

CITY OF MERCED
Planning & Permitting Division

STAFF REPORT: #15-15

AGENDA ITEM: 4.1

FROM: Kim Espinosa,
Planning Manager

PLANNING COMMISSION
MEETING DATE: July 22, 2015

PREPARED BY: Francisco Mendoza-Gonzalez,
Planner

SUBJECT: **Conditional Use Permit #1201**, initiated by Towne Place Suites, applicant for Kantilal B. Patel, property owner. This application involves a request for an increase in building height, from 40 feet to 48 feet, and for an increase in allowable signage, from 200 square feet to 500 square feet, for a new hotel at 247 S. Parsons Avenue. The property is generally located 800 feet south of the intersection at Childs Avenue and Parsons Avenue, within a Thoroughfare Commercial (C-T) zone.*PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify:

- 1) Environmental Review #15-13 (Categorical Exemption)
- 2) Conditional Use Permit #1201

SUMMARY

Towne Place Suites is proposing to construct a new hotel (approximately 52,000-s.f.) on a vacant parcel of 1.90-acres at 247 S. Parsons Avenue (Attachment A). The three story hotel will consist of eighty-seven sleeping units, eighty-nine parking spaces, a barbecue/picnic area, an outdoor swimming pool, a fitness center, a breakfast room, and several conference rooms (Attachment B and Attachment D). A hotel is considered a principally permitted use within the Thoroughfare Commercial (C-T) zone and does not require discretionary approval. However, the applicant is requesting Conditional Use Permit (CUP) approval to allow for additional building height (from 40 feet to 48 feet) and for additional signage (from 200 square feet to 500 square feet). Due to time constraints, the applicant has yet to determine the official location of signs or sign types and is seeking conceptual approval from the Planning Commission with the understanding that signs will be reviewed by staff after submitting Sign Permit Applications. Said review would be conducted to ensure compliance with the City's Sign Ordinance, Building Codes, and to ensure that signage facing residential properties is non-illuminated (except with indirect illumination). Staff is recommending approval with the findings and conditions listed in the report.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve: 1) Environmental Review #15-13 (Categorical Exemption), and 2) Conditional Use Permit #1201, subject to the following conditions (and in accordance with the Resolution at Attachment H):

- *1) The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan), Exhibit 2 (landscape plan), Exhibit 3 (floor plan) and Exhibit 4 (elevations) -- Attachments B, C, D and E, except as modified by the conditions.
- *2) All conditions contained in Resolution #1249-Amended (“Standard Conditional Use Permit 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) 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 (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) 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) None of the proposed signs (inclusive of the monument sign) shall encroach into the 10-foot visual triangle required for each commercial driveway that intersects with a City Street.

- *8) Freeway pylon signs shall have a maximum height of 75 feet. Signs facing residential zones shall be non-illuminated (except with low indirect lighting). Monument signs shall be consistent in size and lighting as were approved for the Hampton Inn & Suites (CUP #1108) and the Holiday Inn Express (CUP #1136). Details to be worked out at the building permit stage.
- *9) The applicant is allowed a maximum of 500 square feet of signage of this parcel. All signage shall comply with the Merced Sign Ordinance and Zoning Code and be subject to building permits.
- 10) All signs shall be maintained regularly and any damage caused by weathering, vandalism or any other factors shall be repaired in keeping with the approved materials and finishes.
- 11) The applicant shall dedicate at 5-foot right-of-way for future street widening, a 7-foot public utilities easement, and a 10-foot landscape area adjacent to Parsons Avenue. Details to be worked out at the building permit stage.
- 12) 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, installing traffic calming measures, 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.
- 13) All signs shall be maintained regularly and any damage caused by weathering, vandalism or any other factors shall be repaired in keeping with the approved materials and finishes.
- 14) The applicant shall work with the Merced Irrigation District to enter into a Storm Drainage Agreement.
- 15) 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.
- 16) Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access. The developer shall work with the Fire Department and Refuse Department at the building permit stage to ensure proper access is provided.
- 17) All driveways into the site shall comply with City Standards and all handicap accessibility requirements.
- 18) The parking lot layout shall comply with all applicable City Standards. Parking lot trees shall be provided at a ratio of one tree for every six parking spaces. These trees shall be installed per the City's Parking Lot Landscape Standards, shall be a minimum of 15-gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City's approved tree list).
- 19) The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.

- 20) Bicycle parking spaces shall be provided at a minimum ratio equal to 5% of the vehicular parking spaces.

(*) Denotes non-discretionary conditions.

PROJECT DESCRIPTION

Towne Place Suites is requesting approval for an increase in building height, from 40 feet to 48 feet, and for an increase in maximum allowable signage, from 200 square feet to 500 square feet, for a new hotel.

Surrounding uses are noted at Attachment A.

Surrounding Land	Existing Use of Land	City Zoning Designations
North	Hampton Inn (Hotel)	Thoroughfare Commercial (C-T)
East	Existing Multi-Family Residential Units (Across Parsons Avenue)	Medium-High Density Residential (R-4)
South	Highway 99	N/A
West	Highway 99	N/A

BACKGROUND

The subject site is a vacant parcel of 1.9-acres that was created through a boundary adjustment in 2005 (Boundary Adjustment #2005-1). The boundary adjustment affected the parcel to the north, which was developed into a hotel by the Hampton Inn & Suites in 2006. In 2007, the Hampton Inn & Suites obtained CUP approval for 500-square-feet of signage, which included a double-faced freeway pylon sign of seventy-five feet in height, a monument sign, and a wall mounted sign. Likewise, in 2009, the Holiday Inn Express (located north of the Hampton Inn & Suites) obtained CUP approval for 500-square-feet of signage, which included a pole sign of seventy-five feet in height and a monument sign of five feet in height. The Towne Place Suites is similar to both of these exiting hotels in regards to height (the Holiday Inn Express having a height of fifty feet and the Hampton Inn & Suites having a height of forty feet), number of sleeping units (both with approximately ninety sleeping units), and proposed signage (500 square feet).

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Thoroughfare Commercial (CT).

General Plan “Land Use” goals and policies that relate to this proposal include:

Land Use Policy L-2.1 - Encourage further development of appropriate commercial and industrial uses throughout the city.

Land Use Policy L - 2.10– Encourage well-planned freeway-oriented developments.

Land Use Policy L-3.2 - Encourage Infill Development and a Compact Urban Form.

Land Use

- B) The purpose of the C-T zone is to provide for retail commercial, amusement, and transient residential uses which are appropriate to thoroughfare locations and dependent upon thoroughfare travel. A hotel is considered a principally permitted use within the C-T zone (MMC Section 20.26.020.B), however a Conditional Use Permit is being requested to allow for additional building height and signage.

Signage

- C) Merced Municipal Code Section 20.26.030 (Accessory Uses), reduces total signage from 500 square feet to 200 square feet when a parcel within the C-T zone is adjacent to or across from a residentially zoned parcel. However, Merced Municipal Code Section 20.26.040.G (Conditional Uses) allows for an applicant to apply for a Conditional Use Permit to increase the amount of allowable signage for the parcel from 200 square feet to 500 square feet. Due to time constraints, the applicant has yet to determine the official location of signs or sign types and is seeking conceptual approval from the Planning Commission with the understanding that signs will be reviewed by staff after submitting Sign Permit Applications. Said review would be conducted to ensure compliance with City's Sign Ordinance, Building Codes, and to ensure that signage facing residential properties is non-illuminated (Condition #8).

Potential Sign Types and Sign Locations

- D) The project is located on the northeastern side of Highway 99, eight hundred feet south of the intersection at Parsons Avenue and Childs Avenue. Three hotels (Ramada Inn, Hampton Inn, and the Holiday Inn Express) are situated within the surrounding area and have freeway pylon signs, monument signs, and wall signs. Although the applicant has yet to determine official signage type and locations, the applicant has expressed interest in installing a freeway pylon sign, monument sign, and wall signs. As shown in Condition #8, future freeway pylon signs shall be limited to a maximum height of seventy-five feet as was approved for adjacent hotels. As shown in Condition #7, future monument signs would be required to be located outside of the 10-foot visual triangle to ensure proper visibility of the customers entering and exiting the hotel (MMC Section 17.36.490. D).

Maintenance

- E) All signs for this facility will need to be kept in a clean and aesthetically pleasing condition. At no time should any of the signs be allowed to remain in a state disrepair or broken for an unreasonable period of time (Condition #10).

Setbacks

- F) Merced Municipal Code Section 20.26.050.A (Additional Conditions), states that parking and loading facilities within the C-T district across the street from residential uses shall maintain an average distance of eight feet from the street. This setback requirement helps create a buffer space between the C-T use and nearby residential properties. The applicant will landscape this area with trees, shrubs, and bushes to help soften the building elevation facing residential properties and to add aesthetic value. In addition, the applicant will dedicate a five-foot right-of-way for future road widening and a seven-foot easement for public utilities (Condition #11).

Parking

- G) The parking requirement for a hotel is one parking space for each bedroom up to six bedrooms, and one for each three bedrooms in excess of six bedrooms. Towne Place Suites exceeds this requirement by providing eighty-nine parking spaces for eighty-seven bedrooms. Of those eight-nine parking spaces, sixty-six will be designated for regular size vehicles, twenty-one will be designated for compact vehicles, and four will be designated for handicap accessibility. Handicap accessible parking is located in the stalls closest to the main entrance to the hotel.

Additional Building Height

- H) Merced Municipal Code Section 20.26.070 (Height Regulations) states that buildings in the C-T zone may not exceed a height of forty feet, except when permitted otherwise by the Planning Commission under a Conditional Use Permit. The applicant is requesting for an additional building height of eight feet to accommodate for architectural features (such as an undulated roof) that satisfy a standard corporate design. Building walls and rooms will be below the principally permitted height of forty feet.

Moreover, north of the subject site are two existing hotels of similar size and scale. The Holiday Inn Express, located at 151 S. Parsons Avenue, has a building height of fifty feet and Hampton Inn & Suites, located at 225 S. Parsons Avenue, has a building height for forty feet. East of the subject are two story apartments, with a zoning designation of high density residential which permits building heights of forty feet. The proposed three story hotel would not be of an unusual scale to the existing neighborhood, affect the existing skyline, or block any scenic corridors outlined in General Plan Policy OS-1.3b (Attachment F).

Environmental Clearance

- I) Planning staff has conducted an environmental review (#15-13) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption is being recommended (Attachment G).

Attachments:

- A) Location Map
- B) Site Plan
- C) Landscape Plan
- D) Floor Plan
- E) Elevations
- F) Scenic Corridors General Plan Policy OS-1.3b
- G) Categorical Exemption
- H) Draft Planning Commission Resolution

Golden Valley High School

CHILDS

Low-Density Residential

PARSONS

WESTFALL

Holiday Inn

SOUTH FORK

Hampton Inn

High-Density Residential

99

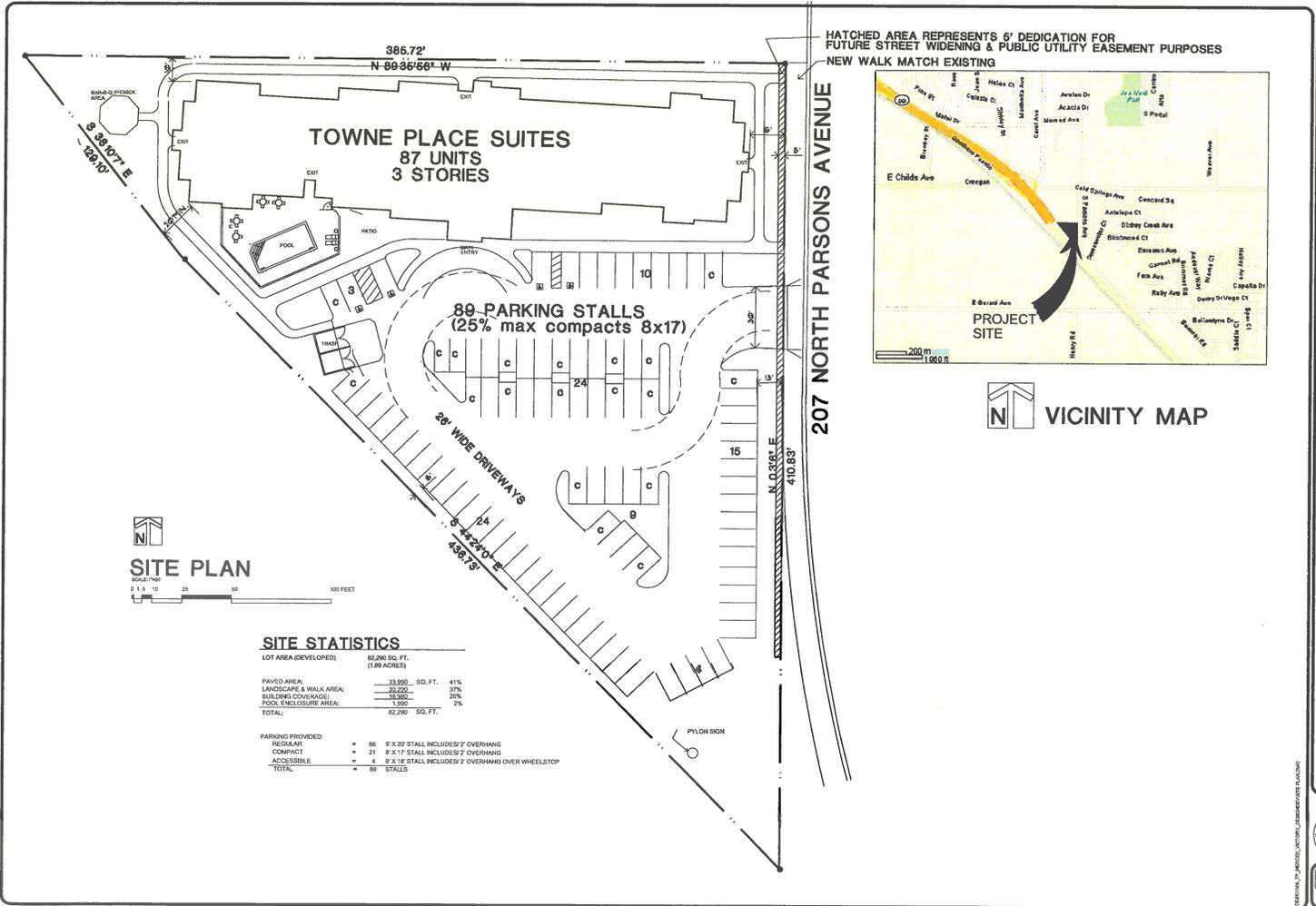
Subject Site

DINKEY CREEK

99

ATTACHMENT A

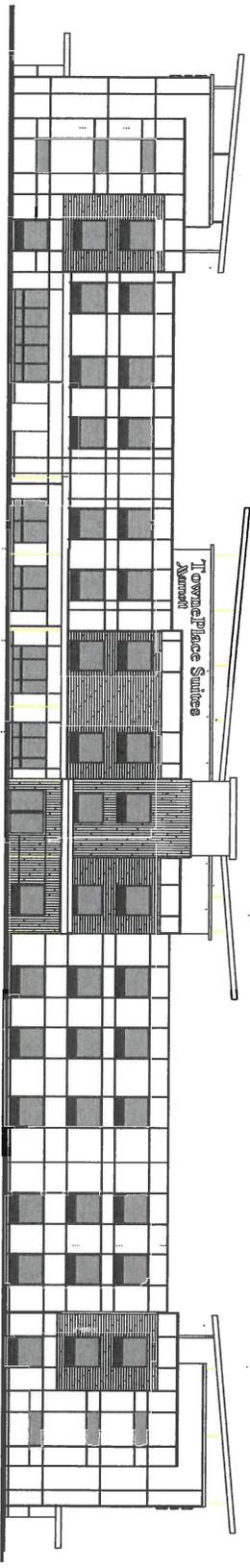




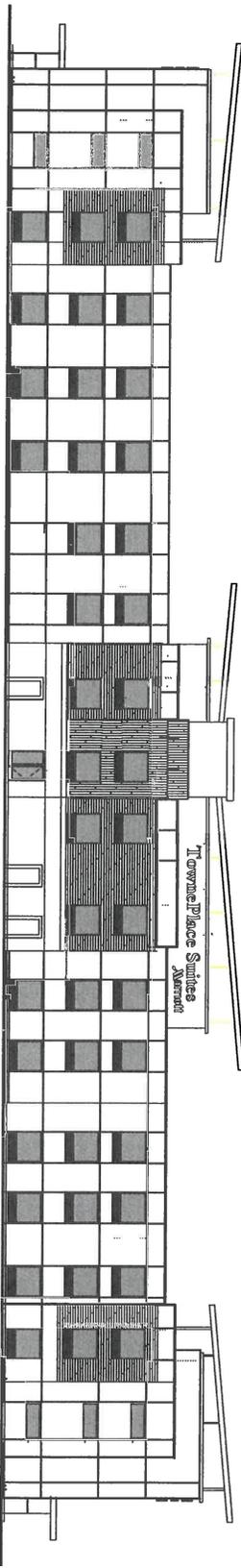
LEE GAGE & ASSOCIATES, INC.
2225 W. UNIVERSITY AVENUE, SUITE 107 - ANAHEIM, CALIFORNIA 92801 - PHONE (714) 944-2777

TOWNE PLACE SUITES
30000
207 NORTH PARSONS AVENUE
MERCED, CA

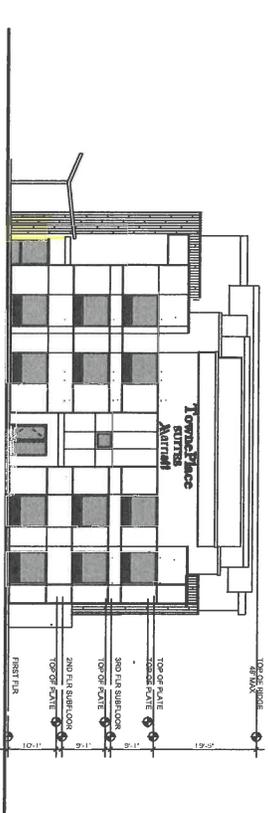
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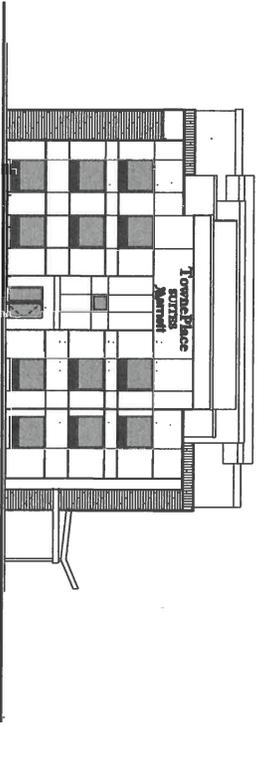
SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION

ELEVATIONS
SCALE: 3/32"=1'-0"

REVISIONS

△	REVISION

ATTACHMENT E

A3
SHEET



PROPOSED
TOWNEPLACE SUITES
207 NORTH PARSONS AVENUE
MERCED CA



THESE DRAWINGS, DESIGN SPECIFICATIONS, AND NOTATIONS ARE THE SOLE & EXCLUSIVE PROPERTY OF LEE GAGE & ASSOCIATES, INC. AND SHALL BE KEPT IN CONFIDENCE AND NOT REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF LEE GAGE & ASSOCIATES, INC.

LEE GAGE & ASSOCIATES, INC.
7636 n. ingram suite 107 freano, california 93711 phone (559) 436-2222
architectural & engineering planning

DATE: 10/1/10

SCENIC CORRIDORS
GENERAL PLAN POLICY OS-1.3b

Designated Scenic Corridors are as follows:

- a) North and South Bear Creek Drive within the City limits.
- b) N Street from 16th Street to the Merced County Courthouse.
- c) 21st Street from the Merced County Courthouse to Glen Avenue.
- d) M Street from Black Rascal Creek to Bellevue Road.
- e) West 28th Street from M Street to G Street.
- f) Lake Road from Yosemite Avenue to Lake Yosemite.
- g) R Street (extended) from Black Rascal Creek to Bellevue Road.
- h) Olive Avenue East of McKee Road.
- i) M Street from 18th Street to Bear Creek.
- j) Campus Parkway.
- k) Bellevue Road from Lake Road to “G” Street.

NOTICE OF EXEMPTION

To: _____ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

From: (Public Agency)
City of Merced
678 West 18th St.
Merced, CA 95340

X County Clerk
County of Merced
2222 M Street
Merced, CA 95340

Project Title: Conditional Use Permit #1201 (Environmental Review #15-13)

Project Applicant: Towne Place Suites for Kantilal B. Patel, property owner

Project Location (Specific): 247 S. Parsons Avenue APN: 061-240-063

Project Location - City: Merced **Project Location - County:** Merced

Description of Nature, Purpose, and Beneficiaries of Project:

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Towne Place Suites for Kantilal B. Patel,
property owner

Exempt Status: (check one)

- _____ Ministerial (Sec. 21080(b)(1); 15268);
- _____ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- _____ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- X **Categorical Exemption. State Type and Section Number: 15332**
- _____ Statutory Exemptions. State Code Number: _____
- _____ General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt:

As defined under the above referenced Section, the proposed project is considered an in-fill project. The project location is within the City limits on an approximately 1.9-acre parcel surrounded by urban uses. The site can be served by all required utilities and public services, and the project site has no value as habitat for endangered, rare or threatened species. No significant effects resulting from traffic, noise, air quality, or water quality will result from the construction of the building. The project is consistent with the City of Merced General Plan and Zoning regulations.

Lead Agency: City of Merced

Contact Person: Francisco Mendoza-Gonzalez **Area Code/Telephone:** (209) 385-6858

Signature:  **Date:** 06-23-2015 **Title:** Planner

X Signed by Lead Agency **Date Received for Filing at OPR:** _____
(If applicable)

Authority Cited: Sections 21083 and 21110. Public Resources Code
Reference: Sections 21108, 21152, and 21152.1. Public Resources Code

CITY OF MERCED
Planning Commission

Resolution #_____

WHEREAS, the Merced City Planning Commission at its regular meeting of July 22, 2015, held a public hearing and considered **Conditional Use Permit #1201**, initiated by Towne Place Suites, applicant for Kantilal B. Patel, property owner. This application involves a request for an increase in building height, from 40 feet to 48 feet, and for an increase in allowable signage, from 200 square feet to 500 square feet, for a new hotel at 247 S. Parsons Avenue. The property is generally located 800 feet south of the intersection at Childs and Parsons Avenues, within a Thoroughfare Commercial (C-T) zone; also known as Assessor's Parcel No. 061-240-063; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through I of Staff Report #15-15; 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 #15-13, and approve Conditional Use Permit #1201, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

ABSTAIN: Commissioner(s)

ATTACHMENT H

PLANNING COMMISSION RESOLUTION # _____

Page 2

July 22, 2015

Adopted this 22nd day of July 2015

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Attachment:

Exhibit A – Conditions of Approval

n:\shared\planning\PC Resolutions\CUP#1201 Shiv Properties Motel

Conditions of Approval
Planning Commission Resolution # _____
Conditional Use Permit #1201

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan), Exhibit 2 (landscape plan), Exhibit 3 (floor plan) and Exhibit 4 (elevations) -- Attachments B, C, D and E of Staff Report #15-15, except as modified by the conditions.
2. All conditions contained in Resolution #1249-Amended (“Standard Conditional Use Permit 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. 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 (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

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19. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
20. Bicycle parking spaces shall be provided at a minimum ratio equal to 5% of the vehicular parking spaces.

n:shared:planning:PC Resolutions: CUP#1201 Exhibit A