

# Planning Commission Regular Meeting Agenda Minutes

June 12, 2023

5:30 P.M.

## Council Chamber

22 Civic Center Plaza  
Santa Ana, CA



### **BAO PHAM**

*Chair, Ward 1 Representative*

### **ISURI R. RAMOS**

*Vice-Chair  
Ward 3 Representative*

### **CHRISTOPHER LEO**

*Citywide Representative*

### **MANUEL J. ESCAMILLA**

*Ward 2 Representative*

### **CARL BENNINGER**

*Ward 4 Representative*

### **JENNIFER OLIVA**

*Ward 6 Representative*

### **ALAN WOO**

*Ward 5 Representative*

### **Minh Thai**

*Executive Director*

### **Jose Montoya**

*Legal Counsel*

### **Pedro Gomez AICP**

*Senior Planner*

### **Nuvia Ocampo**

*Recording Secretary*



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**CALL TO ORDER****Commissioners:****Bao Pham, Chair  
Manuel Escamilla  
Christopher Leo  
Carl Benninger  
Jennifer Oliva  
Isuri S. Ramos  
Alan Woo****Executive Director  
Assistant City Attorney  
Senior Planner  
Recording Secretary****Minh Thai  
Jose Montoya  
Pedro Gomez, AICP  
Nuvia Ocampo****ROLL CALL****Minutes:** *Quorum was reached at 5:39 pm.***PLEDGE OF ALLEGIANCE****PUBLIC COMMENTS (non agenda items)****Minutes:** *Resident made comments pertaining to short term rentals.***CONSENT CALENDAR ITEMS****a. Minutes****Recommended Action:** Approve Minutes from the last meeting.**b. Excused Absences****Recommended Action:** Excuse absent commissioners.**Moved by Commissioner Benninger, seconded by Commissioner Woo to Approve.**

**YES:** 6 – Bao Pham, Isuri Ramos, Alan Woo, Christopher Leo, Manuel J. Escamilla, Carl Benninger

**NO:** 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Jennifer Oliva

**Status:** 6 – 0 – 0 – 1 – **Pass**

*\*End of Consent Calendar\**

## **BUSINESS CALENDAR**

### **Regular Business**

#### **1. GENERAL PLAN CONSISTENCY FINDING FOR THE FISCAL YEAR 2023-2024 CAPITAL IMPROVEMENT PROGRAM**

**Environmental Impact:** Pursuant to the California Environmental Quality Act (CEQA), this action is categorically exempt from further review per Section 15306 (Class 6 – Information Collection) of the CEQA Guidelines. This exemption consists of basic data collection, research and resource evaluation activities, which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action, which a public agency has not yet approved, adopted, or funded.

**Recommended Action:** Adopt a resolution finding the Fiscal Year 2023-2024 Capital Improvement Program (CIP) consistent with the General Plan.

**Minutes:** *Principal Civil Engineer, Zdenek Kekula, provided a presentation. Commissioners had questions for staff.*

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

**YES:** 6 – Bao Pham, Isuri Ramos, Alan Woo, Christopher Leo, Manuel J. Escamilla, Carl Benninger

**NO:** 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Jennifer Oliva

**Status:** 6 – 0 – 0 – 1 – **Pass**

#### **2. GENERAL PLAN CONSISTENCY FINDING FOR ABANDONMENT NO. 2023-01 – ALLEY VACATION ADJACENT TO 2383 NORTH FLOWER STREET**

**Project Location:** 2383 North Flower Street located within the single-family residential (R1) zone.

**Project Applicant:** Colin Donnelly and Caroline La

**Proposed Project:** Applicant is requesting approval of Abandonment No. 2023-01 to allow the City to vacate a portion of a public right-of-way (alley) easement located directly south of and adjacent to their property. The City currently holds a public easement over the portion to be vacated or prospective use for the portion

to be vacated. Should this portion of the alley be vacated, the public easement will be terminated and will revert to the owners of 2383 North Flower Street.

**Environmental Impact:** Pursuant to Section 15378 of the California Environmental Quality Act (CEQA) and the CEQA Guidelines, this action is not a project and is therefore exempt from further CEQA review. The action will not result in a direct or reasonably foreseeable indirect physical change in the environment, as there is no possibility it will have a significant effect on the environment. As a result, Environmental Review No. 2023-27 will be filed for this action.

**Recommended Action:**

Adopt a resolution finding Abandonment No. 2023-01 to be consistent with the General Plan

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

**YES:** 6 – Bao Pham, Isuri Ramos, Alan Woo, Christopher Leo, Manuel J. Escamilla, Carl Benninger

**NO:** 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Jennifer Oliva

**Status:** 6 – 0 – 0 – 1 – **Pass**

**Minutes:** *Assistant Engineer, Yvonne Soto, provided a presentation. Commissioners had questions for staff and property owner.*

**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 June 2, 2023 and notices were mailed on said date.*

**3. CONDITIONAL USE PERMIT NO. 2023-12 AND VARIANCE NO. 2023-02 FOR THE PROPERTY LOCATED AT 2204 WEST MCFADDEN AVENUE LOCATED WITHIN THE SINGLE FAMILY RESIDENTIAL (R1) ZONING DISTRICT.**

**Project Location:** 2204 West McFadden Avenue located within the single-family residential (R1) zone.

**Project Applicant:** Stephen Holte

**Proposed Project:** Applicant is requesting approval of Conditional Use Permit (CUP) No. 2023-12 to allow for the establishment of a new private college-preparatory high school and Variance No. 2023-02 to allow for a fence that would exceed the permissible height standards for fences located within the front yard

area.

**Environmental Impact:** Pursuant to the California Environment Quality Act (CEQA), the project is categorically exempt from further review per Sections 15301 (Class 1 – Existing Facilities) and Section 15314 (Class 14 – Minor Additions to Schools) of the CEQA Guidelines. The project proposes to establish a school with minimal tenant improvements within an existing building previously occupied by a school. As such, a Notice of Exemption, Environmental Review No. 2022-127, will be filed for this project.

**Recommended Action:** Adopt a resolution approving Conditional Use Permit No. 2023-12 and Variance No. 2023-02 as conditioned.

**Minutes:** *Staff provided presentation. Commission had questions for staff and applicant. Applicant spoke in favor of the item. Members of the public did not provide comment during the public hearing.*

**Moved by Commissioner Leo, seconded by Commissioner Escamilla to Approve.**

**YES:** 6 – Bao Pham, Isuri Ramos, Alan Woo, Christopher Leo, Manuel J. Escamilla, Carl Benninger

**NO:** 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Jennifer Oliva

**Status:** 6 – 0 – 0 – 1 – **Pass**

**4. CONDITIONAL USE PERMIT NO. 2023-11 FOR THE PROPERTY LOCATED AT 201 EAST FOURTH STREET LOCATED WITHIN THE TRANSIT ZONING CODE (SD84) ZONE.**

**Project Location:** 201 East Fourth Street located within the Transit Zoning Code (SD84) zone.

**Project Applicant:** Brian Kim

**Proposed Project:** The applicant is requesting approval of Conditional Use Permit (CUP) No. 2023-11 to allow the operation of a Type 41 Alcoholic Beverage Control (ABC) license for the sale of beer and wine for on-site consumption at a proposed eating establishment.

**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. Categorical Exemption ER No. 2023-52 will be filled for this project.

**Recommended Action:** Adopt a Resolution approving Conditional Use Permit No. 2023-11.

**Minutes:** *Staff provided presentation. Commission had questions for staff and*

*business owner. Members of the public did not provide comment during the public hearing.*

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

**YES:** 6 – Bao Pham, Isuri Ramos, Alan Woo, Christopher Leo, Manuel J. Escamilla, Carl Benninger

**NO:** 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Jennifer Oliva

**Status:** 6 – 0 – 0 – 1 – **Pass**

### **Administrative Matters**

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

#### **WORK STUDY SESSION**

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

#### **STAFF COMMENTS**

#### **COMMISSIONER COMMENTS**

**Minutes:** *Commission had questions for staff.*

#### **ADJOURNMENT**

The next meeting of the Planning Commission will be on June 26, 2023 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

**Minutes:** *Meeting was adjourned at 7:30 pm*

#### **FUTURE AGENDA ITEMS**

- Modification to Conditional Use Permit No. 2019-41 for the property located at 2230 North Tustin Avenue.

## **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 is

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](mailto: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.***