

CITY OF MERCED
Site Plan Review Committee

MINUTES

Planning Conference Room
2nd Floor Civic Center
Thursday, March 3, 2016

Chairperson GONZALVES called the meeting to order at 1:32 p.m.

ROLL CALL

Committee Members Present: Director of Development Services Gonzalves,
Land Engineer Cardoso (for City Engineer
Elwin), and Plan Examiner England (for
Assistant Chief Building Official Stephenson)

Committee Members Absent: None

Staff Present: Planning Manager Espinosa and
Planner/Recording Secretary Mendoza-
Gonzalez

1. **MINUTES**

M/S ENGLAND - CARDOSO, and carried by unanimous voice vote, to
approve the Minutes of January 7, 2016, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Site Plan Application #394, submitted by Hilltop Ranch, on behalf of
Hyway 59 Properties, LP, property owner, to construct a 99-foot tall private
communication tower at 2777 N. Highway 59 within a Heavy Industrial (I-
H) Zone.

Planner MENDOZA-GONZALEZ reviewed the application for this item. For further information, refer to Draft Site Plan Review Committee Resolution #394.

M/S ENGLAND-CARDOSO, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #16-03 (Categorical Exemption), and approve Site Plan Application #394, subject to the Findings and fifteen (15) conditions set forth in the Draft Resolution #394:

AYES: Committee Members England, Cardoso, and Chairperson Gonzalves

NOES: None

ABSENT: None

- 4.2 Site Plan Application #395, submitted by Mike Sater for Sater Oil International, LLC, on behalf of Mark A. Calvano, Trustee, property owner. This request allows the demolition of the existing building and the construction of a retail center including a gas station, mini-market, car wash, and fast food restaurant at 2020 East Childs Avenue within a Thoroughfare Commercial (C-T) zone.

Associate Planner NELSON reviewed the application for this item. For further information, refer to Draft Site Plan Review Committee Resolution #395. A memorandum was distributed before the meeting showing modifications to two conditions. Condition #7 was revised showing the applicant's request to modify the proposed driveways. Staff recommends conceptual approval of this request, with details being resolved with staff during the building permit stage. Condition #21 was revised to show that the proposed window graphics for Steak 'n Shake are not approved and shall count as sign area for the restaurant. However, similar graphics not advertising specific products associated with the business may be allowed at the discretion of the Planning Manager.

M/S CARDOSO-ENGLAND, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #16-04 (Categorical Exemption), and approve Site Plan Application #395, subject

to the Findings and thirty-five (35) conditions set forth in the Draft Resolution #395; amending Conditions #7 and #21 as follows:

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

“7) The median in Childs Avenue shall allow for a minimum of 200 feet of vehicular stacking room. The median shall be extended to a distance to prevent left turns into or out of the driveways on Childs Avenue serving the gas station/mini-market site. The two eastern driveways on Childs may be combined into one driveway with a wider width at the discretion of the City Engineer. The revised site plan showing driveway modifications and the median extension provided at Exhibit O is conceptually approved as it relates to the driveway locations and size, the median length, and the cross access and parking on the adjacent site to the west. Details to be worked out with the City Engineer at the building permit stage.

“21) The proposed signs are not approved. As proposed, the sign area exceeds the allowable area for each business. The applicant shall work with staff to reduce the sign area to an amount within the allowable amount (determined by the number of parcels at time of development). The window graphics proposed for Steak ‘n Shake are not approved. Individual wall panels (approximately 3’ x 3’) with similar graphics not advertising a specific product or business may be allowed as an architectural feature as determined by the Planning Manager.”

AYES: Committee Members England, Cardoso, and Chairperson Gonzalves

NOES: None

ABSENT: None

5. INFORMATION ITEMS

5.1 Calendar of Meetings/Events

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

Site Plan Review Committee Minutes

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6. **ADJOURNMENT**

There being no further business, Chairperson GONZALVES adjourned the meeting at 2:00 p.m.

Respectfully submitted,



Kim Espinosa, Secretary

Merced City Site Plan Review Committee

APPROVED:



DAVID B. GONZALVES, Chairperson/

Director of Development Services

Merced City Site Plan Review Committee

CITY OF MERCED
SITE PLAN REVIEW COMMITTEE
RESOLUTION #394

Hilltop Ranch	Construct a 99-foot tall private communication tower for Hilltop Ranch.
APPLICANT	PROJECT
13980 Looney Road	2777 N. Highway 59
ADDRESS	PROJECT SITE
Ballico, CA 95303	059-450-069
CITY/STATE/ZIP	APN
(209) 874-1875	Heavy Industrial (I-H)
PHONE	ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Merced City Site Plan Review Committee considered and approved Site Plan Review Application #394 on March 3, 2016, submitted by Hilltop Ranch, on behalf of Hyway 59 Properties, LP, property owner, to construct a 99-foot tall private communication tower at 2777 N. Highway 59 within a Heavy Industrial (I-H) Zone. Said property being more particularly described as Adjusted Parcel 'A' as shown on Certificate of Compliance #2014-04 from Boundary Adjustment #14-04 recorded in Official Records, Merced County; also known as Assessor's Parcel Number (APN) 059-450-069.

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

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

- A) The proposal complies with the General Plan designation of Industrial and the Zoning classification of Heavy Industrial (I-H).
- B) As shown in Merced Municipal Code Section 20.36.060.B - Height Regulations, the Site Plan Review Committee may grant exceptions for structures (within the I-H Zone) that exceed the maximum allowable height of 40-feet.
- C) The communication tower will be used by Hilltop Ranch to establish a private communication network for its employees. The communication network will cover the area between the subject site and applicants' main facility in Ballico, California. The applicant is currently working with Merced County to construct a corresponding communication tower next to their main facility.

- D) The communication tower will be used by Hilltop Ranch employees only. The communication tower will not be used by wireless communication (cellphone) providers.
- E) Ancillary equipment for the communication tower will be located inside the adjacent building at 2777 N. Highway 59.
- F) The proposed communication tower would not create any unusual structures that are not already permitted within the Heavy Industrial Zone. Other structures (with similar functions, height, and designs), such as guyed towers for wireless communication providers, are allowed within the I-H Zone with Site Plan Permit approval.
- G) The communication tower will not block any of the scenic corridors shown in General Plan Policy OS-1.3B.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Review Application #394, subject to the following conditions:

1. All applicable conditions contained in Site Plan Approval Resolution #79-1-Amended ("Standard Conditions for Site Plan Application") shall apply.
2. 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.
3. The site shall be constructed as shown on Exhibit B (site plan), Exhibit C (foundation plan), and Exhibit D (elevation), as modified by the conditions of approval within this resolution.
4. 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.
5. In coordination with the Police Department and Fire Department, a frequency/inter-modulation study shall be prepared. Service may not be initiated until these departments have reviewed and have found the study to be acceptable.
6. At the time of building permit submittal, the applicant shall provide certification by a Radio Frequency Engineer, stating the RFR measurements and that they meet FCC radio frequency radiation standards.
7. The applicant shall work with the Merced Regional Airport and comply with all of their requirements for this type of structure and obtain all proper permits. Said requirements may include, but are not limited to, obtaining approval from the Airport Land Use Commission or showing proof of submitting an FAA Form 7460-1 to the FAA.
8. The private communication tower shall be painted white to blend-in with the sky.
9. The private communication tower shall be maintained at all times. At no time shall the private communication tower be faded or worn down to a state that would be considered unacceptable to City standards.

March 3, 2016

10. The private communication tower shall not have any form of steps, ladder, or pegs protruding from its side.
11. No signs, other than warning and safety signage, shall be located on a support tower or ancillary facility.
12. Other than lighting required by the FAA or other regulatory agency for the purpose of safety, lights are not permitted on the communication tower.
13. Any noise generated by the facility from the equipment or the tower shall be kept to a minimum so as not to cause a nuisance to the surrounding businesses.
14. At the time of building permit submittal, the applicant shall provide a site plan to the Engineering Department showing all easements which includes, but is not limited to, railroad right-of-ways and City easements. The project shall not encroach into any right-of-ways or easements without first obtaining proper approval to do so.
15. The premise shall remain clean and free of debris and graffiti at all times.

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

March 3, 2016

DATE



SIGNATURE

Planner

TITLE

Exhibits:

- A) Location Map
- B) Site Plan
- C) Foundation Plan
- D) Elevation
- E) Categorical Exemption

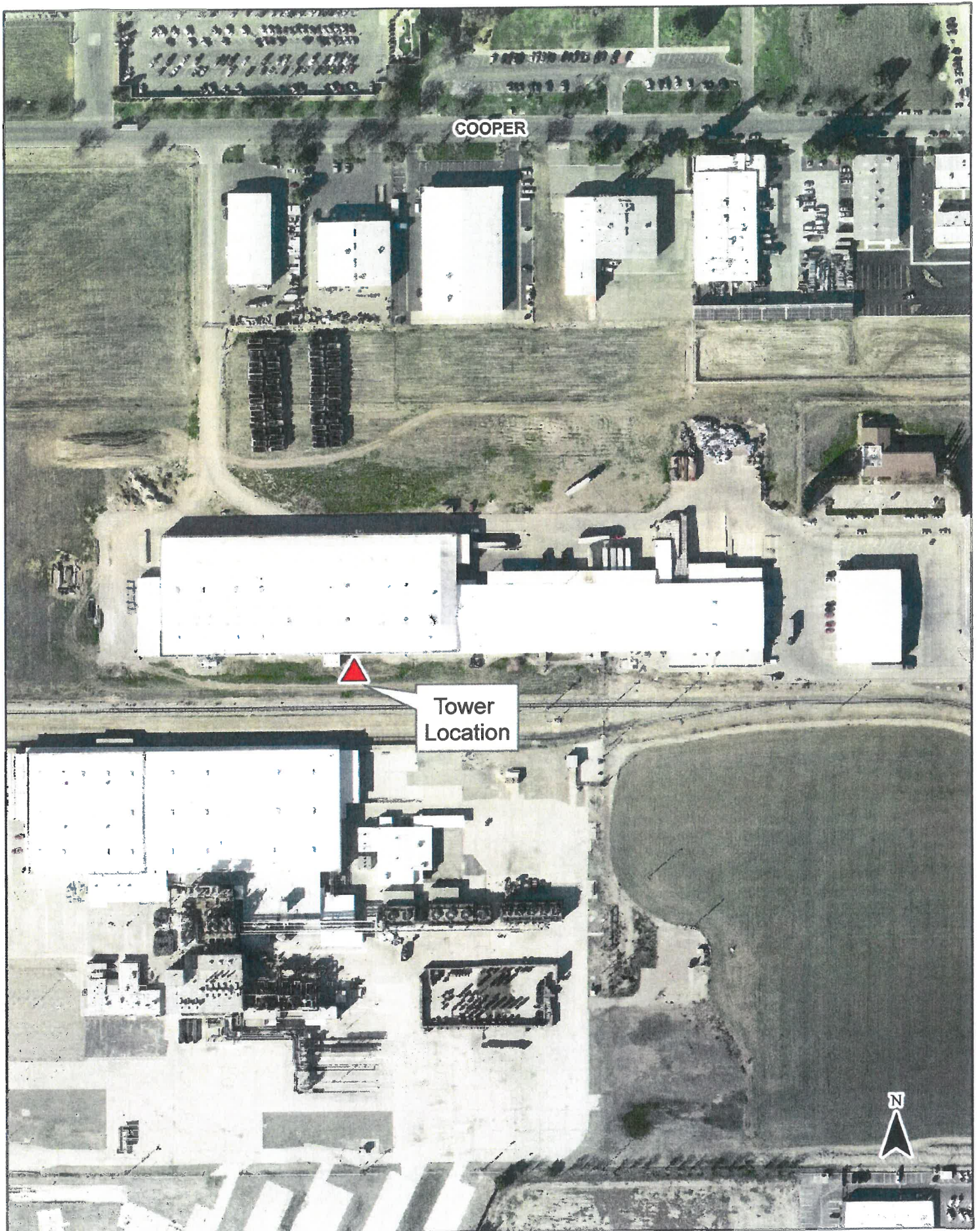


EXHIBIT A



0 25 50 100
SCALE: 1" = 50'

COOPER

AVE.

570' x 67' x 15' DEEP

SEE ENLARGEMENT
THIS SHEET

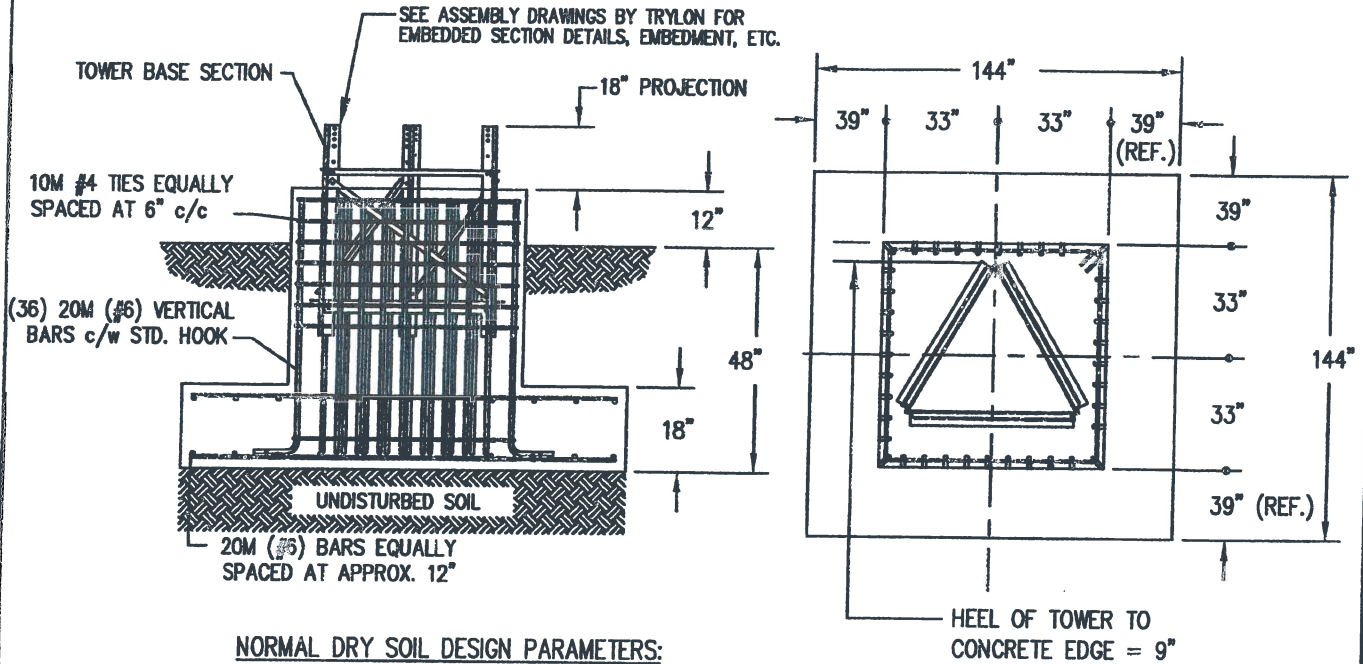
Location of IT Equipment

Location of Communications Tower

EXHIBIT B

FOUNDATION DESIGN (NORMAL DRY SOIL)

DESIGN ASSUMES THAT FROST DEPTH IS LESS THAN 4'-0"



NORMAL DRY SOIL DESIGN PARAMETERS:

DRY DENSITY = 0.110 kips/ft³

SUBM. DENSITY = 0.045 kips/ft³

MIN. ALLOWABLE BEARING PRESSURE = 3.500 kips/ft²

FOUNDATION NOTES:

GENERAL:

- 1) ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH APPLICABLE LOCAL STANDARDS.
- 2) FOUNDATIONS DESIGNED ASSUMING NORMAL DRY SOIL W/ ALLOWABLE BEARING PRESSURE OF 1500 PSF. NO ALLOWANCE WAS MADE FOR SOFT SOILS, FILL, PEATS, ORGANICS, WATER, OR ROCK IN EXCAVATION. NO SOILS REPORT PROVIDED.
- 3) THE TOWER BASE PAD SHALL BE PLACED AGAINST UNDISTURBED SOIL.

CONCRETE:

- 1) CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH AT 28 DAYS OF NOT LESS THAN 4000 psi.
- 2) TOWER ERECTION CAN OCCUR ONCE THE FOUNDATION CONCRETE HAS REACHED A STRENGTH OF 2175 psi.
- 3) THE REQUIRED CONCRETE STRENGTH IS TYPICALLY REACHED WITHIN (1) WEEK OF BEING POURED.
- 4) CONCRETE SHALL CONTAIN AN AIR ENTRAINING AGENT.
- 5) THE MAXIMUM SIZE OF COARSE AGGREGATE SHALL BE 3/4". SLUMP SHALL BE 4 in +/- 1 in
- 6) ALL GROUT SHALL BE NON-FERROUS AND NON SHRINK WITH A MINIMUM COMPRESSIVE STRENGTH OF 5000 psi AT 28 DAYS, EDGES GROUT SHALL BE TAPERED OFF AT 45°.

REINFORCEMENT:

- 1) ALL REINFORCEMENT SHALL HAVE 3 in CONCRETE COVER.
- 2) REINFORCING STEEL SHALL BE ASTM A615 DEFORMED BARS WITH A MINIMUM YIELD OF 60 ksi.

BACKFILLING:

- 1) BACKFILL SHALL BE PLACED IN THIN LIFTS (MAXIMUM 6 in) AND COMPACTED TO A MINIMUM OF 95 PERCENT OF STANDARD PROCTOR MAXIMUM DRY DENSITY (100 pcf min.). IN THE EVENT THAT EXCAVATED MATERIALS ARE NOT SUITABLE FOR BACKFILL, IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO SUPPLY AND COMPACT SUITABLE CLEAN MATERIAL TO MEET THAT REQUIREMENT.



11/24/2015

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NOTES:

DaVinci
Engineering, Inc.

PO BOX 1966 SANTA MARIA, CALIFORNIA 93466
PHONE: (805) 922-5221 FAX: (805) 880-0402

DAVINCI PROJECT# 9915232-069



CUSTOMER: VELOCITER WIRELESS		SITE: 1785 ASHBY ROAD MERCED		SCALE: NTS	
DATE: 20 NOV 15	BY: DF	CHK:		APP:	
TITLE: 90FT H410				DRAWING NO. 109664B - FDN	

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 #394 (Environmental Review #16-03)

Project Applicant: Hilltop Ranch

Project Location (Specific): 2777 N. Highway 59 **APN:** 059-450-069

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: Hilltop Ranch

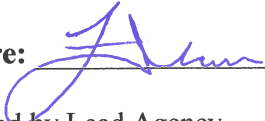
Exempt Status: (check one)

- ☐ 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 installing an accessory communication tower, 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:** 2-24-2016 **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

CITY OF MERCED
SITE PLAN REVIEW COMMITTEE
RESOLUTION #395

Mike Sater for Sater Oil International, LLC, on behalf of Mark Calvano, property owner	Demolish the existing building and construct a new retail center with a gas station/mini-market/car wash and a fast food restaurant
APPLICANT	PROJECT
683 Cliffside Drive	2020 East Childs Avenue
ADDRESS	PROJECT SITE
San Dimas, CA 91773-2957	061-240-040
CITY/STATE/ZIP	APN
909-293-7588	Thoroughfare Commercial (C-T)
PHONE	ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Site Plan Review Committee reviewed and administratively approved Site Plan Application #395 on March 3, 2016, submitted by Mike Sater for Sater Oil International, LLC, on behalf of Mark A. Calvano, Trustee, property owner. This request allows the demolition of the existing building and the construction of a retail center including a gas station, mini-market, car wash, and fast food restaurant at 2020 East Childs Avenue within a Thoroughfare Commercial (C-T) zone. Said property being described as a portion of Lot 8 as described in the Grant Deed to Mark Calvano, Trustee of the Calvano Family Trust dated January 22, 1996, recorded as Document Number 2007-056615 on October 19, 2007 with the Merced County Recorder; also known as Assessor's Parcel Number (APN) 061-240-040.

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

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

- A) The proposal complies with the General Plan designation of Thoroughfare Commercial (CT) and the Zoning designation of Thoroughfare Commercial (C-T).
- B) Conditional Use Permit (CUP) #1158 was approved by the Planning Commission on March 9, 2011. This CUP allowed the construction of a convenience store with gas pumps (including "off-site" alcohol sales as an accessory use), two restaurants (one with a drive-through window), and a car wash (or possibly a second restaurant with a drive-through). Refer to Planning Commission Resolution #2983 at Attachment J and the previously approved site plan at Attachment K.

- C) The proposed project includes the construction of a gas station, mini-market, car wash, and fast food restaurant totaling approximately 8,055 square feet (refer to the site plan at Attachment B).
- D) The mini-market is proposing to sell alcohol (beer and wine) for off-site consumption. Conditional Use Permit #1158 allows the sale of alcohol, but a Finding of Public Convenience or Necessity is required due to the census tract being over-concentrated with alcohol licenses. The City Council will take action on the Finding of Public Convenience or Necessity.
- E) An active Tentative Parcel Map (Lot Split #11-02) approved the subdivision of the existing 3.2 acre lot into three separate parcels (refer to the tentative parcel map at Attachment L and Resolution #928 at Attachment M). The parcel map has not yet been recorded.
- F) Per Condition #39 of Planning Commission Resolution #2983, Site Plan Review is required for the building elevations, signing, and landscaping, etc.
- G) The Lighting Plan at Attachment H complies with Condition #34 of Planning Commission Resolution #2983 for CUP #1158 limiting the foot-candles along Parsons Avenue to no more than 4 foot-candles.
- H) The gas station, mini-market requires a total of 13 parking spaces. The site provides 29 spaces as shown on the site plan at Attachment B. The car wash is an automatic car wash and does not require any additional employees to operate. Therefore, no additional parking spaces are required for the car wash.
- I) The fast-food restaurant requires 62 parking spaces and 77 spaces are provided (Attachment B).
- J) Condition #27 of Planning Commission #2983 for CUP #1158 requires a concrete median be construed along Childs Avenue. The median is required to begin at the intersection of Parsons and Childs Avenues and to stop at a point to be determined by the City Engineer, but at least preventing left-hand turns into the driveway closest to Parsons Avenue, but not further than 300 feet from the eastern property intersection on Childs Avenue. As proposed, the concrete median is approximately 172 feet long and prevents left hand turns into the eastern-most driveway (closest to Parsons Avenue). Condition #7 below requires the distance of the median to be determined by the City Engineer at the building permit stage.
- K) If the project site remains as one parcel, the maximum allowed sign area for the parcel is 500 square feet. If the parcel is divided into 3 lots as approved with Lot Split #11-02, each of the three parcels are allowed 500 square feet. As proposed, the signing for both tenants exceeds the allowable sign area whether the parcel remains a single parcel or is divided into three parcels.

- L) The red architectural wall systems on the north and east elevations of the Steak 'n Shake building are considered an architectural feature and shall not be counted towards the maximum allowable sign area for the site (Attachment G). The window graphics on the north, south, and west elevations may be counted as sign area, but may be redesigned to meet sign code requirements.
- M) The wall posters on the mini-market building will be counted toward the maximum allowable sign area (Attachment D).
- N) The proposed pylon sign (Sheet 9 of Attachment I) was conceptually approved with Conditional Use Permit #1158. The proposed sign complies with the conditions outlined in Planning Commission Resolution #2983.
- O) Conditional Use Permit #1158 was approved for this project on March 9, 2011. As such, this project is exempt from the Post Construction Standards for the City's MS IV Permit.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Application #395 subject to the following conditions:

- 1) The site shall be constructed as shown on Exhibit B (site plan), Exhibit C (landscape plan), Exhibits D, E, F, and G (elevations), and Exhibit H (lighting plan) except 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 the conditions set forth in Resolution #2983 for Conditional Use Permit #1158, except as modified by the conditions of approval within this resolution (refer to Attachment J).
- 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.
- 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 median in Childs Avenue shall allow for a minimum of 200 feet of vehicular stacking room. The median shall be extended to a distance to prevent left turns into or out of the driveways on Childs Avenue serving the gas station/mini-market site. The two eastern driveways on Childs may be combined into one driveway with a wider width at the discretion of the City Engineer. The revised site plan showing driveway modifications and the median extension provided at Exhibit O is conceptually approved as it relates to the driveway locations and size, the median length, and the cross access and parking on the adjacent site to the west. Details to be worked out with the City Engineer at the building permit stage.
 - 8) The owner shall dedicate a 7-foot-wide Public Utilities Easement (PUE) along Childs and Parsons Avenue as needed (Condition #11 of Resolution #928 for Lot Split #11-02).
 - 9) The property owner shall enter into a "Subdivision Drainage Agreement" with the Merced Irrigation District Improvement District No. 1 (MIDDID No. 1) and pay all applicable fees as required by MID (Condition #13 of Resolution #928 for Lot Split #11-02).
 - 10) The property owner shall contact MID and enter into all necessary agreements for all crossings over or under and MID facilities, including utilities, bridges, driveways, and pipelines and for all work associated with MID facilities. The developer shall construct all necessary improvements or upgrades needed to accommodate the traffic generated by the project over the existing MID facilities as required by MID (Condition #14 of Resolution #928 for Lot Split #11-02).
 - 11) 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.
 - 12) All plans and supporting documents submitted for Building Permit review shall comply with the 2013 California Code set or most recently adopted codes.
 - 13) Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access.

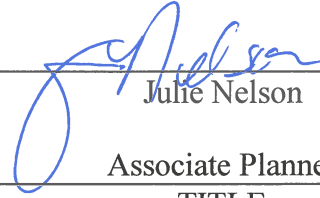
- 14) Parking lot and building lighting shall be shielded or oriented in a way that does not allow “spill-over” onto adjacent lots in compliance with the California Energy Code requirements. Any lighting on the building shall be oriented to shine downward and not spill-over onto adjacent properties.
- 15) Parking lot trees shall be installed per the City’s Parking Lot Landscape Standards. Trees 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). Trees shall be installed at a ratio of at least one tree for each six parking spaces.
- 16) A Finding of Public Convenience or Necessity shall be obtained from the City Council prior to alcohol being sold on the site.
- 17) Per Condition #14 of Planning Commission Resolution #2983 for CUP #1158, no beer or wine coolers shall be sold in “singles.”
- 18) 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 dealing with the current drought conditions.
- 19) The on-site landscape design shall include the use of xeriscape landscaping and avoid the use of turf as much as possible.
- 20) Signs prohibiting open containers in compliance with Merced Municipal Code Section 9.12.030 (B) and prohibiting loitering on the premises in compliance with California Penal Code Section 647 shall be prominently displayed on the building walls.
- 21) The proposed signs are not approved. As proposed, the sign area exceeds the allowable area for each business. The applicant shall work with staff to reduce the sign area to an amount within the allowable amount (determined by the number of parcels at time of development). The window graphics proposed for Steak ‘n Shake are not approved. Individual wall panels (approximately 3’ x 3’) with similar graphics not advertising a specific product or business may be allowed as an architectural feature as determined by the Planning Manager.
- 22) Parking lot, building, and sign 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.
- 23) A sand/oil separator shall be installed for the car wash.
- 24) A Fats, Oil, and Grease (FOG) permit shall be obtained from the City’s Water Quality Control Division for the restaurant prior to opening for business. If hot food is sold by the mini-market, a FOG Permit shall also be obtained prior to opening for business.

- 25) A grease interceptor shall be installed for the restaurant. If food is prepared and sold at the mini-market, a grease interceptor shall also be installed for the mini-market.
- 26) Bicycle racks shall be provided at a minimum ratio equal to 5% of the vehicular parking spaces. The City recommends the use of an inverted “U” shaped bicycle rack.
- 27) The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
- 28) 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.
- 29) All mechanical equipment shall be screened from public view.
- 30) The premises shall remain clean and free of debris and graffiti at all times.
- 31) A backflow prevention device shall be provided for all water services (i.e., domestic, irrigation, and fire).
- 32) The project shall comply with all City Standards for storm drainage. 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.
- 33) The proposed pylon sign does not include any wireless communication equipment as proposed with CUP #1158. Any future addition of such equipment would require Site Plan Review (refer to Condition #41 of Planning Commission Resolution #2983).
- 34) All landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.
- 35) The applicant shall work with the City’s Refuse Department to determine the best location for the refuse enclosure for each business and to determine if recycling containers would be required. All refuse containers shall be located within a refuse enclosure constructed per City Standards. The enclosure shall match the building elevations as required by Condition #32 of Planning Commission Resolution #2983.

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

3-3-16

DATE



Julie Nelson

Associate Planner

TITLE

Exhibits

- A) Location Map
- B) Site Plan
- C) Landscape Plan
- D) Mini-Market Elevations
- E) Gas Station Canopy Elevations
- F) Car Wash Elevations
- G) Steak 'n Shake Elevations
- H) Lighting Plan
- I) Proposed Signing
- J) Planning Commission Resolution #2983
- K) Approved Site Plan for CUP #1158
- L) Tentative Parcel Map
- M) Resolution #928 for Lot Split #11-02
- N) Categorical Exemption



CAROL

MOTEL 6

VALERO

PARSONS

GODLEN VALLEY
HIGH SCHOOL

99

CHILDS

FORMER CHP
BUILDING

SUBJECT SITE

COLD SPRINGS

RAMADA
INN

MULTI-FAMILY
RESIDENTIAL

99

WESTFALL

HOLIDAY INN
EXPRESS

SOUTH FORK

HAMPTON
INN

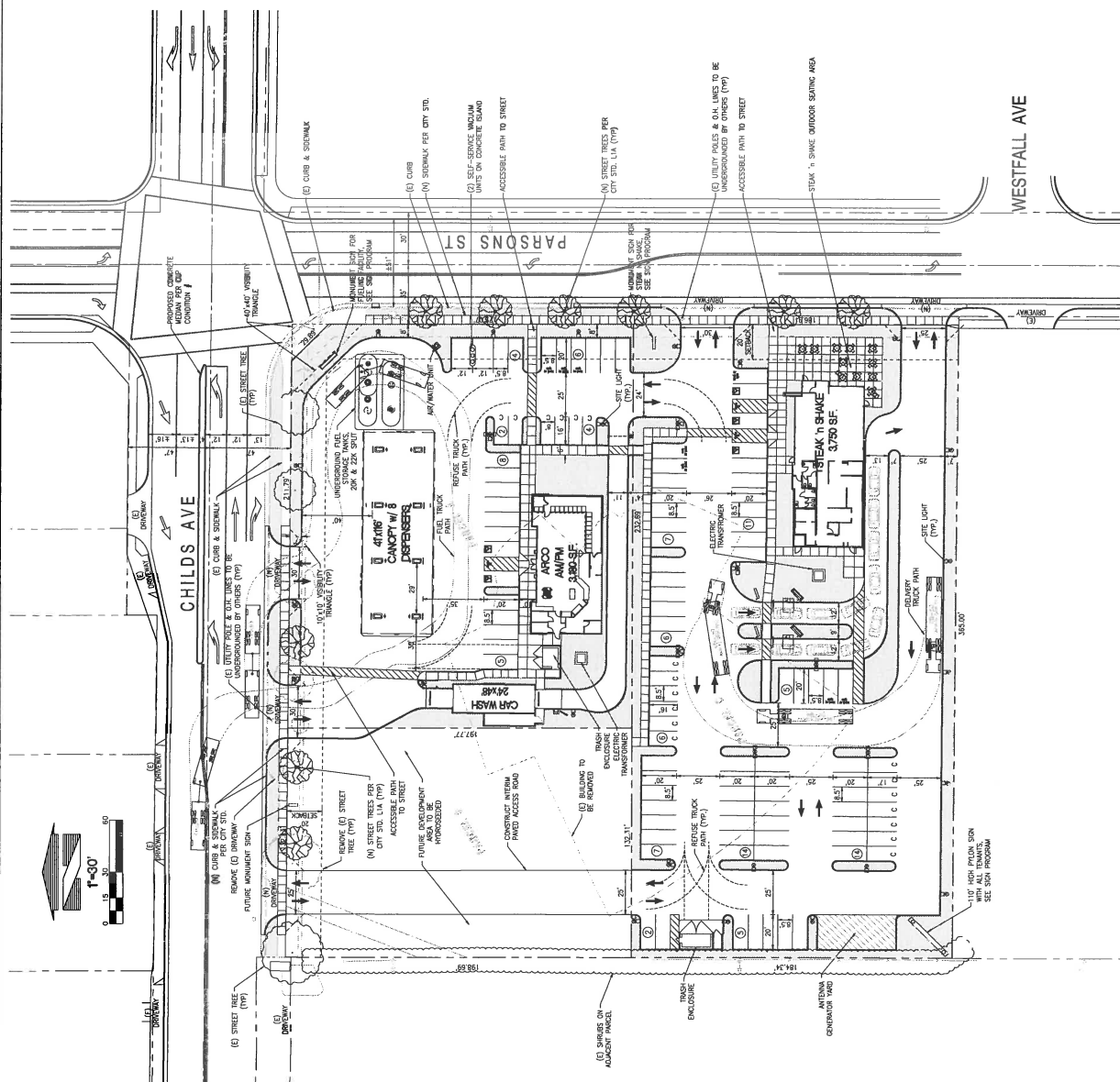
FUTURE TOWNE
HOME SUITES

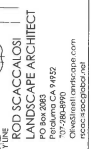
99

DINKEY CREEK

EXHIBIT A

REFER TO THE MASTER SIGN PROGRAM SHEETS
1 TO 12 FOR DETAILS





EIAF Calculations	
Normalized confidence yards	
Total EIAF - Area	881.8 244
Total Area	142 211.65
Average EIAF	6.21 33
Notes	
1. Average 2.1 for the 4000+ acre parcels	
2. Average 4.4 for the 1000-4000 acre parcels	
3. Average 4.45 for the 100-1000 acre parcels	

1. All landscape planting areas shall receive a minimum 3"-4" layer of organic mulch top dressing.
2. Landscape planting and irrigation shall conform to City of Merced Landscape and Water Use Conservation Standards.

Sample	Color	Height	Weight	Flavor	Notes
338		338	307 g.	1 gal	Low
206		206	427 g.	1 gal	Low
121		121	367 g.	1 gal	Medium
472		472	427 g.	1 gal	Low



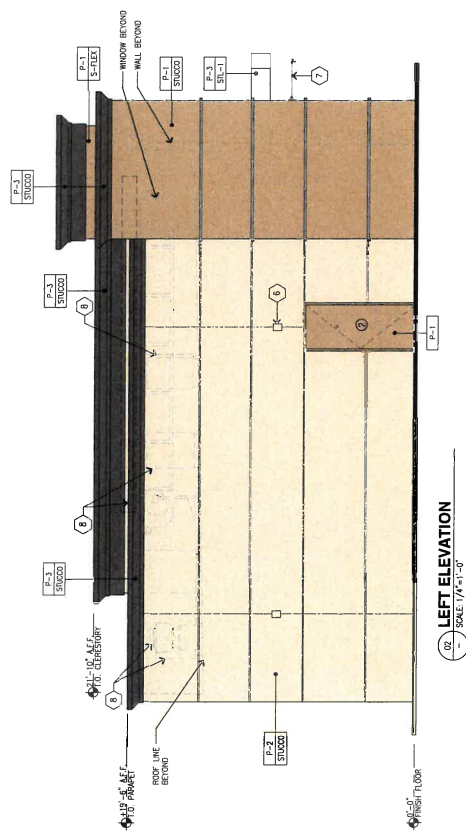
Job Number
17655
Sheet
A1

18215 72ND AVENUE SOUTH
KENT, WA 98032
(425) 251-8722 FAX
CIVIL ENGINEERING, LAND PLANNING,
SURVEYING, ENVIRONMENTAL SERVICES
Date 12/18/15
Checked SK
Approved DJ

Scale:
Horizontal
Vertical
AS NOTED
AS NOTED
AS NOTED
AS NOTED

For
SATER OIL INTERNATIONAL, LLC
683 CLIFFSIDE DRIVE
SAN DIMAS, CA 91773
(909) 293-7588

Title
AM/PM EXTERIOR ELEVATIONS
MERCED RETAIL CENTER
SWC CHILDS AVE / PARSONS ST.
MERCED, CA



GENERAL NOTES
A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALUM AS CLOSELY AS POSSIBLE TO ELEVATIONS.

KEYED NOTES
1. INTERIORS FINISHES AND STOREFRONT SYSTEM, REFER TO SHEET 17655-01 FOR SPECIFICATIONS.
2. STEEL WINGING ROD AND CLAYS
3. OUTDOOR DRINK
4. WALL POSTER
5. INTERNALLY ILLUMINATED SURFACE MOUNTED WALL SIGN
6. WALL MOUNTED LED FUTURE
7. WALL MOUNTED SIGN LIGHTING
8. ROOFTOP EQUIPMENT BEYOND

COLOR LEGEND
P-1 DUNK EDWARDS, DEB130, "WOODS ACPE"
P-2 DUNK EDWARDS DEB130, "SAND DUNE"
P-3 DUNK EDWARDS DEB130, "HEATHERED BROWN", HIGH GLOSS

MATERIAL LEGEND
STUCCO 1/2" COARSE PLASTER, INSTALLED PER MFG SPECIFICATIONS, TEXTURE FINE SAND FINISH
E-TEXT 1/2" COARSE PLASTER, INSTALLED PER MFG SPECIFICATIONS, TEXTURE FINE SAND FINISH
ALUM CLEAR ANODIZED ALUMINUM
SL-1 STEEL WINGING



17655
Sheet
A2 of

18215 72ND AVENUE SOUTH
KENT, WA 98032
(425) 251-8222
FAX (425) 251-8782
CIVIL ENGINEERING, LAND PLANNING,
SURVEYING, ENVIRONMENTAL SERVICES

Date 12/16/15
Approved: [Signature]
Checked: [Signature]
Drawn: [Signature]
Designed: [Signature]

Scale: [Blank]
AS NOTED
Vertical

FOR: SATER OIL INTERNATIONAL, LLC
683 CLIFFSIDE DRIVE
SAN DIMAS, CA 91773
(909) 293-7588

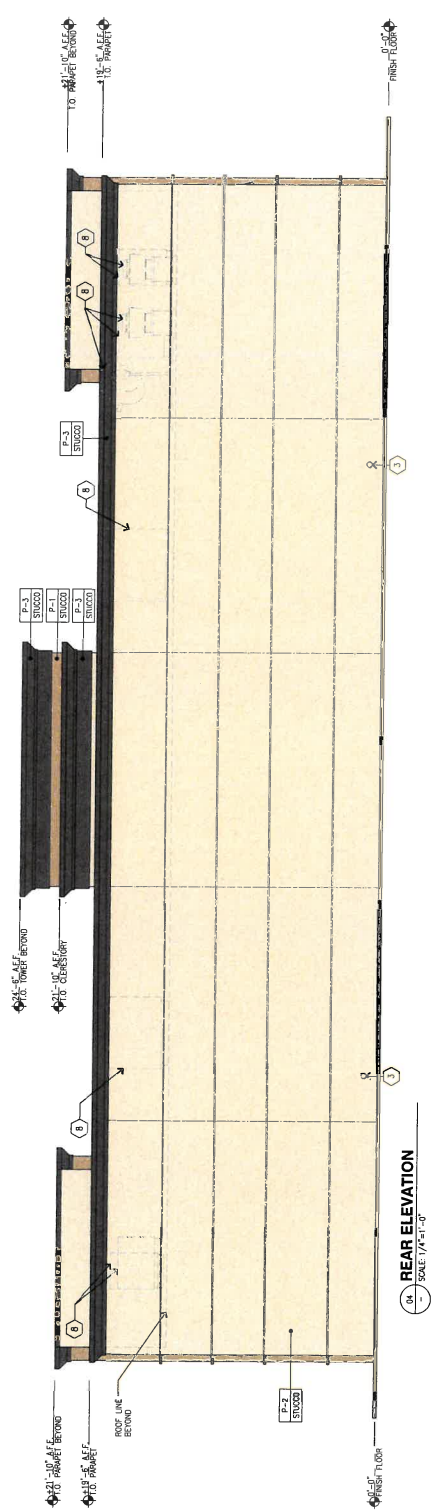
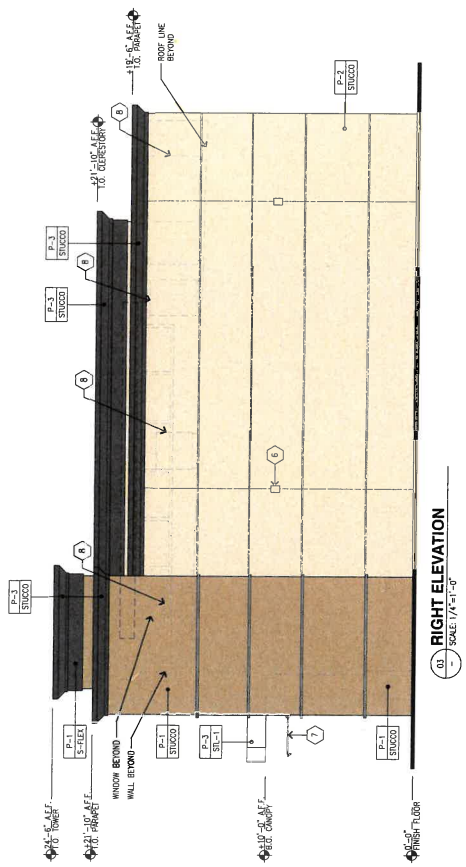
AM/PM EXTERIOR ELEVATIONS
MERCED RETAIL CENTER
SWC CHILDS AVE / PARSONS ST.
MERCED, CA

- GENERAL NOTES**
1. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSE AS POSSIBLE TO ELEVATIONS.
- KEYED NOTES**
1. ALUMINUM ENTRANCE AND STOREFRONT SYSTEM, REF TO SHEET AS-3 & SPECIFICATION.
2. STEEL AWING ROD AND OLDS.
3. OVERFLOW (DRAIN).
4. WALL POSTER.
5. INTERNALLY ILLUMINATED SURFACE MOUNTED WALL SIGN.
6. WALL MOUNTED LED FEATURE.
7. WALL MOUNTED SIGN LIGHTING.
8. ROOFTOP EQUIPMENT BEYOND.

COLOR LEGEND

P-1	DUNN EDWARDS D66130, "WOODEN ACRE"
P-2	DUNN EDWARDS D66128, "SAND DUNE"
P-3	DUNN EDWARDS D66756, "BURNED BROWN" HIGH GLOSS

- MATERIAL LEGEND**
- STUCCO 1. STUCCO FINISH, INSTALLED PER MFC SPECIFICATIONS, EXCEPT WHERE NOTED OTHERWISE.
- S-FLEX 2. STUCCO-FLEX ELASTOMERIC ADHESIVE FINISH OVER CONCRETE, INSTALLED PER MFC SPECIFICATIONS.
- ALUM 3. CLEAR ANODIZED ALUMINUM.
- STC-1 4. STEEL AWING.



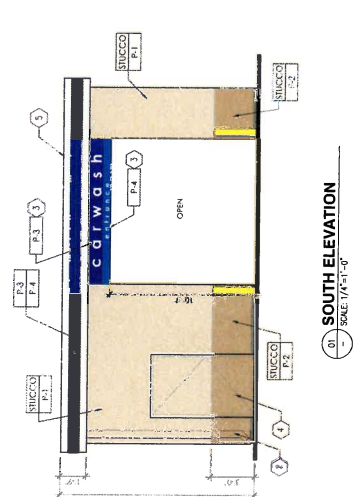
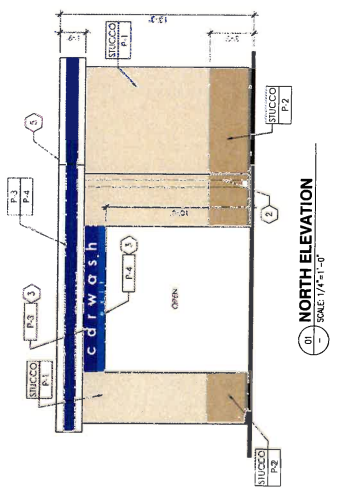
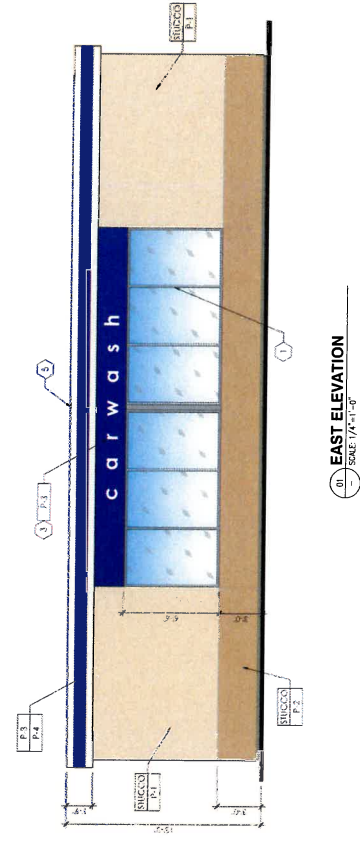
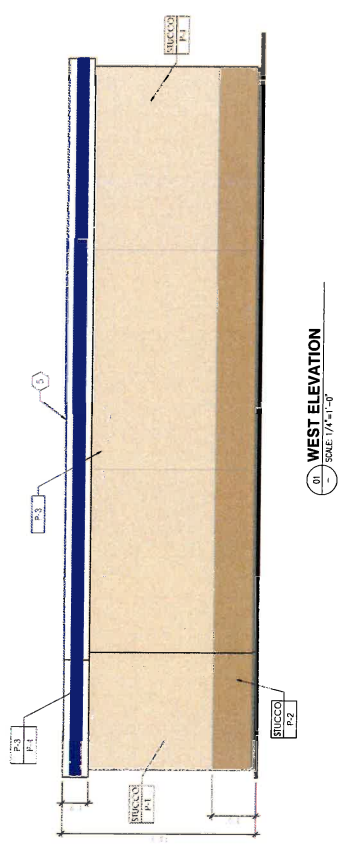
- KEYED NOTES**
- 1 ALUMINUM STOREFRONT SYSTEM
 - 2 OVERFLOW DRAIN, PAINT TO MATCH WALL
 - 3 WHITE SIGNAGE DECAL ON ADJ. PANEL
 - 4 HOLLOW METAL DOOR, PAINT TO MATCH WALL
 - 5 WHITE VIN. FIBER PANEL WITH GRAPHIC DECALS

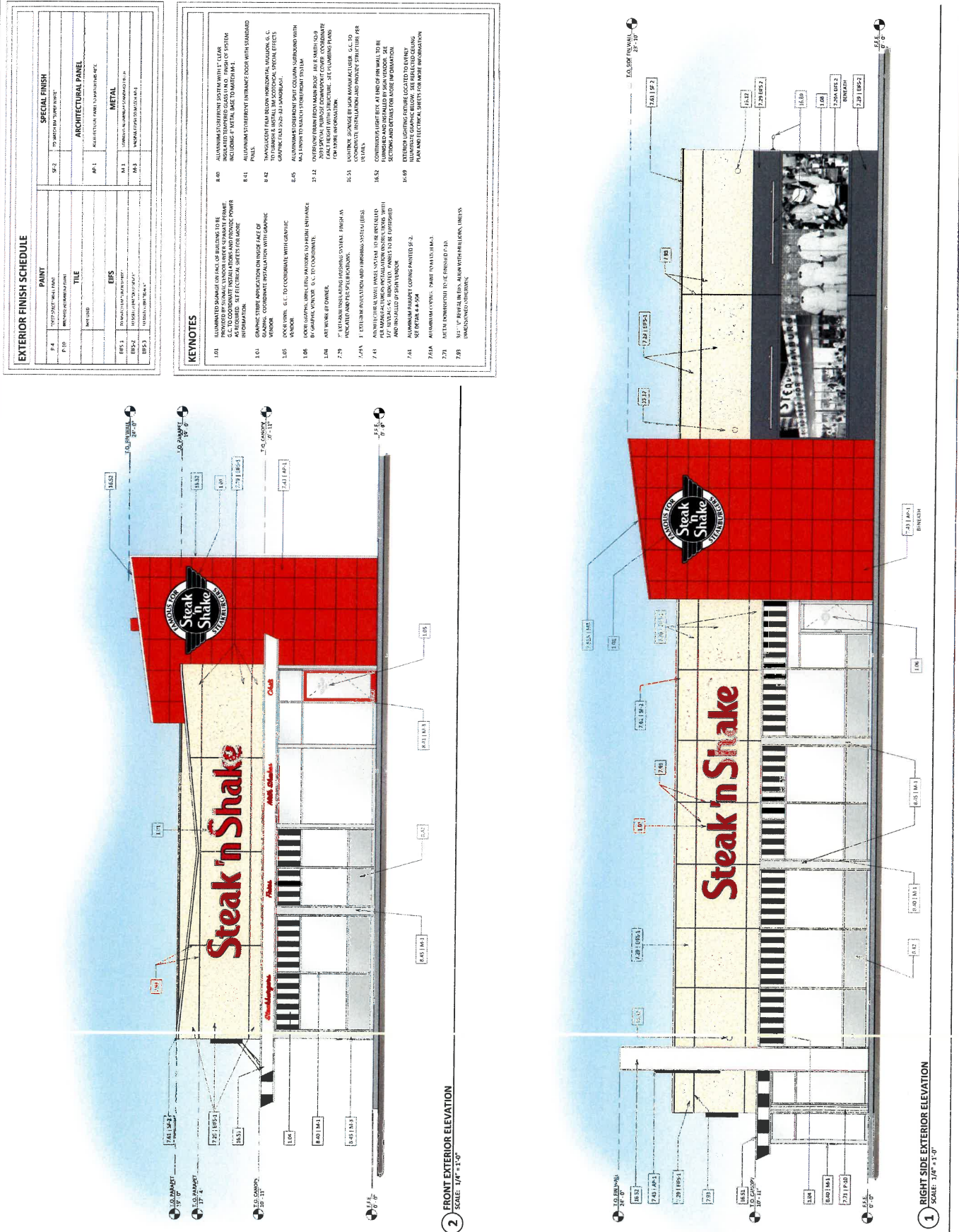
COLOR LEGEND

	P-1 DAWN EDWARDS, 186130, "WOODS ACRE"
	P-2 DAWN EDWARDS DESIGN, "SAND DUNE"
	P-3 MICO BLUE, PMS 286
	P-4 MICO LIGHT BLUE, PMS 2835

MATERIAL LEGEND

STUCCO

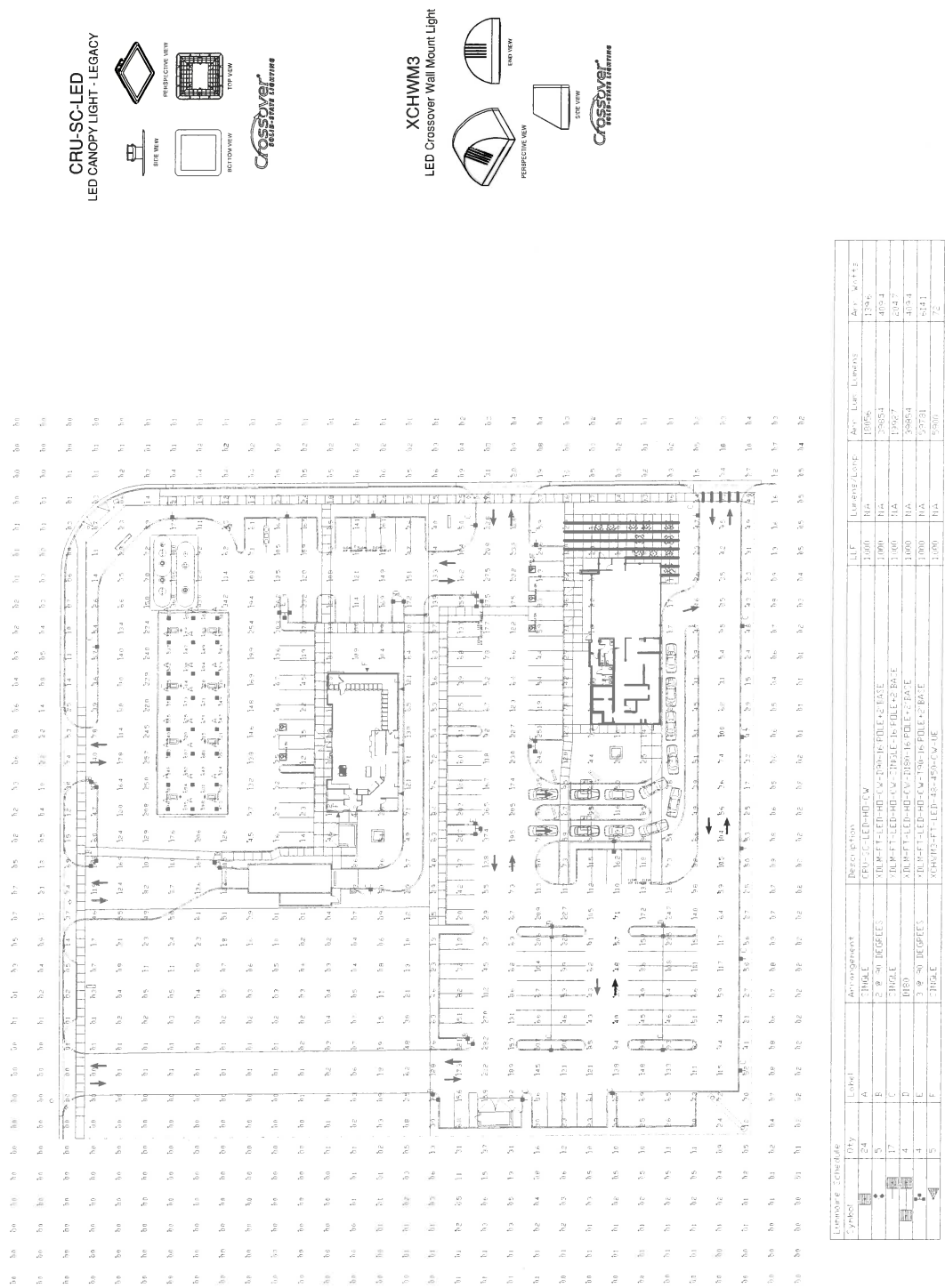




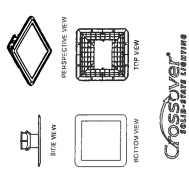
EXTERIOR FINISH SCHEDULE	
PAINT	SPECIAL FINISH
P-10	TO MATCH EX. SURFACE
P-11	TO MATCH EX. SURFACE
P-12	TO MATCH EX. SURFACE
P-13	TO MATCH EX. SURFACE
P-14	TO MATCH EX. SURFACE
P-15	TO MATCH EX. SURFACE
P-16	TO MATCH EX. SURFACE
P-17	TO MATCH EX. SURFACE
P-18	TO MATCH EX. SURFACE
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P-93	TO MATCH EX. SURFACE
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P-95	TO MATCH EX. SURFACE
P-96	TO MATCH EX. SURFACE
P-97	TO MATCH EX. SURFACE
P-98	TO MATCH EX. SURFACE
P-99	TO MATCH EX. SURFACE
P-100	TO MATCH EX. SURFACE

EXTERIOR FINISH SCHEDULE				
PAINT		SPECIAL FINISH		
P-4	INTERIOR PAINT - WHITE LUMBER	SP-2	INTERIOR PAINT - WHITE LUMBER	
P-10	PAINT - INTERIOR WALLS		ARCHITECTURAL PANEL	
		SP-1	PAINT - INTERIOR PANEL TO MATCH FINISH	
			METAL	
EP-1	PAINT - INTERIOR WALLS	EP-1	PAINT - INTERIOR WALLS	
EP-2	PAINT - INTERIOR WALLS	EP-2	PAINT - INTERIOR WALLS	
EP-3	PAINT - INTERIOR WALLS	EP-3	PAINT - INTERIOR WALLS	

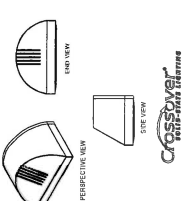
EXHIBIT H



CRU-SC-LED
LED CANOPY LIGHT - LEGACY



XCHWM3
LED Crossover Wall Mount Light



Based on the information provided, it is recommended that the design and construction of the building be reviewed and approved by the appropriate authorities. The design and construction of the building should be in accordance with the applicable building codes and standards. The design and construction of the building should be in accordance with the applicable building codes and standards. The design and construction of the building should be in accordance with the applicable building codes and standards.

Calculation Summary		Calc Type		Units		Min		Avg		Max	
Label	Value	Label	Value	Label	Value	Label	Value	Label	Value	Label	Value
ALL CALC FIBRE	1.000	ILLUMINANCE	1.000	FC	4.00	FC	4.00	FC	4.00	FC	4.00
ILLUMINANCE	1.000	ILLUMINANCE	1.000	FC	4.00	FC	4.00	FC	4.00	FC	4.00
ILLUMINANCE	1.000	ILLUMINANCE	1.000	FC	4.00	FC	4.00	FC	4.00	FC	4.00

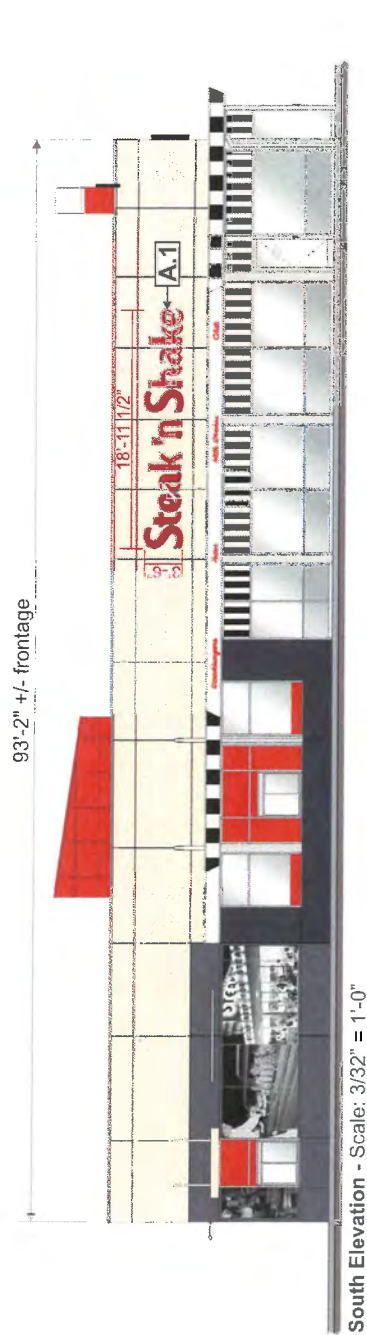
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4	17	D	1.000	5	17	E	1.000	6	17	F	1.000
7	17	G	1.000	8	17	H	1.000	9	17	I	1.000
10	17	J	1.000	11	17	K	1.000	12	17	L	1.000
13	17	M	1.000	14	17	N	1.000	15	17	O	1.000
16	17	P	1.000	17	17	Q	1.000	18	17	R	1.000
19	17	S	1.000	20	17	T	1.000	21	17	U	1.000
22	17	V	1.000	23	17	W	1.000	24	17	X	1.000
25	17	Y	1.000	26	17	Z	1.000	27	17	AA	1.000
28	17	AB	1.000	29	17	AC	1.000	30	17	AD	1.000
31	17	AE	1.000	32	17	AF	1.000	33	17	AG	1.000
34	17	AH	1.000	35	17	AI	1.000	36	17	AJ	1.000
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40	17	AN	1.000	41	17	AO	1.000	42	17	AP	1.000
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67	17	BP	1.000	68	17	BQ	1.000	69	17	BR	1.000
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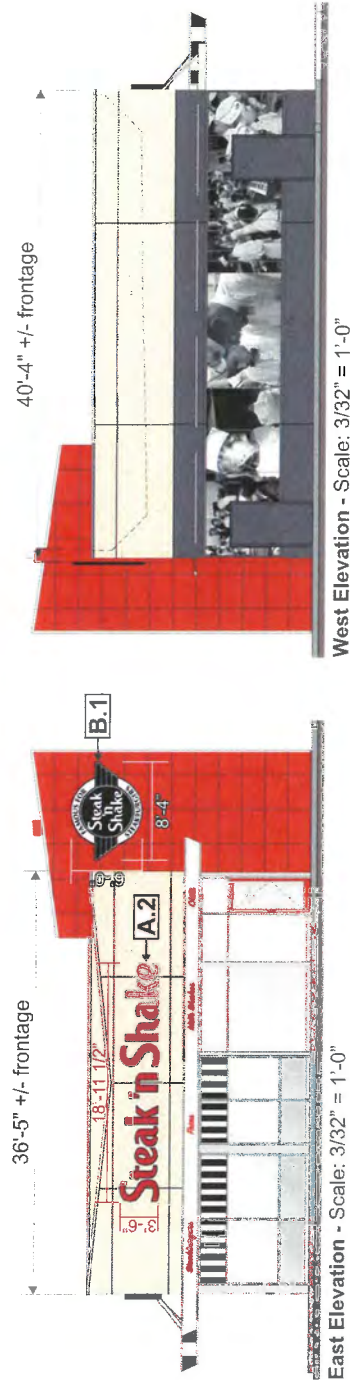
Lighting Schedule
Total Power: 1044
Total Watts: 1044



PHI
LIGHTING SCHEDULE
LED-1000
DATE: 10/10/10
REV: 1.0
PAGE: 1

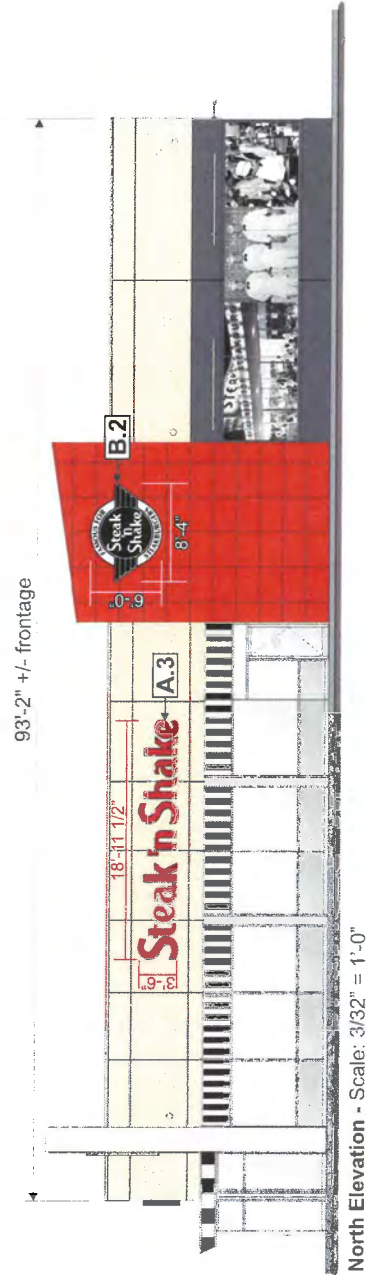


South Elevation - Scale: 3/32" = 1'-0"



East Elevation - Scale: 3/32" = 1'-0"

West Elevation - Scale: 3/32" = 1'-0"



North Elevation - Scale: 3/32" = 1'-0"

EXHIBIT I



2670 W. SHAW LANE/SUITE 102
FRESNO, CA 93711
T 559 225 2183
www.adapt.com

CA STATE CONTRACTORS LICENSE #226051

PROJECT:
CLIENT: National Center Rural Food and Soc. Center
LOCATION: SMC Chico Ave. & Peters St
DATE: 12/12/15
SALES: Bob Kneip
DESIGNER: James Hanks

REVISION	DATE	DESCRIPTION
1	12-15-15	Revised set to include permits
2	2-8-16	Revised sign sign

APPROVALS
SALES
CUSTOMER
LANDLORD

CONCEPTUAL DRAWINGS ONLY:
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Sign A

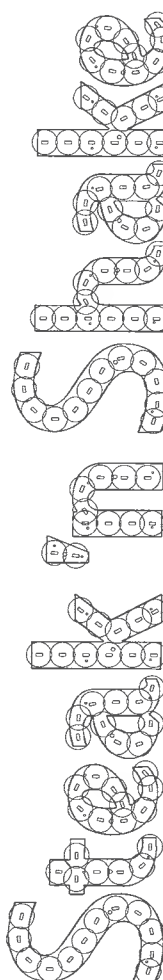
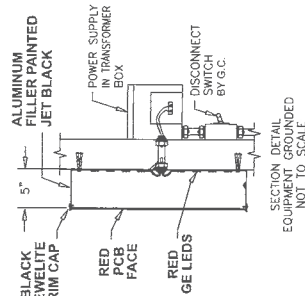
quantity = 3



LED ILLUMINATED CHANNEL LETTER SET
RED POLYCARBONATE FACES WITH 1" BLACK JEWELITE TRIMCAP & BLACK RETURNS.

Description	A	B	Actual	Boxed	Max
36" Channel letter (preferred size)	36"	18"-11 1/2"	21.3	56.8 sq. ft.	.65

* Pending Program Approval and Municipal Requirements - Steak 'n Shake approval required.



GE RED LED LAYOUT for 36" LETTER SET (Typical)

LED MODULE	GE RED LED - TYPICAL											
LETTERS	S	T	E	A	K	.	N	S	H	A	K	E
LED PER FT.	6	3.5	5	5	5.5	1	4.5	6	6	5	5.5	5
(1) TYPICAL60-12D 120-277V (0.65 AMPS) 70 LED MODULES MAX												
POWER SUPPLIES	0.65 TOTAL AMPS											



2670 W. SHAWLANE SUITE 102
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T 559.225.2183
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CA STATE CONTRACTORS LICENSE #826051

PROJECT: CUSTOMER: Merano Center Retail Food and Gas Complex
LOCATION: 5100 Chiles Ave & Persone St
DATE: 12/16/15
SUBMITTER: ADART
DESIGNER: James F. Smith

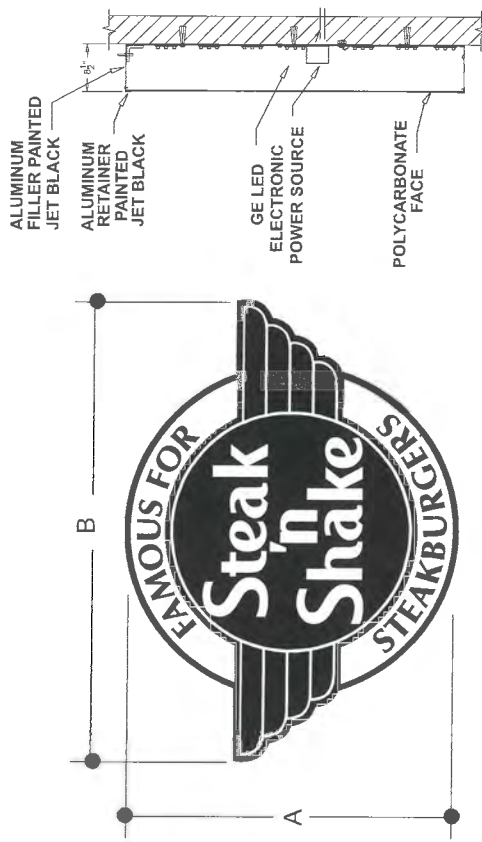
REVISION	DATE	DESCRIPTION
1	12-16-15	Revised sign at location
2	2-8-16	Revised sign

SALES: _____
CUSTOMER: _____
LANDLORD: _____

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Sign B

quantity = 2



note: # of lamps shown varies depending on size

FLAT POLYCARBONATE FACES DECORATED WITH 3M WHITE AND 3M BLACK VINYL. BLACK RETAINER AND RETURNS. PAINT ALL INTERIOR SURFACES OF CABINET WITH LIGHT ENHANCEMENT PAINT.

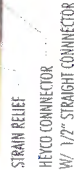
Electrical service to sign by others - 120V 20 amp circuit with disconnect.

Description	A	B	Actual	Boxed	Max
6' Wall Logo	72"	8'-4"	31	50	2.5

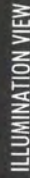
* Pending Program Approval and Municipal Requirements.



quantity = 1



MATERIAL BREAKDOWN		
WHITE (7K)	Modules	P/S
A	17.0	
M	18.0	
CURVE	26.0	1
P	19.0	
M	18.0	



SCALE 1-5 CHANNEL LETTERS W/ REMOTE TRANSFORMER



SCALE 1:19

MFG. & U.I. SECTION LABEL

2670 W. SHAW LANE/SUITE 102
FRESNO, CA 93711

REVISION	DATE	DESCRIPTION
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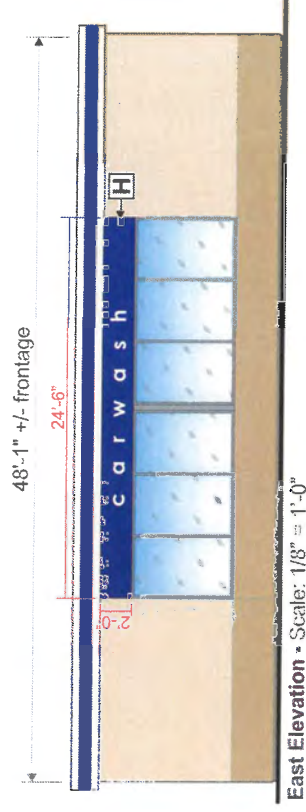
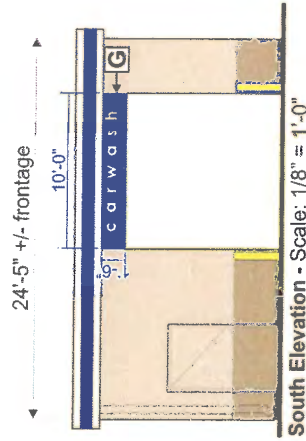
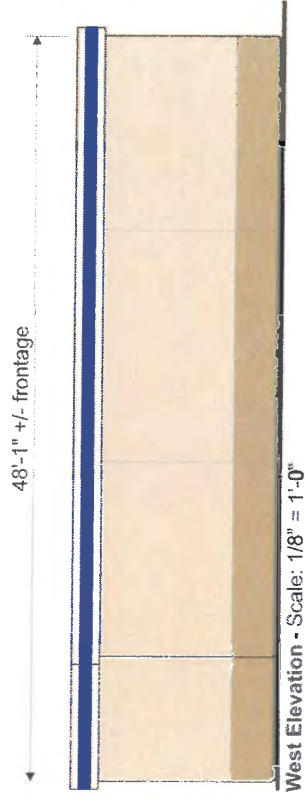
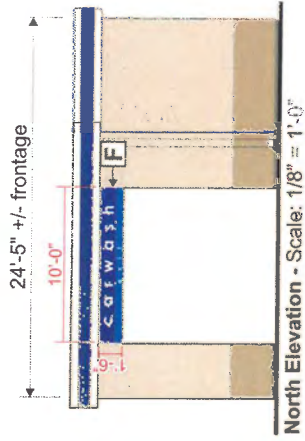
quantity = 1

LETTER PATTERN

AM0021L000-LED



PROJECT:	REVISION	DATE	DESCRIPTION	APPROVALS	CONCEPTUAL DRAWINGS ONLY:	SHEET
CUSTOMER: Muced Center Retail Food and Gas Center LOCATION: SNC Chms Ave & Phoenix St. DATE: 12/17/2015 SALER: Bob Kewczak DESIGNER: James Frank	1	12-16-15	Revised per sign for initial drawings		Dimensions are approximate & may change due to construction factors. Always follow written specifications.	5 of 12 JOB #18770
	2	2-3-16	Revised per sign		ALL RIGHTS RESERVED: This drawing is the intellectual property of the designer and is to be used for the project specified. It may not be shown to anyone outside the organization, and may not be reproduced in any way without prior written consent.	
				SALES: _____		
				CUSTOMER: _____		
				LAND. ORD: _____		



2670 W. SHAW LANE SUITE 102
FRESNO, CA 93711
T 559.225.2183
T 559.225.2185
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CA STATE CONTRACTORS LICENSE #826051

PROJECT:
CUSTOMER: Merced Center Retail Food and Gas Center
LOCATION: 5910 Chiles Ave. & Parsons St.
DATE: 12/20/15
DESIGNER: SHAWN LANE

REVISION
1 12/16/15
2 12/16/15

DESCRIPTION
Revise sign to include letter 'F'
Revise sign to include letter 'H'

APPROVALS

SALES

CUSTOMER

LANDLORD

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SHEET

8 of 12

JOB #18770



ADAPT

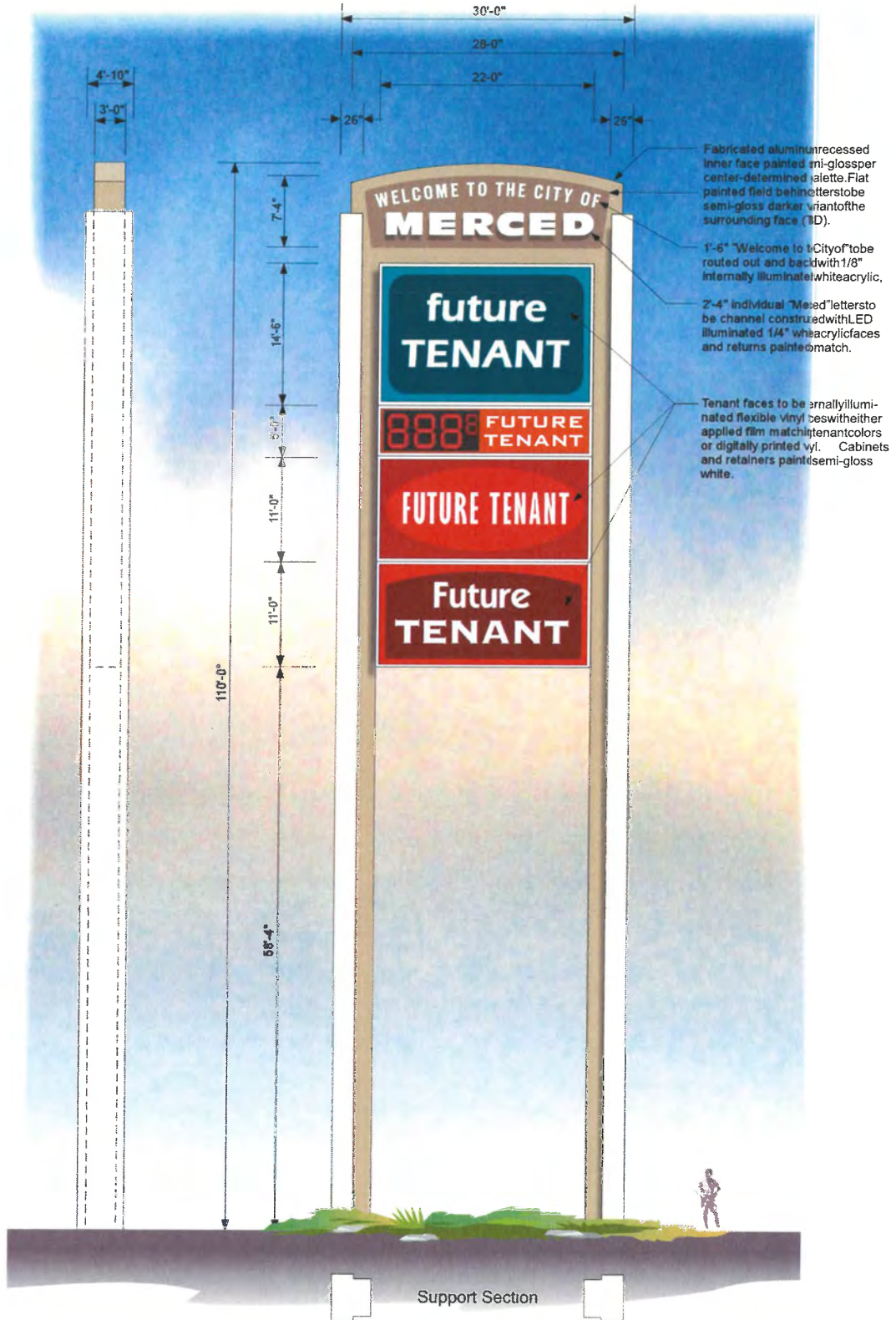
2870 W. SHAW LANE SUITE 102
FRESNO, CA 93711
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www.adapt.com

PROJECT:
CUSTOMER: Shasta County Health and Gen. Center
LOCATION: 5000 CHIEF Ave & Prairie St
SALES: 5/1/2015
DESIGNER: James F. Smith

REVISION	DATE	DESCRIPTION
1	10/16/15	Initial design and layout
2	2/3/16	Revised design

APPROVALS:
SALES: _____
CUSTOMER: _____
LANDLORD: _____

CONCEPTUAL DRAWINGS ONLY:
These drawings are for conceptual purposes only and are not to be used for construction. The design is subject to change without notice. The design is not to be used for construction without the approval of the designer.



Double-faced, illuminated pylondisplay (conceptual only)

Scale: 3/32" = 1'-0"

All surface fabrication and support enclosures to be semi-gloss painted aluminum (colors to be determined).

Sign MS

quantity = 1



Electrical service to sign by others -
120V 20 amp circuit with disconnect.

Stone base installed by GC.

DOUBLE FACE INTERNALLY ILLUMINATED MONUMENT SIGN
Aluminum cabinet construction. Panaflex sign faces for "Steak 'n Shake". Cabinet filler painted red. White faced with 3M red vinyl copy. Cabinet wings painted Silver. Logo can to be painted gloss black. Tagline face clear acrylic background decorated with 3M black vinyl (2nd surface) - copy 3M white vinyl. 1" trim cap. Tagline can to be painted gloss black. silver above cabinet & below SNS cabinet.

LED Illumination - LED by GE Lighting Solutions.

DOUBLE FACE INTERNALLY ILLUMINATED MONUMENT SIGN						
Description	A	B	C	Actual	Boxed	Max
M60 Monument Sign	4'-11 1/2"	12'-0"	1'-10 5/8"	50 sq.ft.	59.5 sq.ft.	4.8

Pending Program Approval and Municipal Requirements - Steak 'n Shake approval required.

quantity = 1

Secondary Offer:
Diesel (if required)

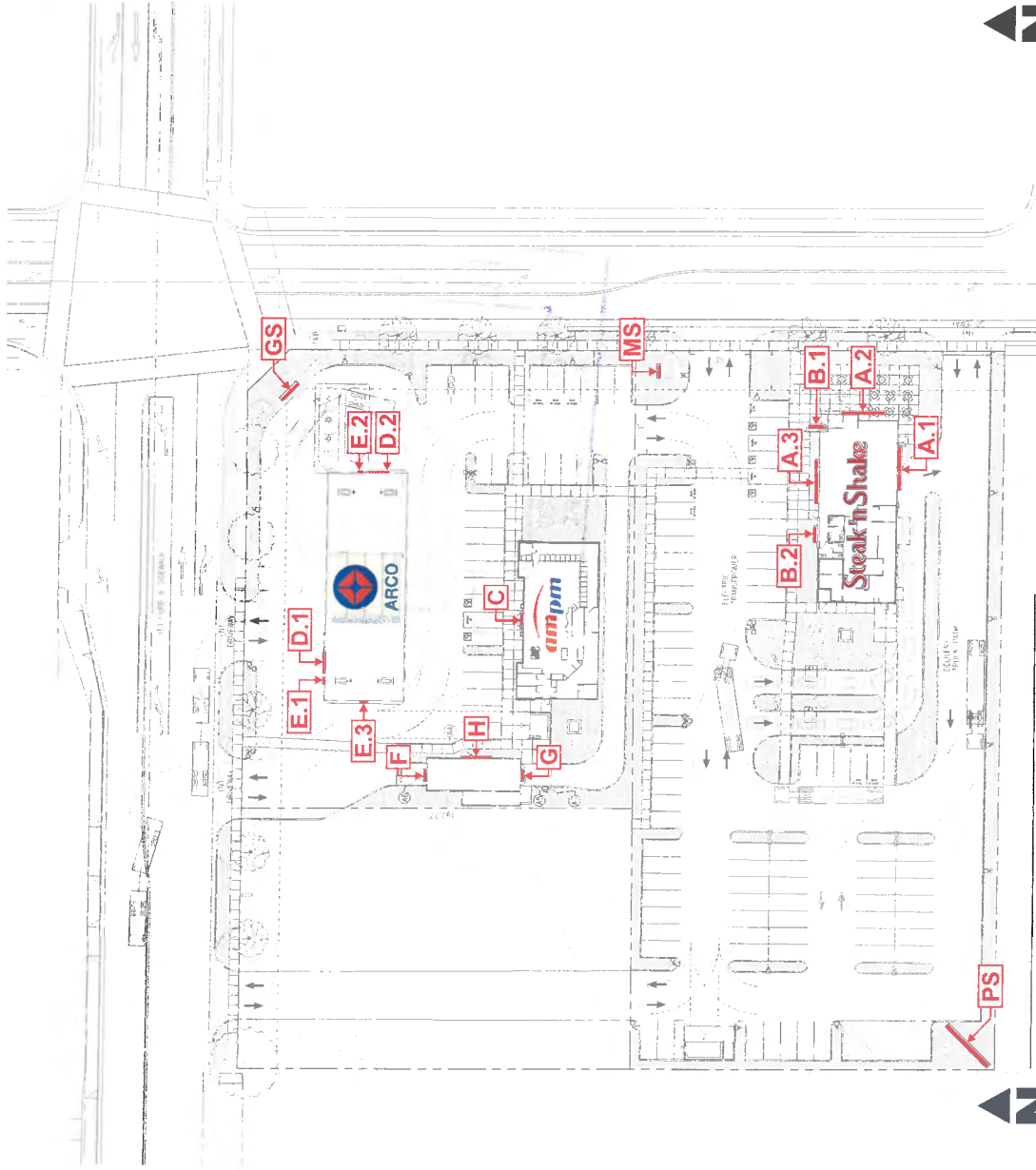


PROJECT:		REVISION	DATE	DESCRIPTION	APPROVALS
CUSTOMER:	Melton Center Rural road and Gas Compressor	1	12-16-15	Issue was sent to outside maint.	
LOCATION:	SWC CRIS Ave & Parsons St	2	2-5-16	Rough design sign	
DATE:	12/12/2015				
SIGNATURE:	[Signature]				
DESIGNER:	JAMES FRANKS				

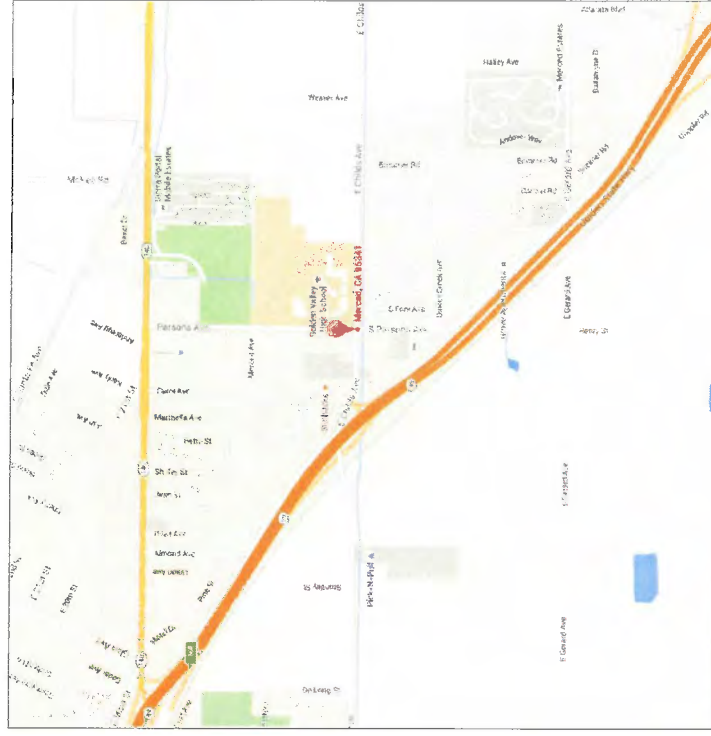
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Site Plan - Scale: 1" = 60'-0"



Vicinity Map - Scale: NTS



2670 W. SHAW LANE/SUITE 102
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PROJECT: Mixed Center Retail Food and Gas Corridor
 CUSTOMER: SMC Cities Ave. & Parsons St.
 DATE: 12/12/15
 SALES: Bob Meyer
 DESIGNER: ADART

REVISION	DATE	DESCRIPTION
1	12-12-15	Kenise gas sign to include tenants
2	2-3-16	Revised sign

SALES: _____
 CUSTOMER: _____
 LANDLORD: _____

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CITY OF MERCED
Planning Commission

Resolution #2983

WHEREAS, the Merced City Planning Commission at its regular meeting of March 9, 2011, held a public hearing and considered **Conditional Use Permit #1158**, initiated by Mark Calvano, property owner. This application involves demolition of an existing 31,500-square-foot building in order to construct a convenience store with gas pumps (including “off-site” alcohol sales as an accessory use), two restaurants (one with a drive-through window), and a car wash (or possibly a second restaurant with a drive-through). The Applicant also requests to increase the allowable signage for each of the three parcels created by this development from 200 square feet to 500 square feet, and the construction of a multi-functional pylon sign up to 110 feet tall. The proposed project is on a 3.2-acre site generally located on the southwest corner of East Childs Avenue and Parsons Avenue within a Thoroughfare Commercial (C-T) Zone; also known as Assessor’s Parcel No. 061-240-040; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through W of Staff Report #11-02 - Addendum; and,

WHEREAS, 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 #11-01, and approve Conditional Use Permit #1158, subject to the Conditions set forth in Exhibit A attached hereto.

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

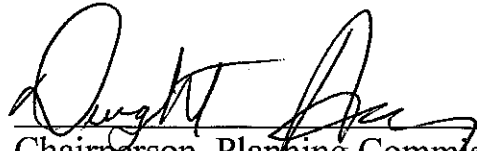
AYES: Commissioners Acheson, Ward, McCoy, Colby, and
Chairperson Amey
NOES: None
ABSENT: Commissioner Cervantes (one vacancy)
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #2983

Page 2

March 9, 2011

Adopted this 9th day of March 2011


Chairperson, Planning Commission of
the City of Merced, California

ATTEST:


Secretary

Attachment:

Exhibit A – Conditions of Approval

n:\shared\planning\PC Resolutions\CUP#1158 Calvano

Conditions of Approval
Planning Commission Resolution #2983
Conditional Use Permit #1158

Standard Conditions

1. The proposed project shall be constructed/designed as shown on Exhibits 1, 2, 3, 4, 5, and 6 (Site Plan, Roadway Cross-Sections, Convenience Store Elevations, Sit-Down Restaurant Elevations, Restaurant with Drive-through window Elevations, and Telecommunications Tower/Pylon Sign) -- Attachments B through G of Staff Report #11-02 - Addendum, except as modified by the conditions contained within this report.
2. All conditions contained in Resolution #1249-Amended ("Standard Conditional Use Permit Conditions") 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.
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 (with counsel selected by the City), 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 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 project shall comply with all applicable local, state laws, codes and regulations of the current Edition of the Building, Plumbing and Mechanical Codes, National Electrical Codes, and State Accessibility (ADA) requirements including, but not limited to, site accessibility.
8. The project shall comply with the current Edition of the Fire Codes including, but not limited to, fire sprinklers for all buildings over 5,000 square feet; supervisory fire alarms, key box(s), fire department connection location(s), panic hardware, emergency lighting, illuminated exit signs, etc.
9. The placement of temporary signs on the building walls and windows is subject to City Staff review and approval.

Off-Site Sales of Alcohol

10. If window signs are installed, they shall not cover more than 40% of the window area.
11. The site shall be maintained free of graffiti. Any graffiti shall be removed immediately and painted over with a color that matches the existing building color.

12. No alcohol shall be displayed or stored outside of the cooler areas, including ice tubs.
13. The proprietor and/or successors in interest and management shall be prohibited from advertising or promoting beer & wine and/or distilled spirits on the motor fuel islands and no self-illuminated advertising for alcohol shall be located on the building or in the windows.
14. No sale of alcoholic beverages shall be made from a drive-in window. No beer or wine coolers shall be sold in “singles.”
15. Employees on duty between the hours of 10 p.m. and 2 a.m. shall be at least 21 years of age to sell alcohol.
16. The proprietor and/or successors in interest and management shall comply with all Municipal Codes relating to loitering, open container laws and other nuisance-related issues.
17. The area within the mini-market dedicated to the display and sale of alcoholic beverages (beer and wine) shall not be more than 5 cooler spaces (typical of those found in a grocery store or convenience market) or approximately 50 square feet.
18. The City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct result from the proposed land use, the conditional use permit may be subject to review and revocation by the City of Merced after a public hearing and in conformance with the procedures outlined in the Merced Municipal Code.

Signage

19. None of the proposed signs (inclusive of the monument signs) shall encroach into the 10-foot visual triangle required for each commercial driveway that intersects with a City Street as well as the 40-foot visual triangle at the intersection of Childs and Parsons Avenue.

20. The pylon sign shall be a maximum of 110-feet in height and may be capped with a “Welcome to Merced” sign. The digital reader board is not approved at this time and is prohibited by City Ordinance. However, if the digital reader boards are subsequently allowed by Ordinance amendment said pylon with digital reader board may be approved but subject to the new City Ordinance if and when implemented. Details to be worked out at the site plan review stage. The “Welcome to Merced” cap on the pylon sign shall be a requirement to be placed on the sign if a subsequent Ordinance Amendment is approved allowing for digital reader boards.
21. The applicant is allowed a maximum of 500 square feet of signage per parcel (up to 3 parcels can be created). All signage shall comply with the Merced Sign Ordinance and Zoning Code and be subject to building permits. Signs can only advertise businesses located on this 3.2 acre parcel (also known as APN# 061-240-040).
22. All signs shall be maintained regularly and any damage caused by weathering, vandalism or any other factors shall be repaired in keeping with the approved materials and finishes.
23. The monument signs, wall, or other types of site elements that require illumination constructed along Parsons Avenue shall not exceed a maximum of 4-foot candles, since they are across the street from residential uses. Details to be worked out at the building permit stage.
24. All signage (both sides, except the “Welcome to Merced” sign) installed on the pylon sign for each use counts toward the total sign allowance for each parcel. Only businesses located on the project site (3.2 acre parcel) are eligible to install signage on the pylon sign, with a joint use agreement. No off-premises businesses or events may be advertised on the pylon sign at this time. However, if digital reader boards and off-premises advertising are subsequently allowed by Ordinance Amendment, any off-premise advertising would be limited to the digital reader board after the applicant has obtained the necessary approvals from the City for the installation of a digital reader board.

Circulation

25. The applicant shall improve all adjacent roads to meet City Standards where necessary including but not limited to curb, gutter, sidewalk, park strip, landscaping, street lights, parking, Childs Avenue median, and travel lanes.
26. Secondary access points shall be maintained for each parcel within the project for fire access purposes. The access shall be a minimum of 20-feet in width. These drive aisles shall comply with the City of Merced Standard for commercial development and are to be reviewed by the Fire Department as part of the review of the parcel map and improvement plan submittals. Joint Parking and Access Agreements shall be required to be approved prior to issuance of building permits.
27. The applicants shall install a concrete (non-landscaped) median along Childs Avenue. The median shall begin at the intersection of Parsons and Childs Avenues and stop at a point to be determined by the City Engineer, but at least preventing left-hand turns into the driveway closest to Parsons Avenue, but not further than 300 feet from the eastern property intersection on Childs Avenue. Details to be reviewed by the Planning and Engineering Departments as part of the review of the parcel map and improvement plan submittals.

Site Design

28. Each building shall be internally connected with pedestrian walkways with lighting, which in turn will be connected to public sidewalks along adjacent public streets. Where a building is fronting a street, each building shall have a minimum of two connection points to the public sidewalks.
29. The setback from property lines that parallel public streets for all buildings shall be a minimum of 20 feet. The setback includes all features of the building and the buildings' ancillary features.
30. All exterior utilities will need to be screened with details to be reviewed by Planning Staff at the building permit stage.

31. A minimum turning radius of 33 feet inside, curb-to-curb and 49 feet wall-to-wall for fire apparatus access must be provided throughout the project. Refuse containers or other items shall not be permitted to be placed in the required clear space of the turning area.
32. Refuse containers shall be stored in receptacle shelters that match the building elevation to the refuse container(s). Details to be reviewed by Planning and Public Works Staff at the building permit stage.
33. Fire hydrants to be provided and spaced in accordance with City of Merced standards. Placement of fire hydrants and number of hydrants to be worked out at the building permit stage.
34. Concurrent with or prior to submitting the building permit plan, a Lighting Plan shall be submitted to the Planning Department for review. The plan shall be designed to include decorative lamps, low foot-candles (no more than 4 foot-candles along Parsons Avenue) and an even distribution of light. Shields shall be used to prevent light from spilling onto surrounding streets and properties. Top shields are required on pole-mounted lights.
35. A demolition permit is required prior to demolition of the existing buildings from the Inspection Services Division. Prior to issuance of the demolition permit, the applicant shall obtain a release from the San Joaquin Valley Air Pollution Control District.
36. A complete landscape/sprinkler plan shall be submitted at the building permit stage. Parking lot trees shall be provided at a ratio of one tree for every six parking stalls.
37. A grease interceptor may be required for any use that requires the preparation of food. This will be determined at the building permit stage based on the type of food prepared and served and waste generated.

Future Applications

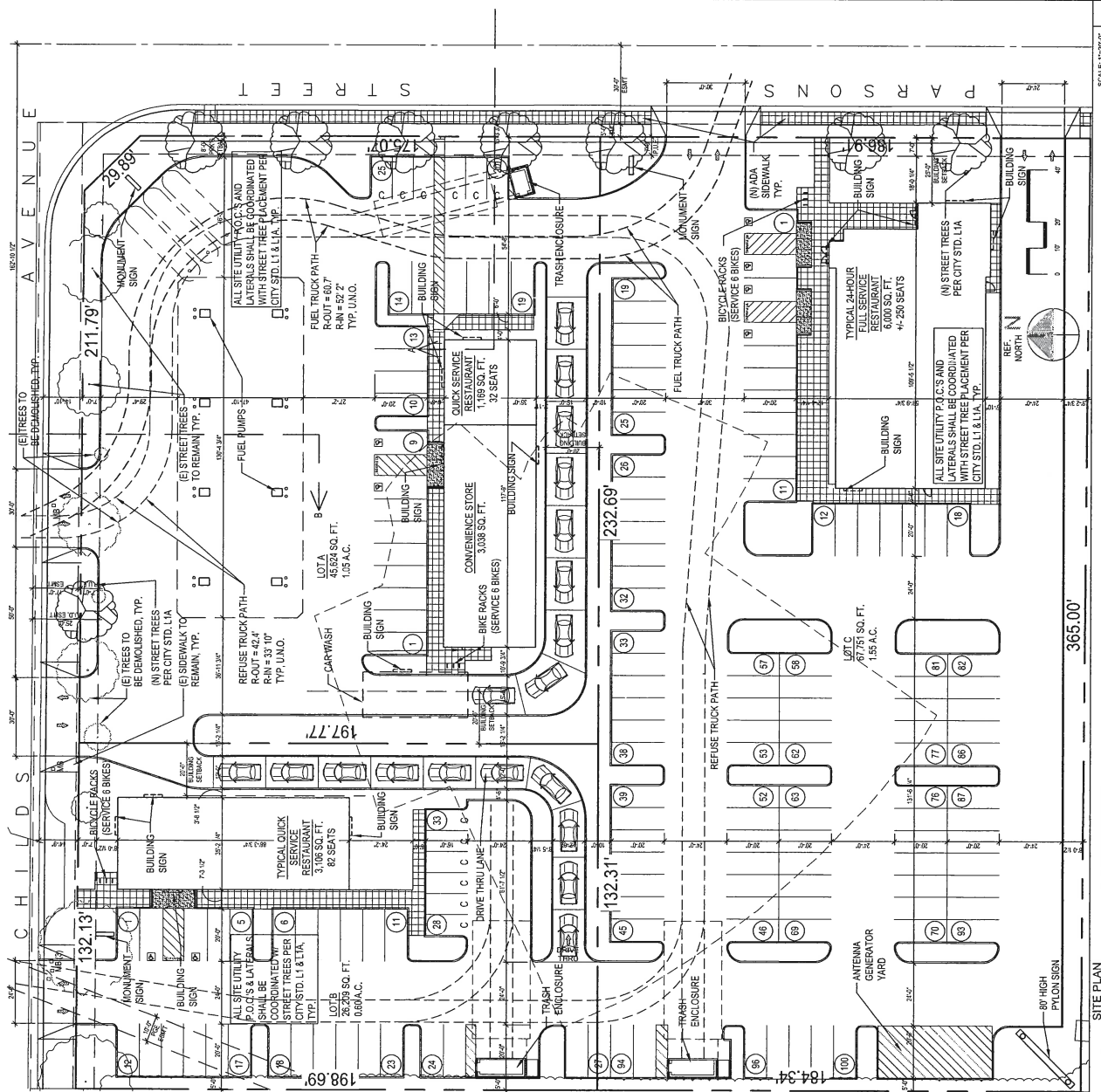
38. If the Census Tract in which the parcel is located in is “over-concentrated,” then an alcohol license requires approval of a “Public Convenience or Necessity” Letter (PCN Letter). The allowance for the

sales of Alcohol on the project site, whether it be for on-site consumption or off-site sales, shall be subject to approval by the City Council of a finding of the Public Convenience or Necessity, per the requirements of Alcoholic Beverage Control (ABC).

39. Since detailed elevations, including materials, dimensions, etc. are not available, a Site Plan Review Application is required for the elevations, signage, landscaping, etc. for all buildings on the project site prior to construction, subject to approval by the Site Plan Review Committee.
40. A Parcel Map, subject to approval by the Minor Subdivision Committee, shall be required if the applicant would like to pursue subdividing the 3.2 acre parcel. If the development's 3.2 acre parcel is subdivided, the Telecommunications Tower/Pylon Sign can be located on its own separate parcel. However, if the telecommunications tower and equipment area is located on its own parcel, no signage shall be permitted for this parcel. The 3.2 acre development site shall be limited to a maximum of 1,500 square feet of total signage.
41. If the pylon sign is to be used as a telecommunications tower, approval of a Site Plan Review application by the Site Plan Review Committee will be required once a telecommunications tenant is identified.
42. If the Telecommunications Tower/Pylon Sign parcel were to have an additional building constructed on site (in addition to the other buildings already approved for the site) that catered to customers and required these patrons to visit the commercial business; the site might be eligible for up to 500 square feet of signage with a Site Plan Review Application by the Site Plan Review Committee.

n:shared:planning:PC Resolutions:CUP#1158 Exhibit A

1 PC mtg. 3/9/11



APPROVED/DENIED BY MERCED

DEVELOPER/OWNER
CALVANO DEVELOPMENT
900 BUSH STREET, PENTHOUSE 1
SAN FRANCISCO, CA 94109
CONTACT: MARK CALVANO
PHONE: (415) 822-0449
EMAIL: MARK@CALVANO.COM

ARCHITECT

WMA ARCHITECTURE
637 FIFTH AVENUE
SAN RAFAEL, CA 94901
CONTACT: ELDRICK ALEXANDER
PHONE: (415) 451-2500 EX. 15
EMAIL: E.ALEXANDER@WMAARCH.COM

PARKING DATA

LOT A CONVENIENCE STORE/ GAS STATION REQUIRED PARKING: 1 SPACE PER 250 SQ. FT. 3,000 SQ. FT./250 = 12 SPACES QUICK SERVE RESTAURANT OR CAR WASH/ W/ DRIVE THRU 1 SPACE PER 2.5 SEATS EST. 32 SEATS/ 2.5 = 13 SPACES REQUIRED PARKING:	PROVIDED PARKING: STANDARD: 17 SPACES COMPACT: 2 SPACES 8 SPACES
TOTAL REQUIRED PARKING: 12 + 13 SPACES = 25 SPACES	TOTAL PROVIDED: 25 SPACES

OT. B. QUICK SERVE RESTAURANT W/ DRIVE THRU
REQUIRED PARKING: 1 SPACE PER 2.5 SEATS
EST. 12 SEATS / 2.5 = 33 SPACES
PROVIDED PARKING: 25 SPACES
STANDARD: 2 SPACES
DISABLED: 6 SPACES
COMPACT: 33 SPACES
TOTAL PROVIDED: 33 SPACES

FULL SERVICE RESTAURANT
 1 SPACE PER 2.5 SEATS
 REQUIRED PARKING:
 PROVIDED PARKING: 96 SPACES
 STANDARD: 43 SPACES
 DISABLED: 0 SPACES
 COMPACT: 0 SPACES
 TOTAL PROVIDED: 100 SPACES

LOT DATA

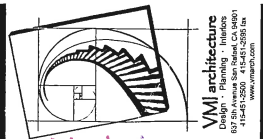
APN: 004-024-108	ZONING: CT FOR COMMERCIAL THOROUGHFARE		LOT A		LOT B		LOT C	
GENERAL PLAN: MIXED USE	COMMERICAL THOROUGHFARE							
USE:								
	SITE AREA: 45,624 SQ' (1.05 AC)		26,209 SQ' (0.60 AC)		3,108 SQ'		6,000 SQ'	
	BUILDING AREA: 3,038 SQ' + 1,189 SQ'		118 % COVERAGE		8.9 % COVERAGE		8.9 % COVERAGE	
	LANDSCAPE AREA: 7,287 SQ'		15.9% COVERAGE		6,384 SQ'		12,970 SQ'	
					24.5% COVERAGE		19.1% COVERAGE	
	SETBACKS:		FRONT YARD (PERMETER): 25'		SIDE/REAR/INTERIOR YARD: 20'			
					PARSONS ST. (R ZONE): 8'			
					EASEMENTS:		VARIES - SEE PLAN	
	MAXIMUM HEIGHT: 2 STORY, 35' MAX.							
	MAXIMUM LOT COVERAGE: 50%							

LIST OF DRAWINGS

DD1.0	PRELIMINARY SITE PLAN / PROJECT DATA
DD2.0	STREET SECTIONS

PROJECT DATA

8

VMI JOB NUMBER
1062

PRELIMINARY - NOT
FOR CONSTRUCTION

RECORD DATES	CLIENT
DD SUBMITTAL	CALVANO DEVELOPMENT
DD SUBMITTAL	1111 CALVANO DRIVE
DD SUBMITTAL	SAN FRANCISCO, CA 94108
CONTRACT SET	
REVISIONS	PROJECT
1/1/1910 Site Area Update	MERCED CENTER
2/1/2011 Planning Dept Comments	SWC CHILDS & PARSONS AVE.
	APN: 004-424-108
	MERCE 004-424-108

CUSTOM
PRELIMINARY
SITE LAYOUT

DD1.0

EXHIBIT K

Extended on 7/13/2011
Extended on 9/10/2015

CITY OF MERCED
Minor Subdivision Committee
Lot Split Application #11-02

RESOLUTION # 928

WHEREAS, the Merced City Minor Subdivision Committee met on September 12, 2011, to consider Lot Split Application #11-02, which would provide for the re-subdivision of one 3.2 acre parcel, generally described as being located at the southeast corner of Childs and Parsons Avenues, Merced, California, APN 061-240-040; and,

WHEREAS, upon due public notice, a public hearing was conducted on above said date; and,

WHEREAS, said re-subdivision would create the three parcels shown on Exhibit A.

WHEREAS, said Lot Split #11-02 has been reviewed by the Merced Minor Subdivision Committee and found to comply with the provisions of the Subdivision Ordinance and Lot Split Procedures, and finds the following:

1. The proposed minor subdivision complies with the currently adopted City of Merced General Plan.
2. The City of Merced has conducted an environmental review of the proposed minor subdivision in accordance with the California Environmental Quality Act (CEQA) and has concluded this is a categorically exempt Class 15 project.

NOW, THEREFORE, BE IT RESOLVED that the Minor Subdivision Committee does approve Lot Split Application #11-02, submitted by Fremming Parson, and Pecchenino on behalf of Calvano Development, property owner, subject to the following conditions:

1. Survey monuments shall be set at all angle points and lot corners.
2. All construction and improvements, due as part of the building permit stage, shall be in accordance with zoning, building, and all other codes, ordinances, standards, and policies of the City of Merced.
3. Either prior to the sale of any parcel described herein, or within two years of the date of this resolution, whichever is sooner, an official parcel map/record of survey shall be filed with the Merced County Recorder in accordance with Section 66410 et. seq. of the State of California Government Code (Subdivision Map Act). Any lawful extensions, if granted, would apply.
4. Conditions, Covenants, and Restrictions (CC&R's) shall be recorded concurrently with the Parcel Map. The CC&R's shall include conditions to insure the landscaping on each parcel is well maintained and each parcel is kept free of trash, weeds, and other debris.
5. All construction and improvements shall comply with previous approvals (Conditional Use Permit #1158 – Planning Commission Resolution #2983 – Exhibit B) and applicable mitigation measures.

LOT SPLIT RESOLUTION #928

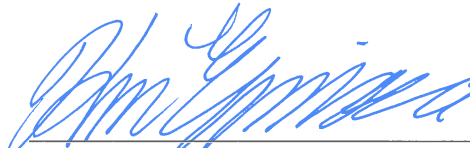
Page 2

September 12, 2011

6. Upon recordation of the Parcel Map, the existing building will become non-conforming as it will be crossing property lines. Therefore, it shall be demolished prior to recording the Parcel Map. A demolition permit shall be obtained from the Inspection Services Department prior to demolition.
7. All property taxes due for this property shall be paid and proof of payment provided to the City of Merced prior to recordation of the Parcel Map.
8. Cross-access shall be provided to all three parcels through CC&R's. A reference to the CC&R's shall be made on the Parcel Map.
9. The cargo container that crosses the southern property line as shown on the Tentative Map shall be moved prior to submittal of the Parcel Map.
10. The owner shall provide the City of Merced a "Parcel Map Guarantee Report" from a Title Company at least two weeks prior to recording the Parcel Map.
11. At the time of the Parcel Map submittal, a 7-foot-wide Public Utilities Easement (P.U.E.) shall be dedicated continuously along Parsons and Childs Avenues as needed.
12. The owner shall pay all recording fees with a separate check made payable to the "Merced County Recorder's Office."
13. The property owner shall enter into a "Subdivision Drainage Agreement" with the Merced Irrigation District Improvement District No 1 (MIDDID No. 1) and pay all applicable fees as required by MID.
14. The property owner shall contact MID and enter into all necessary agreements for all crossings over or under any MID facilities, including utilities, bridges, driveways, and pipelines and for all work associated with MID facilities. The developer shall construct all necessary improvements or upgrades needed to accommodate the traffic generated by this project over the existing MID facilities as required by MID.

Upon motion by Acting Committee Member Elwin, seconded by Acting Committee Member Nelson, and unanimously approved.

Adopted this 12th day of September, 2011.

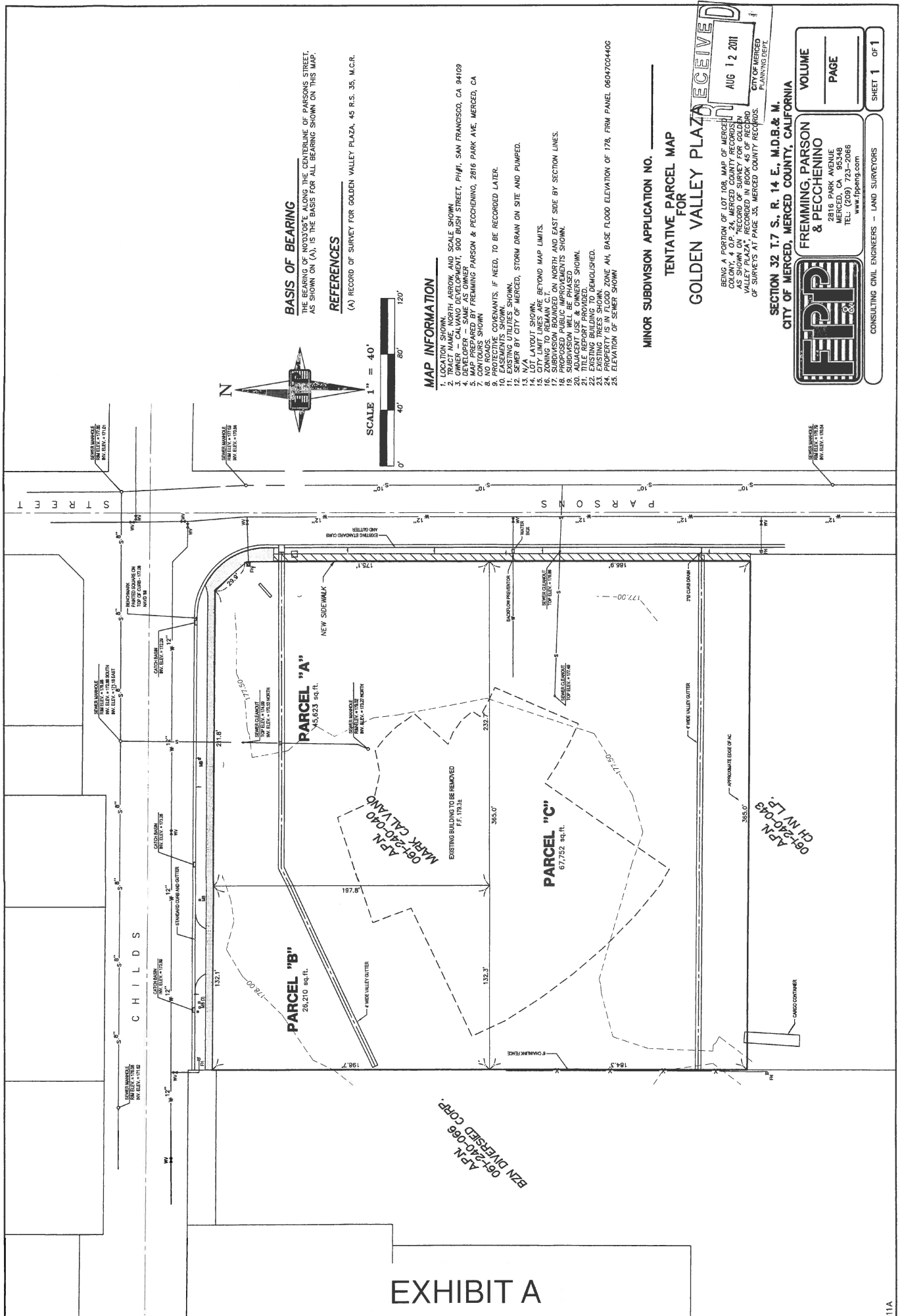
 *David Gonzalez*
Chairman, Minor Subdivision Committee
of the City of Merced, California

ATTEST:


Acting Secretary

July 13, 2011: On July 13, 2011, the State of California gave a 24-month extension to all active (not expired) tentative maps that would have otherwise been scheduled to expire on or before January 1, 2014. Therefore, the tentative map approved by Minor Subdivision Resolution #928 for Lot Split #11-02 hereby has its expiration date extended to September 12, 2015.

September 10, 2015: On September 10, 2015, the Site Plan Review Committee approved a one year extension for the tentative map approved by Minor Subdivision Resolution #928 for Lot Split #11-02. Therefore, this map has its expiration date extended to September 12, 2016.



CITY OF MERCED
Planning Commission

Resolution #2983

WHEREAS, the Merced City Planning Commission at its regular meeting of March 9, 2011, held a public hearing and considered **Conditional Use Permit #1158**, initiated by Mark Calvano, property owner. This application involves demolition of an existing 31,500-square-foot building in order to construct a convenience store with gas pumps (including “off-site” alcohol sales as an accessory use), two restaurants (one with a drive-through window), and a car wash (or possibly a second restaurant with a drive-through). The Applicant also requests to increase the allowable signage for each of the three parcels created by this development from 200 square feet to 500 square feet, and the construction of a multi-functional pylon sign up to 110 feet tall. The proposed project is on a 3.2-acre site generally located on the southwest corner of East Childs Avenue and Parsons Avenue within a Thoroughfare Commercial (C-T) Zone; also known as Assessor’s Parcel No. 061-240-040; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through W of Staff Report #11-02 - Addendum; and,

WHEREAS, 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 #11-01, and approve Conditional Use Permit #1158, subject to the Conditions set forth in Exhibit A attached hereto.

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

AYES: Commissioners Acheson, Ward, McCoy, Colby, and
Chairperson Amey
NOES: None
ABSENT: Commissioner Cervantes (one vacancy)
ABSTAIN: None

EXHIBIT B

PLANNING COMMISSION RESOLUTION #2983

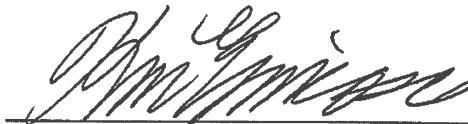
Page 2

March 9, 2011

Adopted this 9th day of March 2011


Chairperson, Planning Commission of
the City of Merced, California

ATTEST:


Secretary

Attachment:

Exhibit A – Conditions of Approval

n:\shared\planning\PC Resolutions\CUP#1158 Calvano

**Conditions of Approval
Planning Commission Resolution #2983
Conditional Use Permit #1158**

Standard Conditions

1. The proposed project shall be constructed/designed as shown on Exhibits 1, 2, 3, 4, 5, and 6 (Site Plan, Roadway Cross-Sections, Convenience Store Elevations, Sit-Down Restaurant Elevations, Restaurant with Drive-through window Elevations, and Telecommunications Tower/Pylon Sign) -- Attachments B through G of Staff Report #11-02 - Addendum, except as modified by the conditions contained within this report.
2. All conditions contained in Resolution #1249-Amended ("Standard Conditional Use Permit Conditions") 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.
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 (with counsel selected by the City), 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 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 project shall comply with all applicable local, state laws, codes and regulations of the current Edition of the Building, Plumbing and Mechanical Codes, National Electrical Codes, and State Accessibility (ADA) requirements including, but not limited to, site accessibility.
8. The project shall comply with the current Edition of the Fire Codes including, but not limited to, fire sprinklers for all buildings over 5,000 square feet; supervisory fire alarms, key box(s), fire department connection location(s), panic hardware, emergency lighting, illuminated exit signs, etc.
9. The placement of temporary signs on the building walls and windows is subject to City Staff review and approval.

Off-Site Sales of Alcohol

10. If window signs are installed, they shall not cover more than 40% of the window area.
11. The site shall be maintained free of graffiti. Any graffiti shall be removed immediately and painted over with a color that matches the existing building color.

12. No alcohol shall be displayed or stored outside of the cooler areas, including ice tubs.
13. The proprietor and/or successors in interest and management shall be prohibited from advertising or promoting beer & wine and/or distilled spirits on the motor fuel islands and no self-illuminated advertising for alcohol shall be located on the building or in the windows.
14. No sale of alcoholic beverages shall be made from a drive-in window. No beer or wine coolers shall be sold in "singles."
15. Employees on duty between the hours of 10 p.m. and 2 a.m. shall be at least 21 years of age to sell alcohol.
16. The proprietor and/or successors in interest and management shall comply with all Municipal Codes relating to loitering, open container laws and other nuisance-related issues.
17. The area within the mini-market dedicated to the display and sale of alcoholic beverages (beer and wine) shall not be more than 5 cooler spaces (typical of those found in a grocery store or convenience market) or approximately 50 square feet.
18. The City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct result from the proposed land use, the conditional use permit may be subject to review and revocation by the City of Merced after a public hearing and in conformance with the procedures outlined in the Merced Municipal Code.

Signage

19. None of the proposed signs (inclusive of the monument signs) shall encroach into the 10-foot visual triangle required for each commercial driveway that intersects with a City Street as well as the 40-foot visual triangle at the intersection of Childs and Parsons Avenue.

20. The pylon sign shall be a maximum of 110-feet in height and may be capped with a “Welcome to Merced” sign. The digital reader board is not approved at this time and is prohibited by City Ordinance. However, if the digital reader boards are subsequently allowed by Ordinance amendment said pylon with digital reader board may be approved but subject to the new City Ordinance if and when implemented. Details to be worked out at the site plan review stage. The “Welcome to Merced” cap on the pylon sign shall be a requirement to be placed on the sign if a subsequent Ordinance Amendment is approved allowing for digital reader boards.
21. The applicant is allowed a maximum of 500 square feet of signage per parcel (up to 3 parcels can be created). All signage shall comply with the Merced Sign Ordinance and Zoning Code and be subject to building permits. Signs can only advertise businesses located on this 3.2 acre parcel (also known as APN# 061-240-040).
22. All signs shall be maintained regularly and any damage caused by weathering, vandalism or any other factors shall be repaired in keeping with the approved materials and finishes.
23. The monument signs, wall, or other types of site elements that require illumination constructed along Parsons Avenue shall not exceed a maximum of 4-foot candles, since they are across the street from residential uses. Details to be worked out at the building permit stage.
24. All signage (both sides, except the “Welcome to Merced” sign) installed on the pylon sign for each use counts toward the total sign allowance for each parcel. Only businesses located on the project site (3.2 acre parcel) are eligible to install signage on the pylon sign, with a joint use agreement. No off-premises businesses or events may be advertised on the pylon sign at this time. However, if digital reader boards and off-premises advertising are subsequently allowed by Ordinance Amendment, any off-premise advertising would be limited to the digital reader board after the applicant has obtained the necessary approvals from the City for the installation of a digital reader board.

Circulation

25. The applicant shall improve all adjacent roads to meet City Standards where necessary including but not limited to curb, gutter, sidewalk, park strip, landscaping, street lights, parking, Childs Avenue median, and travel lanes.
26. Secondary access points shall be maintained for each parcel within the project for fire access purposes. The access shall be a minimum of 20-feet in width. These drive aisles shall comply with the City of Merced Standard for commercial development and are to be reviewed by the Fire Department as part of the review of the parcel map and improvement plan submittals. Joint Parking and Access Agreements shall be required to be approved prior to issuance of building permits.
27. The applicants shall install a concrete (non-landscaped) median along Childs Avenue. The median shall begin at the intersection of Parsons and Childs Avenues and stop at a point to be determined by the City Engineer, but at least preventing left-hand turns into the driveway closest to Parsons Avenue, but not further than 300 feet from the eastern property intersection on Childs Avenue. Details to be reviewed by the Planning and Engineering Departments as part of the review of the parcel map and improvement plan submittals.

Site Design

28. Each building shall be internally connected with pedestrian walkways with lighting, which in turn will be connected to public sidewalks along adjacent public streets. Where a building is fronting a street, each building shall have a minimum of two connection points to the public sidewalks.
29. The setback from property lines that parallel public streets for all buildings shall be a minimum of 20 feet. The setback includes all features of the building and the buildings' ancillary features.
30. All exterior utilities will need to be screened with details to be reviewed by Planning Staff at the building permit stage.

31. A minimum turning radius of 33 feet inside, curb-to-curb and 49 feet wall-to-wall for fire apparatus access must be provided throughout the project. Refuse containers or other items shall not be permitted to be placed in the required clear space of the turning area.
32. Refuse containers shall be stored in receptacle shelters that match the building elevation to the refuse container(s). Details to be reviewed by Planning and Public Works Staff at the building permit stage.
33. Fire hydrants to be provided and spaced in accordance with City of Merced standards. Placement of fire hydrants and number of hydrants to be worked out at the building permit stage.
34. Concurrent with or prior to submitting the building permit plan, a Lighting Plan shall be submitted to the Planning Department for review. The plan shall be designed to include decorative lamps, low foot-candles (no more than 4 foot-candles along Parsons Avenue) and an even distribution of light. Shields shall be used to prevent light from spilling onto surrounding streets and properties. Top shields are required on pole-mounted lights.
35. A demolition permit is required prior to demolition of the existing buildings from the Inspection Services Division. Prior to issuance of the demolition permit, the applicant shall obtain a release from the San Joaquin Valley Air Pollution Control District.
36. A complete landscape/sprinkler plan shall be submitted at the building permit stage. Parking lot trees shall be provided at a ratio of one tree for every six parking stalls.
37. A grease interceptor may be required for any use that requires the preparation of food. This will be determined at the building permit stage based on the type of food prepared and served and waste generated.

Future Applications

38. If the Census Tract in which the parcel is located in is “over-concentrated,” then an alcohol license requires approval of a “Public Convenience or Necessity” Letter (PCN Letter). The allowance for the

sales of Alcohol on the project site, whether it be for on-site consumption or off-site sales, shall be subject to approval by the City Council of a finding of the Public Convenience or Necessity, per the requirements of Alcoholic Beverage Control (ABC).

39. Since detailed elevations, including materials, dimensions, etc. are not available, a Site Plan Review Application is required for the elevations, signage, landscaping, etc. for all buildings on the project site prior to construction, subject to approval by the Site Plan Review Committee.
40. A Parcel Map, subject to approval by the Minor Subdivision Committee, shall be required if the applicant would like to pursue subdividing the 3.2 acre parcel. If the development's 3.2 acre parcel is subdivided, the Telecommunications Tower/Pylon Sign can be located on its own separate parcel. However, if the telecommunications tower and equipment area is located on its own parcel, no signage shall be permitted for this parcel. The 3.2 acre development site shall be limited to a maximum of 1,500 square feet of total signage.
41. If the pylon sign is to be used as a telecommunications tower, approval of a Site Plan Review application by the Site Plan Review Committee will be required once a telecommunications tenant is identified.
42. If the Telecommunications Tower/Pylon Sign parcel were to have an additional building constructed on site (in addition to the other buildings already approved for the site) that catered to customers and required these patrons to visit the commercial business; the site might be eligible for up to 500 square feet of signage with a Site Plan Review Application by the Site Plan Review Committee.

n:shared:planning:PC Resolutions:CUP#1158 Exhibit A

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 #395 (Environmental Review #16-04)

Project Applicant: Sater Oil International, LLC, on behalf of Mark A. Calvano, Trustee,
property owner

Project Location (Specific): 2020 E. Childs Ave. **APN:** 061-240-040

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

Description of Nature, Purpose, and Beneficiaries of Project:

The project involves demolition of an existing building and the construction of a new retail center containing a gas station, mini-market, car wash, and fast-food restaurant totaling approximately 8,055 square feet.

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Mike Sater, Sater Oil International, LLC

Exempt Status: (check one)

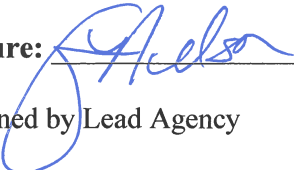
- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ Categorical Exemption. Section Number: Section 153032 (in-fill Development Projects)
☐ Statutory Exemptions. State Code Number: _____.
☐ General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt: Project is considered an in-fill development project. The project location is within the City limits on a 3.2 acre parcel surrounded by urban uses. The site has previously been developed and 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 subdivision of the lots. The project is consistent with the City of Merced General Plan and Zoning regulations.

Lead Agency: City of Merced

Contact Person: Julie Nelson, Planner

Area Code/Telephone: (209) 385-6858

Signature:  **Date:** 2-23-16 **Title:** Associate Planner

 X Signed by Lead Agency

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

PARCEL C
±67,749 SF
(1.56 AC)
3,750 SF
5.5% COVERAGE
24'-0"
13,787 SF
20.3% COVERAGE

ATING)