

Planning Commission Regular Meeting Agenda

July 22, 2024

5:30 P.M.

Council Chamber

22 Civic Center Plaza
Santa Ana, CA

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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.



JENNIFER OLIVA
Chair, Ward 6 Representative

ISURI S. RAMOS
*Vice-Chair
Ward 3 Representative*

MANUEL J. ESCAMILLA
Ward 2 Representative

BAO PHAM
Ward 1 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



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CALL TO ORDER

Commissioners:

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

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

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

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

CONSENT CALENDAR ITEMS

a. Minutes

Recommended Action: Approve Minutes from July 8, 2024.

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 July 12, 2024 and notices were mailed on said date.

1. CONDITIONAL USE PERMIT NOS. 2024-09 AND 2024-10 FOR THE PROPERTY LOCATED AT 1951 EAST DYER ROAD, UNIT H LOCATED WITHIN THE SPECIFIC DEVELOPMENT NO. 88 (SD-88) ZONING DISTRICT.

Project Applicant: Shar Pourdanesh with Nexus Market (Applicant) and on behalf of PR/- Broadstone Heritage I, LLC. (Property Owner)

Proposed Project: Applicant is requesting approval of Conditional Use Permit (CUP) 2024-09 to allow the sale of alcoholic beverages for off-premises consumption through the operation of a Type-21 Alcoholic Beverage Control license and Conditional Use Permit (CUP) No. 2024-10 to allow after-hours operations at a proposed convenience store (Nexus Market). In addition, approval to make a determination of Public Convenience or Necessity (PCN) to allow the sale of alcoholic beverages for off-premises consumption is required.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt from further review pursuant to Section 15301 (Class 1 – Existing Facilities) of the CEQA guidelines. A Notice of Exemption (NOE) will be filed for this project.

Recommended Action:

1. Adopt a resolution approving Conditional Use Permit No. 2024-09 for a Type-21 ABC License as conditioned.
2. Adopt a resolution approving Conditional Use Permit No. 2024-10 for After-Hours operation as conditioned.
3. Authorize staff to issue a Letter of Public Convenience or Necessity to the State Department of Alcoholic Beverage Control.

Regular Business

2. GENERAL PLAN CONSISTENCY FINDING FOR ABANDONMENT NO. 2024-01 – STREET VACATION ADJACENT TO 209 WEST CIVIC CENTER DRIVE AND FORMER CHURCH STREET

Project Applicant: Community Development Agency of the City of Santa Ana

Proposed Project: The Community Development Agency of the City of Santa Ana- is requesting to vacate former Church Street and excess Civic Center Drive right of way containing a driveway and raised planters south of the YMCA building at 209 West Civic Center Drive. The City has no current or prospective use for the portion of street right of way to be vacated, and the space will revert to and be conveyed to the property owner at 209 West Civic Center Drive.

Environmental Impact: The proposed vacation of the Vacation Area is exempt from review under the California Environmental Quality Act pursuant to section 15061(b)(3) of

the State CEQA Guidelines because it can be seen with certainty that there is no possibility that it will have a significant impact on the environment. The proposed vacation is also exempt from CEQA review under section 15305 of the State CEQA Guidelines.

Recommended Action:

1. Adopt a resolution finding that Abandonment No. 2024-01 is consistent with the General Plan

Administrative Matters

- **Request for presentation from the Orange County Fire Authority (OCFA) – Commissioner Benninger**

End of Business Calendar

STAFF COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

The next meeting of the Planning Commission will be on August 12, 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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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 3:30 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

July 8, 2024

5:30 P.M.

Council Chamber

22 Civic Center Plaza
Santa Ana, CA



BAO PHAM

Chair, Ward 1 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
Chief Asst. City Attorney
Planning Manager
Recording Secretary**

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

ROLL CALL

Minutes: *Quorum was reached at 5:35 p.m. with Commissioner Escamilla arriving at 5:37 p.m.*

PLEDGE OF ALLEGIANCE**PUBLIC COMMENTS**

Minutes: *None.*

CONSENT CALENDAR ITEMS**a. Minutes**

Recommended Action: Approve Minutes from June 24, 2024.

b. Excused Absences

Recommended Action: Excuse absent commissioners.

Minutes: *Commissioner Leo abstained from voting as he was absent from the previous meeting.*

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

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

NO: 0 – **ABSTAIN:** 1 – Christopher Leo

ABSENT: 0 – **Status:** 6 – 0 – 1 – 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 June 28, 2024, and notices were mailed on said date.*

1. MODIFICATION OF CONDITIONAL USE PERMIT (CUP) NO. 2005-22 FOR THE PROPERTY LOCATED AT 1441 WEST SEVENTEENTH STREET LOCATED WITHIN THE GENERAL COMMERCIAL (C2) ZONING DISTRICT.

Project Applicant: Beth Aboulafia with Hinman and Carmichael, LLP. and representing Target Corporation (Applicant/Property Owner)

Proposed Project: Applicant is requesting approval of modification of existing Conditional Use Permit No. 2005-22 to allow the sale of distilled spirits, in addition to beer and wine, for off-site consumption at an existing Target retail store.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt from further review pursuant to Section 15301 (class 1 – Existing Facilities) of the CEQA guidelines. A new Notice of Exemption (NOE) will be filed for this project.

Recommended Actions:

1. Adopt a resolution approving Conditional Use Permit No. 2005-22-MOD-1 as conditioned, and
2. Authorize staff to issue a Letter of Public Convenience or Necessity to the State Department of Alcoholic Beverage Control.

Minutes: *Commission had questions for staff.*

Staff answered questions from Commission.

Applicant, Beth Aboulafia, answered questions from Commission.

Moved by Commissioner Benninger, 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**

2. MODIFICATION OF CONDITIONAL USE PERMIT (CUP) NO. 2012-14 FOR THE PROPERTY LOCATED AT 3300 SOUTH BRISTOL STREET LOCATED WITHIN THE PLANNED SHOPPING CENTER (C4) ZONING DISTRICT.

Project Applicant: Beth Aboulafia with Hinman and Carmichael, LLP. and representing Target Corporation (Applicant/Property Owner)

Proposed Project: Applicant is requesting approval of modification of existing Conditional Use Permit No. 2012-14 to allow the sale of distilled spirits, in addition to beer and wine, for off-site consumption at an existing Target retail store.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt from further review pursuant to Section 15301 (class 1 – Existing Facilities) of the CEQA guidelines. A new Notice of Exemption (NOE) will be filed for this project.

Recommended Actions:

1. Adopt a resolution approving Conditional Use Permit No. 2012-14-MOD-1 as conditioned, and
2. Authorize staff to issue a Letter of Public Convenience or Necessity to the State Department of Alcoholic Beverage Control.

Minutes: *Commission had questions for staff.*

Staff answered questions from Commission.

Applicant, Beth Aboulafia, answered questions from Commission.

Moved by Commissioner Benninger, seconded by Commissioner Escamilla 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**

3. CONDITIONAL USE PERMIT (CUP) NO. 2024-06 AND CONDITIONAL USE PERMIT (CUP) NO. 2024-07 FOR THE PROPERTY LOCATED AT 1303 NORTH BRISTOL STREET FOR THE PROPERTY LOCATED WITHIN THE BRISTOL STREET CORRIDOR SPECIFIC PLAN (SP1) ZONING DISTRICT.

Project Applicant: Jay Higgins, with Raising Cane's Chicken Fingers (Applicant) on behalf of Charles Manh (Property Owner)

Proposed Project: Applicant requests approval of Conditional Use Permit (CUP) No. 2024-06 and Conditional Use Permit (CUP) No. 2024-07 to allow for the construction of a new eating establishment (Raising Cane's Chicken Fingers) with drive-through window services and after-hours operation (between 12:00 a.m. and 5:00 a.m.). The

subject site is comprised of two parcels, Assessor's Parcel No. (APN) 405-272-21 and 405-272-24, which will be merged as part of a ministerial review process.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA), the project is exempt from additional review pursuant to Section 15303 (Class 3 – New Construction) of the CEQA guidelines. Environmental Review No. 2023-72 will be filed for this project.

Recommended Actions:

1. Adopt a resolution approving Conditional Use Permit No. 2024-06 for drive-through window service, as conditioned.
2. Adopt a resolution approving Conditional Use Permit No. 2024-07 for after-hours operation, as conditioned.

Minutes: *Commission had questions for staff.*

Staff answered questions from Commission.

Commission had questions for the applicant.

Applicant, Jay Higgings, answered questions from Commission.

Resident, Nicole Redding, raised questions about the partition walls, and dirt and dust being an environmental hazard.

Resident, Andrew, raised questions about the increase in traffic and the waste that may accumulate.

Resident, Katlan, spoke in opposition to the project.

Moved by Commissioner Woo, seconded by Commissioner Oliva 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**

4. ZONING ORDINANCE AMENDMENT (ZOA) NO. 2024-01 FOR PROPERTY LOCATED AT 3100, 3110, 3120, 3130, AND 3400 WEST LAKE CENTER DRIVE (COLLECTIVELY REFERRED TO AS 3100 WEST LAKE CENTER DRIVE) LOCATED WITHIN SPECIFIC DEVELOPMENT NO. 58 (SD-58)

Project Applicant: Jeffrey Reese representing C.J. Segerstrom & Sons (Applicant)

Proposed Project: Applicant is requesting approval of Zoning Ordinance Amendment (ZOA) No. 2024-01 modifying Specific Development No. 58 (SD-58) to establish permitted and conditionally permitted light industrial land uses, accompanying development standards, as well as additional zoning text updates, in order to facilitate the construction of three industrial buildings, approximately 112,230 square feet, 121,645 square feet, and 79,369 square feet in size, for a new industrial park development ("South Coast Technology Center"). The subject site is comprised of several parcels, including Assessor's Parcel Nos. (APNs) 414-272-09, 414-272-10, and 414-261-01.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA),

the project is exempt from CEQA pursuant to Section 15183 of the CEQA Guidelines (Projects Consistent with a Community Plan or Zoning). Environmental Review No. 2023-109 will be filed for this project.

Recommended Actions:

1. Recommend that the City Council adopt an ordinance approving Zoning Ordinance Amendment (ZOA) No. 2024-01 modifying various sections of the Specific Development No. 58 (SD-58) zoning district.

Minutes: *Commission had questions for staff.*

Staff answered questions from Commission.

Public Works Agency Development Manager, Monica Sutter, answered questions regarding the streets and re-pavement.

Applicant, Jeffrey Reese, answered questions from Commission.

Commissioner Leo had questions regarding the vacancy rate.

Applicant, Jeff Reese, answered questions from the Commission,

Resident, Randy Wetmur, spoke in favor of the project.

Resident, Bobby James, spoke in favor of the project./ Labor union

CARE representative, Zach Strasters, spoke in favor of the project.

Resident, Wanyae McDonalds, spoke in favor of the project.

Resident, Raymond Jackson, spoke in favor of the project.

Labor union representative, John Tafoya, spoke in favor of the project.

Resident, Jonathan Dailey, spoke in favor of the project.

Resident, Danny Osborne, spoke in favor of the project.

Moved by Commissioner Benninger, 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

5. ELECTION OF OFFICERS FOR THE PLANNING COMMISSION FOR THE 2024-2025 TERM.

Recommended Actions:

- Elect a Chairperson for the 2024-2025 term.
- Elect a Vice Chairperson for the 2024-2025 term.

Minutes: *Commissioner Benninger nominated Chair Pham, Chair Pham declined nomination,*

Commissioner Woo nominated Commissioner Ramos for Chair, Commissioner Ramos declined nomination.

Chair Pham nominated Vice Chair Oliva for Chair, Vice Chair accepted nomination.

Commissioner Woo nominated Commissioner Ramos for Vice Chair, Commissioner Ramos accepted nomination.

Moved by Commissioner Pham, to Appoint Vice Chair Oliva as Chair for the 2024-2025 term.

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**

Moved by Commissioner Woo, to Appoint Commissioner Ramos as Vice Chair.

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 Business Calendar****

STAFF COMMENTS

- **Update on Comprehensive Zoning Code Update Workshops**

Minutes: *Planning Manager, Ali Pezeshkpour, provided a brief update on the upcoming Zoning Code Update community workshops.*

COMMISSIONER COMMENTS

Minutes: *Commission had comments for staff.*

ADJOURNMENT

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

Minutes: *Meeting was adjourned at 8:00 p.m.*

APPEAL INFORMATION

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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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City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
July 22, 2024

Topic: Conditional Use Permit Nos. 2024-09 and 2024-10 for Nexus Market – Type 21 ABC License and After-Hours Operation (1951 East Dyer Road, Unit H)

RECOMMENDED ACTION

1. Adopt a resolution approving Conditional Use Permit No. 2024-09 for the sale of alcoholic beverages for off-premises consumption as conditioned;
2. Adopt a resolution approving Conditional Use Permit No. 2024-10 for after-hours operation as conditioned; and
3. Authorize staff to issue a Letter of Public Convenience or Necessity to the State Department of Alcoholic Beverage Control.

EXECUTIVE SUMMARY

Shar Pourdanesh with Nexus Market (Applicant), and on behalf of PR / Broadstone Heritage I, LLC. (Property Owner), is requesting approval of Conditional Use Permit (CUP) No. 2024-09 to allow the sale of alcoholic beverages for off-premises consumption and CUP No. 2024-10 to allow after-hours operation at a proposed convenience store located at 1951 East Dyer Road, Unit H. In addition, an approval to make a determination of Public Convenience or Necessity (PCN) to allow the sale of alcoholic beverages for off-premises consumption is required. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC) and Section 4 of Specific Development No. 88 (SD-88), establishments wishing to sell alcoholic beverages for off-premises consumption require approval of a CUP by the Planning Commission. In addition, pursuant to Section 41-196(f)(14) of the SAMC and Section 4 of SD-88, establishments wishing to operate after midnight require approval of an additional CUP. Lastly, in accordance with Section 41-645.5 of the SAMC and Section 23958.4 of the Business and Professional Code, a determination of PCN is required for the proposed CUP for the sale of alcoholic beverages. Staff is recommending approval of the applicant's request because the site complies with City regulations and SD-88 objectives to create an urban village with a mixture of supportive land uses. The proposed Nexus Market, with the sale of alcohol and after-hours operation, will serve as a convenience to the residents, guests, and customers of the development and will not be detrimental to the surrounding neighborhood.

DISCUSSION

Project Description

The applicant is requesting approval of CUP No. 2024-09 to allow the sale of beer, wine, and distilled spirits for off-premises consumption, through the operation of a Type-21 Alcoholic Beverage Control (ABC) license, and CUP No. 2024-10 to allow after-hours operation at a proposed convenience store (Nexus Market) located 1951 East Dyer Road, Unit H. Nexus Market is proposing to occupy an existing 3,000-square foot commercial unit located within Broadstone Arden, a mixed-use building located within the Broadstone Village (formally known as the

Heritage), which was completed in 2020. If the CUP requests are approved, Nexus Market will submit tenant improvement plans to convert the existing commercial unit into a convenience store that will provide an assortment of goods such as grocery items and prepared foods, along with a variety of dry goods, and alcoholic beverages. The alcohol beverage display area will be approximately 136-square feet in size and will not exceed five percent (5%) of the gross floor area of the store as required by Section 41-196(c) of the SAMC.

Furthermore, the applicant is seeking approval of CUP No. 2024-10 for after-hours operation to operate the business Sunday through Thursday from 7:00 a.m. to 12:00 a.m. (midnight) and Friday and Saturday from 8:00 a.m. to 2:00 a.m.; two (2) hours later than allowed by SD-88.

Table 1: Project and Location Information

Item	Information	
Project Address and Council Ward	1951 East Dyer Road, Unit H – Ward 4	
Nearest Intersection	Dyer Road and Red Hill Avenue	
General Plan Designation	District Center - Medium (DC-2)	
Zoning Designation	SD-88	
Surrounding Land Uses	North	Office/Industrial
	East	Hotel and City of Tustin
	South	Office/Industrial
	West	Office/Industrial
Property Size	4.07 acres (177,118 sq. ft.)	
Existing Site Development	The subject site is one of three mixed-used buildings that the Broadstone Village is comprised of. More specifically, the subject development is a 324-unit mixed-use building with attached parking structure that holds a total of 663 parking spaces.	
Unit Size	3,000 sq. ft.	
Use Permissions	Allowed with approval of a CUP	
Zoning Code Sections Affected	Uses	SAMC Section 41-196(f) and SD-88 Section 4
	Operational Standards	SAMC Section 41-196(f)
Census Tract and ABC License Information	Census Tract No.	755.16
	No. of Allowed and Existing Licenses (off-sale)	5 Allowed & 16 Existing

Table 2: Operational Standards

Standards	Permissible by SAMC	Proposed
Hours of Operation for Alcohol Sales	Monday through Sunday from 7:00 a.m. to 12:00 a.m. (midnight), unless extended by a separate after-hours CUP	Sunday through Thursday from 7:00 a.m. to 12:00 a.m. (midnight) and Friday & Saturday from 8:00 a.m. to 2:00 a.m.; requires After-Hours CUP
Window Display	25% of Window Coverage	Complies

Project Background

On February 2, 2016, the City Council approved Ordinance No. NS-2891 which approved the rezoning of the project site from Light Industrial (M-1) zone to SD-88 in order to facilitate the development of The Heritage, a mixed-use development project (now known as Broadstone) that was completed in 2020. The development consists of three mixed-use buildings containing a total of 1,221 apartment units, 12,675 square feet of retail and commercial space, and 5,415 square feet of restaurant space on 18.84 acres. Nexus Market will be occupying a 3,000-square-foot unit within one of the buildings (Broadstone Arden) in the heart of the development. On June 3, 2024, the applicant submitted the subject CUP applications to the Planning Division. Since the application was submitted, staff has been working with the applicant, ABC, Code Enforcement, and the Police Department to address any potential adverse impacts associated with the sale of alcoholic beverages for off-premises consumption and after-hours operation at the subject location.

Project Analysis

Conditional Use Permit No. 2024-09 (Alcohol Sales) Analysis

CUP requests are governed by Section 41-638 of the SAMC and may be granted when it can be shown that the proposed project will not adversely impact the community. If these findings can be made, then it is appropriate to grant the CUP. Conversely, the inability to make these findings would result in a denial. The purpose of regulating establishments that sell alcoholic beverages is to set forth operating practices and procedures and to minimize impacts to surrounding areas. Staff has reviewed the applicant's request for the sale of alcoholic beverages for off-premises consumption and has determined that the sale of alcoholic beverages for off-premises consumption at the subject location will not be detrimental to the health, safety, and welfare of the community.

The sale of alcoholic beverages for off-premises consumption at the proposed location will provide an ancillary service to the residents of Broadstone development and customers of Nexus Market by allowing them the ability to purchase a variety of goods and alcoholic beverages. This would allow Nexus Market to remain economically viable and complete with nearby stores offering the same type of services. The operational standards applied to the ABC license, per Section 41-196(f) of the SAMC, will mitigate any potential impacts created by the use and will ensure that the use will not negatively affect the surrounding community. In addition, the subject unit is located on the ground floor commercial space of the mixed-use building, which is not adjacent to any of the residential units, and within the commercial core of the development. Furthermore, the subject development is not in close proximity to sensitive land uses within the City of Santa Ana. The establishment will comply with the operational standards set forth in Section 41-196(f) of the SAMC, thereby mitigating impacts to public health, safety, and welfare. Lastly, the City has not received any complaints or issued any notice of violations to the property owner or previous tenants. Therefore, staff recommends approval of the proposed CUP.

Approval of the sale of alcoholic beverages for off-premises consumption is consistent with several goals and policies of the General Plan. Policy 1.1 of the Land Use Element of the General Plan (LU-1.1) encourages development that is compatible with and supporting of surrounding land uses. A commercial establishment with primary retail at this location will be compatible with the

surrounding businesses as it supports the residential environment by providing an increase to the ancillary alcohol selection within the market section already provided by Nexus Market. Similarly situated markets offering alcoholic beverages are increasingly situated in mixed-use villages in neighboring communities, such as those at the Spectrum and Los Olivos villages in Irvine. The nearest market that offers similar goods is the 7-11 market/gas station, open 24-hours, located approximately 0.3 miles away from the Nexus Market. By allowing the Nexus Market to remain open after-hours, this action not only provides balanced land uses, but discourages driving on a principal arterial, promoting reduction in vehicle miles traveled (LU-2.5) to obtain the same goods that could be found within a brief walking distance. The community will benefit both from the convenience of having access to an increase in product selection that is within walking distance from the surrounding neighborhood (LU-3.1 and 4.1), and by alcohol being sold at an established neighborhood convenience store that is in sound compliance with all local and State ABC regulations. Nexus Market is committed to offering employment opportunities (LU-2.1) for the surrounding community, and with an increase to the convenience store retail section, more opportunities will be provided. The primary entrance to the store is located on the northeast side of the building and is adjacent to other commercial establishments. Moreover, operational standards applicable to the 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 immediate neighborhood. The proposed Nexus Market operations are consistent with Policy LU-3.7 that calls for promoting a balance of land uses to address basic community needs, while maintain a clean and safe environment for Santa Ana's residents, workers, and visitors. Furthermore, Policy LU-2.2 encourages a range of commercial uses to capture a greater share of local spending. The sale of alcohol beverages for off-premises consumption at this site will provide an additional location in Santa Ana where residents can purchase alcohol which will ensure local spending.

Conditional Use Permit No. 2024-10 (After-Hours Operation) Analysis

The purpose of regulating establishments that operate after-hours is to set forth operating practices and procedures and to minimize impacts to surrounding areas. Staff has reviewed the applicant's request for after-hours operation and has determined that after-hours operation at the subject location, with recommended conditions of approval, will not be detrimental to the health, safety, and welfare of the community. For example, the "Good Neighbor Policy" condition will ensure patrons comply with applicable noise, parking, and loitering regulations. In addition, the storefront windows will be glazed in compliance with the SAMC to mitigate any light intrusion from the interior of the business to the nearby residential units. Furthermore, the property currently has on-site security guards that will be increased during the nighttime hours to enhance safety.

The nearest market that offers similar goods, is the 7-11 market/gas station, open 24-hours, located approximately 0.3 miles away from the Nexus Market. By allowing the Nexus Market to remain open after-hours, this action provides balanced land uses, thus promoting reduction in vehicle miles traveled (LU-2.5), to obtain the same goods that could be found within a brief walking distance. Furthermore, by discourages driving on a principal arterial and prioritizing walkability, this action emulates Goal M-1 of the Mobility Element of the General Plan that encourages, "a comprehensive and multimodal circulation system that facilitates the safe and efficient movement of people, enhances commerce, and promotes a sustainable community." Nexus Market's after-hours operation is consistent with SD-88 goals and Policy 3.6 of the Economic Prosperity Element (EP) since both documents encourage flexibility and up-to-date land use regulations that are responsive to best practices and community needs. Furthermore, Policy 2.2 of the Land Use

Element (LU) encourages a range of commercial uses to capture a greater share of local spending and employment opportunities. Providing a variety of retail goods, in combination with alcohol sales, with extended hours of operation offers additional shopping options and experiences for Santa Ana residents and visitors.

Public Convenience or Necessity Analysis

PCN requests are governed by Section 41-645.5 of the SAMC and Section 23958.4 of the Business and Professional Code. A PCN determination is required for this project because Nexus Market is located in a census tract where the ratio of existing retail off-premises alcohol licenses to population in the census tract exceeds the ratio of retail off-premises alcohol licenses to population in the county, resulting in an over concentration as determined by ABC. Nexus Market is located in Census Tract No. 755.16, which ABC allows a maximum of five off-premises alcohol licenses, while there are currently sixteen active licenses per ABC. Per ABC, an “undue concentration” would occur if more than five off-premises licenses are within this census tract. It is important to note that none of the existing ABC licenses are located within the City of Santa Ana and, if CUP No. 2024-09 is approved, this will be the first ABC license within Census Tract No. 755.16 in Santa Ana. Table 3 below and Exhibit 7 identify the location of the existing off-premises alcohol licenses, which are all located within the City of Irvine. The licensed establishments are located intermittently throughout the census tract, with the closest licensed premises (Walmart), approximately 1.2 miles from Nexus Market.

Table 3: Existing Off-Premises ABC Licenses within Census Tract No. 755.16

Premises	Location	City	License Type	Distance from Site (in miles)
1. Grill City	2180 Barranca Parkway	Irvine	Type 21	1.2
2. Walmart	16555 Von Karman Ave.	Irvine	Type 21	1.3
3. Springhill Suites	17601 Fitch	Irvine	Type 20	1.7
4. Mobile Mart	17551 MacArthur Blvd.	Irvine	Type 20	1.8
5. Chevron Gas Station	17561 MacArthur Blvd.	Irvine	Type 20	1.9
6. Falling Bright Wine Merchants	17922 Sky Park Circle	Irvine	Type 85	1.9
7. Amazon Fresh Warehouse	2006 McGaw Avenue	Irvine	Type 21	1.9
8. Chevron Gas Station	80 Corporate Park	Irvine	Type 20	2
9. H Mart	2600 Alton Parkway	Irvine	Type 21	2.1
10. 7-11 Market	17937 MacArthur Blvd.	Irvine	Type 20	2.2
11. Uncle Fossil Wine & Spirits	2700 Alton Parkway	Irvine	Type 21	2.2
12. Internet Wine Imports	17141 Murphy Ave.	Irvine	Type 20	2.5
13. Irvine Market	2540 Main Street	Irvine	Type 21	2.8
14. Terra Rossa	2445 McCabe Way	Irvine	Type 85	3
15. Residence Inn by Marriot	2855 Main Street	Irvine	Type 20	3.3
16. Hyatt Regency	17900 Jamboree Road	Irvine	Type 21	3.4

PCN requests are governed by Section 41-645.5 of the SAMC, and certain findings must be made in order to grant the PCN. Conversely, the inability to make these findings would result in a denial. Nexus Market has taken additional steps to seek community input from the surrounding neighborhood, to ensure a convenience store would be welcomed. Nexus Market will mitigate any potential detrimental effects, should any arise, by enforcing policies, protocols, and alcohol-related training initiatives, to ensure that alcohol sales are handled in a responsible manner to

deter crime, loitering, and any other activity that could be detrimental to the surrounding community. The addition of general alcohol sales would add a convenience to the surrounding community by adding to the good options at the proposed convenience store selection. The ability to purchase alcoholic beverages with other convenience store items will offer customers a more complete shopping experience and will provide a service to Nexus Market customers by eliminating the need for any additional shopping trips to other off-sale alcoholic beverage establishments nearby.

The proposed sale of alcoholic beverages for off-premises consumption would improve the overall functions of the business by enhancing the complete convenience store experience. Although there are other establishments selling alcoholic beverages for off-premises consumption nearby, none of those establishments are within the City of Santa Ana and do not offer the same customer-centric shopping opportunity as Nexus Market. The addition of alcoholic beverages for off-premises consumption at Nexus Market ensures the store will remain economically viable and that it offer a full selection of items that convenience store customers expect. Because of this, staff recommends that the Planning Commission grant a determination of PCN and authorize staff to issue a Letter of PCN to ABC.

Police Department Analysis

The Police Department has reviewed the CUP requests for the sale of alcoholic beverages and after-hours operations and has no concerns, as the operational standards applicable to off-premises ABC licenses will mitigate any potential impacts to the surrounding community. The Police Department reviews such 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-premises 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 ABC. This section defines “reported crimes” as criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations.

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 ABC 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.

As part of the application process, the Police Department has reviewed the applicant’s request for sale of beer, wine, and distilled spirits for off-premises consumption and has no concerns, as the operational standards applicable to the ABC license and conditions of approval will mitigate any potential impacts to the surrounding community. The Police Department carefully evaluated a 500-foot radius for the site’s vicinity and determined that there has been approximately 248 service calls in the project site’s vicinity between the one-year period of June 17, 2023 and June

17, 2024. Of those 248 calls, forty-one (41) resulted in reports taken in. None of the service calls received were due to violent crimes and none were in relation to the Broadstone Village. The reports were in result of traffic violations, code violations, search warrants, and animal related activities. According to the Police Department, the number of calls for service is commensurate with the 500-foot radius. Based on its review, the Police Department has no issues of concern regarding this application.

Table 4: Police Department Analysis and Criteria for Recommendation

Police Department Analysis and Criteria for Recommendation	
Police Grid No. and Rank	Police Grid No. 250; ranked 75 out of 102 Police Reporting Grids (74th 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 the most recent Citywide Incident Ranking Report, the Police Department has no issues of concern regarding the activity in that area, due to no significant events occurring. Therefore, the Police Department does not oppose the granting of either CUP.

Public Notification and Community Outreach

Project notifications were posted, published, and mailed in accordance with City and State regulations. Copies of the public notice, including a 1,000-foot notification radius map and the site posting, are provided in Exhibit 8. The site is not within the boundaries of an existing Neighborhood Association. At the time this report was printed, no issues of concern were raised regarding the proposed CUP.

ENVIRONMENTAL IMPACT

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review pursuant to Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines. 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 as determined by the lead agency. The project proposes to approve CUPs to allow the sale of beer, wine, and distilled spirits for off-premises consumption and after-hours operations at a proposed convenience store located at 1951 East Dyer Road, Unit H. As such, a new Notice of Exemption (NOE), ER No. 2024-44, will be filed for this project.

FISCAL IMPACT

There is no fiscal impact associated with this action.

EXHIBIT(S)

1. Resolution for CUP No. 2024-09
2. Resolution for CUP No. 2024-10
3. Vicinity Zoning and Aerial View

CUP Nos. 2024-09 & 2024-10 for Nexus Market – Type 21 ABC License & After-Hours
Operations (1951 East Dyer Road, Unit H)
July 22, 2024
Page 8 of 8

4. Site Photo
5. Site Plan
6. Floor Plan
7. Map of Off-Premises ABC Licenses within Census Tract No. 755.16
8. Copy of Public Notices

Submitted By:
Matthew Kilroy, Assistant Planner I

Approved By:
Minh Thai, Executive Director of Planning and Building Agency

RESOLUTION NO. 2024-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2024-09 AS CONDITIONED AND MAKING A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY TO ALLOW A TYPE 21 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR THE SALE OF BEER, WINE, AND DISTILLED SPIRITS FOR OFF-PREMISES CONSUMPTION AT THE NEXUS MARKET CONVENIENCE STORE LOCATED AT 1951 EAST DYER ROAD, UNIT H

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. Shar Pourdanesh with Nexus Market (Applicant), and on behalf of PR / Broadstone Heritage I, LLC. (Property Owner), is requesting approval of Conditional Use Permit (CUP) No. 2024-09 to allow the sale of beer, wine, and distilled spirits for off-premises consumption at a proposed Nexus Market convenience store located at 1951 East Dyer Road, Unit H.
- B. Santa Ana Municipal Code (SAMC) Section 41-196 and Section 4 of Specific Development No. 88 (SD-88) require approval of a CUP for establishments wishing to sell alcoholic beverages for off-premises consumption.
- C. SAMC Section 41-645.5 and California Business and Professions Code Section 23958.4, requires a determination of PCN when a request for the sale of alcoholic beverages for off-premises consumption is located within an area deemed to have an undue concentration of off-premises alcohol licenses as determined by the Department of Alcoholic Beverage Control (ABC).
- D. On July 22, 2024, the Planning Commission held a duly noticed public hearing for CUP No. 2024-09.
- E. The Planning Commission of the City of Santa Ana determines that the following findings, which must be established in order to grant a CUP pursuant to SAMC Section 41-638, have been established for CUP No. 2024-09 to allow the sale of beer, wine, and distilled spirits for off-premises consumption at a proposed Nexus Market convenience store located at 1951 East Dyer Road, Unit H:
 1. That the proposed use will provide a service or facility which will contribute to the general wellbeing of the neighborhood or community.

The sale of beer, wine, and distilled spirits for off-premises consumption at the subject location will provide an ancillary service to Nexus Market customers by allowing them the ability to purchase alcoholic beverages with other products. This will thereby benefit the community by providing an additional establishment that will provide goods and services via a one-stop store. Operational standards applicable to the ABC license, pursuant to SAMC Section 41-196(f), 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 sale of beer, wine, and distilled spirits for off-premises consumption at the subject site will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity because the operational standards applicable to the ABC license, pursuant to Section 41-196(f) of the SAMC, 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. The City has not received any complaints or issued any notice of violations to the property owner or previous tenants.

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

The sale of beer, wine, and distilled spirits for off-premises consumption at the subject site will not adversely affect the economic stability of the area, but will instead allow Nexus Market to compete with other nearby stores that offer a full selection of alcoholic beverages for sale to their customers. The offering of alcoholic beverages for off-premises consumption will allow Nexus Market to remain economically viable and will contribute to the overall success of the City.

4. That the proposed use will comply with the regulations and conditions specified in Chapter 41 (Zoning) of the SAMC for such use.

The sale of beer, wine, and distilled spirits for off-premises consumption will be in compliance with all applicable regulations and operational standards imposed on an establishment selling alcoholic beverages for off-premises consumption pursuant to Chapter 41 of the SAMC. The establishment will be maintained

as a commercial component to a mixed-use building with retail, having suitable storage facilities and supplying an assortment of essential goods. Moreover, operational standards, pursuant to Section 41-196(f) of the SAMC, and conditions of approval, will ensure the establishment 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 sale of beer, wine, and distilled spirits for off-premises consumption at the subject site will not adversely affect the General Plan or any specific plan. The granting of CUP No. 2024-09 supports several policies contained in the General Plan. Policy 1.1 of the Land Use Element (LU) encourages development that is compatible with and supporting of surrounding businesses and community needs. Similarly situated markets offering alcoholic beverages are increasingly situated in mixed-use villages in neighboring communities, such as those at the Spectrum and Los Olivos villages in Irvine. The nearest market that that offers similar goods, is the 7-11 market/gas station, open 24-hours, located approximately 0.3 miles away from the Nexus Market. By allowing the Nexus Market to remain open after-hours, this action not only provides balanced land uses, but discourages driving on a principal arterial, thus promoting a reduction of vehicle miles traveled (LU-2.5), to obtain the same goods that could be found within a brief walking distance. Policy LU-2.2 encourages a range of commercial uses to capture a greater share of local spending and employment opportunities. The sale of alcoholic beverages at the subject site will provide Nexus Market's customers with a one-stop store service which will contribute to capturing local spending. The community will benefit both from the convenience of having access to an increase in product selection that is within walking distance from the surrounding neighborhood (LU-3.1), and by alcohol being sold at an established neighborhood convenience store that is in sound compliance with all local and State ABC regulations. The granting of CUP No. 2024-09 will ensure Nexus Market remains competitive with other stores offering similar services in other cities, therefore ensuring Nexus Market's retention in Santa Ana. Lastly, Policy LU-4.1 encourages complete neighborhoods by creating a mix of complementary uses, community services, and places within a walkable area. The additional sales of beer, wine, and distilled spirits for off-premises consumption will create a one-stop store within walking distance for residents residing in the general vicinity of Nexus

Market.

F. The Planning Commission of the City of Santa Ana determines that the following findings, which must be established in order to determine a PCN pursuant to SAMC Section 41-645.5, have been established for CUP No. 2024-09 to allow the sale of beer, wine, and distilled spirits for off-premises consumption at a proposed Nexus Market convenience store located at 1951 East Dyer Road, Unit H:

1. The proposed use will not be detrimental to the character of development in the immediate neighborhood and will be in harmony with the overall objectives of the General Plan.

The sale of beer, wine, and distilled spirits for off-premises consumption will not be detrimental to the character of development in the immediate neighborhood. Nexus Market is a convenience store located in a mixed-use development that is designed to minimize intrusion into surrounding neighborhoods. The primary entrance to the store is located on the northeast side of the building and is adjacent to other commercial establishments. Moreover, operational standards applicable to the 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 immediate neighborhood. The granting of CUP No. 2024-09 will be in harmony with the overall objective of the General Plan as stated in Section 1.G.5. above.

2. The economic benefit outweighs the negative impacts to the community as whole.

The economic benefit associated with the sale of beer, wine, and distilled spirits for off-premises consumption at the subject site will outweigh any potential negative impacts to the community as a whole. The sale of beer, wine, and distilled spirits for off-premises consumption will positively affect the economic welfare of the community by adding a service to an existing department store with grocery store located within its existing operations. The additional service will offer additional community services at a proposed convenience store with its own policies and standards for the sale of alcoholic beverages, which complement policies and standards imposed by State ABC, and will generate additional sale tax revenue for the City.

3. The issuance of the license will provide a needed service not currently being met in the community.

The sale of beer, wine, and distilled spirits for off-premises consumption at the subject site will provide a needed service not currently being met at the subject property. A significant component of the Nexus Market

store is its convenience store retail selection. The selection offers a full-range of prepared sandwiches, snacks, charcuterie supplies, and other food products, along with a variety of dry goods. The ability to purchase alcoholic beverages with other market items will offer customers a more customer-centric shopping experience and will provide a service to Nexus Market customers by eliminating the need for an additional shopping trip to other off-sale alcoholic beverage establishments nearby.

4. There exist special and unusual circumstances present here to justify a new retail alcohol outlet when there are already similar alcohol uses existing nearby.

Nexus Market will provide its shoppers with a broad selection of goods and merchandise in a one-stop service. The sale of beer, wine, and distilled spirits for off-premises consumption at the subject location will add an additional convenience to the broad selection of goods and merchandise, which includes a mix of grocery items, accessories, health and beauty products, baby products, and other every-day essentials. Although there are other establishments selling alcoholic beverages for off-site consumption on other properties in the vicinity, none of those establishments are located in Santa Ana and do not offer the same customer-centric shopping opportunities as Nexus Market in a one-stop, convenient location, which will assist in creating an inclusive and economically diverse neighborhood.

5. The business cannot operate profitably without a liquor license.

The sale of beer, wine, and distilled spirits for off-premises consumption at the subject site will allow Nexus Market to remain competitive with other stores offering similar services and will contribute to the on-going economic viability of its grocery selection. The addition of alcoholic beverages for off-premises consumption at this Nexus Market location ensures the store will remain economically viable and that it offer a full selection of items that customers expect.

6. The applicant has demonstrated reasonable efforts to seek community input.

As part of the application process, residents, business owners, and property owners within 1,000 feet of the Nexus Market were sent letters notifying them of Nexus Market's application request for the sale of beer, wine, and distilled spirits for off-premises consumption. No objections were received. Nexus Market will continue to seek community input and coordinate with the community to first identify and then resolve any issues should they arise.

Section 2. In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review pursuant to Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines. 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 as determined by the lead agency. The project proposes to approve CUPs to allow the sale of beer, wine, and distilled spirits for off-premises consumption and after-hours operations at a proposed convenience store located at 1951 East Dyer Road, Unit H. As such, a new Notice of Exemption (NOE), ER No. 2024-44, 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. 2024-09, as conditioned in Exhibit A, and in Exhibit B, *Operational Standards for Off-Sale Establishments*, attached hereto and incorporated herein, and grants the request for determination of Public Convenience or Necessity to allow the sale of beer, wine, and distilled spirits for off-premises consumption at a proposed Nexus Market convenience store located at 1951 East Dyer Road, Unit H. 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 July 22, 2024, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

[Signatures on the following page]

ADOPTED this 22nd day of July 2024 by the following vote.

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

Bao Pham
Chairperson

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: Jose Montoya
Jose Montoya
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, NUVIA OCAMPO, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2024-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on July 22, 2024.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2024-09

Conditional Use Permit No. 2024-09 to allow the sale of beer, wine, and distilled spirits for off-premises consumption 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/Licensee (hereinafter, "Applicant") shall comply with each and every condition listed below in order to exercise the rights conferred by this conditional use permit.

The Applicant shall 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 if the conditional use permit must be amended.
2. The sale of alcoholic beverages for off-premises consumption shall be permitted in accordance with the operational standards for off-premises establishments pursuant to Section 41-196(f) of the Santa Ana Municipal Code (SAMC), attached hereto as Exhibit B for reference, in accordance with the provisions of an off-premises alcohol license by the California Department of Alcoholic Beverage Control (ABC), and in accordance with the site and floor plans attached to the staff report documenting the approved scope of the project.
3. The sale of alcoholic beverages for off-premises consumption shall occur from 7:00 a.m. to 12:00 a.m. (midnight) seven days per week, unless modified through a subsequent and separate conditional use permit application for after-hours operations pursuant to SAMC Section 41-196(f)(14).
4. The Planning Division shall review Conditional Use Permit No. 2024-09 no later than twelve (12) months after full execution of this conditional use permit. Should any issues arise during such review, the Conditional Use Permit shall be scheduled for public hearing at the applicant's full expense for condition modification(s).
5. Violations of the Conditional Use Permit, as contained in Section 41-647.5 of the SAMC, will be grounds for permit revocation and/or suspension as described in Section 41-651 of the SAMC.
6. The business owner shall maintain and adhere to a "Good Neighbor Policy," implementing measures to ensure patrons comply with applicable noise, parking, and outdoor smoking regulations, and removing litter and preventing loitering in the areas in the immediate vicinity of the business.

7. The contact information for onsite management shall be posted in a prominent location at the primary entrance to the business to allow prompt reporting of any site issues.
8. Site illumination levels in the area immediately adjacent to the establishment must remain in compliance with Section 8-211 (Special Commercial Building Provisions) of the Santa Ana Municipal Code at all times.
9. Prior to the release 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 on or 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; and
- 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.

EXHIBIT B

Operational Standards for Conditional Use Permit No. 2024-09

Conditional Use Permit No. 2024-09 to allow the off-premise consumption of alcoholic beverages is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code ("SAMC"), the California Building Standards Code, and all other applicable regulations.

The Applicant/ Licensee (hereinafter, "Applicant") shall comply with each and every operational standard listed below, pursuant to SAMC Section 41-196(f), in order to exercise the rights conferred by this conditional use permit. Pursuant to SAMC Section 41-196(f), these SAMC operational standards are reprinted to establish compliance with SAMC requirements for the granting of a Conditional Use Permit for on-premises alcoholic beverage sales.

The Applicant must remain in compliance with all operational standards listed below throughout the life of the conditional use permit. Failure to comply with each and every operational standard may result in the revocation of the conditional use permit.

1. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
2. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which he or she has control.
3. There shall be no exterior advertising of any kind or type, including window signs or other signs visible from outside, promoting or indicating the availability of alcoholic beverages on the premises.
4. There shall be no coin-operated games maintained on the premises at any time.
5. All public telephones shall be located on the interior of the premises.
6. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the applicant shall be removed or painted over within twenty-four (24) hours of being applied.
7. The applicant shall post a placard prohibiting loitering, pursuant to California Penal Code ("CPC") Section 602, on the exterior of the premises.
8. It shall be the applicant's responsibility to ensure that CPC Section 602 is complied with at all times that the premises are in operation.
9. The applicant shall at all times utilize an age verification device for all purchases of alcoholic beverages.

10. The owner or manager of the licensed premises shall maintain on the premises a written security policy and procedures manual, that has been approved by the Police Department, addressing at a minimum the following items; handling obviously intoxicated persons; establishing a reasonable ratio of employees to patrons, based upon activity level, in order to monitor beverage sales and patron behavior; handling patrons involved in fighting, arguing or loitering about the building and in the immediate adjacent area that is owned, leased, rented or used under agreement by the licensee(s); verifying age/checking identification of patrons; calling the police regarding observed or reported criminal activity.
11. If there is a marked or noticeable increase in the number of police-related incidents on or near the premises, as such increase may be determined by the chief of police, the applicant may be required to provide state-licensed, uniformed security guards at a number determined by the chief of police.
12. All managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. The California Department of Alcoholic Beverage Control must approve said training program. Records of each employee's successful completion of the certified training program required by this section shall be maintained on the premises of the alcoholic beverage outlet and shall be presented upon request by a representative of the City of Santa Ana.
13. Alcoholic beverages in containers of less than sixteen (16) ounces cannot be sold by single containers, but must be sold in pre-packaged multi-unit quantities.
14. The sales of alcoholic beverages shall be permitted only between the hours of 7:00 a.m. and 12:00/midnight each day of the week unless otherwise modified by the granting of an after-hours conditional use permit.
15. Existing building and required parking must conform to the provisions of Chapter 8, Article II, Division 3 of the Santa Ana Municipal Code (building security ordinance). These code conditions will require that the existing project lighting, door/window locking devices and addressing be upgraded to current code standards. Lighting standards cannot be located in required landscape planters.
16. Cash register must be visible from the street at all times and shall not be obstructed at any time by temporary or permanent signage.
17. Window displays must be kept to a minimum for maximum visibility and shall not exceed twenty-five (25) per cent of window coverage.
18. Window displays and racks must be kept to a maximum height of three (3) feet including merchandise.
19. A timed-access cash controller or drop safe must be installed.

20. A silent armed robbery alarm must be installed and operable at all times.
21. Clearly distinguishable height markers shall be installed on the inside door jamb of all doors used by the public to access the store. Horizontal marks, one (1) inch wide by three (3) inch long, in different colors, and in a contrasting color to the background, shall be placed every six (6) inches beginning at five (5) feet and ending at six (6) feet six (6) inches.
22. No person under the age of twenty-one (21) shall sell or deliver alcoholic beverages.
23. A closed-circuit television system shall be provided and approved by the police department and shall be capable of viewing and recording events inside and outside the premises including the parking areas with a resolution which will clearly identify individuals for later identification as follows:
 - a) A minimum of one (1) color camera at each cash register that views the front of a customer, from the waist to the top of the head.
 - b) A minimum of one (1) color camera that views the full length side of a customer at the cash register area.
 - c) A color camera recorder capable of recording events on all cameras simultaneously.
 - d) A tape or disc storage library of recorded cameras kept for a minimum of sixty (60) days.
 - e) If video tape is used, tapes cannot be taped over more than six (6) times.
 - f) An audio recording component that will record sounds occurring at the customer counter.
 - g) An internet protocol (IP)-based system is required.
24. It shall be the operator's responsibility to submit a shopping cart containment plan pursuant to SAMC Section 33.210.
25. The operator shall be responsible for obtaining all necessary permits for building tenant and freestanding signs. This shall include any window signs and temporary banners.

RESOLUTION NO. 2024-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2024-10 AS CONDITIONED TO ALLOW AFTER-HOURS OPERATIONS UNTIL 2:00 A.M. FOR THE NEXUS MARKET CONVENIENCE STORE LOCATED AT 1951 EAST DYER ROAD, UNIT H

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. Shar Pourdanesh with Nexus Market (Applicant), and on behalf of PR / Broadstone Heritage I, LLC. (Property Owner), is requesting approval of Conditional Use Permit (CUP) No. 2024-10 to allow after-hours operations until 2:00 a.m., including the of beer, wine, and distilled spirits for off-premises consumption, at a proposed Nexus Market convenience store located at 1951 East Dyer Road, Unit H.
- B. Santa Ana Municipal Code (SAMC) Section 41-196(f) and Specific Development No. 88 (SD-88) requires approval of a CUP for establishments wishing operate between the hours of 12:00 a.m. and 7:00 a.m. The Applicant is proposing to operate the business on Friday and Saturday from 8:00 a.m. to 2:00 a.m. and sell alcohol during these hours, two hours later than the SAMC prescribed limits.
- C. On July 22, 2024, the Planning Commission held a duly noticed public hearing for CUP No. 2024-10.
- D. The Planning Commission of the City of Santa Ana determines that the following findings, which must be established in order to grant a CUP pursuant to SAMC Section 41-638, have been established for CUP No. 2024-10 to allow after-hours operations at a proposed Nexus Market convenience store located at 1951 East Dyer Road, Unit H:
 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 after-hours operations will provide an ancillary service to individuals that wish to purchase the range of prepared sandwiches, snacks, charcuterie supplies, and other food products, in addition to convenient retail necessities, from their neighborhood convenience store within walking distance to their residence. This will thereby benefit the community by

providing food-related and convenient retail amenities offering service after 12:00/midnight. Conditions of approval have will mitigate any possible nuisance associated to after-hours operations.

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 after-hours operations at the subject location will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity. The proposed retail component use will provide an additional service to the nearby residents. The purpose of regulating establishments that operate after-hours is to set forth operating practices and procedures and to minimize impacts to surrounding areas. Staff has reviewed the applicant's request for after-hours operation and has determined that after-hours operation at the subject location, with recommended conditions of approval, will not be detrimental to the health, safety, and welfare of the community. For example, the "Good Neighbor Policy," will ensure patrons comply with applicable noise, parking, and loitering regulations. In addition, the storefront windows will be glazed in compliance with all SAMC standards to mitigate any light intrusion from the interior of the business to the nearby residential units. Furthermore, the property currently has on-site security guards that will be increased during the nighttime hours to ensure safety. In addition, the Police Department does not object to granting the conditional use permit.

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

The project site is situated along a commercial corridor that it is appropriate for the proposed commercial use and after-hours operations. The establishment will promote a balance of land uses that enhance the City's economic and fiscal viability. Providing a variety of land uses in the area strengthens the economic base of the City and improves the economic stability of the area in a positive manner.

4. That the proposed use will comply with the regulations and conditions specified in Chapter 41 (Zoning) of the SAMC for such use.

The proposed project is in compliance with all applicable regulations and conditions imposed on a retail establishment operating after-hours pursuant to Chapter 41 of the Santa Ana

Municipal Code.

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 use will not adversely affect the General Plan. The granting of CUP No. 2024-10 supports several policies contained in the General Plan. Policy 1.1 of the Land Use Element (LU) encourages development that is compatible with and supporting of surrounding businesses and community needs. Similarly situated markets offering alcoholic beverages are increasingly situated in mixed-use villages in neighboring communities, such as those at the Spectrum and Los Olivos villages in Irvine. The nearest market that that offers similar goods, is the 7-11 market/gas station, open 24-hours, located approximately 0.3 miles away from the Nexus Market. By allowing the Nexus Market to remain open after-hours, this action not only provides balanced land uses, but discourages driving on a principal arterial, thus promoting reduction of vehicle miles traveled (LU-2.5), to obtain the same goods that could be found within a brief walking distance. Policy LU-2.2 encourages a range of commercial uses to capture a greater share of local spending and employment opportunities. The community will benefit both from the convenience of having access to an increase in product selection that is within walking distance from the surrounding neighborhood (LU-3.1). This will provide Nexus Market's customers with a one-stop store service which will contribute to capturing local spending. The granting of CUP No. 2024-10 will ensure Nexus Market remains competitive with other stores offering similar services in other cities, therefore ensuring Nexus Market's retention in Santa Ana.

Furthermore, Nexus Market hours of operation are in-line with SD-88 goals and Policy 3.6 of the Economic Prosperity Element (EP) since both documents encourage flexibility and up-to-date land use regulations that are responsive to best practices and community needs. Lastly, Policy LU-4.1 encourages complete neighborhoods by creating a mix of complementary uses, community services, and places within a walkable area. The additional hours of operation will create a one-stop store within walking distance for residents residing in the general vicinity of Nexus Market, thereby greatly reducing vehicles miles traveled and prioritizing safety.

Section 2. In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review pursuant to Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines. 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 as determined by the lead agency. The project proposes to approve a CUP to allow after-hours operation a proposed Nexus Market convenience store located at 1951 East Dyer Road, Unit H. As such, a new Notice of Exemption (NOE), ER No. 2024-44, 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. 2024-10, as conditioned for the after-hours operation of a proposed Nexus Market convenience store located at 1951 East Dyer Road, Unit H., as conditioned in Exhibit A, attached hereto and incorporated herein. 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 July 22, 2024, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

[Signatures on the following page]

ADOPTED this 22nd day of July 2024 by the following vote.

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

Bao Pham
Chairperson

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: Jose Montoya
Jose Montoya
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, NUVIA OCAMPO, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2024-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on July 22, 2024.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2024-10

Conditional Use Permit No. 2024-10 to allow the after-hours operation 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/Licensee (hereinafter, "Applicant") shall comply with each and every condition listed below in order to exercise the rights conferred by this conditional use permit.

The Applicant shall 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 if the conditional use permit must be amended.
2. The sale of alcoholic beverages for off-premises consumption shall be permitted in accordance with the operational standards for off-premises establishments pursuant to Section 41-196(f) of the Santa Ana Municipal Code (SAMC), CUP No. 2024-09, in accordance with the provisions of an off-premises alcohol license by the California Department of Alcoholic Beverage Control (ABC), and in accordance with the site and floor plans attached to the staff report documenting the approved scope of the project.
3. The after-hours operation for Nexus Market shall occur from 12:00 a.m. (midnight) to 2:00 a.m. on Saturday and Sunday mornings only, unless modified through a subsequent and separate conditional use permit application for after-hours operations.
4. The Planning Division shall review Conditional Use Permit No. 2024-10 no later than twelve (12) months after full execution of this conditional use permit. Should any issues arise during such review, the Conditional Use Permit shall be scheduled for public hearing at the applicant's full expense for condition modification(s).
5. Violations of the Conditional Use Permit, as contained in Section 41-647.5 of the SAMC, will be grounds for permit revocation and/or suspension as described in Section 41-651 of the SAMC.
6. The business owner shall maintain and adhere to a "Good Neighbor Policy," implementing measures to ensure patrons comply with applicable noise, parking, and outdoor smoking regulations, and removing litter and preventing loitering in the areas in the immediate vicinity of the business.

7. The contact information for onsite management shall be posted in a prominent location at the primary entrance to the business to allow prompt reporting of any site issues.
8. Site illumination levels in the area immediately adjacent to the establishment must remain in compliance with Section 8-211 (Special Commercial Building Provisions) of the Santa Ana Municipal Code at all times
9. Prior to the release 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 on or 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; and
- 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.

**CUP Nos. 2024-9 & 2024-10 For Nexus Market
1951 East Dyer Road, Unit H**

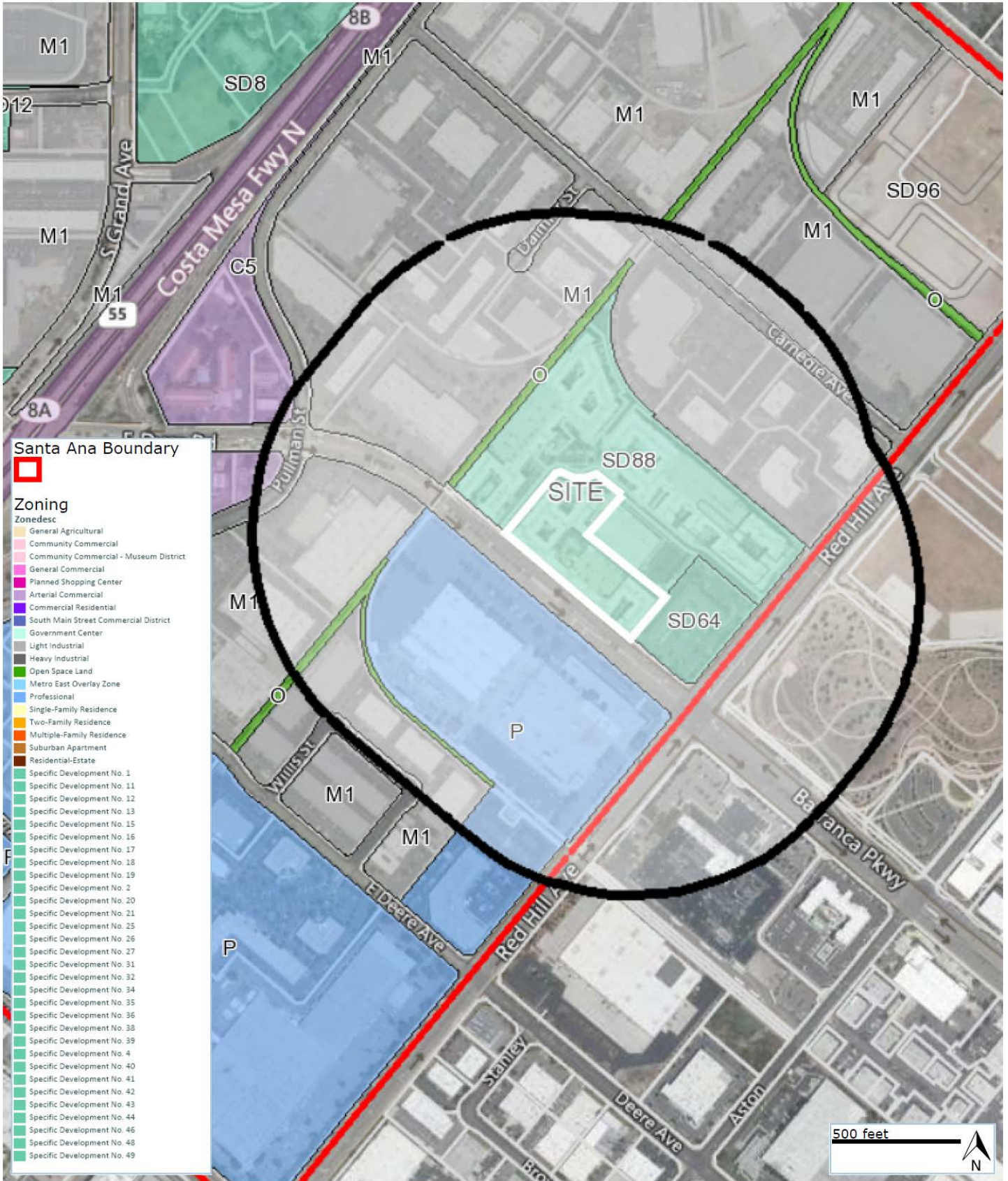


Exhibit 2 - Vicinity Zoning and Aerial View



**CUP Nos. 2024-9 & 2024-10 For Nexus Market
1951 East Dyer Road, Unit H**



Exhibit 3 - Site Photo

**CUP Nos. 2024-9 & 2024-10 For Nexus Market
1951 East Dyer Road, Unit H**

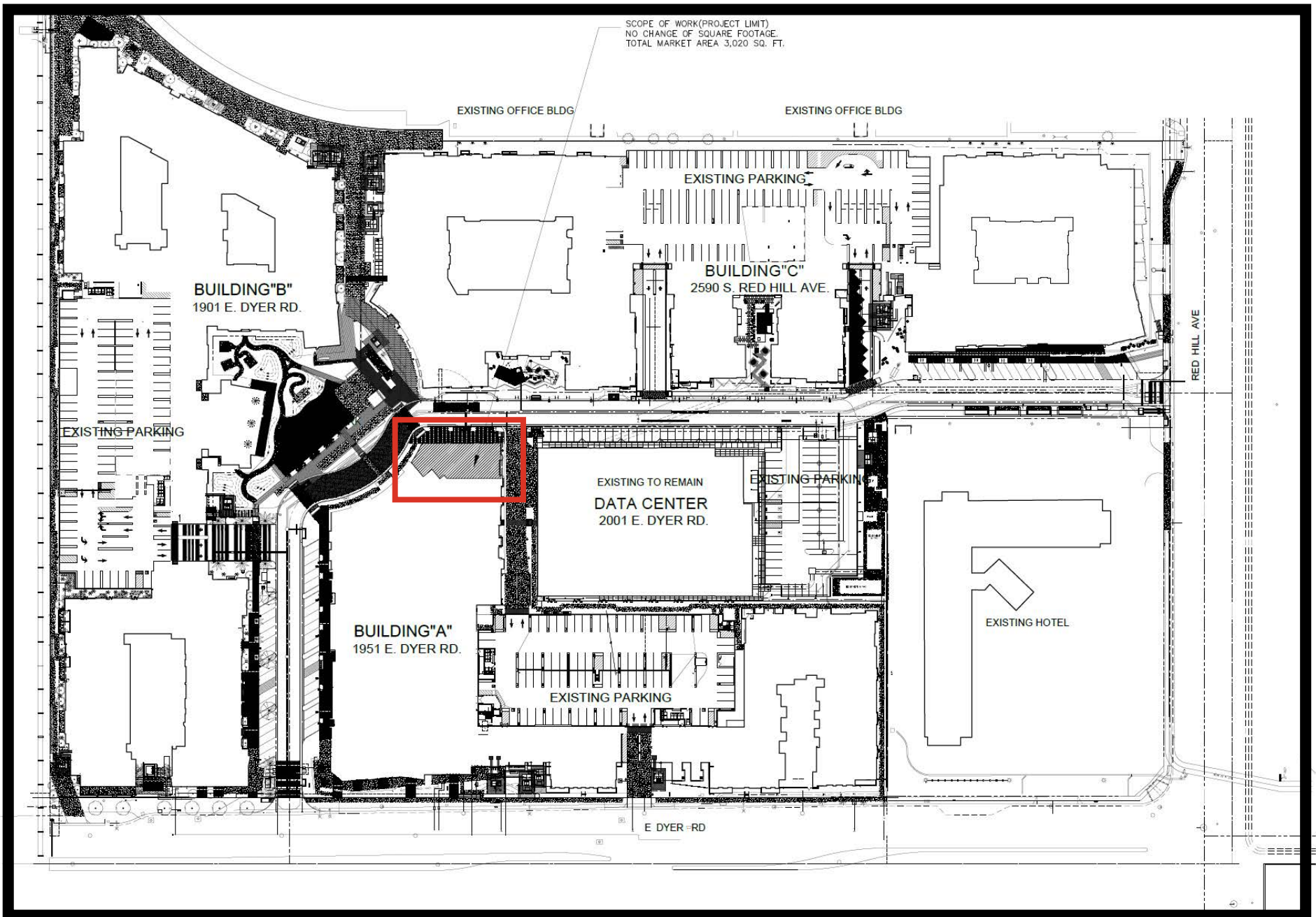


Exhibit 4 - Site Plan

**CUP Nos. 2024-9 & 2024-10 For Nexus Market
1951 East Dyer Road, Unit H**

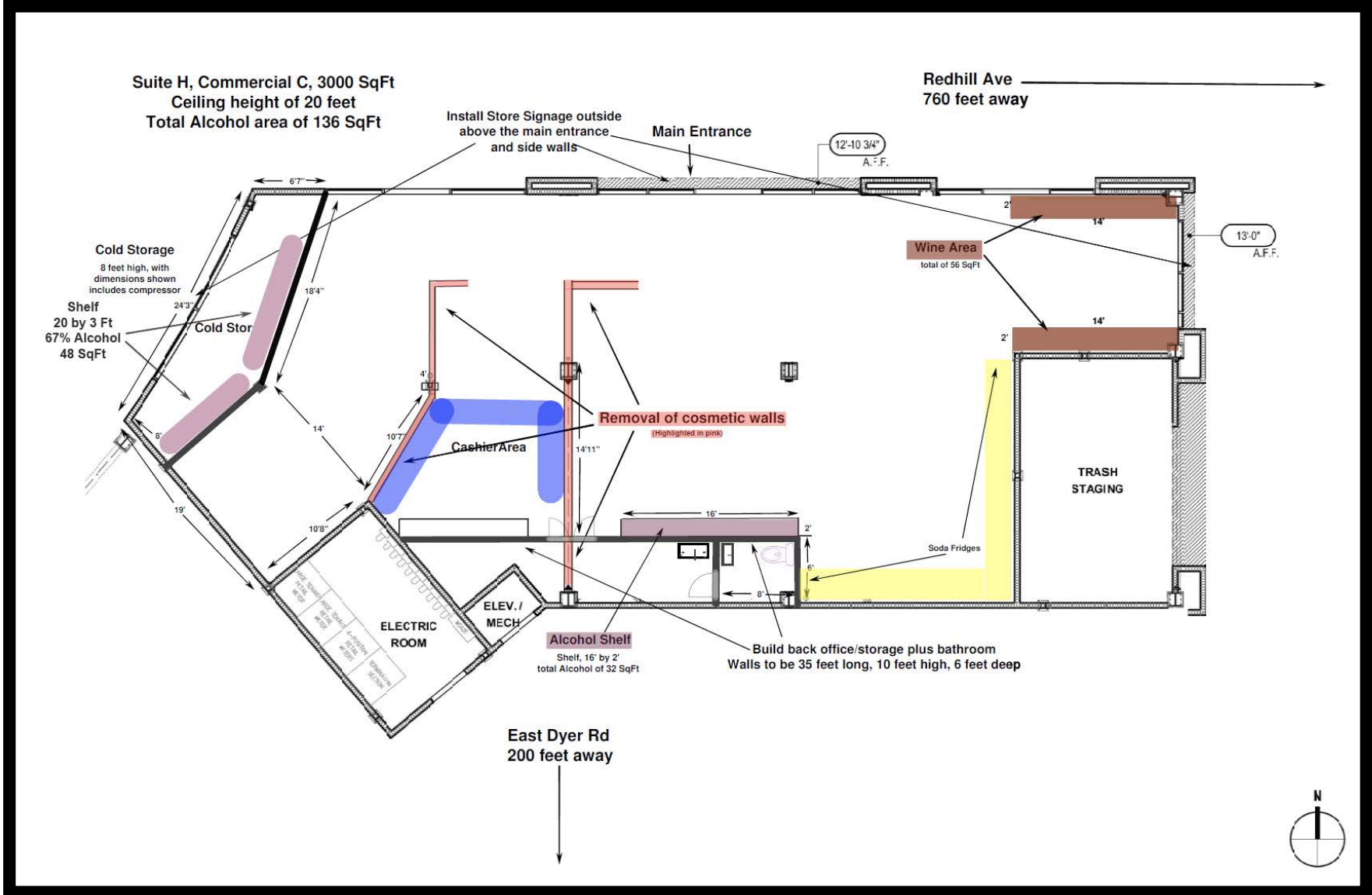


Exhibit 5 - Floor Plan

**CUP Nos. 2024-9 & 2024-10 For Nexus Market
1951 East Dyer Road, Unit H**

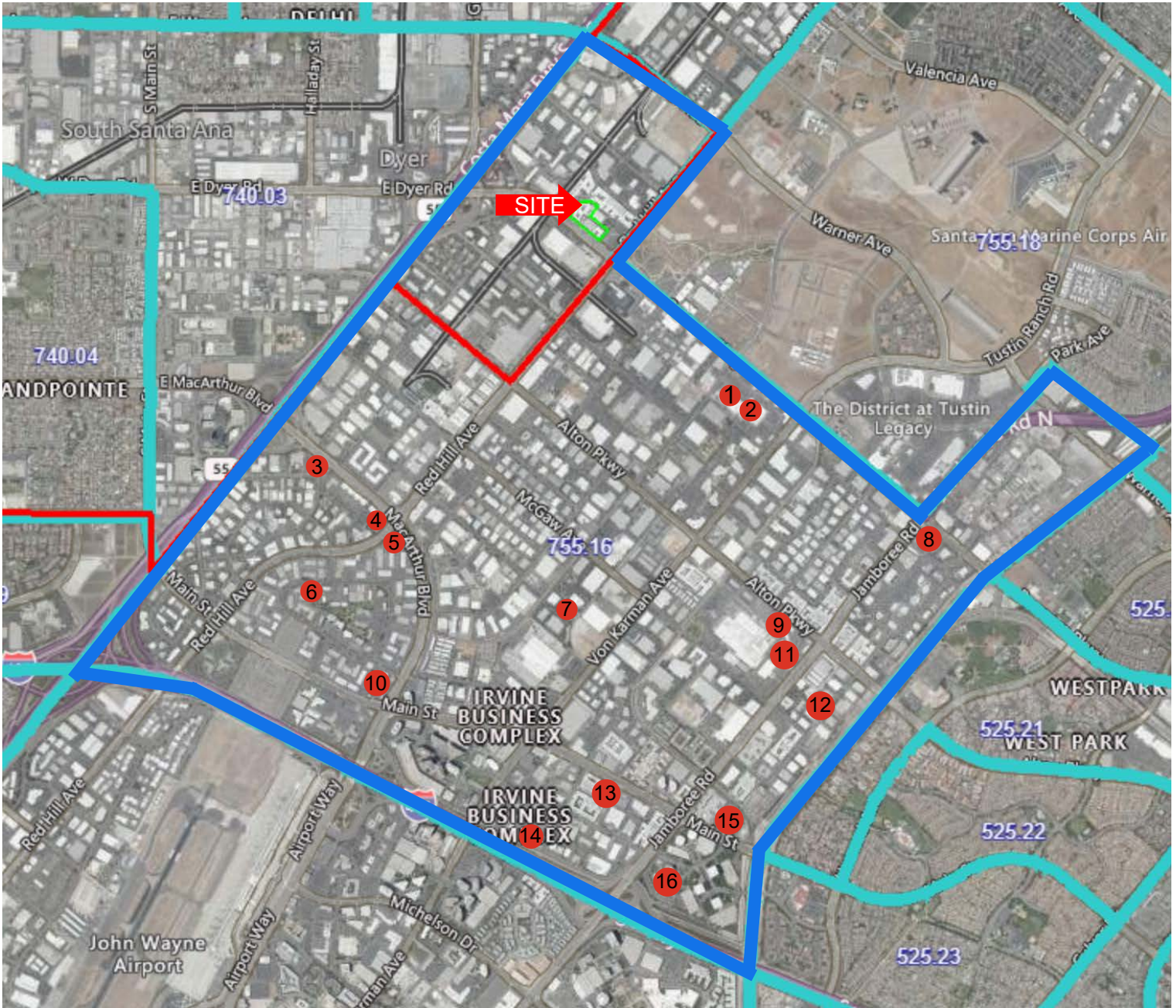


Exhibit 6 – Map of Type 20, 21, & 85 ABC Licenses within Census Tract 755.16

= Census Tract Boundary

(1) Grill City	Type 21	(9) H Mart	Type 21
(2) Walmart	Type 21	(10) 7-11 Market	Type 20
(3) Springhill Suites	Type 20	(11) Uncle Fossil Wine & Spirits	Type 21
(4) Mobile Mart	Type 20	(12) Internet Wine Imports	Type 20
(5) Chevron Gas Station	Type 20	(13) Irvine Market	Type 21
(6) Falling Bright Wine Merchants	Type 85	(14) Terra Rossa	Type 85
(7) Amazon Fresh Warehouse	Type 21	(15) Residence Inn by Marriot	Type 20
(8) Chevron Gas Station	Type 20	(16) Hyatt Regency	Type 21

ORANGE COUNTY REPORTER

~ SINCE 1921 ~

600 W SANTA ANA BLVD STE 812, SANTA ANA, CA 92701
Telephone (714) 543-2027 / Fax (714) 542-6841

NUVIA OCAMPO
CITY OF SANTA ANA/PLANNING & BUILDING AGEN
20 CIVIC CENTER PLAZA 2ND FLR
SANTA ANA, CA - 92702

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of ORANGE) ss

Notice Type: GPN - GOVT PUBLIC NOTICE

Ad Description:
1951 E Dyer Rd

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the ORANGE COUNTY REPORTER, a newspaper published in the English language in the city of SANTA ANA, county of ORANGE, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of ORANGE, State of California, under date 06/20/1922, Case No. 13421. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

07/12/2024

Executed on: 07/12/2024
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Handwritten signature of Matt Kilroy

Signature



This space for filing stamp only

OR #: 3831579

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 pursuant to Article V of Chapter 41 of the Santa Ana Municipal Code within 10 calendar days of the decision by any interested party or group.

Project Location: 1951 East Dyer Road, Unit H located within Specific Development No. 88 (SD-88) zoning district.

Project Applicant: Shar Pourdanesh with Nexus Market (Applicant) and on behalf of PR/ Broadstone Heritage I, LLC. (Property Owner)

Proposed Project: Applicant is requesting approval of Conditional Use Permit (CUP) 2024-09 to allow the sale of alcoholic beverages for off-premises consumption through the operation of a Type-21 Alcoholic Beverage Control license and Conditional Use Permit (CUP) No. 2024-10 to allow after-hours operations at a proposed convenience store (Nexus Market). In addition, approval to make a determination of Public Convenience or Necessity (PCN) to allow the sale of alcoholic beverages for off-premises consumption is required.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt from further review pursuant to Section 15301 (Class I - Existing Facilities) of the CEQA guidelines. A Notice of Exemption (NOE) will be filed for this project.

Meeting Details: This matter will be heard on Monday, July 22, 2024, 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 https://www.santa-ana.org/planning-and-building-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 by 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 3:30 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 project questions, please contact case planner Matthew Kilroy with the Planning Division by phone at (714) 667-2708 or by email at MKilroy@santa-ana.org.

Note: If you challenge the decision on the above matter, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council of the City of Santa Ana at, or prior to, the public hearing.

Si tiene preguntas en español, favor de llamar a Nuvia Ocampo (714) 667-2732. Nếu cần liên lạc bằng tiếng Việt, xin đi ệ n tho ậ i cho Tony Lai s ố (714) 565-2627.

7/12/24

OR-3831579#



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 1000 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.

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 pursuant to Article V of Chapter 41 of the Santa Ana Municipal Code within 10 calendar days of the decision by any interested party or group.

Project Location: 1951 East Dyer Road, Unit H located within Specific Development No. 88 (SD-88) zoning district.

Project Applicant: Shar Pourdanesh with Nexus Market (Applicant) and on behalf of PR/ Broadstone Heritage I, LLC. (Property Owner)

Proposed Project: Applicant is requesting approval of Conditional Use Permit (CUP) 2024-09 to allow the sale of alcoholic beverages for off-premises consumption through the operation of a Type-21 Alcoholic Beverage Control license and Conditional Use Permit (CUP) No. 2024-10 to allow after-hours operations at a proposed convenience store (Nexus Market). In addition, approval to make a determination of Public Convenience or Necessity (PCN) to allow the sale of alcoholic beverages for off-premises consumption is required.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt from further review pursuant to Section 15301 (Class 1 – Existing Facilities) of the CEQA guidelines. A Notice of Exemption (NOE) will be filed for this project.

Meeting Details: This matter will be heard on **Monday, July 22, 2024, 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 <https://www.santa-ana.org/planning-and-building-meeting-participation/>.

Written Comments: If you are unable to participate in the meeting, you may send written comments by e-mail to PBAeComments@santa-ana.org (reference the Agenda Item # in the subject line) or by 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 **3:30 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 project questions, please contact case planner Matthew Kilroy with the Planning Division by phone at (714) 667-2708 or by email at MKilroy@santa-ana.org.

Note: If you challenge the decision on the above matter, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council of the City of Santa Ana at, or prior to, the public hearing.

**Si tiene preguntas en español, favor de llamar a Nuvia Ocampo (714) 667-2732.
Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.**

1000' RADIUS NOTIFICATION MAP



**1951 East Dyer Road
1,000 Sq. Ft. Buffer Map**

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 1000 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.

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 pursuant to Article V of Chapter 41 of the Santa Ana Municipal Code within 10 calendar days of the decision by any interested party or group.

Project Location: 1951 East Dyer Road, Unit H located within Specific Development No. 88 (SD-88) zoning district.

Project Applicant: Shar Pourdanesh with Nexus Market (Applicant) and on behalf of PR/Broadstone Heritage I, LLC. (Property Owner)

Proposed Project: Applicant is requesting approval of Conditional Use Permit (CUP) 2024-09 to allow the sale of alcoholic beverages for off-premises consumption through the operation of a Type-21 Alcoholic Beverage Control license and Conditional Use Permit (CUP) No. 2024-10 to allow after-hours operations at a proposed convenience store (Nexus Market). In addition, approval to make a determination of Public Convenience or Necessity (PCN) to allow the sale of alcoholic beverages for off-premises consumption is required.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt from further review pursuant to Section 15301 (Class 1 – Existing Facilities) of the CEQA guidelines. A Notice of Exemption (NOE) will be filed for this project.

Meeting Details: This matter will be heard on **Monday, July 22, 2024, 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 <https://www.santa-ana.org/planning-and-building-meeting-participation/>.

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Si tiene preguntas en español, favor de llamar a Nuvia Ocampo (714) 667-2732.

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

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
**PUBLIC NOTICE OF APPLICATION
TO SELL ALCOHOLIC BEVERAGES**
APPLICANT: SHAR POURDANESH
TYPE OF LICENSE: 21-OFF SALE GENERAL
BUSINESS NAME: NEXUS MARKET
ADDRESS OF PREMISES: 151 E. DYER RD, STE. A, SANTA ANA, CA 92705
APPLICANT HAS FILED FOR: [REDACTED]
IF A VERIFIED PROTEST IS TO BE MADE AGAINST THE APPLICATION, IT MUST BE RECEIVED BY THE OFFICE OF THE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL, 2007 LEONARD DRIVE, SUITE 200, SAN ANTONIO, TEXAS, WITHIN 10 BUSINESS DAYS OF DATE POSTED. PROTESTS MUST BE SUPPORTED BY VERIFICATION REGARDING THE APPLICATION AND VERIFICATION FORMS MAY BE OBTAINED AT [REDACTED]
PREMISES ARE [REDACTED] LICENSED TO SELL ALCOHOLIC BEVERAGES







City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
July 22, 2024

Topic: Adopt Resolution Finding Partial Street Vacation is Consistent with General Plan

RECOMMENDED ACTION

Adopt a resolution finding that Abandonment 2024-01 is consistent with the General Plan

EXECUTIVE SUMMARY

The City's Community Development Agency is requesting to vacate former Church Street and excess Civic Center Drive right of way containing a driveway and raised planters south of the YMCA building at 209 West Civic Center Drive. The City has no current or prospective use for the portion of street right of way to be vacated, and the space will revert to and be conveyed to the property owner at 209 West Civic Center Drive consistent with prior City Council action. Staff recommends Planning Commission find the vacation of the portion of Civic Center Drive and former Church Street to be consistent with the General Plan.

DISCUSSION

Project Description

The triangular driveway area south of the YMCA parcel at 209 West Civic Center Drive is encumbered by street easement for former Church Street and excess Civic Center Drive (Exhibits 1). The City's Community Development Agency has applied to vacate the street easements, which will allow the driveway area to be merged into the YMCA parcel consistent with prior City Council actions. No changes to the existing areas are proposed with the street vacation.

Table 1: Project and Location Information

Item	Information	
Project Address and Council Ward	Portion of Church Street and Civic Center Drive behind south of 209 West Civic Center Drive – Ward 5	
Nearest Intersection	Civic Center Drive and Sycamore Street	
General Plan Designation		
Surrounding Land Uses	North	Institutional Government
	East	Street
	South	Institutional Government
	West	Street
Area of Vacation Size	8233 square feet	
Existing Site Development	Driveway and Raised Planters	

Church Street right of way between Sycamore Street and Broadway was conveyed to the City as street easement in 1893 by the land subdivision known as Map of Spurgeon’s Addition to Santa Ana. The segment of Church Street (later known as Eighth Street) became obsolete in the mid-1970s, when the City created Civic Center Drive.

In addition, as part of the creation of Civic Center Drive, the County of Orange granted an easement for street purposes to the City on August 9, 1974. The Civic Center Drive street easement granted to the City included a triangle-shaped portion of land which is not necessary for Civic Center Drive.

The improved sections of the Civic Center Drive will remain as public right-of-way. Also, to allow for a future accessible curb ramp and level landing consistent with City standard at the northwest corner of Civic Center Drive and Sycamore Street, a corner cut-off portion of street right of way will be excluded from the vacation area (Exhibit 2).

Following the street vacation, the City may convey its reversionary rights to the owner of the adjacent property, 209 West Civic Center, LLC, consistent with the August 18, 2020 City Council actions. The subject vacation action does not include approvals of development of the triangle driveway area. Future development of the property will be required to obtain all necessary City and governmental agency entitlement approvals.

Staff has determined that the City does not have any use for this street right of way except for the previously described corner cut-off, presently or in the future. Further, utilities, other government agencies, and City agencies have been advised of the vacation.

California Government Code Section 65402 (Restrictions on Acquisition and Disposal of Real Property) requires a Planning Commission to review and approve certain actions related to City property. Actions related to acquiring, using, or disposing of public property require the Planning Commission to review the proposed use for conformity with the General

Plan. The segment of street right of way proposed to be vacated is situated outside the limits of the street improvements for Civic Center Drive and Sycamore Street. Abandonment No. 2024-01 is consistent with the goals and polices of the General Plan of the City.

General Plan Conformance

The proposed vacation is in conformance with the Mobility Element of the City's 2022-2045 General Plan as follow:

- Goal M-1, Policy M-1.9 (Regional Consistency). Policy M-1.9 of the Mobility Element encourages the City to ensure the street network is consistent with standards set in the Orange County Transportation Authority's Master Plan of Arterial Highways (MPAH), and the Congestion Management Program. The Mobility Element classifies Civic Center Drive as a Secondary Arterial, which is a street with four travel lanes and sidewalks, typically in 80' of right of way. Sycamore Street is designated as a local street. Abandonment No 24-01 allows for current improvements to stay in place, removes excess right of way beyond current improvements of both streets, and would result in a right of way width of 82' for Civic Center Drive and 60' for Sycamore Street.
- Goal M-5, Policy 5.7 (Infrastructure Condition). The proposed vacation enhances travelway safety by removing an unimproved section of roadway while leaving existing improvements intact with full pavement and sidewalks.

In addition, the proposed vacation is in conformance with the Land Use Element of the City's 2022-2045 General Plan. Goal LU-2, Policy LU-2.6 of the Land Use Element encourages investment by promoting rehabilitation of properties and encouraging increased levels of capital investment to create a safe and attractive environment. Abandonment No 24-01 will convert a currently underutilized space, which must be maintained by the City, into a privately maintained element of a new commercial site.

The recommended action adopts a resolution of Planning Commission's determination that Abandonment 24-01 is consistent with the General Plan.

Public Notification

As a summary street vacation, Abandonment 24-01 will be considered by City Council at a duly noticed regular public meeting. At the meeting, staff will recommend City Council adopt a resolution vacating the public right of way.

ENVIRONMENTAL IMPACT

In accordance with the California Environmental Quality Act, the proposed project is exempt from further review. Categorical Exemption ER No. 2024-xx will be filed for this project.

FISCAL IMPACT

There is no fiscal impact associated with this action.

EXHIBITS

1. Street Vacation Location Map
2. Street Vacation Map
3. Planning Commission Resolution

Submitted By: Nabil Saba, Executive Director of Public Works, Public Works Agency

Approved By: Minh Thai, Executive Director of Planning and Building Agency, Planning and Building Agency

Exhibit 1

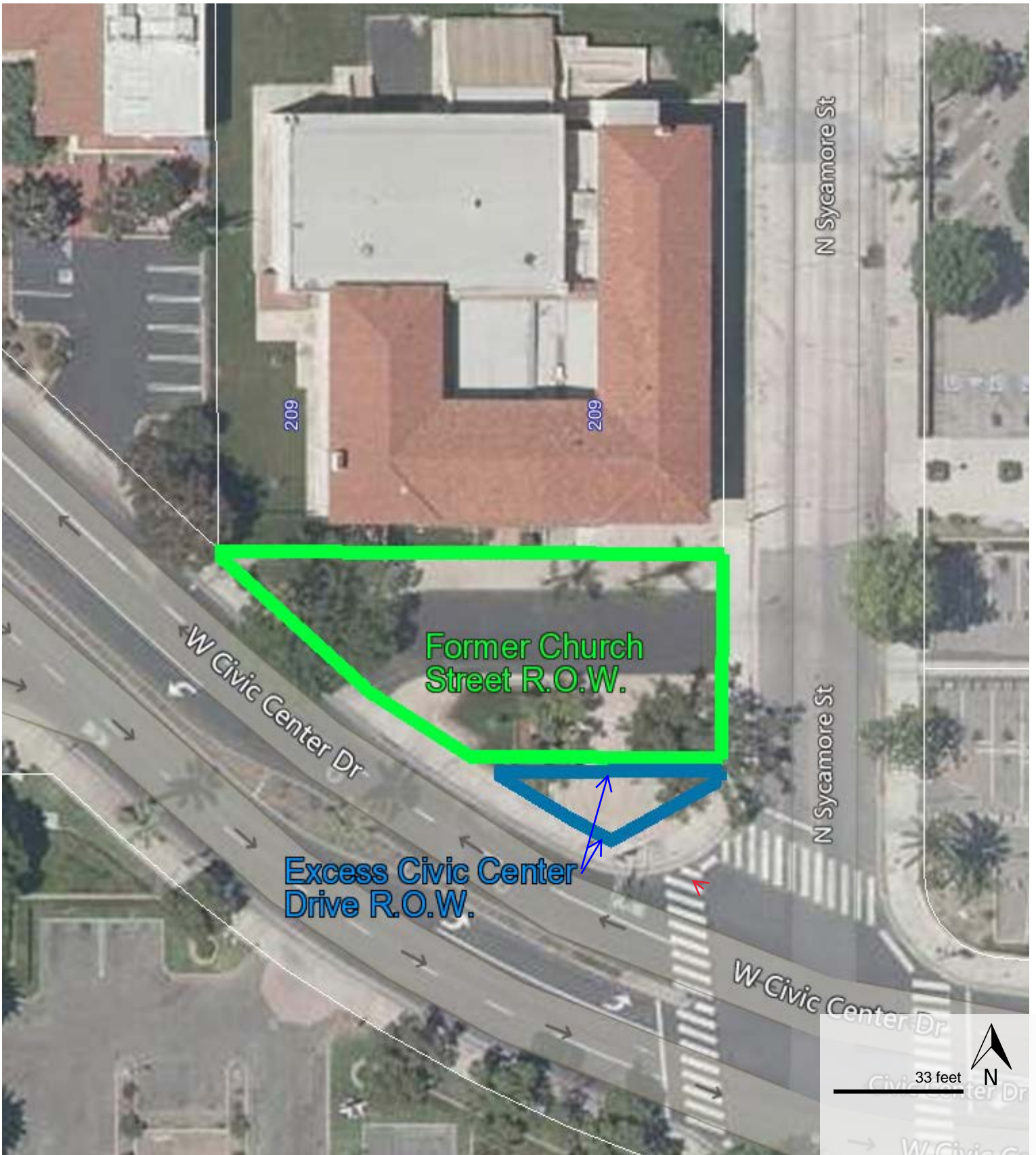


EXHIBIT 2

EXHIBIT "A"

LEGAL DESCRIPTION

CIVIC CENTER

FACILITY NO.: GA401

PARCEL NO.: 1.1

THAT CERTAIN PORTION OF LAND IN THE CITY OF SANTA ANA, COUNTY OF ORANGE, STATE OF CALIFORNIA, OVER PARCEL 3.4 DESCRIBED IN QUITCLAIM DEED TO THE COUNTY OF ORANGE RECORDED MARCH 3, 1994 AS DOCUMENT NO. 94-0153374 OF OFFICIAL RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF PARCEL 1 DESCRIBED IN GRANT DEED TO 209 WEST CIVIC CENTER, LLC RECORDED JANUARY 25, 2021 AS DOCUMENT NO. 2021000048418 OF OFFICIAL RECORDS OF SAID COUNTY, BEING ON THE NORTHERLY LINE OF EIGHTH STREET (FORMERLY CHURCH STREET); THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL SOUTH 89°47'46" EAST, 153.55 FEET TO THE SOUTHEASTERLY CORNER THEREOF, ALSO BEING ON THE WESTERLY LINE OF SYCAMORE STREET, 60 FEET WIDE; THENCE ALONG SAID WESTERLY LINE, SOUTH 00°16'23" WEST, 33.00 FEET TO AN ANGLE POINT; THENCE CONTINUING ALONG SAID WESTERLY LINE, SOUTH 00°16'19" WEST, 33.06 FEET TO AN ANGLE POINT; THENCE LEAVING SAID WESTERLY LINE, SOUTH 55°58'17" WEST, 35.87 FEET TO THE NORTHEASTERLY LINE OF CIVIC CENTER DRIVE, BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 400.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 24°43'20" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE AND NORTHEASTERLY LINE AN ARC LENGTH OF 181.92 FEET THROUGH A CENTRAL ANGLE OF 16°57'51"; THENCE NORTH 46°18'49" WEST, 33.17 FEET TO THE **POINT OF BEGINNING**.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF CONTAINING AN AREA OF 8,233 SQ. FT. (0.189 ACRES), MORE OR LESS PREPARED UNDER MY SUPERVISION:

David O. Knell 7-9-2024
DAVID O. KNELL PLS 5301 DATE



RESOLUTION NO. 2024-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA DETERMINING GENERAL PLAN CONFORMITY FOR THE VACATION OF FORMER CHURCH STREET AND EXCESS CIVIC CENTER DRIVE RIGHT OF WAY ADJACENT TO 209 WEST CIVIC CENTER DRIVE

WHEREAS, California Streets and Highways Code Section 8300 *et seq.* authorizes the City of Santa Ana ("City") to vacate all or any portion of any street or highway within its boundaries and under its jurisdiction to terminate the public's right to use such street; and

WHEREAS, pursuant to California Government Code section 65042, street vacations must first be submitted to and reported upon by the Planning Commission for conformance with the General Plan; and

WHEREAS, street easement for former Church Street between Sycamore Street and Broadway was conveyed to the City of Santa Ana by the land subdivision map known as Map of Spurgeon's Addition to Santa Ana in 1893; and

WHEREAS, on August 9, 1974, as part of the creation of Civic Center Drive, the County of Orange granted the City an easement for street purposes; and

WHEREAS, Church Street became obsolete with the completion of Civic Center Drive in 1975; and

WHEREAS, the Civic Center Drive street easement includes an excess triangle-shaped portion of land which is not necessary for Civic Center Drive; and

WHEREAS, former Church Street right of way and the excess portion of Civic Center Drive right of way are situated outside the limits of the existing Civic Center Drive improvements; and

WHEREAS, the City intends to retain a corner cutoff portion of the street right of way to allow for a City standard accessible curb ramp and level landing; and

WHEREAS, the City desires to vacate its interest in an 8,233 square-foot portion of street easement adjacent to 209 West Civic Center Drive, as shown on Exhibit A ("Vacation Area"); and

WHEREAS, the Vacation Area is unnecessary for present or prospective public use, as determined by the City's Public Works Agency.

NOW THEREFORE, BE IS RESOLVED by the Planning Commission of the City of Santa Ana as follows:

Section 1. The Planning Commission hereby determines that the proposed vacation of the Vacation Area, as shown on **Exhibit A**, is in conformance with the City's 2022 General Plan. The decision is based upon the Request for Planning Commission Action dated July 22, 2024, and exhibits attached thereto, and the public testimony, written and oral, all of which are incorporated herein by this reference.

The proposed vacation is in conformance with the Land Use Element of the City's 2022-2045 General Plan Goal LU-2, Policy LU-2.6, which encourages investment by promoting rehabilitation of properties and encouraging increased levels of capital investment to create a safe and attractive environment. The proposed vacation will allow for conversion of an underutilized space, which has the potential to collect trash and must be maintained by the City, into a landscaped and privately maintained element of a new commercial site.

The proposed vacation is also in conformance with the Mobility Element of the City's 2022-2045 General Plan as follow:

- Goal M-1, Policy 1.9 (Regional Consistency). The proposed vacation of an unimproved section of roadway will remove excess right of way beyond current improvements, and leave intact a portion of Civic Center Drive that is fully improved with pavement, bike route and sidewalks, and which is consistent with the standards of Orange County Transportation Authority Master Plan of Arterial Highways.
- Goal M-5, Policy 5.7 (Infrastructure Condition). The proposed vacation enhances travelway safety by removing an unimproved section of roadway while leaving existing improvements intact with full pavement and sidewalks.

Section 2. The proposed vacation of the Vacation Area is exempt from review under the California Environmental Quality Act pursuant to section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that it will have a significant impact on the environment. The proposed vacation is also exempt from CEQA review under section 15305 of the State CEQA Guidelines.

[Signatures on the following page]

ADOPTED this ____ day of July 22, 2024.

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTENTIONS: Commissioners:

Bao Pham Chairperson

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: Jose Montoya
Jose Montoya
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Nuvia Ocampo, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2024-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on July 22, 2024.

Date: _____

Recording Secretary
City of Santa Ana