

# Planning Commission Regular Meeting Agenda Minutes

July 22, 2024

5:30 P.M.

## Council Chamber

22 Civic Center Plaza  
Santa Ana, CA



### JENNIFER OLIVA

*Chair, Ward 6 Representative*

### ISURI S. RAMOS

*Vice-Chair,  
Ward 3 Representative*

### CHRISTOPHER LEO

*Citywide Representative*

### MANUEL J. ESCAMILLA

*Ward 2 Representative*

### CARL BENNINGER

*Ward 4 Representative*

### BAO PHAM

*Ward 1 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:**

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

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

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

**ROLL CALL**

**Minutes:** *Quorum was reached at 5:31 p.m.*

**PLEDGE OF ALLEGIANCE****PUBLIC COMMENTS**

**Minutes:** *None.*

**CONSENT CALENDAR ITEMS****a. Minutes**

**Recommended Action:** Approve Minutes from July 8, 2024.

**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, Isuri Ramos, Alan Woo, Christopher Leo, Jennifer Oliva, Carl

Benninger

**NO: 0 – ABSTAIN: 0 – ABSENT: 1 – Manuel J. Escamilla**

**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 on July 12, 2024 and notices were mailed on said date.*

**1. CONDITIONAL USE PERMIT NOS. 2024-09 AND 2024-10 FOR THE PROPERTY LOCATED AT 1951 EAST DYER ROAD, UNIT H LOCATED WITHIN THE SPECIFIC DEVELOPMENT NO. 88 (SD-88) ZONING DISTRICT.**

**Project Applicant:** Shar Pourdanesh with Nexus Market (Applicant) and on behalf of PR/- Broadstone Heritage I, LLC. (Property Owner)

**Proposed Project:** Applicant is requesting approval of Conditional Use Permit (CUP) 2024-09 to allow the sale of alcoholic beverages for off-premises consumption through the operation of a Type-21 Alcoholic Beverage Control license and Conditional Use Permit (CUP) No. 2024-10 to allow after-hours operations at a proposed convenience store (Nexus Market). In addition, approval to make a determination of Public Convenience or Necessity (PCN) to allow the sale of alcoholic beverages for off-premises consumption is required.

**Environmental Impact:** Pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt from further review pursuant to Section 15301 (Class 1 – Existing Facilities) of the CEQA guidelines. A Notice of Exemption (NOE) will be filed for this project.

**Recommended Action:**

1. Adopt a resolution approving Conditional Use Permit No. 2024-09 for a Type-21 ABC License as conditioned.
2. Adopt a resolution approving Conditional Use Permit No. 2024-10 for After-Hours operation as conditioned.
3. Authorize staff to issue a Letter of Public Convenience or Necessity to the State Department of Alcoholic Beverage Control.

**Minutes:** *Commission had questions for staff.  
Staff answered questions from Commission.*

**Moved by Commissioner Benninger, seconded by Commissioner Leo to Approve.**

**YES:** 6 – Bao Pham, Isuri Ramos, Alan Woo, Christopher Leo, Jennifer Oliva, Carl Benninger

**NO:** 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Manuel J. Escamilla

**Status:** 6 – 0 – 0 – 1 – **Pass**

### Regular Business

#### **2. GENERAL PLAN CONSISTENCY FINDING FOR ABANDONMENT NO. 2024-01 – STREET VACATION ADJACENT TO 209 WEST CIVIC CENTER DRIVE AND FORMER CHURCH STREET**

**Project Applicant:** Community Development Agency of the City of Santa Ana

**Proposed Project:** The Community Development Agency of the City of Santa Ana- is requesting to vacate former Church Street and excess Civic Center Drive right of way containing a driveway and raised planters south of the YMCA building at 209 West Civic Center Drive. The City has no current or prospective use for the portion of street right of way to be vacated, and the space will revert to and be conveyed to the property owner at 209 West Civic Center Drive.

**Environmental Impact:** The proposed vacation of the Vacation Area is exempt from review under the California Environmental Quality Act pursuant to section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that it will have a significant impact on the environment. The proposed vacation is also exempt from CEQA review under section 15305 of the State CEQA Guidelines.

**Recommended Action:**

1. Adopt a resolution finding that Abandonment No. 2024-01 is consistent with the General Plan

**Minutes:** *Commission had questions for staff.*

*Public Works Agency Development Manager, Monica Sutter, answered questions from Commission.*

**Moved by Commissioner Pham, seconded by Commissioner Benninger to Approve.**

**YES:** 6 – Bao Pham, Isuri Ramos, Alan Woo, Christopher Leo, Jennifer Oliva, Carl Benninger

**NO:** 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Manuel J. Escamilla

**Status:** 6 – 0 – 0 – 1 – **Pass**

### Administrative Matters

- **Request for presentation from the Orange County Fire Authority (OCFA) – Commissioner Benninger**

**Minutes:** *Planning and Building Agency Executive Director, Minh Thai, shared that*

*Orange County Fire Authority (OCFA) is completing assessment and facilities master plan that would be completed in 5 to 6 months.*

*Commissioner Benninger will wait for completion of assessment to request a presentation.*

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

### **STAFF COMMENTS**

**Minutes:** *None.*

### **COMMISSIONER COMMENTS**

**Minutes:** *Commission had comments for staff.*

### **ADJOURNMENT**

The next meeting of the Planning Commission will be on August 12, 2024 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

**Minutes:** *Meeting was adjourned at 6:06 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](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 3:30 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.***