

Planning Commission Regular Meeting Agenda

February 14, 2022

5:30 P.M.

Council Chamber

22 Civic Center Plaza
Santa Ana, CA

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Join from your computer: <https://zoom.us/j/88599369882>

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

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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
Ward 4 Representative

ALAN WOO
Ward 5 Representative

MinhThai
Executive Director

John Funk
Legal Counsel

Fabiola Zelaya Melicher, AICP
Planning Manager

Christina Leonard
*Acting Recording
Secretary*



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

CALL TO ORDER

Commissioners:

**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
Christina Leonard**

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS (non agenda items)

CONSENT CALENDAR ITEMS

a. Minutes

Recommended Action: Approve Minutes from January 24, 2022 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 February 4, 2022 and notices were mailed on February 3, 2022

1. Conditional Use Permit No. 2021-19 Case Planner, Eric Martin

Project Location: 2 E. Hutton Centre Drive, Unit 204

Project Applicant: Jiayu Liu, representing Little Pan Fried Bun

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2021-19 to allow the sale of alcoholic beverages for on-premise consumption (Type 41- Beer and Wine) at an existing eating establishment. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC), establishments wishing to sell alcoholic beverages for on-premise consumption require approval of a CUP.

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. 2021-127 will be filed for this project.

Recommended Action: Adopt a resolution approving Conditional Use Permit No. 2021-19 as conditioned.

2. Conditional Use Permit No. 2021-20 and No. 2022-2 Eric Martin, Case Planner

Project Location: 2 E. Hutton Centre Drive, Unit 203

Project Applicant: Xianglong Kong, representing Gokumi Ramen & Yakitori

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2021-20 and No. 2022-2 to allow the sale of alcoholic beverages for on premise consumption (Type 41- Beer and Wine) and after-hours operations at a new eating establishment. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC), establishments wishing to sell alcoholic beverages for on-premise consumption and wishing to operate between the hours of 12:00 a.m. (midnight) and 7:00 a.m., require approval of respective CUPs.

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. 2021-130 will be filed for this project.

Recommended Action: .Adopt a resolution approving Conditional Use Permit

Administrative Matters

End of Business Calendar

STAFF COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

The next meeting of the Planning Commission will be on February 28, 2022 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

FUTURE AGENDA ITEMS

APPEAL INFORMATION

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

MEETING INFORMATION

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Submit a written comment

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- **E-mail** PBAComments@santa-ana.org and reference the topic in the subject line.
- **Mail** to Christina Leonard, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza – M20, Santa Ana, CA 92701.

Deadline to submit written comments is 4:00 p.m. on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

Planning Commission Regular Meeting Agenda

January 24, 2022

5:30 P.M.

Council Chamber

22 Civic Center Plaza
Santa Ana, CA



THOMAS MORRISSEY

Chair, Ward 6 Representative

ERIC M. ALDERETE

Citywide Representative

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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 **Minh Thai**
Senior Asst. City Attorney **John Funk**
Planning Manager **Fabiola Zelaya Melicher**
Recording Secretary **Christina Leonard**

ROLL CALL

Minutes: *Commissioners: Alderete and Ramos were present via Zoom.*

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

Recommended Action: Approve Minutes from December 20, 2022 Special meeting.

b. Excused Absences

Recommended Action: Excuse absent commissioners.

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

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

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

****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 January 12, 2022 and notices were mailed on said date.*

1. Conditional Use Permit No. 2021-18 – Heidi Jacinto, Case Planner

Project Location: 2901 S. Daimler Street

Project Applicant: Nikki Little with SC Cheer Company

Proposed Project: The applicant is requesting approval of a Conditional Use Permit (CUP) to allow the operation of a gymnasium at 2901 South Daimler Street. Pursuant to Section 41-313.5 (d) of the Santa Ana Municipal Code (SAMC), gymnasiums require approval of a CUP if located within the Professional (P) zoning district.

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. 2020-85 will be filed for this project.

Recommended Action: Adopt a resolution approving Conditional Use Permit No. 2021-18 as conditioned.

Minutes: *Chair Morrissey opened the Public Hearing. Recording Secretary reported that written communication was received. There were no other speakers and the Public Hearing was closed.*

Commission expressed concern regarding parking, air quality and pickup and drop-off of students on the property. Commission agreed to approve the project with modified conditions.

Moved by Commissioner Morrissey, seconded by Commissioner Pham to

Approve with Modified Conditions. .**YES:** 4 – Miguel Calderon, Mark McLoughlin, Tom Morrissey, Bao Pham**NO:** 3 – Eric Alderete, Isuri Ramos, Alan Woo**ABSTAIN:** 0 – **ABSENT:** 0 – **Status:** 4 – 3 – 0 – 0 – **Pass****Administrative Matters******End of Business Calendar******STAFF COMMENTS****COMMISSIONER COMMENTS****ADJOURNMENT**

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FUTURE AGENDA ITEMS**APPEAL INFORMATION**

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**City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
February 14, 2022**

Topic: CUP No. 2021-19 - Little Pan Fried Bun

RECOMMENDED ACTION

Adopt a resolution approving Conditional Use Permit No. 2021-19 as conditioned.

EXECUTIVE SUMMARY

Jiayu Liu, representing Little Pan Fried Bun, on behalf of KRB Investments Management, LLC (Property Owner), is requesting approval of Conditional Use Permit (CUP) No. 2021-19 to allow the sale of alcoholic beverages for on-premise consumption (Type 41- Beer and Wine) at an existing eating establishment located at 2 E. Hutton Centre Drive, Unit 204. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC), establishments wishing to sell alcoholic beverages for on-premise consumption require approval of a CUP. Staff is recommending approval of the applicant's request because the site is located within a commercial center intended for such uses, the site is located away from sensitive land uses, and is in compliance with City standards.

DISCUSSION

Project Description

The Little Pan Fried Bun restaurant occupies a 1,845-square-foot tenant space of an existing 13,068-square-foot multi-tenant commercial building located on the southeast corner of MacArthur Place and East MacArthur Boulevard. The restaurant can accommodate up to 40 patrons within the dining area and offers dine-in and to-go services daily from 9:00 a.m. to 11:30 p.m. Alcoholic beverages will be stored in reach-in refrigerators located within the back of house area and displayed in refrigerators near the dining area. The restaurant will have an overall display and storage area of 47 square feet, which is less than five percent of the gross floor area of the tenant space as required by the Santa Ana Municipal Code (SAMC).

Table 1: Project and Location Information

Item	Information	
Project Address and Council Ward	2 Hutton Centre Drive, Unit 204 – Ward 6	
Nearest Intersection	MacArthur Place and East MacArthur Boulevard	
General Plan Designation	District Center (DC)	
Zoning Designation	Specific Development No. 76 (SD76)	
Surrounding Land Uses	North	Vacant
	East	Professional Office
	South	Multi-Family Residential
	West	Hotel
Property Size	1.45 acres (63,151 square feet)	
Existing Site Development	The subject site contains a 13,068 square-foot multi-tenant commercial building and 53 off-street parking stalls.	
Unit Size	1,845 square feet	
Use Permissions	Allowed with a conditional use permit (CUP)	
Zoning Code Sections Affected	Uses	SAMC Section 41-196 (a) (d) and SD76
	Operational Standards	SAMC Section 41-196(g)
Census Tract and License Information	Census Tract No.	740.03
	No. of Allowed and Existing Licenses	4 Allowed; 27 Existing

Table 2: Operational Standards

Standards	Permissible by SAMC	Provided
Eating Establishment Type	Bona-Fide	Bona-Fide
Hours of Operation for ABC Sales	7:00 a.m. to 12:00 a.m.	9:00 a.m. to 11:30 p.m.
Window Display	25% of Window Coverage	Complies
Alcohol Storage and Display	5% of G.F.A	2.5% of G.F.A
Exterior Telephone	Prohibited	None

Project Background

Little Pan Fried Bun is seeking to further expand their operations by proposing to sell beer and wine through a Type 41 Alcoholic Beverage Control (ABC) license. The on-premise sale and consumption of beer and wine is an ancillary component to its dining service options.

As the sole location in Santa Ana, this restaurant is a locally based eating establishment known for offering Shanghai-style pan-fried pork buns. Entertainment is not proposed at this time. Should the applicant seek to provide on-site entertainment, approval of a separate entertainment permit will be required.

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 for the sale and consumption of beer and wine and has determined that the proposed CUP will not be detrimental to the health, safety, and welfare of the community.

The proposed sale of alcoholic beverages for on-premise consumption is consistent with establishments in similar district centers that offer a mixture of uses, including but not limited to Downtown Santa Ana, the MainPlace Specific Plan area and the CityPlace specific development. It will provide an ancillary service to the establishment's customers by allowing them to purchase a variety of alcoholic beverages with their meal. Furthermore, it would allow Little Pan Fried Bun to be economically viable and compete with nearby full-service establishments that offer similar services to their patrons.

The subject establishment is located in a commercial center surrounded by other commercial uses and nearby high-rise office and residential uses, making the proposed project compatible with adjacent land uses. Although there is a hotel and multi-family residences nearby, the proposed use will have a minimal impact on the residents since the residential units are within a high-rise structure and the hotel is across the street and not immediately adjacent to the business. Policy 5.5 of the Land Use Element encourages development that is compatible with and supporting of surrounding land uses. An eating establishment at this location supports the mixed-use environment and may reduce vehicle trips made to restaurants that are further away. Therefore, the operations will also support Goal 1 of the General Plan Land Use Element to promote a balance of land uses to address basic community needs.

The proposed sale of alcoholic beverages for on-premise consumption will not be detrimental to the health, safety, and welfare of the community, as it 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 offer alcoholic beverages as part of their menu offers additional dining options for Santa Ana residents and visitors.

Moreover, Policy 2.9 of the Land Use Element supports developments that create a business environment that is safe and attractive. The establishment will comply with the

operation standards set forth in Section 41-196(f) of the SAMC, which will mitigate impacts to public health, safety, and welfare. Therefore, staff recommends approval of the proposed CUP.

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. 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

Police Department Analysis and Criteria for Recommendation	
Police Grid No. and Rank	Police Grid No. 191; ranked 82 out of 102 Police Reporting Grids (79th percentile)
Threshold for High Crime	This reporting district is 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-premise 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, the application was reviewed by the Police Department. Based on its review, the Police Department has no issues of concern regarding this application.

Public Notification and Community Outreach

Project notifications were posted, published, and mailed in accordance with City and State regulations. Copies of the public notice, including a 500-foot notification radius map, and the site posting are provided in Exhibit 6. At the time this report was printed, no issues of concern were raised regarding the proposed CUP.

ENVIRONMENTAL IMPACT

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15301 (Class 1 – Existing Facilities). A 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. The project proposes to allow the operation of an alcoholic beverage control license to sell alcoholic beverages at a bona-fide eating establishment. As such, a Notice of Exemption, Environmental Review No. 2021-127, 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:
Eric Martin, Assistant Planner I

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

RESOLUTION NO. 2022-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2021-19 AS CONDITIONED TO ALLOW THE ON-PREMISE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT LITTLE PAN FRIED BUN LOCATED AT 2 E. HUTTON CENTRE DRIVE, UNIT 204.

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. Jiayu Liu (“Applicant”), representing Little Pan Fried Bun, on behalf of KRB Investments Management, LLC (Property Owner), is requesting approval of Conditional Use Permit (CUP) No. 2021-19 to allow the on-premise sale and consumption of alcoholic beverages at an existing eating establishment located at 2 E Hutton Centre Drive, Unit 204.
- B. Santa Ana Municipal Code (“SAMC”) Section 41-196 requires approval of a CUP for establishments wishing to sell alcoholic beverages for on-premise consumption.
- C. On February 14, 2022, the Planning Commission held a duly noticed public hearing on CUP No. 2021-19.
- 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. 2021-19 to allow the on-premise sale and consumption of alcoholic beverages at an existing eating establishment located at 2 E Hutton Centre Drive, Unit 204.
 1. That the proposed use will provide a service or facility which will contribute to the general wellbeing of the neighborhood or community.

The proposed sale of alcoholic beverages for on-premise consumption at this location will provide an ancillary service to the eating establishment’s customers by allowing them to purchase alcoholic beverages with their meal. This will thereby benefit the community by providing an eating establishment 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 proposed sale of alcoholic beverages for on-premise consumption at this 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 alcoholic beverage control license and conditions of approval will address any potential negative or adverse impacts created by the use. A mixture of uses that are compatible with the proposed use including a hotel, multi-family residences and commercial uses surround and are adjacent to the site. Little Pan Fried Bun is intended to be a bona-fide restaurant and the addition of alcohol will be ancillary to the main use. All of the operational standards identified in SAMC Sec. 41-196 will apply to this establishment. Therefore, 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 proposed use will not adversely affect the economic stability of the area, but will instead allow the eating establishment to compete with other nearby eating establishments that offer a full selection of alcoholic beverages for sale to their customers. The alcohol license for on-premise sale and consumption will benefit individuals working and residing in the surrounding hotels, multi-family residential communities, and retail stores. New clientele will be attracted to this commercial center supporting pedestrian access from individuals living or working at close proximity. Moreover, offering the sale and consumption of alcoholic beverages will allow the eating establishment to remain economically viable and contribute to the overall success of Hutton Centre Mixed Use Specific Development, thereby contributing to the overall success of the City.

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

The proposed conditional use permit will be in compliance with all applicable regulations and operational standards imposed on an eating establishment selling alcoholic

beverages for on-premise consumption pursuant to Chapter 41 of the SAMC. The facility will be maintained as a bona-fide eating establishment, having suitable kitchen facilities and supplying an assortment of foods. Additionally, the eating establishment 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. In addition, 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 proposed sale of alcoholic beverages for on-premise consumption at this location will not adversely affect the General Plan or any specific plan. The granting of this CUP 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 restaurants that offer alcoholic beverages as part of their menu presents 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. Little Pan Fried Bun is located in a commercial center and its operations are 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 existing or former use. The project proposes to allow the operation of an alcoholic beverage control license to sell alcoholic beverages at a bona-fide eating establishment. As such, a Notice of Exemption, Environmental Review No. 2021-127, 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. 2021-19, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 2 E. Hutton Centre Drive, Unit 204. 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 February 14, 2022, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 14th day of February, 2022 by the following vote.

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

Thomas Morrissey
Chairperson

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

By: _____
John M. Funk
Sr. Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, CHRISTINA LEONARD, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2022-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on February 14, 2022.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2021-19

Conditional Use Permit No. 2021-19 for on-premise consumption of alcoholic beverages is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Building Standards Code, and all other applicable regulations:

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 the conditional use permit must be amended.
2. 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-premise alcohol license by the California Department of Alcoholic Beverage Control (ABC), and in accordance with the site and floor plans attached to the staff report documenting the approved scope of the project.
3. The sale, service, and consumption of alcoholic beverages shall be limited from 7:00 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).
4. Prior to release of the ABC License, the trash enclosure shall be upgraded to provide a solid barrier roof covering to prevent rainwater intrusion and in order to meet current NPDES requirements. The roof covering shall be decorative, architecturally compatible with on-site structures and comply with Citywide Design Guidelines.
5. The business shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the California Department of Alcoholic Beverage Control, California Business and Profession Code Sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with the City's business license annual renewal.
6. The premises shall not be exclusively used for private parties, including promotional events, in which the public is excluded.

7. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
8. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control.
9. Kitchen food service shall be provided during all business-operating hours.
10. Violations of the Conditional Use Permit as contained in Section 41-647.5 of the Santa Ana Municipal Code will be grounds for permit suspension and/or revocation as described in Section 41-651 of the Santa Ana Municipal Code.
11. Prior to final Certificate of Occupancy, the property shall be brought into full maintenance compliance with all applicable SAMC standards. Maintenance shall include, but is not limited to: the repair and upkeep of the property; cleanup of trash and debris; repair and upkeep of any damaged and/or weathered components of the building; repair and upkeep of exterior paint; parking striping, lighting and irrigation fixtures; landscaping and related landscape, furnishing, and hardscape improvements.
12. 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 on or about the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);
- e) If Applicant and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the maintenance agreement and both shall be jointly and severally liable for compliance with its terms;
- f) The maintenance agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the maintenance agreement;
- 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. 2021-19 - Little Pan Fried Bun 2 East Hutton Centre Drive, Unit 204

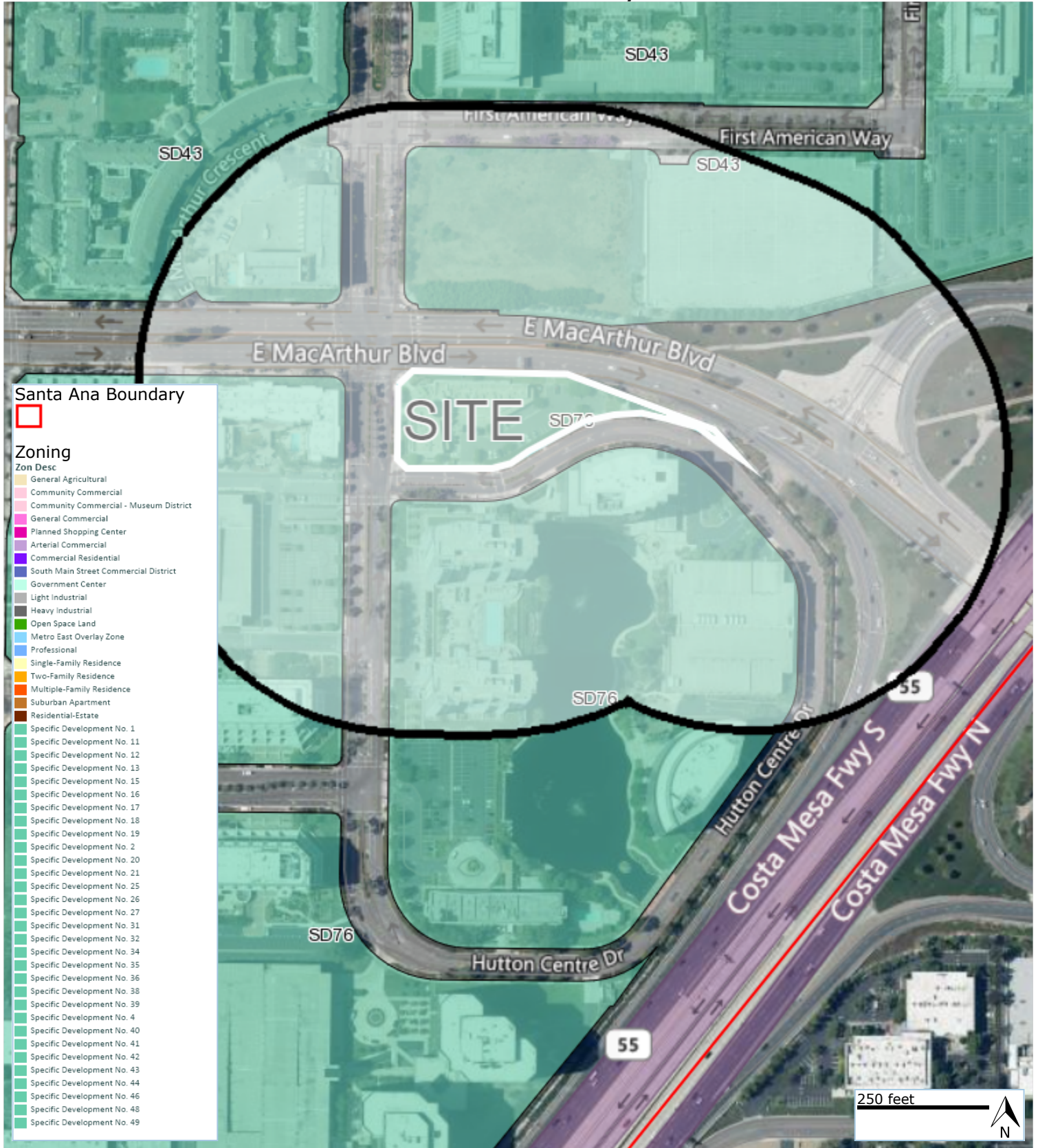


Exhibit 2 - Vicinity Zoning and Aerial View



2/14/2022

**CUP No. 2021-19 – Little Pan Fried Bun
2 Hutton Centre Drive, Unit 204**



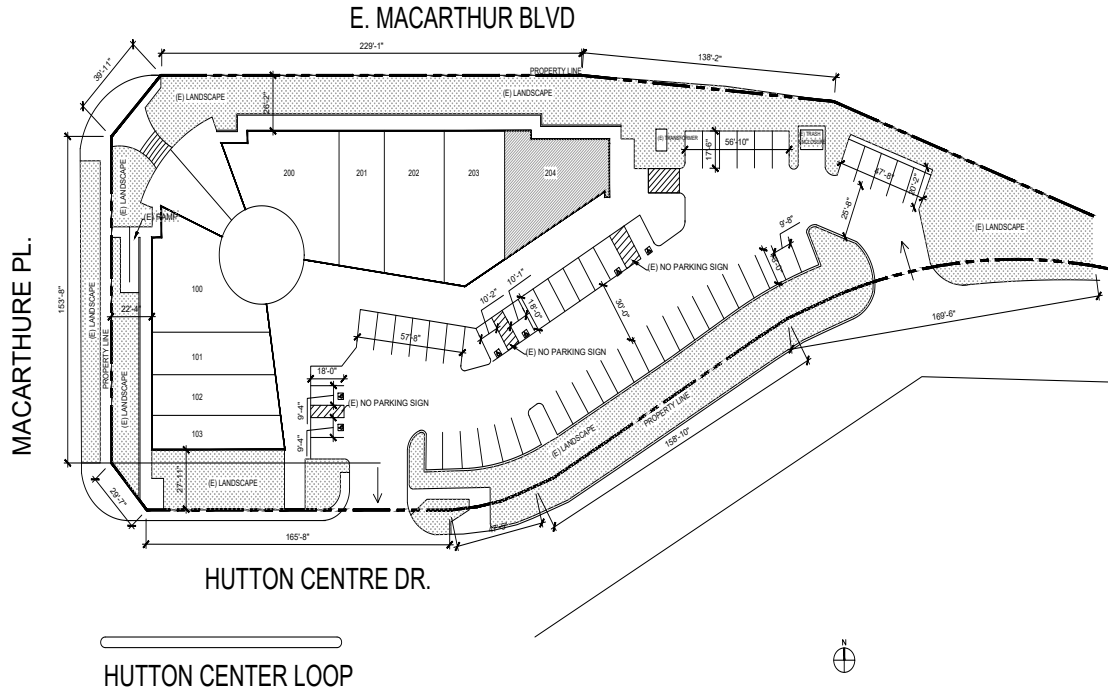
2/14/2022
Planning Commission

Exhibit 3 – Site Photo
1 – 15

1 SITE PLAN

SCALE: 1/32" = 1'-0"

2 PROJECT DATA



PROJECT ADDRESS: 2 HUTTON CENTRE DR. SANTA ANA, CA 92707
ASSESSOR'S PARCEL NUMBER: 411-093-03
OWNER/APPLICANT: JIAYI LIU
 Food Trace Management LLC
 2 HUTTON CENTRE DR., SUITE 204
 SANTA ANA, CA 92707
 foodtrace1@gmail.com
CURRENT ZONING: SD 76 (SPECIFIC DEVELOPMENT 76)
LOT SIZE: 1.45 AC 63,151 SQ. FT.
PROPOSED USE AND FLOOR AREA:

MACARTHUR PLAZA				
Unit #	Business name	Address	Use type	Area (sqft)
100	Starbucks	2 Hutton Centre Dr, Santa Ana	Restaurant	1,390
101	Hutton Marketplace	2 Hutton Centre Dr, Santa Ana	Retail	2,005
102				
103	Masala Craft Indian Cuisine	3 Hutton Centre Dr #101, Santa Ana	Restaurant	1,037
200	Rubio's Coastal Grill	2 Hutton Centre Dr, Santa Ana	Restaurant	2,000
201	Six Alley	2 Hutton Centre Dr, Santa Ana	Restaurant	1,399
202	Yang's Braised Chicken Rice	2 Hutton Centre Dr, Santa Ana	Restaurant	1,706
203	Gokumi Ramen (future)	2 Hutton Centre Dr, Santa Ana	Restaurant	1,676
204	Little Pan Fried Bun	2 Hutton Centre Dr, Santa Ana	Restaurant	1,845
Total sq.ft				13,058

TOTAL NUMBER OF EXISTING PARKING: 53
TOTAL NUMBER OF PROPOSED PARKING: 0

PROJECTS

LITTLE PAN FRIED BUN RESTAURANT ADDRESS
 2 HUTTON CENTRE DR, SUITE 204
 SANTA ANA, CA 92707

NO.	DESCRIPTION	DATE
1	ISSUE FOR CONDITIONAL USE PERMIT	OCT 12, 2021

PROJECT #:
PHASE: PERMIT
DATE: OCT 12, 2021
SCALE: NTS
DRAWN BY: X.S.

ORANGE COUNTY REPORTER

~SINCE 1921~

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CHRISTINA LEONARD
CITY OF 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
2 E. Hutton Dr Unit 204

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):

02/07/2022

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THE INTER-CITY EXPRESS, OAKLAND	(510) 272-4747

OR# 3553700

NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

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: 2 E. Hutton Centre Drive, Unit 204

Project Applicant: Jiayu Liu, representing Little Pan Fried Bun

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2021-19 to allow the sale of alcoholic beverages for on-premise consumption (Type 41- Beer and Wine) at an existing eating establishment. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC), establishments wishing to sell alcoholic beverages for on-premise consumption require approval of a CUP.

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. 2021-127 will be filed for this project.

Meeting Details: This matter will be heard on **Monday, February 14, 2022 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/bp/meeting-participation.

Written Comments: If you are unable to participate in the meeting, you may send written comments by e-mail to PBACComments@santa-ana.org (reference the Agenda Item # in the subject line) or mail to Christina Leonard, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza - M20, Santa Ana, CA 92701. **Deadline to submit written comments is 4:00 p.m.** on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

Where To Get More Information: Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at: <https://santa-ana.primegov.com/public/portal>.

Who To Contact For Questions: Should you have any questions, please contact Eric Martin with the Planning and Building Agency at EMartin5@santa-ana.org or 714-667-2728.

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 Narcedali a Perez (714) 667-2260.

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

2/7/22

OR-3553700#



* A 0 0 0 0 0 5 9 3 3 9 8 1 *

2/14/2022

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

NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. This notice is being sent to those who live or own property within 500 feet of the project site or who have expressed an interest in the proposed action. We encourage you to contact us prior to the Public Hearing if you have any questions.

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

Project Location: 2 E. Hutton Centre Drive, Unit 204

Project Applicant: Jiayu Liu, representing Little Pan Fried Bun

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2021-19 to allow the sale of alcoholic beverages for on-premise consumption (Type 41- Beer and Wine) at an existing eating establishment. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC), establishments wishing to sell alcoholic beverages for on-premise consumption require approval of a CUP.

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. 2021-127 will be filed for this project.

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2/14/2022

Planning Commission

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**Si tiene preguntas en español, favor de llamar a Narcedalia Perez (714) 667-2260.
Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.**

500' RADIUS NOTIFICATION MAP



Publish: OC Reporter
Date: February 7, 2022

204

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NOTICE OF PUBLIC HEARING
BEFORE THE SANTA ANA
PLANNING COMMISSION



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

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: 2 E. Hutton Center Drive, Unit 204

Project Applicant: Ajiya Liu, representing Little Pan Fried Bun

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2021-19 to allow the sale of alcoholic beverages for on-premise consumption (Type 41- Beer and Wine) at an existing eating establishment. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC), establishments wishing to sell alcoholic beverages for on-premise consumption require approval of a CUP.

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. 2021-127 will be filed for this project.

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Where To Get More Information: Additional details regarding the proposed action(s), including the full text of the staff advisory item, may be found on the **City website** 72 hours prior to the public hearing at: www.ci.santa-ana.ca.us/development.

Who To Contact For Questions: Should you have any questions, please contact Eric Martin with the Planning and Building Agency at EMartin@santa-ana.org or 714-667-2726.

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



**City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
February 14, 2022**

Topic: CUP No. 2021-20 and 2022-02 - Gokumi Ramen & Yakitori

RECOMMENDED ACTION

1. Adopt a resolution approving Conditional Use Permit No. 2021-20 as conditioned.
2. Adopt a resolution approving Conditional Use Permit No. 2022-02 as conditioned.

EXECUTIVE SUMMARY

Xianglong Kong, representing Gokumi Ramen & Yakitori, on behalf of KRB Investments Management, LLC (Property Owner), is requesting approval of Conditional Use Permit (CUP) No. 2021-20 and No. 2022-02 to allow the sale of alcoholic beverages for on-premise consumption (Type 41- Beer and Wine) and after-hours operations at a new eating establishment located at 2 E. Hutton Centre Drive, Unit 203. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC), establishments wishing to sell alcoholic beverages for on-premise consumption and wishing to operate between the hours of 12:00 a.m. (midnight) and 7:00 a.m., require approval of respective CUPs. Staff is recommending approval of the applicant's request because the site is located within a commercial center intended for such uses, the site is located away from sensitive land uses, and the property's history of compliance with City codes and regulations.

DISCUSSION

Project Description

The Gokumi Ramen & Yakitori restaurant will occupy a 1,676 square-foot tenant space of an existing 13,068-square-foot multi-tenant commercial building located on the southeast corner of MacArthur Place and East MacArthur Boulevard. The restaurant is currently undergoing tenant improvements resulting in modified restroom, kitchen, dining and preparation areas. Once completed, the restaurant will accommodate up to 38 patrons within the dining area. Alcoholic beverages will be stored in reach-in refrigerators located within the preparation area and displayed in refrigerators near the dining area. The restaurant will have an overall display and storage area of 41 square feet, which is

less than five percent of the gross floor area of the tenant space as required by the Santa Ana Municipal Code (SAMC).

In addition to the request to sell alcoholic beverages for on-premise consumption, the applicant is requesting an after-hours operations CUP to operate daily from 11:00 a.m. until 2:00 a.m.

Table 1: Project and Location Information

Item	Information	
Project Address and Council Ward	2 Hutton Centre Drive, Unit 203 – Ward 6	
Nearest Intersection	MacArthur Place and East MacArthur Boulevard	
General Plan Designation	District Center (DC)	
Zoning Designation	Specific Development No. 76 (SD76)	
Surrounding Land Uses	North	Vacant
	East	Professional Office
	South	Multi-Family Residential
	West	Hotel
Property Size	1.45 acres (63,151 square feet)	
Existing Site Development	The subject site contains a 13,068 square-foot multi-tenant commercial building and 53 off-street parking stalls.	
Unit Size	1,676 square feet	
Use Permissions	Allowed with a conditional use permit (CUP)	
Zoning Code Sections Affected	Uses	SAMC Sections 41-196 (a) (d) (g) and SD76
	Operational Standards	SAMC Section 41-196(g)
Census Tract and License Information	Census Tract No.	740.03
	No. of Allowed and Existing Licenses	4 Allowed; 27 Existing

Table 2: Operational Standards

Standards	Permissible by SAMC	Provided
Eating Establishment Type	Bona-Fide	Bona-Fide
Hours of Operation for ABC Sales	7:00 a.m. to 12:00 a.m., unless extended by a separate after-hours CUP	11:00 a.m. to 2:00 a.m. (per Section 41-196 of the SAMC)
Window Display	25% of Window Coverage	Complies
Alcohol Storage and Display	5% of G.F.A	2.5% of G.F.A
Exterior Telephone	Prohibited	None

Project Background

Gokumi Ramen & Yakitori is seeking to expand their future operations by proposing to sell beer and wine through a Type 41 Alcoholic Beverage Control (ABC) license. The on-premise sale and consumption of beer and wine will be an ancillary component to its dining service options.

As the sole location in Santa Ana, this restaurant will be a locally based eating establishment specializing in Japanese style ramen and skewer dishes. Entertainment is not proposed at this time. Should the applicant seek to provide on-site entertainment, approval of a separate entertainment permit will be required.

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 for the sale and consumption of beer and wine and to conduct after-hours operations, and has determined the proposed CUPs will not be detrimental to the health, safety, and welfare of the community.

The proposed sale of alcoholic beverages for on-premise consumption and after-hours operations are consistent with establishments in similar district centers that offer a mixture of uses, including but not limited to Downtown Santa Ana, the MainPlace Specific Plan area and the CityPlace specific development. As a locally based establishment, Gokumi Ramen & Yakitori would provide a unique dining experience with an ancillary service to the establishment's customers by allowing them to purchase a variety of alcoholic beverages with their meal. Furthermore, it would allow the subject establishment to be economically viable and compete with nearby full-service establishments that offer similar services to their patrons.

The subject establishment is located in a commercial center surrounded by other commercial uses, high-rise offices and residential uses, making the proposed project compatible with adjacent land uses. Although there is a hotel and multi-family residences nearby, the proposed use will have a minimal impact on residents since the residential units are within a high-rise structure and the hotel is across the street and not immediately adjacent to the business. Policy 5.5 of the Land Use Element encourages development that is compatible with and supporting of surrounding land uses. An eating establishment at this location will be compatible with the surrounding businesses as it supports the mixed-use environment and may reduce vehicle trips made to restaurants that are further away. Therefore, the operations will also support Goal 1 of the General Plan Land Use Element to promote a balance of land uses to address basic community needs.

The proposed sale of alcoholic beverages for on-premise consumption and after-hours operations will not be detrimental to the health, safety, and welfare of the community, as it 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 and after-hours operations that offer alcoholic beverages as part of their menu offers additional dining options for Santa Ana residents and visitors, thereby positively contributing to the general wellbeing of the surrounding community.

Moreover, Policy 2.9 of the Land Use Element supports developments that create a business environment that is safe and attractive. The establishment will comply with the operation standards set forth in Section 41-196(f) of the SAMC which will mitigate impacts to public health, safety, and welfare. Lastly, since 2004, the City has not received any complaints or issued any notice of violations to the property owner or previous tenants. Therefore, staff recommends approval of the proposed CUPs.

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. 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

Police Department Analysis and Criteria for Recommendation	
Police Grid No. and Rank	Police Grid No. 191; ranked 82 out of 102 Police Reporting Grids (79th percentile)
Threshold for High Crime	This reporting district is 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-premise 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, the application was reviewed by the

Police Department. Based on its review, the Police Department has no issues of concern regarding this application.

Public Notification and Community Outreach

Project notifications were posted, published, and mailed in accordance with City and State regulations. Copies of the public notice, including a 500-foot notification radius map, and the site posting are provided in Exhibit 7. At the time this report was printed, no issues of concern were raised regarding the proposed CUP.

ENVIRONMENTAL IMPACT

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review 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. The project proposes to allow the operation of an alcoholic beverage control license to sell alcoholic beverages at a bona-fide eating establishment. As such, a Notice of Exemption, Environmental Review No. 2021-130, will be filed for this project.

FISCAL IMPACT

There is no fiscal impact associated with this action.

EXHIBIT(S)

1. Conditional Use Permit Resolution – ABC License
2. Conditional Use Permit Resolution – After-Hours Operations
3. Vicinity Zoning and Aerial View
4. Site Photo
5. Site Plan
6. Floor Plan
7. Copy of Public Notices

Submitted By:
Eric Martin, Assistant Planner I

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

RESOLUTION NO. 2022-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2021-20 AS CONDITIONED TO ALLOW THE ON-PREMISE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT GOKUMI RAMEN & YAKITORI LOCATED AT 2 E. HUTTON CENTRE DRIVE, UNIT 203.

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. Xianglong Kong (“Applicant”), representing Gokumi Ramen & Yakitori, on behalf of KRB Investments Management, LLC (Property Owner), is requesting approval of Conditional Use Permit (CUP) No. 2021-20 to allow the on-premise sale and consumption of alcoholic beverages at a new eating establishment located at 2 E. Hutton Centre Drive, Unit 203.
- B. Santa Ana Municipal Code (“SAMC”) Section 41-196 requires approval of a CUP for establishments wishing to sell alcoholic beverages for on-premise consumption.
- C. On February 14, 2022, the Planning Commission held a duly noticed public hearing on CUP No. 2021-20.
- 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. 2021-20 to allow the on-premise sale and consumption of alcoholic beverages at a new eating establishment located at 2 E. Hutton Centre Drive, Unit 203.
 1. That the proposed use will provide a service or facility which will contribute to the general wellbeing of the neighborhood or community.

The proposed sale of alcoholic beverages for on-premise consumption at this location will provide an ancillary service to the eating establishment’s customers by allowing them to purchase alcoholic beverages with their meal. This will thereby benefit the community by providing an eating establishment 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 proposed sale of alcoholic beverages for on-premise consumption at this 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 alcoholic beverage control license and conditions of approval will address any potential negative or adverse impacts created by the use. A mixture of uses that are compatible with the proposed use including a hotel, multi-family residences and commercial uses surround and are adjacent to the site. Gokumi Ramen & Yakitori is intended to be a bona-fide restaurant and the addition of alcohol will be ancillary to the main use. All of the operational standards identified in SAMC Sec. 41-206 will apply to this establishment. Therefore, 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 proposed use will not adversely affect the economic stability of the area, but will instead allow the eating establishment to compete with other nearby eating establishments that offer a full selection of alcoholic beverages for sale to their customers. The alcohol license for on-premise sale and consumption will benefit individuals working and residing in the surrounding hotels, multi-family residential communities, and retail stores. New clientele will be attracted to this commercial center supporting pedestrian access from individuals living or working at close proximity. Moreover, offering the sale and consumption of alcoholic beverages will allow the eating establishment to remain economically viable and contribute to the overall success of Hutton Centre Mixed Use Specific Development, thereby contributing to the overall success of the City.

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

The proposed conditional use permit will be in compliance with all applicable regulations and operational standards imposed on an eating establishment selling alcoholic beverages for on-premise consumption pursuant to Chapter 41 of the SAMC. The facility will be maintained as a bona-fide eating establishment, having suitable kitchen facilities and supplying an assortment of foods. Additionally, the eating establishment 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. In addition, 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 proposed sale of alcoholic beverages for on-premise consumption at this location will not adversely affect the General Plan or any specific plan. The granting of this CUP 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 restaurants that offer alcoholic beverages as part of their menu presents 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. Gokumi Ramen & Yakitori is located in a commercial center and its operations are 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 existing or former use. The project proposes to allow the operation of an alcoholic beverage control license to sell alcoholic beverages at a bona-fide eating establishment. As such, a Notice of Exemption, Environmental Review No. 2021-130, 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. 2021-20, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 2 E. Hutton Centre Drive, Unit 203. 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 February 14, 2022, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 14th day of February 2022 by the following vote.

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

Thomas Morrissey
Chairperson

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

By: _____
John M. Funk
Sr. Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, CHRISTINA LEONARD, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2022-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on February 14, 2022.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2021-20

Conditional Use Permit No. 2021-20 for on-premise consumption of alcoholic beverages is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Building Standards Code, and all other applicable regulations:

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 the conditional use permit must be amended.
2. The sale, service, and consumption of alcoholic beverages shall be permitted in accordance with the operational standards for on-sale establishments pursuant to Section 41-206(g) of the SAMC, in accordance with the provisions of an on-premise alcohol license by the California Department of Alcoholic Beverage Control (ABC), and in accordance with the site and floor plans attached to the staff report documenting the approved scope of the project.
3. The sale, service, and consumption of alcoholic beverages shall be limited from 7:00 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).
4. The Planning Division shall review Conditional Use Permit No. 2021-20 and No. 2022-02 no later than twelve (12) months after full execution of this conditional use permit. Should any issues arise during such review, the Conditional Use Permit shall be scheduled for public hearing at the applicant's full expense for condition modification(s).
5. Prior to release of the ABC License, the trash enclosure shall be upgraded to provide a solid barrier roof covering to prevent rainwater intrusion and in order to meet current NPDES requirements. The roof covering shall be decorative, architecturally compatible with on-site structures and comply with Citywide Design Guidelines.
6. The business shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the California Department of Alcoholic Beverage Control, California Business and Profession Code Sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with the City's business license annual renewal.

7. The premises shall not be exclusively used for private parties, including promotional events, in which the public is excluded.
8. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
9. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control.
10. Kitchen food service shall be provided during all business-operating hours.
11. Violations of the Conditional Use Permit as contained in Section 41-647.5 of the Santa Ana Municipal Code will be grounds for permit suspension and/or revocation as described in Section 41-651 of the Santa Ana Municipal Code.
12. Prior to final Certificate of Occupancy, the property shall be brought into full maintenance compliance with all applicable SAMC standards. Maintenance shall include, but is not limited to: the repair and upkeep of the property; cleanup of trash and debris; repair and upkeep of any damaged and/or weathered components of the building; repair and upkeep of exterior paint; parking striping, lighting and irrigation fixtures; landscaping and related landscape, furnishing, and hardscape improvements.
13. 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 on or about the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);
- e) If Applicant and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the maintenance agreement and both shall be jointly and severally liable for compliance with its terms;
- f) The maintenance agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the maintenance agreement;
- 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 alien 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.

RESOLUTION NO. 2022-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2022-02 AS CONDITIONED TO ALLOW AFTER-HOURS OPERATIONS UNTIL 2:00 A.M. FOR GOKUMI RAMEN & YAKITORI LOCATED AT 2 E. HUTTON CENTRE DRIVE, UNIT 203.

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. Xianglong Kong (“Applicant”), representing Gokumi Ramen & Yakitori, on behalf of KRB Investments Management, LLC (Property Owner), is requesting approval of Conditional Use Permit (CUP) No. 2022-02 to allow after-hours operations until 2:00 a.m. and after-hours sales, service and consumption of alcoholic beverages at a new eating establishment located at 2 E. Hutton Centre Drive, Unit 203.
- B. Santa Ana Municipal Code (“SAMC”) Section 41-196 requires approval of a CUP for the sale, service, and consumption of alcoholic beverages between the hours of 12:00 a.m. and 7:00 a.m.
- C. SAMC Section 41-196 requires a CUP to allow any business to operate between the hours of 12:00 a.m. and 7:00 a.m. The Applicant is proposing to operate the business from 11:00 a.m. to 2:00 a.m., two hours later than the SAMC prescribed limits.
- D. Pursuant to SAMC Section 41-638, the Planning Commission is authorized to review and approve the CUP for this project as set forth by the Santa Ana Municipal Code.
- E. On February 14, 2022, the Planning Commission held a duly noticed public hearing on CUP No. 2022-02.
- F. 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. 2022-02 to allow sales, service, and consumption of alcoholic beverages between the hours of 12:00 a.m. and 2:00 a.m., at a new eating establishment located at 2 E. Hutton Centre Drive, Unit 203.
 - 1. That the proposed use will provide a service or facility which will contribute to the general wellbeing of the neighborhood or community.

The proposed after-hours operations and sale of alcoholic beverages for on-premise consumption at this location will provide an ancillary service to the eating establishment's customers by allowing them to purchase alcoholic beverages with their meal past midnight. This will thereby benefit the community by providing an eating establishment 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 proposed after-hours operations and sale of alcoholic beverages for on-premise consumption at this 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 alcoholic beverage control license and conditions of approval will address any potential negative or adverse impacts created by the use. A mixture of uses that are compatible with the proposed use including a hotel, multi-family residences and commercial uses surround and are adjacent to the site. Gokumi Ramen & Yakitori is intended to be a bona-fide restaurant and the addition of alcohol will be ancillary to the main use. All of the operational standards identified in SAMC Sec. 41-196 will apply to this establishment. Therefore, 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 proposed use will not adversely affect the economic stability of the area, but will instead allow the eating establishment to compete with other nearby eating establishments that are open past midnight and offer a full selection of alcoholic beverages for sale to their customers. The after-hours operation and alcohol license for on-premise sale and consumption will benefit individuals working and residing in the surrounding hotels, multi-family residential communities, and retail stores. New clientele will be attracted to this commercial center supporting pedestrian access from individuals living or working at close proximity. Moreover, operating past midnight and offering the sale and consumption of alcoholic beverages will allow the eating establishment to remain economically viable and contribute to

the overall success of Hutton Centre Mixed Use Specific Development, thereby contributing to the overall success of the City.

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

The proposed conditional use permit will be in compliance with all applicable regulations and operational standards for businesses operating after-hours pursuant to Chapter 41 of 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 proposed after-hours operation and sale of alcoholic beverages for on-premise consumption at this location will not adversely affect the General Plan or any specific plan. The granting of this CUP 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 restaurants that operate past midnight and offer alcoholic beverages as part of their menu presents 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. Gokumi Ramen & Yakitori is located in a commercial center and its proposed operations are 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 existing or former use. The project proposes after-hours operations and the operation of an alcoholic beverage control license to sell alcoholic beverages at a bona-fide eating establishment. As such, a Notice of Exemption, Environmental Review No. 2021-130, 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. 2022-02, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 2 E. Hutton Centre Drive, Unit 203. 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 February 14, 2022, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 14th day of February, 2022 by the following vote.

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

Thomas Morrissey
Chairperson

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

By: _____
John M. Funk
Sr. Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, CHRISTINA LEONARD, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2022-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on February 14, 2022.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2022-02

Conditional Use Permit No. 2022-02 to allow after-hours operations 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 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 the conditional use permit must be amended.
2. 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-premise alcohol license by the California Department of Alcoholic Beverage Control (ABC), and in accordance with the site and floor plans attached to the staff report documenting the approved scope of the project.
3. The sale, service, and consumption of alcoholic beverages shall be limited from 7:00 a.m. to 2:00 a.m. Monday through Sunday, pursuant to Sections 41-196 and 41-2007 of the Santa Ana Municipal Code.
4. The Planning Division shall review Conditional Use Permit No. 2021-20 and No. 2022-02 no later than twelve (12) months after full execution of this conditional use permit. Should any issues arise during such review, the Conditional Use Permit shall be scheduled for public hearing at the applicant's full expense for condition modification(s).
5. Prior to release of the ABC License, the trash enclosure shall be upgraded to provide a solid barrier roof covering to prevent rainwater intrusion and in order to meet current NPDES requirements. The roof covering shall be decorative, architecturally compatible with on-site structures and comply with Citywide Design Guidelines.
6. The business shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the California Department of Alcoholic Beverage Control, California Business and Profession Code Sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with the City's business license annual renewal.

7. The premises shall not be exclusively used for private parties, including promotional events, in which the public is excluded.
8. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
9. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control.
10. Kitchen food service shall be provided during all business-operating hours.
11. Violations of the Conditional Use Permit as contained in Section 41-647.5 of the Santa Ana Municipal Code will be grounds for permit revocation as described in Section 41-651 of the Santa Ana Municipal Code.
12. Prior to final Certificate of Occupancy, the property shall be brought into full maintenance compliance with all applicable SAMC standards. Maintenance shall include, but is not limited to: the repair and upkeep of the property; cleanup of trash and debris; repair and upkeep of any damaged and/or weathered components of the building; repair and upkeep of exterior paint; parking striping, lighting and irrigation fixtures; landscaping and related landscape, furnishing, and hardscape improvements.
13. 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 on or about the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);
- e) If Applicant and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the maintenance agreement and both shall be jointly and severally liable for compliance with its terms;
- f) The maintenance agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the maintenance agreement;
- 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 alien 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. 2021-19 and No. 2022-2 - Gokumi Ramen & Yakitori 2 Hutton Centre Drive, Unit 203

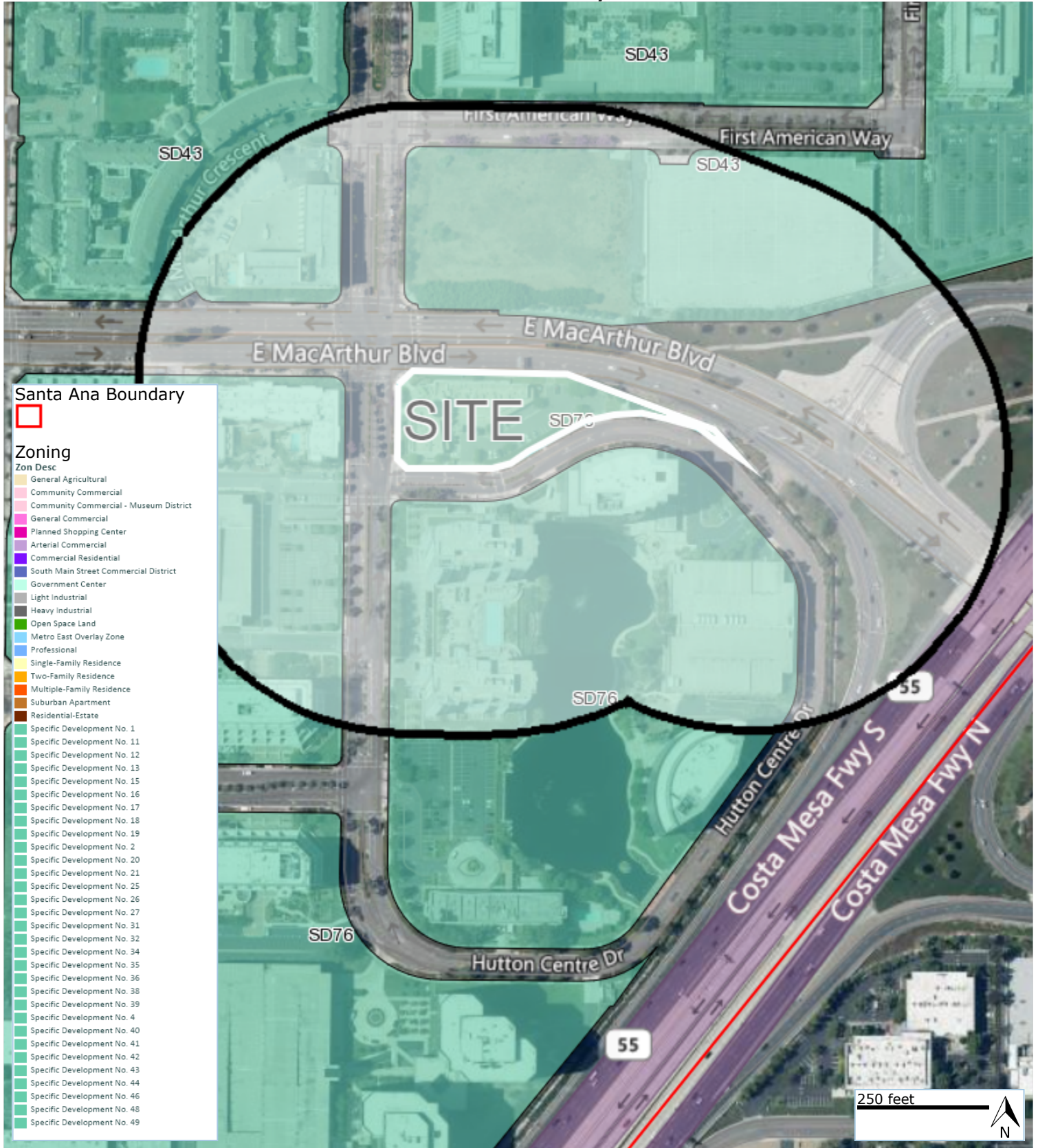


Exhibit 2 - Vicinity Zoning and Aerial View



2/14/2022

**CUP No. 2021-20 and No. 2022-2 – Gokumi Ramen & Yakitori
2 Hutton Centre Drive, Unit 204**



2/14/2022
Planning Commission

Exhibit 3 – Site Photo
2 – 23

ORANGE COUNTY REPORTER

~SINCE 1921~

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CITY OF 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
2 E. Hutton Dr Unit 203

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):

02/04/2022

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OR# 3552686

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: 2 E. Hutton Centre Drive, Unit 203

Project Applicant: Xianglong Kong, representing Gokumi Ramen & Yakitori

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2021-20 and No. 2022-2 to allow the sale of alcoholic beverages for on premise consumption (Type 41-Beer and Wine) and after-hours operation at a new eating establishment. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC), establishments wishing to sell alcoholic beverages for on-premise consumption and wishing to operate between the hours of 12:00 a.m. (midnight) and 7:00 a.m., require approval of respective CUPs.

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. 2021-130 will be filed for this project.

Meeting Details: This matter will be heard on **Monday, February 14, 2022 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.

Written Comments: If you are unable to participate in the meeting, you may send written comments by e-mail to PBACComments@santa-ana.org (reference the Agenda Item # in the subject line) or mail to Christina Leonard, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza - M20, Santa Ana, CA 92701. Deadline to submit written comments is **4:00 p.m.** on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

Where To Get More Information: Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at: <https://santa-ana.primegov.com/public/portal>.

Who To Contact For Questions: Should you have any questions, please contact Eric Martin with the Planning and Building Agency at EMartin5@santa-ana.org or 714-667-2728.

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 (714) 667-2260.

Nếu có thắc mắc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.

2/4/22

OR-3552686#



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2/14/2022

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

NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. This notice is being sent to those who live or own property within 500 feet of the project site or who have expressed an interest in the proposed action. We encourage you to contact us prior to the Public Hearing if you have any questions.

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

Project Location: 2 E. Hutton Centre Drive, Unit 203

Project Applicant: Xianglong Kong, representing Gokumi Ramen & Yakitori

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2021-20 and No. 2022-2 to allow the sale of alcoholic beverages for on premise consumption (Type 41- Beer and Wine) and after-hours operations at a new eating establishment. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC), establishments wishing to sell alcoholic beverages for on-premise consumption and wishing to operate between the hours of 12:00 a.m. (midnight) and 7:00 a.m., require approval of respective CUPs.

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. 2021-130 will be filed for this project.

Meeting Details: This matter will be heard on **Monday, February 14, 2022 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.

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Who To Contact For Questions: Should you have any questions, please contact Eric Martin with the Planning and Building Agency at EMartin5@santa-ana.org or 714-667-2728.

2/14/2022

Planning Commission

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 (714) 667-2260.
Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.**

500' RADIUS NOTIFICATION MAP



203

PUBLIC NOTICE OF APPLICATION TO SELL ALCOHOLIC BEVERAGES
MUNICIPALITY OF HATTIAN L'ARCADE DE LA SAISON
COMMUNE DE HATTIAN L'ARCADE DE LA SAISON
MUNICIPALITY OF HATTIAN L'ARCADE DE LA SAISON
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COMMUNE DE HATTIAN L'ARCADE DE LA SAISON

WE CATER

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24/7

Pokateria
RUBHUB

ADT

NO SMOKING

SAINT-ANTOINE



NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

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.

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