

CITY OF MERCED  
DESIGN REVIEW BOARD/  
HISTORIC PRESERVATION COMMISSION

**MINUTES**

CITY COUNCIL CHAMBERS  
678 WEST 18TH STREET  
MERCED, CALIFORNIA

WEDNESDAY  
November 10, 2010

Chairperson LOPES called the meeting of the Design Review Board and Historic Preservation Commission to order at 4:01 p.m.

(B) ROLL CALL

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

Absent: None (One vacancy)

Staff Present: Kim Nutt, Planning Technician/Recording Secretary

(C) ADDITIONS/DELETIONS TO THE AGENDA

There were no additions or deletions to the Agenda.

(D) APPROVAL OF MINUTES

M/S LUHRING/LEMEN, and carried by unanimous voice vote (one vacancy), to approve the Minutes of October 13, 2010, 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.

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(F) DESIGN REVIEW ITEMS

1. DR #10-12 – FINAL REVIEW of a Residential Façade Improvement Program project for exterior improvements including window replacement, new rain gutters, and landscaping improvements to the single-family residence at 45 W. 19<sup>th</sup> Street and Categorical Exemption #10-41.

Planning Technician NUTT presented the project details, including property information, prior building permits, landscaping, and other specifics as written in the staff report.

Commissioner LEMEN stated that the sidewalk is uneven and in need of repair and asked that the matter be addressed. Ms. NUTT answered that she would inform Josh EWEN, Redevelopment Technician/Redevelopment Agency, of the information after the meeting. She stated that action may have already been started on the issue.

Ms. NUTT clarified the role of the Commission in the grant program, after questions regarding funding were raised.

Chairperson LOPES allowed public comments as follows:

Anthony CARDOZO, contractor for the project, spoke briefly about the project and answered questions from the Commissioners.

There were no further comments from the public.

There was no further discussion by the Commission.

M/S KNIAZEWYCZ/LEMEN, and carried by the following vote, to adopt a Categorical Exemption for Environmental Review #10-41 and to approve DR #10-12 as proposed, subject to the staff-recommended conditions, as follows (*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, and 3 – Attachments C, D, and E of Staff Report DR #10-12.
2. The project shall comply with all applicable State laws and local codes and regulations of the current Editions of the Building and Fire Codes, Plumbing and Mechanical Codes, National Electrical Codes, and State Accessibility (ADA) requirements including, but not limited to, bathrooms, parking, and site

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accessibility (as they pertain to residential structures). 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. All sprinklers and landscaping shall be installed prior to final occupancy and shall thereafter be maintained in a healthy and aesthetic manner, including the City right-of-way park strip, by the property owner or their designee.

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7. The homeowner shall maintain a clean and respectable appearance of the home at all times, and any graffiti or other vandalism done to any structure on the parcel shall be rectified or repaired as soon as possible, or within two months.
8. The site shall be maintained free of trash, weeds, and other debris.
9. This approval is in effect for one year. The applicant shall apply for a building permit, if required, within one year of this approval, with all work to be completed within eighteen (18) months.

AYES: Commissioners KNIAZEWYCZ, DAKE, LUHRING, HOFMANN,  
LEMEN, and Chairperson LOPES

NOES: None

ABSENT: None (one vacancy)

ABSTAIN: None

(G) HISTORIC PRESERVATION ITEMS

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

(H) INFORMATION ITEMS

1. Upcoming projects/applications (discussion with staff)

Planning Technician NUTT gave a brief overview of pending applications, indicating that there may be an item for the next scheduled meeting.

Commissioner HOFMANN commented that the Commission has seen many small residential projects this year and noted that the Commission usually does not have much to add in terms of design. He suggested that perhaps the Chairperson could work with staff on approving the residential façade projects, rather than having staff write formal staff reports and hold meetings in order to review them. He stated that the Commission perhaps should begin reviewing and updating items such as the Historical Preservation Code and other projects to make better use of their time. Chairperson LOPES stated his support of Commissioner HOFMANN's statements. Ms. NUTT stated that she would consult with the Redevelopment Agency on this idea.

There was a brief discussion regarding the City budget.

There were no other items to report on at this time.

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(I) ADJOURNMENT

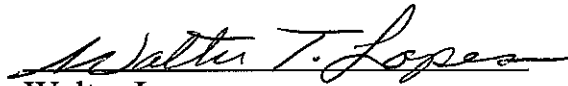
There being no further business, Chairperson LOPES adjourned the meeting at 4:34 p.m.

Prepared by:

Approved by:



Kimberly Nutt  
Recording Secretary



Walter Lopes  
Chairperson