

CITY OF MERCED
Planning & Permitting Division

STAFF REPORT: #16-12

AGENDA ITEM: 4.1

FROM: Kim Espinosa,
Planning Manager

PLANNING COMMISSION
MEETING DATE: June 8, 2016

PREPARED BY: Francisco Mendoza-Gonzalez,
Planner

SUBJECT: **Conditional Use Permit (CUP) #1212**, initiated by Creative Products Unlimited, applicant for KB Colgreen, LLC, property owners. This application involves a request to replace an existing free-standing shopping center sign with a new 23-foot-tall, internally-illuminated pylon sign for the College Green Shopping Center, located on the south side of Olive Avenue, approximately 450 west of G Street, in Planned Development (P-D) #4 with a Regional/Community Commercial (RC) General Plan designation. *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #16-13 (Categorical Exemption)
- 2) Conditional Use Permit #1212

SUMMARY

Creative Products Unlimited is requesting approval to replace an existing free-standing shopping center sign for the College Green Shopping Center. The shopping center is located at the southwest corner of Olive Avenue and G Street (Attachment A) within Planned Development (P-D) #4 and has a General Plan designation of Regional/Community Commercial (RC). The North Merced Sign Ordinance allows shopping centers within an RC General Plan designation to have shopping center signs with Conditional Use Permit approval. To qualify for a pylon sign, a shopping center must satisfy all requirements from the North Merced Sign Ordinance Section 17.36.667, which includes, but is not limited to, having a minimum shopping center size and arterial street frontage. The subject site satisfies these requirements as shown in the "Compliance with Sign Ordinance" section of this staff report. The new 23-foot-tall pylon sign (with internal illumination) would be located next to the westernmost driveway for the shopping center on Olive Avenue (Attachments B and C). Staff has reviewed this request and is recommending approval with conditions.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #16-13 (Categorical Exemption) and Conditional Use Permit Application #1212, per the draft Resolution at Attachment I and subject to the following conditions:

- *1) The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibits 2 (elevations) – Attachments B and C.

- *2) All conditions contained in Resolution #1249 (“Standard Conditional Use Permit Conditions”) shall apply.
- *3) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
- *4) 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.
- *5) 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.
- *6) The maximum height for the shopping center sign shall not exceed 23 feet.
- 7) The shopping center signs shall be located outside of the 10-foot visual corner at the driveway entrance on Olive Avenue and shall maintain a minimum 3-foot setback from all property lines.
- 8) The pylon sign’s materials, colors, and design shall be compatible and consistent with the shopping center.
- 9) All exterior sign surfaces shall be regularly maintained. Any damage caused by weathering, vandalism, or other factors shall be repaired in keeping with approved materials, colors, and finishes.
- *10) A building permit shall be obtained prior to the installation of the pylon sign. Building permits shall also be obtained prior to the installation or replacement of signage on the pylon sign.
- 11) To qualify for more than 14 square feet of signage on the pylon sign, the applicant shall submit a revised signage calculation for the entire shopping center showing the

subtraction of spaces between and within letters on the existing signs. Planning staff shall also consider the amount of signage removed from the existing freestanding sign in these calculations.

- 12) Pylon sign paint samples shall be reviewed and approved by Planning staff during the building permit stage. Appropriate colors are those that match or complement the existing buildings within the College Green Shopping Center.

(*) Denotes non-discretionary conditions.

PROJECT DESCRIPTION

Creative Products Unlimited is requesting approval to replace an existing free-standing shopping center sign for the College Green Shopping Center. The shopping center is located at the southwest corner of Olive Avenue and G Street within Planned Development (P-D) #4 and has a General Plan designation of Regional/Community Commercial (RC). The shopping center consists of three buildings on three separate parcels. The pylon sign would be used to advertise any of the tenants within the shopping center, not just the tenants located within the same parcel as the pylon sign. The College Green Shopping Center consists of approximately 9.25-acres with various businesses such as Save Mart Supermarket, Staples, BBVA, Oh Wow Nickel Arcade, Curves, and Melissa’s Hair & Nail Salon. It will be up to the property owner(s) discretion to determine which tenants may advertise their business name on the pylon sign.

The pylon sign would be located within a 20-foot wide landscape strip next to the westernmost driveway entrance on Olive Avenue. The 23-foot tall double-face pylon sign (with internally illumination) will have a stucco finish and approximately 160 square feet of surface area per face. Both faces will have a total of 15 signage slots. Ten signage slots will be located within the first ten feet of the pylon sign on spaces that are approximately 1’-8” tall by 4’-4” wide. The remaining five signage slots will be located above ten feet of the pylon sign on spaces that are approximately 1’-8” tall by 8’-8” wide. Building permits shall be required before the installation or replacement of any signs on the pylon structure (Condition #10).

Surrounding Uses
(Attachment A)

Surrounding Land	Existing Use of Land	City Zoning Designation	City General Plan Land Use Designation
North	Merced High School (across Olive Avenue)	R-1-6	School (SCH)
South	Merced Sun-Star	P-D #4	Office Commercial (CO)
East	Walgreens (across G Street)	C-N	Neighborhood Commercial (CN)
West	Kentucky Fried Chicken (KFC)	P-D #4	Thoroughfare Commercial (CT)

BACKGROUND

According to City records, the College Green Shopping Center was constructed in 1968. In 1996, the Planning Commission approved a 15,000-square-foot expansion and remodel for the Save Mart Supermarket. In 2011, General Plan Amendment (GPA) #11-01 and Site Utilization Plan (SUP) Revision #17 to Planned Development (P-D) #4 were approved, changing the General Plan designation for the shopping center from Neighborhood Commercial (CN) to Regional/Community Commercial (RC). The proposed pylon sign incorporates several architectural elements from the Save Mart Supermarket remodel and qualifies for a maximum height of 23 feet (because of the change in General Plan designation to Regional/Community Commercial).

The existing 45-foot-tall wooden shopping center sign does not comply with several City standards as it exceeds the maximum allowable height within this P-D #4, encroaches into the City's 10-foot driveway visual corner triangle, violates the individual channel letter requirement, and is generally incompatible with the design of the shopping center (Attachments D and E). The proposed pylon sign should correct several of these issues and comply with the North Merced Sign Ordinance.

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) A shopping center sign is allowed with Conditional Use Permit approval within the zoning classification of Planned Development (P-D) #4 and complies with the General Plan designation of Regional/Community Commercial (RC).

Compliance with Sign Ordinance

- B) To qualify for a 23-foot tall pylon sign, the North Merced Sign Ordinance requires that a shopping center satisfy several requirements from the MMC Section 17.36.667 – Free-Standing Signs Identifying Shopping Centers, such as having a Regional/Community Commercial (RC) General Plan designation, having at least 35,000 square feet of building area, and having at least 800 feet of combined arterial frontage. The College Green Shopping Center satisfies all of these requirements as it is located within an RC General Plan designation, has approximately 125,000 square feet of building area, and 1,300 linear feet of combined arterial frontage (700 feet along Olive Avenue and 600 feet along G Street). These requirements and associated development standards are shown below:

17.36.667 - Free-Standing Signs Identifying Shopping Centers

Shopping centers having at least thirty-five thousand square feet of gross floor area and located within commercial zones and P-D zones may be allowed a free-standing sign with a conditional use permit subject to review by the planning commission and to the following limitations:

- A. *The shopping center sign may advertise the name of the center, the tenants in the center, or both the center and tenant names. Tenant advertising on a shopping center sign is part of the overall sign area permitted by Section, 17.36.650, "Total Square*

Footage—Commercial Zone." The area of the name of the shopping center is in addition to the permitted copy area.

- B. Individual letters are required; Logos may be permitted. The background area immediately adjacent to the copy portion of the sign may include trademark colors, however, it may not be illuminated and must be constructed of a material that is compatible with the texture and materials of the shopping center buildings. Additionally, background area with trademark colors will be considered part of the total allowed signage. Individual letters and logos may be internally illuminated.*
- C. Materials, color and arrangement shall be compatible and consistent with the shopping center buildings.*
- D. A maximum of two shopping center signs may be allowed. At least eight hundred feet of combined arterial street frontage is required to qualify for one sign, except that shopping centers existing at the time of adoption of this section meeting all other requirements of this section are not bound by this requirement. An additional one thousand five hundred feet of frontage is required for a second sign.*

In addition to satisfying the above requirements, the applicant must show that the shopping center has sufficient signage available to accommodate both the existing wall mounted signs and the proposed pylon sign. The shopping center qualifies for a maximum of 750 square feet of signage (based on building frontage and distance from property lines as shown on MMC 17.36.650 – Total Square Footage – Commercial Zone). The applicant conducted a signage calculation showing that the shopping center currently has 736 square feet of wall-mounted signage (Attachment F). These results are close to the maximum signage allowed for the shopping center. However, these calculations are overestimated as a more precise analysis would have subtracted the spaces between and within the letters on the signs. Doing so typically results in sign calculations that are 20% to 30% less than was originally reported. Based on the current signage calculation, the applicant would be limited to installing a maximum of 14 square feet of signage on the pylon sign. To increase signage availability, the applicant shall submit a revised signage calculation (for the entire shopping center) showing the subtraction of spaces between and within letters on the signs (Condition #11). Pylon signage and future wall mounted signs may be limited by signage availability. Signage availability will be monitored by Planning staff as building permits are submitted for the installation and replacement of signs.

Traffic/Circulation

- C) The installation of the shopping center sign would not increase the traffic to the site or change the circulation on the site. Other than traffic during the construction/installation period, there would only be additional traffic to the site when maintenance is required.

Parking

- D) No additional parking spaces are required with this use. The installation of the shopping center sign does not affect the existing parking on the site.

Pylon Sign Design

- E) Over the past year, staff has been working with applicant to ensure that the proposed shopping center sign is designed to be compatible with the College Green Shopping Center. Similar to most buildings within the shopping center, the proposed pylon sign would have an aluminum body with a light “tan” stucco finish and a “burgundy” 2-inch metal lattice appurtenance on the crown and base of the pylon sign. The lattice is an architectural feature that is incorporated from the existing lattice screen on the exterior of the Save Mart Supermarket (Attachment G). The proposed design, materials, and colors of the pylon sign are consistent with that of the shopping center. Paint samples shall be reviewed and approved by Planning staff during the building permit stage (Conditions #10 and #12).

The proposed height of the pylon sign is 20 feet with the architectural lattice mounted no higher than 23 feet. The proposed height of the pylon sign and appurtenance is the maximum allowed within the Regional/Community Commercial General Plan designation [MMC 17.36.667 (E)]. The tallest buildings within the shopping center are approximately 45 feet tall (Save Mart Supermarket and Staples), so the proposed height of the shopping center sign would not be of an unusual scale for the area. The pylon sign’s height, materials, colors, and design would “blend-in” with the existing shopping center and are much more compatible than the existing free-standing sign.

Site Plan

- F) The applicant is requesting to locate the pylon sign next to the westernmost driveway entrance on Olive Avenue, within a 20-foot wide landscape strip with trees, bushes, and shrubs. The shopping center sign shall be located away from the City’s 10-foot driveway visual corner triangle so that the pylon sign does not block a driver’s visibility of pedestrians crossing the driveway (Condition #7). Besides requesting to install a shopping center sign, the applicant is not proposing to modify any other portions of the site plan (e.g. building foot print, parking lot layout, landscaping, etc.) with this request.

Neighborhood Impact

- G) The surrounding properties to the west, east, and south of the subject site mostly consist of restaurants and retail businesses. The property to the north (across Olive Avenue) belongs to Merced High School. This high school is located approximately 100 feet away from the proposed pylon sign and is separated by six driving lanes on Olive Avenue and by landscaping on both the school property and the median dividers on Olive Avenue. The height of the existing trees and adjacent buildings (Save Mart Supermarket having a building height of 45 feet) allow the 23-foot tall pylon sign to be of appropriate scale to the area. The sign height (23 feet) is also less than that of the current sign (45 feet).

Moreover, the potential impacts of lighting to the neighborhood were considered with this request. There are currently several businesses with illuminated signs within a 400-foot radius of the subject site. Said businesses include, but are not limited to, Walgreens, Arco AM/PM, McDonalds, Carl's Jr., and Long John Silver. Lighting from commercial signs is common to the area and the illumination from the proposed pylon sign would not create any unusual circumstances to the neighborhood. The nearest residential units are located approximately 450 feet southwest of the subject site. These residents should not be able to see the pylon sign as it would be blocked by the Save Mart Supermarket. As of the time that this staff report was written, staff had not receive any comments from the community regarding this Project.

Environmental Clearance

- H) The Planning staff has conducted an Environmental Review (#16-13) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption is being recommended (Attachment H).

Attachments:

- A) Location Map
- B) Site Plan
- C) Pylon Sign Elevations
- D) Existing Shopping Center Sign
- E) Existing Shopping Center Sign – Showing Proximity to Driveway
- F) Wall-Mounted Sign Calculations
- G) Save Mart Supermarket Remodel
- H) Categorical Exemption
- I) Draft Planning Commission Resolution

Merced High School

Subject Site
(Proposed Pylon Sign)

AM/PM

OLIVE

AutoZone

Save Mart



Staples

EMERALD

ATTACHMENT A

THE CITY OF VERO BEACH, FLORIDA, HAS REVIEWED THIS PLAN AND APPROVES IT FOR THE CITY'S CONFORMANCE WITH THE CITY'S ZONING ORDINANCES AND THE CITY'S PLANNING AND ZONING COMMISSION'S RECOMMENDATIONS. THE CITY ENGINEER HAS REVIEWED THIS PLAN AND APPROVES IT FOR THE CITY'S CONFORMANCE WITH THE CITY'S ENGINEERING STANDARDS AND THE CITY'S PLANNING AND ZONING COMMISSION'S RECOMMENDATIONS.



GOLDEN VALLEY
ENGINEERING & ARCHITECTURE
400 W. PALM BEACH BLVD., SUITE 200
PALM BEACH, FLORIDA 33480
TEL: (561) 832-1234
FAX: (561) 832-1235

PROJECT NO. 2018-001
DATE: 08/20/18
DRAWN BY: J. SMITH
CHECKED BY: M. JONES
APPROVED BY: [Signature]

CALIFORNIA

**SITE ACCESSIBILITY IMPROVEMENTS FOR
COLLEGE GREEN SHOPPING CENTER
3095 'G' STREET
CITY OF VERO BEACH**

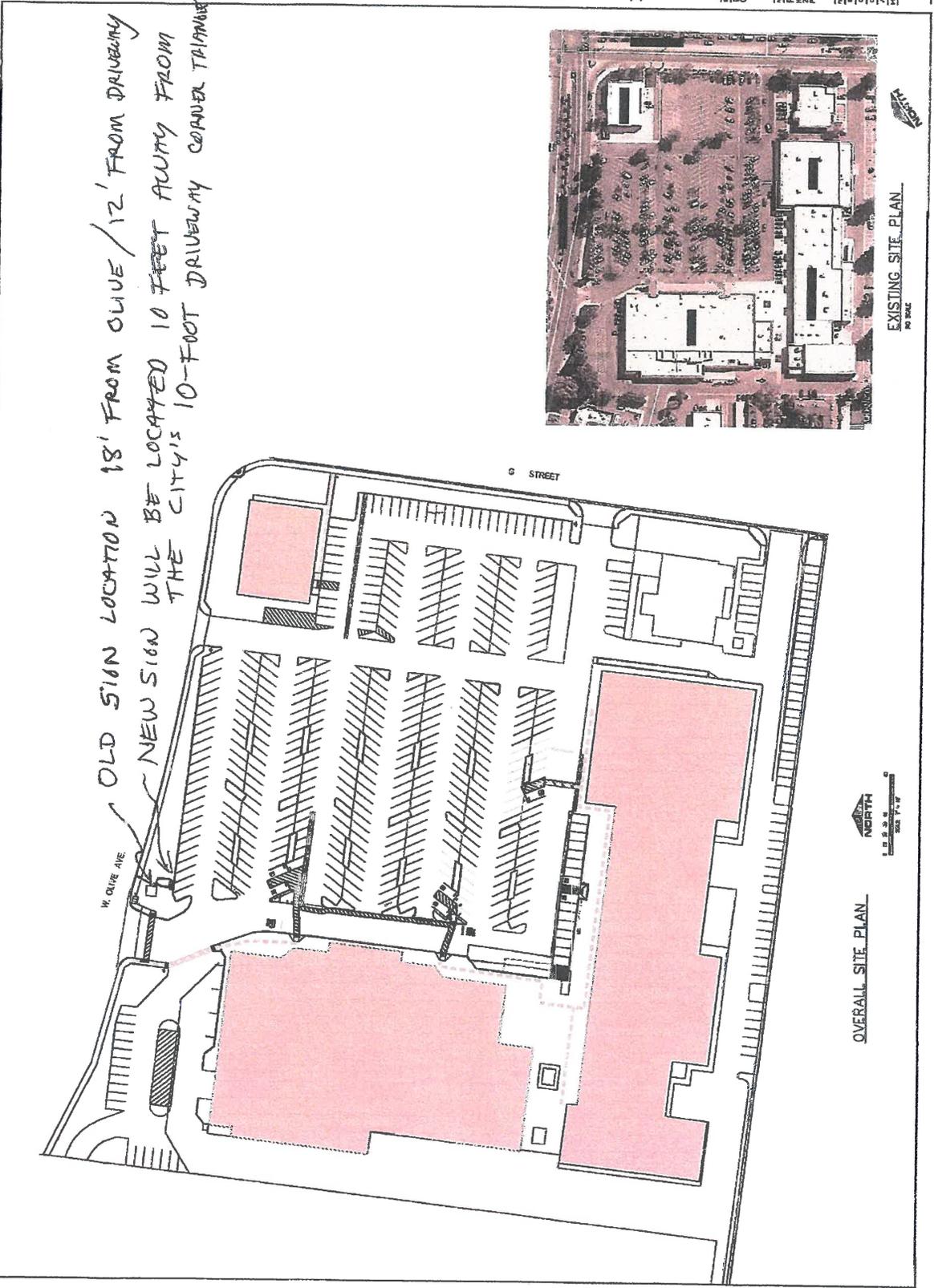


DATE: 08/20/18
PROJECT: COLLEGE GREEN SHOPPING CENTER
DRAWING: SITE PLAN A

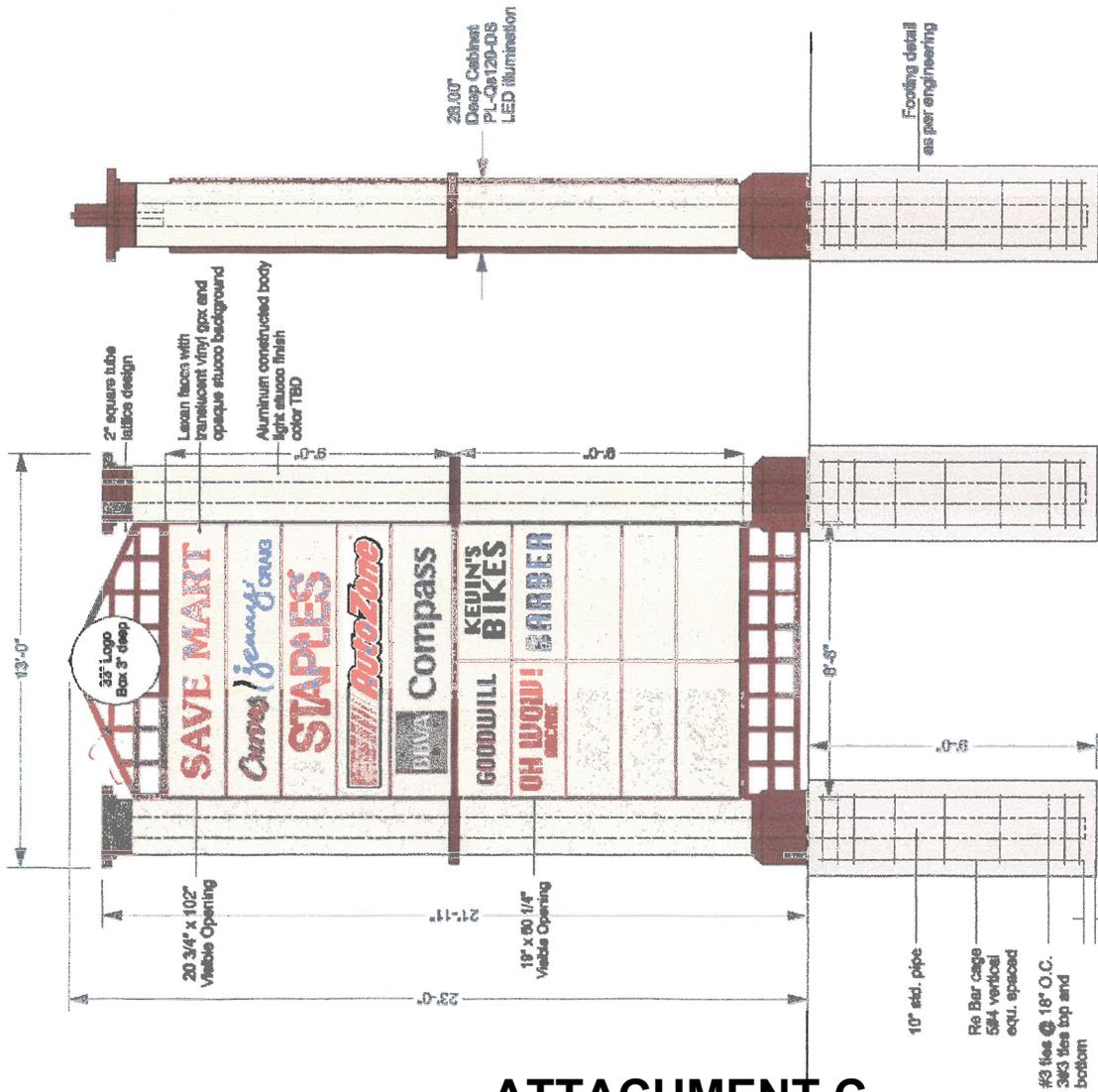
DESIGNED BY: ROBERT JENSEN
NO. 10000
STATE OF FLORIDA
REGISTERED PROFESSIONAL ENGINEER

PROJECT NO.	2018-001
DATE	08/20/18
DRAWN BY	J. SMITH
CHECKED BY	M. JONES
APPROVED BY	[Signature]
SCALE	AS SHOWN

T1



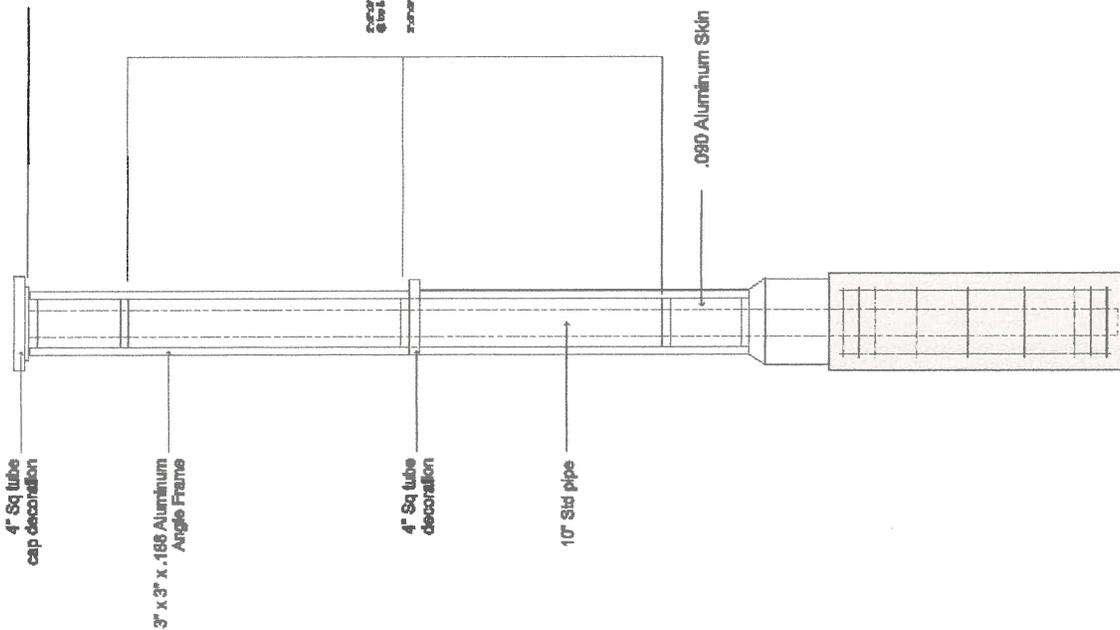
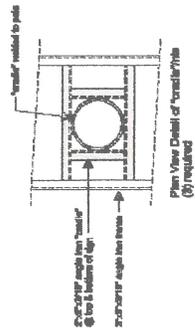
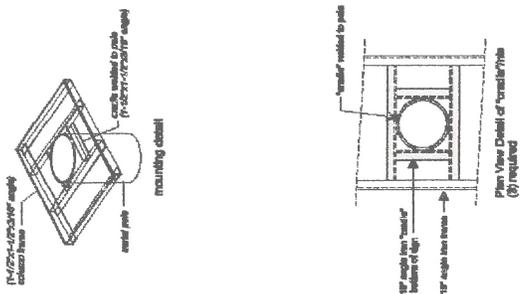
ATTACHMENT B



ATTACHMENT C

© 2014

<p>CUSTOMER CHECKLIST: Please carefully check the following for errors</p> <p><input type="checkbox"/> SPELLING</p> <p><input type="checkbox"/> LAY-OUT / COLOR</p> <p><input type="checkbox"/> TEXT / NUMERALS</p> <p><small>Note: orders on price offer from monitors, printers and the final product. We will be happy to provide you with a color chart to review the colors before production.</small></p>	<p>SPECIFICATIONS: See drawing for specs</p>
<p>Customer: College Green Revision Number: Artist: Arbitrary Date: Dec 05, 2014</p> <p>REVIEW YOUR ART CAREFULLY Please review the artwork carefully, by signing this you approve the art to be produced as shown and accept responsibility for any errors. Note that we cannot be responsible for spelling, numerical, grammatical or punctuation errors made by the customer.</p> <p>Signed _____ Date _____</p>	<p>2740 N. Aubrey Rd. Alhambra, CA 91801 Phone 209.726.0984 Fax 209.726.1173 arbitrary@menocolorsignage.com</p> <p>PROOF</p>



The Sign Guys
 2740 N. Ashby Rd.
 Alhambra, CA 95301
 Phone 209.726.0984
 Fax 209.726.1173
 anthony@mesosdesignguys.com

Customer: College Green
 Date: Dec 05, 2014
 Revision Number:
 Artist: Anthony

REVIEW YOUR ART CAREFULLY

Please review the artwork carefully, by signing this you **approve** the art to be produced as shown and accept responsibility for any errors. Note that we cannot be responsible for: Spelling, numerical, grammatical or punctuation errors made by the customer.

Signed _____ Date _____

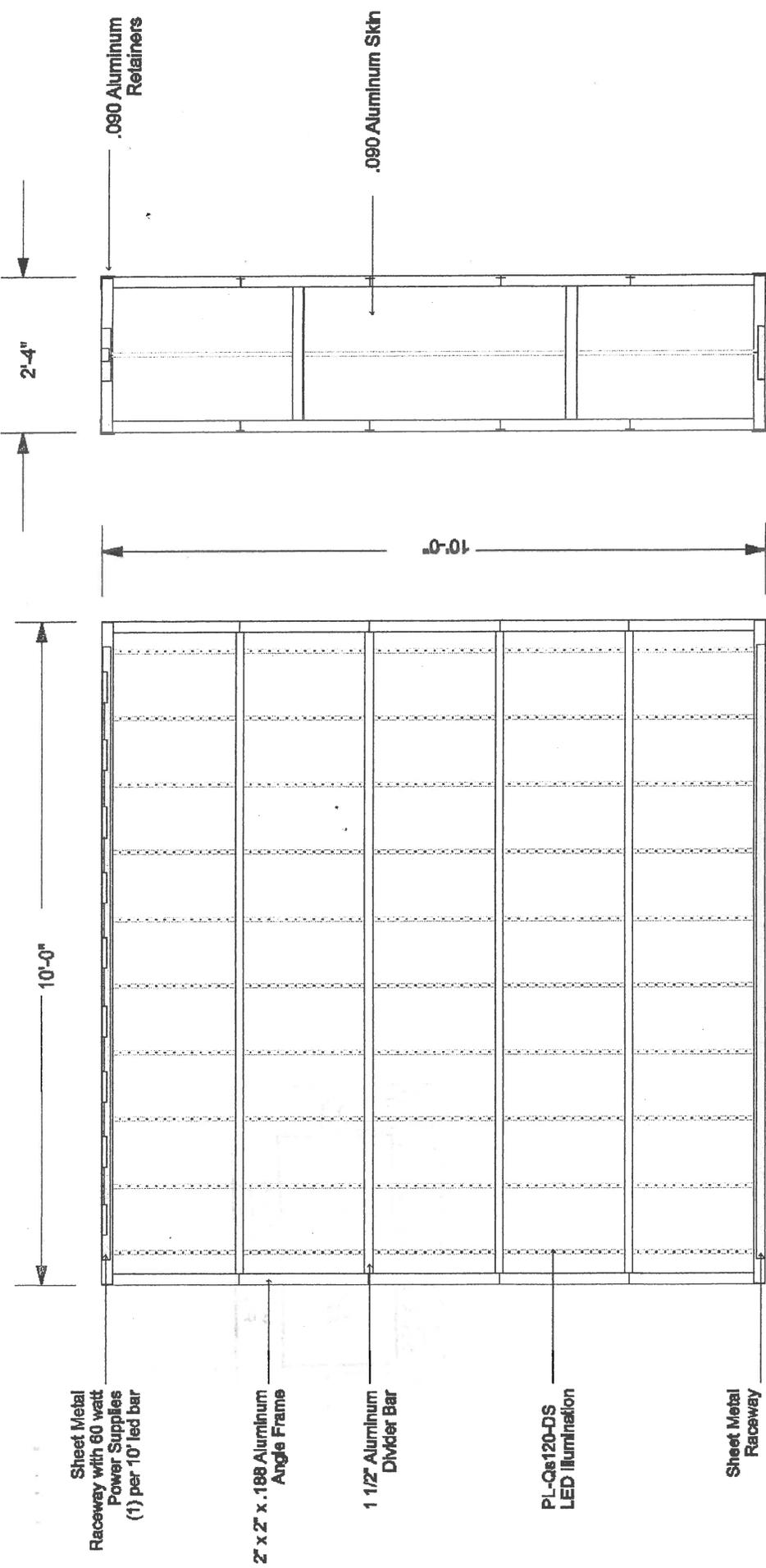
CUSTOMER CHECKLIST:
 Please carefully check the following for errors

SPELLING
 LAY-OUT / COLOR
 TEXT / NUMERALS

Note: colors on proofs differ from monitors, printers and the final product. We will be happy to provide you with a color chart to review the colors before production.

SPECIFICATIONS:
 See drawing for specs

© 2014



End View

Side View

LED Illuminated D/F cabinet - typical
(2) required

© 2014



2740 N. Ashby Rd.
Atwater, CA 95301
Phone 208.726.0984
Fax 208.726.1173
anthony@microdesignguys.com

PROOF

Signed _____ Date _____

Customer: Name Here Revision Number:
Date: November 18, 2014 Artist: Anthony

REVIEW YOUR ART CAREFULLY

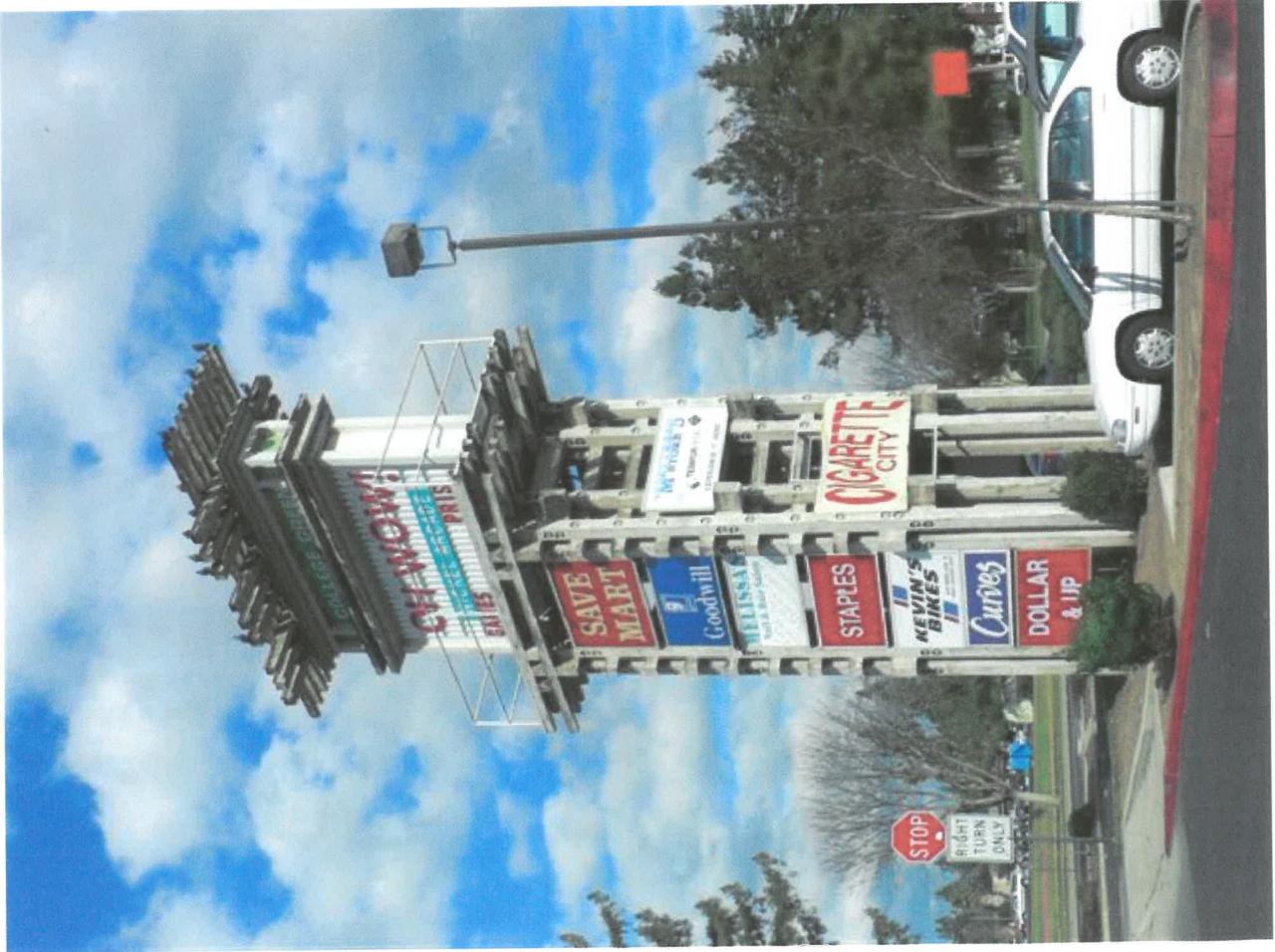
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CUSTOMER CHECKLIST:
Please carefully check the following for errors

SPELLING
 LAY-OUT / COLOR
 TEXT / NUMERALS

Note: colors on proofs differ from monitors, printers and the final product. We will be happy to provide you with a color chart to review the colors before production.

SPECIFICATIONS:



ATTACHMENT D



ATTACHMENT E

$24 \times 90 = 15 \text{ \#}$

$24 \times 96 = 16 \text{ \#}$

$25 \times 207 = 95.9 \text{ \#}$



$24 \times 108 = 18 \text{ \#}$

$16 \times 120 = 13.3 \text{ \#}$
 $18 \times 100 = 12.5 \text{ \#}$
 $TOTAL = 25.8 \text{ \#}$



$79 \times 80 = 43.8 \text{ \#}$ + $66 \times 313 = 143.4 \text{ \#}$ = $TOTAL = 187.2 \text{ \#}$



$18 \times 96 = 12 \text{ \#}$
 $18 \times 52 = 6.5 \text{ \#}$
 $TOTAL = 18.5 \text{ \#}$



$26 \times 258 = 46.58 \text{ \#}$ + $24 \times 108 = 18 \text{ \#}$ = $TOTAL = 64.58 \text{ \#}$

$14 \times 80 = 7.7 \text{ \#}$ $23 \times 100 = 15.9 \text{ \#}$ $\text{TOTAL} = 23.6 \text{ \#}$

$21 \times 32 = 6.8$ $31 \times 100 = 34.4$ $\text{TOTAL} = 41.2 \text{ \#}$



$24 \times 34 = 5.6 \text{ \#}$ $18 \times 146 = 18.25 \text{ \#}$ $24 \times 24 = 4 \text{ \#}$ $18 \times 84 = 10.5 \text{ \#}$
 $\text{TOTAL} = 38.35$



$24 \times 16 = 2.6 \text{ \#}$ / $14 \times 78 = 7.5 \text{ \#}$ / $24 \times 114 = 19 \text{ \#}$
 $\text{TOTAL} = 29.1 \text{ \#}$

$$20 \times 120 = 16.6 \phi$$

$$20 \times 120 = 16.6 \phi$$

$$42 \times 192 = 56 \phi + 12'' \times 174'' = 14.5 \phi \quad \text{TOTAL} = 70.5 \phi$$



$$20 \times 120 = 16.6 \phi$$

$$\begin{array}{r} \text{TOTAL} = 16.6 \\ \times 3 \\ \hline 49.8 \phi \end{array}$$



$$15 \times 143 = 14.8 \phi$$



$$\begin{array}{r} 24 \times 80 = 13.3 \\ \times 2 \\ \hline 26.6 \phi \end{array}$$

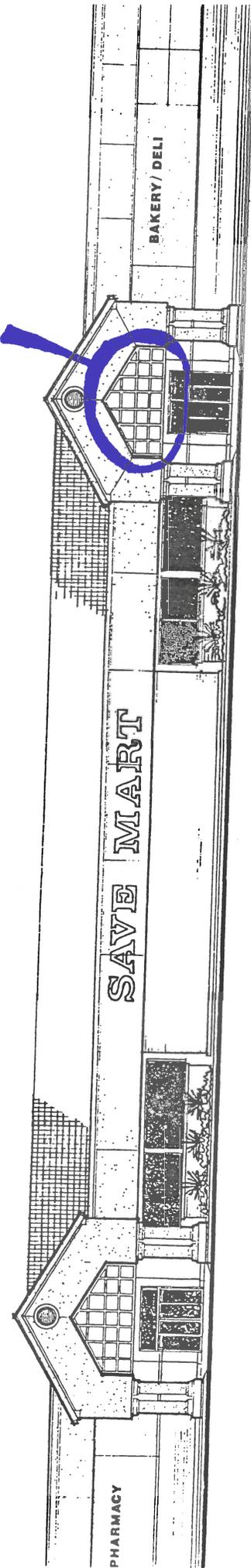
$$33 \times 42 = 9.6 \phi$$

$$22 \times 116 = 17.7 \phi$$

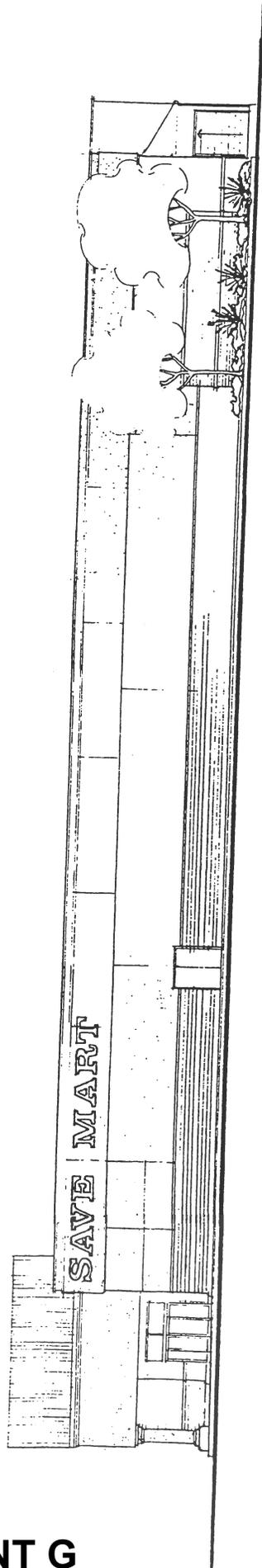
$$17 \times 86 = 4.2 \phi$$

$$\text{TOTAL} = 58.15 \phi$$

"Burngady" Metal Lattice -
Architectural Feature
Incorporated on Pylon Sign



FRONT ELEVATION - SAVE MART 53
SCALE: 1/8" = 1'-0"
MERCED, CALIF.



SIDE ELEVATION
SCALE: 1/8" = 1'-0"

WILSON/COELTZER
ARCHITECTS, INC.
1000 W. WASHINGTON
MERCED, CA 95341
(209) 877-9114
REVISED 10/26/96
REVISED 10/25/96

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 #1212 (Environmental Review #16-13)

Project Applicant: Creative Products Unlimited

Project Location (Specific): 150 W. Olive Avenue APN: 007-350-005

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: Creative Products Unlimited

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));
- Categorical Exemption. State Type and Section Number:** 15301 (a) _____
- 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 consists of minor alterations only, such as replacing a pylon sign, which are considered to be exempt under the CEQA Guidelines per Section 15301 (a).

Lead Agency: City of Merced

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

Signature:  _____ **Date:** 05-13-2016 **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 June 8, 2016, held a public hearing and considered **Conditional Use Permit #1212**, initiated by Creative Products Unlimited, applicant for KB Colgreen, LLC, property owners. This application involves a request to replace an existing free-standing shopping center sign with a new 23-foot-tall internally illuminated pylon sign for the College Green Shopping Center located on the south side of Olive Avenue, approximately 450 west of G Street, in Planned Development (P-D) #4 with a Regional/Community Commercial (RC) General Plan designation. ; also known as Assessor’s Parcel Numbers 007-350-005, -006, and -007; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through H of Staff Report #16-12; 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 #16-13, and approve Conditional Use Permit #1212, 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 I

PLANNING COMMISSION RESOLUTION # _____

Page 2

June 8, 2016

Adopted this 8th day of June 2016

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Attachment:

Exhibit A – Conditions of Approval

n:shared:planning:PC Resolutions: CUP#1212 Pylon Sign for College Green Shopping Center

Conditions of Approval
Planning Commission Resolution # _____
Conditional Use Permit #1212

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibits 2 (elevations) – Attachments B and C.
2. All conditions contained in Resolution #1249 (“Standard Conditional Use Permit Conditions”) shall apply.
3. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
4. 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.
5. 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.

6. The maximum height for the shopping center sign shall not exceed 23 feet.
7. The shopping center signs shall be located outside of the 10-foot visual corner at the driveway entrance on Olive Avenue and shall maintain a minimum 3-foot setback from all property lines.
8. The pylon sign's materials, colors, and design shall be compatible and consistent with the shopping center.
9. All exterior sign surfaces shall be regularly maintained. Any damage caused by weathering, vandalism, or other factors shall be repaired in keeping with approved materials, colors, and finishes.
10. A building permit shall be obtained prior to the installation of the pylon sign. Building permits shall also be obtained prior to the installation or replacement of signage on the pylon sign.
11. To qualify for more than 14 square feet of signage on the pylon sign, the applicant shall submit a revised signage calculation for the entire shopping center showing the subtraction of spaces between and within letters on the existing signs. Planning staff shall also consider the amount of signage removed from the existing freestanding sign in these calculations.
12. Pylon sign paint samples shall be reviewed and approved by Planning staff during the building permit stage. Appropriate colors are those that match or complement the existing buildings within the College Green Shopping Center.

n:shared:planning:PC Resolutions: CUP#1212 Exhibit A