

CITY OF MERCED
Site Plan Review Committee

MINUTES

Planning Conference Room
2nd Floor Civic Center
Friday, April 19, 2019

Acting Chairperson ESPINOSA called the meeting to order at 10:05 a.m.

1. **ROLL CALL**

Committee Members Present: Chief Building Official Frazier, Land Surveyor Cardoso (for City Engineer Beltran), and Planning Manager Espinosa (for Director of Development Services McBride)

Committee Members Absent: None

Staff Present: Fire Deputy Chief England, Fire Deputy Chief Wilson, City Engineer Beltran, Associate Planner Nelson, and Associate Planner/Recording Secretary Mendoza-Gonzalez

2. **MINUTES**

M/S CARDOSO-FRAIZER, and carried by unanimous voice vote, to approve the Minutes of March 28, 2019, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Site Plan Application #435, submitted by Gateway Community Christian Reformed Church, property owner, to construct a 2,150-square-foot office and 13,300-square-foot children's ministry building in front of an existing church located at 353 E. Donna Drive, within Planned Development (P-D) #26, with a General Plan

designation of Low-Medium Density (LMD) Residential.*PUBLIC HEARING*

Associate Planner MENDOZA-GONZALEZ reviewed the application. Refer to Draft Site Plan Resolution #435 for further information.

The applicant and his designer were in attendance to answer questions from the Committee.

A resident from the neighborhood, Robert Inowa, was in attendance and asked questions about noise and traffic.

Acting Chairperson ESPINOSA replied that Condition #14 is being included to address noise concerns.

The applicant added that the new buildings should not significantly increase noise levels in the neighborhood as most activities will take place indoors during the afternoons.

Associate Planner MENDOZA-GONZALEZ provided a Memo recommending adding Finding F and Exhibit G regarding parking concerns from a neighboring business, In Shape. Exhibit G shows the correspondence between the applicant and In Shape, which concluded with In Shape being satisfied with the applicant's hours of operation and parking plan.

Committee Member CARDOSO recommended modifying Condition #12 to give the City Engineer the authority to approve the driveway width and driveway location, during the building permit stage.

Committee Member CARDOSO recommended modifying Condition #14 to eliminate restricting the hours of operation for the new buildings.

M/S CARDOSO - FRAIZER, and carried by the following vote to adopt a Categorical Exemption regarding Environmental Review #19-09, and approve Site Plan Application #435, subject to the

Findings and eighteen (18) conditions set forth in Draft Resolution #435 with the additions of Finding F and Exhibit G, and modifications to Conditions #12 and #14 as follows:

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

“F. After this report was distributed, the applicant provided staff with the e-mail shown at Exhibit G outlining their parking plan and legal obligations with some of the neighboring businesses that they share parking with. This letter was written in response to concerns from an adjacent business, In Shape fitness gym, who was concerned about parking availability with the expansion of the Gateway Community Church. This letter was shared with representatives from In Shape the morning of 4/19/2019 (before the Site Plan Review meeting) and their representatives confirmed that they are satisfied with the applicants parking plan and are content with the Site Plan Review Committee taking action today on SP #435. These letters are included at Exhibit G.

“12. The driveway approach width and location shall be reviewed and approved by the Fire Chief and City Engineer during the building permit stage

“14. ~~To reduce impacts related to noise on the adjacent residential properties to the east or south across E. Donna Drive, the proposed buildings shall not be used between 10:00 p.m. and 7:00 a.m.~~ The noise generated from the proposed buildings shall be kept to a minimum so as not to disturb the surrounding neighborhood. If sufficient complaints are received regarding noise from the proposed buildings, the applicant shall provide a means for suppressing the noise coming from the structures. The means and method used shall be approved by the Building Department prior to installation.”

AYES: Committee Members Cardoso, Fraizer, and Acting Chairperson Espinosa

NOES: None

ABSENT: None

- 4.2 Site Plan Application #436, submitted by DRA Development, property owner, to construct a 4,749-square-foot shell retail building at 1250 W. 9th Street, within a Neighborhood Commercial (C-N) Zone. *PUBLIC HEARING*

Planner MENDOZA-GONZALEZ reviewed the application. Refer to Draft Site Plan Resolution #436 for further information.

The applicant's architect was in attendance to answer questions from the Committee.

A resident from the neighborhood, Tom Davis, was in attendance and asked questions about business tenants and potential customer loitering.

The applicant's architect noted that the owner is still looking for tenants and intends to discourage loitering.

Associate Planner MENDOZA-GONZALEZ provided a Memo recommending adding Condition #33 to address a letter from the Merced Irrigation District (MID) recommending that the applicant enter into a Storm Drainage Agreement with MID.

M/S CARDOSO - FRAIZER, and carried by the following vote to adopt a Categorical Exemption regarding Environmental Review #19-10, and approve Site Plan Application #436, subject to the Findings and thirty-two (32) conditions set forth in Draft Resolution #436 with the addition of Condition #33 as follows:

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

“33. The property owner shall consult with the Merced Irrigation District (MID) to determine if a “Storm Drainage Agreement” is required. If required, the property owner shall enter into said agreement and pay all fees as required by MID.”

AYES: Committee Members Cardoso, Fraizer, and Acting Chairperson Espinosa

NOES: None

ABSENT: None

4.3 Extension/Modification of Vesting Tentative Subdivision Map (VTSM) #1287 (“Terrazzo”), for 70 lots, located at the northeast corner of Horizons Avenue and Lehigh Drive.

Associate Planner NELSON reviewed the request for an extension of the tentative subdivision map and the proposed revision to the tentative map in response to the Site Plan Committee’s concerns regarding Police and Fire Department access to Lots 49 and 50. Ms. NELSON advised that staff members from the Planning, Fire, and Police Departments met with the property owner and agreed to the proposed modifications of the tentative map and the additional conditions being recommended. For more information, refer to the Memo to the Site Plan Committee dated April 19, 2019.

Jim XU, with Golden Valley Engineering, was in attendance representing the property owner.

Mr XU asked for the proposed condition requiring rolled curb along the alley to be removed and explained that the actual width of the alley would not be increased with the use of rolled curb. After a brief discussion that included Interim City Engineer Mike BELTRAN and Deputy Fire Chiefs Casey WILSON and Tom ENGLAND from the Fire Department, it was determined that the use of rolled curb would not be required.

Committee Member CARDOSO questioned the proposed condition requiring the alley be dedicated as a fire lane. After a brief discussion which included Deputy Fire Chiefs WILSON and ENGLAND, it was determined that the condition should be modified to require dedication for public access and public utilities, but not maintenance. The condition would still require the alley to be posted as a “Fire Lane” with “No Parking” signs.

There was also a discussion regarding allowing vehicular access to the alley from lots 47, 50, 55, and 56. It was determined that no vehicular access should be allowed from these lots and an additional condition should be added to reflect this decision.

M/S FRAZIER-CARDOSO, and carried by the following vote to approve the proposed modification to Vesting Tentative Subdivision Map #1287 ("Terrazzo") and grant a one year extension of Vesting Tentative Subdivision Map #1287 subject to three additional conditions recommended in the Memo to the Site Plan Committee dated April 19, 2019, with the modification of Conditions #30 and #31 as follows.

(Note: Strikethrough deleted language, underline added language)

"30) The 20-foot-wide alley running between Mirasol Drive and Terrazzo Lane shall be dedicated to the City of Merced for public access and public utilities, but not maintenance as a Fire Lane. The alley shall be posted as a "Fire Lane" and have "No Parking" signs. The alley shall be given a street name for addressing purposes.

"31) No vehicular access shall be allowed to the alley from Lots 47, 50, 55, and 56. The 20-foot-wide alley shall be constructed with rolled curb to allow a wider width for emergency vehicles.

"32) The Community Facilities District (CFD) for this subdivision shall include maintenance of the 20-foot-wide alley between Mirasol Drive and Terrazzo Lane."

AYES: Committee Members Cardoso, Frazier, and Acting Chairperson Espinosa

NOES: None

ABSENT: None

4.4 Extension of Vesting Tentative Subdivision Map (VTSM) #1288 ("Cypress Terrace 6 & 7"), for 260 lots, generally located at N Street and Gerard Avenue.

Associate Planner NELSON reviewed the request for an extension of the tentative subdivision map. For more information, refer to the Memo to the Site Plan Committee dated April 19, 2019.

Jim XU, with Golden Valley Engineering, and Jovan Granados, with Stonefield Home, Inc. were in attendance representing the property owner.

Committee Member CARDOSO asked why the Site Plan Committee was taking action on the tentative map when the owner has submitted a Final Map for Cypress Terrace 6, Phase A and Cypress Terrace 7, Phase A. He stated that the extension is not needed since they have submitted a final map for review. After discussing this with the owner's representatives, it was determined that they would like to proceed with the extension request for an abundance of caution.

M/S ESPINOSA-FRAZIER, and carried by the following vote to grant a one year extension of Vesting Tentative Subdivision Map #1288.

AYES: Committee Members Cardoso, Frazier, and Acting
Chairperson Espinosa

NOES: None

ABSENT: None

5. **INFORMATION ITEMS**

5.1 **Calendar of Meetings/Events**

There was no discussion regarding the calendar of meetings/events.

6. **ADJOURNMENT**

There being no further business, Chairperson Espinosa adjourned the meeting at 11:30 a.m.

Site Plan Review Committee Minutes

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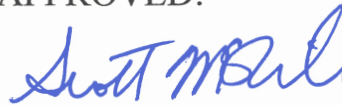
April 19, 2019

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Francisco Mendoza-Gonzalez'.

Francisco Mendoza-Gonzalez, Secretary
Merced City Site Plan Review Committee

APPROVED:

A handwritten signature in blue ink, appearing to read 'Scott McBride'.

Scott McBride, Chairperson/
Director of Development Services
Merced City Site Plan Review Committee

CITY OF MERCED
SITE PLAN REVIEW APPLICATION
RESOLUTION #435

Gateway Community Christian Reformed Church	Add a 2,150-s.f. children's ministry building, and 13,300-s.f. office to an existing church.
APPLICANT	PROJECT
353 E. Donna Drive	353 E. Donna Drive
ADDRESS	PROJECT SITE
Merced, CA 95340	006-061-011
CITY/STATE/ZIP	APN
(209) 564-6715	Planned Development (P-D) #26
PHONE	ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Merced City Site Plan Review Committee considered and administratively approved Site Plan Review Application #435 on April 19, 2019, submitted by Gateway Community Christian Reformed Church, property owner, to construct a 2,150-square-foot office and 13,300-square-foot children's ministry building in front of an existing church located at 353 E. Donna Drive, within Planned Development (P-D) #26, with a General Plan designation of Low-Medium Density (LMD) Residential. Said property being more particularly described as Parcel 1 as shown on the map entitled "Parcel Map for Millennium Sports Club and Gateway Church," recorded in Volume 92, Page 34 of Merced County Records; also known as Assessor's Parcel Number (APN) 006-061-011.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15301 (a) (Exhibit F); and,

WHEREAS, the Merced City Site Plan Review Committee makes the following Findings:

- A) The proposal complies with the City of Merced General Plan designation of Low-Medium Density (LMD) Residential and the Zoning classification of Planned Development (P-D) #26.
- B) The subject site has conditional use permit and site plan review permit approval to operate as a church with worship services and associated ancillary uses (CUP #1021 and SP #414).
- C) As shown on Exhibit B, the 2,150-square-foot office and 13,300-square-foot children's ministry building (2-story building) would be constructed on the western portion of the parcel.
- D) The Zoning Ordinance requires parking based on the largest meeting room for churches, which in this case is the worship hall. The applicant can utilize the parking spaces that are available onsite so no new parking is required.

- E) A Public Hearing Notice was mailed to adjacent property owners (including the offices to the north), at least 10 days before the public hearing, in accordance with MMC Section 20.68.050.E and MMC Chapter 20.70. Staff did not receive any public comments for this project, as of the time that this report was prepared.
- F) After this report was distributed, the applicant provided staff with the e-mail shown at Exhibit G outlining their parking plan and legal obligations with some of the neighboring businesses that they share parking with. This letter was written in response to concerns from an adjacent business, In Shape fitness gym, who was concerned about parking availability with the expansion of the Gateway Community Church. This letter was shared with representatives from In Shape the morning of 4/19/2019 (before the Site Plan Review meeting) and their representatives confirmed that they are satisfied with the applicants parking plan and are content with the Site Plan Review Committee taking action today on SP #435. These letters are included at Exhibit G.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Review Application #435, subject to the following conditions:

- 1) The proposed project shall be constructed/designed as shown on Exhibit B (site plan), Exhibit C (floor plan), Exhibit D (elevations), and as modified by the conditions of approval within this resolution.
- 2) All conditions contained in Site Plan Review #79-1 – Amended (“Standard Conditions for Site Plan Review Application”) shall apply.
- 3) The Project shall comply with all relevant conditions set forth in Planning Commission Resolution #2718 for Conditional Use Permit #1021, and Site Plan Approval #414 previously approved for this site.
- 4) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply including, but not limited to, accessibility compliance.
- 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) The premises shall remain clean and free of debris and graffiti at all times. Any damaged materials shall be replaced by matching materials and paint colors.
- 8) All plans and supporting documents submitted for Building Permits shall meet or exceed the building codes in effect at the time of building permit application submittal. Plans shall be drawn by a licensed design professional. The construction work shall be performed by an appropriately licensed Contractor (B-Contractor).
- 9) Fire apparatus and emergency equipment access shall be provided within 150 feet of all portions of the buildings.
- 10) The new buildings shall include a fire sprinkler system and fire alarm system.
- 11) A Fire Department Connection shall be provided on the address side of the building to allow fire fighters the ability to connect hose lines to supplement the fire sprinkler's water supply.
- 12) The driveway approach width and location shall be reviewed and approved by the Fire Chief and City Engineer during the building permit stage.
- 13) The proposed buildings shall be painted to match the color of the existing church or be of a complimentary color approved by Planning staff. Color samples shall be submitted to the Planning Department during the building permit stage.
- 14) The noise generated from the proposed buildings shall be kept to a minimum so as not to disturb the surrounding neighborhood. If sufficient complaints are received regarding noise from the proposed buildings, the applicant shall provide a means for suppressing the noise coming from the structures. The means and method used shall be approved by the Building Department prior to installation.
- 15) Lighting from the building, signage, or parking lot shall not spill over onto the adjacent residential parcels.
- 16) All signing shall comply with City's North Merced Sign Ordinance. Building permits shall be obtained prior to installing any permanent signs.
- 17) A temporary sign permit shall be obtained prior to installing any temporary banners. Temporary freestanding signs (i.e. A-frame signs, feathered signs, or sandwich boards) are not allowed.

April 19, 2019

- 18) The reconfigured parking lot shall be designed to meet all relevant Engineering Standards and Zoning requirements.

If there are any questions concerning these conditions and recommendations, please contact Francisco Mendoza-Gonzalez at (209) 385-6858.

April 19, 2019

DATE



SIGNATURE

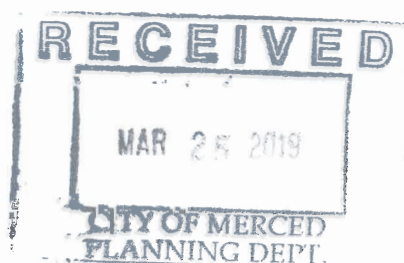
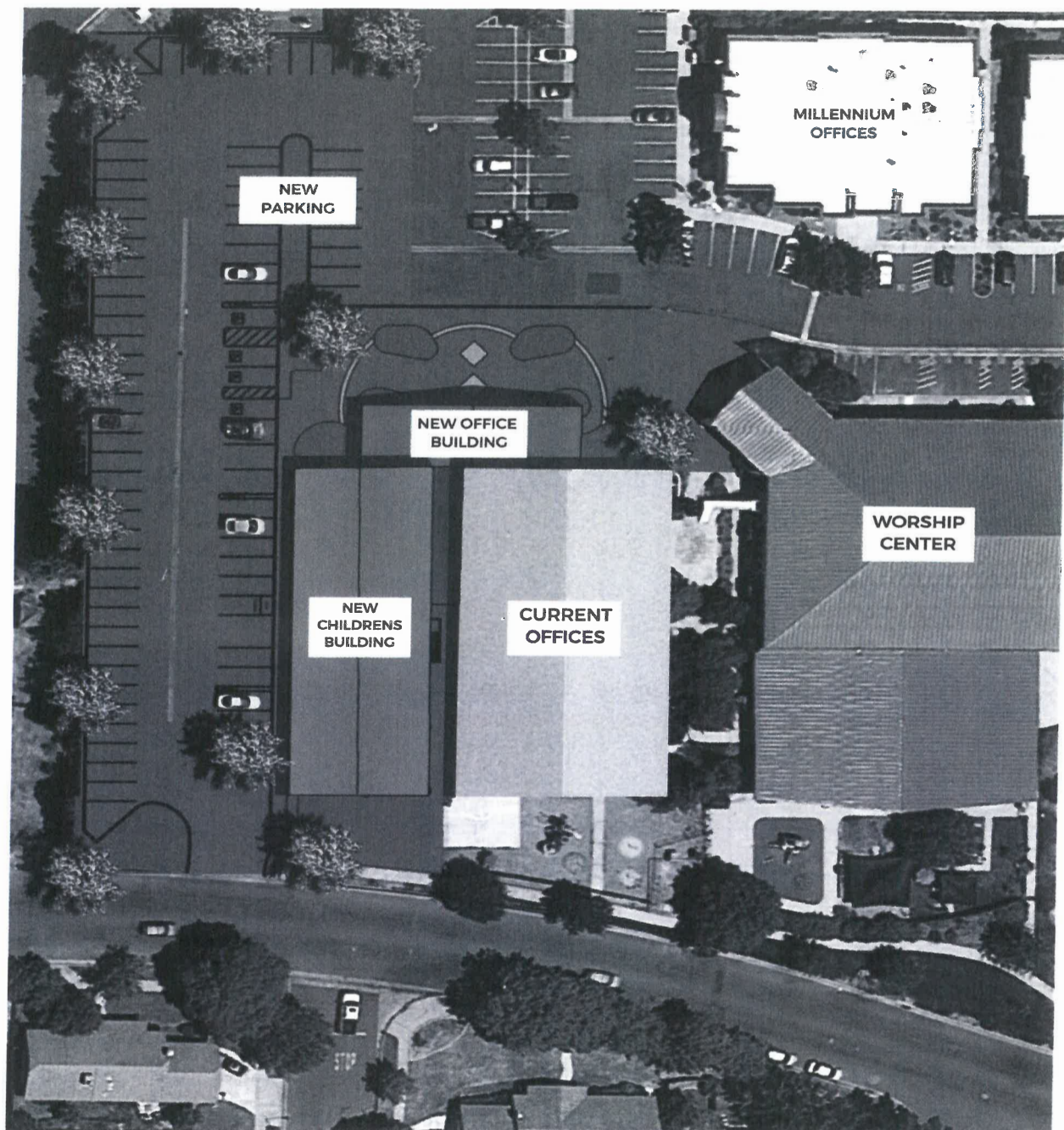
Associate Planner

TITLE

Exhibits:

- A) Location Map
- B) Site Plan
- C) Floor Plan
- D) Elevations
- E) Rendering
- F) Categorical Exemption
- G) Applicant's parking plan and letter from neighboring business

GATEWAY CHURCH



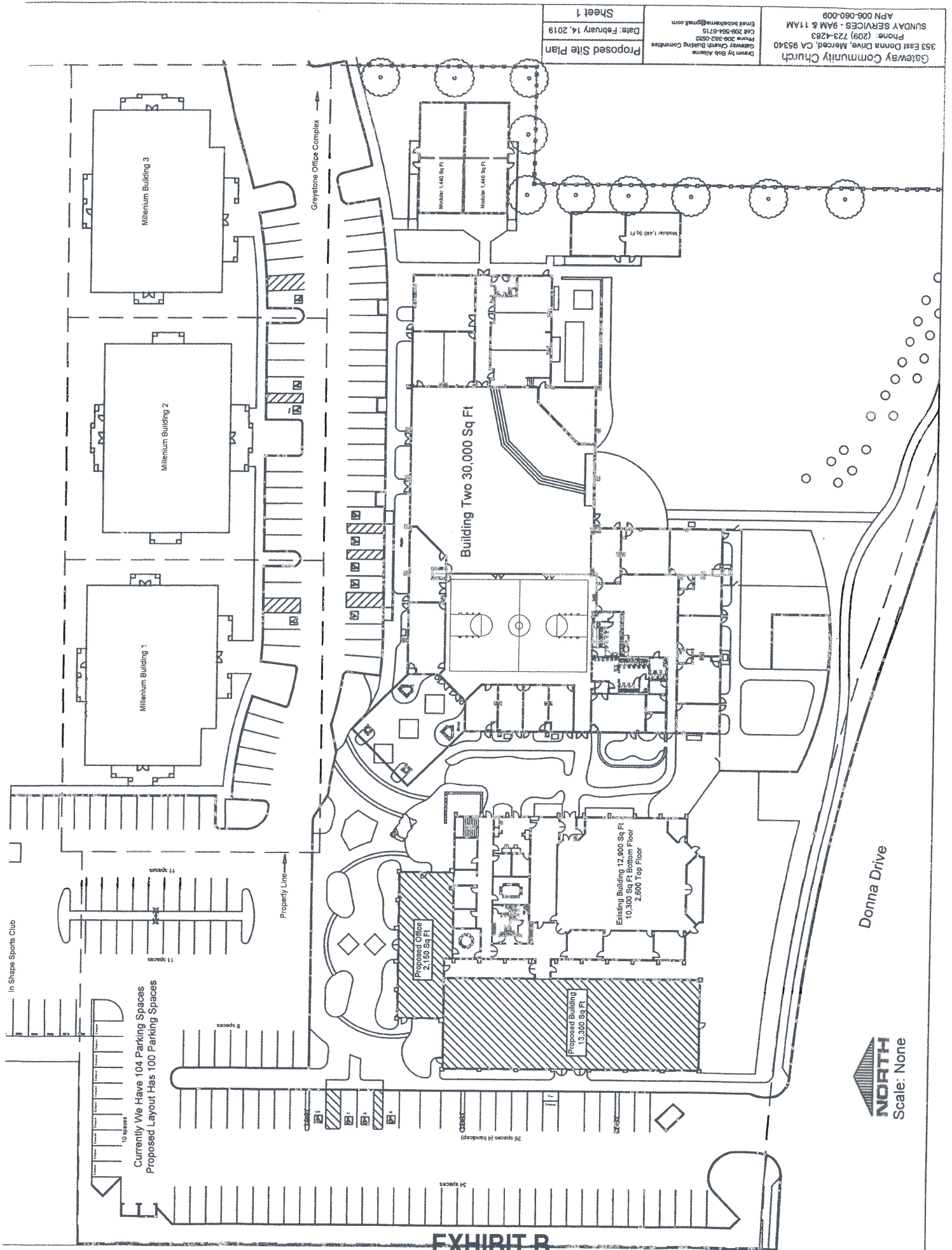
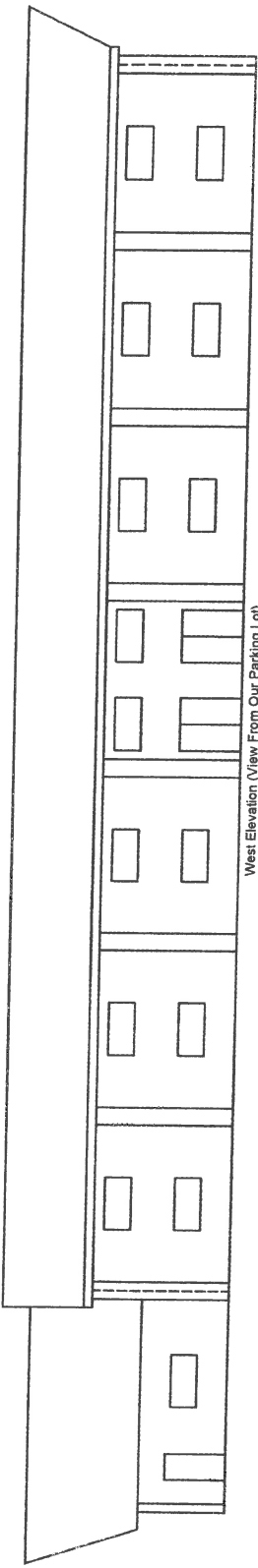
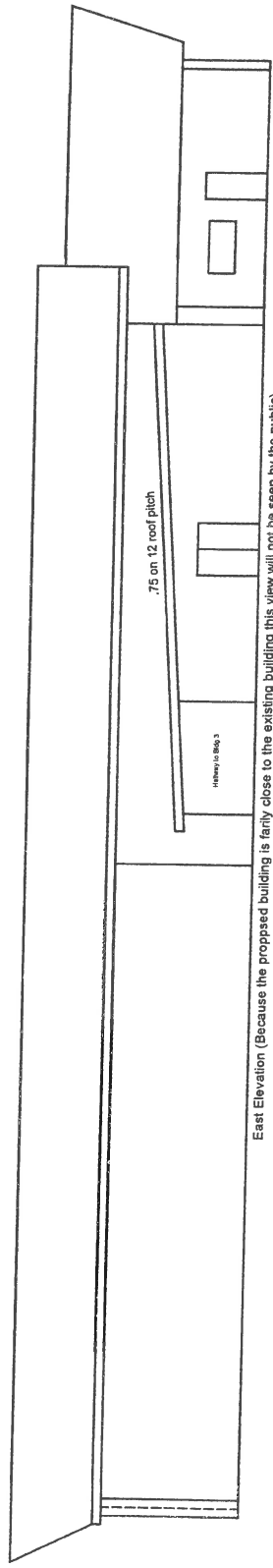


EXHIBIT B

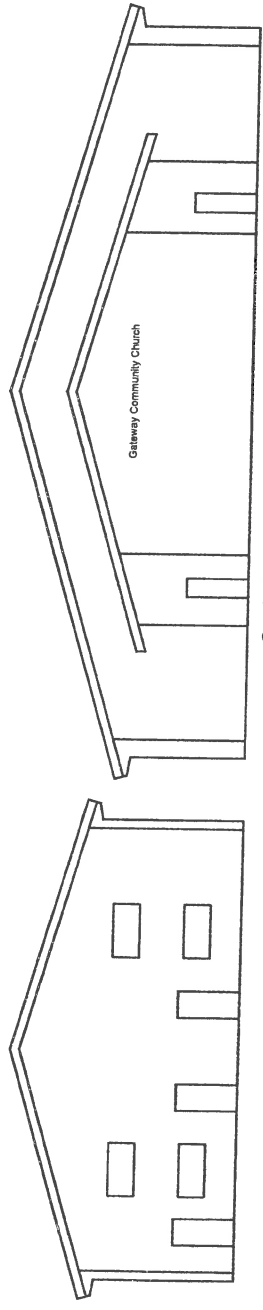
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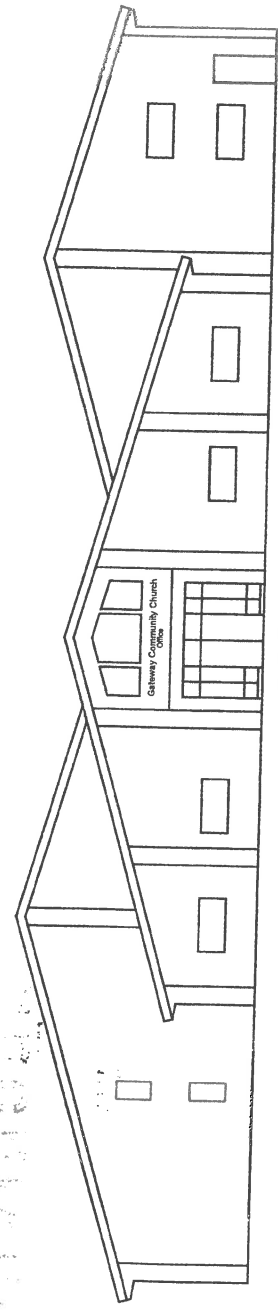
West Elevation (View From Our Parking Lot)



East Elevation (Because the proposed building is fairly close to the existing building this view will not be seen by the public)

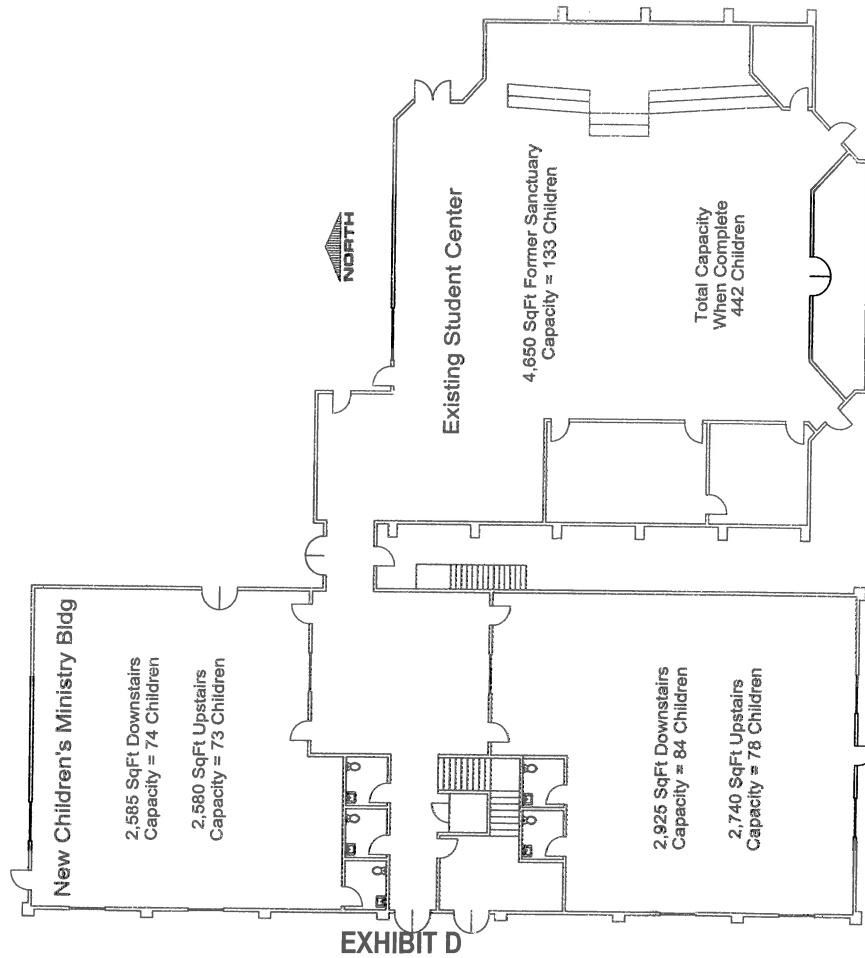


South Elevation

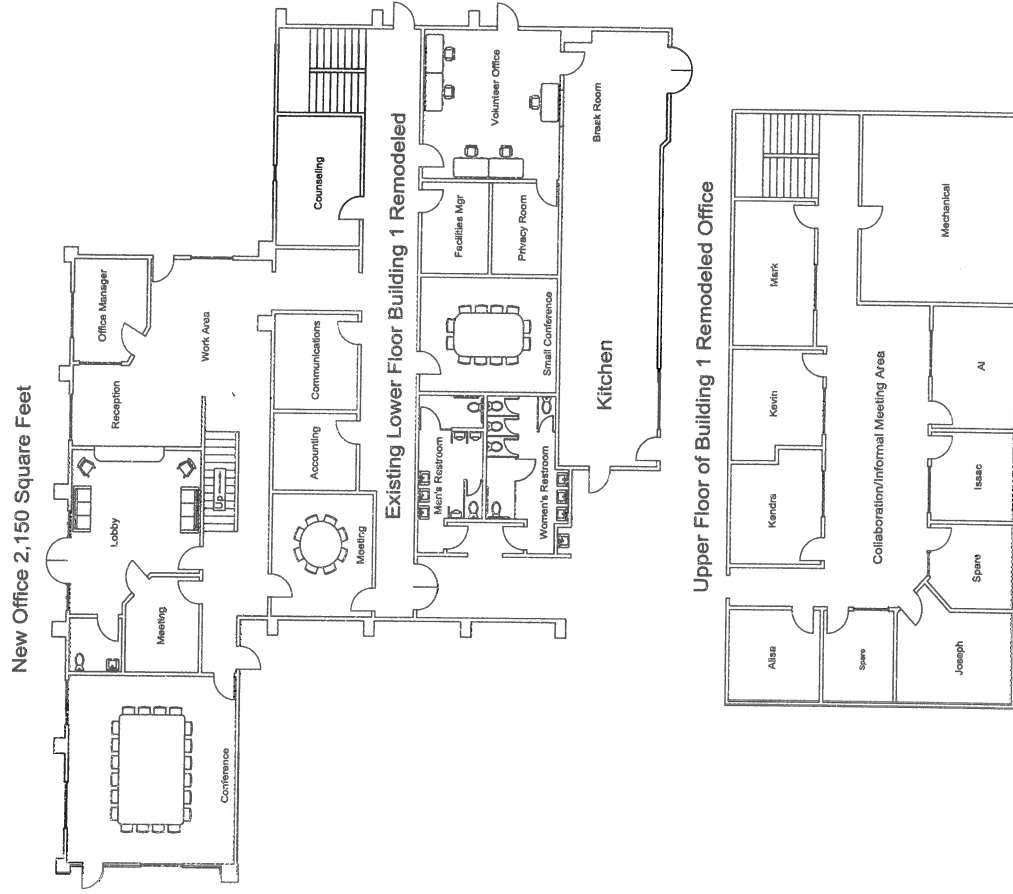


North Elevation

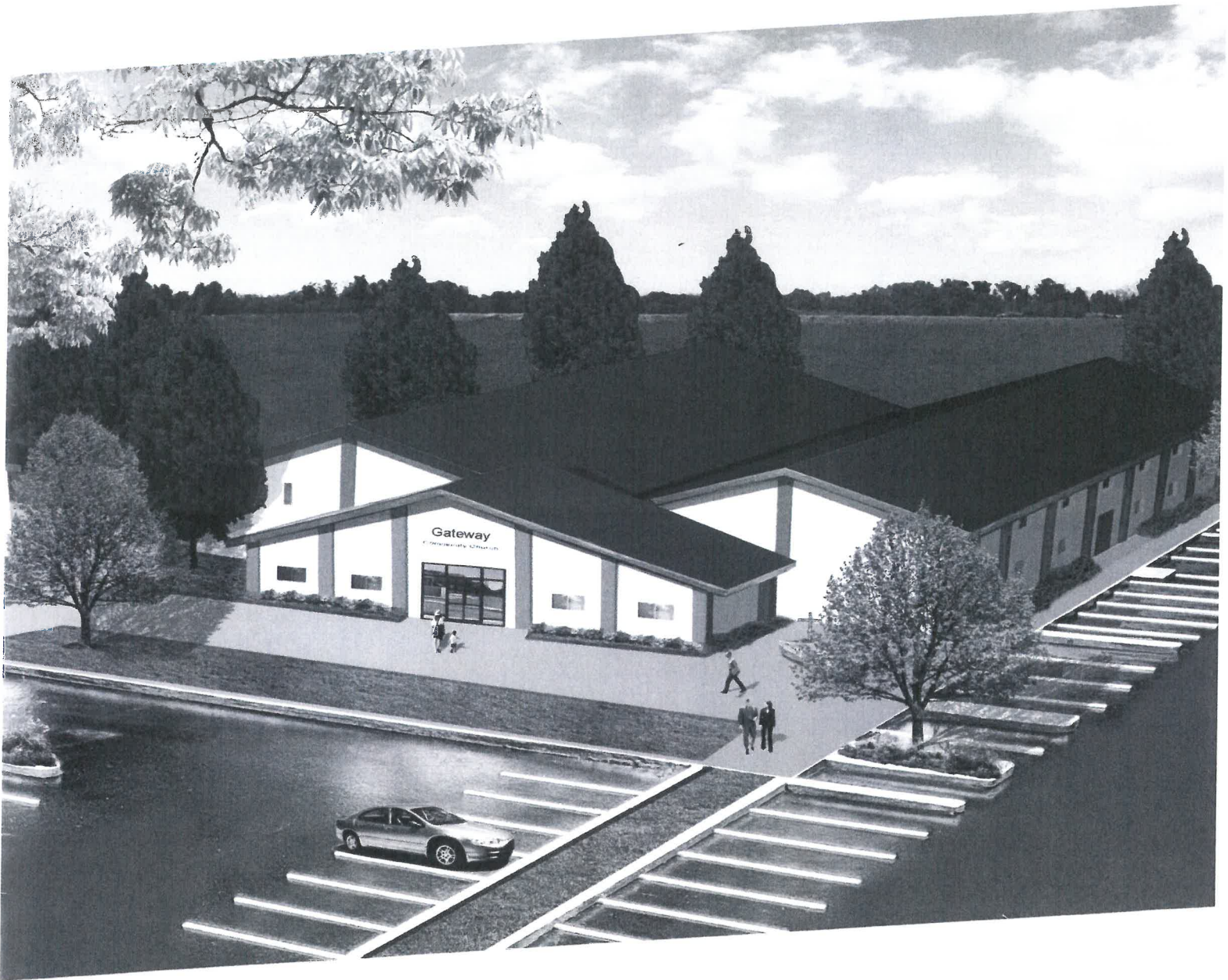
THE PLAN



THE PLAN



Gateway Church



GENERATIONS CAMPAIGN

EXHIBIT E

NOTICE OF EXEMPTION

To: _____ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

From: (Public Agency)
City of Merced
678 West 18th St.
Merced, CA 95340

X County Clerk
County of Merced
2222 M Street
Merced, CA 95340

Project Title: Site Plan Review #435 (Environmental Review #19-09)

Project Applicant: Gateway Church

Project Location (Specific): 353 E. Donna Drive **APN:** 006-061-011

Project Location - City: Merced **Project Location - County:** Merced

Description of Nature, Purpose, and Beneficiaries of Project: Building additions

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Gateway Church

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ **Categorical Exemption. State Type and Section Number:** 15301 (a)
☐ **Statutory Exemptions. State Code Number:** _____
☐ General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt: As defined under the above referenced Section, the proposed project consists of minor interior and exterior alterations only, such as expanding church facilities and modifying parking stalls, which are considered to be exempt under the CEQA Guidelines per Section 15301 (a).

Lead Agency: City of Merced

Contact Person: Francisco Mendoza-Gonzalez **Area Code/Telephone:** (209) 385-6858

Signature:  **Date:** 04-03-2019 **Title:** Planner

X Signed by Lead Agency

Date Received for Filing at OPR: _____
(If applicable)

Authority Cited: Sections 21083 and 21110. Public Resources Code
Reference: Sections 21108, 21152, and 21152.1. Public Resources Code

Thank you for the information Francisco.

The 240 parking spaces referenced that governs maximum amount required is on Sundays. Per the agreement we are only able to use the parking spaces at InShape, the three 7,000 square foot buildings directly across from the worship hall, and entirety of the parking spaces available at the Greystone office complex on Sundays. In total there are over 500 parking spaces available to Gateway Church on Sundays.

During the week Gateway is only allowed to use the parking spaces generally west of the original building. Below is the make up of the church as used on days other than Sunday.

Office space requires 1 parking space for every 250 square feet. With the office expansion we will have 7,000 square feet of office space, requiring 28 spaces.

The educate ministry serves children from 3 months of age to Kindergarten age. It now exists and will remain in the church building constructed in 2005. Day Care Centers require 1 space per 400 sq. ft. of floor area used for daycare and 1 per employee. We have 4,000 square feet and 10 employees, which require another 20 spaces.

The after school program currently serves 40 students. The expansion will move that ministry to the new building and increase capacity up to 140 students. Per code Schools, Public or Private require 2 parking spaces per classroom or 1 per employee, whichever is greater. There are 4 classrooms that can be used, however we will have one teacher or aid for every 14 students. So the required parking will be governed by the 1 space per teacher, requiring an additional 10 spaces.

In total our weekday parking requirements by code are 58, and we have 100 available with the proposed site plan.

One other thing I would like to point out is the control of traffic through the four ingress/egress points. Currently there is a nearly straight path from Yosemite Ave to Donna Drive through our parking lots. There are times when traffic comes through at very high rates of speed. We have installed speed bumps and signage to improve this situation to no avail. The new layout will require traffic to slow down to get around the peninsula proposed. In all, it should make it a little more difficult for through traffic and possibly reduce the amount of traffic not related to our businesses that we currently experience.

The parking agreement has been respected and followed by all of the parties, and has served us all very well. Gateway Church will continue to insure we abide by that agreement in the future. As a practical matter, by moving the after school program to the new building the foot traffic will be dramatically reduced to and from the worship hall during the week. The entrance and exit to that ministry will now be on the west side of and at the center of the proposed building.

I look forward to the hearing tomorrow, Bob

PS, if you would like to see what the parking lot looks like on our busiest Sunday of the year join us for our Easter celebration!

Celebrate with us this Easter!

Sunday, April 21
Services at 9am and 11am

Grab a donut and some coffee, and settle in for the start of our series, Break Free! Don't miss out on our Easter egg hunt for the littles, and make sure to get some family pictures at our photo wall, as we celebrate the resurrection of Jesus!

Mendoza-Gonzalez, Francisco

From: Sandra Stephenson <sandra_ss@comcast.net>
Sent: Friday, April 19, 2019 9:21 AM
To: Mendoza-Gonzalez, Francisco
Subject: RE: Site Plan 435

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for your time on the phone and the information below. I have reviewed this with In-Shape. They are in agreement with going forward with approval, subject to correcting the text which incorrectly states the number of parking spaces on site, and reciting, perhaps by copying the text from the agreement or, as you suggested, copying the text and incorporating the below information as an attachment. It is also acceptable to include this email in that attachment. It would be appropriate to cite in the Resolution the document with document number, etc. that gives rise to the requirements as to these matters.

In-Shape appreciates the additional information provided by the Applicant and will follow the proposed project with interest as it moves forward. Thank you for giving consideration to these concerns.

Best regards,
Sandra Stephenson
R.E.-Clarity, Inc. on behalf of In-Shape Health Clubs LLC
CalBRE # 1753276
v 916.425.5335 | f 209.938.1033 www.re-clarity.com

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From: Mendoza-Gonzalez, Francisco <MendozaF@cityofmerced.org>
Sent: Friday, April 19, 2019 8:54 AM
To: Sandra Stephenson <sandra_ss@comcast.net>
Subject: RE: Site Plan 435

Good morning Sandra,

Please see the below response from Gateway Community Church.

Thanks,

-Francisco



April 18, 2019

Via Email to Francisco Mendoza-Gonzales at mendozaf@cityofmerced.org
CITY OF MERCED
Planning Department
678 West 8th Street
Merced, California 95340

Re: Comments Concerning Site Plan Review # 435
Gateway Community Christian Reformed Church ("Applicant" or "Gateway")
353 East Donna Drive – Merced, California
Site Plan Review Committee Public Hearing: Friday, April 19, 2019; 10:00 a.m.
Merced Civic Center, 2nd floor

Dear Mr. Mendoza-Gonzales:

In-Shape Health Clubs, LLC (In-Shape) is the tenant at 350 East Yosemite Avenue, Merced, California ("Health Club Property"), which parcel sits to the north of and partially contiguous to the real property known as 353 Donna Drive, Merced ("Church Property"), owned by Applicant. On April 17, 2019, In-Shape received a copy of the notice of public hearing for Applicant's proposed project on the Church Property. The details of the application ("Proposed Project") and the public notice for the anticipated hearing are incorporated herein by this reference. In-Shape respectfully wishes to bring to the attention of staff and the Committee concerns regarding parking that Gateway may believe is available for their use, as well as the intensity of the Proposed Project that may negatively impact parking and circulation for the Health Club Property.

The Church Property and the Health Club Property, along with four other parcels which are not relevant to this matter, have mutual reciprocal and nonexclusive rights of access, circulation and parking, with reservations as set forth below, under that certain "Agreement for Development, Grant of Easements, Joint Land Use and Maintenance" recorded January 16, 2003 as document number 2003-003153 ("Agreement"), a copy of which is provided with this letter. The Agreement provides, among other things, that

"[The Health Club Property] shall have the right to use any and all parking spaces located on any of the parcels shown on Exhibit 'H,' Monday through Saturday. Monday through Saturday, Gateway shall be limited to use of the parking spaces generally located on the west side of [the Church Property] ...Sundays, each of the parties hereto...shall have the right to use any and all of the parking spaces located on any of the parcels shown on said Exhibit 'H.'"

Recital D of the draft Resolution which would grant approval for the Proposed Project states, in part, that "parking [for the Proposed Project is] based on the largest meeting room for churches, which in this case is the worship hall. The applicant can utilize the 240 parking spaces that are available onsite so no new parking is required."

The proposed site plan (Exhibit "B" of application materials) states there are 104 parking spaces on the Church Property now, and that in the after condition there will be 100 parking spaces. This appears to exclude 25 parking spaces shown to the north of "Building Two." The 240 parking spaces referenced apparently includes the 100 parking spaces to the west of the church buildings, the additional 25 spaces nearest Building Two, and all of the 115 parking spaces on the Health Club Property. Thus, the draft Resolution misstates parking for the Proposed Project.

The 100 parking spaces called out to the west of the church buildings is the area designated in the Agreement to be used by Gateway Monday through Saturday. Parking on the Health Club Property is not available to Gateway on any day except Sunday. With the additional new construction proposed, the Church Property will have 60,000 square feet of improvements and 125 parking spaces, leading to In-Shape's concern that insufficient parking exists on the Church Property to support the Proposed Project and Gateway's existing programs.

In-Shape has been advised that Gateway intends to use the 13,300 square foot building for after school programs Monday through Friday serving as many as 85 children who will be brought to the Church Property by school or private transportation. This raises additional concerns regarding circulation, drive aisle width sufficiency and/or the need for changes to traffic patterns resulting from increases in traffic, and overflow parking and access onto the Health Club Property that is not in compliance with the Agreement. Increased staffing is likely to be needed which will also increase parking needs and traffic.

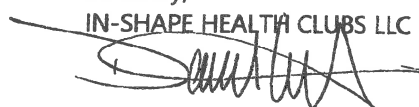
Lastly, if it is determined that the Proposed Project negatively impacts the Health Club Property in any manner that is in contravention of the Agreement or any other matters of record, or in any way impedes or impairs the rights of the owner of the Health Club Property, those issues would need to be resolved before the Proposed Project goes forward, and at this time, insufficient information is known to make such a determination. In-Shape makes no representations as to the position of the property owner regarding this matter.

In-Shape has been in operation at the Health Club Property since 2012. It prioritizes shared goodwill with its neighbors, including Gateway, and recognizes the value to the Merced community of Gateway's proposal. In light of the foregoing, however, In-Shape respectfully requests approval of the Proposed Project be delayed so that additional information can be ascertained and the full impact on the Health Club Property can be clarified.

Thank you for your consideration of this information. The undersigned is available for discussion as may be warranted.

Sincerely,

IN-SHAPE HEALTH CLUBS LLC

A handwritten signature in black ink, appearing to read "Daniel Wisk", is written over the printed name of the signatory.

Daniel Wisk, Senior Vice President-
Construction and Facilities

cc, email only:
Sean Maloney, CFO, ISHC
Tiffany Blair, Controller, ISHC

CITY OF MERCED
SITE PLAN APPLICATION
RESOLUTION #436

DRA Development	Construct a 4,749-s.f. shell retail building on a vacant lot.
APPLICANT	PROJECT
3144 G Street	1250 W. 9 th Street
ADDRESS	PROJECT SITE
Merced, CA 95340	032-121-005
CITY/STATE/ZIP	APN
(209) 600-7400	Neighborhood Commercial (C-N)
PHONE	ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Site Plan Review Committee reviewed and approved Site Plan Application #436 on April 19, 2019, submitted by DRA Development, property owner, to construct a 4,749-square-foot shell retail building at 1250 W. 9th Street, within a Neighborhood Commercial (C-N) Zone. Said property being more particularly described as Lots 5 and 6 as shown on that Map entitled "Map of Resubdivision of Part of Adjoining Acreage Property in City of Merced," recorded in Volume 10, Page 26 of Merced County Records; also known as Assessor's Parcel Number (APN) 032-121-005.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15332 (Exhibit D); and,

WHEREAS, the Merced City Site Plan Review Committee makes the following Findings:

- A) The proposal complies with the General Plan designation of Neighborhood Commercial (CN) and the Zoning classification of Neighborhood Commercial (C-N).
- B) The subject site is a 0.35-acre vacant lot located between two markets (Choice Food Market and Best Buy Market), and across the street from single-family homes (requiring interface review). This Project includes vehicle access from 9th Street into a parking lot with 20 parking stalls on the eastern portion of the parcel. The shell retail building would be 4,749 square feet large, 18 ½ feet tall (with a 23-foot-tall parapet), and include 4 access doors on the east elevation. The building design includes storefront windows, awnings, and stucco walls. The applicant has yet to find a tenant(s) for the proposed building.

April 19, 2019

- C) The parking requirement for retail is 1 parking space per 300 square feet of floor area. The building tenants have yet to be identified. Based on this parking formula, the 4,749-square-foot building would require a minimum of 16 parking stalls. This site exceeds parking requirements by having a total of 20 parking stalls. Some uses, such as restaurants may require more parking so these uses may be restricted so City parking requirements can be met.
- D) A Public Hearing Notice was mailed to adjacent residential property owners at least 10 days before the public hearing, in accordance with Merced Municipal Code Section 20.68.050.E and Merced Municipal Code Chapter 20.70. Staff did not receive any public comments for this Project as of the time that this report was prepared.
- E) Approval of this site plan permit constitutes as approval of interface review as required by Merced Municipal Code Chapter 20.32.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Application #436, subject to the following conditions:

1. All conditions contained in Site Plan Approval Resolution #79-1 ("Standard Conditions of Site Plan Approval") shall apply.
2. The proposed project shall be constructed as shown on Exhibit B (site plan), and Exhibit C (elevations).
3. Notwithstanding all other conditions, all construction and improvements shall be in strict accordance with Zoning, Building, and all other codes, ordinances, standards, and policies of the City of Merced.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply, including, but not limited to, the California Building Code and Fire Codes. This may include adding a hydrant, as required by the Fire Department.
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. All plans and supporting documents submitted for Building Permits shall meet or exceed the building codes in effect at the time of building permit application submittal. Plans shall be drawn by a licensed design professional. The construction work shall be performed by an appropriately licensed Contractor (B-Contractor).
8. Any damaged or missing curb and gutter shall be repaired.
9. An encroachment permit shall be obtained for all work in the public right-of-way and a building permit shall be obtained for all on-site work.
10. All property not occupied by paving or landscaping shall be maintained to acceptable standards for health, fire safety, and aesthetic reasons. Grasses and weeds shall be kept to a maximum of six inches in height or as otherwise required by the Fire Department and County Health Department.
11. All signing for the site shall be approved and a building permit issued prior to installation. No free-standing "A-frame" or "sandwich board" signs shall be allowed.
12. The site shall be maintained free of graffiti. Any graffiti shall be removed immediately and painted over with a color that matches the existing surface color.
13. Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access.
14. Fire apparatus and emergency equipment access shall be provided within 150 feet of all portions of the building.
15. All required Fire Permits shall be obtained from the City of Merced Fire Department.
16. If the site is to be gated, there must be a minimum 22-foot-wide clearance for emergency vehicles to pass through when the gate is opened. If the gate requires manual operation, the applicant shall provide a Knox padlock. If the gate

requires electronic operation, the applicant shall provide a Knox override switch with "Click-to-Enter."

17. A Knox box shall be installed on exterior of the building with keys to enter the building, as required by the Fire Department during the building permit stage.
18. Fire protection systems shall be monitored by fire alarm systems.
19. Both short-term and long-term bicycle racks shall be provided at a minimum ratio equal to 8% of the vehicular parking spaces, as required by Merced Municipal Code Table 20.38-4 Required Bicycle Parking Spaces.
20. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
21. 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 \$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.
22. The Project may have a separate Irrigation, Fire, and Domestic water service line going from the water main to the property line.
23. A backflow prevention device shall be provided for all water services (i.e., domestic, irrigation, and fire) per Merced Municipal Code.
24. The developer shall work with the City's Engineering Division to determine the requirements for storm drainage on the site. The developer shall provide all necessary documentation for the City's Engineering Division to evaluate the storm drain system. All storm drain systems shall be installed to meet City Standards and State regulations.
25. 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 properties.
26. During the building permit stage, the applicant shall provide a site plan with a note indicating who will be installing landscaping for this site.
27. The refuse enclosure shall be designed to meet the City's Engineering Standards for refuse enclosures (R-4). The applicant shall not install any posts in front of the refuse enclosure. A side gate shall be provided with pedestrian access, as required by the City Engineering Division.
28. The applicant shall work with the City's Refuse Department to determine the best location and angle for the refuse enclosure and to determine if a recycling container would be required.

April 19, 2019

29. The applicant shall provide canopies or overhangs made out of permanent/weather tolerant materials, as determined appropriate by Planning staff during the building permit stage.
30. Parking lot trees shall be installed per the City's Parking Lot Landscape Standards. Trees should be a minimum of 15 gallons and be of a type that provides a 30-foot minimum canopy at maturity (trees should be selected from the City's approved tree list). Trees should be installed at a ratio of at least one tree for every six parking spaces. Street trees shall be planted as required by City Standards. Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray system in accordance with the State's Emergency Regulation for Statewide Urban Water Conservation or any other State or City mandated water regulations.
31. To reduce impacts related to noise, the noise generated from the building shall be kept to a minimum so as not to disturb the surrounding neighborhood. If sufficient complaints are received regarding noise from the building, the applicant shall provide a means for suppressing the noise coming from the structures. The means and method used shall be approved by the Building Department prior to installation.
32. Lighting from the building, signage, or parking lot shall not spill over onto the adjacent residential parcels.
33. The property owner shall consult with the Merced Irrigation District (MID) to determine if a "Strom Drainage Agreement" is required. If required, the property owner shall enter into said agreement and pay all fees as required by MID.

If there are any questions concerning these conditions and recommendations, please contact Francisco Mendoza-Gonzalez at (209) 385-6858.

4-19-2019

DATE



SIGNATURE

Associate Planner

TITLE

Exhibits

- A) Location Map
- B) Site Plan
- C) Elevations
- D) Categorical Exemption

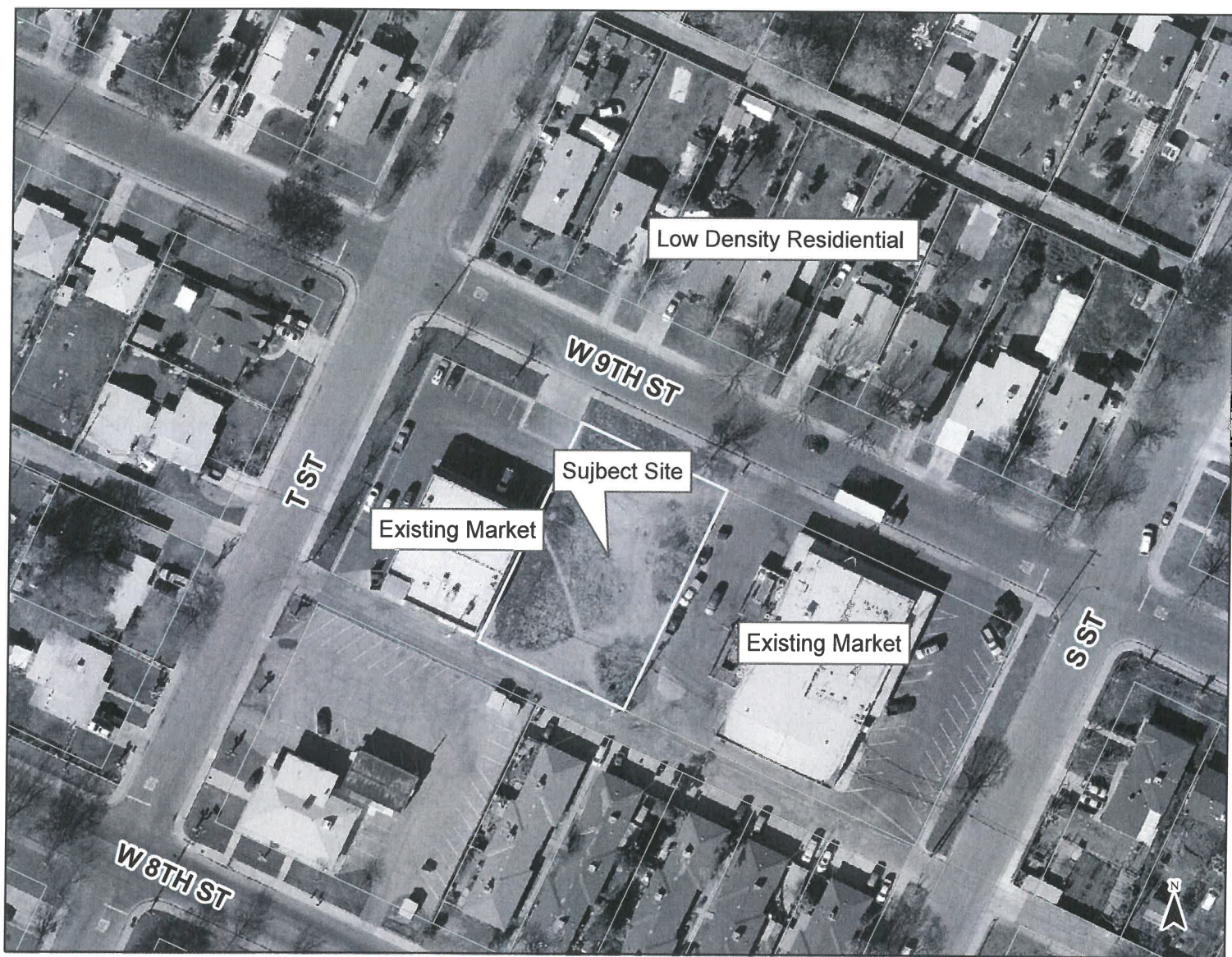
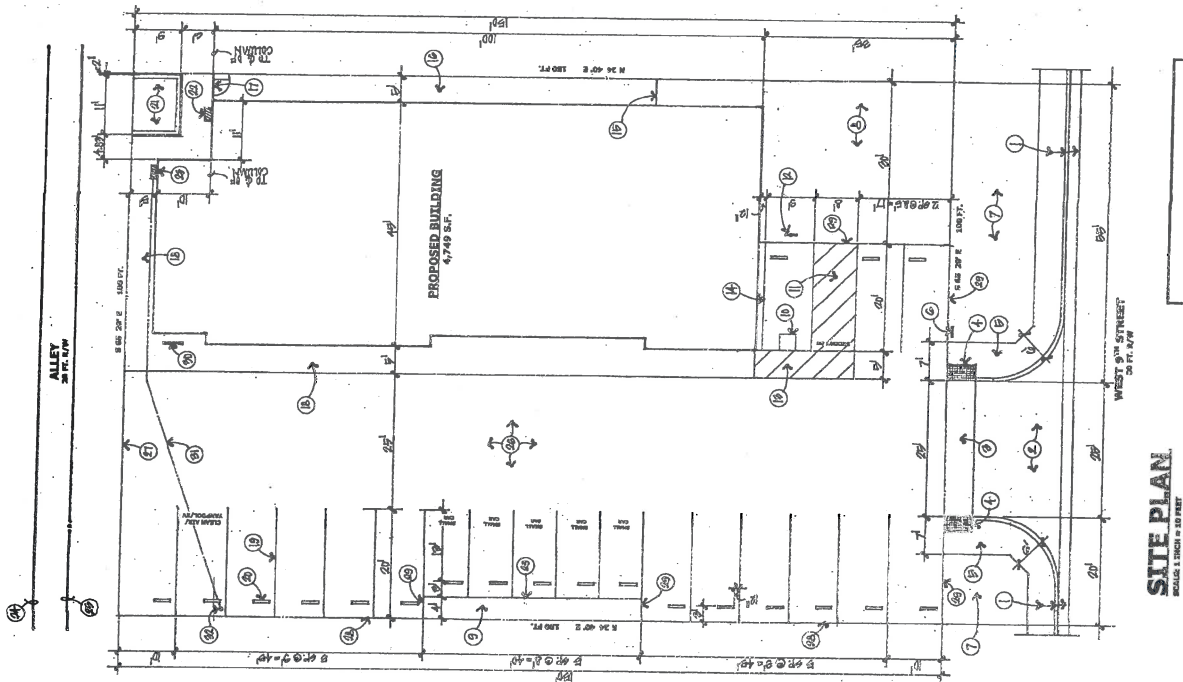


EXHIBIT A



DETECTABLE WALKING SURFACES SHALL BE YELLOW AND APPROXIMATE 16 SECONDS OF FEDERAL STANDARD SPEC. PER C.F.C. 118-706.1.1.1.1, OR DETECTABLE WALKING SURFACES SHALL PROVIDE A 70 PERCENT MINIMUM VISUAL CONTRAST WITH ADJACENT WALKING SURFACES, PER C.F.C. 118-705.1.1.2.

SITE PLAN
SCALE: 1 INCH = 10 FEET

SCALE: 1 INCH = 10 FEET

PROJECT INFORMATION:

- THE PLANS CONFORM TO THE LATEST ADOPTED EDITIONS OF THE FOLLOWING:
- A. THE CALIFORNIA BUILDING CODE (C.B.C.) - 2011 EDITION
 - B. CALIFORNIA MECHANICAL CODE (C.M.C.) - 2011 EDITION
 - C. CALIFORNIA ELECTRICAL CODE (C.E.C.) - 2011 EDITION
 - D. CALIFORNIA PLUMBING CODE (C.P.C.) - 2011 EDITION
 - E. CALIFORNIA FUEL GAS CODE (C.F.G.C.) - 2011 EDITION
 - F. CALIFORNIA MECHANICAL INSULATION STANDARDS CODE - 2011 EDITION
 - G. STATE OF CALIFORNIA TITLE 24 ACCESSIBILITY STANDARDS
 - H. STATE OF CALIFORNIA TITLE 24 ENERGY STANDARDS
- PROJECT ADDRESS: WEST 9TH STREET, MERCED, CALIFORNIA
A.J.A. - 800-133-0000

GENERAL NOTES:

- [illegible]

DEFERRED ITEMS:

- LANDSCAPE AND LANDSCAPE SPREADER PLANS. TO BE SUBMITTED BY OTHERS.
OFFICE BUILDING AND FIRE MONITORING PLANS. TO BE SUBMITTED BY OTHERS AND APPROVED PRIOR TO PLANNING COMMISSION.

SITE PLAN NOTES:

- EXISTING SIDEWALK, CURB AND GUTTER,
NEW CONCRETE DRIVEWAY APPROACH.
SEE DETAIL D-7 ON THIS SHEET.

NOTE AT THE BOTTOM RIGHT OF THE PAGE

- NEW 4' FT. WIDE CONCRETE SIDEWALK FOR ACCESSIBILITY.
UNAUTHORIZED PAVING JOB, SEE DETAIL THIS SHEET.
WALKS TO BE LANDSCAPED.

AREA TO BE LANDSCAPED AND USED FOR
INTERNATIONAL SYMBOL OF ACCESSIBILITY
CO-OPERATION WITHIN EUROPE ON INCLUSIVE

- STAIRS IDENTICAL TO ACCESSIBLE AISLE.
STAIRS IDENTICAL TO ACCESSIBLE AISLE.
STAIRS IDENTICAL TO ACCESSIBLE AISLE.

17. width 10.7 FT. WIDE COMPOSITE

- 8 INCH HIGH, 18 IN. WIDE, TRAFFIC STRIPS PAINTED ON PAVEMENT.
8 FT. LONG, CONCRETE TRAFFIC BUMPERS CLACK DOWN TO, AND, DOWNED INTO, PAVEMENT.
CONCRETE BLOCK TRASH ENCLOSURE, SEE DETAIL B-4 ON THIS SHEET.

ANY ELECTRICAL PANEL LOCATION.
SHOW CITY SERVICE MAIN IS ALLEY
SHOW CITY WATER MAIN IS ALLEY.

- CONCRETE PAVING SURFACE, SAN "CLERICAL NOTE" 3 ON THIS SHEET.
EDGE OF CONCRETE PAVING TO MATCH EXISTING PAVEMENT IN ALL. SEE GAMING PLAN.
3 INCH IRON, 4 INCHES WIDE, CONCRETE CURB ALONG THE ENTIRE EAST PROPERTY LINE (ONLY AT SMALL CAR STALLS
ON SOUTH LOT) WHERE FOUR IN FALLY.

SEE ALSO: COMM MODELS NO. 69437,
HIGH COMFORT FROM HADRI ELECTRONIC
STIMULATION. INSTALL A 40 AMP, 100V

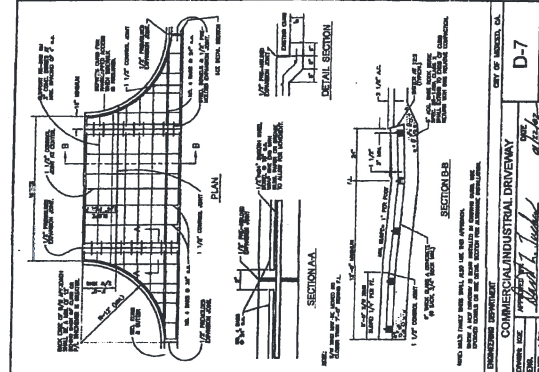
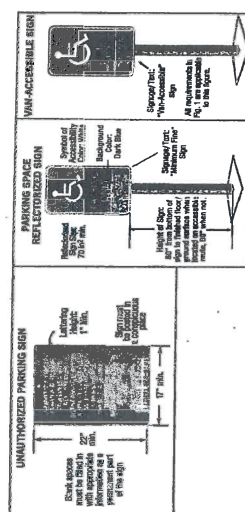
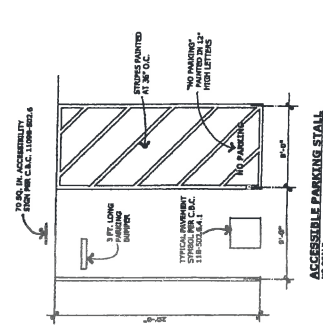
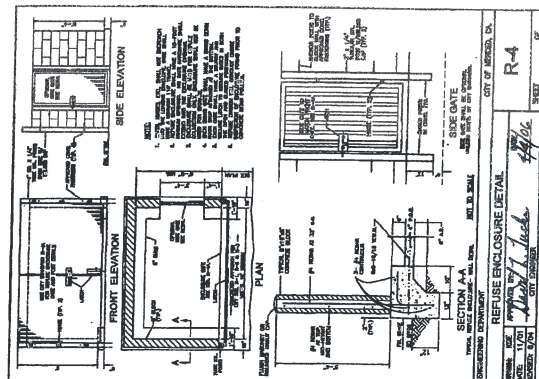
- ADDITIONAL NOTES:**

THE CONTRACTOR SHALL FURNISH A CERTAIN AMOUNT OF MATERIALS AND LABOR FOR THE CONSTRUCTION OF A POST-CONSTRUCTION PROJECT.

- PER SECTION 5.2.3 OF THE SOILS REPORT, AFTER SOIL STRIPPING IT IS RECOMMENDED TO OVER EXCAVATE TO 12 INCHES. PER TABLE B.2.2 OF THE SOILS REPORT, SOILS SUBJECT TO RECONSTRUCTION SHOULD BE MOISTURE CONDITIONED TO 24 PERCENT ABOVE OPTIMUM. PER SECTION 8.2 OF THE SOILS REPORT, CLAY SHIMMERS FOR 18 INCHES OF THIS SECTION OF EXCAVATION AREA.

ASK A PARENT ABOUT OPTIMUM, HERE WITH REGARD TO THE PREPARATION OF STUDENTS FOR THE FUTURE. OPTIMUM IS THE ONLY ONE-STOP CONTRACTING CONTRACTOR.

- WITH REGARD TO THE ORGANIZATION OF SURVEILLANCE PREPARATION AND FOUNDATION CONSTRUCTION OPERATIONS BY THE GEOLOGICAL DISASTER, SECTION 7.2 OF THE RULES MUST BE APPLIED. THE CITY OF MICHIGAN DOES NOT REQUIRE SPECIAL INSPECTION FOR A TYPICAL FOUNDATION.

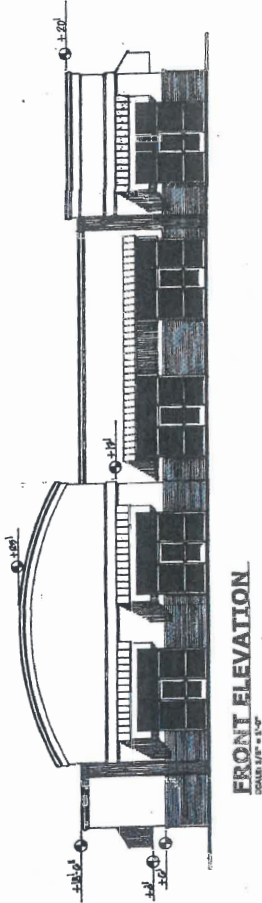


MORGAN ARCHITECTS
2825 SAN JUAN COURT
MERCED, CALIFORNIA 95340
TELEPHONE/FAX: (209) 383-3060

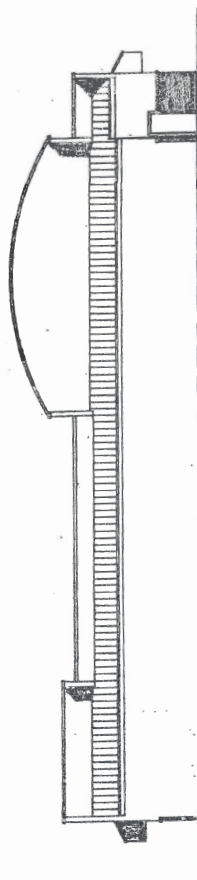


**A COMMERCIAL BUILDING FOR
DRA DEVELOPMENT, LLC
ON WEST 9TH STREET
MERCED, CALIFORNIA**

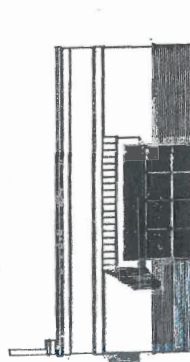
DATE	SHEET NUMBER
REVISIONS	4
JOB NUMBER 2018-07	



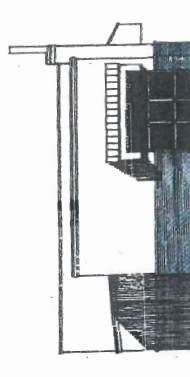
FRONT ELEVATION
SCALE: 1/8" = 1'-0"



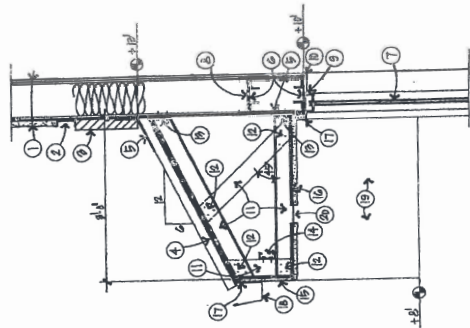
REAR ELEVATION
SCALE: 1/8" = 1'-0"



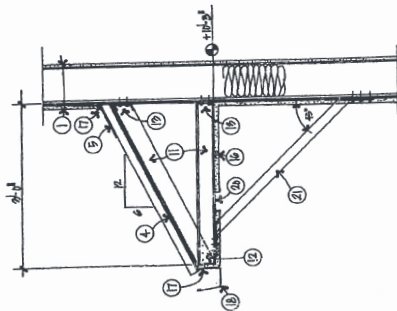
STREET ELEVATION
SCALE: 1/8" = 1'-0"



ALLEY ELEVATION
SCALE: 1/8" = 1'-0"



CANOPY OVER WINDOW
SCALE: 1/2" = 1'-0"



CANOPY OVER MIDDLE WINDOWS
SCALE: 1/2" = 1'-0"
(SHOWN AT DIAGONAL BRACING)

DETAILS NOTES: NOTE SYMBOLS: ○

1. EXTERIOR WALL: SEE INFORMATION FOR RAIL NOTED NO. 2 ON SHEET 3.
2. RAIL: 1/2" DIA. STEEL TUBING, 10' LONG, TO BE INSTALLED.
3. RAIL: 1/2" DIA. STEEL TUBING, 10' LONG, TO BE INSTALLED.
4. RAIL: 1/2" DIA. STEEL TUBING, 10' LONG, TO BE INSTALLED.
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20. RAIL: 1/2" DIA. STEEL TUBING, 10' LONG, TO BE INSTALLED.
21. RAIL: 1/2" DIA. STEEL TUBING, 10' LONG, TO BE INSTALLED.

NOTICE OF EXEMPTION

To: _____ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

From: (Public Agency)
City of Merced
678 West 18th St.
Merced, CA 95340

X County Clerk
County of Merced
2222 M Street
Merced, CA 95340

Project Title: Site Plan Review #436 (Environmental Review #19-10)

Project Applicant: DRA Development

Project Location (Specific): 1250 W. 9th Street APN: 032-121-005

Project Location - City: Merced **Project Location - County:** Merced

Description of Nature, Purpose, and Beneficiaries of Project:

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: DRA Development

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ X Categorical Exemption. State Type and Section Number: 15332
☐ Statutory Exemptions. State Code Number: _____
☐ General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt:

As defined under the above referenced Section, the proposed project is considered an in-fill project. The project location is within the City limits on an approximately 0.34-acre parcel surrounded by urban uses. The site can be served by all required utilities and public services, and the project site has no value as habitat for endangered, rare or threatened species. No significant effects resulting from traffic, noise, air quality, or water quality will result from the construction of the building. The project is consistent with the City of Merced General Plan and Zoning regulations.

Lead Agency: City of Merced

Contact Person: Francisco Mendoza-Gonzalez **Area Code/Telephone:** (209) 385-6858

Signature:  **Date:** 04-05-2019 **Title:** Associate Planner

X Signed by Lead Agency

Date Received for Filing at OPR: _____
(If applicable)

Authority Cited: Sections 21083 and 21110. Public Resources Code
Reference: Sections 21108, 21152, and 21152.1. Public Resources Code

EXHIBIT D