



THE WEEKLY COUNCIL INFORMATION REPORT

April 22, 2022

CONGRATULATIONS CITY OF MERCED VOLUNTEERS OF THE YEAR

Each year, the Mayor and Council Members nominate and acknowledge members of our community who volunteer their time and talent to serve our community.

This year, Council recognized seven people and organizations that make a difference in the City of Merced. Thank you for your dedication to making Merced a great place to live.

- District 1, Corey McCullough
- District 2, Erin Meyer, People's Pantry
- District 3, Pastor Ella Luna Garza
- District 4, Mike Harris
- District 5, Annessa Fragoso
- District 6, Kids Discovery Station
- At Large District, Merced County Hispanic Chamber of Commerce



Tune into 1480kyos.com this Saturday morning, April 23rd, between 7 to 10 a.m. to hear **Scott McBride**, director of Development Services for the City of Merced as he talks about recent funding awards for affordable housing in the City of Merced.



American Rescue Plan Funding at work for Merced Area Nonprofits

At the April 18th City Council meeting, Council approved American Rescue Plan Act (ARPA) funding for the following nonprofit organizations that serve residents and visitors of the City of Merced.

These organizations applied for grant funding through the City’s competitive bidding process. Congratulations to the following organizations.

- Boys & Girls Club of Merced County
- Community Foundation of Merced
- Friends of the Merced County Library
- Gateway EduCare
- Kids Discovery Station
- Kiwanis Club Kiddie Land
- League of United African American Citizens
- Merced County Food Bank
- Merced County Hispanic Chamber of Commerce
- Merced Lao Family Community
- United Way of Merced – City Stewardship Program
- United way Mountain Valley 211 Program



The 1300 Campaign

Friday, April 22nd, Mayor Matthew Serratto and City Manager Stephanie Dietz attended the official launch and signing ceremony at UC Merced. The 1300 Campaign is an initiative of Northern Central Valley (San Joaquin, Stanislaus, and Merced Counties) regional leaders - led by UC Merced and CSU Stanislaus with the goal to send at least an additional 1300 Young Men of Color (YMOC) to UC Merced and CSU Stanislaus within a 5-year period. For more information visit <https://www.1300campaign.org/our-focus-northern-central...>



Celebrate Earth Day

Join community members April 22nd at Applegate Zoo and participate in a scavenger hunt. Watch as Zookeepers feed the bears and learn about Venus Fly Trap Plants from the Zoo’s plant specialists.

Admission

Under 5 years: Free

Ages 5 – 15: \$2.00

Ages 16 – 61: \$3.00

Ages 62+: \$1.50

Free entry to Merced Zoological Society Members

It's Spring Break Time

DART and School Resource Officers (SROs) spent Thursday morning, April 21st, at the Boys & Girls Club of Merced County. While on spring break, these SROs enjoyed their morning by sharing donuts with the children enrolled in the Boys & Girls Club spring break camp. Everyone had a great time!



Public Works in Action

Public Works crews hauled a total of 43 tons of debris from the Caltrans encampment cleanup at the G Street on-ramp near 14th/15th Streets.



Water crews working on replacing a cluster of water main valves and a fire hydrant at 23rd Street & Glen Avenue, as well as replacing a 1” copper service on Anderson Way.





Anderson Way

Inspection Services Bi-weekly report for April 4th, 2022 through April 17th, 2022

Single Family Dwelling (SFD) permits:

- SFD Permits Issued: **0**
- SFD Permits in Plan Review: **157**
- SFD Certificates of Occupancy: **19**

Multi-Family Dwelling (MFD) permits in review:

- Gateway Terrace Apartments located at 405 W 12th St; one office/lounge and six two-story apartments: two buildings have 16 units, three buildings have 30 units, and one building has four units for a total of 126 units.
- Compass Pointe phase II: 128 units in 16, 8-plex buildings, plus a clubhouse.
- A fire damage repair is also adding an ADU located at 1740 Shirley St.
- Gateway Commons Apartments located at 3130 E. Gerard Ave.; one community building, five buildings with 16 units, and five buildings with 24 units for 200 units, plus 31 garage structures.
- The Hub student housing, located at 2270 E Yosemite Ave. (previously 3486 McKee Rd.); four buildings consisting of 88 apartments (totaling approximately 126,610 SF) plus first-floor mixed-use and offices (totaling approximately 52,991 SF). Approximately 185,000 SF total.
(no change from the last report)

MFD permits issued:

- There were 0 multi-family permits issued during this period.
(no change from the last report)

Commercial & Industrial permits issued:

- There were 0 new construction commercial permits issued during this period.
- There was 1 new tenant improvement permit issued during this period; for 2,865 SF tenant and site improvements for TJPAMC Transit located at 357 W 18th St.

Commercial & Industrial permits submitted:

- There were 0 new construction commercial permits submitted during this period.
- There was 1 new tenant improvement permits submitted during this period; for a 2,070 SF medical office located at 220 E 13th St.

Commercial & Industrial Certificates of Occupancy (CofOs)

- There were 0 commercial and industrial CofOs issued for this period.

REPORTS & CORRESPONDENCE

- 1. Earth Day at Applegate Park pg. 7
- 2. PC Action Report Pg. 8 - 17

MERCADO DOWNTOWN MERCED

CINCO DE MAYO MERCADO

THURSDAY MAY 5TH 6PM-9PM

AT MAIN AND CANAL STREET DOWNTOWN MERCED

LIVE MUSIC & DJ | VISUAL ARTS PERFORMANCES | LOCAL VENDORS
TACO TRUCK COMPETITION STARTS AT 6:30PM

CONTACT INFORMATION: (209) 384-9537
THEMERCADO209@GMAIL.COM
WWW.MERCEDHCC.COM/THE-MERCADO

HOSTED BY:
Merced County Hispanic Chamber of Commerce

THANK YOU TO OUR PARTNERS:

MERCED COUNTY, URBANISTA, JLYP, MERCED COUNTY SHERIFF'S OFFICE, MERCED COUNTY FIRE DEPARTMENT, MERCED COUNTY PUBLIC HEALTH, MERCED COUNTY OFFICE OF PUBLIC WORKS, SMG, RIGGS AMBULANCE SERVICE



Earth Day

At Applegate Park Zoo!

Spend Earth Day with us and enjoy a fun kids day during Applegate Park Zoo's regular zoo hours!

Come to our educational plant talks about **Venus Flytrap plants** on April 23rd by one of our Zoo Plant Specialists!

Special live **bear feeding** at 2:30pm with Zoo Keeper Josh

Earth Day Scavenger Hunt will continue from April 22nd-April 24th



City of Merced
MEMORANDUM

DATE: April 21, 2022
TO: City Council
FROM: Kim Espinosa, Planning Manager
SUBJECT: Actions at the Planning Commission Meeting of April 20, 2022

At their meeting of April 20, 2022, the Planning Commission heard and approved Commercial Cannabis Business Permit #21-07 to permit indoor cultivation at 115 Heron Way, using an existing building on approximately 1.66 acres.

The Commission cancelled the May 4th, 2022, Planning Commission Meeting due to a lack of items.

If you have any questions about these items, please feel free to contact me.

Attachment

n:shared:Planning:PCMemos

**CITY OF MERCED
Planning Commission**

Resolution #4090

WHEREAS, the Merced City Planning Commission at its regular meeting of April 20, 2022, held a public hearing and considered **Commercial Cannabis Business Permit #21-07**, initiated by Zhen Wu for Koyami, Inc., on behalf of James and Lynda Moulton, property owners. This application is to permit indoor Cultivation of cannabis and cannabis-based products at 115 Heron Way, using an existing building on approximately 1.66 acres. The property is zoned Light Industrial (I-L), with a General Plan designation of Manufacturing Industrial (IND); also known as Assessor's Parcel Number (APN) 059-430-033; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through K (Exhibit B) of Staff Report #22-267; and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #21-37 and approve Commercial Cannabis Business Permit #21-07, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner DYLINA, seconded by Commissioner DELGADILLO, and carried by the following vote:

AYES: Commissioners Camper, DeAnda, Delgadillo, Dylina, white, and Chairperson Harris

NOES: None

ABSENT: Commissioner Greggains

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4090

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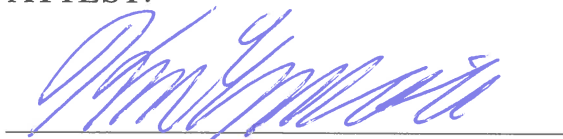
April 20, 2022

Adopted this 20th day of April 2022



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Exhibit B – Findings and Considerations

Conditions of Approval
Planning Commission Resolution #4090
Commercial Cannabis Business Permit #21-07

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan), Exhibit 2 (floor plan), and Exhibit 3 (Elevations)-Attachments C, D, and E of Staff Report #22-267, and all other application materials submitted by the applicant, including business plans, security plans, etc., except as modified by the conditions.
2. All conditions and requirements contained in Merced Municipal Code Section 20.44.170, “Regulation of Commercial Cannabis Activities—Commercial Cannabis Business Permit Required” shall apply.
3. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City’s attorney’s fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval of the City Attorney and to provide all required deposits to fully fund the City’s defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4090

developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.

4. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
5. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control. State Law shall prevail in regard to cannabis activities as permitted by State Law.
6. The proposed project shall comply with all applicable regulations of the State of California including, but not limited to, those found in the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as it may be amended or updated from time to time.
7. The proposed project shall provide that all cultivation activities occur indoors within a fully enclosed and secure structure, and ensure that the property on which the structure sits is secure and appropriately screened. The details of the property's fencing, security, and screening are to meet the approval of the Director of Development Services and Chief of Police prior to the issuance of a Certificate of Occupancy.
8. The applicant shall meet the standards of the City of Merced's "Commercial Building Permit Application Submittal Requirements" (Attachment I of Staff Report #22-267) at the time of submittal for building permits for tenant improvements.
9. The applicants shall keep on the premises of the proposed project site a physical copy of the approved plans, to be annotated and updated accordingly with any notes, changes, or requirements determined to be necessary by representatives of the City of Merced or any contractors that the City of Merced may employ for the purpose of site inspections.

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4090

These plans shall be made available to the City's representatives, employees, agents, inspectors, or contractors upon request.

10. The facility operated by the applicants shall be secured from intentional or accidental access by any person not employed, contracted, or otherwise authorized on the premises, including any tenants of other buildings on the same property.
11. Fire sprinklers shall be modified to accommodate the building configuration and process configuration prior to occupancy.
12. Regulatory Fees, as per Resolution #2021-43, are to be paid prior to the issuance of a Certificate of Occupancy and annually thereafter on or before the anniversary date. The Regulatory Fee may be amended from time to time based upon actual costs. The amount of the fees shall be adjusted annually to account for inflation by using the Consumer Price Index (CPI). In no event, shall the fees in any year be less than the preceding year.
13. Prior to issuance of a Certificate of Occupancy, applicant shall acquire a City of Merced Business License.
14. A Commercial Cannabis Business Permit is valid for one year or until December 31 of each year, unless sooner revoked. Applications for the renewal of a permit shall be filed with the Director of Development Services, in accordance with MMC 20.44.170(L)(5), "Commercial Cannabis Business Permit Renewal (All Types)", at least sixty (60) calendar days before the expiration of the current permit. If the permittee allows their permit to lapse, they shall be required to submit a new application, pay corresponding fees and be subject to all aspects of the selection process.
15. Future modifications to the scale, scope, activities, implementation, processes, materials, design, layout, or other factors pertaining to the operation of the project that are consistent with permits to perform activities related to the cultivation and/or distribution of cannabis and cannabis-based products may be authorized with the approval of the Director of Development Services by submitting a request for Minor Modification, in accordance with MMC 20.44.170(L)(7), "Modifications to Commercial Cannabis Business Permit (All Types)."
16. In the event that a proposed Minor Modification is submitted by the applicant that includes an expansion of building space being used, Staff

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4090

shall reevaluate parking needs and the applicant shall provide additional parking if necessary.

17. If the site is to be gated, there must be a minimum 22-foot-wide clearance for emergency vehicles to pass through when the gate is opened. If the gate requires manual operation, the applicant shall provide a Knox padlock, prior to issuance of a Certificate of Occupancy. If the gate requires electronic operation, prior to issuance of a Certificate of Occupancy, the applicant shall provide a Knox override switch with "Click-to-Enter." Access to this equipment shall be provided to the City of Merced Police, Fire, and Refuse Departments.
18. Prior to commencement of cannabis growing activities, applicant shall provide an estimated volume of City water to be used annually to the City Water Department, and shall have floor plans, equipment, material sheets, and such other materials/plans/permits as deemed necessary approved by the Chief Building Official and Fire Chief.
19. The applicant shall provide or cause to be provided the necessary Accessible Parking Spaces in accordance with Table 11B-208.2, "Parking Spaces" of the California Building Code, Title 24, Part 2.
20. In accordance with Table 20.38-4, "Required Bicycle Parking Spaces" of the City of Merced Zoning Ordinance, the applicant shall provide or cause to be provided a minimum of 2 short-term and 2 long-term bicycle parking spaces.
21. The applicant shall provide required loading spaces in accordance with Table 20.38-5, "Required Loading Spaces."
22. Signage shall be limited to no more than fifty square feet and must comply with MMC 20.44.170(I)(2) that no exterior evidence of cannabis cultivation shall be visible from the public right-of-way. The display of the name of the facility shall not be construed on its own to provide such evidence. Details to be worked out with Planning staff.
23. Prior to issuance of a Certificate of Occupancy, applicant shall provide the City with a fully completed Industrial User Survey per the City's Public Works Department.
24. If determined to be necessary during the egress and ADA plan evaluation of the building permit submittal, applicant shall provide an additional exit to the public way.

EXHIBIT A
OF PLANNING COMMISSION RESOLUTION #4090

**Findings and Considerations
Planning Commission Resolution #4090
Commercial Cannabis Business Permit #21-07**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Manufacturing Industrial (IND) and the zoning classification of Light Industrial (I-H) with approval of a Commercial Cannabis Business Permit.

Land Use Issues

- B) The subject site is more than 600 feet from any schools, day care centers, youth centers, libraries, or public parks that are currently in existence, as is required by Section 11362.768 of the Health and Safety Code and Section 20.44.170(E)(3)(f) of the Merced Municipal Code (MMC).

Proposed Operations

- C) An operational flowchart and descriptions of cultivation steps provided by the applicant can be found as part of Attachment F of Staff Report #22-267. The applicant intends to establish and operate an indoor cultivation facility for cannabis and cannabis-based products. The facility will cultivate, grow, and clone cannabis plants. The proposed cultivation rooms would be automated and require minimal supervision, allowing the proposed facility to operate with three to six employees.

Traffic/Circulation

- D) As the project is proposed in an existing building with existing access to the City's roadway infrastructure, and due to conformity with the zoning and land use for the site, no concerns related to traffic or circulation have been raised as a result of this project.

Parking

- E) With the proposed building at approximately 16,000 SF, the Applicant is proposing to use the entire space of this building. Using the regulation for Warehousing, Wholesaling, and Distribution, the number of required spaces is 1 per 2,000 square feet of floor area, or 8 spaces. Bicycle parking spaces, Accessible spaces, and Loading Spaces shall be provided as required in Conditions #19, #20, and #21. With the proposed 23 parking spaces on the Site Plan at Attachment C of Staff Report #22-267,

the required parking is met or exceeded by the proposed project.

Neighborhood Impact/Interface

- F) The subject site is surrounded by industrial uses to the north, south, and east of the property and farmland to the west across Thornton Road. In 2021, the Planning Commission granted approval for Commercial Cannabis Business Permit #20-01, also for cultivation of cannabis, on the property to the north of the subject property. Because of the similar and compatible uses nearby, the fact that the facility will be screened and maintained indoors with HVAC and air-filtering equipment to prevent odors, staff believes that approval of this request should not have a significant impact on the surrounding area.

A public hearing notice was circulated in the Merced County Times and mailed to property owners within 300 feet of the subject site three weeks prior to this public hearing. As of the date that this report was prepared, staff has not received any comments from the community about this project.

Signage

- G) Currently submitted plans do not show any request for signage. Any future signage must comply with Condition #22 and are limited to 50 square feet maximum. Any signs shall not provide evidence of cannabis cultivation activities. The display of the name of the facility shall not be construed on its own to provide such evidence.

Safety/Security

- H) The security plan provided by the applicant can be found as part of Attachment C of Staff Report #22-188. The applicant indicates that they will be utilizing security steel doors, bulletproof windows, card key systems, alarm doors, a safe room, a third-party security company, and an alarm system managed by a third party.

Ownership

- I) Koyami, Inc. has one (1) owner with 5% or more interest in the proposed business. Zhen (Bryan) Wu has performed a Live Scan check and has successfully passed a background check to the satisfaction of the Chief of Police.

Modification to Operations

EXHIBIT B
OF PLANNING COMMISSION RESOLUTION #4090

- J) City staff recognizes that the details of operating a business, particularly one in a developing sector such as cannabis and cannabis-based products, requires continual updating of business practices, methodologies, and tools, the modification of which may require alterations to the configuration of the equipment, setup, or layout of the facility. In order to allow for these changes while maintaining the safety of all parties involved, modifications to the permit in the course of cultivation and/or distribution of cannabis and cannabis-based products may be requested by the applicants by submitting a request for Minor Modification, in accordance with MMC 20.44.170(L)(7), “Modifications to Commercial Cannabis Business Permit (All Types)” (Conditions #15 and #16).

Environmental Clearance

- K) The project proposes to utilize an existing building, on a site comprised of approximately 1.66 acres. Planning staff has conducted an environmental review (Environmental Review #21-37) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption (no further environmental review is required) is being recommended (Attachment J of Staff Report #22-267).