



CITY OF MERCED

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

Minutes Planning Commission

Wednesday, August 4, 2021

7:00 PM

A. CALL TO ORDER

Chairperson HARRIS called the Regular Meeting to order at 7:03 PM

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Chairperson HARRIS led the Pledge of Allegiance to the Flag.

B. ROLL CALL

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

The Planning Commission has two vacancies at the time.

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

Absent: 1 - Member Robert Dylina

C. ORAL COMMUNICATIONS

There were no public comments.

D. CONSENT CALENDAR

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

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

No: 0

Absent: 1 - Member Dylina

D.1

SUBJECT: Planning Commission Minutes of July 21, 2021

ACTION:

Approving and filing the Planning Commission Minutes of July 21, 2021

ATTACHMENTS

- 1. Draft Minutes of July 21, 2021

This Consent Item was approved.

E. PUBLIC HEARINGS AND ACTION ITEMS

E.1

SUBJECT: Zoning Ordinance Amendment #21-02, initiated by the City of Merced, Amending Section 20.44.170 "Regulation of Commercial Cannabis Activities - Commercial Cannabis Business Permit Required" of the Merced Municipal Code and Amendment of Merit-Based Selection Criteria for Cannabis Dispensaries. *PUBLIC HEARING*

ACTION:

PLANNING COMMISSION:

Recommendation to City Council

- 1) Environmental Review #21-21 (*Categorical Exemption*)
- 2) Zoning Ordinance Amendment #21-02
- 3) Draft Resolution re: Merit-Based Criteria

CITY COUNCIL:

Approve/Disapprove/Modify

- 1) Environmental Review #21-21 (*Categorical Exemption*)
- 2) Zoning Ordinance Amendment #21-02
- 3) Resolution re: Merit-Based Criteria

SUMMARY

On March 15, 2021, the City Council directed staff to make updates to the regulations regarding commercial cannabis businesses. The changes include expanding the zones that allow cannabis businesses, expanding operating hours for dispensaries, and several changes regarding the merit-based selection criteria for dispensaries. Staff is recommending approval.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend approval to the City Council of Environmental Review #21-21 [*Categorical Exemption*], Zoning Ordinance Amendment #21-02, and the draft Resolution regarding the Merit-Based Criteria (per the Planning Commission Resolution at Attachment A).

Principal Planner HREN reviewed the report on this item. For further information, refer to Staff Report #21-599.

Public testimony was opened at 7:27 PM

Speaker from the Audience Neutral:

See Lee, Merced

Ms. LEE was generally supportive of the changes, but objected to the provisions limiting the resale of a license to local ownership.

There were no speakers in favor.

Public testimony was closed at 7:33 PM.

A motion was made by Vice Chair Camper, seconded by Member Delgadillo, that this agenda item be recommended for approval. The motion failed to carry.

Aye: 3 - Chairperson Harris
Member Delgadillo
Vice Chair Camper

No: 1 - Member White

Absent: 1 - Member Dylina

Commissioner WHITE expressed concern over the merit-based point distribution for Retail Commercial Cannabis Business Permits.

Planning Manager ESPINOSA informed the Commission that two separate votes could be taken on this item; one for Zoning Ordinance Amendment #21-02 and Environmental Review Checklist #21-21, and one for the recommendation to City Council regarding the Amendment of Merit-Based Selection Criteria for Cannabis Dispensaries.

A motion was made by Vice Chair Camper, seconded by Member White, to recommend to City Council adoption of a Categorical Exemption regarding Environmental Review #21-21, and Zoning Ordinance Amendment #21-02, subject to the Findings set forth in Staff Report #21-599 (RESOLUTION #4068). The motion carried by the following vote:

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

No: 0

Absent: 1 - Member Dylina

A motion was made by Member White, and seconded by Member Delgadillo, to recommend to City Council the approval of the Draft Resolution regarding Merit-Based Selection Criteria of Cannabis Dispensaries, with the recommendation to change the point distribution to benefit local City of Merced and County of Merced applicants as outlined in Modified Exhibit B of Resolution #4068. The motion carried by the following vote:

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

No: 0

Absent: 1 - Member Dylina

F. INFORMATION ITEMS

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

ACTION

Information only.

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

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

- Aug. 2 City Council, 6:00 p.m.
- 4 Planning Commission, 7:00 p.m.
- 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.

G. ADJOURNMENT

The Regular Meeting adjourned at 8:03 PM

A motion was made by Vice Chair Camper, seconded by Member White, to

adjourn the Regular Meeting. The motion carried by the following vote:

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

No: 0

Absent: 1 - Member Dylina