

Planning Commission Regular Meeting Agenda

August 9, 2021

5:30 P.M.

Council Chamber

22 Civic Center Plaza
Santa Ana, CA

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THOMAS MORRISSEY
Chair, Ward 6 Representative

ERIC M. ALDERETE
Citywide Representative

BAO PHAM, Vice-Chair
Ward 1 Representative

MIGUEL CALDERON
Ward 2 Representative

ISURI S. RAMOS
Ward 3 Representative

MARK MCLOUGHLIN
Ward 4 Representative

ALAN WOO
Ward 5 Representative

MinhThai
Executive Director

John Funk
Legal Counsel

Fabiola Zelaya Melicher, AICP
Principal Planner

Sarah Bernal
Recording Secretary



In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this Meeting, contact Michael Ortiz, City ADA Program Coordinator, at (714) 647-5624. Notification 48 hours prior to the Meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting. The City Council agenda and supporting documentation can be found on the City's website – www.santa-ana.org/city-meetings.

CALL TO ORDER

Commissioners:

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

**Executive Director
Senior Asst. City Attorney
Planning Manager
Recording Secretary**

**Minh Thai
John Funk
Fabiola Zelaya Melicher
Sarah Bernal**

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS (non agenda items)

CONSENT CALENDAR

a. Minutes

Recommended Action: Approve Minutes from the June 28, 2021 meeting.

b. Excused Absences

Recommended Action: Excuse absent commissioners.

End of Consent Calendar

BUSINESS CALENDAR

Public Hearings: *The Planning Commission decision on Public Hearing items such as 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 Public Hearing items such as Zoning and General Plan amendments, Development Agreements, Specific Developments, and Specific Plans will be forwarded to the City Council for final determination.

Legal notice for the below Public Hearing item(s) was published in the OC Reporter on July 30 and notices were mailed on July 28.

1. Public Hearing – Conditional Use Permit No. 2021-10 (Ivan Orozco, Case Planner)

Project Location: 309 West Third Street located in the Transit Zoning Code (DT-Subzone) zoning district.

Project Applicant: Oscar Olivares with El Indio Botanas y Cerveza (Applicant), on behalf of Civic Center Realty, Inc. (Property Owner)

Proposed Project: The applicant is requesting approval of Conditional Use Permit No. 2021-10 to allow the sale of beer, wine, and distilled spirits (Type 47 Alcoholic Beverage Control license) for on-premises consumption at an existing eating establishment (El Indio Botanas y Cerveza).

Environmental Impact: The Planning Commission will consider a determination that the project is exempt from further review pursuant to Section 15301 of the CEQA Guidelines (Class 1 - Existing Facilities). Environmental Review No. 2021-67 will be filed for this project.

Recommended Action: Adopt a resolution approving Conditional Use Permit No. 2021-10 as conditioned.

Administrative Matters

2. Historic Resources Commission Representative

Recommended Action: Elect a representative from the Planning Commission to serve on the Historic Resources Commission for the 2021-2022 term.

End of Business Calendar

WORK STUDY SESSION CALENDAR

3. Santa Ana General Plan and Program Environmental Impact Report Update
(Melanie McCann, Principal Planner)

End of Work Study Session Calendar

STAFF COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

The next meeting of the Planning Commission will be on August 23, 2021 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701

FUTURE AGENDA ITEMS:

- Review of Conditional Use Permit No. 2019-10 for the property located 1801 S. Main St., Units D & E - Mariscos Hector #1
- Conditional Use Permit 2021-12 to renew the entitlements of an existing major wireless communications facility located at 2151 East Santa Clara Avenue
- Work Study Session: Billboard Ordinance
- Work Study Session: Santa Ana General Plan Update

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.

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.

Planning Commission Regular Meeting Agenda Minutes

June 28, 2021

VIRTUAL MEETING
5:30 P.M.



MARK McLOUGHLIN
Chair, Ward 4 Representative

ERIC M. ALDERETE
Citywide Representative

MIGUEL CALDERON
Ward 2 Representative

ALAN WOO
Ward 5 Representative

BOA PHAM
Ward 1 Representative

ISURI S. RAMOS
Ward 3 Representative

THOMAS MORRISSEY
*Vice Chair, Ward 6
Representative*

MinhThai
Executive Director

John Funk
Legal Counsel

Fabiola Zelaya Melicher, AICP
Planning Manager

Fatima Gutierrez
Acting 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 Minh Thai
Senior Asst. City Attorney John Funk
Planning Manager Fabiola Zelaya Melicher
Acting Recording Secretary Fatima Gutierrez

ROLL CALL**PLEDGE OF ALLEGIANCE****PUBLIC COMMENTS** (non agenda items)**CONSENT CALENDAR ITEMS**

1 Excused Absences

Recommended Action: Excuse absent commissioners.

Moved by Commissioner Woo, seconded by Commissioner Calderon to Excuse the absence of Commissioner Morrissey. .

YES: 6 – Mark McLoughlin, Bao Pham, Isuri Ramos, Alan Woo, Eric Alderete, Miguel Calderon

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Tom Morrissey

Status: 6 – 0 – 0 – 1 – **Pass**

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. Legal notice was published mailed on June 16, 2021.

1. A request by the City of Santa Ana for approval of Street Naming No. 2021-01 to change the name of a segment of South Lyon Street between East Edinger Avenue and East Saint Andrew Place within the PacifiCenter development to South Elk Lane.

Recommended Action: Adopt a resolution approving Street Naming No. 2021-01 to change the name of a segment of South Lyon Street between East Edinger Avenue and East Saint Andrew Place within the PacifiCenter development to South Elk Lane.

Minutes: *Chair McLoughlin opened the Public Hearing. The following individuals spoke in support of the matter.*

- *Bernie Dennis, representing the Elks Lodge, spoke in support.*
- *Lisa Darmousseh, representing the Elks Lodge, spoke in support.*
- *Norm Fisher, representing the Elks Lodge, spoke in support.*

There were no other speakers and the Public Hearing was closed.

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

YES: 6 – Mark McLoughlin, Bao Pham, Isuri Ramos, Alan Woo, Eric Alderete, Miguel Calderon

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Tom Morrissey

Status: 6 – 0 – 0 – 1 – **Pass**

WORK STUDY SESSION

2. Housing Information – Community Development Agency
3. Planning Commissioner Training – City Attorney’s Office

STAFF COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

The next meeting of the Planning Commission will be held in-person on July 12, 2021 at 5:30 PM in the Council Chamber located 22 Civic Center Plaza, Santa Ana, CA 92701.

FUTURE AGENDA ITEMS

- Conditional Use Permit No. 2021-10 to upgrade an existing Type 41 ABC License to a Type 47 ABC license at an existing eating establishment located at 309 W. Third Street
- Conditional Use Permit No. 2021-08 to demolish an existing two-story 42,213-square-foot multi-tenant office building to construct a surface parking lot at 3009 S. Daimler Street.
- Election of Officers

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City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
August 9, 2021

Topic: CUP No. 2021-10 – El Indio Botanas y Cerveza (309 W. Third Street)

RECOMMENDED ACTION

Adopt a resolution approving Conditional Use Permit No. 2021-10 as conditioned.

EXECUTIVE SUMMARY

Oscar Olivares with El Indio Botanas y Cerveza (Applicant), on behalf of Civic Center Realty, Inc. (Property Owner), is requesting approval of Conditional Use Permit (CUP) No. 2021-10 to allow the sale of beer, wine, and distilled spirits for on-premises consumption through a Type 47 Alcoholic Beverage Control (ABC) license at an existing eating establishment located at 309 West Third Street. The business is currently operating with a Type 41 Alcoholic Beverage Control (ABC) license and is proposing to upgrade to a Type 47 ABC license with this CUP request. 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 and building requirements as discussed and analyzed in the sections below, as well as the site's location away from sensitive land uses.

DISCUSSION

Project Description

El Indio Botanas y Cerveza currently occupies a 1,440-square foot tenant space and a 390-square foot enclosed outdoor patio within an existing single-story historic commercial building. The eating establishment can accommodate up to 17 patrons within its dining area and approximately 32 patrons with the enclosed outdoor patio. Currently, the business operates daily from 11:00 a.m. to 2:00 a.m.; the late-night operations are permitted by CUP No. 2015-03, which was approved in 2015.

With approval of CUP No. 2021-10, the applicant intends to operate a Type 47 Alcoholic Beverage Control (ABC) license, which would allow the sale of beer, wine, and distilled spirits ancillary to food service. All alcoholic beverages will be stored within a refrigerator unit, draft cooler, and two racks within an existing storage closet, which totals approximately 54 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). The

restaurant also has an approved live entertainment permit, which was approved in 2021; no changes to the live entertainment permit are proposed as part of the subject application.

Table 1: Project and Location Information

| Item | Information | |
|--------------------------------|--|------------------------------------|
| Project Address & Council Ward | 309 West Third Street (Ward 5) | |
| Nearest Intersection | Third Street and Broadway | |
| General Plan Designation | District Center (DC) | |
| Zoning Designation | Transit Zoning Code (DT-Subzone) | |
| Surrounding Land Uses | North | Commercial |
| | East | Commercial |
| | South | Mixed-Use (Commercial/Residential) |
| | West | Commercial |
| Property Size | 0.25 Acres (10,941 sq. ft.) | |
| Existing Site Development | The site is currently developed as an eating establishment | |
| Unit Size | 1,830 square feet (including the outdoor enclosed patio) | |
| Use Permissions | Allowed with approval of a CUP | |
| Zoning Code Sections Affected | Uses | Section 41-2007 of SAMC |
| | Operational Standards | Section 41-196(g) 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 2:00 a.m. (approved with an after-hours CUP) | Monday through Sunday from 8:00 a.m. to 2:00 a.m. (CUP No. 2015-03) |
| Window Display | 25% of Window Coverage | Complies |
| Alcohol Storage and Display | 5% of gross floor area | 5% of gross floor area |

Project Background

El Indio Botanas y Cerveza occupies an historic commercial building constructed in 1932 that has been listed as a Contributive structure to the Downtown Historic District since 1984. The applicant has been in operation of the tenant space since October of 2017. The establishment specializes in Mexican food and libations traditional to the cuisine. The upgrade of the existing ABC license to include distilled spirits will allow the business to compete with similar eating establishments that offer similar beverage choices in the Downtown area.

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, wine, and distilled spirits 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 distilled spirits in addition to beer and wine 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 El Indio Botanas y Cerveza 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 located 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. El Indio Botanas y Cerveza is located within the Downtown 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 distilled spirits to the ABC license 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. Staff has also analyzed the calls for Police Department service for the last 365 days. The majority of the calls for service are related to noise complaints, which stems from many restaurants availing themselves of outdoor dining opportunities in light of the Covid-19 pandemic. Conditions of approval are intended to address potential impacts of the ABC license modification (Exhibit 1).

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 |
| Threshold for High Crime | This reporting district is well above 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 potential impacts to the surrounding community and therefore does not oppose the granting of a CUP. |

The Police Department compares the number of crimes in the subject reporting district to the number of crimes in reporting districts citywide. 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, the Police Department has reviewed the calls for service at the subject site for the past calendar year. After reviewing the types of calls for service and taking into consideration the outdoor operations recently permitted for such businesses, the Police Department has determined that the operational standards and the conditions of approval for both the ABC license and the after-hours operations will mitigate potential concerns 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 part of the Downtown Neighborhood Association. Staff has contacted the representatives of the Downtown Neighborhood Association to ensure that they were notified of this project and to identify any areas of concern. 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, wine, and distilled spirits at an existing bona-fide restaurant. Based on this analysis, a Notice of Exemption, Environmental Review No. 2021-67 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. 2021-10 AS CONDITIONED TO ALLOW THE SALE OF BEER, WINE, AND DISTILLED SPIRITS FOR ON-PREMISES SALE AND CONSUMPTION AT EL INDIO BOTANAS Y CERVEZA RESTAURANT LOCATED AT 309 WEST THIRD 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. Oscar Olivares, business owner of El Indio Botanas y Cerveza Restaurant (“Applicant”), on behalf of Civic Center Realty, Inc. (“Property Owner”), is requesting approval of Conditional Use Permit (CUP) No. 2021-10 to allow the sale of alcoholic beverages for on-premises consumption at an existing restaurant located at 309 West Third 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 August 9, 2021, the Planning Commission held a duly noticed public hearing on CUP No. 2021-10.
- 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. 2021-10 to allow the sale of alcoholic beverages for on-premises consumption at 309 West Third 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 proposed sale of distilled spirits in addition to beer and wine 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 proposed sale of distilled spirits in addition to beer and wine 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 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 located nearby. The business is not proposing to modify any current operations. El Indio Botanas y Cerveza is in compliance with all applicable requirements of the SAMC related to operational standards.

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

The proposed sale of distilled spirits in addition to beer and wine for on-premises consumption at the subject site will not adversely affect the economic stability of the area, but will 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 additional alcoholic beverage choices 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. The business is one of many that has been impacted by the COVID-19 pandemic and by allowing the sale of additional alcoholic beverage choices, it will provide the same opportunity to become economically competitive as the surrounding businesses in the 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 proposed sale of distilled spirits in addition to beer and wine 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 continues to operate 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 proposed sale of distilled spirits in addition to beer and wine for on-premises consumption at the subject location will not adversely affect the General Plan or any specific plan. The granting of CUP No. 2021-10 is consistent with 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. El Indio Botanas y Cerveza restaurant is located in the Downtown 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 existing or former use. The project proposes to allow the operation of an ABC license to sell beer, wine, and distilled spirits at a bona-fide restaurant. Based on this analysis, a Notice of Exemption, Environmental Review No. 2021-67, 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. 2021-10, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 309 West Third 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 August 9, 2021, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 9th day of August, 2021

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

Thomas Morrissey
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 August 9, 2021.

Date: _____

Commission Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2021-10

Conditional Use Permit (CUP) No. 2021-10 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, including two rear exterior patio areas to the north and east of the interior floor dining area.
2. The provisions and conditions of approval of Conditional Use Permit No. 2015-3-AHR allowing after-hours operations remain in full effect. The business must comply with all provisions and conditions of approval for this CUP at all times. In the event of any conflict between the conditions of this CUP and any conditions of CUP No. 2015-3-AHR, the terms and provisions of this CUP shall govern and control.
3. 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.
4. All business activity on site shall end by 2:00 a.m.
5. There shall be no outdoor restaurant activity after 12:00 a.m. (midnight).
6. The business owner is responsible to close all open building permits prior to the release of ABC License. Any exterior modifications to the façade of the building will need to be consistent with the Secretary of the Interior standards for historic structures, and any modifications to character-defining architectural features must also be removed or addressed to the satisfaction of the Planning Division prior to the release of the ABC License.

7. Any and all existing or new lighting on the building's exterior must be maintained in working order.
8. All exterior lighting will be directed towards the restaurant and/or sidewalk and not towards other properties.
9. There shall be no amplified sound used outside of the building.
10. 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.
11. The business owner shall be responsible to contract with a private security company to provide on-site security guards daily between the hours of 10:00 p.m. to 12:00 a.m. and between the hours of 9:00 p.m. and 2:00 a.m. on Fridays and Saturdays.
12. The business owner is responsible for establishing a security system (CCTV).
13. The Planning Division will review compliance of conditional use permit conditions of approval, 12 months after the date of approval by the Planning Commission. Should a condition modification be required to address any potential onsite nuisances, the applicant shall be responsible for the full cost of holding a new public hearing.
14. The sale, service, and consumption of alcoholic beverages shall be limited from 8:00 a.m. to 12:00 a.m. Sunday through Thursday and 8:00 a.m. to 2:00 a.m. on Friday and Saturday, unless modified through a subsequent and separate conditional use permit application for after- hours operations pursuant to SAMC Section 41-196(g)(3).
15. A food menu and food service containing hot meals shall be available for customers during all hours of operation.
16. 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 on a daily basis.
17. 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. 2021-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2021-10 AS CONDITIONED TO ALLOW THE SALE OF BEER, WINE, AND DISTILLED SPIRITS FOR ON-PREMISES SALE AND CONSUMPTION AT EL INDIO BOTANAS Y CERVEZA RESTAURANT LOCATED AT 309 WEST THIRD 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. Oscar Olivares, business owner of El Indio Botanas y Cerveza Restaurant (“Applicant”), on behalf of Civic Center Realty, Inc. (“Property Owner”), is requesting approval of Conditional Use Permit (CUP) No. 2021-10 to allow the sale of alcoholic beverages for on-premises consumption at an existing restaurant located at 309 West Third 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 August 9, 2021, the Planning Commission held a duly noticed public hearing on CUP No. 2021-10.
- 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. 2021-10 to allow the sale of alcoholic beverages for on-premises consumption at 309 West Third 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 proposed sale of distilled spirits in addition to beer and wine 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 proposed sale of distilled spirits in addition to beer and wine 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 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 located nearby. The business is not proposing to modify any current operations. El Indio Botanas y Cerveza is in compliance with all applicable requirements of the SAMC related to operational standards.

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

The proposed sale of distilled spirits in addition to beer and wine for on-premises consumption at the subject site will not adversely affect the economic stability of the area, but will 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 additional alcoholic beverage choices 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. The business is one of many that has been impacted by the COVID-19 pandemic and by allowing the sale of additional alcoholic beverage choices, it will provide the same opportunity to become economically competitive as the surrounding businesses in the 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 proposed sale of distilled spirits in addition to beer and wine 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 continues to operate 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 these 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 sale of distilled spirits in addition to beer and wine for on-premises consumption at the subject location will not adversely affect the General Plan or any specific plan. The granting of CUP No. 2021-10 is consistent with 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. El Indio Botanas y Cerveza restaurant is located in the Downtown 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, wine, and distilled spirits at a bona-fide restaurant. Based on this analysis, a Notice of Exemption, Environmental Review No. 2021-67, 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. 2021-10, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 309 West Third 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 August 9, 2021, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 9th day of August, 2021

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

Thomas Morrissey
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 August 9, 2021.

Date: _____

Commission Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2021-10

Conditional Use Permit (CUP) No. 2021-10 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 provisions and conditions of approval of Conditional Use Permit No. 2015-3-AHR allowing after-hours operations remain in full effect. The business must comply with all provisions and conditions of approval for this CUP at all times.
3. 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.
4. All business activity on site shall end by 2:00 a.m.
5. There shall be no outdoor restaurant activity after 12:00 a.m. (midnight).
6. The business owner is responsible to close all open building permits prior to the release of ABC License. Any exterior modifications to the façade of the building will need to be consistent with the Secretary of the Interior standards for historic structures, and any modifications to character-defining architectural features must also be removed or addressed to the satisfaction of the Planning Division prior to the release of the ABC License.
7. Any and all existing or new lighting on the building's exterior must be maintained in working order.
8. All exterior lighting will be directed towards the restaurant and/or sidewalk and not

towards other properties.

9. There shall be no amplified sound used outside of the building.
10. 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.
11. The business owner shall be responsible to contract with a private security company to provide on-site security guards daily between the hours of 10:00 p.m. to 12:00 a.m. and between the hours of 9:00 p.m. and 2:00 a.m. on Fridays and Saturdays.
12. The business owner is responsible for establishing a security system (CCTV).
13. The Planning Division will review compliance of conditional use permit conditions of approval, six (6) months after the date of approval by the Planning Commission. Should a condition modification be required to address any potential onsite nuisances, the applicant shall be responsible for the full cost of holding a new public hearing.
14. The sale, service, and consumption of alcoholic beverages shall be limited from 8:00 a.m. to 12:00 a.m. Sunday through Thursday and 8:00 a.m. to 2:00 a.m. on Friday and Saturday, unless modified through a subsequent and separate conditional use permit application for after- hours operations pursuant to SAMC Section 41-196(g)(3).
15. A food menu and food service containing hot meals shall be available for customers during all hours of operation.
16. 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.
17. 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. 2021-10 – El Indio
Botanas y Cerveza
309 West Third Street**

8/9/2021
Planning Commission



Exhibit 3 – Site Photo

PROPERTY INFORMATION

OWNER CIVIC CENTER REALTY 300 LLC BORBA INVESTMENT REALTY, INC
 ASSOCIATE BROKER PROPERTY MANGER
 17100 ARTESIA CA 90701 100 PIONEER BLVD STE 400
 562 924- 3858X105

TENANT OSCAR OLIVARES

SITE ADDRESS 309 WEST 3RD ST. SANTA ANA CA. 92701

PROPERTY TYPE COMMERCIAL

OCCUPANCY A-2

OCCUPANCY LOAD

BUILDING STORIES 1

BUILDING DESCRIPTION

SQUARE FOOTAGE 1,439.22 SQ.FT.
 YEAR BUILT 1962

BUILDING CODES

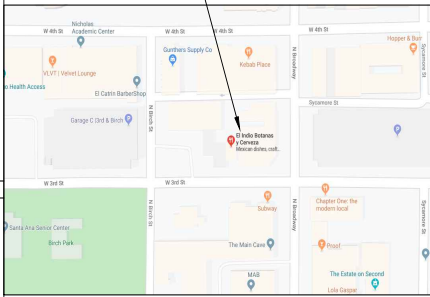
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 2016 CALIFORNIA PLUMBING CODE(10 CPC)
 2016 CALIFORNIA MECHANICALCODE(10 CMC)
 2016 CALIFORNIA FIRE CODE(10 CFC)
 2016 CALIFORNIA ELECTRICAL CODE(10 CEC)
 2016 CALIFORNIA FIRE CODE

INDEX TO DRAWINGS

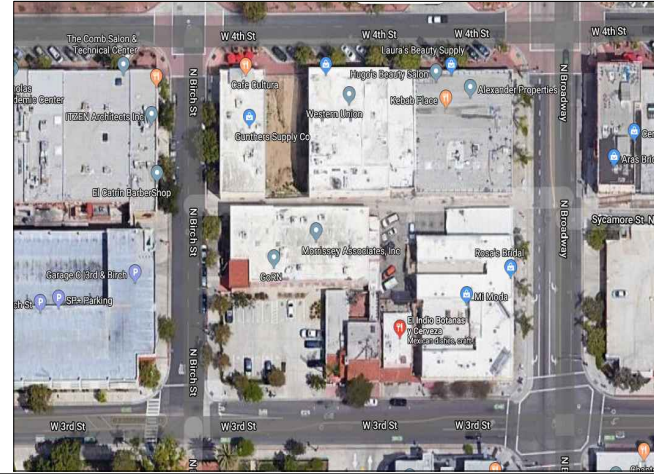
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 A-1 FLOOR PLAN PROPOSED
 A-2 SCHEDULE EQUIPMENT & FINISHES
 M-1 HOOD
 M-2 MAKE UP AIR
 P-1 ELECTRICAL & PLUMBING PLAN

MAXIMUM EMPLOYERS INC. MANAGER 14

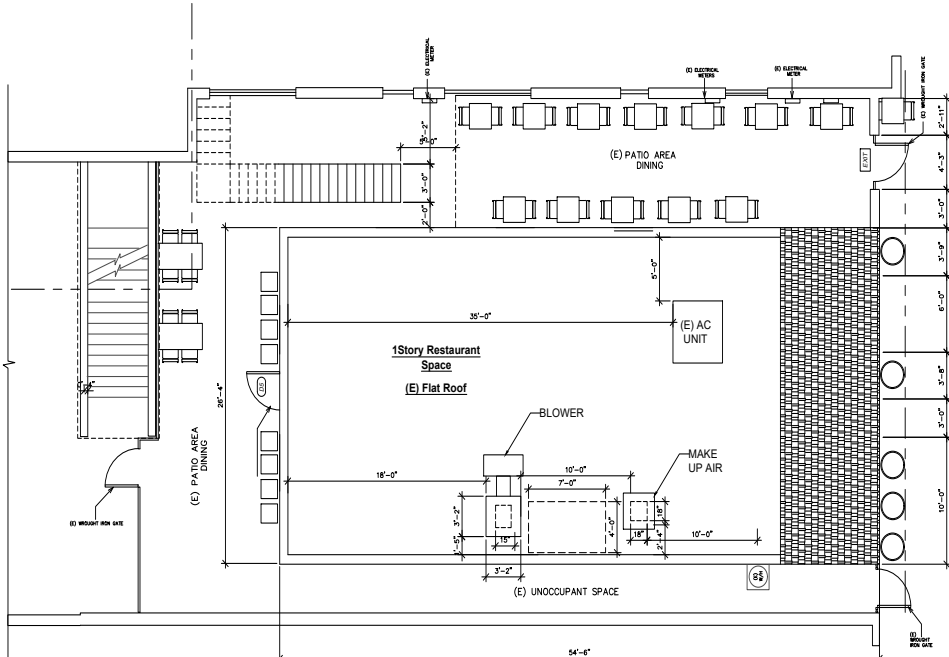
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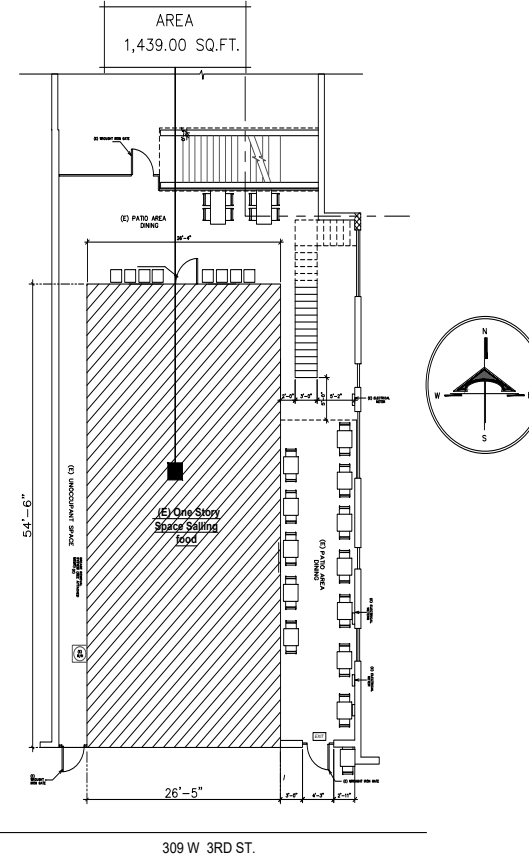
VICINITY MAP



AERIAL MAP



8/9/2021
 ROOF PLAN
 Planning Commission



SITE PLAN

| REVISION |
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| DATE | JOB NO |
|----------|----------|
| 01-20-20 | |
| SCALE | DRAWN BY |

STORE NO.
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SANTA ANA/PLANNING & BUILDING
20 CIVIC CENTER PLAZA 2ND FLR
SANTA ANA, CA 92702

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE

Ad Description
309 W. Third Street

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):

07/30/2021

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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| Publication | \$127.10 |
| Total | \$127.10 |

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| THE INTER-CITY EXPRESS, OAKLAND | (510) 272-4747 |

OR# 3496570

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: 309 West Third Street located in the Transit Zoning Code (DT-Subzone) zoning district.

Project Applicant: Oscar Olivares with El Indio Botanas y Cerveza (Applicant), on behalf of Civic Center Realty, Inc. (Property Owner)

Proposed Project: The applicant is requesting approval of Conditional Use Permit No. 2021-10 to allow the sale of beer, wine, and distilled spirits for on-premises consumption through a Type 47 Alcoholic Beverage Control (ABC) license at an existing eating establishment.

Environmental Impact: The Planning Commission will consider a determination that the project is exempt from further review pursuant to Section 15301 of the CEQA Guidelines (Class 1 - Existing Facilities). Environmental Review No. 2021-67 will be filed for this project.

Meeting Details: This matter will be heard on **Monday, August 9, 2021 at 5:30 p.m.** in the City Council Chambers, 22 Civic Center Plaza, Santa Ana, CA 92701. **Members of the public may attend this meeting in-person or join via Zoom.** 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 Ivan Orozco with the Planning and

Building Agency at IOrozco@santa-ana.org.

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 Ivan Orozco al (714) 667-2263.

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

7/30/21

OR-3496570#



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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

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: 309 West Third Street located in the Transit Zoning Code (DT-Subzone) zoning district.

Project Applicant: Oscar Olivares with El Indio Botanas y Cerveza (Applicant), on behalf of Civic Center Realty, Inc. (Property Owner)

Proposed Project: The applicant is requesting approval of Conditional Use Permit No. 2021-10 to allow the sale of beer, wine, and distilled spirits (Type 47 Alcoholic Beverage Control license) for on-premises consumption at an existing eating establishment (El Indio Botanas y Cerveza).

Environmental Impact: The Planning Commission will consider a determination that the project is exempt from further review pursuant to Section 15301 of the CEQA Guidelines (Class 1 - Existing Facilities). Environmental Review No. 2021-67 will be filed for this project.

Meeting Details: This matter will be heard on **Monday, August 9, 2021 at 5:30 p.m.** in the City Council Chambers, 22 Civic Center Plaza, Santa Ana, CA 92701. **Members of the public may attend this meeting in-person or join via Zoom.** 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.

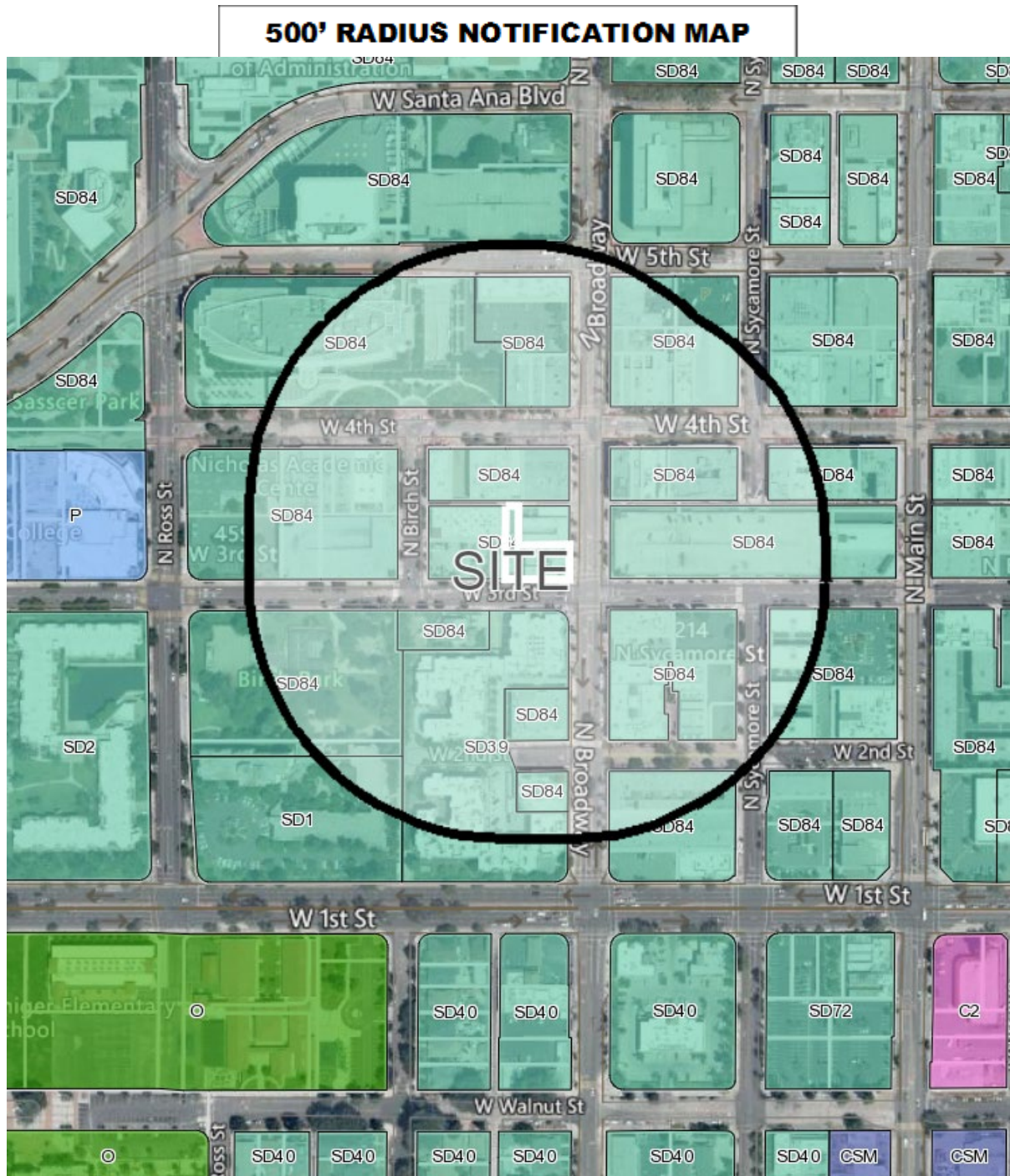
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