

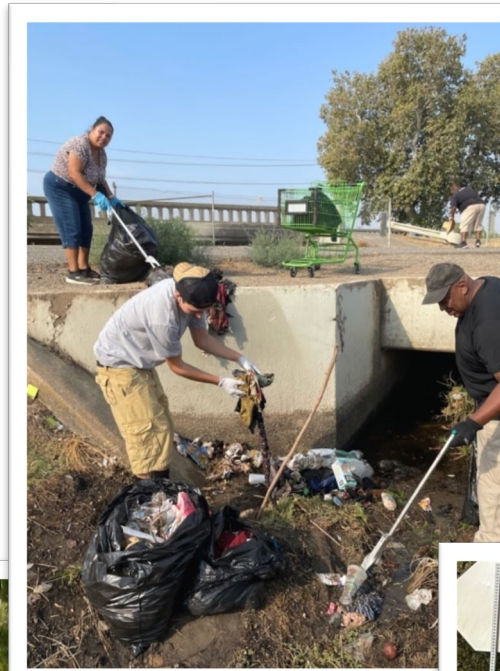


THE WEEKLY COUNCIL INFORMATION REPORT

August 20, 2021

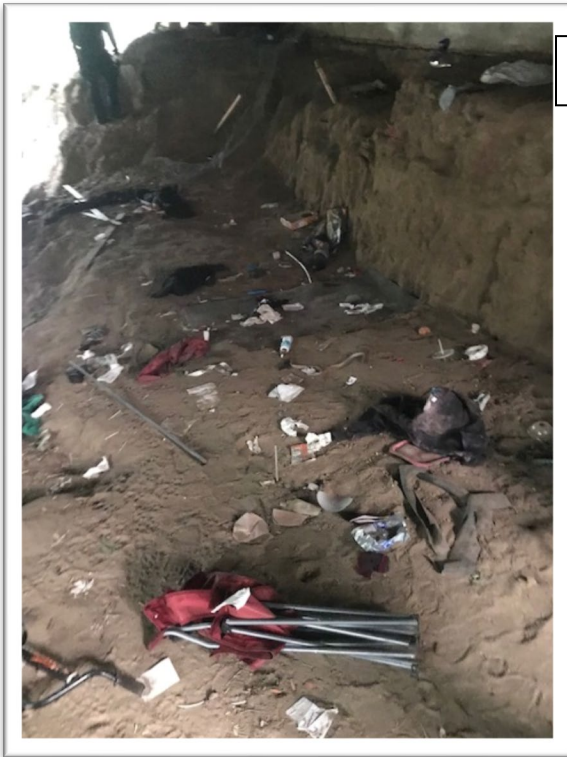
MERCED COMMUNITY CLEAN UP

On Saturday, August 14th, community members gathered at Carol Gabriault Park to support Mayor Serratto's Community Cleanup. Crews picked up 3.5 tons of trash throughout the Bear Creek area near Carol Cabriault Park. Our next cleanup day is Saturday, October 9th in the Loughborough area.

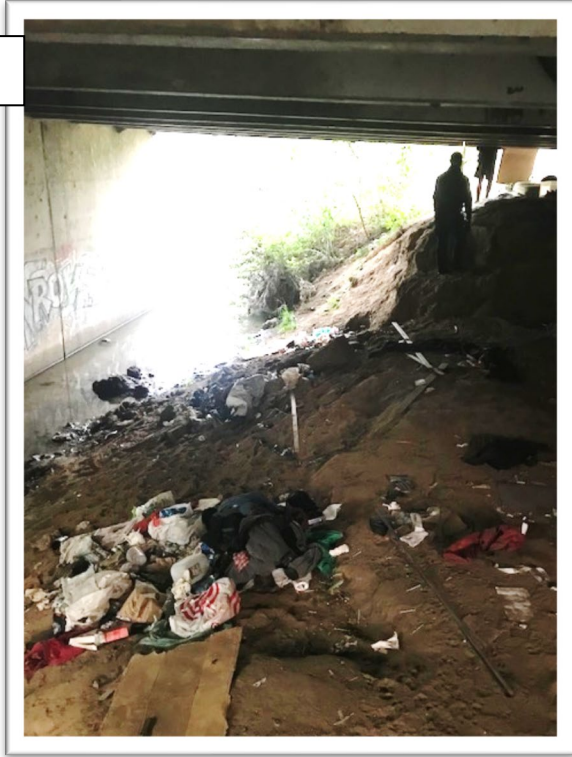


PUBLIC WORKS IN ACTION

Public Works Refuse crews working along various portions of Bear Creek to perform cleanups of former homeless encampments.



BEFORE



AFTER



BEFORE



AFTER



Water crews working along Brookdale & El Capitan to repair a water main, M St & University to replace a broken water main line valve, West 18th St to repair a water main break in the alleyway, and installing new services for buildings along Coffee & Campus Parkway.

Brookdale & El Capitan



M Street & University



West 18th Street



Coffee & Campus Parkway



Street crews painting street legends/markings in various locations



Park crews preforming irrigation repairs at Cardella Avenue median.



MEET OFFICER RAQUEL RIOS

After serving as a detective at the University of California, Merced, Raquel Rios returns to the Merced Police Department. Officer Rios brings more than 23 years of experience, including 11 years with Merced PD and seven years at Stanislaus County Sheriff's Office. Welcome back to the Merced PD family, Officer Rios.



THE MONUMENT FIRE

On Friday, August 20th, Merced Fire Engineer Grant Parker was deployed to the Monument Fire in Trinity County. During his assignment, Parker will work closely with the Public Information Officer. His responsibilities will include keeping the public informed by providing and updating information through various social media platforms.



THE CALDOR AND RIVER COMPLEX

On Tuesday, August 17, Merced Fire's newest apparatus, California Governor's Office of Emergency Services (OES), Type 6 Engine was deployed, along with three Merced FD personnel to assist in the Caldor Fire located in the Klamath National Forest.

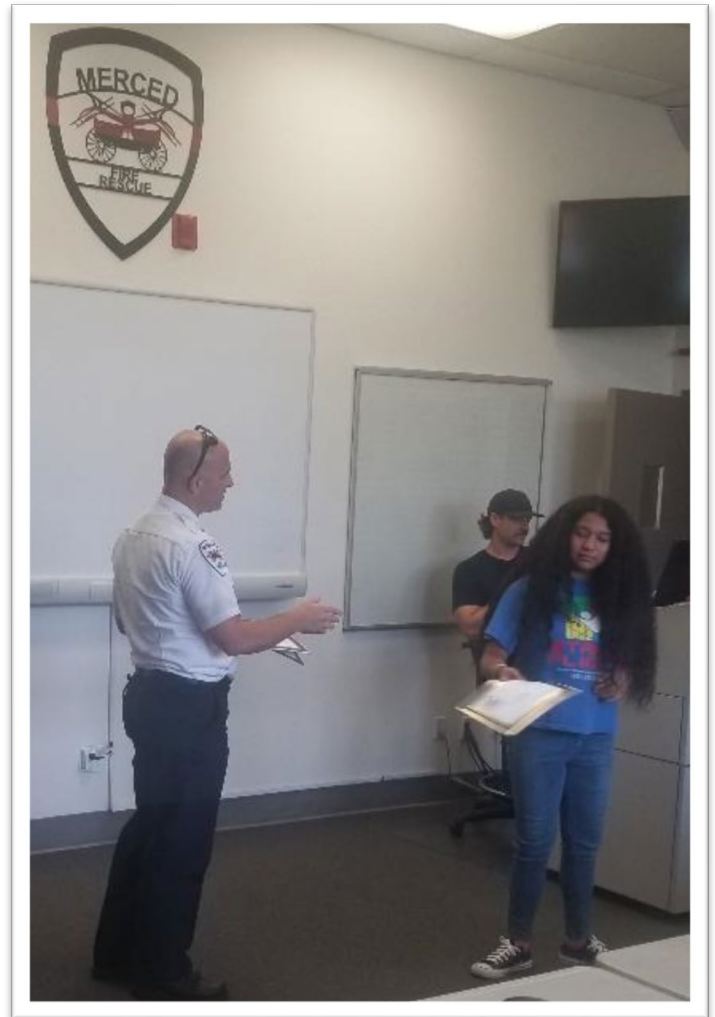
Meanwhile, on Wednesday, August 18th Fire Battalion Chief Mickey Brunelli safely returned home from his 14-day deployment as a Medical Unit Leader at the River Complex fire in the Klamath National Forest.

Pictured below is the OES Type 6 Engine in the Pollock Pines area of Highway 50. Crews are holding the line to stop the progress of the fire.



GIRL SCOUT TROOP 3003 DONATES PET MASKS

On Monday, August 16th Chief Derek Parker presented members of Girl Scout Troop 3003 with Certificates of Recognition for their successful fundraising efforts. Donations allowed the Troop to purchase pet masks. The Troop donated four of these masks to the Merced Fire Department.



PET MASKS SAVE FAMILY PETS

On Thursday, August 19th, Merced Fire Department was dispatched to a structure fire at the 1000 Block of West 14th Street. Fortunately, no one was injured. Responders successfully revived two pets; Oreo the dog and Sassafra the cat.



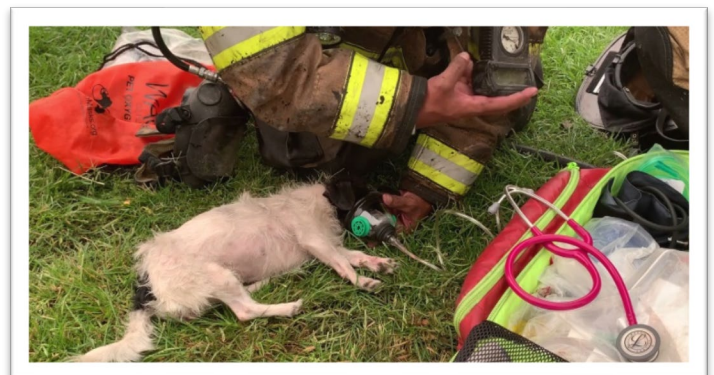
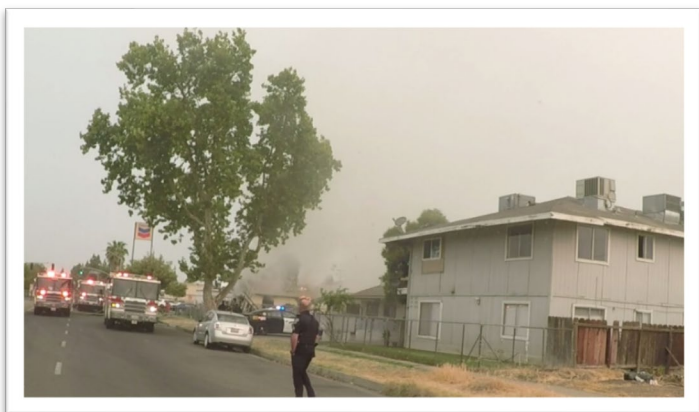
Pictured above are Fire Captian Ryan Paskin (red helmet) and Firefighter Brent Boyd.



Pictured above are Fire Captian Ryan Paskin (red helmet) and Firefighter Brent Boyd (yellow helmet).



Below, firefighters demonstrate the use of a life-saving pet mask. Thank you to Girl Scout Troop 3003 for your very important donation.



UPCOMING OPPORTUNITY

Merced College, Mainzer and El Capitan are partnering to offer a Hospitality Career Academy for community members interested in the hospitality industry.



What?



Merced College and Mainzer & El Capitan, a JdV by Hyatt hotel are partnering together to help further your career. Learn about the new academy at our information session.

Who?



Anyone looking to develop themselves as a customer service focused professional.

The Academy



- Classes will run from September to December at the Mainzer.
- The Academy is FREE and open to everyone, but spots are limited!
- Participants will receive college credits.
- Upon completion of the program, graduates will be connected to local job opportunities.

THE BENEFITS OF TEAMWORK

Tiffanie Marshall, Real Estate and Project Manager with Stonefield Home, Inc., commended the City of Merced Planning, Police, and Fire Departments for their participation in a recent meeting with officials from Stonefield Home, Inc. Ms. Marshall reached out to City Manager Stephanie Dietz to share her compliments. In an email, Ms. Marshall wrote, “It’s challenging enough to coordinate and schedule so many individuals to take the time with our team to vet out project details.” She complimented everyone for their productive input and positive attitudes. Thank you, Team Merced.

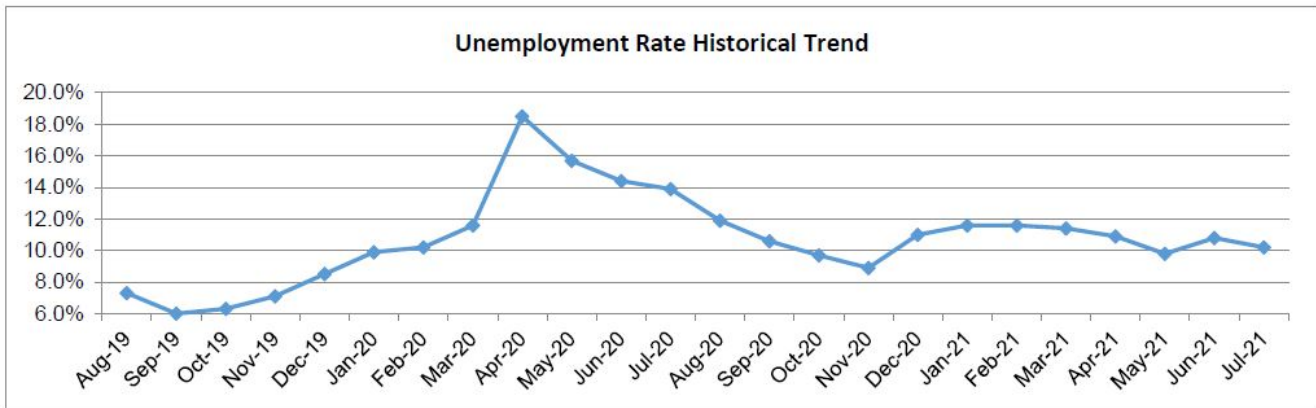
The Clerk’s Office received a resignation notice from the Redistricting Advisory Committee District 1 Representative. The application process has been reopened. Applications will be accepted to fill the District 1 position. Meetings will continue to move forward to adhere to the deadline requirements for approval of the final map.

WHERE & WHEN
 INFORMATION SESSION
 AT THE MAINZER
 655 W. MAIN STREET, MERCED
AUG 23
4:30-5:30PM

SPONSORED BY


mainzer

Merced County Labor Market Report for July 2021



The unemployment rate in the Merced County was 10.2 percent in July 2021, down from a revised 10.8 percent in June 2021, and below the year-ago estimate of 13.9 percent. This compares with an unadjusted unemployment rate of 7.9 percent for California and 5.7 percent for the nation during the same period. Attached is the LMI report for July 2021 for your review.

PLANNING COMMISSION ACTION MEMO

Please find attached, the Planning Commission Action Memo

ATTACHMENTS

- Marc Medefind Acknowledgement and Compliment Letter to Public Works Department – Page 14
- Planning Commission Action Memo - Page 15
- Labor Market Information Report – Page 63
- Save the Date -Biomimicry for Humanity Series – Page 66, 67

From the desk of Marc Medefind, 1555 W. 20th Street, Merced, CA 95340 MrMedefind@aol.com

August 18, 2021

Ken Elwin, Director of Public Works
City of Merced
1776 Grogan Avenue
Merced, CA 95341

Dear Mr. Elwin,

Knowing that you probably receive more than your share of complaints from various sources, it gives me great delight to tell you how pleased I have been with the City's prompt and efficient service on two occasions this past month.

A few weeks back, I failed to get my garbage bin out in time for the weekly pick-up. I did get the yard waste and recycling bins out. As I was putting these out in front of our house, the driver of the garbage collection truck drove by the opposite way. He stopped and said he noticed I didn't get my garbage out and asked if I needed it emptied. I thanked him profusely and brought the garbage bin out to be emptied. He didn't need to do this and yet he did, going the extra mile for a city resident! What a guy!

Then, just last week, I informed your office that a small hole in the street near the front of our house seemed to be getting deeper and more dangerous for both vehicles and pedestrians. Within a day, crews had arrived and filled the hole with asphalt. Until last year, I lived outside the city limits and had gotten used to waiting and waiting for responses to similar requests. It's a delight to have such a responsive Public Works Department!

Very sincerely yours,



Marc Medefind

cc: Stephanie Dietz, City Manager

City of Merced
MEMORANDUM

DATE: August 19, 2021
TO: City Council
FROM: Kim Espinosa, Planning Manager *KE*
SUBJECT: Actions at the Planning Commission Meeting of August 18, 2021

At their meeting of August 18, 2021, the Planning Commission heard and approved Conditional Use Permit #1260 for a massage establishment at 3150 G Street, Suite B, and Conditional Use Permit #1261 for a Food Truck Parking Lot at 50, 52, and 60 W. Main Street

The Planning Commission heard and recommended approval to the City Council of Site Utilization Plan Revision #4 to Planned Development (P-D) #72 to include a car wash, additional retail buildings, and 48 additional multi-family units on property generally located at the northeast corner of Yosemite Avenue and G Street. The Commission also heard and approved the related Conditional Use Permit #1258 for the Mister Car Wash at this same location, contingent upon City Council Approval of the aforementioned Site Utilization Plan Revision #4 to Planned Development (P-D) #72.

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 #4069

WHEREAS, the Merced City Planning Commission at its regular meeting of August 18, 2021, held a public hearing and considered **Conditional Use Permit #1260**, initiated by Hong Yu, applicant for NAGD, LLC, property owner. The application involves a request to allow a new massage establishment with two (2) technicians, located at 3150 G Street, Ste. B. The subject site is generally located on the east side of G Street, approximately 580 feet north of W. Olive Avenue, within a Neighborhood Commercial (C-N) zone; said property being more particularly described as Parcel 2, as shown on that certain map entitled “Parcel Map for Hawaii & San Francisco Investment Co.” recorded in Volume 12, Page 41, of Merced County Records; also known as Assessor’s Parcel Number (APN) 006-121-008.; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through I (Exhibit B) of Staff Report #21-596; and,

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

NOW THEREFORE, after reviewing the City’s Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #21-20, and approve Conditional Use Permit #1260, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

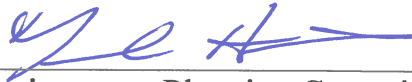
AYES: Commissioner Camper, Delgadillo, Dylina, and Chairperson Harris
NOES: None
ABSENT: Commissioner White (two vacancies)
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4069

Page 2

August 18, 2021

Adopted this 18th day of August 2021



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Exhibit B - Findings

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Conditions of Approval
Planning Commission Resolution #4069
Conditional Use Permit #1260

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Site Plan) - Attachment C of Staff Report #21-596, 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. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
4. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, 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

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4069

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. All signing shall comply with the City's Sign Ordinance. Building permits shall be obtained prior to installing any permanent signing. A Temporary Sign Permit shall be obtained prior to installing any temporary signs or banners. Temporary freestanding or A-frame signs are not allowed.
7. Tenant Improvement Plans that do not qualify as "Exempt from Permit" shall be submitted by a design professional prior to issuance of a building permit. Plans shall meet Federal Emergency Management Agency (FEMA) requirements if substantial improvements are required.
8. This approval allows a total of 2 massage technicians to operate within this tenant space. All technicians must obtain a license from the California massage Therapy Council prior to operating at this location. Any increase in the number of massage technicians at this location shall be subject to review by the Director of Development Services, or if deemed necessary by the Director of Development Services, the Planning Commission.
9. All existing landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.
10. The premises shall remain clean and free of debris and graffiti at all times.
11. The applicant shall install interior and exterior video surveillance cameras that continuously record outside activities 24 hours a day, 7 days a week (locations to be worked out with the Police Department). Any video related to criminal investigations must be accessible immediately for viewing by the Merced Police Department or any other law enforcement agency. A recorded copy of surveillance video, requested in connection with a criminal investigation, must be reasonably accessible and available within 24 hours when requested by law

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4069

enforcement. The business owner is responsible for maintaining the video surveillance equipment in an operable manner at all times.

12. The Police Department reserves the right to enter the site and conduct inspections with a 24-hour notice.
13. If problems arise as a result of this business that may require excessive Police Department service calls, in the opinion of the Police Chief, to the site or within the immediate area including, but not limited to, excessive harassment, malicious property damage, lewd and/or disorderly conduct, this approval may be subject to review and revocation by the City of Merced.
14. The massage establishment shall not operate between the hours of 11:00 p.m. and 6:00 a.m.
15. The applicant and the establishment shall comply with all provisions of Merced Municipal Code Section 5.44 – Massage Establishments.

**Findings and Considerations
Planning Commission Resolution # 4069
Conditional Use Permit #1260**

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 Neighborhood Commercial (C-N) with approval of a Conditional Use Permit.

Merced Police Department

- B) Based on common practice, the City Police Department has previously recommended the installation of interior and exterior video cameras within massage establishments, as required by the Police Chief during the building permit stage. This footage shall be made available to the Police Department upon their request (Condition #11 of Planning Commission Staff Report #21-596). In addition, the Police Department shall be granted access to all portions of the building with a 24-hour notice (Condition #12 of Planning Commission Staff Report #21-596). All new massage technicians shall obtain a proper license from the California Massage Technician Council, which would be approved by the State with a background check and health screening. Should there be any issues relating to this establishment that result in increased number of incident calls the City reserves the right to revoke this conditional use permit as allowed by the Merced Municipal Code (Condition #13 of Planning Commission Staff Report #21-596).

Parking

- C) The parking requirement for personal service, such as massage establishments, is 1 parking space per 250 square feet of floor space, or 1 parking space per employee working during the largest shift. In this case, the tenant space [deducting the assumed 15 percent (%) of non-public floor area per MMC Section 20.38.030(E)(1) and 2 massage technicians] would require a minimum of 7 parking spaces for this establishment. The parking lot, as a whole, is a shared parking space between the tenant and two medical offices; the lot has adequate parking, at 32 total spaces, to serve this business and other businesses within the building.

MMC 5.44 Massage Establishments

- D) The massage establishment shall be required to comply with all associated regulations outlined under Merced Municipal Code Section 5.44 – Massage Establishments (Condition #15 of Planning Commission Staff Report #21-596).

Signage

- E) The applicant is not proposing any signage with this conditional use permit application. A formal request for permanent signage shall be reviewed with a

building permit application and shall require compliance with the North Merced Sign Ordinance.

Neighborhood Impact/Public Comments

- F) Staff mailed a public hearing notice to property owners within 300 feet of the subject site, and published the public hearing notice in the Merced County Times. As of the time this report was prepared, (July 29, 2021), Planning staff did not receive any formal comments from any residents or business owners.

Conditional Use Permit

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

MMC 20.68.020 (E) Findings for Approval.

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

The proposed project complies with the General Plan designation of Neighborhood Commercial (CN) and the zoning designation of Neighborhood Commercial (C-N) with approval of this Conditional Use Permit.

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

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

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

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

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

EXHIBIT B OF PLANNING COMMISSION RESOLUTION # 4069

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

Distance Requirements

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

Environmental Clearance

- I) Planning staff has conducted an environmental review (#21-20) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption is being recommended (Attachment D of Planning Commission Staff Report #21-596).

CITY OF MERCED
Planning Commission

Resolution #4070

WHEREAS, the Merced City Planning Commission at its regular meeting of August 18, 2021, held a public hearing and considered **Conditional Use Permit #1261**, submitted by Jose Barriga Ceja, applicant for Juan Manuel Rosas Cisneros, property owner. The application involves a request to establish a food truck parking area to allow multiple food trucks and outdoor seating, located at 50, 52, and 62 W. Main Street. The subject site is generally located across three parcels at the southeast corner of H and W. Main Streets, within a Central Commercial (C-C) zone. Said property being more particularly described as Lots 6, 7, and 8, as shown on that certain map entitled “Supplemental Map to Town of Merced” recorded in Volume 2, Page 12 of Merced County Records; also known as Assessor’s Parcel Numbers (APNs) 031-164-001, -002, and -003; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through J (Exhibit B) of Staff Report #21-594; and,

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

NOW THEREFORE, after reviewing the City’s Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #21-22, and approve Conditional Use Permit #1261, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by reference.

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


- AYES: Commissioner Camper, Delgadillo, Dylina, and Chairperson Harris
- NOES: None
- ABSENT: Commissioner White (two vacancies)
- ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4070

Page 2

August 18, 2021

Adopted this 18th day of August 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 # 4070
Conditional Use Permit #1261

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) - Attachments C of Staff Report #21-594, 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 proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, 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.

6. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
7. Any missing or damaged structures on the property shall be installed/repaired by the Applicant and/or property owner to meet City and State Code standards.
8. The Applicant shall work with the City Building Department to inform them of the process to ensure the existing awning is structurally sound. If any improvements need to be made to the awning, the Applicant shall have a licensed architect or engineer submit plans to the Building Department that meet all requirements. Any required improvements shall be made prior to food trucks beginning to operate on the site.
9. The applicant and all participating food truck vendors onsite shall comply with all City of Merced business licensing requirements and with all requirements of the Merced County Environmental Health Department. The applicant shall be responsible for ensuring that all food truck vendors meet this requirement.
10. At least two trash receptacles per food truck shall be provided while food is being served. The site and the immediate surrounding area shall be maintained free of all debris and trash generated from this use. Any permanent trash receptacles placed within the outdoor seating area shall be of the tamperproof variety. The Applicant shall work with the City Refuse Department to determine the proper location for a trash enclosure and if a recycling container will be required to comply with AB 341.
11. All signing shall be contained on the food trucks. No A-frame signs, banners, inflatable signs, feather signs, pennant signs, flags, or other moving or portable signs shall be permitted for this use anywhere onsite.

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4070

(Some of these signs may be allowed during the applicant's 30-day grand opening period only). A temporary banner permit shall be obtained prior to installing any temporary signs. However, one permanent sign identifying the food truck parking area may be allowed. Details to be worked out with staff.

12. This approval allows the request for extended hours of Sunday through Thursday, from 7:00 a.m. to 10:00 p.m. and Friday through Saturday, from 7:00 a.m. to 2:00 a.m. If the applicant wishes to extend or modify the business hours in the future, they must obtain approval from the Director of Development Services and the Police Chief, or if deemed necessary by the Director of Development Services, be referred back to the Planning Commission for action.
13. If the business is open after dark, lights shall be provided on the vehicle or on the property that are sufficient to light the vehicle and at least a 50-foot radius around the vehicle. If lights are not provided, the business shall close at sundown.
14. Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or alternative approved facility.
15. The applicant shall ensure that all food truck vendors onsite comply with the Water Quality Control Division's (WQCD) Best Management Practices regarding the disposal of cooking grease and proper cleaning of kitchen equipment, as shown on Attachment D of Staff Report #21-594, or as otherwise required by the WQCD.
16. If problems arise as a result of this business that may require excessive Police Department service calls to the site, in the opinion of the Police Chief, or within the immediate area including, but not limited to, excessive harassment, malicious property damage, lewd and/or disorderly conduct, this approval may be subject to review and revocation by the City of Merced.
17. In the future, if there are excessive calls for police assistance, the Police Chief may require the applicant to install exterior video surveillance cameras. Any video related to criminal investigations must be accessible immediately for viewing by the Merced Police Department or any other law enforcement agency. A recorded copy of surveillance video, requested in connection with a criminal investigation, must be reasonably accessible and available within 24 hours when requested by

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4070

law enforcement. The business owner is responsible for maintaining the video surveillance equipment in an operable manner at all times.

18. Food trucks shall be oriented in a manner that allows room for customers to gather without being in danger of collisions from vehicles entering/exiting the site. The food trucks shall not block the driving aisles or access to the alley.
19. It shall be the applicant's responsibility to ensure all customers park in an orderly fashion and do not block the driveway entrances or interfere with other customers driving through the site to access the parking on the adjacent parcel to the east.
20. The applicant shall comply with all regulations found in Merced Municipal Code Section 20.44.020 - Food Trucks in Fixed Locations, except as modified by these conditions.
21. The applicant shall provide parking at a ratio of 2 parking stalls per food truck onsite or 1 parking stall per every 2.5 seats, whichever number is greater. The new parking spaces shall be designed to meet Zoning requirements and the City's Engineering Standards.
22. The parking stalls shall be striped with paint.
23. Food truck activities shall in no way interfere with the operation of nearby businesses, including noise, litter, loitering, and traffic circulation. Public safety must be a high priority.
24. Proposed toilet trailers shall comply with all necessary Codes from the City Building and Fire Department and the Merced County Environmental Health Department; Applicant shall be responsible for obtaining all necessary permits for the installation of the proposed trailer. Otherwise, the business owner(s) shall ensure that restroom facilities are available for the employees that meet the Merced County Environmental Health Department's requirements and distance from the business operation. Facilities that are classified as portable toilets shall not be allowed.
25. During hours of operation, food truck employees shall have access to a cell phone (either their own or one provided by the business owner) in case of emergencies.
26. The sale of alcohol by any food truck is prohibited.

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4070

27. The applicant shall submit a staff design review application for the outdoor seating area prior to installing it.
28. Any fencing installed along the perimeter shall comply with the standards set in Merced Municipal Code Section 20.30 – Walls and Fences. Applicant shall be responsible for obtaining all necessary permits and approvals and meeting all applicable standards.
29. Minor adjustments to the site plan may be reviewed and approved by the Director of Development Services, or if deemed necessary, be referred to the Planning Commission.
30. Any music (live or played over outdoor speakers) shall be kept to a minimum noise level so as not to travel outside the immediate area and disturb the surrounding businesses. Music may be played anytime between the hours of 7:00 a.m. and 9:00 p.m. daily.
31. Any outdoor heating units or large tents used onsite shall be listed and approved by the Fire Department.
32. A Cross Access Agreement shall be drafted and recorded for the three lots associated with this project. In the event that permanent structures are proposed for this project, a Lot Merger shall be obtained by the Applicant.
33. A traffic control plan for the site shall be approved by the City Engineer. The plan shall show the traffic flow reversed to allow entry on the alley and exit onto Main Street and the use of removeable barriers to delineate the area where patrons can line up, separated from automobile traffic within the parking lot.
34. Security shall be provided on-site between the hours of 10:00 p.m. and 2:00 a.m., when in operation.

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EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4070

**Findings and Considerations
Planning Commission Resolution #4070
Conditional Use Permit #1261**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed Project complies with the General Plan designation of Regional/Community Commercial (RC) and the zoning designation of Central Commercial (C-C) with approval of this Conditional Use Permit.

Traffic/Circulation

- B) The proposed site plan shows vehicle access to the subject site off of W. Main Street with two 22-foot drive aisles to be maintained, on the north and south portion of the subject area. Circulation leads out to the alley access at the southern portion of the subject site leading out to H Street. Customer and employee parking stalls would be located within the center spaces to be created per Engineering Standards. The food truck parking area and outdoor seating would be located along the western portion of the subject site. All parking areas and seating areas shall be designed to satisfy the City's Engineering Standards for parking lots (Condition #21 of Staff Report #21-594), oriented in a manner that does not block any driving aisles, and provides ample space for customers to gather around the food trucks without backing into traffic. The parking lot would be striped with a fresh coat of paint to accommodate the proposed site plan (Condition #22 of Staff Report #21-594).

Parking

- C) The subject site used to be an auto sales lot and already has ample parking spaces; the applicant has also proposed to add two columns of parking in the center of the subject site, for a total of 25 stalls. The Applicant is proposing 15 tables for customer use (a total of 62 chairs). Parking for the food trucks shall be provided at a ratio of 2 parking stalls per food truck or 1 parking stall per every 2.5 outdoor seats, whichever number is greater (Condition #21 of Staff Report #21-594). Based off of the number of seats, the site shall require a minimum of 25; depending on space, the applicant has been contacted by 6-8 interested food truck vendors to participate, at 2 spaces per truck, the requirement would be between 12-16 parking spaces. Parking requirements would be reviewed by Planning staff as food truck vendors request business license approval to sell within the subject site.

Public Improvements/City Services

- D) The subject site is fully developed and most public improvements are existing. Each food truck would be self-contained and would not require a separate connection to the City's sewer and/or water systems.

Site Design

- E) The subject site includes three lots generally located at the southeast corner of W. Main and H Streets, within Downtown Merced; a cross access agreement shall be

created for the three lots (Condition #32 of Staff Report #21-594). Vehicle access is available in from W. Main Street, at the northern portion of the subject site, and out leading to H Street, at the southern portion of the site. Outdoor seating and food truck parking reserved along the western portion of the site (Attachment C of Staff Report #21-594). The applicant proposes the use of 15 tables (a total of 62 chairs). Because the subject site is located within the City's Design Review Boundary, the applicant shall submit a staff-level design review application for Planning staff to consider the design, color, and material used for the outdoor seating area (Condition #27 of Staff Report #21-594). The subject site, parking stalls, and driving aisles shall be designed to meet the City's Engineering Standards for parking lots. The applicant plans to install a wrought-iron fence along the perimeter with electrical gates at both access points (at the north and south of the subject area) (Condition #28 of Staff Report #21-594).

Neighborhood Impact/Interference

- F) The subject site is surrounded by a variety of commercial uses. Surrounding uses to the north, south, east, and west, include a vacant building (former restaurant), Auto Resources, Suzy's Barber Shop, and CG&E Auto Body, respectively. Many of the uses in the neighborhood consist of businesses and there's some high-density residential half of a block away. Given the lack of restaurants in the area, staff is of the opinion that the proposed food truck parking area fills a need in the Downtown that can conveniently sell food to employees working and residents living in the neighborhood.

Signage

- G) Food trucks are not allowed any signs other than what is provided on the vehicle itself. Condition #11 of Staff Report #21-594 prohibits the use of any A-frame signs, feather signs, pennants, or other freestanding signs. However, a permanent sign to identify the parking area itself can be allowed (details to be worked out with staff).

Truck Details/Operation

- H) The applicant does not have a list of confirmed vendors to be participating, but they have been approached by 6-8 interested vendors. Food trucks shall be standard in appearance and size and meet the requirements of the Merced County Environmental Health Department. Trash receptacles would be provided to collect the disposable plates, eating utensils, aluminum foil, and paper bags that are typically used to serve their meals (Condition #10 of Staff Report #21-594). The sale of alcohol is prohibited (Condition #26 of Staff Report #21-594) by any food truck. The applicant has proposed the use of a self-contained toilet facility trailer on-site, with the approval of the Merced County Environmental Health Department. Otherwise, employee restrooms shall be made available within a 200-foot-distance of the site as allowed by the Health Department and agreed upon by the property owner (Condition #24 of Staff Report #21-594). Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or alternative approved facility (Condition #14 of Staff Report #21-594). The applicant shall comply with the Water Quality Control Division's (WQCD) Best Management

EXHIBIT B OF PLANNING COMMISSION RESOLUTION #4070

Practices regarding the disposal of cooking grease and proper cleaning of kitchen equipment, as shown at Attachment D of Staff Report #21-594, or as otherwise required by the WQCD (Condition #15 of Staff Report #21-594). The applicant has proposed hours of operation from Sunday through Thursday, from 7:00 a.m. to 10:00 p.m. and Friday through Saturday, from 7:00 a.m. to 2:00 a.m.

Conditional Use Permit Findings

- I) A Conditional Use Permit is required to allow mobile food vendors within a Central Commercial Zone per Merced Municipal Code (MMC) Table 20.10-1 Permitted Land Uses in the Commercial Zoning Districts. 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 for Conditional Use Permits.”

MMC 20.68.020 (E) Findings for Approval.

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

The proposed project complies with the General Plan designation of Regional/Community Commercial (RC) and the zoning designation of Central Commercial (C-C) 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 mobile food vendor shall be required to comply with all relevant standards and requirements from MMC Section 20.44.020 – Food Trucks in Fixed Location, to provide compatibility with surrounding sites. Said standards and requirements are in regard to hours of operation, parking, access, maintenance, advertising, and licenses required, including modifications within this approval.

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

To ensure the proposal is not detrimental to the public health, safety, and welfare of the City, the applicant shall subsequently apply for permit approval from the Merced County Environmental Health Department, as required for establishments selling hot meals. The Environmental Health Department would inspect food truck cooking facilities before the business could sell food to the general public.

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

The proposed mobile food vendors are located within the City and can be adequately accessed through existing roads. Each food truck would be self-contained with its own water and power and would not need to hook-up to City utilities. Each food truck would be serviced at an appropriate commissary facility.

Environmental Clearance

- J) 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 (i.e. no further environmental review is needed) is being recommended (Attachment E of Staff Report #21-594).

CITY OF MERCED
Planning Commission

Resolution #4071

WHEREAS, the Merced City Planning Commission at its regular meeting of August 18, 2021, held a public hearing and considered **Site Utilization Plan (SUP) Revision #4 to Planned Development (P-D) #72**, initiated Yosemite and G, LLC., property owner. The application involves a request to update the Site Utilization Plan for the Yosemite Crossing development to include a car wash, additional retail buildings, and 48 additional multi-family units, as well as reconfiguring the location of various buildings on the site. The property has a Neighborhood Commercial (CN) General Plan designation, is zoned P-D #72, and is generally located at the northeast corner of Yosemite Avenue and G Street. The property is 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; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through J of Exhibit B of Attachment A to Staff Report #21-637, including Findings required by Merced Municipal Code Section 20.20.020 (J) for Planned Development Revisions; and,

NOW THEREFORE, after reviewing the City’s Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council to find that the previous environmental review [Initial Study #19-28 for General Plan Amendment #19-03 and Site Utilization Plan Revision #3 to Planned Development (P-D) #72] remain sufficient and no further documentation is required (CEQA Section 15162 Findings), and recommend approval of Site Utilization Plan Revision #4 to Planned Development (P-D) #72, subject to the Conditions set forth in Exhibit A and the Findings set forth in Exhibit B attached hereto and incorporated herein by reference.

Upon motion by Chairperson Harris, seconded by Commissioner Dylina, and carried by the following vote:

AYES: Commissioner Camper, Delgadillo, Dylina, and Chairperson Harris

NOES: None

ABSENT: Commissioner White (two vacancies)

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4071

Page 2

August 18, 2021

Adopted this 18th day of August 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 #4071
Site Utilization Plan Revision #4 to Planned Development (P-D) #72

1. The proposed Site Utilization Plan Revision shall be constructed/designed in substantial compliance with the Site Plan (Attachment D of Planning Commission Staff Report #21-637), except as modified by the conditions.
2. The project shall be constructed/designed in substantial compliance with all applicable conditions of General Plan Amendment #19-03 and Site Utilization Plan Revision #72, notwithstanding elements modified by Site Utilization Plan Revision #4 to Planned Development (P-D) #72. The Site Plan Review Committee shall approve the final design for the project for any phases that have not already received that body's approval.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. The project shall comply with all mitigation measures outlined in the Mitigation Monitoring Program for Initial Study #19-28 (Attachment I of Planning Commission Staff Report #21-637).
5. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
6. Approval of the Site Utilization Plan Revision is subject to the applicant's entering into a written (developer) agreement that they agree to all the conditions and shall pay all City and school district fees, taxes, and/or assessments, in effect on the date of any subsequent subdivision and/or permit approval, any increase in those fees, taxes, or assessments, and any new fees, taxes, or assessments, which are in effect at the time the building permits are issued, which may include public facilities impact fees, a regional traffic impact fee, Mello-Roos taxes—whether for infrastructure, services, or any other activity or project authorized by the Mello-Roos law, etc. Payment shall be made for each phase at the time of building permit issuance for such phase unless an Ordinance or other requirement of the City requires payment of such fees, taxes, and or assessments at an earlier or subsequent time. Said agreement to be approved by the City Council prior to the adoption of the ordinance, resolution, or minute action.

7. 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.
8. 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.
9. In compliance with Merced Municipal Code Section 20.20.020 Q, Site Plan Review approval is required prior to development to address conformance with the standards of Planned Development (P-D) #72.
10. All public improvements shall be installed along the project frontage to meet City Standards. Any existing improvements that have been damaged or

otherwise do not meet current City Standards shall be repaired or replaced to meet City Standards. This includes, but is not limited to, sidewalk curb, gutter, street trees, and streetlights.

11. All storm water shall be retained onsite or in the basin immediately to the east of the project site and metered out to the City's storm water system in accordance with City Standards, subject to a storm drain plan approved by the City Engineer. The applicant shall submit calculations to the City showing, to the satisfaction of the City Engineer or designee, that the basin to the east of the project site has enough capacity for the proposed plans.
12. All projects on this site shall comply with Post Construction Standards in accordance with the requirement for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).
13. A minimum turning radius of 33 feet inside, curb-to-curb and 49 feet wall-to-wall for fire apparatus access must be provided throughout the project site or as required by the Fire Department.
14. If solar panels are placed on the roof of the buildings, they shall be placed in such a way as not to inhibit Fire Department access with their aerial apparatus.
15. Bicycle parking shall meet the minimum requirements of the California Green Building Code and Merced Municipal Code Section 20.38.080.
16. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
17. All construction activity shall be conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday.
18. All landscaping shall be in compliance with the City's Water Efficient Landscaping and Irrigation Ordinance (Merced Municipal Code Section 17.60) and all state-mandated conservation and drought restrictions as well as the City's Zoning Ordinance Sections 20.36 – Landscaping and Section 20.46.030 (C) - Landscaping.
19. Irrigation for all onsite landscaping shall be provided by a low-volume system in accordance with the State's Emergency Regulation for Statewide Urban Water Conservation or any other state or city-mandated water regulations dealing with the current drought conditions.

20. All landscaping in the public right-of-way shall comply with the most recently adopted water regulations by the State and City addressing water conservation measures. If turf is proposed to be installed in medians or park strips, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed.
21. Parking lot trees shall be installed per the City's Parking Lot Landscape Standards. Trees 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). Trees shall be installed at a ratio of 1 tree for every 6 parking spaces. No trees shall be required where there are carports with solar panels over the parking spaces. However, if all the parking spaces are covered by a carport with solar panels, then additional trees will be required in other portions of the site.
22. All walking paths, bicycle and vehicle parking areas, and recreational areas shall be provided with sufficient lighting to ensure a safe environment.
23. All parking lot and other exterior lighting shall be oriented in such a way so that it does not spillover onto adjacent properties.
24. All mechanical equipment shall be screened from public view (details to be worked out with Planning Staff at the building permit stage).
25. Containers for refuse and recycled goods shall be stored in enclosures that are designed with colors compatible with the buildings and shall be constructed to meet City Standards.
26. All signs shall comply with the requirements of the approved Master Sign Program for this site per Conditional Use Permit #1241, North Merced Sign Ordinance and Merced Municipal Code (MMC) Section 17.36.572 – Apartments or Condominiums. No free-standing A-Frame or sandwich board-type signs shall be allowed. All other moveable temporary signs are prohibited as well. Temporary banners may be installed on a building wall in compliance with the City's Sign Ordinance and after obtaining a Temporary Banner Permit from the Planning Department. A building permit shall be obtained for all permanent signs.
27. The project shall comply with the Residential Design Standards for Multi-family dwellings as spelled out in Merced Municipal Code (MMC) Section 20.46.030 and 20.46.040, unless otherwise modified by these conditions.

28. For the multi-family residential portion of the project, buildings fronting along Sandpiper Drive shall be no taller than twenty-five (25) feet. Multi-family residential buildings that do not front along Sandpiper Drive shall be no taller than thirty-five (35) feet.
29. For the multi-family residential portion of the project, a minimum of 7 parking spaces must be accessible parking spaces per the requirements of Table 11B-208.2 of Title 24 Part 2 of the California Building Code.
30. Where not otherwise specified, standards for the multi-family portion of the project shall comply with the standards of the R-3-2 Zone (Merced Municipal Code Chapter 20.08).
31. The project shall be designed with a variety of colors and/or textures on the exterior elevations.
32. For buildings over 30 feet tall, a minimum 26-foot-wide drive aisle shall be provided for emergency vehicle access. The developer shall work with the Fire Department to determine the areas that need the 26-foot-wide drive aisle. An emergency access lane made of an all-weather surface shall be constructed to the south of the southernmost multi-family building. This lane shall either be able to meet the turnaround needs of emergency vehicles if it is 150 feet long or more, or it shall be less than 149 feet long, but still meet the needs of emergency access for the residential building. In the event that the southernmost residential building is 30 feet tall or less, this path shall be a minimum of 22 feet wide. If the southernmost residential building is more than 30 feet tall, the path shall be a minimum of 26 feet wide. These details shall be confirmed as acceptable by the Fire Chief or designee prior to the issuance of occupancy permits for any of the multi-family residential buildings.
33. A fire control room may be required for the buildings on the site. The applicant shall work with the Fire Department to determine the location of the fire control room. Additional fire control rooms may be required at the discretion of the Fire Chief.
34. Each building shall be provided with a Fire Department Connection.
35. Buildings that do not provide an elevator (other than a freight elevator) shall be provided with an additional exit. The developer shall work with the Chief Building Official to determine the number of exits required for each building.

36. Prior to the issuance of any certificates of occupancy for the site, cross-access and use agreements shall be provided to the City such that parking for all uses meets or exceeds City standards.
37. Safe pedestrian access from the multi-family residential portion of the project to the commercial portions of the site shall be provided.
38. If a hotel project moves forward on the parcel shown on the Site Plan as a 2-story office building, it shall require a Site Plan Review Permit rather than a Conditional Use Permit, and if on a parcel abutting or across from (per the definitions in Section 20.32.020 of the Zoning Ordinance) a property with R-1 zoning, will require a publicly noticed public hearing at Site Plan Review meeting per Section 20.32 of the Zoning Ordinance, but will not require an additional Conditional Use Permit.
39. For the Site Plan Review for the multi-family residential portion of the project, the City shall provide a public notice to the property owners on the adjacent cul-de-sacs across Sandpiper Avenue. At least two in-person or virtual meetings shall be held by the applicants with the neighbors to consider the design of the apartments.

**Findings and Considerations
 Planning Commission Resolution #4071
 Site Utilization Plan Revision #4 to Planned Development (P-D) #72**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project would comply with the General Plan designation of Neighborhood Commercial (CN) and the zoning designation of Planned Development (P-D) #72 if the requested Site Utilization Plan Amendment is approved.

The General Plan does not specify a density for residential uses within commercial zones. The Zoning Ordinance also does not specify a density for multi-family housing allowed within a C-N zone. The General Plan has a range of multi-family densities: Low-Medium Density (LMD) – 6 to 12 units/acre; High-Medium Density (HMD) – 12 to 24 units/acre; and High Density (HD) 24 to 36 units/acre. The Zoning designations that correlate to the multi-family General Plan designations would be R-2; R-3-1.5; R-3-2, and R-4. The proposed density for the increase in units from 44 to 96 is 16.1 units per acre. The original proposal was for 44 units on 2.68 acres which provided a density of 16.4 units per acre. This density fits into an HMD General Plan designation comfortably. Prior to the recent approval of General Plan Amendment #19-03, the site had a General Plan designation of High-Medium Density (HMD) for a portion of the site where the multi-family residential component is proposed. Other multi-family developments recently approved within commercial zones and their density are shown in the table below:

Project Name	Location	Zoning / General Plan	Density
The Hub	Southeast Corner of Yosemite Ave. & McKee Rd.	C-N/CN	34 units/acre
Yosemite Village	Yosemite Ave. between Compass Pointe Ave. and El Redondo Ave.	P-D #46/CN	18 units/acre
Childs Avenue Apartments	Childs Ave. & B St.	P-D #6/CO	24 units/acre

The following Land Use Goals and Policies would be achieved with the approval of this request:

Policy H 1.1.c *Encourage Mixed Use Development*

The proposed project would provide a mixture of retail commercial uses to serve the neighborhood and multi-family efficiency dwelling units.

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

Goal Area L-1: Residential & Neighborhood Development

- *A Wide Range of Residential Densities and Housing Types in the City*
- *Quality Residential Environments*

Policy L-1.2: Encourage a diversity of building types, ownership, prices, designs, and site plans for residential areas throughout the City.

Policy L-1.7: Encourage the location of multi-family developments on sites with good access to transportation, shopping, employment centers, and services.

Implementing Action 1.2.e Consider density increases for existing residential sites where the necessary conditions exist for higher densities.

Implementing Action 1.7a Designate areas adjoining arterial streets, major transportation routes, and commercial areas for multi-family development.

Goal Area L-3: Urban Growth and Design

- *Living Environments which Encourage People to Use a Variety of Transportation Alternatives.*

Policy L-3.1: Create land use patterns that will encourage people to walk, bicycle, or use public transit for an increased number of their daily trips.

Policy L-3.3 Promote site designs that encourage walking, cycling, and transit use.

Implementing Action 3.1.a Encourage project designs which increase the convenience safety, and comfort of people using transit, walking, or cycling.

Additionally, Policy L 2.7.a notes that there are very unique circumstances under which retail commercial destinations can be located at the intersections of two arterial streets. Among the criteria are a project of minimum size of 20 acres, strong connectivity to the adjacent neighborhood, provision of a mix of uses, and provision of good transit and pedestrian access. This project is approximately 21.5 acres, will connect to the adjacent neighborhood via Sandpiper Avenue, provides for multi-family residential use in addition to commercial retail and office uses, and is on a site that is already near to existing transit routes. Planning staff believes that this project meets the criteria to proceed forward at the proposed location while being compatible with the guidelines laid out in Policy L 2.7.a.

Zoning Code Compliance

B) Merced Municipal Code Section 20.20.020 (J) establishes specific findings that must be made in order to approve the establishment of a Planned Development or Site Utilization Plan Revision. These findings are as following:

1. The proposed development is consistent with the goals, policies, and actions of the General Plan and any applicable specific plan and community plan.

The proposed Site Utilization Plan (SUP) Revision would be consistent with the General Plan. As shown in Finding A, the proposed project would accomplish goals and implementing actions of the General Plan.

If the Site Utilization Plan Revision for this site is approved, the site would be compatible with the land use plan for Planned Development (P-D) #72.

There are no other applicable specific or community plans for this site.

2. The site for the proposed development is adequate in size and shape to accommodate proposed land uses.

The Zoning Ordinance does not specify a density for multi-family housing allowed within a C-N zone. The General Plan has a range of multi-family densities: Low-Medium Density (LMD) – 6 to 12 units/acre; High-Medium Density (HMD) – 12 to 24 units/acre; and High Density (HD) 24 to 36 units/acre. The Zoning designations that correlate to the multi-family General Plan designations would be R-2, R-3-1.5, R-3, and R-4. The proposed density

EXHIBIT B

OF PLANNING COMMISSION RESOLUTION #4071

for this project, based on the number of units is approximately 16.1 units per acre, considering the size of the proposed site, 5.98 acres. This density fits into an HMD General Plan designation comfortably; the site also previously had an HMD designation for the portion of the site where the multi-family residential component is proposed. Sufficient parking is provided on the site. Therefore, the site is adequate in size to accommodate the proposed project.

3. The site for the proposed development has adequate access considering the limitations of existing and planned streets and highways.

Based on the Project Site Plan, access to and from the Project site will be from five (5) access driveways located along Sandpiper Avenue, G Street, and Yosemite Avenue. Two (2) access points are proposed to be located along the east side of G Street. One is located approximately 1,250 south of Mercy Avenue and is proposed as a full access (with a future signal), with left turns in and out. The other is located approximately 625 feet north of Yosemite Avenue and is proposed as left-in, right-in and right-out access only. The access point off of Yosemite Avenue is located approximately 300 feet east of G Street and is limited to right-in and right-out access only. The remaining two access points are proposed to be located along the extension of Sandpiper Avenue. While Sandpiper Avenue will eventually go through to Mercy Avenue, at the beginning of the project, access to Sandpiper Avenue will be limited to Yosemite Avenue, which will be limited to right-in and right-out access only onto Sandpiper. Based on this information, the site is considered to have adequate access.

4. Adequate public services exist or will be provided to serve the proposed development.

The site will be served by existing water, sewer, and storm drain lines in G Street and Yosemite Avenue. The project would be required to retain storm water onsite or in the collection basin to the east of the site that is part of P-D #72, and meter it into the City's system. No increase in the size of the existing lines would be required. The site will be required to pay for all connection costs and facility fees to off-set any impacts to the existing system.

The site would be adequately served by the City's Police and Fire Departments as well. The project is part of the City-wide Community Facilities District (CFD) which collects special taxes to help cover costs of police and fire services.

5. The proposed development will not have a substantial adverse effect on surrounding property, will be compatible with the existing and planned land use character of the surrounding area, and will enhance the desirability of the area and have a beneficial effect.

It is not anticipated that the proposed project would have a substantial adverse effect on the surrounding property. The additional and reconfigured retail buildings are in-character with the approved development. The additional multi-family residential buildings would be across the extension of Sandpiper Avenue from the nearest single-family residential property. The project is also adjacent to commercial uses to the south across Yosemite Avenue, the Merced College across G Street, and vacant land to the north. The proposed 2- and 3-story buildings would not be out of character with the approved development, and the multi-family residential buildings fronting on Sandpiper Avenue, nearest to the existing residences, are proposed to remain two-story while the ones further west on the site would be three-story. The addition of multi-family dwellings to the site on a larger area than previously approved does not increase the overall density of the proposed residential area. The option of additional multi-family units would provide more housing options in an area that is adjacent to commercial uses and services.

The proposed plans site the car wash on the G Street frontage, adding additional distance and the buffer of additional buildings once the multi-family residential development occurs. Additionally, the applicant has performed a noise study showing that the proposed design does not have significant impact on the existing residences (Attachment F of Staff Report #21-637). In order to further mitigate any impacts due to the noise of operation both for existing and proposed residences, the applicant has proposed to build a wall at the exit of the wash tunnel to deflect noise, the impacts of which are shown graphically on Page 23 of the noise study.

The combination of extra space, additional buildings, and the sound-mitigating wall would reduce the impact that this development would have on the existing neighborhood. Staff believes that approval of this request should not have a substantial adverse effect on the surrounding area, and will enhance the desirability of the area and have a beneficial effect.

6. The proposed development carries out the intent of the Planned Development zoning district by providing a more efficient use of the land and an excellence of site design greater than that which could be achieved through the application of established zoning standards.

With the approval of Site Utilization Plan Revision #4 to Planned Development (P-D) #72, the project would be consistent with the standards for P-D #72. The site includes high quality materials consistent with the standards for other development within P-D #72. The project provides a high quality, residential development which will help provide needed housing to the City of Merced. As described in Finding A, the proposed project would carry out goals and implementing actions defined in the City's *Merced Vision 2030 General Plan*. Under the current Site Utilization Plan, the car wash and additional residential units would not be allowed. Thus, the proposed change and implementation of standards specific to this development on this site, would be a more efficient use of land by providing a greater number of housing units to the community and the additional use of a car wash facility.

7. Each individual unit of the proposed development, in each phase as well as the total development, can exist as an independent unit capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development.

The proposed project would be able to exist as an independent project and create a good environment. The location is surrounded by development, so this is an infill site. The location is prime for development and for development of a mixed-use project due to its location near commercial uses and services.

8. Any deviation from the standard ordinance requirements is warranted by the design and additional amenities incorporated in the development plan, which offer certain unusual redeeming features to compensate for any deviations that may be permitted.

The Merced City Zoning Ordinance sets forth specific Residential Design Standards that apply to all multi-family developments. The apartment project will be designed to meet the design standards set forth in Zoning Ordinance Section 20.46 – Residential Design Standards. The apartments are also subject to a Site Plan Review process.

The proposed mixture of two- and three-story buildings is taller than the two-story residential buildings proposed under the approved Site Utilization Plan. The approved Site Utilization Plan included a four-story hotel building, taller than the proposed residential buildings. While the current plan shows a two-story office building on the northwesternmost lot, the hotel could also utilize that space, most likely at a reduced capacity based on market demand. These

changes are warranted by the design and additional amenities incorporated in the development plan.

9. *The principles incorporated in the proposed development plan indicate certain unique or unusual features, which could not otherwise be achieved under the other zoning districts.*

This property currently lies within Planned Development (P-D) #72. The proposed Site Utilization Plan Revision would amend the standards for this parcel to allow for additional housing units and a car wash. Because the site is already established as a Planned Development, changing the zoning to another zoning district would not be the best way to promote development. By amending the Site Utilization Plan within the existing Planned Development, to allow this project with slight variations from the existing approved Plan's requirements, allows the project to move forward in a more streamlined approach and without creating a "spot zone" for another zoning district in the area. Planned Developments were specifically designed to allow such unique designs and the mixture of uses not allowed in other zoning districts.

Traffic/Circulation

- C) The changes to the project site would not have a major impact on the analysis performed as a part of Site Utilization Plan Revision #3 to Planned Development #72. As part of the proposed site plan, the area for a potential office use and the approved hotel use were combined. Only one of those uses would move forward on Parcel #16, depending on future needs. The parking needs of the additional residential units are offset by this change, and the car wash, additional retail buildings, and change in layout do not significantly change the traffic or circulation of the site.

Building Design

- D) The proposed project involves the construction of a car wash, other retail and office buildings, and multi-family residential buildings. The retail buildings on the site would stand one story tall and have a modern design with wood or faux wood fascia, stone, glass, and metal as primary features and elements. The buildings would have clean lines and use a variety of building materials to provide interest and differentiate between businesses. The retail portion of the project is proposed as the first phase of development, and future phases, including the residential buildings and the office buildings, would all use the retail phase's stylistic elements as a template for a cohesive, but not identical, thematic design for the entire site. The residential buildings with frontage on Sandpiper Avenue are proposed as two-story, with those further west on the site proposed as three-story (Condition #28). Final design details will be approved by staff at the Site Plan Review stage.

Site Design

- E) The overall design of the site is generally consistent with that of the approved Site Utilization Plan. As part of the proposed site plan, the area for a potential office use and the approved hotel use were combined. Only one of those uses would move forward on Parcel #16, depending on future needs. Also, retail buildings on Parcels 5, 6, 7, and 8 are currently proposed as separate, but future needs of the site could call for a single large building of approximately the total square footage of those four buildings combined instead. A plan with such a modification would require review of the Site Plan Review Committee, but could be considered substantially compliant with this site plan if parking and circulation needs are still met. While the design of the multi-family residential portion is understood to be preliminary, any final design will be required to provide safe, well-lit pedestrian access from the residential area to the commercial area (Conditions #22 and #37).

Parking

- F) Merced Zoning Ordinance Table 20.38-1 sets forth the parking requirements. A multi-family development based on the number of units, bedrooms, and bathrooms. Based on this table, the project would be required to provide 152 parking spaces. The residential area of the proposed project provides 234 parking spaces, which exceeds the requirement. A minimum of 7 spaces must be accessible parking spaces per the requirements of Table 11B-208.2 of Title 24 Part 2 of the California Building Code (Condition #29).

The City does not have a specific parking requirement for an automated car wash. Similar uses such as gas and service stations require 3 spaces plus one for every 250 square feet of retail sales area. The proposed structure on the site is 5,940 square feet in size, and under the most restrictive assumption that the entire building would count as retail sales area for the purposes of comparison, the applicant would need to provide 27 parking spaces. This would be reduced by an additional 15% to account for non-retail areas such as employee break rooms, lavatories, hallways, stock rooms, and similar as allowed by the Zoning Code. The proposed plan shows 28 parking spaces, which exceeds even the most restrictive assumption under this comparison. This fact combined with the connection to the remainder of the Yosemite Crossing development and its parking areas through the internal road network and cross-access easements, staff believes that the request complies with City parking requirements.

The reconfiguration of the retail buildings and additional retail building have not significantly altered the parking requirements beyond the approved plan. As the overall facility provides parking in excess of the combined requirements for each individual use, the parking for each proposed parcel is in conformity with City parking requirements so long as cross-access agreements are in place (Condition #36).

Additionally, the project would be required to provide bicycle parking in compliance with Merced Zoning Ordinance Table 20-38-4 (Condition #15).

Signage

- G) All signs will be required to conform with the approved master sign program including, but not limited to, location, quantity, dimensions, materials, and layout for this site (Conditional Use Permit #1241). 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 in addition to the Master Sign Program.

Neighborhood Impact/Interface

- H) The subject site is surrounded by retail uses to the south across Yosemite Avenue, Merced College to the west, vacant land along with the Mercy Medical Center to the north, and residential uses to the east. Final Map #5382 modified the site, but new Assessor's Parcel Numbers (APN) have not yet been assigned to the modified parcels as a result of Final Map #5382's recordation, and as such, the APNs for the previous parcels have been used in public notice and other documentation identifying the subject site.

Residential uses are located approximately 80 feet east of the subject site. The nearest sensitive use (besides residential properties) is Cruickshank Middle School, which is located approximately 962 feet away from the subject site with the main entrance to the school being approximately 1,200 feet away from the subject site, at the northeast corner intersection of Dominican Drive and Mercy Avenue.

Previously, during the application for General Plan Amendment #19-03 and SUP Revision #3 for P-D #72, a neighborhood meeting regarding proposed uses for the Yosemite Crossing site was held. At that meeting, a car wash was part of the proposed uses, though at the time the location of the car wash was on the eastern side of the parcel, placing it approximately 80 feet from existing residences. The neighborhood objected to the car wash, citing concerns with the noise as a primary reason for the objection. The developer revised the plans in response to these concerns and removed the car wash from the site plan. The proposed plan sites the car wash on the G Street frontage, adding additional distance and the buffer of additional buildings once the multi-family residential development occurs. Additionally, the applicant has performed a noise study showing that the proposed design does not have significant impact on the existing residences (Attachment F of Staff Report #21-637). In order to further mitigate any impacts due to the noise of operation both for existing and proposed residences, the applicant has proposed to build walls at the exit of the wash tunnel to deflect noise, the impacts of which are shown graphically on Page 23 of the noise study.

The combination of extra space, additional buildings, and the sound-mitigating wall would reduce the impact that this development would have on the existing neighborhood. 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. At the time of this report, the City has received inquiries regarding the project, but has not received any formal comment either for or against.

On August 9, 2021, Planning staff met with Russell Lawrence, a concerned neighbor. Mr. Russell is concerned with the car wash due to the noise generated from the car wash, the vacuums, and the music typically played by customers using the vacuums. Mr. Russell suggested the proposed wall at the eastern end of the car wash be extended across the entire car wash site to help

mitigate the noise from the car wash, the vacuums, and the patrons playing loud music. Mr. Lawrence prepared the flyer at Attachment G of Staff Report #21-637 and is distributing it throughout the Mansionette neighborhood. The flyer outlines his concerns and provides some potential solutions to help alleviate those concerns. Mr. Lawrence also sent the e-mail provided in Attachment H of Staff Report #21-637 to Planning staff and City Council members explaining his concerns.

The applicant provided additional information and clarification regarding the potential noise impacts from the carwash in an e-mail dated August 12, 2021 (Attachment H of Staff Report #21-637). As described in the e-mail from the applicant, Mister Car Wash discourages customers from playing music while using their facilities. However, in an effort to help mitigate any impacts on the adjacent neighborhood from loud music being played during the evening hours, staff is recommending a condition be added to Conditional Use Permit (CUP) #1258 which would prohibit patrons of the car wash from playing music while vacuuming after 9:00 p.m.

Land Use/Density Issues

- I) The proposed density for this project based on the number of units is approximately 16.1 units per acre, considering the size of the proposed site for the multifamily units, 5.98 acres. This density fits into an HMD General Plan designation comfortably (12 to 24 units/acre); the site also previously had an HMD designation for the portion of the site where the multi-family residential component is proposed.

Environmental Clearance

- J) Planning staff has conducted an environmental review (Environmental Review #21-18) 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 (P-D) #72] remains sufficient and no further documentation is required (CEQA Section 15162 Findings) (Attachment J of Staff Report #21-637).

CITY OF MERCED
Planning Commission

Resolution #4072

WHEREAS, the Merced City Planning Commission at its regular meeting of August 18, 2021, held a public hearing and considered **Conditional Use Permit #1258**, initiated by Mister Car Wash, applicant for Yosemite & G, LLC., Property Owner. The Conditional Use Permit would allow the development of a 5,381 square-foot carwash on a future 1.32-acre parcel. The property has a Neighborhood Commercial (CN) General Plan designation, is zoned P-D #72, and is generally located at the northeast corner of Yosemite Avenue and G Street (3620 G Street). The property is 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; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through G (Exhibit B) of Staff Report #21-637; 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 #1258, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by reference.

Upon motion by Chairperson Harris, seconded by Commissioner Dylina, and carried by the following vote:

AYES: Commissioner Camper, Delgadillo, Dylina, and Chairperson Harris
NOES: None
ABSENT: Commissioner White (two vacancies)
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4072

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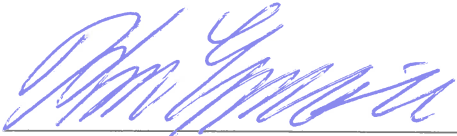
August 18, 2021

Adopted this 18th day of August, 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 #4072
Conditional Use Permit #1258

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) - Attachment E of Staff Report #21-637, 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. This Conditional Use Permit (CUP) shall be invalid without the approval by City Council of Site Utilization Plan (SUP) Revision #4 to Planned Development #72. The CUP effective date shall be the effective date of the SUP Revision (if approved).
4. 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. Any changes to the layout or details of the site made in the approval by City Council of Site Utilization Plan Revision #4 to Planned Development #72 shall prevail.
5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, 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

EXHIBIT A

OF PLANNING COMMISSION RESOLUTION #4072

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.

6. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
7. Sufficient lighting shall be provided throughout the site to provide a safe environment for employees and patrons of the business.
8. All landscaping shall be kept healthy and maintained in good condition and any damaged or missing landscaping shall be replaced immediately.
9. The premises shall remain clean and free of debris and graffiti at all times. Any damaged materials shall be replaced by matching materials.
10. 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.
11. The proprietor and/or successors in interest and management shall comply with all Municipal Codes relating to loitering and other nuisance-related issues.
12. This approval is subject to the business owner being in good standing with all laws of the State of California, including the City of Merced and other regulatory agencies.
13. 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 #4072

**Findings and Considerations
Planning Commission Resolution #4072
Conditional Use Permit #1258**

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. 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.

Neighborhood Impact/Interface

- B) The subject site is surrounded by retail uses to the south, Merced College to the west, vacant land along with the Mercy Medical Center to the north, and residential uses to the east. The property owner has simultaneously proposed Site Utilization Plan (SUP) Revision #4 to Planned Development (P-D) #72, which would realign the site such that this use sits on a 1.32-acre parcel with frontage on G Street. The approval by City Council of this SUP Revision is a condition of the approval of this Conditional Use Permit (Condition #3 of Exhibit A of Planning Commission Resolution #4072). Final Map #5382 modified the site such that this proposed use sits on a portion of Lot 10, and a portion of Remainder 'C'. New Assessor's Parcel Numbers (APN) have not yet been assigned to the modified parcels as a result of Final Map #5382's recordation, and as such the APNs for the previous parcels have been used in public notice and other documentation identifying the subject site. The approximate distance measurements that follow correspond to the subject site as proposed.

Residential uses are located approximately 380 feet east of the subject site. The nearest sensitive use (besides residential properties) is Cruickshank Middle School, which is located approximately 1,700 feet

away from the subject site with the main entrance to the school being approximately 2,000 feet away from the subject site, at the northeast corner intersection of Dominican Drive and Mercy Avenue. The subject site is surrounded by vacant parcels, arterial roads, and a proposed extension of Sandpiper Avenue, though eventual development of the proposed multi-family residential portion of the Yosemite Crossing development would be between the subject site and that roadway.

Previously, during the application for General Plan Amendment #19-03 and SUP Revision #3 for P-D #72, a neighborhood meeting regarding proposed uses for the Yosemite Crossing site was held. At that meeting, a car wash was part of the proposed uses, though at the time the location of the car wash was on the eastern side of the parcel with APN #231-040-004, placing it approximately 80 feet from existing residences. The neighbors objected to the car wash, citing concerns with the noise as a primary reason for the objection. The developer revised the plans in response to these concerns and removed the car wash from the site plan. The new proposal would place the car wash on the G Street frontage, adding additional distance and the buffer of additional buildings once the multi-family residential development occurs. Additionally, the applicant has performed a noise study showing that the proposed design does not have significant impact on the existing residences (Attachment F of Staff Report #21-637). In order to further mitigate any impacts due to the noise of operation both for existing and proposed residences, the applicant has proposed to build a wall at the exit of the wash tunnel to deflect noise, the impacts of which are shown graphically on Page 23 of the noise study.

The combination of extra space, additional buildings, and the sound-mitigating wall would reduce the impact that this development would have on the existing neighborhood. Staff believes that approval of this request should not have a significant impact on 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

- C) The applicant has signage representative of the typical signs for their business shown as part of their application. All signs will be required to conform with the approved master sign program, including but not limited to location, quantity, dimensions, materials, and layout for this site (Conditional Use Permit #1241). 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 in addition to the Master Sign Program.

Traffic/Circulation

- D) The subject site is located at the northeast corner of Yosemite Avenue and G Street. Vehicle access would be available from Sandpiper Avenue and two driveways along G Street, one of which would have a traffic signal. 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 #19-03. 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 proposed car wash is consistent with the character and scope of the original study, so the Section 15162 finding can be made.

Parking

- E) The City does not have a specific parking requirement for an automated car wash. Similar uses such as gas and service stations require 3 spaces plus one for every 250 square feet of retail sales area. The proposed structure on the site is 5,940 square feet in size, and under the most restrictive assumption that the entire building would count as retail sales area for the purposes of comparison, the applicant would need to provide 27 parking spaces. This would be reduced by an additional 15% to account for non-retail areas such as employee break rooms, lavatories, hallways, stock rooms, and similar as allowed in the Zoning Ordinance. The proposed plan shows 28 parking spaces, which exceeds even the most restrictive assumption under this comparison. This fact combined with the connection to the remainder of the Yosemite Crossing development and its parking areas through the internal road network and

cross-access easements, staff has determined that the request complies with City parking requirements.

Mandatory Conditional Use Permit Findings

F) 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 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 surrounding environs or the City.

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

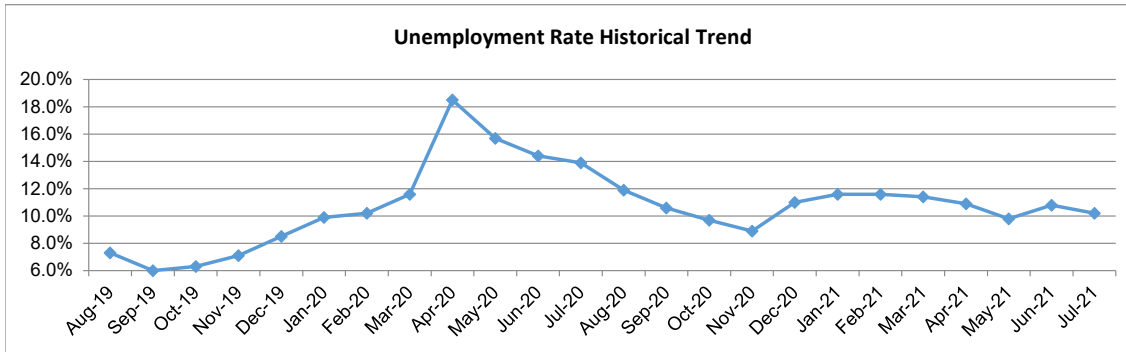
The subject site is properly located within the City and can be served by existing or planned services and infrastructure.

Environmental Clearance

- G) Planning staff has conducted an environmental review (Environmental Review #21-17) 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 G of Staff Report #20-796).

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

The unemployment rate in the Merced County was 10.2 percent in July 2021, down from a revised 10.8 percent in June 2021, and below the year-ago estimate of 13.9 percent. This compares with an unadjusted unemployment rate of 7.9 percent for California and 5.7 percent for the nation during the same period.



Industry	Jun-2021	Jul-2021	Change		Jul-2020	Jul-2021	Change
	Revised	Prelim				Prelim	
Total, All Industries	84,100	84,700	600		77,200	84,700	7,500
Total Farm	15,700	15,800	100		14,500	15,800	1,300
Total Nonfarm	68,400	68,900	500		62,700	68,900	6,200
Mining, Logging, and Construction	2,800	2,800	0		2,600	2,800	200
Manufacturing	11,200	12,300	1,100		10,600	12,300	1,700
Trade, Transportation & Utilities	13,400	13,300	(100)		12,900	13,300	400
Information	200	200	0		200	200	0
Financial Activities	1,800	1,800	0		1,800	1,800	0
Professional & Business Services	3,800	3,800	0		3,500	3,800	300
Educational & Health Services	10,100	10,000	(100)		10,100	10,000	(100)
Leisure & Hospitality	6,100	6,200	100		5,100	6,200	1,100
Other Services	1,300	1,300	0		1,300	1,300	0
Government	17,700	17,200	(500)		14,600	17,200	2,600

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

	Jul 20	May 21	Jun 21	Jul 21	Percent Change	
			Revised	Prelim	Month	Year
Civilian Labor Force (1)	110,800	116,700	116,400	118,500	1.8%	6.9%
Civilian Employment	95,400	105,300	103,900	106,300	2.3%	11.4%
Civilian Unemployment	15,400	11,400	12,600	12,100	-4.0%	-21.4%
Civilian Unemployment Rate	13.9%	9.8%	10.8%	10.2%		
(CA Unemployment Rate)	13.6%	7.5%	8.0%	7.9%		
(U.S. Unemployment Rate)	10.5%	5.5%	6.1%	5.7%		

Total, All Industries (2)	77,200	84,600	84,100	84,700	0.7%	9.7%
Total Farm	14,500	15,900	15,700	15,800	0.6%	9.0%
Total Nonfarm	62,700	68,700	68,400	68,900	0.7%	9.9%
Total Private	48,100	49,800	50,700	51,700	2.0%	7.5%
Goods Producing	13,200	13,200	14,000	15,100	7.9%	14.4%
Mining, Logging, and Construction	2,600	2,700	2,800	2,800	0.0%	7.7%
Manufacturing	10,600	10,500	11,200	12,300	9.8%	16.0%
Nondurable Goods	9,100	9,000	9,600	10,600	10.4%	16.5%
Service Providing	49,500	55,500	54,400	53,800	-1.1%	8.7%
Private Service Providing	34,900	36,600	36,700	36,600	-0.3%	4.9%
Trade, Transportation & Utilities	12,900	13,300	13,400	13,300	-0.7%	3.1%
Wholesale Trade	1,200	1,000	1,200	1,200	0.0%	0.0%
Retail Trade	8,200	8,600	8,400	8,300	-1.2%	1.2%
Transportation, Warehousing & Utilities	3,500	3,700	3,800	3,800	0.0%	8.6%
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	3,500	3,800	3,800	3,800	0.0%	8.6%
Educational & Health Services	10,100	10,300	10,100	10,000	-1.0%	-1.0%
Leisure & Hospitality	5,100	5,900	6,100	6,200	1.6%	21.6%
Other Services	1,300	1,300	1,300	1,300	0.0%	0.0%
Government	14,600	18,900	17,700	17,200	-2.8%	17.8%
Federal Government	800	800	800	800	0.0%	0.0%
State & Local Government	13,800	18,100	16,900	16,400	-3.0%	18.8%
State Government	3,000	3,700	3,000	3,000	0.0%	0.0%
State Government Education	2,400	3,100	2,400	2,400	0.0%	0.0%
State Government Excluding Education	600	600	600	600	0.0%	0.0%
Local Government	10,800	14,400	13,900	13,400	-3.6%	24.1%
Local Government Excluding Education	3,900	3,900	4,100	4,000	-2.4%	2.6%
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
July 2021 - Preliminary
 Data Not Seasonally Adjusted

COUNTY	RANK BY RATE	LABOR FORCE	EMPLOYMENT	UNEMPLOYMENT	RATE
STATE TOTAL	---	19,164,600	17,659,100	1,505,500	7.9%
ALAMEDA	21	811,000	758,900	52,100	6.4%
ALPINE	51	480	440	50	9.4%
AMADOR	26	14,690	13,690	1,000	6.8%
BUTTE	33	93,300	86,600	6,700	7.2%
CALAVERAS	8	21,990	20,730	1,260	5.7%
COLUSA	55	11,250	10,060	1,190	10.6%
CONTRA COSTA	25	541,300	504,800	36,500	6.7%
DEL NORTE	41	9,590	8,860	730	7.6%
EL DORADO	15	91,500	86,100	5,400	5.9%
FRESNO	50	449,200	407,400	41,800	9.3%
GLENN	31	13,040	12,120	920	7.0%
HUMBOLDT	21	59,600	55,800	3,800	6.4%
IMPERIAL	58	68,000	55,100	12,800	18.9%
INYO	15	8,380	7,890	490	5.9%
KERN	56	380,800	340,100	40,800	10.7%
KINGS	52	56,600	51,100	5,500	9.7%
LAKE	36	29,360	27,180	2,190	7.4%
LASSEN	8	9,680	9,130	560	5.7%
LOS ANGELES	53	5,102,700	4,581,300	521,300	10.2%
MADERA	49	61,800	56,100	5,600	9.1%
MARIN	1	135,000	128,900	6,100	4.5%
MARIPOSA	26	7,970	7,430	550	6.8%
MENDOCINO	19	37,010	34,670	2,340	6.3%
MERCED	53	118,500	106,300	12,100	10.2%
MODOC	18	3,430	3,220	210	6.2%
MONO	28	8,060	7,510	560	6.9%
MONTEREY	28	229,700	213,800	15,900	6.9%
NAPA	11	71,700	67,500	4,100	5.8%
NEVADA	11	47,110	44,390	2,720	5.8%
ORANGE	19	1,586,700	1,487,200	99,500	6.3%
PLACER	6	186,900	176,900	10,000	5.3%
PLUMAS	36	8,220	7,610	610	7.4%
RIVERSIDE	43	1,123,700	1,035,300	88,400	7.9%
SACRAMENTO	35	714,800	662,400	52,400	7.3%
SAN BENITO	33	31,800	29,500	2,300	7.2%
SAN BERNARDINO	44	985,600	907,200	78,400	8.0%
SAN DIEGO	28	1,543,900	1,437,600	106,300	6.9%
SAN FRANCISCO	5	561,600	532,400	29,200	5.2%
SAN JOAQUIN	48	333,000	302,900	30,100	9.0%
SAN LUIS OBISPO	8	131,200	123,700	7,500	5.7%
SAN MATEO	2	441,100	420,000	21,200	4.8%
SANTA BARBARA	11	222,100	209,300	12,900	5.8%
SANTA CLARA	4	1,027,700	977,100	50,600	4.9%
SANTA CRUZ	24	135,100	126,100	9,000	6.6%
SHASTA	31	74,100	69,000	5,200	7.0%
SIERRA	2	1,410	1,340	70	4.8%
SISKIYOU	38	17,350	16,050	1,300	7.5%
SOLANO	41	204,300	188,800	15,600	7.6%
SONOMA	7	249,400	235,600	13,800	5.6%
STANISLAUS	45	245,700	224,900	20,800	8.5%
SUTTER	45	47,400	43,400	4,000	8.5%
TEHAMA	38	25,610	23,680	1,920	7.5%
TRINITY	11	4,800	4,520	280	5.8%
TULARE	57	199,100	176,900	22,200	11.1%
TUOLUMNE	38	20,080	18,580	1,500	7.5%
VENTURA	21	411,300	385,100	26,200	6.4%
YOLO	15	107,400	101,000	6,400	5.9%
YUBA	47	30,500	27,800	2,700	8.8%

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.

Biomimicry for Humanity Series

Overall Plan

We will meet in local areas (nature walk and the Fresno Chaffee Zoo) to explore organisms and ecosystems. Next we'll take the exploration of organisms and ecosystems to the Sierra National Forest Trails in Shaver and Huntington. The final exploration will be to the San Francisco Bay to meet the oceanic organisms and ecosystems.



Join us on NO COST field trips to:

- Zoo - Nature in action (Summer 2022)
- Forest Trail - Ecosystems (Fall 2022)
- Ocean - Aquatic organisms (Winter 2023)

Please attend to tell us what you would like to see in the program and also what you will need to participate.

Informational Meeting

Thursday, September 2, 2021 @ 5:30-6:30pm

Zoom ID: 890 5781 6655 [click to join](#)

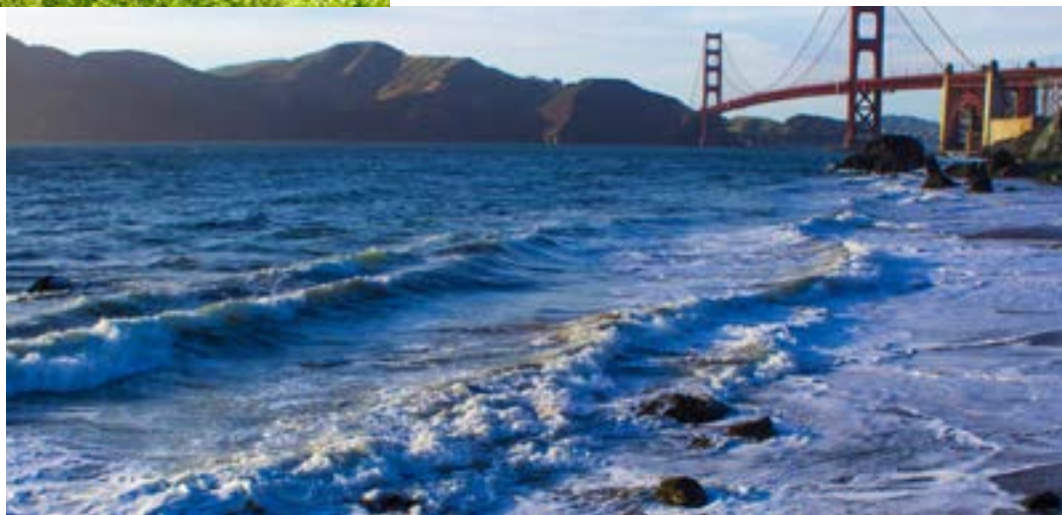
Join by phone: +1 669 900 6833 and follow prompts

Want to know more about the Biomimicry Institute? Click and enjoy the resources below:

[What is Biomimicry?](#) (2 minutes)

[The Promise of Biomimicry](#) (22 minutes)

[History of the Biomimicry Institute](#)



Community Member Meetings
September 2021

Grant Application Due Date
October 8, 2021

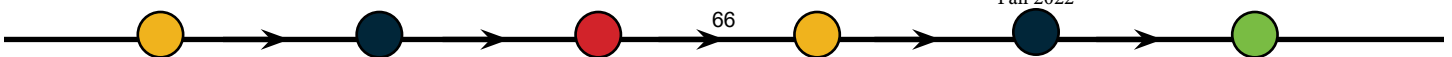
Grant Recipient Notification
March 2022

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Fresno Chaffee Zoo Exploration
Summer 2022

Sierra National Forest Trials in Shaver & Huntington
Fall 2022

San Francisco Bay Ocean Exploration
Winter 2023



Serie Biomimetismo Para la Humanidad

Plan General

Nos reuniremos en áreas locales (paseo por la naturaleza y el Zoológico Fresno Chaffee) para explorar organismos y ecosistemas. A continuación, exploraremos los organismos y ecosistemas de los caminos forestales nacionales de la Sierra en Shaver y Huntington. La exploración final será a la bahía de San Francisco para conocer los organismos y ecosistemas oceánicos



Acompáñanos en excursiones SIN COSTO a:

- Zoológico - Naturaleza en accion (Verano 2022)
- Pista Forestal- Ecosistemas (Otoño 2022)
- Océano - Organismos acuáticos (Invierno 2023)

Por favor asiste para decirnos lo que le gustaría ver en el programa y también lo que necesitará para participar.

Reunión Informativa

Jueves 2 de Septiembre de 2021 @ 5:30-6:30pm
Zoom ID: 890 5781 6655 [haga clic para unirse](#)
Unirse por teléfono: +1 669 900 6833 y siga las instrucciones

¿Quieres saber más sobre el Instituto de Biomimésis? Haga clic y disfrute de los recursos a continuación (todos los recursos están en inglés):

- [What is Biomimicry?](#) (2 minutos)
- [The Promise of Biomimicry](#) (22 minutos)
- [History of the Biomimicry Institute](#)

