



Planning Commission
Staff Report
September 8, 2021

AGENDA ITEM # A

PREPARED BY:
APPROVED BY:

DIANA LOWRANCE, PROJECT PLANNER *DMC*
MARK HENDRICKSON, DIRECTOR

CONDITIONAL USE PERMIT No. CUP21-013 AND SITE PLAN REVIEW NO. SPR21-005 - MATTU - A request to establish a truck parking yard (for a maximum of 45 trucks) and industrial warehouse facility in existing structures on property located on the south east corner of E. Childs Avenue and S. Tyler Road in the Merced City Planning Area, identified as Assessor's Parcel Number (APN) 259-150-042. The property is designated HC (Heavy Commercial) land use in the City of Merced's General Plan and is zoned M-2 (General Manufacturing). CEQA: Staff recommends that the Planning Commission find that the project is exempt from environmental review pursuant to Section 15301 (Class 1 - "Existing Facilities") of the CEQA Guidelines.

SUPERVISORIAL DISTRICT: 1- RODRIGO ESPINOZA

RECOMMENDATION(S):

- 1) Open/Close the public hearing;
- 2) Determine that the project is exempt from environmental review pursuant to Section 15301 (Class 1 "Existing Facilities") of the CEQA Guidelines; and,
- 3) Approve Conditional Use Permit CUP21-013 and Site Plan Review No. SPR21-005 based on the findings included in the staff report and subject to the proposed conditions of approval.

LOCATION MAP:



BACKGROUND:

Site Description

The project is a 6.72 acre parcel located at the southeast corner of the intersection of E. Childs Avenue and Tyler Road, also known as APN 259-150-042. The site is completely fenced and is developed with three industrial buildings and a small building used as an office. Additionally, the entire site is paved. One of the buildings is in disrepair and is shown as “empty” on the site plan. The project site is surrounded by industrial uses and single-family homes on the north across Childs Avenue, vacant land on the south and east, and a single family home, accessory farm structures and fallow land on the west.

Surrounding Uses

	General Plan	Zoning	Current Land Use
On-Site:	City Planning Area - Merced Heavy Commercial	M-2	Industrial
North:	City of Merced	City of Merced	Industrial/Single-family
South:	City Planning Area - Merced Heavy Commercial	M-2	Undeveloped
East:	City Planning Area – Merced Heavy Commercial	M-2	Undeveloped
West:	City Planning Area – Merced Low Density Residential	R-2	Single-family/Ag structures/Fallow land

Prior Actions/Entitlements

MS02-061 (PM 93-43); CUP1798: Auto Body Repair Shop; AA02-140 (Concrete Equip. Storage Yard)

ANALYSIS

Project Description

The proposed project is a truck parking yard (for a maximum of 45 trucks) and industrial warehouse facility in existing structures.

Consistency with Adopted Plans and Policies

1. General Plan

A General Plan contains the principle statement concerning an area’s goals and desires concerning land use and is designed to serve as the basis for development decision making. The plan is considered the local "constitution" for physical development and, as a long-range planning document, and serves to direct the physical growth and development of an area.

The County coordinates planning efforts (with the incorporated cities) on properties located in the unincorporated portions of their City Planning Areas (previously referred to as their “spheres of influence”).

In this instance, the project site is located, south of the City of Merced, inside the City’s Planning Area. The project site is designated Heavy Commercial in the City’s General Plan and is zoned M-2 (General Manufacturing) by the County’s zoning code.

City of Merced General Plan Land Use Chapter - General (Heavy) Commercial

General commercial uses, also known as “heavy commercial” uses, are typically land intensive commercial operations that involve some light manufacturing, installation and repair, or the wholesale sale of goods. They may involve the transport of materials by heavy trucks and can require large loading and docking areas, which can create interface issues with other retail commercial uses.

The proposed project can be found consistent with the Heavy Commercial Land Use designation of the City’s General Plan as the use is land intensive and involves the use of heavy trucks.

2. Zoning Code

The project site is zoned M-2 (General Manufacturing). The purpose of the M-2 General Manufacturing Zone is to provide for all types of manufacturing, distribution, and storage uses. Uses within this zone tend to have moderate to high nuisance characteristics (i.e., noise, heat, glare, odor, and vibration) which may require buffering and separation from incompatible uses (i.e., residential and office commercial).

The project, a truck parking yard and a warehouse facility is consistent with the M-2 (General Manufacturing) zone as both uses are allowed with the approval of a Conditional Use Permit.

3. California Environmental Quality Act (CEQA)

As no new buildings are proposed and no modifications to the existing buildings are proposed, staff recommends that the Planning Commission find that the project is exempt from environmental review pursuant to Section 15301 Class 1 “Existing Facilities” of the CEQA Guidelines.

4. Community Engagement

A. Preliminary Application Review Meeting

The project application was routed to applicable County departments for comment. Comments were received from the Department of Public Health Division of Environmental Health, the Building and Safety Division, and the Fire Department. Their conditions were included in the Conditions of Approval (Exhibit B).

B. Municipal Advisory Council (MAC)

The project is not located within the jurisdiction of a Municipal Advisory Council (MAC).

C. Public Notice

The proposed project was publicly noticed to property owners within 300 feet and published in the Merced Sun-star on August 27, 2021. No public comments were received prior to publication of this staff report.

CONCLUSION:

Conditional Use Permit No. CUP21-013 and Site Plan Review No. SPR21-005 are a request to establish a truck parking yard (for a maximum of forty-five (45) trucks) on property located on the south east corner of E. Childs Avenue and S. Tyler Road in the Merced City Planning Area. Staff has determined this proposal is consistent with the General Plan designation and the Zoning Code. Additionally, because the project does not involve any new buildings or structures, staff recommends that the Planning Commission approve Site Plan Review No. SPR21-005 and determine that the project can be found exempt from environmental review pursuant to Section 15301 (Class 1 - "Existing Facilities") of the CEQA Guidelines.

RECOMMENDED COMMISSION ACTION:

Staff recommends that the Planning Commission approve Conditional Use Permit No. CUP21-013 and Site Plan Review SPR21-005, based on the findings in the staff report and subject to the recommended conditions of approval, by making the following motions:

A. CEQA Determination

MOTION: The Planning Commission determines that the project is exempt from environmental review pursuant to Section 15301 (Class 1 "Existing Facilities") of the CEQA Guidelines.

As no new buildings are proposed and no modifications to the existing buildings are proposed, staff recommends that the Planning Commission find that the project is exempt from environmental review pursuant to Section 15301 Class 1 "Existing Facilities" of the CEQA Guidelines.

B. Project Determination

MOTION:

The Planning Commission approves Conditional Use Permit No. CUP21-013 and Site Plan Review No. SPR21-005 based on the Project Findings and subject to the proposed Conditions of Approval.

PROJECT FINDINGS (Zoning Code Section 18.116.040 and Section 18.122.050):

1. The project is a request to establish a truck parking yard (for a maximum of 45 trucks) and an industrial warehouse facility (for the applicant's sole use) in existing structures.
2. The proposed use is consistent with the Heavy Commercial Land Use designation of the City's General Plan.
3. The proposed use is allowed in the M-2 (General Manufacturing) zone with the approval of a Conditional Use Permit.
4. The design, location, size and operating characteristics of the project (as conditioned herein) are compatible with the allowed uses in the vicinity.
5. Operation of the use (as conditioned herein) at the location proposed would not be detrimental to the harmonious and orderly growth of the County, or endanger,

jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the vicinity of the proposed use.

6. The project site is physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle access and services and utilities.
7. The project site is served by highways and streets adequate in width and improvement to carry the type and quantity of the traffic the proposed use would likely generate.
8. The project site is adequately served by public water and private septic.
9. The project, if operated in compliance with the approved Site Plan and the recommended conditions of approval, will not be a nuisance or detrimental to public health, safety and general welfare.
10. Notice of the application was sent to properties within 300 feet of the project site and published in the newspaper. No comments were received.
11. The project is subject to all applicable County, State and Federal regulations.
12. As no new building are proposed and no modifications to the existing building exteriors are proposed, the materials, colors, details of construction are not applicable to this application. However, the existing industrial buildings may be found compatible with adjacent neighboring industrial buildings across Childs Avenue.
13. The arrangement of structures, landscaping, parking lot design, and circulation is not applicable in this instance as the project site is already developed and not intended for retail customers and the general community.
14. The parcel is adequate in shape, size, and topography to accommodate the proposed project and may be considered suitable for the proposed project.
15. The project (as conditioned) has been designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring property.

EXHIBITS

- A. Site Plan
- B. Operational Statement
- C. Conditions of Approval

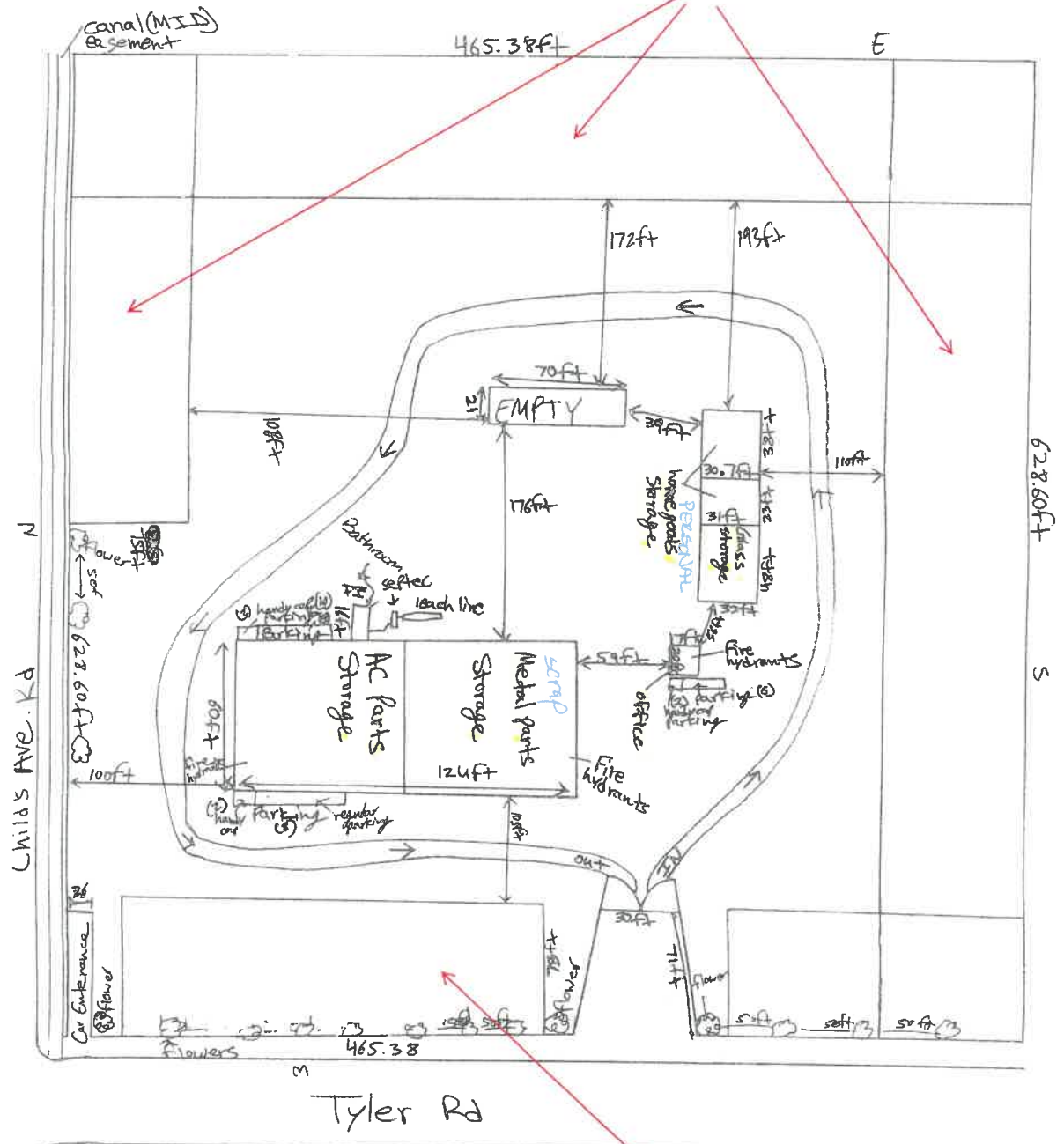
cc. Applicant: Gurman Mattu

EXHIBIT A

Parcel # 259-150-042
 788 E Childs Ave
 Merced, CA 95301
 6.72 Acres
 Proposed Partings: US

CONDITIONAL USE 21013
 SITE PLAN REV 21005

TRUCK PARKING AREAS



CENTRAL MERCED
 FLOOD PLAN
 FLOOD ZONE AD-1'

TRUCK PARKING AREA

Operation Statement

We are not making anything new. All of the property is paved, and fenced. One car entrance on the corner of Tyler rd. and Child's ave. One truck entrance on tyler rd. No well on the property. Hours and days of operation are Monday through Friday from 0800-2000, and on Saturday and Sunday is 0800-2200. Service being provided is 24/7 surveillance with chain link fence around the whole property. Previous use was vacant, None. 2 employees total. Average number of visitors/customers 05 and Peak number of visitors/customers is 08. Number of Standard Parkings are 24 parkings, ~~As~~ Accessible are 6 total. (handycare)

The dimensions of the buildings are on the sight plan. Descriptions of the buildings are metal and well grounded. Land is used for Parking. No use of hazardous materials at all. Semi truck parking 2 employees are there to manage truck parkings. No other employees on the property proposing us parkings for trucks. City water is on the property.

CUP 21013 / SFR 21005



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT**

Mark J. Hendrickson
Director

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(209) 385-7654
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www.co.merced.ca.us

Equal Opportunity Employer

EXHIBIT C

Conditions of Approval: CUP21-013/SPR21-005 – Gurman Mattu

Community and Economic Development Department

1. Conditional Use Permit No. CUP21-013/SPR21-0058 is granted to establish a truck parking yard (for a maximum of 45 trucks) and an industrial warehouse facility (for the use of the applicant) in existing structures.
2. The applicant understands that leasing the warehouse structures to others may trigger additional Building and Safety requirements in addition to separate Merced County Business Licenses.
3. No vehicles shall idle on the project site for a duration longer than five minutes within a one hour period. Idling or stored vehicles shall not use horns, radios, or other noise-generating devices unless required for safety reasons. Any vehicle lights shall be used in a manner so as to avoid projection of light onto neighboring properties.
4. No individual shall remain in a vehicle for overnight occupancy (e.g. “sleeper” trucks).
5. Applicant/property owner shall comply with all Federal, State, and Local agencies’ regulations.
6. For the purpose of condition monitoring, an inspection fee in the amount of **\$243** shall be required. This fee shall be paid within 30 days of the approval date. Should additional inspections be required; inspection time shall be billed to the applicant at the established hourly rate at the time of the inspection.
7. All on-site lighting shall be stationary, directed away from adjoining properties and public rights-of-way, and physically shielded by an opaque material to prevent direct view of the light source from neighboring properties, Childs Avenue, or Tyler Road.
8. The applicant shall obtain and maintain a Merced County business license from the Community and Economic Development Department for the Truck Parking/warehouse facility.
9. The project is subject to the provisions for Conditional Use Permits found in Planning Commission Resolution No. 20-001, incorporated herein and attached as **Attachment A**.

Merced County Fire Department

10. Address Identification. New and existing buildings shall have approved address numbers, building number or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property (CFC 505.1).
11. Fire Department Access. Fire access shall be maintained in accordance with CFC Sec. 503 (503.1.2).
 - a. A knoxbox for access to the buildings is required.
 - b. Knox Padlocks for gates or electric key override for electric gates is required.



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12. Occupancy Type: (Repair Shop commercial Vehicles, Tire Storage, High pile storage of other commodities)
 - a. Fire alarm systems/ NFPA 13 Sprinkler systems (may be required)
 - b. Provide a Floor plan showing tire storage arrangements (inside and outside shop building), if applicable.
13. Fire Extinguishers will be required throughout the buildings and increase in size based on the hazard type. Minimum 2A:20BC required. Review CFC 906 for additional size requirements.
14. Hot work and high pile require Fire Department Operational Permit. Contact Fire Department for additional information.

Merced County Department of Public Health – Division of Environmental Health (MCDEH)

15. Paving is not allowed over leach lines.
16. Parking of any kind is not allowed on the leach line area.
17. Parking is not allowed on the septic tank, unless the tank, riser, and lids are traffic rated.

County Counsel

18. INDEMNITY AND HOLD HARMLESS AGREEMENT:

GURMAN MATTU has the contracted duty (hereinafter "the duty") to defend, indemnify and hold harmless the County of Merced, its Board of Supervisors, commissions, officers, employees, agents, and assigns (hereinafter "COUNTY") from any claim, action, or proceeding arising out of, or in connection with the COUNTY's approval of the project including, but not limited to, COUNTY's actions regarding related environmental determinations. This obligation shall extend to any such claim, action, or proceeding against COUNTY to attack, set aside, void, or annul, an approval by COUNTY. This duty shall arise at the first claim, action, or proceeding against COUNTY. In the event that a claim, action, or proceeding is brought, COUNTY shall promptly notify the applicant and cooperate fully in the defense.

This clause for indemnification shall be interpreted to the broadest extent permitted by law

**PLANNING COMMISSION
MERCED COUNTY**

In the matter of

RESOLUTION NO. 20-001

**ADOPTING REVISED STANDARD
CONDITIONS OF APPROVAL FOR MAJOR
SUBDIVISIONS, ADMINISTRATIVE PERMITS,
AND CONDITIONAL USE PERMITS**



WHEREAS, the Planning Commission and Planning and Community Development Department have been designated as the Planning Agency for the County by the Board of Supervisors; and

WHEREAS, the Planning Commission may hold public hearings and approve, conditionally approve, or deny applications for Major Subdivisions, Administrative Permits, and Conditional Use Permits; and

WHEREAS, the Planning Director as Hearing Officer may also hold public hearings to approve, conditionally approve, or deny applications for Administrative Permits; and

WHEREAS, the local building industry, applicants, the Planning Commission, County Staff, and the general public have benefited from the adoption of Standard Conditions of Approval applied to all Major Subdivisions, Administrative Permits, and Conditional Use Permits in Planning Commission Resolution No. 97-1; and

WHEREAS, these Standard Conditions of Approval have also provided for more expedited processing of development applications by eliminating the need for individually specified measures to mitigate potential environmental impacts; and

WHEREAS, the Board of Supervisors adopted a new completely revised Zoning Code on October 22, 2019;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby adopts the attached revised list of Standard Conditions of Approval to replace Planning Commission Resolution No. 97-1 at a regular meeting held on January 22, 2020, by the following vote:

AYES: Chairman Mobley, Commissioner Aguilera, Commissioner Acheson, Commissioner Spycher, Commissioner Erreca

NOES: None

ABSENT: None

By 
Mark Hendrickson
Planning and Community Development Director
Secretary of the Planning Commission

MERCED COUNTY PLANNING COMMISSION
STANDARD CONDITIONS OF APPROVAL

A. Major Subdivisions:

1. The Final map, meeting all Zone Code and Public improvements requirements, shall be recorded within two (2) years of the Planning Commission approval date as required by the Merced County Subdivision Code, unless a Development Agreement between the County and the Developer is executed prior to expiration of the tentative map, in which case the tentative map may be extended for a period of time provided for in the Agreement but not beyond the duration of the Agreement.
2. The applicant shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 – Improvement Requirements of the Merced County Code which generally includes dedication of right-of-way and public utilities easements, roadway construction and installation of matching pavement along existing roadways, street lighting, storm drainage system and underground or relocate utilities and irrigation facilities.
3. All lot and street grading shall be completed prior to the issuance of any building permits. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.
4. The developer shall comply with Title 17 Subdivisions, Chapter 17.44 – Local Recreational Park Land Space and/or Fee Obligation. Payment of all cash fees shall be prior to, or concurrently with, the recording of the Final Map.
5. Any existing irrigation well shall be abandoned according to County standards.

B. Administrative Permits and Conditional Use Permits

1. The uses under this Permit shall be located, developed, and operated in a manner as described on the approved plot plan, sections, and elevations. The Planning Director may approve minor modifications.
2. All development on the project property shall be constructed and thereafter maintained and operated in accordance with the conditions of the permit.
3. The application shall comply with all applicable regulations administered by the County. These regulations shall include, but not be limited to standards administered by the County Fire, Health, Planning and Public Works Departments.
4. If the Administrative or Conditional Use Permit is not implemented within one year, it shall expire and become void. The Planning Director may extend the Permit if a request is filed by the applicant prior to its expiration (Zoning Code Section 18.130.080 – Time Extensions).
5. If the use authorized by the Administrative or Conditional Use Permit is abandoned or discontinued for over one year, the Planning Department may initiate revocation proceedings at a public hearing before the body that originally approved the permit (Zoning Code Sections 18.152.030 – Revocations; 18.152.040 – Findings to Modify or

Revoke; and 18.152.050 – Hearing and Notice Required).

6. A solid waste/recycling storage enclosure shall be provided and designated on the plot plan, for development, in all Urban Community areas. Solid waste/recycling storage areas shall conform to the standards in Zoning Code Chapter 18.46 – Solid Waste and Recycling Materials Storage, subject to approval of the Planning Department.
7. The project site shall be maintained in a neat and orderly manner at all times.
8. All signs shall be subject to the standards in Chapter 18.44 – Sign Regulations of the Zoning Code.
9. A Sign Permit application shall be submitted to the Department in compliance with Chapter 18.44.060 – Application and Review of Sign Permits prior to the installation of any sign.
10. No use shall be permitted which creates dust, dirt, mud, fumes, odors, vibrations, heat, glare or electrical disturbances beyond the boundaries of the project site (Zoning Code Chapter 18.40 – Performance Standards).
11. Project site emissions shall comply with the San Joaquin Valley Air Pollution Control District (SJVAPCD) standards.
12. All exterior lighting shall be designed and maintained in a manner so that glare and reflections are contained within the boundaries of the subject parcel. Exterior lighting shall be hooded and directed downward and away from adjoining properties and public rights-of-way. (Zoning Code Section 18.40.070 – Outdoor Lighting).
13. Three copies of landscape and irrigation plans for landscaping shown on the plot plan or required as conditions of approval shall be submitted for review and approval of the Planning Director in accordance with the standards in Chapter 18.36 - Landscaping of the Zoning Code prior to the issuance of building permits.
14. Landscaping and irrigation in compliance with the approved plans shall be installed prior to Final inspection or issuance of a Certificate of Occupancy by the County Building Division.

C. All Discretionary Permits and Subdivision Maps

1. The applicant shall inform in writing all contractors and subcontractors for the project of the potential discovery of significant archaeological and historical resources below the ground surface in the project area. If any cultural resources are found or disturbed during project activities, all work must be halted within the area and the Merced County Planning Department and a qualified archaeologist must be contacted to evaluate the find.
2. If the construction site has been disturbed (cleared, graded or excavated) and is to remain inactive for a period of three or more months, it shall be seeded with an annual grass and watered until growth is evident. If after disturbing, the site is inactive for three or more months during the dry period (June-October), as an alternative to seeding, a soil-binding dust palliative, such as Hemicellulose extract (wood molasses) solution, may be applied.

If seeded, grass shall be mowed (not disced under) to a maximum height of four inches for fire control. Grasses do not need to be maintained in a green/growing condition. Mowing should occur before the grass dries out to avoid fires that may result from blades striking rocks (Zoning Code Section 18.40.030 B).

3. During clearing, grading, earth-moving and other site preparation activities and all construction:
 - a. Exposed earth surfaces shall be watered as needed, whenever needed, in order to prevent dust from leaving the project site on that phase of the project presently under development.
 - b. Mud and dirt carried from the development onto adjacent roadways shall be cleaned-up daily.
 - c. Litter and debris shall be cleaned-up daily to prevent it from leaving the project site and littering adjacent properties. (Zoning Code Section 18.40.030 B)
4. The applicant shall ensure that construction hours shall be limited to the daytime hours between 7:00 a.m. and 6:00 p.m., and all construction equipment shall be properly muffled and maintained. (Zoning Code Section 18.40.050 E).
5. Drainage. Parking areas shall be designed to dispose of accumulated rain water the project site. Runoff shall be disposed of subject to approval of the County Department of Public Works in one of the following ways:
 - a. Uniform on-site percolation over widespread area.
 - b. Use of on-site detention or retention basin.
 - c. Off-site drainage to community drainage system. (Zoning Code Section 18.38.140 C)
6. The Planning Director, or his/her authorized designee(s) may enter at all reasonable times any building, structure, or premise for the purpose of carrying out any activity required or authorized by the provisions of Title 17 (Subdivisions) or 18 (Zoning) of the County Code. Upon request, the Planning Director or his/her authorized designee(s), shall provide adequate identification (Zoning Code Section 18.154.040 - Inspections).
7. The project shall be developed in accordance with the Conditions of Approval including any conditions related to Site Plan and Design Review (Zoning Code Section 18.122.060).