

**CITY OF MERCED
Planning Commission**

MINUTES

Merced City Council Chambers
Wednesday, February 18, 2015

Chairperson WILLIAMS called the meeting to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Carole McCoy, Peter Padilla, Kurt Smoot, Kevin Smith, Travis Colby, and Chairperson Brandon Williams

Commissioners Absent: None (one vacancy)

Staff Present: Planning Manager Espinosa, Principal Planner King, Associate Planner Nelson, Senior Deputy City Attorney Rozell, Fire Captain Walker, and Recording Secretary Lane

1. **APPROVAL OF AGENDA**

M/S SMITH-MCCOY, and carried by unanimous voice vote (one vacancy), to approve the Agenda as submitted.

2. **MINUTES**

M/S MCCOY-SMITH, and carried by unanimous voice vote (one vacancy) to approve the Minutes of February 4, 2015, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Design Review Application #15-01, initiated by Galloway Planning, Architecture, Engineering, on behalf of KIF, LLC, property owner. This application involves a request to construct an approximately 10,140-square-foot tire store near the southeast corner of West 16th Street and Canal Street (420 W. 16th Street) within a Central Commercial (C-C) Zone.

Associate Planner NELSON reviewed the report on this item. She noted a memo from staff adding Condition #25 which was provided to the Commission prior to the meeting. For further information, refer to Staff Report #15-07.

Public testimony was opened at 7:13 p.m.

Speaker from the Audience in Favor:

TERRA MORTENSEN, Prather, representing the applicant

No one spoke in opposition to the project.

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

M/S COLBY-PADILLA, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #15-01, and approve Design Review #15-01, subject to the Findings and twenty-four (24) Conditions set forth in Staff Report #15-07, adding Condition #25 as follows (RESOLUTION #3044):

(Note: ~~Strikethrough~~ deleted language, underline added language.)

“25. No building permit shall be issued until the Final Parcel Map is recorded for Lot Split #14-01.”

AYES: Commissioners McCoy, Padilla, Smoot, Smith, Colby,
and Chairperson Williams

NOES: None

ABSENT: None (one vacancy)

ABSTAIN: None

- 4.2 Adoption of the *City of Merced Local Hazard Mitigation Plan*, and General Plan Amendment #14-03, initiated by the City of Merced. The Local Hazard Mitigation Plan describes the hazards that threaten Merced and its growth area, such as fire, floods, and earthquakes, and lays out a set of strategies to save lives and reduce property damage in the event of natural disasters. The amendment to the Safety Element of the General Plan is needed to incorporate, by reference, the Hazard Mitigation Plan into the City's General Plan.

Principal Planner KING and Fire Captain WALKER reviewed the report on this item. For further information, refer to Staff Report #15-06.

There was no one present wishing to speak regarding the project; therefore, public testimony was opened and closed at 7:36 p.m.

The Commission discussed different aspects of the Plan. Commissioner COLBY suggested that it be updated to reflect our current drought situation.

M/S COLBY-SMOOT, and carried by the following vote, to recommend to City Council adoption of a Categorical Exemption regarding Environmental Review #10-37, approval of General Plan Amendment #14-03, and adoption of the *City of Merced Local Hazard Mitigation Plan*, with a request that, prior to the presentation of the Plan to the City Council, the Plan would be updated to reflect the current drought situation we are in. (RESOLUTION #3045):

AYES: Commissioners McCoy, Padilla, Smoot, Smith, Colby, and Chairperson Williams

NOES: None

ABSENT: None (one vacancy)

ABSTAIN: None

5. **INFORMATION ITEMS**

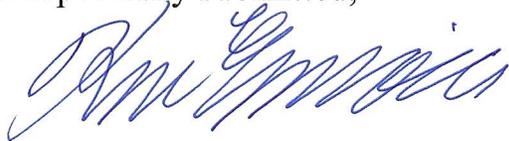
5.1 **Calendar of Meetings/Events**

Planning Manager ESPINOSA noted that the City Council planned to interview the two applicants for the Planning Commission at the next City Council meeting of March 2, 2015, and briefed the Commission on items for the next Planning Commission meeting.

6. **ADJOURNMENT**

There being no further business, Chairperson WILLIAMS adjourned the meeting at 7:57 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:



BRANDON WILLIAMS, Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #3044

WHEREAS, the Merced City Planning Commission at its regular meeting of February 18, 2015, held a public hearing and considered **Design Review #15-01**, initiated by Galloway Planning, Architecture, Engineering, on behalf of KIF, LLC, property owner. This application involves a request to construct an approximately 10,140-square-foot tire store near the southeast corner of West 16th Street and Canal Street (420 W. 16th Street) within a Central Commercial (C-C) Zone; also known as Assessor's Parcel No. 031-360-069; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through E of Staff Report #15-07; 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 #15-01, and approve Design Review #15-01, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner Colby, seconded by Commissioner Padilla, and carried by the following vote:

AYES: Commissioners McCoy, Padilla, Smoot, Smith, Colby, and Chairperson Williams

NOES: None

ABSENT: None (one vacancy)

ABSTAIN: None

February 18, 2015

Adopted this 18th day of February 2015



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

**Conditions of Approval
Planning Commission Resolution #3044
Design Review #15-01**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan), Exhibit 2 (elevations), and Exhibit 3 (landscape plans) -- Attachments C, D, and E of Staff Report #15-07, except as modified by the conditions.
2. All conditions contained in Resolution #935 for Lot Split #14-01 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. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
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, 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.

6. 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.
7. All landscaping shall be installed prior to occupancy and shall thereafter be maintained in a healthy and aesthetic manner. Parking lot trees are required at a minimum rate of one tree per each six parking spaces. The type of trees used for parking lot trees shall be selected from the City's approved tree list. Landscaping shall be installed as shown on Exhibit 3 (Attachment E of Staff Report #15-07), except as modified by these conditions.
8. All parking lot and building lighting shall be shielded or oriented in a way that does not allow "spill-over" onto adjacent lots in compliance with the California Energy Code requirements. Any lighting on the building shall be oriented to shine downward and not spill-over onto adjacent parcels.
9. The applicant shall work with the City's Refuse Department to determine if a recycling container is required to comply with AB 341. If it is required, the container shall be enclosed within a refuse enclosure built to City Standards.
10. The project shall comply with all applicable state and local requirements for tire storage and disposal and for any waste oil storage and disposal.
11. All auto repair shall be conducted within an enclosed building, with the exception of large trucks and RV's which may be serviced under the canopy located on the south side of the building. All tools and equipment used under the canopy shall be removed immediately after the work has been complete and shall not be left out overnight.
12. No outdoor storage or display of tires or other merchandise is allowed.
13. Bicycle racks shall be provided at a minimum ratio equal to 5% of the vehicular parking spaces.
14. The developer shall work with the City Engineer to determine the requirements for storm drainage on the site. The developer shall provide all necessary documentation for the City Engineer to evaluate the storm

EXHIBIT A

of Planning Commission Resolution #3044

drain system. All storm drain systems shall be installed to meet City Standards and state regulations.

15. Appropriate turning radii shall be provided within the parking areas to allow for Fire Department access.
16. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
17. 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 \$85,000.00. 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, installing street trees, and other relevant City of Merced/State/Federal standards and regulations.
18. The western-most driveway shall be right-in/right-out only. A concrete curb or median, or other device approved by the Engineering Department, shall be installed to direct traffic to the right and prohibit left turn movements. Details to be worked out at the building permit stage.
19. At time of building permit review, the developer shall provide documentation of all cross access and parking agreements for shared access and parking. In addition, documentation shall be provided confirming the joint use of the water, sewer, and storm drain lines on the property.
20. All signing shall comply with the City's Sign Ordinance. The north elevation of the building is allowed 171 square feet of signing and the west elevation is allowed 33 s.f. of signing for a total of 204 square feet of signing on the building. Any sign allowance not used on the elevation for which it was calculated may be used on another elevation. The signs for the north, east, and west elevations are approved as proposed for a total of 148 square feet of signing. The monument sign (50 square feet) is approved with the following conditions: a) the sign shall be located outside the 10-foot visual triangle at the driveway entrance; and, b) the address shall be added to the bottom of the monument structure. At the time of building permit review, the applicant shall demonstrate that the monument sign will be outside the visual triangle and will not block visibility of oncoming traffic or pedestrians.

21. All loading and unloading of delivery trucks shall be done entirely on the project site; all delivery trucks are strictly prohibited from parking/unloading on 16th Street.
22. All mechanical equipment shall be screened from public view.
23. The premises shall remain clean and free of debris and graffiti at all times.
24. It is recommended that the exterior building walls be treated with an anti-graffiti coating to make graffiti removal easier. In any case, graffiti removal shall take place within 24 hours of appearing and shall be painted over with a paint color that matches the existing color of the building wall.
25. No building permit shall be issued until the Final Parcel Map is recorded for Lot Split #14-01.

n:\shared\planning\PC Resolutions\DR#15-01 Exhibit A

**CITY OF MERCED
Planning Commission**

Resolution #3045

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WHEREAS, the Merced City Planning Commission concurs with Findings A through K of Staff Report #15-06; 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 recommend to City Council adoption of a Categorical Exemption regarding Environmental Review #10-37, approval of General Plan Amendment #14-03, and adoption of the *City of Merced Local Hazard Mitigation Plan* with a request that, prior to the presentation of the Plan to the City Council, the Plan would be updated to reflect the current drought situation we are in.

Upon motion by Commissioner Colby, seconded by Commissioner Smoot, and carried by the following vote:

AYES: Commissioners McCoy, Padilla, Smoot, Smith, Colby, and Chairperson Williams

NOES: None

ABSENT: None (one vacancy)

ABSTAIN: None

PLANNING COMMISSION RESOLUTION # 3045

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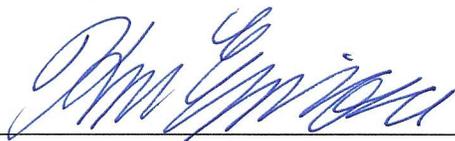
February 18, 2015

Adopted this 18th day of February 2015



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary