

RESOLUTION NO. 2021-94

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL APPROVING APPEAL DE NOVO OF PLANNING COMMISSION ACTION AT THEIR MEETING ON MARCH 11, 2021 TO DENY CONDITIONAL USE PERMIT UP 2020-01 TO CONVERT AN EXISTING COMBINATION RESTAURANT/TAKE-OUT FACILITY WITH A DRIVE-THRU (BURGER KING) TO A MORE INTENSIFIED TAKE-OUT FOOD ESTABLISHMENT WITH A DRIVE-THRU (STARBUCKS) AT 200 RESERVATION ROAD (APN: 032-181-019-000), THEREFORE, AND APPROVING THE CONDITIONAL USE PERMIT, SUBJECT TO CONDITIONS

WHEREAS, on March 11, 2021, the City of Marina Planning Commission duly held and opened a public hearing and denied a Conditional Use Permit (CUP) to allow the conversion of an Existing Combination Restaurant/Take-Out Facility with a Drive-thru (Burger King) to a more Intensified Take-Out Food Establishment with a Drive-Thru (Starbucks); and,

WHEREAS, the City of Marina City Council, following a duly held noticed public hearing on August 17, 2021, considered the appeal of John Bridges or Fenton & Keller of the Planning Commission's denial of the CUP, public testimony and comment, and the staff report prepared for the hearing upon this appeal and all attachments to said report; and,

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Marina hereby approves the appeal, thereby approving the CUP, subject to the following findings and conditions of approval

Findings

That the project as proposed and conditioned will be constructed, and so located, that the project, as conditioned, will:

1. Not under the circumstance of the particular use be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use in that the proposed use will be conducted within an enclosed building, on a patio or within a dedicated drive-thru lane.
2. Not under the circumstances of the particular use be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the city, in that the use is within a commercial area, will be conducted within an enclosed building and is so conditioned so that the pedestrian access to the site will be accomplished in a safe manner.

Conditions of Approval

1. That the project shall be implemented in accordance with the plans and use description submitted to the Planning Division January 11, 2021 (**EXHIBIT A**), except as conditioned, herein.
2. That the applicant shall submit revised plans as part of the Site and Architectural Design Review Application, for review and approval by the Planning Commission that shows, in addition to standards application requirements for Site and Architectural Design Review applications:
 - a. Reconfiguration of the drive-thru to be wholly within the required setbacks for the zoning district while maintaining queuing for 13 automobiles, and,

- b. Modifications to the proposed pedestrian access from Del Monte Boulevard and Reservation Road to provide safer and crossing that is more visible to motorists,
 - c. A Parking Demand Management Program in accordance with Zoning Ordinance section 17.44.070.E.1. that includes an easement, to be recorded with the County of Monterey, between adjacent parcels 3148 Del Monte Boulevard (existing Starbucks and Las Cazuealas) and 200 Reservation Road (existing Burger King) that results in a net increase of two parking spaces being available for the project.
3. That the applicant shall agree as a condition of approval of this project to defend, at its sole expense, indemnify and hold harmless from any liability the City and reimburse the City for any expenses incurred resulting from, or in connection with, the approval of the project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
4. Permit Expiration - This permit will expire 12 months from the date of approval by the Planning Commission, unless a valid building permit has been issued and construction of the project has commenced prior to expiration. The applicant may apply for an extension of this permit, by submitting an extension request application and applicable fees, no less than 30 days prior to expiration date. No renewal notice will be sent to the applicant or property owner.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 17th day of August 2021, by the following vote:

AYES, COUNCIL MEMBERS: Medina Dirksen, Berkley, Biala, Delgado

NOES, COUNCIL MEMBERS: None

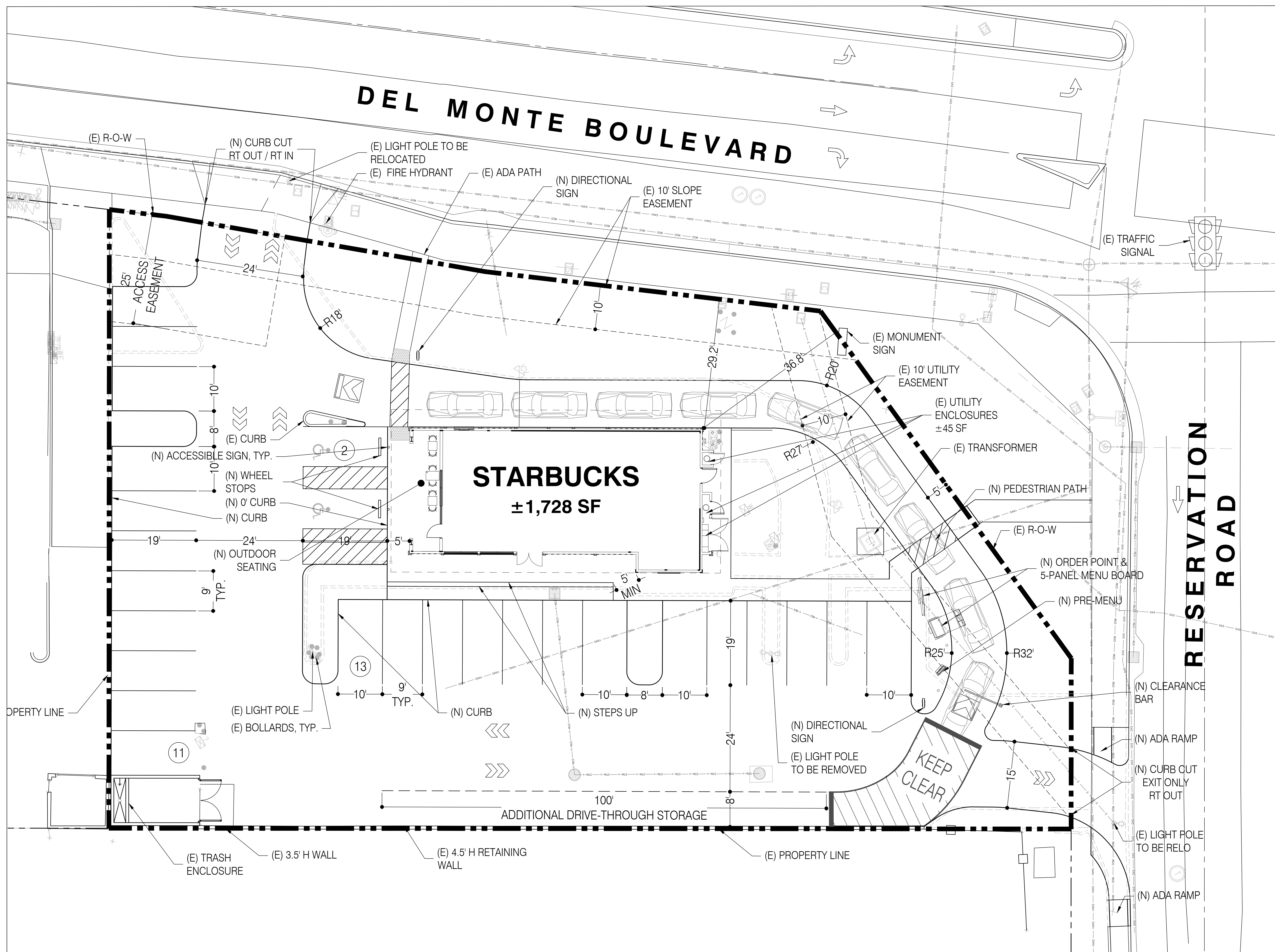
ABSTAIN, COUNCIL MEMBERS: Burnett

ABSENT, COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk



PROJECT INFORMATION

ZONING CLASSIFICATION

JURISDICTION CITY OF MARINA, CA
EXISTING ZONE C1 (RETAIL BUSINESS DISTRICT)

SITE AREA

SITE AREA: ±0.57 AC (±24,725 SF)

BUILDING INFORMATION

BUILDING AREA ±1,728 SF
UTILITY ENCLOSURES ± 40 SF
TOTAL GROSS BUILDING AREA ±1,769 SF

PARKING SUMMARY

EXISTING PARKING		SPACES PROVIDED
USER		
EXISTING BUILDING		
STANDARD		22
ACCESSIBLE		2
TOTAL		24

PROPOSED PARKING			
USER	RATIO REQUIRED	SPACES REQUIRED	SPACES PROVIDED
STARBUCKS	8 SP + 1 SP/100 SF	26	
STANDARD			24
ACCESSIBLE			2
TOTAL		26	26

PROJECT NOTES

- THIS CONCEPTUAL SITE PLAN IS FOR PLANING SUBMITTAL PURPOSES ONLY.
- THIS SITE PLAN IS BASED ON ALTA SURVEY DRAWN BY BASE CONSULTING GROUP, DATED 9/24/2019.

DRAWING ISSUE/REVISION RECORD

DATE	NARRATIVE	INITIALS
08.05.2019	PREP SP-EX EXISTING CONDITIONS	II
12.30.2019	PREP SP-1	MM
02.14.2020	PREP SP-2	JN
12.18.2020	PREP SP-3	II

GREENBERG FARROW CONTACTS

PROJECT MANAGER I.BRAHIMBEGOVIC
SITE DEV. COORDINATOR F.CODA

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of August 17, 2021

CITY COUNCIL OPEN A PUBLIC HEARING, TAKE ANY TESTIMONY FROM THE PUBLIC, AND CONSIDER APPEAL OF PLANNING COMMISSION DENIAL OF CONDITIONAL USE PERMIT UP 2020-01 TO CONVERT AN EXISTING FAST-FOOD RESTAURANT WITH A DRIVE-THRU (BURGER KING) TO A MORE INTENSIFIED TAKE-OUT ESTABLISHMENT WITH A DRIVE-THRU (STARBUCKS) AT 200 RESERVATION ROAD (APN: 032-181-019).

RECOMMENDATION:

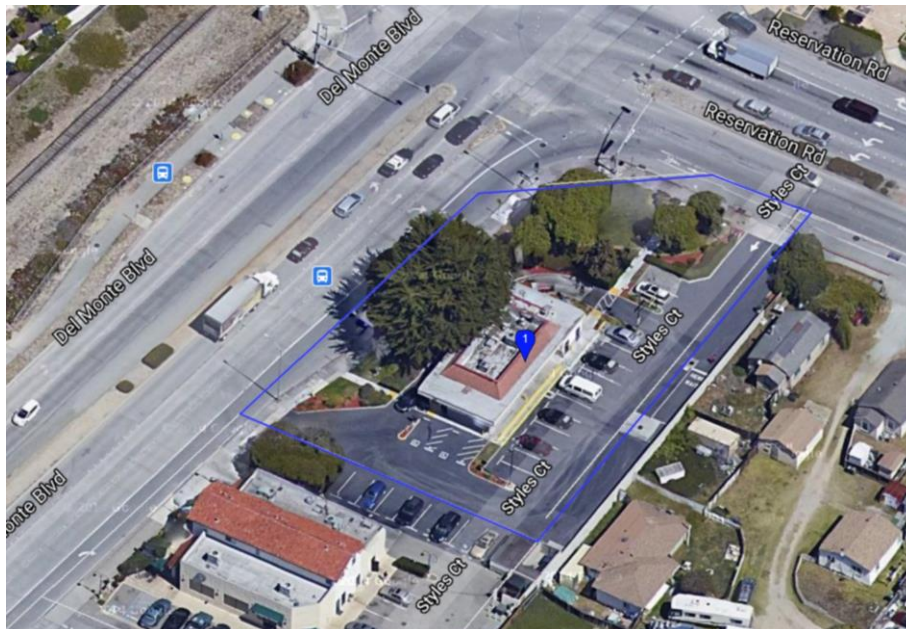
The City Council take the following action:

- 1) Open a public hearing and take any testimony from the public; consider adopting Resolution No. 2021-____, to deny an appeal *de novo* of the March 11, 2021 Planning Commission decision to deny an application from Starbucks for Conditional Use Permit UP 2020-01 to Convert an Existing Fast-Food Restaurant with a Drive-thru (Burger King) to a more Intensified Take-Out Establishment with a Drive-Thru (Starbucks) at 200 Reservation Road (APN: 032-181-019).

BACKGROUND:

The project site is located at 200 Reservation Road, within the City of Marina. The site is zoned C-1 (Retail Business District) with a General Plan designation of Retail/Service and is located in an area proposed for inclusion within the Downtown Vitalization Specific Plan Area. Neighboring properties share the same zoning and General Plan land use designations.

The site is currently occupied by a single-story building constructed in the late 1970s as a Del Taco restaurant and is currently occupied by a Burger King fast food restaurant chain restaurant with a drive-thru lane. The building entrances are located on the south and east sides of the building. The drive thru entrance is located on the east side of the building and wraps around to the west side of the building. See existing photos below:



Location of 200 Reservation Road with existing Burger King Restaurant and Drive-Thru



West Entrance to site from Del Monte Avenue



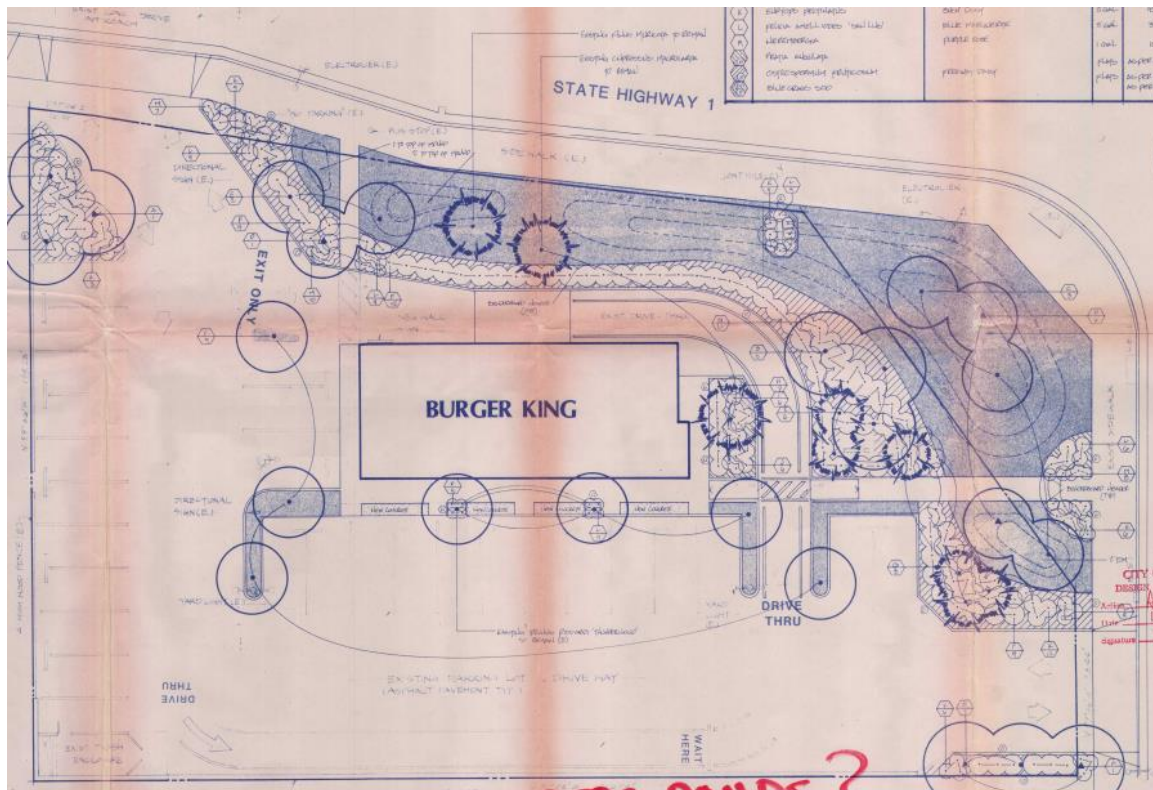
North Entrance to site from Reservation Road



Existing Entrance to Drive-Thru

On August 7, 1978, the Marina Planning Commission approved a Use Permit Application and Site and Architectural Design Review Application to allow a 1,855 square foot Del Taco drive-through/restaurant/take-out facility on the subject site, noting the project's consistence with the Marina Master Plan, proposed General Plan, and the requirements of the Marina Zoning Ordinance.

At that same meeting the Planning Commission approved a Variance to reduce the number of required parking spaces from 27 to 26, citing the physical shape of the corner lot and the fact that 25% of the restaurant's business would be via the drive-through window as factors making the strict application of the Marina Zoning Ordinance inconsistent with the limitations placed upon other properties in the vicinity and under identical zoning classification.



Original/Existing Drive-Thru

The site is accessed by both Reservation Road and Del Monte Avenue. Both existing driveways are two-way in and out of the site. The drive-thru can accommodate approximately five cars. The original site plan required an exterior queuing area on the east side of the property as shown above. Pedestrian access to the building was approved from Del Monte Avenue over the drive-thru lane about 20 feet from the pick-up window on the west side of the building and from Reservation Road in front of the order board on the north side of the building.

The building was later expanded to its current square footage (1,920 square feet) with an addition to the restrooms. Burger King took over the site around 1984 and made modifications to the site's landscaping.

Project Description/ Required Entitlements

GreenbergFarrow, an architecture, engineering, and development services firm, submitted applications for a Site and Architectural Design Review for modifications to the site and building, a Conditional Use Permit to convert the existing combination restaurant/take-out facility with a drive-thru (Burger King) to a more intensified take-out food establishment with a drive-thru (Starbucks Coffee) and a Variance to permit a reconfigured drive-thru lane to encroach into the required 10-foot front yard setback.

On January 3, 2020, the applicant submitted an application for Site and Architectural Design Review (DR2020-01) for modifications to the property (site and building) to convert the existing Burger King Restaurant to a Starbucks Coffee facility. The application received was incomplete and staff prepared a letter outlining the items required for a complete application on January 16,

2020. As part of that letter, the applicant was notified that the conversion an existing fast-food restaurant with drive-through (Burger King) to a more intensified take-out establishment with drive-through (Starbucks) would require a Conditional Use Permit (CUP).

The site is located within the area of the latest draft of the Downtown Vitalization Specific Plan (DVSP). The City is currently in the process of drafting a Downtown Vitalization Specific Plan for the DVSP area which will guide development of the downtown area. In advance of the adoption of the Specific Plan, all developments within the planning area are governed by General Plan Policy 2.63.51 that requires the following: “Prior to approval of any development other than temporary projects/uses or projects already entitled to be built, a specific plan shall be prepared which legally establishes development, design, and infrastructure requirements in accordance with General Plan principles and policies”. However, because the project does not propose an increase in square footage of the building and no new vertical construction is proposed, the City does not classify the change in use as a “development” and did not require a specific plan for this project.

On August 25, 2020, Planning staff received an application for a CUP (UP2020-01) for a change in use that included modifications to the parking, vehicular and pedestrian circulation and access and modifications to the existing drive-thru on the site.

The application, as submitted, was incomplete for the following reasons:

- The location of the drive-through within the 10-foot front setback would require a variance.
- The building, at 1,920 square feet, would require 28 parking spaces, and the applicant proposed only 26.
- A queuing study and site circulation study was required by the City to evaluate the queuing requirements for the proposed use.

In an incomplete letter, staff also alerted the applicant to concerns regarding the lack of dedicated pedestrian access off Reservation Road. Without dedicated access, pedestrians would be forced to use the driveway at Reservation Road to access the building.

In response, the applicant submitted revised plans and an application for a Variance on January 11, 2021. The modifications to the plans included a reduction in floor area from 1,920 to 1,769 square feet to reduce the parking requirement from 28 to 26 spaces. The modifications also included the addition of a pedestrian path from Reservation Road to the existing building and site modifications as recommended by the queuing analysis as described below.

[illegible]

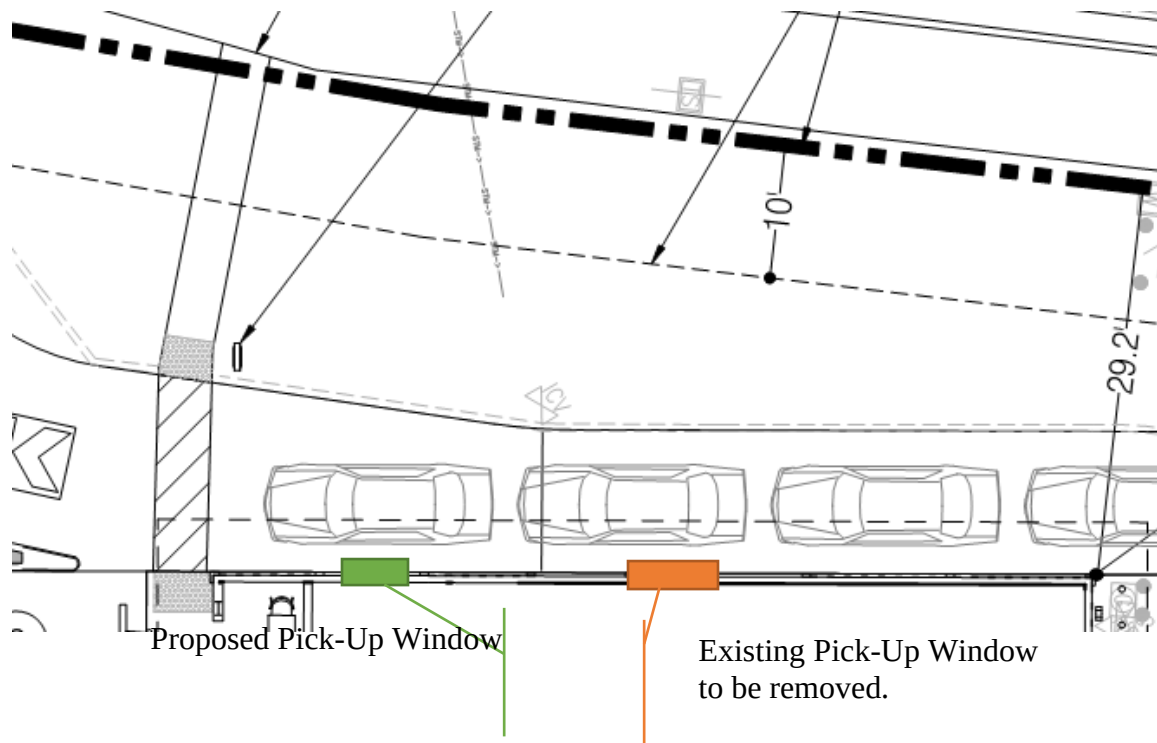
The proposed project includes physical alterations to existing parking, pedestrian and vehicular access to the site, and reconfiguration of the drive-thru. As discussed above, with the change of use, the daily pattern of use can reasonably be assumed to be somewhat different between the existing fast-food restaurant and the proposed use as a coffee shop, particularly for the morning peak hours. Therefore, staff required preparation of a Queuing Analysis to evaluate the queuing requirements for the new use.

At the applicant's expense, the City hired a consultant (Kimley Horn) to prepare the queueing analysis. The analysis was prepared based on the applicant's proposed reconfiguration of the drive thru and found that the proposed 185-foot drive-through provides adequate queueing space for approximately nine vehicles (assuming 20 feet per vehicle). During the AM peak hour there is an 85th percentile probability of eight vehicles in the queue. This means there is at least an 85% chance the proposed drive-through can accommodate the number of vehicles in the queue during the AM peak hour. However, to be conservative, the analysis recommended that the City require a longer queue that can accommodate 13 vehicles—the number of vehicles present during the AM peak hour at the 95th percentile. The drive-through lane would need to be extended by 80 feet to accommodate the additional four vehicles that would spill out from the end of the proposed drive-through lane. The drive-thru extension is noted on the site plan above as "Additional Drive-Through Storage" on the east side of the property.

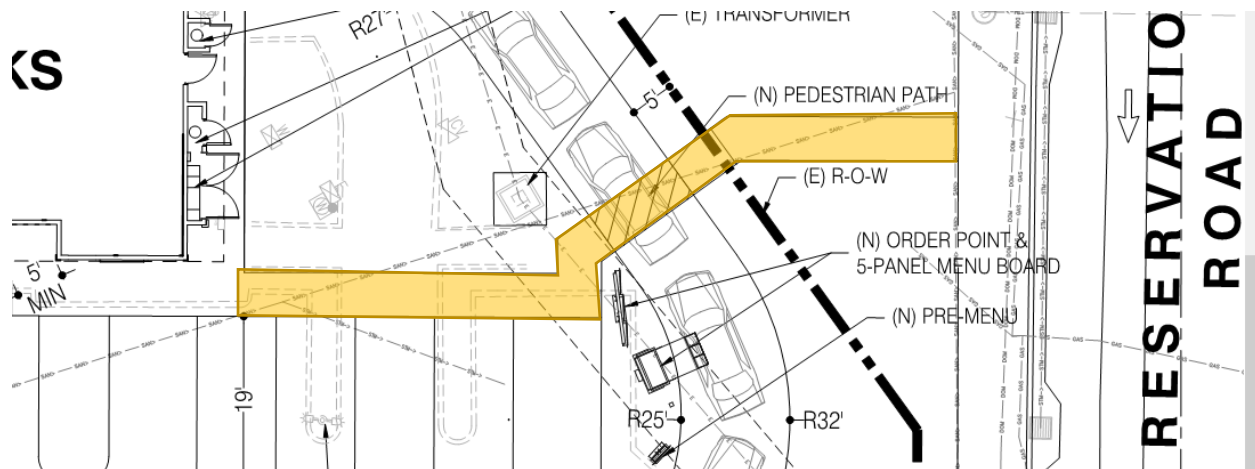
It was also recommended that a “Keep Clear” striping be provided just south of the driveway that provides access to Reservation Road, between the end of the proposed drive-through lane to the beginning of the drive-through lane extension so as not to allow the vehicles in the queue to block access to the north driveway on Reservation Road. Since the north driveway on Reservation Road is proposed to have a right-out access only, it was recommended that the driveway be angled to the east to provide a turning curve. In addition, a “Do Not Enter” sign was recommended to be placed at the driveway to discourage vehicles traveling eastbound on Reservation Road from making a right turn into the project driveway. These recommendations were also included in the revised site plan.

The location of the reconfigured drive thru would encroach five feet into the required 10-foot setback required in the C-1 zoning district. The development standards require that the entire 10-foot setback area be landscaped except for pedestrian access from the sidewalk. The encroachment into the setback would require approval of a variance from the Planning Commission.

Also as part of the project, the pick-up window would be moved from its existing location, approximately 34 feet from the existing pedestrian crosswalk, south to approximately 13 feet from the crosswalk as show below:



A new pedestrian patch would also be installed from Reservation Road to the building through the City right-of way and across the new drive-through lane in front of the order board as show below:



Exterior Building and Site Modifications

If the City Council approves the Conditional Use Permit, the City will then process the Site and Architectural Design Review application for modifications to the site, building, landscaping, lighting and signs. The application will require review and approval by the Planning Commission at a later meeting. As part of this review, modifications to the site plan will be required that demonstrate compliance with any conditions placed on the use, including, but not limited to, reconfiguration of the drive-thru lane to meet the setback requirements.

Planning Commission Review

On March 11, 2021, the City of Marina Planning Commission duly held and opened the public hearing for a Conditional Use Permit (CUP) and Variance for the project. The staff report recommended approval of the CUP, but denial of the Variance. The Planning Commission considered the staff presentation, applicant presentation, public comments, and debated the merits of the project (Planning Commission March 11, 2021 staff report and draft resolutions can be found in Attachment 1 of the appellants appeal package).

The Planning Commissioners discussed and posed inquiries to which staff responded concerning pedestrian safety and the placement of the pedestrian walkway providing access to the site from the adjacent roadways. Commissioners received public comment from residents and property owners with concerns about pedestrian safety and traffic that may be caused by the intensified use of the site as well as concerns about impacts the use might have on the Downtown Vitalization Specific Plan which has yet to be adopted by the City.

After discussion, a motion was made to adopt Resolutions denying both the CUP and Variance based on findings in the Municipal Code which state that a project cannot be detrimental to the health and welfare of citizens, and that the more vehicle-friendly drive-thru proposed in the project is diametrically opposed to City's objective of creating a more pedestrian-friendly community. The motions passed unanimously. (Planning Commission Minutes can be found as **ATTACHMENT 2**).

On March 24, 2021 the applicant's representative, John Bridges of Fenton & Keller, filed a timely appeal of the denial of the CUP within the required 10-day appeal period. The 10-day appeal period began on March 15, 2021, the date the applicant was notified in writing of the Planning Commission decision. The applicant is not appealing the denial of the Variance. The appeal, attached to the report for reference (**ATTACHMENT 3**), is based on the following points (summarized):

1. The Planning Commission's action to the deny the CUP was without legal merit, an abuse of discretion, and in violation of the applicant's due process and equal protection rights.
2. Staff prepared a resolution for approval of the CUP with legal findings.
3. Changes have been made to the site plan to conform with parking standards and provision of safe and adequate vehicular and pedestrian access and drive-thru queuing.
4. The City's traffic consultant determined that the originally proposed drive-thru was adequate to satisfy the 85th percentile standard.
5. The revised project plans include modifications to the drive-thru to meet development standards and to meet the 95th percentile standard.
6. Other than anecdotal public comments/speculation about pedestrian access and "walkability" (which comments does not constitute substantial evidence legally sufficient to support a denial of the project) the record contains no evidence the project would cause detriment or injury to the general welfare of the city.
7. All said access issues are addressed in accordance with the expert report commissioned by staff as well as the numerous and iterative recommendations and conditions proposed by staff, all of which are reflected in further revised project plan.
8. If the project is denied/not allowed to proceed, the site will remain as a burger restaurant that would be inconsistent with existing City regulation and ordinances (non-conforming parking, drive-thru and pedestrian access amenities) and would be arguably less consistent with whatever future Downtown Vitalization Specific Plan might be adopted.

On April 22, 2021, the Planning Commission adopted the Resolution for denial of the CUP (**ATTACHMENT 4**) (as a Resolution for denial was not included in the staff report for the March 11, 2021 Planning Commission meeting) and approved the minutes for the March 11, 2021 meeting.

The appeal from the Planning Commission's denial comes to the City Council *de novo*, that is, the Council is permitted to review the application for a Conditional Use Permit anew, afresh, a second time.

Since the Planning Commission's denial of the CUP (and the variance from which no appeal was taken) the applicant had indicated it is willing to make further changes to the site plan. These changes were not before the Planning Commission on March 11, 2021 and have yet to be formally submitted.

In response to the Planning Commissioner's concerns about the proposed intensified use as inconsistent with the yet to be adopted Downtown Vitalization Specific Plan staff reviewed the present General Plan and certain adopted visioning plans for guidance and the following information, which was not before the Planning Commission on March 11, 2021, is submitted:

General Plan Policies

1.18.5 A city designed for and attractive to pedestrians, in which most of the housing, shops, businesses, and community facilities are within easy walking distance of each other.

1.18.6 A balanced land use/transportation system which minimizes traffic congestion, noise, excessive energy consumption, and air pollution.

2.40 Designated Retail and Service areas shall be developed to a minimum floor area ratio (FAR) of 0.25 to avoid economic under-utilization and to maintain sufficient intensity of use to promote a pedestrian-oriented pattern of development. A maximum FAR of 0.55 shall be established to ensure that transportation and other infrastructure requirements of such uses are consistent with their planned capacity.

Staff timely scheduled the appeal for consideration by the Marina City Council on May 18, 2021. The appeal was publicly noticed in the Monterey County Weekly with notices mailed to property owners within 300 feet of the site, at least 10 days before the hearing, and notices were placed in three public places (Jack-in-the-Box kiosk, Marina City Library, and outside the Council Chamber).

At the request of the appellant, the appeal hearing was postponed to a date uncertain. A new hearing date was requested for this August 17, 2021 City Council meeting. The appeal was again publicly noticed in the Monterey County Herald with notices mailed to property owners within 300 feet of the site, at least 10 days before the hearing, and notices were placed in three public places (Jack-in-the-Box kiosk, Marina City Library, and outside the Council Chamber).

On August 12, 2021, Planning staff received supplemental information from the appellant related to the appeal. The information includes a revised site plan intended to address staff's original parking and safety concerns. In addition, should the City Council approve the appeal, the appellant has included revised conditions of approval for the project. The supplement information is included as **ATTACHMENT 5**.

PUBLIC NOTICE

A public hearing notice for this City Council meeting was mailed to property owners within a 300-foot radius of the subject property on Tuesday, August 3, 2021 and the notice was published in the Monterey County Herald on Thursday, August 6, 2021. To date, no correspondence was submitted in response to the public hearing notice.

ANALYSIS:

A Conditional Use Permit (CUP) may be granted when the appropriate authority has determined that the establishment, maintenance or operation of the use applied for will not be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. As the appropriate authority in this case, the Planning Commission (or City Council upon appeal) may designate conditions in connection with the CUP as it deems necessary to secure the purposes of this title or deny a CUP with findings.

In this case, the Planning Commission found that the use of the site as a Starbucks would be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City in that the more vehicle-friendly drive-thru proposed in the project is diametrically opposed to City's objective of creating a more pedestrian-friendly community.

Marina Municipal Code Section 17.58.050 (with regard to Use Permits) states:

An appeal to the city council may be filed by any person aggrieved by a decision of the appropriate authority. Such appeal shall be in writing and shall be filed with the city clerk within ten days after written notice of the decision has been mailed to the applicant. At the time of the filing of the appeal, the appellant shall pay a filing fee to be established by resolution of the city council from time to time hereafter enacted. An appeal shall set forth specifically the points at issue, the reasons for the appeal, and wherein the appellant believes there was an error or abuse of discretion by the appropriate authority.

ENVIRONMENTAL DETERMINATION

The City of Marina Planning Division determined that denial of a project is Statutorily Exempt from the California Environmental Quality Act (CEQA) under Article 18, Section 15270 applicable to projects which are disapproved.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Christy Hopper
Planning Services Manager, Planning Division
Community Development Department
City of Marina

REVIEWED/CONCUR:

J. Fred Aegerter, AICP
Community Development Director
City of Marina

Layne P. Long
City Manager
City of Marina

Attachments:

1. Draft City Council Resolution with project plans as Exhibit A
2. Planning Commission Minutes – March 11, 2021
3. Starbucks Appeal, dated March 24, 2021 (Includes appeal, email correspondence, staff report and draft resolutions for the March 11, 2021 Planning Commission meeting, queuing study, and Fenton & Keller memorandum)
4. Planning Commission Resolution 2021-04 Denying Conditional Use Permit UP 2020-01
5. Appellant's Supplemental Information – Received August 12, 2021



Thursday March 11, 2021

6:30 P.M.

**MINUTES
REGULAR MEETING OF
PLANNING COMMISSION**

Marina City Council Chambers
211 Hillcrest Avenue
Marina, CA

1. CALL TO ORDER

Meeting called to order at 6:31 PM

2. ROLL CALL & ESTABLISHMENT OF QUORUM

Present: Acting Chair Brian McCarthy, Nancy Amadeo, David Bielsker, Hyunsoo Hur, Surinder Rana, Audra Walton, Glenn Woodson

3. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

4. SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR

Chair McCarthy opened the floor for Special Announcements and Public Comment on any items not on the agenda.

Alistair Rodd spoke about tree removal on the site designated for City Dunes Park. He noted as an example a stand of Monterey Cypress trees tagged #1332 - #1337 which are still in good health and would be a good addition to the park as passive recreational picnic area. Mr. Rodd then requested the Planning Commission to add an agenda item to its next meeting for the review of the documents pertaining to the removal of the trees and buildings at the park site.

Grace Silva – Santella spoke about the City Dunes Park and shared a photo of Los Arboles Park to show how existing trees can be included in a park and add to the value of the park. She then asked the Commissioners to be thoughtful and thorough in their review of the park project when presented to them, and for them to consider requesting that trees are not clear-cut.

Liesbeth Visscher spoke regarding the trees on the City Dunes Park site and shared her thoughts on how the trees could be included in the park, and her belief that sports fields can be designed around the trees.

Karen Anderson spoke regarding the City Dunes Park site and her wish to see all healthy trees on the site be preserved. She then requested that demolition and design of the park be planned around the trees.

Mike Owen spoke about his history on the Marina Tree Committee and asked that he be allowed to guide interested Commissioners on a field trip through the City to look at Landmark trees and other trees of interest. He then shared his concern over a road that had been ploughed through an Oak preserve in Seahaven and asked if Staff was aware of it.

Mayor Bruce Delgado spoke about vegetation removal in The Dunes near the Equestrian center and thanked the developers and construction staff present for stopping work early and allowing volunteers to pull plants that were salvageable. He then spoke about trees that are removed in the City and making sure there is an awareness of their value, both tangible and intangible, and that when trees are lost there should be an equal reinvestment of trees made to cover the loss.

Judy Strogeny spoke regarding the site for City Dunes Park and shared her thoughts on saving the trees and designing the park around the trees that are existing.

Seeing no others who wished to speak, public comment was closed and discussion brought back to the dais.

Commissioner Amadeo provided comments in response to the public's comments regarding trees in the park area, noting that the Planning Commission has discussed in previous project presentations that any mitigation trees which could not be well accommodated on the original site would be planted in future parks within The Dunes, including the City Dunes Park, so they can be enjoyed and also not do damage to infrastructure.

Following Commissioner Amadeo's comments, Chair McCarthy closed comments, and asked Staff if they wished to address questions which were asked during public comment.

Planning Services Manager Christy Hopper introduced herself and proceeded to address Mr. Owen's question regarding the Oak preserve in Seahaven. She also addressed comments regarding the design of the park, stating that the City's Parks Commission would be looking at the design of the park and that no applications had yet been submitted to the Planning Department. Ms. Hopper also spoke about the Brown Act and how there can be potential for violations caused by Commissioners meeting in groups with the Public. She then advised that if the Commissioners wished to visit a site or meet with members of the public, that it would need to be noticed as a meeting to avoid any violations.

5. **CONSENT AGENDA**

None

6. **PUBLIC HEARINGS**

a. **Tree Removal Permit – Dunes on Monterey Bay**

Open a Public Hearing, Take any Testimony from the Public, and Consider Adopting a Resolution approving a Tree Removal Permit for the removal of 50 Trees, including 18 coast live oak, two (2) Torrey pine, three (3) Monterey pine, four (4) Monterey cypress, and one (1) eucalyptus, together with 22 trees inadvertently removed within Phase 2 East of the University Villages (Dunes on Monterey Bay) Specific Plan Area, subject to Conditions

Contract Planner Steve Flint presented a PowerPoint outlining the request for tree removal. Following his presentation, Mr. Flint addressed questions from the Commissioners.

Commissioner Bielsker shared his concern over the impact of the number of trees to be incorporated into the landscape plan and asked if the landscape plan would come back to the Planning Commission for review. Mr. Flint responded that it was his belief that the landscape plan would be reviewed at the Staff level, but that the trees would be incorporated throughout the entirety of Phase 2 East.

Commissioner Amadeo spoke about her past experiences with Cypress trees causing damage to surrounding infrastructure due to the nature of their root systems and asked that the trees be placed in areas where they would pose no threat to buildings, sidewalks or roadways.

Chair McCarthy asked how the City knows the size of the trees already removed, and if any of the trees in question now were not in existence when the development was originally approved. Mr. Flint and Ms. Hopper responded that a survey was done in 2019, prior to the unpermitted removal of trees, so a record is available noting the size of the trees which had been removed. And yes, there are trees existing now

that were considered non-trees before, as their size at the time was less than 6” in diameter at chest height.

Commissioner Hur asked what repercussions were for non-permitted tree removals. Mr. Flint explained the multiplier for replacement trees and noted that if the City felt the need to, it was also able to pursue legal action for any violations. Commissioner Hur then asked about the viability of the replacement trees and whether they would be able to acclimate and grow in the proposed areas. Mr. Flint stated that the trees would be coming from local nurseries, thereby allowing the trees to be acclimated to weather and surrounding areas.

Seeing no other Commissioners who wished to ask questions, Chair McCarthy opened the floor for public comment on the item.

Grace Silva – Santella asked about the value of the Oak trees which had been removed, and if Denise Duffy & Associates catalogued the size, height, trunk diameter and drip spread of the trees to determine a dollar value. She also asked for clarification of “specimen” vs. “species” in the staff reports. Ms. Silva – Santella then shared her shock at the fact that the city has no penalty for the removal of mature Coast Live Oak trees.

Eisa Van der Speck asked how the size of replacement trees is determined and shared her preference to see one large tree as a replacement for removed trees rather than 9 smaller trees. She also shared information regarding the growth rates of Coast Live Oak trees.

Mike Owen expressed his belief that the developer’s failure to apply proper tree protection measures led to the unpermitted removal of the trees being discussed. He also shared his views regarding transparency regarding tree protection and removal, and that there should be a document with replacement tree information available not just Staff but the public as well.

Mayor Bruce Delgado expressed his belief that this is an opportunity for community members to help plan the reforestation of Hilltop Park, and that the City is seeing an increase of public motivation and participation. He also stated that there should be some form of mitigation put in place to ensure the trees survive to maturity over the next 10 years. He also mentioned that the public should not only be thinking about the trees themselves, but how they envision the park looking, and considering also other plants and shrubs which can enhance the landscaping. Mayor Delgado also spoke to partnering with developers to find solutions prior to considering legal action. He then closed his statements by thanking Commissioners for their hard work.

Juli Hoffman expressed her thoughts regarding a letter from Chris Stump (Shea Homes) which places fault on the subcontractor for the removal of the 22 trees. She elaborated by stating her belief that the fault was on Mr. Stump’s part because he did not clearly communicate the developer’s obligation to the City to preserve those trees. Ms. Hoffman entreated the City to hold the developers accountable for the destruction of trees which has led to diminished public trust.

Kathy Biala expressed her shock at the removal of the trees, noting that this is the second time since her time on the Planning Commission that a developer has performed unpermitted tree removals. She also spoke to how replacement trees are not a substitute for the large, mature trees which had been destroyed in the removal. Ms. Biala then asked how, in addition to tree replacement, the City can implement fines or system for fines, particularly for this applicant who has illegitimately removed trees twice.

Mike Kennedy spoke about the value of the trees which were removed, and the benefits they provided to the surrounding areas. He also expressed his dissatisfaction with the idea of replacement trees being a remedy to the tree removals which took place.

Karen Anderson shared a video and spoke about plant salvage which took place near the Equestrian Center in December.

Liesbeth Visscher shared her wish that no more trees in the City be illegally removed, and her hopes that fines will be implemented to prevent such occurrences.

Seeing no others who wished to comment, Public Comment was closed and discussion brought back to the dais.

Commissioner Amadeo asked Staff how quickly an ordinance regarding fines for tree removal could be implemented in order to prevent unpermitted tree removal in any ongoing or future projects in the City. Ms. Hopper responded that for the Dunes project, the ordinances which were in effect in 2005 are what apply to the project. With regard to updates to the Tree Ordinance, Ms. Hopper deferred to the City Attorney.

Chair McCarthy then re-opened public comment to allow the applicant to speak. Don Hofer and Chris Stump (Shea Homes) then addressed the Commission and public.

Chair McCarthy asked if the park would be owned by the HOA or by the City, Ms. Hopper replied that the City would own the park. Chair McCarthy then asked if a surety bond would be required. Ms. Hopper stated that the City Attorney would need to be consulted, as she was unsure of what the ordinances from 2005 permitted.

Following this, Chair McCarthy closed public comment.

Commissioner Amadeo motioned to approve the resolution as presented, Commissioner Bielsker seconded the motion.

Chair McCarthy proposed a friendly amendment for Staff to utilize any mechanisms available to them to ensure the proper care of replacement trees to be planted. Commissioner Bielsker proposed a friendly amendment that, if possible, the landscape plans for this phase of the development be returned to Planning Commission for review. Commissioner Amadeo was amenable to both.

The motion was then put to a vote:

Ayes: McCarthy, Amadeo, Bielsker, Hur, Rana, Walton, Woodson

Noes: None

Abstain: None

Absent: None

The motion passed unanimously.

b. Conditional Use Permit and Variance – 200 Reservation Road

Open a Public Hearing, Take Any Testimony from the Public, and Consider Conditional Use Permit UP 2020-01 to Convert an Existing Combination Restaurant/Take-Out Facility with a Drive-thru (Burger King) to a more Intensified Take-Out Food Establishment with a Drive-Thru (Starbucks) and Variance VA 2021-01 to Allow the Drive-Thru Lane to Encroach into the Front Yard Setback at 200 Reservation Road (APN: 032-181-019).

Ms. Hopper presented a PowerPoint with information outlining the project. Following her presentation, she addressed questions from the Commissioners.

Commissioner Amadeo inquired about how the Commissioners could vote to deny both the Conditional Use Permit and Variance based on the likely approval of the Downtown Vitalization Specific Plan (DVSP) later this year. Ms. Hopper asked for a moment to pull up the Municipal Code to assist Commissioner Amadeo in locating the finding.

Commissioner Bielsker asked for confirmation that in the case of a denial by Planning Commission, the item would be eligible for appeal to City Council, and Ms. Hopper confirmed.

Ms. Hopper then presented the Use Permit section of the Municipal Code, referencing Section 17.58.040 – Action by Appropriate Authority, Part A. Commissioners then asked clarifying questions based on the presented Municipal Code, which Ms. Hopper addressed.

Commissioner Walton asked if Ms. Hopper could walk Commissioners through what the pedestrian walkway would look like, as it was difficult to read in the proposed plans as presented. Ms. Hopper obliged, outlining circulation for both vehicles and pedestrians.

Commissioner Amadeo then asked about the potential for this project to be detrimental to surrounding properties because it would be a non-conforming use, and if this aligns with the current municipal code. Ms. Hopper replied that the findings for conditional use permits are broad, to allow for discretion on types of use. Ms. Hopper then stated that the question would likely be addressed following public comment and after allowing the applicant to address the Commission. Commissioner Amadeo went on to share her concern regarding the placement of the two pedestrian walkways, citing pedestrian safety in potential blind spots and blocked passage on the Reservation Rd. side during peak hours, as the walkway would be blocked by queued cars. She also asked if the Commission would be able to add a condition of a approval which would require the applicant to find a safer placement for walkways. Ms. Hopper replied that it may be possible to work with the applicant to find safer alternatives if the item is approved.

Commissioner Hur shared her concern for safety and echoed Commissioner Amadeo's comments.

Commissioner Woodson shared his thoughts on accessing the site on the Reservation Rd. side of the property, as well as his concerns for pedestrian safety. He also asked if the PG&E transformer on site served the current facility only, and if the transformer were moved would it allow for changes to the proposed configuration and allow for correct easements. Ms. Hopper addressed Commissioner Woodson's concerns regarding the Reservation Rd. driveway and the potential to make it a sharper angle to prevent ingress of traffic. She went on to say she believed the transformer serves only the Burger King facility currently but deferred to the applicant who was in attendance.

Next, Chair McCarthy opened the floor for public comment.

Kathy Biala shared her thoughts on the project and its potential effects on the area as a main corner in the DVSP. She went on to share her belief that the project is not aligned with the plans for a Downtown. Ms. Biala also addressed setbacks and noted that in her time in service on the Planning Commission, the Commission had not considered a variance to the Municipal Code for any projects, nor had the Planning Staff recommended denial on that basis. She closed her comments by expressing her hopes that the Planning Commission would support the findings in the Staff report and deny the project.

Nick Kite shared his preference of having a Starbucks in the proposed location rather than the existing Burger King, and then asked about the tree on the Del Monte Blvd. side of the building and if it would remain in place after the transition.

Grace Silva – Santella shared her experience as a former Planning Commissioner and commended Ms. Hopper's thorough explanation of variances and how they work, as well as a thorough report and explanation of why the Commission should deny the variance. She also expressed her concerns over the location's impact on the DVSP, as well as her concerns about pedestrian safety and traffic that will be caused by the site's intensified use.

Next, Frank Coda (Greenberg & Farrow Architects) spoke on behalf of the applicant, sharing background on the project and addressing questions and comments. Following Mr. Coda's comments, Doug Murphy (Starbucks) then provided additional comments.

Planning Admin Assistant Erin Fernando then read comments received via email by Juli Hoffman, who expressed her feelings regarding the proposed project and the detriment it would cause to the DVSP as well as the impact it would have on the surrounding property owners due to the intensified use.

Commissioner Woodson expressed an interest in seeing dedicated space for customers to park bikes, which Mr. Coda addressed by noting there would be some bike racks, but the applicant is willing to add some if it was of public interest.

Seeing no other who wished to speak, Chair McCarthy closed public comment and brought discussion back to the dais.

Commissioner Amadeo shared her increased concern after listening to public comment regarding the impact to pedestrians, noting that the location is already a busy intersection which has its share of safety challenges. She then cited that one of the goals of the DVSP is to encourage a more pedestrian-friendly community, to which this project is the direct opposite.

Commissioner Walton expressed her agreeance with Commissioner Amadeo's statements and shared her concerns about safety of pedestrians in the downtown area.

Commissioner Bielsker agreed with Commissioners Amadeo & Walton and shared a brief background on the work done by the Planning Commission and City Council toward the adoption of the DVSP. He also noted that if the applicant has been working with the Planning Department for the past two years, they should be familiar with the DVSP and its intent.

Chair McCarthy shared his thoughts on the project and how he interprets the criteria for granting a variance, noting that he did not believe the site meets the criteria, further stating his inclination to deny both the Conditional Use Permit and the Variance.

Commissioner Amadeo made a motion to deny the Conditional Use Permit and Variance based on findings in the Municipal Code which state that a project cannot be detrimental to the health and welfare of citizens, and that the more vehicle-friendly drive-thru proposed in the project is diametrically opposed to City's objective of creating a more pedestrian-friendly community. Commissioner Bielsker seconded the motion.

Chair McCarthy expressed his hope that the applicant would have continued interest in Marina regardless of the outcome of the vote and noted the importance of the location and the verity of Commissioner Amadeo's statements regarding denial of the application. He then opened the floor for public comment.

Mayor Bruce Delgado expressed his appreciation for the work being done by the Planning Commission, the discussion being held and the consideration being given to the importance of the site in relation to the DVSP and the move towards a pedestrian-friendly city. He also thanked the applicant for their interest and shared his hope that even if not at this site, that there may be a place in Marina for them.

Grace Silva – Santella thanked the Planning Commission for their consideration for pedestrian safety, even at the cost of denying a development project.

The motion was then put to a vote:

Ayes: McCarthy, Amadeo, Bielsker, Hur, Rana, Walton, Woodson
Noes: None

Abstain: None
Absent: None

The motion to deny passed unanimously.

7. ACTION ITEMS

8. OTHER ACTION ITEMS

a. Chair and Vice Chair Elections

Ms. Hopper provided a brief explanation of the elections, noting that appointments to sub-committees would be postponed because sub-committee activities are currently suspended due to the pandemic. She also noted the requirements for Chair and Vice Chair nominations.

Commissioner Amadeo motioned to nominate Brian McCarthy for Chair and was seconded by Commissioner Bielsker.

The motion was then put to a vote:

Ayes: McCarthy, Amadeo, Bielsker, Hur, Rana, Walton, Woodson
Noes: None
Abstain: None
Absent: None

The motion passed unanimously and Brian McCarthy was appointed as Chair.

Commissioner Amadeo motioned to nominate David Bielsker as Vice Chair, Chair McCarthy seconded.

The motion was then put to a vote:

Ayes: McCarthy, Amadeo, Bielsker, Hur, Rana, Walton, Woodson
Noes: None
Abstain: None
Absent: None

The motion passed unanimously and David Bielsker was appointed as Vice Chair.

9. DISCUSSION ITEMS

Ms. Hopper shared information regarding items which would be presented at the next regularly scheduled Planning Commission meeting scheduled for March 25, 2021.

Commissioner Walton inquired if there was a way to live stream Planning Commission meetings on Facebook to increase viewership and community participation. Commissioner Bielsker noted that it is possible to share links to the meetings, and Ms. Hopper added that the videos can be found only on the Access Monterey Peninsula website as meetings are proprietary recordings.

10. COMMISSIONER COMMENTS AND STAFF INFORMATIONAL REPORTS

11. CORRESPONDENCE

12. ADJOURNMENT

Meeting adjourned at 10:14 PM

Brian McCarthy, Chair

ATTEST:

Erin Fernando, Administrative Assistant

Date



APPEAL FORM

Appeal to the Planning Commission: Review, report on, publish and perform staff work for an appeal of a staff or Site and Architectural Design Review Board decision to the Planning Commission.

Appeal to the City Council: Review, report on, publish and perform staff work for an appeal of a Planning Commission decision to the City Council.

Appeal to: ☐ Planning Commission ☒ City Council

From Action of: PC denial of CUP application 2020-01 (200 Reservation Rd., APN 032-181-019)

Date of Action : 3-11-21

Appellant's:

Name: Starbucks (representative: Fenton & Keller / John Bridges)

Mailing Address: Fenton & Keller, c/o John Bridges, PO Box 791, Monterey, CA 93942

Phone: 373-1241

Email: jbridges@fentonkeller.com

Appellant's Interest: Applicant

Appellant's Reason for Appeal:

Reasons for appeal shall pertain to factual information considered by the last reviewing body. No new factual information may be submitted. Use additional sheets as desired.

Please see attached

Appellant's Signature:

Date: 3-24-21

By: John Bridges/Fenton & Keller, Representative

FOR OFFICE USE ONLY:

DATE APPEAL SUBMITTED _____

FEE COLLECTED \$ _____

ORIGINAL APPLICATION NUMBER _____

APPEAL NUMBER: _____

RECEIPT NUMBER _____

PLANNER INITIALS: _____

REASONS FOR APPEAL

(Attached to Appeal Form dated 3-24-21; CUP App. 2020-01;
200 Reservation Road/APN 032-181-019)

With respect, the Planning Commission's action to deny the CUP was without legal merit (i.e., legal error), an abuse of discretion, and in violation of applicant's due process and equal protection rights. Based on the record before the Council (including, without limitation, the materials attached hereto (Attachment 1), plus all other staff reports, minutes, studies, communications, and analyses prepared for or by the City related to the project, and all testimony presented to and the administrative record of the Planning Commission's action, all of which staff has been requested to timely make readily available to the Council and all of which is hereby incorporated in the record of this appeal by this reference as though fully set forth herein), the Council should, and we respectfully request the Council, grant the appeal and thereby overrule the Planning Commission denial and affirmatively approve the CUP.

The applicant has, in good faith reliance, worked with City staff for over sixteen (16) months (and at a cost exceeding \$151,300) to comply with all City design standards and directives. During that time applicant repeatedly redesigned the project to conform to every request and suggestion received by staff. As a result, the staff (in consultation with appropriate city departments, e.g., police and fire) recommended the CUP be approved with a few modest additional design adjustments, all of which have now also been incorporated into the project (see attached further revised project plan; see Attachment 2). Staff prepared a resolution for approval of the CUP including legal findings supported by substantial evidence. The variance request, which staff recommended against and the PC denied, has been withdrawn from the project proposal. Changes made to conform to staff's directions have included, without limitation, conformance with parking standards and provision of safe and adequate vehicular and pedestrian access and drive-through queuing. The City's special traffic consultant (requested by staff and paid for by the applicant) determined that the originally proposed drive-through queuing design was adequate to satisfy the 85th percentile standard. Staff asked for a revised queuing design to meet the 95th percentile standard and that has been accommodated in the further revised project plan. Based on the above, every aspect of the project is now wholly consistent with all applicable City ordinances, regulations, and design standards (without variance) as well as all design modifications requested by staff.

As stated in the staff report to the Planning Commission:

“staff has determined that the proposed use is consistent with the current zoning and land use for the site and recommends approval of the Conditional Use Permit with conditions.”

(As noted above, said conditions have since been incorporated into the project design.)

Staff prepared a resolution of approval for the Planning Commission as follows:

“Findings

That the project as proposed and conditioned will be constructed, and so located, that the project, as conditioned, will:

1. Not under the circumstance of the particular use be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use in that the proposed use will be conducted within an enclosed building, on a patio or within a dedicated drive-thru lane.
2. Not under the circumstances of the particular use be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the city, in that the use is within a commercial area, will be conducted within an enclosed building and is so conditioned so that the pedestrian access to the site will be accomplished in a safe manner.”

With regard to the above finding number 2, other than anecdotal public comments/speculation about pedestrian access and “walkability” (which comments does not constitute substantial evidence legally sufficient to support a denial of the project) the record contains no evidence the project would cause detriment or injury to the general welfare of the city (ref. Topanga Ass’n for a Scenic Community v. County of Los Angeles (1974) 11 C3d 506, 511). The substantial evidence in the record (including the City’s own traffic consultant’s expert report) only supports the staff’s recommendation for approval. Moreover, all said access issues (including drive-through queuing design) are addressed in accordance with the expert report commissioned by staff as well as the numerous and iterative recommendations and conditions proposed by staff, all of which are reflected in the attached further revised project plan.

Applicant has been told no formal resolution by the Planning Commission was prepared and that the denial was instead based on the motion to deny made by

Commissioner Amadeo.¹ Based on the Planning Commission hearing record, despite Commissioners express acknowledgment of the above described and staff affirmed consistency with existing plans, ordinances, regulations and standards, the primary basis for the Commission's denial was speculation about the future potential inconsistency of the project with a future, yet to be formally adopted, design standard/zoning for the area (i.e., the Downtown Vitalization Specific Plan, "DVSP" the adoption of which is said to be "expected" sometime later in the year).² Such speculation is not a legally supportable basis to deny the CUP and constitutes legal error, abuse of discretion and violation of applicant's constitutionally and statutorily protected civil, due process and equal protection rights. See attached legal memorandum (Attachment 3).

Finally, as a practical matter, if this project is improperly denied/not allowed to proceed, the site will remain a burger restaurant that would be inconsistent with existing City regulations and ordinances (e.g., perpetuation of non-conforming parking, and drive-through and pedestrian access amenities less than that recommended by staff), and therefore arguably even less consistent with whatever future DVSP might be adopted. The City cannot discriminate against a tenant choice so long as that tenant's plans conform with applicable rules as this application does.

¹ Appellant reserves the right to augment this appeal in the event any "after the fact" resolution is prepared or other basis for further argument should arise.

² Moreover, if the City had desired to preclude applications during the promulgation of the DVSP it could have done so by enacting a moratorium on such applications, but the City elected not to do so and instead relied on General Plan Policy 2.63.51 with which the application is consistent. As noted in the staff report with respect to the future DVSP:

"The site is located in the Downtown Vitalization Specific Plan (DVSP) area. The City is currently in the process of drafting a Downtown Vitalization Specific Plan for the DVSP area which will guide development of the downtown area. In advance of the adoption of the Specific Plan, all developments within the planning area are governed by General Plan Policy 2.63.51 that requires the following: "Prior to approval of any development other than temporary projects/uses or projects already entitled to be built, a specific plan shall be prepared which legally establishes development, design, and infrastructure requirements in accordance with General Plan principles and policies". However, because the project does not propose an increase in square footage of the building and no new vertical construction is proposed, the City does not classify the change in use as a "development" and did require a specific plan for this project."

ATTACHMENT 1

From: Christine Hopper <chopper@cityofmarina.org>

ATTACHMENT 3

Sent: Friday, January 17, 2020 2:51 PM

To: Winnie Liang <wliang@greenbergfarrow.com>

Cc: Erin Fernando <efernando@cityofmarina.org>; Frank Coda <fcoda@greenbergfarrow.com>; Alexander Barton <abarton@cityofmarina.org>

Subject: RE: Incomplete Letter

EXTERNAL SENDER – Do not click links or open attachments unless you recognize the sender

Winnie,

Please find the attached letter with the assessment of the proposed use and parking by the Planning Services Manager. Please let me know if you would like to discuss. If you disagree with staff's interpretation of the parking, use or use permit requirement, you have the right to file an appeal of the decision to the Planning Commission.

Sincerely,

Christy Hopper

Planning Services Manager



City of Marina

211 HILLCREST AVENUE
MARINA, CA 93933

(831) 884-1238 – direct

(831) 884-1220 - office

(831) 384-0425 – fax

From: Winnie Liang <wliang@greenbergfarrow.com>

Sent: Friday, January 17, 2020 10:44 AM

To: Alexander Barton <abarton@cityofmarina.org>

Cc: Christine Hopper <chopper@cityofmarina.org>; Erin Fernando <efernando@cityofmarina.org>; Frank Coda <fcoda@greenbergfarrow.com>

Subject: RE: Incomplete Letter

Good Morning Alec,

Thank you for the letter, and we will revise the submittal package accordingly. There are several items in the letter I would like to discuss:

- Sheet SP-1.i.13: The proposed Starbucks is NOT a take-out restaurant since there is indoor seating. The existing use of Burger King remains the same. The proposed project is still a restaurant with drive-through facility, just adding outdoor dining area. It is in consistency with the "Restaurant" definition in the Municipal Code Sec. 17.04.550 - "Restaurant" means a business devoted to the serving of prepared food to the public where the food is consumed on the premises while the customers are seated. (Zoning ordinance dated 7/94 (part), 1994). With that saying, the parking calculation should comply with the "Restaurant" requirement – 1 parking space per 60 SF of dining area, which assume 50% of existing building. Under that calculation, a total a 16 parking spaces are required.
- Sheet LCP-1, i: The existing light poles are shown on the plan, we will add a note to highlight. However, there is no proposed light pole for project. We will use the existing light pole. Please advise if we still need to provide the lighting cut sheet in this case.
- Drainage Plan: Based on the area calculation for attached Sheet C-1 Grading Conceptual Plan, the disturbed area is less than 5,000 sq. ft., which would not trigger drainage and water quality requirements. Please confirm.
- Color and Material Board: Since the project will not change any exterior material and just repaint the color. Please advise if a color and material board is still required.

Best regards,

Winnie Liang, AICP

Due Diligence Coordinator

30 Executive Park, Suite 100, Irvine, CA 92614

t: 657.333.5062 c: 213.880.6750



From: Alexander Barton <abarton@cityofmarina.org>

Sent: Thursday, January 16, 2020 12:23 PM

To: Winnie Liang <wliang@greenbergfarrow.com>

Cc: Christine Hopper <chopper@cityofmarina.org>; Erin Fernando <efernando@cityofmarina.org>

Subject: RE: Incomplete Letter

EXTERNAL SENDER – Do not click links or open attachments unless you recognize the sender

My apologies, I attached the wrong document. Please disregard the previous attachment and review this letter instead.

Thank you,

Alec



Alec Barton

Assistant Planner

(831) 884-1217

abarton@cityofmarina.org

From: Alexander Barton

Sent: Thursday, January 16, 2020 12:20 PM

To: 'Winnie Liang' <wliang@greenbergfarrow.com>

Cc: Christine Hopper <chopper@cityofmarina.org>; Erin Fernando <efernando@cityofmarina.org>

Subject: Incomplete Letter

Good afternoon Winnie:

ATTACHMENT 3

Staff have reviewed the application you submitted January 3, 2020 for the Starbucks food establishment at 200 Reservation Road. This application has been deemed incomplete. Please review the following letter and let me know if you have questions. When you are ready to resubmit a complete application let me know and I can assist you in that process.

Thank you,
Alec



Alec Barton
Assistant Planner
(831) 884-1217
abarton@cityofmarina.org

City of Marina



City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933
831- 884-1278; FAX 831- 384-9148
www.ci.marina.ca.us

January 17, 2020

GreenbergFarrow
ATTN: Winnie Liang
30 Executive Park Ste. 100
Irvine, CA 92614

****VIA E-MAIL****

Re: 200 Reservation Road – Starbucks – Evaluation of Proposed Use and Parking Requirements

Dear Ms. Liang:

Planning staff received an email from you today with the following statement in response to staff's January 16, 2020 letter:

- *Sheet SP-1.i.13: The proposed Starbucks is NOT a take-out restaurant since there is indoor seating. The existing use of Burger King remains the same. The proposed project is still a restaurant with drive-through facility, just adding outdoor dining area. It is in consistency with the "Restaurant" definition in the Municipal Code Sec. 17.04.550 - "Restaurant" means a business devoted to the serving of prepared food to the public where the food is consumed on the premises while the customers are seated. (Zoning ordinance dated 7/94 (part), 1994). With that saying, the parking calculation should comply with the "Restaurant" requirement – 1 parking space per 60 SF of dining area, which assume 50% of existing building. Under that calculation, a total a 16 parking spaces are required.*

The January 20, 2020 letter outlined that the proposed use as a Starbucks Coffee has been determined, by the nature of its operation, to be a take-out food establishment and not a bona fide restaurant, as food is not prepared on-site, and customers are not served at tables. Therefore, the parking requirement for the use is eight parking spaces plus one space for each 100 square feet of gross floor area (Marina Municipal Code Chapter 17.44.030 H.) which requires 28 parking spaces on the site for a 1,920 square foot building.

The original 1978 conditional use permit for a Del Taco Drive-Thru Restaurant approved a combination restaurant/take-out/ drive-thru facility. The facility required 27 parking spaces for the original 1,855 square foot building, however, a variance was granted to reduce the number of spaces

to 26 (Note that the building was expanded to its current square footage with an addition to the restrooms). A further reduction in parking would require the approval of a variance by the Planning Commission.

In addition, as stated in the January 16, 2020 letter, because the proposed use will change (from a fast food restaurant with a drive-thru to a more intensified take-out establishment with a drive thru), a new Conditional Use Permit (CUP) is required. Staff determined the additional trips and queuing issues associated with this use during peak hours will require the additional review and possible conditions rooted in the CUP process. Staff has serious safety concerns about the existing circulation on the site mixed with queuing for a drive-thru associated with a coffee shop and the potential for queuing to extend into Del Monte Avenue and Reservation Road.

Should you have any questions regarding this letter, please call me at (831) 884-1238 by email me at chopper@cityofmarina.org.

Sincerely,



Christy Hopper
Planning Services Manager
City of Marina

c: 200 Reservation Rd Property File

From: Frank Coda <fcoda@greenbergfarrow.com>
Sent: Thursday, February 20, 2020 7:19 PM
To: Christine Hopper <chopper@cityofmarina.org>
Cc: Erin Fernando <efernando@cityofmarina.org>; Alexander Barton <abarton@cityofmarina.org>; Fred Aegerter <faegerter@cityofmarina.org>; Douglas Murphy <dmurphy@starbucks.com>
Subject: RE: Incomplete Letter

Christy,

Following up from our meeting with you, Fred, and Alec, please find attached a revised site plan that we believe meets the code items as well as addresses the potential of cars queuing onto Reservation. Please note the following:

- 1) Use – since we haven't rec'd the original 1978 CUP approval for the Del Taco Drive-Thru Restaurant, going by what you indicated in your 1/17/20 letter, it was approved as a combination restaurant / take-out / drive-thru facility. We believe that the Starbucks use is exactly that having all 3 components as you know. There are customers that come in the facility to get their coffee and then leave which is the take-out component. There customers that come in and in addition to getting coffee, they purchase food for consumption and then proceed to sit at tables and consume their food which is the restaurant component the same as our use today. And there is the drive thru window and lane, which this Starbucks will have as well. As such, we believe we would fall under the 1978 CUP as there is not a change in use.
- 2) Parking – pursuant to the 1978 CUP, as you noted in your 1/17/20 letter, the facility was required to provide 27 spaces and a variance was granted to reduce the parking requirement to 26. Further that the building was expanded to the current footprint and square footage and with apparently no additional parking spaces required. Our attached plan provides for 26 parking spaces designed per the current code. It should be noted that currently on-site there are only 24 spaces. Our proposed plan not only provides the number required by the original CUP but also complies with the landscaping requirements and adds in the planters required under current code
- 3) Impact of queuing – the revised plan shows an elongated drive-thru lane which will provide queuing for 9 cars (we used the 19' long dimension required for parking spaces for a car length). Additionally, there is 8' of width beyond the required 24' two-way drive for additional cars to queue. And finally, we have converted the current two-way Reservation driveway to an exit only to eliminate any possibility of cars backing out onto Reservation.
- 4) Del Monte driveway – we have reconfigured this drive to provide a more typical 90 degree drive to correct the current un-safe situation for cars exiting onto Del Monte.

We look forward to your review of our proposed plan and thoughts on how we move forward with our project application and would suggest that we set up a time to have a follow up meeting.

As always, please do not hesitate to contact me should you have any questions or comments.

Thanks

Frank

(714) 393-8293

From: Christine Hopper <chopper@cityofmarina.org>
Sent: Tuesday, January 21, 2020 2:12 PM
To: Frank Coda <fcoda@greenbergfarrow.com>

Cc: Erin Fernando <efernando@cityofmarina.org>; Alexander Barton <abarton@cityofmarina.org>; Winnie Liang <wliang@greenbergfarrow.com>; Fred Aegerter <faegerter@cityofmarina.org>
Subject: RE: Incomplete Letter

EXTERNAL SENDER – Do not click links or open attachments unless you recognize the sender

Frank,

Thursday, January 23 would work for us at the following times:

Between 10:30 am and 12:00 pm

1 pm – 2 pm

After 3:30 pm.

Christy Hopper
Planning Services Manager



City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933

(831) 884-1238 – direct
(831) 884-1220 - office
(831) 384-0425 – fax

From: Frank Coda <fcoda@greenbergfarrow.com>
Sent: Friday, January 17, 2020 4:37 PM
To: Christine Hopper <chopper@cityofmarina.org>
Cc: Erin Fernando <efernando@cityofmarina.org>; Alexander Barton <abarton@cityofmarina.org>; Winnie Liang <wliang@greenbergfarrow.com>
Subject: RE: Incomplete Letter

Christine,

Thank you for your prompt response. We would like to set up a meeting with you and others from your City to discuss further. As you might imagine, we are surprised by the interpretation, especially after disclosing to the City last July that we were changing this to a coffee shop and didn't have the issue of change of use come up at that time. We certainly want to work thru the City's concerns and are hopeful we could reach agreement on a path forward for the project.

Ideally Thursday afternoon would work for us. Please let me know and we would also bring our client from Starbucks with us.

Thanks in advance for your assistance

Frank

Frank M. Coda AIA
Principal
30 Executive Park, Suite 100, Irvine, CA 92614
t: 714.393.8293



Confidentiality Notice: This email may contain confidential and/or private information. If you received this email in error please delete and notify sender.

From: Christine Hopper <chopper@cityofmarina.org>
Sent: Friday, January 17, 2020 2:51 PM
To: Winnie Liang <wliang@greenbergfarrow.com>
Cc: Erin Fernando <efernando@cityofmarina.org>; Frank Coda <fcoda@greenbergfarrow.com>;
Alexander Barton <abarton@cityofmarina.org>
Subject: RE: Incomplete Letter

EXTERNAL SENDER – Do not click links or open attachments unless you recognize the sender

Winnie,

Please find the attached letter with the assessment of the proposed use and parking by the Planning Services Manager. Please let me know if you would like to discuss. If you disagree with staff's interpretation of the parking, use or use permit requirement, you have the right to file an appeal of the decision to the Planning Commission.

Sincerely,

Christy Hopper
Planning Services Manager



City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933

(831) 884-1238 – direct
(831) 884-1220 - office
(831) 384-0425 – fax

From: Winnie Liang <wliang@greenbergfarrow.com>
Sent: Friday, January 17, 2020 10:44 AM
To: Alexander Barton <abarton@cityofmarina.org>
Cc: Christine Hopper <chopper@cityofmarina.org>; Erin Fernando <efernando@cityofmarina.org>;
Frank Coda <fcoda@greenbergfarrow.com>
Subject: RE: Incomplete Letter

Good Morning Alec,

Thank you for the letter, and we will revise the submittal package accordingly. There are several items in the letter I would like to discuss:

- Sheet SP-1.i.13: The proposed Starbucks is NOT a take-out restaurant since there is indoor seating. The existing use of Burger King remains the same. The proposed project is still a restaurant with drive-through facility, just adding outdoor dining area. It is in consistency with

the "Restaurant" definition in the Municipal Code Sec. 17.04.550 - *"Restaurant" means a business devoted to the serving of prepared food to the public where the food is consumed on the premises while the customers are seated. (Zoning ordinance dated 7/94 (part), 1994).* With that saying, the parking calculation should comply with the "Restaurant" requirement – 1 parking space per 60 SF of dining area, which assume 50% of existing building. Under that calculation, a total a 16 parking spaces are required.

- Sheet LCP-1, i: The existing light poles are shown on the plan, we will add a note to highlight. However, there is no proposed light pole for project. We will use the existing light pole. Please advise if we still need to provide the lighting cut sheet in this case.
- Drainage Plan: Based on the area calculation for attached Sheet C-1 Grading Conceptual Plan, the disturbed area is less than 5,000 sq. ft., which would not trigger drainage and water quality requirements. Please confirm.
- Color and Material Board: Since the project will not change any exterior material and just repaint the color. Please advise if a color and material board is still required.

Best regards,

Winnie Liang, AICP

Due Diligence Coordinator

30 Executive Park, Suite 100, Irvine, CA 92614

t: 657.333.5062 c: 213.880.6750



From: Alexander Barton <abarton@cityofmarina.org>

Sent: Thursday, January 16, 2020 12:23 PM

To: Winnie Liang <wliang@greenbergfarrow.com>

Cc: Christine Hopper <chopper@cityofmarina.org>; Erin Fernando <efernando@cityofmarina.org>

Subject: RE: Incomplete Letter

EXTERNAL SENDER – Do not click links or open attachments unless you recognize the sender

My apologies, I attached the wrong document. Please disregard the previous attachment and review this letter instead.

Thank you,
Alec



Alec Barton

Assistant Planner

(831) 884-1217

abarton@cityofmarina.org

From: Alexander Barton

Sent: Thursday, January 16, 2020 12:20 PM

To: 'Winnie Liang' <wliang@greenbergfarrow.com>

Cc: Christine Hopper <chopper@cityofmarina.org>; Erin Fernando <efernando@cityofmarina.org>

Subject: Incomplete Letter

Good afternoon Winnie:

Staff have reviewed the application you submitted January 3, 2020 for the Starbucks food establishment at 200 Reservation Road. This application has been deemed incomplete. Please review the following letter and let me know if you have questions. When you are ready to resubmit a complete application let me know and I can assist you in that process.

Thank you,
Alec



Alec Barton

Assistant Planner

(831) 884-1217

abarton@cityofmarina.org

From: Christine Hopper <chopper@cityofmarina.org>
Sent: Wednesday, March 4, 2020 9:33 AM
To: Winnie Liang <wliang@greenbergfarrow.com>; Frank Coda <fcoda@greenbergfarrow.com>
Cc: Fred Aegerter <faegerter@cityofmarina.org>; Erin Fernando <efernando@cityofmarina.org>; Alexander Barton <abarton@cityofmarina.org>
Subject: RE: 200 Reservation Rd- 2nd staff evaluation

EXTERNAL SENDER – Do not click links or open attachments unless you recognize the sender

Attachment

Christy Hopper
Planning Services Manager



City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933

(831) 884-1238 – direct
(831) 884-1220 - office
(831) 384-0425 – fax

From: Christine Hopper
Sent: Wednesday, March 4, 2020 9:32 AM
To: Winnie Liang <wliang@greenbergfarrow.com>; Frank Coda <fcoda@greenbergfarrow.com>
Cc: Fred Aegerter <faegerter@cityofmarina.org>; Erin Fernando <efernando@cityofmarina.org>; Alexander Barton <abarton@cityofmarina.org>
Subject: 200 Reservation Rd- 2nd staff evaluation

Winnie and Frank,

Please find staff's 2nd evaluation for the use of 200 Reservation.

Please let me know if you have any questions.

Christy Hopper
Planning Services Manager



City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933

(831) 884-1238 – direct
(831) 884-1220 - office
(831) 384-0425 – fax

City of Marina



City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933
831- 884-1278; FAX 831- 384-9148
www.ci.marina.ca.us

March 4, 2020

GreenbergFarrow
ATTN: Winnie Liang and Frank Coda
30 Executive Park Ste. 100
Irvine, CA 92614

****VIA E-MAIL****

Re: 200 Reservation Road – Starbucks – Evaluation of Proposed Use and Parking Requirements – Second Letter

Dear Ms. Liang and Mr. Coda:

Planning staff received an email from Mr. Coda on February 20, 2020 with the following statements in response to staff's January 17, 2020 letter regarding the proposed use of an existing Burger King restaurant for a Starbucks Coffee establishment with staff responses to each point:

- 1) Use – since we haven't rec'd the original 1978 CUP approval for the Del Taco Drive-Thru Restaurant, going by what you indicated in your 1/17/20 letter, it was approved as a combination restaurant / take-out / drive-thru facility. We believe that the Starbucks use is exactly that having all 3 components as you know. There are customers that come in the facility to get their coffee and then leave which is the take-out component. There customers that come in and in addition to getting coffee, they purchase food for consumption and then proceed to sit at tables and consume their food which is the restaurant component the same as our use today. And there is the drive thru window and lane, which this Starbucks will have as well. As such, we believe we would fall under the 1978 CUP as there is not a change is use.*

Staff Response: The 1978 Design Review, Variance and Use Permit approvals for the Del Taco Restaurant are attached. Staff maintains that the conversion of the use from proposed use will change (from a fast food restaurant with a drive-thru to a more intensified take-out establishment with a drive thru), a new Conditional Use Permit (CUP) is required. Staff determined the additional trips and queuing issues associated with this use during peak hours will require the additional review and possible conditions rooted in the CUP process. Staff has serious safety concerns about the existing circulation on the site mixed with queuing for a drive-thru associated with a coffee shop and the potential for queuing to extend into Del

Monte Avenue and Reservation Road. The new site plan submitted does address the queuing onto Reservation Road, however, staff remains concerned about the queuing in the parking lot and the ability for vehicles to back out of parking spaces.

- 2) *Parking – pursuant to the 1978 CUP, as you noted in your 1/17/20 letter, the facility was required to provide 27 spaces and a variance was granted to reduce the parking requirement to 26. Further that the building was expanded to the current footprint and square footage and with apparently no additional parking spaces required. Our attached plan provides for 26 parking spaces designed per the current code. It should be noted that currently on-site there are only 24 spaces. Our proposed plan not only provides the number required by the original CUP but also complies with the landscaping requirements and adds in the planters required under current code*

Staff Response: With the change of use the variance will need to be revisited because finding #3 from the Variance Resolution applies to the operation of the Del Taco restaurant and not the change of use to a coffee shop. The use proposed would require 28 parking spaces.

- 3) *Impact of queuing – the revised plan shows an elongated drive-thru lane which will provide queuing for 9 cars (we used the 19' long dimension required for parking spaces for a car length). Additionally, there is 8' of width beyond the required 24' two-way drive for additional cars to queue. And finally, we have converted the current two-way Reservation driveway to an exit only to eliminate any possibility of cars backing out onto Reservation.*

Staff Response: Staff remains concerned about a pinch point at the entrance to the drive thru where cars will be exiting and queuing.

- 4) *Del Monte driveway – we have reconfigured this drive to provide a more typical 90 degree drive to correct the current un-safe situation for cars exiting onto Del Monte.*

Staff Response: Noted. This change will require review by the City Engineer and Fire Department.

The proposed use and modifications to the site meet the City's definition of development. All development within the Downtown Vitalization Planning Area requires the preparation of a Specific Plan to demonstrate the project's compliance with the General Plan. After the draft Downtown Vitalization Specific Plan is adopted (hopefully later this year), the requirement for a Specific Plan will be lifted. Please note that the draft plan would not permit a drive thru on this site.

Staff interpretations are appealable to the Planning Commission. If you wish to appeal staff's decision, you may submit an application for appeal. The application fee is \$2,075. The appeal form is attached.

Should you have any questions regarding this letter, please call me at (831) 884-1238 by email me at chopper@cityofmarina.org.

Sincerely,



Christy Hopper
Planning Services Manager
City of Marina

c: 200 Reservation Rd Property File

e: Winnie Liang, Applicant; Frank Coda, Architect

Attachments: 1978 approvals for the Del Taco Restaurant
Appeal Application

MARINA PLANNING COMMISSION

RESOLUTION NO. 78-70 -A

A RESOLUTION APPROVING/~~DEPRIVING~~ THE VARIANCE APPLICATION OF _____
Arthur Development Company - Del Taco Drive-thru restaurant

WHEREAS, Mr. Roger Knight has applied for a Variance to Section 29(a)(2)(h) of the Zoning Ordinance of the City of Marina, in accordance with Section 30 of said Ordinance, to allow:

Reduction in the required number of parking spaces of 27 to 26

, and

WHEREAS, this matter was heard before the Planning Commission on _____
August 7, 1978, and

WHEREAS, said Planning Commission having considered the application and the evidence presented relating thereto, has made the following findings:

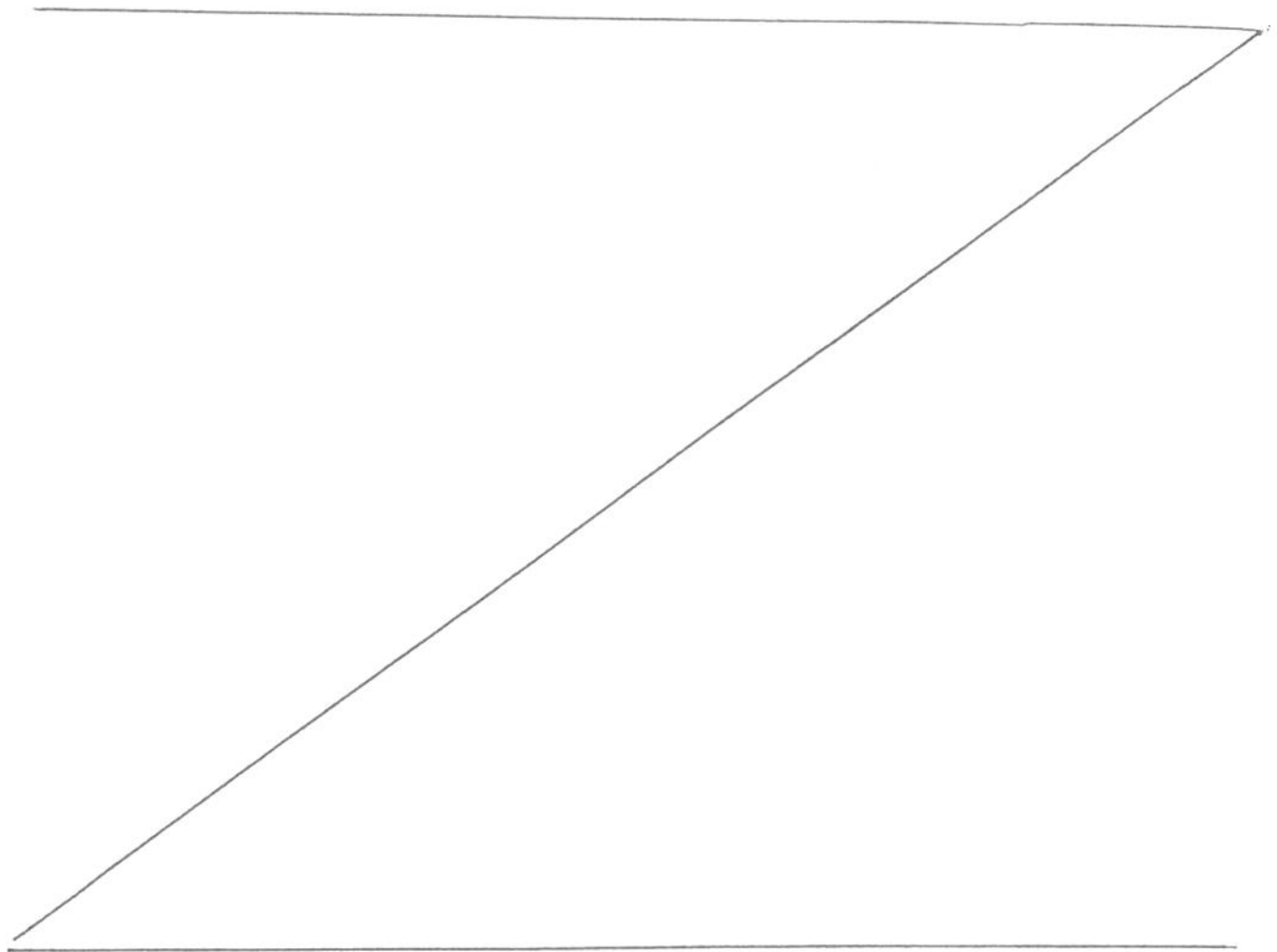
1. The applicant is requesting a reduction of parking spaces from 27 to 26 for the construction of a Del Taco Drive-thru restaurant at 200 Reservation Road.
2. Special circumstances, namely the physical shape of this corner lot, make the strict application of Section 29(a)(2)(h) of the Marina Zoning Ordinance inconsistent with the limitations placed upon other properties in the vicinity and under identical zone classification.
3. Approximately 25% of the restaurant's business is via the drive-thru window thereby making the strict interpretation of Section 29(a)(2)(h) of the Marina Zoning Ordinance inconsistent when applied to this property and does not constitute a grant of special privileges.

, and

WHEREAS, the Marina Planning Commission further finds:

- 1) That because of special circumstances applicable to subject property, strict application of this Ordinance does/does not deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification, and
- 2) That the grant of a Variance Permit would/would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated

NOW, THEREFORE, BE IT RESOLVED that the Marina Planning Commission hereby grants/does not said application for a Variance.



PASSED AND ADOPTED this 7th day of August 1978,
by the following vote:

AYES: Commissioners Garwood, Hutchins, McCaffrey, Rogacion, Smith,
Walters and Kosorek

NOES: None

ABSENT: Commissioners DiMaggio and Righello

Dennis B. Ballejo
Secretary

Valerie W. Horan
Chairman

MARINA PLANNING COMMISSION

RESOLUTION NO. 78- 69 - A

A RESOLUTION APPROVING/~~DEVELOPING~~ THE USE PERMIT APPLICATION OF _____
Arthur Development Company - Del Taco Drive-thru restaurant

WHEREAS, Roger Knight
 has filed an application for a use permit for property located at _____
200 Reservation Road to allow a Del Taco Drive-thru restaurant, and

WHEREAS, this matter was heard before the Planning Commission on _____
August 7, 1978, and

WHEREAS, said Planning Commission having considered the application and the evidence presented relating thereto, has made the following findings:

1. The applicant proposes to construct a Del Taco restaurant on the southeasterly corner of Del Monte Boulevard and Reservation Road.
2. The completion of this project will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood.
3. The project is consistent with the Marina Master Plan, proposed General Plan, and the requirements of the Marina Zoning Ordinance.

, and

WHEREAS, The Planning Commission also finds that the establishment, maintenance or operation of the use or building applied for ~~xxx~~/will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and/or general welfare of persons residing or working in the neighborhood of such proposed use, and/or detrimental or injurious to property or improvements in the neighborhood and/or to the general welfare of the City. The Planning Commission further finds that the use does/does not conform to the requirements and intent of Zoning Ordinance, No. 77-10, the Marina General Plan, and such use ~~xxx~~/will not constitute a nuisance.

NOW, THEREFORE, BE IT RESOLVED that the Marina Planning Commission hereby ~~grants/denies~~ said Use Permit for the purposes hereinbefore set forth, subject to the following conditions:

- 1) This Use Permit shall expire if not used within one (1) year from date of this resolution without further notification.
2. The applicant shall submit a final plot plan indicating vehicular circulation on the entire parcel. Such traffic patterns shall be approved by the Marina Traffic Committee prior to the issuance of any building permit for this project.

3. All utilities for the entire parcel shall be undergrounded to the satisfaction of the City Engineer.
4. The applicant shall provide an onsite/offsite drainage study for the entire parcel to the satisfaction of the City Engineer.
5. Any necessary grading permit for the entire parcel shall be secured to the satisfaction of the City Engineer.
6. Street improvements for the entire parcel shall be constructed to the satisfaction of the City Engineer. Such improvements include, but are not limited to, driveways; curb taper; and gutter alignment.
7. Compliance shall be maintained with the building codes and fire regulations to the satisfaction of the Building Official and Fire Chief. Such compliance includes installation of fire extinguishers and the extinguishing system in the kitchen hood.
8. Final plans and appropriate plan check fees shall be submitted to the Health Department.
9. The applicant shall install any required street lights for the entire parcel to the satisfaction of PG&E and the City Engineer.
10. Compliance shall be maintained with the conditions of Design Review.

VK:be

PASSED AND ADOPTED this 7th day of August
19 78, by the following vote:

AYES: Commissioners Garwood, Hutchins, McCaffrey, Rogacion, Smith,
Walters and Kosorek

NOES: None

ABSENT: Commissioners DiMaggio and Righello

Valerie W. Horan
Chairman

Dennis R. Brehm
Secretary



APPEAL FORM

Appeal to the Planning Commission: Review, report on, publish and perform staff work for an appeal of a staff or Site and Architectural Design Review Board decision to the Planning Commission.

Appeal to the City Council: Review, report on, publish and perform staff work for an appeal of a Planning Commission decision to the City Council.

Appeal to: ☐ Planning Commission

☐ City Council

From Action of: _____

Date of Action : _____

Appellant's:

Name: _____

Mailing Address: _____

Phone: _____ Email: _____

Appellant's Interest: _____

Appellant's Reason for Appeal:

Reasons for appeal shall pertain to factual information considered by the last reviewing body. No new factual information may be submitted. Use additional sheets as desired.

Appellant's Signature: _____ Date: _____

FOR OFFICE USE ONLY:

DATE APPEAL SUBMITTED _____

FEE COLLECTED \$ _____

ORIGINAL APPLICATION NUMBER _____

APPEAL NUMBER: _____

RECEIPT NUMBER _____

PLANNER INITIALS: _____

From: Douglas Murphy
Sent: Friday, May 1, 2020 1:49 PM
To: bdelgado62@gmail.com; Amber Reed <areed@starbucks.com>; Frank Coda <fcoda@greenbergfarrow.com>
Subject: New Marina, CA Starbucks Drive-Thru at Reservation & Del Monte

Mayor Delgado,

Thank you for your time and the conversation this morning. We want to request your support and further apprise you of our pursuit to develop a new drive-through Starbucks at the corner of Reservation Road & Del Monte Boulevard. We have worked with the Landlord to replace the existing Burger King and completely renovate the building to both improve its appearance while preserving the drive-through window and correct the traffic issues that are foreseen at the site. We submitted our plans for approval and our belief is that our design and use allow us to continue to operate under the existing CUP, currently used by Burger King and originally approved for the former Del Taco. The Planning Dept. has been very responsive, but we differ in the interpretation of the CUP. We submitted for our original building permit in December 2019, met with Christine Hopper and her Planning team in late January to discuss their initial response and concerns and then submitted a revised plan (our current plan) in order to address the noted concerns while fulfilling the CUPs requirements. Additionally, we recently reached out to the City Manager, Layne Long, but due to the ongoing Covid 19 pandemic we have been unable to connect. We see our use as complying with the restaurant/take-out/drive-through facility CUP. We also see that the parking, queuing impact and site access adjustments (removing right turn into the site off of Reservation Rd) are sufficient to meet the code and commensurate to respond to our site needs. We would like to continue our conversation with the City of Marina in order to see our development through to completion and bring what we see as a site improvement to the City.

**Attached for reference: 1) Planning Response to our revised site plan 2) Revised Site Plan 3) Original Renderings for our initial proposal*

Best,
Doug

Doug Murphy
Starbucks Coffee Company
Real Estate Manager - Store Development
60 Spear Street, San Francisco, CA 94105
Cell: 415-265-0560 | Office: 415-537-7196



City of Marina



City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933
831- 884-1278; FAX 831- 384-9148
www.ci.marina.ca.us

March 4, 2020

GreenbergFarrow
ATTN: Winnie Liang and Frank Coda
30 Executive Park Ste. 100
Irvine, CA 92614

****VIA E-MAIL****

Re: 200 Reservation Road – Starbucks – Evaluation of Proposed Use and Parking Requirements – Second Letter

Dear Ms. Liang and Mr. Coda:

Planning staff received an email from Mr. Coda on February 20, 2020 with the following statements in response to staff's January 17, 2020 letter regarding the proposed use of an existing Burger King restaurant for a Starbucks Coffee establishment with staff responses to each point:

- 1) Use – since we haven't rec'd the original 1978 CUP approval for the Del Taco Drive-Thru Restaurant, going by what you indicated in your 1/17/20 letter, it was approved as a combination restaurant / take-out / drive-thru facility. We believe that the Starbucks use is exactly that having all 3 components as you know. There are customers that come in the facility to get their coffee and then leave which is the take-out component. There customers that come in and in addition to getting coffee, they purchase food for consumption and then proceed to sit at tables and consume their food which is the restaurant component the same as our use today. And there is the drive thru window and lane, which this Starbucks will have as well. As such, we believe we would fall under the 1978 CUP as there is not a change is use.*

Staff Response: The 1978 Design Review, Variance and Use Permit approvals for the Del Taco Restaurant are attached. Staff maintains that the conversion of the use from proposed use will change (from a fast food restaurant with a drive-thru to a more intensified take-out establishment with a drive thru), a new Conditional Use Permit (CUP) is required. Staff determined the additional trips and queuing issues associated with this use during peak hours will require the additional review and possible conditions rooted in the CUP process. Staff has serious safety concerns about the existing circulation on the site mixed with queuing for a drive-thru associated with a coffee shop and the potential for queuing to extend into Del

Monte Avenue and Reservation Road. The new site plan submitted does address the queuing onto Reservation Road, however, staff remains concerned about the queuing in the parking lot and the ability for vehicles to back out of parking spaces.

- 2) *Parking – pursuant to the 1978 CUP, as you noted in your 1/17/20 letter, the facility was required to provide 27 spaces and a variance was granted to reduce the parking requirement to 26. Further that the building was expanded to the current footprint and square footage and with apparently no additional parking spaces required. Our attached plan provides for 26 parking spaces designed per the current code. It should be noted that currently on-site there are only 24 spaces. Our proposed plan not only provides the number required by the original CUP but also complies with the landscaping requirements and adds in the planters required under current code*

Staff Response: With the change of use the variance will need to be revisited because finding #3 from the Variance Resolution applies to the operation of the Del Taco restaurant and not the change of use to a coffee shop. The use proposed would require 28 parking spaces.

- 3) *Impact of queuing – the revised plan shows an elongated drive-thru lane which will provide queuing for 9 cars (we used the 19' long dimension required for parking spaces for a car length). Additionally, there is 8' of width beyond the required 24' two-way drive for additional cars to queue. And finally, we have converted the current two-way Reservation driveway to an exit only to eliminate any possibility of cars backing out onto Reservation.*

Staff Response: Staff remains concerned about a pinch point at the entrance to the drive thru where cars will be exiting and queuing.

- 4) *Del Monte driveway – we have reconfigured this drive to provide a more typical 90 degree drive to correct the current un-safe situation for cars exiting onto Del Monte.*

Staff Response: Noted. This change will require review by the City Engineer and Fire Department.

The proposed use and modifications to the site meet the City's definition of development. All development within the Downtown Vitalization Planning Area requires the preparation of a Specific Plan to demonstrate the project's compliance with the General Plan. After the draft Downtown Vitalization Specific Plan is adopted (hopefully later this year), the requirement for a Specific Plan will be lifted. Please note that the draft plan would not permit a drive thru on this site.

Staff interpretations are appealable to the Planning Commission. If you wish to appeal staff's decision, you may submit an application for appeal. The application fee is \$2,075. The appeal form is attached.

Should you have any questions regarding this letter, please call me at (831) 884-1238 by email me at chopper@cityofmarina.org.

Sincerely,



Christy Hopper
Planning Services Manager
City of Marina

c: 200 Reservation Rd Property File

e: Winnie Liang, Applicant; Frank Coda, Architect

Attachments: 1978 approvals for the Del Taco Restaurant
Appeal Application

MARINA PLANNING COMMISSION

RESOLUTION NO. 78-70 -A

A RESOLUTION APPROVING/~~DEPRIVING~~ THE VARIANCE APPLICATION OF _____
Arthur Development Company - Del Taco Drive-thru restaurant

WHEREAS, Mr. Roger Knight has applied for a Variance to Section 29(a)(2)(h) of the Zoning Ordinance of the City of Marina, in accordance with Section 30 of said Ordinance, to allow:

Reduction in the required number of parking spaces of 27 to 26

, and

WHEREAS, this matter was heard before the Planning Commission on _____
August 7, 1978, and

WHEREAS, said Planning Commission having considered the application and the evidence presented relating thereto, has made the following findings:

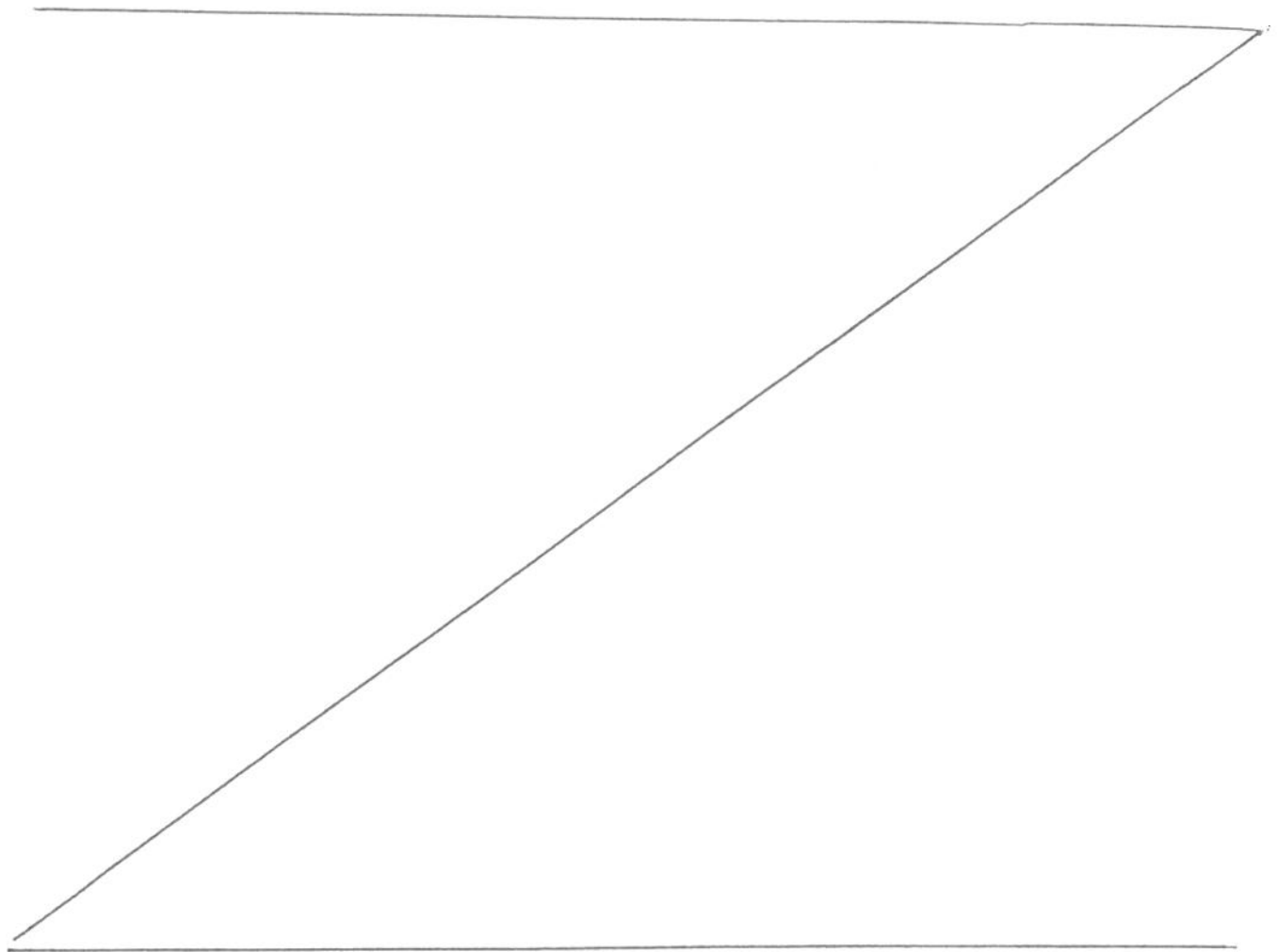
1. The applicant is requesting a reduction of parking spaces from 27 to 26 for the construction of a Del Taco Drive-thru restaurant at 200 Reservation Road.
2. Special circumstances, namely the physical shape of this corner lot, make the strict application of Section 29(a)(2)(h) of the Marina Zoning Ordinance inconsistent with the limitations placed upon other properties in the vicinity and under identical zone classification.
3. Approximately 25% of the restaurant's business is via the drive-thru window thereby making the strict interpretation of Section 29(a)(2)(h) of the Marina Zoning Ordinance inconsistent when applied to this property and does not constitute a grant of special privileges.

, and

WHEREAS, the Marina Planning Commission further finds:

- 1) That because of special circumstances applicable to subject property, strict application of this Ordinance does/does not deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification, and
- 2) That the grant of a Variance Permit would/would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated

NOW, THEREFORE, BE IT RESOLVED that the Marina Planning Commission hereby grants/does not said application for a Variance.



PASSED AND ADOPTED this 7th day of August 1978,
by the following vote:

AYES: Commissioners Garwood, Hutchins, McCaffrey, Rogacion, Smith,
Walters and Kosorek

NOES: None

ABSENT: Commissioners DiMaggio and Righello

Dennis B. Ballejo
Secretary

Valerie W. Horan
Chairman

MARINA PLANNING COMMISSION

RESOLUTION NO. 78- 69 - A

A RESOLUTION APPROVING/~~DEVELOPING~~ THE USE PERMIT APPLICATION OF _____
Arthur Development Company - Del Taco Drive-thru restaurant

WHEREAS, Roger Knight
 has filed an application for a use permit for property located at _____
200 Reservation Road to allow a Del Taco Drive-thru restaurant, and

WHEREAS, this matter was heard before the Planning Commission on _____
August 7, 1978, and

WHEREAS, said Planning Commission having considered the application and the evidence presented relating thereto, has made the following findings:

1. The applicant proposes to construct a Del Taco restaurant on the southeasterly corner of Del Monte Boulevard and Reservation Road.
2. The completion of this project will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood.
3. The project is consistent with the Marina Master Plan, proposed General Plan, and the requirements of the Marina Zoning Ordinance.

, and

WHEREAS, The Planning Commission also finds that the establishment, maintenance or operation of the use or building applied for ~~xxx~~/will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and/or general welfare of persons residing or working in the neighborhood of such proposed use, and/or detrimental or injurious to property or improvements in the neighborhood and/or to the general welfare of the City. The Planning Commission further finds that the use does/does not conform to the requirements and intent of Zoning Ordinance, No. 77-10, the Marina General Plan, and such use ~~xxx~~/will not constitute a nuisance.

NOW, THEREFORE, BE IT RESOLVED that the Marina Planning Commission hereby ~~grants/denies~~ said Use Permit for the purposes hereinbefore set forth, subject to the following conditions:

- 1) This Use Permit shall expire if not used within one (1) year from date of this resolution without further notification.
2. The applicant shall submit a final plot plan indicating vehicular circulation on the entire parcel. Such traffic patterns shall be approved by the Marina Traffic Committee prior to the issuance of any building permit for this project.

3. All utilities for the entire parcel shall be undergrounded to the satisfaction of the City Engineer.
4. The applicant shall provide an onsite/offsite drainage study for the entire parcel to the satisfaction of the City Engineer.
5. Any necessary grading permit for the entire parcel shall be secured to the satisfaction of the City Engineer.
6. Street improvements for the entire parcel shall be constructed to the satisfaction of the City Engineer. Such improvements include, but are not limited to, driveways; curb taper; and gutter alignment.
7. Compliance shall be maintained with the building codes and fire regulations to the satisfaction of the Building Official and Fire Chief. Such compliance includes installation of fire extinguishers and the extinguishing system in the kitchen hood.
8. Final plans and appropriate plan check fees shall be submitted to the Health Department.
9. The applicant shall install any required street lights for the entire parcel to the satisfaction of PG&E and the City Engineer.
10. Compliance shall be maintained with the conditions of Design Review.

VK:be

PASSED AND ADOPTED this 7th day of August
19 78, by the following vote:

AYES: Commissioners Garwood, Hutchins, McCaffrey, Rogacion, Smith,
Walters and Kosorek

NOES: None

ABSENT: Commissioners DiMaggio and Righello

Valerie W. Horan
Chairman

Dennis R. Brehm
Secretary



APPEAL FORM

Appeal to the Planning Commission: Review, report on, publish and perform staff work for an appeal of a staff or Site and Architectural Design Review Board decision to the Planning Commission.

Appeal to the City Council: Review, report on, publish and perform staff work for an appeal of a Planning Commission decision to the City Council.

Appeal to: ☐ Planning Commission

☐ City Council

From Action of: _____

Date of Action : _____

Appellant's:

Name: _____

Mailing Address: _____

Phone: _____ Email: _____

Appellant's Interest: _____

Appellant's Reason for Appeal:

Reasons for appeal shall pertain to factual information considered by the last reviewing body. No new factual information may be submitted. Use additional sheets as desired.

Appellant's Signature: _____ Date: _____

FOR OFFICE USE ONLY:

DATE APPEAL SUBMITTED _____

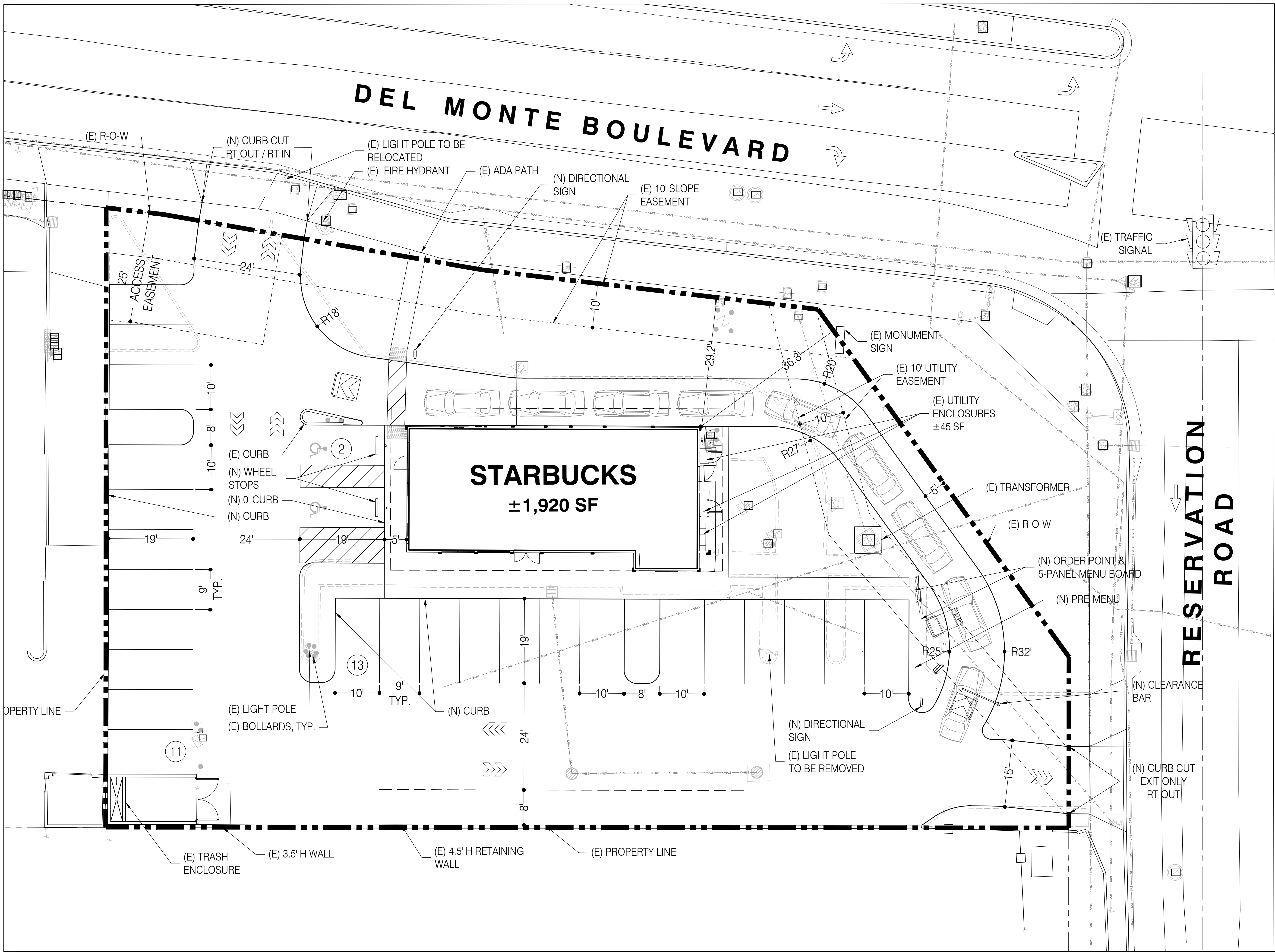
FEE COLLECTED \$ _____

ORIGINAL APPLICATION NUMBER _____

APPEAL NUMBER: _____

RECEIPT NUMBER _____

PLANNER INITIALS: _____



PROJECT INFORMATION

ZONING CLASSIFICATION

JURISDICTION	CITY OF MARINA, CA
EXISTING ZONE	C1 (RETAIL BUSINESS DISTRICT)

SITE AREA

SITE AREA:	±0.57 AC (±24,725 SF)
SITE COVERAGE:	±7.76% (±3,368 SF/AC)

BUILDING INFORMATION

EXISTING BUILDING AREA	±1,920 SF
EXISTING UTILITY ENCLOSURES	± 45 SF

PARKING SUMMARY

EXISTING PARKING		SPACES PROVIDED
USER		
EXISTING BUILDING		
STANDARD		22
ACCESSIBLE		2
TOTAL		24

PROPOSED PARKING			
USER	RATIO REQUIRED	SPACES REQUIRED	SPACES PROVIDED
STARBUCKS	PER CUP	26	
STANDARD	DATED 1978		24
ACCESSIBLE			2
TOTAL		26	26

TOTAL PARKING LOSS 0 SPACE

* PARKING REQUIREMENTS FOR RESTAURANTS ARE 1 SP/60 SF OF DINING AREA. ASSUMED 50% OF EXISTING BUILDING IS ALLOCATED FOR DINING.

PROJECT NOTES

- THIS CONCEPTUAL SITE PLAN IS FOR PLANING SUBMITTAL PURPOSES ONLY.
- THIS SITE PLAN IS BASED ON ALTA SURVEY DRAWN BY BASE CONSULTING GROUP, DATED 9/24/2019.

DRAWING ISSUE/REVISION RECORD

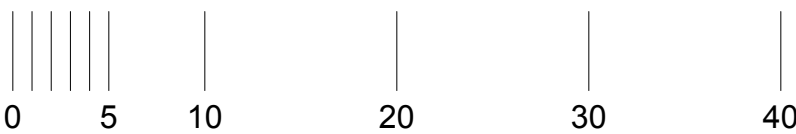
DATE	NARRATIVE	INITIALS
08.05.2019	PREP SP-EX EXISTING CONDITIONS	II
12.30.2019	PREP SP-1	MM
02.14.2020	PREP SP-2	JN

GREENBERG FARROW CONTACTS

PROJECT MANAGER	I.BRAHIMBEGOVIC
SITE DEV. COORDINATOR	F.CODA



SCALE: 1"=10'-0"





EXTERIOR SCOPE OF WORK

- | | |
|---|--|
| 1 | RE-PAINT EXTERIOR (SW 7068, SW 7069) |
| 2 | 18" ILLUMINATED WHITE WORD MARK |
| 3 | 48" ILLUMINATED DRIVE THRU BUILDING SIGN |
| 4 | RE-CLAD ROOF BANDING WITH METAL |
| 5 | NEW ELEVATED EXTERIOR PATIO W/ PLANTERS |
| 6 | ADD STOREFRONT GLAZING |
| 7 | SHIFT DRIVE THRU WINDOW |
| 8 | ADD (2) EXTERIOR SCONCES & AWNING |





EXTERIOR SCOPE OF WORK

- | | |
|---|--|
| 1 | RE-PAINT EXTERIOR (SW 7068, SW 7069) |
| 2 | 48" ILLUMINATED LOGODISK |
| 3 | 48" ILLUMINATED DRIVE THRU BUILDING SIGN |
| 4 | RE-CLAD ROOF BANDING WITH METAL |
| 5 | EXTEND STOREFRONT GLAZING TO FLOOR |
| 6 | DTE EQUIPMENT |
| 7 | NEW EXTERIOR PATIO |



From: Bruce Delgado <bdelgado62@gmail.com>

Sent: Friday, June 5, 2020 12:14 PM

To: Douglas Murphy <dmurphy@starbucks.com>

Cc: Amber Reed <areed@starbucks.com>; Frank Coda <fcoda@greenbergfarrow.com>; Fred Aegerter <faegerter@cityofmarina.org>; Layne Long <llong@cityofmarina.org>; Christine Hopper <chopper@cityofmarina.org>

Subject: Re: New Marina, CA Starbucks Drive-Thru at Reservation & Del Monte

Hello Doug and team,

Thank you for your patience with your inquiry for my assistance.

I've read thru all the documents your team and staff have provided me and my main concern is safety with queuing potentially overwhelming the space available. I understand that staff is trying to ensure this project is successful and safe for everyone during operation as Starbucks. Staff appears to be doing their best to process your proposal given their limited bandwidth and growing pains expected during these times for a growing City such as Marina. I would understand if you continue to be frustrated by time needed to comply with such needs as an independent Specific Plan or waiting for Marina's downtown Specific Plan. Staff and I also wish for our downtown plan to be finished asap to avoid such extended timelines.

The priority of your project and others that need substantial staff time should be discussed in an upcoming work plan City Council meeting. Staff can tell you when that meeting is scheduled and I think it would be your best opportunity to introduce your project to City Council and the public for consideration of its place in the prioritization of projects staff will need to follow to make the best of the demand on their time.

thanks again,

Bruce

On Fri, May 1, 2020 at 1:49 PM Douglas Murphy <dmurphy@starbucks.com> wrote:

Mayor Delgado,

Thank you for your time and the conversation this morning. We want to request your support and further apprise you of our pursuit to develop a new drive-through Starbucks at the corner of Reservation Road & Del Monte Boulevard. We have worked with the Landlord to replace the existing Burger King and completely renovate the building to both improve its appearance while preserving the drive-through window and correct the traffic issues that are foreseen at the site. We submitted our plans for approval and our belief is that our design and use allow us to continue to operate under the existing CUP, currently used by Burger King and originally approved for the former Del Taco. The Planning Dept. has been very responsive, but we differ in the interpretation of the CUP. We submitted for our original building permit in December 2019, met with Christine Hopper and her Planning team in late January to discuss their initial response and concerns and then submitted a revised plan (our current plan) in order to address the noted concerns while fulfilling the CUPs requirements. Additionally, we recently reached out to the City Manager, Layne Long, but due to the ongoing Covid 19 pandemic we have been unable to connect. We see our use as complying with the restaurant/take-out/drive-through facility CUP. We also see that the parking, queuing impact and site access adjustments (removing right turn into the site off of Reservation Rd) are sufficient to meet the code and commensurate to respond to our site needs. We

would like to continue our conversation with the City of Marina in order to see our development through to completion and bring what we see as a site improvement to the City.

**Attached for reference: 1) Planning Response to our revised site plan 2) Revised Site Plan 3) Original Renderings for our initial proposal*

Best,

Doug

Doug Murphy

Starbucks Coffee Company

Real Estate Manager - Store Development

60 Spear Street, San Francisco, CA 94105

Cell: 415-265-0560 | Office: 415-537-7196



--

Mayor Bruce Delgado

cell: (831) 277-7690

email: bdelgado62@gmail.com

From: Douglas Murphy
Sent: Friday, July 10, 2020 2:32 PM
To: Bruce Delgado <bdelgado62@gmail.com>
Cc: Amber Reed <areed@starbucks.com>; Frank Coda <fcoda@greenbergfarrow.com>; Tim Darnell <tdarnell@starbucks.com>
Subject: RE: New Marina, CA Starbucks Drive-Thru at Reservation & Del Monte

Mayor Delgado,

Thank you for invitation to the City Council call on Tuesday. I appreciate you inviting us to speak during public comment to bring this project to the attention of City Council. We are interested in moving forward and our understanding is that our current site plan both addresses the queuing and safety concerns brought up by Planning Staff and also fits within the existing CUP. Although there was no follow up to our comments from the Council during our call I'm hoping that you and the Council may provide some insight with your thoughts. I have attached both our original site plan, our revised site plan after meeting with Planning Staff and some images for reference.

Best,
Doug

From: Bruce Delgado <bdelgado62@gmail.com>
Sent: Monday, July 6, 2020 4:46 PM
To: Douglas Murphy <dmurphy@starbucks.com>
Subject: Re: New Marina, CA Starbucks Drive-Thru at Reservation & Del Monte

No sign ups needed.

Just raise your zoom hand when public comment starts or is about to start. If more than one of your team wishes to speak in succession I'd advise you raise your hand in the order you want to speak a few minutes before public comment begins. Then there won't be any hands up between your team's.
thank you,
Bruce

On Mon, Jul 6, 2020 at 4:43 PM Douglas Murphy <dmurphy@starbucks.com> wrote:

Thanks Bruce – I appreciate the heads up. Do we need to sign in or do anything to address the Council during the public comment section? Or just be on online on the meeting and virtually sign up during the meeting?

From: Bruce Delgado <bdelgado62@gmail.com>
Sent: Monday, July 6, 2020 4:37 PM
To: Douglas Murphy <dmurphy@starbucks.com>
Subject: Re: New Marina, CA Starbucks Drive-Thru at Reservation & Del Monte

Hi Doug,

We passed a budget last week and that would have been the prime time but July 7 would be 2nd best.

Meeting starts 630pm and soon thereafter is public comment for items not on the agenda. Each person has 4 minutes so more than one of your team could speak.

It will take significant staff time to see your project thru so please speak to why that is justified as well as your opinion that you think a shorter process would be appropriate.

But I don't think you'll make much headway on the latter, doesn't mean you couldn't try.

best to you and your team,

bruce

On Mon, Jul 6, 2020 at 11:55 AM Douglas Murphy <dmurphy@starbucks.com> wrote:

Hi Bruce – Checking back about discussing our site at the meeting on the first Tuesday of the month, tomorrow night.

Thanks,
Doug

From: Douglas Murphy
Sent: Tuesday, June 30, 2020 2:11 PM
To: 'Bruce Delgado' <bdelgado62@gmail.com>
Cc: Tim Darnell <tdarnell@starbucks.com>; 'Frank Coda' <fcoda@greenbergfarrow.com>; Amber Reed <areed@starbucks.com>
Subject: RE: New Marina, CA Starbucks Drive-Thru at Reservation & Del Monte

Hi Bruce – It looks like there is a zoom meeting on Tuesday July 7th, would that be a good meeting to attend?

Thanks,
Doug

From: Douglas Murphy
Sent: Monday, June 22, 2020 5:58 PM
To: Bruce Delgado <bdelgado62@gmail.com>
Subject: RE: New Marina, CA Starbucks Drive-Thru at Reservation & Del Monte

Understood. It would still be great to have at least a week to align on my end, perhaps we could jump onto the following City Council meeting?

Doug

From: Bruce Delgado <bdelgado62@gmail.com>
Sent: Monday, June 22, 2020 5:48 PM
To: Douglas Murphy <dmurphy@starbucks.com>
Subject: Re: New Marina, CA Starbucks Drive-Thru at Reservation & Del Monte

This is a one-time meeting tomorrow toward final decision on next 12-month budget. A continuation of last week's City Council meeting that didn't have time to get to this agenda item.

B.

On Mon, Jun 22, 2020 at 5:45 PM Douglas Murphy <dmurphy@starbucks.com> wrote:

Hi Bruce – Is this budget call weekly? 6/30 would work much better as I would like to align with my team before jumping on.

From: Bruce Delgado <bdelgado62@gmail.com>
Sent: Monday, June 22, 2020 4:59 PM
To: Douglas Murphy <dmurphy@starbucks.com>
Subject: Re: New Marina, CA Starbucks Drive-Thru at Reservation & Del Monte

Hi Doug you could fold it into budget comments with a little finesse tomorrow Tuesday nite.

Call me first if ur interested in discussing how this best would work.

Thank you,

Bruce

831-277-7690

On Monday, June 22, 2020, Douglas Murphy <dmurphy@starbucks.com> wrote:

Mayor Delgado,

Thank you again for this email and the notification about the staff meeting. Unfortunately, we could not attend that meeting but would very much like to introduce our project to city council and would like to schedule a time to present.

Best,

Doug

From: Douglas Murphy

Sent: Monday, June 8, 2020 5:38 PM

To: Bruce Delgado <bdelgado62@gmail.com>

Cc: Amber Reed <areed@starbucks.com>; Frank Coda <fcoda@greenbergfarrow.com>; Fred Aegerter <faegerter@cityofmarina.org>; Layne Long <llong@cityofmarina.org>; Christine Hopper <chopper@cityofmarina.org>

Subject: RE: New Marina, CA Starbucks Drive-Thru at Reservation & Del Monte

Mayor Delgado - Thank you for the response to our request. I understand the bandwidth issues as we're all getting stretched a bit thin during the Pandemic.

Planning Staff – Please provide the date and time that our project will be discussed at the City Council meeting. Thank you.

Best,

Doug

Doug Murphy

Starbucks Coffee Company

Real Estate Manager - Store Development

[60 Spear Street, San Francisco, CA 94105](#)

Cell: 415-265-0560 | Office: 415-537-7196



From: Bruce Delgado <bdelgado62@gmail.com>

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Cc: Amber Reed <areed@starbucks.com>; Frank Coda <fcoda@greenbergfarrow.com>; Fred Aegerter <faegerter@cityofmarina.org>; Layne Long <llong@cityofmarina.org>; Christine Hopper <chopper@cityofmarina.org>

Subject: Re: New Marina, CA Starbucks Drive-Thru at Reservation & Del Monte

Hello Doug and team,

Thank you for your patience with your inquiry for my assistance.

I've read thru all the documents your team and staff have provided me and my main concern is safety with queuing potentially overwhelming the space available. I understand that staff is trying to ensure this project is successful and safe for everyone during operation as Starbucks. Staff appears to be doing their best to process your proposal given their limited bandwidth and growing pains expected during these times for a growing City such as Marina. I would understand if you continue to be frustrated by time needed to comply with such needs as an independent Specific Plan or waiting for Marina's downtown Specific Plan. Staff and I also wish for our downtown plan to be finished asap to avoid such extended timelines.

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**Attached for reference: 1) Planning Response to our revised site plan 2) Revised Site Plan 3) Original Renderings for our initial proposal*

Best,

Doug

Doug Murphy

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Real Estate Manager - Store Development

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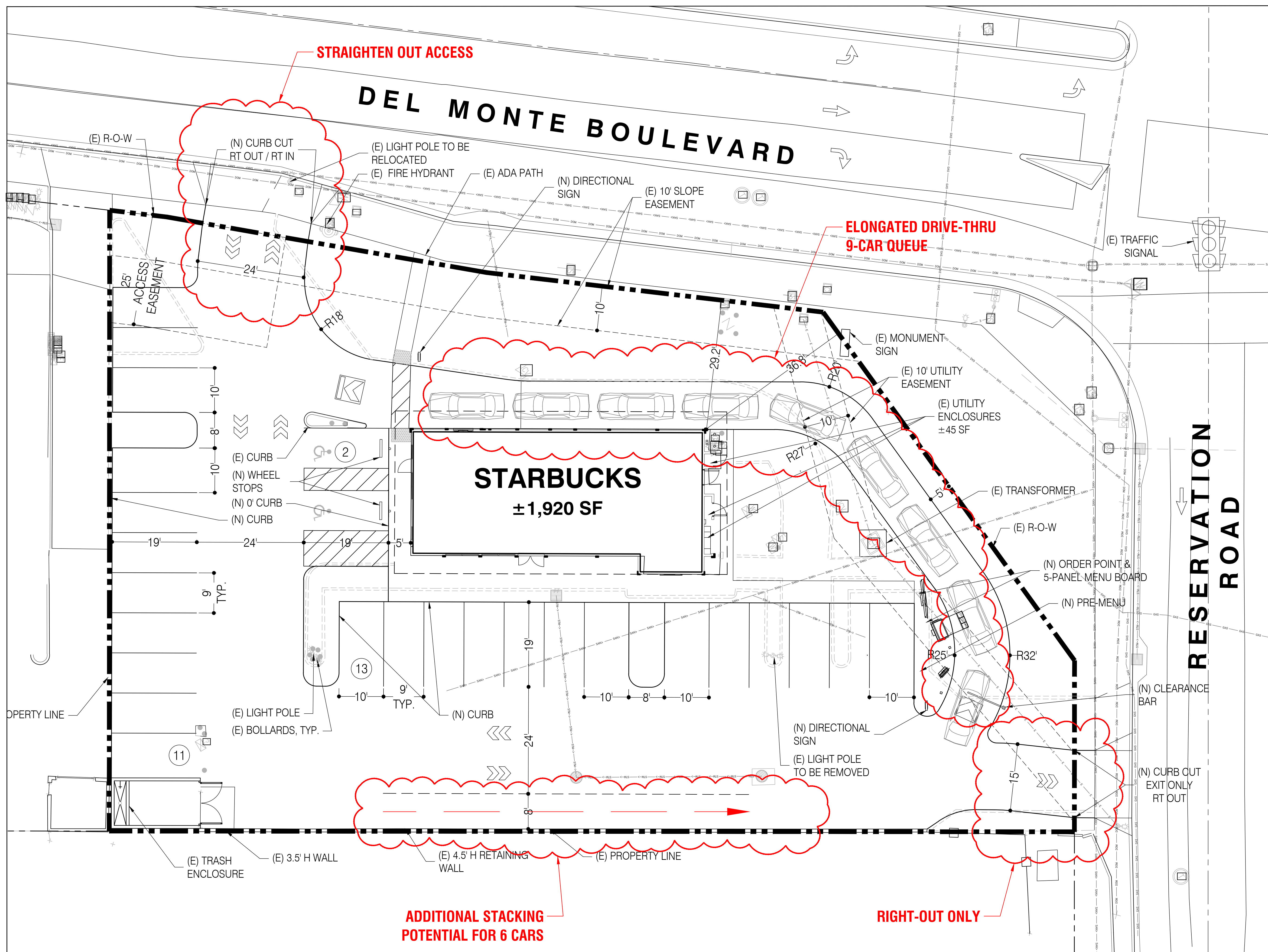
email: bdelgado62@gmail.com

--

Mayor Bruce Delgado

cell: (831) 277-7690

email: bdelgado62@gmail.com



PROJECT INFORMATION

ZONING CLASSIFICATION

JURISDICTION	CITY OF MARINA, CA
EXISTING ZONE	C1 (RETAIL BUSINESS DISTRICT)

SITE AREA

SITE AREA:	±0.57 AC (±24,725 SF)
SITE COVERAGE:	±7.76% (±3,368 SF/AC)

BUILDING INFORMATION

EXISTING BUILDING AREA	± 1,920 SF
EXISTING UTILITY ENCLOSURES	± 45 SF

PARKING SUMMARY

EXISTING PARKING

USER	SPACES PROVIDED
EXISTING BUILDING	
STANDARD	22
ACCESSIBLE	2
TOTAL	24

PROPOSED PARKING

USER	RATIO REQUIRED	SPACES REQUIRED	SPACES PROVIDED
STARBUCKS STANDARD ACCESSIBLE	PER CUP DATED 1978	26	24 2
TOTAL		26	26

PROJECT NOTES

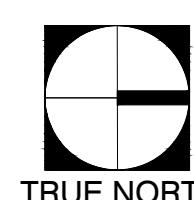
1. THIS CONCEPTUAL SITE PLAN IS FOR PLANING SUBMITTAL PURPOSES ONLY.
2. THIS SITE PLAN IS BASED ON ALTA SURVEY DRAWN BY BASE CONSULTING GROUP, DATED 9/24/2019.

DRAWING ISSUE/REVISION RECORD

DATE	NARRATIVE	INITIALS
08.05.2019	PREP SP-EX EXISTING CONDITIONS	II
12.30.2019	PREP SP-1	MM
02.14.2020	PREP SP-2	JN

GREENBERG FARROW CONTACTS

PROJECT MANAGER	I.BRAHIMBEGOVIC
SITE DEV. COORDINATOR	F.CODA



SCALE: 1"=10'-0"

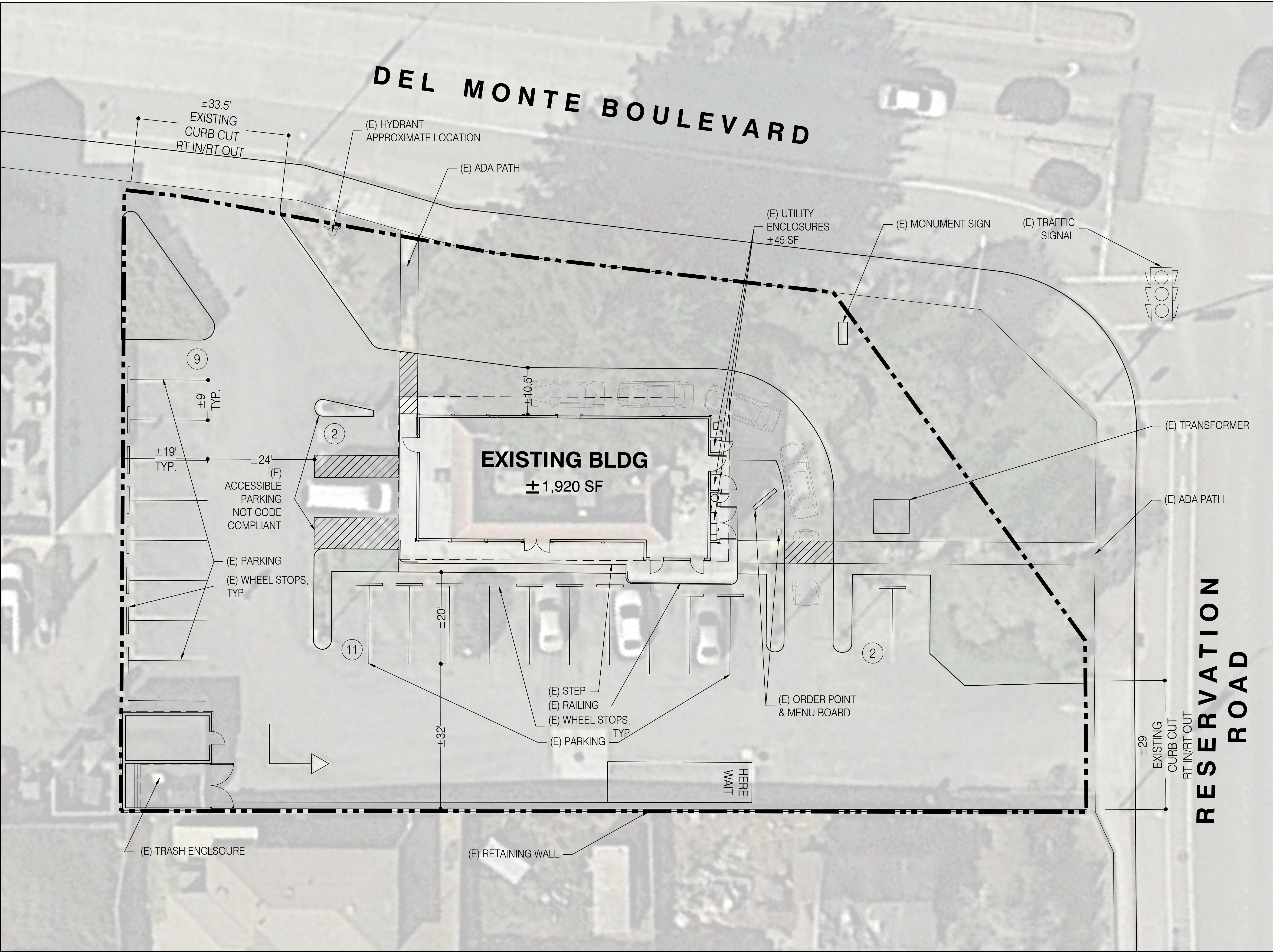
STARBUCKS
DEL MONTE AVENUE & RESERVATION RD, MARINA, CA
200 RESERVATION RD, MARINA, CA

20190977.0

| SITE PLAN

SP-2

07.07.2020



PROJECT INFORMATION

ZONING CLASSIFICATION

JURISDICTION	CITY OF MARINA, CA
EXISTING ZONE	C1 (RETAIL BUSINESS DISTRICT)

SITE AREA

SITE AREA:	±0.56 AC (±24,500 SF)
SITE COVERAGE:	±8.05% (±3,509 SF/AC)

BUILDING INFORMATION

EXISTING BUILDING AREA	±1,920 SF
EXISTING UTILITY ENLCOSURES	± 45 SF

PARKING SUMMARY

USER	SPACES REQUIRED	(E) SPACES PROVIDED
EXISTING BUILDING	26*	22
STANDARD		2
ACCESSIBLE		2
TOTAL	26*	24

* 26 SPACES REQUIRED PER 1975 CUP WITH VARIANCE

DRAWING ISSUE/REVISION RECORD

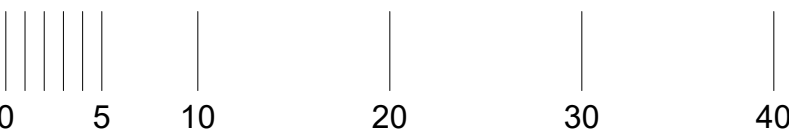
DATE	NARRATIVE	INITIALS
08.05.2019	PREP SP-Ex EXISTING CONDITIONS	II

GREENBERG FARROW CONTACTS

PROJECT MANAGER	I.BRAHIMBEGOVIC
SITE DEV. COORDINATOR	F.CODA



SCALE: 1"=10'-0"







From: Christine Hopper <chopper@cityofmarina.org>
Sent: Wednesday, September 23, 2020 8:28 AM
To: Frank Coda <fcoda@greenbergfarrow.com>
Cc: Alexander Barton <abarton@cityofmarina.org>; Erin Fernando <efernando@cityofmarina.org>
Subject: UP 2020-01 - 200 Reservation - Notice of Incomplete Application

EXTERNAL SENDER – Do not click links or open attachments unless you recognize the sender

Frank,

Please see attached letter. Please let me know if you would like to discuss.

Sincerely,

Christy Hopper
Planning Services Manager



City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933

(831) 884-1238 – direct
(831) 884-1220 - office
(831) 384-0425 – fax

City of Marina



City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933
831- 884-1278; FAX 831- 384-9148
www.ci.marina.ca.us

September 23, 2020

Greenberg Farrow on behalf of Starbucks
ATTN: Frank Coda
30 Executive Park Ste. 100
Irvine, CA 92612

****VIA E-MAIL****

Re: 200 Reservation Road – UP 2020-01 – Notice of Incomplete Application

Dear Mr. Coda:

On January 3, 2020, the City of Marina Planning Division received your submittal for Site and Architectural Design Review (DR 2020-01) for modifications to the property (site and building) to convert the existing Burger King Restaurant to a Starbucks Coffee facility. The application received was incomplete and staff prepared a letter outlining the items required for a complete application on January 16, 2020. As part of that letter, the applicant was notified that the conversion an existing fast-food restaurant with drive-thru (Burger King) to a more intensified take-out establishment with drive-thru (Starbucks) would require a Conditional Use Permit (CUP).

On March 4, 2020, in response to an email received from you, dated February 20, 2020, staff responded to several questions related to the requirement for a CUP for the change in use. This letter also notified you that a Specific Plan is required for all development within the Downtown Vitalization Specific Plan (DVSP) Area until the DVSP is adopted. After review of the proposed plans, because there is no proposed increase in square footage of the building and no new vertical construction, the City will not be requiring a Specific Plan for this project.

August 25, 2020, Planning staff received an application for a CUP (UP 2020-01) for the change in use that includes modifications to the parking, vehicular and pedestrian circulation and access and modifications to the existing drive-thru on the site. The CUP application, as submitted, is incomplete as follows:

REQUIRED FOR A COMPLETE APPLICATION

1. Variance application – The C-1 zoning district requires the first 10 feet of front yards to be entirely landscaped except for driveways and pedestrian access. The location of the drive-thru is within that 10-foot setback. The Planning Commission would need to consider a variance to the development standards for the drive-thru to be located in the proposed location. In addition, the Marina Municipal Code §17.44.030. H. requires take-out food establishments to provide eight parking spaces plus one space for each one hundred square feet of gross floor area. The proposed Starbucks is a 1,920 sq ft facility and would require 28 parking spaces. The site plan provided shows 26 parking spaces, making the site deficient 2 spaces. The reduction of 2 spaces would also require a variance (See note below). The application fee is \$4,745. The application and checklist are attached.

Note regarding parking: The Marina Municipal Code §17.44.070 E. allows for the following:

Parking Demand Management Program. Parking shall be provided at the rates as required elsewhere in this chapter and parking shall have minimum dimensions as defined by subsection D, except that the planning commission or the city council on appeal, may grant a use permit or amendment to an existing use permit, to allow 1) a given parking space or spaces to be counted towards the parking requirements for two or more uses, 2) a lesser number of parking spaces, and 3) minimum dimensions of less than defined in said subsection; subject to the implementation of an ongoing and continuous parking demand management program as described below and determined necessary to meet the general purposes of the zoning ordinance as listed in Section [17.02.030](#).

1. A given parking space or parking spaces may be counted towards parking requirements for two or more uses in circumstances where a parking demand management program identifies specific parking spaces to be shared by two or more uses having peak parking demands occurring at different times of the day or week. Such shared parking spaces may serve two or more uses on separate lots where any permanent and non-revocable agreements bind the property owners and operators of the uses to share parking as described in an approved parking demand management program. The parking demand management program shall identify specific parking spaces to be shared, the times of the day and days of the week each parking space will be available for each use to be served, and the proximity and ease of access of shared parking spaces to uses to be served. Any such shared parking space shall be located within three hundred feet of site proposed to be served.

If the applicant chooses to pursue a parking demand management program for the parking deficiency, a variance would not be required for the parking component of the project.

2. Tree Removal – It appears that removal of mature landscaping and trees will be required in order to construct the drive thru. Provide information on the trees to be removed and a strategy for replacement. If the CUP is approved, the project will require a tree removal permit as part of Site and Architectural Design Review.

3. Easements - Explain what the 25' Access Easement and the 10-foot slope easement at the west of the lot adjacent to Del Monte Blvd are for. Provide any documentation on restrictions within these areas.
4. Queuing Study – A queuing and site circulation study has been requested by the City to evaluate the queuing requirements for the proposed use. This study will also review the proposed circulation on the site to identify any potential safety issues that need to be addressed. Staff has requested a proposal from one of the City's on-call consultants to prepare the study. As soon as the proposal is received, staff will review with the application. An additional fee will be required to cover the cost of this study. The applicant may prepare their own study, as an alternative, however, the City will utilize our on-call traffic engineers to peer review the applicant's study, as the applicant's expense.

INFORMATION ONLY - NOT REQUIRED FOR A COMPLETE APPLICATION

Staff has concerns regarding the lack of dedicated pedestrian access off Reservation Road. Without dedicated access, pedestrians will be forced to use the driveway at Reservation to access the building. Please be prepared to address this when the project goes to public hearing.

Should you have any questions regarding this letter, please call me at (831) 884-1238 or email me at chopper@cityofmarina.org.

Sincerely,



Christy Hopper
Planning Service Manager
City of Marina



PLANNING APPLICATION

Project Address/Location: _____ **APN:** _____

Applicant(s):

Name: _____

Mailing Address: _____

Phone: _____ Email: _____

Property Owner:

Name: _____

Mailing Address: _____

Phone: _____ Email: _____

Project Description: What do you want to do?

Property Owner Authorization:

By signing this application I certify that I have reviewed this completed application and the attached material and consent to its filing. I agree to allow the Community Development Department to duplicate and distribute plans to interested persons as it determines is necessary for the processing of the application.

Signed Date

Applicant/Representative Certification:

I understand the City might not approve what I am applying for or might set conditions of approval. I agree to allow the Community Development Department to duplicate and distribute plans to interested persons as it determines is necessary for processing of the application.

Signed Date

Permission to Access Property

This section is to be completed by the **property owner** and/or occupant who controls access to the property. To adequately evaluate many project proposals Community Development Department Staff, Commissioners and City Council Members will have to gain access to the exterior of the real property in order to adequately review and report on the proposed project. Your signature below certifies that you agree to give the City permission to access the project site from 8 a.m. to 5 p.m., Monday through Friday, as part of the normal review of this planning application.

Signed Date

Indemnification Agreement:

The Owner/Applicant shall defend, indemnify and hold harmless the City or its agents or officers and employees from any claim, action or proceeding against the City or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the City's approval of this project. In the event that the City fails to promptly notify the Owner / Applicant of any such claim, action or proceeding, or that the City fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

Signed Date

FOR OFFICE USE ONLY:

Date Application Submitted: _____ Fee Collected: \$ _____

Date Application Complete: _____ Receipt Number: _____

File Number(s): _____

Planner Initials: _____ Associated Permits: _____



APPLICATION REQUIREMENTS FOR A VARIANCE OR SUBDIVISION EXCEPTION

Variance: Planning Commission consideration of a request for a variance to the yard, height, coverage and/or area regulations of the zoning ordinance.

Subdivision Exception: Exceptions to requirements of the subdivision ordinance are allowed when both of the following conditions are found to exist. 1. That because of special circumstances applicable to the subdivision, including size, shape, topography, location or surroundings, the literal application of the subdivision ordinance would deprive the subdivision of privileges enjoyed by other properties in the vicinity; or, 2. That under the circumstances of a particular case granting the exceptions, rather than the sections at issue in the subdivision ordinance, actually carries out the intent of the ordinance.

APPLICATION REQUIREMENTS:

- ☐ Required processing fee.
- ☐ Required processing deposit for environmental review under the California Environmental Quality Act (CEQA).
- ☐ Planning Application Cover Page
- ☐ 8 copies of a Site Plan, drawn to scale at 1/8"=1' minimum, to include the following information:
 - ☐ Applicant's name, address, and phone number
 - ☐ Vicinity map showing an overview of the project location in Marina
 - ☐ North Arrow and Scale
 - ☐ Assessor's Parcel Number(s) of the project site
 - ☐ Property lines and dimensions of the site and surrounding properties
 - ☐ Existing easements
 - ☐ Dimensions of all existing structures, parking areas, driveways, fences, walls, etc.
 - ☐ Required building setbacks (rear, front, and side) clearly identified
 - ☐ Variance requests clearly identified
 - ☐ Street names and streets adjoining the property
- ☐ Other plans that the Community Development Director determines as necessary to review the project, such as elevations, floor plans, and details. Please contact the Planning Department to determine if additional plans will be required.
- ☐ Project Description form
- ☐ Statement of need for variance indicating:
 - ☐ The special circumstances applicable to subject property, including size, shape, topography, location or surroundings that warrant the variance.
 - ☐ Why the grant of a variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.
- ☐ Environmental Information form

From: Christine Hopper <chopper@cityofmarina.org>
Sent: Thursday, October 1, 2020 9:45 AM
To: Frank Coda <fcoda@greenbergfarrow.com>
Subject: FW: Starbucks scope

EXTERNAL SENDER – Do not click links or open attachments unless you recognize the sender

Frank,

The queuing study proposal is attached for your reference. The cost will be not to exceed \$4500. Let me know if you have questions or concerns. The City will send an invoice after completion of the study.

Thank you.

Christy Hopper
Planning Services Manager



City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933

(831) 884-1238 – direct
(831) 884-1220 - office
(831) 384-0425 – fax

From: Venter, Frederik <frederik.venter@kimley-horn.com>
Sent: Wednesday, September 23, 2020 9:49 PM
To: Christine Hopper <chopper@cityofmarina.org>
Cc: Puttagunta, Ravi <Ravi.Puttagunta@kimley-horn.com>
Subject: Starbucks scope

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Here you go. Let us know if you have questions.

Frederik Venter PE
Kimley-Horn | 10 Almaden Boulevard, Suite 1250, San Jose, CA 95113
Direct: 669 800 4146 | Mobile: 408 340 8542 | Main: 669 800 4130
Connect with us: [Twitter](#) | [LinkedIn](#) | [Facebook](#) | [Instagram](#)

Celebrating 12 years as one of FORTUNE's 100 Best Companies to Work For

September 24, 2020

Christine Hopper
City of Marina, Planning Department
209 Cypress Ave
Marina, CA 93933

Re: Proposal – Starbucks at 200 Reservation Road: Drive-Through Queuing Analysis

Dear Christine:

Thank you for inviting Kimley-Horn and Associates, Inc. (Kimley-Horn) to provide queuing analysis for the proposed Starbucks located at 200 Reservation Road (the “Project”). Kimley-Horn will prepare a technical memorandum that will document the review’s findings and recommendations.

This letter is in accordance with your request and constitutes a proposal setting forth our proposed Scope of Services, Schedule, and Fee per your Master Professional Services Agreement with Kimley-Horn and Associates, Inc.

Project Understanding:

Starbucks has proposed to convert the existing 1,920 square foot Burger King fast food restaurant to a Starbucks with drive-through facility. The proposed site plans to maintain the current building size at 1,920 square feet and to add additional parking spaces and a longer drive-through facility. The existing ADA parking does not meet the current city standards.

The City requested Kimley-Horn to provide an assessment of traffic circulation and queuing analysis for the proposed drive-through extension. The scope would not include any intersection or driveway analysis or parking demand for the proposed Starbucks facility. **Attachment 1** shows the existing Burger King site and **Attachment 2** presents the proposed Starbucks with increased parking and improved drive-through.

Scope of Services:

Task 1 – Drive-Through Queueing Analysis and Recommendations

A drive-through queuing analysis will be conducted for the proposed Project to evaluate the adequacy of the drive-through lane queuing capacity. Drive-through queuing will be compared to data extracted from other Starbucks studies during the AM peak period. Additionally, the drive-through queueing capacity of the Project site will also be analyzed using the queueing analysis formulas published in the Institute of Transportation Engineers (ITE) Transportation Planning Handbook, 3rd Edition.

Kimley-Horn will then identify deficiencies with the implementation of the Project and make recommendations for improvements. Improvements could include, but are not limited to, realigning the drive-through access, modifying the existing parking layout to accommodate ADA requirements, and changing driveway access locations. Such improvements will be considered, evaluated, and recommended when determined necessary by accepted professional engineering standards and practices.

We will also study the existing drive-though at the Dunes Shopping Center as additional back-up. Even under COVID Starbucks drive-throughs are busy. The question is whether the queues do reflect post COVID conditions. Data that could be used include service times.

Task 2 – Site Plan Recommendations

The following engineering design items will be reviewed for the Project to ensure conformance with the City of Marina Engineering Standards:

- Project access
- Driveway layout and spacing

Task 3 – Technical Memorandum

Kimley-Horn will prepare a draft memorandum identifying the findings and recommendations. Kimley-Horn will prepare and submit an electronic (PDF) version of the draft memorandum to the Client. Kimley-Horn will address one (1) set of consolidated, non-conflicting comments. If the comments require additional analysis or data collection beyond that provided for in this Scope of Services, this work will be billed on an hourly basis. Subsequently, Kimley-Horn will prepare and submit an electronic (PDF) version of the final technical memorandum to the Client.

Task 4 – Meetings

Kimley-Horn will attend up to two (2) virtual meetings with City staff to discuss the Project.

Schedule:

Kimley-Horn is prepared to begin work immediately upon receipt of a signed Agreement and your notice to proceed, and we will endeavor to meet your scheduling needs. Completion of each subsequent task deliverable will depend on the nature and extent of the comments received, and we can finish the study within 2 weeks from receiving an ATP.

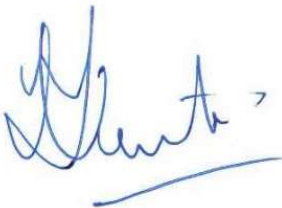
Compensation, Fees and Expenses:

We propose to perform the Scope of Services outlined in Tasks 1 through 4 for a time and materials fee not to exceed \$4,500. This includes direct expenses for the project such as in-house duplicating, facsimile, mileage, telephone, postage, in-house blueprinting, and traffic counts.

We appreciate the opportunity to provide these services to you. Please contact me if you have any questions.

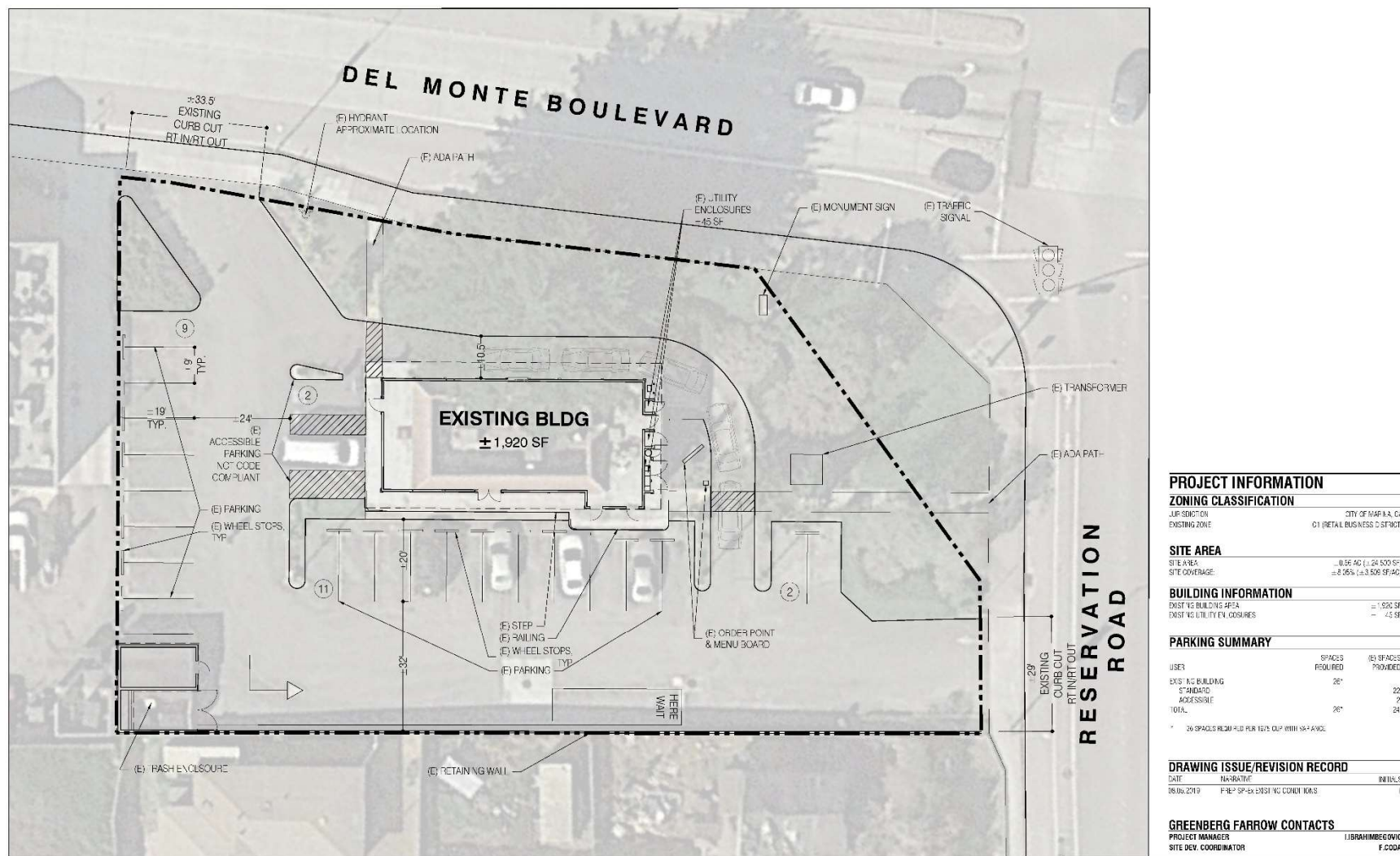
Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read 'F. Venter', with a horizontal line underneath.

By: Frederik Venter P.E.
Project Manager
P.E. No.: C64621

Attachment 1 – Existing Site Plan



SCALE: $1^{\circ} = 10^{-4}$

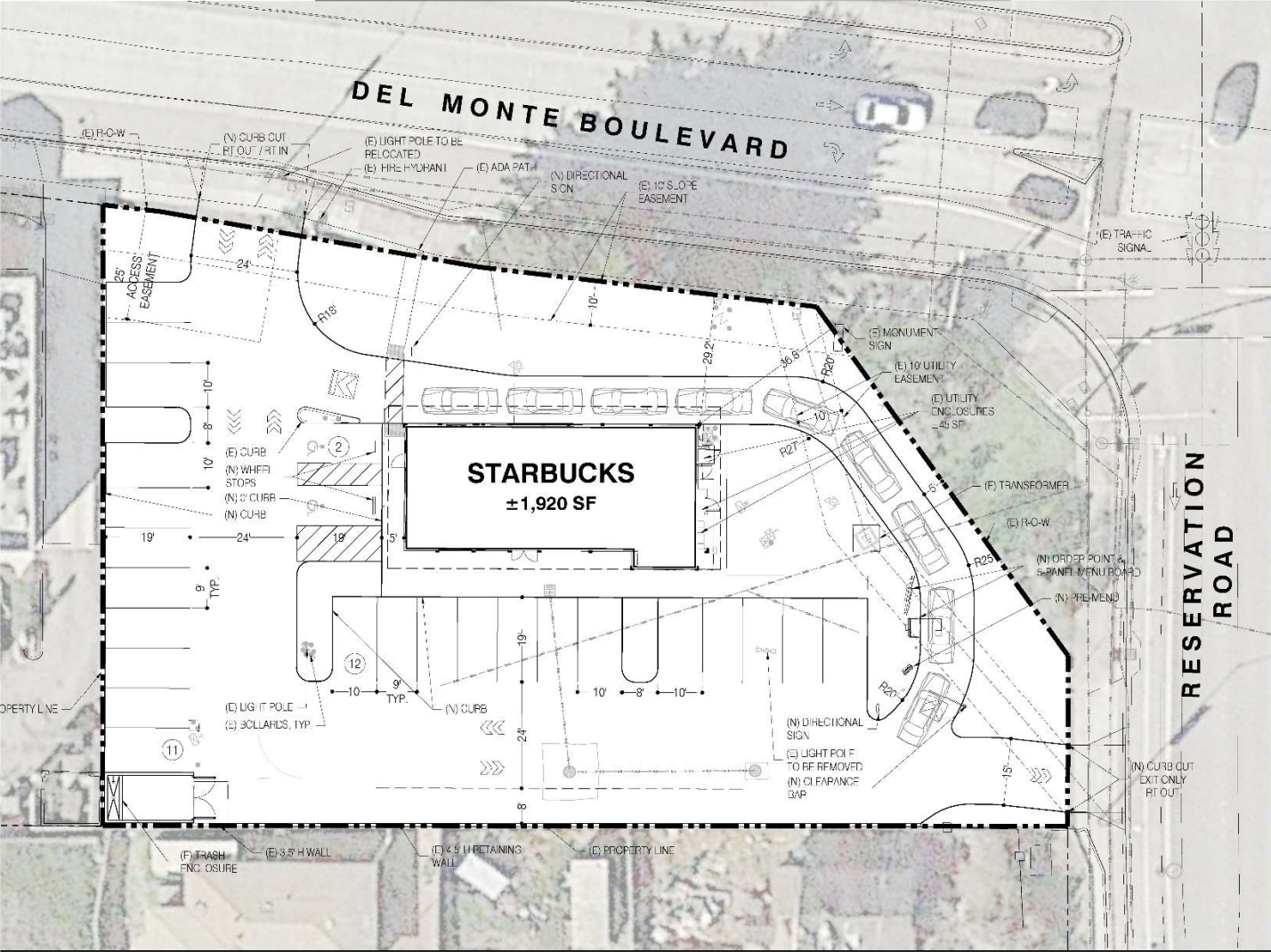
STARBUCKS
DEL MONTE AVENUE & RESERVATION RD, MARINA, CA
200 RESERVATION RD, MARINA, CA

STARBUCKS| **SITE PLAN**

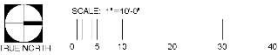
SP-EX

20190977.0	01.01.2020
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Attachment 2 – Project Site Plan



PROJECT INFORMATION			
ZONING CLASSIFICATION			
JURISDICTION	CITY OF MARINA, CA		
EXISTING ZONE	CM (RETAIL BUSINESS DISTRICT)		
SITE AREA			
SITE AREA	±0.57 AC (±24,725 SF)		
SITE COVERAGE	7.76% (±1,936 SF AC)		
BUILDING INFORMATION			
EXISTING BUILDING AREA	±1,920 SF		
EXISTING UTILITY ENCLOSURES	± 45 SF		
PARKING SUMMARY			
EXISTING PARKING			
USER		SPACES PROVIDED	
EXISTING BUILDING			
STANDARD		22	
ACCESSIBLE		2	
TOTAL		24	
PROPOSED PARKING			
USER	RATIO REQUIRED	SPACES REQUIRED	SPACES PROVIDED
STARBUCKS	* 1:50 SF	16	
STANDARD			23
ACCESSIBLE			2
TOTAL		16	25
TOTAL PARKING LOSS		C SPACE	
* PARKING REQUIREMENTS FOR RESTAURANTS ARE 1 SP/50 SF OF DINING AREA. ASSUMED 50% OF EXISTING RATIO. DMC IS ALSO LOCATED FOR DINING.			
PROJECT NOTES			
1. THIS IS CONCEPTUAL SITE PLAN. IS FOR PLANNING PURPOSES ONLY.			
2. THIS SITE PLAN IS BASED ON A SURVEY DATED 04/11/2019. CONSULTING GROUP, DATED 9/24/2019.			
DRAWING ISSUE/REVISION RECORD			
DATE	INITIALS	INITIALS	
05/02/2019	PREP	SP-1 EXISTING CONDITIONS	
12/30/2019	PSPP	SP-1	
02/14/2020	PREP	SP-2	
GREENBERG FARROW CONTACTS			
PROJECT MANAGER		LIBRARIANBEGOVIC	
SITE DEV. COORDINATOR		F.COIDA	



STARBUCKS
DEL MONTE AVENUE & RESERVATION RD, MARINA, CA
200 RESERVATION RD, MARINA, CA

SITE PLAN
SP-2
02/14/2020

20190907.0

MEMORANDUM

To: Christine Hopper, City of Marina, Planning Department

From: Frederik Venter, P.E. and Ravi Puttagunta, Kimley-Horn and Associates

Date: December 7, 2020

Re: Drive-Through Queuing Analysis for Starbucks at 200 Reservation Road, Marina, CA

Introduction

This memorandum presents the queuing analysis for the proposed Starbucks project ("Project") located at 200 Reservation Road in Marina, CA. The project is proposing to replace the existing 1,920 square feet Burger King fast food restaurant with a similar size Starbucks with a drive-through facility. A queuing analysis for the proposed drive-through was conducted to evaluate the adequacy of the drive-through lane capacity and determine the queue length that would be generated at the proposed project.

The memorandum evaluates the following:

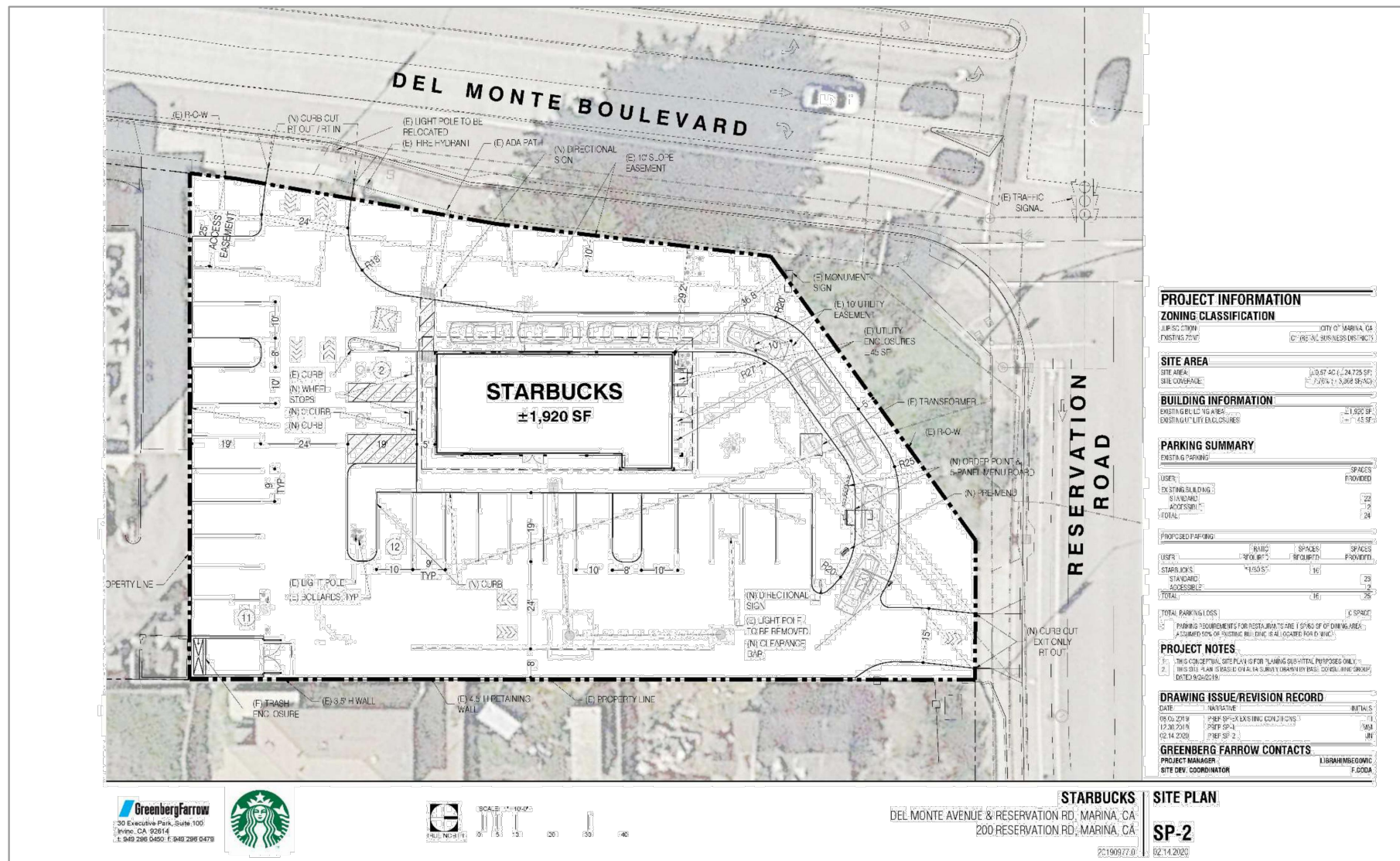
1. Project Description
2. Queue Field Observation and Data Collection
3. Queuing Analysis
4. Site Plan Recommendations

Project Description

The project site is located at 200 Reservation Road on the southeast corner of Del Monte Boulevard and Reservation Road in Marina, CA. The project is proposing to replace the existing 1,920 square feet Burger King with a Starbucks coffee shop and a drive-through facility. Based on the site plan as shown in **Figure 1**, the project will maintain the current building size of 1,920 square feet, add additional parking spaces, and provide a longer drive-through facility. Currently, the accessible parking spaces in the existing parking lot do not meet the City of Marina (City)/industry accessible parking requirements.

The entrance to the drive-through lane is located on the northeast corner of the building. The existing drive-through lane for the Burger King is also located on the northeast corner of the building, however the proposed project will shift the lane to the north to provide additional capacity. The drive-through lane then wraps around the west side of the building for a total of 185 feet, accommodating approximately 9 vehicles, assuming an average vehicle length of 20 feet.

The existing site is currently accessible through two unsignalized driveways; one right-in and right-out access on Del Monte Boulevard and one right-in and right-out access on Reservation Road. The project is proposing to change the driveway access on Reservation Road to a right-out only, and no changes are proposed to the right-in, right-out driveway on Del Monte Boulevard.



Queuing Analysis

The following section provides the queuing analysis for the project. A field observation and data collection was conducted to determine whether additional capacity/storage should be provided for the drive-through lane and whether the proposed queues will extend onto Del Monte Boulevard and block right turn traffic at Reservation Road intersection.

Field Observations/Drive-Through Service Times

Due to the effects of COVID-19 and its shelter-in-place restrictions, collecting queuing data at similar Starbucks drive-through locations may not represent typical queuing conditions since it is likely that more Starbucks customers are currently utilizing the drive-through to order rather than entering into the store. Even though current field observation doesn't reflect the normal conditions, field observations were conducted at a similar Starbucks location to primarily determine the average service times at the pick-up window only. Service time observations were conducted on Thursday, November 12, 2020 in the AM peak period from 7:00 AM to 9:00 AM at the Starbucks located on 140 General Stilwell Drive in Marina, CA. The site is also in the City of Marina and deemed a representative location. Service time observations are provided in the **Appendix**. Based on the observations, the average service time is approximately 64 seconds. It should be noted that services times may range from as low as 12 seconds to as high as 250 seconds depending on the order size as well as payment form. Typically, small orders and app-based payments will result in faster service times while large orders and cash payments result in slower service times.

Based the *Traffic Impact Analysis of the Starbucks Located at 1730-1734 Pacific Coast Highway in the Cities of Los Angeles and Lomita* study conducted in November 2015, the typical Starbucks drive-through services time per vehicle is 45 seconds. Therefore, the average service time of 64 seconds collected from the field observations may be higher than the typical service times due to COVID-19 and the possibility of more precautions being taken while serving customers. Therefore, a service time of 45 seconds will be used for the queuing analysis.

Drive-Through Demand

To determine the AM and PM peak hour demand for the project drive-through, trip generation for the project was determined based on the Institute of Transportation Engineer's (ITE) publication, Trip Generation Manual, 10th Edition¹. The manual is a standard reference used by jurisdictions throughout the country for the estimation of trip generation potential of proposed projects. A trip is defined in the Trip Generation Manual as a single or one-directional vehicle movement with either the origin or destination at the project site. In other words, a trip can be either "to" or "from" the site and therefore, a single visitor to a site is counted as two trips.

Trips generated by the project were based on the average rate for ITE Land Use Code 937 (Coffee/Donut Shop w/ Drive-Through) during the AM and PM peak hour of generator. Based on statistical data for Starbucks locations with a drive-through, as noted in an article for Consumer

¹ Institute of Transportation Engineers, Trip Generation Manual, 10th Edition, 2017.

Affairs², approximately 70 percent of orders are taken from the drive-through while the remaining 30 percent are from inside the store. Therefore, the peak hour demand for the project drive-through is estimated to be 70 percent of the peak hour trip generation for the entire project site. **Table 1** provides the AM and PM peak hour trip generation for the entire project site and the project drive-through. Based on the table, the drive-through is expected to generate 64 AM peak hour trips in and 26 PM peak hour trips in. To be conservative, the AM peak hour trips will be used to evaluate the queuing analysis.

Table 1: Gross Trip Generation

ITE Land Use Code	Land Uses	Size	Units	Daily Trips	AM PEAK HOUR				PM PEAK HOUR			
					Total Peak Hour	IN	/	OUT	Total Peak Hour	IN	/	OUT
Trip Generation Rates												
937	Coffee/Donut Shop with Drive-Through ¹	1.920	KSF	820.38	88.99	51%	/	49%	0.67	31%	/	69%
Trips Generated												
937	Coffee/Donut Shop with Drive-Through	1.920	KSF	1,575	188	92	/	96	72	37	/	35
Project Drive-Through Trips (70%)				1,103	132	64	/	67	50	26	/	25
Project In-Store Trips (30%)				472	56	28	/	29	22	11	/	10
Total Drive-Through Trips				1,103	132	64	/	67	50	26	/	25

Notes:

¹ Average rate used for ITE Land Use Code 937 and based on the AM and PM peak hour of generator.

Source: Kimley-Horn and Associates, Inc., 2020

Queuing Analysis

The ITE Transportation Planning Handbook, 3rd Edition³ was utilized to determine the drive-through queuing. Based on Queuing Model 1 in Table 14-5 of the *ITE Transportation Planning Handbook*, the probability for a certain number of vehicles in queue is determined based on the average number of vehicle arrivals per unit of time (λ), average service rate (μ), and the traffic intensity (ρ) where the $\rho = \lambda/\mu$. Based on the drive-through parking demand for the project and a typical Starbucks service time, the following values were determined:

- Vehicle arrivals per unit of time (λ) = 64 vehicles/hour (based on the AM peak hour of generator)
- Average service rate (μ) = 80 vehicles/ hour (based on a service time of 45 seconds/vehicle)
- Traffic intensity (ρ) = 0.08

The probability of having a certain number of vehicles in queue were determined based on Queuing Model 1. The results show that there will be an 85th percentile probability of 8 vehicles in queue and a 95th percentile probability of 13 vehicles in queue.

² D Young, Sarah. "Starbucks wants to Improve its Drive Thru Strategy.", *Consumer Affairs* 4/25/2018. Web. 11/17/2020.

³ Institute of Transportation Engineers, *Transportation Planning Handbook*, 3rd Edition,

Recommendations

Site Plan Recommendations

Since the 85th percentile queue for the proposed project is 8 vehicles and the project drive-through lane of 185 feet can accommodate approximately 9 vehicles (assuming 20 feet per vehicle), the proposed length of drive-through lane is sufficient. However, to be conservative, it is recommended that the drive-through lane be extended further southeast, adjacent to the eastern property line to accommodate the 95th percentile queue of 13 vehicles. The drive-through lane should be extended by 80 feet to accommodate the additional 4 vehicles that will spill out from the end of the proposed drive-through lane. It is also recommended that a “Keep Clear” striping be provided just south of the driveway that provides access to Reservation Road, between the end of the proposed drive-through lane to the beginning of the drive-through lane extension as to not allow the vehicles in the queue block access to the north driveway on Reservation Road. **Figure 2** provides an illustration of the recommended site plan improvements for the project.

Since the north driveway on Reservation Road is proposed to have a right-out access only, it is recommended that the driveway be angled to the east to provide a turning curve. In addition, a “Do not Enter” sign, or a R5-1 sign as part of the 2014 California Manual on Uniform Traffic Control Devices (MUTCD), is recommended to be placed at the driveway. This would discourage vehicles traveling eastbound on Reservation Road from making an eastbound right-turn into the project driveway.

It should be noted that when conducting field observations for the service times at the similar Starbucks location in Marina, CA, several vehicles were observed to have wanted to enter the drive-through to order, however hesitated due to the long queue and chose to park and enter the store instead. This occurred when the queues spilled out of the available drive-through storage of approximately 5-6 vehicles. Therefore, the queues are not expected to extend out of the project site and onto Del Monte Boulevard.

City of Marina Parking Layout Standards

The proposed site plan was also reviewed to determine whether the site layout meet the City’s parking standards. The following standards for the site plan were reviewed:

- Parking spaces must be a minimum of 9 feet by 19 feet – Requirement is met
- Pedestrian crossing should be clearly defined and protected – **Requirement not met**
 - Increase visibility to the pedestrian walkway on the southwest side of the building is recommended such as providing signage to warn drive-through patrons of pedestrians crossing and providing luminaires to increase the lighting and visibility.
- Individual parking spaces or parking spaces at the end of a row of parking spaces shall have an additional one foot of width between a wall or the face of a curb – Requirement is met
- Parking spaces that do not abut a continuous landscaped strip or area shall be limited to eight (8) continuous parking spaces and shall be broken with landscaped planting islands with a minimum width of eight feet – Requirement is met
- 90-degree angle parking shall be 19 feet in length with 24 feet of driveway aisle for a total of 43 feet – Requirement is met

- An accessible parking sign on a post should be placed 12 inches from the edge of curb – **Requirement is not met**
 - Accessible parking signs are currently posted on the building and not on a post 12 inches from the edge of curb. The project site plan does not show accessible parking sign details. It is recommended that the site plan be reviewed to ensure all accessible parking requirements are met based on the City's standards.

Conclusions

The proposed Starbucks drive-through located on 200 Reservation Road is expected to generate an 85th percentile probability of 8 vehicles in queue and a 95th percentile probability of 13 vehicles in queue. Although the 85th percentile queue will be accommodated within the proposed drive-through storage, it is recommended that the drive-through be extended to the east of the building, adjacent to the property line to provide an additional 80 feet, or approximately 4 vehicles, of queuing capacity. This results in a total drive-through capacity of 265 feet or 13 vehicles which is sufficient to accommodate the project's 95th percentile queue of 13 vehicles.

In order to meet the City's parking requirements and to accommodate the extended drive-through lane, the following site changes are recommended:

- Recommend striping "Keep Clear" just south of the driveway on Reservation Road as to avoid queues at the drive-through from blocking access to the driveway.
- Recommend for the driveway on Reservation Road to be angled to the east and to provide a R5-1 ("Do not Enter") sign at the driveway to avoid vehicles on Reservation Road from making an eastbound right-turn in the right-out only driveway.
- Recommend to increase visibility of the pedestrian pathway located adjacent to the pick-up window just west of the project building such as providing pedestrian warning signs and luminaries.
- Recommend that the site plan be reviewed to ensure all accessible parking requirements are met based on the City's standards.

From: Winnie Liang <wliang@greenbergfarrow.com>
Sent: Thursday, February 4, 2021 2:45 PM
To: Alexander Barton <abarton@cityofmarina.org>; Christine Hopper <chopper@cityofmarina.org>
Cc: Frank Coda <fcoda@greenbergfarrow.com>
Subject: RE: Starbucks Marina / revised plans

Hi Alec & Christine,

Please see the attached site plan for your references. May I know when will we receive the comments, and the agenda confirmation?

Thank you!

Winnie Liang, AICP
Due Diligence Coordinator
30 Executive Park, Suite 100, Irvine, CA 92614
t: 657.333.5062 **c:** 213.880.6750



From: Alexander Barton <abarton@cityofmarina.org>
Sent: Thursday, February 4, 2021 2:32 PM
To: Winnie Liang <wliang@greenbergfarrow.com>; Christine Hopper <chopper@cityofmarina.org>
Cc: Frank Coda <fcoda@greenbergfarrow.com>
Subject: Re: Starbucks Marina / revised plans

EXTERNAL SENDER – Do not click links or open attachments unless you recognize the sender

Good afternoon Winnie,

Can you please email me an electronic copy of the site plans you submitted? I am reviewing the application and will provide my findings to Christy before the end of the day.

I am starting a new job next week. After today I will no longer be employed by the City of Marina, so Christy will be moving this application through the relevant boards and commissions. I cannot estimate when those meetings will be scheduled, but I believe staff will be finished with the review soon.

Thank you,
Alec

From: Winnie Liang <wliang@greenbergfarrow.com>
Sent: Wednesday, February 3, 2021 3:52 PM
To: Christine Hopper <chopper@cityofmarina.org>

Cc: Frank Coda <fcoda@greenbergfarrow.com>; Alexander Barton <abarton@cityofmarina.org>
Subject: RE: Starbucks Marina / revised plans

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Christy & Alec,

Just want to follow up on the entitlement review. Any update would be greatly appreciated.

Thanks,

Winnie Liang, AICP
Due Diligence Coordinator
30 Executive Park, Suite 100, Irvine, CA 92614
t: 657.333.5062 **c:** 213.880.6750



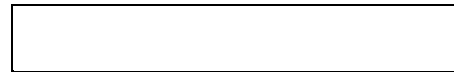
From: Winnie Liang
Sent: Thursday, January 28, 2021 5:10 PM
To: Christine Hopper <chopper@cityofmarina.org>
Cc: Frank Coda <FCODA@greenbergfarrow.com>; Alexander Barton <abarton@cityofmarina.org>
Subject: RE: Starbucks Marina / revised plans

Hi Christine & Alec,

Just want to follow up on the review status again. Alec – per our conversation on Tuesday, the planning comment will be distributed on Thursday. Any update would be greatly appreciated.

Thanks,

Winnie Liang, AICP
Due Diligence Coordinator
30 Executive Park, Suite 100, Irvine, CA 92614
t: 657.333.5062 **c:** 213.880.6750



From: Christine Hopper <chopper@cityofmarina.org>
Sent: Friday, January 22, 2021 8:26 AM
To: Winnie Liang <wliang@greenbergfarrow.com>
Cc: Frank Coda <fcoda@greenbergfarrow.com>; Alexander Barton <abarton@cityofmarina.org>
Subject: RE: Starbucks Marina / revised plans

EXTERNAL SENDER – Do not click links or open attachments unless you recognize the sender

Winne,

Assistant Planner Alec Barton is reviewing the plans. I have copied him on this email.

Christy Hopper
Planning Services Manager



City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933

(831) 884-1238 – direct
(831) 884-1220 - office
(831) 384-0425 – fax

From: Winnie Liang <wliang@greenbergfarrow.com>
Sent: Thursday, January 21, 2021 6:06 PM
To: Christine Hopper <chopper@cityofmarina.org>
Subject: RE: Starbucks Marina / revised plans

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello Christy,

Just want to follow up on the status of the Variance and CUP. When should I expect the comment?

Thanks,

Winnie Liang, AICP
Due Diligence Coordinator
30 Executive Park, Suite 100, Irvine, CA 92614
t: 657.333.5062 c: 213.880.6750



From: Christine Hopper <chopper@cityofmarina.org>
Sent: Monday, January 11, 2021 8:31 AM
To: Winnie Liang <wliang@greenbergfarrow.com>
Cc: Frank Coda <fcoda@greenbergfarrow.com>; Erin Fernando <efernando@cityofmarina.org>
Subject: RE: Starbucks Marina / revised plans

EXTERNAL SENDER – Do not click links or open attachments unless you recognize the sender

Thank you. Winnie. I see that it was delivered. We will send you a receipt and a copy of the application with the project number.

Christy Hopper
Planning Services Manager



City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933

(831) 884-1238 – direct
(831) 884-1220 - office
(831) 384-0425 – fax

From: Winnie Liang <wliang@greenbergfarrow.com>
Sent: Thursday, January 7, 2021 2:07 PM
To: Christine Hopper <chopper@cityofmarina.org>
Cc: Frank Coda <fcoda@greenbergfarrow.com>
Subject: RE: Starbucks Marina / revised plans

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good Afternoon Christine,

Just want to let you know the Variance submittal package was delivered to your attention today. Please feel free to let me know if you need anything additional.

Thank you!

Winnie Liang, AICP
Due Diligence Coordinator
30 Executive Park, Suite 100, Irvine, CA 92614
t: 657.333.5062 c: 213.880.6750



From: Christine Hopper <chopper@cityofmarina.org>
Sent: Wednesday, January 6, 2021 1:55 PM
To: Winnie Liang <wliang@greenbergfarrow.com>
Subject: Re: Starbucks Marina / revised plans

EXTERNAL SENDER – Do not click links or open attachments unless you recognize the sender

We will need a separate application for the variance. You have the fee, correct?

Sent from my iPhone

On Jan 6, 2021, at 13:48, Winnie Liang <wliang@greenbergfarrow.com> wrote:

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Christy,

I'm preparing the Variance submittal package, and would like confirm that if we need a new signature from the owner from planning cover sheet? Or we can reuse the one from CUP application?

Thanks,

Winnie Liang, AICP

Due Diligence Coordinator

30 Executive Park, Suite 100, Irvine, CA 92614

t: 657.333.5062 c: 213.880.6750



From: Christine Hopper <chopper@cityofmarina.org>

Sent: Wednesday, December 23, 2020 11:22 AM

To: Frank Coda <fcoda@greenbergfarrow.com>

Cc: Winnie Liang <wliang@greenbergfarrow.com>

Subject: Re: Starbucks Marina / revised plans

EXTERNAL SENDER – Do not click links or open attachments unless you recognize the sender

Likely February. I'll need to take a look at the submittal first.

Sent from my iPhone

On Dec 23, 2020, at 11:07, Frank Coda <fcoda@greenbergfarrow.com> wrote:

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Christy,

Will do – we will plan to have it arrive on either the 4th or the 5th. Do you think we could be on a planning commission hearing in Feb sometime? Not holding you to anything but just wanted to get a feel for what our timing going to PC might be.

Thanks and have a great holiday

Frank

From: Christine Hopper <chopper@cityofmarina.org>
Sent: Wednesday, December 23, 2020 10:05 AM
To: Frank Coda <fcoda@greenbergfarrow.com>
Cc: Winnie Liang <wliang@greenbergfarrow.com>
Subject: RE: Starbucks Marina / revised plans

EXTERNAL SENDER – Do not click links or open attachments unless you recognize the sender

Frank,

Thank you. Our office will be closed for the holiday from tomorrow until Jan 4. You may want to wait to send in the application and fee.

Christy Hopper
Planning Services Manager

<image003.jpg>
City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933

(831) 884-1238 – direct
(831) 884-1220 - office
(831) 384-0425 – fax

From: Frank Coda <fcoda@greenbergfarrow.com>
Sent: Tuesday, December 22, 2020 7:39 PM
To: Christine Hopper <chopper@cityofmarina.org>
Cc: Winnie Liang <wliang@greenbergfarrow.com>
Subject: RE: Starbucks Marina / revised plans

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Christy,

I hope you're doing well. Attached are revised plans – site plan, floor plan & elevations. We need to fill out the application and get you the fee for the landscape setback variance, which we will do shortly. But I wanted to get these to you. Below is the overview:

1. Reduced the building square footage by pulling in one of the exterior walls and making that area a covered outdoor patio. This brought the project into compliance with the current parking requirements
2. Added the traffic study comments – added keep clear, made modification to the exit driveway on Reservation (I assume the City engineering group will have their input on the final design but we did show what we think would work), and delineating the additional stacking lane.

3. There was a comment in a previous letter regarding pedestrian access to Reservation – we've added a sidewalk to the right of way sidewalk.

Winnie of our office, whom I've copied on this email, will be joining me on this project and will be send you the applications and check for variance as soon as we can. Please let us know if you need anything else.

Thanks
frank

From: Christine Hopper <chopper@cityofmarina.org>

Sent: Tuesday, December 8, 2020 10:07 AM

To: Frank Coda <fcoda@greenbergfarrow.com>

Subject: FW: Starbucks Marina Draft Memo

EXTERNAL SENDER – Do not click links or open attachments unless you recognize the sender

Frank,

The queuing study is attached for your review.

Christy Hopper
Planning Services Manager

<image004.jpg>

City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933

(831) 884-1238 – direct
(831) 884-1220 - office
(831) 384-0425 – fax

From: Venter, Frederik <frederik.venter@kimley-horn.com>

Sent: Monday, December 7, 2020 10:08 PM

To: Christine Hopper <chopper@cityofmarina.org>

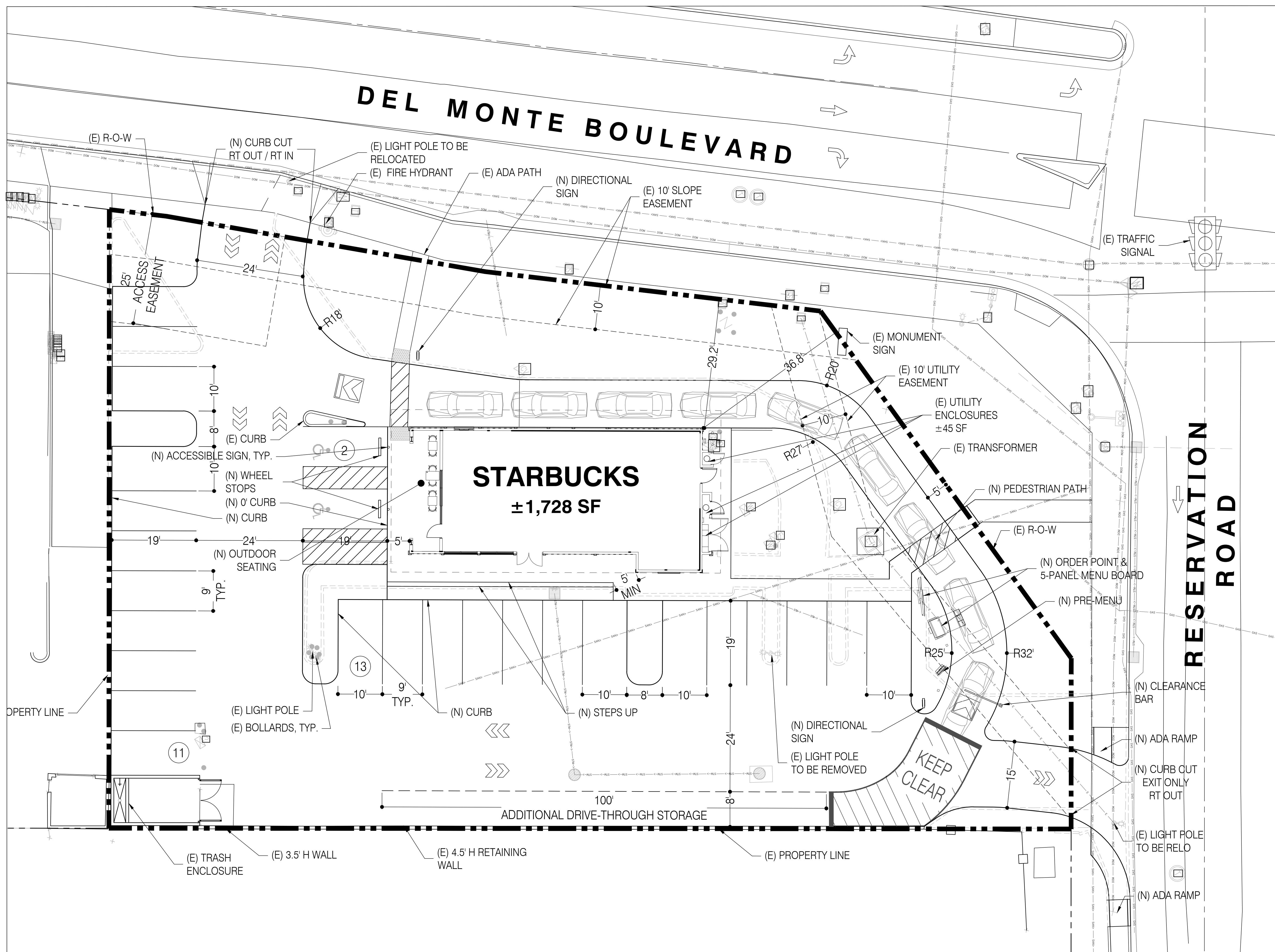
Subject: FW: Starbucks Marina Draft Memo

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi, here is the Starbucks queuing report.

Frederik

<1.0_Application CoverPage-signed.pdf>



PROJECT INFORMATION

ZONING CLASSIFICATION

JURISDICTION CITY OF MARINA, CA
EXISTING ZONE C1 (RETAIL BUSINESS DISTRICT)

SITE AREA

SITE AREA: ±0.57 AC (±24,725 SF)

BUILDING INFORMATION

BUILDING AREA ±1,728 SF
UTILITY ENCLOSURES ± 40 SF
TOTAL GROSS BUILDING AREA ±1,769 SF

PARKING SUMMARY

EXISTING PARKING		SPACES PROVIDED
USER		
EXISTING BUILDING		
STANDARD		22
ACCESSIBLE		2
TOTAL		24

PROPOSED PARKING			
USER	RATIO REQUIRED	SPACES REQUIRED	SPACES PROVIDED
STARBUCKS	8 SP + 1 SP/100 SF	26	
STANDARD			24
ACCESSIBLE			2
TOTAL		26	26

PROJECT NOTES

- THIS CONCEPTUAL SITE PLAN IS FOR PLANING SUBMITTAL PURPOSES ONLY.
- THIS SITE PLAN IS BASED ON ALTA SURVEY DRAWN BY BASE CONSULTING GROUP, DATED 9/24/2019.

DRAWING ISSUE/REVISION RECORD

DATE	NARRATIVE	INITIALS
08.05.2019	PREP SP-EX EXISTING CONDITIONS	II
12.30.2019	PREP SP-1	MM
02.14.2020	PREP SP-2	JN
12.18.2020	PREP SP-3	II

GREENBERG FARROW CONTACTS

PROJECT MANAGER I.BRAHIMBEGOVIC
SITE DEV. COORDINATOR F.CODA





COMMUNITY DEVELOPMENT
City of Marina

STAFF REPORT

Agenda Item #6b
Planning Commission
March 11, 2021

TO: Planning Commissioners

FROM: Christy Hopper, Planning Services Manager

RE: Open a Public Hearing, Take Any Testimony from the Public, and Consider Conditional Use Permit UP 2020-01 to Convert an Existing Combination Restaurant/Take-Out Facility with a Drive-thru (Burger King) to a more Intensified Take-Out Food Establishment with a Drive-Thru (Starbucks) and Variance VA 2021-01 to Allow the Drive-Thru Lane to Encroach into the Front Yard Setback at 200 Reservation Road (APN: 032-181-019).

Applicant:

Winnie Lang, GreenbergFarrow
30 Executive Park, Ste 100
Irvine, CA 92614

Owner:

Ishar Investments, Inc.
25 East Airway Blvd.
Livermore, CA 94551

Summary of Issues

- Does the proposal meet the requirements of the Zoning Ordinance for Conditional Use Permits and Variances?
- Are the environmental concerns appropriately addressed?

Environmental Determination

City of Marina Planning Division determined the project is exempt from the California Environmental Quality Act (CEQA) Guidelines (Article 19, Section 15301) applicable to the operation, repair, maintenance or minor alteration of existing structures or facilities. There is no reasonable possibility that the project will have a project-specific, significant effect on the environment due to unusual circumstances. No further environmental review is necessary.

If a requested permit is denied, the denial of a project is Statutorily Exempt from the California Environmental Quality Act (CEQA) under Article 18, Section 15270 applicable to projects which are disapproved.

Alternatives

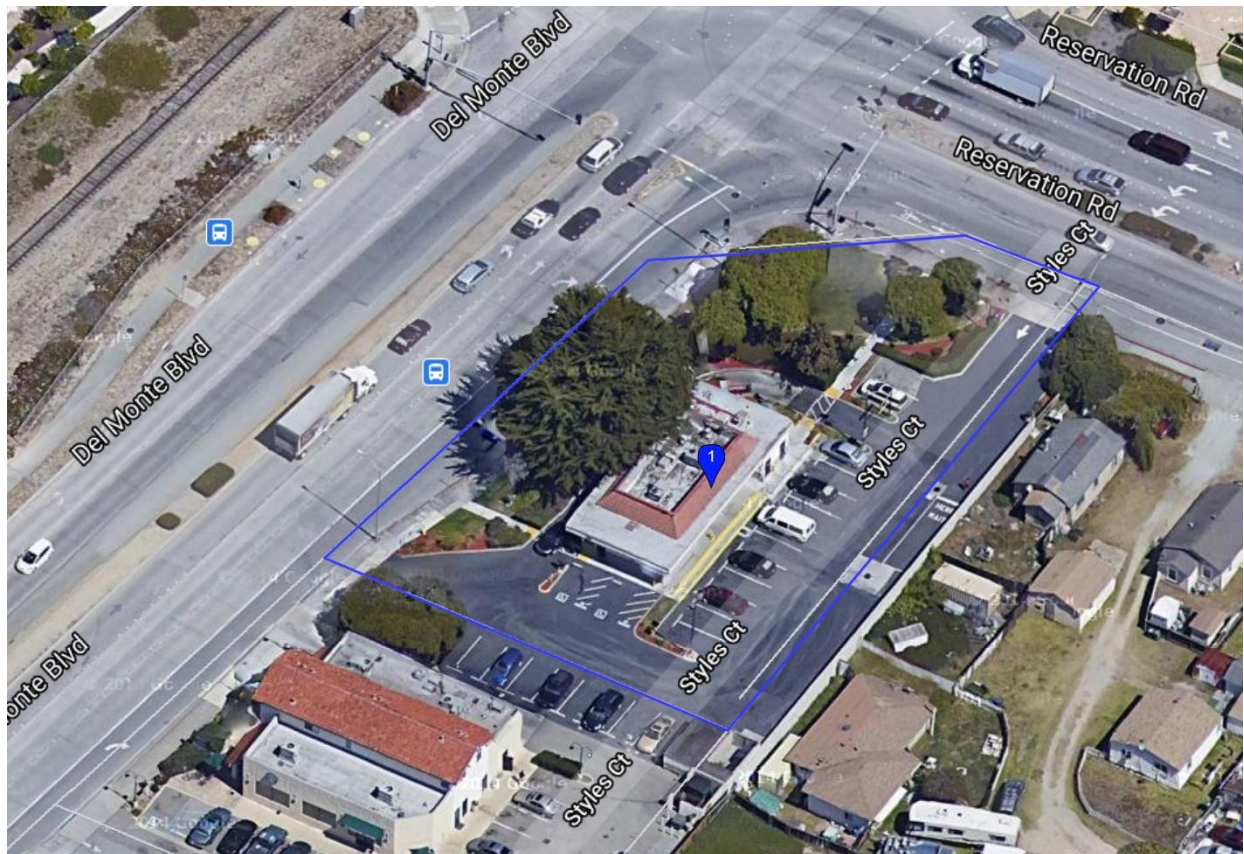
The Planning Commission may:

1. Approve both the Conditional Use Permit and Variance;
2. Approve the Conditional Use Permit but deny the Variance;
3. Deny the Conditional Use Permit but approve the Variance;
4. Deny both the Conditional Use Permit and Variance; or,
5. Continue review of the matter for more information.

Background

The project site is located at 200 Reservation Road, within the City of Marina. The site is zoned C-1 (Retail Business District) with a General Plan designation of Retail/Service and is located within the Downtown Vitalization Specific Plan Area. Neighboring properties share the same zoning and General Plan land use designations.

The site is currently occupied by a single-story building constructed in the late 1970s as a Del Taco restaurant and is currently occupied by a Burger King fast food restaurant chain restaurant with a drive-thru lane. The building entrances are located on the south and east sides of the building. The drive thru entrance is located on the east side of the building and wraps around to the west side of the building. See existing photos below:



Location of 200 Reservation Road with existing Burger King Restaurant and Drive-Thru



West Entrance to site from Del Monte Avenue



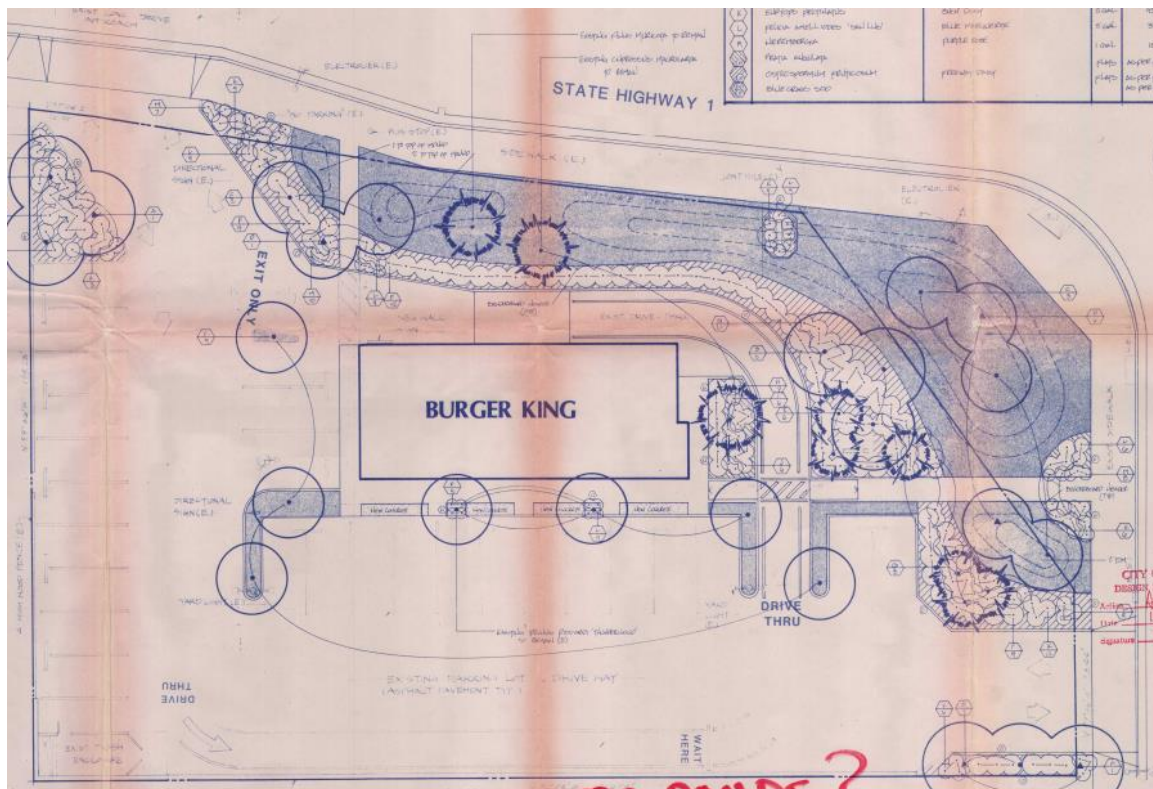
North Entrance to site from Reservation Road



Existing Entrance to Drive-Thru

On August 7, 1978, the Marina Planning Commission approved a Use Permit Application and Site and Architectural Design Review Application to allow a 1,855 square foot Del Taco drive-through/restaurant/take-out facility on the subject site, noting the project's consistence with the Marina Master Plan, proposed General Plan, and the requirements of the Marina Zoning Ordinance.

At that same meeting the Planning Commission approved a Variance to reduce the number of required parking spaces from 27 to 26, citing the physical shape of the corner lot and the fact that 25% of the restaurant's business would be via the drive-through window as factors making the strict application of the Marina Zoning Ordinance inconsistent with the limitations placed upon other properties in the vicinity and under identical zoning classification.



Original/Existing Drive-Thru

The site is accessed by both Reservation Road and Del Monte Avenue. Both existing driveways are two-way in and out of the site. The drive-thru can accommodate approximately five cars. The original site plan required an exterior queuing area on the east side of the property as shown above. Pedestrian access to the building was approved from Del Monte Avenue over the drive-thru lane about 20 feet from the pick-up window on the west side of the building and from Reservation Road in front of the order board on the north side of the building.

The building was later expanded to its current square footage (1,920 square feet) with an addition to the restrooms. Burger King took over the site around 1984 and made modifications to the site's landscaping.

Project Description/ Required Entitlements

GreenbergFarrow, an architecture, engineering, and development services firm, has submitted applications for a Site and Architectural Design Review for modifications to the site and building, a Conditional Use Permit to convert the existing combination restaurant/take-out facility with a drive-thru (Burger King) to a more intensified take-out food establishment with a drive-thru (Starbucks Coffee) and a Variance to permit a reconfigured drive-thru lane to encroach into the required 10-foot front yard setback.

On January 3, 2020, the applicant submitted an application for Site and Architectural Design Review (DR2020-01) for modifications to the property (site and building) to convert the existing Burger King Restaurant to a Starbucks Coffee facility. The application received was incomplete and staff prepared a letter outlining the items required for a complete application on January 16, 2020. As part of that letter, the applicant was notified that the conversion an existing fast-food restaurant with drive-through (Burger King) to a more intensified take-out establishment with drive-through (Starbucks) would require a Conditional Use Permit (CUP).

The site is located in the Downtown Vitalization Specific Plan (DVSP) area. The City is currently in the process of drafting a Downtown Vitalization Specific Plan for the DVSP area which will guide development of the downtown area. In advance of the adoption of the Specific Plan, all developments within the planning area are governed by General Plan Policy 2.63.51 that requires the following: "Prior to approval of any development other than temporary projects/uses or projects already entitled to be built, a specific plan shall be prepared which legally establishes development, design, and infrastructure requirements in accordance with General Plan principles and policies". However, because the project does not propose an increase in square footage of the building and no new vertical construction is proposed, the City does not classify the change in use as a "development" and did not require a specific plan for this project.

On August 25, 2020, Planning staff received an application for a CUP (UP2020-01) for a change in use that included modifications to the parking, vehicular and pedestrian circulation and access and modifications to the existing drive-thru on the site.

The application, as submitted, was incomplete for the following reasons:

- The location of the drive-through within the 10-foot front setback would require a Variance
- The building, at 1,920 square feet, would require 28 parking spaces, and the applicant proposed only 26
- A queuing study and site circulation study was required by the City to evaluate the queuing requirements for the proposed use.

In response, the applicant submitted revised plans and an application for a Variance on January 11, 2021. The modifications to the plans included a reduction in floor area from 1,920 to 1,769 square feet to reduce the parking requirement from 28 to 26 spaces. The modifications also included the addition of a pedestrian path from Reservation Road to the existing building and site modifications as recommended by the queuing analysis as described below.

[illegible]

The proposed project includes physical alterations to existing parking, pedestrian and vehicular access to the site, and reconfiguration of the drive-thru. As discussed above, with the change of use, the daily patten of use can reasonably be assumed to be somewhat different between the existing fast-food restaurant and the proposed use as a coffee shop, particularly for the morning peak hours. Therefore, staff required preparation of a Queuing Analysis to evaluate the queening requirements for the new use.

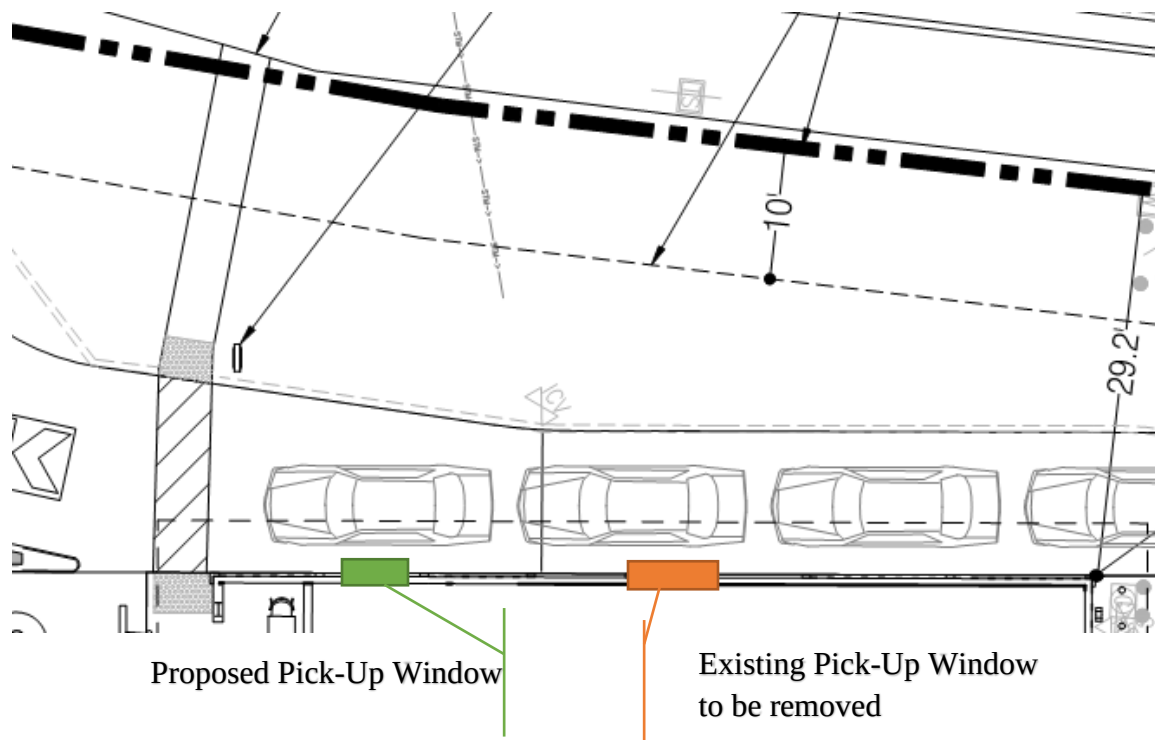
At the applicant's expense, the City hired a consultant (Kimley Horn) to prepare the queueing analysis. The analysis was prepared based on the applicant's proposed reconfiguration of the drive thru and found that the proposed 185-foot drive-through provides adequate queueing space for approximately nine vehicles (assuming 20 feet per vehicle). During the AM peak hour there is an

85th percentile probability of eight vehicles in the queue. This means there is at least an 85% chance the proposed drive-through can accommodate the number of vehicles in the queue during the AM peak hour. However, to be conservative, the analysis recommended that the City require a longer queue that can accommodate 13 vehicles—the number of vehicles present during the AM peak hour at the 95th percentile. The drive-through lane would need to be extended by 80 feet to accommodate the additional four vehicles that would spill out from the end of the proposed drive-through lane. The drive-thru extension is noted on the site plan above as “Additional Drive-Through Storage” on the east side of the property.

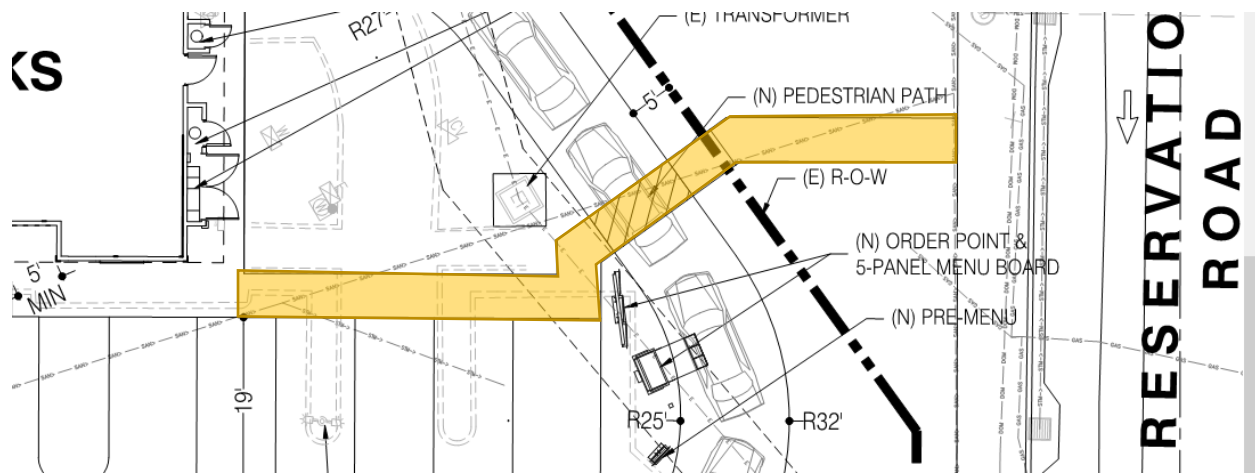
It was also recommended that a “Keep Clear” striping be provided just south of the driveway that provides access to Reservation Road, between the end of the proposed drive-through lane to the beginning of the drive-through lane extension so as not to allow the vehicles in the queue to block access to the north driveway on Reservation Road. Since the north driveway on Reservation Road is proposed to have a right-out access only, it was recommended that the driveway be angled to the east to provide a turning curve. In addition, a “Do Not Enter” sign was recommended to be placed at the driveway to discourage vehicles traveling eastbound on Reservation Road from making a right turn into the project driveway. These recommendations were also included in the revised site plan.

The location of the reconfigured drive thru would encroach five feet into the required 10-foot setback required in the C-1 zoning district. The development standards require that the entire 10-foot setback area be landscaped except for pedestrian access from the sidewalk. The encroachment into the setback would require approval of a variance from the Planning Commission.

Also as part of the project, the pick-up window would be moved from its existing location, approximately 34 feet from the existing pedestrian crosswalk, south to approximately 13 feet from the crosswalk as show below:



A new pedestrian patch would also be installed from Reservation Road to the building through the City right-of way and across the new drive-through lane in front of the order board as show below:



Exterior Building and Site Modifications

If the Conditional Use Permit or Conditional Use Permit and Variance are approved for the project. The City will then process the Site and Architectural Design Review application for modifications to the site, building, landscaping, lighting and signs. The application will require review and approval by the Planning Commission at a later meeting.

Public Notice

A public hearing notice for this Planning Commission meeting was mailed to property owners within a 300-foot radius of the subject property on Friday, March 5, 2021 and the notice was published in the Monterey County Weekly on Thursday, March 3, 2021. To date, no correspondence was submitted in response to the public hearing notice.

Issues and Analysis

Consistency with Zoning Ordinance

The existing Burger King Restaurant was granted a Conditional Use permit in 1978 for a take-out and drive-thru establishment based on consistency with the intent of the Retail Business (C-1) zoning district. However, because a change of use will occur, including operational characteristics different from those permitted under the current approvals, a new Conditional Use Permit must be granted.

In addition, the reconfiguration of the drive-thru proposed, to be located within the required 10-foot landscaped front yard setback, requires approval of a Variance by the Planning Commission.

Conditional Use Permit

A Conditional Use Permit (CUP) may be granted when the appropriate authority has determined that the establishment, maintenance or operation of the use applied for will not be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. As the appropriate authority in this case, the Planning Commission may designate conditions in connection with the CUP as it deems necessary to secure the purposes of this title.

The applicant responded to staff concerns and the queuing analysis by preparing a modified site plan that restricts ingress to Del Monte Blvd and increases the number of spaces available in the queue (13-14 spaces with 9 in the queue and 4-5 in the area marked “Additional Drive-Through Storage” (see **EXHIBIT A to the CUP Resolution**). The modified site plan includes several other recommendations from the queuing analysis and reduces the size of the existing building to ±1,728 square feet (from the existing 1,920 square feet), thereby reducing the number of required parking spaces (from 28 to 26). The applicant has proposed 26 parking spaces, including 2 accessible spaces. **Table 1** includes site development standards for the site and whether these standards have been met under the modified site plan.

	Required	Proposed	Determination
Building height	50' (max)	16' 11 ¾"	Consistent
Front yard	10' (min)	5'	Not consistent
Side yard	0' (min)	0'	Consistent
Side yard (abutting street)	10% average site width (no more than 10', no less than 5')		
Rear yard	5'	19'	Consistent
Parking	26 spaces	26 spaces	Consistent

Table 1

As recommended by the queueing analysis, the modified site plan angles the point of egress onto Reservation Road to discourage ingress at this site. The modified site plan also provides striping that aids circulation on site, including “KEEP CLEAR” lettering near the point of egress onto Reservation Road and directional arrows at various locations throughout the site.

The modified site plan addresses some problems with site access and ignores others. For example, pedestrian access to the site via Reservation Road is provided via a striped crosswalk and pedestrian path that would require an easement from the City of Marina, as it runs across City-owned land. Pedestrian access via Del Monte Blvd is provided via an ADA-compliant path and striped crosswalk. However, the queuing analysis recommended increasing the visibility of these pathways by providing pedestrian warning signs and luminaries, and the modified site plan does not address this. The striped crosswalks are inconsistent with an adopted design standard which states that pedestrian walkways that cross vehicular drives shall be identified by the use of a paving material which is distinct from the paving material for the driveway, both in color and texture (City

of Marina Design Guidelines and Standards, p. 19 #6). It is unclear if the proposed pedestrian path from Reservation Road would be ADA-compliant.

Most of the parking spaces proposed on the modified site plan are consistent with City of Marina Design Guidelines and Standards. However, the outermost parking spaces on the south facing row of parking are, at 9 feet wide, of insufficient width. Individual parking spaces and parking spaces at the end of a row of parking spaces are required to have an additional one foot of width between a wall or the face of a curb to allow for reasonable pedestrian movement between a parked vehicle and the wall or the curb (City of Marina Design Guidelines and Standards, p. 18 #3).

While staff recommends the Planning Commission approve the CUP, conditions should be placed on the permit to address deficiencies in the modified site plan that relate to safety. In particular, approval should be conditioned on the applicant revising the site plan to include safer crossings for pedestrians from both Reservation Road and Del Monte Blvd. Another condition of approval should require the applicant to address improperly designed parking spaces on the south facing row of parking. The outermost parking spaces in this location should be 10 feet wide. These recommended conditions are included in the draft CUP Resolution.

Variance

A Variance may only be granted in only a narrow set of circumstances in which the applicant has demonstrated the following:

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the municipal code is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; and,
2. That the grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated (Marina Municipal Code 17.46.030 A-B).

The required front yard setback in the C-1 zoning district is ten feet. The modified site plan includes a setback of just five feet, measured from the property line to the edge of the proposed drive-through. The five-foot setback is insufficient under the provisions of the Marina Municipal Code (17.22.070), and a variance is required to permit tenant improvements of the site as proposed.

In response to the requirements of Marina Municipal Code 17.46.030, the applicant submitted the following justifications for the variance:

- A. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

Applicant response: *The existing drive-through is a non-conforming use located on 200 Reservation Road. Starbucks is only proposing a tenant improvement project for the existing building and re-using the existing drive-through facility. The drive-through remains intact. Therefore, the location of the existing building and site layout provides hardship to re-locate the drive-through lane. This special non-conforming and tenant improvement circumstances are applicable to the subject property that warrant the variance.*

- B. That the grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

Applicant response: *The subject project is a tenant improvement project, which includes exterior rebranding and interior remodeling. The existing drive-through lane remains intact. The non-conforming use of the existing drive-through lane provides the hardship to accommodate the setback requirements for C-1 zoning, especially for a tenant improvement project rather than a ground-up project. Therefore, the grant of a variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.*

Staff disagrees with the applicant's justifications for a variance. Municipal code clearly requires special circumstances applicable to the subject property and lists size, shape, topography, location, and surroundings as conditions that may warrant a variance.

The status of the drive-through as a nonconforming use does not relate to the size, shape, topography, location, or surroundings of the lot. The applicant is proposing tenant improvements to an existing nonconforming use and is also proposing to modify the drive-thru to accommodate the 13-car queuing recommended by the queuing analysis for the new use as a coffee shop.

The location of the new drive-thru is being proposed within the front yard setback to avoid relocation of an existing PG&E transformer located on the site. That the City does not permit the nonconforming use to remain in perpetuity does not constitute special hardship for the applicant nor does locating the drive-thru within the required setback to avoid relocation of utilities meet the finding that there are unusual physical circumstances that would require the drive-thru to be located within the front yard setback. The applicant may develop the site in a manner consistent with site and development standards for the C-1 zoning district, and no circumstances relative to the size, shape, topography, location, and surroundings of the site would preclude such development.

The Municipal Code requires decisionmakers to exercise caution in granting variances. The governing body must find that granting a variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone of the subject property. Granting a variance solely because an existing nonconformity makes redevelopment of the site difficult sets a poor precedent. Furthermore, it would constitute a special privilege not available to other properties in the immediate vicinity.

The Planning Commission must consider if these two requirements have been met in order to grant the Variance.

General Notes - Downtown Vitalization Specific Plan

Because the site is located within the Downtown Vitalization Specific Plan (DVSP), the Planning Commission should consider if approving the new use is consistent with near-term and long-term land use plans for the site. The DVSP is undergoing environmental review. An environmental impact report (EIR) for the specific plan is expected sometime this summer, and the Planning Commission and City Council will consider approval of the document soon after.

Once the DVSP has been adopted, 200 Reservation Road and neighboring parcels will be rezoned to a Core commercial zone, which will permit commercial and mixed use developments of up to five stories on arterial roads with residential densities up to 70 units per acre. Drive-through restaurants will not be permitted in this zoning district.

Starbucks would quickly become a nonconforming use in a rezoned downtown, and a prime site for redevelopment could remain underutilized for years to come. This site is particularly important because of its location at the juncture of two arterial roads. As the central activity node in a reimagined downtown, what happens here will influence how other sites redevelop in the downtown.

That said, staff has determined that the proposed use is consistent with the current zoning and land use for the site and recommends approval of the Conditional Use Permit with conditions. Staff has determined that the applicant's justification for a Variance is insufficient based on the required findings and recommends that the Planning Commission vote to deny granting the Variance.

Recommended Motions

Staff recommends the following motions:

1. Adopt a Resolution approving Conditional Use Permit UP 2020-01 to Convert an Existing Combination Restaurant/Take-Out Facility with a Drive-thru (Burger King) to a more Intensified Take-Out Food Establishment with a Drive-Thru (Starbucks) at 200 Reservation Road.
2. Adopt a Resolution denying Variance VA 2021-01 to Allow the Drive-Thru Lane to Encroach into the Front Yard Setback at 200 Reservation Road.

Attachments:

- 1) Draft Resolution Approving Conditional Use Permit UP 2020-01 to Convert an Existing Combination Restaurant/Take-Out Facility with a Drive-thru (Burger King) to a more Intensified Take-Out Food Establishment with a Drive-Thru (Starbucks) at 200 Reservation Road with Project Plans as Exhibit A.
- 2) Draft Resolution Denying Variance VA 2021-01 to Allow the Drive-Thru Lane to Encroach into the Front Yard Setback at 200 Reservation Road with Project Plans as Exhibit A.
- 3) Drive-Through Queuing Analysis – December 7, 2020

RESOLUTION NO. 2021-

A RESOLUTION OF THE CITY OF MARINA PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT UP 2020-01 TO CONVERT AN EXISTING COMBINATION RESTAURANT/TAKE-OUT FACILITY WITH A DRIVE-THRU (BURGER KING) TO A MORE INTENSIFIED TAKE-OUT FOOD ESTABLISHMENT WITH A DRIVE-THRU (STARBUCKS) AT 200 RESERVATION ROAD (APN: 032-181-019-000), SUBJECT TO CONDITIONS

WHEREAS, the site is zoned C-1 (Retail Business District) with a General Plan designation of Retail/Service and is located within the Downtown Vitalization Specific Plan Area; and,

WHEREAS, the applicant is requesting that the City approve a Conditional Use Permit (CUP) to allow the conversion of an Existing Combination Restaurant/Take-Out Facility with a Drive-thru (Burger King) to a more Intensified Take-Out Food Establishment with a Drive-Thru (Starbucks); and,

WHEREAS, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider Use Permit 2020-01, considered all public testimony, written and oral, presented at the public hearing, received and considered the written information and recommendation of the staff report for the March 11, 2021 meeting for the Use Permit; and,

WHEREAS, the City of Marina Planning Division determined the project is exempt from the California Environmental Quality Act (CEQA) Guidelines (Article 19, Section 15303) applicable to the operation, repair, maintenance or minor alteration of existing structures or facilities. There is no reasonable possibility that the project will have a project-specific, significant effect on the environment due to unusual circumstances. No further environmental review is necessary.

NOW, THEREFORE BE IT RESOLVED the Planning Commission of the City of Marina hereby approves UP 2021-01, allowing the conversion of an Existing Combination Restaurant/Take-Out Facility with a Drive-thru (Burger King) to a more Intensified Take-Out Food Establishment with a Drive-Thru (Starbucks) at 200 Reservation Road (APN: 032-181-019-000), subject to the following findings and conditions.

Findings

That the project as proposed and conditioned will be constructed, and so located, that the project, as conditioned, will:

1. Not under the circumstance of the particular use be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use in that the proposed use will be conducted within an enclosed building, on a patio or within a dedicated drive-thru lane.
2. Not under the circumstances of the particular use be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the city, in that the use is within a commercial area, will be conducted within an enclosed building and is so conditioned so that the pedestrian access to the site will be accomplished in a safe manner.

Conditions of Approval

1. That the project shall be implemented in accordance with the plans and use description submitted to the Planning Division January 11, 2021 (**EXHIBIT A**), except as conditioned, herein.
2. That the applicant shall submit revised plans as part of the Site and Architectural Design Review Application, for review and approval by the Planning Commission that shows, in addition to standards application requirements for Site and Architectural Design Review applications:
 - a. Reconfiguration of the drive-thru to be wholly within the required setbacks for the zoning district while maintaining queuing for 13 automobiles, and
 - b. Modifications to the proposed pedestrian access from Del Monte Boulevard and Reservation Road to provide safer and crossing that is more visible to motorists.
 - c. Modifications to the parking spaces on the site to comply with the City's parking standards
3. That the applicant shall agree as a condition of approval of this project to defend, at its sole expense, indemnify and hold harmless from any liability the City and reimburse the City for any expenses incurred resulting from, or in connection with, the approval of the project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
4. Permit Expiration - This permit will expire 12 months from the date of approval by the Planning Commission, unless a valid building permit has been issued and construction of the project has commenced prior to expiration. The applicant may apply for an extension of this permit, by submitting an extension request application and applicable fees, no less than 30 days prior to expiration date. No renewal notice will be sent to the applicant or property owner.

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 11th day of March 2021, by the following vote:

AYES, COMMISSIONERS:

NOES, COMMISSIONERS:

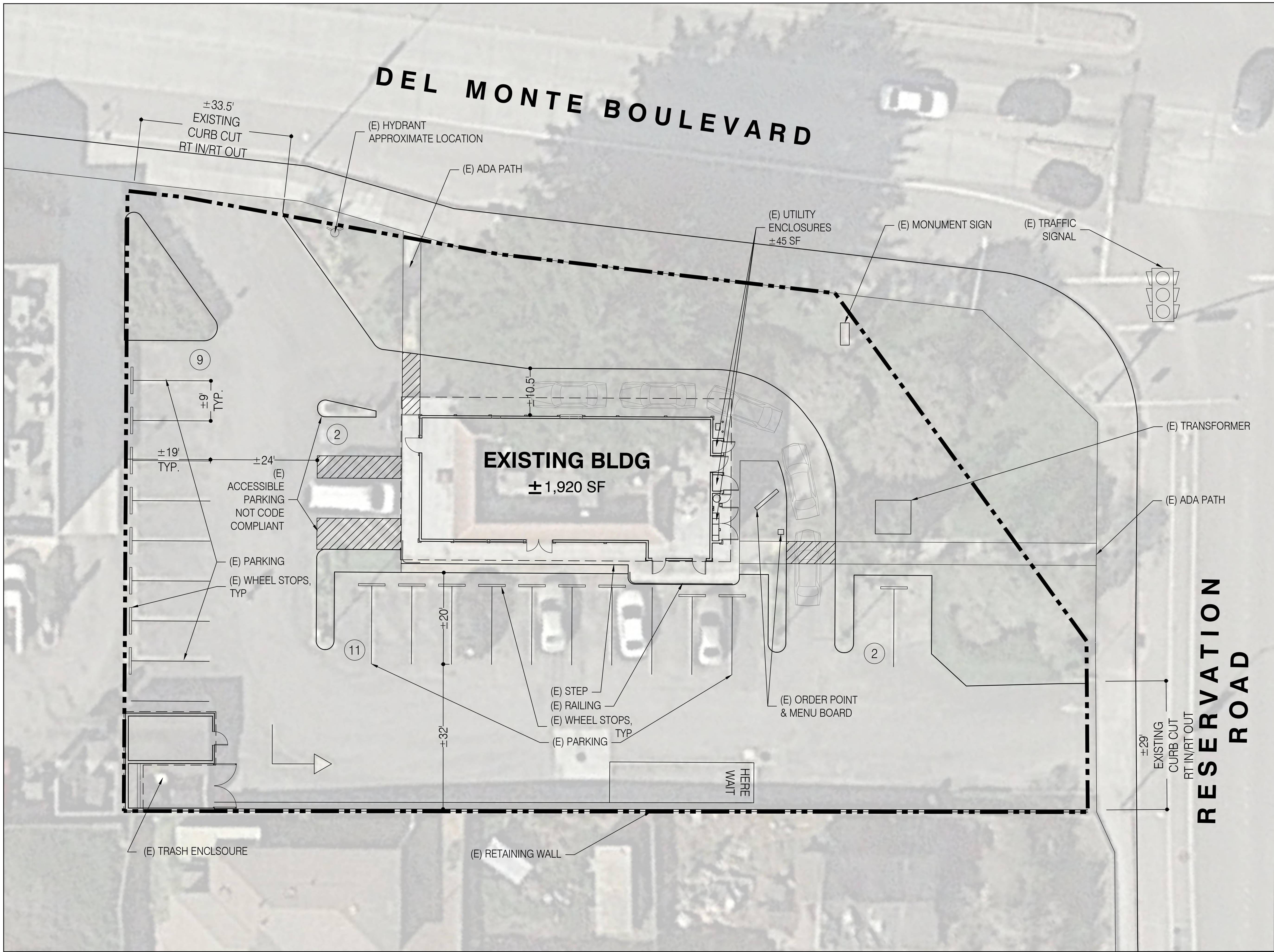
ABSENT, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

Chair

ATTEST:

Christy Hopper
Planning Services Manager
City of Marina



PROJECT INFORMATION

ZONING CLASSIFICATION

JURISDICTION	CITY OF MARINA, CA
EXISTING ZONE	C1 (RETAIL BUSINESS DISTRICT)

SITE AREA

SITE AREA:	±0.56 AC (±24,500 SF)
SITE COVERAGE:	±8.05% (±3,509 SF/AC)

BUILDING INFORMATION

EXISTING BUILDING AREA	±1,920 SF
EXISTING UTILITY ENLCOSURES	± 45 SF

PARKING SUMMARY

USER	SPACES REQUIRED	(E) SPACES PROVIDED
EXISTING BUILDING	26*	22
STANDARD		2
ACCESSIBLE		2
TOTAL	26*	24

* 26 SPACES REQUIRED PER 1975 CUP WITH VARIANCE

DRAWING ISSUE/REVISION RECORD

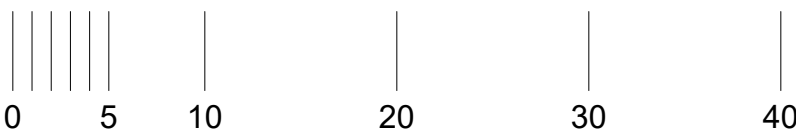
DATE	NARRATIVE	INITIALS
08.05.2019	PREP SP-Ex EXISTING CONDITIONS	II

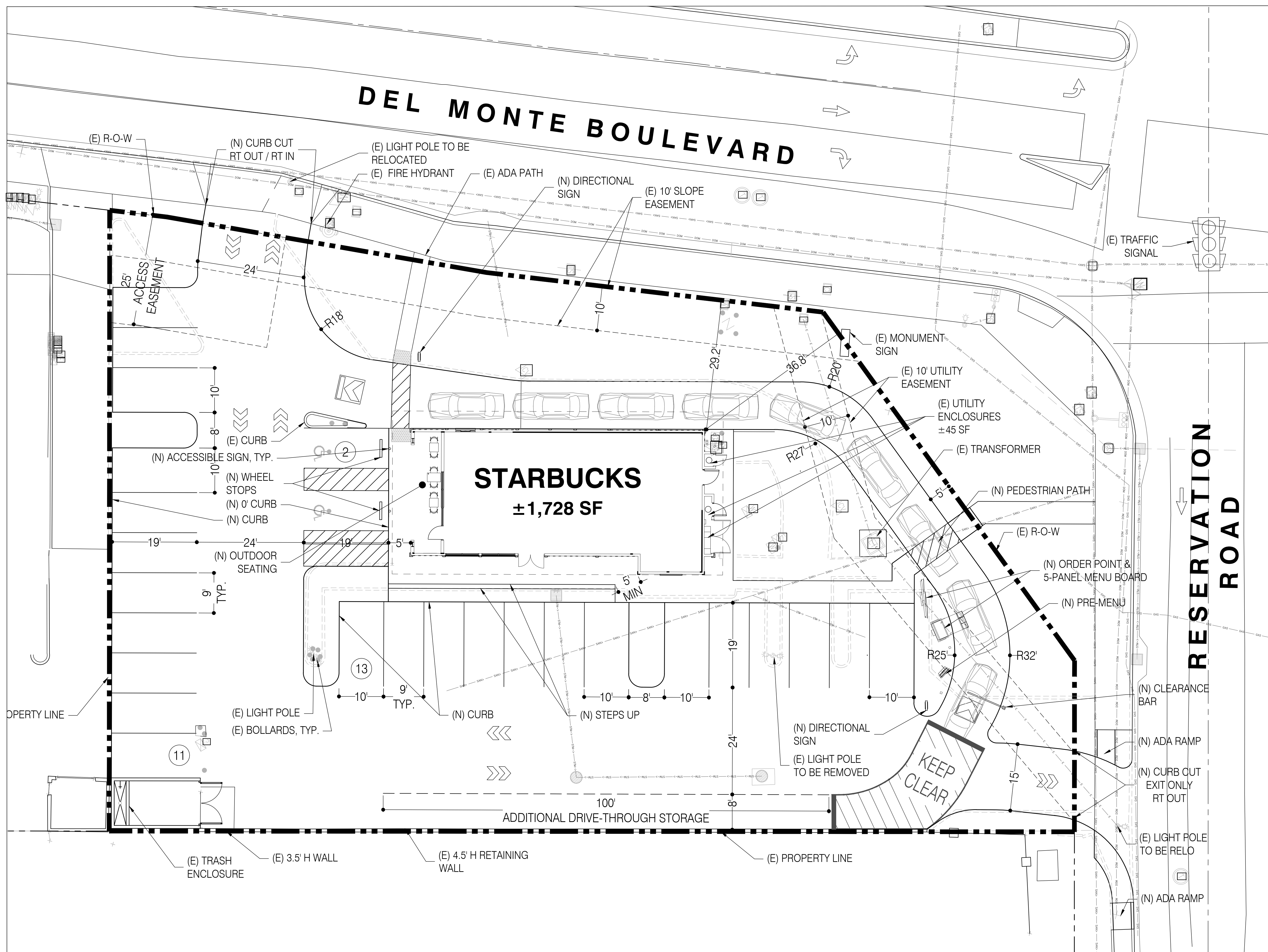
GREENBERG FARROW CONTACTS

PROJECT MANAGER	I.BRAHIMBEGOVIC
SITE DEV. COORDINATOR	F.CODA



SCALE: 1"=10'-0"





PROJECT MANAGER	I.BRAHIMBEGOVIC
SITE DEV. COORDINATOR	F.CODA

RESOLUTION NO. 2021-

A RESOLUTION OF THE CITY OF MARINA PLANNING COMMISSION DENYING VARIANCE VA 2021-01 TO ALLOW THE DRIVE-THRU LANE TO ENCROACH INTO THE FRONT YARD SETBACK AT 200 RESERVATION ROAD (APN: 032-181-019-000)

WHEREAS, the site is zoned C-1 (Retail Business District) with a General Plan designation of Retail/Service and is located within the Downtown Vitalization Specific Plan Area; and,

WHEREAS, the Marina Municipal Code Section 17.18.070 requires that minimum front yard required in the C-1 districts shall be ten feet, all of which shall be landscaped with the exception of pedestrian accessways and driveways for ingress and egress; and,

WHEREAS, the applicant is requesting that the City approve a Variance to allow a reconfigured drive-thru lane to encroach into the front yard setback (**EXHIBIT A**); and,

WHEREAS, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider Variance 2020-01, considered all public testimony, written and oral, presented at the public hearing, received and considered the written information and recommendation of the staff report for the March 11, 2021 meeting for the Use Permit; and,

WHEREAS, the City of Marina Planning Division denial of a project is Statutorily Exempt from the California Environmental Quality Act (CEQA) under Article 18, Section 15270 applicable to projects which are disapproved.

NOW, THEREFORE BE IT RESOLVED the Planning Commission of the City of Marina hereby denies VA 2021-01 to allow the Drive-Thru Lane to encroach into the Front Yard Setback at 200 Reservation Road at 200 Reservation Road (APN: 032-181-019-000), subject to the following findings.

Findings

1. That no special circumstances applicable to subject property exist, including size, shape, topography, location or surroundings, that the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification in that :
 - a. The status of the drive-through as a nonconforming use does not relate to the size, shape, topography, location, or surroundings of the lot; and,

- b. The applicant is proposing tenant improvements to an existing nonconforming use and is also proposing to modify the drive-thru to accommodate the 13-car queuing recommended by the queuing analysis for the new use as a coffee shop. The location of the new drive-thru is being proposed within the front yard setback to avoid relocation of an existing PG&E transformer located on the site. That the City does not permit the nonconforming use to remain in perpetuity does not constitute special hardship for the applicant nor does locating the drive-thru within the required setback to avoid relocation of utilities meet the finding that there are unusual physical circumstances that would require the drive-thru to be located within the front yard setback. The applicant may develop the site in a manner consistent with site and development standards for the C-1 zoning district, and no circumstances relative to the size, shape, topography, location, and surroundings of the site would preclude such development.
2. That the grant of a variance permit would constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated. Granting a variance solely because an existing nonconformity makes redevelopment of the site difficult sets a poor precedent. Furthermore, it would constitute a special privilege not available to other properties in the immediate vicinity.

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 11th day of March 2021, by the following vote:

AYES, COMMISSIONERS:

NOES, COMMISSIONERS:

ABSENT, COMMISSIONERS:

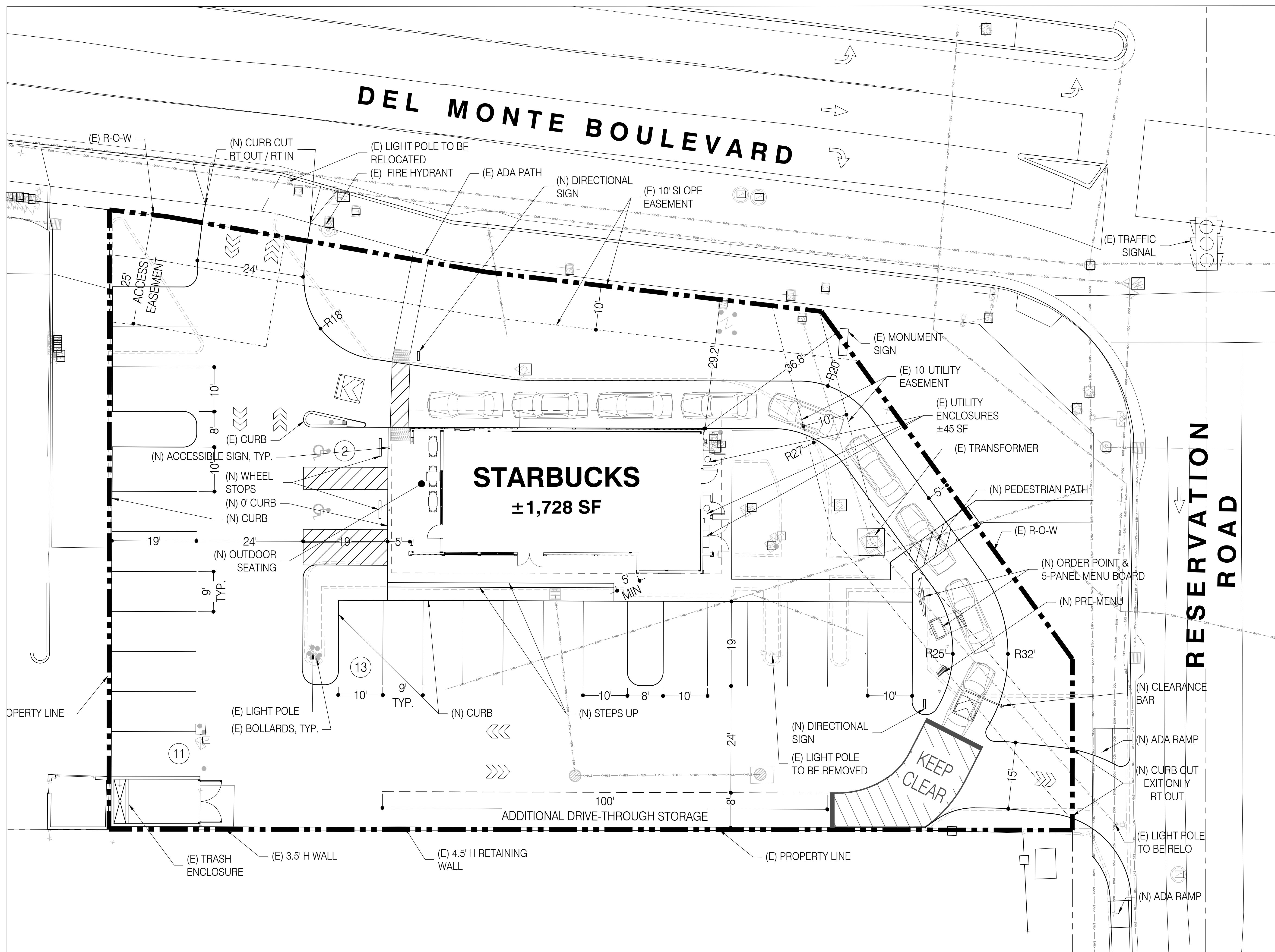
ABSTAIN, COMMISSIONERS:

Chair

ATTEST:

Christy Hopper
Planning Services Manager
City of Marina





PROJECT INFORMATION

ZONING CLASSIFICATION

JURISDICTION CITY OF MARINA, CA
EXISTING ZONE C1 (RETAIL BUSINESS DISTRICT)

SITE AREA

SITE AREA: ±0.57 AC (±24,725 SF)

BUILDING INFORMATION

BUILDING AREA ±1,728 SF
UTILITY ENCLOSURES ± 40 SF
TOTAL GROSS BUILDING AREA ±1,769 SF

PARKING SUMMARY

EXISTING PARKING		SPACES PROVIDED
USER		
EXISTING BUILDING		
STANDARD		22
ACCESSIBLE		2
TOTAL		24

PROPOSED PARKING			
USER	RATIO REQUIRED	SPACES REQUIRED	SPACES PROVIDED
STARBUCKS	8 SP + 1 SP/100 SF	26	
STANDARD			24
ACCESSIBLE			2
TOTAL		26	26

PROJECT NOTES

- THIS CONCEPTUAL SITE PLAN IS FOR PLANING SUBMITTAL PURPOSES ONLY.
- THIS SITE PLAN IS BASED ON ALTA SURVEY DRAWN BY BASE CONSULTING GROUP, DATED 9/24/2019.

DRAWING ISSUE/REVISION RECORD

DATE	NARRATIVE	INITIALS
08.05.2019	PREP SP-EX EXISTING CONDITIONS	II
12.30.2019	PREP SP-1	MM
02.14.2020	PREP SP-2	JN
12.18.2020	PREP SP-3	II

GREENBERG FARROW CONTACTS

PROJECT MANAGER I.BRAHIMBEGOVIC
SITE DEV. COORDINATOR F.CODA





1430 West Peachtree Street, NW
Suite 200
Atlanta, GA 30309
404.601.4000
www.greenbergfarrow.com
We Are Global

December 30, 2020

Re Variance Statement

The subject property is located on 200 Reservation Road, which is currently occupied by a Burger King. Starbucks is proposing to take over the building and change into a coffee shop with existing drive-through facility. Per "Incomplete Letter" dated 09/23/2020, a Variance application is required since the existing drive-through is within the 10-foot setback required by C-1 zoning. Please see the below Variance statement regarding the subject project:

1. *The special circumstances applicable to subject property, including size, shape, topography, location or surrounding that warrant the variance.*

The existing drive-through use is a non-conforming use located on 200 Reservation Road. Starbucks is only proposing a tenant improvement project for the existing building and re-using the existing drive-through facility. The drive-through remains intact. Therefore, the location of the existing building and site layout provides hardship to re-locate the drive-through lane. This special non-conforming and tenant improvement circumstances are applicable to the subject property that warrant the variance.

2. *Why grant of a variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.*

The subject project is a tenant improvement project, which includes exterior rebranding and interior remodeling. The existing drive-through lane remains intact. The non-conforming use of the existing drive-through lane provides the hardship to accommodate the setback requirements for C-1 zoning, especially for a tenant improvement project rather than a ground-up project. Therefore, the grant of a variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

Click or tap here to enter text.

MEMORANDUM

To: Christine Hopper, City of Marina, Planning Department

From: Frederik Venter, P.E. and Ravi Puttagunta, Kimley-Horn and Associates

Date: December 7, 2020

Re: Drive-Through Queuing Analysis for Starbucks at 200 Reservation Road, Marina, CA

Introduction

This memorandum presents the queuing analysis for the proposed Starbucks project ("Project") located at 200 Reservation Road in Marina, CA. The project is proposing to replace the existing 1,920 square feet Burger King fast food restaurant with a similar size Starbucks with a drive-through facility. A queuing analysis for the proposed drive-through was conducted to evaluate the adequacy of the drive-through lane capacity and determine the queue length that would be generated at the proposed project.

The memorandum evaluates the following:

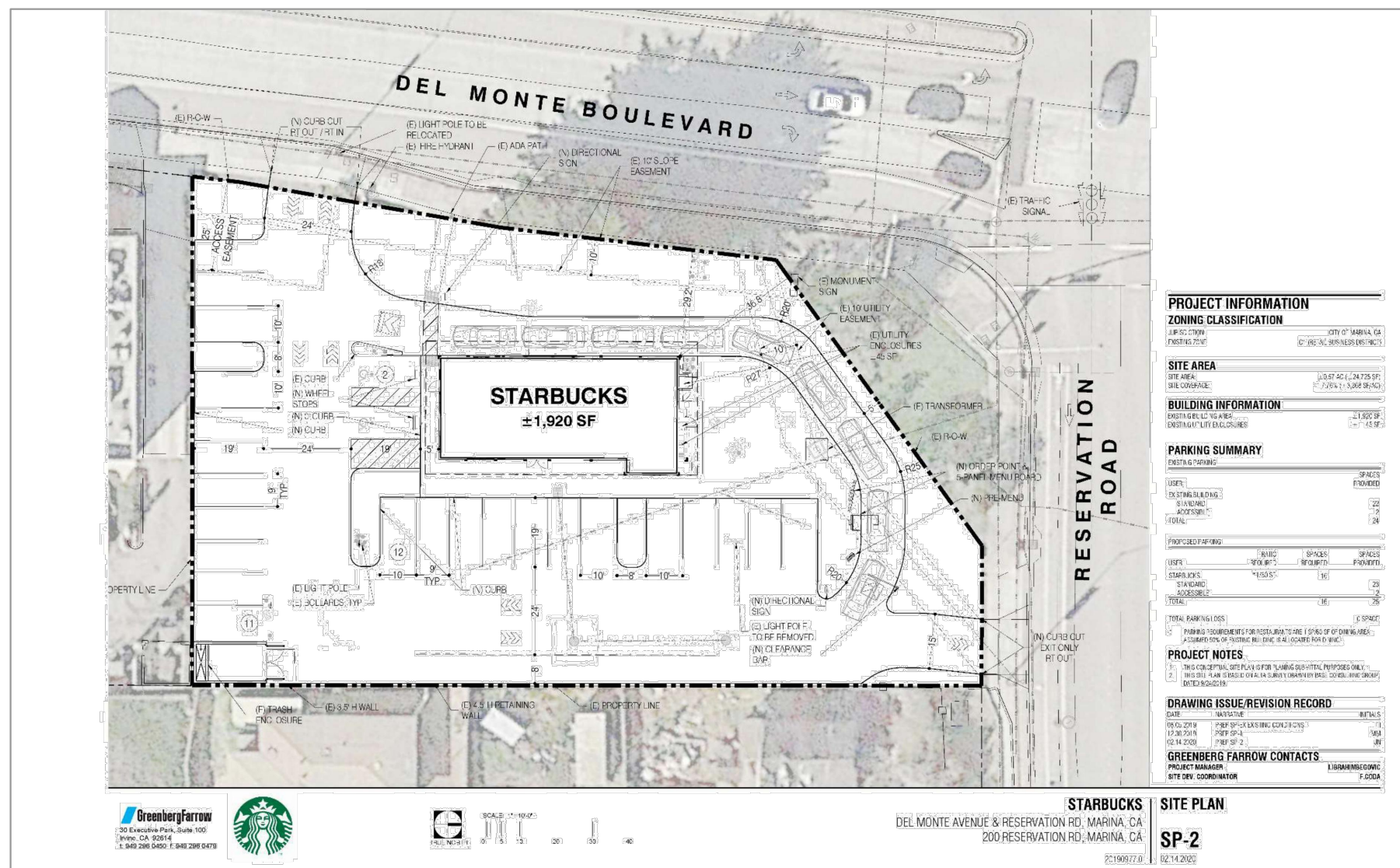
1. Project Description
2. Queue Field Observation and Data Collection
3. Queueing Analysis
4. Site Plan Recommendations

Project Description

The project site is located at 200 Reservation Road on the southeast corner of Del Monte Boulevard and Reservation Road in Marina, CA. The project is proposing to replace the existing 1,920 square feet Burger King with a Starbucks coffee shop and a drive-through facility. Based on the site plan as shown in **Figure 1**, the project will maintain the current building size of 1,920 square feet, add additional parking spaces, and provide a longer drive-through facility. Currently, the accessible parking spaces in the existing parking lot do not meet the City of Marina (City)/industry accessible parking requirements.

The entrance to the drive-through lane is located on the northeast corner of the building. The existing drive-through lane for the Burger King is also located on the northeast corner of the building, however the proposed project will shift the lane to the north to provide additional capacity. The drive-through lane then wraps around the west side of the building for a total of 185 feet, accommodating approximately 9 vehicles, assuming an average vehicle length of 20 feet.

The existing site is currently accessible through two unsignalized driveways; one right-in and right-out access on Del Monte Boulevard and one right-in and right-out access on Reservation Road. The project is proposing to change the driveway access on Reservation Road to a right-out only, and no changes are proposed to the right-in, right-out driveway on Del Monte Boulevard.



Queuing Analysis

The following section provides the queuing analysis for the project. A field observation and data collection was conducted to determine whether additional capacity/storage should be provided for the drive-through lane and whether the proposed queues will extend onto Del Monte Boulevard and block right turn traffic at Reservation Road intersection.

Field Observations/Drive-Through Service Times

Due to the effects of COVID-19 and its shelter-in-place restrictions, collecting queuing data at similar Starbucks drive-through locations may not represent typical queuing conditions since it is likely that more Starbucks customers are currently utilizing the drive-through to order rather than entering into the store. Even though current field observation doesn't reflect the normal conditions, field observations were conducted at a similar Starbucks location to primarily determine the average service times at the pick-up window only. Service time observations were conducted on Thursday, November 12, 2020 in the AM peak period from 7:00 AM to 9:00 AM at the Starbucks located on 140 General Stilwell Drive in Marina, CA. The site is also in the City of Marina and deemed a representative location. Service time observations are provided in the **Appendix**. Based on the observations, the average service time is approximately 64 seconds. It should be noted that services times may range from as low as 12 seconds to as high as 250 seconds depending on the order size as well as payment form. Typically, small orders and app-based payments will result in faster service times while large orders and cash payments result in slower service times.

Based the *Traffic Impact Analysis of the Starbucks Located at 1730-1734 Pacific Coast Highway in the Cities of Los Angeles and Lomita* study conducted in November 2015, the typical Starbucks drive-through services time per vehicle is 45 seconds. Therefore, the average service time of 64 seconds collected from the field observations may be higher than the typical service times due to COVID-19 and the possibility of more precautions being taken while serving customers. Therefore, a service time of 45 seconds will be used for the queuing analysis.

Drive-Through Demand

To determine the AM and PM peak hour demand for the project drive-through, trip generation for the project was determined based on the Institute of Transportation Engineer's (ITE) publication, Trip Generation Manual, 10th Edition¹. The manual is a standard reference used by jurisdictions throughout the country for the estimation of trip generation potential of proposed projects. A trip is defined in the Trip Generation Manual as a single or one-directional vehicle movement with either the origin or destination at the project site. In other words, a trip can be either "to" or "from" the site and therefore, a single visitor to a site is counted as two trips.

Trips generated by the project were based on the average rate for ITE Land Use Code 937 (Coffee/Donut Shop w/ Drive-Through) during the AM and PM peak hour of generator. Based on statistical data for Starbucks locations with a drive-through, as noted in an article for Consumer

¹ Institute of Transportation Engineers, Trip Generation Manual, 10th Edition, 2017.

Affairs², approximately 70 percent of orders are taken from the drive-through while the remaining 30 percent are from inside the store. Therefore, the peak hour demand for the project drive-through is estimated to be 70 percent of the peak hour trip generation for the entire project site. **Table 1** provides the AM and PM peak hour trip generation for the entire project site and the project drive-through. Based on the table, the drive-through is expected to generate 64 AM peak hour trips in and 26 PM peak hour trips in. To be conservative, the AM peak hour trips will be used to evaluate the queuing analysis.

Table 1: Gross Trip Generation

ITE Land Use Code	Land Uses	Size	Units	Daily Trips	AM PEAK HOUR				PM PEAK HOUR			
					Total Peak Hour	IN	/	OUT	Total Peak Hour	IN	/	OUT
Trip Generation Rates												
937	Coffee/Donut Shop with Drive-Through ¹	1.920	KSF	820.38	88.99	51%	/	49%	0.67	31%	/	69%
Trips Generated												
937	Coffee/Donut Shop with Drive-Through	1.920	KSF	1,575	188	92	/	96	72	37	/	35
Project Drive-Through Trips (70%)				1,103	132	64	/	67	50	26	/	25
Project In-Store Trips (30%)				472	56	28	/	29	22	11	/	10
Total Drive-Through Trips				1,103	132	64	/	67	50	26	/	25

Notes:

¹ Average rate used for ITE Land Use Code 937 and based on the AM and PM peak hour of generator.

Source: Kimley-Horn and Associates, Inc., 2020

Queuing Analysis

The ITE Transportation Planning Handbook, 3rd Edition³ was utilized to determine the drive-through queuing. Based on Queuing Model 1 in Table 14-5 of the *ITE Transportation Planning Handbook*, the probability for a certain number of vehicles in queue is determined based on the average number of vehicle arrivals per unit of time (λ), average service rate (μ), and the traffic intensity (ρ) where the $\rho = \lambda/\mu$. Based on the drive-through parking demand for the project and a typical Starbucks service time, the following values were determined:

- Vehicle arrivals per unit of time (λ) = 64 vehicles/hour (based on the AM peak hour of generator)
- Average service rate (μ) = 80 vehicles/ hour (based on a service time of 45 seconds/vehicle)
- Traffic intensity (ρ) = 0.08

The probability of having a certain number of vehicles in queue were determined based on Queuing Model 1. The results show that there will be an 85th percentile probability of 8 vehicles in queue and a 95th percentile probability of 13 vehicles in queue.

² D Young, Sarah. "Starbucks wants to Improve its Drive Thru Strategy.", *Consumer Affairs* 4/25/2018. Web. 11/17/2020.

³ Institute of Transportation Engineers, *Transportation Planning Handbook*, 3rd Edition,

Recommendations

Site Plan Recommendations

Since the 85th percentile queue for the proposed project is 8 vehicles and the project drive-through lane of 185 feet can accommodate approximately 9 vehicles (assuming 20 feet per vehicle), the proposed length of drive-through lane is sufficient. However, to be conservative, it is recommended that the drive-through lane be extended further southeast, adjacent to the eastern property line to accommodate the 95th percentile queue of 13 vehicles. The drive-through lane should be extended by 80 feet to accommodate the additional 4 vehicles that will spill out from the end of the proposed drive-through lane. It is also recommended that a “Keep Clear” striping be provided just south of the driveway that provides access to Reservation Road, between the end of the proposed drive-through lane to the beginning of the drive-through lane extension as to not allow the vehicles in the queue block access to the north driveway on Reservation Road. **Figure 2** provides an illustration of the recommended site plan improvements for the project.

Since the north driveway on Reservation Road is proposed to have a right-out access only, it is recommended that the driveway be angled to the east to provide a turning curve. In addition, a “Do not Enter” sign, or a R5-1 sign as part of the 2014 California Manual on Uniform Traffic Control Devices (MUTCD), is recommended to be placed at the driveway. This would discourage vehicles traveling eastbound on Reservation Road from making an eastbound right-turn into the project driveway.

It should be noted that when conducting field observations for the service times at the similar Starbucks location in Marina, CA, several vehicles were observed to have wanted to enter the drive-through to order, however hesitated due to the long queue and chose to park and enter the store instead. This occurred when the queues spilled out of the available drive-through storage of approximately 5-6 vehicles. Therefore, the queues are not expected to extend out of the project site and onto Del Monte Boulevard.

City of Marina Parking Layout Standards

The proposed site plan was also reviewed to determine whether the site layout meet the City’s parking standards. The following standards for the site plan were reviewed:

- Parking spaces must be a minimum of 9 feet by 19 feet – Requirement is met
- Pedestrian crossing should be clearly defined and protected – **Requirement not met**
 - Increase visibility to the pedestrian walkway on the southwest side of the building is recommended such as providing signage to warn drive-through patrons of pedestrians crossing and providing luminaires to increase the lighting and visibility.
- Individual parking spaces or parking spaces at the end of a row of parking spaces shall have an additional one foot of width between a wall or the face of a curb – Requirement is met
- Parking spaces that do not abut a continuous landscaped strip or area shall be limited to eight (8) continuous parking spaces and shall be broken with landscaped planting islands with a minimum width of eight feet – Requirement is met
- 90-degree angle parking shall be 19 feet in length with 24 feet of driveway aisle for a total of 43 feet – Requirement is met

- An accessible parking sign on a post should be placed 12 inches from the edge of curb – **Requirement is not met**
 - Accessible parking signs are currently posted on the building and not on a post 12 inches from the edge of curb. The project site plan does not show accessible parking sign details. It is recommended that the site plan be reviewed to ensure all accessible parking requirements are met based on the City's standards.



097789113

DECEMBER 2020

MARINA STARBUCKS QUEUING ANALYSIS - 200 RESERVATION ROAD

Conclusions

The proposed Starbucks drive-through located on 200 Reservation Road is expected to generate an 85th percentile probability of 8 vehicles in queue and a 95th percentile probability of 13 vehicles in queue. Although the 85th percentile queue will be accommodated within the proposed drive-through storage, it is recommended that the drive-through be extended to the east of the building, adjacent to the property line to provide an additional 80 feet, or approximately 4 vehicles, of queuing capacity. This results in a total drive-through capacity of 265 feet or 13 vehicles which is sufficient to accommodate the project's 95th percentile queue of 13 vehicles.

In order to meet the City's parking requirements and to accommodate the extended drive-through lane, the following site changes are recommended:

- Recommend striping "Keep Clear" just south of the driveway on Reservation Road as to avoid queues at the drive-through from blocking access to the driveway.
- Recommend for the driveway on Reservation Road to be angled to the east and to provide a R5-1 ("Do not Enter") sign at the driveway to avoid vehicles on Reservation Road from making an eastbound right-turn in the right-out only driveway.
- Recommend to increase visibility of the pedestrian pathway located adjacent to the pick-up window just west of the project building such as providing pedestrian warning signs and luminaries.
- Recommend that the site plan be reviewed to ensure all accessible parking requirements are met based on the City's standards.

From: [Christine Hopper](#)
To: [Douglas Murphy](#); [Frank Coda](#); [Winnie Liang](#)
Cc: [Amber Reed](#); [Anita Sheperd-Sharp](#); [Erin Fernando](#); [Fred Aegerter](#)
Subject: RE: Appeal Process and Timeline - Starbucks - 200 Reservation Road, Marina (Reservation & Del Monte)
Date: Monday, March 15, 2021 12:36:04 PM
Attachments: [image002.png](#)
[image004.jpg](#)
[image003.jpg](#)
[Appeal.pdf](#)

Doug,

On Thursday, March 11, 2021, the Planning Commission of the City of Marina denied both the Conditional Use Permit and the requested Variance. Per the Marina Municipal Code, these decisions are appealable to the City Council within 10 days of the date of written notification of the denial (today, March 15, 2021). The appeal period will end on March 25, 2021 at 5 pm. If you wish to appeal, please find forms attached.

Because the Variance and Conditional Use Permit are not dependent upon one another, if you wish to appeal both decisions two separate appeal forms and fees are required.

The appeal fee is \$2780 per appeal.

Christy Hopper
Planning Services Manager

City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933

(831) 884-1238 – direct
(831) 884-1220 - office
(831) 384-0425 – fax

From: Douglas Murphy <dmurphy@starbucks.com>
Sent: Friday, March 12, 2021 12:02 PM
To: Christine Hopper <chopper@cityofmarina.org>; Frank Coda <fcoda@greenbergfarrow.com>; Winnie Liang <wliang@greenbergfarrow.com>
Cc: Amber Reed <areed@starbucks.com>
Subject: Appeal Process and Timeline - Starbucks - 200 Reservation Road, Marina (Reservation & Del Monte)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Christie,

Thank you for the call and all your efforts so far working with us on this project.

Please provide:

1. The date of notification on the CUP denial which I believe is today
2. The exact date we need to submit the appeal if we choose to do so
3. What documents, signatures, fees, etc. that are needed to appeal the CUP
4. What documents, signatures, fees, etc. that are needed to appeal the Variance

Frank, Winnie, Amber: Please make any further requests that you have, if any.

Thank you,

Doug

Doug Murphy

Starbucks Coffee Company

Real Estate Manager - Store Development

60 Spear Street, San Francisco, CA 94105

Cell: 415-265-0560 | Office: 415-537-7196





APPEAL FORM

Appeal to the Planning Commission: Review, report on, publish and perform staff work for an appeal of a staff or Site and Architectural Design Review Board decision to the Planning Commission.

Appeal to the City Council: Review, report on, publish and perform staff work for an appeal of a Planning Commission decision to the City Council.

Appeal to: ☐ Planning Commission

☐ City Council

From Action of: _____

Date of Action : _____

Appellant's:

Name: _____

Mailing Address: _____

Phone: _____ Email: _____

Appellant's Interest: _____

Appellant's Reason for Appeal:

Reasons for appeal shall pertain to factual information considered by the last reviewing body. No new factual information may be submitted. Use additional sheets as desired.

Appellant's Signature: _____ Date: _____

FOR OFFICE USE ONLY:

DATE APPEAL SUBMITTED _____

FEE COLLECTED \$ _____

ORIGINAL APPLICATION NUMBER _____

APPEAL NUMBER: _____

RECEIPT NUMBER _____

PLANNER INITIALS: _____

ATTACHMENT 2

PROJECT MANAGER	I.IBRAHIMBEGOVIC
SITE DEV. COORDINATOR	F.CODA

Changes made to the plan to conform to conditions:

- 1) Moved drive thru lane to respect 10' setback from property line at corner property line meeting Condition A
- 2) Redesigned pedestrian access and crossings of the drive-thru lane to address safety concerns as well as add additional access to the corner to address comment of pedestrians crossing at the light coming to Starbucks meeting Condition B.

Specific modifications are:

- a. Move the crosswalk going to Del Monte that was near the drive-thru window away from the building to provide better site lines to crossing pedestrians as well as distance from the window. Provide a decorative railing to prevent pedestrians from attempting to cross not at the crosswalk.
 - b. Redesigned the crosswalk going to Reservation to provide a raised walk design and located such that cars would not need to stop on this crosswalk. Added sidewalk to corner and relocated sidewalk to as close to the Reservation driveway as possible.
- 3) Added the 10' dimensions to the parking stalls on the two outside spaces meeting Condition C

ATTACHMENT 3

FENTON & KELLER

A PROFESSIONAL CORPORATION

MEMORANDUM

TO: John Bridges FILE NO.: 36094.35526
FROM: Alex Lorca
DATE: March 23, 2021
RE: STARBUCKS CONDITIONAL USE PERMIT DENIAL BY CITY OF MARINA

INTRODUCTION

This memorandum provides an analysis of whether the City of Marina Planning Commission (PC) properly denied an application for a conditional use permit submitted by our client, Starbucks, based on asserted inconsistency with the Downtown Vitalization Specific Plan (DVSP), which has yet to be adopted.

SHORT ANSWER

A permit action may only be taken in accordance with the land use laws properly adopted and in effect at the time of the action.

ANALYSIS

In *Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176 a citizen group sued Calaveras County (along with the Real Party in Interest construction company) challenging the issuance of a conditional use permit for a mining operation. Petitioners alleged the permit was invalid because the noise and safety element of the County's General Plan did not comply with state statutes. The court held the use permit was ultra vires if the County's General Plan lacked elements required by state law relevant to the use sought. Specifically, the Court held:

“Although use permits are not explicitly made subject to a general plan meeting the requirements of state law, that condition is necessarily to be implied from the hierarchical relationship of the land use laws. To view them in order: a use permit is struck from the mold of the zoning law [Government Code § 65901]; the zoning law must comply with the adopted general plan [Government Code § 65860]; the adopted general plan must conform with state law [Government Code §§ 65300, 65302]. The validity of the permit process derives from compliance with this hierarchy of planning laws. These laws delimit the authority of the permit issuing agency to act and establish the measure of a valid permit. Since consistency with the general plan is required, absence of a valid general plan, or valid relevant elements or components thereof, precludes enactment of zoning ordinances, and the like. This is a specific application of the general rule: there is no agency discretion to promulgate a regulation which is inconsistent with the governing statute. (Emphasis added.)

Zoning ordinances are regulations governed by the superior enactments in the hierarchy of planning laws. Thus, the validity of a conditional use permit, which is governed by the zoning regulations, depends (derivatively) on the general plan's conformity with statutory criteria. Where the adopted general plan lacks elements required by state law, relevant to the uses sought, the ordinance fails to provide criteria mandated by such law for the measurement of the propriety of the uses to be authorized by the permit. These criteria are essential to evaluation of the proposed uses and the conditions which should be imposed. Put another way, the scope of authority of the agency to enact a general plan and zoning ordinances and to apply them is governed by the requirements of state law. A permit action taken without compliance with the hierarchy of land use laws is ultra vires as to any defect implicated by the uses sought by the permit.” (*Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1184; italics added; internal citations and quotations omitted.) (Emphasis added.)

Similarly, in *Save El Toro v. Days* (1977) 74 Cal.App.3d 64, a permit *approval* was invalidated where it was granted pursuant to non-existent regulations. In *Save El Toro*, the City of Morgan Hill sought to improve open acreage with a subdivision plan for a park, open space, and housing. A citizens group sued arguing that the City’s approval was improper because at the time of the approval, the City had not adopted an open space plan as required by the Open Space Lands Act (Act) (Gov’t Code § 65560 *et seq.*).

Section 65567 of the Act provided: “No building permit may be issued, no subdivision map approved, and no open-space zoning ordinance adopted, unless the proposed construction, subdivision, or ordinance is consistent with the local-open space plan.” The City argued its hodge-podge mix of various land use controls amounted to a *de facto* compliant plan; the court disagreed.

Finding the City’s *de facto* plan woefully inadequate, the Court held: “As the City of Morgan Hill has not adopted a valid open space plan the city cannot take any action to acquire, regulate or restrict open space land or approve a subdivision.”

Therefore, under a scenario in which a permit denial was at issue (*Neighborhood Action Group*), and under a scenario in which a permit approval was at issue (*Save El Toro*), courts have held the respective permitting agencies’ actions ultra vires as they relied on regulations not properly adopted and in effect at the time action on the permits was taken.

Likewise, with regard to the PC’s denial of Starbucks’ conditional use permit, the PC’s action was ultra vires because its permit action (denial) was taken without having the relied-upon properly adopted land use regulations in place (i.e., in this case, the DVSP).

CONCLUSION

Because the PC’s denial of Starbucks’ application for a conditional use permit was based on the DVSP, which has not yet been adopted, the PC’s denial was an ultra vires act and therefore contrary to law and cannot be upheld.

RESOLUTION NO. 2021-04

A RESOLUTION OF THE CITY OF MARINA PLANNING COMMISSION DENYING CONDITIONAL USE PERMIT UP 2020-01 TO CONVERT AN EXISTING COMBINATION RESTAURANT/TAKE-OUT FACILITY WITH A DRIVE-THRU (BURGER KING) TO A MORE INTENSIFIED TAKE-OUT FOOD ESTABLISHMENT WITH A DRIVE-THRU (STARBUCKS) AT 200 RESERVATION ROAD (APN: 032-181-019-000)

WHEREAS, the site is zoned C-1 (Retail Business District) with a General Plan designation of Retail/Service and is located within the Downtown Vitalization Specific Plan Area; and,

WHEREAS, the applicant is requesting that the City approve a Conditional Use Permit (CUP) to allow the conversion of an Existing Combination Restaurant/Take-Out Facility with a Drive-thru (Burger King) to a more Intensified Take-Out Food Establishment with a Drive-Thru (Starbucks); and,

WHEREAS, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider Use Permit 2020-01, considered all public testimony, written and oral, presented at the public hearing, received and considered the written information and recommendation of the staff report for the March 11, 2021 meeting for the Use Permit; and,

WHEREAS, the City of Marina Planning Division denial of a project is Statutorily Exempt from the California Environmental Quality Act (CEQA) under Article 18, Section 15270 applicable to projects which are disapproved.

NOW, THEREFORE BE IT RESOLVED the Planning Commission of the City of Marina hereby denies UP 2021-01, allowing the conversion of an Existing Combination Restaurant/Take-Out Facility with a Drive-thru (Burger King) to a more Intensified Take-Out Food Establishment with a Drive-Thru (Starbucks) at 200 Reservation Road (APN: 032-181-019-000), subject to the following finding.

Finding

1. That the project as proposed would be detrimental the health and welfare of citizens, and that the more vehicle-friendly drive-thru proposed in the project is diametrically opposed to City's objective of creating a more pedestrian-friendly community.

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 11th day of March 2021, by the following vote:

AYES, COMMISSIONERS: McCarthy, Amadeo, Bielsker, Hur, Rana, Walton, Woodson

NOES, COMMISSIONERS: None

ABSENT, COMMISSIONERS: None

ABSTAIN, COMMISSIONERS: None

Brian McCarthy, Chair

ATTEST:

Christy Hopper
Planning Services Manager
City of Marina

City of Marina



City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933
831- 884-1212; FAX 831- 384-0425
www.ci.marina.ca.us

MEMORANDUM

DATE: August 13, 2021

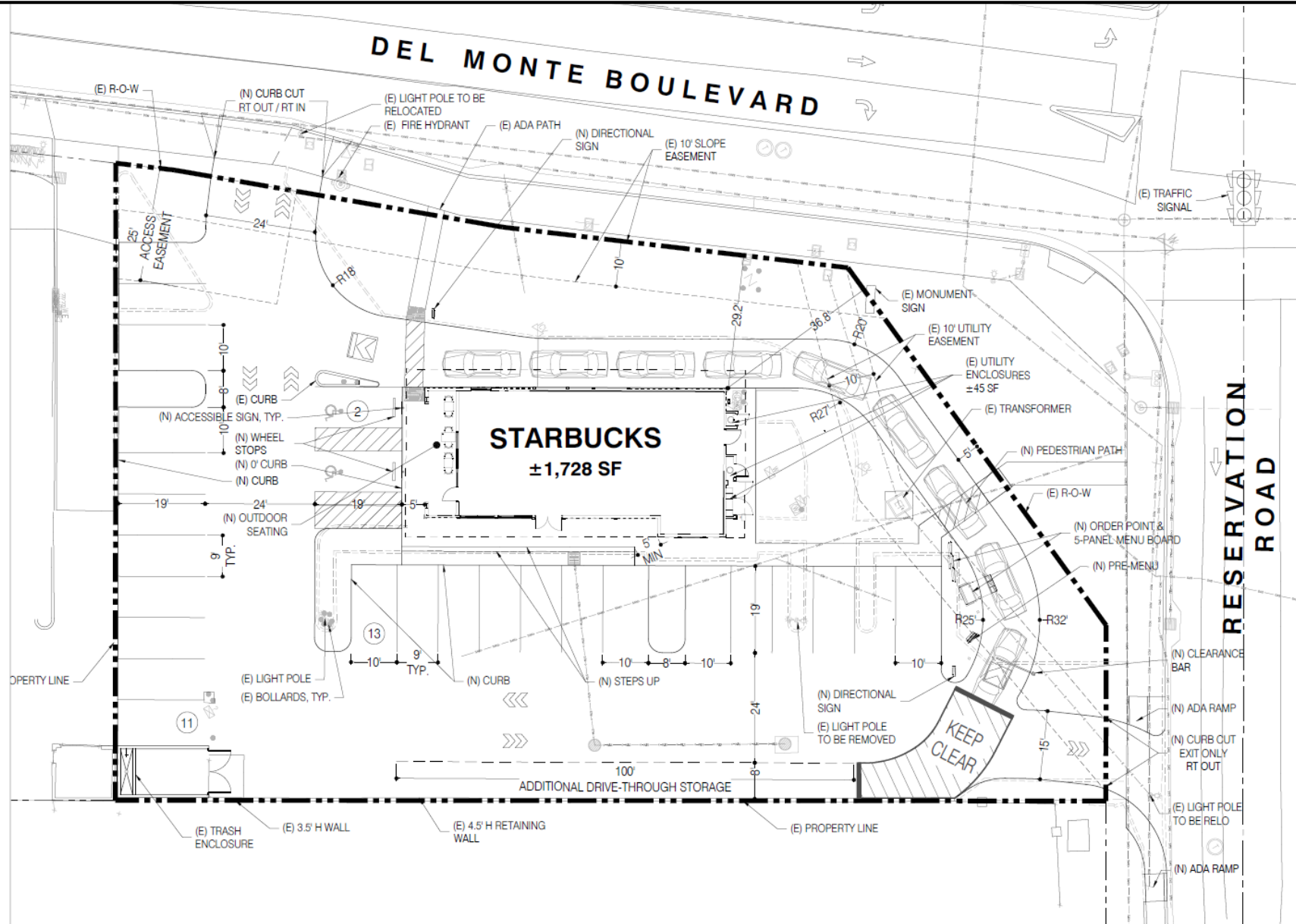
TO: City Council

FROM: Christy Hopper, Planning Services Manager

SUBJECT: **For City Council Meeting on August 17, 2021 - Supplemental Information Related to the Appeal of Planning Commission Denial of Conditional Use Permit – 200 Reservation Road**

On August 12, 2021, Planning staff received the attached new information related to the appeal of Planning Commission denial of a conditional use permit for Starbucks Coffee at 200 Reservation Road. The information includes a revised site plan to address safety and parking concerns on the site. The appellant has included conditions for City Council consideration should the appeal be granted.

The shared parking plan and revised site changes address staff's original concerns with the site plan reviewed by the Planning Commission on March 11, 2021. The attached revisions have not been reviewed by the Planning Commission.



PROJECT INFORMATION

ZONING CLASSIFICATION

JURISDICTION CITY OF MARINA, CA
EXISTING ZONE C1 (RETAIL BUSINESS DISTRICT)

SITE AREA

SITE AREA: ±0.57 AC (±24,725 SF)

BUILDING INFORMATION

BUILDING AREA ±1,728 SF
UTILITY ENCLOSURES ± 40 SF
TOTAL GROSS BUILDING AREA ±1,769 SF

PARKING SUMMARY

EXISTING PARKING			
USER		SPACES PROVIDED	
EXISTING BUILDING			
STANDARD		22	
ACCESSIBLE		2	
TOTAL		24	
PROPOSED PARKING			
USER	RATIO REQUIRED	SPACES REQUIRED	SPACES PROVIDED
STARBUCKS	8 SP + 1 SP/100 SF	26	
STANDARD			24
ACCESSIBLE			2
TOTAL		26	26

PROJECT NOTES

- THIS CONCEPTUAL SITE PLAN IS FOR PLANNING SUBMITTAL PURPOSES ONLY.
- THIS SITE PLAN IS BASED ON ALTA SURVEY DRAWN BY BAY CONSULTING GROUP, DATED 9/24/2019.

DRAWING ISSUE/REVISION RECORD

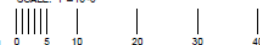
DATE	NARRATIVE	INITIALS
08.05.2019	PREP SP-EX EXISTING CONDITIONS	II
12.30.2019	PREP SP-1	MM
02.14.2020	PREP SP-2	JN
12.18.2020	PREP SP-3	II

GREENBERG FARROW CONTACTS

PROJECT MANAGER LIBRAHIMBEGOVIC
SITE DEV. COORDINATOR F.CODA



SCALE: 1"=10'-0"



Planning Staff Recommendations to Planning Commission on 3/11/21

Recommended Motions

Staff recommends the following motions:

1. Adopt a Resolution approving Conditional Use Permit UP 2020-01 to Convert an Existing Combination Restaurant/Take-Out Facility with a Drive-thru (Burger King) to a more Intensified Take-Out Food Establishment with a Drive-Thru (Starbucks) at 200 Reservation Road.
2. Adopt a Resolution denying Variance VA 2021-01 to Allow the Drive-Thru Lane to Encroach into the Front Yard Setback at 200 Reservation Road.

Attachments:

- 1) Draft Resolution Approving Conditional Use Permit UP 2020-01 to Convert an Existing Combination Restaurant/Take-Out Facility with a Drive-thru (Burger King) to a more Intensified Take-Out Food Establishment with a Drive-Thru (Starbucks) at 200 Reservation Road with Project Plans as Exhibit A.
- 2) Draft Resolution Denying Variance VA 2021-01 to Allow the Drive-Thru Lane to Encroach into the Front Yard Setback at 200 Reservation Road with Project Plans as Exhibit A.
- 3) Drive-Through Queuing Analysis – December 7, 2020

Conditions of Approval

1. That the project shall be implemented in accordance with the plans and use description submitted to the Planning Division January 11, 2021 (**EXHIBIT A**), except as conditioned, herein.
2. That the applicant shall submit revised plans as part of the Site and Architectural Design Review Application, for review and approval by the Planning Commission that shows, in addition to standards application requirements for Site and Architectural Design Review applications:
 - a. Reconfiguration of the drive-thru to be wholly within the required setbacks for the zoning district while maintaining queuing for 13 automobiles, and
 - b. Modifications to the proposed pedestrian access from Del Monte Boulevard and Reservation Road to provide safer and crossing that is more visible to motorists.
 - c. Modifications to the parking spaces on the site to comply with the City's parking standards
3. That the applicant shall agree as a condition of approval of this project to defend, at its sole expense, indemnify and hold harmless from any liability the City and reimburse the City for any expenses incurred resulting from, or in connection with, the approval of the project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
4. Permit Expiration - This permit will expire 12 months from the date of approval by the Planning Commission, unless a valid building permit has been issued and construction of the project has commenced prior to expiration. The applicant may apply for an extension of this permit, by submitting an extension request application and applicable fees, no less than 30 days prior to expiration date. No renewal notice will be sent to the applicant or property owner.

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 11th day of March 2021, by the following vote:

AYES, COMMISSIONERS:
 NOES, COMMISSIONERS:
 ABSENT, COMMISSIONERS:
 ABSTAIN, COMMISSIONERS:

Chair

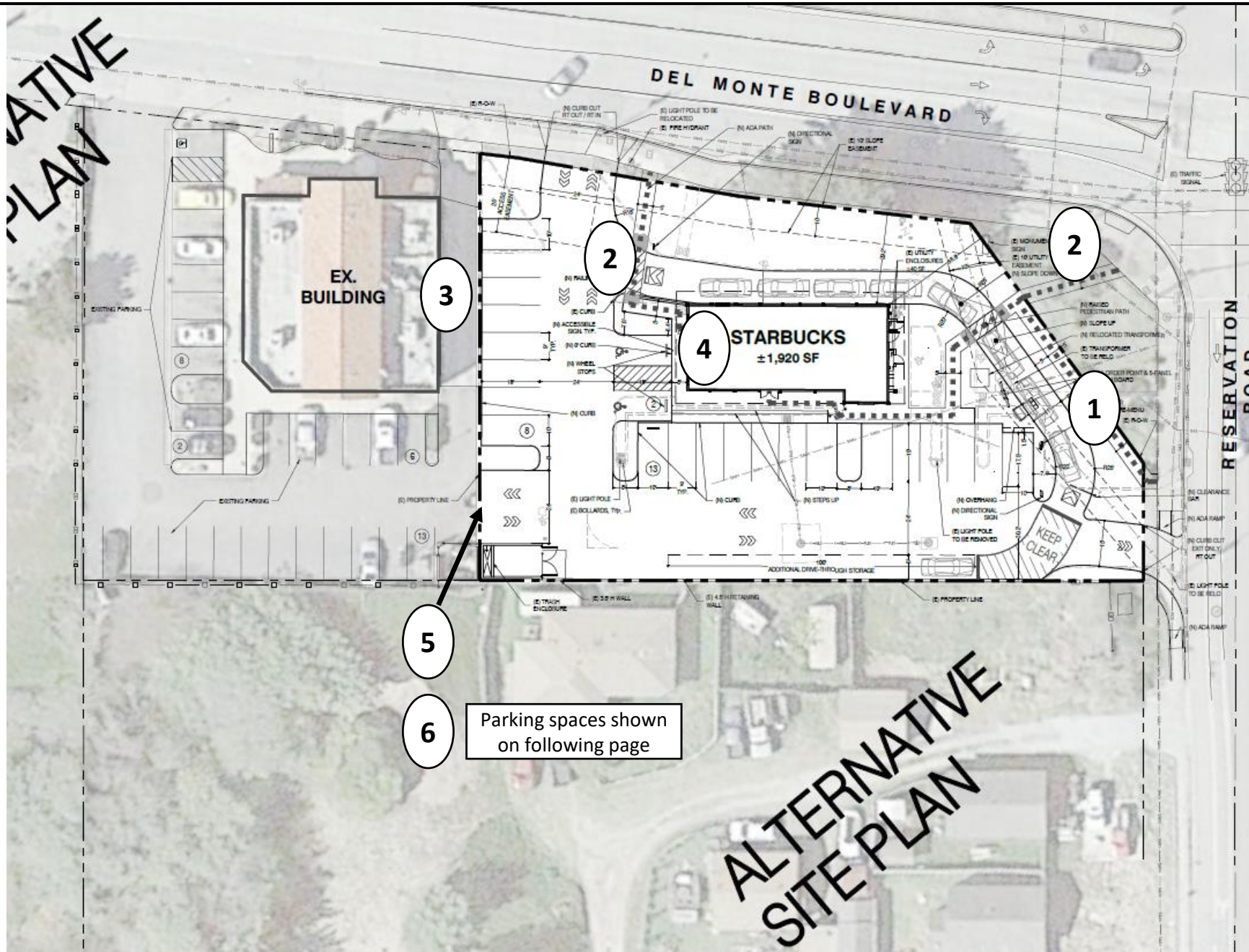
Summary of Changes to Site Plan

CHANGES MADE PER PLANNING STAFF'S RECOMMENDATION WITH CONDITIONS OF APPROVAL ON 3/11/21

1. Moved drive thru lane to respect 10' setback from property line at corner property line meeting Condition A
2. Redesigned pedestrian access and crossings of the drive-thru lane to address safety concerns as well as add additional access to the corner to address comment of pedestrians crossing at the light coming to Starbucks meeting Condition B. Specific modifications are:
 - a. Move the crosswalk going to Del Monte that was near the drive-thru window away from the building to provide better site lines to crossing pedestrians as well as distance from the window. Provide a decorative railing to prevent pedestrians from attempting to cross not at the crosswalk.
 - b. Redesigned the crosswalk going to Reservation to provide a raised walk design and located such that cars would not need to stop on this crosswalk. Added sidewalk to corner and relocated sidewalk to as close to the Reservation driveway as possible.
3. Added the 10' dimensions to the parking stalls on the two outside spaces meeting Condition C

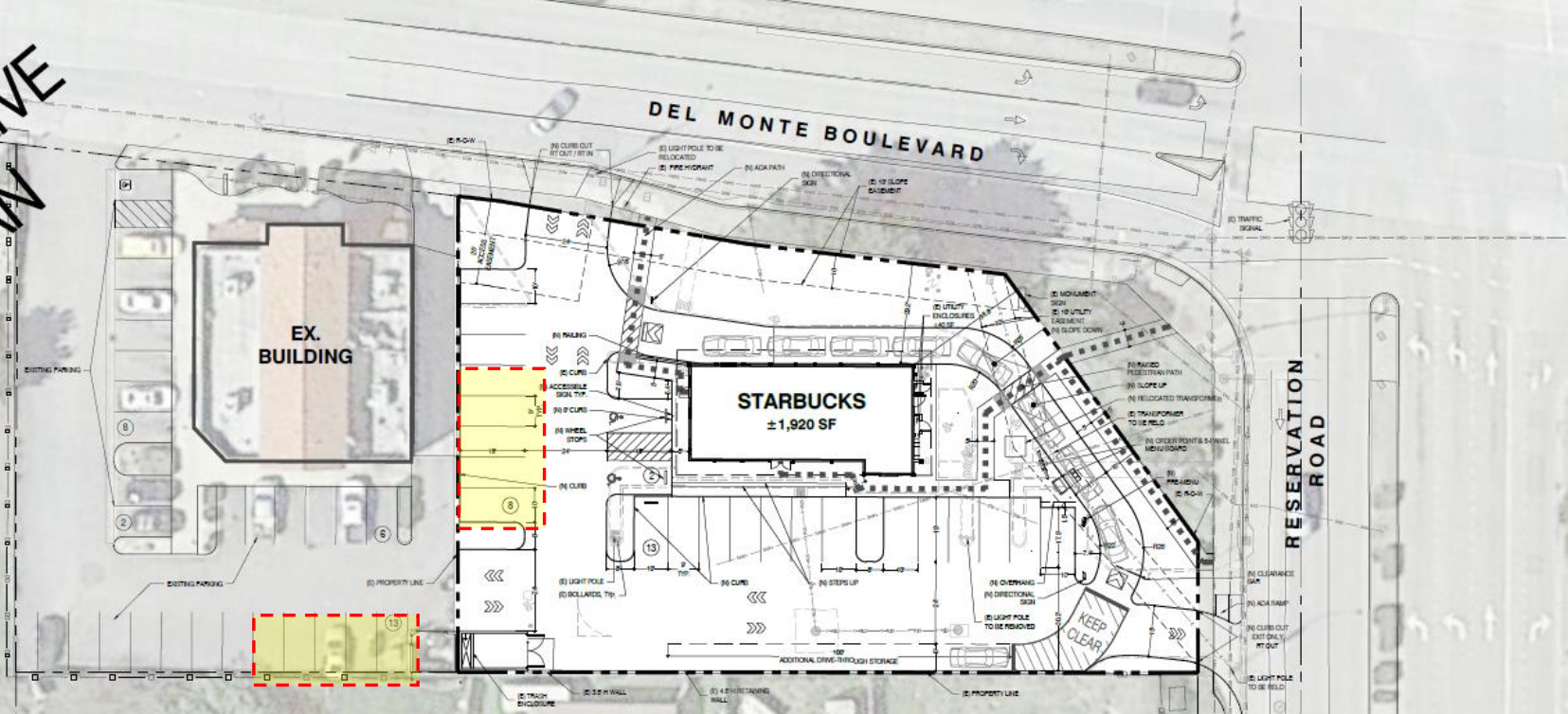
STARBUCKS MET FURTHER WITH MARINA PLANNING STAFF ON 5/17/21, 6/1/21 and 6/28/21 TO ADJUST SITE PLAN WITH FURTHER CHANGES

4. Size of building adjusted from 1,768 sf back to existing size of 1,920 sf
5. Created Easement between adjacent parcels. 3148 Del Monte Blvd (existing Starbucks and Las Cazuealas) and 200 Reservation Road (existing Burger King).
6. Created a Parking Demand Management Program in accordance with Zoning Ordinance section 17.44.070.E.1 which results in a net increase of two off-site parking spaces being available for the project. (Three parking spaces were removed to allow easement. Increased building square footage also requires two additional spaces. Totaling five spaces required)



ALTERNATIVE
SITE PLAN

ALTERNATIVE
SITE PLAN



 Outline of parking spaces to be shared between parcels

ALTERNATIVE
SITE PLAN

PROJECT INFORMATION

ZONING CLASSIFICATION

JURISDICTION CITY OF MARINA, CA
EXISTING ZONE C1 (RETAIL BUSINESS DISTRICT)

SITE AREA

SITE AREA: ±0.57 AC (±24,725 SF)

BUILDING INFORMATION

BUILDING AREA ±1,920 SF
UTILITY ENCLOSURES ± 40 SF
TOTAL GROSS BUILDING AREA ±1,960 SF

PARKING SUMMARY

EXISTING PARKING	
USER	SPACES PROVIDED
EXISTING BUILDING	
STANDARD	22
ACCESSIBLE	2
TOTAL	24

PROPOSED PARKING

USER	RATIO REQUIRED	SPACES REQUIRED	SPACES PROVIDED
STARBUCKS	8 SP + 1 SP/100 SF	28	
STANDARD			21
ACCESSIBLE			2
TOTAL		28	23

PROJECT NOTES

- THIS CONCEPTUAL SITE PLAN IS FOR PLANING SUBMITTAL PURPOSES ONLY.
- THIS SITE PLAN IS BASED ON ALTA SURVEY DRAWN BY BASE CONSULTING GROUP, DATED 9/24/2019.

DRAWING ISSUE/REVISION RECORD

DATE	NARRATIVE	INITIALS
08.05.2019	PREP SP-EX EXISTING CONDITIONS	II
12.30.2019	PREP SP-1	MM
02.14.2020	PREP SP-2	JN
12.18.2020	PREP SP-3	II
03.09.2021	PREP SP-4	II
03.18.2021	PREP SP-5	II
07.22.2021	PREP SP-6	JN
08.05.2021	PREP SP-7	JN

GREENBERG FARROW CONTACTS

PROJECT MANAGER LIBRAHIMBEGOVIC
SITE DEV. COORDINATOR F.CODA