

NOTICE OF EXEMPTION

To: _____ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

From: (Public Agency)
City of Merced
678 West 18th St.
Merced, CA 95340

X County Clerk
County of Merced
2222 M Street
Merced, CA 95340

Project Title: Zoning Ordinance Amendment #21-03/Environmental Review #21-24

Project Applicant: Ashley Investments

Project Location (Specific): City of Merced (City wide)

Project Location - City: Merced

Project Location - County: Merced

Description of Nature, Purpose, and Beneficiaries of Project: This application involves changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would amend Merced Municipal Code Section 20.44.160 (Tobacco Sales Prohibited Near Schools). This amendment would modify the City’s regulations regarding tobacco sales near schools and other sensitive uses to more closely match similar requirements regarding Commercial Cannabis Business Permits. This would include prohibiting tobacco sales within 1,000 feet of schools (same as the current requirement), but reducing the required distance from other sensitive uses (day care centers, youth centers, libraries, and public parks) from 1,000 feet to 600 feet and allowing for exceptions with a Conditional Use Permit granted by the Planning Commission for tobacco sales near other sensitive uses (not including schools). The changes would also include using the same list of schools adopted by the City Council for cannabis permits for tobacco sales.

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: City of Merced

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State Type and Section Number: _____
- Statutory Exemptions. State Code Number: _____.
- General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt: The proposed Ordinance has been reviewed by City staff in accordance with the Environmental Checklist Form (Appendix G of the CEQA Guidelines) to determine if there would be any possibility that the proposed ordinance would create any significant environmental impacts, and City staff has determined that the proposed modifications to the regulations regarding tobacco sales near schools do not meet any of the thresholds contained in the Checklist that would trigger a significant environmental impact, and thus according to the “general rule exemption” (Section 15061(b)(3) of the CEQA Guidelines), projects which have no potential for causing a significant effect on the environment are not subject to CEQA, no further environmental analysis is required.

Lead Agency: City of Merced

Contact Person: Kim Espinosa

Area Code/Telephone: (209) 385-6858

Signature: 

Date: August 19, 2021 **Title:** Planning Manager

X Signed by Lead Agency Date Received for Filing at OPR (If applicable): n/a
Authority Cited: Sections 21083 and 21110. Public Resources Code; Reference: Sections 21108, 21152, and 21152.1. Public Resources Code