

Planning Commission Regular Meeting Agenda

March 11, 2024

5:30 P.M.

Council Chamber

22 Civic Center Plaza

Santa Ana, CA

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Join from your computer: <https://zoom.us/j/84983107449>

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*For viewing only: www.youtube.com/cityofsantaanavideos. **Please note:** There is up to a 30 second delay when viewing the meeting via YouTube. If you plan to provide a public comment during the meeting, please join the meeting via Zoom.

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

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



BAO PHAM

Chair, Ward 1 Representative

JENNIFER OLIVA

Vice-Chair

Ward 6 Representative

MANUEL J. ESCAMILLA

Ward 2 Representative

ISURI S. RAMOS

Ward 3 Representative

CHRISTOPHER LEO

Citywide Representative

CARL BENNINGER

Ward 4 Representative

ALAN WOO

Ward 5 Representative

Minh Thai

Executive Director

Jose Montoya

Legal Counsel

Ali Pezeshkpour, AICP

Planning Manager

Nuvia Ocampo

Recording Secretary



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

CALL TO ORDER

Commissioners:

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

**Executive Director
Assistant City Attorney
Planning Manager
Recording Secretary**

**Minh Thai
Jose Montoya
Ali Pezeshkpour, AICP
Nuvia Ocampo**

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS (non-agenda items)

CONSENT CALENDAR ITEMS

a. Minutes

Recommended Action: Approve Minutes from February 26, 2024.

b. Excused Absences

Recommended Action: Excuse absent commissioners.

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

BUSINESS CALENDAR

NO PUBLIC HEARING ITEMS.

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

WORK STUDY SESSION

1. Proposed Zoning Code Amendments Addressing Electrified Security Fences.

End of Work Study Session Calendar

STAFF COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

The next meeting of the Planning Commission will be on March 25, 2024 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

APPEAL INFORMATION

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

MEETING INFORMATION

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3. Dialing in from a mobile phone or landline:

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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.

Planning Commission Regular Meeting Agenda Minutes

February 26, 2024

5:30 P.M.

Council Chamber

22 Civic Center Plaza
Santa Ana, CA



BAO PHAM

Chair, Ward 1 Representative

JENNIFER OLIVA

*Vice-Chair,
Ward 6 Representative*

CHRISTOPHER LEO

Citywide Representative

MANUEL J. ESCAMILLA

Ward 2 Representative

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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
Planning Manager
Recording Secretary**

**Minh Thai
Jose Montoya
Ali Pezeshkpour, AICP
Nuvia Ocampo**

ROLL CALL

Minutes: *Quorum was reached at 5:40 p.m.*

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

Recommended Action: Approve Minutes from February 12, 2024

b. Excused Absences

Recommended Action: Excuse absent commissioners.

Moved by Commissioner Woo, seconded by Commissioner Benninger to Approve Consent Calendar items.

YES: 5 – Isuri Ramos, Alan Woo, Manuel J. Escamilla, Jennifer Oliva, Carl Benninger

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 2 – Bao Pham, Christopher Leo

Status: 5 – 0 – 0 – 2 – **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 14, 2024, and notices were mailed on February 16, 2024.*

1. CONDITIONAL USE PERMIT NO. 2023-15 FOR THE PROPERTY LOCATED AT 3420 SOUTH BRISTOL STREET LOCATED WITHIN THE PLANNED SHOPPING CENTER (C4) ZONING DISTRICT.

Project Applicant: Daniel & Marco Andrade with Paloma Negra Fusion Bar (Applicants) on behalf of BSG McArthur Sunflower Center, LLC (Property Owner)

Proposed Project: Applicants are requesting approval of Conditional Use Permit (CUP) No. 2023-15 to allow the sale of beer, wine, and distilled spirits for on-premises consumption, through a Type 47 license from the Department of Alcoholic Beverage Control (ABC), at a new eating establishment.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) guidelines, this project is exempt from further review pursuant to Class I, Section 15301 of the CEQA guidelines. A Categorical Exemption, ER No. 2023-112, will be filed for this project.

Recommended Action:

1. Adopt a resolution approving Conditional Use Permit No. 2023-15 as conditioned.

Minutes: *Commission had questions for staff.*

Commission had questions for Applicant.

Applicant, Ernesto Martinez, answered questions from the Commission.

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

YES: 5 – Isuri Ramos, Alan Woo, Manuel J. Escamilla, Jennifer Oliva, Carl Benninger

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 2 – Bao Pham, Christopher Leo

Status: 5 – 0 – 0 – 2 – **Pass**

2. CONDITIONAL USE PERMIT NO. 2024-01, CONDITIONAL USE PERMIT NO. 2024-02, AND AMENDMENT APPLICATION NO. 2024-01 FOR THE PROPERTY LOCATED AT 2101 & 2109 EAST SANTA CLARA AVENUE

LOCATED WITHIN THE GENERAL AGRICULTURAL (A1) ZONING DISTRICT.

Project Applicant: Donald Ellis with Stream Realty Partners (Applicant) representing SRP Stater Bros, LLC, a Texas Limited Liability Company (Property Owner)

Proposed Project: Applicant is requesting approval of Conditional Use Permit (CUP) No. 2024-01 and CUP No. 2024-02, and Amendment Application No. 2024-01, to allow a zone change from General Agricultural (A1) to Arterial Commercial (C5), and allow for the construction of a 3,975-square-foot fast food eating establishment (McDonald's) with drive-through window service and after-hours operations (24-hour drive-through). The site plan and related documents are available to the public for review at City Hall at 20 Civic Center Plaza, Santa Ana, California 92701 and on the City's website at <https://www.santa-ana.org/mcdonalds-drive-through-restaurant/>.

Environmental Impact: Pursuant to the requirements of the California Environmental Quality Act (CEQA), an Initial Study and Mitigated Negative Declaration (IS/MND) has been prepared for the project. The IS/MND's Notice of Intent (NOI) was posted to the County Clerk on January 12, 2024, for the required 20-day public comment period, which ended on February 1, 2024. The City of Santa Ana has determined, based on the IS/MND, that the project will not have a significant effect on the environment with implementation of recommended mitigation measures. The IS/MND is available to the public for review at City Hall at 20 Civic Center Plaza, Santa Ana, California 92701 and on the City's website at <https://www.santa-ana.org/documents/public-review-draft-is-mnd/>.

Recommended Actions:

1. Recommend that the City Council adopt an ordinance approving Amendment Application No. 2024-01;
2. Adopt a resolution approving Conditional Use Permit No. 2024-01 as conditioned to allow drive through window service; and
3. Adopt a resolution approving Conditional Use Permit No. 2024-02 as conditioned to allow after-hours operations within 150 feet of residentially zoned and used property.

Minutes: *Commission had questions for staff*

Commission had questions for Applicant.

Applicant answered questions from staff.

Resident, Dave Denni, spoke in opposition of this project.

Resident, Mike Tarter, spoke in opposition of this this project.

Resident, Winston Covington, spoke in opposition of this project.

Resident, Roger Shortall, spoke in opposition of this project.

Resident, Dale Helvig, spoke in opposition of this project.

Resident, Mario Gutierrez, spoke in favor of this project.

Resident, Saul Maldonado, spoke in favor of this project.

Resident, Susana Gutierrez, spoke in favor of this project.

Resident, Angelica Melendez, spoke in favor of this project.

Resident, J Aguilera, spoke in opposition of this project via Zoom.
Resident, Miguel DeDios, spoke in opposition of this project via Zoom.
Resident, Vannessa, spoke in opposition of this project via Zoom.
Resident, Olivia Longoria, spoke in opposition of this project via Zoom.
Resident, Debbie Fredeckrisson, spoke in opposition of this project via Zoom.
Resident, Mary Falcon, spoke in opposition of this project via Zoom.
Resident, spoke in favor of this project via Zoom.
Resident, Kane, spoke in opposition of this project via Zoom
Applicant withdrew application for Conditional Use Permit No. 2024-02.

Moved by Commissioner Woo, seconded by Commissioner Escamilla to recommend that the City Council adopt an ordinance approving Amendment Application No. 2024-01.

YES: 4 – Alan Woo, Manuel J. Escamilla, Jennifer Oliva, Carl Benninger
NO: 1 – Isuri Ramos
ABSTAIN: 0 – ABSENT: 2 – Bao Pham, Christopher Leo
Status: 4 – 1 – 0 – 2 – Pass

Moved by Commissioner Woo, seconded by Commissioner Benninger to Adopt a resolution approving Conditional Use Permit No. 2024-01 as conditioned to allow drive-through window service.

YES: 3 – Alan Woo, Jennifer Oliva, Carl Benninger
NO: 2 – Isuri Ramos, Manuel J. Escamilla
ABSTAIN: 0 – ABSENT: 2 – Bao Pham, Christopher Leo
Status: 3 – 2 – 0 – 2 – Pass

Motion to reopen the public hearing to allow the applicant to request withdrawal of Conditional Use Permit No. 2024-02 for after-hours operation.

YES: 5 – Alan Woo, Jennifer Oliva, Carl Benninger, Isuri Ramos, Manuel J. Escamilla
NO: 0 – ABSTAIN: 0 – ABSENT: 2 – Bao Pham, Christopher Leo
Status: 5 – 0 – 0 – 2 – Pass

Following the reopening of the public hearing, the applicant verbally requested withdrawal of Conditional Use Permit No. 2024-02 for after-hours operation. No further action on Conditional Use Permit No. 2024-02 was therefore necessary.

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

STAFF COMMENTS

Minutes: *None*

COMMISSIONER COMMENTS

Minutes: *Commission had questions for staff.*

ADJOURNMENT

The next meeting of the Planning Commission will be on March 11, 2024 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

Minutes: *Meeting was adjourned at 8:44 p.m.*

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