



CITY OF MERCED

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

Meeting Agenda

Planning Commission

Wednesday, August 9, 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 [23-659](#) **SUBJECT:** Planning Commission Minutes of July 5, 2023

ACTION:

Approving and filing the Planning Commission Minutes of July 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 [23-642](#)

SUBJECT: 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) *CONTINUED PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify

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

SUMMARY

Paramjeet Singh is requesting approval to sell beer, wine, and distilled spirits for off-site consumption (Type 21 Alcoholic Beverage Control License) for a new convenience market located at 429 W. Main Street. A conditional use permit is required to approve the sale of alcohol for off-site consumption for buildings under 20,000 square feet per Merced Municipal Code Section 20.44.010 - Alcoholic Beverage Sales for Off-Premises Consumption. On July 5, 2023, the Planning Commission considered this matter and voted to continue the public hearing to August 9, 2023. Staff is recommending approval of this application subject to the conditions contained in the Staff Report.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #23-18 (*Categorical Exemption*), and Conditional Use Permit #1272, including the adoption of the Draft Resolution at Attachment A of Staff Report #23-642, subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

E.2 [23-619](#)

SUBJECT: Certificate for Alteration #23-01 and Minor Use Permit #23-09 initiated by Melinda Stewart Wilbur, on behalf of Bear Creek Inn, LLC, property owner. The request for the Hooper House (Historic Preservation file #88-01) is to allow the installation of a 7-foot-tall wrought iron security fence around the perimeter of the property located at 575 W. North Bear Creek Drive. The property is generally located on the northeast corner of M Street and North Bear Creek Drive with a Low-Density (LD) Residential General Plan Designation, within a Zoning classification of Residential Planned Development (RP-D) #13. **PUBLIC HEARING**

ACTION: Approve/Disapprove/Modify
 1) Environmental Review #23-23 (*Categorical Exemption*)
 2) Certificate for Alteration #23-01
 3) Minor Use Permit #23-09

SUMMARY

This application is to modify a property considered to be a historic resource by installing a supplemental fence around its perimeter that will encroach into an exterior yard at the southwest corner of the property; the main use for the fence is for security. No change to the current operations of the property is being proposed. Staff is recommending approval.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #23-23 (Categorical Exemption), Certificate for Alteration #23-01 for Hooper House, and Minor Use Permit (MUP) #23-09, subject to the conditions in Exhibit A and the findings/considerations in Exhibit B of the Draft Resolution at Attachment A of Staff Report #23-619.

E.3 [23-647](#)

SUBJECT: Zoning Ordinance Amendment #23-02, initiated by the City of Merced, involves various changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would add Section 20.08.060 (Small House, Small Lots), modify the existing Chapter 20.42 (Accessory Dwelling Units) and Chapter 20.56 (Density Bonus) to comply with current State law and modify Merced Zoning Ordinance Sections 20.08-1 (Permitted Land Uses in the Residential Zoning Districts) and Section 20.90.020 (Definitions). **PUBLIC HEARING**

ACTION: PLANNING COMMISSION:
 Recommendation to City Council
 Environmental Review #23-24 (*General Rule Exemption*)
 Zoning Ordinance Amendment #23-02
 CITY COUNCIL:
 Approve/Disapprove/Modify
 Environmental Review #23-24 (*General Rule Exemption*)
 Zoning Ordinance Amendment #23-02

SUMMARY

The Merced City Council and the City of Merced have identified

housing as a main priority and recently adopted Pro-housing Policies and are working towards a State Pro-housing Designation. To address the City's Pro-housing strategy, updates to the City's Zoning Ordinance have been proposed to facilitate the production of housing that encourages affordability by design, expansion of housing choices, and increased flexibility for housing options and development.

The Proposed Zoning Ordinance Amendment #23-02 seeks to support the City Council's direction to provide increased housing choices and update the Merced Zoning Ordinance to be in compliance with current State law and address the City's Pro-housing strategy.

After this amendment was publicly noticed, staff determined that the Tiny Homes on Wheels Villages section would be removed from consideration at this time.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend approval to the City Council of Environmental Review #23-24 (General Rule Exemption) and Zoning Ordinance Amendment #23-02 (including the adoption of the Draft Resolution at Attachment A of Staff Report #23-647), subject to the findings/considerations in Exhibit A of the Draft Resolution.

E.4 [23-658](#) **SUBJECT:** Cancellation of August 23, 2023, Planning Commission Meeting due to lack of items

ACTION:
 Cancel the Planning Commission Meeting of August 23, 2023

F. INFORMATION ITEMS

F.1 [23-661](#) **SUBJECT:** Report by Director of Development Services of Upcoming Agenda Items

ACTION
 Information only.

F.2 [23-662](#) **SUBJECT:** Calendar of Meetings/Events

August	7	City Council, 6:00 p.m.
	9	Planning Commission, 7:00 p.m.
	21	City Council, 6:00 p.m.
	22	Bicycle and Pedestrian Advisory Commission, 4:00

p.m.	23	Planning Commission, 7:00 p.m. (To be cancelled)
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.

G. ADJOURNMENT