

**CITY OF MERCED**  
**Planning & Permitting Division**

**STAFF REPORT:** #15-09

**AGENDA ITEM:** 4.1

**FROM:** Kim Espinosa,  
Planning Manager

**PLANNING COMMISSION**  
**MEETING DATE:** May 6, 2015

**PREPARED BY:** Francisco Mendoza-Gonzalez,  
Planner

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**SUBJECT:** **Conditional Use Permit #1199**, initiated by Jameel Taka, applicant for Ray Barry & Jeanne R. McAuley, property owners. This application involves a request to allow used car sales at 819 W. 16<sup>th</sup> Street, within a Central Commercial (C-C) Zone. \*PUBLIC HEARING\*

**ACTION:** Approve/Disapprove/Modify

- 1) Environmental Review #15-05 (Categorical Exemption)
- 2) Conditional Use Permit #1199

**SUMMARY**

Auto Resources is requesting approval to allow used car sales at 819 W. 16<sup>th</sup> Street (Attachment A). The subject site is located within the City's Design Review Boundary, specifically on the northwest corner of 16<sup>th</sup> and O Streets, within a Central Commercial (C-C) zone. The existing building (4,000-square-foot) will be used for financing/administrative purposes and will operate every day throughout the week between the hours of 9:00 a.m. and 8:00 p.m. Auto Resources' inventory will consist of approximately 30 vehicles (none older than ten years) and display areas will primarily be located along 16<sup>th</sup> Street and along O Street (Attachment B). Auto repairs and washing/detailing will be conducted at an off-site location that has obtained proper approval for those uses. The interior and exterior of the building will not be modified, but the applicant is proposing to modify the site plan by installing parking strips along 16<sup>th</sup> Street and O Street, with trees, landscaping, and an irrigation system.

Used car sales require Conditional Use Permit approval within the C-C zone to help assure that such businesses do not become unsightly or cluttered with dilapidated vehicles, repair parts, flags, inflatable signs, etc. Design Review will not be required for this project because the applicant is not requesting to modify the exterior of the building. However, if in the future the applicant desires to modify the exterior of the building (includes paint and signs), he will be required to apply for design review. Staff and the applicant have discussed the City's regulations and expectations, specifically those pertaining to illegal signs, and the applicant has agreed to comply with them. 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 #15-05 (Categorical Exemption) and Conditional Use Permit #1199, per the draft Resolution at Attachment E and subject to the following conditions:

- \*1) The proposed project shall be constructed/designed as shown on Attachment B (Site Plan) and Attachment C (Floor Plan), 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.
- \*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) 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.)
- \*8) 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.

- \*9) All signing shall comply with the City's Sign Ordinance. Design Review approval and 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 on this site per the revocation procedures in the Merced Municipal Code.
- 10) 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.
- 11) 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" category (as defined by Merced Municipal Code Section 20.04.060 – Automobile repair, minor.) and shall be subject to Building, Fire, and Health Department (Environmental Department) requirements. No "Major Auto Repair" activities (as defined by Merced Municipal Code Section 20.04.060 – Automobile repair, major.) shall be allowed on site. All storage of auto related waste products shall be located away from the public view within a structure.
- 12) The applicant shall comply with the City's off-street parking requirements for automobile sale lots, which is three parking spaces for each lot, in addition to one parking space for each employee working during the largest shift.
- \*13) Parking lot trees shall be provided at a ratio of one tree for every 6 parking spaces (for customer parking 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).
- 14) Landscaping (including street trees) and an irrigation system shall be installed on the proposed parking strips fronting 16<sup>th</sup> Street and O Street (Attachment B). Landscaping shall consist of fast-growing trees, shrubs, and/or drought tolerant plants. A bush with a height of two and a half feet shall be installed along the perimeter of the park strip to create a visual buffer between the public view and the used car lot. A landscape and irrigation plan shall be submitted to the Planning Department for approval prior to the issuance of Building/Fire permits. All landscaping shall be installed prior to the business opening. Details to be worked out on the above requirements with City staff to ensure compliance with pending water conservation regulations based on recent State directives.

- 15) 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.
- 16) Prior to washing vehicles onsite, the applicant shall contact the City’s Water Quality Control Supervisor (and other pertinent departments) to ensure that all necessary systems have been installed, which includes installing a sand and grease interceptor.
- 17) The premises shall remain clean and free of debris and graffiti at all times.

(\* Denotes non-discretionary conditions.

**PROJECT DESCRIPTION**

This project involves a request to allow used car sales at 819 W. 16<sup>th</sup> Street. The subject site is located within the City’s Design Review Boundary, specifically on the northwest corner of 16<sup>th</sup> and O Streets, within a Central Commercial (C-C) zone. The existing building (4,000-square-foot) will be used for financing/administrative purposes and will operate every day throughout the week between the hours of 9:00 a.m. and 8:00 p.m. Auto Resource’s inventory will consist of approximately 30 vehicles (none older than ten years) and display areas will primarily be located along 16<sup>th</sup> Street and along O Street (Attachment B). Auto repairs and washing/detailing will be conducted at an off-site location that has obtained proper approval for those uses. The interior and exterior of the building will not be modified, but the applicant is proposing to modify the site plan by installing parking strips along 16<sup>th</sup> Street and O Street, with trees, landscaping, and an irrigation system.

**Surrounding Zones and Land Uses (Attachment A):**

<b>Surrounding Land</b>	<b>Existing Use of Land</b>	<b>City Zoning Designation</b>	<b>City General Plan Land Use Designation</b>
North	J & B Auto Wholesale	Central Commercial (C-C)	Regional/Community Commercial (RC)
South	Fina Estampa (Restaurant)	General Commercial (C-G)	General Commercial (CG)
East	Bank of America (Parking Lot)	C-C	Regional/Community Commercial (RC)
West	Alsham Computer & Electronics	C-C	Regional/Community Commercial (RC)

**BACKGROUND**

**Subject Site:**

Ferriera Sports, a boat dealer, occupied the subject site between 1997 and 2014. The nature of that business is similar to Auto Resources in the sense that both establishments use outdoor displays to sell transportation devices to the general public. Therefore, Auto Resources would

not create any unusual circumstances for the surrounding businesses. While Ferriera Sports was operating, staff did not receive any complaints from the community or neighboring tenants regarding unsightly signage or clutter. The subject site has remained vacant since the departure of Ferriera Sports in 2014.

Moreover, vehicle-related uses are commonly located in close proximity to the subject site, as neighboring businesses have already obtained Conditional Use Permit approval to sell used cars (831 and 851 W. 16<sup>th</sup> Street) and to conduct automotive repairs (820 W. Main Street). The applicant currently owns a car lot in the Downtown Merced area and up to this date, staff has not received any complaints about the applicant's existing car lot or any other business mentioned above.

**Policy:**

Used car sales require Conditional Use Permit approval within the C-C zone to help assure that such businesses do not become unsightly or cluttered with dilapidated vehicles, repair parts, flags, inflatable signs, etc. Design Review will not be required for this project because the applicant is not requesting to modify the exterior of the building. However, if in the future the applicant desires to modify the exterior of the building (includes paint and signs), he will be required to apply for design review. Staff and the applicant have discussed the City's regulations, specifically those pertaining to illegal signs, and the applicant has agreed to comply with said regulations.

**FINDINGS/CONSIDERATIONS:**

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

- A) The proposed project complies with the General Plan designation of Regional/Community Commercial and the zoning designation of Central Commercial (C-C) with approval of a Conditional Use Permit.

**Parking**

- B) The off-street parking requirement for an automobile sale lots is three parking spaces for each lot, in addition to one parking space for each employee working during the largest shift. Based on this formula, Auto Resources will be required to provide a minimum of six parking spaces. As shown on the site plan (Attachment B), the applicant will be exceeding this requirement by providing a total of twelve parking spaces.

**Building Design**

- C) The project site is located within the Design Review Boundary and is subject to design review. However, design review will not be necessary for this request because the applicant is not requesting to modify the exterior. Future exterior modifications (including paint) will be subject to design review.

**Signage**

- D) The project site is located within the Design Review Boundary and is subject to the sign requirements for this area and the General Regulations of the Sign Ordinance. As such, this building would be eligible for one square-foot of permanent signing for each lineal

foot of building frontage. In addition, this building would be eligible for one-half square-foot of signing for each lineal foot of secondary building frontage.

**Neighborhood Impact/Interface**

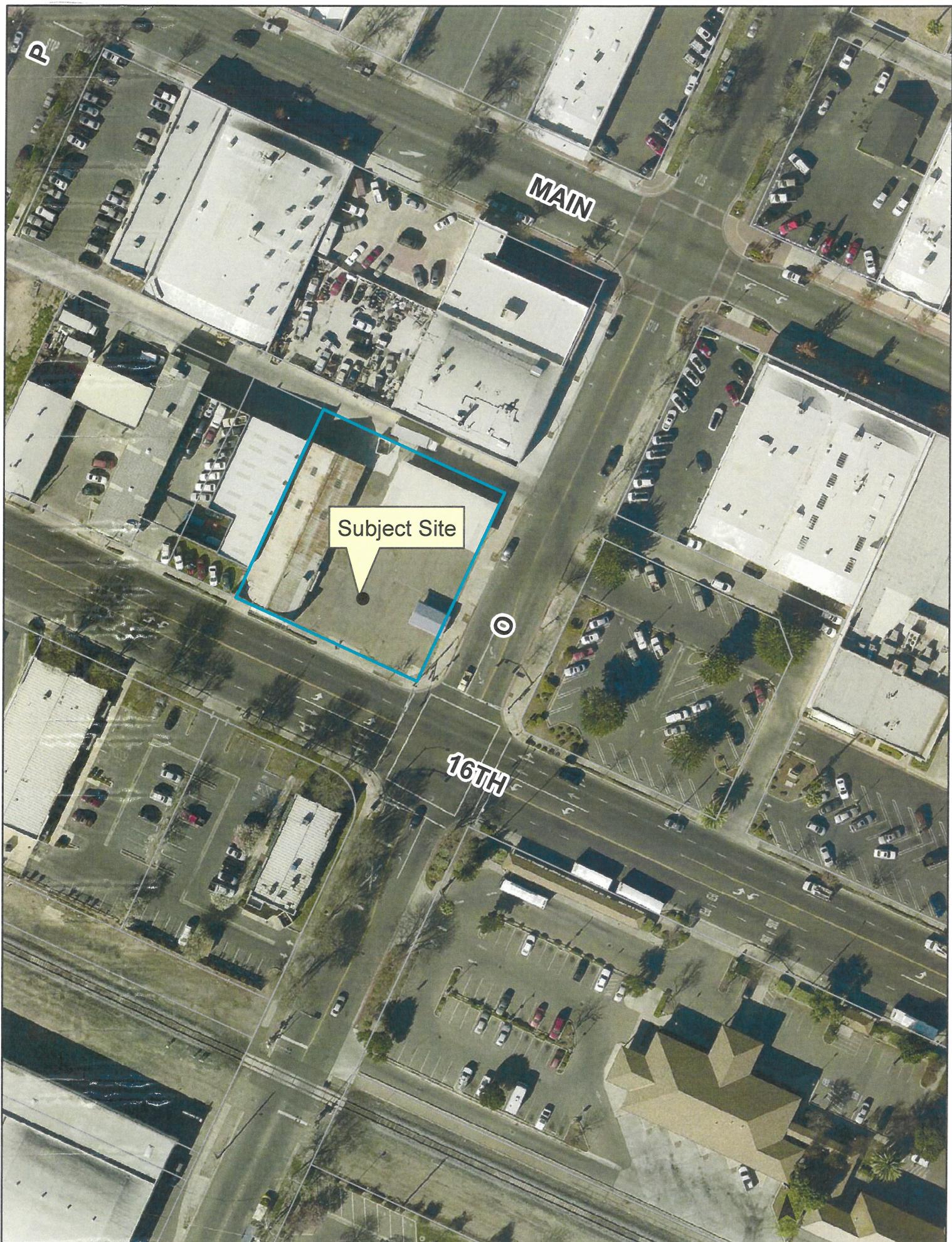
- E) Vehicle-related uses are commonly located adjacent to the subject site, throughout the Downtown area, and along 16<sup>th</sup> Street. Several adjacent properties have already obtained Conditional Use Permit approval to sell used cars (831 and 851 W. 16<sup>th</sup> Street) and to conduct auto repairs (820 W. Main Street). Given the nature of the surrounding area, this request would not be a nuisance for the area or create any unusual circumstances for the surrounding business.

**Environmental Clearance**

- F) 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 D).

**Attachments:**

- A) Location Map
- B) Site Plan
- C) Floor Plan
- D) Categorical Exemption
- E) Draft Planning Commission Resolution



**ATTACHMENT A**

**BOYKIN CONSTRUCTION**  
 P.O. BOX 85  
 WINTON, CALIF.  
 (209) 847-1287  
 - Residential - design - Remodeling -

REVISION

PROJECT FOR: 219 W 16TH STREET  
 MERCED, CALIF.  
 APN: 031-124-011

JOB NO.	1
DATE: FEB. 2015	
SCALE: NOTED	
DRAWN BY: RKR	
CHECKED BY: RKR	
SHEET	

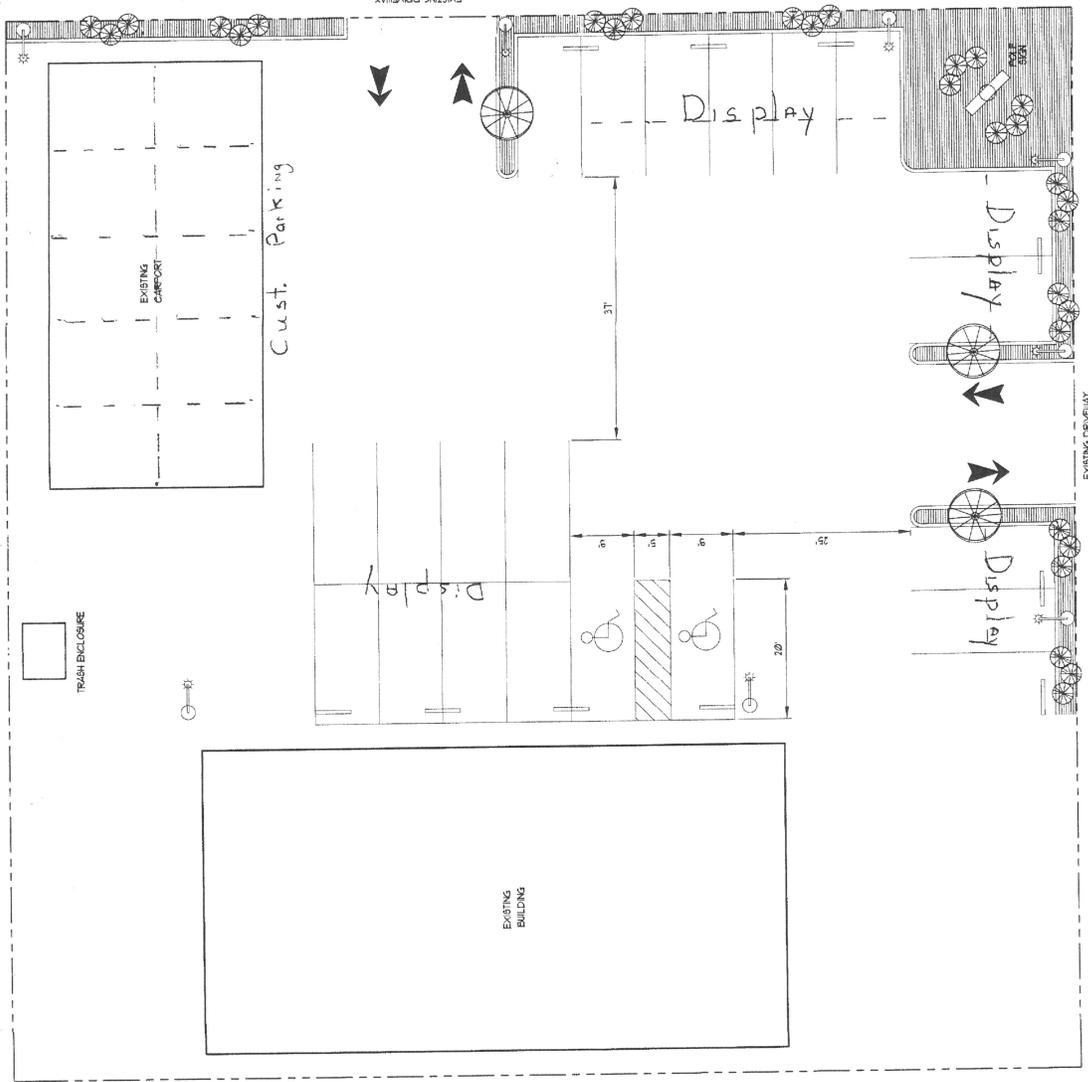
NOTE: ALL CONTRACTORS TO VERIFY SITE CONDITIONS PRIOR TO CONSTRUCTION

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

20'-0" ALLEY

O STREET

W. 16th STREET



**LEGEND**

- SHRUBS
- TREES
- POLE LIGHT FIXTURE
- CONC. WHEEL STOP

NOTE: These drawings, specifications and the concepts embodied in them are the property and work of Boykin Construction and may not be used, disclosed or duplicated without written consent from Boykin Construction.



**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 #1199 (Environmental Review #15-05)

**Project Applicant:** Jameel Taka

**Project Location (Specific):** 819 W. 16<sup>th</sup> Street APN: 031-124-011

**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:** Jameel Taka

**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: 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, such as providing a used car lot, 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:** 04-12-2015 **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 #\_\_\_\_\_**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of May 6, 2015, held a public hearing and considered **Conditional Use Permit #1199**, initiated by Jameel Taka, applicant for Ray Barry & Jeanne R. McAuley, property owners. This application involves a request to allow used car sales at 819 W. 16<sup>th</sup> Street, within a Central Commercial (C-C) Zone; also known as Assessor's Parcel No. 031-124-011; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through F of Staff Report #15-09; 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 #15-05, and approve Conditional Use Permit #1199, 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 E**

PLANNING COMMISSION RESOLUTION # \_\_\_\_\_

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May 6, 2015

Adopted this 6<sup>th</sup> day of May 2015

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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

n:shared:planning:PC Resolutions:CUP#1199 Auto Resources-McAuley

**Conditions of Approval**  
**Planning Commission Resolution # \_\_\_\_\_**  
**Conditional Use Permit #1199**

1. The proposed project shall be constructed/designed as shown on Attachment B (Site Plan) and Attachment C (Floor Plan) of Staff Report #15-09, 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.
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.

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ensure that all necessary systems have been installed, which includes installing a sand and grease interceptor.

17. The premises shall remain clean and free of debris and graffiti at all times.

n:shared:planning:PC Resolutions: CUP#1199 Exhibit A