

Planning Commission Regular Meeting Agenda Minutes

April 24, 2023

5:30 P.M.

Council Chamber

22 Civic Center Plaza
Santa Ana, CA



BAO PHAM

Chair, Ward 1 Representative

MARK McLOUGHLIN

*Vice-Chair,
Ward 4 Representative*

CHRISTOPHER LEO

Citywide Representative

MANUEL ESCAMILLA

Ward 2 Representative

ISURI S. RAMOS

Ward 3 Representative

JENNIFER OLIVA

Ward 6 Representative

ALAN WOO

Ward 5 Representative

MinhThai

Executive Director

John Funk

Legal Counsel

Ali Pezeshkpour, AICP

Planning Manager

Nuvia Ocampo

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:****Bao Pham, Chair
Manuel Escamilla
Christopher Leo
Mark McLoughlin
Jennifer Oliva
Isuri S. Ramos
Alan Woo****Executive Director
Chief Asst. City Attorney
Planning Manager
Recording Secretary****Minh Thai
John Funk
Ali Pezeshkpour, AICP
Nuvia Ocampo****ROLL CALL**

Minutes: *Quorum was reached at 5:37 PM with Commissioner Ramos absent and Commissioner Escamilla arrived at 5:42 PM.*

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

Recommended Action: Approve Minutes from the last meeting.

b. Excused Absences

Recommended Action: Excuse absent commissioners.

Minutes: *Item A and Item B voted under one motion.*

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

YES: 0 – **NO:** 0 – **ABSTAIN:** 6 – Bao Pham, Alan Woo, Christopher Leo, Manuel J. Escamilla, Jennifer Oliva, Mark McLoughlin

ABSENT: 1 – Isuri Ramos

Status: 0 – 0 – 6 – 1 – **Pass**

****End of Consent Calendar****

BUSINESS CALENDAR

Public Hearing: *The Planning Commission decision on Conditional Use Permits, Variances, Tentative Tract and Parcel Maps, Minor Exceptions, Site Plan Review, and Public Convenience or Necessity Determinations are final unless appealed within 10 days of the decision by any interested party or group (refer to the Basic Meeting Information page for more information). The Planning Commission recommendation on Zoning and General Plan amendments, Development Agreements, Specific Developments, and Specific Plans will be forwarded to the City Council for final determination. Legal notice was published in the OC Reporter on April 11, 2023 and notices were mailed on said date.*

1. CONDITIONAL USE PERMIT NO. 2023-07 AND CONDITIONAL USE PERMIT NO. 2023-08 FOR THE PROPERTY LOCATED AT 310 EAST FOURTH STREET LOCATED WITHIN THE TRANSIT ZONING CODE (SD84) DISTRICT – HEIDI JACINTO, CASE PLANNER

Project Applicant: Lamson Nyguyen (Applicant) and George Avery (Property Owner)

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2023-07 and Conditional Use Permit (CUP) No. 2023-08 to allow for after-hours operation and the sale of beer and wine for on-premises consumption under a Type 41 Alcoholic Beverage Control (ABC) license. Respectively at a new eating establishment located at the 310 East Fourth Street.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15301 of the CEQA Guidelines. Categorical Exemption ER No. 2023-23 will be filled for this project.

Recommended Action:

1. Adopt a resolution approving Conditional Use Permit No. 2023-07, as conditioned.
2. Adopt a resolution approving Conditional Use Permit No. 2023-08, as

conditioned.

Minutes: *Staff provided a brief presentation. Applicant provided comments to the Commission and spoke in favor of the Item. Commission presented questions to staff and the applicant. Members of the public did not provide comment during the public hearing.*

Approved with modified conditions to allow the business to operate until 2:00 AM on Saturday and Sunday morning (not affecting alcohol sale hours).

Moved by Commissioner Oliva, seconded by Commissioner Escamilla to Approved as amended.

YES: 6 – Bao Pham, Alan Woo, Christopher Leo, Manuel J. Escamilla, Jennifer Oliva, Mark McLoughlin

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Isuri Ramos

Status: 6 – 0 – 0 – 1 – **Pass**

2. CONDITIONAL USE PERMIT NO. 2023-09 FOR THE PROPERTY LOCATED AT 1208 EAST MCFADDEN AVENUE LOCATED WITHIN THE PLANNED SHOPPING CENTER (C4) ZONING DISTRICT – FERNANDA ARIAS, CASE PLANNER

Project Applicant: Mariscos Hector Sports Grill(Applicant) and McFadden Shopping Center LLC (Property Owner)

Proposed Project: The applicant is requesting to upgrade the existing Type 41 On-sale Alcoholic Beverage Control (ABC) license to a Type 47 On-Sale Alcoholic Beverage Control (ABC) license to allow the on-premises sale of beer, wine, and distilled spirits at an existing eating establishment.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15301 of the CEQA Guidelines. Categorical Exemption ER No. 2023-24 will be filled for this project.

Recommended Action:

1. Adopt a resolution approving Conditional Use Permit No. 2023-06, as conditioned.

Minutes: *Staff provided a brief presentation. Applicant provided comments to the Commission and spoke in favor of the Item. Commission presented questions to staff and the applicant. Members of the public did not provide comment during the public hearing.*

Approved with modified conditions to allow the sale of alcoholic beverages until 12:00 AM daily if Conditional Use Permit review at six months indicates no

operational issues.

Moved by Commissioner Leo, seconded by Commissioner McLoughlin to Approved as amended.

YES: 6 – Bao Pham, Alan Woo, Christopher Leo, Manuel J. Escamilla, Jennifer Oliva, Mark McLoughlin

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Isuri Ramos

Status: 6 – 0 – 0 – 1 – **Pass**

3. CONDITIONAL USE PERMIT NO. 2023-06 FOR THE PROPERTY LOCATED AT 728 NORTH POINSETTIA STREET, UNIT A LOCATED IN THE TRANSIT ZONING CODE (SD84)/ INDUSTRIAL OVERLAY DISTRICT – FERNANDA ARIAS, CASE PLANNER

Project Applicant: Arsenal Restaurant Group LLC dba “61 Hundred Bread” (Applicant) and Harvey’s Industries, Inc (Property Owner).

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) 2023-06 to allow the sale of beer and wine for on-premises consumption under a Type 41 Alcoholic Beverage Control (ABC) license at an existing eating establishment.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15301 of the CEQA Guidelines. Categorical Exemption ER No. 2023-18 will be filled for this project.

Recommended Action:

1. Adopt a resolution approving Conditional Use Permit No. 2023-06, as conditioned

Minutes: *Staff provided a brief presentation. Commissioners had questions for staff.*

Approved as conditioned.

Moved by Commissioner Leo, seconded by Commissioner Escamilla to Approve.

YES: 6 – Bao Pham, Alan Woo, Christopher Leo, Manuel J. Escamilla, Jennifer Oliva, Mark McLoughlin

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Isuri Ramos

Status: 6 – 0 – 0 – 1 – **Pass**

4. SITE PLAN REVIEW APPLICATION NO. 2023-01 AND TENTATIVE TRACT MAP NO. 2023-03 FOR THE PROPERTIES LOCATED AT 1901 & 1907 EAST FOURTH STREET AND 515 & 525 NORTH CABRILLO PARK DRIVE LOCATED IN THE PROFESSIONAL (P) ZONE AND WITHIN THE VILLAGE CENTER DISTRICT OF THE METRO EAST MIXED-USE OVERLAY ZONE (OZ-1) – JERRY GUEVARA, CASE PLANNER

Project Applicant: Fairfield Realty, LLC. (Applicant) and David Colton (Property Owner)

Proposed Project: Applicant is requesting approval of Site Plan Review (SPR) No. 2023-01 and Tentative Tract Map (TTM) No. 2023-03 to facilitate the construction of a mixed-use wrap development known as Cabrillo Town Center. The development consists of a five-story mixed-use wrap building with 26,800 square feet of leasable commercial space and 449 residential units, a townhome community with six three-story buildings containing 58 units, and associated parking, open space, landscaping, and amenities.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is within the scope of a project covered by a previously certified Environmental Impact Report (EIR) (Metro East Mixed- Use Overlay Zone and SCH NO. 2006031041). The previously prepared EIR adequately described the project's environmental setting, significant impacts and alternatives, and mitigation measures related to each impact. There are no substantial changes with respect to circumstances under which the project is undertaken that will require major revisions to the EIR. There is no new information of substantial importance. There are no new environmental impact or mitigation measure needed. All applicable mitigation measure applied to the previously prepared EIR will be applied to this project.

Recommended Action:

1. Adopt a resolution approving Site Plan Review No. 2023-01 as conditioned.
2. Adopt a resolution approving Tentative Tract Map No. 2023-03 as conditioned.

Moved by Commissioner Leo, seconded by Commissioner Escamilla to Approved as amended.

YES: 6 – Bao Pham, Alan Woo, Christopher Leo, Manuel J. Escamilla, Jennifer Oliva, Mark McLoughlin

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Isuri Ramos

Status: 6 – 0 – 0 – 1 – **Pass**

Minutes: *Approved with modifies conditions to require applicant to coordinate*

with the Public Works Agency to develop a traffic calming strategy to implement said strategies as part of the project.

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

STAFF COMMENTS

COMMISSIONER COMMENTS

Minutes: *Commissioners had comments for staff.*

ADJOURNMENT

The next meeting of the Planning Commission will be on May 08, 2023 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

Minutes: *Meeting was adjourned at 8:32 PM*

FUTURE AGENDA ITEMS

1. Conditional Use Permit No. 2023-10 – Fernanda Arias, Case Planner
 - Applicant is requesting approval of permit to allow drive-thru operation.
2. Zoning Amendment No. 2023-01
 - Amendments to the Santa Ana Municipal Code

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

If you would like to learn how to use Zoom before the meeting, visit [Zoom Video Tutorials](#).

1. Connecting directly from your computer:

- Click on the link on top of this agenda OR
- Go to [Zoom.us](#) and click "Join a Meeting" at the top. Enter the Meeting ID. The Meeting ID is listed at the top of this agenda.

To speak during the meeting: When you wish to comment on an item that is being discussed, click on the button next to your name to virtually raise your hand and let us know you wish to speak. You will have 3 minutes.

2. Connecting via the Zoom App:

- Download the free Zoom Cloud Meetings app from your favorite app store.
- Launch the app and click on the blue Join a Meeting button. Enter the Meeting ID, your name, and the blue Join button. The Meeting ID is listed at the top of this agenda.

To speak during the meeting: When you wish to comment on an item that is being discussed, click on the button next to your name to virtually raise your hand and let us know you wish to speak. You will have 3 minutes.

3. Dialing in from a mobile phone or landline:

- Dial (669) 900-9128. When prompted, enter the meeting ID. The Meeting ID is listed at the top of this agenda.

To speak during the meeting: When you wish to comment on an item that is being discussed, press *9 on your phone to virtually raise your hand. You will have 3 minutes.

Submit a written comment

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

- **E-mail** PBAComments@santa-ana.org and reference the topic in the subject line.
- **Mail** to Chelsea Shafer, Acting 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.