

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

**STAFF REPORT:** #16-05

**AGENDA ITEM:** 4.1

**FROM:** Kim Espinosa,  
Planning Manager

**PLANNING COMMISSION**  
**MEETING DATE: Feb. 3, 2016**

**PREPARED BY:** Julie Nelson,  
Associate Planner

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**SUBJECT:** **Conditional Use Permit #1210**, initiated by AL Architecture on behalf of SEW Enterprises, LLC, property owners. This application involves a request to construct a new 2,200-square-foot drive-thru coffee business on an approximately 1-acre parcel, located on the north side of Olive Avenue, approximately 120 feet west of M Street (645 West Olive Avenue). This parcel is located within Planned Development (P-D) #1 and has a Regional/Community Commercial (RC) General Plan designation.  
**\*PUBLIC HEARING\***

**ACTION:** Approve/Disapprove/Modify

- 1) Environmental Review #15-40 (Categorical Exemption)
- 2) Conditional Use Permit #1210

**SUMMARY**

The project site is located on the north side of Olive Avenue, approximately 400 feet west of M Street (Attachment A). The existing office buildings would be demolished and a new 2,200-square-foot drive-thru coffee shop (Starbucks) would be constructed (refer to the site plans at Attachments B and C). The recently approved CVS Pharmacy would be located to the east of the project site and the recently approved stealth Mono-Pine wireless communications tower would be located to the north of the site.

Access to the site would be through the existing driveways on Olive Avenue and Fairfield Drive. Parking would be available on the east side of the building as well as to the south near Olive Avenue. The entrance to the drive-thru would be to the north of the building and would wrap around the building with the pick-up window on the western side of the building. Vehicles would exit the drive-thru facing south and could use any of the driveways to leave the site.

Starbucks would offer approximately 50 seats including an outdoor seating and patio area as shown on the site plan at Attachments B and C. This site is located within Planned Development (P-D) #1. As such, Conditional Use Permit (CUP) approval is required for the building and site design. Staff is recommending approval with conditions.

## **RECOMMENDATION**

Planning staff recommends that the Planning Commission approve Environmental Review #15-40 (Categorical Exemption) and Conditional Use Permit #1210 (including the adoption of the Resolution at Attachment I) subject to the following conditions:

- \*1) The proposed project shall be constructed/designed as shown on Exhibit 1 (overall site plan), Exhibit 2 (focused site plan), Exhibit 3 (building elevations), and Exhibit 4 (trellis elevations) -- Attachments B, C, D, and E of Staff Report #16-05, except as modified by the conditions.
- \*2) All conditions contained in Resolution #1249-Amended ("Standard Conditional Use Permit Conditions") shall apply.
- \*3) The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
- \*4) All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
- \*5) The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
- \*6) The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.

- \*7) The developer shall work with the City Engineer to determine the requirements for storm drainage on the site. All storm water shall be captured on-site and metered into the City's storm water system. The developer shall provide all necessary documentation for the City Engineer to evaluate the storm drain system. All storm drain systems shall be installed to meet City Standards.
- \*8) All driveways into the site shall meet City Standards, including handicap accessibility requirements.
- \*9) The project shall comply with all the Post Construction Standards required to comply with state requirements for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).
- \*10) As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repared if the permit value of the project exceeds \$85,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
- \*11) A backflow prevention device shall be provided for all water services (i.e., domestic, irrigation, and fire) with appropriate screening of those devices installed. Details to be worked out with staff.
- \*12) Parking lot and building lighting shall be shielded or oriented in a way that does not allow "spill-over" onto adjacent lots in compliance with the California Energy Code requirements. Any lighting on the building shall be oriented to shine downward and not spill-over onto adjacent properties.
- \*13) Parking lot trees shall be installed per the City's Parking Lot Landscape Standards. Trees shall be a minimum of 15-gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City's approved tree list). Trees shall be installed at a ratio of at least one tree for each six parking spaces.
- \*14) Concurrent with or prior to the submittal of a Building Permit Application, the applicant shall submit to the Development Services Department a detailed landscape plan that is consistent with the City's Water Efficient Landscaping & Irrigation Ordinance (Merced Municipal Code 17.60) and all state-mandated drought restrictions.
- \*15) Prior to any demolition work being done (interior or exterior), the applicant shall obtain all necessary approvals from the San Joaquin Valley Air Pollution Control District and a demolition permit from the City of Merced Inspection Services Department if required.
- \*16) Bicycle racks shall be provided at a minimum ratio equal to 5% of the vehicular parking spaces.
- \*17) All signing shall comply with the North Merced Sign Ordinance. As proposed, the eastern elevation would be allowed 29 square feet of signing and 24.25 square feet of signing on the southern elevation for a total of 53.25 square feet of sign area. The maximum amount of signing allowed on any building side shall not exceed 50% of the total allowable sign area or the maximum amount of sign area allowed for that side, whichever is greater, except

- by approval of an Administrative Conditional Use Permit. No signage (temporary or permanent) shall be allowed on the trellis over the outdoor seating area.
- \*18) If a monument sign is proposed, any sign area allotted to the monument sign shall be deducted from the overall allowable sign area described in Condition #17. Monument signs shall comply with requirements of Merced Municipal Code Section 17.36.665. A monument sign shall not be located within the 10-foot visual corner at any driveway entrance.
  - \*19) If sufficient parking cannot be provided on the site, additional parking may be provided within 400 feet of the site. A joint parking agreement, as required by Merced Municipal Code (MMC) Section 20.58.370, shall be entered into by all parties involved and shall be recorded with the Merced County Recorder's Office per the requirements of MMC Section 20.58.400 E. If said parking agreement cannot be provided, the number of seats provided on site shall be reduced to meet the number of parking spaces provided.
  - \*20) All parking spaces shall meet City Standards. If a vehicle overhangs onto a pedestrian area, the pedestrian area shall have a minimum 4-foot clear width.
  - \*21) A Public Utilities Easement (PUE) shall be granted along the property frontage on Olive Avenue or Fairfield Drive, the applicant shall dedicate the area needed (as determined by the City Engineer) for the PUE prior to building permit issuance.
  - 22) Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray system in accordance with the State's Emergency Regulation for Statewide Urban Water Conservation or any other state or city mandated water regulations dealing with the current drought conditions.
  - 23) The on-site landscape design shall include the use of xeriscape landscaping and avoid the use of turf as much as possible.
  - 24) The applicant shall work with the City's Refuse Department to determine the best location for the refuse enclosure. The enclosure shall be constructed per City Standards.
  - 25) Conditions, Covenants, and Restrictions (CC&R's) shall be recorded prior to the issuance of a building permit providing cross access to all property owners served by the existing driveways on Olive Avenue and Fairfield Drive.
  - 26) The "order point" as shown on the site plan (Exhibit 2 – Attachment C of Staff Report #16-05) shall be moved to the west to allow more stacking room in the drive-thru aisle prior to reaching the order point.
  - 27) The developer shall work with the City Engineering Department to design a striping plan to create two right turn lanes from Fairfield Drive onto M Street to help guide traffic into the through lanes rather than into the left turn lane at M Street and Olive Avenue as well as "Keep Clear" or "Do Not Block" markings as shown on Attachment F of Staff Report #16-05.
  - 28) All mechanical equipment shall be screened from public view.

29) The premises shall remain clean and free of debris and graffiti at all times.

(\* Denotes non-discretionary conditions.

**PROJECT DESCRIPTION**

The project involves the demolition of the existing three-story buildings on the site and the construction of a 2,200-square-foot building with a drive-thru window to be used for a Starbucks (Attachments B and C). The building would provide both indoor and outdoor seating with approximately 50 seats.

The site plan includes 17 parking spaces and access to the site is available from any of the existing driveway entrances. An additional 5 parking spaces would be provided on the CVS site to the east. The addition of these 5 spaces would meet the minimum parking requirement for this site based on 50 seats.

Surrounding Uses  
(Attachment A)

<b>Surrounding Land</b>	<b>Existing Use of Land</b>	<b>City Zoning Designation</b>	<b>City General Plan Land Use Designation</b>
North	Regency Theater & Franciscan Convalescent Hospital (across Fairfield Drive)	P-D #1	Regional/Community Commercial (RC)/ Commercial Office (CO)
South	Offices (across Olive Avenue)	P-D #15	Commercial Office (CO)
East	El Pollo Loco Restaurant	P-D #1	Thoroughfare Commercial (CT)
West	Coldwell Banker - Gonella Realty	P-D #1	Regional/Community Commercial (RC)

**BACKGROUND**

The existing three-story buildings located on the project site were originally approved and constructed in the early 1960’s. The site has historically been designated for office uses. However, in 1978, the Planning Commission approved a hair salon to locate within one of the buildings. In 1999, the General Plan designation was changed from Commercial Office (CO) to Regional/Community Commercial (RC) and the Site Utilization Plan designation was changed from “office” to “retail” for the first floor of the buildings only. The second and third floors remained designated for Commercial Office uses. Therefore, because the first floor of the site has a retail designation, the proposed retail uses are consistent with the General Plan and Site Utilization Plan designations.

At the Planning Commission meeting of January 6, 2016, the Planning Commission approved Conditional Use Permit #1207 allowing the construction of a 12,900-square-foot CVS Pharmacy with a drive-thru and Conditional Use Permit #1209 allowing the construction of an 85-foot tall stealth Mono-Pine wireless communications tower.

**FINDINGS/CONSIDERATIONS:**

**General Plan Compliance and Policies Related to This Application**

- A) The proposed project complies with the General Plan designation of Regional/Community Commercial (RC) and the zoning designation of Planned Development (P-D) #1.  
*Land Use Policy L-3.2 – Encourage Infill Development and a Compact Urban Form.*

**Traffic/Circulation**

- B) The project site sits between Olive Avenue (Arterial) to the south and Fairfield Drive (Collector) to the north. The site is approximately 400 feet west of M Street (Arterial). Access to the site is provided by two driveways on Olive Avenue and three driveways on Fairfield Drive. The drive-thru entrance is on the north side of the building. Traffic would enter the drive-thru and travel west around the building and exit going south (refer to the site plans at Attachments B and C). Vehicles could exit onto Olive Avenue or Fairfield Drive.

In order to obtain more accurate traffic count numbers, Planning Staff attempted to obtain trip generation numbers from Starbucks. Unfortunately, we were unsuccessful in this attempt and have used the trip generation numbers found in the Institute of Transportation Engineers (ITE) Trip Generation Manual (8<sup>th</sup> Edition), which are typically higher than the actual number of vehicles generated by the use.

According to the ITE Manual, the average rate used to determine Average Daily Trips (ADT's) for a "Coffee/Donut Shop with Drive-Thru Window" on a weekday is 818.58 trips per 1,000 square-feet of floor area. For Peak Hour Trips (PHT's) (one hour between 7 and 9 a.m.), the average rate is 110.75 trips per 1,000 square feet of floor area. Based on these formulas, the Average Daily Trips are estimated to equal 1,801 trips and the Peak Hour Trips are estimated to equal 134 trips. In comparison, based on each of the existing buildings containing approximately 12,500 square feet and using the medical/dental office traffic generation rate (this was the highest use previously allowed on the site), the site is estimated to have generated 903 Average Daily Trips and 87 Peak Hour Trips.

Use	Size	ADT's	PHT's
<b>Existing Uses</b>			
Existing Buildings (Medical Office)	12,500 s.f./each (25,000 s.f. total)	903	87
<b>Proposed Uses</b>			
Starbucks	2,200 s.f.	1,801	244
CVS	12,900 s.f.	1,137	134
<b>Total Proposed Uses</b>		<b>2,938</b>	<b>378</b>

The proposed Starbucks with a drive-thru would double the traffic volume generated by the two existing buildings. In addition, the recently approved CVS pharmacy to the east is expected to add additional traffic. As shown in the table below, the total traffic volume for the Starbucks and CVS approximately triples the traffic volume compared to the existing conditions.

It's expected that more traffic would use Fairfield Drive to enter the site than for exiting. The majority of the traffic would be on Olive Avenue for entering and exiting the site. It should be noted that traffic leaving the drive thru would be "metered" out one car at a time due to the nature of the business only serving one car at a time. This would help alleviate a large number of vehicles trying to exit the site at once which would reduce the impact of vehicles exiting the site onto Olive Avenue or Fairfield Drive.

The overall volume of traffic generated by this use is significantly higher than the existing uses. Therefore, the number of vehicles on Fairfield Drive would likely increase with vehicles both entering and exiting the site. In an effort to alleviate some of this impact, staff has included a condition to require an additional dedicated right-hand turn lane from Fairfield Drive onto M Street be striped and marked and the area on M Street adjacent to the intersection with Fairfield Drive be marked as "Keep Clear" or "Do Not Block" (see the map at Attachment F).

It should be noted that this Starbucks would replace the existing Starbucks located at 580 West Olive Avenue (west of M Street). Therefore, a large amount of traffic in the area would remain, but be re-routed to this site rather than to the existing location. Because of the drive-thru, additional traffic may be drawn to this site, but many of the existing customers who frequent the current location would come to the general area and be re-routed to the west side of M Street rather than the east side. Considering this, the number of trips calculated to be generated by this use are a duplication of the vehicles already on Olive Avenue and M Street going to the existing Starbucks.

Based on Table 4.4 of the *Merced Vision 2030 General Plan*, Olive Avenue from R Street to M Street is currently operating at a Level of Service (LOS) C+ and is estimated to continue operating at this level through 2030. From M Street to G Street, Olive Avenue is also operating at LOS C+ and is expected to operate at LOS D by the year 2030. The City of Merced has established a LOS D as an acceptable level of service for roadways throughout the City. Therefore, even with the additional traffic, it is not expected that Olive Avenue would drop below an acceptable level of service.

Because the site could be accessed from any of the 5 driveways on Olive Avenue and Fairfield Drive, cross access agreements would be required to allow traffic to flow through the adjacent properties (Condition #25).

### **Parking**

- C) The parking requirements for restaurants (including coffee shops) is 1 space for each 2.5 seats. The proposed project includes a total of 50 seats both inside and outside. Therefore, the minimum parking requirements for this project is 20 spaces. As shown on the site plan at Attachment B, the site includes 17 parking spaces. An additional 5 parking spaces would be provided on the CVS site to the east. The proposed spaces along Olive Avenue are 8 ½ feet wide and the spaces on the east side of the building are 9 feet wide. All spaces are required to meet City Standards (Condition #20).

As required by the Merced Municipal Code, a joint parking agreement shall be provided to ensure the additional spaces are provided. This agreement must be signed by all parties and recorded with the Merced County Recorder. In the event, an agreement could be not

be reached with the property owner to the east, an agreement could be executed with any property owner within 400 feet of the site. If additional parking cannot be provided on another site, the number of seats shall be reduced to comply with the number of parking spaces provided (refer to Condition #19).

### **Building Design**

- D) The building would be approximately 2,200 square feet. The building would have a stucco and wood grain aluminum siding finish with canopies covering the windows (including the drive-thru window) and entrance to the building (Attachment D). A trellis constructed of steel columns and wood timbers on top would be constructed on the east side of the building in the outdoor seating area (Attachment E).

### **Site Design**

- E) As previously described, the site is located west of the recently approved CVS Pharmacy and south of the recently approved Stealth Mono-Pine Cell Tower (Attachment B). The site would have access from both Olive Avenue and Fairfield Drive.

The drive-thru entrance is at the northeast corner of the building (Attachments B and C). Vehicles would enter the drive-thru and travel west around the building, pick up their order on the west side of the building, and exit facing south. Once a vehicle has exited the drive-thru lane, it could exit onto Olive Avenue or Fairfield Drive through any of the five available driveways. Because the site is comprised of individual parcels, cross access agreements are required to allow vehicles to travel across all the properties involved (Condition #25). In order to provide more stacking room for vehicles, Condition #26 requires the order point in the drive-thru lane be moved to the west.

### **Landscaping**

- F) Landscaping is required to be installed throughout the site and should be integrated to either match or coordinate with the landscaping on the CVS site. Parking lot trees are required per City Standard at a ratio of one tree for every six parking spaces. A conceptual landscaping plan is provided at Attachment G. A detailed landscape and irrigation plan shall be submitted at the building permit stage. All landscaping is required to comply with all requirements of the City's Water Efficient Landscaping and Irrigation Ordinance (Conditions #14 and #22).

### **Neighborhood Impact/Interface**

- G) The project site is surrounded by commercial uses, other than the Franciscan Convalescent Hospital to the northeast across Fairfield Drive. Starbucks should not impact the neighborhood with noise or other nuisances, as this type of use is typically quiet and non-intrusive. Lighting from the site would be required to be shielded so as not to spill-over onto adjacent properties (Condition #12). Condition #26 requires the order point to be moved further west which will allow more stacking room for vehicles, but also moves the intercom further away from the convalescent hospital.

The greatest impact from the site would be the amount of traffic generated as a result of the Starbucks. As described in the Traffic/Circulation section above, the Starbucks is expected to generate approximately two times the amount of traffic currently going to and from the site. It's anticipated that the majority of the traffic would enter and exit from Olive Avenue, but some of the vehicles would exit onto Fairfield Drive to get to M Street or through the Merced Mall parking lot to get back to Loughborough Drive or Olive Avenue. Although the number of vehicles generated by this use would substantially increase, because the vehicles would be leaving the site typically one at a time as they leave the drive-thru, there should not be a huge influx of vehicles all at once.

### **Signage**

- H) The project site is located within the area subject to the North Merced Sign Ordinance. As such, signing is calculated based on building frontage (two building frontages are allowed to be used for calculation purposes) and setback. Based on the proposed design, the building would be allowed 29 square feet of signing on the eastern elevation and 25.25 square feet of signing on the southern elevation. The maximum amount of signing allowed on any building side shall not exceed 50% of the total allowable sign area or the maximum amount of sign area allowed for that side, whichever is greater, except by approval of an Administrative Conditional Use Permit. Any signing used on a monument sign, shall be deducted from the sign area calculations above.

The applicant has not provided a specific sign proposal. Conditions #17 and #18 requires all signing to comply with the North Merced Sign Ordinance. No signing would be allowed on the trellis over the outdoor seating area.

### **Environmental Clearance**

- I) The Planning staff has conducted an environmental review (#15-40) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption is being recommended (Attachment H).

### **Attachments:**

- A) Location Map
- B) Overall Site Plan showing CVS
- C) Focused Site Plan showing building and drive-thru
- D) Building Elevations
- E) Trellis Design
- F) Modifications to M St. & Fairfield Dr.
- G) Conceptual Landscaping Plan
- H) Categorical Exemption
- I) Draft Planning Commission Resolution



UA  
Theater

Franciscan  
Convalescent  
Hospital

M

FAIRFIELD

Gonella  
Realty

Subject  
Site

El Pollo  
Loco

OLIVE

Offices

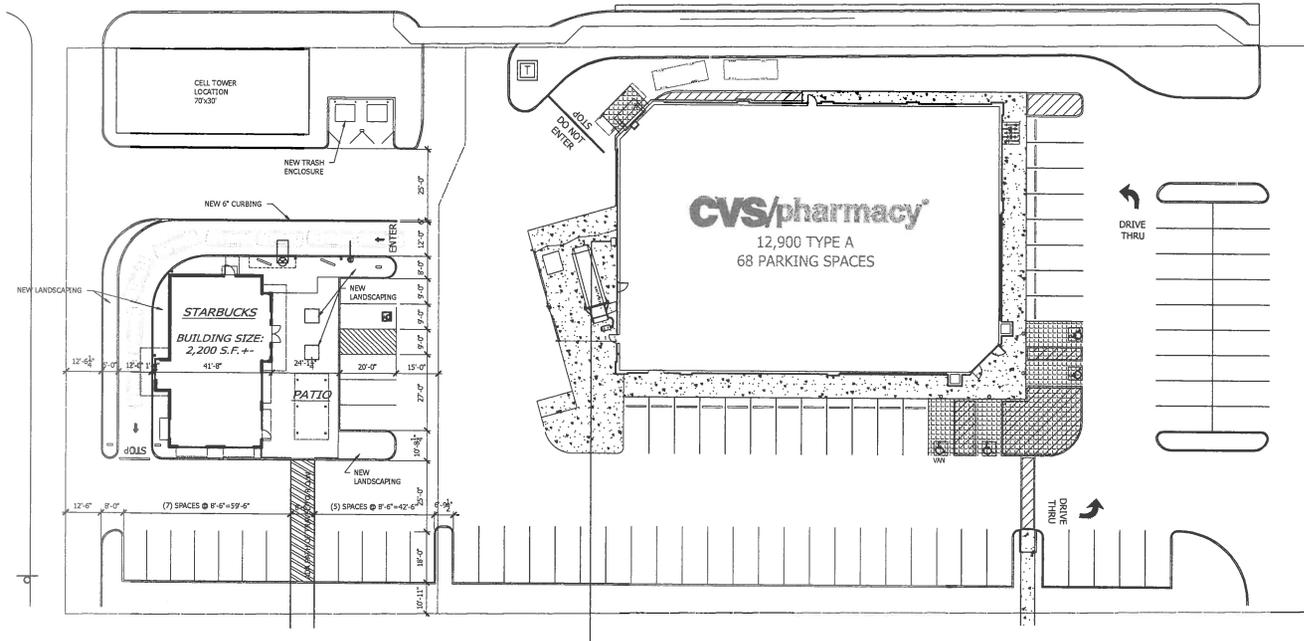
Social Security  
Administration

OLIVEWOOD



ATTACHMENT A

ATTACHMENT B



**SITE PLAN**  
SCALE: 1"=20'-0"

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NO.	REVISIONS	DATE

**ALC collaborative**  
1135 E. SHAW BLVD. SUITE 100  
MILPITAS, CA 95035  
TEL: 408.354.2713

**SITE PLANNING**  
SUNNYVALE, CA

DRAWN BY: JRL  
CHECKED BY: -  
JOB #: 15031  
DATE: 3.4.2015

SD1.1



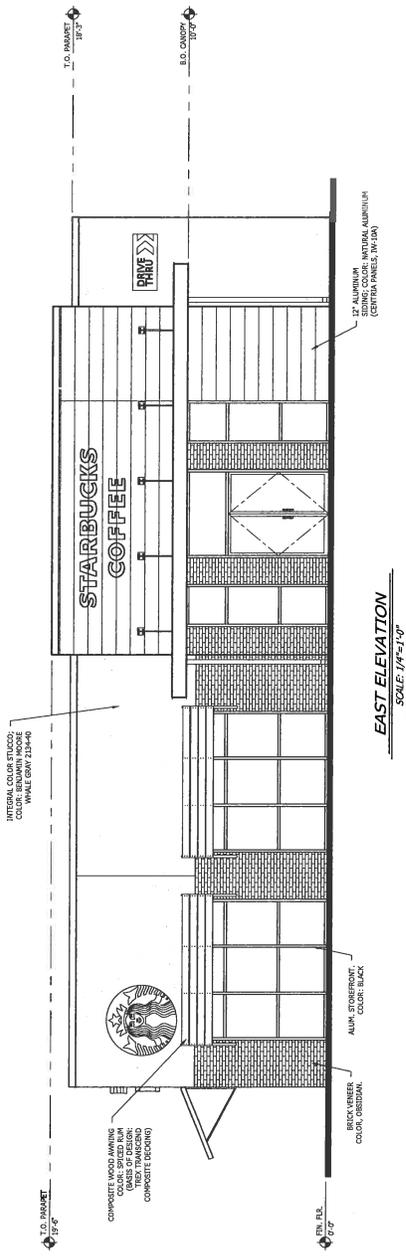
NO.	REVISIONS	DATE

ALC collaborative  
1119 E. 52nd Street, Suite 120 - Englewood, CO 80150  
303.516.2713

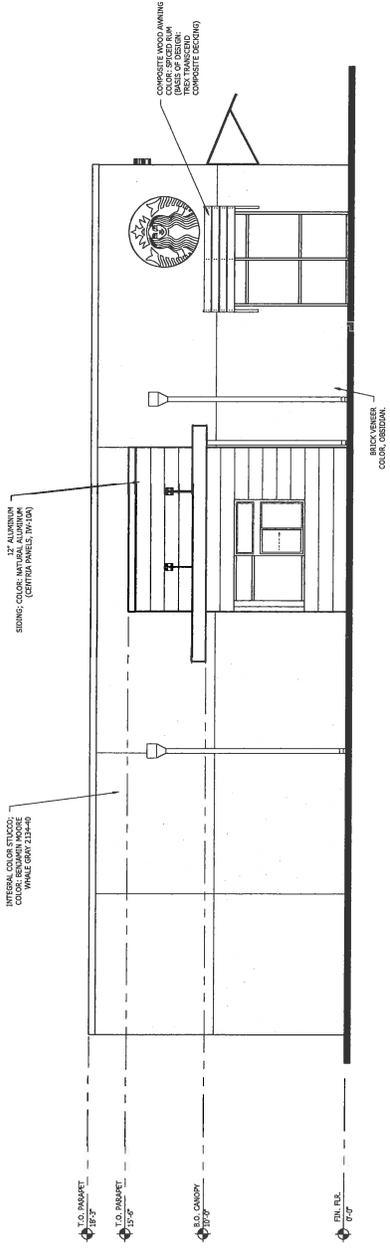
STARBUCKS  
SITE DEVELOPMENT  
OLIVE AND H STREET  
PERKED, CO.

DRAWN BY: JRL  
CHECKED BY: 15031  
JOB #: 12.30.2015  
DATE:

A4.2



**EAST ELEVATION**  
SCALE: 1/4"=1'-0"



**WEST ELEVATION**  
SCALE: 1/4"=1'-0"

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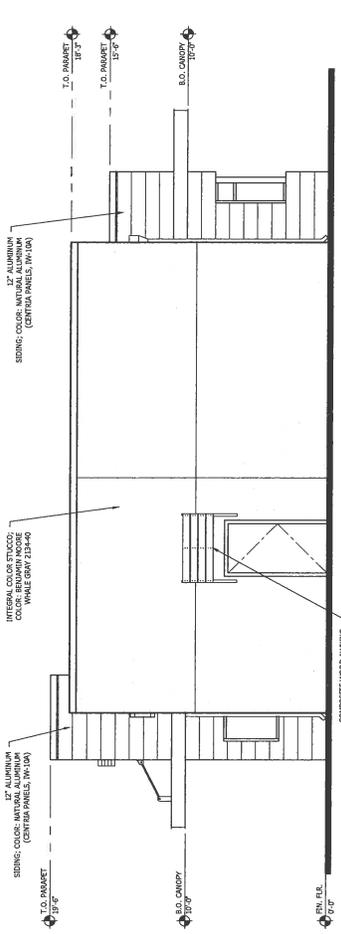
NO.	REVISIONS	DATE

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 1119 E. STATE STREET, SUITE 120 - CARMEL, IN 46813  
 208.514.2713

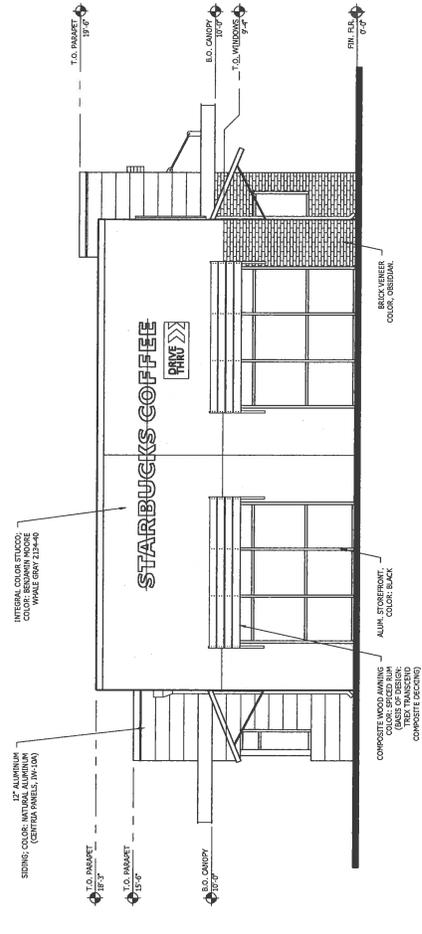
STARBUCKS  
 SITE DEVELOPMENT  
 OLIVE AND M STREET  
 MCKEAN, CA

DRAWN BY: JRL  
 CHECKED BY: 15031  
 JOB #  
 DATE: 12.30.2015

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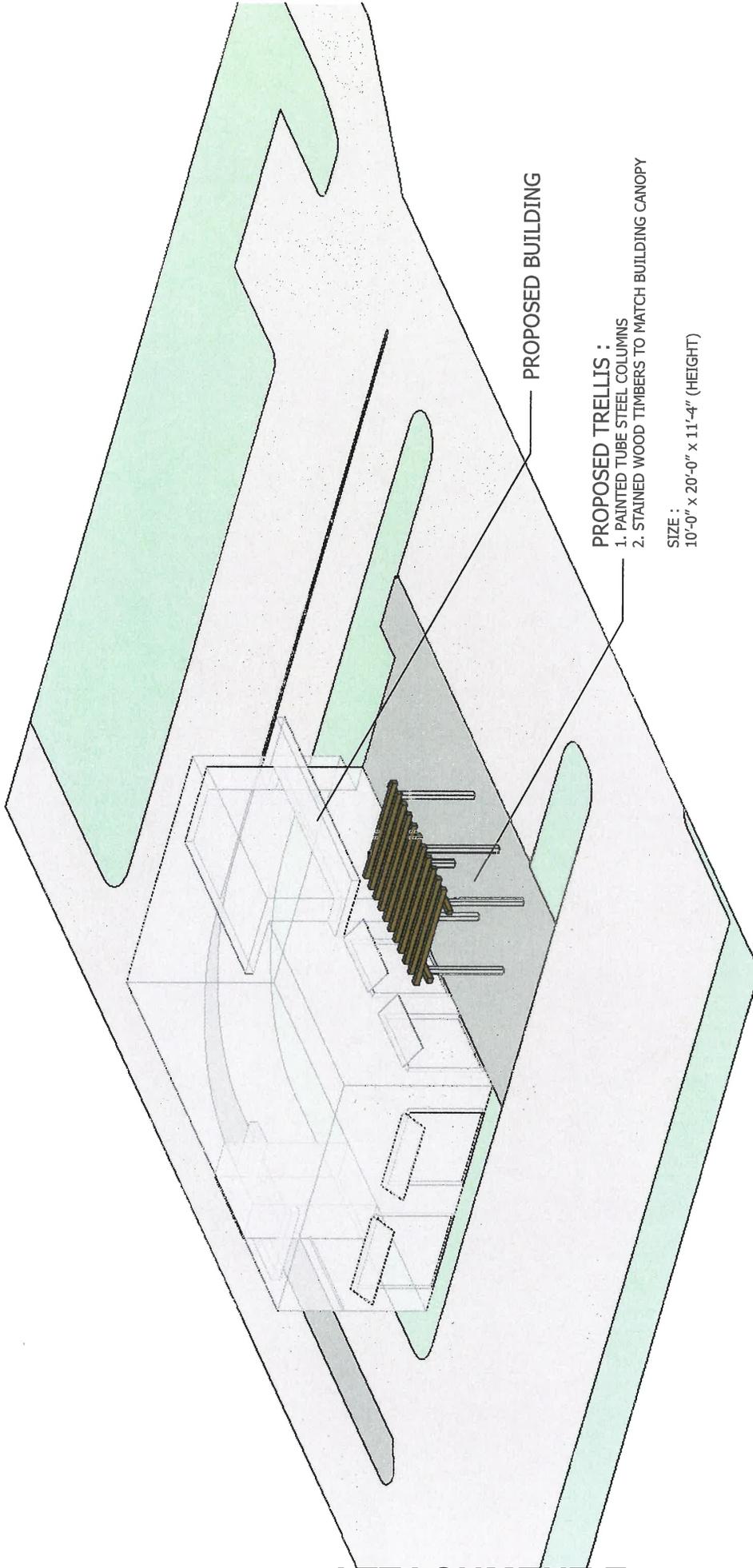


**NORTH ELEVATION**  
 SCALE: 1/4"=1'-0"



**SOUTH ELEVATION**  
 SCALE: 1/4"=1'-0"

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PROPOSED BUILDING

PROPOSED TRELLIS :

- 1. PAINTED TUBE STEEL COLUMNS
- 2. STAINED WOOD TIMBERS TO MATCH BUILDING CANOPY

SIZE :  
10'-0" x 20'-0" x 11'-4" (HEIGHT)

# ATTACHMENT E



KEEP CLEAR

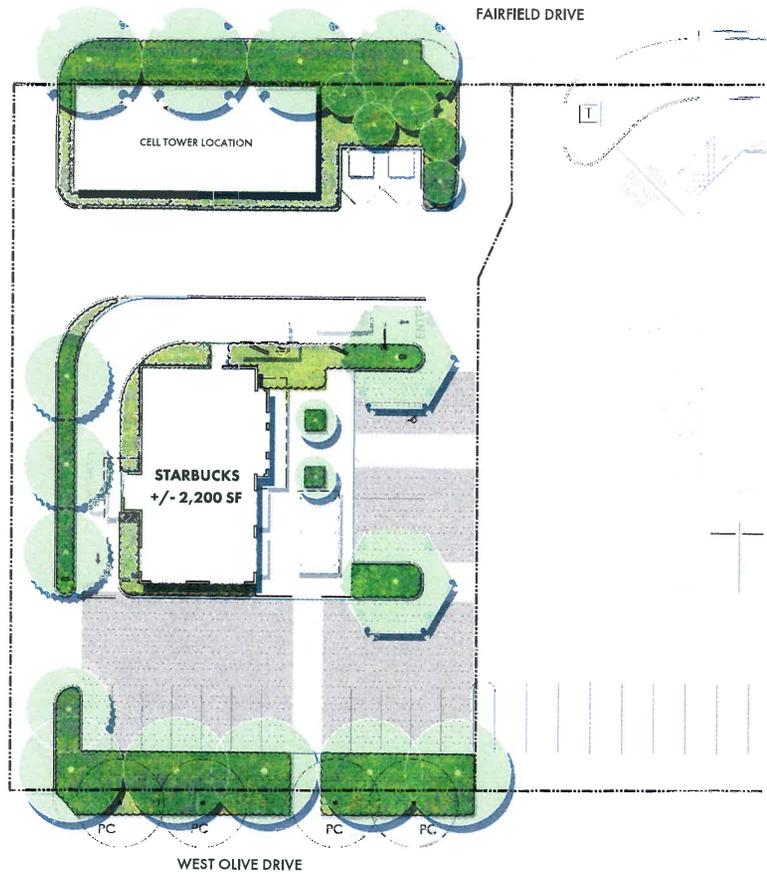
FAIRFIELD

ONLY

ONLY

M

ATTACHMENT F



### CONCEPTUAL PLANT LIST

Botanical Name	Common Name	Size	Spacing
<b>Trees</b>			
Lagerstroemia x 'Miami' (I)	Dark Pink Crape Myrtle	15 Gal.	Per Plan
Liliodendron tulipifera (M)	Tulip Tree	15 Gal.	Per Plan
Lilja cordata 'Greenspire' (M)	Little Leaf Linden	15 Gal.	Per Plan
Quercus rubra (M)	Red Oak	15 Gal.	Per Plan
Leukopa serotina 'Village Green' (M)	Japanese Zelkova	15 Gal.	Per Plan

### Site Planting

Rubine frutescens 'Hailmark' (I)	Orange Stalked Bulbine	1 Gal.	4' O.C.
Calamagrostis x acutiflora 'Overdam' (L)	Overdam Heather Reed Grass	1 Gal.	24" O.C.
Cistus salvifolius 'prostratus' (I)	White Sageleaf Rockrose	5 Gal.	4' O.C.
Cistus 'Sunset' (I)	Magnolia Rockrose	5 Gal.	6' O.C.
Cercaloligma plumbaginoides (M)	Dwarf Blue Plumbago	1 Gal.	4' O.C.
Cortegris 'Tecuilo Sunrise' (L)	Tecuilo Sunrise Tickseed	1 Gal.	18" O.C.
Deschampsia caespitosa (I)	Tufted Hair Grass	1 Gal.	24" O.C.
Dianella revoluta 'Little Rav' (L)	Little Rav Flax Lily	1 Gal.	24" O.C.
Dietes bicolor (L)	Fornight Lily	1 Gal.	36" O.C.
Echinacea purpurea 'Magnus' (M)	Magnus Purple Coneflower	1 Gal.	36" O.C.
Gaura lindheimeri 'Passionate Blush' (M)	Passionate Blush Gaura	1 Gal.	24" O.C.
Hesperaloe parviflora 'Perla' (L)	Brakeflights Red Yucca	1 Gal.	3.5' O.C.
Lantana montevidensis 'Spreading White' (I)	White Trailing Lantana	5 Gal.	4' O.C.
Lomandra longifolia 'Breeze' (L)	Dwarf Mat Rush	1 Gal.	36" O.C.
Mimulus aurantiacus 'Orange' (L)	Orange Monkey Flower	1 Gal.	36" O.C.
Miscanthus sinensis 'Gold Bar' (M)	Gold Bar Maiden Grass	5 Gal.	3.5' O.C.
Muhlenbergia lindheimeri 'Leri' (L)	Autumn Glow Muhly	5 Gal.	36" O.C.
Parthenocissus tricuspidata (M)	Boston Ivy	1 Gal.	Per Plan
Prunus caroliniana 'Monus' (L)	Bright 'N'ight Carolina Laurel	5 Gal.	6' O.C.
Rosa x 'Nadia' (M)	Flower Carpet Coral Rose	1 Gal.	36" O.C.
Rudbeckia hirta 'Indian Summer' (M)	Indian Summer Black-Eyed Susan	1 Gal.	24" O.C.
Salvia 'Bee's Bliss' (L)	Creeping Sage	1 Gal.	6' O.C.
Salvia chamaedryoides (L)	Mexican Blue Sage	1 Gal.	18" O.C.
Salvia spathacea (L)	Hummingbird Sage	1 Gal.	4' O.C.
Viburnum tinus 'Compactum' (M)	Spring Bouquet Laurustinus	5 Gal.	5' O.C.

### Existing Planting

- EXISTING STREET TREES TO REMAIN: Purpleleaf Plum
- Prunus cerasifera (PC)

### Tree Root Barrier

Tree Root Barrier, 24" depth, continuous barrier. Install at edge of paving where trees are planted closer than 6' to the edge of paving. Center on tree and extend 6' in each direction.

- (L) Low water use plant material per W.U.C.O.L.S. Guidelines.
- (M) Medium water use plant material per W.U.C.O.L.S. Guidelines.

### SHADE REQUIREMENT

Area included in calculating shade requirement. Includes parking stalls and backup area. Total area 5,956 square feet.

This project includes 17 parking spaces. Per the City of Merced's Parking Lot Landscape Standards, Sheet L-3, a minimum of 3 trees are required to meet a ratio of 1 tree per 6 parking spaces. The proposed tree species have a minimum 30-foot canopy at maturity. The arrangement of trees within and around the parking lot will provide 47% shade coverage within 15 years from planting, per City standards to approximate a 50% shade coverage.

### PROJECT IRRIGATION NARRATIVE

The project consists of 8,473 square feet of total landscape area. The landscape areas consist of mixed medium water use planting areas as defined by W.U.C.O.L.S. guidelines. The irrigation system is comprised of sub-surface drip irrigation for shrub and groundcover planting areas and sub-surface deep watering bubblers for trees. The irrigation water source for the project is potable water from new points of connection to the municipal water source.

All planted areas will be irrigated by a fully automatic, high efficiency system, controlled by an evapotranspiration data based smart irrigation controller. The system will be designed to prevent runoff. Irrigation emission devices will meet ANSI & ASAB/IRCA standards, and each automatic valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil, and plant materials. The irrigation design will meet current Model Water Efficient Landscape Ordinance (MWELO) guidelines and standards.



DATE: \_\_\_\_\_  
 REVISIONS: \_\_\_\_\_  
 NO. \_\_\_\_\_



SITE DEVELOPMENT:  
**CONCEPTUAL LANDSCAPE PLAN**  
 CLIENT: CID 18 STREET  
 DRAWN BY: CRL  
 CHECKED BY: JS  
 JOB #: 15031  
 DATE: 12.16.2015



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**NOTICE OF EXEMPTION**

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**To:** \_\_\_\_\_ Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

**From: (Public Agency)**  
City of Merced  
678 West 18th St.  
Merced, CA 95340

X  County Clerk  
County of Merced  
2222 M Street  
Merced, CA 95340

**Project Title:** Conditional Use Permit #1210 (Environmental Review #15-40)

**Project Applicant:** AL Architecture, on behalf of SEW Enterprises, LLC, property owners

**Project Location (Specific):** 645 W. Olive Ave. **APN:** 236-220-020

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

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

The project involves demolition of an existing 3-story office building and the construction of a new 2,200-square-foot coffee shop with a drive-thru.

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

**Name of Person or Agency Carrying Out Project:** Sal Martinez for MT2 Telecom

**Exempt Status:** (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. Section Number: Section 153032 (in-fill Development Projects)
- Statutory Exemptions. State Code Number: \_\_\_\_\_.
- General Rule (Sec. 15061 (b)(3))

**Reasons why Project is Exempt:** Project is considered an in-fill development project. The project location is within the City limits on a 2.2 acre parcel surrounded by urban uses. The site can be served by all required utilities and public services, and the project site has no value as habitat for endangered, rare or threatened species. No significant effects resulting from traffic, noise, air quality, or water quality will result from the subdivision of the lots. The project is consistent with the City of Merced General Plan and Zoning regulations.

**Lead Agency:** City of Merced

**Contact Person:** Julie Nelson, Planner

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

**Signature:**  **Date:** 1-11-16 **Title:** Associate Planner

X  Signed by Lead Agency Date Received for Filing at OPR: \_\_\_\_\_  
(If applicable)

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

**CITY OF MERCED  
Planning Commission**

**Resolution #3063**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of February 3, 2016, held a public hearing and considered **Conditional Use Permit #1210**, initiated by AL Architecture on behalf of SEW Enterprises, LLC, property owners. This application involves a request to construct a new 2,200-square-foot drive-thru coffee business on an approximately 1-acre parcel, located on the north side of Olive Avenue, approximately 120 feet west of M Street (645 West Olive Avenue). This parcel is located within Planned Development (P-D) #1 and has a Regional/Community Commercial (RC) General Plan designation.; also known as Assessor's Parcel No. 236-220-019 and -020; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through I of Staff Report #16-05; and,

**NOW THEREFORE**, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #15-40, and approve Conditional Use Permit #1210, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and carried by the following vote:

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

ABSTAIN: Commissioner(s)

ATTACHMENT I

PLANNING COMMISSION RESOLUTION #3063

Page 2

February 3, 2016

Adopted this 3<sup>rd</sup> day of February 2016

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Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

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Secretary

Attachment:

Exhibit A – Conditions of Approval

n:shared:planning:PC Resolutions: CUP#1210 Starbucks Drive thru

**Conditions of Approval**  
**Planning Commission Resolution #3063**  
**Conditional Use Permit #1210**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (overall site plan), Exhibit 2 (focused site plan), Exhibit 3 (building elevations), and Exhibit 4 (trellis elevations) -- Attachments B, C, D, and E of Staff Report #16-05, except as modified by the conditions.
2. All conditions contained in Resolution #1249-Amended (“Standard Conditional Use Permit Conditions”) shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

6. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
7. The developer shall work with the City Engineer to determine the requirements for storm drainage on the site. All storm water shall be captured on-site and metered into the City's storm water system. The developer shall provide all necessary documentation for the City Engineer to evaluate the storm drain system. All storm drain systems shall be installed to meet City Standards.
8. All driveways into the site shall meet City Standards, including handicap accessibility requirements.
9. The project shall comply with all the Post Construction Standards required to comply with state requirements for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).
10. As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repared if the permit value of the project exceeds \$85,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
11. A backflow prevention device shall be provided for all water services (i.e., domestic, irrigation, and fire) with appropriate screening of those devices installed. Details to be worked out with staff.
12. Parking lot and building lighting shall be shielded or oriented in a way that does not allow "spill-over" onto adjacent lots in compliance with the California Energy Code requirements. Any lighting on the building shall be oriented to shine downward and not spill-over onto adjacent properties.
13. Parking lot trees shall be installed per the City's Parking Lot Landscape Standards. Trees shall be a minimum of 15-gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected

from the City's approved tree list). Trees shall be installed at a ratio of at least one tree for each six parking spaces.

14. Concurrent with or prior to the submittal of a Building Permit Application, the applicant shall submit to the Development Services Department a detailed landscape plan that is consistent with the City's Water Efficient Landscaping & Irrigation Ordinance (Merced Municipal Code 17.60) and all state-mandated drought restrictions.
15. Prior to any demolition work being done (interior or exterior), the applicant shall obtain all necessary approvals from the San Joaquin Valley Air Pollution Control District and a demolition permit from the City of Merced Inspection Services Department if required.
16. Bicycle racks shall be provided at a minimum ratio equal to 5% of the vehicular parking spaces.
17. All signing shall comply with the North Merced Sign Ordinance. As proposed, the eastern elevation would be allowed 29 square feet of signing and 24.25 square feet of signing on the southern elevation for a total of 53.25 square feet of sign area. The maximum amount of signing allowed on any building side shall not exceed 50% of the total allowable sign area or the maximum amount of sign area allowed for that side, whichever is greater, except by approval of an Administrative Conditional Use Permit. No signage (temporary or permanent) shall be allowed on the trellis over the outdoor seating area.
18. If a monument sign is proposed, any sign area allotted to the monument sign shall be deducted from the overall allowable sign area described in Condition #17. Monument signs shall comply with requirements of Merced Municipal Code Section 17.36.665. A monument sign shall not be located within the 10-foot visual corner at any driveway entrance.
19. If sufficient parking cannot be provided on the site, additional parking may be provided within 400 feet of the site. A joint parking agreement, as required by Merced Municipal Code (MMC) Section 20.58.370, shall be entered into by all parties involved and shall be recorded with the Merced County Recorder's Office per the requirements of MMC Section 20.58.400 E. If said parking agreement cannot be provided, the number of seats provided on site shall be reduced to meet the number of parking spaces provided.

20. All parking spaces shall meet City Standards. If a vehicle overhangs onto a pedestrian area, the pedestrian area shall have a minimum 4-foot clear width.
21. A Public Utilities Easement (PUE) shall be granted along the property frontage on Olive Avenue or Fairfield Drive, the applicant shall dedicate the area needed (as determined by the City Engineer) for the PUE prior to building permit issuance.
22. Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray system in accordance with the State's Emergency Regulation for Statewide Urban Water Conservation or any other state or city mandated water regulations dealing with the current drought conditions.
23. The on-site landscape design shall include the use of xeriscape landscaping and avoid the use of turf as much as possible.
24. The applicant shall work with the City's Refuse Department to determine the best location for the refuse enclosure. The enclosure shall be constructed per City Standards.
25. Conditions, Covenants, and Restrictions (CC&R's) shall be recorded prior to the issuance of a building permit providing cross access to all property owners served by the existing driveways on Olive Avenue and Fairfield Drive.
26. The "order point" as shown on the site plan (Exhibit 2 – Attachment C of Staff Report #16-05) shall be moved to the west to allow more stacking room in the drive-thru aisle prior to reaching the order point.
27. The developer shall work with the City Engineering Department to design a striping plan to create two right turn lanes from Fairfield Drive onto M Street to help guide traffic into the through lanes rather than into the left turn lane at M Street and Olive Avenue as well as "Keep Clear" or "Do Not Block" markings as shown on Attachment F of Staff Report #16-05.
28. All mechanical equipment shall be screened from public view.
29. The premises shall remain clean and free of debris and graffiti at all times.

n:shared:planning:PC Resolutions: CUP#1210 Exhibit A