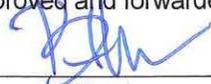




## STAFF REPORT

Approved and forwarded to City Council

  
Bryan H. Montgomery, City Manager

**Date:** September 22, 2015  
**To:** Bryan H. Montgomery, City Manager  
**From:** Kenneth W. Strelo, Senior Planner  
**Subject:** **Burger King Re-Façade (DR 09-15)**

---

### Summary

This is a request by Nasser Aliabadi of Shahs of Shiraz, Inc. ("Applicant") for Design Review approval of an exterior remodel of the existing Burger King restaurant located in the Oakley Town Center shopping center. Plans also include new building signage. The re-façade is in compliance with a rebranding for the Burger King Corporation. The project is located at 2025 Main Street and zoned "C" (General Commercial) District. APN 035-011-020.

Staff recommends the City Council adopt the resolution approving Design Review for Burger King Re-Façade (DR 09-15), as conditioned.

### Project Description

The applicant is proposing to modify the existing Burger King restaurant located in the Oakley Town Center, which is at the southeast corner of Main Street and Empire Avenue. Modifications will be consistent with a rebranding for Burger King, and include the addition of architectural entries, a new roofline, new materials and textures, and repainting from white with blue trim to a base tan (Camel Tan) with grey (Monterey Cliffs) accents, such as the base of the building and roof elements, and dark grey (Deep Onyx) entries and window surrounds. Also, a portion of the roof trim will be in red LED light trim to match the red color of the Burger King logo. Other elements of the modification include new signage and a roof canopy. Proposed building signage includes the Burger King logo on the entry architectural elements on all four elevations, and the slogans "Home of the Whopper" and "Taste is King" on the south elevation, which is the main entrance facing the shopping center parking lot. Main materials of the re-façade will consist of stucco, brick, cement siding panels, corrugated metal, and standing seam metal. The brick portion will make up approximately 1/4 of the main entrance. The standing seam metal roof will overhang about half of the frontage of the north elevation that faces Main Street. A color rendering of the south elevation (main entrance) is provided in Attachment 2.

## **Environmental Review**

The request for design review approval is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15301, "Existing Facilities." The re-facade results in minor alterations with no expansion of use.

## **Staff Analysis**

The design review request was analyzed for consistency with the adopted City of Oakley Commercial and Industrial Guidelines ("Guidelines"). While the guidelines address building colors, they are reserved to the quality of the paint and that colors should be compatible, subdued and not garish. Notwithstanding subjective color choices, the proposed exterior colors and materials meet the intent of the guidelines. The addition of materials and colors will provide architectural quality and interest not in the present building design. The new signage will add a consistent theme to all four elevations, while also bringing the design more up to date by adding the slogans and LED light strip.

## **Findings**

Draft findings are included in the attached resolution.

## **Recommendation**

Staff recommends the City Council adopt the resolution approving Design Review for Burger King Re-Facade (DR 09-15), as conditioned.

## **Attachments**

1. Vicinity Map
2. Applicant's Plans
3. Draft Resolution

# Vicinity Map

Burger King Re-Façade (DR 09-15)





BURGER KING- 2505 MAIN STREET

**PROJECT DATA & SUMMARY**

**CRITERIA:**

1. **SCOPE OF WORK:**  
THIS PROJECT CONSISTS OF AN EXTERIOR FACADE REMODEL OF AN EXISTING BURGER KING RESTAURANT. BECAUSE OF CONSTRUCTION LIMITATIONS, ALL CONSTRUCTION SHALL BE OF WOOD OR METAL STUDS AND DRYWALL AND VARIOUS FINISHES. SCOPE OF WORK SHALL INCLUDE ROUGH FRAMING, ELECTRICAL, MECHANICAL, PLUMBING AS REQUIRED WILL BE CONDUCTED AS DESIGN-BUILD AND FINISHES AS REQUIRED TO COMPLETE THE REMODEL. THIS PROJECT IS SUBJECT TO THE REQUIREMENTS OF 2013 CBC. THE SHELL BUILDING IS COMPLIANT WITH CBC CHAPTER 11B AND ALL NEW CONSTRUCTION WILL BE DONE IN COMPLIANCE WITH CBC CHAPTER 11B.

2. **CONSTRUCTION TYPE:**  
TYPE VB - (NON-RATED)

4. **FIRE SPRINKLERS:**  
NONE

5. **OCCUPANCY GROUP:**  
A-2 (RESTAURANT)

6. **BLDG. SQUARE FOOTAGE SUMMARY:**

**BUILDING DATA:**  
OCCUPIED TENANT SPACE: 2,822 SQ.FT.

**ALLOWABLE BUILDING AREA: (TABLE 503)**  
A-2: 1 FLOOR ALLOWED AND MAX 6,000 SF  
2,822 SF - LESS THAN - 6,000 SF OKAY

7. **BLDG. OCCUPANT LOAD:** (TABLE 1004.1.1)  
KITCHEN AREA: 200 GROSS S.F. PER OCC.  
KITCHEN AREA PROVIDED: 1,228 S.F. / 200 GROSS  
KITCHEN OCCUPANT LOAD: 6

SERVING AREA: 15 GROSS S.F. PER OCC.  
SERVING AREA PROVIDED: 1,342 S.F. / 15 GROSS  
SERVING OCCUPANT LOAD: 89

TOTAL OCCUPANT LOAD: 95

8. **REQUIRED PARKING:** SEE REFERENCE SITE PLAN

**PROJECT DIRECTORY**

**OWNER**  
AMIR SAHEBALZAMANY  
NOR CAL FAST FOODS, INC.  
1701 FILMORE STREET  
SAN FRANCISCO, CA 94115  
PHONE: (925) 989-1195  
EMAIL: AMIRSAHEB@GMAIL.COM

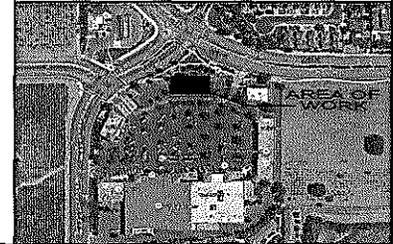
**CONTRACTOR**  
T.B.D.

**ARCHITECT**  
SCOTT GIBSON ARCHITECT INC.  
2540 ZANELLA WAY, SUITE 60  
CHICO, CA 95928  
PHONE: 530-343-7567  
FAX: 530-343-7447  
CONTACT: SCOTT GIBSON  
scott@gsgarchitect.net

**SHEET INDEX**

- DR-1 TITLE SHEET
- DR-2 EXISTING + DEMOLITION EXTERIOR ELEVATIONS
- DR-3 PROPOSED EXTERIOR ELEVATIONS
- DR-3J PROPOSED EXTERIOR ELEVATIONS - COLORED
- DR-4 REFERENCE FLOOR PLAN
- DR-5 REFERENCE ROOF PLAN
- DR-6 PROPOSED SITE PLAN

**VICINITY MAP**



**ARCHITECT**

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**PLANNING APPROVAL**

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BURGER KING  
TENANT  
REMODEL  
2505 MAIN STREET  
OAKLEY, CA 94661

TITLE SHEET

**PROJECT DATA**

**PROJECT ADDRESS:**  
2505 MAIN STREET  
OAKLEY, CA. 94561

**JURISDICTION:**  
CITY OF OAKLEY, CALIFORNIA

**DESCRIPTION:**  
APN:  
ZONING:

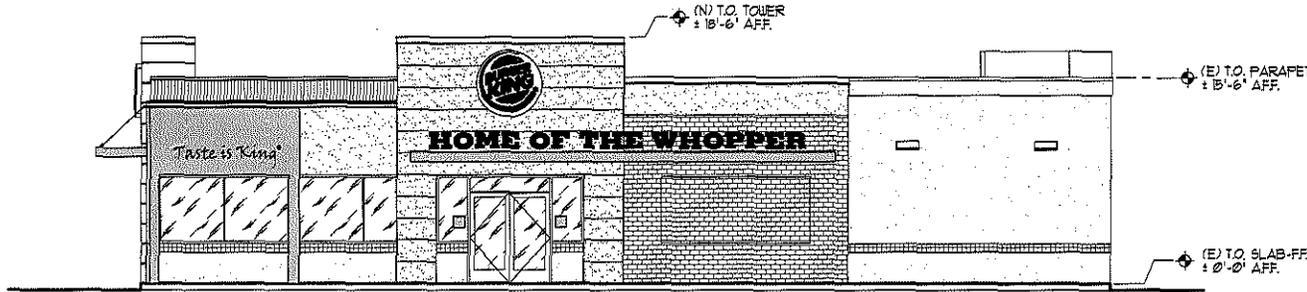
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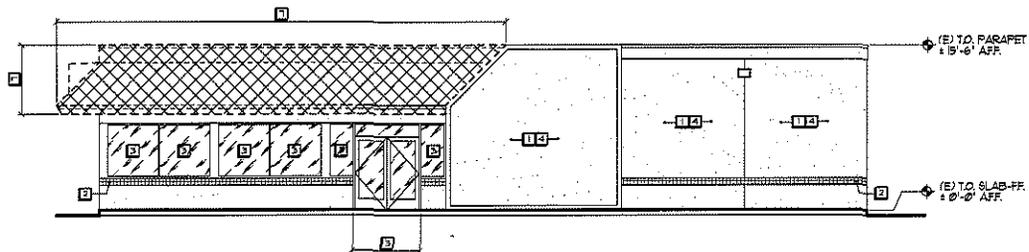
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DR-1

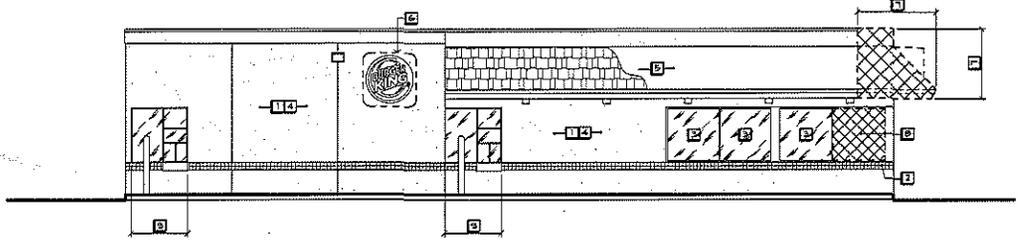
**PROPOSED SOUTH ELEVATION**



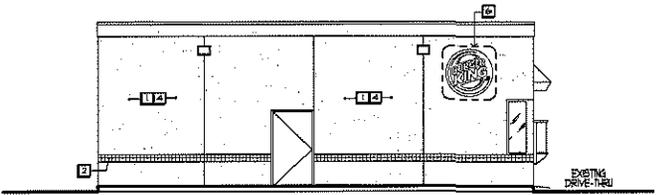
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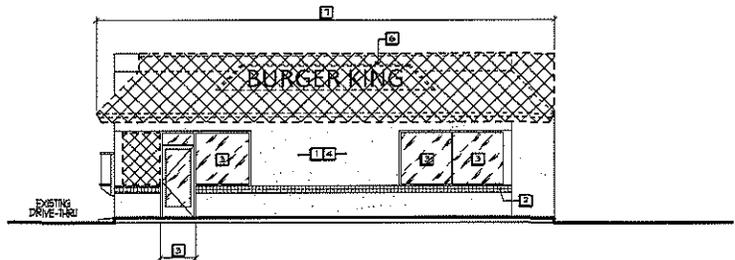
SOUTH ELEVATION 1



NORTH ELEVATION 2



FRONT (EAST) ELEVATION 3



REAR (WEST) ELEVATION 4

EXISTING / DEMOLITION - EXTERIOR ELEVATIONS

- FLOOR PLAN KEYED NOTES**
- 1 (E) EXTERIOR 2x BUILDING WALL'S - EXISTING FINISH TO REMAIN PER TENANT'S FINISH SCHEDULE, TYPICAL
  - 2 (E) TILE BAND - TO REMAIN, PREP TO TILE FOR AN EXIST PAINTED FINISH
  - 3 (E) EXTERIOR DOORS, WINDOWS & SPANDREL SYSTEM - TO REMAIN UNCHANGED PER PLAN, TYPICAL
  - 4 (E) FINISHES TO REMAIN - PATCH AND REPAIR AS REQ'D - PER PLAN, TYPICAL
  - 5 (E) CANOPY ROOFING - TO REMAIN UNCHANGED PER PLAN, TYPICAL
  - 6 DEMO (E) EXTERIOR BUILDING SIGNAGE
  - 7 (E) (E) ROOF OVERHANGS / CANOPY - CANOPY / OVERHANGS TO BE REMOVED FOR AN FRAMED POP-OUTS PER PLAN, TYPICAL
  - 8 (E) (E) ST OVERHANG WINDOW SYSTEM - DEMO ST OVERHANG WINDOW SYSTEM, INFL PER IN FLOOR PLAN ALL TYPICAL
  - 9 (E) DRIVE THRU WINDOW

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**BURGER KING**  
 TENANT  
 REMODEL  
 2505 MAIN STREET  
 OAKLEY, CA 94661

EXISTING / DEMOLITION  
 EXTERIOR  
 ELEVATIONS

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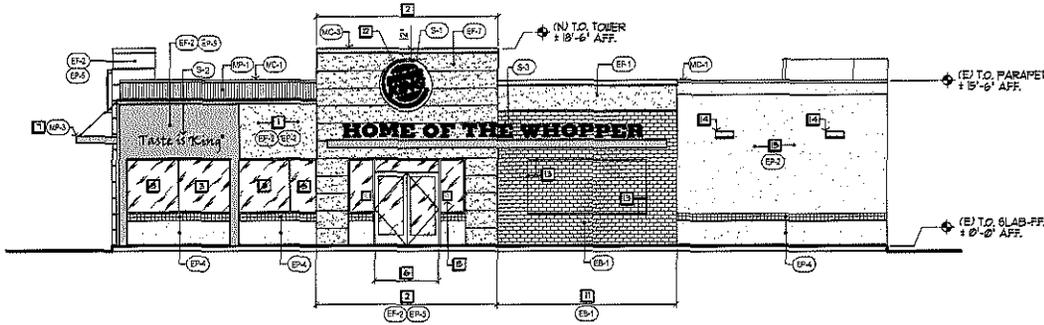
**DR-2**

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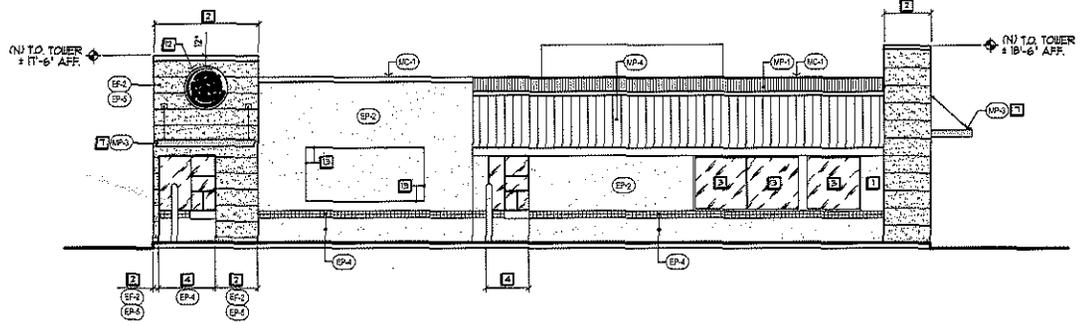
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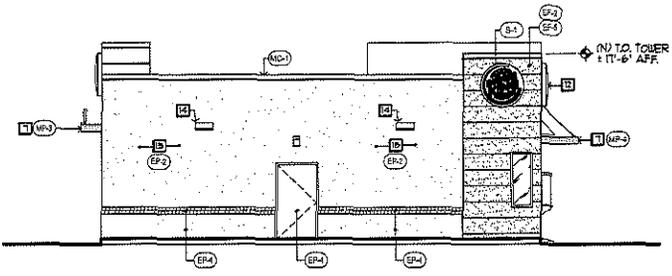
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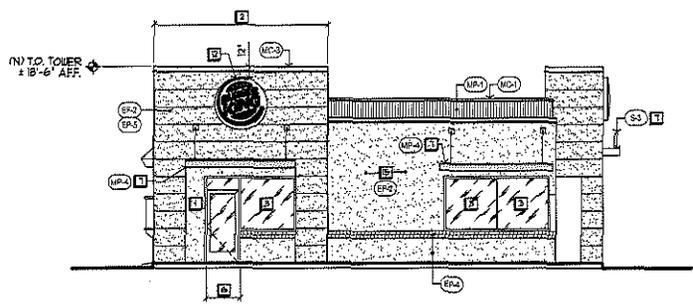
**SOUTH ELEVATION 1**



**NORTH ELEVATION 2**



**FRONT (EAST) ELEVATION 3**



**REAR (WEST) ELEVATION 4**  
**PROPOSED EXTERIOR ELEVATIONS**

**Keyed Notes**

- 1 (N) CEMENT PLASTER FINISH OVER (E) BLDG. EXTERIOR WALL PER PLAN REFER TO DETAIL W/ASO, TYPICAL
- 2 (N) EXTERIOR TRAVELER IN/OUT FEATURES - CEMENT PLASTER FINISH PER FLOOR PLAN FOR DETAILS
- 3 (E) EXTERIOR WINDOW & WINDOW SYSTEM TO REMAIN UNCHANGED PER PLAN TYPICAL
- 4 (E) DRIVE UP WINDOW TO REMAIN UNCHANGED PER PLAN TYPICAL
- 5 (E) EXTERIOR DOOR & FRAME TO STAY SYSTEM DOOR AND FRAME TO REMAIN UNCHANGED, TYP UNLESS NOTED OTHERWISE - BY OTHERS NUG
- 6 (N) INTERNATIONAL ACCESSIBILITY TACTILE SIGNAGE - ENTRY REFER TO DETAIL W/ASO, TYPICAL
- 7 NOT USED
- 8 (E) EXTERIOR BRICK VENEER OVER (E) CEMENT PLASTER OVER VENEER OVER (E) CEMENT PLASTER FINISH
- 9 (N) SIGNAGE BY OTHERS METAL ON SIGN FOR PROPOSED SIGNAGE, TYP
- 10 (E) SIGNAGE BY OTHERS METAL ON SIGN FOR PROPOSED SIGNAGE, TYP
- 11 (N) EXTERIOR LIGHT FIXTURE
- 12 (E) EXTERIOR BUILDING FINISH - SEE W/ASO TYPICAL
- 13 (N) PER TOWN REQUIREMENTS, TYP
- 14 :
- 15 :

**Color and Material Finish Schedule**

| BURGER KING-20/20 EXTERIOR EXTERIOR MATERIALS & FINISH SCHEDULE |   |                                  |                           |                                       |  |           |
|---|---|----------------------------------|---------------------------|---------------------------------------|--|-----------|
| CODE  | MATERIAL  | LOCATION                         | MANUFACTURER              | PRODUCT                               | DESCRIPTION                                | NOTES     |
| EP-5  | EXTERIOR BRICK  | GENERAL                          | DUNBROOK BRICK            | W/ASO / 20/20 EXTERIOR BRICK          | CLAY PAVING BRICK                          |           |
| EP-6  | EXTERIOR FINISH - STUCCO, FTD, PLASTER, EXTERIOR BRICKS, STUCCO | GENERAL                          | FTD OR APPROVED EQUAL     | FTD POLYMERAL STUCCO SYSTEM           | COLOR TO MATCH EXTERIOR BRICKS             |           |
| EP-7  | EXTERIOR FINISH - STUCCO  | GENERAL                          | FTD OR APPROVED EQUAL     | FTD POLYMERAL STUCCO SYSTEM           | STUCCO OR FTD MAY BE PAINTED TO MATCH EP-5 |           |
| EP-8  | EXTERIOR PAINT  | EXTERIOR GENERAL                 |                           | PRIMER 17-411 PAINTS 6-20485          | 300 GRAY                                   |           |
| EP-9  | EXTERIOR PAINT  | EXTERIOR WOODROT                 |                           | EXTERIOR WOODROT SATIN LATEX          |  |           |
| EP-10   | EXTERIOR PAINT  | EXTERIOR GENERAL                 |                           | PRIMER 17-411 PAINTS 6-20485          |  |           |
| MC-1  | METAL COPING  | TOP OF LIGHT BAND WALL CAP       | W.F. HOFFMAN SYSTEMS, INC | EXTERIOR STAINLESS STEEL LATEX        | 304  |           |
| MP-1  | COGNATE METAL   | PARAPET BAND                     | SEE APPROVED SIGN         | 150 LIGHT BAND                        | FACTORY FINISH TO MATCH EP-1               | SEE PLANS |
| MP-2  | METAL CANDY   | ABOVE BOOKS                      | SEE APPROVED SIGN         | CUSTOM METAL CANDY                    | GLASS CLEAR ANODIZED                       | SEE PLANS |
| MP-3  | METAL AWNING / SIGN ROOFING                                     | AWNING WINDOWS / HANGING ROOFING | PERISTON                  | STANDARD SEAM METAL ROOF 12-4 PROFILE | SILVER METALIC 20                          | SEE PLANS |

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**BURGER KING**

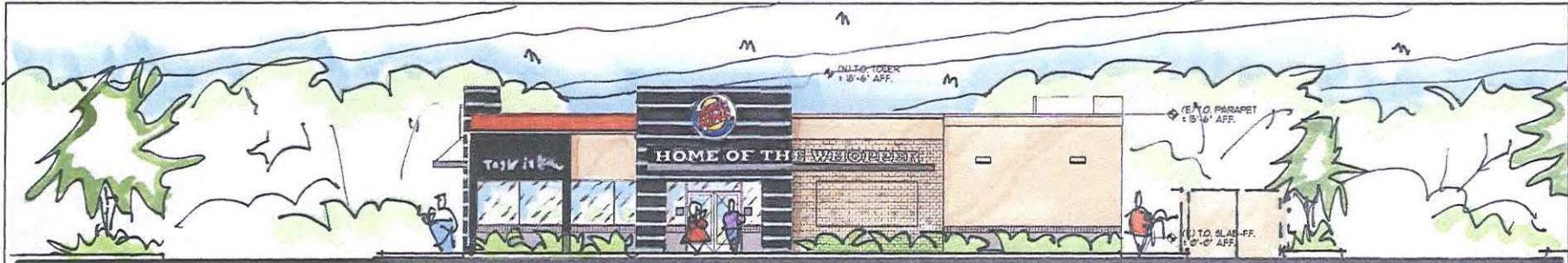
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**PROPOSED EXTERIOR ELEVATIONS**

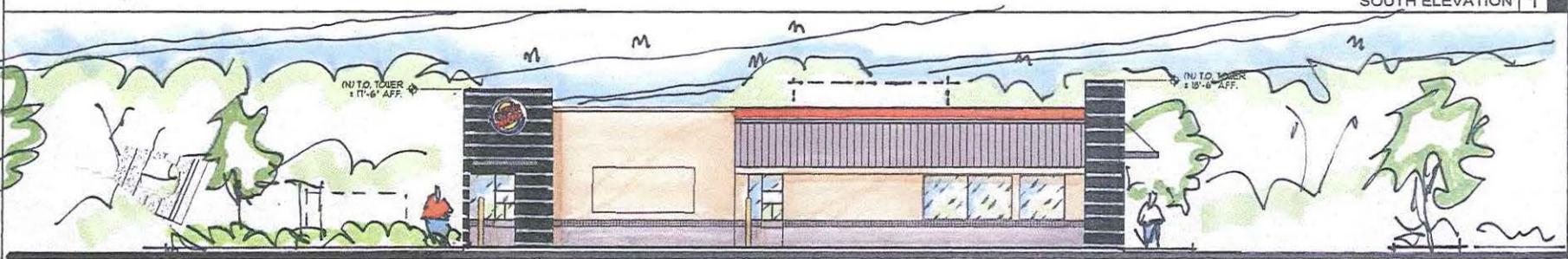
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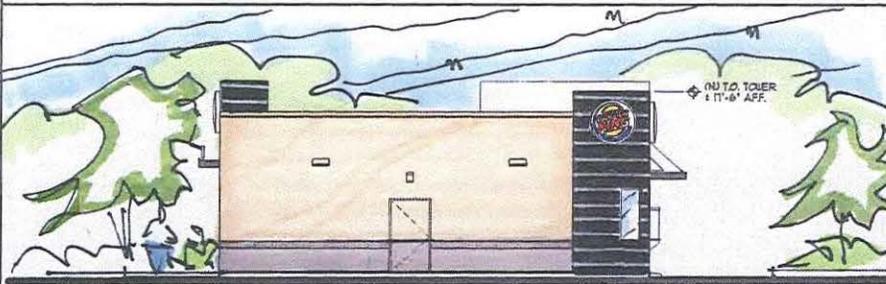
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SOUTH ELEVATION | 1



NORTH ELEVATION | 2



FRONT (EAST) ELEVATION | 3



REAR (WEST) ELEVATION | 4  
PROPOSED EXTERIOR ELEVATIONS

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

SCA



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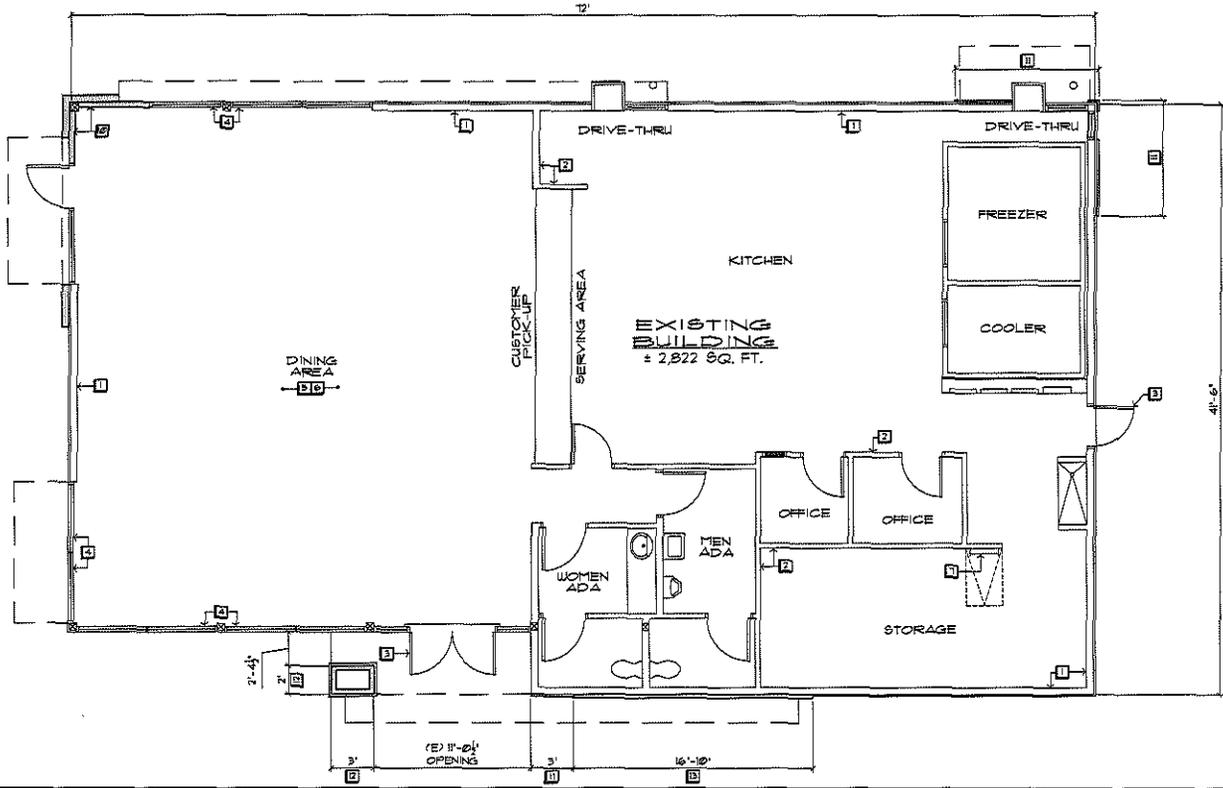
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TENANT  
REMODEL  
2505 MAIN STREET  
OAKLEY, CA 94561

PROPOSED COLORED  
EXTERIOR  
ELEVATIONS

DATE: 07/23/2015

JOB NO. 15.010

DR-3.1



EXISTING BUILDING  
± 2,822 SQ. FT.



SCALE: 1/4" = 1'-0"

PROPOSED - FLOOR PLAN

FLOOR PLAN KEYED NOTES

- 1 (E) INTERIOR 2X BUILDING WALLS TO REMAIN UNCHANGED PER PLAN TYPICAL
- 2 (E) INTERIOR 2X BUILDING WALLS TO REMAIN UNCHANGED PER PLAN TYPICAL
- 3 (E) DOORS AND FRAME TO REMAIN UNCHANGED PER PLAN TYPICAL
- 4 (E) ATTACHMENT WINDOW SYSTEMS TO REMAIN UNCHANGED PER PLAN TYPICAL
- 5 (E) BUILDING FLOOR FINISH / SLAB TO REMAIN UNCHANGED PER PLAN TYPICAL
- 6 (E) SUSPENDED CEILING / OUTRIGM CEILING TO REMAIN UNCHANGED PER PLAN TYPICAL
- 7 (E) ROOF ACCESS LADDER TO REMAIN UNCHANGED, REFER TO ROOF PLAN TYP.
- 8 (N) 2X EXTERIOR FRAMED POP OUT FEATURE - ATTACH TO FRAME FOR STEEL FRAMES LATH PLAT, GYPSUM PLASTER FINISH TYP.
- 9 (N) 2X INWELL AT EXTERIOR WINDOWS - EXTERIOR SIDE OF INWELL WALL TO HAVE GYPSUM PLASTER FINISH AT EXPOSED AREA, TYP.
- 10 (N) GYPSUM PLASTER WITH METAL REVEALS COVER (E) CEILING PLASTER SYSTEM
- 11 (N) 2X EXTERIOR FRAMED ENTRY CANOPY / POP OUT FEATURES - ATTACH TO FRAME FOR OUT PER STEEL OR CONCRETE PLASTER WITH REVEALS OVER ON FRAMES, TYP.
- 12 (N) BRICK VENEER COVER (E) CEILING PLASTER - ATTACH TO BRICK VENEER OVER GYPSUM PLASTER AS NOTED BY MANUFACTURER.

LEGEND

|  |   |
|--|---|
|  | EXISTING DOOR OPENING<br>1/2" PROJECT HANGERS TO DETRIBUTE<br>REPLACEMENT OF DOOR FRAME AND HARDWARE      |
|  | EXISTING DOOR AND FRAME<br>NOT IN CONTACT, PER PLAN   |
|  | PROPOSED DOOR OPENING<br>DOOR & FRAME SUPPLIED BY GC.   |
|  | DEMOLITION  |
|  | DEMOLITION 2X WALLS   |
|  | EXISTING  |
|  | EXISTING 2X WALLS   |
|  | EXISTING EXTERIOR WALL  |
|  | PROPOSED  |
|  | PROPOSED 2X WALLS<br>HEIGHT 7'-0" AFF. GYPSUM BOARD FINISH<br>TYP. AT ACCESSIBLE DRIPPING ROOMS           |
|  | PROPOSED 2X WALLS<br>GYPSUM BOARD FINISH MIN. 6" ABOVE<br>FINISH CEILING                                  |
|  | PROPOSED 2X WALL<br>EXTEND WALL CONSTRUCTION TO UNDERSIDE OF<br>DECK. SEE CONSTRUCTION PLAN FOR WALL TYP. |
|  | PROPOSED EXTERIOR<br>CONCRETE WALL  |

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BURGER KING  
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REMODEL  
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OAKLEY, CA 94561

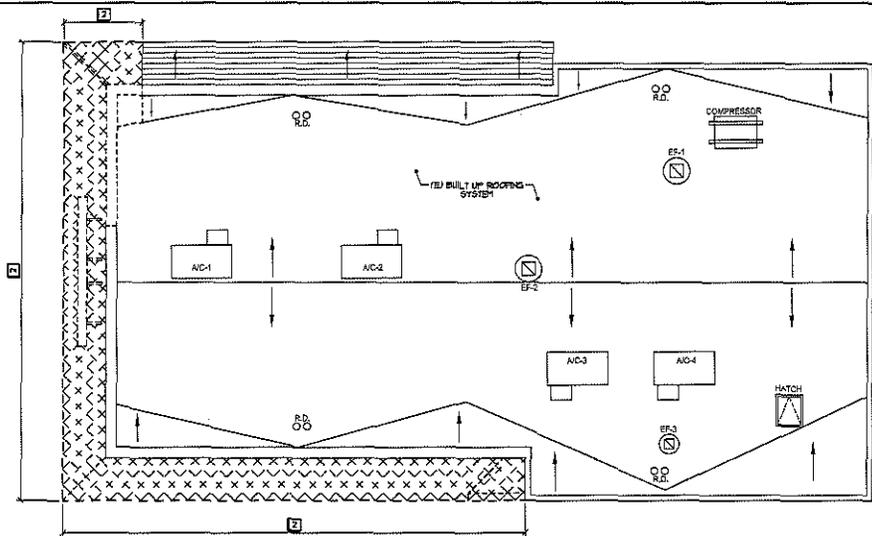
PROPOSED FLOOR PLAN

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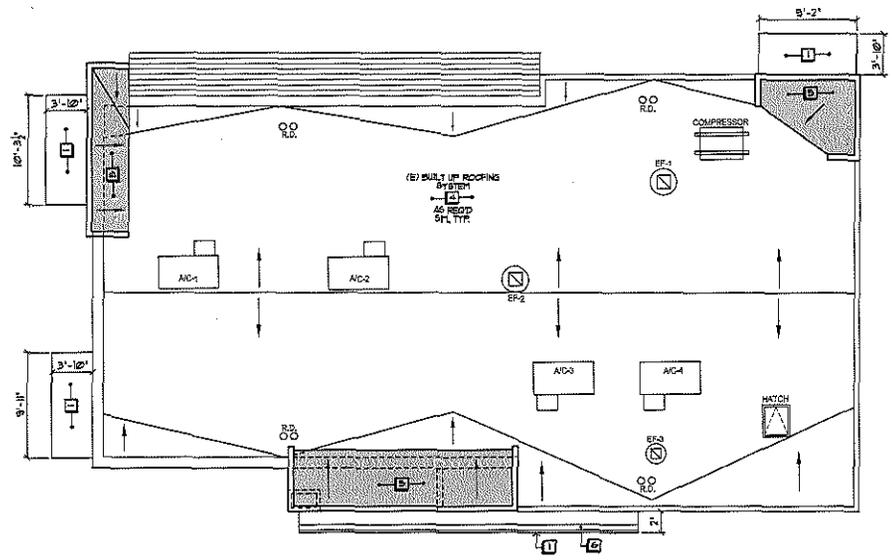
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EXISTING / DEMOLITION - ROOF PLAN

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



PROPOSED - ROOF PLAN

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

ROOF KEYED NOTES

- 1 (N) METAL AWNING - BY OTHERS N.L.C.  
- OO METAL CANOPY IN ACC. PER ELEVATIONS, CANOPES TO HAVE ALUMINUM FINISH
- 2 DEMO (E) ROOF OVERLAPPING / CANOPY  
- CANOPY / OVERHANG TO BE REMOVED FOR OO FRAMED POP-OUTS PER PLAN TYPICAL
- 3 :
- 4 REPAIR (E) ROOFING AS REQ'D
- 5 (N) SINGLE PLY ROOFING SYSTEM  
- OO ROOFING REFER TO DETAIL SCHEDULE FOR ATTACHMENT DETAILS
- 6 (N) SIGNAGE - BY OTHERS N.L.C.
- 7 :



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**BURGER KING**  
**TENANT**  
**REMOVAL**  
1505 MAIN STREET  
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EXISTING / DEMOLITION  
AND PROPOSED  
ROOF PLAN

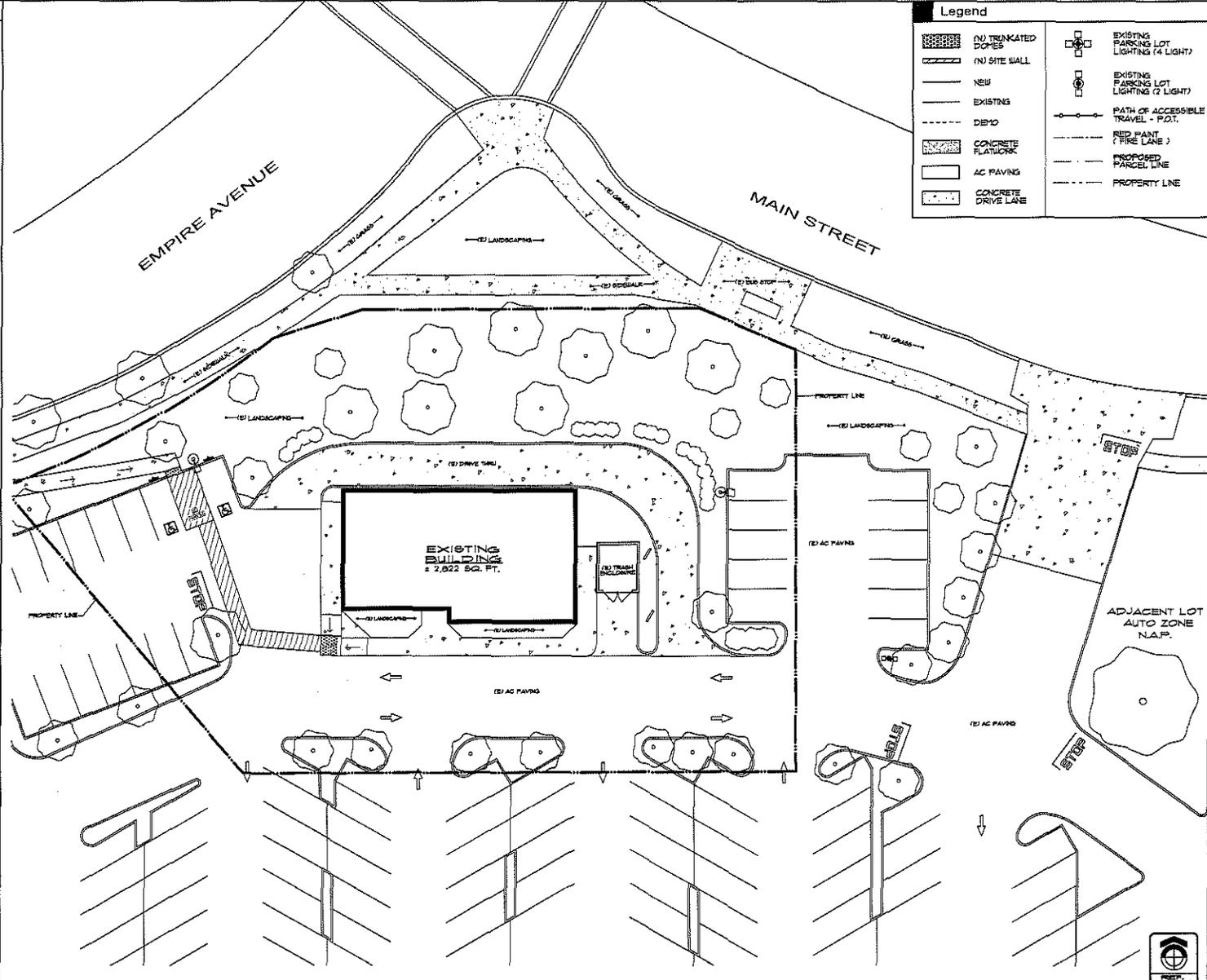
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DR-5

**General Note's**

- SCOPE OF WORK FOR EXISTING PARKING LOT IS LIMITED TO PROVIDE NEW ASPHALT CURBS, NEW STALL STRIPING (2) WHITE PAVEMENT, REMOVE / REPAIR OR EXISTING DAMAGED / CRACKED EXISTING ASPHALTIC CONCRETE PAVING PRIOR TO NEW COATING (2) TO FIELD VERIFY DAMAGED LOCATION(S) AND NEW CROSS WALK.
- ADA ACCESSIBLE PARKING, CIRCULARS AND WALKWAYS SHALL COMPLY WITH A MINIMUM OF 2% CROSS SLOPE IN ANY DIRECTION AS REQUIRED BY ADA STANDARDS, NOTIFY ARCHITECT IN ANY CONFLICTS.
- SEWERLINES ARE TO BE CONTRACTED IN THE AREA AS SHOWN ON THIS CONSTRUCTION PLANS WITH 4" OR CONCRETE WITH 2% DAY COMPRESSIVE STRENGTH OF 2500 PSI. JOINTS SHALL BE EITHER TOoled OR SAW CUT AT A DISTANCE OF 9'-0" FROM CONCRETE FINISH SHALL MATCH APPROVED AT ADJACENT SIDEWALK.
- CURBS SHALL BE CONSTRUCTED WHERE NOTED ON THE CONSTRUCTION PLANS. CONCRETE CURBS SHALL BE CLASS 1 CURBS SHALL HAVE SAW CUT CONTRACTION JOINTS AND SHALL BE CONSTRUCTED AT 30'-0" O.C. INTERVALS.
- CONTRACTOR SHALL SAW CUT PERIMETER LINES OF WALLS / CONCRETE SLABS TO BE REMOVED. CONTRACTOR SHALL NOT DEMOLISH WALLS / CONCRETE SLABS UNTIL PERIMETER LINES HAVE BEEN CUT, DO NOT OVERCUT.
- 1/2" SITUATION EXPANSION JOINTS SHALL BE PLACED BETWEEN ALL CONCRETE / WALL EDGES.
- 1/2" x 1/2" x 1/2" D ANCHOR CONTROL JOINTS SHALL BE PLACED AT 9'-0" INTERVALS ALONG WALKWAY.
- EDGE OF NEW SLABS TO MATCH ADJACENT EXISTING TO NEIGH.

| Legend |   |
|--------|---|
|        | (N) TRUNKATED DOPES                     |
|        | (N) SITE WALL                           |
|        | NEW                                     |
|        | EXISTING                                |
|        | DEMO                                    |
|        | CONCRETE PLATFORM                       |
|        | AC PAVING                               |
|        | CONCRETE DRIVE LANE                     |
|        | EXISTING PARKING LOT LIGHTING (4 LIGHT) |
|        | EXISTING PARKING LOT LIGHTING (2 LIGHT) |
|        | PATH OF ACCESSIBLE TRAVEL - P.O.T.      |
|        | RED PAINT (FIRE LANE)                   |
|        | PROPOSED PARCEL LINE                    |
|        | PROPERTY LINE                           |



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**REVISIONS**

| NO. | DATE | REVISION |
|-----|------|----------|
|     |      |          |
|     |      |          |
|     |      |          |
|     |      |          |



**BURGER KING**  
 TENANT  
 REMODEL  
 2505 MAIN STREET  
 OAKLEY, CA 94561

**REFERENCE PROPOSED SITE PLAN**

DATE: 07/23/2015  
 JOB NO. 15.010

**DR-6**

Reference - Proposed Site Plan | 1

SCALE: Not to Scale

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## RESOLUTION NO. XX-15

**A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS  
AND APPROVING DESIGN REVIEW FOR THE BURGER KING RE-FAÇADE  
(DR 09-15) LOCATED AT 2505 MAIN STREET (APN 035-011-020)****FINDINGS**

**WHEREAS**, on August 13, 2015, Nasser Aliabadi of Shars of Shiraz, Inc. ("Applicant") submitted an application requesting Design Review approval Design Review approval of an exterior remodel of the existing Burger King restaurant located in the Oakley Town Center shopping center ("Project"). Plans also include new building signage. The re-façade is in compliance with a rebranding for the Burger King Corporation. The project is located at 2025 Main Street and zoned "C" (General Commercial) District. APN 035-011-020; and

**WHEREAS**, on September 11, 2015 the project application was deemed complete per Government Code section 65920 et. seq; and

**WHEREAS**, the project site is designated *Commercial* on the Oakley 2020 General Plan Land Use Map, and zoned "C" (General Commercial) District; and

**WHEREAS**, the request for design review approval is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15301, "Existing Facilities." The re-façade results in a minor alterations with no expansion of use; and

**WHEREAS**, pursuant to Oakley Municipal Code section 9.1.1604 (Design Review), the proposed exterior remodel is considered a significant design change to the exterior of the building and shall be heard as a Regular Calendar item; and

**WHEREAS**, on September 22, 2015, the City Council received a report from City Staff, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as revised by the City Council during its deliberations; and

**WHEREAS**, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City; and

**WHEREAS**, these Findings are based on the City's General Plan, the City's Zoning Ordinance, the City of Oakley Commercial and Industrial Design Guidelines, the applicant's plans, and the information submitted to the City Council at its September 22, 2015 meeting, both written and oral, including oral information provided by the

applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the project (hereafter the "Record").

**NOW, THEREFORE, BE IT RESOLVED THAT**, on the basis of the above Findings and the entire Record, the City Council makes the following additional findings in support of the recommended approvals:

- A. Regarding the application requesting design review approval for the Burger King Re-Façade (DR 09-15), the City Council finds that the proposed exterior modifications result in the addition of materials and colors that will provide architectural quality and interest not in the present building design. The new signage will add a consistent theme to all four elevations, while also bringing the design more up to date by adding the slogans and LED light strip.
- B. The Project complies with Measure J Growth Management requirements.

**BE IT FURTHER RESOLVED THAT**, on the basis of the above Findings and the Record, the City Council approves the applicant's request for design review approval of the Burger King Re-Façade (DR 09-15), subject to the following conditions:

1. This Design Review is approved as described in the Staff Report dated September 22, 2015, and as conditioned herein.
2. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.
3. Applicant shall indemnify, defend, and hold harmless the City of Oakley, the City Approving Authorities, and the officers, agents, and employees of the City from any and all claims, damages and liability (including, but not limited to, damages, attorney fees, expenses of litigation, costs of court).
4. Applicant shall comply with the requirements of the Oakley Municipal Code and applicable Conditions of Approval. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the plans received by the Community Development Department and made a part of the City Council's meeting packet for September 22, 2015.
5. Noise generating construction activities, including such things as power generators, shall be limited to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday, and shall be prohibited on City, State and Federal Holidays. The restrictions on allowed working days and times may be modified on prior written approval by the Community Development Director.
6. Roof-mounted equipment shall be architecturally screened from view.

7. The light fixtures on the commercial building shall be decorative fixtures per the review and approval of the Community Development Director.
8. The proposed building signage and merchandising areas shall meet the requirements of the City's Zoning Ordinance. All proposed signage shall be reviewed by the Planning and Building Divisions.
9. Plans shall meet the currently adopted Uniform Codes as well as the newest T-24 Energy Requirements per the State of California Energy Commission. To confirm the most recent adopted codes please contact the Building Division at (925) 625 – 7005.
10. The existing trash enclosure shall be painted to match the main building color.
11. The applicant shall submit a Waste Management Plan that complies with the City of Oakley Construction and Demolition Debris Recycling Ordinance.

**PASSED AND ADOPTED** by the City Council of the City of Oakley at a meeting held on the 22<sup>nd</sup> of September, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

\_\_\_\_\_  
Doug Hardcastle, Mayor

ATTEST:

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Date