

Planning Commission Regular Meeting Agenda

February 28, 2022

5:30 P.M.

Council Chamber

22 Civic Center Plaza
Santa Ana, CA

Members of the public may attend this meeting in-person or join via Zoom.

Join from your computer: <https://zoom.us/j/83012324818>

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



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
Planning Manager

Christina Leonard
*Acting Recording
Secretary*



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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
Christina Leonard**

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS (non agenda items)

CONSENT CALENDAR ITEMS

a. Minutes

Recommended Action: Approve Minutes from February 14, 2022 meeting.

b. Excused Absences

Recommended Action: Excuse absent commissioners.

****End of Consent Calendar****

BUSINESS CALENDAR

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 in the OC Reporter on February 16, 2022 and notices were mailed on February 17, 2022.

1. Conditional Use Permit No. 2021-15, No. 2021-16, and VAR No. 2021-02 - Case Planner, Heidi Jacinto

Project Location: 2603 W. Westminster Ave.

Project Applicant: Kevin Le with Le Architecture

Proposed Project: The applicant is requesting approval of Conditional Use Permit No. 2021-15 to establish a check cashing facility, Conditional Use Permit No. 2021-16 to allow off-premises sales of alcoholic beverages under a Type 21 ABC License, and Variance No. 2021-02 to allow relief from the Santa Ana Municipal Code (SAMC) sign standards to install off-centered signage on the primary elevation.)

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. 2021-115 will be filed for this project.

Recommended Action: Adopt a resolution approving Conditional Use Permit No. 2021-15 as conditioned. Adopt a resolution approving Conditional Use Permit No. 2021-16 as conditioned. Adopt a resolution approving Variance No. 2021-02 as conditioned. Authorize staff to issue a Letter of Public Convenience and Necessity.

Administrative Matters

****End of Business Calendar****

WORK STUDY SESSION

1. SB 9
2. Zoning Code Cleanups
3. Billboard Ordinance Updates

****End of Work Study Session Calendar****

STAFF COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

The next meeting of the Planning Commission will be on March 14, 2022 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

FUTURE AGENDA ITEMS

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.

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Submit a written comment

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- **Mail** to Christina Leonard, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza – M20, Santa Ana, CA 92701.

Deadline to submit written comments is 4:00 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

February 14, 2022

5:30 P.M.

Council Chamber

22 Civic Center Plaza
Santa Ana, CA



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CALL TO ORDER**Commissioners:**

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Miguel Calderon
Mark McLoughlin
Isuri S. Ramos
Alan Woo

Executive Director
Senior Asst. City Attorney
Planning Manager
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Minh Thai
John Funk
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Christina Leonard

ROLL CALL

Minutes: *Commissioner Ramos joined via Zoom.*

PLEDGE OF ALLEGIANCE**PUBLIC COMMENTS** (non agenda items)**CONSENT CALENDAR ITEMS****a.** Minutes

Recommended Action: Approve Minutes from January 24, 2022 meeting.

b. Excused Absences

Recommended Action: Excuse absent commissioners.

Moved by Commissioner Woo, seconded by Commissioner Alderete to Approve Minutes and Excuse the Absence of Commissioner Calderon.

YES: 6 – Eric Alderete, Mark McLoughlin, Tom Morrissey, Bao Pham, Isuri Ramos, Alan Woo

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Miguel Calderon
Status: 6 – 0 – 0 – 1 – **Pass**

****End of Consent Calendar****

BUSINESS CALENDAR

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 in the OC Reporter on February 4, 2022 and notices were mailed on February 3, 2022*

1. Conditional Use Permit No. 2021-19 Case Planner, Eric Martin

Project Location: 2 E. Hutton Centre Drive, Unit 204

Project Applicant: Jiayu Liu, representing Little Pan Fried Bun

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2021-19 to allow the sale of alcoholic beverages for on-premise consumption (Type 41- Beer and Wine) at an existing eating establishment. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC), establishments wishing to sell alcoholic beverages for on-premise consumption require approval of a CUP.

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. 2021-127 will be filed for this project.

Recommended Action: Adopt a resolution approving Conditional Use Permit No. 2021-19 as conditioned.

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

YES: 6 – Eric Alderete, Mark McLoughlin, Tom Morrissey, Bao Pham, Isuri Ramos, Alan Woo

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Miguel Calderon

Status: 6 – 0 – 0 – 1 – **Pass**

Minutes: *Chair Morrissey opened the Public Hearing. The applicant spoke on the matter. There were no other speakers and the Public Hearing was closed.*

2. Conditional Use Permit No. 2021-20 and No. 2022-2 Eric Martin, Case Planner

Project Location: 2 E. Hutton Centre Drive, Unit 203

Project Applicant: Xianglong Kong, representing Gokumi Ramen & Yakitori

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2021-20 and No. 2022-2 to allow the sale of alcoholic beverages for on premise consumption (Type 41- Beer and Wine) and after-hours operations at a new eating establishment. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC), establishments wishing to sell alcoholic beverages for on-premise consumption and wishing to operate between the hours of 12:00 a.m. (midnight) and 7:00 a.m., require approval of respective CUPs.

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. 2021-130 will be filed for this project.

Recommended Action: .Adopt a resolution approving Conditional Use Permit No. 2021-20 and No. 2022-2

Minutes: *Chair Morrissey opened the Public Hearing. The applicant spoke on the matter. There were no other speakers and the Public Hearing was closed.*

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

YES: 6 – Eric Alderete, Mark McLoughlin, Tom Morrissey, Bao Pham, Isuri Ramos, Alan Woo

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Miguel Calderon

Status: 6 – 0 – 0 – 1 – **Pass**

Administrative Matters

****End of Business Calendar******STAFF COMMENTS****COMMISSIONER COMMENTS****ADJOURNMENT**

The next meeting of the Planning Commission will be on February 28, 2022 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

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Deadline to submit written comments is 4:00 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.



**City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
February 28, 2022**

Topic: CUP No. 2021-15, CUP No. 2021-16, and VAR No. 2021-02 - Northgate Market (2603 West Westminster Avenue)

RECOMMENDED ACTION

1. Adopt a resolution approving Conditional Use Permit No. 2021-15 as conditioned.
2. Adopt a resolution approving Conditional Use Permit No. 2021-16 as conditioned.
3. Adopt a resolution approving Variance No. 2021-02 as conditioned.
4. Authorize staff to issue a Letter of Public Convenience and Necessity.

EXECUTIVE SUMMARY

The applicant, Kevin Le with Le Architecture on behalf of the property owner Northgate Gonzalez, LLC is requesting approval of Conditional Use Permit No. 2021-15 to establish a check cashing facility, Conditional Use Permit No. 2021-16 to allow off-premises sales of alcoholic beverages under a Type 21 ABC License, and Variance No. 2021-02 to allow relief from the Santa Ana Municipal Code (SAMC) sign standards to install off-centered signage on the primary elevation. Staff is recommending approval of the applicant's requests because the site located within a commercial center intended for such uses, the proposed check cashing facility meets the minimum 1,000-foot separation requirements from existing check cashing facilities, and the project is consistent with the General Plan.

DISCUSSION

Project Description

The applicant, Kevin Le with Le Architecture on behalf of the property owner Northgate Gonzalez, LLC is requesting to establish a Northgate Market (grocery store) within an existing commercial building in an integrated shopping center. The proposed project scope of work includes interior and exterior improvements to accommodate the new store and improve the building's architecture and the site's landscaping. Tenant improvements consist of an interior remodel and expanding the warehouse area to the rear portion of adjoining suites. Exterior improvements would consist of landscaping modifications, ADA parking upgrades, a new loading dock, and façade alterations. The proposed façade

improvements would feature new archways, trellises, and Spanish architecture in line with the character of Northgate grocery stores in other communities.

The grocery store would operate seven days per week from 5:00 a.m. to 10:00 p.m. The store would offer produce, baked goods, meat, dairy, packaged goods, and is proposing to offer off-sale of alcoholic beverages under a Type 21 ABC License (beer, wine, and distilled spirits) from the Department of Alcoholic Beverage Control (ABC). The store would also be collaborating with Prospera to offer check-cashing services.

The applicant is also proposing to identify the goods and services offered along the primary elevation with seven (7) new wall signs. The proposed signs include an identification sign and logo on the primary elevation, an identification sign and logo on a secondary elevation, four product identification signs, and a subtenant sign. The freestanding sign along Westminster Avenue would also be refaced to reflect the new tenant.

To allow for the off-premises sale of alcoholic beverages, check-cashing services, and signage, the applicant is requesting approval of the following applications: CUP No. 2021-15, CUP No. 2021-16, and VAR No. 2021-2.

Table 1: Project Location and Information

Item	Information	
Project Address & Council Ward	2603 Westminster Avenue (Ward 3)	
Nearest Intersection	N. Fairview St. & Westminster Ave.	
General Plan Designation	General Commercial (GC)	
Zoning Designation	Community Commercial (C1)	
Surrounding Land Uses	North	Suburban Apartment (R4)
	East	Community Commercial (C1)
	South	General Commercial (GC)
	West	Single-Family Residence (R1)/ Community Commercial (C1)
Property Size	1.71 Acres	
Existing Site Development	The site is currently developed with a 25,600-square foot commercial building and associated parking and landscaping.	
Use Permissions	Allowed with approval of a CUP and VAR.	
Zoning Code Sections Affected	Development Standards	Section 41-367 – 41-373, 41-863
	Uses	Section 41-366, 41-196(a)
Census Tract and License Information	Census Tract No.	891.02
	No. of Allowed and Existing Licenses	4 Allowed; 9 Existing

Table 2: Development Standards

Standards	Required by SAMC	Provided
Building Height	35 Feet	Complies; 24 Feet
Setbacks	Front: 15 Feet	Complies; 115 Feet

Standards	Required by SAMC	Provided
	Side: 20 Feet	Complies; 70 Feet
	Rear: 20 Feet	Complies; 20 Feet
Landscaping	Abutting street: 15 Feet Wide Abutting residential: 5 Feet Wide	Nonconforming; 5 Feet Nonconforming; 0 Feet
Parking	5 spaces per 1,000 SF of floor area	Complies; 224 spaces
Wall Sign(s)	One primary elevation sign, two secondary elevation signs	Seven wall signs
Distance and Separation Requirements for Off-Premises Alcohol Sales under 10,000 Square Feet	1,000 Feet	Not applicable as suite is 25,600 square feet.
Separation Requirements for Check Cashing	1,000 Feet	7,843 Miles

Project Background

The project site was developed in 1967 as part of an integrated shopping center comprised of three parcels. The shopping center contains ten commercial units, on-site landscaping, and surface parking. The unit in question is approximately 25,600 square feet in size and was previously occupied by a Stater Bros. grocery store until March 2021.

On August 11, 2021, the applicant submitted a development project application to the City for the proposed project. Since then, the applicant has worked with the City's Development Review Committee (DRC) to ensure the project complies with current regulations. Additionally, the applicant has submitted for a major façade modification application, sign program application, and lot line adjustment application that are being processed concurrently but are subject to administrative review.

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.

Conditional Use Permit for Off-Premises Alcohol Sales

Northgate Market is a full-service grocery store that offers a variety of specialty goods, produce, meats, dairy, and traditional Hispanic pastries. Similar to other grocery stores, including the previous tenant Stater Bros., Northgate would also sell alcoholic beverages for off-site consumption to its customers under a Type 21 ABC License. Stater Bros. previously operated a Type 21 ABC License, but under a non-conforming approval. Because of the extended vacancy of the building following Stater Bros.' departure, the

existing license became void after six months of vacancy pursuant to SAMC Section 41-683.5, and a new CUP is therefore required.

Approval of the CUP would not adversely affect the community rather it would broaden the availability of goods for the patrons of the Northgate. Furthermore, approval of the CUP is consistent with goals of the City's General Plan, specifically Goal No. 1 and No. 2 of the Land Use Element which promotes land uses to address community needs and enhance the City's economic and fiscal viability.

Conditional Use Permit for Check-cashing Facility

As part of goods and services offered at the facility, the applicant is proposing to offer check-cashing services to its customers through its onsite partner subtenant Prospera. This service would provide Northgate patrons with access to financial services that would not be typically available to them through traditional banking methods. Additionally, the proposed location meets the required separation from other check cashing facilities as it is more than 1,000 feet away from another check cashing facility, approximately 7,843 miles and would not adversely impact the community. Furthermore, approval of the CUP is consist with goals of the City's General Plan specifically Goal No. 1 and No. 2 of the Land Use Element which promotes land uses to address community needs and enhance the City's economic and fiscal viability.

Variance for Wall Signage

Variance requests are governed by Section 41-638 of the SAMC. Variance requests may be granted if the following findings can be made: (1) that there are special circumstances applicable to the property, such as size, shape, topography, location or surroundings; that the strict application of the zoning ordinance is found to deprive the subject property of privileges not otherwise at variance with the intent and purpose of the provisions of this chapter; (2) that the granting of a variance or minor exception is necessary for the preservation and enjoyment of one or more substantial property rights; (3) that the granting of a variance will not be materially detrimental to the public welfare or injurious to surrounding property. Conversely, the inability to make these findings would result in a denial.

The applicant is requesting approval for a variance application to exceed the permissible wall signage and deviate from required placement of wall signs. Pursuant to Section 41-863 of the SAMC, a wall sign at the entry way is permissible on the primary elevation in addition to two secondary elevations signs. As proposed, the business would install six wall signs that would be spread out across the south elevation, which is the primary elevation, and one identification sign on the west elevation.

The proposed site for the Northgate Market is an existing commercial center in which the subject business is a major anchor tenant. The existing entryway for the suite is located beneath a tile canopy. Strict application of the SAMC would require that the applicant place the wall sign at the canopy over the entry however, such placement would not afford the grocery store sufficient visibility from Westminster Avenue; placement west of the entry would provide for better visibility. Additional signage is also proposed to advertise the variety of goods and services offered at the grocery store such as the “panaderia”, where fresh traditional Hispanic pastries are made, the “tortilleria”, where fresh tortillas are made, and “cocina” where salsas and other food items are made from scratch. An additional sign is also proposed for Prospera Gonzalez, a subtenant within the grocery store. Limiting signage to an identification sign would deprive the grocery store the opportunity to advertise those goods and additional services unique to the niche market offered by the store. Furthermore, approval of this variance would not be materially detrimental to the public or surrounding property as the proposed signage would be integrated with the façade modifications. Finally, the granting of the variance would be consistent with the General Plan as the proposed business and associated site and building improvements are consistent with the General Commercial land use designation.

Letter of Public Convenience and Necessity

Due to staff’s recommendation of approval, the issuance of a Public Convenience and Necessity (PCN) letter is required. A PCN letter is required per Business and Professions Code Section 23958.4 as the State has determined that an overconcentration of off-premise ABC licensed establishments within the census tract exists.

The City’s criteria for overconcentration of off-sale establishments are found in Section 41-196(d) of the SAMC. The overconcentration criteria apply to off-sale establishments that are less than 10,000 square feet in size. As Northgate Market will occupy a 25,600-square foot building, it is exempt from the City’s overconcentration criteria. However, the State’s criteria for overconcentration still apply.

The State Department of ABC identifies a census tract as over-concentrated if the ratio of off-sale retail licenses to the population of the census tract which the premises is located exceeds the ratio of off-sale retail licenses to the population of the county. Based on this analysis, census tracts in the City are allowed one licensed establishment per 1,672 residents. Northgate Market is located in Census Tract No. 891.02, which is allowed four (4) off-sale outlets based on the State’s criteria, while nine (9) active licenses currently exist. Of the nine (9) active licenses six (6) are within the City of Garden Grove. Table 3 below and Exhibit 9 on the following page identify the location of the existing licensed premises. As the map shows, the licensed establishments are disbursed throughout the census tract, with the closest licensed premises approximately 400 feet from the subject site.

Although the census tract is over-concentrated per State standards, the sale of beer, wine, and distilled spirits at Northgate Market will not create any adverse impacts or adversely affect persons working or residing in the area. The sale of beer, wine and distilled spirits is an ancillary component of the grocery store. The grocery store owner currently operates six markets within the City of Santa Ana. The proposed grocery store will be the seventh location within the City. The building has been vacant since March of 2021. The Applicant is proposing exterior modifications to enhance the existing building and site to reflect the store architectural branding. Northgate markets provide an economic benefit to the City and a great service to the residents. Additionally, the markets provide their own security to minimize adverse impacts related to safety. Based on their record of success of conducting business within the City, Staff has determined that the use will not be detrimental to the health, safety, welfare or character in the immediate area. In addition, the ancillary off-sale of alcoholic beverages in conjunction with a grocery store will provide will an economic benefit that outweighs the potential negative impacts to the community.

Based on the above, it is recommended that the Planning Commission authorize staff to issue a Letter of Public Convenience or Necessity (“PCN letter”) to the State Department of Alcoholic Beverages. The PCN letter will state that, despite the overconcentration of ABC licenses in the census tract, the issuance of an additional off-sale ABC license at this location is necessary to serve the public convenience, will not create any adverse impacts and will not impact the overall crime rate of the area.

Table 3: Off-Sale Licenses within Census Tract No. 891.02

Premises	Location	License Type	Distance
(1) Carnicerra El Faro	12641 Westminster Ave., Garden Grove	Type 20	0.3 miles
(2) 7 Eleven Store	13511 Fairview St., Garden Grove	Type 21	0.4 miles
(3) D & B Food & Liquor	13518 Harbor Blvd., Ste A1, Garden Grove	Type 21	0.99 miles
(4) Garden Grove 76	13960 Harbor Blvd., Garden Grove	Type 20	0.92 miles
(5) Thah Long Maria Market	12451 Westminster Ave., Garden Grove	Type 20	0.5 miles
(6) Young’s Market	12317 Westminster Ave., Garden Grove	Type 20	0.57 miles
(7) A & S Market	2241 N. Fairview St.	Type 20	0.44 miles
(8) La Bahia De Acapulco Market	2709 Westminster Ave., Ste K	Type 20	0.08 miles
(9) Stater Bros.	2603 W. 17 th St	Type 21	Subject property

Police Department Analysis

The Police Department reviews CUP applications for the sale 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 off-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. 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 4: Police Department Analysis and Criteria for Recommendation

Police Department Analysis and Criteria for Recommendation	
Police Grid No. and Rank	Police Grid No. 84; ranked 358 out of 102 Police Reporting Grids (356rd percentile)
Threshold for High Crime	This reporting district is below the 20 percent threshold established by the State for high crime
Police Department Recommendation	As part of the review approval process, this application was analyzed by the Santa Ana Police Department. Based on our review, the Police Department has no issues of concern regarding this application. The Police Department is satisfied that the operational standards applicable to off-premise ABC licenses and check cashing facility operations in compliance with any and all applicable SAMC will mitigate any potential impacts to the surrounding community and therefore does not oppose the granting of a CUP with the condition burglary bars be installed in any rooftop ventilation openings or air conditioning return and supply openings that exceed ninety-six inches square inches

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, the application was reviewed by the Police Department. Based on its 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

CUP No. 2021-15, CUP No. 2021-16, and VAR No. 2021-02 - Northgate Market (2603 West Westminster Avenue)

February 28, 2022

Page 8

the site posting are provided in Exhibit 10. Copies of the public noticed were also mailed to Mar-Les and Edna Park Neighborhood Associations, as they are located within the vicinity of the subject property. 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) because the project involves negligible expansion of an existing building. Based on this analysis, a Notice of Exemption, Environmental Review No. 2021-115 will be filed for this project.

FISCAL IMPACT

There is no fiscal impact associated with this action.

EXHIBIT(S)

1. Resolution for CUP No. 2021-15
2. Resolution for CUP No. 2021-16
3. Resolution for Variance No. 2021-02
4. Vicinity Zoning & Aerial Map
5. Site Photo
6. Site Plan
7. Floor Plan
8. Elevations
9. Map of Other Off-sale Licenses in Census Tract
10. Copy of Public Notices

Submitted By:

Heidi Jacinto, Assistant Planner I

Approved By:

Minh Thai, Executive Director of Planning and Building Agency, Planning and Building Agency

RESOLUTION NO. 2022-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2021-15 AS CONDITIONED TO ALLOW A CHECK CASHING FACILITY AT THE NORTHGATE MARKET LOCATED AT 2603 WEST WESTMINSTER 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. Kevin Le (“Applicant”), representing property owner Northgate Gonzalez, LLC is requesting approval of Conditional Use Permit (CUP) No. 2021-15 to allow operation of a check cashing facility at 2603 West Westminster Avenue.
- B. Pursuant to Santa Ana Municipal Code (“SAMC”) Section 41-365.5, a CUP is required for check cashing facilities established in the Community Commercial (C1) zoning district within the City of Santa Ana.
- C. Pursuant to Santa Ana Municipal Code (SAMC) Section 41-374.5, it shall be unlawful to establish any check cashing facility within one thousand (1,000) feet of another check cashing facility, measured from property line to property line. The subject location satisfies this code standard.
- D. On February 28, 2022, the Planning Commission held a duly noticed public hearing on CUP No. 2021-15 to allow a new check cashing facility.
- E. The Planning Commission determines that the following findings, which must be established in order to grant this Conditional Use Permit pursuant to SAMC Section 41-638, have been established for Conditional Use Permit No. 2021-15 to establish a check cashing facility:
 - 1. That the proposed use will provide a service or facility which will contribute to the general wellbeing of the neighborhood or community.

Northgate Market proposes to offer onsite check-cashing services through their partner, Propsera. In addition to check-cashing services, Propsera offers money transfer services and of means of making utility payments. Such services would be available with ease to Northgate Market patrons located in the comfort of their neighborhood grocery store. Approval of

would provide access to services that may not be available to members of the community and in approving such service would promote the general well-being of the 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 check-cashing service would not be detrimental to persons residing or working in the area. The proposed check-cashing facility would be located within an existing commercial center and operate as an ancillary use within the Northgate Market. The subject site is also not located within 1,000 feet of another check-cashing facility, and the nearest such facility is located 7,843 miles away at 1601 West Seventeenth Street.

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

The proposed check-cashing facility would be compatible with the surrounding area and will not adversely affect the economic viability in the area. The proposed use is an ancillary service offered by the Northgate Market and would increase the economic stability by providing an additional service for business owners, workers, and residents in the area. Additionally, the overall site improvement proposed by Northgate market represent a major reinvestment to the commercial center.

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

The use will comply with all regulations and conditions identified in Chapter 41 (Zoning Code) of the SAMC. The check-cashing facility would be located within a zoning district in which such facilities are permissible and provide sufficient separation (1,000 feet minimum) from another facility to satisfy the requirements detailed in the SAMC. The will occupy an existing commercial building.

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 check-cashing facility will not adversely affect the General Plan, as the use would be compatible with the surrounding environment and consistent with the goals and objectives of the Land Use Element. Goal 1 promotes a balance of land uses to address community needs, which

includes the services provided by the check cashing facility. In addition, Goals 3 and 5 require preservation of neighborhood character and integrity as well as mitigation of developments' impacts. The proposed check-cashing facility would be contained within an existing commercial building and therefore would not visually impact the surrounding area. Further, Policy 2.2 encourages land uses that accommodate the City's needs for services. The proposed check-cashing facility provides a service that may not be available through traditional banking methods to residents and members of the community.

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. Based on this analysis, a Notice of Exemption, Environmental Review No. 2021-115 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. 2021-15, as conditioned in Exhibit A, attached hereto and incorporated herein. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to the

Request for Planning Commission Action dated February 28, 2022, and exhibits attached thereto; and the public testimony, all of which are incorporated herein by this reference.

ADOPTED this 28th day of February 2022 by the following vote:

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, Christina Leonard, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2022-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on February 28, 2022.

Date: _____

Recording Secretary

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2021-15

Conditional Use Permit No. 2021-15 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.

Planning Division

1. The Applicant must comply with all conditions and requirements of the Development Review Committee for the Development Project (DP) No. 2021-26.
2. Prior to issuance of the Certificate of Occupancy, the property shall be brought into full maintenance compliance with all applicable SAMC standards. Maintenance shall include, but is not limited to: the repair and upkeep of the property; cleanup of trash and debris; repair and upkeep of any damaged and/or weathered components of the historic building (e.g., siding, windows, historic features); repair and upkeep of exterior paint; parking striping, lighting and irrigation fixtures; landscaping and related landscape, furnishing, and hardscape improvements.
3. The proposed facility shall be maintained on an ongoing basis as per approved plans and any existing landscaping shall be enhanced and well maintained. Any damage to existing structures, walls, parking areas, or landscaping must be repaired.
4. Outside loading, unloading, and delivery shall take place only between 7:00 a.m. and 8:00 p.m. daily. The Owner shall post the contact information for onsite management in a conspicuous location at the business's front entry to facilitate communication by surrounding owners and tenants of any noise or site maintenance issues.
5. Prior to issuance of a building permit, 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 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 final approval for any construction permit related to this entitlement.

Public Works Agency

1. Final approved plans shall depict and note all the affected parcels that are part of this project. Additional comments may follow if additional parcels are included.
2. Final approved plans shall depict and note the proposed Lot Line Adjustment lines (existing and future).
3. Plans shall identify on a separate sheet the proposed parcel lines, common areas, number of parcels and letter parcels.
4. The applicant shall provide a copy of the easement agreement for reciprocal ingress/egress access, parking, and drainage as necessary.
5. Final approved plans shall depict and dimension all existing topography, within the public right-of-way, along the property frontage (i.e., trees, driveway approach, street signs, streetlights, sidewalk and street widths, etc.).
6. Final approved plans shall depict and note the installation of all public utilities required to service the project site (i.e., new sewer lateral, water laterals, fire service, irrigation laterals and storm drain). Additional paving requirements may be identified during street improvement plan check if excavation is needed for any new utility service(s).
7. Final approved plans shall depict and note all existing easements, per the current title report. Submit copies of all the referenced and supporting documents defining each easement. Clarify easements on the site plan and/or Alta/ACSM Land Title Survey. Structures are not allowed over existing easements or along a driving aisle. The rights of the easement holder shall remain in effect without interference.

If a structure is proposed to be built over an easement, a signed non-interference letter from the easement holder is required or easement holder must quitclaim rights to the easement. An updated title report will be required if quitclaim process is selected. The quitclaim(s) need(s) to be submitted to the Public Works Agency prior to any permit issuance.

8. Final approved plans shall depict a 15-foot by 15-foot sight distance triangle area at the vehicular site access locations (See Exhibit A). The height of proposed back flow device may not exceed 2.5 feet.
9. Final approved plans shall depict and note the removal and reconstruction of the easterly driveway on Westminster Avenue, per City Standards, (W=28' min., A=38' min., X=4'). The driveways must be located a minimum of 10' away from any utility facility, such as power poles, streetlights, catch basins, etc.
10. Final approved plans shall depict the proposed planter(s) in alignment with the new/existing driveway widths along Westminster Avenue.
11. Final approved plans shall depict and note grinding and capping of a minimum of 2"-3" of the existing AC pavement on Westminster Avenue along project frontage for curb lane.
12. Final approved plans shall depict the safe and efficient access of trash vehicles to trash receptacles. The following are the guidelines and the minimum requirements:
 - Depict and note the exact location(s) of the trash and recycling receptacles.
 - The project shall comply with all requirements specified in SAMC Sec. 16-37.
 - Minimum 40' x 16' wide staging area shall be available on service days from 6 a.m. to 6 p.m.
 - Minimum vertical clearance of 25' at the staging area for bin service clearance.
 - Minimum 13' vertical clearance for scout truck.
 - Per CALGreen, all commercial establishments must have adequate space in trash enclosures for three waste streams - trash, recycling, and food waste. Food waste service is offered in 2-yard bins.
 - All staging areas are to be onsite. No street staging is permitted.
 - 42' on a 90-degree turn radius
 - **All driveway and staging areas must be able to sustain a minimum gross weight of 60,000 lbs. per vehicle.**
 - Maximum size of bin shall be 4 cubic yards.
 - Depict the trash trucks' turning radius at all proposed internal corners.
 - Provide complete circulation for trash trucks, backing up into the streets is not allowed for safety reasons.
 - **All items must be noted on the final site plan.**

In addition to the items above, the applicant shall provide a copy of the will-serve letter obtained from Waste Management, Inc.

13. Prior to Building plan check submittal, the applicant shall submit a preliminary evaluation of surface drainage showing the direction and means of flow to the adjacent streets and/or on/off site storm drain facilities. Include the estimated volumetric flow (Q) in each direction.
14. Final approved plans shall depict and note the drainage pattern of this site. Cross-lot drainage is allowed only by the means of recording a covenant, reviewed and approved by the City of Santa Ana. Should a Lot Merger be recorded, if required by the Planning and Building Agency, a Covenant will be unnecessary.
15. The applicant shall submit preliminary surface drainage/utility plan that depicts all applicable "Site Design," structural "Source Control," and "Treatment Control" Best Management Practices (BMPs) in accordance with the Orange County Drainage Area Management Plan (DAMP) and the City of Santa Ana Local Implementation Plan (LIP). Site drainage should go to the landscape swale and should not be in conflict with the landscape plantings.
16. Final approved plans shall contain the note "This site will be designed and constructed in accordance with the California Regional Water Quality Control Board Santa Ana Region Order No. R8-2009-0030 discharge requirements (MS4 Permit)."

Police Department

1. The applicant shall install burglary bars at any rooftop ventilation openings or air conditioning return and supply openings that exceed ninety-six square inches.

RESOLUTION NO. 2022-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2021-16 AS CONDITIONED TO ALLOW THE OFF-PREMISES SALE OF ALCOHOLIC BEVERAGES AT NORTHGATE MARKET LOCATED AT 2603 WEST WESTMINSTER 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. Kevin Le (“Applicant”), representing property owner Northgate Gonzalez, LLC, is requesting approval of Conditional Use Permit (CUP) No. 2021-16 to allow the off-premises sale of alcoholic beverages at a new grocery store located at 2603 West Westminster Avenue.
- B. Pursuant to Santa Ana Municipal Code (“SAMC”) Section 41-196, a CUP is required for establishments selling alcoholic beverages for off-premise consumption.
- C. On February 28, 2022, the Planning Commission held a duly noticed public hearing on CUP No. 2021-16.
- D. The Planning Commission determines that the following findings, which must be established in order to grant a Conditional Use Permit pursuant to SAMC Section 41-638, have been established for Conditional Use Permit No. 2021-16 to allow the off-sale of alcoholic beverages at a new grocery store located at 2603 West Westminster Avenue.
 1. That the proposed use will provide a service or facility which will contribute to the general wellbeing of the neighborhood or community.

The proposed grocery store would offer alcoholic beverages for off-premise consumption to the residents and community of Santa Ana. This will thereby benefit the community by providing an additional establishment that provides goods and services to the City. 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 grocery store selling alcoholic beverages for off-premises consumption would 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 proposed use will not adversely affect the economic stability of the area, but will instead will contribute to the City. The use will provide another establishment with sales of goods, identifying the use as an economically viable establishment in Santa Ana. In addition, the proposed establishment will contribute to the overall success of the City. Additionally, the overall site improvement proposed by Northgate market represent a major reinvestment to the commercial center.

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

The proposed CUP would be in compliance with all applicable regulations and operational standards imposed on off-sale establishments selling alcoholic beverages for off-premise consumption pursuant to Chapter 41 of the SAMC. In addition, 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 alcoholic beverages for off-premise consumption will not adversely affect the General Plan or any specific plan. The granting of CUP No. 2021-16 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. 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. Spectrum Wine is located within a multi-tenant industrial use center and its operation is compatible with the surrounding industrial use 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 alcoholic beverage control license to sell alcoholic beverages at a bona-fide eating establishment. As such, a Notice of Exemption, Environmental Review No. 2021-115, 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. 2021-16, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 2603 West Westminster 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 February 28, 2022, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 28th day of February, 2022 by the following vote.

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
Sr. Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, CHRISTINA LEONARD, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2022-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on February 28, 2022.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2021-16

Conditional Use Permit No. 2021-16 for off-sale 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 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 the conditional use permit must be amended.
2. All site improvements must conform to the staff report exhibits, the site plan, floor plan and elevations incorporated herein by reference.
3. Prior to issuance of the Certificate of Occupancy, the property shall be brought into full maintenance compliance with all applicable SAMC standards. Maintenance shall include, but is not limited to: the repair and upkeep of the property; cleanup of trash and debris; repair and upkeep of any damaged and/or weathered components of the historic building (e.g., siding, windows, historic features); repair and upkeep of exterior paint; parking striping, lighting and irrigation fixtures; landscaping and related landscape, furnishing, and hardscape improvements.
4. The sale of alcoholic beverages shall be permitted in accordance with the operational standards for off-sale for off-premise consumption establishments pursuant to Section 41-196(f) of the SAMC and in accordance with the provisions of an off-sale alcoholic beverages license by the State Alcohol Beverage Control Board (ABC).
5. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.

6. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
7. The business shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the California Department of Alcoholic Beverage Control, California Business and Profession Code Sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with the City's business license annual renewal.
8. The market owner shall work cooperatively with the Santa Ana Police Department on an ongoing basis to establish an effective theft prevention and security program.
9. Violations of the Conditional Use Permit as contained in Section 41-647.5 of the Santa Ana Municipal Code will be grounds for permit revocation as described in Section 41-651 of the Santa Ana Municipal Code.
10. The sales of alcoholic beverages shall be permitted only between the hours of 7:00 a.m. and 12:00 a.m. (midnight) each day of the week unless otherwise modified by the granting of an after-hours conditional use permit pursuant to SAMC Section 41-196(f)(14).
11. Outside loading, unloading, and delivery shall take place only between 7:00 a.m. and 8:00 p.m. daily. The Owner shall post the contact information for onsite management in a conspicuous location at the business's front entry to facilitate communication by surrounding owners and tenants of any noise or site maintenance issues.
12. 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 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.

Public Works Agency

1. Final approved plans shall depict and note all the affected parcels that are part of this project. Additional comments may follow if additional parcels are included.
2. Final approved plans shall depict and note the proposed Lot Line Adjustment lines (existing and future).
3. Plans shall identify on a separate sheet the proposed parcel lines, common areas, number of parcels and letter parcels.
4. The applicant shall provide a copy of the easement agreement for reciprocal ingress/egress access, parking, and drainage as necessary.
5. Final approved plans shall depict and dimension all existing topography, within the public right-of-way, along the property frontage (i.e., trees, driveway approach, street signs, streetlights, sidewalk and street widths, etc.).
6. Final approved plans shall depict and note the installation of all public utilities required to service the project site (i.e., new sewer lateral, water laterals, fire service, irrigation laterals and storm drain). Additional paving requirements may be identified during street improvement plan check if excavation is needed for any new utility service(s).
7. Final approved plans shall depict and note all existing easements, per the current title report. Submit copies of all the referenced and supporting documents defining each easement. Clarify easements on the site plan and/or Alta/ACSM Land Title Survey. Structures are not allowed over existing easements or along a driving aisle. The rights of the easement holder shall remain in effect without interference. If a structure is proposed to be built over an easement, a signed non-interference letter from the easement holder is required or easement holder must quitclaim rights to the easement. An updated title report will be required if quitclaim process is selected. The quitclaim(s) need(s) to be submitted to the Public Works Agency prior to any permit issuance.
8. Final approved plans shall depict a 15-foot by 15-foot sight distance triangle area at the vehicular site access locations (See Exhibit A). The height of proposed back flow device may not exceed 2.5 feet.
9. Final approved plans shall depict and note the removal and reconstruction of the easterly driveway on Westminster Avenue, per City Standards, (W=28' min., A=38' min., X=4'). The driveways must be located a minimum of 10' away from any utility facility, such as power poles, streetlights, catch basins, etc.
10. Final approved plans shall depict the proposed planter(s) in alignment with the new/existing driveway widths along Westminster Avenue.
11. Final approved plans shall depict and note grinding and capping of a minimum of 2"-3" of the existing AC pavement on Westminster Avenue along project frontage for curb lane.
12. Final approved plans shall depict the safe and efficient access of trash vehicles to trash receptacles. The following are the guidelines and the minimum requirements:
 - Depict and note the exact location(s) of the trash and recycling receptacles.

- The project shall comply with all requirements specified in SAMC Sec. 16-37.
- Minimum 40' x 16' wide staging area shall be available on service days from 6 a.m. to 6 p.m.
- Minimum vertical clearance of 25' at the staging area for bin service clearance.
- Minimum 13' vertical clearance for scout truck.
- Per CALGreen, all commercial establishments must have adequate space in trash enclosures for three waste streams - trash, recycling, and food waste. Food waste service is offered in 2-yard bins.
- All staging areas are to be onsite. No street staging is permitted.
- 42' on a 90-degree turn radius
- **All driveway and staging areas must be able to sustain a minimum gross weight of 60,000 lbs. per vehicle.**
- Maximum size of bin shall be 4 cubic yards.
- Depict the trash trucks' turning radius at all proposed internal corners.
- Provide complete circulation for trash trucks, backing up into the streets is not allowed for safety reasons.
- **All items must be noted on the final site plan.**

In addition to the items above, the applicant shall provide a copy of the will-serve letter obtained from Waste Management, Inc.

13. Prior to Building plan check submittal, the applicant shall submit a preliminary evaluation of surface drainage showing the direction and means of flow to the adjacent streets and/or on/off site storm drain facilities. Include the estimated volumetric flow (Q) in each direction.
14. Final approved plans shall depict and note the drainage pattern of this site. Cross-lot drainage is allowed only by the means of recording a covenant, reviewed and approved by the City of Santa Ana. Should a Lot Merger be recorded, if required by the Planning and Building Agency, a Covenant will be unnecessary.
15. The applicant shall submit preliminary surface drainage/utility plan that depicts all applicable "Site Design," structural "Source Control," and "Treatment Control" Best Management Practices (BMPs) in accordance with the Orange County Drainage Area Management Plan (DAMP) and the City of Santa Ana Local Implementation Plan (LIP). Site drainage should go to the landscape swale and should not be in conflict with the landscape plantings.
16. Final approved plans shall contain the note "This site will be designed and constructed in accordance with the California Regional Water Quality Control Board Santa Ana Region Order No. R8-2009-0030 discharge requirements (MS4 Permit)."

Police Department

1. The applicant shall install burglary bars at any rooftop ventilation openings or air conditioning return and supply openings that exceed ninety-six square inches.

RESOLUTION NO. 2022-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING VARIANCE NO. 2021-02 AS CONDITIONED TO ALLOW ADDITIONAL OFF-CENTERED WALL SIGNAGE AND NUMBER OF SIGNS ALLOWED AT THE NORTHGATE MARKET BUILDING AT THE PROPERTY LOCATED AT 2603 WEST WESTMINSTER 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. Kevin Le (“Applicant”), representing property owner Northgate Gonzalez, is requesting approval of Variance No. 2021-02 to allow relief from the sign placement requirements and exceed the number of permissible signage at 2603 Westminster Avenue.
- B. Pursuant to Santa Ana Municipal Code (“SAMC”) Section 41-863, one wall sign is permissible on the primary elevation that can be placed above the entryway and two secondary elevation signs. As proposed, the applicant is requesting six primary elevation signs to be spread out across the primary elevation and a secondary elevation identification sign for a total of seven wall signs, thus requiring approval of the subject variance.
- C. On February 28, 2022, the Planning Commission held a duly noticed public hearing on Variance No. 2021-02 to allow relief from the sign placement requirements and exceed the number of permissible signage.
- D. The Planning Commission determines that the following findings, which must be established in order to grant this Variance pursuant to SAMC Section 41-638, have been established for Variance No. 2021-2 to allow additional off-centered signage on the building façade:
 1. That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges not otherwise at variance with the intent and purpose of the provisions of this chapter.

The subject site has special circumstances related to the design and shape of the existing building where strict application of the SAMC zoning code would deprive the subject property of privileges afforded to other properties within the

City. The proposed existing building features a tile canopy above the entryway on which the sign would be located with strict application of the SAMC. Such placement would deprive the applicant from providing adequate signage and limit visibility from Westminster Avenue. Furthermore, additional signage is essential to ensure adequate advertising for the specialized departments within the grocery store and subtenant Prospera.

2. That the granting of a variance is necessary for the preservation and enjoyment of one or more substantial property rights.

The granting of the variance is necessary for the preservation and enjoyment of the substantial property rights. Strict application of the SAMC would require that the applicant place the wall sign at the canopy over the entry however, such placement would not afford the grocery store sufficient visibility from Westminster Avenue; placement west of the entry would provide for better visibility. Furthermore, the additional signage is necessary to advertise the goods and services offered that are unique to the new Northgate Market.

3. That the granting of a variance will not be materially detrimental to the public welfare or injurious to surrounding property.

The granting of the variance will not be detrimental to the public or surrounding properties, as the design would complement the proposed façade modifications being processed under a separate application. Moreover, the additional signage advertising goods and services would be scaled down in size and minimize any potential visual intrusion and overcrowding of signage on the primary elevation. Additionally, the signage would face Westminster Avenue and other commercial centers and is not anticipated to impact any residential properties.

4. That the granting of a variance will not adversely affect the General Plan of the City.

The granting of the variance would not adversely affect the City's General Plan as the corresponding land use designation General Commercial (GC) allows signage in conjunction with the permitted uses. Additionally, approval the proposed signage is consistent with several goals of the Land Use Element of the General Plan. Goal 1 promotes a balance of land uses to address community needs, which the additional advertising would promote. In addition, approval of the variance would enhance the City's economic and fiscal viability by bringing awareness to the community of the

available services at the Northgate Market through the proposed signage.

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. Based on this analysis, a Notice of Exemption, Environmental Review No. 2021-115 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 Variance No. 2021-2, as conditioned in Exhibit A, attached hereto and incorporated herein for the project located at 2603 W. Westminster Avenue. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to the Request for Planning Commission Action dated February 28, 2022, and exhibits attached thereto; and the public testimony, all of which are incorporated herein by this reference.

ADOPTED this 28th day of February 2022 by the following vote:

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, Christina Leonard, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2022-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on February 28, 2022.

Date: _____

Recording Secretary

EXHIBIT A

Conditions of Approval for Variance No. 2021-02

Variance No. 2021-02 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 Applicant must comply with all conditions and requirements of the Development Review Committee for the Development Project (DP) No. 2021-26.
2. The proposed facility shall be maintained as per approved plans and any existing landscaping shall be enhanced and well maintained. Any damage to existing structures, walls, parking areas, or landscaping must be repaired.
3. Any amendment to this variance must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the variance must be amended.
4. The proposed signs will be limited to the location and size of the approved plans.
5. Prior to issuance of the Certificate of Occupancy, the property shall be brought into full maintenance compliance with all applicable SAMC standards. Maintenance shall include, but is not limited to: the repair and upkeep of the property; cleanup of trash and debris; repair and upkeep of any damaged and/or weathered components of the historic building (e.g., siding, windows, historic features); repair and upkeep of exterior paint; parking striping, lighting and irrigation fixtures; landscaping and related landscape, furnishing, and hardscape improvements.
6. The proposed facility shall be maintained on an ongoing basis as per approved plans and any existing landscaping shall be enhanced and well maintained. Any damage to existing structures, walls, parking areas, or landscaping must be repaired.
7. Prior to issuance of a building permit, 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 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 final approval for any construction permit related to this entitlement.

Public Works Agency

1. Final approved plans shall depict and note all the affected parcels that are part of this project. Additional comments may follow if additional parcels are included.
2. Final approved plans shall depict and note the proposed Lot Line Adjustment lines (existing and future).
3. Plans shall identify on a separate sheet the proposed parcel lines, common areas, number of parcels and letter parcels.
4. The applicant shall provide a copy of the easement agreement for reciprocal ingress/egress access, parking, and drainage as necessary.
5. Final approved plans shall depict and dimension all existing topography, within the public right-of-way, along the property frontage (i.e., trees, driveway approach, street signs, streetlights, sidewalk and street widths, etc.).
6. Final approved plans shall depict and note the installation of all public utilities required to service the project site (i.e., new sewer lateral, water laterals, fire service, irrigation laterals and storm drain). Additional paving requirements may be identified during street improvement plan check if excavation is needed for any new utility service(s).
7. Final approved plans shall depict and note all existing easements, per the current title report. Submit copies of all the referenced and supporting documents defining each easement. Clarify easements on the site plan and/or Alta/ACSM Land Title Survey. Structures are not allowed over existing easements or along a driving aisle. The rights of the easement holder shall remain in effect without interference. If a structure is proposed to be built over an easement, a signed non-interference

letter from the easement holder is required or easement holder must quitclaim rights to the easement. An updated title report will be required if quitclaim process is selected. The quitclaim(s) need(s) to be submitted to the Public Works Agency prior to any permit issuance.

8. Final approved plans shall depict a 15-foot by 15-foot sight distance triangle area at the vehicular site access locations (See Exhibit A). The height of proposed back flow device may not exceed 2.5 feet.
9. Final approved plans shall depict and note the removal and reconstruction of the easterly driveway on Westminster Avenue, per City Standards, (W=28' min., A=38' min., X=4'). The driveways must be located a minimum of 10' away from any utility facility, such as power poles, streetlights, catch basins, etc.
10. Final approved plans shall depict the proposed planter(s) in alignment with the new/existing driveway widths along Westminster Avenue.
11. Final approved plans shall depict and note grinding and capping of a minimum of 2"-3" of the existing AC pavement on Westminster Avenue along project frontage for curb lane.
12. Final approved plans shall depict the safe and efficient access of trash vehicles to trash receptacles. The following are the guidelines and the minimum requirements:
 - Depict and note the exact location(s) of the trash and recycling receptacles.
 - The project shall comply with all requirements specified in SAMC Sec. 16-37.
 - Minimum 40' x 16' wide staging area shall be available on service days from 6 a.m. to 6 p.m.
 - Minimum vertical clearance of 25' at the staging area for bin service clearance.
 - Minimum 13' vertical clearance for scout truck.
 - Per CALGreen, all commercial establishments must have adequate space in trash enclosures for three waste streams - trash, recycling, and food waste. Food waste service is offered in 2-yard bins.
 - All staging areas are to be onsite. No street staging is permitted.
 - 42' on a 90-degree turn radius
 - **All driveway and staging areas must be able to sustain a minimum gross weight of 60,000 lbs. per vehicle.**
 - Maximum size of bin shall be 4 cubic yards.
 - Depict the trash trucks' turning radius at all proposed internal corners.
 - Provide complete circulation for trash trucks, backing up into the streets is not allowed for safety reasons.
 - **All items must be noted on the final site plan.**

In addition to the items above, the applicant shall provide a copy of the will-serve letter obtained from Waste Management, Inc.

13. Prior to Building plan check submittal, the applicant shall submit a preliminary evaluation of surface drainage showing the direction and means of flow to the adjacent streets and/or on/off site storm drain facilities. Include the estimated volumetric flow (Q) in each direction.
14. Final approved plans shall depict and note the drainage pattern of this site. Cross-lot drainage is allowed only by the means of recording a covenant, reviewed and approved by the City of Santa Ana. Should a Lot Merger be recorded, if required by the Planning and Building Agency, a Covenant will be unnecessary.
15. The applicant shall submit preliminary surface drainage/utility plan that depicts all applicable "Site Design," structural "Source Control," and "Treatment Control" Best Management Practices (BMPs) in accordance with the Orange County Drainage Area Management Plan (DAMP) and the City of Santa Ana Local Implementation Plan (LIP). Site drainage should go to the landscape swale and should not be in conflict with the landscape plantings.
16. Final approved plans shall contain the note "This site will be designed and constructed in accordance with the California Regional Water Quality Control Board Santa Ana Region Order No. R8-2009-0030 discharge requirements (MS4 Permit)."

Police Department

1. The applicant shall install burglary bars at any rooftop ventilation openings or air conditioning return and supply openings that exceed ninety-six square inches.

CUP No. 2021-15, CUP No. 2021-16, and VAR No. 2021-2 2603 West Westminster Avenue

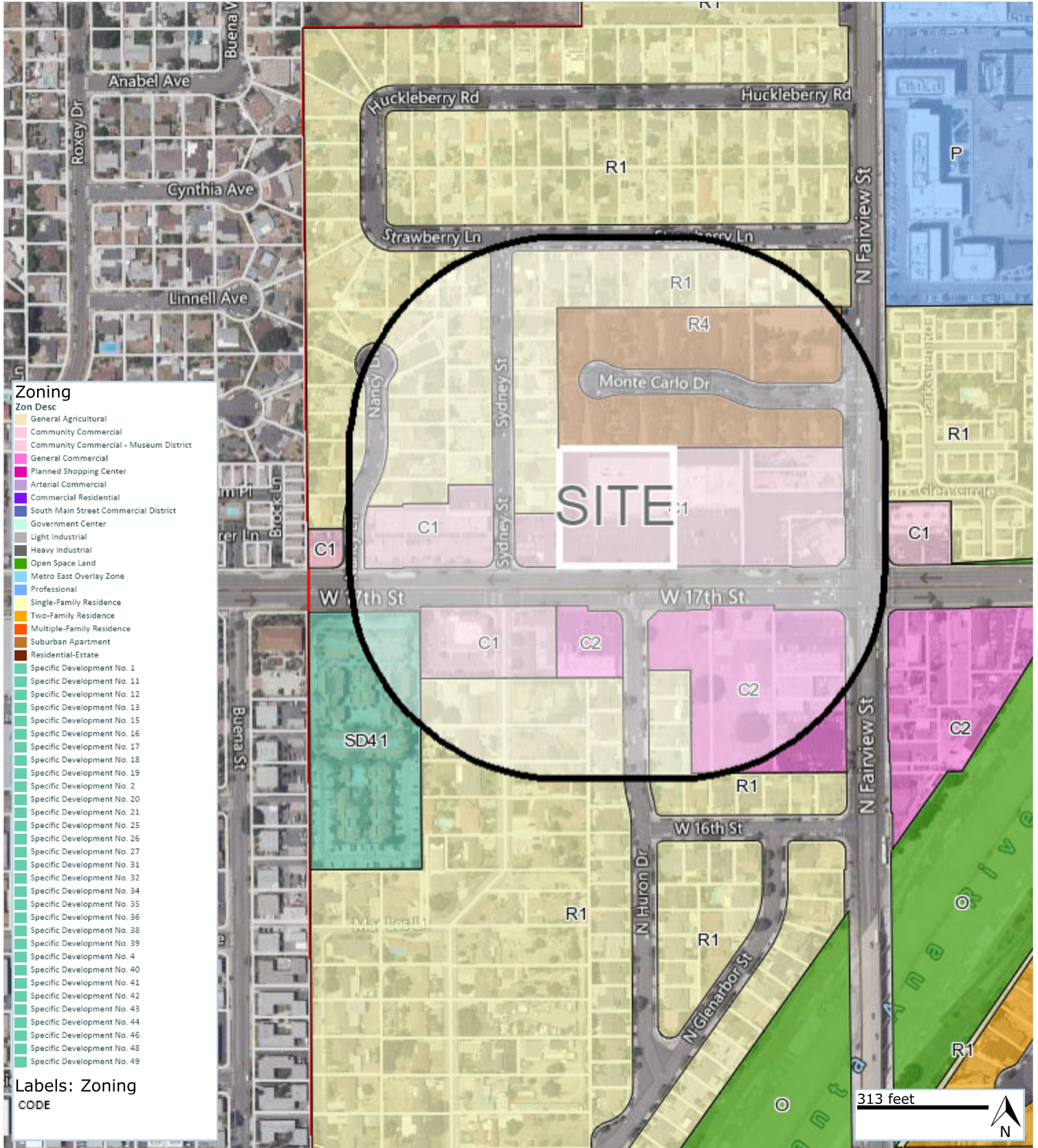


Exhibit 2 - Vicinity Zoning & Aerial Map



2/28/2022

**CUP No. 2021-15, No. 2021-16, and VAR No. 2021-2
2603 West Westminster
Avenue**



Exhibit 3 – Site Photo

REVISION	DATE	BY	DESCRIPTION
1			
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NORTHGATE MARKET
 NORTHGATE MARKET #007B
 1201 S. MAGUIRA AVENUE
 ANAHEIM, CA 92801
 T 714 778.3784

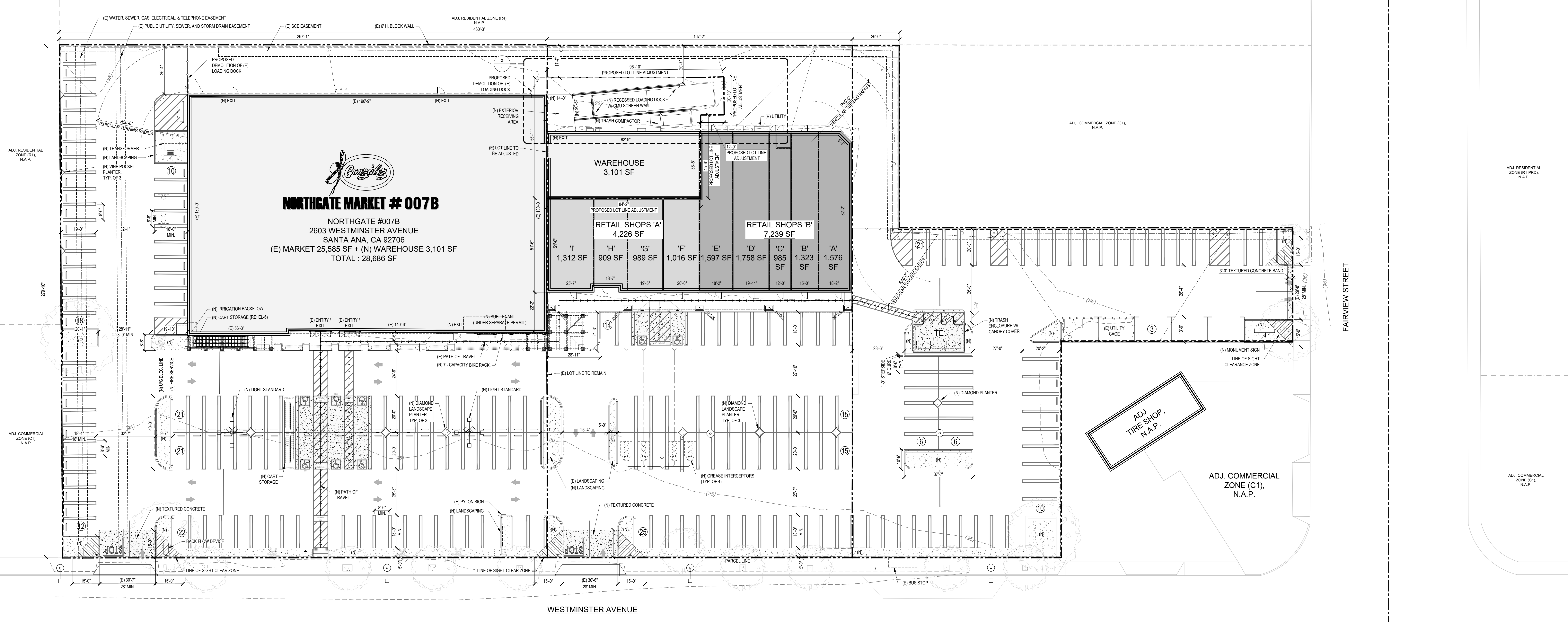
LE ARCHITECTURE
 801 SOUTH MYRTLE AVENUE
 LOS ANGELES, CA 91015
 T 626 1275.6820
 MAIL@LE-ARCHITECTURE.COM

AGENCY APPROVALS
 1. DP NO. 2021-08
 (MASTER PLAN NO. 2021-10049)
 2. ER NO. 2021-115
 3. DP-2021-08-07H

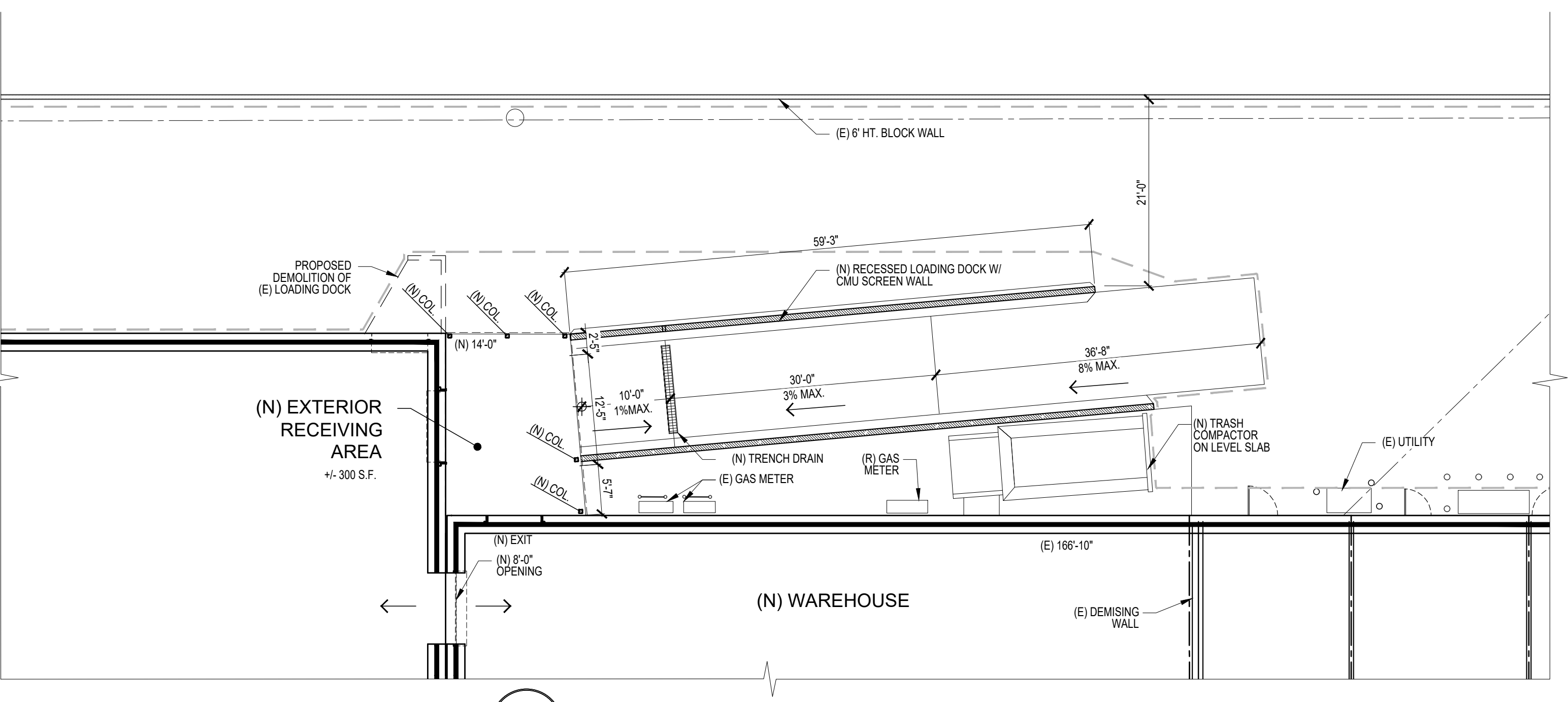
PROJECT
NORTHGATE MARKET #007B SANTA ANA
 LOCATION: 2603 WESTMINSTER BLVD., SANTA ANA, CA 92706

CONCEPTUAL SITE PLAN
 PROJECT ARCHITECT: MB
 PROJECT MANAGER: AC
 DRAWN BY: KL
 CHECKED BY: JK
 DRAWING SCALE: 1/8"=1'-0"

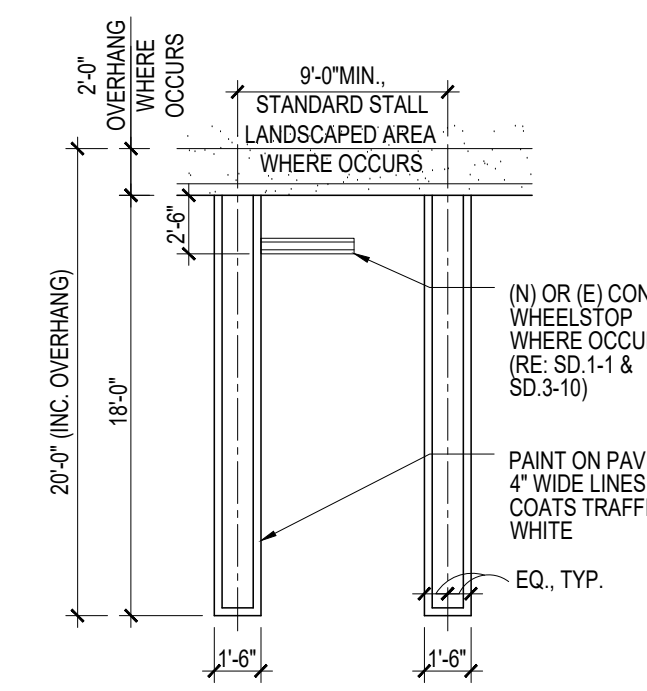
SP



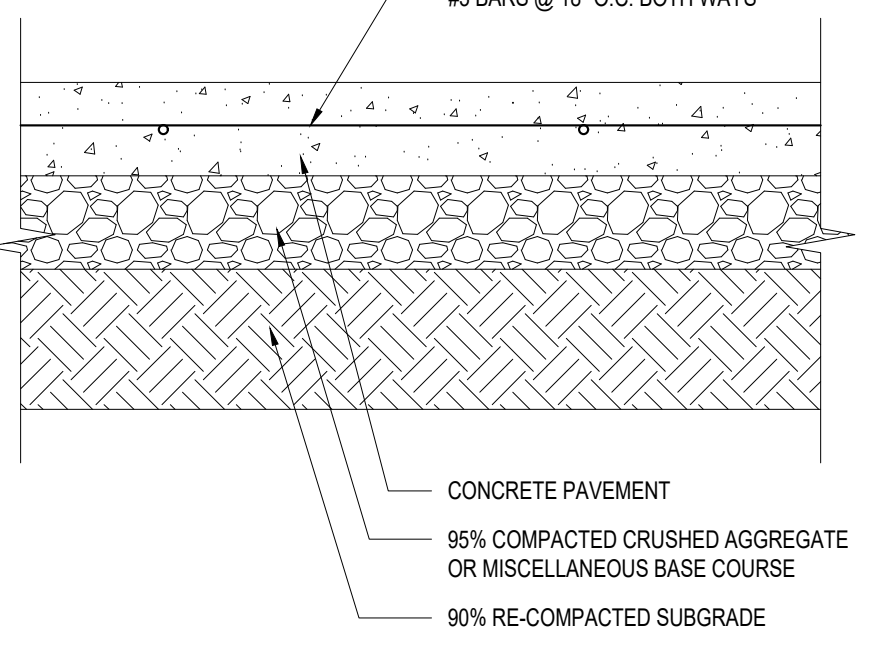
1 CONCEPTUAL SITE PLAN
 1" = 20'-0"



2 ENLARGED LOADING DOCK PLAN
 3/32" = 1'-0"

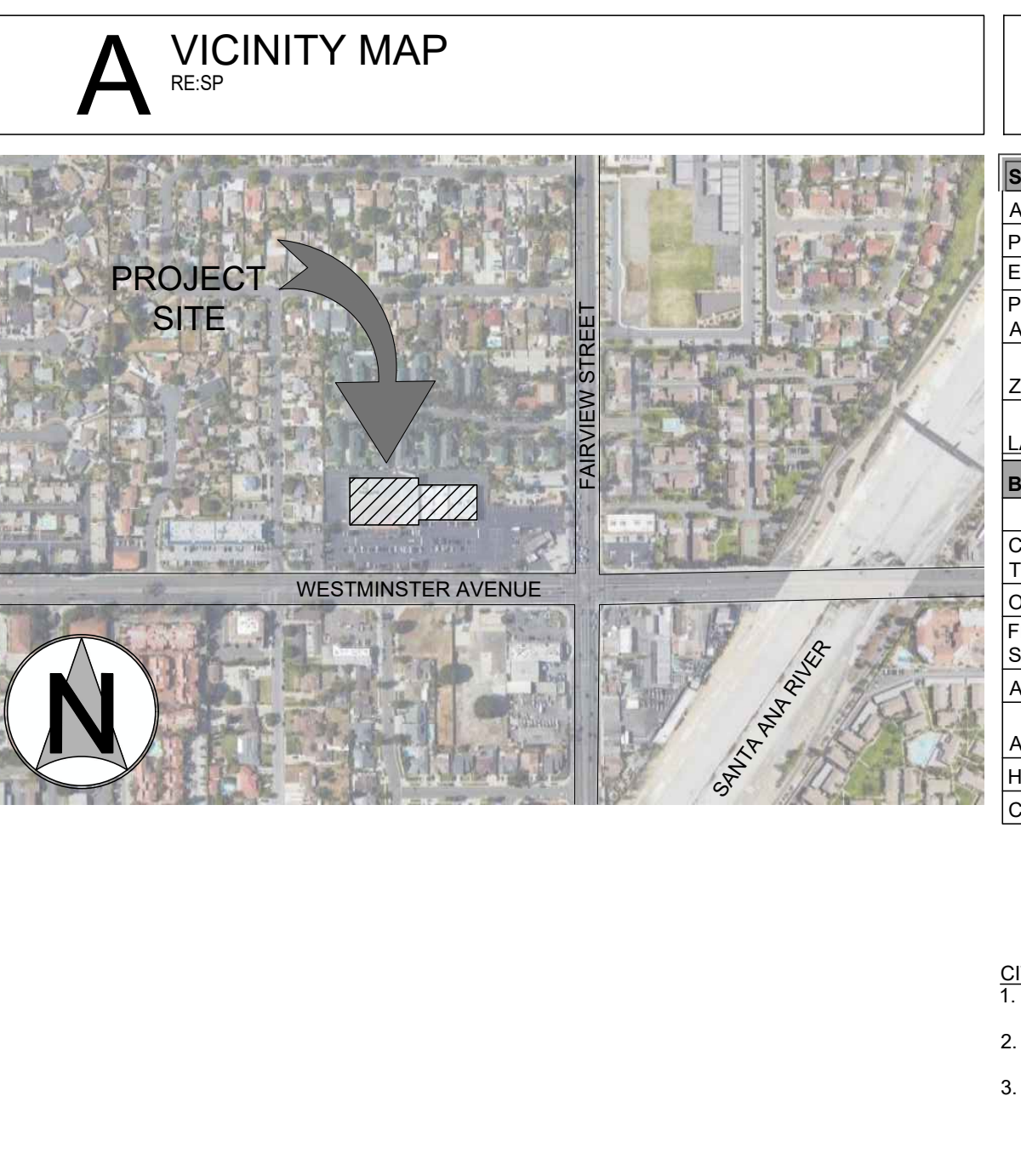


3 STRIPING DETAIL (TYP.)
 1/8" = 1'-0"



4 REINFORCED CONCRETE PAVEMENT
 1-1/2" = 1'-0"

NOTES:
 1. COORDINATE BLACK CONCRETE COLOR, PATTERN, TEXTURE, FINISH AND LOCATION OF CONTROL JOINTS WITH ARCHITECT. OWNER/ARCHITECT SHALL REVIEW AND APPROVE IT PRIOR TO CONSTRUCTION.
 2. CONCRETE: 28 DAY COMPRESSIVE STRENGTH: 3,250 PSI PER STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION. CONCRETE MIX DESIGN 9603-3205.
 3. PORTLAND CEMENTS TYPE I OR V CONFORMING TO ASTM C150.



A VICINITY MAP
 RES-5"

B PROJECT DATA
 RES-5"

SITE	
APR#	101-132-31, 101-31-30
PROPERTY BOUNDARY DESCRIPTION	PRBKS PG 17 PAR 2-3
EXISTING SITE AREA (PARCEL A)	74,537 S.F. / 1.711 AC
PROPOSED SITE AREA PER LOT LINE ADJUSTMENT	80,239 S.F. / 1.84 AC
ZONING	C1 (COMMUNITY COMMERCIAL)
LAND USE	GC (GENERAL COMMERCIAL (DISTRICT))

BUILDING	(E) MARKET	(E) RETAIL 'A'	(E) RETAIL 'B'
CONSTRUCTION TYPE	M.B.S	M.B	V.B
OCCUPANCY	M.B.S	B	B
FIRE SPRINKLERED	(N) AUTOMATIC	(N) AUTOMATIC	(N) AUTOMATIC
AREA	28,686 SF	4,226 SF	7,239 SF
NS	12,500 SF	NS 9,000 SF	NS 9,000 SF
ALLOWABLE AREA	51' 56,000 SF	51' 36,000 SF	51' 36,000 SF
HEIGHT LIMIT	(E) 35'-0"	(E) 20'-0"	(E) 20'-0"
COMPLIANCE	YES	YES	YES

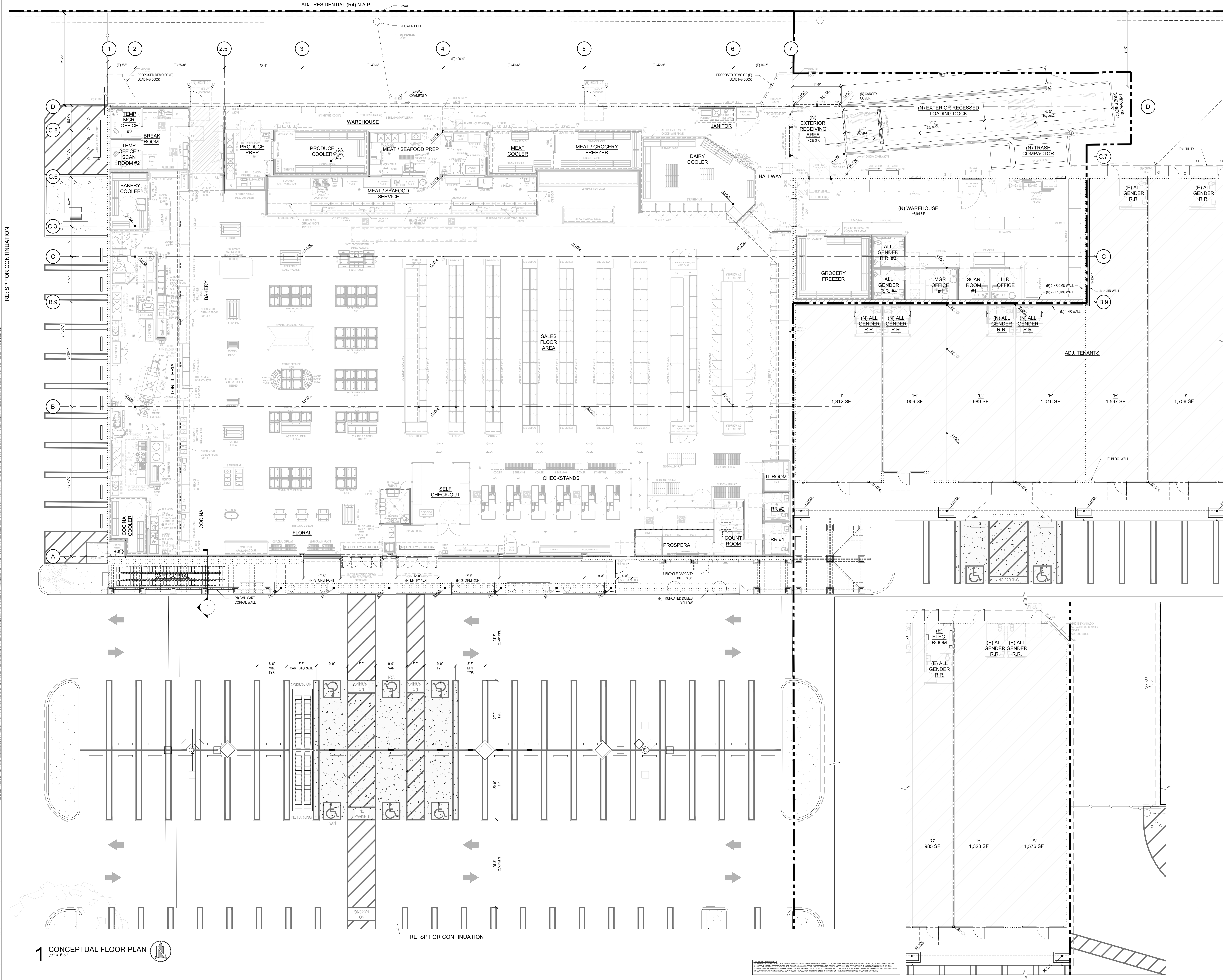
PARKING	STANDARD STALL	ADA STALLS PROVIDED
2-WAY DRIVE AISLE	6'-6" x 10'-0"	7 PROVIDED, COMPLIES
FIRE ACCESS ROAD	23'-0" MIN.	1 PROVIDED, COMPLIES
PARKING REQUIRED	20'-0" MIN.	2 PROVIDED, COMPLIES
RETAIL	5 SPACES PER 1,000 SF OF GFA	
RESTAURANTS	8 SPACES FOR EACH 1,000 SF OF GFA. OPEN AIR DINING AREA NO GREATER THAN 25% OF GFA OR 1,000 SF, WHICHEVER IS SMALLER	
OFFICES, BUSINESSES & PROFESSIONAL	3 SPACES PER 1,000 SF OF GFA	
MEDICAL/DENTAL OFFICES	3 SPACES PER 1,000 SF OF GFA	

STANDARD	(N) NORTHGATE MARKET (51000 x 28,686 S.F.) (RETAIL)
TENANT 'A'	128
TENANT 'B'	13.12
TENANT 'C'	9.09
TENANT 'D'	9.89
TENANT 'E'	10.16
TENANT 'F'	4.79
TENANT 'G'	10.55
TENANT 'H'	4.93
TENANT 'I'	3.97
TENANT 'J'	9.46
TOTAL	204

CITY REQUESTED NOTES:
 1. INSTALL 24" BOX STREET TREES PER THE CITY STANDARDS & APPROVED PLAN, AS NEEDED.
 2. INSTALL STREETLIGHTS ALONG THE PROPERTY FRONTAGE AS NEEDED PER APPROVED STREET IMPROVEMENT PLANS & CITY STANDARDS.
 3. GRINDING & CARPING OF A MINIMUM OF 7" OF THE EXISTING AC PAVEMENT ON WESTMINSTER AVENUE ALONG PROJECT FRONTAGE. (MAY BE REQUIRED) FOR (E) CURB LANE.

C LEGEND
 RES-5"

(Symbol)	ACCESSIBLE PARKING STALL	(Symbol)	TRANSFORMER
(Symbol)	ACCESSIBLE PATH OF TRAVEL	(Symbol)	LIGHT STANDARD POWER POLE
(Symbol)	PARKING COUNT	(Symbol)	LIGHT POLE
(Symbol)	LANDSCAPED AREA	(Symbol)	FIRE LANE
(Symbol)	EXISTING FIRE HYDRANT	(Symbol)	STAGING AREA
(Symbol)	EXISTING SPEED BUMP	(Symbol)	SCOPE OF WORK LIMIT LINE
(Symbol)	EXISTING CONCRETE SWALE	(Symbol)	EASEMENT
(Symbol)		(Symbol)	PARCEL LINE



RE: SP FOR CONTINUATION

RE: SP FOR CONTINUATION

1 CONCEPTUAL FLOOR PLAN
1/8" = 1'-0"

REVISIONS

NO.	DATE	BY	DESCRIPTION
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			

OWNER
NORTHGATE MARKET
 NORTHGATE GONZALEZ, LLC
 1201 N. MAGUIRE AVENUE
 ANAHEIM, CA 92801
 T 714 | 778.3784

PROJECT

LE ARCHITECTURE
 801 SOUTH MYRTLE AVENUE
 LOS ANGELES, CA 91016
 T 626 | 275.8800
 MAIL@LE-ARCHITECTURE.COM

CONSULTANT

AGENCY APPROVAL

PERMITS

PROJECT
NORTHGATE MARKET
007B SANTA ANA
 LOCATION
 2803 WESTMINSTER BLVD.,
 SANTA ANA, CA 92706

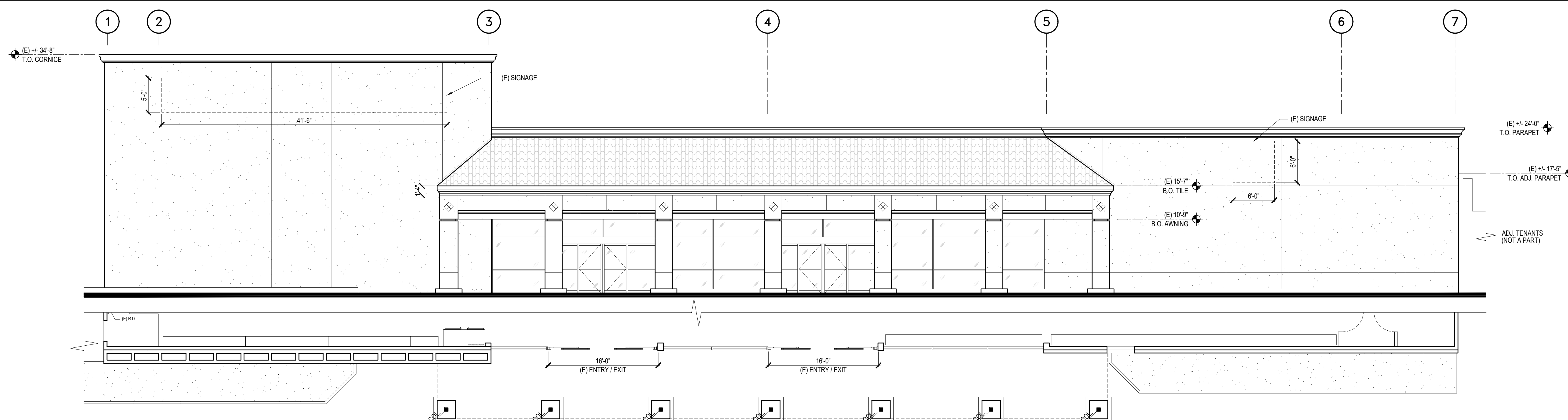
SHEET TITLE
CONCEPTUAL FLOOR PLAN

PROJECT ARCHITECT: MB
PROJECT MANAGER: AL
DRAWN BY: PC/AC
CHECKED BY: AK
DRAWING SCALE: 1/8"=1'-0"

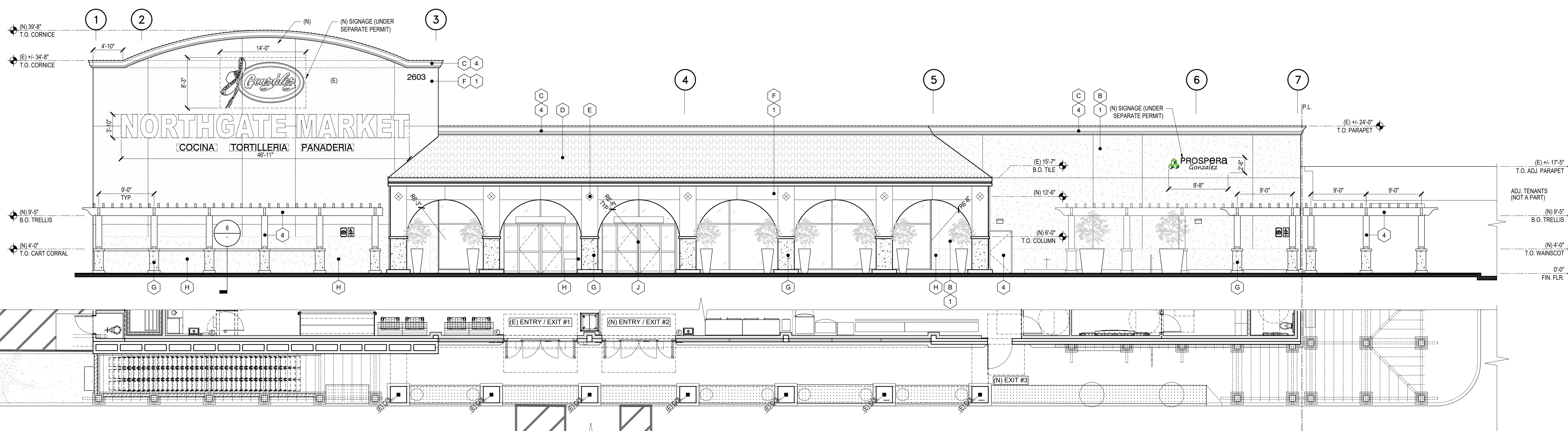
PROJECT NO.: 20-02-02
REV. NO.: V08 - 10/08/21
NO. OF SHEETS:
CONSTRUCTION ISSUE:

FP

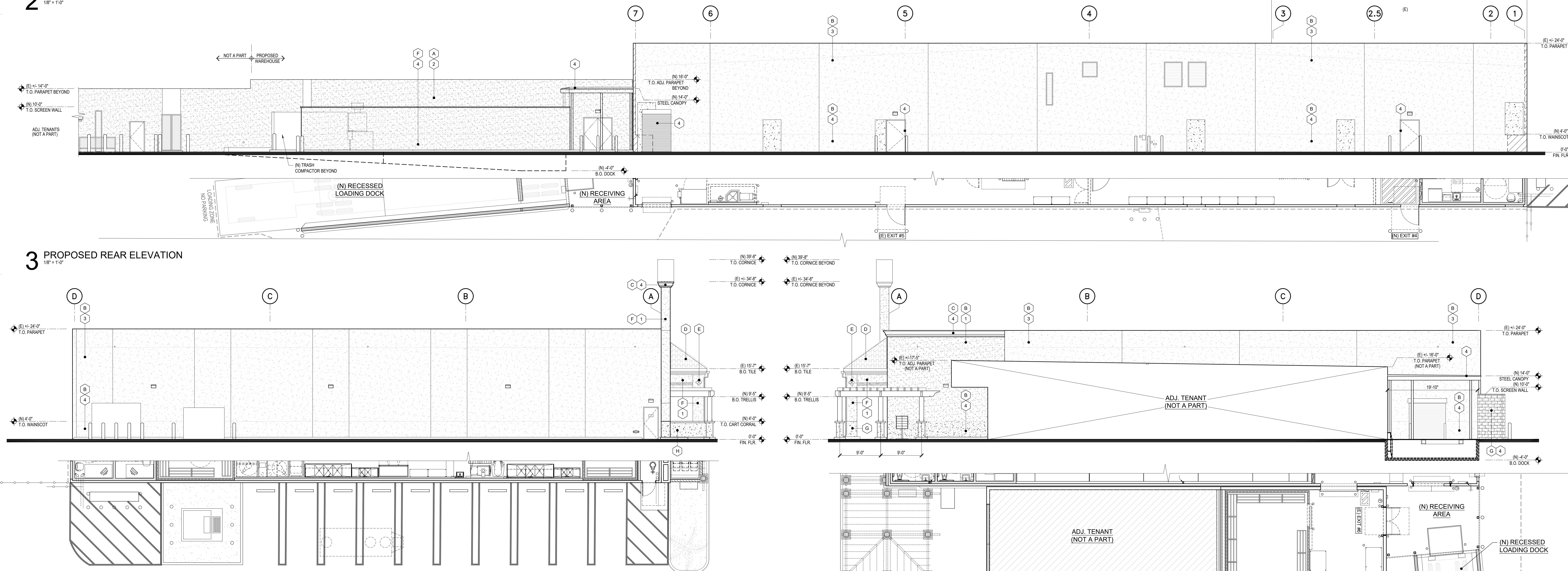
2/20/2023
 Planning Commission
 4&8thp1 & dash; 4&8thp40
 4&8thp;



1 EXISTING FRONT ELEVATION
18' x 11'-0"



2 PROPOSED FRONT ELEVATION
18' x 11'-0"



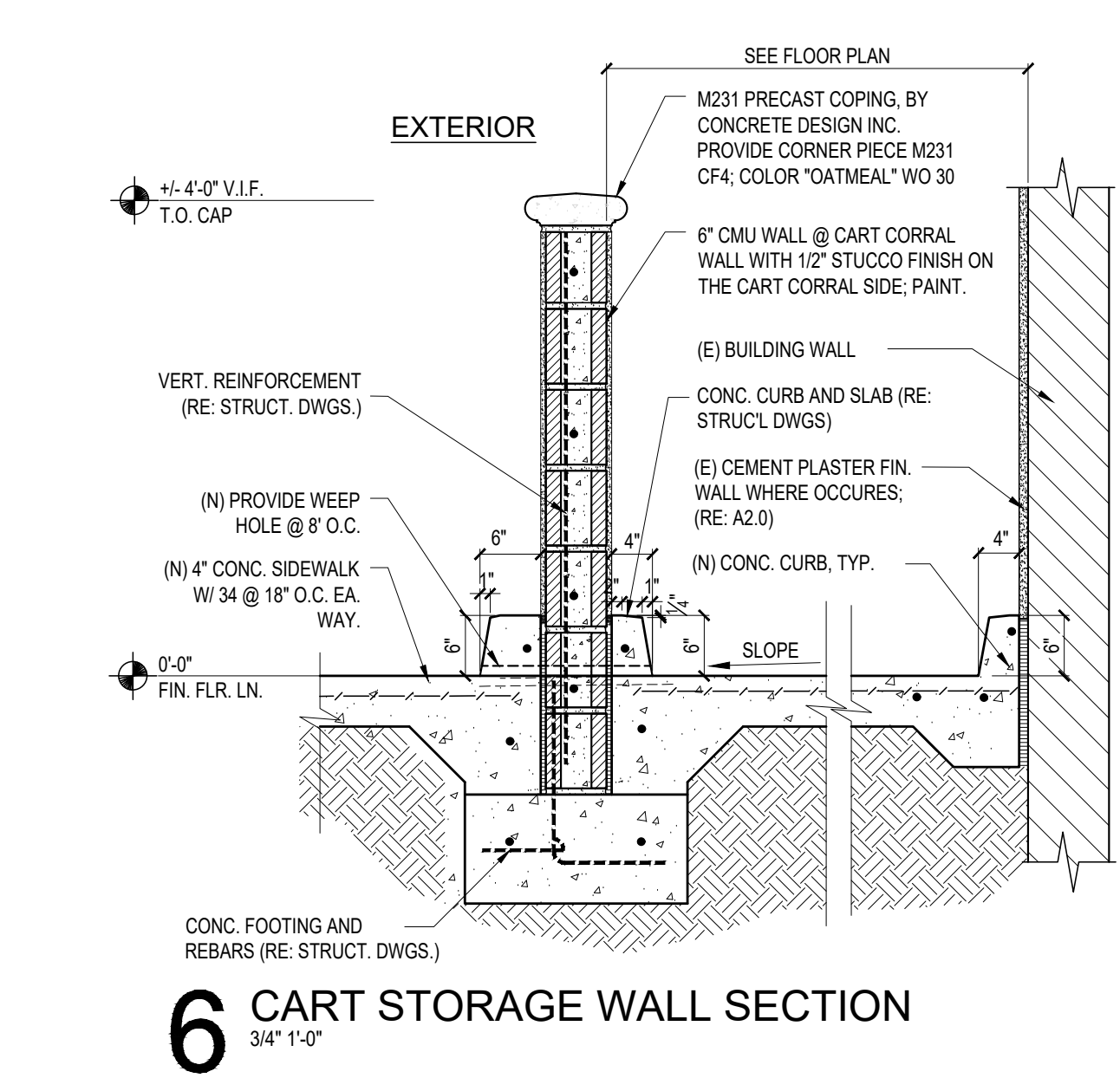
3 PROPOSED REAR ELEVATION
18' x 11'-0"

4 PROPOSED LEFT (WEST) ELEVATION
18' x 11'-0"

5 PROPOSED RIGHT (EAST) ELEVATION
18' x 11'-0"

C LEGEND
RE: A2.0. EXTERIOR ELEVATIONS
NOTE: TEXT WITH STRIKE THROUGH IS NOT USED

MATERIALS		PAINTS	
(A) CMU	(E) TILT-UP CONCRETE PANEL	(1) SUPER WHITE	BY BENJAMIN MOORE PAINT
(B) ROOF TILE TO REMAIN (MFR: HERRING MODEL: OLD SEEDNA ISLAND-409)	(F) DECORATIVE TILE (SPANISH TILE)	(2) CARRINGTON BEIGE	BY BENJAMIN MOORE PAINT
(C) EIFS CORNICE	(G) STUCCO LIGHT DASH FINISH	(3) ASHEN TAN	BY BENJAMIN MOORE PAINT
(D) (E) ROOF TILE TO REMAIN (MFR: HERRING MODEL: OLD SEEDNA ISLAND-409)	(H) STONE MFR: PACIFIC STONE DESIGN MODEL: SAND FINISH COLOR: 'ROMAN SP'	(4) DAVENPORT TAN	BY BENJAMIN MOORE PAINT
(E) TILT-UP CONCRETE PANEL	(I) STONE MFR: PACIFIC STONE DESIGN MODEL: SAND FINISH COLOR: 'ROMAN SP'		
(F) DECORATIVE TILE (SPANISH TILE)	(J) MTL. STOREFRONT COLOR: CLEAR ANODIZED		
(G) STUCCO LIGHT DASH FINISH			
(H) STONE MFR: PACIFIC STONE DESIGN MODEL: SAND FINISH COLOR: 'ROMAN SP'			
(I) STONE MFR: PACIFIC STONE DESIGN MODEL: SAND FINISH COLOR: 'ROMAN SP'			
(J) MTL. STOREFRONT COLOR: CLEAR ANODIZED			



6 CART STORAGE WALL SECTION
36" x 11'-0"

OWNER
Northgate Market
NORTHGATE MARKET
NORTHGATE MARKET, LLC
1201 N. MAGNOLIA AVENUE
ANAHEIM, CA 92801
T 714.778.3784

PROJECT
LE ARCHITECTURE
801 SOUTH MYRTLE AVENUE
LOS ANGELES, CA 91016
T 626.1275.8800
MAIL@LE-ARCHITECTURE.COM

CONSULTANT

AGENCY APPROVALS

PROJECT
NORTHGATE MARKET
007B SANTA ANA
LOCATION: 2603 WESTMINSTER BLVD., SANTA ANA, CA 92706

SHEET TITLE
CONCEPTUAL ELEVATIONS

PROJECT ARCHITECT: MB
PROJECT MANAGER: AL
DRAWN BY: SC/AC
CHECKED BY: AK
DRAWING SCALE: AS NOTED

PROJECT NO.: 20-002-02
REV. NO.: V08 - 1/04/2021
NO. ISSUE:
CONSTRUCTION ISSUE:

EL

3/26/2023
Planning Commission
2023031 & 2023031



- = Census Tract Boundary
1. Carnicerra El Faro
 2. 7 Eleven Store
 3. D & B Food & Liquor
 4. Garden Grove 76
 5. Thanh Long Maria Market
 6. Young's Market
 7. A & S Market
 8. La Bahia De Acapulco Market
 9. Stater Bros.

Exhibit 9 – Map of Off-sale Licenses within Census Tract 891.02

ORANGE COUNTY REPORTER

~SINCE 1921~

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Telephone (714) 543-2027 / Fax (714) 542-6841
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CHRISTINA LEONARD
CITY OF 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
2603 W. Westminster Ave

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):

02/16/2022

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	\$116.25
Total	\$116.25

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OR# 3556599

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: 2603 W. Westminster Ave
Project Applicant: Kevin Le with Le Architecture

Proposed Project: The applicant is requesting approval of Conditional Use Permit No. 2021-15 to establish a check cashing facility, Conditional Use Permit No. 2021-16 to allow off-premises sales of alcoholic beverages under a Type 21 ABC License, and Variance No. 2021-02 to allow relief from the Santa Ana Municipal Code (SAMC) sign standards to install off-centered signage on the primary elevation.)

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. 2021-115 will be filed for this project.

Meeting Details: This matter will be heard on **Monday, February 28, 2022 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 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 Christina Leonard, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza – M20, Santa Ana, CA 92701. Deadline to submit written comments is **4:00 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: <https://santa-ana.primegov.com/public/portal>.

Who To Contact For Questions: Should you have any questions, please contact Heidi Jacinto with the Planning and Building Agency at HJacintosanta-ana.org or 714-867-2725.

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 (714) 667-2260.

Nếu u c ả n liên l ậ c b ằ ng ti ể ng Vi ệ t, xin đ i ệ n tho ả i cho Tony Lai s ố (714) 565-2627.

2/16/22

OR-3556599#



* A 0 0 0 0 0 5 9 4 2 0 3 4 *

2/28/2022

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

The City of Santa Ana encourages the public to participate in the decision-making process. This notice is being sent to those who live or own property within 500 feet of the project site or who have expressed an interest in the proposed action. We encourage you to contact us prior to the Public Hearing if you have any questions.

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

500' RADIUS NOTIFICATION MAP

