

Planning Commission Regular Meeting Agenda Minutes

May 8, 2023

5:30 P.M.

Council Chamber

22 Civic Center Plaza
Santa Ana, CA



BAO PHAM

Chair, Ward 1 Representative

CARL BENNINGER

Ward 4 Representative

MANUEL ESCAMILLA

Ward 2 Representative

JENNIFER OLIVA

Ward 6 Representative

CHRISTOPHER LEO

Citywide Representative

ISURI S. RAMOS

Ward 3 Representative

ALAN WOO

Ward 5 Representative

MinhThai

Executive Director

John Funk

Legal Counsel

Ali Pezeshkpour, AICP

Planning Manager

Nuvia Ocampo

Recording Secretary



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CALL TO ORDER**Commissioners:**

**Bao Pham, Chair
Manuel Escamilla
Christopher Leo
Jennifer Oliva
Isuri S. Ramos
Alan Woo
Carl Benninger**

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

**Minh Thai
John Funk
Ali Pezeshkpour, AICP
Nuvia Ocampo**

ROLL CALL

Minutes: *Quorum was reached at 5:32 with Commissioner Escamilla arriving at 5:34 pm.*

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

Recommended Action: Approve Minutes from the last meeting.

b. Excused Absences

Recommended Action: Excuse absent commissioners.

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

YES: 7 – Bao Pham, Isuri Ramos, Alan Woo, Christopher Leo, Manuel J. Escamilla, Jennifer Oliva, Carl Benninger

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 0 – **Status:** 7 – 0 – 0 – 0 – **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 April 26, 2023 and notices were mailed on said date.*

1. CONDITIONAL USE PERMIT NO. 2023-10 FOR THE PROPERTY LOCATED AT 3000 SOUTH BRISTOL STREET LOCATED WITHIN THE COMMUNITY COMMERCIAL (C1) ZONING DISTRICT.

Project Applicant: Michael Trang, representing 7-Leaves Café (Applicant), and CJ Segerstrom & Sons (Property Owner)

Proposed Project: Applicant is requesting approval of Conditional Use Permit (CUP) No. 2023-13 to allow the drive-thru operations 7-leaves Café at the above-mentioned location.

Environmental Impact: Pursuant to the California Environment Quality Act (CEQA), the project is exempt from further review pursuant to Class 3, Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines. Categorical Exemption ER No. 2022-93 will be filed for this project.

Recommended Action: Adopt a resolution approving Conditional Use Permit No. 2023-10, as conditioned.

Minutes: *Staff provided a short presentation.*

Commissioners had questions for staff.

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

YES: 7 – Bao Pham, Isuri Ramos, Alan Woo, Christopher Leo, Manuel J. Escamilla, Jennifer Oliva, Carl Benninger

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

2. ZONING ORDINANCE AMENDMENT NO. 2023-01 AMENDING CHAPTER 41 OF THE SANTA ANA MUNICIPAL CODE TO INCREASE THE CONDITIONAL USE PERMIT SEPARATION REQUIREMENTS ON NOXIOUS USES FROM SENSITIVE RECEPTORS TO 1,000 FEET, UPDATE THE MESSAGE ESTABLISHMENT ORDINANCE, ADD A CONDITIONAL USE PERMIT SUSPENSION PROCESS AND OTHER CLARIFYING EDITS.

Project Location: Citywide

Project Applicant: City of Santa Ana, Planning and Building Agency

Proposed Project: The City of Santa Ana is proposing to amend various sections of Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC). The proposed amendments would increase the conditional use permit (CUP) separation requirement of noxious uses from sensitive receptors from 500 linear feet to 1,000 linear feet, provide updates to the City's message ordinance to require a separation requirement from residentially zoned or used properties and regulations for legal nonconforming establishments, establish a CUP suspension process, and provide clarifying edits to typographical errors and various internal inconsistencies.

Environmental Impact: Pursuant to the California Environment Quality Act (CEQA), the adoption of this Ordinance is exempt from CEQA review pursuant to Sections 15061(b)(3)/(5) of the CEQA Guidelines because the ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment, as there is no possibility the ordinance will have a significant effect on the environment and are not a "project", as defined in Section 15378 of the CEQA Guidelines.

Recommended Action: Recommend that the City Council adopt an ordinance approving Zoning Ordinance Amendment No. 2023-01

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

YES: 7 – Bao Pham, Isuri Ramos, Alan Woo, Christopher Leo, Manuel J. Escamilla, Jennifer Oliva, Carl Benninger

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

Administrative Matters

3. ELECTION OF OFFICER FOR THE PLANNING COMMISSION 2022-2023 PARTIAL TERM.

Recommended Action:

- a. Elect a Vice Chairperson for the remainder of the 2022-2023 term.

Minutes: *Commissioner Woo self-nominated.*

Moved by Commissioner Woo, seconded by Commissioner to Fail.

YES: 3 – Alan Woo, Christopher Leo, Carl Benninger

NO: 4 – Bao Pham, Isuri Ramos, Manuel J. Escamilla, Jennifer Oliva

ABSTAIN: 0 – **ABSENT:** 0 – **Status:** 3 – 4 – 0 – 0 – **Fail**

Minutes: *Chair Pham nominated Commissioner Ramos.*

Moved by Commissioner Pham, seconded by Commissioner to Approve.

YES: 6 – Bao Pham, Isuri Ramos, Alan Woo, Manuel J. Escamilla, Jennifer Oliva, Carl Benninger

NO: 1 – Christopher Leo

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

4. ELECTION OF REPRESENTATIVE TO THE HISTORIC RESOURCE COMMISSION.

Recommended Action:

- a. Elect a representative for the Historic Resource Commission.

Moved by Commissioner Escamilla, seconded by Commissioner to Approve.

YES: 7 – Bao Pham, Isuri Ramos, Alan Woo, Christopher Leo, Manuel J. Escamilla, Jennifer Oliva, Carl Benninger

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

Minutes: *Commissioner Escamilla self-nominated.*

Minutes:

End of Business Calendar

STAFF COMMENTS

COMMISSIONER COMMENTS

Minutes: *Commissioners had questions for staff.*

ADJOURNMENT

The next meeting of the Planning Commission will be on May 22, 2023 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

Minutes: *The meeting was adjourned at 6:37 pm.*

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.

MEETING INFORMATION

If you would like to learn how to use Zoom before the meeting, visit [Zoom Video Tutorials](#).

1. Connecting directly from your computer:

- Click on the link on top of this agenda OR
- Go to [Zoom.us](#) and click "Join a Meeting" at the top. Enter the Meeting ID. The Meeting ID is listed at the top of this agenda.

To speak during the meeting: When you wish to comment on an item that is being discussed, click on the button next to your name to virtually raise your hand and let us know you wish to speak. You will have 3 minutes.

2. Connecting via the Zoom App:

- Download the free Zoom Cloud Meetings app from your favorite app store.
- Launch the app and click on the blue Join a Meeting button. Enter the Meeting ID, your name, and the blue Join button. The Meeting ID is listed at the top of this agenda.

To speak during the meeting: When you wish to comment on an item that is being discussed, click on the button next to your name to virtually raise your hand and let us know you wish to speak. You will have 3 minutes.

3. Dialing in from a mobile phone or landline:

- Dial (669) 900-9128. When prompted, enter the meeting ID. The Meeting ID is listed at the top of this agenda.

To speak during the meeting: When you wish to comment on an item that is being discussed, press *9 on your phone to virtually raise your hand. You will have 3 minutes.

Submit a written comment

You are invited to submit a written comment in one of the following ways:

- **E-mail** PBAComments@santa-ana.org and reference the topic in the subject line.
- **Mail** to Nuvia Ocampo, 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.