



COUNCIL INFORMATION REPORT

May 10, 2024

Congratulations, Dan McComb and Jeff Frederick

Great news from our Public Works department. Starting Monday, May 13, two hardworking individuals are stepping into new managerial roles: Dan McComb and Jeff Frederick.

Dan began his journey with the City on April 7, 2003, as a Refuse Equipment Operator Trainee. His experience and dedication have prepared him for his new role as the Public Works Manager for Refuse.

Meanwhile, Jeff has been a valuable member of the Public Works team for over twenty years. Now, he's stepping into the Public Works Manager—Tax Services role, using his knowledge of Public Works to improve our community services. Here's to continued success in your new roles.



Leadership Training

The Parks and Community Services department recently held training for adult staff, volunteers, and community leaders to increase their resources related to youth empowerment, team building, and community development strategies. Participants grow their confidence in teaching and leading groups on outdoor recreation trips and other activities. Training graduates also receive a two-year certification to take others camping via FamCamp®.



Parks and Community Services Staff Training

As summer programs approach, Parks and Community Services staff is engaging in training sessions to create enriching experiences for all program participants. These trainings help staff refine their skills and enhance their knowledge. With a focus on safety, inclusivity, and creativity, staff members provide memorable and impactful experiences for community members who participate in summer programs. The Parks and Community Services Team is gearing up to make this summer a truly unforgettable one for all involved.



Parks and Community Services Adult Softball League

Join the Parks and Community Services Adult Softball League for an exciting halfway mark of the season. Experience the crack of the bat and the cheers from the crowd as local teams showcase their skills and passion for the sport. Whether you're a seasoned fan or new to the game, support your community. Additionally, summer programs promise impactful experiences for everyone involved. Also, consider getting certified to lead camping trips through FamCamp®.



COME SUPPORT OUR
ADULT SOFTBALL LEAGUE

GAMES BEGIN @ 6PM

MEN'S DIVISION
TUE

COED DIVISION
THR

MERCED PARKS AND COMMUNITY SERVICES



Parks and Community Services Summer Programs

This summer, the Parks and Community Services department is thrilled to offer various sports programs for all ages.

Lace up your shoes and hit the court with Teal Top Hockey, where beginners and seasoned players alike can hone their skills and enjoy friendly competition.

Swing into action with HITS Tennis. HITS offers coaching for tennis enthusiasts of all levels.

For a mix of fun and fitness, join the Parks and Community Services team on the pickleball courts for matches and lively teamwork.

Summer camp promises weeks filled with adventure, games, crafts, and new friendships in the great outdoors.

With Teal Top Hockey, HITS Tennis, pickleball, and summer camp, there's plenty of excitement and opportunities to stay active with the Parks and Community Services department this summer.



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
 APPLAGATE 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



CITY OF MERCED
PICKLEBALL
 IMPROVE YOUR TECHNICAL SKILLS

SUMMER SESSIONS
 9AM-12PM | WED | 3RD-6TH
 1045 W. 25TH ST. MERCED, CA 95340
 (TEAL TOP NEXT TO KIDDLIELAND AT APPLAGATE PARK)

SESSION 1: JUNE 12TH - JULY 3RD
SESSION 2: JULY 10TH - JULY 31ST

FREE
 SPACE IS LIMITED

SCAN HERE FOR APPLICATION

PARKS & RECREATION OFFICE
 (209) 385-6855 • 632 W. 18th ST
 MONDAY-FRIDAY • 9AM-12PM & 1PM-5PM

REGISTER NOW



USTA NORCAL
CITY OF MERCED PARKS AND RECREATION
TENNIS
H.I.T.S.
 Honesty.Integrity.Teamwork.Sportsmanship.

HITS 1 (Beginner)
 Session 1: June 11th-20th
 Session 3: July 9th-18th

HITS 2 (Intermediate)
 Session 2: June 25th-July 2nd
 Session 4: July 23rd-Aug 1st

SUMMER SESSIONS
 9 AM - 12 PM | TUES. & THURS. | AGES: 6-10YRS
 1045 W. 25TH ST. MERCED, CA 95340
 (NEXT TO THE BASKETBALL COURT)

FREE
 Scan here for Application

PARKS & RECREATION OFFICE
 (209) 385-6855 • 632 W. 18th ST
 MONDAY-FRIDAY • 9AM-12PM & 1PM-5PM

PARKS AND COMMUNITY SERVICES

Save the Dates for Movies in the Park

Get ready to grab your blankets and popcorn because Movies in the Park is making a return this summer. Parks and Community Services’ outdoor cinema experience is back to enchant audiences under the stars.

Join the community for an evening filled with hits, timeless classics, and family favorites. So, mark your calendars and gather your friends and family for unforgettable nights of delight in the heart of nature.

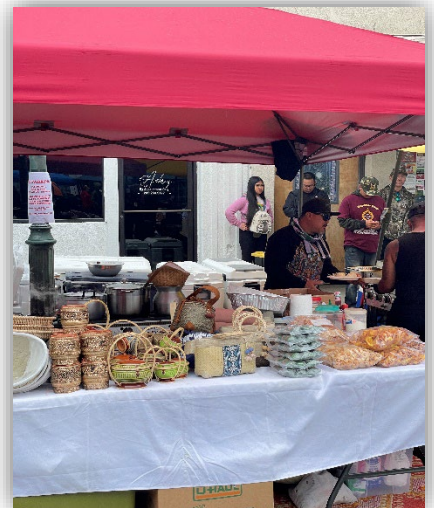
**Parks and Community Services
Presents**

**MOVIES
in the
PARK**

 June 14th Applegate Park (MOAT) W. 26 & O Street	 June 28th Joe Herb Park 2200 Yosemite Parkway	 July 12th McNamara Pool/ Grass Field 1040 Canal Street	 August 16th Rudolph Merino Park Pacific Dr. and El Redondo	
 August 30th Nannini Youth Sports Complex 1800 Wardrobe Ave.	 September 13th Merced Center Rooftop Garage 605 W.18th Street	 September 27th Bob Carpenter Park Parsons Ave. & Silverado Ave	For information about Sponsorship email us at kindavongl@cityofmerced.org 	 Instagram facebook

Celebrating Lao New Year

The Merced community celebrated Lao New Year this past Saturday. The event showcased the rich heritage of the Lao people and celebrated the ancient roots of the Lan Xang Kingdom. The day began with an almsgiving ceremony to Buddhist monks, followed by the symbolic Baci Blessing and cultural performances, delicious food, and a parade down main street.



Celebrating Earth Day

On Saturday, April 20th, the community celebrated Earth Day. The Bear Creek Yacht Club started the day with a creek clean-up.

Thanks to contributions from our vendors. Their resources and donated prizes allowed us to have raffle drawings every 30 minutes for our community members to enjoy. A special note of gratitude is extended to Valerie Thorsen, whose partnership elevated the event, and Dawn Trook's "Waterheart," an interactive children's performance and walk-through water experience.

Congratulations to artist Karen McComb, the winner of the Earth Day flyer contest.

The Earth Day event was a celebration filled with enjoyment and memorable moments.



Welcome to Downtown Merced!

The City of Merced extends a warm welcome to Assemblywoman Esmeralda Soria and her staff at their new location on 512 W. 18th Street and to Liv & Lex Retail Boutique at 523 W. Main Street. This week, city officials and community members celebrated their Grand Openings and welcomed these establishments to Downtown Merced.



Attention Merced Residents,

Continuing our dedication to our community’s welfare, we’re providing a summary of key statistics from April 2024. Here are important highlights to note:

- Dispatch Calls: Our team responded to 5,699 calls for police assistance.
- Arrests Executed: Police officers effectively executed 250 arrests.
- Handling Vehicle Incidents: Officers diligently attended to 170 vehicle accidents, ensuring swift response and assistance.
- Traffic Citations: Officers issued 259 traffic citations.
- Firearms Retrieval: A significant accomplishment was the recovery of 16 firearms, contributing to our efforts to mitigate potential risks to public safety.

Emphasizing Transparency: Openness plays a crucial role in building trust, ensuring accountability, and enhancing the connections within our community.

Ensuring your safety is our top priority, and we appreciate your cooperation in this collective effort.

In service, Chief Stanfield





BIKE TO WORK
7-10am

MAY
17

Stop by an energizer station on your way to work (or any place you are riding!) to pick up some bike related goodies and a snack!

Locations:
Bob Hart Square in Downtown Merced
Kevin's Bikes - 2820 G Street in the Bear Creek Galleria

MERCEDBICYCLECOALITION.ORG



MAY
18 **RIDE WITH THE MAYOR**

Bob Hart Square
Sign in 8:30am • Ride at 9am

Enjoy a leisurely ride on Merced's beautiful bikeways, with Mayor Matt Serratto. Meet at Bob Hart Square in downtown Merced and sign in at 8:30am. Ride starts at 9am and ends with a refreshment stop. Free bike related goodies while supplies last!

MERCEDBICYCLECOALITION.ORG

Multijurisdictional Housing Element
The Public Review Draft for the Multijurisdictional Housing Element will be posted on the City's website and a link will be shared on our social media platforms on Monday, May 13, 2024. We welcome your review and look forward to your comments.



City of Merced
MEMORANDUM

DATE: May 9, 2024
TO: City Council
FROM: Kim Espinosa, Director of Development Services
SUBJECT: Actions at the Planning Commission Meeting of May 8, 2024

At their meeting of May 8, 2024, the Commission heard and approved Commercial Cannabis Business Permits #24-01 and #24-02 to permit the manufacturing and distribution of cannabis on a 43,045 square-foot-vacant lot at 847 Beechcraft Avenue.

The Commission heard and approved Vesting Tentative Subdivision Map #1330 to subdivide approximately 35 acres into 215 single-family lots ranging in size from approximately 2,200 square feet to approximately 13,000 square feet, generally located at the southwest corner of M Street and Bellevue Road.

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 #4135

WHEREAS, the Merced City Planning Commission at its regular meeting of May 8, 2024, held a public hearing and considered **Commercial Cannabis Business Permits #24-01 and #24-02**, initiated by Oktay Senvardarli (Oak Senvar) and Muhamed Almutarreb for Moak, Inc., on behalf of Moak, Inc., property owners. This application is to permit to manufacture and distribute cannabis-based products at 847 Beechcraft Avenue using a 43,045-square-foot vacant lot. The property is zoned Light Industrial (I-L), with a General Plan designation of Manufacturing Industrial (IND); also known as Assessor’s Parcel Number (APN) 059-640-027; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through K (Exhibit B) of Staff Report #24-384; 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 #24-06 and approve Commercial Cannabis Business Permits #24-01 and #24-02, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

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

NOES: None

ABSENT: Commissioners Camper and Gonzalez

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4135

Page 2

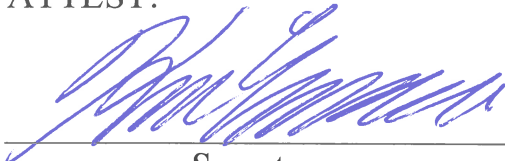
May 8, 2024

Adopted this 8th day of May, 2024



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Exhibit B – Findings and Considerations

Conditions of Approval
Planning Commission Resolution #4135
Commercial Cannabis Business Permits #24-01 and #24-02

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan), Exhibit 2 (floor plan), and Exhibit 3 (Elevations)- Attachments C, D, and E of Staff Report #24-384, and all other application materials submitted by the applicant, including business plans, security plans, etc., except as modified by the conditions.
2. All conditions and requirements contained in Merced Municipal Code Section 20.44.170, “Regulation of Commercial Cannabis Activities— Commercial Cannabis Business Permit Required” shall apply.
3. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City’s attorney’s fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval of the City Attorney and to provide all required deposits to fully fund the City’s defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4135

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.

4. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
5. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control. State Law shall prevail in regard to cannabis activities as permitted by State Law.
6. The proposed project shall comply with all applicable regulations of the State of California including, but not limited to, those found in the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as it may be amended or updated from time to time.
7. The proposed project shall provide that all manufacturing and distribution activities occur indoors within a fully enclosed and secure structure, and ensure that the property on which the structure sits is secure and appropriately screened from public view. The details of the property's fencing, security, and screening are to meet the approval of the Director of Development Services and Chief of Police prior to the issuance of a Certificate of Occupancy.
8. The proposed buildings shall comply with all adopted building and fire codes and their amendments.
9. The applicant shall meet the standards of the City of Merced's "Commercial Building Permit Application Submittal Requirements" (Attachment H of Staff Report #24-384) at the time of submittal for building permits for tenant improvements.
10. The applicants shall keep on the premises of the proposed project site a physical copy of the approved plans, to be annotated and updated

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4135

accordingly with any notes, changes, or requirements determined to be necessary by representatives of the City of Merced or any contractors that the City of Merced may employ for the purpose of site inspections. These plans shall be made available to the City's representatives, employees, agents, inspectors, or contractors upon request.

11. The facility operated by the applicants shall be secured from intentional or accidental access by any person not employed, contracted, or otherwise authorized on the premises, including any tenants of other buildings on the same property.
12. Fire sprinklers shall be installed to accommodate the building configuration and process configuration prior to occupancy.
13. Regulatory Fees, as per the most recent Fee Schedule published by the City, are to be paid prior to the issuance of a Certificate of Occupancy and annually thereafter on or before the anniversary date of the business opening. The Regulatory Fee may be amended from time to time based upon actual costs. The amount of the fees shall be adjusted annually to account for inflation by using the Consumer Price Index (CPI). In no event, shall the fees in any year be less than the preceding year.
14. Prior to issuance of a Certificate of Occupancy, applicant shall acquire a City of Merced Business License.
15. A Commercial Cannabis Business Permit is valid for one year or until December 31 of each year, unless sooner revoked. Applications for the renewal of a permit shall be filed with the Director of Development Services, in accordance with MMC 20.44.170(L)(5), "Commercial Cannabis Business Permit Renewal (All Types)", at least sixty (60) calendar days before the expiration of the current permit. If the permittee allows their permit to lapse, they shall be required to submit a new application, pay corresponding fees and be subject to all aspects of the selection process.
16. Future modifications to the scale, scope, activities, implementation, processes, materials, design, layout, or other factors pertaining to the operation of the project that are consistent with permits to perform activities related to the cultivation of cannabis and cannabis-based products may be authorized with the approval of the Director of Development Services by submitting a request for Minor Modification, in accordance with MMC 20.44.170(L)(7), "Modifications to Commercial Cannabis Business Permit (All Types)".

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4135

17. In the event that a proposed Minor Modification is submitted by the applicant that includes an expansion of building space being used, Staff shall reevaluate parking needs and the applicant shall provide additional parking if necessary.
18. If the site is to be gated, there must be a minimum 22-foot-wide clearance for emergency vehicles to pass through when the gate is opened. If the gate requires manual operation, the applicant shall provide a Knox padlock, prior to issuance of a Certificate of Occupancy. If the gate requires electronic operation, prior to issuance of a Certificate of Occupancy, the applicant shall provide a Knox override switch with “Click-to-Enter.” Access to this equipment shall be provided to the City of Merced Police, Fire, and Refuse Departments.
19. Prior to commencement of cannabis manufacturing activities, applicant shall provide an estimated volume of City water to be used annually to the City Water Department, and shall have floor plans, equipment, material sheets, and such other materials/plans/permits as deemed necessary approved by the Chief Building Official and Fire Chief.
20. The developer and operator shall use proper dust and odor abatement procedures, equipment and systems during site development and business operations to mitigate odors caused by cannabis and in accordance with the San Joaquin Valley Air Pollution Control District rules.
21. The applicant shall work with the City’s Refuse Department to determine the proper location for a trash enclosure and if a recycling container will be required to comply with AB 341. The container(s) shall be enclosed within a refuse enclosure built to City standards.
22. The parking lot layout shall comply with all applicable City Standards. Applicant shall obtain all required permits including an encroachment permit with the City Engineering Department if necessary.
23. The applicant shall meet the standard parking requirement using the regulation for Manufacturing uses by providing on-site parking or by obtaining off-site parking at the approval of the Site Plan Committee via a shared parking agreement with an adjacent lot or one that is a maximum of 400 feet from the proposed property, per MMC Section 20.38.040 C – General Requirements.

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4135

24. Appropriate turning radii shall be provided within the parking areas to allow for Fire engine and refuse truck access.
25. The applicant shall provide or cause to be provided the necessary Accessible Parking Spaces in accordance with Table 11B-208.2, "Parking Spaces" of the California Building Code, Title 24, Part 2.
26. In accordance with Table 20.38-4, "Required Bicycle Parking Spaces" of the City of Merced Zoning Ordinance, the applicant shall provide or cause to be provided a minimum of 3 short-term and 3 long-term bicycle parking spaces.
27. The applicant shall provide required loading spaces in accordance with Table 20.38-5, "Required Loading Spaces."
28. Signage shall be limited to no more than fifty square feet and must comply with MMC 20.44.170(I)(2) that no exterior evidence of cannabis cultivation shall be visible from the public right-of-way. The display of the name of the facility shall not be construed on its own to provide such evidence. Details to be worked out with Planning staff.
29. Security practices shall comply with all standards under the State and local standards within MMC Section 20.44.170 E (3).

Findings and Considerations
Planning Commission Resolution #4135
Commercial Cannabis Business Permits #24-01 and #24-02

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed projects comply with the General Plan designation of Manufacturing Industrial (IND) and the zoning classification of Light Industrial (I-L) with approval of a Commercial Cannabis Business Permit.

Land Use Issues

- B) The subject site is more than 1,000 feet from any schools and more than 600 feet from any day care centers, youth centers, libraries, or public parks that are currently in existence, as is required by Section 11362.768 of the Health and Safety Code and Section 20.44.170(E)(3)(f) of the Merced Municipal Code (MMC). The parcel immediately to the west is owned by the Merced City School District. However, it is used as a support facility, not as a school site. Section 20.90.020 of the City of Merced Municipal Code defines “schools” as public or private facilities for education, including elementary, junior high, and high schools, both public and private. The California Department of Education further defines "school" as a term that is used to refer to all educational institutions that have the following characteristics: 1. have one or more teachers to give instruction; 2. have an assigned administrator; 3. are based in one or more buildings and; 4. contain enrolled or prospectively enrolled students. The Merced City School property is not currently used for education. It does not have one or more teachers to give instruction, nor does it have enrolled students participating in scheduled classes onsite.

Proposed Operations

- C) The applicant intends to establish and operate a manufacturing and distribution facility for cannabis-based products to be sold to other licensed cannabis businesses. The products shall not be sold to members of the general public. The permit allows products to be distributed by the applicant in accordance with state and local law. Proposed operating hours are Monday through Friday, from 8:00 a.m. to 5:00 p.m., with an anticipated staff of six (6) people at start up with a total of twenty-two (22) employees within a year of operation.

Traffic/Circulation

- D) As the project is proposed on a vacant lot, the parking lot layout shall be designed and built per City standards. All necessary permits shall be obtained by the applicant (Condition #22). The proposed layout will be reviewed at the building permit stage. Due to conformity with the zoning and land use for the site, no concerns related to traffic or circulation have been raised as a result of this project.

Parking

- E) The subject site is surrounded by industrial uses to the north and west of the property A 26,000 square foot manufacturing is building being proposed. The zoning code

would require a parking ratio of 1 space per 1,000 square feet, plus parking for company vehicles. With the standard 15% reduction for floor area, this project would be required to provide 22 spaces. Instead, the project proposes 16 spaces. Due to the fact part of this building will be used for storage and distribution, where the number of required spaces changes to 1 per 2,000 square feet of floor area, the planned parking should accommodate the proposed use and operations (Details will be addressed by the Planning staff at the time of building permit issuance.). Bicycle parking spaces, accessible spaces, and loading spaces shall be provided as required in Conditions #25, #26, and #27.

Neighborhood Impact/Interface

- F) The subject site is surrounded by industrial uses to the north and west of the property and vacant lots to the south and east. The facility will be screened and maintained indoors with HVAC and air-filtering equipment to prevent odors. Because of this, the proposed project should not have a significant impact on the surrounding area.
- G) 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.

Signage

- H) Currently submitted plans do not show any request for signage. Any future signage must comply with Condition #28 and are limited to 50 square feet maximum. Signs shall not provide evidence of cannabis business activities. The display of the name of the facility shall not be construed on its own to provide such evidence.

Safety/Security

- I) The applicant proposes constructing a perimeter security fence around the site. This fence would be built to have a single gated entrance with a guard stationed there in a guard booth. This person will be required to adhere to access protocol. There will be additional guards patrolling the premises. Security surveillance will comply with the requirements of the City. Cameras will record for a minimum of 60 days and record to have all information stored on the cloud. Security systems will be IP-centric and fully networked. All recordings will be archived in a manner that is easily and appropriately retrievable at the request of the City Police Department. All security practices shall comply with the standards contained in MMC Ordinance Section 20.44.170 E (3) (Condition #29).

Ownership

- J) Moak, Inc. has two (2) owners with 5% or more interest in the proposed business. Muhamed Almutarreb and Oktay Senvardarli each own more than 5% of the proposed business and have each performed a Live Scan check and have successfully passed background checks to the satisfaction of the Chief of Police.

Modification to Operations

EXHIBIT B OF PLANNING COMMISSION RESOLUTION #4135

- K) City staff recognizes that the details of operating a business, particularly one in a developing sector such as cannabis and cannabis-based products, requires continual updating of business practices, methodologies, and tools, the modification of which may require alterations to the configuration of the equipment, setup, or layout of the facility. In order to allow for these changes while maintaining the safety of all parties involved, modifications to the permit in the course of manufacturing and/or distribution of cannabis and cannabis-based products may be requested by the applicants by submitting a request for Minor Modification, in accordance with MMC 20.44.170(L)(7), “Modifications to Commercial Cannabis Business Permit (All Types)” (Conditions #15 and #16).

Environmental Clearance

- L) The project proposes to construct a building on an in-fill site comprised of approximately 43,045 square-feet. Planning staff has conducted an environmental review of the project (Environmental Review #24-06) in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption is being recommended (Attachment I of Staff Report #24-384). No further environmental review is required.

**CITY OF MERCED
Planning Commission**

Resolution #4134

WHEREAS, the Merced City Planning Commission at its regular meeting of May 8, 2024, held a public hearing and considered **Tentative Subdivision Map #1330 (“Bellevue Ranch West, Village 18-22”)**, initiated by Benchmark Engineering, applicant for Baxter Ranches, LLC, and Stonefield Home, Inc., property owners. This application involves a request to subdivide approximately 35 acres into 215 single-family lots ranging in size from approximately 2,250 square feet to approximately 13,000 square feet. The subject site is generally located at the southwest corner of M Street and Bellevue Road, within Planned Development (P-D) #42, with a General Plan designation of Low to Medium Density Residential (LMD); also known as Assessor’s Parcel Number (APN) 224-300-005, 224-300-010, 224-300-011, and 224-300-012; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through L of Staff Report #24-349; 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 find that the previous environmental review [Environmental Impact Report (EIR) for the Bellevue Ranch Master Development Plan (SCH #9212055)] remains sufficient and no further documentation is required (CEQA Section 15162 Findings) along with a CEQA Section 15183 Exemption, and approve Vesting Tentative Subdivision Map #1330, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

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

NOES: None

ABSENT: Commissioners Camper and Gonzalez

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4134

Page 2

May 8, 2024

Adopted this 8th day of May 2024



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Exhibit B – Findings

Conditions of Approval
Planning Commission Resolution #4134
Vesting Tentative Subdivision Map # 1330

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Vesting Tentative Subdivision Map for Bellevue Ranch Village 18-22).
2. All conditions contained in Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions") 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. All previously adopted conditions, mitigation measures, and guiding principles contained in Appendices D, E, and F of the Bellevue Ranch Master Development Plan (BRMDP) adopted by the Merced City Council on May 15, 1995, and as amended, which are applicable to this project, shall apply to this tentative map and all subsequent final maps, improvement plans, building permits, and discretionary approvals.
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 #4134

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.

7. 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.
8. Should any conflicts arise between the tentative map conditions contained herein and those conditions, mitigation measures, and guiding principles contained in the BRMDP, Appendices D, E, and F, or any other pertinent Sections/Appendices of the BRMDP, said conditions, mitigation measures, guiding principles, and sections/appendices shall take precedence.
9. Community Facilities District (CFD) formation is required for annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, street lights, parks and open space. CFD procedures shall be initiated before Final Map approval. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the Development Services Director to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received. The developer has satisfied this requirement as the subject site was annexed into the City's CFD (CFD #2003-2 Services) under CFD Annexation #2/Improvement Area #7 for Bellevue Ranch West.
10. All dwellings shall be designed to include fire sprinklers as required by the California Fire Code.

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4134

11. Fire hydrants shall be installed along street frontages to provide fire protection to the area. The hydrants shall meet all City of Merced standards and shall comply with all requirements of the City of Merced Fire Department. Final location of the fire hydrants shall be determined by the Fire Department.
12. Plans shall meet current codes at the time of building permit application submittal. Building permit applications shall comply with the newest enacted California Building Codes. Plans shall be drawn by a licensed California design professional.
13. At the building permit stage, the site plans for each lot shall include a minimum 3-foot by 6-foot concrete pad located in the side yard or backyard for the storage of 3 refuse containers.
14. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
15. The 60 small lots located within the northwest portion of the subdivision (along Bellevue Road) shall comply with the development standards and elevations shown at Attachment F of Planning Commission Staff Report #24-349.
16. The non-small lots shall comply with the development standards for “Patios Homes” (Attachment E of Planning Commission Staff Report #24-349) described in the BRMDP.
17. Per the BRMDP, all exterior building materials shall consist of stucco, masonry, or architectural grade wood siding, and roofing materials shall consist of tile, wood shake (with acceptable fire rating), and architectural composition shingles. A variety of colors, textures, and materials shall be offered by the builder for the front elevations of the homes, including at least one option that is not stucco. Elevations shall be reviewed and approved by the Planning Division during the building permit stage.
18. Each lot shall provide a parking garage for a minimum of one vehicle.
19. All mechanical equipment shall be screened from public view.
20. Each lot within the subdivision shall be provided with one driveway.
21. The project shall comply with all requirements of the California Building Code and all flood requirements of the Federal Emergency Management

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4134

Agency (FEMA), as well as the requirements for the California Urban Level of Flood Protection (CA 200-year flood).

22. The project shall comply with all the Post Construction Standards required to comply with state requirements for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).
23. The applicant shall provide a minimum 36 inches of coverage between the top of the sewer line and the surface of the street, or as otherwise required by the City Engineer.
24. All landscaping within the public right-of-way shall comply with state and local requirements for water conservation. All irrigation provided to street trees or other landscaping shall be provided with a drip irrigation or micro-spray system and shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030).
25. All undeveloped areas shall be maintained free of weeds and debris.
26. Prior to final inspection of any home, all front yards and side yards exposed to public view shall be provided with landscaping to include ground cover, trees, shrubs, and irrigation in accordance with Merced Municipal Code Section 20.36.050. Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray system in accordance with the State's Emergency Regulation for Statewide Urban Water Conservation or any other state or City mandated water regulations dealing with the current drought conditions. All landscaping shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030).
27. A 6-foot-tall masonry wall shall be installed along M Street/M Circle, Freemark Avenue, Stephanie Drive, and Street G (to be officially named at Final Map stage). The wall shall include anti-graffiti coating. Graffiti shall be removed within 7 days or as determined to be a reasonable timeframe by the Director of Development Services. Design details to be worked out with staff for the wall along the creek.
28. Landscaping shall be provided between the block wall and the sidewalk along M Street/M Circle, Freemark Avenue, Stephanie Drive, and Street G (to be named at Final Map stage). This strip of land shall be dedicated to the City and maintained through the Community Facilities District during the Final Map stage, as required by the City Engineer.

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4134

29. Sewer manholes shall be installed as required by the Engineering Department (if needed).
30. The applicant shall dedicate all necessary street right-of-way and easements as needed for irrigation, utilities, drainage, landscaping, and open space during the Final Map stage as required by the City Engineer.
31. Additional right-of-way improvements on non-arterial streets, such as road widening beyond the City standard, would not be eligible for Public Facilities Impact Fee reimbursement.
32. Dedication of all necessary easements will be made as shown on Vesting Tentative Subdivision Map #1330 and as needed for irrigation, utilities, drainage, landscaping, open space, and access.
33. The developer shall provide all utility services to each lot, including sanitary sewer, water, electric power, gas, telephone, and cable television. All new utilities are to be undergrounded.
34. All cul-de-sac bulbs shall have a minimum diameter of 96 feet and shall be posted as “no parking” in compliance with Fire Department Standards adopted by Merced Municipal Code Section 17.32.
35. The developer shall install appropriate street name signs and traffic control signs with locations, names, and types approved by the City Engineer.
36. As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repared if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
37. All public improvements shall be provided as required by the City Engineer. All improvements shall meet City Standards.
38. The developer shall provide construction plans and calculations for all landscaping and public maintenance improvements. All such plans shall conform to City standards and meet approval of the City Engineer.
39. All entryway and subdivision signs shall be administratively approved by Planning Staff prior to the issuance of a building permit.

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4134

40. The Caltrans corner vision triangle standards may be used over the City's standard found under MMC 20.30.030 – Corner Vision Triangles, for the lots determined appropriate by the Director of Development Services.
41. Minor modifications to the development standards or elevations (as determined by the Director of Development Services), may be reviewed and approved through a Minor Use Permit.
42. The applicant shall work with a traffic engineer to determine the appropriate striping plan/traffic control system for M Circle. Details to be reviewed and approved by the City Engineer. The City Engineer may eliminate this requirement if an alternative plan can be agreed upon between the applicant and the City Engineer or this design has been addressed through another project approved by the City Engineer.

**Findings and Considerations
Planning Commission Resolution #4134
Vesting Tentative Subdivision Map #1330**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Low to Medium Density Residential (LMD) and the Zoning classification of Planned Development (P-D) #42.

The proposed subdivision would be constructed on approximately 35 acres of vacant land. The gross density for the site would be approximately 6.14 units/acre. The Low to Medium Density Residential (LMD) land use designation in the Bellevue Ranch Master Development Plan area allows a density between 5.5 and 12 dwelling units per acre. This proposal is within the allowable density range.

The proposed subdivision would achieve the following General Plan Land Use Policies:

- L-1.2 Encourage a diversity of building types, ownership, prices, designs, and site plans for residential areas throughout the City.*
- L-1.3 Encourage a diversity of lot sizes in residential subdivisions.*
- L-1.6 Continue to pursue quality single-family and higher density residential development.*
- L-1.8 Create livable and identifiable residential neighborhoods.*

Traffic/Circulation

- B) It is anticipated that the proposal would generate approximately 2,058. Average Daily Trips (ADT) based on an average daily rate of 9.57 trips per dwelling unit. The primary access points into the subdivision would be from Stephanie Drive (2 access points) and Freemark Avenue (2 access points). Stephanie Drive and Freemark Avenue are classified as collector roads. All streets interior to the subdivision would be local roads. The traffic generated by this subdivision should not exceed the current and projected capacity for the surrounding street system as the area was designed to accommodate a higher density of residential units. The proposal has a density of 6.14 dwelling units per acre, which is less than the maximum 12 dwelling units per acre

allowed within a Low to Medium Density Residential (LMD) General Plan designation.

The interior roads within the subdivision include four east/west roads and two north/south roads. As shown at Attachment C of Planning Commission Staff Report #24-349, the six streets shown as Streets A, B, C, D, E, and F would be designed to Local Street standards with 59 feet of right-of-way, which includes street, curb, gutter, park strip, sidewalk, and a public utility easement. Stephanie Drive and Freemark Avenue would have 89 feet of right-of-way and have the same right-of-way components mentioned above and include a masonry block wall. Street G would be a collector street with 74 feet of right-of-way.

Parking

- C) The proposal would satisfy the City's standard parking requirements for single-family homes. The standard parking requirement for single-family homes is one parking space per unit. The development would include a minimum of one parking space per unit (Condition #18). Half of the small lot homes (30 homes near Bellevue Road) would have a 1-car garage. The remainder of the lots within the subdivision (185 lots) would have a 2-car garage.

Public Improvements/City Services

- D) The developer would be required to install all streets, utilities, and other improvements within the subdivision and around the subdivision to be up to City Standards (Condition #32 and #33).

Each lot would be required to pay fees for sewer and water connections at the building permit stage. In addition, each lot within the subdivision would be required to meet the City's storm drainage and run-off requirements for the City's MS-IV permit (Condition #22).

Building Design

- E) Small Lots

Development standards and elevations have been submitted for the 60 small lots within the northwest portion of the subdivision along Bellevue Road (see Attachment F of Planning Commission Staff Report #24-349 and Condition #15). These 60 lots range in size between 2,200 square feet and 4,255 square feet and include a zero-lot line development component.

The homes on these lots would look like a 2-story “quad-plex” with each unit on its own lot. Each unit would have a private back yard, with the units on the ends of the “quadplex” having some side yard. The two interior units would have a single-car garage and the outer units would have a two-car garage. The inner units would generally be smaller in square footage compared to the outer units.

The exterior of the “quadplex” would include finishes that add architectural interest such as stucco, horizontal siding, board and batten, stone veneers, and possibly vibrant colored entry doors that help differentiate between each unit.

Standard Lots

The developer has yet to submit building designs for the standard sized lots (155 lots). Because this site has a zoning classification of Planned Development, the building design/elevations shall be reviewed and approved by Planning Staff prior to issuance of a building permit for this subdivision. The homes shall be required to comply with the City’s minimum design standards for single-family homes as required under Merced Municipal Code Section 20.46.020 - Design Standards for Single-Family Dwellings and Mobile Homes (see Attachment G of Planning Commission Staff Report #24-349 and Condition #16) as well as the design standards for “Patio Homes” as shown on Attachment E of Planning Commission Staff Report #24-349.

Affordable Units

- F) As part of General Plan Amendment #17-02 (approved by the City Council in January 2024), the 60 small lots within this subdivision are going to be designated as affordable units to help meet the BRMDP housing affordability requirements for lower income demographics. These income levels are based on the Average Median Income for Merced County as set by the Department of Housing and Urban Development (HUD). The details for affordability terms and conditions can be found within the approval for General Plan Amendment #17-02.

Site Design

- G) As shown on the Vesting Tentative Subdivision Map (Attachment C of Planning Commission Staff Report #24-349), the proposed design of the subdivision includes 3 interior east/west streets, and 4 interior north/south streets (2 of which turn into cul-de-sacs on the southern portion of the subdivision). There would be a masonry block wall around the perimeter of most of the subdivision on the back of the lots along Bellevue Road, M Street/M Circle, Stephanie Drive, Freemark Avenue, "Street G," and along the northwest portion of the subdivision near Fahrens Creek.

A future bike path would be installed adjacent to the northwestern edge of the subdivision between Fahrens Creek and the subdivision. This area would have two open cul-de-sacs that provide direct access to the bike path making it more accessible to the neighborhood. This bike path is part of a larger master bike plan with a path that would meander and split throughout different portions of the Bellevue Ranch Master Plan Development area and intersect with different parks.

Lot sizes for this subdivision range from 2,250 square feet to approximately 13,250 square feet, with the majority of the lots being between 5,000 square feet and 6,200 square feet.

The table below shows the mixture of lot sizes in the subdivision.

Number of Lots	Lot Size (S.F)
60 (small lots – affordable units)	2,200 to 4,255
155 (standard lots for "patio homes")	4,256 to 13,000

The interior local streets would have 59 feet of right-of-way that includes a 34-foot-wide road, and on both sides of the street contain a 7-foot-wide park strip, 5-foot-wide sidewalk, and 10-foot-wide public utility easement. Portions of the perimeter of the subdivision would be surrounded by a masonry block wall along Bellevue Road, M Street/M Circle, Freemark Avenue, Stephanie Drive, "Street G" (to be officially named at final map stage), and the northwest portion of the subdivision near Fahrens Creek.

Landscaping

- H) Each lot within the subdivision shall be provided with front yard landscaping in compliance with Merced Municipal Code Section 20.36.050 (Landscaping) that requires all exterior setback areas, excluding areas required for access to the property to be landscaped (Condition #24).

For landscaping within public right-of-way, the developer shall install landscaping in front of the block walls along Bellevue Road, M Street/M Circle, Freemark Avenue, Stephanie Drive, “Street G,” and the northwest portion of the subdivision near Fahrens Creek. Landscaping in this area would be reviewed by the City prior to installation. The landscaping within this area would be maintained by the Community Facilities District (Condition #28).

Neighborhood Impact/Interface

- I) The proposed subdivision would add additional homes to the area, but the use is consistent with the General Plan and Zoning classification. There is undeveloped land to the west and north subject site (across Fahrens Creek and Bellevue Road respectively).

Southwest of the Stephanie Drive and “Street G” are single-family homes (Villages 18-A and 17-A), with a park and school planned for this area. The land southeast of Freemark Avenue and M Circle has a General Plan designation for High to Medium Density (HMD) Residential (Village 22B), which would allow the development of multi-family housing projects such as apartments. East of the subdivision is (within M Circle Drive) Lot – Z, which has a land use designation for a neighborhood park/transit station. The transit station was developed recently, and it provides a large parking lot for residents to park their vehicles (or bicycle) to take The Bus or CatTracks bus systems.

The proposed subdivision of 215 lots would have a density of 6.14 units per acre, which is less than the maximum allowed for the Low to Medium Density Residential (LMD) of up to 12 units per acre.

Land Use/Density Issues

- J) The proposed subdivision would provide a density of 6.14 units per acre based on the gross acreage of the site. This density is well within the allowable density for the Low to Medium Density (LMD) Residential General Plan designation that allows between 5.5 and 12 units per acre in the BRMDP area.

Tentative Subdivision Map Requirements/Public Comments Received

- K) Per Merced Municipal Code (MMC) Section 18.16.080 – Information Required, a tentative subdivision map shall include all of the requirements shown at Attachment H of Planning Commission Staff Report #24-349. Said requirements include stating the location of the subject site, the name of the subdivision, and showing the layout of the proposed lots. MMC 18.16.090 – Required Statement requires the applicant to provide a statement that explicitly states any deviations from tentative subdivision map requirements, standard drawings, or Zoning laws. MMC 18.16.100 - Public Hearing – Generally, requires a public hearing to review and approve a tentative subdivision map in conformance with the Subdivision Map Act.

Per the California Environmental Quality Act, a public hearing notice was mailed to property owners within 300 feet of the subject site and published in a qualifying newspaper, Merced County Times, three weeks prior to this meeting. In addition, staff reached out to local utility companies, local school districts, and other relevant government agencies to solicit comments. At the time this report was prepared, staff had received comments from utility companies. Their comments are provided at Attachment J of Planning Commission Staff Report #24-349.

Environmental Clearance

- L) Planning staff conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and concluded that Environmental Review #24-08 is a second tier environmental document, based upon the City's determination that the proposed development remains consistent with the current General Plan and provisions of CEQA Guidelines, Section 15162 [Environmental Impact Report (EIR) for the Bellevue Ranch Master Development Plan (SCH #9212055)]. A copy of the Section 15162 Findings can be found at Attachment K of Planning Commission Staff Report #24-349. In addition, staff determined that the project qualifies for a CEQA Section 15183 Exemption for projects which are consistent with the development density established by a Community Plan, General Plan, or Zoning for which an EIR has been certified, as shown at Attachment L of Planning Commission Staff Report #24-349.