



CITY OF MERCED

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

Meeting Agenda

Planning Commission

Wednesday, April 17, 2024

6:00 PM

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

NOTICE TO PUBLIC

WELCOME TO THE MEETING OF THE MERCED PLANNING COMMISSION

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

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CLERK

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

Material may be emailed to planningweb@cityofmerced.org and should be limited to 300 words or less. Please specify which portion of the agenda you are commenting on, for example, Item # or Oral Communications. Your comments will be presented to the Planning Commission at the appropriate time. Any correspondence received after 1 PM will be distributed to the Planning Commission and retained for the official record.

You may provide telephonic comments via voicemail by calling (209) 388-7390 by no later than 1 PM on the day of the meeting to be added to the public comment. Voicemails will be limited to a time limit of one (1) minute. Please specify which portion of the agenda you are commenting on, for example, Item #, Consent item #, or Oral Communications. Your comments will be played during the Planning Commission meeting at the appropriate time.

INDIVIDUALS WITH DISABILITIES

Accommodation for individuals with disabilities may be arranged by contacting the Planning Division at (209) 385-6858. Assisted hearing devices are available for meetings held in the Council Chamber.

A. CALL TO ORDER

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

B. ROLL CALL

C. ORAL COMMUNICATIONS

Members of the public who wish to speak on any matter not listed on the agenda may speak during this portion of the meeting and will be allotted 5 minutes. The Chairperson may, at their discretion, reduce the time to 3 minutes if there are more than 3 speakers, in order to accommodate as many speakers as possible. State law prohibits the Planning Commission from acting at this meeting on any matter raised during the public comment period. Members of the public who wish to speak on a matter that is listed on the agenda will be called upon to speak during discussion of that item. Please submit a Request to Speak card prior to the item being called.

D. CONSENT CALENDAR

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

D.1 [24-346](#) **SUBJECT:** Planning Commission Minutes of April 3, 2024

ACTION:

Approving and filing the Planning Commission Minutes of April 3, 2024

D.2 [24-339](#) **SUBJECT:** Accept the Modified Resolution Recommending Denial to the City Council for General Plan Amendment #23-05, Zone Change #434, and Establishment of Planned Development (P-D) #81, and Adopt a Resolution of Denial for Conditional Use Permit #1276, Site Plan Review Permit #538, and Minor Use Permit #24-02.

ACTION

PLANNING COMMISSION:

Accept the Modified Resolution Recommending Denial for:

- 1) Environmental Review #23-45 (*Mitigated Negative Declaration*)
- 2) General Plan Amendment #23-05
- 3) Zone Change #434
- 4) Establishment of Planned Development (P-D) #81

Accept the Modified Resolution of Denial for:

- 1) Environmental Review #23-45 (*Mitigated Negative Declaration*)
- 2) Conditional Use Permit #1276
- 3) Site Plan Review Permit #538
- 4) Minor Use Permit #24-02

CITY COUNCIL:

Approve/Disapprove/Modify:

- 1) Environmental Review #23-45 (*Mitigated Negative Declaration*)
- 2) General Plan Amendment #23-05
- 3) Zone Change #434 (on appeal)
- 4) Establishment of Planned Development (P-D) #81
- 5) Conditional Use Permit #1276 (on appeal)
- 6) Site Plan Review Permit #538 (on appeal)
- 7) Minor Use Permit #24-02 (on appeal)

SUMMARY

On April 3, 2024, the Planning Commission held a public hearing and voted unanimously (7-0) to recommend denial to the City Council for General Plan Amendment #23-05, Zone Change #434, and Establishment of Planned Development (P-D) #81, and associated environmental review, and to deny Conditional Use Permit #1276, Site Plan Review Permit #538, Minor Use Permit #24-02, and associated environmental review. Staff modified the draft resolutions and findings, based on the reasons provided by the Planning Commission, and is asking the Planning Commission to accept the modified resolutions. The draft resolutions are attached for consideration and action at Attachments A and B.

RECOMMENDATION

Planning staff recommends accepting the modified resolution recommending denial to the City Council for General Plan Amendment

#23-05, Zone Change #434, and Establishment of Planned Development (P-D) #81, found at Attachment A of Staff Report #24-339, subject to modified Findings as described in the Planning Commission Resolution at Attachment A. Planning staff also recommends accepting the modified Resolution of Denial for Conditional Use Permit #1276, Site Plan Review Permit #538, and Minor Use Permit #24-02 found at Attachment A of Staff Report #24-339, subject to the modified Findings as described in the Planning Commission Resolution at Attachment B.

E. PUBLIC HEARINGS AND ACTION ITEMS

E.2 [24-324](#)

SUBJECT: Conditional Use Permit #1275, initiated by Marina Ochoa on behalf of Any Merced, Inc., property owner. This application involves a request to operate a food truck within the Gas N Save parking lot, generally located on the northeast corner of 16th Street and Q Street (963 W. 16th Street), within a Central Commercial (C-C) Zone. *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #24-02 (*Categorical Exemption*)
- 2) Conditional Use Permit #1275

SUMMARY

Marina Ochoa is requesting approval to operate a food truck within the Gas N' Save parking lot located at 963 W. 16th Street (Attachment B). The food truck would be located at the northeast corner of the parcel, along the adjacent alley (Attachment C). Per Merced Municipal Code Land Use Table 20.10-1 - Permitted Land Uses in the Commercial Zoning Districts, Mobile Food Vendors are considered a conditional use within a Central Commercial (C-C) Zone, outside of the "City Center" area. The Planning Commission will be reviewing this proposal to ensure that the food truck is operated 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 #24-02 (Categorical Exemption) and Conditional Use Permit #1275 subject to the conditions in Exhibit A and the findings/considerations in Exhibit B of Draft Resolution #4133 (Attachment A).

F. INFORMATION ITEMS

F.2 [24-347](#)

SUBJECT: Report by Temporary Director of Development Services of

Upcoming Agenda Items

ACTION

Information only.

F.3 [24-348](#)

SUBJECT: Calendar of Meetings/Events

Apr.	15	City Council, 6:00 p.m.
	17	Planning Commission, 6:00 p.m.
	23	Bicycle and Pedestrian Advisory Committee, 4:00 p.m
May	6	City Council, 6:00 p.m.
	8	Planning Commission, 6:00 p.m.
	20	City Council, 6:00 p.m.
	22	Planning Commission, 6:00 p.m.
Jun.	3	City Council, 6:00 p.m.
	5	Planning Commission, 6:00 p.m.
	17	City Council, 6:00 p.m.
	20	Planning Commission, 6:00 p.m. (Thurs.) (To be
		Cancelled)
	25	Bicycle and Pedestrian Advisory Committee, 4:00 p.m.

G. ADJOURNMENT