

CITY OF MERCED
Site Plan Review Committee

MINUTES

Planning Conference Room
2nd Floor Civic Center
Thursday, October 8, 2015

Acting Chairperson KING called the meeting to order at 1:34 p.m.

ROLL CALL

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

Committee Members Absent: None

Staff Present: Planning Manager Espinosa, Associate Planner Nelson, Planner/Recording Secretary Mendoza-Gonzalez, and Senior Deputy City Attorney Rozell (in attendance only for a portion of item 4.3)

1. **MINUTES**

M/S STEPHENSON-CARDOSO, and carried by unanimous voice vote, to approve the Minutes of both August 13, 2015, and September 10, 2015, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

4.1 Site Plan Application #386, submitted by Alik Ghazaryan for K C Parcel 12 Properties, LLC, property owners, to allow a biomedical waste transfer station within a 1,250-square-foot tenant space inside

an existing building located at 116 Heron Way (Suite F), within a Light Industrial (I-L) Zone.

Planner MENDOZA-GONZALEZ reviewed the application for this item. For further information, refer to Draft Site Plan Review Committee Resolution #386. A memorandum was distributed before the meeting showing corrections and modifications to findings in the draft resolution. Finding D should be corrected to show that the subject site is located within Airport Compatibility Zones B1 and C instead of Zones B1 and A. In addition, Findings E and F should be updated to show that the applicant does not desire to store dental waste or hazardous liquid waste within their facility at this time.

Acting Chairperson KING recommended modifying Condition #6 to require the applicant to comply with all requirements from the California Department of Public Health and the Merced County Health Department prior to obtaining a Business License or a Building Permit, instead of prior to opening for business.

M/S STEPHENSON-CARDOSO, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #15-25, and approve Site Plan Application #386, subject to the Findings and fourteen (14) conditions set forth in the Draft Resolution #386; amending Findings D, E, and Condition # 6 and adding Finding F as follows:

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

"D) The subject site is located within Airport Compatibility Zones B1 and A C. Approval of this use shall be subject to approval from the Airport Land Use Commission or its staff designee. City Council may override the Commission's determination (see Condition #10).

"E) As shown on Exhibit D, the types of biohazardous waste stored in this facility include, but are not limited to, pharmaceutical waste, chemotherapy waste, ~~dental waste, liquid hazardous waste,~~ and pathological waste. Biohazardous waste types not originally reviewed and approved with this request may require additional permits from the California Department of Public Health, Merced County Health Department, City of Merced Fire Department, City

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of Merced Water Quality Control Division, or other regulatory agencies (see Condition #11).

"F) Although stated in Exhibit D, the applicant is electing to not store dental waste or hazardous liquid waste in their facility at this time.

"6. The applicant shall contact the California Department of Public Health and the Merced County Health Department and comply with all requirements for this type of business prior to ~~opening~~ obtaining a business license or building permit."

AYES: Committee Member Cardoso, Stephenson, and Acting Chairperson King

NOES: None

ABSENT: None

4.2 Site Plan Application #387, submitted by Robert Lattanzio on behalf of Merla E. Puray, property owner, to allow the construction of a 15,237-square-foot office building and associated parking on a 1.6-acre vacant parcel located at 3172 M Street, within Planned Development (P-D) #5, with a Commercial Office (CO) General Plan designation.

Planner MENDOZA-GONZALEZ reviewed the application for this item. For further information, refer to Draft Site Plan Review Committee Resolution #387. Committee Member CARDOSO recommended modifying Condition #26 to allow the City to retain a portion of the existing sidewalk easement.

M/S STEPHENSON-CARDOSO, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #15-26, and approve Site Plan Application #387, subject to the Findings and twenty-six (26) conditions set forth in the Draft Resolution #387:

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

"26. The applicant shall submit a request for the abandonment of a portion of the sidewalk easement located on the western edge of the parcel, prior to building permit issuance."

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AYES: Committee Member Cardoso, Stephenson, and Acting
Chairperson King

NOES: None

ABSENT: None

4.3 Site Plan Application #388, submitted by Big Red Rooster, on behalf of BDC Merced, LP, property owner, to allow outdoor seating for a restaurant located at 3572 G Street, within Planned Development (P-D) #26 with a Neighborhood Commercial (CN) General Plan designation.

Associate Planner NELSON reviewed the application for this item. For further information, refer to Draft Site Plan Review Committee Resolution #388. She noted that Finding D should be corrected to show that the restaurant will have forty indoor seats not thirty-eight.

Committee Member CARDOSO was concerned that the Yosemite North Shopping Center CC&R Board may not support this request. The applicant did not submit a letter from the board or authorized individuals showing that they support this development within the shopping center common space.

Senior Deputy City Attorney ROZELL was called into the meeting for consultation at 2:38 p.m. He shared similar concerns as those expressed by Committee Member CARDOSO. He recommended adding Condition #15 to address this concern.

M/S STEPHENSON-CARDOSO, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #15-27, and approve Site Plan Application #388, subject to the Findings and thirteen (13) conditions set forth in the Draft Resolution #388; Finding D amended and Condition # 14 added as follows:

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

"D) The proposed outdoor seating would provide an additional 32 seats for the restaurant (Exhibit C) and consist of tables, chairs, and umbrellas (Exhibit F). Forty ~~Thirty-eight~~ seats are provided inside the restaurant.

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"14. Prior to building permit issuance, the property owner shall provide a letter confirming that the proposed outdoor seating complies with all requirements of the CC&R's for the Yosemite North Shopping Center relating to the use of the shopping center common areas affected by this project."

AYES: Committee Member Cardoso, Stephenson, and Acting
Chairperson King

NOES: None

ABSENT: None

5. **INFORMATION ITEMS**

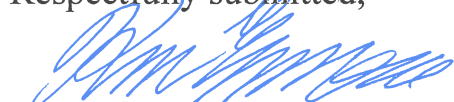
5.1 Calendar of Meetings/Events

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

6. **ADJOURNMENT**

There being no further business, Acting Chairperson KING adjourned the meeting at 2:56 p.m.

Respectfully submitted,



Kim Espinosa, Secretary

Merced City Site Plan Review Committee

APPROVED:



BILL KING,

Acting Chairperson/

Principal Planner,

Merced City Site Plan Review Committee

CITY OF MERCED
SITE PLAN REVIEW COMMITTEE
RESOLUTION #386

<u>Alik Ghazaryan</u> APPLICANT	<u>Locate a biomedical waste transfer station inside an existing tenant space.</u> PROJECT
<u>11152 Fleetwood Street, Unit 9</u> ADDRESS	<u>116 Heron Way, Suite F</u> PROJECT SITE
<u>Sun Valley, CA 91352</u> CITY/STATE/ZIP	<u>059-430-034</u> APN
<u>(818) 446-2334</u> PHONE	<u>Light Industrial (I-L)</u> 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 #386 on October 8, 2015, submitted by Alik Ghazaryan for K C Parcel 12 Properties, LLC, property owners, to allow a biomedical waste transfer station within a 1,250-square-foot tenant space inside an existing building located at 116 Heron Way (Suite F), within a Light Industrial (I-L) Zone. Said property being more particularly described as Lots 14 and 15 as shown on the Map entitled "Map of Merced Airport Industrial Park," recorded in Volume 20 at Page 51, Merced County Records; also known as Assessor's Parcel Number (APN) 059-430-034.

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 City of Merced General Plan designation of Manufacturing/Industrial (IND) and the zoning designation of Light Industrial (I-L).
- B) There are no changes proposed for the interior or exterior of the building.
- C) The subject site has adequate parking for this use and the existing business. However, additional parking may be required for future uses within the building if more parking-intensive uses are proposed. Future land uses may be limited by parking availability (see Condition #5).
- D) The subject site is located within Airport Compatibility Zones B1 and C. Approval of this use shall be subject to approval from the Airport Land Use Commission or its staff designee. City Council may override the Commission's determination (see Condition #10).
- E) As shown on Exhibit D, the types of biohazardous waste stored in this facility include, but are not limited to, pharmaceutical waste, chemotherapy waste, and

pathological waste. Biohazardous waste types not originally reviewed and approved with this request may require additional permits from the California Department of Public Health, Merced County Health Department, City of Merced Fire Department, City of Merced Water Quality Control Division, or other regulatory agencies (see Condition #11).

- F) Although stated in Exhibit D, the applicant is electing to not store dental waste or hazardous liquid waste in their facility at this time.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Review Application #386, 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 (floor plan), and 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. Due to limited parking availability, this approval allows for a maximum of one vehicle to be used in the conduct of business and for two employees to work during the largest shift. Any increase in both the number of vehicles used in the conduct of business or employees working during the largest shift shall be subject to review by the Director of Development Services, or if deemed necessary, the Site Plan Review Committee.
6. The applicant shall contact the California Department of Public Health and the Merced County Health Department and comply with all requirements for this type of business prior to obtaining a business license or building permit.
7. The applicant shall contact the City's Water Quality Control Division and comply with all requirements for this type of business and obtain all proper permits prior to opening for business. Said requirements may include, but are not limited to, ensuring that the storage area (for waste) does not contain drains and ensuring that all items are stored in secondary containments.
8. Storage waste inside the building shall be stored and removed as required by State and/or Federal law.
9. The business owner and their successors-in-interest shall be fully responsible for any Project-related contamination that may be found on the site, away from the site, and for any necessary clean-up of such contamination. This includes all types of hazardous materials or other contaminants. The site plan permit may be subject to review and revocation by the City of Merced per the procedures in the Merced Municipal Code.

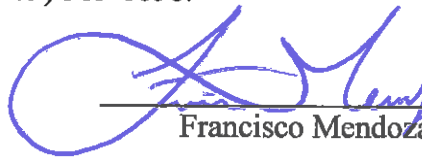
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10. Approval of this application is subject to approval and/or recommendation by the Airport Land Use Commission, or its staff designee, to determine that the project is consistent with the Airport Land Use Compatibility Plan.
11. Biohazardous waste types not originally approved with this request may require additional permits from the California Department of Public Health, Merced County Health Department, City of Merced Fire Department, or the City of Merced Water Quality Control Division. The applicant shall be responsible for contacting all pertinent regulatory agencies and informing them of any changes in waste storage types stored in this facility and obtaining proper permits.
12. All signing shall comply with the City's Sign Ordinance. Sign permits shall be obtained prior to installing any permanent signing. A Temporary Sign Permit shall be obtained prior to installing any temporary signs or banners. Temporary freestanding or A-frame signs are not allowed.
13. All existing landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.
14. The premises 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.

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DATE



Francisco Mendoza-Gonzalez

Planner

TITLE

Exhibits:

- A) Location Map
- B) Site Plan
- C) Floor Plan (Not to Scale)
- D) Business Operation Details
- E) Categorical Exemption



Subject Site

EXHIBIT A

HAWK

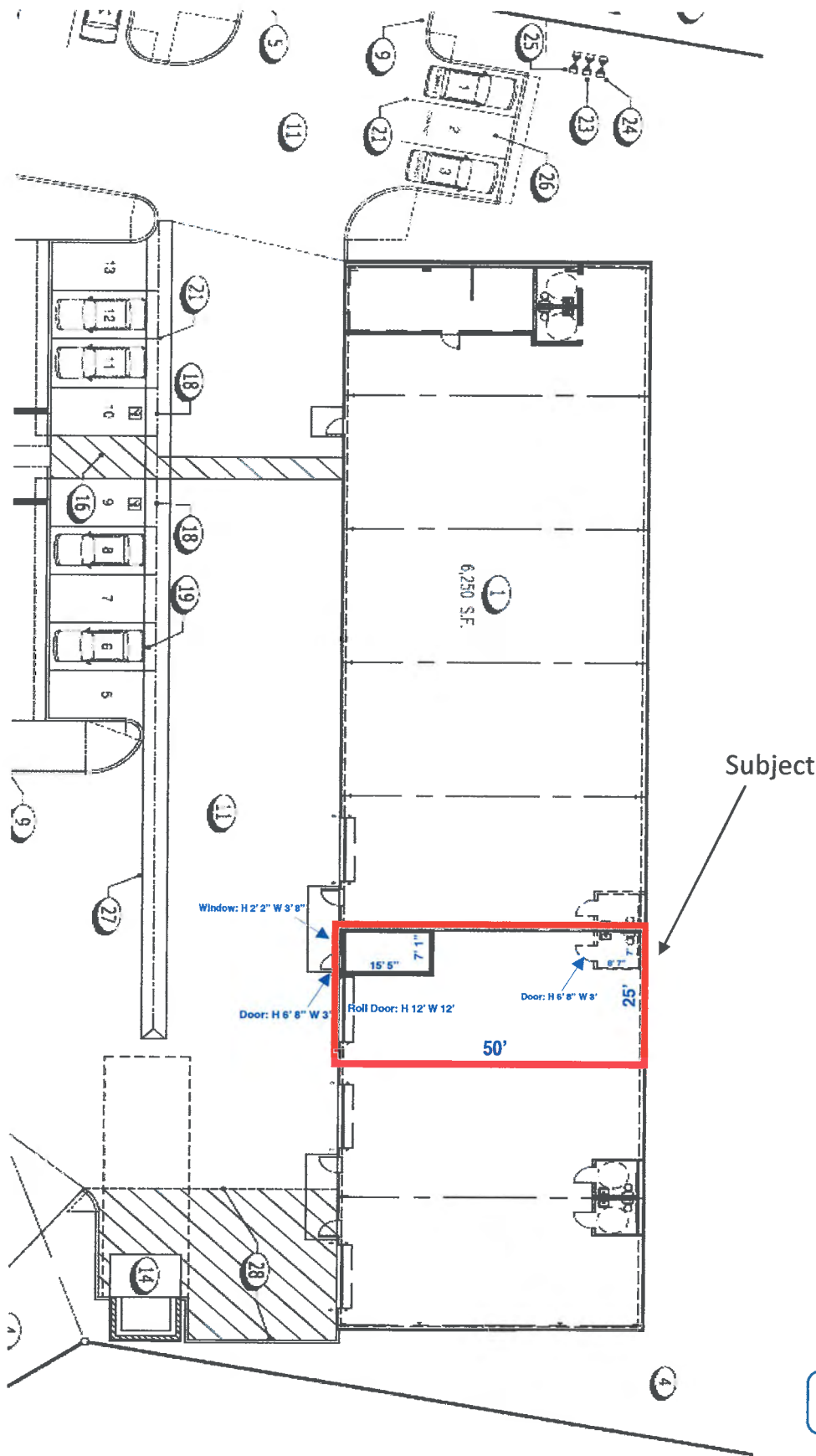


EXHIBIT B

Floor Plan:
Biomedical Waste Disposal
116 Heron Way, #F
Merced, CA 95341
Total SF: 1,250

***THE COLORED ZONES
WILL BE LABELED WITH
INDUSTRIAL FLOOR
MARKERS****

***PLEASE NOTE THERE
WILL BE NO STRUCTURES
ADDED OR MODIFIED****

-  Waste Storage Zone:
L 42' W 13'
-  Clean Cont. Zone:
L 21' 7" W 7"
-  Scale/ Weigh Zone:
L 4' H 4'

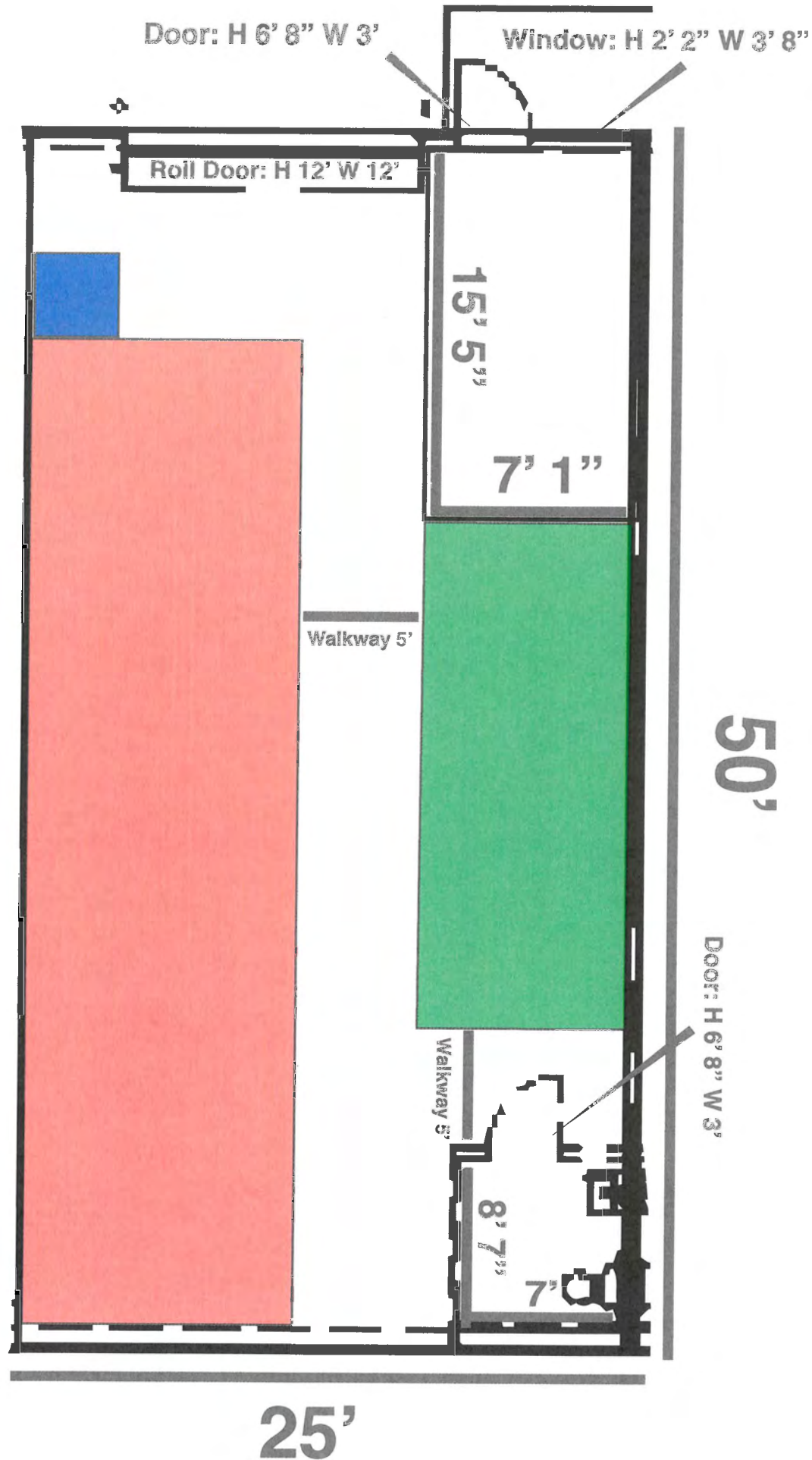


EXHIBIT C



Biomedical Waste Disposal

12930 Ventura Blvd., #915, Studio City, CA 91604

Phone: 1-877-644-2424 | Fax: 1-818-824-8033

www.biomedwastedisposal.com

Zone Descriptions:

Waste Storage Zone (RED): This area will be kept sanitary to state standards at all times. We will store various containers filled with "Biohazardous Waste" in this area for a period NO LONGER than seven (7) days. Types "Biohazardous Waste" stored in this zone include but are not limited to pharmaceutical waste, chemotherapy waste, dental waste, liquid hazardous waste, and pathology waste. The container sizes stored in this area will vary from 1Qt. to 44 Gal. in capacity. These containers will be labeled appropriately and ALWAYS handled with gloves. There will be NO other structures, objects, or materials within this zone as per state regulations.

Clean Container Zone (GREEN): This area will be kept sanitary to state standards at all times. We will store various waste containers that will remain empty and free of residue at all times. Prior to being stored in this zone- these containers will undergo various sanitation techniques. Sanitation techniques will be performed off-site and include but are not limited to acid washing, bleach washing, intense heat steaming, and various chemicals baths. The container sizes stored in this area will vary from 1Qt. to 44 Gal. in capacity. These containers will be labeled appropriately and ALWAYS handled with gloves. There will be NO other structures, objects, or materials within this zone as per state regulations.

Office Area: This area will be kept sanitary to state standards at all times. This area will be used to store and organize any documentation associated with our business. Other items found in this area will be safety supplies, computer/printer, and standard cleaning compounds.

Bathroom Area: This area will be kept sanitary to state standards at all times. This area will ONLY contain various toiletries and personal hygiene supplies.

FAST • EASY • CONVENIENT



Biomedical Waste Disposal

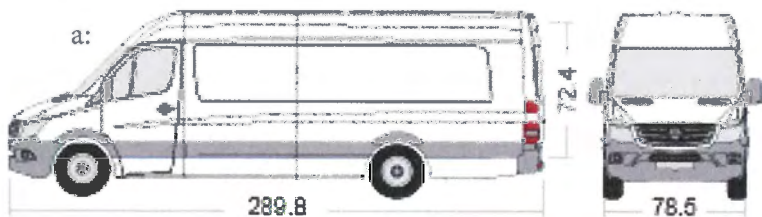
12930 Ventura Blvd., #915, Studio City, CA 91604

Phone: 1-877-644-2424 | Fax: 1-818-824-8033

www.biomedwastedisposal.com

Business Brief:

We will only have one (1) employee at this location at any given time. We will also keep one (1) 2014 Mercedes-Benz Sprinter 2500 High Roof Cargo Van there (see graphic 'a' below). Our one (1) employee will arrive and leave between our operating hours of 6am-6pm M-F. Upon arriving in the morning, the employee will load the van with the required empty containers (see graphics 'b1,b2,b3,b4' below) from the Clean Container Zone. The quantity and size of the contains will vary day-to-day. The employee will then depart to surrounding cities to service our various customers and collect the medical waste (roughly 200lbs total per day). After the employee has finished their route for the day, they will return to this location to carefully unload the- now full- waste containers into the Waste Storage Zone. While out employee unloads the waste, they will carefully weigh and document the weights in the Weighing Zone. All loading and unloading will be done with hand-carts and ramps. No single container will weigh more than 45lbs. The waste will not be stored on site for longer than seven (7) days, as per California State Law. Once a week the employee will carefully load the full waste containers back into the cargo van and transport them to the disposal facilities located at : 7321 Quimby St. Paramount, CA 90723. There the containers will be sanitized and prepped to be returned to the Clean Container Zone. The van will then be returned empty and ready for another week of business.



b3: 38 Gal. Bin 32"x19"x19"



b1: 18 Gal. Bin 15"x19"x19"



b2: 28 Gal. Bin 21"x19"x19"



b4: 44 Gal. Bin 24"x24"x27"

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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 #386 (Environmental Review #15-25)

Project Applicant: Alik Ghazaryan

Project Location (Specific): 116 Heron Way, Suite F **APN:** 059-430-034

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: Alik Ghazaryan

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ X Categorical Exemption. State Type and Section Number: 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 alterations only 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:** 9-21-2015 **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

EXHIBIT E

CITY OF MERCED
SITE PLAN REVIEW COMMITTEE
RESOLUTION #387

<u>Robert Lattanzio</u> APPLICANT	<u>New 15,237 s.f. office building for the Central Valley Regional Center.</u> PROJECT
<u>940 Calle Negocio, Suite 300</u> ADDRESS	<u>3172 M Street</u> PROJECT SITE
<u>San Clemente, CA 92673</u> CITY/STATE/ZIP	<u>236-230-010</u> APN
<u>(949) 276-4402</u> PHONE	<u>Planned Development (P-D) #5</u> 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 #387 on October 8, 2015, submitted by Robert Lattanzio on behalf of Merla E. Puray, property owner, to allow the construction of a 15,237-square-foot office building and associated parking on a 1.6-acre vacant parcel located at 3172 M Street, within Planned Development (P-D) #5, with a Commercial Office (CO) General Plan designation. Said property being more particularly described as Parcel B as shown on the Map entitled "Parcel Map for Herbert H. Lockyer," recorded in Book 28, Page 45 of Merced County Records; also known as Assessor's Parcel Number (APN) 236-230-010.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15332 (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 Commercial Office (CO) and the Zoning classification of Planned Development (P-D) #5.
- B) The proposed project provides eighty-three parking spaces. The parking requirement for an office is one space for each two hundred and fifty square feet of floor area and one space for each vehicle used in the conduct of business. Based on this formula, sixty-one parking spaces are required for this use. The project provides an additional twenty-two parking spaces above the minimum requirement.
- C) The official colors for the exterior of the building have yet to be selected. However, the architect has stated that she intends to use an earth tone color scheme (e.g. off-white, beige, tan, brown, etc.) with accent colors (dark earth tone colors) throughout the building (see Condition #11).

- D) The signage locations shown on the elevations are being provided for conceptual purposes only and should not be considered with this request (Exhibit D). The applicant has yet to determine the official signage locations or signage types for this building. However, the applicant is seeking administrative approval for additional signage with this permit. Based on the North Merced Sign Ordinance (MMC 17.36.660.G.2.) this building would qualify for a maximum of 37.5-square-feet of signage. Signage shall be reviewed with sign permit applications to ensure compliance with the City's Sign Ordinance (see Condition #24).
- E) There is an existing sidewalk easement (14-feet wide) located along the western edge of the parcel. The City's Land Engineer does not anticipate a need for this easement and recommends that it be abandoned by the City (see Condition #26).
- F) Portions of the floor plan are currently being modified by the architect and the business owner. The applicant has confirmed that these modifications shall not affect the site plan or elevations for this project.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Application #387 subject to the following conditions:

- 1) The site shall be constructed as shown on Exhibit B (site plan), Exhibit D (elevations), and as modified by the conditions of approval within this resolution.
- 2) All conditions contained in Site Plan Review #79-1 – Amended (“Standard Conditions for Site Plan Review Application”) shall apply.
- 3) 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.
- 4) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply, including the Post Construction Standards for Storm Water that became effective July 1, 2015.
- 5) The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental

- entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
- 6) The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
 - 7) 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.
 - 8) All parking lot and building lighting shall be shielded or oriented in a way that does not allow “spill-over” onto adjacent lots in compliance with the California Energy Code requirements. Any lighting on the building shall be oriented to shine downward and not spill-over onto adjacent parcels.
 - 9) Bicycle parking spaces shall be provided at a minimum ratio equal to 5% of the vehicular parking spaces.
 - 10) The developer shall work with the City Engineer to determine the requirements for storm drainage on the site and the method used to move the storm water to the City’s storm drainage system. 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.
 - 11) The applicant shall provide the Planning Department with paint samples or colored elevations for approval prior to building permit issuance.
 - 12) Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access. The developer shall work with the Fire Department and Refuse Department at the building permit stage to ensure proper access is provided.
 - 13) All driveways into the site shall comply with City Standards and all handicap accessibility requirements.
 - 14) The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
 - 15) At time of building permit review, the applicant shall provide documentation of cross access agreements for shared access between the subject site and the property to the south (3170 M Street with APN 236-230-009). If the applicant is unable to obtain a cross access agreement, the applicant shall work with the City’s Engineering Department to determine an alternate access location (if needed).

- 16) The applicant shall work with the City's Refuse Department to determine the exact location for a refuse enclosure. In addition, the applicant shall work with the City's Refuse Department to determine if a recycling container will be required to comply with AB 341. If it is required, the container shall be enclosed within a refuse enclosure built to City Standards. Prior to pouring the concrete for the refuse enclosure, the contractor shall contact the Refuse Department at 209-385-6800 to arrange an inspection by Refuse Department staff to verify the location and angle of the enclosure.
- 17) The parking lot layout shall comply with all applicable City Standards. Parking lot trees shall be provided at a ratio of one tree for every six parking spaces. These trees shall be installed per the City's Parking Lot Landscape Standards, shall be a minimum of 15-gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City's approved tree list). Irrigation to these trees shall be provided through a drip irrigation or micro-spray system.
- 18) Street trees shall be provided per City Standards. Tree species shall be selected from the City's approved street tree list.
- 19) All landscaping shall comply with State Water Resources Control Board Resolution No. 2015-0032 "To Adopt an Emergency Regulation for Statewide Urban Water Conservation" and the City's Water Conservation Ordinance (Merced Municipal Code Section 15.42). Xeriscape or artificial turf shall be used in place of natural sod or other living ground cover. If turf is proposed to be installed in park-strips or on-site, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed. All irrigation provided to street trees, parking lot trees, or other landscaping shall be provided with a drip irrigation or micro-spray system.
- 20) Detailed landscape and irrigation plans shall be submitted at the building permit stage. These plans shall include all on-site landscaping and all required landscaping in the public right-of-way.
- 21) As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repared if the permit value of the project exceeds \$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.
- 22) All mechanical equipment shall be screened from public view.
- 23) It is recommended that the exterior building walls be treated with an anti-graffiti coating to make graffiti removal easier. In any case, graffiti removal shall take place within 24 hours of appearing and shall be painted over with a paint color that matches the existing color of the building wall.
- 24) All signing shall comply with the North Merced Sign Ordinance. The building may have a maximum of 37.5-square-feet of signage. Building permits shall be obtained

prior to installing any permanent signing. A Temporary Sign Permit shall be obtained prior to installing any temporary signs or banners. Temporary freestanding or A-frame signs are not allowed.

- 25) The premises shall remain clean and free of debris and graffiti at all times.
- 26) The applicant shall submit a request for the abandonment of a portion of the sidewalk easement located on the western edge of the parcel, prior to building permit issuance.

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

October 8, 2015

DATE



Francisco Mendoza-Gonzalez

Planner

TITLE

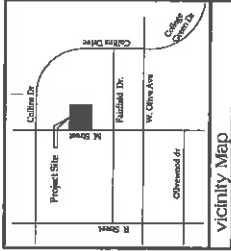
Exhibits

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



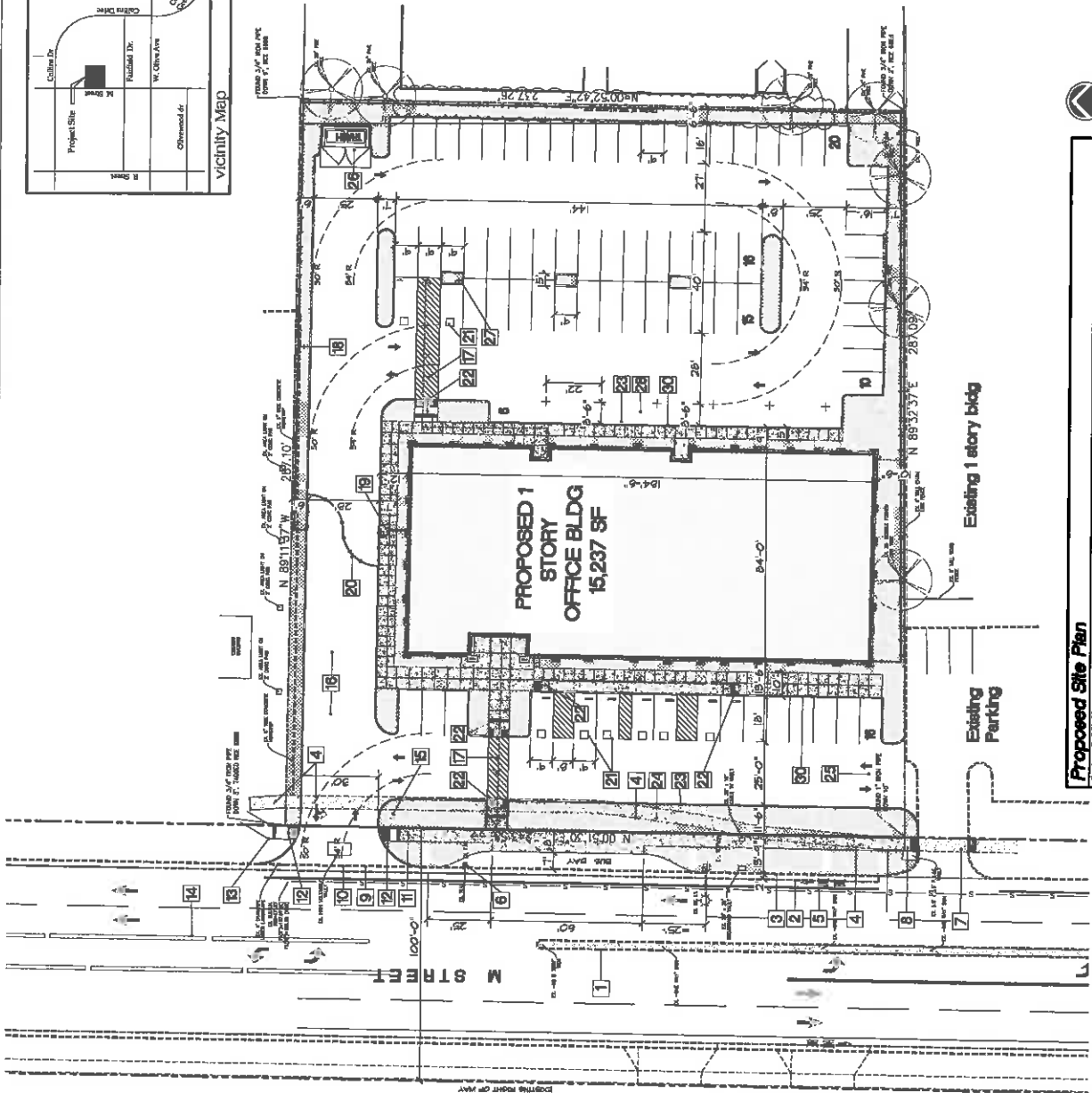
EXHIBIT A

Project Information	
Use:	Office Building
Client:	LAND SC, Inc. 940 Calle Negocio, Suite 200 San Clemente, CA 92675
Address:	3172 M Street Merced, CA
APN:	286-280-010
Zoning:	Pro re (Office / Commercial designation)
Number of Stories:	1 Story Building
Building Occupancy:	B & A3
Construction Type:	V
Parcels:	1.56 ac = 66,019 sq ft
Building Area:	
Proposed:	= 15,237 sq ft
Parking Count:	
Maximum Parking:	
Standard:	1 space per 250 sq ft of bldg
Area:	15,237 / (250) = 60.95 sq ft
Area:	14,603 sq ft / 250 = 58.41 sq ft
Provided Parking:	
Standard:	75 stalls
Available:	8 stalls
Total:	83 stalls



No.	Description
1	Existing median to remain
2	Existing gutter
3	Existing concrete curb
4	Existing concrete sidewalk, shown detailed to be replaced
5	Existing blue line
6	Existing fire hydrant to be relocated
7	Existing curb ramp
8	Remove existing curb, gutter, and sidewalk
9	Approach per City of Merced Public Works Department
10	Approach per City of Merced Public Works Department
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Site Plan Key Notes

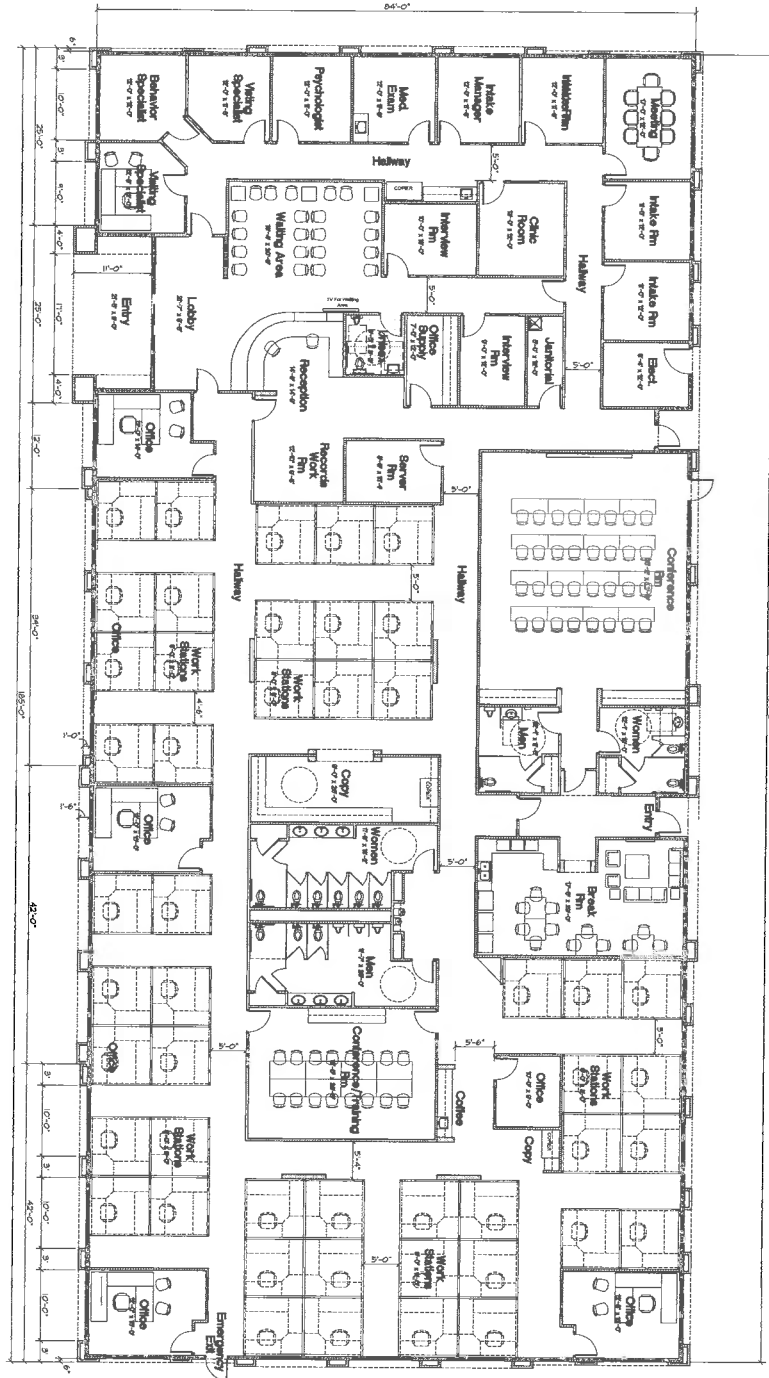


Proposed Site Plan
Scale: 1" = 30'-0"



PROPOSED 1 STORY OFFICE BUILDING, 3172 M' Street, MERCED CA.

Proposed Floor Plan

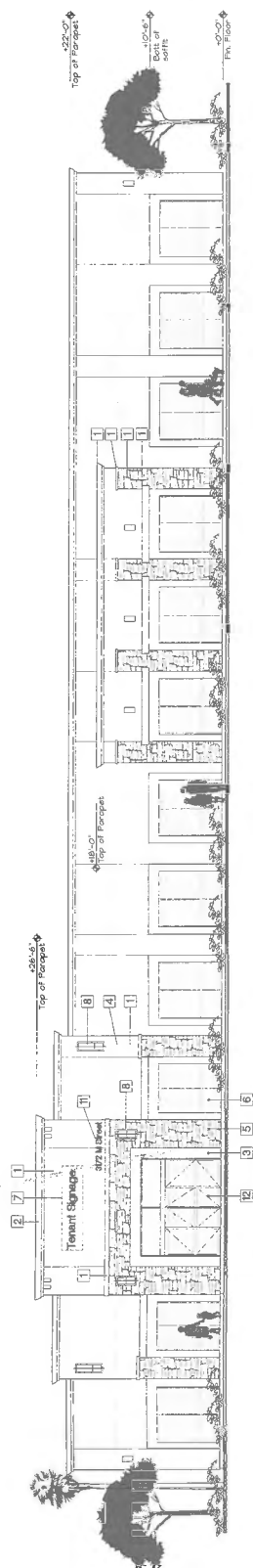


Project Data:
 1 story bldg
 Const. Type VB
 Sprinkler / Yes
 Occupancy B / A2
 Phase 1
 Area = 15,237 sq. ft.
 Future Exp = 3,230 sq. ft.
 Total Area = 18,467 sq. ft.

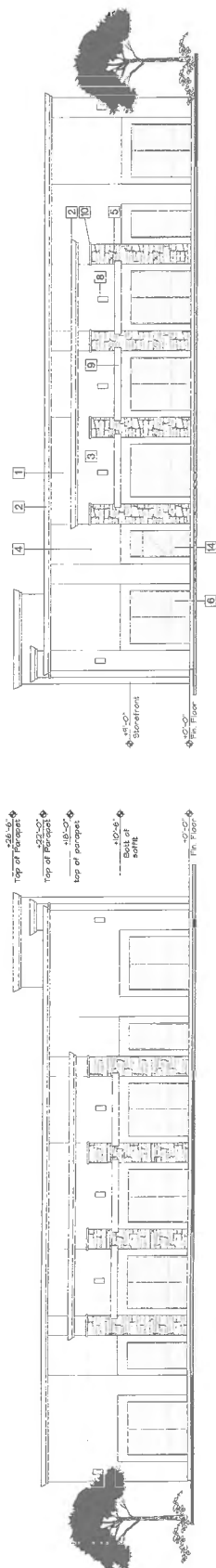
PROPOSED 1 STORY OFFICE BUILDING, 3172 'M' Street, MERCED CA.



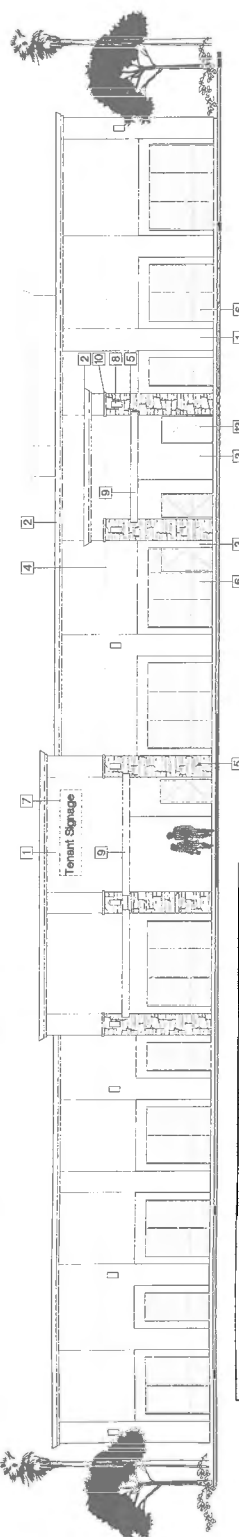
A2.1



West Elevation



North Elevation



East Elevation

No.	Description
1	1600 Constant Torque, or metal with 0/23 torque
2	1600 Constant Torque, or metal with 0/23 torque
3	Form carriage with constant torque color
4	Avanti black color
5	Black control color
6	Black veneer
7	High scorefront system
8	Scorefront floor for clarity only, storage under
9	Scorefront panel
10	Electronic decorative lights
11	Soft or accent black color
12	Soft or accent black color
13	Scorefront Avanti 400, 400 high with contrasting
14	background color, metal base visible
15	Scorefront Avanti 400, 400 high with contrasting
16	background color, metal base visible
17	Scorefront Avanti 400, 400 high with contrasting
18	background color, metal base visible
19	Scorefront Avanti 400, 400 high with contrasting
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Site Plan Key Notes

This sheet and its contents and labels are the property of the "Verbal Group" and no one shall be granted without express written consent.

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 #387 (Environmental Review #15-26)

Project Applicant: Robert Lattanzio

Project Location (Specific): 3172 M Street **APN:** 236-230-010

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: Robert Lattanzio

Exempt Status: (check one)

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

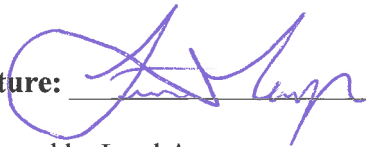
Reasons why Project is Exempt:

As defined under the above referenced Section, the proposed project is considered an in-fill project. The project location is within the City limits on an approximately 1.6-acre parcel surrounded by urban uses. The site can be served by all required utilities and public services, and the project site has no value as habitat for endangered, rare or threatened species. No significant effects resulting from traffic, noise, air quality, or water quality will result from the construction of the building. The project is consistent with the City of Merced General Plan and Zoning regulations.

Lead Agency: City of Merced

Contact Person: Francisco Mendoza-Gonzalez

Area Code/Telephone: (209) 385-6858

Signature:  **Date:** 09-21-2015 **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 #388

<u>Big Red Rooster</u> APPLICANT	<u>Allow outdoor seating for a restaurant (no alcohol served in outdoor area)</u> PROJECT
<u>398 S. Mill Ave., Ste. 201</u> ADDRESS	<u>3172 G Street</u> PROJECT SITE
<u>Tempe, AZ 85281</u> CITY/STATE/ZIP	<u>006-490-006</u> APN
<u>480-626-6304</u> PHONE	<u>Planned Development (P-D) #26</u> 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 #388 on October 8, 2015, submitted by Big Red Rooster, on behalf of BDC Merced, LP, property owner, to allow outdoor seating for a restaurant located at 3572 G Street, within Planned Development (P-D) #26 with a Neighborhood Commercial (CN) General Plan designation. Said property being more particularly described Parcel 6 as shown on the Map entitled "Parcel Map for FHK Investment Company," recorded in Book 65, Page 25 of Merced County Records; also known as Assessor's Parcel Number (APN) 006-490-006.

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

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

- A) The proposal complies with the General Plan designation of Neighborhood Commercial (CN) and the Zoning classification of Planned Development (P-D) #26.
- B) The site is located within the Yosemite North Shopping Center (aka: Raley's Shopping Center) (Exhibit A).
- C) The site shares parking with the entire shopping center. The outdoor seating area would reduce the number of parking spaces in the shopping center by one space and eliminate a landscape area within the parking lot (refer to the Site Plan at Exhibit B).
- D) The proposed outdoor seating would provide an additional 32 seats for the restaurant (Exhibit C) and consist of tables, chairs, and umbrellas (Exhibit F). Forty seats are provided inside the restaurant.

- E) No alcoholic beverages are proposed to be served at the restaurant, either inside or outside. Condition #7 requires approval by the California Department of Alcoholic Beverage Control (ABC) and the City of Merced prior to serving alcoholic beverages.
- F) Fencing is proposed around the portion of the outdoor seating area adjacent to the parking lot (refer to Exhibits D and E).

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Application #388 subject to the following conditions:

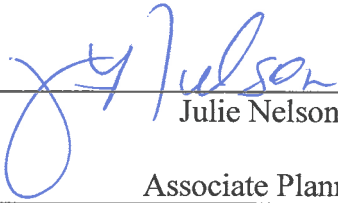
- 1) The site shall be constructed as shown on Exhibit B (site plan), Exhibit C (floor plan), Exhibit D (elevations), Exhibit E (fencing detail), and Exhibit F (outdoor equipment) except as modified by the conditions of approval within this resolution.
- 2) All conditions contained in Site Plan Review #79-1 – Amended (“Standard Conditions for Site Plan Review Application”) shall apply.
- 3) 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.
- 4) The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, 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.
- 5) The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event

- of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
- 6) 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.
 - 7) If in the future, the tenant desires to sell alcoholic beverages, Conditional Use Permit approval shall be obtained from the City of Merced as well as a license from the California Department of Alcoholic Beverage Control (ABC).
 - 8) The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
 - 9) 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.
 - 10) A minimum of 2 bicycle parking spaces shall be provided based on the number of vehicle spaces required for this use. However, additional bicycle parking is encouraged. Location of bicycle parking will be determined at the building permit stage.
 - 11) All signing shall comply with the North Merced Sign Ordinance. A maximum of 47 square feet of sign area is allowed for this tenant space. Building permits shall be obtained prior to installing any permanent signing. Any advertising on the umbrellas in the outdoor area shall count toward the overall sign area allowed for this tenant. A Temporary Sign Permit shall be obtained prior to installing any temporary signs or banners. Temporary freestanding or A-frame signs are not allowed. No signs/banners shall be hung from the fencing or between the building pillars around the sidewalk area.
 - 12) All tables, chairs, fencing, and other equipment in the outdoor seating area shall be regularly maintained and kept in good condition.
 - 13) The premises shall remain clean and free of debris and graffiti at all times.
 - 14) Prior to building permit issuance, the property owner shall provide a letter confirming that the proposed outdoor seating complies with all requirements of the CC&R's for the Yosemite North Shopping Center relating to the use of the shopping center common areas affected by this project.

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

10-8-15

DATE



Julie Nelson

Associate Planner

TITLE

Exhibits

- A) Location Map
- B) Site Plan
- C) Floor Plan
- D) Elevations
- E) Fence Detail
- F) Patio Equipment (tables, chairs, umbrellas)
- G) Categorical Exemption



SANDPIPER

YOSEMITE

Subject Site

RALEY'S

DONNA

ARCH ROCK



EXHIBIT A

G

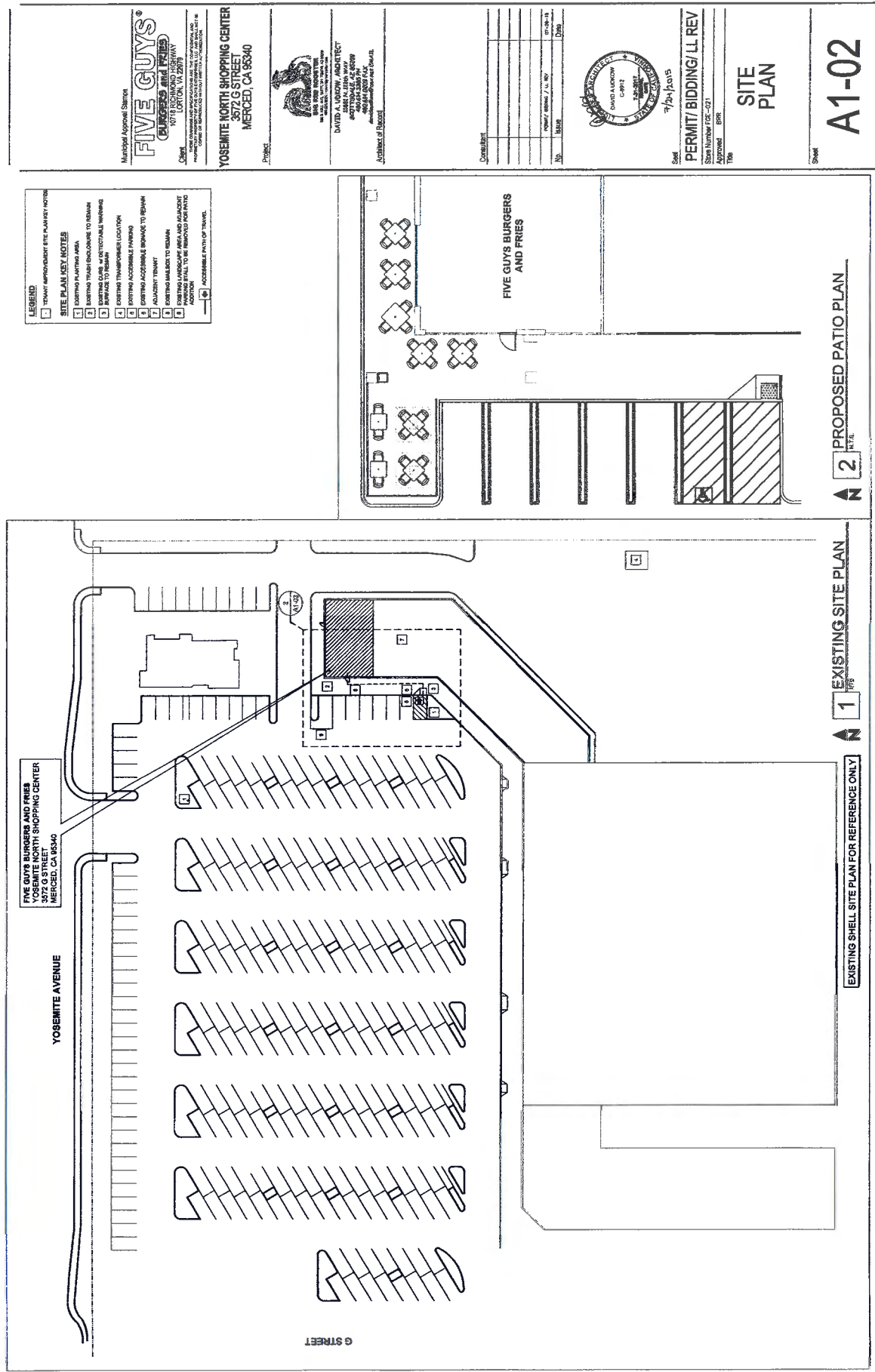


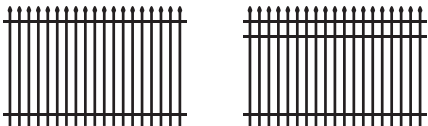
EXHIBIT B

MONTAGE PLUS®

STYLES, HEIGHTS, & PANEL OPTIONS

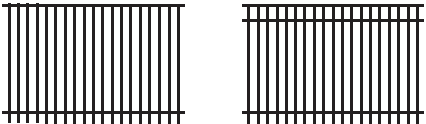


Available Heights: 3', 3-1/2', 4', 5', 6'
Rail Treatment: Extended Picket or Flush Bottom
Picket Air-Space: 4" standard or 3" Pet, Pool, & Play



Proposed Fence Design

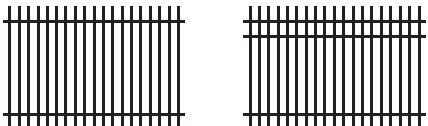
Available Heights: 3', 3-1/2', 4', 5', 6'
Rail Treatment: Extended Picket or Flush Bottom
Picket Air-Space: 4" standard or 3" Pet, Pool, & Play



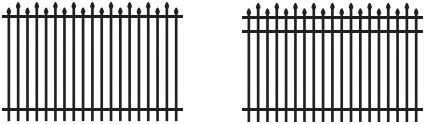
MAJESTIC™



Available Heights: 3', 3-1/2', 4', 5', 6'
Rail Treatment: Extended Picket or Flush Bottom
Picket Air-Space: 4" standard or 3" Pet, Pool, & Play



Available Heights: 3', 3-1/2', 4', 5', 6'
Rail Treatment: Extended Picket or Flush Bottom
Picket Air-Space: 4" standard



WARRIOR™



P.O. Box 1700 • Hendersonville, NC 28793 • Tel: (800) 633-8241 • (828) 693-8241
Fax: (828) 693-8777 • www.leisurecraftinc.com • sales@leisurecraftinc.com

SPEC SHEET: SQ36TAB30-PERF

36' SQUARE PERFORATED PEDESTAL TABLE 30" high

Wt. 100 lbs

photo



top view

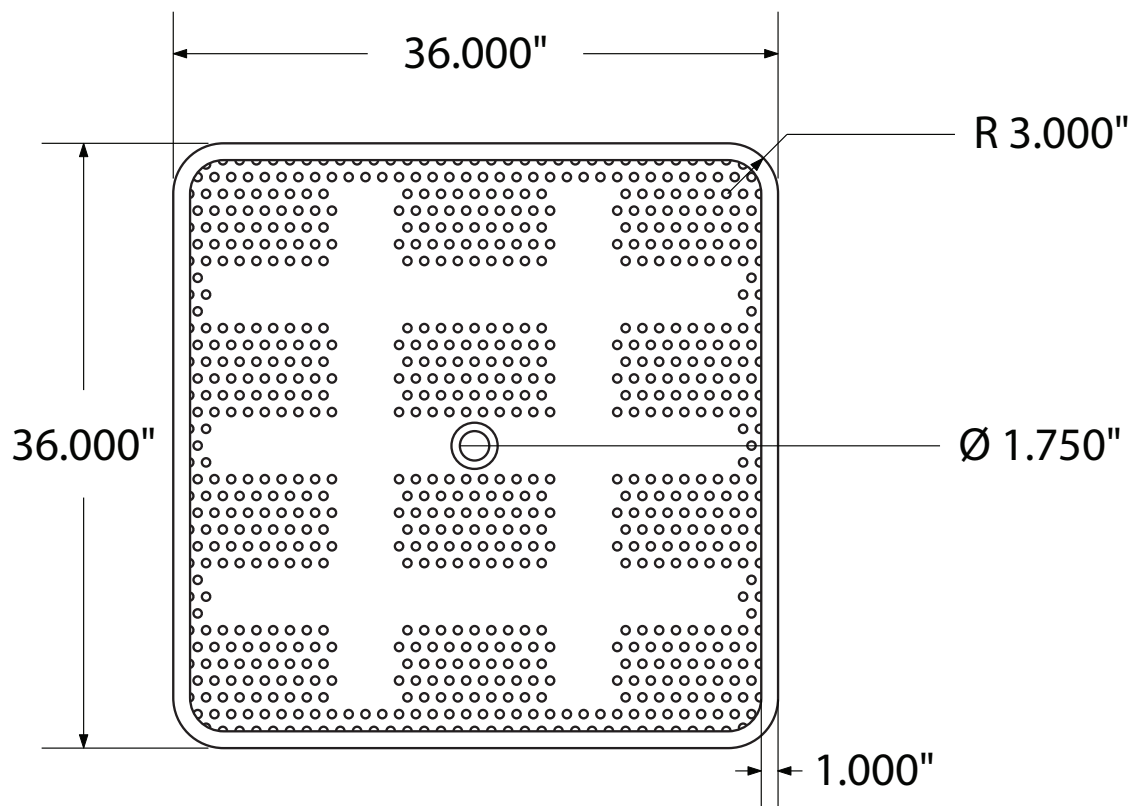
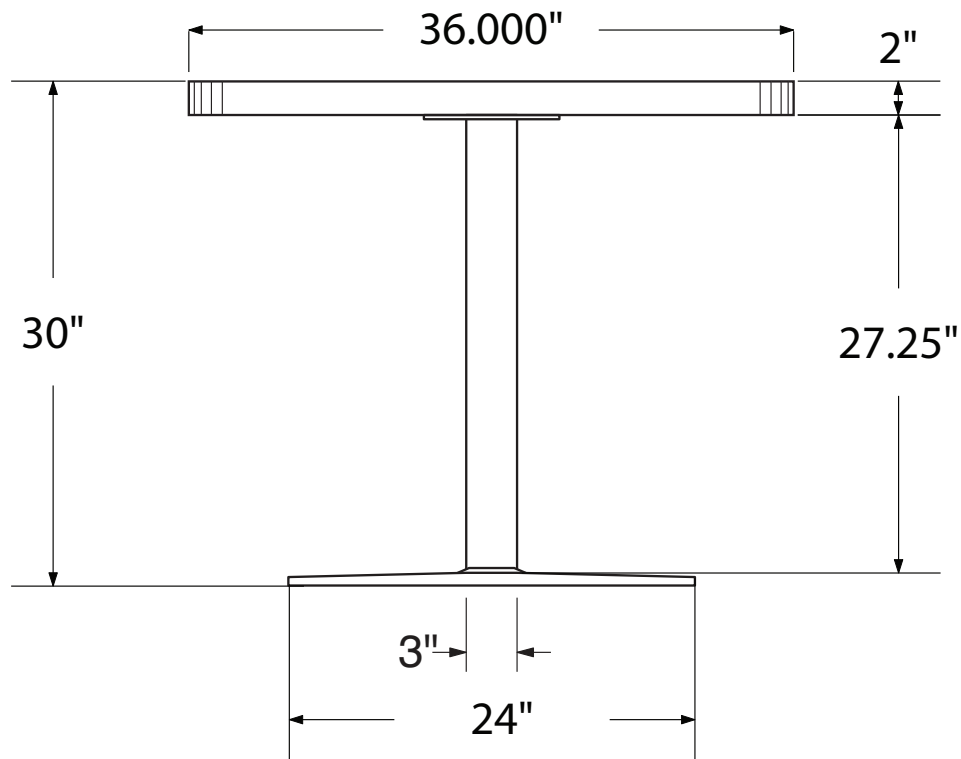


EXHIBIT F

side view



product details



Coated Surfaces:

- Thermoplastic coated
- Copolymer-based, environmentally safe
- Does not fade, crack, peel or warp
- Applied at a thickness of 25-30 mils.
- 5 Year warranty on coating

Construction:

- Table tops - 11 gauge steel
- 3" Tubular steel support
- Cast iron base
- Nuts, washers and bolts - galvanized steel



Five Guys Commercial Umbrella and Base Description

EQUIPMENT TAG:
F030
PAGE: 2 OF 3



(6.5' Bay Master 81")



TUUCI 6.5' Square Bay Master Parasol

Frame Construction:

- Aluminum Marine Satin Anodized Finish
- TUUCI's Patented Independent Bracket Hub System
- Manual Lift with Stainless Steel Security Pin
- Stainless Steel Hardware
- Modular Design Allows for Easy Parts Replacement

Canopy Construction:

- Sunbrella® 100% Solution Dyed Acrylic Fabric Canopy. Sunbrella 5477-Logo Red Canopy with Matching Vent and Binding
- Ballistic-Reinforced Vent and Pocket Construction
- Market Profile Canopy with **Single Vent**
- FIVE GUYS (1) Color Logo on Alternating Panels

BASE: 24" round, 75 lb galvanized steel base with stainless steel security plate and "star" handle security knob.

NOTE: All advertising on the umbrellas shall count toward the maximum allowable sign area for this tenant.



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 #388 (Environmental Review #15-27)

Project Applicant: Darryl Browman for Browman Development Co., Inc.

Project Location (Specific): 3572 G Street **APN:** 006-490-006

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

Description of Nature, Purpose, and Beneficiaries of Project:

The project involves the construction of an outdoor seating area consisting of approximately 178 square feet and providing 32 seats.

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Larry Meyers on behalf of Big Red Rooster

Exempt Status: (check one)

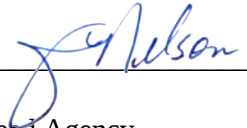
- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ X Categorical Exemption. State Type and Section Number: Section 15301 (a)
☐ Statutory Exemptions. State Code Number: _____.
☐ General Rule (Sec. 15061 (b)(3))

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 partitions, electrical, and plumbing, and landscape maintenance which are considered to be exempt under the CEQA Guidelines per Section 15301 (a)

Lead Agency: City of Merced

Contact Person: Julie Nelson, Planner

Area Code/Telephone: (209) 385-6858

Signature:  **Date:** 9-29-15 **Title:** Associate Planner

 X Signed by Lead Agency

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

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