

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

**MINUTES**

Merced City Council Chambers  
Wednesday, July 17, 2019

Chairperson DYLINA called the meeting to order at 7:01 p.m., followed by a moment of silence and the Pledge of Allegiance.

**ROLL CALL**

Commissioners Present: Mary Camper, Scott G. Drexel, Michael Harris, Peter Padilla, Sam Rashe, and Chairperson Robert Dylina

Commissioners Absent: None (One Vacancy)

Staff Present: Director of Development Services McBride, Planning Manager Espinosa, City Attorney Norton, Deputy City Attorney Campbell, and Recording Secretary Hensley

1. **APPROVAL OF AGENDA**

M/S PADILLA-HARRIS, and carried by unanimous voice vote (one vacancy), to approve the Agenda as submitted.

2. **MINUTES**

M/S RASHE-DREXEL, and carried by unanimous voice vote (one vacancy), to approve the Minutes of June 5, 2019, as submitted.

3. **COMMUNICATIONS**

Planning Manager ESPINOSA asked City Attorney NORTON to introduce the new Deputy City Attorney CAMPBELL to the Planning Commission. Planning Manager ESPINOSA explained that Mr. CAMPBELL would serve as counsel at Planning Commission Meetings in the future.

4. **ITEMS**

- 4.1 (Consent) Vacation #19-04, initiated by Yosemite & G, LLC, property owner, to abandon a portion of a Work Easement near the northeast corner of Yosemite Avenue and G Street.

Commissioner PADILLA recused himself for a potential conflict of interest.

M/S DREXEL-RASHE, and carried by the following vote, to find that the proposed Vacations #19-04 (initiated by Yosemite & G, LLC, property owner, to abandon a portion of a Work Easement near the northeast corner of Yosemite Avenue and G Street), is consistent with the *Merced Vision 2030 General Plan*.

AYES: Commissioners Camper, Drexel, Harris, Rashe, and Chairperson Dylina

NOES: None

ABSENT: None (one vacancy)

ABSTAIN: Commissioner Padilla

Commissioner PADILLA returned to the dais.

- 4.2 Minor Use Permit #19-01, initiated by Golden Valley Engineering and Juan Gama on behalf of Merced OKR, LLC, property owners. This application involves a request to convert an existing office building into a preschool for approximately 200 children, including outdoor play areas. The site is generally located on the south side of Loughborough Drive, approximately 500 feet west of M Street (750 Loughborough Dr.), within Planned Development (P-D) #1, with a Commercial Office (CO) General Plan designation.

Chairperson DYLINEA recused himself for a potential conflict of interest

Associate Planner NELSON briefly reviewed the project; for more information refer to Staff Report #19-20.

Public testimony was opened at 7:19 p.m.

Speaker from the Audience in Favor:

JUAN GAMA, Applicant, Merced

Commissioner HARRIS asked for clarification on requirements for outdoor play areas regarding landscaping and covered play areas.

Commissioner PADILLA expressed concern over the suggested fencing height of 4 feet and asked whether the applicant intended to close their location on Collins Drive due to the proximity to the proposed new location. Commissioner PADILLA also addressed the potential traffic flow issue and whether or not it would cause more congestion on Loughborough Drive.

Commissioner RASHE expressed concern over security issues due to the proximity to big box stores and inquired about sufficient surveillance in the area.

Commissioner DREXEL asked for clarification in regards to traffic flow.

Planning Manager ESPINOSA explained that a condition regarding a traffic flow plan could be added to be later approved by the Director of Development Services.

Commissioner HARRIS stated that the front playground along Loughborough Drive would be too much of a liability due to the noise from the nearby fire station.

Director of Development Services MCBRIDE explained that the Department would review any complaints received and the Commission could revoke the permit if it was deemed unsafe. Mr. MCBRIDE suggested using a block wall and landscaping as a sound barrier.

Mr. GAMA addressed the fencing height of 4 feet as required by California State Law, but indicated that they would be willing to install fencing that exceeded that requirement. Mr. GAMA also agreed to the condition requiring a brick wall enclosing the front play area. Mr. GAMA also agreed to implement a traffic flow plan as approved by the Director of Development Services.

Speaker from the Audience Neutral:

WENDELL HAMMON, Resident, Merced

There were no speakers from the audience in opposition to the project.

Public testimony was completed at 7:33 p.m.

M/S PADILLA-DREXEL, to approve Minor Use Permit #19-01, subject to the Findings and seventeen (17) Conditions set forth in Staff Report #19-20 (RESOLUTION #4023) and Finding J from Planning Commission Memo regarding Minor Use Permit #19-01:

AYES: Commissioners Camper, Drexel, and Padilla

NOES: Commissioner Harris

ABSENT: None (one vacancy)

ABSTAIN: Commissioner Rashe and Chairperson Dylina

The motion failed.

M/S PADILLA-HARRIS, and carried by the following vote, to approve Minor Use Permit #19-01, subject to the Findings and seventeen (17) Conditions set forth in Staff Report #19-20 and Finding J from Planning Commission Memo regarding Minor Use Permit #19-01, amending Condition #12 and addition of Condition Number 18 as follows (RESOLUTION #4023):

(New language underlined, deleted language ~~strike through~~.)

“12. The fencing used to enclose the southern outdoor play areas shall be wrought-iron and a minimum of 6 feet high. The northern play

area shall be enclosed by a solid 6-foot tall block wall with landscaping. Gates shall be installed as required by the Fire Department.”

“18. The project applicant shall provide a traffic flow plan with appropriate markings for cars entering and exiting the site for approval by the Director of Development Services.”

AYES: Commissioners Camper, Drexel, Harris, Padilla and Rashe

NOES: None

ABSENT: None (one vacancy)

ABSTAIN: Chairperson Dylina

#### 4.3 Election of Chairperson and Vice Chairperson

Commissioner PADILLA nominated Commissioner DREXEL as Chairperson and Commissioner HARRIS as Vice Chairperson. Both Commissioner DREXEL and Commissioner HARRIS accepted the nominations. There were no other nominations for Chairperson or Vice-Chairperson.

M/S PADILLA-RASHE, and carried by the following vote, to elect Commissioner DREXEL as Chairperson and to elect Commissioner HARRIS as Vice-Chairperson:

AYES: Commissioners Camper, Drexel, Harris, Padilla, Rashe, and Chairperson Dylina

NOES: None

ABSENT: None (one vacancy)

ABSTAIN: None

#### 4.4 Cancellation of August 7, 2019, Planning Commission Meeting due to a conflict with the North Merced Annexation Feasibility Study Public Meeting

M/S HARRIS-RASHE, and carried by unanimous voice vote (one vacancy), to cancel the Planning Commission meeting of August 7, 2019.

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.

6. **ADJOURNMENT**

There being no further business, Chairperson DYLINA adjourned the meeting at 8:12 p.m.

Respectfully submitted,

KIM ESPINOSA, Secretary  
Merced City Planning Commission

APPROVED:

ROBERT DYLINA, Chairperson  
Merced City Planning Commission

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

**Resolution #4023**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of July 17, 2019, held a public hearing and considered **Minor Use Permit #19-01**, initiated by Golden Valley Engineering and Juan Gama on behalf of Merced OKR, LLC, property owners. This application involves a request to convert an existing office building into a preschool for approximately 200 children, including outdoor play areas. The site is generally located on the south side of Loughborough Drive, approximately 500 feet west of M Street (750 Loughborough Dr.), within Planned Development (P-D) #1, with a Commercial Office (CO) General Plan designation; also known as Assessor's Parcel Number (APN) 236-220-007; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through I of Staff Report #19-20 and Finding J from Planning Commission Memo regarding Minor Use Permit #19-01; 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 #19-15, and approve Minor Use Permit #19-01, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner PADILLA, seconded by Commissioner DREXEL, and carried by the following vote:

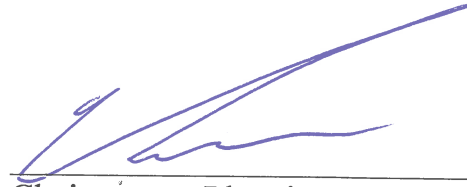
AYES: Commissioners CAMPER, DREXEL, HARRIS, PADILLA, and RASHE  
NOES: NONE  
ABSENT: NONE (one vacancy)  
ABSTAIN: Commissioners DYLINA

PLANNING COMMISSION RESOLUTION #4023

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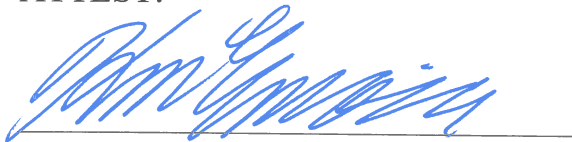
July 17, 2019

Adopted this 17th day of July 2019



Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval



**Conditions of Approval**  
**Planning Commission Resolution #4023**  
**Minor Use Permit #19-01**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and, - Attachment B, 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. Fire sprinklers shall be required as determined by the Fire Department in compliance with the Merced Municipal Code and California Fire Code.
7. Panic hardware shall be installed on gates to the fenced play areas as required by the Fire Department in compliance with the California Fire Code.
8. All signs shall comply with the North Merced Sign Ordinance. No temporary freestanding or moveable signs shall be allowed.
9. The preschool shall obtain all necessary CA State licenses and inspections prior to opening for business. All licenses shall be maintained in good standing with the state and local authorities.
10. 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 \$85,000.00. 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.
11. To ensure vehicles do not block the shared drive aisle on the east side of the property and that adequate access is provided for emergency vehicles, the curb in front of the eastern-most parking spaces identified as Spaces 15 through 26 on the site plan at Attachment B of Staff Report #19-20, shall be painted red and “no parking” signs shall be placed in this area. The preschool operators shall immediately notify anyone parking in the drive aisle area to move their vehicle.
12. The fencing used to enclose the southern outdoor play areas shall be wrought-iron and a minimum of 6 feet high. The northern play area shall be enclosed by a solid 6-foot tall block wall with landscaping. Gates shall be installed as required by the Fire Department.
13. Required parking has been calculated using a maximum of twelve employees. If additional employees are hired and are on-site at the same time, additional parking spaces may be required.
14. The outdoor play ground areas shall be maintained in an aesthetically pleasing manner.

15. Sufficient lighting shall be provided throughout the site to provide a safe environment for employees and patrons of the site.
16. All landscaping shall be kept healthy and maintained in good condition and any damaged or missing landscaping shall be replaced immediately.
17. The premises shall remain clean and free of debris and graffiti at all times. Any damaged materials shall be replaced by matching materials.
18. The project applicant shall provide a traffic flow plan with appropriate markings for cars entering and exiting the site for approval by the Director of Development Services.

n:shared:planning:PC Resolutions: MUP #19-01 Exhibit A