

**CITY OF MERCED**  
**Planning & Permitting Division**

**STAFF REPORT:** #20-09

**AGENDA ITEM:** 4.3

**FROM:** Kim Espinosa,  
Planning Manager

**PLANNING COMMISSION**  
**MEETING DATE: May 6, 2020**

**PREPARED BY:** Francisco Mendoza-Gonzalez,  
Associate Planner

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**SUBJECT:** **Conditional Use Permit #1242**, initiated by Shemoil Moradzedah, property owner. This application involves consideration of a Comprehensive Sign Package (including a 65-foot-tall double-sided freeway pylon sign with digital boards) for the new Campus Parkway Plaza. The site is generally located on the southwest corner of Campus Parkway and Coffee Street, within Planned Development (P-D) #35, with a Thoroughfare Commercial (CT) General Plan designation. \*PUBLIC HEARING\*

**ACTION:** Approve/Disapprove/Modify

- 1) Environmental Review #20-08 (Categorical Exemption)
- 2) Conditional Use Permit #1242

**SUMMARY**

The applicant is requesting Conditional Use Permit (CUP) approval for a Master Sign Program for the new Campus Parkway Plaza located at the southwest corner of Campus Parkway and Coffee Street (adjacent to the freeway offramp from the Campus Parkway/Mission Exit) – Attachment A. The City of Merced Site Plan Review Committee reviewed and approved the site plan for the Campus Parkway Plaza in 2019. The new shopping center will consist of 4 drive-thru restaurants (3 building pads totaling 9,200 square feet), 2 dine-in restaurants (2 building pads totaling 9,100 square feet), a gas station/24-hour food mart (4,000 square feet and separate 12-pump fuel canopy), and a 5-story hotel with 134 rooms and conference space (totaling 105,300 square feet) on an approximately 7.5-acre lot (Attachment B).

The subject is located within Planned Development #35, with a General Plan designation of Thoroughfare Commercial (CT) which allows Master Sign Programs and freeway pylon signs with digital boards (changeable copy signs) with a Conditional Use Permit reviewed and approved by the Planning Commission (Attachment E). The proposed double-sided freeway pylon sign would be approximately 65 feet tall and 16 feet wide with a 100-square-foot digital board for advertising near the top portion of the pylon (Attachment D). The proposed Master Sign Program is being included to establish internal design standards for the Plaza to ensure consistency with all signage types throughout the shopping center such as wall mounted signs, awning signs, monument signs, etc. (Attachment C).

City staff has reviewed the proposal and is recommending approval of the Conditional Use Permit subject to the conditions below.

### **RECOMMENDATION**

Planning staff recommends that the Planning Commission approve a Categorical Exemption for Environmental Review #20-08 and Conditional Use Permit #1242 (including the adoption of the draft Resolution at Attachment G) subject to the following conditions:

- 1) The proposed project shall be constructed/designed as shown on Exhibit 1 (Master Sign Program) and Exhibit 2 (Freeway Pylon Sign), - Attachments C and D of Planning Commission Staff Report #20-09, except as modified by the conditions.
- 2) The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
- 3) All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
- 4) 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 (with counsel selected by the City), 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 such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
- 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.
- 6) No temporary freestanding or moveable signs shall be allowed, unless otherwise authorized by the Municipal Code.
- 7) As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repaired if the permit value of the project exceeds

- \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
- 8) The premises shall remain clean and free of debris and graffiti at all times. Any damaged materials shall be replaced by matching materials.
  - 9) Additional shopping center signs and monument signs may be considered along Coffee Street as allowed by the Merced Municipal Code.
  - 10) Final approval of each individual tenant sign shall require a sign permit and are subject to the Sign Criteria as spelled out in Attachment C of Planning Commission Staff Report #20-09.
  - 11) Digital Board shall comply with Merced Municipal Code Section 20.36.667.L.2.C – Free-Standing or Wall-Mounted Signs, including those provisions that allow for advertising for public events as determined by the City of Merced (Attachment E of Planning Commission Staff Report #20-09).
  - 12) The proposed digital board shall not advertise private businesses that are located off-site.
  - 13) The digital board cannot include any type of signs deemed a traffic hazard by the City Engineer for vehicles driving along Highway 99. This may include the use of scrolling text, flashing signs, or rapidly rotating advertisements.
  - 14) Future shopping center signs, monument signs, or garden signs shall be designed to match the freeway pylon sign. This shall require using similar colors, textures, material, and overall aesthetic style.
  - 15) Minor modifications to Master Sign Program may be reviewed and approved by the Director of Development Services, or if deemed necessary be referred to the Site Plan Review Commission, or Planning Commission.
  - 16) In the event that the Master Sign Program conflicts with the Merced Municipal Code, the stricter of the two shall be implemented.
  - 17) Final locations of all signs, including required setbacks from intersections and driveways as determined by the Municipal Code, are subject to Planning Division approval at the time of issuance of a sign permit.
  - 18) The Freeway Pylon sign shall be modified to read “Merced Gateway to Yosemite” instead of just “Gateway to Yosemite” on the top in conformance with MMC 20.36.667.L
  - 19) No signs, trees, lights or other permanent structures may be constructed within the Consent to Common Use Agreement area between the applicant and the Merced Irrigation District.
  - 20) Proposed encroachments within the Consent to Common Use Agreement area shall be reviewed and approved by the Merced Irrigation District.
  - 21) The applicant shall work with the Department of California Transportation and obtain all pertinent permits from them prior to issuance of a building permit for the freeway oriented pylon sign.
  - 22) The pylon digital board shall not display videos.
  - 23) Slides on the digital board shall be spaced apart in time by at least eight seconds between rotations. The timing between slides may be modified by the Director of Development

Services, or be referred to the Site Plan Review Committee if determined appropriate by the Director of Development Services.

**PROJECT DESCRIPTION**

The applicant is requesting Conditional Use Permit (CUP) approval of a Master Sign Program for the new Campus Parkway Plaza located along Highway 99 at the southwest corner of Campus Parkway and Coffee Street. The new shopping center will consist of 4 drive-thru restaurants (3 building pads totaling 9,200 square feet), 2 dine-in restaurants (2 building pads totaling 9,100 square feet), a gas station/24-hour food mart (4,000 square feet and separate 12-pump fuel canopy), and a 5-story hotel with 134 rooms and conference space (totaling 105,300 square feet) on an approximately 7.5-acre lot. A CUP is being submitted to review a Master Sign Program for the entire shopping center and to review the proposed 65-foot-tall freeway-oriented pylon sign with digital board (“changeable copy sign”).

Surrounding uses are noted at Attachment A.

<b>Surrounding Land</b>	<b>Existing Use of Land</b>	<b>City Zoning Designation</b>	<b>City General Plan Land Use Designation</b>
North	Vacant Commercial Parcel. (Across Campus Parkway)	Planned Development (P-D) #35	Thoroughfare Commercial (CT)
South	Storm Basin	Merced County Jurisdiction	Commercial Reserve (COM-R)
East	Future Merced Gateway Shopping Center (across Coffee Street)	Planned Development (P-D) #74	Regional/Community Commercial (RC)
West	Merced County Jurisdiction (across Highway 99)	Merced County Jurisdiction	Industrial Reserve (IND-R)

**BACKGROUND**

Earlier this year, the City Council adopted various changes to the City’s Sign Ordinance. One of these changes allows commercial shopping centers (with minimum frontage and square footage requirements) to apply for a shopping center sign with “changeable copies” (digital boards). Merced Municipal Code Section 17.36.780 (C) – Use Permit Criteria, notes that a “Changeable Copy Sign” may be allowed if the property owner agrees to allow the City to advertise City or community sponsored events, or outreach campaigns (e.g. Safe and Sane Fireworks during 4<sup>th</sup> of July, etc.) at the discretion of the City as part of a continuous rotation of advertising (Attachment E). Besides displaying City/community events, changeable copy signs may not advertise activities or businesses not occurring on premise. The property owner is aware of these requirements, which are being included under Conditions #11 and #12.

## **FINDINGS/CONSIDERATIONS:**

### **General Plan Compliance and Policies Related to This Application**

- A) The proposed project complies with the General Plan designation of Thoroughfare Commercial (CT) and the Zoning designation of Planned Development (P-D) #35 with approval of this Conditional Use Permit.

### **Public Improvements/City Services**

- B) Per Condition #7, Merced Municipal Code Section 17.04.050 and 17.04.060, requires full public improvements to be installed/repared if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations. The need for any new improvements or repairs to existing improvements would be determined by the Engineering Department at the building permit stage.

### **Signage**

- C) All signs would be required to comply with the Merced Municipal Code. Building permits are required prior to the installation of any permanent signs. As stated in the proposed Master Sign Program, the shopping center will require internal review and approval from the landlord prior to tenants submitting signage proposals for City review. The landlord intends to be flexible with tenant signage, as some tenants may be trying to achieve a uniform standard corporate design, but the owner will try to ensure that signage throughout the shopping center is cohesive, compatible, or complementary to achieve design balance for the entire plaza. The Master Sign Program includes several standards that are consistent with the North Merced Sign Ordinance (such as requiring individual channel letters), along with other specific internal regulations such as prohibiting the use of neon colored signs, and limiting the type of temporary or window signs that could be used by tenants. In the event that the Master Sign Program conflicts with the Sign Ordinance, the stricter of the two codes will be implemented (Condition #16). This also applies to usage and duration of temporary signs.

### **Freeway Pylon Sign**

- D) The applicant has provided the Master Sign Program shown at Attachment C. Individual tenant signs would be reviewed by the landlord (before submitting sign permit applications to the Building Department) to ensure a cohesive aesthetic between the various tenants - with consideration for design, materials, and colors. The proposed double-sided freeway pylon sign would be approximately 65-feet-tall and 16-feet-wide, providing visibility from both the north- and south-bound Highway 99 lanes. Each pylon face would have eleven tenant slots and would be crowned with the City slogan showing "Merced Gateway to Yosemite;" per Condition #18 of Planning Commission Staff Report #20-09 The backboard would be made of composite wood deck material intended for durability and weather resistance, and the tenant slots would be internally illuminated and finished with polycarbonate faces. The specific individual tenant signs have yet to be determined, but

would be reviewed during the building permit stage for consistency with the Master Sign Program and the Merced Municipal Code. The pylon sign also includes an approximate 100-square-foot digital board on each face, which would be used to advertise the businesses within the shopping center only. Per MMC 17.36.667.L.2.C a free standing sign may include a changeable copy (digital board) if they meet specific standards as shown at Attachment E, with the inclusion of periodically displaying City/community events or safety campaigns (and other matters) as directed by the City of Merced.

The adjacent development, the Gateway Shopping Center, would also be installing a freeway-oriented pylon sign of their own. In addition, near the Childs Avenue exit there is a 110-foot-tall freeway oriented pylon sign used by the Arco/KFC development that was approved in 2011 by the Planning Commission via CUP #1158. Several other establishments in Merced along Highway 99 also have freeway pylon signs including In-n-Out, Popeyes, Smart and Final, McDonalds, Jack in the Box, etc. The proposed freeway pylon sign is consistent with various businesses along the Highway 99 corridor that have pylon signs.

### **Neighborhood Impact/Public Comments**

- E) Staff mailed a public hearing notice to property owners within 300 feet of the subject site, and published the public hearing notice in the *Merced County Times*. As of the time this report was prepared, (4/30/2020), Planning staff received comments from the Merced Irrigation District (MID) recommending Conditions #19 and #20 prohibiting the installation of signs, trees, or lights within the area defined under an existing Consent to Common Use Agreement between the applicant and MID. In addition, staff received inquiries from the Gateway Shopping Center developers asking for additional information about the proposed Master Sign Program. The proposed plans and elevations were forwarded to said developer. The Gateway Shopping Center developer indicated that they support the proposed Master Sign Program.

### **Conditional Use Permit**

- F) A conditional use permit (CUP) is required to allow a freeway pylon sign with changeable copies. In order for the Planning Commission to approve or deny a conditional use permit, they must consider the following criteria and make findings to support or deny each criteria per Merced Municipal Code (MMC) 20.68.020 (E) Findings for Approval for Conditional Use Permits.

#### **MMC 20.68.020 (E) Findings for Approval.**

1. *The proposed use is consistent with the purpose and standards of the zoning district, the general plan, and any adopted area or neighborhood plan, specific plan, or community plan.*

The proposed project complies with the General Plan designation of Thoroughfare Commercial (CT) and the zoning designation of Planned Development (P-D) #35 with approval of this Conditional Use Permit.

2. *The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.*

All signs shall be required to comply with the Merced Municipal Code and the proposed Master Sign Program ensuring consistent sign standards throughout the development. The adjacent development, Gateway Shopping Center, would also intend to install a freeway oriented pylon sign of their own. In addition, near the Childs Avenue exit there is a freeway oriented pylon sign of larger height used for the Arco/KFC development. Several other establishments in Merced along Highway 99 also have freeway pylon signs, including In-n-Out, Popeyes, Smart and Final, McDonald's, Jack in the Box, etc. The proposed freeway pylon sign is consistent with various businesses along the Highway 99 corridor that have pylon signs.

3. *The proposed use will not be detrimental to the public health, safety, and welfare of the City.*

To ensure the proposal is not detrimental to the public health, safety, and welfare of the City, the applicant shall subsequently apply for sign permits with the City's Building Department. Plans shall be submitted by a design professional and signage installation shall be done by a licensed contractor (license type as required by the California Building Code).

4. *The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.*

The proposed signs are located within the City and can be adequately served by existing services and infrastructure. The project will also comply with the following Code section in regards to the Freeway Pylon Sign:

Merced Municipal Code Section 17.36.667.L.2.C – Free-Standing and Wall-Mounted Signs

Merced Municipal Code Section 17.36.667.L.2.C – Free-Standing and Wall-Mounted Signs note that a "Changeable Copy Sign" (synonymous with digital board sign described throughout this report) may be allowed if the property owner agrees to allow the City to advertise City/community sponsored events, or outreach campaigns (e.g. Safe and Sane Fireworks during 4<sup>th</sup> of July, etc.) at the discretion of the City as part of a continuous rotation of advertising. Besides this, changeable copy signs may not advertise activities or businesses not occurring on premise. The property owner is aware of this requirement, which is being included under Conditions #11 and #12.

**Environmental Clearance**

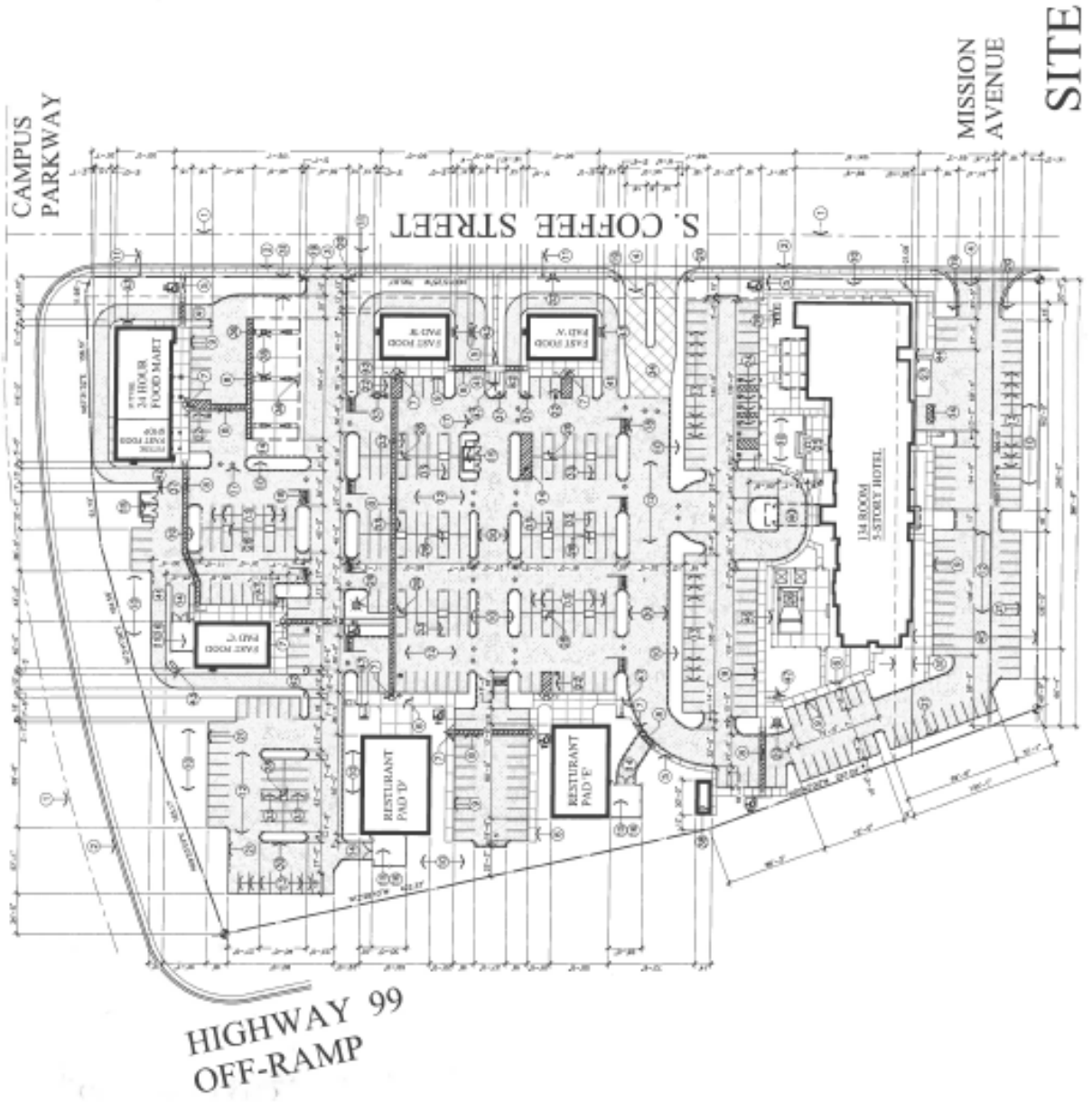
- G) Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption is being recommended (Attachment F of Planning Commission Staff Report #20-09).

Attachments:

- A) Location Map
- B) Site Plan
- C) Master Sign Program
- D) Freeway Pylon Sign
- E) MMC 17.36.667.L.2.C – Free-Standing or Wall-Mounted Signs
- F) Categorical Exemption
- G) Draft Planning Commission Resolution
- H) Presentation







# **SIGN CRITERIA**

Campus Parkway Plaza  
SW Corner of Campus Pkwy & Coffee St  
Merced, CA 95341

Revision Date: February 18, 2020

## **A. Purpose and Intent**

The following sign criteria for Campus Parkway Plaza have been established for the purpose of assuring a functional, coordinated graphics program, to encourage compatibility, creativity, and enhancement of the overall site, and to guide designers, architects, and Tenants in the development of Tenant identity signs. The guidelines of this program are designed to complement architectural elements of the project buildings and coordinate the type, placement, and physical dimensions of signs within it.

## **B. General Procedures**

1. Each Tenant will be provided with a copy of these sign criteria as the first step in obtaining signs within Campus Parkway Plaza.
2. Prior to fabrication or installation of any sign, each Tenant shall submit to the Landlord for written approval detailed drawings including all lettering and/or graphics, sign shape, location, size, and material of which the sign will be constructed. All Tenant sign shop drawing submittals shall be reviewed by the Landlord for conformance with the sign criteria.
3. Within fifteen (15) working days after receipt of Tenant's working drawings, Landlord shall either approve the submittal, contingent upon any required modifications, or disapprove Tenant's sign submittal, which approval or disapproval shall remain the sole right and discretion of the Landlord. The Tenant must continue to resubmit revised plans until approval is obtained. A full set of final shop drawings must be approved and signed by the Landlord prior to permit application or sign fabrication.
4. Upon Landlord approval, Tenant will be solely responsible for obtaining any and all required approvals and sign permits from the City of Merced and to fully comply with the review procedures set forth by the sign criteria prior to fabrication or installation. The Tenant is responsible for all costs in securing said permit. These criteria do not imply approval by the Planning or Building Departments of the City of Merced.
5. Compliance with the sign criteria will be strictly enforced. Any non-conforming or unapproved sign installed must be brought into compliance at Tenant's expense. Any signs fabricated and installed without prior approval in writing from the Landlord may be removed by the Landlord. Any costs for removal, including but not limited to patch and repair of the building, will be at the Tenant's expense.

## **CAMPUS PARKWAY PLAZA - SIGN CRITERIA, CONT.**

### **C. General Criteria**

1. Only signs allowed under the City of Merced sign ordinance will be authorized for installation at Campus Parkway Plaza.
2. All signs shall meet or exceed all current applicable codes (i.e., electrical, mechanical, structural, etc.).
3. Signs shall meet all requirements of the State of California and the City of Merced.
4. Sign content shall be limited to business identification signs only. Trademarks, products or services shall not be displayed on any permanent signage unless approved by Landlord and/or the City of Merced. Tenants may be permitted secondary signage (i.e. "Pharmacy," "Photos," and the like) when it forms part of a recognized corporate logo or slogan. Final review and approval shall be by the Landlord and/or by the City of Merced Planning Department.
5. The choice of copy fonts shall be at the discretion of the Tenant and shall be subject to Landlord approval.
6. All Tenant signs attached to building wall or fascia shall be connected by Tenant's sign contractor. Sign contractor shall repair any damage to buildings and/or common area property caused by their work. Damage to structure that is not repaired by the sign contractor shall become the Tenant's responsibility to correct.
7. All penetrations of the building structure required for sign installation shall be neatly sealed in a watertight condition using materials compatible with the wall or surface in question. Penetrations into building walls, wherever required, shall be made waterproof and warrantied as such by the Tenant's sign contractor.
8. Tenant shall be responsible for the activities of their sign contractor while on site, and shall indemnify, defend and hold the Landlord, Landlord's representative, and all parties harmless from damages or liabilities on account thereof.
9. All wireways, transformers, electrical boxes, wiring, conduit, access doors and the like shall be concealed. All electrical equipment shall be Underwriters Laboratory (UL)-approved. A UL label is required on all electrical signage. All exposed fasteners shall be painted to match the background surface.
10. All illuminated Tenant signs shall be controlled by a time clock, with the hours as determined by Landlord for uniform illumination.
11. All sign illumination shall be LED lighting, unless approved by Landlord.
12. Surface brightness of all illuminated materials shall be consistent in all letters and components of the sign. Light leaks will not be permitted.
13. In no case shall any manufacturer's label be visible from the street or from normal viewing angles.

## **CAMPUS PARKWAY PLAZA - SIGN CRITERIA, CONT.**

14. Tenant shall maintain its signs in a clean, professional, and functioning manner. Any damage, electrical problems, wear and tear, outage, or other breakage pertaining to Tenant signs shall be repaired by Tenant within ten (10) consecutive days from notification of such event.

### **D. Specific Criteria**

#### 1. Primary Wall-Mounted Identification Signs

- a. Shall be face-lit, flush-mounted, remote channel letters.
- b. The general location of primary wall signs shall be centered vertically and horizontally on the fascia, subject to approval of Landlord. Signs shall not cover or interrupt major architectural features.
- c. Signs, copy, and graphic elements shall fit comfortably into sign area, leaving sufficient margins and negative space on all sides. Wall signs shall appear balanced and in scale within the context of the sign space and the building as a whole. Thickness, height, and color of sign lettering shall be visually balanced and in proportion to other signs on the building. In all cases, the copy area shall maintain a margin at least 6" from any edge of the sign face area.

#### 2. Back Door Signs

- a. May be mounted to back entrance access door (or immediate adjacent wall) of Tenant spaces for purposes of delivery and access.
- b. Maximum 1 square foot.
- c. No tag lines or slogans allowed.

#### 3. Operational Signs

- a. Operational signage indicating hours of operation, telephone numbers, specialty rules and regulations is specific to each Tenant.
- b. Operational signs are required.
- c. No tag lines or slogans allowed.
- d. Maximum letter height of 3/4".
- e. Mounted to interior surface of glass, on or adjacent to entrance door and mounted no higher than 60".
- d. Total area of sign shall not exceed 6 square feet.

### **E. Temporary Signs**

## **CAMPUS PARKWAY PLAZA - SIGN CRITERIA, CONT.**

- a. Temporary marketing signs may be allowed within 10 feet of the building being marketed only.
- b. No more than 1 sign per property.
- c. Signs to be no larger than 2 feet by 2 feet.
- d. Signs must be consistent with provisions in the City of Merced sign ordinance and will also be the sole, discretionary right of the Landlord to approve or disapprove prior to installation.

### **E. Prohibited Signage**

1. Cabinet wall signs, except for logos which shall be designed, illuminated, and constructed in compliance with this comprehensive sign program and subject to review and approval by the Landlord and the Planning Department of the City of Merced.
2. Permanent advertising devices such as attraction boards, posters, banners, and flags are prohibited.
3. Window signs, except for operating hours, are subject to review and approval by the Landlord.
4. Interior signage meant to be viewed from the exterior of the store.
5. Signs attached, painted, or otherwise affixed to awnings, tents or umbrellas; however, such signs may be permitted in conjunction with special design review by the Landlord.
6. Painted wall signs.
7. Balloons and inflatable signs.
8. Any signs including freestanding signs advertising the availability of employment opportunities.
9. Fluorescent or reflective sign colors.
10. Simulated materials (i.e., wood grained plastic laminate, wall covering, paper, cardboard or foam).
11. Signs attached, painted on, or otherwise affixed to trees, other living vegetation, landscaping or natural materials.
12. Signs which audibly advertise, identify, or provide direction to a use or activity.
13. No sign shall be installed, located, or maintained so as to prevent entry into or exit out of any door.
14. No sign shall create a safety hazard by obstructing view of pedestrian or vehicular traffic.

**CAMPUS PARKWAY PLAZA - SIGN CRITERIA, CONT.**

15. No Tenant signs of any type shall be located within the parking, landscaping, or site areas of this development.
16. No sign shall obstruct access to fire hydrants, fire department connections, or fire department access roads.
17. Signs on or affixed to trucks, automobiles, trailers or other vehicles which advertise, identify, or provide direction to a use or activity not related to its lawful making of deliveries or sales of merchandise or rendering of services from such vehicles are prohibited when such vehicles are located on the shopping center property.
18. It is unlawful for any Tenant to exhibit, post, or display or cause to be exhibited, posted, or displayed upon any sign, any content of an obscene, indecent, or of immoral nature or unlawful activity.

**F. Administration**

The following is a private agreement between Landlord and Tenant.

1. Landlord reserves the right to hire an independent electrical contractor to inspect the installation of all signs and reserves the right to require that any discrepancies and/or code violations be corrected at Tenant's expense.
2. The sign contractor shall carry Workman's Compensation and Public Liability insurance against all damage suffered or performed against any and all persons or property while engaged in the construction or erection of signs in the amount of \$1,000,000 per occurrence prior to commencing installation of signs.
3. Landlord shall be provided with insurance certificate naming Landlord as additionally insured.
4. At the expiration or early termination of Tenant's lease term, Tenant shall be required to remove their signs, safely cap off electrical connection, patch the fascia, and repaint the entire fascia area to match the surrounding areas at Tenant's expense.
5. In the event any conflict in the interpretation of these guidelines cannot be satisfactorily resolved, the Landlord's decision shall be final and binding upon the Tenant.

Business Name:

Landlord Name:

\_\_\_\_\_  
Tenant Name:

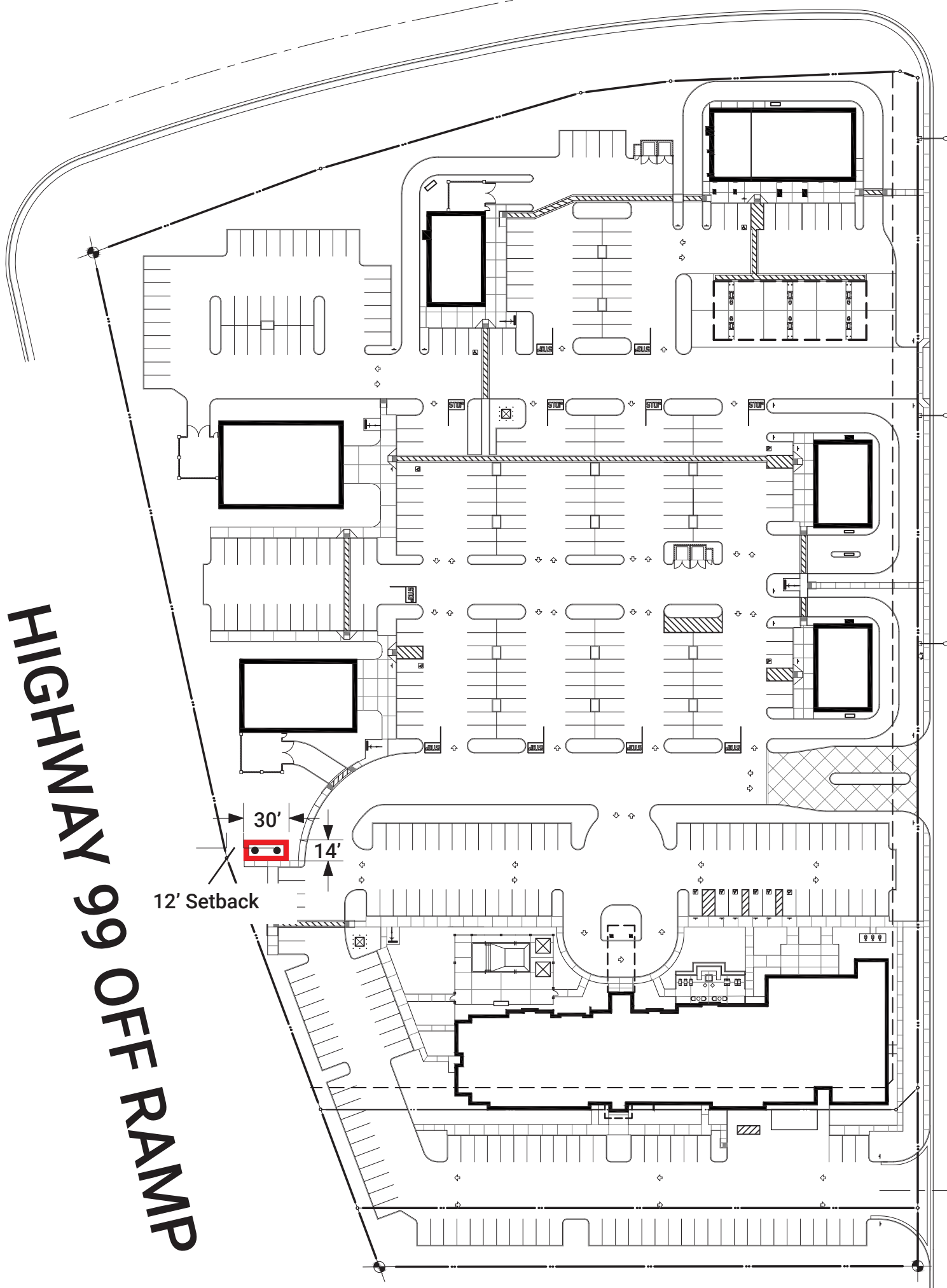
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Landlord Signature:

\_\_\_\_\_  
Tenant Signature:

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Date:

# CAMPUS PARKWAY



**HIGHWAY 99 OFF RAMP**

**MISSION AVENUE**



5547 N. Golden State Blvd.  
Fresno, CA  
USA 93722  
T 559 275 7500  
F 559 275 4431  
cnisign.com

Campus Parkway Merced  
Highway 99/Campus Parkway  
Merced, CA

Date: 12/3/2019

Project Number: 19049

Sheet Number: S1.01

Sheet Title: Site Map

Scale: NTS

Approved By:

No.	Description	Date
01	Initial Review	02/19/19
02	Modification	04/04/19
03	Revision	07/29/19
04	Revision	09/17/19
05	Revision	10/17/19
06	Revision	12/3/19

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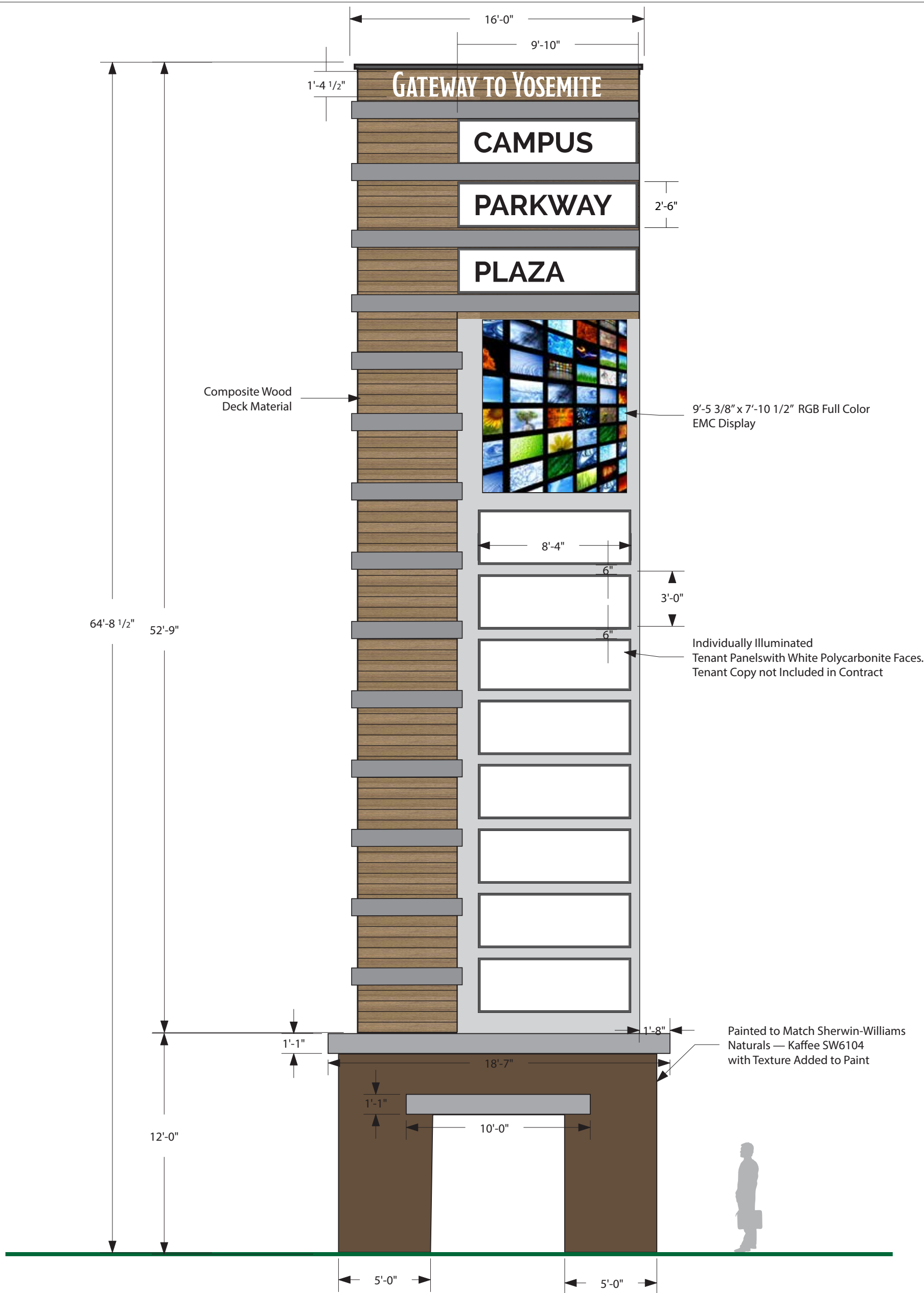


1956  
**J.T.**  
2013



Contractors Lic. No. 570342





5547 N. Golden State Blvd.  
 Fresno, CA  
 USA 93722  
 T 559 275 7500  
 F 559 275 4431  
 cnisign.com

Campus Parkway Merced  
 Highway 99/Campus Parkway  
 Merced, CA

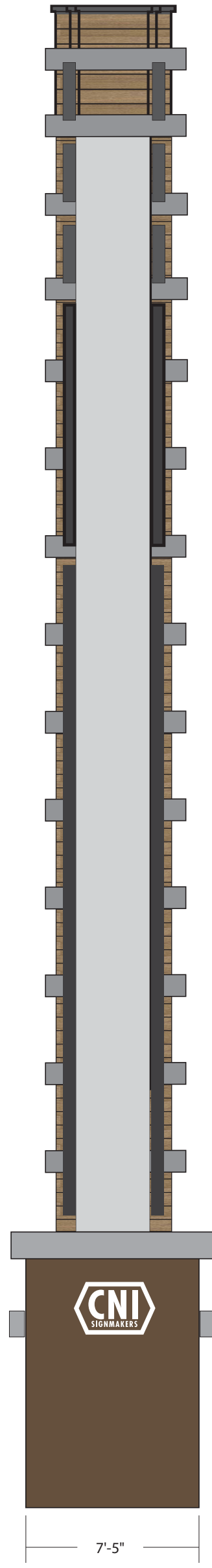
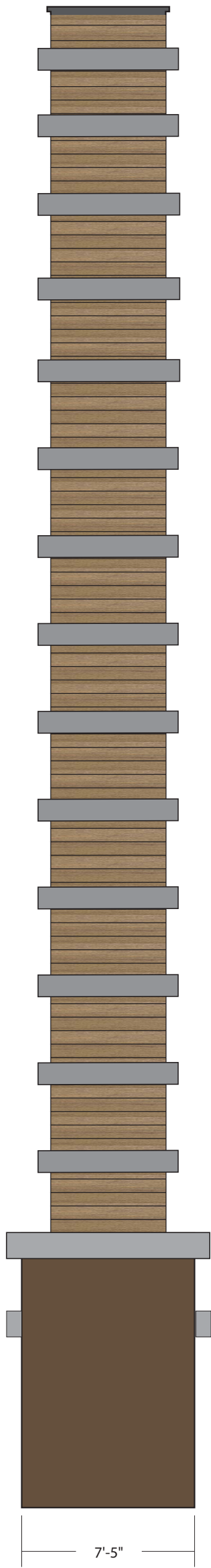
Date:	12/3/2019	Project Number:	19049
Sheet Number:	E2.01	Sheet Title:	Elevation
Scale:	3/16" - 1'-0"	Approved By:	

No.	Description	Date
01	Initial Review	02/19/19
02	Modification	04/04/19
03	Revision	07/29/19
04	Revision	09/17/19
05	Revision	10/17/19
06	Revision	12/3/19

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Campus Parkway Merced  
 Highway 99/Campus Parkway  
 Merced, CA

Date: 12/3/2019

Project Number: 19049

Sheet Number: E3.01

Sheet Title: Elevation Profile

Scale: 3/16" - 1'-0"

Approved By:

Fresno | San Francisco

Contact: Arlen Tanielian  
 arlen@cnisign.com

No.	Description	Date
01	Initial Review	02/19/19
02	Modification	04/04/19
03	Revision	07/29/19
04	Revision	09/17/19
05	Revision	10/17/19
06	Revision	12/3/19

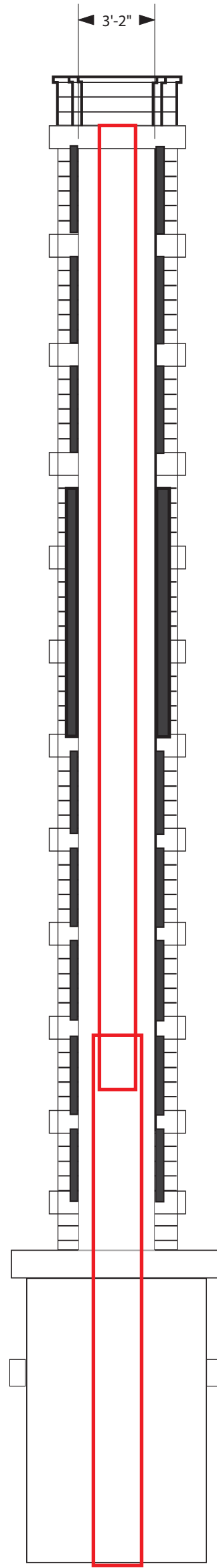
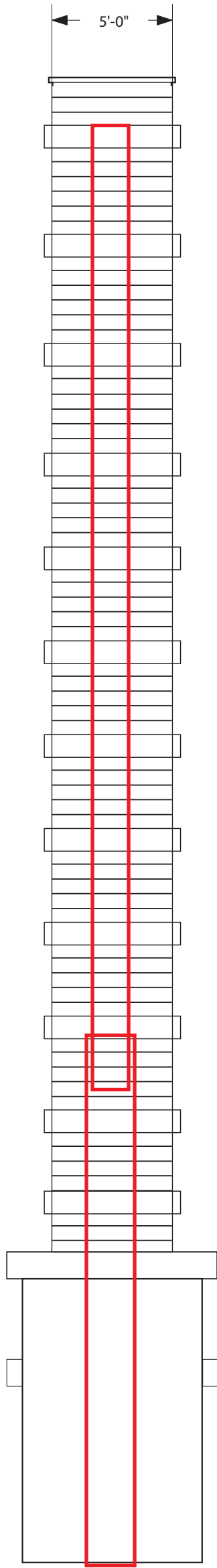
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1956  
**J.T.**  
 2013



Contractors Lic. No. 570342



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Campus Parkway Merced  
 Highway 99/Campus Parkway  
 Merced, CA

Date: 12/3/2019

Project Number: 19049

Sheet Number: E4.01

Sheet Title: Skeletal View

Scale: 3/16" - 1'-0"

Approved By:

Fresno | San Francisco

Contact: Arlen Tanielian  
 arlen@cnisign.com

No.	Description	Date
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**Merced Municipal Code Section 17.36.667.L.2.C**

**-Free-Standing or Wall-Mounted Signs**

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c. A 'Bonus' which would allow a "Changeable Copy Sign" of no more than 50 percent of the total sign area to be incorporated into the shopping center sign; and if the owner agrees to allow the City to advertise the City or community/City sponsored events, at the discretion of the City, on the sign on a continuous and ongoing basis as part of a continuous rotation of advertising or as otherwise defined by the Planning Commission. The Planning Commission may increase the total sign area and/or reduce the amount of City advertising for unique circumstances, such as motion picture/performing arts theaters. Other than those City events above, the Changeable Copy Sign shall not advertise any business, commodity, service, industry or other activity, which is not sold, offered, or conducted on the premises upon which the sign is located or affixed.

**NOTICE OF EXEMPTION**

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To: \_\_\_\_\_ Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

From: (Public Agency)  
City of Merced  
678 West 18th St.  
Merced, CA 95340

X  County Clerk  
County of Merced  
2222 M Street  
Merced, CA 95340

**Project Title:** CUP #1242 (Environmental Review #20-08)

**Project Applicant:** Shemoil Moradzedah

**Project Location (Specific):** SWC of Campus Pkwy and Coffee St **APN:** 061-250-084

**Project Location - City:** Merced **Project Location - County:** Merced

**Description of Nature, Purpose, and Beneficiaries of Project:**

**Name of Public Agency Approving Project:** City of Merced

**Name of Person or Agency Carrying Out Project:** Shemoil Moradzedah

**Exempt Status:** (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State Type and Section Number: 15301 (a)
- Statutory Exemptions. State Code Number: \_\_\_\_\_.
- General Rule (Sec. 15061 (b)(3))

**Reasons why Project is Exempt:** As defined under the above referenced Section, the proposed project consists of minor interior/exterior alterations for a new shopping center, such as installing a freeway pylon sign and implementing a master sign program, which are considered to be exempt under the CEQA Guidelines per Section 15301 (a).

**Lead Agency:** City of Merced

**Contact Person:** Francisco Mendoza-Gonzalez **Area Code/Telephone:**(209) 385-6858

**Signature:** Francisco Mendoza-Gonzalez **Date:** 4-14-2020 **Title:** Associate Planner

X  Signed by Lead Agency Date Received for Filing at OPR: \_\_\_\_\_  
(If applicable)

Authority Cited: Sections 21083 and 21110. Public Resources Code  
Reference: Sections 21108, 21152, and 21152.1. Public Resources Code

**CITY OF MERCED**  
**Planning Commission**

**Resolution #4038**

**WHEREAS**, the Merced City Planning Commission at its regular meeting (held via teleconference) of May 6, 2020, held a public hearing and considered **Conditional Use Permit #1242**, initiated by Shemoil Moradzedah, property owner. This application involves consideration of a Comprehensive Sign Package (including a 65-foot-tall double-sided freeway pylon sign with digital boards) for the new Campus Parkway Plaza. The site is generally located on the southwest corner of Campus Parkway and Coffee Street, within Planned Development (P-D) #35, with a Thoroughfare Commercial (CT) General Plan designation. Said property being described as Parcel 4 as shown on the map entitled “L.J. Steiner, LLC,” recorded in Volume 99, Page 26 of Merced County Records (APN) 061-250-084; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through G (Exhibit B) of Staff Report #20-09; and,

**WHEREAS**, the Merced City Planning Commission concurs with the Findings for Conditional Use Permits in Merced Municipal Code Section 20.68.020 (E) and other Considerations as outlined in Exhibit B; 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 #20-08, and approve Conditional Use Permit #1242, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and carried by the following vote:

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

ABSTAIN: Commissioner(s)

PLANNING COMMISSION RESOLUTION #4038

Page 2

May 6, 2020

Adopted this 6<sup>th</sup> day of May 2020

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Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

---

Secretary

Attachment:

Exhibit A – Conditions of Approval

Exhibit B - Findings

**Conditions of Approval**  
**Planning Commission Resolution #4038**  
**Conditional Use Permit #1242**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Master Sign Program) and Exhibit 2 (Freeway Pylon Sign), - Attachments C and D of Planning Commission Staff Report #20-09, except as modified by the conditions.
2. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
3. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
4. 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 (with counsel selected by the City), 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 such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
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,

EXHIBIT A

OF PLANNING COMMISSION RESOLUTION #4038



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.

6. No temporary freestanding or moveable signs shall be allowed, unless otherwise authorized by the Municipal Code.
7. As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repared if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
8. The premises shall remain clean and free of debris and graffiti at all times. Any damaged materials shall be replaced by matching materials.
9. Additional shopping center signs and monument signs may be considered along Coffee Street as allowed by the Merced Municipal Code.
10. Final approval of each individual tenant sign shall require a sign permit and are subject to the Sign Criteria as spelled out in Attachment C of Planning Commission Staff Report #20-09.
11. Digital Board shall comply with Merced Municipal Code Section 20.36.667.L.2.C – Free-Standing or Wall-Mounted Signs, including those provisions that allow for advertising for public events as determined by the City of Merced (Attachment E of Planning Commission Staff Report #20-09).
12. The proposed digital board shall not advertise private businesses that are located off-site.
13. The digital board cannot include any type of signs deemed a traffic hazard by the City Engineer for vehicles driving along Highway 99. This may include the use of scrolling text, flashing signs, or rapidly rotating advertisements.
14. Future shopping center signs, monument signs, or garden signs shall be designed to match the freeway pylon sign. This shall require using similar colors, textures, material, and overall aesthetic style.

15. Minor modifications to Master Sign Program may be reviewed and approved by the Director of Development Services, or if deemed necessary be referred to the Site Plan Review Commission, or Planning Commission.
16. In the event that the Master Sign Program conflicts with the Merced Municipal Code, the stricter of the two shall be implemented.
17. Final locations of all signs, including required setbacks from intersections and driveways as determined by the Municipal Code, are subject to Planning Division approval at the time of issuance of a sign permit.
18. The Freeway Pylon sign shall be modified to read “Merced Gateway to Yosemite” instead of just “Gateway to Yosemite” on the top in conformance with MMC 20.36.667.L.
19. No signs, trees, lights or other permanent structures may be constructed within the Consent to Common Use Agreement area between the applicant and the Merced Irrigation District.
20. Proposed encroachments within the Consent to Common Use Agreement area shall be reviewed and approved by the Merced Irrigation District.
21. The applicant shall work with the Department of California Transportation and obtain all pertinent permits from them prior to issuance of a building permit for the freeway oriented pylon sign.
22. The pylon digital board shall not display videos.
23. Slides on the digital board shall be spaced apart in time by at least eight seconds between rotations. The timing between slides may be modified by the Director of Development Services, or be referred to the Site Plan Review Committee if determined appropriate by the Director of Development Services.

**Findings and Considerations  
Planning Commission Resolution # 4038  
Conditional Use Permit #1242**

**FINDINGS/CONSIDERATIONS:**

**General Plan Compliance and Policies Related to This Application**

- A) The proposed project complies with the General Plan designation of Thoroughfare Commercial (CT) and the Zoning designation of Planned Development (P-D) #35 with approval of this Conditional Use Permit.

**Public Improvements/City Services**

- B) Per Condition #7, Merced Municipal Code Section 17.04.050 and 17.04.060, requires full public improvements to be installed/repaired if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations. The need for any new improvements or repairs to existing improvements would be determined by the Engineering Department at the building permit stage.

**Signage**

- C) All signs would be required to comply with the Merced Municipal Code. Building permits are required prior to the installation of any permanent signs. As stated in the proposed Master Sign Program, the shopping center will require internal review and approval from the landlord prior to tenants submitting signage proposals for City review. The landlord intends to be flexible with tenant signage, as some tenants may be trying to achieve a uniform standard corporate design, but the owner will try to ensure that signage throughout the shopping center is cohesive, compatible, or complementary to achieve design balance for the entire plaza. The Master Sign Program includes several standards that are consistent with the North Merced Sign Ordinance (such as requiring individual channel letters), along with other specific internal regulations such as prohibiting the use of neon colored signs, and limiting the type of temporary or window signs that could be used by tenants. In the event that the Master Sign Program conflicts with the Sign Ordinance, the stricter of the two codes will be implemented (Condition #16). This also applies to usage and duration of temporary signs.

**Freeway Pylon Sign**

- D) The applicant has provided the Master Sign Program shown at Attachment C. Individual tenant signs would be reviewed by the landlord (before submitting sign permit applications to the Building Department) to ensure a cohesive aesthetic between the various tenants - with consideration for design, materials, and colors. The proposed double-sided freeway pylon sign would be approximately 65-foot-tall

and 16-foot-wide, providing visibility from both the north- and south-bound Highway 99 lanes. Each pylon face would have eleven tenant slots and would be crowned with the City slogan showing “Merced Gateway to Yosemite;” per Condition #18 of Planning Commission Staff Report #20-09. The backboard would be made of composite wood deck material intended for durability and weather resistance, and the tenant slots would be internally illuminated and finished with polycarbonate faces. The specific individual tenant signs have yet to be determined, but would be reviewed during the building permit stage for consistency with the Master Sign Program and the Merced Municipal Code. The pylon sign also includes an approximate 100-square-foot digital board on each face, which would be used to advertise the businesses within the shopping center only. Per MMC 17.36.667.L.2.C a free standing sign may include a changeable copy (digital board) if they meet specific standards as shown at Attachment E, with the inclusion of periodically displaying City/community events or safety campaigns (and other matters) as directed by the City of Merced.

The adjacent development, the Gateway Shopping Center, would also be installing a freeway-oriented pylon sign of their own. In addition, near the Childs Avenue exit there is a 110-foot-tall freeway oriented pylon sign used by the Arco/KFC development that was approved in 2011 by the Planning Commission via CUP #1158. Several other establishments in Merced along Highway 99 also have freeway pylon signs including In-n-Out, Popeyes, Smart and Final, McDonalds, Jack in the Box, etc. The proposed freeway pylon sign is consistent with various businesses along the Highway 99 corridor that have pylon signs.

### **Neighborhood Impact/Public Comments**

- E) Staff mailed a public hearing notice to property owners within 300 feet of the subject site, and published the public hearing notice in the *Merced County Times*. As of the time this report was prepared, (4/30/2020), Planning staff received comments from the Merced Irrigation District (MID) recommending Conditions #19 and #20 of Planning Commission Staff Report #20-09 prohibiting the installation of signs, trees, or lights within the area defined under an existing Consent to Common Use Agreement between the applicant and MID. In addition, staff received inquiries from the Gateway Shopping Center developers asking for additional information about the proposed Master Sign Program. The proposed plans and elevations were forwarded to said developer. The Gateway Shopping Center developer indicated that they support the proposed Master Sign Program.

### **Conditional Use Permit**

- F) A conditional use permit (CUP) is required to allow a freeway pylon sign with changeable copies. In order for the Planning Commission to approve or deny a conditional use permit, they must consider the following criteria and make findings to support or deny each criteria per Merced Municipal Code (MMC) 20.68.020 (E) Findings for Approval for Conditional Use Permits.

### **MMC 20.68.020 (E) Findings for Approval.**

## EXHIBIT B OF PLANNING COMMISSION RESOLUTION # 4038

1. *The proposed use is consistent with the purpose and standards of the zoning district, the general plan, and any adopted area or neighborhood plan, specific plan, or community plan.*

The proposed project complies with the General Plan designation of Thoroughfare Commercial (CT) and the zoning designation of Planned Development (P-D) #35 with approval of this Conditional Use Permit.

2. *The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.*

All signs shall be required to comply with the Merced Municipal Code and the proposed Master Sign Program ensuring consistent sign standards throughout the development. The adjacent development, Gateway Shopping Center, would also intend to install a freeway oriented pylon sign of their own. In addition, near the Childs Avenue exit there is a freeway oriented pylon sign of larger height used for the Arco/KFC development. Several other establishments in Merced along Highway 99 also have freeway pylon signs, including In-n-Out, Popeyes, Smart and Final, McDonald's, Jack in the Box, etc. The proposed freeway pylon sign is consistent with various businesses along the Highway 99 corridor that have pylon signs.

3. *The proposed use will not be detrimental to the public health, safety, and welfare of the City.*

To ensure the proposal is not detrimental to the public health, safety, and welfare of the City, the applicant shall subsequently apply for sign permits with the City's Building Department. Plans shall be submitted by a design professional and signage installation shall be done by a licensed contractor (license type as required by the California Building Code).

4. *The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.*

The proposed signs are located within the City and can be adequately served by existing services and infrastructure. The project will also comply with the following Code section in regards to the Freeway Pylon Sign:

Merced Municipal Code Section 17.36.667.L.2.C – Free-Standing and Wall-Mounted Signs

Merced Municipal Code Section 17.36.667.L.2.C – Free-Standing and Wall-Mounted Signs note that a "Changeable Copy Sign" (synonymous with digital board sign described throughout this report) may be allowed if the property owner agrees to allow the City to advertise City/community sponsored events, or

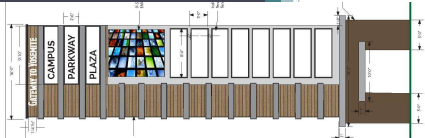
outreach campaigns (e.g. Safe and Sane Fireworks during 4<sup>th</sup> of July, etc.) at the discretion of the City as part of a continuous rotation of advertising. Besides this, changeable copy signs may not advertise activities or businesses not occurring on premise. The property owner is aware of this requirement, which is being included under Conditions #11 and #12.

**Environmental Clearance**

- G) Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption is being recommended (Attachment F of Planning Commission Staff Report #20-09).

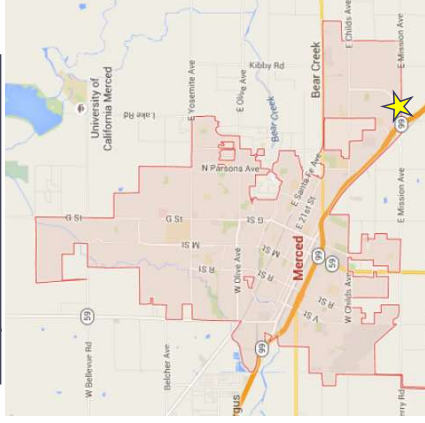
# CUP # 1240

Shemoil Moradzedah  
Master Sign Program w/ Freeway Pylon Sign  
SWC of Mission Ave. and Coffee St.



**DRAFT**

## City-Scale Context



**DRAFT**


## Location Map



- 7.5 Acre vacant parcel
- Located within Planned Development (P-D) #35
- Thoroughfare
- Commercial (CT)
- Site in Context:
  - North=Vacant Parcel
  - West=Vacant Parcel (across Hwy 99)
  - South=County Basin
  - East=Future Gateway Merced Shopping Center

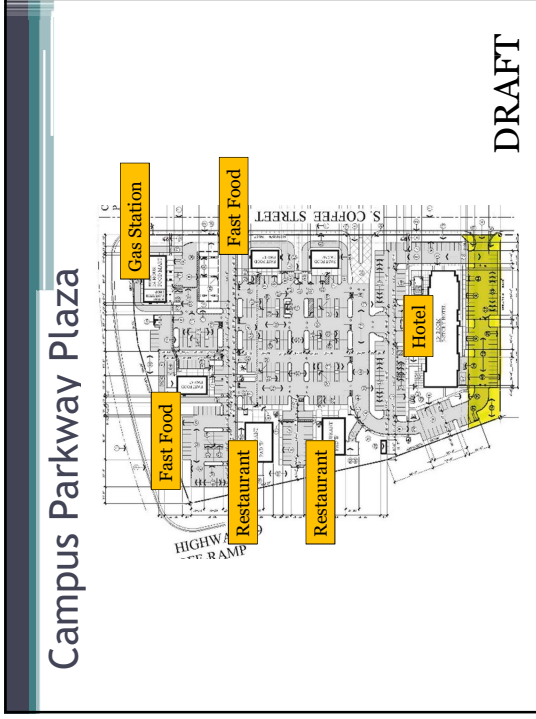
**DRAFT**

## Existing Conditions



- Perspective image looking at the southeast corner of Mission Ave. and Coffee St.

**DRAFT**



## Campus Parkway Plaza

DRAFT



Freeway Pylon Sign

HIGHWAY 99 OFF RAMP

DRAFT

- Double sided freeway pylon sign
- 65 feet tall by 16 feet wide
- Crowned with City Slogan
- Orthogonal Contemporary Design
- Background Composite Wood Deck Material (weather resistant)
- 100-s.f. digital screen used to advertise on-site businesses, and City/community events and outreach campaigns (e.g. safe and sane fireworks) – Condition #11

DRAFT

## Master Sign Program

- Meet minimum City standards
- Flexibility to meet corporate business designs
- Prohibit the use of bright neon colors
- Require internal landlord review process prior to submitting sign permit applications to the City

DRAFT



### Conditions of Approval

- **Condition #10:** Final approval of each individual sign shall require a sign permit and approval by the Development Services Department.
- **Condition #13:** The pylon sign Digital Board cannot include any type of signs deemed a traffic hazard for vehicle driving along Highway 99 by the City Engineer, this may include scrolling text, flashing signs, or rapidly rotating advertisements.
- **Condition #14:** Future shopping center signs, monument signs, or garden signs shall be designed to match the freeway pylon sign. This shall require using similar colors, textures, material, and overall aesthetic style.

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### Planning Commission Action

- **Approve/Disapprove/Modify**
  - Environmental Review #20-09
  - Conditional Use Permit #1242 (with 16 conditions included in the staff report)
- **Questions? Comments? Concerns?**

DRAFT