



## Agenda Report

18-1537

Agenda Date: 12/12/2018

### REPORT TO PLANNING COMMISSION

#### **SUBJECT**

Action on Use Permit to allow a second drive-through lane for an existing fast food restaurant at 3509 Homestead Road.

#### **BACKGROUND**

The applicant is proposing to remodel both the exterior and interior of an existing fast food restaurant (McDonald's). The exterior remodel will provide a new storefront design consistent with other McDonald's remodel proposals in the City. The proposal includes new canopies, exterior lighting systems and new finish materials and paint. In order to accomplish these improvements, the project proposes to demo the mansard roof and provide site accessibility compliance. The interior improvements include service counter modifications, interior décor updates, new seating layout, lighting, and accessibility compliance.

As part of the proposed remodel, the applicant is requesting an amendment of an existing Use Permit (U.1838) to reconfigure existing single lane drive-through to accommodate a dual lane ordering program. The drive-through lane will be widened to accommodate two ordering kiosks. The drive-through configuration, payment and pick-up windows will be optimized to increase queuing capacity and minimize the spill over into the parking areas.

No code enforcement cases were found to be associated with the restaurant. There were no calls for service from the Police Department that reflect negatively on the establishment or its customers from the drive-through activity. The Police Department noted that, as an on-going problem, neighbors complain about transients living out of their vehicles in the parking lot and noise from transients in their vehicles.

The existing McDonald's restaurant operates under a Use Permit (U.1838) with a single drive-through lane. The current configuration for the restaurant and drive-through was approved on January 24, 1990. The restaurant hours of operations are from 6:30 a.m. to 11:00 p.m. Sunday to Thursday and from 6:30 a.m. to 12 midnight on Fridays and Saturdays. The applicant notes there is no change to the restaurant hours of operations.

#### **DISCUSSION**

The McDonalds Corporation is in the process of re-imagining stores in North America. The applicant states that the proposed redesign of the store is an arcade concept to break up the scale of the building and incorporate a new color palette of earth tones. The proposed exterior wall finish is cement plaster with new canopies above the windows. The mansard roof, eave overhangs, and the brick finish will be removed, and the parapet squared off around the building. The existing Play Place parapet height will remain the same, while the remainder of the building will be raised.

The subject property has a General Plan land use designation of Neighborhood Mixed Use. This designation is intended for pedestrian-oriented development and focus on ground-level neighborhood-serving retail. Auto-oriented uses are generally not appropriate in the Neighborhood Mixed Use designation. As this is not a demolition and redevelopment of the site, Planning staff is supportive of the operational request to add the second drive-through lane since it is being proposed with several site and building upgrades. In addition, the drive through lane addition is not viewable from Homestead Road as it widens only the entrance to the drive through lane, which is located at the back of the site. The applicant, working with staff, has added additional site amenities including outdoor seating, bike racks and lockers, and an ADA pathway at the front of the restaurant to soften the interface with Homestead Road. These on-site and off-site improvements further the vision of the General Plan's goals and policies. The applicant states that by increasing the efficiency of the drive-through, the maximum queue length and time spent in queue will be decreased, which should eliminate any spillage of vehicles past the driveway lane.

Pursuant to the Santa Clara City Code (SCCC) section 18.36.040, a drive-through service facility may be established only by first securing a use permit. The existing restaurant operates a drive-through under a Use Permit (U.1838). The proposal amends the existing use permit to allow a second drive-through lane.

In review of the existing Use Permit, the Planning Division finds that the existing business is in compliance with the existing conditions of approval. Specifically, the mature trees towards the back of the property have been maintained and will not be impacted by the new curb for the drive-through. There are no changes proposed to the driveway entrances and parking other than to bring them into compliance with ADA accessibility requirements.

In addition to the request to expand the drive-through, the applicant is proposing to upgrade the exterior façade and other site upgrades, such as landscaping, signage and ADA upgrades. These improvements conform to the development standards for the Community Commercial Zoning District.

The applicant has provided a Project Narrative and Compliance Statement. To address the Police Department's concerns about transient activity previously on the site, the applicant will be providing new site lighting to optimize lighting levels and minimize spillage on the residents to the north. The new site lighting will be added as to the condition of approval. Improvements to the lighting and landscaping were recommended by the Police Department to address the nuisance and other security issues identified.

### **ENVIRONMENTAL REVIEW**

The proposal to allow a second drive-through lane for an existing fast food restaurant is Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15301, Class 1 Existing Facilities, in that the proposed tenant improvements and use will make use of an existing developed restaurant with a drive-through, and the minor addition to the building floor area is to accommodate a payment booth window expansion.

### **FISCAL IMPACT**

There is no impact to the City for processing the requested application other than administrative staff time and expense typically covered by processing fees paid by applicant.

**COORDINATION**

This report has been coordinated with the City Attorney's Office.

**PUBLIC CONTACT**

On November 30, 2018, the notice of public hearing for this item was posted within 300 feet of the site and was mailed to property owners within 300 feet of the project site. At the time of preparation of this staff report no comments related to the proposal were received from the public.

**RECOMMENDATION**

Adopt a Resolution approving amendment of the Use Permit (U.1838) to allow a second drive-through lane and site and building upgrades for an existing fast food restaurant at 3509 Homestead Road, subject to conditions of approval.

Prepared by: Yen Han Chen, Associate Planner

Reviewed by: Diana Fazely, Deputy City Attorney

Approved by: Reena Brilliot, Planning Manager

**ATTACHMENTS**

1. Resolution Approving the Amendment of Use Permit
2. Project Data
3. Applicant's Project Narrative
4. Applicant's Compliance Statement
5. Use Permit (U.1838)
6. Conditions of Approval
7. Development Plans