

**CITY OF MERCED
Planning Commission**

MINUTES

Merced City Council Chambers and Via Teleconference
Wednesday, May 20, 2020

Chairperson HARRIS called the meeting and teleconference to order at 7:09 p.m., followed by a moment of silence and the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Stephanie Butticci, Mary Camper, Jose Delgadillo, Robert Dylina, Sam Rashe, Dorothea Lynn White (via teleconference), and Chairperson Michael Harris

Commissioners Absent: None

Staff Present: Director of Development Services McBride, Planning Manager Espinosa, Principal Planner Hren, Deputy City Attorney Campbell, Development Services Technician Davis, and Recording Secretary Gates

1. **APPROVAL OF AGENDA**

M/S DYLINEA-RASHE, and carried by the following vote, to approve the Agenda as submitted.

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, Rashe, White, and Chairperson Harris

NOES: None

ABSENT: None

ABSTAIN: None

2. **MINUTES**

M/S DYLINA-CAMPER, and carried by the following vote, to approve the Minutes of May 20, 2020, as submitted.

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, Rashe, White, and Chairperson Harris

NOES: None

ABSENT: None

ABSTAIN: None

3. **COMMUNICATIONS**

None

4. **ITEMS**

- 4.1 Conditional Use Permit #1241, initiated by Yosemite & G, LLC. The application involves consideration of a Comprehensive Sign Plan for the Yosemite Crossing retail development. The property is generally located at the northeast corner of Yosemite Avenue and G Street. The property is located within Planned Development #72 and has a General Plan designation of Neighborhood Commercial (CN).

Principal Planner HREN reviewed the report on this item. For further information, refer to Staff Report #20-10. An email from the applicant was read into the record during public testimony.

Public testimony was opened at 7:21 p.m.

Speakers Via Email Correspondence in Favor:

Neil Angelillo, Applicant

Jack Jackson, Applicant

There were no speakers in opposition to the project.

Public testimony was closed at 7:24 p.m.

M/S CAMPER-DELGADILLO and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #20-07 and approve Conditional Use Permit #1241, subject to the Findings and fifteen (15) Conditions set forth in Staff Report #20-10 (RESOLUTION #4040):

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, Rashe, White, and Chairperson Harris

NOES: None

ABSENT: None

ABSTAIN: None

4.2 Vesting Tentative Subdivision Map #1312, initiated by Rick Telegan, applicant for Exposition Properties, LLC, and Leeco, LLC, property owners. This application involves the subdivision of approximately 29.35 acres into 140 single-family lots generally located on the east side of G Street at Foothill Drive. This property has a Low Density (LD) General Plan Designation and is zoned R-1-5.

Planning Manager ESPINOSA noted a memo from staff advising that the applicant requested this item be continued to the Planning Commission meeting of June 3, 2020. This was provided to the Commission prior to the meeting. For further information, refer to Staff Report #20-08

M/S DYLINA-CAMPER, and carried by the following vote, to continue the public hearing to the Planning Commission meeting of June 3, 2020, at 7:00 p.m. in the City Council Chambers.

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, Rashe, White, and Chairperson Harris

NOES: None

ABSENT: None

ABSTAIN: None

4.3 2019-2020 Annual Planning Commission Attendance Report

Planning Manager ESPINOSA reviewed the report on this item.

Commissioner Camper informed the Commission that she might not be seeking reappointment due to possible scheduling conflicts, she would be available until a replacement was appointed or continuing if no other applicants were available.

M/S DYLINA-BUTTICCI, and carried by the following vote, to approve the Annual Planning Commission Attendance Report as submitted.

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, Rashe, White, and Chairperson Harris

NOES: None

ABSENT: None

ABSTAIN: None

5. INFORMATION ITEMS

5.1 Calendar of Meetings/Events

Planning Manager ESPINOSA briefed the Planning Commission on items for the next few Planning Commission meetings. Ms. ESPINOSA also informed the Commission about the transition back to in-person meetings.

6. ADJOURNMENT

M/S BUTTICCI-RASHE, and carried by the following vote, to adjourn the meeting.

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, Rashe, White, and Chairperson Harris

NOES: None

ABSENT: None

ABSTAIN: None

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There being no further business, Chairperson HARRIS adjourned the meeting at 7:31 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:



MICHAEL HARRIS, Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #4040

WHEREAS, the Merced City Planning Commission at its regular meeting (held via teleconference) of May 20, 2020, held a public hearing and considered **Conditional Use Permit #1241**, initiated by Yosemite and G, LLC. The application involves consideration of a Master Sign Program, including 6 monument signs (one called out for the gas station), three pylon signs, and a wall sign for the identification of the center, along with proposed locations and guidelines for the signage of future tenants to ensure consistency with all signage types throughout the center. The property is generally located at the northeast corner of Yosemite Avenue and G Street. The property is located within Planned Development #72 and has a General Plan designation of Neighborhood Commercial (CN). The property is more particularly described as: "Remainder C" of Final Map No. 5233, amended map for Mansionette Estates Unit 1, according to the map filed July 13, 2000, in Book 52, Pages 31, 32, and 33 of Official Plats, Merced County Records; also known as Assessor's Parcel Number (APN) 231-040-004 and APN 231-040-005.

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through F of Staff Report #20-10 (Exhibit B); 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 fully discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #20-07, and approve Conditional Use Permit #1241, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, Rashe, White, and Chairperson Harris

NOES: None

ABSENT: None


ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4040

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May 20, 2020

Adopted this 20th day of May 2020



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Exhibits:

Exhibit A – Conditions of Approval

Exhibit B – Findings/Considerations

Conditions of Approval
Planning Commission Resolution #4040
Conditional Use Permit #1241

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Master Sign Program, including the Site Plan contained within)-- Attachment C of Planning Commission Staff Report #20-10, 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 project shall comply with any relevant conditions or mitigations measures of Planning Commission Resolution #4034 for General Plan Amendment #19-03/Site Utilization Plan Revision #3 to Planned Development #72.
5. 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.
6. 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.

7. No temporary freestanding or moveable signs shall be allowed, unless otherwise authorized by the Municipal Code.
8. 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.
9. The premises shall remain clean and free of debris and graffiti at all times. Any damaged materials shall be replaced by matching materials.
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 #20-10.
11. Future shopping center signs, monument signs, or garden signs shall be designed to match the Master Sign Program. This shall require using similar colors, textures, material, and overall aesthetic style.
12. 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.
13. In the event that the Master Sign Program conflicts with the Merced Municipal Code, the stricter of the two shall be implemented.
14. 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.
15. The digital display of gasoline prices on the monument sign for the gas station shall not flash, move, or scroll, except as necessary to change the prices displayed. The display should not change in time at any less than 8 second intervals. The images must be static, and no video displays are allowed.
16. For any illuminated signs placed above the ground floor, all illumination shall be located and directed in such a manner that light does not spill over to the east or north. Prior to installation, illuminated signs shall be approved by the

Planning Manager or designee, and may require an analysis of lumens or other measurements of illumination as deemed necessary. Monument signs are not subject to this condition.

**Findings and Considerations
Planning Commission Resolution #4040
Conditional Use Permit #1241**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Neighborhood Commercial (CN) and the Zoning designation of Planned Development (P-D) #72 with approval of this Conditional Use Permit.

Public Improvements/City Services

- B) Per Condition #8, 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. In the event that the Master Sign Program conflicts with the Sign Ordinance, the stricter of the two codes will be implemented (Condition #12). This also applies to usage and duration of temporary signs.

Per 17.36.667 of the Merced Municipal Code (Attachment D), “Free-standing or wall-mounted signs identifying shopping centers over twenty-five thousand

square feet and comprehensive sign programs,” the proposed shopping center signs, noted as “Pylon Signs” in the Master Sign Program (Attachment C), are in compliance. This takes into account the bonus height allowance in 17.36.667.L.2.d that is awarded due to the project’s landscaping, outdoor seating areas and other enhanced design features.

Neighborhood Impact/Public Comments

- D) 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 has not received comments regarding the project.

Conditional Use Permit

- E) A conditional use permit (CUP) is required to allow a master sign program. 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 Neighborhood Commercial (CN) and the zoning designation of Planned Development (P-D) #72 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. These standards ensure that the characteristics of signage for the development remain consistent both internally and with the existing and future land uses in the vicinity of the

subject property.

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.

Environmental Clearance

- F) 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 E of Planning Commission Staff Report #20-10).