



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

Topic: Conditional Use Permit No. 2024-11 – Les Brisket Hut On-Sale of Beer & Wine License (730 North Poinsettia Street, Unit A)

RECOMMENDED ACTION

Adopt a resolution approving Conditional Use Permit No. 2024-11 as conditioned.

EXECUTIVE SUMMARY

Brenda and Daniel Castillo with Les Brisket Hut (Applicant), and on behalf of Dana Neville Harvey (Property Owner), are requesting approval of Conditional Use Permit (CUP) No. 2024-11 to allow the sale of beer and wine for on-premises consumption, through a Type-41 license from the Department of Alcoholic Beverage Control (ABC), at a new eating establishment to be located at 730 North Poinsettia Street, Unit A. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC), establishments wishing to sell alcoholic beverages for on-premises consumption require approval of a CUP. Staff is recommending approval of the applicant's request because the site is located within the Transit Zoning Code (SD-84), which is intended for such uses, and because the site is not adjacent to any schools/playgrounds, religious institutions, and parks. In addition, the new eating establishment will provide a new dining experience to the area. Lastly, the operational standards and proposed conditions of approval will ensure that the sale of beer and wine for on-premises consumption will not negatively affect the surrounding community.

DISCUSSION

Project Description

The applicant is requesting approval of CUP No. 2024-11 to allow the sale of beer and wine for on-premises consumption, through the operation of a Type-41 ABC license, at a new eating establishment to be located at 730 N. Poinsettia Street, Unit A. Les Brisket Hut proposes to occupy an 1,120-square foot indoor tenant space within a 4,000-square foot multi-tenant commercial Quonset Hut building and a 960-square foot outdoor dining patio located near the southwest corner of Civic Center Drive and Poinsettia Street.

The eating establishment will accommodate up to 40 patrons within the indoor dining area and 48 patrons within the outdoor dining area. If the CUP request is approved, the alcoholic beverages will be served within the indoor and outdoor patio dining areas and

will be stored and displayed at the service counter, behind the bar. The restaurant will contain an overall alcohol storage area of approximately 30 square feet, which is less than five percent of the gross floor area of the tenant space as allowed by Section 41-196(g)(25) of the SAMC.

The proposed hours of operation will be Monday through Sunday from 8:00 a.m. to 11:00 p.m. The sale of alcoholic beverages for after-hours operations and live entertainment are not being requested at this time. Should the applicant seek to sell alcoholic beverages between 12:00 a.m. (midnight) and 7:00 a.m., a separate CUP will be required in accordance with Section 41-196(g)(3) of the SAMC. In addition, an entertainment permit would be required for on-site entertainment pursuant to Section 11-6 of the SAMC.

Table 1: Project and Location Information

Item	Information	
Project Address and Council Ward	730 North Poinsettia Street, Unit A – Ward 6	
Nearest Intersection	Civic Center Drive and Poinsettia Street	
General Plan Designation	Urban Neighborhood	
Zoning Designation	Transit Zoning Code (SD84), Urban Neighborhood 2	
Surrounding Land Uses	North	Residential/Industrial
	East	Live/Work Development
	South	Industrial
	West	Multi-Family Residential
Property Size	0.344 acres (15,000 square feet)	
Existing Site Development	The subject site contains two (2) existing 4,000-square foot Quonset Hut buildings and a one-story industrial building.	
Tenant Size	1,120-square feet indoor and a 960-square foot outdoor dining area	
Use Permissions	Allowed with a conditional use permit (CUP)	
Zoning Code Sections Affected	Uses	Section 41-196(a) of the SAMC
	Operational Standards	Section 41-196(g) of the SAMC
	Census Tract No.	744.05
Census Tract and ABC License Information	No. of Allowed and Existing Licenses (on-sale)	8 Allowed & 4 Existing

Table 2: Operational Standards

Standards	Permissible by SAMC	Provided
Eating Establishment Type	Bona-Fide	Bona-Fide
Hours of Operation for ABC Sales	7:00 a.m. to 12:00 a.m. (midnight), unless extended by a separate after-hours CUP	Monday through Sunday from 8:00 a.m. to 11:00 p.m.
Window Display	25% of Window Coverage	Complies
Alcohol Storage and Display	5% of G.F.A.	2.67% of G.F.A.

Project Background

The subject site was developed in 1946 with two metal Quonset Hut buildings and has since been occupied by various industrial and retail tenants. In 2019, the buildings were approved for façade and tenant interior renovations to accommodate an eating establishment. Les Brisket Hut will be first eating establishment to occupy Unit A.

Les Bisket Hut is a new concept from Brenda and Daniel Castillo, who operate Heritage Barbeque restaurant in San Juan Capistrano. The proposed eating establishment will offer a fusion of Mexican street food with Texas barbeque paired with an offering of natural wines and will operate from breakfast to evening dining. If the CUP is approved, the restaurant will offer unique assortments of beer and wine as an ancillary component to their dining service options.

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 purpose of regulating establishments that sell alcoholic beverages is to set forth operating practices and procedures and to minimize impacts to surrounding areas. Staff has reviewed the applicant's request for the sale and consumption of beer and wine and has determined the proposed CUP will not be detrimental to the health, safety, and welfare of the community.

Les Brisket Hut will provide a unique dining experience and, with approval of CUP No. 2024-11, will provide an ancillary service to customers by allowing them the ability to purchase a variety of beer and wine beverages with their meal. Allowing the sale of beer and wine for on-premises consumption will also allow the subject establishment to be economically viable and compete with nearby full-service establishments that offer similar services to their patrons. Les Brisket Hut will be compatible with other nearby commercial uses that offer the same services and will be economically beneficial to the surrounding area. As a result, the granting of the CUP will not negatively impact any nearby sensitive land uses.

The subject site is not located within immediate proximity to any playgrounds, schools, or religious institutions. Chepa's Park, the nearest public park, is approximately 720 linear feet (0.42 miles) to the northeast. Saint Joseph Catholic School is the nearest school and religious institution, approximately 270 linear feet (0.05) to the southeast. The property is adjacent to both single and multi-family residences, however, it is located in the SD-84 zone, which was created with the intention for these types of land uses to coexist in close proximity. Furthermore, the project is located in the Urban Neighborhood General Plan land use designation, which allows for the development of semiurban villages that are

well connected to schools, parks, and neighborhood- serving commercial and residential uses side by side that are also well connected to public transportation. The subject site is within walking distance to the Santa Ana Regional Transportation Center, which will also be one of the Orange County Streetcar's stop. Moreover, the operational standards applicable to an ABC license and proposed conditions of approval, will mitigate any potential impacts created by the use and will ensure that the use will not negatively affect the surrounding community.

Lastly, the site is located in Census Tract No. 744.05, which ABC allows a maximum of eight on-premises alcohol licenses, while there are currently four active licenses per ABC. Per ABC, an "undue concentration" would occur if more than eight off-premises licenses were within this census tract, which is not applicable to this application. Exhibit 6 of this report contains a map of current licenses within Census Tract No. 744.05.

Adjacency to 728 N. Poinsettia Street, Unit A (CUP No. 2023-06)

On April 24, 2023, the Planning Commission approved CUP No. 2023-06 for 61 Hundred Bread to allow the sale of beer and wine for on-premises consumption at a new bakery and eating establishment located at 728 North Poinsettia Street, Unit A, which is located in an adjacent building to the proposed Les Brisket Hut eating establishment. Tenant improvement permits for 61 Hundred Bread were issued in 2023 by the Building Safety Division and construction is currently underway. The establishment is anticipated to open in September and the alcohol license for 61 Hundred Bread has not yet been issued by ABC. Both eating establishments are located within one lot owned by Dana Neville Harvey and share common outdoor spaces and parking. CUP No. 2024-11 has been conditioned with the same conditions of approval as CUP No. 2023-06 to ensure consistency between both operators and mitigate any impacts, if any, to the surrounding community. The conditions of approval require the recordation of a property maintenance agreement to ensure the property is well kept and a Good Neighbor Policy to ensure the eating establishment and its patrons comply with applicable noise, parking, outdoor smoking regulations, litter removal, and loitering prevention in the immediate vicinity of the business. In addition, both eating establishments are located within SD-84, which was approved with the intention for these types of mixed land uses to exist in close proximity to one another and create a vibrant, amenitized environment for residential and commercial land uses, subject to applicable conditions of approval that ensure responsible operation of ABC licenses.

General Plan Consistency

Approval of this application will be consistent with the goals of the General Plan, specifically Goals 2, 3, 4 of the Land Use Element. The project is located in the Urban Neighborhood General Plan land use designation, which allows for the development of semiurban villages that are well connected to schools, parks, and neighborhood- serving commercial uses that are also well connected to public transportation. Goal 2 of the Land

Use Element (LU) encourages a balance of land uses that meet Santa Ana's diverse needs. Policy 2.2 of the LU encourages a range of commercial uses to capture a greater share of local spending and offer a range of employment opportunities. Policy 2.7 of the LU supports land use decisions that encourage the creation, development, and retention of businesses in Santa Ana. Goal 3 of the LU encourages the preservation and improvement of the character and integrity of the existing neighborhoods and districts. Policy 3.7 of the LU supports the promotion of a clean, safe, and creative environment for Santa Ana's residents, workers, and visitors. Goal 4 supports a sustainable Santa Ana through improvements to the built environment. Lastly, Policy 4.1 of the LU encourages the promotion of complete neighborhoods by encouraging a mix of complementary uses, community services, and people places within a walkable area. The granting of the CUP will provide an 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 eating establishment is located within an existing mixed-use area and its operations will be compatible with the surrounding uses.

Police Department Analysis

The Police Department has reviewed this request and has no concerns, as the operational standards applicable to on-premises ABC licenses will mitigate any potential impacts to the surrounding community. The Police Department reviews such applications for the sale and service of alcoholic beverages in order to ensure that the potential crime and nuisance behaviors associated with alcohol consumption are mitigated to the greatest extent possible. For on-premises licenses, the Police Department analyzes the crime rate in the area using the standards and definitions contained in the Business and Professions Code Section 23948.4(c)(2), which are also utilized by ABC. This section defines "reported crimes" as criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations.

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 ABC and 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 will consider this information in making its recommendation.

As part of the application process, the Police Department has reviewed the applicant's request for sale of beer and wine for on-premises consumption and has no prejudicial concerns, as the operational standards applicable to the ABC license and proposed conditions of approval will mitigate the potential impacts to the surrounding community. The Police Department carefully evaluated a 500-foot radius for the site's vicinity and determined that there have been approximately 365 service calls in the project site's

vicinity since July 15, 2023. Of those 365 calls, 53 resulted in reports taken in, none of which were specifically attributed to this location. None of the service calls received were due to violent crimes. The reports were in result of impounded/stored vehicles, domestic violence, malicious mischief, and petty theft. According to the Police Department, the number of calls for service is commensurate with the 500-foot radius, and it is not anticipated that approval of the requested CUP will contribute to or exacerbate these statistics. Based on its review, the Police Department is satisfied with proposed operational standards and conditions and does not object to the granting of the CUP.

Table 3: Police Department Analysis and Criteria for Recommendation

Police Department Analysis and Criteria for Recommendation	
Police Grid No. and Rank	Police Grid No. 185; ranked 3 out of 102 Police Reporting Grids (2nd percentile).
Threshold for High Crime	This reporting district IS within the 20 percent threshold established by the State for high crime.
Police Department Recommendation	<p>As part of the review approval process, this application was analyzed by the Santa Ana Police Department. Based on the Police Department's review, the Police Department has no issues of concern regarding this application.</p> <p>Although the property falls within the 20-percentile high crime threshold, the Police Department is satisfied with the operational standards applicable for a CUP issuance for a Type-41 ABC license and conclude that the conditions set forth will mitigate any potential negative impact to the surrounding community, and therefore does not oppose the granting of a CUP.</p>

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 7. The site is located within the boundaries of the Lacy neighborhood, and adjacent to the French Park and Logan neighborhoods. Notices were sent to the Lacy, French Park, and Logan neighborhood associations and their representatives were contacted to identify any areas of concern due to the proposed application request. At the time this report was printed, no issues of concern were raised regarding the proposed CUP.

ENVIRONMENTAL IMPACT

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines. 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 to allow the sale of beer and wine for on-premises consumption at a new bona-

fine dining establishment. As such, a Notice of Exemption, Environmental Review No. 2024-57, will be filed for this project.

FISCAL IMPACT

There is no fiscal impact associated with this action.

EXHIBIT(S)

1. Resolution
2. Vicinity Zoning and Aerial View
3. Site Photos
4. Site Plan
5. Floor Plan
6. Map of ABC Licenses in Project Vicinity
7. Copy of Public Notices

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