

REQUEST FOR Planning Commission Action



PLANNING COMMISSION MEETING DATE:

SEPTEMBER 9, 2019

TITLE:

**PUBLIC HEARING – CONDITIONAL USE
PERMIT NO. 2019-25 TO ESTABLISH A
SECONDHAND STORE AT 3309 SOUTH
BRISTOL STREET, UNIT B
{STRATEGIC PLAN NO. 3, 2}**

PLANNING COMMISSION SECRETARY

APPROVED

- ☐ As Recommended
☐ As Amended
☐ Set Public Hearing For _____

DENIED

- ☐ Applicant's Request
☐ Staff Recommendation

CONTINUED TO _____

Prepared by Jerry C. Guevara

Alvaro Perez for M.T.
Executive Director

[Signature]
Interim Planning Manager

RECOMMENDED ACTION

Adopt a resolution approving Conditional Use Permit No. 2019-25 as conditioned.

Executive Summary

Akihiki Sasaki with Tsukuru USA Corporation, representing Eco Town USA, is requesting approval of Conditional Use Permit (CUP) No. 2019-25 to establish a secondhand store at 3309 South Bristol Street, Unit B. Pursuant to Santa Ana Municipal Code (SAMC) Section 41-365.5, secondhand stores require approval of a CUP by the Planning Commission. Staff is recommending approval of the CUP because the proposed secondhand store will occupy a large tenant space that is vacant, will provide a unique service to shoppers, and will not be detrimental to the health, safety, or general welfare of the surrounding community.

Table 1: Project and Location Information

Item	Information								
Project Address	3309 South Bristol Street, Unit B								
Nearest Intersection	Bristol Street and Alton Avenue								
General Plan Designation	District Center (DC)								
Zoning Designation	Community Commercial (C1)								
Surrounding Land Uses	<table border="1"> <tr> <td>North</td><td>Commercial / Single Family Residences</td></tr> <tr> <td>East</td><td>Single Family Residences</td></tr> <tr> <td>South</td><td>Commercial</td></tr> <tr> <td>West</td><td>Commercial</td></tr> </table>	North	Commercial / Single Family Residences	East	Single Family Residences	South	Commercial	West	Commercial
North	Commercial / Single Family Residences								
East	Single Family Residences								
South	Commercial								
West	Commercial								
Property Size	12.8 acres								
Existing Site Development	The subject site is currently developed as a multi-tenant commercial shopping center known as Bristol Plaza.								
Unit Size	18,140 square feet								
Use Permissions	Allowed with a conditional use permit (CUP)								
Zoning Code Sections Affected	Uses SAMC Section 41-365.5(d)								

Project Description

The applicant is proposing to occupy an existing 18,140-square foot tenant space as a secondhand store. The applicant is proposing to conduct minor tenant improvements including installation of storage racks and other fixtures, new interior and exterior paint and new signage. The proposed hours of operation are Monday through Sunday from 10:00 a.m. to 8:00 p.m. Eco Town proposes to have an on-site security guard and will install anti-shoplifting detecting gates. In addition, security shutters will be installed inside the store behind all glass and door opening to prevent break-ins. The store will be accessible to patrons through a pedestrian sidewalk within the development, which faces Bristol Street and all loading of merchandise will be conducted through a loading dock located at the rear of the building. Parking for patrons will be provided through surface parking spaces shared amongst the shopping center tenants.

Project Background

The subject tenant space is located within the Bristol Plaza shopping center and was constructed in 1972. The tenant space contained various retail businesses over the years including Michaels and Spirit Halloween. The subject tenant space has been vacant since December of 2018.

In February, the City received a Development Project (DP) application from Eco Town USA to operate the subject site as a secondhand store. Eco Town is a Japanese company that operates 887 secondhand stores in Japan and it is now branching into the United States. This will be the company's second store in California.

Eco Town's business model is to purchase goods from individuals and restore them as necessary, including clothing, toys, furniture, home appliances, housewares, music instruments and jewelry. The Company's mission statement is to function in an environmentally friendly manner that is free of CO2 emissions, striving to save the energy required to produce new goods and reduce waste by extending the life of previously owned products.

Project Analysis

The applicant is requesting approval of CUP No. 2019-25 to establish a secondhand store. Pursuant to SAMC Section 41-365.5(d), secondhand stores require review and approval of a CUP by the Planning Commission.

Staff is recommending approval of CUP No. 2019-25 because Eco Town will occupy a vacant retail space and will contribute to the general well-being of the community by providing goods and services to the community. The proposed use will not create any negative or adverse impacts to the surrounding community. In addition, conditions have been placed on the CUP to mitigate unforeseen impacts that could otherwise affect the health, safety, or general welfare of persons residing and working in the vicinity. The project complies with all applicable development standards and parking requirements and is consistent with the objectives of the General Plan Land Use Element. Goal 2 of the Land Use Elements promotes land uses which enhance the City's economic and fiscal viability and Policy 2.2 encourages land uses that accommodate the City's needs for goods and services.

Furthermore, as part of the application process, the application was reviewed by the Police Department. Based on their review, they have no issues of concern regarding this application.

Table 2: CEQA, Strategic Plan Alignment, and Public Notification & Community Outreach

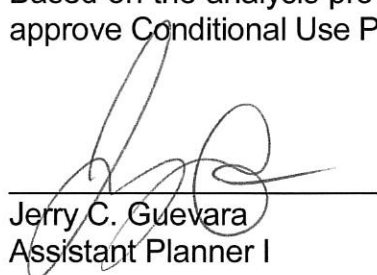
CEQA, Strategic Plan Alignment, and Public Notification & Community Outreach	
CEQA	
CEQA Type	Categorically Exempt pursuant to CEQA Guidelines Section 15301 (Existing Facilities)
Document Type	Notice of Exemption, Environmental Review No. 2019-16.
Reason(s) Exempt or Analysis	In accordance with the California Environmental Quality Act (CEQA), the project is categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15301 which consists of 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 use beyond that existing at the time of the lead agency's determination. The proposed project does not involve a change in use or expansion of use and it is to allow the operation of a secondhand store with minor proposed tenant improvements.
Strategic Plan Alignment	
Goal(s), Policy or Policies	Strategic Plan No. 3, 2 (create new opportunities for business/job growth and encourage private development through new General Plan and Zoning Ordinance policies).
Public Notification & Community Outreach	
Public Hearing	In compliance with Chapter 41 (Zoning), Article V of the Santa Ana Municipal Code, notice of the hearing was posted and published in the "Orange County Reporter" newspaper and mailed to surrounding property owners and occupants within 500 feet of the subject project at least 10 days before the Public Hearing.
Sunshine Ordinance Meeting	The project is not subject to the Sunshine Ordinance.
Additional Measures	The representatives of Republic Homes and South Coast Neighborhood Associations were contacted to identify any areas of concern due to the proposed project. At the time this report was printed, no issues of concern were raised regarding the proposed project.

Economic Development

The project will generate sales tax revenue, create temporary construction and permanent jobs and will provide additional dining options for the community. In addition, the tenant improvements of the project will require that permit fees be paid to the City. Based on sales volume estimates provided by Eco Town, the store will generate approximately \$20,000 annually in tax revenue for the City and estimates that 25 to 30 new job opportunities will be created at this location. In addition, Eco Town will contribute to the City's goal of reducing waste.

Conclusion

Based on the analysis provided within this report, staff recommends that the Planning Commission approve Conditional Use Permit No. 2019-25 as conditioned.



Jerry C. Guevara
Assistant Planner I

JG:S:\Planning Commission\2019\8-26-19\CUP No. 2019-25 at 3309 S. Bristol Street, Unit B\CUP No. 2019-25.pc.doc

Exhibits: 1 – Resolution
 2 – Vicinity Zoning & Aerial View
 3 – Site Photo
 4 – Site Plan
 5 – Floor Plan

EXHIBIT 1

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RESOLUTION NO. 2019-xx

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF SANTA ANA APPROVING
CONDITIONAL USE PERMIT NO. 2019-25 AS
CONDITIONED TO ESTABLISH A SECONDHAND
STORE AT THE PROPERTY LOCATED AT 3309
SOUTH BRISTOL STREET, UNIT B

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF
SANTA ANA AS FOLLOWS:

Section 1. The Planning Commission of the City of Santa Ana hereby finds,
determines and declares as follows:

- A. Akihiki Sasaki with Tsukuru USA Corporation, representing Eco Town USA (Applicant), is requesting approval of Conditional Use Permit (CUP) No. 2019-25 to establish a secondhand store located at 3309 South Bristol Street, Unit B.
- B. Santa Ana Municipal Code (SAMC) Section 41-365.5(d) requires approval of a CUP for secondhand stores.
- C. Pursuant to SAMC Section 41-638, the Planning Commission is authorized to review and approve the conditional use permit for this project as set forth by the SAMC.
- D. On September 9, 2019, the Planning Commission held a duly noticed public hearing for Conditional Use Permit No. 2019-25.
- E. The Planning Commission of the City of Santa Ana has considered the information and determines that the following findings, which must be established in order to grant Conditional Use Permit No. 2019-25, for a secondhand store, have been established as required by SAMC Section 41-638:
 - 1. That the proposed use will provide a service or facility which will contribute to the general well being of the neighborhood or community.

The proposed secondhand store will contribute to the general well-being of the community by providing a basic community service to individuals that are working or residing in the area. Eco Town will occupy a tenant space that has been vacant for quite some time. In addition, the conditions of approval will mitigate any potential impacts created by the secondhand

store and will ensure that the use does not negatively affect the surrounding community.

2. That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The proposed secondhand store will not create any negative or adverse impacts to the surrounding community because the use complies with all applicable regulations intended to ensure that the store will be safe, well maintained and will not result in an increase demand of Police Department calls for service. Moreover, conditions have been placed in order to mitigate any potential impacts that could otherwise affect the health, safety, or general welfare of persons residing or working in the vicinity.

3. That the proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area.

The secondhand store will help the stability and future economic development of the area by keeping a tenant space leased with a long-term tenant that provides goods and services to the community. In addition, the secondhand store will generate city tax revenue and will provide full-time and part-time jobs to the community.

4. That the proposed use will comply with the regulations and conditions specified in Chapter 41 for such use.

The project complies with all applicable regulations and conditions specified in Chapter 41 of the SAMC and the conditions of approval will ensure the secondhand store does not deviate from the approved plans.

5. That the proposed use will not adversely affect the General Plan of the city or any specific plan applicable to the area of the proposed use.

The proposed secondhand store will not adversely affect the General Plan. The secondhand store is consistent with the purpose of the General Plan Land Use Element, as it will further the goals and policies of the plan and not obstruct their attainment. Policy 2.2 of the Land Use Element encourages land uses that accommodate the City's needs of goods and services. The secondhand store will provide services and goods to the community.

Section 2. In accordance with the California Environmental Quality Act (CEQA), the project is categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15301 (Existing Facilities) which consists of 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 use beyond that existing at the time of the lead agency's determination. The proposed project does not involve a change in use or expansion of use and it is to allow the operation of a secondhand store with minor proposed tenant improvements. Based on this analysis, a Notice of Exemption, Environmental Review No. 2019-16, will be filed for this project.

Section 3. The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, and other and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively "Actions"), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that Applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any Action brought and City shall cooperate with Applicant in the defense of the Action.

Section 4. The Planning Commission of the City of Santa Ana after conducting the public hearing hereby approves Conditional Use Permit No. 2019-25, as conditioned in Exhibit A, attached hereto and incorporated herein for the project located at 3309 South Bristol Street, Unit B. This decision is based upon the evidence submitted at the abovesaid hearing, which includes, but is not limited to: the Request for Planning Commission Action dated September 9, 2019, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 9th day of September, 2019.

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTENTIONS: Commissioners:

Mark McLoughlin
Chairperson

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By:_____
Lisa Storck
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, SARAH BERNAL, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2019-xx to be the original resolution adopted by the Planning Commission of the City of Santa Ana on September 9, 2019.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A
Conditions of Approval for Conditional Use Permit No. 2019-25

Conditional Use Permit No. 2019-25 for an 18,140-square foot secondhand store located at 3309 South Bristol Street, Unit B is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code, and all other applicable regulations. In addition, they shall meet the following conditions of approval:

The Applicant must comply with each and every condition listed below prior to exercising the rights conferred by this conditional use permit.

The Applicant must remain in compliance with all conditions listed below throughout the life of the conditional use permit. Failure to comply with each and every condition may result in the revocation of the conditional use permit.

1. All proposed site improvements must conform to Development Project Review (DP No. 2019-04) and the staff report exhibits.
2. Any amendment to this conditional use permit must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the conditional use permit must be amended.
3. All signage shall comply with the sign regulations found in SAMC Section 41-850 and with the approved Sign Program (Sign Program No. 2003-01).
4. Security video shall be installed and operable on site and videos shall be retained for a period of ninety (90) days.
5. Prior to the issuance of a Certificate of Occupancy, the owner/operator shall receive approval of a Secondhand Dealer License by the City's Police Department.
6. The hours of operation shall be restricted to the hours from 8:00 a.m. to 8:00 p.m., seven (7) days per week.
7. There shall be no merchandise, storage containers or donations bins located at the exterior of the building. All merchandise shall be stored within the building. The outdoor display and/or collection of merchandise shall be prohibited.
8. Bulk good donations such as furniture and appliances shall not be collected at this site.
9. Placard signs shall be installed at the front and rear of the building stating that it is unlawful to deposit furniture, goods, and/or donated items outside the building.
10. The windows of the business shall be free of any obstructions, tinting, or painting, except for window signage allowed by the Section 41-872 of the SAMC.

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EXHIBIT 2

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Conditional Use Permit No. 2019-25
3309 South Bristol Street, Unit B

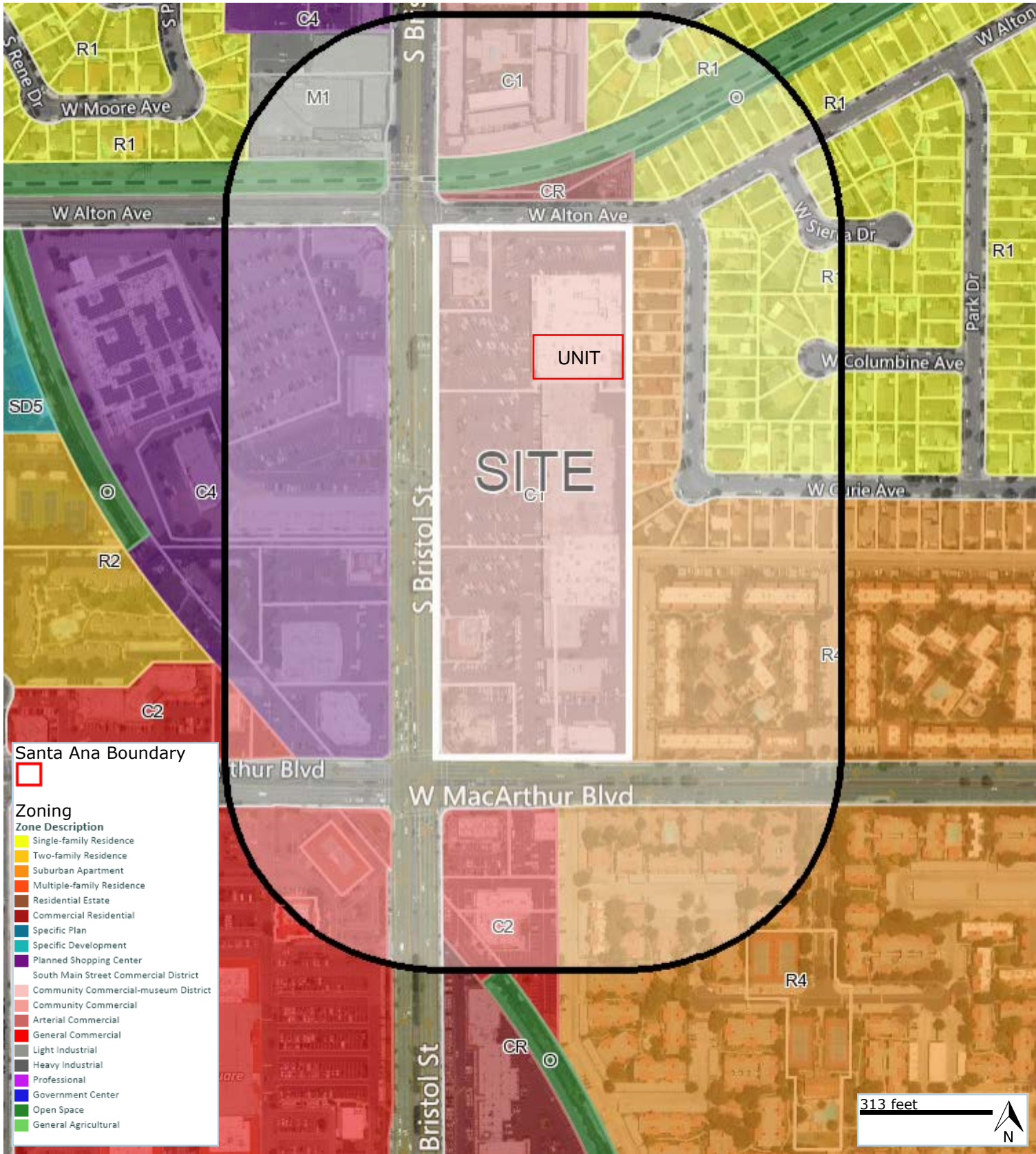


Exhibit 2 - Vicinity Zoning & Aerial View



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EXHIBIT 3

6-17

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Conditional Use Permit No. 2019-25
3309 South Bristol Street, Unit B



Exhibit 3 – Site Photo
6-19

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EXHIBIT 4

6-21

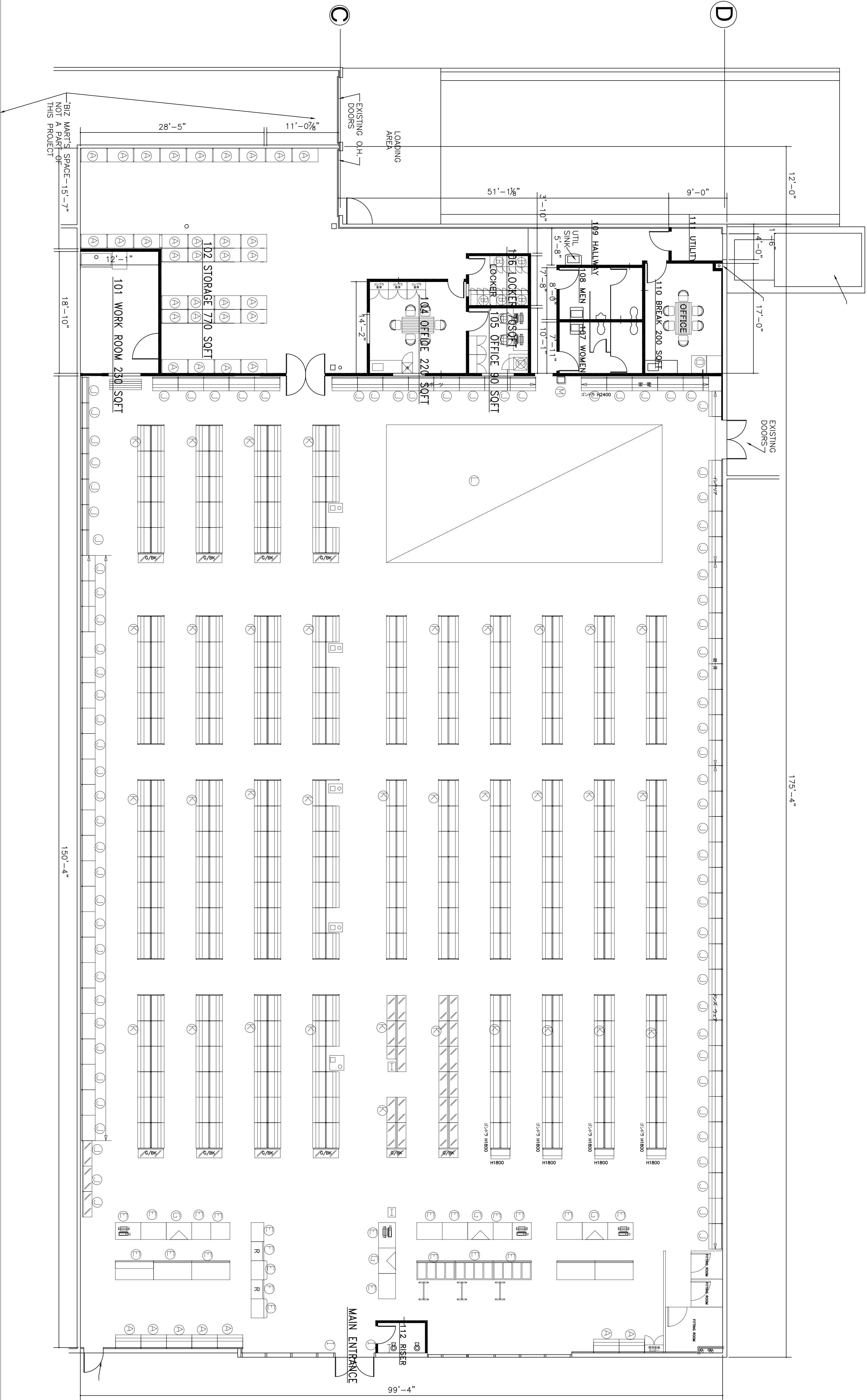
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EXHIBIT 5

6-25

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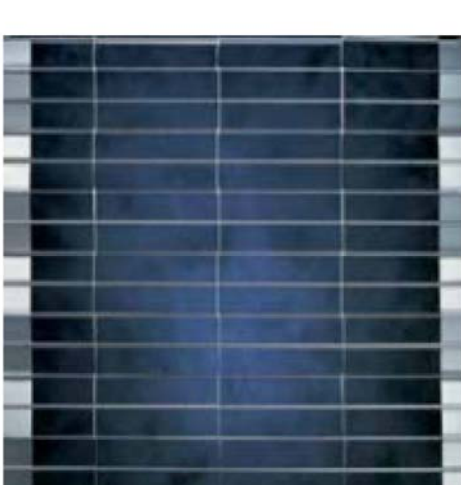


FLOOR PLAN
SCALE: 1/8"=1'-0"

1

SECURITY GRILLES ELEVATION

Straight Pattern



* TO BE INSTALLED INSIDE STORE

- LEGEND
- ① 5' HIGH STORAGE RACK
 - ② 5' STORAGE CASE (LOCKER)
 - ③ SAFE
 - ④ DESK AND CHAIR
 - ⑤ WORKTABLE WITH FURNITURE PARTITION
 - ⑥ CASH REGISTER (CUSTOMER PURCHASE PRODUCTS HERE)
 - ⑦ CASH REGISTER (CUSTOMER SELL PRODUCTS HERE)
 - ⑧ ANTI SHOPLIFTING DETECTING GATE
 - ⑨ 7' HIGH GONDOLA RACK
 - ⑩ 6' HIGH GONDOLA SHELVING
 - ⑪ LARGE ITEMS DIRECTLY ON FLOOR FURNITURE, LARGE APPLIANCES, BICYCLE AND ETC)
 - ⑫ DRINKING FOUNTAIN
 - ⑬ RAMP UNDER SEPARATE PERMIT.
 - ⑭ WASHER.
 - ⑮ SIDE FOLDING OPEN AIR SECURITY GRILLES.



REVISIONS			
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STAMP

ECO TOWN
3309 B S.BRISTOL STREET
SANTA ANA CA 92704

OWNER / TENANT

DRAWING TITLE
FLOOR PLAN

PROJECT MGR.		REF. NUMBER
—		
SCALE	DATE	DRAWN
SCALE TO FIT	08/27/2019	BY AS
SHEET NUMBER		

F-2.0

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