

CITY OF MERCED
Planning & Permitting Division

STAFF REPORT: #18-05

AGENDA ITEM: 4.2

FROM: Kim Espinosa,
Planning Manager

PLANNING COMMISSION
MEETING DATE: Feb. 21, 2018

PREPARED BY: Francisco Mendoza-Gonzalez,
Planner

SUBJECT: **Conditional Use Permit #1223**, initiated by Ali A. Muheyaddin, on behalf of Sandra L. Anderson, Trustee, property owner. This application involves a request to allow an automotive shop (providing major repairs) at 1844 and 1846 Parsons Avenue, generally located on the east side of Parsons Avenue, approximately 150 feet south of Yosemite Parkway, within a Thoroughfare Commercial (C-T) Zone. *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #18-06 (Categorical Exemption)
- 2) Conditional Use Permit #1223

SUMMARY

The applicant is proposing to operate an automotive repair shop with used car sales at 1844 and 1846 Parsons Avenue (Attachment A). The subject site consist of two adjacent, rectangular parcels totaling approximately one acre. The automotive repair shop (providing major repairs) would be located inside the existing 4,000-square-foot building at 1846 Parsons Avenue. The future used car lot would be located on the vacant parcel to the south at 1844 Parsons Avenue. The automotive repair shop and dealership will operate under the same ownership.

Used car sales are principally permitted within a Thoroughfare Commercial (C-T) Zone. However, major automotive repairs (such as bodywork and automotive painting) require Conditional Use Permit approval within the C-T Zone to help assure that such businesses do not become unsightly or cluttered with dilapidated vehicles, repair parts, flags, etc. Staff is recommending approval of this request subject to the conditions of approval outlined below.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #18-06 (Categorical Exemption) and Conditional Use Permit #1223, per the draft Resolution at Attachment G and subject to the following conditions:

- *1) The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan), Exhibit 2 (floor plan), and Exhibit 3 (elevations) - Attachment B, Attachment C, and Attachment D, except as modified by the conditions.

- *2) All conditions contained in Resolution #1249-Amended (“Standard Conditional Use Permit Conditions”—except for Condition #16 which has been superseded by Code) shall apply.
- *3) The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
- *4) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
- *5) The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
- *6) As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repaired if the permit value of the project exceeds \$85,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
- *7) The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
- *8) Fire lanes shall be kept clear at all times. (A fire lane with a 25-foot width as referenced on the site plan may require striping at the building permit stage, if deemed necessary by the City’s Fire Department).
- *9) All signing shall comply with the City’s Sign Ordinance. Sign permits shall be obtained prior to installing any permanent signing. A Temporary Sign Permit shall be obtained prior to installing any temporary signs or banners. Flags, pennants, temporary freestanding signs, inflatable signs, or A-frame signs are not allowed. Should the applicant/business owner

violate these signing restrictions, the City reserves the right to revoke the Conditional Use Permit for a used car lot and major repairs on this site per the revocation procedures in the Merced Municipal Code.

- *10) Parking lot trees shall be provided at a ratio of one tree for every 6 parking spaces (for customer parking only, not applicable to auto display parking). These trees shall be installed per the City's Parking Lot Landscape Standards, shall be a minimum of 15-gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City's approved tree list).
- 11) The applicant shall provide sufficient lighting for the parking lot and vehicle display areas. Lighting shall be shielded or oriented in a way that does not allow "spill-over" onto adjacent lots in compliance with the California Energy Code requirements. Any lighting on the building shall be oriented to shine downward and not spill-over onto adjacent parcels.
- 12) Auto service repairs shall include services needed to prepare vehicles for sale and the labor shall be conducted away from the public view, inside a screened or enclosed structure. Repair activities shall be limited to those found in the City's "Minor Repair" and "Major Repair" categories (as defined by Merced Municipal Code Section 20.90.020 – Vehicle Repair and Maintenance, Minor and Merced Municipal Code Section 20.90.020 – Vehicle Repair and Maintenance, Major) and shall be subject to Building, Fire, and County Environmental Health Department requirements. All storage of auto-related waste products shall be located away from the public view within a structure.
- *13) Plans for Building Permits shall be drawn by a licensed professional (e.g. an architect or engineer).
- 14) The proposed paint booth shall have a fire suppression system.
- *15) All necessary permits shall be obtained from the San Joaquin Valley Air Pollution Control District prior to obtaining a business license.
- 16) The applicant shall work with the City's Water Quality Control Division (and other pertinent departments as determined by the WQC Division) and comply with all requirements for this type of business and obtain all proper permits prior to opening for business. Said requirements may include, but are not limited to, ensuring that all items are stored in secondary containments, installing sand separators, installing grease interceptors, and installing floor drains.
- 17) The applicant shall work with the Merced County Health Department and comply with all requirements for this type of business prior to obtaining a business license or building permit.
- 18) The applicant shall work with the City's Fire Department to ensure that a Hot Permit is obtained for welding activities. A list of hazardous chemicals used in the conduct of business shall be provided to the Fire Department prior to opening for business.
- 19) Non-operable vehicles shall require a No Exposure Certificate from the State Water Resource Control Board. Non-operable vehicles shall either be stored inside the automotive

- repair shop or enclosed within a non-transparent fenced area. Should the applicant choose to install a fenced area, the materials, colors, and location of the fence shall be reviewed and approved by the Planning Department.
- 20) Display vehicles shall not be located on the sidewalk and shall comply with the City's vision corner triangle regulations (MMC 20.30.030).
 - 21) The applicant shall work with the City's Refuse Department to determine the exact location for a refuse enclosure. In addition, the applicant shall work with the City's Refuse Department to determine if a recycling container will be required to comply with AB 341. If it is required, the container shall be enclosed within a refuse enclosure built to City Standards. Prior to pouring the concrete for the refuse enclosure, the contractor shall contact the Refuse Department at 209-385-6800 to arrange an inspection by Refuse Department staff to verify the location and angle of the enclosure.
 - *22) The parking lot layouts shall comply with all applicable City Standards.
 - 23) The applicant shall install street trees and an irrigation system within the right-of-way adjacent to the project site, as required by the City's Engineering Department. A landscape and irrigation plan shall be submitted to the Engineering Department for approval prior to the issuance of Building/Fire permits. All landscaping shall be installed prior to the business opening; details on requirements to be worked out Engineering Department to ensure compliance with water conservation regulations based on recent State directives.
 - 24) All display vehicles shall be washed and cleaned periodically to maintain a clean appearance, but in a manner that reduces the amount of water used and recycles as much water as possible, such as using automated car washes or other such facilities.
 - 25) The premises shall remain clean and free of debris and graffiti at all times.
 - 26) The applicant shall provide a minimum of 9 parking spaces for the automotive repair shop and a minimum of 3 parking spaces for the used car lot.
 - *27) The applicant shall either provide proof of a cross-access agreement or apply for a lot merger to merge Assessor's Parcel Numbers 061-390-025 and 061-390-026, prior to issuance of a building permit.
 - 27) The colors used for the exterior of the automotive repair shop, paint booth, and office shall be of a neutral type approved by Planning staff during the building permit stage.
 - 28) The garage door on the west elevation (facing Parsons Avenue) shall be screened from public view with landscaping or with a non-transparent fence that is reviewed and approved by Planning staff during the building permit stage.

(*) Denotes non-discretionary conditions.

PROJECT DESCRIPTION

The applicant is proposing to operate an automotive repair shop (providing major repairs) with used car sales at 1844 and 1846 Parsons Avenue. The automotive repair shop would be located inside the existing 4,000-square-foot building located at the northwest corner of 1846 Parsons Avenue. The applicant would like to provide general automotive repairs, collision services, and automotive painting. Automotive painting will be conducted inside the new, detached paint booth located within the northeast portion of the parcel. In addition, the applicant would like to construct a new office that would be used to serve the auto repair shop and the future used car lot to the south (Attachment B). The auto repair shop and used car lot would be managed by the same business owner.

Surrounding Uses
(Attachment A)

Surrounding Land	Existing Use of Land	City Zoning Designation	City General Plan Land Use Designation
North	Fast Mart	Thoroughfare Commercial (C-T)	Thoroughfare Commercial (CT)
South	Vacant Lot (approximately 4.5 acres)	Thoroughfare Commercial (C-T)	Thoroughfare Commercial (CT)
East	Sierra Storage South Merced	Thoroughfare Commercial (C-T)	Thoroughfare Commercial (CT)
West	Rancho San Miguel Shopping Center (Across Parsons Ave.)	Neighborhood Commercial (C-N)	Neighborhood Commercial (CN)

BACKGROUND

Historically, the subject site has been used for heavy commercial and light industrial purposes. The most recent business to occupy this site was The Bedding Shop, a construction material yard for contactors. This business was in operation between 1997 and 2003. The subject site has remained vacant since that time.

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Thoroughfare Commercial (CT) and the zoning designation of Thoroughfare Commercial (C-T) with approval of a Conditional Use Permit.

Parking

- B) The parking requirement for an automotive repair shop is one parking space for each four hundred square feet of floor area. Based on this formula, and with a 15% parking reduction allowed by the ordinance for non-customer areas, the business will be required to provide a minimum of 9 parking spaces. As shown on the site plan (Attachment C), the project does not satisfy the City's parking requirement by having a total of 7 parking spaces. The applicant shall provide a minimum of 2 additional parking spaces during the building permit stage. When the applicant is ready to operate the used car lot on the parcel to the south, the applicant shall be required to provide a minimum of 3 additional parking spaces for this use, as required by the City's Zoning Ordinance (Condition #26). Even though these two parcels have the same owner, a parking agreement shall be required to prevent any future property owners from forbidding the customers of the used car lot from parking on the shared parking lot, unless separate parking is provide on the parcel for the used car lot (Condition #27). Parking lot trees, selected from the City's "Approved Tree List", shall be provided at a ratio of one tree for every six parking spaces for customer parking only, parking lot trees are not required parking for areas used for display vehicles (Condition #10).

Site Design

- C) The subject site is located on the east side of Parsons Avenue, between Merced Avenue and Yosemite Parkway. The subject site includes two rectangular parcels of the same length totaling approximately one-acre. Pedestrian access is available from Parsons Avenue. Vehicle access is available from an existing 12-foot-wide driveway along Parsons Avenue. The auto body shop will be located inside the existing 4,000-square-foot building. Because a garage door is facing Parsons Avenue, the applicant shall be required to screen the garage door with landscaping or a non-transparent fence approved by the Planning Department (Condition #29). Doing so would help shield repair work and repair parts from public view. The floor layout will be redesigned to include a new bathroom and lift stations (Attachment C).

The eastern portion of the site plan will be revised to include a repaved driveway, a new parking lot, a detached paint booth (325 square feet), and a detached modular office (528 square feet).

The vacant lot to the south is reserved for a future used car lot. Prior to operating the used car lot, the applicant will be required to provide proof of a cross-access agreement between the two sites or merge the two lots through a Lot Combination Application (Condition #27). If vehicle washing and detailing is provided onsite, the applicant will be required to contact the City's Water Quality Control Division and comply with their requirements for washing vehicles onsite. Said requirements may include but, are not limited to, installing sand and oil separators (Condition #16). Display vehicles may not be located on the sidewalk or any other public right-of-way (Condition #20). Non-operable vehicles shall require a No Exposure Certificate and shall be screened away from the public view inside the building at 1846 Parsons Avenue or be located behind a non-transparent fence (Condition #19). Automotive repair parts or equipment associated with this business may not be stored outdoors. The applicant will be required to work with the Merced County Health

Department, Merced Building Department, Merced Water Division, and the San Joaquin Valley Air Pollution District, to obtain all required permits from these agencies and comply with their regulations (Conditions #15 and #17).

Public Improvements

- D) Necessary public improvements will be required with the approval of this Conditional Use Permit. These improvements may include, but are not limited to, repairs or upgrades to the sidewalk, curb, gutter, or driveway approaches, and installing street trees. All necessary public improvements shall be constructed along the property frontages adjacent to the subject site, as required by the City's Engineering Department (Conditions #6).

Signage

- E) The project site is located within a Thoroughfare Commercial Zone and is subject to the City's General Sign Standards (Merced Municipal Code Chapters 20.62.030 and 17.36). As such, the subject site qualifies for 500 square feet of signage per lot. The applicant shall submit a building permit application before installing any wall-mounted or freestanding signs for their business.

In addition, a Temporary Sign Permit shall be obtained prior to installing any temporary signs or banners. Flags, pennants, temporary freestanding signs, inflatable signs, or A-frame signs are not allowed. Should these signing restrictions be violated, the City reserves the right to revoke the Conditional Use Permit on this site per the revocation procedures in the Merced Municipal Code (Condition #9).

Neighborhood Interface

- F) The subject site is located in Southeast Merced and is surrounded by a variety of commercial and high-density residential properties. Automotive-related business are common throughout the neighborhood as Adams Auto Sales, Sierra Muffler & Radiators, Sun Valley Auto Glass, Fast Tire Merced, Merced Custom Motorcycles, Auto Plaza, Ernest Tires, and Cen Cal Small Engine & Marine are all located within 1,000 feet of the subject site. Given the nature of the businesses in the surrounding area, this request would not create any unusual circumstances for the neighborhood.

Environmental Clearance

- G) Planning staff 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 significant adverse environmental effects have been found) is being recommended (Attachment F).

Attachments:

- A) Location Map
- B) Site Plan
- C) Floor Plan
- D) Elevations
- E) Photographs of Automotive Repair Shop (Interior and Exterior)
- F) Categorical Exemption
- G) Draft Planning Commission Resolution

ANDREGG

EDWARDS

YOSEMITE

Auto Sales



Proposed Auto Body Shop

Rancho San Miguel

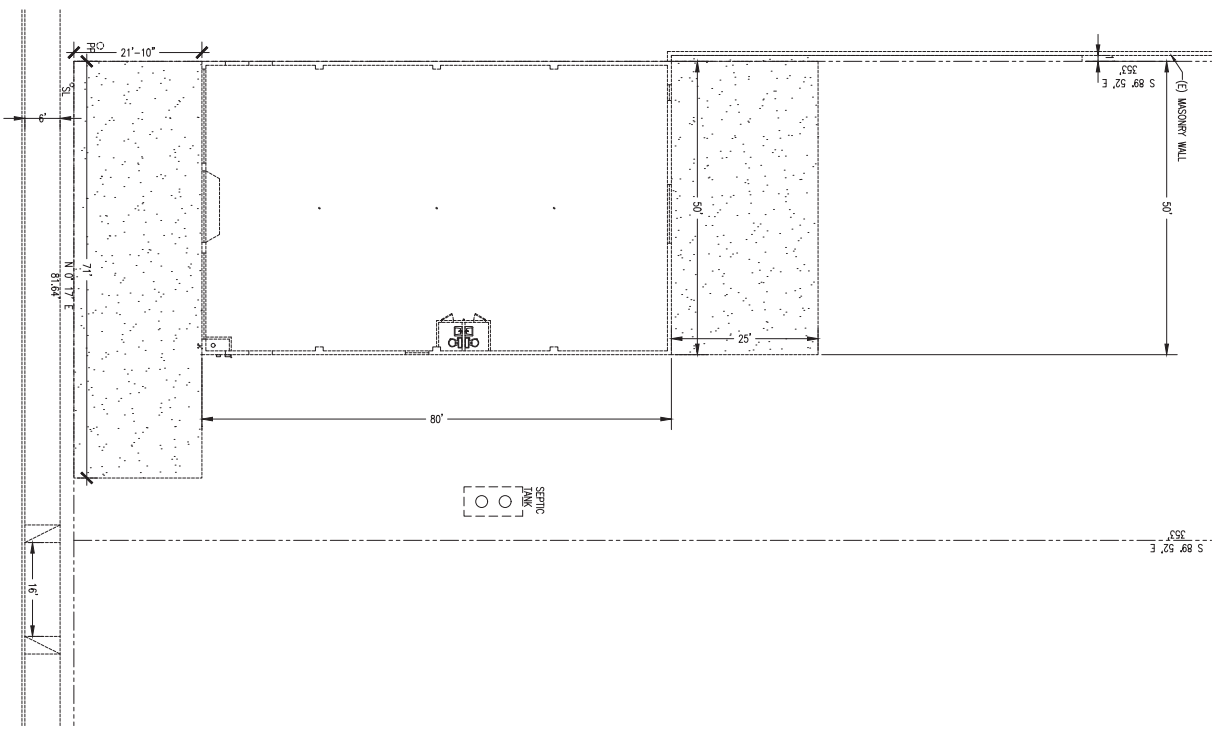
PARSONS

Proposed Future Used Car Lot

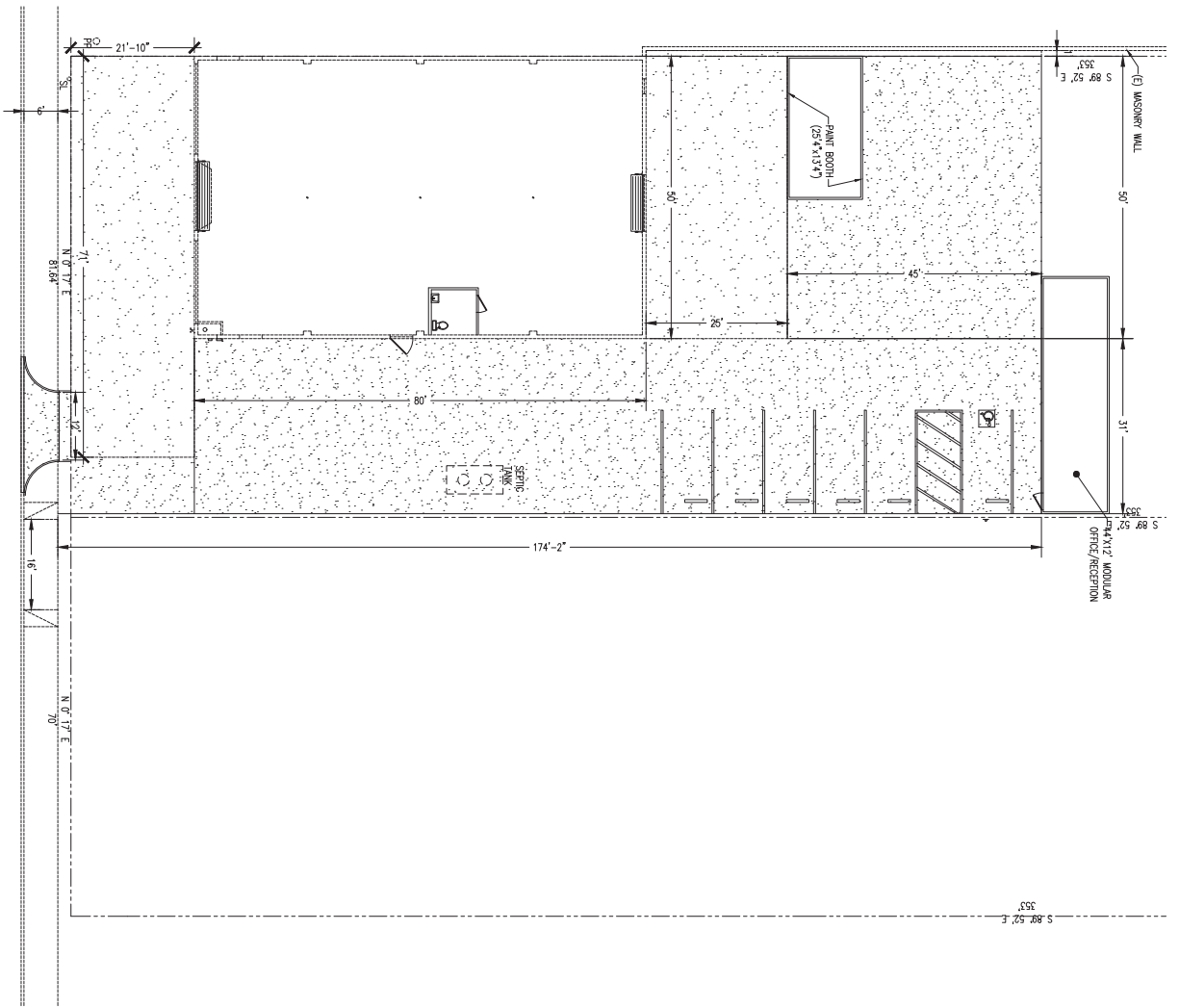


AVALON



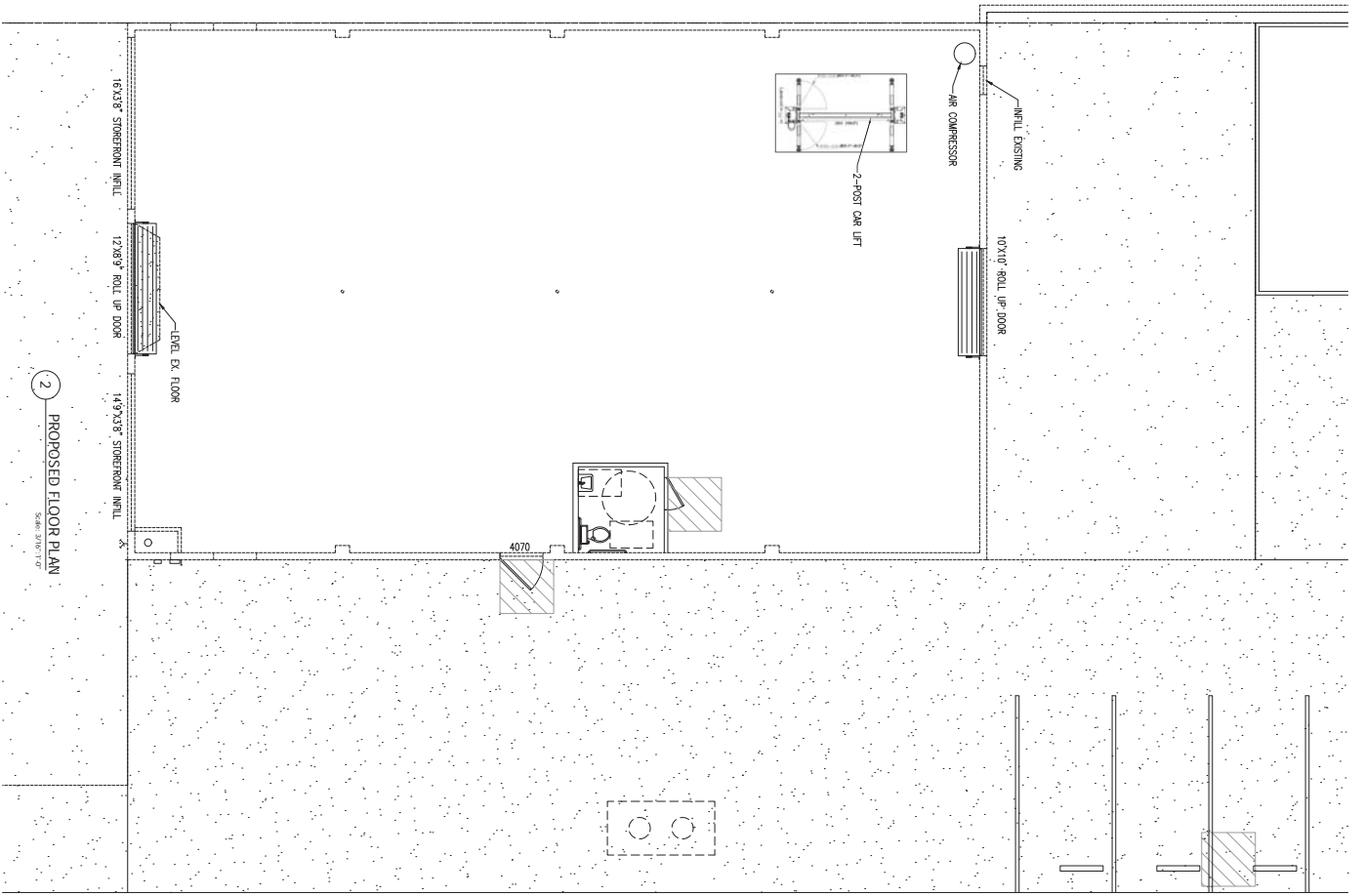
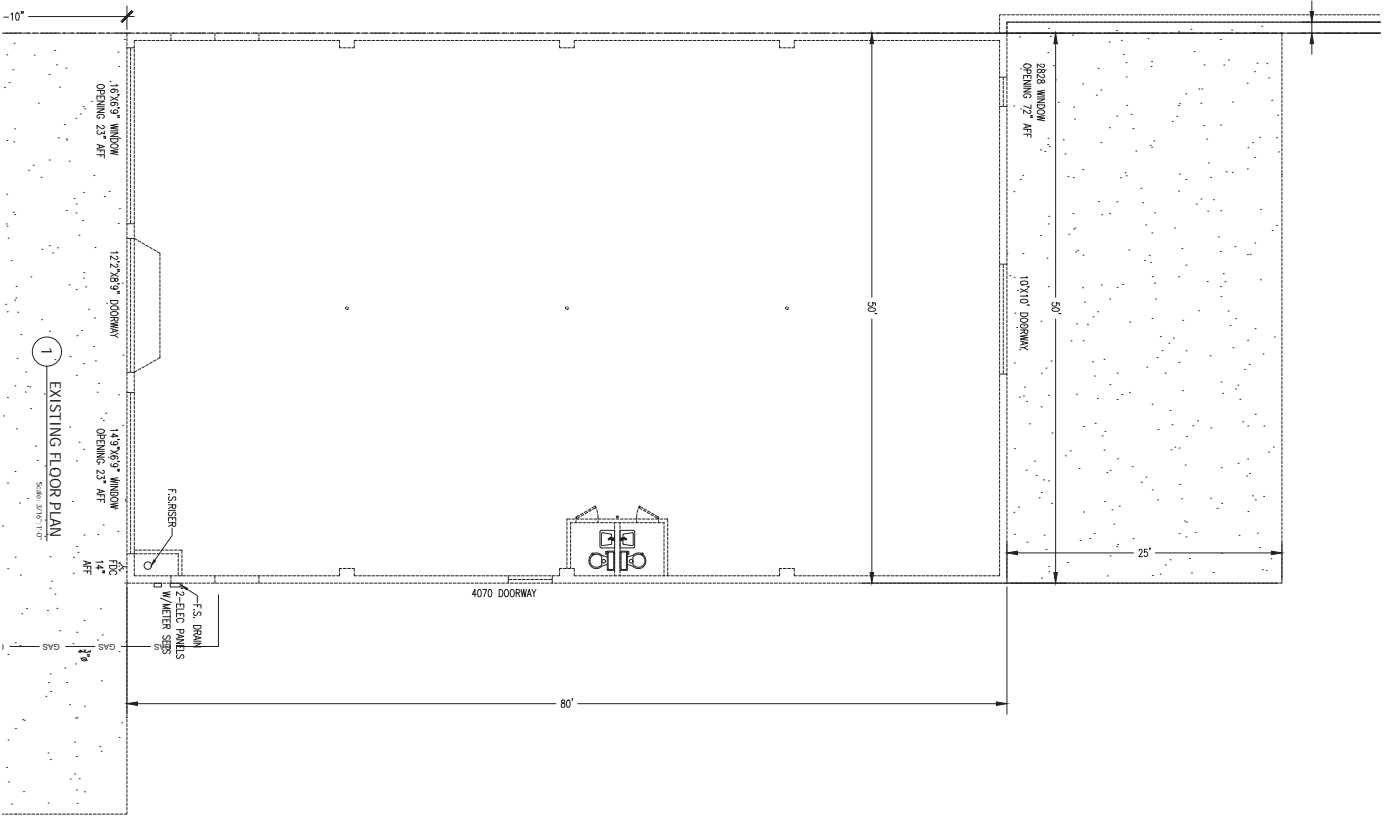


1 EXISTING SITE PLAN
SCALE: 1/8"=1'-0"



2 PROPOSED SITE PLAN
SCALE: 1/8"=1'-0"

	<p>A+ AUTO BODY 1846 PARSONS AVENUE MERCED, CA 95341</p> <p>ATTACHMENT B</p>	<p>STRUCTURE WITHIN</p> <p>Eric Picciano, P. E. Civil Engineer office: 209/251-1911 cell: 209/596-0099 1383 Cardinal Drive Merced, CA 95340 piccianoeng@comcast.net</p>



	<p>Eric Picciano, P.E. Civil Engineer office: 209/725-1191 cell: 209/506-0099 1382 Cambridge Drive Merced, CA 95340 piccianoeng@comcast.net</p>	<p>STRUCTURE WITHIN</p>	<p>THIS DOCUMENT IS THE PROPERTY OF STRUCTURE WITHIN. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR DISTRIBUTION OF THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION IS PROHIBITED.</p>
	<p>A1.0</p>		

A+ AUTO BODY
 1846 PARSONS AVENUE
 MERCED, CA 95341
ATTACHMENT C

Eric Picciano, P.E.
Civil Engineer

office/ax
209.725.1591
cell
209.756.0979

1382 Cambria Drive
Merced, CA 95340
piccianoeng@comcast.net

STRUCTURE WITHIN.

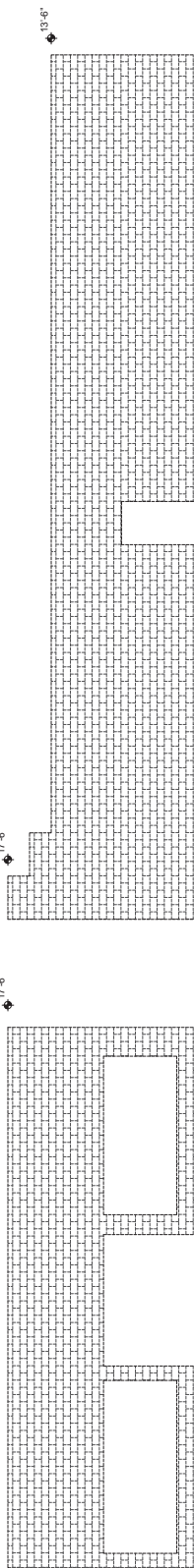
THIS DOCUMENT, THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF SERVICE, IS THE PROPERTY OF ERIC A. PICCIANO AND IS TO BE USED ONLY FOR THE PROJECT AND FOR ANY OTHER PROJECT WITHOUT WRITTEN AUTHORIZATION.

A+ AUTO BODY
1846 PARSONS AVENUE
MERCED, CA 95341
APN: 061-039-26

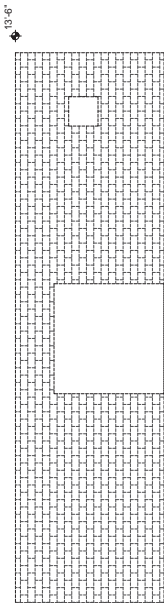
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ELEVATIONS



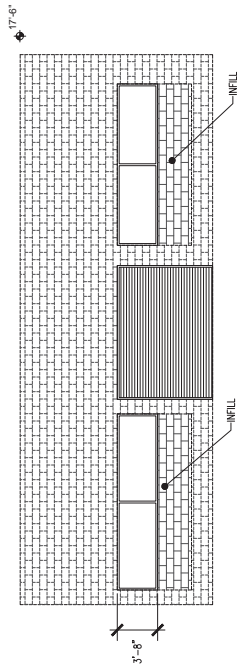
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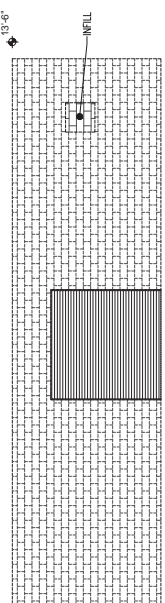
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Scale: 3/16" = 1'-0"



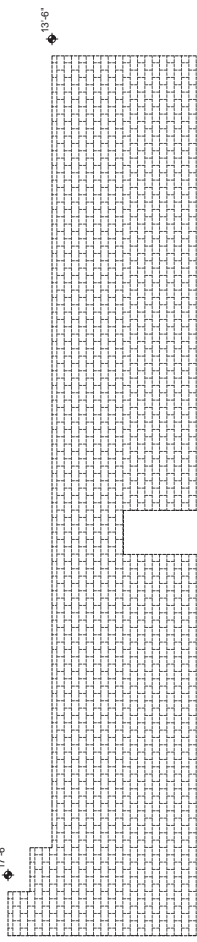
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Scale: 3/16" = 1'-0"



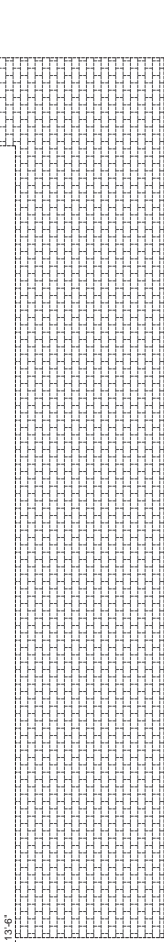
3 PROPOSED WEST ELEVATION
Scale: 3/16" = 1'-0"



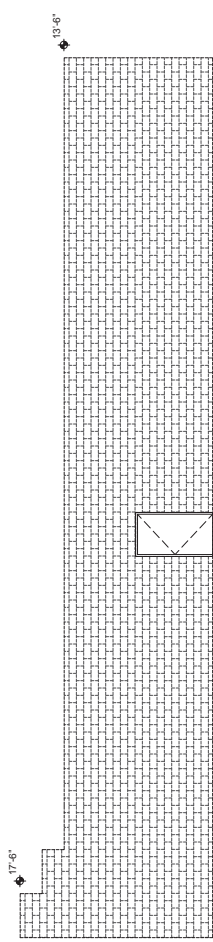
4 PROPOSED EAST ELEVATION
Scale: 3/16" = 1'-0"



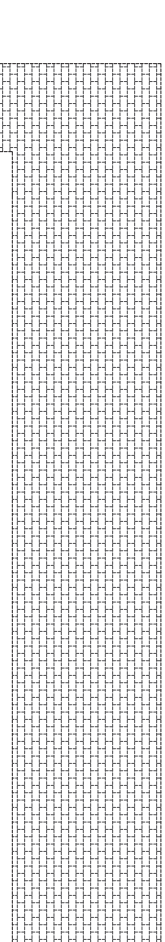
5 EXISTING SOUTH ELEVATION
Scale: 3/16" = 1'-0"



6 EXISTING NORTH ELEVATION
Scale: 3/16" = 1'-0"



7 PROPOSED SOUTH ELEVATION
Scale: 3/16" = 1'-0"



8 PROPOSED NORTH ELEVATION
Scale: 3/16" = 1'-0"



ATTACHMENT E

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: CUP #1223 (Environmental Review #18-06)

Project Applicant: Ali Muheyaddin

Project Location (Specific): 1844 and 1846 Parsons Avenue

APN: 061-390-025 and 061-390-026

Project Location - City: Merced

Project Location - County: Merced

Description of Nature, Purpose, and Beneficiaries of Project:

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Ali Muheyaddin

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: 15301 (a)
- 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 consists of minor interior and exterior alterations only, which are considered to be exempt under the CEQA Guidelines per Section 15301 (a).

Lead Agency: City of Merced

Contact Person: Francisco Mendoza-Gonzalez

Area Code/Telephone: (209) 385-6858

Signature:  **Date:** 01-29-2018 **Title:** Planner

X 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 21152.1. Public Resources Code

**CITY OF MERCED
Planning Commission**

Resolution #3090

WHEREAS, the Merced City Planning Commission at its regular meeting of February 21, 2018, held a public hearing and considered **Conditional Use Permit #1223**, initiated by Ali A. Muheyaddin, on behalf of Sandra L. Anderson, Trustee, property owner. This application involves a request to allow an automotive shop (providing major repairs) at 1844 and 1846 Parsons Avenue, generally located on the east side of Parsons Avenue, approximately 150 feet south of Yosemite Parkway, within a Thoroughfare Commercial (C-T) Zone; also known as Assessor's Parcel Number 061-390-025 and 061-390-026; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through G of Staff Report #18-05; 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 #18-06, and approve Conditional Use Permit #1223, 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)

ATTACHMENT G

PLANNING COMMISSION RESOLUTION #3090

Page 2

February 21, 2018

Adopted this 21st day of February 2018

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Attachment:

Exhibit A – Conditions of Approval

n:shared:planning:PC Resolutions: CUP#1223 Auto Repair Shop (1844 and 1846 Parsons Ave.)

Conditions of Approval
Planning Commission Resolution # 3090
Conditional Use Permit #1223

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan), Exhibit 2 (floor plan), and Exhibit 3 (elevations) - Attachment B, Attachment C, and Attachment D of Staff Report #18-05, except as modified by the conditions.
2. All conditions contained in Resolution #1249-Amended (“Standard Conditional Use Permit Conditions”—except for Condition #16 which has been superseded by Code) shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be

responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

6. As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repared if the permit value of the project exceeds \$85,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
7. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
8. Fire lanes shall be kept clear at all times. (A fire lane with a 25-foot width as referenced on the site plan may require striping at the building permit stage, if deemed necessary by the City's Fire Department).
9. All signing shall comply with the City's Sign Ordinance. Sign permits shall be obtained prior to installing any permanent signing. A Temporary Sign Permit shall be obtained prior to installing any temporary signs or banners. Flags, pennants, temporary freestanding signs, inflatable signs, or A-frame signs are not allowed. Should the applicant/business owner violate these signing restrictions, the City reserves the right to revoke the Conditional Use Permit for a used car lot and major repairs on this site per the revocation procedures in the Merced Municipal Code.
10. Parking lot trees shall be provided at a ratio of one tree for every 6 parking spaces (for customer parking only, not applicable to auto display parking). These trees shall be installed per the City's Parking Lot Landscape Standards, shall be a minimum of 15- gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City's approved tree list).
11. The applicant shall provide sufficient lighting for the parking lot and vehicle display areas. Lighting shall be shielded or oriented in a way that does not allow "spill-over" onto adjacent lots in compliance with the

EXHIBIT A

OF PLANNING COMMISSION RESOLUTION #3090

California Energy Code requirements. Any lighting on the building shall be oriented to shine downward and not spill-over onto adjacent parcels.

12. Auto service repairs shall include services needed to prepare vehicles for sale and the labor shall be conducted away from the public view, inside a screened or enclosed structure. Repair activities shall be limited to those found in the City's "Minor Repair" and "Major Repair" categories (as defined by Merced Municipal Code Section 20.90.020 – Vehicle Repair and Maintenance, Minor and Merced Municipal Code Section 20.90.020 – Vehicle Repair and Maintenance, Major) and shall be subject to Building, Fire, and County Environmental Health Department requirements. All storage of auto-related waste products shall be located away from the public view within a structure.
13. Plans for Building Permits shall be drawn by a licensed professional (e.g. an architect or engineer).
14. The proposed paint booth shall have a fire suppression system.
15. All necessary permits shall be obtained from the San Joaquin Valley Air Pollution Control District prior to obtaining a business license.
16. The applicant shall work with the City's Water Quality Control Division (and other pertinent departments as determined by the WQC Division) and comply with all requirements for this type of business and obtain all proper permits prior to opening for business. Said requirements may include, but are not limited to, ensuring that all items are stored in secondary containments, installing sand separators, installing grease interceptors, and installing floor drains.
17. The applicant shall work with the Merced County Health Department and comply with all requirements for this type of business prior to obtaining a business license or building permit.
18. The applicant shall work with the City's Fire Department to ensure that a Hot Permit is obtained for welding activities. A list of hazardous chemicals used in the conduct of business shall be provided to the Fire Department prior to opening for business.
19. Non-operable vehicles shall require a No Exposure Certificate from the State Water Resource Control Board. Non-operable vehicles shall either be stored inside the automotive repair shop or enclosed within a non-transparent fenced area. Should the applicant choose to install a fenced area, the materials, colors, and location of the fence shall be reviewed

and approved by the Planning Department.

20. Display vehicles shall not be located on the sidewalk and shall comply with the City's vision corner triangle regulations (MMC 20.30.030).
21. The applicant shall work with the City's Refuse Department to determine the exact location for a refuse enclosure. In addition, the applicant shall work with the City's Refuse Department to determine if a recycling container will be required to comply with AB 341. If it is required, the container shall be enclosed within a refuse enclosure built to City Standards. Prior to pouring the concrete for the refuse enclosure, the contractor shall contact the Refuse Department at 209-385-6800 to arrange an inspection by Refuse Department staff to verify the location and angle of the enclosure.
22. The parking lot layouts shall comply with all applicable City Standards.
23. The applicant shall install street trees and an irrigation system within the right-of-way adjacent to the project site, as required by the City's Engineering Department. A landscape and irrigation plan shall be submitted to the Engineering Department for approval prior to the issuance of Building/Fire permits. All landscaping shall be installed prior to the business opening; details on requirements to be worked out Engineering Department to ensure compliance with water conservation regulations based on recent State directives.
24. All display vehicles shall be washed and cleaned periodically to maintain a clean appearance, but in a manner that reduces the amount of water used and recycles as much water as possible, such as using automated car washes or other such facilities.
25. The premises shall remain clean and free of debris and graffiti at all times.
26. The applicant shall provide a minimum of 9 parking spaces for the automotive repair shop and a minimum of 3 parking spaces for the used car lot.
27. The applicant shall either provide proof of a cross-access agreement or apply for a lot merger to merge Assessor's Parcel Numbers 061-390-025 and 061-390-026, prior to issuance of a building permit.
28. The colors used for the exterior of the automotive repair shop, paint

booth, and office shall be of a neutral type approved by Planning staff during the building permit stage.

29. The garage door on the west elevation (facing Parsons Avenue) shall be screened from public view with landscaping or with a non-transparent fence that is reviewed and approved by Planning staff during the building permit stage.

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