

# Planning Commission Regular Meeting Agenda Minutes

June 26, 2023

5:30 P.M.

## Council Chamber

22 Civic Center Plaza  
Santa Ana, CA



### BAO PHAM

*Chair, Ward 1 Representative*

### ISURI S. RAMOS

*Vice-Chair,  
Ward 3 Representative*

### CHRISTOPHER LEO

*Citywide Representative*

### MANUEL J. ESCAMILLA

*Ward 2 Representative*

### CARL BENNINGER

*Ward 4 Representative*

### JENNIFER OLIVA

*Ward 6 Representative*

### ALAN WOO

*Ward 5 Representative*

### Minh Thai

*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](http://www.santa-ana.org/city-meetings).

**CALL TO ORDER****Commissioners:****Bao Pham, Chair  
Manuel J. Escamilla  
Christopher Leo  
Carl Benninger  
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 5:35 pm***PLEDGE OF ALLEGIANCE****PUBLIC COMMENTS (non agenda items)****Minutes:** *No public comments were provided by residents.***CONSENT CALENDAR ITEMS****a. Minutes****Recommended Action:** Approve Minutes from the last meeting.**b. Excused Absences****Recommended Action:** Excuse absent commissioners.**Moved by Commissioner Woo, seconded by Commissioner Leo to Approve Consent Calendar items.**

**YES:** 7 – Bao Pham, Isuri Ramos, Alan Woo, Christopher Leo, Manuel J. Escamilla, Jennifer Oliva, Carl Benninger

**NO:** 0 – **ABSTAIN:** 0 – **ABSENT:** 0 – **Status:** 7 – 0 – 0 – 0 – **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 June 15, 2023 and notices were mailed on said date.*

**1. CONDITIONAL USE PERMIT NO. 2019-41-MOD-1 AND CONDITIONAL USE PERMIT NO. 2023-03 FOR THE PROPERTY LOCATED AT 2230 NORTH TUSTIN AVENUE LOCATED WITHIN THE ARTERIAL COMMERCIAL (C5) ZONING DISTRICT.**

**Project Location:** 2230 North Tustin Avenue located within the Arterial Commercial (C5) zoning code

**Project Applicant:** Fred Cohen (Applicant) Heinecke Gould Properties, LLC (Property Owner)

**Proposed Project:** Applicant is proposing to modify Conditional Use Permit No. 2019-41 to construct a new service station with a 2,880-square-foot canopy and a 2,150 square foot mini-mart. A conditional use permit is required to allow a service station in the C5 zone. A second conditional use permit is required for businesses requiring a regional, state, or federal permit to discharge, handle, emit, or store regulated compounds, materials, or substances and which are located within 500 feet of a school, public park, or residence.

**\*Environmental Impact:** Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review and Categorical Exemption ER No. 2017-83 will be filed for this project.

**Recommended Action:**

- Adopt a Resolution approving Conditional Use Permit No. 2019-41-MOD-1 as conditioned.
- Adopt a Resolution approving Conditional Use Permit No. 2023-03 as conditioned.

**Minutes:**

*The commission had questions for staff. The applicant spoke in favor of the project. Resident, Kim Cordoba, spoke in opposition to the project. Residents spoke via Zoom in opposition to the project. 24 public comments were received prior to the meeting, all in opposition to the project*

*Motion to Approve the Item Failed.*

**Moved by Commissioner Leo, seconded by Commissioner Benninger to Approved as amended.**

**YES:** 2 – Christopher Leo, Carl Benninger

**NO:** 5 – Bao Pham, Isuri Ramos, Alan Woo, Manuel J. Escamilla, Jennifer Oliva

**ABSTAIN:** 0 – **ABSENT:** 0 – **Status:** 2 – 5 – 0 – 0 – **Fail**

**Moved by Commissioner Escamilla, seconded by Commissioner Ramos to Deny.**

**YES:** 5 – Bao Pham, Isuri Ramos, Alan Woo, Manuel J. Escamilla, Jennifer Oliva

**NO:** 2 – Christopher Leo, Carl Benninger

**ABSTAIN:** 0 – **ABSENT:** 0 – **Status:** 5 – 2 – 0 – 0 – **Pass**

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

**STAFF COMMENTS**

**COMMISSIONER COMMENTS**

**ADJOURNMENT**

The next meeting of the Planning Commission will be on July 10, 2023 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

**Minutes:** *Meeting was adjourned at 6:59 pm*

**FUTURE AGENDA ITEMS**

- **700 North Main Street, Unit A – Conditional Use Permit No. 2023-14**
- **Election of Officers**
  - **Chair**
  - **Vice-Chair**

**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](mailto:PBAComments@santa-ana.org) and reference the topic in the subject line.
- **Mail** to Nuvia Ocampo, 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.***