



# CITY OF MERCED

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

## Minutes Planning Commission

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Wednesday, July 21, 2021

7:00 PM

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### A. CALL TO ORDER

Chairperson HARRIS called the Regular Meeting to order at 7:03 PM

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Commissioner CAMPER led the Pledge of Allegiance to the Flag.

### B. ROLL CALL

**Clerk's Note:** The Planning Commission has two vacancies at the time.

**Present:** 5 - Chairperson Michael Harris, Member Robert Dylina, Member Dorothea White, Member Jose Delgadillo, and Vice Chair Mary Camper

**Absent:** 0

### C. ORAL COMMUNICATIONS

There were no public comments.

### D. CONSENT CALENDAR

A motion was made by Member Delgadillo, seconded by Member Dylina, to approve the Consent Agenda. The motion carried unanimously.

D.1 **SUBJECT:** Planning Commission Minutes of July 7, 2021

**ACTION:**

Approving and filing the Planning Commission Minutes of July 7, 2021

**ATTACHMENTS**

1. Draft Minutes of July 7, 2021

This Consent Item was approved.

### E. PUBLIC HEARINGS AND ACTION ITEMS

E.1 **SUBJECT:** Conditional Use Permit #1256, initiated by Antonio Segura.

on behalf of Lourdes Mendez, property owner. This application involves a request to operate a food truck within the outdoor patio area of El Palacio Nightclub at 224 W. Main Street, generally located on the south side of West Main Street, west of I Street, within a zoning classification of Central Commercial (C-C), and a General Plan designation of Regional/Community Commercial (RC). \*\*PUBLIC HEARING\*\*

**ACTION:** Approve/Disapprove/Modify

- 1) Environmental Review #21-13 (*Categorical Exemption*)
- 2) Conditional Use Permit #1256

### **SUMMARY**

Antonio Segura is requesting conditional use permit approval to operate a food truck within the designated outdoor patio area of the El Palacio Nightclub located at 224 W. Main Street. Mobile Food Vendors are considered a conditional use within a Central Commercial (C-C) Zone. The proposed truck would be located on the western portion of the designated outdoor patio that is accessed from the back exit of the nightclub. The Planning Commission will be reviewing this proposal to ensure that the provided site plan is designed in a manner that minimizes negative impacts to the existing site and promotes compatible and orderly development. Staff is recommending approval of this request subject to conditions.

### **RECOMMENDATION**

Planning staff recommends that the Planning Commission approve Environmental Review #21-13 (Categorical Exemption) and Conditional Use Permit #1256, including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

Development Services Technician II DAVIS reviewed the report on this item. For further information, refer to Staff Report #21-544. (Members of the public were given the opportunity to leave voicemail messages as well prior to the meeting. One was received from JOHN LEWIS and was in favor of the project.)

Public testimony was opened at 7:11 PM

Speaker from the Audience in Favor:

Rumualdo Castaneda, Livingston

There were no speakers in opposition to the project.

Recording Secretary GATES played the voicemail noted above.

Public testimony was closed at 7:14 PM

**A motion was made by Member Dylina, seconded by Member White, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #21-13 and approve Conditional Use Permit #1256, subject to the Findings and twenty-six (26) Conditions set forth in Staff Report #21-544 (RESOLUTION #4066).**

**Aye:** 5 - Chairperson Harris  
 Member Dylina  
 Member White  
 Member Delgadillo  
 Vice Chair Camper

**No:** 0

**Absent:** 0

**E.2**

**SUBJECT:** Commercial Cannabis Business Permits #21-02, #21-03, and #21-04, initiated by Merced Distribution, LLC. on behalf of Morning Star Merced, LLC, property owner. These applications are to permit the cultivation, processing, distribution, and manufacturing of cannabis and cannabis-based products at 1785 Ashby Road, on three parcels totaling approximately 49.6 acres. The property is zoned Heavy Industrial (I-H), with a General Plan designation of Manufacturing Industrial (IND). \*\*PUBLIC HEARING\*\*

**ACTION:** Approve/Disapprove/Modify

- 1) Environmental Review #21-16 (*Categorical Exemption*)
- 2) Commercial Cannabis Business Permit #21-02
- 3) Commercial Cannabis Business Permit #21-03
- 4) Commercial Cannabis Business Permit #21-04

**SUMMARY**

This application is for three permits to utilize the property at 1785 Ashby Road for cannabis-related business activities. Because these permits are all sought by the same business for the same property, they are all summarized in this report. The permits seek to allow Merced Distribution, LLC. to operate cultivation, distribution, and manufacturing facilities for cannabis and cannabis-related products. The project proposes to use and modify an existing building, which has access to utilities. The project is

proposed across three parcels, which would be merged into one lot as a condition of approval for this project. Staff is recommending approval.

#### **RECOMMENDATION**

Planning staff recommends that the Planning Commission approve Environmental Review #21-16 (*Categorical Exemption*), and Commercial Cannabis Business Permits (CCBP) #21-02, CCBP #21-03, and CCBP #21-04, subject to the conditions in Exhibit A and the findings/considerations in Exhibit B of the Draft Resolution at Attachment A.

Principal Planner HREN reviewed the report on this item. For further information, refer to Staff Report #21-565.

Commissioner DYлина requested the addition of a Condition requiring exterior upgrades visible from the right-of-way, including paint, within two years of opening.

Public testimony was opened at 7:29 PM

#### Speaker from Audience in Favor:

Wil Crummer, Applicant, Santa Barbara

There were no speakers in opposition to the project.

Public testimony was closed at 7:33 PM

(Note: Strikethrough deleted language, underline added language.)

"24. Within two years of opening, the applicant shall provide or cause to be provided exterior renovations to the facility at minimum to include painting, visible from the right-of-way."

**A motion was made by Member Dylina, seconded by Member Delgadillo, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #21-16, and approve Commercial Cannabis Business Permits #21-02, #21-03, and #21-04, subject to the Findings and twenty-three (23) Conditions set forth in Staff Report #21-565, with the addition of Condition #24 as shown above (RESOLUTION #4067).**

**Aye:** 5 - Chairperson Harris  
Member Dylina  
Member White  
Member Delgadillo  
Vice Chair Camper

No: 0

Absent: 0

**E.3**                      **SUBJECT: City Board and Commission Attendance Policy**

**ACTION**

Recommendation to City Council regarding Board and Commission Attendance Policy

The Commission discussed the changes they would like to see regarding the Boards and Commission Attendance Policy.

**A motion was made by Member Delgadillo, seconded by Member Dylina, to recommend to City Council the addition of two excused absences per year-period for planned vacations with at least one week's notice to the Boards and Commission Attendance Policy . The motion carried by the following vote:**

**Aye:** 5 - Chairperson Harris  
           Member Dylina  
           Member White  
           Member Delgadillo  
           Vice Chair Camper

**No:** 0

**Absent:** 0

**F. INFORMATION ITEMS**

**F.1**                      **SUBJECT: Report by Planning Manager of Upcoming Agenda Items**

**ACTION**

Information only.

Planning Manager ESPINOSA went over items for the next several Planning Commission meetings.

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

- July 19      City Council, 6:00 p.m.
- 21      Planning Commission, 7:00 p.m.
- Aug. 2      City Council, 6:00 p.m.
- 4      Planning Commission, 7:00 p.m.
- 16      City Council, 6:00 p.m.
- 18      Planning Commission, 7:00 p.m.
- 24      Bicycle/Pedestrian Advisory Commission, 4:00 p.m.
- Sept. 7      City Council, 6:00 p.m., **(Tuesday)**
- 8      Planning Commission, 7:00 p.m.

- 20 City Council, 6:00 p.m.
- 22 Planning Commission, 7:00 p.m.

## G. ADJOURNMENT

The Regular Meeting adjourned at 7:53 PM

**A motion was made by Member Dylina, seconded by Member White, to adjourn the Regular Meeting. The motion carried unanimously.**