

Planning Commission Regular Meeting Agenda Minutes

December 11, 2023

5:30 P.M.

Council Chamber

22 Civic Center Plaza
Santa Ana, CA



BAO PHAM

Chair, Ward 1 Representative

JENNIFER OLIVA

*Vice-Chair,
Ward 6 Representative*

CHRISTOPHER LEO

Citywide Representative

MANUEL J. ESCAMILLA

Ward 2 Representative

CARL BENNINGER

Ward 4 Representative

ISURI S. RAMOS

Ward 3 Representative

ALAN WOO

Ward 5 Representative

Minh Thai

Executive Director

Jose Montoya

Legal Counsel

Ali Pezeshkpour, AICP

Planning Manager

Nuvia Ocampo

Recording Secretary



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CALL TO ORDER**Commissioners:**

**Bao Pham, Chair
Manuel Escamilla
Christopher Leo
Jennifer Oliva
Isuri S. Ramos
Alan Woo
Carl Benninger**

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

**Minh Thai
Jose Montoya
Ali Pezeshkpour, AICP
Nuvia Ocampo**

ROLL CALL

Minutes: *Quorum was reached at 5:38 p.m.*

PLEDGE OF ALLEGIANCE**PUBLIC COMMENTS (non-agenda items)**

Minutes: *Resident, Shery Menke, spoke in support of short-term rentals.
Resident, Wesley Menke, spoke via Zoom in support of short-term rentals.*

CONSENT CALENDAR ITEMS**a. Minutes**

Recommended Action: Approve Minutes from November 13, 2023.

b. Excused Absences

Recommended Action: Excuse absent commissioners.

Moved by Commissioner Woo, seconded by Commissioner Benninger to Approve Consent Calendar items.

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

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

Status: 6 – 0 – 0 – 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 and OC Register on November 27, 2023 and notices were mailed on November 30, 2023.*

1. MODIFICATION TO CONDITIONS NOS. 10 AND 10A OF CITY COUNCIL RESOLUTION NO. 2019-115 FOR THE PROPERTY LOCATED AT 401 NORTH MAIN STREET (FORMERLY 114 EAST FIFTH STREET) LOCATED WITHIN THE TRANSIT ZONING CODE (SD-84)

Project Applicant: John Hyde (Applicant) on behalf of Toll Brothers Apartment Living (Property Owner).

Proposed Project: Applicant is requesting modification to Conditions Nos. 10 and 10A of City Council Resolution No. 2019-115 to not install historical Orange County Title Company building signage and to instead install “Rafferty” branding signage on the historical façade of the building.

Environmental Impact: No environmental determination is required, as the application has been withdrawn.

Recommended Action:

1. There is no recommended action, as the request has been withdrawn by the applicant.

Minutes: *The application was withdrawn by the applicant.*

2. TENTATIVE TRACT MAP NO. 2023-02 FOR THE PROPERTY LOCATED AT 2300 SOUTH REDHILL AVENUE LOCATED WITHIN THE SPECIFIC DEVELOPMENT

NO. 96 (SD-96) ZONING DISTRICT.

Project Applicant: Heidi Hare with J.L Hare Associates on behalf of GS Bowery, LLC.
(Applicant & Property Owner)

Proposed Project: Applicant is requesting the approval of Tentative Tract Map (TTM) No. 2023-02 to facilitate the subdivision of two existing lots into four lots and 1,100 residential condominium lot units at a mixed-use development currently under construction.

Environmental Impact: In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is within the scope of the 2020 The Bowery Mixed-Use Project Environmental Impact Report (EIR) (SCH No. 2019080011). The EIR anticipated potential development of 80,000 square feet of commercial leasable space and 1,100 residential units. The EIR analyzed impacts related to aesthetics, agriculture/forestry, air quality, biology, cultural resources, geology/soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population/housing, public services, transportation/traffic, tribal cultural resources and utilities. The EIR concluded that there would be significant and unavoidable impacts associated with air quality, greenhouse gas emissions, and transportation, and mitigation measures were developed and recorded through an approved Mitigation Monitoring and Reporting Program (MMRP). 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, and there are no new environmental impact or mitigation measure needed.

Recommended Action:

1. Adopt a resolution approving Tentative Tract Map No. 2023-02 (County Map No. 19238) as conditioned.

Minutes: *Commission had questions for staff and applicant.
Applicant answered questions from the Commission.*

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

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

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

Status: 6 – 0 – 0 – 1 – **Pass**

3. **AMENDMENT APPLICATION NO. 2023-04 AND ZONING ORDINANCE AMENDMENT NO. 2023-03 FOR THE PROPERTY LOCATED AT 601 NORTH FAIRVIEW STREET LOCATED WITHIN THE LIGHT INDUSTRIAL (M1) ZONING DISTRICT.**

Project Applicant: Enrique Diaz with Red Hook Capital Partners, LLC (Applicant) on behalf of Vista Heritage Charter Schools (Property Owner)

Proposed Project: Applicant is requesting approval of Amendment Application (AA) No. 2023-04 (Zone Change) and Zoning Ordinance Amendment (ZOA) No. 2023-03, to rezone the subject property from Light Industrial (M1) to Specific Development No. 82 (SD-82), expand the boundaries of SD-82 to include the subject property, and to modify SD-82 to allow Administrative Offices as a permitted use and Outdoor Play Areas as a permitted use, ancillary to schools. The requested approvals would accommodate the conversion of an existing 5,837-square-foot industrial building into an administrative office building for Vista Heritage Charter School, and allow an outdoor play area adjacent to the existing school.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) guidelines, this project is exempt from further review under Section 15301 (Existing Facilities), Class 1 exemption, as it involves negligible or no expansion of an existing or former use. Additionally, the project is also exempt under Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of the CEQA guidelines. Notice of Exemption No. 2023-40 will be filed for this project.

Recommended Action:

1. Recommend that the City Council adopt an ordinance approving Amendment Application (Zone Change) No. 2023-04.
2. Recommend that the City Council adopt an ordinance approving Zoning Ordinance Amendment (ZOA) No. 2023-03.

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

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

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

Status: 6 – 0 – 0 – 1 – **Pass**

Minutes: *Applicant spoke in favor of the project.*

Resident, Nate Greensides, spoke in opposition to this project.

Resident, Angie Cano, spoke in opposition to this project.

Resident, David Hine, spoke in opposition to the project.

Resident, Soila Lubin, spoke in favor of this project.

Resident, Jaylen Bautista, spoke in favor of this project.

Resident, Darian Mellow, spoke in favor of this project.

Resident, Amanda Tabon, spoke in favor of this project.

4. ZONING ORDINANCE AMENDMENT (ZOA) NO. 2023-04

Project Applicant: City of Santa Ana

Proposed Project: The City of Santa Ana is proposing to adopt an ordinance to amend various sections of Chapter 41 (Zoning) of the City of Santa Ana Municipal Code (SAMC) related to wireless communication facilities, billboards, hotels, definitions, and general restrictions.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) guidelines, this project is exempt from further review pursuant to Section 15060(c)(2) and Section 15060(c)(3) because the action will not result in direct or reasonably foreseeable indirect physical change to the environment, as there is no possibility it will have a significant effect on the environment and it is not a “project,” as defined in Section 15378 of the CEQA Guidelines.

Recommended Action:

1. Recommend that the City Council adopt an ordinance approving Zoning Ordinance Amendment (ZOA) No. 2023-04 to amend various sections of Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC).

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

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

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

Status: 6 – 0 – 0 – 1 – **Pass**

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

WORK STUDY SESSION

1. Short-Term Rentals – Siri Champion, Senior Planner

Minutes: *Commission had questions for staff.*

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

STAFF COMMENTS

Minutes: *Staff had comments for the Commission.*

COMMISSIONER COMMENTS

Minutes: *Commission had comments for staff.*

ADJOURNMENT

Minutes: *Meeting was adjourned at 8:32 p.m.*

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 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.