



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL** **DATE: JANUARY 17, 2017**

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT** **WARD: 3**  
**DEPARTMENT**

**SUBJECT: PLANNING CASES P15-0979 (REZONE), P15-0980 (CONDITIONAL USE PERMIT) AND P15-0981 (DESIGN REVIEW) – BY AL STEWARD, ON BEHALF OF WESTMORELAND DYNASTY LP, FOR A 2,200 SQUARE FOOT DRIVE-THRU RESTAURANT - 5573 ARLINGTON AVENUE**

## **ISSUE:**

Approve a proposal by Al Steward, on behalf of Westmoreland Dynasty LP, to construct a 2,200 square foot drive-thru restaurant on a 0.55-acre property located at 5573 Arlington Avenue.

## **RECOMMENDATIONS:**

That the City Council:

1. Determine the proposed project constitutes an infill development project and is therefore categorically exempt from the provisions of the California Environmental Quality Act per Section 15332 of the CEQA Guidelines;
2. Approve Planning Cases P15-0979 (Rezone), P15-0980 (Conditional Use Permit) and P15-0981 (Design Review); and
3. Introduce and subsequently adopt the attached Ordinance amending the Zoning Map.

## **PLANNING COMMISSION RECOMMENDATION:**

On November 17, 2016, the City Planning Commission recommended approval of Planning Cases P15-0979 (Rezone), P15-0980 (Conditional Use Permit) and P15-0981 (Design Review) by a vote of 9 ayes and 0 noes, subject to staff's recommended conditions.

## **BACKGROUND:**

This 0.55-acre site was partially improved in 1994 with a parking lot for the Taco Bell restaurant located on the parcel immediately to the west. Improvements to the property include a two-way driveway approach from Arlington Avenue, an internal drive aisle, and 17 parking spaces. The remainder of the site is vacant. A reciprocal access and parking agreement (DOC#2015-

0133210) allows both parcels to share on-site parking and ingress/egress along Arlington Avenue and Phoenix Avenue.

## **DISCUSSION:**

The applicant proposes to construct a 2,200 square foot restaurant with a single 242 foot long drive-thru lane with two menu boards, 16 parking spaces and landscaping. The restaurant is designed to incorporate a contemporary architectural style and includes a varied roof line and modulated building façade finished in stucco, stone, brick and corrugated metal. The restaurant and drive-thru lane will operate Monday through Sunday from 6:00 a.m. to 12:00 a.m.

Implementation of this project requires rezoning the subject site from the O - Office Zone to CR-AP-B1 - Commercial Retail – Airport Protection – Compatibility Zone B1 Overlay Zone on the north portion of the subject site and CR-AP-C - Commercial Retail – Airport Protection – Compatibility Zone C Overlay Zone on the south portion of the subject site. The proposed rezone is consistent with the Commercial General Plan land use designation.

At the request of the Planning Commission, the applicant modified the site plan to include a crosswalk between the existing Taco Bell and the proposed Cowboy Jr's restaurant to provide pedestrian connectivity.

The project can be supported as it complies with all development standards and is compatible with surrounding land development patterns and uses along Arlington Avenue. Adequate access, circulation and on-site parking is provided. The project will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area.

## **FISCAL IMPACT:**

There is no impact to the General Fund since all project costs are borne by the applicant.

Prepared by:	Rafael Guzman, Community & Economic Development Director
Certified as to availability of funds:	Scott G. Miller PhD, Chief Financial Officer/City Treasurer
Approved by:	Al Zelinka, FAICP, Assistant City Manager
Approved as to form:	Gary G. Geuss, City Attorney

## **Attachments:**

1. City Planning Commission Recommended Conditions
2. City Planning Commission Report – November 17, 2016
3. City Planning Commission Draft Minutes – November 17, 2016
4. Rezoning Ordinance
5. Presentation