



# CITY OF MERCED

City Council Chamber  
Merced Civic Center  
678 W. 18th Street  
Merced, CA 95340

## Meeting Agenda

### Planning Commission

Wednesday, September 18, 2024

6:00 PM

City Council Chamber, 2nd Floor, Merced Civic Center, 678 W. 18th Street, Merced, CA 95340

#### NOTICE TO PUBLIC

#### WELCOME TO THE MEETING OF THE MERCED PLANNING COMMISSION

At least 72 hours prior to each regular Planning Commission meeting, a complete agenda packet is available for review on the City's website at [www.cityofmerced.org](http://www.cityofmerced.org) or at the Planning Division Office, 678 W. 18th Street, Merced, CA 95340. All public records relating to an open session item that are distributed to a majority of the Commission will be available for public inspection at the Planning Division Office during regular business hours. The Planning Commission also serves as the Board of Zoning Adjustment and the Design Review/Historic Preservation Commission. Assisted hearing devices are available for meetings held in the Council Chamber.

#### PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CLERK

Members of the audience who wish to address the Planning Commission are requested to complete a speaker card available at the podium against the right-hand side of the Council Chamber. Please submit the completed card to the Clerk before the item is called, preferably before the meeting begins. Speakers will be called up, 3 to 5 at a time, in the order in which the forms are received. Please use the microphone and state your name and city of residence for the record. For permits, licenses, and other entitlements, the applicant will be allowed 15 minutes (including rebuttal), the appellant/leader of the opposition will be allowed 15 minutes (including rebuttal), and all other speakers shall have 3 minutes each, unless the number of speakers is over 10, which in that case, comments shall be limited to 2 minutes each. For all other issues, for 3 or less speakers, 3 minutes each and for over 10 speakers, 2 minutes each shall be allotted. A timer clock is located above the City Council dais illuminating the remaining time. Once the buzzer sounds, please be courteous and conclude your remarks.

Material may be emailed to [planningweb@cityofmerced.org](mailto:planningweb@cityofmerced.org) no later than 1 PM on the day of the meeting. Please specify which portion of the agenda you are commenting on, for example, Item # or Oral Communications. Your comments will be presented to the Planning Commission at the appropriate time. Any correspondence received after 1 PM will be distributed to the Planning Commission and retained for the official record.

#### A. CALL TO ORDER

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

## B. ROLL CALL

## C. PUBLIC COMMENT

Members of the public who wish to speak on any matter not listed on the agenda may speak during this portion of the meeting and will be allotted 3 minutes. The Chairperson may, at their discretion, reduce the time to 2 minutes if there are more than 10 speakers, in order to accommodate as many speakers as possible. State law prohibits the Planning Commission from acting at this meeting on any matter raised during the public comment period. Members of the public who wish to speak on a matter that is listed on the agenda will be called upon to speak during discussion of that item. Please submit a Request to Speak card prior to the item being called.

## D. CONSENT CALENDAR

Adoption of the Consent Calendar may be made with one motion of the Planning Commission provided that any Planning Commission member, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the item will be discussed and voted on separately. With Consent items, there is generally no staff presentation but staff is available for questions.

D.1 [24-917](#)      **SUBJECT:** Planning Commission Minutes of August 21, 2024

**ACTION:**

Approving and filing the Planning Commission Minutes of August 21, 2024

## E. PUBLIC HEARINGS AND ACTION ITEMS

Members of the public who wish to speak on public hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to public comment. After the public has commented, the item is closed to further public comment and brought to the Commission for discussion and action. Further comment will not be received unless requested by the Commission.

E.1 [24-783](#)      **SUBJECT:** Conditional Use Permit #1277, initiated by AT&T Mobility, on behalf of The Church of the Nazarene of Merced, California, property owner. This application involves a request to construct a 55-foot-tall wireless communication tower in the form of a stealth mono-pine tree at 1717 E. Olive Avenue, generally located at the northeast corner of E. Olive Avenue and Parsons Avenue, with a General Plan designation of Low Density Residential (LD), and a Zoning classification of (R-1-6) \*PUBLIC HEARING\*

- ACTION:** Approve/Disapprove/Modify
- 1) Environmental Review #24-10 (*Categorical Exemption*)
  - 2) Conditional Use Permit #1277

**SUMMARY**

AT&T Mobility is requesting approval to construct a 55-foot-tall wireless communication tower in the form of a stealth mono-pine tree at 1717 E. Olive Avenue (Attachment D) within a Low Density Residential (R-1-6) Zone. The project is located at the northeast corner of E. Olive Avenue and Parsons Avenue within a developed lot occupied by the Bear Creek Community Church of the Nazarene. Per Merced Municipal Code Land Use Table 20.58-2 - Review Procedures for Support Towers for Wireless Communication Facilities, a site plan review is required for stealth facilities within an R-1 Zone that are over 140% of the maximum height allowed within this zone. However, as described in the background section of this report, because the Site Plan Review Committee is referring this request to the Planning Commission, the land use permit required is now a conditional use permit. On July 3, 2024, the Planning Commission considered this matter and voted to continue the public hearing to August 7, 2024. On August 7, 2024, the Planning Commission considered this matter and continued the public hearing to the Planning Commission meeting of September 18, 2024. Staff is recommending approval of this application subject to the conditions contained in the Staff Report. Staff is recommending approval of this application subject to the conditions contained in the Staff Report.

**RECOMMENDATION**

Planning staff recommends that the Planning Commission approve Environmental Review #24-10 (*Categorical Exemption*), and Conditional Use Permit #1277, including the adoption of the Draft Resolution at Attachment A, subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

**E.2** [24-838](#)

**SUBJECT:** Conditional Use Permit #1280, initiated by Aulakh Properties II, LLC, property owner. This application involves a request to operate a food truck parking area for multiple food trucks on a vacant lot (approximately 1.70-acres). The subject site is generally located on the east side of Highway 59, approximately 250 feet north of Olive Avenue. The subject site has a General Plan designation of Business Park (BP) and a zoning classification of Planned Development, (P-D) #12. \*\*PUBLIC HEARING\*\*

- ACTION:** Approve/Disapprove/Modify
- 1) Environmental Review #24-23 (*Categorical Exemption*)
  - 2) Conditional Use Permit #1280

**SUMMARY**

Aulakh Properties II, LLC, is requesting conditional use permit approval to establish a food truck parking area to allow multiple food truck vendors and outdoor seating. The subject site is an undeveloped 1.70-acre parcel located on the east side of Highway 59, 250 feet north of Olive Avenue (north of the 7-Eleven at 1995 W Olive Avenue. Food truck parking lots are considered a conditional use within a Business Park (BP) Zone. The Planning Commission will be reviewing this proposal to ensure that the site plan is designed in a manner that minimizes negative impacts to the existing site and promotes compatible and orderly development with the surrounding uses. Staff is recommending approval with conditions.

**RECOMMENDATION**

Planning staff has reviewed this request and recommends that the Planning Commission approve Environmental Review #24-23 (Categorical Exemption) and Conditional Use Permit #1280, including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

**F. INFORMATION ITEMS**

F.1 [24-918](#) **SUBJECT:** Report by Temporary Director of Development Services of Upcoming Agenda Items

**ACTION**

Information only.

F.2 [24-919](#) **SUBJECT:** Calendar of Meetings/Events

- Sept. 16 City Council, 6:00 p.m.
- 18 Planning Commission, 6:00 p.m.
- Oct. 7 City Council, 6:00 p.m.
- 9 Planning Commission, 6:00 p.m.
- 21 City Council, 6:00 p.m.
- 22 Bicycle and Pedestrian Advisory Committee, 4:00 p.m.
- 23 Planning Commission, 6:00 p.m.
- Nov. 4 City Council, 6:00 p.m.
- 6 Planning Commission, 6:00 p.m.



18 City Council, 6:00 p.m.

20 Planning Commission, 6:00 p.m. **(To be Cancelled)**

**G. ADJOURNMENT**



# CITY OF MERCED

Merced Civic Center  
678 W. 18th Street  
Merced, CA 95340

## ADMINISTRATIVE REPORT

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File #: 24-917

Meeting Date: 9/18/2024

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*Report Prepared by: Kayla Abarca, Administrative Assistant II, Planning Division*

**SUBJECT:** Planning Commission Minutes of August 21, 2024

**ACTION:**

Approving and filing the Planning Commission Minutes of August 21, 2024



# CITY OF MERCED

City Council Chamber  
Merced Civic Center  
678 W. 18th Street  
Merced, CA 95340

## Minutes Planning Commission

Wednesday, August 21, 2024

6:00 PM

### A. CALL TO ORDER

Chairperson HARRIS called the Regular Meeting to order at 6:00 PM.

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Commissioner GREGGAINS led the Pledge of Allegiance to the Flag.

### B. ROLL CALL

**Present:** 7 - Chairperson Michael Harris, Member Jose Delgadillo, Member Anthony Gonzalez, Member Yang Pao Thao, Member Walter Smith, Member Emanuelle Ochoa, and Member Jeremiah Greggains

**Absent:** 0

### C. PUBLIC COMMENT

There were no public comments.

### D. CONSENT CALENDAR

D.1 **SUBJECT:** Planning Commission Minutes of August 7, 2024

**ACTION:**

Approving and filing the Planning Commission Minutes of August 7, 2024

A motion was made by Member Gonzalez, seconded by Member Ochoa and carried by the following vote, to approve the Consent Agenda.

**Aye:** 7 - Chairperson Harris  
Member Delgadillo  
Member Gonzalez  
Member Pao Thao  
Member Smith  
Member Ochoa  
Member Greggains

**No:** 0

**Absent:** 0

**E. PUBLIC HEARINGS AND ACTION ITEMS**

E.1

SUBJECT: Conditional Use Permit #1279 and Minor Use Permit #24-11, initiated by Darren Warren, on behalf of Jose Ramirez, California, property owner. This application involves a request to develop two four-plex units on a 15,000-square-foot lot at 1250 W. 9th Street. This lot would subsequently be split in two so that each lot has one four-plex. A Minor Use Permit is required to deviate from the City’s Specific Design Standards for Multi-Family Dwellings, and for interface review to allow the development of a commercial lot adjacent to or across from a Low Density Residential (R-1-6) Zone. The subject site is generally located on the south side of 9th Street, approximately 120 feet east of T Street. The site has a General Plan designation of Neighborhood Commercial (CN) and is zoned Neighborhood Commercial (C-N). \*PUBLIC HEARING\*

**ACTION:** Approve/Disapprove/Modify  
 1) Environmental Review #24-20 (*Categorical Exemption*)  
 2) Conditional Use Permit #1279  
 3) Minor Use Permit #24-11

**SUMMARY**

The subject site consists of 0.34 acres located in south central Merced at 1250 W. 9th Street (Attachment B). The applicant, Darren Warren, is requesting approval to construct two four-plex units on a 15,000-square-foot lot. This lot would subsequently be split in two so that each parcel has one fur-plex. The subject site is within a Neighborhood Commercial (C-N) Zone, which requires a conditional use permit for residential dwellings per the land use table at Merced Municipal Code 20.10.020 - Land Use Regulations for Commercial Zoning Districts. The subject site also requires a Minor Use Permit for Interface Review, as required for high impact projects adjacent to, or across from, low impact zones (Merced Municipal Code Section 20.32 - Interface Regulations). In this case, Interface Review is required as the developer is proposing to develop within a Neighborhood Commercial Zone that is adjacent to a Low-Density Residential Zone west of the subject site. Planning staff has reviewed the proposal and is recommending approval subject to the conditions found within this report.

**RECOMMENDATION**

Planning staff recommends that the Planning Commission approve Environmental Review #24-20 (*Categorical Exemption*), Conditional Use

Permit #1279, and Minor Use Permit #24-11, including the adoption of the Draft Resolution at Attachment A of Staff Report #24-768, subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

Associate Planner RENTERIA reviewed the report on this item. For further information, refer to Staff Report #24-768.

Commissioner Ochoa recused himself and left the dais due to a financial conflict.

Public Testimony was opened at 6:11 PM.

Staff received 1 email from MID. That email was provided to the Planning Commission via email prior to the meeting and posted on the City's website.

Speaker from the Audience in Favor

DANIEL HURTADO, Applicant, Atwater, CA

There were no speakers in opposition to the project.

Public Testimony was closed at 6:16 PM.

**A motion was made by Member Delgadillo, seconded by Member Thao and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #24-20, and approve Conditional Use Permit #1279, subject to the Findings and twenty-six (26) Conditions set forth in Staff Report #24-768 (RESOLUTION #4140).**

- Aye:** 6 - Chairperson Harris  
Member Delgadillo  
Member Gonzalez  
Member Pao Thao  
Member Smith  
Member Greggains

**No:** 0

**Absent:** 0

**Abstain:** 1 - Member Ochoa

**E.2**

**SUBJECT: Zoning Ordinance Amendment #24-01, initiated by the City of Merced. This application involves changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would amend Merced Municipal Code Section 20.44.170 (Regulation of Commercial Cannabis Activities - Commercial Cannabis Business Permit Required). This amendment would clarify the process to amend or provide supplemental application materials, clarify the responsibility of the applicant relative to meeting the requirements of the Selection**

Criteria, clarify the process to correct potential scoring errors, clarify the Qualified Commercial Cannabis Business Application List timelines and clarify the process if there is a failure for a business to meet the clarified timeline and various other amendments. \*PUBLIC HEARING\*.

- ACTION:** PLANNING COMMISSION:  
 Recommendation to City Council  
 1) Environmental Review #24-21 (*Categorical Exemption*)  
 2) Zoning Ordinance Amendment #24-01
- CITY COUNCIL:  
 Approve/Disapprove/Modify  
 1) Environmental Review #24-21 (*Categorical Exemption*)  
 2) Zoning Ordinance Amendment #24-01

**SUMMARY**

The City is proposing modifications to the City’s current cannabis ordinance found under Merced Municipal Code Section 20.44.170 - Regulations of Commercial Cannabis Activities - Commercial Cannabis Business Permit Required. This ordinance amendment would clarify the process to amend or provide supplemental application materials, clarify the responsibility of the applicant relative to meeting the requirements of the Selection Criteria, clarify the process to correct potential scoring errors, clarify the Qualified Commercial Cannabis Business Application List timelines and clarify the process if there is a failure for a business to meet the clarified timeline and various other amendments.

**RECOMMENDATION**

Planning staff recommends that the Planning Commission recommend approval to the City Council of Environmental Review #24-21 (Categorical Exemption) and Zoning Ordinance Amendment #24-01 as outlined in Exhibit B of the Draft Resolution #4139, subject to the findings/considerations in Exhibit A of the Draft Resolution at Attachment A.

At 6:19, Commissioner Ochoa returned to the dais.

Principal Planner Lan reviewed the report on this item. For further information, refer to Staff Report #24-808.

There was no one present wishing to speak regarding the project; therefore, public testimony was opened and closed at 6:42 PM.

**A motion was made by Member Ochoa, seconded by Member Delgadillo and carried by the following vote, to recommend to the City Council the adoption of a**

**Categorical Exemption regarding Environmental Review #24-21, and approval of Zoning Ordinance Amendment #24-01, subject to the Findings set forth in Staff Report #24-808 (RESOLUTION #4139).**

**Aye:** 7 - Chairperson Harris  
Member Delgadillo  
Member Gonzalez  
Member Pao Thao  
Member Smith  
Member Ochoa  
Member Greggains

**No:** 0

**Absent:** 0

**E.3**

**SUBJECT:** Election of Chairperson and Vice-Chairperson

**ACTION**

Election of Chairperson and Vice-Chairperson

Commissioner GREGGAINS nominated Chairperson HARRIS to continue as Chairperson and Commissioner Gonzalez to be elected as Vice Chair. Both Chairperson HARRIS and Commissioner Gonzalez accepted the nominations. There were no other nominations for Chairperson or Vice Chairperson.

**A motion was made by Member Greggains, seconded by Member Delgadillo and carried by the following vote, to elect Mike Harris as Chairperson and Anthony Gonzalez as Vice Chairperson.**

**Aye:** 7 - Chairperson Harris  
Member Delgadillo  
Member Gonzalez  
Member Pao Thao  
Member Smith  
Member Ochoa  
Member Greggains

**No:** 0

**Absent:** 0

**E.4**

**SUBJECT:** Cancellation of September 4, 2024, Planning Commission Meeting due to a lack of items

**ACTION:**

Cancel the Planning Commission Meeting of September 4, 2024

**A motion was made by Member Ochoa, seconded by Vice Chair Gonzalez and carried by the following vote, to cancel the Planning Commission meeting of September 4, 2024, due to a lack of items.**



**Aye:** 7 - Chairperson Harris  
 Member Delgadillo  
 Member Gonzalez  
 Member Pao Thao  
 Member Smith  
 Member Ochoa  
 Member Greggains

**No:** 0

**Absent:** 0

**F. INFORMATION ITEMS**

**F.1**                    **SUBJECT:** Report by Temporary Director of Development Services of Upcoming Agenda Items

**ACTION**

Information only.

Temporary Director of Development Services ESPINOSA went over items for the next several Planning Commission meetings.

**F.2**                    **SUBJECT:** Calendar of Meetings/Events

- Aug. 19 City Council, 6:00 p.m.
- 21 Planning Commission, 6:00 p.m.
- 27 Bicycle and Pedestrian Advisory Committee, 4:00 p.m.
- Sept. 3 City Council, 6:00 p.m. (**Tuesday**)
- 4 Planning Commission, 6:00 p.m. (**To be Cancelled**)
- 16 City Council, 6:00 p.m.
- 18 Planning Commission, 6:00 p.m.
- Oct. 7 City Council, 6:00 p.m.
- 9 Planning Commission, 6:00 p.m.
- 21 City Council, 6:00 p.m.
- 22 Bicycle and Pedestrian Advisory Committee, 4:00 p.m.

**G. ADJOURNMENT**

**Clerk's Note:** The Regular Meeting adjourned at 6:48 PM.

A motion was made by Member Ochoa, seconded by Vice Chair Gonzalez and carried by the following vote, to adjourn the Regular Meeting.

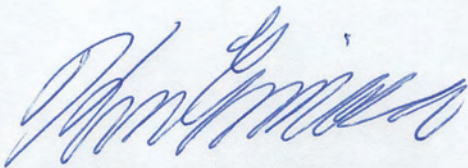
**Aye:** 7 - Chairperson Harris  
Member Delgadillo  
Member Gonzalez  
Member Pao Thao  
Member Smith  
Member Ochoa  
Member Greggains

**No:** 0

**Absent:** 0

BY:

APPROVED:



KIM ESPINOSA, SECRETARY  
MERCED CITY PLANNING COMMISSION

MICHAEL HARRIS, CHAIRPERSON  
MERCED CITY PLANNING COMMISSION



## ADMINISTRATIVE REPORT

File #: 24-783

Meeting Date: 9/18/2024

### Planning Commission Staff Report

*Report Prepared by: Jessie Lee, Development Services Technician II*

**SUBJECT:** Conditional Use Permit #1277, initiated by AT&T Mobility, on behalf of The Church of the Nazarene of Merced, California, property owner. This application involves a request to construct a 55-foot-tall wireless communication tower in the form of a stealth mono-pine tree at 1717 E. Olive Avenue, generally located at the northeast corner of E. Olive Avenue and Parsons Avenue, with a General Plan designation of Low Density Residential (LD), and a Zoning classification of (R-1-6) \*PUBLIC HEARING\*

**ACTION:** Approve/Disapprove/Modify

- 1) Environmental Review #24-10 (*Categorical Exemption*)
- 2) Conditional Use Permit #1277

### **SUMMARY**

AT&T Mobility is requesting approval to construct a 55-foot-tall wireless communication tower in the form of a stealth mono-pine tree at 1717 E. Olive Avenue (Attachment D) within a Low Density Residential (R-1-6) Zone. The project is located at the northeast corner of E. Olive Avenue and Parsons Avenue within a developed lot occupied by the Bear Creek Community Church of the Nazarene. Per Merced Municipal Code Land Use Table 20.58-2 - Review Procedures for Support Towers for Wireless Communication Facilities, a site plan review is required for stealth facilities within an R-1 Zone that are over 140% of the maximum height allowed within this zone. However, as described in the background section of this report, because the Site Plan Review Committee is referring this request to the Planning Commission, the land use permit required is now a conditional use permit. On July 3, 2024, the Planning Commission considered this matter and voted to continue the public hearing to August 7, 2024. On August 7, 2024, the Planning Commission considered this matter and continued the public hearing to the Planning Commission meeting of September 18, 2024. Staff is recommending approval of this application subject to the conditions contained in the Staff Report. Staff is recommending approval of this application subject to the conditions contained in the Staff Report.

### **RECOMMENDATION**

Planning staff recommends that the Planning Commission approve Environmental Review #24-10 (*Categorical Exemption*), and Conditional Use Permit #1277, including the adoption of the Draft Resolution at Attachment A, subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

**DISCUSSION**

Project Description

The applicant is requesting to construct a mono-pine wireless communication facility at 1717 E. Olive Avenue, behind the Bear Creek Community Church of Nazarene. The proposed facility would include a 55-foot-tall mono-pine tower along with the necessary ancillary cabinet ground equipment enclosed by a 6-foot-tall sound-proof fence. The mono-pine tower would be located on the northern portion of the parcel. The proposed mono-pole would be 55 feet with the branches of the mono-pine extending up to a height of 60 feet. The antennas on the pole would be mounted at a maximum height of 48 feet. According to the applicant, the height is necessary to provide coverage to service the area. The mono-pine would be designed to blend in with the surrounding trees.

Surrounding uses as noted in Attachment B.

Surrounding Land	Existing Use of Land	City Zoning Designation	City General Plan Land Use Designation
North	Single-Family Residential	Low Density Residential (R-1-6)	Low Density Residential (LD)
South	Single-Family Residential (across E. Olive Avenue)	Residential Planned Development (RPD) #19	Low to Medium Density Residential (LMD)
East	Single-Family Residential	Low Density Residential (R-1-6)	Low Density Residential (LD)
West	Single-Family Residential (across Parsons Avenue)	Low Density Residential (R-1-6)	Low Density Residential (LD)

Background

The property is zoned Low Density Residential (R-1-6) and currently has a Church located on the southern portion of the subject site.

The existing Church located on the project site was originally approved and constructed in 1974. The site has historically been used for Church services, Sunday School, Day Care Center, and Church related activities.

The initial application for the stealth mono-pine telecommunication tower came in as Site Plan Review Application #544 and was heard at the Site Plan Review Committee Meeting of 4/25/2024. A public hearing notice was posted in Merced County Times and mailed to immediately adjacent property owners as required by MMC 20.68.050(E). Staff received 15 emails, and 9 voicemails in opposition, and 1 email in support of the project. During the site plan review public hearing, there were 15 speakers from the audience in opposition, of the project. The Site Plan Review Committee vote to refer Environmental Review #24-10 and Site Plan Review #544 to the Planning Commission

for final review and decision per MMC 20.68.050 (C)(2).

On July 3, 2024, the Planning Commission opened the public hearing for this CUP and accepted public comment. At the request of the applicant, the Planning Commission voted to continue the public hearing and decision on the CUP to the August 7, 2024 Planning Commission meeting, to allow the applicant additional time to research alternative locations as potential ground for the proposed cell tower. On August 7, 2024, the Planning Commission again at the request of the applicant, continued the public hearing to the Planning Commission meeting of September 18, 2024, to finalize the applicant's determination of whether alternative suitable and feasible sites existed within the City.

At this time, the applicant is ready to move forward with the Planning Commission's consideration of this CUP.

Findings/Considerations

Please refer to Exhibit B of the Draft Planning Commission Resolution at Attachment A.

**ATTACHMENTS**

- A. Draft Planning Commission Resolution
- B. Location Map
- C. Overall Site Plan
- D. Elevation
- E. AT&T Photo Simulation
- F. AT&T Coverage Map - 3 Miles Radius
- G. Radio Frequency Emission Compliance Report
- H. Alternative Sites Analysis
- I. Draft Site Plan Resolution
- J. Public Comments from Site Plan Review Meeting and Planning Commission Meeting of July 3, 2024.
- K. Public Hearing Notice Map for CUP #1277
- L. Categorical Exemption
- M. Presentation



**CITY OF MERCED  
Planning Commission**

**Resolution #4137**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of, September 18, 2024, held a public hearing and considered Conditional Use Permit #1277, initiated by AT&T Mobility, on behalf of The Church of the Nazarene of Merced, California, property owners. This application involves a request to allow a construction of 55-foot-tall wireless communication tower in the form of a stealth mono-pine tree at 1717 E. Olive Avenue, generally located at the northeast corner of E. Olive Avenue and Parsons Avenue with a General Plan designation of Low Density (LD), and a Zoning classification of R-1-6, and also known as Assessor's Parcel Number (APN) 008-060-057; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through M of Staff Report #24-783; 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 #24-10, and approve Conditional Use Permit #1277, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and carried by the following vote:

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

ABSTAIN: Commissioner(s)



PLANNING COMMISSION RESOLUTION #4137

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September 18, 2024

Adopted this 18<sup>th</sup> day of September 2024

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Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

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Secretary

Attachment:

Exhibit A – Conditions of Approval

Exhibit B - Findings

n:shared:planning:PC Resolutions:Resolution: CUP 1277 1717 E. Olive Ave – Cell Tower

**Conditions of Approval**  
**Planning Commission Resolution #4137**  
**Conditional Use Permit #1277**

1. The proposed project shall be constructed/designed as shown on Attachment C (site plan) and Attachment D (elevations) of Staff Report #24-783, except as modified by the conditions.
2. All conditions contained in Resolution #1249-Amended (“Standard Conditional Use Permit 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. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City’s attorney’s fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval

of the City Attorney and to provide all required deposits to fully fund the City's defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.

6. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
7. In coordination with the Police Department and Fire Department, a frequency/inter-modulation study shall be prepared. Service may not be initiated until these departments have reviewed and have found the study to be acceptable.
8. At the time of building permit submittal, the applicant shall provide certification by a Radio Frequency Engineer, stating the RFR measurements and that they meet FCC radio frequency radiation standards.
9. The applicant shall work with the Merced Regional Airport and comply with all of their requirements for this type of structure and obtain all proper permits. Said requirements may include, but are not limited to, obtaining approval from the Airport Land Use Commission, or showing proof of submitting an FAA Form 7460-1 to the FAA.
10. The maximum overall height of the "Mono-Pine" stealth facility shall not exceed 55 feet. Antennas mounted to the stealth facility shall not be mounted higher than 60 feet in height.
11. The design of the mono-pine shall closely resemble the appearance of a real pine tree. At a minimum, the branch pattern on the "Mono-Pine" stealth facility shall have a maximum of 18 inches of height between each other and the lowest branch on the "tree" shall be a maximum of 20 feet above the ground.
12. The "Mono-Pine" stealth facility shall not have any form of steps, ladder, or pegs protruding from its side.

13. The color of the Mono-Pine shall match that of a real pine tree. These colors tend to be green (leaves) and brown (bark) and shall be consistently maintained. The antennas and any mounting equipment shall be painted to match the colors of the “tree.”
14. The Mono-Pine stealth facility shall be maintained at all times. At no time shall the Mono-Pine be faded or worn down to a state that would be considered unacceptable to City standards for a Stealth Facility. Should the natural weather elements (wind, rain, etc.) deteriorate any portion of the tree, new items of similar likeness shall be installed, replacing the deteriorated items.
15. No signs, other than warning and safety signage, shall be located on a support tower or ancillary facility.
16. Other than lighting required by the FAA or other regulatory agency for the purpose of safety, lights are not permitted on the “Mono-Pine” pole. Any lighting used on the equipment shelter shall be appropriately “down-shielded” to keep light within the boundaries of the site and not impact surrounding properties.
17. Projections or appendages of any sort are not permitted, except for those related to a common Stealth Telecommunications Tower. If there are antennas projecting outward, they shall be screened behind the branches and shall be painted a color similar to the branches (green).
18. All ancillary equipment shall be contained inside the area enclosed by a solid fence. All ancillary equipment shall be screened from view from the public right-of-way.
19. The proposed 6-foot-tall soundproof wall proposed to enclose the cell facility and ancillary equipment is approved as proposed. The gate providing access to the facility shall be of solid material or other approved material that would screen the equipment inside the facility from public view. The soundproof wall shall be integrated into the site with landscaping consistent with other landscaping on the site.
20. The site shall be provided with landscaping consistent with the other developments on the site. If the other developments on the site have not been landscaped at the time the cell facility is complete, landscaping for the cell facility may be deferred for a period not to exceed 6 months unless an extension of time is granted by the Development Services Director.

21. Any noise generated by the facility from the equipment or the tower shall be kept to a minimum, so as not to cause a nuisance to the neighborhood.
22. All equipment, fencing, and other surfaces shall be maintained free of graffiti.

n:shared:planning:PC Resolutions: CUP#1277 Exhibit A

**Findings and Considerations  
Planning Commission Resolution #4137  
Conditional Use Permit #1277**

**FINDINGS/CONSIDERATIONS:**

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

- A) The project site has a General Plan designation of Low Density Residential (LD), and the zoning classification of Low Density Residential (R-1-6) and meets the requirements of those designations with approval of this conditional use permit. Per Merced Municipal Code Land Use Table 20.58-2 – Review Procedures for Support Towers for Wireless Communication Facilities, a site plan review permit is required for stealth facilities within an R-1-6 Zone that are over 140% of the maximum height allowed within this zone. However, because the Site Plan Review Committee is referring this request to the Planning Commission, the land use permit required is now a conditional use permit per Merced Municipal Code Section 20.58.050(A)(4).

**Traffic/Circulation**

- B) The installation of the telecommunications tower would not increase traffic to the site or change the circulation on the site. Other than traffic during the construction/installation period, there would only be additional traffic to the site when maintenance is required and that would generally be by a single truck.

**Parking**

- C) No additional parking spaces are required with this use as there will be no employees or customers onsite on a regular basis. The installation of the telecommunication tower does not affect the parking on the site for the existing church.

**Tower Design**

- D) The proposed tower would be constructed to look like a pine tree, which would be compatible with other trees in the surrounding area. The overall height of the “tree” would be 55 feet with the antennas being mounted no higher than 60 feet (Attachment D of Planning Commission Staff Report #24-783). The mechanical equipment for the tower would be enclosed by the proposed 6-foot-tall sound-proof wall within a 25-foot by 25-foot area. Photo simulations showing the tower and the surrounding area are provided at Attachment E of

Planning Commission Staff Report #24-783. The photo simulation compares the existing conditions to the existing conditions with the tower from all four directions.

As proposed, the tree branches would start at a height of approximately 30 feet above the ground. In order to give the tree a more natural appearance, Condition #11 requires the lowest branches to be a maximum of 20 feet above the ground. In addition, this Condition requires the spacing of the branches be a maximum of 18 inches apart.

### **Site Design**

- E) The wireless facility would be located within the northeast quadrant of the site. The tower and all equipment would be located within an approximately 625-square-foot area enclosed by a 6 ft-foot-tall soundproof fence. Access to the facility would be provided through a gate on the south side of the facility.

The tower would be approximately 245 feet from Parsons Avenue and approximately 379 feet from E. Olive Avenue. According to the applicants, the site is designed for AT&T to improve the LTE coverage in the area and provide new service on Band 14, which is a dedicated public safety network for first responders nationwide. The proposed facility is designed to be part of FirstNet and will provide coverage and capacity for the development of the FirstNet platform on AT&T LTE network. Deployment of FirstNet in the subject area will improve public safety by providing advanced communications capabilities to assist public safety agencies and first responders.

### **Federal Regulations**

- F) According to Section 332 (C) (7) of the Federal Telecommunication Act, local governments may not: (1) prohibit or effectively prohibit personal wireless service; (2) unreasonably discriminate among providers of functionally equivalent service providers; or (3) regulate personal wireless service facilities based on the environmental effects from radio frequency emission to the extent such emission meets FCC Guidelines.

In addition, the radio frequency emission of the proposed cell tower will meet FCC guidelines (Attachment G of Planning Commission Staff Report #24-783).

### **First Responder Communication Services**



- G) The applicant has provided a map of existing and proposed wireless facilities within the 3-mile radius to illustrate service for local area and first responders (First Net Program) also known as First Responders Network (Attachment F of Planning Commission Staff Report #24-783).

### **Development Standards**

- H) Per Merced Municipal Code Section 20.92.060, all wireless communication facilities shall comply with the following development standards and requirements in addition to complying with all other applicable provisions of the Merced Municipal Code and the *Merced Vision 2030 General Plan*.

*Color: Support towers shall be provided in a color that best allows it to blend into the surroundings. Antennas shall be placed and colored to blend into the architectural detail and coloring of the host structure.*

*Compliance with Standard:* The color of the mono-pine tower will be compatible with the surrounding trees and landscaping. There are also pine trees along E. Olive Avenue and Parsons Avenue. The colors used for the mono-pine tree would be consistent with a real tree. Condition #13 requires the colors of the tower and antenna to match the colors of a real pine tree.

*Display (Signs):* No signs or display shall be located on a support tower or ancillary facilities except for warning and safety signage.

*Compliance with Standard:* The applicant has not proposed any signing to be attached to the tower. Condition #15 prohibits all signs other than warning and safety signing.

*Equipment Shelters:* The following guideline are to be used to ensure that equipment shelters are compatible with their surroundings: (1) equipment shelters located in underground vaults, or (2) equipment shelters designed consistent with the architectural features of the building immediately surrounding the site locations; or (3) equipment shelters camouflaged behind an effective year-round landscape buffer.

*Compliance with Standard:* All the equipment would be located within the fenced area and screened from public view by the 6-foot-tall fence (Condition #18).

*Interference: Wireless communication facilities shall not cause interference with public communication equipment.*

*Compliance with Standard: Condition #7 requires the applicant to work with the Police and Fire Departments to prepare a frequency/inter-modular study to ensure the proposed telecommunications facility does not interfere with the City's communication equipment.*

*Landscaping and fencing: The following guideline is to be used to ensure that wireless communications facilities are compatible with their surroundings: Installation of landscaping, served with an automatic underground irrigation system, that effectively screens the view of the tower site from adjacent properties. The standard buffer shall consist of a landscaped strip at least four (4) feet wide at the site perimeter, and fencing. Vines shall be used to cover the fence. Use of barbed wire is prohibited. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.*

*Compliance with Standard: The proposed project includes the construction of a 6-foot-tall sound-proof fence to surround the entire facility. The fence would be finished with texture and color to match the future buildings on the site. Landscaping would be provided around the perimeter of the fencing as required by Conditions #19 and #20.*

*Lighting: Except as specifically required by the Federal Aviation Administration (FAA) or other applicable authority, support towers shall not be artificially lighted. In order to reduce glare, such lighting shall be shielded from the community to the extent allowed by the FAA. Equipment shelters may use security lighting that is appropriately down shielded to keep light within the boundaries of the site and not impact surrounding properties.*

*Compliance with Standard: All lighting shall be in compliance with FAA regulations. Any lighting for the equipment area shall be down shielded to protect prevent light from spilling over onto the adjacent properties. Condition #16 addresses lighting on the site and requires compliance with this standard.*

*Radio frequency radiation (RFR): Upon request to construct a wireless communications facility or to mount wireless communication antennas to an existing wireless communication facility, the applicant shall provide*

*certification by a Radio Frequency Engineer, stating the RFR measurements and that they meet FCC radio frequency radiation standards.*

*Compliance with Standard:* Condition #8 requires this certification be submitted during the building permit stage.

*Setbacks and siting:*

- 1. All equipment shelters, or other on-the-ground ancillary equipment shall meet the setback requirements of the zone in which they are located.*
- 2. Antenna and antenna arrays are exempt from the setback standard of this section and from the setbacks for the zone in which they are located.*
- 3. Support towers that do not exceed 125% of the height limit of the zone in which they are located need only meet the setback requirements for that zone.*
- 4. Support towers that exceed 125% of the height limit of the zone in which they are located shall be set back from all property lines as required by that zone or one foot for every 10 feet of total tower height, whichever produces the greater setback.*
- 5. To the greatest extent possible, support towers should be placed to the rear or side of buildings.*

*Compliance with Standard:* The site is located within the Low Density Residential (R-1-6) Zone. Based on Standard #4 above, a 55-foot-tall tower would need to have a setback of at least 5.5 feet. The tower is approximately 245 feet from Parsons Avenue and 379 feet from E. Olive Avenue, which are both greater than the minimum setback required by this standard.

The tower is located near the northeast corner of the site. Because the site has streets on both west and south sides, this location seems appropriate for the site. The proposed location places the tower behind the existing Church on the site and away from E. Olive Avenue.

*Heights:* *No support tower, other than a stealth facility, may exceed the following heights:*

- 1. Within a Low Density Residential (R-1) zone and a High Medium Density (R-3) zone: 55 feet; and,*
- 2. Within a Central Commercial (C-C) zone, a Thoroughfare Commercial (CT) zone, and a General Commercial (C-G) zone: 120 feet; and,*
- 3. Within an Industrial zone: 150 feet, and,*

4. *Within a Planned Development: as permitted by the site utilization plan.*

Compliance with Standard: The proposed tower would be 55 feet tall and is considered a stealth facility with its pine tree design. Therefore, with Conditional Use Permit approval, the tower could exceed the above height limits. The Low Density Residential (R-1-6) Zone allows a maximum height of 55 feet. Therefore, the height is subject to approval by the Planning Commission. The existing buildings on-site are approximately 30 feet tall. There are 3 trees in back of the subject site that are approximately 20-25 feet tall.

### **Neighborhood Impact/Interface**

- I) The project site is located at the northeast corner of Olive Avenue and Parsons Avenue. The subject site is primarily surrounded by single-family residential homes.

A stealth facility decreases the impact on the surrounding area by helping to integrate the tower with the surrounding natural landscape. The requirement to provide a landscaping combined with the conditions of approval addressing lighting, noise, etc. reduces the impacts to the area.

As required by State law and the Merced Municipal Code, public hearing notices were sent to all property owners within 300 feet of the site (Attachment K of Planning Commission Staff Report #24-783), and in addition, to any residents who spoke for this item during the Site Plan Review Committee Meeting of April 25, 2024.

Staff received 3 emails and 2 voicemails in opposition and 1 email in favor after the Staff Report #24-552 was prepared. Those emails and voicemail were provided to the Planning Commission via email prior to the meeting and posted on the City website. At the Planning Commission Meeting of July 3, 2024, there were 14 residents that testified in opposition and cited their concerns about the impacts on property values, the potential health effects of the radiation from the cell towers on their neighborhood and school children, and the aesthetics of the stealth “monopine.” At the Planning Commission Meeting of August 7, 2024, there was 1 resident that testified in opposition. As of the time that this staff report was prepared, staff has not received any additional comments from the public for this proposal other than those provided during the Site Plan Review and Planning Commission Meeting of

EXHIBIT B

OF PLANNING COMMISSION RESOLUTION #4137

Page 6

July 3, 2024, as shown at Attachment J of Planning Commission Staff Report #24-783. If additional comments are received prior to the Planning Commission Staff Report being published, those comments will be added to the report. Any comments submitted after the publication of the staff report and by 1:00 p.m. on the day of the Planning Commission hearing will be forwarded to the Planning Commission and posted to the City's website.

### **Mandatory Findings for Conditional Use Permits**

J) Merced Municipal Code (MMC) Section 20.68.020 requires that the following findings be made by the Planning Commission in order to approve a Conditional Use Permit:

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

As described in Finding A, the proposed land use is consistent with the General Plan designation of Low Density Residential (LD). The Zoning Ordinance was updated in 2016, to allow stealth wireless communication facility and antennas within a residential zone with a Site Plan Review Permit rather than a Conditional Use Permit. However, the Site Plan Review Committee heard this item at their meeting of April 25, 2024, and voted to refer this application to the Planning Commission (Attachment I of Planning Commission Staff Report #24-783).

- 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 wireless communication tower would be disguised as a pine tree (55-foot-tall stealth mono-pine) and would be located on the northern portion of the parcel. According to the applicants, the height of the stealth mono-pine is necessary to close an LTE service coverage gap in the area.

The location is adjacent to single-family homes on Vickie Court, visible from the homes on Teak Ave., Parsons Ave., and Evette Court including the south side of East Olive Ave. The homes on Vickie Court will have the most impact because of visibility in the backyard. Only

three (3) other trees are on this property, so the antenna will be higher, visible, and taller than others in the area.

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

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

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

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

### **Wireless Communication Facilities Findings**

- K) To approve a wireless communication facility requiring a Site Plan Review or Conditional Use Permit, the review authority must make the following findings (if applicable) in addition to the findings required by Chapter 20.68 (Permit Requirements) for the applicable permit:

1. *For a proposed lattice tower located in other than an industrial district, the applicant has demonstrated that there is no feasible alternative to use of a lattice tower at the proposed site or within the search ring.*

The proposed wireless communication tower is a stealth mono-pole located in a zoning classification of Low Density Residential (R-1-6). The applicant provided an alternative site analysis at Attachment H of Planning Commission Staff Report #24-783 showing that AT&T searched for, but did not find, feasible collocation opportunities in and around the coverage objective area. The applicant also considered alternative sites and did not find any that suited their needs as well as this site.

2. *The proposed wireless communication facility is designed at the minimal functional height.*



The wireless communication tower would be disguised as a pine tree (55-foot-tall stealth mono-pine) located on the northern portion of the parcel. Ancillary cabinet ground equipment would be enclosed by a 6-foot-tall fence. According to the applicants, the proposed height of this wireless communication is necessary to provide coverage to service the area.

*3. The location for the wireless communication facility minimizes the visibility of the facility from residentially zoned property and minimizes the obstruction of scenic views from residentially zoned property.*

The location for the wireless tower is adjacent to single-family homes on Vickie Court, visible from the homes on Teak Ave., Parsons Ave., and Evette Court, including the south side of East Olive Ave. The homes on Vickie Court will have the most impact because of visibility in the backyard. Only three (3) other trees are on this property, so the antenna will be higher, and more visible. The proposed stealth facility helps the facility blend in with the surrounding trees on-site and throughout the neighborhood. However, the Planning Commission heard public comments from several neighbors in opposition to the tower's location and aesthetics, despite it meeting the City's standards for such facilities as spelled out in the Municipal Code.

*4. Projection of the antenna or antenna array has been minimized to the greatest extent possible.*

Based on elevations provided, the large cellmax antennas located on the site plan protrudes 4 feet more than the limbs of the tree/tower. There are smaller antennas that do not project out as much. In order to minimize the visibility, the antennas will need to be painted green (Condition #13).

*5. In the case of an application for use of a new site for wireless communication facilities, all reasonable opportunities to locate the facility or to co-locate the facility on an existing structure have been exhausted by the applicant and are not feasible.*

The Applicant has provided an alternative site analysis for co-locations; however, the conclusion is that there are no viable or available



alternative locations (Attachment H of Planning Commission Staff Report #24-783).

*6. Support towers located in an agricultural zoning district are located and designed to minimize dangers to aerial sprayers.*

The subject site is not located in an agricultural zoning district, but in a zoning district of Low Density Residential (R-1-6).

*7. Sites near the project area, which are poorly suited for other forms of development, are unavailable for use by the wireless communication facility.*

The majority of the surrounding parcels are fully developed and standard in size for residential development. There is an undeveloped parcel directly to the north (1712 Teak Avenue) zoned residential that could be developed as infill development for a single-family home. Besides that parcel and the nearby Chenoweth Elementary School (180-feet north of the subject site), all other parcels within a 1/4-mile radius are fully developed. There are no sites nearby that are available and poorly suited for other forms of development.

*8. For planned developments, the underlying land use designation permits and would not be adversely affected by the proposed type of wireless communication facility. For example: in an industrial planned development, a lattice tower may be found to be acceptable while in a residential planned development, a stealth facility or monopole may be found to be acceptable, but a lattice tower would not. To determine the effect of the proposed wireless communication facility on the land use designation and the permit process required, use Table 20.58-2.*

The subject site is not located within a zoning classification of Planned Development. The subject site has a zoning classification of Low Density Residential (R-1-6). Table 20.58-2 prohibits wireless communication facilities with a guyed tower or lattice tower design. However, this table allows stealth wireless communication facilities with a site plan review permit and is considered appropriate in residential zones as stealth facilities are allowed in residential zones as




the they are designed to blend in with the existing physical environment. Stealth facilities may come in the form of flagpoles, water tanks, free standing signs, or more natural features such as a tree, as is being proposed by the applicant.

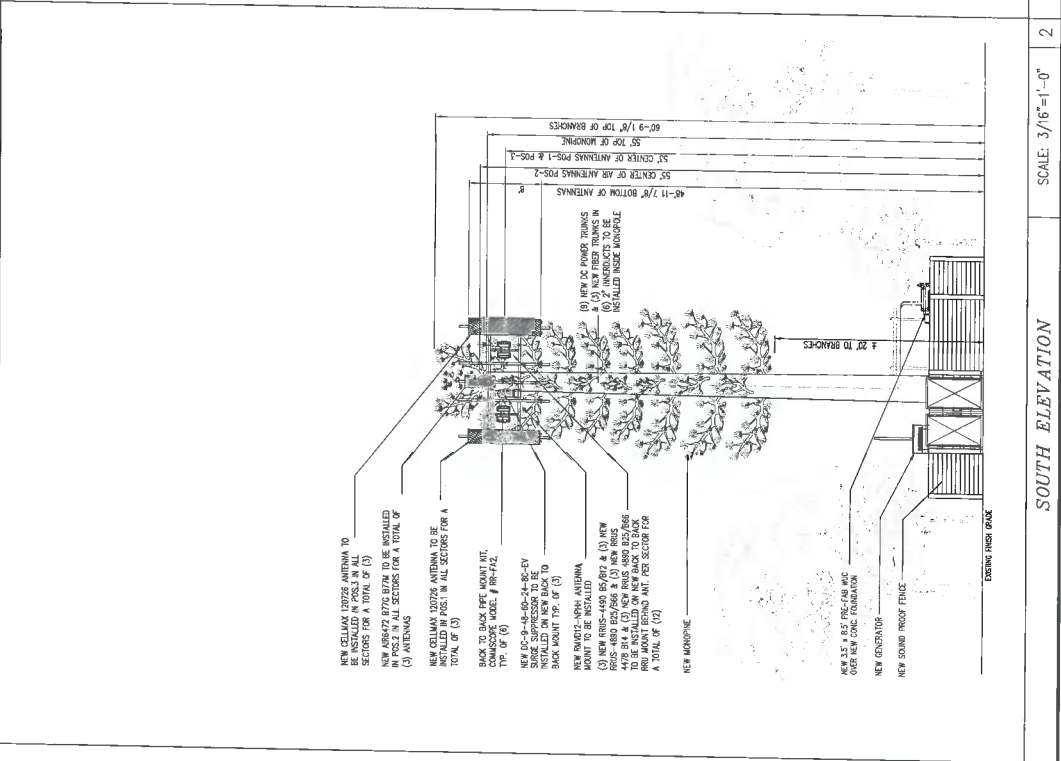
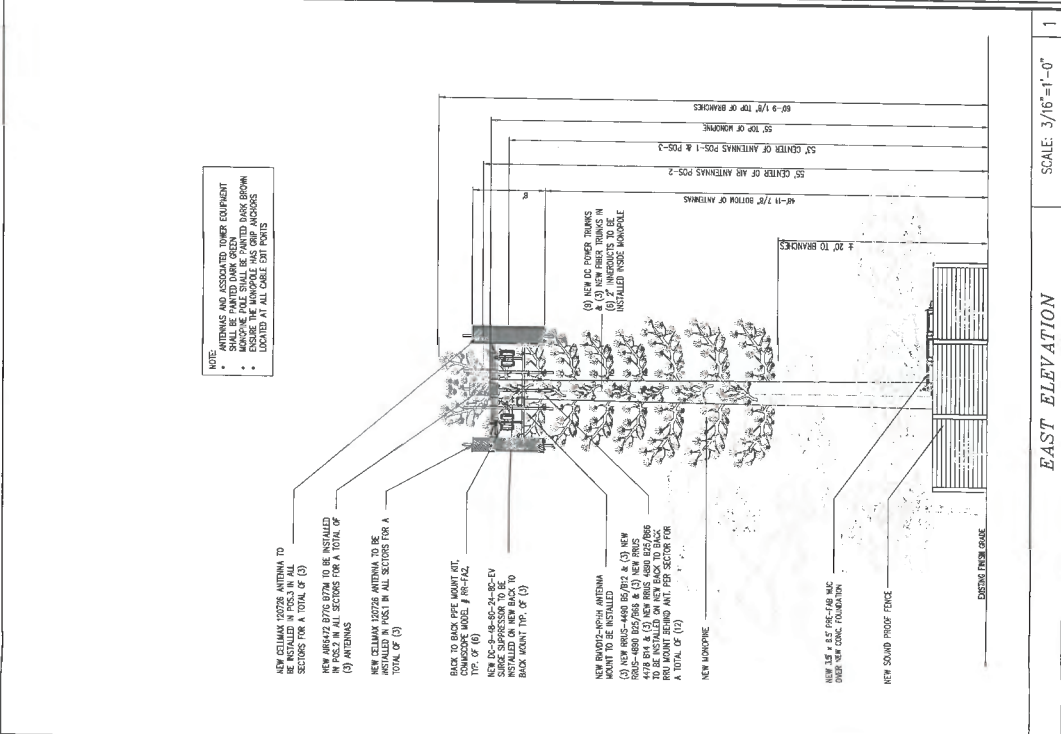
### **Environmental Clearance**

- L) Planning staff has conducted an environmental review (Environmental Review #24-10) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and recommends a Categorical Exemption with no further documentation required (Attachment L of Planning Commission Staff Report #24-783).





DESIGNED FOR: <b>CYL02228</b> <b>BEAR CREEK</b> <b>(NORTHEAST MERCED)</b> ADDRESS: 3711 L. OAK AVENUE MERCED, CA 95365 PHONE: 209-261-4500 FAX: 209-261-4500	PREPARED FOR:  <b>at&amp;t</b> 5001 EXECUTIVE PKWY. SAN RAMON, CA 94583	VENDOR:  <b>EPIC</b> <b>WIRELESS GROUP, INC.</b> Connecting a Wireless World 686 College Drive, Suite 100 Folsom, CA 95630	AEST SITE NO. CYL02228 DRAWN BY: AMP CHECKED BY: TJP	<table border="1"> <thead> <tr> <th>REV.</th> <th>DATE</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>11-20-04</td> <td>ISS. TO</td> </tr> <tr> <td>2</td> <td>1-4-04</td> <td>REV. ISS. TO</td> </tr> </tbody> </table>	REV.	DATE	DATE	1	11-20-04	ISS. TO	2	1-4-04	REV. ISS. TO		PROVIDED BY: <b>Peak Site - Comm</b> 10000 N. GARDEN AVENUE, SUITE 205 ANAHEIM, CALIFORNIA 92833 PHONE: (714) 955-6100 E-MAIL: info@peak-site.com	SHEET TITLE: <b>SOUTH &amp; EAST ELEVATION</b>	SHEET NUMBER: <b>A-7</b>
REV.	DATE	DATE															
1	11-20-04	ISS. TO															
2	1-4-04	REV. ISS. TO															



SCALE: 3/16"=1'-0"

EAST ELEVATION

1

SCALE: 3/16"=1'-0"

SOUTH ELEVATION

2

ATTACHMENT D



PROJECT FOR:  
**CV020228  
BEAR CREEK  
(NORTHEAST MERGED)**

ADDRESS: 3811 S. DUNE AVENUE  
SAN RAMON, CA 94583

FOR: **AT&T**  
707 942-3333  
1000 MAIN STREET  
SAN RAMON, CA 94583

PREPARED FOR:  
**at&t**

5001 EXECUTIVE PARK  
SAN RAMON, CA 94583

PROJNOOR:  
**EPIC**

**WIRELESS GROUP LLC**  
Connecting a Wireless World  
866 Douglas Drive, Suite 100  
Folsom, CA 95630

PROJECT NO.: **CV020228**  
DRAWN BY: **AMP**  
CHECKED BY: **TAP**

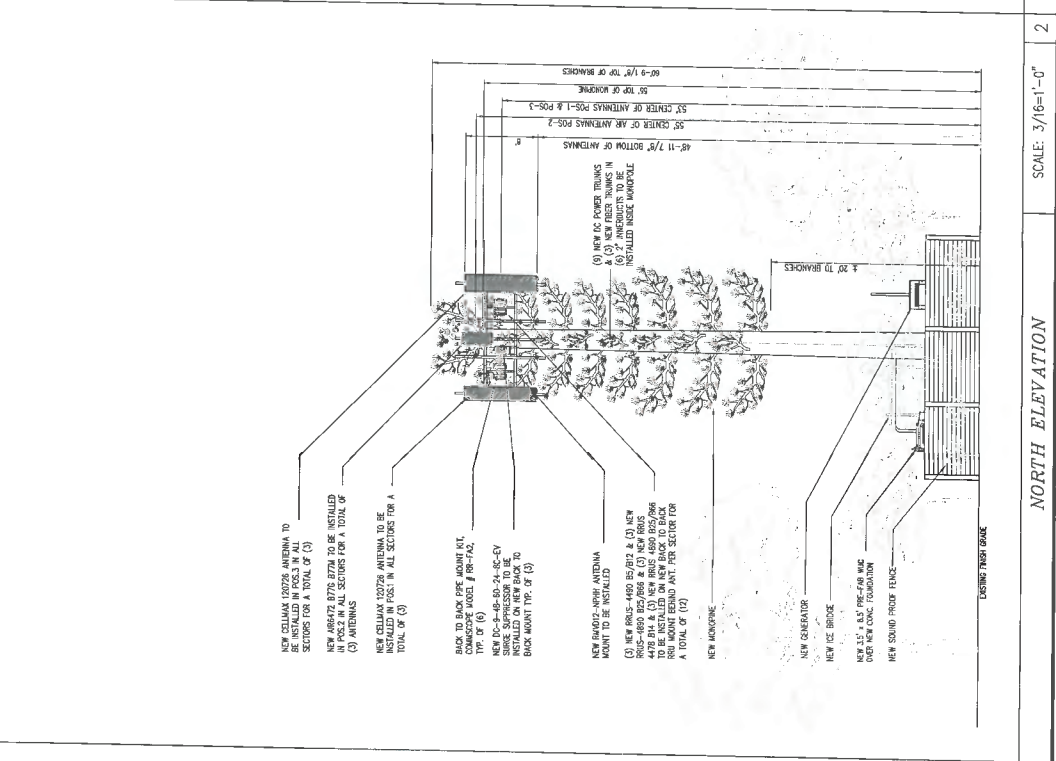
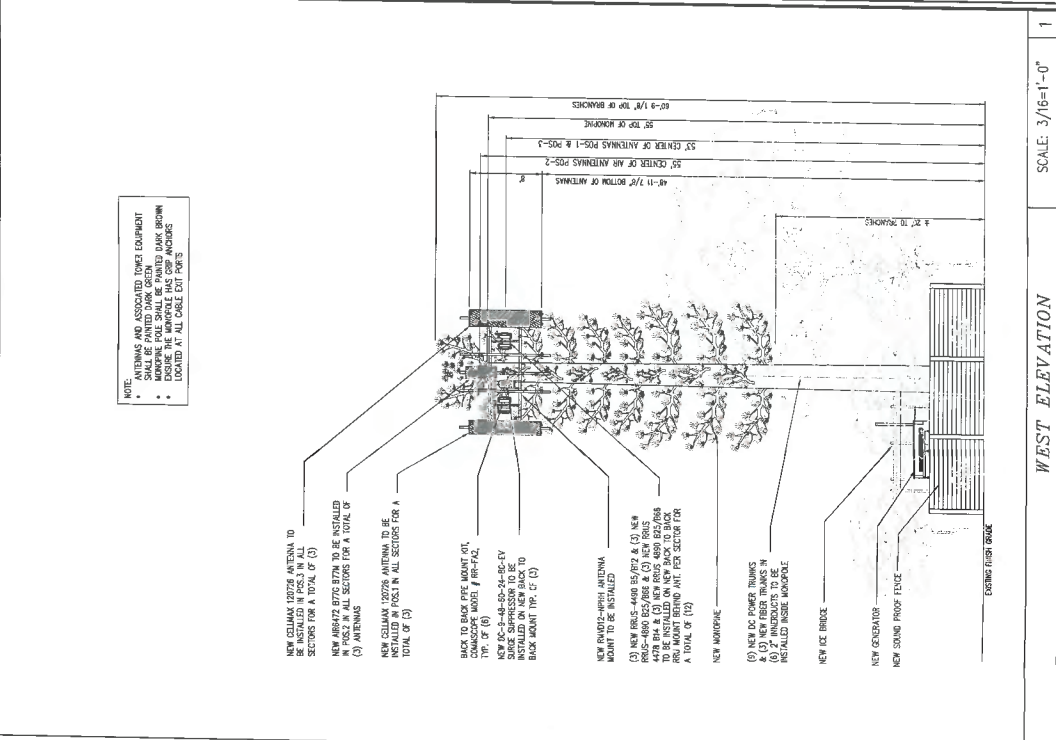
REV.	DATE	DESCRIPTION
1	1-28-24	ISSUE 2D
2	3-28-24	REV. PER RD



PREPARED BY:  
**Freek Site-Corn**  
FreeSite-Corn  
15050 Highway 38  
Troy, CA 95061  
Phone: (925) 385-6106  
Email: free@freecom.com

SHEET TITLE:  
**NORTH & WEST ELEVATION**

SHEET NUMBER:  
**A-8**



SCALE: 3/16"=1'-0"

WEST ELEVATION

SCALE: 3/16"=1'-0"

NORTH ELEVATION

1

2







*Existing*



*Proposed*



*view from E. Olive Avenue looking north at site*



*Existing*



*Proposed*



*view from Parsons Avenue looking northeast at site*



*Existing*



*Proposed*



*view from Evette Court looking east at site*



*Existing*



*Proposed*



Proposed AT&T Installation

*view from Kimberly Avenue looking west at site*



*Existing*



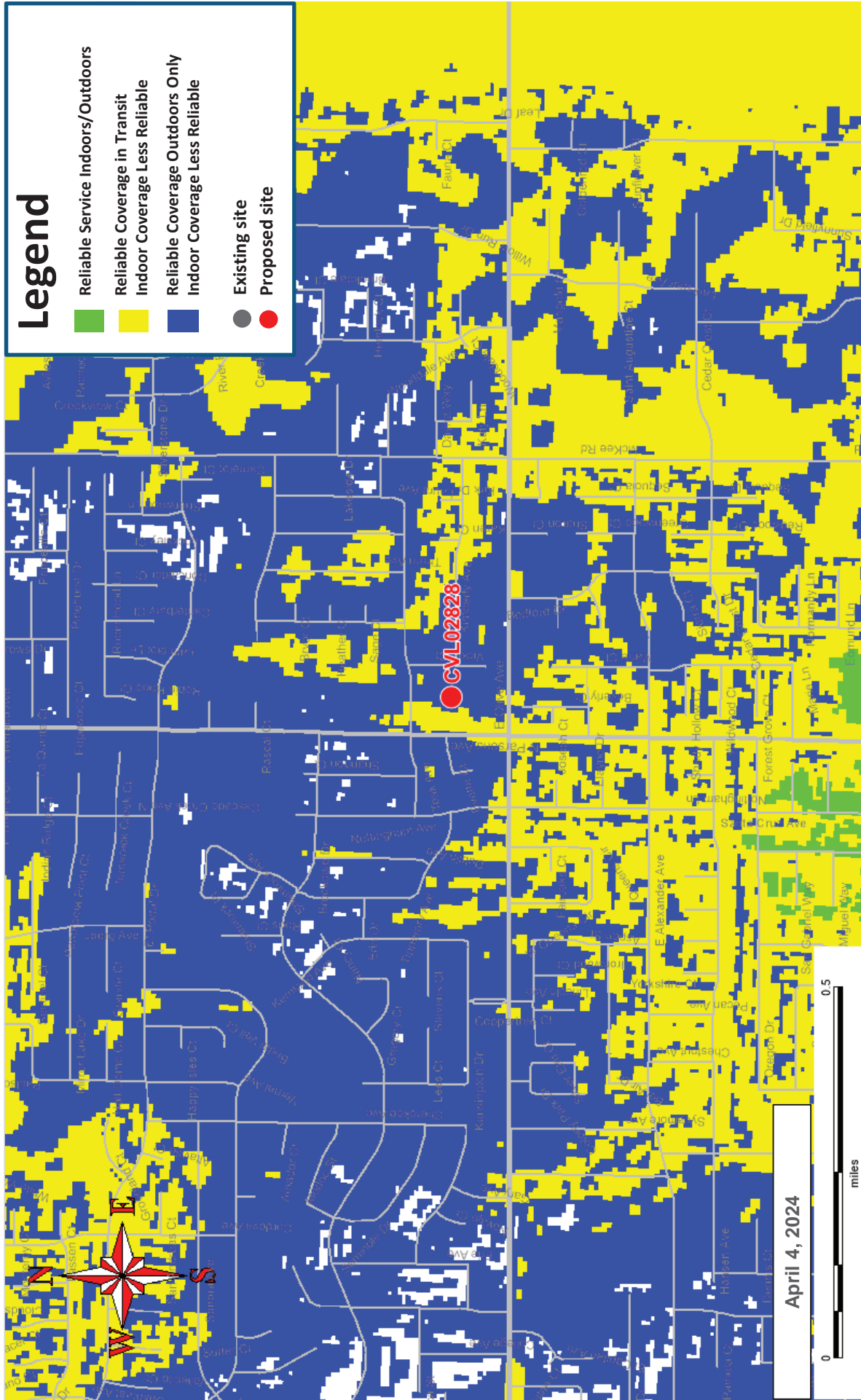
*Proposed*



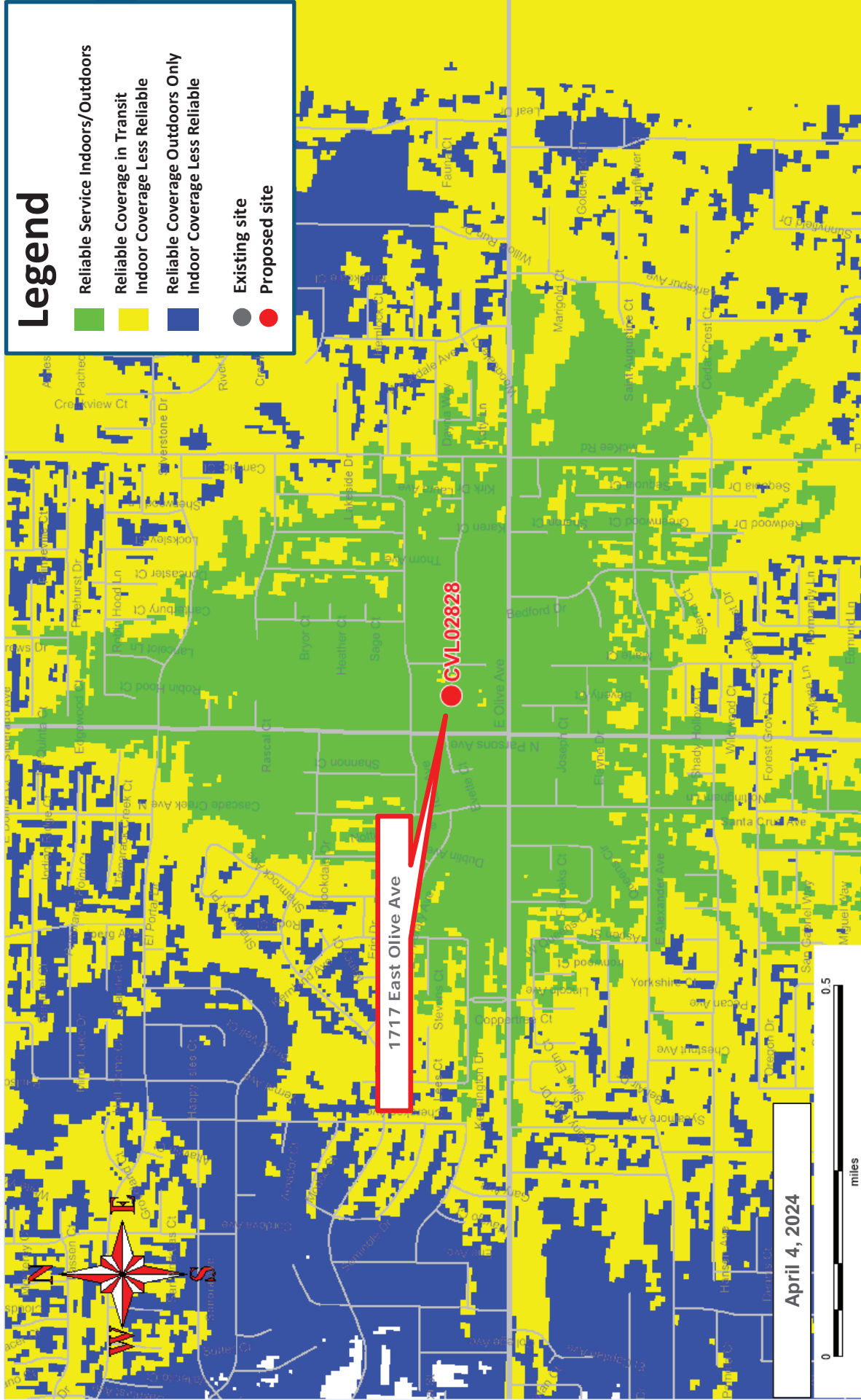
*view from Teak Avenue looking southeast at site*

 **AT&T Wireless** CVL02828 Bear Creek Northeast Merced  
1717 E. Olive Avenue, Merced, CA  
Photosims Produced on 4-12-2024

# Existing LTE 700 Coverage



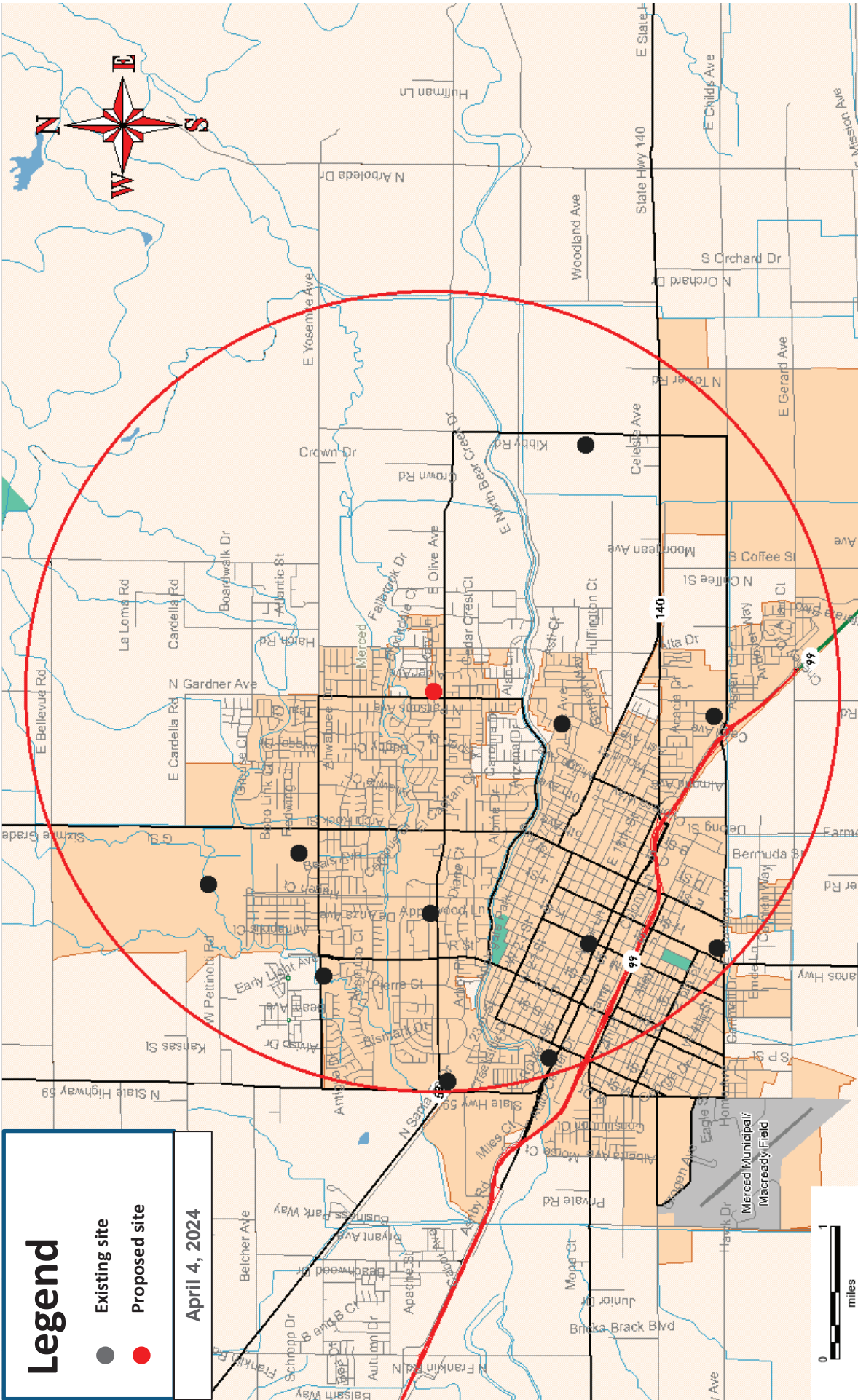
# Proposed LTE 700 Coverage – 1717 East Olive Ave @ RC = 53 ft



Proprietary and Confidential Business Information of AT&T



# Existing and proposed sites within 3-mile radius







**Radio Frequency Emissions Compliance Report For AT&T Mobility**

<b>Site Name:</b> Northeast Merced	<b>Site Structure Type:</b> Stealth Pole - Extrnl Array
<b>Address:</b> 1717 E. Olive Avenue Merced, CA 95340	<b>Latitude:</b> 37.319572
<b>Report Date:</b> March 6, 2024	<b>Longitude:</b> -120.450156
	<b>Project:</b> New Build

**Compliance Statement**

Based on information provided by AT&T Mobility and predictive modeling, the Northeast Merced installation proposed by AT&T Mobility will be compliant with Radiofrequency Radiation Exposure Limits of 47 C.F.R. §§ 1.1307(b)(3) and 1.1310. RF alerting signage at the base of the Stealth Pole - Extrnl Array and restricting access to authorized climbers that have completed RF safety training is required for Occupational environment compliance. The proposed operation will not expose members of the General Public to hazardous levels of RF energy at ground level or in adjacent structures.

**Certification**

I, David C. Cotton, Jr., am the reviewer and approver of this report and am fully aware of and familiar with the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation, specifically in accordance with FCC's OET Bulletin 65. I have reviewed this Radio Frequency Exposure Assessment report and believe it to be both true and accurate to the best of my knowledge.



David Charles Cotton, Jr.  
Registered Professional Engineer (Electrical)  
State of California, 18838

**General Summary**

The compliance framework is derived from the Federal Communications Commission (FCC) Rules and Regulations for preventing human exposure in excess of the applicable Maximum Permissible Exposure ("MPE") limits. At any location at this site, the power density resulting from each transmitter may be expressed as a percentage of the frequency-specific limits and added to determine if 100% of the exposure limit has been exceeded. The FCC Rules define two tiers of permissible exposure differentiated by the situation in which the exposure takes place and/or the status of the individuals who are subject to exposure. General Population / Uncontrolled exposure limits apply to those situations in which persons may not be aware of the presence of electromagnetic energy, where exposure is not employment-related, or where persons cannot exercise control over their exposure. Occupational / Controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment, have been made fully aware of the potential for exposure, and can exercise control over their exposure. Based on the criteria for these classifications, the FCC General Population limit is considered to be a level that is safe for continuous exposure time. The FCC General Population limit is 5 times more restrictive than the Occupational limits.

In situations where the predicted MPE exceeds the General Population threshold in an accessible area as a result of emissions from multiple transmitters, FCC licensees that contribute greater than 5% of the aggregate MPE share responsibility for mitigation.



Northeast Merced - Modification

Table 1: FCC Limits

Frequency (MHz)	Limits for General Population/ Uncontrolled Exposure		Limits for Occupational/ Controlled Exposure	
	Power Density (mW/cm <sup>2</sup> )	Averaging Time (minutes)	Power Density (mW/cm <sup>2</sup> )	Averaging Time (minutes)
30-300	0.2	30	1	6
300-1500	f/1500	30	f/300	6
1500-100,000	1.0	30	5.0	6

f=Frequency (MHz)

Based on the computational guidelines set forth in FCC OET Bulletin 65, Waterford Consultants, LLC has developed software to predict the overall Maximum Permissible Exposure possible at any location given the spatial orientation and operating parameters of multiple RF sources. The power density in the Far Field of an RF source is specified by OET-65 Equation 5 as follows:

$$S = \frac{EIRP}{4 \cdot \pi \cdot R^2} \text{ (mW/cm}^2\text{)}$$

where EIRP is the Effective Radiated Power relative to an isotropic antenna and R is the distance between the antenna and point of study. Additionally, consideration is given to the manufacturers' horizontal and vertical antenna patterns as well as radiation reflection. At any location, the predicted power density in the Far Field is the spatial average of points within a 0 to 6-foot vertical profile that a person would occupy. Near field power density is based on OET-65 Equation 20 stated as

$$S = \left( \frac{180}{\theta_{BW}} \right) \cdot \frac{100 \cdot P_{in}}{\pi \cdot R \cdot h} \text{ (mW/cm}^2\text{)}$$

where P<sub>in</sub> is the power input to the antenna, θ<sub>BW</sub> is the horizontal pattern beamwidth and h is the aperture length.

Some antennas employ beamforming technology where RF energy allocated to each customer device is dynamically directed toward their location. This analysis includes a statistical factor reducing the actual power of the antenna system to 32% of maximum theoretical power to account for spatial distribution of users, network utilization, time division duplexing, and scheduling time. AT&T recommends the use of this factor based on a combination of guidance from its antenna system manufacturers, supporting international industry standards, industry publications, and its extensive experience.



## Analysis

AT&T Mobility proposes the following installation at this location:

- INSTALL (12) AT&T Panel Antennas
- INSTALL (12) RRUS Remote Radio Units

The antennas will be mounted on a 55-foot Stealth Pole - Extnl Array with centerlines 50.17, 53, and 55.67 feet above ground level. Proposed antenna operating parameters are listed in Appendix A. Other appurtenances such as GPS antennas, RRUs and hybrid cable below the antennas are not sources of RF emissions. No other antennas are known to be operating in the vicinity of this site.



Figure 1: Antenna Locations

Power density decreases significantly with distance from any antenna. The panel-type antennas to be employed at this site are highly directional by design and the orientation in azimuth and mounting elevation, as documented, serves to reduce the potential to exceed MPE limits at any location other than directly in front of the antennas. For accessible areas at ground level, the maximum predicted power density level resulting from all AT&T Mobility operations is 9.0174% of the FCC General Population limits. Incident at adjacent structures depicted in Figure 1, the maximum predicted power density level resulting from all AT&T Mobility operations is 20.5427% of the FCC General Population limits. The proposed operation will not expose members of the General Public to hazardous levels of RF energy at ground level or in adjacent structures.



Waterford Consultants, LLC recommends posting RF alerting signage with contact information (Caution 2B) at the base of the Stealth Pole - Extrnl Array to inform authorized climbers of potential conditions near the antennas. These recommendations are depicted in Figure 2.

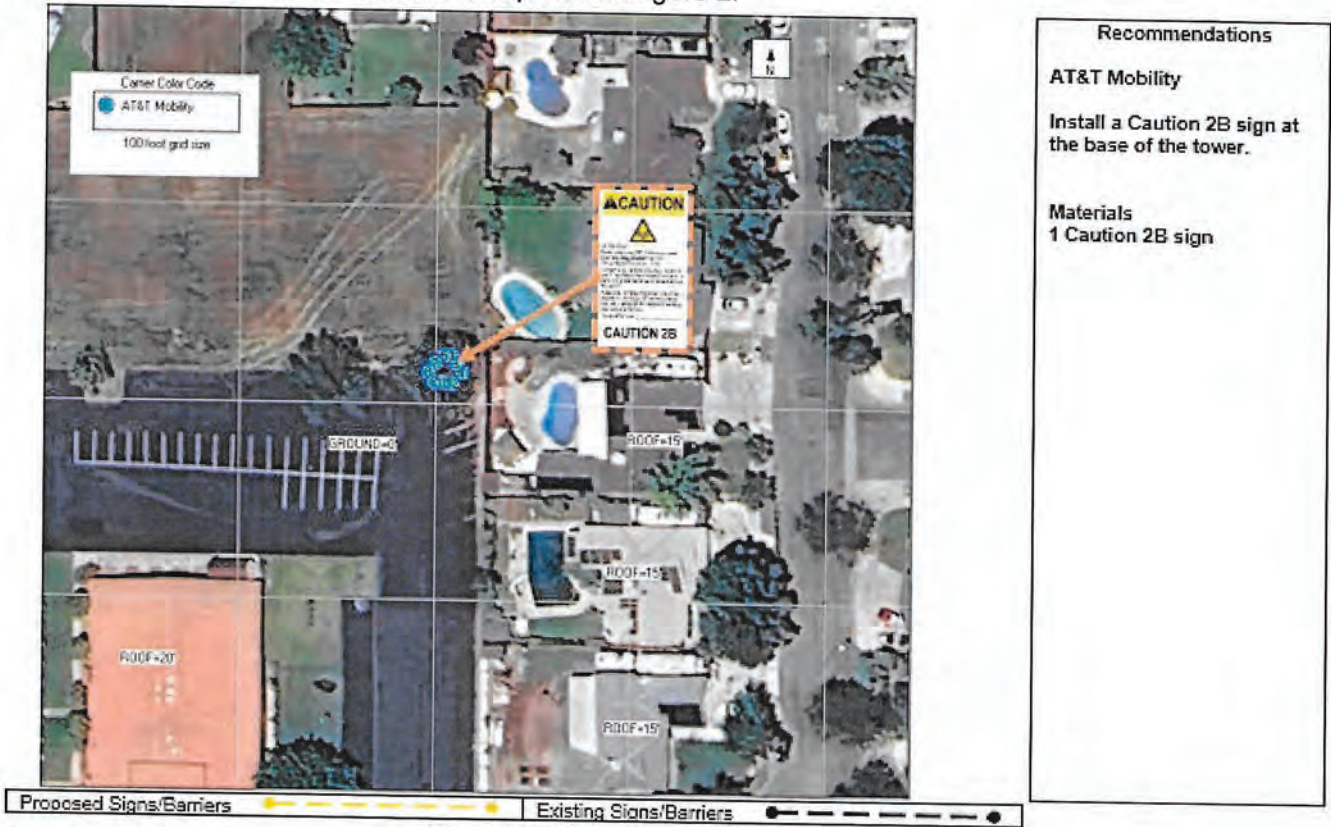


Figure 2: Mitigation Recommendations



**Appendix A: Operating Parameters Considered in this Analysis**

Antenna #:	Carrier:	Manufacturer	Pattern:	Band (MHz):	Mech Az (deg):	Mech DT (deg):	H BW (deg):	Length (ft):	TPO (W):	Channels:	Loss (dB):	Gain (dBd):	ERP (W):	EIRP (W):	Rad Center (ft):
1	AT&T	CELLMAX	12072x 02DT	700	40	0	66	8	60	4	0	14.55	6842	11226	53
1	AT&T	CELLMAX	12072x 02DT	850	40	0	67	8	60	4	0	15.35	8226	13496	53
1	AT&T	CELLMAX	12072x 02DT	1900	40	0	62	8	30	4	0	18.05	7659	12566	53
1	AT&T	CELLMAX	12072x 02DT	2100	40	0	56	8	60	4	0	18.75	17997	29526	53
2	AT&T	Ericsson	SON_AIR6419 TB 05.17.22 3700 AT&T	3700	40	0	13	2.4	108.4	1	0	23.45	23999	39372	50.17
3	AT&T	Ericsson	SON_AIR6419 TB 05.17.22 3500 AT&T	3500	40	0	13	2.4	54.2	1	0	23.45	11999	19686	55.67
4	AT&T	CELLMAX	12072x 02DT	700	40	0	66	8	40	4	0	14.55	4562	7484	53
4	AT&T	CELLMAX	12072x 02DT	1900	40	0	62	8	30	4	0	18.05	7659	12566	53
5	AT&T	CELLMAX	12072x 02DT	700	280	0	66	8	60	4	0	14.55	6842	11226	53
5	AT&T	CELLMAX	12072x 02DT	850	280	0	67	8	60	4	0	15.35	8226	13496	53
5	AT&T	CELLMAX	12072x 02DT	1900	280	0	62	8	30	4	0	18.05	7659	12566	53
5	AT&T	CELLMAX	12072x 02DT	2100	280	0	56	8	60	4	0	18.75	17997	29526	53
6	AT&T	Ericsson	SON_AIR6419 TB 05.17.22 3700 AT&T	3700	280	0	13	2.4	108.4	1	0	23.45	23999	39372	50.17
7	AT&T	Ericsson	SON_AIR6419 TB 05.17.22 3500 AT&T	3500	280	0	13	2.4	54.2	1	0	23.45	11999	19686	55.67
8	AT&T	CELLMAX	12072x 02DT	700	280	0	66	8	40	4	0	14.55	4562	7484	53
8	AT&T	CELLMAX	12072x 02DT	1900	280	0	62	8	30	4	0	18.05	7659	12566	53
9	AT&T	CELLMAX	12072x 02DT	700	160	0	66	8	60	4	0	14.55	6842	11226	53
9	AT&T	CELLMAX	12072x 02DT	850	160	0	67	8	60	4	0	15.35	8226	13496	53
9	AT&T	CELLMAX	12072x 02DT	1900	160	0	62	8	30	4	0	18.05	7659	12566	53
9	AT&T	CELLMAX	12072x 02DT	2100	160	0	56	8	60	4	0	18.75	17997	29526	53
10	AT&T	Ericsson	SON_AIR6419 TB 05.17.22 3700 AT&T	3700	160	0	13	2.4	108.4	1	0	23.45	23999	39372	50.17
11	AT&T	Ericsson	SON_AIR6419 TB 05.17.22 3500 AT&T	3500	160	0	13	2.4	54.2	1	0	23.45	11999	19686	55.67
12	AT&T	CELLMAX	12072x 02DT	700	160	0	66	8	40	4	0	14.55	4562	7484	53
12	AT&T	CELLMAX	12072x 02DT	1900	160	0	62	8	30	4	0	18.05	7659	12566	53



## Alternative Sites Analysis



*Proposed*



### **AT&T Mobility**

Wireless Telecommunications Facility  
At  
Bear Creek Community Church  
1717 E Olive Ave, Merced, CA 95340  
Site ID: CVL02828



## **Introduction**

New Cingular Wireless PCS, LLC d/b/a AT&T Mobility (“AT&T”) has a significant gap in its service coverage in the City of Merced. AT&T proposes to install a new 55-foot-tall wireless communications facility (“WCF”) disguised as a monopine tree at the rear of the Bear Creek Community Church (“Proposed Facility”) as a means to fill AT&T’s gap in coverage in this portion of the city. This property is located in an (R-1-6) Low Density Residential zoning district in the city of Merced, County of Merced. The Proposed Facility consists of twelve panel antennas (three sets of four antennas) mounted on a pole and camouflaged as a monopine tree (“monopine”), with related equipment to be housed within a 6-foot-high sound barrier fenced enclosure installed with maintenance free PVC sound proof panels adjacent to the monopine tower. The Proposed Facility is designed to minimize visual impacts, blend within the existing environment, and the antennas will be painted green and obscured by the faux pine branches. The new site location will have very little negative effect on the aesthetic quality of its surroundings due to the existing church structure/s located on the property. Effectively the existing building/s will screen much of the facility from residences and the public right of way. The Proposed Facility is the least intrusive means to fill the significant gap of the alternatives investigated by AT&T as explained below.

## **Objective**

AT&T Mobility has identified a significant gap in its service coverage in the City of Merced, Merced County in an area roughly bordered by E. Donna Dr to the north, McKee Rd to the east, Oregon Dr to the south, and Cherokee Ave to the west. The Proposed Facility will improve coverage to many dozens of homes in several neighborhoods, community parks, elementary school, local churches and other points of interest in the immediate vicinity. The service coverage in this portion of the city is described in the accompanying Radio Frequency propagation maps.

## **Methodology and Zoning Criteria**

The location of a WCF to fill a significant gap in coverage is dependent upon topography, zoning, existing structures, collocation opportunities, available utilities, access and a willing landlord. Wireless communication is line-of-sight technology that requires WCFs to be in relatively close proximity to the wireless handsets to be served.

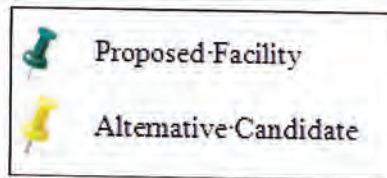
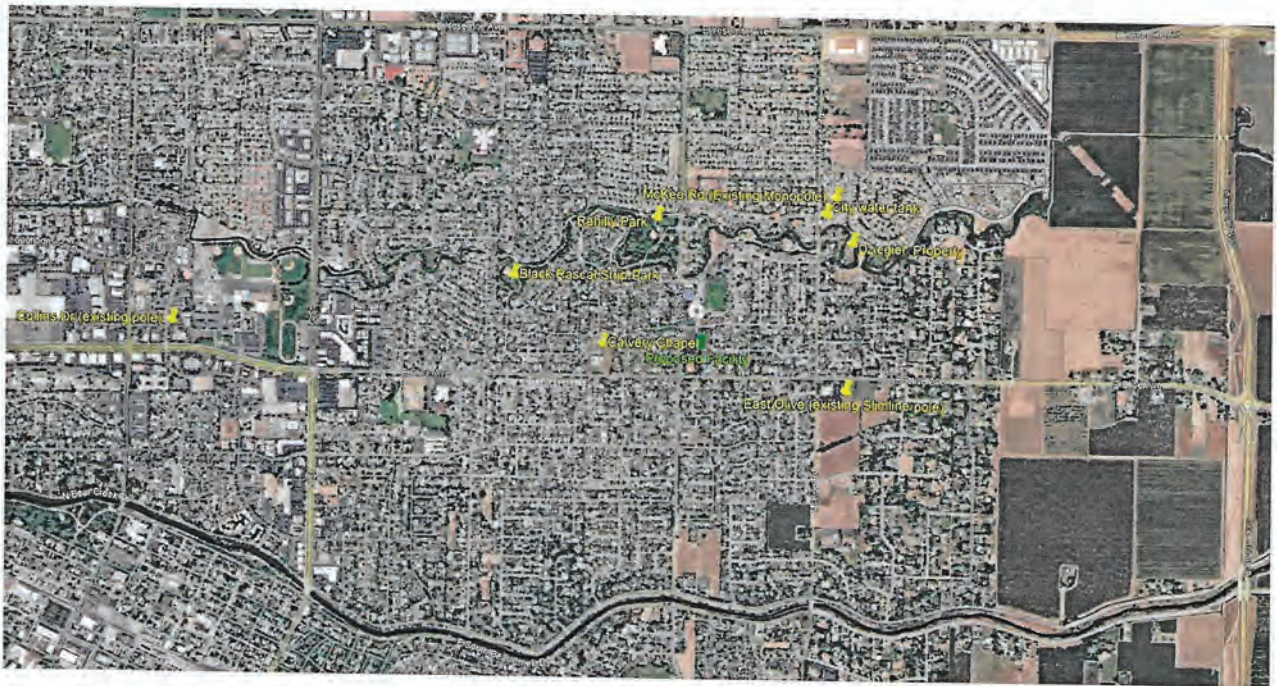
AT&T seeks to fill a significant gap in service coverage using the least intrusive means under the values expressed in the City of Merced Municipal Code. AT&T seeks to meet the Code requirements and provide the best available design by placing this Monopine WCF in an (R-1-6) Low Density Residential Use zone district at the minimum height needed to address the significant service coverage gap.



## Analysis

AT&T investigated potential alternative sites for facilities to fill the identified coverage gap in this portion of the city. AT&T searched for, but did not find, feasible collocation opportunities in and around the coverage objective. Due to the need for antennas with a centerline height of (53) feet above ground level, AT&T proposed a stealth WCF in the form of a Monopine tower. The following map shows the locations of the Proposed Facility and the alternative sites that AT&T investigated. The alternatives are discussed in the analysis which follows.

### Location of Candidate Sites





**Proposed Facility – Bear Creek Community Church  
Location: 1717 E Olive Ave, Merced, CA 95340**



*Conclusion: Based upon location, a willing landlord and the superior coverage as shown in the AT&T Radio Frequency coverage service maps, the Proposed Facility is the least intrusive means for AT&T to meet its service coverage objective.*

This (R-1-6) Low Density Residential Zoned District Use property is located at 1717 East Olive Ave, Merced, CA. AT&T proposes to install a 55-foot stealth monotree tower to camouflage its twelve antennas. The Proposed Facility is the best available design to minimize visual impacts in the area. The site location will have No negative effect on the aesthetic quality of its surroundings due to the existing church structure/s located on the property adjacent to the proposed site. Effectively the existing church building/s will screen much of the facility from residents and travelers in the area. The Proposed Facility is the least intrusive means to fill the significant gap of the alternatives investigated by AT&T.

**Alternative 1 – McKee Rd (existing Monopole tower) 3360 McKee Rd, Merced, CA**



*Conclusion: Not Viable or available*

The Existing 72 ft. tall Monopole tower is located approximately 0.56 miles northeast from the Proposed Facility. The existing Monopole tower is owned by Crown Castle Corporation and is Not viable due to unavailable tower space, structural capacity and insufficient ground lease space within the existing Crown Castle leased premises for AT&T's proposed equipment.



Alternative 2 – City water tank, McKee Rd, Merced, CA



*Conclusion: Not available*

The City of Merced owned water tank is located approximately 0.51 miles northeast of the proposed Facility. The city public works and engineering Dept were not interested in leasing antenna space on the existing water tank and or ground space at the property to AT&T for a WCF.

**Alternative 3 – Dziegiel Property, Creekview Dr, Merced, CA**



*Conclusion: Not available*

This property is located approximately 0.50 miles northeast from the Proposed Facility. The property owners were not interested in leasing ground space to AT&T for a WCF.



**Alternative 4 – Calvary Chapel Church, 1345 E Olive Ave, Merced, CA**



*Conclusion: Not available*

This property is located approximately 0.25 miles west from the Proposed Facility. The church board/representatives were not interested in leasing ground space to AT&T for a WCF.



**Alternative 5 – East Olive (existing Slimline Monopole), 2222 E Olive Ave, Merced, CA**



*Conclusion: Not Viable*

The Existing 50 ft. tall Slimline Monopole tower is located approximately 0.42 miles southeast from the Proposed Facility. The existing Slimline Monopole tower is owned by Crown Castle Corporation and is Not viable due to unavailable tower space and structural capacity for AT&T's proposed equipment.

**Alternative 6 – Rahilly Park, 3400 Parsons Ave, Merced, CA**



*Conclusion: Not available*

The City of Merced owned Park is located approximately 0.37 miles northwest of the proposed Facility. The city parks Dept were not interested in leasing ground space at the park to AT&T for a WCF.



**Alternative 7 – Black Rascal Strip Park, Merced, CA**



*Conclusion: Not available*

The City of Merced owned Park is located approximately 0.54 miles northwest of the proposed Facility. The city parks Dept were not interested in leasing ground space at the park to AT&T for a WCF.

**Alternative 8 – Collins Dr, (existing Slimline pole) 3168 Collins Dr, Merced, CA**



*Conclusion: Not feasible*

This property is located approximately 1.43 miles west from the Proposed Facility. Due to its location well to the west of AT&T's service objective, a WCF here does Not serve the target area and would not close AT&T's significant service coverage gap.

**Conclusion**

The Proposed Facility is the least intrusive means by which AT&T can close its significant service coverage gap in this portion of the City of Merced. Denial of AT&T's application or a reduction in height would materially inhibit AT&T's ability to provide and improve service in this portion of the city.



CITY OF MERCED  
 SITE PLAN REVIEW COMMITTEE  
 RESOLUTION #544

DRAFT

AT&T Mobility	Construct a 55’ stealth monopine wireless communication tower and an 8x8 walk in closet.
APPLICANT	PROJECT
605 Coolidge Dr. Ste 100	1717 E. Olive Ave
ADDRESS	PROJECT SITE
Folsom, CA 95630	008-060-057
CITY/STATE/ZIP	APN
(916) 798-2275	R-1-6
PHONE	ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Merced City Site Plan Review Committee considered and approved Site Plan Review Application #544 on April 25, 2024, submitted by AT&T Mobility, on behalf of the Church of the Nazarene of Merced, California, property owner, to construct a 55-foot-tall stealth monopine wireless communication tower at 1717 E. Olive Ave. within a R-1-6 Zone. Said property being more particularly described as Adjusted Parcel D as shown on that map “Record of Survey for the Church of the Nazarene” recorded in Book 6, Page 21 of Merced County Records; also known as Assessor’s Parcel Number (APN) 008-060-057.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15301 (a) (Exhibit D); and,

WHEREAS, the Merced City Site Plan Review Committee makes the following Findings:

- A) The proposal complies with the General Plan designation of Low Density (LD) and the Zoning classification of R-1-6.
- B) The wireless communication tower would be disguised as a pine tree (55-foot-tall stealth monopine) located on the northern portion of the parcel. Ancillary cabinet ground equipment would be enclosed by a 6-foot-tall fence. Height is necessary to provide coverage to service the area.
- C) Location is adjacent to single-family homes on Vickie Court, visible from the homes on Teak Ave., Parsons Ave., and Evette Court including the south side of East Olive Ave. The homes on Vickie Court will have the most impact because of visibility in the backyard. Only three (3) other trees are on this property, so the antenna will be higher, visible, and taller than others in the area.

April 25, 2024

- D) Based on elevations provided, the large cellmax antennas located on the site plan protrudes out 4 feet more than the limbs of the tree/tower. There are smaller antennas that does not project out as much. In order to minimize the visibility, the antennas will need to be painted green (Condition #8).
- E) Applicant has provided an alternative site analysis for co-locations; however the conclusion is that it is not viable or available (Exhibit G).
- F) Applicant has provided a map of existing and proposed wireless facilities within the 3-mile radius to illustrate service for local area and first responders (First Net Program) also known as First Responders Network (Exhibit E).
- G) Support tower is not located in an agricultural zoning district.
- H) The radio frequency emission of the proposed cell tower will meet FCC guidelines (Exhibit F).
- I) The communication tower will not block any of the scenic corridors shown in General Plan Policy OS-1.3B.
- J) The proposed communication tower would not create any unusual structures that are not already permitted within the R-1-6 Zone. Other structures (with similar functions, height, and designs), such as monopole tower for wireless communication providers, are allowed within the R-1-6 Zone with Site Plan Permit approval.
- K) According to Section 332 (-C-) (-7-) of the Federal Telecommunication Act, local governments may not (1) prohibit or effectively prohibit personal wireless service (2) unreasonably discriminate among providers of functionally equivalent service providers, (3) regulate personal wireless service facilities based on the environmental effects from radio frequency emission to the extent such emission meets FFC Guidelines.
- L) Staff mailed a public hearing notice to property owners adjacent to the subject site, and published the public hearing notice in the *Merced County Times*. As of the time this report was prepared (4/18/2024), Planning Staff has received 5 emails and 5 voicemails in opposition and 1 email neutral of the project (Exhibit H).
- M) Per Zoning Ordinance 20.58-2, a Site Plan Review Permit is required because the subject site is in an R1 Zone.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Review Application #544, subject to the following conditions:

1. All applicable conditions contained in Site Plan Approval Resolution #79-1-Amended (“Standard Conditions for Site Plan Application”) shall apply.
2. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply including, but not limited to, the California building code and fire codes.

3. The site shall be constructed as shown on Exhibit B (site plan) and Exhibit C (elevation), as modified by the conditions of approval within this resolution.
4. Notwithstanding all other conditions, all construction and improvements shall be in strict accordance with Zoning, Building, and all other codes, ordinances, standards, and policies of the City of Merced.
5. In coordination with the Police Department and Fire Department, a frequency/inter-modulation study shall be prepared. Service may not be initiated until these departments have reviewed and have found the study to be acceptable.
6. At the time of building permit submittal, the applicant shall provide certification by a Radio Frequency Engineer, stating the RFR measurements and that they meet FCC radio frequency radiation standards.
7. The applicant shall work with the Merced Regional Airport and comply with all of their requirements for this type of structure and obtain all proper permits. Said requirements may include, but are not limited to, obtaining approval from the Airport Land Use Commission or showing proof of submitting an FAA Form 7460-1 to the FAA.
8. The private communication tower shall be a stealth monopine wireless communication facility and antennas shall be painted green to blend in.
9. The private communication tower shall be maintained at all times. At no time shall the private communication tower be faded or worn down to a state that would be considered unacceptable to City standards.
10. The private communication tower shall not have any form of steps, ladder, or pegs protruding from its side.
11. No signs, other than warning and safety signage, shall be located on a support tower or ancillary facility.
12. Other than lighting required by the FAA or other regulatory agency for the purpose of safety, lights are not permitted on the communication tower.
13. Any noise generated by the facility from the equipment or the tower shall be kept to a minimum so as not to cause a nuisance to the surrounding businesses.
14. At the time of building permit submittal, the applicant shall provide a site plan to the Engineering Department showing all easements which includes, but is not limited to, railroad right-of-way and City easements. The project shall not encroach into any rights-of-way or easements without first obtaining proper approval to do so.
15. The premise shall remain clean and free of debris and graffiti at all times.

If there are any questions concerning these conditions and recommendations, please contact Jessie Lee at (209) 385-6858.



Site Plan Approval #544

Page 4

April 25, 2024

April 25, 2024

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DATE

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SIGNATURE

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Development Services Technician II

TITLE

Exhibits:

- A) Location Map
- B) Overall Site Plan
- C) Elevation
- D) Categorical Exemption
- E) Existing and Proposed Site Map
- F) Radio Frequency Emission Compliance Report
- G) Alternative Sites Analysis
- H) Public Comments



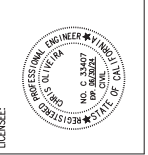
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 CVL02828  
 BEAR CREEK  
 (NORTHEAST MERGED)  
 ADDRESS: TITLE CASE NUMBER  
 MERGED, CA 95360  
 APN: 008-060-007-000  
 TAP 0100004  
 (25% REDUCED)

PREPARED FOR:  
  
 5001 EXECUTIVE PKWY.  
 SAN RAMON, CA 94583

VENDOR:  
  
**EPIC**  
 WIRELESS GROUP LLC  
 Connecting a Wireless World  
 605 Colonge Drive, Suite 100  
 Tiburon, CA 94920

AT&T SITE NO. C8V02828  
 DRAWN BY: AMP  
 CHECKED BY: TAP

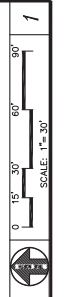
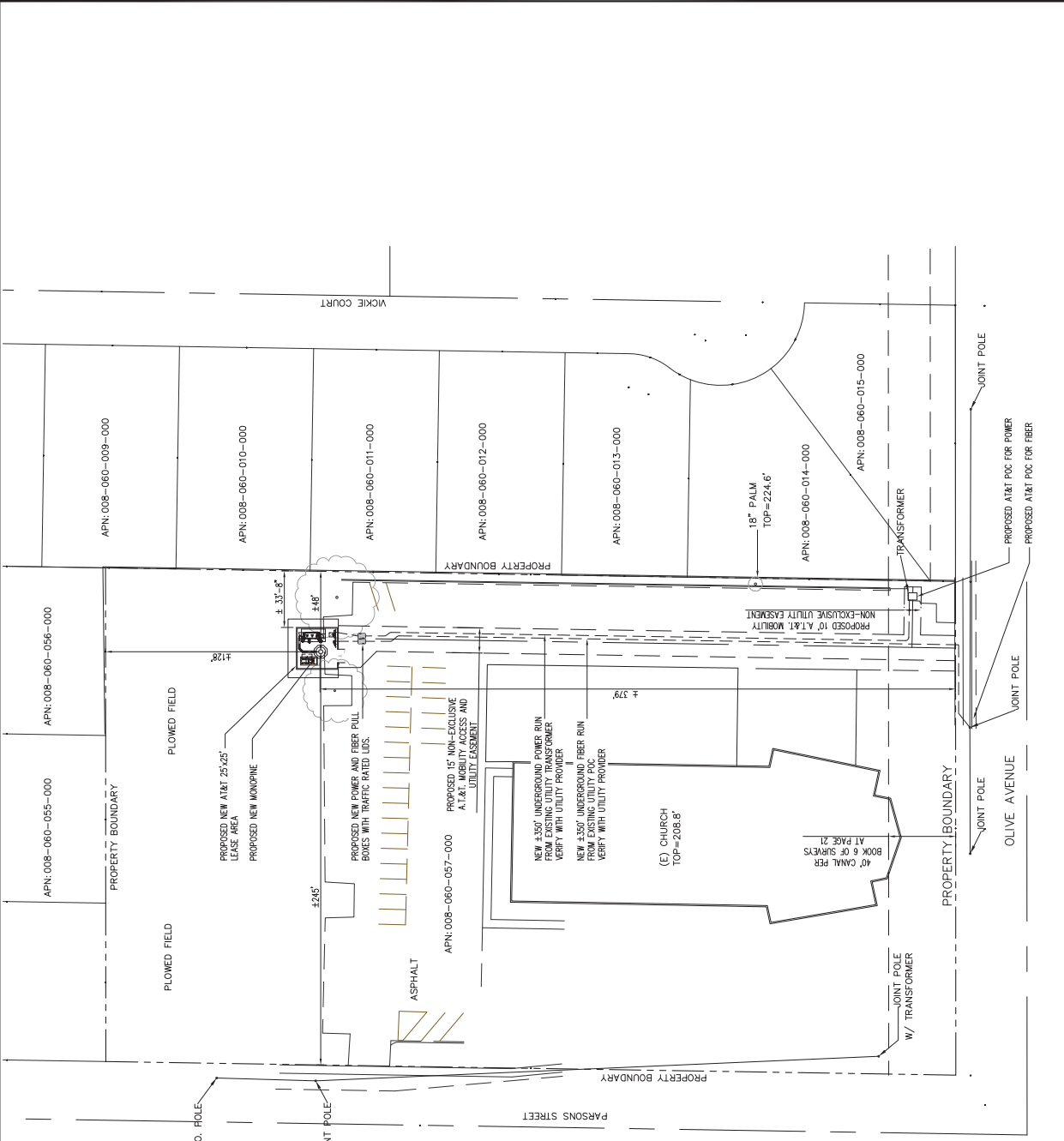
REV#	DATE	DESCRIPTION
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2	3-8-24	REV 90% PD
3	3-26-24	100% PD



PREPARED BY:  
 Peek Site-Comm  
 William A. Peek, P.E.  
 Address: California 94923  
 Phone: (930) 885-6160  
 E-Mail: info@peeksitecomm.com

SHEET TITLE:  
**OVERALL  
 SITE PLAN**




SHEET NUMBER:  
**A-1**

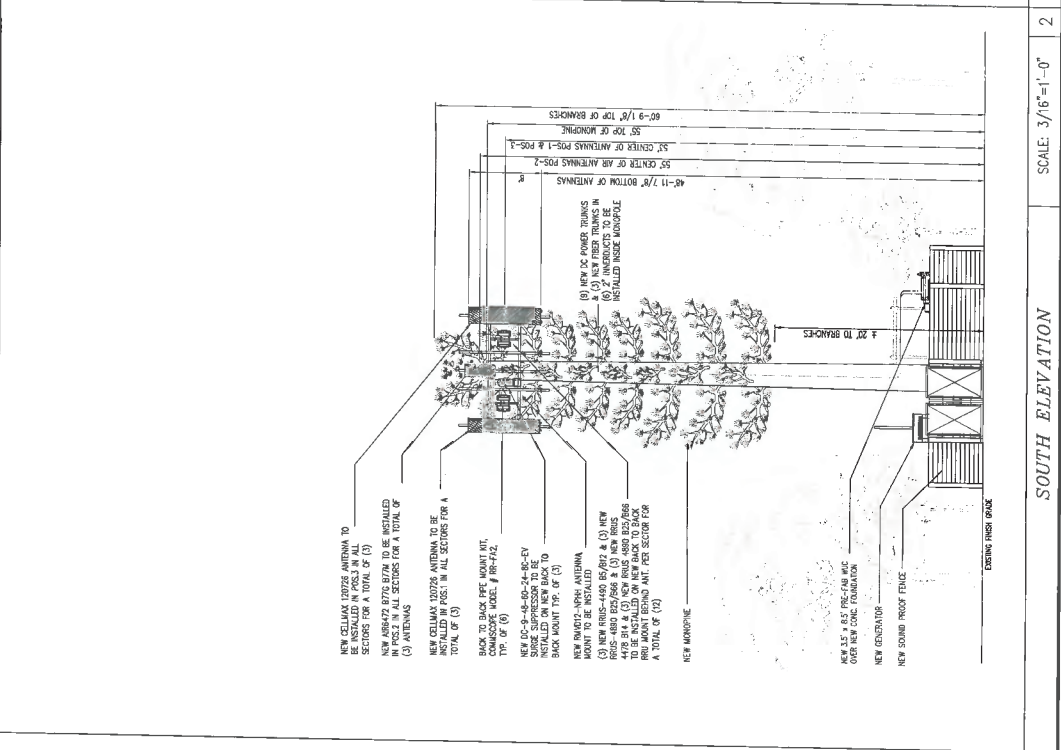
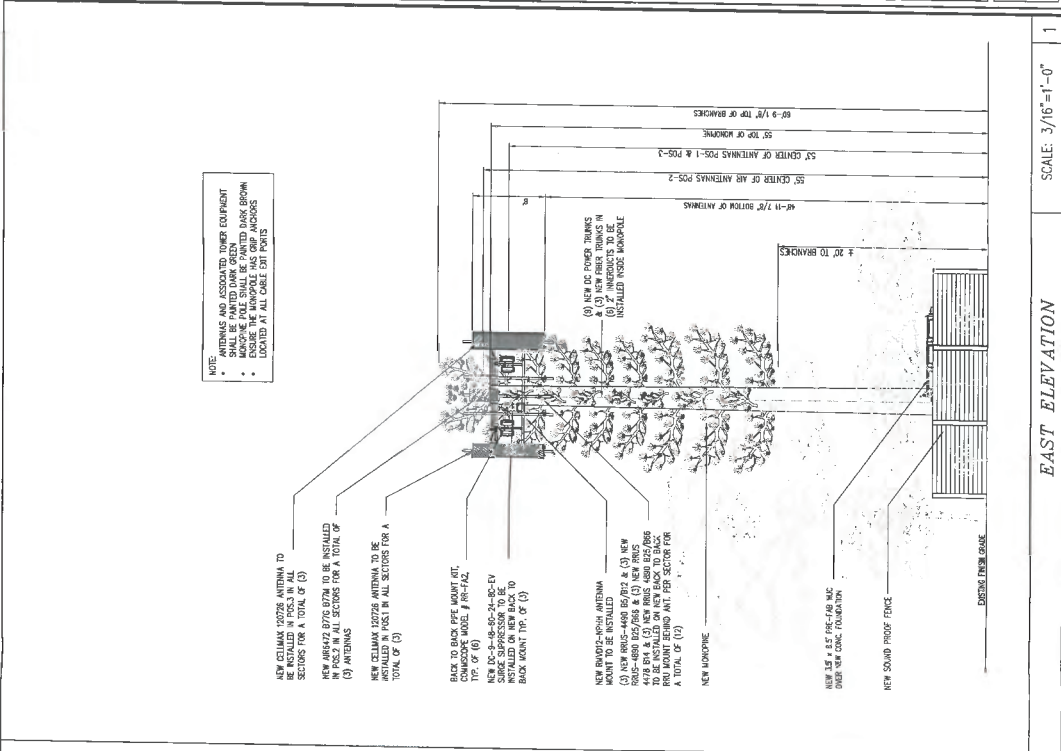


**OVERALL SITE PLAN**

EXHIBIT B



DESIGNED FOR: <b>CY102828</b> <b>BEAR CREEK</b> <b>(NORTHEAST MERCED)</b> ADDRESS: 3711 L. OAK AVENUE MERCED, CA 95365 PHONE: 209-261-4500 FAX: 209-261-4500	PREPARED FOR:  <b>5001 EXECUTIVE PKWY.</b> <b>SAN RAMON, CA 94583</b>	VENDOR:  <b>WIRELESS GROUP INC</b> Connecting a Wireless World 686 Colledge Drive, Suite 100 Folsom, CA 95630	ART SITE NO. <b>CY102828</b> DRAWN BY: <b>AMP</b> CHECKED BY: <b>TJP</b>	<table border="1"> <thead> <tr> <th>REV.</th> <th>DATE</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>11-20-04</td> <td>ISS. TO</td> </tr> <tr> <td>2</td> <td>1-4-05</td> <td>REV. ISS. TO</td> </tr> </tbody> </table>	REV.	DATE	DATE	1	11-20-04	ISS. TO	2	1-4-05	REV. ISS. TO		PROVIDED BY: <b>Peak Site - Comm</b> 10000 N. GARDEN AVENUE, SUITE 205 ANIM, CA 95020 PHONE: 925-855-6100 E-MAIL: info@peak-site.com	SHEET TITLE: <b>SOUTH &amp; EAST ELEVATION</b>	SHEET NUMBER: <b>A-7</b>
REV.	DATE	DATE															
1	11-20-04	ISS. TO															
2	1-4-05	REV. ISS. TO															






SCALE: 3/16"=1'-0"      SCALE: 3/16"=1'-0"

SOUTH ELEVATION      EAST ELEVATION

1      2

EXHIBIT C

PROJECT FOR: <b>CVL02828</b> <b>BEAR CREEK</b> <b>(NORTHEAST MERCED)</b> ADDRESS: 111 S. DUNE AVENUE SAN RAMON, CA 94583 CITY: SAN RAMON, CA 94583 PHONE: (925) 385-1100 FAX: (925) 385-1100 WWW: www.epicgroup.com	PREPARED FOR:  <b>at&amp;t</b> 5001 EXECUTIVE PARKWAY SAN RAMON, CA 94583	PROVIDOR:  <b>EPIC</b> <b>WIRELESS GROUP LLC</b> Connecting a Wireless World 666 Douglas Drive, Suite 100 Folsom, CA 95688	PROJECT NO.: <b>CVL02828</b> DRAWN BY: <b>AMP</b> CHECKED BY: <b>TAP</b>	<table border="1"> <thead> <tr> <th>REV.</th> <th>DATE</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>1-28-24</td> <td>REV. 2D</td> </tr> <tr> <td>2</td> <td>3-28-24</td> <td>REV. 2D</td> </tr> </tbody> </table>	REV.	DATE	DATE	1	1-28-24	REV. 2D	2	3-28-24	REV. 2D		PREPARED BY: <b>Freck Ste-Corn</b> Andrew M. Pappas, P.E. Andrew M. Pappas, License No. 68522 Phone: (925) 385-1100 Email: andrew@freckste-corn.com	SHEET TITLE: <b>NORTH &amp; WEST ELEVATION</b>	SHEET NUMBER: <b>A-8</b>
REV.	DATE	DATE															
1	1-28-24	REV. 2D															
2	3-28-24	REV. 2D															

NOTE: ANTENNAS AND ASSOCIATED TOWER EQUIPMENT SHALL BE PAINTED DARK GREEN. ALL STRUCTURES SHALL BE PAINTED DARK GREEN. ENSURE THE MANHOLE HAS CORP ANDORS. LOCATED AT ALL CABLE EXIT POINTS.

NEW CELMAX 102726 ANTENNA TO BE INSTALLED IN POS.3 IN ALL SECTORS FOR A TOTAL OF (2)

NEW ABBE472 87702 87700 TO BE INSTALLED IN POS.2 IN ALL SECTORS FOR A TOTAL OF (2)

(2) ANTENNAS

NEW CELMAX 102726 ANTENNA TO BE INSTALLED IN POS.1 IN ALL SECTORS FOR A TOTAL OF (2)

BACK TO BACK PIPE MOUNT KIT, COMPOSITE MODEL # RR-FA2, TOP OF (6)

NEW 2X4-4X4-65-64-66-EV SURGE SUPPRESSOR TO BE INSTALLED ON NEW BACK TO BACK MOUNT TOP OF (2)

NEW RW012-HP18 ANTENNA MOUNT TO BE INSTALLED

(2) NEW RR05-4400 85/822 & (2) NEW RR05-4400 85/822 & (2) NEW RR05-4400 85/822 & (2) NEW RR05-4400 85/822 TO BE INSTALLED ON NEW BACK TO BACK MOUNT BEHIND ANT. PER SECTOR FOR A TOTAL OF (12)

NEW MONOPINE

(6) NEW DC POWER TRUNKS & (2) NEW BIRD BRIMS IN (6) 2" MANHOLES TO BE INSTALLED INSIDE MANHOLE

NEW ICE BRIDGE

NEW GENERATOR

NEW SOUND PROOF FENCE

EXISTING FISH BRAKE

NEW CELMAX 102726 ANTENNA TO BE INSTALLED IN POS.3 IN ALL SECTORS FOR A TOTAL OF (2)

NEW ABBE472 87702 87700 TO BE INSTALLED IN POS.2 IN ALL SECTORS FOR A TOTAL OF (2)

(2) ANTENNAS

NEW CELMAX 102726 ANTENNA TO BE INSTALLED IN POS.1 IN ALL SECTORS FOR A TOTAL OF (2)

BACK TO BACK PIPE MOUNT KIT, COMPOSITE MODEL # RR-FA2, TOP OF (6)

NEW 2X4-4X4-65-64-66-EV SURGE SUPPRESSOR TO BE INSTALLED ON NEW BACK TO BACK MOUNT TOP OF (2)

NEW RW012-HP18 ANTENNA MOUNT TO BE INSTALLED

(2) NEW RR05-4400 85/822 & (2) NEW RR05-4400 85/822 & (2) NEW RR05-4400 85/822 & (2) NEW RR05-4400 85/822 TO BE INSTALLED ON NEW BACK TO BACK MOUNT BEHIND ANT. PER SECTOR FOR A TOTAL OF (12)

NEW MONOPINE

(6) NEW DC POWER TRUNKS & (2) NEW BIRD BRIMS IN (6) 2" MANHOLES TO BE INSTALLED INSIDE MANHOLE

NEW ICE BRIDGE

NEW GENERATOR

NEW SOUND PROOF FENCE

EXISTING FISH BRAKE

NEW CELMAX 102726 ANTENNA TO BE INSTALLED IN POS.3 IN ALL SECTORS FOR A TOTAL OF (2)

NEW ABBE472 87702 87700 TO BE INSTALLED IN POS.2 IN ALL SECTORS FOR A TOTAL OF (2)

(2) ANTENNAS

NEW CELMAX 102726 ANTENNA TO BE INSTALLED IN POS.1 IN ALL SECTORS FOR A TOTAL OF (2)

BACK TO BACK PIPE MOUNT KIT, COMPOSITE MODEL # RR-FA2, TOP OF (6)

NEW 2X4-4X4-65-64-66-EV SURGE SUPPRESSOR TO BE INSTALLED ON NEW BACK TO BACK MOUNT TOP OF (2)

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NEW GENERATOR

NEW SOUND PROOF FENCE

EXISTING FISH BRAKE

SCALE: 3/16"=1'-0"      SCALE: 3/16"=1'-0"      SCALE: 3/16"=1'-0"      SCALE: 3/16"=1'-0"

NORTH ELEVATION      WEST ELEVATION

1      2      1

**NOTICE OF EXEMPTION**

To: Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044  
Merced, CA 95340

From: (Public Agency)  
City of Merced  
678 West 18th St.

X County Clerk  
County of Merced  
2222 M Street  
Merced, CA 95340

Project Title: Site Plan Review Application #544 (Environmental Review #24-10)

Project Applicant: Carl Jones, AT&T Mobility

Project Location (Specific): 1717 E. Olive Ave APN: 008-060-057

Project Location - City: Merced

Project Location - County: Merced

Description of Nature, Purpose, and Beneficiaries of Project: To install a 55-foot-tall stealth monopine wireless communication tower.

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Carl Jones, AT&T Mobility


Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- X Categorical Exemption. State Type and Section Number: 15332
- Statutory Exemptions. State Code Number: \_\_\_\_\_.
- General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt: As defined under the above referenced Section, the proposed project is considered an in-fill project. The project location is within the City limits on a parcel less than 5-acres in size, and is surrounded by urban uses. The site can be served by all required utilities and public services, and the project site has no value as habitat for endangered, rare or threatened species. No significant effects resulting from traffic, noise, air quality, or water quality will result from the construction of the building. The project is consistent with the City of Merced General Plan and Zoning regulations.

Lead Agency: City of Merced

Contact Person: Jessie Lee Area Code/Telephone: (209) 385-6858

Signature:  Date: April 18, 2024

Title: Development Services Technician II

X Signed by Lead Agency Date Received for Filing at OPR: n/a  
(If applicable)

Authority Cited: Sections 21083 and 21110. Public Resources Code  
Reference: Sections 21108, 21152, and 21152.1. Public Resources Code



# Existing LTE 700 Coverage

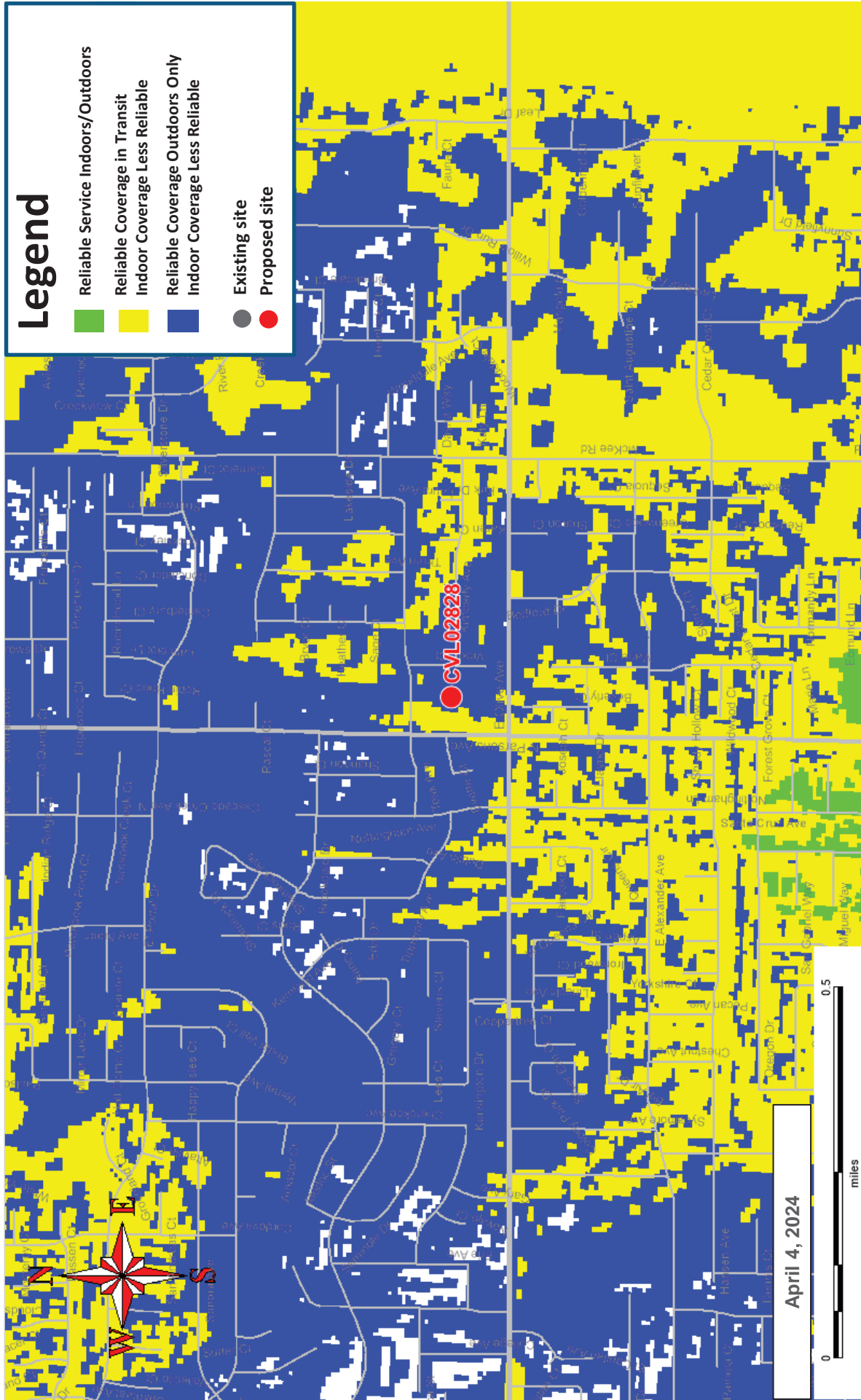
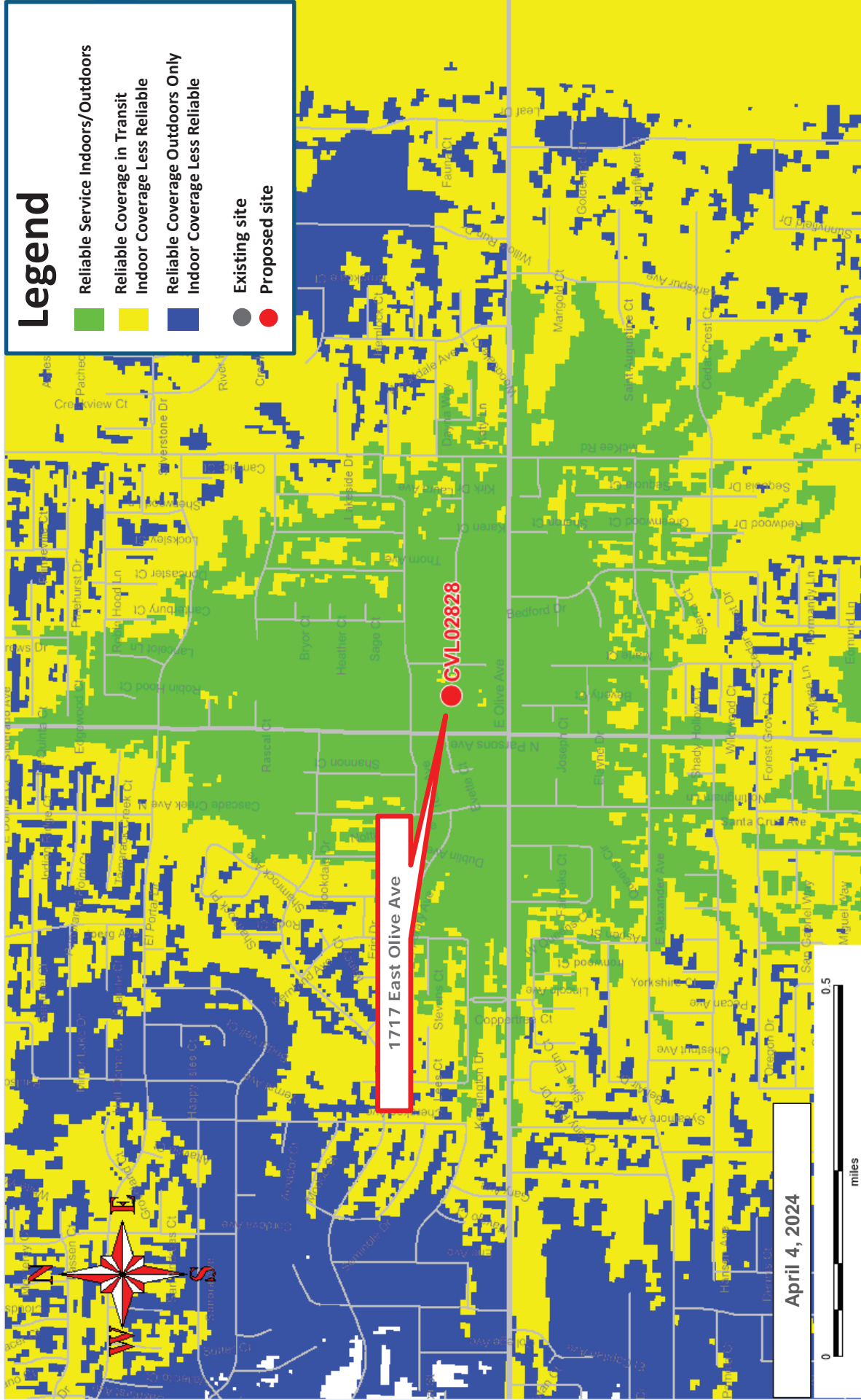


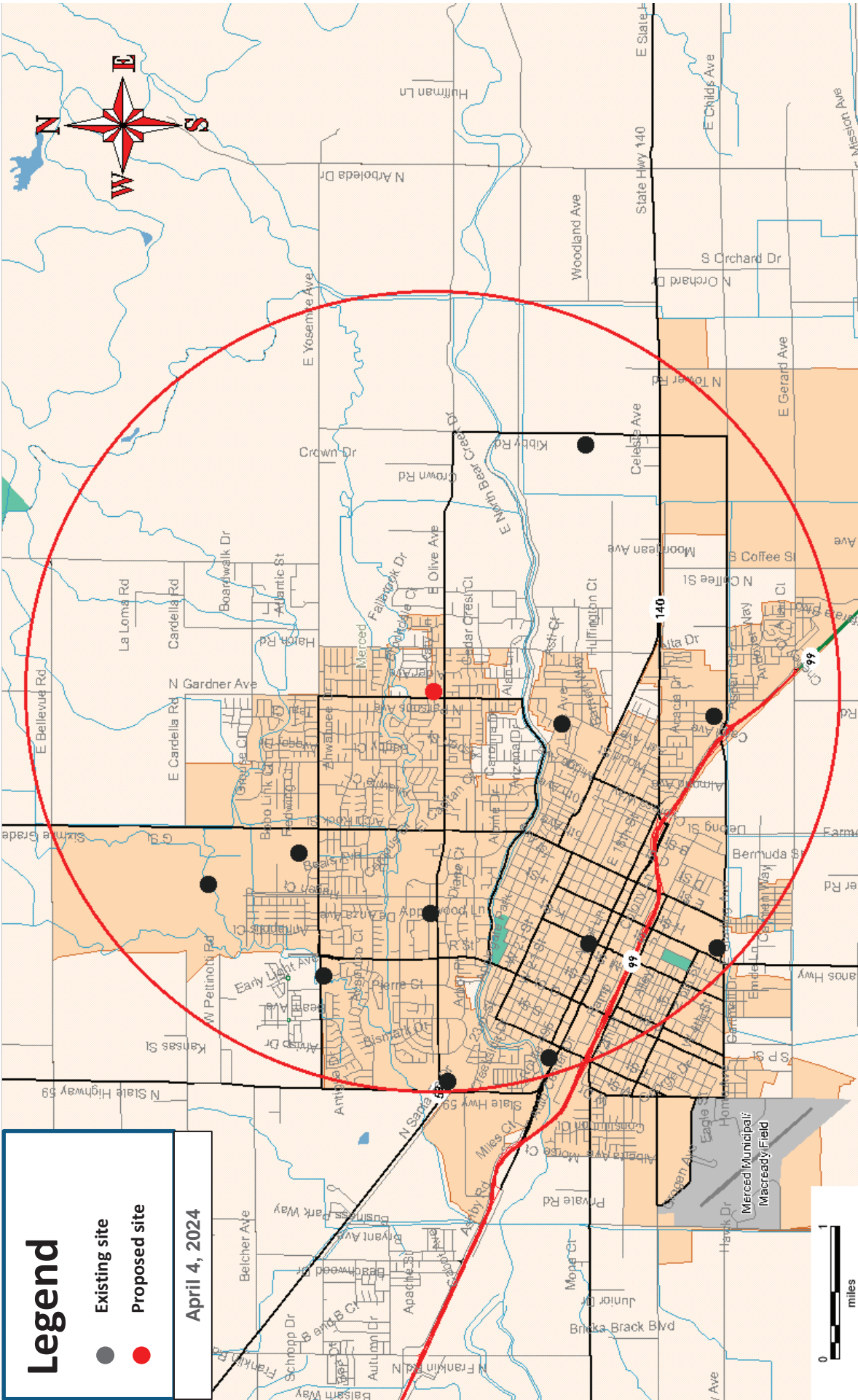
EXHIBIT E

Proprietary and Confidential Business Information of AT&T

# Proposed LTE 700 Coverage – 1717 East Olive Ave @ RC = 53 ft



# Existing and proposed sites within 3-mile radius







**Radio Frequency Emissions Compliance Report For AT&T Mobility**

<b>Site Name:</b> Northeast Merced	<b>Site Structure Type:</b> Stealth Pole - Extrnl Array
<b>Address:</b> 1717 E. Olive Avenue Merced, CA 95340	<b>Latitude:</b> 37.319572
<b>Report Date:</b> March 6, 2024	<b>Longitude:</b> -120.450156
	<b>Project:</b> New Build

**Compliance Statement**

Based on information provided by AT&T Mobility and predictive modeling, the Northeast Merced installation proposed by AT&T Mobility will be compliant with Radiofrequency Radiation Exposure Limits of 47 C.F.R. §§ 1.1307(b)(3) and 1.1310. RF alerting signage at the base of the Stealth Pole - Extrnl Array and restricting access to authorized climbers that have completed RF safety training is required for Occupational environment compliance. The proposed operation will not expose members of the General Public to hazardous levels of RF energy at ground level or in adjacent structures.

**Certification**

I, David C. Cotton, Jr., am the reviewer and approver of this report and am fully aware of and familiar with the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation, specifically in accordance with FCC's OET Bulletin 65. I have reviewed this Radio Frequency Exposure Assessment report and believe it to be both true and accurate to the best of my knowledge.



*David Charles Cotton, Jr.*  
David Charles Cotton, Jr.  
Registered Professional Engineer (Electrical)  
State of California, 18838

**General Summary**

The compliance framework is derived from the Federal Communications Commission (FCC) Rules and Regulations for preventing human exposure in excess of the applicable Maximum Permissible Exposure ("MPE") limits. At any location at this site, the power density resulting from each transmitter may be expressed as a percentage of the frequency-specific limits and added to determine if 100% of the exposure limit has been exceeded. The FCC Rules define two tiers of permissible exposure differentiated by the situation in which the exposure takes place and/or the status of the individuals who are subject to exposure. General Population / Uncontrolled exposure limits apply to those situations in which persons may not be aware of the presence of electromagnetic energy, where exposure is not employment-related, or where persons cannot exercise control over their exposure. Occupational / Controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment, have been made fully aware of the potential for exposure, and can exercise control over their exposure. Based on the criteria for these classifications, the FCC General Population limit is considered to be a level that is safe for continuous exposure time. The FCC General Population limit is 5 times more restrictive than the Occupational limits.

In situations where the predicted MPE exceeds the General Population threshold in an accessible area as a result of emissions from multiple transmitters, FCC licensees that contribute greater than 5% of the aggregate MPE share responsibility for mitigation.



Northeast Merced - Modification

Table 1: FCC Limits

Frequency (MHz)	Limits for General Population/ Uncontrolled Exposure		Limits for Occupational/ Controlled Exposure	
	Power Density (mW/cm <sup>2</sup> )	Averaging Time (minutes)	Power Density (mW/cm <sup>2</sup> )	Averaging Time (minutes)
30-300	0.2	30	1	6
300-1500	f/1500	30	f/300	6
1500-100,000	1.0	30	5.0	6

f=Frequency (MHz)

Based on the computational guidelines set forth in FCC OET Bulletin 65, Waterford Consultants, LLC has developed software to predict the overall Maximum Permissible Exposure possible at any location given the spatial orientation and operating parameters of multiple RF sources. The power density in the Far Field of an RF source is specified by OET-65 Equation 5 as follows:

$$S = \frac{EIRP}{4 \cdot \pi \cdot R^2} \text{ (mW/cm}^2\text{)}$$

where EIRP is the Effective Radiated Power relative to an isotropic antenna and R is the distance between the antenna and point of study. Additionally, consideration is given to the manufacturers' horizontal and vertical antenna patterns as well as radiation reflection. At any location, the predicted power density in the Far Field is the spatial average of points within a 0 to 6-foot vertical profile that a person would occupy. Near field power density is based on OET-65 Equation 20 stated as

$$S = \left( \frac{180}{\theta_{BW}} \right) \cdot \frac{100 \cdot P_{in}}{\pi \cdot R \cdot h} \text{ (mW/cm}^2\text{)}$$

where P<sub>in</sub> is the power input to the antenna, θ<sub>BW</sub> is the horizontal pattern beamwidth and h is the aperture length.

Some antennas employ beamforming technology where RF energy allocated to each customer device is dynamically directed toward their location. This analysis includes a statistical factor reducing the actual power of the antenna system to 32% of maximum theoretical power to account for spatial distribution of users, network utilization, time division duplexing, and scheduling time. AT&T recommends the use of this factor based on a combination of guidance from its antenna system manufacturers, supporting international industry standards, industry publications, and its extensive experience.



## Analysis

AT&T Mobility proposes the following installation at this location:

- INSTALL (12) AT&T Panel Antennas
- INSTALL (12) RRUS Remote Radio Units

The antennas will be mounted on a 55-foot Stealth Pole - Extnl Array with centerlines 50.17, 53, and 55.67 feet above ground level. Proposed antenna operating parameters are listed in Appendix A. Other appurtenances such as GPS antennas, RRUs and hybrid cable below the antennas are not sources of RF emissions. No other antennas are known to be operating in the vicinity of this site.



Figure 1: Antenna Locations

Power density decreases significantly with distance from any antenna. The panel-type antennas to be employed at this site are highly directional by design and the orientation in azimuth and mounting elevation, as documented, serves to reduce the potential to exceed MPE limits at any location other than directly in front of the antennas. For accessible areas at ground level, the maximum predicted power density level resulting from all AT&T Mobility operations is 9.0174% of the FCC General Population limits. Incident at adjacent structures depicted in Figure 1, the maximum predicted power density level resulting from all AT&T Mobility operations is 20.5427% of the FCC General Population limits. The proposed operation will not expose members of the General Public to hazardous levels of RF energy at ground level or in adjacent structures.



Waterford Consultants, LLC recommends posting RF alerting signage with contact information (Caution 2B) at the base of the Stealth Pole - Extrnl Array to inform authorized climbers of potential conditions near the antennas. These recommendations are depicted in Figure 2.

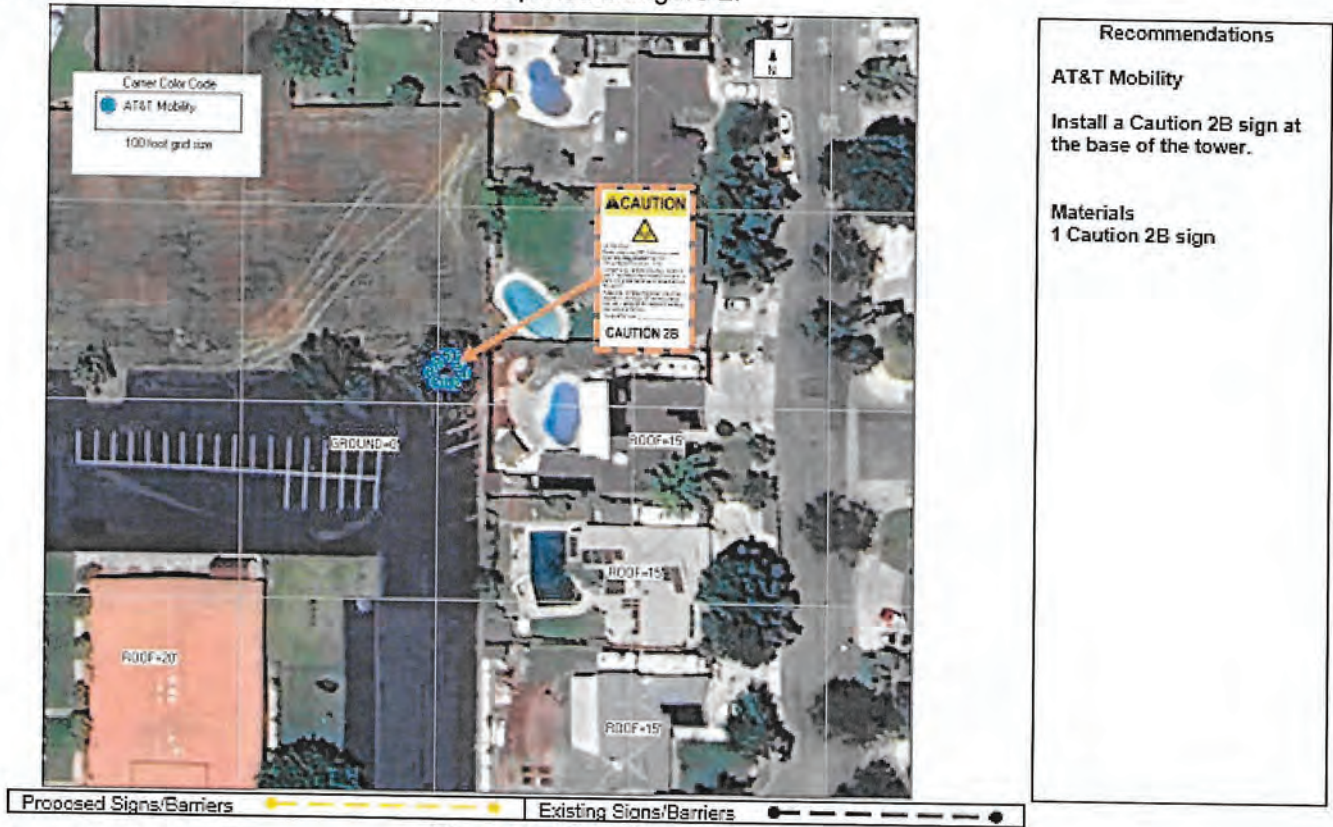


Figure 2: Mitigation Recommendations



**Appendix A: Operating Parameters Considered in this Analysis**

Antenna #:	Carrier:	Manufacturer	Pattern:	Band (MHz):	Mech Az (deg):	Mech DT (deg):	H BW (deg):	Length (ft):	TPO (W):	Channels:	Loss (dB):	Gain (dBd):	ERP (W):	EIRP (W):	Rad Center (ft):
1	AT&T	CELLMAX	12072x 02DT	700	40	0	66	8	60	4	0	14.55	6842	11226	53
1	AT&T	CELLMAX	12072x 02DT	850	40	0	67	8	60	4	0	15.35	8226	13496	53
1	AT&T	CELLMAX	12072x 02DT	1900	40	0	62	8	30	4	0	18.05	7659	12566	53
1	AT&T	CELLMAX	12072x 02DT	2100	40	0	56	8	60	4	0	18.75	17997	29526	53
2	AT&T	Ericsson	SON_AIR6419 TB 05.17.22 3700 AT&T	3700	40	0	13	2.4	108.4	1	0	23.45	23999	39372	50.17
3	AT&T	Ericsson	SON_AIR6419 TB 05.17.22 3500 AT&T	3500	40	0	13	2.4	54.2	1	0	23.45	11999	19686	55.67
4	AT&T	CELLMAX	12072x 02DT	700	40	0	66	8	40	4	0	14.55	4562	7484	53
4	AT&T	CELLMAX	12072x 02DT	1900	40	0	62	8	30	4	0	18.05	7659	12566	53
5	AT&T	CELLMAX	12072x 02DT	700	280	0	66	8	60	4	0	14.55	6842	11226	53
5	AT&T	CELLMAX	12072x 02DT	850	280	0	67	8	60	4	0	15.35	8226	13496	53
5	AT&T	CELLMAX	12072x 02DT	1900	280	0	62	8	30	4	0	18.05	7659	12566	53
5	AT&T	CELLMAX	12072x 02DT	2100	280	0	56	8	60	4	0	18.75	17997	29526	53
6	AT&T	Ericsson	SON_AIR6419 TB 05.17.22 3700 AT&T	3700	280	0	13	2.4	108.4	1	0	23.45	23999	39372	50.17
7	AT&T	Ericsson	SON_AIR6419 TB 05.17.22 3500 AT&T	3500	280	0	13	2.4	54.2	1	0	23.45	11999	19686	55.67
8	AT&T	CELLMAX	12072x 02DT	700	280	0	66	8	40	4	0	14.55	4562	7484	53
8	AT&T	CELLMAX	12072x 02DT	1900	280	0	62	8	30	4	0	18.05	7659	12566	53
9	AT&T	CELLMAX	12072x 02DT	700	160	0	66	8	60	4	0	14.55	6842	11226	53
9	AT&T	CELLMAX	12072x 02DT	850	160	0	67	8	60	4	0	15.35	8226	13496	53
9	AT&T	CELLMAX	12072x 02DT	1900	160	0	62	8	30	4	0	18.05	7659	12566	53
9	AT&T	CELLMAX	12072x 02DT	2100	160	0	56	8	60	4	0	18.75	17997	29526	53
10	AT&T	Ericsson	SON_AIR6419 TB 05.17.22 3700 AT&T	3700	160	0	13	2.4	108.4	1	0	23.45	23999	39372	50.17
11	AT&T	Ericsson	SON_AIR6419 TB 05.17.22 3500 AT&T	3500	160	0	13	2.4	54.2	1	0	23.45	11999	19686	55.67
12	AT&T	CELLMAX	12072x 02DT	700	160	0	66	8	40	4	0	14.55	4562	7484	53
12	AT&T	CELLMAX	12072x 02DT	1900	160	0	62	8	30	4	0	18.05	7659	12566	53



## Alternative Sites Analysis



### **AT&T Mobility**

Wireless Telecommunications Facility  
At  
Bear Creek Community Church  
1717 E Olive Ave, Merced, CA 95340  
Site ID: CVL02828



## **Introduction**

New Cingular Wireless PCS, LLC d/b/a AT&T Mobility (“AT&T”) has a significant gap in its service coverage in the City of Merced. AT&T proposes to install a new 55-foot-tall wireless communications facility (“WCF”) disguised as a monopine tree at the rear of the Bear Creek Community Church (“Proposed Facility”) as a means to fill AT&T’s gap in coverage in this portion of the city. This property is located in an (R-1-6) Low Density Residential zoning district in the city of Merced, County of Merced. The Proposed Facility consists of twelve panel antennas (three sets of four antennas) mounted on a pole and camouflaged as a monopine tree (“monopine”), with related equipment to be housed within a 6-foot-high sound barrier fenced enclosure installed with maintenance free PVC sound proof panels adjacent to the monopine tower. The Proposed Facility is designed to minimize visual impacts, blend within the existing environment, and the antennas will be painted green and obscured by the faux pine branches. The new site location will have very little negative effect on the aesthetic quality of its surroundings due to the existing church structure/s located on the property. Effectively the existing building/s will screen much of the facility from residences and the public right of way. The Proposed Facility is the least intrusive means to fill the significant gap of the alternatives investigated by AT&T as explained below.

## **Objective**

AT&T Mobility has identified a significant gap in its service coverage in the City of Merced, Merced County in an area roughly bordered by E. Donna Dr to the north, McKee Rd to the east, Oregon Dr to the south, and Cherokee Ave to the west. The Proposed Facility will improve coverage to many dozens of homes in several neighborhoods, community parks, elementary school, local churches and other points of interest in the immediate vicinity. The service coverage in this portion of the city is described in the accompanying Radio Frequency propagation maps.

## **Methodology and Zoning Criteria**

The location of a WCF to fill a significant gap in coverage is dependent upon topography, zoning, existing structures, collocation opportunities, available utilities, access and a willing landlord. Wireless communication is line-of-sight technology that requires WCFs to be in relatively close proximity to the wireless handsets to be served.

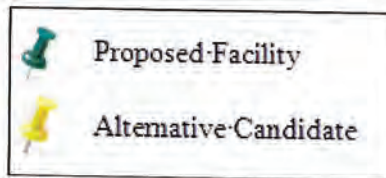
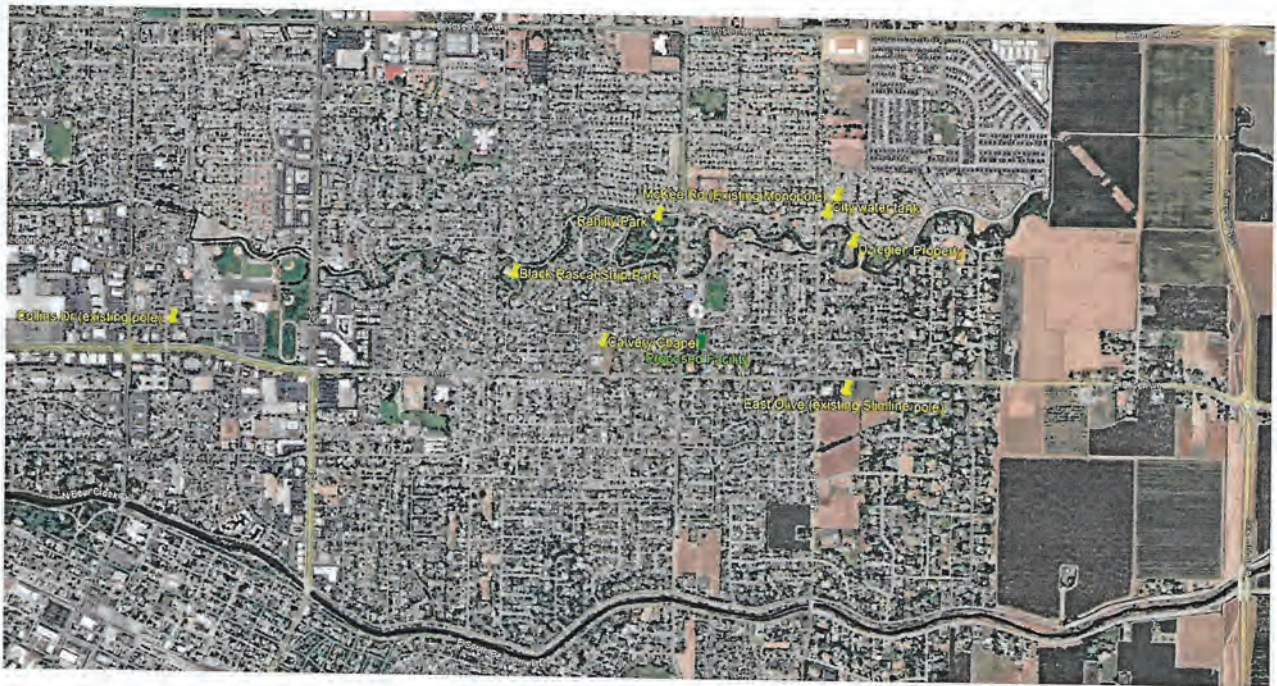
AT&T seeks to fill a significant gap in service coverage using the least intrusive means under the values expressed in the City of Merced Municipal Code. AT&T seeks to meet the Code requirements and provide the best available design by placing this Monopine WCF in an (R-1-6) Low Density Residential Use zone district at the minimum height needed to address the significant service coverage gap.



## Analysis

AT&T investigated potential alternative sites for facilities to fill the identified coverage gap in this portion of the city. AT&T searched for, but did not find, feasible collocation opportunities in and around the coverage objective. Due to the need for antennas with a centerline height of (53) feet above ground level, AT&T proposed a stealth WCF in the form of a Monopine tower. The following map shows the locations of the Proposed Facility and the alternative sites that AT&T investigated. The alternatives are discussed in the analysis which follows.

### Location of Candidate Sites





**Proposed Facility – Bear Creek Community Church  
Location: 1717 E Olive Ave, Merced, CA 95340**

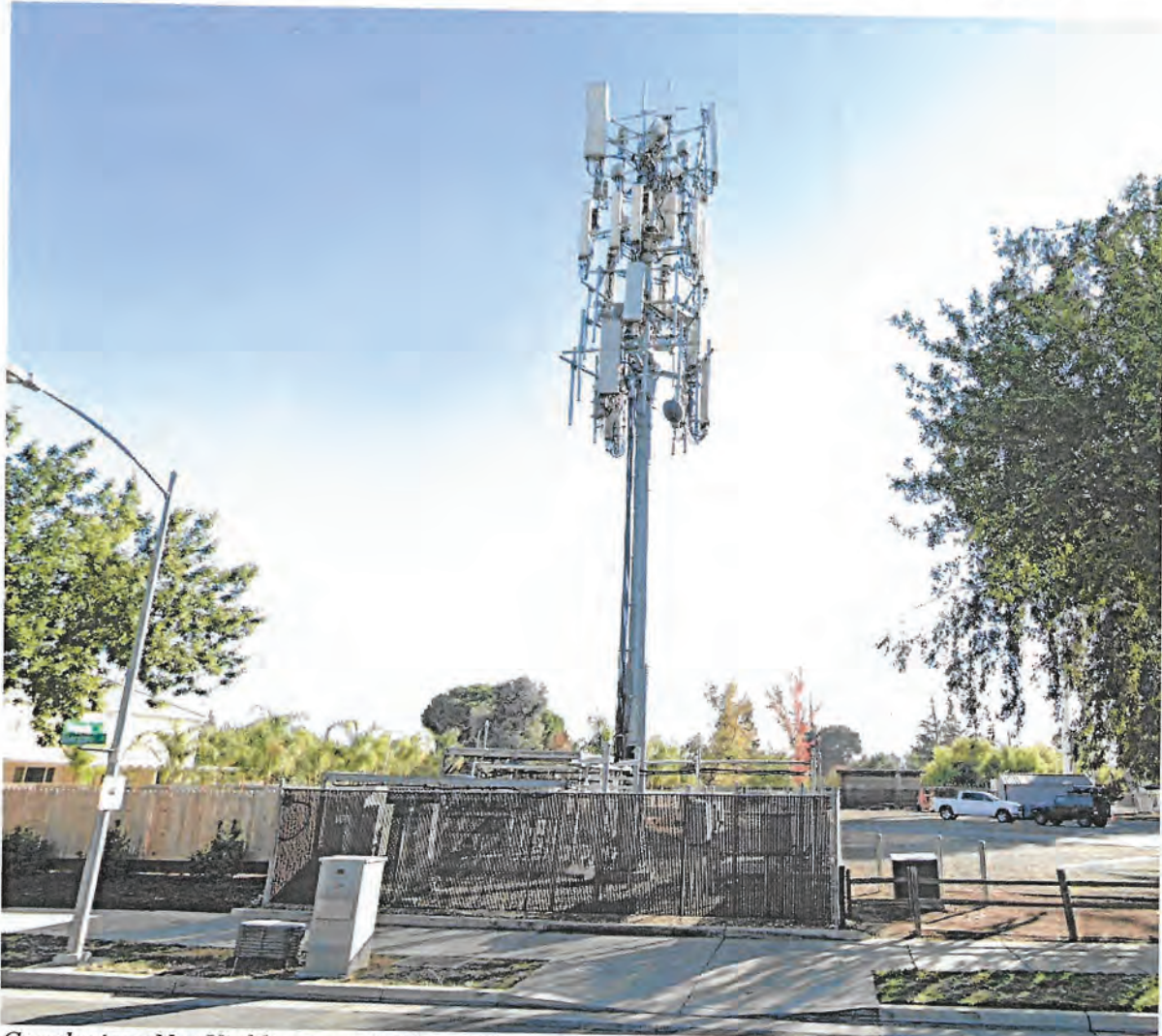


*Conclusion: Based upon location, a willing landlord and the superior coverage as shown in the AT&T Radio Frequency coverage service maps, the Proposed Facility is the least intrusive means for AT&T to meet its service coverage objective.*

This (R-1-6) Low Density Residential Zoned District Use property is located at 1717 East Olive Ave, Merced, CA. AT&T proposes to install a 55-foot stealth monotree tower to camouflage its twelve antennas. The Proposed Facility is the best available design to minimize visual impacts in the area. The site location will have No negative effect on the aesthetic quality of its surroundings due to the existing church structure/s located on the property adjacent to the proposed site. Effectively the existing church building/s will screen much of the facility from residents and travelers in the area. The Proposed Facility is the least intrusive means to fill the significant gap of the alternatives investigated by AT&T.



**Alternative 1 – McKee Rd (existing Monopole tower) 3360 McKee Rd, Merced, CA**



*Conclusion: Not Viable or available*

The Existing 72 ft. tall Monopole tower is located approximately 0.56 miles northeast from the Proposed Facility. The existing Monopole tower is owned by Crown Castle Corporation and is Not viable due to unavailable tower space, structural capacity and insufficient ground lease space within the existing Crown Castle leased premises for AT&T's proposed equipment.



Alternative 2 – City water tank, McKee Rd, Merced, CA



*Conclusion: Not available*

The City of Merced owned water tank is located approximately 0.51 miles northeast of the proposed Facility. The city public works and engineering Dept were not interested in leasing antenna space on the existing water tank and or ground space at the property to AT&T for a WCF.

**Alternative 3 – Dziegiel Property, Creekview Dr, Merced, CA**



*Conclusion: Not available*

This property is located approximately 0.50 miles northeast from the Proposed Facility. The property owners were not interested in leasing ground space to AT&T for a WCF.



**Alternative 4 – Calvary Chapel Church, 1345 E Olive Ave, Merced, CA**



*Conclusion: Not available*

This property is located approximately 0.25 miles west from the Proposed Facility. The church board/representatives were not interested in leasing ground space to AT&T for a WCF.

**Alternative 5 – East Olive (existing Slimline Monopole), 2222 E Olive Ave, Merced, CA**



*Conclusion: Not Viable*

The Existing 50 ft. tall Slimline Monopole tower is located approximately 0.42 miles southeast from the Proposed Facility. The existing Slimline Monopole tower is owned by Crown Castle Corporation and is Not viable due to unavailable tower space and structural capacity for AT&T's proposed equipment.



**Alternative 6 – Rahilly Park, 3400 Parsons Ave, Merced, CA**



*Conclusion: Not available*

The City of Merced owned Park is located approximately 0.37 miles northwest of the proposed Facility. The city parks Dept were not interested in leasing ground space at the park to AT&T for a WCF.



**Alternative 7 – Black Rascal Strip Park, Merced, CA**



*Conclusion: Not available*

The City of Merced owned Park is located approximately 0.54 miles northwest of the proposed Facility. The city parks Dept were not interested in leasing ground space at the park to AT&T for a WCF.

**Alternative 8 – Collins Dr, (existing Slimline pole) 3168 Collins Dr, Merced, CA**



*Conclusion: Not feasible*

This property is located approximately 1.43 miles west from the Proposed Facility. Due to its location well to the west of AT&T's service objective, a WCF here does Not serve the target area and would not close AT&T's significant service coverage gap.

**Conclusion**

The Proposed Facility is the least intrusive means by which AT&T can close its significant service coverage gap in this portion of the City of Merced. Denial of AT&T's application or a reduction in height would materially inhibit AT&T's ability to provide and improve service in this portion of the city.



---

**From:** Andrea Merg <[REDACTED]>  
**Sent:** Monday, April 15, 2024 8:36 AM  
**To:** planningweb <[planningweb@cityofmerced.org](mailto:planningweb@cityofmerced.org)>  
**Subject:** Cell tower proposal at Olive and Parsons

Dear Planning Division,

I was notified that a cell tower is being proposed on church property at the corner of Olive and Parsons near Chenoweth Elementary School. I am writing this email to voice my concern about putting this directly in a residential neighborhood and *next to an elementary school*. We do not know the full effects of radiofrequency electromagnetic waves on human health. The results are inconclusive and require more time in order to understand their long-term effects. In the meantime, there have been several studies that have shown negative effects on human health. In fact, the World Health Organization (WHO) upgraded the classification of radio waves to "*possibly carcinogenic to humans*" in 2011 (see link and attachment). The fact that this is being proposed in the middle of a residential neighborhood and across the street from an elementary school is appalling!

These structures also lower property values. Would you or others that you know like to have a cell tower right behind their backyard? The answer for a vast majority of people is "no"! Please consider alternative locations that are not placed in residential neighborhoods and near schools, and that have good buffer space around the structure to minimize exposure to people in the surrounding area.

WHO link: [https://www.iarc.who.int/wp-content/uploads/2018/07/pr208\\_E.pdf](https://www.iarc.who.int/wp-content/uploads/2018/07/pr208_E.pdf)

Thank you,

Andrea Merg

**[NOTICE: This message originated outside of City of Merced -- DO NOT CLICK on links or**



From: [planningweb](#)  
To: [Lee, Jessie](#)  
Subject: FW: Site Plan Review #544  
Date: Tuesday, April 16, 2024 2:02:31 PM  
Attachments: [image001.png](#)

---

Thanks,



**Kayla Abarca**

Administrative Assistant II, Planning Department  
City of Merced | 678 W. 18<sup>th</sup> Street | Merced, CA 95340  
[\(209\) 385-6954](tel:(209)385-6954) Direct | [\(209\) 385-6858](tel:(209)385-6858) Dept Phone  
[abarca@cityofmerced.org](mailto:abarca@cityofmerced.org) | [www.cityofmerced.org](http://www.cityofmerced.org)

---

**From:** Bryant Rodriguez <[REDACTED]>  
**Sent:** Tuesday, April 16, 2024 1:53 PM  
**To:** planningweb <[planningweb@cityofmerced.org](mailto:planningweb@cityofmerced.org)>  
**Subject:** Site Plan Review #544

Good Afternoon,

My Name is Bryant Rodriguez and I reside at [REDACTED]. I am attempting to make my opposition known to this proposal of a 55 ft cell tower. This would be basically in my backyard. I am opposed not only to the potential drop in my home's equity. I am wanting to bring up the potential health issues that could come up. Based on a review of studies published up until 2011, the International Agency for Research on Cancer (IARC) has classified RF radiation as "possibly carcinogenic to humans," This is not to mention the complete eye sore this will bring to my backyard that I will have to look at. I am in my backyard constantly whether gardening or playing with my children or just plain relaxing. I do not want to view this. I have spoken to multiple neighbors and they also do not want this. This was already attempted at the Calvary Chapel of Merced located at 1345 E Olive Ave, Merced, CA 95340. This was denied due to opposition and a compromise was that they would build a stealth tower at Rahilly park. Why is it that now they are attempting to put it at another church 1/4 of a mile down the road in another residential area where people do not want it?

Thank You,

Bryant Rodriguez

**[NOTICE: This message originated outside of City of Merced -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]**

From: [planningweb](#)  
To: [Lee, Jessie](#)  
Subject: FW: Site Plan Review #544  
Date: Tuesday, April 16, 2024 1:36:59 PM

---

Thanks,

Kayla Abarca  
Administrative Assistant II, Planning Department  
City of Merced | 678 W. 18th Street | Merced, CA 95340  
(209) 385-6954 Direct | (209) 385-6858 Dept Phone  
abarca@cityofmerced.org | www.cityofmerced.org

-----Original Message-----

From: Jason Verrinder <[REDACTED]>  
Sent: Monday, April 15, 2024 9:15 PM  
To: planningweb <planningweb@cityofmerced.org>  
Subject: RE: Site Plan Review #544

Hello,

As a property owner on [REDACTED] I was recently notified of the intention of attempting to put in a cellphone tower on Church of the Nazarene of Merced property adjacent to my backyard. I am opposed. As a good neighbor, I wanted to notify you that I've decided to hold private Hardcore music parties every Sunday for hardcore music lovers. It will be loud, very loud, but during appropriate daytime hours. This will be happening every Sunday into the foreseeable future.

Best wishes,

Jason Verrinder

Sent from my iPhone

[NOTICE: This message originated outside of City of Merced -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

I am a 20 year resident of [REDACTED], representing all the families in the area who will be directly affected by the construction of a cell phone tower on the property of Bear Creek Community Church, adjacent to the homes on my block.

I feel that the city of Merced, ATT, and the owners of the property on which Bear Creek Community Church is situated are all complicit in irresponsible behavior towards our community. It is well-documented and researched that cell phone towers emit dangerous radiation within their vicinity, causing a multitude of health issues. The wireless antennas on the tower emit radio frequency non-ionizing radiation. When these antennas are close to our homes and schools, the daily exposure to radio frequency radiation is increased, contributing to all sorts of maladies. To think that the city of Merced would put families and homeowners at risk is an outrage. Even more egregious is the fact that an elementary school is within very close range of the proposed cell tower. To put the 744 students and 80 staff members of Chenoweth School, directly across the street from the proposed construction site, which would then expose them to radiation on a daily basis, is truly a crime.

Children are more vulnerable to this type of radiation as they absorb it deep into their brains and bodies. A child's developing brain and organ systems are more sensitive to environmental stressors.

Cell phone tower radiation exposures are continuous – day and night. How can the city even ponder putting such an environmental hazard so close to our homes and schools?

The proposed tower will undoubtedly decrease the property values of the homes in the vicinity, in addition to presenting a host of health issues to the residents, school children, and school staff.

Rethink this issue.

Respectfully submitted,

Sheryl Wight





# Environmental Assessment Specialists, Inc.

Office [REDACTED] [www.easenv.com](http://www.easenv.com)

April 12, 2024

City of Merced Planning and Permitting  
678 West 18th Street  
Merced, CA 95340  
[planningweb@cityofmerced.org](mailto:planningweb@cityofmerced.org)

**RE: Invitation to Comment - Cultural Resource Identification Study/Sacred Lands File Search for Proposed Wireless Communications Candidate: AT&T Mobility, LLC (Client) – CVL02828 @ 1717 E. Olive Avenue, Merced, Merced County, CA 95340**

Environmental Assessment Specialists, Inc. (EAS) is under contract with Client to submit this proposed telecommunication site information to Native American tribal groups and other interested parties for review. This submittal is being requested for compliance with Federal Communications Commission (FCC) Section 106 of the National Historic Preservation Act (NHPA) to determine if the site will impact historic places and/or archaeologically sensitive sites. Below please find the proposed site description for the above-referenced telecommunications facility.

### Site Location and Description

The lease area lies in S16 T7S R14E as shown on the USGS Merced, CA 7.5-minute quadrangle map. The Client proposes to install a new telecommunications facility at this location: new faux tree antenna structure and associated equipment within a new compound including utility trenching. Ground disturbance will be required.

Field assessment for both historic properties and archaeological sites *will be* conducted, and a determination *will be* made of the project’s direct and indirect effects on eligible properties. Consulting parties are invited to provide information concerning historic or archaeological properties already listed in the National Register or that could be eligible for listing in the National Register.

If you have any questions regarding historical resources, please feel free to contact me via U.S. mail or email [REDACTED] Thank you for your consideration.

Gavin Leaver

**Environmental Assessment Specialists, Inc.**

Please mail your response to:

[REDACTED]

From: [planningweb](#)  
To: [Lee, Jessie](#)  
Subject: FW: Proposed Cell Tower at 1717 East Olive Avenue  
Date: Thursday, April 18, 2024 4:36:09 PM  
Attachments: [image001.png](#)

---

Thanks,



**Kayla Abarca**

Administrative Assistant II, Planning Department  
City of Merced | 678 W. 18<sup>th</sup> Street | Merced, CA 95340  
[\(209\) 385-6954](tel:(209)385-6954) Direct | [\(209\) 385-6858](tel:(209)385-6858) Dept Phone  
[abarca@cityofmerced.org](mailto:abarca@cityofmerced.org) | [www.cityofmerced.org](http://www.cityofmerced.org)

---

**From:** Ronald Ringstrom <[REDACTED]>  
**Sent:** Thursday, April 18, 2024 4:34 PM  
**To:** planningweb <[planningweb@cityofmerced.org](mailto:planningweb@cityofmerced.org)>  
**Subject:** Proposed Cell Tower at 1717 East Olive Avenue

We are unequivocally opposed to the construction of a 5G cellular phone tower on the property at 1717 East Olive Avenue. The entire area is residential, including our property at [REDACTED]. Cell towers have absolutely no place in a residential area.

The proposed site is approximately 0.4 miles (line-of-sight) from our house. There is already a cell tower next to the McKee Fire Station about 0.36 miles (line-of-sight) from our property. Putting two cell towers so close to each other makes zero sense, even if they are operated by two different companies.

It makes no difference that the tower will be camouflaged by a fake tree. It will still be an incredible eyesore that will diminish the property values of all of the residents in the area. AT&T will probably say that their proposed 5G system will not emit signals causing any significant harm to people in the area. That's sales talk. The high frequency radio waves emitted from this site may have very harmful effects to the children attending Chenoweth Elementary School, which is only about 100 feet from the site, as well as all of the residents in the area. We simply do not have enough long-term data available to be assured it will not cause harm. We do not endorse a project having the potential to cause physical harm to residents or to destroy the value of their properties.

We don't care that the church at that location wants to increase its revenue by allowing the proposed cell tower to be built on its property. Their interests are clearly contrary to the interests of residents in the area. We also don't care that AT&T is offering improved reception in the area. AT&T is a commercial enterprise solely motivated by profit. They don't care about the welfare of the people who live here. I certainly hope the City of Merced will not place the profit-motivated interests of a huge corporation ahead of the safety and welfare of its citizens.

By the way, it is far past time for the City of Merced to increase the notification area for proposed projects. The existing notification radius is far too small. We should have been notified because this monstrosity will affect us.

Thank you for your attention to this email message.

Ron and Claudia Ringstrom

---

**From:** Andrea Merg <[REDACTED]>  
**Sent:** Monday, April 15, 2024 8:36 AM  
**To:** planningweb <[planningweb@cityofmerced.org](mailto:planningweb@cityofmerced.org)>  
**Subject:** Cell tower proposal at Olive and Parsons

Dear Planning Division,

I was notified that a cell tower is being proposed on church property at the corner of Olive and Parsons near Chenoweth Elementary School. I am writing this email to voice my concern about putting this directly in a residential neighborhood and *next to an elementary school*. We do not know the full effects of radiofrequency electromagnetic waves on human health. The results are inconclusive and require more time in order to understand their long-term effects. In the meantime, there have been several studies that have shown negative effects on human health. In fact, the World Health Organization (WHO) upgraded the classification of radio waves to "*possibly carcinogenic to humans*" in 2011 (see link and attachment). The fact that this is being proposed in the middle of a residential neighborhood and across the street from an elementary school is appalling!

These structures also lower property values. Would you or others that you know like to have a cell tower right behind their backyard? The answer for a vast majority of people is "no"! Please consider alternative locations that are not placed in residential neighborhoods and near schools, and that have good buffer space around the structure to minimize exposure to people in the surrounding area.

WHO link: [https://www.iarc.who.int/wp-content/uploads/2018/07/pr208\\_E.pdf](https://www.iarc.who.int/wp-content/uploads/2018/07/pr208_E.pdf)

Thank you,

Andrea Merg

**[NOTICE: This message originated outside of City of Merced -- DO NOT CLICK on links or**



From: [planningweb](#)  
To: [Lee, Jessie](#)  
Subject: FW: Site Plan Review #544  
Date: Tuesday, April 16, 2024 2:02:31 PM  
Attachments: [image001.png](#)

---

Thanks,



**Kayla Abarca**

Administrative Assistant II, Planning Department  
City of Merced | 678 W. 18<sup>th</sup> Street | Merced, CA 95340  
[\(209\) 385-6954](tel:(209)385-6954) Direct | [\(209\) 385-6858](tel:(209)385-6858) Dept Phone  
[abarca@cityofmerced.org](mailto:abarca@cityofmerced.org) | [www.cityofmerced.org](http://www.cityofmerced.org)

---

**From:** Bryant Rodriguez <[REDACTED]>  
**Sent:** Tuesday, April 16, 2024 1:53 PM  
**To:** planningweb <[planningweb@cityofmerced.org](mailto:planningweb@cityofmerced.org)>  
**Subject:** Site Plan Review #544

Good Afternoon,

My Name is Bryant Rodriguez and I reside at [REDACTED]. I am attempting to make my opposition known to this proposal of a 55 ft cell tower. This would be basically in my backyard. I am opposed not only to the potential drop in my home's equity. I am wanting to bring up the potential health issues that could come up. Based on a review of studies published up until 2011, the International Agency for Research on Cancer (IARC) has classified RF radiation as "possibly carcinogenic to humans," This is not to mention the complete eye sore this will bring to my backyard that I will have to look at. I am in my backyard constantly whether gardening or playing with my children or just plain relaxing. I do not want to view this. I have spoken to multiple neighbors and they also do not want this. This was already attempted at the Calvary Chapel of Merced located at 1345 E Olive Ave, Merced, CA 95340. This was denied due to opposition and a compromise was that they would build a stealth tower at Rahilly park. Why is it that now they are attempting to put it at another church 1/4 of a mile down the road in another residential area where people do not want it?

Thank You,

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From: [planningweb](#)  
To: [Lee, Jessie](#)  
Subject: FW: Site Plan Review #544  
Date: Tuesday, April 16, 2024 1:36:59 PM

---

Thanks,

Kayla Abarca  
Administrative Assistant II, Planning Department  
City of Merced | 678 W. 18th Street | Merced, CA 95340  
(209) 385-6954 Direct | (209) 385-6858 Dept Phone  
abarca@cityofmerced.org | www.cityofmerced.org

-----Original Message-----

From: Jason Verrinder <[REDACTED]>  
Sent: Monday, April 15, 2024 9:15 PM  
To: planningweb <planningweb@cityofmerced.org>  
Subject: RE: Site Plan Review #544

Hello,

As a property owner on [REDACTED] I was recently notified of the intention of attempting to put in a cellphone tower on Church of the Nazarene of Merced property adjacent to my backyard. I am opposed. As a good neighbor, I wanted to notify you that I've decided to hold private Hardcore music parties every Sunday for hardcore music lovers. It will be loud, very loud, but during appropriate daytime hours. This will be happening every Sunday into the foreseeable future.

Best wishes,

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I am a 20 year resident of [REDACTED], representing all the families in the area who will be directly affected by the construction of a cell phone tower on the property of Bear Creek Community Church, adjacent to the homes on my block.

I feel that the city of Merced, ATT, and the owners of the property on which Bear Creek Community Church is situated are all complicit in irresponsible behavior towards our community. It is well-documented and researched that cell phone towers emit dangerous radiation within their vicinity, causing a multitude of health issues. The wireless antennas on the tower emit radio frequency non-ionizing radiation. When these antennas are close to our homes and schools, the daily exposure to radio frequency radiation is increased, contributing to all sorts of maladies. To think that the city of Merced would put families and homeowners at risk is an outrage. Even more egregious is the fact that an elementary school is within very close range of the proposed cell tower. To put the 744 students and 80 staff members of Chenoweth School, directly across the street from the proposed construction site, which would then expose them to radiation on a daily basis, is truly a crime.

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Cell phone tower radiation exposures are continuous – day and night. How can the city even ponder putting such an environmental hazard so close to our homes and schools?

The proposed tower will undoubtedly decrease the property values of the homes in the vicinity, in addition to presenting a host of health issues to the residents, school children, and school staff.

Rethink this issue.

Respectfully submitted,

Sheryl Wight





# Environmental Assessment Specialists, Inc.

Office [REDACTED] [www.easenv.com](http://www.easenv.com)

April 12, 2024

City of Merced Planning and Permitting  
678 West 18th Street  
Merced, CA 95340  
[planningweb@cityofmerced.org](mailto:planningweb@cityofmerced.org)

**RE: Invitation to Comment - Cultural Resource Identification Study/Sacred Lands File Search for Proposed Wireless Communications Candidate: AT&T Mobility, LLC (Client) – CVL02828 @ 1717 E. Olive Avenue, Merced, Merced County, CA 95340**

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### Site Location and Description

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If you have any questions regarding historical resources, please feel free to contact me via U.S. mail or email [REDACTED]. Thank you for your consideration.

Gavin Leaver

**Environmental Assessment Specialists, Inc.**

Please mail your response to:

[REDACTED]

From: [planningweb](#)  
To: [Lee, Jessie](#)  
Subject: FW: Proposed Cell Tower at 1717 East Olive Avenue  
Date: Thursday, April 18, 2024 4:36:09 PM  
Attachments: [image001.png](#)

---

Thanks,



**Kayla Abarca**

Administrative Assistant II, Planning Department  
City of Merced | 678 W. 18<sup>th</sup> Street | Merced, CA 95340  
[\(209\) 385-6954](tel:(209)385-6954) Direct | [\(209\) 385-6858](tel:(209)385-6858) Dept Phone  
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---

**From:** Ronald Ringstrom <[REDACTED]>  
**Sent:** Thursday, April 18, 2024 4:34 PM  
**To:** planningweb <[planningweb@cityofmerced.org](mailto:planningweb@cityofmerced.org)>  
**Subject:** Proposed Cell Tower at 1717 East Olive Avenue

We are unequivocally opposed to the construction of a 5G cellular phone tower on the property at 1717 East Olive Avenue. The entire area is residential, including our property at [REDACTED]. Cell towers have absolutely no place in a residential area.

The proposed site is approximately 0.4 miles (line-of-sight) from our house. There is already a cell tower next to the McKee Fire Station about 0.36 miles (line-of-sight) from our property. Putting two cell towers so close to each other makes zero sense, even if they are operated by two different companies.

It makes no difference that the tower will be camouflaged by a fake tree. It will still be an incredible eyesore that will diminish the property values of all of the residents in the area. AT&T will probably say that their proposed 5G system will not emit signals causing any significant harm to people in the area. That's sales talk. The high frequency radio waves emitted from this site may have very harmful effects to the children attending Chenoweth Elementary School, which is only about 100 feet from the site, as well as all of the residents in the area. We simply do not have enough long-term data available to be assured it will not cause harm. We do not endorse a project having the potential to cause physical harm to residents or to destroy the value of their properties.

We don't care that the church at that location wants to increase its revenue by allowing the proposed cell tower to be built on its property. Their interests are clearly contrary to the interests of residents in the area. We also don't care that AT&T is offering improved reception in the area. AT&T is a commercial enterprise solely motivated by profit. They don't care about the welfare of the people who live here. I certainly hope the City of Merced will not place the profit-motivated interests of a huge corporation ahead of the safety and welfare of its citizens.

By the way, it is far past time for the City of Merced to increase the notification area for proposed projects. The existing notification radius is far too small. We should have been notified because this monstrosity will affect us.

Thank you for your attention to this email message.

Ron and Claudia Ringstrom

From: [planningweb](#)  
To: [Espinosa, Kim](#); [Lee, Jessie](#)  
Subject: FW: Site Plan Review #544  
Date: Monday, April 22, 2024 11:56:58 AM

---

**From:** Amy de Ayora <[REDACTED]>  
**Sent:** Monday, April 22, 2024 10:29 AM  
**To:** planningweb <planningweb@cityofmerced.org>  
**Subject:** Site Plan Review #544

To whom it may concern:

Merced City Site Plan Review Committee,

We live with our four children at [REDACTED], which is located directly behind the Church of the Nazarene (Bear Creek Community Church). We strongly object to this project for the following reasons:

1. The findings in Section 20.58.070 of the Zoning Code cannot be made. Specifically, subsection (C) requires a showing that “the location for the wireless communication facility minimizes the visibility of the facility from residentially zoned property.” This huge tower will absolutely be visible from our home as well as from the homes of our neighbors; in fact, it will shade our yard, block our views and ruin our property values. Additionally, the City must find that “all reasonable opportunities to locate the facility or to co-locate the facility on an existing structure have been exhausted by the applicant and are not feasible,” and that “sites near the project area, which are poorly suited for other forms of development, are unavailable for use by the wireless communication facility.” (Subsections E and F) Where is the evidence that this analysis occurred? It has not been provided to us. The City cannot act without thoroughly and fairly considering this information.
2. The public notice does not specify which CEQA exemption is being relied upon, so it is impossible to determine if the exemption actually applies to this project. In addition, a categorical exemption will not apply when there are “unusual circumstances” creating the reasonable possibility of significant environmental effects. The construction and operation of a cell phone tower within feet of our home is reasonably possible to have significant aesthetic and public safety (fire) impacts, among others.  
We urge you to deny this site plan review. This is simply the wrong location for this project.

Jason and Amy Verrinder

Sent from [Outlook](#)

**[NOTICE: This message originated outside of City of Merced -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]**



From: [planningweb](#)  
To: [Lee, Jessie](#)  
Subject: FW: Very important - CASE #544  
Date: Thursday, April 25, 2024 11:26:11 AM  
Attachments: [image001.png](#)

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**From:** Nicole de Ayora <[REDACTED]>  
**Sent:** Thursday, April 25, 2024 11:05 AM  
**To:** planningweb <planningweb@cityofmerced.org>  
**Subject:** Very important - CASE #544

To whom it may concern:

I am writing to express concern over the proposed cell tower installation at the Bear Creek Community Church. This location is one block away from Chenoweth Elementary School and several family residences.

It is disappointing and alarming that a cell tower would be even considered for a residential neighborhood. Both anecdotal reports and epidemiology studies have found headaches, skin rashes, sleep disturbances, depression, concentration problems, dizziness, memory changes and increased risk of cancer, tremors and other neurophysiological effects in populations near base stations.

Given these highly publicized concerns around health issues associated with cell towers, the 20 to 40 percent reduction in home and land neurophysiological effects in populations near base stations. Given these highly publicized concerns around health issues associated with cell towers, the 20 to 40 percent reduction in home and land values, the environmental and visual impact, it is unconscionable that it be placed here.

Please conduct some additional research and find a more appropriate location.

**[NOTICE: This message originated outside of City of Merced -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]**

**From:** [planningweb](#)  
**To:** [Lee, Jessie](#)  
**Subject:** FW: Site Plan Review Item #544  
**Date:** Wednesday, April 24, 2024 1:02:49 PM  
**Attachments:** [image001.png](#)

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**From:** Erin Dietzen <[REDACTED]>  
**Sent:** Wednesday, April 24, 2024 12:00 PM  
**To:** planningweb <planningweb@cityofmerced.org>  
**Subject:** Re: Site Plan Review Item #544

Re: Site Plan Review Item #544

To Whom It May Concern,

I am writing to express concern over the proposed cell tower installation at the Bear Creek Community Church. This location is one block away from Chenoweth Elementary School and several family residences. It is disappointing and alarming that a cell tower would be even considered for a residential neighborhood. Both anecdotal reports and epidemiology studies have found headaches, skin rashes, sleep disturbances, depression, concentration problems, dizziness, memory changes and increased risk of cancer, tremors and other neurophysiological effects in populations near base stations. Given these highly publicized concerns around health issues associated with cell towers, the 20 to 40 percent reduction in home and land values, the environmental and visual impact, it is unconscionable that it be placed here.

Please conduct additional research and find a more appropriate location.

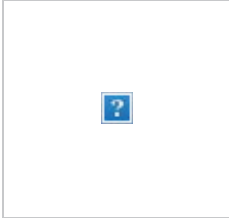
Sincerely,  
Erin Dietzen

[NOTICE: This message originated outside of City of Merced -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

From: [planningweb](#)  
To: [Lee, Jessie](#)  
Subject: FW: Site Plan Review #544 - Public Comments  
Date: Thursday, April 25, 2024 9:25:54 AM  
Attachments: [image001.png](#)

---

Thanks,



**Kayla Abarca**

Administrative Assistant II, Planning Department  
City of Merced | 678 W. 18<sup>th</sup> Street | Merced, CA 95340  
[\(209\) 385-6954](tel:(209)385-6954) Direct | [\(209\) 385-6858](tel:(209)385-6858) Dept Phone  
[abarca@cityofmerced.org](mailto:abarca@cityofmerced.org) | [www.cityofmerced.org](http://www.cityofmerced.org)

---

**From:** Kathy Saetern <[REDACTED]>  
**Sent:** Thursday, April 25, 2024 9:21 AM  
**To:** planningweb <[planningweb@cityofmerced.org](mailto:planningweb@cityofmerced.org)>  
**Subject:** Site Plan Review #544 - Public Comments

In regards to Site Plan Review #544, I am in opposition.

I am in opposition to the building of the 55-ft monopine tower and 8x8 walk-in closet shelter due to fire hazards, declining property value, and possible future health concerns. While there's no strong evidence that they cause any noticeable health effects NOW, I am making note that they are still relatively new. Without strong evidence leaning towards either side that they may or may not cause health concerns, I'd make the smart choice to not risk my life or my family and friends for future research.

Thank you,  
Kathy Cravalho

**[NOTICE: This message originated outside of City of Merced -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]**



From: [planningweb](#)  
To: [Lee, Jessie](#)  
Subject: FW: ATT&T tower Site application #544  
Date: Thursday, April 25, 2024 8:05:48 AM  
Attachments: [image001.png](#)

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**From:** Joe Brucia <[REDACTED]>  
**Sent:** Thursday, April 25, 2024 7:42 AM  
**To:** planningweb <planningweb@cityofmerced.org>  
**Subject:** ATT&T tower Site application #544

My comment.....

I am Joe Brucia and live a few block north from the proposed cell phone tower. I have lived in Merced for over 40 years. I find it hard to believe that the Church of the Nazarine would consider putting a "tree" tower in what amounts to be the backyards of Vickie Court homes. Obviously, there is no "love thy neighbor."

Historically, the residents of Vickie Court bought the homes knowing that beyond their fences there would never be the equivalent of a 4 story building that they would see every day from their kitchen windows.

There are options within the neighborhood for the ATT&T tree tower. May I suggest Rahilly Park. The tower would blend with the existing trees. Just across the street of the proposed tower is the vacant land between Chenoweth School and Black Rascal Creek. I believe owned by the Merced City School District. Lots of vacant land in this area that will probably never be developed. A third alternative is the City firehouse area at Davenport Park. Lots of open space. In closing, I would hope the City has not told ATT&T "Not in our open space, try some one's..... backyard."

Respectfully submitted,  
Joe Brucia

[REDACTED]  
[REDACTED]

**[NOTICE: This message originated outside of City of Merced -- DO NOT CLICK on links or**



April 8, 2024

Kayla Abarca, Administrative Assistant II  
City of Merced, Planning Division  
678 West 18th Street  
Merced, CA 95340

Re: **Site Plan Review #544**

Ms. Abarca,

The Merced Irrigation District (MID) has reviewed the above referenced Site Plan and offers the following comment:

1. MID operates and maintains the Bradley B Lateral Pipeline lying adjacent to the southernly line of the subject property within a 24-foot-wide fee strip as described in the deed recorded in Vol. 2838 of Deeds, at Page 55, Merced County Records.

MID respectfully requests that the City require, as conditions of approval, the following:

1. The property owner shall execute an Encroachment Agreement with MID for any proposed improvements lying within the MID fee strip and pay all associated MID fees.

Thank you for the opportunity to comment on the above referenced application. If you have any questions, please contact me at 354-2882.

Sincerely,

*Mike Morris*

Mike Morris PLS  
Survey Project Manager

From: [Randy Fontes](#)  
To: [planningweb](#)  
Subject: Site Plan Review #544  
Date: Monday, April 22, 2024 1:12:04 PM

---

I am opposed to the AT&T tower proposed for this site. The entire surrounding area is predominately residential. A 55ft. cell tower would be unsightly in our neighborhood. As I live directly across the street, it would be in plain view from all my front windows.

I also would question what effect it may have on our property values.

Randal & Dabby Fontes

[REDACTED]

Merced, CA 95340

[REDACTED]

[**NOTICE:** This message originated outside of City of Merced -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]



From: [planningweb](#)  
To: [Espinosa, Kim](#); [Lee, Jessie](#)  
Subject: FW: Site Plan Review Item #544  
Date: Monday, April 22, 2024 8:01:12 AM

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**From:** Salazar, Regina <[REDACTED]>  
**Sent:** Friday, April 19, 2024 4:53 PM  
**To:** planningweb <planningweb@cityofmerced.org>  
**Subject:** Site Plan Review Item #544

This email is regarding the cell tower being placed next door to Chenoweth school. As a parent and long time employee of the school district I strongly oppose this happening. The childrens health and well being is of the utmost importance and I strongly believe this will compromise both of those for all the scholars at the school.

Thank you for your time.

Sincerely,  
Gina Salazar

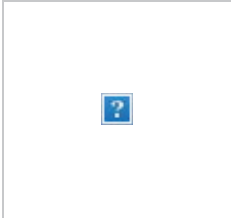
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From: [planningweb](#)  
To: [Lee, Jessie](#)  
Subject: FW: Site Plan review #544  
Date: Thursday, April 25, 2024 8:06:40 AM  
Attachments: [~WRD0000.jpg](#)  
[image001.png](#)

---

Thanks,



**Kayla Abarca**

Administrative Assistant II, Planning Department  
City of Merced | 678 W. 18<sup>th</sup> Street | Merced, CA 95340  
[\(209\) 385-6954](tel:(209)385-6954) Direct | [\(209\) 385-6858](tel:(209)385-6858) Dept Phone  
[abarca@cityofmerced.org](mailto:abarca@cityofmerced.org) | [www.cityofmerced.org](http://www.cityofmerced.org)

---

**From:** Sandra Lupercio <[REDACTED]>  
**Sent:** Wednesday, April 24, 2024 8:44 PM  
**To:** planningweb <[planningweb@cityofmerced.org](mailto:planningweb@cityofmerced.org)>  
**Subject:** Site Plan review #544

Hello, my husband Jorge and I own our home at [REDACTED].. We are opposed to the At&t tower being built in the field right across the street from our house. That would literally take our view of the sky away as that would be what we would see right when we walk out our front door. Also, we have a special needs son that has **epilepsy** and **seizures**, so the radiation no matter to what degree would not be good for his health. Not to mention the hundreds of school kids that play daily right across the street about 250 ft away from the proposed tower. My last concern would be all of our property value. I am a Realtor and the cell tower would lower the value of all of our homes approximately 20%, I don't know about you, but when your home is your retirement or what you would leave to your kids, possibly losing \$100,000 would be detrimental. We DO NOT want this tower being built here, there are so many other options close by that are not that close to homes. ex.Yosemite Ave and Parsons, Yosemite and Gardner, McKee and Olive, Lake and Yosemite. Thank you for your time and consideration.

--

Thank You



**Sandra Lupercio**

REALTOR@ | [REDACTED]

**C:** [REDACTED]  
**E:** [REDACTED]  
**W:** [REDACTED]

---

**From:** [planningweb](#)  
**To:** [Lee, Jessie](#)  
**Subject:** FW: ATT tower at Parsons and Teak  
**Date:** Thursday, April 25, 2024 8:05:29 AM  
**Attachments:** [image001.png](#)

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Thanks,



**Kayla Abarca**

Administrative Assistant II, Planning Department  
City of Merced | 678 W. 18<sup>th</sup> Street | Merced, CA 95340  
[\(209\) 385-6954](tel:(209)385-6954) Direct | [\(209\) 385-6858](tel:(209)385-6858) Dept Phone  
[abarca@cityofmerced.org](mailto:abarca@cityofmerced.org) | [www.cityofmerced.org](http://www.cityofmerced.org)

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**From:** Vince Remillard [REDACTED]  
**Sent:** Thursday, April 25, 2024 7:51 AM  
**To:** planningweb <[planningweb@cityofmerced.org](mailto:planningweb@cityofmerced.org)>  
**Subject:** ATT tower at Parsons and Teak

To whom it may concern,

I received notice that there may be a new cell tower going in at the empty lot at Teak and Parsons in Merced. I live in this area, and I am very against it. I have already gone through cancer treatment and do not want to take a chance that I may have to do it again. The studies are inconclusive at this time as to the health effects of cell towers around humans but seem to be pointing to higher risks of cancers in those areas. There is also an elementary school in the area and the children should not be exposed to those possible dangers. Please do not allow this to go forward.

**Vince Remillard**  
[REDACTED]

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From: [planningweb](#)  
To: [Lee, Jessie](#)  
Subject: FW: Conditional Use Permit #1277 (Formerly Plan Review Permit #544)  
Date: Tuesday, June 25, 2024 10:30:04 AM  
Attachments: [image001.png](#)

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**From:** Jason Verrinder [REDACTED]  
**Sent:** Monday, June 24, 2024 3:38 PM  
**To:** planningweb <planningweb@cityofmerced.org>  
**Subject:** Conditional Use Permit #1277 (Formerly Plan Review Permit #544)

To whom it may concern,

I am the homeowner at [REDACTED]. I am against the proposed cell tower at the Church of the Nazarene. I would like to request the environmental checklist and/or other documentation supporting the Notice of Intent (NOI) to adopt a CEQA Categorical Exemption for Conditional Use Permit #1277. The material is difficult to locate on the City's website. The permit is for the installation of a cellular transmission tower. I understand that a public hearing related to said permit will be on July 3, 2024, the final day of the public review period. I plan to attend this hearing and have the following questions which I hope to have answered and included in the record:

- What other viable sites or alternatives were considered for tower placement?
- What made the current location the preferred alternative?
- Why is a public hearing being held on the final day of the public review period, before a national holiday?
- Can the public review period be extended? If not, why not?
- Per the request above, is supporting documentation available for the CEQA CE related to conditional use permit #1277?
- Is the City planning to circulate an environmental document if public opposition warrants further input consistent with CCR §15102 and §15202?

- Can the conditional use permit be withdrawn after the close of the public review period if project scope, public concern, or other issues arise?

Thank you,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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**From:** [Vince Remillard](#)  
**To:** [planningweb](#)  
**Cc:** [Lynn Stapp](#)  
**Subject:** Conditional Use Permit #1277  
**Date:** Monday, July 1, 2024 3:40:35 PM

---

I live in the area that the proposed ATT cell tower is being considered. According to the staff report made available to the public on June 28th regarding the Conditional use Permit #1277, of other sites investigated, three of those sites are owned by the city of Merced. Rahilly Park, Rascal Strip Park, and city water tank on McKee Rd. The reason given for not choosing one of those sites was that the city did not want to lease to ATT.

Why would the city decline a lease that would bring needed funds back to the city? If the city does not deem the cell tower as wanted or needed, how does the city planning Commission justify recommending a cell tower on a similar independent party site that the city itself refuses?

Maybe the Merced fire station 55 at 3520 Parsons Ave. would be a better choice farther away from an elementary school. If not, then why not???

**Vince Remillard**



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From: [Sherri Morris](#)  
To: [planningweb](#)  
Subject: CUP#1277  
Date: Monday, July 1, 2024 12:49:02 PM

---

>

> I am opposed to CUP #1277 of a Monopone cell tower initiated by AT&T at the Church of the Nazarene at 1717 E. Olive Ave.

>

> This location is at the back of my residential property line. If I look out my windows the tower will be in view. The design of a monopine tower isnt appealing. There are no other trees in the area that it will blend in with.

>

> I don't feel the Church of the Nazarene or Merced planning commission has properly notified all residents in the surrounding area regarding the proposed tower site.

> I have not received any notifications regarding the CUP or previous hearing. I was informed by neighbors on multiple days after a previous hearing.

>

> Don B. Chenoweth school is across the street from the proposed location. Have "All" the parents of attending students been notified so they may be given an opportunity to voice their opinions?

>

> The cell tower will impose a negative effect on residents heath based on numerous studies of these towers located close to residential areas.

> It will also negatively effect homes values due to the proximity to the tower for health and esthetic reasons.

> I am opposed to having the tower erected close to my residential area.

>

[REDACTED]

>

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From: [Andrew Lesa](#)  
To: [Bennyhoff, Jeff](#)  
Cc: [MILESI, BRYANT A](#); [OLSON, NELS L](#); [Ashley Smith](#); [MCCLOSKEY, DANIEL](#); [Carl Jones](#); [Quintero, Frank](#); [Lee, Jessie](#); [McBride, Scott](#)  
Subject: Re: AT&T Cell Tower Placement (CPU1277) : Resident Communication  
Date: Tuesday, July 2, 2024 1:59:25 PM  
Attachments: [Outlook-ugydd1uu](#)

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Good Afternoon Mr. Bennyhoff:

AT&T forwarded your communication requesting additional information regarding the AT&T proposed cell facility at 1717 E Olive Ave (CUP#1277). My office, under the lead of Carl Jones (copied), has been working on this project in an effort to address a lack of coverage in the City of Merced.

AT&T's goal is to fill a significant gap in coverage and improve cell service to this area of the City of Merced. My office, on behalf of AT&T, evaluated many properties to find the least intrusive means to fill the significant gap in coverage. Those alternative sites were detailed in the "Alternative Sites Analysis" provided to the Planning Department with our formal CUP application submittal.

I can confirm the City did NOT direct my office or AT&T to propose a new cell facility at the current location. This location was determined after substantial research. As you know, cell facilities must meet strict placement and design guidelines outlined in City Ordinances as well as meet the coverage objective of AT&T. Additionally, the site must have a willing landlord, adequate space for construction and access, a clean title, and pose no negative environmental impacts. It was only after proper due diligence that the proposed site location was identified as the best and least intrusive means to fill this significant gap in coverage.

Carl Jones will be attending and representing AT&T during tomorrow evening's meeting. Please let me know if you have any additional questions we can help address.

Thank you.

Andrew Lesa, Vice President - Operations  
Epic Wireless Group LLC  
605 Coolidge Drive, Suite 100, Folsom, CA 95630  
530.368.2357  
[andrew.lesa@epicwireless.net](mailto:andrew.lesa@epicwireless.net)



**From:** Bennyhoff, Jeff <[BennyhoffJ@cityofmerced.org](mailto:BennyhoffJ@cityofmerced.org)>  
**Sent:** Tuesday, July 2, 2024 11:26 AM  
**To:** MILESI, BRYANT A <[bm3620@att.com](mailto:bm3620@att.com)>  
**Cc:** McBride, Scott <[McBrideS@cityofmerced.org](mailto:McBrideS@cityofmerced.org)>; Quintero, Frank <[QUINTEROF@cityofmerced.org](mailto:QUINTEROF@cityofmerced.org)>; Lee, Jessie <[leej@cityofmerced.org](mailto:leej@cityofmerced.org)>  
**Subject:** AT&T Cell Tower Placement (CPU1277) : Resident Communication

Bryant,

We had several resident complains last night at our Council Meetings about AT&T plans for construction of a cell tower in the community located at 1717 E Olive Ave (CUP#1277). The resident's stated AT&T was told by the City to place the tower at this location. We don't believe this is an accurate statement and we want to make sure residents have clear communication over how the location of this tower is decided. We would like to find out additional information before July 3<sup>rd</sup> planning commission as this item is on the agenda. Please let me know if you can get us additional information or have a conversation over this item. I have attached the AT&T Alternative Site Analysis document for reference from this agenda item. As I do not directly deal with cell towers within the I.T. Department, I am cc'ing the City Manager, Deputy City Manager, and Jessie Lee, who is bringing this item before the planning commission.

Planning commission Item : <https://cityofmerced.legistar.com/LegislationDetail.aspx?ID=6735179&GUID=04E57C71-88F4-4E14-83BD-1AF782EAEF48&Options=&Search=>



**Jeff Bennyhoff**

**Director of Information Technology**

City of Merced | 678 W. 18<sup>th</sup> Street | Merced, CA 95340  
209-385-6829 | [www.cityofmerced.org](http://www.cityofmerced.org)

**Bryant Milesi**

**AT&T Director - External Affairs**

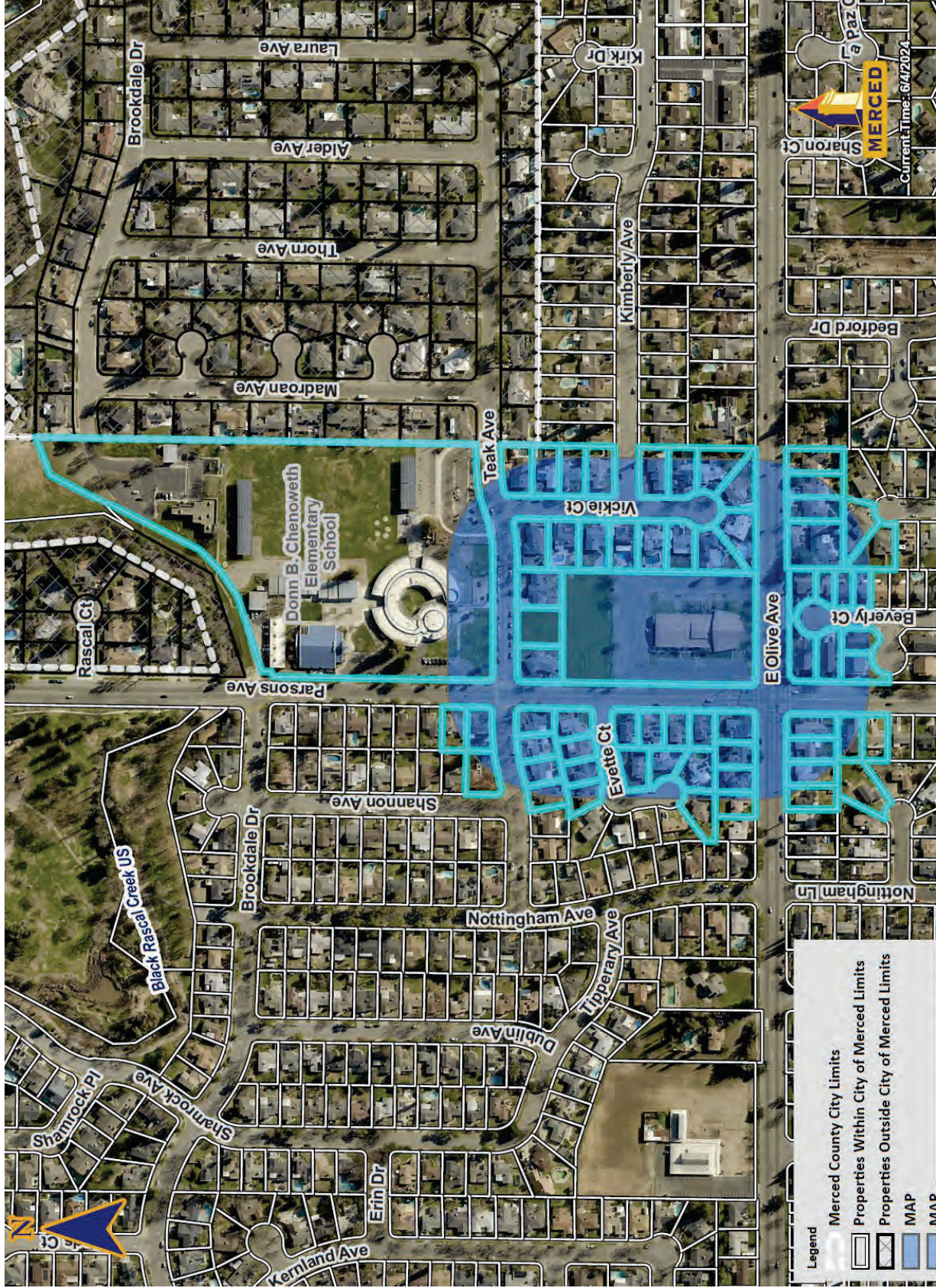
1215 K Street, Suite 1800 Sacramento, CA 95814  
m 916.947.9046 | [bm3620@att.com](mailto:bm3620@att.com)

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**CUP #1277 (Formerly SP #544)**



**NOTICE OF EXEMPTION**

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**To:** \_\_\_\_\_ Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044  
Merced, CA 95340

**From: (Public Agency)**  
City of Merced  
678 West 18th St.

X  County Clerk  
County of Merced  
2222 M Street  
Merced, CA 95340

**Project Title: Conditional Use Permit Application #1277 (Environmental Review #24-10)**

**Project Applicant:** Carl Jones, AT&T Mobility  
**Project Location (Specific):** 1717 E. Olive Ave **APN:** 008-060-057

**Project Location - City:** Merced **Project Location - County:** Merced

**Description of Nature, Purpose, and Beneficiaries of Project:** To install a 55-foot-tall stealth mono-pine wireless communication tower.

**Name of Public Agency Approving Project:** City of Merced

**Name of Person or Agency Carrying Out Project:** Carl Jones, AT&T Mobility

**Exempt Status:** (check one)


- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State Type and Section Number:  15332/15303(d)
- Statutory Exemptions. State Code Number: \_\_\_\_\_.
- General Rule (Sec. 15061 (b)(3))

**Reasons why Project is Exempt:** As defined under the above referenced Section, the proposed project is considered an in-fill project. The project location is within the City limits on a parcel less than 5-acres in size, and is surrounded by urban uses. The site can be served by all required utilities and public services, and the project site has no value as habitat for endangered, rare or threatened species. No significant effects resulting from traffic, noise, air quality, or water quality will result from the construction of the building. The project is consistent with the City of Merced General Plan and Zoning regulations.

The proposed project is exempt from CEQA pursuant to State CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures). This exemption provides for the construction and location of limited numbers of new, small facilities or structures. This includes water main, sewage, electrical, gas, and other utility extensions (State CEQA Guidelines Class 3 15303(d)). The proposed construction of wireless telecommunication facilities can be considered a utility extension.

**Lead Agency:** City of Merced

**Contact Person:** Jessie Lee    **Area Code/Telephone:** (209) 385-6858

**Signature:**  \_\_\_\_\_ **Date:** June 13, 2024

**Title:** Development Services Technician II

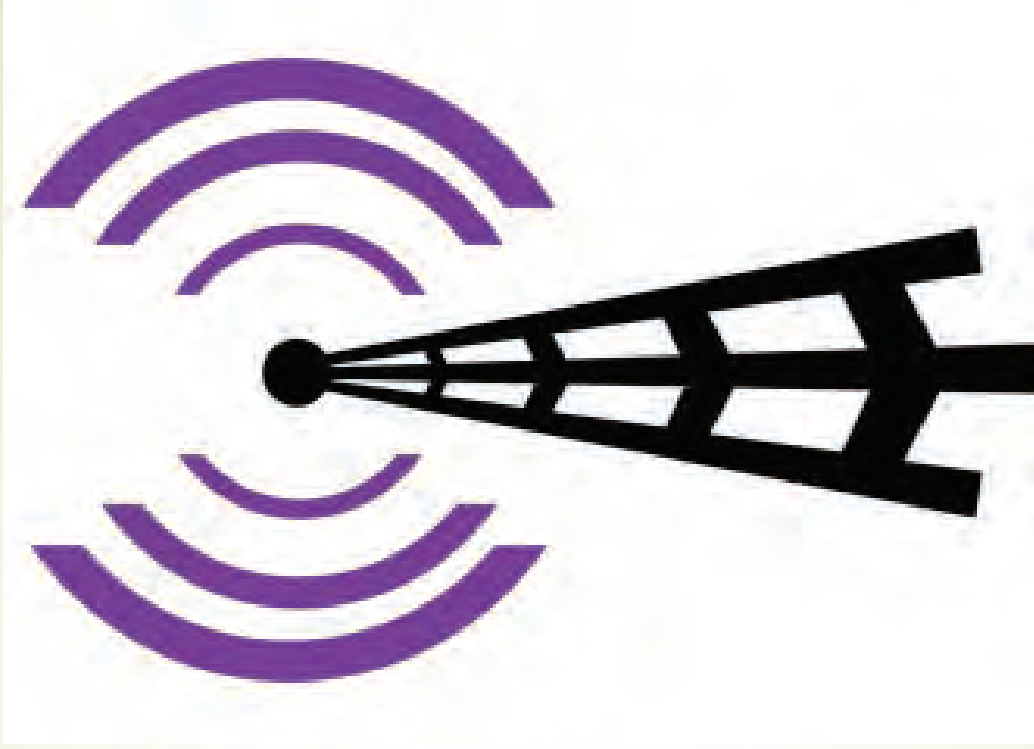
Signed by Lead Agency      Date Received for Filing at OPR: n/a  
(If applicable)

Authority Cited: Sections 21083 and 21110. Public Resources Code  
Reference: Sections 21108, 21152, and 21152.1. Public Resources Code



# Condition Use Permit #1277

Submitted by AT&T Mobility  
55-foot-tall stealth mono-pole  
1717 E. Olive Avenue



ATTACHMENT M

# Presentation

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- ▶ Background
- ▶ Relevant Land Use Polices
- ▶ Location Map
- ▶ Site Plan & Elevations

# Background

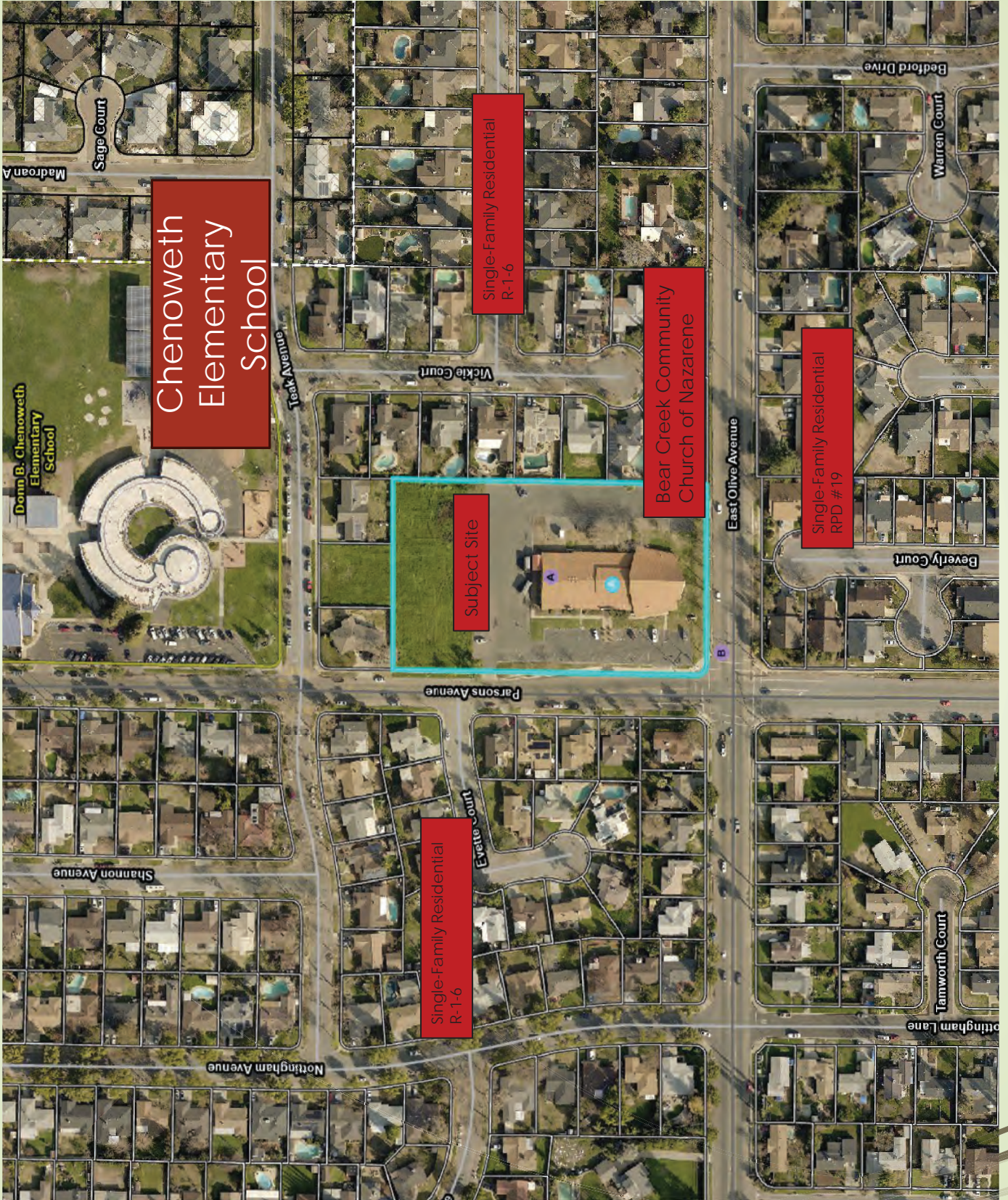
- Project originally went to the Site Plan Review Meeting on 4/25/2024.
- Due to interface review a Public Hearing was held; where 15 speakers spoke against this project.
- Due to community interest, the Site Plan Review Committee voted to refer this item to the Planning Commission (per MMC 20.68.050C2)



# Relevant Land Use Policies:

- The project complies with the General Plan designation of Low Density Residential and Zoning classification of (R-1-6).
- The maximum height of a structure allowed within the R-1-6 Zone is 35-feet. The Municipal Code (MMC 20.58.2) allows a Stealth Wireless Communication Facility and Antenna over 140% of height limit with the approval of a land use permit.
- Stealth facilities are intended to blend-in with the surrounding environment. Some examples include wireless towers disguised as trees or flagpoles.
- The communication tower would not block any of the scenic corridors identified in the General Plan (Policy OS-1.3.B)





Chenoweth  
Elementary  
School

Subject Site

Single-Family Residential  
R-1-6

Bear Creek Community  
Church of Nazarene

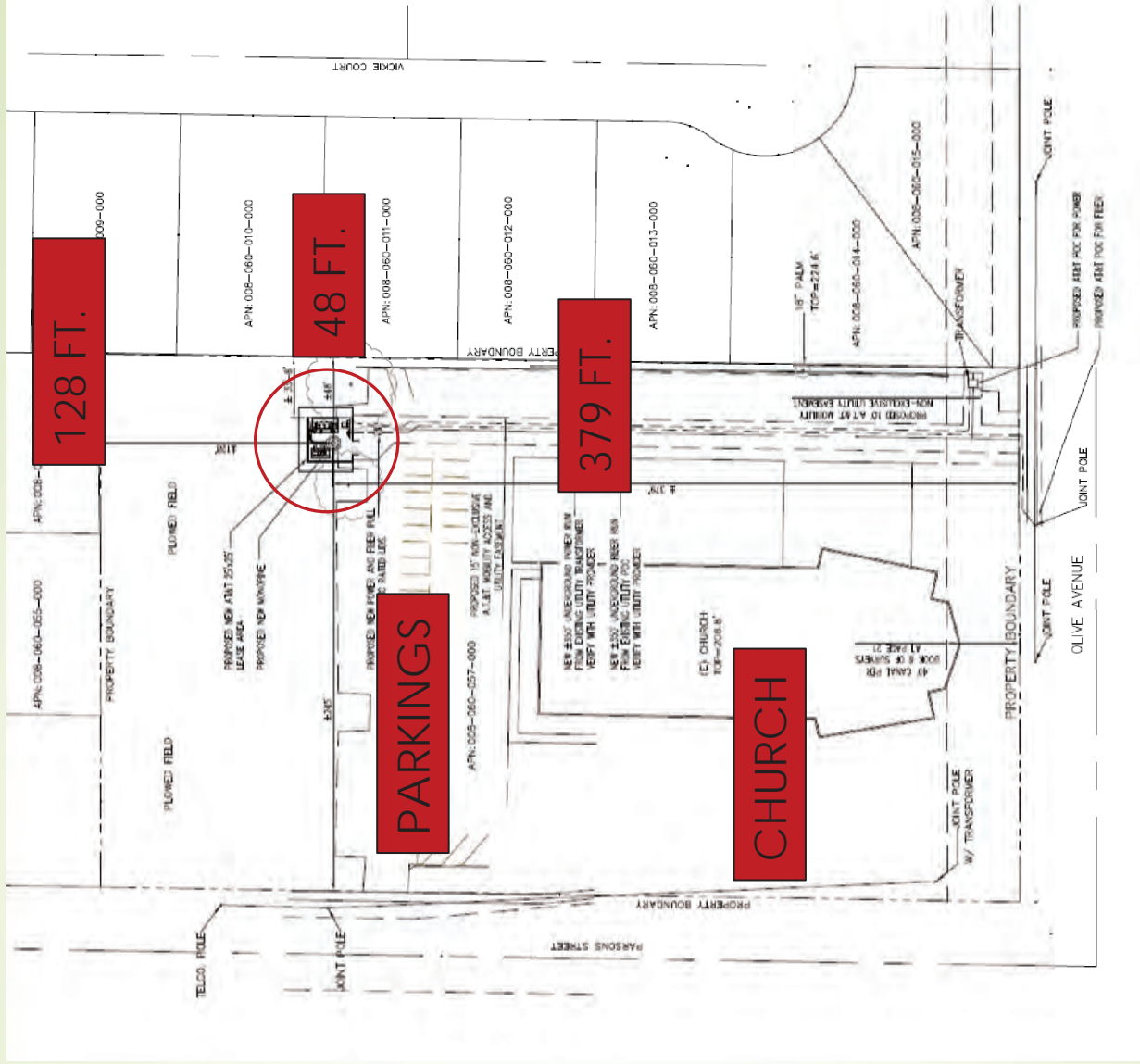
Single-Family Residential  
RPD #19

Single-Family Residential  
R-1-6



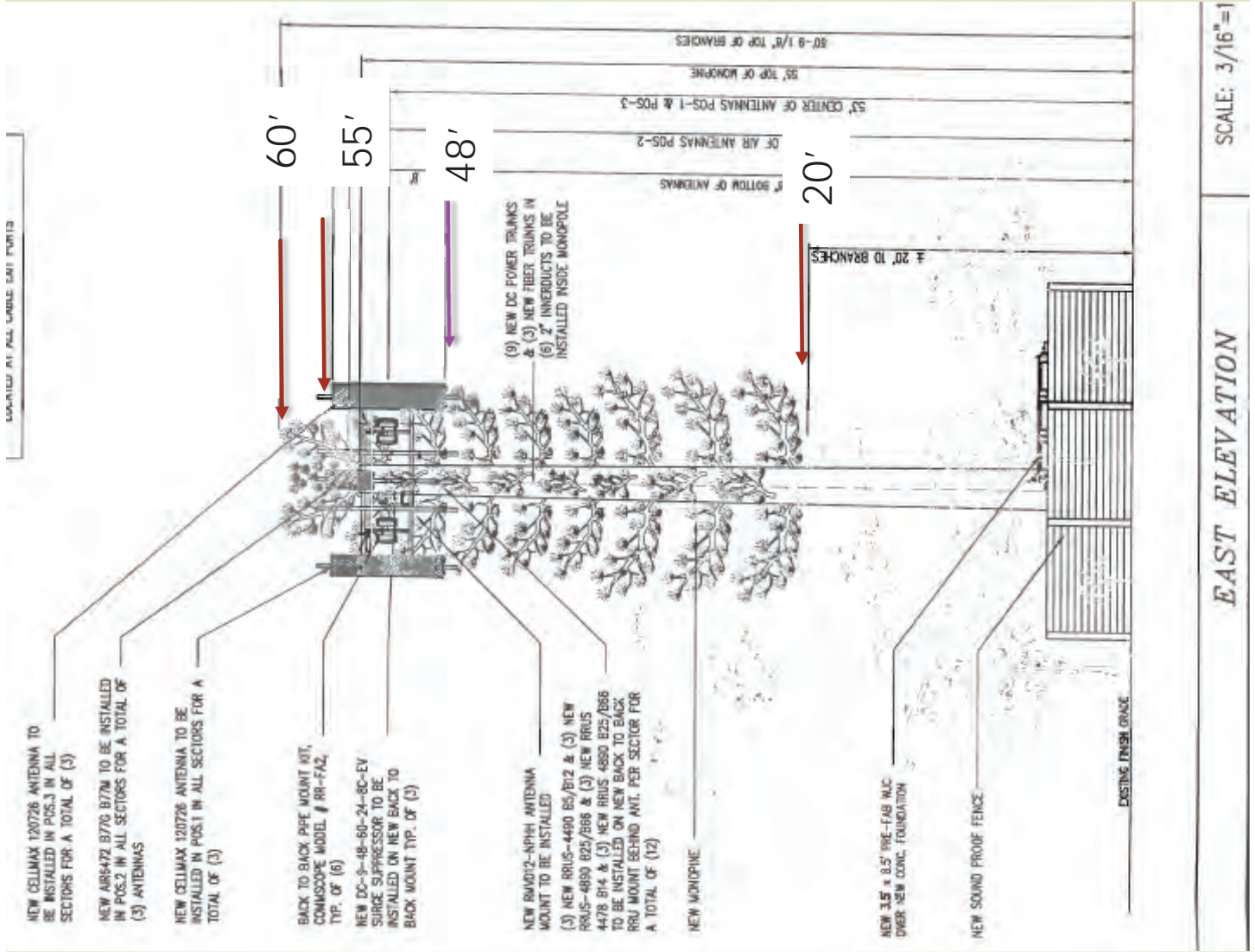
# SITE PLAN

- Proposed Tower to be located on ground level, on the northeast quadrant of the subject site
- Tower Equipment to be located inside a 6-foot-tall sound-proof fence.





- Stealth Mono-pine Tower Design
- Height of structure is 55ft.
- Antennas shall be painted green to blend in (Condition #13).
- Ancillary cabinet ground equipment. Will be enclosed by a 6-foot-tall sound-proof fence.



View from E.  
Olive Ave.



Proposed



Existing



View from  
Parsons Ave.



Proposed



Existing



View from  
Evette Ct.



Proposed

Proposed AT&T  
Installation



Existing



View from  
Kimberly Ave.



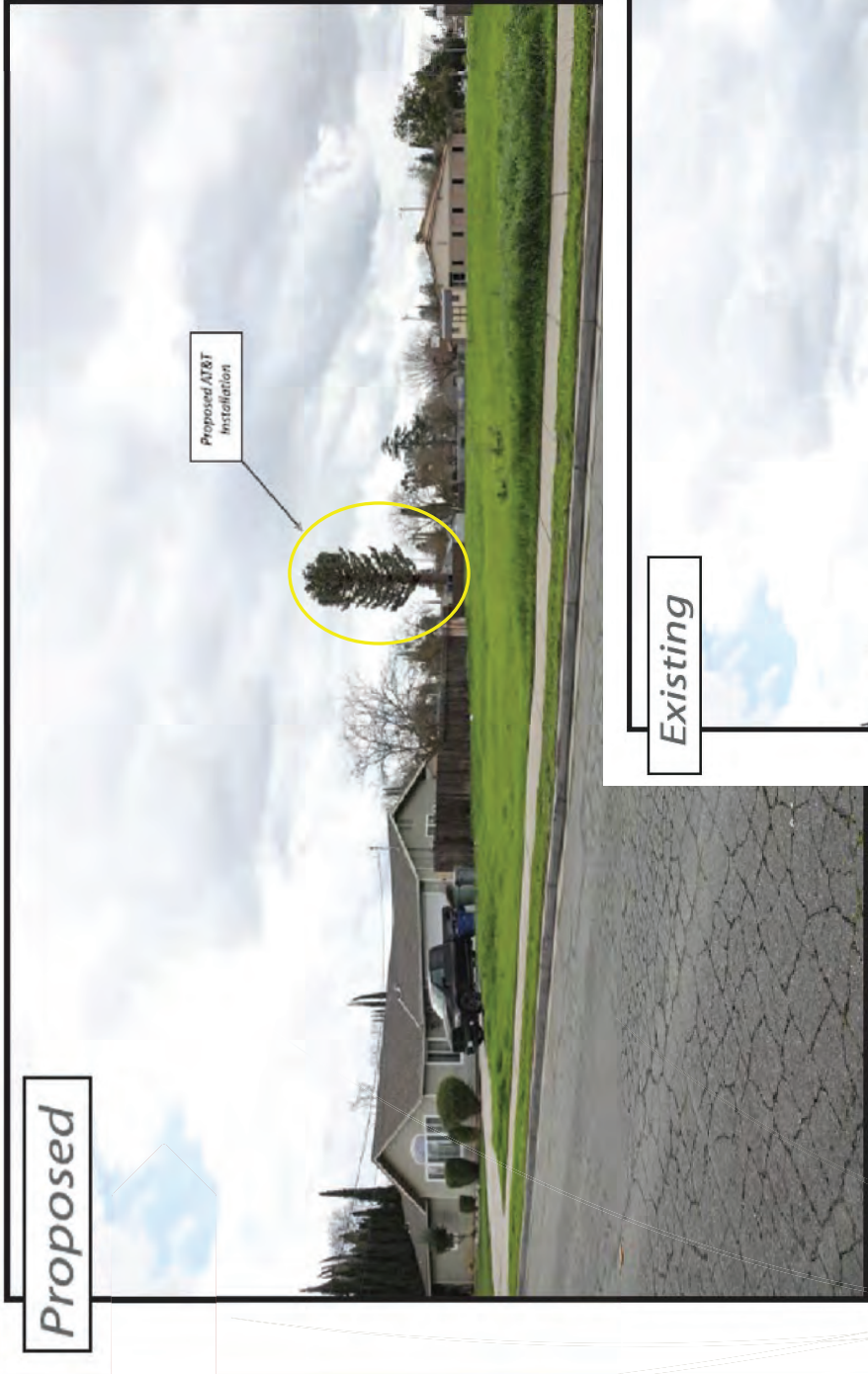
Proposed



Existing



View from  
Teak Ave.





# Conditions Related to Design Standards

- ▶ Maximum height of equipment shall not exceed 55 feet.
- ▶ The lowest branch shall be a maximum of 20' above the ground.
- ▶ Maximum 18" between branches.
- ▶ No steps, ladders, or pegs protruding from the side of the tower.
- ▶ The color shall be consistent with a Pine tree (i.e., green leaves, brown trunk).
- ▶ Applicant shall provide an Engineer's report certifying the Radio Frequency Radiation (RFR) measurements meet Federal Communication Commission (FCC) standards.
- ▶ A frequency/inter-modulation study shall be provided and approved by the Police and Fire Departments.

# Findings

- The project site complies with the General Plan designation of Low Density Residential (LD), and the zoning classification of Low Density Residential (R-1-6) with approval of this conditional use permit. Per Merced Municipal Code Land Use Table 20.58-2 – Review Procedures for Support Towers for Wireless Communication Facilities, a site plan review permit is required for stealth facilities within an R-1-6 Zone that are over 140% of the maximum height allowed within this zone. However, because the site plan review committee is referring this request to the Planning Commission, the land use permit required is now a conditional use permit.

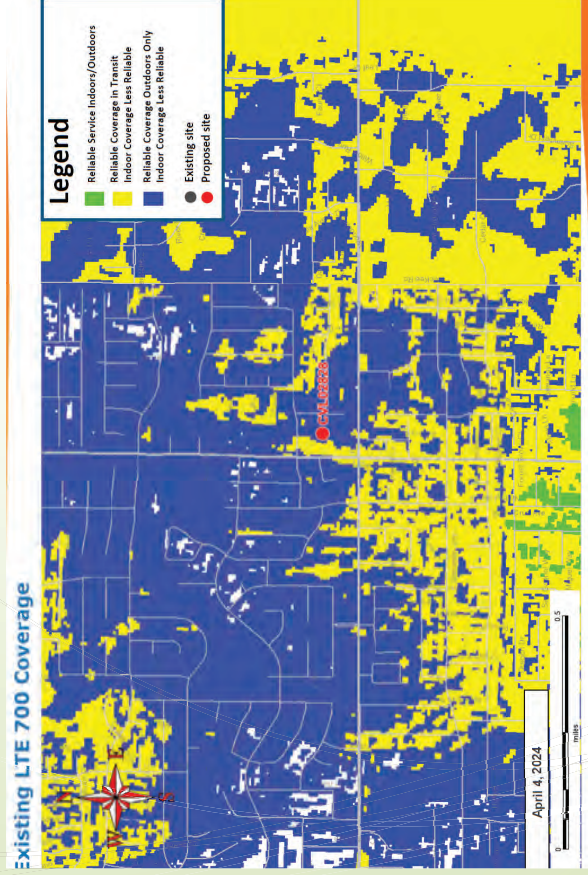
# Findings

- According to Section 332 ( C ) ( 7 ) of the Federal Telecommunication Act, local governments may not (1) prohibit or effectively prohibit personal wireless service (2) unreasonably discriminate among providers of functionally equivalent service providers, (3) regulate personal wireless service facilities based on the environmental effects from radio frequency emission to the extent such emission meets FCC Guidelines.
- In addition, the radio frequency emission of the proposed cell tower will meet FCC guidelines (Attachment G of Planning Commission Staff Report #24-552).

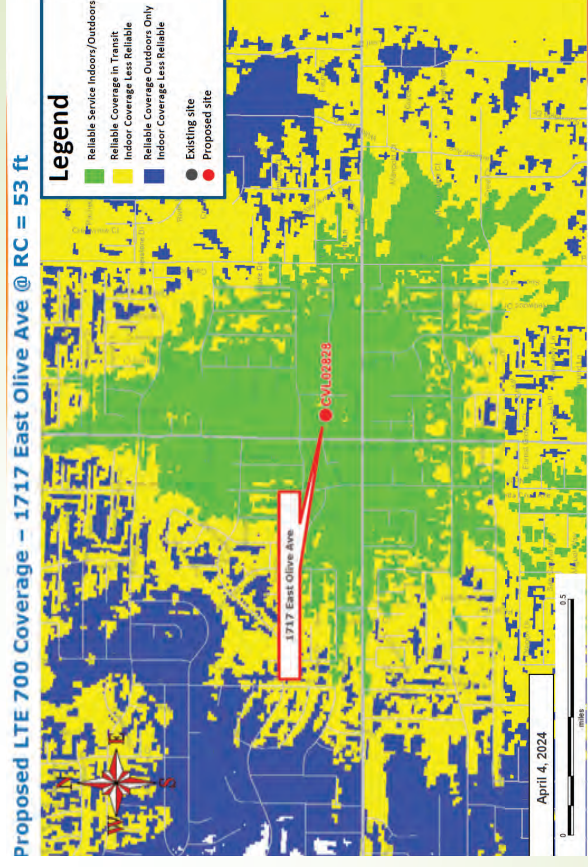


# Reason for Request

- The communication tower will be used by AT&T Mobility to improve local LTE coverage for the area and FirstNet (Federal Responder Network Authority).



EXISTING



PROPOSED

# Other Stealth Towers Approved

## Stealth Towers Approved

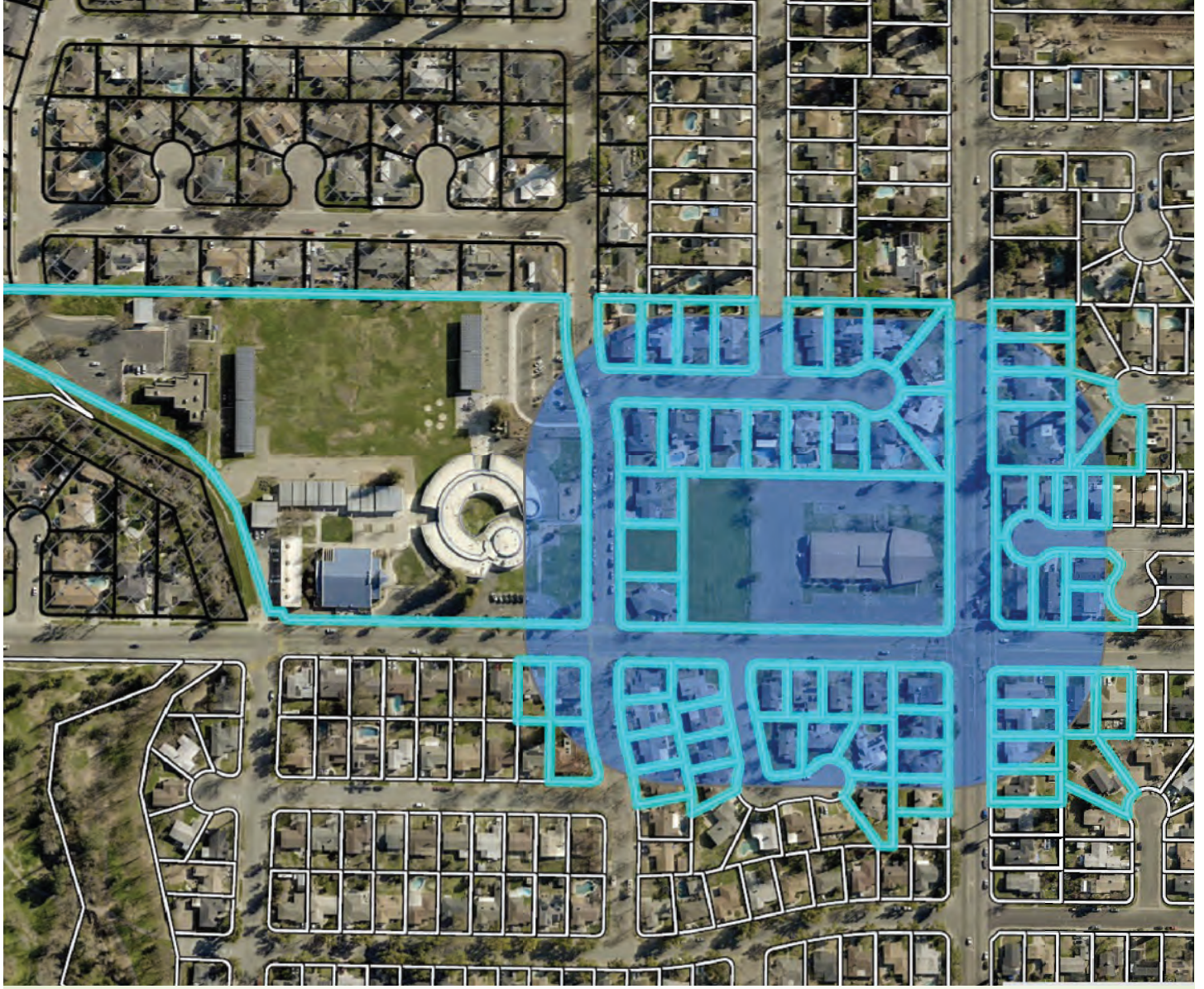
- ▶ Behind the Fire Station on Loughborough Drive (85 Ft. Tall).
- ▶ Behind In-Shape on G Street (85 Ft. Tall).
- ▶ Behind the Food Bank on Olive Avenue (90 Ft. Tall).
- ▶ Next to Simply Space on Yosemite Avenue (75 Ft. Tall).





## Public Hearing Notice

- ▶ A public hearing notice was mailed out to property owners within the 300-foot radius of the subject site including 15 residents that spoke at the Site Plan Review meeting of 4/25/2024.





# Public Comments

- Site Plan Review – Staff received 15 emails, and 9 voicemails in opposition, and 1 email in support of the project. At the meeting, there were 15 speakers in opposition to the project.
- Planning Commission – Staff has not received any public comments as of today 6/13/2024.

# Conditions

- **Condition #8** At the time of building permit submittal, the applicant shall provide certification by a Radio Frequency Engineer, stating the RFR measurements and that they meet FCC radio frequency radiation standards.
- **Condition #9** The applicant shall work with the Merced Regional Airport and comply with all of their requirements for this type of structure and obtain all proper permits. Said requirements may include, but are not limited to, obtaining approval from the Airport Land Use Commission, or showing proof of submitting an FAA Form 7460-1 to the FAA.
- **Condition #10** The maximum overall height of the “Mono-Pine” stealth facility shall not exceed 55 feet. Antennas mounted to the stealth facility shall not be mounted higher than 60 feet in height.
- **Condition #13** The color of the Mono-Pine shall match that of a real pine tree. These colors tend to be green (leaves) and brown (bark) and shall be consistently maintained. The antennas and any mounting equipment shall be painted to match the colors of the “tree.”
- **Condition #21** Any noise generated by the facility from the equipment or the tower shall be kept to a minimum, so as not to cause a nuisance to the neighborhood.

# Planning Commission Action

- Approve/Disapprove/Modify
- Environmental Review #24-10
- Conditional Use Permit #1277





ADMINISTRATIVE REPORT

File #: 24-838

Meeting Date: 9/18/2024

**Planning Commission Staff Report**

*Report Prepared by: Matt Livingston, Assistant Planner, Development Services Department*

**SUBJECT:** Conditional Use Permit #1280, initiated by Aulakh Properties II, LLC, property owner. This application involves a request to operate a food truck parking area for multiple food trucks on a vacant lot (approximately 1.70-acres). The subject site is generally located on the east side of Highway 59, approximately 250 feet north of Olive Avenue. The subject site has a General Plan designation of Business Park (BP) and a zoning classification of Planned Development, (P-D) #12. **\*\*PUBLIC HEARING\*\***

**ACTION:** Approve/Disapprove/Modify

- 1) Environmental Review #24-23 (*Categorical Exemption*)
- 2) Conditional Use Permit #1280

**SUMMARY**

Aulakh Properties II, LLC, is requesting conditional use permit approval to establish a food truck parking area to allow multiple food truck vendors and outdoor seating. The subject site is an undeveloped 1.70-acre parcel located on the east side of Highway 59, 250 feet north of Olive Avenue (north of the 7-Eleven at 1995 W Olive Avenue. Food truck parking lots are considered a conditional use within a Business Park (BP) Zone. The Planning Commission will be reviewing this proposal to ensure that the site plan is designed in a manner that minimizes negative impacts to the existing site and promotes compatible and orderly development with the surrounding uses. Staff is recommending approval with conditions.

**RECOMMENDATION**

Planning staff has reviewed this request and recommends that the Planning Commission approve Environmental Review #24-23 (Categorical Exemption) and Conditional Use Permit #1280, including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

**DISCUSSION**

Project Description

The applicant is proposing to establish a food truck parking area to allow multiple food truck vendors with outdoor seating on a 1.70-acre vacant parcel. The applicant does not have a list of confirmed vendors to be participating, but the parking lot includes seven food truck parking spaces on the

northern portion of the site, with two customer parking spaces to the western portion of the site, and 11 parking spaces at the southern portion of the site. The proposed site plan includes outdoor seating located on the northwest corner of the parcel, and the spaces reserved for the food trucks would be positioned in a way that does not interfere with the circulation of the parking lot (Attachment C). The applicant proposes about 9 tables (a total of 36 seats) to be on the concrete section of the northern portion of the site. The applicant proposes the use of 2 restrooms for customer use. The sale of alcohol by any food truck is prohibited (Condition #22). Hours of operation shall comply with Merced Municipal Code Section 20.44.020 (C) which allows operation between 7:00 a.m. and 9:00 p.m.

Surrounding uses as noted in Attachment B.

Surrounding Land	Existing Use of Land	City Zoning Designation	City General Plan Land Use Designation
North	Fahrens Park	Planned Development (P-D) #12	Industrial (IND)
South	7-Eleven Gas Station	Planned Development (P-D) #12	Business Park (BP)
East	Warehouses	Planned Development (P-D) #12	Business Park (BP)
West	Arco Gas Station (across Highway 59)	Thoroughfare Commercial (C-T)	Thoroughfare Commercial (CT)

Background

Food truck parking areas are considered a relatively new land use option in Merced. In 2016, the City of Merced conducted a comprehensive amendment to the Zoning Ordinance for the first time in over 50 years. The revised Zoning Ordinance now allows food truck parking areas with a conditional use permit within most commercial and industrial zones. The Zoning Ordinance Focus Group modeled the food truck parking area concept after examples found throughout the Central Valley in communities like Modesto and Fresno. Food truck parking areas differ from the City’s traditional food truck projects, as they allow for multiple food truck vendors with outdoor seating on one parcel. In June 2018, the Planning Commission approved the City’s first food truck parking area located at 825 W. Main Street.

Findings/Considerations

Please refer to Exhibit B of the Draft Planning Commission Resolution at Attachment A.

**ATTACHMENTS**

- A. Draft Planning Commission Resolution #4141
- B. Location Map

- C. Site Plan
- D. Water Quality Control Division Best Management Practices Brochure
- E. Fire Department Food Truck Safety Fact Sheet
- F. Categorical Exemption
- G. Presentation



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

**Resolution #4141**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of September 18, 2024, held a public hearing and considered Conditional Use Permit #1280, initiated by Aulakh Properties II, LLC, property owner. This application involves a request to operate a food truck parking area for multiple food trucks on a vacant lot (approximately 1.70-acres). The subject site is generally located on the east side of Highway 59, approximately 250 feet north of Olive Avenue. The subject site has a General Plan designation of Business Park (BP) and a zoning classification of Planned Development, (P-D) #12, and is also known as Assessor’s Parcel Number (APN) 058-030-045.

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through J of Staff Report #24-838; 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 #24-23, and approve Conditional Use Permit #1280, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by reference.

Upon motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and carried by the following vote:

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

ABSTAIN: Commissioner(s)

Adopted this 18<sup>th</sup> day September 2024

PLANNING COMMISSION RESOLUTION #4141

Page 2

September 18, 2024

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Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

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Secretary

Attachments:

Exhibit A - Conditions of Approval

Exhibit B - Findings

**Conditions of Approval**  
**Planning Commission Resolution #4141**  
**Conditional Use Permit #1280**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Site Plan) - Attachment C of Staff Report #24-838, except as modified by the conditions.
2. All conditions contained in Resolution #1249-Amended (“Standard Conditional Use Permit Conditions”—except for Condition #14 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 #4141



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. At least seven 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.
8. All signing shall be contained on the food trucks. No A-frame signs, banners, inflatable signs, feather signs, pennant signs, flags, or other moving or portable signs shall be permitted for this use anywhere on or off the site, except as otherwise allowed by the City's Sign Ordinance. However, the food truck parking lot itself may have a permanent signs, identifying the name of Food Truck Park, per the Sign Ordinance.
9. The hours of operation shall be any span of time between 7:00 a.m. and 11:00 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 trucks shall close at sundown.
10. If the business owners wish to extend the business hours in the future, they must obtain approval from the Development Services Director and the Police Chief, or if deemed necessary by the Development Services Director, be referred back to the Planning Commission for action.
11. Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or alternative approved facility.

12. 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 #24-838, or as otherwise required by the WQCD.
13. If problems arise as a result of this business that may require excessive Police Department service calls, in the opinion of the Police Chief, to the site or within the immediate area including, but not limited to, excessive harassment, malicious property damage, lewd and/or disorderly conduct, this approval may be subject to review and revocation by the City of Merced.
14. 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.
15. 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.
16. The food trucks shall be parked to allow room for customers to gather without being in danger of collisions from vehicles entering/exiting the site.
17. 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.
18. 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.
19. A minimum of 2 parking spaces per food truck shall be required.
20. 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.

21. 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.
22. The mobile food vendors are prohibited from selling alcohol.
23. "No Loitering" signs shall be posted on the food trucks and building onsite at specific locations approved by the City Police Department.
24. Restrooms shall be locked during non-business hours, as required by the Police Department.
25. The food truck shall comply with the Fire Departments Food Truck Safety Fact Sheet shown at Attachment E of Planning Commission Staff Report #24-838.
26. Since the lot is currently undeveloped, any areas of the lot to be occupied by food trucks, customer parking areas, and driving aisles shall be paved with an all-weather paving surface (no gravel) per City standards.
27. All landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately, per City standards.



**Findings and Considerations  
Planning Commission Resolution #4141  
Conditional Use Permit #1280**

**FINDINGS/CONSIDERATIONS:**

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

- A) The proposed Project complies with the General Plan designation of Business Park (BP) and the zoning classification of Planned Development (P-D) #12 with approval of this Conditional Use Permit.

**Traffic/Circulation**

- B) The applicant is proposing to locate the food trucks within the northern portion of the parking lot (Attachment B). The food trucks would be parked in a manner that does not block any driving aisles and provides some space for customers to gather around the food trailers without backing into the driving aisle. Orienting the food trucks in this manner would allow vehicles to have enough space to enter or exit the subject site more easily. 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 #20).

**Parking**

- C) Mobile food vendors are required to have a minimum of 2 parking stalls per food truck. The park will contain 7 spots for food trucks and must have a minimum of 14 customer parking spaces. The subject site would meet this requirement by having a total of 14 parking stalls. Designated customer parking stalls would be located south of the food trucks.

**Public Improvements/City Services**

- D) The subject site is currently undeveloped, and would include developing a parking lot specifically designed for a food truck park. The food trucks are self-contained and would not require a separate connection to the City's sewer and/or water systems. However, if water or sewer connection is needed, lateral connections are available from the main lines on Highway 59.

### **Site Design**

- E) The subject site (1.17 acres undeveloped lot) is located west Highway 59, approximately 250 feet north of Olive Avenue (on the parcel north of 7-Eleven at 1995 W Olive Ave). Vehicle access is available from one driveway along Highway 59, and one driveway off W. Olive Avenue. Customer parking is available along the southern and western portions of the parcel. As shown on the site plan at Attachment C, the food trucks would be located near the northern portion of the parking lot and oriented in a manner that does not create congestion for customers driving to the site. The food trucks would be located at least 27 feet from the nearest driveway along Highway 59. “No Loitering” signs shall be posted on the food truck and building onsite at specific locations approved by the City Police Department (Condition #23 of Staff Report #24-838). All parking and driving surfaces shall be paved per Condition #26 of Staff Report #24-838. Gravel is not an acceptable paving material.

### **Neighborhood Impact/Interference**

- F) The subject site is surrounded by a variety of commercial uses. The surrounding uses to the north, south, east, and west, include Fahrens Park, 7-Eleven, warehouse/commercial building, and an Arco Gas Station (across Highway 59) respectively. Given the variety of commercial uses throughout the neighborhood, staff does not anticipate that this proposal would change the character of the neighborhood.

### **Signage**

- G) The food trucks are not allowed any signs other than what is provided on the vehicles themselves. Condition #8 of Staff Report #24-838 prohibits the use of any A-frame signs, inflatable signs, feather signs, pennants, or other freestanding signs. However, the food truck parking lot may have permanent signs identifying the name of the Food Truck Park per the Sign Code.

### **Truck Details/Operation**

- H) The food trucks are expected to be standard in appearance and size, which is generally 8 feet wide by 23 feet long, and approximately 7 ½ feet tall. The food trucks will operate daily between 7:00 a.m. to 9:00 p.m. The food trucks would sell a variety of different cuisines. 7 Trash

receptacles would be provided to collect the plates, forks, aluminum foil, and paper bags that are typically used to serve these meals (Condition #7). The sale of alcohol is prohibited (Condition #22). Employee restrooms would be available on site as allowed by the Health Department and agreed upon by the property owner (Condition #21). Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or alternative approved facility (Condition #11). 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 #24-838, or as otherwise required by the WQCD (Condition #12).

### **Conditional Use Permit Findings**

- I) A Conditional Use Permit is required to allow a mobile food parking area within a Business Park (B-P) Zone (or equivalent General Plan designation since this is a Planned Development zone) per Merced Municipal Code (MMC) Table 20.44.020 (C.) – Food Trucks in Fixed Locations. 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 Business Park (BP) and the zoning designation of Planned Development (P-D) #12 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 vendors 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.

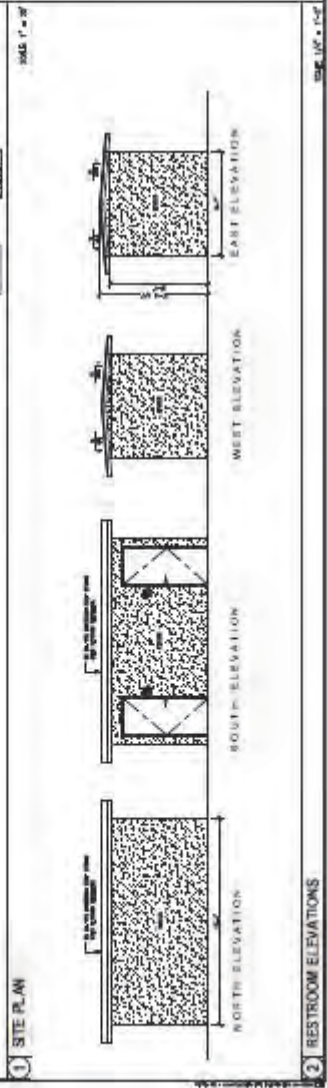
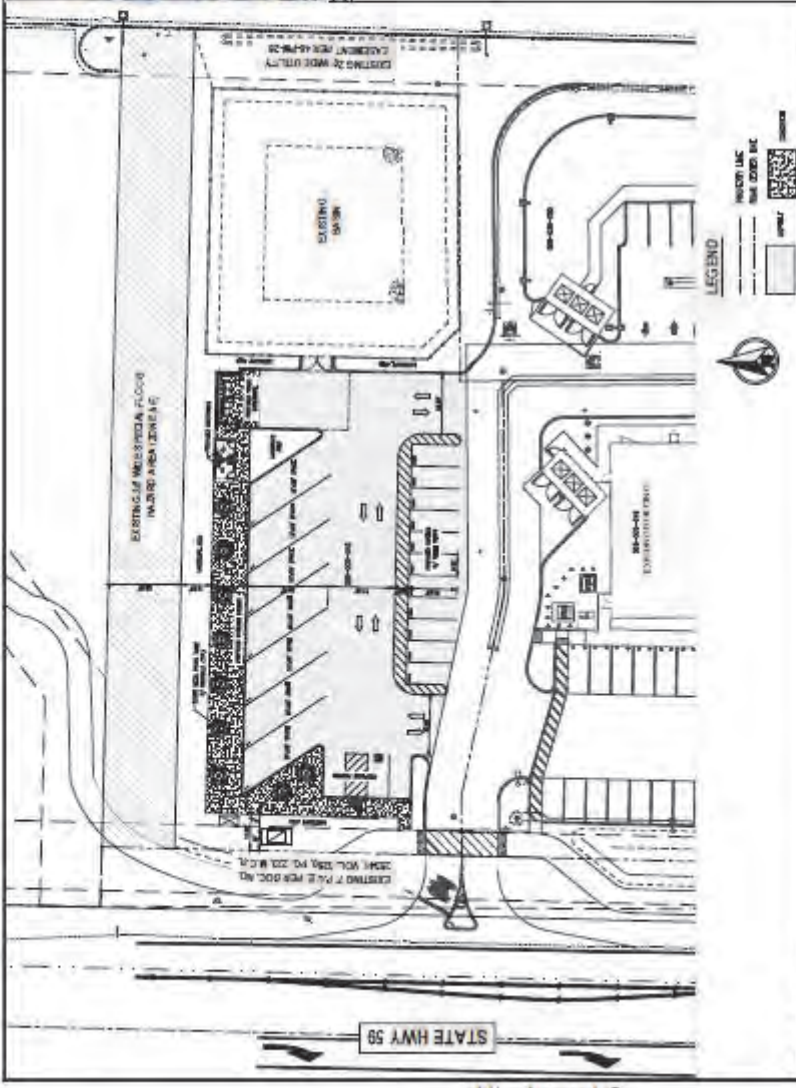
4. *The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.*

The proposed mobile food vendors are located within the City and can be adequately accessed through existing roads. The food trucks would be self-contained with their own water and power, and would not need to hook-up to City utilities. The food trucks 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 #24-838).





Attachment C



MERCED MUNICIPAL CODE

15.50.050 - Discharge of non-storm water prohibited

A. Except as provided in Section 15.50.060, it is unlawful, and a misdemeanor subject to punishment in accordance with Chapter 1.12 of this Code, for any person to make or cause to be made any non-storm water discharge.

B. Notwithstanding the exemptions provided by Section 15.50.060, if the regional water quality control board or the enforcement official determines that any otherwise exempt discharge causes or significantly contributes to violations of any storm water permit, or conveys significant quantities of pollutants to a surface water or storm water conveyance, or is a danger to public health or safety, such discharge shall be prohibited from entering the storm water conveyance system.

1.12.020 - General penalties

A. Misdemeanors. Unless otherwise provided, any person convicted of a misdemeanor under the provisions of this code shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail of Merced County for a period not exceeding one (1) year, or by both such fine and imprisonment.

**REPORT  
ILLEGAL DUMPING  
(209) 385-6905**

City of   
**Merced**  
*Gateway to Yosemite*



For further information, please contact our office at:

City of Merced  
Water Quality Control Division  
1776 Grogan Avenue  
Merced, CA 95341  
(209) 385-6204  
[www.cityofmerced.org](http://www.cityofmerced.org)

**FOOD TRUCKS  
AND  
STORM WATER**



The City of Merced is promoting storm water pollution prevention through public outreach and the Storm Water Ordinance. The Merced Municipal Code 15.50.020 - Purpose and Intent states,

A. The purpose of this chapter is to protect and promote the health, safety, and general welfare of the citizens of City of Merced by controlling non-storm water discharges to the storm water conveyance system from spills, dumping, or disposal of materials other than storm water, and by reducing pollutants in urban storm water discharges to the maximum extent practicable.

B. This chapter is intended to assist in the protection and enhancement of the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. Sections 1251 et seq.) and any subsequent amendments thereto, by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges into the storm drain system.



Anything that spills or lands on the ground of areas such as streets, sidewalks, drainage channels, or parking lots of the City of Merced eventually becomes storm water pollution. Everything that flows into a storm drain, goes directly to our creeks and rivers, untreated. This means aquatic life can die off and areas for water recreation become unsafe for human enjoyment.

Mobile Food Trucks play a major role in minimizing storm water pollution, because of the mobile aspect of the business. The following are important responsibilities of Food Trucks to aid in the protection of our environment, as well as, the health, safety and general welfare of the citizens of Merced:

## DO'S

Visit commissary DAILY for disposing of fats, oils and grease  
- keep logs



Clean spills using dry methods, like absorbents



Clean kitchen equipment indoors or at wash facility with an oil separator or a grease interceptor



Clean mobile food truck at an approved wash facility



## DON'TS

Do not dispose of waste fats, oils and grease in storm drains or drainage ditches



Do not use water to clean up spills



Do not clean kitchen equipment outdoors where wastewater could impact the storm drain

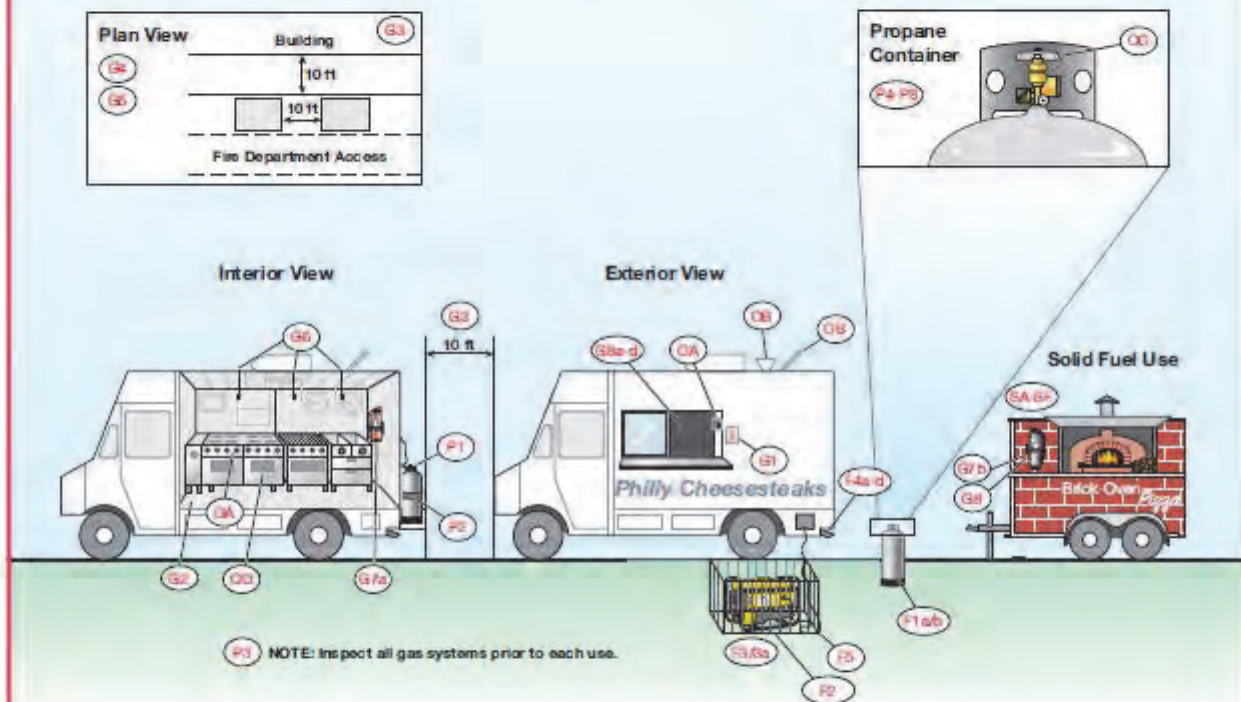


Do not clean mobile food truck at place of residence





## FOOD TRUCK SAFETY



NFPA code references are provided at the end of each item. The red keys correspond to the NFPA food truck safety diagram. For more detailed information, see NFPA 1 and Chapter 17 in NFPA 96.

### General Safety Checklist

- Obtain license or permits from the local authorities. [1:12.8(a)] **G1**
- Ensure there is no public seating within the mobile food truck. [150.8.3.2] **G2**
- Check that there is a clearance of at least 10 ft away from buildings, structures, vehicles, and any combustible materials. [96:17.2] **G3**
- Verify fire department vehicular access is provided for fire lanes and access roads. [1:18.2.4] **G4**
- Ensure clearance is provided for the fire department to access fire hydrants and access fire department connections. [1:13.1.4; 1:13.1.5] **G5**
- Check that appliances using combustible media are protected by an approved fire extinguishing system. [96:10.1.2] **G6**
- Verify portable fire extinguishers have been selected and installed in kitchen cooking areas in accordance with NFPA 10. [96:10.9] **G7a**
- Where cooking appliances that use solid fuel, such as charcoal or wood, produce grease-laden vapors, make sure the appliances are protected by listed fire-extinguishing equipment. [96:15.7.1] **G7b**
- Ensure that workers are trained in the following: [96:17.10] **G8**
  - Proper use of portable fire extinguishers and extinguishing systems [96:17.10.1(1)] **G8a**
  - Proper method of shutting off fuel sources [96:17.10.1(2)] **G8b**
  - Proper procedure for notifying the local fire department [96:17.10.1(1)] **G8c**
  - Proper procedure for how to perform simple leak test on gas connections. [96:17.10.1(5)] **G8d**



FOOD TRUCK SAFETY *CONTINUED***Fuel & Power Sources Checklist**

- Verify that fuel tanks are filled to the capacity needed for uninterrupted operation during normal operating hours. [1:10.14.11.1 for carnivals only] **F1a**
- Ensure that refueling is conducted only during non-operating hours. [96:17.8.3] **F1b**
- Check that any engine-driven source of power is separated from the public by barriers, such as physical guards, fencing, or enclosures. [96:17.5.2.2] **F2**
- Ensure that any engine-driven source of power is shut down prior to refueling from a portable container. [1:10.15.4] **F3**
- Check that surfaces of engine-driven source of power are cool to the touch prior to refueling from a portable container. **F3a**
- Make sure that exhaust from engine-driven source of power complies with the following: **F4**
  - At least 12 ft in all directions from openings and air intakes [96:17.5.2.3(1)] **F4a**
  - At least 12 ft from every means of egress [96:13.13] **F4b**
  - Directed away from all buildings [96:17.5.2.3(2)] **F4c**
  - Directed away from all other cooking vehicles and operations [96:17.5.2.3(3)] **F4d**
- Ensure that all electrical appliances, fixtures, equipment, and wiring complies with the NFPA 70® [96:17.8.1] **F5**

**Propane System Integrity Checklist**

- Check that the main shutoff valve on all gas containers is readily accessible. [58:6.26.4.1(3)] **P1**
- Ensure that portable gas containers are in the upright position and secured to prevent tipping over. [58:6.26.3.4] **P2**
- Inspect gas systems prior to each use. [96:17.2.3] **P3**
- Perform leak testing on all new gas connections of the gas system. [58:6.16:58:6.17] **P4**
- Perform leak testing on all gas connections affected by replacement of an exchangeable container. [58:6.16; 58:6.17] **P5**
- Document leak testing and make documentation available for review by the authorized official. [58:6.26.5.1(M)] **P6**
- Ensure that on gas system piping, a flexible connector is installed between the regulator outlet and the fixed piping system. [58:6.26.5.1(B)] **P7**
- Where a gas detection system is installed, ensure that it is tested monthly. [96:17.2.2] **P8**

**Operational Safety Checklist**

- Do not leave cooking equipment unattended while it is still hot. (This is the leading cause of home structure fires and home fire injuries.) **OA**

- Operate cooking equipment only when all windows, service hatches, and ventilation sources are fully opened. [96:12.11] **OB**
- Close gas supply piping valves and gas container valves when equipment is not in use. [58:6.26.8.3] **OC**
- Keep cooking equipment, including the cooking ventilation system, clean by regularly removing grease. [96:12.4] **OD**

**Solid Fuel Safety Checklist (Where Wood, Charcoal, Or Other Solid Fuel Is Used)**

- Fuel is not stored above any heat-producing appliance or vent. [96:15.9.2.2] **SA**
- Fuel is not stored closer than 3 ft to any cooking appliance. [96:15.9.2.2] **SB**
- Fuel is not stored near any combustible flammable liquids, ignition sources, chemicals, and food supplies and packaged goods. [96:15.9.2.7] **SC**
- Fuel is not stored in the path of the ash removal or near removed ashes. [96:15.9.2.4] **SD**
- Ash, cinders, and other fire debris should be removed from the firebox at regular intervals and at least once a day. [96:15.9.3.6.1] **SE**
- Removed ashes, cinders, and other removed fire debris should be placed in a closed, metal container. [96:15.9.3.8.1] **SF**

**Learn More**

- ▶ Get free digital access to NFPA codes and standards at: [nfpa.org/docinfo](https://nfpa.org/docinfo)
- ▶ Read the latest news and updates at: [nfpa.org/foodtrucksafety](https://nfpa.org/foodtrucksafety)
- ▶ Review the following and other NFPA resources at: [nfpa.org](https://nfpa.org)
  - NFPA 1, Fire Code, 2021 Edition
  - NFPA 1 Fire Code Handbook, 2021 Edition
  - NFPA 10, Standard for Portable Fire Extinguishers, 2018 Edition
  - NFPA 58, Liquefied Petroleum Gas Code, 2020 Edition
  - LP-Gas Code Handbook, 2020 Edition
  - NFPA 70®, National Electrical Code®, 2020 Edition
  - National Electrical Code® Handbook, 2020 Edition
  - NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2021 Edition
  - NFPA 96: Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations Handbook, 2017 Edition



IT'S A BIG WORLD.  
LET'S PROTECT IT TOGETHER.®

NOTE: This information is provided to help advance safety of mobile and temporary cooking operations. It is not intended to be a comprehensive list of requirements for mobile and temporary cooking operations. Check with the local jurisdiction for specific requirements. This safety sheet does not represent the official position of the NFPA or its Technical Committees. The NFPA disclaims liability for all personal injury, property, or other damages of any nature whatsoever resulting from the use of this information. For more information, go to [nfpa.org/foodtrucksafety](https://nfpa.org/foodtrucksafety).

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**NOTICE OF EXEMPTION**

To: \_\_\_\_\_ Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

From: (Public Agency)  
City of Merced  
678 West 18th St.  
Merced, CA 95340

X County Clerk  
County of Merced  
2222 M Street  
Merced, CA 95340

Project Title: Conditional Use Permit #1280 (Environmental Review #24-23)

Project Applicant: Aulakh Properties II, LLC

Project Location (Specific): Generally located on the east side of Highway 59, approximately 250 feet north of Olive Avenue APN: 058-030-045

Project Location - City: Merced Project Location - County: Merced

Description of Nature, Purpose, and Beneficiaries of Project: Food Truck Lot

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Aulakh Properties II, LLC, property owner

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State Type and Section Number: 15332
- Statutory Exemptions. State Code Number: \_\_\_\_\_
- General Rule (Sec. 15061 (b)(3))

**Reasons why Project is Exempt:**

As defined under the above referenced Section, the proposed project is considered an in-fill Project with the development of a parking lot for a food truck parking lot. The project location is within the City limits on a 1.17-acre subject site surrounded by urban uses. The site can be served by all required utilities and public services, and the project site has no value as habitat for endangered, rare or threatened species. No significant effects resulting from traffic, noise, air quality, or water quality will result from the construction of the building. The project is consistent with the City of Merced General Plan and Zoning regulations.

Lead Agency: City of Merced

Contact Person: Matt Livingston Area Code/Telephone: (209) 388-7350

Signature: Matt Livingston Date: 08-20-2024 Title: Assistant Planner

Signed by Lead Agency Date Received for Filing at OPR: \_\_\_\_\_  
(If applicable)

Authority Cited: Sections 21083 and 21110. Public Resources Code  
Reference: Sections 21108, 21152, and 21152.I. Public Resources Code

# Conditional Use Permit #1280

Food Truck Parking Area, Empty lot north of 1995 W Olive

Attachment G





Location Map

Zone, (P-D) #12

Surrounding Uses

North: Fahrens Park

South: 7-Eleven

East: Warehouses

West: Arco Gas Station, (across highway 59)

# Operations

Proposed hours of operation include 7:00 AM through 11 PM, 7 days per week. Lighting will be required once the sun goes down.

The proposed site plan meets the required parking space requirement.

The proposed Site Plan includes 2 restrooms, which will be locked during non-business hours.

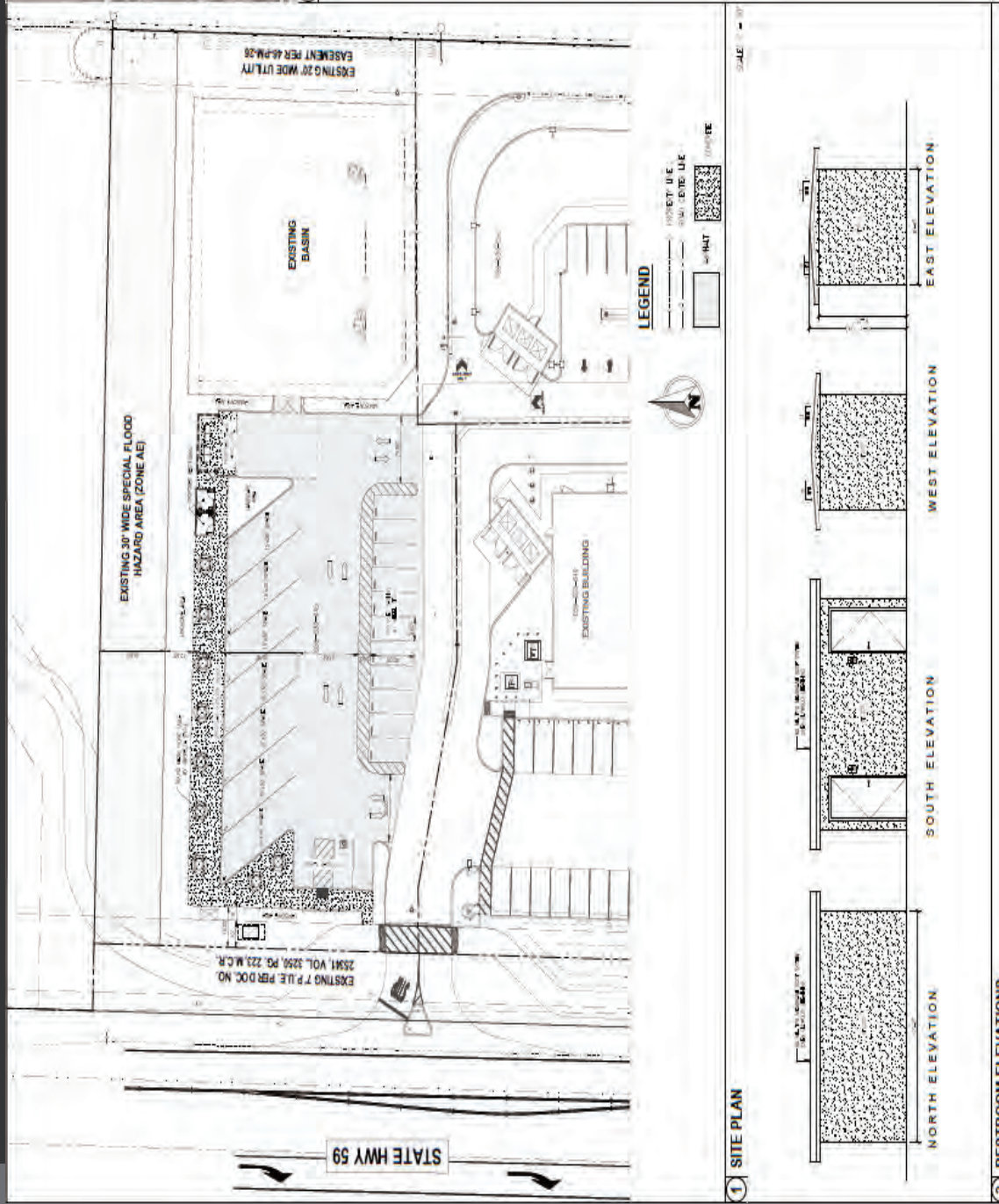
The site will have at least 7 tamperproof trash receptacles on site, as well as a trash enclosure in the northeastern corner.

# Site plan

Entrances located at the western portion of the site, (off Highway 59), and the southern portion.

14 proposed customer parking stalls

Food trucks will not block vehicle or refuse service access.

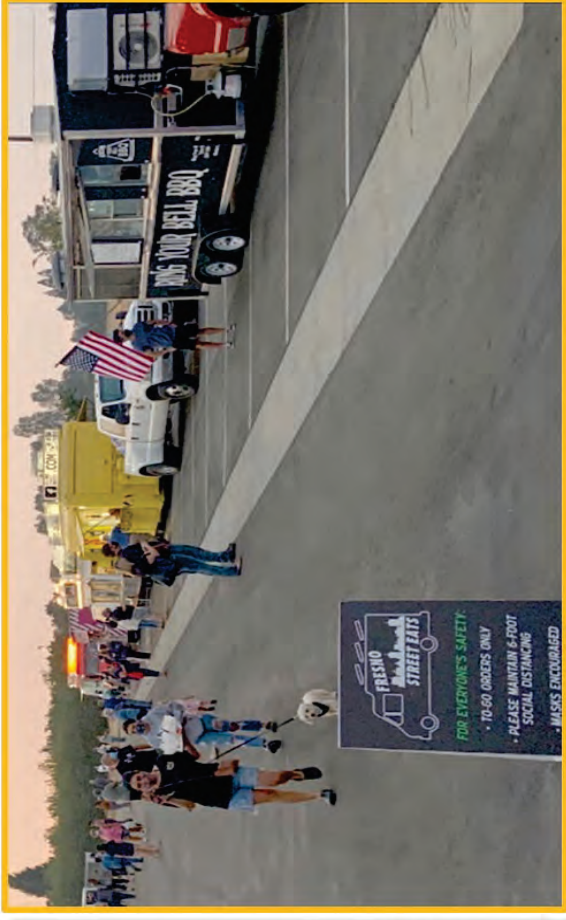




# Local Examples of similar projects



Grub Hub, Modesto CA



Street Eats, Fresno CA

# Conditions Of Approval

8. 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, except as otherwise allowed by the City's Sign Ordinance
9. The hours of operation shall be any span of time between 7:00 a.m. and 11:00 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 trucks shall close at sundown.
20. 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
24. Restrooms shall be locked during non-business hours, as required by the Police Department.

# Planning Commission Action

Approve/ Modify/ Deny

Environmental Review #24-23 (Categorical Exemption)

Conditional Use Permit #1280 (Subject to 25 conditions of approval)





# CITY OF MERCED

Merced Civic Center  
678 W. 18th Street  
Merced, CA 95340

## ADMINISTRATIVE REPORT

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File #: 24-918

Meeting Date: 9/18/2024

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### **Planning Commission Staff Report**

**SUBJECT:** Report by Temporary Director of Development Services of Upcoming Agenda Items

**ACTION**

Information only.



# CITY OF MERCED

Merced Civic Center  
678 W. 18th Street  
Merced, CA 95340

## ADMINISTRATIVE REPORT

File #: 24-919

Meeting Date: 9/18/2024

### Planning Commission Staff Report

**SUBJECT:** Calendar of Meetings/Events

Sept.	16	City Council, 6:00 p.m.
	18	Planning Commission, 6:00 p.m.
Oct.	7	City Council, 6:00 p.m.
	9	Planning Commission, 6:00 p.m.
	21	City Council, 6:00 p.m.
	22	Bicycle and Pedestrian Advisory Committee, 4:00 p.m.
	23	Planning Commission, 6:00 p.m.
Nov.	4	City Council, 6:00 p.m.
	6	Planning Commission, 6:00 p.m.
	18	City Council, 6:00 p.m.
	20	Planning Commission, 6:00 p.m. <b>(To be Cancelled)</b>