

**CITY OF MERCED**  
**Planning Commission**

**MINUTES**

Merced City Council Chambers  
Wednesday, September 23, 2015

Chairperson COLBY called the meeting to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

**ROLL CALL**

Commissioners Present: Kurt Smoot, Kevin Smith, Bill Baker, Robert Dylina, Peter Padilla and Chairperson Travis Colby

Commissioners Absent: None (one vacancy)

Staff Present: Planning Manager Espinosa, Planner Mendoza-Gonzalez, Senior Deputy City Attorney Rozell, and Recording Secretary Lane

1. **APPROVAL OF AGENDA**

M/S DYLINA-SMOOT, and carried by unanimous voice vote (one vacancy), to approve the Agenda as submitted.

2. **MINUTES**

M/S SMITH-PADILLA, and carried by unanimous voice vote (one vacancy), to approve the Minutes of September 9, 2015, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Conditional Use Permit #1204, initiated by Amie Marchini, property owner. This application involves a request to construct an approximately 5,000-square-foot office building and to allow for a future 20,000-square-foot assisted living facility, with a maximum of thirty-six beds, as an expansion of the Mission Gardens residential care facility at 1450 E. 27<sup>th</sup> Street, generally located on the south side of E. 27<sup>th</sup> Street, approximately 150 feet west of Green Street, within a Low Density Residential (R-1-6) zone.

Planner MENDOZA-GONZALEZ reviewed the report on this item. He noted a memo from staff (which was provided to the Commission prior to the meeting) recommending a modification to Condition #20 to ensure that the future assisted living facility is compatible with the surrounding neighborhood. For further information, refer to Staff Report #15-18.

Public testimony was opened at 7:19 p.m.

Speaker from the Audience in Favor:

AMIE MARCHINI, the applicant, Atwater

No one spoke in opposition to the project.

Public testimony was completed at 7:22 p.m.

The Commission discussed various aspects of the project, including the time frame with regard to the level of approval (Site Plan approval versus Conditional Use Permit). They agreed that 10 years was a more appropriate time frame rather than the proposed 15 years.

M/S COLBY-BAKER, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #15-23, and approve Conditional Use Permit #1204, subject to the Findings and

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twenty-seven (27) Conditions set forth in Staff Report #15-18, amending Condition #20 as follows (RESOLUTION #3055):

(Note: ~~Strikethrough~~ deleted language, underline added language.)

“20. If constructed within ten years of this approval, the applicant shall obtain Site Plan Review approval prior to submitting building permit applications to construct the 20,000-square-foot assisted living facility. Site Plan Review approval shall allow a maximum of thirty-six beds. Additional parking shall be required at time of building construction. After ten years of approval, a Conditional Use Permit shall be required.”

AYES: Commissioners Smoot, Smith, Baker, Dylina, Padilla, and Chairperson Colby

NOES: None

ABSENT: None (one vacancy)

ABSTAIN: None

4.2 Cancellation of October 7, 2015, Planning Commission Meeting due to Lack of Items

M/S BAKER-SMOOT, and carried unanimous voice vote (one vacancy), to cancel the Planning Commission meeting of October 7, 2015.

5. **INFORMATION ITEMS**

5.1 Calendar of Meetings/Events

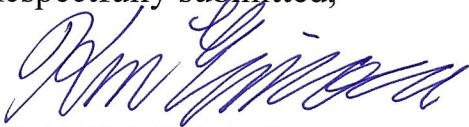
Planning Manager ESPINOSA briefed the Planning Commission on items for the next few Planning Commission meetings and noted that the Planning Commission would have their study session on the new Zoning Ordinance on October 21, 2015.

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6. **ADJOURNMENT**

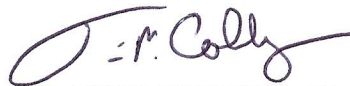
There being no further business, Chairperson COLBY adjourned the meeting at 7:39 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary  
Merced City Planning Commission

APPROVED:



TRAVIS COLBY, Chairperson  
Merced City Planning Commission

**CITY OF MERCED**  
**Planning Commission**

**Resolution #3055**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of September 23, 2015, held a public hearing and considered **Conditional Use Permit #1204**, initiated by Amie Marchini, property owner. This application involves a request to construct an approximately 5,000-square-foot office building and to allow for a future 20,000-square-foot assisted living facility, with a maximum of thirty-six beds, as an expansion of the Mission Gardens residential care facility at 1450 E. 27<sup>th</sup> Street, generally located on the south side of E. 27<sup>th</sup> Street, approximately 150 feet west of Green Street, within a Low Density Residential (R-1-6) zone; also known as Assessor's Parcel No. 033-120-029; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through J of Staff Report #15-18; 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 #15-23, and approve Conditional Use Permit #1204, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Chairperson Colby, seconded by Commissioner Baker, and carried by the following vote:

AYES: Commissioners Smoot, Smith, Baker, Dylina, Padilla, and  
Chairperson Colby

NOES: None

ABSENT: None (one vacancy)

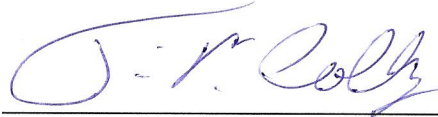
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #3055

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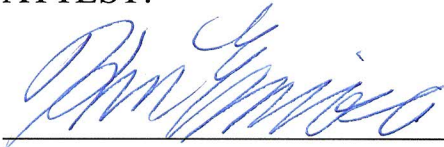
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Adopted this 23<sup>rd</sup> day of September 2015



Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

**Conditions of Approval**  
**Planning Commission Resolution #3055**  
**Conditional Use Permit #1204**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan), Exhibit 2 (landscape plan), and Exhibit 3 (elevations) -- Attachments B, C, and D of Staff Report #15-18, except as modified by the conditions.
2. All conditions contained in Resolution #1249-Amended ("Standard Conditional Use Permit Conditions"—except for Condition #16 which has been superseded by Code) shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply, including the Post Construction Standards for Storm Water that became effective July 1, 2015.
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, 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 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. Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access.
8. The developer shall work with the City Engineer to determine the requirements for storm drainage on the site. The developer shall provide all necessary documentation for the City Engineer to evaluate the storm drain system. All storm drain systems shall be installed to meet City Standards and state regulations.
9. Bicycle racks shall be provided at a minimum ratio equal to 5% of the vehicular parking spaces. The style of rack shall be consistent with the recommendations of the City's most recently adopted Bike Plan.
10. 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.
11. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
12. 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. If it is required, the container shall be enclosed within a refuse enclosure built to City Standards.
13. Signage shall be reviewed and approved with an Administrative Conditional Use Permit. Signage facing residential properties shall be non-illuminated.
14. Sufficient lighting shall be provided throughout the site to provide a safe environment for employees of the business.

15. 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.
16. All mechanical equipment shall be screened from public view.
17. 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.
18. All landscaping shall be kept healthy and maintained in good condition and any damaged or missing landscaping shall be replaced immediately.
19. Detailed landscape plans, including irrigation plans, shall be submitted at the building permit stage.
20. If constructed within ten years of this approval, the applicant shall obtain Site Plan Review approval prior to submitting building permit applications to construct the 20,000-square-foot assisted living facility. Site Plan Review approval shall allow a maximum of thirty-six beds. Additional parking shall be required at time of building construction. After ten years of approval, a Conditional Use Permit shall be required.
21. A six-foot-tall concrete block fence shall be constructed on the portions of the eastern property line between the parking lot and the adjacent residential uses per MMC 20.58.450.A.2.
22. The premises shall remain clean and free of debris and graffiti at all times.
23. It is recommended that the exterior building walls be treated with an anti-graffiti coating to make graffiti removal easier. In any case, graffiti removal shall take place within 24 hours of appearing and shall

be painted over with a paint color that matches the existing color of the building wall.

24. A temporary banner permit shall be obtained prior to installing any temporary signs. Free-standing temporary signs (i.e., sandwich boards, A-frame signs, etc.) are prohibited.
25. The building's exterior color scheme shall match or complement the colors of the existing residential care facility. Color samples shall be reviewed and approved by planning staff during the building permit stage.
26. As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repared if the permit value of the project exceeds \$85,000.00. Public improvements may include, but not be limited to, installing traffic calming measures, 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.
27. 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).

n:\shared\planning\PC Resolutions: CUP#1204 Exhibit A