



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
October 28, 2024

Topic: Conditional Use Permit (CUP) No. 2024-03 and Variance No. 2024-01 – Better Buzz Coffee Roasters Drive-Through Window Service (1601 & 1607 N. Bristol Street)

RECOMMENDED ACTIONS

1. Adopt a resolution approving Conditional Use Permit (CUP) No. 2024-03, as conditioned.
2. Adopt a resolution approving Variance No. 2024-01, as conditioned.

EXECUTIVE SUMMARY

Bristol Center Properties, LLC (Applicant and Property Owner), representing Better Buzz Coffee Roasters (Tenant) is requesting approval of Conditional Use Permit (CUP) No. 2024-03 and Variance No. 2024-01 to allow the construction of a new 1,628-square-foot (net square footage) café with a drive-through window service, an outdoor patio, and a reduced ten-foot front-yard landscaped setback at 1601 and 1607 North Bristol Street. Pursuant to Section 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.

Staff is recommending approval of the requested entitlements to facilitate the construction of the café with the drive-through window service and a reduced front-yard landscaped setback. Approval of the project will enhance the area and accomplish development on an existing vacant site, located on a major commercial corridor. 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. Lastly, 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.

DISCUSSION

Project Description

The applicant is requesting approval of entitlements to allow the construction of a new 1,628-square-foot café with a drive-through window service. The complete scope of work includes the construction of the new 1,628-square-foot café, a 370-square-foot outdoor seating area, a single drive through approximately 283 linear feet in length, four (4) bicycle parking spaces, eleven (11) vehicle parking spaces, and a trash enclosure. As part of the project, the applicant is requesting approval of Variance No. 2024-01 to allow a five-foot reduction of the minimum 15-foot required front landscape setback, and to provide ten feet instead. Additionally, the applicant is proposing to merge the properties at 1601 North Bristol Street and 1607 North Bristol Street, through an administrative lot merger process.

The proposed floor plan will consist of a walk-in cooler, the kitchen/cook-line area, customer seating area, and a front counter. The café will be able to accommodate approximately 48 patrons and will be open from 5:00 a.m. to 10:00 p.m. daily. No late night (after-hours) operation is being requested.

Table 1: Project and Location Information

Item	Information	
Project Address and Council Ward	1601 and 1607 North Bristol Street – Ward 5	
Nearest Intersection	Bristol Street and Seventeenth Street	
General Plan Designation	General Commercial (GC)	
Zoning Designation	Bristol Street Corridor Specific Plan (SP1)	
Surrounding Land Uses	North	Commercial
	East	Single-Family Residences
	South	Eating Establishment (McDonald's)
	West	Institutional (Santa Ana College)
Property Size	0.43 acres (18,814 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 SP1; and Section 41-424.5(e) of the SAMC
	Development Standards	SP1; Sections 41-425 through 41-428 and 41-366 through 41-373 of the SAMC

Project Background

The property at 1601 North Bristol Street was first developed with a multi-tenant medical office building in 1966. The property at 1607 North Bristol Street was first developed with a single-family residence and an attached garage in 1926, which was later converted into office in 1965. In 1991, the City adopted the Bristol Street Corridor Specific Plan, which

identified future street widening impacts to this site as well as the adjacent properties. In 2017, both properties were demolished and the site has remained vacant since.

The applicant took ownership of the property in May 2022, and subsequently filed the Development Project (DP) application on November 9, 2022. A Lot Merger application was submitted on August 9, 2023, and the CUP and Variance applications were submitted on January 30, 2024. The DP application was deemed complete and ready for public hearing by staff on February 13, 2024.

Since the initial submission, the applicant has actively collaborated with the Public Works Agency to facilitate the street abandonment procedure. On April 8, 2024, the Planning Commission unanimously voted to find Abandonment No. 2023-02 to be consistent with the General Plan. Additionally, on July 16, 2024, during the consent calendar, the City Council adopted a resolution to vacate a portion (392 sq. ft.) that was originally designated as public right-of-way for the Bristol Street expansion. The resolution declared the 392 sq. ft. lot as exempt surplus land. Then on October 15, 2024, the City Council approved the sale of the 392 sq. ft. lot to the Applicant to accommodate for the new proposed eating establishment with drive-through window service.

Better Buzz Coffee Roasters has 22 locations across San Diego County, Riverside County, and south Orange County. The menu includes various types of hot and iced drinks, smoothies, sandwiches, fruit bowls, and other breakfast and lunch food items. The subject location would be the first Better Buzz Coffee in the City of Santa Ana.

Project Analysis

Tables 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: 22 feet provided
Side Yard (interior)	0 feet	Complies: 15 feet provided
Rear Yard (abutting residential)	20 feet	Complies: 25.91 feet provided
Landscape Front and Side Street Yard	15 feet minimum	Does not comply: 10 feet. Variance No. 2024-01 requested to allow a reduced 10-foot front-yard landscaped setback
Lot Size	15,000 sq. ft. minimum	Complies: 18,814 sq. ft. provided
Lot Frontage	120 feet minimum	Complies: 174 feet provided
Building Height	35 feet maximum	Complies: 21 feet provided
Floor Area Ration (FAR)	1.5 FAR maximum	Complies: 0.09 FAR provided

Development Standards	Requirement by the C-5 Zoning District	Provided by Project
Parking	13 spaces	11 parking spaces provided, while 13 are required. AB 2097 effective on January 1, 2023, restricts local governments from imposing parking regulations on commercial and residential projects that are located within 0.5 miles of a major transit station. The project and site are eligible for AB 2097 parking relief.
Stacking Distance	160 feet (80 feet from drive-through entrance to menu board and 80 feet from menu board to pick up window)	Complies: 80 feet from drive-through entrance to menu board and 203 feet to pick-up window provided (283 feet total).

Conditional Use Permit (CUP) No. 2024-03 (Drive-Through Facility)

CUP requests are governed by Section 41-638 of the SAMC. Pursuant to Section 41-424.5(e) of the SAMC, eating establishments with drive-through service require approval of a CUP. 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 eating establishments with drive-through window service is to minimize vehicle impacts to surrounding areas. 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 impacts. The drive-through lane exceeds the City's stacking requirements and will allow for a minimum of eight 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 determined that the proposed site plan provides adequate space for vehicles to maneuver through the project site and drive-through lane.

The drive-through operation is also designed to generate minimal noise impacts as the speaker boards are strategically facing away from the adjacent residential properties. Additionally, the project will be conditioned to include landscape along the east property line to further buffer any potential noise generated from the drive-through window activities and from the idling of vehicles. Moreover, an eight-foot tall block wall will be constructed on the eastern property line to match the existing wall at the McDonald's site located to the south of the subject property. Lastly, the new proposed building will architecturally enhance the current site and the surrounding area and the conditions of approval will help mitigate any potential negative impacts.

The applicant's request for a CUP to allow drive-through 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 restaurant 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.

To ensure that the drive through 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 eastern property lines, maintaining the eight-foot tall block wall, and ensuring that the project complies with the City's Noise Ordinance at all times.

Variance No. 2024-01 (Reduction in Required Setback)

Similar to CUPs, variance requests are also governed by Section 41-638 of the SAMC. Variances 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. Additionally, the granting of the variance cannot be detrimental to the public welfare or injurious to the surrounding area, adversely affect the General Plan, and must be necessary for the preservation and enjoyment of one or more substantial property rights. The inability to make these findings would result in a denial of the proposed project. In analyzing the variance request, staff believes that the following analysis warrants staff's recommendation of approval of the variance.

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 east of the subject site. Moreover, to achieve the desired 18,814 sq. ft. site size, the project entails the consolidation of properties at 1601 South Bristol Street and 1607 South Bristol Street, along with the incorporation of a portion of the public right-of-way. However, the unique circumstances associated with the subject site, particularly its size and proximity to residential properties on the east side, present challenges to the overall site design.

Reduction for the front-yard landscaped setback enables the project to be designed to ensure safe circulation for all types of vehicles and to meet the City's off-street parking requirements and site circulation standards. Without the reduction, the project would need to be substantially redesigned, resulting in reduction of building square footage and negative impacts to 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.

Assembly Bill No. 2097

In September 2022, Assembly Bill 2097 (AB 2097) was signed into law by Governor Newsom and became effective on January 1, 2023. The primary objective of this legislation is to restrict local governments from imposing parking regulations on commercial and residential projects that are located within 0.5 miles of a major transit station. AB 2097 defines major transit stop as an existing rail or bus rapid transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

The proposed project requires 13 parking spaces subject to Section 41-1341 of the SAMC. However, the subject site is located within 0.5-miles of three major transit stations. There is one rapid transit stop to the north of the subject project along Seventeenth Street and two local fixed bus stops along Bristol Street. Therefore, the proposed 11 parking spaces will not require approval of a Minor Exception or a Variance. In light of the reduction, the applicant conducted a feasibility analysis and determined that 11 parking spaces is sufficient parking for employees and patrons, and that the 15-percent reduction will not result in negative impacts to surrounding streets or neighborhoods.

General Plan Consistency

The approval of the proposed project will be consistent with 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.

Furthermore, approval of this application would be consistent with several goals and policies of the General Plan, specifically Goals 2, 3, and 4 of the Land Use ("LU") Element and Goals 1, 2, and 3 of the Economic Prosperity ("EP") Element as discussed below.

- Goal LU-2: Land Use Needs – Provide a balance of land uses that meet Santa Ana's diverse needs
 - 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 Policy 2.7 as it actively contributes to fostering land use decisions that promote the establishment, growth, and sustainability of business in Santa Ana. The construction of a new café along a major corridor, near residential and Santa Ana College, will continue to encourage a wide range of commercial uses that benefit the existing neighborhood and the surrounding community. The placement of the proposed café not only enhances the immediate neighborhood but also positively impacts the broader community.

- Goal LU-3: Compatibility of Uses – Preserve and improve the character and integrity of existing neighborhoods and districts.
 - Policy 3.1 Community Benefits – Support new development which provides a net community benefit and contributes to neighborhood character and identity.

The proposed project is consistent with Goal 3 and Policy 3.1 as it is designed to revitalize the currently vacant site, presenting a tangible improvement that will greatly benefit the neighboring community. Moreover, the inclusion of a drive-through window service will enhance the long-term sustainability of both the lot itself and Better Buzz Coffee Roasters. This feature not only increase accessibility and convenience for patrons but also strengthen the commercial viability and enduring success of the establishment.

- Goal LU-4: Complete Communities – Support a sustainable Santa Ana through improvements to the built environment and culture of collaboration.
 - Policy 4.1 Complementary Uses – Promote complete neighborhoods by encouraging a mix of complementary uses, community services, and people places within a walkable area.

The proposed project is consistent with Goal 4 and Policy 4.1 as it will contribute to the existing built environment in the surrounding neighborhood. The development of the proposed café holds the potential to foster a cohesive neighborhood, catering to both the residential community in its vicinity and the commercial corridor along Bristol Street. The project not only adheres to planning objectives but also actively contributes to the creation of a comprehensive and vibrant community landscape.

- 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-2: Diverse Economic Base – Maintain and enhance the diversity and regional significance of the city’s economic base.
 - Policy 2.2 Deliberate Investment – Pursue business attraction and retention prospects in sectors which broaden and strengthen the local economy

The project is consistent with Goal EP-2 and Policy 2.2 as it actively contributes to the attraction and cultivation of a new business within the City of Santa Ana. By introducing a new café, this initiative is set to not only enhance the local business landscape but also strengthen the overall economy. The proposed café is anticipated to improve economic growth by generating significant property and sales tax revenue. This infusion of revenue solidifies the financial health of the business itself and contributes to the broader economic sustainability of Santa Ana.

- 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 vacant properties and promotes a new cafe that would provide services to the community. Moreover, 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 Washington Square Neighborhood Association, whose leadership was notified of the project.

The project is not subject to the City's Sunshine Ordinance. However, to ensure ample neighborhood outreach, staff encouraged the applicant to meet with the Washington Square Neighborhood Association. The applicant met with the neighborhood leaders on December 8, 2023 to discuss the potential community concerns. Following the meeting, no major concerns were expressed. 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 exempt from further review pursuant to Section 15303 of the CEQA Guidelines (Class 3 exemption for new construction or conversion of small structures) and does not trigger any of the exceptions enumerated by Section 15300.2 of the CEQA Guidelines.

Class 3 exemption applies to the construction of new small structures or conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The project proposes to construct a 1,628-square-foot commercial building and allow a drive-through window service. As such, a Notice of Exemption, Environmental Review No. 2022-119, will be filed for this project.

FISCAL IMPACT

There is no fiscal impact associated with this action.

EXHIBIT(S)

1. Resolution for CUP No. 2024-03
2. Resolution for Variance No. 2024-01
3. Vicinity Zoning and Aerial View
4. Site Photo
5. Architectural and Landscape Plans
6. Project Renderings
7. Abandonment No. 2023-02 Planning Commission Packet
8. Abandonment No. 2023-02 City Council Packet
9. Copy of Public Notices

Submitted By:

Fernanda Arias, Assistant Planner II

Approved By:

Minh Thai, Executive Director of Planning and Building Agency