

NOTICE OF PUBLIC HEARING FOR AN APPEAL TO THE DENIAL OF COMMERCIAL CANNABIS BUSINESS PERMIT APPLICATION #18-14R

In the event that an appeal of the Planning Commission's decision denying Commercial Cannabis Business Permit Application (CCBP) #18-14R is timely filed, a public hearing will be held by the Merced City Council on Monday, December 03, 2018, at 3:00 p.m., or as soon thereafter as the matter may be heard in the City Council Chambers located in the Merced Civic Center at 678 W. 18th St., Merced, CA.. If an appeal is filed the City Council can affirm, reverse or modify the Planning Commission's decision denying CCBP application #18-14R which is for the operation of a retail dispensary for both medicinal and adult use cannabis, including delivery services, on a 0.36 acre parcel in the General Commercial (C-G) Zone at 863 W. 15th St.; said property being more particularly described as Parcel 3 in Document #2009-022222 of Merced County Records, also known as Assessor's Parcel Number (APN) 031-173-012.

On September 18 and September 19, 2018, the Planning Commission considered CCBP application #18-14R at a duly noticed public hearing, and approved it. That decision was reversed by the City Council at a duly noticed public hearing concerning an appeal to CCBP application #18-14R on October 25, 2018, and the matter was remanded back to the Planning Commission. The Planning Commission, based upon the evidence submitted, determined and made a finding of fact that the properties located at 732 W. 13th Street, APN 031-313-012 and 760 W. 13th Street, APN 031-313-013, meet the definition of 'school' per City of Merced Ordinance #2480. The Planning Commission also determined that the property located at 863 W. 15th St., identified above, is within 1,000 feet of a school. Based on these findings, the Planning Commission denied the application for Commercial Cannabis Business Permit #18-14R for a retail dispensary on November 14, 2018 at a duly noticed public hearing.

An environmental review checklist has been filed for CCBP #18-14R, and a categorical exemption from further environmental review under the California Environmental Quality Act has been issued. A copy of this exemption is available for public inspection at the City of Merced Planning Department, during regular business hours, at 678 W. 18th St., Merced, CA. A copy of this document can also be purchased at the Planning Department for the price of reproduction.

If a timely appeal is filed, all persons in favor of, opposed to, or in any manner interested in the appeal, if any, to the Planning Commission's denial of Commercial Cannabis Business Permit application #18-14R, are invited to attend this public hearing or forward written comments to the Director of Development Services, City of Merced, 678 W. 18th St., Merced, CA 95340. In the event a timely appeal is not filed, the Public Hearing will not proceed. Please feel free to call the Planning Department at (209) 385-6858 for additional information. If you challenge the decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Merced at, or prior to, the public hearing.

November 22, 2018

/s/ Kim Espinosa

Kim Espinosa,  
Planning Manager