

CITY OF MERCED
Planning Commission

MINUTES

Merced City Council Chambers
Wednesday, November 18, 2015

Chairperson COLBY called the meeting to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Kurt Smoot, Kevin Smith, Bill Baker, Robert Dylina, Peter Padilla, Jill McLeod, and Chairperson Travis Colby

Commissioners Absent: None

Staff Present: Planning Manager Espinosa, Police Captain Trinidad, Planner Mendoza-Gonzalez, Senior Deputy City Attorney Rozell, Secretary Davis, and Recording Secretary Lane

1. APPROVAL OF AGENDA

M/S PADILLA-SMOOT, and carried by unanimous voice vote, to approve the Agenda as submitted.

2. MINUTES

M/S MCLEOD-BAKER, and carried by unanimous voice vote, to approve the Minutes of November 4, 2015, as submitted.

3. COMMUNICATIONS

None.

4. **ITEMS**

- 4.1 Conditional Use Permit #1206, initiated by Sound Life International Ministries on behalf of the Merced Lodging Corporation, property owners. This application involves a request to convert an existing 100-unit motel to a worship center and a rehabilitation facility with up to 200 beds at 1213 V Street, generally located 150 feet south of the intersection at Highway 140 and V Street, within a Thoroughfare Commercial (C-T) zone.

Commissioner PADILLA recused himself due to the fact that he had previously done business with the applicant and left the dais.

Planner MENDOZA-GONZALEZ reviewed the report on this item. He noted an email and a letter, both opposing the project, which were received after the staff report had been written and were provided to the Commission prior to the meeting. For further information, refer to Staff Report #15-22.

Captain TRINDAD commented on behalf of the Merced Police Department. He stated that they were neither for nor against the project, but it would have an impact upon the Police Department. He noted that a similar facility that provided services to the homeless was previously located at the corner of R Street and W. 14th Street, and that facility caused impacts to Police resources due to increased calls for services to the area.

Public testimony was opened at 7:23 p.m.

Speakers from the Audience in Favor:

RUDY SANCHEZ, Merced, representing the applicant
KATHY RODRIGUEZ, Merced
DANIEL KAZAKOS, Merced
SANDY HAAR, Merced

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Speakers from the Audience in Opposition:

ISRAEL ALVAREZ, Merced, leader of the opposition
ROSEMARY PARGA DURAN, Merced, Merced City School District
KEN TESTA, Fresno, Merced City School District
JOEL KNOX, Merced, Golden Valley Neighborhood Association
MEENU CHANANA, Merced (also submitted a letter of her concerns)
JOSE MUNOZ, Merced, Merced City School District
GREG SPICER, Merced, Merced City School District
MARIA MENDOZA, Merced
JIM ABBATE, Merced County, Citizens for the Betterment of Merced
County
LISA LINARES, Merced
JESSICA KAZAKOS, Merced

RUDY SANCHEZ, Merced, representing the applicant, spoke in rebuttal to comments made during the public testimony.

Public testimony was completed at 8:36 p.m.

Chairperson COLBY noted that due to a possible perception of a conflict of interest regarding his job as a Prosecutor for Merced County in which he might refer clients to such a facility, he would be abstaining on the vote although it is not a conflict of interest under the law.

The Commission discussed various aspects of the project, including the proximity to Gracey and Sheehy Elementary schools and concerns about the safety of nearby students, residences, and businesses. The Commission also noted that some of the people entering this facility would not be our own local citizens, but brought in from out of town. They commented that the background checks might be insufficient to screen out sex offenders since fingerprinting would not be a requirement. The Commission was also concerned about what impacts this project and its location would have on the Police Department.

Public testimony was re-opened at 8:40 p.m.

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In response to a question from the Commission regarding the radius for school bus pick up, GREG SPICER answered that there is a 1 mile walking radius from the school, less than a mile if there is a barrier such as a major highway, etc.

Public testimony was completed at 8:41 p.m.

M/S SMOOT-SMITH, and carried by the following vote, to continue this item, Conditional Use Permit #1206 and Environmental Review #15-30, to the next regularly scheduled Planning Commission Meeting of December 9, 2015, and to direct staff to prepare a Resolution for Denial.

AYES: Commissioners Smoot, Smith, Baker, Dylina, and McLeod

NOES: None

ABSENT: None

ABSTAIN: Commissioner Padilla and Chairperson Colby

Commissioner PADILLA returned to the dais.

4.2 Zoning Ordinance Amendment #14-01, initiated by the City of Merced. This application involves changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would make massage establishments a conditional use in the C-O (Professional/Commercial Office), C-N (Neighborhood Commercial), and C-C (Central Commercial) zones and would add required conditions that must be met before a massage establishment can obtain a conditional use permit in the C-T (Thoroughfare Commercial) and C-G (General Commercial) zones. Massage therapy provided by a sole practitioner who has a valid certificate as a massage practitioner or massage therapist from the State of California would still be allowed as principally-permitted uses in the C-O, C-N, and C-C zones.

Planning Manager ESPINOSA reviewed the report on this item. For further information, refer to Staff Report #15-21.

There was no one present wishing to speak regarding the proposed amendment; therefore, public testimony was opened and closed at 8:59 p.m.

M/S PADILLA-SMITH, and carried by the following vote, to recommend to City Council adoption of a Categorical Exemption regarding Environmental Review #14-25, and approval of Zoning Ordinance Amendment #14-01, subject to the Findings set forth in Staff Report #15-21 (RESOLUTION #3057):

AYES: Commissioners Smoot, Smith, Baker, Dylina, Padilla, McLeod, and Chairperson Colby
NOES: None
ABSENT: None
ABSTAIN: None

4.3 Appointment to Housing Element Update Task Force

Commissioners BAKER and MCLEOD volunteered to join the Housing Element Update Task Force with the support of their fellow Commissioners.

5. INFORMATION ITEMS

5.1 Calendar of Meetings/Events

Commissioner PADILLA brought in a copy of the City of Merced Ad Hoc Citizens Advisory Committee High-Speed Rail Station Area Plan. Planning Manager ESPINOSA offered to scan the document and provide it to the rest of the Commission by email.

6. ADJOURNMENT

There being no further business, Chairperson COLBY adjourned the meeting at 9:20 p.m., to the Joint Planning Commission/City Council Study Session

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on the Draft Zoning Code on Monday, December 7, 2015, at 5:30 p.m. in the City Council Chambers.

Respectfully submitted,

Bill King for Kim Espinosa

KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:

Travis Colby for

TRAVIS COLBY, Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #3057

WHEREAS, the Merced City Planning Commission at its regular meeting of November 18, 2015, held a public hearing and considered **Zoning Ordinance Amendment #14-01**, initiated by the City of Merced. This application involves changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would make massage establishments a conditional use in the C-O (Professional/Commercial Office), C-N (Neighborhood Commercial), and C-C (Central Commercial) zones and would add required conditions that must be met before a massage establishment can obtain a conditional use permit in the C-T (Thoroughfare Commercial) and C-G (General Commercial) zones. Massage therapy provided by a sole practitioner who has a valid certificate as a massage practitioner or massage therapist from the State of California would still be allowed as principally-permitted uses in the C-O, C-N, and C-C zones; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through G of Staff Report #15-21; and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council adoption of a Categorical Exemption regarding Environmental Review #14-25, and approval of Zoning Ordinance Amendment #14-01, as set forth in Attachment A of Staff Report #15-21.

Upon motion by Commissioner Padilla, seconded by Commissioner Smith, and carried by the following vote:

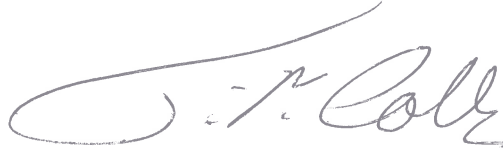
AYES: Commissioners Smoot, Smith, Baker, Dylina, Padilla, McLeod,
and Chairperson Colby
NOES: None
ABSENT: None
ABSTAIN: None

PLANNING COMMISSION RESOLUTION # 3057

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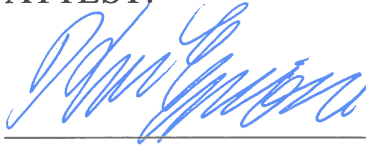
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Adopted this 18th day of November 2015

A handwritten signature in black ink, appearing to read "J. R. Cole", written over a horizontal line.

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

A handwritten signature in blue ink, appearing to read "John G. ...", written over a horizontal line.

Secretary