



OFFICE OF COMMUNITY DEVELOPMENT
 PLANNING DIVISION

CITY HALL
 10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
 (408) 777-3308 • FAX (408) 777-3333

PLANNING COMMISSION STAFF REPORT

Agenda Date: September 26, 2017

SUBJECT

Use Permit to change hours of operation from 7 a.m. – 11 p.m. to 5 a.m. – 9 p.m. for a proposed business (Starbucks). (Application No(s): U-2017-06; Applicant(s): Tamara Shroll (Salas O’Brien); Location: 21725 Stevens Creek Boulevard; APN(s): 326-20-059)

RECOMMENDED ACTION

Staff recommends that Planning Commission:

1. Find that the project is exempt from CEQA; and
2. Approve the Use Permit (U-2017-06) in accordance with the draft resolution (Attachment 1)

DISCUSSION:

Application Summary:

Conditional Use Permit to allow a proposed commercial use (Starbucks) to begin operations at 5 a.m.

Project Data:

General Plan Special Area:	Monta Vista Village Special Area	
General Plan Designation:	Neighborhood Commercial/Residential	
Zoning Designation:	[P (CN, ML, Res 4-12)] Planned Neighborhood Commercial, Light Industrial, and Residential with 4-12 dwelling units per acre	
Specific Plan:	Monta Vista Design Guidelines	
Floor Area:	2,584 square feet	
Hours of Operation	Proposed	Allowed
Monday – Sunday	5:00 a.m. – 9 p.m.	7:00 a.m. – 11 p.m.
Project Consistency with:		
General Plan:	Yes	

Zoning:	Yes
Environmental Assessment:	Categorical Exemption, Section 15301 (Existing Facilities)

Background:

Project Site and Surroundings

The project site is part of a commercial center located at the northwesterly terminus of Stevens Creek Boulevard and Pasadena Avenue within the Monta Vista Village Special Plan Area. The project site is surrounded by single family residential to the north, the Cupertino



Post Office to the east, mixed use and commercial office to the south, and commercial office to the west. The commercial center comprises of two buildings: an existing building occupied by a tutoring center, martial arts studio, laundry service, hair salon, barbershop, and a building currently under construction.

Previous City Approvals

A Development Permit (DP-2015-03) and Architectural and Site Approval (ASA-2015-11) permit was approved on February 11, 2016 to allow the demolition of a 1,610-square-foot commercial building (Vivi's Falafel) and the construction of a new 2,584-square-foot building with associated site improvements. The approved building is anticipated to be completed by winter 2017. The building will be occupied by a single tenant, Starbucks Coffee.

Applicant Request

The applicant, Tamara Shroll with Salas O'Brien, representing Starbucks, is requesting a Use Permit to allow extended hours of operation (to open at 5 a.m.). The General

Commercial (CG) Ordinance requires the Planning Commission to review and approve requests for hours of operation beyond the hours of 7:00 a.m. and 11:00 p.m.

Analysis:

Operational Details

Starbucks is requesting approval to expand its hours of operation (customer service) from the existing allowable commercial hours of 7 a.m. to 11 p.m., seven days a week, to opening at 5:00 a.m. and closing at 9 p.m.

Starbucks employees would arrive at 4:30 a.m. to begin preparing coffee and open to the public at 5:00 a.m. The location will have 35 interior seats and nine seats in the outdoor patio area. No alcohol is proposed to be served at this location.

Starbucks has indicated that many other Starbucks locations in the area open early and they would like to have this location open early to be consistent. The Table 1 below is a list of existing Starbucks locations within City limits that have expanded hours of operation. The project proposes an earlier closing time of 9 p.m. than any of the other locations.

Table 1: Other businesses

Business Name & Location	Approved Hours:	Closest Proximity to Residential Use
Starbucks / 20520 Stevens Creek Blvd. (Crossroads Shopping Center)	Monday-Sunday: 5:00 a.m.-11:00 p.m.	168 feet (Single Family Residential)
Starbucks / 22390 Homestead Road	Monday-Sunday: 5:30 a.m.-12:00 a.m.	191 feet (Woodspring Apartments)
Starbucks / 20676 Homestead Road (Homestead Square)	Monday-Sunday: 5:00 a.m.-11:00 p.m.	153 feet (Markham Apartments)

The operations of the business would be subject to the regulations in Cupertino Municipal Code Chapter 10.48 Community Noise Control.

Proximity to Residential Uses

The project site is located close to nearby residential properties. While single-family residential uses are located immediately to the north of the project site along Adriana Avenue, the business location is about 150 feet away from it. A mixed use building is located directly across the street to the south of Stevens Creek Boulevard. A shared driveway on Stevens Creek Boulevard (between the project site and the Cupertino Post Office) is the primary access to the project site. However, the project site can be accessed

from two adjacent driveways: one primary (off Stevens Creek Boulevard) and one secondary (off Adriana Avenue) that provides access to the office building to the west (21771 Stevens Creek Boulevard.)

A condition of approval has been added to allow staff to review the operations of the business, and if warranted, rescind and/or modify the Use Permit approval, in the event that there are ongoing issues with the use.

Parking

The commercial center has 34 parking spaces available. Based on the parking requirements in CMC Chapter 19.124 Parking Regulations, the site has sufficient parking to accommodate the incoming Starbucks and existing uses as shown in Table 2 below.

Table 2: Parking

Use	Area (in s.f.)	Max. Number of Employees/ Customers/Seats	Parking Requirement	Required Parking
Starbucks	2,584	35 seats	1/250 sf OR 1/3 seats	12
Kumon	1,180	2 employees 5-8 students	1/4 students plus 1/1 staff at any given time OR 1/250 sf (whichever is more restrictive)	5
Na's Tae Kwon Do	1,208	2 employees 3-6 students		5
Cleaners	672			3
Salon Belle Vie	860		1/250 sf	4
Dave's Barber Shop	580			3
Total Required:				32
Total Available:				34

Security

A condition of approval has been added to require the property owner to address security concerns in the event that they arise and pay for additional Sheriff's enforcement time if required.

Monta Vista Village Special Plan Area

The Monta Vista Village Special Area is envisioned as a small town, pedestrian-oriented mixed-use area. The conceptual plan and General Plan Land Use Policy (Goal LU-25: Monta Vista Village) is intended to promote and enhance the pedestrian-oriented neighborhood while offering commercial opportunities compatible in mass and scale with the predominant small town neighborhood pattern guided by the Monta Vista

Design Guidelines. The business and proposed early operating hours are comparable to Starbucks locations in similar communities and are consistent with these guidelines in that they contribute to the diversity of retail supportive uses that define a small town neighborhood.

The Starbucks franchise operates 13,107 locations nationwide, many of which are located in similar mixed use neighborhood and commercial corridors with early operating hours and contribute to the diversity of retail supportive uses that define a downtown environment.

Environmental Review

This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA, Section 15301 Existing Facilities) because the proposed use would occur within City limits and would be surrounded by existing urban uses.

Other Department/Agency Review

The Santa Clara County Sheriff's office has reviewed the project and does not foresee any security concerns or negative impacts to the surrounding neighborhood.

PUBLIC NOTICING AND COMMUNITY OUTREACH

The following table is a brief summary of the noticing for this project:

Notice of Public Hearing, Site Signage and Legal Ad	Agenda
<ul style="list-style-type: none"> ▪ Site Signage (<i>at least 10 days prior to hearing</i>) ▪ Legal ad placed in newspaper (<i>at least 10 days prior to hearing</i>) ▪ 22 notices mailed to property owners 300 feet/adjacent to the project site (<i>at least 10 days prior to the hearing</i>) 	<ul style="list-style-type: none"> ▪ Posted on the City's official notice bulletin board (<i>five days prior to hearing</i>) ▪ Posted on the City of Cupertino's Web site (<i>five days prior to hearing</i>)

No public comments have been received as of the date of production of this staff report (September 13, 2017).

PERMIT STREAMLINING ACT

The project is subject to the Permit Streamlining Act (Government Code Section 65920 – 65964). The City has complied with the deadlines found in the Permit Streamlining Act.

Project Received: May 9, 2017; Deemed Incomplete: May 23, 2017

Project Received: August 24, 2017; Deemed Complete: August 29, 2017

Since the project is Categorical Exempt, the City has 60 days (until October 29, 2017) to make a decision on the project. The Planning Commission's decision on this panel is final unless appealed within 14 calendar days of the decision.

CONCLUSION

The proposed business is compatible with surrounding residential and commercial uses and offers a neighborhood-oriented coffee shop for the Monta Vista community and surrounding area. Permitting 5 a.m. operating hours would allow the business to service weekday commuters and act as an early morning gathering place for the community. Additionally, the business provides sufficient parking per the Parking Ordinance and the property owner will ensure safety by appropriately addressing any security concerns as they arise. As such, staff recommends approval of the project since the project and conditions of approval address all concerns related to the proposed extension of operating hours and all of the findings for approval of the proposed project, consistent with Chapter 19.156 of the Cupertino Municipal Code, may be made.

NEXT STEPS

All approvals granted by the Planning Commission shall go into effect after 14 days. Should the project be approved, the Planning Commission's decision on this project is final unless an appeal is filed within 14 calendar days of the date of the mailing of the decision.

This approval expires on September 26, 2019, at which time the applicant may apply for a one-year extension.

Prepared by: Jeffrey Tsumura, Assistant Planner
Reviewed by: Piu Ghosh Principal Planner
Approved by: Benjamin Fu, Assistant Director of Community Development

ATTACHMENTS

- 1 – Draft Resolution
- 2 – Application Request Letter