

EXHIBIT "A"  
EASEMENT ABANDONMENT

THE LAND REFERENCED TO HEREIN BELOW IS SITUATED IN A PORTION OF SECTION 18, T.7S., R.14E., M.D.B.& M., CITY OF MERCED, COUNTY OF MERCED, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

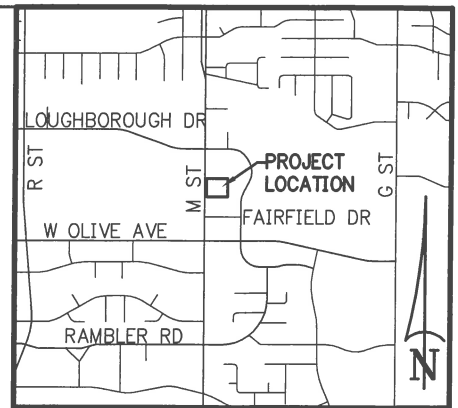
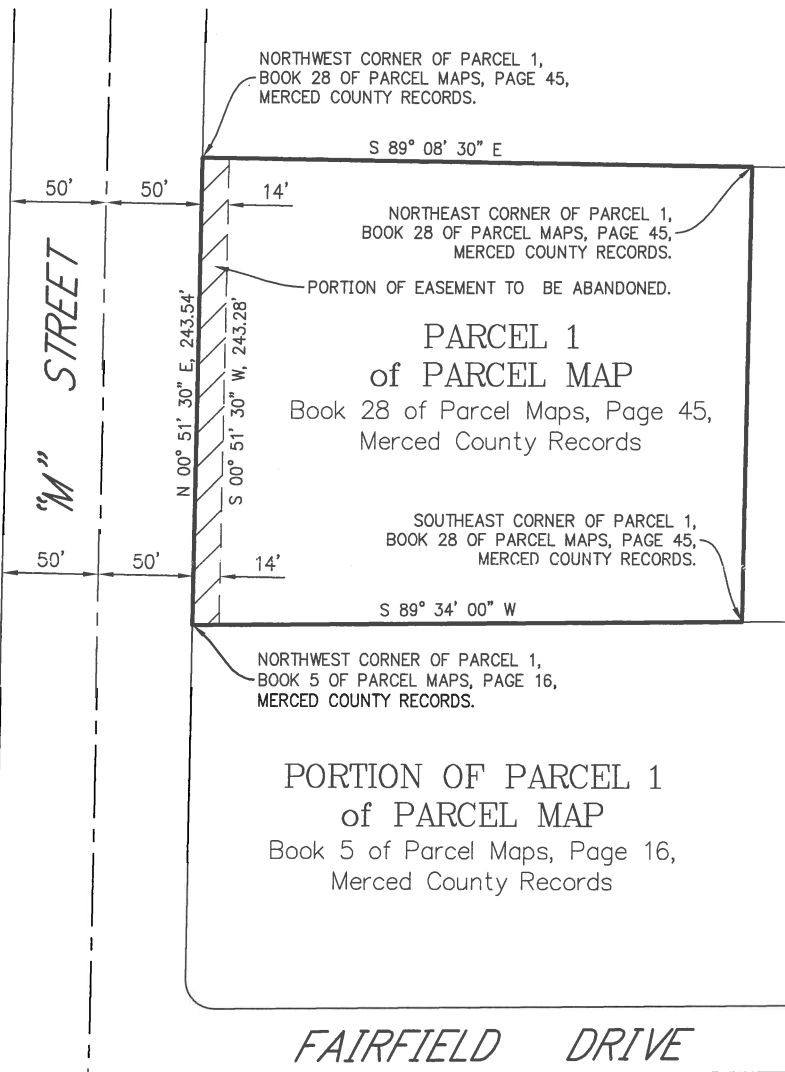
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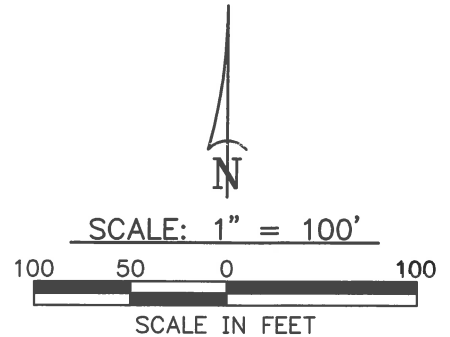
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EPI/MG  
15051 SIDEWALK LEGAL.DOC



**VICINITY MAP**  
NOT TO SCALE



**SITE ADDRESS:**  
3172 M STREET  
MERCED, CA. 95348  
APN: 236-230-010



**LEGEND**



AREA PROPOSED FOR ABANDONMENT  
EXISTING 14' SIDEWALK EASEMENT GRANTED TO THE CITY OF  
MERCED, AS DOCUMENT No. 6783 RECORDED ON APRIL 17,  
1970, IN BOOK 1823, PAGE 722, OF OFFICIAL RECORDS.

AREA CONTAINS 3,408.0 SQUARE FEET

**BUILDING PERMIT NUMBER: 15-1982**

**EXHIBIT "B"**

BEING A PORTION OF PARCEL 1 OF PARCEL MAP  
RECORDED IN BOOK 28 OF PARCEL MAPS  
AT PAGE 45, MERCED COUNTY RECORDS.

PREPARED FOR

**CVRC NORTH, LLC**

**R.W.GREENWOOD ASSOCIATES, INC.**  
CIVIL ENGINEERING — LAND SURVEYING  
2558 E. OLIVE AVE. — FRESNO, CALIFORNIA 93701 — Tel. (559) 268-7831

W.O. No. 15051 APRIL 20, 2016

Sheet 1 of 1

Notes by MC  
F.B. No. 270 Pg. 35  
Dr. by PWL  
Checked by  
Drawing No.

REV. 07/13/16 MGG  
Fb. 270/35 MC  
PLOT VIEW: EXHIBIT  
AUTOCAD ID: 15051.DWG

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

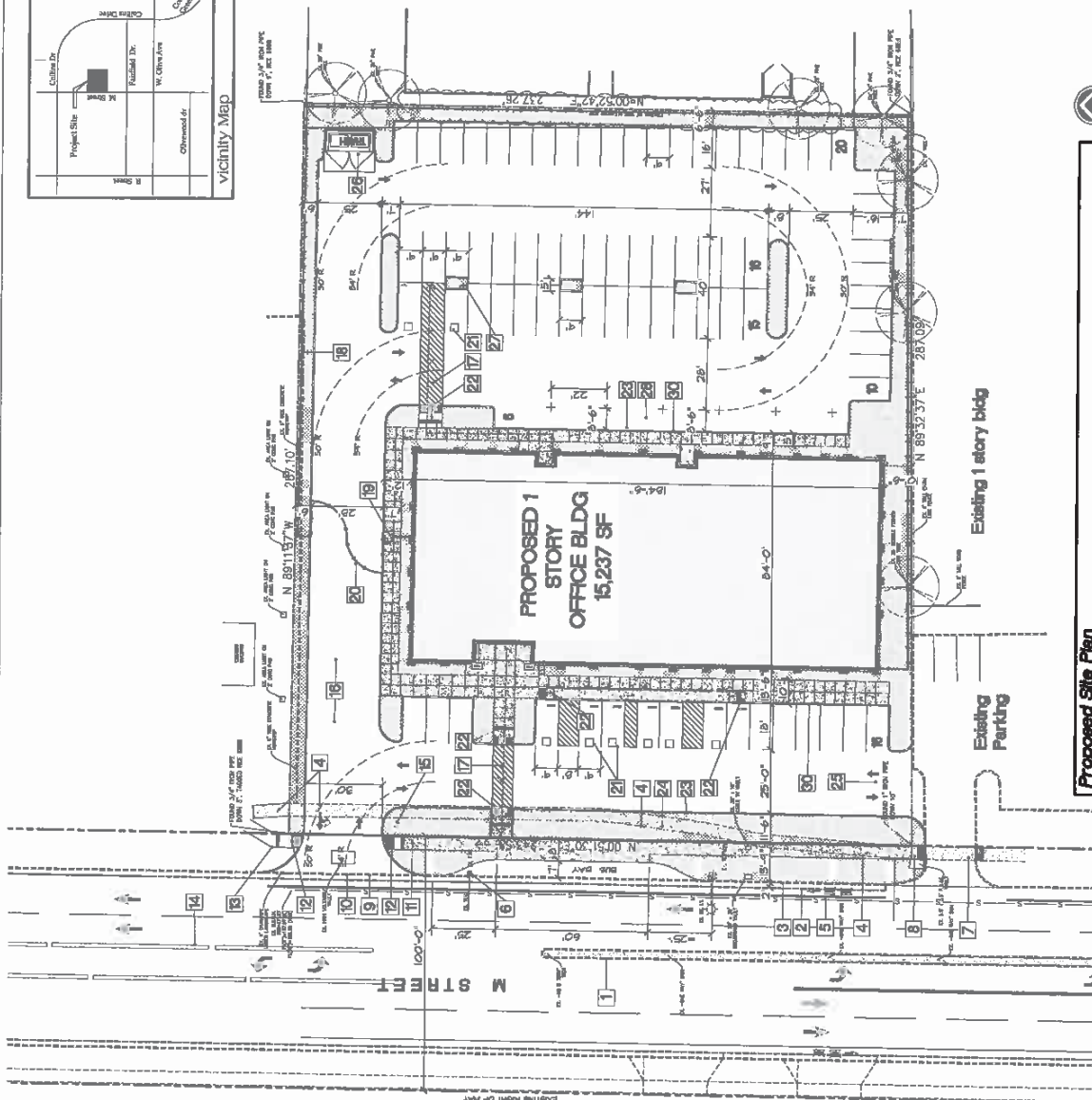
Exhibits

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



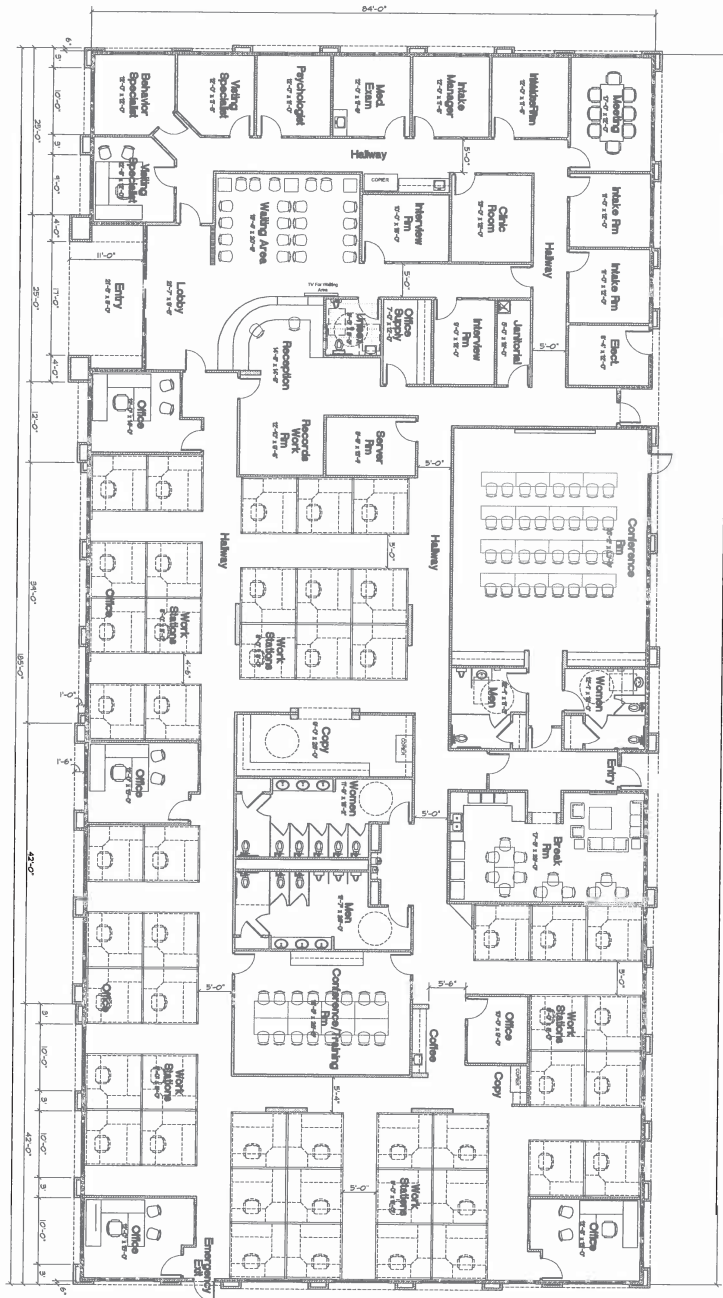


**EXHIBIT A**

[illegible]



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 W. Street, MERCED CA.



No.	Description
1	1. From ceiling to mid chest level
2	2. From mid chest level to floor
3	3. From ceiling to floor
4	4. From ceiling to mid chest level
5	5. From ceiling to floor
6	6. From ceiling to mid chest level
7	7. From ceiling to floor
8	8. From ceiling to mid chest level
9	9. From ceiling to floor
10	10. From ceiling to mid chest level
11	11. From ceiling to floor
12	12. From ceiling to mid chest level
13	13. From ceiling to floor
14	14. From ceiling to mid chest level
15	15. From ceiling to floor

Site Plan Key Notes

## 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 #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

**RESOLUTION NO. 2017-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF MERCED, CALIFORNIA,  
DECLARING ITS INTENTION TO VACATE A  
14-FOOT WIDE SIDEWALK EASEMENT ALONG  
THE WESTERN PROPERTY LINE OF 3172 M  
STREET, GENERALLY LOCATED ON THE EAST  
SIDE OF M STREET, APPROXIMATELY 200  
FEET NORTH OF FAIRFIELD DRIVE  
(VACATION #16-02) SETTING TIME AND PLACE  
FOR PUBLIC HEARING**

WHEREAS, the City Engineer of the City of Merced has recommended that the hereinafter described portion of sidewalk easement is unnecessary for prospective public purposes; and

WHEREAS, the City Engineer has filed maps or plans with the City Clerk of the City of Merced showing the portion of the sidewalk easement to be vacated at a specific time that will be determined.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. The City Council of the City of Merced declares its intention to proceed under the provisions of Part 3 of the Streets and Highways Code of the State of California, being the Public Streets, Highways, and Service Easements Vacation Law, Chapter 3, to vacate a 14-foot wide sidewalk easement along the western property line of 3172 M Street, generally located on the east side of M Street, approximately 200 feet north of Fairfield Drive (Vacation #16-02), as described in Exhibits "A" and "B" and shown in Exhibits "A" and "B" attached hereto and incorporated herein by this reference.

SECTION 2. Reference is made to the maps and plans which are filed in the office of the City Clerk of the City of Merced for further particulars as to the proposed vacation and reservation.

SECTION 3. March 20, 2017, at the hour of 6:00 p.m. of said day in the Council Chamber of the City Council, 678 West 18<sup>th</sup> Street, Merced, California, is

fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation. Said hearing may be postponed or continued.

SECTION 4. The City Engineer is directed to post or cause to be posted at least two weeks before the date set for hearing not less than three (3) notices of vacation of a portion of public right-of-way, not more than three hundred (300) feet apart, conspicuously along the lines of said portion of the public street proposed to be vacated, stating adoption of this resolution and the time and place of the hearing herein called. Posting a copy of this resolution shall constitute the posting of the required notice.

SECTION 5. The City Clerk is directed to cause a copy of this Resolution to be published once each week for two successive weeks prior to the public hearing in the official newspaper.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_ 2017, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

---

Mayor



ATTEST:  
STEVE CARRIGAN, CITY CLERK

BY: \_\_\_\_\_  
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:


 1-25-2017  
City Attorney      Date

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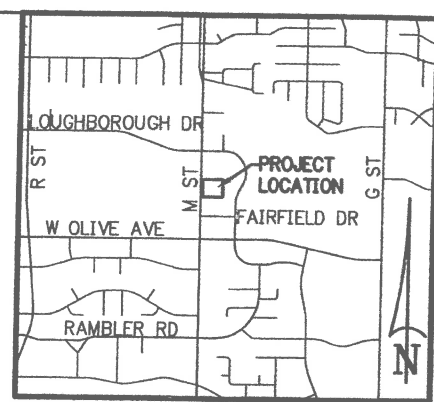
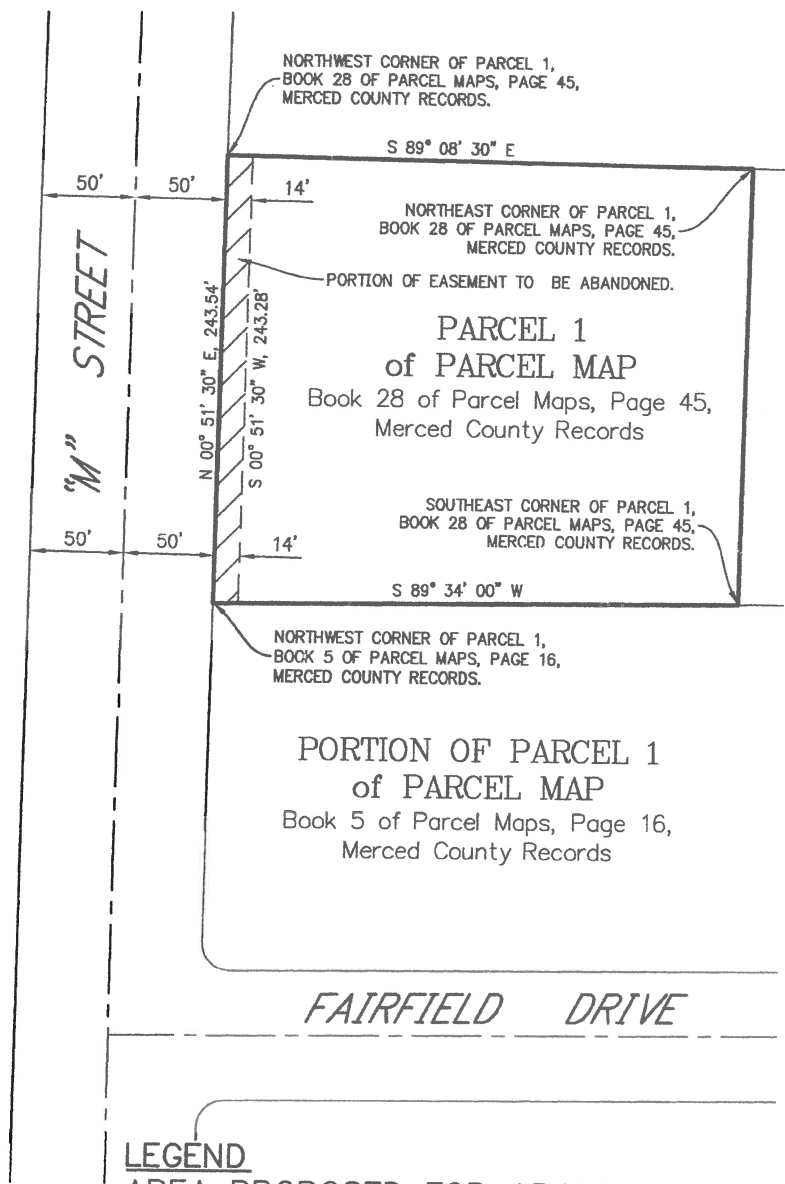
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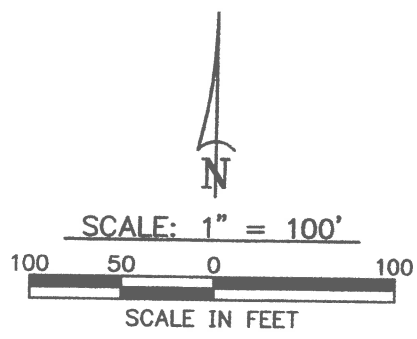
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Fb. 270/35 MC  
PLOT VIEW: EXHIBIT  
AUTOCAD ID: 15051.DWG

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PREPARED FOR  
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CIVIL ENGINEERING — LAND SURVEYING  
2558 E. OLIVE AVE. — FRESNO, CALIFORNIA 93701 — Tel. (559) 268-7831

W.O. No. 15051 APRIL 20, 2016

Sheet 1 of 1

Notes by MC  
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Checked by  
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