



CITY OF MERCED

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

Minutes Planning Commission

Wednesday, September 6, 2023

7:00 PM

A. CALL TO ORDER

Vice Chair CAMPER called the Regular Meeting to order at 7:00 PM.

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Commissioner OCHOA led the Pledge of Allegiance to the Flag.

B. ROLL CALL

Clerk's Note: Chairperson HARRIS was absent, excused.

Present: 6 - Member Jose Delgadillo, Vice Chair Mary Camper, Member Anthony Gonzalez, Member Yang Pao Thao, Member Walter Smith, and Member Emanuelle Ochoa

Absent: 1 - Chairperson Michael Harris

C. ORAL COMMUNICATIONS

There were no public comments.

D. CONSENT CALENDAR

D.1 **SUBJECT:** Planning Commission Minutes of August 9, 2023

ACTION:

Approving and filing the Planning Commission Minutes of August 9, 2023

A motion was made by Member Delgadillo, seconded by Member Ochoa and carried by the following vote, to approve the Consent Agenda.

Aye: 6 - Member Delgadillo
Vice Chair Camper
Member Gonzalez
Member Pao Thao
Member Smith
Member Ochoa

No: 0

Absent: 1 - Chairperson Harris

E. PUBLIC HEARINGS AND ACTION ITEMS

E.1

SUBJECT: Sign/Zoning Ordinance Amendment #23-04, initiated by the City of Merced. This application involves repealing Chapter 17.36 - Signs from the Merced Municipal Code and replacing Chapter 20.62 - Signs in its entirety with a comprehensive update to the ordinance that would place all sign regulations in one chapter, bring the Sign Ordinance into compliance with recent court rulings, and make the sign requirements consistent throughout the City. The new ordinance would include new definitions, new regulations for sign area, temporary signs, digital/LED signs, signs in the public right-of-way, billboards, regional signs, freeway signs, and various other sign regulations. The proposed sign ordinance would categorize signs into four main types: permanent building signs, permanent freestanding signs, temporary building signs, and temporary freestanding signs. Each type of sign would be regulated by quantity, size, shape, type of illumination and location. **PUBLIC HEARING**]

ACTION:

PLANNING COMMISSION:

Recommendation to City Council

- 1) Environmental Review #23-27 (Categorical Exemption)
- 2) Sign/Zoning Ordinance Amendment #23-04

CITY COUNCIL:

Approve/Disapprove/Modify

- 1) Environmental Review #23-27 (Categorical Exemption)
- 2) Sign/Zoning Ordinance Amendment #23-04

SUMMARY

The proposed ordinance amendment is a comprehensive update of the Sign Ordinance which includes repealing the existing Sign Ordinance in Chapter 17.36-Signs of the Merced Municipal Code (MMC) and adding new sections to Chapter 20.62-Signs. This update is intended to make the Sign Ordinance less confusing and easier to interpret as well as bringing the ordinance into compliance with recent Supreme Court rulings.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend approval to the City Council of Environmental Review #23-27 (Categorical Exemption) and Zoning Ordinance Amendment #23-04 subject to the findings/considerations in Exhibit A and as described in the Draft Ordinance at Exhibit B of the Draft Resolution at Attachment A of Planning

Commission Staff Report #23-730.

Senior Planner NELSON and QK consultants STEVE BRANDT and CHRISTINE CHAVEZ reviewed the report on this item. For further information, refer to Staff Report #23-730.

There was no one present wishing to speak regarding the project; therefore, public testimony was opened and closed at 7:28 PM.

A motion was made by Member Gonzalez, seconded by Member Thao and carried by the following vote to recommend to City Council the adoption of a Categorical Exemption regarding Environmental Review #23-24, and approval of Zoning Ordinance Amendment #23-04, subject to the Findings and Considerations set forth in Staff Report #23-730 (RESOLUTION #4122).

Aye: 6 - Member Delgadillo
Vice Chair Camper
Member Gonzalez
Member Pao Thao
Member Smith
Member Ochoa

No: 0

Absent: 1 - Chairperson Harris

E.2

SUBJECT: Adoption of a Resolution of Denial for 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)

ACTION: Adopt a Resolution of Denial for:
1) Environmental Review #23-18 (Categorical Exemption)
2) Conditional Use Permit #1272

SUMMARY

On August 9, 2023, the Planning Commission held a public hearing regarding Conditional Use Permit #1272. After hearing additional information provided by staff, the Planning Commission directed staff to prepare a resolution of denial for Conditional Use Permit #1272 and associated environmental review based on the reasons provided by the Planning Commission.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve the Resolution of Denial for Conditional Use Permit #1272.

Senior Planner NELSON reviewed the report on this item on behalf of Associate Planner MENDOZA-GONZALEZ. For further information, refer to Staff Report #23-737.

A motion was made by Member Delgadillo, seconded by Member Ochoa and carried by the following vote to approve a Categorical Exemption regarding Environmental Review #23-18 and the resolution to deny Conditional Use Permit #1272 (RESOLUTION #4117).

Aye: 5 - Member Delgadillo
Vice Chair Camper
Member Pao Thao
Member Smith
Member Ochoa

No: 1 - Member Gonzalez

Absent: 1 - Chairperson Harris

E.3

SUBJECT: Election of Chairperson and Vice-Chairperson

ACTION

Election of Chairperson and Vice-Chairperson

A motion was made by Member Gonzalez, seconded by Member Ochoa and carried by the following vote to continue the election of Chairperson and Vice-Chairperson to the Planning Commission Meeting of October 4, 2023.

Aye: 5 - Vice Chair Camper
Member Gonzalez
Member Pao Thao
Member Smith
Member Ochoa

No: 1 - Member Delgadillo

Absent: 1 - Chairperson Harris

E.4

SUBJECT: Cancellation of September 20, 2023, Planning Commission Meeting due to lack of items

ACTION:

Cancel the Planning Commission Meeting of September 20, 2023

A motion was made by Member Ochoa, seconded by Member Thao and carried by the following vote, to cancel the Planning Commission meeting of September 20, 2023, due to a lack of items.

Aye: 6 - Member Delgadillo
 Vice Chair Camper
 Member Gonzalez
 Member Pao Thao
 Member Smith
 Member Ochoa

No: 0

Absent: 1 - Chairperson Harris

F. INFORMATION ITEMS

F.1 **SUBJECT:** Report by Director of Development Services of Upcoming Agenda Items

ACTION

Information only.

Director of Development Services MCBRIDE went over items for the next several Planning Commission meetings.

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

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. (To be cancelled)
Oct	2	City Council, 6:00 p.m.
	4	Planning Commission, 6:00 p.m.
	16	City Council, 6:00 p.m.
	18	Planning Commission, 6:00 p.m.
	24	Bicycle and Pedestrian Advisory Commission, 4:00 p.m.

G. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 7:38 PM.

A motion was made by Member Thao, seconded by Member Delgadillo and carried by the following vote, to adjourn the Regular Meeting.

Aye: 6 - Member Delgadillo
 Vice Chair Camper
 Member Gonzalez
 Member Pao Thao
 Member Smith
 Member Ochoa

No: 0

Absent: 1 - Chairperson Harris

BY:



SCOTT MCBRIDE, SECRETARY
MERCED CITY PLANNING COMMISSION

APPROVED:

MICHAEL HARRIS, CHAIRPERSON
MERCED CITY PLANNING COMMISSION