



MILPITAS PLANNING COMMISSION STAFF REPORT

March 26, 2014

APPLICATION: **STARBUCKS WITH DRIVE-THROUGH** - 1333 S. Park Victoria - UP14-0001 and MS14-0002 - A request by Starbucks Corporation for a Conditional Use Permit and Minor Site Development Permit to convert a former Wienerschnitzel restaurant into a Starbucks with drive-through and outdoor patio.

RECOMMENDATION: **Staff recommends that the Planning Commission:**
Adopt Resolution No. 14-014 approving Conditional Use Permit No. UP14-0001 and Minor Site Development Permit No. MS14-0002 for a restaurant conversion into a Starbucks with drive-through, outdoor patio based on findings and subject to the conditions of approval.

LOCATION:

Address/APN: 1333 South Park Victoria (APN: 88-36-040)
Area of City: Parktown Area

PEOPLE:

Project Applicant: Lisa Sunderland for SCM Solutions, LLC on behalf of Starbucks Corporation
Consultant(s): Stering Design Associates, LLC Civil Engineers-Landscape Architects, and RSC Engineering
Property/Business Owner: Dennis Zisfain for RTD Investment Company
Project Planner: Marge Sung, Assistant Planner

LAND USE:

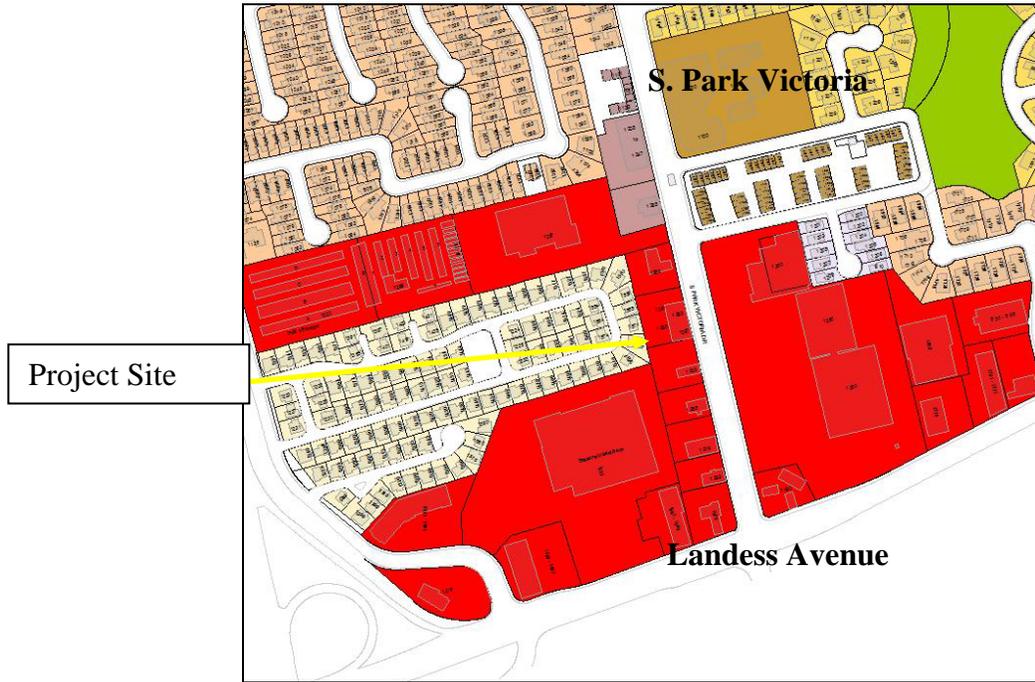
General Plan Designation: General Commercial (GNC)
Zoning District: General Commercial District (C2)
Overlay District: Site and Architectural Overlay (-S)

ENVIRONMENTAL: Categorically Exempt from further environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

EXECUTIVE SUMMARY

Starbucks Corporation (“Starbucks”) is requesting a Conditional Use Permit and Minor Site Development Permit to convert a former Wienerschnitzel restaurant into a Starbucks with drive-through, outdoor patio with outdoor seating, new landscaping, minor site improvements and a new menu board sign replacement for drive-through.

Map 1
Project Zoning



Map 2
Project Site



Additional Pictures

Location for
the new
outdoor patio
with 18
outdoor seats



Drive-through



BACKGROUND

History

On August 21, 1975, the Planning Commission approved site and architectural design for a Wienerschnitzel restaurant and subsequent amendments throughout the years for changes to architecture, landscaping, and lighting. On May 12, 1999, the Planning Commission approved an “S” Zone Amendment to allow installation of four new light fixtures to replace the existing parking lot lights. The conditions of approval at that time stated, among other conditions, the following:

- a) No record for a use permit has been found for this restaurant. Thus this restaurant may be operated as a non-conforming use and is subject to Section 56.00 (Non-Confirming Buildings and Uses) of the Milpitas Zoning Ordinance.
- b) Any change in the restaurant’s floor plan, such as an increase in seats (indoor or outdoor) or take-out area, will require a use permit. At such time when a use permit is required, any existing non-conformities will meet current regulations.
- c) Changes in the building’s architecture, including but not limited to new roofing, exterior color changes, building additions, or new exterior materials, will require an “S” Zone Approval Amendment.

Wienerschnitzel has recently closed for business. Starbucks Corporation is proposing to utilize the restaurant space and continue the drive-through service. Operation of the drive-through and tenant and site improvements proposed by Starbucks requires a conditional use permit and a minor site development permit which will supersede all previous approvals.

The Application

The following is a summary of the applicant’s request:

- *Conditional Use Permit:* The non-conforming drive-through service requires a Conditional Use Permit per the Zoning Ordinance Table XI-10-5.02-1 and prior determination of the Planning Commission.
- *Minor Site Development Permit:* Per Section 57.03 of the Milpitas Zoning Ordinance, the proposed patio enclosure with outdoor seating, landscaping, and the drive-through menu board require Planning Commission’s approval through a Minor Site Development.

PROJECT DESCRIPTION

Overview

Starbucks Corporation is proposing to utilize the existing restaurant space and continue the drive-through service. The scope of work within this proposal includes interior remodel and upgrading the restaurant space, exterior improvements, parking lot improvements, a new outdoor enclosed patio to allow 18 outdoor seats, new landscaping, the replacement of the menu board sign for drive-through, and upgrades to the existing trash enclosure. There are 32 indoor seats proposed. Parking is sufficient per Milpitas Zoning Ordinance parking regulations.

The former Wienerschnitzel hours of operation were from 9am to midnight daily. The proposed Starbucks dine-in hours and the drive-through hours are Monday through Saturday from 4:30am to 10:30pm and Sunday from 4:30am to 10:00pm.

Location and Context

The project site is located on South Park Victoria Drive, approximately 400 feet north of Landess Avenue. The site is zoned and designated as General Commercial (C2) and is surrounded by commercial properties and uses to the north, east, south, and southwest. The property to the northwest is residential and zoned R1-3, Single Family Residential Zoning District.

The drive-through service enters from the north driveway and exits to the south driveway. The menu board sign and the speaker are located on the west side of the building, approximately 58 feet to the property line to the west and 110 feet to the residential property line. The outdoor seating area is facing South Park Victoria next to the sidewalk surrounded by landscaped planters.

PROJECT ANALYSIS

General Plan and Zoning Conformance

The General Plan designation of the project site is General Commercial (GNC). The zoning designation is General Commercial with Site and Architectural Overlay (C-2, "S"). The use of the project site is in conformance with City's General Plan and Zoning Ordinance in that the existing restaurant building and use is permitted, and the drive-through service is permitted with a Conditional Use Permit. The exterior improvements with landscaping are permitted with a Minor Site Development Permit.

Site & Architectural Design

The existing site and architecture of the building is outdated and deteriorated. The proposed exterior improvement includes new exterior treatment and painting, new roof, new façade, new accessible patio area, new landscaping, a new gate and upgrades for the existing trash enclosure, and replacement of the menu board for drive-through. The improvement will upgrade the appearance of the existing building and improve the streetscape of the neighborhood.

The building design utilizes the same form and scale of the existing building with significant improvements to the materials, architectural details and craftsmanship. The applicant proposes two new exterior materials for the building. The materials are a combination of locally sourced western cedar wood panels for the upper portions of the building, and drive-through porte cohere. A new stucco base material will be added to lower portions of the building. A new standing seam metal roof will also be installed. As decorative features, new artistically design corten metal screens on the front of the building will provide interest and depth. The applicant also proposes a new steel and wood railing to enclose the outdoor patio. Overall, the upgraded materials and contemporary design provides a significant improvement to the existing structure.

Landscaping & Open Space Design

The landscape plan includes a combination of retaining existing landscaping and new landscaping. The new landscaping provides an upgraded aspect and creates an inviting

atmosphere on the commercial property. New landscaping includes various flowering shrubs, perennials and groundcover. A new planter will be installed in the front of the building on the drive-through side. Ornamental grasses and flowering shrubs are proposed in this planter, as well as a decorative accent tree which will provide shade for the patio. The site frontage includes three existing magnolia street trees which will be retained.

Parking

The proposed indoor seating is 32 and outdoor seating is 18 for a total of 50 seats. The ordering and take out area is approximately 225 square feet. Per the City's Zoning Ordinance for cafes and take out type restaurants, one parking space is required for every for 2.5 seats; and one space per 60 square feet for the ordering area for a take-out restaurant. The project requires 24 total parking spaces and the drive-through requires an additional five spaces for vehicle queuing. The project provides 27 total parking spaces and queuing for five vehicles which complies with the City's requirement.

Access & Circulation

There are two driveways that serve the project site with access from South Park Victoria Drive. The northerly driveway provides both ingress and egress. The southerly driveway provides egress only. The drive-through is accessed from the northerly driveway and exits from the southerly driveway. The width of the two-way driveway is 30 feet, which is able to accommodate the traffic for dine-in parking and drive-through circulation.

FINDINGS FOR APPROVAL

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Conditional Use Permit (Section XI-10-57.04(F))

- 1. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare*

The proposed use will not be detrimental or injurious to property in the vicinity nor to the public health, safety, and general welfare because the project site is zoned General Commercial and the proposed Starbucks with a drive-through is permitted with a Conditional Use Permit. Additionally, the proposed Starbucks is located at a commercial property surrounded by commercial uses. As discussed in detail above, the proposed use is utilizing the existing restaurant and upgrading to meet all current development standards. The proposal will provide a new service to the neighborhood and promote economic opportunity on a site designated for commercial uses.

- 2. The project is consistent with the Milpitas Zoning Ordinance.*

The use is consistent with the Milpitas Zoning Ordinance because a restaurant/sit-down coffee shop is a permitted use under commercial zoning district. The existing non-conforming drive-

through can be operated with a Conditional Use Permit. As discussed in detail above, the proposed use meets all of the current development standards within the Zoning Ordinance including the parking requirement.

3. The proposed use is consistent with the Milpitas General Plan.

The proposed restaurant/sit-down coffee shop is a permitted use on the commercial property under the General Plan. This use promotes and encourages social and economic interests while providing Milpitas residents with enhanced restaurant services, and promotes business within the City. Specifically, the proposed use supports the following General Plan policies:

Policy 2.a-I-3 - Encourage economic pursuits which will strengthen and promote development through stability and balance.

Policy 2.a-I-5 - Maintain policies that promote a strong economy which provides economic opportunities for all Milpitas residents within existing environmental, social fiscal and land use constraints.

Site Development Permit (Section XI-10-57.03(F)(1))

- 1. The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The project is consistent with this finding because the existing condition is deteriorating and the improvement will upgrade the appearance of the existing building and site, and improve the streetscape of the neighborhood. As discussed in detail above, the proposed exterior improvement includes new exterior painting, new roof, new façade, new accessible patio area, new landscaping, a new gate for the existing trash enclosure, and replacement of the menu board for drive-through.

- 2. The project is consistent with the Milpitas Zoning Ordinance.*

The use is consistent with the Milpitas Zoning Ordinance because a restaurant/sit-down coffee shop is a permitted use under commercial zoning district. The existing non-conforming drive-through can be operated with a Conditional Use Permit. As discussed in detail above, the proposed use meets all of the current development standards within the Zoning Ordinance including the parking requirement.

- 3. The project is consistent with the Milpitas General Plan.*

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Policy 2.a-I-5 - Maintain policies that promote a strong economy which provides economic opportunities for all Milpitas residents within existing environmental, social fiscal and land use constraints.

ENVIRONMENTAL REVIEW

The Planning Commission conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is categorically exempt from further CEQA review under Section 15301 of the CEQA Guidelines, Existing Facilities since the use has already been established and the proposed use will not create any significant physical change in the environment.

PUBLIC COMMENT/OUTREACH

Staff provided public notice of the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on March 14, 2014. In addition, 550 notices were sent to owners and occupants within 1,000 feet of the project site. A public notice was also provided on the project site, on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CONCLUSION

Starbucks Corporation is requesting a Conditional Use Permit to legalize the existing non-conforming drive through and Minor Site Development Permit to convert an existing Wienerschnitzel restaurant into a Starbucks café with new outdoor patio and seating, new landscape, a new gate for the existing trash enclosure, and menu board sign replacement for drive-through. The project complies with the development standards of the Zoning Ordinance and is consistent with the General Plan. Therefore, staff recommends the Planning Commission adopts Resolution No. 14-014 approving Conditional Use Permit UP14-0001 and Minor Site Development Permit MS14-0002.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Conduct Public Hearing; and
2. Adopt Resolution No. 14-014 approving Conditional Use Permit No. UP14-0001 and Minor Site Development Permit No. MS14-0002 to allow conversion of existing restaurant to a Starbucks with drive-through, outdoor patio, a new gate for the existing trash enclosure, and new landscape, subject to the conditions of approval.

ATTACHMENTS

A: Resolution 14-014

B: Project Plans