CITY OF MERCED
DESIGN REVIEW BOARD/
HISTORIC PRESERVATION COMMISSION

M I N U T E S

CITY COUNCIL CHAMBERS
678 WEST 18TH STREET
MERCED, CALIFORNIA

WEDNESDAY
May 11, 2011

Vice-Chairperson LEMEN called the meeting of the Design Review Board and Historic Preservation Commission to order at 4:02 p.m.

(B) ROLL CALL

Present: Catherine Kniazewycz
Harlan Dake
Carole Luhring
John Hofmann
Jack Lemen (Vice-Chairperson)

Absent: Walter Lopes (Chairperson) (Excused)
(one vacancy)

Staff Present: Kim Nutt, Planning Technician/Recording Secretary

(C) ADDITIONS/DELETIONS TO THE AGENDA

Commissioners KNIAZEWYCZ and HOFMANN both stated that they had informational items to add to the agenda. Those items were added as H.3 and H.4, respectively.

(D) APPROVAL OF MINUTES

M/S HOFMANN/DAKE, and carried by unanimous voice vote (one vacancy), to approve the Minutes of April 13, 2011, as submitted.

(E) ORAL COMMUNICATIONS

There were no persons in the audience wishing to speak on any matter which was not listed on the agenda.

(F) DESIGN REVIEW ITEMS

1. DR #11-01 - Final Review of the overall design, size, and site placement of a structure for the use of displaying public art on City-owned property (Bob Hart Square), and Categorical Exemption #11-13

Planning Technician NUTT presented the staff report and details of the proposal. At conclusion, she asked the Commission to give recommendations regarding expansion of the structure and lighting.

The applicant, Monika MODEST, addressed the Commissioners' questions regarding graffiti protection, construction/footing depths, and tile mounting methods.

M/S HOFMANN/KNIAZEWYCZ, and carried by the following vote, to adopt a Categorical Exemption for Environmental Review #11-13 and to approve DR #11-01, as proposed, with recommendations to include down-lighting in an even wash of light (no "hot spots") and to allow expansion of the proposed design up to an additional six (6) feet in length *(secretary's note: new language indicated by underline; deleted language indicated by ~~strikethrough~~)*:

1. The proposed project shall be constructed/designed as shown on Exhibits 1, 2, 3, and 4 -- Attachments C, E, F, and G of Staff Report DR#11-01, except those elements of installation involving construction and safety (i.e., footing depths, method of installation, etc., as described in the report).

2. The project shall comply with all applicable State laws and local codes and regulations of the current Editions of the Uniform Building and Fire Codes, California Building and Fire Codes, Plumbing and Mechanical Codes, National Electrical Codes, and State Accessibility (ADA) requirements including, but not limited to, site accessibility. A building permit is required prior to construction.

3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering

Department. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.

4. 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.

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. A final landscape and sprinkler plan is required at the building permit stage. If existing landscaping cannot be trimmed or transplanted to accommodate the new structure, new landscaping shall be installed in a manner consistent with the proposal, with all details to be reviewed by

staff. All landscaping shall be finished and/or installed concurrently with the tile-display structure.

7. Accent lighting shall be installed, if recommended by the Design Review Commission and agreed to by the City, as owner of the property. Any lighting associated with this project shall comply with the Merced Downtown Lighting Strategy.

8. Unless subsequently transferred to the City, the applicant shall maintain a clean and respectable appearance of the structure and tiles at all times, and any excessive weathering, graffiti, vandalism or other damage done to any part of the structure or tiles shall be rectified, repaired, or replaced within a reasonable amount of time.

9. This approval is in effect for one year. The applicant shall apply for a building permit within one year of this approval, with all work to be completed within eighteen (18) months.

AYES: Commissioners KNIAZEWYCZ, DAKE, LUHRING, HOFMANN, and Vice-Chairperson LEMEN
NOES: None
ABSENT: Chairperson LOPES (one vacancy)
ABSTAIN: None

(G) HISTORIC PRESERVATION ITEMS

There were no Historic Preservation items to report on at this time.

(H) INFORMATION ITEMS

1. Newsletter - Redevelopment Update: April 2011

There was no discussion regarding this item.

2. Upcoming projects/applications (discussion with staff)

Ms. NUTT reviewed pending applications, indicating that there may be an item for the next scheduled meeting. She added that there was recently an inquiry

from a homeowner on W. 27th Street, who is interested in having her home added to the Local Historic Registry.

3. Item added by Commissioner KNIAZEWYCZ

Commissioner KNIAZEWYCZ announced that she has accepted new employment in Oakland and will be resigning from the Commission as of June 1, 2011.

4. Item added by Commissioner HOFMANN

Commissioner HOFMANN reminded the Commissioners about the Historical Society's Annual Picnic on Friday, May 20, 2011.

(I) ADJOURNMENT

There being no further business, Vice-Chairperson LEMEN adjourned the meeting at 4:48 p.m.

Prepared by:

Kimberly Nutt
Recording Secretary

Approved by:

Jack Lemen
Vice-Chairperson

kn:DRC/Minutes'11/M05-11-2011