

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

**MINUTES**

Planning Conference Room  
2<sup>nd</sup> Floor Civic Center  
Thursday, August 13, 2015

Acting Chairperson KING called the meeting to order at 1:31 p.m.

**ROLL CALL**

Committee Members Present: Principal Planner King (for 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 July 16, 2015, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

4.1 Site Plan Application #383, submitted by Mary Davidson, property owner, to allow a secondary unit (571 square feet) at 2852 Rambler Lane, within a Low Density Residential (R-1-10) zone.

Planner MENDOZA-GONZALEZ reviewed the application for this item. For further information, refer to Draft Site Plan Review Committee Resolution #383.

August 13, 2015

M/S ENGLAND-CARDOSO, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #15-19, and approve Site Plan Application #383, subject to the Findings and eight (8) conditions set forth in the Draft Resolution #383:

AYES: Committee Members Cardoso, England, and Acting Chairperson King

NOES: None

ABSENT: None

4.2 Site Plan Application #384, submitted by Amir Sahebalzamany, for Burger King, applicant for King of Central Valley II, LP, property owner, to modify the exterior of an existing building at 555 W. Olive Avenue within Planned Development (P-D) #5, with a General Plan designation of Thoroughfare Commercial (CT).

Planner MENDOZA-GONZALEZ reviewed the application for this item. For further information, refer to Draft Site Plan Review Committee Resolution #384.

M/S ENGLAND-CARDOSO, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #15-20, and approve Site Plan Application #384, subject to the Findings and twelve (12) conditions set forth in the Draft Resolution #384 with the addition of Condition #13 as follows:

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

“13. The applicant shall replace the existing bike racks with new bike racks that satisfy City standards.”

AYES: Committee Members Cardoso, England, and Acting Chairperson King

NOES: None

ABSENT: None

August 13, 2015

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 1:59 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 #383

<u>Mary Davidson</u> APPLICANT	<u>Construct a secondary dwelling unit</u> PROJECT
<u>2850 Rambler Lane</u> ADDRESS	<u>2852 Rambler Lane</u> PROJECT SITE
<u>Merced, CA 95340</u> CITY/STATE/ZIP	<u>007-024-009</u> APN
<u>(209) 614-2319</u> PHONE	<u>Low Density Residential (R-1-10)</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 #383 on August 13, 2015, submitted by Mary Davidson, property owner, to allow a secondary dwelling unit (571 square feet) at 2852 Rambler Lane, within a Low Density Residential (R-1-10) zone. Said property being more particularly described as Parcel 3 as shown on that Map entitled "Map of Wil-Mar-Dan Acres," recorded in Volume 12, Page 20 of Parcel Maps, Merced County Records; also known as Assessor's Parcel Number (APN) 007-024-009.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15303 (a) (Exhibit F); and,

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

- A) The proposal complies with the Zoning designation of Low Density Residential (R-1-10) and with the General Plan designation of Low Density Residential (LD).
- B) There are no changes proposed for the existing home at 2850 Rambler Lane.
- C) The subject site has sufficient parking to accommodate the existing home and the secondary dwelling unit.
- D) In 1981, the Merced Minor Subdivision Committee reviewed and approved Boundary Adjustment #81-01 (Exhibit D), involving Assessor's Parcel Numbers 007-024-009 (subject site), 007-024-008, and 007-032-003. However, the boundary adjustment process was never formally completed with new deeds showing the results of Boundary Adjustment #81-01 (see Condition #7).

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Review Application #383, 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 (elevations/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. The applicant shall comply with the development standards for the R-1-10 zone found in Merced Municipal Code Chapter 20.10 - R-1 District, including but not limited to those regarding parking, setbacks, and lot coverage. In addition, the applicant shall comply with the conditions outlined in Merced Municipal Code Section 20.54.350 - Secondary Dwelling Units (Exhibit E).
6. Lighting for the secondary unit shall not spill over onto adjacent residential properties.
7. Prior to issuing a building permit, the applicant shall work with the City's Land Engineer and show a clear title reflecting the approval of Boundary Adjustment #81-01.
8. The exterior of the secondary unit shall match the existing structure in materials, color, and elevation design.

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

August 13, 2015

DATE

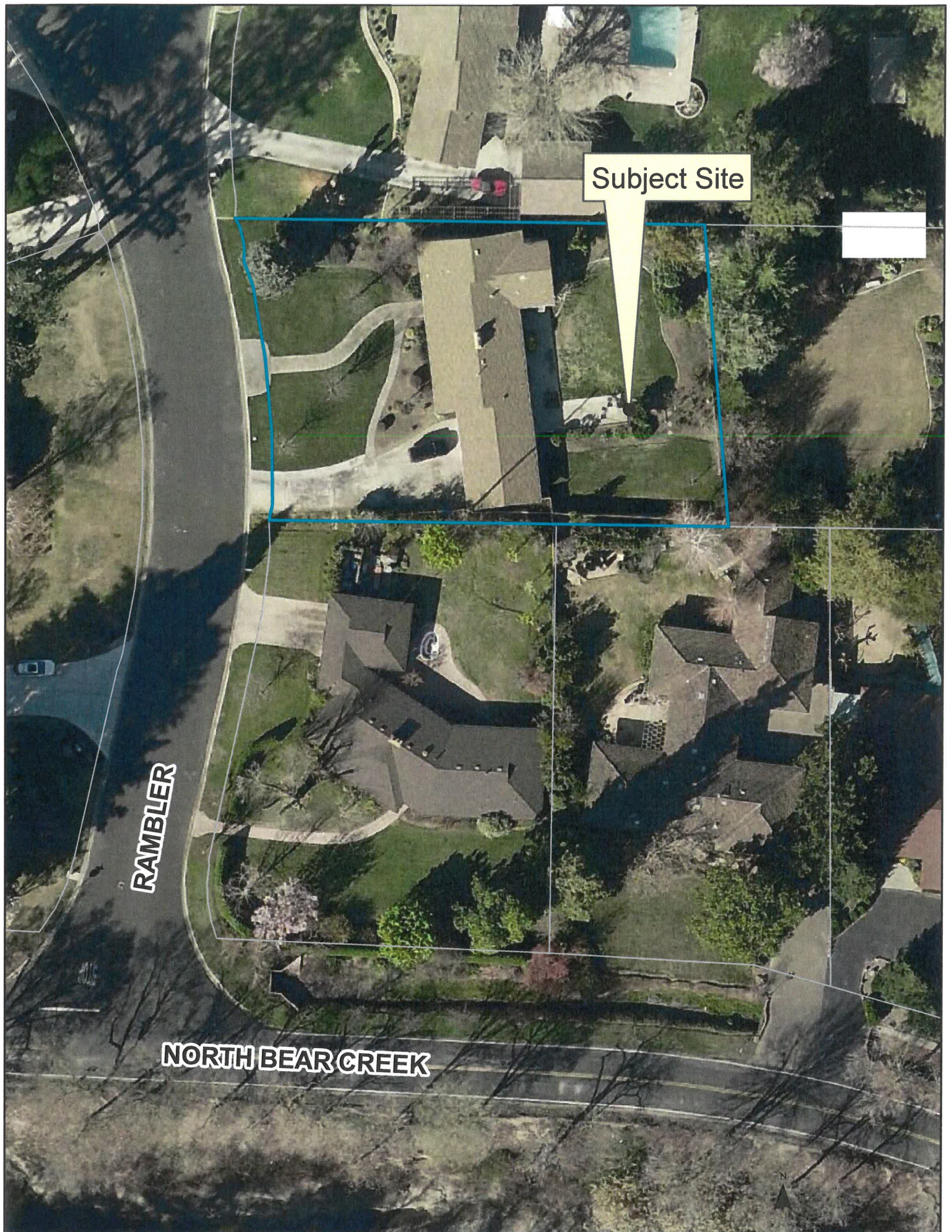
  
SIGNATURE

Planner

TITLE

Exhibits:

- A) Location Map
- B) Site Plan
- C) Elevations/Floor Plan
- D) Boundary Adjustment #81-1
- E) Merced Municipal Code Section 20.54.350 (Secondary Dwelling Units)
- F) Categorical Exemption



**EXHIBIT A**

**RICK ROWLAND**  
Residential Design and Remodels  
RICK ROWLAND, Owner  
P.O. Box 598  
Merced, CA 95341  
Ph.: (209) 781-8200  
email: rowland224@gmail.com

[illegible]

**TITLE SHEET / SITE PLAN**

<b>PROJECT DATA:</b>	
TOWN	WILSON
SEISMIC DESIGN CATEGORY "D"	
OCCUPANCY GROUP RSU	
SINGLE STORY	
<b>DESIGN CRITERIA</b>	
ROOF:	
DEAD LOAD-40 PSF	
LIVE LOAD-20 PSF	
WIND:	
ULTIMATE SPEED: 10 MPH	
EXPOSURE: C & MVI	
SEISMIC:	
S <sub>1</sub> = 0.775	
S <sub>2</sub> = 0.975	
S <sub>3</sub> = 0.838	
S <sub>4</sub> = 0.338	
SEISMIC DESIGN CATEGORY: "D"	
MINIMUM SOIL BEARING CAPACITY IS 1000 PSF	

**BUILDING CODES:**  
This project shall comply with the following:  
2013 Editions of the California Building Code (CBC), California Mechanical Code (CMC), California Plumbing Code (CPC), the California Electrical Code (CEC), the California Energy Code (CalEC), the California Fire Code (CFC), the California Residential Code (CRC) and the CA Green Building Standards Code.

SQUARE FOOTAGE	
LIVING AREA	571
PORCH	19

**GENERAL NOTES:**

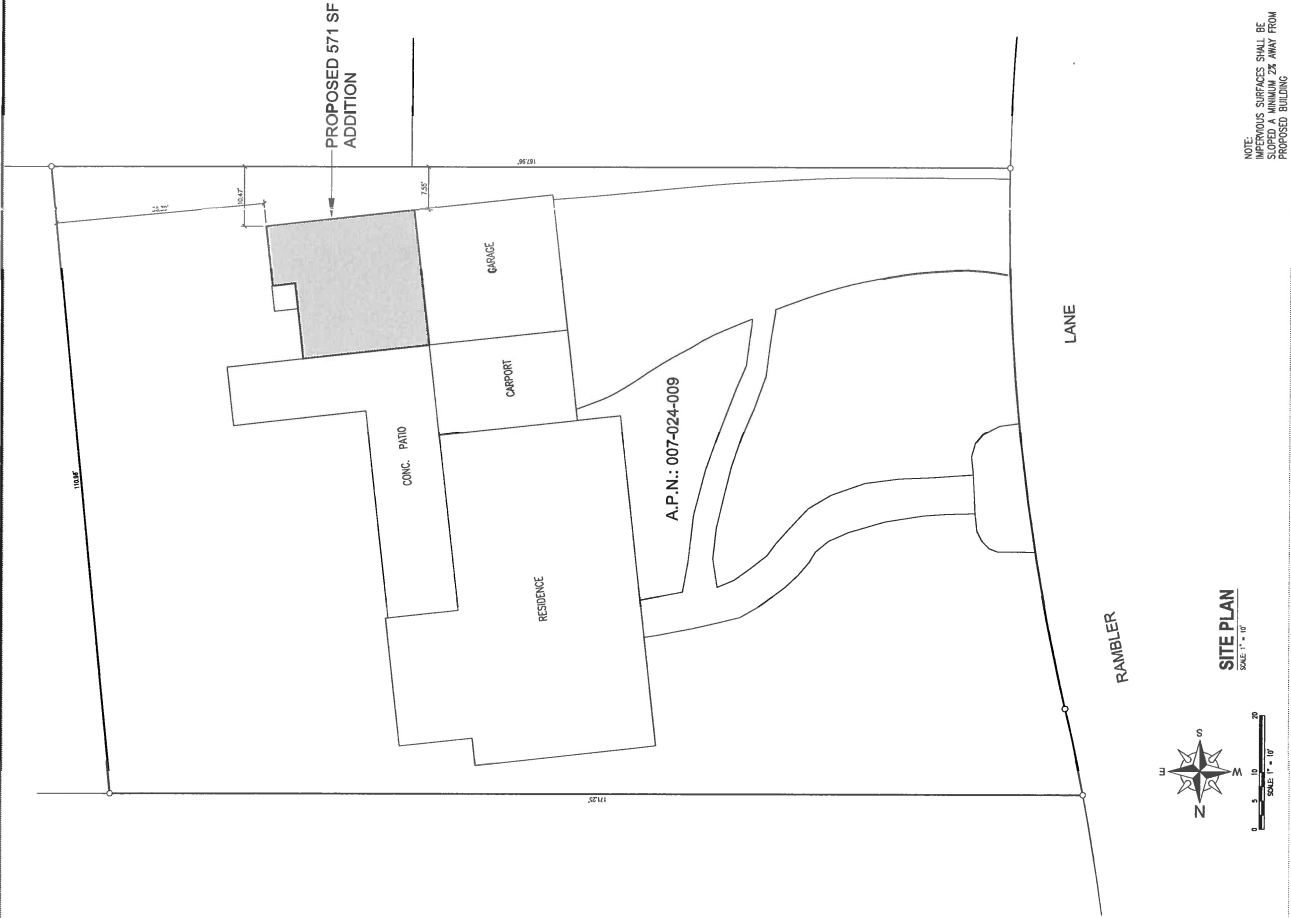
- 1.) This project is not located within a Flood Zone and shall conform to Sec. 1905.3.4 for the min. grading standards.

**SHEET INDEX:**

T1.0	Title Sheet / Site Plan
T1.1	Green Code Checklist
A1.0	Elevations / Floor Plan
A2.0	Elec. Plan / Mech. Plan / Plumbing Plan
A3.0	Title 24
S1.0	Foundation Plan / Shear Wall Plan
S2.0	Roof Plan
S3.0	Structural Notes
S3.1	Typical Details

PREPARED FOR:	<b>Davidson Residence</b>
	2850 Romblar Lane
	Marcos, CA 95348
	Phone
	Job Site A.P.N.: 007-024-009
PROJECT DATA:	
Date:	APRIL 2015
Scale:	AS SHOWN
Drawn by:	RICK
File Name:	DAVIDSON_571
SHEET NUMBER:	

# T1.0

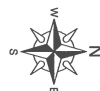
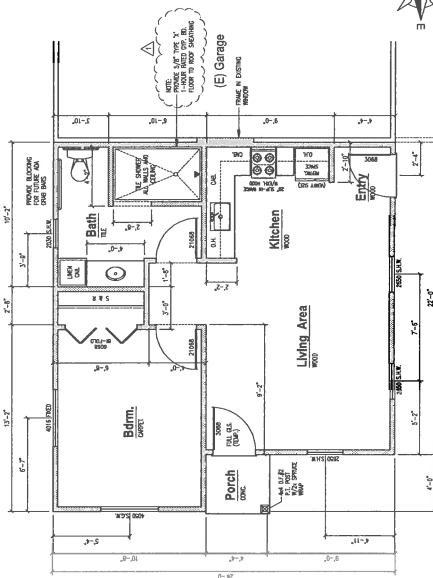


NOTE: IMPERVIOUS SURFACES SHALL BE SLOPED A MINIMUM 2% AWAY FROM PROPOSED BUILDING



PREPARED FOR: **Davidson Residence**  
 8650 Rambler Lane  
 Merced, CA 95348  
 Phone \_\_\_\_\_  
 680 Site A.P.N.: 007-028-009  
 PROJECT DATA  
 Order: APRIL 2015  
 Scale: AS SHOWN  
 Drawn By: RICK  
 File Name: DAVIDSON\_571  
 SHEET NUMBER: \_\_\_\_\_

# A1.0

[illegible]

## FLOOR PLAN

FILE: 1/4" - 1" - 0"

CITY OF MERCED  
Minor Subdivision Committee  
Boundary Adjustment

RESOLUTION #372

Amended May 1, 1981

WHEREAS, the Merced Minor Subdivision Committee met on April 17, 1981, to consider Boundary Adjustment Application BA #81-1, which would provide for the resubdivision of two lots being generally described as being located on the east side of Rambler Lane and the west side of Ardell Drive, north of North Bear Creek Drive; said parcels being more particularly described as being:

1. Lot 3 - Having a total of 112.32+ feet of frontage on the east side of Rambler Lane; said lot contains 34,142+ square feet as being shown as "Lot 3" on "Map of Wilmar-Dan Acres," recorded in Volume 12 at Page 20 of Official Plats, Merced County Records, Section 19, T7S, R14E, MDB&M, Merced County, California.
2. Lot 5 - Having a total of 99.96+ feet of frontage on the west side of Ardell Drive; said lot contains 18,970+ square feet as being shown as "Lot 5" on "Map of Ardell Park," recorded in Volume 12 at Page 39 of Official Plats, Merced County Records, Section 19, T7S, R14E, MDB&M, Merced County, California.

Said boundary adjustment will create the following two lots:

1. Lot 3 - Having a total of 112.32+ feet of frontage on the east side of Rambler Lane; said lot contains 18,477+ square feet as being shown as "Lot 3" on "Record of Survey for Dennis S. Cesar" (Merced Minor Subdivision Boundary Adjustment BA #81-1).
2. Lot 5 - Having a total of 96.96+ feet of frontage on the west side of Ardell Drive; said lot contains 34,635+ square feet as being shown as "Lot 5" on "Record of Survey for Dennis S. Cesar" (Merced Minor Subdivision Boundary Adjustment BA #81-1).

NOW, THEREFORE, BE IT RESOLVED that the Minor Subdivision Committee for the City of Merced does approve Boundary Adjustment BA #81-1, submitted by Dennis S. Cesar, subject to the following conditions:


1. Survey monuments shall be set at all angle points and lot corners.
- \* 2. Either prior to the sale of any parcel described herein, or within one year of the date of this resolution, whichever is sooner, an official parcel map 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).

Minor Subdivision Committee  
BOUNDARY ADJUSTMENT RESOLUTION #372  
Page 2  
April 17, 1981

- \*3. Prior to recordation of the parcel map, the subdivider shall dedicate to the City of Merced a 7-foot public utilities easement along the Rambler Lane and Ardell Drive property frontages. (This dedication may be accomplished on the face of the parcel map.)

Upon motion by Committee Member Hofmann, seconded by Committee Member Cote, and unanimously approved.

Adopted this 17th day of April, 1981.

  
Chairperson, Minor Subdivision Committee  
of the City of Merced, California

ATTEST:

  
Acting Secretary

Amended as follows:

- \*2. Either prior to the sale of any parcel described herein, or within one year of the date of this resolution, whichever is sooner, an official 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).
- \*3. Delete No. 3 in its entirety.

We the undersigned PAT L. NOLET and PATRICIA L. NOLET do hereby certify that we are the owners of the lands herein shown, that we caused the same to be surveyed and to be subdivided into lots for the purpose of sale, that we consent to the making and the filing of this map in the office of the County Recorder of the County of Merced, State of California, and hereby offer for dedication to public use the streets and easements herein shown.

*Patricia L. Nolet*  
Signature

State of California, ss.  
County of Merced.

On this 22nd day of March, 1930, before me, J. W. Blair, a notary public in and for the County of Merced, State of California, residing therein, duly commissioned and sworn, personally appeared PAT L. NOLET and PATRICIA L. NOLET, known to me to be the persons whose signatures are here to attached, and acknowledged to me that they subscribed their respective signatures hereto. In witness whereof, I have hereunto set my hand and official seal the day and year last above written.

*J. W. Blair*  
Notary Public

My commission expires June 2, 1932.

I, W. E. BERGSEHL, a duly licensed surveyor of the State of California, do hereby certify that I made the survey and subdivision herein shown, that in making said survey, I set monuments of the kind and character shown at the several places shown on the map, that said monuments are sufficient to enable the survey to be retraced, that the data that said monuments are correct and that the survey was completed on the 22nd day of March, 1930.

*W. E. Bergsehl*  
Licensed Surveyor No. 656

I, W. E. BERGSEHL, COUNTY SUPERVISOR of the County of Merced, State of California, do hereby certify that this subdivision herein shown is substantially the same as that shown on the tentative map approved by the Merced County Planning Commission, the City of Merced, and the Merced County Board of Supervisors, and that the same is in accordance with the provisions of the Subdivision Map Act, Chapter 499, of the Civil Code of the State of California, and that this map is technically correct.

Dated this 22nd day of March, 1930.

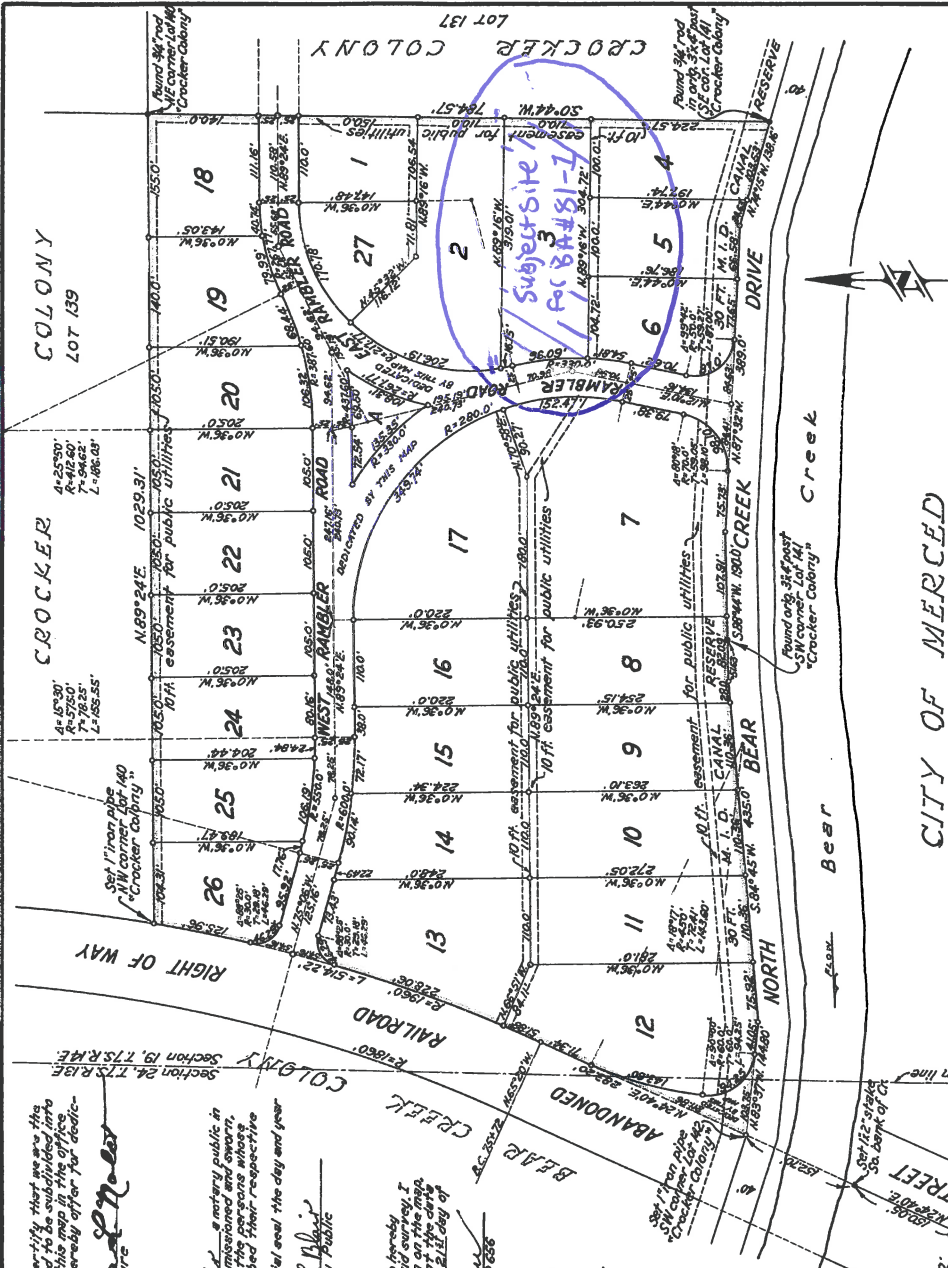
*W. E. Bergsehl*  
County Supervisor

This map having been approved by the Merced County Planning Commission, the Board of Supervisors of the County of Merced, State of California, hereby accept this map of the public lot and easement ACRES and accept on behalf of the public lot and easement areas hereinafter described.

Attest: *W. E. Bergsehl* Clerk of the Merced County Board of Supervisors

No. 3822  
of the County of Merced is the office of the County Recorder  
Attest: *W. E. Bergsehl* County Recorder

At the request of *Pat Nolet*  
Fee \$50.00



CITY OF MERCED

- LEGEND
- Represents 1"x30" iron pipes set on this survey
  - Represents monuments set on former surveys
  - Represents temporary point on true situs
  - Represents 10 ft easements for public utilities
- Lot distances are measured to the sides of streets and avenues.

MAP OF  
**WIL-MAR-DAN ACRES**  
BEING A RESUBDIVISION OF LOTS 140-141 AND 142  
ACCORDING TO THE "MAP OF THE CROCKER COLONY"  
SECTION 24, T.7S.R.1SE. M.D.B. 1M.  
SECTION 19, T.7S.R.1SE. M.D.B. 1M.  
MERCED COUNTY, CALIFORNIA  
SCALE: 1"=100' VOL. 12 PAGE 20

I, the undersigned, ELIZABETH F. LEUSCHNER, do hereby certify that I am the owner of the lands hereon shown, that I caused the same to be surveyed and to be subdivided into lots for the purpose of sale, that I, in connection to the survey and subdivision of the County of Merced, California, have caused the same to be surveyed and subdivided in accordance with the laws of California, and hereby offer for dedication to public use all drives, roads (or streets) and easements hereon shown.

*Elizabeth F. Leuschner*  
Signature

County of Merced, Cal.  
On this 10 day of July 1951 before me George T. Wacker, a notary public in and for the County of Merced, State of California, residing herein, duly commissioned and sworn, personally appeared ELIZABETH F. LEUSCHNER known to me to be the person whose signature is hereto attached and acknowledged to me that she subscribed her respective signature hereto in witness whereof, I have hereunto set my hand and official seal the day and year first above written.

*George T. Wacker*  
Notary Public

My commission expires 3-29-54.

I, W. E. BERGSEN, COUNTY SUPERVISOR of the County of Merced, State of California, do hereby certify that I have caused this map of ARDELL PARK to be surveyed and subdivided in accordance with the laws of California, and that the subdivision hereon shown is substantially the same as that shown on the tentative map approved by the Merced County Planning Commission, that the map complies with the provisions of the Subdivision Map Act, State of California, Statutes of 1943, and all ordinances applicable at the time of the approval of the tentative map, and that this map is technically correct.

*W. E. Bergsen*  
County Supervisor

This map having been approved by the Merced County Planning Commission, the Board of Supervisors of the County of Merced, State of California, hereby accept this map as the official map of ARDELL PARK, and accept on behalf of the public all drives, roads (or streets) and easements hereon shown.

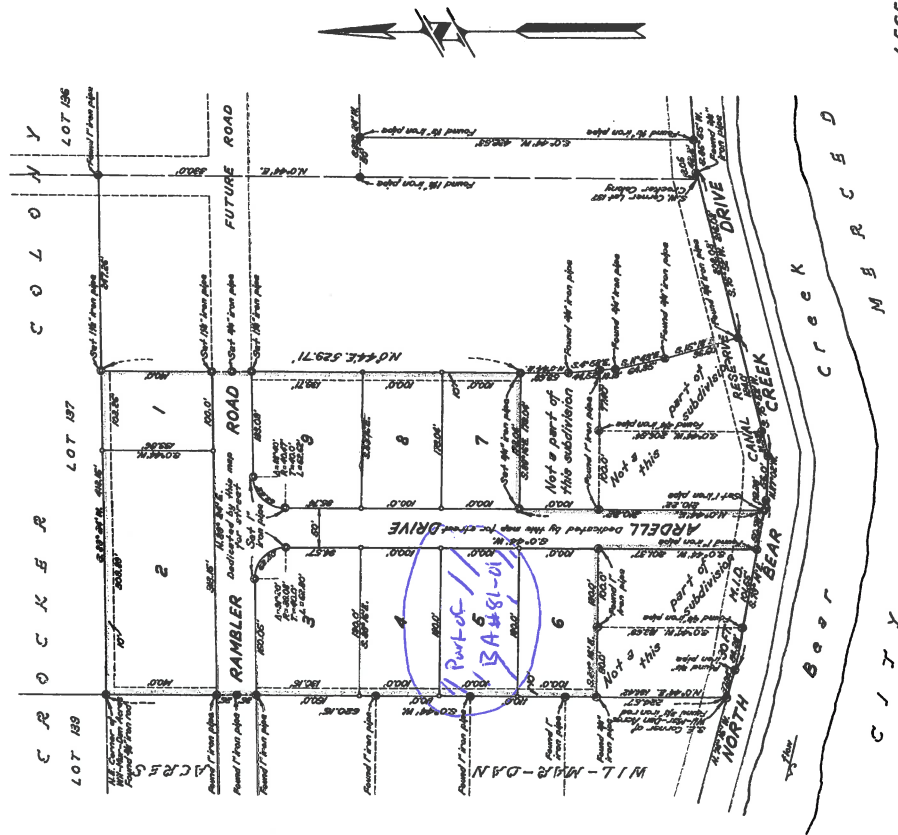
Dated this 11 day of Sept. 1951  
Attest: *Edmund* Clerk  
By *Harry Robinson* Chairman

I, W. E. BERGSEN, a duly licensed surveyor of the State of California, do hereby certify that I made the survey and subdivision hereon shown, that I caused the same to be surveyed and subdivided in accordance with the laws of California, and that the subdivision hereon shown is substantially the same as that shown on the tentative map approved by the Merced County Planning Commission, that the map complies with the provisions of the Subdivision Map Act, State of California, Statutes of 1943, and all ordinances applicable at the time of the approval of the tentative map, and that this map is technically correct.

*W. E. Bergsen*  
Licensed Surveyor 19435

NP 10802  
Filed for record in the office of the County Recorder of the County of Merced, State of California at minutes past 2 o'clock this 12 day of Sept. 1951 in Volume 16 of Official Plates at page 39 Merced County Records.  
At the request of *Elizabeth F. Leuschner*

*W. J. Tustin*  
County Recorder  
By *Charles L. Tustin* Deputy



LEGEND

- Monuments set on other surveys
- Monuments set on this survey
- 98' iron rods set on this survey
- Public utilities easements 10 ft. wide
- Lot distances are measured to the sides of road and drive
- The exterior boundary of this subdivision is indicated by a red border

MAP OF  
**ARDELL PARK**  
BEING A RESUBDIVISION OF A PORTION OF  
LOT 187 "CROCKER COLONY"  
SECTION 18, T7S, R4E, M.D.B. & M.  
MERCED COUNTY, CALIFORNIA  
SCALE: 1"=100' VOL. 16 PAGE 39.

**20.54.350 - Secondary dwelling units.**

A secondary dwelling unit may be erected even if the lot is less than six thousand (6,000) square feet per unit in R-1 District (as specified in Section 20.10.070(D)); three thousand (3,000) square feet per unit in R-2 District (as specified in Section 20.12.060(B)); one thousand five hundred (1,500) square feet per unit in R-3-1.5 District and two thousand (2,000) square feet per unit in R-3-2 District (as specified in Section 20.14.060); and one thousand (1,000) square feet per unit in R-4 District (as specified in Section 20.16.060(B)), if all of the following conditions are met:

- A. A secondary dwelling unit may be constructed only if there is already a single-family dwelling existing on the lot, regardless of the zoning district, which shall be deemed the primary dwelling unit.
- B. Either the primary single-family dwelling or the secondary dwelling unit must be owner-occupied.
- C. No lot line adjustment, subdivision of land, air rights or condominium shall be allowed to enable the sale or transfer of the secondary residential unit independently of the primary dwelling unit or any portion of the property. The secondary dwelling unit shall not be sold, transferred, or otherwise disposed of independently from the primary dwelling unit. This stipulation shall be included in the recorded deed restriction for the property.
- D. The secondary dwelling unit in compliance with this section shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot.
- E. Only one (1) secondary dwelling unit may be constructed per legal lot regardless of the number of single-family dwellings on the lot.
- F. Construction must conform to height, setback, and lot coverage standards as well as fees, charges, and other zoning requirements applicable to construction in the permitted residential districts. The secondary dwelling unit shall be located to the rear of the primary unit, and if attached to the primary dwelling unit the outside entrance for the second dwelling unit must not be on the same side as the front elevation of the primary dwelling unit. The secondary unit shall be clearly subordinate to the primary dwelling by size, appearance, and location on the parcel.
- G. The permitted size of the second dwelling is based on whether it is attached or detached. In either case, at least an efficiency dwelling unit as defined in Section 17958.1 of the California Health and Safety Code may be permitted:
  - 1. Attached: The increased floor area shall not exceed fifty (50) percent of the existing living area, in that the overall increase does not exceed one thousand (1,000) square feet (excluding any carport or garage that may be constructed with the second dwelling). For example, a one thousand (1,000) square foot attached secondary dwelling may be permitted for a primary dwelling with two thousand (2,000) square feet of livable area ("livable area" does not include garage). The addition may not result in violations of the standards of the Uniform Building Code and Uniform Housing Code or the Merced Municipal Code;

2. Detached: The total floor area shall not exceed one thousand two hundred (1,200) square feet; this area does not include any space devoted to a carport or garage.
- H. One (1) additional parking space shall be provided for a secondary dwelling unit that has one (1) or two (2) bedrooms in addition to those spaces required for the primary dwelling unit. If the secondary dwelling unit has three (3) or more bedrooms, two (2) parking spaces shall be provided in addition to those spaces required for the primary dwelling unit. The creation of a secondary dwelling through the conversion of all or a portion of a garage is prohibited.
  - I. The secondary dwelling unit must be eligible to receive city sewer and water services.
  - J. The secondary dwelling shall be constructed in such a manner as to be architecturally similar to the primary dwelling unit in terms of design, material, height, exterior finish, roof pitch, and landscaping. Additionally, the secondary dwelling shall utilize the same type and color of roofing material and shall be painted the same color as that of the primary dwelling unit. The parcel shall retain a single-family appearance and the secondary dwelling unit shall be integrated into the design of the existing improvements of the property.
  - K. The addresses of both the primary and secondary dwelling units shall be displayed and clearly visible from the street.
  - L. The site planning and architectural features of the secondary dwelling unit shall be reviewed and approved by the site plan approval committee for compliance with all standards of this section and compliance with Section 20.54.250

(Ord. 2288 § 2, 2007).

## 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 #383 (Environmental Review #15-19)

**Project Applicant:** Mary Davidson

**Project Location (Specific):** 2852 Rambler Lane **APN:** 007-024-009

**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:** Mary Davidson

**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: 15303 (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 a secondary dwelling unit in a residential zone in an urbanized area, which is considered to be exempt under the CEQA Guidelines per Section 15303 (a).

**Lead Agency:** City of Merced

**Contact Person:** Francisco Mendoza-Gonzalez

**Area Code/Telephone:** (209) 385-6858

**Signature:**  **Date:** 08-06-2015 **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 #384

<u>Amir Sahebalzamany</u> APPLICANT	<u>Façade remodel (Burger King)</u> PROJECT
<u>2565 Zanella Way</u> ADDRESS	<u>555 W. Olive Avenue</u> PROJECT SITE
<u>Chico, CA 95928</u> CITY/STATE/ZIP	<u>236-230-014</u> APN
<u>(925) 989-1185</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 #384 on August 13, 2015, submitted by Amir Sahebalzamany, for Burger King, applicant for King of Central Valley II, LP, property owner, to modify the exterior of an existing building at 555 W. Olive Avenue within Planned Development (P-D) #5, with a General Plan designation of Thoroughfare Commercial (CT). Said property being more particularly described as Parcel A as shown on the Map entitled "Parcel Map for Donald B. Dunwoody," recorded in Book 31, Page 37 of Merced County Records; also known as Assessor's Parcel Number (APN) 236-230-014.

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 Thoroughfare Commercial (CT) and the Zoning classification of Planned Development (P-D) #5.
- B) The subject site has adequate parking for this use.
- C) The subject site satisfies the City's parking lot tree requirements.
- D) The use of xeriscape landscaping is not required, but it is encouraged for this site.
- E) 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, driveway(s) and street

corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.


NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Application #384 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) 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) All signing shall comply with the North Merced Sign Ordinance. 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.
- 8) A canopy or overhang shall be installed on the west elevation, above the drive thru window, to protect patrons and employees from rain and for aesthetic purposes. The color, scale, and material of this canopy or overhang shall be similar to that of other canopies for this building. This condition shall be reviewed and approved by planning staff during building permit review.
- 9) The applicant shall work with the City's Refuse Department to determine the adequacy of the existing trash enclosure. A larger trash enclosure may be required to serve this site and to meet future requirements regarding the separation of food waste from other waste. The location of the trash enclosure (if relocation is needed) shall be determined by the City's Refuse Department.
- 10) 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 recycling container shall be enclosed within a refuse enclosure built to City Standards.
- 11) The premises shall remain clean and free of debris and graffiti at all times.
- 12) The applicant shall work with the Building Department to ensure that water used for landscaping does not spill-over onto the driveways or sidewalk. This may require onsite drainage and installing an underground catch basin that terminates at the face of the curb.
- 13) The applicant shall replace the existing bike racks with new bike racks that satisfy City standards.

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

8-13-15  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
Francisco Mendoza-Gonzalez

\_\_\_\_\_  
Planner  
TITLE

Exhibits

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

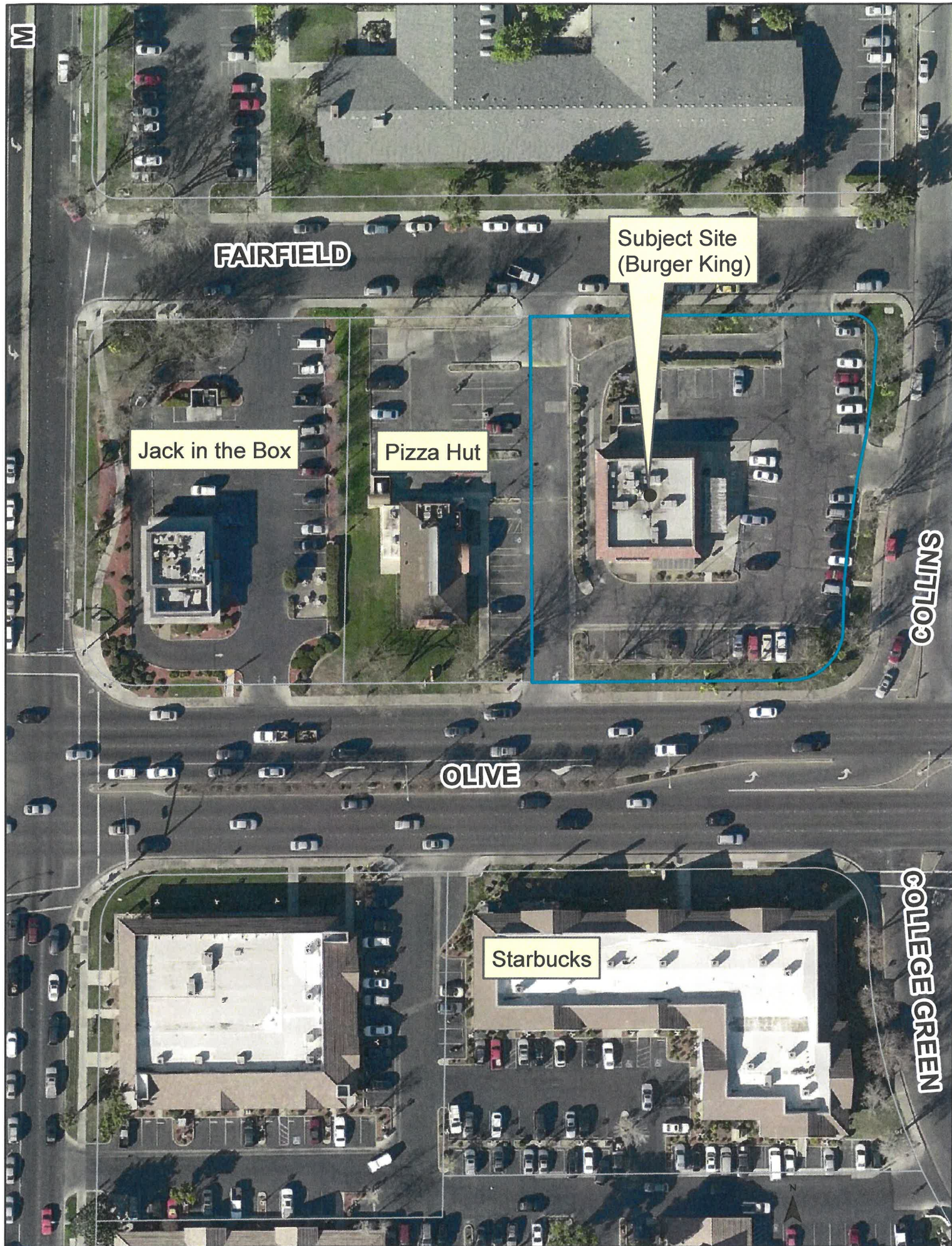


EXHIBIT A



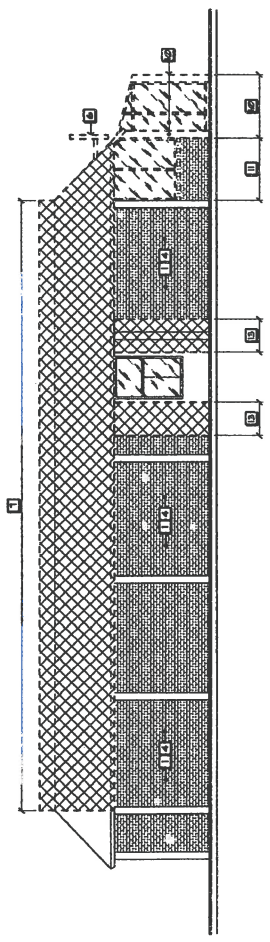
**REVISIONS**

NO.	DATE	DESCRIPTION
1	10/1/2014	ISSUED FOR PERMIT
2	10/1/2014	REVISED
3	10/1/2014	REVISED
4	10/1/2014	REVISED
5	10/1/2014	REVISED

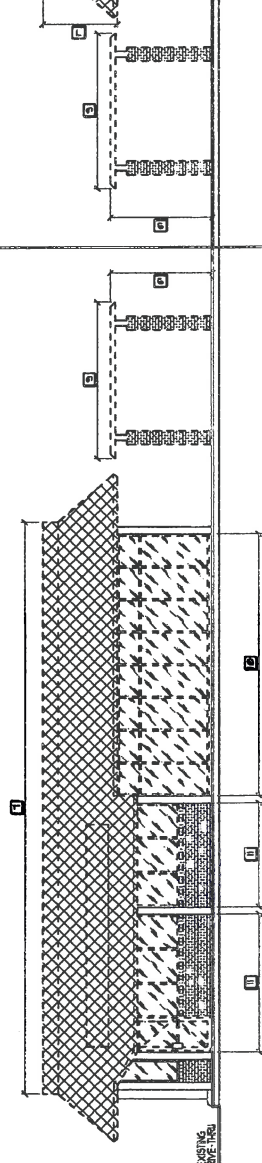
**FLOOR PLAN KEYED NOTES**

1. EXISTING BUILDING WALLS
2. EXISTING ROOF TO REMAIN WITH TRUSS SYSTEM
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**EAST ELEVATION 1**



**WEST ELEVATION 2**



**FRONT (NORTH) ELEVATION 3**

**REAR (SOUTH) ELEVATION 4**

**EXISTING / DEMOLITION - EXTERIOR ELEVATIONS**

SCALE: 3/16" = 1'-0"



## 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 #384 (Environmental Review #15-20)

**Project Applicant:** Amir Sahebalzamany

**Project Location (Specific):** 555 W. Olive Ave. **APN:** 236-230-014

**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:** Amir Sahebalzamany

**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 and exterior alterations only, such as a façade remodel, resurfacing the parking lot, and repainting the existing parking stalls, which are considered to be exempt under the CEQA Guidelines per Section 15301 (a).

**Lead Agency:** City of Merced

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

**Signature:**  **Date:** 08-05-2015 **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