



CITY OF MERCED

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

Minutes Planning Commission

Wednesday, August 9, 2023

7:00 PM

A. CALL TO ORDER

Chairperson HARRIS called the Regular Meeting to order at 7:01 PM.

Chairperson HARRIS welcomed newly appointed Commissioners Yang Pao Thao, Emanuelle Ochoa, and Walter Smith to the Planning Commission.

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Commissioner GONZALEZ led the Pledge of Allegiance to the Flag.

B. ROLL CALL

Present: 7 - Chairperson Michael Harris, Member Jose Delgadillo, Vice Chair Mary Camper, Member Anthony Gonzalez, Member Yang Pao Thao, Member Walter Smith, and Member Emanuelle Ochoa

Absent: 0

C. ORAL COMMUNICATIONS

There were no public comments.

D. CONSENT CALENDAR

D.1 **SUBJECT:** Planning Commission Minutes of July 5, 2023

ACTION:

Approving and filing the Planning Commission Minutes of July 5, 2023

A motion was made by Member Camper, seconded by Member Delgadillo and carried by the following vote, to approve the Consent Agenda.

Aye: 7 - Chairperson Harris
Member Delgadillo
Vice Chair Camper
Member Gonzalez
Member Pao Thao
Member Smith
Member Ochoa

No: 0

Absent: 0

E. PUBLIC HEARINGS AND ACTION ITEMS

E.1

SUBJECT: Conditional Use Permit #1272, initiated by Paramjeet Singh, on behalf of Encina Investment Group Mainplace Merced, LLC, property owner. This application involves a request for alcohol sales (beer, wine, and distilled spirits) for off-site consumption for a new convenience market at 429 W. Main Street, generally located on the north side of Main Street, approximately 75 feet east of Canal Street, with a General Plan designation of Regional/Community Commercial (RC), and a Zoning classification of Central Commercial (C-C)
CONTINUED PUBLIC HEARING

ACTION: Approve/Disapprove/Modify
 1) Environmental Review #23-18 (*Categorical Exemption*)
 2) Conditional Use Permit #1272

SUMMARY

Paramjeet Singh is requesting approval to sell beer, wine, and distilled spirits for off-site consumption (Type 21 Alcoholic Beverage Control License) for a new convenience market located at 429 W. Main Street. A conditional use permit is required to approve the sale of alcohol for off-site consumption for buildings under 20,000 square feet per Merced Municipal Code Section 20.44.010 - Alcoholic Beverage Sales for Off-Premises Consumption. On July 5, 2023, the Planning Commission considered this matter and voted to continue the public hearing to August 9, 2023. Staff is recommending approval of this application subject to the conditions contained in the Staff Report.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #23-18 (*Categorical Exemption*), and Conditional Use Permit #1272, including the adoption of the Draft Resolution at Attachment A of Staff Report #23-642, subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

Acting Planning Manager NELSON reviewed the report on this item for Associate Planner MENDOZA-GONZALEZ. For further information, refer to Staff Report #23-642.

There was no one present wishing to speak regarding the project; therefore, public testimony was opened and closed at 7:13 PM.

Vice Chair CAMPER expressed concern that the proposed sale of alcohol for off-site consumption did not fit into the vision that the City has for the downtown area. Other Commissioners agreed with this concern and added that the sale of alcohol for off-site consumption could encourage other unwanted activities in the area such as drinking in public and loitering.

A motion was made by Member Gonzalez to adopt a Categorical Exemption regarding Environmental Review #23-18 and approve Conditional Use Permit #1272 subject to the Findings and twenty-seven (27) Conditions set forth in Staff Report #23-642 (RESOLUTION #4117). The motion failed for lack of a second.

A motion was made by Vice Chair Camper, seconded by Member Delgadillo and carried by the following vote, to request Staff prepare a resolution of intent to deny Conditional Use Permit #1272.

- Aye:** 6 - Chairperson Harris
Member Delgadillo
Vice Chair Camper
Member Pao Thao
Member Smith
Member Ochoa

No: 1 - Member Gonzalez

Absent: 0

E.2

SUBJECT: Certificate for Alteration #23-01 and Minor Use Permit #23-09 initiated by Melinda Stewart Wilbur, on behalf of Bear Creek Inn, LLC, property owner. The request for the Hooper House (Historic Preservation file #88-01) is to allow the installation of a 7-foot-tall wrought iron security fence around the perimeter of the property located at 575 W. North Bear Creek Drive. The property is generally located on the northeast corner of M Street and North Bear Creek Drive with a Low-Density (LD) Residential General Plan Designation, within a Zoning classification of Residential Planned Development (RP-D) #13. **PUBLIC HEARING**

- ACTION:** Approve/Disapprove/Modify
- 1) Environmental Review #23-23 (*Categorical Exemption*)
 - 2) Certificate for Alteration #23-01
 - 3) Minor Use Permit #23-09

SUMMARY

This application is to modify a property considered to be a historic resource by installing a supplemental fence around its perimeter that will encroach into an exterior yard at the southwest corner of the property; the main use for the fence is for security. No change to the current operations of the property is being proposed. Staff is recommending approval.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #23-23 (Categorical Exemption), Certificate for Alteration #23-01 for Hooper House, and Minor Use Permit (MUP) #23-09, subject to the conditions in Exhibit A and the findings/considerations in Exhibit B of the Draft Resolution at Attachment A of Staff Report #23-619.

Development Services Technician II DAVIS reviewed the report on this item. For further information, please refer to Staff Report #23-619.

There was no one present wishing to speak regarding the project; therefore, public testimony was opened and closed at 7:35 PM.

MID requested two added Conditions as follows:

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

"13. An Encroachment Agreement with MID will be required for the proposed fencing within the MID 30-foot-wide reservation.

"14. MID reserves the right for further comment as unforeseen circumstances may arise."

A motion was made by Vice Chair Camper, seconded by Member Gonzalez and carried by the following vote, to approve Certificate of Alteration #23-01 and Minor Use Permit #23-09, subject to the Findings and twelve (12) Conditions set forth in Staff Report #23-619 (RESOLUTION #4121), including the addition of Conditions #13 and #14 at the request of MID as noted above.

- Aye:** 7 - Chairperson Harris
- Member Delgadillo
- Vice Chair Camper
- Member Gonzalez
- Member Pao Thao
- Member Smith
- Member Ochoa

No: 0

Absent: 0

E.3

SUBJECT: Zoning Ordinance Amendment #23-02, initiated by the City of Merced, involves various changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would add Section

20.08.060 (Small House, Small Lots), modify the existing Chapter 20.42 (Accessory Dwelling Units) and Chapter 20.56 (Density Bonus) to comply with current State law and modify Merced Zoning Ordinance Sections 20.08-1 (Permitted Land Uses in the Residential Zoning Districts) and Section 20.90.020 (Definitions). **PUBLIC HEARING**

ACTION: PLANNING COMMISSION:
 Recommendation to City Council
 Environmental Review #23-24 (*General Rule Exemption*)
 Zoning Ordinance Amendment #23-02
 CITY COUNCIL:
 Approve/Disapprove/Modify
 Environmental Review #23-24 (*General Rule Exemption*)
 Zoning Ordinance Amendment #23-02

SUMMARY

The Merced City Council and the City of Merced have identified housing as a main priority and recently adopted Pro-housing Policies and are working towards a State Pro-housing Designation. To address the City's Pro-housing strategy, updates to the City's Zoning Ordinance have been proposed to facilitate the production of housing that encourages affordability by design, expansion of housing choices, and increased flexibility for housing options and development.

The Proposed Zoning Ordinance Amendment #23-02 seeks to support the City Council's direction to provide increased housing choices and update the Merced Zoning Ordinance to be in compliance with current State law and address the City's Pro-housing strategy.

After this amendment was publicly noticed, staff determined that the Tiny Homes on Wheels Villages section would be removed from consideration at this time.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend approval to the City Council of Environmental Review #23-24 (General Rule Exemption) and Zoning Ordinance Amendment #23-02 (including the adoption of the Draft Resolution at Attachment A of Staff Report #23-647), subject to the findings/considerations in Exhibit A of the Draft Resolution.

Management Analyst BROWN reviewed the report on this item. For further information, refer to Staff Report #23-647.

Public Testimony was opened at 7:59 PM.

Speaker from Audience in Opposition

FUE XIONG, Resident, Merced, CA

There were no speakers in favor of the project.

Public Testimony was closed at 8:02 PM.

A motion was made by Vice Chair Camper, seconded by Member Delgadillo and carried by the following vote to recommend to City Council the adoption of a General Rule Exemption regarding Environmental Review #23-24 and the approval of Zoning Ordinance Amendment #23-02, subject to the Findings and Considerations set forth in Staff Report #23-647 (RESOLUTION #4120).

- Aye:** 7 - Chairperson Harris
- Member Delgadillo
- Vice Chair Camper
- Member Gonzalez
- Member Pao Thao
- Member Smith
- Member Ochoa

No: 0

Absent: 0

E.4

SUBJECT: Cancellation of August 23, 2023, Planning Commission Meeting due to lack of items

ACTION:

Cancel the Planning Commission Meeting of August 23, 2023

A motion was made by Member Gonzalez, seconded by Member Delgadillo and carried by the following vote, to cancel the Planning Commission meeting of August 23, 2023, due to a lack of items.

- Aye:** 7 - Chairperson Harris
- Member Delgadillo
- Vice Chair Camper
- Member Gonzalez
- Member Pao Thao
- Member Smith
- Member Ochoa

No: 0

Absent: 0

F. INFORMATION ITEMS

F.1 **SUBJECT:** Report by Director of Development Services of Upcoming Agenda Items

ACTION

Information only.

Director of Development Services MCBRIDE went over items for the next several Planning Commission meetings.

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

- August 7 City Council, 6:00 p.m.
- 9 Planning Commission, 7:00 p.m.
- 21 City Council, 6:00 p.m.
- 22 Bicycle and Pedestrian Advisory Commission, 4:00 p.m.
- 23 Planning Commission, 7:00 p.m. **(To be cancelled)**
- Sept 5 City Council, 6:00 p.m. **(Tuesday)**
- 6 Planning Commission, 7:00 p.m.
- 18 City Council, 6:00 p.m.
- 20 Planning Commission, 6:00 p.m.

G. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 8:09 PM.

A motion was made by Member Ochoa, seconded by Member Smith and carried by the following vote, to adjourn the Regular Meeting.

- Aye:** 7 - Chairperson Harris
- Member Delgadillo
- Vice Chair Camper
- Member Gonzalez
- Member Pao Thao
- Member Smith
- Member Ochoa

No: 0

Absent: 0

BY:



SCOTT MCBRIDE, SECRETARY
MERCED CITY PLANNING COMMISSION

APPROVED:

MICHAEL HARRIS, CHAIRPERSON
MERCED CITY PLANNING COMMISSION