

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

**MINUTES**

Planning Conference Room  
2<sup>nd</sup> Floor Civic Center  
Thursday, January 12, 2017

Acting Chairperson KING called the meeting to order at 1:35 p.m.

**ROLL CALL**

Committee Members Present: Principal Planner King (for Director of Development Services), City Engineer Roschen, and Plan Examiner Frazier (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 KING - FRAZIER, and carried by unanimous voice vote, to approve the Minutes of November 17, 2016, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Site Plan Application #406, submitted by Robert Blackie, for KFC and A&W, applicant for Quality Distributing Company, property owner(s), to modify the interior and exterior of an existing building located at 180 W. Olive Avenue within Planned Development (P-D) #4, with a General Plan designation of Thoroughfare Commercial (CT).

January 12, 2017

Planner MENDOZA-GONZALEZ reviewed the application for this item. For further information, refer to Draft Site Plan Review Committee Resolution #406.

A Memorandum was distributed during the meeting showing that the applicant submitted revised elevations that comply with Condition #10. The revised elevations were added as Attachment G. Finding F and Condition #1 were added and modified respectively to show that the applicant will paint the elevations using “muted red” and solid colored walls.

M/S KING - FRAZIER, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #16-33, and approve Site Plan Application #406, subject to the Findings and eleven (11) Conditions set forth in the Draft Resolution #406 with the addition of Finding F and modifications to Condition #1 as follows:

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

“F. After Site Plan Draft Resolution #406 was distributed, the applicant submitted revised elevations that comply with Condition #10 [replacing stripped walls with solid colored walls and using muted red (Rembrandt Ruby) instead of “bright red.”]

“1. The site shall be constructed as shown on Exhibit B (site plan), Exhibit D (floor plan), Exhibit ~~E~~ G (elevations), and as modified by the conditions of approval within this resolution.”

AYES: Committee Members Frazier, Roschen, and Acting Chairperson King

NOES: None

ABSENT: None

4.2 Site Plan Application #407, submitted by Evan Porges, on behalf of Norman B. Porges, Trustee, property owner. This request allows the reconfiguration of the existing car wash vacuum stations and queue line to allow better flow on the site at 1800 West Olive Avenue within Planned Development (P-D) #16.

January 12, 2017

Associate Planner NELSON reviewed the application for this item. For further information, refer to Draft Site Plan Review Committee Resolution #407.

M/S KING - FRAZIER, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #16-34, and approve Site Plan Application #407, subject to the Findings and sixteen (16) Conditions set forth in the Draft Resolution #407:

AYES: Committee Members Frazier, Roschen, and Acting Chairperson King

NOES: None

ABSENT: None

4.3 Site Plan Application #408, submitted by Ana Guadalupe Alvarez, applicant for Fawas Eltareb Trustee, property owner to allow a food truck to locate on the same parcel as an existing gas station and mini mart (Chevron) located at 1103 Martin Luther King, Jr. Way, within a General Commercial (C-G) Zone.

Planner MENDOZA-GONZALEZ reviewed the application for this item. For further information, refer to Draft Site Plan Review Committee Resolution #408.

City Engineer ROSCHEN recommended adding Condition #18 to ensure that the new customer parking area will not block the existing path-of-travel between the sidewalk (along 11th Street) and the main entrance to the mini mart.

M/S ROSCHEN - FRAZIER, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #16-36, and approve Site Plan Application #408, subject to the Findings and seventeen (17) Conditions set forth in the Draft Resolution #408 with the addition of Condition #18 as follows:

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

January 12, 2017

“18) Food truck parking shall comply with City Engineering Standards/ADA requirements and shall not obstruct the existing path of travel.”

AYES: Committee Members Frazier, Roschen, and Acting Chairperson King

NOES: None

ABSENT: None

5. **INFORMATION ITEMS**

5.1 Calendar of Meetings/Events

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

6. **ADJOURNMENT**

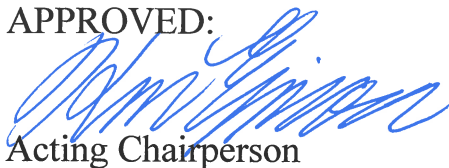
There being no further business, Acting Chairperson KING adjourned the meeting at 2:00 p.m.

Respectfully submitted,



Francisco Mendoza-Gonzalez, Acting Secretary  
Merced City Site Plan Review Committee

APPROVED:



Acting Chairperson  
Merced City Site Plan Review Committee

CITY OF MERCED  
SITE PLAN REVIEW COMMITTEE  
RESOLUTION #406

<u>Robert Blackie</u> APPLICANT	<u>Interior and Exterior Remodel (KFC and A&amp;W)</u> PROJECT
<u>125 S. Clark Street (17<sup>th</sup> Floor)</u> ADDRESS	<u>180 W. Olive Avenue</u> PROJECT SITE
<u>Chicago, IL 60603</u> CITY/STATE/ZIP	<u>007-350-004</u> APN
<u>(312) 248-1449</u> PHONE	<u>Planned Development (P-D) #4</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 #406 on January 12, 2017, submitted by Robert Blackie, for KFC and A&W, applicant for Quality Distributing Company, property owner(s), to modify the interior and exterior of an existing building located at 180 W. Olive Avenue within Planned Development (P-D) #4, with a General Plan designation of Thoroughfare Commercial (CT). Said property being more particularly described as Parcel K as shown on the Map entitled "Amended Parcel Map for College Green Development, INC.," recorded in Book 19, Page 45 of Merced County Records; also known as Assessor's Parcel Number (APN) 007-350-004.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15301 (a) (Exhibit F); 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) #4.
- B) The proposal includes minor modifications to the interior and exterior of Kentucky Fried Chicken and A&W. Said modifications include new exterior paint, parapets, and awnings.
- C) The proposal does not include any modifications to the site plan.
- D) The proposal does not include any modifications to the number of customer seats. Additional parking will not be required for this proposal.
- E) Staff is of the opinion that the vertically stripped walls on the west elevation are generally not aesthetically pleasing and should not be permitted (see Condition #10). Horizontal accent stripes on the top and the bottom of the exterior wall

similar to the other elevations may be considered. The red color shown on the towers is too bright and shall need to be modified to a more muted shade of red with a matte finish.

- F) After Site Plan Draft Resolution #406 was distributed, the applicant submitted revised elevations that comply with Condition #10 [replacing stripped walls with solid colored walls and using muted red (Rembrandt Ruby) instead of “bright red.”]

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Application #406 subject to the following conditions:

- 1) The site shall be constructed as shown on Exhibit B (site plan), Exhibit D (floor plan), Exhibit G (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) The Project shall comply with relevant conditions set forth in Planning Commission Resolution #2154 for Conditional Use Permit #796 and Administrative CUP #155 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, the California Building code and Fire codes.
- 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 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.
- 9) The premises shall remain clean and free of debris and graffiti at all times.
- 10) The proposed red and white stripes on the west elevation shall not be permitted. The applicant shall work with Planning staff to determine an appropriate color scheme and design for the west elevation. Exterior colors shall be reviewed and approved by Planning staff during the building permit stage. The red color on the towers as proposed is too bright and shall be changed to a more muted shade of red with a matte finish.
- 11) 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.

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

1-12-17

DATE



Francisco Mendoza-Gonzalez

Planner

TITLE

Exhibits

- A) Location Map
- B) Site Plan
- C) Demolition Plan – Floor Plan/Elevations

- D) Proposed Floor Plan
- E) Proposed Elevation
- F) Categorical Exemption





**EXHIBIT A**



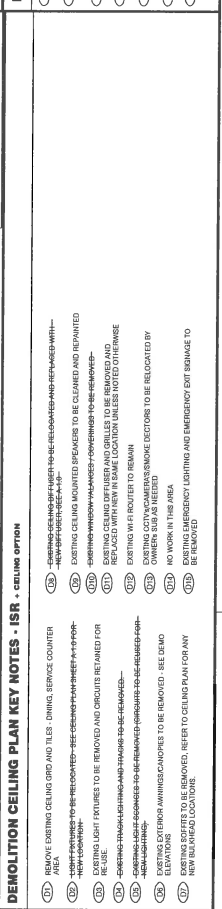
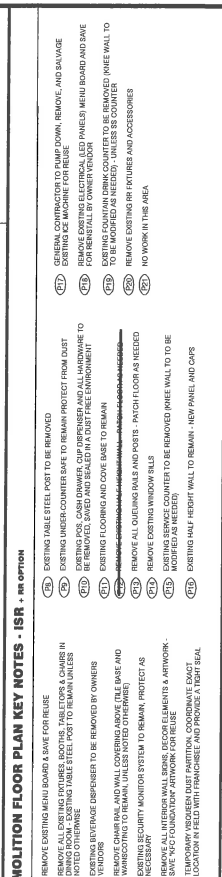




604 COURTLAND STREET  
SUITE 100  
ORLANDO, FLORIDA 32804  
PH 407.645.5008  
FX 407.629.9124

PROJECT TITLE	CD TEMPLATE K-38 S6000 REMODEL TO AMERICAN SHOWMAN <sup>®</sup> ISR 180 WEST OLIVE AVENUE, MERCED, CA 95348
COMMISSION NO.	ETZ02176
ISSUE DATE	07-21-16

# D-1.0



1 - EXISTING ENTRY ELEVATION  
Scale: 1/8" = 1'-0"

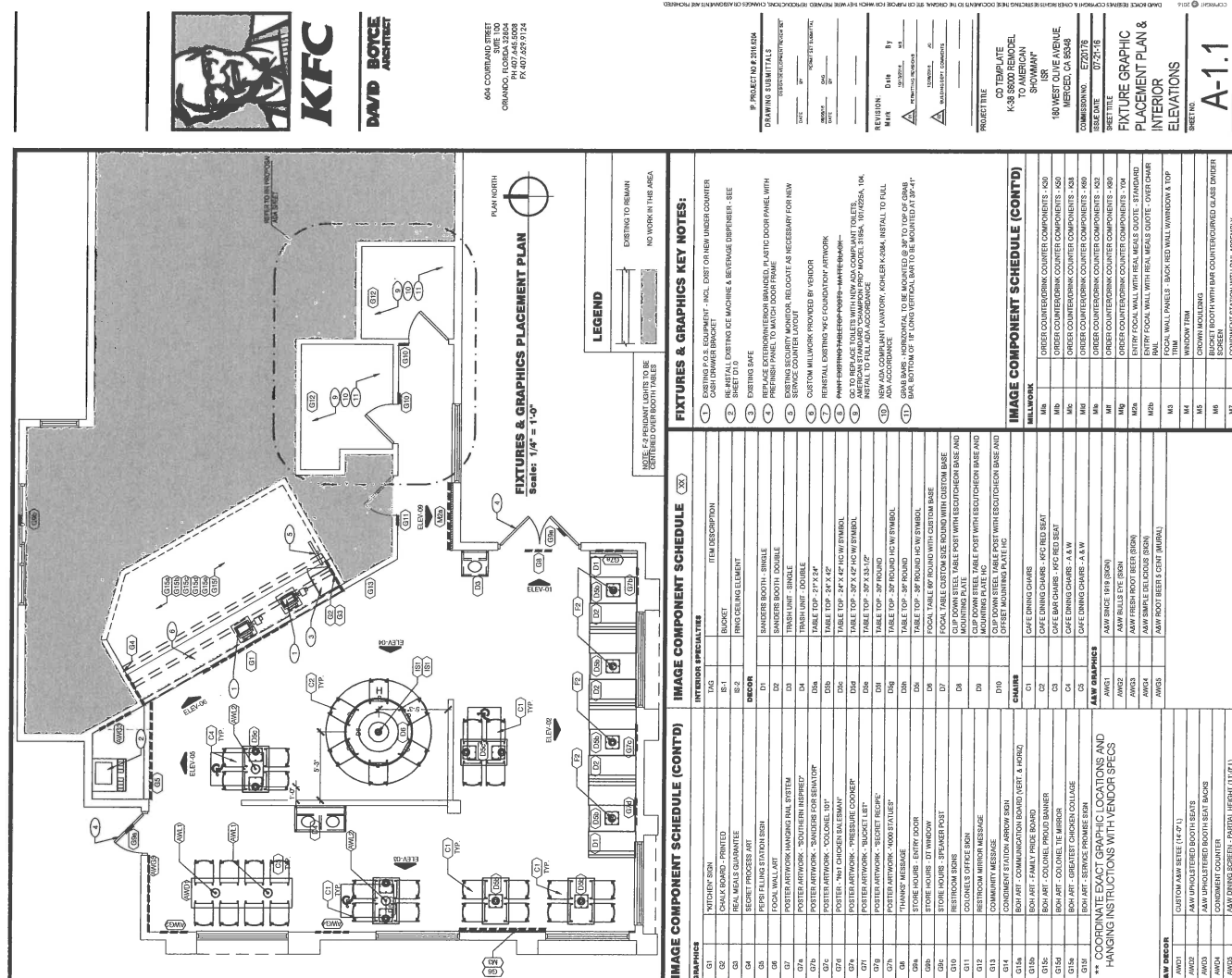
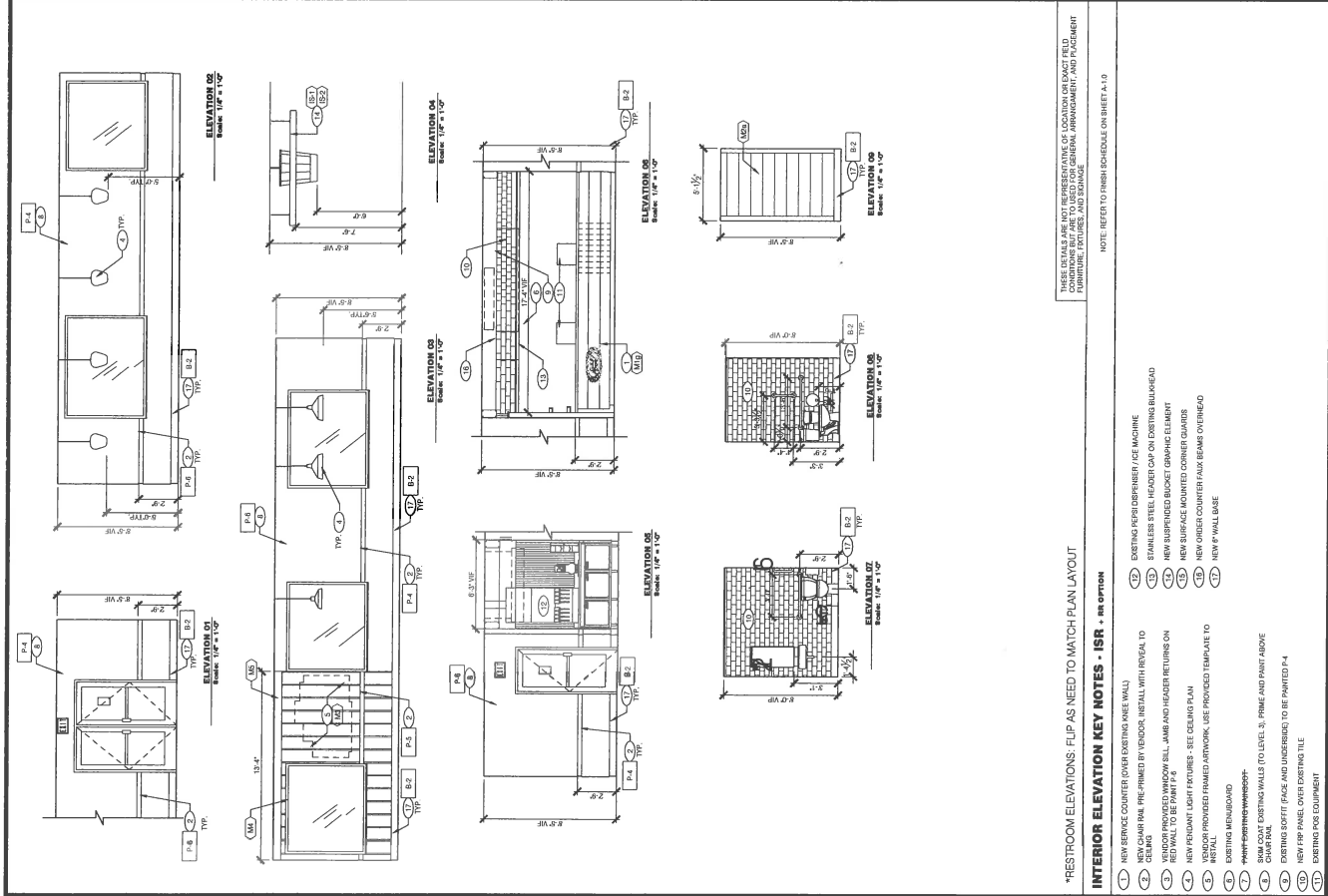
1 - EXISTING FRONT ELEVATION  
Scale: 1/8" = 1'-0"

**3 - EXISTING DRIVE-THRU ELEVATION**  
 Scale: 1/8" = 1'-0"

## ELEVATION KEY NOTES - ISR

- 1-1 REQUIRE EXTERIOR AWNING/SHUTTER, HANGING SHUTTER AND DISTINGUISH YOURS RETAIN CIRCUIT FOR RE-USE.
- 1-2 AUG SHUT TO BE RE-USED.
- 1-3 EXISTING EXTERIOR AWNING/SHUTTER CANOPES TO BE REMOVED
- 1-4 REMOVE EXISTING "X"AW, LETTER SET SIGN FACE AND CABINET.
- 1-5 REMOVE EXISTING WALK-IN COLD STORAGE OR CHILLING ROOM DOOR.

EXHIBIT D





A-2.0

[illegible]

## 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 #406 (Environmental Review #16-33)

**Project Applicant:** Robert Blackie

**Project Location (Specific):** 180 W. Olive APN: 007-350-004

**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 Blackie

**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 repainting the interior/exterior of a 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:** 01-05-2017 **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 #407

<u>Norman B. Porges, Trustee</u> APPLICANT	<u>Reconfigure existing car wash vacuum stations and queue line to allow better flow on the site.</u> PROJECT
<u>P.O. Box 3469</u> ADDRESS	<u>1800 West Olive Avenue</u> PROJECT SITE
<u>Modesto, CA 95353</u> CITY/STATE/ZIP	<u>058-220-027</u> APN
<u>209-549-9274</u> PHONE	<u>Planned Development (P-D) #16</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 #407 on January 12, 2017, submitted by Evan Porges, on behalf of Norman B. Porges, Trustee, property owner. This request allows the reconfiguration of the existing car wash vacuum stations and queue line to allow better flow on the site at 1800 West Olive Avenue within Planned Development (P-D) #16. Said property being described as a portion of Lot 2 as described as shown on the map entitled "Parcel Map for Norm Porges," filed August 13, 2001, Volume 88 Page 47 of Merced County Records, also known as Assessor's Parcel Number (APN) 058-220-027.

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 City of Merced Zoning designation of Planned Development (P-D) #16.
- B) The Site Plan Review Committee recognizes the proposed design is an effort to alleviate the stacking that occurs on Loughborough Drive due to queueing for the car wash.
- C) The Site Plan Review Committee finds that many vehicles exit the car wash building and cut through the parking spaces in the parking lot rather than using the opening created to allow vehicles to travel back to a drive aisle to exit the site (refer to Attachment C).

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Application #407 subject to the following conditions:



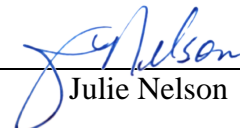
- 1) The site shall be constructed as shown on Exhibit B (site plan except as modified by the conditions of approval within this resolution.
- 2) All conditions contained in Site Plan Review #79-1 – Amended (“Standard Conditions for Site Plan Review Application”) shall apply.
- 3) The Project shall comply with the conditions set forth in Resolution #2983 for Conditional Use Permit #1158 and Site Plan Resolution #348 except as modified by the conditions of approval within this resolution (refer to Attachment D for these resolutions).
- 4) 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.
- 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 trash enclosure must be relocated from its current location. The owner shall work with the City’s Refuse Department to determine the placement of the refuse enclosure. The placement of the refuse enclosure shall be determined prior to issuance of building permits, unless otherwise approved by the Public Works Director.

- 8) To prevent vehicles exiting the car wash from driving through the parking spaces directly in front of the car wash tunnel exit, a 6-inch curb shall be constructed as shown in Attachment C.
- 9) 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.
- 10) Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access.
- 11) Signs shall be posted advising that vehicles exiting the vacuum area will be merging into the queue line and advising motorists to allow these vehicles to merge. If congestion results as motorists trying to merge into the queue line, a Prime Shine employee shall direct traffic to allow vehicles to merge.
- 12) The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
- 13) 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.
- 14) The applicant shall work with the City's Engineering Department to determine if compliance with the City's Post-Construction Standards for the MS-4 permit will be required. If it is determined compliance is required, the owner shall adhere to all regulations adopted by the City of Merced for compliance with the Post-Construction Standards as required by the State of California.
- 15) The premises shall remain clean and free of debris and graffiti at all times.
- 16) All landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.

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

1-12-16

DATE

  
Julie Nelson

Associate Planner

TITLE

Exhibits

- A) Location Map
- B) Site Plan
- C) Vehicle Path of Travel for Existing Site
- D) Site Plan Review Resolution #348 (including Planning Commission Resolution #2663)
- E) Categorical Exemption





SACRAMENTO

CONESTOGA

LOUGHBOROUGH

OLIVE

SUBJECT  
SITE

Del Taco

WalMart

DEVONWOOD

PECOS

MAVERICK

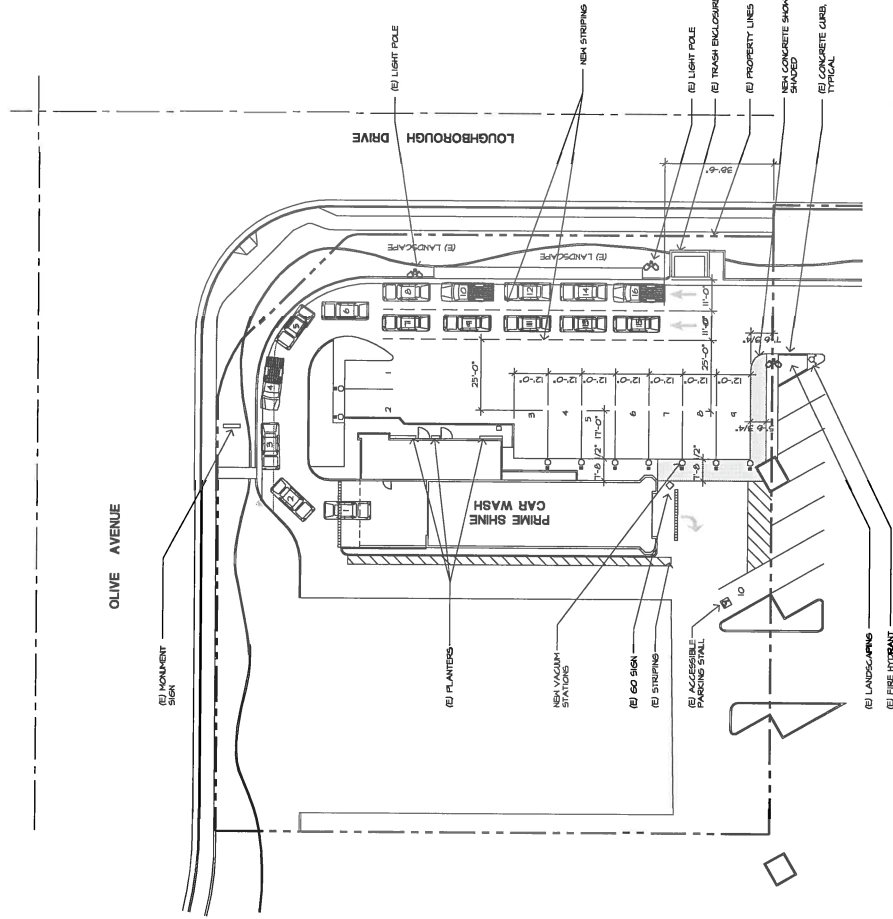
OAKLEY  
HAYES

BIANCHI

ATTACHMENT A









Correct path of travel  
for vehicles exiting car  
wash.

Typical path of travel  
for vehicles exiting car  
wash.

Proposed curb to  
stop cars from travel-  
ing this direction.

CITY OF MERCED  
SITE PLAN REVIEW COMMITTEE  
RESOLUTION #348

<u>Robert De Grasse</u> APPLICANT	<u>Modifications to Prime Shine Carwash</u> PROJECT
<u>1414 L Street</u> ADDRESS	<u>1800 West Olive Avenue</u> PROJECT SITE
<u>Modesto, CA 95354</u> CITY/STATE/ZIP	<u>058-220-027</u> APN
<u>209-575-1415</u> PHONE	<u>Planned Development (P-D) #16</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 #348 on June 6, 2013, submitted by Bob De Grasse for Norman Porges, Trustee, property owner. The approval allows for the modification of the site, including the relocation of the travel lane into the carwash to accommodate a revised layout for the vacuum stalls with the addition of 6 new vacuum stations and the addition of 3 parking stalls at the Prime Shine Carwash located at 1800 West Olive Avenue. Said property being more particularly described as Parcel 2 as shown on the Map entitled "Parcel Map for Norm Porges." filed August 13, 2001, in Book 88 Page 47, Merced County Records, also known as Assessor's Parcel Number 058-220-027.

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

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

- A) The proposal complies with the City of Merced Zoning Designation of Planned Development (P-D) #16.
- B) The Site Plan Review Committee recognizes a potential for customers using the vacuum stations to be blocked in by customers waiting in line for the carwash. Because this is a private parking lot, the potential conflicts would occur on private property and would not impact the public right-of-way. Therefore, the Site Plan Review Committee is of the opinion that it is the property owner's option to revise the site as proposed and any potential problems shall be addressed by the owner without City involvement.

- C) The Site Plan Review Committee is of the opinion that the requested modification does not constitute such magnitude to be a significant policy interpretation to warrant Conditional Use Permit review and amendment.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Application #348, subject to the following conditions:

- 1) All conditions contained in Site Plan Review #79-1 – Amended (“Standard Conditions for Site Plan Review Application”) shall apply.
- 2) The project shall be constructed/designed as shown on Exhibit B (site plan), except as modified by the conditions.
- 3) The project shall comply with all applicable conditions of all previous approvals issued for this site, including Conditional Use Permit #992 (Planning Commission Resolution #2663 – Attachment C), except as modified by this approval.
- 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) A line shall be painted on the drive aisle between the vacuum parking spaces to separate the aisle into two lanes. Arrows shall be painted showing the flow of traffic for each lane.
- 6) Additional landscaping shall be added to the Loughborough Drive frontage to shield the vacuums from public view.
- 7) All signing shall comply with the City’s North Merced Sign Ordinance. No advertising shall be allowed on the vacuum stations, only instructional signage is allowed.
- 8) A temporary banner permit shall be obtained prior to installing any temporary signs. Free-standing temporary signs (i.e., sandwich boards, A-frame signs, etc.) are prohibited.
- 9) The premises shall remain clean and free of debris and graffiti at all times.
- 10) All existing or proposed landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.

The following item is a recommendation from the Site Plan Review Committee. The applicant is not required to comply with this item, but the Site Plan Review Committee encourages the applicant to explore and consider the following:

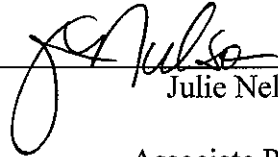
- 1) In order to provide a better turning radius on the site and into the car wash, the Committee recommends the curbs be redesigned and any lost landscaping be relocated.



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

6-6-13

DATE



Julie Nelson

Associate Planner

TITLE

Exhibits

- A) Location Map
- B) Proposed Site Plan
- C) Planning Commission Resolution #2663
- D) Existing Site Plan
- E) Site Plan Committee Suggestions
- F) Categorical Exemption

N:\Shared\Planning\Site Plan Review\Resolutions\SP#348 1800 W Olive Ave)





CHEYENNE

SACRAMENTO

CONESTOGA

OLIVE

LOUGHBOROUGH

Wal-Mart

Subject Site

DEVONWOOD

PECOS

MAVERICK

BIANCHI

OAKLEY

EXHIBIT A





**CITY OF MERCED**  
**Planning Commission**

**Resolution #2663**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of June 20, 2001, held a public hearing and considered **Conditional Use Permit #992**, initiated by Jim Schaffer, of Triad Associates, applicant for Norman B. Porges, property owner, to allow the construction of a 5,016 square foot retail building along West Olive Avenue, on the vacant parcel to the west of Prime Shine Car Wash within Planned Development #16; also known as Assessor's Parcel No. 058-220-23; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through H of Staff Report #01-25, modified as follows:

- C) The proposed site plan for this project shows 15 parking spaces on site (Attachment B). The requirement for a building of this size (5,016 square feet) and this use is 14 parking spaces (giving a 15% reduction for non-usable space). As shown, the parking spaces are 16 feet long. City Standards require a minimum of 20 feet (including overhang) for parking spaces with the exception of compact spaces. A project may have 25% of its required parking spaces designated as "compact" allowing them to be a minimum of 16' long. Therefore, this project may have four parking spaces designated at "compact", with the remaining 11 spaces meeting the minimum 20-foot length (Condition #13).
- E) The building is 44' wide x 114' long and is set back 32' from Olive Avenue (Attachment B). The building will be constructed on the new property line between this site and the existing Prime Shine. This new property line is being created through a lot split that will create a separate parcel (16, 988 s.f.) for this project. There will be approximately 20 feet between the existing car wash building and the new retail building. The project is designed to use the existing access on the site and four of the existing parking spaces (to the south of the building). The project will provide an additional eleven 90-degree parking spaces in front of the building. To provide pedestrian access to the site, a sidewalk is being proposed to connect the storefront sidewalk with the existing public sidewalk along Olive Avenue. There will be three new planter areas in the parking area along the storefront and one along the south elevation; and

**WHEREAS**, after reviewing the City's Initial Study and Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #01-20 and approve Conditional Use Permit #992 subject to the following conditions:

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibit 2 (elevations), -- Attachments B and C of Staff Report #01-25.

**EXHIBIT C**

PLANNING COMMISSION RESOLUTION #2663

Page 2

June 20, 2001

2. All conditions contained in *Resolution #1249 ("Standard Conditional Use Permit Conditions")* shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. The project shall comply with the most recently adopted edition of the Uniform Building and Fire Codes including fire-ratings and protection of openings. In addition, the project shall comply with Section 17.32 of the Merced Municipal Code, including, but not limited to, the following: automatic fire sprinklers are required.
6. Storm drainage shall comply with City Standards.
7. Detailed landscape and irrigation plans shall be approved by City staff at the Building Permit stage. Landscaping shall be a combination of drought-tolerant plants, shrubs, bushes, trees, and groundcover. Street trees shall be planted per City Standard (40 foot on center), as well as one parking lot tree for each six parking spaces (17 spaces provided with this application). All landscaping shall be installed prior to occupancy and shall thereafter be maintained in a healthy and aesthetic manner.
8. All signing shall be individual letters and shall comply with the North Merced Sign Ordinance.
9. A building permit shall be obtained prior to the installation of any wall-mounted or monument signs.
10. All roof-mounted equipment shall be screened with materials to be approved by staff with details to be worked out at the building permit stage.
11. A lot split creating a separate parcel for this project shall be approved by the City prior to building permit issuance.
12. Fire Department access shall be maintained for this site and the adjacent parcels.
13. Parking stalls shall have an overall length of 20' (including a 2 ½" overhang) per City Standards. Any overhang encroaching into the sidewalk area shall allow a minimum clear width of 48" on the sidewalk for pedestrian travel. Four spaces may be compact spaces.
14. Refuse collection shall be shared with the parcel to the east (Prime Shine). The applicant shall provide documentation of this agreement to the City prior to building permit issuance.

PLANNING COMMISSION RESOLUTION #2663

Page 3

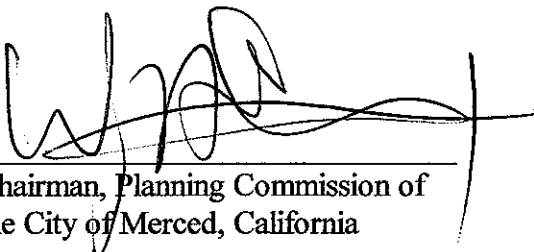
June 20, 2001

15. Prior to erecting any promotional, seasonal, or grand-opening banners, the applicant and/or tenants shall receive approval as required by the City's Temporary Sign Ordinance.
16. Advertising signs, banners, or flags attached to parking lot poles or in landscape areas shall not be permitted.
17. No storage of material or display of items for sale shall be allowed outside the building. Approval for any outdoor promotional sale must be secured from the Planning Department.
18. All exterior building walls shall be regularly maintained free of graffiti.
19. Any required backflow prevention device shall be completely screened from view by dense landscaping with details to be reviewed by staff.
20. Exterior project lighting, including parking lot lighting, shall be directed to minimize excessive light spilling off the site. Light fixtures attached to any exterior building wall shall be hooded. Quantity and intensity of site lighting to be reviewed and approved by staff at the building permit stage.
21. Access easements shall be obtained from Wal-Mart to ensure access to this parcel from the west and south through Wal-Mart's parking lot.

Upon motion by Commissioner Osorio, seconded by Commissioner Pollard, and carried by the following vote:

AYES: Commissioners Pollard, Burr, Osorio, Lopez, and Acting  
Chairman Riordan  
NOES: None  
ABSENT: Vice-Chairman Love and Chairman Eisenhart

Adopted this 20<sup>th</sup> day of June, 2001

  
Chairman, Planning Commission of  
the City of Merced, California

ATTEST:

  
Secretary



Suggestions from Site Plan Review Committee

Reduce curb for better turning radius.

Reduce curb for better turning radius.

NOTE: These changes are not required as part of Site Plan Review #348.

EXHIBIT E





## 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 #348 (Environmental Review #13-12)

Project Applicant: Robert De Grasse

Project Location (Specific): 1800 W. Olive Ave. APN: 058-220-027

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

### Description of Nature, Purpose, and Beneficiaries of Project:

Modification of the site, including the relocation of the travel lane into the carwash to accommodate a revised layout for the vacuum stalls with the addition of 6 new vacuum stations and the addition of 3 parking stalls.

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Robert De Grasse for Norman Porges,  
Property Owner

### 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: Section 15301 (a)  
☐ Statutory Exemptions. State Code Number: \_\_\_\_\_  
☐ General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt: As defined under the above referenced Section, the proposed project consists of minor interior and exterior alterations only, such as partitions, electrical, and plumbing, which are considered to be exempt under the CEQA Guidelines per Section 15301 (a)

Lead Agency: City of Merced

Contact Person: Julie Nelson, Planner

Area Code/Telephone: (209) 385-6858

Signature: Julie Nelson Date: 5-30-13 Title: Associate Planner

X Signed by Lead Agency

Date Received for Filing at OPR: \_\_\_\_\_  
(If applicable)

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

## EXHIBIT F

## 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 #407 (Environmental Review #16-34)

**Project Applicant:** Norman B. Porges, Trustee, property owner

**Project Location (Specific):** 1800 W. Olive Ave. **APN:** 058-220-027

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

**Description of Nature, Purpose, and Beneficiaries of Project:**

The project involves reconfiguring the existing car wash vacuum stations and queue line to allow better flow on the site.

**Name of Public Agency Approving Project:** City of Merced

**Name of Person or Agency Carrying Out Project:** Evan Porges

**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. Section Number: Section 153032 (in-fill Development Projects)  
☐ Statutory Exemptions. State Code Number: \_\_\_\_\_  
☐ General Rule (Sec. 15061 (b)(3))

**Reasons why Project is Exempt:** Project is considered an in-fill development project. The project location is within the City limits on a 0.53-acre parcel surrounded by urban uses. The site has previously been developed and 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 subdivision of the lots. The project is consistent with the City of Merced General Plan and Zoning regulations.

**Lead Agency:** City of Merced

**Contact Person:** Julie Nelson, Planner

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

**Signature:**  **Date:** 1-5-17 **Title:** Associate Planner

  X   Signed by Lead Agency

Date Received for Filing at OPR: \_\_\_\_\_  
(If applicable)

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

**ATTACHMENT E**

CITY OF MERCED  
SITE PLAN APPROVAL  
RESOLUTION #408

<u>Ana Guadalupe Alvarez</u> APPLICANT	<u>Food Truck</u> PROJECT
<u>1579 Ronnie Court</u> ADDRESS	<u>1103 Martin Luther King, Jr. Way</u> PROJECT SITE
<u>Merced, CA 95341</u> CITY/STATE/ZIP	<u>031-332-017</u> APN
<u>(209) 383-3474</u> PHONE	<u>General Commercial (C-G)</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 #408 on January 12, 2017, submitted by Ana Guadalupe Alvarez, applicant for Fawas Eltareb Trustee, property owner, to allow a food truck on the same parcel as an existing gas station and mini mart (Chevron) located at 1103 Martin Luther King, Jr. Way, within a General Commercial (C-G) Zone. Said property being more particularly described as Lots 27 through 32 of Block 278 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) 031-332-017.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15311, Class 11 (Exhibit E); and,

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

- A) A food truck is allowed with Site Plan Review approval within the General Commercial (C-G) Zone and complies with the General Plan designation of General Commercial (CG).
- B) The subject site is currently occupied by a Chevron gas station and mini mart.
- C) The food truck would be located on a paved surface within the southwest quadrant of the parcel (near the mini mart's south elevation), approximately 70 feet west of the gas station fuel pump canopy (see Exhibit B, Exhibit C, and Condition #6).
- D) The food truck would not block any driving aisles, fire lanes, fire hydrants, parking stalls, or building exits. As shown on Attachment B, customer waiting space would be provided away from the parking lot on a 500-square-foot (approximately) concrete pad.

- E) This proposal does not include any outdoor seats or tables.
- F) Reserved parking for food truck patrons (2 spaces as required by code) would be available on the southwest portion of the parcel, near the food truck.
- G) Employee restrooms would be available inside the existing Chevron mini mart (see Condition #17).
- H) The applicant has acknowledged that the business will not utilize or install illuminated signs, movable signs, inflatable signs, A-Frame signs, flags, or pennants. Business signage will be located on the food truck only (see Condition #8).

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Review Application #408 subject to the following conditions:

- 1) All conditions contained in Site Plan Approval Resolution #79-1 ("Standard Conditions of Site Plan Approval") 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) and as modified by the conditions of approval within this resolution.
- 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.

January 12, 2017

- 6) Modifications to the location of the food truck shall be subject to review by the Planning Manager, or if deemed necessary, the Site Plan Review Committee.
- 7) At least two trash receptacles shall be provided while food is being served. The site and immediate area shall be maintained free of all debris and trash generated from the use.
- 8) All signing shall be contained on the food truck. No A-frame signs, banners, flags, or other moving or portable signs shall be permitted for this use anywhere on-site or off-site.
- 9) The hours of operation shall be any span of time between 7:00 a.m. and 9:00 p.m. daily.
- 10) If the business is open after dark, lights shall be provided on the vehicle or on the property that are sufficient to light the vehicle and at least a 50-foot radius around the vehicle. If lights are not provided, the business shall close at sundown.
- 11) Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or alternative approved facility.
- 12) The applicant shall comply with the Water Quality Control Division's (WQCD) Best Management Practices regarding the disposal of cooking grease and proper cleaning of kitchen equipment, as shown on Exhibit D, or as otherwise required by the WQCD.
- 13) The applicant shall comply with all City of Merced business licensing requirements and all requirements of the Merced County Health Department.
- 14) If problems arise as a result of this business that may require excessive Police Department service calls to the site or within the immediate area including, but not limited to, excessive harassment, malicious property damage, lewd and/or disorderly conduct, this approval may be subject to review and revocation by the City of Merced.
- 15) Food truck activities shall in no way interfere with the operation of the existing business on the lot, or nearby businesses, including noise, litter, loitering, and traffic circulation.
- 16) The applicant shall comply with all regulations found in Merced Municipals Code Section 20.44.020 - Food Trucks in Fixed Locations.
- 17) The applicant shall provide restroom facilities for their employees. These restrooms shall be available in a permanent building that meets the Health Department's requirements for distance from the business operation. Portable toilets shall not be allowed.
- 18) Food truck parking shall comply with City Engineering Standards/ADA requirements and shall not obstruct the existing path of travel.

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

01-12-2017

DATE



SIGNATURE

Planner

TITLE

Site Plan Review #408

Page 4

January 12, 2017

Exhibits:

- A) Location Map
- B) Site Plan
- C) Food Truck Access/General Fixed Location
- D) Water Quality Control Division Best Management Practices Broacher
- E) Categorical Exemption













EXHIBIT C

MERCED MUNICIPAL CODE

15.50.050 - Discharge of non-storm water prohibited

A. Except as provided in Section 15.50.060, it is unlawful, and a misdemeanor subject to punishment in accordance with Chapter 1.12 of this Code, for any person to make or cause to be made any non-storm water discharge.

B. Notwithstanding the exemptions provided by Section 15.50.060, if the regional water quality control board or the enforcement official determines that any otherwise exempt discharge causes or significantly contributes to violations of any storm water permit, or conveys significant quantities of pollutants to a surface water or storm water conveyance, or is a danger to public health or safety, such discharge shall be prohibited from entering the storm water conveyance system.

1.12.020 - General penalties

A. Misdemeanors. Unless otherwise provided, any person convicted of a misdemeanor under the provisions of this code shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail of Merced County for a period not exceeding one (1) year, or by both such fine and imprisonment.

**REPORT  
ILLEGAL DUMPING  
(209) 385-6905**

City of   
**Merced**  
*Gateway to Yosemite*



For further information, please contact our office at:

City of Merced  
Water Quality Control Division  
1776 Grogan Avenue  
Merced, CA 95341  
(209) 385-6204  
[www.cityofmerced.org](http://www.cityofmerced.org)

**FOOD TRUCKS  
AND  
STORM WATER**





The City of Merced is promoting storm water pollution prevention through public outreach and the Storm Water Ordinance. The Merced Municipal Code 15.50.020 - Purpose and Intent states,

*A. The purpose of this chapter is to protect and promote the health, safety, and general welfare of the citizens of City of Merced by controlling non-storm water discharges to the storm water conveyance system from spills, dumping, or disposal of materials other than storm water, and by reducing pollutants in urban storm water discharges to the maximum extent practicable.*

*B. This chapter is intended to assist in the protection and enhancement of the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. Sections 1251 et seq.) and any subsequent amendments thereto, by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges into the storm drain system.*



Anything that spills or lands on the ground of areas such as streets, sidewalks, drainage channels, or parking lots of the City of Merced eventually becomes storm water pollution. Everything that flows into a storm drain, goes directly to our creeks and rivers, untreated. This means aquatic life can die off and areas for water recreation become unsafe for human enjoyment.

Mobile Food Trucks play a major role in minimizing storm water pollution, because of the mobile aspect of the business. The following are important responsibilities of Food Trucks to aid in the protection of our environment, as well as, the health, safety and general welfare of the citizens of Merced:

## DO'S

Visit commissary DAILY for disposing of fats, oils and grease  
- keep logs



Clean spills using dry methods, like absorbents



Clean kitchen equipment indoors or at wash facility with an oil separator or a grease interceptor



Clean mobile food truck at an approved wash facility



## DON'TS

Do not dispose of waste fats, oils and grease in storm drains or drainage ditches



Do not use water to clean up spills



Do not clean kitchen equipment outdoors where wastewater could impact the storm drain



Do not clean mobile food truck at place of residence



## 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 #408 (Environmental Review #16-36)

**Project Applicant:** Ana Guadalupe Alvarez

**Project Location (Specific):** 1103 Martin Luther King, Jr. Way **APN:** 031-332-017

**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:** Ana Guadalupe Alvarez

**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: 15311, Class 11, Accessory Structures  
☐ 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 minor accessory commercial use in a commercial area, such as a food truck, which is considered to be exempt under the CEQA Guidelines per Section 15311 Section 11.

**Lead Agency:** City of Merced

**Contact Person:** Francisco Mendoza-Gonzalez

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

**Signature:**  **Date:** 01-03-2016 **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

**EXHIBIT E**