

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING A USE PERMIT TO DEVELOP A NEW DRIVE-THROUGH RESTAURANT LOCATED AT 3575 STEVENS CREEK BOULEVARD, SANTA CLARA, CALIFORNIA

PLN22-00428 (Use Permit)

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on October 5, 2022, Frank Coda (“Applicant”) submitted an application, on behalf of PFLP, LLC (“Property Owner”), for a Use Permit to demolish an existing two-story commercial building and construct a new 2,200 square feet drive-through restaurant with outdoor seating and surface parking lot. (“Project”) on the property located at 3575 Stevens Creek Boulevard (“Project Site”);

WHEREAS, the Project Site is currently zoned C-R – Commercial Regional and has the General Plan land use designation of Regional Commercial;

WHEREAS, the Project is Categorically Exempt from formal environmental review per Section 15303(c) (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 *et seq.*, which exempts restaurants not utilizing hazardous substances that do not exceed 2500 square feet in floor area, and the proposed restaurant would be 2200 square feet and not utilize hazardous materials;

WHEREAS, on October 24, 2024 the notice of public hearing for the November 6, 2024 Planning Commission meeting for this item was mailed to property owners within a 500-foot radius of the project boundaries;

WHEREAS, on October 24, 2024, the notice of public hearing for the November 6, 2024 Planning Commission meeting for this item was posted at City Hall, the Central Park Library, the Mission Branch Library, and the Northside Branch Library; and

WHEREAS, on November 6, 2024, the Planning Commission conducted a duly noticed public hearing to consider the Project and all pertinent information in the record during which the Planning Commission invited and considered any and all verbal and written testimony and evidence offered in favor of and in opposition to the Project.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. That the Planning Commission hereby approves the Use Permit to demolish an existing two-story commercial building and construct a new 2,200 square feet drive-through restaurant with outdoor seating and surface parking lot located at 3575 Stevens Creek Boulevard, subject to the Conditions of Approval, attached hereto and incorporated herein by this reference.

3. That the Planning Commission hereby finds as follows:

A. The establishment or operation of the use of building applied for, under the circumstances of the particular case, is essential or desirable to the public convenience or welfare, in that the proposed use would provide convenience to restaurant guests, further enhance a quality commercial use, meet the needs of local customers, and draw patrons from the local area.

B. Said use will not be detrimental to any of the following:

1. The health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, in that the drive-through is designed with a single-car driveway entrance for the drive-through to minimize impacts to the pedestrian path along Harold Avenue; the project will construct a new eight feet wall abutting residential property to reduce potential noise impacts; the outdoor seating fronts Stevens Creek to reduce outdoor noise; the hours of operation for the drive-through restaurant are limited to 5:00 A.M. to 10:00 P.M. daily; and the project site provides sufficient parking to service the proposed use.

2. Property or improvements in the neighborhood of such property use, in that the project proposes on- and off-site improvements including landscape and ADA accessibilities.

3. The general welfare of the City, in that the proposed project will provide a mix of retail and commercial uses to meet the needs of local customers and draw patrons from local area.

C. That said use will not impair the integrity and character of the zoning district, in that the proposal is designed in a manner to be consistent with adjacent commercial use with adequate parking and properly designed ingress and egress points. The design of the wall and ordering menu is sensitive to the residential neighbor to the northeast of the project site.

D. That said use is keeping with the purposes and intent of the Zoning Code, in that the drive-through facility may be conditionally permitted when such use would not be objectionable or detrimental to the adjacent properties and consistent with the General Plan land use of Regional Commercial.

5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 6th DAY OF NOVEMBER, 2024, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____
REENA BRILLIOT
ACTING DIRECTOR OF COMMUNITY DEVELOPMENT
DEPARTMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Development Plans
2. Conditions of Approval