



CITY OF MERCED

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

Minutes Planning Commission

Wednesday, May 7, 2025

6:00 PM

A. CALL TO ORDER

Vice Chair GREGGAINS called the meeting to order at 6:00 PM.

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Commissioner SMITH led the Pledge of Allegiance to the Flag.

B. ROLL CALL

Clerk's Note: Chairperson GONZALEZ was absent, excused.

Present: 6 - Member Jose Delgadillo, Member Yang Pao Thao, Member Walter Smith, Member Emanuelle Ochoa, Vice Chair Jeremiah Greggains, and Member Conchita Swiggart

Absent: 1 - Chair Anthony Gonzalez

C. PUBLIC COMMENT

There were no public comments.

D. CONSENT CALENDAR

D.1 **SUBJECT:** Planning Commission Minutes of April 9, 2025

ACTION:

Approving and filing the Planning Commission Minutes of April 9, 2025

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

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

No: 0

Absent: 1 - Chair Gonzalez

E. PUBLIC HEARINGS AND ACTION ITEMS**E.1**

SUBJECT: Conditional Use Permit #25-0006, initiated by AT&T Mobility, on behalf of The City of Merced, property owner. This application involves a request to construct a 55-foot-tall wireless communication tower in the form of a stealth mono-palm tree at 3400 Parsons Avenue, generally located at the northeast corner of Parsons Avenue and Brookdale Drive, with a General Plan designation of Open Space (OP-S), and a Zoning classification of (R-1-6) *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #25-0002 (*Categorical Exemption*)
- 2) Conditional Use Permit #25-0006

SUMMARY

AT&T Mobility is requesting approval to construct a 55-foot-tall wireless communication tower in the form of a stealth mono-palm tree at 3400 Parsons Avenue (Attachment D) within a Low Density Residential (R-1-6) Zone. The project is located at the northeast corner of Parsons Avenue and Brookdale Drive within the City's Rahilly Park. Per Merced Municipal Code Land Use Table 20.58-2 - Review Procedures for Support Towers for Wireless Communication Facilities, a site plan review is required for stealth facilities within an R-1 Zone that are over 140% of the maximum height allowed within this zone. However, as described in the background section of this report, because the Site Plan Review Committee April 3, 2025, referred this request to the Planning Commission, the land use permit required is now a conditional use permit. Staff is recommending approval of this application subject to the conditions contained in the Staff Report.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #25-0002 (*Categorical Exemption*), and Conditional Use Permit #25-0006, including the adoption of the Draft Resolution at Attachment A, subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

Development Services Technician II LEE reviewed the report on this item. For further information, refer to Staff Report #25-302.

Public Testimony was opened at 6:14 PM.

Staff received 4 emails from CARL JONES, JULIE HORAL, LYNN MALLOY, and SANDRA BOESE. The emails were provided to the Planning Commission via email prior to the meeting and posted on the City's website.

Speaker from the Audience in Favor

CARL JONES, Applicant, AT&T, Folsom, CA

Speakers from the Audience in Opposition

BRENDA MORGUN, Leader of Opposition, Merced, CA

JULIE HORAL, Resident, Merced, CA

TOM MARTINEZ, Resident, Merced, CA

ADISON MARTINEZ, Resident, Merced, CA

AURORA MARTINEZ, Resident, Merced, CA

GENEVIEVE RASMUSSEN, Resident, Merced, CA

ESMERALDA MARTINEZ, Resident, Merced, CA

Public Testimony was closed at 6:44 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 #25-0002 and approve Conditional Use Permit #25-0006, subject to the Findings and twenty-two (22) Conditions set forth in Staff Report #25-302 (RESOLUTION #4155).

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

No: 0

Absent: 1 - Chair Gonzalez

Abstain: 1 - Member Swiggart

E.2

SUBJECT: General Plan Amendment #24-01, Northeast Yosemite Specific Plan Amendment #6, and Vesting Tentative Subdivision Map #1329 ("Paulson Ranch"), initiated by Stonefield Home, Inc., property owner. The General Plan Amendment would amend the Merced

General Plan Transportation and Circulation Element by modifying the City of Merced Circulation Plan (Figure 4.1) and all associated maps and descriptions throughout the General Plan, to eliminate Destiny Drive (a collector road) from going through the subject site to Paulson Road (extension). The Northeast Yosemite Specific Plan Amendment would modify the design, layout, and circulation of the residential subdivision previously approved for this site. The Vesting Tentative Subdivision Map would subdivide approximately 39.12 acres into 104 residential lots (mostly between 6,000 and 7,000 square feet). The subject site is generally located on the south side of E. Cardella Road, 1,900 feet east of G Street. *PUBLIC HEARING*

ACTION:**PLANNING COMMISSION:**

Recommendation to City Council

- 1) Environmental Review #24-07 (*Negative Declaration*)
- 2) General Plan Amendment #24-01
- 3) Northeast Yosemite Specific Plan Amendment #6

Approve/Disapprove/Modify

- 1) Environmental Review #24-07 (*Negative Declaration*)
- 2) Vesting Tentative Subdivision Map #1329
[subject to City Council approval of General Plan Amendment #24-01, and Northeast Yosemite Specific Plan Amendment #6]

SUMMARY

The subject site is an undeveloped 39.12-acre parcel located in northeast Merced at 800 E. Cardella Road, located on the south side of Cardella Road, approximately 1,900 feet east of G Street. The General Plan Amendment is being requested to amend the City's General Plan Circulation Element (Figure 4.1) (Attachment G) to eliminate the collector road of Destiny Drive that would go through the subject site. The Northeast Yosemite Specific Plan Amendment would modify the design, layout, and circulation of the residential subdivision previously approved for this site. The Vesting Tentative Subdivision Map would subdivide approximately 39.12 acres into 104 single family lots (mostly between 6,000 and 7,000 square feet). Staff is recommending approval with conditions.

RECOMMENDATION

General Plan Amendment, and Northeast Yosemite Specific Plan Amendment,

Planning staff recommends that the Planning Commission recommend approval to the City Council of Environmental Review #24-07 (Negative Declaration), General Plan Amendment #24-01, Northeast Yosemite Specific Plan Amendment #6 (including the adoption of the Draft Resolution at Attachment A) subject to the conditions in Exhibit A, and the findings/considerations in Exhibit B of the Draft Resolution.

Vesting Tentative Subdivision Map

Planning staff recommends that the Planning Commission approve Environmental Review #24-07 (Negative Declaration) and Vesting Tentative Subdivision Map #1329 (including the adoption of the Draft Resolution at Attachment B) subject to the conditions in Exhibit A, the findings/considerations in Exhibit B of the Draft Resolution, and contingent upon City Council approval of the General Plan Amendment, and the Northeast Yosemite Specific Plan Amendment.

Acting Principal Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #25-338.

Public Testimony was opened at 7:15 PM.

Speaker from the Audience in Favor

RICK MUMMERT, Engineer for the Applicant, Benchmark Engineering, Modesto, CA

There were no speakers in opposition to the project.

Public Testimony was closed at 7:24 PM.

The applicant and staff modified several conditions as follows: (Note: Strikethrough deleted language, underline added language.)

~~"6. The developer/owner is required to finance the annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, streetlights, parks and open space, which may include a financing mechanism such as a Community Facilities District (CFD) or, assessment district. Procedures for financing these services and on going maintenance shall be initiated before final map approval or issuance of a certificate of occupancy for any building, whichever comes first. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City~~

~~Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received."~~

A motion was made by Member Delgadillo, seconded by Member Ochoa and carried by the following vote, to recommend to the City Council the adoption of a Negative Declaration regarding Environmental Review #24-07, and recommend approval of General Plan Amendment #24-01 and Northeast Yosemite Specific Plan Amendment #6, subject to the Findings and nine (9) Conditions set forth in Staff Report #25-338 (RESOLUTION #4144) with the removal of Condition #6 as noted above.

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

No: 0

Absent: 1 - Chair Gonzalez

The applicant and staff modified several conditions as follows: (Note: Strikethrough deleted language, underline added language.)

"23. A minimum 6-foot-tall masonry wall shall be installed along Cardella Road and Paulson Road, as required by the City Engineer. The wall shall include anti-graffiti coating. Graffiti shall be removed within 7 days or as determined to be a reasonable timeframe by the Director of Development Services.

"29. The developer shall provide all utility services to each lot, including sanitary sewer, water, electric power, ~~gas~~, telephone, and cable television. The developer shall work with City Engineer regarding gas utility services. All new utilities are to be undergrounded.

"39. The applicant shall obtain an encroachment permit for any work done within a Merced Irrigation District easement.

"40. Lot A shall be maintained by the property owner, and not be a part of a Communities Facility District Annexation."

A motion was made by Member Delgadillo, seconded by Member Swiggart and carried by the following vote, to adopt a Negative Declaration regarding Environmental Review #24-07, and approve Vesting Tentative Subdivision Map

#1329, subject to the Findings and thirty-eight (38) Conditions set forth in Staff Report #25-338 (RESOLUTION #4145) with the modifications as noted above including the addition of Conditions #39 and #40.

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

No: 0

Absent: 1 - Chair Gonzalez

E.3

SUBJECT:

Recommendation to adopt a Resolution of Denial for General Plan Amendment #24-02/ Site Utilization Plan Revision #3 to Planned Development #20/ Vesting Tentative Subdivision Map #1332 / Site Plan #551/ Minor Use Permit #24-13, initiated by Eric Gonsalves, on behalf of Yosemite 1380 LLC, property owner.

ACTION:

PLANNING COMMISSION:

Adopt a Resolution to Recommend Denial to City Council for:

- 1) Environmental Review #24-25 (*Negative Declaration*)
- 2) General Plan Amendment #24-02
- 3) Site Utilization Plan Revision #3 to Planned Development #20

Adopt a Resolution of Denial for:

- 1) Environmental Review #24-25 (*Negative Declaration*)
- 2) Vesting Tentative Subdivision Map #1332
- 3) Site Plan Review Permit #551
- 4) Minor Use Permit #24-13

[subject to City Council denial of General Plan Amendment #24-02, and Site Utilization Plan Revision #3 to Planned Development #20]

SUMMARY

On March 19, 2025, the Planning Commission held a public hearing regarding General Plan Amendment #24-02, Site Utilization Plan Revision #3 to Planned Development #20, Vesting Tentative Subdivision Map #1332, Site Plan #551, and Minor Use Permit #24-13. The public comment period was opened and residents from the surrounding area raised their concerns regarding the project and adequate time being given to review the project. The Planning commission voted unanimously to continue the

item to the April 9th Planning Commission Hearing. At the April 9th Planning Commission Hearing, the Planning Commission directed staff to prepare a resolution of denial for General Plan Amendment #24-02, Site Utilization Plan Revision #3 to Planned Development #20, Vesting Tentative Subdivision Map #1332, Site Plan #551, Minor Use Permit #24-13 and associated environmental review based on the reasons provided by the Planning Commission.

RECOMMENDATION

General Plan Amendment and Site Utilization Plan Revision to Planned Development

Planning staff recommends that the Planning Commission approve the Resolution to Recommend Denial to the City Council of Environmental Review #24-25 (Negative Declaration), General Plan Amendment #24-02, and Site Utilization Plan Revision #3 to Planned Development #20.

Vesting Tentative Subdivision Map, Site Plan Review, and Minor Use Permit

Planning staff recommends that the Planning Commission approve the Resolution of Denial for Vesting Tentative Subdivision Map #1332, Site Plan #551 and Minor Use Permit #24-13.

Clerk's Note: Due to a clerical error, this item was classified as an Action item instead of a Consent item.

Associate Planner RENTERIA reviewed the report on this item. For further information, refer to Staff Report #25-320.

A motion was made by Member Ochoa, seconded by Member Swiggart and carried by the following vote, to recommend that the City Council deny General Plan Amendment #24-02 and Site Utilization Plan Revision #3 to Planned Development #20 and deny Vesting Tentative Subdivision Map #1332, Site Plan Review Permit #551, and Minor Use Permit #24-13 subject to the Findings set forth in Staff Report #25-320 (RESOLUTION #4152 and #4153).

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

No: 0

Absent: 1 - Chair Gonzalez

F. INFORMATION ITEMS

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

ACTION

Information only.

Acting Planning Manager LAN went over the items for the next several Planning Commission meetings.

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

May	5	City Council, 6:00 p.m.
	7	Planning Commission, 6:00 p.m.
	19	City Council, 6:00 p.m.
	21	Planning Commission, 6:00 p.m.
Jun.	2	City Council, 6:00 p.m.
	4	Planning Commission, 6:00 p.m.
	16	City Council, 6:00 p.m.
	18	Planning Commission, 6:00 p.m.
	24	Bicycle and Pedestrian Advisory Committee, 4:00 p.m.

G. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 7:41 PM.

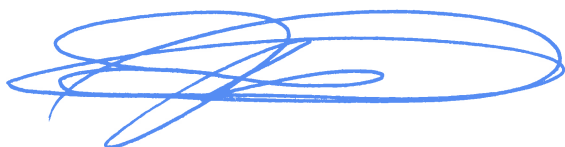
A motion was made by Member Ochoa, seconded by Member Swiggart and carried by the following vote, to adjourn the Regular Meeting.

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

No: 0

Absent: 1 - Chair Gonzalez

BY:



JONNIE LAN, SECRETARY
MERCED CITY PLANNING COMMISSION

APPROVED:



ANTHONY GONZALEZ, CHAIRPERSON
MERCED CITY PLANNING COMMISSION