CITY OF MERCED DESIGN REVIEW BOARD/ HISTORIC PRESERVATION COMMISSION

MINUTES

CITY COUNCIL CHAMBERS 678 WEST 18TH STREET MERCED, CALIFORNIA

WEDNESDAY June 16, 2010

Chairperson LOPES called the meeting of the Design Review Board and Historic Preservation Commission to order at 4:07 p.m.

(B) ROLL CALL

Present:

Alan Arnold

John Hofmann Carole Luhring

Jack Lemen (Vice-Chair)
Walter Lopes (Chairperson)

Absent:

Catherine Kniazewycz (*excused for business)

Harlan Dake (*unexcused absence)

Staff Present:

Kim Nutt, Planning Technician/Recording Secretary

(C) ADDITIONS/DELETIONS TO THE AGENDA

None

(D) APPROVAL OF MINUTES

M/S ARNOLD/HOFMANN, and carried by unanimous voice vote (two absent), to approve the Minutes of May 12, 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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Staff presented Commissioner ARNOLD with a Certificate of Appreciation and a gift certificate to thank him for his eight-year service to the City of Merced and the Design Review / Historic Preservation Commission.

(F) **DESIGN REVIEW ITEMS**

 DR #10-05 - FINAL REVIEW for awning reduction/repainting and minor site improvements at 1804-1822 Canal Street (Robinson-Montgomery Building) and 437, 443, and 451 W. 18th Street; and Categorical Exemption #10-19

Planning Technician NUTT reviewed the details of the project, explaining that upcoming angled parking improvements on Canal Street will directly affect this property. For further information, refer to Staff Report DR#10-05.

Ms. NUTT received questions from Commissioner LEMEN regarding the new width of the sidewalk along Canal Street and how the Montgomery Building's planters along Canal Street might be affected. Chairperson LOPES stated that he would like to see all the story windows on the W. 18th Street elevation replaced, not just a portion of them, if they are eventually replaced with clear windows ("all or nothing").

The Chairperson allowed public comments as follows:

WILLIAM (SKIP) GEORGE, Commercial Construction, Inc., and representing the property owner, assisted staff in answering Commissioner LEMEN's question regarding the new width of the sidewalk, stating that it will be approximately six feet wide. He also confirmed that the building owner will replace <u>all</u> of the story windows, if it is decided to replace them, and that they are willing to work with staff on the underawning light fixtures and bike rack locations.

Mr. GEORGE spoke further about Condition #10 (regarding anti-graffiti coating), Condition #6 (regarding missing public improvements), and Condition #2 (regarding ADA requirements), and requested that Condition #10 and #6 be deleted and that Condition #2 be amended, as the project only involves minor exterior work. There was a short discussion between Mr. GEORGE and the Commissioners.

There were no further comments from the public.

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- M/S ARNOLD/LUHRING, and carried by the following vote, to adopt a Categorical Exemption for Environmental Review #10-19, and to approve DR #10-05 as proposed, subject to the staff-recommended conditions, and with amendments and additional 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 Exhibit 1 and Exhibit 2 -- Attachments C, D, and E of Staff Report DR#10-05.
 - 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, California 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 apply to the exterior of the building only. 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 ent-

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ity 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. If the total cost of this project exceeds \$30,000, the applicant shall install any public improvements determined to be missing or in need of repair on the project site. These public improvements include, but are not limited to, street trees, driveway approaches, street lights, alley repair/replacement, sidewalk repair/replacement, and curb and gutter repair/replacement, where needed.
- 7. With regard to the City of Merced Bicycle Plan's goal to provide parking for bicyclists, the applicant shall install public bicycle racks along the storefronts of the project area or at an alternate suitable location. A minimum of one two-bicycle capacity rack shall be installed per storefront entrance. The racks shall be installed in sufficiently sized area(s), with proper ADA-accessible pedestrian clearances and closely located to the entrance(s) of the building. Planning staff recommends the "inverted-U" style rack and requests that the applicant consult with staff with regard to this detail, particularly if it is found that the installation of all of the bike parking spaces as written above is not feasible. The applicant shall not be required to fulfill this condition if it is found to be impossible to accommodate the spaces. The applicant shall work with staff on the location of the bike racks.
- 8. Any lighting associated with this project shall comply with the Merced Downtown Lighting Strategy.
- 9. Any signage shall comply with the requirements of the City's Redevelopment Area Sign Ordinance. Temporary banners shall be properly approved by Planning staff for increments not longer than thirty days, whereby re-application is required. However, in no event shall temporary banners be displayed for more than 120 days per calendar year. Prohibited signs, including A-frame, moving, moveable, flashing, or other such signs, shall not be permitted at any time and shall be subject to immediate removal by the City of Merced Development Services Director or his designee.

- 10. Due to the property owner's past performance and to the lack of paintable surfaces on the building except for the awning, Aanti-graffiti coating shall not be required to be applied to the building's exterior to curb graffiti. A paint permit shall be issued by the Inspection Services Department prior to painting of the building.
- 11. The applicant shall maintain a clean and respectable appearance of the building at all times, and any graffiti or other vandalism done to any building or accessory structure shall be rectified or repaired within a reasonable amount of time.
- 12. The site shall be maintained free of trash, weeds, and other debris.
- 13. This approval is in effect for one year. The applicant shall apply for a building permit within one year of this approval, with all work to be completed within eighteen (18) months.
- 14. The existing painted-in story windows above the awning on the W. 18th Street elevation may be replaced with clear story windows at the owner's discretion (no expiration on approval); however, if replacement of the windows is undertaken, the owner shall replace all of the painted-in story windows on the W. 18th Street elevation with clear panes ("all or nothing"). Thereafter replaced, the windows shall not be returned to painted-in panes without further DRC review.

AYES: Commissioners, ARNOLD, HOFMANN, LUHRING, LEMEN, and

Chairperson LOPES

NOES: None

ABSENT: Commissioners KNIAZEWYCZ and DAKE

ABSTAIN: None

(G) <u>HISTORIC PRESERVATION ITEMS</u>

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

(H) INFORMATION ITEMS

1. Upcoming projects/applications (discussion with staff).

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Planning Technician NUTT gave a brief overview of pending applications, indicating that no new applications have been received for the July 14, 2010, meeting.

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

(I) ADJOURNMENT

There being no further business, the meeting was adjourned at 4:52 p.m.

Prepared by:

Approved by:

Kimberly Nutt

Recording Secretary

Walter Lopes

Chairperson

kn:DRC/Minutes'10/M06-16-10