



Planning and Building Agency  
December 9, 2024  
Item # 1

**City of Santa Ana**  
**20 Civic Center Plaza, Santa Ana, CA 92701**  
**Planning Commission Staff Report**  
**December 9, 2024**

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**Topic:** Conditional Use Permit No. 2024-13, Variance No. 2024-03, and Minor Exception No. 2024-03 – Starbucks (2235 South Bristol Street)

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**RECOMMENDED ACTIONS**

1. Adopt a resolution approving Conditional Use Permit No. 2024-13 for drive-through window service, as conditioned;
2. Adopt a resolution approving Variance No. 2024-03 for a reduction in required landscape setbacks, as conditioned; and
3. Adopt a resolution approving Minor Exception No. 2024-03 for continuance of overhead electrical feed and on-site power pole, as conditioned.

**EXECUTIVE SUMMARY**

Amir Houriani with Santana Green Development, LLC. (Applicant and Property Owner) is requesting approval of various entitlements to allow the construction and operation of a 1,205-square foot Starbucks at a vacant property located at 2235 South Bristol Street. Entitlements include Conditional Use Permit (CUP) No. 2024-13 to allow drive-through window service, Variance (VA) No. 2024-03 to allow a reduction in required landscaped setbacks, and Minor Exception (ME) No. 2024-03 to allow for continuance of overhead electrical feed and on-site power pole to service the site. Pursuant to Sections 41-424.5(e) of the Santa Ana Municipal Code (SAMC), eating establishments wishing to operate a drive-through window service require approval of a CUP. In addition, pursuant to Section 41-632(2) of the SAMC, a variance from development standards of Chapter 41 (Zoning) of the SAMC may be granted. Lastly, pursuant to Section 41-626(e) of the SAMC, new buildings wishing to waive the underground utility installation requirements require approval of a minor exception. Staff is recommending approval of the requested entitlements in order to facilitate the construction and operation of a Starbucks that will enhance the neighboring area and a prominent intersection along a major commercial corridor of the City and accomplish development at a vacant site that will generate sale tax revenue for the City. The project will also provide additional services to residents, workers, and visitors in the area and 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 requesting approval of various entitlements to facilitate the construction and operation of a new 1,205-square-foot Starbucks with an outdoor seating area and a drive-through

window service and lane. Additional on-site improvements consist of four (4) bicycle parking spaces, thirteen (13) vehicle parking spaces, a trash enclosure, decorative pergolas, and landscaping. In addition, off-site improvements consist of the construction of new sidewalks, parkways, and landscape at the perimeter of the property and an extended “Pork Chop” curb at the intersection of Magnolia Avenue and Warner Avenue and a raised median along Magnolia Avenue that will prevent cut through traffic through the neighborhood and site. Vehicular access to the site will be provided from Bristol Street and Magnolia Avenue and pedestrian access will be provided from Bristol Street, Magnolia Avenue, and Warner Avenue. The drive-thru lane has been designed to minimize traffic impacts to the site and Bristol Street and will accommodate up to sixteen vehicles.

The proposed floor plan will consist of a separate walk-up window to support the customers ordering from the outdoor patio area and indoor dining is not being proposed at this location. The building will also include an office, workroom, preparation area, dry storage, and a unisex bathroom with secondary access from the outdoor patio area. The outdoor patio area will be able to accommodate approximately 14 patrons and Starbucks will be open from 5:00 a.m. to 12:00 p.m. (midnight) daily. No late night (after-hours) operation is being requested at this time.

**Table 1: Project and Location Information**

Item	Information	
Project Address and Council Ward	2235 South Bristol Street – Ward 6	
Nearest Intersection	Bristol Street and Warner Avenue	
General Plan Designation	General Commercial (GC)	
Zoning Designation	Bristol Street Corridor Specific Plan (SP-1) / Arterial Commercial (C-5)	
Surrounding Land Uses	North	Vacant Lot/Single-Family Residential
	East	Single-Family Residential
	South	Commercial
	West	Commercial
Property Size	0.402 acres (17,500 sq. ft.)	
Existing Site Development	The subject site is currently vacant	
Use Permissions	Allowed with a conditional use permit (CUP)	
Zoning Code Sections Affected	Uses	Chapter 5 (The Development Plan) of SP-1; and Section 41-424.5(e) of the SAMC
	Development Standards	SP-1; Sections 41-425 through 41-428 and 41-366 through 41-373 of the SAMC

### **Project Background**

The site was originally developed in 1967 with a one-story commercial building and then further developed in 1976 with an additional commercial building. Following the Bristol Street widening in 2011, the commercial buildings on-site were demolished and the site has remained vacant since then. On April 21, 2020, the City Council adopted Resolution No. 2020-032 declaring the property as surplus land and directed the City Manager to comply with the requirements of California Government Code Section 542200 et seq. (“Surplus Land Act”) for the disposition of the property. On December 15, 2021, the City and the applicant entered into a Purchase and Sale Agreement, Agreement No. A-2021-247, to foster development of the property.

The applicant subsequently filed the Development Project (DP) application on January 24, 2023. The DP application was deemed complete and ready for public hearing by staff on March 1, 2024. Lot Merger, CUP, Variance, and Minor Exception applications were submitted on August 13, 2024. Since the initial submission, staff has been working with the applicant to ensure the project minimizes impacts onto surrounding properties and roadways, and to refine the project's architecture and site plan to comply with the City's development standards and applicable design guidelines for commercial buildings and drive-through establishments. In addition to the entitlement process, the applicant is actively collaborating with the Public Works Agency to facilitate the voluntary lot merger procedure.

Starbucks is a global coffee brand with many locations throughout the world, including eighteen locations in Santa Ana. The menu includes various types of hot and iced beverages, sandwiches, snacks, and other breakfast and lunch food items. There is an existing Starbucks with a drive-through located just south across Warner Avenue. The proposed project is being developed with the intention to divert some of the traffic from that location, to help offset the customer load.

### **Project Analysis**

Pursuant to Section 41-424.5(e) of the SAMC, eating establishments wishing to operate a drive-through window service require approval of a CUP. In addition, pursuant to Section 41-632(2) of the SAMC, a VA from development standards of Chapter 41 (Zoning) of the SAMC may be granted. Lastly, pursuant to Section 41-626(e) of the SAMC, new buildings wishing to waive the underground utility installation requirements require approval of a ME. CUPs, VAs, and MEs, 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. While VAs and MEs may be granted when it can be shown that because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. If these findings can be made, then it is appropriate to grant the CUP, VA, and ME. Conversely, the inability to make these findings would result in a denial.

### **Conditional Use Permit No. 2024-13 for Drive-Through Window Service**

Staff has reviewed the applicant's request for the operation of a drive-through window service at the subject location and has determined that the operation of a drive-through window service at the subject location will not be detrimental to the health, safety, and welfare of the community. The proposed drive-through window service is designed and intended to generate the least amount of traffic and noise impacts. The drive-through lane exceeds the City's stacking requirements and will allow for a total of sixteen vehicles to queue without disrupting Bristol Street, the site's drive aisles, or onsite parking spaces. An analysis of the site access and site circulation prepared by Translutions, Inc., attached hereto as Exhibit 10, determined that the proposed site plan provides adequate space for vehicles to maneuver through the project site and drive-through lane without impacting current traffic patterns. The drive-through operation is also designed to generate minimal noise impacts as the drive-through lane and speaker boards are along Warner Avenue and away from the adjacent residential properties. Additionally, the project will include landscape along the northern and eastern property lines to further buffer any potential noise generated from the drive-through window activities and from the idling of vehicles. Moreover, a seven-foot high block wall will be constructed along the northern property line to match the existing wall located to the northeast of the subject property which will further assist in reducing any noise impacts. To further ensure that the drive-through window

service operation is not detrimental to the health, safety, or general welfare, staff is recommending conditions of approval such as the implementation of a “Good Neighbor Policy” and recordation of a property maintenance agreement to mitigate any additional impacts.

In addition, various off-site improvements and special considerations were made to safeguard the adjacent neighborhood. The driveway design includes a one-way exit to prevent incoming traffic to the site from Magnolia Avenue. Secondly, a raised traffic island on Magnolia Avenue has been included to further mitigating any potential traffic impacts through the neighborhood. Lastly, a traffic knuckle design has been included on the corner of Magnolia and Warner avenues, which has been successfully implemented in other parts of the City to prohibit potential neighborhood traffic impacts such as cut-through traffic. The Public Works Agency has reviewed these mitigation measures with the surrounding neighborhood and ensured their support for each of these traffic-calming solutions.

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 café will generate new and permanent employment opportunities and support the economic growth and stability of the City, activate the street, conform to the vision and goals of the Bristol Street Corridor Specific Plan, and generate property and sales tax revenue for the City.

#### Variance No. 2024-03 for Reduction in Required Landscape Setbacks

In analyzing the variance request, staff believes that the following analysis warrants staff’s recommendation of approval. Throughout the review process, the applicant coordinated with City staff to meticulously plan the safest trash pick-up route, ensure ample space for drive-through lane queuing, and devise a site plan that minimizes disruptions for the neighboring residential properties to the north and east of the subject site. However, the unique circumstances associated with the subject site, particularly its shape due to the widening of Bristol Street and proximity to residential properties on the north and east sides, present challenges to the overall site design. Reduction from the required landscaped setbacks enables the project to be designed to ensure safe circulation for all types of vehicles and to meet the City’s off-street parking and site circulation standards. Without the reduction, the project would need to be substantially redesigned and would negatively impact the feasibility of the site’s development. Additional impacts would include a reduction in drive-aisle lane widths, creation of onsite circulation hazards, and/or relocation of the drive-through lane, bringing the speakers closer to the neighboring residences. Moreover, these adjustments would result in a reduction of parking spaces, affecting the overall functionality and viability of the site and resulting in community parking impacts. Table 2 below provides a detailed comparison of the project’s compliance with the applicable land use and development standards.

**Table 2: Development Standards and Project Compliance**

Development Standards	Requirement by the C-5 Zoning District	Provided by Project
Front Yard	15 feet minimum	Complies: 109 feet provided
Side Yard (abutting residential)	20 feet	Complies: 30 feet provided
Rear Yard	20 feet	Complies: 20 feet provided
Landscape Front and Side Street Yard	15 feet minimum	<b>Does Not Comply:</b> 3-10 feet. Variance No. 2024-14 requested to allow a reduced landscaped setback
Lot Size	15,000 sq. ft. minimum	Complies: 17,500 sq. ft. provided

Development Standards	Requirement by the C-5 Zoning District	Provided by Project
Lot Frontage	120 feet minimum	Complies: Street frontage on three sides provided
Building Height	22.5 feet maximum	Complies: 19.5 feet provided
Floor Area Ration (FAR)	1.5 FAR maximum	Complies: 0.07 FAR provided
Parking	10 spaces; 4 bicycle spaces	Complies: 13 spaces; 4 bicycle spaces provided
Stacking Distance	160 feet (80 feet from drive-through entrance to menu board and 80 feet from menu board to pick up window)	Complies: 89 feet from drive-through entrance to menu board and 110 feet to pick-up window provided (199 feet total).

**Minor Exception No. 2024-03 for Continuance of Overhead Electrical Feed and On-site Power Pole**

Pursuant to Section 41-626 of the SAMC, all projects are required to install electrical, telephone, community antenna television and similar service wires or cables which provide direct service to the property being developed, shall, within the exterior boundary lines of such property, be installed underground. The applicant is requesting approval of a minor exception to allow continuance of the overhead electrical feed to the site and existing on-site power pole located in the center of the site to remain in order to provide electrical service to the new commercial building and surrounding properties. According to Southern California Edison (SCE), undergrounding and relocating the existing power pole will be disproportionately costly to the applicant and are beyond the typical range of cost experienced by most developers in Santa Ana and will make the project infeasible. In addition, relocation of the power pole would result in the closure of West Warner Avenue, which will create traffic delays and impacts inconveniencing the surrounding residents, businesses and the general public. This option will also bear a cost to the applicant and will require permits and approval from the Public Works Agency that are also beyond the typical range of cost for developers in Santa Ana. In analyzing the option, the Public Works Agency determined that relocation or undergrounding is not a feasible option.

Lastly, approving this minor exception to allow the overhead electrical feed will prevent the applicant from having to trench across West Warner Avenue to route the electrical feed. The continuation of the overhead feed will also be consistent with the streetscape, as the power poles are currently located on the south side of Warner Avenue, continue on the east side of Bristol Street, and the majority of the properties to the north of the property are being fed through overhead lines. The continuation of the overhead feed will not have any negative physical or aesthetic impacts to the surrounding properties or general welfare of the residents in the vicinity and will be the most feasible option to the applicant, SCE, and the City.

**General Plan Consistency**

The approval of the proposed project will be consistent with several goals and policies of the General Plan land use designation of General Commercial (GC), which allows for the development of highly visible and accessible shopping opportunities along arterial corridors. Additionally, this designation supports the development and continued operation of recreational, cultural, and entertainment opportunities near established residential neighborhoods. The project would provide an added

amenity and would promote a land use that enhances the City's economic fiscal viability and mitigates any potential impacts to the surrounding community. Approval of this application would be consistent with several goals and policies of the General Plan, specifically Goals 1, 2, 3, and 4 of the Land Use ("LU") Element and Goals 1 and 3 of the Economic Prosperity ("EP") Element as discussed below.

Starbucks will offer a walk-up window service and outdoor patio area to support the local community. Policy LU-1.1 encourages development that is compatible with and supporting of surrounding businesses and community needs. Policy LU-2.7 supports land use decisions that encourage the creation, development, and retention of business in Santa Ana. The construction of a new café along a major corridor, near similar commercial uses and residential development, will continue to encourage a wide range of commercial uses that benefit the existing neighborhood and the surrounding community. Policy LU-3.1 supports new development which provides a net community benefit and contributes to neighborhood character and identity, specifically when it comes to an outdoor patio area, which would not only increase accessibility and convenience for patrons, but also strengthen the commercial viability and enduring success of the establishment. Policy LU-4.1 promote complete neighborhoods by encouraging a mix of complementary uses, community services, and people places within a walkable area. The development of the proposed café and the outdoor patio area holds the potential to foster a cohesive neighborhood, catering to both the residential community in its vicinity and the commercial corridor along Bristol Street with sidewalk access from all three street sides.

Policy EP-1.2 promotes new job-producing businesses that provide living-wage employment opportunities, which would generate property and sales tax revenue and provide employment opportunities to Santa Ana residents. Policy EP-3.8 promotes a balance of fiscal and qualitative community benefits when making land use decisions. The project would help create a friendly business environment and help the overall commercial strip along Bristol Street to enhance their business offerings and compete with nearby commercial businesses. 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 9. The site is located within the boundaries of the Santa Ana Memorial Park Neighborhood Association, whose leadership were notified due to the proposed application request. Additionally, as part of the community outreach, staff also contacted representatives of the adjacent Sunwood Central, Thornton Park, and Bristol-Warner Neighborhood Associations to identify any areas of concerns. At the time this report was printed, no issues of concern were raised regarding the proposed project.

### **ENVIRONMENTAL IMPACT**

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15303 of the CEQA Guidelines (Class 3 exemption for new construction or conversion of small structures). Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures, which includes commercial buildings for restaurant uses not exceeding 10,000 square feet located in

urbanized areas. The project proposes to construct a 1,205-square-foot commercial building with a drive-through window service. As such, a Notice of Exemption, Environmental Review No. 2023-19, will be filed for this project.

### **FISCAL IMPACT**

There is no fiscal impact associated with this action.

### **EXHIBIT(S)**

1. Resolution for CUP No. 2024-13
2. Resolution for Variance No. 2024-03
3. Resolution for Minor Exception No. 2024-03
4. Vicinity Zoning and Aerial View
5. Site Photos
6. Site Plan
7. Floor Plan
8. Elevations
9. Conceptual Landscape Plan
10. Traffic Study
11. Copy of Public Notices

Submitted By:  
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Approved By:  
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