

REQUEST FOR Planning Commission Action



PLANNING COMMISSION MEETING DATE:

JANUARY 27, 2020

TITLE:

**PUBLIC HEARING – ENVIRONMENTAL REVIEW
NO. 2018-28, AMENDMENT APPLICATION
NO. 2019-03, AND CONDITIONAL USE PERMIT
NO. 2019-21 FOR A PROPOSED 7-ELEVEN
CONVENIENCE STORE AND SERVICE STATION
LOCATED AT 813 NORTH EUCLID
STREET {STRATEGIC PLAN NO. 3, 2}**

PLANNING COMMISSION SECRETARY

APPROVED

- ☐ As Recommended
- ☐ As Amended
- ☐ Set Public Hearing For _____

DENIED

- ☐ Applicant's Request
- ☐ Staff Recommendation

CONTINUED TO _____

Prepared by Ivan Orozco

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Executive Director

A black ink signature of the Planning Manager, written over a horizontal line.

Planning Manager

RECOMMENDED ACTION

Recommend that the City Council:

1. Adopt a resolution approving Mitigated Negative Declaration and Mitigation Monitoring Reporting Program, Environmental Review No. 2018-28.
2. Adopt an ordinance approving Amendment Application No. 2019-03 to change the zoning designation from Two-Family Residence (R-2) to Community Commercial (C-1).
3. Recommend that the Planning Commission adopt a resolution approving Conditional Use Permit No. 2019-21 as conditioned.

Executive Summary

Adan Madrid with ASI Development, representing 7-Eleven, Inc., is requesting approval of an Amendment Application (AA) to change the zoning of the property from Two-Family Residential (R-2) to Community Commercial (C-1) to facilitate the construction of a new 3,045-square-foot convenience store (7-Eleven) and service station at 813 North Euclid Street. Additionally, the request includes approval of a conditional use permit (CUP) to allow the convenience store to operate 24-hours per day, seven days per week. In accordance with the California Environmental Quality Act, an initial study and mitigated negative declaration (IS/MND) was prepared for this project. Approval and adoption of the MND and Mitigation Monitoring and Reporting Program (MMRP) is required by the City Council.

Table 1: Project and Location Information

Item	Information	
Project Address	813 North Euclid Street	
Nearest Intersection	Euclid Street and Hazard Avenue	
General Plan Designation	General Commercial	
Existing Zoning Designation	Two-Family Residence (R-2)	
Proposed Zoning Designation	Community Commercial (C-1)	
Surrounding Land Uses	North	Multi-Family Residential
	East	Religious Institution
	South	Two-Family/Multi-Family Residential
	West	Two-Family/Multi-Family Residential
Property Size	28,091 square feet (0.65 acres)	
Existing Site Development	The site is currently vacant	
Use Permissions/Proposed Development	A 3,045-square-foot convenience store subject to approval of a zone change from R-2 to C-1	
	After Hours operation subject to approval of a CUP	
Zoning Code Sections Affected	Uses	SAMC Sections 41-365(a), 41-365(q) and 41-365.5(h)
	Development & Operational Standards	SAMC Sections 41-367 to 41-374
Entitlements	SAMC Chapter 41, Article V, Division I and Division II	

Project Description

The applicant is proposing to construct a new 3,045-square-foot 7-Eleven convenience store and service station with four fueling stations that will accommodate eight vehicles. The project also includes construction of an 1,800-square foot canopy and surface parking lot with 16 parking spaces and approximately 5,937 square feet of landscaping. Site access will be provided via two driveways, one located along Euclid Street and the other located along Hazard Avenue. The 7-Eleven convenience store is proposing to operate 24-hours per day, seven days per week.

The architecture of the convenience store follows a modern contemporary style found at other 7-Eleven locations and features stone and stucco finishes, steel canopies, and trellises. The gas station canopy also features the same finishes and style. Tables 2A and 2B provide a detailed comparison of the project's compliance with the applicable land use and development standards.

Table 2A: Land Use Standards

Community Commercial (C1) (SAMC Sec. 41-365 and 41-365.5)	
Proposed Land Use	Permit Requirements
Convenience Store and Service Station	Subject to approval of the Amendment Application
Retail markets having less than twenty thousand (20,000) square feet of floor area which are open at any time between the hours of 12:00 midnight and 5:00 a.m.	Subject to approval of a Conditional Use Permit

Table 2B: Development Standards

Standard	Allowed per SAMC	Proposed
Front yard and Side yard (street)	15 feet minimum	Complies; 15 feet
Side yard (interior)	None	Complies; 6 feet, 9 inches
Rear yard	None	Complies; 0 feet
Lot Size & Frontage	15,000 sq. ft. and 120 feet of street frontage	Complies; 28,091 square feet and 324 feet of frontage
Building height	35 feet maximum	Convenience Store: Complies; 24 feet, 4 inches Gas Station Canopy: Complies; 22 feet, 5 inches
Off-street Parking	15 parking spaces	Complies; 16 spaces
Floor Area Ratio (FAR)	0.50 FAR maximum	Complies; 0.17 FAR
Driveway Width (service station)	35 feet maximum	Complies; 25 feet
Monument Sign	1 monument sign maximum	Complies; 1 monument sign

Project Background and Chronology

The existing lot has been vacant since 1987, when the previous service station ceased and all structures and facilities were removed. Prior to the proposed development, the property was considered for a medical office building in 2015. In March 2018, the Planning Division received the current development application and has been working with the applicant to refine the site plan and building design.

In accordance with the Sunshine Ordinance, the applicant held a community meeting on May 12, 2018 to review the proposed development and receive feedback from the community and adjacent property owners and residents. One member of the public attended. There were no concerns expressed regarding the operation of the service station besides the sale of alcoholic beverages. It was noted that the sale of alcoholic beverages at this location is not allowed per the City's alcoholic beverage ordinance.

Project Analysis

Amendment Application (Zone Change)

The applicant is requesting approval of an AA to change the zoning of the subject property from R-2 to C-1. The zone change will allow for a convenience store (retail) and a service station and will be consistent with the City's General Plan land use designation of General Commercial (GC). The existing R-2 zoning limits the use of the subject site to primarily residential uses, while the C-1 zoning will allow the retail and service station by right.

The 1998 General Plan land use map designates the subject properties as GC, with the C-1 designation being a compatible zoning district of the General Plan. The GC designation applies to commercial corridors in Santa Ana, including those located along Euclid Street. The GC districts are key components in the economic development of the City and provide visible and accessible commercial developments along the City's transportation corridors. In addition, the GC land use designation is intended to provide important neighborhood facilities and services, including shopping, recreation, cultural and entertainment activities, employment and educational uses. It is also intended to provide support facilities and services for residential areas such as office and retail, restaurants and various other services, including the proposed service station and convenience store.

Conditional Use Permit for Afterhours

The applicant is requesting approval of a CUP to allow the proposed convenience store to operate on a 24-hour per day, seven days per week basis, which is typical for a 7-Eleven store. Pursuant to SAMC Section 41-365.5(h), retail markets having less than twenty thousand (20,000) square feet of floor area which are open at any time between the hours of 12:00 midnight and 5:00 a.m. require approval of a CUP. Should the AA be approved, a CUP for after-hours operation will be required.

The purpose of regulating after-hours operations is to preserve the surrounding community characteristics and minimize any negative secondary impacts. The project site is bounded by multi-family residential to the north, a Buddhist temple and residential uses to the east, single-family and multi-family residential to the west, and a two-family residence to the south. To minimize nuisance impacts to the surrounding uses, staff is recommending that the air/water machine be shut-off between the hours of 10:00 p.m. and 7:00 a.m., which is also added as a condition of approval for the after-hours CUP.

The proposed hours of operation are consistent with other convenience stores and service stations along Euclid Street. The proposed after-hours operations will provide an ancillary service to the community and individuals seeking to have a morning coffee and/or snack, especially for those residents and commuters who wake up early for work. In addition, this promotes a balance of land uses that assist in enhancing the City's economic and fiscal viability. As conditioned, the proposed after-hours operations will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity. Furthermore, the new convenience store and service station will help activate and enhance the area and will generate property and sales tax revenue for the City.

Table 4: CEQA, Strategic Plan Alignment, and Public Notification & Community Outreach

CEQA, Strategic Plan Alignment, and Public Notification & Community Outreach		
CEQA		
CEQA Type	A Mitigated Negative Declaration (MND), Environmental Review No. 2018-28, with technical studies was prepared for the project. No areas of unavoidable impacts were determined from the construction or operation of the proposed project (Exhibit 12). The project requires adoption and approval of a Mitigation Monitoring and Reporting Program (MMRP), which contains mitigation measures to address cultural and tribal cultural resources, geology and soils, hazards and hazardous materials, noise, and transportation/traffic. The Planning Commission will consider this MND in their review of the project.	
Public Circulation	On January 6, 2020, the draft MND was circulated to interested parties for 20 days and the notice of intent (NOI) was published in the Orange County Register and posted with the County of Orange Clerk. The draft MND is available for public review at the Santa Ana City Hall, City of Santa Ana Main Library, and on the project's webpage on the City's website.	
Strategic Plan Alignment		
Goal(s), Policy or Policies	Approval of this item supports Goal No. 3 (Economic Development) Objective No. 2 (Create new opportunities for business/job growth and encourage private development through new General Plan and Zoning Ordinance policies) of the City's Strategic Plan.	
Public Notification & Community Outreach		
Required Measures	Site posting	A public notice was posted on the project site on January 17, 2020.
	Notification by mail	Notification by mail was sent to all property owners and occupants within 500 feet of the project site on January 17, 2020.
	Newspaper posting	Newspaper posting was published in the Orange County Register on January 17, 2020.
Sunshine Meeting	A Sunshine Ordinance Community Meeting was held on Saturday May 12, 2018 from 10:00 a.m. to 11:00 a.m. at the Salgado Center (706 N. Newhope Street) in accordance with the provisions of the City's Sunshine Ordinance. One member of the public attended. The applicant provided all the required information to the City after the meeting (Exhibit 11).	
Additional Measures	The Riverview West Neighborhood Association was contacted to identify any areas of concern due to the proposed project. At the time this report was printed, no issues of concern were raised regarding the proposed project.	

As part of the City's permitting process, the proposed project is required to undergo an environmental review in accordance with the California Environmental Quality Act (CEQA). In accordance with CEQA, the recommended actions have been reviewed through an Initial Study/Mitigated Negative Declaration (ER No. 2018-28). Sections 15070 through 15075 of the State CEQA Guidelines (Article 6) guide the process for the preparation of a negative declaration (ND) or mitigated negative declaration (MND).

The MND prepared for the project, as required by CEQA, contains a project description, project location map and findings that the project with mitigation will not have a significant effect on the environment. A copy of the initial study and mitigation measures to avoid potentially significant effects has been prepared (Exhibit 12). The scope of the MND evaluates the proposed project's effects on

the following resource topics: aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems.

The City hired a consultant to prepare a draft MND and circulated it to all interested or required parties listed on the City's distribution list on January 6, 2020. A notice of intent to adopt was also published in the Orange County Reporter on January 6, 2020. The City circulated the draft MND for a 20-day public review between January 6, 2020 and January 26, 2020. The draft MND was available for public review at the Santa Ana City Hall, the City of Santa Ana Main Library, and on the City's webpage created for the project.

This MND is intended to provide a means to receive and respond to comments pertaining to the analysis contained in the draft MND and to provide an opportunity for clarification, corrections, or minor revisions to the environmental document as needed. Since the 20-day review period for the draft MND is scheduled concurrently to the staff report being completed, any comments received during the review period will be considered during the report for request for council action report.

As a result of the environmental analysis, no areas of significant impacts were found from the construction of the proposed project. Mitigation measures have been provided to address potential environmental impacts, with a list of these mitigation measures found within the attached Mitigation Monitoring and Reporting Program. Mitigation measures have been outlined to address potential impacts on cultural and tribal cultural resources, geology and soils, hazards and hazardous materials, noise, and transportation/traffic.

Economic Development

The project will generate a combination of property tax revenue, sales tax revenue, temporary and permanent jobs for the community. Property tax revenue will increase as the vacant lot will be redeveloped with a new convenience store and service station and the total net value of the property will also increase. According to the most recent tax roll, the property is currently valued at \$1,700,000 resulting in approximately \$19,128 in annual property tax. Upon completion, the property is estimated to be valued at approximately \$3,500,000. The construction of the project will require that permit fees are paid to the City and there will be temporary construction jobs. According to the plan check submittal, a total of \$22,000 was collected for permit fees, with the improvements estimated at approximately \$606,000. Based on sales volume estimates provided by 7-Eleven, the location will provide additional sales tax revenue to the City that is estimated to be over \$30,000 annually. In addition, 7-Eleven estimates 10 new job opportunities will be created at this specific location.

Strategic Plan Alignment

Approval of this item supports the City's efforts to meet Goal No. 3 Economic Development, Objective No. 2 (create new opportunities for business/job growth and encourage private development through new General Plan and Zoning Ordinance policies).

Conclusion

Based on the analysis provided within this report, staff recommends that the Planning Commission recommend that the City Council approve ER No. 2018-28, AA No. 2019-03 and CUP No. 2019-21 as conditioned.



Ivan Orozco
Assistant Planner II

IO:sb

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- Exhibits:
1. Resolution for Mitigated Negative Declaration & Mitigation Monitoring and Reporting Program
 2. Amendment Application Ordinance
 3. After-hours CUP Resolution
 4. Vicinity Zoning & Aerial View
 5. Site Photo
 6. Site Plan
 7. Floor Plan
 8. Elevations
 9. Renderings
 10. Landscape Plan
 11. Sunshine Ordinance Materials
 12. Mitigated Negative Declaration & Mitigation Monitoring and Reporting Program

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EXHIBIT 1

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RESOLUTION NO. 2020-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AND ADOPTING MITIGATED NEGATIVE DECLARATION ENVIRONMENTAL REVIEW NO. 2018-28 AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM RELATIVE TO AMENDMENT APPLICATION NO. 2019-03 FOR THE PROJECT LOCATED AT 813 NORTH EUCLID STREET

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

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

- A. Adan Madrid (Applicant) is requesting approval of Amendment Application No. 2019-03 to amend the zoning designation of the parcel located at 813 North Euclid Street from Two-Family Residence (R-2) to Community Commercial (C-1) to facilitate the construction of a 3,045-square foot convenience store and service station on the 0.65-acre property.
- B. The provisions of the California Environmental Quality Act of 1970 (CEQA), the CEQA Guidelines and Public Resources Code Sections 21000 et. seq., as amended, require the evaluation of environmental impacts in connection with proposals for discretionary projects.
- C. Pursuant to the Guidelines for the Implementation of the California Environmental Quality Act, an Initial Study relative to the proposed project concluded that implementation of the project could result in potentially significant effects on the environment and identified mitigation measures that would reduce the significant effects to a less than significant level.
- D. The City of Santa Ana prepared an Initial Study and Mitigated Negative Declaration (IS/MND) Environmental Review No. 2018-28 for the proposed project which reflects the City's independent judgement and analysis as lead agency for the project. The Initial Study and Mitigated Negative Declaration concluded that the project would have a less than significant environmental impact with implementation of mitigation measures. Mitigation measures are included to address potential impacts on cultural and tribal resources, geology and soils, hazards and hazardous materials, noise and traffic.
- E. On January 6, 2020, Notice of Intent to adopt the Initial Study and Mitigated Negative Declaration, Environmental Review No. 2018-28 was published in

the Orange County **Register** newspaper, circulated to interested agencies, organizations and parties, and the Orange County Clerk Recorder.

- F. The documents related to the Initial Study and Mitigated Negative Declaration were made available for a 20-day public review and comment period between January 6, 2020 and January 26, 2020 at Santa Ana City Hall, the Main Library, and on the project webpage on the City's website.
- G. Comments received were addressed in a Response to Comments document that provides sufficient information to demonstrate that the environmental conclusions and mitigation measures remain valid as disclosed in the Mitigated Negative Declaration.
- H. The mitigation measures set forth in the Mitigated Negative Declaration are fully enforceable and will be implemented using the Mitigation Monitoring and Reporting Program attached hereto as Exhibit A, and incorporated herein by reference.
- I. On January 27, 2020, the Planning Commission of the City of Santa Ana held a duly noticed public hearing. During its deliberations, the Planning Commission considered the environmental analysis and mitigation measures described in the draft Mitigated Negative Declaration Environmental Review No. 2018-28 and recommended that the City Council adopt a resolution approving Amendment Application No. 2019-03, Conditional Use Permit 2019-01, and adopt Mitigated Negative Declaration (MND), Environmental Review No. 2018-28 and the Mitigation Monitoring and Reporting Program.
- J. On February 18, 2020, the City Council of the City of Santa Ana held a duly-noticed public hearing to consider all testimony, written and oral, related to Initial Study and Mitigated Negative Declaration, Environmental Review No. 2018-28, at which time all persons wishing to testify were heard, the project was fully considered, and all other legal prerequisites to the adoption of this Resolution occurred.

Section 2. The City Council has independently reviewed and analyzed the information contained in the Initial Study and the Mitigated Negative Declaration (MND), Environmental Review No. 2018-28, prepared with respect to this project. The MND and Mitigation Monitoring and Reporting Program are attached herein as Exhibit A. The City Council has, as a result of its consideration and the evidence presented at the hearings on this matter, determined that, as required pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the MND adequately addresses the expected environmental impacts of this project. On the basis of this review, the City Council finds that there is no substantial evidence from which it can be fairly argued that the project will have a significant adverse effect on the environment. The City Council hereby certifies and adopts the MND and directs that the Notice of Determination be

prepared and filed with the County Clerk of the County of Orange in the manner required by law.

Section 3. The City Council hereby adopts the Mitigated Negative Declaration, Environmental Review No. 2018-28 and approves the Mitigation Monitoring and Reporting Program attached hereto and incorporated herein as Exhibit A, consistent with Public Resources Code section 21081.6; makes implementation of the Mitigation Measures contained in the Mitigation Monitoring and Reporting Program a condition of approval of the Project, and adopts the Mitigation Monitoring and Reporting Program, and directs that the Notice of Determination be prepared and filed with the County Clerk of the County of Orange in the manner required by law. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to: the Request for Council Action dated February 18, 2020, and exhibits attached hereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

Section 4. Pursuant to Title XIV, California Code of Regulations (CCR) § 735.5(c)(1), the City Council has determined that, after considering the record as a whole, there is no evidence that the proposed project will have the potential for any significant adverse effect on wildlife resources or the ecological habitat upon which wildlife resources depend. The proposed project exists in an urban environment characterized by paved concrete, roadways, surrounding buildings and human activity. However, pursuant to Fish and Game Code § 711.2 and Title XIV, CCR § 735.5, the payment of Fish and Game Department filing fees in conjunction with this project is at the discretion of the State of California Department of Fish and Wildlife.

Section 5. The Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program, as well as all supporting documents are on file and available for public review at Santa Ana City Hall, 20 Civic Center Plaza, Santa Ana, California 92702.

Section 6. 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, and other and 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, which approval will not be unreasonably withheld, 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 7. This decision rendered by the City Council of the City of Santa Ana is final and is subject to judicial review pursuant to California Code of Civil Procedure section 1094.6. The Planning and Building Agency shall give direct notice to the Applicant of the City Council's decisions and these findings.

ADOPTED this ____ day of _____, 2020.

Miguel A. Pulido
Mayor

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

By: _____
Lisa Storck
Assistant City Attorney

AYES: Councilmembers _____
NOES: Councilmembers _____
ABSTAIN: Councilmembers _____
NOT PRESENT: Councilmembers _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, DAISY GOMEZ, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2020-xx to be the original resolution adopted by the City Council of the City of Santa Ana on _____, 2020.

Date: _____

Clerk of the Council
City of Santa Ana

EXHIBIT A

Mitigated Negative Declaration, Environmental Review No. 2018-28 and Mitigation
Monitoring and Reporting Program

Online:

<https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-documents/euclid-hazard-7-eleven-service-station>

Paper Copies:

Planning and Building Agency
Planning Counter, First Floor
20 Civic Center Plaza
Santa Ana, CA 92701

Santa Ana Public Library
26 Civic Center Plaza
Santa Ana, CA 92701

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EXHIBIT 2

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ORDINANCE NO. NS-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AMENDMENT APPLICATION NO. 2019-03 REZONING THE PROPERTY LOCATED AT 813 NORTH EUCLID STREET FROM TWO-FAMILY RESIDENTIAL (R-2) TO COMMUNITY COMMERCIAL (C-1)

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS FOLLOWS:

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

- A. Amendment Application No. 2019-03 has been filed with the City of Santa Ana to change the zoning designation of the parcel located at 813 North Euclid Street from Two-Family Residence (R-2) to Community Commercial (C-1), described in Exhibit A.
- B. The zoning designation of the Community commercial (C-1) would bring the rezoned property into consistency with the General Plan land use designation of General Commercial (GC).
- C. The zoning designation of the Community commercial (C-1) would facilitate the development of a 3,045-square foot convenience store and 1,800-square foot fueling canopy
- D. On January 27, 2020, the Planning Commission held a duly-noticed public hearing and voted to recommend that the City Council adopt an ordinance approving Amendment Application No. 2019-03.
- E. The City Council has reviewed applicable general plan policies and has determined that this proposed rezoning is consistent with the purpose of the General Plan.
- F. The City Council, prior to taking action on this ordinance, held a duly-noticed public hearing on February 18, 2020.
- G. The City Council also adopts as findings all facts presented in the Request for Council Action dated February 18, 2020 accompanying this matter.
- H. For these reasons, and each of them, Amendment Application No. 2019-03 is hereby found and determined to be consistent with the intent and purpose of Chapter 41 of the Santa Ana Municipal Code, thus changing the zoning district is found to be consistent with the General Plan of the

City of Santa Ana and otherwise justified by the public necessity, convenience, and general welfare.

Section 2. The Planning Commission of the City of Santa Ana recommended that the City Council adopt an ordinance rezoning the real property located at 813 North Euclid Street from Two-Family Residence (R-2) to Community Commercial (C-1), (AA No. 2019-03). Amended Sectional District Map number 9-5-10 showing the above described change in use district designation, is attached hereto as Exhibit B and incorporated by this reference as though fully set forth herein. This recommendation is based upon the evidence submitted at the above said hearing, which includes, but is not limited to: the Request for Council Action dated February 18, 2020, and exhibits attached thereto; and the public testimony, all of which are incorporated herein by this reference.

Section 3. The City Council has independently reviewed and analyzed the information contained in the Initial Study and the Mitigated Negative Declaration (MND), Environmental Review No. 2018-28 and Mitigation, Monitoring and Reporting Program, prepared with respect to this project. The City Council has, as a result of its consideration of the record as a whole and the evidence presented at the hearings on this matter, determined that, as required pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, Environmental Review No. 2018-28 meets all the requirements of CEQA.

Section 4. This ordinance shall not be effective unless and until Resolution No. 2020-_____ (Environmental Review No. 2018-28) and Ordinance No. 2020-_____ (Amendment Application No. 2019-03) are adopted and become effective. If either resolution and/or ordinance are for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or otherwise do not go into effect for any reason, then this ordinance shall be null and void and have no further force and effect.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 6. 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, and other and 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, which approval will not be unreasonably withheld, 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.

ADOPTED this ____ day of _____, 2020.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

By:_____
Lisa Storck
Assistant City Attorney

AYES: Councilmembers _____

NOES: Councilmembers _____

ABSTAIN: Councilmembers _____

NOT PRESENT: Councilmembers _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, DAISY GOMEZ, Clerk of the Council, do hereby attest to and certify that the attached Ordinance No. NS-_____ to be the original ordinance adopted by the City Council of the City of Santa Ana on _____, 2020 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: _____

Clerk of the Council
City of Santa Ana

EXHIBIT 3

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RESOLUTION NO. 2020-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2019-21 AS CONDITIONED TO ALLOW 24-HOUR OPERATIONS AT A NEW 7-ELEVEN CONVENIENCE STORE AND SERVICE STATION LOCATED AT 813 NORTH EUCLID STREET

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

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

- A. Adan Madrid with ASI Development, representing 7-Eleven, Inc. ("Applicant"), is requesting approval of Conditional Use Permit No. 2019-21 to allow a 7-Eleven convenience store and service station to operate 24 hours per day, seven days per week, at the property located at 813 North Euclid Street.
- B. Santa Ana Municipal Code ("SAMC") Section 41-365.5(h) requires approval of a conditional use permit for retail markets having less than twenty thousand (20,000) square feet of floor area which are open at any time between the hours of 12:00 midnight and 5:00 a.m.
- C. Pursuant to SAMC Section 41-638, the City Council is authorized to review and approve the conditional use permit for this project as set forth by the SAMC.
- D. On January 27, 2020, the Planning Commission held a duly-noticed public hearing for Conditional Use Permit No. 2019-21 to consider all testimony, written and oral, related to Conditional Use Permit No. 2019-21, and the related Mitigation Monitoring and Reporting Program for the project, at which time all persons wishing to testify were heard, the project was fully considered, and all other legal prerequisites to the adoption of this Resolution occurred.
- E. On February 18, 2020, the City Council of the City of Santa Ana held a duly-noticed public hearing to consider all testimony, written and oral, related to Conditional Use Permit No. 2019-21, and the related Mitigation Monitoring and Reporting Program for the project, at which time all persons wishing to testify were heard, the project was fully considered, and all other legal prerequisites to the adoption of this Resolution occurred.

F. The City Council of the City of Santa Ana considered the information and determines that the following findings, which must be established in order to grant Conditional Use Permit No. 2019-21, to allow extended hours of operation, have been established as required by SAMC Section 41-638:

1. That the proposed use will provide a service or facility which will contribute to the general well being of the neighborhood or community.

The proposed convenience store and service station will provide an additional amenity to individuals wishing to have an early coffee and/or meal. Allowing the store and fuel pumps to be open 24 hours per day, seven days per week, will create a one-stop shop location for residents and commuters. Additionally, the extended hours will thereby benefit the community by providing a convenience store offering service past 12:00 midnight, which is consistent with other similar uses in the City. By offering extended hours of operation, 7-Eleven will better serve the community by providing added convenience and a one-stop shopping experience. The project will redevelop a vacant site with a new convenience store with ancillary gas sales. Site improvements include enhanced landscaping, pedestrian access pathways and exterior lighting and security cameras. This will help activate and beautify the street corner.

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 will not be detrimental to the health, safety or welfare of those residing or working in the vicinity. Conditions have been placed on the CUP that will mitigate any negative impacts to the surrounding community. 7-Eleven is an established convenience store chain with established policies and procedures, including an employee training program focused on security, which will ensure minimal calls for service.

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 present economic stability or future economic development of properties surrounding the area. The approval of this application supports Policy 4.5 of the Economic Development Element of the General Plan. This policy encourages making land use decisions based not on purely

fiscal considerations and stresses the importance of the qualitative implications that are associated with new uses. The approval of a 24-hour operation for the convenience store at this location will positively influence the present and future economic stability of the property and will diversify the products and services offered within the general area. Further, this will allow 7-Eleven to remain competitive with similar uses in the area which offer similar goods found in convenience stores.

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

The proposed after-hours conditional use permit will be in compliance with all applicable regulations of Chapter 41 of the SAMC regarding establishments that operate on a 24-hour basis. Conditions of approval have been added to ensure the project remains in compliance with all applicable code and regulations related to 24-hour operations and to mitigate any potential impacts to the general vicinity.

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 proposed project will not adversely affect the General Plan. The project is located in a General Commercial (GC) General Plan land use designation which allows for commercial uses such as retail, service and eating establishments. The project is consistent with several goals and policies of the General Plan, including the Economic Development Element, Land Use Element, and Urban Design Element. Land Use Element Goal 1 promotes a balance of land uses to address basic community needs. Land Use Element Goal 2 promotes land uses that enhance the City's economic and fiscal viability. Policy 2.8 promotes rehabilitation of commercial properties, and encourages increased levels of capital investment. The convenience store will contribute to the viability of the commercial corridor in which it is located. Policy 2.9 supports developments that create a business environment that is safe and attractive. The property maintenance condition of approval will maintain a safe and attractive environment in the community. Economic Development Element Goal 2 maintains and enhances the diversity of the City's economic base. Policy 2.3 encourages the development of mutually beneficial and supportive business clusters within the community. Urban Design Element Goal 1 improves the physical appearance of the City

through the development of districts that project a sense of place, positive community image and quality environment.

Section 2. In accordance with the California Environmental Quality Act, a Mitigated Negative Declaration (Environmental Review No. 2018-28) and a Mitigation Monitoring and Reporting Program were prepared and adopted with respect to this project.

Section 3. Conditional Use Permit No. 2019-21 shall not be effective unless and until the City Council reviews and approves Amendment Application No. 2019-03 and adopts the Mitigated Negative Declaration, Environmental Review No. 2018-28, and the Mitigation Monitoring and Reporting Program. If said approvals are held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or otherwise denied, then this conditional use permit shall be null and void and have no further force and effect.

Section 4. 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, and other and 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, which approval will not be unreasonably withheld, 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 5. The City Council of the City of Santa Ana after conducting the public hearing hereby recommends that the City Council approve Conditional Use Permit No. 2019-21, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 813 North Euclid Street. This decision is based upon the evidence submitted at the abovesaid hearing, which includes, but is not limited to: the Request for Planning Commission Action dated January 27, 2020, the Request for City Council Action dated February 18, 2020, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this _____ day of _____, 2020.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

By: _____
Lisa Storck
Assistant City Attorney

AYES: Councilmembers _____
NOES: Councilmembers _____
ABSTAIN: Councilmembers _____
NOT PRESENT: Councilmembers _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, DAISY GOMEZ, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2020-xx to be the original resolution adopted by the City Council of the City of Santa Ana on _____, 2020.

Date: _____

Clerk of the Council
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2019-21

Conditional Use Permit No. 2019-21 for after-hours operations is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code, and all other applicable regulations. In addition, the Applicant shall meet the following conditions of approval:

The Applicant must comply with each and every condition listed below prior to exercising the rights conferred by this conditional use permit.

The Applicant must 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. All proposed site improvements must conform to Development Project Review (DP) No. 2018-08 and the staff report exhibits.
2. 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.
3. Prior to the issuance of a building permit, a full landscape and irrigation plan is to be submitted for review and approval. The landscape plan shall conform to the commercial landscape standards, Citywide Design Guidelines, and the City's Water Efficient Landscape Ordinance. All utilities shall be properly screened, and the proposed trash enclosure shall be screened by a four (4) foot high landscape hedge and incorporate vines.
4. To deter loitering and illegal dumping, the landscape plan shall include dense landscaping and a minimum five (5) foot tall wrought iron fence at the southeast corner of the subject site between the southerly edge of the building and the southern property line.
5. The location of the trash enclosure and the air/water machine must be designed to minimize any potential impacts to the residential uses to the south of the subject site. Final location of the trash enclosure shall be subject to the approval of the Planning Manager.
6. The air/water machine must provide an automatic shut-off component to cease operation between the hours of 10:00 p.m. and 7:00 a.m.
7. Prior to the issuance of a building permit, a Property Maintenance Agreement must 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 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 a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City.
8. The Applicant shall provide the Police Department with a security plan for store operations which will mitigate exterior attractive nuisances associated with the late night operations. The security plan must be approved by the Police Department.
9. The Applicant shall be responsible for maintaining the premises free of graffiti. All graffiti shall be removed within 24 hours of occurrence.
10. The cash register must be visible from the street at all times and shall not be obstructed at any time by temporary or permanent signage.
11. Window displays and racks must be kept at a maximum height of three (3) feet including merchandise and cannot obstruct the cashier's view to the outside.
12. A timed-access cash controller or a money drop safe capable of easily providing the cashier the ability to quickly deposit money into it must be installed.
13. A silent armed robbery alarm shall be installed prior to issuance of a certificate of occupancy.
14. There shall be no coined-operated games maintained on the premises at any time.
15. No pay telephones shall be located on the premises.
16. "No Loitering/Trespass" signs/placards shall be posted in the parking lot area. The posted signs must conform to Penal Code Section 602.
17. Provide a Closed Circuit Television System approved by the Police Department and capable of viewing and recording events inside the premises with a resolution which will clearly identify individuals for later identification.
18. 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-inch wide by three-inches long, in different colors, and in a contrasting color to the

background, shall be placed every six inches beginning at five feet and ending at six feet six inches.

19. Exterior lighting shall be shielded and/or directed away from residential areas.
20. Goods and fuel deliveries shall not occur between 10:00 p.m. and 7:00 a.m.
21. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The Applicant and/or business owner shall institute appropriate security and operational measures necessary to comply with this requirement.
22. A copy of the conditions of approval shall be kept on premises and presented to any authorized City official upon request.
23. The sale of alcoholic beverages shall be prohibited.
24. The outdoor storage or display of boxes, equipment, materials, merchandise, and other similar items shall be prohibited.

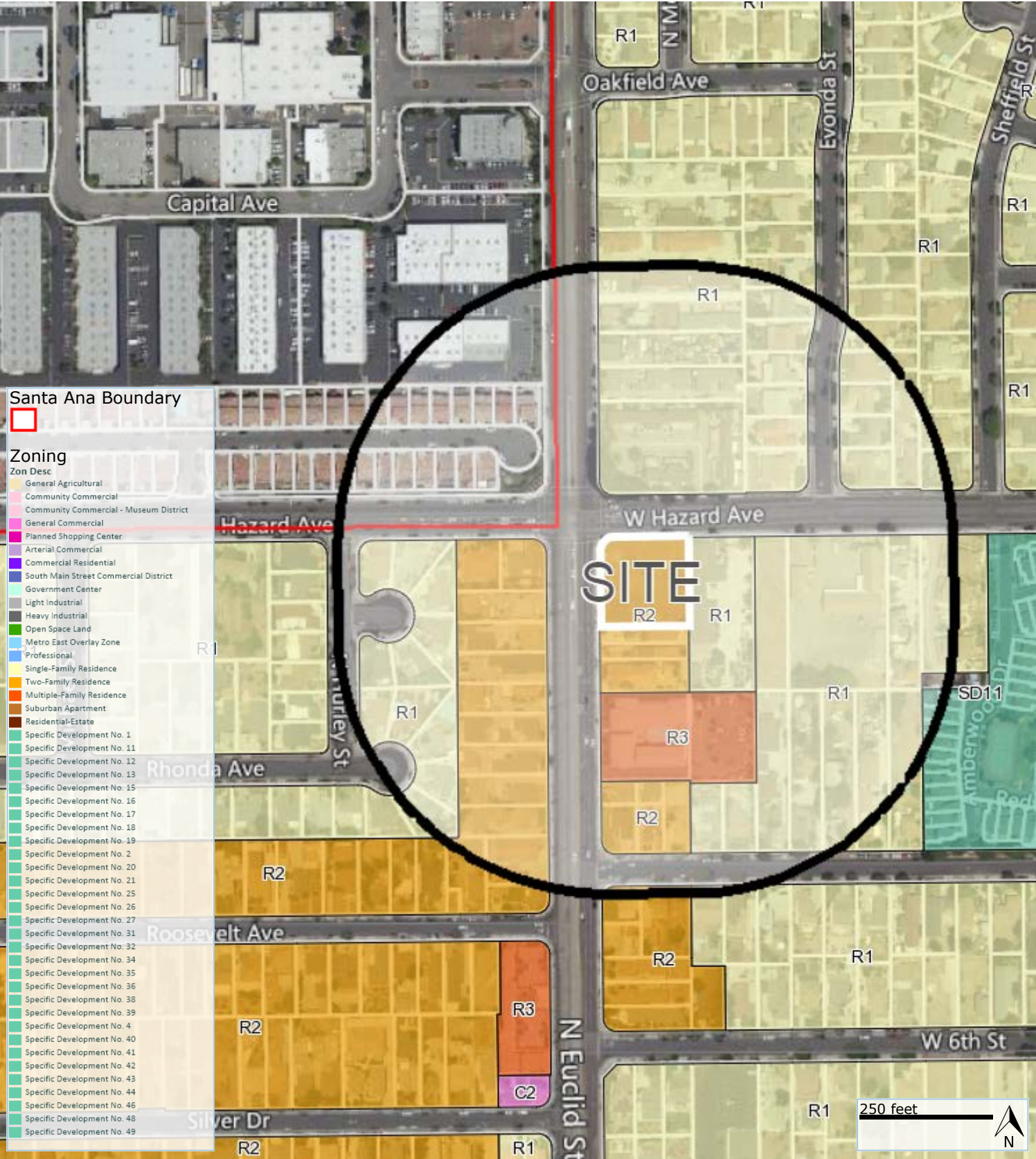
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EXHIBIT 4

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AA-2019-03 & CUP-2019-21, 7-Eleven Service Station
813 North Euclid Street



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EXHIBIT 5

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STREET VIEW FROM EUCLID STREET



STREET VIEW AT INTERSECTION OF EUCLID STREET AND HAZARD AVENUE

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EXHIBIT 6

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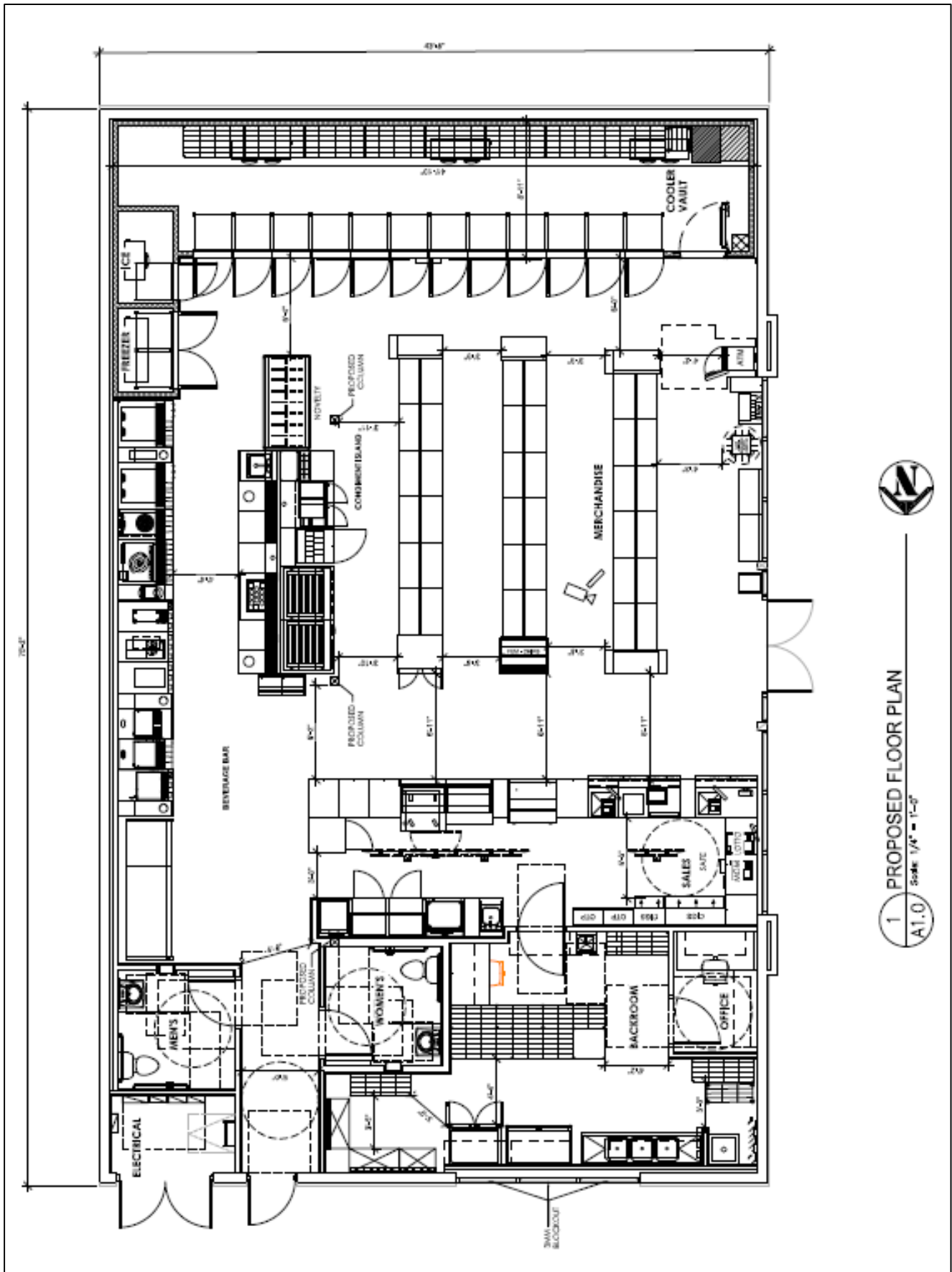
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EXHIBIT 7

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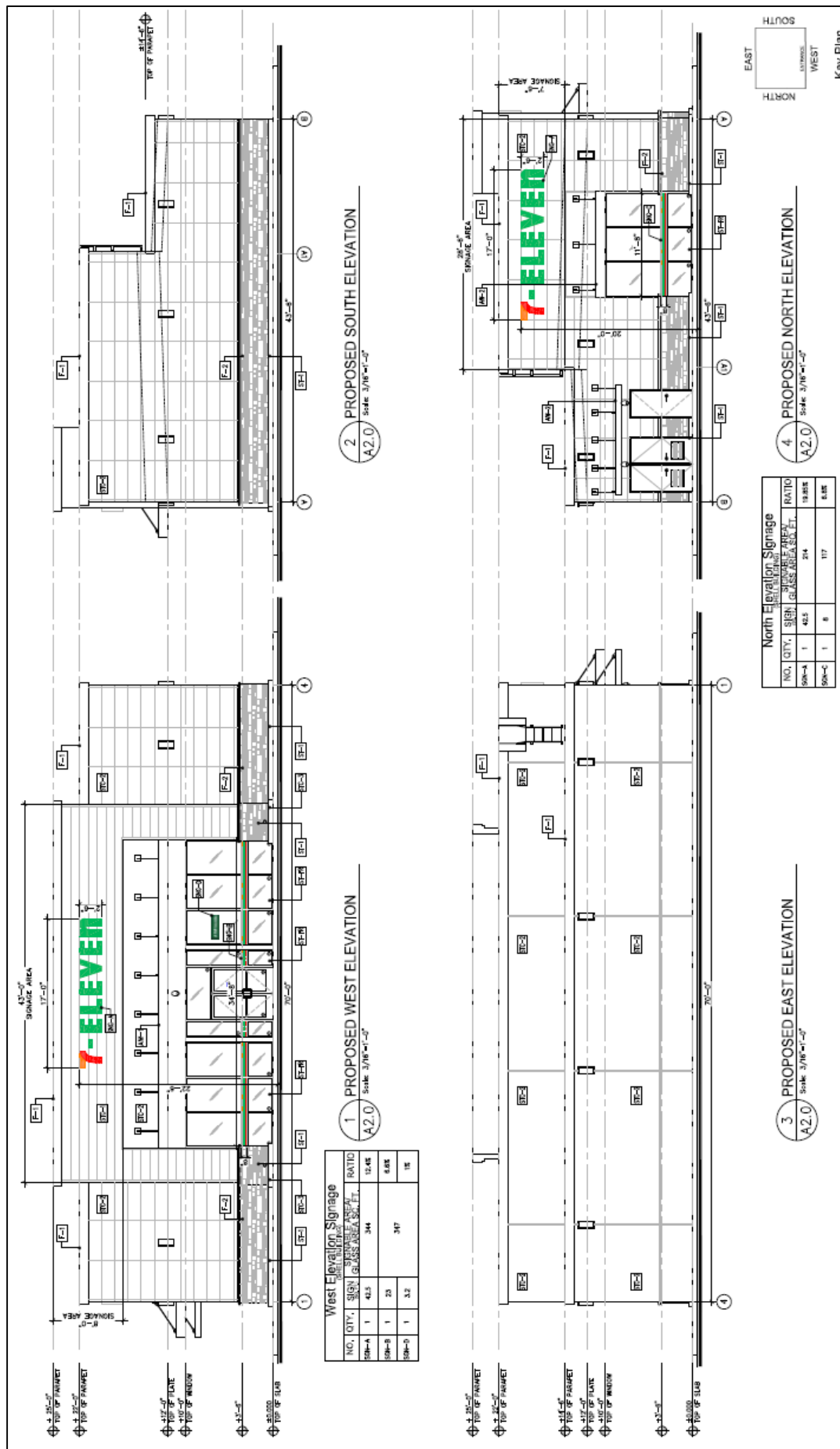


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EXHIBIT 8

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EXHIBIT 9

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1 3D-INTERSECTION VIEW RENDERING
A2.2 SCALE: N.T.S.



2 3D-TOP VIEW RENDERING
A2.2 SCALE: N.T.S.

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EXHIBIT 10

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Hazard Avenue

Euclid Street



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EXHIBIT 11

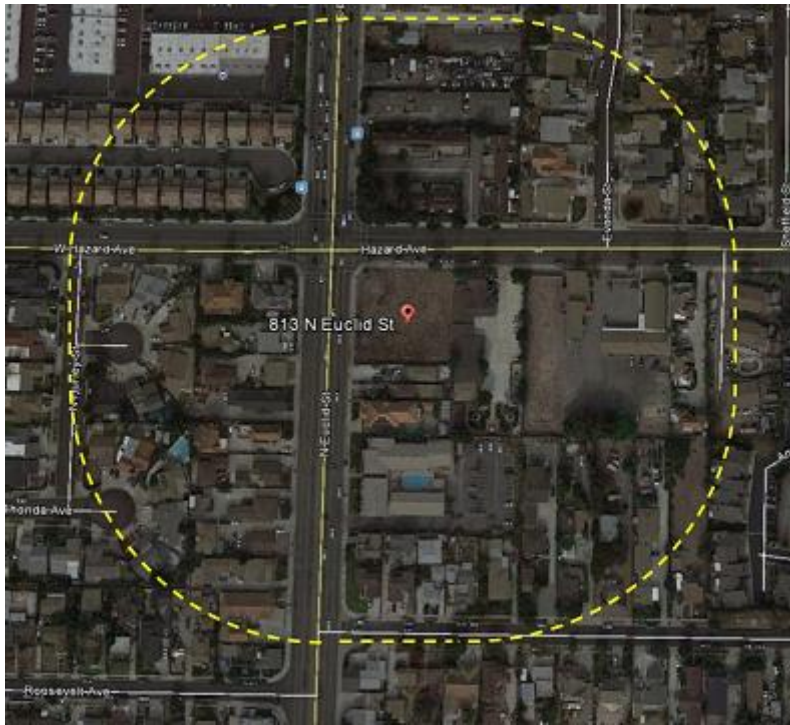
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**ASI Development
Cordially invites you to a community information
meeting for:**

Proposed service station with fuel canopy and convenience store @
813 N. Euclid St., Santa Ana, CA 92703

Please come and share your thoughts and ideas about this new development.
We will provide general information, with Q&A to follow.



MEETING DATE: May 12, 2018
TIME: 10:00 a.m to 11:00 p.m.

MEETING LOCATION: Salgado Center, MPR Room
706 N. Newhope Avenue
Santa Ana, CA 92704

If you have questions regarding this event or require language
interpretation services in languages other than English, please contact:
Adan Madrid at (949) 235-9538 or adan@asidvm.com



Tel (714) 892-8810 Fax (800) 342-0507

Saturday, May 12, 2018

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EXHIBIT 12

1 - 67

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Attachment 12

The Euclid-Hazard 7-Eleven Service Station and Convenience Store Mitigated Negative Declaration and technical appendices may be accessed at:

**Santa Ana City Hall Planning Counter, First Floor
20 Civic Center Plaza
Santa Ana, CA 92701**

Or

**Santa Ana Main Library
26 Civic Center Plaza
Santa Ana, CA 92701**

Or

<https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-documents/euclid-hazard-7-eleven-service-station>

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