

# Planning Commission Regular Meeting Agenda

May 13, 2024

5:30 P.M.

## Council Chamber

22 Civic Center Plaza  
Santa Ana, CA

**Members of the public may attend this meeting in-person or join via Zoom.**

Join from your computer: <https://zoom.us/j/84986625096>

Join from your mobile phone via Zoom App. **Meeting ID: 84986625096**

Dial in from a mobile phone or landline. **(669) 900- 6833; Meeting ID: 84986625096**

\*For viewing only: [www.youtube.com/cityofsantaanavideos](http://www.youtube.com/cityofsantaanavideos). **Please note:** There is up to a 30 second delay when viewing the meeting via YouTube. If you plan to provide a public comment during the meeting, please join the meeting via Zoom.

**For detailed participation and commenting options, please review the instructions provided at the end of this agenda.**

**To download or view each item, select either Download PDF or View Item Details to the right of the agenda title.**



**BAO PHAM**

*Chair, Ward 1 Representative*

**JENNIFER OLIVA**

*Vice-Chair*

*Ward 6 Representative*

**MANUEL J. ESCAMILLA**

*Ward 2 Representative*

**ISURI S. RAMOS**

*Ward 3 Representative*

**CHRISTOPHER LEO**

*Citywide Representative*

**CARL BENNINGER**

*Ward 4 Representative*

**ALAN WOO**

*Ward 5 Representative*

**Minh Thai**

*Executive Director*

**Jose Montoya**

*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 Escamilla  
Christopher Leo  
Carl Benninger  
Jennifer Oliva  
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**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

**CONSENT CALENDAR ITEMS**

- a. Minutes

**Recommended Action:** Approve Minutes from April 22, 2024.

- b. Excused Absences

**Recommended Action:** Excuse absent commissioners.

***\*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 May 3, 2024, and*

notices were mailed on said date.

**1. CONDITIONAL USE PERMIT NO. 2024-04 FOR THE PROPERTY LOCATED AT 2029 EAST FIRST STREET LOCATED WITHIN THE ARTERIAL COMMERCIAL (C-5) ZONING DISTRICT.**

**Project Location:** 2029 East First Street located within the Arterial Commercial (C-5) zoning district, with a Metro East Mixed-Use (MEMU) Overlay zone.

**Project Applicant:** Alexis Acosta (Applicant) representing Jr's Burgers and Kyung Soon Lee (Property Owner)

**Proposed Project:** Applicant is requesting approval of Conditional Use Permit No. 2024-04 to allow the sale of alcoholic beverages for on-premises consumption (Type 41 – Beer and Wine only) at an existing 2,576-square-foot eating establishment.

**Environmental Impact:** Pursuant to the California Environmental Quality Act (CEQA), the project is exempt from further review pursuant to Section 15301 of the CEQA Guidelines (Class 1 – Existing Facilities) Environmental Review No. 2024-13, will be filed for this project.

**Recommended Action:**

- Adopt a resolution approving Conditional Use Permit No. 2024-04 as conditioned.

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

**STAFF COMMENTS**

- California APA Conference Registration

**COMMISSIONER COMMENTS**

**ADJOURNMENT**

The next meeting of the Planning Commission will be on May 27, 2024 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

**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 4:30 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.***

# Planning Commission Regular Meeting Agenda Minutes

April 22, 2024

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*



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 Escamilla  
Christopher Leo  
Carl Benninger  
Jennifer Oliva  
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 5:33 p.m. with Commissioner Escamilla arriving at 5:34 p.m.*

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

**Minutes:** *Resident, Pieter Berger, spoke in support of the Related Bristol Specific Plan. Resident, Irma Jauregui, spoke in support of the Related Bristol Specific Plan.*

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

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

**b. Excused Absences**

**Recommended Action:** Excuse absent commissioners.

**Moved by Commissioner Benninger, 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 April 11, 2024, and notices were mailed on said date.*

**1. GENERAL PLAN CONSISTENCY FINDING FOR THE FISCAL YEAR 2024-2025 CAPITAL IMPROVEMENT PROGRAM**

**Environmental Impact:** Pursuant to the California Environmental Quality Act (CEQA), this action is categorically exempt from further review per Section 15306 (Class 6 – Information Collection) of the CEQA Guidelines. This exemption consists of basic data collection, research and resource evaluation activities, which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action, which a public agency has not yet approved, adopted, or funded.

**Recommended Action:**

1. Adopt a resolution finding the Fiscal Year 2024-2025 Capital Improvement Program (CIP) consistent with the General Plan.

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

*Staff from Public Works answered questions from Commission.*

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

**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**

**2. SITE PLAN REVIEW NO. 2023-03 FOR THE PROPERTY LOCATED AT 521 SOUTH FLOWER STREET LOCATED WITHIN THE HENINGER PARK SPECIFIC DEVELOPMENT NO. 40 (SD-40) ZONING DISTRICT**

**Project Applicant:** Johnny Gutierrez (Applicant) representing Fidelity Management & Construction Inc. (Property Owner)

**Proposed Project:** Applicant is requesting approval of Site Plan Review No. 2023-03 to allow a major residential addition consisting of 354 square feet at the building's rear for a new second bathroom and office, full interior remodel, and exterior alterations to an existing single-family home, and demolition of a 292 square foot detached garage to accommodate a new accessory dwelling unit (ADU).

**Environmental Impact:** Pursuant to the California Environmental Quality Act (CEQA) guidelines, this project is exempt from further review pursuant to Class I Section 15301 of the CEQA guidelines. A Categorical Exemption, ER No. 2024-12 will be filed for this project.

**Recommended Action:**

1. Adopt a resolution approving Site Plan Review No. 2023-03 as conditioned.

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

*Staff answered questions from Commission.*

**Moved by Commissioner Escamilla, seconded by Commissioner Ramos to Approved as amended.**

**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 Business Calendar\****

**STAFF COMMENTS**

Legacy Square 2024 Orange County Affordable Housing Awards Project of the Year Award

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

**COMMISSIONER COMMENTS**

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

## **ADJOURNMENT**

The next meeting of the Planning Commission will be on May 13, 2024 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

**Minutes:** *Meeting was adjourned at 7:20 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 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.***



**City of Santa Ana**  
**20 Civic Center Plaza, Santa Ana, CA 92701**  
**Planning Commission Staff Report**  
**May 13, 2024**

---

**Topic:** Conditional Use Permit No. 2024-04 – Jr’s Burgers ABC License (2029 E. First Street)

---

**RECOMMENDED ACTION**

Adopt a resolution approving Conditional Use Permit No. 2024-04 as conditioned.

**EXECUTIVE SUMMARY**

Alexis Acosta (Applicant), representing Jr’s Burgers, is requesting approval of Conditional Use Permit (CUP) No. 2024-04 to allow the sale of alcoholic beverages for on-premise consumption (Type 41 - Beer and Wine only) at an existing eating establishment located at 2029 E. First Street. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC), establishments wishing to sell alcoholic beverages for on-premise consumption require approval of a CUP. Staff is recommending approval of the applicant’s request with conditions of approval because the site is located within an existing commercial center intended for such commercial uses, and due to the property’s history of compliance with City codes and regulations. Moreover, the project site is buffered from sensitive land uses, the project complies with all applicable City standards, and the proposed operational standards would ensure that the applicant’s request would not negatively affect the surrounding community.

**DISCUSSION**

**Project Description**

Jr’s Burgers occupies a 2,576-square-foot stand-alone pad building with a drive-through facility located on the northeast corner of First Street and Golden Circle Drive. The restaurant is seeking to expand its existing food operations by proposing to sell beer and wine through a Type 41 Alcoholic Beverage Control (ABC) license. The on-premise sale and consumption of beer and wine will be an ancillary component to its dining service options, which is a use allowed by right in the Arterial Commercial (C-5) zoning district. The restaurant currently accommodates up to 44 patrons within the indoor dining area. There is no outdoor dining associated with this business, nor is outdoor dining proposed at this time.

The proposed alcoholic beverages will be stored in a designated alcohol storage closet behind the kitchen area. The restaurant will have an overall alcohol storage area of approximately 55.2 square feet, which is less than five percent of the gross floor area of the tenant space as required by the Santa Ana Municipal Code (SAMC). Hours of operation are Monday through Sunday 9:00 a.m. to 10:00 p.m. Live entertainment is not proposed at this time. Should the applicant seek to provide on-site entertainment, approval of a separate entertainment permit will be required, pursuant to the Section 11-6 of the SAMC.

**Table 1: Project and Location Information**

Item	Information	
Project Address and Council Ward	2029 E. First Street – Ward 3	
Nearest Intersection	First Street and Golden Circle Drive	
General Plan Designation	District Center-Medium High (DC-3)	
Zoning Designation	Arterial Commercial (C-5), with a Metro East Mixed-Use (MEMU) Overlay	
Surrounding Land Uses	North	Professional Office
	West	
	South	
	East	Commercial Motel
Property Size	1.4 acres (60,791 square feet)	
Existing Site Development	The subject site contains 71 off-street parking stalls, an 11,374-square-foot multi-tenant building, and two freestanding pad buildings, one 2,576-square-foot in size and the second 1,942-square-feet in size.	
Unit Size	2,576 square feet	
Use Permissions	Allowed with a conditional use permit (CUP)	
Zoning Code Sections Affected	Uses	SAMC Sections 41-196 (a)
	Operational Standards	SAMC Section 41-196(g)
Census Tract and License Information	Census Tract No.	754.03
	No. of Allowed and Existing ABC Licenses (onsite licenses)	10 Allowed; 11 Existing (5 Type 41 & 2 Type 47)

**Table 2: Operational Standards**

Standards	Permissible by SAMC	Provided
Eating Establishment Type	Bona-Fide	Bona-Fide
Hours of Operation for ABC Sales	7:00 a.m. to 12:00 a.m. (midnight), unless extended by a separate after-hours CUP	9:00 a.m. to 10:00 p.m., Monday through Sunday
Window Display	25% of Window Coverage	Complies
Alcohol Storage and Display	5% of G.F.A	0.02% of G.F.A
Exterior Telephone	Prohibited	None

## **Project Background**

Golden Circle Plaza was developed in 1987 with three commercial buildings. 2031 E. First Street, Building A was developed as an 11,374 square-foot multitenant building. 2031 E. First Street, Building B, and 2029 E. First Street were developed as two freestanding pad buildings. 2031 E. First Street, Building B is 1,942 square feet in size and 2029 E. First Street contains 2,578 square feet. The space was occupied by Carl's Jr from 1987 until the mid-2000s. From 2008 until 2018, Johnny's Burger's occupied the project site and from 2021 to 2022 1<sup>st</sup> Street Burgerhouse occupied the project site. Jr's Burgers currently occupies the entire freestanding commercial structure located at 2029 E. First Street. The unit has consistently retained a restaurant tenant since the building's construction in 1987. Jr's Burgers was issued a certificate of occupancy on August 24, 2023. The site has undergone exterior improvements such as new paint and new signage. As a condition of approval for this application, the applicant will be required to refurbish the damaged driveway approach, repair the damaged light pole, and update the site landscaping as needed. As the sole location in Santa Ana, this restaurant is a locally-based eating establishment.

## **Project Analysis**

CUP requests are governed by Section 41-638 of the SAMC. CUPs may be granted when it can be shown that the proposed project will not adversely impact the community. If these findings can be made, then it is appropriate to grant the CUP. Conversely, the inability to make these findings would result in a denial. The purpose of regulating establishments that sell alcoholic beverages is to set forth operating practices and procedures and to minimize impacts to surrounding areas. Staff has reviewed the applicant's request for the sale and consumption of beer and wine, and has determined the proposed CUP will not be detrimental to the health, safety, and welfare of the community.

As a locally-based establishment, Jr's Burgers would provide a unique dining experience with an ancillary service to customers by allowing them to purchase a variety of alcoholic beverages for indoor dining with their meal. Allowing the sale of beer and wine for on-premises consumption would also allow the subject establishment to be economically viable and compete with full-service establishments that offer similar services to their patrons. Moreover, the subject site is not located within immediate proximity to parks, playgrounds, schools, or religious institutions. In addition, the building is located approximately 275 feet away from the nearest multi-family residences, across First Street, and approximately 1,750 feet from the nearest single-family residences located on the east side of the Costa Mesa (SR-55) Freeway, in Tustin. As a result, the granting of the CUP will not negatively impact any sensitive land uses that may be nearby. To date contains no active Code Enforcement cases and no reported incidences of violent crimes as indicated in the Police Department Analysis later in this report. Lastly, the operational

standards applicable to an ABC license will mitigate any potential impacts created by the use and will ensure that the use will not negatively affect the surrounding community.

The site is located approximately 1,900 linear feet to the east of the nearest establishment selling off-sale alcoholic beverages, approximately 900 linear feet to the north of a private middle school (Saint Jeanne De Lestonnac School) located in the City of Tustin, and approximately 3,350 lineal feet to the nearest school within the City of Santa Ana (Raymond A. Villa Fundamental Intermediate School), to the west of the site. The site is also located within a census-tract that is deemed over concentrated by the State of California Department of Alcohol Beverage Control. Although not subject to the same over-concentration requirements as for off-sale licenses, the number of existing ABC (onsite licenses) for the subject census tract (Census Tract No. 754.03) does exceed the maximum allowable. Specifically, in the subject census tract, ten (10) ABC (onsite licenses) are allowed and there are 11 existing, including five (5) Type 41 and two (2) Type 47 licenses.

Although overconcentration of on-premises licenses for the sale of alcoholic beverages is not a factor for analysis in the Santa Ana Municipal Code, as part of the analysis of the applicant's request staff carefully evaluated the East First Street corridor, which is experiencing heightened levels of loitering, transient, and illicit activities. During a site visit, staff noticed that these existing conditions have resulted in a less than favorable environment many commercial businesses along the corridor. As an example, loitering and prolonged stays of transients/individuals around the immediate area have created an unattractive environment visitors and/or customers at certain properties. During the project review and analysis, staff routinely communicated with the applicant and recommended that the operations be undertaken in a manner that will address the ongoing issues with loitering, public displays of intoxication, or similar nuisance activities. For these reasons, enhanced conditions of approval have been added to ensure that the East First Street corridor's ongoing issues are not exacerbated by the addition of this license to this restaurant.

Specifically, staff is recommending additional conditions of approval. Additional conditions of approval include: (1) limiting alcohol serving hours to 9:00 a.m. to 10:00 p.m., Monday through Sunday; and (2) any future modification of alcohol servicing hours shall take into consideration any Code Enforcement violations at the time of the request and require Police Department review of the site for service calls/reports. Modification of alcohol servicing hours until 12:00 a.m., shall be subject to administrative review of the Planning Manager and/or their designee. Staff notes that this does not apply towards the regular operation of food service.

Subject to California Businesses and Profession Code Section 23401.5, as amended from time to time, the applicant is permitted to sell alcoholic beverages for on-site consumption as well as for off-site consumption insofar as the items are picked up within



the restaurant with manufacturer-sealed containers. To ensure that there are no detrimental community impacts from the sale of alcoholic beverages, City staff is recommending several conditional of approval, including but not limited to the following: (1) Any form of transactions or servicing of alcoholic sales and/or beverages for off-site consumption through the drive-through shall not permitted; (2) alcoholic beverages shall be served in a separate containers provided by the business operator for indoor dining only; and (3) the applicant shall be conditioned to install signage on the drive-through menu board and pick-up window stating that alcohol may not be served or sold via the drive-through.

### *General Plan Consistency*

Approval of this application will be consistent with several goals and policies of the General Plan, specifically Goals 2, 3, 4. The project is located in the District Center Medium High (DC-3) General Plan land use designation, which allows for distinctly urban retail, residential mixed-use, and employment centers that are well connected to public transportation. This includes the city's primary activity centers and opportunities for new urban-scale development. Goal 2 of the Land Use Element (LU) encourages a balance of land uses that meet Santa Ana's diverse needs. Policy 2.2 of the LU encourages a range of commercial uses to capture a greater share of local spending and offer a range of employment opportunities. Policy 2.7 of the LU supports land use decisions that encourage the creation, development, and retention of business in Santa Ana. Goal 3 of the LU encourages the preservation and improvement of the character and integrity of the existing neighborhoods and districts. Policy 3.7 of the LU supports the promotion of a clean, safe, and creative environment for Santa Ana's residents, workers, and visitors. Goal 4 supports a sustainable Santa Ana through improvements to the built environment. Lastly, Policy 4.1 of the LU encourages the promotion of complete neighborhoods by encouraging a mix of complementary uses, community services, and people places within a walkable area. The granting of the CUP will provide an additional service to Santa Ana residents and visitors, thereby positively contributing to the economic viability of the area by promoting local spending, offering employment opportunities, and providing a safe workplace. In addition, the eating establishment is located within an existing commercial area and its operations will be compatible with the surrounding commercial businesses.

### **Police Department Analysis**

The Police Department has reviewed this request and has no concerns, as the operational standards applicable to on-premises ABC licenses will mitigate any potential impacts to the surrounding community. The Police Department reviews such applications for the sale and service of alcoholic beverages in order to ensure that the potential crime and nuisance behaviors associated with alcohol consumption are mitigated to the greatest extent possible. For on-sale licenses, the Police Department analyzes the crime rate in the area using the standards and definitions contained in the Business and

Professions Code Section 23948.4(c)(2), which are also utilized by ABC. This section defines “reported crimes” as criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations.

The Police Department then compares the number of such crimes in the reporting district as compared to the number of crimes in other reporting districts. In keeping with the standard used by ABC and Business and Professions Code, should the Police Department determine that the reporting district has a 20 percent greater number of reported crimes than the average number found in all reporting districts, the Police Department will consider this information in making its recommendation.

As part of the application process, the Police Department has reviewed the applicant’s request for sale of beer and wine for on-premises consumption and has no concerns, as the operational standards applicable to the ABC license and conditions of approval will mitigate any potential impacts to the surrounding community. The Police Department carefully evaluated a 500-foot radius for the site’s vicinity and determined that there has been approximately 653 service calls in the project site’s vicinity between the one-year period of March 19, 2023, and March 19, 2024. Of those 653 calls, ninety-nine (99) resulted in reports taken in. None of the service calls received were due to violent crimes. The reports were in result of pedestrian checks, narcotic activity, and search warrant activities. According to the Police Department, the number of calls for service is commensurate with the 500-foot radius. Based on its review, the Police Department has no issues of concern regarding this application.

**Table 3: Police Department Analysis and Criteria for Recommendation**

<b>Police Department Analysis and Criteria for Recommendation</b>	
Police Grid No. and Rank	Police Grid No. 245; ranked 18 out of 102 Police Reporting Grids (17th percentile).
Threshold for High Crime	This reporting district IS within the 20 percent threshold established by the State for high crime.
Police Department Recommendation	As part of the review approval process, this application was analyzed by the Santa Ana Police Department. The Police Department has no issues of concern regarding this application.  Although the property falls within the 20-percentile high crime threshold, the proposed operations do not contribute to the overall crime of the area. The Police Department is satisfied that the operational standards applicable to on premise type 41 ABC license and conclude that the conditions set forth will mitigate any potential negative impact to the surrounding community and therefore does not oppose the granting of a CUP.

### **Public Notification and Community Outreach**

Project notifications were posted, published, and mailed in accordance with City and State regulations. Copies of the public notice, including a 1,000-foot notification radius map, and the site posting are provided in Exhibit 5. The site is not located within the boundaries of a specific neighborhood association, but adjacent to the Lyon Street Neighborhood Association, located on the south side of First Street. To ensure thorough community outreach, notices were sent to the Lyon Street Neighborhood Association to identify any areas of concerns due to the proposed application request. At the time this report was printed, no issues of concern were raised regarding the proposed CUP.

### **ENVIRONMENTAL IMPACT**

In accordance with 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). Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The project proposes to allow the operation of an alcoholic beverage control license to sell alcoholic beverages at an existing bona-fide eating establishment, with negligible or no expansion of the existing use proposed. As such, a Notice of Exemption, Environmental Review No. 2024-13, will be filed for this project.

### **FISCAL IMPACT**

There is no fiscal impact associated with this action.

### **EXHIBIT(S)**

1. Resolution
2. Vicinity Zoning and Aerial View
3. Site Photo
4. Site and Floor Plan
5. Map of ABC Licenses in Project Vicinity
6. Copy of Public Notices

Prepared By:  
Cristian Santana, Assistant Planner I

Approved By:

CUP No. 2024-04 – Jr's Burgers ABC License (2029 E. First Street)  
May 13, 2024  
Page 8

Minh Thai, Executive Director of Planning and Building Agency

RESOLUTION NO. 2024-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2024-04 AS CONDITIONED TO ALLOW THE ON-PREMISE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES (TYPE 41 - BEER AND WINE) AT JR'S BURGERS LOCATED AT 2029 E. FIRST STREET

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA ANA AS FOLLOWS:

**Section 1.** The Planning Commission of the City of Santa Ana hereby finds, determines, and declares as follows:

- A. Alexis Acosta, representing Jr's Burgers (Applicant), is requesting approval of Conditional Use Permit (CUP) No. 2024-04 to allow the sale of alcoholic beverages for on-premises consumption (Type 41 - Beer and Wine) at an existing eating establishment located at 2029 E. First Street.
- B. Santa Ana Municipal Code (SAMC) Section 41-196 requires approval of a CUP for establishments wishing to sell alcoholic beverages for on-premise consumption.
- C. The eating establishment will meet all required standards specified by Section 41-196 of the SAMC and the State Department of Alcoholic Beverage Control (ABC) for the sale of alcoholic beverages for on-premises consumption by containing a full kitchen and a menu of hot and cold food items for purchase.
- D. On May 13, 2024, the Planning Commission held a duly-noticed public hearing on CUP No. 2024-04.
- E. The Planning Commission determines that the following findings, which must be established in order to grant a CUP pursuant to SAMC Section 41-638, have been established for CUP No. 2024-04 to allow the on-premise sale and consumption of alcoholic beverages at an existing eating establishment located at 2029 E. First Street.
  - 1. That the proposed use will provide a service or facility which will contribute to the general wellbeing of the neighborhood or community.

The proposed sale of alcoholic beverages for on-premise consumption at this location will provide an ancillary service to the eating establishment's customers by allowing them to purchase alcoholic beverages with their meal. This will thereby benefit the community by providing an eating establishment with an additional and complementary food related amenity. Operational

standards applicable to ABC license and conditions of approval will mitigate any potential impacts created by the use and will ensure that the use will not negatively affect the surrounding community.

2. That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The proposed sale of alcoholic beverages for on-premise consumption at this location will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity because the operational standards applicable to the alcoholic beverage control license and conditions of approval will address any potential negative or adverse impacts created by the use. The subject establishment is surrounded by professional office uses to the north, west, & south as well as a commercial motel to the east of the site. The proposed use will have a minimal impact on residents, as the site is located approximately 275 feet away from the nearest multi-family residences, across First Street, and approximately 1,750 feet from the nearest single-family residences located on the east side of the 55 freeway, within the City of Tustin. Jr's Burgers is an established bona-fide restaurant and the addition of alcohol will be ancillary to the main use. All of the operational standards identified in SAMC Section 41-196 will apply to this establishment. Additionally, several conditions of approval have been included to mitigate potential detrimental effects from the approval of a Type 41 license. These include: (1) limiting alcohol serving hours to 9:00 a.m. to 10:00 p.m., Monday through Sunday; and (2) any future modification of alcohol servicing hours shall take into consideration any Code Enforcement violations at the time of the request and require Police Department review of the site for service calls/reports. Modification of alcohol servicing hours until 12:00 a.m., shall be subject to administrative review of the Planning Manager and/or their designee. Additional conditions of approval relating to the drive-through and alcohol servicing are outlined in Finding No. 2. Therefore, the granting of the CUP will not negatively impact any sensitive land uses that may be nearby.

3. That the proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area.

The proposed use will not adversely affect the economic stability of the area, but will instead allow the eating establishment to compete with other nearby eating establishments that offer a full selection of alcoholic beverages for sale to their customers. The alcohol license for on-premise sale and consumption will benefit

the surrounding area, as the reinvestment on the commercial site will increase economic activity during additional business hours. Moreover, offering the sale and consumption of alcoholic beverages will allow the eating establishment to remain economically viable, thereby contributing to the overall success of the City.

4. That the proposed use will comply with the regulations and conditions specified in Chapter 41 for such use.

The proposed conditional use permit will be in compliance with all applicable regulations and operational standards imposed on an eating establishment selling alcoholic beverages for on-premise consumption pursuant to Chapter 41 of the SAMC. The facility will be maintained as a bona-fide eating establishment, having suitable kitchen facilities and supplying an assortment of foods. Additionally, the eating establishment will utilize less than five percent (5%) of the gross floor area for display and storage of alcoholic beverages, which is the maximum threshold established by the SAMC. The operational standards will ensure the project remains in compliance with all applicable codes and regulations related to alcohol sales to ensure that the use does not impact neighboring properties or create an attractive nuisance. Subject to California Businesses and Profession Code Section 23401.5, as amended from time to time, the Applicant is permitted to sell alcoholic beverages for on-site consumption as well as for off-site consumption so long as the items are picked up within the restaurant with manufacturer-sealed containers. Moreover, several conditions for approving the CUP request include: (1) Any form of transactions or servicing of alcoholic sales and/or beverages for off-site consumption through the drive-through shall not permitted; (2) alcoholic beverages shall be served in a separate containers provided by the business operator for indoor dining only; and (3) the Applicant shall install signage on the drive-through menu board and the pickup window that indicate alcohol may not be sold or served via the drive-through.

5. That the proposed use will not adversely affect the General Plan of the city or any specific plan applicable to the area of the proposed use.

The sale of alcoholic beverages for on-premises consumption at the subject site will not adversely affect the General Plan. The project is located in the District Center Medium High (DC-3) General Plan land use designation, which allows for distinctly urban retail, residential mixed-use, and employment centers that are well connected to public transportation. This includes the city's primary activity centers and opportunities for new urban-scale development. The granting of CUP No. 2024-04 supports

several goals and policies of the General Plan, specifically Goals 2, 3, 4. Goal 2 of the Land Use Element (LU) encourages a balance of land uses that meet Santa Ana's diverse needs. Policy 2.2 of the LU encourages a range of commercial uses to capture a greater share of local spending and offer a range of employment opportunities. Policy 2.7 of the LU supports land use decisions that encourage the creation, development, and retention of business in Santa Ana. Goal 3 of the LU encourages the preservation and improvement of the character and integrity of the existing neighborhoods and districts. Policy 3.7 of the LU supports the promotion of a clean, safe, and creative environment for Santa Ana's residents, workers, and visitors. Goal 4 supports a sustainable Santa Ana through improvements to the built environment. Lastly, Policy 4.1 of the LU encourages the promotion of complete neighborhoods by encouraging a mix of complementary uses, community services, and people places within a walkable area. The granting of the CUP will provide an additional service to Santa Ana residents and visitors, thereby positively contributing to the economic viability of the area by promoting local spending, offering employment opportunities, and providing a safe workplace. In addition, the eating establishment is located within an existing commercial area and its operations will be compatible with the surrounding commercial businesses.

**Section 2.** In accordance with 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). Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The project proposes to allow the operation of an alcoholic beverage control license to sell alcoholic beverages at an existing bona-fide eating establishment, with negligible or no expansion of the existing use proposed. As such, a Notice of Exemption, Environmental Review No. 2024-13, will be filed for this project.

**Section 3.** The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, referendum, and other proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively "Actions"), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any



decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve the legal counsel providing the City's defense, and that Applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any Action brought and City shall cooperate with Applicant in the defense of the Action.

**Section 4.** The Planning Commission of the City of Santa Ana, after conducting the public hearing, hereby approves Conditional Use Permit No. 2024-04, as conditioned in Exhibit A, and in Exhibit B, *Operational Standards for On-sale Establishments*, attached hereto and incorporated herein, for the project located at 2029 E. First Street. This decision is based upon the evidence submitted at the above-referenced hearing, including but not limited to: The Request for Planning Commission Action dated May 13, 2024, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 13th day of May 2024 by the following vote.

AYES: Commissioners:

NOES: Commissioners:

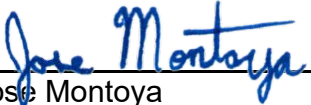
ABSENT: Commissioners:

ABSTENTIONS: Commissioners:

---

Bao Pham  
Chairperson

APPROVED AS TO FORM:  
Sonia R. Carvalho, City Attorney

By:  \_\_\_\_\_  
Jose Montoya  
Assistant City Attorney

**CERTIFICATE OF ATTESTATION AND ORIGINALITY**

I, Nuvia Ocampo, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2024-XX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on May 13, 2024.

Date: \_\_\_\_\_

\_\_\_\_\_  
Nuvia Ocampo  
Recording Secretary  
City of Santa Ana

## EXHIBIT A

### **Conditions of Approval for Conditional Use Permit No. 2024-04**

Conditional Use Permit No. 2024-04 allowing the on-premise consumption of alcoholic beverages is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Building Standards Code, and all other applicable regulations:

The Applicant/Licensee (hereinafter, "Applicant") shall comply with each and every condition listed below in order to exercise the rights conferred by this conditional use permit.

The Applicant shall remain in compliance with all conditions listed below throughout the life of the conditional use permit. Failure to comply with each and every condition may result in the revocation of the conditional use permit.

1. Any amendment to this conditional use permit must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the conditional use permit must be amended.
2. The sale, service, and consumption of alcoholic beverages shall be limited from 9:00 a.m. to 10:00 p.m. Monday through Sunday. Any modification of alcohol servicing hours shall take into consideration any Code Enforcement violations at the time of the request and require Police Department review of the site for service calls/reports. Modification of alcohol servicing hours until 12:00 a.m., shall be subject to administrative review of the Planning Manager and/or their designee. This does not apply towards the regular operation of food service.
3. Operating hours after 12:00 a.m. will require the approval of separate conditional use permit application for after-hours operations pursuant to SAMC Section 41-196(g)(3).
4. The business shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the California Department of Alcoholic Beverage Control, California Business and Profession Code Sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with the City's business license annual renewal.
5. The premises shall not be exclusively used for private parties, including promotional events, in which the public is excluded.
6. The Applicant shall not conduct transactions or service of alcoholic beverages through the drive-through in any form. All alcohol sales shall be served and consumed indoors within the eating establishment, and alcoholic beverages must be dispensed and consumed onsite in separate containers provided by the business operator.
7. The Applicant shall install signage on the drive-through menu board and the pickup window that indicate alcohol may not be sold or served via the drive-through. Alcoholic beverages may not appear on the menu on drive-through menu boards.

8. Prior to the approval of an alcohol license by the California Department of Alcoholic Beverage Control, the Applicant shall receive a building final for the issued sign permits. In addition, the Applicant shall remove any unpermitted signage and/or temporary banners/flags from the site.
9. The Applicant shall obtain permits for the following prior to the approval of alcohol license:
  - a) Repair and replace the two driveway approaches fronting First Street and Golden Circle Drive, to the satisfaction of the Planning Division.
  - b) Refurbish and replant landscaping surrounding the drive-through and site area, subject to Planning Division review and approval of a Landscape Application.
10. Repair and replace the damaged drive-through light fixture(s).
11. The Applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
12. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's contact information shall be posted in a conspicuous location at the restaurant's front entry. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control.
13. Kitchen food service shall be provided during all business-operating hours.
14. Violations of the Conditional Use Permit as contained in Section 41-647.5 of the Santa Ana Municipal Code will be grounds for permit suspension and/or revocation as described in Section 41-651 of the Santa Ana Municipal Code.
15. The Applicant shall maintain the site as necessary, including but not limited to: the repair and upkeep of the site; cleanup of trash and debris; repair and upkeep of any damaged and/or weathered components of the building; repair and upkeep of exterior paint; parking striping, lighting and irrigation fixtures; landscaping and related landscape, furnishing, and hardscape improvements.
16. Within 90 days of adoption of this resolution, a Property Maintenance Agreement shall be recorded against the property. The agreement will be subject to review and applicability by the Planning and Building Agency, the Community Development Agency, the Public Works Agency, and the City Attorney to ensure that the property and all improvements located thereupon are properly maintained. Applicant (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the Applicant) shall execute a maintenance agreement with the City of Santa Ana which shall be recorded against the property and which

shall be in a form reasonably satisfactory to the City Attorney. The maintenance agreement shall contain covenants, conditions and restrictions relating to the following:

- a) Compliance with operational conditions applicable during any period(s) of construction or major repair (e.g., proper screening and securing of the construction site; implementation of proper erosion control, dust control and noise mitigation measure; adherence to approved project phasing etc.);
- b) Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including but not limited to hours of operation, security requirements, the proper storage and disposal of trash and debris, enforcement of the parking management plan, and/or restrictions on certain uses);
- c) Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;
- d) Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris on or about the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);
- e) If Applicant and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the maintenance agreement and both shall be jointly and severally liable for compliance with its terms;
- f) The maintenance agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the maintenance agreement;
- g) The maintenance agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The maintenance agreement shall further provide that any unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become alien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City; and

- h) The execution and recordation of the maintenance agreement shall be a condition precedent to the issuance of the ABC license.

## EXHIBIT B

### **Operational Standards for Conditional Use Permit No. 2024-04**

Conditional Use Permit No. 2024-04 allowing the on-premise consumption of alcoholic beverages is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code ("SAMC"), the California Building Standards Code, and all other applicable regulations:

The Applicant/ Licensee (hereinafter, "Applicant") shall comply with each and every operational standard listed below, pursuant to SAMC Section 41-196(g), in order to exercise the rights conferred by this conditional use permit. Pursuant to SAMC Section 41-196(g), these SAMC operational standards are reprinted to establish compliance with SAMC requirements for the granting of a Conditional Use Permit for on-premises alcoholic beverage sales.

The Applicant must remain in compliance with all operational standards listed below throughout the life of the conditional use permit. Failure to comply with each and every operational standard may result in the revocation of the conditional use permit.

1. The premises shall at all times be maintained as a bona-fide eating establishment as defined in Section 23038 of the California Business and Professions Code and shall provide a menu containing an assortment of foods normally offered. The premises must have suitable kitchen facilities and supply an assortment of foods commonly ordered at various hours of the day. Full and complete meals must be served whenever the privileges of the on-sale license are being exercised.
2. There shall be no fixed bar or lounge area upon the premises maintained for the sole purpose of sales, service or consumption of alcoholic beverages directly to patrons. A fixed bar or lounge may be permitted if patrons may order food being offered to the general patrons of the eating establishment.
3. The sale, service, and consumption of alcoholic beverages shall be limited from 9:00 a.m. to 10:00 p.m. Monday through Sunday, Any modification of alcohol servicing hours shall take into consideration any Code Enforcement violations at the time of the request and require Police Department review of the site for service calls/reports. Modification of alcohol servicing hours until 12:00 a.m., shall be subject to administrative review of the Planning Manager and/or their designee. This does not apply towards the regular operation of food service.
4. Operating hours after 12:00 a.m. will require the approval of separate conditional use permit application for after-hours operations pursuant to SAMC Section 41-196(g)(3).
5. It shall be the Applicant's responsibility to ensure that no alcoholic beverages are consumed on any property adjacent to the licensed premises under the control of the Applicant, with the exception of any enclosed patio areas.
6. The Applicant or an employee of the Applicant/licensee must be present to monitor all areas of the establishment, including outdoor patios, during all times that alcoholic beverages are being served or consumed.

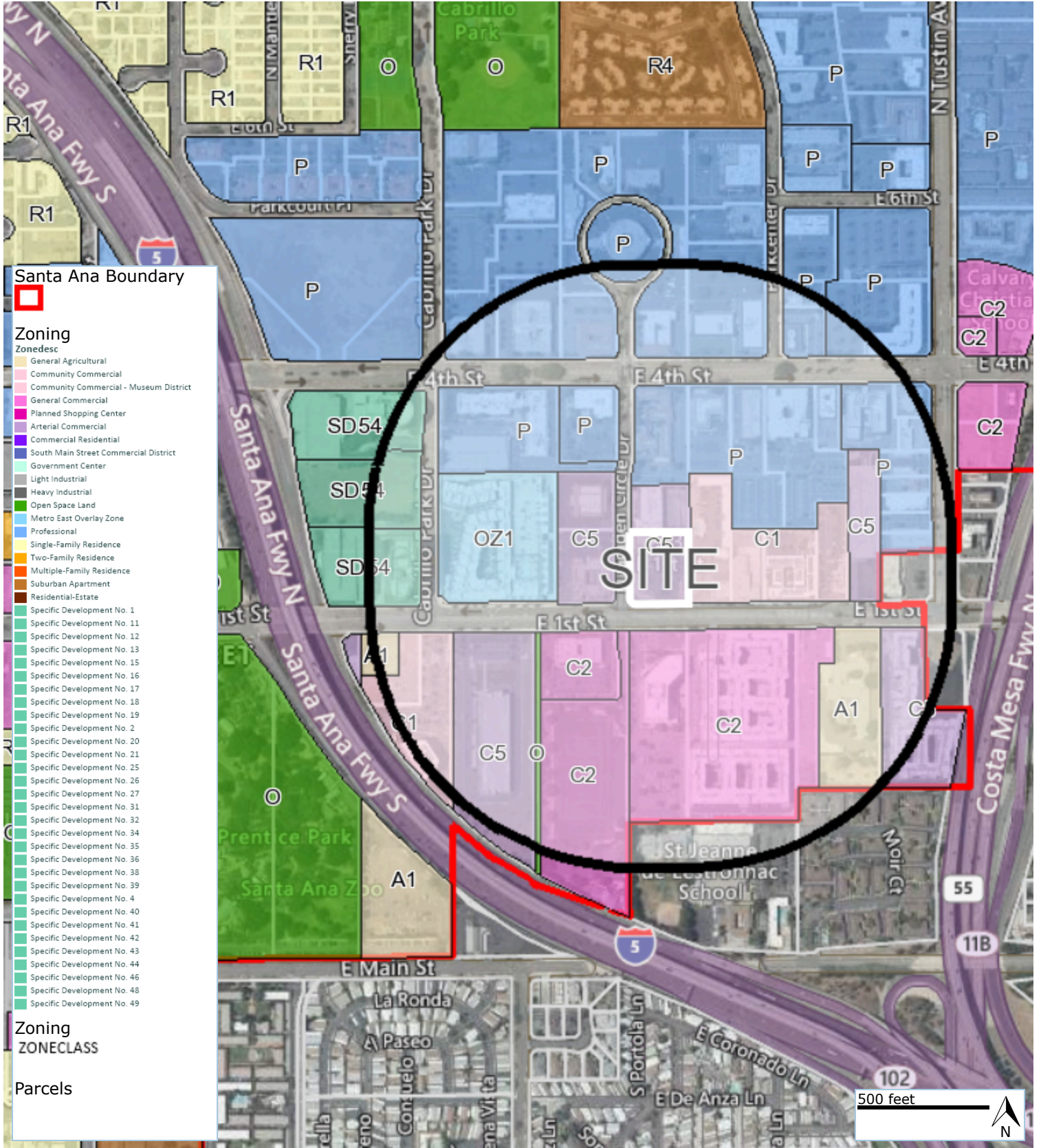
7. All employees serving alcoholic beverages must complete responsible beverage service training, or an equivalent approved by the State Department of Alcoholic Beverage Control, prior to being able to serve alcoholic beverages to patrons. Evidence of the completion of such training must be maintained on the premises and available for inspection upon request by the city.
8. During those times when patrons are restricted to twenty-one (21) years of age or older, the Applicant shall at all times utilize an age verification means or device for all purchases of alcoholic beverages. Such verification of age is not intended to discriminate against patrons based on race, ethnicity or legal status, but only to comply with state law restricting the sale of alcohol to those twenty-one (21) and older.
9. Queuing lines shall be managed in an orderly manner and all disruptive and/or intoxicated patrons shall be denied entry. The Applicant/licensee, or their designee, shall be responsible for monitoring the queuing lines at all times.
10. The outdoor queuing line shall not block public walkways or obstruct the entry or exit doors of adjacent businesses. Stanchions or barriers must be used to maintain order at all times the queue exceeds twenty-five (25) patrons. All stanchions or barriers located on public property must be approved by the public works agency.
11. Employees and contract security personnel shall not consume any alcoholic beverages during their work shift, except for product sampling for purposes of employee education about new products. Under no circumstances may contract security personnel consume alcoholic beverages during their work shift.
12. There shall be no exterior advertising of any kind or type, including window signs or other signs visible from outside, that promote or indicate the availability of alcoholic beverages on the premises. Interior displays of alcoholic beverages or signs, which are clearly visible to the exterior, shall constitute a violation of this condition. Permissible window displays must be kept to a minimum for maximum visibility and shall not exceed twenty-five (25) per cent of window coverage. Floor displays shall not exceed three (3) feet in height.
13. There shall be no promotions encouraging intoxication or drinking contests or advertisements indicating "buy one (1) drink, get one (1) free", "two (2) for the price of one (1)", or "all you can drink for..." or similar language.
14. Any pool tables, amusement machines or video games maintained on the premises at any time must be reviewed and approved in a security plan submitted to the chief of police.
15. Live entertainment, including, but not limited to, amplified music, karaoke, performers and dancing, shall be subject to the issuance of an entertainment permit pursuant to SAMC Chapter 11 — Entertainment, and shall comply with all of the standards contained therein. Notwithstanding this requirement, music/noise shall not be audible beyond twenty (20) feet from the exterior of the premises in any direction.
16. Neither the Applicant, nor any person or entity operating the premises with the permission of the Applicant, shall violate the City's adult entertainment ordinance contained in SAMC Section 12-1 and 12-2.



17. The premises shall not be operated as an adult entertainment business as such term is defined in SAMC Section 41-1701.6.
18. The Applicant(s) shall be responsible for maintaining free of litter the area adjacent to the premises under the control of the Applicant/licensee.
19. There shall be no public telephones located on the exterior of the premises. All interior pay phones must be designed to allow outgoing calls only.
20. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Applicant/licensee(s) shall be removed or painted within twenty-four (24) hours of being applied.
21. Existing bona fide eating establishment and required parking must conform to the provisions of Chapter 8, Article II, Division 3 of the Santa Ana Municipal Code (Building Security Ordinance). These code conditions will require that the existing project lighting, door/window locking devices and addressing be upgraded to current code standards. Lighting standards cannot be located in required landscape planters. Prior to issuance of letter of approval to the Alcohol Beverage Control Board, this condition must be complied with.
22. A timed-access cash controller or drop safe must be installed.
23. Install a silent armed robbery alarm.
24. The owner or manager of the premise shall maintain on the premises a written security policy and procedures manual, that has been approved by the police department, addressing at a minimum the following items:
  - a) Procedures for handling obviously intoxicated persons.
  - b) The method for establishing a reasonable ratio of employees to patrons, based upon activity level, in order to ensure adequate staffing levels to monitor beverage sales and patron behavior.
  - c) Procedures for handling patrons involved in fighting, arguing or loitering about the building, and/or in the immediate adjacent area that is owned, leased, rented or used under agreement by the Applicant/licensee(s).
  - d) Procedures for verifying the age of patrons for purposes of alcohol sales.
  - e) Procedures for ensuring that servers monitor patrons to ensure that their drinking limit/potential intoxication is not exceeded. This procedure should include a description of the procedure the server would use to warn, or refuse to serve, the patron.
  - f) Procedures for calling the police regarding observed or reported criminal activity.
  - g) Procedures for management of queuing lines.

- h) The location and description of any video games proposed to be on the premises.
- 25. The Applicant/licensee shall be responsible for submitting a detailed outdoor fencing and dining plan where outdoor dining is proposed as part of the business operation. If the proposed dining area or fencing is in the public right-of-way, the Applicant must obtain all required permits and approvals from the Public Works Agency.
- 26. Combined alcohol storage and display areas shall not exceed five (5) percent of the gross floor area of the licensed establishment.

# Conditional Use Permit No. 2024-04 - Jr's Burgers ABC License 2029 E. First Street



**Exhibit 2 - Vicinity Zoning and Aerial View**

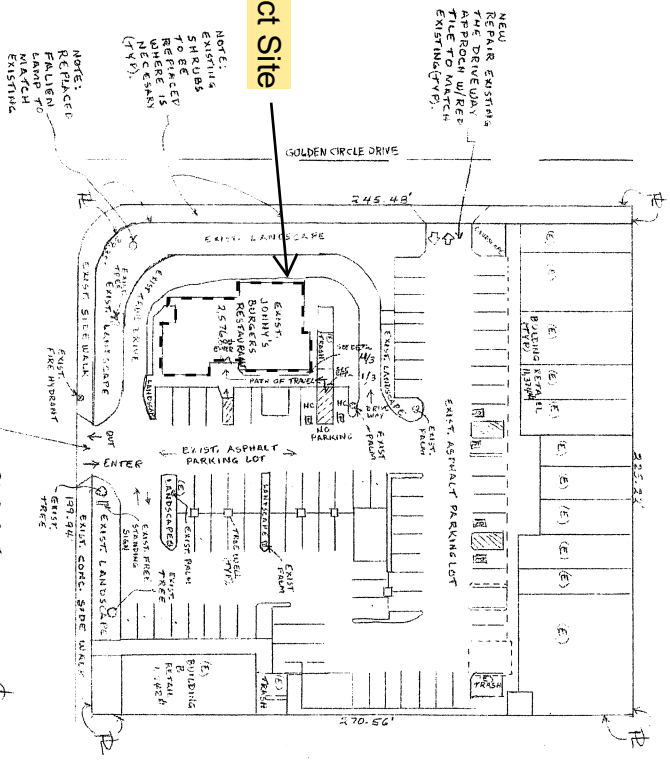


CUP No. 2024-04  
2029 E. First Street



Exhibit 3 – Site Photo

**Project Site**



**SITE PLAN**  
SCALE 1" = 10'-0"

**NOTE:**  
1. ALL CONSTRUCTION SHALL COMPLY WITH C.B.C. 2022 & 2022 CALIFORNIA PLUMBING CODE 2022. 2. 2022 ELECTRICAL CODE & CODE 70 2022. C. CALIFORNIA. 3. WORK CONSTRUCTION SHALL COMPLY WITH TABLE 2004.10.1 FASTENING SCHEDULE.

**NOTE:**  
1. NEW REPAIR EXISTING W/ REPAIR TO MATCH EXISTING (TYP).

**SCOPE OF WORK**

**NOTE:** EXISTING COOLER DOES NOT WORK WILL CONVERT TO ALCOHOL STORAGE AREA ± 55.2 FT

**ZONE**  
OCCUPANCY B  
TYPE OF CONSTRUCTION VB

**LEGEND**  
EXISTING WALL  
EXISTING COOLER WALL

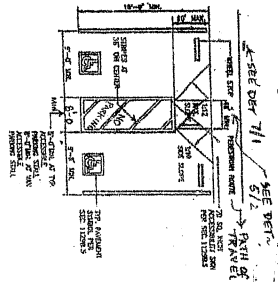
**EQUIPMENT SCHEDULE**

ITEM No.	DESCRIPTION
1	ASOPDA MACHINE & SERVICE BAR
2	STEEL PREPARE TABLE
3	REFRIGERATOR
4	FRYERS
5	REFRIGERATOR FOR FOOD STEMENT (ELECTRIC)
6	HOOD EXHAUST
7	GRILL
8	3 COMPARTMENT STEEL SINK
9	COOLER (WALKING COOLER)
10	SHELF 33-0 FT
11	ICE MACHINE
12	MAP JANITORIAL (CEMATIC)
13	STEEL SLASH
14	STEEL WASH HAND LABORATORY
15	CASHER BOX
16	FOOD REFRIGERATOR

**ROOFING TABLE**

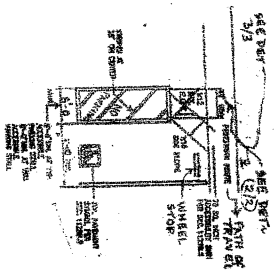
EXISTING	MATERIAL
ROOF	FLAT ASPHALT
ROOF	OF METAL





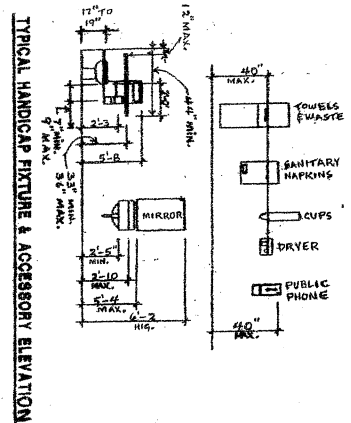
DOUBLE PARKING STALLS

DETAIL 1



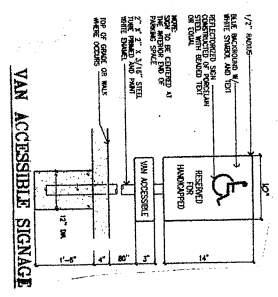
SINGLE OCCUPANCY TOILET

DETAIL 2



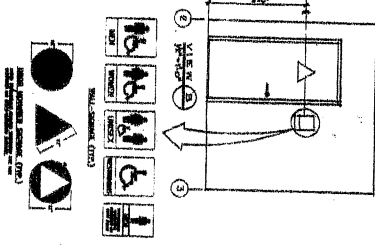
TYPICAL HANDICAP FIXTURE & ACCESSORY ELEVATION

DETAIL 3

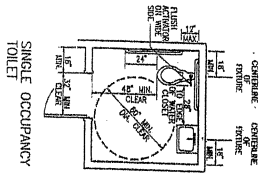


VAN ACCESSIBLE SIGNAGE

DETAIL 4



DETAIL 5



DETAIL 6

DATE	3
NO.	3
BY	
CHECKED	
DATE	08-19-93
BY	AK
DATE	
BY	
DATE	
BY	

JR'S BURGER RESTAURANT  
 OWNER: OSIEL ACOSTA  
 2029 E FIRST ST  
 SANTA ANA CA  
 TEL. 714-949-4156-714-866-7893

PENA DRAFTING  
 JOSE DE JESUS PENA  
 383 S OLIVE ST  
 ORANGE CA  
 TEL. 714-835-9114

NO.	
DATE	
BY	
DATE	
BY	
DATE	
BY	

# Exhibit 5

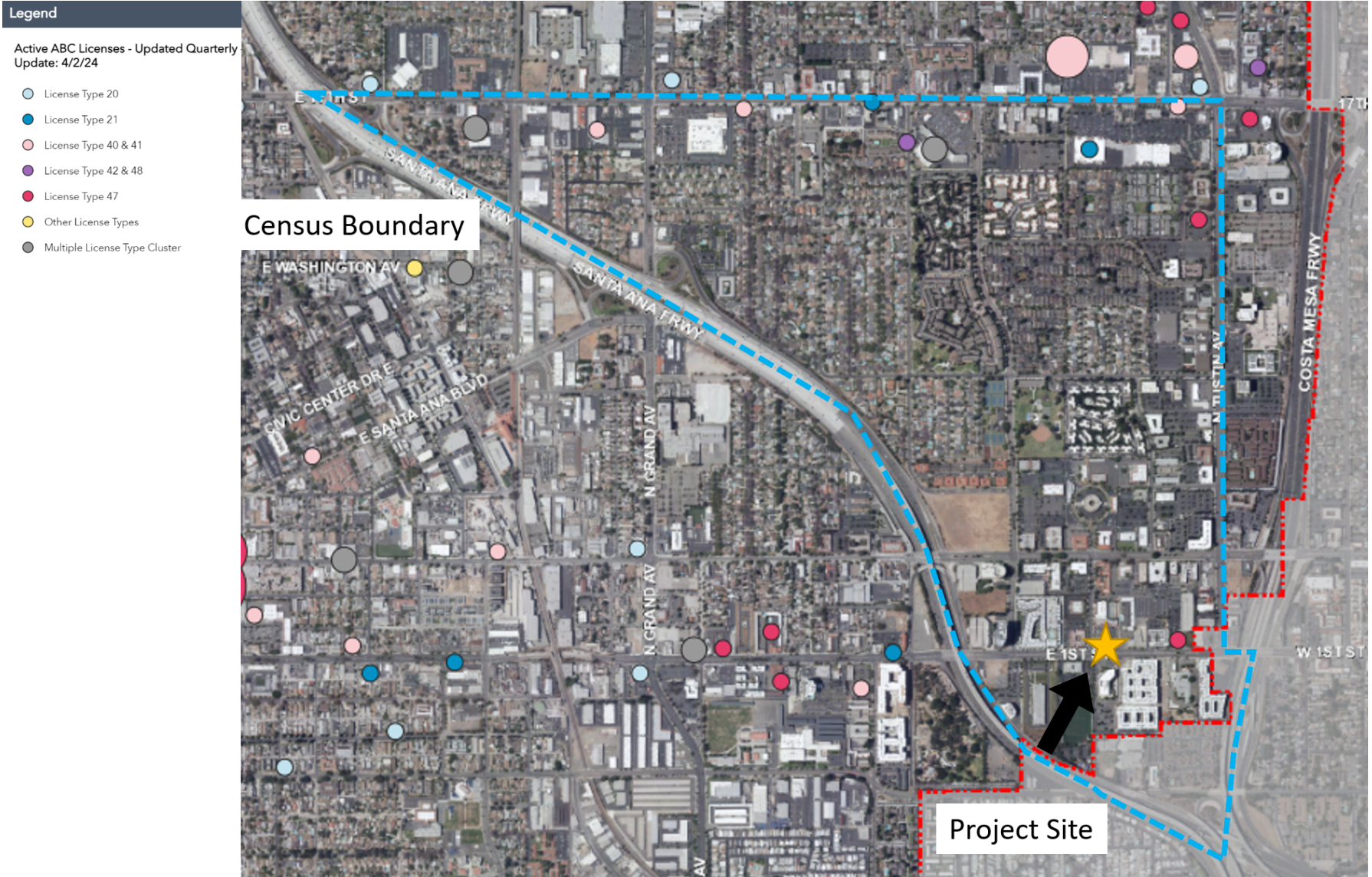


Figure 1: Location of both onsite(red)/offsite(blue) alcohol licenses



# ORANGE COUNTY REPORTER

~SINCE 1921~

Mailing Address : 600 W SANTA ANA BLVD STE 812, SANTA ANA, CA 92701  
Telephone (714) 543-2027 / Fax (714) 542-6841  
Visit us @ www.LegalAdstore.com

NUVIA OCAMPO  
CITY OF SANTA ANA/PLANNING & BUILDING AGENCY  
20 CIVIC CENTER PLAZA 2ND FLR  
SANTA ANA, CA 92702

OR# 3807919

### NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. We encourage you to contact us prior to the Public Hearing if you have any questions.

Si tiene preguntas en español, favor de llamar a Nuvia Ocampo (714) 667-2732. Nếu u c ả n liên l ậ c b ả ã ng ti ệ ng Vi ệ t, xin đ i ệ n tho ả i cho Tony Lai s ố (714) 565-2627.

5/3/24

OR-3807919#

## COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE

Ad Description  
2029 E 1st

To the right is a copy of the notice you sent to us for publication in the ORANGE COUNTY REPORTER. Thank you for using our newspaper. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

05/03/2024

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

Publication	\$120.45
Total	\$120.45

### Daily Journal Corporation

Serving your legal advertising needs throughout California.

ORANGE COUNTY REPORTER, SANTA ANA	(714) 543-2027
BUSINESS JOURNAL, RIVERSIDE	(951) 784-0111
DAILY COMMERCE, LOS ANGELES	(213) 229-5300
LOS ANGELES DAILY JOURNAL, LOS ANGELES	(213) 229-5300
SAN FRANCISCO DAILY JOURNAL, SAN FRANCISCO	(800) 640-4829
SAN JOSE POST-RECORD, SAN JOSE	(408) 287-4866
THE DAILY RECORDER, SACRAMENTO	(916) 444-2355
THE DAILY TRANSCRIPT, SAN DIEGO	(619) 232-3486
THE INTER-CITY EXPRESS, OAKLAND	(510) 272-4747

#### Planning Commission Action:

The Planning Commission will hold a Public Hearing to receive public testimony, and will take action on the item described below. Decision on this matter will be final unless appealed pursuant to Article V of Chapter 41 of the Santa Ana Municipal Code within 10 calendar days of the decision by any interested party or group.

**Project Location:** 2029 East First Street located within the Arterial Commercial (C-5) zoning district, with a Metro East Mixed-Use (MEMU) Overlay zone.

**Project Applicant:** Alexis Acosta (Applicant) representing Jr's Burgers and Kyung Soon Lee (Property Owner)

**Proposed Project:** Applicant is requesting approval of Conditional Use Permit No. 2024-04 to allow the sale of alcoholic beverages for on-premises consumption (Type 41 - Beer and Wine only) at an existing 2,576-square-foot stand-alone eating establishment.

**Environmental Impact:** Pursuant to the California Environmental Quality Act (CEQA), the project is exempt from further review pursuant to Section 15301 of the CEQA Guidelines (Class - Existing Facilities) Environmental Review No. 2024-13, will be filed for this project.

**Meeting Details:** This matter will be heard on **Monday, May 13, 2024, at 5:30 p.m.** in the City Council Chambers, 22 Civic Center Plaza, Santa Ana, CA 92701. **Members of the public may attend this meeting in person or join via Zoom.** For the most up-to-date information on how to participate virtually in this meeting, please visit <https://www.santa-ana.org/planning-and-building-meeting-participation/>.

**Written Comments:** If you are unable to participate in the meeting, you may send written comments by e-mail to [PBACComments@santa-ana.org](mailto:PBACComments@santa-ana.org) (reference the Agenda Item # in the subject line) or by 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 **4:30 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.

**Where To Get More Information:** Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at <https://santa-ana.primegov.com/public/portal>.

**Who To Contact For Questions:** Should you have any project questions, please contact case planner Cristian Santana with the Planning Division by phone at (714) 667-2728 or by email at [CSantana@santa-ana.org](mailto:CSantana@santa-ana.org).

**Note:** If you challenge the decision on the above matter, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council of the City of Santa Ana at, or prior to, the public hearing.



\* A 0 0 0 0 0 6 7 4 8 3 3 2 \*



## CITY OF SANTA ANA Planning and Building Agency

20 Civic Center Plaza • P.O. Box 1988  
Santa Ana, California 92702  
[www.santa-ana.org/pba](http://www.santa-ana.org/pba)

### NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. This notice is being sent to those who live or own property within 1000 feet of the project site or who have expressed an interest in the proposed action. We encourage you to contact us prior to the Public Hearing if you have any questions.

**Planning Commission Action:** The Planning Commission will hold a Public Hearing to receive public testimony, and will take action on the item described below. Decision on this matter will be final unless appealed pursuant to Article V of Chapter 41 of the Santa Ana Municipal Code within 10 calendar days of the decision by any interested party or group.

**Project Location:** 2029 East First Street located within the Arterial Commercial (C-5) zoning district, with a Metro East Mixed-Use (MEMU) Overlay zone.

**Project Applicant:** Alexis Acosta (Applicant) representing Jr's Burgers and Kyung Soon Lee (Property Owner)

**Proposed Project:** Applicant is requesting approval of Conditional Use Permit No. 2024-04 to allow the sale of alcoholic beverages for on-premises consumption (Type 41 – Beer and Wine only) at an existing 2,576-square-foot stand-alone eating establishment.

**Environmental Impact:** Pursuant to the California Environmental Quality Act (CEQA), the project is exempt from further review pursuant to Section 15301 of the CEQA Guidelines (Class 1 – Existing Facilities) Environmental Review No. 2024-13, will be filed for this project.

**Meeting Details:** This matter will be heard on **Monday, May 13, 2024, at 5:30 p.m.** in the City Council Chambers, 22 Civic Center Plaza, Santa Ana, CA 92701. **Members of the public may attend this meeting in person or join via Zoom.** For the most up-to-date information on how to participate virtually in this meeting, please visit <https://www.santa-ana.org/planning-and-building-meeting-participation/>.

**Written Comments:** If you are unable to participate in the meeting, you may send written comments by e-mail to [PBAComments@santa-ana.org](mailto:PBAComments@santa-ana.org) (reference the Agenda Item # in the subject line) or by 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 **4:30 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.

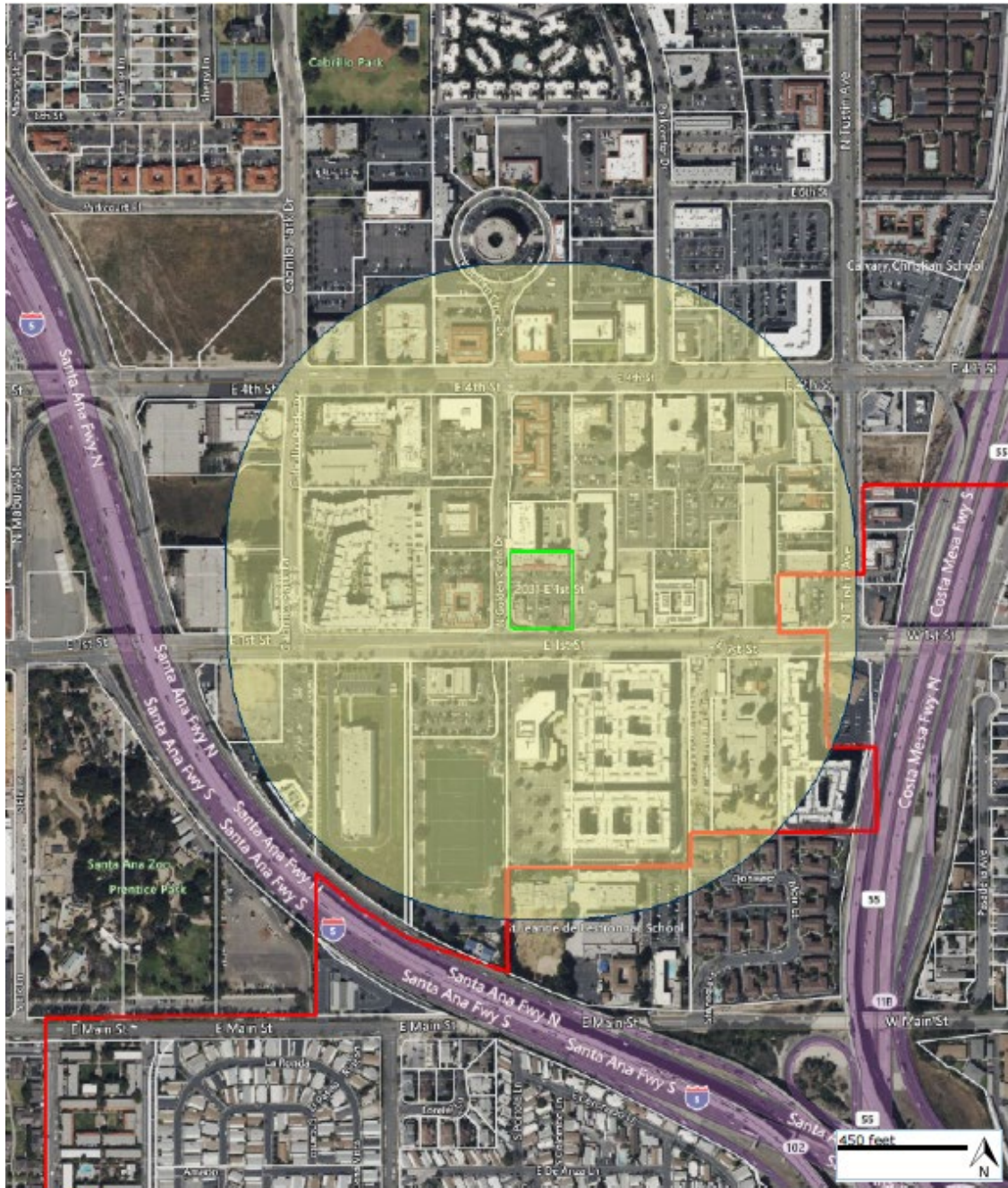
**Where To Get More Information:** Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at <https://santa-ana.primegov.com/public/portal>.

**Who To Contact For Questions:** Should you have any project questions, please contact case planner Cristian Santana with the Planning Division by phone at (714) 667-2728 or by email at [CSantana@santa-ana.org](mailto:CSantana@santa-ana.org).

**Note:** If you challenge the decision on the above matter, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council of the City of Santa Ana at, or prior to, the public hearing.

**Si tiene preguntas en español, favor de llamar a Nuvia Ocampo (714) 667-2732.  
Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.**

**1000' RADIUS NOTIFICATION MAP**



2029 E. First Street  
1,000 Foot Buffer Map

## NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. This notice is being sent to those who live or own property within 1000 feet of the project site or who have expressed an interest in the proposed action. We encourage you to contact us prior to the Public Hearing if you have any questions.

**Planning Commission Action:** The Planning Commission will hold a Public Hearing to receive public testimony, and will take action on the item described below. Decision on this matter will be final unless appealed pursuant to Article V of Chapter 41 of the Santa Ana Municipal Code within 10 calendar days of the decision by any interested party or group.

**Project Location:** 2029 East First Street located within the Arterial Commercial (C-5) zoning district, with a Metro East Mixed-Use (MEMU) Overlay zone.

**Project Applicant:** Alexis Acosta (Applicant) representing Jr's Burgers and Kyung Soon Lee (Property Owner)

**Proposed Project:** Applicant is requesting approval of Conditional Use Permit No. 2024-04 to allow the sale of alcoholic beverages for on-premises consumption (Type 41 – Beer and Wine only) at an existing 2,576-square-foot stand-alone eating establishment.

**Environmental Impact:** Pursuant to the California Environmental Quality Act (CEQA), the project is exempt from further review pursuant to Section 15301 of the CEQA Guidelines (Class 1 – Existing Facilities) Environmental Review No. 2024-13, will be filed for this project.

**Meeting Details:** This matter will be heard on **Monday, May 13, 2024, at 5:30 p.m.** in the City Council Chambers, 22 Civic Center Plaza, Santa Ana, CA 92701. **Members of the public may attend this meeting in person or join via Zoom.** For the most up-to-date information on how to participate virtually in this meeting, please visit <https://www.santa-ana.org/planning-and-building-meeting-participation/>.

**Written Comments:** If you are unable to participate in the meeting, you may send written comments by e-mail to [PBACComments@santa-ana.org](mailto:PBACComments@santa-ana.org) (reference the Agenda Item # in the subject line) or by 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 **4:30 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.

**Where To Get More Information:** Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at <https://santa-ana.primegov.com/public/portal>.

**Who To Contact For Questions:** Should you have any project questions, please contact case planner Cristian Santana with the Planning Division by phone at (714) 667-2728 or by email at [CSantana@santa-ana.org](mailto:CSantana@santa-ana.org).

**Note:** If you challenge the decision on the above matter, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council of the City of Santa Ana at, or prior to, the public hearing.

Si tiene preguntas en español, favor de llamar a Nuvia Ocampo (714) 667-2732.

Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.





Drive-Thru  
OPEN



OPEN

OPEN

PRIVATE PROPERTY  
SOLICITING  
LOITERING  
TRESPASSING

Uber Eats