



THE WEEKLY COUNCIL INFORMATION REPORT

August 11, 2023

FREE HELMETS TO PROMOTE BICYCLE SAFETY

The Merced Police Department held a pop-up helmet giveaway event on August 7th at the 7-Eleven at 18th and R Streets. Sergeant Jenkins and Officer Opinski handed out around 60 helmets, and every child received a Merced Police Department sticker, a bike safety coloring book, and some candy. Children could also receive a free Slurpee in collaboration with 7-Eleven.



Be Water Wise!

While California's water supply conditions have improved this year following three years of historic drought, residents are asked to use water wisely to help adapt to a hotter, drier future.

Use the tips below to find ways to reduce your daily water footprint. Making a few adjustments in your yard and adopting some simple habits into your household routine can help to conserve water and save money.

Also, sign up for Eyeonwater.com. The site allows users to monitor their water use and set up leak alerts. Visit www.eyeonwater.com for more information.

MAKE WATER CONSERVATION THE CALIFORNIA WAY OF LIFE

SIMPLE WAYS TO SAVE WATER AROUND THE HOUSE

Use the tips below to find ways to reduce your daily water usage. Adopting some simple habits into your routine can really make a big difference.

- Fill the bathtub halfway or less**
saves 17-25 gallons of water per bath
- Take 5-minute showers instead of 10-minute showers**
save 12.5 gallons per shower with a water-efficient showerhead
- Fix leaks**
saves 27-90 gallons of water per day
- Turn off water when brushing teeth or shaving**
saves 8 gallons per person each time you brush your teeth or shave
- Install aerators**
saves 0.7 gallons per minutes
- Wash full loads of clothes**
saves 15-45 gallons per load
- Install high-efficiency toilets**
saves 6-35 gallons per day
- Use a dishwasher instead of handwashing**
saves up to 24 gallons per load of dishes
- Recycle indoor water and use it to irrigate your garden**
cuts water use by 30%

MERCED

CONSERVE WATER RAIN OR SHINE!

ITS FOR LIFE!

GET MORE WATER SAVING TIPS AT SAVEOURWATER.COM

MAKE WATER CONSERVATION THE CALIFORNIA WAY OF LIFE

SIMPLE WAYS TO SAVE WATER IN YOUR YARD

Use the tips below to find ways to reduce your daily water footprint. Making a couple adjustments in your yard can really add up to big water savings.

- Use a broom or leaf blower to clean outdoor areas**
saves 6 gallons every minute you're not running the hose
- Set lawnmower blades to 3"**
saves 16-50 gallons per day by encouraging deeper roots
- Use mulch**
saves 20-30 gallons of water per 1,000 sq. ft. each time you water
- Water early morning or late evening**
saves 50% of sprinkler water otherwise lost to wind and evaporation
- Adjust sprinkler heads & fix leaks**
saves 12-15 gallons each time you water
- Install drip irrigation & add a smart controller**
saves 15 gallons each time you water

WATER SAVING FACT:
A leak as small as a ballpoint pen tip can waste 6,300 gallons per month!

MERCED

CONSERVE WATER RAIN OR SHINE!

ITS FOR LIFE!

GET MORE WATER SAVING TIPS AT SAVEOURWATER.COM

The Water Meter

Lid
Covers the dial face

City of Merced's Curb Stop
This is where the City turns the water on or off, and is the City's responsibility to maintain. The small hole above the curb stop is where the City inserts a locking device to lock the water service.

Transponder
The transponder sends a radio signal to the City's meter reading equipment. The meter readings are then downloaded to the City's billing system. Each transponder has a serial number assigned to a specific address.

Meter Reading
Meters are read in cubic feet. There are 7.48 gallons per 1 cubic foot.

Customer's Wheel Valve
A customer can turn the water off to their house with this valve, and is the customer's responsibility to maintain.

Leak Indicator
If the blue dial is spinning, and no water is being used, there is a leak.

- To determine the location of the leak in the house, turn off each sink, toilet, or appliance that uses water (such as a washing machine or refrigerator) one at a time at their shut off valve. If the blue dial stops spinning, then you have a leak at that particular item.
- To determine if there is a leak between your house and the meter, turn off the wheel valve AT the house. This valve is located 6 inches below one of the outside water faucets. If the blue dial stops spinning, then you have a leak between the house and the meter.
- Customers are responsible for repairing all leaks that occur from the wheel valve in the meter box to the house, including leaks inside the house.

Meter placed inside meter box

**City of Merced Sign Ordinance Public Workshop
Wednesday, August 16th at 6 PM - at the Civic Center.**

A sign ordinance regulates the type and amount of signage a business can have. Too much can create a busy, chaotic streetscape. Not enough can make it difficult for customers to find a business. The proposed update intends to balance and maintain an aesthetically pleasing streetscape while allowing businesses enough exposure.

Signs shape the appearance and atmosphere of a city. The community is encouraged to attend the public workshop to share feedback.



BUILD YOUR Accessory Dwelling Unit

DEFINING ADUs

An ADU is a secondary housing unit on a lot that contains a single-family residence or multi-family residential development and provides complete independent living facilities including kitchen and bathroom facilities for at least 1 person. ADUs can be ATTACHED to the primary home, DETACHED from the primary home, be an INTERNAL CONVERSION within the primary home, or a JUNIOR ADU contained within a single-family residence.

A graphic with a dark blue background and a dashed white border. At the top, there are seven small house icons in various colors. Below the icons, the text reads: "Contact the City of Merced Planning Division at (209) 385-6858 or planningweb@cityofmerced.org for further assistance." At the bottom, it says "© City of Merced | July 2023".

For more information, visit,

<https://www.cityofmerced.org/departments/development-services/pre-approved-adu-program>

Fire Department Community Outreach

On August 10th, 2023, the Merced Fire Department teamed up with the Merced Lao Family for a communitywide free food giveaway event.

Every Thursday, from 9 am to noon, the Merced Lao Family Community distributes food on a first come, first serve basis. With funding support from a CalOES Listos Grant, Merced Fire personnel participated in the event and distributed vital information about disaster preparedness to over 380 people.

Listos California is part of a continuing effort to enhance disaster preparedness by engaging a statewide network of community-based organizations, Tribal Governments, CERTs (Community Emergency Response Teams) and other partners to ensure the state’s most vulnerable are ready when disaster strikes. Listos grants prioritize communities that are considered both socially vulnerable and at a high risk of being impacted by wildfire, flood, earthquake, drought, or heatwave.

Due to the event’s success, the Department will team up with the Merced Lao Family for future drives.



Inspection Services Bi-weekly report for July 24th, 2023, through August 6th, 2023

Single Family Dwelling (SFD) permits:

- SFD Permits Issued: **4**
- SFD Permits in Plan Review: **276**
- SFD Certificates of Occupancy: **25**

Multi-Family Dwelling (MFD) permits in review:

- Compass Pointe phase II: 112 units in 12, 8-plex buildings, plus a clubhouse located at Compass Pointe Ave, Stinson Dr., and Horizons Ave. 2 buildings still in review.
- Affordable housing located at 3015 Park Ave.: 57,812 SF 3 story new construction, including a 2,744 SF community building. The project will provide 65 1 bedroom, 1-bathroom units and a single 2-bedroom, 1 bathroom unit.
- Two 1,336 SF duplexes located at 103 and 107 R St.
- A 4,624 SF 4-plex located at 1125 H St.
- A 2,600 SF duplex located at 531 Childs Ave.
- Emerald Village: 228 units in 18 buildings totaling 21,440 SF of living space, plus a 1,736 SF clubhouse located at 3622 N Hwy 59.

MFD permits issued:

- There were 0 multi-family permits issued during this period.
(No change since last report)

Commercial & Industrial permits issued:

- There were 0 new construction commercial permits issued during this period.
- There was 1 new tenant improvement permit issued during this period; for the replacement of CT scan equipment at Dignity Health located at 3850 G St.

Commercial & Industrial permits submitted:

- There was 1 new construction commercial permit submitted during this period, for a 5,548 SF car wash and vacuum stations for Arco located at 3111 N Hwy 59.
- There were 2 new tenant improvement permits submitted during this period; one for a 50,000 SF remodel for Hampshire Senior Living Center located at 3460 R St., and one for a 1,200 SF remodel for Merced County Probation located at 600 W. Olive Ave.

Commercial & Industrial Certificates of Occupancy (CofOs)

- There were 3 commercial and industrial CofOs issued for this period; one for a 2,887 SF remodel for 5 Star Mini Storage located at 87 W Alexander Ave., one for a 2,976 SF remodel for a dental office located at 3630 G St., and one for a 1,200 SF shell for future food storage located at 1407 Merced Ave.

Parks & Community Services Programs and Activities

CITY OF MERCED
PARKS & COMMUNITY SERVICES

Parks Make Life Better!

PROGRAM SCHOLARSHIPS AVAILABLE

Don't let cost prevent your student's participation!



NFL FLAG FOOTBALL



SWIM LESSONS



JUNIOR WARRIORS



SUMMER CAMP

Scholarships are available to make youth participation in recreation activities more affordable .
Here are some of the requirements to qualify:

- o youth must live in Merced
- o scholarships are given on a first come first serve basis
- o families may receive one scholarship per activity each year (football, swim, basketball, summer camp)
- o proof of income required with application, call office for details

Applications may be picked up at the Parks & Recreation office. For more information call (209)385-6235 or visit us at 632 W. 18th St, Merced CA 95340

CITY OF MERCED SIZZLING SUMMER TOURNAMENT

JULY 22ND 2023
ADULT MENS UPPERS AND LOWERS
JULY 23RD 2023
ADULT COED
REC, LOWERS, AND UPPERS
WHERE: JOE HERB FIELDS
274 PARSONS AVE, MERCED
PRICE: \$250
3 GAME GUARANTEE

TO REGISTER CALL OR TEXT ANTHONY @209-509-5412 OR FOR MORE INFORMATION CALL PARKS AND COMMUNITY SERVICES @209-385-6235


FORMAT FOR COED 6 MEN / 4 WOMEN ANY BATS EXCEPT SENIORS BROUGHT TO YOU BY:

ANTHONY ALMANZA
"I Have One for all your World State Needs"



TAP & BALLET

DANCE CLASS




LOCATION: ROSSOTTI CENTER
1075 W. 25TH STREET

WHEN: EVERY MONDAY
DATE: SESSION 1: SEPT 4TH- JAN 15TH
SESSION 2: JAN 22ND - MAY 27TH

COST: \$125 A SESSION
(4 1/2 MONTH SESSION)
1 HR. CLASS FOR AGES 5 & UP

AGES: 3-4YR OLD- 10AM, 11AM& 2PM
5-6 YR OLD- 3PM
7-8 YR OLD - 4PM
9- 12 YR OLD - 5PM
18 AND UP - 6:30PM

REGISTER AT: PARKS & RECREATION
632 W. 18TH ST
OR CALL 385-6235



CITY OF MERCED PARKS & RECREATION



Registration on July 5th - August 4th

LEAGUE INFO

- \$80 per child/ \$100 non residents
- Divisions
 - o Tiny Tots: K-2nd
 - o Pee-Wee: 3rd & 4th
 - o JV: 5th & 6th
 - o Varsity: 7th & 8th
- 10 week season (August -October)
 - o NFL style Combine Skills Assessment
 - o 2 weeks of intro practice
 - o 8 weeks of play
 - One game, one practice per week
 - 6 Saturday morning games
 - 2 Saturday night games
- Each player will receive official NFL flag performance jersey, flags, and certificate of completion
- No team/ buddy/ coach requests in Pee-Wee, JV, or Varsity divisions
 - o Coaches will draft teams after Combine (skills assessment)

LEAGUE SPONSORS WELCOMED!
CALL PARKS & REC FOR MORE INFO ON PRICING AND PROMOTIONS

LEAGUE DATES

- Parent Orientation- 8/10 @ 5:30 pm
- Coaches orientation- 8/10 @ 6:30 PM
 - o Location: Both orientations held at Senior Community Center 755 w. 15th St, Merced
- **PLAYER COMBINE** (skills assessment)
- Location: McNamara Turf Fields 1040 Canal Street, Merced
- Mandatory for Pee-Wee, JV, and Varsity Divisions
 - o Pee-Wee- 8/11 @ 5:30 PM
 - o JV & Varsity- 8/12 @ 9:00 AM
 - o Coaches must be present to rank each player in their division for the draft
- Coaches Draft- 8/14
 - o Pee-Wee draft 6pm- 7pm
 - o JV draft- 7pm- 8pm
 - o Varsity draft- 8pm-9pm
- Intro practices begin the week of August 21st
- Games run Sept. 4th- Oct. 30th
 - o All games played on Saturdays at Joe Herb Park softball fields (2200 Yosemite Parkway)

REGISTER AT PARKS & RECREATION- 632 W. 18TH ST. MERCED
MONDAY - FRIDAY 9:00AM - 12:00PM & 1:00PM - 5:00PM
QUESTIONS? GIVE US A CALL AT (209) 385-6235



Parks & Community Services Programs and Activities



Mermaids and Pirates

Join us every Saturday in
August from 10am - 2pm!

Meet Costumed Characters,

Have Animal Encounters,

Enjoy Fun Crafts,

A Scavenger Hunt,

Water Activities, and more!

Costumes and Swimsuits encouraged!

Cash Only See QR code for prices

Applegate Park Zoo

1045 W. 25th Street

Merced, CA



MERCED

Merced Police Department Community Programs and Activities



MERCED POLICE DEPARTMENT

BIKE RIDE

FREE FOR ALL AGES!

LET'S CYCLE AROUND THE CITY TOGETHER! OPEN TO ALL AGES, NO COMPETITION LET'S JUST HAVE FUN.

AUGUST, 13TH, 2023
9AM-11AM

RIDE WILL START AND END AT
STARBUCKS ON 856 S COFFEE ST.
MERCED, CA 95341



7.0 MILES RIDE ONE WAY
14 MILES IN TOTAL



FREE HELMET INSPECTION

COFFEE WITH A COP



If you don't like coffee, don't worry there are other drink options and some delicious pastries!

Tuesday, September 12th
10:30AM-12PM

Collaborating with:
Sensory Lab by asip
847 W Main St.
Merced Ca




Fun Fact:
As of 2019, ASIP has two locations in Suzhou and is expanding in Merced!

SUPPORT OUR LOCAL BUISNESSES!

YOU ARE INVITED TO OUR
3RD ANNUAL COPS FOR CRITTERS

TRUNK or TREAT CAR SHOW

Eventbrite SPACE IS LIMITED, REGISTER NOW!



ALL PROCEEDS TO BENEFIT APPELATE PARK AND ZOO
Saturday, Oct 28th • 10AM-2PM
611 W. 22ND St. Merced CA 95340

vehicle Registration \$25 until 10/16
after deadline \$30

Adult & Child Costumes welcome
CANDY-GAMES-MUSIC-FOOD VENDORS & MORE!

Vendor Registration \$25




City of Merced
MEMORANDUM

DATE: August 10, 2023
TO: City Council
FROM: Scott McBride, Director of Development Services
SUBJECT: Actions at the Planning Commission Meeting of August 9, 2023

At their meeting of August 9, 2023, the Planning Commission heard and requested Staff prepare a resolution of intent to deny Conditional Use Permit #1272, a request for alcohol sales for off-site consumption for a new convenience market at 429 W. Main Street.

The Commission heard and approved Certificate for Alteration #23-01 and Minor Use Permit #23-09 with two added conditions requested by MID, which would allow the installation of a 7-foot-tall wrought-iron security fence around the perimeter of 575 W. North Bear Creek Drive.

The Commission voted to recommend to the City Council the approval of Zoning Ordinance Amendment #23-02 and Environmental Review #23-24, which involves various changes to the Merced Zoning Ordinance, including the addition of Section 20.08.060, modifying existing Chapter 20.42, and Chapter 20.56 to comply with current State law and modify Merced Zoning Ordinance Sections 20.08-1 and Section 20.90.020.

The Commission cancelled the August 23, 2023, Planning Commission meeting due a lack of items.

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 #4121

WHEREAS, the Merced City Planning Commission at its regular meeting of August 9, 2023, held a public hearing and considered **Certificate for Alteration #23-01, and Minor Use Permit #23-09** initiated by Melinda Stewart Wilbur, on behalf of Bear Creek Inn, LLC, Property owner. This application involves a request to install a 7-foot wrought iron security fence around the perimeter of the historic property (Bear Creek Inn) at 575 W. North Bear Creek Drive, generally located on the northeast corner of M Street and North Bear Creek Drive, with a General Plan designation of Low Density (LD) Residential, within a Zoning classification of Residential Planned Development (RP-D) #13. The subject site is more particularly described as Parcel “B” on that Recorded Map entitled “Parcel Map for Estate of C. Ray Robinson,” recorded in Book 29, Page 48, in Merced County Records; also known as Assessor’s Parcel Number (APN) 007-310-002; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through G (Exhibit B) of Staff Report #23-619; and,

WHEREAS, the Merced City Planning Commission concurs with the Findings for a Certificate for Alteration in Merced Municipal Code Section 17.54.100 (F) and Minor Use Permit 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 #23-23, and approve Certificate of Alteration #23-01, and Minor Use Permit #23-09, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Smith, Thao, Camper, Ochoa, Gonzalez, Delgadillo, and Chairperson Harris

NOES: None

ABSENT: None

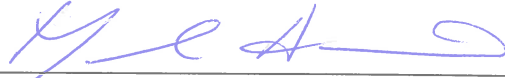
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4121

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August 9, 2023

Adopted this 9th day of August 2023



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Exhibits:

Exhibit A – Conditions of Approval

Exhibit B – Findings/Considerations

Conditions of Approval
Planning Commission Resolution #4121
Certificate for Alteration #23-01 and Minor Use Permit #23-09

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) - Attachment C of Staff Report #23-619.
2. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
3. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
4. All previously approved conditions within Planning Commission Resolution #2098-Amended for General Plan Amendment #96-05, Revision #6 for Residential Planned Development #13, and Conditional Use Permit #730 (#923) shall apply.
5. The applicant shall comply with the standards for fences and hedges within Residential zoning districts found in Merced Municipal Code Section 20.30 – Walls and Fences, including Table 20.30-1 – Fence Height in Residential Zoning Districts, unless otherwise modified through the conditions in this approval.
6. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4121

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. 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. This approval allows the applicant to install a 7-foot-tall wrought-iron fence within the exterior yard to be installed in front of the existing 3-foot-tall wooden fence (Finding D of Staff Report #23-619).
8. The proposed fence shall not encroach into the City right-of-way without obtaining any necessary permits from the Merced City Engineering Department.
9. The gate to the proposed fence shall not be blocked and shall include a Knox box to allow access for emergency personnel when necessary.
10. The proposed fence shall provide as much area around existing hydrants as needed for access by emergency personnel. The applicant shall consult with the Fire Department to determine the space needed.
11. The existing 3-foot fence shall not be removed or damaged in any way by the installation of the proposed fence.
12. This approval is for the installation of the wrought-iron fence only and does not permit any other alterations to the historic property.
13. An Encroachment Agreement with MID will be required for the proposed fencing within the MID 30-foot-wide reservation.
14. MID reserves the right for further comment as unforeseen circumstances may arise.

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4121

**Findings and Considerations
Planning Commission Resolution #4121
Certificate for Alteration #23-01 and Minor Use Permit #23-09**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The project site has a General Plan designation of Low Density Residential (LD). The current use of the property as a bed and breakfast was approved by a conditional use permit approved in June of 1989 (Attachment E). With the conditions contained in this approval, the proposed alteration of installing a 7-foot fence is consistent with the current designation of the property.

Mandatory Findings for Certificates for Alteration

- B) Merced Municipal Code (MMC) Section 17.54.100 (F) requires that the following findings be made by the Planning Commission in order to approve a Certificate of Alteration:

1. *The action proposed is consistent with the purposes of this chapter.*

With the conditions contained within this approval, the proposed fence shall be consistent with the purposes of this chapter.

2. *The action proposed will not be detrimental to a structure or feature of significance as a historic resource.*

With the conditions contained within this approval, the proposed fence will not be detrimental to the existing structure or feature of significance as a historic resource. The proposed fence shall be installed in front of the existing 3-foot fence with the purpose of protecting it and the property (Condition #11).

3. *The applicant has demonstrated that the action is necessary to correct an unsafe or dangerous condition on the property.*

The proposed fence shall be installed for the purpose of protecting the property and its habitants. The applicant has demonstrated that there is frequent trespassing and vandalizing on the site as well as unlawful entry into the carriage house. The proposed fence would help to secure the premises and protect residents.

4. *The applicant has demonstrated that denial of the application will result in immediate, undue, or substantial hardship.*

The property has experienced a high volume of trespassing that has resulted in property damage, repaired at the applicant's expense. If the fence is not installed, trespassing and damage would continue which results in a substantial financial hardship to repair the property from the damages incurred from people trespassing and vandalizing the property.

Mandatory Findings for Minor Use Permits

C) Merced Municipal Code (MMC) Sections 20.68.020 (E) and 20.30.020 (C) require that the following findings be made by the Planning Commission in order to approve a Minor Use Permit for a fence.

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

As described in Finding A, the proposed land use is consistent with the General Plan designation of Low-Density Residential (LD). With the approval of the conditions, the fence would be consistent with the current General Plan designation.

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.*

As indicated on the location map at Attachment B of Planning Commission Staff Report 23-619, the site is surrounded by residential uses on all sides. With the conditions contained within this approval, the proposed fence will be compatible with the existing and future land uses in the vicinity of the subject property.

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

The proposed project does not include any uses that would be detrimental to the public health, safety, and welfare of the City. Implementation of the conditions of approval and adherence to all applicable Building Codes, Fire Codes, and City Standards would prevent the project from having any detrimental effect on the health, safety, and welfare of the City.

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

The project site is located within a developed area that is adequately served by infrastructure.

5. *The fence materials are of high quality with an aesthetically-pleasing appearance that fit in well with the neighborhood.*

The proposed wrought-iron fencing is considered a high-quality material and would be aesthetically pleasing and compatible with the surrounding neighborhood.

6. *The added fence height or alternative material is necessary to address privacy, noise, interface, or security concerns and/or issue with animals.*

The increased fence height to 7 feet is needed to help provide security to the site. The location is a very busy location and has a lot of traffic in the area making security difficult without a fence that is at least 7 feet high.

Proposed Operations

- D) The applicant is proposing the installation of a 7-foot-tall wrought iron fence located around the perimeter of the property with three access gates. The wrought-iron fence would be installed in front of the existing 3-foot-tall wooden fence. The gates will include a Knox box to allow access for emergency personnel and shall not block or encroach on City right-of-way (Conditions #8 and #9). Per the MMC Table 20.30-1, a Minor Use Permit would permit a fence within the exterior yard at a maximum of 6 feet in height; however, staff has determined that based on the position of the property, a 7-foot-tall fence would not impact surrounding residential properties.

Parking

- E) No use has been proposed that would require additional on-site parking.

Neighborhood Impact/Interface

- F) As discussed in Finding C above, the site is surrounded by residential uses. With the conditions contained within this approval, staff does not anticipate any impacts to the surrounding properties

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 has not received any comments from the community about this project.

Environmental Clearance

- G) Planning staff has conducted an environmental review (Environmental Review #23-23) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and recommends a Categorical Exemption (no further environmental review is required) is being recommended based on Section 15331 (Attachment G of Planning Commission Staff Report #23-619).

CITY OF MERCED
Planning Commission

Resolution #4120

WHEREAS, the Merced City Planning Commission at its regular meeting of August 9, 2023, held a public hearing and considered **Zoning Ordinance Amendment #23-02**, initiated by the City of Merced. This application involves various changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would add Sections 20.08.060 (Small Home Single-Family Dwelling) and Section 20.44.180 (Tiny Homes on Wheels Villages), modify the existing Chapter 20.42 (Accessory Dwelling Units) and Chapter 20.56 (Density Bonus) to comply with current State regulations and amend Merced Municipal Code Sections 20.08-1 (Permitted Land Uses in the Residential Zoning Districts) and Section 20.90.020 (Definitions). These amendments would allow for further development of smaller parcels, smaller unit sizes, villages for Tiny Homes on Wheels or Small Homes and define these units.; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through K of Staff Report #23-647 (Exhibit A); and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council adoption of a General Rule Exemption regarding Environmental Review #23-24, and approval of Zoning Ordinance Amendment #23-02, as outlined in Attachments B and C of Staff Report #23-647 and subject to the Findings set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Ochoa, Camper, Delgadillo, Gonzalez, Smith, Thao, and Chairperson Harris

NOES: None

ABSENT: None

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4120

Page 2

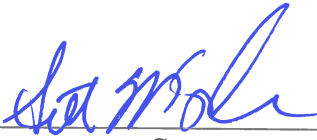
August 9, 2023

Adopted this 9th day of August 2023



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Exhibits:

Exhibit A – Findings/Considerations

**Findings and Considerations
Planning Commission Resolution #4120
Zoning Ordinance Amendment #23-02**

FINDINGS/CONSIDERATIONS:

General Plan Policies Related to This Application

- A) The proposed zoning ordinance amendment would make changes in response to changes in State Law regarding accessory dwelling units, density bonus, definitions, and add sections for Tiny Homes on Wheels. General Plan Implementing Action L-2.3. d calls for the City to review and update the Zoning Ordinance as needed.

Proposed Changes to Zoning Ordinance

- B) The ordinance changes are contained in the Draft Ordinance at Exhibit B of Planning Commission Resolution #4120 (Attachment A of Planning Commission Staff Report #23-647). Zoning Ordinance Amendment #23-02 proposes to amend Chapters 20.42 and Chapter 20.56, as well as propose new sections Section 20.44.180 and Section 20.90.020 in order to achieve the City of Merced’s housing goals as well as comply with current state law. Other amendments have been made to support these ordinance changes and include changes to the definitions and the residential land use table. As proposed, Zoning Ordinance Amendment #23-02 include:
- C) Chapter 20.42 – Accessory Dwelling Units (ADUs). The proposed Zoning Ordinance Amendment would revise the existing ADU Ordinance to make minor changes to comply with State Law and add the ability to utilize a Tiny Home on Wheels (THOW) as an ADU.

New ADU laws went into effect on January 1, 2023, requiring changes to Merced's ADU Ordinance to make minor clarifications and additions to the existing ordinance.

The existing ADU Ordinance has been modified to clarify the height requirements for attached ADUs to 25 feet and provides different height limits for detached ADUs that meet certain criteria. Currently, the Ordinance allows for a maximum height of 16 feet for detached ADUs;

pursuant to the provisions of Assembly Bill (AB) 2221 and Senate Bill (SB) 897, the proposed Ordinance would allow detached ADUs near a major transit stop or high-quality transit corridor to be 18 feet with a maximum 2-foot increase to accommodate roof pitch. The proposed Ordinance would also allow a detached ADU up to 18 feet on a parcel with an existing or proposed multi-family, multi-story dwelling.

In an effort to stay ahead of ever-changing State law, a "blanket" statement has also been added to clarify that in the event the ADU Ordinance conflicts with current State law, the provisions of State Law prevail.

- D) Section 20.42.060 – Tiny Homes on Wheels. This section is added to the ADU Ordinance, and would allow Tiny Homes on Wheels (THOW) as a form of detached accessory dwelling unit. The section outlines the standards and provisions required of THOWs that differ from a conventional ADU. Due to the nature of the structure, THOWs are required to register with the California Department of Motor Vehicles. A THOW is also required to show certification demonstrating compliance with all applicable American National Standards Institute (ANSI) A119.2 standards, National Fire Protection Association (NFPA) 1192 standards, Recreational Vehicle Standards, and A119.5 Park Model Recreational Vehicle standards.
- E) Chapter 20.56 – Density Bonus. The proposed Zoning Ordinance Amendment would revise the existing Density Bonus Ordinance to make minor changes to comply with State Law. Effective January 1, 2023, Assembly Bill (AB) 682 added shared housing as eligible for density bonus. Additionally, Assembly Bill (AB) 1551, also effective January 1, 2023, readopted previous legislation that provided development bonuses to commercial projects that partner with affordable housing projects. Language has been added to Chapter 20.56 to support these changes.

In an effort to stay ahead of ever-changing State law, a "blanket" statement has also been added to clarify that in the event the Density Bonus Ordinance conflicts with current State law, the provisions of State Law prevail.

- F) Section 20.44.180 – Tiny Homes on Wheels Villages. **This section will be brought back for consideration at a later date.**
- G) Section 20.08.020 (C) – Small Houses, Small Lots and Small House Villages. Section 20.90.020 has been added to the existing Residential Zoning District Chapter. The purpose of this ordinance is to allow a path forward for smaller lots and smaller homes, thus reducing costs and providing more housing options for different income levels. This Ordinance differs from the existing Small Lot Ordinance (Chapter 20.40) because it permits smaller lot configuration standards, such as lot size, depth, and width, without compromising other development standards such as setbacks. The Small Home Ordinance allows for a smaller home on a proportionally smaller lot, as opposed to a conventional home on a smaller lot with reduced setbacks.
- H) Table 20.08-1 – Permitted Land Uses in the Residential Zoning Districts. Minor modifications have been made to Table 20.08-1 within Chapter 20.08 (Residential Zoning Districts). Table 20.08-1 lists Permitted Land Uses in the Residential Zoning Districts and has been updated to include Small Houses and Small House Villages as permitted uses. Additionally, specific regulations have been added to the multiple-family dwellings line item to reference Sections 20.46.030 and 20.44.180. These sections direct to the multiple-family residential design standards and the Tiny Homes on Wheels Villages sections of the Code, respectively, to provide clarity on the development processes for multi-family development.
- I) Chapter 20.90 – Glossary (Definitions). Chapter 20.90 has been updated to include the language necessary to facilitate the other Zoning Ordinance Amendments included with this application. Definitions for Small House, Small House Village, Tiny Home on Wheels, and Tiny Home on Wheels Village have been added to facilitate the enforcement and provide guidance on what qualifies for these developments.

Time Frames

- J) If recommended for approval by the Planning Commission on August 9, 2023, the Ordinance revisions would be scheduled for a City Council public hearing on September 5, 2023. A second reading and adoption would follow on September 18, 2023, with the Ordinance being effective 30 days later on or about October 18, 2023.

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4120

Environmental Clearance

- K) Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a *General Rule Exemption* is being recommended (Attachment C of Staff Report #23-647).