



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
December 12, 2022

Topic: Conditional Use Permit No. 2003-15-MOD-1 – Chick-Fil-A

RECOMMENDED ACTION

Adopt a resolution approving Conditional Use Permit No. 2003-15-MOD-1 as conditioned.

EXECUTIVE SUMMARY

Terry Womack, with Go2permitting, LLC, representing Chick-fil-A, Inc. (Applicant) and Bristol Retail XV, LLC (Property Owner), is requesting approval of a Conditional Use Permit (CUP) modification to facilitate the construction of a second drive-through lane for an existing Chick-fil-A eating establishment at 3601 South Bristol Street. A restaurant with drive-through window service is allowed pursuant to Section 41-365.5 (e), as permitted by Section 41-377.5 (a) of the Santa Ana Municipal Code (SAMC). With this entitlement request, the applicant will be amending previously CUP-2003-15. Staff is recommending approval of the entitlement as the project will provide additional services to residents, workers, and visitors in the area, and will enhance the circulation, traffic, and safety of the commercial center. In addition, 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

The applicant is proposing to demolish an existing commercial building containing a liquor store, approximately 2,994 square feet in size, in order to accommodate the expansion of an existing drive-through eating establishment across two existing properties. The overall scope of work includes adding an additional drive-through lane (dual lane), a 630-square-foot building addition, and various on-site improvements, including reconfiguring of the existing parking, a new decorative trash enclosure, and new landscaping. As proposed, the additional drive-through lane will be limited to the ordering/menu board area. Two drive-through lanes will be available for ordering, which will then merge into one drive-through lane for pick-up window services. Each lane is proposed to have

vehicular stacking lanes of at least eighty feet from the center of the pick-up window and eighty feet from the order point. Two freestanding canopies are proposed, one over the menu boards and a second one over the meal delivery area as shown on the site plan. Both canopies will span the width of the drive-thru.

Off-site improvements include the relocation of an existing driveway approach along MacArthur Boulevard, replacement of existing streetlights, sidewalk improvements, and asphalt grinding and repaving along MacArthur Boulevard. The site currently has a vehicle access agreement for ingress and egress purposes. This agreement will be maintained as part of the site's redevelopment, and conditions of approval are proposed to ensure operation of the drive-through lane does not adversely impact the free movement of vehicles in this ingress and egress easement area. The existing properties combined have 51 parking stalls, which includes three accessible stalls. Two of these accessible stalls are in front of the Chick-fil-A building and the third is in front of the liquor store building. The project proposes the addition of one parking stall, which increases the total parking within the two properties from 51 to 52 parking stalls.

The proposed 630-square-foot addition will not affect the existing dining room, restroom, or kitchen configuration. The addition will instead accommodate an additional multi-purpose/service yard area intended for the eating establishment "back-of-house." The addition will maintain the current architectural style, which includes an earth tone color palette, thin stone veneer, smooth stucco finishes, canopies and trim. Lastly, the eating establishment will continue to operate Monday through Saturday between 6:30 a.m. and 11:00 p.m. No after-hours of operation are proposed at this time. Tables 2A and 2B provide a detailed comparison of the project's compliance with the applicable land use and development standards.

Table 1: Project and Location Information

Item	Information
Project Address and Council Ward	3601 South Bristol Street – Ward 4
Nearest Intersection	Bristol Street and MacArthur Blvd
General Plan Designation	District Center (DC-5)
Zoning Designation	General Commercial (C2)
Surrounding Land Uses	North: Commercial
	East: Multiple-Family Residential
	South: Commercial
	West: Commercial
Property Size	0.58-acres (25,460 sq. ft.); and 0.42-acres (18,270 sq. ft.)
Existing Site Development	The subject sites are developed with a 3, 500 sq. ft. eating establishment and a 2,994 sq. ft. liquor store building.
Use Permissions	Allowed with a conditional use permit (CUP)
Zoning Code Sections	Uses: Sections 41-365.5 (e) and Section 41-377.5 (a), SAMC

Item	Information
Affected	Development Standards: Sections 41-365 through 41-373, SAMC

Table 2A: Land Use Standards

General Commercial (C2) (SAMC Sec. 41-365.5 and 41-377.5)	
Proposed Land Use	Permit Requirements
Eating establishment	Allowed by Right
Drive-through window service for an eating establishment	Conditional Use Permit

Table 2B: Development Standards

Standard	Required by General Commercial (C2) Zone	Provided
Front Yard	15 feet minimum	Complies: 40 feet
Side yard (Street)	0 feet minimum	Complies; 28 feet
Side yard (Interior)	0 feet minimum	Complies; 80 feet
Rear yard	0 feet minimum	Complies; 119 feet
Lot Size & Frontage	15,000 sq. ft. and 120 feet	Complies; 1.0-acre (43,730 sq. ft.) and ± 250 (combined site)
Building height	35 feet maximum	Complies; 23 feet , 2 inches
Parking	33 spaces minimum (8 spaces per 1,000 sq. ft. restaurant)	Complies; 52 spaces
Floor Area Ratio (F.A.R.)	5.0 FAR maximum	Complies; 0.11 FAR
Stacking Distance	160 feet; 80 feet to menu board and 80 feet to pick-up window	Complies; 80 feet to menu board, 148 feet to pick-up window

Project Background

The subject site is an existing integrated shopping center known as the Bristol Center, comprised of multiple multi-tenant commercial buildings and multiple separate “pad” buildings, which have all historically contained a mix of restaurants, retail, and service uses. The existing liquor store building and the Chick-fil-A are located along the north of the Bristol Center. However, the liquor store is separately addressed as 1200 W. MacArthur Boulevard.

The liquor store building was constructed in 1972 and included a deli and market. Since 1972, the business has operated as Craig Liquor. There have been multiple business owners through 2021. Pursuant to City business license records, the liquor store stopped operating as of April 2021. At the time that the business was originally established, the use of the building as an off-sale establishment for alcohol sales (e.g., liquor stores,

convenience stores, grocery stores) did not require a conditional use permit or equivalent entitlement. Therefore, the site was considered legal non-conforming throughout the duration of its occupancy. However, pursuant to the SAMC, the site was no longer consider legal non-conforming as of October 2021 due to the discontinued sale of alcoholic beverages for a period of six consecutive months.

On July 28, 2003, the City of Santa Ana Planning Commission held a public hearing for the proposal of a new Krispy Kreme restaurant with drive-through window service and after-hours operations on the subject site. The Planning Commission unanimously recommended that the City Council approve CUP-2003-15, CUP-2003-16, and Amendment Application No. 2003-06, to allow for the new drive-through establishment, after-hours operations, and a zone change to the subject property from a Commercial Residential (CR) zone to a General Commercial (C-2) zone. On August 4, 2003, the City Council unanimously approved CUP-2003-15, CUP-2003-16, and Amendment Application No. 2003-06, and adopted an Initial Study and Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) for the subject site.

The Krispy Kreme establishment briefly operated from late 2003 to late 2005. In November 2005, Chick-Fil-A submitted an occupancy application and tenant improvement plans to occupy the existing building. Since its initial submission, no significant changes have been made to the subject site, architecture, and layout. The project has complied with the City's development standards and applicable design guidelines for commercial buildings and drive-through establishments.

The applicant submitted the original modification application in July 2021. The original project included two complete dual drive-through lanes, extending from two order points, to two pickup windows. However, this site design would have required the removal of existing, mature landscaping along MacArthur Boulevard and would have required Planning Commission approval of a landscape setback variance to allow a reduction in required landscaping. The applicant agreed to the requested revisions, and staff worked with the applicant to instead revise the site design as it is currently presented to ensure that that the project encouraged a harmonious development, maintained the existing landscaping, and kept all four corners of the intersection at Bristol Street and MacArthur Boulevard harmonious aesthetically.

Project Analysis

CUP requests are governed by Section 41-638 of the SAMC. CUPs may be granted when it can be shown that the proposed project will not adversely impact the community. If these findings can be made, then it is appropriate to grant the CUP. Conversely, the inability to make these findings would result in a denial. The project site is located within a commercial center and its operations will be compatible with the surrounding commercial businesses. Furthermore, the City has not received any complaints or issued

any notice of violations to the property owner or previous tenants. Therefore, staff recommends approval of the proposed CUP modification.

The proposed project consists of relocation a portion of the drive-through entrance and creation of a longer dual lane approach and two order points. The dual lane drive-through will extend until the first turn, approximately 115 feet from the drive-through entry where it will merge back into a single lane. To accommodate the expansion into the adjoining property, the existing liquor store will be demolished to create additional parking to accommodate the drive-through use. The existing drive approach on Bristol Street will remain in place, whereas the project proposes shifting the drive approach on MacArthur Boulevard approximately 74 feet east in order to accommodate for the location of the repositioned drive aisle.

The proposed extension of the drive-through is designed and intended to generate the least amount of impacts as possible. The drive-through lane meets the City's stacking requirements and will accommodate approximately 19 vehicles, divided between both lanes without disrupting Bristol Street, the site's drive aisles, or on-site parking spaces. The second lane added to the existing drive-through would allow for additional queuing capacity, avoid the disrupting vehicle circulation, and provide adequate space for vehicles to maneuver through the project site and drive-through lane. In addition, the redesign of the drive-through will provide for additional parking onsite. Moreover, the drive-through lanes will be located towards the east end of the property, which produces minimal visual impact to Bristol Street.

Traffic Impacts and Other Improvements

From a traffic perspective, vehicles will enter both drive-through lanes and will either order at the menu board or have their order taken by team members. Depending on the time of day, deployment of team members to take orders usually occur during peak hours to speed up the flow of traffic while during non-peak hours, customers can order via menu board as they normally would at any drive-through use. Each vehicle will progress through the drive-through in its own lane, until they merge at the first turn. After a customer has received their food, the vehicle will exit the existing drive-through lane with the option to turn right onto Bristol Street or the split lane option to go straight or turn left into the shopping center. To accommodate this additional traffic option, an existing concrete curb will be removed. However, the split lane option will provide an improved traffic circulation than the current design and would eliminate the potential of stacking/queuing concerns. Moreover, vehicles with larger orders will proceed to the closest parking stall and wait for their food to be delivered by a team member. Parking stalls are not reserved specifically for large orders but as a first come first serve basis.

The demolition of the liquor store would also contribute to improving the onsite circulation and parking. The demolition would facilitate the relocation of an existing driveway

approach, which would reduce the queuing or stacking of vehicles on MacArthur Boulevard, allow for the additional onsite parking, and accommodate improved circulation on the newly created drive aisles, improving the overall traffic safety and operations on the site, while minimizing any impacts onto other businesses.

General Plan Consistency

The requested modification will provide an added amenity to the property, avoid the disrupting of vehicle circulation, and provide adequate space for vehicles to maneuver through the project site. Moreover, the project has been designed to be consistent with several goals and policies of the General Plan as follow:

- 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 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 improving the circulation throughout. Lastly, the proposed improvements would allow the existing establishment to continue offering its services, thereby promoting onsite business retention.

- 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 proposed improvements would preserve the character of the existing commercial area. The scale and massing of the addition is proposed to be compatible and will maintain the current architectural style, which includes an earth

tone color palette, thin stone veneer, smooth stucco finishes, canopies and trim. In addition, by maintaining the existing landscaping in place, the project provides a harmonious development and keeps all four corners of the intersection harmonious aesthetically, promoting a clean and safe environment.

- 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 proposed improvements would help generate additional economic growth and stability in the City by further activating a prominent street corner and helping generate property and sales tax revenue. Furthermore, the improvements would help retain the existing 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 proposed project would help the applicant to enhance their business offerings and compete with nearby full-service restaurants that offer similar services with a dual-lane drive-through. Moreover, 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 1000-foot notification radius map, and the site posting are provided in Exhibit 9. In addition to these measures, representatives of the South Coast Neighborhood Association were contacted to identify any areas of concern due to the proposed request. At the time this report was printed, no issues of concern were raised regarding the proposed CUP.

ENVIRONMENTAL IMPACT

On August 4, 2003, the City Council adopted an IS/MND and MMRP as part of the overall entitlement process for the Krispy Kreme restaurant. The IS/MND analyzed aesthetics, air quality, biological resources, cultural resources, geology and soils, hydrology and water quality, noise, and transportation and traffic, among other areas. At that time, the City Council reviewed and considered the information contained in the IS/MND and MMRP which determined that although the proposed project could have a significant effect on the environment, there would be no significant effect due to revisions to the project made by or agreed to by the applicant. Moreover, the City Council found that there was no evidence from which it could be fairly argued that the project would have a significant adverse effect on the environment. Therefore, it was determined that the IS/MND adequately addressed the expected environmental impacts of the project and the City Council adopted and certified the IS/MND.

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, neither a subsequent IS/MND nor an addendum to the IS/MND is required for this project. Pursuant to CEQA, if a Lead Agency needs to approve a new discretionary action or modify a previous discretionary action for a project, additional CEQA review may be necessary to update or expand upon a previously adopted Negative Declaration. Preparation of a subsequent Negative Declaration (or MND) is typically required when project changes or changed circumstances involve new significant environmental effects that were not identified in the previous Negative Declaration, or would result in a substantial increase in the severity of previously identified significant effects. Pursuant to Section 15162 of the CEQA guidelines, a subsequent Negative Declaration only needs to be prepared when the Lead Agency determines one or more of the following, based on substantial evidence in the light of the whole record:

1. Substantial changes are proposed in the project that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken that will require major revisions to the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

- C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

As analyzed, the project's proposed improvements would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects under the MND, and would therefore not result in substantial changes or require major revisions to the previously certified MND. The project includes a net loss of 2,364 square feet of commercial space, stemming from the demolition of the adjacent liquor store on the project site. Moreover, the proposed project would be undertaken in a way that would not result in substantial changes or require major revisions to the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Lastly, the proposed project has not resulted in: A) any new information of substantial importance that was not discussed in the previously certified MND; B) in significant effects previously examined that would be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible; and D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND.

Given this analysis, and in accordance with the CEQA Guidelines, the project is categorically exempt from further review per Section 15301 (Class 1 – Existing Facilities). Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The project proposes a 630-square-foot addition to the existing eating establishment, which is less than 50 percent of the total gross floor area of the existing structure. Moreover, the project proposes negligible expansion of the existing establishment as the project consists of relocating a portion of the drive-through entrance and creation of a longer dual lane approach, increasing the queuing capacity. As such, a Notice of Exemption, Environmental Review No. 2002-436, will be filed for this project.

FISCAL IMPACT

There is no fiscal impact associated with this action.

EXHIBIT(S)

1. Conditional Use Permit Resolution
2. Vicinity Zoning and Aerial View
3. Site Photos
4. Architectural Plans
5. Preliminary Landscape Plans
6. Elevations
7. Site Queueing Analysis
8. Previously Adopted IS/MND
9. Copy of Public Notices

Submitted By:
Pedro Gomez, AICP, Senior Planner

Approved By:
Minh Thai, Executive Director of Planning and Building Agency, Planning and Building
Agency