

Planning Commission Regular Meeting Agenda

March 14, 2022

5:30 P.M.

Council Chamber

22 Civic Center Plaza
Santa Ana, CA

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

Join from your computer: <https://zoom.us/j/82465278249>

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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
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 February 28, 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 March 3, 2022 and notices were mailed on said date.

- 1. Conditional Use Permit No. 2022-01 and No. 2022-03 Case Planner, Eric Martin** to allow the after-hours sale of alcoholic beverages for off-site consumption at a new storage and warehouse facility with ancillary retail and delivery services.

Project Location: 2420 Cape Cod Way

Project Applicant: Jennifer Oden with Solomon, Saltsman and Jamieson, representing Gopuff (Applicant), on behalf of Rick D. Kagasoff (Property Owner),

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) Nos. 2022-01 and No. 2022-03 to allow the after-hours sale of alcoholic beverages for off-premise consumption (Type 21–General Off-Sale) at a new storage and warehouse facility with ancillary retail and delivery services. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC), establishments wishing to sell alcoholic beverages for off-premise consumption and wishing to sell such beverages 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. 2022-02 will be filed for this project.

Recommended Action: Adopt a resolution to approve Conditional Use Permit No. 2022-01 and Conditional Use Permit No. 2022-03

Administrative Matters

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

STAFF COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

The next meeting of the Planning Commission will be on March 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** PBAAcomments@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

February 28, 2022

5:30 P.M.

Council Chamber

22 Civic Center Plaza
Santa Ana, CA



THOMAS MORRISSEY

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*Acting Recording
Secretary*



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CALL TO ORDER

Commissioners:

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Miguel Calderon
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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**PLEDGE OF ALLEGIANCE****PUBLIC COMMENTS** (non agenda items)**CONSENT CALENDAR ITEMS**

a. Minutes

Recommended Action: Approve Minutes from February 14, 2022 meeting.

Minutes: *Commissioner Ramos arrived at 5:35pm in the middle of the vote for Minutes approval.*

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

YES: 5 – Miguel Calderon, Mark McLoughlin, Tom Morrissey, Bao Pham, Alan Woo

NO: 0 – **ABSTAIN:** 1 – Isuri Ramos

ABSENT: 1 – Eric Alderete

Status: 5 – 0 – 1 – 1 – **Pass**

b. Excused Absences

Recommended Action: Excuse absent commissioners.

Minutes: *Commissioner Alderete absent.*

****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 16, 2022 and notices were mailed on February 17, 2022.*

1. Conditional Use Permit No. 2021-15, No. 2021-16, and VAR No. 2021-02 - Case Planner, Heidi Jacinto

Project Location: 2603 W. Westminster Ave.

Project Applicant: Kevin Le with Le Architecture

Proposed Project: The applicant is requesting approval of Conditional Use Permit No. 2021-15 to establish a check cashing facility, Conditional Use Permit No. 2021-16 to allow off-premises sales of alcoholic beverages under a Type 21 ABC License, and Variance No. 2021-02 to allow relief from the Santa Ana Municipal Code (SAMC) sign standards to install off-centered signage on the primary elevation.)

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. 2021-115 will be filed for this project.

Recommended Action: Adopt a resolution approving Conditional Use Permit No. 2021-15 as conditioned. Adopt a resolution approving Conditional Use Permit No. 2021-16 as conditioned. Adopt a resolution approving Variance No. 2021-02 as conditioned. Authorize staff to issue a Letter of Public Convenience and Necessity.

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

The Commissioners approved the item with an added condition to ensure that the eastside trellis area be reserved in perpetuity for an ADA path of travel and not be used as cart storage.

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

YES: 6 – Miguel Calderon, Mark McLoughlin, Tom Morrissey, Bao Pham, Isuri Ramos, Alan Woo
NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Eric Alderete
Status: 6 – 0 – 0 – 1 – **Pass**

Administrative Matters

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

WORK STUDY SESSION

1. SB 9
2. Zoning Code Cleanups
3. Billboard Ordinance Updates

Minutes: *SB9 – Fabiola Zelaya Miclicher*

Zoning Code Cleanups – Ali Pezeshkpour

Billboard Ordinance Updates – Ali Pezeshkpour

****End of Work Study Session Calendar****

STAFF COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

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

Topic: CUP Nos. 2022-01 and 2022-03 - Gopuff

RECOMMENDED ACTION

1. Adopt a resolution approving Conditional Use Permit No. 2022-01 as conditioned.
2. Adopt a resolution approving Conditional Use Permit No. 2022-03 as conditioned.
3. Authorize staff to issue a Letter of Public Convenience and Necessity.

EXECUTIVE SUMMARY

Jennifer Oden, with Solomon, Saltsman and Jamieson, representing Gopuff, on behalf of Rick D. Kagasoff (Property Owner), is requesting approval of Conditional Use Permit (CUP) Nos. 2022-01 and No. 2022-03 to allow the after-hours sale of alcoholic beverages for off-premise consumption (Type 21–General Off-Sale) at a new storage and warehouse facility with ancillary retail and delivery services located at 2420 Cape Cod Way. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC), establishments wishing to sell alcoholic beverages for off-premise consumption and wishing to sell such beverages 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 away from sensitive land uses and the property's history of compliance with City codes and regulations.

DISCUSSION

Project Description

Gopuff will occupy an 11,916 square-foot industrial building within an industrial business park located on the south side of Cape Cod Way between Clara Street and Nantucket Place. The building will be undergoing interior tenant improvements providing new finishes, refrigerated and freezer storage areas, a retail service area and upgraded restrooms. The floor plan consists of a 10,183 square-foot product storage and preparation areas with the remaining 1,733 square feet dedicated to ancillary office and retail areas, which is less than the thirty percent of the gross floor area of the building as required by the Light Industrial (M1) zoning district.

Gopuff is proposing to use the building for the storage and sale of consumer goods, prepackaged and prepared food, alcoholic and non-alcoholic beverages, groceries and other household items for personal use and off-premise consumption.

In addition to the request to sell alcoholic beverages for off-premise consumption, the applicant is requesting an after-hours operations CUP to operate 24 hours daily with alcohol sales limited from 6:00 a.m. until 2:00 a.m.

Table 1: Project and Location Information

Item	Information	
Project Address and Council Ward	2420 Cape Cod Way – Ward 5	
Nearest Intersection	Cape Cod Way and North Clara Street	
General Plan Designation	Industrial (IND)	
Zoning Designation	Light Industrial (M1)	
Surrounding Land Uses	North	Wholesale
	East	Warehouse and Wholesale
	South	Contractor’s Yard and Manufacturing
	West	Manufacturing
Property Size	0.54 acres (23,596 square feet)	
Existing Site Development	The subject site contains an 11,916 square-foot light industrial building and 13 off-street parking stalls.	
Unit Size	11,916 square feet	
Use Permissions	Allowed with a conditional use permit (CUP)	
Zoning Code Sections Affected	Uses	SAMC Sections 41-196 (a) (f)
	Operational Standards	SAMC Section 41-196(f)
Census Tract and License Information	Census Tract No.	748.02
	No. of Allowed and Existing Licenses	3 Allowed; 5 Existing

Table 2: Operational Standards

Standards	Permissible by SAMC	Provided
Hours of Operation for ABC Sales	7:00 a.m. to 12:00 a.m., unless extended by a separate after-hours CUP	6:00 a.m. to 2:00 a.m. (per Section 41-196 of the SAMC)
Window Display	25% of Window Coverage	Complies

Project Background

Gopuff is a digital platform that offers everyday essentials at retail locations and through a mobile/web-based application for expedited delivery. The subject building will be used as a warehouse facility where employees either gather products for delivery and pickup orders or assist customers using a digital ordering terminal to virtually place their orders in person.

Gopuff is a national commercial chain, with delivery coverage and multiple locations throughout Orange County. Although Gopuff currently offers delivery services to Santa Ana residents, the proposed facility would be the first location in the city.

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 after-hours sale of alcoholic beverages for off-premise consumption at a new storage and warehouse facility with ancillary retail and delivery services, and has determined the proposed CUPs will not be detrimental to the health, safety, and welfare of the community.

Pursuant to SAMC Sections 41-196(c) and 41-196(d), buildings with less than 10,000 square feet in size are subject to comply with additional regulations. Gopuff will occupy an 11,916-square foot building and is therefore not subject to the regulations applicable to facilities under 10,000 square feet in size. However, regulations set forth by the California Department of Alcoholic Beverage Control (ABC) continue to apply to the proposed retail and delivery service operations. Pursuant to California Business and Professions Code, licensees are ultimately responsible for any employee or agent acting on their behalf in the ordering and delivery of alcoholic beverages. Staff does not anticipate compliance issues with ABC regulations, as operational standards will mitigate the potential for adverse impacts and Gopuff, as the licensee, has a vested interest in ensuring delivery orders comply with regulations. Moreover, an advanced optical scanning identification verification technology will be used to ensure compliance with ABC regulations.

The proposed after-hours sale of alcoholic beverages for off-premise consumption at a new storage and warehouse facility with ancillary retail and delivery services is consistent with similar uses that provide services to the surrounding community. Businesses that offer delivery services and on-site pickups of similar products throughout Santa Ana range from national retailers such as Target and mobile-based platforms such as Instacart. Gopuff would join these businesses in providing an economically viable and safe method of receiving essential goods, thereby preserving the health, safety and welfare of the community. Moreover, the operational standards applied to the ABC license will mitigate any potential impacts created by the use and will ensure that the use will not negatively affect the surrounding community.

The nearest sensitive land uses, Templo Calvario Church and Vista Heritage Academy, are located approximately 500 feet northwest of the site at 2501 W. Fifth Street. To avoid potential impacts to these uses, Gopuff has indicated its location will maintain the following security measures: adequate on-site lighting, security cameras, monitored alarm system, and an electric strike lock system that provides controlled access to the building. Furthermore, although essential goods are offered at the site via pickup or virtual assistance, the retail service is ancillary to the overall storage and warehouse facility use, reducing foot traffic typically seen at traditional retail locations. Lastly, the investment in the vacant building would increase activity during additional business hours, thereby preserving safety and encouraging further economic development of the surrounding area.

The subject site is located in an industrial zone surrounded by other light industrial uses. The proposed after-hours sale of alcoholic beverages for off-premise consumption from a storage and

warehouse facility with ancillary retail and delivery services is compatible with adjacent land uses. Policy 5.5 of the Land Use Element encourages development that is compatible with and supporting of surrounding land uses. A storage and warehouse facility with ancillary retail and delivery services at this location will be compatible with the surrounding businesses as it supports the light industrial environment. Additionally, the proposed use will expand the options to residents by having products delivered to them. Therefore, the proposed operations are consistent with Goal 1 of the General Plan Land Use Element that calls for promoting a balance of land uses to address basic community needs.

The proposed after-hours sale of alcoholic beverages for off-premise consumption at the subject facility 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. A storage and warehouse facility that offers ancillary retail and delivery services of essential goods, including after-hours sales of alcoholic beverages for off-premise consumption, presents an additional location and method of receiving goods and services, thereby positively contributing to the general wellbeing of the surrounding community.

Moreover, Policy 2.9 of the Land Use Element encourages 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, thereby mitigating impacts to public health, safety, and welfare. Lastly, the City has not received any complaints or issued any notice of violations to the property owner or previous tenants. Therefore, staff recommends approval of the proposed CUPs.

Letter of Public Convenience and Necessity

Due to staff's recommendation of approval, the issuance of a Public Convenience and Necessity (PCN) letter is required. A PCN letter is required per Business and Professions Code Section 23958.4 as the State has determined that an overconcentration of off-premise ABC licensed establishments within the census tract exists.

The City's criteria for overconcentration of off-sale establishments is found in Section 41-196(d) of the SAMC. The overconcentration criteria apply to off-sale establishments that are less than 10,000 square feet in size. As Gopuff will occupy an 11,916-square foot building, it is exempt from the City's overconcentration criteria. However, the State's criteria for overconcentration still apply.

The California Department of Alcoholic Beverage Control (ABC) identifies a census tract as over-concentrated if the ratio of off-sale retail licenses to the population of the census tract which the premises is located exceeds the ratio of off-sale retail licenses to the population of the county. Based on this analysis, census tracts in the City are allowed one licensed establishment per 1,672 residents. Gopuff is located in Census Tract No. 748.02, which allows three (3) off-sale outlets based on the State's criteria, while five (5) active licenses currently exist. Table 3 below and Exhibit 7 on the following page identify the location of the existing licensed premises. As the map shows, the licensed establishments are located intermittently throughout the census tract, with the closest licensed premises approximately 0.2 miles from Gopuff as shown on Table 3 below.

ABC issues licenses, regulates licensees, and is generally required to deny an application for a license if its issuance would result in or add to an “undue concentration” of licenses in a particular area, unless a finding of “public convenience or necessity” can be made. A key finding is whether the project site is in a crime-reporting district that has a 20 percent greater than the average number of reported crimes as determined from all crime-reporting districts within the jurisdiction of the Santa Ana Police Department. As indicated in Table 4, the proposed business is located within crime-reporting district that has a crime rate lower than the 20 percent threshold as established by the State (Business and Professions Code Section 23958).

Therefore, it is recommended that the Planning Commission authorize staff to issue a Letter of Public Convenience or Necessity (“PCN letter”) to the State Department of Alcoholic Beverages. The PCN letter will state that, despite the overconcentration of ABC licenses in the census tract, the issuance of an additional off-sale ABC license at this location is necessary to serve the public convenience, will not create any adverse impacts and will not impact the overall crime rate of the area.

Table 3: Off-Sale Licenses within Census Tract No. 748.02

Premises	Location	License Type	Distance
(1) C&C Market	2329 West First Street	Type 20	0.2 miles
(2) Santa Ana Liquor	2335 West First Street	Type 21	0.2 miles
(3) Sarinanas	2216 West Fifth Street	Type 20	0.2 miles
(4) Superior Grocers	2009 West First Street	Type 21	0.5 miles
(5) WDJ, Inc.	2646 West First Street	Type 20	0.5 miles

Police Department Analysis

The Police Department has reviewed this request for a CUP and has no concerns for the application, as they are satisfied that the operational standards applicable to off-premise ABC licenses and after-hours operations in compliance with any and all applicable SAMC will mitigate any potential impacts to the surrounding community. The Police Department reviews CUP applications for the sale of alcoholic beverages in order to ensure that the potential crime and nuisance behaviors associated with alcohol consumption are mitigated to the greatest extent possible. For off-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.

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.

Table 4: Police Department Analysis and Criteria for Recommendation

Police Department Analysis and Criteria for Recommendation	
Police Grid No. and Rank	Police Grid No. 105; ranked 35 out of 102 Police Reporting Grids (33rd percentile)
Threshold for High Crime	This reporting district is below the 20 percent threshold established by the State for high crime
Police Department Recommendation	As part of the review approval process, this application was analyzed by the Santa Ana Police Department. Based on our review, the Police Department has no issues of concern regarding this application. The Police Department is satisfied that the operational standards applicable to off-premise ABC licenses and after-hours operations in compliance with any and all applicable SAMC will mitigate any potential impacts to the surrounding community and therefore does not oppose the granting of a CUP.

Public Notification and Community Outreach

Project notifications were posted, published, and mailed in accordance with City and State regulations. Copies of the public notice, including a 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 sale of alcoholic beverages for off-premise consumption and after-hours operations of a storage and warehouse facility with ancillary retail and delivery services within an existing light industrial building. As such, a Notice of Exemption, Environmental Review No. 2022-02, 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

CUP No. 2022-1 and 2022-3 – Gopuff
March 14, 2022
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2. Conditional Use Permit Resolution – After-Hours Operations
3. Vicinity Zoning and Aerial View
4. Site Photo
5. Site Plan
6. Floor Plan
7. Map of Off-Sale Licenses within Census Tract No. 748.03
8. 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. 2022-01 AS CONDITIONED TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISE CONSUMPTION AT GOPUFF LOCATED AT 2420 CAPE COD WAY

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. Jennifer Oden, representing Gopuff, on behalf of property owner Rick D. Kagasoff, is requesting approval of Conditional Use Permit (CUP) No. 2022-01 to allow the sale of alcoholic beverages for off-premise consumption at a new storage and warehouse facility with ancillary retail and delivery services located at 2420 Cape Cod Way.
- B. Santa Ana Municipal Code ("SAMC") Section 41-196 requires approval of a CUP for establishments wishing to sell alcoholic beverages for off-premise consumption.
- C. On March 14, 2022, the Planning Commission held a duly noticed public hearing on CUP No. 2022-01.
- 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. 2022-01 to allow the sale of alcoholic beverages for off-premise consumption at a new storage and warehouse facility with ancillary retail and delivery services located at 2420 Cape Cod Way
 1. That the proposed use will provide a service or facility which will contribute to the general well being of the neighborhood or community.

The proposed establishment will provide an economically viable and safe method of offering additional off-premise sales available for pickup or delivery to Santa Ana visitors and residents. This will thereby benefit the community by providing an additional establishment that provide goods and services to the City. 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 off-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. Light industrial uses that are compatible with the proposed use including manufacturing, warehousing and wholesale uses surround and are adjacent to the site. Gopuff is intended to be a warehouse and storage facility with ancillary retail and delivery services 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 contribute to the City. The use will provide another establishment with sales of essential goods, identifying the use as an economically viable establishment in Santa Ana. In addition, the proposed establishment will contribute to the overall success of the City, as it will reinvest in a vacant building by introducing a unique operations model for a traditional storage and warehouse facility. Moreover, after-hours operations would increase activity during additional business hours, thereby preserving safety and encouraging further economic development of the surrounding area.

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 establishment selling alcoholic beverages for off-premise consumption pursuant to Chapter 41 of the SAMC. The facility will be maintained as a warehouse and storage facility with ancillary retail and delivery services, having suitable storage facilities and supplying an assortment of essential goods. Additionally, the establishment will utilize less than five percent of the gross floor area for ancillary retail uses and less than thirty percent for ancillary office uses, which are the maximum thresholds established by the SAMC. Moreover, 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 off-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. A storage and warehouse facility that offers ancillary retail and delivery services of essential goods, including alcoholic beverages for off-premise consumption, presents an additional location and method of receiving goods and services, thereby positively contributing to the general wellbeing of the surrounding community. 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. A storage and warehouse facility with ancillary retail and delivery services at this location will be compatible with the surrounding businesses as it supports the light industrial environment and may reduce vehicle trips made to retailers that offer similar products since residents would have the option to have their orders delivered. Moreover, its operations are compatible with the surrounding industrial 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 sale of alcoholic beverages for off-premise consumption and after-hours operations of a storage and warehouse facility with ancillary retail and delivery services within an existing light industrial building. As such, a Notice of Exemption, Environmental Review No. 2022-2, 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. 2022-01, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 2420 Cape Cod Way. 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 March 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 March 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
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 March 14, 2022.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2022-01

Conditional Use Permit No. 2022-01 to allow the sale of alcoholic beverages for off-premise consumption is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California 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 of alcoholic beverages for off-premise consumption shall be permitted in accordance with the operational standards for off-sale establishments pursuant to Section 41-196(f) of the Santa Ana Municipal Code (SAMC), in accordance with the provisions of an off-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 of alcoholic beverages for off-premise consumption shall occur from 7:00 a.m. to 12:00 a.m. (midnight) seven days per week, unless modified through a subsequent and separate conditional use permit application for after-hours operations pursuant to SAMC Section 41-196(f)(14).
4. The Planning Division shall review Conditional Use Permit No. 2022-01 and No. 2022-03 no later than twelve (12) months after full execution of this conditional use permit. Should any issues arise during such review, the Conditional Use Permit shall be scheduled for public hearing at the applicant's full expense for condition modification(s).
5. Violations of the Conditional Use Permit as contained in Section 41-647.5 of the Santa Ana Municipal Code will be grounds for permit revocation and/or suspension as described in Section 41-651 of the Santa Ana Municipal Code.
6. At all times, the Applicant shall comply with operational standards for off-sale establishments set forth in Santa Ana Municipal Code Section 41-196(f).
7. Prior to release of the ABC license, a new trash enclosure that is fully integrated into the project, provides an off-street loading area of three hundred square feet,

and is screened from public streets, alleys and adjacent properties shall be constructed at the site.

8. Prior to release of the ABC license, parking stalls shall be restriped to provide double-line striping.
9. Prior to issuance of a 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.
10. 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.

RESOLUTION NO. 2022-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2022-03 AS CONDITIONED TO ALLOW THE AFTER-HOURS SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISE CONSUMPTION FROM 6:00 A.M. UNTIL 2:00 A.M. FOR GOPUFF LOCATED AT 2420 CAPE COD WAY

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. Jennifer Oden, representing Gopuff, on behalf of property owner Rick D. Kagasoff , is requesting approval of Conditional Use Permit (CUP) No. 2022-03 to allow the after-hours sale of alcoholic beverages for off-premise consumption until 2:00 a.m. at a new storage and warehouse facility with ancillary retail and delivery services located at 2420 Cape Cod Way.
- B. Santa Ana Municipal Code (“SAMC”) Section 41-196 requires approval of a CUP for establishments wishing to sell alcoholic beverages for off-premise consumption.
- C. SAMC Section 41-196 requires a CUP to allow any business wishing to sell alcoholic beverages between the hours of 12:00 a.m. and 7:00 a.m. The Applicant is proposing to sell alcoholic beverages from 6:00 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 March 14, 2022, the Planning Commission held a duly noticed public hearing on CUP No. 2022-03.
- 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. 2022-03 to allow the sale of alcoholic beverages for off-premise consumption between the hours of 12:00 a.m. and 2:00 a.m. at a new storage and warehouse facility with ancillary retail and delivery services located at 2420 Cape Cod Way.

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

The proposed after-hours sale of alcoholic beverages for off-premise consumption at this establishment will provide an additional location for off-premise sales to Santa Ana visitors and residents. This will thereby benefit the community by providing an additional establishment that provide goods and services to the City. 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 sale of alcoholic beverages for off-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. Light industrial uses that are compatible with the proposed use including manufacturing, warehousing and wholesale uses surround and are adjacent to the site. Gopuff is intended to be a warehouse and storage facility with ancillary retail and delivery services 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 contribute to the City. The use will provide another establishment with sales of essential goods, identifying the use as an economically viable establishment in Santa Ana. In addition, the proposed establishment will contribute to the overall success of the City, as it will reinvest in a vacant building by introducing a unique operations model for a traditional storage and warehouse

facility. Moreover, after-hours operations would increase activity during additional business hours, thereby preserving safety and encouraging further economic development of the surrounding area.

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 establishment selling alcoholic beverages for off-premise consumption after-hours pursuant to Chapter 41 of the SAMC. The facility will be maintained as a warehouse and storage facility with ancillary retail and delivery services, having suitable storage facilities and supplying an assortment of essential goods. Additionally, the establishment will utilize less than five percent of the gross floor area for ancillary retail uses and less than thirty percent for ancillary office uses, which are the maximum thresholds established by the SAMC. Moreover, 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 sale of alcoholic beverages for off-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. A storage and warehouse facility that offers ancillary retail and delivery services of essential goods, including after-hours sales of alcoholic beverages for off-premise consumption, presents an additional location and method of receiving goods and services, thereby positively contributing to the general well being of the surrounding community. 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 with after-hours sales 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. A storage and

warehouse facility with ancillary retail and delivery services at this location will be compatible with the surrounding businesses as it supports the light industrial environment and may reduce vehicle trips made to establishments that offer similar products since residents would have the option to have their orders delivered. Moreover, its operations are compatible with the surrounding industrial 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 sale of alcoholic beverages for off-premise consumption and after-hours operations of a storage and warehouse facility with ancillary retail and delivery services within an existing light industrial building. As such, a Notice of Exemption, Environmental Review No. 2022-2, 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. 2022-03, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 2420 Cape Cod Way. 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 March 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 March 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
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 March 14, 2022.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2022-03

Conditional Use Permit No. 2022-03 to allow after-hours sale of alcoholic beverages for off-premise consumption is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California 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 of alcoholic beverages for off-premise consumption shall be permitted in accordance with the operational standards for off-sale establishments pursuant to Section 41-196(f) of the SAMC, in accordance with the provisions of an off-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 of alcoholic beverages for off-premise consumption shall be limited from 6:00 a.m. to 2:00 a.m. Monday through Sunday, pursuant to Sections 41-196 of the Santa Ana Municipal Code.
4. The Planning Division shall review Conditional Use Permit No. 2022-01 and No. 2022-03 no later than twelve (12) months after full execution of this conditional use permit. Should any issues arise during such review, the Conditional Use Permit shall be scheduled for public hearing at the applicant's full expense for condition modification(s).
5. Violations of the Conditional Use Permit as contained in Section 41-647.5 of the Santa Ana Municipal Code will be grounds for permit revocation and/or suspension as described in Section 41-651 of the Santa Ana Municipal Code.
6. At all times, the Applicant shall comply with operational standards for off-sale establishments set forth in Santa Ana Municipal Code Section 41-196(f).
7. Prior to release of the ABC license, a new trash enclosure that is fully integrated into the project, provides an off-street loading area of three hundred square feet,

and is screened from public streets, alleys and adjacent properties shall be constructed at the site.

8. Prior to release of the ABC license, parking stalls shall be restriped to provide double-line striping.
9. Prior to issuance of a 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.
10. 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 Nos. 2022-01 & 2022-03 2420 Cape Cod Way

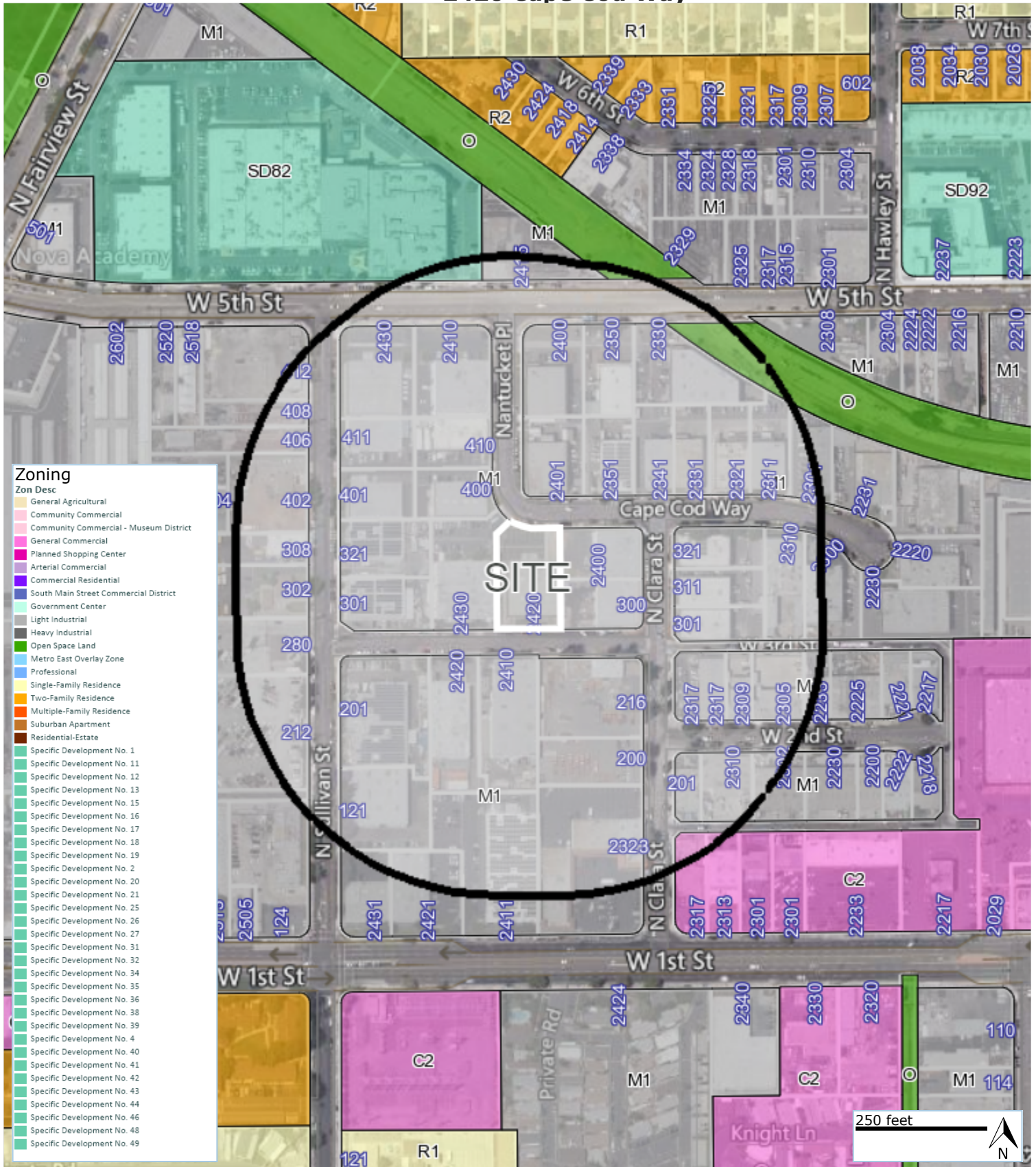


Exhibit 2 - Vicinity Zoning and Aerial View



3/14/2022

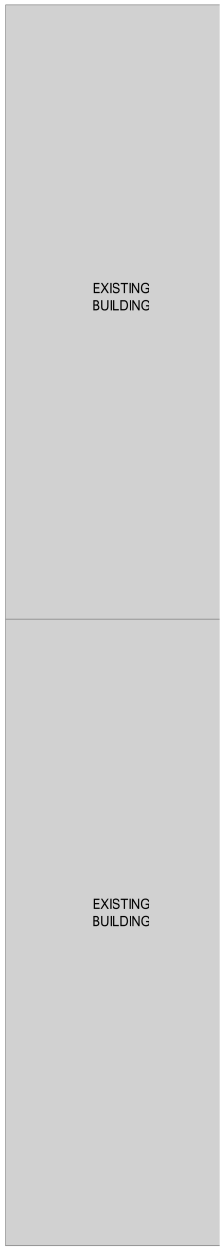
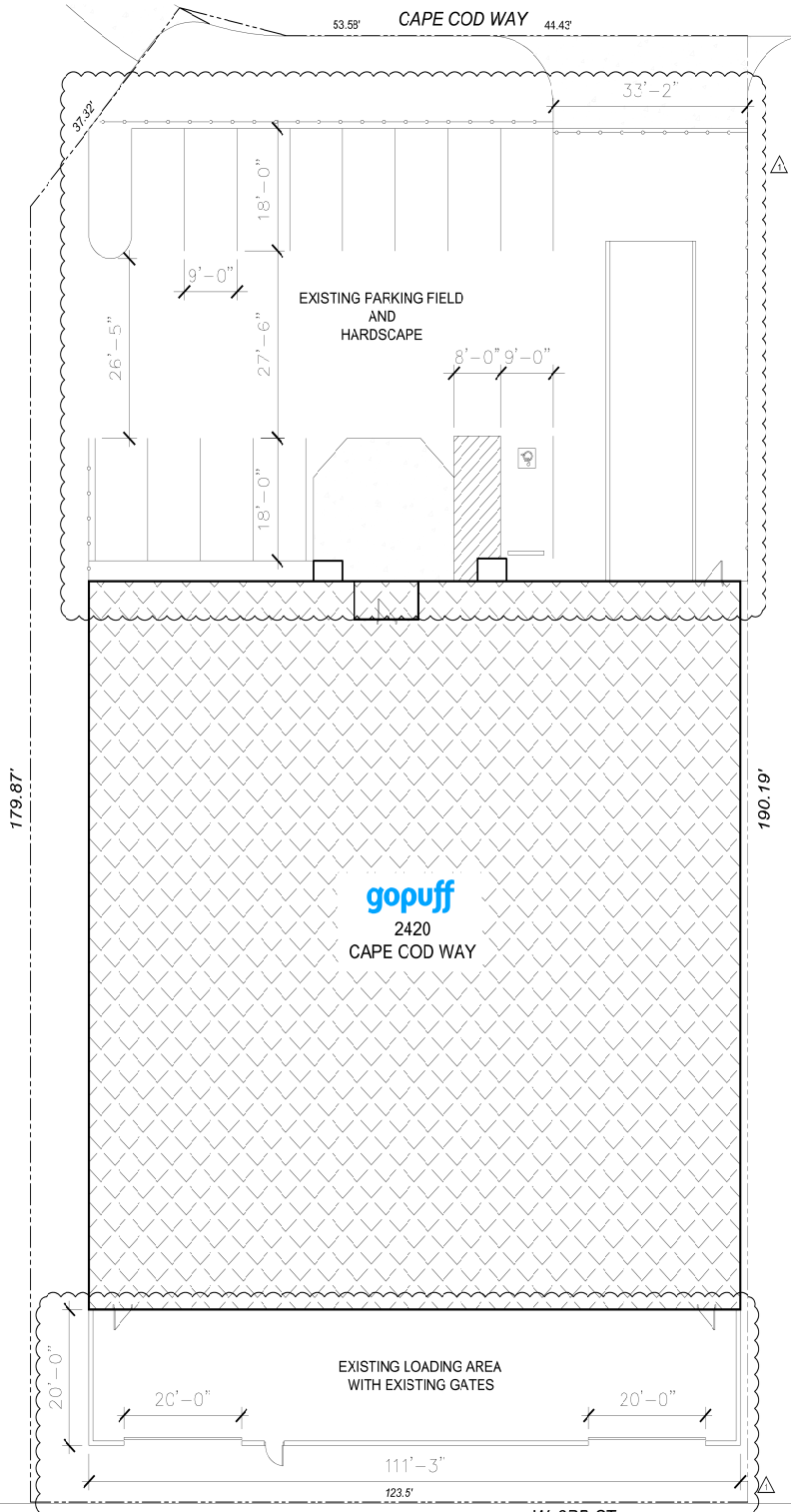
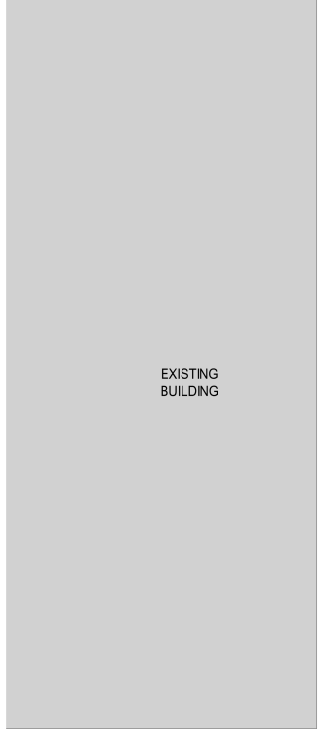
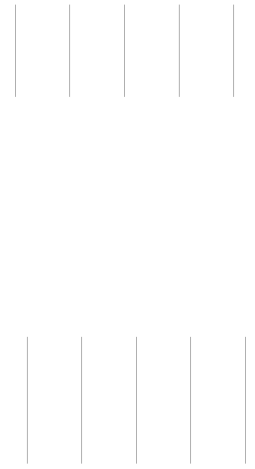
**CUP Nos. 2022-01 and 2022-03 – Gopuff
2420 Cape Cod Way**



3/14/2022
Planning Commission

Exhibit 3 – Site Photo
1 – 25

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3/14/2022
Planning Commission

1 REFERENCE ONLY SITE PLAN
SCALE: 1"=10'

1-26



PROJECT ADDRESS:
2420 CAPE COD WAY,
SANTA ANA, CA 92703

REVISIONS:
▲ CITY CJP COMMENTS
02/23/22



TITLE:

REFERENCE
SITE PLAN
C.U.P.

DATE:
8/26/2021

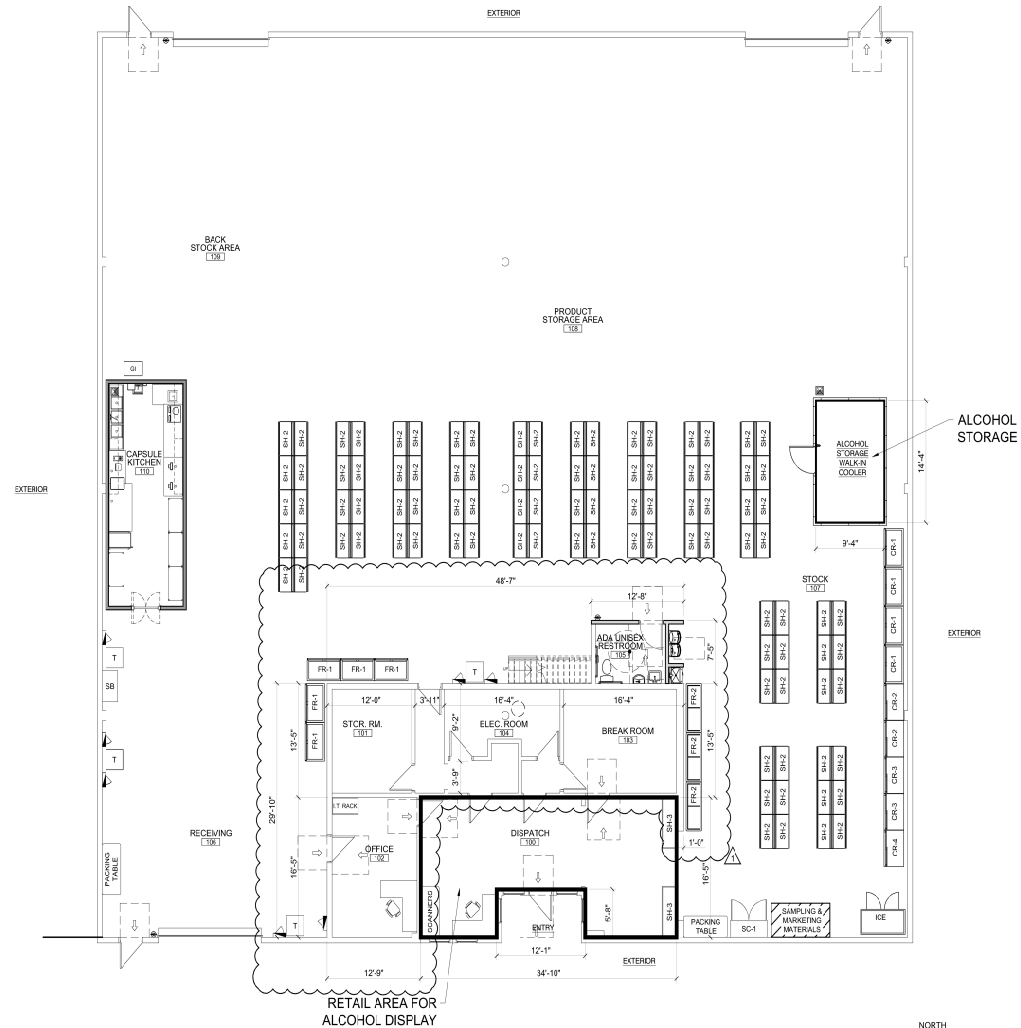
PROJECT NO.
21-311

- DESIGN DEVELOPMENT
- CITY SUBMITTAL
- BID PACKAGE
- CONSTRUCTION ISSUE

SHEET NO.

A0.7

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AREA CALC TABLE	
DESCRIPTION	AREA
BUILDING TOTAL AREA	11,916 S.F.
RETAIL AREA	564 S.F.
564 S.F. / 11,916 S.F. = 4.8% < 5%	
OFFICE + RETAIL AREAS	1,733 S.F.
1,733 S.F. / 11,916 S.F. = 14.6% < 30%	

gopuff

PROJECT ADDRESS:
2420 CAPE COD WAY,
SANTA ANA, CA 92703

REVISIONS:
▲ CITY CJP COMMENTS
02.23.22



TITLE:

FLOOR PLAN

DATE:
8.26.2021

PROJECT NO.
21-311

- DESIGN DEVELOPMENT
- CITY SUBMITTAL
- BID PACKAGE
- CONSTRUCTION ISSUE

SHEET NO.

A1.0

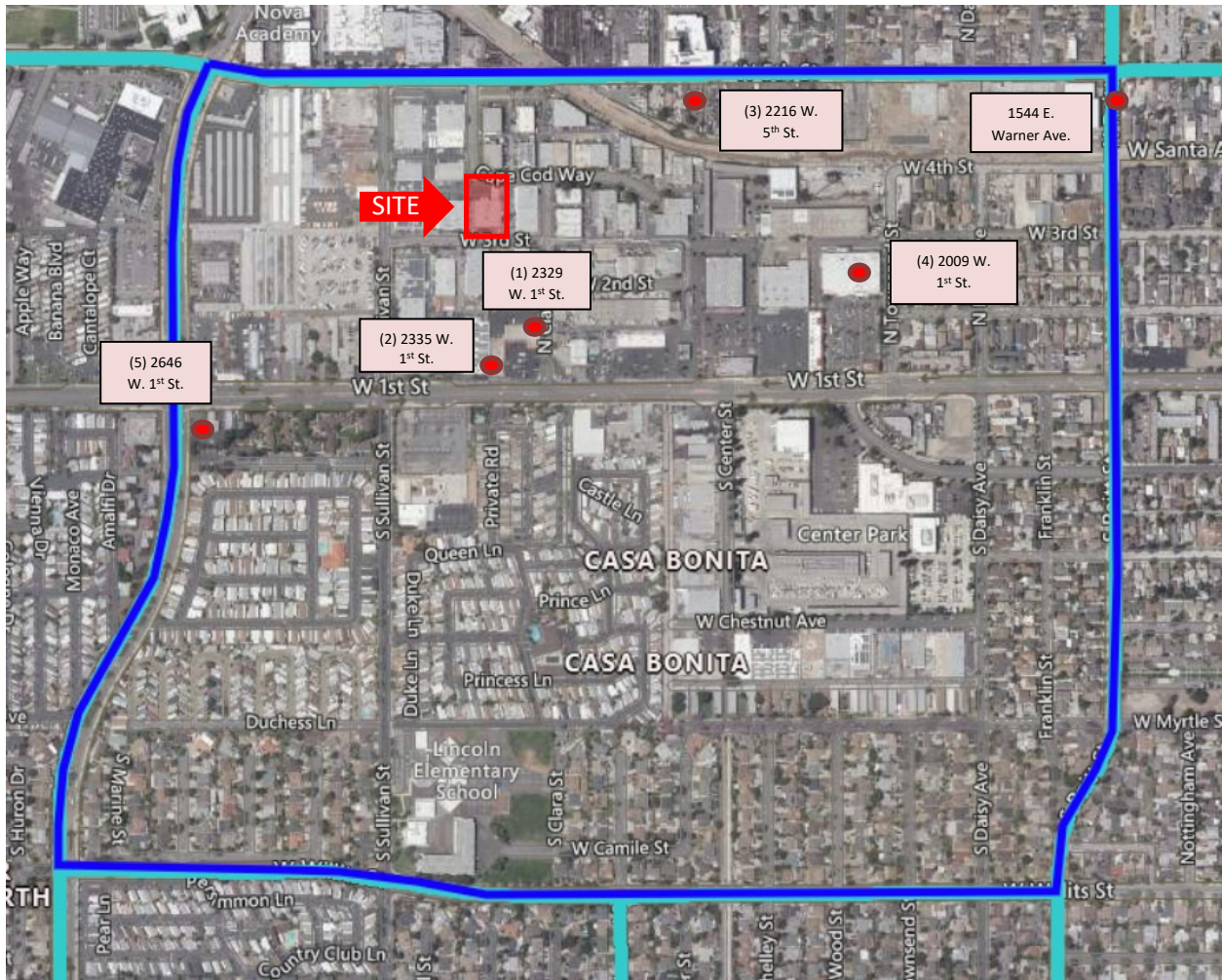
3/14/2022

Planning Commission

1 FLOOR PLAN
SCALE: 1/8" = 1'-0"

1 - 27





- = Census Tract Boundary
- (1) C&C Market
- (2) Santa Ana Liquor
- (3) Sarinanas
- (4) Superior Grocers
- (5) WDJ, Inc.

Exhibit 7 – Map of Type 20 ABC Licenses within Census Tract 748.02

ORANGE COUNTY REPORTER

~SINCE 1921~

Mailing Address : 600 W SANTA ANA BLVD, SANTA ANA, CA 92701
Telephone (714) 543-2027 / Fax (714) 542-6841
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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
2420 Cape Cod Way

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

03/02/2022

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

Publication	\$124.00
Total	\$124.00

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SAN FRANCISCO DAILY JOURNAL, SAN FRANCISCO	(800) 640-4829
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OR# 3561221

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: 2420 Cape Cod Way
Project Applicant: Jennifer Oden with Solomon, Saltsman and Jamieson, representing Gopuff (Applicant), on behalf of Rick D. Kagasoff (Property Owner).

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) Nos. 2022-01 and No. 2022-03 to allow the after-hours sale of alcoholic beverages for off-premise consumption (Type 21-General Off-Sale) at a new storage and warehouse facility with ancillary retail and delivery services. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC), establishments wishing to sell alcoholic beverages for off-premise consumption and wishing to sell such beverages 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. 2022-02 will be filed for this project.

Meeting Details: This matter will be heard on **Monday, March 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 điệ n thoại cho Tony Lai số (714) 565-2627.

3/2/22

OR-3561221#



* A 0 0 0 0 0 5 9 5 3 6 2 6 *

3/14/2022

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: 2420 Cape Cod Way

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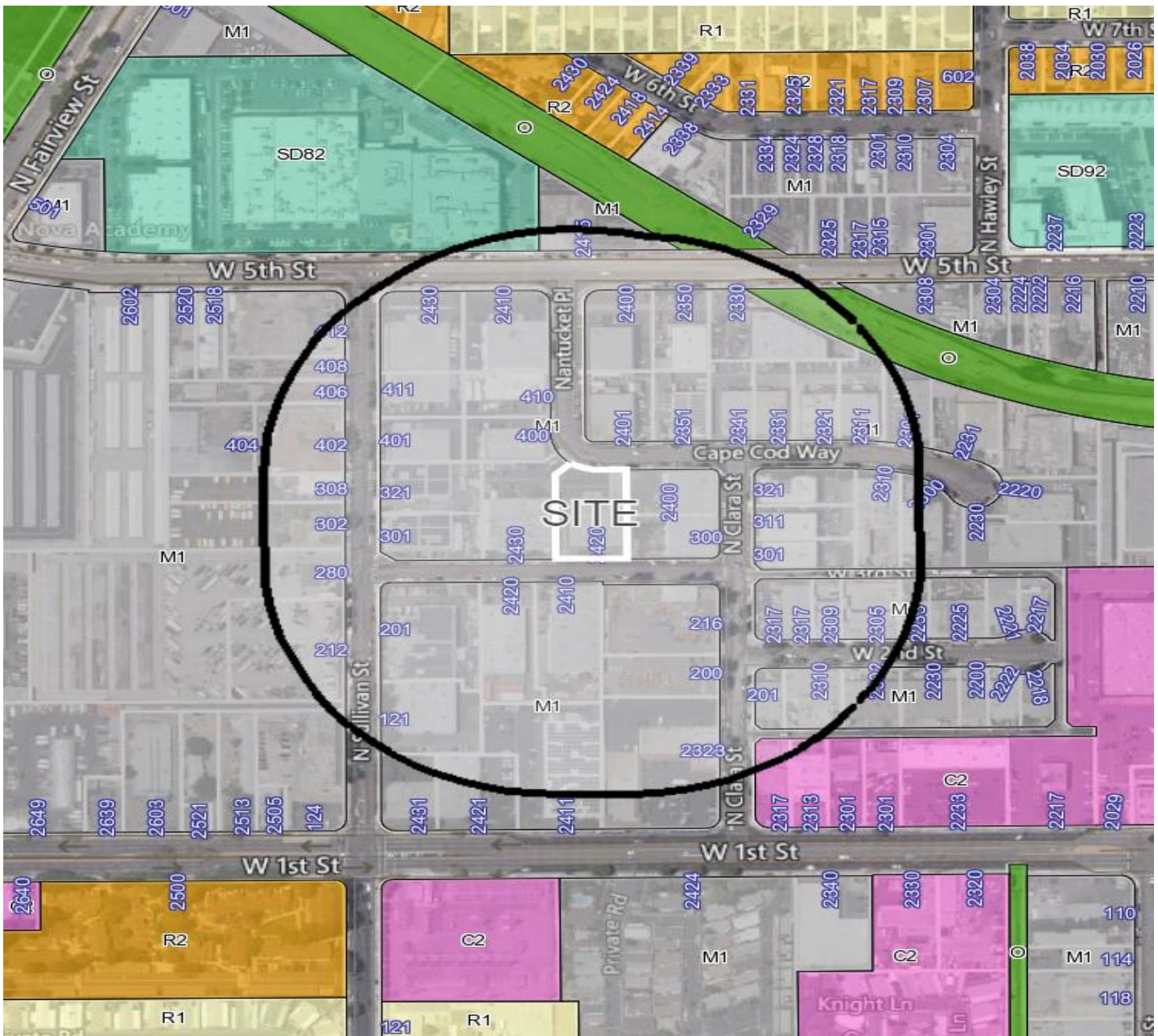
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**Si tiene preguntas en español, favor de llamar a Narcedalia Perez (714) 667-2260.
Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.**

500' RADIUS NOTIFICATION MAP



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



OFFICE OF PUBLIC HEARING
SCHOOL THE SANTA ANITA
PLANNING COMMISSION

NOTICE OF PUBLIC HEARING
The Santa Anita Planning Commission will hold a public hearing on the proposed site plan for the Santa Anita High School project. The hearing will be held on March 14, 2022, at 7:00 PM. The hearing will be held at the Santa Anita High School, 2400 Santa Anita Avenue, Santa Anita, CA 91761. The hearing will be held in the main auditorium of the school. The hearing will be open to the public. The hearing will be held in the main auditorium of the school. The hearing will be open to the public. The hearing will be held in the main auditorium of the school. The hearing will be open to the public.