

## E. PUBLIC HEARINGS AND ACTION ITEMS

E.1

**SUBJECT:** Commercial Cannabis Business Permit #22-02R, initiated by Devon Julian for Culture Merced on Motel Drive, Inc. (Culture Cannabis Club), on behalf of KWP Consulting, property owner. This application is to permit the operation of a retail dispensary, including delivery services, for both medicinal and adult-use cannabis in an existing 3,520-square-foot building located at 1111 Motel Drive. The property is zoned Thoroughfare Commercial (C-T), with a General Plan designation of Thoroughfare Commercial (CT). \*\*PUBLIC HEARING\*\*

**ACTION:** Approve/Disapprove/Modify

- 1) Environmental Review #22-04 (*Categorical Exemption*)
- 2) Commercial Cannabis Business Permit #22-02R

### SUMMARY

This application is for a permit to utilize the property at 1111 Motel Drive for cannabis-related business activities. The permit seeks to allow the Applicant to operate a Retail Dispensary for medicinal and adult-use cannabis and cannabis-related products, including delivery services. The project proposes to use and modify an existing building, which has existing access to utilities. Staff is recommending approval with conditions.

### RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #22-04 (*Categorical Exemption*), and Commercial Cannabis Business Permit (CCBP) #22-02R, including the draft Resolution at Attachment A, subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

Principal Planner HREN and Development Services Technician II DAVIS reviewed the report on this item. For further information, refer to Staff Report #22-840. Staff received 9 emails in opposition from ARVIN KAINTH, EDWIN KAINTH, MANNY SHARMA, NARISH PATEL, NITIN KUMAR, PRATICK SUCHAK, TUSHAR PATEL AND MITA PANCHAL, AND VIRAN PATEL. Those emails were provided to the Planning Commission via email prior to the meeting and posted to the City's website. Members of the public were given the opportunity to leave voice mail messages as well prior to the meeting. Two were received in opposition to the project from MARIA and ISHMAEL GARIBAY and were played for the Commission at the meeting.

Public testimony was opened at 7:22 PM

Speakers from the Audience in Opposition

EDWIN K. ANTHONY, Leader of Opposition, Merced, CA

ARVIN KAINTH, Merced Hotel Owners Association, Merced, CA

NITIN KUMAR, Quality Inn, Merced, CA

PATRICK SUCHAK, Proposed Home 2 Suites by Hilton, Merced, CA

SONIA ALSHAMI, Resident, Merced, CA

Speakers from the Audience in Favor

BARIGYE MCCOY, Applicant, Fresno, CA

RICK EASON, Merced Elks, Merced, CA

Vice Chair CAMPER and Commissioner GREGGAINS took exception to the close proximity of the dispensary to the surrounding community.

Commissioner GREGGAINS requested the addition of Condition #40 as shown below.

"40. The Pine Street driveways shall be closed and internal access shall be provided in the parking lots on both parcels allowing access only on and off Motel Drive."

**A motion was made by Member White, seconded by Member Gonzalez, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #22-04, and approve Commercial Cannabis Business Permit #22-02R, subject to the Findings and thirty-nine (39) Conditions set forth in Staff Report #22-840, with the addition of Condition #40 as shown above (RESOLUTION #5000).**

**Aye:** 5 - Chairperson Harris  
Member White  
Member Delgadillo  
Member Gonzalez  
Member DeAnda

**No:** 2 - Vice Chair Camper  
Member Greggains

**Absent:** 0

**E.2**

**SUBJECT:** General Plan Amendment #22-03, initiated by Eric Pluim on