,060	9,550	1,510	13.7%
HUMBOLDT	8	60,700	53,600	7,200	11.8%
IMPERIAL	57	71,700	51,700	19,900	27.8%
INYO	10	7,910	6,950	970	12.2%
KERN	52	368,400	301,100	67,300	18.3%
KINGS	43	56,200	47,200	9,000	16.0%
LAKE	39	25,420	21,510	3,910	15.4%
LASSEN	1	8,870	7,980	890	10.0%
LOS ANGELES	54	4,707,700	3,737,600	970,100	20.6%
MADERA	38	62,200	52,800	9,500	15.2%
MARIN	2	127,000	113,900	13,100	10.3%
MARIPOSA	51	7,740	6,380	1,360	17.5%
MENDOCINO	20	36,330	31,530	4,810	13.2%
MERCED	46	113,800	95,000	18,800	16.5%
MODOC	5	3,020	2,680	330	11.0%
MONO	58	6,300	4,480	1,820	28.9%
MONTEREY	49	198,100	164,700	33,300	16.8%
NAPA	31	72,100	61,800	10,400	14.4%
NEVADA	29	39,560	33,940	5,620	14.2%
ORANGE	33	1,548,900	1,324,500	224,500	14.5%
PLACER	11	180,600	158,200	22,400	12.4%
PLUMAS	50	6,400	5,320	1,080	16.9%
RIVERSIDE	42	1,089,100	917,200	171,900	15.8%
SACRAMENTO	28	695,100	596,900	98,300	14.1%
SAN BENITO	40	31,000	26,200	4,800	15.5%
SAN BERNARDINO	27	937,200	807,100	130,100	13.9%
SAN DIEGO	34	1,552,400	1,319,500	232,900	15.0%
SAN FRANCISCO	12	550,900	481,500	69,400	12.6%
SAN JOAQUIN	48	320,800	267,500	53,300	16.6%
SAN LUIS OBISPO	15	129,100	112,700	16,400	12.7%
SAN MATEO	7	427,400	380,200	47,200	11.1%
SANTA BARBARA	17	208,600	181,600	26,900	12.9%
SANTA CLARA	5	1,010,000	898,600	111,500	11.0%
SANTA CRUZ	31	130,300	111,600	18,800	14.4%
SHASTA	19	70,300	61,100	9,200	13.1%
SIERRA	12	1,140	1,000	140	12.6%
SISKIYOU	21	15,810	13,680	2,130	13.5%
SOLANO	29	199,800	171,300	28,400	14.2%
SONOMA	15	246,700	215,200	31,400	12.7%
STANISLAUS	45	233,300	195,700	37,500	16.1%
SUTTER	43	43,800	36,800	7,000	16.0%
TEHAMA	12	24,370	21,290	3,080	12.6%
TRINITY	4	4,280	3,820	460	10.7%
TULARE	53	191,900	156,600	35,300	18.4%
TUOLUMNE	46	20,790	17,360	3,430	16.5%
VENTURA	21	406,800	351,800	55,000	13.5%
YOLO	3	101,500	90,800	10,700	10.5%
YUBA	36	29,000	24,700	4,400	15.1%

**Notes**

- 1) Data may not add due to rounding. The unemployment rate is calculated using unrounded data.
- 2) Labor force data for geographic areas now reflect the March 2019 benchmark and Census 2010 population controls at the state level.

Inspection Services CI

**For the period of June 1<sup>st</sup> through June 14<sup>th</sup>, 2020, there were 19 New Single Family Dwelling Permits Issued.**

The running total of New Single Family Dwellings in Plan Review is **583**.

Multi Family Permits in review:

Gateway Terrace Apartments located at 405 W 12<sup>th</sup> St, 1 Office/Lounge and 6, 2 story Apartments; 2 buildings have 16 units, 3 buildings have 30 units, and 1 building has 4 units.

Compass Pointe phase II: 128 units in 16, 8-plex buildings plus a clubhouse.

There were 0 multi-family permits issued during this period.

(no change from last report)

There were 0 new construction commercial permits issued during this period.

There were 0 new tenant improvement permits issued during this period.

There were 0 new commercial submittals during this period.

There were 2 new tenant improvement submittals during this period; one for a meat case and condenser replacement for Grocery Outlet located at 1125 W. Main St., and one for a general tenant improvement for University Pediatric Center located at 320 E. Yosemite Ave. Ste 101.

There was 1 CofO issued for this period; for a pair of paint and grinding booths for Centurion Boats located at 2047 Grogan Ave.

There were 18 CofOs for Single Family Dwellings during this period.





**CITY OF MERCED**  
**Boards & Commissions**  
*Current Vacancies Listing*



*(As of June 18, 2020)*

<b>Arts and Culture Advisory Commission</b>	
<i>One (1) ex-officio (non-voting) vacancy</i>	<i>One seat per Council District and one At-Large</i>
<b>Bicycle Advisory Commission</b>	
<i>Two (2) vacancies. One (1) ex-officio (non-voting) vacancy.</i>	
<b>Building and Housing Board of Appeals</b>	
<i>One (1) vacancy.</i>	
<b>Personnel Board</b>	
<i>No Vacancies</i>	
<b>Planning Commission</b>	
<i>No Vacancies</i>	
<b>Recreation and Parks Commission</b>	
<i>One (1) vacancy.</i>	
<b>Regional Airport Authority</b>	
<i>One (1) vacancy.</i>	
<b>Citizens' Stipend Setting Commission</b>	
<i>Seven (7) vacancies.</i>	<i>One seat per Council District and one At-Large</i>
<b>Tax Transparency Commission</b>	
<i>Seven (7) vacancies.</i>	<i>One seat per Council District and one At-Large</i>
<b>Citizens Oversight Committee – Measure C</b>	
<i>One (1) Southern District One (1) Central District One (1) Northern District One (1) ex-officio (non-voting) vacancy.</i>	

***This is your opportunity to serve. Apply today!***

To apply, go to [www.cityofmerced.org](http://www.cityofmerced.org) > City Clerk > Boards & Commissions.  
 Next, on the page which appears, click on this link:

**City of Merced**  
**PLANNING COMMISSION**  
**Agenda**

**SPECIAL MEETING**

*This meeting will be conducted in person. In-person Commission Meetings will have strict social distancing practices in place and the use of face coverings is now mandated by orders of the Governor. Seating in the Council Chamber will be limited and an overflow room (Sam Pipes Room) will be available with the same social distancing practices in place.*

**MODIFIED PUBLIC COMMENT INSTRUCTIONS**

*Members of the audience who wish to address the Planning Commission are requested to complete a speaker card available at the podium against the right-hand side of the Council Chamber. Please submit the completed card to the Clerk before the item is called, preferably before the meeting begins.*

*For at risk individuals or those not wanting to attend an in-person meeting during the current Covid-19 pandemic, please submit your public comment to the Planning Commission electronically no later than 3 PM on the day of the meeting. Comments received before the deadline will be read as part of the record. Material may be emailed to [planningweb@cityofmerced.org](mailto:planningweb@cityofmerced.org) and should be limited to 500 words or less. Please specify which portion of the agenda you are commenting on, i.e. item # or Oral Communications. Your comments will be read to Planning Commission at the appropriate time. Any correspondence received during or after the meeting will be distributed to the Planning Commission and retained for the official record.*

*You may provide telephonic comments via voicemail by calling (209) 388-7390 by no later than 3:00 PM on the day of the meeting to be added to the public comment. Voicemails will be limited to a time limit of three (3) minutes. Please specify which portion of the agenda you are commenting on, i.e. item # or Oral Communications. Your comments will be read to the Planning Commission at the appropriate time. Due to technical limitations, any voice mails received after 3 PM may or may not be made available to the Planning Commission.*

CALL TO ORDER

City Council Chambers  
678 W. 18<sup>th</sup> St., Merced  
Wednesday, June 24, 2020  
7:00 p.m.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

## **S P E A K E R S**

Please be brief and to the point - preferably 3 to 5 minutes.

Max Time Limit prior to Agendized items: 15 minutes. Once the maximum has been reached, remaining speakers will be asked to wait until the end of the meeting to make their comments.

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.

### **PUBLIC HEARINGS/REPORTS:**

#### Permits, license, and other entitlements:

Applicant's Representative – 15 minutes (including rebuttal)

Appellant's Representative – 15 minutes (including rebuttal)

All other speakers will have 5 minutes each.

#### All other issues:

3 or less speakers: 5 minutes each

Over 3 speakers: Maximum of 3 minutes each

A timer clock is located directly across from the podium, illuminating the speaker's remaining time. Once the time is exhausted, a buzzer sounds. Please be courteous and conclude your discussion promptly.

## **GENERAL INFORMATION**

The Planning staff can assist you with other planning questions on matters such as annexation to the city, land subdivision, downtown Merced projects, home occupation permits, zoning, population and housing. (Phone 385-6858) 678 West 18th Street, Merced, CA 95340. Prior to each regular Commission Meeting, a complete agenda packet is available for review in the Planning Department at 678 West 18<sup>th</sup> Street, Merced, and on the City's website at [www.cityofmerced.org](http://www.cityofmerced.org). Any documents provided to a majority of the Commissioners after this agenda is posted will be available for public inspection in the Planning Department during normal business hours.

## **THE PLANNING COMMISSION**

The citizens of Merced elect the members of the City Council. They in turn appoint seven advisors, the Planning Commission, to make recommendations on planning matters. The Commissioners are civic-minded citizens who serve an average of 35 meetings a year with no pay. Meetings are normally held at 7:00 p.m. on the Wednesday nights following the first and third Mondays of the month, in addition to special meetings as called.

The staff assists the Commission but does not vote. The City Attorney provides legal assistance and assists the Commission on procedural matters; the Planning Director and staff prepare the agenda, provide reports, etc. Other City staff members such as the Civil Engineer also serve as advisors to the Commission.

## **PLANNING COMMISSION MEETINGS**

The Commissioners are interested in your views and want to hear them. Information on a proposed action is publicized before it is brought before the Planning Commission. For example, on a proposed zoning action, mailers are sent to all property owners within a 300-foot radius and a notice appears in the legal advertisement section of the Merced Sun-Star. Important pending items will also often be mentioned in pre-meeting references in the local newspaper.

### **Consent Items**

Items noted as “(CONSENT)” are considered routine and will normally be approved without a staff presentation or discussion by the Planning Commission unless a Commissioner or member of the audience has a question(s) or wishes to make a statement or discuss an item. If so, please approach the microphone at the time the particular item is reached.

### **Public Hearings**

The Commission will ask those who are for\* or against\*\* a proposal to speak at all public hearings. The sequence of events is:

1. Staff report of facts and a recommendation.
2. Applicant's statement.
3. Proponents\* of the proposal.
4. Opponents\*\* of the proposal.
- (5. If necessary, a summary statement or rebuttal from the applicant.)

If you decide to speak, please submit a “Request to Speak” form prior to the start of the public hearing. You will be called up to speak at the appropriate time by the Recording Secretary. Please start by giving your name and city of residence, then tell the Commissioners your concern. We want your views; don't worry about how to say them. If several people have spoken, try not to be repetitious. If there are several in your area with concerns, why not appoint a spokesman. The Commission is particularly interested in the specific reasons you are for or against a proposal because their decision has to be based on specific reasons.

A Commission denial of a request or proposal is final in the case of Conditional Use Permit Applications (unless appealed to City Council within five business days) and Tentative Subdivision Maps (unless appealed to City Council within 10 business days). On many other items, the Commission RECOMMENDS ACTION to the Council. If your item is passed on to the City Council, be sure to follow up by attending the Council hearings and expressing your point of view.

You may also find that the Commission may not get to your item - set for 7:00 p.m. public hearing - until 10:00 p.m. for instance. We regret you having to wait. Experience has shown that setting hearings 1/2 - 1 hour apart is unwise, however. Sometimes matters are withdrawn or are resolved quickly leaving the Commission and public in a position of waiting for an appointed time to arrive.

1. APPROVAL OF AGENDA

2. MINUTES: None

3. COMMUNICATIONS

Members of the public who wish to speak on any matter not listed on the agenda may provide in person, 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

4. ITEMS

Any matters listed as (“CONSENT”) in the descriptions below are considered routine by the Planning Commission and will be adopted by one action of the Commission unless any citizen requests to comment on the item per the Modified Public Comment Instructions or a Commission member has any question or wishes to make a statement or discuss an item. In that event, the Chairperson will remove that item from the Consent Calendar and place it for separate consideration.

4.1 **Modification to the Development Agreement for Bellevue Ranch**, initiated by Baxter Ranches LLC and Stonefield Home, Inc., property owners. This application involves a request to modify the Development Agreement for Bellevue Ranch, originally adopted on July 5, 1995, and amended and modified twice in 1996 and once in 2009. In 2009, the term of the agreement was modified from 40 years to 25 years for a portion of Bellevue Ranch West so that it would expire on July 5, 2020. The current property owners are requesting that the term be extended for up to 15 years to the original expiration date of July 5, 2035. The affected property consists of approximately 233 acres, generally located on the north and south sides of Cardella Road from Pacific Drive to Bellevue Road, west of M Street. The property has General Plan designations of Regional Community Commercial (RC), High Medium Density Residential (HMD), Low Medium Density Residential (LMD), Low Density Residential (LD), Open Space/Park Recreation (OS-PK), and School (SCH); and is zoned Planned Development (P-D) #42. \*PUBLIC HEARING\*

ACTION: Recommendation to City Council (scheduled for June 29, 2020)

1. Environmental Review #20-12 (Categorical Exemption)
2. Modification/Extension of Development Agreement

5. INFORMATION ITEMS

5.1 Calendar of Meetings/Events (see below)

6. ADJOURNMENT (Traditionally no later than 11:00 p.m.)

CALENDAR OF MEETINGS/EVENTS


June	23	Bicycle/Pedestrian Advisory Commission, 4:00 p.m.
	24	Planning Commission, Special Meeting, 7:00 p.m.
	29	City Council, Special Meeting, 5:00 p.m.
July	6	City Council, 6:00 p.m.
	8	Planning Commission, 7:00 p.m. ( <b>Cancelled</b> )
	20	City Council, 6:00 p.m.
	22	Planning Commission, 7:00 p.m.
Aug.	3	City Council, 6:00 p.m.
	5	Planning Commission, 7:00 p.m.
	17	City Council, 6:00 p.m.
	19	Planning Commission, 7:00 p.m.
	25	Bicycle/Pedestrian Advisory Commission, 4:00 p.m.

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*City of Merced*  
**MEMORANDUM**

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**DATE:** June 18, 2020  
**TO:** City Council  
**FROM:** Kim Espinosa, Planning Manager   
**SUBJECT:** Actions at the Planning Commission Meeting of June 17, 2020

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At their meeting of June 17, 2020, the Planning Commission heard and found Vacation #20-03 (initiated by Mohammed Jawad, to vacate a 315-square-foot easement within the vacant parcel at 1001 W. 16<sup>th</sup> Street, generally located at the northwest corner of 16<sup>th</sup> Street and Q Street) consistent with the General Plan.

The Commission heard and approved Conditional Use Permit #1243 for a Comprehensive Sign Package (including a 20-foot-tall double-sided pylon sign with digital boards) for the Plaza at El Portal. The site is generally located on the southwest and northwest corner of El Portal Drive and G Street.

The Commission heard and approved Conditional Use Permit #1239 and Site Plan Review #456 to develop an apartment complex with 220 residential units on 11.98 acres and reserving a 3.54-acre outparcel for future retail, generally located on the north side of Yosemite Avenue between Compass Pointe Avenue and El Redondo Drive.

The Commission voted to cancel the meeting of July 8, 2020.

The Commission adjourned to the Special Meeting of the Planning Commission on June 24, 2020, at 7:00 p.m.

If you have any questions about these items, please feel free to contact me.

#### Attachments

n:shared:Planning:PCMemos2020

**CITY OF MERCED**  
**Planning Commission**

**Resolution #4042**

**WHEREAS**, the Merced City Planning Commission at its regular meeting (held via teleconference) of June 17, 2020, held a public hearing and considered **Conditional Use Permit #1239 and Site Plan Review #456**, concerning Conditional Use Permit #1239 and Site Plan Review Permit #456, initiated by Yosemite Village, LLC, property owner. This application involves a request to develop an apartment complex with 220 residential units on 11.98 acres, and reserving a 3.54-acre outparcel for future retail, generally located on the north side of Yosemite Avenue between Compass Pointe Avenue and El Redondo Road. The property has a General Plan designation of Neighborhood Commercial (CN) and is zoned Planned Development (P-D) #46. Said property being described as Parcels 10 and 11 as shown on the map entitled “Horizon Development Group” recorded in Volume 77, Page 44 of Merced County Records (APN) 206-070-001 and 206-070-002; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through H (Exhibit B) of Staff Report #20-12; 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 Findings for Site Plan Review Permits in Merced Municipal Code 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 Finding of 15162 regarding Environmental Review #20-04, and approve Conditional Use Permit #1239 and Site Plan Review #456, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

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

NOES: None



PLANNING COMMISSION RESOLUTION # 4042


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June 17, 2020

ABSENT: None

ABSTAIN: Commissioner Delgadillo

Adopted this 17<sup>th</sup> day of June 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 #4042**  
**Conditional Use Permit #1239 and Site Plan Review #456**

1. The proposed project shall be constructed/designed in substantial compliance with the Site Plan, Floor Plan, Elevations, and Landscape Plans (Attachments B, C, D, and E of Planning Commission Staff Report #20-12), 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. The Project shall comply with the applicable conditions set forth in Planning Commission Resolution #2898 for General Plan Amendment #06-17 previously approved for this site – except as modified by this resolution.
4. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (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

EXHIBIT A  
OF PLANNING COMMISSION RESOLUTION #4042

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the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

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. 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 final map approval or issuance of a building permit, whichever comes first. 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. All buildings shall be regularly maintained to keep the building finishes in good condition and aesthetically pleasing. The buildings visible from Yosemite Avenue shall have a diversity of colors and textures.
9. The developer shall reimburse the City \$355,392.00 for the public improvements installed along the Yosemite Avenue frontage due upon building permit issuance of each parcel to be developed. The reimbursement rate may be pro-rated between the two parcels that make up the site, based on lineal frontage along Yosemite Avenue.
10. The applicant shall install a bus stop or shelter along the project site (with a full pullout unless deemed infeasible by the City Engineer or undesirable by the transit authority) to qualify for a 10% parking reduction as allowed under MMC Section 20.38.050.
11. The applicant shall install short-term and long-term bike racks equivalent to 10% of required vehicle parking spaces as required under MMC Section 20.38.080 – Bicycle Parking.
12. The driving aisles shall be at least 26-feet wide to allow for Fire engine access and spacing for Fire action response. Details to be reviewed and approved by the Fire Department during the Building Permit stage.
13. Fire access shall be provided to the buildings along the northern property

EXHIBIT A  
OF PLANNING COMMISSION RESOLUTION #4042

line. This shall require either a 22-foot-wide access road or installation of a drivable, all-weather access road along the recreation yard. Details to be finalized with the Fire Department during the Building Permit stage.

14. Each building shall have its own independent Fire Department connection and fire control room.
15. The applicant shall work with the City's Refuse Department to determine the proper location for trash enclosure(s) and if a recycling container will be required to comply with AB 341. The container(s) shall be enclosed within refuse enclosure(s) built to City Standards. Use of compactor shall also be considered to reduce the number of pick-up request.
16. An 8-foot-tall block wall shall be installed along the northern property line to provide additional screening between the subject site and adjacent single-family homes. This area shall also be landscaped with fast growing trees that provide further screening. Details to be finalized with the Planning Department during the Building Permit stage.
17. The project shall comply with all applicable multi-family design standards established under Merced Municipal Code Section 20.46.030 and 20.46.040 shown at Attachment G of Planning Commission Staff Report #20-12.
18. The proposed buildings along the northern property line shall not exceed 2 stories, as shown on the proposed site plan at Attachment B of Planning Commission Staff Report #20-12.
19. All parking lot and building lighting shall be shielded or oriented in a way that does not allow "spill-over" onto adjacent lots 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.
20. Minor modifications to the site plan or building heights may be reviewed and approved by the Director of Development Services or be referred to the Site Plan Review Committee or Planning Commission for consideration, at the discretion of the Director of Development Services.
21. The landscape plan shall comply Merced Municipal Code Section 20.36 – Landscaping, which also addresses the Water Efficient Landscape Ordinance under Merced Municipal Code Section 17.60. Landscaping shall also comply with all relevant State requirements regarding water efficiency.
22. All landscaping in the public right-of-way shall comply with State Water

EXHIBIT A

OF PLANNING COMMISSION RESOLUTION #4042

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.

23. 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).
24. The applicant shall work with the Police and Fire Departments to provide proper gate access equipment such as a Knox box and a click-to-enter system.
25. Vehicle stacking space for at least two vehicles shall be provided between gates and driveways in order to avoid traffic back-up on City streets.
26. The design and color of the perimeter fence shall be reviewed and approved by the Planning Department during the building permit stage.
27. The future retail parcel will be subject to Site Plan Review permit approval prior to construction.

EXHIBIT A  
OF PLANNING COMMISSION RESOLUTION #4042

**Findings and Considerations**  
**Planning Commission Resolution #4042**  
**Conditional Use Permit #1239 and Site Plan Review #456**

**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) #46 with approval of this Conditional Use Permit. Although the General Plan and Zoning Ordinance allow residential developments in commercial zones, they do not specifically address the density allowed within a Neighborhood Commercial Zone. The *Merced Vision 2030 General Plan* includes two classifications for higher density residential uses – High-Medium Density (HMD) and High Density (HD). The High-Medium designation allows 12 to 24 units per acre, while the High Density designation allows 24 to 36 units per acre. The proposed project has a density of 19.20 units per acre, which is consistent with the HMD designation. There are General Plan policies that encourage higher density and alternate housing types (see below), the City has relied upon the High-Medium Density designation to determine compliance with the General Plan Housing Element. Based on this designation, the proposed multi-family portion of the project would comply with the General Plan.
- The Housing Element of the *Merced Vision 2030 General Plan* includes policies supporting affordable housing, mixed-use development, and higher densities.

*Policy H-1.1 Support Increased in Residential Zoning Districts*

Although the proposed project would not be located within a residential zone, it does provide an opportunity for a higher density project to provide needed housing within the City.

*Policy H 1.1.c Encourage Mixed Use Development*

The proposed project includes a futures designation for retail on 3.5 acres that would be adjacent to the apartment complex.

*Policy 1.1.e Encourage Alternate Housing Types*

The proposed project would include one, two, and three-bedroom apartments. This mixture provides a variety of different housing types to meet the growing need of housing within the community and supports this policy of providing alternate housing types.

*Policy 1.8b Prioritize City efforts to encourage residential development by focusing on in-fill development and densification within the existing City Limits.*

The proposed project is on an in-fill site and meets the density requirements of the City's highest density classification.

The following are Land Use Policies and Implementing Actions of the General Plan that could be met with the proposed project.

*Policy L-1.1 Promote Balanced Development Which Provides Jobs, Services, and Housing.*

*Implementing Action 1.1.c: Determine the types of housing opportunities needed for the type of employment opportunities being created in the City.*

The Zoning Ordinance does not specify a density for multi-family housing allowed within a C-N Zone, it merely states that multi-family uses are allowed within the C-N Zone as a Conditional Use. Therefore, the approval of CUP #1239 satisfies this requirement. The Zoning Ordinance requires a Site Plan Review permit to address interface requirements. The approval of Site Plan Review #456 would bring the project into compliance with the Zoning Ordinance.

#### **Zoning Ordinance Compliance – Mandatory Site Plan Review Findings**

B) 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.*

Merced Municipal Code Section 20.46.030 provides general design standards for multi-family dwellings. Section 20.46.040 provides specific standards for multi-family dwellings (see Attachment G of Planning Commission Staff Resolution #20-12). Planning staff has reviewed the proposed project with both sets of standards and found it to be generally in compliance with the majority of these standards. Many design details, such as the design of the mailboxes, addressing, trash enclosures, etc., are not yet available. However,

## EXHIBIT B OF PLANNING COMMISSION RESOLUTION # 4042

to ensure compliance, Condition # 17 of Planning Commission Staff Report #20-12 requires the project to comply with all applicable design standards listed in these sections at the building permit stage.

Approval of the proposed Site Plan Review Permit and implementation of the conditions of approval for CUP #1239 and Site Plan Review #456 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.*

There are existing single-family homes along the northern portion of the parcel. An 8-foot-tall block wall with tall, fast growing trees (evergreen trees) would be installed along this property line to reduce impacts regarding privacy, noise, and lighting (Condition #16 of Planning Commission Staff Report #20-12). To provide more buffer space and privacy from the adjacent single-family homes, the apartment buildings in this area would be 2 stories tall (instead of 3 stories) and be setback between 25 feet and 58 feet from the northern property line (Condition #18 of Planning Commission Staff Report #20-12) with 85% of the buildings setback at least 58 feet. These 2 story apartment buildings would be consistent with the 2 story single-family homes that already exist within this neighborhood.

With the implementation of the proposed conditions of approval for Site Plan Review #456, and the conditions approved with CUP #1239, the proposed project is required to comply with the design standards for multi-family dwellings (MMC Sections 20.46.030 and 20.46.040). The proposed project meets the minimum design and zoning standards. 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.*

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 containing stone veneers. The apartments would vary between 2 and 3 story structures. The apartment complex would consist of 15 individual buildings. The buildings would generally consist of a uniform design and aesthetic. To add architectural interest the exterior of the buildings would have earth tone color variations including off-white, light grey, light brown, and dark brown. In addition, the buildings would include wall variations to add depth, and balconies to provide outdoor space. Most units will either have a balcony or patio.

5. *Any proposed landscaping design, including color, location, size, texture, type, and coverage of plan materials, as well as provisions for irrigation,*

#### EXHIBIT B

### OF PLANNING COMMISSION RESOLUTION # 4042



*maintenance, and protection of landscaping elements, will complement structures and provide an attractive environment.*

The project includes several acres of outdoor greenspace. As shown on the Landscape Plans at Attachment E of Planning Commission Staff Report #20-12, the apartment complex would include a variety of outdoor common spaces that include several dog parks, a community garden, recreation areas, and several gazebos with open space. The Landscape Plan shows the variety of plant and tree species that would be planted throughout the site. This includes the use of various trees and plants such as evergreens, bushes, and undetermined dense trees. Trees would be planted throughout the outdoor common space, within 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 #23 of Planning Commission Staff Report #20-12). 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 (Condition #22 of Planning Commission Staff Report #20-12). 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. The project would be required to annex to the City's Community Facilities District to pay for costs related to police and fire safety. 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.

### **Zoning Ordinance Compliance – Conditional Use Permit Required Findings**

- C) Section 20.68.020 sets forth specific Findings that must be made in order for the Planning Commission to approve a Conditional Use Permit. These Findings are provided below.

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.*

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.

## EXHIBIT B OF PLANNING COMMISSION RESOLUTION # 4042

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.*

There are existing single-family homes along the northern portion of the parcel. An 8-foot-tall block wall with tall fast growing trees (evergreen trees) would be installed along this property line to reduce impacts regarding privacy, noise, and lighting (Condition #16 of Planning Commission Staff Report #20-12). To provide more buffer space and privacy from the adjacent single-family homes, the apartment buildings in this area would be 2 stories tall (instead of 3 stories) and be setback between 25 feet and 58 feet from the northern property line (Condition #18 of Planning Commission Staff Report #20-12) with 85% of the buildings setback at least 58 feet. These 2 story apartment buildings would be consistent with the 2 story single-family homes that were developed within this neighborhood.

With the implementation of the proposed conditions of approval and the conditions approved with Site Plan #456, the proposed project would be required to be in compliance with the design standards for multi-family dwellings (MMC Sections 20.46.030 and 20.46.040). The proposed project meets the minimum design and zoning standards. 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.

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

The proposed project does not include any uses that would be detrimental to the public health, safety, and welfare of the City. The project would be required to annex to the City's Community Facilities District to pay for costs related to police and fire safety (Condition #7 of Planning Commission Staff Report #20-12). 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.

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

The project site is an in-fill site surrounded by residential uses. The project would be adequately served by the City's water system. Through the implementation of the conditions of approval, the project would be adequately served by the City's sewer and storm water systems. Additionally, the project would be required to pay Public Facilities Impact Fees to help pay for future improvements needed to the City's infrastructure.

EXHIBIT B  
OF PLANNING COMMISSION RESOLUTION # 4042

## Site Plan

- D) The proposed development consists of an apartment complex with 220 units within 15 buildings located on 11.5 acres. The existing two parcels (each being around 7.75-acres) would be reconfigured so that the apartment complex is on an 11.5-acre L-shaped lot. The 15 apartment buildings would be located throughout the parcel with community facilities near the center of the site. The perimeter of the site would be fenced-in with either a 6-foot-tall wrought iron fence or an eight-foot-tall block wall (along the northern property line). Vehicle access would be available from three driveways along different streets at Yosemite Avenue, El Redondo Drive, and Compass Pointe Avenue. The access points along El Redondo Drive and Compass Pointe Avenue would be around 350 feet and 500 feet, respectively, away from Yosemite Avenue. The vehicle access points would be gated, but setback to leave enough stacking space for at least 2 vehicles (Condition #25 of Planning Commission Staff Report #20-12). This would help prevent vehicles from backing into the road as they wait to enter the apartment complex. The applicant is working with the Merced County Bus and UC Merced Cat Track to find the best location for a bus turnout and possible bus shelter.

Driving aisles would be at least 26 feet wide. Parking stalls would be located throughout portions of the perimeter and interior of the parcel. A large portion of parking stalls would be covered by car ports. The parking areas would include access points that connect with pedestrian paths that meander throughout the entire complex providing pedestrian access from the parking lots.

The central portion of the apartment complex would contain amenities such as a mail room, conference room, managers office, swimming pool, dog park, and a community garden. The northwest portion of the parcel would include a trellis and dog park. Along the northern portion of the parcel are existing single-family homes. An 8-foot-tall block wall with tall fast growing trees (evergreens) would be installed along this property line (Condition #16 of Planning Commission Staff Report #20-12). To provide more buffer space and privacy from the adjacent single-family homes, the apartment buildings in this area would be 2 stories tall (instead of 3 stories tall) and be setback 25 to 58 feet from the northern property line (Condition #18 of Planning Commission Staff Report #20-12). Lighting would be shielded downward to prevent lighting from spilling-over to adjacent parcels (Condition #19 of Planning Commission Staff Report #20-12). To improve walkability with the future retail development, the developer intends to provide pedestrian gates that create connectivity between the apartment complex and the future retail site. The plans for the future retail have yet to be created and would be reviewed by the Site Plan Review Committee at a later date and assessed for compatibility with this apartment complex.

## Elevations

- E) 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 some buildings containing stone veneers. The apartments would vary between 2

and 3 story structures. The apartment complex would consist of 15 individual buildings. The buildings would generally consist of a uniform design and aesthetic. To add architectural interest the exterior of the buildings would have several earth tone colors including shades of off-white, light grey, medium brown, and dark brown. In addition, the buildings would include wall variations to add depth, and some balconies to provide outdoor space. A majority of units will have balconies or patios.

### **Parking**

- F) The Zoning Ordinance requires 1.75 spaces of parking for each multi-family unit up to 30 units, plus an additional 1.5 spaces for each unit over 30. There is also an increase in the number of spaces required based on the number of bedrooms and bathrooms in a unit. The applicant is proposing 1 bedroom & 1-bathroom units (66 total), 2 bedroom & 2 bathroom units (140 total), and 3 bedrooms & 2 bathroom units (24 total). Based on this calculation, this project would require 373 parking spaces. The applicant is providing 350 parking spaces and is seeking approval for a parking reduction from the Director of Development Services. Per MMC 20.38-050 (D) – Parking Reductions, parking reductions may be approved up to 20 percent through a Transportation Demand Management Plan approved by the Director of the Development Services. The applicant intends to work with The Merced County Bus and UC Merced Cat Tracks to place a bus stop or shelter along their frontage. In addition, the applicant intends to install both short term bike parking spaces (27) and long-term bike parking spaces (27), totaling 54 bike parking spaces. The applicant believes that the direct access to bus transportation and bike parking spaces would reduce the need for parking spaces for this site by 10% requiring a total of 313 parking spaces. Planning staff believes this request is reasonable and likely be approved with compliance of Condition #10 of Planning Commission Staff Report #20-12..

### **Traffic/Circulation**

- G) The 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 Finding of 15162, 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 a residential project which is considered to have less impacts than a commercial shopping center. The average peak hour trips for the shopping center was expected to be 650, and the average peak hour trips for the proposed apartment complex is expected to be 120. The apartment complex is expected to generate about 20% of the daily trips that were projected for the previously approved shopping center for this site.

### **Environmental Clearance**

- H) The applicant was required to complete an Initial Study as required by the California Environmental Quality Act (CEQA). An Initial Study includes a wide

## EXHIBIT B

## OF PLANNING COMMISSION RESOLUTION # 4042

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 Finding of 15162, 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 a residential project which is considered to have less impacts than a commercial shopping center. However, since the original Initial Study was provided in 2006, CEQA has added different subjects that currently need to be studied such as Air Quality and Green House Gas Emissions. The applicant will be utilizing the existing Initial Study for this site, and supplementing it with new requirements by providing their own Air Quality Study and Green House Gas Emission Study shown at Attachment H of Planning Commission Staff Report #20-12. The results show that the impacts these subjects would result in reasonable levels allowed by the San Joaquin Valley Air Pollution Control District.

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, potentially installing traffic signals at the intersection of Compass Pointe Avenue and Yosemite Avenue, and the extension of two westbound lanes on Yosemite Avenue (from San Augustine to State Highway 59). The City Engineer noted that there is no need to redesign the intersection of Compass Pointe Avenue and Yosemite Avenue, or redesign Yosemite Avenue from San Augustine to Highway, 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 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 #9 of Planning Commission Staff Report #20-12).

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 #20-04 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 (Initial Study #20-04 for CUP #1239 and SP #456). A Copy of the Section 15162 Findings can be found at Attachment J of Planning Commission Staff Report #20-12.

EXHIBIT B  
OF PLANNING COMMISSION RESOLUTION # 4042

**CITY OF MERCED**  
**Planning Commission**

**Resolution #4041**

**WHEREAS**, the Merced City Planning Commission at its regular meeting (held via teleconference) of June 17, 2020, held a public hearing and considered **Conditional Use Permit #1243**, initiated by El Portal Owners Association and Leonard Ostericher, property owners. This application involves consideration of a Comprehensive Sign Package (including a 20-foot-tall double-sided pylon sign with digital boards) for the Plaza at El Portal. The site is generally located on the southwest and northwest corner of El Portal Drive and G Street, within Planned Development (P-D) #44, with an Office Commercial (CO) and Thoroughfare Commercial (CT) General Plan designation said property being more particularly described as a Portion of Parcels 1 through 11, and Parcels A through Q as shown on that certain Parcel Map for the Plaza at El Portal Group and Parcel Map for Moonlight Investments, recorded in Volume 95, Page 46, and Volume 90, Page 4, of Merced County Records; also known as Assessor's Parcel Number (APN) 236-280-017 and 236-280-017; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through G (Exhibit B) of Staff Report #20-11; 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 #20-11, and approve Conditional Use Permit #1243, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, Rashe, White,  
and Chairperson Harris  
NOES: None

PLANNING COMMISSION RESOLUTION # 4041


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June 17, 2020

ABSENT: None

ABSTAIN: None

Adopted this 17<sup>th</sup> day of June 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 #4041**  
**Conditional Use Permit #1243**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Master Sign Program) and Exhibit 2 (Pylon Sign), - Attachments C and D of Planning Commission Staff Report #20-11, 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,

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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 for the subject site 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 #20-11.
11. The changeable copy sign 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 #20-11).
12. The proposed changeable copy sign shall not advertise private businesses that are located off-site. Only on-site businesses shall be allowed to advertise on the changeable copy sign, except as allowed for public events.
13. The changeable copy sign cannot include any type of signs deemed a traffic hazard by the City Engineer for vehicles driving along the frontage of this site. This may include the use of scrolling text, flashing signs, or rapidly rotating advertisements.
14. Future shopping center signs such as monument signs, shall be designed to match the pylon sign. This shall require using similar colors, textures, material, and overall aesthetic style.

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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 changeable copy sign shall not display videos.
19. Advertisement slides on the changeable copy sign shall be spaced apart in time by at least 15 seconds between rotations due to its location adjacent to residential uses. The timing between slides may be modified by the Director of Development Services or be referred to the Site Plan Review Committee if determined appropriate by the Director of Development Services.
20. The pylon sign shall be located outside the vision triangle area per Merced Municipal Code Section 20.30.030 – Corner Vision Triangles, and Table 20.32.2 Required Vision Triangle Distance by Street Type.
21. The pylon sign shall be finished with an anti-graffiti protective coat.
22. Prior to construction, an illumination study shall be submitted for the changeable copy sign and approved by the Director of Development Services or designee. The purpose of the study is to ensure that illumination levels of the sign are set at a level so as not to unduly impact surrounding residential uses.
23. The changeable copy sign shall be turned off from the hours of 10:00 p.m. to 7:00 a.m. daily so as not to disturb surrounding residential uses.
24. The digital copy sign shall be of variable luminosity to reduce illumination based on the light available.

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**Findings and Considerations  
Planning Commission Resolution #4041  
Conditional Use Permit #1243**

**FINDINGS/CONSIDERATIONS:**

**General Plan Compliance and Policies Related to This Application**

- A) The proposed project complies with the General Plan designation of Office Commercial (CO) and Thoroughfare Commercial (C-T), with the Zoning designation of Planned Development (P-D) #44 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 professional center would require an internal review process with approval from the landlord or ownership group 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 standard corporate design, but the ownership will try to ensure that signage throughout the professional 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 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 shall be implemented (Condition #16). This also applies to usage and duration of temporary signs.

**Professional Center Pylon Sign**

- D) The applicant has provided the Master Sign Program shown at Attachment C. Individual tenant signs would be reviewed by the landlord or ownership group 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 freestanding pylon sign would be approximately

20-foot-tall and 10-foot-wide, providing visibility from both the north-bound and south-bound lanes along G Street. The pylon sign would be placed away from the vision corner triangle area (Condition #20). Each pylon elevation would be crowned with a decorative cornice that utilizes the earth tone color scheme exhibited throughout the buildings within the professional center. Below the cornice would be a digital board (changeable copy sign) that is approximately 5 feet tall and 10 feet wide, with a white LED lighting system displaying full color. Underneath the screen are independent channel letters that callout “The Plaza at El Portal” followed by “Welcome to Merced,” with Merced being written in the familiar font type utilized by UC Merced. The overall body and base of the sign will be made of aluminum textcot, and finished with an anti-graffiti protective coat (Condition #21).

Per MMC 17.36.667.L.2.C a free-standing sign may include a changeable copy (digital board) if it meets 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. Other pylon signs have been approved this year such as the future shopping center at G Street and Yosemite Avenue, and the Campus Parkway Plaza located near the Campus Parkway Exit.

#### **Neighborhood Impact/Public Comments**

- E) Due to surrounding residential uses, staff has proposed several conditions (#19, 22, and 23) to minimize impacts of the sign on those uses. 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, (6/12/2020), Planning staff has not received any comments from the public.

#### **Conditional Use Permit**

- F) A conditional use permit (CUP) is required to allow a shopping center pylon sign with changeable copy. 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 Office Commercial (CO) and Thoroughfare Commercial (CT), the zoning designation of Planned Development (P-D) #44 with approval of this Conditional Use Permit. This professional office site qualifies for a shopping center sign as it contains a few retail suites, a pharmacy, and a few restaurants.

## EXHIBIT B OF PLANNING COMMISSION RESOLUTION # 4041

- 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. In addition, the color scheme, textures, and design of the pylon sign will match that of the buildings within The Plaza at El Portal.

- 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). Several conditions to limit the impacts of the changeable copy sign on surrounding residential uses have been proposed.

- 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 regarding the Freestanding 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 4<sup>th</sup> 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 #20-11).

## EXHIBIT B OF PLANNING COMMISSION RESOLUTION # 4041