

**CITY OF MERCED**  
**Planning Commission**

**Resolution #4117**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of September 6, 2023, confirmed the denial of **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 liquor) 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), within a Zoning classification of Central Commercial (C-C). The subject site is more particularly described as a portion of Lots 11, 12, 13, 14, and 15 from Block 162 on Recorded Map entitled “Supplemental Map to Town of Merced,” recorded in Volume 2, Page 12, in Merced County Records; also known as a portion of Assessor’s Parcel Number (APN) 031-143-028; and,

**WHEREAS**, the Merced City Planning Commission held a public hearing regarding this matter on July 5, 2023. At this meeting, the Commission voted to continue this matter to the Planning Commission meeting of August 9, 2023, to allow for additional information to be provided by staff; and,

**WHEREAS**, the Merced City Planning Commission opened the public hearing at the Planning Commission meeting of August 9, 2023, and heard additional information provided by staff. At that time, the Planning Commission adopted a motion of intent to deny Conditional Use Permit #1272 and directed staff to prepare Findings for Denial; and,

**WHEREAS**, the Merced City Planning Commission based its decision to deny Conditional Use Permit #1272 on the following Findings:

I-2. *The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.*

As shown under Finding D – Building Elevation , Finding E – Floor Plan, and Finding F -Neighborhood Impact, staff believes that the location, size, design, and operating characteristics of the proposal would be compatible with existing and future land uses in the vicinity.

- I-3. *The proposed use will not be detrimental to the public health, safety, and welfare of the city.*

As shown under Finding H– Alcohol Sales, staff does not anticipate that this proposal would be detrimental to the public health, safety, and welfare of the City. Planning staff consulted with the Merced Police Department regarding alcohol sales at this location; the Police Department did not have any significant concerns with this request and is not requiring any conditions of approval not normally associated with alcohol sales for off-site consumption. Based on the information provided by the Police Department, staff does not anticipate that the approval of this request would adversely affect the public health, safety, and welfare of the City.

- K. The Planning Commission does not agree with Findings I-2 and I-3 as provided in the Draft Resolution at Attachment A of Planning Commission Staff Report #23-642.
- L. The Planning Commission finds that the proposed sale of alcoholic beverages for off-site consumption is not compatible with the businesses in the vicinity or the City’s vision for the downtown area. The sale of alcohol for off-site consumption may encourage drinking in public and other nuisances that would be detrimental to the other businesses in the vicinity. The City has worked hard to foster the downtown as an entertainment area for people of all ages and the Planning Commission finds that the sale of alcoholic beverages for off-site consumption would detract from this effort and cause harm to the other businesses in the area and the general public visiting the area.
- M. The Planning Commission finds that the proposed sale of alcoholic beverages for off-site consumption would create an atmosphere that would be detrimental to the public health, safety, and welfare of the City. The sale of alcoholic beverages for off-site consumption would encourage drinking in public, loitering in the area, create other nuisances that would create an unsafe atmosphere in the downtown area. The sale of alcoholic beverages for off-site consumption provides an option for patrons from the nearby bars to purchase alcoholic beverages and consume them on the street or sidewalk after they leave the bar or before entering another business in the area. This has the potential to increase calls for service from the police department and to make the public feel unsafe.

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**NOW THEREFORE**, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby approve a Categorical Exemption regarding Environmental Review #23-18, and deny Conditional Use Permit #1272.

Upon motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and carried by the following vote:

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

ABSTAIN: Commissioner(s)

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Adopted this 6<sup>th</sup> day of September 2023

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Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

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Secretary