

PLANNING COMMISSION – November 9, 2022
REQUIRED FINDINGS AND CONSIDERATIONS FOR:

15475 Los Gatos Boulevard
Variance Application V-21-001
Conditional Use Permit Application U-21-005

Requesting Approval of a Variance to Allow a Drive-Thru Use at an Existing Restaurant (McDonald's) and Modification to a Conditional Use Permit for a Drive-Thru Restaurant on Property Zoned CH. APN 424-19-065
PROPERTY OWNER: Franchise Realty Interstate Corporation
APPLICANT: Mike Yao, Core States Group

FINDINGS

Required findings for CEQA:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities. The project consists of minor alterations to an existing structure involving negligible expansion of the existing restaurant use by the addition of a drive-thru lane.

Required findings for granting a Variance application:

- As required by Section 29.20.170 of the Town Code for granting a Variance application:
 - (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
 - (2) The granting of a variance would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone which such property is situated.

Required Findings for a Conditional Use Permit:

- As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit:

The deciding body, on the basis of the evidence submitted at the hearing, may grant a conditional use permit when specifically authorized by the provisions of the Town Code if it finds that:

1. The proposed use is essential and desirable to the public convenience; and
2. The proposed use would not impair the integrity of the zone, in that the proposed use is a commercial use and would be located in a commercial zone; and
3. The proposed use would not be detrimental to public health, safety, or general welfare, as the conditions placed on the permit and existing regulations would maintain the welfare of the community; and
4. The proposed use is in conformance with the Town Code and General Plan.

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