

**REGULAR MEETING AGENDA  
CITY OF MADERA  
PLANNING COMMISSION**

**CITY HALL – COUNCIL CHAMBERS  
TUESDAY  
OCTOBER 13, 2020  
6:00 pm**

This meeting will be conducted pursuant to the provisions of the Governor’s Executive Order which suspends certain requirements of the Ralph M. Brown Act. Members of the public may participate in the meeting remotely through an electronic meeting in the following ways; via phone by dialing (669) 900-6833 enter ID: [94855383495#](tel:94855383495) followed by \*9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/94855383495>. Public comment will also be accepted via email at [planningcommissionpubliccomment@madera.gov](mailto:planningcommissionpubliccomment@madera.gov).

**CALL TO ORDER**

**ROLL CALL**

Commissioner Israel Cortes (Chairperson)  
Commissioner Robert Gran Jr. (Vice Chairperson)  
Commissioner Richard Broadhead  
Commissioner Ryan Cerioni  
Commissioner Ramon Lopez-Maciel  
Commissioner Pamela Tyler  
Commissioner Alex Salazar

**INTRODUCTION OF STAFF**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT**

The first fifteen minutes of the meeting are reserved for members of the public to address the Commission on items which are within the subject matter jurisdiction of the Commission. Speakers shall be limited to three minutes. Speakers will be asked, but are not required, to identify themselves and state the subject of their comments. If the subject is an item on the Agenda, the Chairperson has the option of asking the speaker to hold the comment until the hearing is opened. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Commission is prohibited by law from taking any action on matters discussed that are not on the Agenda and no adverse conclusions should be drawn if the Commission does not respond to public comment at this time.

**MINUTES:**

August 11<sup>th</sup>, 2020 & September 8<sup>th</sup>, 2020

**CONSENT ITEMS:**

**1. GPC 2020-03 – Purchase of 103 E. Yosemite Ave.**

Consideration of a finding that the City's proposed purchase of 103 East Yosemite Avenue conforms with the City of Madera 2025 General Plan pursuant to Government Code Section 65402. The property is located at the northwest corner of East Yosemite Avenue and North E Street, described as portions of Lots 5, 6 and 7, Block 39 in the City of Madera. The property is vacant land, 0.478 acres within in the C1 (Light Commercial) Zone District with a C (Commercial) General Pan land use designation (APN: 007-101-011). This action is not considered a project pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.

**PUBLIC HEARING ITEMS:**

**1. CUP 2020-05 & SPR 2020-03 – Starbucks (Country Club Drive)**

A continued public hearing to consider a conditional use permit and site plan review to allow for a Starbucks drive thru only coffee shop on a parcel formerly occupied by Long John Silvers located at the southwest corner of Country Club Drive and Sharon Boulevard (1110 Country Club Drive) in the C2 Zone District with a C General Plan land use designation (APN: 003-194-012). The project is considered to be categorically exempt per Section 15302 and 15332 of the California Environmental Quality Act (CEQA) Guidelines.

**NON-PUBLIC HEARING ITEMS:** None

**WORKSHOPS:** None

**ADMINISTRATIVE REPORTS:**

**COMMISSIONER REPORTS:**

**ADJOURNMENT:**

The next regular meeting will be held on November 10<sup>th</sup>, 2020.

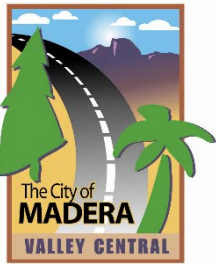
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation in the public meeting should be made at least seventy-two (72) hours before the meeting. If you need special assistance to participate in a City meeting or other services offered by this City, please contact the Planning Department office at (559) 661-5430. Those who are hearing impaired, may call 711 or 1-800-735-2929 for TTY Relay Services. Any and all persons interested in this matter may provide comments.

Any writing related to an agenda item for the open session of this meeting distributed to the Planning Commission less than 72 hours before this meeting is available for inspection at the City of Madera – Planning Department, 205 W. 4th Street, Madera, CA 93637 during normal business hours.

Pursuant to Section 65009 of the Government Code of the State of California, notice is hereby given that if any of the foregoing projects or matters is challenged in Court, such challenge may be limited to only those issues raised at the public hearing, or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

All Planning Commission actions may be appealed to the City Council. The time in which an applicant may appeal a Planning Commission action varies from 10 to 30 days depending on the type of project. The appeal period begins the day after the Planning Commission public hearing. There is NO EXTENSION for an appeal period.

If you have any questions or comments regarding this hearing notice, you may call the Planning Department at (559) 661-5430. Si usted tiene preguntas, comentarios o necesita ayuda con interpretación, favor de llamar el Departamento de Planeamiento por lo menos 72 horas antes de esta junta (559) 661-5430.



# CITY OF MADERA PLANNING COMMISSION

205 West Fourth Street  
Madera CA 93637  
(559) 661-5430

## Staff Report: General Plan Conformity 2020-03 Purchase of 103 East Yosemite Avenue Consent Item # 1 – October 13, 2020

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**PROPOSAL:** Consideration of a Resolution Finding that the City’s Proposed Purchase of 103 East Yosemite Avenue Conforms with the City of Madera 2025 General Plan Pursuant to Government Code Section 65402, and Associated CEQA Determination

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<b>APPLICANT:</b>	City of Madera 205 West Fourth Street Madera, CA 93637	<b>OWNER:</b>	Susan Savage 1542 East Calimyrna Avenue Fresno, CA 93710
<b>ADDRESS:</b>	103 East Yosemite Avenue	<b>APN:</b>	007-101-011
<b>APPLICATION:</b>	GPC 2020-03	<b>CEQA:</b>	Categorical Exemption

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**LOCATION:** The subject property is located at the northwest corner of East Yosemite Avenue (State Route 145) and North E Street and is described as Portions of Lots 5, 6 and 7, Block 39, City of Madera.

**PARCEL SIZE:** 0.478 acres (20,827 square feet).

**SITE CHARACTERISTICS:** The property is vacant land.

**GENERAL PLAN DESIGNATION:** C (Commercial)

**SPECIFIC PLAN DESIGNATION:** None.

**ZONING:** C1 (Light Commercial)

**ADJACENT GENERAL PLAN LAND USE DESIGNATIONS AND ZONING DISTRICTS:**

South: Commercial / C2 (Heavy Commercial)

East: Commercial / C1 (Light Commercial)

North: Commercial / C1 (Light Commercial)

West: Commercial / C1 (Light Commercial)

**SUMMARY:** The City of Madera is in the process of negotiating the purchase of real property. Although no specific project is proposed at this time, the site could be used for a variety of purposes by the City due to its size, location, and nature. Prior to the City Council holding a formal hearing to consider the purchase of the property, the Planning Commission must first review this matter and advise the City Council on whether the action conforms to the City’s General Plan pursuant to California Government Code Section 65402. Government Code Section 65402, requires no real property shall be acquired by dedication, or otherwise for street, square, park or other public purposes until the location, purpose and extent of the

acquisition has been submitted to and reported upon by the planning agency (in this case, the Planning Commission) as to the conformity with the City's adopted General Plan. The City is requesting a determination of General Plan conformity for the proposed acquisition of property located at the 103 East Yosemite Avenue (APN 007-101-011).

The Planning Commission's determination of General Plan conformity will be forwarded to the City Council for its consideration as part of the property purchase.

By this action, the Planning Commission is solely making a conformity determination with the General Plan. It is not making a determination on whether the City should or should not enter into a purchase agreement.

**GENERAL PLAN CONFORMITY:** The proposed purchase of property located at the northwest corner of East Yosemite Avenue and North E Street is consistent with the C (Commercial) General Plan land use designation on the parcel, and the goals and policies of the General Plan.

**ENVIRONMENTAL DETERMINATION:** This matter is not a "project" for the purposes of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378, as it involves the mere transfer of title, which has no potential for resulting in a direct or indirect physical change in the environment. In the alternative, pursuant to CEQA Guidelines Section 15061(b)(3) (Review for Exemption), the proposed action is not a "project" under CEQA as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**RECOMMENDATION:** Based on the factors noted above, staff recommends that the Planning Commission consider the issue and adopt a Resolution finding that the City's proposed purchase of 103 East Yosemite Avenue is in conformity with the City of Madera 2025 General Plan and find the purchase of the property to be exempt from further review under CEQA.

#### **PLANNING COMMISSION ACTION**

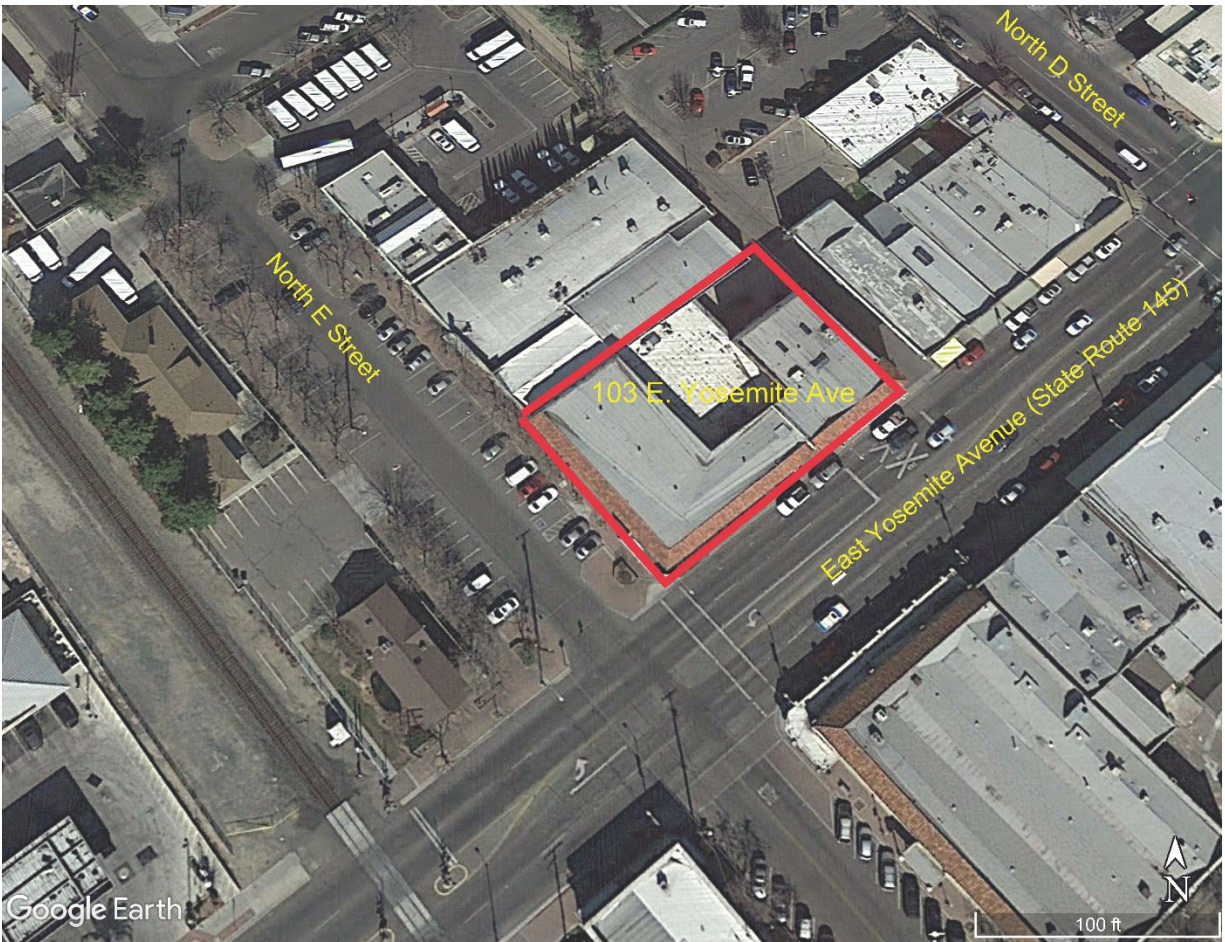
The Planning Commission will be acting on this matter in the form of a Resolution.

**MOTION:** Move to adopt a Resolution of the Planning Commission of the City of Madera Finding That the Proposed Acquisition of the Property at 103 East Yosemite Avenue is in Conformance with the City of Madera General Plan. (Resolution includes CEQA finding pursuant to CEQA Guidelines Sections 15378 and 15061(b)(3).)

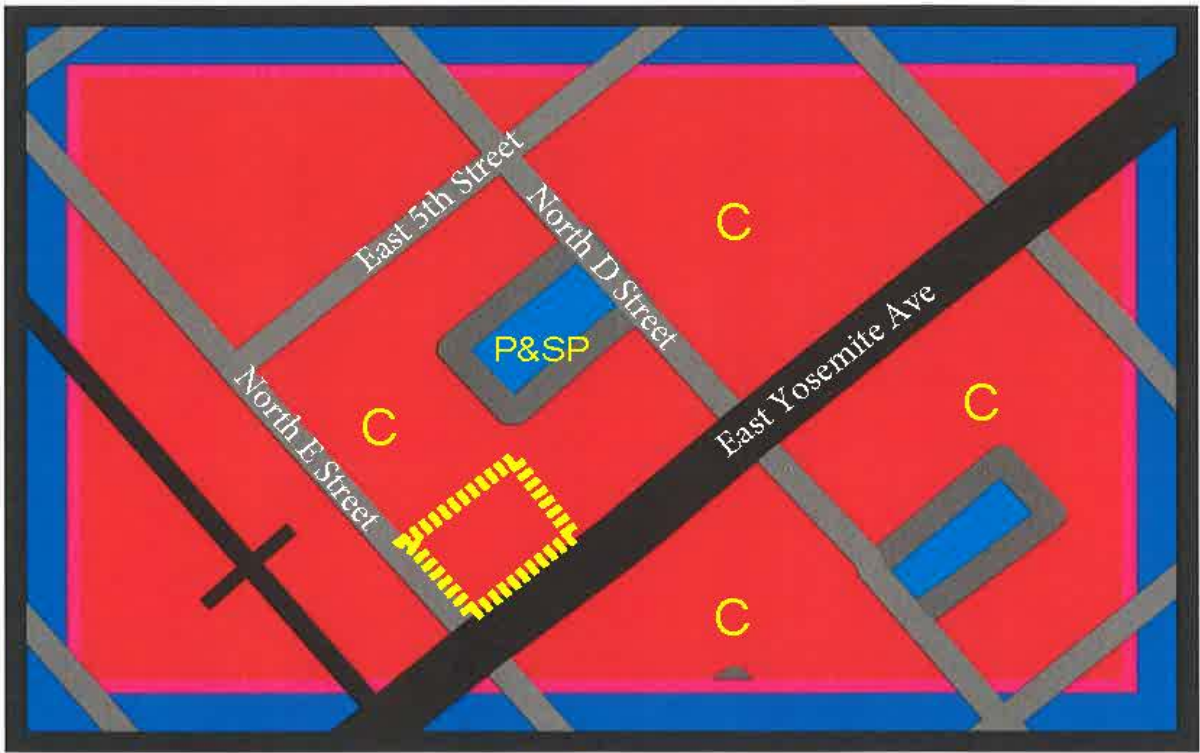
#### **ATTACHMENTS**

- Attachment 1: Aerial Imagery
- Attachment 2: City of Madera General Plan Land Use Map
- Attachment 3: Planning Commission Resolution No. 1860

Attachment 1: Aerial Imagery



Attachment 2: City of Madera General Plan Land Use Map



### Legend

General Plan Land Uses

C Commercial

P&SP Other Public and Semi-Public Uses



103 East Yosemite Avenue

Attachment 3: Planning Commission Resolution 1860



**RESOLUTION NO. 1860**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA  
FINDING THAT THE PROPOSED ACQUISITION OF THE PROPERTY AT 103 EAST  
YOSEMITE AVENUE TO BE IN CONFORMANCE WITH THE CITY OF MADERA  
GENERAL PLAN**

**WHEREAS**, State law requires that local agencies adopt General Plans containing specific mandatory elements; and

**WHEREAS**, on October 7, 2009, the City of Madera adopted a comprehensive General Plan Update and Environmental Impact Report, and the City of Madera is currently in compliance with State mandates relative to elements of the General Plan; and

**WHEREAS**, the City of Madera is required pursuant to Section 65402 of the California Government Code to review and report on all proposed acquisitions of property by the City for conformity with the General Plan; and

**WHEREAS**, under the City's Municipal Code, the Planning Commission is authorized to review and approve General Plan conformances and environmental assessments for associated projects on behalf of the City; and

**WHEREAS**, the City of Madera proposes to purchase 0.478 acres (20,827 square feet) of vacant property located at 103 East Yosemite Avenue (APN 007-101-011) and is described as Portions of Lots 5, 6 and 7, Block 39, City of Madera for public benefit; and

**WHEREAS**, the City of Madera is requesting a General Plan conformity review for a proposed purchase of vacant property located at 103 East Yosemite Avenue; and

**WHEREAS**, the City provided notice of the Planning Commission hearing as required by law; and

**WHEREAS**, the Planning Commission reviewed the proposed acquisition of property located at 103 East Yosemite Avenue (General Plan Conformance (GPC) 2020-03) at a duly noticed meeting on October 13, 2020, and hereby found it to be in conformance with the City of Madera General Plan; and

**WHEREAS**, the City performed a preliminary environmental assessment of this action and has determined that it is not defined as a project set forth in Section 15378 or is exempt under 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines given the action has no potential for causing a significant effect on the environment ; and

**WHEREAS**, the Planning Commission now desires to approve GPC 2020-03, and adopt a finding pursuant to CEQA.

**NOW THEREFORE**, be it resolved by the Planning Commission of the City of Madera as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein.

2. CEQA: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission finds and determines that the purchase of land is not a “project” for the purposes of the CEQA pursuant to CEQA Guidelines Section 15378 as it involves the mere transfer of title, which has no potential for resulting in a direct or indirect physical change in the environment. In the alternative, the Planning Commission finds that action is exempt under Section 15601(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. As such, the Planning Commission also adopts a finding of an Exemption under CEQA Guidelines Section 15301 (Review for Exemption) for this action.

3. Findings for GPC 2020-03 (General Plan Conformity): The Planning Commission finds and determines that the City’s proposed purchase of 103 East Yosemite Avenue (APN 007-101-011) is in conformity with the City’s General Plan.

4. Effective Date: This resolution is effective immediately.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 13<sup>th</sup> day of October 2020, by the following vote:

AYES:

NOES:

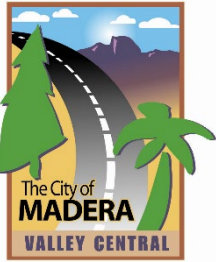
ABSTENTIONS:

ABSENT:

\_\_\_\_\_  
Israel Cortes  
Planning Commission Chairperson

Attest:

\_\_\_\_\_  
Gary Conte  
Planning Manager



# CITY OF MADERA PLANNING COMMISSION

205 W. Fourth Street  
Madera CA 93637  
(559) 661-5430

## Staff Report: Starbucks Drive-Thru SPR 2020-03, CUP 2020-05 & Environmental Determination Item # 1 – October 13, 2020

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**PROPOSAL:** Consideration of a conditional use permit and a site plan review to allow the partial demolition and removal of an existing  $\pm 2,123$  sq. ft. commercial structure, pad, utilities and drive-thru, and the remodel and enlargement of the remaining structure into a  $\pm 1,275$  sq. ft. pad and commercial structure, utility upgrades, drive-thru, and the installation of digital menu preview and order boards.

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<b>APPLICANT:</b>	Starbucks 555 Anton Boulevard #300 Costa Mesa, CA 92626	<b>OWNER:</b>	Lojon, LLC 2115 Linwood Avenue, Ste 110 Fort Lee, NJ 07024
<b>ADDRESS:</b>	1110 Country Club Drive	<b>APN:</b>	003-194-012-000
<b>APPLICATION:</b>	CUP 2020-05, SPR 2020-03	<b>CEQA:</b>	Categorical Exemption

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**LOCATION:** The property is located at the southwest corner of the intersection of Country Club Drive and Sharon Boulevard.

**STREET ACCESS:** The site presently has one driveway access to Sharon Boulevard and two driveway accesses to Country Club Drive of which one is designated as an exit only driveway.

**PARCEL SIZE:** Approximately 0.57 acre (24,829 Sq. Ft.)

**GENERAL PLAN DESIGNATION:** C (Commercial)

**ZONING DISTRICT:** C2 (Heavy Commercial)

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### SITE CHARACTERISTICS

The 0.57-acre triangular shaped property is developed with an existing but closed  $\pm 2,123$  sq. ft. restaurant with a drive-thru, and paved parking. The project site is surrounded by commercial development to the north across Sharon Boulevard and to the east across Country Club Drive. The Union Pacific Railroad's Central Valley rail corridor and North Gateway Drive abut the property to the south and west. Commercial development is present to the south and west beyond the rail corridor and North Gateway Drive.

## **ENVIRONMENTAL REVIEW**

This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15302(b) (Replacement of a commercial structure with a new structure of substantially the same size, purpose and capacity) and Section 15332 (In-Fill Development Projects).

## **SUMMARY**

The applicant proposes to convert the former Long John Silver's fast food restaurant located at 1110 Country Club Drive into a Starbucks coffee house. The conversion will require the partial demolition and removal of the existing ±2,123 sq. ft. commercial building (fast food restaurant) and drive-thru of the former Long John Silver's establishment. The remodeled building will result in a smaller (±1,275 sq. ft.) commercial building (drive-thru Starbucks coffee house), drive-thru, and a digital preview menu and order boards will be constructed generally in the same location of the previous improvements. Unlike the previous restaurant, the proposed Starbucks will include a pedestrian walk-up order and pick-up windows. The walk-up windows will face Sharon Boulevard. However, no indoor or outdoor dining or seating will be provided. The proposal is only for a drive-thru and walk-up service establishment. The drive-thru will be redesigned to double the vehicle queuing capacity (wait in line) from the present maximum 6 vehicles to 12 vehicles. The southernmost Country Club Drive access will be closed, and the northernmost Country Club Drive access will be redesigned to serve as an entrance only drive. The proposal includes reducing on-site parking from the present 27 parking spaces to 20. The number of handicap parking spaces will remain the same at 2. Approval of a use permit is required for the allowance of the 24-hour drive-thru and a digital preview menu board. The reconstruction of the project site is consistent with the City's General Plan, Design and Development Guidelines and the Zoning Ordinance.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.4.0102 Site Plan Review Applicability

MMC § 10-3.902 Heavy Commercial Zone

MMC § 10-3.1201 Off-Street Parking Regulations

MMC § 10-3.1202 Parking Spaces Required

MMC § 10-3.1301 Use Permits

MMC § 10-6.01 Sign Regulations

MMC § 10-6.13 Special Use Signs

Where parking requirements for a use are not specifically defined by the City's Off-Street Parking Ordinance, the parking requirements for such a use shall be determined by the Planning Commission (Commission). Such determination shall be based upon the requirements for a comparable use specified in the Ordinance.

The City's Zoning Ordinance allows for the granting of a use permit by the Commission, subject to the Commission being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

If the Commission cannot make the appropriate findings, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on- or off-site improvements required in order to make the project compatible with nearby uses. In

addition, the application may be subject to further review, modification or revocation by the Commission as necessary. The completion of a site plan review is mandated by ordinance as a component of the conditional use permit application.

## **PRIOR ACTION**

The project site has been subject to a site plan review, conditional use permits and a sign permit. Log records indicate a sign permit (SGN 1995-09) was issued in 1995. No record of the type and purpose of the sign permit is available. Aerial photos suggest the project site was developed in the 1980s as the Long John Silver's restaurant. Conditional use permits were issued in 1981 (CUP 1981-08), 1982 (CUP 1982-12) allowing for the drive-thru use and the sale of beer and wine for on-site consumption in conjunction with the Long John Silver's restaurant, respectively. The restaurant closed in November 2015. In January 2017, after being vacant for 14 months, the Long John Silver's re-opened subject to a site plan review (2016-58) for the reestablishment of the restaurant and a conditional use permit (2016-38) for the re-use of the existing drive-thru. The prior use permits allowing for the drive-thru use and sale of beer and wine for on-site consumption in conjunction with the restaurant expired because the uses were discontinued and abandoned in excess of a 12-month consecutive time period. Long John Silver's closed for a second time in the Summer of 2018. Since then, no other use has occupied the site.

## **ANALYSIS**

The following analysis for the conditional use permit and a site plan review includes a background of the proposal and applicability of the use permit for the operations of a drive-thru use to determine consistency with the City's General Plan, Design and Development Guidelines (DDG) and the Zoning Ordinance.

### Project Proposal

Starbucks is proposing to construct a drive-thru coffee house at the southwest corner of Country Club Drive and Sharon Boulevard. In addition to the sale of coffee and tea, this Starbucks establishment will also sell pre-packaged pastries, salads and sandwiches, chips and other similar pre-packaged foods.

The project site was formally occupied by a Long John Silver's fast-food restaurant and drive thru. The applicant proposes to remodel and enlarge the existing ±2,123 sq. ft. commercial building formally occupied by Long John Silver's restaurant and drive thru. The project includes the partial demolition and removal of the existing building and the removal of the existing drive thru lane.

The remodeled building will result in a smaller (±1,275 sq. ft.) commercial building (drive-thru Starbucks coffee house), drive-thru, and digital preview menu boards will be constructed generally in the same location of the previous improvements. Unlike the previous restaurant, the proposed Starbucks will include a pedestrian walk-up order and pick-up windows. The walk-up windows will face Sharon Boulevard. No on-site indoor or outdoor dining or seating will be provided.

Hours of operation will be 5:00 a.m. to 11:00 p.m., seven days a week. Staffing will consist of four employees per shift. Starbucks estimates it will serve between 600 to 700 customers per day. Small truck deliveries of foods, drinks and supply to the establishment will occur daily before 6:00 a.m.

The drive-thru will be redesigned to double the vehicle queuing capacity (wait in line) from the present maximum 6 vehicles to 12 vehicles. The southernmost Country Club Drive access will be closed, and the northernmost Country Club Drive access will be redesigned to serve as an entrance only drive. The proposal includes reducing on-site parking from the present 27 parking spaces to 20.

A drive-thru use requires the approval of a conditional use permit by the Commission. The site plan review facilitates the construction of the commercial development through conditions of approval that ensure compliance with the General Plan, DDG and the Zoning Ordinance development standards.

#### General Plan Conformance

The proposed commercial development provides compliance with the General Plan and the C2 (Heavy Commercial) Zone District development standards by implementing the goals and policies of the General Plan as follows:

- Goals:** **CD-1** High quality urban design throughout Madera.  
**CD-4** Attractive streetscapes in all areas of Madera.  
**CD-5** Walkable Community.  
**CD-11** Design commercial development to enhance the pedestrian environment.  
**CD-12** Aesthetically pleasing commercial development.

The following supporting policies provide implementation of the goals with attention to the following Community Design directives for commercial development that cumulatively provide conformance with the General Plan.

- *Site Design*

Pursuant to the DDG, drive-thru facility buildings should generally be located adjacent to the property line with minimal setbacks to help define the street edge and promote pedestrian accessibility. Drive-thru entrances, exits and stacking lanes should be contained within the interior of the site, and when possible, locate the stacking lane and driveway out of the public view. Vehicles should not enter or exit the drive-thru directly from or to the public right-of-way.

The proposed building has not been designed to provide a presence along Sharon Boulevard frontage or along Country Club Drive to enhance the pedestrian scale or to reduce the visual impact of the parking lot as required by Policies CD-15 & CD-57. The drive-thru window location is incorporated into the design of the building in such a way that does not substantially detract from the overall value of the building and is consistent with the City's DDG.

- *Architecture*

The building's four-sided elevations provide an attractive, contemporary commercial architecture consistent with Policy CD-53. Most of the structure's elevation will be composed of cement plaster with a colored smooth finish. The otherwise unarticulated, boxy structure includes varied use of architectural materials, awnings, canopies, trim and score lines to create a horizontal emphasis that cumulatively provide architectural value to the structure's visual presence along Sharon Boulevard and to a lesser degree along County Club Drive. Horizontal wood siding will be applied to the base of the structure visible from Sharon Boulevard (north elevation) and will partially wrap around under the drive-thru window visible from Country Club Drive (east elevation). Powdered coated dark bronze metal louvers will define the structure's crown visible from Sharon Boulevard and partially wrap around and extend the length of the east elevation to a similar distance as the horizontal wood siding proposed along the east elevation. The metal louvers are also proposed to be placed along the building's south elevation. A powdered coated dark bronze canopy will wrap around the entire structure.

Because the structure will be highly visible from County Club Drive and Sharon Boulevard, it is recommended that the horizontal wood siding be extended the length of east elevation and that at all exterior utilities be located along either the south or west elevations and significantly

screened by landscaping or within the interior of the building. Staff also recommends that roof access be located within the interior of the structure and that the proposed metal canopy and louvers not be of the same color.

- *Landscaping*

Landscaping is proposed to enhance and embellish the appearance of the project site. Landscaping is proposed between the public right-of-way and the drive-thru lane along Country Club Drive. The proposal includes a redesigned parking field that incorporates enhances the landscaping perimeter along Country Club Drive and enlarging the landscape at the corner of Country Club Drive and Sharon Boulevard, screening the drive-thru lane and parking from Country Club Drive.

### Parking

The City's Off-Street Parking Ordinance (MMC §10-3.1202) does not specify required parking spaces for drive-thru only restaurants. Where the parking requirements for uses are not specified, the parking requirements for such a use shall be determined by the Commission and that such determination shall be based upon the requirements for the comparable use specified in the Ordinance.

In review of the Ordinance and the type of services proposed, it is staff's opinion that the most comparable use specified in the Ordinance (MMC §10-3.1202) is that of a "retailed food store." The basis of this recommendation to Commission is that the proposed project will offer, for the purpose of retail sales, a variety packaged and unpackaged foods and drinks for off-site consumption purposes. While most sales are projected to be exercised via the drive-thru, the proposed project also includes an opportunity for the patrons to either walk or bicycle to, or drive and park at, the proposed Starbucks establishment and walk up to the order and pick-up windows to purchase their food and drink. Off-street parking will be necessary to meet the needs for those who choose to drive and park their vehicles at the proposed Starbucks to purchase food and drink at the walk-up windows. In addition, off-street parking will be necessary to meet the needs of Starbuck employees, which are projected to be four employees per shift.

The parking standard for retail food stores is one space for every 250 sq. ft. of gross floor area. Based on the applicant's total square feet of building space proposed ( $\pm 1,275$  sq. ft.), a minimum of 9 parking spaces will be necessary. The applicant is proposing a total of 21 spaces, two of which are handicap accessible.

### Drive-thru

As proposed, the drive-thru lane is utilized on-site and does not directly affect the public right-of-way. The DDG recommends no less than ten-vehicle queuing depth for restaurant drive-thru stacking lanes. The throat of the drive-thru lane provides room to adequately queue 12 vehicles.

A traffic mitigation plan has been prepared to mitigate potential on- and off-site traffic congestion and circulation conflicts resulting from the drive-thru. The traffic mitigation plan requires the implementation of the following:

- a) No left-turn directional sign and right-turn only traffic control island at Country Club Drive entrance.
- b) On-site drive-thru directional signage at the Sharon Boulevard driveway directing vehicles to drive-thru.
- c) On-site drive-thru directional signage for exit thru Sharon Boulevard driveway.

- d) Minimum seven (7) vehicle queuing depth between the drive-thru menu order board and the pick-up window.
- e) Minimum 12-vehicle queuing depth between the drive-thru lane entry and the length of the drive aisle. No vehicle spillover of the drive-thru lane is to be permitted on- or off-site.

In the event a spillover occurs, the applicant will be required to place one or more employees with a headset outside the store to expedite orders, add equipment and headcount (shift employees) to the store to maximize productivity and modify business operations to include curbside pick-up, subject to Planning Manager and City Engineer approval, to relieve drive-thru queuing pressures.

Should operations of the Starbucks facility result in excessive queues or operations that result in those queued physically extending into Country Club right-of-way blocking traffic and creating potential for safety concerns on even an intermittent basis, the Country Club Drive driveway will be closed at the applicant's expense with the removed area being landscaped to conform to the remainder of the site's landscaped area.

Staff recommends the placement of a three-foot high decorative masonry wall along the exterior of the drive-thru lane to effectively screen issues of headlight glare into the public right-of-way as required by the DDG. The applicant is proposing a five-foot high masonry wall along a portion of the southeast property line to shield the drive-thru from excessive noise levels generated by rail traffic. The 5-foot high masonry wall proposed by the applicant and the 3-foot high masonry wall recommended by staff shall be joined in a "stair-step" method at a minimum 4 ft. wall run to 1 ft. elevation drop in wall height ratio (4 to 1 ratio). Staff also recommends that the 5-foot high masonry wall also stair-step in the opposite direction at the same 4 to 1 ratio leveling off to a 3-foot wall height extending to the property's western boundary and be incorporated into the landscape scheme. The walls shall be of decorative split face masonry material. Landscaping shall be incorporated into the site design as an additional means of retaining light glare on the site and detract from graffiti or other forms of defacement.

In addition to the allowance for the drive-thru hours, the applicant is proposing to incorporate a digital order screen as part of the Starbucks drive-thru preview and menu boards system. The digital ordering screen would allow for interaction between the customer and Starbucks employees, similar to a "FaceTime" interface where there is "real time" video communication.

The City's Sign Ordinance does not make specific provisions for a digital order screen within the Special Use Signs (MMC § 10-6.13) section of the ordinance. The Planning Commission may grant an allowance for the requested signage as a component of the conditional use permit which allows for the drive-thru use in association with the operation of the Starbucks Coffee house. It should be noted that the exact same ordering screen have been approved for other Starbuck locations in the City through a conditional use permit process.

Considering the overall drive-thru design and capacity, Staff is in support of an approval for the requested digital menu board in conjunction with the request for a drive-thru lane. Placement location and size of the digital menu board will be required to adhere to the City's sign ordinance.

The applicant has requested an allowance to operate the drive-thru window between 5:00 a.m. and 11:00 p.m. daily. The walk-up order window would also operate between 5:00 a.m. and 11:00 p.m. daily. Neither the drive-thru or the walk-up windows abut any residential development, thus allowing staff to conclude that operation of a drive-thru or walk-up windows schedule will not adversely affect any of the surrounding uses. No restrictions on the hours of operations are recommended.



### Signage

The DDG addresses signage and menu boards for drive-thru facilities. Pursuant to the DDG, sufficient signage should be used to help direct the flow of traffic into and out of the stacking lane. Drive-thru menu / preview boards should be placed off the street, out of public view, and no more than one (1) menu board, no larger than 20 sq. ft. in size and one (1) preview board no larger than 12 sq. ft. in size be permitted. Menu / preview board placed within 10 feet of the building should not measure more than 60 inches in width and 48 inches in height with the base not reaching higher than 72 inches. Menu / preview boards placed more than 10 feet from the building should not measure more than 48 inches in width and 36 inches in height and must not exceed 60 inches in total height. The reverse sides of menu / preview boards positioned in a manner viewable to the public should be maintained a landscape screen.

The site plan delineates the location of directional signs as well as menu / preview boards. However, no distance measurements or dimensions of the proposed directional signs or of the menu and preview boards have been provided.

The Sign Ordinance provides criteria for on-building and freestanding signs allowed in a C-2 Zone District (MMC §10-6.09). The ordinance allows one (1) sq. ft. of on-building sign area for each linear foot of occupancy frontage building frontage up to a maximum of 75 sq. ft. for tenants having less than 100,000 sq. ft. of gross leasable space less than 150 feet to the nearest street property line. The proposed Starbucks building's linear street frontage is ±36 feet.

Freestanding signs for individual business with a street frontage of 0 to 50 feet is limited to maximum height of 6 feet with a maximum face area of 20 sq. ft. No additional provision for either sign height or face area of signage is provided without the approval of a variance. The ordinance does allow the transfer of sign area in part or whole from a frontage with a public entrance to one without a public entrance, subject to approval of the Planning Director, provided the signs on a given frontage do not exceed the allowable area set forth in MMC §10-6.09.

While the applicant is proposing numerous on-building signs and one (1) freestanding sign, the applicant has not submitted an application for a sign permit. On-building signs are proposed for the north, east and south elevations. A total of 25 sq. ft. of signage is proposed on the north elevation, 30.5 sq. ft. on the east elevation, and 29 sq. ft. on the south elevation. No on-building signs are proposed for the west elevation. Combined total square footage of on-building signs proposed is 84.5 sq. ft., exceeding the City's maximum cumulative allowable on-building sign coverage of 75 sq. ft.

The applicant expressed interest in reusing the existing freestanding pole sign. City staff, in conformance with the City's DDG and Sign Ordinance, does not support the reuse of the existing freestanding pole sign, as pole signs are to be avoided in the City when the commercial use is removed from the freeway. Moreover, MMC §10-6.06 requires signs and supporting poles unused for six months or longer to be removed from the site.

As a condition of Site Plan Review approval, the applicant will be required to reduce the proposed on-building sign coverage and to remove the existing pole sign to comply with the City Sign Ordinance, and to submit and secure approval of a sign permit prior to securing a building permit.

### Other Department and Agency Comments

The project was reviewed by various City Departments and other public agencies, including, but not limited to, the California Department of Transportation (CalTrans) and the San Joaquin Valley Air Pollution Control District. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

## **CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

Though approval of a commercial building, a drive-thru use with a digital preview menu board and the establishment of an outdoor seating area are not specifically addressed in the vision or action plans, the overall project does indirectly support Action 115.2 – “As a component of the General Plan Update, increase retail outlets and promote Shop Madera ...”

## **RECOMMENDATION**

The information presented in this report provides support for the adoption of a resolution recommending adoption of Categorical Exemption for the project by the Planning Commission and conditional approval of the Site Plan Review (SPR) 2020-03 and Conditional Use Permit (CUP) 2020-05. It is recommended that the Commission consider the information in this report, as well testimony received at the public hearing, and make a determination on the Categorical Exemption, SPR 2020-03 and CUP 2020-05, subject to the findings and the recommended conditions of approval.

## **PLANNING COMMISSION ACTION**

The Planning Commission will be acting on the Categorical Exemption, SPR 2020-03 and CUP 2020-05 and determining to either:

- Adopt a Resolution adopting a finding of a Categorical Exemption pursuant to CEQA Guidelines Sections 15302 and 15332 for the project and approving SPR 2020-03 and CUP 2020-05 (Motion 1); or
- Continue the hearing to a future date (Motion 2); or
- Deny the application (Motion 3).

Approval of the attached resolution will approve both applications - Site Plan Review (SPR 2020-03) and Conditional Use Permit (CUP 2020-05). Any action by the Commission approving or denying the applications is subject to appeal to the City Council within 10 calendar days of the Commission’s action.

**Motion 1:** Move to adopt a Resolution Of The Planning Commission Of The City Of Madera Adopting A Finding Of A Categorical Exemption Pursuant To CEQA Guidelines Sections 15302 (Replacement Or Reconstruction) And 15332 (In-Fill Development Projects), Approving Site Plan Review 2020-03 And Approving Conditional Use Permit 2020-05 (Starbucks Drive-Thru, 1110 Country Club Drive) .

**(OR)**

Motion 2: Move to continue the applications for Site Plan Review 2020-03 and Conditional Use Permit 2020-05 to the November 10, 2020, Planning Commission hearing with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval)

**(OR)**

Motion 3: Move to continue the application for Site Plan Review 2020-03 and Conditional Use Permit 2020-05 to the November 10, 2020 Planning Commission hearing with direction to staff to return with an

updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial)

**ATTACHMENTS**

Attachment 1: Aerial Photo Vicinity Location Map

Attachment 2: Aerial Photo Site Map

Attachment 3: Starbucks Planning Package

Attachment 4: Starbucks Traffic Mitigation Plan

Attachment 5: Planning Commission Resolution 1861

# Attachment 1: Aerial Photo Vicinity Map



Attachment 2: Aerial Photo Site Map



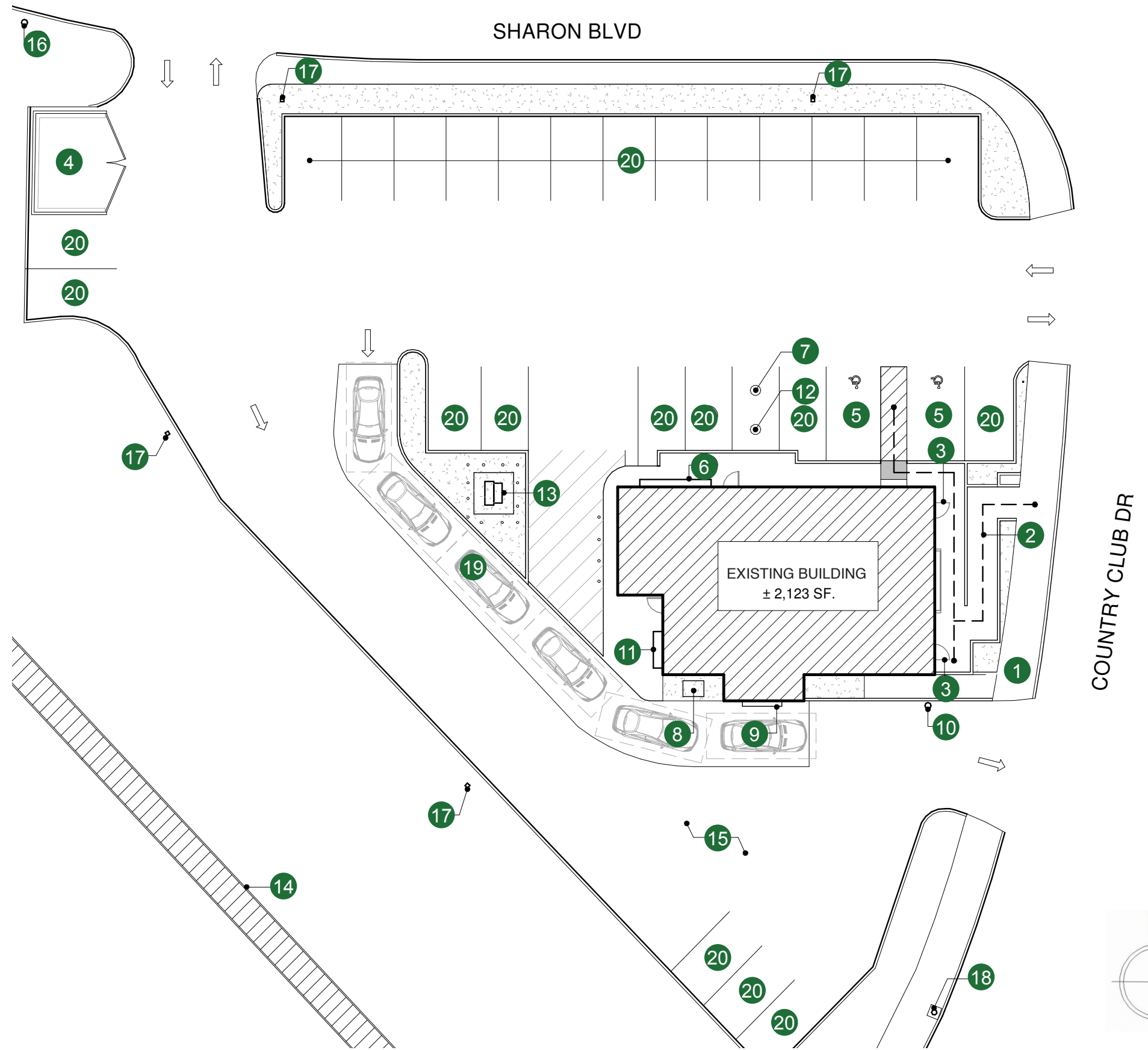
**Attachment 3: Starbucks Planning Package**



CPN# 27233-001  
CLEVELAND & HWY 99  
1110 COUNTRY CLUB DR.  
MADERA, CA 93638  
PLANNING PACKAGE | 08.31.20

**EXISTING SITE PLAN KEYNOTES**

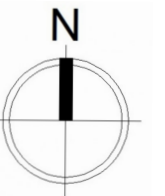
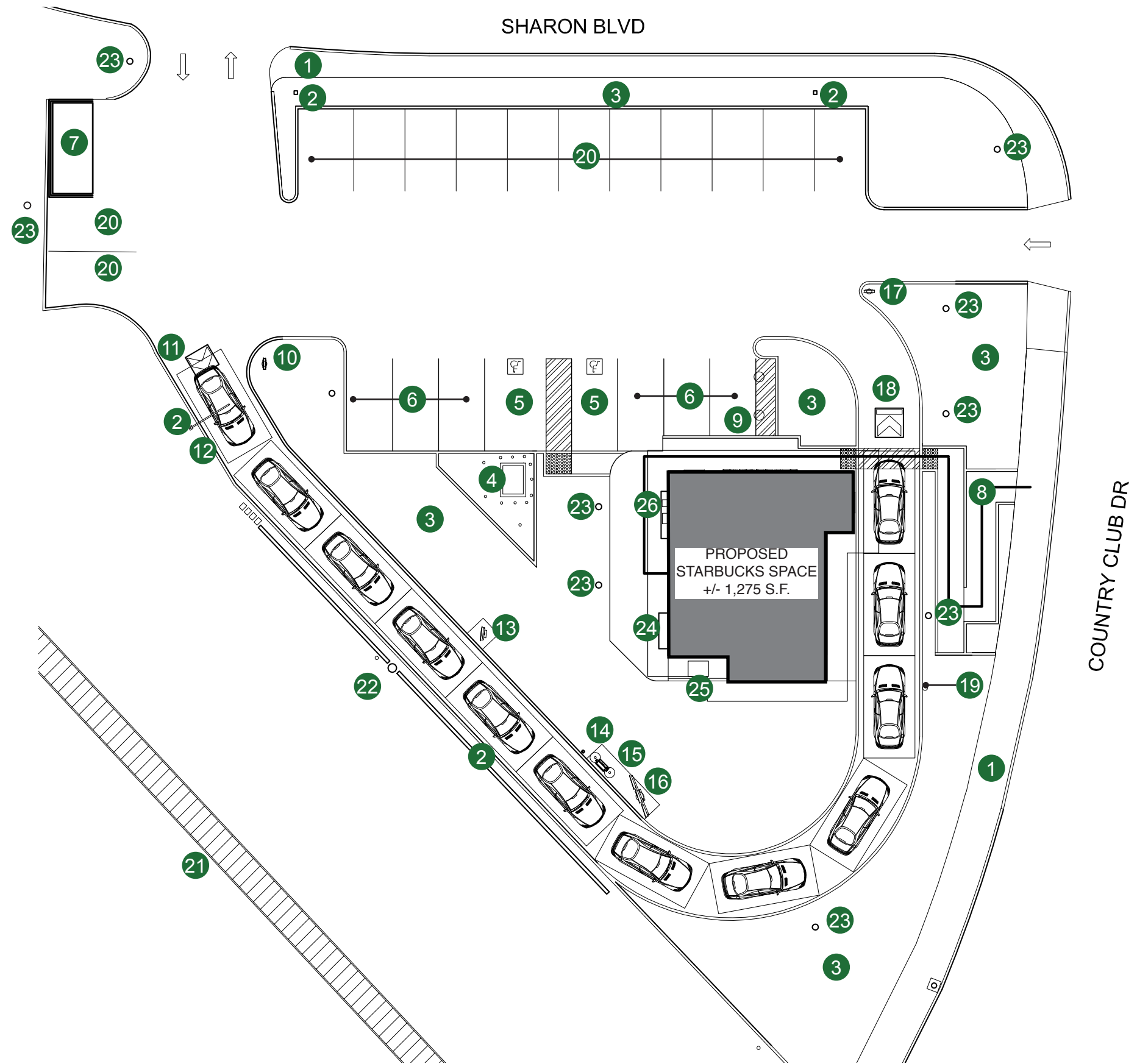
1	SIDEWALK
2	ACCESSIBLE PATH OF TRAVEL
3	ENTRANCE
4	TRASH ENCLOSURE
5	ACCESSIBLE PARKING SPACE
6	WATER METERS/ BACKFLOW PREVENTOR
7	GREASE INTERCEPTOR
8	GAS METERS
9	DT WINDOW
10	PYLON SIGN
11	ELECTRICAL SWITCH GEAR
12	SEWER
13	TRANSFORMER
14	RAILROAD TRACK
15	ASPHALT
16	FIRE HYDRANT
17	LIGHT POLE (QTY.4)
18	TRAFFIC SIGNAL
19	DT LANE
20	STANDARD PARKING





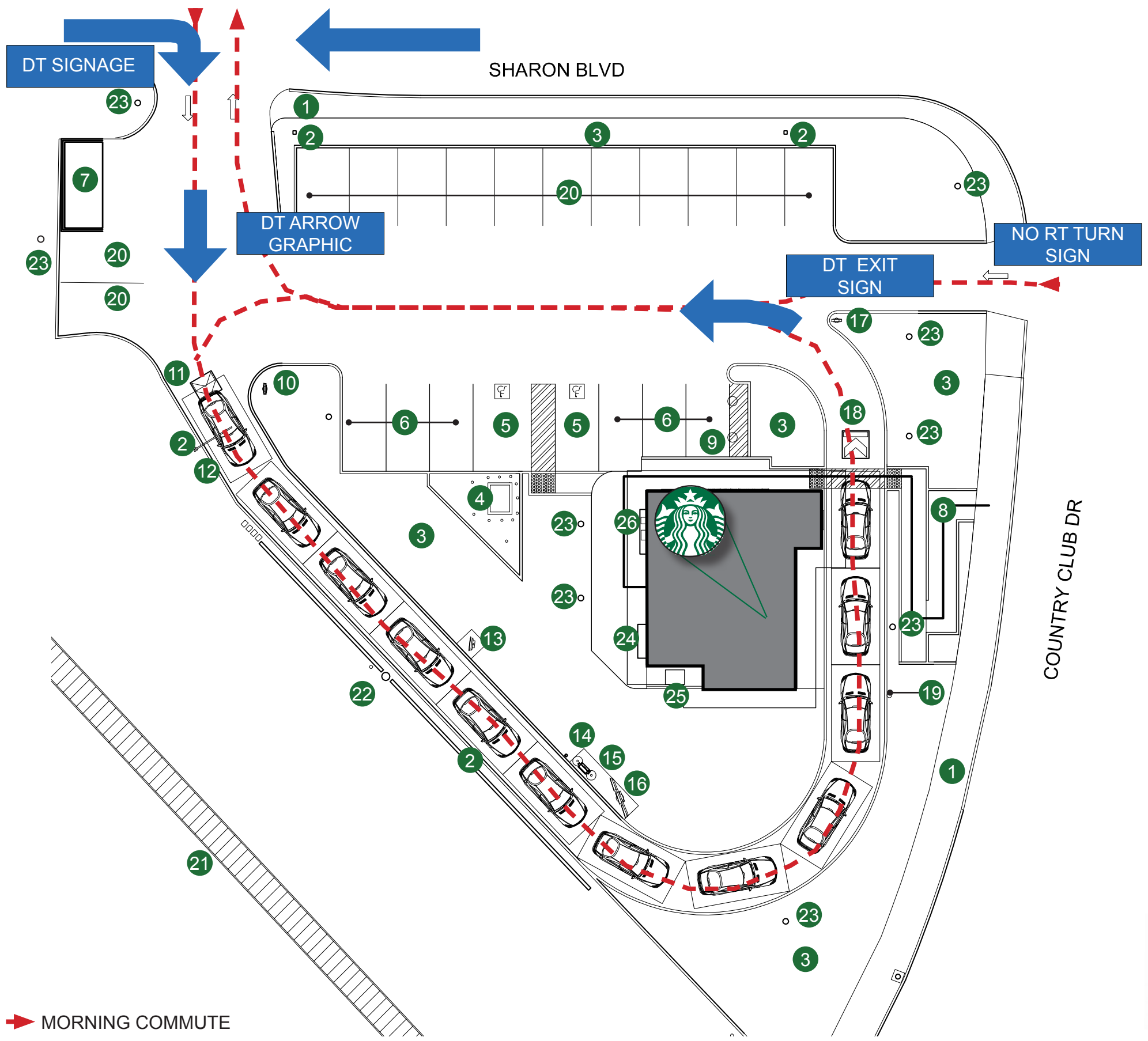
**PROPOSED SITE PLAN KEYNOTES**

1	(E) SIDEWALK TO REMAIN
2	(E) LIGHT POLE TO BE PAINTED AND LIGHT HEAD TO BE REPLACED WITH NEW (QTY.4)
3	(N) LANDSCAPE
4	(E) TRANSFORMER
5	(N) ADA PARKING STALLS & CURB RAMP
6	(E) PARKING STALLS TO BE RE- STRIPED PER CODE
7	(E) TRASH ENCLOSURE W/ NEW ROOF
8	(N) P.O.T. FROM PUBLIC RIGHT OF WAY TO BE MODIFIED
9	(E) GREASE INTERCEPTOR
10	ENTRY- ILLUMINATED DRIVE THRU DIRECTIONAL ARROW
11	DT WAYFINDING GRAPHIC ENTRY ARROW- GREEN
12	CLEARANCE BAR
13	PRE- MENU BOARD
14	NON- ILLUMINATED BOLLARD
15	DIGITAL ORDER SCREEN
16	5 PANEL MENU BOARD
17	EXIT- THANK YOU ILLUMINATED DIRECTIONAL ARROW
18	DT WAYFINDING GRAPHIC GRAPHIC EXIT ARROW W/ STRIPE- WHITE
19	(E) PYLON SIGN
20	(E) PARKING STALLS TO REMAIN
21	(E) RAILROAD TRACK
22	(N) 5'-0" MAX MASONRY WALL
23	(N) LIGHT POLE (QTY.9)
24	(E) SWITCH GEAR
25	GAS METER
26	RE-LOCATED WATER METERS/ BACKFLOW PREVENTOR



**PROPOSED SITE PLAN KEYNOTES**

- 1 (E) SIDEWALK TO REMAIN
- 2 (E) LIGHT POLE TO BE PAINTED AND LIGHT HEAD TO BE REPLACED WITH NEW (QTY.4)
- 3 (N) LANDSCAPE
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- 13 PRE- MENU BOARD
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- 17 EXIT- THANK YOU ILLUMINATED DIRECTIONAL ARROW
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- 20 (E) PARKING STALLS TO REMAIN
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- 23 (N) LIGHT POLE (QTY.9)
- 24 (E) SWITCH GEAR
- 25 GAS METER
- 26 RE-LOCATED WATER METERS/ BACKFLOW PREVENTOR

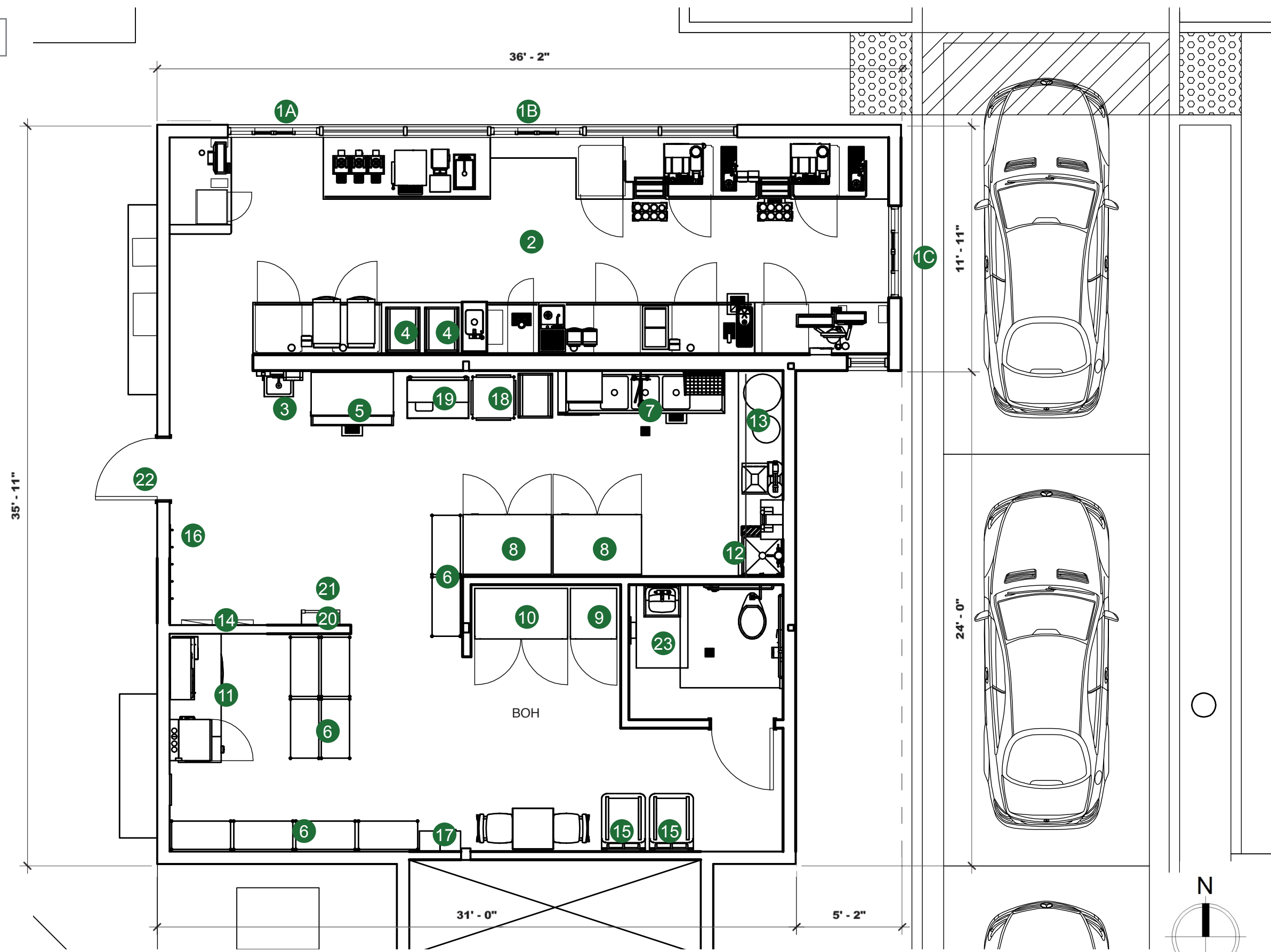


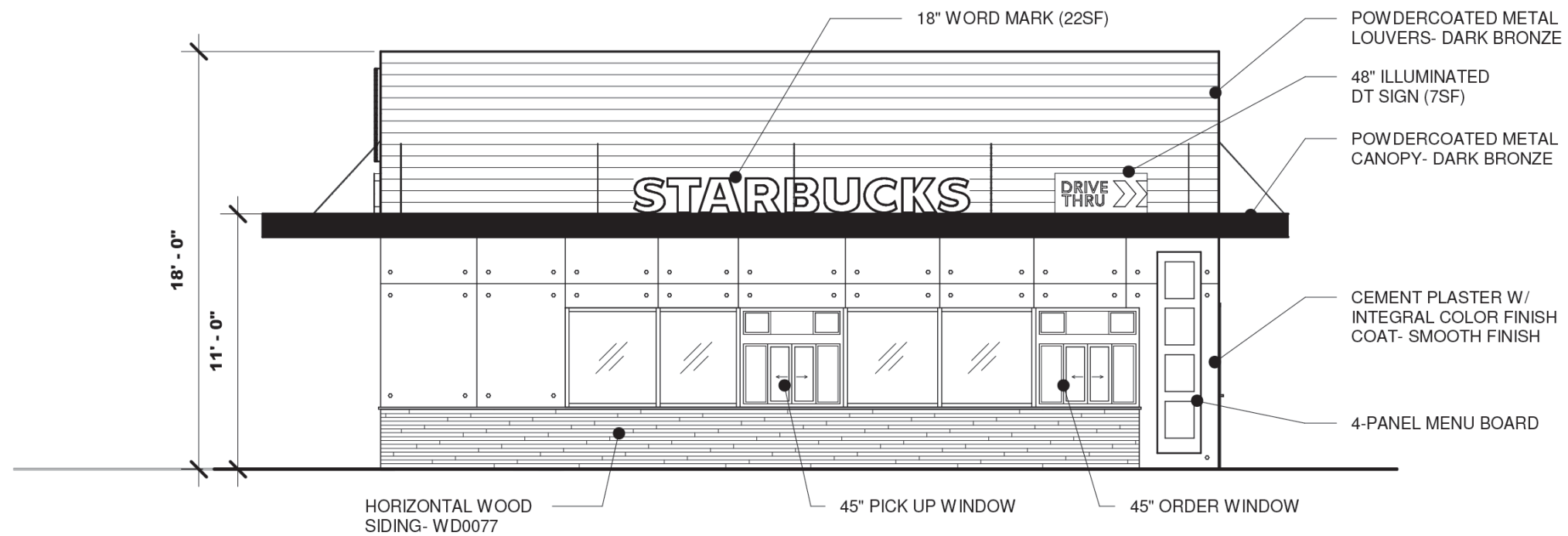
—➔ MORNING COMMUTE



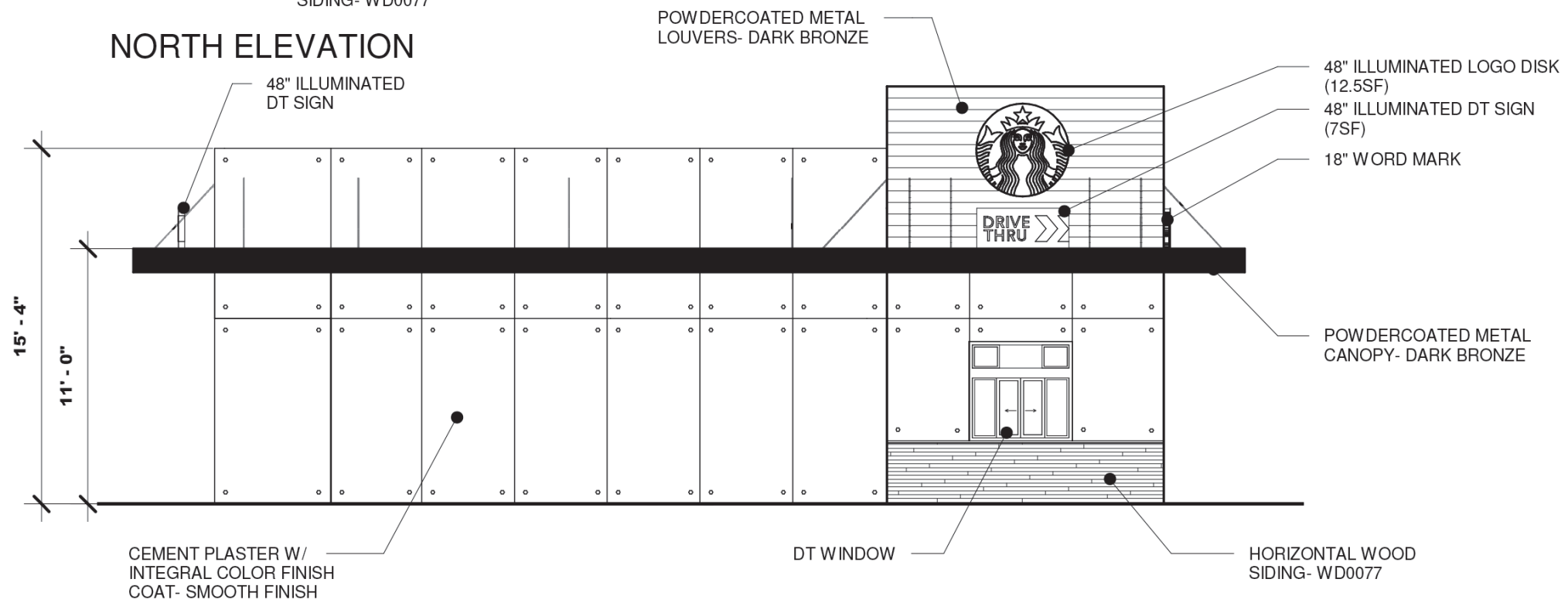
# SCOPE OF WORK

ENGINE	
1A	ORDER WINDOW
1B	PICK UP WINDOW
1C	DT WINDOW
2	FRONT + BACKLINE (Refer to Enlarged Plan)
BOH	
3	HAND SINK
4	PASTRY RACK (2)
5	1500 lb ICE MACHINE
6	DRY STORAGE RACKS/ METROS (10)
7	3 COMP SINK + SANITIZER
8	2 DR REFRIGERATOR (2)
9	1 DR FREEZER
10	2 DR FREEZER
11	MWS + IT RACK ABOVE
12	MOP SINK + WATER FILTRATION SYSTEM
13	WATER HEATER
14	ELECTRICAL PANELS
15	TRASH BINS
16	COAT RACK
17	LOCKERS
18	TODDY CART
19	WATER FILLER STATION
20	ROOF ACCESS LADDER
21	ROOF HATCH
22	BOH DOOR W/ AIR CURTAIN
RESTROOM VESTIBULE	
23	DYSON AIRBLADE



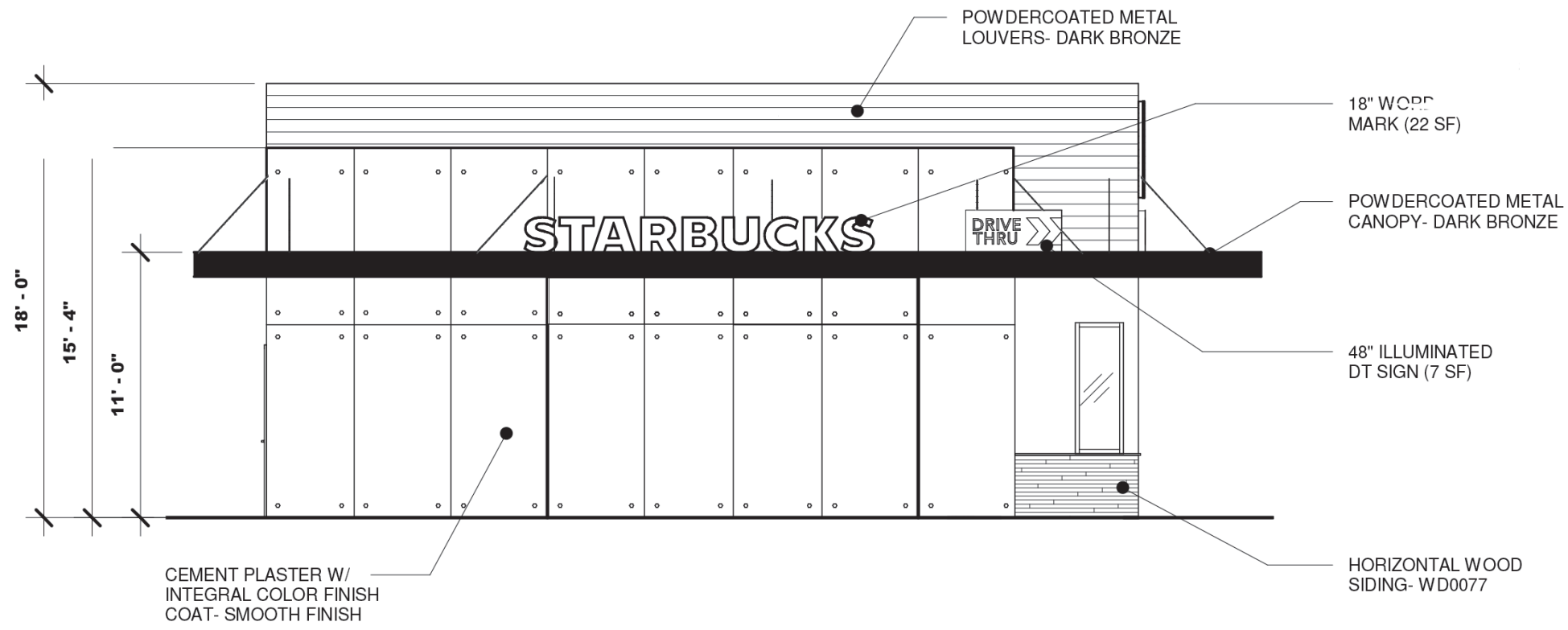


NORTH ELEVATION

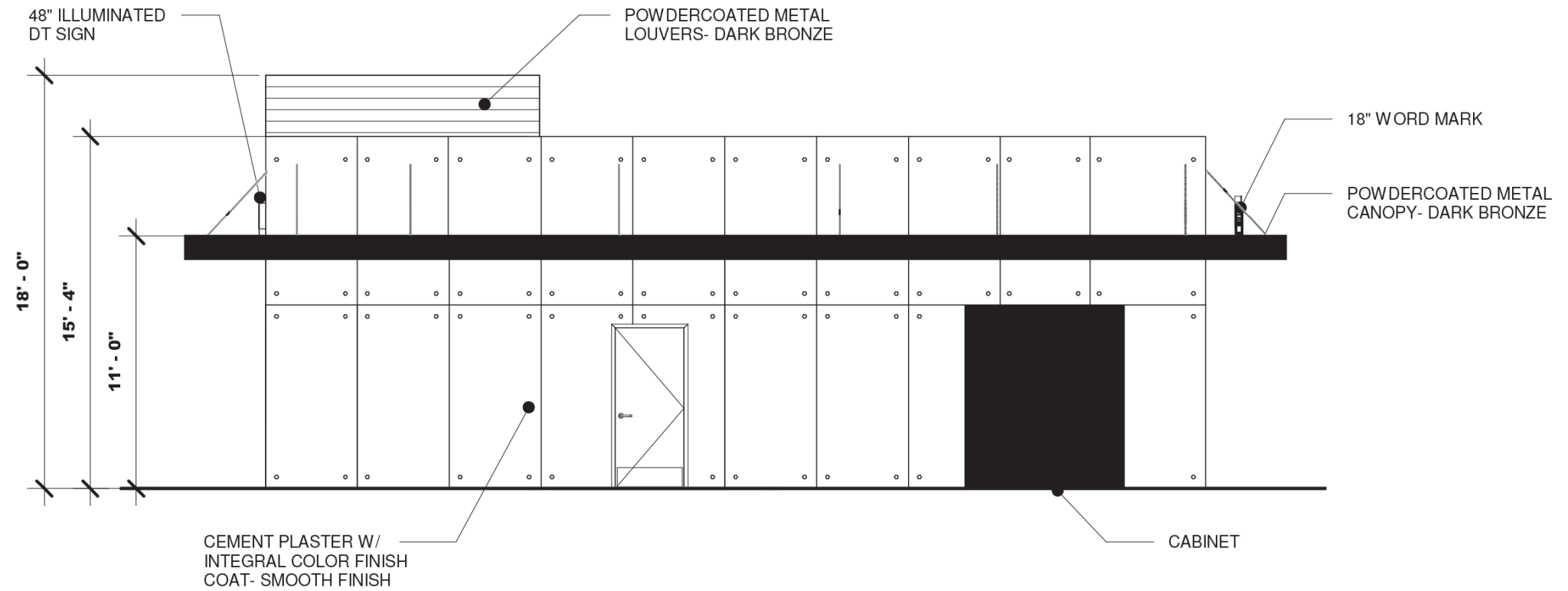


EAST ELEVATION





SOUTH ELEVATION



WEST ELEVATION





EXISTING PYLON SIGNAGE



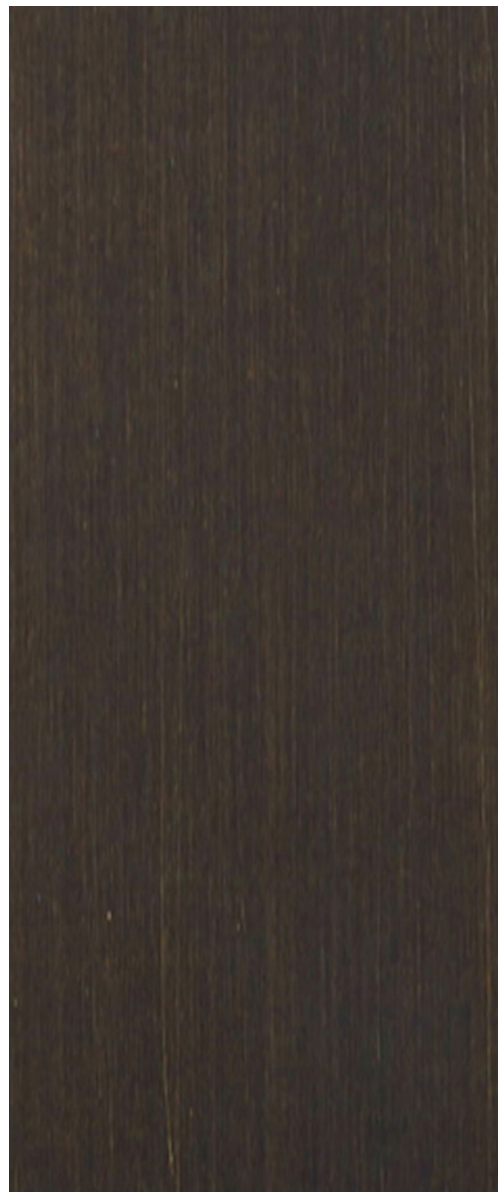
PROPOSED PYLON SIGNAGE







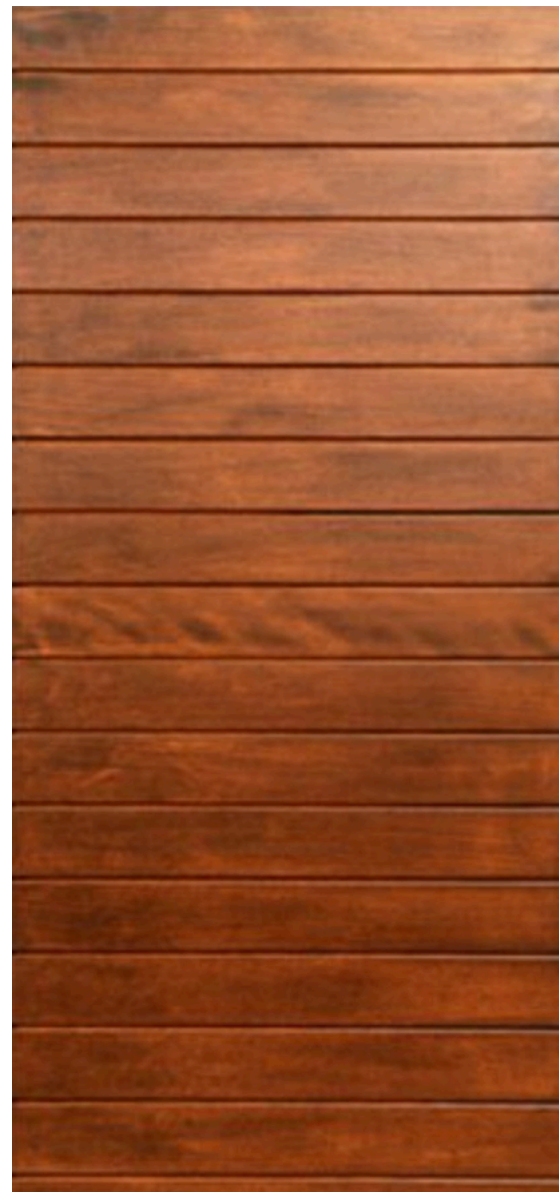




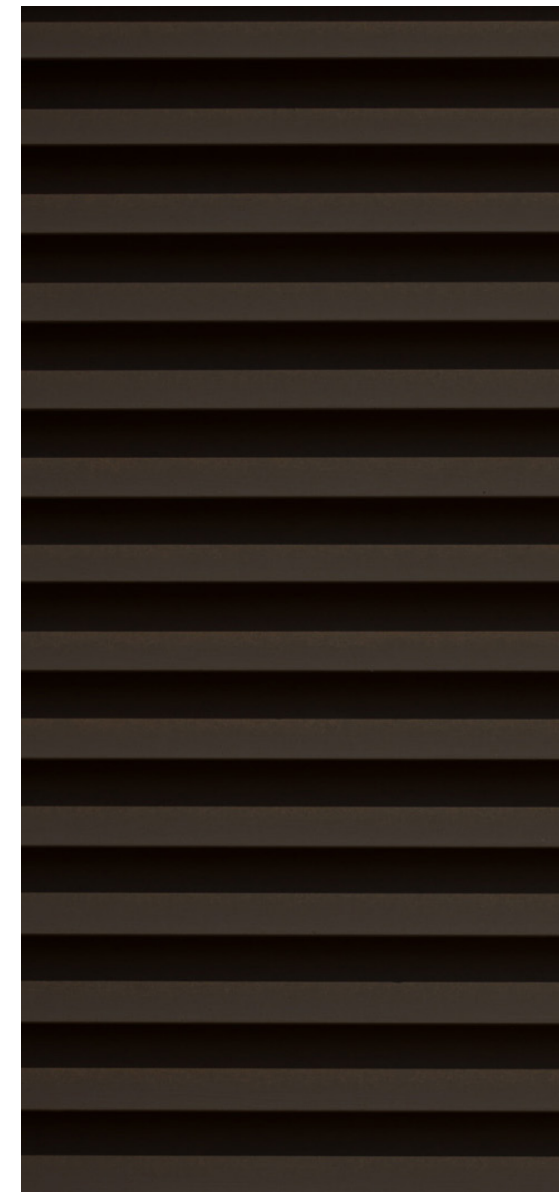
POWDERCOATED METAL CANOPY  
DARK BRONZE



CEMENT PLASTER W/ INTEGRAL  
COLOR FINISH- SMOOTH FINISH



HORIZONTAL WOOD SIDING  
WD0077 WALNUT



POWDERCOATED METAL LOUVERS  
DARK BRONZE



## **Attachment 4: Starbucks Traffic Mitigation Plan**

Starbucks Drive-thru  
1110 Country Club Dt.  
Madera, CA 93638

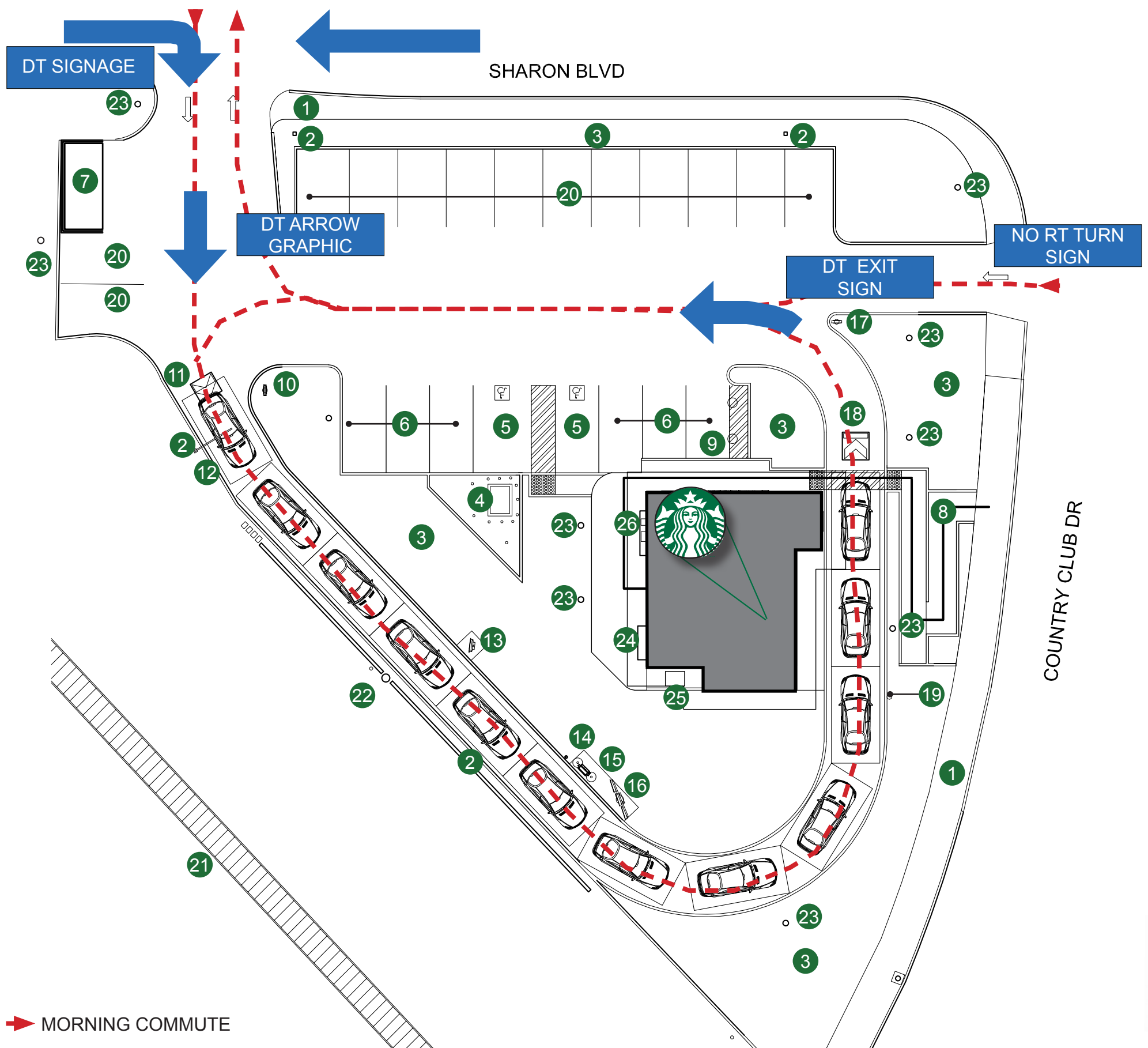
### Traffic Mitigation Plan

In order to mitigate any additional traffic due to the Starbucks Drive-thru, here is a list of items to be implemented.

- No left turn sign at Country Club Dr. entrance.
- DT signage on Sharon Rd to pull cars away from Country Club and onto Sharon Blvd.
- From the order point to the pick-up window is 7 cars, which is the length needed to keep the Sbus DT lane moving. The DT Lane is structured to maximize flow through DT aisle.
- There are 12 car lengths between the DT lane entry and the length of the drive aisle. There should not be any spill over with the 12 car stacking.
- Directional sign for entrance and exit thru Sharon Blvd.
- There are two nearby Sbus DT site on Ave 16 & Hwy 99 (2295 Marketplace Dr) and Ave 18.5 & Hwy 99 (18555 Pistachio Dr) that operate without any significant spill overs.
- In the event that spill over occurs, which is very rare, Store Operation is able to do the following to mitigate the issue including;
  - Placing a partner with a headset outside the store to expedite orders.
  - Adding equipment to the store to maximize productivity.
  - Adding additional head count to maximize productivity.
  - Adding curbside pick-up as an MOP option to relieve pressure on DT.
- Please see site plan showing directional arrows, signage and circulation for the DT.

**PROPOSED SITE PLAN KEYNOTES**

- 1 (E) SIDEWALK TO REMAIN
- 2 (E) LIGHT POLE TO BE PAINTED AND LIGHT HEAD TO BE REPLACED WITH NEW (QTY.4)
- 3 (N) LANDSCAPE
- 4 (E) TRANSFORMER
- 5 (N) ADA PARKING STALLS & CURB RAMP
- 6 (E) PARKING STALLS TO BE RE- STRIPED PER CODE
- 7 (E) TRASH ENCLOSURE W/ NEW ROOF
- 8 (N) P.O.T. FROM PUBLIC RIGHT OF WAY TO BE MODIFIED
- 9 (E) GREASE INTERCEPTOR
- 10 ENTRY- ILLUMINATED DRIVE THRU DIRECTIONAL ARROW
- 11 DT WAYFINDING GRAPHIC ENTRY ARROW- GREEN
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- 16 5 PANEL MENU BOARD
- 17 EXIT- THANK YOU ILLUMINATED DIRECTIONAL ARROW
- 18 DT WAYFINDING GRAPHIC GRAPHIC EXIT ARROW W/ STRIPE- WHITE
- 19 (E) PYLON SIGN
- 20 (E) PARKING STALLS TO REMAIN
- 21 (E) RAILROAD TRACK
- 22 (N) 5'-0" MAX MASONRY WALL
- 23 (N) LIGHT POLE (QTY.9)
- 24 (E) SWITCH GEAR
- 25 GAS METER
- 26 RE-LOCATED WATER METERS/ BACKFLOW PREVENTOR



—➔ MORNING COMMUTE



**Attachment 5: Planning Commission Resolution No. 1861**

**RESOLUTION NO. 1861**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA  
ADOPTING A FINDING OF A CATEGORICAL EXEMPTION PURSUANT TO CEQA  
GUIDELINES SECTIONS 15302 (REPLACEMENT OR RECONSTRUCTION) AND  
15332 (IN-FILL DEVELOPMENT PROJECTS), APPROVING SITE PLAN REVIEW 2020-  
03 AND APPROVING CONDITIONAL USE PERMIT 2020-05 (STARBUCKS DRIVE-  
THRU, 1110 COUNTRY CLUB DRIVE)**

**WHEREAS**, the project site is an 0.57-acre triangle shaped property located at the southwest corner of Country Club Drive and Sharon Boulevard; and

**WHEREAS**, the project site includes an existing ±2,063 square foot commercial building, drive-thru and parking area previously used for a fast-food restaurant and drive-thru in the past; and

**WHEREAS**, the project site was developed in 1980s as the Long John Silver's restaurant and Conditional Use Permits (CUP) 1981-08 and 1982-12 were issued allowing for the drive-thru use and the sale of beer and wine for on-site consumption in conjunction with the Long John Silver's restaurant; and

**WHEREAS**, Long John Silver's closed in November 2015; and

**WHEREAS**, in November 2016, CUPs 1981 and 1982 expired due to the uses were discontinued and abandoned in excess of a 12-month consecutive time period; and

**WHEREAS**, in January 2017, Long John Silver's re-opened subject to approval of Site Plan Review (SPR 2016-58) for the re-establishment of the restaurant and approval of CUP 2016-38 for the re-use of the existing drive-thru; and

**WHEREAS**, Long John Silver's closed for a second time in the Summer of 2018; and

**WHEREAS**, Starbuck ("Applicant") is acting on behalf of the property site owner (Lojon Property, LLC); and

**WHEREAS**, the Applicant is seeking a site plan review and conditional use permit to convert the former Long John Silver's fast restaurant into a Starbucks coffee house and drive-thru; and

**WHEREAS**, the conversion requires the partial demolition and removal of the existing building and former drive-thru; and

**WHEREAS**, the conversion will result in a larger building, improved drive-thru, with digital preview menu and order boards; and

**WHEREAS**, the City preformed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in Sections 15302 and 15332 of the California Environmental Quality Act (CEQA) Guidelines as the project involves the replacement of a commercial structure with a new structure of substantially the same size, purpose and capacity and represents an in-fill project; and

**WHEREAS**, under the City’s Municipal Code, the Planning Commission is authorized to review and approve site plan reviews, use permits and environmental assessments associated projects on behalf of the City; and

**WHEREAS**, the City provided notice of the Planning Commission hearing as required by law; and

**WHEREAS**, the Planning Commission received and reviewed SPR 2020-03 and CUP 2020-05 at a duly noticed meeting on October 13, 2020; and

**WHEREAS**, a public hearing was held, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

**WHEREAS**, the Planning Commission now desires to approve SPR 2020-03 and CUP 2020-05, with conditions, and adopt a finding of a Categorical Exemption for the project.

**NOW THEREFORE**, be it resolved by the Planning Commission of the City of Madera as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein.

2. CEQA: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission finds and determines that the project falls within the Class 2 and Class 32 Categorical Exemptions set forth in CEQA Guidelines Sections 15302(b) and 15332(a through e) as the project involves replacement of a commercial structure on a 0.57 acre parcel with a new structure of substantially the same size, purpose and capacity, and is consistent with applicable general plan designations and policies, served by all required utilities and services and would not result in any significant effects relating to traffic, noise, air quality, or water quality, and which can be served by all utilities, etc. As such, the Planning Commission adopts a finding of a Categorical Exemption under CEQA Guidelines Sections 15302 (Replacement and or Reconstruction) and 15332 (In-Fill Development Projects).

3. Findings for SPR 2020-03: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2020-03, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.4.0106. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

a. The proposal is consistent with the General Plan and Municipal Code.

Basis for Finding: The property is zoned C2 (Heavy Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). A drive-thru use with a digital preview menu and order boards in conjunction with an walk up take-out food order establishment is consistent with the purpose and intent of the C (Commercial) General Plan land use designation and the C2 (Heavy Commercial) Zone District which provide for the uses, subject to the issuance of a conditional use permit.

b. The proposal is consistent with any applicable specific plans.

Basis for Finding: The project site is not subject to any applicable specific plans.

- c. The proposed project includes facilities and improvements; vehicular and pedestrian ingress, egress, and internal circulation; and location of structures, services, walls, landscaping, and drainage that are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, there will be no adverse effects on surrounding property, light is deflected away from adjoining properties and public streets, and environmental impacts are reduced to acceptable levels.

Basis for Finding: SPR 2020-03 and CUP 2020-05 have been reviewed and, subject to the conditions of approval, has been determined to be designed in such a way that the project is consistent with surrounding development and will not have a negative effect on the surrounding area. The project is located adjacent to established commercial uses and will not generate significant amounts of noise, light, or traffic.

- d. The proposal is consistent with established legislative policies relating to traffic safety, street dedications, street improvements, and environmental quality.

Basis for Finding: SPR 2020-03 and 2020-05, as conditioned, will make all necessary street improvements, including improvements along Country Club Drive and Sharon Boulevard consistent with City standards. The project will not have a significant impact on traffic or the environment.

With the conditions imposed, the project will not be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

4. Findings for CUP 2020-05: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2020-05, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.1307. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

- a. The proposal is consistent with the General Plan and Municipal Code.

Basis for Finding: As noted above, the property is zoned C2 (Heavy Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). A drive-thru use with a digital preview menu and order boards in conjunction with an walk up take-out food order establishment is consistent with the purpose and intent of the C (Commercial) General Plan land use designation and the C2 (Heavy Commercial) Zone District which provide for the uses, subject to the issuance of a conditional use permit.

- b. The proposal is consistent with any applicable specific plans.

Basis for Finding: The project site is not subject to any applicable specific plans.

- c. As conditioned, the establishment, maintenance and/or operation of the use will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare or persons residing or working in the neighborhood of



such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

Basis for Finding: As discussed above, the development is compatible with surrounding properties and will not have a significant, adverse environmental impact. With the conditions imposed, the project will not be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

5. Approval of SPR 2020-03 and CUP 2020-05: Given that all findings can be made, the Planning Commission hereby approves SPR 2020-03 and CUP 2020-05 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A."

6. Effective Date: This resolution is effective immediately.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 13<sup>th</sup> day of October 2020, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

---

Israel Cortes  
Planning Commission Chairperson

Attest:

---

Gary Conte  
Planning Manager

Exhibit "A" – Conditions of Approval for SPR 2020-03 and CUP 2020-05

**EXHIBIT "A"**  
**SPR 2020-03 AND CUP 2020-05 CONDITIONS OF APPROVAL**  
**October 13<sup>th</sup>, 2020**

**Notice to Applicant**

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within ninety (90) calendar days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

**IMPORTANT: PLEASE READ CAREFULLY**

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through site plan, conditional use permit review, and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval for SPR 2020-03 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) days after the decision by the Planning Commission.

All discretionary conditions of approval for CUP 2020-05 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval for either entitlement, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

Approval of this site plan review and conditional use permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this use permit and/or conditional use permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this use permit or site plan review, the zoning ordinance, and all City standards and specifications. This use permit and site plan review is granted, and the conditions imposed, based upon

the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this use permit and site plan review. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised use permit is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the use permit, site plan review, or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the site plan review process, use permit review process, or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this use permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the site plan review or use permit as delineated herein and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

These conditions are applicable to any person or entity making use of this use permit, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, leasee, operator, or any other person or entity making use of this use permit.

### **General Conditions**

1. Approval of this site plan review or conditional use permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.
2. Approval of this site plan review or conditional use permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this site plan review, conditional use permit, the zoning ordinance, and all City standards and specifications. This site plan review and or conditional use permit is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this site plan review and or conditional use permit. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised site plan review or conditional use permit is required if the operation is found to be out of conformance with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the site plan review process, conditional use permit process, or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this site plan review or subsequent amendments or revisions. These conditions are conditions imposed solely upon the site plan and or conditional use permit and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.
3. These conditions are applicable to any person or entity making use of this site plan or conditional use permit, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this site plan or conditional use permit. Furthermore, “project frontage” refers to that frontage along Country Club Drive and Sharon Boulevard located within the limits of the full width of APN

003-194-012. The following conditions apply only to these portions of the subject site, unless specifically noted otherwise.

4. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
5. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Exemption at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. Such check shall be made payable to the Madera County Clerk and submitted no later than three (3) business days following action on SPR 2020-03 and CUP 2020-05.
6. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature on the Acknowledgement and Acceptance of Conditions of Approval. Please note site plan review approval (SPR 2020-03) will expire one (1) year from the effective date, unless a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan or the required action is taken to extend the approval before expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval). Please also note that conditional use permit approval (CUP 2020-05) is conditioned upon the privileges granted being utilized within 12 months after the effective date thereof. Failure to utilize such permit within such 12-month period shall render the permit null and void unless a timely written request for extension is submitted to the Planning Commission prior to the expiration of the permit.
7. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
8. The project site shall be developed in conformance with the site plan and conditional use permit as reviewed and approved under SPR 2020-03 and CUP 2020-05. Minor modifications to the site plan, which are necessary to meet regulatory, engineering, or similar constraints or requirements may be made at the discretion of the Planning Manager without an amendment to SPR 2020-03 or CUP 2020-05. However, should the Planning Manager determine that modifications are substantive, he/she may require that an amendment to SPR 2020-03 and/or to CUP 2020-05 be filed for review and approval through the applicable City process.
9. Any proposed future modifications to the site, including, but not limited to, the building structure exteriors, parking/loading areas, fences, walls, new buildings or landscaping shall require an amendment to SPR 2020-03 and/or CUP 2020-05.
10. CUP 2020-05 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If, at any time, the use is determined by staff to be in violation of the conditions of approval, staff may schedule an item before the Commission so that it may determine whether to consider setting a hearing regarding revocation of the permit.
11. The project site shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by staff to be in violation of the conditions, the property owner, operator, and/or manager may be subject to corrective action.

12. All on-site improvements shall be completed prior to final building inspection and shall be completed in conformance with SPR 2020-03 and CUP 2020-05 to the satisfaction of the City of Madera prior to issuance of a certificate of completion.
13. The Planning Department shall be notified immediately if any prehistoric, archaeological, or fossil artifact or resource is uncovered during construction. All construction within 50 feet of the discovery must stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained, at the applicant's or developer's expense, to evaluate the finds and recommend appropriate action according to CEQA Guidelines Section 15064.5. If avoidance is infeasible, other appropriate measures would be instituted. Work may proceed on other parts of the project site while assessment of historic resources or unique archaeological resources is being carried out.
14. All construction must stop if any human remains are uncovered, and the County Coroner must be notified according to Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5 (d) and (e) shall be followed.
15. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
16. The property owner, operator, and/or manager shall operate the site in a manner that does not generate noise, odor, blight, or vibration that adversely affects adjacent properties.
17. The property owner, operator, and/or manager shall keep the property clear of all trash, rubbish, and debris at all times.
18. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

The City shall promptly notify the applicant of any claim and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Should the City decide to independently defend any claim, the applicant shall not be required to pay or perform any settlement arising from any such claim unless the applicant approves the settlement.

## **Planning Department**

### General

19. Site Plan Review 2020-03 and CUP 2020-5 allows for the construction of a 2,063 square foot commercial building and drive-thru and parking consistent with the Starbucks CPN# 27233-001, Cleveland & Highway 99, 1110 Country Club Dr., Madera, CA 93638 Planning Package 1, 08.31.20 (Starbucks Planning Package) site plan. Any alterations to the site plan, use permit, or building shall require Planning Commission approval.
20. No additional outdoor storage of goods, materials and/or activates shall be allowed without first securing a use permit from the approval of the Planning Commission.
21. No in-door or out-door seating is permitted.
22. Business hours shall be limited to between 5:00 a.m. and 11:00 p.m., seven (7) days a week.
23. Delivery of stock foods, drinks, supplies, etc. shall be received by to 6:00 a.m., seven (7) days a week.

### Building Architecture, Materials, Color and Lighting

24. With exception of the following, the construction of the building approved as part of SPR 2020-03 and CUP 2020-05 shall be consistent with the Starbucks Planning Package site plan. Exceptions are:
  - a) The horizontal wood siding shall be extended the length of the east elevation.
  - b) The proposed metal canopy and louvers are not be of the same color.
  - c) All exterior utilities shall be located along either the south or west elevations and significantly screened by landscaping or within the interior of the building.
  - d) Roof access shall be located within the interior of the structure.
25. Trash enclosure shall be constructed of masonry block consistent with City standards with a finish and color to match the primary structure.
26. Prior to the submittal of building permits, the Applicant shall submit a color and materials presentation board to the Planning Department for review and approval detailing building and trash enclosure materials and colors.
27. Prior to the submittal of building permits, the Applicant shall submit the type and specifications of exterior lighting fixtures to be installed on the site to the Planning Department for review and approval.
28. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicle traffic.
29. All parking lot lights/lighting shall be incorporated into landscape areas.

### HVAC & Utility Placement Considerations/Screening Requirements

30. Prior to issuance of building permits, the Applicant shall identify the following information on the site plan for Planning Department review and approval:
  - a) Location of all natural gas and electrical utility meter locations.
  - b) Location of all heating, ventilation and air conditioning (HVAC) equipment.
  - c) Location of all compressor equipment, and mechanical and electrical equipment.

31. All existing and proposed public utilities (electric, telephone, cable, etc.) shall be undergrounded, except transformers, which may be mounted on pads.
32. All electrical and HVAC equipment shall be screened to the specifications of the Planning Department.
33. Electrical/mechanical equipment shall be located in the interior of the proposed new structure within an electrical/mechanical service room(s).
34. All HVAC equipment shall be roof-mounted and completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening.
35. Natural gas meter placement shall be screened from public view per Planning Department approval.
36. Future placement of roof-mounted equipment, which is not part of this site plan approval, may require an amendment to this Site Plan Review.
37. All ducts and vents penetrating roofs shall be directed away from the front of public entrance side(s) of the building using methods to minimize their appearance and visibility from the street. Placements are preferred at rear sides of roof ridges. All roof-mounted ducts and vents are to be painted matte black or with a color better suited to minimize their appearance.
38. Fire sprinkler risers shall be located within the interior of the building or located out of public view. Locations shall be approved by the Planning Department prior to the issuance of building permits.

#### Landscaping

39. Landscape and irrigation plan shall be prepared by a licensed Landscape Architect and submitted as part of the submittals for a building permit. Landscape and irrigation plans shall be approved by the Planning Department prior to issuance of building permits. The plans shall:
  - d) Demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO);
  - e) Permanent automatic irrigation systems for all landscaped areas;
  - f) Provide vegetative matter coverage of a minimum of 75 percent of all landscaped areas;
  - g) Locate landscape material in such a way that it does not interfere with utilities above or below ground; and
  - h) Provide detailed planting lists for all landscaping, with the number, size, spacing (where applicable) and species of all plant life and groundcover, as well as soil preparation techniques for all landscaped areas.
40. The property owner, operator, and/or manager shall develop and submit to the Planning Department for review and approval, prior to issuance of a building permit, a landscape maintenance and irrigation program for the first three years to ensure that streetscapes and landscaped areas are installed and maintained as approved under SPR 2020-03.
41. Street trees shall be installed within the landscape planting strip paralleling the County Club Drive and Sharon Boulevard property frontages. The trees shall be of a type and spacing consistent with the City's standards and shall not infringe upon, or interfere with, vehicle, truck, bicycle or pedestrian traffic. Trees shall be planted in accordance with City standards prior to

issuance of a certificate of completion. Trees shall be selected from the adopted City of Madera Master Street Tree List.

42. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings.
43. A maintenance agreement is required for all landscaping located within the public right-of-way. Such agreement shall be entered into prior to issuance of a certificate of completion.

#### Signage

44. All signage, apart from “No Parking” signs along the Country Club Drive property frontage, shall be in compliance with the Sign Ordinance of the Madera Municipal Code Section 10-6.
45. All permanent signage, apart from No Parking signs, is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Section § 10-6 in the advance of installation.
46. The combined total square footage of on-building signs shall not exceed the City’s maximum allowable on-building sign coverage of 75 sq. ft.
47. On-site directional or informational signs shall only give information and direction to the viewer and contain no advertising information.
48. No Parking signs shall be installed along the Country Club Drive property frontage per City standards.
49. Existing pole sign and structure shall be removed.

#### Parking

50. All parking and loading areas shall be marked, striped and permanently maintained at all times in conformance with City standards and shall be consistent with the Starbuck Planning Package site plan. All modifications in the approved parking layout shall require the approval by the Planning Manager.
51. Site plan improvement plans submitted for plan check shall incorporate bicycle parking facilities for employees and patrons to be approved by the Planning Manager as to the number and location.

#### Drive-Thru

52. The drive-thru stacking lane shall be developed consistent with the Starbuck Planning Package site plan designed to queue no less than 12 vehicles between the drive-thru entry lane and the length of the drive aisle and no less than seven (7) vehicles between the drive-thru menu order board and the pick-up window. No vehicle spillover of the drive-thru lane is to be permitted on- or off-site.
53. A three-foot decorative masonry block wall shall be constructed along the drive-thru lane perimeter sufficient to screen headlight glare into the public right-of-way and shall be setback a minimum of two (2) feet from the back edge of the sidewalk. The decorative wall shall be reviewed and approved by the Planning Manager prior to issuance of a building permit.
54. The five-foot high masonry wall along a portion of the southeast property line to shield the drive-thru from excessive noise levels generated by rail traffic shall be joined to the three-foot



wall in a “stair-step” method at a minimum 4 ft. wall run to 1 ft. elevation drop in wall height ratio (4 to 1 ratio). The 5-foot high masonry wall shall also be stair-step in the opposite direction at the same 4 to 1 ratio leveling off to a 3-foot wall height extending to the property’s western boundary and be incorporated into the landscape scheme. The walls shall be of decorative split face masonry material. Landscaping shall be incorporated into the site design as an additional means of retaining light glare on the site and detract from graffiti or other forms of defacement. The southeastern wall

55. The drive-thru shall be allowed one (1) preview board, one (1) menu board and one (1) digital ordering screen. No additional freestanding signage shall be allowed as a component of the Starbucks coffee house.
56. The preview board and digital ordering screen shall not measure greater than 12 sq. ft. in size and the menu board shall not measure greater than 20 sq. ft. in size.
57. Preview and menu boards and digital ordering screen placed within 10 feet of the building shall not measure more than 60 inches in width and 48 inches in height with the base not reaching higher than 72 inches. Preview and menu boards and digital ordering screen placed more than 10 feet from the building shall not measure more than 48 inches in width and 36 inches in height and must not exceed 60 inches in total height. The reverse sides of menu / preview boards positioned in a manner viewable to the public should be maintained a landscape screen.

## **Engineering Department**

### General

58. Nuisance lighting from on-site sources shall be redirected as requested by the City Engineer within 48 hours of notification.
59. The developer shall pay all required fees for completion of the project. Fees due may include, but shall not be limited to, encroachment permit processing, improvement inspection fees, plan review, and easement acceptance fees.
60. Improvement plans shall be signed and sealed by a licensed engineer and submitted to the Engineering Division prior to issuance of a building permit, in accordance with the submittal process.
61. Improvement plans shall include the most recent version of the City’s General Notes. A copy of the most recent General Notes may be obtained from the City Engineering Division.
62. Improvements within the City’s right-of-way require an encroachment permit from the Engineering Department.
63. All off-site improvements shall be completed and accepted prior to issuance of a certificate of completion.

### Water

64. Existing or new water service connection(s), including landscaped areas, shall be upgraded or constructed to current City standards, including an Automatic Meter Reading (AMR) water meter installed within the City’s right-of-way and a backflow prevention device installed within private property.
65. A separate water meter and backflow prevention device will be required for existing and proposed landscape areas.

66. Existing water services connections that will not be used for the project shall be abandoned at the mains per City standard.
67. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with all applicable standards.
68. Fire hydrants shall be installed along the property frontage in accordance with City standards as determined by the City of Madera Fire Marshal.

#### Sewer

69. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
70. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.
71. Existing septic tanks, if found, shall be removed and inspected by City of Madera Building Department for compliance with all applicable standards.

#### Streets

72. To mitigate the potential for excessive queues, the developer shall implement the following items listed in the Traffic Mitigation Plan provided to the City of Madera on June 12, 2020:
  - a) No left-turn directional sign and right-turn only traffic control island at Country Club Drive entrance.
  - b) On-site drive-thru directional signage at the Sharon Boulevard driveway directing vehicles to drive-thru.
  - c) On-site drive-thru directional signage for exit thru Sharon Boulevard driveway.
  - d) Minimum seven (7) vehicle queuing depth between the drive-thru menu order board and pick-up window.
  - e) Minimum 12-vehicle queuing depth between the drive-thru lane entry and the length of the drive aisle. No vehicle spillover of the drive-thru lane is to be permitted on- or off-site.
  - f) In the event on-site spillover occurs, the applicant will be required to place one or more employees with a headset outside the store to expedite orders, add equipment and headcount (shift employees) to the store to maximize productivity and modify business operations to include curbside pick-up, subject to Planning Manager and City Engineer approval, to relieve drive-thru queuing pressures.
73. In the event that the developer's facility operations result in excessive queues, including queues extending into Country Club Drive right-of-way, blocking traffic and creating potential for safety concerns, even on an intermittent basis, the Country Club Drive driveway will be closed at the developer's expense. At the developer's expense, the removed driveway area will be landscaped to conform to the remainder of the landscaped area. If the developer can present an alternative that fully mitigates the concern that does not include variations on operation recommendations already included in the Traffic Mitigation Plan, staff may consider maintaining the driveway access.
74. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter and sidewalk, as necessary, to current City and ADA standards.

75. The existing southernmost driveway approach on Country Club Drive shall be removed and replaced with concrete sidewalk, curb and gutter to current City and ADA standards.
76. The existing northernmost driveway approach on Country Club Drive shall serve as an entrance-only driveway as depicted in the Starbucks Planning Package site plan.
77. The existing driveway approaches to remain shall be reconstructed, as necessary, to provide ADA accessibility along the entire site frontage.
78. The existing ADA access ramp on the southwest corner of Sharon Boulevard and Country Club Drive shall be removed and reconstructed or modified, as necessary, to meet current City and ADA standards.
79. The existing ADA access ramp along Country Club Drive near the south end of the project's property shall be removed and reconstructed or modified, as necessary, to meet current City and ADA standards.
80. Developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District 51 for the purpose of participating in the cost of maintaining landscape improvements with said zone.
81. The developer shall dedicate a 10-foot Public Utility Easement (PUE) along the entire project parcel frontage on Sharon Boulevard and Country Club Drive. A \$466 fee or the fee in effect at that time for grant easement or deed acceptance shall be paid with the Engineering Department.

#### **Fire Department**

82. Building permits must be secured before any construction on the site can commence.
83. All improvements shall be built consistent with the current adopted California Codes at the time of permit application.
84. A key box is required for rapid entry by fire service personnel.
85. The drive-thru cue-up line shall not interfere with required fire access lanes for emergency services vehicles.
86. Fire access lanes shall be clearly posted.

#### **Building Department**

87. A building permit is required prior to the commencement of any and all construction on the site.
88. All plans submitted for on-site construction or building permits shall incorporate and reflect all requirements outlined herein.
89. Current State of California and Federal handicap requirements shall apply to the entire site and all structure(s) and parking thereon. Compliance shall be checked when the building permit is reviewed and confirmed at final inspection.

#### **San Joaquin Valley Air Pollution Control District**

90. Applicant shall comply with all applicable rules, regulations and fees of the San Joaquin Valley Air Pollution Control District (SJVAPCD).

91. Applicant shall submit to, and have approved by, the SJVAPCD a Demolition Permit Release Form prior to issuance of demolition permit.
92. Applicant shall submit to, and have approved by, the SJVAPCD an Air Impact Assessment (AIA) application prior to issuance of a grading or building permit.

-END OF CONDITIONS-