

CHAIRPERSON

Vacant

PLANNING COMMISSIONERS

Steven Belong, District 3, Vice Chair

Vacant, District 2

Luke Corona, District 4

Carol Lenoir, Represents Entire City

**PLANNING COMMISSION AGENDA****Regular Meeting****June 27, 2024****6:00 PM****CITY OF HOLLISTER**

CITY COUNCIL CHAMBERS, CITY HALL

375 FIFTH STREET

HOLLISTER, CA 95023

(831) 636-4360

www.hollister.ca.gov/

DEVELOPMENT SERVICES**DIRECTOR**

Christine Hopper

PLANNING MANAGER

Eva Kelly

CITY ATTORNEY

Jennifer P. Thompson

NOTICE TO PUBLIC

Persons who wish to address the Planning Commission are asked to complete a speaker's card and give it to the Secretary before addressing the Planning Commission. Those who wish to address the Planning Commission on an agenda item will be heard when the presiding officer calls for comments from the audience. City-related items not on the agenda will be heard under the Public Input section of the agenda. Following recognition, people desiring to speak are requested to advance to the podium and state their name and address. If you are joining us by Zoom, please click on the bottom of your screen to raise your hand. If you are joining us by Zoom using a cell phone, please press *9. After hearing audience comments, the public portion of the meeting will be closed, and the matter brought to the Planning Commission for discussion.

PUBLIC PARTICIPATION NOTICE

The public may watch the meeting via live stream at:

Community Media Access Partnership (CMAP) at:

<http://cmaptv.com/watch/>

or

City of Hollister YouTube Channel:

https://www.youtube.com/channel/UCu_SKHetqbOiiz5mH6XgpYw/featured

Public Participation:

The public may attend meetings.

NOTICE: The Planning Commission will hold its public meetings in person, with a virtual option for public participation based on availability. The City of Hollister utilizes Zoom teleconferencing technology for virtual public participation; however, we make no representation or warranty of any kind, regarding the adequacy, reliability, or availability of the use of this platform in this manner. Participation by members of the public through this means is at their own risk. (Zoom teleconferencing may not be available at all meetings.)

If you wish to make a public comment remotely during the meeting, please use the zoom registration link below:

https://us02web.zoom.us/webinar/register/WN_bNv5ynv7QX-T_RTfo6rceQ

CALL TO ORDER**PLEDGE OF ALLEGIANCE****ROLL CALL****VERIFICATION OF AGENDA POSTING****A. PUBLIC INPUT**

This is the time for anyone in the audience to speak on any item not on the agenda and within the subject matter jurisdiction of the Planning Commission. Speaker cards are available in the lobby and are to be completed and given to the Secretary before speaking. When the Secretary calls your name, please come to the podium, state your name and city for the record, and speak to the City Planning Commission. If you are joining us by Zoom, please click on the bottom of your screen to raise your hand. If you are joining us by Zoom using a cell phone, please press *9. Each speaker will be limited to three (3) minutes with a maximum of 30 minutes per subject. Please note that state law prohibits the Planning Commission from discussing or taking action on any item not on the agenda.

B. CONSENT ITEMS

All items listed under consent agenda will be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the Planning Commission, a staff member, or a member of the public.

1. The minutes of the May 23, 2024 Regular Planning Commission Meeting

C. PUBLIC HEARINGS

- 1. AMENDMENT TO SITE & ARCHITECTURAL REVIEW 2020-1, CONDITIONAL USE PERMIT 2021-3** – VMI Architecture – The applicant is requesting to remove all applicable conditions of approval within Planning Commission Resolution 2021-10 for Site & Architectural 2020-1 and Planning Commission Resolution 2021-11 for Conditional Use Permit 2021-3 that are applicable to construction of the approved outdoor dining area and associated structures. The project is located at 40 San Felipe Road, further identified as San Benito County Assessor Parcel Number 053-370-032 in the North Gateway (NG) Zoning District.

CEQA: The project was exempted from the California Environmental Quality Act under the provisions of Section 15302(b), which applies to the replacement of commercial structure with a new structure of substantially the same size, purpose and capacity, and the proposed amendments do not constitute a material change that would affect the environmental determination.

RECOMMENDATION: Hold a public hearing and adopt a resolution approving Site and Architectural Review 2020-1.

D. INFORMATIONAL REPORTS

1. PLANNING COMMISSIONER REPORTS

Receive informational reports from the members of the Planning Commission.

2. PLANNING DIVISION REPORTS

Receive reports from the members of the Planning Division staff.

ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City of Hollister's Planning Division at (831) 636-4360. Notification of 48 hours prior to the meeting will enable the City to attempt to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 2.102-35. 104 ADA Title II].

Materials related to an item of this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection at the City Clerk's office at City Hall, 375 Fifth Street, Hollister, Monday through Friday, 8:00 a.m. to noon, 1:00 p.m. to 5:00 p.m. (closed between 12:00 and 1:00 p.m.). Materials are also available at the Development Services Department office located at 339 Fifth Street, Hollister, Monday through Thursday, 8:30 a.m. to noon, 1:00 p.m. to 4:30 p.m. (closed between 12:00 and 1:00 p.m.).

Notice to anyone attending any public meeting: The meeting may be broadcast live on Cable 17 and/or videotaped or photographed. Recent Planning Commission meetings may also be viewed at www.CMAP.com and periodically on Cable Channel 17.

MINUTES

HOLLISTER PLANNING COMMISSION REGULAR MEETING

May 23, 2024

CALL TO ORDER

The regular meeting of the Planning Commission was called to order by Chairperson Henderson on May 23, 2024, at 6:00 p.m. in the City Council Chambers at 375 Fifth Street, Hollister, CA 95023.

PLEDGE OF ALLEGIANCE

Commissioner Lenoir led the Pledge of Allegiance.

ROLL CALL

Attendee Name	Title	Status	Arrived
Steven Belong	District 3	Present	
Carol Lenoir	Mayoral Seat	Present	
Luke Corona	District 4	Present	

STAFF IN ATTENDANCE

Attendee Name	Title	Status	Arrived
Jennifer Thompson	Assistant City Attorney	Present	
Eva Kelly	Planning Manager	Present	
Ambur Cameron	Senior Planner	Present	
Erica Fraser	Senior Planner (4Leaf, Inc.)	Present	
Magda Gonzalez	Senior Planner (4Leaf, Inc.)	Present	
Miriam Arciniega	Senior Support Services Assistant	Present	
Mark Falgout	Acting City Engineer (Kimley-Horn)	Present	

VERIFICATION OF AGENDA POSTING

Senior Planner Cameron verified the agenda for the City of Hollister Planning Commission regular meeting of Thursday, May 23, 2024 was posted on the bulletin board outside of City Hall on Friday, May 17, 2024 at 1:22 p.m. per Government Code Section 54954.2.

A. PUBLIC INPUT

No Speakers

B. CONSENT ITEMS

Commissioner Lenoir moved, and Commissioner Corona seconded the motion to approve the March 28, 2024 and April 25, 2024, Minutes of the Regular Planning Commission Meeting as presented. Motion carried 3-0-0.

RESULT:	Approved
MOTION:	Carol Lenoir
SECOND:	Luke Corona
AYES:	Belong, Corona, Lenoir
NOES:	
RECUSED:	
ABSTAIN:	
ABSENT:	

C. PUBLIC HEARINGS

- 1. SITE & ARCHITECTURAL REVIEW 2022-6** – McCandless & Associates Architects, Inc. – The applicant requests approval of Site & Architectural Review 2022-6 to construct a new 1,540 square-foot Starbucks building with a 1,065 square-foot outdoor patio, a drive-through and associated infrastructure including a trash enclosure, parking lot, and landscape, located at the northeast corner of the intersection of Westside Boulevard and Fourth Street (APN: 052-040-020) in the Neighborhood Mixed Use (NMU) Zoning District.

Senior Planner Gonzalez presented the staff report.

Chairperson Belong opened the public hearing at 6:14 p.m.

Public Providing Testimony: Callie Huff, Lou Payne

Chairperson Belong closed the public hearing at 6:22 p.m.

Commissioner Lenoir moved, and Commissioner Corona seconded the motion, to adopt Resolution 2024-6 denying Site and Architectural 2022-6 to construct a new Starbucks building, subject to the findings contained in the draft resolution. Motion carried 3-0-0.

RESULT:	Approved
MOTION:	Carol Lenoir
SECOND:	Luke Corona
AYES:	Belong, Corona, Lenoir
NOES:	
RECUSED:	
ABSTAIN:	
ABSENT:	

- 2. TENTATIVE MAP 2023-2 , SITE & ARCHITECTURAL REVIEW 2023-4 – San Juan Crossings LLC –**
The applicant is requesting approval of Tentative Map 2023-2 and Site & Architectural Review 2023-4 to construct a new mixed-use development with 132 rental multi-family dwelling units, 5,259 square feet of commercial space, amenities for the residents of the development, landscaping, parking, and related uses located at the corner of 4th Street and Graf Road (APNs: 052-360-001, -002, -003, -004 and -005) in the West Gateway (WG) Zoning District.

Senior Planner Fraser presented the staff report.

Chairperson Belong opened the public hearing at 6:43 p.m.

Written Comments Received: James Lloyd
Public Providing Testimony: Jaime Vasquez; Victor Gomez

Chairperson Belong closed the public hearing at 6:48 p.m.

Commissioner Lenoir moved, and Commissioner Corona seconded the motion, to adopt Resolution 2024-7 approving Tentative Map 2023-2. Motion carried 3-0-0.

RESULT:	Approved
MOTION:	Carol Lenoir
SECOND:	Luke Corona
AYES:	Belong, Corona, Lenoir
NOES:	
RECUSED:	
ABSTAIN:	
ABSENT:	

Commission Lenoir moved, and Commissioner Corona seconded the motion, to adopt Resolution 2024-8 approving Site and Architectural Review 2023-4. Motion carried 3-0-0.

RESULT:	Approved
MOTION:	Carol Lenoir
SECOND:	Luke Corona
AYES:	Belong, Corona, Lenoir
NOES:	
RECUSED:	
ABSTAIN:	
ABSENT:	

D. INFORMATIONAL REPORTS

1. PLANNING COMMISSION REPORTS

Commissioner Lenoir reported that she is moving and that the June Planning Commission meeting will be her last.

2. PLANNING DIVISION REPORT

Planning Manager Kelly expressed her gratitude to Commissioner Lenoir for her time on the commission.

Planning Manager Kelly provided an update on the revised 6th Cycle Housing Element.

Planning Manager Kelly gave a status update on the 400-block condominium and KB Homes/West of Fairview Cluster affordable housing projects.

ADJOURNMENT

Chairperson Belong adjourned the meeting at 7:00 p.m.

Respectfully submitted:

Eva Kelly on behalf of Christine Hopper, Secretary



Planning Commission

Staff Report

June 27, 2024

Item C1

SUBJECT: **Amendments to Site & Architectural 2020-1, Conditional Use Permit 2020-3 – VMI Architecture** – The applicant is requesting to remove all applicable conditions of approval within Planning Commission Resolution 2021-10 for Site & Architectural 2020-1 and Planning Commission Resolution 2021-11 for Conditional Use Permit 2021-3 that are applicable to construction of the outdoor dining area and associated structures. The project is located at 40 San Felipe Road, further identified as San Benito County Assessor Parcel Number 053-370-032 in the North Gateway (NG) Zoning District. CEQA: The previous project was exempted from the California Environmental Quality Act under the provisions of Section 15302(b)(Replacement or Reconstruction) which applies to the replacement of commercial structure with a new structure of substantially the same size, purpose and capacity.

STAFF PLANNER: Eva Kelly, Planning Manager (831) 636-4360

ATTACHMENTS:

1. Planning Commission Resolution 2021-10 approving Site & Architectural Review 2020-1;
2. Planning Commission Resolution 2021-11 approving Conditional Use Permit 2020-3;
3. Existing and proposed plans;
4. Applicant's amendment request justification.
5. Resolution 2021-10 approving S&A 2020-1
6. Resolution 2021-11 approving CUP 2021-3

RECOMMENDATION: Approval with Conditions

PROJECT DESCRIPTION: The applicant is requesting to remove all applicable conditions of approval within Planning Commission Resolution 2021-10 for Site & Architectural 2020-1 and Planning Commission Resolution 2021-11 for Conditional Use Permit 2021-3 that are applicable to construction of the outdoor dining area and associated structures initial proposed for the Taco Bell Drive-Thru Restaurant located at 40 San Felipe Rd. (APN 053-370-032) in the North Gateway (NG) Zoning District.

ANALYSIS:

Location

The project is located at 40 San Felipe Road, further identified as San Benito County Assessor Parcel Number 053-370-032. The project site is surrounded by commercial properties to the north and south, San Felipe Road to the east, and Pacific Union Railroad to the west.

The location of the project site is shown below:

Figure 1: Project Site and the Surrounding Area



Amendment Request

Per Hollister Municipal Code (HMC) Section 17.24.130 (F), “development or a new land use authorized through a Site and Architectural Review, Conditional Use Permit, variance, performance agreement and Planned Development Permit shall be established only as approved by the review authority and subject to any conditions of approval, except where changes to the project are approved in compliance with this section. An application shall request desired changes in writing, and shall also furnish appropriate supporting materials and explanation of the reasons for the request. Changes may be requested either before or after construction or establishment and operation of the approved.”

On May 2, 2024, as a part of their submittal package to the Planning Division, the applicant provided a letter which included the request to remove all applicable conditions of approval within Planning Commission Resolution 2021-10 for Site & Architectural 2020-1 and Planning Commission Resolution 2021-11 for Conditional Use Permit 2021-3 that are applicable to construction of the outdoor dining area and associated structures initial proposed for the Taco Bell Drive-Thru Restaurant as they would prefer not to development the outdoor dining area at this time. The applicant cited the following reasons:

1. There has been an increase in non-customers using the outdoor dining area at similar restaurants. This situation may lead to conflicts between paying customers and those who are not patrons of the establishment.
2. The construction cost for this restaurant exceeded the budget significantly. Despite being a low-volume location, expenses escalated due to factors such as utility undergrounding fees and the installation of dividers on San Felipe Road.

As the outdoor dining area was a significant portion of discussion, was included in the project description within the approval resolution, and conditions of approval were placed on the project related to the construction of the outdoor dining area during the original approval of the project, this amendment request to remove the outdoor dining area must be returned for Planning Commission consideration and approval. Outdoor dining is not a requirement of the Municipal Code, so the decision is wholly at the discretion of the Planning Commission. Staff have prepared a resolution with appropriate findings for the approval of the amendment for the consideration of the Planning Commission.

In approving the removal of the outdoor dining area, Condition 84 of Resolution 2021-10 related to the dining area shall also be removed.

84. Prior to issuance of the building permit, the applicant shall submit a site detail of the outdoor seating area illustrating the type barriers that will be used to stop wayward vehicles and prevent them from driving into the proposed dining area for the review and approval of the Planning Division and Police Department. Barriers affixed to the sidewalk shall be installed in accordance with and approved by the Public Works Inspector or designee.

Resolution 2021-10, Condition 16

The project was originally approved with the following condition related to installation of “defensive” plants along the western boundary (along the railroad). This condition was placed on the project by staff who no longer work for the City of Hollister. In reviewing the project conditions as the applicant is preparing to receive their final occupancy permit (the project is currently operating under a temporary occupancy permit issued by the Building Division), this condition is no longer applicable. The current Public Works Director (formerly Management Services) and other staff are not able to determine what the intent of this condition was. Staff recommends removal of Condition 16 of Resolution 2021-10 for clarity, as the presently installed landscaping is in accordance with both to the original preliminary landscaping plan and with the City’s Water Efficient Landscape Ordinance.

16. Landscaping along the western boundary shall include “defensive” plants along the western boundary that abuts the Union Pacific Railroad and the northwestern corner of property. Plant species shall be reviewed and approved by the City of Hollister Management Services Director.

California Environmental Quality Act

The previously approved proposal for Site and Architectural Review 2020-1, which proposed to demolish an existing 2,851 SF drive-through restaurant building and reconstruct a new 1,997 SF drive-through restaurant with an outdoor dining area within the former building’s existing footprint was exempt from the California Environmental Quality Act (CEQA) under provision of Section 15302(b) *Replacement or Reconstruction*. This exemption applies to the replacement of a commercial structure with a new structure. The removal of the outdoor dining area does not constitute a change to the project which would affect the original CEQA determination.

CONCLUSION:

The Applicant has requested approval of amendments to Site & Architectural Review 2020-1 and Conditional Use Permit 2021-3 to remove the outdoor dining area that was proposed as part of the original project. The request was reviewed by the City’s Development Review Committee and their recommendations are incorporated into the staff report and resolution. Staff recommends approval of the amendment request.

PLANNING COMMISSION OPTIONS:

The Planning Commission can choose one of the following options:

1. Adopt a Resolution approving amendments to Site & Architectural Review 2020-1 and Conditional Use Permit 2021-3 with the Findings and Conditions of Approval as contained in the draft resolution;
2. Adopt a Resolution approving amendments to Site & Architectural Review 2020-1 and Conditional Use Permit 2021-3, with Findings and Conditions of Approval modified by the Planning Commission;
3. Deny the proposed amendments; or
4. Continue the hearing and direct Staff to provide additional information or clarification.

Staff recommends the Planning Commission select option 1.

GENERAL INFORMATION

APPLICANT: VMI Architecture
637 Fifth Avenue
San Rafael, CA 94901

PROPERTY OWNER: BAT Limited Partnership
2780 Alum Rock Ave
San Jose, CA 95127

LOCATION: 40 San Felipe Road

**ASSESSOR PARCEL
NUMBER:** APN 053-370-032

**GENERAL PLAN
DESIGNATION:** North Gateway Commercial

ZONING DISTRICT: North Gateway (NG)

SURROUNDING USES:

Location	Zoning Designation	General Plan Land Use	Current use of Property
Project Site	NG	North Gateway Commercial	Commercial
North	NG	North Gateway Commercial	Commercial
South	NG	North Gateway Commercial	Commercial
East	NG	North Gateway Commercial	Commercial
West	R3-M/PZ	Medium Density Residential	Pacific Union Railroad/Residential

PLANNING COMMISSION RESOLUTION NO. 2024-__

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HOLLISTER AMENDING SITE AND ARCHITECTURAL REVIEW 2020-1 AND CONDITIONAL USE PERMIT 2021-3 TO REMOVE THE APPROVED OUTDOOR DINING AREA AND ASSOCIATED CONDITIONS OF APPROVAL FOR A NEW TACO BELL RESTAURANT LOCATED IN THE NORTH GATEWAY COMMERCIAL (NG) ZONING DISTRICT AT 40 SAN FELIPE ROAD
FELIPE ROAD
APN 053-370-032**

WHEREAS, on March 25, 2021 the Planning Commission adopted Resolution 2021-10 approving Site & Architectural Review 2020-1 and Resolution 2021-11 approving Conditional Use Permit 2021-3 for the construction of a new 1,997 SF drive-through Taco Bell restaurant with an outdoor seating area at 40 an Felipe Road (APN 053-370-032); and

WHEREAS, the applicant has completed construction of the new restaurant building, but submitted a request to amend the original approval to remove the proposed outdoor dining area; and

WHEREAS, under the provisions of Section 17.24.130(F) of Title 17 *Zoning* of the Hollister Municipal Code, amendments to an approved project which involve a feature of the project that was specifically addressed by the Planning Commission must be brought before the Planning Commission for their consideration and approval of the amendment; and

WHEREAS, the City Planning Division received the applicant's request and forwarded the request to the Development Review Committee to ass the proposal for compliance with all relevant regulations; and,

WHEREAS, the Development Review Committee considerations were presented to the Planning Commission as part of the City staff report; and

WHEREAS, the Planning Commission held a duly noticed public hearing on June 27th, 2024 to consider the applicant's request, review the City staff report, and receive written and oral testimony for and/or against the proposal; and

WHEREAS, after closing the public hearing, the Planning Commission deliberated and determined to approve the applicant's request in accordance with Section 17.24.130(F) of the Hollister Municipal Code.

NOW, THEREFORE IT IS RESOLVED that the Planning Commission of the does hereby approve the amendments to Site & Architectural Review 2020-1 and Conditional Use Permit 2021-3 for 40 San Felipe Road subject to the following findings and conditions of approval.

FINDINGS:

- A. Amending the project to remove the outdoor dining are does not affect the findings which were presented and adopted in the original approval (Resolutions 2021-10 and 2021-11). An outdoor dining area is a permitted use, but is not a required use within the Hollister Municipal Code. Removal of the outdoor dining area will not bring the project out of conformance with any policies or regulations, and does not require any additional review under CEQA. The original findings of the project remain applicable with approval of this amendment.

CONDITIONS OF APPROVAL
S&A 2020-1 and CUP 2021-3 Amendment

No.	Condition of Approval	Responsible Department	Required Prior To
General Conditions			
1	Approval. This approval is to amend Site & Architectural Review 2020-1 (Resolution 2021-10) and Conditional Use Permit 2021-3 (Resolution 2021-11) to remove the proposed outdoor dining area and all affiliated conditions of approval. The elevations and improvements shall strictly adhere to the approved set of plans unless prior approval is granted by the Director of Development Services for any changes.	Planning	On-going
3	Permit Validity. This approval, along with Site & Architectural Review 2020-1 and Conditional Use Permit 2021-3, shall be valid for the remaining life of the approved structures so long as the operator of the subject property comply with the project's conditions of approval, as amended by this resolution.	Planning	On-going
4	Appeal Period. No entitlements or other permits shall be issued by the City of Hollister related to this approval until completion of the 15-day appeal period for the project, unless the Director of Development Services authorizes the project developer to submit a signed statement acknowledging that any fees will be forfeited in the event that the approval is overturned on appeal or that the design is significantly changed as a result of the appeal. In no case will a building permit be issued or a final occupancy permit be granted until the appeal period has expired or a final action is taken on appeal.	Planning	July 11, 2024
5	Revocation of Permit. Site & Architectural Review 2020-1 and Conditional Use Permit 2021-3 approval shall be revocable for cause in accordance with Section 17.24.350 of the Hollister Municipal Code. Any violation of the terms or conditions of this permit shall be subject to citation.	Planning	On-going
6	Indemnification. The applicant/Developer shall defend, indemnify, and hold harmless the City of Hollister and its agents, officers, employees, advisory board from any claim, action, or proceeding against the City of Hollister or its agents, officers, or employees to attach, set aside, void or annul an approval of the City of Hollister or its advisory agency, appeal board, Planning Commission, City Council, Director of Development of Services or any other department, committee, or agency of the City	Planning	On-going

No.	Condition of Approval	Responsible Department	Required Prior To
	related to this project to the extent that such actions are brought within the time period required by Government Code Section 66499.37 or other applicable law; provided, however that the Applicant/Developer duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the Applicant/Developer of any claim against the City and shall cooperate in the defense.		
7	Modifications. Modifications or changes to the Vesting Tentative Map 2021-3 or Conditional Use Permit for a Planned Unit Development 2021-11, may be considered by the Director of Development Services if the modifications or changes proposed comply with Section 17.24.130(F) of Municipal Code.	Planning	On-going
8	Clarification of Conditions. In the event that there needs to be clarification to the Conditions of Approval, the Director of Development Services and the City Engineer have the authority to clarify the intent of these Conditions of Approval with the Developer without going to a public. The Director of Developments Services and City Engineer also have that authority to make minor modifications to these conditions without going to a public hearing in order for the Developer to fulfill needed improvements and/or mitigations resulting from impacts to this project.	Planning	On-going
9	Amended Conditions. Conditions of Approval 84 and 16 of Resolution 2021-10 are hereby removed from this project.	Planning	Immediate
10	Amendments to Building Permit. Prior to issuance of a final occupancy permit, the applicant shall revise all relevant plans for this project on file with the City of Hollister Building Division to remove the outdoor dining area and any other affiliated improvements, to ensure that the City's building permit records for this project reflect the as-built conditions of the project site.	Building	Final Occupancy
11	Previously Approved Resolutions. All findings and conditions in Planning Commission Resolution 2021-10 and Resolution 2021-11 approving Site & Architectural Review 2020-1 and Conditional Use Permit 2021-3 shall apply to this project, except as otherwise amended by this resolution.	Planning	On-going

PASSED AND ADOPTED at a regular meeting of the City of Hollister Planning Commission held on this the 27th day of June 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairperson of the Planning Commission
of the City of Hollister

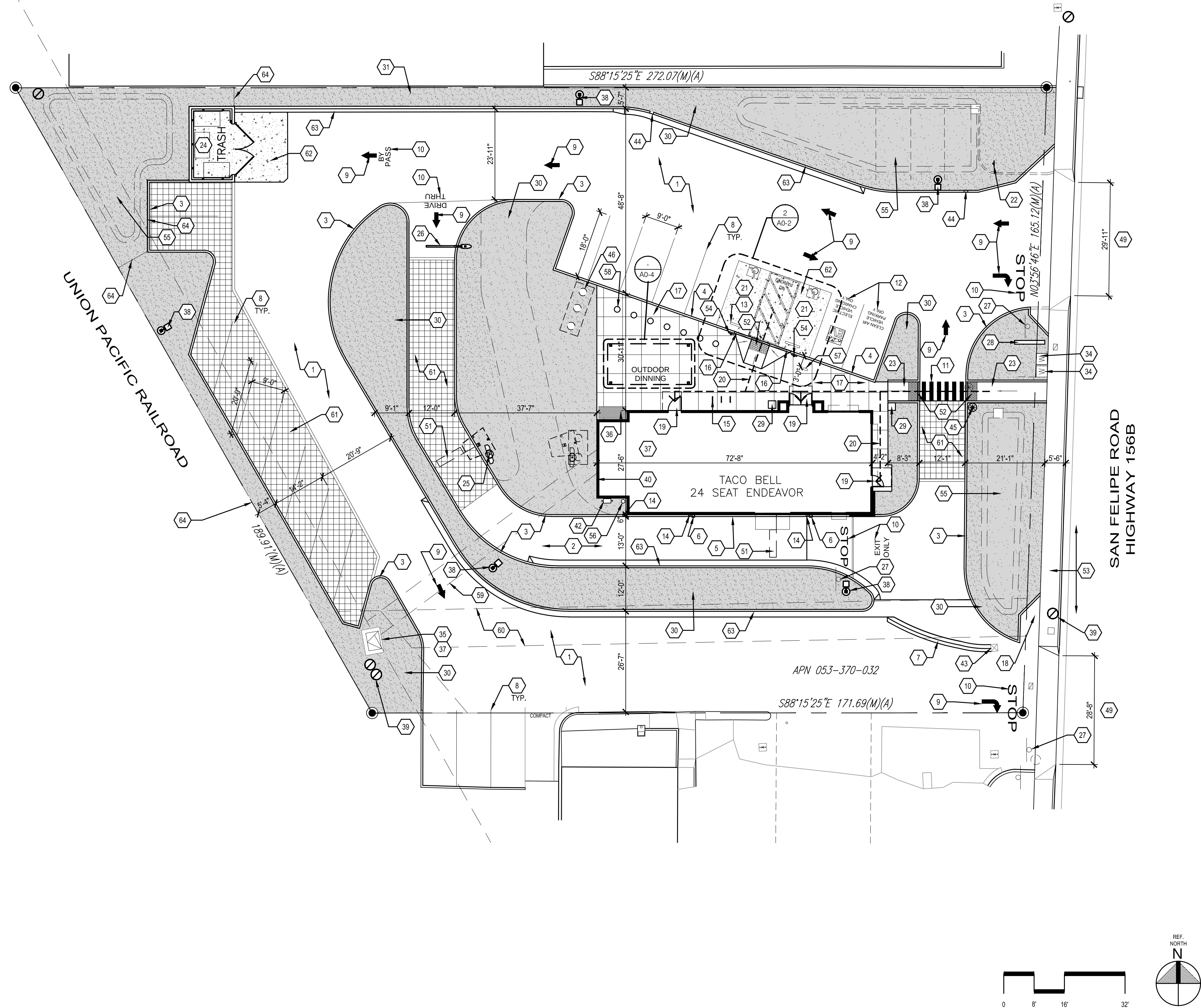
ATTEST:

Christine Hopper, Secretary

Please Note

It is the sole responsibility of the project applicant to comply with the conditions as approved, modified or added by the Planning Commission. It is recommended that the applicant review these conditions carefully and if any questions arise as to compliance with the conditions, please do not hesitate to contact the staff planner. Also, if you do not agree with the proposed conditions, you have an opportunity to present your case to the Planning Commission at their meeting. In addition, the City provides a 15-day appeal period.

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ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED BY THIS DRAWING ARE OWNED BY, AND THE PROPERTY OF, THE WRITER. NO PART OF THIS DRAWING OR ANY PART THEREOF SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PROJECT ARCHITECT.
WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS SHOWN IN THESE DRAWINGS. SHOP DETAILS OF FABRICATION SHALL BE SUBMITTED TO THIS OFFICE FOR APPROVAL BEFORE PROCEEDING WITH FABRICATION ON ITEMS SO NOTED.



SITE PLAN

1/16" = 1'-0"

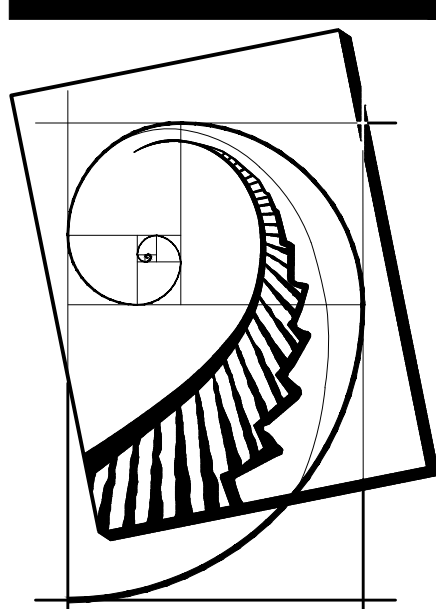
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KEYNOTE SYMBOL ON PLAN

- CONSTRUCT (N) A.C. PAVING AND BASE, PER PROJECT GEOTECHNICAL REPORT AND CIVIL DRAWINGS. APPLY LIQUID ASPHALT AT ALL JOINTS BETWEEN CONCRETE AND ASPHALT.
- CONSTRUCT (N) 6" THICK P.C.C. PAVEMENT (W/ "LAMP BLACK" @ 8 LBS./C.Y.) W/ #4 @ 18" O.C. E.W. (CONST. JTS. @ 12'-0" O.C. APPLY LIQUID ASPHALT AT ALL JOINTS BETWEEN CONCRETE AND ASPHALT). PROVIDE EXPANSION JOINTS @ 20'-0" O.C. MAX (MAX SLOPE 1%).
- CONSTRUCT (N) 6" P.C.C. CURB PER DETAIL 1, SHEET **A0-1 (ONSITE CURBS ONLY)**.
- CONSTRUCT (N) P.C.C. CURB EDGE SIDEWALK AT PLANTER PER DETAIL 3, SHEET **A0-1**. 4%-4.5% MAX SLOPE AND 1%-1.5% MAX CROSS SLOPE IN DIRECTION OF TRAVEL.
- CONSTRUCT (N) 6" P.C.C. CURB AT DRIVE THRU PER DETAIL 5, SHEET **A0-1** AND PRE-PAY CURB ELEVATION NOT TO EXCEED 3" A.F.F.
- CONSTRUCT (N) RAIN LEADER TO DISCHARGE THRU FACE OF CURB PER DETAIL 5, SHEET **A0-1**.
- CONSTRUCT (N) CONCRETE SWALE PER DETAIL 7, SHEET **A0-1**. REFER TO CIVIL DRAWINGS.
- PAINT (N) 4" WIDE WHITE PARKING STALL LINES.
- PAINT (N) 24" HIGH WHITE LETTERS ON PAVEMENT WITH TRAFFIC PAINT.
- PAINT (N) 12" WIDE AND 60" LONG WHITE STRIPES ON PAVEMENT WITH 12" BETWEEN.
- PAINT 12" HIGH LETTERS WITH EPOXY TRAFFIC PAINT.
- INSTALL (N) CONCRETE WHEELSTOP PER DETAIL 9, SHEET **A0-1**.
- INSTALL (N) 4" STEEL, CONCRETE FILLED BOLLARD PER DETAIL 12, SHEET **A0-1** OR 18 SHEET **A0-1**.
- INSTALL (N) BIKE RACKS PER DETAIL 14, SHEET **A0-1**.
- RADIUS TOP OF CURB DOWN TO SIDEWALK PER DETAIL 15, SHEET **A0-1**.
- CONSTRUCT (N) P.C.C. SIDEWALK PER DETAIL 16, SHEET **A0-1**. 4%-4.5% MAX SLOPE AND 1%-1.5% MAX CROSS SLOPE IN DIRECTION OF TRAVEL.
- WIDEN CITY P.C.C. SIDEWALK (W/ CURB AND GUTTER WHERE SHOWN) PER CITY STANDARDS. 4% MAX SLOPE AND 1.5% MAX CROSS SLOPE IN DIRECTION OF TRAVEL.
- CONSTRUCT PAVEMENT SURFACE AT ALL BUILDING ENTRY/EXIT DOORS NOT TO EXCEED 1.5% SLOPE FOR 60" IN DIRECTION OF DOOR SWING AND 24" TO STRIKE SIDE OF DOOR.
- ADA ACCESSIBLE PATH OF TRAVEL. CROSS SLOPE ALONG PATH NOT TO EXCEED 1.5% AND SLOPE IN DIRECTION OF TRAVEL NOT TO EXCEED 4.5%. ABRUPT CHANGES IN ELEVATION SHALL BE LIMITED TO 1/2" MAX. G.C. TO RE-GRADE AND/OR PRO VIDE CURB RAMPS TO ATTAIN COMPLIANCE IF NECESSARY, VERIFY IN FIELD.
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- INSTALL (N) TOW AWAY SIGN (STREET SIDE) PER DETAIL 18, SHEET **ADA-2**.
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- (N) TRASH ENCLOSURE SEE TE-1, TE-2 AND TE-3 FOR DETAILS.
- (N) MENU BOARD, PREVIEW BOARD, SENSOR LOOP AND SPEAKER PEDESTAL, PROVIDED BY OWNER, INSTALLED BY G.C. PER DETAILS 2, SHEET **A0-3**.
- (N) CLEARANCE BAR, PROVIDED BY OWNER, INSTALLED BY G.C. PER DETAIL 16 & 18, SHEET **A0-3**.
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- INSTALL (N) IRRIGATION WATER SERVICE BY OTHERS, METER AND BACKFLOW PER SITE UTILITY PLAN, IRRIGATION PLAN AND CITY STANDARDS.
- (N) IRRIGATION CONTROLLER BY OTHERS. REFER TO CIVIL, ELECTRICAL AND LANDSCAPE DRAWINGS.
- INSTALL (N) DOMESTIC WATER SERVICE, METER AND BACKFLOW PER SITE UTILITY PLAN AND LOCAL STANDARDS.
- ELECTRICAL POINT OF CONNECTION, REFER TO CIVIL DRAWINGS; VERIFY W/ SUPPLIER.
- (N) ELECTRICAL MAIN SWITCHBOARD. REFER TO ELECTRICAL DRAWINGS. G.C. TO VERIFY SIZE OF NEMA CABINET PRIOR TO POURING CURBS AND ASPHALT AND PROVIDE 48" MIN. CLEAR WORKING SPACE IN FRONT.
- (E) TRANSFORMER. REFER TO ELECTRICAL DRAWINGS. PROVIDE ELECTRICAL SERVICE AS REQUIRED FOR PROJECT. CONSTRUCT ELECTRICAL TRANSFORMER PAD, UNDERGROUND CONDUITS AND SPICE BOXES PER UTILITY REQUIREMENTS. WHERE REQUIRED BY UTILITY COMPANY, PROVIDE PRIMARY/SECONDARY CONDUCTORS. VERIFY LOCATION OF ALL ELECTRICAL COMPANY REQUIRED FACILITIES WITH UTILITY COMPANY **PRIOR** TO START OF WORK.
- INSTALL (N) SITE LIGHTING. REFER TO DETAIL 11, SHEET **A0-1** AND TO PHOTOMETRIC AND ELECTRICAL DRAWINGS.
- (E) POWER POLE TO REMAIN.
- INSTALL (N) TELEPHONE TERMINATION BOARD PER UTILITY COMPANY REQUIREMENTS. REFER TO ELECTRICAL DRAWINGS.
- INSTALL (N) 1 1/2" CONDUIT W/ PULL STRING FROM TELEPHONE COMPANY SERVICE POINT, VERIFY LOCATION - SEE CIVIL.
- (N) GAS METER.
- (E) STORM DRAIN INLET, REFER TO CIVIL PLANS.
- (N) BREAK IN CURB FOR SURFACE DRAIN.
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- (N) SENSOR LOOPS FOR DRIVE THRU LANE. CONFIRM REQUIREMENTS WITH RSCS.
- (N) TRUNCATED DOMES.
- (E) SIDEWALK, CURBS AND GUTTERS ARE EXISTING ALONG SAN FELIPE.
- (N) ADA SIGN PER 14/ADA-2.
- (N) STORM DRAIN RETENTION AREA.
- (N) FIRE SPRINKLER STAND PIPE. SEE CIVIL FIRE SPRINKLER DRAWINGS FOR MORE DETAIL.
- ELECTRICAL VEHICLE CHARGING STATION PER 2019 CGSBC TABLE 5.404.14.
- (E) PGE ELECTRICAL EASEMENT TO BE ABANDONED.
- (E) CROSS ACCESS EASEMENT.
- (N) PERVIOUS PAVERS. SEE CIVIL DRAWINGS.
- (N) CONCRETE PAVING. SEE CIVIL DRAWINGS.
- CONSTRUCT (N) 6" P.C.C. CURB PER DETAIL 2, SHEET **A0-1 (ONSITE CURBS ONLY)**.
- INSTALL (N) METAL FENCE ALONG REAR PROPERTY LINE AND AROUND TRASH ENCLOSURE AS SHOWN. SEE 10/A0.2.

SITE PLAN KEY NOTES

B



VMI architecture
Design - Planning - Interiors
637 5th Avenue San Rafael, CA 94901
415-451-2500 415-451-2595 fax
www.vmiarchitecture.com

VMI JOB NUMBER
1839



RECORD DATES

DD SUBMITTAL	1/12/2021
BLOG SUBMITTAL	7/15/2021
BID SET	7/13/2022
CONTRACT SET	9/7/2022

REVISIONS

CLIENT

Tambro Inc.
2780 Alum Rock Ave.
San Jose, CA 95127
STORE#: 19338

PROJECT

TACO BELL
40 SAN FELIPE ROAD
HOLLISTER, CA
95023

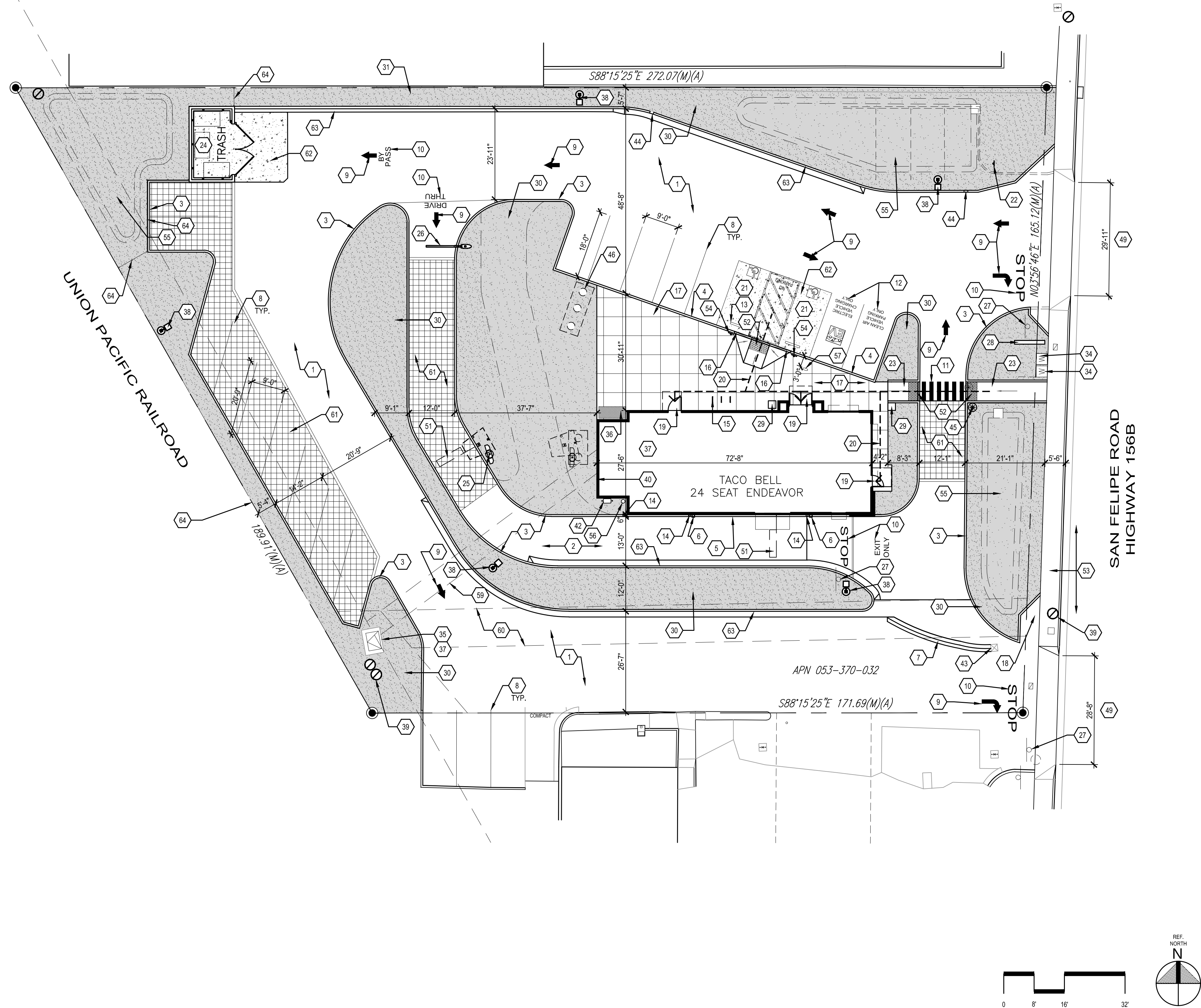


ENDEAVOR
24 SEAT

EXISTING
SITE PLAN

A0-0

W:\Data\Tambro\1839 Tambro Hollister SanFelipe_29273503.ctb, current\400_1839_A0-0_alldwg By: PWOSS Saved on 4/19/2024 3:02:08 PM
ALL IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF PROJECT ARCHITECT.
WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS SHOWN IN THESE DRAWINGS. SHOP DETAILS OF FABRICATION SHALL BE SUBMITTED TO THIS OFFICE FOR APPROVAL BEFORE PROCEEDING WITH FABRICATION ON ITEMS SO NOTED.



SITE PLAN

1/16" = 1'-0"

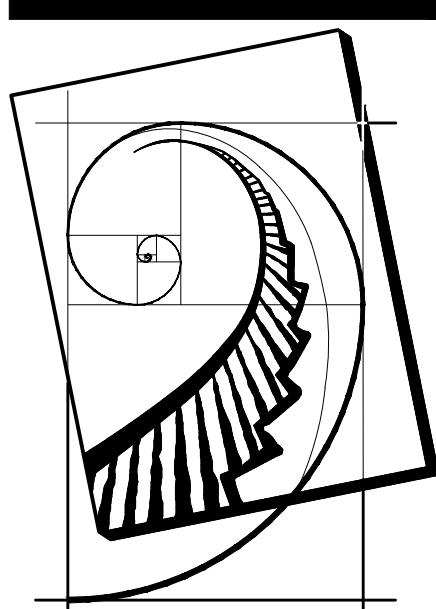
A

KEYNOTE SYMBOL ON PLAN

1. CONSTRUCT (N) A.C. PAVING AND BASE, PER PROJECT GEOTECHNICAL REPORT AND CIVIL DRAWINGS. APPLY LIQUID ASPHALT AT ALL JOINTS BETWEEN CONCRETE AND ASPHALT.
2. CONSTRUCT (N) 6" THICK P.C.C. PAVEMENT (W/ "LAMP BLACK" @ 8 LBS./C.Y.) W/ #4 @ 18" O.C. E.W. (CONST. JTS. @ 12'-0" O.C. APPLY LIQUID ASPHALT AT ALL JOINTS BETWEEN CONCRETE AND ASPHALT). PROVIDE EXPANSION JOINTS @ 20'-0" O.C. MAX (MAX SLOPE 1%).
3. CONSTRUCT (N) 6" P.C.C. CURB PER DETAIL 1, SHEET **A0-1 (ONSITE CURBS ONLY)**.
4. CONSTRUCT (N) P.C.C. CURB EDGE SIDEWALK AT PLANTER PER DETAIL 3, SHEET **A0-1**. 4%-4.5% MAX SLOPE AND 1%-1.5% MAX CROSS SLOPE IN DIRECTION OF TRAVEL.
5. CONSTRUCT (N) 6" P.C.C. CURB AT DRIVE THRU PER DETAIL 5, SHEET **A0-1** AND PRE-PAY CURB ELEVATION NOT TO EXCEED 3" A.F.F.
6. CONSTRUCT (N) RAIN LEADER TO DISCHARGE THRU FACE OF CURB PER DETAIL 5, SHEET **A0-1**.
7. CONSTRUCT (N) CONCRETE SWALE PER DETAIL 7, SHEET **A0-1**. REFER TO CIVIL DRAWINGS.
8. PAINT (N) 4" WIDE WHITE PARKING STALL LINES.
9. PAINT (N) WHITE TRAFFIC ARROWS PER DETAIL 8, SHEET **A0-1**. USE EPOXY TYPE TRAFFIC PAINT.
10. PAINT (N) 24" HIGH WHITE LETTERS ON PAVEMENT WITH TRAFFIC PAINT.
11. PAINT (N) 12" WIDE AND 60" LONG WHITE STRIPES ON PAVEMENT WITH 12" BETWEEN.
12. PAINT 12" HIGH LETTERS WITH EPOXY TRAFFIC PAINT.
13. INSTALL (N) CONCRETE WHEELSTOP PER DETAIL 9, SHEET **A0-1**.
14. INSTALL (N) 4" STEEL, CONCRETE FILLED BOLLARD PER DETAIL 12, SHEET **A0-1** OR 18 SHEET **A0-1**.
15. INSTALL (N) BIKE RACKS PER DETAIL 14, SHEET **A0-1**.
16. RADIUS TOP OF CURB DOWN TO SIDEWALK PER DETAIL 15, SHEET **A0-1**.
17. CONSTRUCT (N) P.C.C. SIDEWALK PER DETAIL 16, SHEET **A0-1**. 4%-4.5% MAX SLOPE AND 1%-1.5% MAX CROSS SLOPE IN DIRECTION OF TRAVEL.
18. WIDEN CITY P.C.C. SIDEWALK (W/ CURB AND GUTTER WHERE SHOWN) PER CITY STANDARDS. 4% MAX SLOPE AND 1.5% MAX CROSS SLOPE IN DIRECTION OF TRAVEL.
19. CONSTRUCT PAVEMENT SURFACE AT ALL BUILDING ENTRY/EXIT DOORS NOT TO EXCEED 1.5% SLOPE FOR 60" IN DIRECTION OF DOOR SWING AND 24" TO STRIKE SIDE OF DOOR.
20. ADA ACCESSIBLE PATH OF TRAVEL. CROSS SLOPE ALONG PATH NOT TO EXCEED 1.5% AND SLOPE IN DIRECTION OF TRAVEL NOT TO EXCEED 4.5%. ABRUPT CHANGES IN ELEVATION SHALL BE LIMITED TO 1/2" MAX. G.C. TO RE-GRADE AND/OR PRO VIDE CURB RAMP TO ATTAIN COMPLIANCE IF NECESSARY, VERIFY IN FIELD.
21. CONSTRUCT (N) ADA ACCESSIBLE PARKING STALLS PER DETAIL 16, SHEET **ADA-2**. 1.5% MAX PAVEMENT SLOPE WITHIN ACCESSIBLE PARKING AREA; REFER TO GRADING PLAN. REFER TO REQUIREMENTS.
22. INSTALL (N) TOW AWAY SIGN (STREET SIDE) PER DETAIL 18, SHEET **ADA-2**.
23. CONSTRUCT (N) P.C.C. DEPRESSED CURB RAMP OR FLARED RAMP WITH (N) TRUNCATED DOME WARNING STRIP 36" WIDE ACROSS FULL WIDTH OF WALKWAY WHERE PATH OF TRAVEL CROSSES INTO VEHICULAR WAYS PER DETAIL 4, SHEET **A0-2** (1.12 MAX SLOPE).
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25. (N) MENU BOARD, PREVIEW BOARD, SENSOR LOOP AND SPEAKER PEDESTAL, PROVIDED BY OWNER, INSTALLED BY G.C. PER DETAILS 2, SHEET **A0-3**.
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27. (N) STOP SIGN PER CITY STANDARDS
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30. (N) LANDSCAPE AREA. REFER TO LANDSCAPE DRAWINGS BY OTHERS.
31. PROVIDE (N) REDWOOD HEADER BOARD ALONG PROPERTY LINE WHERE (N) LANDSCAPING MEETS EXISTING. REFER TO LANDSCAPE DRAWINGS.
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33. (N) IRRIGATION CONTROLLER BY OTHERS. REFER TO CIVIL, ELECTRICAL AND LANDSCAPE DRAWINGS.
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39. (E) POWER POLE TO REMAIN.
40. INSTALL (N) TELEPHONE TERMINATION BOARD PER UTILITY COMPANY REQUIREMENTS. REFER TO ELECTRICAL DRAWINGS.
41. INSTALL (N) 1 1/2" CONDUIT W/ PULL STRING FROM TELEPHONE COMPANY SERVICE POINT, VERIFY LOCATION - SEE CIVIL.
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43. (E) STORM DRAIN INLET, REFER TO CIVIL PLANS.
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55. (N) STORM DRAIN RETENTION AREA.
56. (N) FIRE SPRINKLER STAND PIPE. SEE CIVIL FIRE SPRINKLER DRAWINGS FOR MORE DETAIL.
57. ELECTRICAL VEHICLE CHARGING STATION PER 2019 CGSBC TABLE 5.404.14.
58. ~~ROUND CONCRETE BOLLARDS:~~
59. (E) PGE ELECTRICAL EASEMENT TO BE ABANDONED.
60. (E) CROSS ACCESS EASEMENT.
61. (N) PERVIOUS PAVERS. SEE CIVIL DRAWINGS.
62. (N) CONCRETE PAVING. SEE CIVIL DRAWINGS.
63. CONSTRUCT (N) 6" P.C.C. CURB PER DETAIL 2, SHEET **A0-1 (ONSITE CURBS ONLY)**.
64. INSTALL (N) METAL FENCE ALONG REAR PROPERTY LINE AND AROUND TRASH ENCLOSURE AS SHOWN. SEE 10/A0.2.

SITE PLAN KEY NOTES

B



VMI architecture
Design • Planning • Interiors
637 5th Avenue San Rafael, CA 94901
415-451-2500 415-451-2595 fax
www.vmiarchitecture.com

VMI JOB NUMBER
1839



RECORD DATES

DD SUBMITTAL	1/12/2021
BLOG SUBMITTAL	7/15/2021
BID SET	7/13/2022
CONTRACT SET	9/7/2022

REVISIONS

CLIENT

Tambro Inc.
2780 Alum Rock Ave.
San Jose, CA 95127
STORE#: 19338

PROJECT

TACO BELL
40 SAN FELIPE ROAD
HOLLISTER, CA
95023



ENDEAVOR
24 SEAT

NEW

SITE PLAN

A0-0

Taco Bell 40 San Felipe Road, Hollister, CA

Modification of Conditional Use Permit 2020-1.

We would like to request a modification to the Planning Conditions of Approval 2020-1.

We would like to request to remove outdoor dining and canopy shown on the approved plans by the Planning Commission approval 2020-1 and Conditional Use permit 2020-3.

We are requesting to removing the outdoor dining area and canopy from our conditions of approval as we would prefer not to build both at this time.

There are a couple of reasons but the most important is the misuse of the outdoor dining area by non-customers is on the rise in similar restaurants. This can cause a conflict between customers and non-customers hanging about the grounds.

Secondly, the expense of building this restaurant was way beyond the budget construction cost. This location was never a high-volume producer and has continued to be so since the new restaurant on the existing Taco Bell location was completed. There were many factors in the rise of construction cost but the fees for undergrounding utilities and putting dividers in the San Felipe Road were a big contributor to the project going over the normal cost of this type of building.

Thank you,

Phillip Moss

Phillip Moss N.C.A.R.B.

VMI Architecture

PLANNING COMMISSION RESOLUTION NO. 2021-10

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HOLLISTER
APPROVING SITE & ARCHITECTURAL REVIEW 2020-1 TO DEMOLISH THE
EXISTING 2,851 SF DRIVE-THROUGH RESTURANT BUILDING AND TO
CONSTRUCT A NEW 1,997 SF DRIVE-THROUGH RESTURANT BUILDING WITH
AN OUTDOOR DINING AREA ON A 0.84-ACRE (36,667 SF) LOT IN THE NORTH
GATEWAY (NG) ZONING DISTRICT AT 40 SAN FELIPE ROAD
(VMI ARCHITECTURE)
APN 053-370-032**

WHEREAS, under the provisions of 17.24.190 of the Hollister Municipal Code, the Planning Commission is charged with receiving, investigating, and taking action on Site & Architectural applications; and,

WHEREAS, the applicant desires Site & Architectural approval to remove the existing 2,851 SF drive-through restaurant building and construct a new 1,997 SF drive-through restaurant building with an outdoor seating area on a 0.84 acre (36,667 SF) lot; and,

WHEREAS, the City Planning Division received the applicant's plans and forwarded the request to the Development Review Committee to assess the proposal for compliance with all relevant regulations; and,

WHEREAS, the Development Review Committee considerations were presented to the Planning Commission as part of the City staff report; and,

WHEREAS, the Planning Commission held a duly noticed hearing on March 25, 2021, to consider the applicant's request, review the City staff report, and receive written and oral testimony for and against the proposal; and,

WHEREAS, after closing the public hearing, the Planning Commission determined that the project is exempt from CEQA per Section 15302 *Replacement or Reconstruction*; the project consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced; and,

WHEREAS, after closing the public hearing, the Planning Commission deliberated and determined to grant the applicant's request in accordance with Section 17.24.190 of the Hollister Municipal Code, and based on the facts as presented, and the code requirements as plainly stated.

NOW, THERE IT IS RESOLVED, that the Planning Commission of the City of Hollister does hereby approve Site & Architectural Review 2020-1 with the following findings and conditions.

CEQA FINDINGS:

1. **Finding:** Approval of the project will not result in any significant effects relating to traffic, noise, air quality, or water quality and the site can be served adequately by all required utilities and public services.

Evidence: The project is exempt from CEQA per Section 15302 *Replacement or Reconstruction*; the project consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The Section 15302(b) (Replacement or Reconstruction) exemption applies to the replacement of a commercial structure with a new structure of substantially the same size, purpose and capacity. The project proposes to demolish that existing 2,851 SF drive-through restaurant building and reconstruct a new 1,997 SF drive-through restaurant with an outdoor dining area within the former building's existing foot print.

SITE AND ARCHITECTURAL REVIEW FINDINGS:

1. **Finding:** The project as proposed is consistent with the City of Hollister General Plan.

Evidence: The project site is designated North Gateway and is consistent with the land uses identified in the General Plan.

2. **Finding:** The proposed project will not be detrimental to the health, safety, and welfare of persons residing or working in the neighborhood or to the general welfare of the City.

Evidence: The evidence supports this finding as represented by the development plans, City prepared staff report, and the proposed conditions of approval.

CONDITIONS OF APPROVAL

PLANNING AND BUILDING

1. This approval is for Site & Architectural Review 2020-1 for the construction a new 1,997 SF drive-through restaurant building with an outdoor seating area on a 0.84 acre (36,667 SF) lot as represented in the plans received on March 17, 2021 and prepared by VMI Architecture. The elevations and improvements shall strictly adhere to the approved set of plans unless prior approval is granted by the City Development Services Director for changes. This approval expires March 25, 2023 unless the City grants an extension. Any request for extension must be submitted 30-days prior to the date of expiration.
2. The applicant shall defend, indemnify and hold harmless the City of Hollister, any agent officer or employee of the City, and any agent officer or employee of the City, and advisory board of the City, against any claim, suit, action, judgement, costs and attorney's fees arising out of this approval or any assertions that this approval, including the environmental

determinations made herein, is invalid, illegal, unconstitutional or otherwise contrary to law. The City shall promptly notify the applicant of any claim against the City and shall cooperate fully in the defense.

3. A building permit shall not be issued during the 15-day appeal period. In the case of an appeal being filed, no building permit shall be issued until the appeal is settled by the City Council.
4. Prior to any site improvements or construction, the applicant shall submit a building permit application and receive a building permit from the Building Division. All improvements shall strictly adhere to the approved site plan, unless prior approval is granted by the City for changes.
5. All building plans submitted shall conform to all local and State energy and seismic requirements and all applicable Building and Fire Codes.
6. All requirements of the State Architect for ADA accessibility shall be met, including but not necessarily limited to parking, access ramps, and building accessibility facilities.
7. Prior to the issuance of a building permit, the applicant shall not be in violation of the City of Hollister Municipal Code involving the project site. More specifically, Chapter 1.16 Section 1.16.100 *Refusal to issue permits, licenses or other entitlements* states "No department, commission or public employee of the city which is vested with the duty or authority to issue or approve permits, licenses or other entitlements shall issue or approve such permits, licenses or other entitlements where there is an outstanding violation involving the property upon which there is a pending application for such permit, license or other entitlement."
8. Prior to the issuance of a building permit, the applicant shall provide the Building Division with verification that all necessary permits and approvals from the Fire Department and San Benito County Environmental Health Department have been obtained.
9. Prior to the issuance of a demolition permit, the project sponsor shall apply for a demolition permit from MBUAPCD. Conditions of the permit may require preparation of an asbestos survey. The project sponsor shall comply with MBUAPCD NESHAP policies and regulations for removal and disposal of contaminated materials.
10. Waste Diversion: Prior the issuance of a building permit, the applicant shall submit a solid waste disposal plan for the new construction that establishes criteria and procedures to divert at least 50% of all construction debris from the landfill. The plan shall include measures to divert at least 50% of the solid waste from the John Smith Landfill which shall be subject to review and approval of the City of Hollister. To ensure compliance with the recycling plan, a refundable deposit shall be paid to the City of Hollister equivalent to \$50/ton of estimated construction and demolition debris for the phase of the project, to be deposited into an interest-bearing escrow account. The construction waste shall be

calculated at 11.3 pounds per square foot of demolished floor area. The City shall return the deposit with any interest generated during the deposit after submittal of verifiable documentation of the required diversions.

11. Construction equipment and activities on the project site shall employ noise suppression devices and techniques and shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturdays. No Construction, Landscape Maintenance, or Grounds Maintenance activities shall occur on Sundays and federally recognized holidays as it is prohibited by per Ordinance 1137 of the Hollister Municipal Code.
12. Notification Prior to Construction: Prior to initiating any site improvements on the site, notification shall be sent to property owners at minimum within 300 feet of the project site notifying the property owners of the commencement of the construction activity. Notification shall be sent at minimum 15 days prior to the initiation of the construction activity and shall indicate the days and hours of operation per the noise ordinance in Condition 11.
13. Prior to the issuance of a building permit, the applicant shall submit a low water efficiency landscape application packet with the appropriate fees to the Development Services Department to be reviewed for compliance with Hollister Municipal Code Chapter 15.22. Prior to Final Occupancy Inspection, the applicant shall submit a copy of an approved Certificate of Completion that complies with section 15.22.130 of the Hollister Municipal Code. For more information, please contact the Planning Division at (831) 636-4360.
14. Commercial Landscaping Requirements: The applicant shall incorporate the applicable sections of HMC 17.08.030 (G) *Landscaping and Open Design Elements* through the site plan and design.
 - a. Landscaping around the base of the structure shall be incorporated to soften the edge between the parking lot and the structure. This shall be accented at entrances to provide focus.
 - b. Medium to large size trees shall be used and in scale with the commercial areas and serve as sidewalk canopies, screening and parking area shade and relief to provide 50% shade canopy in five years.
 - c. Trees shall be located throughout the parking lot and not simply at the ends of parking aisles to provide shade and visual relief (i.e., a ratio of one tree per four parking stall, one tree spaces in projecting islands and 40% of shade coverage at tree maturity or within five years, whichever comes first) landscaping shall be protected from vehicular and pedestrian encroachment by raised planting surfaces, depressed walks, or the use of concrete curbs.
 - d. Vertical and climbing plants shall be integrated upon building, trellises. Covered walkways and walls are strong encouraged.

- e. Use of potted plants in clay or decorative concrete containers, especially for enhancement of sidewalk shops, plazas, and courtyards, to soften the hardscape is encouraged.
15. The use of mulch or bark shall be prohibited within the landscaping.
16. Landscaping along the western boundary shall include “defensive” plants along the western boundary that abuts the Union Pacific Railroad and the northwestern corner of property. Plant species shall be reviewed and approved by the City of Hollister Management Services Director.
17. Prior to the installation of trees, the Management Services Department will be required to review and approve the list of trees proposed. For more information, please contact (831) 636-4365.
18. All on-site maintenance of landscaping and irrigations systems shall be privately maintained in perpetuity. The landscaping shall comply with the approved plans and be kept in a neat, clean and healthy manner. A description of how the landscaping shall be maintained shall be provided to the Director of Public Works. The use of drought-resistant plant materials and water conserving irrigations devices shall be required. No trees, shrubs, or plant material shall obstruct site distance of motorists and pedestrians.
19. All landscaped areas adjacent to driveway/parking areas shall be bordered with 6-inch (6") PCC square curbing.
20. No buildings, trees, bushes, other structures or materials shall be placed within ten feet (10') of the meters, water lines or sanitary sewer connections and laterals.
21. The applicant shall submit proposed color samples for the exterior painting of the building. These color samples will require an administrative approval from the Planning Division. For more information, please contact the Planning Division at (831) 636-4360.
22. All signs shall conform and comply with the approved master sign program and Hollister Zoning Ordinance policies and procedures. Prior to the installation of any signage, the applicant shall secure any necessary approvals from the Development Services Department and building permits from the Building Division.
23. Drainage: Site improvements shall be designed to comply with city standards to substantially detain water runoff on the subject property to pre-development levels with a combination of methods including but not limited to vegetative swales in the landscape areas, directing drainage from roof gutters to landscape areas and incorporating permeable pavers in interior pedestrian areas or courtyards.

24. Fencing/Walls: Perimeter walls or fences shall be architecturally treated and compatible the predominant architectural style of the site. In addition, anti-graffiti mechanisms such as landscaping or graffiti coating will be required on all new perimeter walls and fences.

25. Lighting:

- a. The design of the light fixtures and their structural support shall be architecturally compatible with the principal structure(s) on site and be pedestrian-oriented and scaled.
- b. Lighting fixtures installed for outdoor lighting shall be shielded to confine light spread within site boundaries and reduce “sky glow” impacts and arranged to prevent horizontal glare or direct illumination on adjoining property or streets. Fixtures shall be consistent with the design and types recommended by the International Dark Sky Association.
- c. Low- or high-pressure sodium or alternative lights are recommended by the International Dark Sky Association or similar organization in the commercial and mixed-use areas.
- d. All lighting applications shall adhere to the standards set forth in Section 17.08.030 (I) *Lighting Applications*.

26. Screening: Roof-mounted equipment shall be screened from public view by well-designed roof parapets or screened walls to conceal the mechanical equipment. To the extent practical, all outdoor equipment (including utilities such as reduced pressure pipes and meters), whether on the side of the structure or on the ground, shall be concealed with landscaping and site design, being architecturally compatible in terms of materials, colors, shape and size. Where individual equipment is provided, a continuous screen is desired.

27. Waste Receptacle Enclosure: The trash enclosure shall include hose bibs, be covered and plumbed to the City’s sewer service lines, and be constructed out of appropriate materials such as stucco or cinderblock concrete – with stucco being preferred – that is architecturally compatible with the surrounding area and shall be screened from residential dwelling units. For more information regarding capacity or other waste receptacle requirements from the City’s service provider, please contact Recology at (831) 636-7500.

28. Community Facilities District No. 4: Prior to the issuance of a building permit, the applicant shall cooperate with the City to facilitate the annexation of the entire site into the Community Facilities District No. 4. The entire site shall be included within the boundaries of the communities facilities district formed pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (California Government Code 53311 et esq.) and be subject to a special tax levied hereunder. The special tax shall be in an amount that will be updated with the annual CPI per unit per year, subject to an annual increase in accordance with the designated consumer price index as of January 1 of each year. The applicant shall cooperate with the City to accomplish the inclusion of the project in the community facilities district, either through annexation to an existing district, or through the formation of a new district. Such cooperation shall include, but not be limited to, executing and filing with the City Clerk, in a form acceptable to the City Attorney, any approval, consent or

waiver required by the City in order to expedite the inclusion of the project in such a district.

ENGINEERING & COMMUNITY SERVICES

29. The property owner/developer shall replace any street or sidewalk improvements or utility services that are removed or damaged during the construction of the project as determined by the City Engineer. This could include, but is not limited to, permeable paving, PCC curbs, gutters, sidewalks; street lighting; signing and striping; all underground utilities including, but not limited to, sanitary sewer, gas, electrical, telephone, and water and fire services lines; and all other improvements to bring the right-of-way into full conformance with applicable City and utility owner standards. All construction in the right-of-way shall be completed prior to final building approval.
30. The applicant shall be responsible for avoiding damage to any underground utilities and infrastructure. The following note shall be placed on the building permit: "Prior to any site construction, the Underground Service Alert – USA North shall be contacted to assure that there will not be damage to underground facilities from the construction. Call 811/800-227-2600."
31. Every two years, or longer if deemed appropriate by the City Code Enforcement Officer, the owner shall maintain and re-stripe the parking stalls and directional signage so that they will always be clean and visible to employees and customers. Directional signage shall be placed throughout the site as determined by the City Engineer.
32. Prior to issuance of a building permit, the applicant shall pay a fair share contribution of \$195,000.00 for the improvements in the right-of-way of San Felipe Road for the undergrounding of existing overhead utilities and a raised median.
33. The applicant shall contribute to the installation of flexible delineators in the median of San Felipe Road as a temporary measure to prevent left turns in and out of the property. The project applicant for the Starbucks project at 111 San Felipe Road (Site & Architectural Review 2019-18, PC Resolution 2020-12) has been conditioned to install delineators as part of their project approval. The project application for S&A 2020-1/40 San Felipe Road shall either (1) install flexible delineators as approved by the City of Hollister Engineering Department if this project begins construction prior to S&A 2019-20/111 San Felipe Rd, or (2) if construction for S&A 2019-18/111 San Felipe Rd begins construction prior to S&A 2020-1/40 San Felipe Road, the 40 San Felipe Road project applicant shall contribute their fair share costs (50%) toward the installation of the delineators.
34. When the City of Hollister deems necessary, the applicant shall be required to install an RPP (Reduced Pressure Principal) backflow prevention device at their sites. The RPP shall conform to all AWWA (American Water Works Association) standards and shall be appropriately sized for the specific application on the site. The RPP shall be inspected by

a certified California-Nevada AWWA Backflow Prevention Assembly General Tester. The Utility Division shall provide a list of acceptable Assembly Testers within the area. The Utility Division shall receive a copy of the initial RPP inspection report. Any and all RPP defects shall be immediately repaired or replaced prior to the Utility Division reestablishing water service to the sites. The owners/operators shall have the RPP inspected/tested each year thereafter, with all reports forwarded to the Utility Division. Should the RPP fail to pass any inspection or test, the device shall be immediately repaired or replaced, with all repair and/or replacement reports forwarded to the Utility Division.

35. The RPP shall be installed according to AWWA standards, in regard to concrete padding and surrounding landscape/RPP height requirements. The RPP shall be installed inside a wire-mesh cage enclosure, preferably green in color, with a hinge on one end and a locking hasp device on the other to prevent vandalism and unauthorized entries. The RPP shall be installed at a site between the City's water meter and the building inside the property line where the RPP can be readily observed and be easily accessible for future inspections.
36. The project proponent shall install oil/grease separators to minimize the impact of pollutants from entering the sanitary sewer.
37. The owners shall install a backflow prevention device on the existing sewer lateral between the building and City's sanitary sewer main. The device shall be maintained and operated by the owners and shall be periodically tested by the owners to ensure the device is working properly.
38. The Engineering Department shall inspect all building laterals, the project's main sanitation collection system, the connection to the City's main sanitary collection system, and the interceptor installation prior to burial. The owner/developer shall contact the Development Services Department at (831) 636-4340 at least 24 hours prior to all necessary inspections.
39. Construction Stormwater BMP Control Plan (CSCP): Prior to any site development or grading, the applicant shall submit for review and approval by the Engineering Department a CSCP for construction storm water runoff BMP control measures.
40. Post-Construction Stormwater Control Plans (SWCP): Concurrent with improvement plan submittal, the applicant shall submit a SWCP, including the City's Stormwater Post Construction Form, for review and approval by the Engineering Department. The SWCP shall address all required post-construction storm water runoff BMP control measures, as required by the California Regional Water Quality Control Board Central Coast Region, Resolution No. R3-2013-0032 and City Standards. The grading and drainage design plans shall include, but are not limited to, depiction of all areas tributary to the site, and shall provide all information pertinent to the capability of the proposed drainage facilities to handle the expected post-construction stormwater management (LID, runoff control and reduction, water quality treatment, etc.), and flood control as required for the site. In addition, the grading and drainage design plans shall include, but are not limited to, all

necessary calculations and support documentation as required by the City Engineer. Failure to submit these documents will result in project delay.

41. Drainage Report: A drainage report, consistent with City Design Standards, shall be submitted for review and approval by the City Engineer concurrent with the submittal of Improvement Plans. The drainage report shall include, but is not limited to, depiction of all areas tributary to the site, and shall provide all information pertinent to the capability of the proposed drainage facilities to handle the expected post-construction storm water management (LID, runoff control and reduction, water quality treatment, etc.) and flood control measures as required for the site. Additionally, the report shall include or incorporate the grading plan, CSCP, SWCP, and landscape plan for the project.
42. Storm water and grading permit: Prior to any approval of any storm water permit, grading permit, or improvement plans, the applicant shall obtain all applicable permits directly associated with the grading activity, including, but not limited to the State Water Board's CGP, State Water Board 401 Water Quality Certification, U.S. Army Corps 404 permit, and California Department of Fish and Game 1600 Agreement. Further, the applicant shall provide evidence to the City Engineer that the required permits have been obtained.
43. Prior to any approval of any storm water permit, grading permit or improvement plans, the owner/developer shall submit an Erosion Control Plan consistent with the State Resources Control Board Water Quality Order 99-08 -DWQ. The Erosion Control Plan must contain at a minimum all items listed in Section A of the General Permit including descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g. vegetated swales, riparian buffers, etc.) best management practices (BMPs) that will be implemented to prevent pollutants from discharging with storm water into water of the United States. The applicant is advised that failure to submit the required documents will delay approval of the project improvement plans.
44. The owner/developer shall pay for all maintenance and operation of all utilities and improvements from the time of installation until acceptance of the utilities and improvements by the City as applicable.
45. If applicable, the project site shall be properly cleared of all fences, wells, septic tanks, irrigation pipes, fuel tanks and other structures. Certificates from the County Environmental Health Department shall be provided to the City Engineer for any well or septic tank abandonment, and from the City Fire Department for abandoned fuel tanks.
46. A geotechnical soils report shall be submitted to the City of Hollister for review and approval. The soils report shall include, among other things, soils infiltration test results to substantiate the proper design and functioning of all storm water basins, to the satisfaction of the City Engineer.

47. The water system improvements shall be subject to the review and approval of the City of Hollister with the following requirements:
 - a. All water system improvements shall be installed in accordance with the City of Hollister's Design Standards, Standard Plans, and Standard Specifications in effect at the time of improvement plan approval.
 - b. Any offsite waterlines necessary to be installed under proposed pavements shall be installed at the time of the roadway improvements.
48. Utility boxes and similar equipment shall be located in non-obtrusive locations. All public utilities including gas, electric, cable, telephone and fiber optic conduits shall be installed to serve the project. The exact location, number, size and other pertinent information for all utilities including water lines, fire hydrants, sanitary sewers and storm drains will be checked and approved at the time the final improvement plans are submitted for review.
49. The owner/developer shall dedicate a 10 foot public utilities easement and sidewalk easement along all street frontages as applicable and as approved by the City Engineer.
50. For any new construction, if applicable, the property owner shall install new Radio Read Meters prior to final occupancy. For more information, please contact the Lead Water Operator with the Utilities Division of the Community Services Department at (831) 636-4377.
51. The Engineering Division shall process new water meters and meter boxes for the irrigation and potable water systems. For more information, please contact the Engineering Division (831) 636-4340.
52. Fire hydrants and water lines shall be placed in public easements. The water meters can then be placed in easements near the building. They shall be under the maintenance of the City of Hollister.
53. A water main test shall be required by the applicant's engineer to run calculations on residual, static, and dynamic pressure. For more information, please contact the Engineering Division at (831) 636-4340.
54. All urinals and commodes in all buildings shall be low-flush models using a maximum 1.6 gpf/6Lpf (1.6 gallons per flush/6 Liters per flush).
55. No uncovered floor drains shall be connected to the site's sanitation system.
56. All sanitary sewer and water service lines shall be designed and inspected to City standards.
57. Pursuant to HMC Section 17.18.110(S) *Wheel Stops/Curbing*, Continuous concrete curbing at least six inches high and six inches wide shall be provided for all parking spaces located adjacent to walls, fences, property lines and structures. All parking lots shall have

curbing round all parking areas and aisle planters in compliance with subsection (I)(4) of Section 17.18.110. Wheel stops shall not be use in lieu of curbing. Wheel stops shall be installed in parking areas where needed to maintain proper pedestrian movements or to protect landscaping.

58. The property owner shall be responsible to inspect and maintain all on-site drainage facilities, including underground chambers, bio-filtration basins and conduit (pipe). A Stormwater Facility Maintenance easement shall be placed over each treatment area to allow for City inspection and maintenance in the event that the owner fails to do so. The cost of City provided maintenance will be paid by the property owner.
59. If required by the City Engineer, a deed restriction shall be recorded prior to occupancy for all post construction requirements on-site including bio-filtration basin chambers and pipe.
60. All improvements shall be supported with engineering calculations. The developer shall prepare and submit improvement plans for grading, waterlines, sewer lines, and storm drain lines, landscaping and irrigation, as well as, all necessary reports, analyses, calculations and documentation as required by the City Engineer and City Design Standards for review and approval. The developer shall construct and install grading, water lines, sewer lines, storm drain lines, landscaping and irrigation to the satisfaction of the City Engineer. For more information, please contact the Engineering Division at (831) 636-4340.
61. An encroachment permit shall be issued in addition to the grading permit for the work within the City of Hollister right-of-way or public easements within the property. This includes improvements such as: driveway approaches, water line connections for domestic water or fire services, sewer lateral installations and any other improvements on right-of-way. A combination encroachment permit and grading permit may be issued with the approval of the City Engineer. The Encroachment Permit and Grading Permits are issued at the Engineering Division at 339 Fifth Street. An improvement plan may be required depending on the nature of the improvements. For more information, please contact the Engineering Division at (831) 636-4340.
62. The applicant shall use drought resistant plant materials and water conserving irrigation devices. All landscaping and irrigation shall be installed prior to final of the building permit.
63. The developer/owner shall install an external (located outside of the building) grease interceptor with a minimum capacity as determined by the City Engineer. The proposed location of the grease inceptor shall be approved by the City Engineer; it shall not be located within any parking stalls or ADA complaint pathways. In addition, the interceptor shall be in a location acceptable to the Utility Division to allow the easy access for inspections and regular tank maintenance. Under-the-sink grease interceptors are not acceptable and shall not be installed in any buildings or facilities within the project sites.

64. The new external grease interceptor shall need conform to industry standards under the UPC (Uniformed Plumbing Code) for design, configuration and interior components. The design shall also include 24" manholes over each standpipe as well as a sampling box for effluent. All buildings shall be connected to the grease interceptor via the project's internal sanitation collection system. The owner/operator shall submit all drawings and plans indicating the location, configuration and dimensions of the grease interceptor to the Utility Division for final approval prior to installation of the unit. No alterations, redesigns, modifications or other changes shall be made to the grease interceptor once the Utility Division has reviewed the plans and inspected and approved the final installation.
65. The owner/operator shall regularly and periodically remove the accumulated grease, oils and other materials from the grease interceptor to insure no City-owned downstream sanitary sewers are affected adversely. Tank cleaning records shall be maintained by the owner/operator for not less than the past eighteen (18) months and shall be made available to Utility Division personnel upon request for compliance inspections.
66. All overhead power poles for overhead head utilities on the property shall be brought into substantial conformance with 2019 California Building and CalGreen Codes. Per the City of Hollister Police Department, the overhead light on the north east corner of the property shall be position in such a way that the northeast corner section of the property and train track area shall be illuminated.
67. Grading and drainage plan: Prior to any site development or grading, the applicant shall submit for review and approval by the Engineering Department a grading plan that complies with Chapter 15.14 *Grading and Best Management Practice Control* of the Hollister Municipal Code.
68. Prior to grading permit, the applicant shall prepare and submit a proposal to the Engineering Department for review and approval which indicates how the project will be maintained for dust control. For more information, please contact the Engineering Department at (831) 636-4340.
69. Final Occupancy Inspection: A final occupancy shall not be granted for the building unless the Building Inspector can verify the following:
 - a. The water conditioning system that has been installed is a City-approve system that can be regenerated offsite and will not discharge water or waste products into the City's sewage system.
 - b. Prior to final occupancy of the building, the applicant shall install new Radio Read Meters. For details, contact the Lead Water Operator with the Utilities Division of the Community Services Department at (831) 636-4377.
 - c. The landscaping has been installed in compliance with condition 13, Water Efficient Landscape.
 - d. Runoff from roof gutters shall be directed to landscape swales, rain gardens and shall not be piped directly to gutters or non-permeable paving.

- e. On the date of the final inspection, or the date the certificate of occupancy I issued for the project, whichever occurs first, the owner must pay all development impact fees due to the City and County. The development impact fees shall be based on those in effect at the time of connection.

70. School Fee. Unless otherwise required by law, all school impact fees shall be paid at the time of building permit issuance.

FIRE DEPARTMENT

- 71. Prior to final occupancy, the applicant shall install a knox key box on the outside of the building per the Fire Department regulations. For more information, please contact the City Fire Marshall at the Fire Department (831) 636-4325.
- 72. Fire Hydrants: Prior to final map submittal, please coordinate with the City Engineer at (831) 636-4340 and the City Fire Chief at (831) 636-4325 for the placement of fire hydrants.
- 73. Fire hydrants shall be Clow 865 units only with either Clow CW50 or equivalent Longbeach breakaway spool/risers and shut off valves.
- 74. The applicant shall place a three valve cluster connection with installation of each new fire hydrant and lateral. The City Engineer may waive this requirement if an existing shut-off valve exists within the proximity of the new hydrant.
- 75. The applicant shall install and maintain operational fire extinguishers to be located throughout the building at all times if the Fire Department deems necessary per Title 19 CCR.
- 76. Prior to the issuance of a building permit, the applicant shall submit a fire suppression and CO2 Monitoring System plan and obtain approval for this plan from the Fire Department.
- 77. Prior to final occupancy, an operating fire alarm system shall be installed. The fire alarm system shall be inspected and approved by the Fire Department.
- 78. The applicant shall place illuminated interior exit signs to include battery backup systems.
- 79. Prior to occupancy, the applicant shall submit and obtain approval of a Hazardous Materials Management Plan (HMMP) from the San Benito County Environmental Health Department. Contact the Environmental Health Officer at the San Benito County Environmental Health Department at (831) 636-4035 and the Fire Marshall at the Fire Department (831) 636-4325.

POLICE DEPARTMENT

80. Prior to final occupancy, the applicant shall provide evening lighting which is unobtrusive for neighboring parcels on the project site. All light sources should be fully shielded from off-site view. All lights are to be downcast except where it can be proved to not adversely affect other parcels.
81. Prior to final occupancy, the applicant shall provide three security contact persons to the City Police Department. Please provide this to the Community Services Officer at (831) 636-4330.
82. The applicant shall maintain the facility clean and graffiti free. All graffiti must be removed or painted over within 48 hours of it appearing. According to the City of Hollister Municipal Code Chapter 8.32.060 *Prohibited Activities and Unlawful Conditions* Section 15, Graffiti is considered a Public Nuisance and is a violation of the City codes.

SPECIAL CONDITIONS

83. Safe Path of Travel/Construction Fencing: The developer shall erect a 6' high chain-link fence around the entire perimeter of the development with a gate opening for construction entrance. The chain-link fence shall remain in place during the entire construction duration, or as directed by the City Engineer. Improvements plans submitted to the City of Hollister shall provide the location of any proposed fence and shall define a safe path of travel location on the plans. The developer shall submit a pedestrian traffic control plan for review and approval by the City Engineer prior to any construction of the site.
84. Prior to the issuance of a building permit, the applicant shall submit a site detail of the outdoor seating area illustrating the type barriers that will be used to stop wayward vehicles and prevent them from driving into the proposed dining area for the review and approval of the Planning Division and Police Department. Barriers affixed to the sidewalk shall be installed in accordance with and approved by the Public Works Inspector or designee.
85. AutoCAD and GIS: An electronic copy of the approved design improvements shall be submitted to the Development Services Department in both AutoCAD and GIS format, prior to issuance of a building permit, as applicable.
86. Notice of Exemption. Within five days of project approval, the applicant shall supply a check payable to the "San Benito County Clerk" to the Development Services Department for filing of the Notice of Exemption required by CEQA. This fee is the administrative filing fee with the County Recorder's Office.
87. The applicant shall provide a minimum of 2 ADA compliant parking spaces with accessible loading aisle(s).

88. All conditions of approval in the resolution approving Conditional Use Permit 2021-3 shall apply to this resolution.

PASSED AND ADOPTED at the regular meeting of the City of Hollister Planning Commission held on this 25th day of March 2021, by the following vote:

AYES: Stephens, Muenzer, Mora, Fernandez, Huboi
NOES: None
ABSTAIN: None
ABSENT: None



Chairman of the Planning Commission
of the City of Hollister

ATTEST:



M. Abraham Prado, Secretary

Please Note

It is the sole responsibility of the project applicant to comply with the conditions as approved, modified or added by the Planning Commission. It is recommended that the applicant review these conditions carefully and if any questions arise as to compliance with the conditions, please do not hesitate to contact the staff planner. Also, if you do not agree with the proposed conditions, you have an opportunity to present your case to the Planning Commission at their meeting. In addition, the City provides for a 15-day appeal period.

PLANNING COMMISSION RESOLUTION NO. 2021-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HOLLISTER APPROVING CONDITIONAL USE PERMIT 2021-3 TO ALLOW FOR A VARIATION IN THE MINIMUM PARKING REQUIREMENTS IN CONJUNCTION WITH SITE AND ARCHITECTURAL REVIEW 2020-1 TO CONSTRUCT A NEW 1,997 SF DRIVE-THROUGH RESTAURANT BUILDING WITH AN OUTDOOR DINING AREA ON A 0.84-ACRE (36,667 SF) LOT IN THE NORTH GATEWAY (NG) ZONING DISTRICT AT 40 SAN FELIPE ROAD (VMI ARCHITECTURE) APN 053-370-032

WHEREAS, under the provisions of Section 17.24.200 of the Hollister Municipal Code, the Planning Commission is charged with receiving, investigating, and taking action on Conditional Use Permit applications; and,

WHEREAS, VMI Architecture (“the applicant”) submitted an application, Site & Architectural Review 2020-1, for the construction of a new 1,997 SF drive-through restaurant building with an outdoor dining area on a 0.84-acre (36,667 SF) site in the North Gateway (NG) Zoning District located at 40 San Felipe Road (APN: 053-3700-032); and,

WHEREAS, the applicant also submitted an application for Conditional Use Permit 2021-3 to allow for a variation in the minimum parking requirements for the project; and,

WHEREAS, the findings have been made to demonstrate that the provided parking will be satisfactory to the use proposed; and,

WHEREAS, the City Planning Division received the applicant’s plans and forwarded the request to the Development Review Committee to assess the proposal for compliance with all relevant regulations; and,

WHEREAS, the Development Review Committee considerations were presented to the Planning Commission as part of the City staff report; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on March 25, 2021 to consider the applicant’s request, review the City staff report, and receive written and oral testimony for and against the proposal; and,

WHEREAS, after closing the public hearing, the Planning Commission deliberated and determined to grant the applicant’s request in accordance with Section 17.24.200 of the City of Hollister Municipal Code, and based on the facts as presented, and the code requirements as plainly stated; and,

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Hollister does hereby approve Conditional Use Permit 2021-3 subject to the following findings and conditions:

CEQA FINDINGS:

1. **Finding:** The project is exempt from CEQA per Section 15302 *Replacement or Reconstruction*; the project consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The Section 15302(b) (Replacement or Reconstruction) exemption applies to the replacement of a commercial structure with a new structure of substantially the same size, purpose and capacity. The project proposes to demolish that existing 2,851 SF drive-through restaurant building and reconstruct a new 1,997 SF drive-through restaurant with an outdoor dining area within the former building's existing foot print.

CONDITIONAL USE PERMIT FINDINGS:

1. **Finding:** The reduction of parking is necessary for the efficient operation of the subject use and will not result in a parking deficiency.

Evidence: The applicant is proposing 20 parking spaces, which is 5 short of the required number of spaces as indicated by Table 17.18-1 of Hollister Municipal Code Section 17.18.060. Pursuant to this section of the Municipal Code, fast food (counter services) the project is required to provide the greater of the following two requirements: five spaces plus one space for every three seats in the dining area; or, five spaces plus one space for each 100 square feet of gross floor area. Based upon these requirements, the applicant is required to provide a minimum of 25 parking spaces.

The applicant has requested conditional use permit approval to allow for a reduction in the required parking spaces from 25 to 20 spaces. City staff has requested that the Commission consider reducing the parking spaces to 18 required spaces to eliminate two additional parallel spaces along the drive aisle. Based upon the provided vehicle counts taken from the restaurant in operation, and evidence regarding the stormwater requirements and reduction of hardscape, the Planning Commission has determined that 25 spaces are in excess of what is needed. The Planning Commission finds that 18 parking spaces will satisfy the minimum parking requirement for this project.

2. **Finding:** The proposed use is conditionally allowed within the subject zoning district and compiles with all of the applicable provisions of this Zoning Ordinance.

Evidence: Per Table 17.08-1 Commercial and Mixed Use Zones and Permit Requirements of the Hollister Municipal Code, the proposed use of a drive-through restaurant is permitted through an Administrative Permit Review and approval by the Development Review Committee for compliance with standards without a public hearing. However, the project applicant is proposing to demolish the existing building and reconstruct a new building in its place. As such the project is considered "new construction" and is subject to the requirements of a Site & Architectural Review which regulates the review and approval of development as to both on-site and off-site improvements and the height, width,

shape, proportions and exterior construction design of the building and other structures to insure architectural compatibility with the surrounding areas and to promote unified and distinct development within areas. This application has been reviewed by the City of Hollister's Development Review Committee for substantial conformance to Section 17.08.040 NG North Gateway District Supplemental Standards and has been conditioned to meet applicable provisions of the Zoning Ordinance as it pertains.

3. **Finding:** The proposed use is consistent with the General Plan

Evidence: The 2005-2023 City of Hollister General Plan designates the subject property North Gateway Commercial, and the zoning district is North Gateway (NG). Per Table 17.08-1 Commercial and Mixed Use Zones and Permit Requirements, the proposed use of drive-through restaurant is permitted through the approval of an Administrative Permit Review within the North Gateway. The proposed use is consistent with the General Plan.

4. **Finding:** The approval of the Conditional Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA).

Evidence: Under the provisions of Section 15302(b) of the State Guidelines for Implementation of the California Environmental Quality Act, this project is found to be exempt from the review requirements. The Section 15302(b) (Replacement or Reconstruction) exemption applies to the replacement of a commercial structure with a new structure of substantially the same size, purpose and capacity. The project proposes to demolish that existing 2,851 SF drive-through restaurant building and reconstruct a new 1,997 SF drive-through restaurant with an outdoor dining area within the former building's existing foot print.

5. **Finding:** The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

Evidence: The project is compatible with existing and future lands uses in the vicinity in that the project site is located within the North Gateway Commercial land use designation, which provides for a setting for commercial retail and service oriented businesses along the north entrance of Hollister along the Highway 25 and San Felipe Road corridor. The drive-through restaurant proposes to operate seven days a week, between the hours of 7 AM to 2 AM and has similar operating characteristics of other nearby restaurants businesses.

6. **Finding:** The proposed use would not impair the architectural integrity and character of the zoning district in it is to be located.

Evidence: The project proposes to demolish the existing building and reconstruct a new, modern style building in its place. The design does not impair the architectural integrity and character of the zoning district in which it is located. The renovation of this building

will not only serve the applicant's needs, but will also contribute the overall architectural aesthetic on the San Felipe Rd. corridor.

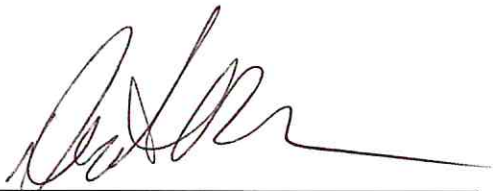
CONDITIONS OF APPROVAL

PLANNING & BUILDING

1. This approval is for Conditional Use Permit 2021-3 for the reduction of parking spaces for the new 1,977 SF drive-through restaurant building with an outdoor area on a 0.84-acre (36,667 SF) lot as represented in the plans received March 17, 2021 and prepared by VMI Architecture. This approval is in conjunction with Site & Architectural Review 2020-1. The approved plan set shall strictly adhere to the approved set of plans unless prior approval is granted by the City Development Services Director for changes. This approval expires March 25, 2023 unless the City grants an extension. Any request for extension must be submitted 30-days prior to the date of expiration.
2. The applicant shall defend, indemnify and hold harmless the City of Hollister, any agent, officer or employee of the City, and any advisory board of the City, against any claim, suit, action, judgement, costs and attorney's fees arising out this approval or any assertions that this approval, including the environmental determination made herein, is invalid, illegal, unconstitutional or otherwise contrary to law. The City shall promptly notify the applicant of any claim against the City and shall cooperate fully in the defense.
3. A building permit shall be not issued during the 15-day appeal period. In the case of an appeal being filed, no building permit shall be issued until the appeal is settled by the City Council.
4. All conditions of approval in the resolution approving Site & Architectural Review 2020-1 shall apply to this resolution.

PASSED AND ADOPTED at a regular meeting of the City of Hollister Planning Commission held on this 25th day of March, by the following vote:

AYES: Stephens, Muenzer, Mora, Fernandez, Huboi
NOES: None
ABSTAIN: None
ABSENT: None


Chairman of the Planning Commission
of the City of Hollister

ATTEST:



M. Abraham Prado, Secretary

Please Note

It is the sole responsibility of the project applicant to comply with the conditions as approved, modified or added by the Planning Commission. It is recommended that the applicant review these conditions carefully and if any questions arise as to compliance with the conditions, please do not hesitate to contact the staff planner. Also, if you do not agree with the proposed condition, you have an opportunity to present your case to the Planning Commission at their meeting. In addition, the City provides for a 15-day appeal period.

