

Planning Commission Regular Meeting Agenda Minutes

August 26, 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 3 Representative

ALAN WOO

Ward 5 Representative

Minh Thai

Executive Director

Marco A. Martinez

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:**

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

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

**Minh Thai
Marco A. Martinez
Ali Pezeshkpour, AICP
Nuvia Ocampo**

ROLL CALL

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

PLEDGE OF ALLEGIANCE**PUBLIC COMMENTS**

Minutes: *None.*

CONSENT CALENDAR ITEMS**a. Minutes**

Recommended Action: Approve Minutes from August 12, 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, Manuel J. Escamilla, Carl Benninger

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Jennifer Oliva
Status: 6 – 0 – 0 – 1 – **Pass**

End of Consent Calendar

BUSINESS CALENDAR

Administrative Matters

1. GENERAL PLAN CONSISTENCY FINDING FOR THE SALE OF SUCCESSOR AGENCY PROPERTY TO THE CITY OF SANTA ANA LOCATED AT THIRD STREET AND MAIN 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 find the sale of Successor Agency property consistent with the General Plan.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the proposed action is not subject to the requirements of CEQA pursuant to Sections 15060(c)(2) and 15060(c)(3).

Recommended Action:

1. Adopt a resolution finding that the sale of the Successor Agency property to the City of Santa Ana that is located at Third Street and Main Street (APN: 398-601-02) is consistent with the General Plan.

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

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

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Jennifer Oliva

Status: 6 – 0 – 0 – 1 – **Pass**

Minutes: *Community Development Agency Executive Director, Michael Garcia, gave a brief presentation.*

Commission had questions for staff.

Staff answered questions from Commission.

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 August 16, 2024, and notices were mailed on said date.*

1. ZONING ORDINANCE AMENDMENT NO. 2023-02 AMENDING SECTIONS 41-54.5 AND 41-610.5 OF THE SANTA ANA MUNICIPAL CODE TO AMEND THE CITY'S ELECTRIC FENCE STANDARDS AND REQUIREMENTS, WHICH INCLUDE MODIFICATIONS TO EXPAND THE ELIGIBILITY FOR SITES AND TO ENSURE CONSISTENCY WITH THE CALIFORNIA CIVIL CODE SECTION 835.

Project Location: Citywide

Project Applicant: Keith Kaneko and Luis Farias representing Amarok, LLC (Applicant).

Proposed Project: Zoning Ordinance Amendment (ZOA) application (ZOA No. 2023-02) seeking to amend Section 41-54.5 and Section 41-610.5 (Wall and Fence Requirements) of the Santa Ana Municipal Code (SAMC) to amend the City's electric fence standards and requirements, which include modifications to expand the eligibility for sites and to ensure consistency with the California Civil Code Section 835.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the adoption of this Ordinance is exempt from CEQA review pursuant to Section 15060(c)(2) and Section 15060(c)(3). Environmental Review No. 2024-41 will be filed upon adoption of this ordinance. In the alternative, the adoption of this ordinance amendment is categorically exempt pursuant to State CEQA Guidelines section 15031 – Class 1, Existing Facilities. Class 1 consists of the “operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, including negligible or no expansion of existing or former use.

Recommended Action:

1. Continue the item to October 14, 2024, pursuant to a request from the applicant.

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

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

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Jennifer Oliva

Status: 6 – 0 – 0 – 1 – **Pass**

2. CONDITIONAL USE PERMIT NO. 2024-11 FOR THE PROPERTY LOCATED AT 730 NORTH POINSETTIA STREET, UNIT A LOCATED WITHIN THE TRANSIT ZONING CODE (SD84)

Project Applicant: Dana Neville with Les Brisket Hut (Applicant & Property Owner)

Proposed Project: Applicant is requesting approval of Conditional Use Permit (CUP) No. 2024-11 to allow the sale of beer and wine for on-premises consumption, through a Type-41 license from the Department of Alcoholic Beverage Control (ABC), at a new eating establishment.

Environmental Impact: Pursuant to 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) of the CEQA Guidelines. A Notice of

Exemption, Environmental Review No. 2024-57, will be filed for this project.

Recommended Action:

1. Adopt a resolution approving Conditional Use Permit No. 2024-11 as conditioned.

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

Commission had questions for the applicant.

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

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

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Jennifer Oliva

Status: 6 – 0 – 0 – 1 – **Pass**

3. CONDITIONAL USE PERMIT NO. 2022-06 FOR THE PROPERTY LOCATED AT 2221 NORTH HELIOTROPE DRIVE LOCATED WITHIN THE SINGLE-FAMILY RESIDENCE (R1) ZONING DISTRICT.

Project Applicant: Chan Q. and Quynh D. Kieu (Applicants and Property Owners)

Proposed Project: Applicants are requesting approval of Conditional Use Permit (CUP) No. 2022-06 to allow the construction of an accessory structure 23'-4" in height within the rear yard of an existing single-family residence. Pursuant to Section 41-232.5 of the Santa Ana Municipal Code (SAMC), accessory buildings more than fifteen feet in height or more than one story require approval of a CUP. The original Planning Commission public hearing for this project was held on March 28, 2022, which was subsequently continued to the April 25, 2022, Planning Commission public hearing. On April 25, 2022, the Planning Commission held the continued public hearing. At the request of the property owners, the Planning Commission voted unanimously to continue the item indefinitely. This action required re-noticing of the project as a new Planning Commission public hearing.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15303 of the CEQA Guidelines (Class 3/New Construction or Conversion of Small Structures) because the project involves the construction of a small accessory structure. Based on this analysis, Notice of Exemption, Environmental Review No. 2022-11 will be filed for this project.

Recommended Action:

1. Adopt a resolution approving Conditional Use Permit No. 2022-06 as conditioned.

Minutes: *Resident, Tim Rush, spoke in opposition to this project.*

Resident, Mark Spratt, spoke in opposition to this project.

Resident, Ed Murashie, spoke in opposition to this project.

Resident, Mike Silva, spoke in opposition to this project.

Resident, Angel Barnes, spoke in opposition to this project.

Resident, Dale Helvig, raised concerns regarding the Mills Act.

Property Owner and Applicant, Quynh Kieu, spoke in support of the project.

Commission had questions for staff and the applicant, about views, the Mills Act, height, the Historic Resources Commission's role in the project, changes to the project since 2022, property maintenance, input from the neighborhood, and the property's land use.

Applicant answered questions from the Commission on the intended land use as a private residence, height, working with others on the design, and site maintenance.

Moved by Commissioner Pham, seconded by Commissioner Woo to Approve as amended.

YES: 4 – Bao Pham, Isuri Ramos, Alan Woo, Christopher Leo

NO: 2 – Manuel J. Escamilla, Carl Benninger

ABSTAIN: 0 – **ABSENT:** 1 – Jennifer Oliva

Status: 4 – 2 – 0 – 1 – **Pass**

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

WORK STUDY SESSION

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

STAFF COMMENTS

Minutes: *Planning Manager, Ali Pezeshkpour, had updates for the Commission.*

COMMISSIONER COMMENTS

Minutes: *Commission had comments for staff.*

ADJOURNMENT

The next meeting of the Planning Commission will be on September 09, 2024 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

Minutes: *Meeting was adjourned at 8:22 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

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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, including any supplemental materials for consideration by the Planning Commission, is 3:30 p.m. on the day of the meeting. Comments received after the deadline may not be distributed to the Planning Commission but will be made part of the record. All attendees wishing to submit written comments or supplemental materials for distribution to Planning Commission members during the in-person meeting must provide 15 printed copies.