



CITY OF MERCED

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

Minutes Planning Commission

Wednesday, July 9, 2025

6:00 PM

A. CALL TO ORDER

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

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Commissioner SWIGGART led the Pledge of Allegiance to the Flag.

B. ROLL CALL

Clerk's Note: Deputy City Attorney TANIGUCHI attended the meeting via Microsoft Teams.

Present: 7 - Member Jose Delgadillo, Chair Anthony Gonzalez, Member Yang Pao Thao, Member Walter Smith, Member Emanuelle Ochoa, Vice Chair Jeremiah Greggains, and Member Conchita Swiggart

Absent: 0

C. PUBLIC COMMENT

There were no public comments.

D. CONSENT CALENDAR

D.1. **SUBJECT:** Planning Commission Minutes of June 4, 2025

ACTION:

Approving and filing the Planning Commission Minutes of June 4, 2025

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

Aye: 7 - Member Delgadillo
Chair Gonzalez
Member Pao Thao
Member Smith
Member Ochoa
Vice Chair Greggains
Member Swiggart

No: 0

Absent: 0

E. PUBLIC HEARINGS

E.1

SUBJECT: Public Hearing - General Plan Amendment #24-03, Residential Planned Development (RP-D) Establishment #83, Vesting Tentative Subdivision Map #1333, Zone Change #435 and Environmental Review Checklist #24-30, initiated by Lennar Homes of California, on behalf of Merced Gateway, LLC and Lyons Investments, property owners. These actions are to support the construction of over 61 acres of residential development (up to 570 detached units) and over 9 acres of commercial development. The approximate 73.7-acre subject site is located at 3610 East Gerard Avenue (APNs 061-680-001, 061-710-009 and 061-710-023) generally located on the southwest corner of East Gerard Avenue and Campus Parkway.

REPORT IN BRIEF

Request for Planning Commission to consider recommending approval of General Plan Amendment #24-03 to amend the General Plan Land Use Designation from being listed as Business Park (BP) and Manufacturing/Industrial (IND) to Business Park (BP), Low Medium Residential (LMD), High-Medium Residential (HMD) and Open Space-Park Recreation (OS-PK) and recommend approval or denial of Zone Change #435 to rezone the site to establish Residential Planned Development (RP-D) #83. In addition, staff requests that the Planning Commission consider approving Vesting Tentative Subdivision Map (VSTM) #1333 and adopting Environmental Review Checklist #24-30. The applicant is proposing to develop 570 residential lots and about 9 acres of commercial/business park uses.

RECOMMENDATION

Recommend approval or denial to City Council:

- 1) Environmental Review #24-30 (Negative Declaration)
- 2) General Plan Amendment #24-03
- 3) Residential Planned Development Establishment #83
- 4) Zone Change #435

Approve/Disapprove/Modify:

- 1) Environmental Review #24-30 (Negative Declaration)
- 2) Vesting Tentative Subdivision Map #1333

[subject to City Council approval of General Plan Amendment #24-03,

Residential Planned Development Establishment #83 and Zone Change #435]

Acting Planning Manager LAN reviewed the report on this item. For further information, refer to Staff Report #25-638.

Public Testimony was opened at 6:22 PM.

Speakers from the Audience in Favor

WALTER DIAMOND, Applicant, Lennar Homes, Fresno, CA

TIMOTHY JONES, Property Owner, Merced Gateway LLC, Fresno, CA

ERIC PLUIM, Merced Gateway Marketplace, Sacramento, CA

ANTHONY DE MEW, Engineer, NorthStar Engineering Group, Modesto, CA

Speakers from the Audience in Opposition

SARAH KNOESTER, Resident, Merced, CA

JESUS DIAZ, Resident, Merced, CA

Public Testimony was closed at 6:55 PM.

A motion was made by Member Ochoa, seconded by Member Delgadillo and carried by the following vote, to recommend to the City Council the adoption of a Negative Declaration regarding Environmental Review #24-30, and recommend approval of General Plan Amendment #24-03, Zone Change #435, and Residential Planned Development Establishment #83, subject to the Findings and ten (10) Conditions set forth in Staff Report #25-638 (RESOLUTION #4163).

Aye: 7 - Member Delgadillo
Chair Gonzalez
Member Pao Thao
Member Smith
Member Ochoa
Vice Chair Greggains
Member Swiggart

No: 0

Absent: 0

Based on staff recommendation, the following conditions were modified:

(Note: Strikethrough deleted language, underline added language.)

"7. The project shall comply with all requirements of the California Building Code and of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program regulations for building and structures in special flood hazard areas. ~~all flood requirements of the Federal Emergency Management Agency (FEMA), as well as the requirements for the California Urban Level of Flood Protection (CA 200 year flood) at the time of permit issuance.~~

~~"8.7.~~ All landscaping in the public right-of-way shall comply with State Water Resources Control Board Resolution No. 2015-0032 "To adopt an Emergency Regulation for Statewide Urban Water Conservation" and the City's Water Conservation Ordinance (Merced Municipal Code Section 15.42) and any amendments. Xeriscape or previous artificial turf shall be used in place of natural sod or other living ground cover. If turf is proposed to be installed in park-strips or on-site, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed. ~~all~~ irrigation provided to street trees, parking lot trees, or other landscaping shall be provided with a drip irrigation or micro-spray system. All landscaping shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030) and any amendments.

~~"9.8.~~ All landscaping shall be kept healthy and maintained in good condition. Any damaged or missing landscaping shall be replaced immediately.

~~"10.9.~~ Trees and or fast-growing vines or other plants shall be planted on or near the required sound wall along roadways to soften the visibility of the walls and protect them from graffiti. Details to be worked out with Planning staff during the building permit stage.

~~"11. Sound walls must be coated in a graffiti protectant coating as approved by Public Works director or designee to protect them from tagging and graffiti prior to landscape growth.~~

~~"12.10.~~ Full public improvements shall be installed/repared if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.

~~"13.11.~~ Any missing or damaged improvements along the property frontage shall be installed/repared to meet City Standards. Any improvements that don't meet current City Standards shall be replaced to

meet all applicable standards.

"~~44.12~~. The project shall comply with all the Post Construction Standards required to comply with State requirements for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System) and include onsite or approved offsite stormwater retention capacity for a 50-year, 24-hour storm.

"~~45.13~~. The developer must address general storm water drainage on-site unless approved by the City Engineer or their designee. The developer will submit storm water drainage plans and agreements, if applicable, with their final map application, all to be approved by the City Engineer.

"~~46.14~~. All residential exterior setback areas, excluding areas required for access to the property, shall be landscaped. Landscaping may consist of any combination of living plants such as trees, shrubs and turf, related natural features such as rock, stone or bark chips; or pervious artificial turf that meets acceptable standards as determined by the Department of Development Services Director or their designee. Decorative hardscape featuring pervious materials are permitted within required landscaping areas. Drought tolerant landscape materials are required, unless otherwise approved with a minor use permit. Any street trees must be per city standards.

"~~47.15~~. Drainage from the individual residential lots shall be retained on the lots. No drainage shall run-off onto adjacent properties or the right of way.

"~~48.16~~. Prior to approval of final map, Developer will work with the City Engineer or their designee to satisfy the requirements for a looped water system from Mission Avenue to Gerard Avenue.

"~~49.17~~. Prior to approval of final map, Developer will work with the City Engineer or their designee to satisfy the requirements for the development to be served by the City sewer, including ensuring there is enough sewer capacity and that it can be supported by the proposed lift station. If required, the Project Developer will enter into a fair-share agreement to address the sewer services.

"~~20.18~~. Prior to approval of final map, developer shall provide the City Engineer with storm drainage calcs for the proposed storm drainage basin.

"~~24.19~~. Developer must work with utilities who will serve this area and comply with all requirements.

"~~22. Developer~~ Developer will provide their fair share of improvements as

determined by the City Engineer and/or any substantiated by studies including, but not limited to street, curb, sidewalk and any traffic control devices along Pluim, Gerard, Campus Parkway and/or Mission will provide their fair share of improvements as determined by the City Engineer including, but not limited to street, curb, sidewalk and any traffic control devices along Pluim, Gerard, Campus Parkway and/or Mission.

"23.20. Improvement agreement for any and all improvements, including, but not limited to those listed above shall be provided to the City Engineer prior to the approval of final map.

"24.21. Any temporary improvements must be reviewed by the City Engineer.

"25.22. An Encroachment Agreement with MID will be required for any work associated with MID facilities and for any roadways, walkways, bike paths, utilities and pipelines crossing MID facilities or rights of way. A joint use agreement between the City of Merced and MID will be executed for those sections of the City's improvements within MID's right of way.

"26.23. Pending MID Board approval, MID will quitclaim its existing 40.00-foot easement. In return, the developer will grant back to MID an exclusive 30.00-foot-wide easement prior to the subdivision map filing.

"27.24. If storm water runoff from the site is to be discharged into an MID facility, the Owner would be required to enter into a Storm Drainage Agreement with the MID, paying all applicable fees.

"28.25. Design plans for the development shall be reviewed for any impacts to MID facilities and signed off by MID.

"29.26. No structures, trees or fences will be allowed within MID rights of way.

"30.27. MID reserves the right for further comment as unforeseen circumstances may arise.

"31.28. Developer shall work with the Police Department and the City Engineer to establish location of stop signs during the final map approval process.

"32.29. Any gates to support public access shall be provided with a Knox Box, as required by the Fire Department.

"33.30. Any construction must meet any and all fire codes applicable at the

time of development and building permit application.

"~~34.31~~. Minor modifications to the tentative map may be reviewed and approved by the Director of Development Services or designee as allowed by Merced Municipal Code Section 20.20.020 (O). If the Director of Development Services determines the map modifications require a higher level of approval, they may elevate the review and refer the consideration to the Site Plan Committee or Planning Commission, as the changes require.

"~~35.32~~. This resolution for a Vesting Tentative Subdivision Map (VTSM #1333) does not become effective until the General Plan Amendment (GPA #24-03) and establishment of Residential Planned Development (R-PD #83) are approved by the City Council.

"~~36.33~~. All mechanical equipment shall be screened from public view.

"~~37.34~~. A A sound wall shall be required and constructed to a minimum height of 6 foot 8 inches above ground level along all residential properties adjacent to arterial and collector roads unless otherwise determined by the City. Suitable construction materials include concrete blocks, masonry, or stucco on both sides of a wood or steel stud wall. ~~sound wall shall be required and constructed to a minimum height of 7 feet above ground level along all residential properties adjacent to arterial and collector roads unless otherwise determined by the City. Suitable construction materials include concrete blocks, masonry, or stucco on both sides of a wood or steel stud wall.~~

"~~38.35~~. The developer/applicant will be subject to the mitigations as determined by ERC #25-30 Mitigated Negative Declaration (SCH 2025060379).

"~~39.36~~. Unless further restricted in the City of Merced Municipal Code, grading and construction shall not take place beyond the hours of 7:00 A.M. and 7:00 P.M. Monday-Sunday.

"~~40.37~~. Two-story home construction of lots that will be directly adjacent with Campus Parkway shall be constructed without second-floor balconies. A note prohibiting such second-floor balconies shall be placed as a Note on the VTSM #1333, and all plans and specs.

"~~41.38~~. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.

"~~42.39~~. Developer shall dedicate and improve the proposed park spaces

unless otherwise approved by the City.

"~~43.40~~. Developer will pay impact fees applicable at the time of the building permit submission.

"~~44.41~~. Any modifications to the street parking plan as shown in Attachment H of SR 25-638 shall be reviewed by the Director of Development Services or designee."

A motion was made by Chairperson Gonzalez, seconded by Vice Chair Greggains, to adopt a Negative Declaration regarding Environmental Review #24-30, and approve Vesting Tentative Subdivision Map #1333, subject to the Findings and forty-one (41) Conditions set forth in Staff Report #25-638 (RESOLUTION #4164) with the modifications as noted above.

Aye: 7 - Member Delgadillo
Chair Gonzalez
Member Pao Thao
Member Smith
Member Ochoa
Vice Chair Greggains
Member Swiggart

No: 0

Absent: 0

E.2.

SUBJECT: Conditional Use Permit #25-0007 and Site Plan Review Permit #25-0009, initiated by Marco Ospina, applicant for Marketplace at Merced LLC, property owner. The Conditional Use Permit would allow a 48-foot-tall shopping center sign (with a digital screen) for the Market Place at Merced. The Site Plan Review Permit would allow the applicant to set the development standards for the shopping center sign. The subject site is generally located on the north side of West Olive Avenue, approximately 425 feet east of R Street. The subject site has a General Plan designation of Regional/Community Commercial (RC), and a Zoning classification of Planned Development (P-D) #1.
PUBLIC HEARING

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #25-0017 (*Categorical Exemption*)
- 2) Conditional Use Permit #25-0007
- 3) Site Plan Review #25-0009

SUMMARY

Marco Ospina is requesting conditional use permit approval and site plan

review permit approval to construct a 48-foot-tall pylon sign with a digital screen. The proposed shopping center sign would be located at the southern portion of a 27.42-acre parcel that also has a 439,012-square-foot building with various commercial tenants. The 27.42-acre site is currently developed, commonly known as Market Place at Merced (previously Merced Mall) is located on the north side of West Olive Avenue, approximately 425 feet east of R Street. Shopping Center Signs are allowed in the Regional/Community Commercial designation with approval of a conditional use permit, pursuant to Merced Municipal Code (MMC) 20.62.140-Additional Shopping Center Signs. Digital screens are allowed pursuant to MMC Section 20.62.250 - Digital Display Signs. The site plan review permit allows the applicant to set the development standards for the shopping center sign, as the site is located within Planned Development (P-D) #1. The Planning Commission will be reviewing this proposal to ensure that the proposal 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 #25-0017 (Categorical Exemption), Conditional Use Permit #25-0007, and Site Plan Review Permit #25-0009, 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 draft Planning Commission Resolution #4162

Associate Planner RENTERIA reviewed the report on this item. For further information, refer to Staff Report #25-622.

Public Testimony was opened at 7:18 PM.

Speakers from the Audience in Favor

MARCO OSPINA, Applicant, United Sign Systems, Sacramento, CA

MAX WINTLEY, Marketplace at Merced, Merced, CA

There were no speakers in opposition to the project.

Public Testimony was closed at 7:24 PM.

A motion was made by Member Delgadillo, seconded by Chairperson Gonzalez

and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #25-0017, and approve Conditional Use Permit #25-0007 and Site Plan Review Permit #25-0009, subject to the Findings and fifteen (15) Conditions as set forth in Staff Report #25-622 (RESOLUTION #4162).

Aye: 7 - Member Delgadillo
Chair Gonzalez
Member Pao Thao
Member Smith
Member Ochoa
Vice Chair Greggains
Member Swiggart

No: 0

Absent: 0

F. ACTION ITEMS

There were no action items.

G. INFORMATION ITEMS

G.1. **SUBJECT:** Report by Acting Planning Manager of Upcoming Agenda Items

ACTION

Information only.

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

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

Jul.	7	City Council, 6:00 p.m.
	9	Planning Commission, 6:00 p.m.
	21	City Council, 6:00 p.m.
	23	Planning Commission, 6:00 p.m.
Aug.	4	City Council, 6:00 p.m.
	6	Planning Commission, 6:00 p.m.
	18	City Council, 6:00 p.m.
	20	Planning Commission, 6:00 p.m.
	26	Bicycle and Pedestrian Advisory Committee, 4:00 p.m.

H. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 7:28 PM.

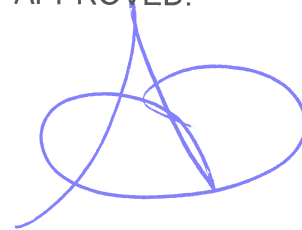
A motion was made by Member Delgadillo, seconded by Member Ochoa and carried by the following vote, to adjourn the Regular Meeting.

BY:



JONNIE LAN, SECRETARY
MERCED CITY PLANNING COMMISSION

APPROVED:



ANTHONY GONZALEZ, CHAIRPERSON
MERCED CITY PLANNING COMMISSION