



CITY OF MERCED

FINAL AMENDED

Minutes

Planning Commission

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

Amended at the meeting of
9/8/21 - See Page 8

Wednesday, August 18, 2021

7:00 PM

A. CALL TO ORDER

Chairperson HARRIS called the Regular Meeting to order at 7:01 PM

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Commissioner DELGADILLO led the Pledge of Allegiance to the Flag.

B. ROLL CALL

Clerk's Note: Commissioner WHITE was absent, excused.

The Planning Commission has two vacancies at the time.

Present: 4 - Chairperson Michael Harris, Member Robert Dylina, Member Jose Delgadillo, and Vice Chair Mary Camper

Absent: 1 - Member Dorothea White

C. ORAL COMMUNICATIONS

PANG CHA VANG, Merced - brought up ideas regarding the re-districting voting rights and the UC Merced Annexation.

D. CONSENT CALENDAR

A motion was made by Vice Chair Camper, seconded by Member Delgadillo, to approve the Consent Calendar. The motion carried by the following vote:

Aye: 4 - Chairperson Harris
Member Dylina
Member Delgadillo
Vice Chair Camper

No: 0

Absent: 1 - Member White

D.1

SUBJECT: Planning Commission Minutes of August 4, 2021

ACTION:

Approving and filing the Planning Commission Minutes of August 4, 2021

ATTACHMENTS

1. Draft Minutes of August 4, 2021

This Consent Item was approved.

E. PUBLIC HEARINGS AND ACTION ITEMS

E.1

SUBJECT: Conditional Use Permit #1260, initiated by Hong Yu, on behalf of NAGD, LLC, property owner. This application involves a request to allow a new massage establishment with multiple massage technicians (2 technicians), located at 3150 G Street, Suite B, generally located on the east side of G Street, north of W. Olive Avenue, within a zoning classification of Neighborhood Commercial (C-N), and a General Plan designation of Neighborhood Commercial (CN). **PUBLIC HEARING**

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #21-20 (*Categorical Exemption*)
- 2) Conditional Use Permit #1260

SUMMARY

Hong Yu is requesting conditional use permit approval to operate a massage establishment within an office complex located at 3150 G Street, Suite B. Two (2) out of five (5) of the existing offices within Suite B will be occupied by one massage technician from the massage establishment; two technicians, in total, are proposed for the new establishment. The subject site is located within a Neighborhood Commercial (C-N) Zone, which requires a conditional use permit approval from the Planning Commission for each massage establishment with more than one technician. City staff, including the Police Department, have reviewed this request and are recommending approval with conditions.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #21-20 (*Categorical Exemption*) and Conditional Use Permit #1260, 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 DAVIS reviewed the report on this item. For further information, refer to Staff Report #21-596.

Public testimony was opened at 7:12 PM

There were no speakers in favor of or in opposition to the project.

Public testimony was closed at 7:12 PM

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

“8. This approval allows a total of 2 massage technicians to operate within this tenant space. All technicians must obtain a license from the California massage Therapy Council prior to operating at this location. Any increase in the number of massage technicians at this location shall be subject to review by the Director of Development Services, or if deemed necessary by the Director of Development Services, the Planning Commission.”

A motion was made by Member Dylina, seconded by Member Delgadillo, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #21-20, and approve Conditional Use Permit #1260, subject to the Findings and fifteen (15) Conditions set forth in Staff Report #21-596 and amending Condition #8 as shown above (RESOLUTION #4069). The motion carried by the following vote:

Aye: 4 - Chairperson Harris
 Member Dylina
 Member Delgadillo
 Vice Chair Camper

No: 0

Absent: 1 - Member White

E.2

SUBJECT: Conditional Use Permit #1261, initiated by Jose Barriga Ceja, on behalf of Juan Manuel Rosa Cisneros, property owner. This application involves a request to establish a food truck parking area to allow multiple food truck vendors and outdoor seating within the parking lot located at 50, 52, and 60 W. Main Street, generally located on the southeast corner of H and W. Main Streets, within a zoning classification of Central Commercial (C-C), and a General Plan designation of Regional/Community Commercial (RC). **PUBLIC HEARING**

ACTION: Approve/Disapprove/Modify
 1) Environmental Review #21-22 (*Categorical Exemption*)
 2) Conditional Use Permit #1261

SUMMARY

Jose Barriga Ceja is requesting conditional use permit approval to establish a food truck parking area to allow multiple food truck vendors and outdoor seating, located at 50-62 W Main Street. Food truck parking areas are considered a conditional use within a Central Commercial (C-C) Zone. The proposed parking area spans across multiple lots at the southeast corner of W. Main and H Streets. The Planning Commission will be reviewing this proposal to ensure that the provided site plan is designed in a manner that minimizes negative impacts to the existing site and promotes compatible and orderly development. Staff is recommending approval with conditions.

RECOMMENDATION

Planning staff has reviewed this request and recommends that the Planning Commission approve Environmental Review #21-22 (Categorical Exemption) and Conditional Use Permit #1261, 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 DAVIS reviewed the report on this item. For further information, refer to Staff Report #21-594.

Public testimony was opened at 7:24 PM

Speaker from the Audience in Favor:

JOSE BARRIGA, Merced, Applicant

There were no speakers in opposition to the project.

Public testimony was closed at 7:29 PM

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

"33. A Traffic control plan for the site shall be approved by the City Engineer. The plan shall show the traffic flow reversed to allow entry on the alley and exit onto Main Street and the use of removable barriers to delineate the area where patrons can line up, separated from automobile traffic within the parking lot."

"34. Security shall be provided on-site between the hours of 10:00 p.m., and 2:00 p.m., when in operation."

A motion was made by Member Dylina, seconded by Vice Chair Camper, and

carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #21-22 and approve Conditional Use Permit #1261, subject to the Findings and Conditions set forth in Staff Report #21-594 with the addition of Conditions #33 and #34 as shown above (RESOLUTION #4070). The motion carried by the following vote:

Aye: 4 - Chairperson Harris
 Member Dylina
 Member Delgadillo
 Vice Chair Camper

No: 0

Absent: 1 - Member White

E.3

SUBJECT: Site Utilization Plan (SUP) Revision #4 to Planned Development (P-D) #72 and Conditional Use Permit #1258, initiated by Mister Car Wash and Yosemite & G, LLC., applicants for Yosemite & G, LLC., Property Owner. The applications involve a request to update the Site Utilization Plan for the Yosemite Crossing Development to include a car wash, additional retail buildings, and 52 additional multi-family units, as well as reconfiguring the location of various buildings on the site. The Conditional Use Permit would allow the development of a 5,381-square-foot carwash on a future 1.32-acre parcel. The property has a Neighborhood Commercial (CN) General Plan designation, is zoned P-D #72, and is generally located at the northeast corner of Yosemite Avenue and G Street. **PUBLIC HEARING**

ACTION:

PLANNING COMMISSION:

Recommendation to City Council

- 1) Environmental Review #21-18 (*CEQA Section 15162 Findings*)
- 2) Site Utilization Plan Revision #4 to Planned Development (P-D) #72

Approve/Disapprove/Modify

- 1) Environmental Review #21-17 (*CEQA Section 15162 Findings*)
- 2) Conditional Use Permit #1258

CITY COUNCIL:

Approve/Disapprove/Modify

- 1) Environmental Review #21-18 (*CEQA Section 15162 Findings*)
- 2) Site Utilization Plan Revision #4 to Planned Development (P-D) #72

SUMMARY

These applications are to modify the Site Utilization Plan (SUP) for the Yosemite Crossing Development at the northeast corner of Yosemite Avenue and G Street to allow inclusion of a car wash, additional retail buildings, and 52 additional multi-family units. The Conditional Use Permit would allow the development of a 5,381 square-foot car wash if the SUP Revision is later approved by City Council. The project is proposed on two parcels that have received a final map for parcel modifications but have not yet received new Assessor's Parcel Numbers. Staff is recommending approval with conditions.

RECOMMENDATION

Planning staff recommends that the Planning Commission:

- a) Recommend approval to City Council of Environmental Review #21-18 (*CEQA Section 15162 Findings*) and Site Utilization Plan Revision #4 to Planned Development (P-D) #72 subject to the conditions in Exhibit A and the findings/considerations in Exhibit B of the Draft Resolution at Attachment A.
- b) Approve Environmental Review #21-17 (*CEQA Section 15162 Findings*) and Conditional Use Permit #1258 subject to the conditions in Exhibit A and the findings/considerations in Exhibit B of the Draft Resolution at Attachment B.

Principal Planner HREN reviewed the report on this item. For further information, refer to Staff Report #21-637. Staff received two emails from SHAWN HENRY and ANTHONY AQUINO in opposition and one written correspondence from TONY SUEVEZ in support. Those emails and written correspondence were provided to the Planning Commission.

Public testimony was opened at 7:49 PM

Speaker from the Audience in Favor:

NEIL ANGELILLO, Applicant, Fresno

PANG CHA VANG, Resident, Merced

Speaker from the Audience in Opposition:

RUSSELL LAWRENCE, Resident, Merced

LARRY SMITH, Resident, Merced

DONNA HUNTER, Resident, Merced

TONY GIMINEZ, Resident, Merced

ASHELY CARDOZA, Resident, Merced

JUAN BRAVO, Resident, Merced

VAL PENMAN, Resident, Merced

DONNA ALEXANDER, Resident, Merced

Principal Planner HREN read the email from ANTHONY AQUINO into the record since it was received after the 1 PM deadline and this was not posted to the website before the meeting.

Public testimony was closed at 8:41 PM

Public testimony was reopened at 9:01 PM

Speaker from the Audience in Favor (Rebuttal):

NEIL AGNELILLO, Applicant, Fresno

Public testimony was closed at 9:06 PM

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

Resolution #4071 for Site Utilization Plan Revision #4 to Planned Development (P-D) #72

"39. For the Site Plan Review for the multi-family residential portion of the project, the City shall provide a public notice to the property owners on the adjacent cul-de-sacs across Sandpiper Avenue. At least two in-person or virtual meetings shall be held by the applicants with the neighbors to consider the design of the apartments."

Two action votes were taken on this item.

A motion was made by Chairperson Harris, seconded by Member Dylina, and carried by the following vote, to recommend to the City Council to find that the previous environmental review [Initial Study #19-28 for General Plan Amendment #19-03 and Site Utilization Plan Revision #3 to Planned Development (P-D) #72] remains sufficient and no further documentation is required (CEQA Section 15162 Findings), and recommend approval of Site Utilization Plan Revision #4 to Planned Development (P-D) #72, subject to the Findings and thirty-six (36) Conditions set forth in Staff Report #21-637, with the addition of Condition #39 as

show above (RESOLUTION #4071). The motion carried by the following vote:

Aye: 4 - Chairperson Harris
Member Dylina
Member Delgadillo
Vice Chair Camper

No: 0

Absent: 1 - Member White

A motion was made by Chairperson Harris, seconded by Member Dylina, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #21-17, and approve Conditional Use Permit #1258, subject to the Findings and thirteen (13) Conditions set forth in Staff Report #21-637 (RESOLUTION #4072), contingent on City Council approval of Site Utilization Plan Revision #4 (PD #72). The motion carried by the following vote:

Aye: 4 - Chairperson Harris
Member Dylina
Member Delgadillo
Vice Chair Camper

No: 0

Absent: 1 - Member White

F. INFORMATION ITEMS

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

ACTION

Information only.

Planning Manager ESPINOSA informed the Planning Commission that City Council had reappointed Chairperson HARRIS and Commissioner DELGADILLO another 4 years and appointed JEREMIAH GREGGAINS to fill the vacancy in District 1. There is still a vacancy for District 2 and Commissioner DYLLINA'S term is up. (He can serve until replaced).

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

Commissioner DYLLINA inquired about adding a section to the Agenda for individual Planning Commissioners to ask for future items to be added to the Agenda for future meetings with the concurrence of the Planning Commission as a whole and the City Council if it involves the expenditure of City funds or the use of City resources.

Amended at the meeting of 9/8/2021

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

- Aug. 16 City Council, 6:00 p.m.
- 18 Planning Commission, 7:00 p.m.
- 24 Bicycle/Pedestrian Advisory Commission, 4:00 p.m.
- Sept. 7 City Council, 6:00 p.m., **(Tuesday)**
- 8 Planning Commission, 7:00 p.m.
- 20 City Council, 6:00 p.m.
- 22 Planning Commission, 7:00 p.m.
- Oct. 4 City Council, 6:00 p.m.
- 6 Planning Commission, 7:00 p.m.
- 18 City Council, 6:00 p.m.
- 20 Planning Commission, 7:00 p.m.
- 26 Bicycle/Pedestrian Advisory Commission, 4:00 p.m.

G. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 9:29 PM

A motion was made by Vice Chair Camper, seconded by Member Dylina, to adjourned the Regular Meeting. The motion carried by the following vote:

Aye: 4 - Chairperson Harris
 Member Dylina
 Member Delgadillo
 Vice Chair Camper

No: 0

Absent: 1 - Member White