



CITY OF MERCED

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

Meeting Agenda

Planning Commission

Wednesday, June 7, 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 against the right-hand side 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 [23-479](#) **SUBJECT:** Planning Commission Minutes of April 5, 2023

ACTION:

Approving and filing the Planning Commission Minutes of April 5, 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 [23-473](#)

SUBJECT: Annual Review of the Capital Improvement Program (CIP), Determination of Whether the Individual Projects are Consistent with the General Plan Maps, Policies, and Principles and Recommendation to the City Council Regarding the Consistency with the Merced Vision 2030 General Plan

ACTION Adopt a finding that the CIP is consistent with the General Plan

SUMMARY

The City of Merced's 2023-24 Fiscal Year Capital Improvement Program (CIP) identifies the proposed major projects or purchases over the next fiscal year. A function of the Planning Commission is the annual review of the CIP to determine whether the individual projects are consistent with the General Plan maps, policies, and principles. The Draft Project List for the 2023-2024 Capital Improvement Program document is provided at Attachment A. These are part of the City Manager's budget recommendation which will be considered by the Merced City Council. They are anticipated to take action on the entire 2023-24 Budget at their regularly scheduled meeting of June 20, 2023.

RECOMMENDATION

Staff recommends that the Planning Commission recommend to the City Council that the Draft 2023-24 Capital Improvement Program is consistent with the "*Merced Vision 2030 General Plan*" and related master plans.

E.2 [23-472](#)

SUBJECT: Vacation #23-01 and #23-02 - initiated by Rhino Holdings, LLC, to abandon a portion of right-of-way on the south side of Main Street, between R Street and T Street.

ACTION **FINDING:**

- 1) The proposed Vacation is consistent with the General Plan.

SUMMARY

This request is to vacate a portion of right-of-way on the south side of Main Street between R Street and T Street. In addition to typical right-of-way improvements, this section of right-of-way also includes parking spaces that serve the Westgate Shopping Center. The City would reserve an easement for all public improvements.

RECOMMENDATION

Planning staff recommends that the Planning Commission adopt a Finding that the proposed Vacation is consistent with the General Plan.

E.3 [23-471](#)

SUBJECT: Density Bonus #23-01, initiated by Linc Housing Corporation, on behalf of the City of Merced, property owner. This application involves a request to consider an increase in density and concessions to certain Design Standards for Multi-family Dwellings. The density bonus and concessions would allow the construction of a 54-unit affordable apartment complex on approximately 0.52 acres of land, generally located on the northwest corner of 18th and I Streets and the southwest corner of 19th and I Streets.

ACTION: PLANNING COMMISSION:
 Recommendation to City Council
 1) Environmental Review #23-19 (Categorical Exemption)
 2) Density Bonus Application #23-01

 CITY COUNCIL:
 Approve/Disapprove/Modify
 1) Environmental Review #23-19 (Categorical Exemption)
 2) Density Bonus Application #23-01

SUMMARY

This is a request to consider Density Bonus #23-01 which approves an increase in density from 23 units to 54 units and concessions to certain Design Standards for Multi-family Dwellings to allow the construction of a 100% affordable apartment complex within a 4-story building at the northwest corner of 18th and I Streets and a 3-story building at the southwest corner of 19th and I Streets on approximately 0.52 acres of land. Staff is recommending the Planning Commission recommend approval to the City Council. No public hearing is required per state statutes or local ordinances.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend approval to the City Council of Environmental Review #23-19 (Categorical Exemption) and Density Bonus #23-01 (including the adoption of the Draft Resolution at Attachment A) subject to the findings/considerations in Exhibit A of the Draft Resolution.

E.4 [23-418](#)

SUBJECT: Commercial Cannabis Business Permits #22-12, #22-13, and #22-14, initiated by John Bodo on behalf of Ooibodomerced, LLC., property owner. These applications are to permit indoor

cultivation operations and distribution of cannabis and cannabis-based products within an existing building located on an approximately 11.29-acre lot at 1 West Avenue (also known as 16 Eagle Street). The property is zoned Light Industrial (I-L), with a General Plan designation of Manufacturing Industrial (IND). **PUBLIC HEARING**

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #22-49 (*Categorical Exemption*)
- 2) Commercial Cannabis Business Permit #22-12
- 3) Commercial Cannabis Business Permit #22-13
- 4) Commercial Cannabis Business Permit #22-14

SUMMARY

This application is for three permits to utilize the property at 1 West Avenue (also known as 16 Eagle Street), for cannabis-related business activities. Because all three permits are to be held by the same owner, within the same property, they are all summarized in this report. The permits seek to allow John Bodo to operate indoor-cultivation and distribution facilities for cannabis and cannabis-related products. The project proposes to use and modify an existing building, which has access to utilities. Staff is recommending approval.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #22-49 (*Categorical Exemption*), and Commercial Cannabis Business Permits (CCBPs) #22-12, #22-13, and #22-14, subject to the conditions in Exhibit A and the findings/considerations in Exhibit B of the Draft Resolution at Attachment A.

E.5 [23-439](#)

SUBJECT: Zoning Ordinance Amendment #23-01, initiated by the City of Merced. This application involves changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would amend Merced Municipal Code Section 20.44.170 (Regulation of Commercial Cannabis Activities - Commercial Cannabis Business Permit Required). This amendment would increase the maximum number of retail cannabis dispensaries allowed within the City from five to up to ten, add a new section allowing Council consideration of alternative sites for retail cannabis business applications under appeal, include local ownership requirements for cannabis retail permits issued after November 3, 2021, and various other amendments.

- ACTION:**
- PLANNING COMMISSION:
- Recommendation to City Council
- 1) Environmental Review #23-12 (*Categorical Exemption*)
 - 2) Zoning Ordinance Amendment #23-01
- CITY COUNCIL:
- Approve/Disapprove/Modify
- 1) Environmental Review #23-12 (*Categorical Exemption*)
 - 2) Zoning Ordinance Amendment #23-01

SUMMARY

The City is proposing modifications to the City's current cannabis ordinance found under Merced Municipal Code Section 20.44.170 - Regulations of Commercial Cannabis Activities - Commercial Cannabis Business Permit Required. During the City Council meeting of March 20, 2023, the Council discussed potential modifications to the ordinance and directed staff to modify various sections of the ordinance. This ordinance amendment would increase the number of retail cannabis permits from 5 to up to 10, allow Council to consider alternative sites for retail cannabis business permit applications under appeal, include local ownership requirements for cannabis retail permits issued after November 3, 2021, and other minor procedural clarifications and modifications.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend approval to the City Council of Environmental Review #23-12 (Categorical Exemption) and Zoning Ordinance Amendment #23-01 as outlined in Exhibit B of the Draft Resolution #4113, subject to the findings/considerations in Exhibit A of the Draft Resolution at Attachment A.

E.6 [23-451](#)

SUBJECT: Adoption of a Resolution of Denial for Vesting Tentative Subdivision Map #1326 initiated by ISEA International, property owner, for an approximately 10.76 acre parcel generally located on the south side of Cardella Road, between El Redondo Drive and Horizons Avenue (1250 Cardella Road). The Vesting Tentative Subdivision Map would subdivide the parcel into 53 single-family lots, ranging in size from 5,000 square feet to 6,718 square feet.

ACTION

- PLANNING COMMISSION:
- Adopt a Resolution of Denial for:

- 1) Environmental Review #22-50 (*Negative Declaration*)
- 2) Tentative Subdivision Map #1326

SUMMARY

On April 5, 2023, the Planning Commission held a public hearing and directed staff to prepare a resolution of denial for Vesting Tentative Subdivision Map #1326 and associated environmental review based on the reasons provided by the Planning Commission. The draft resolution for denial is attached for consideration and action at Attachment A.

RECOMMENDATION

Planning staff recommends approving the Resolution of Denial for Tentative Subdivision Map #1326 found at Attachment A of Staff Report #23-451, subject to Findings N and O as described in the Planning Commission Resolution at Attachment A.

F. INFORMATION ITEMS

- F.1 [23-480](#) **SUBJECT:** Report by Director of Development Services of Upcoming Agenda Items

ACTION

Information only.

- F.2 [23-481](#) **SUBJECT:** Calendar of Meetings/Events

June	5	City Council, 6:00 p.m.
	7	Planning Commission, 7:00 p.m.
	20	City Council, 6:00 p.m. (Tuesday)
	21	Planning Commission, 7:00 p.m.
	27	Bicycle and Pedestrian Advisory Commission, 4:00 p.m.
July	3	City Council, 6:00 p.m.
	5	Planning Commission, 7:00 p.m.
	17	City Council, 6:00 p.m.
	19	Planning Commission, 7:00 p.m.

G. ADJOURNMENT