



CITY OF MERCED

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

Minutes Planning Commission

Wednesday, January 8, 2025

6:00 PM

A. CALL TO ORDER

Commissioner GONZALEZ called the meeting to order at 6:00 PM.

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Commissioner OCHOA led the Pledge of Allegiance to the Flag.

B. ROLL CALL

Clerk's Note: The Planning Commission has 1 vacancy at this time.

Present: 6 - Member Jose Delgadillo, Vice Chair 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 December 4, 2024

ACTION:

Approving and filing the Planning Commission Minutes of December 4, 2024

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

E. PUBLIC HEARINGS AND ACTION ITEMS

E.1 **SUBJECT:** Conditional Use Permit #1283, initiated by Edwardo Beltran, property owner. This application involves a request to expand an existing restaurant into an unused portion of the building to host live events and entertainment. The subject site is generally located on the north side of West Main Street, approximately 200 feet west of Martin

Luther King Jr Way. The subject site has a General Plan designation of Regional Commercial, (RC) and a zoning classification of Central Commercial, (C-C). **PUBLIC HEARING**

ACTION Approve/Disapprove/Modify

- 1) Environmental Review #24-29 (*Categorical Exemption*)
- 2) Conditional Use Permit #1283

SUMMARY

Edwardo Beltran is requesting conditional use permit approval to expand his current business, Joystiq, into an unused part of his building. This new usable space would be used for live entertainment events. Hosting live entertainment events requires a conditional use permit. The Planning Commission will be reviewing this proposal to ensure that the site plan is designed in a manner that minimizes negative impacts to the existing site and promotes compatible and orderly development with the surrounding uses. Staff is recommending approval with conditions.

RECOMMENDATION

Planning staff has reviewed this request and recommends that the Planning Commission approve Environmental Review #24-29 (Categorical Exemption) and Conditional Use Permit #1283, including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

Assistant Planner LIVINGSTON reviewed the report on this item. Staff noted a memo provided to the Commission prior to the meeting with modifications to several conditions. For further information, refer to Staff Report #24-1205.

Public Testimony was opened at 6:19 PM.

Speaker from the Audience in Favor

JOSEPH BELTRAN, Applicant, Merced, CA

There were no speakers in opposition to the project.

Public Testimony was closed at 6:23 PM.

Based on staff recommendation, the following conditions were modified:

(Note: Strikethrough deleted language, underline added language)

"11. The applicant shall install exterior video surveillance cameras that continuously record outside activities 24 hours a day, 7 days a week (details or locations to be worked out with the Police Department). Any video related to criminal investigations must be accessible immediately for viewing by the Merced Police Department or any other law enforcement agency. A recorded copy of surveillance video, requested in connection with a criminal investigation, must be reasonably accessible and available within 24 hours when requested by law enforcement. The business owner is responsible for maintaining the video surveillance equipment at all times in an operable manner.

"12. During live events on Thursday, Friday, and Saturday nights, security shall be provided at a ratio of 1 guard per 100 occupants. While alcohol is being served, the security requirements shall be increased at a ratio of 1 guard per 50 occupants. The security guards will work from 9:00 PM until closing on these days. The Police Department reserves the right to request additional security guards if any problems arise. All security guards shall be hired from a company that has been approved by the Merced City Council and properly licensed through the City of Merced. All security guards are subject to approval of the Merced Police Department.

"17. Noise levels generated by the business shall not create a public nuisance to the surrounding business and residential establishments and immediate area. If noise-related complaints are received by the City of Merced, the conditional use permit may be subject to review and possible revocation by the City of Merced per the procedures in the Merced Municipal Code.

"18. Any music played shall be kept to a minimum noise level so as not to travel outside the immediate area around the building. Additional noise attenuation measures may be required if music can be heard outside the immediate area around the building or for the residences next door. Details to be worked out with Planning and Building Staff."

A motion was made by Member Ochoa, seconded by Member Greggains to adopt a Categorical Exemption regarding Environmental Review #24-29 and approve Conditional Use Permit #1283, subject to the Findings and twenty-six (26) Conditions set forth in Staff Report #24-1205 (RESOLUTION #4146) with changes to Conditions #11, #12, #17, and #18 as recommended by staff (as shown above).

Aye: 6 - Member Delgadillo
 Vice Chair Gonzalez
 Member Pao Thao
 Member Smith
 Member Ochoa
 Member Greggains

No: 0

Absent: 0

E.2

SUBJECT: Conditional Use Permit #1285, initiated by Chick-fil-A, on behalf of Dignity Health, property owner. This application involves a request to operate a food truck within the parking lot located at 120 Mercy Avenue. The subject site is generally located at the southeast corner of G Street and Mercy Avenue, within an Office Commercial (C-O) Zone. *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify
 1) Environmental Review #24-38 (*Categorical Exemption*)
 2) Conditional Use Permit #1285

SUMMARY

Chick-fil-A is requesting conditional use permit approval to operate a food truck within the parking lot located at 120 Mercy Avenue (Attachment B). Mobile Food Vendors are considered a conditional use within an Office Commercial (C-O) Zone. The proposed food truck would be located within a parking lot on the northeast portion of the parcel (Attachment C). The Planning Commission will be reviewing this proposal to ensure that the proposed 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 #24-38 (Categorical Exemption) and Conditional Use Permit #1285 (including the adoption of the Resolution at Attachment A).

Senior Planner MENDOZA-GONZALEZ reviewed the report on this item. Staff noted a memo provided to the Commission prior to the meeting with the addition of Condition #32. For further information, refer to Staff Report #24-1229.

There was no one present wishing to speak regarding the project; therefore, public testimony was opened and closed at 6:44 PM.

Based on staff recommendation, the following condition was added:

(Note: Strikethrough deleted language, underline added language)

"32. The applicant shall display two signs informing pedestrian to use the crosswalk at intersection of Yosemite Avenue and G Street. One sign shall be visible from Mercy Avenue and the other sign form the food truck's order window. Details to be reviewed and approved by Planning Staff prior to approval of the business license."

A motion was made by Member Delgadillo, seconded by Member Greggains to adopt a Categorical Exemption regarding Environmental Review #24-38 and approve Conditional Use Permit #1285, subject to the Findings and thirty-one (31) Conditions set forth in Staff Report #24-1229 (RESOLUTION #4147) with the addition of Condition #32 as recommended by staff (as shown above).

Aye: 5 - Member Delgadillo
Vice Chair Gonzalez
Member Pao Thao
Member Ochoa
Member Greggains

No: 1 - Member Smith

Absent: 0

E.3

SUBJECT: Election of Chairperson and Vice-Chairperson

ACTION

Election of Chairperson and Vice-Chairperson

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

A motion was made by Member Thao, seconded by Member Ochoa, and carried by the following vote, to elect Anthony Gonzalez as Chairperson and Jeremiah Greggains as Vice Chairperson.

Aye: 6 - Member Delgadillo
Vice Chair 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 the items for the next several Planning Commission meetings.

F.2

SUBJECT: Calendar of Meetings/Events

Jan.	6	City Council, 6:00 p.m.
	8	Planning Commission, 6:00 p.m.
	21	City Council, 6:00 p.m. (Tuesday)
	22	Planning Commission, 6:00 p.m.
Feb.	3	City Council, 6:00 p.m.
	5	Planning Commission, 6:00 p.m.
	18	City Council, 6:00 p.m. (Tuesday)
	19	Planning Commission, 6:00 p.m.
	25	Bicycle and Pedestrian Advisory Committee, 4:00 p.m.

G. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 6:57 PM.

A motion was made by Member Greggains, seconded by Member Ochoa, that this agenda item be adjourned. The motion carried by the following vote:

Aye: 6 - Member Delgadillo
 Vice Chair Gonzalez
 Member Pao Thao
 Member Smith
 Member Ochoa
 Member Greggains

No: 0

Absent: 0

BY:



KIM ESPINOSA, SECRETARY
MERCED CITY PLANNING COMMISSION

APPROVED:

ANTHONY GONZALEZ, CHAIRPERSON
MERCED CITY PLANNING COMMISSION