



CITY OF MERCED

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

Minutes Planning Commission

Wednesday, August 21, 2024

6:00 PM

A. CALL TO ORDER

Chairperson HARRIS called the Regular Meeting to order at 6:00 PM.

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Commissioner GREGGAINS led the Pledge of Allegiance to the Flag.

B. ROLL CALL

Present: 7 - Chairperson Michael Harris, Member Jose Delgadillo, Member Anthony Gonzalez, Member Yang Pao Thao, Member Walter Smith, Member Emanuelle Ochoa, and Member Jeremiah Greggains

Absent: 0

C. PUBLIC COMMENT

There were no public comments.

D. CONSENT CALENDAR

D.1 **SUBJECT:** Planning Commission Minutes of August 7, 2024

ACTION:

Approving and filing the Planning Commission Minutes of August 7, 2024

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

Aye: 7 - Chairperson Harris
Member Delgadillo
Member Gonzalez
Member Pao Thao
Member Smith
Member Ochoa
Member Greggains

No: 0

Absent: 0

E. PUBLIC HEARINGS AND ACTION ITEMS

E.1

SUBJECT: Conditional Use Permit #1279 and Minor Use Permit #24-11, initiated by Darren Warren, on behalf of Jose Ramirez, California, property owner. This application involves a request to develop two four-plex units on a 15,000-square-foot lot at 1250 W. 9th Street. This lot would subsequently be split in two so that each lot has one four-plex. A Minor Use Permit is required to deviate from the City’s Specific Design Standards for Multi-Family Dwellings, and for interface review to allow the development of a commercial lot adjacent to or across from a Low Density Residential (R-1-6) Zone. The subject site is generally located on the south side of 9th Street, approximately 120 feet east of T Street. The site has a General Plan designation of Neighborhood Commercial (CN) and is zoned Neighborhood Commercial (C-N). *PUBLIC HEARING*

- ACTION:** Approve/Disapprove/Modify
- 1) Environmental Review #24-20 (*Categorical Exemption*)
 - 2) Conditional Use Permit #1279
 - 3) Minor Use Permit #24-11

SUMMARY

The subject site consists of 0.34 acres located in south central Merced at 1250 W. 9th Street (Attachment B). The applicant, Darren Warren, is requesting approval to construct two four-plex units on a 15,000-square-foot lot. This lot would subsequently be split in two so that each parcel has one fur-plex. The subject site is within a Neighborhood Commercial (C-N) Zone, which requires a conditional use permit for residential dwellings per the land use table at Merced Municipal Code 20.10.020 - Land Use Regulations for Commercial Zoning Districts. The subject site also requires a Minor Use Permit for Interface Review, as required for high impact projects adjacent to, or across from, low impact zones (Merced Municipal Code Section 20.32 - Interface Regulations). In this case, Interface Review is required as the developer is proposing to develop within a Neighborhood Commercial Zone that is adjacent to a Low-Density Residential Zone west of the subject site. Planning staff has reviewed the proposal and is recommending approval subject to the conditions found within this report.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #24-20 (*Categorical Exemption*), Conditional Use

Permit #1279, and Minor Use Permit #24-11, including the adoption of the Draft Resolution at Attachment A of Staff Report #24-768, subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

Associate Planner RENTERIA reviewed the report on this item. For further information, refer to Staff Report #24-768.

Commissioner Ochoa recused himself and left the dais due to a financial conflict.

Public Testimony was opened at 6:11 PM.

Staff received 1 email from MID. That email was provided to the Planning Commission via email prior to the meeting and posted on the City's website.

Speaker from the Audience in Favor

DANIEL HURTADO, Applicant, Atwater, CA

There were no speakers in opposition to the project.

Public Testimony was closed at 6:16 PM.

A motion was made by Member Delgadillo, seconded by Member Thao and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #24-20, and approve Conditional Use Permit #1279, subject to the Findings and twenty-six (26) Conditions set forth in Staff Report #24-768 (RESOLUTION #4140).

- Aye:** 6 - Chairperson Harris
Member Delgadillo
Member Gonzalez
Member Pao Thao
Member Smith
Member Greggains

No: 0

Absent: 0

Abstain: 1 - Member Ochoa

E.2

SUBJECT: Zoning Ordinance Amendment #24-01, initiated by the City of Merced. This application involves changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would amend Merced Municipal Code Section 20.44.170 (Regulation of Commercial Cannabis Activities - Commercial Cannabis Business Permit Required). This amendment would clarify the process to amend or provide supplemental application materials, clarify the responsibility of the applicant relative to meeting the requirements of the Selection

Criteria, clarify the process to correct potential scoring errors, clarify the Qualified Commercial Cannabis Business Application List timelines and clarify the process if there is a failure for a business to meet the clarified timeline and various other amendments. *PUBLIC HEARING*.

- ACTION:**
- PLANNING COMMISSION:
 - Recommendation to City Council
 - 1) Environmental Review #24-21 (*Categorical Exemption*)
 - 2) Zoning Ordinance Amendment #24-01
 - CITY COUNCIL:
 - Approve/Disapprove/Modify
 - 1) Environmental Review #24-21 (*Categorical Exemption*)
 - 2) Zoning Ordinance Amendment #24-01

SUMMARY

The City is proposing modifications to the City’s current cannabis ordinance found under Merced Municipal Code Section 20.44.170 - Regulations of Commercial Cannabis Activities - Commercial Cannabis Business Permit Required. This ordinance amendment would clarify the process to amend or provide supplemental application materials, clarify the responsibility of the applicant relative to meeting the requirements of the Selection Criteria, clarify the process to correct potential scoring errors, clarify the Qualified Commercial Cannabis Business Application List timelines and clarify the process if there is a failure for a business to meet the clarified timeline and various other amendments.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend approval to the City Council of Environmental Review #24-21 (Categorical Exemption) and Zoning Ordinance Amendment #24-01 as outlined in Exhibit B of the Draft Resolution #4139, subject to the findings/considerations in Exhibit A of the Draft Resolution at Attachment A.

At 6:19, Commissioner Ochoa returned to the dais.

Principal Planner Lan reviewed the report on this item. For further information, refer to Staff Report #24-808.

There was no one present wishing to speak regarding the project; therefore, public testimony was opened and closed at 6:42 PM.

A motion was made by Member Ochoa, seconded by Member Delgadillo and carried by the following vote, to recommend to the City Council the adoption of a

Categorical Exemption regarding Environmental Review #24-21, and approval of Zoning Ordinance Amendment #24-01, subject to the Findings set forth in Staff Report #24-808 (RESOLUTION #4139).

Aye: 7 - Chairperson Harris
Member Delgadillo
Member Gonzalez
Member Pao Thao
Member Smith
Member Ochoa
Member Greggains

No: 0

Absent: 0

E.3

SUBJECT: Election of Chairperson and Vice-Chairperson

ACTION

Election of Chairperson and Vice-Chairperson

Commissioner GREGGAINS nominated Chairperson HARRIS to continue as Chairperson and Commissioner Gonzalez to be elected as Vice Chair. Both Chairperson HARRIS and Commissioner Gonzalez accepted the nominations. There were no other nominations for Chairperson or Vice Chairperson.

A motion was made by Member Greggains, seconded by Member Delgadillo and carried by the following vote, to elect Mike Harris as Chairperson and Anthony Gonzalez as Vice Chairperson.

Aye: 7 - Chairperson Harris
Member Delgadillo
Member Gonzalez
Member Pao Thao
Member Smith
Member Ochoa
Member Greggains

No: 0

Absent: 0

E.4

SUBJECT: Cancellation of September 4, 2024, Planning Commission Meeting due to a lack of items

ACTION:

Cancel the Planning Commission Meeting of September 4, 2024

A motion was made by Member Ochoa, seconded by Vice Chair Gonzalez and carried by the following vote, to cancel the Planning Commission meeting of September 4, 2024, due to a lack of items.

Aye: 7 - Chairperson Harris
Member Delgadillo
Member Gonzalez
Member Pao Thao
Member Smith
Member Ochoa
Member Greggains

No: 0

Absent: 0

F. INFORMATION ITEMS

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

ACTION

Information only.

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

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

- Aug. 19 City Council, 6:00 p.m.
- 21 Planning Commission, 6:00 p.m.
- 27 Bicycle and Pedestrian Advisory Committee, 4:00 p.m.
- Sept. 3 City Council, 6:00 p.m. (**Tuesday**)
- 4 Planning Commission, 6:00 p.m. (**To be Cancelled**)
- 16 City Council, 6:00 p.m.
- 18 Planning Commission, 6:00 p.m.
- Oct. 7 City Council, 6:00 p.m.
- 9 Planning Commission, 6:00 p.m.
- 21 City Council, 6:00 p.m.
- 22 Bicycle and Pedestrian Advisory Committee, 4:00 p.m.

G. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 6:48 PM.

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

Aye: 7 - Chairperson Harris
Member Delgadillo
Member Gonzalez
Member Pao Thao
Member Smith
Member Ochoa
Member Greggains

No: 0

Absent: 0

BY:



KIM ESPINOSA, SECRETARY
MERCED CITY PLANNING COMMISSION

APPROVED:



MICHAEL HARRIS, CHAIRPERSON
MERCED CITY PLANNING COMMISSION