

# Planning Commission Regular Meeting Agenda

August 23, 2021

5:30 P.M,

## Council Chamber

22 Civic Center Plaza  
Santa Ana, CA

**Members of the public may attend this meeting in-person or join via Zoom.**

Join from your computer: <https://zoom.us/j/97252018232>

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Dial in from a mobile phone or landline. **(669) 900- 6833; Meeting ID: 97252018232**

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

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

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



**THOMAS MORRISSEY**  
*Chair, Ward 6 Representative*

**ERIC M. ALDERETE**  
*Citywide Representative*

**BAO PHAM, Vice-Chair**  
*Ward 1 Representative*

**MIGUEL CALDERON**  
*Ward 2 Representative*

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

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

**ALAN WOO**  
*Ward 5 Representative*

**MinhThai**  
*Executive Director*

**John Funk**  
*Legal Counsel*

**Fabiola Zelaya Melicher, AICP**  
*Planning Manager*

**Sarah Bernal**  
*Recording Secretary*



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

**CALL TO ORDER**

**Commissioners:**

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

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

**Minh Thai  
John Funk  
Fabiola Zelaya Melicher  
Sarah Bernal**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS (non agenda items)**

**CONSENT CALENDAR ITEMS**

**a. Minutes**

**Recommended Action:** Approve Minutes from the July 12, 2021 meeting.

**b. Excused Absences**

**Recommended Action:** Excuse absent commissioners.

\*End of Consent Calendar\*

**BUSINESS CALENDAR**

**Public Hearing:** *The Planning Commission decision on Conditional Use Permits, Variances, Tentative Tract and Parcel Maps, Minor Exceptions, Site Plan Review, and Public Convenience or Necessity Determinations are final unless appealed within 10 days*

of the decision by any interested party or group (refer to the Basic Meeting Information page for more information). The Planning Commission recommendation on Zoning and General Plan amendments, Development Agreements, Specific Developments, and Specific Plans will be forwarded to the City Council for final determination. Legal notice was published in the OC Reporter on August 11 and notices were mailed on said date.

**1. Conditional Use Permit No. 2021-12 – Jerry Guevara, Case Planner.**

**Project Location:** 2151 East Santa Clara Avenue located in the Arterial Commercial (C5) zoning district.

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

**Proposed Project:** The applicant is requesting approval of Conditional Use Permit No. 2021-12 to renew the entitlements of an existing 56-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. 2020-54 will be filed for this project.

**Recommended Action:** Adopt a resolution approving Conditional Use Permit No. 2021-12 as conditioned.

**Administrative Matters**

- 2.** Annual review of Conditional Use Permit No. 2019-10 for Mariscos Hector #1 located at 1801 South Main Street

**Recommended Action:** Receive and file.

\*End of Buisness Calendar\*

**WORK STUDY SESSION:** Please note: No action will be taken on these items.

**3. General Plan Update – Melanie McCann, Principal Planner.**

\*End of Work Study Session Calendar\*

**STAFF COMMENTS**

**COMMISSIONER COMMENTS**

## **ADJOURNMENT**

The next meeting of the Planning Commission will be on September 10, 2021 at 10:00 AM in the Council Chamber located at 22 Civic Center Plaza, Santa Ana, CA 92701

## **FUTURE AGENDA ITEMS**

- Public Hearing: Draft Environmental Impact Report
- Work Study: General Plan Update

## **APPEAL INFORMATION**

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

## **MEETING PARTICIPATION DETAILS**

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

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### **SUBMIT A WRITTEN COMMENT**

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

- **E-mail** [PBAComments@santa-ana.org](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.***

# Planning Commission Regular Meeting Agenda

July 12, 2021

5:30 P.M.,

## Council Chamber

22 Civic Center Plaza  
Santa Ana, CA



### THOMAS MORRISSEY

*Chair, Ward 6 Representative*

### ERIC M. ALDERETE

*Citywide Representative*

### MIGUEL CALDERON

*Ward 2 Representative*

### MARK MCLOUGHLIN

*Ward 4 Representative*

### BAO PHAM

*Vice Chair,  
Ward 1 Representative*

### ISURI S. RAMOS

*Ward 3 Representative*

### ALAN WOO

*Ward 5 Representative*

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*Executive Director*

### John Funk

*Legal Counsel*

### Fabiola Zelaya Melicher, AICP

*Planning Manager*

### Sarah Bernal

*Recording Secretary*



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**CALL TO ORDER****Commissioners:**

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

**Executive Director**  
**Senior Asst. City**  
**Attorney**

**Minh Thai**

**John Funk**

**Planning Manager**  
**Recording Secretary**

**Fabiola Zelaya Melicher**  
**Sarah Bernal**

**ROLL CALL****PLEDGE OF ALLEGIANCE****PUBLIC COMMENTS (non-agenda items)****CONSENT CALENDAR ITEMS**

- a. Minutes from the adjourned meeting of May 25, 2021.

**Recommended Action:** Approve

- b. Minutes from the regular meeting of May 24, 2021.

**Recommended Action:** Approve

- c. Minutes from the regular meeting of June 14, 2021

**Recommended Action:** Approve

- d. Excused Absences

**Recommended Action:** Excuse absent commissioner(s)

**Moved by Commissioner Morrissey, seconded by Commissioner Calderon to  
Excuse the absence of Commissioner Alderete.**

**YES:** 6 – Tom Morrissey, Mark McLoughlin, Bao Pham, Isuri Ramos, Alan Woo, Miguel Calderon



**NO: 0 – ABSTAIN: 0 – ABSENT: 1 – Eric Alderete**  
**Status: 6 – 0 – 0 – 1 – Pass**

**Moved by Commissioner Woo, seconded by Commissioner Calderon to Approve Consent Calendar items A-C with the exception of D.**

**YES: 6 – Tom Morrissey, Mark McLoughlin, Bao Pham, Isuri Ramos, Alan Woo, Miguel Calderon**

**NO: 0 – ABSTAIN: 0 – ABSENT: 1 – Eric Alderete**  
**Status: 6 – 0 – 0 – 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. Legal notice was published in the OC Reporter on June 30, 2021 and notices were mailed on said date.*

**1. Conditional Use Permit No. 2021-08 – Ali Pezeshkpour, Case Planner**

**Project Location:** 3009 South Daimler Street located in the Professional (P) zoning district.

**Project Applicant:** Ginger Shulman with LPA, on behalf of property owner Edward Lifesciences LLC.

**Proposed Project:** The applicant is requesting approval of Conditional Use Permit No. 2021-08 to allow construction of a new standalone surface parking lot. To facilitate the project, the applicant is proposing to demolish a two-story 42,213-square-foot office building.

**Environmental Impact:** The Planning Commission will consider a determination that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15304 of the CEQA Guidelines – Minor Alterations to Land. Notice of Exemption, Environmental Review No. 2021-65 will be filed for this project.

**Recommended Action:** Adopt a resolution approving Conditional Use Permit No. 2021-08 as conditioned.

**Minutes:** *Chair McLoughlin disclosed that he spoke with a consultant regarding the project.*

*Chair McLoughlin opened the Public Hearing. The applicant spoke in support of the item and answered questions regarding construction hours and project timeline.*

*The following individuals spoke on the matter:*

- *Liam, President of Garry Plaza Offices, spoke in opposition.*
- *Dale Helvig inquired about site acreage.*

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

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

**YES:** 6 – Tom Morrissey, Mark McLoughlin, Bao Pham, Isuri Ramos, Alan Woo, Miguel Calderon

**NO:** 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Eric Alderete

**Status:** 6 – 0 – 0 – 1 – **Pass**

## **BUSINESS CALENDAR**

### **2. Election of Officers**

#### **Recommended Action:**

1. Elect a Chairperson for the 2021-2022 term
2. Elect a Vice-Chairperson for the 2021-2022 term

**Minutes:** *Chair McLoughlin nominated Vice-Chairperson Morrissey as Chairperson; motion was second by Commissioner Woo. There were no other nominations. Motion passed by majority vote with Commissioner Alderete absent.*

*Vice-Chairperson Morrissey nominated Commissioner Pham as Vice-Chairperson; motion was seconded by Commissioner Calderon. There were no other nominations. Motion passed by majority vote with Commissioner Alderete absent. .*

## **STAFF COMMENTS**

- Update on Marisco's Hector #1 located at 1801 S. Main Street, Units E & D

**Minutes:** *Staff indicated that this matter will be reviewed at a future meeting.*

## **COMMISSIONER COMMENTS**

## **ADJOURNMENT**

The Planning Commission meeting scheduled for July 26, 2021 is canceled. The next meeting will be held on August 9, 2021 at 5:30 p.m. in the Council Chambers located at 22 Civic Center Plaza, Santa Ana.

## **MEETING INFORMATION**

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- Select the COMMENT icon to the right of “Meeting Title” (under the Options tab) and follow the prompt

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**City of Santa Ana**  
**20 Civic Center Plaza, Santa Ana, CA 92701**  
**Planning Commission Staff Report**  
**August 23, 2021**

**Topic:** CUP No. 2021-12 – Major Wireless Communications Facility Renewal (2151 E. Santa Clara Ave.)

**RECOMMENDED ACTION**

Adopt a resolution approving Conditional Use Permit No. 2021-12 as conditioned.

**EXECUTIVE SUMMARY**

Nicole Comach with Virtual Site Walk, on behalf of SBA Monarch Towers III, LLC (Applicant) and Long Ridge Associates, LLC (Property Owner), is requesting approval of Conditional Use Permit (CUP) No. 2021-12 to renew the entitlements of an existing 56-foot high major wireless (“mono-pine”) communications facility located at 2151 East Santa Clara 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 through wireless communications service and coverage.

**DISCUSSION**

**Project Description**

The applicant is requesting approval of CUP No. 2021-12 to renew the entitlements of an existing 56-foot high major wireless communications facility disguised as a mono-pine. The facility currently provides cellular coverage and call capacity to residential and commercial areas within Meredith Parkwood Neighborhood Association area. The facility’s equipment and antennas are located at the rear of a multitenant commercial development, and existing mature trees on the site 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**

Item	Information	
Project Address & Council Ward	2151 East Santa Clara Avenue (Ward 3)	
Nearest Intersection	Tustin Avenue & Santa Clara Avenue	
General Plan Designation	General Commercial (GC)	
Zoning Designation	Arterial Commercial (C5)	
Surrounding Land Uses 8/23/2021	North	Commercial
	East	Residential

Item	Information	
	South	Residential and Commercial
	West	Commercial
Property Size	0.86 Acres	
Existing Site Development	The site is currently developed with two free-standing buildings, which are occupied by three tenants, 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 a commercial development area 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; 56-foot high
Landscaping	Groundcover at the base of the facility and one twenty-four (24) inch box tree	Complies; ground cover at the base of the tower and existing palm trees throughout the site
Equipment Screening	Decorative fencing such as wrought iron or block around the wireless facility	Complies; 7-foot high wrought iron fence

### **Project Background**

On August 9, 2010, the Planning Commission approved CUP No. 2010-11 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 ten-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, as need. In addition, the applicant will be refreshing the existing landscape surrounding the facility and will be installing another queen palm tree to the left of the facility to further assist with screening the facility. This tree will also match existing palms onsite. 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.

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. 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 the renewal of a permit of an existing wireless communications facility. Based on this analysis, a Notice of Exemption, Environmental Review No. 2020-54 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 Map
3. Site Photo
4. Site Plan & Equipment Plan
5. Elevations
6. Copy of Public Notices

Submitted By:  
Jerry Guevara, Associate Planner

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. 2021-12 AS CONDITIONED TO RENEW THE ENTITLEMENTS OF AN EXISTING 56-FOOT TALL MAJOR WIRELESS COMMUNICATION FACILITY LOCATED AT 2151 EAST SANTA CLARA 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. Nicole Comach with Virtual Side Walk, representing SBA Monarch Towers III, LLC (“Applicant”) and Long Ridge Associates, LLC (“Property Owner”), is requesting approval of Conditional Use Permit (“CUP”) No. 2021-12 to renew the entitlements of an existing 56-foot tall major wireless communication facility disguised as a mono-pine located at 2151 East Santa Clara Avenue.
- B. On August 9, 2010, the Planning Commission approved CUP No. 2010-11, allowing the construction of the subject major wireless communication facility.
- C. Pursuant to Santa Ana Municipal Code (“SAMC”) Section 41-198.3(b), a Conditional Use Permit is required for major wireless communication facilities established in the City of Santa Ana.
- D. In addition, SAMC Section 41-198.13 states that major wireless communications facilities shall be approved for a period not to exceed ten (10) years.
- E. As the current facility has reached its ten-year term, the applicant is required to apply for a new CUP in order to maintain the entitlements for the current facility.
- F. On August 23, 2021, the Planning Commission held a duly noticed public hearing on CUP No. 2021-12.
- G. The Planning Commission determines that the following findings, which must be established in order to grant this CUP pursuant to SAMC Section 41-638, have been established for CUP No. 2021-12 to renew the entitlements of an existing 56-foot tall major wireless communication facility:

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 of the 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. In addition, a live palm tree, complementing the existing onsite landscaping, will be planted adjacent to the facility to assist with overall screening.

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 mono-pine'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 (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 existing or former use. Based on this analysis, a Notice of Exemption for Environmental Review No. 2020-54 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. 2021-12, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 2151 East Santa Clara Avenue. CUP No. 2021-12 expires 10 years from the date of the Planning Commission approval. This decision is based upon the evidence submitted at the above hearing, which includes, but is not limited to: The Request for Planning Commission Action dated August 23, 2021, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this referenced.

ADOPTED this 23<sup>rd</sup> day of August, 2021

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

---

Thomas Morrissey  
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, Recording 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 August 23, 2021.

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

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

## EXHIBIT A

### **Conditions of Approval for Conditional Use Permit No. 2021-12**

Conditional Use Permit (CUP) No. 2021-12 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.

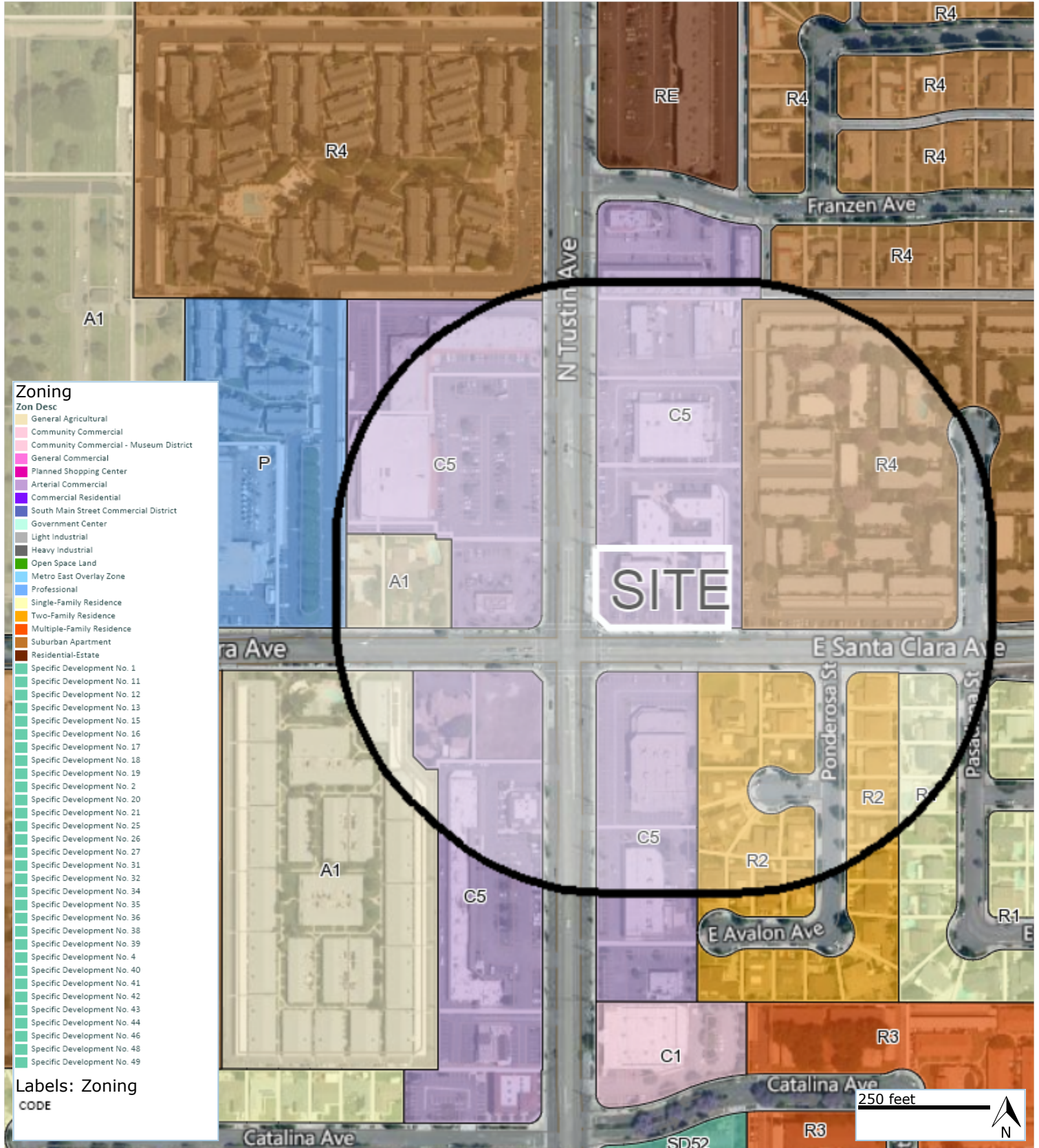
1. All site improvements must conform to Development Project Review (DP Nos. 2009-64 and 2020-17) and in accordance with the plans attached to the staff report documenting the approved scope of the project.
2. Per the approved DP Nos. 2009-64 and 2020-17, the applicant agrees to the following:
  - a. All deteriorating and/or faded stealth branches, needles and antenna socks shall be replaced as needed.
  - b. The proposed live queen palm must be at least 10-foot tall brown trunk height (BTH).
  - c. Planning Division staff will inspect the facility to verify compliance with this condition no later than six (6) months 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. CUP No. 2021-01 expires 10 years from the date of Planning Commission approval.
7. 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 this resolution.



# CUP No. 2021-12 2151 E. Santa Clara Ave



### Exhibit 2 - Vicinity Zoning & Aerial Map



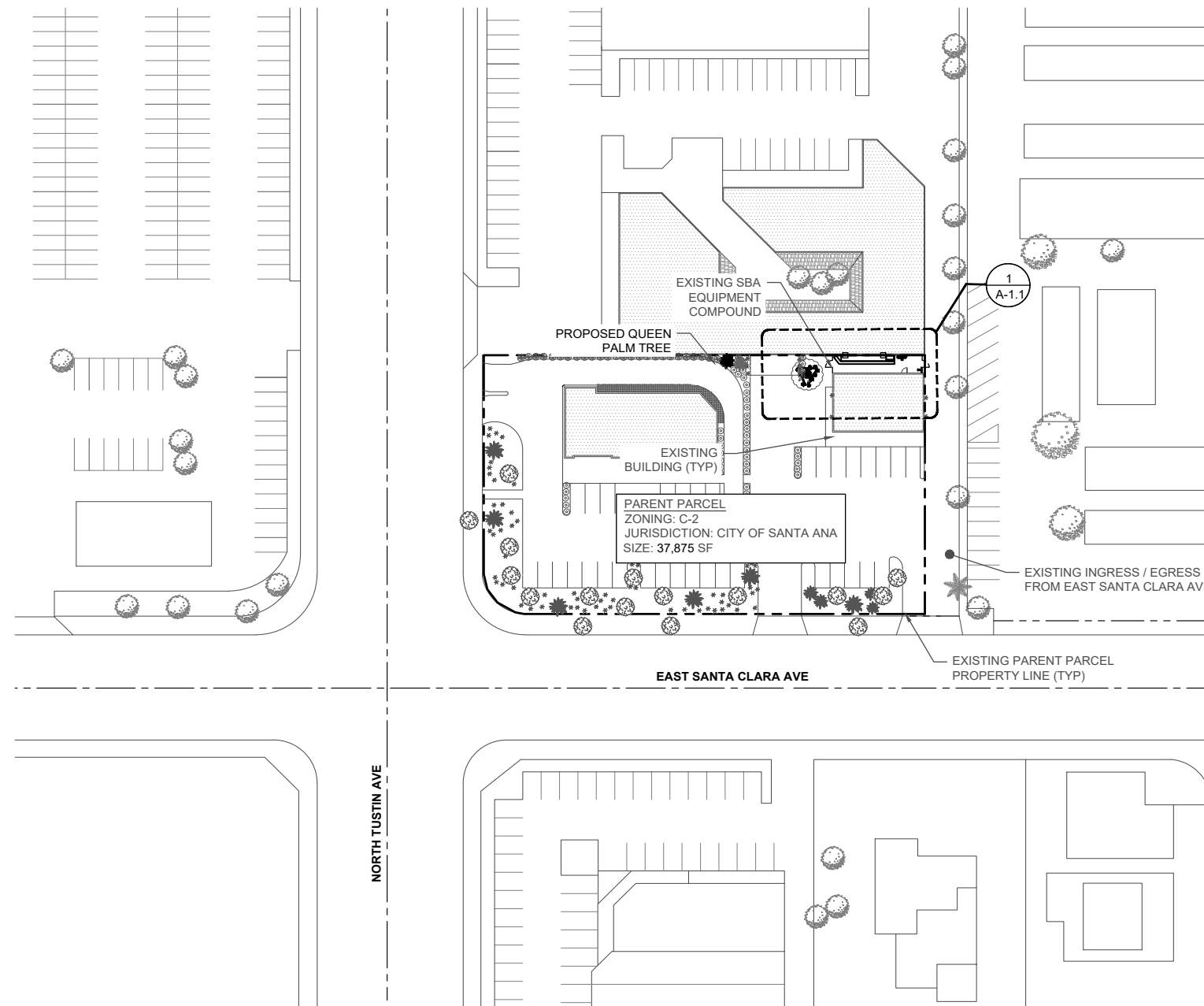
8/23/2021

**CUP No. 2021-12**  
**2151 East Seventeenth Street**



**Exhibit 3 – Site Photo**

**NOTE:**  
 ALL EXISTING CONDITIONS REFLECTED IN DRAWINGS ARE DERIVED FROM PREVIOUS AS-BUILT DRAWINGS, AERIAL IMAGES AND PHOTOS.



NO.	DATE	DRAWN	REVISION
A	03/11/20	KM	SITE PLAN
B	03/24/20	KM	90% CUP REVIEW
C	03/25/21	KM	CLIENT COMMENTS
D	04/14/21	KM	CLIENT COMMENTS



**MINI MART**

**CA40754**  
 2151 EAST SANTA CLARA AVE  
 SANTA ANA, CA 92705

**OVERALL SITE PLAN**

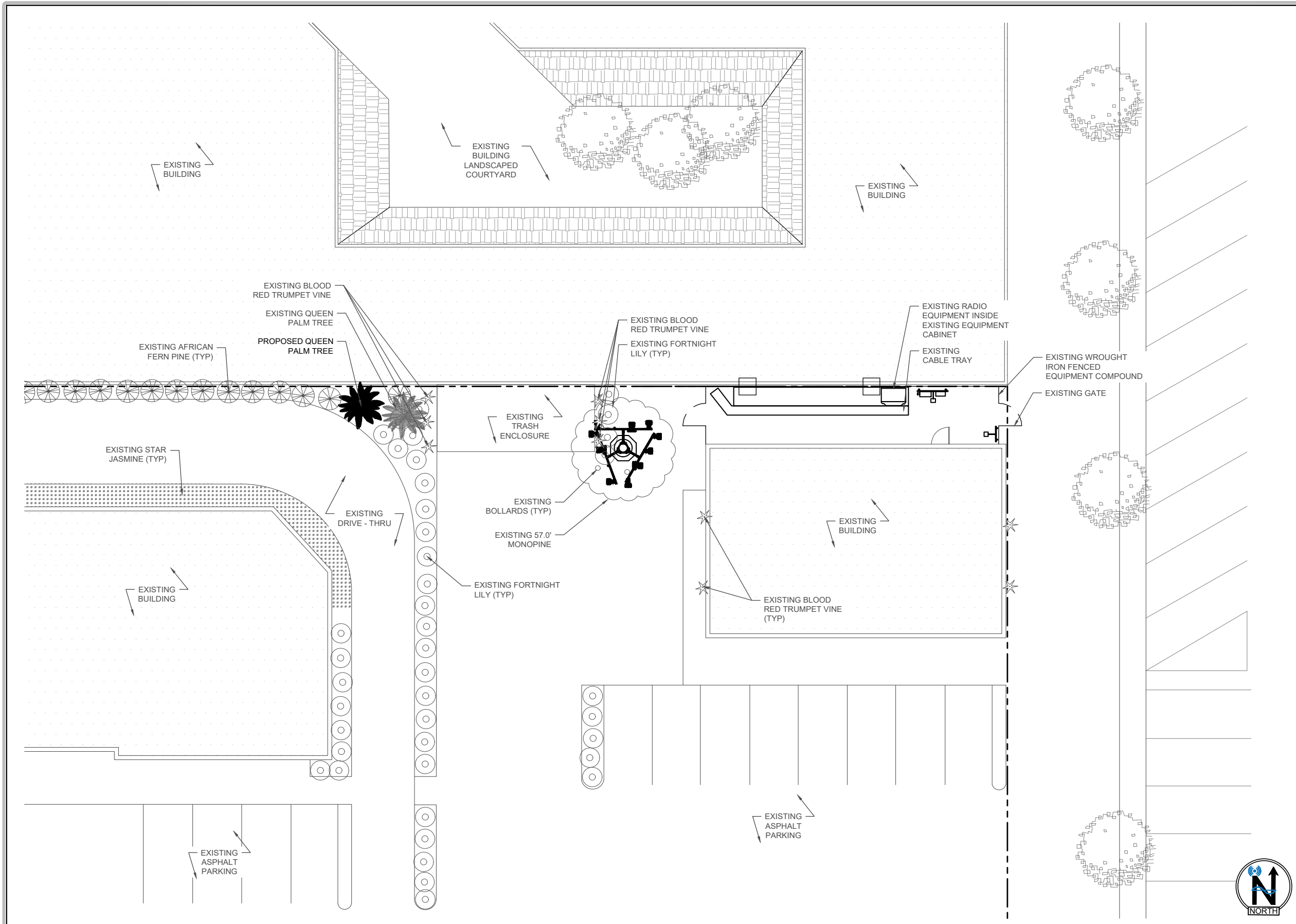
**A-1**



22"x34" SCALE: 1" = 40'-0"  
 11"x17" SCALE: 1" = 80'-0"

OVERALL SITE PLAN 1  
 8/23/2021

Planning Commission  
 &nbsp;1 &nbsp;—&nbsp;&nbsp;15  
 &nbsp;—&nbsp;



NO.	DATE	DRAWN	REVISION
A	03/11/20	KM	SITE PLAN
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**MINI MART**

**CA40754**  
 2151 EAST SANTA CLARA AVE  
 SANTA ANA, CA 92705

**ENLARGED SITE PLAN**

**A-1.1**

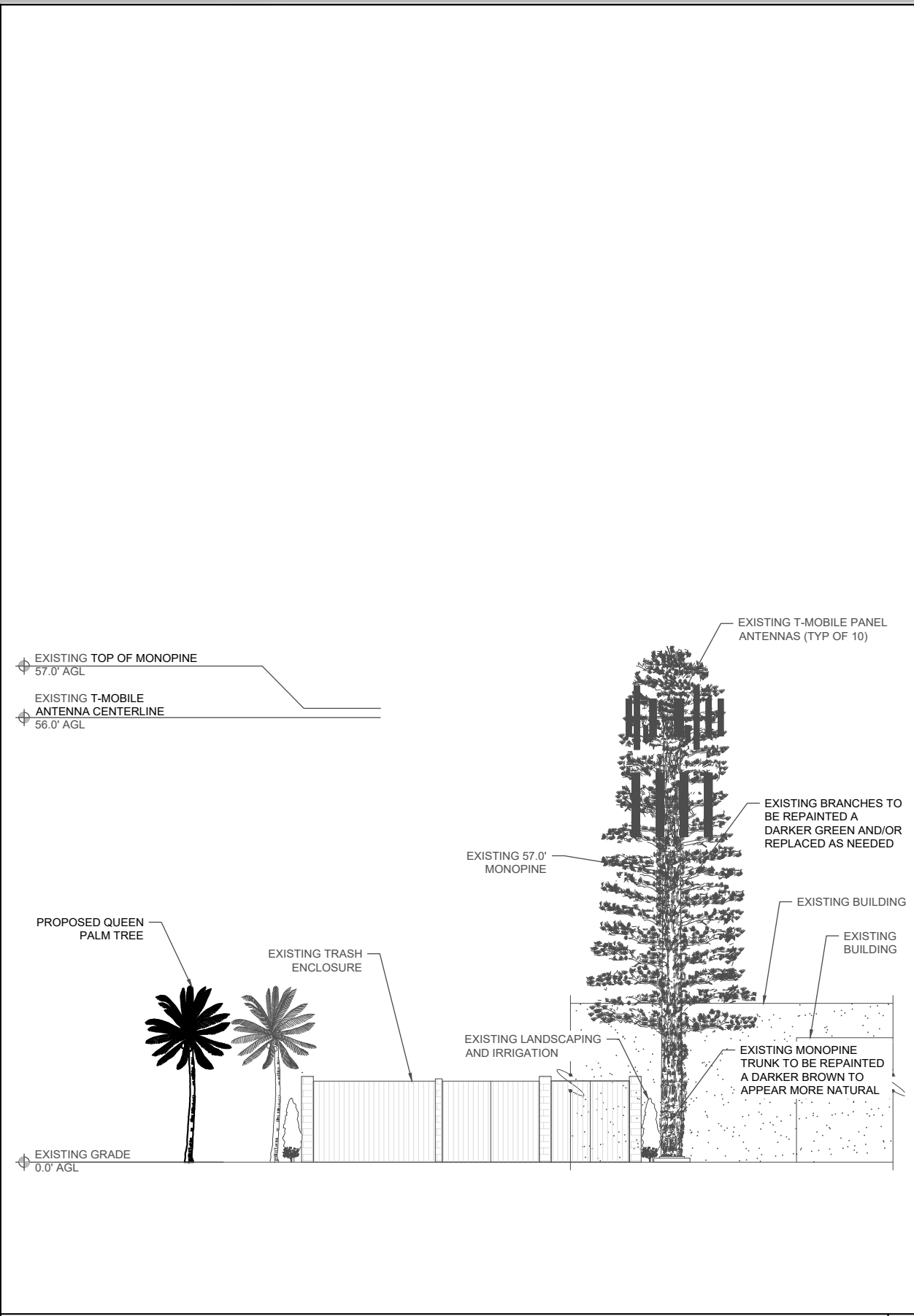
22"x34" SCALE: 1/8" = 1'-0"  
 11"x17" SCALE: 1/16" = 1'-0"



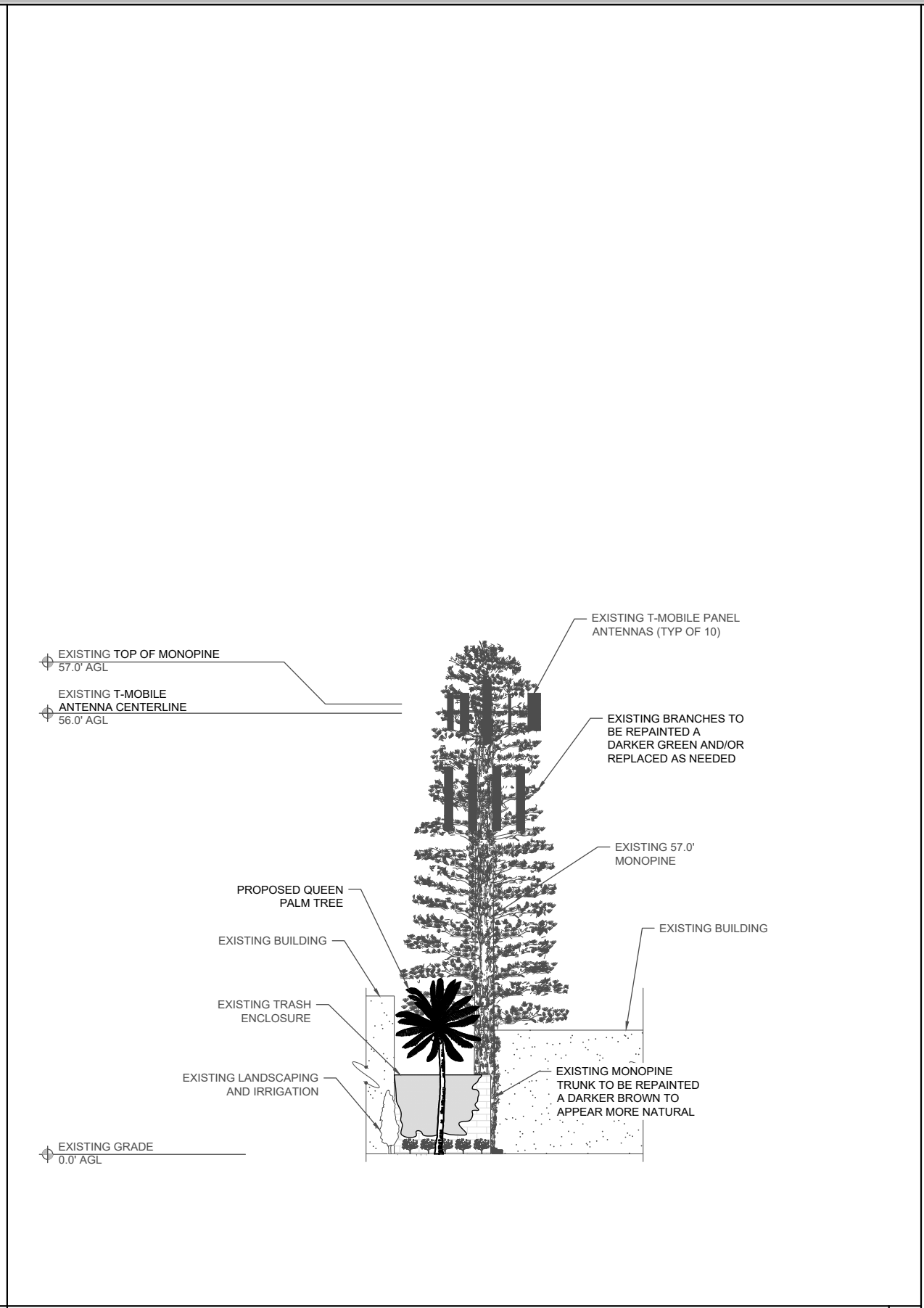
**EXISTING ENLARGED EQUIPMENT PLAN**

8/23/2021

Planning Commission  
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EXISTING SOUTH ELEVATION 1



EXISTING WEST ELEVATION 2

NO.	DATE	DRAWN	REVISION
A	03/11/20	KM	SITE PLAN
B	03/24/20	KM	90% CUP REVIEW
C	03/25/21	KM	CLIENT COMMENTS
D	04/14/21	KM	CLIENT COMMENTS

CONSULTANT:



A&E CONSULTANT, SITE ACQUISITION AND PERMITTING:



**MINI MART**

**CA40754**  
2151 EAST SANTA CLARA AVE  
SANTA ANA, CA 92705

EXISTING ELEVATIONS

A-3

22'x34' SCALE: 1/8" = 1'-0"  
11'x17' SCALE: 1/16" = 1'-0"



22'x34' SCALE: 1/8" = 1'-0"  
11'x17' SCALE: 1/16" = 1'-0"



8/23/2021

Planning Commission  
&nbsp;1 &nbsp;dash;&nbsp;17  
&nbsp;nbsp;

# ORANGE COUNTY REPORTER

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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

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08/11/2021

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OR# 3500380

### 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:** 2151 East Santa Clara Avenue located in the Arterial Commercial (C5) zoning district.

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

**Proposed Project:** The applicant is requesting approval of Conditional Use Permit No. 2021-12 to renew the entitlements of an existing 56-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. 2020-54 will be filed for this project.

**Meeting Details:** This matter will be heard on **Monday, August 23, 2021 at 5:30 p.m.** in the City Council Chambers, 22 Civic Center Plaza, Santa Ana, CA 92701. **Members of the public may attend this meeting in-person or join via Zoom.** For the most up to date information on how to participate virtually in this meeting, please visit [www.santa-ana.org/pb/meeting-participation](http://www.santa-ana.org/pb/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.**

8/11/21

OR-3500380#



\* A 0 0 0 0 0 5 7 9 6 0 9 6 \*

8/23/2021

Planning Commission



## 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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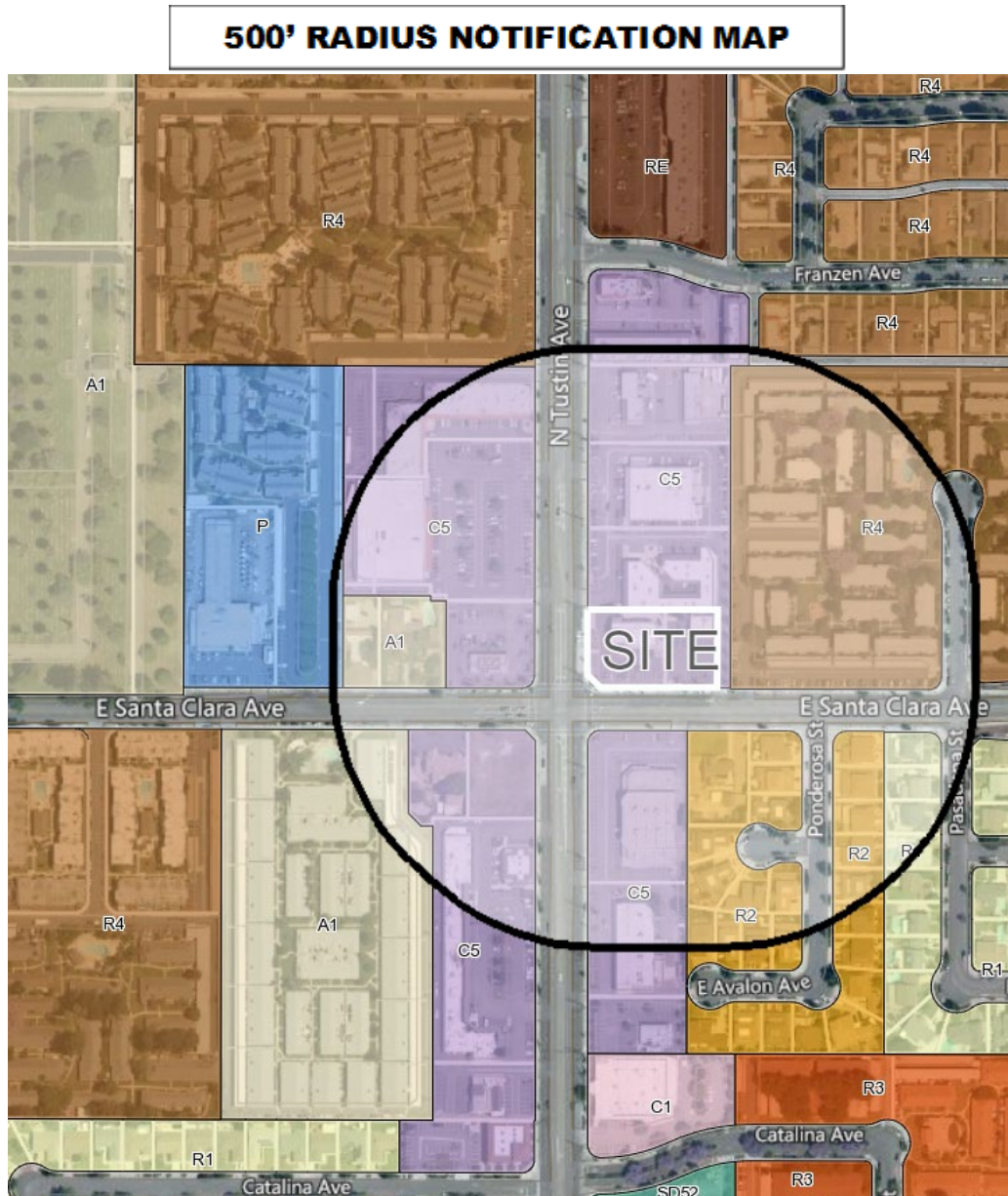
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**Si tiene preguntas en español, favor de llamar a Jerry Guevara al (714) 647-5481.  
Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.**



Publish: OC Reporter  
Date: August 11, 2021





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

**Project Location:** 2141 East Tustin (then historic location) in the Santa Ana Community Center Area.

**Project Address:** Historic Center with 2141 East Tustin, an area of 2.54 Acres, Santa Ana, CA 92705, Westside, West Long Beach, Anaheim, CA.

**Project Description:** The applicant is requesting approval of Conditional Use Permit No. 2021-001 for the proposed development of a 100,000 sq. ft. building for retail, office, and residential use.

**Project Applicant:** Juan de Dios Inc. California, Environmental Quality, Inc. 2141 East Tustin, Santa Ana, CA 92705, Westside, West Long Beach, Anaheim, CA.

**Meeting Details:** This hearing will be held on Monday, August 23, 2021 at 2:00 pm in the meeting room at the Santa Ana Community Center, 2141 East Tustin, Santa Ana, CA 92705. The public may attend this hearing in person or view the hearing via live stream on the website of the Santa Ana Planning Commission at [www.santaplan.com](http://www.santaplan.com).

**Public Comment:** You are invited to participate in the public hearing. You may make comments by letter to the Santa Ana Planning Commission, 2141 East Tustin, Santa Ana, CA 92705, or by attending the public hearing in person or via live stream on the website of the Santa Ana Planning Commission at [www.santaplan.com](http://www.santaplan.com). Comments received will be considered by the Commission and will be available to the public.

**How to Contact For Questions:** Contact the Santa Ana Planning Commission, 2141 East Tustin, Santa Ana, CA 92705, Westside, West Long Beach, Anaheim, CA. Phone: (714) 835-1411. Email: [planning@santaplan.com](mailto:planning@santaplan.com) or [publichearing@santaplan.com](mailto:publichearing@santaplan.com).

**Notes:** You may challenge the decision on the public hearing. You may file a written appeal with the Santa Ana Planning Commission at the Santa Ana Community Center, 2141 East Tustin, Santa Ana, CA 92705, Westside, West Long Beach, Anaheim, CA. The public hearing will be held on Monday, August 23, 2021 at 2:00 pm.



**City of Santa Ana**  
**20 Civic Center Plaza, Santa Ana, CA 92701**  
**Planning Commission Staff Report**  
**August 23, 2021**

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**Topic:** Review of Conditional Use Permit (CUP) No. 2019-10 – 1801. South Main Street – Mariscos Hector #1

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**RECOMMENDED ACTION**

Receive and file.

**DISCUSSION**

On January 21, 2020, the City Council approved CUP No. 2019-10 as conditioned to allow the sale of distilled spirits for on-premises consumption at Mariscos Hector #1 Restaurant at 1801 South Main Street, Units D and E. The purpose of this memorandum is to satisfy condition of approval no. 7 and review the status of the conditions of approval for the CUP and the operations of Mariscos Hector #1 Restaurant from January 21, 2020 to August 23, 2021. Please note that the Police Department calls for service increased from January 21, 2020 to June 30, 2021 (11 calls for service) in comparison to previous years/operations (2021 had 3 calls; 2020 had 8 calls; 2019 had 1 call; 2018 had 5 calls; and 2017 had 7 calls).

CUP No. 2019-11 to allow after-hours operation was continued to July 28, 2020 for the Planning Commission's consideration. In March 2020, a State of Emergency was declared regarding COVID-19 and continued through 2021. During the pandemic, the Governor and California Department of Public Health issued stay-at-home orders, social distancing requirements, and restrictions to business operations including pick-up only and outdoor dining only requirements. Staff will continue to monitor and evaluate the operations of the business as business activities and operations return back to normal.

1. The sales, 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 and in accordance with the provisions of a Type-47 alcohol license by the State Alcohol Beverage Control Board (ABC).
2. Prior to release of the ABC license, the window tinting shall be removed to be in compliance with the Municipal Code.
  - The window tinting has been removed.

3. Prior to release of the ABC license, a new entertainment permit shall be applied for and be approved.
  - An Entertainment Permit was approved on July 9, 2020 and July 30, 2021.
4. If off-site parking is proposed, the lot shall comply with the City's Building Security Ordinance (i.e. parking lot lighting).
  - Off-site parking is proposed at 1812 South Main Street and complies with the City's Building Security Ordinance.
5. Prior to release of the ABC license, 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, 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 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.

- The Property Maintenance Agreement was recorded on August 20, 2020.

6. Prior to issuance of the ABC license to the State Board of Alcoholic Beverages, the Applicant shall obtain building permits to replace the existing restaurant storefront with a soundproof storefront. The rear wall adjacent to residences shall also be soundproofed as determined by an acoustical analysis (Modified by the City Council on January 21, 2020).

- On June 19, 2020, an acoustical analysis performed by Noise Monitoring Services, the applicant's acoustical engineer, indicated that when the amplified sound system is reduced to 76.8 dBA amplified sound cannot be heard outside the storefront. The report states that the rear wall adjacent to the residences is reinforced cinder block with no rear doors which in itself is a sound proofing measure.
- On July 2, 2020, building permit no. 102103299 (installation of a new floor to ceiling window system on the front elevation for sound proofing and expanding into unit D was finalized.

7. A six-month review of the CUP shall be conducted by the Planning Commission to ensure compliance with all applicable City codes and the conditions of approval (Modified by the City Council on January 21, 2020).
  - Code Enforcement cases from January 21, 2020 to June 2021 included:
    - August 20, 2020: unpermitted sign. Case was closed on April 27, 2021.
    - December 16, 2020: non-compliance with state COVID-19 operational orders. A letter was sent to the business owner.
  - Police Department calls for service from January 21, 2020 to June 30, 2021 included 11 calls for service related to the business:
    - Calls received from 6 p.m. to 10 p.m.
      - 3 calls related to noise
      - 2 calls related to fights
      - 2 calls related to intoxicated behavior
    - Calls received from 10 p.m. to 12 a.m.
      - 3 calls related to noise
    - Calls received after 12 a.m.
      - 1 calls related to noise
8. Licensed security guards shall be on the premises at all times that the establishment is open for business. A Security Guard Plan shall be submitted to the Police Department for review and approval (Added by the City Council on January 21, 2020).
  - The Security Guard Plan was approved by the Police Department as part of the entertainment permit application. Copies of the security guard contracts were provided.

Based on this review, it appears that the business is operating in compliance with the conditions of approval. Staff will continue to monitor and evaluate the operations of the business as operations return to normal following the reopening of indoor dining as permitted by the State.

### **ENVIRONMENTAL IMPACT**

There is no environmental impact associated with this action.

**FISCAL IMPACT**

There is no fiscal impact associated with this action.

Submitted By:

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