

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA APPROVING
AMENDMENT OF A CONDITIONAL USE PERMIT TO ALLOW
SECOND DRIVE-THROUGH LANE FOR RESTAURANT AT
3509 HOMESTEAD ROAD, SANTA CLARA, CALIFORNIA**

PLN2018-13252 (Use Permit)

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

WHEREAS, on May 9, 2018, Reece Miller, Stantec Architecture Inc. (“Applicant”) applied to amend the Use Permit (U.1838) to reconfigure existing single drive-through lane to accommodate a dual lane ordering program, and to upgrade the exterior façade, landscaping, signage, and ADA upgrades for an existing restaurant, located at 3509 Homestead Road (“Site Location”);

WHEREAS, the Site Location is currently zoned Community Commercial (CC) and has the General Plan land use designation of Neighborhood Mixed Use;

WHEREAS, in order to allow a second drive-through lane for the existing restaurant requires an amendment to the Use Permit, as shown on the Development Plans;

WHEREAS, the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 et seq., requires a public agency to evaluate the environmental impacts of a proposed project. The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301, Class 1 existing facilities, in that the proposed use will occur at an existing location involving negligible or no expansion of an existing use;

WHEREAS, pursuant to Santa Clara City Code (SCCC) section 18.36.040 a drive-through service facility may be established only by first securing a use permit in the Community Commercial (CC) Zoning District by the Planning Commission;

WHEREAS, pursuant to SCCC Section 18.110.040, the Planning Commission cannot grant a Use Permit without first making specific findings related to the effect of the project on health,

safety, peace, comfort, and general welfare, based upon substantial evidence in the record;
WHEREAS, the Use Permit process enables a municipality to exercise control over the extent of certain uses, which, although desirable in limited numbers and specific locations, could have a detrimental effect on the community in specific instances;

WHEREAS, on November 30, 2018, the notice of public hearing for the December 12, 2018 meeting date for this item was posted in three conspicuous locations within 300 feet of the Site Location and mailed to all property owners located within 300 feet of the Site Location; and

WHEREAS, on December 12, 2018, the Planning Commission conducted a public hearing, at which all interested persons were given an opportunity to present evidence and give testimony, both in support of and in opposition to the proposed Use Permit.

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 the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the Planning Commission hereby finds that approving the requested amendment of a conditional use permit to allow a second drive-through lane for an existing restaurant on a property zoned Community Commercial (CC) is compatible with the Project Site's current land use designation (General Plan and Zoning).
3. That the Planning Commission hereby finds as follows:
 - A. The establishment or operation of the use or building applied for, under the circumstances of the particular case, are essential or desirable to the public convenience or welfare in that the proposed second drive-through lane would provide convenience to restaurant guests, meets the needs of local customers and residents;
 - 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 has previously existing in its current configurations since the 1990's at this location;

2) The property or improvements in the neighborhood of such proposed use, in that the project proposes on-site and off-site improvements including landscape, lighting and ADA accessibilities;

3) The general welfare of the City, in that the proposed use expands the options, and increase queuing capacity for the local customers and patrons;

C. That said use will not impair the integrity and character of the zoning district, in that the proposal is designed and conditioned in a manner to be compatible with adjacent commercial and residential development, on a developed commercial parcel, with adequate parking, and properly designed ingress and egress points; and,

D. That said use is in keeping with the purposes and intent of the Zoning Code, in that the drive-through facility may be conditionally permitted with such use would not be objectionable or detrimental to the adjacent properties in this Community Commercial zoning district.

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4. That the Planning Commission hereby approves this Amendment (PLN2018-132552) of conditional Use Permit U.1838 to allow a second drive-through lane for an existing restaurant, located at 3509 Homestead Road, subject to the Conditions of Approval, attached hereto and incorporated herein by reference.

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 ____ DAY OF _____, 2018, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____
ANDREW CRABTREE
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Conditions of Approval
2. Development Plans

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