

November 14, 2022

Ms Kim Espinosa, Planning Director
City of Merced
678 West 18th Street
Merced, CA 95340

**RE: Appeal of the decision by the City of Merced Planning Commission on November 9, 2022
Commercial Cannabis Business Permit #22-02R**

The undersigned business owners and neighborhood residents request the Merced City Council grant our appeal of the above referenced decision in a timely manner. As property owners and residents of the area adjacent to the proposed project at 1111 Motel Drive in Merced, we request a Public Hearing before the City Council so we may present our dissent from this decision.

It is our view that one of the most important purposes of the City Council and Planning Commission is to use planning and zoning rules to insure land use conforms to the rules and laws the State and City require. Also, the decisions you make must give businesses the optimal chance to be profitable while minimizing the negative impacts on the health and safety of adjacent businesses and the neighborhoods where such approvals are granted. Besides checking all the boxes with respect to law and rules, common sense plays a major part.

While we do not oppose cannabis businesses in the City, we are convinced the Commission's approval of Permit #22-02-R must be characterized as a good business in the wrong location.

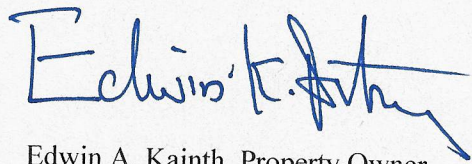
We appeal this decision for the following reasons:

- Motel Drive is one of the major areas where tourists and travelers stay, thus contributing significant Travel and Occupancy Tax to the City. The project would negatively impact our businesses, for example, families with smaller children staying at the adjacent motels would not want their children exposed to such a business. We would lose tourism business and the City would lose tax revenue.
- Motel Drive is a narrow street where traffic is moderate to heavy during most hours of the day. Much of the traffic is coming from the Childs Avenue freeway exit and the Golden Valley High School area. Students frequently walk home from school along Motel Drive into the surrounding neighborhood. Consider how you would feel if your children were walking home past a cannabis dispensary. Resolution #5000 indicates that a traffic study was not done because neither business owners nor residents within the statutory 300 feet from the proposed site objected. We request a traffic study on this proposed project.
- The Motel Drive location proposed for this project has, since it was built, been a dining and entertainment establishment. We would prefer a similar business return to that location.
- The Motel Drive residential neighborhood would have a different traffic profile with potential cannabis customers traveling its streets in automobile and foot traffic on sidewalks during the proposed cannabis' hours of operation. This may increase the potential for traffic accidents and an increase in crime in the area.

- There is no barrier other than a chain link fence on the south side of Motel. We would request that the City advise Cal Trans of the need for a stronger barrier to prevent traffic accidents on the highway spilling into Motel Drive.
- Motel Drive and its adjacent neighborhood residents deserve to have a different type of business at that location that does not deliver the types of health and safety issues the proposed project would bring. One example is the lack of ADA compliant sidewalk ramps at any corner in the area of the proposed project. Imagine a person in a wheel chair entering a drive way when a car exits right in front of them.
- There are a number of infrastructure deficiencies on or near the proposed project site. There are only two streetlights on Pine Street and a few lights on the rear of one of the motel properties. On Motel Drive the only lighting on the narrow stretch of street parallel to the northbound lanes of highway 99 are provided by the motels. At night and during inclement weather the lack of lighting could create safety for automobile and foot traffic. We also request a substantial block wall be built at the rear of the property facing Pine Street should the project be approved.
- The businesses along Motel Drive are the heart of the travel and tourism industry in our City and have been for more than a generation. The area has grown and thrived and will continue to do so as long as City government does its job in approving projects more complimentary to the needs of tourism travelers who choose Merced hotels and motels for they stays.
- There are a number of locations, such as on the south side of east bound Highway 140 in the strip mall where a cannabis business would likely be more profitable, having more traffic, and adjacent businesses that include smoke shops and dining establishments that would provide additional cross customers with few security concerns.

Thank you for considering this request. We look forward to a favorable response and a hearing before the City Council. We are attaching a list of business owners and residents who support this appeal, along with our check for \$422 (four hundred twenty-two dollars).

Sincerely,



Edwin A. Kainth, Property Owner
750 Motel Drive
Merced, CA 95340
Email: edwinkainth@hotmail.com

Cc: City Manager, **Stephanie Dietz**, Assistant City Manager, Frank Quintero, Mayor Matt Serratto

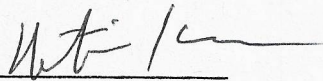
Attachments

ATTACHMENT

NAME

ADDRESS

SIGNATURE

NITIN KUMAR QUALITY INN 

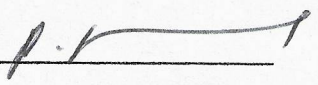
730 Motel Drive 209-383-0333

Samir Patel Pacific Express Inn 

951, Motel dr. 2097223926

Bharatbhai Sharnaut 1001 Motel Drive 209-723-1034

Roadway Inn B.K. Sharnaut

Pranav Panchal Best Western 
Inn

1033 Motel Dr. 209-723-2163
Merced, CA

NARISH PATEL Fair Bridge inn & Suite
1199 Motel Dr. 209-722-2726.

