

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

**STAFF REPORT:** #19-21

**AGENDA ITEM:** 4.1

**FROM:** Kim Espinosa,  
Planning Manager

**PLANNING COMMISSION**  
**MEETING DATE:** August 21, 2019

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

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**SUBJECT:** **Conditional Use Permit (CUP) #1232**, initiated by United Signs System, applicant for Isenberg and Ericson, Inc., property owner. This application involves a request to install a 20-foot-tall freestanding pylon sign for the shopping center located at 3155 R Street. The subject site is generally located on the west side of R Street, approximately 575 feet north of W. Olive Avenue. This property is located within Planned Development (P-D) #7 and has a Regional/Community Commercial (RC) General Plan Designation. \*PUBLIC HEARING\*

**ACTION:** Approve/Disapprove/Modify

- 1) Environmental Review #19-19 (Categorical Exemption)
- 2) Conditional Use Permit #1232

**SUMMARY**

United Signs System is requesting approval to install a new freestanding pylon sign for the shopping center located at 3155 R Street. The shopping center is located on the west side of R Street, approximately 575 feet north of Olive Avenue (Attachment A) within Planned Development (P-D) #7 and has a General Plan designation of Regional/Community Commercial (RC). The North Merced Sign Ordinance allows shopping centers within an RC General Plan designation to have shopping center signs with Conditional Use Permit approval. To qualify for a pylon sign, a shopping center must satisfy all qualification requirements from Section 17.36.667, which includes, but is not limited to, having a minimum building square footage and arterial street frontage. The subject site satisfies these requirements as shown in the "Compliance with Sign Ordinance" section of this staff report. The new 20-foot-tall pylon sign (with internal illumination) would be located next to the southernmost driveway for the shopping center along R Street (Attachments B and C). Staff has reviewed this request and is recommending approval with conditions

**RECOMMENDATION**

Planning staff recommends that the Planning Commission approve Environmental Review #19-19 (Categorical Exemption) and Conditional Use Permit Application #1232, per the draft Resolution at Attachment F and subject to the following conditions:

- \*1) The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibits 2 (elevations) – Attachments B and C.

- \*2) All conditions contained in Resolution #1249 (“Standard Conditional Use Permit Conditions”) shall apply.
- \*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, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, 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) The maximum height for the shopping center sign shall not exceed 23 feet.
- 7) The shopping center signs shall be located outside of the 10-foot visual corner at the driveway entrance on R Street and shall maintain a minimum 3-foot setback from all property lines.
- 8) The pylon sign’s materials, colors, and design shall be compatible and consistent with the shopping center.
- 9) All exterior sign surfaces shall be regularly maintained. Any damage caused by weathering, vandalism, or other factors shall be repaired in keeping with approved materials, colors, and finishes.
- \*10) A building permit shall be obtained prior to the installation of the pylon sign. Building permits shall also be obtained prior to the installation or replacement of signage on the pylon sign.

- 11) Pylon sign paint samples shall be reviewed and approved by Planning staff during the building permit stage. Appropriate colors are those that match or complement the existing buildings within the shopping center.

(\* ) Denotes non-discretionary conditions.

**PROJECT DESCRIPTION**

United Signs System is requesting approval to install a new freestanding sign for the shopping center located at 3155 R Street. The shopping center is located on the west side of R Street, approximately 575 feet north of Olive Avenue (Attachment A) within Planned Development (P-D) #7 and has a General Plan designation of Regional/Community Commercial (RC). The pylon sign could only be used to advertise the tenants within the shopping center. The shopping center is located on a 4.56-acre lot with an approximately 45,000-square-foot building with two tenant suites (one is Planet Fitness, and the other is yet to be determined). The suites can be reconfigured or subdivided in the future to allow for more businesses onsite. It will be up to the property owner’s discretion to determine which tenants may advertise their business name on the pylon sign.

The pylon sign would be located within the 32.5-foot-wide landscape strip along R Street. The 20-foot-tall double-sided pylon sign (with internal illumination) will have an aluminum finish and approximately 200 square feet of surface area per face. Both faces will have 3 signage slots to advertise tenants. Building permits shall be required before the installation or replacement of any signs on the pylon structure (Condition #10).

Surrounding Uses  
(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	In-Shape Health Club	Planned Development (P-D) #8	Regional/Community Commercial (RC)
South	99 Cents Only Store	Planned Development (P-D) #7	Regional/Community Commercial (RC)
East	Merced Mall (across R Street)	Planned Development (P-D) #1	Regional/Community Commercial (RC)
West	Apartment Complex	Planned Development (P-D) #7	High to Medium Density Residential (HMD)

**BACKGROUND**

According to City records, the subject site was built during the 1980’s and was originally occupied by Tell-A-Friend Advertising. The latest tenant to occupy this site was Orchard Supply Hardware between 1997 and 2013. The building has remained vacant since then. In 2018, the Site Plan Review Committee approved a proposal to remodel and reuse the subject site. The

proposal consisted of dividing the building into two suites (20,298 square feet and 23,772 square feet). Planet Fitness will occupy the 20,298-square-foot suite (Attachment D). The other tenant has yet to be identified, and the space could possibly be subdivided. The developer is requesting approval to install a shopping center sign to advertise the new businesses onsite.

### **FINDINGS/CONSIDERATIONS:**

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

- A) A shopping center sign is allowed with Conditional Use Permit approval within the zoning classification of Planned Development (P-D) #7 and complies with the General Plan designation of Regional/Community Commercial (RC).

#### **Compliance with Sign Ordinance**

- B) To qualify for a pylon sign, the North Merced Sign Ordinance requires that a shopping center satisfy several requirements from the MMC Section 17.36.667 – Free-Standing Signs Identifying Shopping Centers, such as having a Regional/Community Commercial (RC) General Plan designation, having at least 35,000 square feet of building area, and having at least 800 feet of combined arterial frontage (frontage exception made for building constructed before 1992). The subject site satisfies these requirements as it is located within an RC General Plan designation, has approximately 45,000 square feet of building area, and because the building was constructed before 1992, it is exempt from satisfying the street frontage requirements. These requirements and associated development standards are shown below:

#### **17.36.667 - Free-Standing Signs Identifying Shopping Centers**

*Shopping centers having at least thirty-five thousand square feet of gross floor area and located within commercial zones and P-D zones may be allowed a free-standing sign with a conditional use permit subject to review by the planning commission and to the following limitations:*

- A. *The shopping center sign may advertise the name of the center, the tenants in the center, or both the center and tenant names. Tenant advertising on a shopping center sign is part of the overall sign area permitted by Section, 17.36.650, "Total Square Footage—Commercial Zone." The area of the name of the shopping center is in addition to the permitted copy area.*
- B. *Individual letters are required; Logos may be permitted. The background area immediately adjacent to the copy portion of the sign may include trademark colors, however, it may not be illuminated and must be constructed of a material that is compatible with the texture and materials of the shopping center buildings. Additionally, background area with trademark colors will be considered part of the total allowed signage. Individual letters and logos may be internally illuminated.*
- C. *Materials, color and arrangement shall be compatible and consistent with the shopping center buildings.*

- D. A maximum of two shopping center signs may be allowed. At least eight hundred feet of combined arterial street frontage is required to qualify for one sign, except that shopping centers existing at the time of adoption of this section meeting all other requirements of this section are not bound by this requirement. An additional one thousand five hundred feet of frontage is required for a second sign.*

In addition to satisfying the above requirements, the applicant must show that the shopping center has sufficient signage available to accommodate both the existing wall mounted signs and the proposed pylon sign. The shopping center qualifies for a maximum of 120 square feet of signage (based on building frontage and distance from property lines as shown on MMC 17.36.650 – Total Square Footage – Commercial Zone). Pylon signage and future wall mounted signs may be limited by signage availability. Signage availability will be monitored by Planning staff as building permits are submitted for the installation and replacement of signs. If changes occur to the Sign Ordinance prior to construction, and are less restrictive, the applicant will be allowed to modify the sign to meet new standards.

### **Traffic/Circulation**

- C) The installation of the shopping center sign would not increase the traffic to the site or change the circulation on the site. Other than traffic during the construction/installation period, there would only be additional traffic to the site when maintenance is required. If changes occur to the Sign Ordinance prior to construction, and are less restrictive, the applicant will be allowed to modify the sign to meet new standards.

### **Parking**

- D) No additional parking spaces are required with this use. The installation of the shopping center sign does not affect the existing parking on the site.

### **Pylon Sign Design**

- E) The proposed double-sided pylon sign would be 20 feet tall and 9 feet +wide. The proposed height of the pylon sign and appurtenance is below the maximum allowed within the Regional/Community Commercial General Plan designation [MMC 17.36.667 (E)] one requirement for freestanding signs is that their design matches or complements the design of the shopping center. The orthogonal design of the pylon sign is similar to the rectilinear shape and form of the shopping center. The proposed colors for the pylon sign (light grey and dark grey) are consistent with the colors that will be used for the shopping center. The pylon sign would be divided into three advertisement sections. Each individual tenant advertisements will be reviewed with a building permit application.

### **Site Plan**

- F) The applicant is requesting to locate the pylon sign next to the southernmost driveway entrance along R Street, within a 32.5-foot-wide landscape strip. The shopping center sign shall be located away from the City's 10-foot driveway visual corner triangle so that

the pylon sign does not block a driver's visibility of pedestrians crossing the driveway (Condition #7).

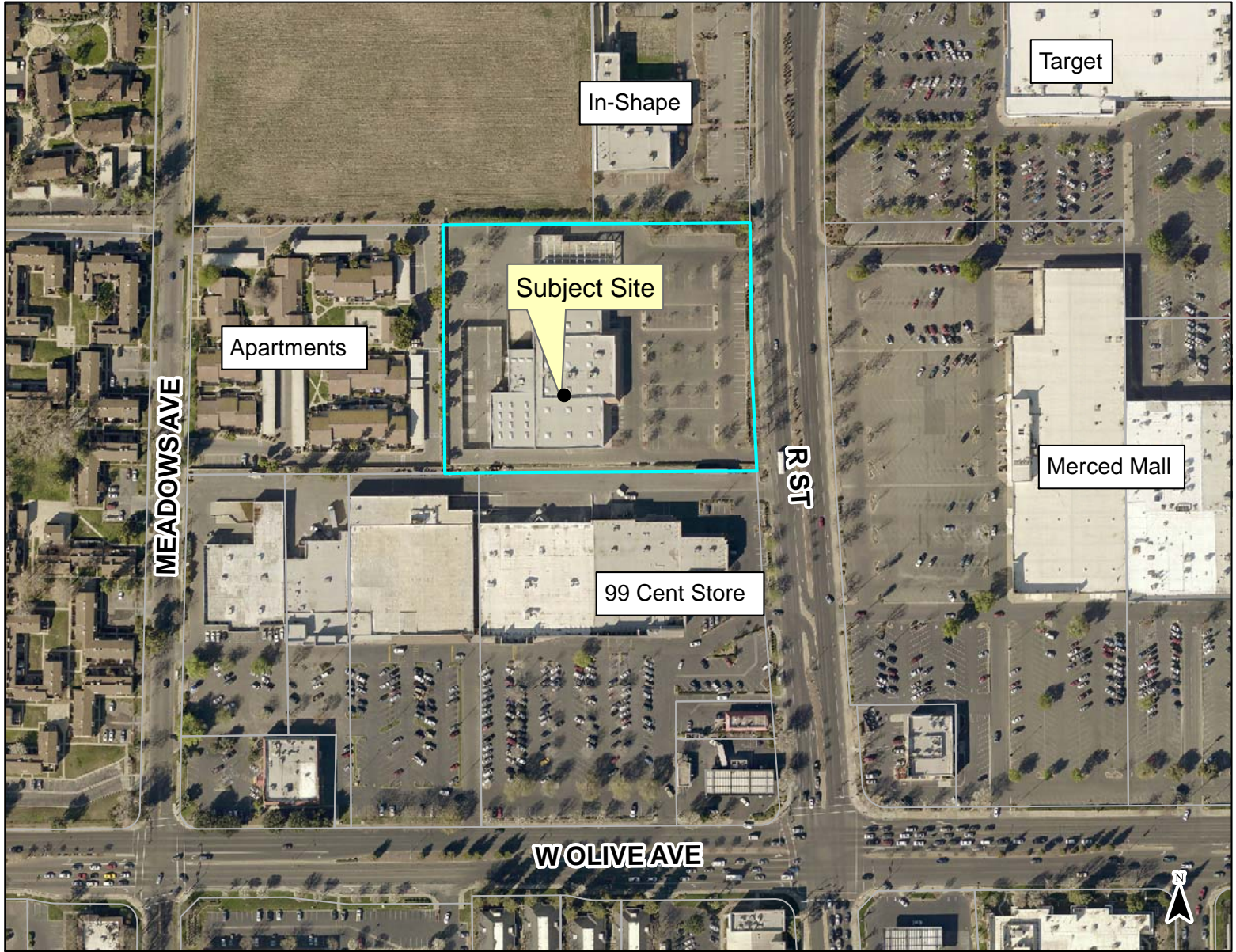
**Environmental Clearance**

- G) The Planning staff has conducted an Environmental Review (#19-19) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption is being recommended (Attachment E).

**Attachments:**

- A) Location Map
- B) Site Plan
- C) Pylon Sign Elevations
- D) Shopping Center Remodel
- E) Categorical Exemption
- F) Draft Planning Commission Resolution



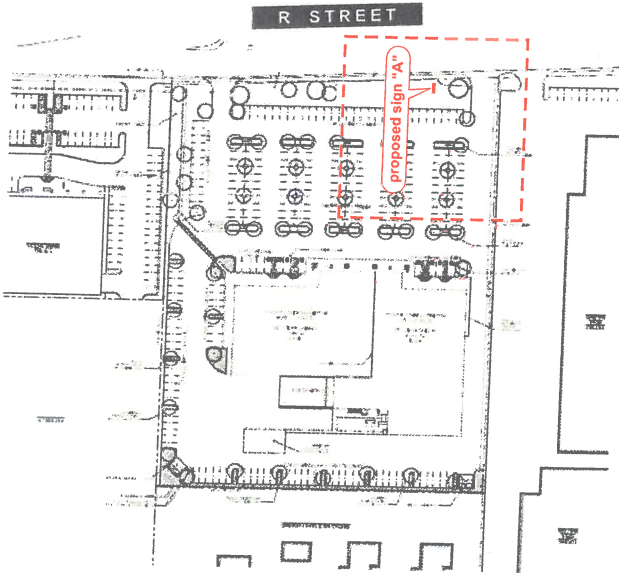


**ATTACHMENT A**

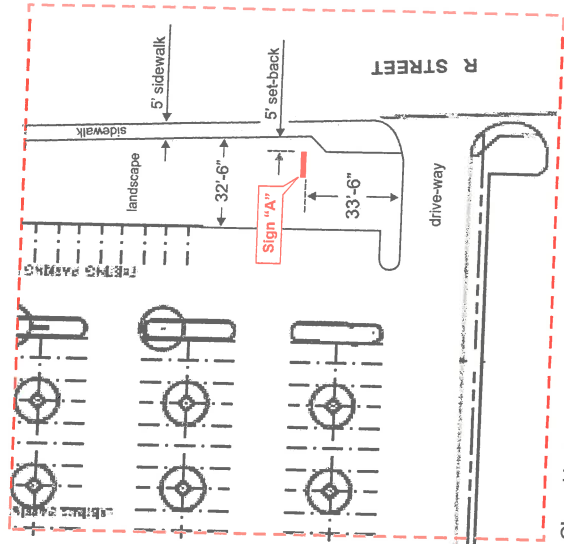
# 3155 R STREET



SITE PLAN (photo view)



SITE PLAN (line dwg)



Close-Up Detail

1) This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes.  
 2) The location of the disconnected switch after installation shall comply with the Section 600.6 (A)(1) of the National Electrical Code

**USS UNITED SIGN SYSTEMS**  
 5201 Pentecost Drive  
 Modesto, Calif. 95356  
 1-800-481-SIGN  
 C.S.C.L.# 718965  
 FAX (209) 543-1326  
**DESIGN MANUFACTURING INSTALLATION MAINTENANCE**

**JOB #:** 000  
**CLIENT:** 3155 R STREET  
**CONTACT:**  
**DATE:** 9-28-18  
**PROJECT LOCATION:**  
 3155 R STREET  
 MERCED, CA

**SALESPERSON:** DAMON RICHMOND  
**DRAWN BY:** BAM  
 PAGE 2 of 2  
**CLIENT APPROVAL** \_\_\_\_\_ DATE \_\_\_\_\_  
**LANDLORD APPROVAL** \_\_\_\_\_ DATE \_\_\_\_\_

**REVISIONS:**  
 11-6-18 bam  
 5-16-19 bam  
**SCALE:** NOTED  
**FILE NAME:** 3155 R STREET  
 merced r st

**ELECT.:**  
 120 Volt   
 277 Volt   
 Other   
 one box above  
**MUST be checked**  
 prior to any mfg.

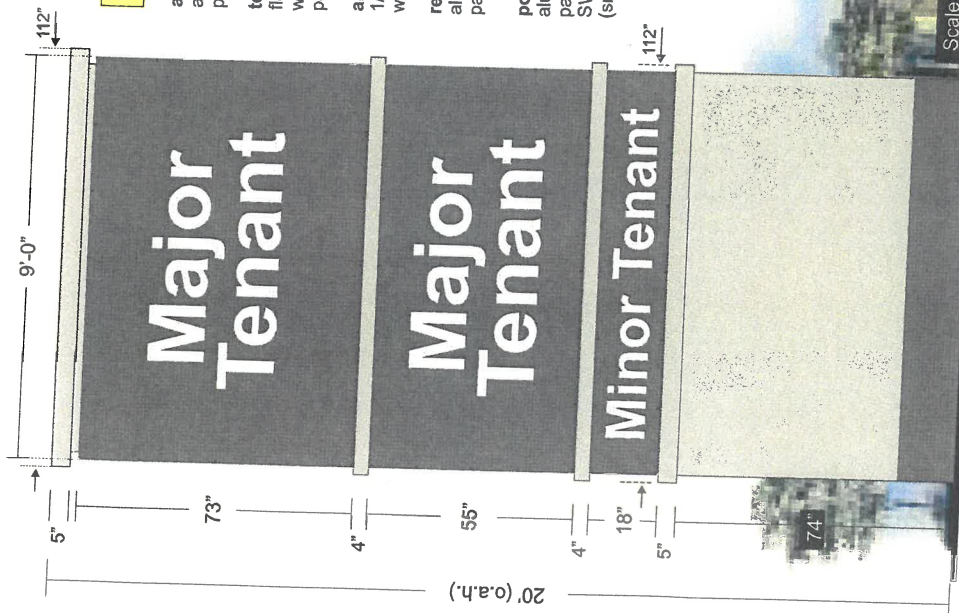
## SPECIFICATIONS

See Drawing for Specifications

Signage must be specific to 120 volt electrical power. For approved electrical signage, see section 600.6 (A)(1) of the National Electrical Code. Copyright © 2018 USS Sign Systems. All trademarks are the property of USS Sign Systems and/or other registered trademark holders. All other trademarks are the property of their respective owners.

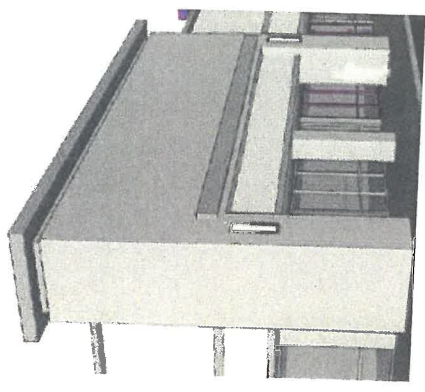
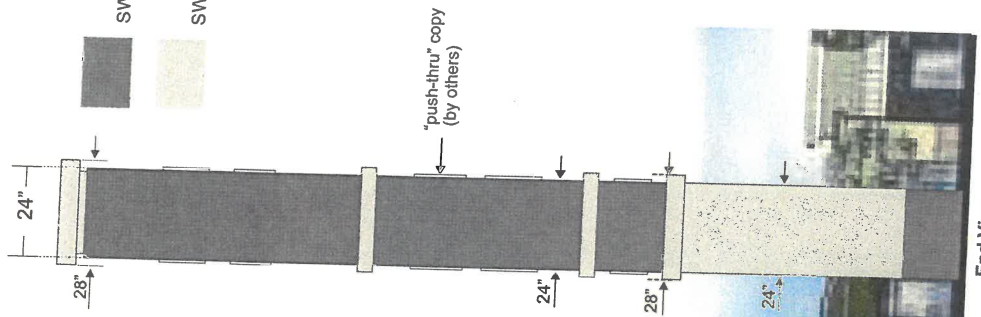


3155 R STREET



**Note: all tenant copy by others**

- all cabinets:** aluminum construction paint SW 7660 Earl Grey (smooth finish).
- tenant faces:** flat aluminum (r/o for copy) mount to cabinet with counter-sunk screws (paint to match face) paint SW 7660 Earl Grey (smooth finish).
- all tenant copy:** 1/2" deep clear acrylic "push-thru" with vinyl overlays (per ea. tenant - by others)
- reveals:** aluminum construction paint SW 7658 Grey Clouds (smooth finish)
- pole cladding:** aluminum construction paint SW 7658 Grey Clouds & SW 7660 Earl Grey (smooth finish)



Sign A: D/F Led Illum. Multi-Tenant Pylon Sign

1) This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes.  
 2) The location of the disconnect switch after installation shall comply with the Subpart 690.8 (A)(1) of the National Electrical Code

**USS UNITED SIGN SYSTEMS**  
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 Modesto, Calif. 95356  
 1-800-481-SIGN  
 C.S.C.L.# 718965  
 DESIGN MANUFACTURING INSTALLATION MAINTENANCE

**JOB INFO**  
 JOB #: 000  
 CLIENT: 3155 R STREET  
 CONTACT:  
 DATE: 9-28-18  
 PROJECT LOCATION:  
 3155 R STREET  
 MERCED, CA

**SALES PERSON: DAMON RICHMOND**  
 DRAWN BY: BAM  
 PAGE 1 of 2  
 CLIENT APPROVAL \_\_\_\_\_ DATE \_\_\_\_\_  
 LANDLORD APPROVAL \_\_\_\_\_ DATE \_\_\_\_\_

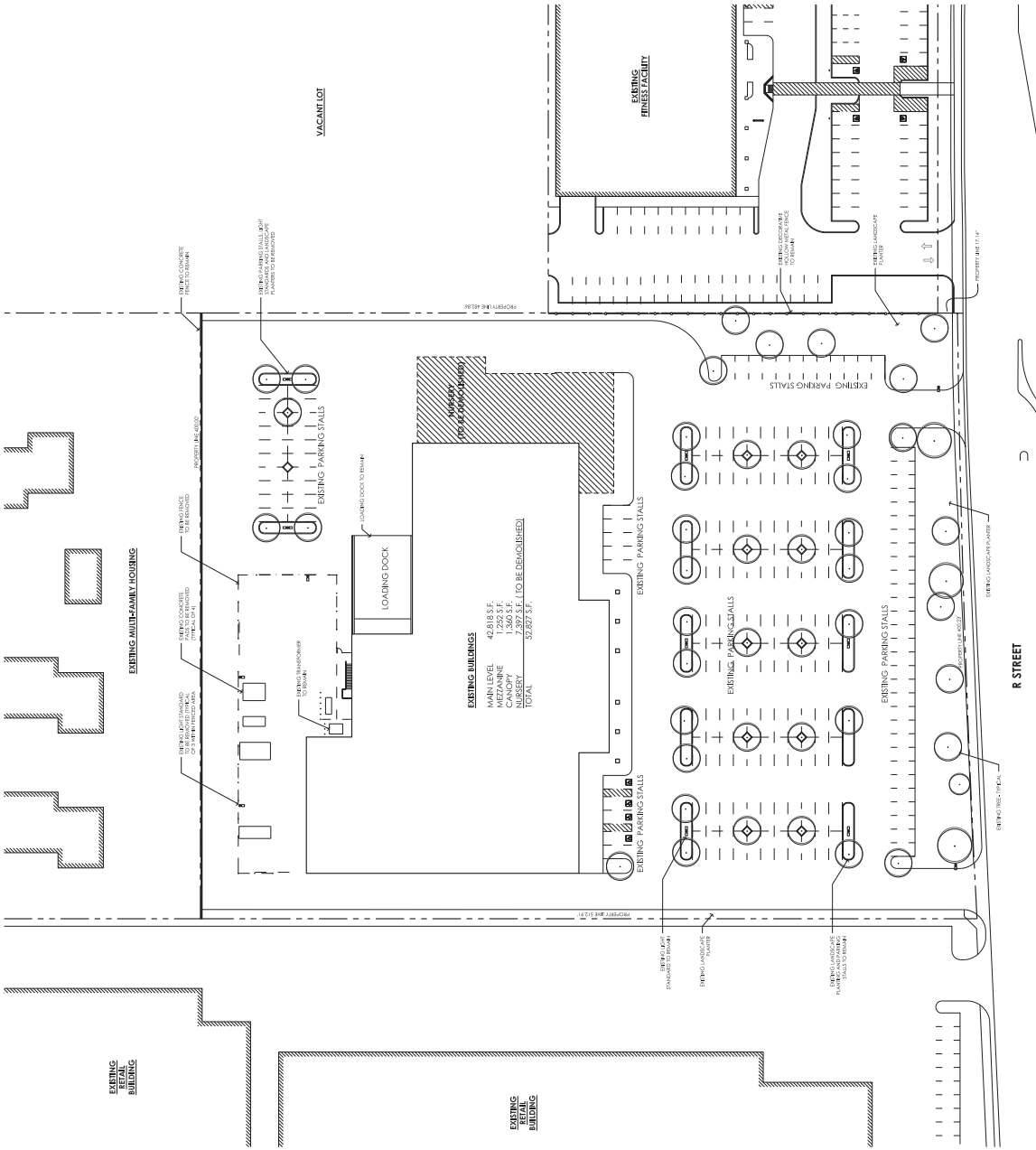
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 11-6-18 bam  
 12-3-18 bam  
 12-10-18 bam  
 2-3-19 bam  
 5-1-19 bam  
 5-10-19 bam  
 5-16-19 Bam

**SCALE:** NOTED  
**FILE NAME:** 3155 R STREET merced r st

**ELECT.:**  
 120 Volt   
 277 Volt   
 Other   
 one box above  
 MUST be checked  
 prior to any mfg.

**SPECIFICATIONS**  
 See Drawing for Specifications

This drawing is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. The location of the disconnect switch after installation shall comply with the Subpart 690.8 (A)(1) of the National Electrical Code. © 2018 USS Sign Systems, Inc. All rights reserved. This drawing is the property of USS Sign Systems, Inc. and is not to be reproduced without the written permission of USS Sign Systems, Inc.



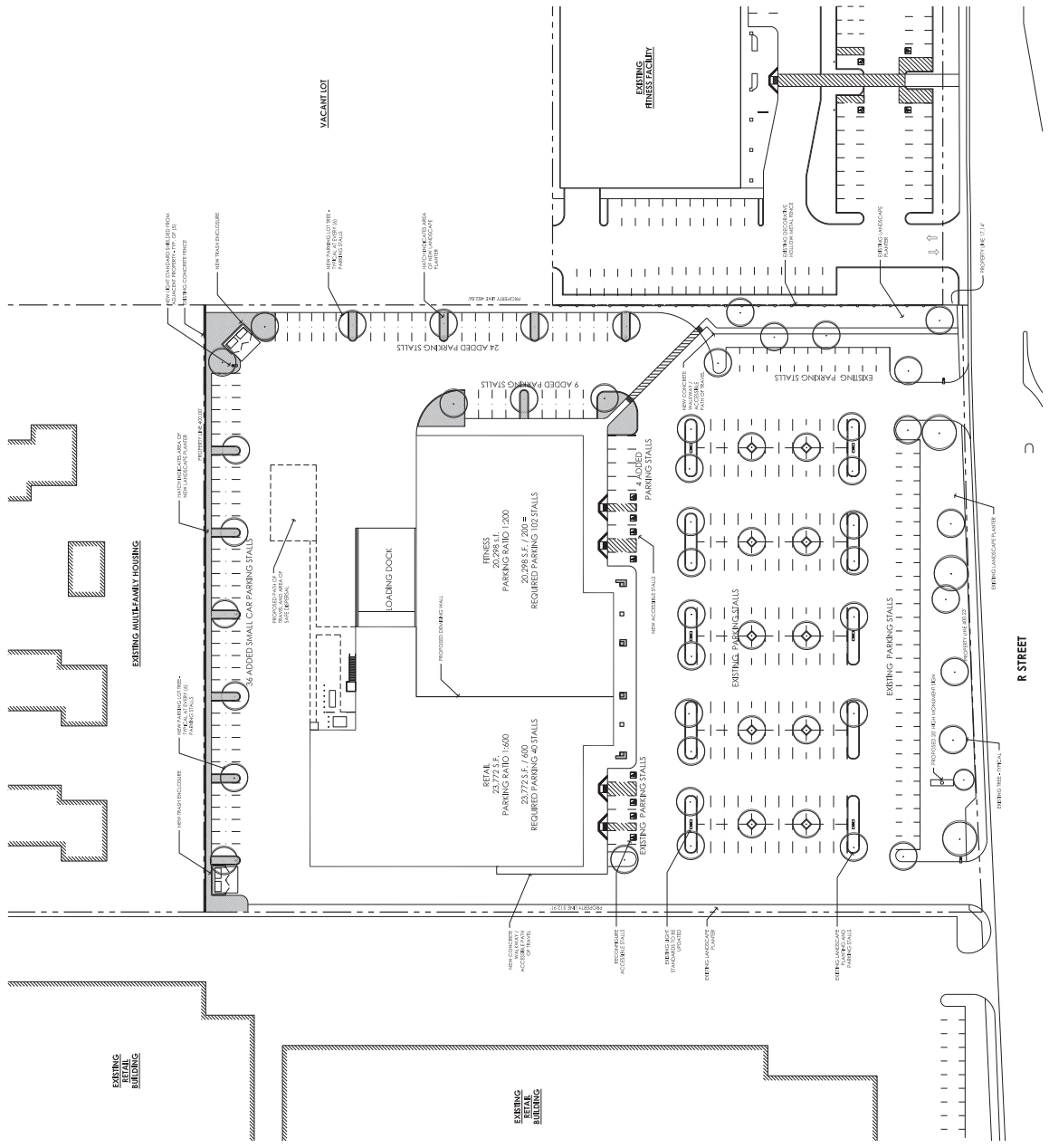
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 EXISTING PARKING  
 182 STALLS

PROPOSED NEW  
 TENANT / FACADE  
 IMPROVEMENT:  
**3155 R  
 STREET**  
 MERCED, CA.

PLANNING  
 ARCHITECTURE  
**api**  
 ARCHITECTURE PLUS INC.  
 4338-NORTH CARWAY  
 MERCED, CA 95368  
 TEL: 209.377.0273  
 WWW.APIARC.COM  
**A1 of 7**



EXISTING SITE PLAN  
 SCALE: 1/8" = 1'-0"  
 DATE: 10/20/20



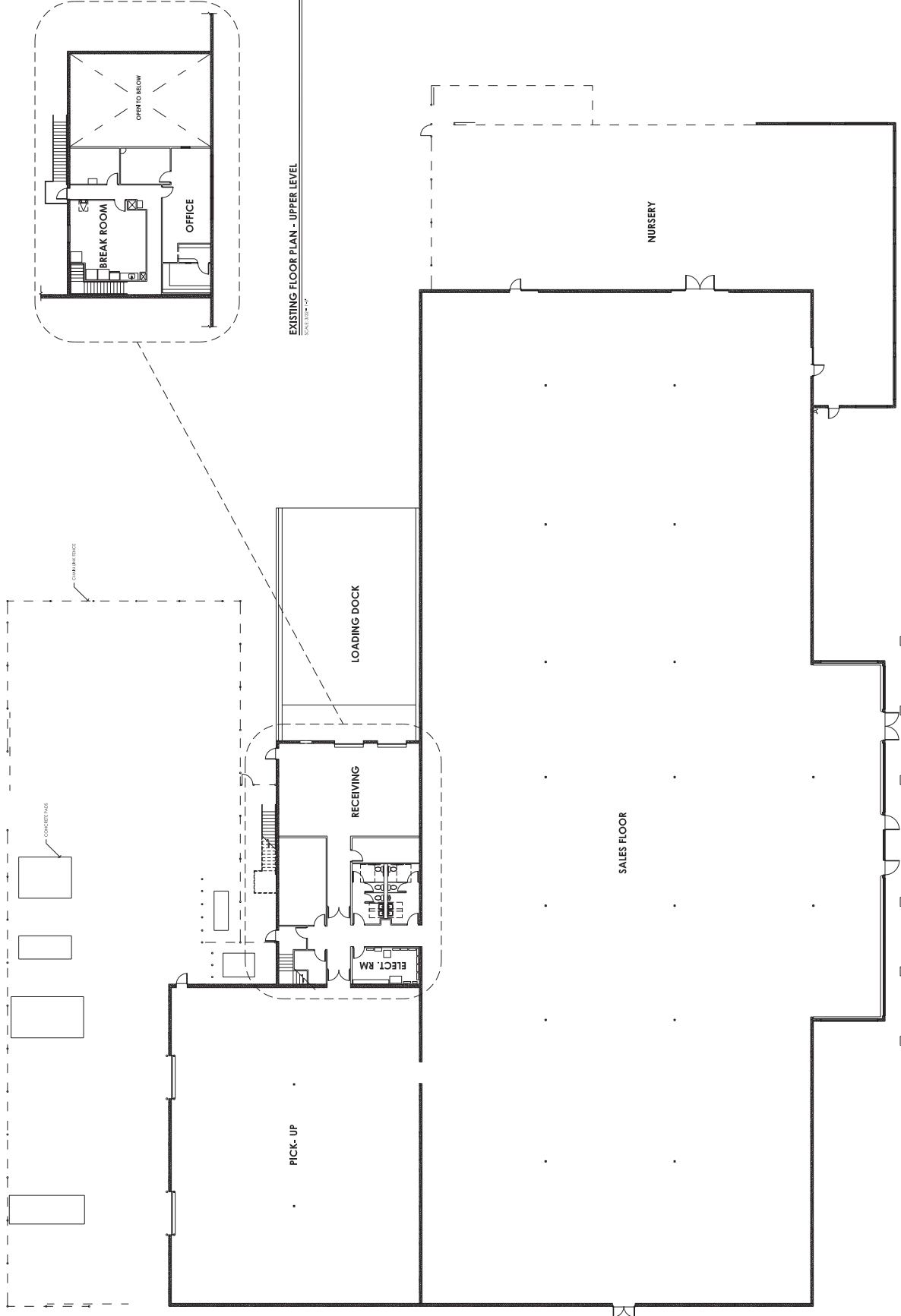
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RETAIL	40 STALLS
TOTAL REQUIRED	142 STALLS
PROVIDED PARKING:	
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REMOVED PARKING	-22 STALLS
REMAINING PARKING	160 STALLS
ADDED PARKING	82 STALLS
TOTAL ADDED PARKING	73 STALLS
TOTAL PROVIDED PARKING	233 STALLS

PROPOSED NEW  
TENANT / FACADE  
IMPROVEMENT:  
**3155 R  
STREET**  
MERCED, CA.

PLANNING  
ARCHITECTURE  
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ARCHITECTURE PLUS INC.  
4338-NORTH CARWAY  
MERCED, CA 95366  
TEL: 209.377.0213  
WWW.APIARC.COM



PROPOSED SITE PLAN  
SCALE: 1/8" = 1'-0"  
DATE: 10/06/17



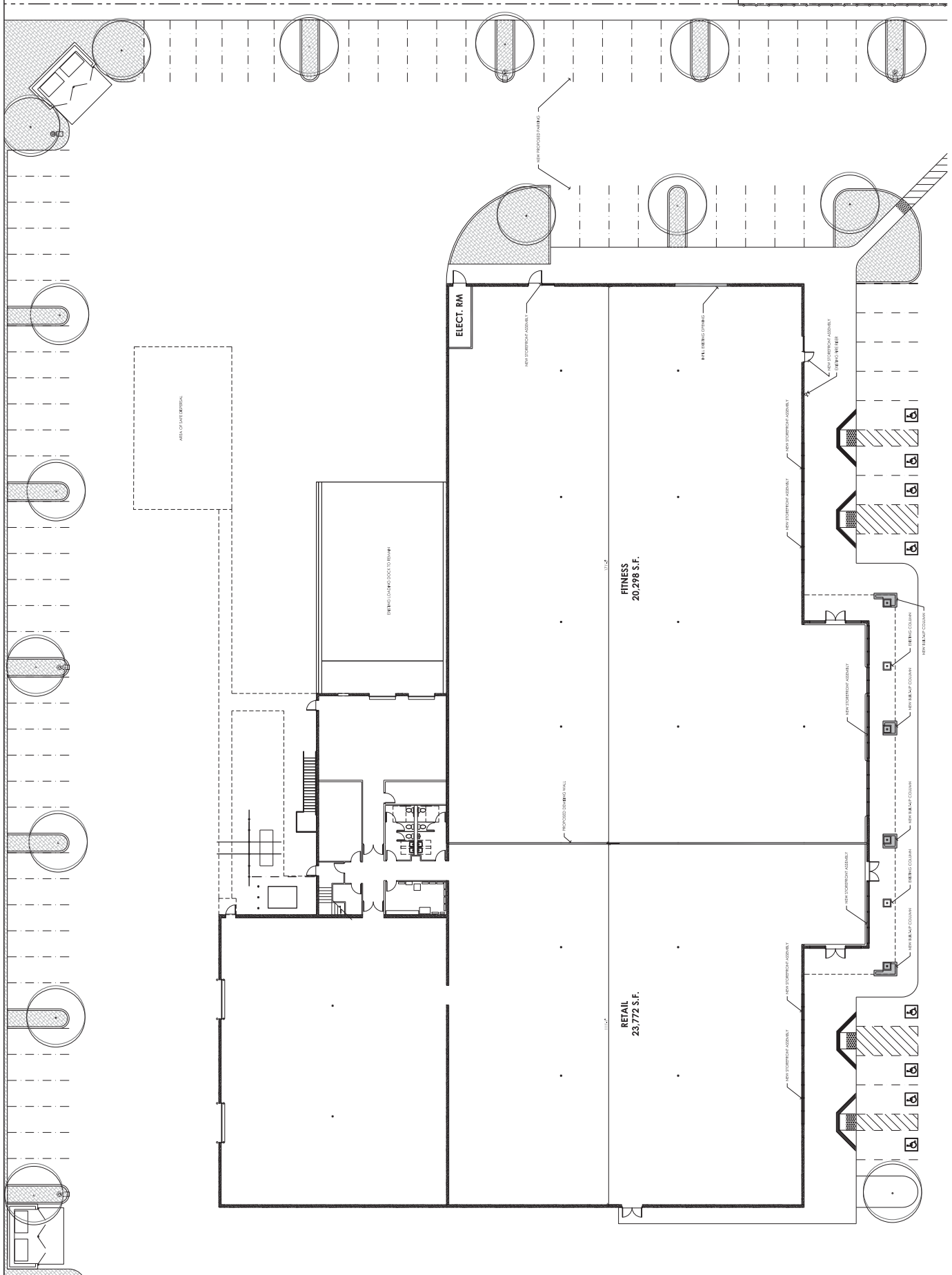
EXISTING FLOOR PLAN - UPPER LEVEL  
SCALE: 1/8" = 1'-0"

EXISTING FLOOR PLAN - MAIN LEVEL  
SCALE: 1/8" = 1'-0"



PROPOSED NEW  
TENANT / FACADE  
IMPROVEMENT:  
**3155 R  
STREET**  
MERCED, CA.

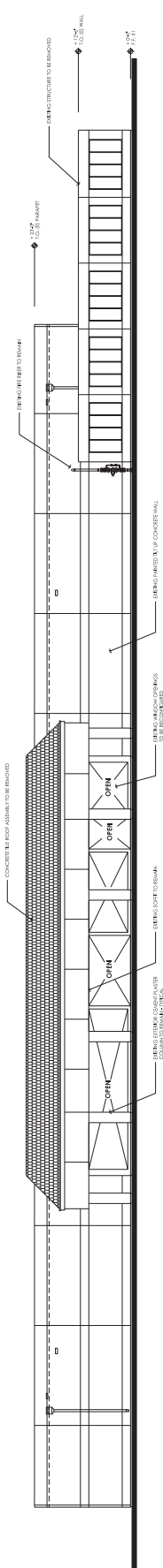
PLANNING  
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ARCHITECTURE PLUS INC.  
4354-B NORTH CARWAY  
MERCED, CA 95366  
TEL: 209.377.0203  
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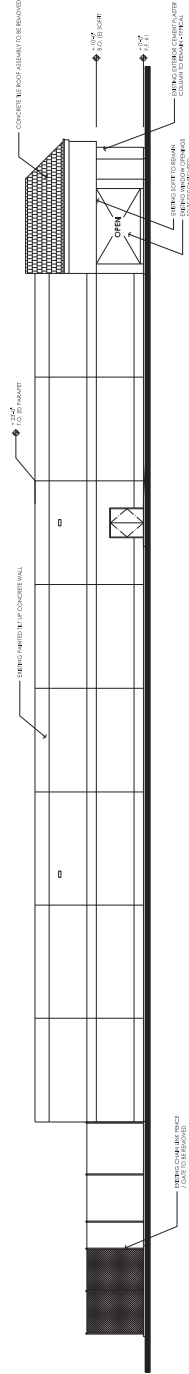
**PROPOSED FLOOR PLAN**  
SCALE: 3/8\"/>



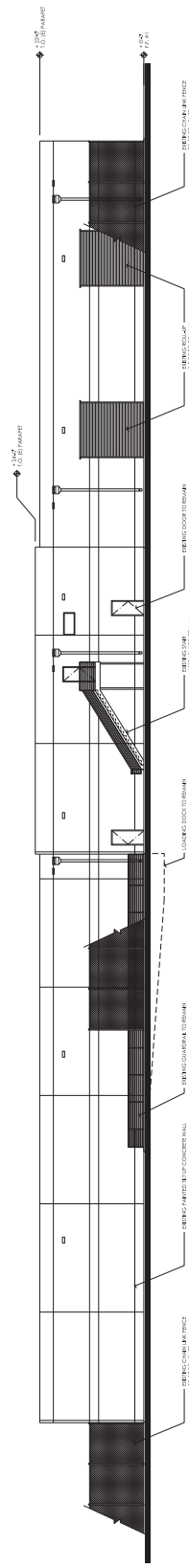
NORTH



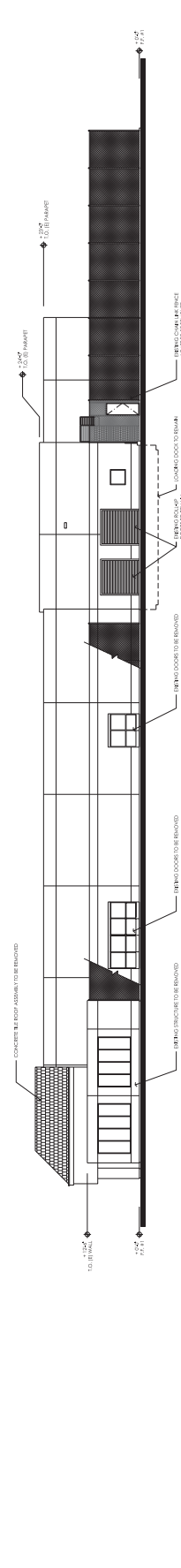
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SCALE 1/8" = 1'-0"



**EXISTING SOUTH ELEVATION**  
SCALE 1/8" = 1'-0"



**EXISTING WEST ELEVATION**  
SCALE 1/8" = 1'-0"

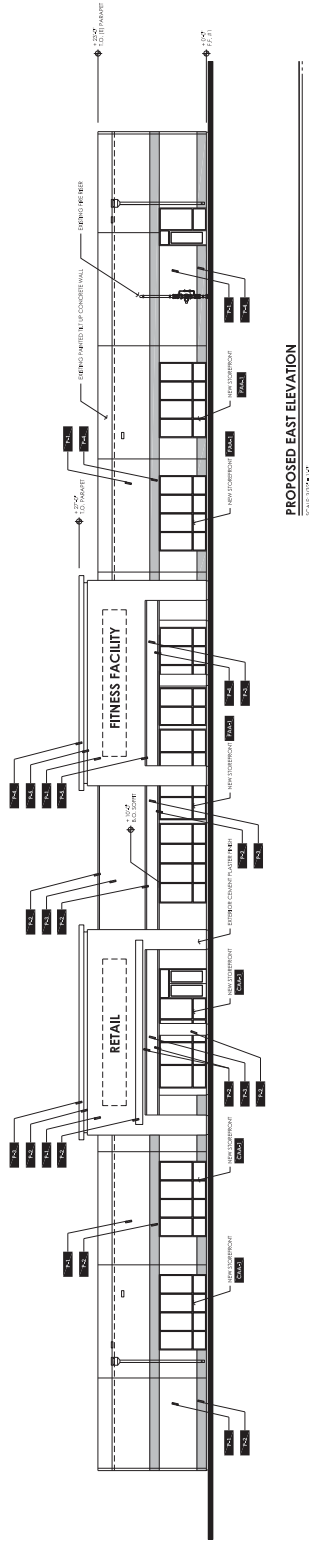


**EXISTING NORTH ELEVATION**  
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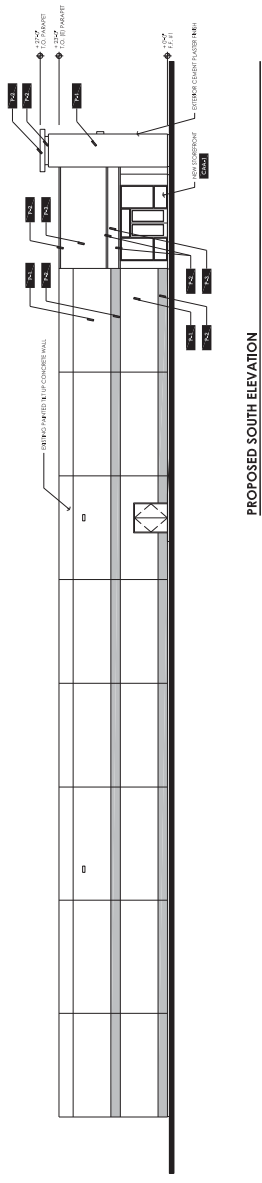
PROPOSED NEW  
TENANT / FACADE  
IMPROVEMENT:  
**3155 R  
STREET**  
MERCED, CA.

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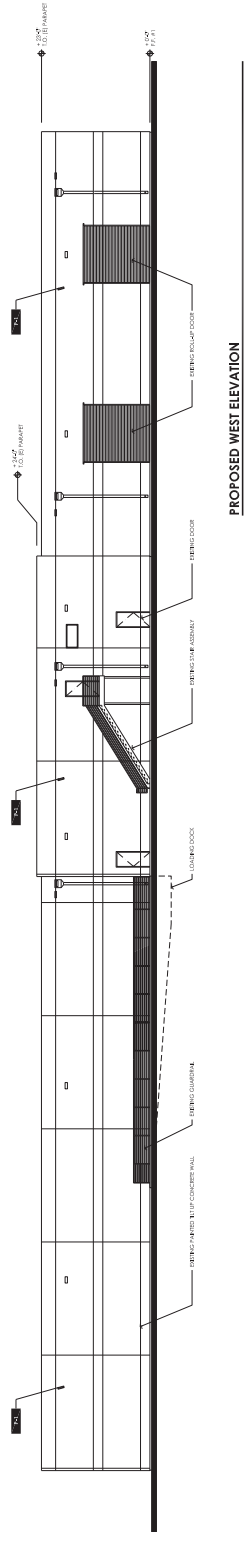




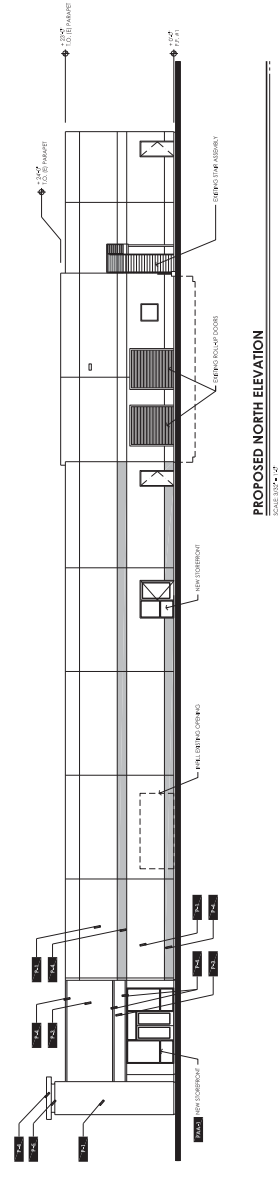
PROPOSED EAST ELEVATION  
SCALE 3/32" = 1'-0"



PROPOSED SOUTH ELEVATION  
SCALE 3/32" = 1'-0"



PROPOSED WEST ELEVATION  
SCALE 3/32" = 1'-0"

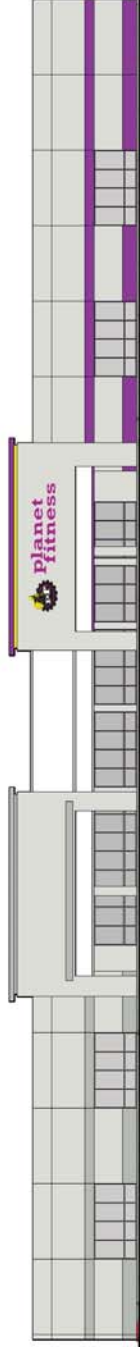


PROPOSED NORTH ELEVATION  
SCALE 3/32" = 1'-0"

- FINISH LEGEND**
- 1-01 FINISH PAINT (SEE FINISH SCHEDULE FOR FINISH)
  - 1-02 FINISH PAINT (SEE FINISH SCHEDULE FOR FINISH)
  - 1-03 FINISH PAINT (SEE FINISH SCHEDULE FOR FINISH)
  - 1-04 FINISH PAINT (SEE FINISH SCHEDULE FOR FINISH)
  - 1-05 FINISH PAINT (SEE FINISH SCHEDULE FOR FINISH)
  - 1-06 FINISH PAINT (SEE FINISH SCHEDULE FOR FINISH)
  - 1-07 FINISH PAINT (SEE FINISH SCHEDULE FOR FINISH)
  - 1-08 FINISH PAINT (SEE FINISH SCHEDULE FOR FINISH)
  - 1-09 FINISH PAINT (SEE FINISH SCHEDULE FOR FINISH)
  - 1-10 FINISH PAINT (SEE FINISH SCHEDULE FOR FINISH)
  - 1-11 FINISH PAINT (SEE FINISH SCHEDULE FOR FINISH)
  - 1-12 FINISH PAINT (SEE FINISH SCHEDULE FOR FINISH)
  - 1-13 FINISH PAINT (SEE FINISH SCHEDULE FOR FINISH)
  - 1-14 FINISH PAINT (SEE FINISH SCHEDULE FOR FINISH)
  - 1-15 FINISH PAINT (SEE FINISH SCHEDULE FOR FINISH)
  - 1-16 FINISH PAINT (SEE FINISH SCHEDULE FOR FINISH)
  - 1-17 FINISH PAINT (SEE FINISH SCHEDULE FOR FINISH)
  - 1-18 FINISH PAINT (SEE FINISH SCHEDULE FOR FINISH)
  - 1-19 FINISH PAINT (SEE FINISH SCHEDULE FOR FINISH)
  - 1-20 FINISH PAINT (SEE FINISH SCHEDULE FOR FINISH)

PROPOSED NEW  
TENANT / FACADE  
IMPROVEMENT:  
**3155 R  
STREET**  
MERCED, CA.

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ARCHITECTURE  
**api**  
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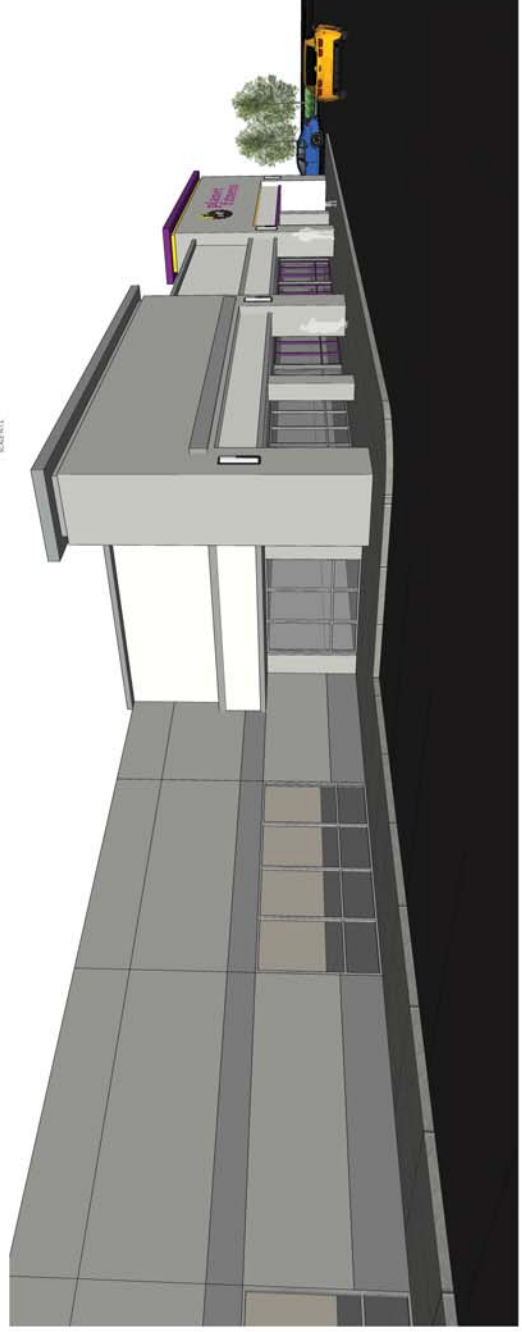
PROPOSED EAST ELEVATION

SCALE: 1/8" = 1'-0"



PERSPECTIVE VIEW: NORTH EAST FACADE

SCALE: 1/8" = 1'-0"



PERSPECTIVE VIEW: SOUTH EAST FACADE

SCALE: 1/8" = 1'-0"

PROPOSED NEW  
TENANT / FACADE  
IMPROVEMENT:  
**3155 R  
STREET**  
MERCED, CA.

PLANNING  
ARCHITECTURE  
**api**

ARCHITECTURE PLUS INC.  
4338 NORTH STARWAY  
MERCED, CA 95366  
TEL: 209.377.0233  
WWW.APIARCH.COM

**NOTICE OF EXEMPTION**

---

**To:** \_\_\_\_\_ Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044  
  
 X  County Clerk  
County of Merced  
2222 M Street  
Merced, CA 95340

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

**Project Title:** Conditional Use Permit #1232 (Environmental Review #19-19)

**Project Applicant:** United Signs System for Insenberg and Ericson, Inc.

**Project Location (Specific):** 3155 R Street APN: 058-090-004

**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:** Creative Products Unlimited for Insenberg and Ericson, Inc.


**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));
- X  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 alterations only, such as installing a pylon sign, 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:**  \_\_\_\_\_ **Date:** 08-05-2019 **Title:** Associate Planner

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 #\_\_\_\_\_**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of August 21, 2019, held a public hearing and considered **Conditional Use Permit #1232**, initiated by United Signs System, applicant for Isenberg and Ericson, Inc., property owner. This application involves a request to install a 20-foot-tall freestanding pylon sign for the shopping center located at 3155 R Street. The subject site is generally located on the west side of R Street, approximately 575 feet north of W. Olive Avenue. This property is located within Planned Development (P-D) #7 and has a Regional/Community Commercial (RC) General Plan Designation; also known as Assessor's Parcel Number (APN) 058-090-004; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through G of Staff Report #19-21; 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 #19-19, and approve Conditional Use Permit #1232, 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:

NOES:

ABSENT:

ABSTAIN:

August 21, 2019

Adopted this 21<sup>st</sup> day of August 2019.

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Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

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Secretary

Attachment:

Exhibit A – Conditions of Approval

**Conditions of Approval**  
**Planning Commission Resolution # \_\_\_\_\_**  
**Conditional Use Permit #1232**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibits 2 (elevations) – Attachments B and C of Staff Report #19-21.
2. All conditions contained in Resolution #1249 (“Standard Conditional Use Permit Conditions”) shall apply.
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, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, 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. The maximum height for the shopping center sign shall not exceed 23 feet.
7. The shopping center signs shall be located outside of the 10-foot visual corner at the driveway entrance on R Street and shall maintain a minimum 3-foot setback from all property lines.
8. The pylon sign's materials, colors, and design shall be compatible and consistent with the shopping center.
9. All exterior sign surfaces shall be regularly maintained. Any damage caused by weathering, vandalism, or other factors shall be repaired in keeping with approved materials, colors, and finishes.
10. A building permit shall be obtained prior to the installation of the pylon sign. Building permits shall also be obtained prior to the installation or replacement of signage on the pylon sign.
11. Pylon sign paint samples shall be reviewed and approved by Planning staff during the building permit stage. Appropriate colors are those that match or complement the existing buildings within the shopping center.

n:shared:planning:PC Resolutions: CUP #1232 Exhibit A