

**CITY OF MERCED**  
**Site Plan Review Committee**

**MINUTES**

Planning Conference Room  
2<sup>nd</sup> Floor Civic Center  
Thursday, May 12, 2016

Chairperson GONZALVES called the meeting to order at 1:36 p.m.

**ROLL CALL**

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

Committee Members Absent: None

Staff Present: Planner/Recording Secretary Mendoza-Gonzalez

1. **MINUTES**

M/S STEPHENSON - CARDOSO, and carried by unanimous voice vote, to approve the Minutes of March 3, 2016, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Site Plan Application #396, submitted by Bhavna Shukla, on behalf of Viking Ventures, LLC, Friedrich Family Limited Partnership, and Tim & Lisa Bettencourt, property owners, to allow outdoor seating and alcohol service (beer and wine) for a restaurant located at 3146 G Street (Suite 147) within a Neighborhood Commercial (C-N) Zone.

Planner MENDOZA-GONZALEZ reviewed the application for this item. For further information, refer to Draft Site Plan Review Committee Resolution #396.

Committee Member STEPHENSON recommended modifying Condition #4 to require compliance with pedestrian accessibility codes. Chairperson GONZALVES recommended adding Condition #19 to require bollards around the outdoor seating area for safety purposes.

M/S CARDOSO-STEPHENSON, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #16-14 (Categorical Exemption), and approve Site Plan Application #396, subject to the Findings and eighteen (18) conditions set forth in the Draft Resolution #396 with modifications to Condition #4 and the addition of Condition #19 as follows:

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

“4) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply including, but not limited to, accessibility compliance.

“19) The applicant shall either install bollards around the outdoor fence or incorporate them into the fence, as required by the Building Department.”

AYES: Committee Members Stephenson, 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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May 12, 2016

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 APPLICATION  
 RESOLUTION #396

Bhavna Shukla	Allow outdoor seating and alcohol service (beer and wine) for a restaurant (Pizza Factory).
APPLICANT	PROJECT
3146 G Street, Suite 147	3146 G Street, Suite 147
ADDRESS	PROJECT SITE
Merced, CA 95340	006-121-010
CITY/STATE/ZIP	APN
(775) 750-1043	Neighborhood Commercial (C-N)
PHONE	ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Merced City Site Plan Review Committee considered and administratively approved Site Plan Review Application #396 on May 12, 2016, submitted by Bhavna Shukla, on behalf of Viking Ventures, LLC, Friedrich Family Limited Partnership, and Tim & Lisa Bettencourt, property owners, to allow outdoor seating and alcohol service (beer and wine) for a restaurant located at 3146 G Street (Suite 147) within a Neighborhood Commercial (C-N) Zone. Said property being more particularly described as Parcel 2 as shown on that Map entitled “Parcel Map for Fred Kong,” recorded in Volume 16, Page 9 of Merced County Records; also known as Assessor’s Parcel Number (APN) 006-121-010.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15301 (a) (Exhibit H); 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 Neighborhood Commercial (CN) and the Zoning designation of Neighborhood Commercial (C-N).
- B) The subject site is located within the Mission Plaza shopping center.
- C) The subject site currently has approval to sell beer and wine for on-site consumption as an ancillary use to a restaurant (Exhibit H). Approval of this request does not allow the applicant to convert their establishment into a nightclub, as that use is not allowed within this zoning classification.
- D) The outdoor seating area will be approximately 32 feet long by 22 feet wide and will be enclosed by a 4-foot-tall aluminum fence. The outdoor seating area would reduce the number of parking spaces in the shopping center by one.
- E) The restaurant will have a total of 182 seats. 148 seats will be located inside the restaurant and 34 seats will be located in the outdoor seating area. Even though

Exhibit C shows 44 outdoor seats, the applicant is proposing to modify their Site Plan to have a total of 34 outdoor seats.

- F) A parking analysis was conducted for the Mission Plaza shopping center (Exhibit G). Those results show that the Mission Plaza has adequate parking for this use and the existing businesses with a 15% reduction in parking for retail business as allowed per Merced Municipal Code Section 20.58.410 for non-public areas (i.e., storage areas, utility rooms, etc.). However, additional parking may be required for future uses within the Mission Plaza if more parking-intensive uses are proposed. Future land uses may be limited by parking ability.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Review Application #396, subject to the following conditions:

- 1) The proposed project shall be constructed/designed as shown on Exhibit C (floor plan) and Exhibit E (fence details).
- 2) The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
- 3) The Project shall comply with the relevant conditions set forth in Planning Commission Resolution #1570 for Conditional Use Permit #467 previously approved for this site.
- 4) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply including, but not limited to, accessibility compliance.
- 5) The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

- 6) The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
- 7) The outdoor seating/dining area shall be enclosed by an aluminum fence with a minimum height of 3 feet. The fence shall separate the outdoor seating area from the remainder of the shopping center. No alcoholic drinks shall be allowed outside the fenced area. The design, color, and location of the fencing shall be approved by Planning Staff prior to installation.
- 8) Signs shall be posted on the fence stating "No Alcohol Allowed Outside This Area." The signs shall be a maximum of 1 square foot and shall be posted on each side of the outdoor dining area in an area visible to customers.
- 9) Alcohol sales in the outdoor seating area shall end no later than 10:00 p.m.
- 10) The business shall comply with all applicable requirements from Alcoholic Beverage Control (ABC).
- 11) If a gate is installed, it shall not be locked during business hours. Entrance into the outdoor seating area shall be kept open at all times during hours of operation.
- 12) An employee shall monitor the outdoor seating area at all times when alcohol is being served.
- 13) The City reserves the right to periodically review the area for potential problems. Should excessive calls for service or violation of these conditions of approval occur, the City may consider revocation of the Site Plan Review following the procedures spelled out in the Merced Municipal Code.
- 14) No temporary signs shall be attached to the wrought iron fence. All temporary signs shall require a "Temporary Sign Permit" from the Planning Division prior to installation.
- 15) If new signing is installed, it shall comply with the North Merced Sign Ordinance.
- 16) All existing landscape within the shopping center shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.
- 17) The premises shall remain clean and free of debris and graffiti at all times. Any damaged materials shall be replaced by matching materials.
- 18) Any umbrellas placed in the outdoor seating area shall be of color that matches or coordinates with the building color. Advertising on the umbrellas shall count as signage for the building.
- 19) The applicant shall either install bollards around the outdoor fence or incorporate them into the fence, as required by the Building Department.

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

May 12, 2016

DATE



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SIGNATURE

Planner

TITLE

Exhibits:

- A) Location Map
- B) Site Plan
- C) Floor Plan (Includes Outdoor Seating Area)
- D) Conceptual Design for Elevations
- E) Conceptual Design for Fence
- F) Resolution #1570 for CUP #476 (Regarding Alcohol Sales)
- G) Parking Analysis
- H) Categorical Exemption



Subject Site  
(Pizza Factory)

High Density  
Residential

Merced High School

Rite Aid

OLIVE

AutoZone

Walgreens

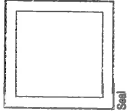
EXHIBIT A

G









**Design Resource Group**

- Architecture
- Interior Design
- Landscape Design
- Planning

425 W. Fresno Street, Merced, CA 95340  
 Phone: (209) 385-4411  
 Fax: (209) 385-4411  
 Website: www.drdesign.com



**PROJECT**

Sumans LLC  
 PMB # 123  
 3144 G Street, Suite 125  
 Merced, California 95340

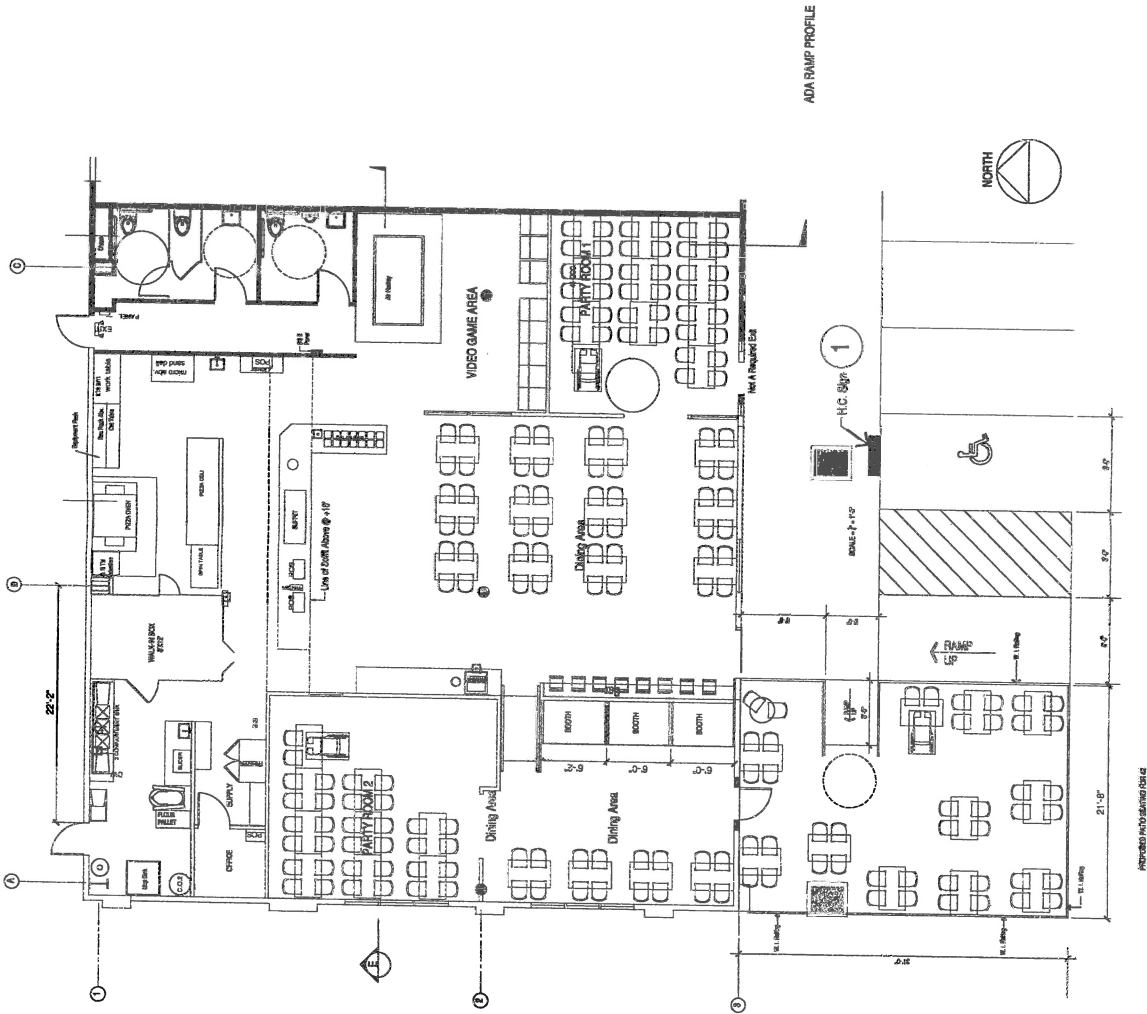
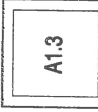
**REVISIONS:**

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This drawing is the property of Design Resource Group. It is to be used only for the project and location specified. It is not to be reproduced, copied, or used for any other project without the written consent of Design Resource Group.

**ADDENDUM**

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ADA RAMP PROFILE

REVISED AND SIGNED FOR AS SHOWN

**EXHIBIT C**



- (2) sets 12" PCL's, LED illumination
- red acrylic faces, #275 Acrylite
- black trim cap
- black returns

- (2) 24" diameter logo cabinets
- white acrylic face
- black trim cap
- black return
- digital graphics by CPU

Primary Linear frontage = 65'  
 Sign square footage = 15 Sq. Ft.  
 Secondary Linear Frontage = 75'  
 Sign square footage = 15 Sq. Ft.  
 Set back from road is 175 ft.

**Olive Ave Elevation**



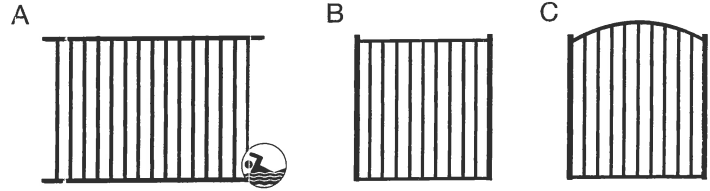
**G Street Elevation**



# HEAVY-DUTY

## 4X6 EASTON HEAVY DUTY

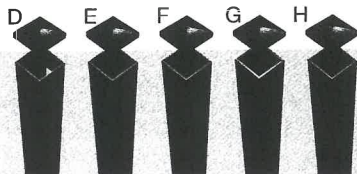
- 1-<sup>3</sup>/<sub>16</sub> in. x 1-<sup>1</sup>/<sub>2</sub> in. rails
- <sup>3</sup>/<sub>4</sub> in. pickets / 3-<sup>3</sup>/<sub>4</sub> in. picket spacing
- 14 day lead time
- Also available in Pewter



Panel and Gates		Actual Size	Black Model #	SOS#	Pewter Model #	SOS#
<b>A</b>	<b>4x6 Easton Heavy Duty Panel</b>	<b>43-<sup>7</sup>/<sub>16</sub>in. H x 72-<sup>5</sup>/<sub>16</sub>in. W</b>	<b>73008974</b>	<b>384447</b>	<b>73009008</b>	<b>384450</b>
B	4ft. x 4ft. Easton Heavy Duty Straight Gate*	50in. H x 46- <sup>1</sup> / <sub>2</sub> in. W	73010300	384495	73010407	384507
C	4ft. x 4ft. Easton Heavy Duty Arched Gate*	50in. H x 46- <sup>1</sup> / <sub>2</sub> in. W	73016236	384508	73016237	384509

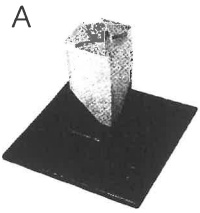
  

Posts		Black Model #	SOS#	Pewter Model #	SOS#
D	2- <sup>1</sup> / <sub>2</sub> in. x 2- <sup>1</sup> / <sub>2</sub> in. x 70in. Line Post	73009236	384748	73009261	384773
E	2- <sup>1</sup> / <sub>2</sub> in. x 2- <sup>1</sup> / <sub>2</sub> in. x 70in. Corner Post	73009237	384750	73009262	384775
F	2- <sup>1</sup> / <sub>2</sub> in. x 2- <sup>1</sup> / <sub>2</sub> in. x 70in. End Post	73009238	384752	73009263	384776
G	2- <sup>1</sup> / <sub>2</sub> in. x 2- <sup>1</sup> / <sub>2</sub> in. x 70in. Gate Post	73009239	384754	73009264	112366
H	2- <sup>1</sup> / <sub>2</sub> in. x 2- <sup>1</sup> / <sub>2</sub> in. x 106in. Blank Post	73003644	391005	73003956	391009



All aluminum posts include pyramid post top and screws.  
 For additional post top styles, gate hardware and accessories see page 54-57.  
 \*Color-matched Boerboel® Butterfly Hinges included with all gate kits.

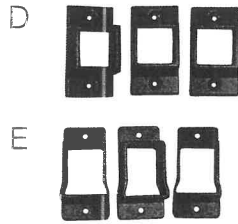
**FREEDOM ALUMINUM FENCE ACCESSORIES**



**Surface Mount**  
Used to secure base of post to wood or concrete surface. Available for 2" Standard posts and 2-1/2" Heavy Duty posts



**Angle Brackets**  
Available for 1" Standard and 1-1/2" Heavy Duty rails



**Wall Bracket Kits**  
Available for 1" Standard and 1-1/2" Heavy Duty rails

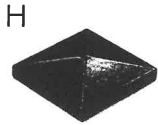


**Tri Finial Top**  
For use on Hudson Standard (5/8" open picket top)



**Quad Finial Top**  
For use on Hudson Standard (5/8" open picket top)

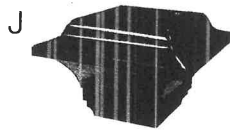
**POST TOPS**



**Pyramid Top**  
Ships standard with all 2" Standard and 2-1/2" Heavy Duty posts



**Ball Top**  
Decorative option for 2" Standard posts, 2-1/2" Heavy Duty posts and 4" Blank posts



**Solar Top**  
Decorative lighted post top, in black facing, adaptable for use with 2" Standard posts and 2-1/2" Heavy Duty posts

**DECORATIVE ACCENTS**

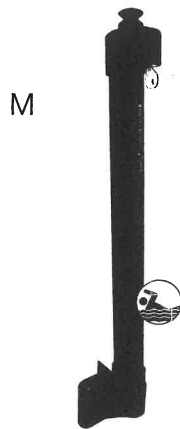


**Butterfly Scroll**  
Available for 5/8" Standard panels and 3/4" Heavy Duty picket



**Touch-Up Paint**  
Heavy duty enamel epoxy color matched paint for touch up and repair of the occasional nick scratch or blemish

**GATE ACCESSORIES**



All products not available in all colors.



CITY OF MERCED  
Planning Commission

RESOLUTION #1570

WHEREAS, the Merced City Planning Commission at its regular meeting of July 8 1981, considered ~~Conditional Use Permit Application #467 (C-N)~~, initiated by Gloria Salazar, agent for Tierra Mar Enterprises, property owner, for the on-site sale of alcoholic beverages at the prospective "La Hacienda" mexican restaurant and bar (the restaurant will seat approximately 144 people and the bar approximately 55 people), proposed for the "Payless Plaza" shopping center on the northeast corner of G Street and Olive Avenue (314 1/2 G Street, Suite 137); said property being more particularly described as a portion of Lot 143 as shown on the map of "Bradley's Addition No. 1" of Official Plats as recorded in Book 2 of Maps, Page 66, Merced County Records; and,

WHEREAS, upon due public notice and notification of all property owners within 300 feet of said property, a public hearing was held on July 8, 1981; and,

WHEREAS, one person spoke on behalf of the application and two speakers and a petition signed by eight tenants of the shopping center expressed opposition to the street tree requirement (Proposed Condition #3); and,

WHEREAS, the Merced City Planning Commission finds the following:

1. The City Council, at its November 3, 1980, regular meeting, amended the Zoning Ordinance to require a conditional use permit to serve alcoholic beverages as an ancillary use to a restaurant in a C-N (Neighborhood Commercial) zone.
2. The subject applicant proposes to establish a 144-seat mexican restaurant, "La Hacienda," in the "Payless Plaza" shopping center, including a 55-seat lounge/bar.
3. Surrounding land uses include Merced High School to the west and residential uses to the east.
4. The shopping center itself is oriented away from the residential areas. While designated neighborhood commercial, it is located on two major thoroughfares and across the intersection from another major shopping center (College Green), in a commercial setting that serves more than just the surrounding residents.
5. The applicants have indicated that the operating hours for the restaurant/ bar would be from about 11:00 a.m. to 10:00 p.m. on weekdays and 11:00 a.m. to 11:00 p.m. or midnight on weekends.
6. Traditional street trees were not originally required in Payless Plaza (there is no park strip between sidewalk and curb on either the Olive Avenue or G Street frontage) because of a lack of City provisions requiring them under the particular circumstances of a

C-N shopping center with no public area landscaping space. While an unfortunate situation, it does not appear reasonable to require them at a later date.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Planning Commission does approve Conditional Use Permit Application #467 (C-N), subject to the following conditions:

1. All applicable conditions contained in Planning Commission Resolution #1245 ("Standard Conditional Use Permit Conditions") shall apply.
2. All construction shall be in strict conformity with Exhibit 1 (site plan) and Exhibit 2 (elevations).

Upon motion by Commissioner Shannon, seconded by Commissioner Westmoreland, and carried by the following vote:

AYES: Commissioners Shannon, Westmoreland, Fisher, Bragonier  
Chairman Morse

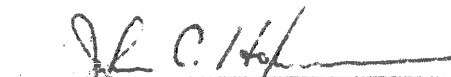
NOES: Commissioner Lara

ABSENT: Vice Chairman Collins

Adopted this 8th day of July, 1981.

  
\_\_\_\_\_  
Chairman, Planning Commission of the  
City of Merced, California

ATTEST:

  
\_\_\_\_\_  
Secretary  
nq1

## Mission Plaza Parking Analysis

### **Total Parking Provided: 244**

Total shopping center-square-footage: 55,774

Total retail square-footage: 46,379

Total restaurant square-footage: 9,395

### Parking Requirements for Restaurants:

Business	Seats:	Parking Stall Required:
Pizza Factory	182 (different from Exhibit C)	73
Togo's	25	10
Golden Bowl	75	30
Total Parking Required for Restaurants:		113

### Parking Requirements for Retail:

Retail Parking Formula: (1 space per 300 square feet of floor area) - 15% parking reduction for non-public space

Calculation:  $(46,379 \text{ s.f.}/300) - 15\% = 131$  parking stalls required

**Total Parking Required for Restaurants and Retail: 244 parking stalls**

**NOTICE OF EXEMPTION**

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**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 #396 (Environmental Review #16-14)

**Project Applicant:** Bhavna Shukla

**Project Location (Specific):** 3146 G St., Ste. 147 **APN:** 006-121-010

**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:** Bhavna Shukla

**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 remodeling the interior of a restaurant and removing 1 parking space to allow the construction of an outdoor seating area, 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:** 5-6-2016 **Title:** Planner

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