

CITY OF MERCED
Site Plan Review Committee

MINUTES

Planning Conference Room
2nd Floor Civic Center
Thursday, August 25, 2016

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

ROLL CALL

Committee Members Present: Director of Development Services Gonzalves,
City Engineer Roschen, and Plan Examiner
England (for Assistant Chief Building Official
Graves)

Committee Members Absent: None

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

1. **MINUTES**

M/S ROSCHEN-ENGLAND, and carried by unanimous voice vote, to
approve the Minutes of July 28, 2016, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Site Plan Application #402, submitted by Mainzer Theater Merced, LLC, property owner(s), to allow a mixed-use business with a sit-down restaurant (with alcohol service), an entertainment stage, 4 bowling lanes, and a theater/lecture hall within an existing building located at 655 W. Main Street within a Central Commercial (C-C) Zone.

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

Site Plan Review Committee Minutes

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August 25, 2016

Resolution #402. Chairperson GONZALVES noted that Condition #4 should be expanded to include some fire-related requirements.

M/S ENGLAND-ROSCHEN, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #16-25, and approve Site Plan Application #402, subject to the Findings and sixteen (16) conditions set forth in the Draft Resolution #402 with modification to Condition #4 as follows:

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

- “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 including, but not limited to, fire sprinklers and fire life safety systems.”

AYES: Committee Members England, Roschen, and Chairperson Gonzalves

NOES: None

ABSENT: None

5. INFORMATION ITEMS

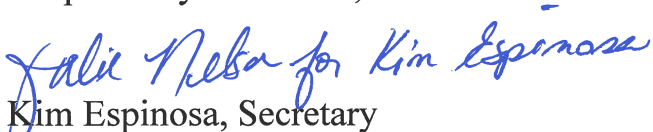
5.1 Calendar of Meetings/Events

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

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

Site Plan Review Committee Minutes

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APPROVED:

A handwritten signature in blue ink, appearing to read "David B. Gonzalves For".

DAVID B. GONZALVES, Chairperson/
Director of Development Services
Merced City Site Plan Review Committee

CITY OF MERCED
SITE PLAN REVIEW COMMITTEE
RESOLUTION #402

<u>Mainzer Theater Merced, LLC</u> APPLICANT	<u>Allow a mixed-use business with a sit-down restaurant (with alcohol service), an entertainment stage, 4 bowling lanes, and a theater/lecture hall inside an existing building.</u> PROJECT
<u>P.O. Box 49</u> ADDRESS	<u>655 W. Main Street</u> PROJECT SITE
<u>Merced, CA 95341</u> CITY/STATE/ZIP	<u>031-133-013</u> APN
<u>(919) 669-9650</u> PHONE	<u>Central Commercial (C-C)</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 #402 on August 25, 2016, submitted by Mainzer Theater Merced, LLC, property owner(s), to allow a mixed-use business with a sit-down restaurant (with alcohol service), an entertainment stage, 4 bowling lanes, and a theater/lecture hall within an existing building located at 655 W. Main Street within a Central Commercial (C-C) Zone. Said property being more particularly described as Lots 9 and 10 from Block 164 as shown on that Map entitled "Supplemental Map to Town of Merced Secs. 24 & 25, T. 7S. R. 13 E., Secs. 19 & 30, T. 7S. R. 14 E., Merced Co. Cal., on Line of Visalia Division Central Pacific Railroad," recorded in Volume 2 of Page 12 of Parcel Maps, Merced County Records; also known as Assessor's Parcel Number (APN) 031-133-013.

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

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

- A) The proposed dine-in restaurant (with alcohol service), entertainment stage, and theater/lecture hall comply with the City of Merced General Plan designation of Regional/Community Commercial (RC) and the zoning designation of Central Commercial (C-C).
- B) The bowling alley is considered an ancillary use due to the limited number of proposed bowling lanes (4).
- C) The current Zoning Ordinance classifies a bowling alley as a conditional use within the C-C zone. However, the City is in the process of adopting a new Zoning Ordinance (ZOA #16-01 is scheduled for City Council review on

September 6, 2016). The proposed Zoning Ordinance allows bowling alleys within the C-C Zone with a Site Plan Review Permit instead of a Conditional Use Permit. Staff has determined that the proposed bowling lanes may be reviewed by the Site Plan Review Committee, because that is consistent with the proposed Zoning Ordinance and because the limited number of bowling lanes (4) should not cause a great impact to the surrounding area.

- D) The restaurant will serve alcohol as an ancillary use only (see Condition #10).
- E) The applicant is not requesting approval for a bar or a night club (Exhibit H). The current Zoning Ordinance and the proposed Zoning Ordinance Amendment #16-01 require a Conditional Use Permit for those uses within the C-C Zone (see Condition #14).
- F) The subject site is located within the City's Downtown Parking District, which does not require off-street parking for uses on the first floor. Parking for the first floor can be served by five City-owned parking lots located within a 400-foot radius of the subject site. However, off-street parking shall be required for uses (theater) on the second floor. The parking requirement for a theater is one parking stall for every four seats. Based on the proposed 158-seat theater, 40 off-street parking stalls shall be required (see Condition #15). Parking may be provided on a parking lot located within 400 feet of the subject site (through a parking agreement as outlined in MMC Section 20.58.370.C.) or as otherwise allowed within the new Zoning Ordinance.
- G) The Mainzer Theater is not part of the Federal, State, or Local historic registry.
- H) The applicant is proposing to not make any major modifications to the exterior of the building. The applicant is proposing to make minor exterior modifications such as replacing windows, adding exit doors, painting the exterior, etc (see Conditions #12 and #13).
- I) There are three PCE (Perchloroethylene) groundwater monitoring wells on Main Street, near the southeast corner of the subject site (Attachment I). These monitoring wells shall not be damaged and shall remain accessible during the remodeling process (see Condition #16).

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Review Application #402, 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 D (floor plans), Exhibit G (elevations and sections), 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, including but not limited to fire sprinklers and fire life safety systems.
5. All modifications shall meet or exceed the building codes in effect at the time of building permit application submittal. New codes are in effect January 1, 2017.
6. Prior to building permit issuance, the applicant shall obtain approvals from the Merced County Health Department and the San Joaquin Air Pollution Control District.
7. 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. Freestanding or A-frame signs are not allowed.
8. All existing landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.
9. The premises shall remain clean and free of debris and graffiti at all times.
10. The business shall meet all applicable Alcoholic Beverage Control requirements.
11. The business shall meet all applicable Merced County Health Department requirements.
12. Major remodels or site improvements shall require design review approval from the Planning Commission or their designated review board.
13. Exterior painting and minor exterior modifications shall require staff level design review.
14. Approval of this request does not allow the business to operate as a bar or night club per MMC 20.04.075 and 20.04.315 (code references subject to change under new Zoning Code). Bars and night clubs are considered conditional uses and shall require conditional use permit approval from the Planning Commission.
15. The applicant shall provide proof of a parking agreement during the building permit stage. The parking agreement shall comply with MMC Section 20.58.370.C., unless the Zoning Ordinance is amended to allow other means of satisfying parking requirements. Payment of in-lieu fees per MMC 20.58.510 may also be acceptable.
16. The three PCE (Perchloroethylene) groundwater monitoring wells in Main Street, near the southeast corner of the subject site, shall not be damaged and shall remain accessible during the remodeling stage.

NOTE: References to specific Zoning Code Sections are subject to change with the adoption of the new Zoning Ordinance, but the provisions themselves remain mostly the same.

August 25, 2016

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

August 25, 2016

DATE



SIGNATURE

Planner

TITLE

Exhibits:

- A) Location Map
- B) Site Plan
- C) Existing Floor Plans
- D) Proposed Floor Plans
- E) Interior Restoration Diagrams
- F) Existing Elevations and Sections
- G) Proposed Elevations and Sections
- H) Letter from the Applicant (2nd Page Regarding Night Clubs/Bars)
- I) PCE Groundwater Monitoring Wells
- J) Categorical Exemption

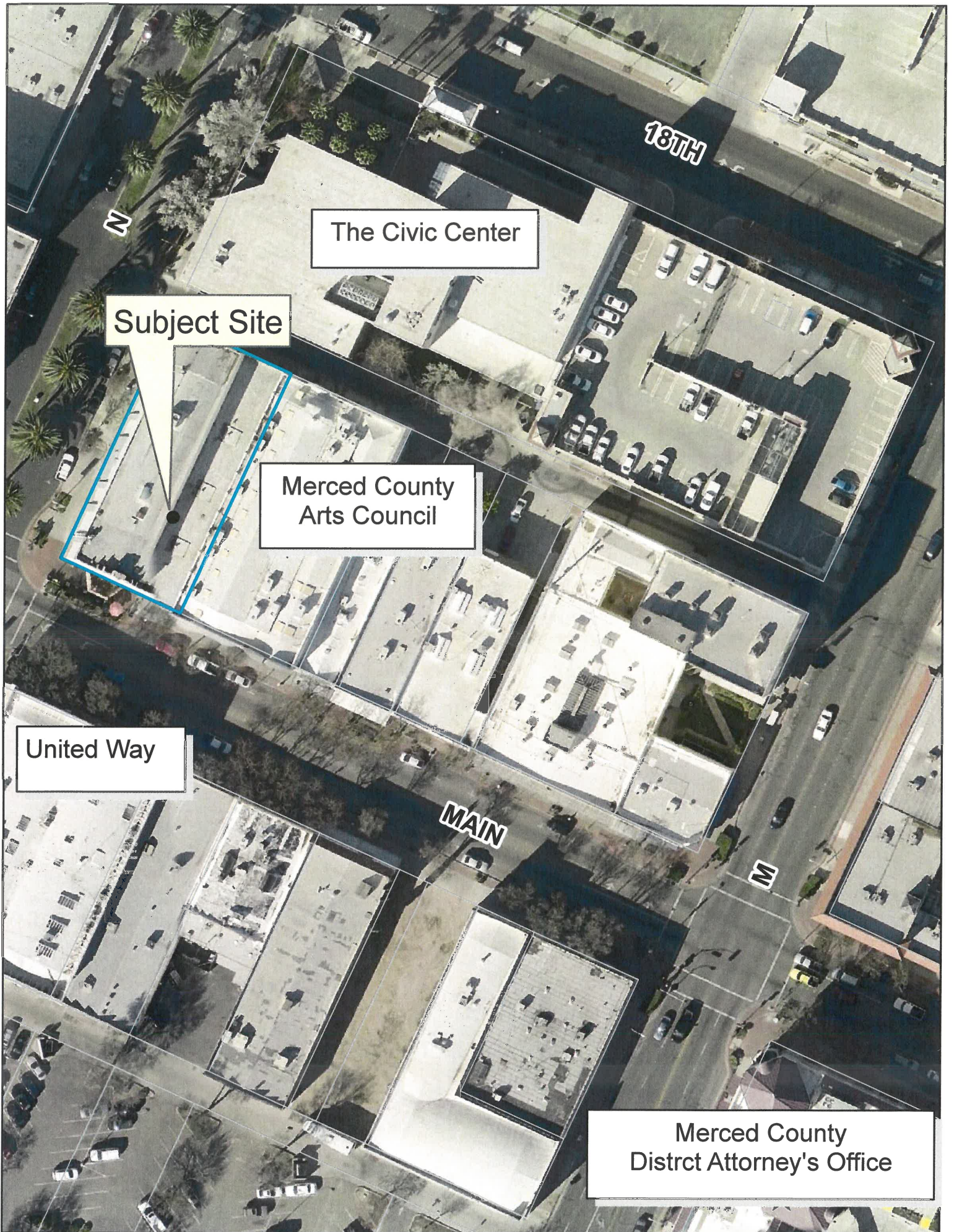
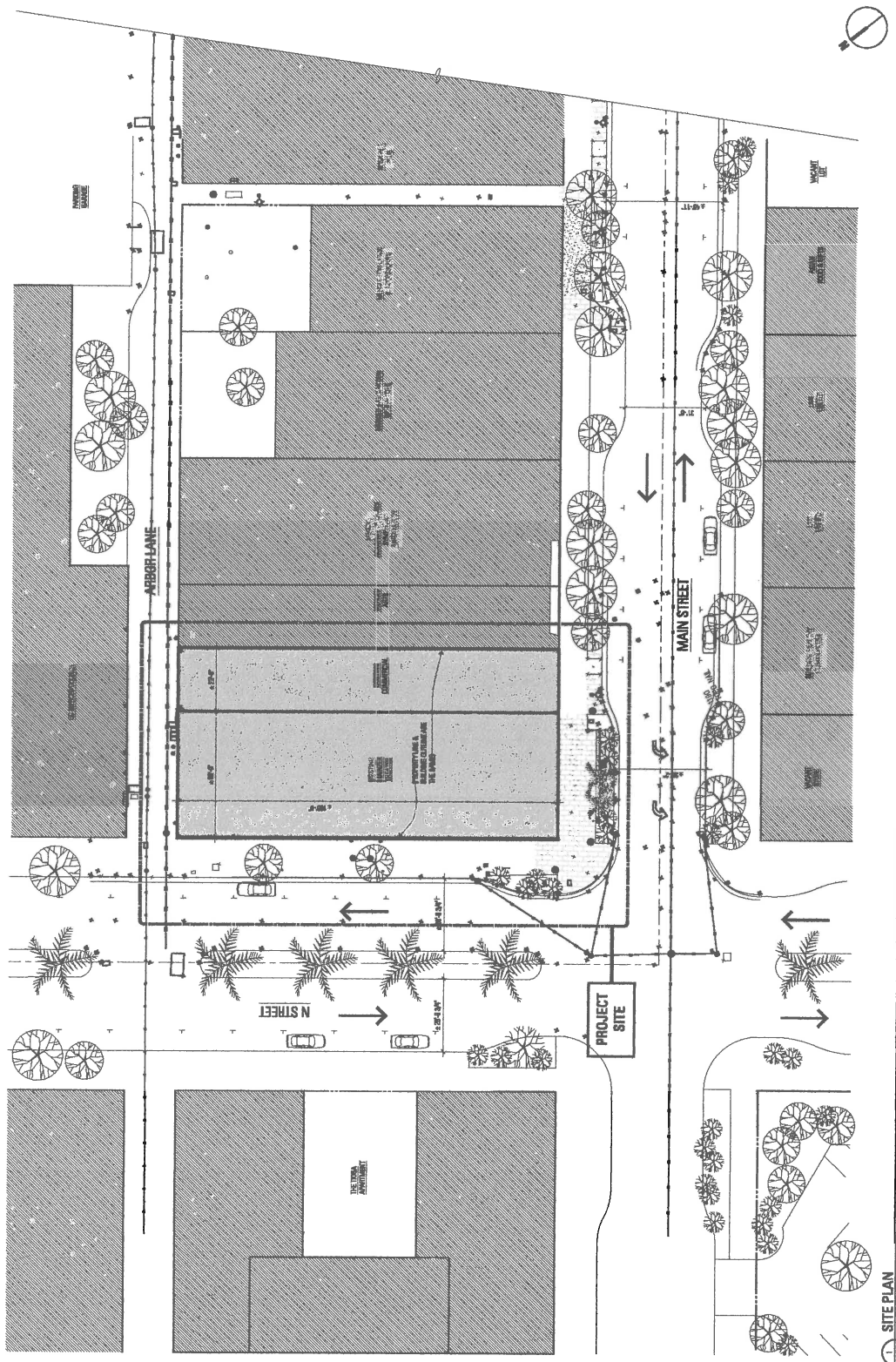


EXHIBIT A



1 SITE PLAN
A2

MAINZER THEATER | MERCED, CA

SITE PLAN

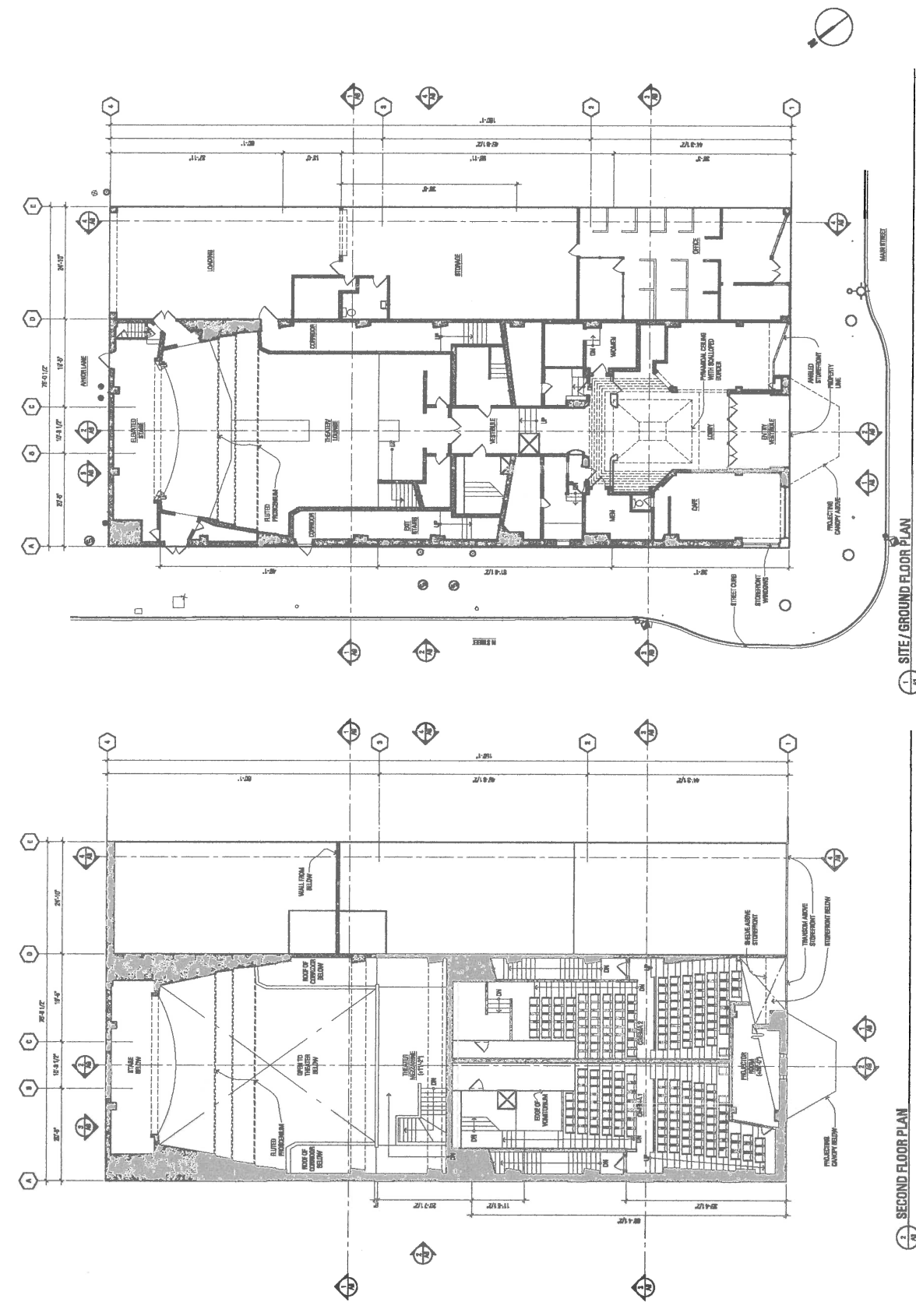
A2

BAR architects
801 Battery Street, Suite 200 | San Francisco, CA 94111 | 415.258.5770 | www.bararch.com

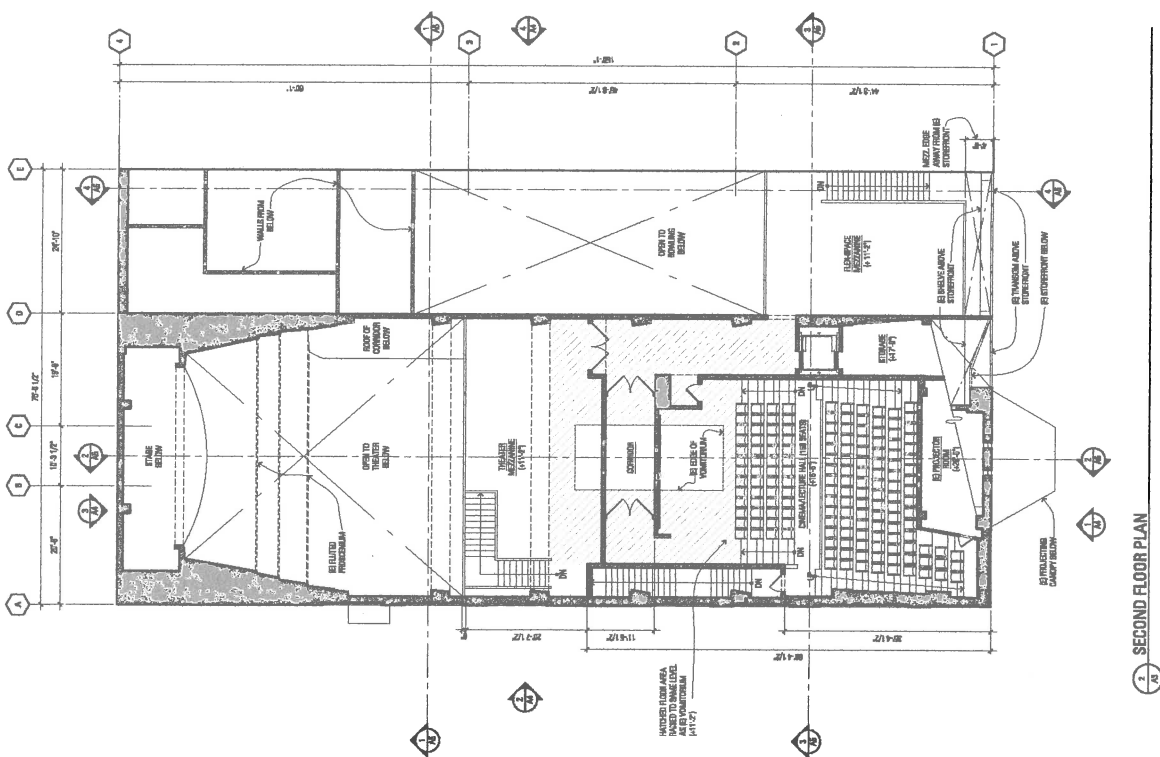
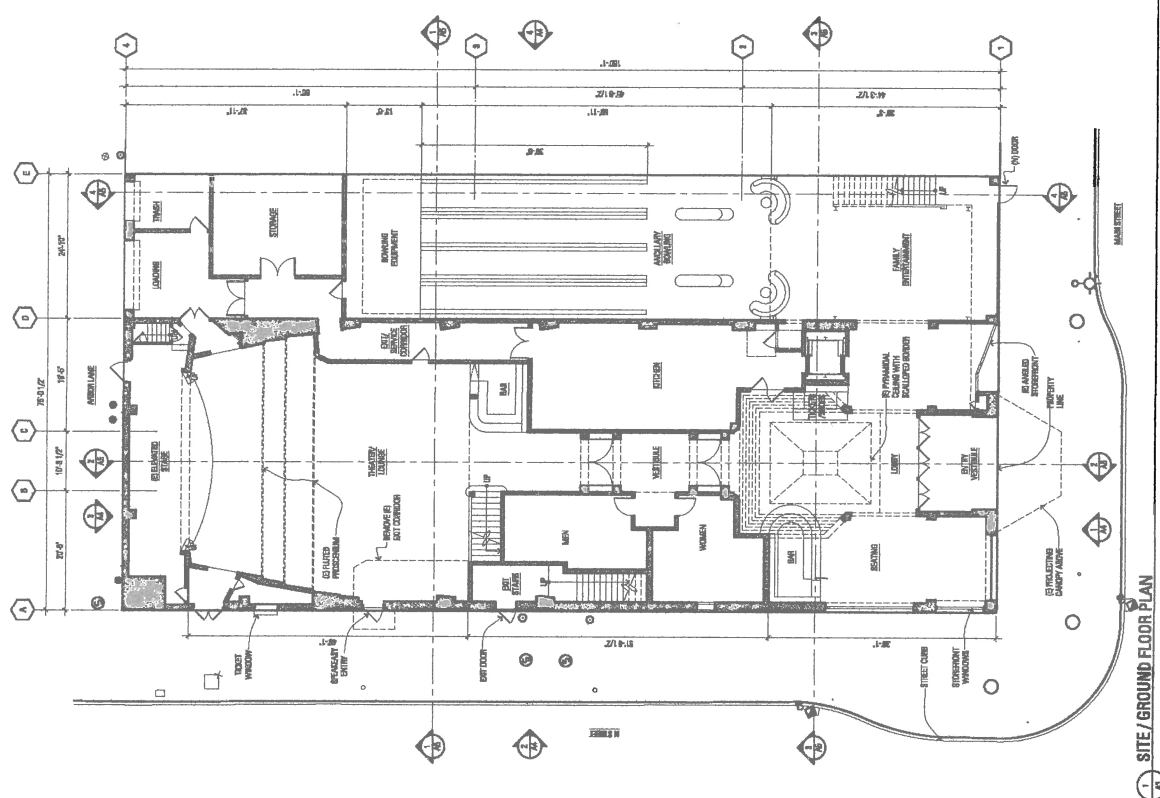
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EXHIBIT B

EXHIBIT C



MAINZER THEATER | MERCED, CA



MAINZER THEATER | MERCED, CA

BAR architects
801 Battery Street, Suite 300 | San Francisco, CA 94111 | 415 233 5700 | www.bararch.com



EXHIBIT E



1 HISTORICAL CONTEXT ZONING DIAGRAM - GROUND FLOOR PLAN

2 HISTORICAL CONTEXT ZONING DIAGRAM - SECOND FLOOR

HISTORIC APPROACH DIAGRAMS

MAINZER THEATER | MERCED, CA

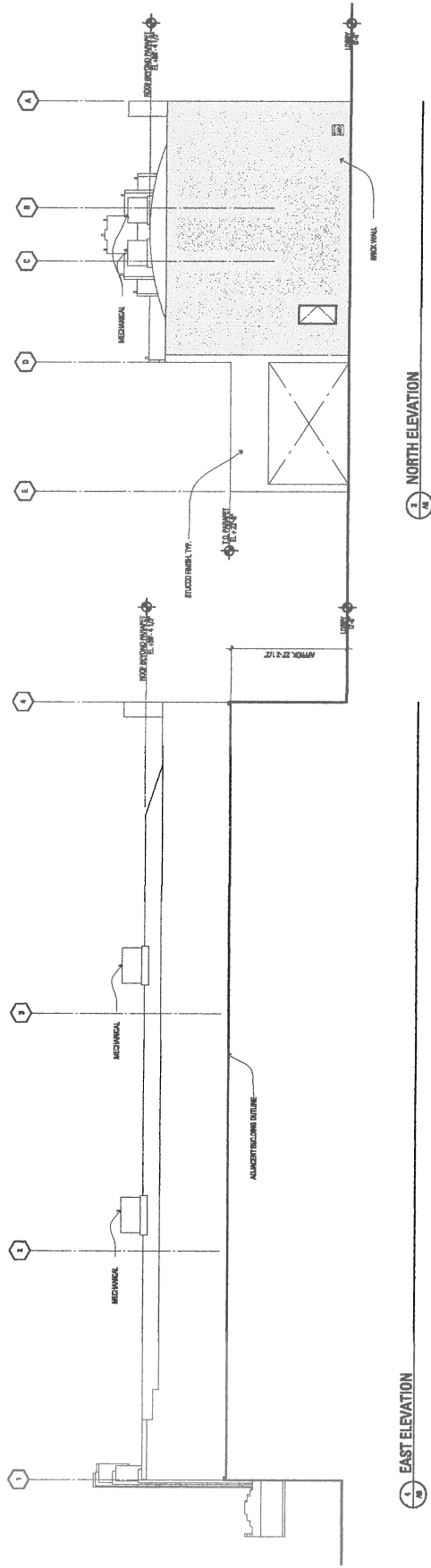
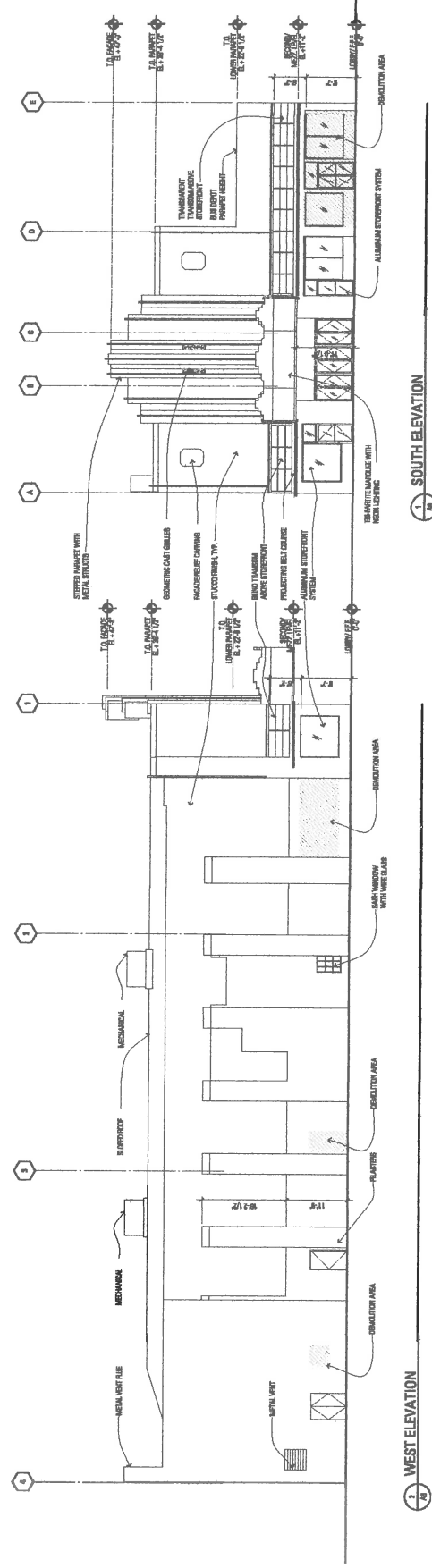


EXHIBIT F



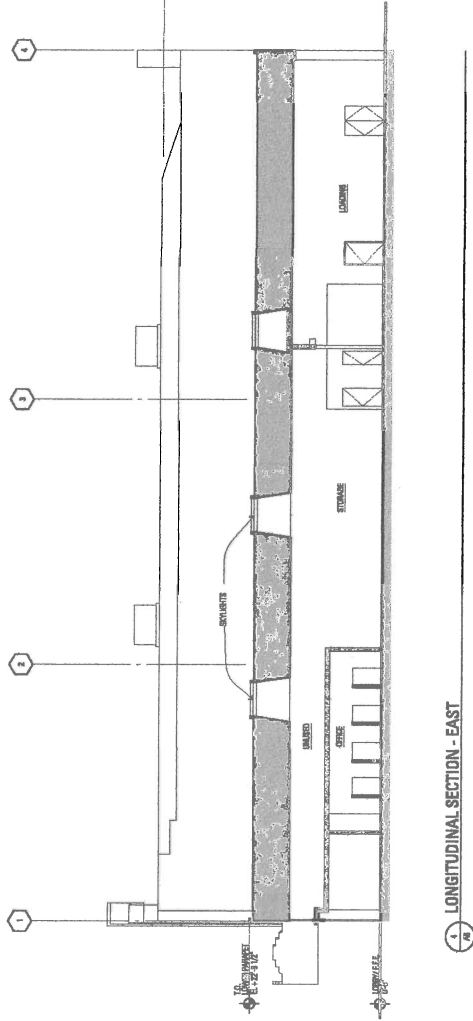
MAINZER THEATER | MERCED, CA

EXISTING BUILDING ELEVATIONS

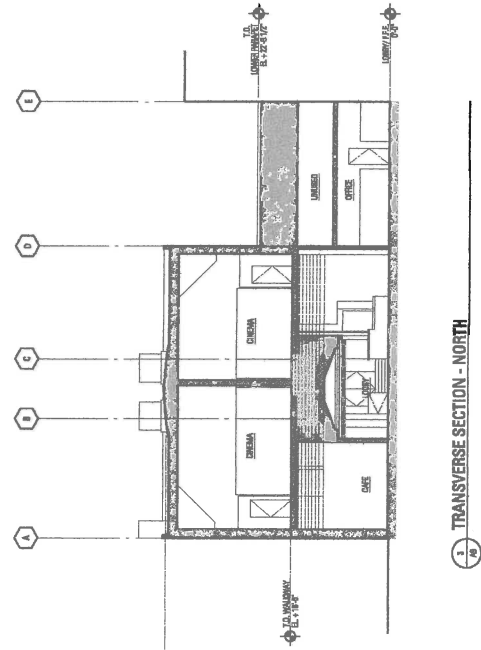
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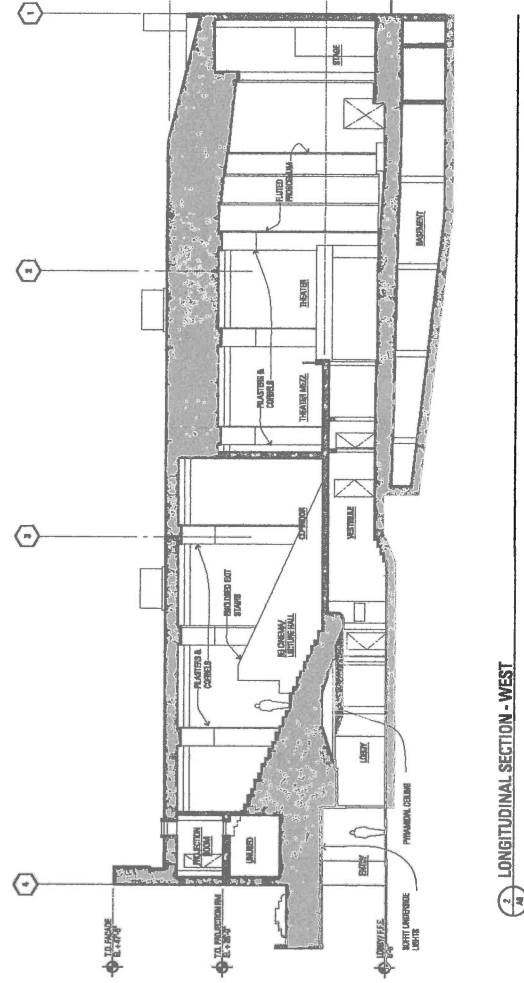
A8



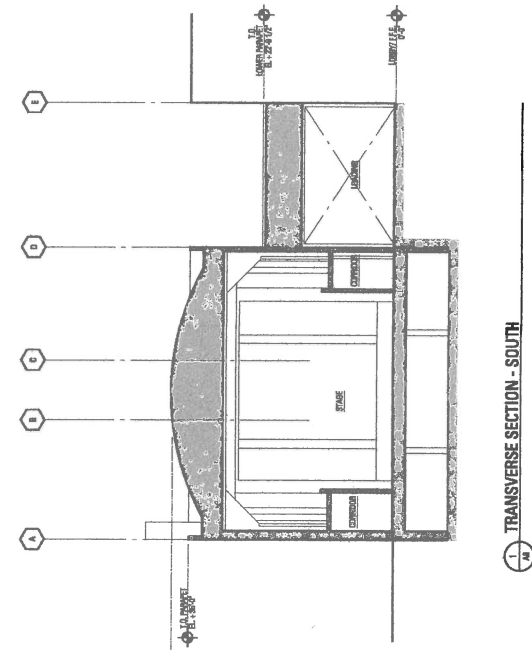
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1 TRANSVERSE SECTION - NORTH

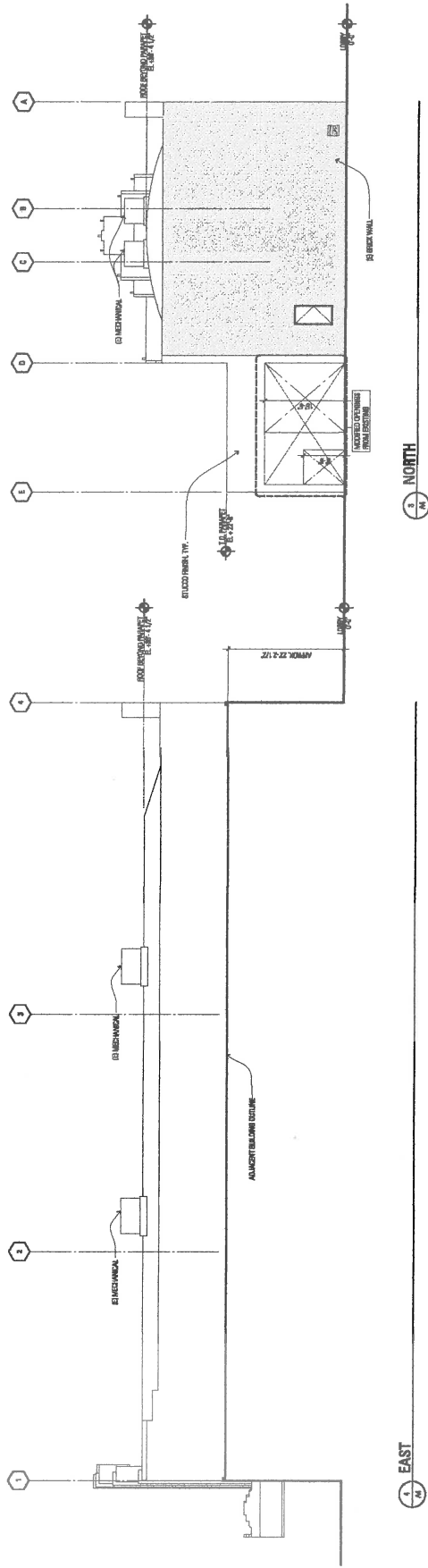


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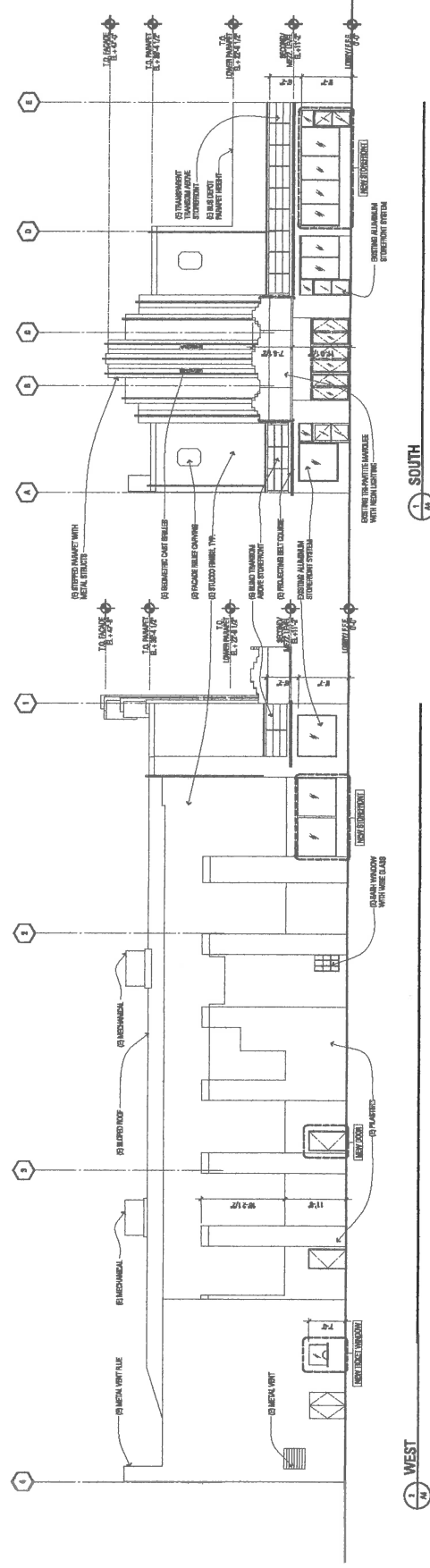
1 TRANSVERSE SECTION - SOUTH

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EAST
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NORTH
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WEST
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SOUTH
1/2 N

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EXTERIOR ELEVATIONS

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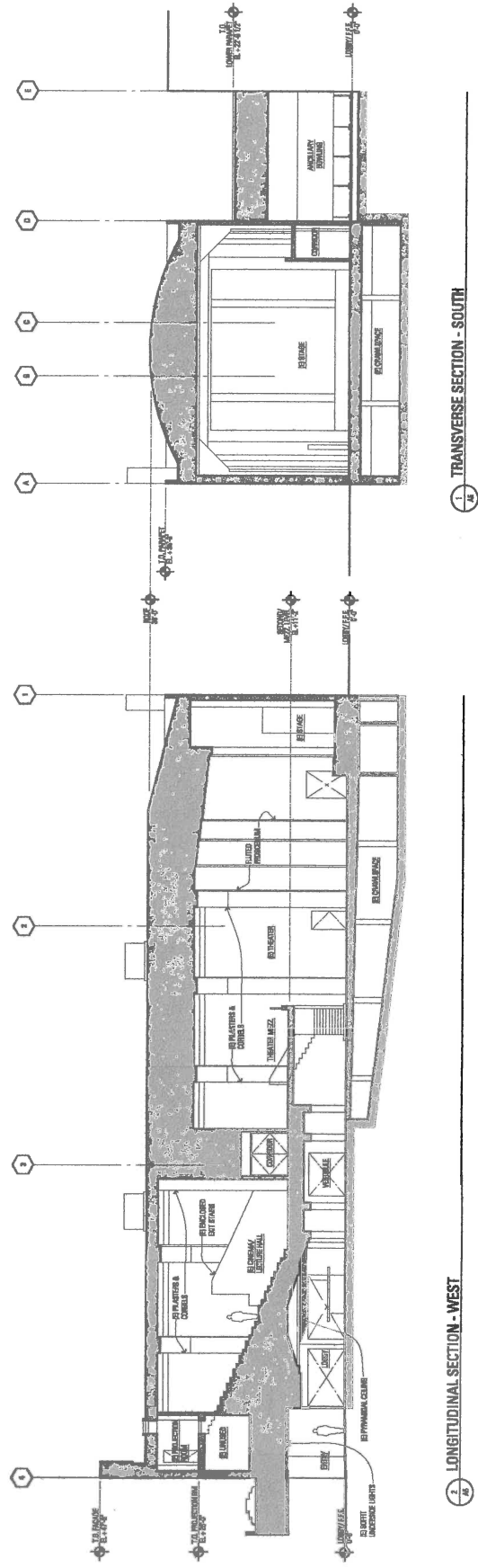
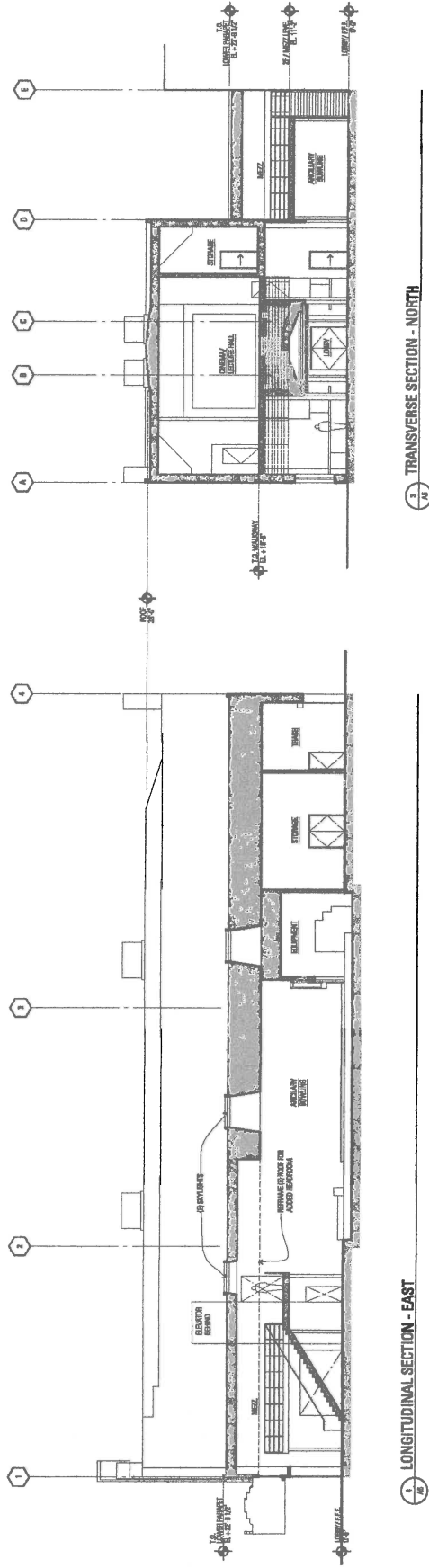
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17 JUL 2016

TIME

A4

EXHIBIT G



MAINZER THEATER | MERCED, CA

BUILDING SECTIONS

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1000' 0' 4' 8' 16' 32'

A5

Memo

To: City of Merced Planning Division

From: Mainzer Theater Merced, LLC

Date: 7/27/2016

Re: Mainzer Theater Description of Operations; Relevant Zoning Code Provisions

The Mainzer Theater renovation project is designed to operate as a restaurant and theater with ancillary, multi-function entertainment space for all ages. The project is located in the C-C zoning district, which provides that “restaurants, theaters, and similar enterprises” are principal permitted uses. (Municipal Code §20.24.020)

The purpose of the C-C district is to “stabilize, improve and protect the commercial characteristics of the central business district of the city.” (Municipal Code §20.24.010.) An overarching goal of the project is to preserve the essence of the original theater and celebrate its contribution to downtown Merced, while also updating the spaces and building systems to support the needs and expectations of today’s users and operators. This will directly serve the purpose of the district.

As discussed further below, the project fits squarely within the uses anticipated for the district, and it does not require a conditional use permit.

Principal use/operations

The primary operations at the Mainzer Theater shall be (1) a restaurant to service all spaces throughout the building, and (2) a theater. The restaurant is projected to provide the downtown Merced community with lunch, brunch and dinner service. Section 20.04.335 of the Municipal Code defines “restaurant” as “a commercial establishment engaged in the selling of food or drink for consumption on the premises.” The proposed restaurant at the Mainzer Theater fits squarely within this definition. The to-be-renovated existing theater space will be used as a theater for various types of movie screenings as well as lecture hall needs.

As noted above, “restaurants, theaters, and similar enterprises” are principal permitted uses in the C-C district. (Municipal Code §20.24.020.)

Accessory/ancillary uses and operations

Drinks, both alcoholic and non-alcoholic, will be served from a bar located in the restaurant. Such drink service may be viewed as either a basic element of a restaurant – and therefore entirely within the definition of the permitted “restaurant” use – or as “customarily appurtenant” to a restaurant and therefore an accessory use to the permitted “restaurant” use. (Municipal Code §20.24.030 (defining accessory uses).) All beverage offerings will be included as part of the

primary restaurant operations. As such, the project does not involve a conditional use such as a “tavern” or “cocktail lounge.” (See Municipal Code §§20.24.040(M) (defining both as conditional uses), 20.04.135 and 20.04.425 (defining both terms to be the same as a “bar”), and 20.04.075 (defining “bar” as a use where serving of food is only “incidental” to consumption of alcoholic beverages).

Other accessory uses will include a private event space and four bowling lanes. The private event space will be used for varying types of events, ranging from birthday or graduation parties to private corporate events. The four bowling lanes provide an additional entertainment option that will be available to the restaurant/theater/private event space patrons, but will not operate as a traditional, large-scale bowling alley. As such, they do not constitute a “bowling alley,” which is a conditional use in the C-C district that is classed with “nightclubs,” “dance halls,” and “roller skating rinks.” (Municipal Code 20.24.040(D).)

* Also, to the extent the question may be raised, it is clear that the project is not a “nightclub.” The planned operations for the restaurant and the private event space will be open to all ages and be family oriented. Additionally, it is planned to be in use throughout the day. Any live music or entertainment will be in furtherance of restaurant use. This is very different than a “nightclub,” which is defined in Municipal Code section 20.04.315 as one which serves alcoholic beverages and “provides a place in the establishment in which patrons are permitted to dance and/or participate in regularly featured entertainment activities or events that include (but are not limited to) drinking games,” or which does not serve alcohol but “cater[s] to patrons that are eighteen (18) years of age and older . . . which provides live music, music videos or disc jockeys and a place in the establishment in which patrons are permitted to dance.”

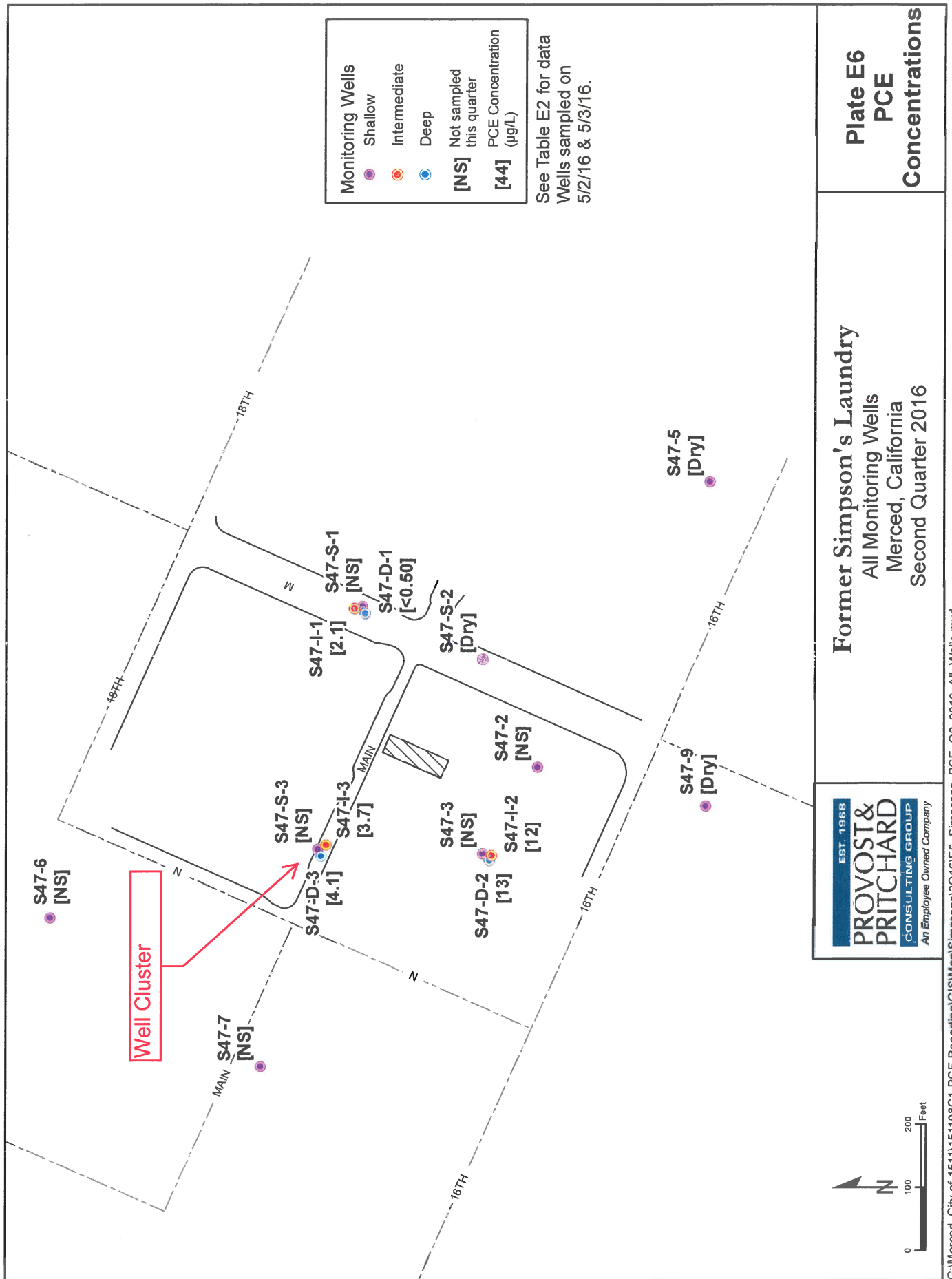
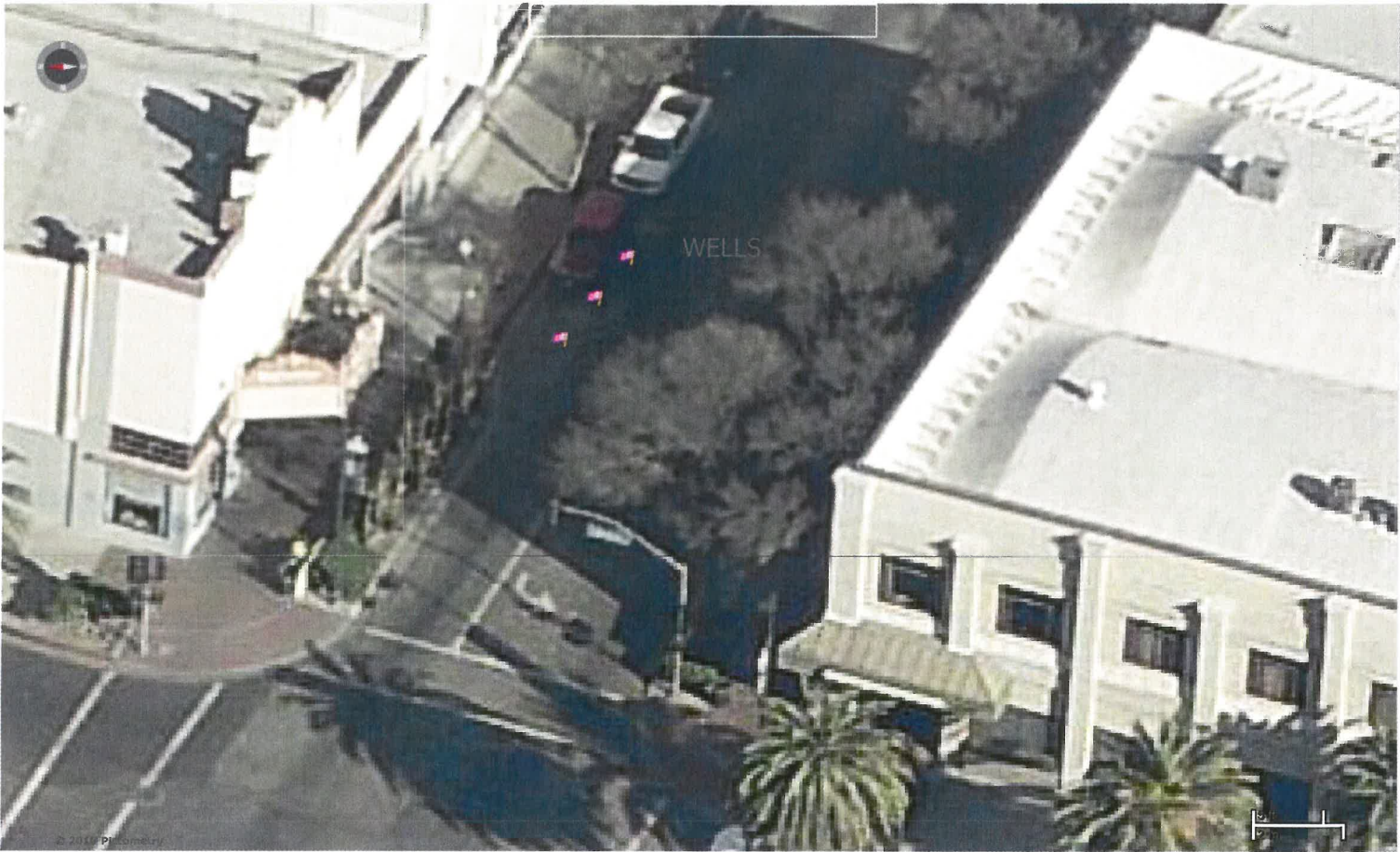


EXHIBIT I



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 #402 (Environmental Review #16-25)

Project Applicant: Mainzer Theater, LLC

Project Location (Specific): 655 W. Main Street APN: 031-133-013

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: Mainzer Theater, LLC

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ **Categorical Exemption.** 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 adding interior walls and making minor electrical and plumbing modifications to an existing building, 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:** 8-18-2016 **Title:** Planner

 X Signed by Lead Agency

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

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