

**Proposed Conditions**  
**Conditional Use Permit #1276**  
**Site Plan Review Permit #538**  
**Minor Use Permit #24-02**

If the City Council wishes to approved Conditional Use Permit #1276, Site Plan Review Permit #538, Minor Use Permit #24-02, staff recommends the approval include Environmental Review #23-45 (Mitigated Negative Declaration), and the following conditions:

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Site Pan at Attachment 1 of Planning Commission Staff Report #23-534), Exhibit 2 (Floor Plans at Attachment F of Planning Commission Staff Report #23-534), Exhibit 3 (Elevation at Attachment G of Planning Commission Staff Report #23-534), and as modified by the conditions of approval within this resolution.
2. The Project shall comply with all applicable conditions set forth in the resolutions for Annexation No. 131 (Christian Life Center Annexation) previously approved for this site.
3. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
4. The developer/owner is required to finance the annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, streetlights, parks and open space, which may include a financing mechanism such as a Community Facilities District (CFD) or, assessment district. Procedures for financing these services and on-going maintenance shall be initiated before final map approval or issuance of a certificate of occupancy for any building, whichever comes first. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
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, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City's attorney's fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval of the City Attorney and to provide all required deposits to fully fund the City's defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.

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. The project shall comply with all requirements of the California Building Code and all flood requirements of the Federal Emergency Management Agency (FEMA), as well as the requirements for the California Urban Level of Flood Protection (CA 200-year flood).
8. All landscaping in the public right-of-way shall comply with State Water Resources Control Board Resolution No. 2015-0032 "To Adopt an Emergency Regulation for Statewide Urban Water Conservation" and the City's Water Conservation Ordinance (Merced Municipal Code Section 15.42). Xeriscape or artificial turf shall be used in place of natural sod or other living ground cover. If turf is proposed to be installed in park-strips or on-site, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed. All irrigation provided to street trees, parking lot trees, or other landscaping shall be provided with a

drip irrigation or micro-spray system. All landscaping shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030).

9. All landscaping shall be kept healthy and maintained in good condition and any damaged or missing landscaping shall be replaced immediately.
10. Trees and or fast-growing vines or other plants shall be planted on or near the block wall along Olive Avenue to deter graffiti and/or a graffiti resistant coating applied to the wall. Details to be worked out with Planning staff during the building permit stage.
11. Full public improvements shall be installed/repared if the permit value of the project exceeds \$100,000.00. 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 and other relevant City of Merced/State/Federal standards and regulations.
12. The developer shall work with a traffic engineer to determine the sufficient distance for vehicle stacking space to enter the site to prevent vehicles from stacking on Olive Avenue. Details to be reviewed and approved by the City Engineer
13. Any missing or damaged improvements along the property frontage shall be installed/repared to meet City Standards. Any improvements that don't meet current City Standards shall be replaced to meet all applicable standards.
14. The applicant shall work with the City's Refuse Department to determine the proper location for a trash enclosure and if a recycling container will be required to comply with AB 341. The container(s) shall be enclosed within a refuse enclosure built to City Standards.
15. All mechanical equipment shall be screened from public view.
16. 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 provided for customers (this does not apply to the long-term 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).
17. The driving aisles shall be paved with an impervious surface, as approved by the City Engineer. This includes the driving aisles for the long-term parking lot for boats and recreational vehicles.

18. The driving aisles shall be designed to meet all Fire Department requirements, including those pertaining to turning radius.
19. The parking spaces for boats and recreational vehicles may be surfaced with gravel or similar material, as approved by the Director of Development Services.
20. All vehicular gates shall be provided with a “click-to-enter” access and remote controls shall be provided to the City of Merced Police, Fire, and Public Works Departments. The device used shall be approved by the City prior to installation.
21. All gates shall be provided with a knox box, as required by the Fire Department.
22. All service drives including the access and egress gates shall be posted as Fire Lanes. All signs and markings shall be as required by the Fire Department.
23. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
24. Parking lot lights and building lights shall be shielded or oriented in a way that does not allow “spill-over” onto adjacent lots or be a nuisance to adjacent residential properties. This shall be done 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.
25. The project shall comply with all the Post Construction Standards required to comply with State requirements for the City’s Phase II MS-4 Permit (Municipal Separate Storm Sewer System) and include onsite stormwater retention capacity for a 50-year, 24 hour storm. The graveled surface for the boat and recreational vehicle parking area shall be designed in a manner that prevents boat and vehicle fluids from contaminating Black Rascal Creek.
26. The self-storage, and boat and recreational vehicle parking lot may operate daily between 7:00 a.m. and 10:00 p.m. Hours of operation may be adjusted at the discretion of the Director of Development Services.
27. Residency or dwelling is not allowed within any storage facility or within any recreational vehicles or boats parked onsite.
28. Minor modifications to the site plan, floor plan, or elevations may be reviewed and approved by the Director of Development Services as allowed by Merced Municipal Code Section 20.20.020 (O).

29. The proposal shall comply with the Mitigation Monitoring Table at Attachment K of Planning Commission Staff Report #23-534.
30. This resolution for a Conditional Use Permit (CUP #1264), Site Plan Review Permit (SP #538), and Minor Use Permit (MUP #24-02) does not become effective until the General Plan Amendment (GPA #23-02), Zone Change (ZC #434) and Establishment of Planned Development (Est. of P-D #81) are approved by the City Council and the Ordinance for the Establishment of Planned Development becomes effective.
31. All drainage from the site shall be retained on the project site. No drainage shall run-off onto adjacent properties. This includes drainage from buildings.
32. The applicant shall work with the Engineering Department to determine if the driveway along E. Olive Avenue needs to be widened for this development (including the turning radius for large trucks hauling boats). Details to be reviewed and approved by the City Engineer during the building permit stage.
33. The use of gravel for driving or parking purposes is prohibited. The boat/RV parking pads shall be finished with an impervious surface as approved by the City Engineer.
34. The exterior of the 2-story storage structure at the center of the site shall be finished with a stucco exterior that matches the proposed office. Details to be reviewed and approved by Planning staff during the building permit state.