



CITY OF MERCED

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

Meeting Agenda

Planning Commission

Wednesday, September 6, 2023

7:00 PM

City Council Chamber, 2nd Floor, Merced Civic
Center, 678 W. 18th Street, Merced, CA 95340

NOTICE TO PUBLIC

WELCOME TO THE MEETING OF THE MERCED PLANNING COMMISSION

At least 72 hours prior to each regular Planning Commission meeting, a complete agenda packet is available for review on the City's website at www.cityofmerced.org or at the Planning Division Office, 678 W. 18th Street, Merced, CA 95340. All public records relating to an open session item that are distributed to a majority of the Commission will be available for public inspection at the Planning Division Office during regular business hours. The Planning Commission also serves as the Board of Zoning Adjustment and the Design Review/Historic Preservation Commission.

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CLERK

Members of the audience who wish to address the Planning Commission are requested to complete a speaker card available at the podium at the back of the Council Chamber. Please submit the completed card to the Clerk before the item is called, preferably before the meeting begins. Speakers will be called up, 3 to 5 at a time, in the order in which the forms are received. Please use the microphone and state your name and city of residence for the record. For permits, licenses, and other entitlements, the applicant will be allowed 15 minutes (including rebuttal), the appellant/leader of the opposition will be allowed 15 minutes (including rebuttal), and all other speakers shall have 5 minutes each, unless the number of speakers is over 3, which in that case, comments shall be limited to 3 minutes each. For all other issues, for 3 or less speakers, 5 minutes each and for over 3 speakers, 3 minutes each shall be allotted. A timer clock is located above the City Council dais illuminating the remaining time. Once the buzzer sounds, please be courteous and conclude your remarks.

Material may be emailed to planningweb@cityofmerced.org and should be limited to 300 words or less. Please specify which portion of the agenda you are commenting on, for example, Item # or Oral Communications. Your comments will be presented to the Planning Commission at the appropriate time. Any correspondence received after 1 PM will be distributed to the Planning Commission and retained for the official record.

You may provide telephonic comments via voicemail by calling (209) 388-7390 by no later than 1 PM on the day of the meeting to be added to the public comment. Voicemails will be limited to a time limit of one (1) minute. Please specify which portion of the agenda you are commenting on, for example, Item #, Consent item #, or Oral Communications. Your comments will be played during the Planning Commission meeting at the appropriate time.

INDIVIDUALS WITH DISABILITIES

Accommodation for individuals with disabilities may be arranged by contacting the Planning Division at (209) 385-6858. Assisted hearing devices are available for meetings held in the Council Chamber.

A. CALL TO ORDER

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

B. ROLL CALL

C. ORAL COMMUNICATIONS

Members of the public who wish to speak on any matter not listed on the agenda may speak during this portion of the meeting and will be allotted 5 minutes. The Chairperson may, at their discretion, reduce the time to 3 minutes if there are more than 3 speakers, in order to accommodate as many speakers as possible. State law prohibits the Planning Commission from acting at this meeting on any matter raised during the public comment period. Members of the public who wish to speak on a matter that is listed on the agenda will be called upon to speak during discussion of that item. Please submit a Request to Speak card prior to the item being called.

D. CONSENT CALENDAR

Adoption of the Consent Calendar may be made with one motion of the Planning Commission provided that any Planning Commission member, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the item will be discussed and voted on separately. With Consent items, there is generally no staff presentation but staff is available for questions.

D.1 [23-755](#) **SUBJECT:** Planning Commission Minutes of August 9, 2023

ACTION:

Approving and filing the Planning Commission Minutes of August 9, 2023

E. PUBLIC HEARINGS AND ACTION ITEMS

Members of the public who wish to speak on public hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to public comment. After the public has commented, the item is closed to further public comment and brought to the Commission for discussion and action. Further comment will not be received unless requested by the Commission.

E.1 [23-730](#)

SUBJECT: Sign/Zoning Ordinance Amendment #23-04, initiated by the City of Merced. This application involves repealing Chapter 17.36 - Signs from the Merced Municipal Code and replacing Chapter 20.62 - Signs in its entirety with a comprehensive update to the ordinance that would place all sign regulations in one chapter, bring the Sign Ordinance into compliance with recent court rulings, and make the sign requirements consistent throughout the City. The new ordinance would include new definitions, new regulations for sign area, temporary signs, digital/LED signs, signs in the public right-of-way, billboards, regional signs, freeway signs, and various other sign regulations. The proposed sign ordinance would categorize signs into four main types: permanent building signs, permanent freestanding signs, temporary building signs, and temporary freestanding signs. Each type of sign would be regulated by quantity, size, shape, type of illumination and location. **PUBLIC HEARING**]

- ACTION:**
- PLANNING COMMISSION:
 - Recommendation to City Council
 - 1) Environmental Review #23-27 (Categorical Exemption)
 - 2) Sign/Zoning Ordinance Amendment #23-04
 - CITY COUNCIL:
 - Approve/Disapprove/Modify
 - 1) Environmental Review #23-27 (Categorical Exemption)
 - 2) Sign/Zoning Ordinance Amendment #23-04

SUMMARY

The proposed ordinance amendment is a comprehensive update of the Sign Ordinance which includes repealing the existing Sign Ordinance in Chapter 17.36-Signs of the Merced Municipal Code (MMC) and adding new sections to Chapter 20.62-Signs. This update is intended to make the Sign Ordinance less confusing and easier to interpret as well as bringing the ordinance into compliance with recent Supreme Court rulings.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend approval to the City Council of Environmental Review #23-27 (Categorical

Exemption) and Zoning Ordinance Amendment #23-04 subject to the findings/considerations in Exhibit A and as described in the Draft Ordinance at Exhibit B of the Draft Resolution at Attachment A of Planning Commission Staff Report #23-730.

E.2 [23-737](#)

SUBJECT: Adoption of a Resolution of Denial for 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 distilled spirits) 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), and a Zoning classification of Central Commercial (C-C)

ACTION: Adopt a Resolution of Denial for:

- 1) Environmental Review #23-18 (Categorical Exemption)
- 2) Conditional Use Permit #1272

SUMMARY

On August 9, 2023, the Planning Commission held a public hearing regarding Conditional Use Permit #1272. After hearing additional information provided by staff, the Planning Commission directed staff to prepare a resolution of denial for Conditional Use Permit #1272 and associated environmental review based on the reasons provided by the Planning Commission.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve the Resolution of Denial for Conditional Use Permit #1272.

E.3 [23-747](#)

SUBJECT: Election of Chairperson and Vice-Chairperson

ACTION

Election of Chairperson and Vice-Chairperson

E.4 [23-759](#)

SUBJECT: Cancellation of September 20, 2023, Planning Commission Meeting due to lack of items

ACTION:

Cancel the Planning Commission Meeting of September 20, 2023

F. INFORMATION ITEMS

F.1 [23-756](#) **SUBJECT:** Report by Director of Development Services of Upcoming Agenda Items

ACTION

Information only.

F.2 [23-757](#) **SUBJECT:** Calendar of Meetings/Events

Sept	5	City Council, 6:00 p.m. (Tuesday)
	6	Planning Commission, 7:00 p.m.
	18	City Council, 6:00 p.m.
	20	Planning Commission, 6:00 p.m. (To be cancelled)
Oct	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 Commission, 4:00 p.m.

G. ADJOURNMENT