CITY OF MERCED
Planning Commission

MINUTES

Merced City Council Chambers
Wednesday, February 22, 2012

Vice-Chairperson MCCOY called the meeting to order at 7:02 p.m., followed by a moment of silence and the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Kimberly Madayag, *Mary Ward, Dwight Amey, Bob Acheson, and Vice-Chairperson McCoy

*Commissioner Ward arrived at 7:03 p.m.

Commissioners Absent: Travis Colby (excused) and Chairperson Richard Cervantes (excused)

Staff Present: Planning Manager Espinosa, Planner Nelson, Deputy City Attorney Rozell, and Recording Secretary Lucas

1. APPROVAL OF AGENDA

M/S WARD-ACHESON, and carried by unanimous voice vote (two absent), to approve the Agenda as submitted.

2. MINUTES

M/S WARD-ACHESON, and carried by unanimous voice vote (two absent), to approve the Minutes of January 18, 2012, as submitted.

3. COMMUNICATIONS

None.

4. **ITEMS**

4.1 Conditional Use Permit #1164, initiated by Golden Valley Engineering, applicant for Plaza at El Portal Group, LLP, property owners. This application involves a request to allow the construction of a 23,242-square-foot, single-story office building at the southwest corner of G Street and El Portal Drive within Planned Development (P-D) #44 with a General Plan designation of Commercial Office (CO).

Planner NELSON presented the project and responded to questions from the Commission. For further information, refer to Staff Report #12-02.

Public testimony was opened at 7:16 p.m.

DUANE ANDREWS, Golden Valley Engineering, spoke in favor of the project on behalf of the applicant.

No one spoke in opposition to the project.

Public testimony was completed at 7:17 p.m.

M/S WARD-ACHESON, and carried by the following vote, to find that the previous environmental review [Initial Study #06-41 (Mitigated Negative Declaration) for General Plan Amendment #06-01 and Site Utilization Plan Revision #2 to Planned Development #44] remains sufficient and no further documentation is required (CEQA Section 15162), and to approve Conditional Use Permit #1164, subject to the Findings and sixteen (16) Conditions set forth in Staff Report #12-02 (RESOLUTION #2999)

AYES: Commissioners Madayag, Ward, Amey, Acheson, and Vice-Chairperson McCoy
NOES: None
ABSENT: Commissioner Colby and Chairperson Cervantes

4.2 Cancellation of March 7, 2012, Planning Commission Meeting

M/S WARD-ACHESON, and carried by unanimous voice vote (2 absent), to cancel the Planning Commission meeting of March 7, 2012.

5. INFORMATION ITEMS

5.1 Calendar of Meetings/Events

There was no discussion regarding the calendar of meetings and events.

6. ADJOURNMENT

There being no further business, Vice-Chairperson MCCOY adjourned the meeting at 7:19 p.m.

Respectfully submitted,

KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:

for

CAROLE MCCOY, Vice Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #2999

WHEREAS, the Merced City Planning Commission at its regular meeting of February 22, 2012, held a public hearing and considered **Conditional Use Permit #1164**, initiated by Golden Valley Engineering, applicant for Plaza at El Portal Group, LLP, property owners. This application involves a request to allow the construction of a 23,242-square-foot, single-story office building at the southwest corner of G Street and El Portal Drive within Planned Development (P-D) #44 with a General Plan designation of Commercial Office (CO); also known as Assessor's Parcel Numbers 236-280-005; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through I of Staff Report #12-02; and,

WHEREAS, after reviewing the City's Initial Study and Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby find that the previous environmental review [Initial Study #06-41 (Mitigated Negative Declaration) for General Plan Amendment #06-1 and Site Utilization Plan Revision #2 to Planned Development #44] remains sufficient and no further documentation is required (CEQA Section 15162), and approve Conditional Use Permit #1164, subject to the Conditions set forth in Exhibit A attached hereto.

Upon motion by Commissioner Ward, seconded by Commissioner Acheson, and carried by the following vote:

AYES: Commissioners Madayag, Ward, Amey, Acheson, and Vice-Chairperson McCoy

NOES: None

ABSENT: Commissioner Colby and Chairman Cervantes
ABSTAIN: None

Adopted this 22nd day of February 2012

Vice-Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Attachment:
Exhibit A – Conditions of Approval

n:shared:planning:PC Resolutions:CUP#1164 Plaza at El Portal Office Bldg

Conditions of Approval
Planning Commission Resolution #2999
Conditional Use Permit #1164

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibit 2 (elevations) -- Attachments B and C of Staff Report #12-02, except as modified by the conditions.

2. All conditions contained in Resolution #1249 - Amended ("Standard Conditional Use Permit Conditions"—except for Condition #16 which has been superceded by Code) 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 the conditions set forth in Resolution #2651 for General Plan Amendment #00-03, Resolution #2890 for General Plan Amendment #06-11 and Site Utilization Plan Revision #2 to Planned Development (P-D) #44, and all other applicable conditions previously approved for this project.

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

6. 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.

7. 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.

8. A detailed landscape/irrigation plan shall be submitted at the Building Permit stage. This plan shall include the installation of parking lot trees at a ratio of 1 tree for every 6 spaces.

9. Appropriate turning radius shall be provided within the parking area to allow Fire Department access.

10. Prior to or concurrent with building permit submittal, a lighting plan shall be reviewed and approved. Proposed lighting shall be oriented in a way to reduce any impacts on the residential uses in the area. All lighting shall comply with the California Energy Code.

11. As part of this approval, this project shall be subject to the sign program for the Plaza at El Portal previously approved and shall comply with the North Merced Sign Ordinance.

12. A 50% reduction in the number of parking spaces required for the area of the building dedicated to the dialysis center (up to a maximum of 11,500 square feet) is granted. This reduction shall apply to any other outpatient procedural medical use within this building that takes a minimum of three hours or more per patient visit, but specifically excluding medical and dental offices and clinics and/or medical, optical, and dental laboratories that involve patients and/or customers coming to and from the facility.

13. If the portion of the building occupied by the dialysis center (or other similar use) is vacated and medical or general office uses wish to occupy that portion of the building, sufficient parking shall be provided prior to any other use occupying this portion of the building.

14. Bicycle parking shall be provided at a minimum ratio of 5% of the vehicle parking spaces for this building. The bicycle rack shall be designed with at least two, preferably three, contact points on at least one wheel and the bicycle frame to provide stability to the parked bicycle, such as the “inverted-U” rack design.

15. Prior to or concurrent with building permit submittal, a landscaping plan shall be reviewed and approved. The landscaping plan shall include street trees, parking lot trees, and on-site landscaping compatible with the existing landscaping for the Plaza at El Portal.

16. All mitigation measures required under previous approvals for the Plaza at El Portal shall be implemented under this approval.

n:shared:planning:PC Resolutions:CUP#1164 Exhibit A