



January 14, 2022

Erin Walters, Associate Planner
Community Development Department
110 East Main Street Los Gatos, CA 95030
Direct: 408-354-6867 Office: 408-354-6872

Re: Variance Application and CUP Modification - McDonald's Drive-Thru Addition – 15475 Los Gatos Blvd.

Written Description of Proposed Work - Revised

An application for a variance from the Town Code and modification to the CUP is being submitted to allow drive-thru use in the existing McDonald's restaurant located at 15475 Los Gatos Blvd. A single drive-thru lane is being proposed with an entrance at the southwest side of the property. New order and pick-up windows will be installed on the eastern side of the building but will not alter the exterior design. The existing ADA parking stalls facing Los Gatos Blvd will be reconfigured to fit the new drive-thru lane. Several parking stalls on the south side of the property will be removed to accommodate the drive-thru, but there are more than enough parking remaining to meet code.

The entrance to the drive-thru will be marked by a gateway sign and clearance bar, see attached specification. There are 2 sets of ordering points laid out in a tandem configuration, one in front of the other. Each order station will have an order canopy with built in speaker box and an outdoor digital menu board, see attached specifications. Pavement markings like arrows and drive-thru signs will help guide the vehicular flow within the property.

Proposed hours of operation of the general business (dining area and drive-thru) is below:

Day	Time
Thursday	6 am - 10 pm
Friday	6 am - 11 pm
Saturday	7 am - 11 pm
Sunday	7 am - 10 pm
Monday	6 am - 10 pm
Tuesday	6 am - 10 pm
Wednesday	6 am - 10 pm



Letter of Justification - Revised

McDonald's is proposing to add drive-thru in this location to meet the increasing demand for drive-thru ordering, most evident during the recent pandemic. Allowing drive-thru use in the restaurant will provide the community the option to order food in a safer and healthier way. The effects of the pandemic to the user's needs and behavior requires a change in the existing built environment. Patrons are demanding contactless ordering to reduce the risk of being infected with Covid-19. The addition of drive-thru will also assist in increasing revenue for the restaurant since the business has been impacted negatively by mandatory closure of the dining room.

The proposed drive-thru use is in the best interest of public convenience, safety and necessity even as the pandemic eases. The drive-thru serves a diverse type of customers in the community with different socio-economic backgrounds. Customer types who benefit from the drive-thru include but are not limited to:

- Members of the community who have limited time to order food inside the restaurant due to specific and varying circumstances related to their jobs, family status or physical condition, among others.
- Residents with children who prefer to order food in the drive-thru because it is quicker than ordering in the restaurant.
- Healthcare professionals who work non-typical hours with early morning or late night shifts.
- Handicap persons who may not want to leave their vehicles due to limitations of their disabilities

The community is supportive of the proposed drive-thru. They are pleased to have an option for a quicker and safer way of ordering food from McDonald's. This input has been provided to restaurant staff and also quantified by petition signatures. There are about 1,000 signatures collected and 700 of those signatures are from Los Gatos Residents. Please refer to the petition signatures attached in this resubmittal.

Findings for Conditional Use Permit

Comment	Response
1. The proposed use is desirable to the public convenience; and	The proposed drive-thru is desirable to the public convenience because it makes ordering food quicker than ordering or dining inside the restaurant. Customers do not have to park their vehicles and walk into the restaurant if they do not intend to dine in.
2. The proposed use would not impair the integrity of the zone; and	The proposed drive-thru will not impair the integrity of the zone which already has other similar types of commercial establishments - restaurant and retail businesses. A drive-thru use is already existing

	and approved for Jack-In-The-Box, which is located in the same zone, CH – Restricted Commercial Highway.
3. The proposed use would not be detrimental to public health, safety, or general welfare; and	The proposed use would not be detrimental to public health, safety, or general welfare because it promotes a healthier, safer and more efficient way of ordering food. Drive-thru allows handicap persons to buy food without leaving their vehicles. Customers do not have to be in an enclosed space with other people while ordering in a drive-thru, reducing the risk of potentially being exposed to viruses like Covid-19 and its variants.
4. The proposed use is in conformance with the Town Code and General Plan.	The proposed use is not in conformance with the Town Code and General Plan therefore a variance is being applied for.

Findings for Granting A Variance

Comment	Response
1. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under identical zone; and	McDonald's property is situated in a commercial zone, specifically within the CH Zone or Restricted Highway Commercial Zone, which is far from residential uses and is surrounded by similar commercial establishments. McDonald's is deprived of privileges that other properties in the same zone are enjoying. McDonald's customers do not have the same access to convenience and safety that Jack-In-The Box offers its customers because the latter has an existing drive-thru. McDonald's is deprived of serving diverse members of the public who would benefit from ordering food from a drive-thru. Some of these people include handicapped persons who may prefer not to leave their vehicles to order food and parents who would rather grab food on the go than dining inside with their children.
2. The granting of a variance would not constitute a grant of special privileges inconsistent with the limitations upon other	Granting of a variance would not constitute a grant of special privileges inconsistent with the limitations upon other business in the same vicinity and zone because Jack-In-The-Box, another restaurant in the same zone (CH-Restricted Commercial Highway) currently has an approved drive-thru.

properties in the vicinity and zone which such property is situated.	
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Response to CDAC Comments

Below are responses to relevant comments/questions provided on the minutes of the CDAC hearing held on December 9, 2020.

Comment	Response
Reduce the volume of the outdoor menu speaker	The volume of the outdoor menu speaker can be manually adjusted to meet required ambient noise levels. The drive-thru intercom system has an adjustable output to accommodate allowable ambient noise levels per the Town's Noise Ordinance and Noise Map, as listed below. Refer to 3M's manufacturer's letter included in this resubmittal. 48 dBA – 6 am to 1 pm 42 dBA – 1 pm to 10 pm 48 dBA – 10 pm to 6 am
Provide screening between business and residential uses to reduce the noise from the outdoor menu speaker.	Landscape screening is proposed to reduce the noise from the outdoor menu speaker. Refer to revised site plan showing additional trees on the existing landscape planters. The site is not adjacent to residences. Refer to attached diagram illustrating adjacent uses and distance to nearest residential uses.
Need more information on how the use affects traffic.	Traffic queueing analysis is attached to provide impacts of the proposed drive-thru to traffic. Per the report, the drive-thru will have the capacity for approximately 8 vehicles, which accommodates the 85th percentile queue length of 7 vehicles, an appropriate queue storage. Due to the large size of the site, any overflow can spill to the drive aisle at the rear of the property. It is

	highly unlikely that the vehicle queue will reach Los Gatos Blvd and won't cause blockage to site entrances. In addition, per the Traffic Impact Analysis provided, the study intersections are projected to operate at an acceptable LOS when proposed project traffic is added to the background conditions. Based on the Town of Los Gatos and Santa Clara County thresholds, there are no deficiencies expected at the study intersections.
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Thank you for all of your assistance on this project. If you have any questions, please feel free to contact me at (909) 467-8937.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Yao', with a stylized flourish at the end.

Mike Yao
Project Manager
909-467-8937

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