

RESOLUTION NO. 2025-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2025-06 AS CONDITIONED TO ALLOW AFTER-HOURS OPERATIONS UNTIL 2:00 A.M. FOR LITTLE PAN EATING ESTABLISHMENT LOCATED AT 2 E. HUTTON CENTER DRIVE, UNIT 202 (APN: 411-093-03)

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. Jiayi Liu with Food Trace Management, LLC dba Little Pan (Applicant), and on behalf of KRB Investments Management, LLC (Property Owner), is requesting approval of Conditional Use Permit (CUP) Nos. 2025-05 and 2025-06 to allow the sale of beer and wine for on-premises consumption, through a Type-41 license from the Department of Alcoholic Beverage Control (ABC) and to allow after-hours operation at an existing eating establishment located at 2 E. Hutton Center Drive, Unit 202 (Project).
- A. Santa Ana Municipal Code (SAMC) Section 41-593 and Section 5 of Specific Development No. 76 (SD-76) requires approval of a CUP for establishments wishing to operate between the hours of 12:00 a.m. (midnight) and 5:00 a.m. The Applicant is proposing to operate the business on Monday through Sunday from 9:00 a.m. to 2:00 a.m. and sell alcohol during these hours, two hours later than the SAMC prescribed limits.
- B. On April 14, 2025, the Planning Commission held a duly noticed public hearing for CUP No. 2025-06.
- C. 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. 2025-06 to allow after-hours operations at an existing eating establishment (Little Pan) located at 2 E. Hutton Center Drive, Unit 202:
 - 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 after-hours operations will provide a convenient eating option to patrons who work late night shifts, or who are looking for additional late night dining options. In addition, the after-hours promotes a balance of land uses that assist in enhancing the City's economic and fiscal viability. The enhanced commercial offerings will allow Little Pan to compete in the local

marketplace. Furthermore, the continued investment in the site will help activate and enhance the area and will generate property and sales tax revenue for the City.

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 after-hours operations at the subject location will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The existing site design and conditions are such that the after-hours operations would not result in negative impacts to the surrounding areas during extended hours. Specifically, the proposed hours of operation are not anticipated to create any nuisances related to noise and/or lighting due to the site's physical distance away from sensitive land uses. The subject site is adjacent to commercial office uses to the north and south, across MacArthur Boulevard and Hutton Centre Drive. In addition, the site is adjacent to a Courtyard by Marriott, located to the west of the site across MacArthur Place. The nearest multi-family residences are located approximately 200 feet south of the site (Essex Skyline at MacArthur Place Apartments). Moreover, the nearest single-family residences are located 0.20 miles to the west. The proximity to the multi-family residences is consistent with the overall goals and objectives of the Hutton Center Mixed Use Specific Development, which encourages a mixture of land uses, including office, residential, retail and restaurants. In addition, the residential uses are not located on the ground floor of the high-rise structure, but rather above a ground floor parking structure. Therefore, the proposed after-hours operations would have minimal to no impacts to the residential units on the upper floors. To further minimize any potential nuisance impacts to the surrounding uses, staff is recommending conditions of approval that include recordation of a Property Maintenance Agreement, which will help improve the safety and quality of the overall site. In addition, the Police Department does not object to granting the conditional use permit.

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

The Project site is situated along a commercial corridor that it is appropriate for the proposed commercial use and after-hours operations. The establishment will promote a balance of land uses that enhance the City's economic and fiscal viability.

Providing a variety of land uses in the area strengthens the economic base of the City and improves the economic stability of the area in a positive manner. Lastly, the continued investment in the site will help activate and enhance the area and will generate property and sales tax revenue for the City.

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

The proposed Project is in compliance with all applicable regulations and conditions imposed on a retail establishment operating after-hours pursuant to Chapter 41 of the Santa Ana Municipal Code.

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 requested CUPs is consistent with the General Plan land use designation of District Center – Low (DC-1), as commercial uses are a supported land use. This general plan designation provides for distinctly urban retail, residential, mixed-use, and employment centers that are well connected to public transportation. Additionally, the proposed Project would also be consistent with several goals and policies of the General Plan. Specifically, the Project aligns with Land Use Element (LU) Goal LU-2 and Policies LU-2.2 and LU-2.6, which aim to provide a balance mix of land uses that meet the City's diverse needs, capture local spending, offer a range of employment opportunities, and promote rehabilitation. The proposed Project would provide for a continued dining opportunity in the local area that would include an additional service to Santa Ana residents and visitors, which would promote local spending and offer employment opportunities. The extended hours of operation would also assist with capturing local spending. Furthermore, the Applicant's investment to continue operating with additional services would further encourage business patronizing in the surrounding area, providing further economic benefits not just to the Applicant.

The Project would also be consistent with the Economic Prosperity Element (EP) Goal EP-1 and Policy EP-1.2, which seek to foster a dynamic local economy that provides and creates employment opportunities and expand the City's efforts in achieving its full employment potential. The proposed request would allow the Applicant to continue operating the existing eating establishment and expand on the offerings, resulting in fostering a dynamic local economy with the

potential for new employment opportunities. This would in turn promote the fiscal stability and growth of the sales tax of the City as a whole. This would also be consistent with Policy EP-1.8, which promotes fiscal stability and growth of sales tax. Lastly, the granting of the CUPs 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 mixed-use area and its operations will be compatible with the surrounding uses.

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) 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. The Project proposes to allow the sale of beer and wine for on-premises consumption and after-hours operations at an existing eating establishment. As such, a Notice of Exemption, Environmental Review No. 2025-18, 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. 2025-06, as conditioned, for the after-hours operation of an existing eating establishment (Little Pan) located at 2 E. Hutton Center Drive, Unit 202, as conditioned in Exhibit A, attached hereto and incorporated herein. 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:
NOES: Commissioners:
ABSENT: Commissioners:
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-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on April 14, 2025.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2025-06

Conditional Use Permit No. 2025-06 to allow the after-hours operation 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 after-hours operation for Little Plan shall occur from 12:00 a.m. (midnight) to 2:00 a.m. Monday through Sunday, unless modified through a subsequent and separate conditional use permit application for after-hours operations.
3. The Planning Division shall review Conditional Use Permit No. 2025-06 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).
4. 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.
5. The Applicant, Property owner and/or operator 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.
6. 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.
7. Site illumination levels in the area immediately adjacent to the establishment must remain in compliance with Section 8-211 (Special Commercial Building Provisions) of the Santa Ana Municipal Code at all times.

8. 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 Property Maintenance Agreement with the City of Santa Ana. The agreement shall be recorded against the property by the City and shall be in a form reasonably satisfactory to the City Attorney. The executed agreement must be submitted to the Planning Division by the Applicant within 90 days of the approval of this Resolution. The 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 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 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 and obligations and responsibilities set forth under the agreement.
- g. The 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 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.