

# Planning Commission Regular Meeting Agenda Packet

## VIRTUAL MEETING

April 12, 2021

5:30 P.M.

Due to Governor Gavin Newsom's [Executive Order](#) and the City Council's [Proclamation of Local Emergency](#), there will be no in-person meeting location for the community to attend public meetings.

**Meetings will be held in virtual setting via Zoom.**

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

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



**MARK McLOUGHLIN**  
*Ward 4 Representative*

**CYNTHIA CONTRERAS-LEO**  
*Vice Chair, Ward 5  
Representative*

**NORMA GARCIA**  
*Ward 1 Representative*

**MIGUEL CALDERON**  
*Ward 2 Representative*

**KENNETH NGUYEN**  
*Ward 3 Representative*

**VACANT**  
*Citywide Representative*

**THOMAS MORRISSEY**  
*Ward 6 Representative*

**MinhThai**  
*Executive Director*

**John Funk**  
*Legal Counsel*

**Ali Pezeshkpour, AICP**  
*Principal Planner*

**Sarah Bernal**  
*Recording Secretary*



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**CALL TO ORDER**  
**ATTENDANCE**

**Commissioners:**

**Eric M. Alderete**  
**Miguel Calderon**  
**Mark McLoughlin, Chair**  
**Thomas Morrissey, Vice Chair**  
**Bao Pham**  
**Isuri S. Ramos**  
**Alan Woo**

**Executive Director**  
**Senior Asst. City**  
**Attorney**  
**Principal Planner**  
**Recording Secretary**

**Minh Thai**  
**John Funk**  
**Ali Pezeshkpour**  
**Sarah Bernal**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS** (non agenda items)

**CONSENT CALENDAR ITEMS**

**a.** Minutes

**Recommended Action:** Approve Minutes from the March 22, 2021 meeting.

**b.** Excused Absences

**Recommended Action:** Excuse absent commissioners.

**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 March 31, 2021 and notices were mailed on said date.

**1. Conditional Use Permit No. 2021-01 – Jerry Guevara, Case Planner**

**Location:** 1209 East Wakeham Avenue located in the Light Industrial (M1) zoning district.

**Proposed Project:** The applicant is requesting approval of Conditional Use Permit No. 2021-01 to renew the entitlements of an existing 60-foot high major wireless communications facility disguised as a mono-pine.

**Environmental Impact:** The Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines – Class 1/Existing Facilities. Notice of Exemption, Environmental Review No. 2021-18 will be filed for this project.

**Recommended Action:** Adopt a resolution approving Conditional Use Permit No. 2021-01 as conditioned.

**2. Conditional Use Permit No. 2021-06 – Jerry Guevara, Case Planner.**

*The Applicant has requested this item be continued.*

**Location:** 2106 North Tustin Avenue located in the Arterial Commercial (C5) zoning district.

**Proposed Project:** The applicant is requesting approval of Conditional Use Permit No. 2021-06 to allow after-hours operations until 2:00 a.m., daily, at an existing restaurant (Chiles and Beer Restaurant).

**Environmental Impact:** The Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines – Class 1/Existing Facilities. Notice of Exemption, Environmental Review No. 2021-24 will be filed for this project.

**Recommended Action:** Continue the matter to the April 26, 2021 meeting.

**3. Conditional Use Permit No. 2021-04 – Ivan Orozco, Case Planner.**

*Staff has requested this item be continued to a future date.*

**Location:** 3950 South Bristol Street located in the Commercial Residential (CR) zoning district.

**Proposed Project:** The applicant is requesting approval of Conditional Use Permit No. 2021-04 to allow a Type 41 Alcoholic Beverage Control (ABC) license for the sale

of beer and wine for on-premises consumption at an existing restaurant (Euro Caffè).

**Environmental Impact:** The Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines – Class 1/Existing Facilities. Notice of Exemption, Environmental Review No. 2021-15 will be filed for this project.

**Recommended Action:** Continue the matter to a date uncertain.

## **BUSINESS CALENDAR**

4. General Plan Update – Melanie McCann

## **STAFF COMMENTS**

## **COMMISSIONER COMMENTS**

## **ADJOURNMENT**

The next virtual meeting of the Planning Commission will be on April 26, 2021 at 5:30 PM.

## **FUTURE AGENDA ITEMS**

- Conditional Use Permit No. 2221-05 for the property located at 400 E. 17<sup>th</sup> Street to allow after hours for a service station
- Short Term Rentals and Group Homes Ordinance

## **MEETING INFORMATION**

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### 3. Dialing in from a mobile phone or landline:

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### **Submit a written comment**

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**E-mail** [PBAComments@santa-ana.org](mailto:PBAComments@santa-ana.org) and reference the topic in the subject line.

**Mail** to Sarah Bernal, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza – M20, Santa Ana, CA 92701.

***Deadline to submit written comments is 5:00 p.m. on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.***

### **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.

# Planning Commission Regular Meeting Agenda Minutes

March 22, 2021

**VIRTUAL MEETING**  
**5:30 P.M.**



**MARK McLOUGHLIN**  
*Chair, Ward 4 Representative*

**ERIC ALDERETE**  
*Citywide Representative*

**BOA PHAM**  
*Ward 1 Representative*

**MIGUEL CALDERON**  
*Ward 2 Representative*

**ISURI S. RAMOS**  
*Ward 3 Representative*

**ALAN WOO**  
*Ward 5 Representative*

**THOMAS MORRISSEY**  
*Ward 6 Representative*

**MinhThai**  
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**CALL TO ORDER**

**Commissioners**

**Mark McLoughlin, Chair  
Eric M. Alderete  
Miguel Calderon  
Thomas Morrissey  
Bao Pham  
Isuri S. Ramos  
Alan Woo**

**Executive Director  
Senior Asst. City Attorney  
Principal Planner  
Recording Secretary**

**Minh Thai  
John Funk  
Ali Pezeshkpour  
Sarah Bernal**

**ROLL CALL**

**Minutes:** *All commissioners in attendance.*

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS (non agenda items)**

**CONSENT CALENDAR ITEMS**

**A. Minutes**

**Recommended Action:** Approve Minutes from February 22, 2021.

**Moved by Commissioner Morrissey, seconded by Commissioner Calderon to Approve.**

**YES:** 5 – Tom Morrissey, Mark McLoughlin, Bao Pham, Isuri Ramos, Miguel Calderon

**NO:** 0 – **ABSTAIN:** 1 – Alan Woo

**ABSENT:** 1 – Eric Alderete

**Status:** 5 – 0 – 1 – 1 – **Pass**

## **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. **NOTICE:** Legal notice was published in the OC Reporter on March 10, 2021 and notices were mailed on March 11, 2021.*

### **1. Conditional Use Permit No. 2021-03 – Jerry Guevara, Case Planner**

**Location:** 1935 East Seventeenth Street, Unit A-2 located in the Arterial Commercial (C5) zoning district.

**Request:** The applicant is requesting approval of a conditional use permit to allow a Type 41 Alcoholic Beverage Control (ABC) license for the sale of beer or wine for on-premises consumption at an existing restaurant.

**Environmental Impact:** The Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines – Class 1/Existing Facilities. Notice of Exemption, Environmental Review No. 2021-20 will be filed for this project.

**Recommended Action:** Adopt a resolution approving Conditional Use Permit No. 2021-03 as conditioned.

**Minutes:** *Chair McLoughlin opened the Public Hearing. The applicant spoke in support of the matter. There were no other speakers and the Public Hearing was closed.*

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

**YES:** 7 – Tom Morrissey, Mark McLoughlin, Bao Pham, Isuri Ramos, Alan Woo, Eric Alderete, Miguel Calderon

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

### **2. Density Bonus Agreement No. 2020-02 – Pedro Gomez, Case Planner**

**Location:** 801, 807, 809, 809 1/2 East Santa Ana Boulevard located in the Transit Zoning Code (SD-84), within the Urban Neighborhood 2 (UN-2) land use designation zoning district.

**Request:** The applicant proposes to construct a 17-unit rental affordable residential community known as FX Residences. In order to facilitate the construction of the project,



the applicant is requesting approval of density bonus agreement to utilize waivers from development standards and/or development concessions as permitted pursuant to California Government Code sections 65915 through 65918 as implemented by the Santa Ana Municipal Code (SAMC) Sections 41-1600 through 41-1607.

**Environmental Impact:** In accordance with the California Quality Environmental Act (CEQA), the recommended action is exempt from CEQA per Section 15194 (Affordable Housing Exemption). This exemption applies to development projects for affordable housing that meet the threshold criteria set forth in Section 15192; are not located on a site more than five acres in area; are located within an urbanized area with a population density of at least 5,000 persons per square mile, and immediately adjacent to qualified urban uses; and that consist of the construction of 100 or fewer residential housing units that are affordable to low-income households. Therefore, no additional environmental review is required. Based on this analysis, a Notice of Exemption, Environmental Review No. 2019-108 will be filed for this project.

**Recommended Action:** Adopt a resolution approving Density Bonus Agreement Application No. 2020-02 as conditioned.

**Minutes:** *Chair McLoughlin opened the Public Hearing. The applicant spoke in support of the matter and answered questions regarding amenities, landscape plan, site plan, and characteristics of the residents. The following individuals spoke in the matter:*

*Dale Helvig: Provided a general comment regarding income levels.*

*Kimberly Adams: Spoke in support.*

*There were no other speakers and the Public Hearing was closed.*

**Moved by Commissioner Woo, seconded by Commissioner Ramos to Approve. A friendly amendment was made by Commissioner Morrissey to direct the applicant to work with staff on alternative tree specifications along Garfield Street. The amendment was accepted by Commissioner Woo.**

**YES:** 7 – Tom Morrissey, Mark McLoughlin, Bao Pham, Isuri Ramos, Alan Woo, Eric Alderete, Miguel Calderon

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

## **BUSINESS CALENDAR**

### **3. Elect a Vice-Chairperson to serve for a partial term expiring July 2021,**

**Recommended Action:** Elect a Vice-Chairperson.

**Moved by Commissioner McLoughlin, seconded by Commissioner Morrissey to nominate Commissioner Morrissey as Vice-Chairperson for a partial term**

**expiring July 2021.**

**YES:** 4 – Tom Morrissey, Mark McLoughlin, Alan Woo, Miguel Calderon

**NO:** 3 – Bao Pham, Isuri Ramos, Eric Alderete

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

## **STAFF COMMENTS**

## **COMMISSIONER COMMENTS**

## **ADJOURNMENT**

The next virtual meeting of the Planning Commission will be on April 12, 2021 at 5:30 PM.

## **FUTURE AGENDA ITEMS**

- Conditional Use Permit 2021-04 to allow the sale of beer and wine for on-premises consumption at an existing restaurant located at 3950 S. Bristol Street.

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**City of Santa Ana  
20 Civic Center Plaza, Santa Ana, CA 92701  
Planning Commission Staff Report  
April 12, 2021**

**Topic:** CUP No. 2021-01 – Major Wireless Communications Facility Renewal

**RECOMMENDED ACTION**

Adopt a resolution approving Conditional Use Permit No. 2021-01 as conditioned.

**EXECUTIVE SUMMARY**

Nicole Comach with Virtual Site Walk, on behalf of SBA Monarch Towers III, LLC (Applicant) and Salinas, Inc. (Property Owner), is requesting approval of Conditional Use Permit (CUP) No. 2021-01 to renew the entitlements of an existing 60-foot high major wireless (“mono-pine”) communications facility located at 1209 East Wakeham Avenue. Pursuant to Section 41-198.3(b) of the Santa Ana Municipal Code (SAMC), major wireless communications facilities require approval of a CUP and are required to be renewed every 10 years. Staff is recommending approval of the applicant’s request due to the facility’s location that minimizes aesthetic intrusion to the surrounding area and its ability to continue to provide a community benefit.

**DISCUSSION**

**Project Description**

The applicant is requesting approval of CUP No. 2021-01 to renew the entitlements of an existing 60-foot high major wireless communications facility disguised as a mono-pine. The facility currently provides cellular coverage and call capacity to a predominantly industrial area of the City. The wireless communication facility equipment and antennas are located within a 486-square foot area that is enclosed by a seven-foot high wrought iron fence and is located on the rear northeast corner of the property. The mono-pine is surrounded by two pine trees that assist with camouflaging the stealth facility. At this time, no new or additional antennas and/or equipment are being proposed.

**Table 1: Project Location and Information**

<b>Item</b>	<b>Information</b>	
Project Address & Council Ward	1209 East Wakeham Avenue – Ward 6	
Nearest Intersection	Wakeham Avenue and Grand Avenue	
General Plan Designation	Industrial (IND)	
Zoning Designation	Light Industrial (M1)	
Surrounding Land Uses	North	Industrial
	East	Industrial
City Council	South	Industrial
	West	Industrial

4/12/2021

Item	Information	
Property Size	0.83 Acres	
Existing Site Development	The site is currently developed with a 12,000-square foot industrial building and associated parking and landscaping.	
Use Permissions	Allowed with approval of a CUP	
Zoning Code Sections Affected	Uses	Section 41-198.3(b)
	Operational Standards	Section 41-198

**Table 2: Development Standards**

Standards	Required by SAMC	Provided
Screening Criteria	A stealth facility	Complies; mono-pine
Site Selection	Areas that will minimize aesthetic intrusion	Complies; the facility is located within an industrial area of the City and the tower and equipment are located towards the rear of the property and away from sensitive land uses
Height Criteria	Not to exceed 60 feet in height from ground level as measured from the nearest street curb	Complies; 60-foot high
Landscaping	Groundcover at the base of the facility and one twenty-four (24) inch box tree	Complies; two pine trees and ground cover
Equipment Screening	Decorative fencing such as wrought iron or block around the wireless facility	Complies; 7-foot high wrought iron fence

**Project Background**

On April 12, 2010, the Planning Commission approved CUP No. 2010-02 to allow the construction of the subject mono-pine and equipment enclosure. Pursuant to SAMC Section 41-198.3(b), a CUP is required for all major wireless communications facilities in the City. Furthermore, Section 41-198.13 states that major wireless communications facilities shall be approved for a period not to exceed 10 years. As the current entitlements have reached the 10-year lifespan, the applicant is required to apply for a new CUP in order to maintain the entitlements current for the facility.

**Project Analysis**

CUP requests are governed by Section 41-638 of the SAMC. CUPs may be granted when it can be shown that the proposed project will not adversely impact the community. If these findings can be made, then it is appropriate to grant the CUP. Conversely, the inability to make these findings would result in a denial. In analyzing the CUP request, staff believes that the following analysis warrants staff's recommendation. As part of the development review of the project, staff worked closely with the applicant to identify improvements to enhance the overall appearance of the site. These improvements include the replacement of all deteriorating and/or faded stealth branches and needles and refreshing the antenna socks. In processing wireless communications

facilities, the City of Santa Ana must consider provisions contained within Section 6409(a) of the Middle Class Tax Relief Act [47 U.S.C. § 1455(a)], which limits the ability of local agencies to impose additional conditions of approval when cell phone tower permits are renewed. These limits include additional stealthing if such screening or stealthing was not required at the time of original construction and/or seismic retrofits, which, according to a study by the City of Los Angeles, cost as much as constructing a new tower.

This location is optimal to provide the coverage necessary for existing and expanding service. The facility provides a benefit to Santa Ana residents, businesses and motorists who subscribe to mobile phone services by providing cellular and data capacity in the area. The facility will be in compliance with Federal law that governs health related issues for wireless facilities, including safety regulations from the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA).

Finally, the use will continue to comply with all provisions pertaining to the construction and installation of wireless facilities identified in Chapter 41 (Zoning Code) of the SAMC. The facility continues to meet all height, location/zoning, and stealthing standards. The facility will not adversely affect the General Plan, as cellular facilities that are designed to be compatible with the surrounding environment are consistent with the goals and objectives of the Land Use Element.

### **Public Notification and Community Outreach**

Public notifications were posted, published, and mailed in accordance with City and State regulations. Copies of the public notice, including a 500-foot notification radius map, and the site posting are provided in Exhibit 6. The subject property is not located within the boundaries of an established Neighborhood Association. At the time this report was printed, no issues of concern were raised regarding the proposed CUP.

### **ENVIRONMENTAL IMPACT**

Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15301 of the CEQA Guidelines (Class 1 - Existing Facilities). This exemption consists of 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 use beyond that existing at the time of the lead agency's determination. The project consists of the renewal of a permit of an existing wireless communications facility. Based on this analysis, a Notice of Exemption, Environmental Review No. 2021-18 will be filed for this project.

### **FISCAL IMPACT**

There is no fiscal impact associated with this action.

**EXHIBIT(S)**

1. Resolution
2. Vicinity Zoning & Aerial View
3. Site Photo
4. Site Plan & Equipment Plan
5. Elevations
6. Copy of Public Notices

Submitted By:  
Jerry Guevara, Assistant Planner I

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





1. That the proposed use will provide a service or facility which will contribute to the general well-being of the neighborhood or the community.

The major wireless communication facility will continue to provide a service to Santa Ana residents, businesses and motorists who subscribe to cellular services by providing cellular service and data coverage for its users within the vicinity. The issuance of a new CUP will allow the provider to continue to provide a service to the surrounding community.

2. That the proposed use under the circumstances of the particular case will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The issuance of a new CUP to maintain a wireless facility at this location will not be detrimental to persons residing or working in the area as the facility will remain in compliance with Federal law that governs health related issues for wireless facilities, including safety regulations from the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA).

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

The facility is compatible with the surrounding area and will not adversely affect the economic viability in the area. The stealthing provided by the facility's location at the rear of the site will maintain and increase the economic stability for this industrial area by providing an additional service for business owners, workers, and residents in the area.

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

The use will continue to comply with all provisions pertaining to the continuation of existing wireless facilities identified in Chapter 41 (Zoning Code) of the SAMC. The facility will continue to be stealthed by its design and surrounding landscape and will comply with other standards outlined in the SAMC.

5. That the proposed use will not adversely affect the General Plan or any specific plan of the City.

The major wireless communication facility will not adversely affect the General Plan as cellular facilities that are designed to be compatible with the surrounding environment are consistent with the goals and objectives of the Land Use Element. Goal 1 promotes a balance of land uses to address

community needs, which includes means of communication that will be served by the facility. In addition, Goals 3 and 5 require preservation of neighborhood character and integrity as well as mitigation of developments' impacts. The monopine's location minimizes visual impact on the area and assists with the stealthing of the equipment. Further, Policy 2.2 encourages land uses that accommodate the City's needs for services. Maintaining cellular coverage in the area maintains the services that are already available for business owners, workers, visitors and residents in the immediate vicinity.

**Section 2.** In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15301 (Class1 – Existing Facilities). Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Based on this analysis, a Notice of Exemption for Environmental Review No. 2021-18 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 a public hearing hereby approves Conditional Use Permit No. 2021-01, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 1209 East Wakeham Avenue. CUP No. 2021-01 expires 10 years from the date of the Planning Commission approval. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to: The Request for Planning Commission Action dated April 12, 2021, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this referenced.

ADOPTED this 12<sup>th</sup> day of April, 2021

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

---

Mark McLoughlin  
Chairperson

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

By: \_\_\_\_\_  
John M. Funk  
Senior Assistant City Attorney

**CERTIFICATE OF ATTESTATION AND ORIGINALITY**

I, SARAH BERNAL, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2021-XX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on April 12, 2021.

Date: \_\_\_\_\_

\_\_\_\_\_  
Recording Secretary

## EXHIBIT A

### **Conditions of Approval for Conditional Use Permit No. 2021-01**

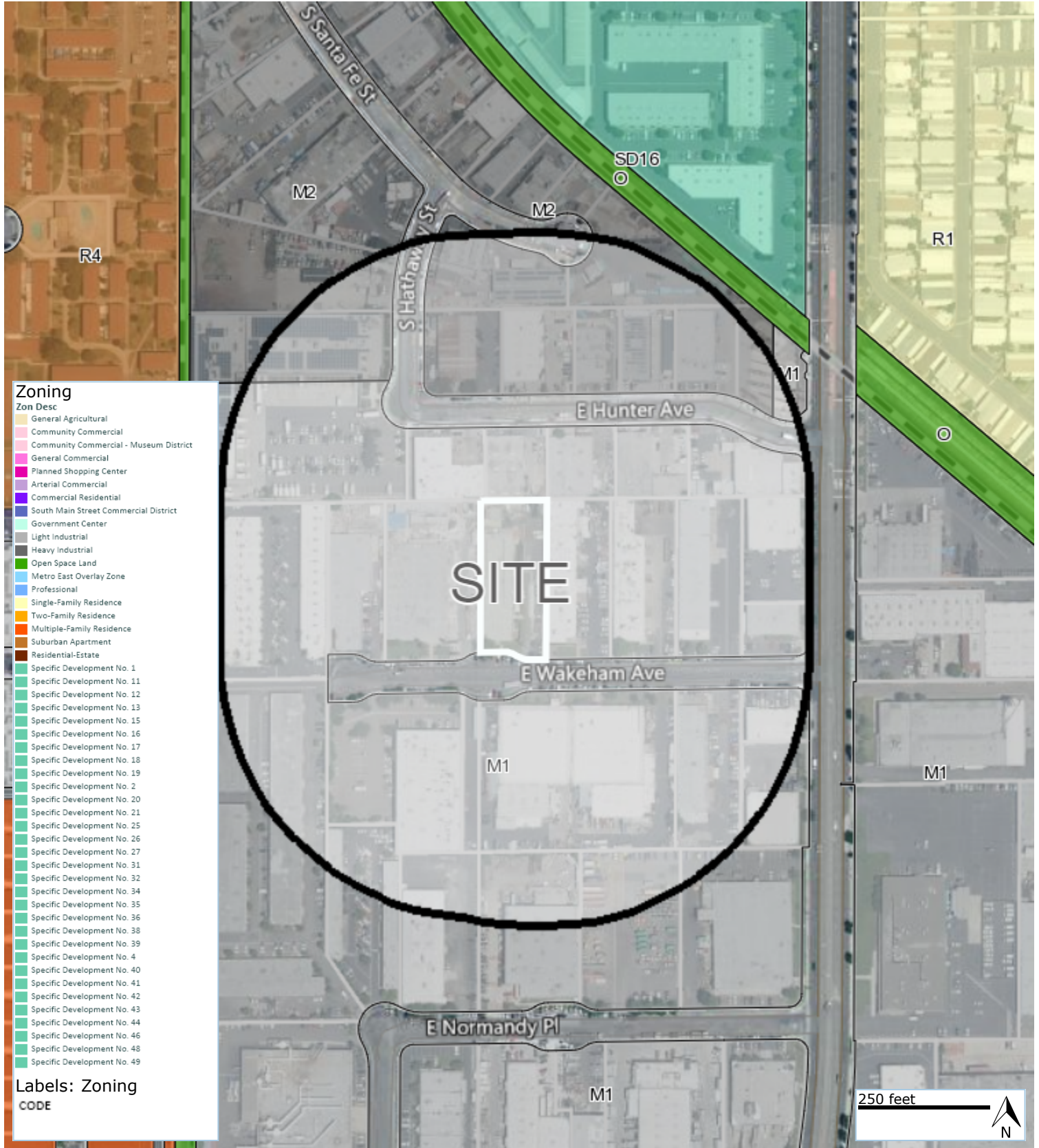
Conditional Use Permit (CUP) No. 2021-01 is approved subject to compliance, to the reasonable satisfaction of the Executive Director of Planning and Building Agency, with all applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code and all other applicable regulations.

The Applicant must comply in full with each and every condition listed below prior to exercising the rights conferred by this conditional use permit.

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

1. All site improvements must conform to Development Project Review (DP Nos. 2021-01 and 2009-50) and in accordance with the plans attached to the staff report documenting the approved scope of the project.
2. All deteriorating and/or faded stealth branches, needles and antenna socks shall be replaced to match the foliage color of the surrounding pine trees. Planning Division staff will inspect the facility to verify compliance with this condition six month after the date of approval of this CUP.
3. The Applicant shall provide a 24-hour phone number to which interference problems may be reported.
4. The Applicant will provide a “single point of contact” in its Engineering and Maintenance Departments to insure continuity on all interference issues. The name, telephone number, fax number and e-mail address of that person shall be provided to the City’s designated representative after approval of the new CUP.
5. The Applicant shall ensure that lessee or other user(s) shall comply with the terms and conditions of this permit, and shall be responsible for the failure of any lessee or other users under the control of permit Applicant to comply.
6. The major wireless facility shall be subject to any applicable California Building Code or federal requirements for seismic safety, retrofit, and/or upgrades as deemed necessary by the Building Division.
7. CUP No. 2021-01 expires 10 years from the date of Planning Commission approval.

# CUP No. 2021-01 1209 E. Wakeham Avenue



### Exhibit 2 - Vicinity Zoning & Aerial View

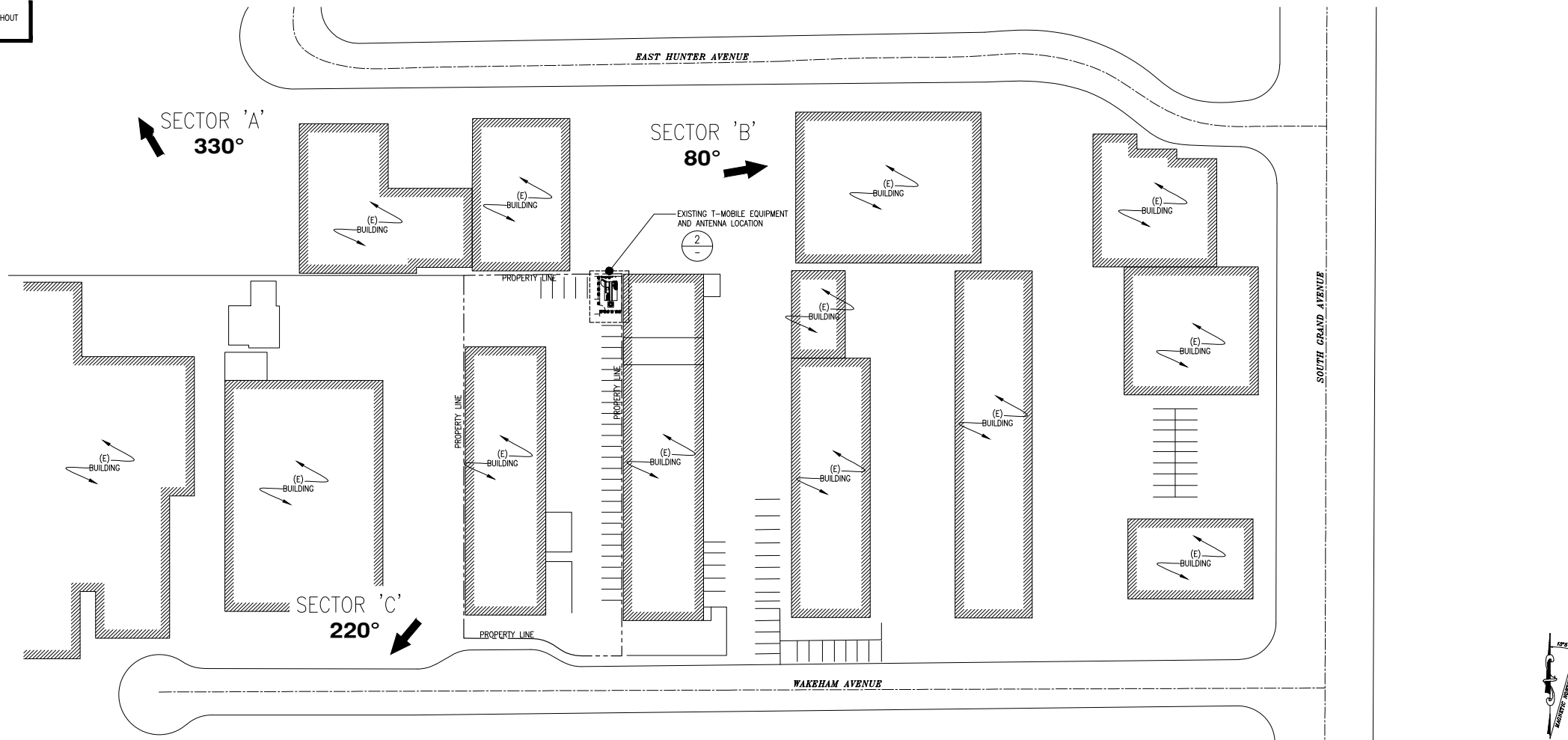




**CUP No. 2021-01  
1209 E. Wakeham Avenue**

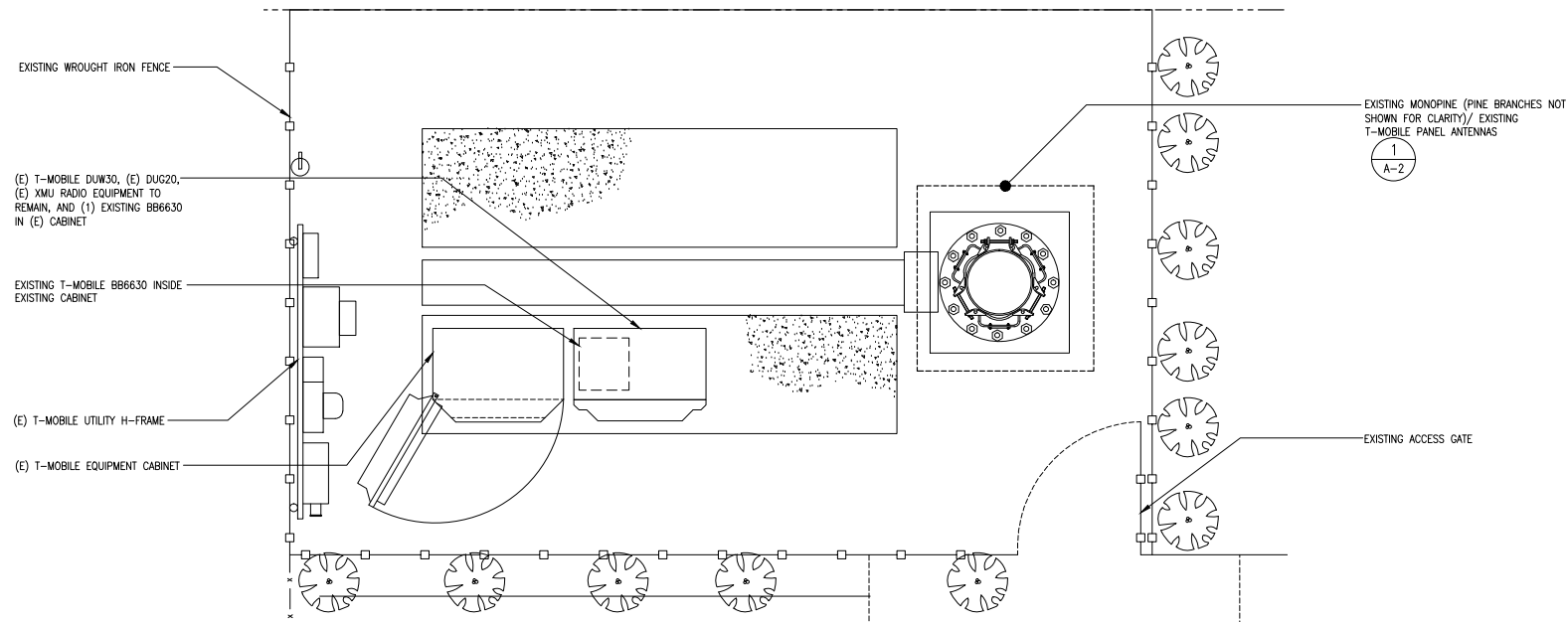


NOTE:  
SITE PLAN IS PRELIMINARY AND DONE WITHOUT  
THE BENEFIT OF A SURVEY.



**SITE PLAN**

SCALE: 1"=50'-0" 0 25' 50' **1**



**EQUIPMENT PLAN**

SCALE: 3/8"=1'-0" 0 1' 2' 3' **2**

PLANS PREPARED BY:  
**INFINIGY**  
ENGINEERING, LLP  
26455 RANCHO PARKWAY SOUTH  
LAKE FOREST, CALIFORNIA 92630  
JOB NUMBER: 5103-B0001-C

CONSULTING GROUP:  
**SBA**   
SBA COMMUNICATIONS CORP.  
510 GOETZ AVE.  
SANTA ANA, CA 92707

NO.	DATE:	DESCRIPTION:	BY:
0	02/04/20	90% ZD's	GN
1	02/06/20	100% ZD's	GN

SITE INFORMATION:  
**ENVELOPMENTS**  
**LA33837D**  
1209 E. WAKEHAM AVENUE  
SANTA ANA, CA 92705

SEAL:

SHEET TITLE:  
**SITE PLAN & EQUIPMENT PLAN**

SHEET NUMBER:  
**A-1**

&nbsp; City Council  
&nbsp;1 &ndash;&nbsp;13  
4/12/2021  
&nbsp;



PLANS PREPARED BY:  
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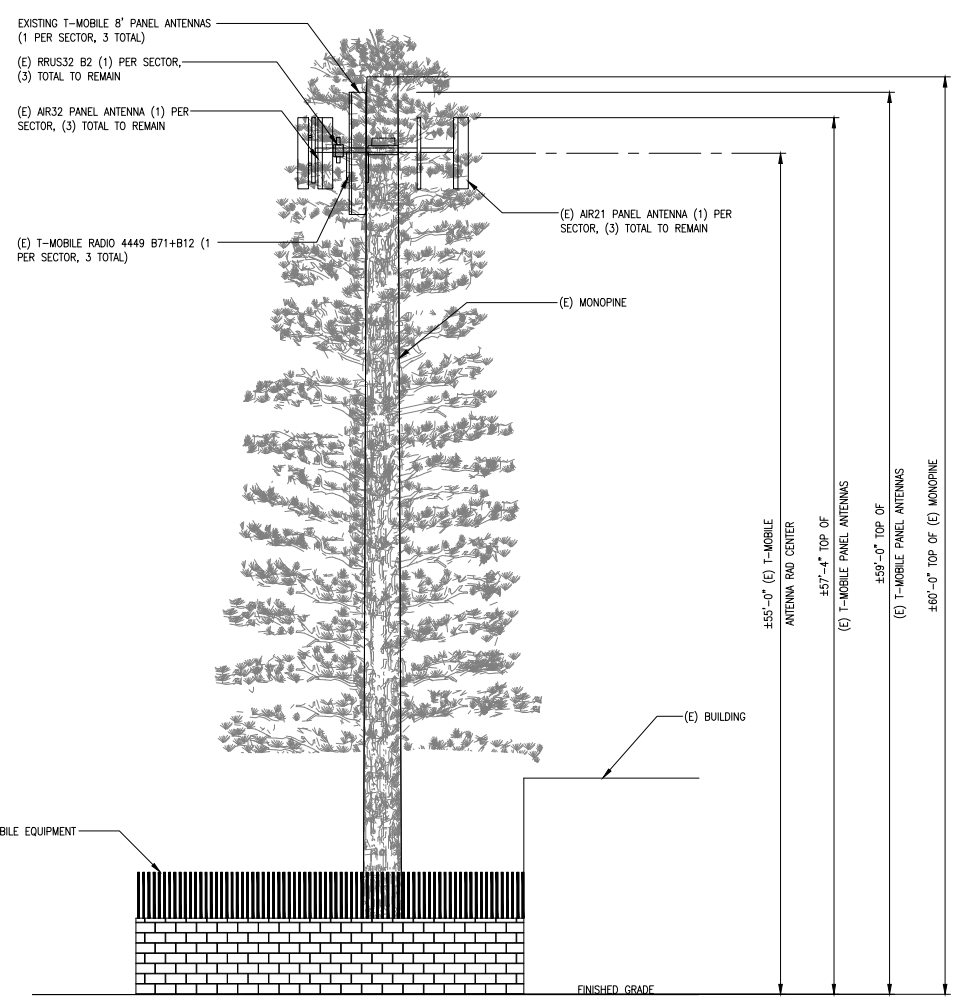
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**ENVELOPMENTS**  
**LA33837D**  
 1209 E. WAKEHAM AVENUE  
 SANTA ANA, CA 92705

SEAL:

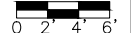
SHEET TITLE:  
**ARCHITECTURAL ELEVATIONS**

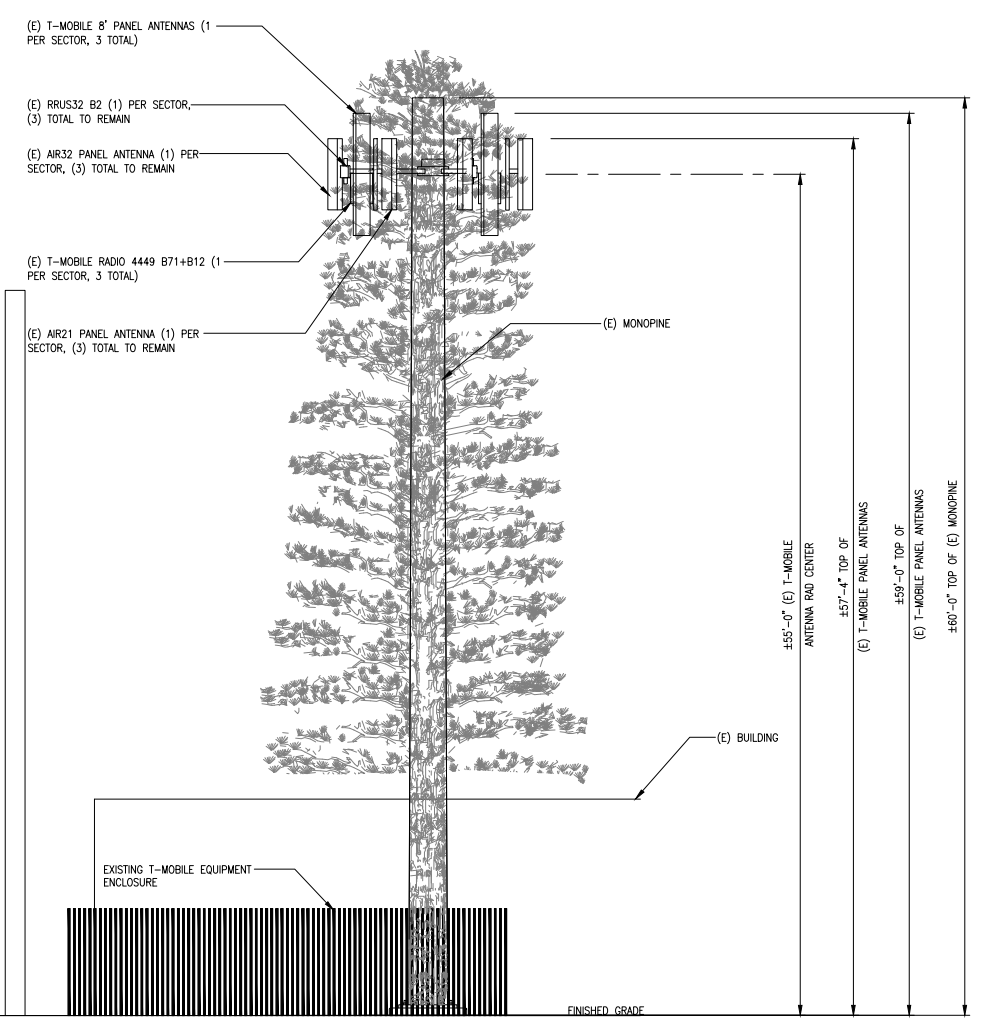
SHEET NUMBER:  
**A-3**

&nbsp; City Council  
 &nbsp; 1 &nbsp; &nbsp; &nbsp; 14  
 &nbsp; 4/12/2021  
 &nbsp;




**EXISTING SOUTH ELEVATION**

SCALE:  
 3/16"=1'-0"  
 0 2' 4' 6' **1**



**EXISTING WEST ELEVATION**

SCALE:  
 3/16"=1'-0"  
 0 2' 4' 6' **2**

# ORANGE COUNTY REPORTER

~SINCE 1921~

Mailing Address : 600 W SANTA ANA BLVD, SANTA ANA, CA 92701  
Telephone (714) 543-2027 / Fax (714) 542-6841  
Visit us @ www.LegalAdstore.com

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

## COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE

Ad Description  
1209 E. Wakeham Avenue

To the right is a copy of the notice you sent to us for publication in the ORANGE COUNTY REPORTER. Thank you for using our newspaper. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

03/31/2021

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

Publication	\$128.65
Total	\$128.65

### Daily Journal Corporation

Serving your legal advertising needs throughout California.

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BUSINESS JOURNAL, RIVERSIDE	(951) 784-0111
DAILY COMMERCE, LOS ANGELES	(213) 229-5300
LOS ANGELES DAILY JOURNAL, LOS ANGELES	(213) 229-5300
SAN FRANCISCO DAILY JOURNAL, SAN FRANCISCO	(800) 640-4829
SAN JOSE POST-RECORD, SAN JOSE	(408) 287-4866
THE DAILY RECORDER, SACRAMENTO	(916) 444-2355
THE DAILY TRANSCRIPT, SAN DIEGO	(619) 232-3486
THE INTER-CITY EXPRESS, OAKLAND	(510) 272-4747

OR# 3455994

### NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. We encourage you to contact us prior to the Public Hearing if you have any questions.

**Planning Commission Action :** The Planning Commission will hold a Public Hearing to receive public testimony, and will take action on the item described below. Decision on this matter will be final unless appealed within 10 calendar days of the decision by any interested party or group.

**Project Location:** 1209 East Wakeham Avenue located in the Light Industrial (M1) zoning district.

**Project Applicant:** Nicole Comach with Virtual Site Walk, on behalf of SBA Monarch Towers III, LLC (Applicant) and Salinas, Inc. (Property Owner).

**Proposed Project:** The applicant is requesting approval of Conditional Use Permit No. 2021-01 to renew the entitlements of an existing 60-foot high major wireless communications facility disguised as a mono-pine.

**Environmental Impact:** The Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines – Class 1/Existing Facilities. Notice of Exemption, Environmental Review No. 2021-18 will be filed for this project.

**Meeting Details:** This matter will be heard on **Monday, April 12, 2021 at 5:30 p.m.** In light of COVID-19, this meeting will be conducted in a virtual environment. For the most up to date information on how to participate virtually in this meeting, please visit <https://www.santa-ana.org/pb/planning-and-building-meetings/planning-and-building-meeting-participation>.

**Written Comments:** If you are unable to participate in the virtual meeting, you may send written comments by e-mail to [PBACComments@santa-ana.org](mailto:PBACComments@santa-ana.org) (reference the Agenda Item # in the subject line) or mail to Sarah Bernal, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza – M20, Santa Ana, CA 92701. Deadline to submit written comments is 5:00 p.m. on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

**Where To Get More Information:** Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at: [www.santa-ana.org/cc/city-meetings](http://www.santa-ana.org/cc/city-meetings)

**Who To Contact For Questions:** Should you have any questions, please contact

Jerry Guevara with the Planning and Building Agency at [JGuevara@santa-ana.org](mailto:JGuevara@santa-ana.org) or 714-647-5481.

**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 Nardcedalia Perez al (714) 667-2260.**

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

3/31/21

OR-3455994#





## 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](http://www.santa-ana.org/pba)

### **NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION**

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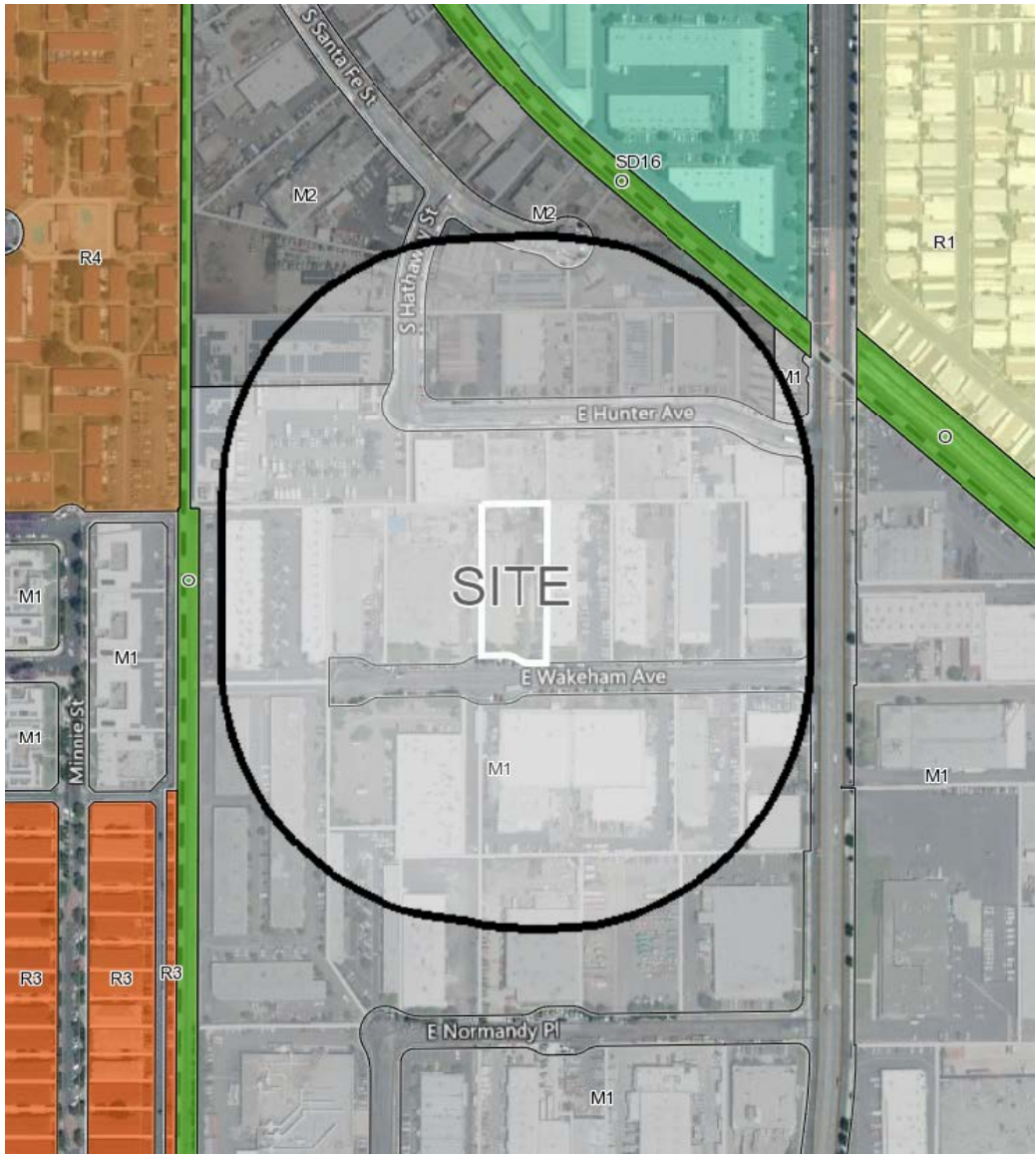
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Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.

**500' RADIUS NOTIFICATION MAP**





**City of Santa Ana  
20 Civic Center Plaza, Santa Ana, CA 92701  
Planning Commission Staff Report  
April 12, 2021**

**Topic:** CUP No. 2021-06 – Chiles and Beer Restaurant

**RECOMMENDED ACTION**

Adopt a resolution approving Conditional Use Permit No. 2021-06 as conditioned.

**EXECUTIVE SUMMARY**

Veronica Salcedo, business owner (Applicant) of Chiles and Beer Restaurant, on behalf of Heinecke Gould Properties, LLC. (Property Owner), is requesting approval of Conditional Use Permit No. 2021-06 to allow after-hours operations until 2:00 a.m. at an existing restaurant located at 2106 North Tustin Avenue. Pursuant to Section 41-424.5(j), eating establishments open at any time between the hours of 12:00 a.m. and 5:00 a.m. and located within 150 feet of residentially zoned or used property require approval of a CUP. Staff is recommending approval of the applicant’s request because the project has demonstrated compliance with zoning requirements as discussed and analyzed in the sections below and the property’s history of compliance with City codes and regulations.

**DISCUSSION**

**Project Description**

The applicant is requesting approval of CUP No. 2021-06 to augment its business hours and operate from 11:00 a.m. to 2:00 a.m. daily. Pursuant to Section 41-424.5(j), eating establishments open at any time between the hours of 12:00 a.m. and 5:00 a.m. and located within 150 feet of residentially zoned or used property require approval of a CUP. No changes to the site and floor plan are proposed as part of this request. The applicant, should this CUP request be approved, does anticipate applying for a Category 4 Live Entertainment Permit.

**Table 1: Project and Location Information**

<b>Item</b>	<b>Information</b>
Project Address & Council Ward	2106 North Tustin Avenue – Ward 3
Nearest Intersection	Tustin Avenue and Santa Clara Avenue
General Plan Designation	General Commercial (GC)
Zoning Designation	Arterial Commercial (C5)

Item	Information	
Surrounding Land Uses	North	Commercial
	East	Commercial
	South	Commercial
	West	Multiple-Family Residences
Property Size	0.51 Acres	
Existing Site Development	The site is currently developed with a 3,900-square foot restaurant building and associated parking and landscaping.	
Use Permissions	Allowed with approval of a CUP	
Zoning Code Sections Affected	Uses	Section 41-424 & 41-424.5(j)
	Operational Standards	Section 41-425 & 41-196(g)

### **Project Background**

Chiles and Beer Restaurant occupies a 3,900-square foot building that was constructed in the 1960s. In 1993, the Planning Commission approved CUP No. 1993-09 allowing the sale of alcoholic beverages for on premises consumption through a Type 47 (beer, wine, and distilled spirits) Alcoholic Beverage Control (ABC) license. The building has been occupied by various restaurants over the years and was last occupied by Breakaway Sports Lounge and Eatery. Chiles and Beer took over the space in 2016 and on February of this year submitted a CUP application to allow after-hours operations.

### **Project Analysis**

CUP requests are governed by Section 41-638 of the SAMC. CUPs may be granted when it can be shown that the proposed project will not adversely impact the community. If these findings can be made, then it is appropriate to grant the CUP. Conversely, the inability to make these findings would result in a denial. The purpose of regulating after-hours operations is to preserve the surrounding community characteristics and minimize any negative secondary impacts. Staff has reviewed the applicant’s request to operate the restaurant until 2:00 a.m. and has determined that the operations will not be detrimental to the community.

The subject site abuts commercial uses to the north and south, Grand Avenue and commercial uses to the east, and a multiple-family residential community to the west. The residential community’s nearest building is 130 feet from the restaurant and it is buffered by the restaurant’s parking lot and an internal driveway and carports within the residential community. These factors will help buffer the residential uses from any light, noise, or traffic impacts that the eating establishment may have on the residents. To further mitigate this, as a condition of approval, staff is recommending that the applicant construct a seven-foot high block wall along the rear property line and install exterior/parking lot lighting.



Approval of this application would be consistent with the goals of the General Plan, specifically Goals 2 and 5 of the Land Use Element which promotes land uses that enhance the City’s economic fiscal viability and mitigate any potential impacts to the surrounding community. In addition, the after-hours operations will contribute to the viability of the site creating a business environment that is safe and attractive.

**Police Department Analysis**

The Police Department reviews CUP applications for after-hours operations in order to ensure that the potential crime and nuisance behaviors associated with such a use are mitigated to the greatest extent possible. For after-hours operations, the Police Department analyzes the crime rate in the area by matching the location of the subject site’s census tract to the corresponding Police Grid. The City of Santa Ana contains 102 police reporting grids. The Police Department generates an annual report, the Citywide Incident Ranking report, which ranks these reporting grids based on police activity. 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 standards used by the State 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 would consider this information in making its recommendation.

**Table 2: Police Department Analysis and Criteria for Recommendation**

<b>Police Department Analysis and Criteria for Recommendation</b>	
Police Grid No. and Rank	Police Grid No. 243; ranked 60 out of 102 Police Reporting Grids (25 <sup>th</sup> percentile)
Threshold for High Crime	This reporting district is well below the 20 percent threshold established by the State for high crime
Police Department Recommendation	The Police Department is satisfied that the operational standards and conditions of approval will mitigate any potential impacts to the surrounding community and therefore does not oppose the granting of a CUP.

The Police Department then compares the number of such crimes in the reporting district as compared to the number of crimes in other reporting districts. In keeping with the standard used by the State Department of Alcoholic Beverage Control and Business and Professions Code, should the Police Department determine that the reporting district has a 20 percent greater number of reported crimes than the average number found in all reporting districts, the Police Department will consider this information in making its recommendation. As part of the application process, this application was reviewed by the Police Department. Based on their review, the Police Department has no issues of concern regarding this application.

### **Public Notification and Community Outreach**

Public notifications were posted, published, and mailed in accordance with City and State regulations. Copies of the public notice, including a 500-foot notification radius map, and the site posting are provided in Exhibit 6. In addition to these measures, representatives of the Meredith Parkwood Neighborhood Association were contacted to identify any areas of concern due to the proposed request. At the time this report was printed, no issues of concern were raised regarding the proposed CUP.

### **ENVIRONMENTAL IMPACT**

Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15301 of the CEQA Guidelines (Class 1 - Existing Facilities). This exemption consists of 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 use beyond that existing at the time of the lead agency's determination. The project consists of permit to allow after-hours operations at an existing restaurant. Based on this analysis, a Notice of Exemption, Environmental Review No. 2021-24 will be filed for this project.

### **FISCAL IMPACT**

There is no fiscal impact associated with this action.

### **EXHIBIT(S)**

1. Resolution
2. Vicinity Zoning & Aerial View
3. Site Photo
4. Site Plan
5. Floor Plans
6. Copy of Public Notices

Submitted By:  
Jerry Guevara, Assistant Planner I

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





RESOLUTION NO. 2021-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2021-06 AS CONDITIONED TO ALLOW AFTER-HOURS OPERATIONS UNTIL 2:00 A.M. AT CHILES AND BEER RESTAURANT LOCATED AT 2106 NORTH TUSTIN AVENUE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA ANA AS FOLLOWS:

**Section 1.** The Planning Commission of the City of Santa Ana hereby finds, determines, and declares as follows:

- A. Veronica Salcedo, business owner of Chiles and Beer Restaurant (“Applicant”), on behalf of Heinecke Gould Properties, LLC (“Property Owner”), is requesting approval of Conditional Use Permit (CUP) No. 2021-06 to allow after-hours operations until 2:00 a.m. at an existing restaurant located 2106 North Tustin Avenue.
- B. Santa Ana Municipal Code (SAMC) Section 41-424(j) requires approval of a CUP for eating establishments open at any time between the hours of 12:00 a.m. and 5:00 a.m. and located within 150 feet of residentially zoned or used property.
- C. On April 12, 2021, the Planning Commission held a duly public hearing for CUP No. 2021-06.
- 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. 2021-06 to allow after-hours operations at an existing restaurant located at 2106 North Tustin Avenue:
  1. That the proposed use will provide a service or facility which will contribute to the general well being of the neighborhood or community.

The after-hours operations until 2:00 a.m. at the subject location will provide an ancillary service to individuals that wish to have a late night meal. This will thereby benefit the community by providing a food-related amenity offering services past 12:00 midnight. Conditions of approval will mitigate any potential impacts created by the use and will

ensure that the use will not negatively affect the surrounding community.

2. That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The proposed after-hours operations will not be detrimental to the health, safety or welfare of those residing or working in the vicinity. The property to the west is a multiple-family residential community whose nearest residential structures are approximately 130 feet from the subject site and are buffered by the restaurant's parking lot and an internal driveway and carports within the residential community. These factors will help buffer the residential uses from any light, noise, or traffic impacts that the eating establishment may have on the residents. To further mitigate this, as a condition of approval, the applicant is to construct a seven-foot-high block wall along the rear property line. The Police Department is satisfied that the operational standards and conditions of approval applicable to after-hours activity will mitigate any potential impacts to the surrounding community and therefore does not oppose the granting of 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 after-hours operations will not adversely affect the economic stability or future economic development of properties in the surrounding area but will instead complement the surrounding uses promoting a balance of land uses that enhance the City's economic and fiscal viability. Moreover, the offering of late night dining opportunities will contribute to the overall success of the City and will generate additional sale tax revenue.

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

The after-hours operations will be in compliance with all applicable regulations and operational standards pursuant to Chapter 41 of the SAMC. The restaurant will be maintained as a full-service, bona-fide eating establishment, having suitable kitchen facilities and supplying an assortment of foods. Operational standards and conditions of approval will ensure the project remains in compliance with all applicable codes

and regulations to ensure that the use does not impact neighboring properties or create an attractive nuisance.

5. That the proposed use will not adversely affect the General Plan of the city or any specific plan applicable to the area of the proposed use.

The proposed after-hours operations at this location will not adversely affect the General Plan or any specific plan. The granting of CUP No. 2021-06 supports several policies contained in the General Plan. Policy 2.2 of the Land Use Element encourages land uses that accommodate the City's needs for goods and services. Providing a variety of eating establishments with extended hours of operation offers additional dining options to Santa Ana residents and visitors. Furthermore, Policy 2.9 supports developments that create a business environment that is safe and attractive. Conditions of approval will help maintain a safe and attractive environment. Lastly, Policy 5.5 encourages development that is compatible with and supporting of surrounding land uses. Chiles and Beer is located along a major arterial and is surrounded by other commercial businesses and restaurants that provided similar services and its operations will be compatible with the surrounding businesses.

**Section 2.** In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15301 (Class 1 – Existing Facilities). Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The project proposes to allow after-hours operations until 2:00 a.m. at an existing restaurant. Based on this analysis, a Notice of Exemption, Environmental Review No. 2021-24, will be filed for this project.

**Section 3.** The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, referendum, and other proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively "Actions"), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or

concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve the legal counsel providing the City's defense, and that Applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any Action brought and City shall cooperate with Applicant in the defense of the Action.

**Section 4.** The Planning Commission of the City of Santa Ana, after conducting the public hearing, hereby approves Conditional Use Permit No. 2021-06, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 2106 North Tustin Avenue. This decision is based upon the evidence submitted at the above-referenced hearing, including but not limited to: The Request for Planning Commission Action dated April 12, 2021, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 12<sup>th</sup> day of April, 2021

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

\_\_\_\_\_  
Mark McLoughlin  
Chairperson

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

By: \_\_\_\_\_  
John M. Funk  
Senior Assistant City Attorney

**CERTIFICATE OF ATTESTATION AND ORIGINALITY**

I, SARAH BERNAL, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2021-XX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on April 12, 2021.

Date: \_\_\_\_\_

\_\_\_\_\_  
Recording Secretary  
City of Santa Ana

## EXHIBIT A

### **Conditions of Approval for Conditional Use Permit No. 2021-06**

Conditional Use Permit (CUP) No. 2021-06 for after-hours operations is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code, and all other applicable regulations. In addition, they shall meet the following conditions of approval:

The Applicant must comply with each and every condition listed below prior to exercising the rights conferred by this conditional use permit.

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

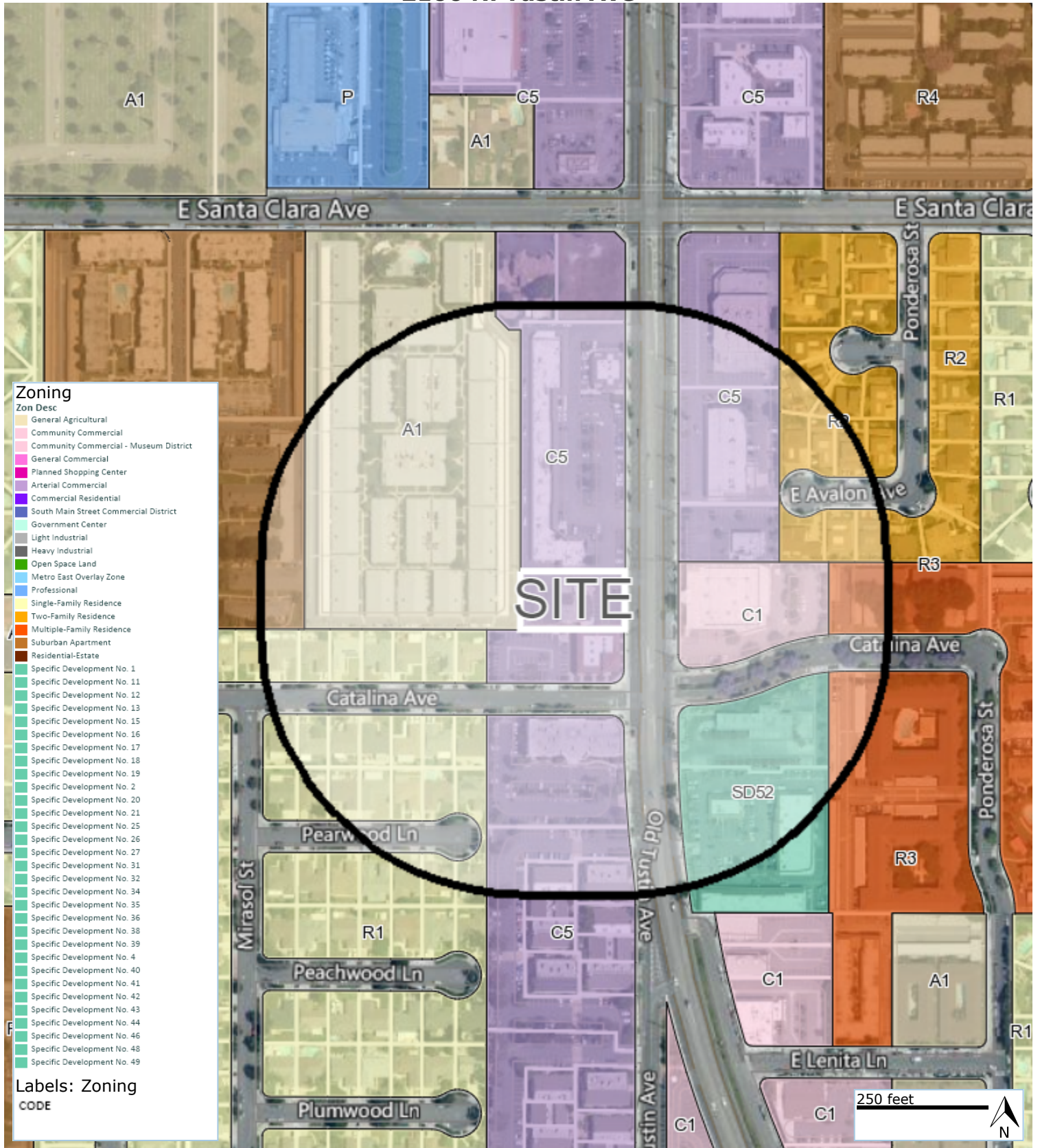
1. Any amendment to this conditional use permit must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the conditional use permit must be amended.
2. Pursuant to this conditional use permit, the restaurant will be permitted to remain open until 2:00 a.m. daily and is allow to serve alcohol during that time.
3. The sale, service, and consumption of alcoholic beverages shall be permitted in accordance with the operational standards for on-sale establishments pursuant to Section 41-196(g) of the SAMC, in accordance with the provisions of an on-premises alcohol license by the California Department of Alcoholic Beverage Control (ABC).
4. The approval of this conditional use permit must not be construed as the approval of a bar, cocktail lounge, nightclub, nor a cabaret and shall not operate as such.
5. Live entertainment, including but not limited to amplified music, karaoke, performers and dancing, is subject to compliance with Santa Ana Municipal Code Chapter 11 and shall comply with all of the standards contained therein. Notwithstanding the requirement that music/noise shall not be audible beyond 20 feet from the exterior of the premises in any direction.
6. The establishment shall comply with Santa Ana Municipal Code Section 18-312 related to noise.
7. The business and property owner shall maintain and adhere to a "Good Neighbor Policy," implementing measures to ensure that 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.

8. Prior to the release of this resolution, the applicant shall restripe the parking lot, replace and/or repair damaged wheel stops and exterior lighting fixtures as deemed necessary by the Planning Division.
9. Prior to the release of this resolution, the applicant shall construct at a minimum a seven-foot decorative block wall along the western property line and shall be painted with an anti-graffiti coating. Vines shall be planted and irrigation installed where feasible to deter graffiti and enhance the visual aesthetic of the wall.
10. Prior to the release of this resolution, the applicant shall submit a photometric plan to the Planning and Building Agency and Police Department for review and approval. The photometric plan shall comply with Chapter 8, Article II, Division 3 of the Santa Ana Municipal Code (Building Security Ordinance).
11. An onsite point of contact shall be prominently displayed at the main entrance of the restaurant. The display shall contain the full name and telephone number of a responsible individual for the establishment to report any onsite issues such as noise, disturbance, trash/litter, loitering, etc.
12. Prior to the release of this resolution, a Property Maintenance Agreement must 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, Developer/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; adherence to approved project phasing etc.), if applicable;
  - 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) if applicable;
  - c. Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;



- d. Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris about and immediately adjacent to 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 Developer/Applicant and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the Maintenance Agreement and both shall be jointly and severally liable for compliance with its terms;
- f. The Maintenance Agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the Maintenance Agreement;
- g. The Maintenance Agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The maintenance agreement shall further provide that any unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City.

# CUP No. 2021-06 2106 N. Tustin Ave



CUP No. 2021-06  
2106 N. Tustin Ave









# ORANGE COUNTY REPORTER

~SINCE 1921~

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## COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE

Ad Description  
2106 N. Tustin Avenue

To the right is a copy of the notice you sent to us for publication in the ORANGE COUNTY REPORTER. Thank you for using our newspaper. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

03/31/2021

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

Publication	\$130.20
Total	\$130.20

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OR# 3455999

### NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. We encourage you to contact us prior to the Public Hearing if you have any questions.

**Planning Commission Action:** The Planning Commission will hold a Public Hearing to receive public testimony, and will take action on the item described below. Decision on this matter will be final unless appealed within 10 calendar days of the decision by any interested party or group.

**Project Location:** 2106 North Tustin Avenue located in the Arterial Commercial (C5) zoning district.

**Project Applicant:** Veronica Salcedo, business owner (Applicant) of Chiles and Beer Restaurant, on behalf of Heinecke Gould Properties, LLC. (Property Owner).

**Proposed Project:** The applicant is requesting approval of Conditional Use Permit No. 2021-06 to allow after-hours operations until 2:00 a.m., daily, at an existing restaurant (Chiles and Beer Restaurant).

**Environmental Impact:** The Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines – Class 1/Existing Facilities. Notice of Exemption, Environmental Review No. 2021-24 will be filed for this project.

**Meeting Details:** This matter will be heard on **Monday, April 12, 2021 at 5:30 p.m.** In light of COVID-19, this meeting will be conducted in a virtual environment. For the most up to date information on how to participate virtually in this meeting, please visit <https://www.santa-ana.org/pb/planning-and-building-meetings/planning-and-building-meeting-participation>.

**Written Comments:** If you are unable to participate in the virtual meeting, you may send written comments by e-mail to [PBACComments@santa-ana.org](mailto:PBACComments@santa-ana.org) (reference the Agenda Item # in the subject line) or mail to Sarah Bernal, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza – M20, Santa Ana, CA 92701. Deadline to submit written comments is 5:00 p.m. on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

**Where To Get More Information:** Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at: [www.santa-ana.org/cc/city-meetings](http://www.santa-ana.org/cc/city-meetings)

**Who To Contact For Questions:** Should you have any questions, please contact Jerry Guevara with the Planning and Building Agency at [JGuevara@santa-ana.org](mailto:JGuevara@santa-ana.org) or 714-647-5481.

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

**Si tiene preguntas en español, favor de llamar a Narcedalia Perez al (714) 667-2260.**

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

3/31/21

OR-3455999#





## 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](http://www.santa-ana.org/pba)

### **NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION**

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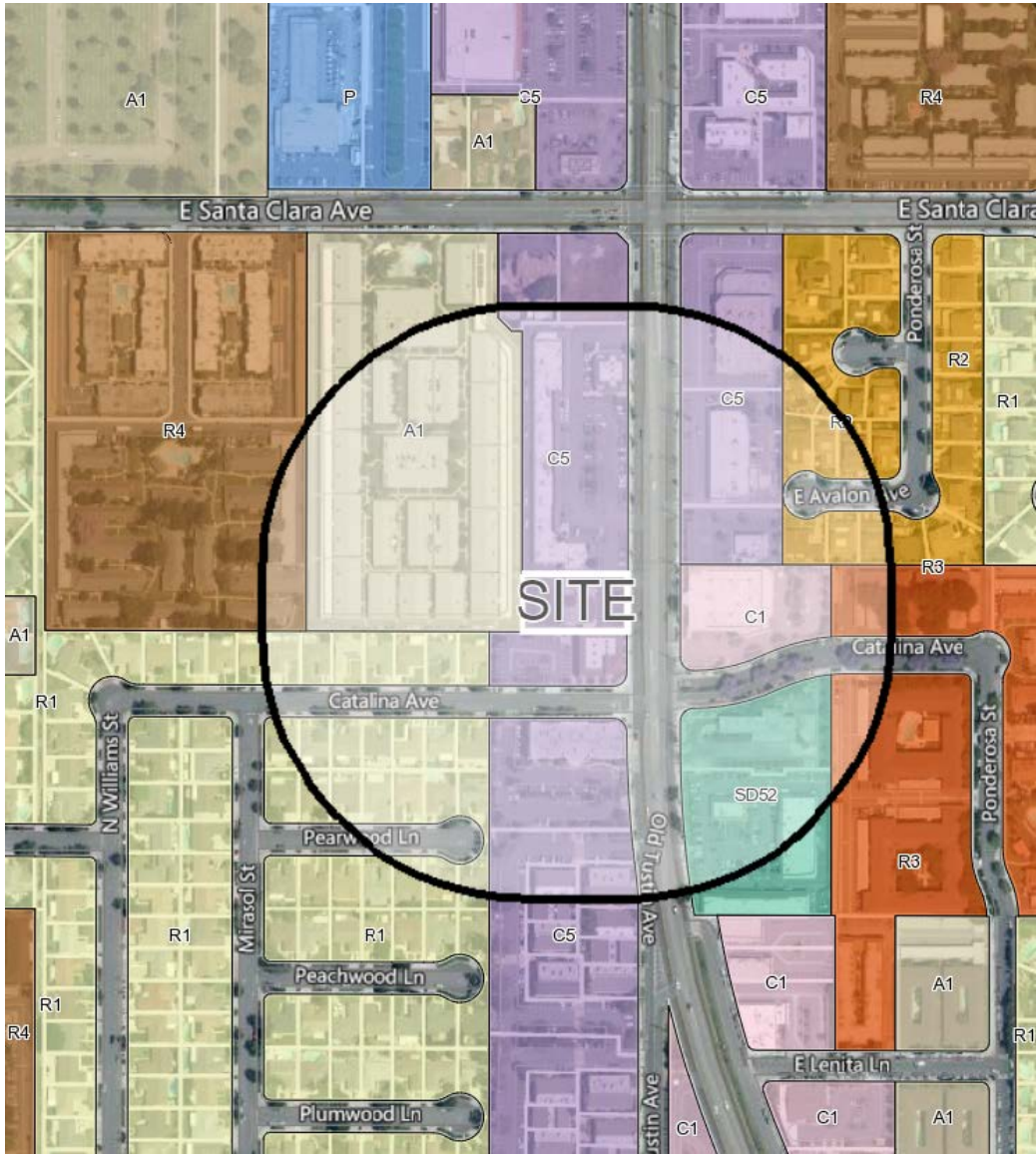
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Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.

**500' RADIUS NOTIFICATION MAP**







**City of Santa Ana  
20 Civic Center Plaza, Santa Ana, CA 92701  
Planning Commission Staff Report  
April 12, 2021**

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**Topic:** CUP No. 2021-04 – Euro Caffe

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**RECOMMENDED ACTION**

Adopt a resolution approving Conditional Use Permit No. 2021-04 as conditioned.

**EXECUTIVE SUMMARY**

Samuel Ruiz with Euro Caffe (Applicant), on behalf of BSG West Bristol, LLC (Property Owner) is requesting approval of Conditional Use Permit (CUP) No. 2021-04 to allow the sale of alcoholic beverages for on-premises consumption at an existing eating establishment located at 3950 South Bristol Street. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC), establishments wishing to sell alcoholic beverages for on-premises consumption require approval of a CUP. Staff is recommending approval of the applicant's request because of demonstrated compliance with zoning requirements as discussed and analyzed in the sections below, the site's location away from sensitive land uses, and the property's history of compliance with City codes and regulations.

**DISCUSSION**

**Project Description**

Euro Caffe currently occupies a 564-square foot indoor tenant space and a 334-square foot enclosed outdoor patio within a multi-tenant commercial center. The eating establishment can accommodate up to 11 patrons within its dining area and approximately 22 patrons with the enclosed outdoor patio. Currently, the business operates Monday through Friday from 8:00 a.m. to 10:00 p.m., and Saturday and Sunday from 8:00 a.m. to 10:00 p.m.

With approval of CUP No. 2021-04, the applicant intends to apply for a Type 41 Alcoholic Beverage Control (ABC) license, which would allow the sale of beer and wine ancillary to food service. All alcoholic beverages will be stored within a standing refrigerator unit and lower shelf of an existing rack at the rear of the restaurant, which totals approximately 28 square feet. The storage area will make up less than five (5) percent of the total restaurant's floor area as required by SAMC Section 41-196(g)(25). No after-hours operations that require approval of a separate CUP or live entertainment

are proposed at this time. Should the applicant seek to provide live entertainment, approval of an entertainment permit will be required.

**Table 1: Project and Location Information**

Item	Information	
Project Address & Council Ward	3950 South Bristol Street	
Nearest Intersection	Bristol Street and MacArthur Boulevard	
General Plan Designation	District Center (DC)	
Zoning Designation	Commercial Residential (CR)	
Surrounding Land Uses	North	Commercial
	East	Commercial
	South	Commercial (City of Costa Mesa)
	West	Commercial
Property Size	17.17 Acres	
Existing Site Development	The site is currently developed as a multi-tenant commercial center	
Unit Size	898 square feet (including the outdoor enclosed patio)	
Use Permissions	Allowed with approval of a CUP	
Zoning Code Sections Affected	Uses	Section 41-442(a) of SAMC
	Operational Standards	Section 41-196(g) of SAMC

**Table 2: Operational Standards**

Standards	Permissible by SAMC	Provided
Eating Establishment Type	Bona-Fide Restaurant	Bona-Fide Restaurant
Hours of Operation for ABC Sales	Monday through Sunday from 8:00 a.m. to 12:00 a.m. (midnight)	Monday through Sunday from 8:00 a.m. to 11:00 p.m.
Window Display	25% of Window Coverage	Complies
Alcohol Storage and Display	5% of gross floor area	5% of gross floor area

**Project Background**

Euro Caffè is located within a 1,600-square foot building, part of a multi-tenant commercial center constructed in the mid-1980s. The shopping center contains other commercial units that are occupied by similar retail and service businesses. The applicant has been in operation of the tenant space since February of 2012, with the inclusion of an enclosed patio area in 2020. The establishment specializes in brunch and lunch options, coffee, and desserts. The inclusion of alcohol sales will allow the business to offer a small menu of alcoholic options, such as mimosas and wines.

**Project Analysis**

CUP requests are governed by Section 41-638 of the SAMC. CUPs may be granted when it can be shown that the proposed project will not adversely impact the community. If these findings can be made, then it is appropriate to grant the CUP. Conversely, the inability to make these findings would result in a denial. 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 to sell beer and wine and has determined that the sale of alcoholic

beverages for on-premises consumption at the subject location will not be detrimental to the health, safety, and welfare of the community.

The proposed sale of alcoholic beverages for on-premises consumption will provide an ancillary service to the restaurant's customers by allowing them the ability to purchase a variety of alcoholic beverages with their meal and will allow Euro Caffè to be economically viable and compete with nearby full-service restaurants that offer the same services to their patrons. In addition, the operational standards applicable to an ABC license will mitigate any potential impacts created by the use and will ensure that the use will not negatively affect the surrounding community. Furthermore, the subject site is not located within immediate proximity to parks, playgrounds, schools, or religious institutions. As a result, the granting of the CUP will not negatively impact any sensitive land uses that may be nearby.

Approval of the CUP will be consistent with several goals and policies of the General Plan. Policy 2.2 of the Land Use Element encourages land uses that accommodate the City's needs for goods and services. Providing a variety of full-service restaurants that provide alcoholic beverages offer additional dining options for Santa Ana residents and visitors. Furthermore, Policy 2.9 of the Land Use Element supports developments that create a business environment that is safe and attractive. Operational standards for the restaurant applicable to the ABC license will ensure maintenance of a safe and attractive environment in the neighborhood. Finally, Policy 5.5 of the Land Use Element encourages development that is compatible with and supporting of surrounding land uses. Euro Caffè is located within a commercial development and its operations will be compatible with the surrounding commercial businesses.

To ensure that the establishment operates as a bona fide restaurant and that the addition of alcoholic beverages to the business does not negatively impact the surrounding properties, conditions of approval have been added requiring recordation of a Property Maintenance Agreement and adoption and implementation of a Good Neighbor Policy.

### **Police Department Analysis**

The Police Department reviews CUP applications for the sale and service 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 on-sale licenses, the Police Department analyzes the crime rate in the area using the standards and definitions contained in the Business and Professions Code Section 23948.4(c)(2), which are also utilized by the State Department of Alcoholic Beverage Control (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.

**Table 3: Police Department Analysis and Criteria for Recommendation**

<b>Police Department Analysis and Criteria for Recommendation</b>	
Police Grid No. and Rank	Police Grid No. 131; ranked 52 out of 102 Police Reporting Grids (50 <sup>th</sup> percentile)
Threshold for High Crime	This reporting district is well below the 20 percent threshold established by the State for high crime
Police Department Recommendation	The Police Department is satisfied that the operational standards applicable to on-premises ABC licenses will mitigate any potential impacts to the surrounding community and therefore does not oppose the granting of a CUP.

The Police Department then compares the number of such crimes in the reporting district as compared to the number of crimes in other reporting districts. In keeping with the standard used by the State Department of Alcoholic Beverage Control and Business and Professions Code, should the Police Department determine that the reporting district has a 20 percent greater number of reported crimes than the average number found in all reporting districts, the Police Department will consider this information in making its recommendation. As part of the application process, this application was reviewed by the Police Department. Based on their review, the Police Department has no issues of concern regarding this application.

**Public Notification and Community Outreach**

Public notifications were posted, published, and mailed in accordance with City and State regulations. Copies of the public notice, including a 500-foot notification radius map, and the site posting are provided in Exhibit 6. The subject site is not part of any known or active Neighborhood Association and is not adjacent to any nearby Neighborhood Association. At the time this report was printed, no issues of concern were raised regarding the proposed CUP.

**ENVIRONMENTAL IMPACT**

Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15301 of the CEQA Guidelines (Class 1 - Existing Facilities). This exemption consists of 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 use beyond that existing at the time of the lead agency's determination. The project proposes to allow the operation of an ABC license to sell beer and wine at an existing bona-fide restaurant. Based on this analysis, a Notice of Exemption, Environmental Review No. 2021-15 will be filed for this project.

**FISCAL IMPACT**

There is no fiscal impact associated with this action.

**EXHIBIT(S)**

1. Resolution
2. Vicinity Zoning and Aerial View
3. Site Photo
4. Site Plan
5. Floor Plan
6. Copy of Public Notices

Submitted By:  
Ivan Orozco, Assistant Planner II

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

RESOLUTION NO. 2021-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2021-04 AS CONDITIONED TO ALLOW ON-PREMISES SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT EURO CAFFE RESTAURANT LOCATED AT 3950 SOUTH BRISTOL STREET

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. Samuel Ruiz, business owner of Euro Caffe Restaurant (“Applicant”), on behalf of BSG West Bristol, LLC (“Property Owner”), is requesting approval of Conditional Use Permit (CUP) No. 2021-04 to allow the sale of alcoholic beverages for on-premises consumption at an existing restaurant located at 3950 South Bristol Street.
- B. Santa Ana Municipal Code (SAMC) Section 41-196 requires approval of a CUP for establishments wishing to sell alcohol for on-premises consumption.
- C. On April 12, 2021, the Planning Commission held a duly noticed public hearing on CUP No. 2021-04.
- D. The Planning Commission 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. 2021-04 to allow the sale of alcoholic beverages for on-premises consumption at 3950 South Bristol Street:
  1. That the proposed use will provide a service or facility, which will contribute to the general well-being of the neighborhood or community.

The sale of alcoholic beverages for on-premises consumption at the subject location will provide an ancillary service to the restaurant’s customers by allowing them the ability to purchase alcoholic beverages with their meal. This will thereby benefit the community by providing a restaurant with an additional and complementary food related amenity. Operational standards applicable to the alcoholic beverage control (“ABC”) license and conditions of approval will mitigate any potential impacts created by the use and will ensure that the use will not negatively affect the surrounding community.

2. That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The sale of alcoholic beverages for on-premises consumption at the subject location 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 and conditions of approval will address any potential negative or adverse impacts created by the use. The granting of the CUP will not negatively impact any sensitive land uses that may be nearby.

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

The sale of alcoholic beverages for on-premises consumption at the subject site will not adversely affect the economic stability of the area, but will instead allow the restaurant to compete with other nearby eating establishments that offer a full selection of alcoholic beverages for sale to their customers. Moreover, the offering of alcoholic beverages will allow the restaurant to be economically viable and compete with nearby full-service eating establishments in Santa Ana 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 alcoholic beverages for on-premises consumption will be in compliance with all applicable regulations and operational standards imposed on a restaurant selling alcoholic beverages for on-premises consumption pursuant to Chapter 41 of the SAMC. The restaurant will be maintained as a full-service, bona-fide eating establishment, having suitable kitchen facilities and supplying an assortment of foods. Additionally, the restaurant will utilize less than five (5) percent of the gross floor area for display and storage of alcoholic beverages, which is the maximum threshold established by the SAMC. Operational standards will ensure the project remains in compliance with all applicable codes and regulations related to alcohol sales to ensure that the use does not impact neighboring properties or create an attractive nuisance.

5. That the proposed use will not adversely affect the General Plan of the city or any specific plan applicable to the area of the proposed use.

The sale of alcoholic beverages for on-premises consumption at the subject location will not adversely affect the General Plan or any specific plan. The granting of CUP No. 2021-04 supports several policies contained in the General Plan. Policy 2.2 of the Land Use Element encourages land uses that accommodate the City's needs for goods and services. Providing a variety of full-service eating establishments that provide alcoholic beverages as part of their menu offers additional dining options for Santa Ana residents and visitors. Furthermore, Policy 2.9 of the Land Use Element supports developments that create a business environment that is safe and attractive. Operational standards for the proposed ABC license will maintain a safe and attractive environment in the neighborhood. Policy 5.5 of the Land Use Element encourages development that is compatible with and supporting of surrounding land uses. Euro Caffe restaurant is located within a multi-tenant commercial center and its operation is compatible with the surrounding commercial businesses.

**Section 2.** In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15301 (Class 1 – Existing Facilities). Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The project proposes to allow the operation of an ABC license to sell beer and wine at a bona-fide restaurant. Based on this analysis, a Notice of Exemption, Environmental Review No. 2021-15, will be filed for this project.

**Section 3.** The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, referendum, and other proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively "Actions"), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court



of competent jurisdiction. It is expressly agreed that the City shall have the right to approve the legal counsel providing the City's defense, and that Applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any Action brought and City shall cooperate with Applicant in the defense of the Action.

**Section 4.** The Planning Commission of the City of Santa Ana, after conducting the public hearing, hereby approves Conditional Use Permit No. 2021-04, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 3950 South Bristol Street. 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 April 12, 2021, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 12<sup>th</sup> day of April, 2021

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

\_\_\_\_\_  
Mark McLoughlin  
Chairperson

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

By: John M. Funk  
John M. Funk  
Senior Assistant City Attorney

**CERTIFICATE OF ATTESTATION AND ORIGINALITY**

I, SARAH BERNAL, Commission Secretary, do hereby attest to and certify the attached Resolution No. 2021-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on April 12, 2021.

Date: \_\_\_\_\_

\_\_\_\_\_  
Commission Secretary  
City of Santa Ana

## EXHIBIT A

### **Conditions of Approval for Conditional Use Permit No. 2021-04**

Conditional Use Permit No. 2021-04 for on-premises 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, the California Building Standards Code and all other applicable regulations.

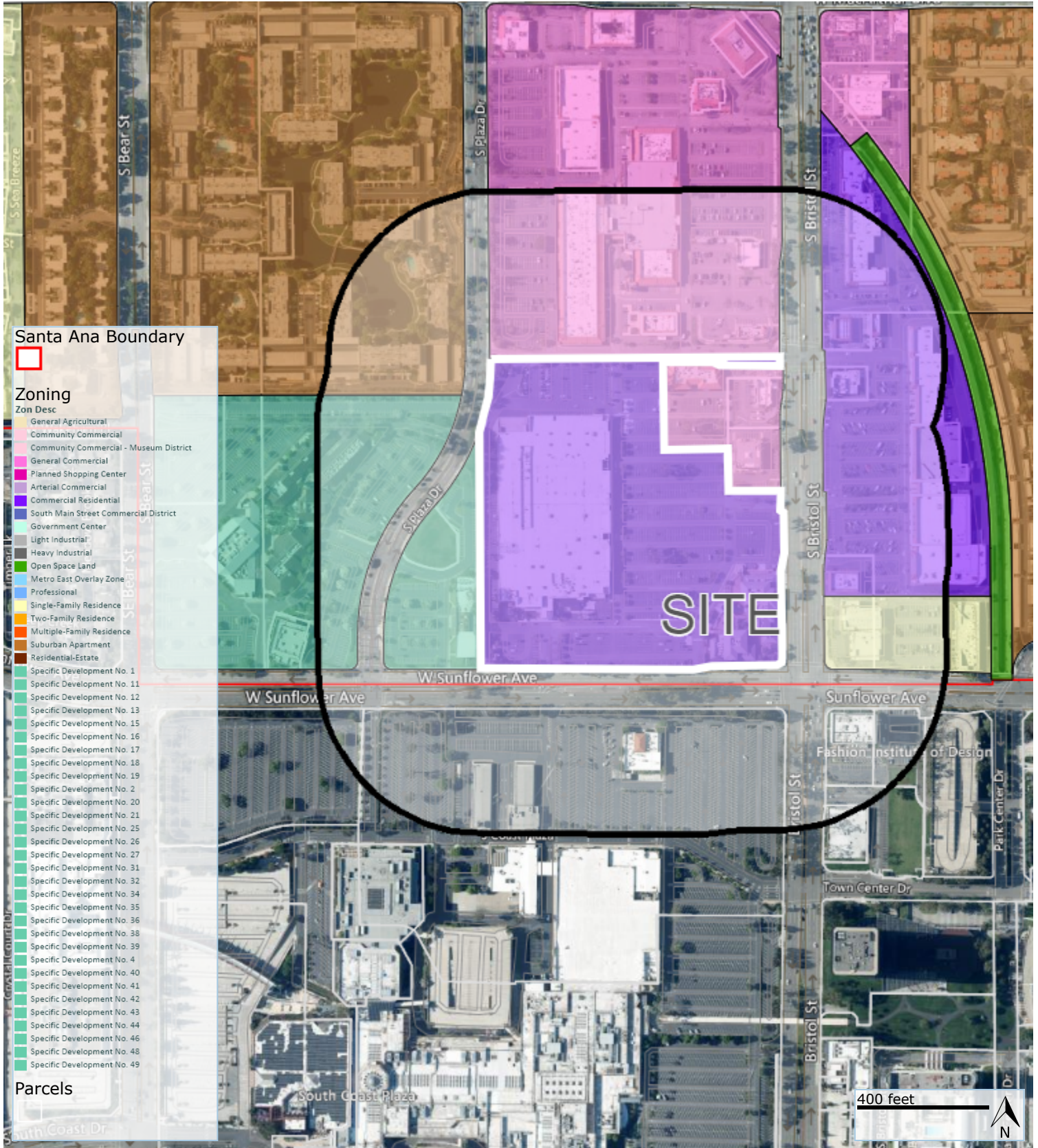
The Applicant must comply in full with each and every condition listed below prior to exercising the rights conferred by this conditional use permit.

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

1. The sale, service, and consumption of alcoholic beverages shall be permitted in accordance with the operational standards for on-sale establishments pursuant to Section 41-196(g) of the SAMC, in accordance with the provisions of an on-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.
2. The sale, service, and consumption of alcoholic beverages shall be limited from 8:00 a.m. to 12:00 a.m. (midnight) Monday through Sunday, unless modified through a subsequent and separate conditional use permit application for after-hours operations pursuant to SAMC Section 41-196(g)(3).
3. The business and property owner shall maintain and adhere to a “Good Neighbor Policy,” implementing measures to ensure that 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.
4. Within 90 days of adoption of this resolution, a Property Maintenance Agreement shall be recorded against the property. The agreement will be subject to review and applicability by the Planning and Building Agency, the Community Development Agency, the Public Works Agency, and the City Attorney to ensure that the property and all improvements located thereupon are properly maintained. Applicant (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the Applicant) shall execute a maintenance agreement with the City of Santa Ana which shall be recorded against the property and which shall be in a form reasonably satisfactory to the City Attorney. The maintenance agreement shall contain covenants, conditions, and restrictions relating to the following:
  - a) Compliance with operational conditions applicable during any period(s) of construction or major repair (e.g., proper screening and securing of the construction site; implementation of proper erosion control, dust control and noise mitigation measure; adherence to approved project phasing etc.);

- b) Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including but not limited to hours of operation, security requirements, the proper storage and disposal of trash and debris, enforcement of the parking management plan, and/or restrictions on certain uses);
- c) Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;
- d) Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris about and immediately adjacent to the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);
- e) If Applicant and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the maintenance agreement and both shall be jointly and severally liable for compliance with its terms;
- f) The maintenance agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the maintenance agreement;
- g) The maintenance agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The maintenance agreement shall further provide that any unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City; and
- h) The execution and recordation of the maintenance agreement shall be a condition precedent to the issuance of the ABC license.

**CUP No. 2021-04 - Euro Caffè  
3950 South Bristol Street**



**Exhibit 2 - Vicinity Zoning and Aerial View**





CUP No. 2021-04 – Euro Caffè  
3950 South Bristol Street









# ORANGE COUNTY REPORTER

~SINCE 1921~

Mailing Address : 600 W SANTA ANA BLVD, SANTA ANA, CA 92701  
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CITY OF SANTA ANA PLANNING  
SANTA ANA/PLANNING & BUILDING  
20 CIVIC CENTER PLAZA 2ND FLR  
SANTA ANA, CA 92702

## COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE

Ad Description  
3950 S. Bristol Street

To the right is a copy of the notice you sent to us for publication in the ORANGE COUNTY REPORTER. Thank you for using our newspaper. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

03/31/2021

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

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OR# 3456002

### NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. We encourage you to contact us prior to the Public Hearing if you have any questions.

**Planning Commission Action :** The Planning Commission will hold a Public Hearing to receive public testimony, and will take action on the item described below. Decision on this matter will be final unless appealed within 10 calendar days of the decision by any interested party or group.

**Project Location:** 3950 South Bristol Street located in the Commercial Residential (CR) zoning district.

**Project Applicant:** Samuel Ruiz with Euro Caffè.

**Proposed Project:** The applicant is requesting approval of Conditional Use Permit No. 2021-04 to allow a Type 41 Alcoholic Beverage Control (ABC) license for the sale of beer of wine for on-premises consumption at an existing restaurant (Euro Caffè).

**Environmental Impact:** The Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines – Class 1/Existing Facilities. Notice of Exemption, Environmental Review No. 2021-15 will be filed for this project.

**Meeting Details:** This matter will be heard on **Monday, April 12, 2021 at 5:30 p.m.** In light of COVID-19, this meeting will be conducted in a virtual environment. For the most up to date information on how to participate virtually in this meeting, please visit <https://www.santa-ana.org/pb/planning-and-building-meetings/planning-and-building-meeting-participation>.

**Written Comments:** If you are unable to participate in the virtual meeting, you may send written comments by e-mail to [PBACComments@santa-ana.org](mailto:PBACComments@santa-ana.org) (reference the Agenda Item # in the subject line) or mail to Sarah Bernal, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza – M20, Santa Ana, CA 92701. Deadline to submit written comments is 5:00 p.m. on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

**Where To Get More Information:** Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at: [www.santa-ana.org/cc/city-meetings](http://www.santa-ana.org/cc/city-meetings)

**Who To Contact For Questions:** Should you have any questions, please contact Ivan Orozco with the Planning and

Building Agency at [IOrozco@santa-ana.org](mailto:IOrozco@santa-ana.org) or 714-667-2763.

**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 Nardcedalia Perez al (714) 667-2260.**

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

3/31/21

OR-3456002#





## 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](http://www.santa-ana.org/pba)

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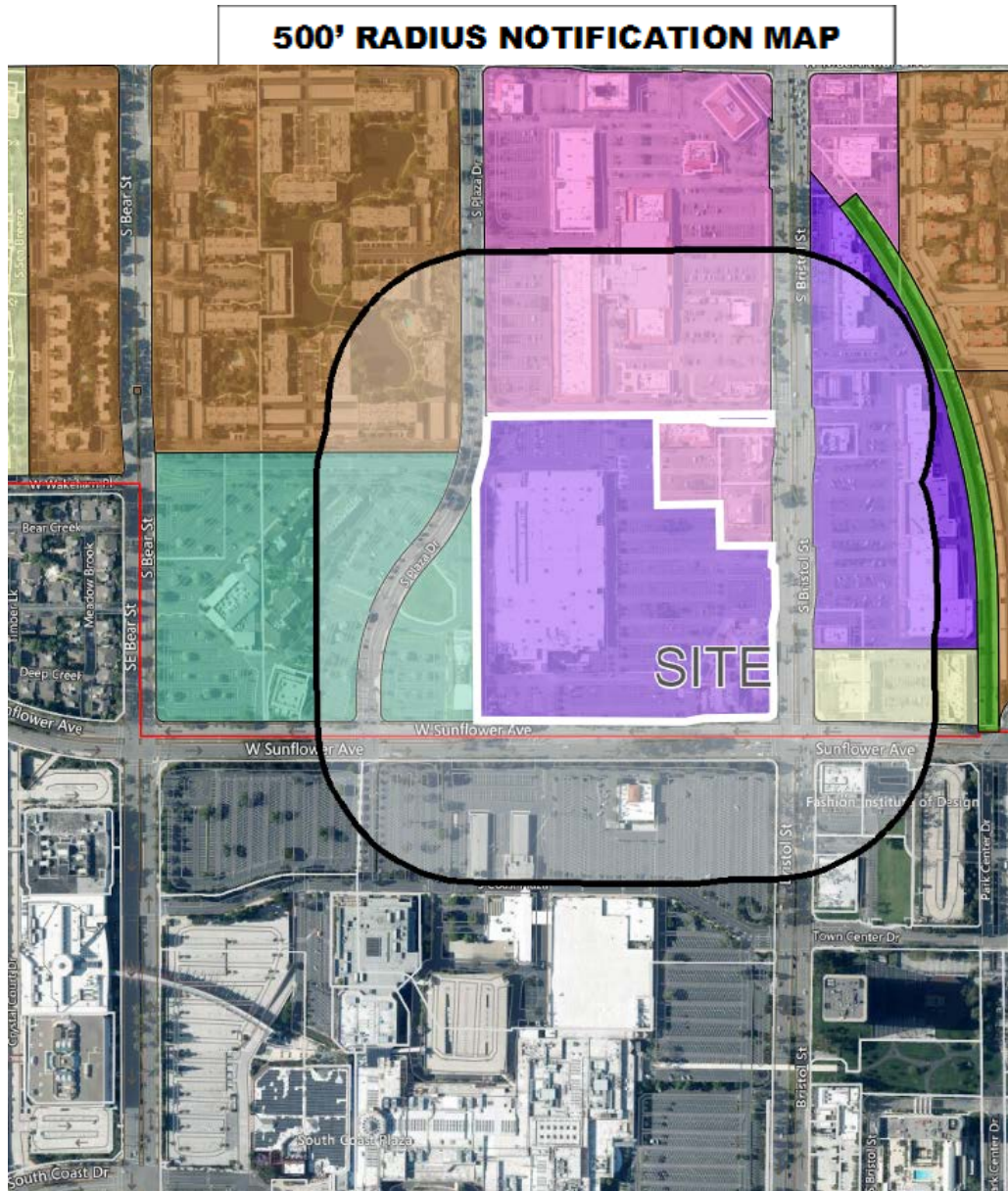
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Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.







**CUP No. 2021-04 – Euro Caffé**  
**3950 South Bristol Street**  
 City Council  
 4/12/2021





Planning Commission  
City of Santa Ana  
General Plan Update

April 12, 2021



**golden city**  
**beyond**  
4/12/2021

A SHARED VISION FOR SANTA ANA





# GOLDEN CITY BEYOND: 2045

## SANTA ANA GENERAL PLAN

Provides long-term policy direction to guide the physical development, quality of life, economic health, and sustainability of our Santa Ana community





### Volume 3 - Built Environment

 Land Use Element >	 Historic Preservation Element >	 Urban Design Element >
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### Volume 1 - Services and Infrastructure

 Community Element >	 Circulation Element >	 Economic Prosperity Element >	 Public Services Element >
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### Volume 2 - Natural Environment

 Conservation Element >	 Open Space Element >	 Noise Element >	 Safety Element >
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Environmental justice becomes a mandatory topic for a jurisdiction's General Plan.

**SB 1000 PASSES SENATE FLOOR!**

Thank you legislators for supporting equitable land use policy!

**#EJElement4all**

City Council



4 – 3

Images from CCAEJ, Andre m, and PlaceWorks through CC BY-SA 3.0



**SB 1000**  
Implementation Toolkit

*Planning for Healthy Communities*



4/12/2021





# What does SB 1000 require?

Cities and counties to update public policies for disadvantaged communities in order to:





















- Reduce unique or compounded health risks
- Promote civil engagement in the public decision-making process
- Prioritize improvements and programs



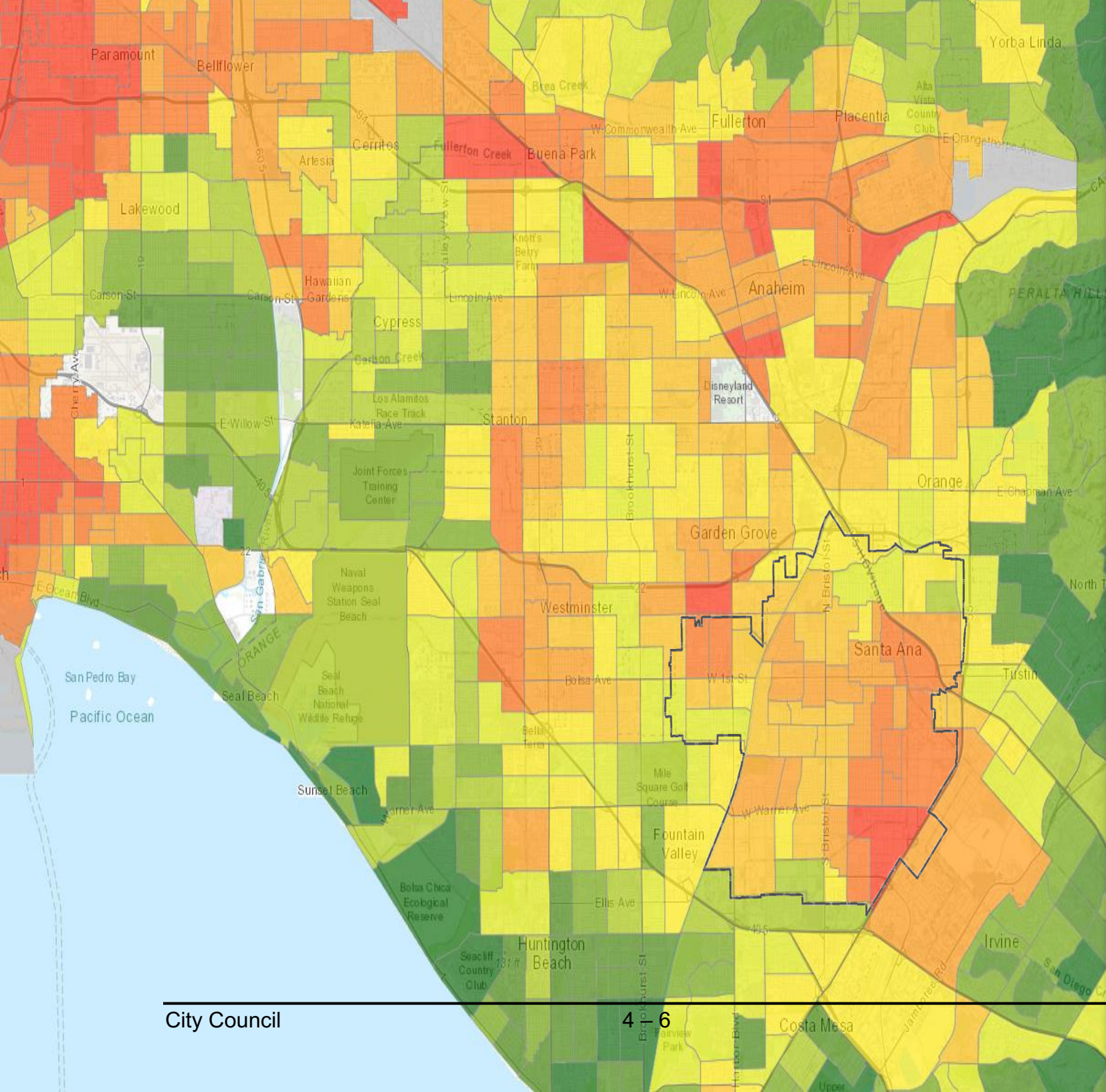
4  
CES measures 20 indicators

Pollution Burden

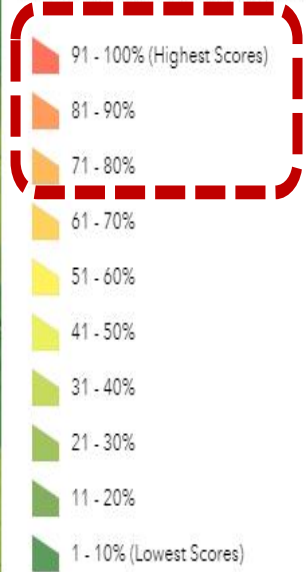
Population Characteristics

Exposures	Environmental Effects	Sensitive Populations	Socioeconomic Factors
 Ozone  PM2.5  Diesel Particulate Matter  Drinking Water Contaminants  Toxic Releases from Facilities  Traffic  City Council Pesticide Use	 Solid Waste Sites and Facilities  Cleanup Sites  Groundwater Threats  Impaired Water Bodies  Hazardous Waste Generators and Facilities	 Asthma  Cardiovascular Disease  Low Birth Weight Infants	 Educational Attainment  Housing Burdened Low Income Households  Linguistic Isolation  Poverty  Unemployment





CalEnviroScreen 3.0 Results (June 2018 Update)



**Combined scores compared to identify lowest to highest burden**

**Tracts ranked from 75% to 100% are a disadvantaged or EJ community**

*Note: The City's approach is consistent with CalEPA methodology.*





# “EJ” COMMUNITIES IN SANTA ANA

## SANTA ANA GENERAL PLAN



Based on a combination of CES scores and local issues raised in community outreach, the main priorities\* are:



Diesel Emissions



Air Quality\*\*



Groundwater Contamination



Cleanup Sites



Solid Waste Sites



Lead Risk\*\*\*



Linguistic Isolation



Housing Burden



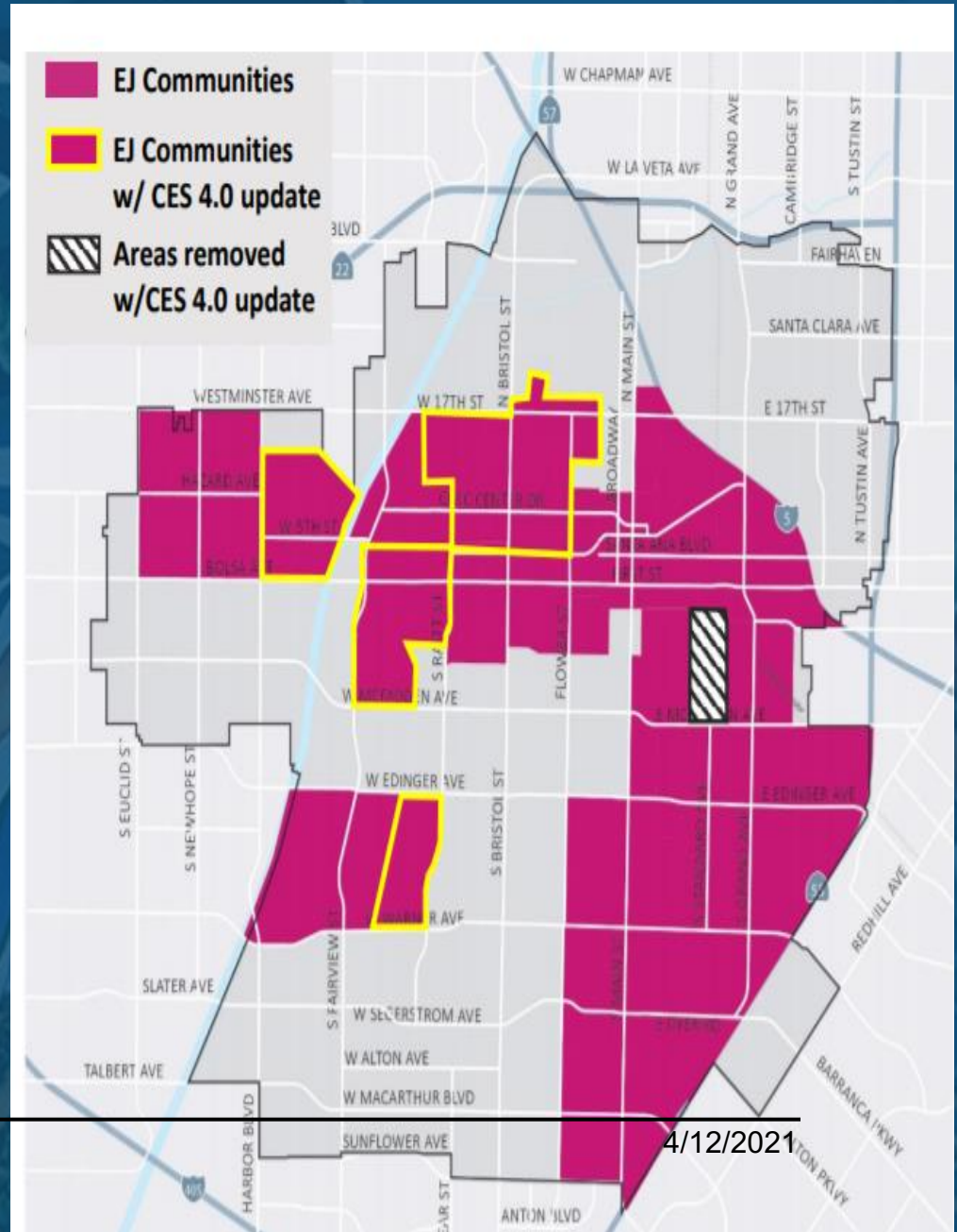
Low Birth Weight Infants



Poverty



Education







# GOLDEN CITY BEYOND: 2045

## SANTA ANA GENERAL PLAN

### General Plan EJ Community Outreach Plan

- **SURVEY** to EJ Neighborhoods: March to May 2021
  - ✓ English, Spanish, and Vietnamese
- Ten EJ Neighborhood Virtual **MEETINGS**: March to May 2021
  - ✓ Heninger Park/ Pacific Meeting next – April 21, 2021
- Cal Poly General Plan **Youth Forum** – Monday, April 19, 2021



# COMMUNITY OUTREACH IN THE SANTA ANA GENERAL PLAN

## General Plan Policy Refinements

- Environmental Justice Considerations
- Open Space and Parks





# COMMUNITY OUTREACH IN THE SANTA ANA GENERAL PLAN

## Tentative Timeline

- EJ Neighborhood Meetings & Survey - March to May 2021
- EJ Community Comments refine Draft General Plan document - Spring 2021
- Planning Commission Work Study - Spring 2021
- Revised General Plan EIR - Summer 2021
- Public Hearings - Late Fall 2021





# GENERAL PLAN HOUSING ELEMENT

City of Santa Ana General Plan  
**Housing Element**



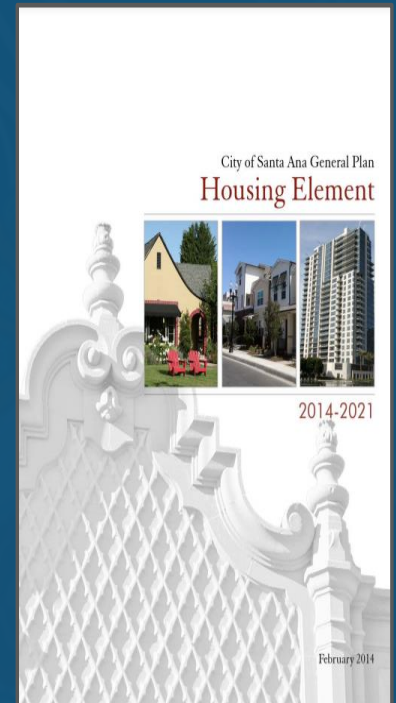
2014-2021





# GENERAL PLAN HOUSING ELEMENT

- State law requires update every 8 years (6th Cycle 2021-2029)
- Provides policies and programs to reflect needs, challenges, and opportunities as well as new laws
- Establishes policy guidance for long-term housing needs





# REGIONAL HOUSING NEEDS ASSESSMENT (RHNA)

- State of California directed Southern California Association of Government (SCAG) region to plan for 1.3 million housing
- SCAG RHNA Allocation Methodology factors: Housing Need, Proximity to High Quality Transit and Job Centers, and reduction for Disadvantaged Communities (DAC)
- City of Santa Ana RHNA allocation by Income levels:

	<b>Very Low</b>	<b>Low</b>	<b>Moderate</b>	<b>Above Moderate</b>	<b>Total</b>
City Council	<b>586</b>	<b>363</b>	<b>4,523</b>	<b>1,624</b>	<b>3,095</b>



# GENERAL PLAN HOUSING ELEMENT

## Upcoming Housing Element Update Milestones:

- Roundtable Meetings: Spring 2021
- Create webpage and citywide survey
- Virtual community workshop
- Boards and Commissions forums
- City Council adoption: November 2021

