



# Agenda Item

## Planning Commission

Item #: 7.1.

9/8/2021

File #: 21-0452

**TO:** Chair and Members of the Planning Commission

**THRU:** Anna Pehoushek, Assistant Community Development Director

**FROM:** Vidal F. Márquez, Assistant Planner

### 1. SUBJECT

**Public Hearing:** Conditional Use Permit No. 3136-21, Design Review No. 5026-21, Minor Site Plan Review No. 1038-21 and Administrative Adjustment No. 0281-21, Popeyes Louisiana Kitchen, 584 N. Tustin Street

### 2. SUMMARY

The applicant proposes to demolish an existing 3,468 square foot restaurant and to construct a new 2,344 square foot drive-through restaurant with associated site improvements.

### 3. RECOMMENDED ACTION

Adopt Planning Commission Resolution No. PC 21-21 entitled:

A Resolution of the Planning Commission of the City Of Orange approving Conditional Use Permit No. 3136-21, Design Review No. 5026-21, Minor Site Plan Review No. 1038-21, and Administrative Adjustment No. 0281-21 to redevelop a former full-service restaurant site with a new 2,344-square foot drive-through restaurant and related site improvements with a reduction of required parking, located at 584 E. Tustin Street.

### 4. AUTHORIZING GUIDELINES

Orange Municipal Code (OMC) Sections 17.08.020.B, 17.10.030.C, and 17.13.030 authorize the Planning Commission to review and take action on the subject applications. Table 17.08.020 - Reviewing Bodies states that when more than one type of application is filed for a single project, the application requiring the highest level of approval shall dictate the review process for the entire group of applications. Therefore, the Planning Commission is acting as the final approving body on all of the applications for the project.

### 5. PROJECT BACKGROUND

<i>Applicant:</i>	Petrossi & Associates, Inc.
<i>Property Owner</i>	Tustin Asset, LLC
<i>Property Location</i>	584 N. Tustin Street
<i>Existing General Plan Land Use Element Designation</i>	General Commercial (GC); Maximum 1.0 FAR

<i>Existing Zoning Classification</i>	Limited Business (C-1)
<i>Old Towne</i>	No
<i>Specific Plan/PC</i>	None
<i>Site Size</i>	20,000 square feet (.46-acre)
<i>Circulation</i>	The project site is located on the east side of North Tustin Street directly across from the intersection of North Tustin Street and Orange Grove Avenue. The existing site access is by one two-way driveway at the center of the site. The City's Master Plan of Streets and Highways classifies North Tustin Street as a Major Arterial with an ultimate right of way width of 120 feet.
<i>Existing Conditions</i>	Site developed with a vacant 3,468 sq. ft. restaurant, surface parking, pole sign, and trash enclosure. Existing site topography slopes in a southwesterly direction to the rear abutting the residential properties.
<i>Surrounding Land Uses and Zoning</i>	To the west of the project site are one-story single-family residences, zoned Single-Family Residential (R-1-7). To the north of the project site is a McDonald's restaurant, zoned Limited Business (C-1). To the east are one-story multi-tenant commercial buildings zoned Limited Business (C-1). To the south is a one-story restaurant and associated surface parking lot, zoned Limited Business (C-1).
<i>Previous Applications/Entitlements</i>	None.

## 6. PROJECT DESCRIPTION

The applicant proposes to demolish an existing 3,468 square foot restaurant (former Sizzler Restaurant) and construct a new 2,344 square foot drive-through Popeyes Louisiana Kitchen restaurant building, trash enclosure, surface parking lot, drive-through lane, landscaping, signage, and related site improvements. The project proposes to provide 22 parking stalls and a drive-through with queuing capacity for ten vehicles and nine overflow spaces. A parking reduction of one space is requested through an Administrative Adjustment.

The restaurant will operate between the hours of 10:00 a.m. to 11:00 p.m. Sunday to Thursday and 10:00 a.m. to 1:00 a.m. Friday and Saturday. Deliveries and maintenance services will occur prior to start of business from 7:00 a.m. to 10:00 a.m. There will be two shifts on a given day with up to 5-6 employees.

The project site was developed in the 1960s with a restaurant building, large parking lot and small front yard landscape planters with turf but no trees. The project site is relatively level with a down slope towards the rear westerly portion of the property due to existing site drainage that runs north to the south along an existing culvert into a storm drain inlet. The project site is separated by an existing eight-foot block wall along the west property line abutting single-family residences. These residences are approximately four-feet below grade of the project site elevation. The existing wall will remain in place during construction.

### Architecture

The proposed single-story building will be 20 feet in height with some roofline projections at 22 feet, 8

inches along the east and south elevations. The building design utilizes a contemporary Popeyes brand architectural style with varied flat roof lines, articulated wall planes, projecting metal awnings over windows, entry doors, and drive-through windows. Exterior materials and colors also contribute to the contemporary style including vertical cedar wood panel siding, brick veneer, painted smooth textured plaster, wainscot accent trim, and decorative shutters. Detailed information about the architectural design and color scheme are provided in Attachments 6, 9, and 10.

A new freestanding 290-square foot trash enclosure will be constructed of concrete masonry block with a smooth plaster finish, flat metal roof cover, mesh screen, and metal gates. The materials and colors will coordinate with the design of the proposed building.

### Landscaping

The project landscaping proposal will plant a variety of trees, shrubs and groundcover along front yard area, perimeter planters, and a central landscape island to the rear of the proposed building. The applicant is proposing to plant 19 new trees on-site and a variety of shrubs and groundcover. Detailed information about the landscape palette is provided in Attachments 6 and 10. Landscaping and trees would be distributed throughout the site. The proposed total landscaped area will be 4,630 square feet (23% of the site). Parking areas, drive aisles, and pedestrian walkways consists of standard concrete paving. Finally, street trees will be planted in the right-of-way located in compliance with Public Works standards.

### Lighting

The restaurant proposes LED gooseneck wall mounted fixtures in an orange finish on south, east, and north building elevations with the light projecting in a downward direction. Two wall pack light fixtures will be installed at the rear westerly building elevation. In addition, various freestanding perimeter 20-foot high LED light standards will also be provided for site illumination. All project lighting will be installed and directed to prevent light spillage beyond the exterior boundaries of the property.

### Signage

The applicant has included a sign concept that meets Code requirements and is generally compatible with the contemporary building design through the use of a similar color palette. The existing 15-foot tall, double-faced pole sign, located within a landscape planter along the property frontage will remain in place and be refaced. Building signage will include illuminated Popeyes Louisiana Kitchen brand logos on the south, east, and north elevations, as well as typical drive-through restaurant illuminated digital preview menu and menu boards, drive-through lane signage, and directional signage.

### Access and Circulation

The project will remove an existing two-way entrance drive approach at the center of the site in order to accommodate a new two-way drive approach and a secondary one-way drive-through lane exit that wraps around the perimeter of the restaurant building. The project proposes to provide 22 parking stalls and a drive-through queue lane capacity of ten vehicles with an overflow of nine spaces to avoid spill out onto Tustin Street.

### Development Standards

	Required	Proposed	Code Section
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<i>Building Height</i>	Maximum of 32 feet-2 Stories	22 feet-8 inches	Table 17.18.120
<i>Fence height</i>	6 foot tall masonry wall when property is adjacent to any residential property	Existing	17.18.140
<i>Floor Area Ratio (FAR)</i>	Maximum 1.0	0.11	General Plan
<i>Landscaping (non-residential)</i>	Front: 10 feet minimum Interior Sides and Rear: 4 feet minimum. Parking Areas - screened with shrubs - 5 gallon minimum size Trash Enclosure: 4 feet wide landscape planter on at least two sides. 29 trees	10 feet North Side: 4 feet South Side: 4 feet 5 gallon shrubs 4 feet wide on two sides 19 trees	17.18.160.A.1.a 17.18.160.A.1.b 17.18.160.A.2 17.18.160.A.3 17.18.160.B.1.a
<i>Loading area (non-residential)</i>	Width: 10 feet Length: 40 feet	10 feet 40 feet	Table 17.34.160
<i>Lot frontage</i>	None	100 feet	17.18.100
<i>Lot depth</i>	None	200 feet	17.18.100
<i>Parking (non-residential)</i>	10 spaces/1,000 sq. ft. of gross floor area for the first 4,000 sq. ft. Total Required: 23 spaces	22 spaces	17.34.060
<i>Setback, Front</i>	10 feet minimum	13 feet	Table 17.18.130
<i>Setback, Rear</i>	0 feet	105 feet-4 inches	Table 17.18.130
<i>Setback, Side (north)</i>	0 feet	48 feet-11 inches	Table 17.18.130
<i>Setback, Side (south)</i>	0 feet	17 feet	Table 17.18.130

## 7. ANALYSIS AND STATEMENT OF THE ISSUES

Staff believes the proposed project has been designed in a manner that is appropriate and significantly improves the appearance of the site. The site plan and operational aspects of the project have taken the adjacent neighborhood and commercial district into consideration and minimized potential impacts related to lighting, noise, and traffic circulation. These are all of the factors that are the basis for requiring a CUP for a drive-through.

### Issue 1 Circulation and Queue:

OMC Section 17.13.050.S requires that restaurants with drive-through service submit a queuing study that compares other drive-through restaurant locations based upon similar operations, addressing the anticipated traffic volumes and vehicular stacking needs of the proposed project. The

applicant has prepared and submitted a Queuing Analysis and Trip Generation report (Attachment 4) providing comparable sites of similar size and operations. The report presents an analysis of three Popeyes drive-through locations and their vehicle stacking counts during peak periods of the week. The report concludes that for the proposed operation there is sufficient queue stacking for ten vehicles with an overflow of nine vehicle spaces before any vehicles spill out onto the public street. In addition, the study provides a contingency plan for periods where longer queues could impact Tustin Street. The contingency plan includes monitoring of the queue when it reaches between 10 and 15 vehicles and making advance mobile ordering available during store hours for pick up where customers can park as directed by employees.

Staff has found the proposed queuing and contingency plan as outlined within the Queuing Analysis and Trip Generation report to be acceptable for the operation of the restaurant. In addition, staff has included conditions of approval 25 and 26 providing additional assurance that if queuing issues arise on the site or interfere with traffic flow on Tustin Street, the applicant would be required to resolve any issues in consultation with the Community Development Department. Should these issues not be resolved to the City's satisfaction, the Conditional Use Permit would return to the Planning Commission for consideration of further conditions and/or modifications to the operation of the drive-through.

### **Issue 2 Parking:**

At the writing of this report the OMC Table 17.34.060 requires 10 parking spaces/1,000 sq. ft. of gross floor area for the first 4,000 sq. ft. for restaurant uses. The proposed building gross floor area is 2,344 sq. ft., therefore, 23 parking stalls are required for the project proposal. The proposed project is short one stall and the applicant is requesting to provide 22 stalls for the project in order to comply with required drive aisle widths, parking stall lengths, and landscape planters. The applicant requests an administrative adjustment to permit the parking reduction. Staff believes losing one stall will not create an impact to the project and surrounding properties and the findings can be made to support the administrative adjustment. The reduction of one stall will not be detrimental to the public health, safety, and general welfare of persons residing or working on the subject property or in the vicinity. Furthermore, the City is currently updating its commercial parking standards. The proposed parking for restaurants is 13 spaces/1,000 sq. ft. of restaurant gross floor area, exclusive of kitchen, storage, and restroom uses, plus appropriate stacking. Under the proposed parking code amendment, the proposal would be required to have 11 parking spaces. The ordinance for the parking code update had a first reading by the City Council on August 10, 2021. A second reading of the Ordinance is scheduled for September 14, 2021 City Council meeting. With the anticipated approval of the second reading, the new parking standard would take effect on October 14, 2021.

## **8. PUBLIC NOTICE**

On August 26, 2021, the City sent a Public Hearing Notice to 75 property owners/tenants within a 300-foot radius of the project site and persons specifically requesting notice. The project site was posted with the notification in one location on that same date.

## **9. ENVIRONMENTAL REVIEW**

**Categorical Exemption:** The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15303 (Class 3 - New Construction or Conversion of Small Structures) because the project consists of the construction of a new, small (<10,000 square foot in urbanized area) structure zoned for such use, not involving the significant use of hazardous substances, where all necessary public services are available, and

where the area is not environmentally sensitive. There is no environmental public review or notice required for a categorical exemption.

## **10. ADVISORY BOARD ACTION**

### **Staff Review Committee:**

The interdepartmental staff review committee (SMART) conducted reviews of the project on February 10, 2021, May 12, 2021, and June 30, 2021 and recommended the project proceed to the Design Review Committee (DRC) with conditions.

### **Design Review Committee:**

The DRC conducted a review of the project on July 21, 2021 and recommended project approval to the Planning Commission with conditions by a 4-0 vote. The DRC conditions of approval are included within Planning Commission Resolution No. PC 21-21 (Attachment 1).

## **11. ATTACHMENTS**

- Attachment 1 Draft Planning Commission Resolution No. 21-21
- Attachment 2 Vicinity Map
- Attachment 3 Applicant Project Description
- Attachment 4 Queuing Analysis, Trip Generation, and Contingency Report
- Attachment 5 Noise Analysis
- Attachment 6 Project Plans
- Attachment 7 Sign Plans
- Attachment 8 Landscape Thumbnail Imagery
- Attachment 9 Colors and Materials Board
- Attachment 10 DRC Staff Report July 21, 2021
- Attachment 11 DRC Meeting Minutes July 21, 2021