

RESOLUTION NO. 2025-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2025-02 AS CONDITIONED AND MAKING A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY TO ALLOW THE SALE OF BEER, WINE, AND DISTILLED SPIRITS, FOR OFF-PREMISES CONSUMPTION FOR OLE CITY MARKET LOCATED AT 1623 W. SEVENTEENTH STREET (APN: 399-121-03)

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. David Oh with Top Food Makers, Inc. ("Applicant"), on behalf of Bolsa-Bushard, LLC ("Property Owner"), is requesting approval of Conditional Use Permit ("CUP") No. 2025-02 and a determination of Public Convenience or Necessity ("PCN") to allow the sale of beer, wine and distilled spirits, for off-premises consumption through the operation of a Type-21 Alcoholic Beverage Control (ABC) license at a new grocery store ("Ole City Market") proposed to be located at 1623 W. Seventeenth Street ("Project").
- B. Santa Ana Municipal Code ("SAMC") Section 41-196 requires approval of a CUP for establishments wishing to sell alcoholic beverages for off-premises consumption.
- C. On July 25, 1994, the City of Santa Ana Planning Commission approved CUP No. 1994-08 allowing the sale of beer and wine for off-premises consumption for a grocery store (Northgate Gonzales Market) at 1623 W. Seventeenth Street.
- D. On March 9, 2015, the Planning Commission approved CUP 2015-04 allowing an existing grocery store (Northgate Gonzales Market) to upgrade from a Type 20 ABC license to a Type 21 ABC license in order to sell beer, wine, and distilled spirits for off-premise consumption at 1623 W. Seventeenth Street.
- E. A CUP is a land use approval which runs with the land and may be continued perpetually, provided that the property is not vacated for a period of more than 12-months. The Northgate Gonzales Market business located at 1623 W. Seventeenth Street, which was in receipt of CUP No. 2015-04, vacated the subject property and the property remained vacant for more than 12 consecutive months. Therefore, CUP No. 2015-04 is considered expired and null and void.
- F. SAMC Section 41-645.5 and California Business and Professions Code

Section 23958.4, requires a determination of PCN when a request for the sale of alcoholic beverages for off-premises consumption is located within an area deemed to have an undue concentration of off-premises alcohol licenses as determined by the Department of Alcoholic Beverage Control (“ABC”).

- G. On March 10, 2025, the Planning Commission held a duly noticed public hearing for CUP No. 2025-02. The Planning Commission voted unanimously to continue the public hearing to a date uncertain.
- H. On April 2, 2025, the Applicant held a voluntary community meeting at Newsong Church at 1010 W. Seventeenth Street. Notification for this meeting included flyers mailed out to property owners within 2,000 feet of the proposed project area and direct notification to representatives of the Riverview Neighborhood Association and Artesia-Pillar Neighborhood Association of the community meeting.
- I. On April 14, 2025, the Planning Commission held a duly noticed continued public hearing for CUP No. 2025-02.
- J. The Planning Commission of the City of Santa Ana 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. 2025-02 to allow the sale of beer, wine, and distilled spirits, for off-premises consumption at a new grocery store (Ole City Market) located at 1623 W. Seventeenth 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 sale of beer, wine, and distilled spirits for off-premises consumption at the subject location will contribute to the general wellbeing of the existing neighborhood. It will provide an ancillary service to Ole City Market customers by allowing them the ability to purchase a wider variety of alcoholic beverages in conjunction with groceries. This would allow the market to remain economically viable and compete with nearby stores offering the same type of services, and would allow the market to better serve the community by providing an added convenience and a “one-stop” shopping experience. Operational standards applicable to the ABC license, pursuant to SAMC Section 41-196(f), 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 sale of beer, wine, and distilled spirits for off-premises

consumption at the subject site will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity. The subject site is located in a commercial zone, which abuts a larger commercial shopping center to the east containing three businesses that also offer sale of alcoholic beverages for off-premises consumption. Moreover, the market is not in close proximity to any parks, playgrounds, religious institutions, or schools primarily attended by minors. The establishment will comply with the operational standards set forth in Section 41-196(f) of the SAMC, thereby mitigating impacts to public health, safety, and welfare. Furthermore, the City has not received any complaints or issued any notice of violations to the property owner or previous tenants, including when previous grocery stores occupied the site and sold alcoholic beverages for off-premises consumption.

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

The sale of beer, wine, and distilled spirits for off-premises consumption at the subject site will not adversely affect the economic stability of the area, but will instead allow Ole City Market to compete with other nearby stores that offer a full selection of alcoholic beverages for sale to their customers. The offering of alcoholic beverages for off-premises consumption will allow Ole City Market to remain economically viable and will contribute to the overall success of the City. Moreover, the proposed improvements would help generate additional economic growth and stability in the City by further activating an underutilized site and helping generate sales tax revenue. Lastly, the proposed Project would help create a job-producing establishment thereby providing employment opportunities to Santa Ana residents.

4. That the proposed use will comply with the regulations and conditions specified in Chapter 41 (Zoning) of the SAMC for such use.

The sale of beer, wine, and distilled spirits for off-premises consumption will be in compliance with all applicable regulations and operational standards imposed on an establishment selling alcoholic beverages for off-premises consumption pursuant to Chapter 41 of the SAMC. The establishment will be maintained as a commercial building with primary retail, having suitable storage facilities and supplying an assortment of essential goods. Moreover, operational standards, pursuant to Section 41-196(f) of the SAMC, and conditions of approval, will ensure the establishment 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.

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 approval of the proposed Project will be consistent with the General Plan land use designation of General Commercial (GC), which allows for the development of highly visible and accessible shopping opportunities along arterial corridors. The proposed use would provide an added amenity and would promote a land use that enhances the City's economic fiscal viability and mitigates any potential impacts to the surrounding community. Furthermore, approval of this application would be consistent with several goals and policies of the General Plan, specifically Goals 1, 2 and 3 of the Land Use ("LU") Element and Goals 1 and 3 of the Economic Prosperity ("EP") Element as discussed below.

Goal LU-1 encourages land use plans that improve the quality of life and respects our existing community. Moreover, Policy 1.1 of the LU encourages compatibility between land uses to enhance livability and promote healthy lifestyles. As a full-service grocery store with ancillary alcohol sales, Ole City Market would provide a much-needed service to Santa Ana residents and visitors, thereby improving the quality of life. Specifically, Ole City Market is dedicated to providing competitively priced, high-quality goods in a convenient and welcoming shopping environment. Their product offerings include fresh produce, meats, seafood, deli items, frozen foods, groceries, beverages, and a selection of beer and liquor. As such, the market will be compatible with the surrounding businesses as it supports the residential environment by providing additional food options and ancillary alcohol selection.

Goal LU-2 encourages a balance of land uses that meet Santa Ana's diverse needs and Policy 2.7 supports land use decisions that encourage the creation, development, and retention of businesses in Santa Ana. The proposed use is consistent with Goal LU-2 and Policy 2.7 as it actively contributes to fostering land use decisions that promote the establishment, growth, and sustainability of business in Santa Ana. The establishment of a new grocery store along a major corridor will continue to encourage a wide range of commercial uses that benefit the existing neighborhood and the surrounding community. Moreover, the location of the proposed market will provide for an enhancement to the immediate surrounding area, as the tenant

space is currently vacant and the commercial site underutilized.

Goal LU-3 supports preservation and improvement of the character and integrity of existing neighborhoods and districts. Moreover, Policy 3.1 supports new development, which provides a net community benefit and contributes to neighborhood character and identity. The proposed Project is consistent with Goal 3 and Policy 3.1 as it is designed to revitalize the currently underutilized site, presenting a tangible improvement that will greatly benefit the neighboring community. Moreover, the proposed interior and exterior improvements to the building, as well as the future site improvements, will assist the integrated commercial site by bringing in new customers. Additionally, the introduction of the new grocery market will also strengthen the commercial viability and enduring success of the establishment.

Goal EP-1 promotes a dynamic local economy that provides and creates employment opportunities for all residents in the City. Policy 1.2 encourages new job-producing businesses and retention of existing job-producing businesses that provide living-wage employment opportunities. The Project is consistent with Goal EP-1 and Policy 1.2, as the proposed use and proposed improvements would help generate additional economic growth and stability in the City by further activating an underutilized site and helping generate sales tax revenue. Furthermore, the proposed Project would help create a job-producing establishment thereby providing employment opportunities to Santa Ana residents.

Goal EP-3 promotes a business friendly environment where businesses thrive and build on Santa Ana's strengths and opportunities. Policy 3.7 promotes a solution-based customer focus in order to facilitate additional development and investment in the community. Moreover, Policy 3.8 encourages a balance of fiscal and qualitative community benefits when making land use decisions. The project would be consistent with Goal EP-3 and Policies 3.7 and 3.8, as it provides for a new grocery store tenant at an existing underutilized commercial center and promotes a use that would provide services to the community and visitors. Moreover, proposed use is anticipated to improve economic growth by generating additional sales tax revenue. This additional revenue would improve the financial health of the business itself and contribute to the broader economic sustainability of the City. Lastly, the sale of alcohol beverages for off-premises consumption at this site will provide an additional location in Santa Ana where residents can purchase alcohol, which will ensure local spending.

K. The Planning Commission of the City of Santa Ana determines that the following findings, which must be established in order to determine a PCN pursuant to SAMC Section 41-645.5, have been established for CUP No. 2025-02 to allow the sale of beer, wine, and distilled spirits, for off-premises consumption at grocery store (Ole City Market) proposed to be located at 1623 W. Seventeenth Street:

1. The proposed use will not be detrimental to the character of development in the immediate neighborhood and will be in harmony with the overall objectives of the General Plan.

The sale of beer, wine, and distilled spirits, for off-premises consumption will not be detrimental to the character of development in the immediate neighborhood. Ole City Market is a full-scale grocery store proposed to be located in an integrated shopping center that is designed to minimize intrusion into surrounding neighborhoods. The market is not in close proximity to any parks, playgrounds, religious institutions, or schools primarily attended by minors. Moreover, the primary entrance to the store is proposed to be located on the south side of the building and faces away from the nearest single-family residential development to the east. Operational standards applicable to the 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 any immediate residential neighborhood. The granting of CUP No. 2025-02 will be in harmony with the overall objective of the General Plan as stated in Section 1.H.5. above.

2. The economic benefit outweighs the negative impacts to the community as whole.

The economic benefit associated with the sale of beer, wine, and distilled spirits for off-premises consumption at the subject site will outweigh any potential negative impacts to the community as a whole. The proposed use and proposed improvements would help generate additional economic growth and stability in the City by further activating an underutilized site and helping generate sales tax revenue. This additional revenue would improve the financial health of the business itself and contribute to the broader economic sustainability of the City. Furthermore, the proposed project would help create a job-producing establishment thereby providing employment opportunities to Santa Ana residents.

3. The issuance of the license will provide a needed service not currently being met in the community.

The sale of beer, wine, and distilled spirits for off-premises consumption at the subject site will provide a needed service not currently being met

at the subject site, as it would be ancillary to the primary grocery store and retail sales. The subject site was previously improved with grocery market (Northgate Gonzales Market), which vacated in late 2022. Ole City Market is proposing to establish in the City and fill that immediate needed service of providing a neighborhood grocery store option. Ole City Market is dedicated to providing competitively priced, high-quality goods in a convenient and welcoming shopping environment. Their product offerings include fresh produce, meats, seafood, deli items, frozen foods, groceries, beverages, and a selection of beer and liquor. They emphasize courtesy and care in every aspect of the customer experience, striving to be a market that customers can rely on for both value and service.

4. There exist special and unusual circumstances present here to justify a new retail alcohol outlet when there are already similar alcohol uses existing nearby.

Ole City Market will provide its shoppers with a broad selection of goods and merchandise in a “one-stop” store service. The sale of beer, wine, and distilled spirits for off-premises consumption at the subject location will add an additional convenience to the broad selection of goods and merchandise available in the general area, which includes retailers that provide a mix of grocery items, apparel and accessories, health and beauty products, among other items. Moreover, Ole City Market will assist in creating an inclusive and economically diverse neighborhood and another shopping option.

5. The business cannot operate profitably without a liquor license.

The proposed sale of alcoholic beverages for off-premises consumption will provide an ancillary service to Ole City Market customers by allowing them the ability to purchase a wider variety of alcoholic beverages in conjunction with groceries. This would allow the market to remain economically viable and compete with nearby stores offering the same type of services, and would allow the market to better serve the community by providing an added convenience and a “one-stop” shopping experience.

6. The applicant has demonstrated reasonable efforts to seek community input.

As part of the application process, residents, business owners, and property owners within 1,000 feet of the Ole City Market were sent letters notifying them of the market’s application request for the sale of beer, wine, and distilled spirits. Moreover, the project site is located within the Riverview Neighborhood Association and adjacent to the

Artesia-Pillar Neighborhood Association. The applicant has contacted the presidents of the neighborhood associations to identify any areas of concerns due to the proposed application request.

In addition, the applicant organized and held a community meeting on Wednesday April 2, 2025, at 5:30 p.m. at the Newsong Church at 1010 W. Seventeenth Street. Notification for this meeting included flyers mailed out to property owners within 2,000 feet of the proposed project area (1623 W. Seventeenth Street). Representatives of the Riverview Neighborhood Association and Artesia-Pillar Neighborhood Association were notified directly. Lastly, Newsong Church advertised the meeting through their social media accounts.

**Section 2.** In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review pursuant to Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines. 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 as determined by the lead agency. The project proposes to allow the sale of beer, wine, and distilled spirits, at an existing commercial tenant space located at 1623 W. Seventeenth Street. Moreover, the commercial tenant space was previously occupied with a different grocery store, which also sold beer, wine, and distilled spirits, for off-premises consumption. As such, a Notice of Exemption, Environmental Review No. 2025-03, will be filed for this project.

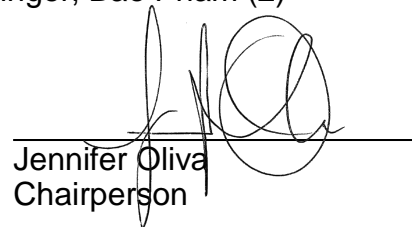
**Section 3.** The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, referendum, and 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. 2025-02, as conditioned in Exhibit A, and in Exhibit B, Operational Standards for Off-Sale Establishments, attached hereto and incorporated herein, and grants the request for determination of Public Convenience or Necessity to allow the sale of beer, wine, and distilled spirits for off-premises consumption at an grocery store (Ole City Market) proposed to be located at 1623 W. Seventeenth 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 April 14, 2025, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 14th day of April 2025 by the following vote.

AYES: Commissioners: Manuel J. Escamilla, Chris Leo, Jennifer Oliva,  
Isuri Ramos, Alan Woo (5)  
NOES: Commissioners:  
ABSENT: Commissioners: Carl Benninger, Bao Pham (2)  
ABSTENTIONS: Commissioners:

  
Jennifer Oliva  
Chairperson

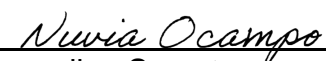
APPROVED AS TO FORM:  
Sonia R. Carvalho, City Attorney

By:   
Melissa M. Crosthwaite  
Senior Assistant City Attorney

#### CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, NUVIA OCAMPO, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2025-06 to be the original resolution adopted by the Planning Commission of the City of Santa Ana on April 14, 2025.

Date: 4/14/2025

  
Recording Secretary  
City of Santa Ana

## EXHIBIT A

### **Conditions of Approval for Conditional Use Permit No. 2025-02**

Conditional Use Permit No. 2025-02 to allow the sale of beer, wine, and distilled spirits for off-premises consumption 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 Administrative 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 proposed 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 of alcoholic beverages for off-premises consumption shall be permitted in accordance with the operational standards for off-premises establishments pursuant to Section 41-196(f) of the Santa Ana Municipal Code ("SAMC"), attached hereto as Exhibit B for reference, in accordance with the provisions of an off-premises alcohol license by the California Department of Alcoholic Beverage Control ("ABC"), and in accordance with the site and floor plans attached to the staff report documenting the approved scope of the project.
3. The sale of alcoholic beverages for off-premises consumption shall occur from 7:00 a.m. to 12:00 a.m. (midnight) seven days per week, unless modified through a subsequent and separate conditional use permit application for after-hours operations pursuant to SAMC Section 41-196(f)(14).
4. The Planning Division shall review Conditional Use Permit No. 2025-02 no later than twelve (12) months after full execution of this conditional use permit. Should any issues arise during such review, the Conditional Use Permit shall be scheduled for public hearing at the applicant's full expense for condition modification(s).
5. Violations of the Conditional Use Permit, as contained in Section 41-647.5 of the SAMC, will be grounds for permit revocation and/or suspension as described in Section 41-651 of the SAMC.
6. Pursuant to Section 41-880 of the SAMC, the Property Owner shall submit a Sign Program application with the Planning Division for the existing multi-tenant

development, to include sign criteria for freestanding, wall, and directional signage, as applicable. The Sign Program application shall be reviewed and adopted, prior to any permit issued for any individual signs in the multi-tenant commercial development, including the proposed Ole City Market.

7. Within 90 days of the adoption of this resolution, the applicant shall conduct the following site improvements:
  - a. Provide a new trash enclosure, pursuant to Section 16-34 of the SAMC and pursuant to all requirements per the City's Public Works Agency (PWA). Moreover, the trash enclosure shall be fully roofed to prevent discharge of spilled contaminants into the storm drain system.
  - b. All missing or dead landscape located around the subject building and throughout the entire site shall be rehabilitated, including, but not limited to, rehabilitation along the southern property line, Seventeenth Street. Applicant shall rehabilitate landscape and contact the Case Planner for a final walk-through inspection of the site.
  - c. To the extent feasible, the applicant shall improve the site with new landscaping and landscaping planters, to further comply with the City's Commercial Landscape Standards. Pursuant to Section 41-127 and 41-681.2 (Nonconforming Properties) of the SAMC, all on-site landscaping will be required be improved to bring the site closer into compliance with the landscaping requirements of SAMC. Requirement of a landscape application shall be as determined in the City's Water Efficient Landscape Ordinance (WELO), Section 1.2 (Applicability).
  - d. The existing parking lot shall be required to be repaired and/or resurfaced with a new layer of asphalt. All existing and/or proposed parking will be required to be striped with double-striping and shall be required to be designed to meet the City's parking lot landscape planter detail designs.
  - e. The property shall be improved with a loading space pursuant to Section 41-1305 (Loading space requirements) of the SAMC.
  - f. The applicant shall replace or modify the existing light standards throughout site. All existing and proposed light poles shall be required to be uniform and consistent in design. In addition, light fixtures and structural supports shall be required to be architecturally compatible with the theme of the proposed improvements. Lastly, all lighting shall be consistent with Chapter 9 of the City of Santa Ana Design Guidelines.
  - g. Remove and replace the existing monument signage located adjacent to the southern driveway, along Seventeenth Street. Alternatively, the existing

monument sign can be modified as feasible, pursuant to any required Sign Program adopted by the Planning Division. The new/modified monument sign shall be required to be compatible in design and consistent with the overall exterior improvements proposed for the existing commercial buildings.

8. The business owner shall maintain and adhere to a “Good Neighbor Policy,” implementing measures to ensure patrons comply with applicable noise, parking, and outdoor smoking regulations, and removing litter and preventing loitering in the areas in the immediate vicinity of the business.
9. The contact information for onsite management shall be posted in a prominent location at the primary entrance to the business to allow prompt reporting of any site issues.
10. Within 90 days of the adoption of this resolution, a Property Maintenance Agreement shall be executed and 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 the 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; and
- 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 a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City.

## EXHIBIT B

### **Conditions of Approval for Conditional Use Permit No. 2025-02**

Conditional Use Permit No. 2025-02 to allow the sale of beer, wine, and distilled spirits for off- premises consumption 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(f), in order to exercise the rights conferred by this conditional use permit. Pursuant to SAMC Section 41-196(f), 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 this conditional use permit. Failure to comply with each and every operational standard may result in the revocation of the conditional use permit.

1. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
2. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which he or she has control.
3. There shall be no exterior advertising of any kind or type, including window signs or other signs visible from outside, promoting or indicating the availability of alcoholic beverages on the premises.
4. There shall be no coin-operated games maintained on the premises at any time.
5. All public telephones shall be located on the interior of the premises.
6. Any graffiti painted or marked upon the premises or on any adjacent area under

the control of the applicant shall be removed or painted over within twenty-four (24) hours of being applied.

7. The applicant shall post a placard prohibiting loitering, pursuant to California Penal Code ("CPC") Section 602, on the exterior of the premises.
8. It shall be the Applicant's responsibility to ensure that CPC Section 602 is complied with at all times that the premises are in operation.
9. The applicant shall at all times utilize an age verification device for all purchases of alcoholic beverages.
10. The owner of the property or manager of the licensed premises 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; handling obviously intoxicated persons; establishing a reasonable ratio of employees to patrons, based upon activity level, in order to monitor beverage sales and patron behavior; handling patrons involved in fighting, arguing or loitering about the building and in the immediate adjacent area that is owned, leased, rented or used under agreement by the licensee(s); verifying age/checking identification of patrons; calling the police regarding observed or reported criminal activity.
11. If there is a marked or noticeable increase in the number of police-related incidents on or near the premises, as such increase may be determined by the chief of police, the Applicant may be required to provide state-licensed, uniformed security guards at a number determined by the chief of police.
12. All managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. The California Department of Alcoholic Beverage Control must approve said training program. Records of each employee's successful completion of the certified training program required by this section shall be maintained on the premises of the alcoholic beverage outlet and shall be presented upon request by a representative of the City of Santa Ana.
13. Alcoholic beverages in containers of less than sixteen (16) ounces cannot be sold by single containers, but must be sold in pre-packaged multi-unit quantities.
14. The sales of alcoholic beverages shall be permitted only between the hours of 7:00 a.m. and 12:00/midnight each day of the week unless otherwise modified by the granting of an after-hours conditional use permit.
15. Existing building 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.

16. Cash register must be visible from the street at all times and shall not be obstructed at any time by temporary or permanent signage.
17. Window displays must be kept to a minimum for maximum visibility and shall not exceed twenty-five (25) per cent of window coverage.
18. Window displays and racks must be kept to a maximum height of three (3) feet including merchandise.
19. A timed-access cash controller or drop safe must be installed.
20. A silent armed robbery alarm must be installed and operable at all times.
21. Clearly distinguishable height markers shall be installed on the inside door jamb of all doors used by the public to access the store. Horizontal marks, one (1) inch wide by three (3) inch long, in different colors, and in a contrasting color to the background, shall be placed every six (6) inches beginning at five (5) feet and ending at six (6) feet six (6) inches.
22. No person under the age of twenty-one (21) shall sell or deliver alcoholic beverages.
23. A closed-circuit television system shall be provided and approved by the police department and shall be capable of viewing and recording events inside and outside the premises including the parking areas with a resolution which will clearly identify individuals for later identification as follows:
  - a) A minimum of one (1) color camera at each cash register that views the front of a customer, from the waist to the top of the head.
  - b) A minimum of one (1) color camera that views the full length side of a customer at the cash register area.
  - c) A color camera recorder capable of recording events on all cameras simultaneously.
  - d) A tape or disc storage library of recorded cameras kept for a minimum of sixty (60) days.
  - e) If video tape is used, tapes cannot be taped over more than six (6) times.



- f) An audio recording component that will record sounds occurring at the customer counter.
  - g) An internet protocol (IP)-based system is required.
- 24. It shall be the operator's responsibility to submit a shopping cart containment plan pursuant to SAMC Section 33.210.
- 25. The operator shall be responsible for obtaining all necessary permits for building tenant and freestanding signs. This shall include any window signs and temporary banners.