

CITY OF MERCED  
DESIGN REVIEW BOARD/  
HISTORIC PRESERVATION COMMISSION

**MINUTES**

CITY COUNCIL CHAMBERS  
678 WEST 18TH STREET  
MERCED, CALIFORNIA

WEDNESDAY  
February 16, 2011

Chairperson LOPES called the meeting of the Design Review Board and Historic Preservation Commission to order at 4:02 p.m.

**(B) ROLL CALL**

Present: Walter Lopes (Chairperson)  
Jack Lemen (Vice-Chair)  
Harlan Dake (Excused at 4:57 p.m.)  
Carole Luhring  
John Hofmann (Arrived at 4:09 p.m.)

Absent: Catherine Kniazewycz (excused absence)  
(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/DAKE, and carried by unanimous voice vote (one absent, one vacancy), to approve the Minutes of December 15, 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.

**(F) DESIGN REVIEW ITEMS**

1. DR #10-11 - FINAL REVIEW of a Residential Façade Improvement Grant Program project for exterior improvements including window replacement, new

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roof, and landscaping improvements to the single-family residence at 230 W. 18<sup>th</sup> Street and Categorical Exemption #10-40.

Planning Technician NUTT presented Staff Report DR #10-11, explaining the property's zoning history and reviewing the details of the proposal, including the installation of required parking elements.

There were questions regarding the home's windows, the dilapidated shed at the rear of the property, refuse container location, and the current condition of the sidewalk and rear steps. Commissioner LEMEN noted his observation of the home's driveway being blocked by a delivery truck for the beverage distribution company next door.

Josh EWEN, Redevelopment Technician, answered questions and concerns by the Commission regarding the project and program.

Commissioner HOFMANN stated his concerns about disbursing funds to legally nonconforming parcels and expressed that he'd rather see program funds go to homeowners within residential districts.

As there were no members of the public present, there were no other speakers.

The Commissioners discussed the condition of the back stairs further and an additional condition to require its replacement.

Planning Technician NUTT called attention to Commissioner KNIAZEWYCZ's comments to staff regarding color choices (*Secretary's note: comments were emailed prior to the meeting and distributed to the attending Commissioners at the dais for their information*).

M/S DAKE/LUHRING, and carried by the following vote, to adopt a Categorical Exemption for Environmental Review #10-40 and to approve DR #10-11 as proposed, with the recommendation of "Cotswold Dill" for wall color and "Nottingham Forest" for trim color, and elimination of "British Khaki" from the color palette, 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 B, C, and D of Staff Report DR #10-11.

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 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. The homeowner shall submit a dimensioned site plan to Planning Department staff depicting the exact location of the concrete parking pad to be installed. Prior to funds being disbursed by the City for the RFIGP project, the nonconforming parking and access shall be corrected as described in this report and as per the dimensioned site plan to be submitted.
7. 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.
8. 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 as specified by City Code.
9. The site shall be maintained free of trash, weeds, and other debris.
10. 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.
11. The homeowner shall replace the back porch stairs as part of this project, in order to provide safe exiting for residents/tenants of the home.

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

NOES: Commissioner HOFMANN

ABSENT: Commissioner KNIAZEWYCZ (one vacancy)

ABSTAIN: None

(G) HISTORIC PRESERVATION ITEMS

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

(H) INFORMATION ITEMS

1. Memorandum & Discussion - Meeting packet delivery procedure change

Planning Technician NUTT gave a brief overview of the recent packet delivery procedural changes.

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M/S LOPES/LUHRING, and carried by unanimous voice vote (two absent, one vacancy), to agree to have their meeting packets e-mailed to them, with the exception of ~~Chairman LOPES~~, those who does not have e-mail, and who will instead come to City Hall to retrieve ~~his~~ their packet(s).

2. Newsletter - Redevelopment Update: January 2011

There was no discussion regarding this item.

3. Upcoming projects/applications (discussion with staff)

Ms. NUTT reviewed pending applications, indicating that there may be an item for the next scheduled meeting.

Commissioner LUHRING stated that she will be out of town for the March 16, 2011, meeting for work-related matters (Retired Teachers Union).


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

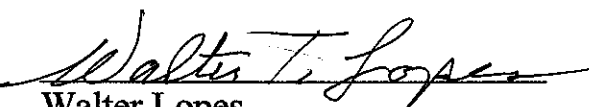
(I) ADJOURNMENT

There being no further business, Chairperson LOPES adjourned the meeting at 4:59 p.m.

Prepared by:

Approved by:

  
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Kimberly Nutt  
Recording Secretary

  
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Walter Lopes  
Chairperson