



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
February 26, 2024

Topic: AA No. 2024-01, CUP No. 2024-01, and CUP No. 2024-02 for McDonald's Restaurant at 2101 and 2109 E. Santa Clara Avenue

RECOMMENDED ACTION

1. Recommend that the City Council adopt an ordinance approving Amendment Application (Zone Change) No. 2024-01;
2. Adopt a resolution approving Conditional Use Permit No. 2024-01 as conditioned to allow drive through window service; and
3. Adopt a resolution approving Conditional Use Permit No. 2024-02 as conditioned to allow after-hours operations within 150 feet of residentially zoned and used property.

EXECUTIVE SUMMARY

Donald Ellis with Stream Realty Partners (applicant), representing SRP Stater Bros, LLC, a Texas Limited Liability Company (property owner), is requesting approval of Conditional Use Permit Nos. 2024-01 and 2024-02, as well as Amendment Application (Zone Change) No. 2024-01, to facilitate construction of a fast food eating establishment (McDonald's) at 2101 and 2109 E. Santa Clara Avenue. The applicant is requesting the two CUPs pursuant to Section 41-365.5 (e) and (f), and Section 41-377.5 (a) of the Santa Ana Municipal Code (SAMC), to allow a restaurant with drive-through window service and to allow the drive-through to operate after-hours (24-hours). Staff is recommending approval of the entitlements as the proposed project will enhance underutilized lots and provide additional services to residents, workers, and visitors in the area. Moreover, the project complies with the General Plan goals and policies as it seeks to preserve and improve the character and integrity of existing neighborhoods and districts through the promotion of a clean, safe, and creative environment. Lastly, the project will not negatively impact the surrounding community as the project has been designed to minimize impacts to the nearby sensitive land uses.

DISCUSSION

Project Description

Table 1: Project and Location Information

Item	Information	
Project Address and Council Ward	2101 and 2109 E. Santa Clara Avenue – Ward 3	
Nearest Intersection	North Tustin Avenue and East Santa Clara Avenue	
General Plan Designation	General Commercial (GC) – No change	
Existing Zoning Designation	General Agricultural (A1)	
Proposed Zoning Designation	Arterial Commercial (C5)	
Surrounding Land Uses	North	Commercial center
	East	Drive-through restaurant
	South	Multi-family residential (Woodlyn North Condominiums), preschool/kindergarten, commercial center
	West	California Highway Patrol station and parking for Horizon Apartments multi-family residential community
Property Size	0.81-acres (35,400 square feet)	
Existing Site Development	The subject sites contain two one-story, single-family residences approximately 2,530 and 3,904 square feet in size, with associated accessory structures.	
Existing Site Uses	Single-family residences (2)	
Proposed Building Size	3,975 square feet	
Use Permissions	Allowed with an amendment application (zone change) and conditional use permit (CUP).	
Zoning Code Sections Affected	Uses	SAMC Section 41-424.5
	Operational Standards	SAMC Section 41-425-428

The applicant is proposing to demolish two residential structures and associated improvements on two legal lots (2101 and 2109 E. Santa Clara Avenue), including the associated pool, asphalt concrete paving, and vegetation, in order to construct a new 3,975-square-foot fast food establishment for McDonald's with 24-hour drive-through operations. The site is currently zoned as General Agricultural (A1), and the proposed project includes an amendment application (zone change) to change the zoning classification to Arterial Commercial (C5) in order to allow the proposed eating establishment and drive-through operations.

The eating establishment is proposed to be integrated within an existing commercial center and would maintain reciprocal access. The establishment would be accessible via three existing vehicle driveway approaches, two along Tustin Avenue and the third along Santa Clara Avenue, with no new driveway/entries proposed as part the project. However, the primary vehicular ingress and egress points and the proposed parking lot would primarily be accessible from the existing driveway along Santa Clara Avenue. The drive-through would be accessible from the existing driveway along Tustin Avenue, and vehicles would travel west/southwest along the proposed drive-through.

As proposed, the establishment would include a dual drive-through lane, limited to the ordering/menu board area and a bypass lane near the pick-up window. The two drive-through lanes will be available for ordering, which will then merge into a single drive-through lane for pick-up window services. The bypass lane will allow vehicles that have already received their meals to bypass any queued vehicles and ultimately exit via a proposed new driveway along Santa Clara Avenue. Each lane is proposed to have vehicular stacking lanes exceeding the minimum required eighty feet from the center of the pick-up window and eighty feet from the order point.

The applicant proposes various off-site and on-site improvements that include improvements to the public right-of-way (i.e., sidewalks, curbs, street lighting, and access drives), extensive landscaping (perimeter and parking lot), enhanced paving at the two driveway entries, a parking lot with 32 parking stalls, a decorative trash enclosure, and parking lot fixtures. Work would also include the removal of the western most driveway along Santa Clara and replace it with sidewalk, and rebuild the eastern most existing driveway located along Santa Clara Avenue. The proposed eating establishment would include fast-food operations, such as indoor food preparation, cooking, indoor and outdoor eating areas, and restrooms. It will include approximately 802 square feet of dining area with seating for over 30 guests. The proposed hours of operation include 24 hours for drive-through use, 7 days a week, and between 5 a.m. to 1 a.m. for indoor dining use, 7 days a week.

The building is designed in a California contemporary architectural style with a neutral/dark color palette and tones along the outer facades, which would involve materials such as plaster/stucco, aluminum, and metals. The site would provide approximately 8,604 square feet of landscaping throughout the site and the proposed plant palette would consist of a high quality plant materials including trees, shrubs, vines, grasses, and groundcover. The proposed planter areas would be constructed along the northern, western, and southern site perimeters and would provide decorative screening and a buffer between the eating establishment and the adjacent, off-site land uses, in addition to being placed centrally within the proposed surface parking lot and adjacent to the proposed drive-through. Table 2 below provides a detailed comparison of the project's compliance with the applicable land use and development standards.

Table 2: Development Standards

Standard	Required by General Commercial (C5) Zone	Provided
Front yard	15 feet minimum	Complies; 15 feet
Side yard (interior)	0 feet minimum	Complies; 29-125 feet
Rear yard	0 feet minimum	Complies; 39 feet
Lot Size & Frontage	15,000 sq. ft. and 120 feet	Complies; 35,400 sq. ft. and 200 ft.
Building height	35 feet maximum	Complies; 23 feet

Standard	Required by General Commercial (C5) Zone	Provided
Parking	32 spaces minimum (8 spaces per 1,000 sq. ft. restaurant)	Complies; 32 spaces
Floor Area Ratio (F.A.R.)	0.50 FAR maximum	Complies; 0.11 FAR
Stacking Distance	160 feet; 80 feet to menu board and 80 feet to pick-up window	Complies; 113 feet from the order point/ menu board to beginning of drive-through lane, 147 feet from pick-up window/pay window to the menu board

Project Background

The earliest aerial imagery from 1938 shows that the subject properties appeared to be first developed as an orchard. No buildings or structures were present on site at this time and most of the surrounding area was used for orchards, with some houses and agricultural buildings in the vicinity. The single-family residence addressed as 2101 E. Santa Clara Avenue was constructed at an unknown date and moved to the site in 1967. In 1967, a permit was issued to relocate the home within the site and build a new garage approximately 660 square feet in size. The single-family residence addressed as 2109 E. Santa Clara Avenue was constructed circa 1957 and included the main house and garage. The house remained surrounded by orchard trees, as well as most of the surrounding properties in the area. The rest of the now-commercial shopping center remained undeveloped until 1972. Today, the two subject properties are legal non-conforming, as they do not meet most of the development standards for the underlying zone and were constructed prior to 1960.

Based on permit and title records, both 2101 and 2109 E. Santa Clara Avenue were owned by the Newcomb family until they were sold to SRP Stater Bros, LLC in February 2021. In April 2022, Development Project (DP) Review application (No. 2022-06) was submitted for review and consideration by the City's Development Review Committee (DRC). The applicant revised the project following the first community meeting in late April 2022, and subsequently resubmitted the DP application in December 2022. Thereafter, several site plan changes and project submittals were made to the City following the second community meeting in February 2023. In March 2023, the property owners submitted a voluntary lot merger application (No. 2023-02) to consolidate 2101 and 2109 E. Santa Clara Avenue into a single legal lot. The lot merger application was executed and recorded in June 2023. Before the DP application could be deemed complete, the project underwent several months of environmental review which concluded in late December 2023. Subsequently, the DP application was deemed complete on December 13, 2023, and the required entitlement applications were submitted January 8, 2024.

Project Analysis

Amendment Application

The subject site is zoned General Agricultural (A1). The allowable land uses and development standards pertaining to the A1 zoning district would render the project infeasible, as eating establishments are prohibited by the A1 zoning district. Approval of an amendment application to change the zoning district to Arterial Commercial (C5) is required for the project.

The proposed zone change intends to align the subject site with the existing shopping center development to the north and east, and intends to align with the commercial corridor along Tustin Avenue, which is largely zoned C5. Moreover, the proposed C5 zoning district designation is also consistent with the new General Commercial (GC) General Plan Land Use Element designation for the site that resulted from the April 2022 General Plan Update. This land use designation encourages developments that provide highly visible and accessible shopping opportunities along arterial corridors and supports the development and continued operation of recreational, cultural, entertainment, employment, and educational opportunities near established residential neighborhoods. The proposed project has been designed as a single-story McDonald's building with a maximum height of 23 feet to the top of the parapet. In designing the proposed development, consideration was given to scale, massing, and architecture of the project to ensure that it complements the existing buildings within the surrounding development.

Conditional Use Permit for Drive-Through Window Service

Although eating establishments are permitted by-right in the C5 zoning district, eating establishment with drive-through window service and after-hours operations between 12:00 a.m. and 5:00 a.m. require approval of a conditional use permit (CUP) by the Planning Commission. The zoning district designation of C5 enables the applicant to submit the required CUP applications for consideration by the Planning Commission to conditionally permit the proposed drive-through and 24-hour operations.

Pursuant to Section 41-424.5 (e) of the SAMC, eating establishments with drive-through service require approval of a CUP. The applicant's request for a CUP to allow drive-through window service will provide an added amenity to the property, for the employees who work in the vicinity and for the residents who live in the general area. In addition, the proposed McDonald's will generate new and permanent employment opportunities in favor of the economic growth and stability of the City, activate a previously underutilized area, and generate property and sales tax revenue for the City.

The project would be required to meet all development standards and would apply for ministerial permits through the City, including a demolition permit, landscape permit, grading permit, building permits and occupancy permits. With approval of the zone change and CUP, the proposed project would be consistent with the Santa Ana Municipal Code (SAMC). In addition, the project is located within an area characterized primarily by retail and commercial uses. Therefore, the project would be consistent with the C5 zoning district, would not conflict with the SAMC, and would be consistent with the GC land use designation.

The proposed drive-through was designed and intended to generate the least amount of community impacts as possible. An analysis of the site access and site circulation determined that the proposed site plan provides adequate spaces for vehicles to maneuver through the project site and drive-through. In addition, a drive-through evaluation was provided which was intended to determine if the proposed circulation plan provides adequate on-site drive-through storage capacity to accommodate the peak on-site vehicle demands. The analysis determined that the dual drive-through lanes exceed the City's stacking requirements and will allow for a storage capacity of approximately 16 cars, which is sufficient capacity to accommodate average and peak vehicle demands for the proposed project without disrupting drive aisles or on-site parking spaces.

As designed, the proposed building will implement many of the current McDonald's restaurant design improvements. McDonald's restaurants are designed to optimize operations, drive-through lane configurations, parking, and on-site circulation. To reduce the vehicle drive-through wait time, McDonald's has developed equipment and procedures to improve cook times and crew efficiency. These improvements include dual order boards (or a side-by-side drive-through) that enables customers to place orders earlier. The side-by-side drive-through allows two cars to stack next to each other which allows the kitchen more cook time to prepare the food to have it ready by the time the customer gets to the pickup window.

Since the proposed McDonald's provides a drive-through storage capacity of 16 vehicles, the proposed drive-through lane will accommodate the reference average queue length of 5 to 11 vehicles. At no time does the existing or reference peak queue exceed a maximum of 15 vehicles. The drive-through queuing analysis demonstrates that the maximum vehicle queue of 16 vehicles can be accommodated within the drive-through. The site plan provides adequate drive-through storage capacity to serve the average queue length of 5 to 11 vehicles within the drive-through lane. During peak drive-through demands, the site plan can accommodate a total of 16 vehicles within the drive-through. Therefore, peak queuing can be accommodated within the drive-through as designed, and vehicles queuing in the drive-through will have adequate space to queue within the project and will not enter onto East Santa Clara Avenue.

The drive-through operation is also designed to generate minimal noise impacts as the speaker boards are located towards the rear of the site (north elevation), away from the closest residential units, and are oriented towards the existing shopping center. Any potential noise generated from the idling of vehicles or the drive-through speakers is not anticipated to impact the closest residential uses as they are approximately 250 feet away to the south. The site has been designed to include a large landscape area which will help buffer light and noise impacts to the residential uses. Moreover, the site design will include 24-inch box trees and large shrubs planted along the southern property line to create a visual buffer between the drive-through lanes.

Conditional Use Permit for After-Hours Service

Pursuant to Section 41-424.5 (j) of the SAMC, eating establishments located within 150 feet of properties zoned or used for residential purposes that wish to operate between the hours of 12:00 a.m. and 5:00 a.m. require approval of a separate CUP. The purpose of regulating after-hours operations is to preserve the surrounding community characteristics and minimize any negative secondary impacts. Staff has reviewed the applicant's request to operate the McDonald's eating establishment and drive-through window service 24-hours per day and has determined that the operations will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The property to the west/northwest of the project site, addressed as 2414 N. Tustin Avenue, is currently used for residential purposes and known as the Horizon Apartments. Although the apartment complex is within 150 feet of the subject property, as measured from property lines, the nearest residential unit would be located over 200 feet from the northwest corner of the subject property, and over 240 feet from the new building and drive-through operations. The area immediately west of the project site is currently used for site access (i.e., driveway entrance, drive aisles, etc.) and covered and uncovered parking stalls. The nearest residential unit would be located over 360 feet from the public right-of-way along East Santa Clara Avenue to the south. A second residential community known as the Woodlyn North Condominiums is located to the south of the project site. Built in 1963, the community has 25 buildings containing a total of 87 condominiums. The community is within 150 feet of the subject property, as measured from property lines. However, only one condominium building would be located within the 150 feet, and that one building would be located over 120 feet from the proposed drive-through lane and over 140 feet from the new building.

In staff's analysis, the 24-hour operations would not generate additional community impacts and would have minimal to no impacts to the adjacent residences as it relates to lighting. This is due to the location of the proposed building and drive-through and the separation distance to existing residential units as described above. Specifically, the project site is in an area that is already subject to significant ambient lighting (e.g., exterior building lights,

parking lot pole lights, interior building lights, streetlights, etc.) from the existing commercial/retail uses surrounding the site. The proposed project would involve new streetlights and additional exterior and interior building lighting associated with the operation of the proposed McDonald's. However, all lighting would be subject to the City's design guidelines, which outlines lighting standards for commercial projects and includes direction on minimizing glare onto adjoining properties. Moreover, all on-site lighting would be shielded and directed to minimize light intrusion onto the adjacent properties. The lighting levels for the site would not be altered and would be consistent with the ambient and night-time lighting at the commercial uses surrounding the site. Lastly, the site plan has been designed so that vehicle headlights would not create lighting concerns to the residential units to the south. Specifically, the building and drive-through have been offset so that the pick-up window is not aligned directly with any residential windows. In addition, the project will incorporate a landscape buffer with various mature landscaping (shrubs, trees, and groundcover) along Santa Clara Avenue. Staff is recommending a condition of approval that the mature landscaping be evergreen, be required to be maintained throughout the lifetime of the CUP, that it be maintained healthy, and that any unhealthy or dead plants be required to be removed and replaced in-kind.

The 24-hour drive-through operations would also have minimal to no impacts to the adjacent residences as it relates to noise. The overall operations would not generate noise levels above the maximum acceptable noise levels outlined in the City's Noise Ordinance, as shown in Table 3 below. The daily operation of the proposed eating establishment has the potential to result in an increased ambient noise level in the immediate vicinity of the proposed site through the addition of stationary sources of noise as well as vehicular trips associated with the project. These stationary sources of noise include HVAC equipment, landscape maintenance equipment, parking lot activities, trash collection activities, and restaurant drive-through speakers. Noise associated with the parking lot activities consists of vehicle engines, door slams, engine starts, and people talking. However, the stationary sources during the times of 1:00 a.m. and 5:00 a.m. would be limited to just the drive-through operations as the indoor dining area would be closed during this time. These noise sources include the drive-through window and a menu board with an amplified speaker, in addition to non-amplified speech.

Table 3: City Of Santa Ana Noise Ordinance Standards

Time Period	Noise Level dBA		
	Exterior	Interior	Compliance
7:00 a.m. – 10:00 p.m.	55	55	Complies (max 55dBA)
10:00 p.m. – 7:00 am	50	45	Complies (max 45dBa)
dBA: A-weighted decibels *Applicable to property within a designated Noise Zone 1. The entire City of Santa Ana is designed as Noise Zone 1 per Sec. 18-311 of the Municipal Code.			

The noise associated with the proposed project's drive-through operations were evaluated as part of the environmental document prepared (i.e., Initial Study Mitigated Negative Declaration). The document concluded that the noise levels associated with the parking lot, drive-through window, and menu board were below the City's noise limits for nearby land uses. Nevertheless, to ensure that the 24-hour operations are not detrimental to the health, safety, or general welfare, staff is recommending conditions of approval that would help ensure that the operations would not generate noise impacts or that would help reduce the impacts to negligible conditions. These conditions of approval include maintaining a landscape buffer along the southern and western property lines, and ensuring that the project complies with the City's Noise Ordinance at all times. As described above, the landscaping would be required to be mature and evergreen, be required to be maintained throughout the lifetime of the CUP, and be maintained healthy.

Police Department Analysis

The Police Department reviews conditional use permit applications for after-hours operations in order to ensure that potential crime or nuisance behaviors associated with such a use are mitigated to the greatest extent possible. For after-hours operations, the Police Department analyzes the crime rate in the area by matching the location of the subject site's census tract to the corresponding Police Grid. The City of Santa Ana contains up to 102 police reporting grids. The Police Department generates an annual report, the Citywide Incident Ranking report, which ranks these reporting grids based on police activity. The Police Department then compares the number of such crimes in the reporting district as compared to the number of crimes in other reporting districts. In keeping with the standard used by the State Business and Professions Code, should the Police Department determine that the reporting district has a 20 percent greater number of reported crimes than the average number found in all reporting districts, the Police Department would consider this information in making its recommendation.

Table 4: Police Department Analysis and Criteria for Recommendation

Police Department Analysis and Criteria for Recommendation	
Police Grid No. and Rank	Police Grid No. 242; ranked 82 out of 102 Police Reporting Grids (81 st percentile).
Threshold for High Crime	This reporting district is below the 20 percent threshold established by the State for high crime.
Police Department Recommendation	As part of the review approval process, this application was analyzed by the Santa Ana Police Department. Based on the Police Department's most recent Citywide Incident Ranking Report, the Police Department has no issues of concern regarding the activity in that area, due to no significant events occurring. Therefore, the Police Department does not oppose the granting of a CUP for 24-hour operations.

The Police Department reviewed Police related activity (i.e., calls for service and reported incidents) within 500-feet of each separate parcel (2101 and 2109 E. Santa Clara Avenue) for the last year, which include both residential and commercial areas. The Police Department found that the subject sites have received 305 calls for service within 500-feet of 2101 E. Santa Clara Avenue and 379 calls for service within 500-feet of 2109 E. Santa Clara Avenue. These calls of service include, but are not limited to, traffic hazards, petty theft, burglaries, transient activities, assaults, or municipal code violations. Reported incidents include, but are not limited to, domestic violence, collisions, traffic related, animal related, or missing person. Of these types of incidents, fifty-six (56) were reported within 500-feet of 2101 E. Santa Clara Avenue and sixty-nine (69) incidents were reported within 500-feet of 2109 E. Santa Clara Avenue. While the reported activities were nearby the project site, the Police Department does not believe that it should reflect negatively on the proposed restaurant or after-hours drive-through activity. Furthermore, the Police Department contends that the operational standards applicable to after-hours and drive-through activity will mitigate any potential impacts to the surrounding community and therefore does not oppose the granting of the CUPs.

Traffic/Vehicle Safety

The Police Department also provided a Collision Summary Report for the Tustin and Santa Clara Avenue intersection, which reported vehicle and pedestrian collisions from January 1, 2017, through January 1, 2024. The report summarized that during that time there was 67 collisions, of which 37 included injury collisions, with 61 individuals reported as injured. The reporting included collision types such as, broadside, vehicle-pedestrian, sideswipe, rear-end, and head-on collisions. Moreover, during January 1, 2023 and January 31, 2024, there were 19 calls for service for collisions, one call for service that was "traffic related," four drunk driver calls, and 7 hit-and-run collision calls for services, all within 500-feet of the properties. The reported incidents within 500-feet for the same period (January 1, 2023 and January 31, 2024) included six hit-and-run collisions and six collision incidents reported.

General Plan Consistency

The General Plan Update (GPU) was adopted in April 2022, after a seven-year effort of extensive community participation. Engagement efforts and interactions with the community included over 60 community meetings and workshops, online surveys, direct mailers to property owners and tenants, and multiple study sessions. Moreover, they included one-on-one meetings with the Planning Commission and City Council, which allowed for an informed and inclusive decision-making process. These efforts resulted in the crafting of the land use plan within the Land Use Element that reflects the community's visions for Santa Ana's growth and development citywide. The updated Land Use

Element of the General Plan reflects and sets the community's land use and development policies and a vision for future development of the City.

Prior to the GPU, the subject properties had a split land use designation of Institutional (INS) and General Commercial (GC). As a result of the GPU, the land use designation for the properties were updated to fully be GC, consistent with the adjacent commercial center properties. However, the GPU did result in a zoning inconsistency, as the properties were still zoned General Agricultural (A1), which does not allow for eating establishments. To address this inconsistency, the overall project includes an amendment application to change the zoning district to Arterial Commercial (C5) is required for the project.

The approval of the proposed project will be consistent with the General Plan land use designation of General Commercial (GC). The project would provide an added amenity to the existing commercial shopping center and would promote a land use that enhances the City's economic fiscal viability and mitigates any potential impacts to the surrounding community. The after-hours operations will contribute to the viability of the site creating a business environment that is safe and attractive. Moreover, the project has been designed to be consistent with several goals and policies of the General Plan as discussed below.

- Goal LU-2: Land Use Needs – Provide a balance of land uses that meet Santa Ana's diverse needs
 - Policy 2.2 Capture Local Spending – Encourage a range of commercial uses to capture a greater share of local spending and offer a range of employment opportunities.
 - Policy 2.6 Encourage Investment – Promote rehabilitation of properties and encourage increased levels of capital investment to create a safe and attractive environment.
 - Policy 2.7 Business Incubator – Support land use decisions that encourage the creation, development, and retention of business in Santa Ana

The project is consistent with Goal LU-2 and Policies 2.2, 2.6, and 2.7, as it will allow for additional service to Santa Ana residents and visitors, thereby positively contributing to the economic viability of the area by promoting local spending, offering employment opportunities, and providing a safe workplace. In addition, the applicant is making an investment to rehabilitate the site to allow for a safe and attractive establishment by expanding the commercial center and improving the circulation throughout. Lastly, the proposed project would also preserve the character of the existing commercial area and promotes the rehabilitation of properties by proposing to remove a blighted and underutilized land use to create a safe and attractive environment.

- Goal LU-3: Compatibility of Uses – Preserve and improve the character and integrity of existing neighborhoods and districts.
 - Policy 3.4 Compatible Development – Ensure that the scale and massing of new development is compatible and harmonious with the surrounding built environment.
 - Policy 3.7 Attractive Environment – Promote a clean, safe, and creative environment for Santa Ana's residents, workers, and visitors.

The project is consistent with Goal LU-3 and Policies 3.4 and 3.7, as the proposed improvements would preserve the character of the existing commercial area. The scale and massing of the new project is proposed to be compatible with the existing commercial center, as consideration was given to scale, massing, and architecture of the project to ensure that it complements the existing buildings within the surrounding development. Moreover, the project would include aesthetically pleasing features, such as landscaping with a variety of plant materials including trees, shrubs, vines, grasses, and groundcover, which would further help enhanced the viability of the commercial center, would create a harmonious environment, and would help promote a clean and safe environment for Santa Ana's residents, workers, and visitors.

- Goal EP-1: Job Creation and Retention – Foster a dynamic local economy that provides and create employment opportunities for all residents in the City.
 - Policy 1.2 Attract Business – Promote new and retain existing job-producing businesses that provide living-wage employment opportunities.

The project is consistent with Goal EP-1 and Policy 1.2, as the proposed improvements would help generate additional economic growth and stability in the City by further activating underutilized parcels and helping generate property and sales tax revenue. Furthermore, the proposed project would help create a job-producing establishment thereby providing employment opportunities to Santa Ana residents.

- Goal EP-3: Business Friendly Environment – Promote a business friendly environment where businesses thrive and build on Santa Ana's strengths and opportunities.
 - Policy 3.7 Facilitating Investment – Promote a solution-based customer focus in order to facilitate additional development and investment in the community.
 - Policy 3.8 Comprehensive Analysis of Land Use – Pursue a balance of fiscal and qualitative community benefits when making land use decisions.

The project would be consistent with Goal EP-3 and Policies 3.7 and 3.8, as it provides for redevelopment of existing underutilized single-family residences and promotes a new eating establishment that would provide services to the community. Moreover, the project

would help create a friendly business environment and help the overall commercial center to enhance their business offerings and compete with nearby commercial centers. Lastly, by working on an improved site design with the applicant, staff ensured that that project provided a high level of community investment for residents, workers, and visitors in the area.

Public Notification and Community Outreach

Project notifications were posted, published, and mailed in accordance with City and State regulations. Copies of the public notice, including a 1,000-foot notification radius map, and the site posting are provided in Exhibit 12. In addition to these measures, representatives of the Portola Park, Mabury Park, Meredith Parkwood, Fairbridge Square, and Young Square Neighborhood Associations were contacted to identify any areas of concern due to the proposed request. At the time this report was printed, over 52 written comments were received, both in favor and opposition of the project. In addition, over 350 support cards were received for the project. The comments in opposition raised issues/concerns related to increased traffic and congestion, transient activities, safety concerns, property values, and quality of life.

Sunshine Ordinance Consistency

In addition to the above noticing, the project was subject to the City's Sunshine Ordinance (Ordinance No. NS-3040) requiring two meetings to facilitate early public participation. The first community meeting was held April 21, 2022. Twelve members of the community attended and posed questions relating to hours of operation, on-site traffic circulation, and site lighting. The second community meeting was held February 2, 2023, during which over 25 members of the community attended and posed questions related to increased traffic concerns along Santa Clara Avenue, status of traffic study, status of the existing single-family homes and proposed relocation/demolition, hours of operations, entitlement timeline and process, on-site traffic circulation, and traffic collision concerns along Santa Clara Avenue. Materials from the two required community meetings are included with this report as Exhibit 11, and all materials were published to the project's webpage on the City's website at www.santa-ana.org/mcdonalds-drive-through-restaurant/.

ENVIRONMENTAL IMPACT

Pursuant to the requirements of the California Environmental Quality Act (CEQA), as amended (Section 21000 et. seq. of the *Public Resources Code*) and in accordance with the State CEQA Guidelines (Title 14, Section 15000 et. seq. of the *California Code of Regulations*), an Initial Study and Mitigated Negative Declaration (IS/MND) has been prepared for the project and has been attached to this report as Exhibit 10. The purpose

of the IS/MND is to describe the proposed project and to provide an evaluation of potential environmental impacts associated with the project's construction and operation. Moreover, the IS/MND evaluates the potential environmental impacts of project implementation; includes significance determinations from the environmental analyses; identifies regulatory requirements to be incorporated into the project; and sets forth mitigation measures that will lessen or avoid potentially significant project impacts on the environment.

The IS/MND determined that the proposed project would have no impact, or less than significant impacts with mitigation measures, in all topics outlined in the CEQA Environmental Checklist. Possible impacts identified in the IS/MND include those related to Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Tribal Cultural Resources, and Mandatory Findings of Significance. With implementation of mitigation measures (MM) listed below, all potential impacts would be less than significant.

- MM CUL-1: Prior to issuance of the grading permit, the Applicant shall retain an Orange County-certified archaeologist to observe grading activities within previously undisturbed soils, and to salvage and catalogue archaeological resources as necessary.
- MM GEO-1: Prior to commencement earthmoving activities, the Applicant shall retain a qualified Orange County-certified Paleontologist for on-call services in the event of a discovery of paleontologically sensitive rock formations during ground disturbance activities.
- MM HAZ-1: Any additional materials discovered during demolition activities shall be collected and analyzed prior to removal or disturbance of materials.
- MM HAZ-2: Prior to demolition, all asbestos containing materials (ACMs) and asbestos containing construction materials (ACCMs) shall be removed from the structures at the Project site.
- MM TCR-1: Prior to commencement of ground disturbing activities, the Applicant shall retain a Native American Monitor.
- MM TCR-2: Upon discovery of any Tribal Cultural Resource Objects, all construction activities in the immediate vicinity shall cease.
- MM TCR-3: Upon discovery of any human remains and associated funerary or ceremonial objects, actions pursuant to Public Resource Code 5097.98 and Health and Safety Code 7050.5 shall occur.

The IS/MND's analysis determined that the above-mentioned environmental categories would cause no substantial adverse change to the environment with the inclusion of the enforceable mitigation measures, that would be adopted by the City. The final Mitigation

and Monitoring and Reporting Program (MMRP) can be found as part of the overall environmental documents provided in Exhibit 10.

Historic or Cultural Significance

Two built environment resources over 45 years old were identified within the project site: 2101 and 2109 East Santa Clara Avenue. The properties were recorded and evaluated for historical significance on the appropriate set of State of California Department of Parks and Recreation (DPR) Forms in consideration of California Register of Historic Resources (CRHR) and local City designation criteria and integrity requirements. Both properties were found not eligible under all state and local designation criteria due to a lack of significant historical associations and architectural merit. No historical resources were identified within the project site as a result of this study. Therefore, with respect to built environment resources, the proposed project will have a less than significant impact on historical resources under CEQA.

Traffic Impacts

A Transportation Analysis was prepared for the proposed project by Urban Crossroads, dated August 16, 2023. The findings of the analysis were summarized in Section 4.17 (Transportation) of the IS/MND, and the Transportation Analysis in its entirety is included as Appendix K to the Draft IS/MND. The Transportation Analysis included a Level of Service (LOS) analysis, which is a qualitative description of traffic flow based on several factors including speed, travel time, delay, and freedom to maneuver. Moreover, the project specific Transportation Analysis conducted a traffic signal warrant analysis to determine the potential need for installation of a traffic signal at an otherwise unsignalized intersection, including at the intersection of the Driveway 1 (located along Santa Clara Avenue) and Santa Clara Avenue, and the intersection between Tustin Avenue and Driveway 2 (located along Tustin Avenue). Lastly, a Vehicles Miles Traveled (VMT) Screening Evaluation was prepared by Urban Crossroads, dated December 11, 2023 and included as Appendix L to the Draft IS/MND.

The Transportation Analysis addressed traffic conditions for multiple different scenarios, including existing (2022) baseline conditions, existing with Project conditions, opening year (2023) cumulative without Project conditions, opening year cumulative with Project conditions, horizon year without Project conditions (2040), and horizon year with Project conditions. A queuing analysis was performed for the left turning movements at the intersection of Tustin Avenue and Santa Clara Avenue to assess vehicle queues along the roadways and prevent dangerous intersections. In summary, the intersection left turning movements currently experience and are anticipated to experience acceptable queuing during the peak hours based on the 95th percentile peak hour traffic flows for

each of the scenarios proposed above. The queuing analysis findings are presented in Appendix K to the Draft IS/MND.

As concluded by the Transportation Analysis, the addition of project traffic would not trigger the City of Santa Ana's significance criteria, and no traffic signal is warranted for either intersection, intersection of the Driveway 1 (located along Santa Clara Avenue) and Santa Clara Avenue, and the intersection between Tustin Avenue and Driveway 2 (located along Tustin Avenue). Moreover, the Transportation Analysis performed a drive-through analysis to determine if the proposed circulation plan provided adequate on-site drive-through storage capacity to accommodate the peak on-site vehicle demand. Ultimately, the drive-through analysis suggested that the project would provide stacking accommodations for approximately 16 vehicles within the drive-through, and there would be sufficient capacity to accommodate average and peak vehicle demands for the proposed project.

In 2013, the State of California signed into law Senate Bill 743 (SB 743), which changes how transportation impacts are analyzed under the California Environmental Quality Act (CEQA) in order to help reduce transportation impacts. Specifically, in an effort to reduce greenhouse gas impacts and create long-term sustainability, SB 743 changed the standard for evaluating transportation impacts under CEQA from a LOS standard to Vehicle Miles Traveled ("VMT") standard. This statewide mandate went into effect July 1, 2020. In 2019, the City of Santa Ana adopted *Traffic Impact Study Guidelines* (dated September 2019), which states that several types of projects can be screened out from a VMT assessment using identified criteria, indicating that these projects have the potential to reduce VMT per service population and result in a less-than-significant transportation impacts. The City's Guidelines list standardized screening methods for project level VMT analysis that can be used to identify when a proposed land use development project is anticipated to result in a less than significant impact thereby eliminating the need to conduct a full VMT analysis. The City of Santa Ana VMT screening types, as described within the City Guidelines, are listed below:

- Transit Priority Area (TPA) Screening
- Low VMT Area Screening
- Project Type Screening

A land use project need only to meet one of the above screening thresholds to result in a less than significant impact. Pursuant to the VMT Screening Evaluation prepared by Urban Crossroads, the project did not meet the threshold for TPA or Low VMT screening. However, the project was found to meet the Project Type screening criteria. Pursuant to the *City of Santa Ana Traffic Impact Study Guidelines (dated September 2019)*, local serving retail projects less than 50,000 square feet may be presumed to have a less than significant impact absent substantial evidence to the contrary. The proposed project

would develop a drive-through quick serve restaurant of 3,975 square feet, which is below the 50,000 square feet project type screening threshold as identified. Therefore, the project is presumed to result in a less than significant impact for VMT, and thus no further VMT analysis was required and no mitigation measures were required. Lastly, the VMT Screening Evaluation was thoroughly peer reviewed by the City's Traffic Engineer and the City's CEQA consultant, both which concluded that the VMT Screening Evaluation prepared for the project shows the project is screened out from any full VMT analysis.

Overall, the project would incorporate all recommendations provided by the Transportation Analysis. These include that the project maintain existing traffic controls and configuration at project driveways, and that on-site traffic signing and striping should be implemented agreeable with the provisions of the California Manual on Uniform Traffic Control Devices (CA MUTCD) and in conjunction with detailed construction plans for the project site. Additionally, the applicant's responsibility for the project's contributions towards deficient off-site intersections is fulfilled through payment into pre-existing fee programs that would be assigned to the future construction of any future local/regional improvement needs (e.g., payment of fair share and/or fees for the applicable pre-existing fee programs/permit impact fees).

With incorporation of all recommendations provided by the Transportation Analysis, the project would not substantially increase traffic hazards or congestion. Nonetheless, the applicant has expressed a willingness to install additional traffic safety enhancements as requested by the City to ensure that traffic circulation patterns are not further impacted or worsened, and ensure that the proposed operations will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

Public Review Process

The IS/MND's Notice of Intent (NOI) was posted to the County Clerk on January 12, 2024, for the required 20-day public comment period, which ended on February 1, 2024. The NOI was also mailed out to all properties within a 1,000-foot radius of the project site. The IS/MND was made available for public view at the City Hall Planning counter, Santa Ana Library in the Civic Center and on the City website.

A total of five comment letters from one agency and four individuals were received during and immediately after the public review period. The City has reviewed all comments to determine whether any substantial new environmental issues have been raised. Moreover, the City has provided responses to all written comments, which can be found in the Responses to Comments (RTC) and MMRP document. Based on the evaluation in the IS/MND together with the comments received, the City has determined that no substantial new environmental issues have been raised that have not been adequately addressed in the IS/MND and/or in this RTC and MMRP document. All potential impacts

associated with the project were found to be less than significant with incorporation of identified mitigation measures, where applicable. Therefore, the project would not result in any significant impacts and an IS/MND is the appropriate environmental document for the project in accordance with CEQA and the State CEQA Guidelines. The City's final RTC and MMRP document is provided in Exhibit 10. As of this printing, no additional comments or communications from the public have been received on the IS/MND. Based on this analysis, a Notice of Exemption, Environmental Review No. 2023-16 will be filed for this project.

ECONOMIC AND FISCAL IMPACTS

Jobs that would be created during construction would be short-term and would be typically filled by existing residents of the region. The project would include a maximum of twelve permanent employees working approximately three shifts per day, which would result in a maximum of 36 employees per day. As with the temporary construction workers, long-term operation employees are anticipated to be filled by existing residents of the region.

There is no fiscal impact associated with this action.

EXHIBIT(S)

1. Amendment Application Ordinance
2. Conditional Use Permit Resolution – Drive-Through Facility
3. Conditional Use Permit Resolution – After-Hours Operations
4. Vicinity Zoning and Aerial Map
5. Site Photos
6. Project Site Plan
7. Project Floor and Roof Plan
8. Preliminary Landscape Plan
9. Project Elevations
10. Initial Study Mitigated Negative Declaration (IS/MND)
11. Sunshine Ordinance Meetings Documents
12. Copy of Public Notices

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Approved By:
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