

**CITY OF MERCED**  
**Planning & Permitting Division**

**STAFF REPORT:** #17-04

**AGENDA ITEM:** 4.1

**FROM:** Kim Espinosa,  
Planning Manager

**PLANNING COMMISSION**  
**MEETING DATE:** Feb. 22, 2017

**PREPARED BY:** Francisco Mendoza-Gonzalez,  
Planner

**CITY COUNCIL**  
**MEETING DATE:** Mar. 20, 2017  
(Tentative)

**SUBJECT:** **Vacation #16-02**, initiated by Robert Lattanzio on behalf of CVRC North, LLC, to abandon a 14-foot wide sidewalk easement along the western property line of 3172 M Street.

**ACTION:** Finding:

- 1) The proposed Vacation is consistent with the General Plan.

**BACKGROUND AND RECOMMENDATION**

In 2015, the applicant obtained Site Plan Review approval to develop a 15,237-square-foot office building on a vacant 1.58-acre parcel at 3172 M Street (Attachment D). This infill project includes a new bus turnout and sidewalk configuration along M Street. The proposed sidewalk path would be located west of an existing sidewalk easement, but within the City's public right-of-way (Attachment A). During the development review process, the City's Land Engineer determined that the City would have no need for the existing sidewalk easement (as the new sidewalk would be located away from the sidewalk easement) and recommended that the Site Plan Review Committee adopt a condition of approval requiring the abandonment of the 14-foot-wide sidewalk easement (Attachments B and C). The applicant is requesting the vacation of this easement to comply with their Site Plan Review Permit and to obtain their Certificate of Occupancy (to occupy their new building). The new sidewalk path will not require another sidewalk easement, because it will be located within the public right-of-way.

The General Plan does not address such routine items as easements, so there is little guidance provided for such a vacation. Because such matters are not addressed, the proposed Vacation is not inconsistent with any of the General Plan's goals or policies. Therefore, the proposed Abandonment is consistent with the General Plan and a Finding of Consistency is recommended. Planning staff recommends the Planning Commission adopt a Finding showing that the proposed Vacation is consistent with the General Plan.

Attachments:

- A) Location Map & Vacation Area
- B) Legal Description

- C) Parcel Map
- D) Site Plan Review Permit #387 (See Finding E and Condition #26)



**ATTACHMENT A**

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:

A STRIP OF LAND LYING WITHIN A PORTION OF PARCEL 1, AS PARCEL 1 IS DELINEATED ON THAT CERTAIN MAP ENTITLED "PARCEL MAP FOR HERBERT H. LOCKYER, ET AL", FILED FOR RECORD DECEMBER 30, 1975, IN BOOK 28 OF PARCEL MAPS, PAGE 45, MERCED COUNTY OF RECORDS, SAID STRIP OF LAND IS DESCRIBED IN GRANT DEED TO THE CITY OF MERCED RECORD APRIL 17, 1970 AS DOCUMENT NUMBER 6782, VOLUME 1823, AT PAGE 722, OFFICIAL RECORDS OF MERCED COUNTY.

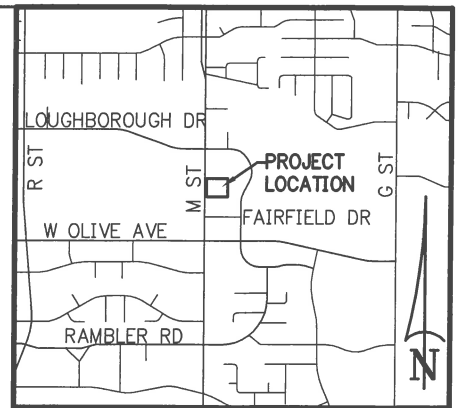
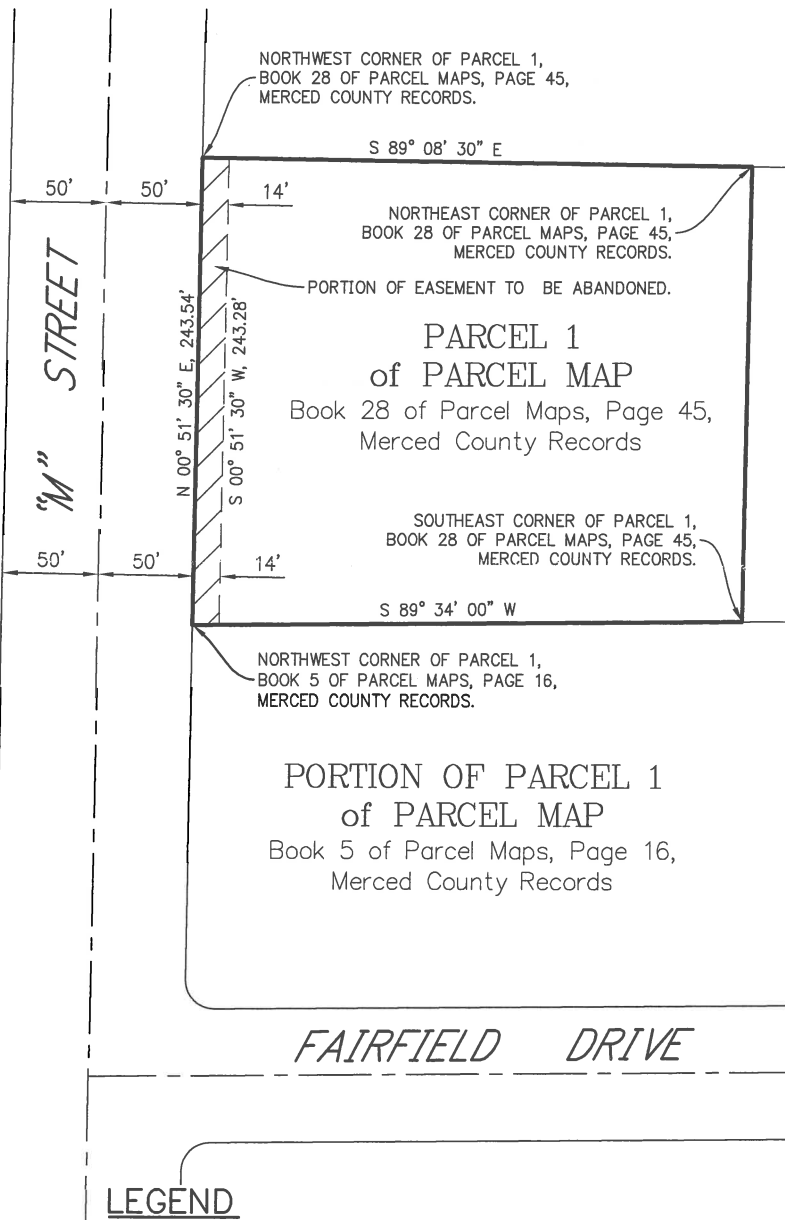
A STRIP OF LAND SITUATED IN LOTS 55 AND 72 ACCORDING TO MAP ENTITLED "MAP OF THE CROCKER COLONY", FILED FOR RECORD JUNE 7, 1911, IN VOLUME 5 OF OFFICIAL RECORDS, BEING ALSO A PORTION OF PARCEL 2 ACCORDING TO MAP ENTITLED "PARCEL MAP FOR J.F. COLLINS, ET AL", FILED FOR RECORD JANUARY 17, 1968, IN BOOK 5 OF PARCEL MAPS, AT PAGE 16, MERCED COUNTY RECORDS, SAID PORTION BEING MORE PARTICULARLY DESCRIBE AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF "M" STREET FROM WHENCE THE NORTHWEST CORNER OF PARCEL 2 OF THE AFORESAID "PARCEL MAP FOR J.F. COLLINS, ET AL" BEARS NORTH 00°52'34" EAST 89.48 FEET AND RUNNING THENCE SOUTH 77°50'00" EAST 14.28 FEET; THENCE SOUTH 00°51'30" WEST 1476.79 FEET TO A POINT ON THE NORTH LINE OF PARCEL 1 ACCORDING TO THE AFORESAID "PARCEL MAP FOR J.F. COLLINS, ET AL"; THENCE SOUTH 89°34'00" WEST 14.00 FEET ALONG SAID NORTH LINE TO A POINT ON THE EAST LINE OF "M" STREET; THENCE NORTH 00° 51'30" EAST 1479.90 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

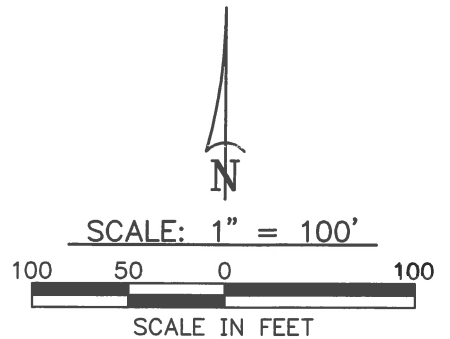


EPI/MG  
15051 SIDEWALK LEGAL.DOC

**ATTACHMENT B**




**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**

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

**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

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

Sheet 1 of 1

Drawing No. \_\_\_\_\_

CITY OF MERCED  
 SITE PLAN REVIEW COMMITTEE  
 RESOLUTION #387

Robert Lattanzio	New 15,237 s.f. office building for the Central Valley Regional Center.
APPLICANT	PROJECT
940 Calle Negocio, Suite 300	3172 M Street
ADDRESS	PROJECT SITE
San Clemente, CA 92673	236-230-010
CITY/STATE/ZIP	APN
(949) 276-4402	Planned Development (P-D) #5
PHONE	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-foot 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

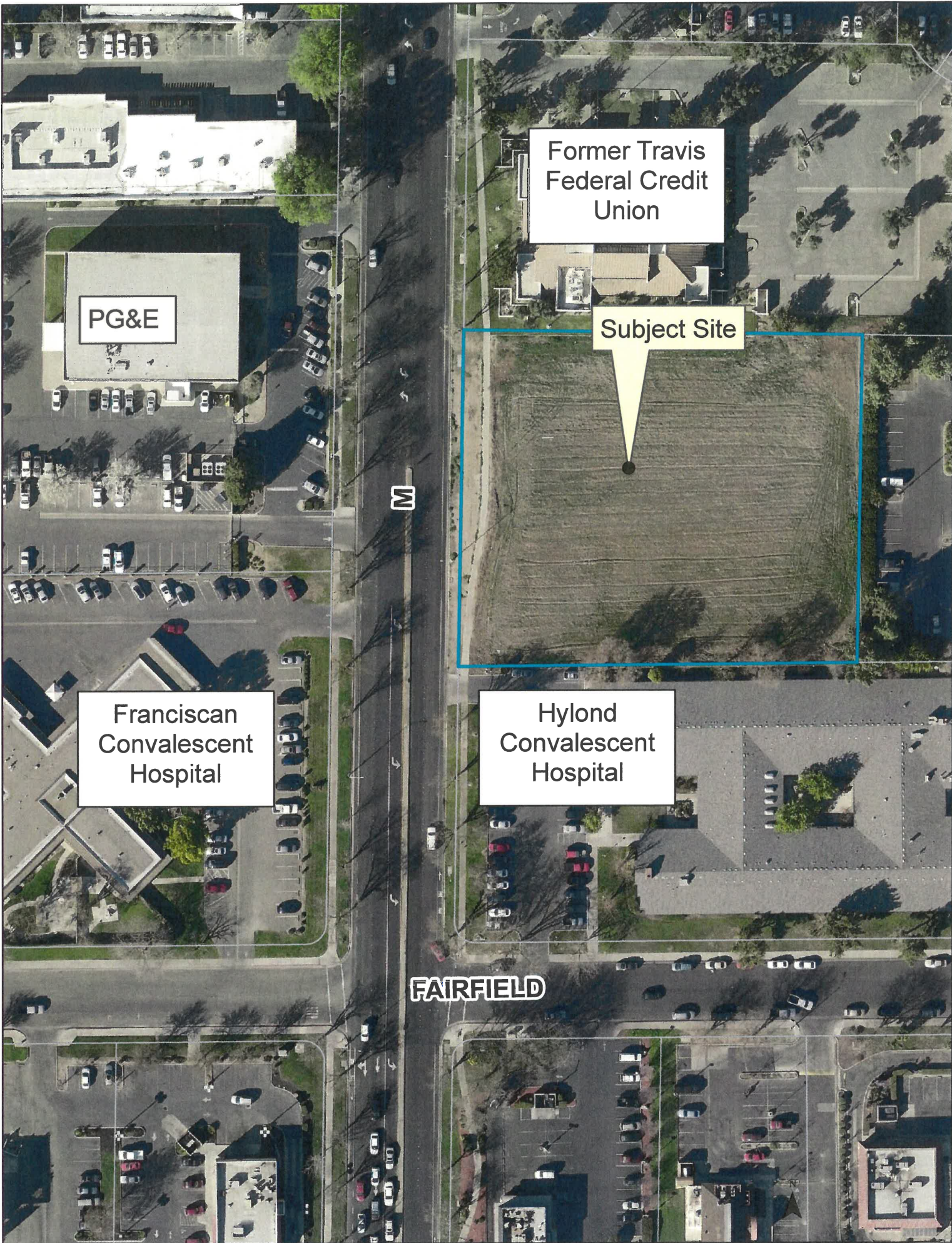
Planner

TITLE

Exhibits

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

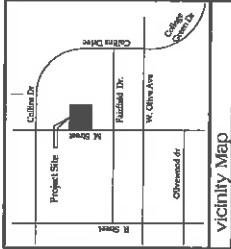




**EXHIBIT A**

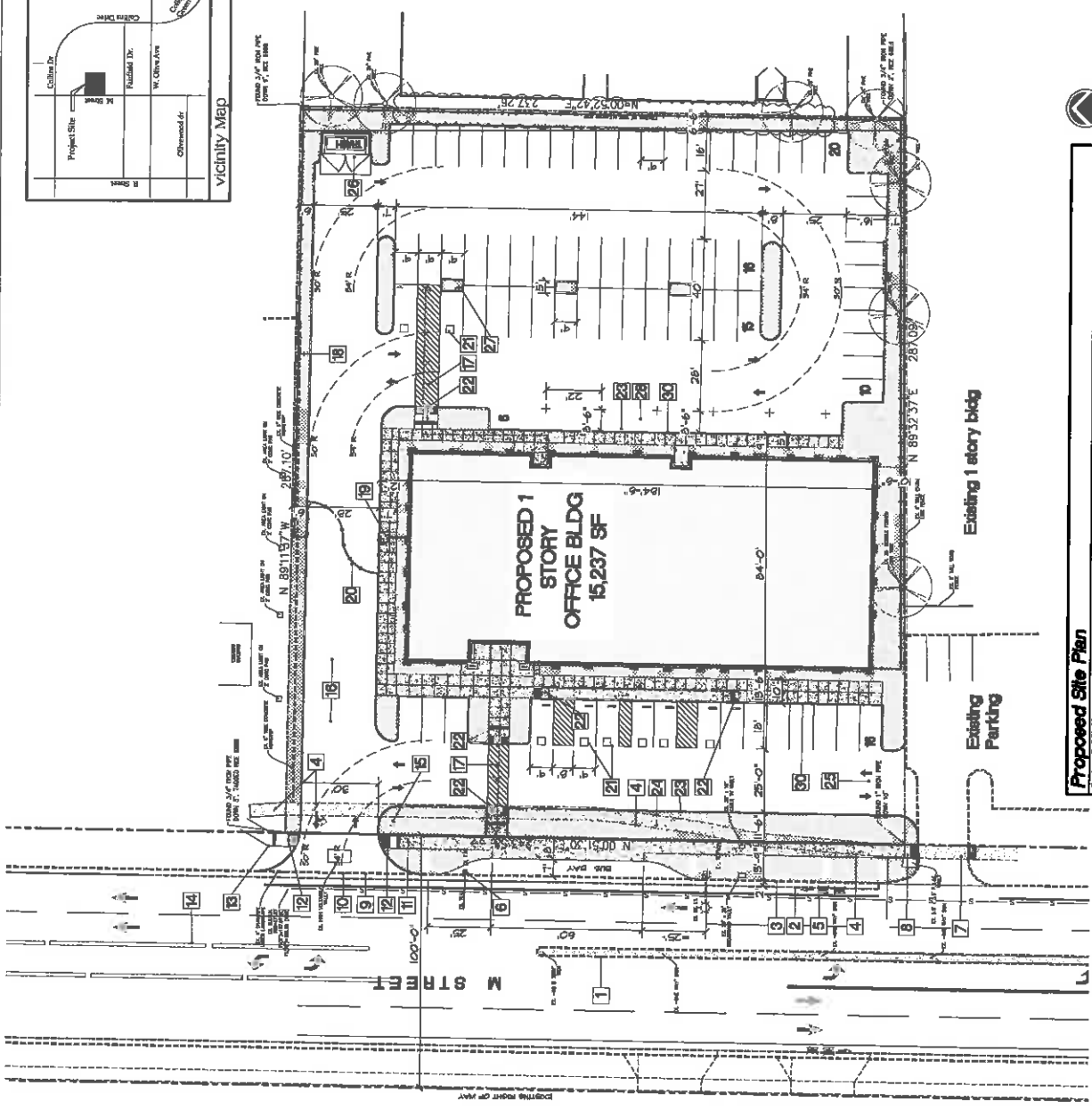


<b>Project Information</b>	
Use:	Office Building
Client:	LANO BC, Inc 960 Calle Negrete, Suite 200 San Clemente, CA 92675
Address:	3172 M Street Merced, CA
A.P.N.:	286280401
Zoning:	P-10 (Office / Commercial designation)
Number of Stories:	1 Story Building
Building Occupancy:	B & A3
Construction Type:	V
Parcel:	1.56 ac = 66,019 sq ft
Building Area:	
Proposed:	= 15,237 sq ft
Parking Count:	
Maximum Parking:	
Standard:	1.5 per 250 sq ft of bldg
Area:	14,625 (94) = 14,665 sq ft
Area:	14,665 sq ft / 230 = 64 stalls required
Provided Parking:	
Standard:	70 stalls
Available:	80 stalls
Total:	80 stalls



No.	Description
1	Existing remain to remain
2	Existing gutter
3	Existing concrete curb
4	Existing plastic sidewalk items detailed to be replaced
5	Existing base line
6	Existing fire hydrant to be relocated
7	Existing catch ramp
8	Existing catch ramp
9	Remove Existing curb, gutter and sidewalk
10	Approach per City of Merced Public Works Department
11	Approach per City of Merced Public Works Department
12	Public Sidewalk per City of Merced Public Works Department
13	Public Sidewalk per City of Merced Public Works Department
14	Existing gutter curb items to remain
15	Accessible wheelchair sign
16	40 parking per City of Merced Public Works Department
17	200 parking per City of Merced Public Works Department
18	8' high through tree fence of perimeter of
19	8' high through tree fence of perimeter of
20	8' high through tree fence of perimeter of
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50	8' high through tree fence of perimeter of

**Site Plan Key Notes**



**Proposed Site Plan**  
REV. 1.15.2020

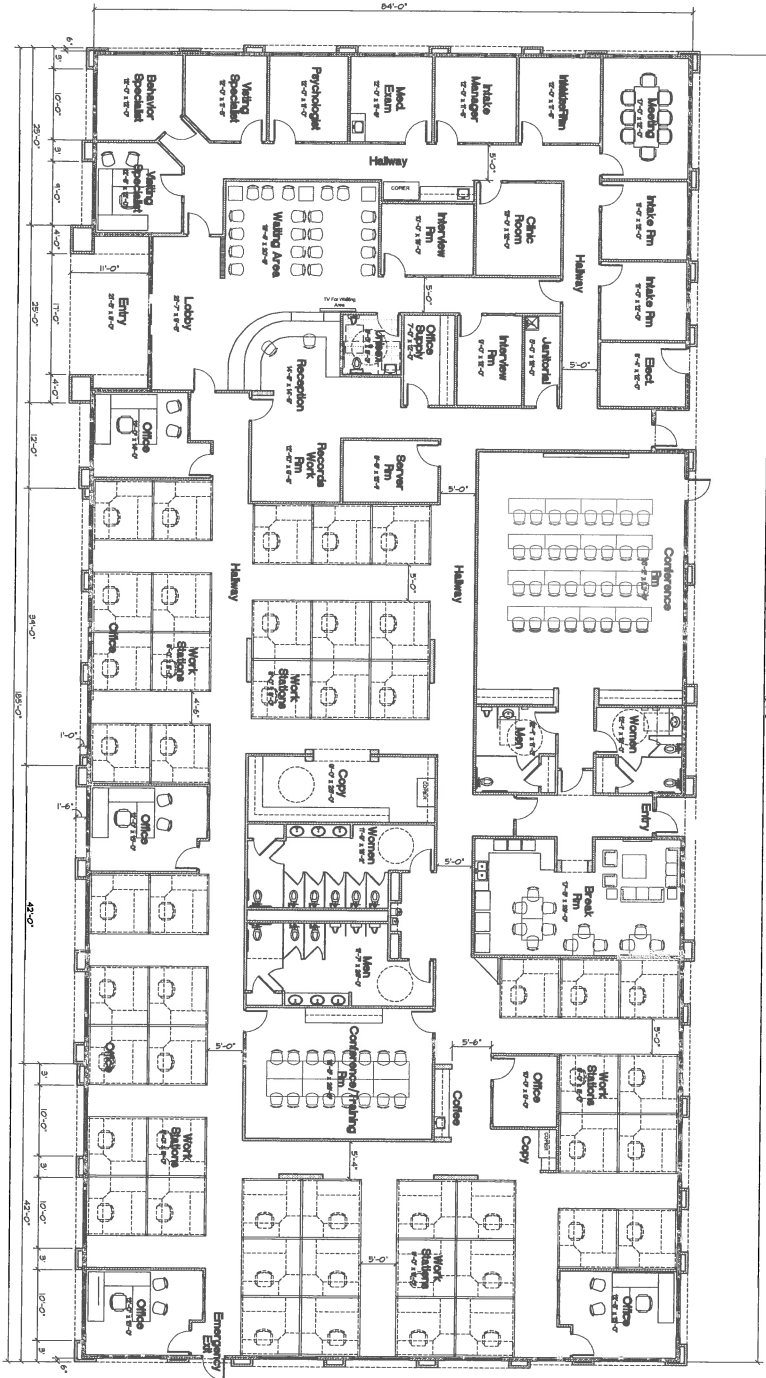


PROPOSED 1 STORY OFFICE BUILDING, 3172 M' Street, MERCED CA.

**EXHIBIT B**

This sheet and its contents and ideas are the property of The Vernal Group and no one shall be granted without express written consent.

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 'M' Street, MERCED CA.



A2.1  
 PROJECT NO. 10000  
 SHEET NO. 10000



**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));
- 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