

**ITEM 6.2: Conditional Use Permit Modification – 111 S Harding Boulevard – DH CSP PCL DH-47 – Starbucks CUPMOD – File #PL23-0297**

**REQUEST**

The project is a request for a Conditional Use Permit Modification to modify the operational conditions of the approved Starbucks Drive-Through (File #PL23-0055). The modifications include changes to the business hours of operation to 4:00 a.m. - 12:00 a.m. daily.

Applicant – Noelia Santiago, Valerio Architects  
Property Owner – Rosa Holdings, LLC

**SUMMARY RECOMMENDATION**

The Planning Division recommends the Planning Commission take the following actions:

1. Adopt the two (2) findings of fact and approve the Conditional Use Permit Modification subject to four (4) conditions of approval.

**SUMMARY OF OUTSTANDING ISSUES**

There are no outstanding issues associated with this request. The applicant has reviewed and is in agreement with all recommended conditions of approval.

**BACKGROUND**

The project site is located on Parcel DH-47 in the Douglas-Harding Corridor Specific Plan (DH CSP). The site is bordered by South Harding Boulevard to the north, existing commercial parcels to the east and west, and residentially zoned parcels to the south (see Figure 1). The site has a zoning designation of General Commercial/Special Area – Douglas-Harding Corridor Specific Plan (GC/SA-DH) and a land use designation of Community Commercial (CC).

In 1998, the Planning Commission approved a request for a Design Review Permit (DRP) for the demolition of an existing Burger King, that was constructed in 1979, and allow the construction of a new Burger King restaurant with an indoor play area and associated site improvements (File #DRP 98-34). As part of this project, a masonry wall was constructed along the southern property line of the former Burger King site.



On August 24, 2023, the Planning Commission approved a Conditional Use Permit (CUP) and DRP Modification to allow a portion of the existing fast-food drive-through establishment to be demolished and modified and to reconfigure the drive-through lane. The modifications included removal of the indoor play area and changes to the existing building layout and design, expansion of the existing single drive-through lane into a dual drive-through lane, and landscaping and lighting improvements to the site.

## **PROJECT DESCRIPTION**

At the time of the CUP and DRP Modification the applicant had agreed to a condition of approval limiting the hours of operation from 7:00 a.m. to 10:00 p.m. daily. However, due to the site's location and proximity to the Interstate 80, Starbucks is now requesting to amend their original hours of operation to 4:00 a.m. - 12:00 a.m. daily. The new hours of operation will allow Starbucks to expand their service for customers who are utilizing Interstate 80 throughout the day.

## **EVALUATION – CONDITIONAL USE PERMIT MODIFICATION**

Section 19.78.060(J) of the City of Roseville Zoning Ordinance requires that two findings be made in order to approve a Modification for the Conditional Use Permit. The two findings are listed below in *italicized, bold print* and are followed by an evaluation of the proposal in relation to each finding.

### ***1. The proposed modification is substantially consistent with the intent of the original approval.***

As previously mentioned, the original CUP included a Condition of Approval limiting the hours of operation from 7:00 a.m. to 10:00 p.m. daily. The applicant is now requesting to modify the business hours of operation from 4:00 a.m. to 12:00 a.m. daily, in order to serve customers traveling on Interstate 80 and other high-volume roadways (i.e., Douglas Bl.) in the vicinity. No modifications to the site layout or building design are proposed with this CUP Modification. The operation of the business is discussed in more detail below. The proposed change in hours of operation is substantially consistent with the intent of the original CUP.

### ***2. The modification complies with all applicable standards and requirements of this title, with the applicable goals, policies and objectives set forth in the General Plan, the applicable Community Design Guidelines and the applicable specific plan.***

As part of staff's evaluation of the proposed modification, a noise study was prepared by 45dB Acoustics LLC (see Attachment 1). The study was completed due to the drive-through's proximity to sensitive receptors (i.e., single family homes to the south). The study evaluated the proposed site plan, traffic counts, the restaurant equipment (i.e., menu board & HVAC), hours of operation, and existing sound wall as inputs for the SoundPlan noise model. The study also used the ambient noise levels from surrounding roadways, including noise levels from Interstate 80 and Douglas Boulevard in the project noise model.

The study found the existing ambient sound levels to be between 56-61 dBA during daytime hours and 54 – 60 dBA during nighttime hours, see Figure 2 below. The five (5) receiver locations denoted in Figure 2 are located along the southern property line and are identified on Figures 8 and 9 in the attached noise study. For those sensitive receptors along the southern property line, the project is expected to increase noise levels up to 0.5 dB, which is imperceptible to the human ear and within the City's acceptable General Plan Noise standards. This small incremental noise increase is considered negligible and would have no impact on the residences to the south. Overall, the study found that no mitigation would be required for the project due to its location and current ambient noise levels from nearby high traffic roadways (Interstate 80 and Douglas Bl.).

**Figure 2: Daytime and Nighttime Hourly Levels at Selected Receiver Locations along Residential Property Line**

Receiver Location	Existing Ambient		Municipal Code Limit*		With Project		Change with Project	
	Daytime	Nighttime	Daytime	Nighttime	Daytime	Nighttime	Daytime	Nighttime
	Leq,d (dBA)	Leq,n (dBA)	Leq,d (dBA)	Leq,n (dBA)	Leq,d (dBA)	Leq,n (dBA)	Leq,d (dBA)	Leq,n (dBA)
PL-1	58	55	61	58	59	55	0.4	0.5
PL-2	56	54	59	57	56	54	0.3	0.2
PL-3	61	60	64	63	61	60	0.1	0.1
PL-4	61	60	64	63	61	60	0.2	0.1
PL-5	61	60	64	63	61	60	0.1	0.1

\* Daytime hourly 45 dBA and nighttime hourly 40 dBA, or Ambient + 3 dB, whichever is greater

**PUBLIC OUTREACH**

The proposed project was distributed to all internal and external agencies and departments who have requested such notice, and all comments or recommended conditions of approval have been incorporated into the project, as appropriate. Early notification of the project was posted on the Roseville Coalition of Neighborhood Associations (RCONA)’s website. A notice of the public hearing was published in the Roseville Press Tribune on October 12, 2023, and a notice of the hearing was also distributed to all property owners within 300 feet of the site and posted on the RCONA website. To date, no comments have been received.

**ENVIRONMENTAL DETERMINATION**

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, which includes minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. The project includes a minor modification to the hours of operation of the conditionally permitted use and no changes to the land use or density are proposed; therefore, the project is exempt.

**RECOMMENDATION**

The Planning Division recommends the Planning Commission take the following actions:

1. Adopt the two (2) findings of fact and approve the **CONDITIONAL USE PERMIT MODIFICATION – 111 S. HARDING BOULEVARD – DHCSP PCL DH-47 – STARBUCKS CUPMOD – FILE #PL23-0297** subject to four (4) conditions of approval.

**CONDITIONS OF APPROVAL FOR THE CONDITIONAL USE PERMIT MODIFICATION, FILE #23-0297**

1. This Conditional Use Permit modification approval shall be effectuated within a period of two (2) years from **October 26, 2023** and if not effectuated shall expire on **October 26, 2025**. Prior to said expiration date, the applicant may apply for an extension of time, provided this approval does not extend the expiration beyond **October 26, 2026**. (Planning)

2. The project is approved as identified and shown in Exhibits A, and as conditioned or modified below. Any modifications to the operations shall require approval of a Conditional Use Permit Modification. (Planning)
3. The drive-through hours of operation shall be limited to 4:00 a.m. to 12:00 a.m. daily. (Planning)
4. Operations shall be consistent with the City's Noise Regulation standards (Roseville Municipal Code Chapter 9.24). (Planning)

### **ATTACHMENTS**

1. Noise Study

**Note to Applicant and/or Developer:** Please contact Planning Division staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Manager at, or prior to, the public hearing.