

**CITY OF MERCED
Planning Commission**

MINUTES

Merced City Council Chambers
Wednesday, November 6, 2019

Vice Chairperson HARRIS 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: Stephanie Butticci, Mary Camper, Jose Delgadillo, Robert Dylina, Sam Rashe, Dorothea Lynn White, and Vice Chairperson Michael Harris

Commissioners Absent: None

Staff Present: Director of Development Services McBride, Director of Economic Development Quintero, Planning Manager Espinosa, Associate Planner Mendoza-Gonzalez, Deputy City Attorney Campbell, and Recording Secretary Gates

1. **APPROVAL OF AGENDA**

M/S DYLINA-CAMPER, and carried by unanimous voice vote, to approve the Agenda as submitted.

2. **MINUTES**

M/S DYLINA-RASHE, and carried by unanimous voice vote, to approve the Minutes of October 23, 2019, as submitted.

3. **COMMUNICATIONS**

None

4. **ITEMS**

- 4.1 Administrative Conditional Use Permit #AS-229, initiated by Seritage SRC Finance, LLC, property owners. This application involves consideration of a Comprehensive Sign Package (including additional wall mounted signage and a 34-foot-tall corner wall sign) for the new commercial suites at 1011 W. Olive Avenue. The site is generally located on the east side of R Street, approximately 1,100 feet north of Olive Avenue, within Planned Development (P-D) #1, with a Regional/Community Commercial (RC) General Plan designation

Associate Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #19-28.

Public testimony was opened at 7:09 p.m.

Speaker from the Audience in Favor:

SEAN LAHIJANI, Applicant, Los Angeles

No one spoke in opposition to the project.

Public testimony was closed at 7:10 p.m.

M/S DYLINA-CAMPER, and carried by the following vote, to approve Administrative Conditional Use Permit #AS-229, subject to the Findings and ten (10) Conditions set forth in Staff Report #19-28, as follows (RESOLUTION #4031):

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

NOES: None

ABSENT: None

ABSTAIN: None

*Secretary's note:

Commissioner DYLINA recused himself prior to the reading of Item 4.2 and left the Chambers.

4.2 Vesting Tentative Subdivision Map #1311 ("Benny Hills Estates"), initiated by Quad Knopf, Inc., applicant for BMP Properties, property owner. This application involves a request to subdivide one parcel (approximately 1.90 acres) into 12 single-family lots ranging in size from 4,946 square feet to 6,475 square feet, generally located at the southeast corner of N. Coffee Street and Merced Avenue (at 1600 N. Coffee Street), within a Residential Planned Development (RP-D) #54 zone.

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

Commissioner DYLINA returned to the dais to recuse himself on the record due to a previous relationship with the applicant and then left the Chambers again.

Speaker from the Audience in Favor:

GARTH PECCHENINO, Representative of the applicant, Merced

No one spoke in opposition to the project.

Public testimony was closed at 7:26 p.m.

Commissioner DELGADILLO requested to amend Condition #10 to require that the applicant both treat the wall to allow easy graffiti removal and plant fast-growing vines to the wall.

M/S DELGADILLO-RASHE, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #19-25, and approve Vesting Tentative Subdivision Map #1311, subject to the Findings and twenty-two (22) Conditions set forth in Staff Report #19-27, amending Condition #10 as follows (RESOLUTION #4032):

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

“10. A 7-foot-high concrete block wall shall be provided along N. Coffee Street. The wall shall be treated to allow easy removal of graffiti ~~or~~ and the developer shall plant fast-growing vines to cover the wall to deter graffiti.”

AYES: Commissioners Buttici, Camper, Delgadillo, Rashe, White, and Vice Chairperson Harris

NOES: None

ABSENT: None

ABSTAIN: Commissioner Dylina

Commissioner DYLYNA returned to the dais.

4.3 Election of Chairperson and Vice Chairperson

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

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

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

NOES: None

ABSENT: None

ABSTAIN: None

4.4 Cancellation of November 20 and December 18, 2019, Planning Commission Meetings due to the Holidays

M/S CAMPER-RASHE, and carried by unanimous voice vote to cancel the Planning Commission meetings of November 20 and December 18, 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, Vice Chairperson HARRIS adjourned the meeting at 7:38 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 #4031

WHEREAS, the Merced City Planning Commission at its regular meeting of November 6, 2019, held a public hearing and considered **Administrative Conditional Use Permit #AS-229**, initiated by Seritage SRC Finance, LLC, property owners. This application involves consideration of a Comprehensive Sign Package (including additional wall mounted signage and a 34-foot-tall corner wall sign) for the new commercial suites at 1011 W. Olive Avenue. The site is generally located on the east side of R Street, approximately 1,100 feet north of Olive Avenue, within Planned Development (P-D) #1, with a Regional/Community Commercial (RC) General Plan designation; also known as Assessor's Parcel Number (APN) 236-220-031; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through G of Staff Report #19-28 (Exhibit B); and,

WHEREAS, the Merced City Planning Commission concurs with the Findings for Approval for Conditional Use Permits in Merced Municipal Code Section 20.68.020 (F) 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 #19-32, and approve Administrative Conditional Use Permit #AS-229, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, Rashe, White, and Vice Chairperson Harris
NOES: None
ABSENT: None
ABSTAIN: None

PLANNING COMMISSION RESOLUTION # 4031

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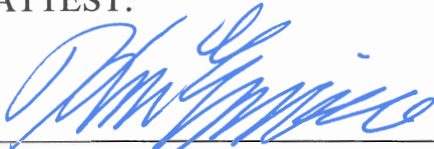
November 6, 2019

Adopted this 6th day of November 2019



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Exhibit B – Staff Report #19-28 (Including Findings and Considerations)

Conditions of Approval
Planning Commission Resolution #4031
Administrative Conditional Use Permit #AS-229

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Master Sign Program), - Attachment B of Staff Report #19-28, 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. All signs shall comply with the North Merced Sign Ordinance. No temporary freestanding or moveable signs shall be allowed.
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. The 34-foot-tall corner wall sign is considered to be this site's "Freestanding Shopping Center" sign as defined in MMC 17.36.667 and no additional shopping center signs can be approved. Monument signs may be considered for this site as allowed by the Merced Municipal Code.
10. Final approval of each individual sign shall require a sign permit and approval by the Development Services Department

EXHIBIT B

Planning Commission Staff Report #19-28

CITY OF MERCED
Planning Commission

Resolution #4032

WHEREAS, the Merced City Planning Commission at its regular meeting of November 6, 2019, held a public hearing and considered **Vesting Tentative Subdivision Map #1311** (“Benny Hill Estates”), initiated by Quad Knopf, Inc., applicant for BMP Properties, property owner. This application involves a request to subdivide one parcel (approximately 1.90 acres) into 12 single-family lots ranging in size from 4,946 square feet to 6,475 square feet, generally located at the southeast corner of N. Coffee Street and Merced Avenue (at 1600 N. Coffee Street), within a Residential Planned Development (RP-D) #54 zone; also known as Assessor’s Parcel Number (APN) 061-600-001; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through H of Staff Report # 19-27 (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 #19-25, and approve Vesting Tentative Subdivision Map #1311 (“Benny Hill Estates”), subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

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

NOES: None

ABSENT: None

ABSTAIN: Commissioner Dylina

PLANNING COMMISSION RESOLUTION #4032

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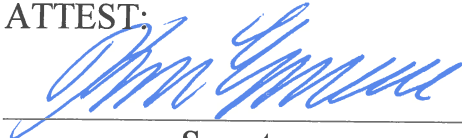
November 6, 2019

Adopted this 6th day of November, 2019



Chairman, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Conditions of Approval
Planning Commission Resolution # 4032
Vesting Tentative Subdivision Map # 1311

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Proposed Vesting Tentative Map at Attachment B of Staff Report #19-27) and Exhibit 2 (Elevations at Attachment C Staff Report #19-), and as modified by the conditions of approval within this resolution.
2. All conditions contained in Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions") shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. The Project shall comply with all applicable conditions set forth in the resolutions for Annexation No. 193 (Franco Annexation) and Residential Planned Development (RP-D) #54 previously approved for this site.
5. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
6. Community Facilities District (CFD) formation is required for annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, street lights, parks and open space. CFD procedures shall be initiated before final map approval. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
7. 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.

8. 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.
9. All public improvements shall be provided along N. Coffee Street and Merced Avenue as well as the new cul-de-sac. All improvements shall meet City Standards.
10. A 7-foot-high concrete block wall shall be provided along N. Coffee Street. The wall shall be treated to allow easy removal of graffiti and the developer shall plant fast-growing vines to cover the wall to deter graffiti.
11. A 10-foot strip of landscaping shall be provided along N. Coffee Street between the block wall and the sidewalk. This strip of land shall be dedicated to the City and maintained through the Community Facilities District during the Final Map stage, as required by the City Engineer.
12. The applicant shall dedicate interior street rights-of-way and all necessary easements as needed for irrigation, utilities, drainage, landscaping, and open space during the Final Map stage as required by the City Engineer.
13. Fire hydrants shall be installed along the street frontage to provide fire protection to the area. The hydrants shall meet all City of Merced standards and shall comply with all requirements of the City of Merced Fire Department. Final location of the fire hydrants shall be determined by the Fire Department.

14. All undeveloped areas shall be maintained free of weeds and debris.
15. Street names shall be approved by the City Engineer.
16. Compliance with the “corner visual triangle” provisions of MMC 20.30.030 is required for corner lots, and may result in the applicant constructing smaller homes on these lots or increasing the front yard setbacks.
17. No Valley Gutters shall be installed in this subdivision.
18. No “rolled” curbing shall be installed in this subdivision.
19. At the building permit stage, the site plans for each lot shall include a minimum 3-foot by 6-foot concrete pad located in the side yard or backyard for the storage of 3 refuse containers. A paved access to the street from this pad shall be provided.
20. 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.
21. The applicant shall provide a minimum 30 inches of coverage between the top of the sewer line and the surface of the street, or as required by the City Engineer.
22. The cul-de-sacs shall be designed with a minimum 48-foot radius, to meet City Fire Department Standards.

EXHIBIT B

Planning Commission Staff Report #19-27