



# CITY OF MERCED

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

## Minutes Planning Commission

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Wednesday, October 7, 2020

7:00 PM

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### A. CALL TO ORDER

Chairperson HARRIS called the Regular Meeting to order at 7:00 PM.

**Clerk's Note:** This meeting was held via teleconference per Governor Newsom's Executive Order N-29-20 and roll call votes were taken.

A.1 Moment of Silence

A.2 Pledge of Allegiance to the Flag

Commissioner WHITE led the Pledge of Allegiance to the Flag.

### B. ROLL CALL

**Commissioners:Present** 6 - Chairperson Michael Harris, Stephanie Butticci, Robert Dylina, Dorothea White, Jose Delgadillo, and Vice Chair Mary Camper

**Commissioners:Absent** 0

### C. ORAL COMMUNICATIONS

There were no public comments.

### D. CONSENT CALENDAR

A motion was made by Member Delgadillo, seconded by Member White, to approve the Consent Calendar. The motion carried by the following vote:

**Aye:** 6 - Harris, Butticci, Dylina, White, Delgadillo, and Camper

**No:** 0

**Absent:** 0

D.1. **SUBJECT:** Planning Commission Minutes of September 9, 2020

**ACTION:**

Approving and filing the Planning Commission Minutes of September 9, 2020

This Consent Item was approved.

**E PUBLIC HEARINGS AND ACTION ITEMS**

**E.1.**            SUBJECT: Public Hearing to consider the Modification of Conditional Use Permit #1200, submitted by Rick Telegan, on behalf of BP Investors, LLC. This request is to modify Condition #10 of City Council Resolution No. 2015-33 to allow the construction of a part-width roadway for Merrill Place (extended east of G Street).  
\*\*PUBLIC HEARING\*\*

**ACTION**

**PLANNING COMMISSION:**

Recommendation to City Council  
 Environmental Review #20-20 (CEQA Section 15162 Findings)  
 Modification of Conditional Use Permit #1200

**CITY COUNCIL:**

Approve/Disapprove/Modify  
 Environmental Review #20-20 (CEQA Section 15162 Findings)  
 Modification of Conditional Use Permit #1200

**SUMMARY**

This is a request is to modify Condition #10 of City Council Resolution 2015-33 to allow the construction of a part-width street (Merrill Place) east of G Street, to the western edge of property owned by BP Investors, LLC (see the location map Attachment A). BP Investors, LLC obtained Conditional Use Permit approval (CUP #1200) in 2015, to construction a 216-unit apartment complex on a 9.8-acre parcel as shown on the site plan at Attachment B (refer to the Background section of this report for updates on the number of units). However, in order to build this project, they need access to G Street via Merrill Place. To date, BP Investors, LLC, has been unable to obtain the necessary right-of-way for Merrill Place (extended). Therefore, Mr. Telegan, on behalf of BP Investors, LLC, is requesting a modification to the conditions of approval for Conditional Use Permit #1200 to allow Merrill Place to be constructed as a part-width road from G Street to the western edge of the apartment project site (refer to Attachment A).

Merced Municipal Code (MMC) Section 18.12.020 - Streets - Conditions of design Section F (2) allows a part-width street to be constructed upon recommendation of the Planning Commission and subject to the approval of the City Council.

Condition #21 of City Council Resolution #2015-33 states that if the

necessary right-of-way needed for Merrill Place cannot be obtained by the developer, the City would take action to obtain the necessary right-of-way. However, subsequent to the approval, it was determined by the Interim City Attorney at the time, Jolie Houston, that this condition would not be enforceable as the City cannot force the dedication of right-of-way only to benefit a specific project. Therefore, staff is recommending this condition be eliminated.

Staff is recommending the Planning Commission recommend to the City Council the modification of Condition #10 to allow the construction a part-width street for Merrill Place and the deletion of Condition #21.

**RECOMMENDATION**

Planning staff recommends that the Planning Commission recommend approval of Environmental Review #20-20 (CEQA Section 15162 Findings) and the applicant’s request to allow a part-width street be constructed for Merrill Place, east of G Street, subject to the approval of the modification of Finding B “Traffic/Circulation” of Exhibit B, and the modification of Condition #10 and deletion of Condition #21 of Exhibit C (Conditions of Approval) of City Council Resolution #2015-33, as shown on Attachment G.

Senior Planner NELSON informed the Planning Commission that the applicant, RICK TELEGAN requested that the Modification of Conditional Use Permit #1200 be continued to the next Planning Commission Meeting of October 21, 2020, due to a drainage facility that lies within the right of way of Merill Place.

Public testimony was opened at 7:08 PM.

Public testimony was continued at 7:10 PM.

**A motion was made by Member Dylina, seconded by Member White, that the Modification of Conditional Use Permit #1200 be continued to the Planning Commission meeting of October 21, 2020. The motion carried by the following vote:**

**Aye:** 6 - Harris, Butticci, Dylina, White, Delgadillo, and Camper

**No:** 0

**Absent:** 0

**E.2. SUBJECT:** Cancellation of October 21, 2020, due to lack of items

**ACTION:**

Cancel the Planning Commission Meeting of October 21, 2020

Planning Manager ESPINOSA stated that the Planning Commission Meeting of October 21, 2020, should not be cancelled due to the continuance of the Modification of Conditional Use Permit #1200.

**A motion was made by Member White, seconded by Member Dylina, that the Planning Commission Meeting of October 21, 2020, not be cancelled. The motion carried by the following vote:**

**Aye:** 6 - Harris, Butticci, Dylina, White, Delgadillo, and Camper

**No:** 0

**Absent:** 0

**F. INFORMATION ITEMS**

**F.1. SUBJECT: Report by Planning Manager of Upcoming Agenda Items**

**ACTION**

Information only.

Planning Manager ESPINOSA briefed the Planning Commission on items for the next few Planning Commission meetings.

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

- Oct. 5 City Council, 6:00 p.m. **(In Person)**
- 7 Planning Commission, 7:00 p.m. **(By Teleconference)**
- 19 City Council, 6:00 p.m. **(May be by Teleconference)**
- 21 Planning Commission, 7:00 p.m. **(To be Cancelled)**
- 27 Bicycle/Pedestrian Advisory Commission, 4:00 p.m. **(By Teleconference)**
- Nov.2 City Council, 6:00 p.m. **(May be by Teleconference)**
- 4 Planning Commission, 7:00 p.m. **(By Teleconference)**
- 16 City Council, 6:00 p.m. **(May be by Teleconference)**
- 18 Planning Commission, 7:00 p.m. **(May be Cancelled)**

**G. ADJOURNMENT**

**Clerk's note:** The Regular Meeting adjourned at 7:15 PM.

**A motion was made by Vice Chair Camper, seconded by Member Butticci, to adjourn the Regular Meeting. The motion carried by the following vote:**

**Aye:** 6 - Harris, Butticci, Dylina, White, Delgadillo, and Camper

**No:** 0

**Absent:** 0