

Planning Commission Regular Meeting Agenda Packet

VIRTUAL MEETING

May 10, 2021
5:30 P.M.

In light of COVID-19, this meeting will be conducted in a virtual environment. There will be no in-person meeting location for the community to attend public meetings.

Meetings will be held in virtual setting via Zoom.

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For detailed participation and commenting options, please review the instructions provided at the end of this agenda.

To download or view each item, select either Download PDF or View Item Details to the right of the agenda title.



MARK McLOUGHLIN
Ward 4 Representative

ERIC M. ALDERETE
Citywide Representative

BAO PHAM
Ward 1 Representative

MIGUEL CALDERON
Ward 2 Representative

ISURI S. RAMOS
Ward 3 Representative

ALAN WOO
Ward 5 Representative

THOMAS MORRISSEY
Ward 6 Representative

MinhThai
Executive Director

John Funk
Legal Counsel

Ali Pezeshkpour, AICP
Principal Planner

Sarah Bernal
Recording Secretary



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CALL TO ORDER

Commissioners:

**Mark McLoughlin, Chair
Thomas Morrissey, Vice Chair
Eric M. Alderete
Miguel Calderon
Bao Pham
Isuri S. Ramos
Alan Woo**

**Executive Director
Senior Asst. City Attorney
Principal Planner
Recording Secretary**

**Minh Thai
John Funk
Ali Pezeshkpour
Sarah Bernal**

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS (non agenda items)

CONSENT CALENDAR ITEMS

a. Minutes

Recommended Action: Approve Minutes from the April 26, 2021 meeting.

b. Excused Absences

Recommended Action: Excuse absent commissioners.

PUBLIC HEARING

The Planning Commission decision on Conditional Use Permits, Variances, Tentative Tract and Parcel Maps, Minor Exceptions, Site Plan Review, and Public Convenience or Necessity Determinations are final unless appealed within 10 days of the decision by any interested party or group (refer to the Basic Meeting Information page for more information). The Planning Commission recommendation on Zoning and General Plan amendments, Development Agreements, Specific Developments, and Specific Plans will be forwarded to the City Council for final determination. For item no. 1, legal notice was published in the OC Reporter on March 31 and notices were mailed on said date. For item nos. 2 and 3, legal notice was published in the OC Reporter on April 28 and notices were mailed on said date.

1. Conditional Use Permit No. 2021-06 – Jerry Guevara, Case Planner.

Matter was continued from the April 12 and April 26 meetings.

Project Location: 2106 North Tustin Avenue located in the Arterial Commercial (C5) zoning district.

Proposed Project: The applicant is requesting approval of a conditional use permit to allow after-hours operations until 2:00 a.m. daily at an existing restaurant (La K-trina Restaurant).

Environmental Impact: The Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines – Class 1/Existing Facilities. Notice of Exemption, Environmental Review No. 2021-24 will be filed for this project.

Recommended Action: Adopt a resolution approving Conditional Use Permit No. 2021-06 as conditioned.

2. Conditional Use Permit No. 2013-15 Modification No. 1 – Jerry Guevara, Case Planner.

Project Location: 305 E. 4th Street, Unit 200 located in Specific Development No. 84 (SD-84) / Subzone Downtown (DT) zoning district.

Proposed Project: The applicant is requesting approval of Conditional Use Permit No. 2013-15-MOD-1 to allow an upgrade in the Alcoholic Beverage Control (ABC) license from a Type 41 to a Type 47 license, which would allow the sale of distilled spirits in addition to beer and wine for on-premises consumption at an existing restaurant (Native Son Alehouse).

Environmental Impact: The Planning Commission will consider a determination that the project is categorically exempt from California Environmental Quality Act CEQA Guidelines pursuant to 15301 of the CEQA Guidelines - Class 1/Existing Facilities. Notice of Exemption, Environmental Review No. 2013-40 will be filed for this project.

Recommended Action: Adopt a resolution approving Conditional Use Permit No. 2013-15-MOD-1 as conditioned.

3. Conditional Use Permit No. 2021-04 – Ivan Orozco, Case Planner

Project Location: 3950 South Bristol Street located in the Commercial Residential (CR) zoning district.

Proposed Project: The applicant is requesting approval of a conditional use permit to allow a Type 41 Alcoholic Beverage Control (ABC) license for the sale of beer and wine for on-premises consumption at an existing restaurant (Euro Caffè).

Environmental Impact: The Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines – Class 1/Existing Facilities. Notice

of Exemption, Environmental Review No. 2021-15 will be filed for this project.

Recommended Action: Adopt a resolution approving Conditional Use Permit No. 2021-04 as conditioned.

BUSINESS CALENDAR

4. Work Study Session: Reasonable Accommodations

STAFF COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

The next virtual meeting of the Planning Commission will be on May 24, 2021 at 5:30 PM.

FUTURE AGENDA ITEMS

- Conditional Use Permit 2021-07 to allow the sale of alcoholic beverages for on-premises consumption at a new eating establishment located at 1951 E Dyer Rd Unit# B
- Variance 2021-01 to exceed sign code standards for the property located at 3630 Westminster Avenue
- Zoning Ordinance Amendment No. 2021-01 to require a conditional use permit (CUP) for light processing (recycling) facilities in the Light Industrial (M-1) zoning district
- Work Study Session: Housing Information

MEETING INFORMATION

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E-mail PBAComments@santa-ana.org and reference the topic in the subject line.

Mail to Sarah Bernal, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza – M20, Santa Ana, CA 92701.

Deadline to submit written comments is 5:00 p.m. on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

APPEAL INFORMATION

The formal action by the Planning Commission shall become effective after the ten-day appeal period, unless the City Council in compliance with section 41-643, 41-644 or 41-645 holds a public hearing on the matter, then the formal action will become effective on the day following the hearing and decision by the City Council. An appeal from the decision or requirement of the Planning Commission may be made by any interested party, individual, or group. The appeal must be filed with the Clerk of the Council, accompanied by the required filing fee, and a copy sent to the Planning Department, within ten days of the date of the Commission's action, by 5:00 p.m. If the final day to appeal falls on a City Hall observed holiday or a day when City hall is closed, the final day to appeal shall be extended to the next day City Hall is open for public business. Please note: Under California Government Code Sec. 65009, if you challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may

be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the Planning Commission or City Council at or before the hearing.

Planning Commission Regular Meeting Agenda Minutes

April 26, 2021

5:30 P.M,

VIRTUAL MEETING



MARK McLOUGHLIN

Chair, Ward 4 Representative

ERIC M. ALDERETE

Citywide Representative

MIGUEL CALDERON

Ward 2 Representative

ALAN WOO

Ward 5 Representative

BAO PHAM

Ward 1 Representative

ISURI S. RAMOS

Ward 3 Representative

THOMAS MORRISSEY

*Vice Chair,
Ward 6 Representative*

MinhThai

Executive Director

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CALL TO ORDER

Commissioners:

**Mark McLoughlin, Chair
Thomas Morrissey, Vice Chair
Eric M. Alderete
Miguel Calderon
Bao Pham
Isuri S. Ramos
Alan Woo**

**Executive Director
Senior Asst. City Attorney
Principal Planner
Recording Secretary**

**Minh Thai
John Funk
Ali Pezeshkpour
Sarah Bernal**

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS (non agenda items)

CONSENT CALENDAR ITEMS

1. Minutes

Recommended Action: Approve Minutes from the April 12 meeting.
Moved by Commissioner Woo, seconded by Commissioner Calderon to Approve.

YES: 7 – Tom Morrissey, Mark McLoughlin, Bao Pham, Isuri Ramos, Eric Alderete, Miguel Calderon, Alan Woo

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 0 – **Status:** 7 – 0 – 0 – 0 – **Pass**

PUBLIC HEARING

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information). The Planning Commission recommendation on Zoning and General Plan amendments, Development Agreements, Specific Developments, and Specific Plans will be forwarded to the City Council for final determination. For item no. 1, legal notice was published in the OC Reporter on March 31 and notices were mailed on said date. For item no. 2, legal notice was published in the OC Reporter on April 14 and notices were mailed on said date. For item no. 3, legal notice was published in the OC Register on April 14.

2. Conditional Use Permit No. 2021-06 – Jerry Guevara, Case Planner.

The Applicant has requested this item be continued.

Location: 2106 North Tustin Avenue located in the Arterial Commercial (C5) zoning district.

Proposed Project: The applicant is requesting approval of Conditional Use Permit No. 2021-06 to allow after-hours operations until 2:00 a.m., daily, at an existing restaurant (Chiles and Beer Restaurant).

Environmental Impact: The Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines – Class 1/Existing Facilities. Notice of Exemption, Environmental Review No. 2021-24 will be filed for this project.

Recommended Action: Continue the matter to the April 26, 2021 meeting.

Minutes: *Commissioner Ramos abstained due to the project’s proximity to her residence (disclosed at previous meeting).*

Moved by Commissioner Morrissey, seconded by Commissioner Alderete to Continue to May 10, 2021.

YES: 6 – Tom Morrissey, Mark McLoughlin, Bao Pham, Eric Alderete, Miguel Calderon, Alan Woo

NO: 0 – **ABSTAIN:** 1 – Isuri Ramos

ABSENT: 0 – **Status:** 6 – 0 – 1 – 0 – **Pass**

3. Conditional Use Permit No. 2021-05 – Gissel Enriquez, Case Planner

Location: 400 E. 17th Street located in the Community Commercial (C-1) zoning district.

Proposed Project: The applicant is requesting approval of Conditional Use Permit No. 2021-05 to allow an existing retail market (Chevron Extra Mile) to operate 24 hours per day, seven days per week.

Environmental Impact: The Planning Commission will consider a determination that the project is categorically exempt from California Environmental Quality Act CEQA Guidelines pursuant to 15301 of the CEQA Guidelines - Class 1/Existing Facilities. Notice of Exemption, Environmental Review No. 2021-23 will be filed for this project.

Recommended Action: Adopt a resolution approving Conditional Use Permit No. 2021-05 as conditioned.

Minutes: *Chair McLoughlin opened the Public Hearing. The applicant spoke in support of the matter. There were no other callers and the Public Hearing was closed.*

Moved by Commissioner Woo, seconded by Commissioner Alderete to Approve.

YES: 7 – Tom Morrissey, Mark McLoughlin, Bao Pham, Isuri Ramos, Eric Alderete, Miguel Calderon, Alan Woo

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 0 – **Status:** 7 – 0 – 0 – 0 – **Pass**

4. Zoning Ordinance Amendment No. 2021-02 – Ali Pezeshkpour, Case Planner.

Location: Citywide

Proposed Project: The City is requesting adoption of Zoning Ordinance Amendment No. 2021-02 -to amend various sections of Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC) relating to lodging-related land use definitions and reasonable accommodations.

Environmental Impact: The Planning Commission will consider a determination that the project is exempt from CEQA review pursuant to Sections 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines – General Rule. Notice of Exemption/Environmental Review No. 2021-40 will be filed for this project.

Recommended Action: Recommend that the City Council approve ZOA No. 2021-02 to amend various sections of Chapter 41 (Zoning) of the Santa Ana Municipal Code relating to lodging-related land use definitions and reasonable accommodations.

Minutes: *Commission expressed concern with the proposed ordinance negatively affecting those living in one home with multiple families. Executive Director indicated that staff can modify the language to address the concerns and bring back to the Commission at a later date for review.*

Chair McLoughlin opened the Public Hearing. There were no speakers. The Public Hearing was closed.

Commission generally agreed that a Work Study session on the matter would be beneficial.

Moved by Commissioner Woo, seconded by Commissioner Ramos to Continue the item to May 24, with a Work Study session on May 10.

YES: 7 – Tom Morrissey, Mark McLoughlin, Bao Pham, Isuri Ramos, Eric Alderete, Miguel Calderon, Alan Woo

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 0 – **Status:** 7 – 0 – 0 – 0 – **Pass**

BUSINESS CALENDAR

5. Commission discussion regarding Call for Election of the Office of Chairperson

Recommended Action: Discuss the request. If the Planning Commission desires, it can exercise the process authorized under Section 12(b) of the Bylaws to conduct a Preliminary Review and to conduct the election for the office of Chairperson at the next regular meeting. The initial step of calling for the Preliminary Review of a matter not otherwise before the Commission requires three (3) affirmative votes by the members of the Planning Commission. In the event of three votes, the matter will be scheduled for the next regularly scheduled meeting, in accordance with Section 12(b) of the Bylaws.

Minutes: *Commissioner Alderete withdrew his request to Call for Election of the Office of the Chairperson. No action was taken.*

STAFF COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

The next virtual meeting of the Planning Commission will be on May 10, 2021 at 5:30 PM.

FUTURE AGENDA ITEMS

- Conditional Use Permit No. 20313-15 to modify an existing CUP to upgrade license from Type 41 to Type 47 for the property located at 305 E. 4th Street #200
- Variance No. 2021-01 to exceed sign code standards for the property located at 3630 Westminster Avenue
- Conditional Use Permit No. 2021-04 to allow the sale of beer and wine for on-premises consumption at an existing restaurant for the property located at 3950 S. Bristol Street

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**City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
May 10, 2021**

Topic: CUP No. 2021-06 – La K-Trina Restaurant

RECOMMENDED ACTION

Adopt a resolution approving Conditional Use Permit No. 2021-06 as conditioned.

EXECUTIVE SUMMARY

Veronica Salcedo, business owner (Applicant) of La K-Trina Restaurant, on behalf of FCB Tustin Ave, LLC. (Lessor) and Heinecke Gould Properties, LLC. (Property Owner), is requesting approval of Conditional Use Permit No. 2021-06 to allow after-hours operations until 2:00 a.m. at an existing restaurant located at 2106 North Tustin Avenue. Pursuant to Section 41-424.5(j), eating establishments open at any time between the hours of 12:00 a.m. and 5:00 a.m. and located within 150 feet of residentially zoned or used property require approval of a CUP. Staff is recommending approval of the applicant’s request because the project has demonstrated compliance with zoning requirements as discussed and analyzed in the sections below and the property’s history of compliance with City codes and regulations.

DISCUSSION

Project Description

The applicant is requesting approval of CUP No. 2021-06 to augment its business hours and operate from 11:00 a.m. to 2:00 a.m. daily. Pursuant to Section 41-424.5(j), eating establishments open at any time between the hours of 12:00 a.m. and 5:00 a.m. and located within 150 feet of residentially zoned or used property require approval of a CUP. No changes to the site and floor plan are proposed as part of this request.

Table 1: Project and Location Information

Item	Information	
Project Address & Council Ward	2106 North Tustin Avenue – Ward 3	
Nearest Intersection	Tustin Avenue and Santa Clara Avenue	
General Plan Designation	General Commercial (GC)	
Zoning Designation	Arterial Commercial (C5)	
Surrounding Land Uses	North	Commercial
	East	Commercial
	South	Commercial

Item	Information	
	West	Multiple-Family Residences
Property Size	0.51 Acres	
Existing Site Development	The site is currently developed with a 3,700-square foot restaurant building and associated parking and landscaping.	
Use Permissions	Allowed with approval of a CUP	
Zoning Code Sections Affected	Uses	Section 41-424 & 41-424.5(j)
	Operational Standards	Section 41-425 & 41-196(g)

Project Background

La K-Trina Restaurant occupies a 3,700-square foot building that was constructed in the 1960s. In 1993, the Planning Commission approved CUP No. 1993-09 allowing the sale of alcoholic beverages for on premises consumption through a Type 47 (beer, wine, and distilled spirits) Alcoholic Beverage Control (ABC) license. The building has been occupied by various restaurants over the years and was last occupied by Breakaway Sports Lounge and Eatery. La K-Trina (formally known as Chiles and Beer) took over the space in 2016 and on February of this year submitted a CUP application to allow after-hours operations.

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 after-hours operations is to preserve the surrounding community characteristics and minimize any negative secondary impacts. Staff has reviewed the applicant’s request to operate the restaurant until 2:00 a.m. and has determined that the operations will not be detrimental to the community.

The subject site abuts commercial uses to the north and south, Grand Avenue and commercial uses to the east, and a multiple-family residential community to the west. The residential community’s nearest building is approximately 130 feet from the restaurant and it is buffered by the restaurant’s parking lot and an internal driveway and carports within the residential community. These factors will help buffer the residential uses from any light, noise, or traffic impacts that the eating establishment may have on the residents. To further mitigate this, as a condition of approval, staff is recommending that the applicant construct a seven-foot high block wall along the rear property line and install exterior/parking lot lighting and is requesting that the CUP be reviewed six months after the full effect of the CUP.

Approval of this application would be consistent with the goals of the General Plan, specifically Goals 2 and 5 of the Land Use Element which promotes land uses that enhance the City’s economic fiscal viability and mitigate any potential impacts to the surrounding community. In addition, the after-hours operations will contribute to the

viability of the site creating a business environment that is safe and attractive.

Police Department Analysis

The Police Department reviews CUP applications for after-hours operations in order to ensure that the potential crime and nuisance behaviors associated with such a use are mitigated to the greatest extent possible. For after-hours operations, the Police Department analyzes the crime rate in the area by matching the location of the subject site’s census tract to the corresponding Police Grid. The City of Santa Ana contains 102 police reporting grids. The Police Department generates an annual report, the Citywide Incident Ranking report, which ranks these reporting grids based on police activity. 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 standards used by the State 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 would consider this information in making its recommendation.

Table 2: Police Department Analysis and Criteria for Recommendation

Police Department Analysis and Criteria for Recommendation	
Police Grid No. and Rank	Police Grid No. 243; ranked 60 out of 102 Police Reporting Grids (25 th percentile)
Threshold for High Crime	This reporting district is well below the 20 percent threshold established by the State for high crime
Police Department Recommendation	The Police Department is satisfied that the operational standards and conditions of approval will mitigate any potential impacts to the surrounding community and therefore does not oppose the granting of a CUP.

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 the State Department of Alcoholic Beverage Control 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, this application was reviewed by the Police Department. Based on their review, the Police Department has no issues of concern regarding this application.

Public Notification and Community Outreach

Public notifications were posted, published, and mailed in accordance with City and State regulations. Copies of the public notice, including a 500-foot notification radius map, and the site posting are provided in Exhibit 6. In addition to these measures, representatives of the Meredith Parkwood Neighborhood Association were contacted to

identify any areas of concern due to the proposed request. At the time this report was printed, no issues of concern were raised regarding the proposed CUP.

ENVIRONMENTAL IMPACT

Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15301 of the CEQA Guidelines (Class 1 - Existing Facilities). This exemption 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 project consists of permit to allow after-hours operations at an existing restaurant. Based on this analysis, a Notice of Exemption, Environmental Review No. 2021-24 will be filed for this project.

FISCAL IMPACT

There is no fiscal impact associated with this action.

EXHIBIT(S)

1. Resolution
2. Vicinity Zoning & Aerial View
3. Site Photo
4. Site Plan
5. Floor Plans
6. Copy of Public Notices

Submitted By:
Jerry Guevara, Assistant Planner I

Approved By:
Minh Thai, Executive Director of Planning and Building Agency, Planning and Building Agency

RESOLUTION NO. 2021-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2021-06 AS CONDITIONED TO ALLOW AFTER-HOURS OPERATIONS UNTIL 2:00 A.M. AT LA K-TRINA RESTAURANT LOCATED AT 2106 NORTH TUSTIN AVENUE

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. Veronica Salcedo, business owner of La K-Trina Restaurant (“Applicant”), on behalf of FCB Tustin Ave, LLC. (“Lessor”) and Heinecke Gould Properties, LLC (“Property Owner”), is requesting approval of Conditional Use Permit (CUP) No. 2021-06 to allow after-hours operations until 2:00 a.m. at an existing restaurant located 2106 North Tustin Avenue.
- B. Santa Ana Municipal Code (SAMC) Section 41-424(j) requires approval of a CUP for eating establishments open at any time between the hours of 12:00 a.m. and 5:00 a.m. and located within 150 feet of residentially zoned or used property.
- C. On May 10, 2021, the Planning Commission held a duly public hearing for CUP No. 2021-06.
- D. The Planning Commission of the City of Santa Ana determines that the following findings, which must be established in order to grant a CUP pursuant to SAMC Section 41-638, have been established for CUP No. 2021-06 to allow after-hours operations at an existing restaurant located at 2106 North Tustin Avenue:
 - 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 after-hours operations until 2:00 a.m. at the subject location will provide an ancillary service to individuals that wish to have a late night meal. This will thereby benefit the community by providing a food-related amenity offering services past 12:00 midnight. Conditions of approval will mitigate any potential impacts created by the use and will

EXHIBIT 1

ensure that the use will 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 after-hours operations will not be detrimental to the health, safety or welfare of those residing or working in the vicinity. The property to the west is a multiple-family residential community whose nearest residential structures are approximately 130 feet from the subject site and are buffered by the restaurant's parking lot and an internal driveway and carports within the residential community. These factors will help buffer the residential uses from any light, noise, or traffic impacts that the eating establishment may have on the residents. To further mitigate this, as a condition of approval, the applicant is to construct a seven-foot-high block wall along the rear property line. The Police Department is satisfied that the operational standards and conditions of approval applicable to after-hours activity will mitigate any potential impacts to the surrounding community and therefore does not oppose the granting of the conditional use permit.

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

The after-hours operations will not adversely affect the economic stability or future economic development of properties in the surrounding area but will instead complement the surrounding uses promoting a balance of land uses that enhance the City's economic and fiscal viability. Moreover, the offering of late night dining opportunities will contribute to the overall success of the City and will generate additional sale tax revenue.

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

The after-hours operations will be in compliance with all applicable regulations and operational standards pursuant to Chapter 41 of the SAMC. The restaurant will be maintained as a full-service, bona-fide eating establishment, having suitable kitchen facilities and supplying an assortment of foods. Operational standards and conditions of approval will ensure the project remains in compliance with all applicable codes

and regulations to ensure that the use does not impact neighboring properties or create an attractive nuisance.

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 after-hours operations at this location will not adversely affect the General Plan or any specific plan. The granting of CUP No. 2021-06 supports several policies contained in the General Plan. Policy 2.2 of the Land Use Element encourages land uses that accommodate the City's needs for goods and services. Providing a variety of eating establishments with extended hours of operation offers additional dining options to Santa Ana residents and visitors. Furthermore, Policy 2.9 supports developments that create a business environment that is safe and attractive. Conditions of approval will help maintain a safe and attractive environment. Lastly, Policy 5.5 encourages development that is compatible with and supporting of surrounding land uses. La K-Trina is located along a major arterial and is surrounded by other commercial businesses and restaurants that provided similar services and its operations will be compatible with the surrounding businesses.

Section 2. 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). 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 use beyond that existing at the time of the lead agency's determination. The project proposes to allow after-hours operations until 2:00 a.m. at an existing restaurant. Based on this analysis, a Notice of Exemption, Environmental Review No. 2021-24, 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, referendum, and other 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 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. 2021-06, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 2106 North Tustin Avenue. This decision is based upon the evidence submitted at the above-referenced hearing, including but not limited to: The Request for Planning Commission Action dated May 10, 2021, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 10th day of May, 2021

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTENTIONS: Commissioners:

Mark McLoughlin
Chairperson

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

By: John M. Funk
John M. Funk
Senior Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, SARAH BERNAL, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2021-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on May 10, 2021.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2021-06

Conditional Use Permit (CUP) No. 2021-06 for after-hours operations 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. 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.
2. Pursuant to this conditional use permit, the restaurant will be permitted to remain open until 2:00 a.m. daily and is allowed to serve alcohol during that time.
3. The sale, service, and consumption of alcoholic beverages shall be permitted in accordance with the operational standards for on-sale establishments pursuant to Section 41-196(g) of the SAMC, in accordance with the provisions of an on-premises alcohol license by the California Department of Alcoholic Beverage Control (ABC).
4. The approval of this conditional use permit must not be construed as the approval of a bar, cocktail lounge, nightclub, nor a cabaret and shall not operate as such.
5. Live entertainment, including but not limited to amplified music, karaoke, performers and dancing, is subject to compliance with Santa Ana Municipal Code Chapter 11 and shall comply with all of the standards contained therein. Notwithstanding the requirement that music/noise shall not be audible beyond 20 feet from the exterior of the premises in any direction.
6. The establishment shall comply with Santa Ana Municipal Code Section 18-312 related to noise.
7. The business and property owner shall maintain and adhere to a "Good Neighbor Policy," implementing measures to ensure that patrons comply with applicable noise, parking, and outdoor smoking regulations, and removing litter and preventing loitering in the areas in the immediate vicinity of the business.

8. Prior to the release of this resolution, the applicant shall restripe the parking lot, replace and/or repair damaged wheel stops and exterior lighting fixtures as deemed necessary by the Planning Division.
9. Prior to the release of this resolution, the applicant shall construct at a minimum a seven-foot decorative block wall along the western property line and shall be painted with an anti-graffiti coating. Vines shall be planted and irrigation installed where feasible to deter graffiti and enhance the visual aesthetic of the wall.
10. Prior to the release of this resolution, the applicant shall submit a photometric plan to the Planning and Building Agency and Police Department for review and approval. The photometric plan shall comply with Chapter 8, Article II, Division 3 of the Santa Ana Municipal Code (Building Security Ordinance).
11. An onsite point of contact shall be prominently displayed at the main entrance of the restaurant. The display shall contain the full name and telephone number of a responsible individual for the establishment to report any onsite issues such as noise, disturbance, trash/litter, loitering, etc.
12. The Planning Division shall review Conditional Use Permit No. 2021-06 no later than six (6) months after full execution of this conditional use permit. Should any issues arise during such review, the Conditional Use Permit shall be scheduled for public hearing at the applicant's full expense for condition modification(s).
13. Prior to the release of this resolution, a Property Maintenance Agreement must be recorded against the property. The agreement will be subject to review and applicability by the Planning and Building Agency, the Community Development Agency, the Public Works Agency, and the City Attorney to ensure that the property and all improvements located thereupon are properly maintained, Developer/Applicant (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the Applicant) shall execute a Maintenance Agreement with the City of Santa Ana which shall be recorded against the property and which shall be in a form reasonably satisfactory to the City Attorney. The Maintenance Agreement shall contain covenants, conditions and restrictions relating to the following:
 - a. Compliance with operational conditions applicable during any period(s) of construction or major repair (e.g., proper screening and securing of the construction site; implementation of proper erosion control, dust control and noise mitigation; adherence to approved project phasing etc.), if applicable;
 - b. Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including but not limited to hours of operation, security requirements, the proper storage and disposal of trash and debris, enforcement of the parking management plan, and/or restrictions on certain uses) if applicable;

- c. Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;
- d. Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris about and immediately adjacent to the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);
- e. If Developer/Applicant and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the Maintenance Agreement and both shall be jointly and severally liable for compliance with its terms;
- f. The Maintenance Agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the Maintenance Agreement;
- g. The Maintenance Agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The maintenance agreement shall further provide that any unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City.

CUP No. 2021-06 2106 N. Tustin Ave

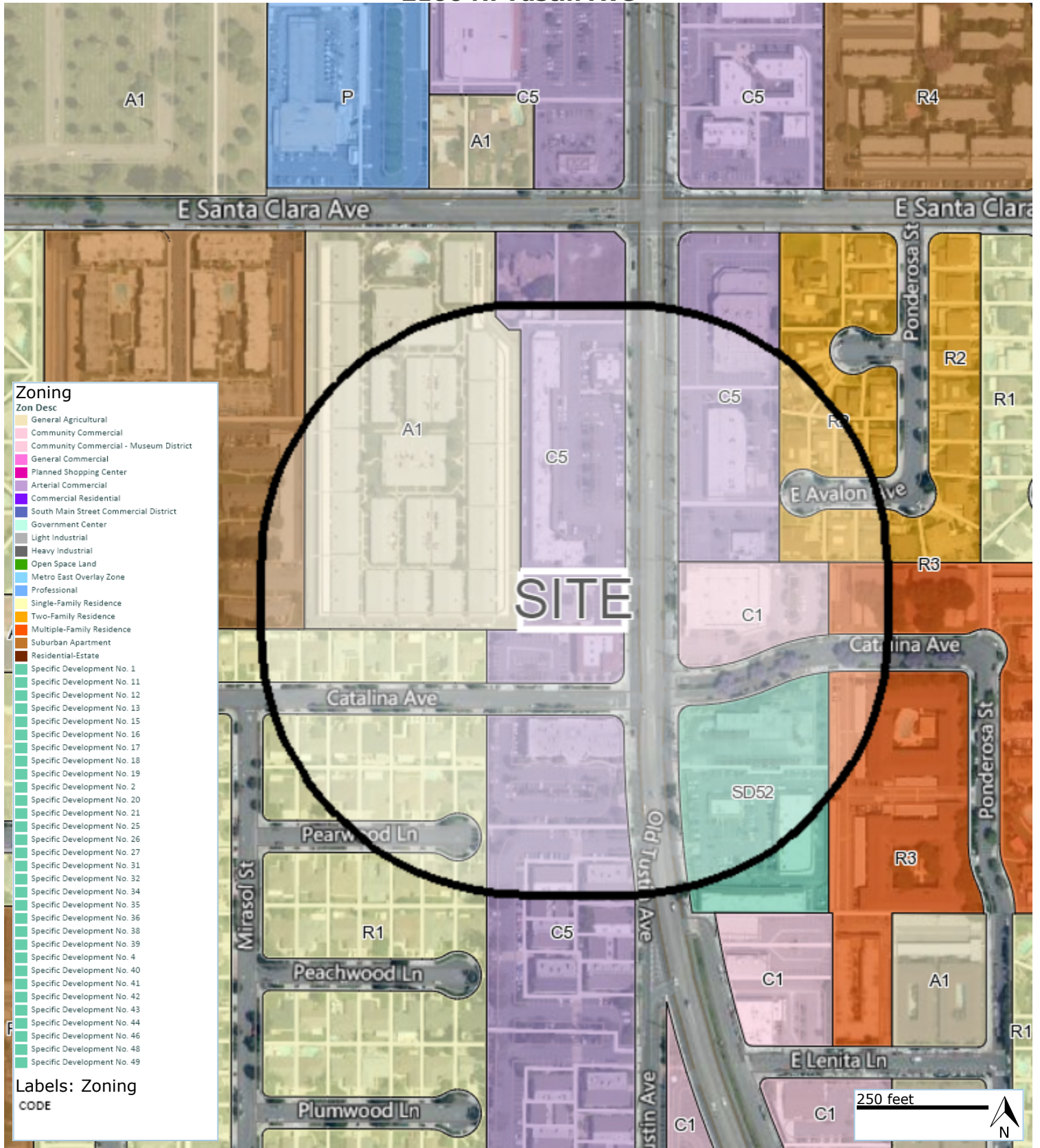


Exhibit 2 - Vicinity Zoning & Aerial View



5/10/2021

Planning Commission

**CUP No. 2021-06
2106 N. Tustin Ave**



5/10/2021
Planning Commission

Exhibit 3 – Site Photo

1 – 14

ORANGE COUNTY REPORTER

~SINCE 1921~

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SANTA ANA/PLANNING & BUILDING
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SANTA ANA, CA 92702

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE

Ad Description
2106 N. Tustin Avenue

To the right is a copy of the notice you sent to us for publication in the ORANGE COUNTY REPORTER. Thank you for using our newspaper. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

03/31/2021

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

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OR# 3455999

NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. We encourage you to contact us prior to the Public Hearing if you have any questions.

Planning Commission Action: The Planning Commission will hold a Public Hearing to receive public testimony, and will take action on the item described below. Decision on this matter will be final unless appealed within 10 calendar days of the decision by any interested party or group.

Project Location: 2106 North Tustin Avenue located in the Arterial Commercial (C5) zoning district.

Project Applicant: Veronica Salcedo, business owner (Applicant) of Chiles and Beer Restaurant, on behalf of Heinecke Gould Properties, LLC. (Property Owner).

Proposed Project: The applicant is requesting approval of Conditional Use Permit No. 2021-06 to allow after-hours operations until 2:00 a.m., daily, at an existing restaurant (Chiles and Beer Restaurant).

Environmental Impact: The Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines – Class 1/Existing Facilities. Notice of Exemption, Environmental Review No. 2021-24 will be filed for this project.

Meeting Details: This matter will be heard on **Monday, April 12, 2021 at 5:30 p.m.** In light of COVID-19, this meeting will be conducted in a virtual environment. For the most up to date information on how to participate virtually in this meeting, please visit <https://www.santa-ana.org/pb/planning-and-building-meetings/planning-and-building-meeting-participation>.

Written Comments: If you are unable to participate in the virtual meeting, you may send written comments by e-mail to PBACComments@santa-ana.org (reference the Agenda Item # in the subject line) or mail to Sarah Bernal, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza – M20, Santa Ana, CA 92701. Deadline to submit written comments is 5:00 p.m. on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

Where To Get More Information: Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at: www.santa-ana.org/cc/city-meetings

Who To Contact For Questions: Should you have any questions, please contact Jerry Guevara with the Planning and Building Agency at JGuevara@santa-ana.org or 714-647-5481.

Note: If you challenge the decision on the above matter, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council of the City of Santa Ana at, or prior to, the public hearing.

Si tiene preguntas en español, favor de llamar a Narcedalia Perez al (714) 667-2260.

Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.

3/31/21

OR-3455999#



* A 0 0 0 0 0 5 6 7 9 7 2 7 *

5/10/2021
Planning Commission



CITY OF SANTA ANA Planning and Building Agency

20 Civic Center Plaza • P.O. Box 1988
Santa Ana, California 92702
www.santa-ana.org/pba

NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

Planning Commission Action: The Planning Commission will hold a Public Hearing to receive public testimony, and will take action on the item described below. Decision on this matter will be final unless appealed within 10 calendar days of the decision by any interested party or group.

Project Location: 2106 North Tustin Avenue located in the Arterial Commercial (C5) zoning district.

Project Applicant: Veronica Salcedo, business owner (Applicant) of Chiles and Beer Restaurant, on behalf of Heinecke Gould Properties, LLC. (Property Owner).

Proposed Project: The applicant is requesting approval of Conditional Use Permit No. 2021-06 to allow after-hours operations until 2:00 a.m., daily, at an existing restaurant (Chiles and Beer Restaurant).

Environmental Impact: The Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines – Class 1/Existing Facilities. Notice of Exemption, Environmental Review No. 2021-24 will be filed for this project.

Meeting Details: This matter will be heard on **Monday, April 12, 2021 at 5:30 p.m.** In light of COVID-19, this meeting will be conducted in a virtual environment. For the most up to date information on how to participate virtually in this meeting, please visit www.santa-ana.org/pb/meeting-participation.

Written Comments: If you are unable to participate in the virtual meeting, you may send written comments by e-mail to PBAComments@santa-ana.org (reference the Agenda Item # in the subject line) or mail to Sarah Bernal, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza – M20, Santa Ana, CA 92701. Deadline to submit written comments is **5:00 p.m.** on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

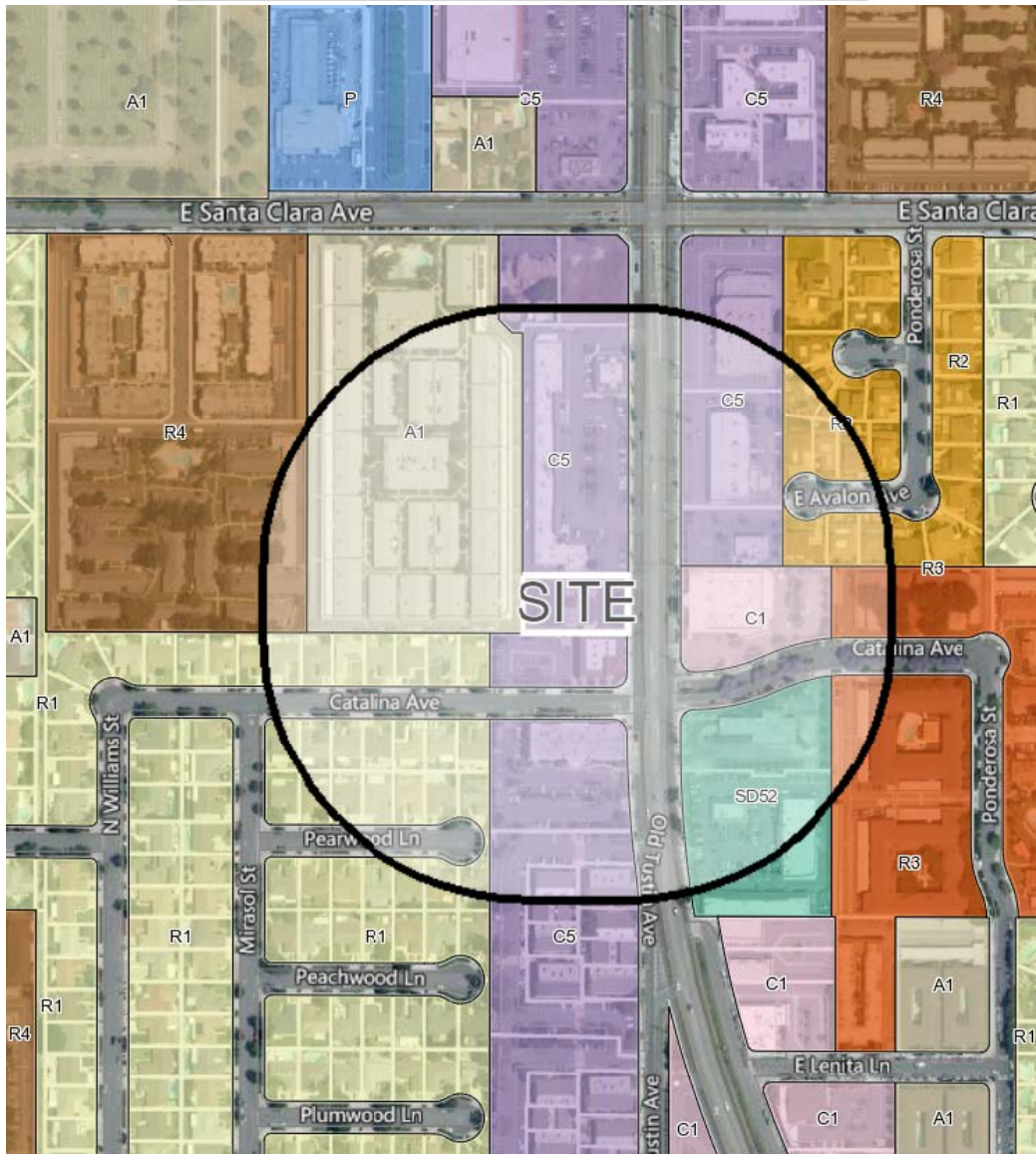
Where To Get More Information: Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at: www.santa-ana.org/cc/city-meetings

Who To Contact For Questions: Should you have any questions, please contact Jerry Guevara with the Planning and Building Agency at JGuevara@santa-ana.org or 714-647-5481.

Note: If you challenge the decision on the above matter, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council of the City of Santa Ana at, or prior to, the public hearing.

Si tiene preguntas en español, favor de llamar a Narcedalia Perez al (714) 667-2260.
Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.

500' RADIUS NOTIFICATION MAP





**NOTICE OF PUBLIC HEARING
BEFORE THE SANTA ANA
PLANNING COMMISSION**

Planning Commission Notice: The Planning Commission will hold a Public Hearing in regard to the following, and will take action on the same subsequent to the presentation of the matter and the recommendations of the City Council at a time yet to be determined.

Project Location: 210 South Main Street located in the Mid-City Commercial (C2) zoning district.

Project Description: Newline, Inc. is proposing to construct a 10,000 sq. ft. building, including an attached 10,000 sq. ft. parking garage.

Proposed Project: The applicant is proposing to construct a new 10,000 sq. ft. building and a 10,000 sq. ft. parking garage, including an attached 10,000 sq. ft. parking garage.

Environmental Impact: The Planning Commission will consider and determine that the project is environmentally sensitive under the California Environmental Quality Act (CEQA) pursuant to Santa Ana Municipal Code (SMC) Chapter 17.00, including Sections 17.00.01 through 17.00.05. The project is not a CEQA project.

Meeting Details: The matter will be heard on Monday, April 14, 2020 at 6:00 PM in the Council Chamber of the Santa Ana City Administration Center, 210 South Main Street, Santa Ana, CA 92701. For more information on the project, please visit www.santana.gov.

Public Comments: If you are unable to participate in the public hearing, you may send written comments to the project at PlanningCommission@santana.gov or by mail to the project at 210 South Main Street, Santa Ana, CA 92701. Comments should be received no later than 5:00 PM on the day of the meeting. Comments received after the deadline may not be discussed at the Commission and will not be considered.

Staff To Contact For Questions: Planning Commission Staff: (949) 441-2200 ext. 2200 or (949) 441-2200 ext. 2200.

City Council Meeting: Please contact the City Council at (949) 441-2200 ext. 2200 or (949) 441-2200 ext. 2200.

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City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
May 10, 2021

Topic: CUP No. 2013-15-MOD-1 – Native Son Alehouse

RECOMMENDED ACTION

Adopt a resolution approving Conditional Use Permit No. 2013-15-MOD-1 as conditioned.

EXECUTIVE SUMMARY

Jonathan Sanchez, business owner (Applicant) of Native Son Alehouse, on behalf of East End Realty Partners, LP (Property Owner), is requesting approval of Conditional Use Permit (CUP) No. 2013-15-MOD-1 to allow an upgrade in the Alcoholic Beverage Control (ABC) license from a Type 41 to a Type 47 license, which would allow the sale of distilled spirits in addition to beer and wine for on-premises consumption at an existing restaurant located at 305 East Fourth Street, Unit 200. 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 of demonstrated compliance with zoning requirements as discussed and analyzed in the sections below, location away from sensitive land uses, and the property's history of compliance with City codes and regulations.

DISCUSSION

Project Description

Native Son Alehouse currently occupies a 1,720-square foot tenant space and a 1,235-square foot outdoor patio within a multi-tenant two-story commercial development. The restaurant can accommodate up to 184 patrons within its dining area and outdoor patio. Pursuant to CUP No. 2013-16, approved by the Planning Commission on August 26, 2013, the restaurant operates Monday through Thursday from 3:00 p.m. to 12:00 a.m. (midnight), Friday from 3:00 p.m. to 2:00 a.m., Saturday from 11:00 a.m. to 2:00 a.m., and Sunday from 11:00 a.m. to 10:00 p.m. Changes to these hours are not being proposed at this time.

With approval of this modification, the applicant intends to apply for a Type 47 ABC license, which would allow the sale of distilled spirits in addition to beer and wine for on-premises consumption. All alcoholic beverages will continue to be stored within an 86-square foot walk-in cooler located within the restaurant's kitchen and bar area. The storage area will continue to be less than five (5) percent of the total restaurant's floor area as required by SAMC Section 41-196(g)(25). No live entertainment is being proposed at this time. Should the applicant seek to provide live entertainment, approval of an entertainment permit will be required pursuant to Chapter 11 of the SAMC.

Table 1: Project and Location Information

Item	Information	
Project Address & Council Ward	305 East Fourth Street, Unit 200 – Ward 5	
Nearest Intersection	Fourth Street and Spurgeon Street	
General Plan Designation	District Center (DC)	
Zoning Designation	Specific Development No. 88 (SD-84) / Subzone Downtown (DT)	
Surrounding Land Uses	North	Parking Structure
	East	Calle Cautro Plaza / Northgate Market
	South	Commercial
	West	Commercial / Office
	Ground Floor	Taqueria Guadalajara Restaurant / Frida Cinema
Property Size	0.48 Acres	
Existing Site Development	The site is currently developed as a two-story multi-tenant commercial development	
Unit Size	1,720 square feet	
Use Permissions	Allowed with approval of a CUP	
Zoning Code Sections Affected	Uses	Section 41-2007 of SAMC
	Operational Standards	Section 41-196(g) of SAMC

Table 2: Operational Standards

Standards	Permissible by SAMC	Provided
Eating Establishment Type	Bona-Fide Restaurant	Bona-Fide Restaurant
Hours of Operation for ABC Sales	Monday through Sunday from 8:00 a.m. to 12:00 a.m. (midnight)	Monday - Thursday from 3:00 p.m. to 12:00 a.m. (midnight), Friday from 3:00 p.m. to 2:00 a.m. Saturday from 11:00 a.m. to 2:00 a.m. Sunday from 11:00 a.m. to 10:00 p.m. CUP No. 2013-16 for After-Hours Approved by Planning Commission on 8/26/2013
Window Display	25% of Window Coverage	Complies
Alcohol Storage and Display	5% of gross floor area	1% of gross floor area

Project Background

On August 26, 2013, the Planning Commission approved Resolution No. 2013-14 approving CUP Nos. 2013-15, 2013-16, and 2013-17 allowing the sale of beer and wine for on-premises consumption, after-hours operations until 2:00 a.m., and banquet services at the subject location. Native Son Alehouse has been occupying the subject tenant space since 2013 and is known for their assortment of craft beers. On March 22, 2021, the Planning Division received a CUP application to amend CUP No. 2013-15 to allow distilled spirits in addition to beer and wine for on-premises consumption.

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 to sell distilled spirits in addition to beer and wine for on-premises consumption and has determined that the addition of distilled spirits at the subject location will not be detrimental to the health, safety, and welfare of the community.

The proposed sale of distilled spirits for on-premises consumption in addition to beer and wine will provided an ancillary service to the restaurant's customers by allowing them the ability to purchase a variety of alcoholic beverages with their meal and will allow Native Son Alehouse to be economically viable and compete with nearby full-service restaurants in Downtown Santa Ana that offer the same services to their patrons. Furthermore, the subject site is not adjacent to parks, playgrounds, schools, or religious institutions. The nearest sensitive land use is Hillsong Church Orange County, which is approximate 200 feet to the south, and the nearest schools, playgrounds, and parks are more than 1,500 feet away. As a result, the granting of the CUP will not negatively impact any sensitive land uses that may be nearby. Lastly, operations standards applicable to an ABC license and conditions of approval will continue to mitigate any potential impacts created by the use and will ensure that the use will not negatively affect the surrounding community.

Approval of CUP No. 2013-15-MOD-1 will be consistent with several goals and policies of the General Plan. Policy 2.2 of the Land Use Element encourages land uses that accommodate the City's needs for goods and services. Providing a variety of full-service restaurants that provide alcoholic beverages offer additional dining options for Santa Ana residents and visitors. Furthermore, Policy 2.9 of the Land Use Element supports developments that create a business environment that is safe and attractive. Operational standards for the restaurant applicable to the ABC license will ensure maintenance of a safe and attractive environment in the neighborhood. Finally, Policy

5.5 of the Land Use Element encourages development that is compatible with and supporting of surrounding land uses. Native Son Alehouse is located within the City’s Downtown and its operations will be compatible with the surrounding commercial businesses.

Police Department Analysis

The Police Department reviews CUP 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-sale 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 the State Department of Alcoholic Beverage Control (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.

Table 3: Police Department Analysis and Criteria for Recommendation

Police Department Analysis and Criteria for Recommendation	
Police Grid No. and Rank	Police Grid No. 165; ranked 1 out of 102 Police Reporting Grids (25 th percentile)
Threshold for High Crime	This reporting district is within the 20 percent threshold established by the State for high crime.
Police Department Recommendation	The Police Department is satisfied that the operational standards applicable to on-premises ABC licenses will mitigate any potential impacts to the surrounding community and therefore does not oppose the granting of a CUP.

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 the State Department of Alcoholic Beverage Control 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, this application was reviewed by the Police Department. Based on their review, the Police Department has no issues of concern regarding this modification application.

Public Notification and Community Outreach

Public notifications were posted, published, and mailed in accordance with City and State regulations. Copies of the public notice, including a 500-foot notification radius map, and the site posting are provided in Exhibit 7. In addition to these measures,

representatives of the Downtown Neighborhood Association were contacted to identify any areas of concern due to the proposed request. At the time this report was printed, no issues of concern were raised regarding the proposed CUP.

ENVIRONMENTAL IMPACT

Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15301 of the CEQA Guidelines (Class 1 - Existing Facilities). This exemption 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 project consists of a permit modification to allow the sale of distilled spirits for on-premises consumption in addition to beer and wine at an existing restaurant. Based on this analysis, a Notice of Exemption, Environmental Review No. 2013-40 will be filed for this project.

FISCAL IMPACT

There is no fiscal impact associated with this action.

CONCLUSION

Based on the analysis provided within this report, staff recommends that the Planning Commission adopt a resolution approving CUP No. 2013-15-MOD-1 as conditioned.

EXHIBIT(S)

1. Resolution approving CUP No. 2013-15-MOD-1
2. Copy of Resolution No. 2013-14
3. Vicinity Zoning & Aerial View
4. Site Photo
5. Site Plan
6. Floor Plan
7. Copy of Public Notices

Submitted By:
Jerry Guevara, Assistant Planner I

Approved By:
Minh Thai, Executive Director of Planning and Building Agency, Planning and Building Agency

RESOLUTION NO. 2021-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING A MODIFICATION TO CONDITIONAL USE PERMIT NO. 2013-15 AS CONDITIONED TO ALLOW THE SALE OF DISTILLED SPIRITS FOR ON-PREMISES CONSUMPTION IN ADDITION TO BEER AND WINE AT NATIVE SON ALEHOUSE LOCATED 305 EAST FOURTH STREET, UNIT 200

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. Jonathan Sanchez, business owner of Native Son Alehouse (“Applicant”), on behalf of East End Realty Partners, LP (“Property Owner”), is requesting approval of Conditional Use Permit (CUP) No. 2013-15 Modification (MOD) No. 1 to allow the sale of distilled spirits for on-premises consumption in addition to beer and wine at an existing restaurant located 305 East Fourth Street, Unit 200.
- B. Santa Ana Municipal Code (SAMC) Sections 41-196 and 41-2007 require approval of a CUP for establishments wishing to sell alcohol for on-premises consumption.
- C. On August 26, 2013, the Planning Commission adopted Resolution No. 2013-14 approving CUP No. 2013-15 allowing the sale of beer and wine for on-premises consumption at 305 East Fourth Street, Unit 200.
- D. On May 10, 2021, the Planning Commission held a duly noticed public hearing on CUP No. 2013-15-MOD-1.
- E. The Planning Commission determines that the following findings, which must be established in order to grant a CUP pursuant to SAMC Section 41-638, have been established for CUP No. 2013-15-MOD-1 to allow the sale of distilled spirits for on-premises consumption in addition to beer and wine at 305 East Fourth Street, Unit 200:
 - 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 sale of distilled spirits for on-premises consumption in addition to beer and wine will provided an ancillary service to the restaurant’s customers by allowing them the ability to purchase alcoholic beverages with their meal. This will

thereby benefit the community by providing a restaurant with an additional and complementary food related amenity. Operational standards applicable to the alcoholic beverage control (“ABC”) license and 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.

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 sale of distilled spirits for on-premises consumption in addition to beer and wine at the subject location will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity because the operational standards applicable to the ABC license and conditions of approval will address any potential negative or adverse impacts created by the use. The granting of the CUP will not negatively impact any sensitive land uses that may be nearby. The subject site is not adjacent to parks, playgrounds, schools, or religious institutions. The nearest sensitive land use is Hillsong Church Orange County, which is approximate 200 feet to the south, and the nearest schools, playgrounds, and parks are more than 1,500 feet away.

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

The sale of distilled spirits for on-premises consumption in addition to beer and wine at the subject location will not adversely affect the economic stability of the area, but will instead allow the restaurant to compete with other nearby eating establishments in Downtown Santa Ana that offer a full selection of alcoholic beverages to their customers. Moreover, the offering of distilled spirits will allow the restaurant to be economically viable and compete with nearby full-service eating establishments in Downtown Santa Ana and will contribute to the overall success of the City’s Downtown.

4. That the proposed use will comply with the regulations and conditions specified in Chapter 41 (Zoning) of the SAMC for such use.

The sale of distilled spirits for on-premises consumption in addition to beer and wine at the subject location will be in compliance with all applicable regulations and operational

standards imposed on a restaurant selling alcoholic beverages for on-premises consumption pursuant to Chapter 41 of the SAMC. The restaurant will be maintained as a full-service, bona-fide eating establishment, having suitable kitchen facilities and supplying an assortment of foods. Additionally, the restaurant will utilize less than five (5) percent of the gross floor area for display and storage of alcoholic beverages, which is the maximum threshold established by the SAMC. Operational standards will ensure that the project remains in compliance with all applicable codes and regulations related to alcohol sales to ensure that the use does not impact neighboring properties or create an attractive nuisance.

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 sale distilled spirits for on-premises consumption in addition to beer and wine at the subject location will not adversely affect the General Plan or any specific plan. The granting of CUP No. 2021-03 supports several policies contained in the General Plan. Policy 2.2 of the Land Use Element encourages land uses that accommodate the City's needs for goods and services. Providing a variety of full-service eating establishments that provide alcoholic beverages as part of their menu offers additional dining options for Santa Ana residents and visitors. Furthermore, Policy 2.9 of the Land Use Element supports developments that create a business environment that is safe and attractive. Operational standards for the proposed ABC license will maintain a safe and attractive environment in the neighborhood. Policy 5.5 of the Land Use Element encourages development that is compatible with and supporting of surrounding land uses. Native Son Alehouse is located within a two-story multi-tenant development in Downtown Santa Ana and its operation is compatible with the surrounding commercial businesses.

Section 2. 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). 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 use beyond that existing at the time of the lead agency's determination. The project consists of a permit modification to allow the sale of distilled spirits for on-premises consumption in addition to beer and wine at an existing restaurant. Based on this analysis, a Notice of Exemption, Environmental Review No. 2013-40 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, referendum, and other 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 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. 2013-15-MOD-1, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 305 East Fourth Street, Unit 200. This decision is based upon the evidence submitted at the above-referenced hearing, including but not limited to: The Request for Planning Commission Action dated May 10, 2021, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 10th day of May, 2021

AYES: Commissioners:
 NOES: Commissioners:
 ABSENT: Commissioners:
 ABSTENTIONS: Commissioners:

Mark McLoughlin
 Chairperson

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

By: John M. Funk
John M. Funk
Senior Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, SARAH BERNAL, Commission Secretary, do hereby attest to and certify the attached Resolution No. 2021-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on May 10, 2021.

Date: _____

Commission Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2013-15-MOD-1

Conditional Use Permit No. 2013-15-MOD-1 for on-premises consumption of alcoholic beverages is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Building Standards Code and all other applicable regulations.

The Applicant must comply in full 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. The sale, service, and consumption of alcoholic beverages shall be permitted in accordance with the operational standards for on-sale establishments pursuant to Section 41-196(g) of the SAMC, in accordance with the provisions of an on-premises alcohol license by the California Department of Alcoholic Beverage Control (ABC), in accordance with the site and floor plans attached to the staff report documenting the approved scope of the project, and in accordance with the conditions of approval contained within Exhibit A of Resolution No. 2013-14.
2. In the event of any inconsistency between the conditions of this Modification and any conditions contained in Exhibit A of Resolution No. 2013-14, the terms and provisions of this Modification shall govern and control.
3. The business and property owner shall maintain and adhere to a "Good Neighbor Policy," implementing measures to ensure that patrons comply with applicable noise, parking, and outdoor smoking regulations, and removing litter and preventing loitering in the areas in the immediate vicinity of the business.
4. Within 90 days of adoption of this resolution, a Property Maintenance Agreement shall be recorded against the property. The agreement will be subject to review and applicability by the Planning and Building Agency, the Community Development Agency, the Public Works Agency, and the City Attorney to ensure that the property and all improvements located thereupon are properly maintained. Applicant (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the Applicant) shall execute a maintenance agreement with the City of Santa Ana which shall be recorded against the property and which shall be in a form reasonably satisfactory to the City Attorney. The maintenance agreement shall contain covenants, conditions, and restrictions relating to the following:
 - a) Compliance with operational conditions applicable during any period(s) of construction or major repair (e.g., proper screening and securing of the construction site; implementation of proper erosion control, dust control

and noise mitigation measure; adherence to approved project phasing etc.);

- b) Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including but not limited to hours of operation, security requirements, the proper storage and disposal of trash and debris, enforcement of the parking management plan, and/or restrictions on certain uses;
- c) Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;
- d) Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris about and immediately adjacent to the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);
- e) If Applicant and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the maintenance agreement and both shall be jointly and severally liable for compliance with its terms;
- f) The maintenance agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the maintenance agreement;
- g) The maintenance agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The maintenance agreement shall further provide that any unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City; and

- h) The execution and recordation of the maintenance agreement shall be a condition precedent to the issuance of the ABC license.

RESOLUTION NO. 2013-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING: CONDITIONAL USE PERMIT NO. 2013-15 AS CONDITIONED TO ALLOW A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE, CONDITIONAL USE PERMIT NO. 2013-16 AS CONDITIONED TO ALLOW AFTER-HOURS OPERATION, AND CONDITIONAL USE PERMIT NO. 2013-17 AS CONDITIONED TO ALLOW A BANQUET USE, FOR THE PROPERTY LOCATED AT 305 EAST FOURTH STREET, UNIT 200

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. Applicant is requesting approval of: Conditional Use Permit No. 2013-15 to allow a Type 41 Alcoholic Beverage Control (ABC) license, Conditional Use Permit No. 2013-16 to allow after-hours operations, and Conditional Use Permit No. 2013-17 to allow a banquet use, for the property located at 305 East Fourth Street, Unit 200.
- B. Santa Ana Municipal Code Section 41-2007 requires a conditional use permit for: the sale of alcoholic beverages for on-site consumption, businesses operating between the hours of 12:00 a.m. and 7:00 a.m., and the operation of a banquet facility.
- C. On August 26, 2013, the Planning Commission held a duly noticed public hearing on Conditional Use Permit No. 2013-15, Conditional Use Permit No. 2013-16, and Conditional Use Permit No. 2013-17.
- D. The Planning Commission determines that the following findings, which must be established in order to grant this Conditional Use Permit pursuant to Santa Ana Municipal Code Section 41-638, have been established for Conditional Use Permit No. 2013-15 to allow for a Type 41 ABC license:
 - 1. Will the proposed use provide a service or facility which will contribute to the general well being of the neighborhood or the community?

The proposed alcohol beverage license will provide a beneficial service that will help the Downtown area become

a destination point. Conditions have been placed on the alcoholic beverage control license which will mitigate any potential impacts created by the use and ensure that the use will not negatively affect the surrounding community.

2. Will the proposed use 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 license for a restaurant at this location will not be detrimental to persons residing or working in the vicinity because conditions have been placed on the alcoholic beverage control license that will mitigate any potential negative or adverse impacts created by the use. Additionally, the use will serve both visitors and the local and regional business community.

3. Will the proposed use adversely affect the present economic stability or future economic development of properties surrounding the area?

The proposed use will not adversely affect the economic stability of the area, but will instead allow local businesses and the downtown area to become a destination area. Moreover, the offering of various food offerings allows the Downtown to remain economically viable and contributes to the overall success of Downtown Santa Ana, helping to decrease the number of vacant tenant spaces that may affect the economic viability of the site.

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

As conditioned, the proposed project will be in compliance with all applicable regulations and conditions imposed on a restaurant selling beer and wine pursuant to Chapter 41 of the Santa Ana Municipal Code.

5. Will the proposed use adversely affect the General Plan or any specific plan of the City?

The proposed use will not adversely affect the General Plan. Policy 2.2 of the Land Use Element encourages land uses that accommodate the City's needs for goods and services. A variety of restaurants in Downtown Santa Ana contributes to the economic success of the city as a shopping and dining destination.

- E. The Planning Commission determines that the following findings, which must be established in order to grant this Conditional Use Permit pursuant to Santa Ana Municipal Code Section 41-638, have been

established for Conditional Use Permit No. 2013-16 to allow for after hours operation:

1. Will the proposed use provide a service or facility which will contribute to the general well being of the neighborhood or the community?

The proposed after-hours operations until to 1:00 a.m. on Sunday through Thursday and 2:00 a.m. on Fridays and Saturdays will allow the restaurant to remain competitive with other restaurants in the area, and will help the Downtown area become a destination point. Conditions have been placed on the after-hours operations that will mitigate any potential impacts created by the use and ensure that the use will not negatively affect the surrounding community.

2. Will the proposed use 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 after-hours operations for a restaurant at this location will not be detrimental to persons residing or working in the vicinity because conditions have been placed on the restaurant operations that will mitigate any potential negative or adverse impacts created by the use. Additionally, the restaurant will serve both visitors and the local and regional business community.

3. Will the proposed use adversely affect the present economic stability or future economic development of properties surrounding the area?

The proposed use will not adversely affect the economic stability of the area, but will instead allow local businesses and the downtown area to become a destination area. Moreover, the offering of various food offerings allows the Downtown to remain economically viable and contributes to the overall success of Downtown Santa Ana, helping to decrease the number of vacant tenant spaces that may affect the economic viability of the site.

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

As conditioned, the proposed project will be in compliance with all applicable regulations and conditions imposed on a restaurant operating after 12:00 midnight.

5. Will the proposed use adversely affect the General Plan or any specific plan of the City?

The proposed use will not adversely affect the General Plan. Policy 2.2 of the Land Use Element encourages land uses that accommodate the City's needs for goods and services. A restaurant that is open past midnight contributes to the economic success of the city as a shopping and dining destination.

F. The Planning Commission determines that the following findings, which must be established in order to grant this Conditional Use Permit pursuant to Santa Ana Municipal Code Section 41-638, have been established for Conditional Use Permit No. 2013-17 to allow for a Banquet Facility:

1. Will the proposed use provide a service or facility which will contribute to the general well being of the neighborhood or the community?

The proposed restaurant may close to the general public all or a portion of the restaurant to allow for a banquet use. This will allow the restaurant to be used by the local community for private events and similar functions. This will allow the restaurant to remain competitive with other restaurants in the area, and will help the Downtown area become a destination point. Conditions have been placed on the banquet operations that will mitigate any potential impacts created by the use and ensure that the use will not negatively affect the surrounding community.

2. Will the proposed use 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 banquet use at this location will not be detrimental to persons residing or working in the vicinity because conditions have been placed on the restaurant operations that will mitigate any potential negative or adverse impacts created by the use. Additionally, the restaurant will serve both visitors and the local and regional business community with emphasis on local service.

3. Will the proposed use adversely affect the present economic stability or future economic development of properties surrounding the area?

The proposed use will not adversely affect the economic stability of the area, but will instead allow local businesses and the downtown area to become a destination area. Further, offering of various types of services is needed to create an active downtown for local patrons and visitors.

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

As conditioned, the proposed project will be in compliance with all applicable regulations and conditions imposed on a banquet hall.

5. Will the proposed use adversely affect the General Plan or any specific plan of the City?

The proposed use will not adversely affect the General Plan. Policy 2.2 of the Land Use Element encourages land uses that accommodate the City's varied needs for goods and services. A restaurant that offers the potential for private parties and banquets provides an essential service for local patrons and regional visitors including the business community.

- G. In accordance with the California Environmental Quality Act the recommended action is exempt from further review per Section 15061(b)(3), which is a general rule exemption applying to projects that have no possibility of having a significant impact on the environment. Categorical Exemption Environmental Review No. 2013-40 will be filed for this project.

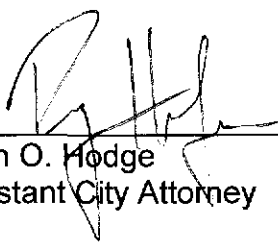
Section 2. The Planning Commission of the City of Santa Ana after conducting the public hearing hereby approves Conditional Use Permit No. 2013-15 as conditioned in Exhibit A attached hereto and incorporated as though fully set forth herein, Conditional Use Permit No. 2013-16 as conditioned in Exhibit B attached hereto and incorporated as though fully set forth herein, and Conditional Use Permit No. 2013-17 as conditioned in Exhibit C attached hereto and incorporated as though fully set forth herein. 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 August 26, 2013 and exhibits attached thereto; and the public testimony, all of which are incorporated herein by this reference.

ADOPTED this 26th day of August 2013 by the following vote:

AYES: Commissioners: Alderete, Bacerra, Crespo, Gartner, Mill, Nalle, Yrarrazaval (7)
NOES: Commissioners: None (0)
ABSENT: Commissioners: None (0)
ABSTENTIONS: Commissioners: None (0)


Eric Alderete
Chairman

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

By: 
Ryan O. Hodge
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, MARTHA RAMIREZ, Secretary of the Planning Commission, do hereby attest to and certify the attached Resolution No. 2013-14 to be the original resolution adopted by the Planning Commission of the City of Santa Ana on August 26, 2013.

Date: 10-15-13



Secretary of the Planning Commission
City of Santa Ana

EXHIBIT A

Conditions for Approval of Conditional Use Permit No. 2013-15

Conditional Use Permit Nos. 2013-15 is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code and all other applicable regulations.

The applicant must comply in full 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. The premises shall at all times be maintained as a bona-fide eating establishment as defined in Section 23038 of the California Business and Professions code and shall provide a menu containing an assortment of foods normally offered. The premises must have suitable kitchen facilities and supply an assortment of foods commonly ordered at various hours of the day. Full and complete meals must be served whenever the privileges of the on-sale license are being exercised.
2. There shall be no fixed bar or lounge area upon the premises maintained for the sole purpose of sales, service or consumption of alcoholic beverages directly to patrons. A fixed bar or lounge may be permitted if patrons may order food from the same menu being offered to the general patrons of the eating establishment.
3. The sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 8:00 a.m. and 12:00 a.m. unless otherwise amended by the granting of Conditional Use Permit No. 2013-16 for after-hours operations pursuant to Santa Ana Municipal Code Chapter 41.
4. It shall be the applicant's responsibility to ensure that no alcoholic beverages are consumed on any property adjacent to the licensed premises under the control of the applicant, with the exception of any enclosed patio areas.
5. The applicant or an employee of the licensee must be present to monitor all areas of the establishment, including outdoor patios, during all times that alcoholic beverages are being served or consumed.

6. All employees serving alcoholic beverages must complete Responsible Beverage Service Training, or an equivalent approved by the State Department of Alcoholic Beverage Control, prior to being able to serve alcoholic beverages to patrons. Evidence of the completion of such training must be maintained on the premises and available for inspection upon request by the City.
7. During those times when patrons are restricted to 21 years of age or older, the applicant shall at all times utilize an age verification means or device for all purchases of alcoholic beverages.
8. Queuing lines shall be managed in an orderly manner and all disruptive and/or intoxicated patrons shall be denied entry. The business owner, or his designee, shall be responsible for monitoring the queuing lines at all times.
9. The outdoor queuing line shall not block public walkways or obstruct the entry or exit doors of adjacent businesses. Stanchions or barriers must be used to maintain order at all times the queue exceeds 25 patrons. If located on public property those barriers must be approved by the Public Works Agency.
10. Employees and contract security personnel shall not consume any alcoholic beverages during their work shift, except for product sampling for purposes of employee education about new products.
11. There shall be no exterior advertising of any kind or type, including window signs or other signs visible from outside, that promote or indicate the availability of alcoholic beverages on the premises. Interior displays of alcoholic beverages or signs, which are clearly visible to the exterior, shall constitute a violation of this condition. Permissible window displays must be kept to a minimum for maximum visibility and shall not exceed 25 percent of window coverage. Floor displays shall not exceed three feet in height.
12. There shall be no promotions encouraging intoxication or drinking contests or advertisements indicating "buy one drink, get one free", "two for the price of one", or "all you can drink for..." or similar language.
13. Any pool tables, amusement machines or video games maintained on the premises at any time must be reviewed and approved in a security plan submitted to the Chief of Police.

14. Live Entertainment, including but not limited to, amplified music, karaoke, performers and dancing, is subject to compliance with Santa Ana Municipal Code ("SAMC") Chapter 11 and shall comply with all of the standards contained therein. Notwithstanding this requirement, music/noise shall not be audible beyond 20 feet from the exterior of the premises in any direction.
15. Neither the applicant, nor any person or entity operating the premises with the permission of the applicant, shall violate the City's adult entertainment ordinance contained in SAMC Section 12-1 and 12-2.
16. The premises shall not be operated as an adult entertainment business as such term is defined in SAMC Section 41-1701.6.
17. The applicant(s) shall be responsible for maintaining free of litter the area adjacent to the premises under the control of the licensee.
18. There shall be no public telephones located on the exterior of the premises. All interior pay phones must be designed to allow outgoing calls only.
19. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted within 24 hours of being applied.
20. Existing bona fide eating establishment and required parking must conform to the provisions of Chapter 8, Article II, Division 3 of the Santa Ana Municipal Code (*Building Security Ordinance*). These code conditions will require that the existing project lighting, door/window locking devices and addressing be upgraded to current code standards. Lighting standards cannot be located in required landscape planters. Prior to issuance of Letter of Approval to the Alcohol Beverage Control Board, this condition must be complied with.
21. A timed-access cash controller or drop safe must be installed.
22. Install a silent armed robbery alarm.

23. The owner or manager of the licensed premises shall maintain on the premises a written security policy and procedures manual, that has been approved by the police department, addressing at a minimum the following items; handling obviously intoxicated persons; establishing a reasonable ratio of employees to patrons, based upon activity level, in order to monitor beverage sales and patron behavior; handling patrons involved in fighting, arguing or loitering about the building and in the immediate adjacent area that is owned, leased, rented or used under agreement by the Licensee(s); verifying age/checking identification of patrons; warning patrons of reaching their drinking limit/potential intoxication and refusing to serve; calling the police regarding observed or reported criminal activity and the management of queuing lines.
24. The operator shall be responsible for submitting a detailed outdoor fencing and dining plan where outdoor dining is proposed as part of the business operation.
25. Combined alcohol storage and display areas shall not exceed five percent (5%) of the gross floor area of the licensed establishment.

EXHIBIT B

Conditions for Approval of Conditional Use Permit No. 2013-16

Conditional Use Permit No. 2013-16 is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code and all other applicable regulations.

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. The premises shall at all times be maintained as a bona-fide eating establishment as defined in Section 23038 of the California Business and Professions code and shall provide a menu containing an assortment of foods normally offered. The premises must have suitable kitchen facilities and supply an assortment of foods commonly ordered at various hours of the day. Full and complete meals must be served whenever the privileges of the on-sale license are being exercised.
2. There shall be no fixed bar or lounge area upon the premises maintained for the sole purpose of sales, service or consumption of alcoholic beverages directly to patrons. A fixed bar or lounge may be permitted if patrons may order food from the same menu being offered to the general patrons of the eating establishment.
3. The sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. and 2:00 a.m. pursuant to this conditional use permit.
4. Live Entertainment, including but not limited to, amplified music, karaoke, performers and dancing, is subject to compliance with Santa Ana Municipal Code ("SAMC") Chapter 11 and shall comply with all of the standards contained therein. Notwithstanding this requirement, music/noise shall not be audible beyond 20 feet from the exterior of the premises in any direction.
5. Neither the applicant, nor any person or entity operating the premises with the permission of the applicant, shall violate the City's adult entertainment ordinance contained in SAMC Section 12-1 and 12-2.
6. The premises shall not be operated as an adult entertainment business as such term is defined in SAMC Section 41-1701.6.
7. The applicant(s) shall be responsible for maintaining free of litter the area adjacent to the premises under the control of the licensee.

8. There shall be no amplified sound used outside the building.
9. The storage of delivery vehicles is not allowed at this location.
10. No use of delivery vehicles with more than three ~~axels~~ axles at this location.
Modified by Planning Commission on August 26, 2013.
11. This establishment must comply with Santa Ana Municipal Code Section 18-312 related to exterior noise.
12. Trash enclosure program shall be provided *via plan check submittal*.
13. Sign permits (both permanent and temporary) are under separate submittal.
14. Special events are subject to a Land Use Certificate where such activities will take place outside of the restaurant building.

EXHIBIT C

Conditions for Approval of Conditional Use Permit No. 2013-17

Conditional Use Permit No. 2013-17 is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code and all other applicable regulations.

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. The premises shall at all times be maintained as a bona-fide eating establishment as defined in Section 23038 of the California Business and Professions code and shall provide a menu containing an assortment of foods normally offered. The premises must have suitable kitchen facilities and supply an assortment of foods commonly ordered at various hours of the day. A banquet facility is ancillary to the primary restaurant use.
2. There shall be no fixed bar or lounge area upon the premises maintained for the sole purpose of sales, service or consumption of alcoholic beverages directly to patrons. A fixed bar or lounge may be permitted if patrons may order food from the same menu being offered to the general patrons of the eating establishment.
3. Live Entertainment, including but not limited to, amplified music, karaoke, performers and dancing, is subject to compliance with Santa Ana Municipal Code ("SAMC") Chapter 11 and shall comply with all of the standards contained therein. Notwithstanding this requirement, music/noise shall not be audible beyond 20 feet from the exterior of the premises in any direction.
4. Neither the applicant, nor any person or entity operating the premises with the permission of the applicant, shall violate the City's adult entertainment ordinance contained in SAMC Section 12-1 and 12-2.
5. The premises shall not be operated as an adult entertainment business as such term is defined in SAMC Section 41-1701.6.
6. The applicant(s) shall be responsible for maintaining free of litter the area adjacent to the premises under the control of the licensee.
7. There shall be no amplified sound used outside the building.
8. The storage of delivery vehicles is not allowed at this location.

9. No use of delivery vehicles with more than three axels at this location.
10. This establishment must comply with Santa Ana Municipal Code Section 18-312 related to exterior noise.
11. Trash enclosure program shall be provided via plan check submittal.
12. Sign permits (both permanent and temporary) are under separate submittal.
13. Special events are subject to a Land Use Certificate where such activities will take place outside of the restaurant building.

CUP No. 2013-15-MOD-1 305 E. 4th Street, Unit 200

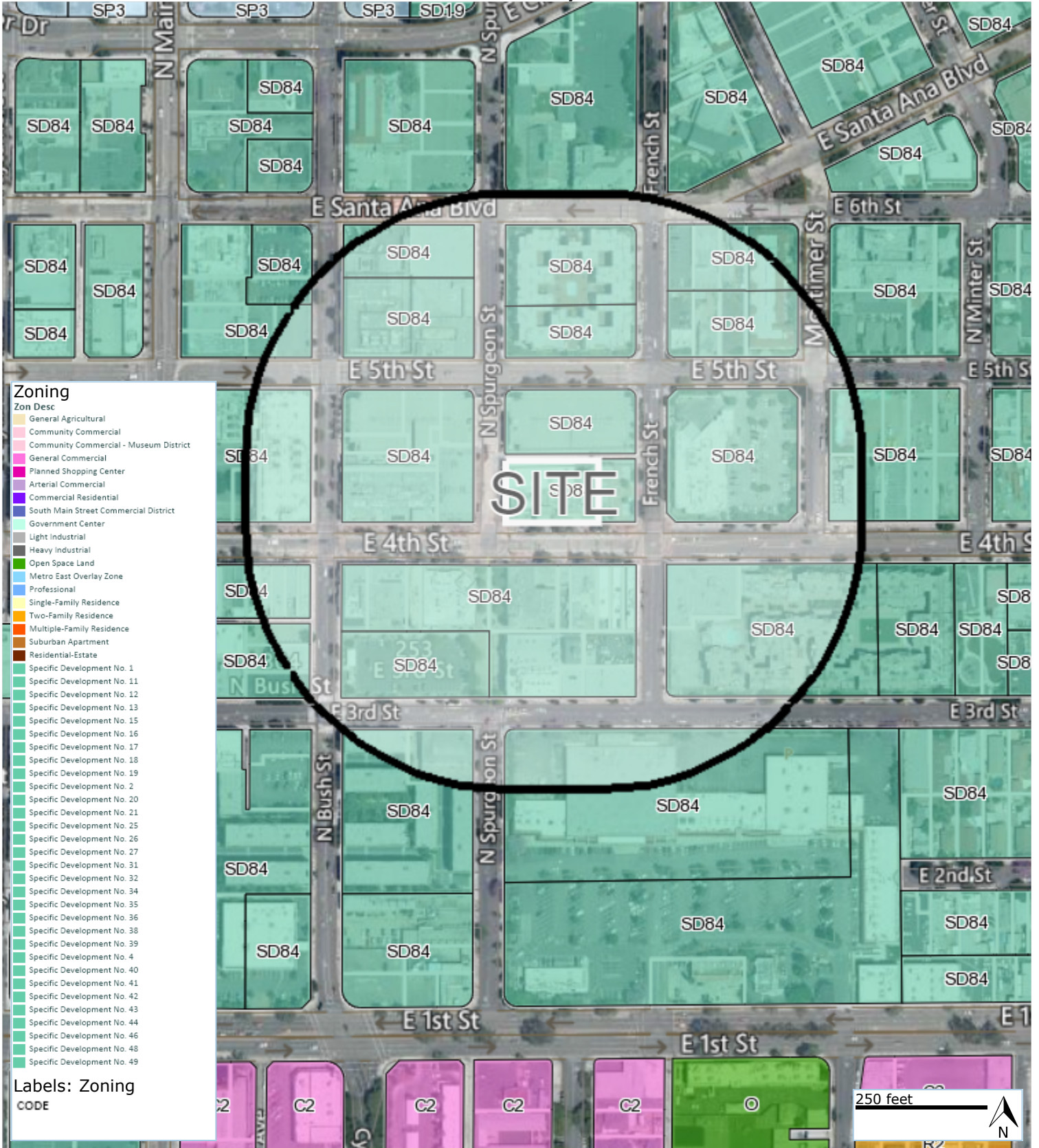


Exhibit 2 - Vicinity Zoning & Aerial View



5/10/2021

CUP No. 2013-15-MOD-1
305 E. 4th Street, Unit 200



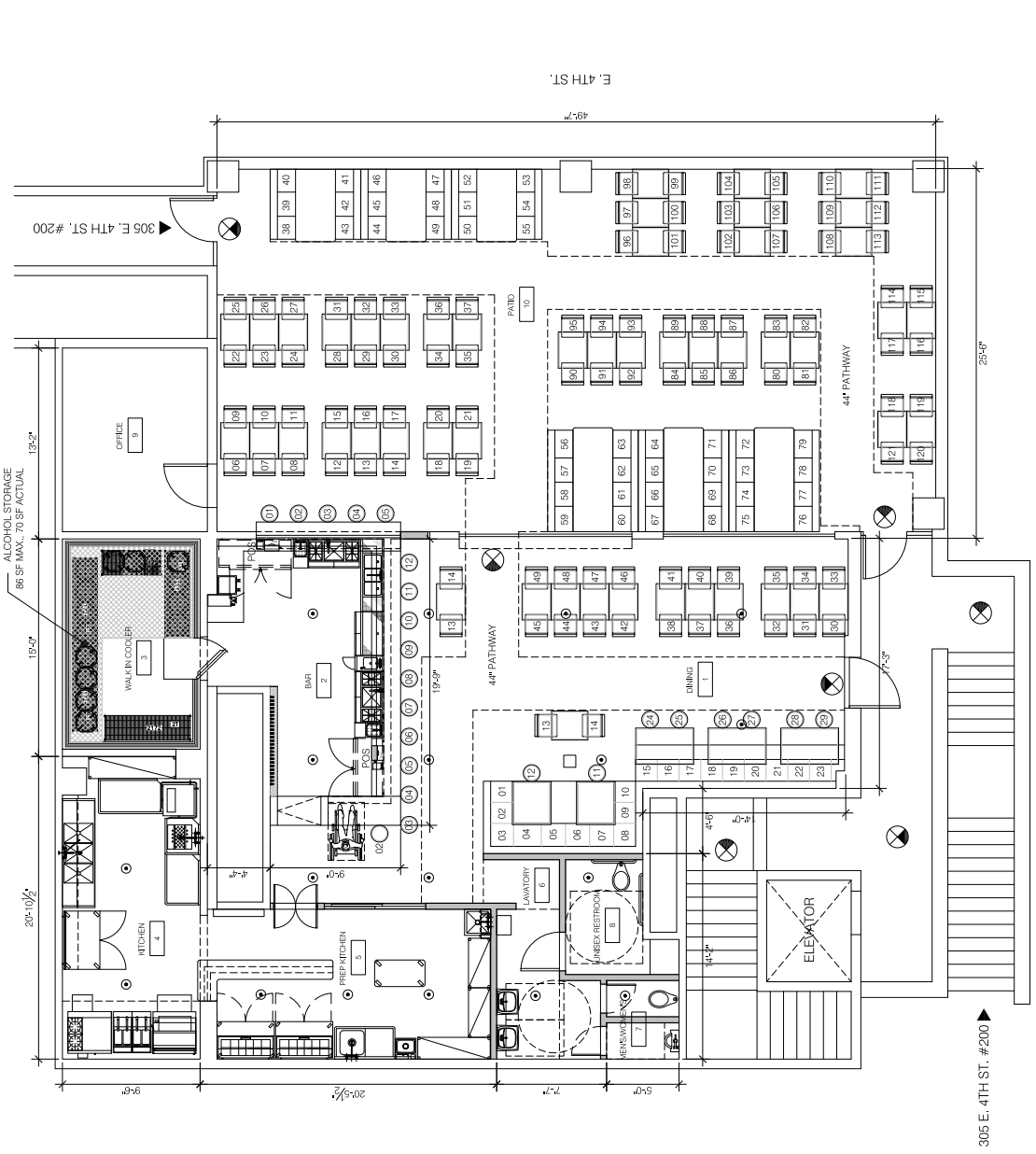
Exhibit 3 – Site Photo

RESTAURANT AREA/SEATING	
ROOM #	SEATS
DINING 1	49
BAR 2	14
WALK IN COOLER 3	0
KITCHEN 4	0
PREP KITCHEN 5	0
LAVATORY 6	0
MENS/RESTROOMS 7	0
UNISEX RESTROOM 8	0
OFFICE 9	0
TOTAL	63

PATIO SEATING	
ROOM #	SEATS
PATIO 10	121

LEGEND:

- ◀ ENTRY
- ⊗ EXIT
- ⊙ FIRE SPRINKLER



RESTAURANT FLOOR PLAN
1
0 2 4
1/4" = 1'
305 E. 4TH ST. #200

ORANGE COUNTY REPORTER

~SINCE 1921~

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CITY OF SANTA ANA PLANNING
SANTA ANA/PLANNING & BUILDING
20 CIVIC CENTER PLAZA 2ND FLR
SANTA ANA, CA 92702

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Notice Type: GPN GOVT PUBLIC NOTICE

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04/28/2021

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

Publication	\$133.30
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THE DAILY TRANSCRIPT, SAN DIEGO	(619) 232-3486
THE INTER-CITY EXPRESS, OAKLAND	(510) 272-4747

OR# 3465083

NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. We encourage you to contact us prior to the Public Hearing if you have any questions.

Planning Commission Action : The Planning Commission will hold a Public Hearing to receive public testimony, and will take action on the item described below. Decision on this matter will be final unless appealed within 10 calendar days of the decision by any interested party or group.

Project Location: 305 E. 4th Street, Unit 200 located in Specific Development No. 84 (SD-84) / Subzone Downtown (DT) zoning district.

Project Applicant: Jonathan Sanchez, business owner (Applicant) of Native Son Alehouse, on behalf of East End Realty Partners, LP (Property Owner).

Proposed Project: The applicant is requesting approval of Conditional Use Permit No. 2013-15-MOD-1 to allow an upgrade in the Alcoholic Beverage Control (ABC) license from a Type 41 to a Type 47 license, which would allow the sale of distilled spirits in addition to beer and wine for on-premises consumption at an existing restaurant (Native Son Alehouse).

Environmental Impact: The Planning Commission will consider a determination that the project is categorically exempt from California Environmental Quality Act CEQA Guidelines pursuant to 15301 of the CEQA Guidelines - Class 1/Existing Facilities. Notice of Exemption, Environmental Review No. 2013-40 will be filed for this project.

Meeting Details: This matter will be heard on **Monday, May 10, 2021 at 5:30 p.m.** In light of COVID-19, this meeting will be conducted in a virtual environment. For the most up to date information on how to participate virtually in this meeting, please visit www.santa-ana.org/pb/meeting-participation.

Written Comments: If you are unable to participate in the virtual meeting, you may send written comments by e-mail to PBACComments@santa-ana.org (reference the Agenda Item # in the subject line) or mail to Sarah Bernal, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza – M20, Santa Ana, CA 92701. Deadline to submit written comments is 5:00 p.m. on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

Where To Get More Information: Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at: www.santa-ana.org/cc/city-meetings

Who To Contact For Questions: Should you have any questions, please contact Jerry Guevara with the Planning and Building Agency at JGuevara@santa-ana.org or 714-647-5481.

Note: If you challenge the decision on the above matter, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council of the City of Santa Ana at, or prior to, the public hearing.

Si tiene preguntas en español, favor de llamar a Narcedalia Perez al (714) 667-2260.

Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.

4/28/21

OR-3465083#



* A 0 0 0 1 0 0 5 7 0 3 0 0 8 *

5/10/2021

Planning Commission



CITY OF SANTA ANA Planning and Building Agency

20 Civic Center Plaza • P.O. Box 1988
Santa Ana, California 92702
www.santa-ana.org/pba

NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

Planning Commission Action: The Planning Commission will hold a Public Hearing to receive public testimony, and will take action on the item described below. Decision on this matter will be final unless appealed within 10 calendar days of the decision by any interested party or group.

Project Location: 305 E. 4th Street, Unit 200 located in Specific Development No. 84 (SD-84) / Subzone Downtown (DT) zoning district.

Project Applicant: Jonathan Sanchez, business owner (Applicant) of Native Son Alehouse, on behalf of East End Realty Partners, LP (Property Owner).

Proposed Project: The applicant is requesting approval of Conditional Use Permit No. 2013-15-MOD-1 to allow an upgrade in the Alcoholic Beverage Control (ABC) license from a Type 41 to a Type 47 license, which would allow the sale of distilled spirits in addition to beer and wine for on-premises consumption at an existing restaurant (Native Son Alehouse).

Environmental Impact: The Planning Commission will consider a determination that the project is categorically exempt from California Environmental Quality Act CEQA Guidelines pursuant to 15301 of the CEQA Guidelines - Class 1/Existing Facilities. Notice of Exemption, Environmental Review No. 2013-40 will be filed for this project.

Meeting Details: This matter will be heard on **Monday, May 10, 2021 at 5:30 p.m.** In light of COVID-19, this meeting will be conducted in a virtual environment. For the most up to date information on how to participate virtually in this meeting, please visit www.santa-ana.org/pb/meeting-participation.

Written Comments: If you are unable to participate in the virtual meeting, you may send written comments by e-mail to PBAComments@santa-ana.org (reference the Agenda Item # in the subject line) or mail to Sarah Bernal, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza – M20, Santa Ana, CA 92701. Deadline to submit written comments is 5:00 p.m. on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

Where To Get More Information: Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at: www.santa-ana.org/cc/city-meetings

Who To Contact For Questions: Should you have any questions, please contact Jerry Guevara with the Planning and Building Agency at JGuevara@santa-ana.org or 714-647-5481.

Note: If you challenge the decision on the above matter, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence

delivered to the Planning Commission or City Council of the City of Santa Ana at, or prior to, the public hearing.

**Si tiene preguntas en español, favor de llamar a Narcedalia Perez al (714) 667-2260.
Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.**



**NOTICE OF PUBLIC HEARING
BEFORE THE SANTA ANA
PLANNING COMMISSION**

Public Commission Action: The Planning Commission will hold a public hearing to receive public testimony, and will also submit on the item described below. Decision on this matter is final unless otherwise noted within 10 calendar days of the decision by the interested party of record.

Case/Location: 305 E. 4th Street, just off 26th Street in Pacific Development No. 44 (2014) (Business Center/Office B7) zoning district.

Project/Activities: Jonathan Sanchez, business owner (partner) of Tropic Bar, Alhambra, on behalf of East End Realty Partners, LP (Property Owner).

Proposed Project: The applicant is requesting approval of Conditional Use Permit No. 2015-10-00017 on site on property in the Alhambra Beverage Control (ABC) license area as a Type 41 or 42 Type 47 license, which would allow the sale of alcoholic spirits in addition to beer and wine for all purposes consumption at an existing restaurant (Tropic Bar, Alhambra).

Environmental Impact: The Planning Commission will consider a determination that the project is not significantly adverse to California Environmental Quality Act (CEQA) Guidelines pursuant to 15.061 of the CEQA Guidelines - Class Including Exclusions. Notice of Exemption, Environmental Review No. 2015-01 will be filed for this project.

Meeting Details: This matter will be heard on Monday, May 18, 2015 at 6:00 p.m. in City of Santa Ana, 100 N. Main Street, 2nd Floor, Santa Ana, CA 92701. For the most up to date information on how to participate, virtually in the meeting, please visit www.santana.gov/20150518meeting.

Public Comments: If you are unable to participate in a public hearing, you may send written comments to: PlanningCommission@santana.gov, reference the Agenda item # in the subject line or call to Santa Ana, Planning Commission, City of Santa Ana, 100 North Center Plaza - 200, Santa Ana, CA 92701. Written comments should be received by 5:00 p.m. on the day of the meeting. Comments received after the deadline may not be considered by the Commission but will be made part of the record.

Appeal to the Planning Commission: Interested parties may appeal the proposed project to the Planning Commission. For more information, please contact the Planning Commission at www.santana.gov/20150518meeting.

How To Contact For Questions: Should you have any questions, please contact Amy Sanchez with the Planning and Building Agency at amysanchez@santana.gov or 714.647.3001.

Staff: If you are interested in the location of the Commission's office for additional information, please contact the Planning Commission at www.santana.gov/20150518meeting or call 714.647.3001.

It is the policy of the City of Santa Ana to provide equal opportunities for all citizens to participate in the public hearing process. If you are unable to attend the public hearing, you may submit written comments to the Planning Commission at www.santana.gov/20150518meeting.



**City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
May 10, 2021**

Topic: CUP No. 2021-04 – Euro Caffe

RECOMMENDED ACTION

Adopt a resolution approving Conditional Use Permit No. 2021-04 as conditioned.

EXECUTIVE SUMMARY

Samuel Ruiz with Euro Caffe (Applicant), on behalf of BSG West Bristol, LLC (Property Owner) is requesting approval of Conditional Use Permit (CUP) No. 2021-04 to allow the sale of alcoholic beverages for on-premises consumption at an existing eating establishment located at 3950 South Bristol Street. 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 of demonstrated compliance with zoning requirements as discussed and analyzed in the sections below, the site's location away from sensitive land uses, and the property's history of compliance with City codes and regulations.

DISCUSSION

Project Description

Euro Caffe currently occupies a 564-square foot indoor tenant space and a 334-square foot enclosed outdoor patio within a multi-tenant commercial center. The eating establishment can accommodate up to 11 patrons within its dining area and approximately 22 patrons with the enclosed outdoor patio. Currently, the business operates Monday through Friday from 8:00 a.m. to 10:00 p.m., and Saturday and Sunday from 8:00 a.m. to 10:00 p.m.

With approval of CUP No. 2021-04, the applicant intends to apply for a Type 41 Alcoholic Beverage Control (ABC) license, which would allow the sale of beer and wine ancillary to food service. All alcoholic beverages will be stored within a standing refrigerator unit and lower shelf of an existing rack at the rear of the restaurant, which totals approximately 28 square feet. The storage area will make up less than five (5) percent of the total restaurant's floor area as required by SAMC Section 41-196(g)(25). No after-hours operations that require approval of a separate CUP or live entertainment

are proposed at this time. Should the applicant seek to provide live entertainment, approval of an entertainment permit will be required.

Table 1: Project and Location Information

Item	Information	
Project Address & Council Ward	3950 South Bristol Street	
Nearest Intersection	Bristol Street and MacArthur Boulevard	
General Plan Designation	District Center (DC)	
Zoning Designation	Commercial Residential (CR)	
Surrounding Land Uses	North	Commercial
	East	Commercial
	South	Commercial (City of Costa Mesa)
	West	Commercial
Property Size	17.17 Acres	
Existing Site Development	The site is currently developed as a multi-tenant commercial center	
Unit Size	898 square feet (including the outdoor enclosed patio)	
Use Permissions	Allowed with approval of a CUP	
Zoning Code Sections Affected	Uses	Section 41-442(a) of SAMC
	Operational Standards	Section 41-196(g) of SAMC

Table 2: Operational Standards

Standards	Permissible by SAMC	Provided
Eating Establishment Type	Bona-Fide Restaurant	Bona-Fide Restaurant
Hours of Operation for ABC Sales	Monday through Sunday from 8:00 a.m. to 12:00 a.m. (midnight)	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 gross floor area	5% of gross floor area

Project Background

Euro Caffè is located within a 1,600-square foot building, part of a multi-tenant commercial center constructed in the mid-1980s. The shopping center contains other commercial units that are occupied by similar retail and service businesses. The applicant has been in operation of the tenant space since February of 2012, with the inclusion of an enclosed patio area in 2020. The establishment specializes in brunch and lunch options, coffee, and desserts. The inclusion of alcohol sales will allow the business to offer a small menu of alcoholic options, such as mimosas and wines.

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 to sell beer and wine and has determined that the sale of alcoholic

beverages for on-premises consumption at the subject location will not be detrimental to the health, safety, and welfare of the community.

The proposed sale of alcoholic beverages for on-premises consumption will provide an ancillary service to the restaurant's customers by allowing them the ability to purchase a variety of alcoholic beverages with their meal and will allow Euro Caffè to be economically viable and compete with nearby full-service restaurants that offer the same services to their patrons. In addition, the operational standards applicable to an ABC license will mitigate any potential impacts created by the use and will ensure that the use will not negatively affect the surrounding community. Furthermore, the subject site is not located within immediate proximity to parks, playgrounds, schools, or religious institutions. As a result, the granting of the CUP will not negatively impact any sensitive land uses that may be nearby.

Approval of the CUP will be consistent with several goals and policies of the General Plan. Policy 2.2 of the Land Use Element encourages land uses that accommodate the City's needs for goods and services. Providing a variety of full-service restaurants that provide alcoholic beverages offer additional dining options for Santa Ana residents and visitors. Furthermore, Policy 2.9 of the Land Use Element supports developments that create a business environment that is safe and attractive. Operational standards for the restaurant applicable to the ABC license will ensure maintenance of a safe and attractive environment in the neighborhood. Finally, Policy 5.5 of the Land Use Element encourages development that is compatible with and supporting of surrounding land uses. Euro Caffè is located within a commercial development and its operations will be compatible with the surrounding commercial businesses.

To ensure that the establishment operates as a bona fide restaurant and that the addition of alcoholic beverages to the business does not negatively impact the surrounding properties, conditions of approval have been added requiring recordation of a Property Maintenance Agreement and adoption and implementation of a Good Neighbor Policy.

Police Department Analysis

The Police Department reviews CUP 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-sale 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 the State Department of Alcoholic Beverage Control (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.

Table 3: Police Department Analysis and Criteria for Recommendation

Police Department Analysis and Criteria for Recommendation	
Police Grid No. and Rank	Police Grid No. 131; ranked 52 out of 102 Police Reporting Grids (50 th percentile)
Threshold for High Crime	This reporting district is well below the 20 percent threshold established by the State for high crime
Police Department Recommendation	The Police Department is satisfied that the operational standards applicable to on-premises ABC licenses will mitigate any potential impacts to the surrounding community and therefore does not oppose the granting of a CUP.

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 the State Department of Alcoholic Beverage Control 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, this application was reviewed by the Police Department. Based on their review, the Police Department has no issues of concern regarding this application.

Public Notification and Community Outreach

Public notifications were posted, published, and mailed in accordance with City and State regulations. Copies of the public notice, including a 500-foot notification radius map, and the site posting are provided in Exhibit 6. The subject site is not part of any known or active Neighborhood Association and is not adjacent to any nearby Neighborhood Association. At the time this report was printed, no issues of concern were raised regarding the proposed CUP.

ENVIRONMENTAL IMPACT

Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15301 of the CEQA Guidelines (Class 1 - Existing Facilities). This exemption 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 project proposes to allow the operation of an ABC license to sell beer and wine at an existing bona-fide restaurant. Based on this analysis, a Notice of Exemption, Environmental Review No. 2021-15 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 Photo
4. Site Plan
5. Floor Plan
6. Copy of Public Notices

Submitted By:
Ivan Orozco, Assistant Planner II

Approved By:
Minh Thai, Executive Director of Planning and Building Agency, Planning and Building Agency

RESOLUTION NO. 2021-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2021-04 AS CONDITIONED TO ALLOW ON-PREMISES SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT EURO CAFFE RESTAURANT LOCATED AT 3950 SOUTH BRISTOL STREET

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. Samuel Ruiz, business owner of Euro Caffe Restaurant (“Applicant”), on behalf of BSG West Bristol, LLC (“Property Owner”), is requesting approval of Conditional Use Permit (CUP) No. 2021-04 to allow the sale of alcoholic beverages for on-premises consumption at an existing restaurant located at 3950 South Bristol Street.
- B. Santa Ana Municipal Code (SAMC) Section 41-196 requires approval of a CUP for establishments wishing to sell alcohol for on-premises consumption.
- C. On May 10, 2021, the Planning Commission held a duly noticed public hearing on CUP No. 2021-04.
- D. The Planning Commission determines that the following findings, which must be established in order to grant a CUP pursuant to SAMC Section 41-638, have been established for CUP No. 2021-04 to allow the sale of alcoholic beverages for on-premises consumption at 3950 South Bristol Street:
 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 sale of alcoholic beverages for on-premises consumption at the subject location will provide an ancillary service to the restaurant’s customers by allowing them the ability to purchase alcoholic beverages with their meal. This will thereby benefit the community by providing a restaurant with an additional and complementary food related amenity. Operational standards applicable to the alcoholic beverage control (“ABC”) license and 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.

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 sale of alcoholic beverages for on-premises consumption at the subject location will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity because the operational standards applicable to the ABC license and conditions of approval will address any potential negative or adverse impacts created by the use. The granting of the CUP will not negatively impact any sensitive land uses that may be nearby.

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

The sale of alcoholic beverages for on-premises consumption at the subject site will not adversely affect the economic stability of the area, but will instead allow the restaurant to compete with other nearby eating establishments that offer a full selection of alcoholic beverages for sale to their customers. Moreover, the offering of alcoholic beverages will allow the restaurant to be economically viable and compete with nearby full-service eating establishments in Santa Ana and will contribute to the overall success of the City.

4. That the proposed use will comply with the regulations and conditions specified in Chapter 41 (Zoning) of the SAMC for such use.

The sale of alcoholic beverages for on-premises consumption will be in compliance with all applicable regulations and operational standards imposed on a restaurant selling alcoholic beverages for on-premises consumption pursuant to Chapter 41 of the SAMC. The restaurant will be maintained as a full-service, bona-fide eating establishment, having suitable kitchen facilities and supplying an assortment of foods. Additionally, the restaurant will utilize less than five (5) percent of the gross floor area for display and storage of alcoholic beverages, which is the maximum threshold established by the SAMC. Operational standards will ensure the project remains in compliance with all applicable codes and regulations related to alcohol sales to ensure that the use does not impact neighboring properties or create an attractive nuisance.

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 sale of alcoholic beverages for on-premises consumption at the subject location will not adversely affect the General Plan or any specific plan. The granting of CUP No. 2021-04 supports several policies contained in the General Plan. Policy 2.2 of the Land Use Element encourages land uses that accommodate the City's needs for goods and services. Providing a variety of full-service eating establishments that provide alcoholic beverages as part of their menu offers additional dining options for Santa Ana residents and visitors. Furthermore, Policy 2.9 of the Land Use Element supports developments that create a business environment that is safe and attractive. Operational standards for the proposed ABC license will maintain a safe and attractive environment in the neighborhood. Policy 5.5 of the Land Use Element encourages development that is compatible with and supporting of surrounding land uses. Euro Caffe restaurant is located within a multi-tenant commercial center and its operation is compatible with the surrounding commercial businesses.

Section 2. 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). 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 use beyond that existing at the time of the lead agency's determination. The project proposes to allow the operation of an ABC license to sell beer and wine at a bona-fide restaurant. Based on this analysis, a Notice of Exemption, Environmental Review No. 2021-15, 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, referendum, and other 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 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. 2021-04, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 3950 South Bristol Street. This decision is based upon the evidence submitted at the above-referenced hearing, including but not limited to: The Request for Planning Commission Action dated May 10, 2021, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 10th day of May, 2021

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTENTIONS: Commissioners:

Mark McLoughlin
Chairperson

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

By: _____
John M. Funk
Senior Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, SARAH BERNAL, Commission Secretary, do hereby attest to and certify the attached Resolution No. 2021-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on May 10, 2021.

Date: _____

Commission Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2021-04

Conditional Use Permit No. 2021-04 for on-premises consumption of alcoholic beverages is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Building Standards Code and all other applicable regulations.

The Applicant must comply in full 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. The sale, service, and consumption of alcoholic beverages shall be permitted in accordance with the operational standards for on-sale establishments pursuant to Section 41-196(g) of the SAMC, in accordance with the provisions of an on-premises alcohol license by the California Department of Alcoholic Beverage Control (ABC), and in accordance with the site and floor plans attached to the staff report documenting the approved scope of the project.
2. The sale, service, and consumption of alcoholic beverages shall be limited from 8:00 a.m. to 12:00 a.m. (midnight) Monday through Sunday, unless modified through a subsequent and separate conditional use permit application for after-hours operations pursuant to SAMC Section 41-196(g)(3).
3. The business and property owner shall maintain and adhere to a "Good Neighbor Policy," implementing measures to ensure that patrons comply with applicable noise, parking, and outdoor smoking regulations, and removing litter and preventing loitering in the areas in the immediate vicinity of the business.
4. Within 90 days of adoption of this resolution, a Property Maintenance Agreement shall be recorded against the property. The agreement will be subject to review and applicability by the Planning and Building Agency, the Community Development Agency, the Public Works Agency, and the City Attorney to ensure that the property and all improvements located thereupon are properly maintained. Applicant (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the Applicant) shall execute a maintenance agreement with the City of Santa Ana which shall be recorded against the property and which shall be in a form reasonably satisfactory to the City Attorney. The maintenance agreement shall contain covenants, conditions, and restrictions relating to the following:
 - a) Compliance with operational conditions applicable during any period(s) of construction or major repair (e.g., proper screening and securing of the construction site; implementation of proper erosion control, dust control and noise mitigation measure; adherence to approved project phasing etc.);

- b) Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including but not limited to hours of operation, security requirements, the proper storage and disposal of trash and debris, enforcement of the parking management plan, and/or restrictions on certain uses);
- c) Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;
- d) Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris about and immediately adjacent to the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);
- e) If Applicant and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the maintenance agreement and both shall be jointly and severally liable for compliance with its terms;
- f) The maintenance agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the maintenance agreement;
- g) The maintenance agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The maintenance agreement shall further provide that any unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City; and
- h) The execution and recordation of the maintenance agreement shall be a condition precedent to the issuance of the ABC license.

**CUP No. 2021-04 - Euro Caffe
3950 South Bristol Street**

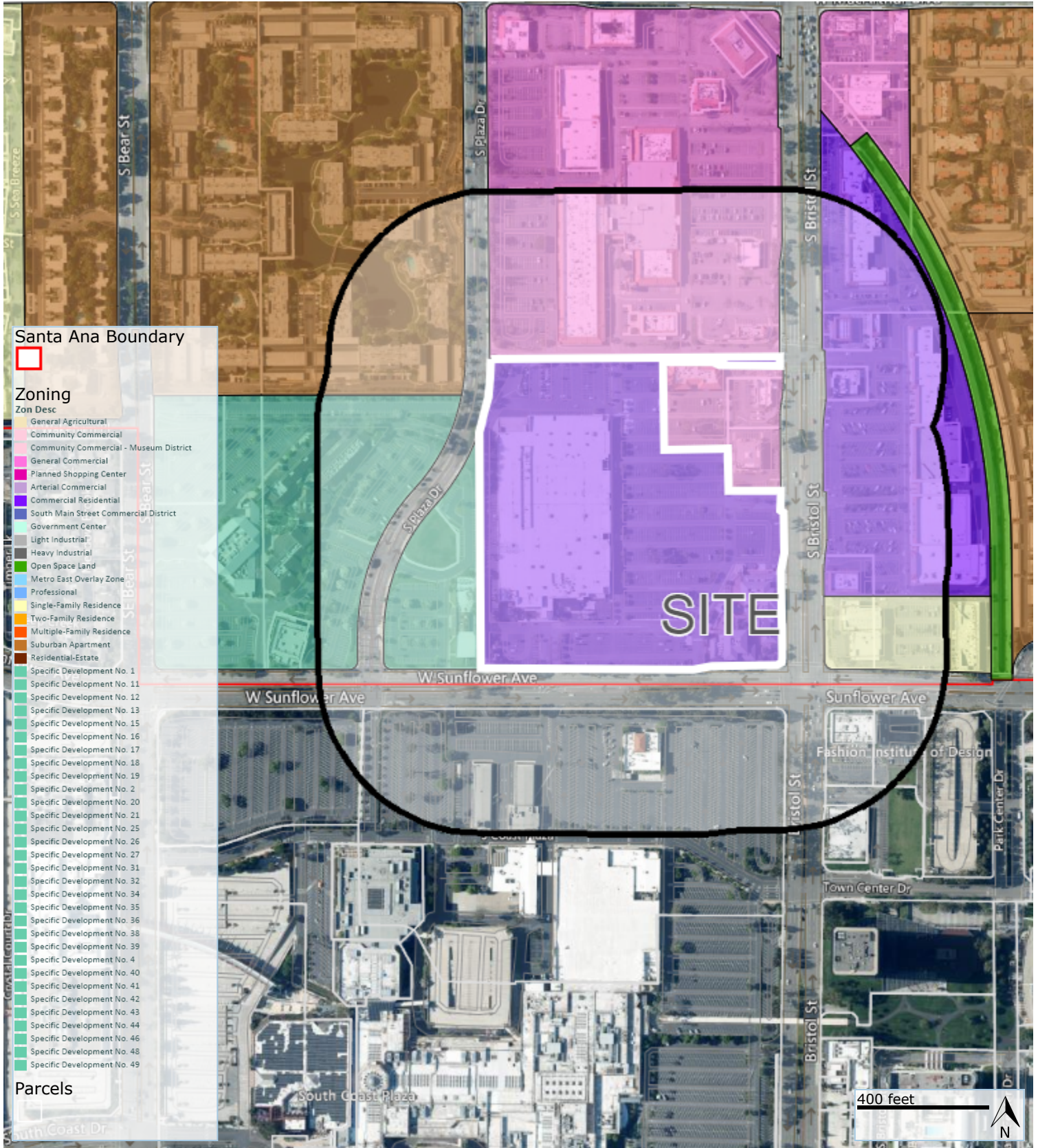


Exhibit 2 - Vicinity Zoning and Aerial View



CUP No. 2021-04 – Euro Caffè
3950 South Bristol Street



Exhibit 3 – Site Photo

CUP No. 2021-04 – Euro Caffè
3950 South Bristol Street

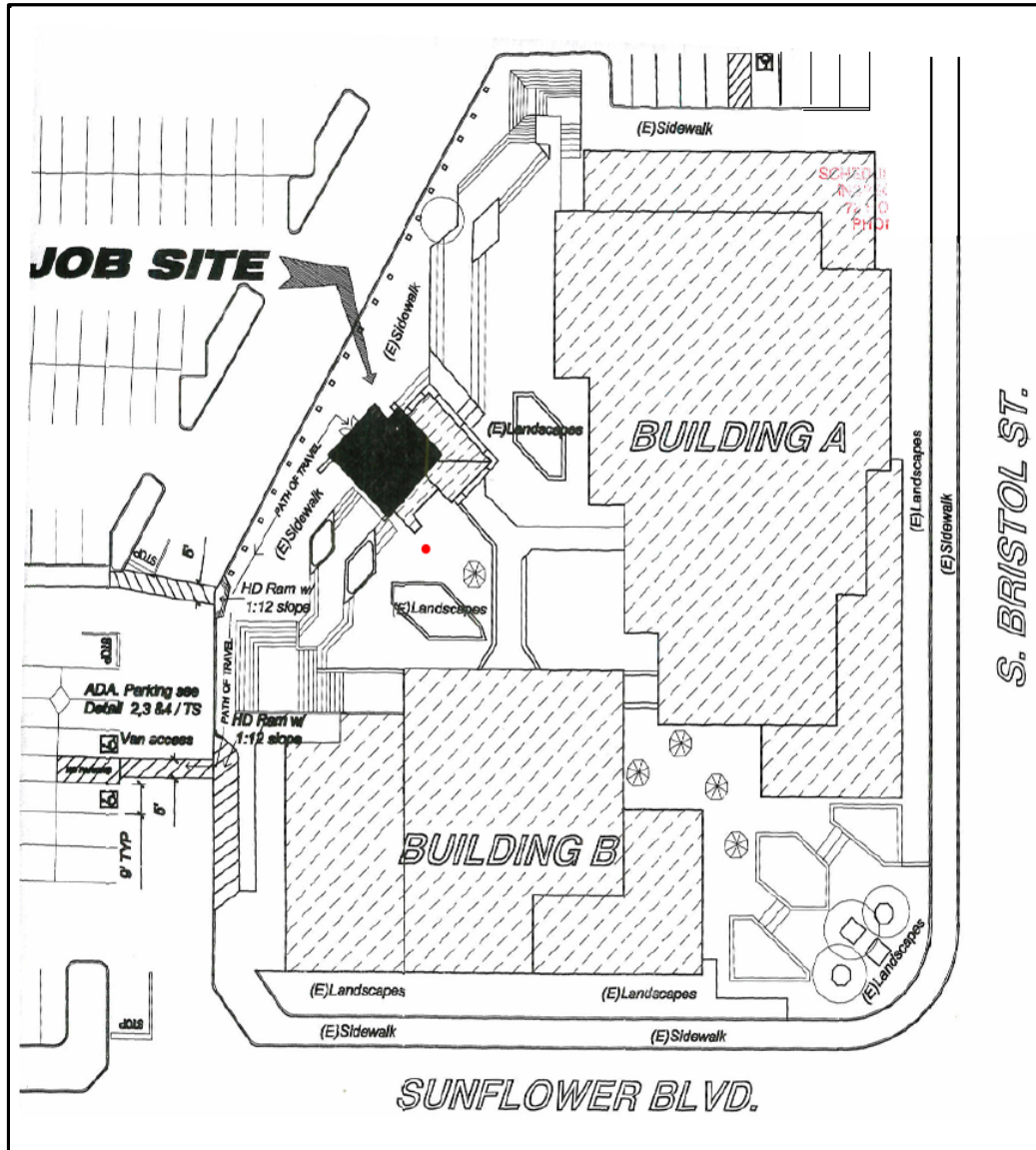


Exhibit 4 – Site Plan

**CUP No. 2021-04 – Euro Caffe
3950 South Bristol Street**

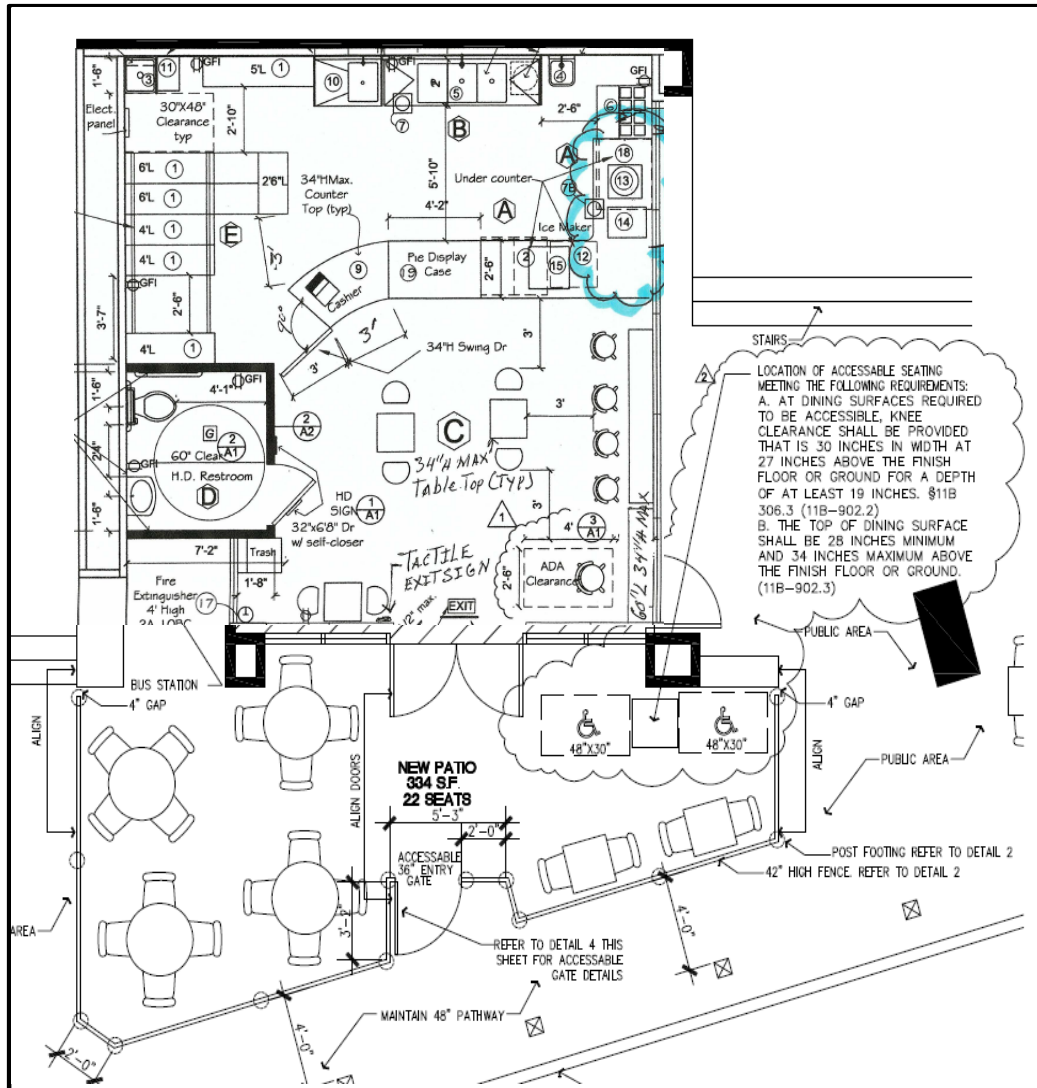


Exhibit 5 – Floor Plan

ORANGE COUNTY REPORTER

~SINCE 1921~

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SANTA ANA/PLANNING & BUILDING
20 CIVIC CENTER PLAZA 2ND FLR
SANTA ANA, CA 92702

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Notice Type: GPN GOVT PUBLIC NOTICE

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03/31/2021

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OR# 3456002

NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. We encourage you to contact us prior to the Public Hearing if you have any questions.

Planning Commission Action : The Planning Commission will hold a Public Hearing to receive public testimony, and will take action on the item described below. Decision on this matter will be final unless appealed within 10 calendar days of the decision by any interested party or group.

Project Location: 3950 South Bristol Street located in the Commercial Residential (CR) zoning district.

Project Applicant: Samuel Ruiz with Euro Caffee.

Proposed Project: The applicant is requesting approval of Conditional Use Permit No. 2021-04 to allow a Type 41 Alcoholic Beverage Control (ABC) license for the sale of beer of wine for on-premises consumption at an existing restaurant (Euro Caffee).

Environmental Impact: The Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines – Class 1/Existing Facilities. Notice of Exemption, Environmental Review No. 2021-15 will be filed for this project.

Meeting Details: This matter will be heard on **Monday, April 12, 2021 at 5:30 p.m.** In light of COVID-19, this meeting will be conducted in a virtual environment. For the most up to date information on how to participate virtually in this meeting, please visit <https://www.santa-ana.org/pb/planning-and-building-meetings/planning-and-building-meeting-participation>.

Written Comments: If you are unable to participate in the virtual meeting, you may send written comments by e-mail to PBACComments@santa-ana.org (reference the Agenda Item # in the subject line) or mail to Sarah Bernal, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza – M20, Santa Ana, CA 92701. Deadline to submit written comments is 5:00 p.m. on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

Where To Get More Information: Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at: www.santa-ana.org/cc/city-meetings

Who To Contact For Questions: Should you have any questions, please contact Ivan Orozco with the Planning and

Building Agency at IOrozco@santa-ana.org or 714-667-2763.

Note: If you challenge the decision on the above matter, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council of the City of Santa Ana at, or prior to, the public hearing.

Si tiene preguntas en español, favor de llamar a Nardcedalia Perez al (714) 667-2260.

Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.

3/31/21

OR-3456002#



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5/10/2021

Planning Commission



CITY OF SANTA ANA Planning and Building Agency

20 Civic Center Plaza • P.O. Box 1988
Santa Ana, California 92702
www.santa-ana.org/pba

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