



# THE WEEKLY COUNCIL INFORMATION REPORT

APRIL 19, 2024

## Merced City Firefighter Training Program

Merced Fire Department is benefiting from substantial federal funding, allowing them to train recruits and enhance their capabilities. With nearly \$9 million from FEMA's SAFER Grant, they can form four-person engine crews, doubling their efficiency during emergencies. Interim Chief Casey Wilson highlights the significance of this upgrade, emphasizing the impact it will have on response effectiveness. Among the recruits is Harley Hermosillo, a military firefighter pursuing his dream in the civilian sector, thanks to the grant. The funding also aims to establish a new fire station in North Merced, utilizing the trained recruits over the next three years.



## Honoring Fallen Merced Police Officer Stephan Gray

On Monday, dozens of officers and community members gathered outside the Merced Police Department to pay tribute to the life of fallen officer Stephan Gray, who tragically lost his life in the line of duty 20 years ago.



## Congratulations to the City of Merced 2024 Volunteers of the Year


- District One - Announcement coming soon!
- District Two - Jose Reyes
- District Three - Glen Camarda
- District Four - Jennifer Summers
- District Five - Committee for a Safer Merced
- District Six - Love Faith and Hope, Inc.
- At Large - Ye Thao

*Congratulations!*  
**CITY OF MERCED  
2024 VOLUNTEER  
OF THE YEAR**



**YE THAO**  
*At Large*

*Congratulations!*  
**CITY OF MERCED  
2024 VOLUNTEER  
OF THE YEAR**



**JOSE REYES**  
*District Two*

*Congratulations!*  
**CITY OF MERCED  
2024 VOLUNTEER  
OF THE YEAR**



**GLEN CAMARDA**  
*District Three*

*Congratulations!*  
**CITY OF MERCED  
2024 VOLUNTEER  
OF THE YEAR**




**JENNIFER SUMMERS**  
*District Four*

*Congratulations!*  
**CITY OF MERCED  
2024 VOLUNTEERS  
OF THE YEAR**



**COMMITTEE FOR A SAFER MERCED**  
*District Five*

*Congratulations!*  
**CITY OF MERCED  
2024 VOLUNTEERS  
OF THE YEAR**



**LOVE FAITH HOPE, INC.**  
*District Six*

**Save the date!** High Speed Rail will host an in-person open house in Merced on Thursday, May 2nd, 2024. The purpose of the open house is to share station concept designs and get feedback. Short presentations will be followed by an opportunity to discuss topics in an interactive setting.



# High-Speed Rail Merced Station Open House

Thursday, May 2, 2024

5:00 – 7:00 p.m.

Merced Senior Community Center

755 West 15th Street, Merced, CA, 95340

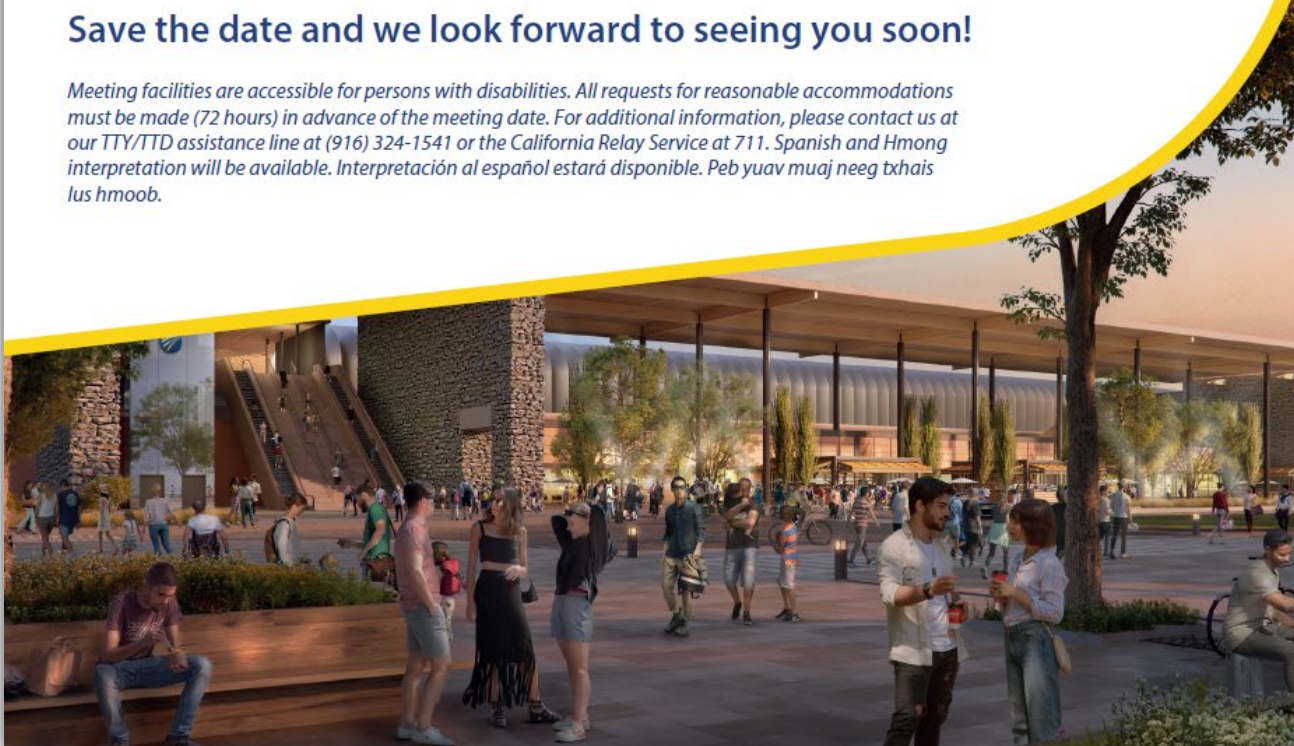
Join California High-Speed Rail Authority representatives and the Central Valley Station Design team led by Foster + Partners and ARUP for an informational Open House. This event is open to the public and will offer the opportunity to meet the project team, learn more about system-wide and station design updates, ask questions, and provide feedback.

Event format:

- Short overview presentations repeated at 5:15 p.m. and 6:15 p.m.
- Open house stations to learn more and meet the project team
- Community interest table to get involved
- Kids activity table
- In-person translation services will also be provided

**Save the date and we look forward to seeing you soon!**

*Meeting facilities are accessible for persons with disabilities. All requests for reasonable accommodations must be made (72 hours) in advance of the meeting date. For additional information, please contact us at our TTY/TTD assistance line at (916) 324-1541 or the California Relay Service at 711. Spanish and Hmong interpretation will be available. Interpretación al español estará disponible. Peb yuav muaj neeg txhais lus hmoob.*



### Public Works in Action

#### Paving work at G and E. Main Streets



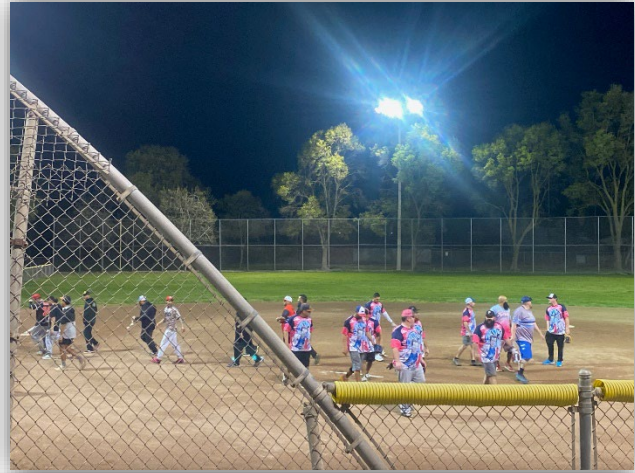
## Parks and Community Services – Building Community

### Outdoor Youth Connection Leadership Training

The Outdoor Youth Connection Leadership Training is a transformative experience for young individuals, fostering leadership skills and a connection to nature and community. Over three days and two nights, participants engaged in camping, team-building activities, and personal reflection. Through collaborative challenges, journaling, and mentorship, youth developed relationships and discovered strengths. This program cultivates resilience, empathy, and a passion for environmental stewardship, shaping the leaders of tomorrow.

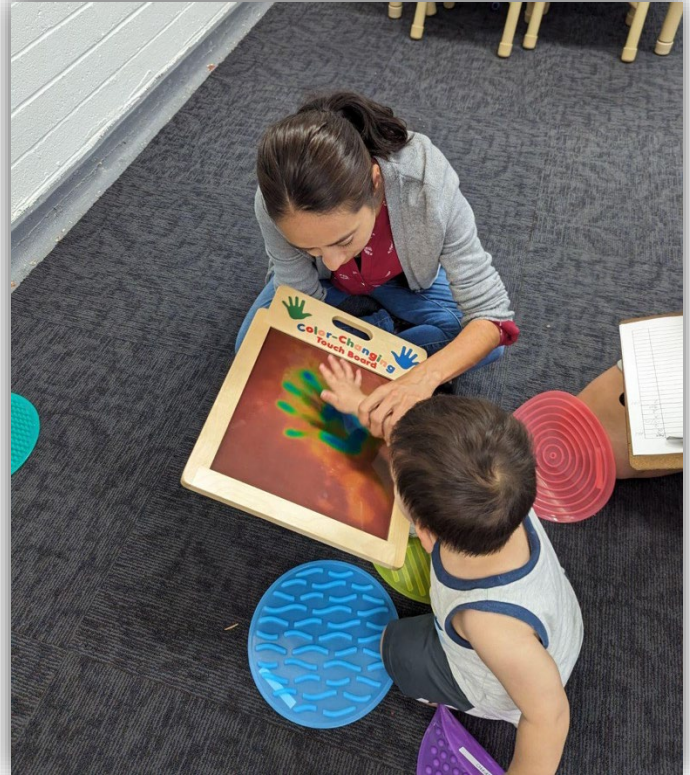


Adult Softball League is in Full Swing!



## Challenged Family Resource Center Receives Grant for Playgroup Toys

The Challenged Family Resource Center has been granted \$5,000 to acquire new toys for their weekly playgroups at the Central Youth Center, located at 27<sup>th</sup> and K Streets. Parks and Community Services appreciates the dedicated individuals who bring these toys to life for the children of all abilities in our community.





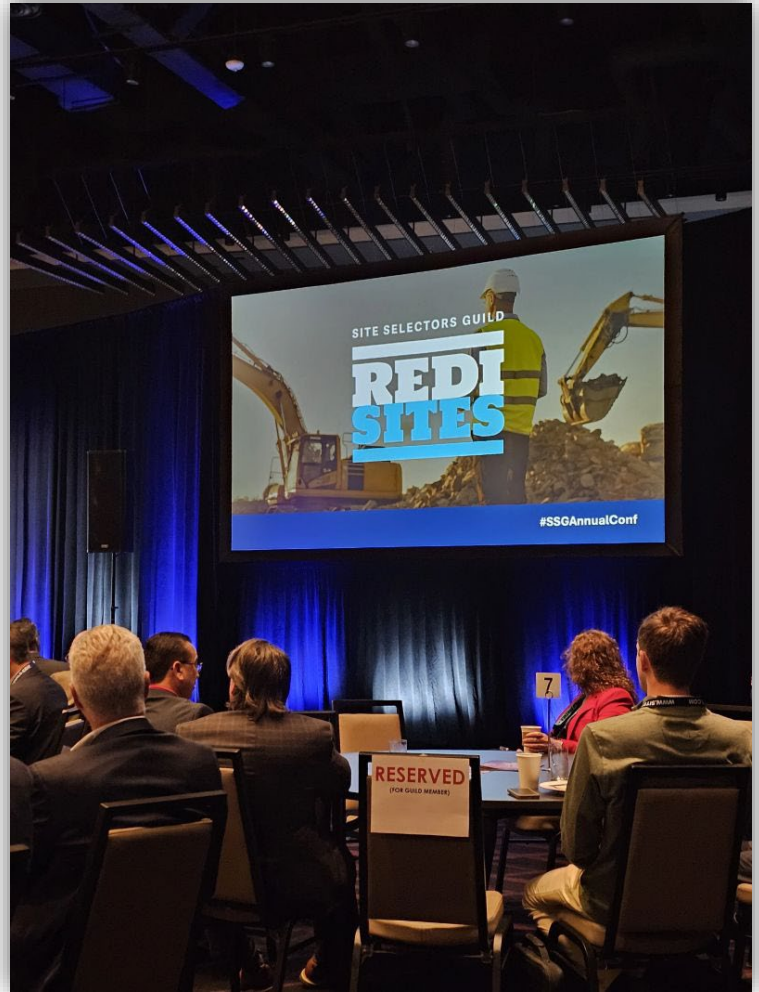
## Airport Terminal Replacement Project

Airside demo work began this week.



## Economic Development Update – Site Selector Guild Conference

Deputy City Manager Frank Quintero recently attended the Site Selector Guild Conference in Nashville, Tennessee. Site selectors make recommendations to industries looking for communities to locate their respective projects. Mr. Quintero had the opportunity to network with over 40 site selectors promoting the benefits of locating industrial projects in the City of Merced. Topics of discussion included workforce, available labor, sites, and UC Merced as a catalyst for life science industries. The conference provided an opportunity for Mr. Quintero to expand relationships with Site Selectors who are familiar with Merced and introduce the community to those have not worked with the city.



COME SUPPORT OUR

# ADULT SOFTBALL LEAGUE

GAMES BEGIN @ 6PM

MEN'S DIVISION **TUE**

COED DIVISION **THR**



PARKS AND COMMUNITY SERVICES

## CITY OF MERCED TEAL TOP STICK TO FITNESS

SESSION 1: JUNE 10TH & 17TH  
 SESSION 2: JUNE 24TH & JULY 1ST  
 SESSION 3: JULY 8TH & 15TH  
 SESSION 4: JULY 22ND & 29TH

9 AM - 12 PM | MON | 3RD-6TH  
 APPLGATE PARK TEAL TOP  
 1045 W. 25TH ST.  
 MERCED, CA 95340  
 (NEXT TO THE BASKETBALL COURT)

**FREE!**  
Space is limited.

*Improve your technical skill & be the best hockey player you are dreaming of*

Scan here for Application

APPLICATIONS MAY BE TURNED IN OR PICKED UP AT THE PARKS & RECREATION OFFICE  
 632 W. 18TH ST.  
 MONDAY-FRIDAY  
 9AM-12PM & 1PM-5PM

PARKS AND COMMUNITY SERVICES

EDUCATION | CONSERVATION | SUSTAINABILITY | CLEAN AIR EMISSIONS

# Earth Day

APRIL 20th, 2024  
 10am - 2pm  
 APPLGATE PARK, MOAT  
 (MERCED OUTDOOR AMPHITHEATER)  
 26TH & N ST

Sign In at the Information Booth for Your Passport to be entered into Grand Raffle Prize

**Raffle Every Half Hour**

Volunteer Registration

Join us for a morning Creek Cleanup hosted by the Bear Creek Yacht Club  
 Time: 8:30 AM-10:00 AM  
 Location: MOAT

PARKS AND COMMUNITY SERVICES

VALERIE THORSEN

**Inspection Services Bi-weekly Report for March 18<sup>th</sup>, 2024, through March 31<sup>st</sup>, 2024**

Single Family Dwelling (SFD) permits:

- SFD Permits Issued: **35**
- SFD Permits in Plan Review: **112**
- SFD Certificates of Occupancy: **7**

Multi-Family Dwelling (MFD) permits 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.
- Emerald Village: 228 units in 18 buildings totaling 142,416 SF of living space, plus a 1,736 SF clubhouse located at 3622 N Hwy 59.
- Devonwood Apartments: 156 units in 5 buildings totaling 146,724 SF of living space, plus a 3,696 SF clubhouse located on the 1500 block of Devonwood Dr.
- A 2,680 SF fourplex and a 4,020 SF 6-unit multi-family dwelling located at 40 & 30 W 13<sup>th</sup> St.

MFD permits issued:

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

Commercial & Industrial permits issued:

- There were 0 new construction commercial permits issued during this period.
- There were 2 new tenant improvement permits issued during this period; one for a 1,750 SF restaurant located at 3564 G St., and one to create a classroom and storage at 1407 Merced Ave.

Commercial & Industrial permits submitted:

- There were 2 new construction commercial permits submitted during this period; one for a 5,000 SF shade structure at city park #42 located at 887 S. Tyler Rd., and one for a 3,800 SF convenience store/fast food with drive through located at 1480 W 16th St.
- There were 4 new tenant improvement permits submitted during this period; one for a block wall to create an outdoor area at 847 W Main St., one for a 4,014 SF office remodel located at 616 W Main St., one for a 3,930 SF orthodontist office located at 900 W Olive Ave, Ste D, and one for a 1,675 SF suite split located on the 2<sup>nd</sup> floor at 3185 M St.

Commercial & Industrial Certificates of Occupancy (CofOs)

- There were 0 commercial, industrial, and multi-family apartment CofOs issued for this period.

**Inspection Services Bi-weekly Report for April 1<sup>st</sup>, 2024, through April 14<sup>th</sup>, 2024**

Single Family Dwelling (SFD) permits:

- SFD Permits Issued: **4**
- SFD Permits in Plan Review: **124**
- SFD Certificates of Occupancy: **12**

Multi-Family Dwelling (MFD) permits 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.
- Emerald Village: 228 units in 18 buildings totaling 142,416 SF of living space, plus a 1,736 SF clubhouse located at 3622 N Hwy 59.

MFD permits issued:

- Devonwood Apartments: 156 units in 5 buildings totaling 146,724 SF of living space, plus a 3,696 SF clubhouse located on the 1500 block of Devonwood Dr.

Commercial & Industrial permits issued:

- There was 1 new construction commercial permit issued during this period; for a 16,000 SF cannabis facility located at 115 Heron Wy.
- There was 1 new tenant improvement permit issued during this period; for a 3,695 SF community building at Devonwood Apartments located at 1535 Devonwood Dr.

Commercial & Industrial permits submitted:

- There was 1 new construction commercial permit submitted during this period; for a 300 SF office for a storage facility located at 2051 Wardrobe Ave.
- There were 2 new tenant improvement permits submitted during this period; one to enclose a covered patio at Kabab City located at 125 E. Yosemite Ave, Ste D, and one for a 2,283 SF covered walk and façade improvement located at 1640 Yosemite Pkwy.

Commercial & Industrial Certificates of Occupancy (CofOs)

- There were 0 commercial, industrial, and multi-family apartment CofOs issued for this period.

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*City of Merced*  
**MEMORANDUM**

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**DATE:** April 19, 2024  
**TO:** City Council  
**FROM:** Kim Espinosa, Director of Development Services  
**SUBJECT:** Actions at the Planning Commission Meeting of April 17, 2024

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At their meeting of April 17, 2024, the Planning Commission accepted the modified resolutions recommending denial of General Plan Amendment #23-05, Zone Change #434, and Establishment of Residential Planned Development #81; and denied Conditional Use Permit #1276, Site Plan Review Permit #538, and Minor Use Permit #24-02 to allow the development of a self-storage facility with long-term boat and recreational vehicle parking spaces and a live/work unit on an approximately 3.50-acre parcel, located at 470 E. Olive Avenue.

The Commission heard and approved Conditional Use Permit #1275 to operate a food truck at 963 W. 16<sup>th</sup> Street.

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 #4129**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of March 20, 2024, held a public hearing and considered **General Plan Amendment #23-05, Zone Change #434, and Establishment of Planned Development (P-D) #81**, initiated by Unite Security Company, LLC, on behalf of Nicholas Mary Lee, Trustee, property owner for the property located at 470 E. Olive Avenue. The General Plan Amendment would change the General Plan land use designation from Low-Medium Density Residential (LMD) to Business Park (BP). The Zone Change would allow the Establishment of the Planned Development to change the land use from Low Medium Density Residential (R-2) to “Self-Storage.” The approximate 3.50-acre subject site is generally located on the south side of E. Olive Avenue, approximately 500 feet west of Oleander Avenue. The subject site is more particularly described as “Parcel 1” as shown on the map entitled “Parcel Map for Fred Walker, JR.” recorded in Book 29, Page 40, in Merced County Records; also known as a portion of Assessor’s Parcel Number (APN) 007-050-009; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through I of Staff Report #24-256 as modified and additional Finding J (Modified Exhibit B of Planning Commission Resolution #4129); and,

**WHEREAS**, the Merced City Planning Commission concurs with the Findings as modified for Planned Development (P-D) Zoning Districts in Merced Municipal Code Section 20.20.020 (J) (Modified Exhibit B); and,

**NOW THEREFORE**, after reviewing the City’s Initial Study and Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council denial of a Mitigated Negative Declaration and Mitigation Monitoring Program regarding Environmental Review #23-45, and recommend denial of General Plan Amendment #23-05, Zone Change #434, and Establishment of Planned Development (P-D) #81.

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

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

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

PLANNING COMMISSION RESOLUTION #4129

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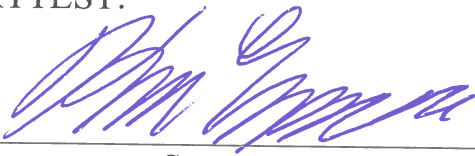
April 3, 2024

Adopted this 3<sup>rd</sup> day of April 2024



Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:



Secretary

Exhibits:

Exhibit A – Conditions of Approval--Deleted

Exhibit B – Findings/Considerations--Modified

Exhibit C – Mitigation Monitoring Program--Deleted



**Modified Findings and Considerations Per Planning Commission Action (4/3/24)**  
**Planning Commission Resolution #4129**  
**General Plan Amendment #23-05**  
**Zone Change #434**  
**Establishment of Planned Development (P-D) #81**

**FINDINGS/CONSIDERATIONS:**

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

- A) If the General Plan Amendment is approved, the proposed project would comply with the General Plan land use designation of Business Park (BP), which allows parking facilities as a principally permitted use and self-storage facilities with a Site Plan Review permit. The project would also comply with the Zoning classification of Planned Development (P-D) #81 with the change in land use designation from Low Medium Density Residential to Self-Storage.

The proposed project, with conditions of approval, will help achieve the following General Plan land use policies:

Policy L-3.2: Encourage Infill Development and a Compact Urban Form

The proposed project would develop an approximate 3.50-acre site that has been vacant for decades. Developing this site addresses some maintenance issues associated with undeveloped parcels, such as overgrown weeds (fire hazard), vandalism, and loitering which could impact neighboring parcels. In addition, infill development is an efficient use of development that utilizes existing infrastructure within City limits as opposed to annexing land that requires expanding City infrastructure and services.

**General Plan Amendment - Findings**

- B) Chapter 20.82 (General Plan Amendments) outlines procedures for considering General Plan Amendments, but does not require any specific findings to be made for approval. However, Planning practice would be to provide objective reasons for approval or denial. These findings can take whatever form deemed appropriate by the Planning Commission and City Council. Based on State law and case law, the following findings are recommended:

*1. The proposed amendment is deemed to be in the public interest.*

The proposed amendment is not deemed to be in the public interest because it ~~would convert land available for housing to a commercial use. will provide employment, and storage options so that residential properties are not overcrowded with personal items resulting in blight from items stored outside.~~

2. *The proposed amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.*

As shown under Finding A, the proposal meets some of the General Plan Goals and Policies regarding promoting infill developments. The proposed project would comply with the General Plan designation of Business Park (BP) if the General Plan Amendment is approved, but the Planning Commission is recommending denial.

3. *The potential impacts of the proposed amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.*

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 as a whole. However, the proposed amendment would result in the loss of land available for housing. ~~the surrounding uses could be impacted by the development, therefore, conditions are included to minimize any possible impacts.~~

4. *The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).*

The proposed General Plan Amendment has been processed in accordance with all applicable California Government Code sections. In addition, Planning staff has conducted an environmental review (#23-45) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Mitigated Negative Declaration (see Attachment J of Planning Commission Staff Report #24-256) has been recommended.

### **Zoning Code Compliance for Planned Development Establishments**

- C) Per Merced Municipal Code Section 20.20.20 (J) Planned Development (P-D) Zoning Districts, an application for Planned Development Establishment or Revision with an accompanying Preliminary Site Utilization Plan can only be approved if the following findings can be made, but the Planning Commission is recommending denial.

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 Planned Development would change the land use designation for the approximately 3.50-acre subject site from Low Medium Density Residential (LMD) to Self-Storage. This use would be consistent with the General Plan if General Plan Amendment #23-05 is approved. As described in Finding A above, the project would help achieve Land Use Policy L-3.2 by encourage in-fill development.

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

The project site is approximately 3.50 acres and would be used for 681 storage units and 74 long-term parking spaces for boats and recreational vehicles. The storage facility is similar in size to other existing storage facilities in the community (Simply Space Self Storage, Central Self Storage, Cal Storage, etc.) so it is considered adequate in size and shape to accommodate the proposed land uses.

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

The proposal would have adequate access to existing and planned streets and highways. The proposed development would have access to E. Olive Avenue through a driveway along the northern property line. No additional driveways are proposed. The project does not require the construction of additional streets. However, because the vehicles coming to the site could cause a stacking problem on E. Olive Avenue, a condition requiring sufficient stacking space for vehicles to prevent stacking onto E. Olive Avenue is recommended along with possibly widening the driveway along E. Olive Avenue (refer to Conditions #12 and #32 of Planning Commission Resolution #4130 for the Conditional Use Permit #1276, Site Plan Review Permit #538, and Minor Use Permit #24-02 at Attachment B of Planning Commission Staff Report #24-256). However, the Planning Commission expressed concerns about the increased traffic, especially with large vehicles, in a residential neighborhood.

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

City utilities such as water and sewer main lines as well as storm drain lines are directly available to the north at E. Olive Avenue. These lines are adequate to serve the project.

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.*

~~There may be some temporary impacts such as vibration, noise, and dust during construction. , but as described under Finding F—Neighborhood Impact, the proposed development would not have a substantial adverse effect on surrounding property, will be compatible with the existing and character of 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.*

The proposed development provides efficient use of land optimizing the property by proposing a zero-lot line development with no setbacks along the eastern, western, and southern property lines. This is attainable through specific development standards proposed as part of the Establishment of Planned Development (P-D) #81. These standards are provided at Attachment I of Planning Commission Staff Report #24-256.

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 development consists of a self-storage facility along the northern portion of the property. The southern portion of the parcel would have long-term parking for boat and recreational vehicles. This self-storage facility and long-term parking lot could remain independent, capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development.

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.*

As shown on Attachment G of Staff Report #24-256 the proposal includes decorative block building walls along the western and eastern property lines that include a mixture of color finishes that go beyond a standard concrete masonry unit wall.

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 district.*

The proposed use would allow development of the entire parcel, and not just the northern portion. By allowing a deviation in the setback requirements, the proposed development is able to provide long-term vehicle parking and use an attractive design and color palette for the buildings on the northern portion of the site. Without the deviation in the setback requirement, the development would not be able to provide sufficient storage spaces to make the development feasible. This could lead to the site remaining empty and susceptible to blight.

An Establishment of Planned Development would allow this development to deviate from the standard zoning requirements, allowing the project to move forward in a more streamlined approach. Planned Developments were specifically designed to allow such unique designs.

### **Planned Development Standards**

- D) Specific development standards are typically established within a Planned Development. The applicant could propose a standard City Zoning classification; however, by proposing a Planned Development, the developer has the opportunity to request unique development standards that deviate from the City's typical requirements. Through the Establishment of a Planned Development, the developer has requested a reduction in the number of parking spaces required, a reduction in interior and exterior yard setbacks, and the use of an alternate material for the boat and recreational vehicle parking surface (refer to Attachment I) and are shown below.

**DEVELOPMENT STANDARDS FOR OLIVE AVENUE SELF-STORAGE & BOAT/RV LONG TERM PARKING FACILITY**

	<b>P-D #81</b>
Exterior yard/front setbacks for all primary and secondary structures (from north property lines)	<b>15-Feet</b>
Interior yard/side and rear setbacks for all primary and secondary structures (from east, west, and south property lines)	<b>Zero-Lot Line</b>
Boat & RV Parking Surface	<b>Gravel</b>
Off-Street parking for Self-Storage and Boat/RV Long Term Parking Facility	<b>5 parking stalls</b>

The parking reduction would allow the development to provide 5 parking spaces for customers and employees instead of 20 spaces as required by the Zoning Ordinance (refer to the Site Plan at Attachment E).

The applicant is also requesting a mostly Zero Lot Line development with no setbacks for the side or rear property lines, and a minimum 15-foot-setback from the front property line along E. Olive Avenue. For the recreational vehicle/boat parking surface area, the applicant is requesting that the drive aisles be finished with an impervious surface and that the parking stalls be made out gravel or similar surface rather than typical pavement or other type of impervious surface. However, given concerns with gravel and dust pollution and oil contamination, staff is including Condition #33 prohibiting the use of gravel and requiring an impervious surface as approved by the City Engineer.

**Traffic/Circulation**

- E) The proposed development includes a self-storage facility with approximately 681 storage units, and a long-term boat and recreational vehicle parking facility with approximately 74 spaces on an approximately 3.50-acre vacant parcel at 470 E. Olive Avenue within northeast Merced. The project site fronts an arterial road (E. Olive Avenue). Vehicle access would be available from a driveway along E. Olive Avenue. The nearest major north-south roads being G Street (arterial road) and Parsons Avenue (arterial road) are designed to carry large volumes of traffic traveling throughout the community. G Street provides access to Highway 99 that connects Merced with other regional communities throughout the State.

## Vehicle Miles Traveled

The Office of Planning and Research (OPR) advisory suggests that the Vehicle-Miles Traveled (VMT) contribution of small projects need not be considered significant. OPR suggests that agencies can find projects generating fewer than 110 vehicles trips a day to be less than significant. The proposed self-storage project is comprised of land uses estimated to generate 90 vehicle trips per day. As this trip generation estimate falls below the 110 daily trip threshold identified by OPR, the proposed project qualifies as a “small project” that can be assumed to have a less than significant impact on regional VMT.

## Improvements

The development does not require the construction of any streets. Staff is of the opinion that the existing streets can adequately serve the development. Given the loading/unloading of storage facilities and the long-term boat and recreational vehicle parking spaces, staff anticipates that large trucks and vehicles will be entering and existing the site. To prevent these large vehicles from stacking onto E. Olive Avenue and creating traffic congestion, staff is requiring that the developer work with a traffic engineer to determine the sufficient distance for vehicle stacking space to enter the site (Condition #12 of Planning Commission Resolution #4130 – Attachment B of Planning Commission Staff Report #24-256). This may require making minor modifications to the site plan that would need to be reviewed and approved by the Director of Development Services. The Planning Commission expressed concern over the increase in commercial vehicle traffic, especially larger vehicles, in a residential neighborhood.

## Neighborhood Impact

- F) The uses surrounding the subject site include Burbank Park to the west, Luther Burbank Elementary School to the south, Christian Life Center to the east, and single-family homes to the north across E. Olive Avenue. The subject site is designated Low Medium Residential (LMD) as a lower impact land use designation that is compatible with the surrounding uses. ~~Even though the applicant is proposing a General Plan designation of Business Park, the proposed use of self-storage and boat/RV parking is expected to produce less traffic than the existing surrounding uses of a school, park, and religious facility; thus, would not significantly alter the traffic patterns throughout the neighborhood.~~

Even though the subject site is surrounded by residential zones, there are no actual single or multi-family homes adjacent to the subject site. There is buffer of approximately 175 feet between the subject site and the homes to the west (with a park in between), and approximately 375 feet between the subject site and the

homes to the east (with a church in between). To create additional compatibility with the surrounding sites to help reduce concerns regarding noise, lighting, and privacy, there are conditions found in Planning Commission Resolution #4130 requiring the parking lot lights and building lights be shielded so that lighting does not “spill-over” to adjacent parcels (Conditions #24), controlling hours of operation to allow operation only between 7 a.m. and 10 p.m. (Condition #26), and prohibit dwelling within storage facilities or within any recreational vehicle or boats parked onsite (Condition #27). In addition, the 12-to 14-foot-tall block walls along portions of the eastern and western property lines should reduce noise and privacy concerns.

Public hearing notices were sent to all property owners within 300 feet of the project site. At the time that this report was prepared, the City had not received any comments regarding this project. However, one resident spoke in opposition to the project at the April 3, 2024, Planning Commission public hearing.

The Planning Commission voted to recommend denial of the project due to concerns about increased commercial traffic with large vehicles in a residential area and the loss of land available for housing. Overall, the Planning Commission indicated that the site was better suited for housing (even higher density) than a self-storage facility.

### **Affordability Requirements**

- G) In 2023, the City Council updated the City’s Reginal Housing Needs Allocation Unit Production Plan. A housing affordability requirement is triggered by two qualifiers that need to be met: entitlement type and number of units created. For single-family residential developments, the affordability requirement is triggered by a legislative action agreement (through annexations, general plan amendments, site utilization plan revisions, or zone changes) for projects with over 60 single-family homes (multi-family residential projects are exempt). The proposed singular (1) live/work unit for the manager of the self-storage facility is exempt from having to provide affordable units, as even though the proposal does require a legislative action agreement, it contains less than the number of units needed to trigger the affordability requirement.

### **Housing Opportunity**

- H) As noted under Finding A, the subject site is currently zoned Low Medium Density Residential (R-2). As such, zoning at this location currently allows for single-family homes and duplexes at a density of 6-12 residential units per acre. Thus, by changing the land use designation to Business Park, the site loses the potential of having up to 40 residential units constructed at its current designation.



The subject site is not part of the City's current Housing Element Cycle, but it has been identified in the Draft Multi-Jurisdiction Housing Element as a site that could potentially be rezoned for higher density in order to meet the City's Regional Housing Need Allocation (RHNA) obligations for the 2024 Housing Element cycle. If the site were to be rezoned to High Density Residential (R-4), it would qualify for 24 to 36 dwelling units per acre, allowing a maximum of 126 dwelling units. The City's RHNA plan has a built-in contingency to provide more units than the City's RHNA requirement, so the City should still be able to meet its housing obligation without this site; but since the other required rezones have not yet been considered, that cannot be guaranteed.

Should the rezone not be approved, staff believes this site would be a good site for upzoning to high-density residential given that the site fronts a major arterial road (E. Olive Avenue), and its close proximity to multiple shopping centers within 750 feet of the site, along with the adjacent park, and school. The Planning Commission cited the loss of land for housing and the suitability of this site for housing as reasons for recommending denial.

### **Environmental Clearance**

- I) Infill projects over 5 acres or projects that don't comply with Zoning/General Plan designations require an Initial Study, per the California Environmental Quality Act (CEQA). In this case, the project is under 5 acres (at 3.50 acres), but the site is not consistent with Zoning or the General Plan requiring an Initial Study. An Initial Study includes a wide range of analysis required by the State covering an array of subjects including, but not limited to, impacts on vehicle miles traveled, air quality, biological resource, public services, cultural resources, and City utilities. Planning staff has conducted an environmental review of the project in accordance with the requirements of CEQA, and concluded that Environmental Review #23-45 results in a Mitigated Negative Declaration as the proposal would have an effect on the environment, but could be mitigated with certain measures (Attachments J and K of Planning Commission Staff Report #24-256) and does not require the preparation of an Environmental Impact Report. A copy of the Initial Study with a Mitigated Negative Declaration can be found at Attachment J of Planning Commission Staff Report #24-256.
  
- J) Added Finding J: On April 3, 2024, after holding a duly noticed public hearing, the Planning Commission voted unanimously (7-0) to recommend denial of the General Plan Amendment, Zone Change, and Planned Development Establishment due to concerns about the loss of land available for housing; traffic concerns, especially with large vehicles; neighborhood compatibility; and the site being better suited for housing than a self-storage facility.

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

**Resolution #4130**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of April 3, 2024, held a public hearing and considered **Conditional Use Permit #1276, Site Plan Review Permit #538, and Minor Use Permit #24-02** initiated by Unite Security Company, LLC, on behalf of Nicholas Mary Lee, Trustee, property owner for the property located at 470 E. Olive Avenue. The Site Plan Review Permit would allow the development of a self-storage facility (approximately 681 storage units) with long-term boat and recreational vehicle parking spaces (approximately 74 parking spaces). The Conditional Use Permit would allow a live/work unit for an onsite manager for the self-storage facility. The Minor Use Permit would be for interface review to allow commercial development adjacent to or across from a Low Density Residential (R-1-6) Zone. The approximate 3.50-acre subject site is generally located on the south side of Olive Avenue, approximately 500 feet west of Oleander Avenue. The subject site is more particularly described as “Parcel 1” as shown on the map entitled “Parcel Map for Fred Walker, JR.” recorded in Book 29, Page 40, in Merced County Records; also known as a portion of Assessor’s Parcel Number (APN) 007-050-009; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through L of Staff Report #24-256 as modified and additional Finding M (Modified Exhibit B of Planning Commission Resolution #4130); and,

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

**NOW THEREFORE**, after reviewing the City’s Initial Study and Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby deny a Mitigated Negative Declaration regarding Environmental Review #23-45, and deny Conditional Use Permit #1276, Site Plan Review Permit #538, and Minor Use Permit #24-02.

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

- AYES: Commissioners Delgadillo, Camper, Gonzalez, Thao, Smith, Ochoa, and Chairperson Harris
- NOES: None
- ABSENT: None
- ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4130

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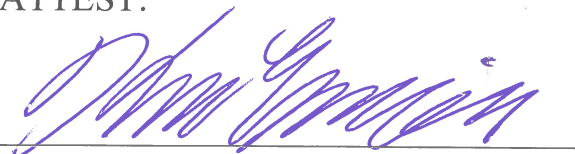
April 3, 2024

Adopted this 3<sup>rd</sup> day of April 2024



Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:



Secretary

Exhibits:

Exhibit A – Conditions of Approval--Deleted

Exhibit B – Findings/Considerations--Modified

Exhibit C – Mitigation Monitoring Program--Deleted

**Modified Findings and Considerations Per Planning Commission Action (4/3/24)**  
**Planning Commission Resolution #4130**  
**Conditional Use Permit #1276**  
**Site Plan Review Permit #538**  
**Minor Use Permit #24-02**

**FINDINGS/CONSIDERATIONS:**

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

- A) If the General Plan Amendment is approved, the proposed project would comply with the General Plan land use designation of Business Park (BP) which allows parking facilities as a principally permitted use and self-storage facilities with a site plan review permit. The project would also comply with the Zoning classification of Planned Development (P-D) #81 if the change in land use designation is approved from Low Medium Density Residential to Self-Storage.

The proposed project, with conditions of approval, will help achieve the following General Plan land use policies:

*Policy L-3.2: Encourage Infill Development and a Compact Urban Form*  
The proposed project would develop an approximate 3.50-acre site that has been vacant for decades. Developing this site addresses some maintenance issues associated with undeveloped parcels such as overgrown weeds (fire hazard), vandalism, and loitering which could impact neighboring parcels. In addition, infill development is an efficient use of development that utilizes existing infrastructure within City limits as opposed to annexing land that requires expanding City infrastructure and services.

**Traffic/Circulation**

- B) The proposed development includes a self-storage facility with approximately 681 storage units, and a long-term boat and recreational vehicle parking facility with approximately 74 spaces on an approximately 3.50-acre vacant parcel located in at 470 E. Olive Avenue. The project site fronts an arterial road (E. Olive Avenue). Vehicle access would be available from a driveway along E. Olive Avenue. The nearest major north-south roads being G Street (arterial road) and Parsons Avenue (arterial road) are designed to carry large volumes of traffic traveling throughout the community. G Street provides

access to Highway 99 that connects Merced with other regional communities throughout the State.

### Vehicle Miles Traveled

The Office of Planning and Research (OPR) advisory suggests that the Vehicle-Miles Traveled (VMT) contribution of small projects would not be considered significant. OPR suggests that agencies can find projects generating fewer than 110 vehicles trips a day to be less than significant. The proposed mini-storage project is comprised of land uses estimated to generate 90 vehicle trips per day. As this trip generation estimate falls below the 110 daily trip threshold identified by OPR, the proposed project qualifies as a “small project” that can be assumed to have a less than significant impact on regional VMT.

### Improvements

The development does not require the construction of any streets. Staff is of the opinion that the existing streets can adequately serve the development. Given the loading/unloading of storage facilities and the long-term boat and recreational vehicle parking spaces, staff anticipates that large trucks and vehicles will be entering and existing the site. To prevent these large vehicles from stacking onto E. Olive Avenue and creating traffic congestion, staff is requiring that developer work with a traffic engineer to determine the sufficient distance for vehicle stacking space to enter the site (Condition #12 of Planning Commission Resolution #4130 – Attachment B of Planning Commission Staff Report #24-256). This may require making minor modifications to the site plan that would need to be reviewed and approved by the Director of Development Services. However, the Planning Commission expressed concerns about the increase in commercial traffic, especially large vehicles, in this residential neighborhood.

### **Public Improvements/City Services**

- C) Any damaged or missing public improvements shall be repaired if the permit value of the project exceeds \$100,000.00. The need for repairs or replacement of any missing improvements would be evaluated at the building permit stage by the City’s Engineering Department (Condition #13).

### **Parking**

- D) Per Merced Municipal Code Table 20.38 -1- Off Street Parking Requirements, the parking requirements for Public/Mini Storage is 1 parking stall per 50

**MODIFIED EXHIBIT B PER PLANNING COMMISSION ACTION (4/3/24)**  
**OF PLANNING COMMISSION RESOLUTION #4130**

storage units or 5 spaces, whichever is greater. Based on the proposed 681 storage units, the site is required to have at least 14 parking stalls. With the office and work/live unit the site should have a minimum of 20 parking spaces. The proposed parking spaces do not satisfy standard parking requirements, the developer is proposing the planned development parking standards for this site require at least 5 parking stalls. This is justified by the peak hour trips of all vehicles during the busiest time of the day based on the traffic study prepared for the Initial Study found at Attachment J of Planning Commission Staff Report #24-256.

### **Site Design**

- E) The proposed development includes a self-storage facility with approximately 681 storage units, and a long-term boat and recreational vehicle storage facility with approximately 74 parking spaces (Attachment E). The northern portion of the development along E. Olive Avenue would be reserved for the self-storage component of the business and would be accessible through a driveway along E. Olive Avenue. The storage units would range in dimensions between 5 feet by 10 feet, and 10 feet by 30 feet. The applicant is proposing a zero-lot line development (no side, or rear yard setbacks) with storage units on portions of the east and west property lines. In these areas, the back of the storage buildings would be made out of concrete blocks and be between 12 and 14 feet tall. Other portions of the south, west, and east property lines would be secured with a wrought iron perimeter fence (only along the segment for boat and recreational vehicle parking only). The entrance to the project site would be secured with gates that would be equipped with electronic opening devices to restrict access (about 65 feet from the entry drive aisle).

At the center of the site would be a 2-story storage building that is approximately 27 feet tall. The building exterior finish would consist of vertical and horizontal ribbed metal panels. In addition, there would be several windows along all four elevations to allow natural light, and metal awnings about the ground floor entrance to protect against weather elements. However, given the subject site is surrounded by residential zones, staff is including a condition requiring the elevations of the 2-story storage facility be finished with stucco to blend in with the neighborhood (Condition #34).

The southern portion of the subject site (approximately 1 acre) would be dedicated for long-term boat and recreational vehicle storage with

approximately 74 parking stalls with spaces ranging in size between 10 feet by 28 feet, and 12 feet by 40 feet. The long-term parking stalls are proposed to consist of gravel or other similar surface, but the drive aisles to these stalls would be paved with an impervious surface. However, given concerns with gravel and dust pollution and oil contamination, staff is including Condition #33 prohibiting the use of gravel and requiring an impervious surface as approved by the City Engineer.

### **Elevations**

- F) The elevations shown at Attachment G illustrate the proposed structures for this project. The ground floor leasing office would be approximately 1,200 square feet large with a live-work unit for the on-site manager on the second floor (2 bed/1 bath). This structure would be approximately 26 feet tall with the exterior consisting of terracotta tile roofing, stucco, stone veneer accents, and storefront windows.

The storage units along the east and west property lines would be about approximately 10 feet tall and range in dimensions between 10 feet by 15 feet, and 10 feet by 20 feet. The storage units would have a metal finish, and some buildings would have roll-up garage doors. A portion of the northern, western, and eastern property lines would be screened with the back of the storage units which would be made out of decorative concrete blocks with a base height of 12 feet that jets up to approximately 14 feet. The block building wall would be an off-white color with grey ribbon accents along the top of the building wall. Cultured stones would be used throughout the wall to add architectural interest. As required by Condition #10 of Planning Commission Resolution #4130, landscaping or trees would be installed along the northern property line (along E. Olive Avenue) to soften the visibility of the site and discourage graffiti along the block building wall.

### **Landscaping**

- G) The proposal does not include a landscape plan, but all future landscaping for mulch, shrubs, turf, or trees should be drought tolerant and all irrigation systems must comply with the latest requirements for water conservation (Condition #8). In addition, parking lot trees shall be installed as required by the City's Parking Lot Landscape Standards at a minimum ratio of one tree for every six parking spaces. Parking lot trees shall be selected from the City's approved tree list, providing a 30-foot minimum canopy at maturity

(Condition #16). If needed, street trees would be installed along E. Olive Avenue as required by City standards. All trees shall be planted away from the City's 10-foot visual corner triangle area.

### **Neighborhood Impact**

- H) The uses surrounding the subject site include Burbank Park to the west, Luther Burbank Elementary School to the south, Christian Life Center to the east, and single-family homes to the north across E. Olive Avenue. The subject site is designated Low Medium Residential (LMD) as a lower impact land use designation that is compatible with the surrounding uses. ~~Even though the applicant is proposing a General Plan designation of Business Park, the proposed use of self-storage and boat/RV parking is expected produce less traffic than the existing surrounding uses of a school, park, and religious facility; thus, would not significantly alter the traffic patterns throughout the neighborhood.~~

Even though the subject site is surrounded by residential zones, there are no actual single or multi-family homes adjacent to the subject site. There is buffer of approximately 175-feet between the subject site and the homes to the west (with a park in between), and approximately 375 feet between the subject site and the homes to the east (with a church in between). To create additional compatibility with the surrounding sites to help reduces concerns regarding noise, lighting, and privacy, there are conditions requiring the parking lot lights and building lights be shielded so that lighting does not “spill-over” to adjacent parcels (Conditions #24); controlled hours of operation only allowing operation between 7 a.m. and 10 p.m. (Condition #26), and prohibit dwelling within storage facilities or within any recreational vehicle or boats parked onsite (Condition #27). In addition, the 12 to 14-foot-tall block walls along the eastern and western property lines should reduce noise and privacy concerns.

Public hearing notices were sent to all property owners within 300 feet of the project site. At the time that this report was prepared, the City had not received any comments regarding this project. However, one resident spoke in opposition to the project at the Planning Commission public hearing on April 3, 2024.



The Planning Commission voted to recommend denial of the project due to concerns about increased commercial traffic with large vehicles in a residential area and the loss of land available for housing. Overall, the Planning Commission indicated that the site was better suited for housing (even higher density) than a self-storage facility.

### **Conditional Use Permit and Minor Use Permit Findings**

I) In order for the Planning Commission to approve or deny a conditional use permit or minor 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. The Planning Commission voted to deny the applications.

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.*

As shown under Finding A, if the General Plan Amendment is approved, the proposed project would comply with the General Plan land use designation of Business Park (BP) which allows parking facilities as a principally permitted use and self-storage facilities with a site plan review permit. The project would also comply with the Zoning classification of Planned Development (P-D) #81 if the Establishment of Planned Development is approved.

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 shown under Finding E—Site Design, Finding F—Elevations, and Finding H—Neighborhood Impact, staff believes that the location, size, design, and operating characteristics of the proposal would be compatible with existing and future land uses in the vicinity. The proposed operation is relatively quiet and generates low traffic counts. In addition, Condition #26 limits the business hours of operation between 7 a.m. and 10 p.m. daily.~~  
The Planning Commission did not believe that the self-storage facility was compatible with the surrounding uses and neighborhood and voted to deny the project.

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

**MODIFIED EXHIBIT B PER PLANNING COMMISSION ACTION (4/3/24)**  
**OF PLANNING COMMISSION RESOLUTION #4130**

This proposal will require building permits with compliance with the California Building Code. During plan check staff will review the proposal for matters concerning health and safety. With approval of the conditions within this resolution, staff does not anticipate that the approval of this request would adversely affect the public health, safety, and welfare of the City.

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

The proposed development is considered in-fill development which is properly located within the City and adequately served by existing services and infrastructure such as street access, sewer connections, water connections, and other utilities.

### **Site Plan Review Findings**

- J) A Site Plan Review Permit is required for this project for two reasons: 1) to develop a project within a Planned Development Zone; and, 2) because a public/mini storage is listed as a use that requires site plan review under the Land Use Table 20.10-1 – Permitted Land Uses in the Commercial Zoning Districts. This section applies to Planned Development Zones with General Plan designations of Business Park, unless specific land uses are identified by the Site Utilization Plan. Therefore, in order for the Planning Commission to approve or deny a site plan review permit, they must consider the following criteria and make findings to support or deny each criteria. The Findings required by MMC Section 20.68.050 (F) “Findings for Approval for Site Plan Review Permits” are provided below, along with recommended reasons to support each finding. The Planning Commission voted to deny the project.

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

As described in Finding A above, the project meets the requirements of the General Plan if the proposed General Plan Amendment for this development is approved. There are no other area, specific, or neighborhood plans for this area.

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

Approval of the proposed Site Plan Review Permit and implementation of the conditions of approval for CUP #1276, Site Plan Review #538,

**MODIFIED EXHIBIT B PER PLANNING COMMISSION ACTION (4/3/24)**  
**OF PLANNING COMMISSION RESOLUTION #4130**

and Minor Use Permit #24-02 would bring the project into compliance with the applicable provisions of the Zoning Ordinance and Municipal Code.

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

~~There may be some temporary impacts such as vibration, noise, and dust during construction, but as shown under Finding E – Site Design, Finding F – Elevations, and Finding H – Neighborhood Impact, staff believes that the location, size, design, and operating characteristics of the proposal would be compatible with the existing and future land uses in the vicinity. Therefore, with the implementation of the conditions of approval, the proposed project would not interfere with the enjoyment of the existing and future land uses in the vicinity. The Planning Commission did not believe that the self-storage facility was compatible with the neighborhood and that the site was better suited to housing.~~

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

As shown under Finding F – Elevations, the applicant is proposing a typical design for a mini storage with a mixture of materials, colors, and textures. The building exterior would consist of a stucco finish with stone veneers. A decorative block wall would be installed along the north elevation (E. Olive Avenue) with a variety of colors and materials. All structures onsite would generally consist of a uniform design and aesthetic. Staff believes that the proposed architectural design makes use of appropriate materials, texture, and color.

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

The proposal does not include a landscape plan at the moment. Landscaping would be reviewed at the building permit stage. Trees would be planted throughout the parking lot and along street frontages (if required by Public Works). Parking lot trees would have to conform with minimum City Standards regarding quantity (1 tree per 6 required

parking stalls), gallon size (15 gallons), and branch width (30-foot canopy). Parking lot trees shall be from the City’s list of approved tree species found within City Engineering Standards. Street trees shall be reviewed by the Engineering and Public Works Departments to ensure conformance with City Standards in regard to species type, irrigation plan, and tree spacing. All landscaping must comply with local regulations and State regulations regarding water conservation, as found under Merced Municipal Code Section 20.36 – Landscaping, and affiliated sections found under the WELO Act (MMC 17.60).

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

The proposed project does not include any uses that would be detrimental to the public health, safety, and welfare of the City with implementation of the conditions of approval for the Conditional Use Permit, Site Plan Review Permit, and Minor Use Permit. Implementation of the conditions of approval and adherence to all Building and Fire Codes, and City Standards would prevent the project from having any detrimental effect on the health safety, and welfare of the City. However, the Planning Commission felt the site was better suited to housing than a self-storage facility.

### **Housing Opportunity**

- K) As noted under Finding A, the subject site is currently zoned Low Medium Density Residential (R-2). As such, zoning at this location currently allows for single-family homes and duplexes at a density of 6-12 residential units per acre. Thus, by changing the land use designation to Business Park, the site loses the potential of having up to 40 residential units constructed at its current designation.

The subject site is not part of the City’s current Housing Element Cycle, but it has been identified in the Draft Multi-Jurisdiction Housing Element as a site that could potentially be rezoned for higher density in order to meet the City’s Regional Housing Need Allocation (RHNA) obligations for the 2024 Housing Element cycle. If the site were to be rezoned to High Density Residential (R-4), it would qualify for 24 to 36 dwelling units per acre, allowing a maximum of 126 dwelling units. The City’s RHNA plan has a built-in contingency to provide more units than the City’s RHNA requirement, so the City should still

be able to meet its housing obligation without this site; but since the other required rezones have not yet been considered, that cannot be guaranteed.

Should the rezone not be approved, staff believes this site would be a good site for upzoning to high-density residential given that the site fronts a major arterial road (E. Olive Avenue), and its close proximity to multiple shopping centers within 750 feet of the site, along with the adjacent park, and school. The Planning Commission believed that the site was better suited for housing than a self-storage facility.

### **Environmental Clearance**

- L) Infill projects over 5 acres or projects that don't comply with Zoning/General Plan designations require an Initial Study, per the California Environmental Quality Act (CEQA). In this case, the project is under 5 acres (at 3.50 acres), but the site is not consistent with Zoning or the General Plan requiring an Initial Study. An Initial Study includes a wide range of analysis required by the State covering an array of subjects including, but not limited to, impacts on vehicle miles traveled, air quality, biological resource, public services, cultural resources, and City utilities. Planning staff has conducted an environmental review of the project in accordance with the requirements of CEQA, and concluded that Environmental Review #23-45 results in a Mitigated Negative Declaration as the proposal would have an effect on the environment, but could be mitigated with certain measures (Attachments J and K of Planning Commission Staff Report #24-256) and does not require the preparation of an Environmental Impact Report. A copy of the Initial Study with a Mitigated Negative Declaration can be found at Attachment J of Planning Commission Staff Report #24-256.
- M) Added Finding M: On April 3, 2024, after holding a duly noticed public hearing, the Planning Commission voted unanimously (7-0) to deny the Conditional Use Permit, Site Plan Review Permit, and Minor Use Permit due to concerns about the loss of land available for housing; traffic concerns, especially with large vehicles; neighborhood compatibility; and the site being better suited for housing than a self-storage facility.

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

**Resolution #4133**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of April 17, 2024, held a public hearing and considered **Conditional Use Permit #1275**, initiated by Marina Ochoa on behalf of Any Merced, Inc., property owner. This application involves a request to operate a food truck at 963 W. 16<sup>th</sup> Street. The subject site is generally located on the northeast corner of 16th Street and Q Street, within a Zoning Classification of Central Commercial (C-C) Zone; the subject site is more particularly described as Lot 013 of Block 122 as shown on the map entitled “Town of Merced” recorded in Volume 2, Page 12, in Merced County Records; also known as a portion of Assessor’s Parcel Number (APN) 031-122-013; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through J (Exhibit B) of Staff Report #24-324; 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 #24-02, and approve Conditional Use Permit #1275, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by reference.

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

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

NOES: None

ABSENT: None

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4133

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April 17, 2024

Adopted this 17<sup>th</sup> day of April 2024



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 #4133**  
**Conditional Use Permit #1275**

1. The proposed project shall be constructed/designed/operated as shown on the Site Plan (Attachment C of Staff Report #24-343), 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

EXHIBIT A  
OF PLANNING COMMISSION RESOLUTION #4133



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. The applicant shall comply with all City of Merced business licensing requirements and with all requirements of the Merced County Environmental Health Department.
8. No outdoor tables or chairs shall be permitted on the premises, unless otherwise approved by the Planning Department in consideration of all relevant parking and vehicle circulation areas on this site.
9. At least two tamperproof trash receptacles 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.
10. All signing shall be contained on the food truck. 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 on or off the site.
11. The hours of operation shall be any span of time between 7:00 a.m. and 9:00 p.m. and the business may be open 7 days a week. However, 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 food truck shall close at sundown.
12. If the business owners wish to extend the business hours in the future, they must obtain approval from the Development Services Director or designee, or if deemed necessary by the Development Services Director or designee, be referred back to the Planning Commission for action.

EXHIBIT A  
OF PLANNING COMMISSION RESOLUTION #4133

13. Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or alternative approved facility.
14. The applicant shall 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 #24-343, or as otherwise required by the WQCD.
15. 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.
16. 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.
17. In the future, if there are excessive calls for police assistance in the opinion of the Police Chief, 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 law enforcement. The business owner is responsible for maintaining the video surveillance equipment in an operable manner at all times.
18. The food truck shall be oriented perpendicular to the parking stalls to allow room for customers to gather without being in danger of collisions from vehicles entering/exiting the site.
19. It shall be the operator's responsibility to ensure all customers park in an orderly fashion and don't block the driveway entrances or interfere with other customers visiting the site.
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.

EXHIBIT A  
OF PLANNING COMMISSION RESOLUTION #4133

21. A minimum of 2 parking spaces on the site shall be dedicated to food truck customers. These spaces shall be located as close as possible to the food truck.
22. Food truck activities shall in no way interfere with the operation of any business on the lot, or nearby businesses, including noise, litter, loitering, and traffic circulation, refuse service, and public safety.
23. The owner shall ensure that restroom facilities are available for the employees. These restrooms shall be provided in a permanent building that meets the Health Department's requirements for distance from the business operation. Portable toilets shall not be allowed.
24. The mobile food vendor is prohibited from selling alcohol.
25. "No Loitering" signs shall be posted on the food truck and building onsite at specific locations approved by the City Police Department.

**Findings and Considerations  
Planning Commission Resolution #4133  
Conditional Use Permit #1275**

**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 classification of Central Commercial District (C-C), with approval of this Conditional Use Permit.

**Traffic/Circulation**

- B) The applicant is proposing to locate the food truck on the north side of a property located at 963 W. 16<sup>th</sup> Street. The parking on this property supports the Gas & Save gas station (Attachment C of Staff Report #24-343). The food truck would be located about 25 feet from the nearest driveway along Q Street. The food truck would be oriented perpendicular to the adjacent parking stalls (Condition #18 of Staff Report #24-343) in a manner that does not block any driving aisles and provides space for customers to gather around the food truck without backing into vehicle access points. Orienting the food truck in this manner allows vehicles to enter and exit the subject site without impediments. In addition, the applicant shall be required to preserve access for the Refuse Department so that their trucks can access this site and serve this property (Condition #22 of Staff Report #24-343).

**Parking**

- C) The subject site must meet the minimum parking requirements for the existing businesses onsite and the proposed food truck. This parking lot is used by Gas & Save which has a small gas station building and a metal awning all at 963 W. 16<sup>th</sup> Street. Gas stations with convenience markets require 3 parking spaces plus one parking stall per 250 square feet of floor area for the convenience market. A mobile food vendor is required to have a minimum of 2 parking stalls. Together, both uses would require a minimum of 10 parking stalls. The subject site meets this requirement by having 10 parking spaces. (Designated food truck parking stalls would be located adjacent to the east of the food truck.

### **Public Improvements/City Services**

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

### **Site Design**

- E) The subject site is located on the northeast corner of West 16<sup>th</sup> Street and Q Street. The subject site is a paved 0.24-acre parcel that is currently being used as rear parking for the Gas & Save business at 963 W. 16<sup>th</sup> Street. Vehicle access is available from driveways along 16<sup>th</sup> and Q Streets. Customer parking is available along the northern portion of the parcel, where it abuts the alley. As shown at Attachment C of Staff Report #24-343, the food truck (and customer parking stalls) would be located near the northern portion of the parcel and oriented in a manner that does not create congestion for customers driving to and from the site. The food truck is proposed to be located approximately 25 feet from the nearest driveway along Q Street. The property owner is not proposing to make any other modifications. Outdoor seating is prohibited (e.g., tables, umbrellas, chairs, etc.) as shown under Condition #8 of Staff Report #24-343, unless subsequently approved by the Planning Department. "No Loitering" signs shall be posted on the food truck onsite at specific locations approved by the City Police Department (Condition #25 of Staff Report #24-343).

### **Neighborhood Impact/Interference**

- F) The subject site is located on 16<sup>th</sup> Street, a busy street downtown, surrounded by a variety of commercial uses. Adjacent to the north of this property exists a vacuum and sewing machine repair shop. To the east is a tire installation business. Across 16<sup>th</sup> Street to the south of the site is a grocery store and a busy carwash facility. Given the existing traffic volumes and dense variety of commercial uses throughout the neighborhood, staff does not anticipate that this proposal would significantly change the neighborhood's character.

### **Signage**

- G) The food truck is not allowed any signs other than what is provided on the vehicle itself. Condition #10 of Staff Report #24-343 prohibits the use of any A-frame signs, inflatable signs, feather signs, pennants, or other freestanding signs.

## **Truck Details/Operation**

- H) The food truck is standard in appearance and size. It is approximately 8 feet wide by 23 feet long, and approximately 7 ½ feet tall. Per Code, the food truck can operate daily between 7:00 a.m. to 9:00 p.m. The food truck will sell Mexican food including, but not limited to, tacos, quesabirrias, and burritos. Trash receptacles will be provided to collect the plates, forks, aluminum foil, and paper bags that are typically used to serve these meals (Condition #9 of Staff Report #24-343). The sale of alcohol is prohibited (Condition #24 of Staff Report #24-343). Employee restrooms will be available inside the real estate office as allowed by the Health Department and agreed upon by the property owner (Condition #23 of Staff Report #24-343). Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or alternative approved facility (Condition #13 of Staff Report #24-343). The applicant shall 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 at Attachment D of Staff Report #24-343, or as otherwise required by the WQCD (Condition #14 of Staff Report #24-343).

## **Conditional Use Permit Findings**

- I) A Conditional Use Permit is required to allow mobile food vendors within the Central Commercial District 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 classification of Central Commercial District (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.

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 vendor is located within the City and can be adequately accessed through existing roads. The food truck would be self-contained with its own water and power and would not need to hook-up to City utilities. The 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 #24-343).