



PLANNING COMMISSION MEMBERS

Fernando Aguilera District 1
Robert Acheson District 2 (Vice Chairperson)
Jack Mobley District 3
Kurt Spycher District 4 (Chairperson)
Mark Erreca District 5

Mark Hendrickson, Secretary
www.co.merced.ca.us

AGENDA PLANNING COMMISSION

Regular Meeting of Wednesday, April 14, 2021 - 9:00 a.m.

Merced County Administration Building
Board Chambers, Third Floor
2222 M Street
Merced, California 95340
Phone: 209.385.7654 Fax: 209.726.1710

The Planning Commission welcomes you and encourages your participation.

CITIZEN COMMUNICATIONS: If you wish to speak on a matter that does NOT appear on the agenda, you may do so during the citizen communications period. Please state your name and address for the record. Each speaker will be limited to three (3) minutes.

PUBLIC COMMENT: If you would like to address the Planning Commission on any item on the agenda, please pick up a speaker card in the foyer; fill it out with your name, street address, phone number, email address and the item number you wish to speak on. Please hand the speaker card to the staff member to the left of the podium once the Commission Chairman opens the public hearing for the agenda item. Each speaker will be limited to three (3) minutes.

AGENDAS and MINUTES: Planning Commission agendas, minutes, and copies of items to be considered are published on the County's Website no later than the Friday, but generally on the Wednesday, preceding each Commission meeting and may be viewed at www.co.merced.ca.us/planning/plancomarchive.html. All proposed agenda items with supportive documents are available for viewing at the Merced County Planning and Community Development Department between the hours of 8:30am and 4:30pm, Monday - Friday (except holidays). This is the same packet that the Planning Commissioners will review and discuss at the Commission meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact the Department and copies will be provided for the direct cost of duplication or emailed at no cost.

PUBLIC RECORDS: As required by Government Code Section 54957.5, any public record distributed to the Planning Commission less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the Merced County Administration Building, 2222 M Street, Merced, CA 95340. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the Planning and Community Development Department.

AUDIO/VIDEO BROADCAST: All Planning Commission meetings are normally broadcast live and replayed on local cable television. In addition, a live audio/video broadcast of this meeting may be heard/viewed at: www.co.merced.ca.us/planning/index.html, via live audio or live video. All meetings are archived for audio/video replay following the meeting.

REASONABLE ACCOMMODATIONS: In compliance with the Americans with Disabilities Act (ADA), the Merced County Planning Commission meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Planning Commission Secretary at (209) 385-7654. Notification 48 hours prior to the scheduled meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting.

COMMISSION QUORUM AND ACTION: A Quorum of the Planning Commission shall consist of three (3) members. Actions by the Commission shall require a majority vote (three votes or more) of the total membership of the Commission. When an action by the Planning Commission results in a tie vote the action shall be deemed denied. In the case of a tie vote, the applicant may request that the application be reconsidered at another meeting of the Commission.

APPEAL NOTICE: Any person aggrieved by the decision of the Planning Commission may appeal the decision within five (5) calendar days after the day the action is made. [Within ten (10) calendar days after the day the action is made on subdivisions]. The deadline for appeals of Planning Commission actions, excluding subdivisions, is 5:00 p.m. on the Monday following the Planning Commission meeting, and for subdivisions, the deadline is the following Monday at 5:00 pm. Please note that appeals may not be submitted on days that the County is officially closed. Appeals of Planning Commission actions may be filed with the Clerk of the Board of Supervisors. Appeals must state appellant's name, action appealed and reasons for the appeal. A filing fee set by Resolution of the Board of Supervisors must be submitted to the Board Clerk with the written appeal.

Members of the public are advised that a 2-hour time limit for customer parking in designated areas is strictly enforced by the City of Merced. You can request a one-day parking pass from County Administration prior to the Commission meeting, which must be displayed on the dashboard of your vehicle.

Please turn off all pagers, cellular telephones and any other communication devices.



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- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL OF COMMISSIONERS**
- IV. **APPROVAL OF MINUTES**
- V. **CITIZEN COMMUNICATIONS**

Public opportunity to address the Planning Commission on any item of interest over which the Planning Commission has jurisdiction that is not on the agenda.

VI. **PUBLIC HEARING(S)**

- A. **CONDITIONAL USE PERMIT No. CUP20-016 / SITE PLAN DESIGN REVIEW No. SPR20-009 – CITY CENTER PLAZA – FAWAS ELTAREB** - A request to construct a vehicle service station featuring four (4) fuel pumps and a 5,350 square foot convenience store/mini-mart and two (2) 2,275 square foot commercial shell buildings. The project site is located at the southeast corner of North Beachwood Drive and West Cabot Avenue in the Franklin-Beachwood area, identified as Assessor's Parcel Numbers (APN's) 057-010-010 and 057-310-012. The property is designated Franklin-Beachwood Urban Community – General Commercial land use in the General Plan and is zoned C-2 (General Commercial). CEQA: Staff recommends that the Planning Commission find that the project is exempt from environmental review pursuant to Section 15303(c) – “New Construction or Conversion of Small Structures” of the CEQA Guidelines. **TSH**

RECOMMENDATION(S):

- 1) Open/close public hearing;
- 2) Determine that the project can be found exempt from environmental review pursuant to Section 15303(c) – “New Construction or Conversion of Small Structures” of the CEQA Guidelines; and,
- 3) Approve Conditional Use Permit No. CUP20-016 and Site Plan and Design Review No. SPR20-009 based on the findings included in the staff report and subject to the recommended conditions of approval.

- B. MINOR SUBDIVISION APPLICATION No. MS21-004 – BHUPINDER SAHOTA** - A request to create 5 acre homesite parcel from a 39.4 acre parcel, and combine the remaining acreage with an adjacent 39 acre parcel, creating a 73.4 acre parcel. The project is located at the southwest corner of N. Monte Cristo Avenue and W. Mercedes Avenue in the Livingston area, identified as Assessor's Parcel Numbers (APN's): 140-190-016 and 140-190-020. The property is designated Agricultural land use in the General Plan and is zoned A-1 (General Agricultural). CEQA: Staff recommends that the Planning Commission determine that no further environmental review is required pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines. **PN**

RECOMMENDATION(S):

- 1) Open/close the public hearing;
- 2) Determine no further environmental review is required pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines based on the analysis in the 2030 Merced County General Plan Program Environmental Impact Report and the attached CEQA Section 15162 Findings and Analysis; and,
- 3) Approve Minor Subdivision Application No. MS21-004 based on the findings identified in the Staff Report and subject to the recommended Conditions of Approval.

- C. MINOR SUBDIVISION APPLICATION No. MS21-003 – MARY SOUZA AND MANUEL VIEIRA** - A request to subdivide a portion of a 19.43 acre parcel into one (1) 1.32 acre home-site parcel and combine the remainder 18.11 acres with an adjacent 38.4 acre parcel, creating a 56.5 acre parcel. The project site is located at the southeast corner of W. Bell Drive and N. Sultana Avenue, adjacent to the Livingston area, identified as Assessor's Parcel Numbers (APNs) 056-220-001 and 056-220-002. The property is designated Agricultural land use in the General Plan and is zoned A-1 (General Agricultural). CEQA: Staff recommends that the Planning Commission determine that no further environmental review is required pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines. **MM**

RECOMMENDATION(S):

- 1) Open/close public hearing;
- 2) Determine no further environmental review is required pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines based on the analysis in the 2030 Merced County General Plan Program Environmental Impact Report and the attached CEQA Section 15162 Findings and Analysis; and,
- 3) Approve Minor Subdivision No. MS21-003 based on the findings identified in the staff report and subject to the recommended conditions of approval.

- D. CONDITIONAL USE PERMIT APPLICATION CUP21-003 – JOSE PEREZ** - A request to legalize two (2) existing additional residences for family members, on a property located at the southwest corner of W. Second Avenue and N. Feather Way, adjacent to the Delhi area, identified as Assessor's Parcel Number APN(s) 046-220-001 and 046-220-002. The property is designated Agricultural land use in the General Plan and is zoned A-1 (General Agricultural). CEQA: Staff recommends that the Planning Commission find that the project is exempt from environmental review pursuant to Section 15301 - "Existing Facilities" of the CEQA Guidelines. **MM**

RECOMMENDATION(S):

- 1) Open/close public hearing;
- 2) Determine that the project can be found exempt from environmental review pursuant to Section 15301 - "Existing Facilities" of the CEQA Guidelines; and,
- 3) Approve Conditional Use Permit No. CUP21-003 based on the findings included in the staff report and subject to the proposed conditions of approval.

- VII. COMMISSION ACTION ITEM(s)
- VIII. DIRECTOR'S REPORT
- IX. COMMISSIONER'S COMMENT
- X. ADJOURNMENT