



THE CI

MERCED

To: The Honorable Mayor and City Council
From: Stephanie R. Dietz, City Manager
Date: January 22, 2021
Re: City Council Information Report

2021 VIRTUAL TOWN HALL MEETINGS

The City will hold two Town Hall meetings this year to provide residents an opportunity to express their views and offer recommendations to the City Council. In years past, the Town Hall meetings were conducted within various districts in Merced. However, due to the COVID-19 pandemic, the meetings will be held virtually this year for safety measures.

The meetings will take place February 11th and February 18th from 5:30 p.m. to 8:30 p.m. Audiences may watch the Town Hall meetings on Facebook Live at <https://facebook.com/cityofmerced/> or on cable television: Comcast Channel 96 and ATT Channel 99. Translation in Spanish and Hmong will be offered.

Town Hall meeting information, Fiscal Year 2019-2020 Goals and Priorities, and video clips/presentations from City departments are all available on the City's website at www.cityofmerced.org/townhall.

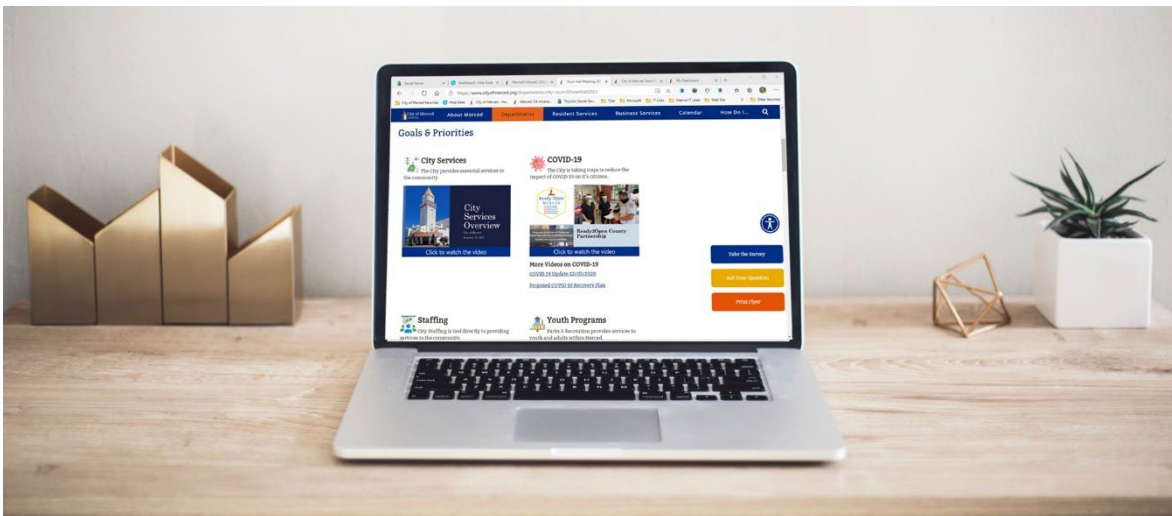
The public is encouraged to participate in the online survey and ask questions. Comments and questions received will be compiled and presented at the Town Hall meetings.

Publicity for these meetings was engaged through the City's website, various social media platforms, posters displayed at City Hall, radio interviews, and special inserts mailed out with the February utility bills and newsletter (the special insert is attached).

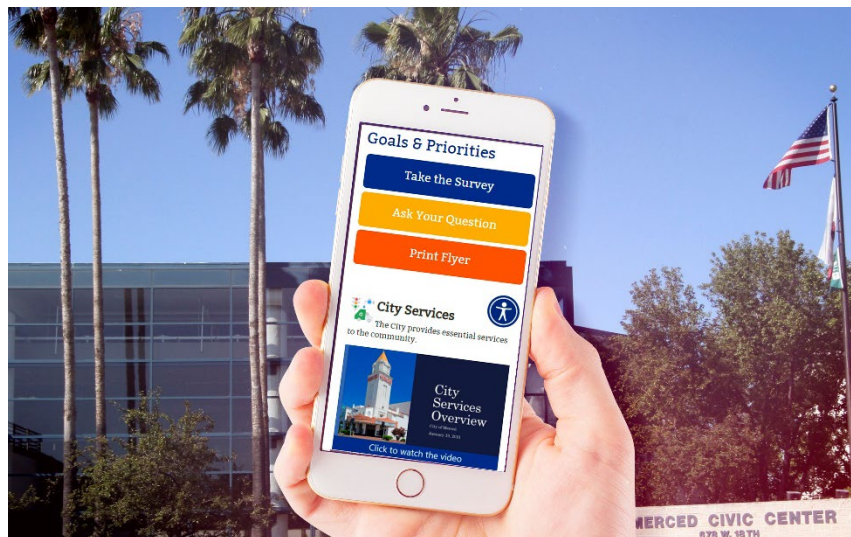


DEPARTMENTS COLLABORATE TO FORM TOWN HALL WEB PAGE

The IT Department created a new web page dedicated for the 2021 Virtual Town Halls located at www.cityofmerced.org/townhall. It highlights how City staff are endeavoring to meet the Council’s Goals and Priorities. The page encourages people to watch videos about current and past projects, take a survey about how they feel about the current Goals and Priorities, and to submit questions to be presented at the next Virtual Town Hall Meeting. The combined efforts from all City departments to create new content and provide additional information to the public demonstrates the collaboration and teamwork between all departments.

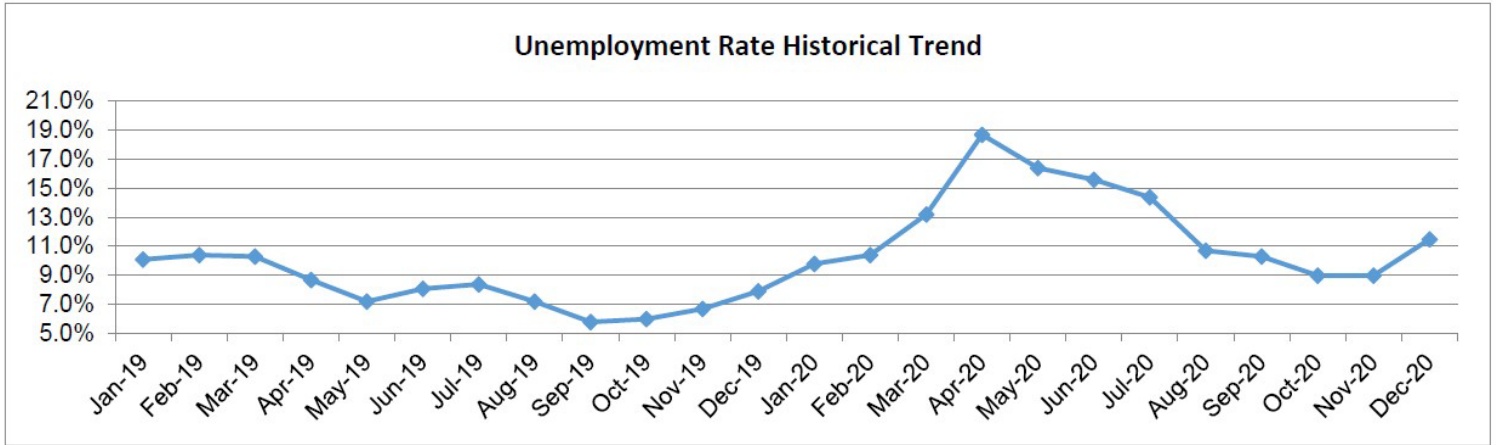


Desktop-view of Town Hall web page



Mobile phone-view of Town Hall web page

LABOR MARKET UPDATE – DECEMBER 2020



The unemployment rate in the Merced County was 11.5 percent in December 2020, up from a revised 9.0 percent in November 2020, and above the year-ago estimate of 7.9 percent. This compares with an unadjusted unemployment rate of 8.8 percent for California and 6.5 percent for the nation during the same period. A copy of the Labor Market Information report is included for your review.

BULKY ITEM DROP-OFF SITE TO OPERATE 1ST & 3RD SATURDAYS OF MONTH, STARTING FEBRUARY



ILLEGAL DUMPING CLEANUPS

Public Works Refuse crews cleared illegally dumped items throughout town this week. The Bulky Item Site on Highway 59 is open Tuesdays through Fridays from noon to 3 p.m., as well as the first and third Saturdays of the month from 8 to noon. Residents are encouraged to bring bulky items, like couches and mattresses, to the drop off site.



BLACK RASCAL CREEK PATHWAY REPAIR

Public Works Streets crews worked to repair a section of damaged sidewalk along the Black Rascal bike path near Kingsland Court this week. New cement was poured on Thursday. See in-progress photos below.



CAPITAL IMPROVEMENT PROGRAM PROJECTS UPDATE

Project #119003 – R Street Rehabilitation, Loughborough to Buena Vista Drive
United Pavement Maintenance, Inc., crew removed gravel from the bridge, and completed the sidewalk and ADA ramps at the northwest center of R Street and Loughborough Drive. This project is 60% complete.



Project #113031 – Brimmer Water Main
Mid Cal Pipeline & Utilities, Inc., crew installed water services. This project is 75% complete.



Project #107033 – Water Well Site #20

Clark Bros., Inc., crew worked on subgrade around the building. This project is approximately 88% complete.



Project #120010 – M Street Resurfacing 8th Street to 13th Street

MVC Enterprises, Inc., crew set forms for sidewalks and driveways. They also grinded M St. for paving preparation. This project is approximately 60% complete.



Project #119006 – Alpine Drive – G St. to Wainwright Ave. Improvements

TBS Contractors crew attached the new water line. This project is approximately 66% complete.



Construction Projects

1. 107033 - Water Well Site #20
2. 113031- Brimmer Water Main
3. 114004 - Cooper Lift Station
4. 117020 - Gerard Ave. Sewer Main Hwy. 99 to Kibby Road
5. 119006 - Alpine Drive – G St. to Wainwright Ave. Improvements
6. 119003 - R St. Rehabilitation Loughborough Dr. to Buena Vista Dr.
7. 120008 - Crack Filling Phase 1 (16th, G St, Olive Ave) – *Council Approval Required*
8. 120010 - M Street Resurfacing 8th Street to 13th Street

Projects in Design

1. Highway 59 Widening
2. Highway 59 and 16th Street Signal and Channelization (90%)
3. Motel Drive Multi-Use Path (100%)
4. V Street, 16th to 18th Streets, Roadway Improvement (95%)

5. N Street, 16th to 18th Streets, Roadway Improvement (100%)
6. R Street, 16th to 18th Streets (70%)
7. B Street Improvements (40%)
8. G Street Improvements Childs to 13th St. (100%)
9. Orchard Avenue Sewer (40%)

FIREFIGHTERS TRAINING - FIRE HOSE & FORCIBLE ENTRY

Just a few seconds can mean the difference between life and death. Firefighting drills are the backbone of competency and skills needed by every member of the fire service team. On Thursday, the Merced Fire Department's probationary firefighters tested their abilities on fire hose and forcible entry.



COUNCIL DOWNTOWN SUBCOMMITTEE PARKING WALK

The City Council Downtown Subcommittee (Mayor Matt Serratto, Mayor Pro Tempore Kevin Blake, and District 3 Council Member Bertha Perez) walked parts of Downtown Merced evaluating locations to create new parking spaces. Joining the Downtown Subcommittee were City Manager Stephanie Dietz, City Engineer Michael Beltran, and Director of Economic Development Frank Quintero. Staff provided technical background on transitioning parallel parking to diagonal parking. One of the goals of the Subcommittee is to add additional parking to Downtown Merced so customers, visitors, and clients have a positive experience.



PLANNING COMMISSION ACTION MEMO

Please find attached the Planning Commission Action Memo from the Jan. 20th meeting.

INSPECTION SERVICES REPORT

Please find attached the Inspection Services biweekly report.

SAVE THE DATE

Jan. 23rd, 10 a.m. – 2 p.m.: Virtual Grand Opening of Restorative Justice League Smiley Riley Legacy Central Youth Center (flyer attached, Zoom link to follow).

REPORTS & CORRESPONDENCE

- | | |
|--|--------|
| 1. Town Hall Flyer/Special Insert | Pg. 12 |
| 2. Labor Market Information Report | Pg. 14 |
| 3. Planning Commission Action Memo | Pg. 19 |
| 4. Inspection Services Report | Pg. 61 |
| 5. Grand Opening of Youth Center Flyer | Pg. 62 |

TOWN HALL VIRTUAL MEETING

WITH THE MERCED CITY COUNCIL



EVERY VOICE MATTERS

Make the most of your Town Hall meeting. Share what is important and the changes you wish to see.

Complete the survey and submit your questions online:

www.cityofmerced.org/townhall

CITY COUNCIL ROSTER:

Mayor
Matthew Serratto

Council Member
District 1
Jesse Ornelas

Council Member
District 2
Fernando Echevarria

Council Member
District 3
Bertha Perez

Council Member
District 4
Kevin Blake

Council Member
District 5
Sarah Boyle

Council Member
District 6
Delray Shelton

THURSDAY
FEBRUARY 11TH
5:30 PM - 8:30 PM

THURSDAY
FEBRUARY 18TH
5:30 PM - 8:30 PM

HOW TO PARTICIPATE:



<https://www.facebook.com/cityofmerced/>

WATCH ON CABLE TV:

Comcast Channel 96

ATT Channel 99

FOR MORE OPTIONS, VISIT:

www.cityofmerced.org/townhall

TOWN HALL YOG IB LUB ROOJ SIB THAM TSEEM CEEB

NROG RAU LUB NROOG MERCED
COV NOM TSWV



TXHUA LUB SUAB YEEJ MUAJ NQIS

Tuaj koom nej lub rooj sib tham
Town Hall. Yuav qhia tej yam
tseem ceeb rau koj thiab koj xav
pom tej yam hloov zoo li cas.

Teb koj cov kev tshawb fawb rau
saum online ntawm:
www.cityofmerced.org/townhall

Li cas koj thiaj yuav koom tau:

Facebook Live:

<https://facebook.com/cityofmerced/>

Cable TV:

Comcast Channel 96

ATT Channel 99

Thursday

Lub 2 Hlis tim 11th

5:30 PM - 8:30 PM

Thursday

Lub 2 Hlis tim 18th

5:30 PM - 8:30 PM

REUNIÓN VIRTUAL DEL AYUNTAMIENTO

CON EL AYUNTAMIENTO DE LA
CIUDAD DE MERCED



CADA VOZ IMPORTA

Aproveche al máximo su
reunión de Ayuntamiento.
Comparta lo que es importante
para usted y los cambios que
desea ver.

Complete su encuesta y envíe
sus preguntas en línea:

www.cityofmerced.org/townhall

COMO PARTICIPAR:

Facebook Live:

<https://facebook.com/cityofmerced/>

Ver en la televisión por cable:

Comcast Canal 96

ATT Canal 99

Para más opciones, visite:

www.cityofmerced.org/townhall

Jueves

11 de Febrero

5:30 PM - 8:30 PM

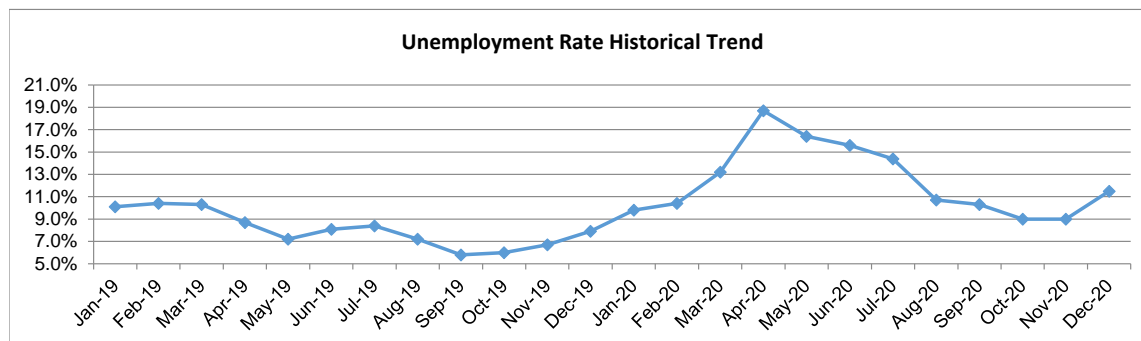
Jueves

18 de Febrero

5:30 PM - 8:30 PM

IMMEDIATE RELEASE
 MERCED METROPOLITAN STATISTICAL AREA (MSA)
 (Merced County)

The unemployment rate in the Merced County was 11.5 percent in December 2020, up from a revised 9.0 percent in November 2020, and above the year-ago estimate of 7.9 percent. This compares with an unadjusted unemployment rate of 8.8 percent for California and 6.5 percent for the nation during the same period.



Industry	Nov-2020	Dec-2020	Change		Dec-2019	Dec-2020	Change
	Revised	Prelim				Prelim	
Total, All Industries	79,500	78,000	(1,500)		83,000	78,000	(5,000)
Total Farm	13,300	12,100	(1,200)		12,300	12,100	(200)
Total Nonfarm	66,200	65,900	(300)		70,700	65,900	(4,800)
Mining, Logging, and Construction	2,700	2,700	0		2,600	2,700	100
Manufacturing	8,900	9,000	100		9,100	9,000	(100)
Trade, Transportation & Utilities	14,200	14,200	0		14,400	14,200	(200)
Information	200	200	0		300	200	(100)
Financial Activities	1,900	1,900	0		1,900	1,900	0
Professional & Business Services	4,200	4,100	(100)		4,300	4,100	(200)
Educational & Health Services	10,200	10,200	0		10,700	10,200	(500)
Leisure & Hospitality	5,000	4,700	(300)		6,000	4,700	(1,300)
Other Services	1,400	1,400	0		1,500	1,400	(100)
Government	17,500	17,500	0		19,900	17,500	(2,400)

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

Data Not Seasonally Adjusted

	Dec 19	Oct 20	Nov 20 Revised	Dec 20 Prelim	Percent Change	
					Month	Year
Civilian Labor Force (1)	114,900	116,100	112,000	113,600	1.4%	-1.1%
Civilian Employment	105,900	105,600	101,900	100,500	-1.4%	-5.1%
Civilian Unemployment	9,100	10,400	10,100	13,100	29.7%	44.0%
Civilian Unemployment Rate (CA Unemployment Rate)	7.9%	9.0%	9.0%	11.5%		
(U.S. Unemployment Rate)	3.4%	6.6%	6.4%	6.5%		

Total, All Industries (2)	83,000	82,200	79,500	78,000	-1.9%	-6.0%
Total Farm	12,300	15,800	13,300	12,100	-9.0%	-1.6%
Total Nonfarm	70,700	66,400	66,200	65,900	-0.5%	-6.8%
Total Private	50,800	49,100	48,700	48,400	-0.6%	-4.7%
Goods Producing	11,700	12,500	11,600	11,700	0.9%	0.0%
Mining, Logging, and Construction	2,600	2,700	2,700	2,700	0.0%	3.8%
Manufacturing	9,100	9,800	8,900	9,000	1.1%	-1.1%
Nondurable Goods	7,800	8,400	7,600	7,600	0.0%	-2.6%
Service Providing	59,000	53,900	54,600	54,200	-0.7%	-8.1%
Private Service Providing	39,100	36,600	37,100	36,700	-1.1%	-6.1%
Trade, Transportation & Utilities	14,400	13,900	14,200	14,200	0.0%	-1.4%
Wholesale Trade	1,700	1,400	1,400	1,400	0.0%	-17.6%
Retail Trade	8,800	9,300	9,600	9,600	0.0%	9.1%
Transportation, Warehousing & Utilities	3,900	3,200	3,200	3,200	0.0%	-17.9%
Information	300	200	200	200	0.0%	-33.3%
Financial Activities	1,900	1,900	1,900	1,900	0.0%	0.0%
Professional & Business Services	4,300	4,100	4,200	4,100	-2.4%	-4.7%
Educational & Health Services	10,700	10,300	10,200	10,200	0.0%	-4.7%
Leisure & Hospitality	6,000	4,800	5,000	4,700	-6.0%	-21.7%
Other Services	1,500	1,400	1,400	1,400	0.0%	-6.7%
Government	19,900	17,300	17,500	17,500	0.0%	-12.1%
Federal Government	700	800	700	700	0.0%	0.0%
State & Local Government	19,200	16,500	16,800	16,800	0.0%	-12.5%
State Government	3,800	3,500	3,500	3,300	-5.7%	-13.2%
State Government Education	3,200	2,900	2,900	2,700	-6.9%	-15.6%
State Government Excluding Education	600	600	600	600	0.0%	0.0%
Local Government	15,400	13,000	13,300	13,500	1.5%	-12.3%
Local Government Excluding Education	4,000	3,800	3,800	3,800	0.0%	-5.0%
Special Districts plus Indian Tribes	600	600	600	600	0.0%	0.0%

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.

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

COUNTY	RANK BY RATE	LABOR FORCE	EMPLOYMENT	UNEMPLOYMENT	RATE
STATE TOTAL	---	18,916,400	17,246,800	1,669,600	8.8%
ALAMEDA	20	819,800	757,100	62,700	7.6%
ALPINE	14	630	580	50	7.3%
AMADOR	28	14,290	13,090	1,200	8.4%
BUTTE	27	93,800	86,100	7,700	8.2%
CALAVERAS	14	20,410	18,920	1,490	7.3%
COLUSA	57	9,660	8,160	1,500	15.5%
CONTRA COSTA	23	545,800	502,800	43,000	7.9%
DEL NORTE	39	9,230	8,390	850	9.2%
EL DORADO	10	90,800	84,400	6,300	7.0%
FRESNO	45	445,500	399,300	46,200	10.4%
GLENN	22	12,610	11,640	970	7.7%
HUMBOLDT	18	60,700	56,200	4,500	7.5%
IMPERIAL	58	67,100	55,300	11,900	17.7%
INYO	9	8,230	7,660	570	6.9%
KERN	53	377,500	334,900	42,600	11.3%
KINGS	52	56,000	49,900	6,200	11.0%
LAKE	37	28,610	26,050	2,560	9.0%
LASSEN	13	9,290	8,630	660	7.1%
LOS ANGELES	48	4,896,200	4,374,500	521,600	10.7%
MADERA	42	61,500	55,400	6,100	9.9%
MARIN	1	134,100	126,800	7,400	5.5%
MARIPOSA	44	7,160	6,420	740	10.3%
MENDOCINO	26	36,300	33,370	2,920	8.1%
MERCED	55	113,600	100,500	13,100	11.5%
MODOC	35	3,060	2,780	270	8.9%
MONO	35	8,300	7,570	740	8.9%
MONTEREY	54	188,700	167,200	21,500	11.4%
NAPA	14	71,100	65,900	5,200	7.3%
NEVADA	8	47,420	44,180	3,230	6.8%
ORANGE	17	1,598,700	1,479,700	119,100	7.4%
PLACER	4	184,900	173,400	11,500	6.2%
PLUMAS	48	7,310	6,530	780	10.7%
RIVERSIDE	38	1,108,600	1,008,300	100,400	9.1%
SACRAMENTO	30	714,700	653,600	61,100	8.5%
SAN BENITO	32	30,800	28,100	2,700	8.7%
SAN BERNARDINO	39	977,800	887,700	90,000	9.2%
SAN DIEGO	24	1,593,900	1,466,500	127,400	8.0%
SAN FRANCISCO	5	566,200	529,900	36,300	6.4%
SAN JOAQUIN	47	325,500	290,800	34,700	10.6%
SAN LUIS OBISPO	7	131,700	122,800	8,900	6.7%
SAN MATEO	2	444,300	418,600	25,700	5.8%
SANTA BARBARA	20	211,500	195,500	16,100	7.6%
SANTA CLARA	3	1,040,900	979,000	61,900	5.9%
SANTA CRUZ	30	127,600	116,700	10,800	8.5%
SHASTA	24	73,400	67,500	5,900	8.0%
SIERRA	10	1,290	1,200	90	7.0%
SISKIYOU	48	15,160	13,540	1,620	10.7%
SOLANO	34	206,100	187,900	18,200	8.8%
SONOMA	6	250,600	234,400	16,200	6.5%
STANISLAUS	42	235,100	211,700	23,400	9.9%
SUTTER	51	41,700	37,200	4,500	10.9%
TEHAMA	32	24,040	21,960	2,090	8.7%
TRINITY	28	4,250	3,900	360	8.4%
TULARE	56	194,100	171,200	22,900	11.8%
TUOLUMNE	41	19,680	17,810	1,870	9.5%
VENTURA	18	413,800	382,700	31,100	7.5%
YOLO	10	106,500	99,100	7,500	7.0%
YUBA	45	28,800	25,800	3,000	10.4%

Notes

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

**Monthly Labor Force Data for Cities and Census Designated Places (CDP)
 December 2020 - Preliminary
 Data Not Seasonally Adjusted**

Area Name	Labor Force	Employment	Unemployment Number	Unemployment Rate	Census Emp	Census Ratios Unemp
Merced County	113,600	100,500	13,100	11.5%	1.000000	1.000000
Atwater city	11,900	10,500	1,400	12.1%	N/A	N/A
Delhi CDP	5,200	4,600	600	10.9%	0.046133	0.043455
Dos Palos city	2,100	1,900	200	8.7%	0.019164	0.014083
Gustine city	2,700	2,400	300	12.0%	0.023744	0.024879
Hilmar Irwin CDP	2,700	2,600	100	3.9%	0.025419	0.007913
Le Grand CDP	800	700	100	15.0%	0.006879	0.009321
Livingston city	6,400	6,100	400	5.9%	0.060202	0.028836
Los Banos city	16,700	14,400	2,200	13.5%	N/A	N/A
Merced city	33,900	30,100	3,800	11.1%	N/A	N/A
Planada CDP	2,000	1,700	300	14.3%	0.016963	0.021862
South Dos Palos CDP	800	600	200	23.0%	0.005914	0.013546
Winton CDP	5,000	4,000	900	18.9%	0.040200	0.072157

CDP is "Census Designated Place" - a recognized community that was unincorporated at the time of the 2014-2018 5-Year American Community Survey (ACS).

Notes:

- 1) Data may not add due to rounding. All unemployment rates shown are calculated on unrounded data.
- 2) These data are not seasonally adjusted.
- 3) N/A = Estimate created by Bureau of Labor Statistics

Methodology:

Monthly city labor force data are derived by multiplying current estimates of county employment and unemployment by the relative employment and unemployment shares (ratios) of each city at the time of the 2014-2018 American Community Survey. Ratios for cities were developed from special tabulations based on ACS employment, unemployment, and population and Census population from the Bureau of Labor Statistics. For smaller cities and CDPs, ratios were calculated from published census data.

Monthly CDP's labor force data are derived by multiplying current estimates of county employment and unemployment by the relative employment and unemployment shares (ratios) of each CDP at the time of the 2014-2018 ACS survey. Ratios for CDPs' were developed from special tabulations based on ACS employment and unemployment from the Bureau of Labor Statistics.


This method assumes that the rates of change in employment and unemployment since the 2014-2018 American Community Survey are exactly the same in each city and CDP as at the

Data Not Seasonally Adjusted

Area Name	Labor Force	Employment	Unemployment Number	Unemployment Rate	Census Ratios	
					Emp	Unemp

county level (i.e., that the shares are still accurate). If this assumption is not true for a specific city or CDP, then the estimates for that area may not represent the current economic conditions. Since this assumption is untested, caution should be employed when using these data.

City of Merced
MEMORANDUM

DATE: January 21, 2021
TO: City Council
FROM: Kim Espinosa, Planning Manager 
SUBJECT: Actions at the Planning Commission Meeting of January 20, 2021

At their meeting of January 20, 2021, heard and found that Vacation #21-01 to abandon a 32-foot-wide portion of roadway north of Yosemite Avenue between Mansionette Drive and Sandpiper Avenue, was consistent with the General Plan.

The Planning Commission heard and approved Conditional Use Permit #1251 for alcohol sales at a new gas station at 3600 G Street (Resolution attached).

The Planning Commission tabled General Plan Amendment #20-03 (to add standards for population densities in Table 3.2) at the recommendation of staff. (It will be revised and brought back at a future date.)

The Planning Commission heard and approved Zoning Ordinance Amendment #20-01 regarding commercial districts (Resolution attached).

The Planning Commission heard and approved Zoning Ordinance Amendment #20-02 regarding Accessory Dwelling Units (Resolution attached).

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

Attachments

n:\shared\Planning\PCMemos

CITY OF MERCED
Planning Commission

Resolution #4055

WHEREAS, the Merced City Planning Commission at its regular meeting (held via teleconference) of January 20, 2021, held a public hearing and considered **Conditional Use Permit #1251**, submitted by Tait & Associates, on behalf of Yosemite & G, LLC, property owner. This application involves a request to sell beer, wine, and distilled spirits for off-site consumption for a new gas station (7-Eleven), generally located at the northeast corner of Yosemite Avenue and G Street (3600 G Street), within a zoning classification of Planned Development (P-D) #72, and a General Plan designation of Neighborhood Commercial (CN); said property being more particularly described as “Remainder C” of Final Map No. 5233, amended map for Mansionette Estates Unit 1, according to the map filed July 13, 2000 in Book 52, Pages 31, 32, and 33 of Official Plats, Merced County Records; also known as Assessor’s Parcel Number (APN) 231-040-004 and APN 231-040-005.

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through F (Exhibit B) of Staff Report #20-796; 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 find that the previous environmental review (Initial Study #19-28 for General Plan Amendment #19-03 and Site Utilization Plan Revision #3 for Planned Development #72) remains sufficient and no further documentation is required (CEQA Section 15162 Findings) and approve Conditional Use Permit #1251, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by reference.

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

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

NOES: None

ABSENT: None

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4055

Page 2

January 20, 2021

Adopted this 20th day of January, 2021

Michael Harris

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachments:

Exhibit A - Conditions of Approval

Exhibit B - Findings

**Conditions of Approval
Planning Commission Resolution #4055
Conditional Use Permit #1251**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (floor plan) - Attachment E of Staff Report #20-796, except as modified by the conditions.
2. All conditions contained in Resolution #1249-Amended (“Standard Conditional Use Permit Conditions”—except for Condition #16 which has been superseded by Code) shall apply.
3. The Project shall comply with the conditions set forth in General Plan Amendment #19-03, Site Utilization Plan Revision #3 to Planned Development #72, and Conditional Use Permit #1241 for a master sign program, all previously approved for this development.
4. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City’s attorney’s fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval of the City Attorney and to provide all required deposits to fully fund the

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City's defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment. 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. 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. Sufficient lighting shall be provided throughout the site to provide a safe environment for employees and patrons of the business.
7. All landscaping shall be kept healthy and maintained in good condition and any damaged or missing landscaping shall be replaced immediately.
8. The premises shall remain clean and free of debris and graffiti at all times. Any damaged materials shall be replaced by matching materials.
9. A temporary banner permit shall be obtained prior to installing any temporary signs. Free-standing temporary signs (i.e., sandwich boards, A-frame signs, etc.) are prohibited.
10. No beer shall be displayed or stored outside of the cooler areas.
11. No display or sale of beer or wine shall be made from an ice tub.
12. Employees shall be at least 21 years old to sell alcohol.
13. The proprietor and/or successors in interest and management shall comply with all Municipal Codes relating to loitering, open container laws, and other nuisance-related issues.
14. The area within the convenience market dedicated to the display and sale of beer, wine, and distilled spirits shall not exceed the amount shown at Attachment E of Staff Report #20-796.
15. The City reserves the right to periodically review the area for potential problems. If in the opinion of the Police Chief, problems (on-site or

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within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace, and disorderly conduct result from the proposed land use, the conditional use permit may be subject to review and revocation by the City of Merced after a public hearing and in conformance with the procedures outlined in the Merced Municipal Code.

16. No single-serving containers shall be sold separately unless authorized by the City of Merced Police Department. All single-serving beer and wine cooler containers shall be sold as part of a pack or carton. However, wine bottles or cartons of sizes 750 ml or larger may be sold as single-serving containers.
17. No alcohol shall be displayed within five feet of the cash register or the front door.
18. No advertisement of alcoholic beverages shall be displayed on motor fuel islands, in landscaped areas, or outside the buildings or windows.
19. No self-illuminated advertising for alcoholic beverages shall be located on buildings or windows.
20. No sale of alcoholic beverages shall be made from a drive-up window.
21. The business shall comply with all applicable requirements from the Merced County Health Department.
22. This approval is subject to the business owner being in good standing with all laws of the State of California, including the Alcohol Beverage Control (ABC), City of Merced, and other regulatory agencies.
23. A permanent tamper-proof outdoor trash receptacle shall be installed near the main entrance to the convenience market.
24. A Finding of Public Convenience or Necessity must be obtained from the City Council for this use.
25. In the site's current configuration, the sale of tobacco is prohibited per MMC 20.44.160, as the subject site is currently located within 1,000 feet of a school. Should the in-process Final Map Application be approved, if the distance of the newly created parcel which this project is sited on is greater than 1,000 feet from any school, not including Merced College, the sale of tobacco would no longer be prohibited.

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26. The signage as currently proposed is not approved. All signage shall comply with the Master Sign Program for this site approved in Conditional Use Permit #1241 and the City's Sign Ordinance.

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4055

**Findings and Considerations
Planning Commission Resolution #4055
Conditional Use Permit #1251**

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) #72 with approval of a Conditional Use Permit.

Alcohol Sales

- B) This request requires a Conditional Use Permit because 7-Eleven will be less than 20,000 square feet in size. In order for the Planning Commission to approve or deny a request for the sale of alcoholic beverages for off-site consumption, it must consider the following criteria and make findings to support or deny each criterion per MMC 20.44.010:

Criteria #1

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

Finding #1:

The subject site is located within Alcoholic Beverage Control Census Tract #11.01. In checking with the State of California Alcoholic Beverage Control, this census tract is over concentrated with business selling alcohol as 5 licenses are allowed outright, but there are currently 10 active sites. The City Council will need to approve a Finding of Public Convenience or Necessity for this use (Condition #24 of Planning Commission Resolution #4055).

Criteria #2

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

Finding #2:

The nearest residential uses (single-family homes) are located approximately 80 feet east of the subject site, across the proposed extension of Sandpiper Avenue. (Attachment B of Staff Report #20-796). The nearest sensitive use (besides residential properties) is Cruickshank Middle School, which is located approximately 960 feet away from the subject site with the main entrance to the school being

**EXHIBIT B
OF PLANNING COMMISSION RESOLUTION #4055**

approximately 1,288 feet away from the subject site, at the northeast corner intersection of Dominican Drive and Mercy Avenue. The approved Vesting Tentative Subdivision Map and pending Final Map application would modify the site such that it sits on a parcel that is approximately 375 feet away from the residential properties to the east, approximately 1,800 feet from the property line of Cruickshank Middle School, and over 2,000 feet from the main entrance to the school building.

Criteria #3

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

Finding #3:

Between December 1, 2019, and November 30, 2020, the Merced Police Department recorded 369 incidents within a 500-foot radius of the subject site. The table below shows the number of incidents within that area involving public intoxication, assaults, MMC violations, and narcotics violations (totaling 88 incidents during the 12-month period). As shown on the attached Incident Map (Attachment J of Staff Report #20-796), the majority of those incidents occurred at the intersection of Yosemite Avenue and G Street (most of which were traffic related incidents), or in the parking lot of the shopping center across Yosemite Avenue to the south. The number of incidents reported City-wide for the same time period was 72,743. Based on the total number of calls within the City, the 88 calls to this area equals 0.1% of the overall calls for service within the City.

Incidents and Cases Reported (December 1, 2019 – November 30, 2020)

Incident/Case Type	Number of Incidents
Public Intoxication	1
Assault	1
MMC*	35
Narcotics violations	1
Disturbance	46
Drunk Driver**	4

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

**MMC 20.44.010(B)(3) does not specify drunk driving as an item of particular attention, though it is similar enough to a listed item of particular attention, “public drunkenness”, that it is presented here for consideration.

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

**EXHIBIT B
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Neighborhood Impact/Interface

- C) The subject site is surrounded by retail uses to the south, Merced College to the west, vacant land and the Mercy Medical Center to the north, and residential uses to the east. Residential uses (single-family homes) are located 80 feet east of the subject site (Attachment B of Staff Report #20-796). The nearest sensitive use (besides residential properties) is Cruickshank Middle School, which is located approximately 960 feet away from the subject site with the main entrance to the school being approximately 1,288 feet away from the subject site, at the northeast corner intersection of Dominican Drive and Mercy Avenue. The approved Vesting Tentative Subdivision Map and pending Final Map application would modify the site such that it sits on a parcel that is approximately 375 feet away from the residential properties to the east, approximately 1,800 feet from the property line of Cruickshank Middle School, and over 2,000 feet from the main entrance to the school building. The subject site is surrounded by vacant parcels, arterial roads, and a proposed extension of Sandpiper Avenue. These barriers would reduce the impact that this development would have on the neighborhood. Given the context of the site, the approved Vesting Tentative Subdivision Map and the pending application for a Final Map which would increase the distance between the boundaries of the parcel on which the proposed activities will take place and surrounding/sensitive uses, staff believes that approval of this request should not have a significant impact in the surrounding area.

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

Signage

- D) The applicant has proposed signage as part of their application. As proposed, the monument sign does not meet the criteria outlined in the approved master sign program, including dimensions, materials, and layout, for this site (Conditional Use Permit #1241). Additionally, the proposed illuminated window sign for an Automated Teller Machine is not one of the approved signs in the master sign program. Furthermore, the master sign program specifies a number of approved types, each of which includes channel lettering. Staff is not recommending approval of these signs as presented and all signage must comply with the approved master sign program. Staff is also recommending that certain restrictions regarding the advertisement of alcohol be included with this permit. Said restrictions would prohibit the advertisement of beer, wine, and distilled spirits on the building walls, windows, and in the parking lot (Conditions #18 and #19 of Planning Commission Resolution #4055). A formal request for permanent signage shall be reviewed by staff with a building permit application and shall require compliance with the North Merced Sign Ordinance.

Conditional Use Permit Findings

- E) In order for the Planning Commission to approve or deny a conditional use permit,

EXHIBIT B

OF PLANNING COMMISSION RESOLUTION #4055

they must consider the following criteria and make findings to support or deny each criteria per MMC 20.68.020 (E) – Findings for Approval.

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

The proposed project complies with the General Plan designation of Neighborhood Commercial (CN) and the zoning designation of Planned Development (P-D) #72 with approval of this conditional use permit.

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

The site plan for this site was approved as a part of General Plan Amendment #19-03 and Site Utilization Plan #3 to Planned Development #72 for the Yosemite Crossing Development in January 2020. The proposed use fits within the character and design of that site plan. Staff does not anticipate that the approval of this proposal would significantly change the character of the neighborhood or create any unusual circumstance for the surrounding area.

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

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

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

The subject site is properly located within the City and can be served by existing or planned services and infrastructure.

Environmental Clearance

- F) Planning staff has conducted an environmental review (Environmental Review #20-40) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and recommends that the previous environmental review (Initial Study #19-28 for General Plan Amendment #19-03 and Site Utilization Plan Revision #3 for Planned Development #72) remains sufficient and no further documentation is required (CEQA Section 15162 Findings) (Attachment I of Staff Report #20-796).

EXHIBIT B OF PLANNING COMMISSION RESOLUTION #4055

CITY OF MERCED
Planning Commission

Resolution #4057

WHEREAS, the Merced City Planning Commission at its regular meeting of January 20, 2021, held a public hearing via teleconference and considered **Zoning Ordinance Amendment #20-01**, initiated by the City of Merced. This application involves changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would amend Merced Municipal Code Section 20.10 (“Commercial Zoning Districts”). This amendment would modify Table 20.10-1 (“Permitted Land Uses in the Commercial Zoning Districts”) by expanding the list of permitted uses and reducing the amount of floor area devoted to the sale of groceries in the Shopping Center Commercial (C-SC) zone; adding Breweries, Wineries, and Distilleries to the list of permitted uses in various Commercial zones; allowing food trucks in the City Center area of the Regional/Central Commercial Zone (C-C); and changing the level of review required for Personal Services in various commercial zones; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through G of Staff Report #20-798 (Exhibit A); and,

NOW THEREFORE, after reviewing the City’s Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council adoption of a Categorical Exemption regarding Environmental Review #20-33, and approval of Zoning Ordinance Amendment #20-01, as outlined in Exhibit B and subject to the Findings set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

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

NOES: None

ABSENT: None

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4057

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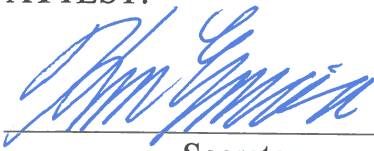
January 20, 2021

Adopted this 20th day of January 2021

Michael Harris

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Exhibits:

Exhibit A –Findings/Considerations

Exhibit B—Draft Ordinance

Ref: KIM/PROJECTS/2020/ZOA 20-01--Comm District/#4057 ZOA#20-01 Commercial Dists.docx

Findings and Considerations
Planning Commission Resolution #4057
Zoning Ordinance Amendment #20-01

FINDINGS/CONSIDERATIONS:

General Plan Policies Related to This Application

- A) The proposed zoning ordinance amendment would make changes in response to streamlining efforts and direction received from the Downtown Steering Committee and Economic Development staff. General Plan Implementing Action L-2.3.d calls for the City to review and update the Zoning Ordinance as needed.

Proposed Changes to MMC 20.10 (“Commercial Zoning Districts”)

- B) The proposed changes to MMC 20.10 (“Commercial Zoning Districts”) are proposed for various reasons as outlined in the Findings below. The changes are contained in the Draft Ordinance at Attachment B of Staff Report #20-798 and presented in the modified Chapter 20.10 at Attachment C of Staff Report #20-798. In general, the changes can be summarized as follows:
- 1) The addition of permitted land uses to the Commercial Shopping Center (C-SC) District as well as changing the amount of floor area devoted to grocery sales in the C-SC zone;
 - 2) Changing the level of review required for Personal Services in various commercial zones;
 - 3) Removing the prohibition against mobile food trucks in the City Center; and,
 - 4) Adding “Breweries, Distilleries, and Wineries” as a permitted land use in several commercial zones.

Proposed Changes to the Commercial Shopping Center (C-SC) Zoning District

- C) As described in the Background section of Staff Report #20-798, the Commercial Shopping Center (C-SC) District was created in 2012 to provide similar services to the Neighborhood Commercial (C-N) District, but at a larger scale and to attract a grocery store to the South Merced Area. The City subsequently rezoned a 6-acre parcel at the southeast corner of Childs Ave and Canal St, which was formerly owned by the Redevelopment Agency and is still the only parcel zoned C-SC in the City.

In 2018, the list of land uses were expanded in the C-SC zone in an effort to spur development of the Childs & Canal site by adding more profitable land uses to make it more financially feasible for investors while still retaining the requirement for a grocery store, devoting a minimum of 20,000 square feet of floor area to the sale of groceries. There was also an anonymous developer that was interested in the parcel. As a result, several uses, including community gardens, colleges and trade schools, indoor and outdoor commercial recreation, and drive-through sales, were added to the C-SC zone. Several land uses (gas stations, car washes, professional offices, and restaurants) were reduced from requiring a Conditional Use Permit (with a public

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hearing before the Planning Commission) to only requiring a Site Plan Review permit (a staff level permit). However, that developer did not move forward with any plans for the site and the site has remained vacant.

The City's Economic Development Staff have continued to aggressively market the C-SC site and a new developer has recently expressed interest in developing the site. According to Economic Development Staff and the developer, expanding the allowed land uses and community services in the C-SC even further would make the site more attractive as will reducing the amount of floor area required for grocery sales from 20,000 square feet to 8,000 square feet. According to Economic Development Staff, many grocery retailers have reduced the size of their stores and are promoting such smaller prototypes for future developments. However, 8,000 square feet is still larger than most convenience store models that devote more of their floor area to alcohol sales. The City's expressed intent for the C-SC zone has always been to have a full-service grocery store, not just a convenience market.

The following changes to the Commercial Shopping Center (C-SC) Zone within Table 20.10-1 (Permitted Land Uses in the Commercial Zoning Districts) are proposed in the Draft Ordinance in Attachment B of Staff Report #20-798:

- 1) Changing "Day Care Centers (Children and Adults)" from a Prohibited Use to being allowed with a Minor Use Permit (a staff level review), which is consistent with the level of review required in the C-N, C-C, and C-O zones;
- 2) Changing "Hospitals and Surgery Centers" from a Prohibited Use to being allowed with a Conditional Use Permit (Planning Commission review), which is consistent with the level of review in the C-N, C-C, C-O, and B-P zones;
- 3) Changing "Medical Offices and Clinics" from a Prohibited Use to being allowed as a Permitted Use (no special review required), which is consistent with the level of review in the C-N, C-C, and C-O zones;
- 4) Changing "Building Supplies/Home Improvement" from a Prohibited Use to being allowed with a Conditional Use Permit (Planning Commission review), which is consistent with the level of review in the C-C zone;
- 5) Changing "Mobile Food Vendors" from a Prohibited Use to being allowed with a Conditional Use Permit (Planning Commission review), which is consistent with the level of review in the C-N, C-C, C-O, and B-P zones;
- 6) Changing "Restaurants" from a use requiring a Site Plan Review Permit to being allowed as a Permitted Use (no special review required), which is consistent with the level of review in the C-N, C-C, and C-T zones;
- 7) Changing "Vehicle Parts and Accessories Sales" from a Prohibited Use to being allowed as a Permitted Use (no special review required), which is consistent with the C-N, C-C, C-T, and C-G zones; and,
- 8) Amending Footnote #9 to read "Permitted only as part of a shopping center or other retail establishment with a minimum of 8,000 square feet (reduced

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from 20,000 square feet) of floor area devoted to groceries.” Footnote #9 requires that all allowed land uses in the C-SC zone, except Community Gardens which can be an interim use, be part of an overall development which includes a grocery store.

Proposed Changes Related to Personal Services

- D) Personal Services are defined in MMC 20.90.020 (#155) as “an establishment that provides services to individuals and that may provide accessory retail sales of products related to the services provided. This definition includes beauty salons, barber shops, pet grooming services, veterinary clinics, tanning salons, nail salons, tailors, laundromats, dry cleaners, and other similar land uses.” Prior to the Comprehensive Zoning Ordinance Update in 2016, Personal Services required Conditional Use Permits in almost every commercial zone. It was believed that such uses required more parking than other land uses and often required special building requirements (such as enhanced ventilation) that would be best reviewed on a case by case basis by the Planning Commission. In contrast to Professional Office uses, these Personal Services were also seen as more “retail” in nature and not necessarily compatible with the Professional/Commercial Office (C-O) zone and, therefore, should be limited in number at any particular location. However, over the years, the attitude of office users and owners have changed toward these uses since they are similar in nature in that they generally see clients by appointment and they have become an integral part of most professional office complexes.

In 2016, the level of review for Personal Services was changed to Site Plan Review in the C-O, C-T, C-G, and B-P zones and to Permitted Uses in the C-N, C-C, and C-SC zones. The requirement for a Site Plan Review Permit was mostly to address building requirements for beauty and nail salons regarding ventilation and some concerns about parking. Since 2016, the Site Plan Review Committee has approved numerous Site Plan Permits for Personal Uses in C-O zones and because of additional building code requirements, special conditions are no longer needed to address these ventilation issues and parking has not been an issue. Owners of professional office complexes have also expressed that Personal Uses are desirable tenants and that the requirement for a Site Plan Review permit is excessive. Therefore, the Site Plan Review Committee has recommended that the level of review for such Personal Uses be reduced in all zones. The proposed Ordinance at Attachment B of Staff Report #20-798 recommends that Personal Services now be Permitted Uses in the C-O zone (consistent with the C-C, C-N, and C-SC zones) and require Minor Use Permits in the C-T, C-G, and B-P zones.

Removing Prohibition Against Food Trucks in the City Center

- E) As described in the Background section of Staff Report #20-798, in 2006, the City Council adopted Ordinance #2231 in response to the Downtown Merced Strategy. The Ordinance established the “City Center” area, defined as the area bounded by 19th Street, 16th Street, “O” Street, and Martin Luther King Jr. Way; and prohibited certain uses within the City Center area, including mobile food trucks, bail bond

EXHIBIT A OF PLANNING COMMISSION RESOLUTION #4057

businesses, skateboard shops, methadone clinics, and drug/alcohol rehabilitation centers. According to the Administrative Report prepared at the time, it was felt that these businesses did not foster a walkable downtown, support commerce at other downtown businesses, and promoted a negative perception of downtown safety. In particular, food trucks were cited as being “blighting influences that contributed to littering, loitering, and providing a place for illegal activity due to their mobile and transient nature.”

Since that time, attitudes toward food trucks have changed dramatically, both in the City of Merced and nationwide. Food trucks now offer many gourmet food options in addition to more traditional fare, allow entrepreneurs to start restaurants without high overhead costs, and are seen to contribute to vibrant and walkable downtowns. In fact, many “brick and mortar” restaurants also have food trucks to expand their clientele and allow them to cater events outside their permanent locations. Many cities designate specific areas where food trucks can gather, either along City streets or in designated parking lots that provide seating, bathrooms, shade, refuse containers, and other amenities. The City of Merced allows such “food truck parking areas” in MMC 20.44.020, which also established operational and design standards for food trucks. In recent years, the City has approved one such parking area and many standalone food trucks. Recently, the Downtown Steering Committee and City staff have recommended removing the prohibition against food trucks in the City Center in response to these changing attitudes and the desire to accommodate some new Downtown businesses who wish to utilize food trucks. Therefore, the Draft Ordinance at Attachment B of Staff Report #20-798 recommends removing the reference to Footnote #10, which prohibits the location of land uses within the City Center, from the “Mobile Food Vendors” section of Table 20.10-1 in the Regional/Central Commercial (C-C) Zone. Mobile Food Vendors would still require Conditional Use Permits in the C-C Zone, but could be allowed in any portion of the C-C zone.

Breweries, Distilleries, and Wineries

- F) The Downtown Steering Committee has also recommended that Breweries, Distilleries, and Wineries be added to Table 20.10-1 as a specific land use in order to encourage their development in the City. Such establishments, when associated with food service, are seen as desirable uses. In general, such establishments will produce their own beer, wine, or liquor either onsite or at a larger production facility and offer consumption and sale of that product as part of a restaurant in an urban location, often including retail sales as well. The Dust Bowl Brewery in Turlock is one such example. In February 2020, it was announced that Tioga-Sequoia Brewing Company, after 12 years in Downtown Fresno, would expand its business by establishing a taproom in Merced in the historic Tioga on N Street.

The proposed Ordinance at Attachment B of Staff Report #20-798 would add “Breweries, Distilleries, and Wineries” as Permitted Uses in Table 20.10-1 with Footnote #19 in the C-C, C-T, C-G, and B-P Zones, and prohibited in all other commercial zones (C-O, C-N, and C-SC). Footnote #19 would differentiate these

EXHIBIT A OF PLANNING COMMISSION RESOLUTION #4057

uses from traditional bars or nightclubs that require Conditional Use Permits by requiring that “the business includes a full-service restaurant and the on-site sale of beer, liquor, or wine made by the same business either on-site or off-site.”

Environmental Clearance

- G) The Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a *Categorical Exemption* is being recommended (see Attachment D of Staff Report #20-798).

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AMENDING SECTION 20.10 ("COMMERCIAL
ZONING DISTRICTS") AS WELL AS TABLE 20.10-
1 ("PERMITTED LAND USES IN THE
COMMERCIAL ZONING DISTRICTS") OF THE
MERCED MUNICIPAL CODE**

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

SECTION 1. AMENDMENT TO CODE. Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts," of the Merced Municipal Code is hereby amended so that "Day Care Centers (Children and Adults)" is changed from "X—Use Not Allowed" to "M—Minor Use Permit Required" in the Shopping Center Commercial (C-SC) Zone.

SECTION 2. AMENDMENT TO CODE. Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts," of the Merced Municipal Code is hereby amended so that "Hospitals and Surgery Centers" is changed from "X—Use Not Allowed" to "C—Conditional Use Permit Required" with Footnote #9 in the Shopping Center Commercial (C-SC) Zoning District.

SECTION 3. AMENDMENT TO CODE. Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts," of the Merced Municipal Code is hereby amended so that "Medical Offices and Clinics" is changed from "X—Use Not Allowed" to "P—Permitted Use" with Footnote #9 in the Shopping Center Commercial (C-SC) Zoning District.

SECTION 4. AMENDMENT TO CODE. Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts," of the Merced Municipal Code is hereby amended to add "Breweries, Distilleries, and Wineries" is added as "X—Use Not Allowed" in the Office Commercial (C-O), Neighborhood Commercial (C-N), and Shopping Center Commercial (C-SC) Zoning Districts and as "P—Permitted Use" with Footnote #19 in the Regional/Central Commercial (C-C), Thoroughfare Commercial (C-T), General Commercial (C-G), and Business Park (B-P) Zoning Districts.

**EXHIBIT B
OF PLANNING COMMISSION RESOLUTION #4057**

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SECTION 5. AMENDMENT TO CODE. Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts," of the Merced Municipal Code is hereby amended so that "Building Supplies/Home Improvement" is changed from "X—Use Not Allowed" to "C—Conditional Use Permit Required" with Footnote #9 in the Shopping Center Commercial (C-SC) Zoning District.

SECTION 6. AMENDMENT TO CODE. Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts," of the Merced Municipal Code is hereby amended so that "Mobile Food Vendors" is changed from "C—Conditional Use Permit Required" with Footnote #10 to "C—Conditional Use Permit Required" with No Footnote and from "X—Use Not Allowed" to "C—Conditional Use Permit Required" with Footnote #9 in the Shopping Center Commercial (C-SC) Zoning District.

SECTION 7. AMENDMENT TO CODE. Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts," of the Merced Municipal Code is hereby amended so that "Personal Services" is changed from "SP—Site Plan Review Permit Required" to "P—Permitted Use" in the Commercial Office (C-O) Zoning District, from "SP—Site Plan Review Permit Required" to "M—Minor Use Permit Required" in the Thoroughfare Commercial (C-T) and General Commercial (C-G) Zoning Districts, and from "SP—Site Plan Review Permit Required" to "M—Minor Use Permit Required" with Footnote #12 in the Business Park (B-P) Zoning District.

SECTION 8. AMENDMENT TO CODE. Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts," of the Merced Municipal Code is hereby amended so that "Restaurants" is changed from "SP—Site Plan Review Permit Required" with Footnote #9 to "P—Permitted Use" with Footnote #9 in the Shopping Center Commercial (C-SC) Zoning District.

SECTION 9. AMENDMENT TO CODE. Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts," of the Merced Municipal Code is hereby amended so that "Vehicle Parts and Accessories Sales" is changed from "X—Use Not Allowed" to "P—Permitted Use" with Footnote #9 in the Shopping Center Commercial (C-SC) Zone.

SECTION 10. AMENDMENT TO CODE. Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts," of the Merced Municipal Code is

hereby amended so that Footnote #9 is amended as follows: “9. Permitted only as part of a shopping center or other retail establishment with a minimum of ~~20,000~~ 8,000 square feet of floor area devoted to the sale of groceries.”

SECTION 11. AMENDMENT TO CODE. Table 20.10-1, "Permitted Land Uses in the Commercial Zoning Districts," of the Merced Municipal Code is hereby amended to add Footnote #19 as follows: “19. Provided that the business includes a full-service restaurant and the on-site sale of beer, liquor, or wine made by the same business either on-site or off-site.”

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

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

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

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

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

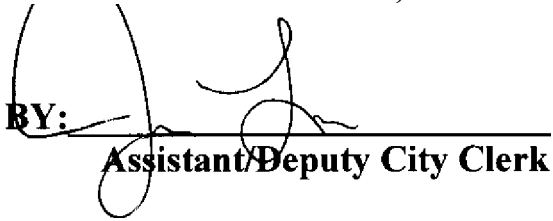
EXHIBIT B
OF PLANNING COMMISSION RESOLUTION #4057

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APPROVED:


Mayor

**ATTEST:
STEPHANIE R. DIETZ, CITY CLERK**

BY: 
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:


City Attorney 8-7-19
Date

[https://cityofmerced-my.sharepoint.com/personal/espinosak_cityofmerced_org/Documents/Documents/KIM/PROJECTS/2020/ZOA 20-01--Comm District/Draft Ord-ZOA 20-01 Comm.docx](https://cityofmerced-my.sharepoint.com/personal/espinosak_cityofmerced_org/Documents/Documents/KIM/PROJECTS/2020/ZOA%2020-01--Comm%20District/Draft%20Ord-ZOA%2020-01%20Comm.docx)

CITY OF MERCED
Planning Commission

Resolution #4058

WHEREAS, the Merced City Planning Commission at its regular meeting of January 20, 2021, held a public hearing via teleconference and considered **Zoning Ordinance Amendment #20-02**, initiated by the City of Merced. This application involves changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would amend Merced Municipal Code Section 20.42 (“Accessory Dwelling Units”). This amendment would modify the City’s requirements for “accessory dwelling units” (ADUs) to meet the modified requirements of State Law in regards to minimum lot sizes, owner-occupancy requirements, maximum size of an ADU, application review times, parking requirements, the charging of impact fees, the sale of ADUs, “junior ADUs,” and other requirements of State Law; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through E of Staff Report #20-799 (Exhibit A); and,

NOW THEREFORE, after reviewing the City’s Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council adoption of a Categorical Exemption regarding Environmental Review #20-34, and approval of Zoning Ordinance Amendment #20-02, as outlined in Exhibit B and subject to the Findings set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

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

NOES: None

ABSENT: None

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4058

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January 20, 2021

Adopted this 20th day of January 2021

Michael Harris

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Exhibits:

Exhibit A – Findings/Considerations

Exhibit B – Draft Ordinance

KIM/PROJECTS/2020/ZOA 20-02--ADUs/#4058 ZOA#20-02 Accessory Dwelling Units.docx

Findings and Considerations
Planning Commission Resolution #4058
Zoning Ordinance Amendment #20-02

FINDINGS/CONSIDERATIONS:

General Plan Policies Related to This Application

- A) The proposed zoning ordinance amendment would make changes in response to changes in State Law regarding accessory dwelling units. General Plan Implementing Action L-2.3.d calls for the City to review and update the Zoning Ordinance as needed.

State Laws Regarding Accessory Dwelling Units

- B) As described in the Background section of Staff Report #20-799, the State of California has declared that allowing accessory dwelling units (ADUs) is an essential component in addressing housing needs in California. In 1982, the State enacted Government Code Section 65852.2 establishing a mandate that every local agency adopt provisions for permitting accessory dwelling units. In 2003 and 2016, AB 1866, SB 1069, and AB 2299 were adopted making changes to the State Law provisions regarding ADUs. In 2019, the State adopted SB 13, AB 68, AB 881, AB 587, AB 670, and AB 671, which all made additional changes to State Law regarding ADUs. In 2020, further revisions were adopted through AB 3182.

A complete summary of the changes in State Law in 2019 and 2020 are contained in Attachment D of Staff Report #20-799. Some of these changes do not apply to local agencies, but to common interest developments or to private covenants, codes, and restrictions (CC&R's) not enforced by the City. In general, the changes that affected the City's Ordinance included:

- 1) States that applications for ADUs are deemed approved if not acted on within 60 days;
- 2) Requires ministerial approval of one ADU and one JADU (Junior ADU) per lot if certain conditions are met;
- 3) Prohibits standards for minimum lot sizes;
- 4) Clarifies areas for ADUs can be based on the adequacy of water and sewer services as well as impacts on traffic flow and public safety;
- 5) Eliminates all owner-occupancy requirements by local agencies for ADUs approved between January 1, 2020, and January 1, 2025;
- 6) Prohibits the establishment of a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom, and requires approval of a permit to build an ADU of up to 800 square feet;

- 7) Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement of off-street parking spaces cannot be required;
- 8) Reduces the maximum application review time from 120 days to 60 days;
- 9) Clarifies the definition of “public transit” and “accessory structure;”
- 10) Establishes impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees; ADUs that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit;
- 11) Clarifies that a local agency may identify an ADU or JADU as an adequate site to satisfy Regional Housing Needs Allocation (RHNA) housing needs;
- 12) Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them;
- 13) Allows a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom or an interior entry into the single-family residence;
- 14) Requires a local agency to delay enforcement against a qualifying substandard ADU for five (5) years to allow the owner to correct the violation, so long as the violation is not a health and safety issue; and,
- 15) AB 587 creates a narrow exemption to the prohibition for ADUs to be sold or otherwise conveyed separately from the primary dwelling by allowing deed-restricted sales to occur if the local agency adopts an ordinance. To qualify, the primary dwelling and the ADU are to be built by a qualified nonprofit corporation whose mission is to provide units to low-income households.

Merced’s Ordinance Regarding Accessory Dwelling Units

- C) As described in the Background section of Staff Report #20-799, the City’s Zoning Ordinance has allowed for accessory dwelling units with certain restrictions since at least the early 1980’s. In the late 1990’s, the City began to let the units be rented, but either the primary unit or the accessory unit had to be owner occupied. In 2016, the City’s ADU zoning standards in Chapter 20.42 of the Merced Municipal Code were adopted as part of the comprehensive Zoning Ordinance Update. In 2019, the City revised its ADU standards to conform with State Law through the adoption of Ordinance #2502, which became effective on September 19, 2019. In October 2019, the State again adopted substantial changes to State Law requirements regarding ADUs and again made amendments in 2020. Therefore, the City’s ADU Ordinance must be revised again.

Proposed Changes to MMC 20.42 (Accessory Dwelling Units)

- D) As noted in Finding C, the City’s ADU ordinance must be revised again to be in conformance with the State Law changes described in Finding B. The Draft Ordinance can be seen at Attachment B of Staff Report #20-799 and those same modifications to Chapter 20.42 are illustrated in Attachment C of Staff Report #20-799. In general, these modifications include the following:
- 1) Modifies Section 20.42.010 (“Purpose and Applicability”) to reference the current State Law provisions, add references to Junior ADUs, and clarify that this chapter is applicable to all parcels in the City that are zoned residential or allow residential uses;
 - 2) Modifies Section 20.42.020 (now entitled “Application Process and Review and Nonconforming Conditions”) by removing the requirement for a Minor Use Permit for an ADU and spelling out the ministerial application process required, “deemed approved” stipulations, processing times, and the enforcement of non-conforming conditions;
 - 3) Modifies Section 20.42.030 (now entitled “Type and Number of ADUs and Site and Design Standards”) as follows:
 - a) Adds the types and number of ADUs allowed per parcel with single and multi-family dwellings;
 - b) Modifies the Site Requirements to clarify that there is no minimum parcel size and spells out provisions for a “statewide exemption ADU;”
 - c) Clarifies the maximum size/floor area for ADUs;
 - d) Deletes the previous requirements regarding relationship to the primary dwelling;
 - e) Spells out the exemptions to development standards for ADUs, defines ADUs as an accessory use, clarifies subdivision restrictions, and clarifies the need for the parcel to have public water and sewer service;
 - f) Spells out design requirements in regard to height, finish materials, roof form, setbacks, addresses, fire sprinklers, and passageways; and,
 - g) Clarifies the parking requirements and parking exemptions for ADUs
 - 4) Modifies Section 20.42.040 (“Occupancy Standards and Fee Requirements”) as follows:
 - a) Adds that no owner occupancy requirement shall be enforced for ADUs built between January 1, 2020, and January 1, 2025;
 - b) Adds that ADUs may be rented, but not for less than a 30-day term;
 - c) Outlines the narrow circumstances for allowing separate conveyance or sale of an ADU; and,
 - d) Clarifies fee requirements and exemptions for ADUs.
 - 5) Adds new Section 20.42.050 [“Standards for Junior Accessory Dwelling Units (JADUs)”], which spells out provisions for Junior Accessory Dwelling Units.

Environmental Clearance

- E) The Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption is being recommended (see Attachment E of Staff Report #20-799).

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AMENDING SECTIONS 20.42 ("ACCESSORY
DWELLING UNITS") OF THE MERCED
MUNICIPAL CODE**

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

SECTION 1. AMENDMENT TO CODE. Chapter 20.42, "Accessory Dwelling Units," of the Merced Municipal Code is hereby repealed and amended to read as follows:

"20.42 Accessory Dwelling Units

Sections:

20.42.010 Purpose and Applicability

**20.42.020 Application Process and Review and Nonconforming
Conditions**

**20.42.030 Type and Number of ADUs and Site and Design
Standards**

20.42.040 Occupancy Standards and Fee Requirements

20.42.050 Standards for Junior Accessory Dwelling Units (JADUs)

20.42.010 Purpose and Applicability

This chapter establishes standards for the development of accessory dwelling units ("ADUs") in conformance with Government Code Section 65852.2 and 65852.22. These standards are intended to allow for accessory dwelling units and junior accessory dwelling units as an important form of affordable housing while preserving the character and integrity of residential neighborhoods within the City.

The provisions of this chapter apply to all parcels in the City of Merced that are zoned residential or allow

**EXHIBIT B
OF PLANNING COMMISSION RESOLUTION #4058**

residential uses.

20.42.020 Application Process and Review and Nonconforming Conditions

A. Ministerial Review. A permit application for an accessory dwelling unit (ADU) or junior accessory dwelling (JADU) may be allowed with ministerial review, approval, and issuance of a building permit, without discretionary review or a public hearing. The correction of nonconforming zoning conditions (“a physical improvement on a property that does not conform to zoning standards”) or the installation of public improvements cannot be required as a condition for ministerial approval.

B. Processing Time. If there is an existing single-family or multi-family dwelling on the parcel, the City shall act on the application to create an ADU or a JADU within 60 days from the date a complete application is received, unless either:

1. The applicant requests a delay, in which case the 60-day time period shall be tolled for the period of the delay; or,
2. The construction of a single-family dwelling is proposed at the same time as a construction of an ADU or a parcel, in which case, the City shall not approve the permit for the ADU prior to the permit for the single-family dwelling and shall not issue the Certificate of Occupancy for the ADU prior to the Certificate of Occupancy for the single-family dwelling.

If the local agency has not acted upon the complete application within 60 days, and neither of the above criteria is met, the application shall be deemed

approved.

C. Nonconforming Conditions. Notwithstanding Chapter 20.52 (Nonconforming Parcels, Uses, and Structures) to the contrary, an owner of an ADU or JADU that receives a notice to correct violations or abate nuisance, in relation to the ADU or JADU, may request a delay for 5 years in enforcement of a building standard, as long as the violation is not a health and safety issue as determined by the City of Merced, subject to compliance with the Health and Safety Code Section 17980.12 and the following conditions:

1. The ADU was built before January 1, 2020; or,
2. The ADU was built on or after January 1, 2020 in a local jurisdiction with a noncompliant ADU ordinance, but the ordinance is compliant at the time the request is made; and,
3. The City shall not approve any such applications after January 1, 2030; and,
4. This section shall remain in effect only until January 1, 2035 and as of that date is repealed.

20.42.030 Type and Number of ADUs and Site and Design Standards

A. Location. Accessory dwelling units shall be permitted in districts zoned to allow single-family or multi-family residential or mixed use as provided in Part 2 (Zoning Districts).

B. Types of Accessory Dwelling Units. An accessory dwelling unit (ADU) approved under this Chapter may take any of the following forms:

1. **Attached.** An ADU may be a new habitable space attached to an existing or proposed single-family dwelling.

EXHIBIT B OF PLANNING COMMISSION RESOLUTION #4058

2. **Detached.** An ADU may be a new detached habitable structure located on the same parcel as an existing or proposed single-family dwelling.
3. **Converted.** An ADU may be located within areas converted to habitable space that complies with the California Building Code for a dwelling, such as:
 - a) An area within an existing single-family dwelling (e.g. an attached garage); or,
 - b) An existing accessory structure (e.g. a detached garaged or pool house) located on the same parcel as the single-family dwelling; or,
 - c) Portions of existing multi-family structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages.
4. **Junior Accessory Dwelling Unit (JADU).** A JADU is a dwelling, contained entirely within an existing or proposed single-family dwelling, that is a maximum of 500 square feet in size. A JADU may include separate facilities or may share sanitation facilities with the existing single-family dwelling. JADUs shall comply with Section 20.42.050 (Standards for Junior Accessory Dwelling Units).

C. Number of Accessory Dwelling Units Permitted Per Parcel

1. **Parcels with a Single-Family Dwelling.**
One ADU (converted, attached, or detached) and one JADU shall be allowed per lot with a proposed or existing single-family dwelling in conformance with the rest of this Chapter.
2. **Parcels with Multi-Family Dwelling(s).**
 - a. **Converted ADUs.** The number of converted ADUs, on a parcel with an existing multi-family dwelling, shall

EXHIBIT B

OF PLANNING COMMISSION RESOLUTION #4058

not exceed 25 percent of the total number of dwelling units.

- b. **Detached ADUs.** Not more than two detached ADUs may be located on a parcel that contains an existing multi-family dwelling.

D. Site Requirements

1. **No Minimum Parcel Size.** Accessory dwelling units that comply with this chapter shall be permitted on all legally established parcels, regardless of parcel size.
2. An accessory dwelling unit may only be established if a single-family dwelling unit ("primary dwelling") exists on the parcel or is being built at the same time.
3. **Statewide Exemption ADU.** No lot coverage, floor area ratio, open space, or minimum lot size requirement shall preclude the construction of an ADU up to 800 square feet, 16 feet in height, and with 4-foot side and rear yard setbacks. The construction of a detached Statewide Exemption ADU may be combined with a Junior ADU within any zone allowing residential or mixed use.

E. Size/Floor Area

1. *Attached or Converted Accessory Dwelling Units.* The floor area of an attached or converted ADU shall not exceed 50 percent of the living area of the existing primary single-family dwelling on the parcel or 1,200 square feet, whichever is less. Garages and carports are excluded from floor area calculations for both the primary dwelling and accessory unit.

2. *Detached Accessory Dwelling Units.* The floor

area of a detached accessory dwelling unit shall not exceed 1,200 square feet, excluding any space devoted to a carport or garage.

F. Development Standards

1. An accessory dwelling unit shall comply with all current development and design standards of the General Plan and Zoning Ordinance that are applicable to the primary dwelling, including, but not limited to, building setbacks, parcel coverage, building height, and architectural design, with certain exceptions, discussed in this Chapter.

2. The accessory dwelling unit (ADU) in compliance with this section shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The ADU shall be deemed to be an accessory use or accessory building and shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

3. No lot line adjustment, subdivision of land, air rights or condominium shall be allowed to enable the sale, transfer, or disposal of the accessory dwelling unit independently of the primary dwelling unit or any portion of the property except in accordance with MMC 20.42.040(C). This stipulation shall be included in a recorded deed restriction on the property.

4. . An ADU or JADU shall only be allowed on parcels connected to public water and sewer service.

G. Design Requirements

1. **Height.** The height of an attached or converted

accessory dwelling unit shall not exceed the height of the existing single-family dwelling. The height of a detached ADU on a parcel containing a multi-family dwelling may not exceed 16 feet.

2. **Finish Materials and Roof Form.** . The ADU or JADU entrance shall have the same exterior finish materials as the existing or proposed single-family dwelling on the parcel and shall be of the same construction typical of other dwelling units in the zone. The ADU or JADU shall have the same roof form as the primary dwelling and shall not have a flat roof.

3. **Setbacks.** .

- a. When an existing detached accessory structure is converted to a detached ADU, no additional setbacks shall be required.
- b. When an ADU is constructed above a detached garage, a four-foot side and four-foot rear setback are required.
- c. No additional setbacks shall be required when a new structure containing an ADU is constructed in the same location (and to the same dimensions as the existing detached accessory structure).
- d. Four-foot side and four-foot rear setbacks shall be required for detached ADUs on parcels containing either existing single or multi-family dwellings.

4. **Addresses.** The addresses of both the primary dwelling and the accessory dwelling unit shall be displayed and clearly visible from the street for public safety purposes.

5. **Fire Sprinklers and Passageways.** Fire sprinklers are not required to be provided with an ADU if they are not required for the single-family dwelling. No passageway defined as “a pathway that is not unobstructed, clear to the sky, and extends from a street to one entrance of an ADU

or JADU” shall be required.

H. Parking

1. A maximum of one additional off-street parking space shall be provided for an accessory dwelling unit or per bedroom, whichever is less. Parking for an ADU may be provided as tandem parking on an existing driveway or in the front or rear setback areas. These spaces shall not be covered if located within the setback areas.

2. When all or a portion of a garage, carport, or other parking structure is converted or demolished to construct an accessory dwelling unit, the parking spaces displaced by the conversion are not required to be replaced.

3. The parking standards provided in this section and otherwise in this code do not apply to an accessory dwelling unit in any of the following instances: (a) it is located within one-half mile walking distance of public transit (defined as “a location including but limited to a bus stop or train station, where the public may access trains, subways, buses, or other forms of transportation that charges set fares, runs on fixed routes, and are available to the public”); (b) it is located within an official architecturally and historically significant historic district; (c) it is part of the proposed or existing primary residence or an accessory structure; (d) on-street parking permits are required but not offered to occupants of an accessory dwelling unit; (e) a car share vehicle is located within one block of the accessory dwelling unit; and (f) the ADU is an attached or converted ADU. To qualify for any of the above exemptions, the applicant shall provide supporting evidence as part of a building permit application.

20.42.040 Occupancy Standards and Fee Requirements

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OF PLANNING COMMISSION RESOLUTION #4058

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A. *Owner Occupancy.* The City shall not impose owner occupancy requirements on any ADUs or associated primary dwellings permitted between January 1, 2020, and January 1, 2025. After January 1, 2025, the following section shall apply. The owner of a parcel with an accessory dwelling unit shall be permitted to rent either the primary unit or the accessory dwelling unit, but not both, and may reside in either the primary dwelling unit or the accessory dwelling unit, if the accessory dwelling unit is located within an R-1 Zoning District or equivalent designation in a Planned Development or Residential Planned Development only. This requirement does not apply to any other Zoning Districts.

B. *Rental Term.* An ADU or JADU may be rented, provided the rental term is at least 30 continuous days or more. Non-continuous or transient occupancy is prohibited.

C. *Separate Conveyance.* An ADU shall not be sold or otherwise conveyed separately from the principal residence, except when sold by a qualified nonprofit corporation to a qualified buyer in accordance with Government Code Section 65852.26 with affordability restrictions.

D. *Fees and Other Requirements.*

1. Accessory dwelling units are not a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service unless the ADU or JADU is constructed with a new single-family dwelling; and any utility fee or charge imposed on the creation of a detached accessory dwelling unit must not exceed the reasonable cost of providing the service.

2. Accessory dwelling units contained within the

existing space of a single family residence or accessory structure are not required to install a new or separate utility connection and cannot be charged for a related connection fee or capacity charge.

3. A new accessory dwelling unit shall be required to pay all applicable fees, including impact fees. However, no impact fees shall be imposed on ADUs of less than 750 square feet. For an ADU larger than 750 square feet, any impact fee shall be charged proportionately in relation to the square footage of the single-family dwelling.

4. Prior to occupancy of the accessory dwelling unit, a new address shall be assigned by Department of Development Services."

5. A JADU shall not be considered a separate or new dwelling for the purposes of providing service for water, sewer, and/or power.

20.42.050 Standards for Junior Accessory Dwelling Units (JADUs)

- A. All other provisions for ADUs in this chapter shall also apply to Junior Accessory Dwelling Units (JADUs) except as provided below.
- B. *Location.* A JADU shall be entirely within the walls of an existing or proposed single-family dwelling.
- C. *Number.* A maximum of one JADU is allowed per parcel within an existing or proposed single-family dwelling.
- D. *Size.* A JADU shall not exceed 500 square feet in size.
- E. *Entrance.*

1. A JADU shall have an entrance that is separate from the main entrance of the existing or proposed single-family dwelling.
 2. A Converted ADU or JADU may include an expansion of a maximum 150 square feet beyond the physical dimensions as the existing accessory structure or single-family dwelling. This expansion shall be limited to accommodating ingress and egress from the ADU or JADU.
- F. Kitchen.* A JADU shall include an efficiency kitchen which shall include all of the following:
1. Cooking facilities with appliances; and,
 2. Food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
- G. Owner Occupancy.* The owner shall reside on the property in either the newly created JADU or the remaining portion of the single-family dwelling, unless the owner is a governmental agency, land trust, or housing organization.
- H. No Separate Conveyance.* A JADU shall not be sold or otherwise conveyed separately from the single-family dwelling on a parcel, except when sold to a qualified buyer in accordance with Government Code Section 65852.26.
- I. Deed Restriction.* Prior to issuance of a Building Permit, a deed restriction shall be recorded on the property indicating the following:
1. The size of the JADU is restricted to a maximum of 500 square feet; and the JADU shall contain cooking facilities with appliances and food preparation counter

EXHIBIT B
OF PLANNING COMMISSION RESOLUTION #4058

and storage cabinets that are of reasonable size in relation to the size of the JADU;

2. The deed restriction shall run with the land and may be enforced against future property owners;
3. Owner-occupancy is required in either the JADU or the remaining portion of the single-family dwelling; and,
4. The JADU shall not be sold or otherwise conveyed separately from the single-family dwelling.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

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

AYES:

NOES: ABSTAIN: ABSENT:

EXHIBIT B
OF PLANNING COMMISSION RESOLUTION #4058

Page 12

**Council
Members:**

ouncil Members:

C

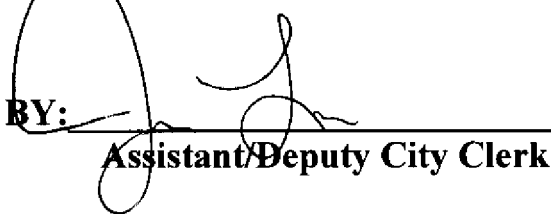
Council Members:

Council Members:

APPROVED:

Mayor

**ATTEST:
STEPHANIE R. DIETZ, CITY CLERK**

BY: 

Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney

Date

**EXHIBIT B
OF PLANNING COMMISSION RESOLUTION #4058**

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Inspection Services CI

For the period of December 28th, 2020 through January 10th, 2021, there were 39 New Single-Family Dwelling Permits Issued.

The running total of New Single-Family Dwellings in Plan Review is **379**.

Multi Family Permits in review:

Gateway Terrace Apartments located at 405 W 12th 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 for a total of 126 units.

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

There is a 2,438 SF duplex in review, located at 345 W. 23rd St., as well as a new SFD/ADU combo totaling 2,901 SF located at 419 E. Olive Ave., and a fire damage repair that is also adding an ADU located at 1740 Shirley St.

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

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 0 new tenant improvement submittals during this period.

There were 3 CofOs issued for this period; all 3 for the Shop/Fleet, Hazmat, and Operations Office buildings for PG&E located on the 4100 through 4200 block of E. Childs Ave.

There were 25 CofOs for Single Family Dwellings during this period.

*Restorative Justice League
Smiley Riley Legacy Central Youth
Center*



Join us for the grand opening

<i>Saturday</i>	01/23/2021
10AM- 2PM	364 W 27th St Merced Ca 95340