



# THE WEEKLY COUNCIL INFORMATION REPORT

May 21, 2021

## NATIONAL PUBLIC WORKS WEEK – STRONGER TOGETHER

May 16<sup>th</sup> through 22<sup>nd</sup> is National Public Works Week. The theme this year is “Stronger Together”. In developing this theme, the American Public Works Association (APWA) challenged its members and citizens to think about the role public works plays in creating a great place to live. Public Works helps maintain the community’s strength by working together to provide an infrastructure of services in transportation, water, wastewater, stormwater treatment, public buildings and spaces, parks and grounds, emergency management and first response, solid waste, and right-of-way management.



## PUBLIC WORKS CREWS IN ACTION

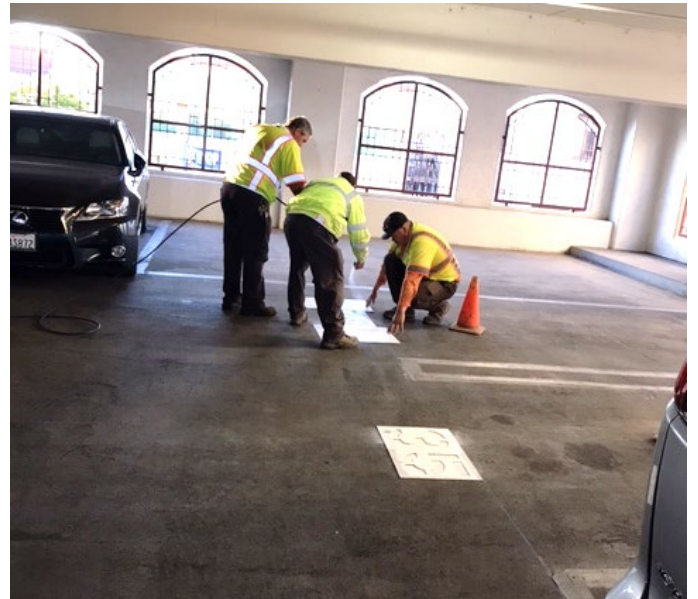
### PARKS CREW REPAIRS IRRIGATION

The Public Works Parks crew performed repairs to irrigation at Santa Fe Strip Park this week.



### STREETS CREW PAINTS PARKING SPACES

Members of the Streets Division painted numbers on the parking spaces within the Ralph Shannon Arcade (adjacent to City Hall).



### TREE MAINTENANCE

The Tree crew worked on scheduled tree removals in the area of R and 22nd Streets.



**TREE PRUNING CONTRACT**

The contracted tree pruning services continued this week with crews working in Bright Subdivision and the Silverado area.

**BRIGHT SUBDIVISION**



**SILVERADO**



**WATER REPAIRS**

The Public Works Water crews replaced a broken main line valve at Greenwood Court, as well as performed concrete repairs in connection with a hydrant replacement on 27th Street and valve box replacement on 13th Street.

**GREENWOOD COURT**



**27TH STREET**



**13TH STREET**



**“THANK YOU” NOTE FROM CITIZEN**

“Dear Stephanie [and Public Works Parks Division], I wanted to thank you for the beautiful new plants at Bernasconi Park. They were planted with skill and well chosen, as they are drought tolerant and match some of the existing plants. This will greatly beautify the appearance of our neighborhood park and we are very grateful.”

- Ruth Wax

**NEW PLANTS AT BERNASCONI PARK**



**ACEVEDO COMPLETES DISPATCH TRAINING**

This week, Brianna Acevedo completed the Merced Police Department Dispatch Training Program.

Congratulations, Brianna!



**THE RETURN OF BEST BUY**

Best Buy officially re-opened their doors on Friday, May 21, 2021 at 10AM. The previous Best Buy store was part of the original Merced Marketplace Shopping Center located on W. Olive Avenue next to Lowe’s. The former location is now home to Ashley Furniture Store. Best Buy is now located at 3125 R Street and shares a wall with Planet Fitness. Both Best Buy and Planet Fitness are located in the former Orchard Supply Store. All three businesses, Best Buy, Planet Fitness, and Ashley Furniture Store re-purposed existing buildings.



**NEW LIVE WEB CHAT FEATURE**

The City website now allows residents to live chat with a City staff member and ask them questions. The chat feature is currently available for the City Clerks Office, Parks and Community Services, and Economic Development Office. Residents have the opportunity to ask questions to City staff by clicking on the chat icon in the lower right-hand corner of the website for each department.

**SWIMMING LESSONS**  
For children 6 months to 14 years

REGISTRATION BEGINS ON MAY 3RD, AT 9:00AM AT OUR OFFICE 632 W. 18TH ST. MERCED

Swim lessons will be held at McNamara pool ONLY

\$35 per session per child, 1 registration per child

Parents may register their child/children only

Sessions and Dates	Class Type and Age
Session 1: June 21-July 1	Parent & Me: 6 months-5 years
Session 2: July 6*-July 15	Tiny Tots 1: Ages 5-5
Session 3: July 19-July 29	Tiny Tots 2: Ages 4-6
	Beginner Prep: Ages 7-10
	Stroke Technique: Ages 8-14

**Registration must be IN PERSON.**  
We will NOT register any participants over the phone on May 3rd at 9:00AM

Questions? Give us a call at (209) 385-6235

City of Merced Parks and Recreation

Chat with Parks & Community Services

Irene  
Agent

much it will cost?

3:21 PM

Hi

Irene 3:22 PM

I have a question about when swim lessons registration will begin and how much it will cost?

3:23 PM

We are now taking registration for swim lessons. The cost is \$35 per session, each session is for a total of two weeks.

Irene 3:23 PM

Oh great! Where are the classes held?

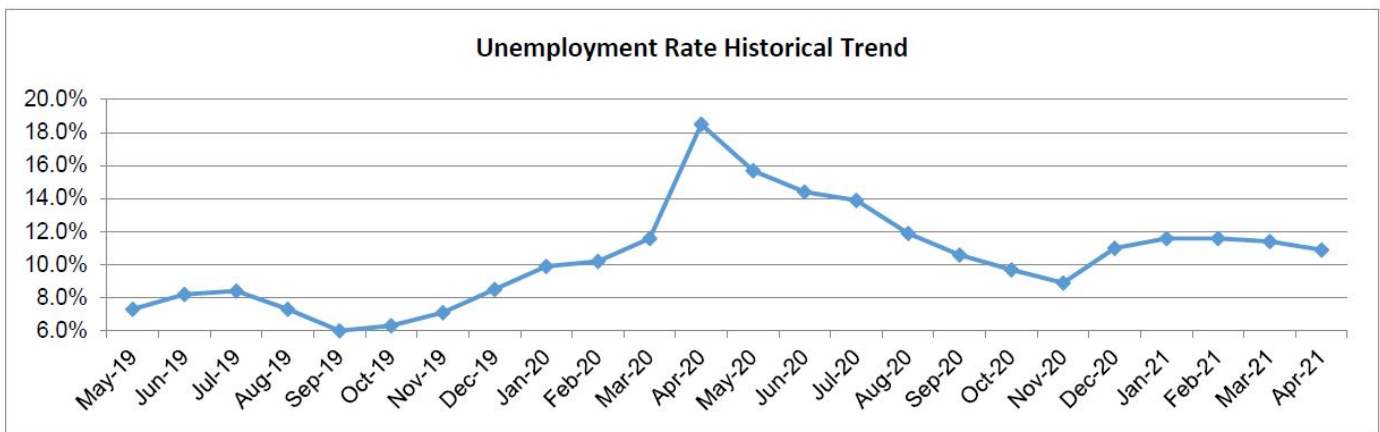
3:24 PM

Type here and press Enter to chat

**LABOR MARKET INFORMATION – APRIL 2021**

The unemployment rate in the Merced County was 10.9% in April 2021, down from a revised 11.4% in March 2021, and below the year-ago estimate of 18.5%. This compares with an unadjusted unemployment rate of 8.1% for California and 5.7% for the nation during the same period.

A copy of the Labor Market Report is attached.



**INSPECTION SERVICES BIWEEKLY REPORT**

Please find attached, the Inspection Services Biweekly Report for the period of May 3, 2021 through May 16, 2021.

**REPORTS & CORRESPONDENCE**

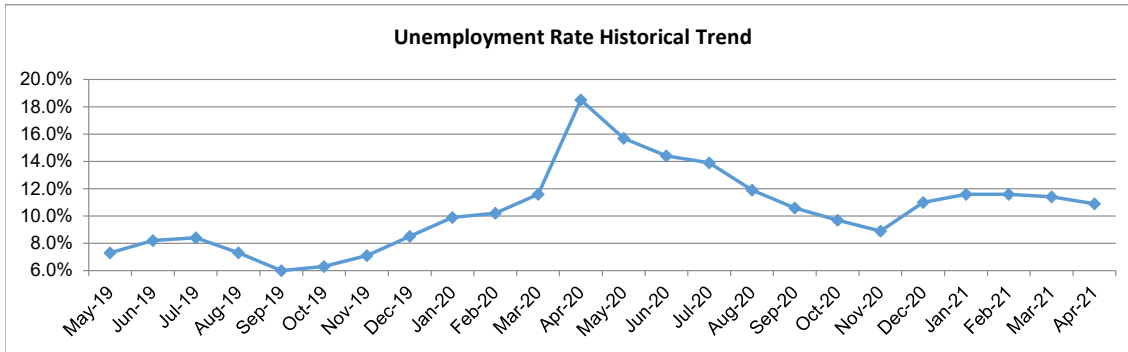
- 1. Labor Market Report                      Page 8
- 2. Inspection Services Report              Page 11
- 3. PC Action Memo                            Page 12

**PLANNING COMMISSION ACTION MEMO**

Please find attached, the Planning Commission Action Memo from the meeting of May 19, 2021.

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

The unemployment rate in the Merced County was 10.9 percent in April 2021, down from a revised 11.4 percent in March 2021, and below the year-ago estimate of 18.5 percent. This compares with an unadjusted unemployment rate of 8.1 percent for California and 5.7 percent for the nation during the same period.



Industry	Mar-2021	Apr-2021	Change		Apr-2020	Apr-2021	Change
	Revised	Prelim				Prelim	
Total, All Industries	79,800	80,800	1,000		77,000	80,800	3,800
Total Farm	12,300	12,600	300		12,300	12,600	300
Total Nonfarm	67,500	68,200	700		64,700	68,200	3,500
Mining, Logging, and Construction	2,600	2,700	100		2,400	2,700	300
Manufacturing	10,200	10,200	0		9,400	10,200	800
Trade, Transportation & Utilities	13,200	13,300	100		12,100	13,300	1,200
Information	200	200	0		200	200	0
Financial Activities	1,800	1,800	0		1,800	1,800	0
Professional & Business Services	3,900	3,800	(100)		4,000	3,800	(200)
Educational & Health Services	10,200	10,300	100		10,000	10,300	300
Leisure & Hospitality	5,700	5,800	100		4,400	5,800	1,400
Other Services	1,300	1,300	0		1,200	1,300	100
Government	18,400	18,800	400		19,200	18,800	(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](http://www.labormarketinfo.edd.ca.gov)



Data Not Seasonally Adjusted

	Apr 20	Feb 21	Mar 21	Apr 21	Percent Change	
			Revised	Prelim	Month	Year
Civilian Labor Force (1)	116,900	116,000	115,200	114,100	-1.0%	-2.4%
Civilian Employment	95,300	102,500	102,100	101,600	-0.5%	6.6%
Civilian Unemployment	21,600	13,500	13,100	12,500	-4.6%	-42.1%
Civilian Unemployment Rate	18.5%	11.6%	11.4%	10.9%		
(CA Unemployment Rate)	16.0%	8.4%	8.2%	8.1%		
(U.S. Unemployment Rate)	14.4%	6.6%	6.2%	5.7%		

Total, All Industries (2)	77,000	79,000	79,800	80,800	1.3%	4.9%
Total Farm	12,300	12,600	12,300	12,600	2.4%	2.4%
Total Nonfarm	64,700	66,400	67,500	68,200	1.0%	5.4%
Total Private	45,500	48,500	49,100	49,400	0.6%	8.6%
Goods Producing	11,800	12,600	12,800	12,900	0.8%	9.3%
Mining, Logging, and Construction	2,400	2,500	2,600	2,700	3.8%	12.5%
Manufacturing	9,400	10,100	10,200	10,200	0.0%	8.5%
Nondurable Goods	7,900	8,600	8,700	8,800	1.1%	11.4%
Service Providing	52,900	53,800	54,700	55,300	1.1%	4.5%
Private Service Providing	33,700	35,900	36,300	36,500	0.6%	8.3%
Trade, Transportation & Utilities	12,100	13,200	13,200	13,300	0.8%	9.9%
Wholesale Trade	1,100	1,000	1,000	1,000	0.0%	-9.1%
Retail Trade	7,400	8,500	8,500	8,600	1.2%	16.2%
Transportation, Warehousing & Utilities	3,600	3,700	3,700	3,700	0.0%	2.8%
Information	200	200	200	200	0.0%	0.0%
Financial Activities	1,800	1,800	1,800	1,800	0.0%	0.0%
Professional & Business Services	4,000	4,000	3,900	3,800	-2.6%	-5.0%
Educational & Health Services	10,000	10,100	10,200	10,300	1.0%	3.0%
Leisure & Hospitality	4,400	5,400	5,700	5,800	1.8%	31.8%
Other Services	1,200	1,200	1,300	1,300	0.0%	8.3%
Government	19,200	17,900	18,400	18,800	2.2%	-2.1%
Federal Government	800	800	800	800	0.0%	0.0%
State & Local Government	18,400	17,100	17,600	18,000	2.3%	-2.2%
State Government	3,900	3,700	3,800	3,900	2.6%	0.0%
State Government Education	3,300	3,100	3,200	3,300	3.1%	0.0%
State Government Excluding Education	600	600	600	600	0.0%	0.0%
Local Government	14,500	13,400	13,800	14,100	2.2%	-2.8%
Local Government Excluding Education	3,900	3,800	4,000	3,900	-2.5%	0.0%
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**  
**April 2021 - Preliminary**  
 Data Not Seasonally Adjusted

COUNTY	RANK BY RATE	LABOR FORCE	EMPLOYMENT	UNEMPLOYMENT	RATE
<b>STATE TOTAL</b>	---	<b>18,812,400</b>	<b>17,292,400</b>	<b>1,520,000</b>	<b>8.1%</b>
ALAMEDA	17	795,300	745,000	50,200	6.3%
ALPINE	40	540	500	40	8.0%
AMADOR	26	14,270	13,270	990	7.0%
BUTTE	28	91,500	85,000	6,500	7.1%
CALAVERAS	8	21,100	19,850	1,250	5.9%
COLUSA	57	10,710	9,320	1,390	13.0%
CONTRA COSTA	21	530,200	495,000	35,200	6.6%
DEL NORTE	41	9,210	8,460	750	8.1%
EL DORADO	11	89,800	84,400	5,400	6.0%
FRESNO	49	436,700	394,700	42,100	9.6%
GLENN	25	12,640	11,760	870	6.9%
HUMBOLDT	17	59,200	55,500	3,800	6.3%
IMPERIAL	58	64,900	54,500	10,500	16.1%
INYO	11	8,120	7,640	480	6.0%
KERN	53	372,700	332,600	40,100	10.7%
KINGS	52	54,700	49,100	5,600	10.2%
LAKE	33	28,740	26,550	2,190	7.6%
LASSEN	8	9,480	8,920	560	5.9%
LOS ANGELES	55	5,110,500	4,548,100	562,400	11.0%
MADERA	48	60,200	54,500	5,700	9.5%
MARIN	1	129,600	123,600	6,000	4.6%
MARIPOSA	43	6,820	6,260	560	8.2%
MENDOCINO	20	36,000	33,640	2,360	6.5%
MERCED	54	114,100	101,600	12,500	10.9%
MODOC	32	3,290	3,040	250	7.5%
MONO	30	7,430	6,870	550	7.4%
MONTEREY	44	215,600	197,000	18,600	8.6%
NAPA	17	67,700	63,500	4,200	6.3%
NEVADA	8	45,440	42,760	2,680	5.9%
ORANGE	15	1,536,000	1,440,500	95,500	6.2%
PLACER	4	183,300	173,700	9,700	5.3%
PLUMAS	51	7,350	6,640	710	9.7%
RIVERSIDE	33	1,099,100	1,016,000	83,200	7.6%
SACRAMENTO	29	700,800	650,500	50,300	7.2%
SAN BENITO	36	31,100	28,700	2,400	7.7%
SAN BERNARDINO	36	965,700	891,300	74,500	7.7%
SAN DIEGO	23	1,517,500	1,415,400	102,100	6.7%
SAN FRANCISCO	5	540,500	511,600	28,900	5.4%
SAN JOAQUIN	46	328,100	298,700	29,500	9.0%
SAN LUIS OBISPO	6	128,300	121,100	7,200	5.6%
SAN MATEO	2	424,000	403,400	20,500	4.8%
SANTA BARBARA	11	216,300	203,300	12,900	6.0%
SANTA CLARA	3	1,003,800	953,900	49,900	5.0%
SANTA CRUZ	36	129,400	119,400	10,000	7.7%
SHASTA	26	72,500	67,400	5,100	7.0%
SIERRA	23	1,280	1,190	90	6.7%
SISKIYOU	41	16,620	15,270	1,350	8.1%
SOLANO	33	199,300	184,200	15,100	7.6%
SONOMA	7	238,300	224,600	13,700	5.7%
STANISLAUS	44	237,800	217,300	20,400	8.6%
SUTTER	49	44,000	39,800	4,200	9.6%
TEHAMA	30	25,090	23,240	1,860	7.4%
TRINITY	21	4,440	4,150	300	6.6%
TULARE	55	196,900	175,100	21,700	11.0%
TUOLUMNE	39	19,510	18,000	1,510	7.8%
VENTURA	15	405,200	380,100	25,000	6.2%
YOLO	11	105,100	98,700	6,400	6.0%
YUBA	47	29,000	26,400	2,600	9.1%

**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 2020 benchmark and Census 2010 population controls at the state level.

## Inspection Services CI

**For the period of May 3<sup>rd</sup>, 2021 through May 16<sup>th</sup>, 2021, there were 14 New Single-Family Dwelling Permits Issued.**

The running total of New Single-Family Dwellings in Plan Review is **247**.

### Multi Family Permits in review:

Gateway Terrace Apartments located at 405 W 12<sup>th</sup> St; 1 office/lounge and 6, 2 story apartments: 2 buildings have 16 units, 3 buildings have 30 units, and 1 building has 4 units for a total of 126 units.

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

There is 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.  
(No change from last report)

There was 1 new construction commercial permit issued during this period; for a Taco Bell located at 1990 Yosemite Pkwy.

There was 1 new tenant improvement permit issued during this period; to update the finishes at the McDonald's located at 1060 W. 13<sup>th</sup> St.

There were 0 new commercial submittals during this period.

There were 3 new tenant improvement submittals during this period; one for the Loiter Street Kitchen, a restaurant located at 426 W. Main St., one for a general shell improvement at 427 W. Main St., and one for a shell improvement on a tenant space at the ground level of the Hotel Tioga located at 1707 N St.

There was 1 CofO issued for this period; for the El Capitan Hotel located at 609 W Main St.

There were 26 CofOs for Single Family Dwellings during this period.

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*City of Merced*  
**MEMORANDUM**

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**DATE:** May 20, 2021  
**TO:** City Council  
**FROM:** Kim Espinosa, Planning Manager  
**SUBJECT:** Actions at the Planning Commission Meeting of May 19, 2021

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At their meeting of May 19, 2021, the Planning Commission approved Conditional Use Permit #1254 and Site Plan Application #474 for alcohol sales at a new gas station (7-Eleven) at 1995 W. Olive Avenue.

If you have any questions about this item, please feel free to contact me.

Attachment

n:shared:Planning:PCMemos

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

**Resolution #4064**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of May 19, 2021, held a public hearing and considered **Conditional Use Permit #1254** and **Site Plan Review #474**, submitted by Robert Vermeltoort, on behalf of Chase Partners, LTD., property owner. This application involves a request to sell beer and wine for off-site consumption for a new gas station (7-Eleven), generally located at the northeast corner of Olive Avenue and State Highway 59 (1995 W Olive Avenue), within a zoning classification of Planned Development (P-D) #12, The property currently has a General Plan designation of Commercial Office (CO) and Industrial (IND); a General Plan designation of Business Park (BP) has been proposed and recommended for approval by the Planning Commission via General Plan Amendment #20-02 and Site Utilization Plan Revision #2 to P-D #12 (and approved by City Council on May 3, 2021). The property is more particularly described as Adjusted Parcel 1 as described in the Grant Deed recorded as Document No. 2020047663, on December 10, 2020, in Merced County Records; also known as a portion of Assessor's Parcel Number (APN) 058-030-037; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through K (Exhibit B) of Staff Report #21-305; and,

**WHEREAS**, the Merced City Planning Commission concurs with the Findings for Conditional Use Permits in Merced Municipal Code Section 20.68.020 (E), and Site Plan Review Permits in Merced Municipal Code Section 20.68.050 (F) and other Considerations as outlined in Exhibit B; and,

**NOW THEREFORE**, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby find that the previous environmental review (Initial Study #20-36 for General Plan Amendment #20-02 and Site Utilization Plan Revision #2 for Planned Development #12) remains sufficient and no further documentation is required (CEQA Section 15162 Findings) and approve Conditional Use Permit #1254 and Site Plan Review Permit #474, 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 Camper, Butticci, Delgadillo, White, and Chairperson Harris

**NOES:** None

**ABSENT:** Commissioner Dylina (one vacancy)

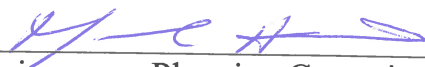
**ABSTAIN:** None

PLANNING COMMISSION RESOLUTION #4064

Page 2

May 19, 2021

Adopted this 19<sup>th</sup> day of May, 2021

  
\_\_\_\_\_  
Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

  
\_\_\_\_\_  
Secretary

Attachments:

Exhibit A - Conditions of Approval

Exhibit B - Findings

**Conditions of Approval**  
**Planning Commission Resolution #4064**  
**Conditional Use Permit #1254/Site Plan Review #474**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (floor plan) - Attachment D of Staff Report #21-305, except as modified by the conditions.
2. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
3. All conditions contained in Resolution #1249-Amended (“Standard Conditional Use Permit Conditions”—except for Condition #16 which has been superseded by Code) shall apply.
4. The Project shall comply with the conditions set forth in General Plan Amendment #20-02, Site Utilization Plan Revision #2 to Planned Development #12, previously approved for this development.
5. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply, including the Post Construction Standards for Storm Water that became effective July 1, 2015.
6. 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 City's defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.

5. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
6. Sufficient lighting shall be provided throughout the site to provide a safe environment for employees and patrons of the business.
7. Appropriate turning radii shall be provided within the parking areas to allow for Fire engine and refuse truck access.
8. The developer shall work with the City Engineer to determine the requirements for storm drainage on the site. The developer shall provide all necessary documentation for the City Engineer to evaluate the storm drain system. All storm drain systems shall be installed to meet City Standards and state regulations.
9. Merced Municipal Code Section 20.38.080 -Bicycle Parking identifies Gas and Service Stations as being exempt from installing short term and long-term bicycle parking. However, bicycle parking spaces may still be required per the California Green Code during the building permit stage.
10. Any missing or damaged improvements along the property frontage shall be installed/repaired to meet City Standards. Any improvements that do not meet current City Standards shall be replaced to meet all applicable standards.
11. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.

EXHIBIT A  
OF PLANNING COMMISSION RESOLUTION #4064



12. The applicant shall work with the City's Refuse Department to determine the proper location for a trash enclosure and if a recycling container will be required to comply with AB 341. The container(s) shall be enclosed within a refuse enclosure built to City Standards.
13. The premises shall remain clean and free of debris and graffiti at all times. Any damaged materials shall be replaced by matching materials.
14. 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.
15. All signs shall comply with the City's Sign Ordinance. All signs shall be located outside of the 10-foot visual corner at the driveway entrances on Olive Avenue and Highway 59 and shall maintain a minimum 3-foot setback from all property lines.
16. Future signage (including gas price signs), parking lot lights, and building lights shall be shielded or oriented in a way that does not allow "spill-over" onto adjacent lots or be a nuisance to adjacent properties. This shall be done in compliance with the California Energy Code requirements. Any lighting on the building shall be oriented to shine downward and not spill-over onto adjacent parcels.
17. 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.
18. The proprietor and/or successors in interest and management shall be prohibited from advertising or promoting beer & wine and/or distilled spirits on the motor fuel islands and no self-illuminated advertising for beer or wine shall be located on the building or in the windows.
19. As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repared if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, installing traffic calming measures, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
20. The area within the convenience market dedicated to the display and sale of beer and wine shall not exceed the amount shown at Attachment D of Staff Report #21-305.

EXHIBIT A  
OF PLANNING COMMISSION RESOLUTION #4064

21. 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 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.
22. 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.
23. No alcohol shall be displayed within five feet of the cash register or the front door.
24. No beer shall be displayed or stored outside of the cooler areas.
25. No display or sale of beer or wine shall be made from an ice tub.
26. Employees shall be at least 21 years old to sell alcohol.
27. No advertisement of alcoholic beverages shall be displayed on motor fuel islands, in landscaped areas, or outside the buildings or windows.
28. No sale of alcoholic beverages shall be made from a drive-up window.
29. The business shall comply with all applicable requirements from the Merced County Health Department.
30. All mechanical equipment shall be screened from public view.
31. The parking lot layout shall comply with all applicable City Standards. Parking lot trees shall be provided at a ratio of one tree for every six parking spaces. These trees shall be installed per the City's Parking Lot Landscape Standards, shall be a minimum of 15-gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City's approved tree list).
32. All landscaping shall be kept healthy and maintained in good condition and any damaged or missing landscaping shall be replaced immediately.
33. Detailed landscape plans, including irrigation plans, shall be submitted at the building permit stage.

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34. All landscaping in the public right-of-way shall comply with State Water Resources Control Board Resolution No. 2015-0032 “To Adopt an Emergency Regulation for Statewide Urban Water Conservation” and the City’s Water Conservation Ordinance (Merced Municipal Code Section 15.42). Xeriscape or artificial turf shall be used in place of natural sod or other living ground cover. If turf is proposed to be installed in park-strips or on-site, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed. All irrigation provided to street trees, parking lot trees, or other landscaping shall be provided with a drip irrigation or micro-spray system.
35. This approval is subject to the business owner being in good standing with all laws of the State of California, including the Alcoholic Beverage Control (ABC), City of Merced, and other regulatory agencies.
36. A permanent tamper-proof outdoor trash receptacle shall be installed near the main entrance to the convenience market.
37. Prior to obtaining a license from the Alcoholic Beverage Control to sell alcohol, the business (for the convenience market) shall obtain approval for a Finding of Public Convenience or Necessity from the Merced City Council.
38. Community Facilities District (CFD) formation is required for annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, street lights, parks, and open space. CFD procedures shall be initiated before issuance of the first certificate of occupancy or filing of a parcel map. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
39. Cross access and parking easements shall be recorded with any parcel map associated with the project.

EXHIBIT A  
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**Findings and Considerations  
Planning Commission Resolution #4064  
Conditional Use Permit #1254 and Site Plan #474**

**FINDINGS/CONSIDERATIONS:**

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

- A) The proposed project complies with the General Plan designation of Business Park (BP) and the zoning classification of Planned Development (P-D) #12 with approval of a Conditional Use Permit and Site Plan Review Permit. The Project would achieve the following General Plan Land Use Goals and Policies:
1. Land Use Policy L-2.1: Encourage further development of appropriate commercial and industrial uses throughout the City.
  2. Land Use Policy L-2.6: Provide neighborhood commercial centers in proportion to residential development in the City.
  3. Land Use Policy L-3.2.A: Encourage infill development and compact urban form.

**Alcohol Sales**

- B) This request requires a Conditional Use Permit because 7-Eleven will be less than 20,000 square feet in size per MMC 20.10.020. In addition, alcohol sales shall require a Finding of Public Convenience or Necessity from City Council, because the applicant is seeking a new license in an overconcentrated Census Tract.

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 Census Tract #10.03. In checking with the State of California Alcoholic Beverage Control, this census tract is over concentrated with business selling alcohol as 3 licenses are allowed outright, but there are currently 5 active sites. The City Council will need to approve a Finding of Public Convenience or Necessity for this use (Condition #37 of Planning Commission Resolution #4064).

### 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 544 feet east of the subject site. (Attachment B of Staff Report #21-305). While the property directly south across Olive Avenue is zoned for Residential Use, it is currently occupied by the Merced County Food Bank and has no ongoing or proposed residential uses on the property. The nearest sensitive use (besides residential properties) is Carol Gabriault Park, which is located approximately 852 feet away from the subject site. The Park is also across Olive Avenue from the subject site, a major arterial roadway traversing the City of Merced. There is no reason to believe the proposed use will adversely affect the economic or societal welfare of the community in the area.

Additionally, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) allows alcoholic beverages to be sold from a store located adjacent to a store selling cannabis products as long as each store has separate access. (See Bureau of Cannabis Control, 16 CCR 5026(c) and (d).) There is a cannabis dispensary located directly to the east of the proposed project site. Each store does have separate access, and thus this arrangement is permissible according to state regulations.

### 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 April 1, 2020, and March 31, 2021, the Merced Police Department recorded 265 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 16 incidents during the 12-month period). As shown on the attached Incident Map (Attachment G of Staff Report #21-305), the majority of those incidents occurred at the intersection of Olive Avenue and Highway 59 and at the Wal-Mart to the southeast. Most incidents were either traffic accidents or alarms. The number of incidents reported City-wide for the same time period was 73,200. Based on the total number of calls within the City, the 16 calls to this area relating to the items of attention equal 0.02% of the overall calls for service within the City.

**Incidents and Cases Reported (April 1, 2020 – March 31, 2021)**

<b>Incident/Case Type</b>	<b>Number of Incidents</b>
Public Intoxication	0
Assault	1
MMC*	4
Narcotics violations	0
Disturbance	2
Drunk Driver**	9

\*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.

**Neighborhood Impact/Interface**

- C) The site as it currently stands does not directly border, nor does it border across an adjacent roadway, a residential use. A public hearing notice was circulated in the Merced County Times and mailed to property owners within 300 feet of the subject site ten days 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) All signs on the site would be required to comply with the North Merced Sign Ordinance and the Business Park sign regulations (Condition #15). Final sign/design details will be reviewed by staff during the building permit stage to ensure compliance with the City’s Sign Ordinance, Building Codes, and Conditions of Approval. The convenience market shall be prohibited from advertising or promoting alcohol on the motor fuel island and must ensure that future signage is shielded or oriented in a way that does not allow “spill-over” onto adjacent lots or be a nuisance to adjacent properties (Condition #16 of Staff Report #21-305). A digital LED gas price sign may be allowed, but shall be designed, located, and illuminated in a way that does not significantly impact the adjacent residential properties. The sign locations as shown on the Site Plan at Attachment C of Planning Commission Staff Report #21-305 are not approved, including the monument sign located on Highway 59 within Caltrans’ right-of-way, which cannot be approved.

### **Traffic/Circulation**

- E) The subject site is located at the northeast corner of Olive Avenue and State Highway 59. Vehicle access would be available from a driveway along State Highway 59 and two driveways along Olive Avenue, one of which is existing and also serves the adjacent property to the east.

Traffic and circulation components for this site were originally analyzed as a part of the environmental study conducted for the site under the approval of General Plan Amendment #20-02. CEQA states that a future project may utilize an existing adopted Initial Study through a CEQA Section 15162 Finding, if the project is consistent with Zoning/General Plan, and if the scope of the project is consistent with the previous project studied. In this case, the gas station is the same as was proposed in the Initial Study, so the Section 15162 finding can be made.

### **Parking**

- F) The parking requirement for a convenience market is one parking space for every 250 square feet of floor area. Based on the proposed 4,088 square-foot building, 17 parking spaces are required (fuel island parking does not count towards required parking). The site has a total of 26 parking spaces. The request complies with City parking requirements.

### **Public Improvements**

- G) In accordance with Section 17.04.050 and 17.04.060 of the Merced Municipal Code, any damaged or missing public improvements shall be repaired or installed if the permit value of the project exceeds \$100,000.00. The need for repairs or replacement of any improvements would be evaluated at the building permit stage by the City's Engineering Department (Condition #19 of Staff Report 21-305).

### **Landscaping**

- H) The proposed project includes landscaping along Olive Avenue, Highway 59, and throughout the parking lot. Plant species should be drought tolerant and all irrigation systems must comply with the latest requirements for water conservation (Condition #34 of Staff Report 21-305).

### **Mandatory Conditional Use Permit Findings**

- I) In order for the Planning Commission to approve or deny a conditional use permit, they must consider the following criteria and make findings to support or deny each criteria per MMC 20.68.020 (E) – Findings for Approval.

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

The proposed project complies with the General Plan designation of Business Park (BP) and the zoning designation of Planned Development (P-D) #12 with approval of this conditional use permit and site plan review permit.

## EXHIBIT B OF PLANNING COMMISSION RESOLUTION #4064

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 #21-02 and Site Utilization Plan Revision #2 to Planned Development #12 on May 3, 2021. 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.

#### **Mandatory Site Plan Review Findings**

- J) A Site Plan Review Permit is required for this project per MMC 20.68.050 and per the Interface requirements at MMC 20.32. In order for the Planning Commission to approve or deny a site plan review permit, they must consider the following criteria and make findings to support or deny each criteria per MMC 20.68.050 (F) "Findings for Approval for Site Plan Review Permits." These findings are provided below.

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

The proposed project complies with the General Plan designation of Business Park (BP) with approval of this conditional use permit and site plan review permit. The proposed project is not inconsistent with any adopted specific, community, or neighborhood plan for this area.

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

The proposed project complies with all applicable provisions of the Zoning Ordinance, Municipal Code, and Planned Development #12 with approval of this conditional use permit and site plan review permit. Conditions of approval for



Resolution #4064 (Exhibit A) explicitly ensure that Zoning Ordinance and Municipal Code provisions are adhered to.

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

The layout of the proposed project does not interfere with use and enjoyment of existing and future neighboring properties and structures. The property will use, in part, the existing access point along Olive Avenue that is shared by the property to the east. Condition #4 of Resolution #4064 requires that the Project shall comply with the conditions set forth in General Plan Amendment #20-02, Site Utilization Plan Revision #2 to Planned Development #12, previously approved for this development. That document includes a condition of approval requiring an access agreement between this parcel and the parcel to the east, ensuring that this development's access does not interfere with the neighboring property's existing and future enjoyment.

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

The materials, texture, and color of the proposed design are consistent with the approved designs set forth in General Plan Amendment #20-02 and Site Utilization Plan Revision #2 to Planned Development #12, previously approved for this development.

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

The proposed landscape complements the structures and provides an attractive environment, providing screening and complementing the overall site. Conditions #31, 32, 33, and 34 of Resolution #4064 require landscaping to meet City and State standards for size, canopy, species, irrigation, water conservation, and maintenance of landscaping.

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

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, nor that it would be injurious to the property or improvements in the vicinity of the proposed project.

EXHIBIT B  
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**Environmental Clearance**

- K) Planning staff has conducted an environmental review (Environmental Review #21-07) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and recommends that the previous environmental review (Initial Study #20-36 for General Plan Amendment #20-02 and Site Utilization Plan Revision #2 for Planned Development #12) remains sufficient and no further documentation is required (CEQA Section 15162 Findings) (Attachment H of Staff Report #21-305).