

Conditions of Approval
Planning Commission Resolution #4140
Conditional Use Permit #1279
Minor Use Permit #24-11

1. The proposed project shall be constructed/designed in substantial compliance with the Site Plan and Elevations (Attachments C, and D of Planning Commission Staff Report #24-768), except as modified by the conditions.
2. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
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, 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.

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. All buildings shall be regularly maintained to keep the building finishes in good condition and aesthetically pleasing.
7. The applicant shall install short-term and long-term bike racks equivalent to 10% of required vehicle parking spaces (with a minimum of 2 spaces) as required under MMC Section 20.38.080 – Bicycle Parking.
8. The driving aisles shall be at least 26 feet wide to allow for Fire engine access and spacing for Fire action response. Details to be reviewed and approved by the Fire Department during the Building Permit stage.
9. Fire access shall be provided to the buildings within 150 feet of all portions of the buildings from where a fire engine may be stationed. Details to be finalized with the Fire Department during the Building Permit stage.
10. The applicant shall work with the Fire Department to determine if each building shall have its own independent Fire Department connection and fire control room.
11. The applicant shall work with the City's Refuse Department to determine the proper location for trash enclosure(s) and if a recycling container will be required to comply with AB 341. The container(s) shall be enclosed within refuse enclosure(s) built to City Standards. Use of compactor shall also be considered to reduce the number of pick-up requests.
12. 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.

13. Minor modifications to the site plan or building heights may be reviewed and approved by the Director of Development Services or be referred to the Site Plan Review Committee or Planning Commission for consideration, at the discretion of the Director of Development Services.
14. The landscape plan shall comply with Merced Municipal Code Section 20.36 – Landscaping, which also addresses the Water Efficient Landscape Ordinance under Merced Municipal Code Section 17.60. Landscaping shall also comply with all relevant State requirements regarding water efficiency.
15. 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.
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. 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. If the property is to be gated, the applicant shall work with the Police and Fire Departments to provide proper gate access equipment such as a Knox box and a click-to-enter system. Vehicle stacking space for at least two vehicles shall be provided between gates and driveways in order to avoid traffic back-up on City streets.
18. The design and color of a perimeter fence shall be reviewed and approved by the Planning Department during the building permit stage.
19. The proposed shall comply with the City’s design standards for Multi-Family dwellings (MMC 20.46.030 and 20.46.040). Exceptions from individual standards shall require a Minor Use Permit.

20. No signage shall be placed with internal illumination that shines across 9th Street where residential units are located.
21. The parking spaces at the alleyway would need to be relocated as to not hinder access of the walkway.
22. A trash enclosure must be constructed on site.
23. A lot split or certificate of compliance shall be required to split the lot into two parcels. This would require each parcel to have independent utilities (sewer, water, power, etc.).
24. Shared access into the parking or common areas could require easements and/or cross-access agreements.