

CITY OF MERCED
Planning Commission

MINUTES

Merced City Council Chambers
Wednesday, February 17, 2016

Acting Chairperson PADILLA 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, Robert Dylina, Peter Padilla, Jill McLeod, and *Chairperson Travis Colby

*Chairperson Colby arrived at 7:11 p.m., Commissioner Padilla acted as Chairperson until his arrival.

Commissioners Absent: Bill Baker and Kevin Smith

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

1. **APPROVAL OF AGENDA**

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

2. **MINUTES**

M/S SMOOT-DYLINA, and carried by unanimous voice vote (two absent), to approve the Minutes of February 3, 2016, as submitted.

February 17, 2016

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Conditional Use Permit #1211, initiated by Juan M. Rosas, applicant for Robert L. Bartak, Jr., property owner. This application involves a request to allow an automotive repair shop (for major repairs) at 100 W. Main Street and a used car dealership at 50, 52, 62, and 101 W. Main Street, generally located at the southwest, southeast, and northwest corners of H Street and Main Street, within a Central Commercial (C-C) Zone.

Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #16-04.

Public testimony was opened at 7:25 p.m.

Speaker from the Audience in Favor:

DANNY GARCIA, Hayward, CA, the applicant

No one spoke in opposition to the project.

Public testimony was completed at 7:29 p.m.

M/S PADILLA-COLBY, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #15-41, and approve Conditional Use Permit #1211, subject to the Findings and thirty (30) Conditions set forth in Staff Report #16-04 (RESOLUTION #3064):

AYES: Commissioners Smoot, Dylina, Padilla, McLeod, and Chairperson Colby

NOES: None

ABSENT: Commissioners Baker and Smith

ABSTAIN: None

February 17, 2016

4.2 Cancellation of March 9, 2016, Planning Commission Meeting
due to Lack of Items

M/S PADILLA-DYLINA, and carried by unanimous voice vote (two absent), to cancel the Planning Commission meeting of March 9, 2016.

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.

6. **ADJOURNMENT**

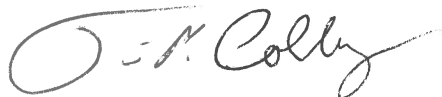
There being no further business, Chairperson COLBY adjourned the meeting at 7:36 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:



TRAVIS COLBY, Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #3064

WHEREAS, the Merced City Planning Commission at its regular meeting of February 17, 2016, held a public hearing and considered **Conditional Use Permit #1211**, initiated by Juan M. Rosas, applicant for Robert L. Bartak, Jr., property owner. This application involves a request to allow an automotive repair shop (for major repairs) at 100 W. Main Street and a used car dealership at 50, 52, 62, and 101 W. Main Street, generally located at the southwest, southeast, and northwest corners of H Street and Main Street, within a Central Commercial (C-C) Zone; also known as Assessor's Parcel Numbers 031-162-007, 031-164-001, -002, -003, and 031-161-021; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through I of Staff Report #16-04; 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 #15-41, and approve Conditional Use Permit #1211, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Dylina, McLeod, Padilla, Smoot and
Chairperson Colby

NOES: None

ABSENT: Commissioners Baker and Smith

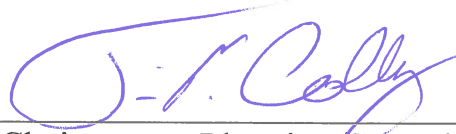
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #3064

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February 17, 2016

Adopted this 17th day of February 2016



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Conditions of Approval
Planning Commission Resolution #3064
Conditional Use Permit #1211

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Floor Plan) and Exhibit 2 (Site Plan) – Attachments B and C of Staff Report #16-04, 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.
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.
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. 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, 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.
7. Fire lanes shall be kept clear at all times. (A fire lane with a 25-foot width as referenced on the site plan may require striping at the building permit stage, if deemed necessary by the City's Fire Department.)
8. 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.
9. All signing shall comply with the City's Sign Ordinance. Design Review approval and sign permits shall be obtained prior to installing any permanent signing. A Temporary Sign Permit shall be obtained prior to installing any temporary signs or banners. Flags, pennants, temporary freestanding signs, inflatable signs, or A-frame signs are not allowed. Should the applicant/business owner violate these signing restrictions, the City reserves the right to revoke the Conditional Use Permit for a used car lot and major repairs on this site per the revocation procedures in the Merced Municipal Code.
10. The applicant shall provide sufficient lighting for the parking lot and vehicle display areas. 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.
11. Auto service repairs shall include services needed to prepare vehicles for sale and the labor shall be conducted away from the public view, inside a screened or enclosed structure. Repair activities shall be limited to those found in the City's "Minor Repair" and "Major Repair" categories (as defined by Merced Municipal Code Section 20.04.060 – Automobile

EXHIBIT A

of Planning Commission Resolution #3064

repair, minor and Merced Municipal Code Section 20.04.050 – Automobile repair, major) and shall be subject to Building, Fire, and Health Department (Environmental Department) requirements. All storage of auto-related waste products shall be located away from the public view within a structure.

12. Plans for Building Permits shall be drawn by a licensed professional (e.g. an architect or engineer). The exterior and interior of the building shall show compliance with ADA requirements.
13. The applicant shall work with the Building Department to ensure that the bent columns under the canopy at the southeast corner of H and Main Street are replaced or repaired.
14. The applicant shall work with the Building and Fire Departments to ensure that an appropriate number of exits are provided for the building at 100 W. Main Street.
15. The proposed wall separating the automotive shop and the existing karate studio shall have a 1-hour fire rating. Details to be reviewed by the Building Department during the building permit stage.
16. The proposed paint booth shall have a fire sprinkler system and be UL approved. Details to be reviewed by the Building Department during the building permit stage.
17. All necessary permits shall be obtained from the San Joaquin Valley Air Pollution Control District prior to obtaining a business license.
18. The applicant shall work with the City's Water Quality Control Division (and other pertinent departments as determined by the WQC Division) and comply with all requirements for this type of business and obtain all proper permits prior to opening for business. Said requirements may include, but are not limited to, ensuring that all items are stored in secondary containments, installing sand separators, installing grease interceptors, and installing floor drains.
19. The applicant shall work with the Merced County Health Department and comply with all requirements for this type of business prior to obtaining a business license or building permit.
20. The applicant shall work with the City's Fire Department to ensure that a Hot Permit is obtained for welding activities. A list of hazardous chemicals used in the conduct of business shall be provided to the Fire Department prior to opening for business.

21. Non-operable vehicles shall require a No Exposure Certificate from the State Water Resource Control Board. Non-operable vehicles shall either be stored inside the automotive repair shop (at 100 W. Main Street) or enclosed within a non-transparent fenced area. Should the applicant choose to install a fenced area, the materials, colors, and location of the fence shall be reviewed and approved by the Planning Department.
22. Display vehicles shall not be located on the sidewalk and shall comply with the City's visual corner triangle regulations.
23. The applicant shall work with the City's Refuse Department to determine the exact location for a refuse enclosure. In addition, the applicant shall work with the City's Refuse Department to determine 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. Prior to pouring the concrete for the refuse enclosure, the contractor shall contact the Refuse Department at 209-385-6800 to arrange an inspection by Refuse Department staff to verify the location and angle of the enclosure.
24. The parking lot layouts shall comply with all applicable City Standards.
25. A total of 34 parking spaces shall be provided for the automotive repair shop (requires 28 parking spaces) and used car dealership (requires 6 parking spaces). If a portion of these spaces are to be provided on Assessor's Parcel Numbers 031-164-001, -002, -003, and 031-161-021, a joint parking agreement shall be signed by all property owners and shall be irrevocable as long as this tenant or similar type use remains at 100 W. Main Street.
26. The parking spaces located within the subject site shall be re-painted with a fresh coat of paint prior to opening for business.
27. Parking lot trees shall be provided at a ratio of one tree for every 6 parking spaces (for customer parking only, not applicable to auto display parking). 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).
28. The applicant shall install street trees and an irrigation system within the right-of-way adjacent to the project site, as required by the Engineering Department. A landscape and irrigation plan shall be submitted to the

Engineering Department for approval prior to the issuance of Building/Fire permits. All landscaping shall be installed prior to the business opening. Details to be worked out on the above requirements with the Engineering Department to ensure compliance with water conservation regulations based on recent State directives.

29. All display vehicles shall be washed and cleaned periodically to maintain a clean appearance, but in a manner that reduces the amount of water used and recycles as much water as possible, such as using automated car washes or other such facilities.
30. The premises shall remain clean and free of debris and graffiti at all times.

n:\shared\planning\PC Resolutions: CUP#1211 Exhibit A