

REQUEST FOR Planning Commission Action



PLANNING COMMISSION MEETING DATE:

MAY 13, 2019

TITLE:

PUBLIC HEARING – FILED BY 7-ELEVEN, INC.
FOR ENVIRONMENTAL REVIEW NO. 2017-140,
AMENDMENT APPLICATION NO. 2019-02,
CONDITIONAL USE PERMIT NO. 2019-12 AND
VARIANCE NO. 2019-01 TO FACILITATE THE
CONSTRUCTION OF A 7-ELEVEN CONVENIENCE
STORE AND SERVICE STATION LOCATED AT
1904 WEST FIRST STREET – BEN STECKLER,
APPLICANT {STRATEGIC PLAN NO. 3, 2}

Prepared by Jerry C. Guevara

A blue ink signature of the Executive Director, written over a horizontal line.

Executive Director

PLANNING COMMISSION SECRETARY

APPROVED

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

DENIED

- ☐ Applicant's Request
- ☐ Staff Recommendation

CONTINUED TO _____

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

Planning Manager

RECOMMENDED ACTION

Adopt a resolution recommending that the City Council take the following actions:

1. Adopt a resolution adopting and approving Mitigated Negative Declaration and Monitoring and Reporting Program, Environmental Review No. 2017-140; and
2. Adopt an ordinance approving Amendment Application No. 2019-02; and
3. Adopt a resolution approving Conditional Use Permit No. 2019-12 as conditioned; and
4. Adopt a resolution approving Variance No. 2019-01 as conditioned.

Executive Summary

Ben Steckler with Fiedler Group, representing 7-Eleven, Inc., is requesting approval of an Amendment Application (AA) to change the zoning of the property from Light Industrial (M-1) to General Commercial (C-2) to facilitate the construction of a new 2,480-square-foot convenience store (7-Eleven) with an 810-square-foot gas station canopy with two fuels pumps that would accommodate up to four vehicles at a time at 1904 West First Street. Additionally, the request includes approval of a conditional use permit (CUP) to allow the convenience store to operate 24-hours and a variance (VA) to allow one additional monument sign on-site.

In conjunction with the applicant's request, the City is proposing to change the zoning designation of four adjacent properties to the west and south (1910, 1916 and 2002 West First Street and 1901

West Walnut Street) from M-1 and Community Commercial (C-1) to C-2 to be consistent with the existing General Commercial (G-C) General Plan land use designation of these properties.

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 (MMPP) is required by the City Council.

Staff is recommending approval of the project to facilitate redevelopment of a blighted site with a convenience store and gas station that will serve the community and generate sales tax revenue for the City. The project will not negatively impact the surrounding community and is compatible with the surrounding land uses.

Table 1: Project and Location Information

Item	Information	
Project Address	1904 West First Street	
Nearest Intersection	First Street and Daisy Avenue	
General Plan Designation	General Commercial	
Existing Zoning Designation	Light Industrial (M-1)	
Proposed Zoning Designation	General Commercial (C-2)	
Surrounding Land Uses	North	Single-Family Residential/Commercial
	East	Single-Family Residential/Commercial
	South	Vacant Lot
	West	Commercial
Property Size	17,336 square feet (0.40 acres)	
Existing Site Development	The site is currently developed with a 1,610-square-foot restaurant building that has been vacant since 2016 and would be demolished as part of this project.	
Use Permissions/Proposed Development	A 2,480-square-foot convenience store subject to approval of a zone change from M-1 to C-2	
	After Hours operation subject to approval of a CUP	
	One additional monument sign subject to approval of a VA	
Zoning Code Sections Affected	Uses	SAMC Sections 41-365(a), 41-365(q) and 41-365.5(h)
	Development & Operational Standards	SMAC Section 41-378 to 41-386 & 41-374
Entitlements	SAMC Chapter 41, Article V, Division I and Division II	

Project Description

The applicant is proposing to demolish the existing 1,610-square-foot restaurant building and all site improvements to facilitate the construction of a new 2,480-square-foot 7-Eleven convenience store and 810-square-foot gas station canopy. The gas station canopy includes two fueling pump stations

that will accommodate four vehicles. The project also includes surface parking with ten parking spaces and approximately 2,795 square feet of landscaping. Site access will be provided via three driveways, one located along First Street and two located along Daisy Avenue. The driveways along Daisy Avenue will be restricted to left-in, right-in, right-out only. The 7-Eleven convenience store is proposing to operate on a 24-hour, seven days a week basis.

The architecture of the convenience store has been designed as a contemporary Spanish style building and features stone and stucco finishes, steel canopies and trellises, and a clay tile roof. 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

General Commercial (C2) (SAMC Sec. 41-365, 41-365.5, 41-377 and 41-377.5)	
Proposed Land Use	Permit Requirements
Convenience Store and Service Station	Subject to approval of the proposed Amendment Application by City Council
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	15 feet minimum	Complies; 15 feet
Side yard (street)	15 feet minimum	Complies; 15 feet
Side yard (interior)	None	Complies; 5 feet
Rear yard	None	Complies; 0 feet
Lot Size & Frontage	15,000 sq. ft. and 120 feet of street frontage	Complies; 17,336 square feet and 240 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	12 parking spaces	Complies; 12 spaces
Floor Area Ratio (F.A.R.)	0.50 FAR maximum	Complies; 0.19 FAR
Driveway Width (service station)	35 feet maximum	Complies; 30 feet
Monument Sign	1 monument sign maximum	Variance required; 2 monument signs

Project Background and Chronology

The existing restaurant building was built in 1960 as a drive-in-restaurant. The building was last occupied by Antojitos Don Chepe restaurant and has been vacant since 2016. In November 2017, the Planning Division received this development application request and has been working with the applicant to refine the site plan and building design.

In accordance with the Sunshine Ordinance, the applicant held two community meetings on December 12, 2017 and February 8, 2018 to review the proposed development and receive feedback from the community and adjacent property owners and residents. A total of seven members of the public attended. The community raised concerns about safety, potential traffic impacts, and the sale of alcoholic beverages. 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 amendment application (zone change) to change the zoning of the subject property from M-1 to C-2. The zone change will allow for a larger convenience store than what the M-1 zone allows and will be consistent with the City's General Plan. The M-1 zoning limits the size of convenience stores ancillary to service stations to 2,000 square feet. In addition, as part of this application, the City is also proposing to change the zoning designation of the adjacent properties from M-1 and C-1 to C-2. The C-2 zoning designation will be consistent with the City's General Plan land use designation of General Commercial (GC). The C-2 zoning district allows for auto services and no use nonconformity will be created by this zone change.

Table 3: Existing and Proposed Zoning

Property Address	Current Use	Existing General Plan	Existing Zoning	Proposed Zoning
1904 West First Street	Restaurant	General Commercial (GC)	Light Manufacturing (M-1)	General Commercial (C-2)
1910 West First Street	Auto Services	General Commercial (GC)	Light Manufacturing (M-1)	General Commercial (C-2)
1916 West First Street	Auto Services / Restaurant	General Commercial (GC)	Light Manufacturing (M-1)	General Commercial (C-2)
2002 West First Street	Auto Services	General Commercial (GC)	Community Commercial (C-1)	General Commercial (C-2)
1901 West Walnut Street	Vacant	General Commercial (GC)	Light Manufacturing (M-1)	General Commercial (C-2)

The 1998 General Plan land use map designates the subject properties as GC, with the C-2 designation being a compatible zoning district as identified in Table A-3 (Correlation of Land Use Designations and Zoning Districts) of the General Plan. The GC designation applies to commercial corridors in Santa Ana including those located along First 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 education. It is also intended to provide support facilities and services for industrial areas such as office and retail, restaurants and various other services.

Conditional Use Permit for Afterhours

The applicant is requesting approval of CUP No. 2019-12 to allow the proposed 7-Eleven convenience store to operate on a 24-hours day, seven days a week basis, which is typical for a 7-Eleven store. Pursuant to SAMC Section 41-365.5, 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 review and approval by the Planning Commission. 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 commercial uses to the north, single-family residences and auto-body repair uses to the east, commercial and auto-repair uses to the west, and a vacant lot to the south. There is a concern that the current location of the trash enclosure could block visibility and potentially create a hiding place for vagrants and criminal activity. Staff is recommending that the trash enclosure be relocated to a different location as part of a condition of approval of this project. The proposed hours of operation are consistent with other convenience stores and service stations along First Street (i.e. Arco and ampm at 2646 West First Street and Mobil and Mobil Mart at 2702 West First 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 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.

Monument Sign Variance

Lastly, the applicant is requesting approval of VA No. 2019-01 to allow one additional monument sign. Section 41-862 of the SAMC limits the number of monument signs on a site based on linear street frontage. One sign is permitted on lots with 299 feet of frontage or less. Based on the street frontage of 241 feet, the site only qualifies to have one monument sign. The applicant is requesting approval of a variance to allow one additional monument sign in order to comply with State regulations. Pursuant to Business and Professions Code (BPC) Section 13531, businesses selling motor vehicle fuel to the public are required to display the fuel price per gallon, liter, or other unit measurement, the trademark or brand of the fuel, the word gasoline or the name of other fuel, and the grade designation of the fuel. Such signage needs to be clearly visible from the street adjacent to the premises and if located at an intersection, such signage is required to be clearly visible from

each street of the intersection. The applicant is proposing to install one monument sign along First Street to allow visibility for motorist traveling east and west on First Street and another monument sign along Daisy Avenue to allow visibility for motorist traveling north and south on Daisy Avenue (refer to Exhibit 8 for Monument Sign Visibility Diagrams).

The SAMC allows three driveways for service stations located at an intersection. A traffic impact analysis (refer to Exhibit 10) confirmed that the design and location of these driveways will not create impacts to traffic flow either on-site or off-site. The location of the curbs cuts limits the area where the second monument sign can be placed. As a result, the monument sign being proposed along Daisy Avenue is located on a landscape planter between the two curb cuts. In order to preserve the neighborhood character, staff is proposing to condition the monument sign not to exceed four feet in height and 20 square feet. As an alternative, the applicant could install a V-shaped doubled faced sign on the northeast corner of the site. If the applicant chooses this alternative, no variance would be required.

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. 2017-140, 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 10). The project requires adoption and approval of a Mitigation Monitoring and Reporting Program (MMRP), which contains mitigation measures to address biological resources, geology and soils, noise, transportation, and hazardous and hazardous materials. The Planning Commission will consider this MND in their review of the project.	
Public Circulation	On May 8, 2019, the draft MND was circulated to interested parties 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 May 2, 2019.
	Notification by mail	Notification by mail was sent to all property owners and occupants within 500 feet of the project site on May 2, 2019.
	Newspaper posting	Newspaper posting was published in the Orange County Reporter on May 3, 2019.

CEQA, Strategic Plan Alignment, and Public Notification & Community Outreach	
Sunshine Meeting	A Sunshine Ordinance Community Meeting was held on December 12, 2017 and February 8, 2018 from 6:00 p.m. to 8:00 p.m. at Monte Vista Elementary (2116 West Monte Vista Avenue) in accordance with the provisions of the City's Sunshine Ordinance. A total of 7 members of the public attended. The applicant provided all the required information to the City after the meeting (Exhibit 9).
Additional Measures	The representatives of Casa Bonita and Artesia Pilar Neighborhood Associations were 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.

Economic Development

The project will generate property tax revenue, sales tax revenue, temporary jobs, permanent jobs and services for the community. Property tax revenue will increase as the 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 \$335,498, resulting in approximately \$7,000 in annual property tax. Of this amount the City of Santa Ana receives approximately \$1,400. Upon completion, the property is estimated to be valued at approximately \$650,000 and generate \$2,600 in property tax revenue for the City of Santa Ana. The construction of the project will require that permit fees are paid to the City and there will be temporary construction jobs. 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 to 20 new job opportunities will be created at this specific location.

Conclusion

Based on the analysis provided within this report, staff recommends that the Planning Commission adopt a resolution recommending that the City Council approve ER No. 2017-140, AA No. 2019-02, CUP No. 2019-12 as conditioned and VA No. 2019-01 as conditioned.



Jerry C. Guevara
Assistant Planner I

JG:S:\Planning Commission\2019\5-13-19\7-Eleven at 1904 W. 1st Street, AA No. 19-02, CUP No. 19-12 & VA No. 19-01\7-ElevenAA19-02,CUP19-12,&VA 19-01.StaffReport.pc.doc

Exhibits: 1 – Planning Commission Resolution
 2 – Vicinity Zoning & Aerial View
 3 – Site Photo
 4 – Site Plan

- 5 – Floor Plan
- 6 – Elevations
- 7 – Landscape Plan
- 8 – Monument Sign Visibility Diagrams
- 9 – Sunshine Ordinance Minutes
- 10 – Mitigated Negative Declaration & Technical Studies

EXHIBIT 1

RESOLUTION NO. 2019-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF SANTA ANA: (1) ADOPT A RESOLUTION ADOPTING AND APPROVING MITIGATED NEGATIVE DECLARATION AND MONITORING AND REPORTING PROGRAM (ENVIRONMENTAL REVIEW NO. 2017-140); (2) ADOPT AN ORDINANCE APPROVING AMENDMENT APPLICATION NO. 2019-02; (3) ADOPT A RESOLUTION APPROVING CONDITIONAL USE PERMIT NO. 2019-12 AS CONDITIONED; AND (4) ADOPT A RESOLUTION APPROVING VARIANCE NO. 2019-01 AS CONDITIONED FOR THE PROJECT LOCATED AT 1904 W. FIRST STREET

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

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

- A. Ben Steckler with Fiedler Group, representing 7-Eleven, Inc. ("Applicant"), has filed an Amendment Application (AA) to change the zoning of the property from Light Industrial (M-1) to General Commercial (C-2) to facilitate the construction of a new 2,480-square-foot convenience store (7-Eleven) with an 810-square-foot gas station canopy with two fuels pumps that would accommodate up to four vehicles at a time at 1904 West First Street. Additionally, the request includes approval of a conditional use permit (CUP) to allow the convenience store to operate 24-hours and a variance (VA) to allow one additional monument sign on-site.
- B. In addition, the City of Santa Ana is proposing to amend the zoning designation of 1910 West First Street, 1916 West First Street, and 1901 West Walnut Street from Light Industrial (M1) to General Commercial (C2) and 2002 West First Street from Community Commercial (C1) to General Commercial (C2).
- C. On May 13, 2019, the Planning Commission of the City of Santa Ana held a duly noticed public hearing. During its deliberations, all interested persons were given full opportunity to be heard and present evidence, and the Planning Commission considered the environmental analysis and mitigation measures described in the draft Mitigation Negative Declaration, Environmental Review No. 2017-140.

- D. The Planning Commission has reviewed the information presented in the Request for Planning Commission Action staff report dated May 13, 2019, including any and all attachments therein.
- E. As part of the recommended action, the City Council will take actions on the following: (1) Resolution adopting and approving Mitigated Negative Declaration and Monitoring and Reporting Program, Environmental Review No. 2017-140, attached and included herein as Exhibit A; (2) Ordinance approving Amendment Application No. 2019-02, attached and include herein as Exhibit B; (3) Resolution approving Conditional Use Permit No. 2019-12 as conditioned, attached and included herein as Exhibit C; and (4) Resolution approving Variance No. 2019-01 as conditioned, attached and included herein as Exhibit D.

Section 2. The Planning Commission has independently reviewed and analyzed the draft Mitigation Negative Declaration. The draft Mitigated Negative Declaration is included as Attachment 10 to the Request for Planning Commission Action for the project dated May 13, 2019. Pursuant to CEQA Guidelines Section 15074(a), the Planning Commission considered the analysis and conclusion of the MND as well as the mitigations outlined in the Mitigation Monitoring and Reporting Program. The Planning Commission recommends, as a result of its consideration and the evidence presented at the hearings on this matter, that the City Council determine that, as required pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the Mitigated Negative Declaration adequately addresses the expected environmental impacts of this project. On the basis of this review, the Planning Commission 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 and the Mitigate Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

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, 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 13th day of May, 2019.

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTENTIONS: Commissioners:

Mark McLoughlin
Chairperson

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

By: _____
Lisa Storck
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, SARAH BERNAL, Commission Secretary, do hereby attest to and certify the attached Resolution No. 2019-xx to be the original resolution adopted by the Planning Commission of the City of Santa Ana on May 13, 2019.

Date: _____

Commission Secretary
City of Santa Ana

ATTACHMENT A OF EXHIBIT 1

RESOLUTION NO. 2019-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADOPTING MITIGATED NEGATIVE DECLARATION, ENVIRONMENTAL REVIEW NO. 2017-140 AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM RELATIVE TO AMENDMENT APPLICATION NO. 2019-02, CONDITIONAL USE PERMIT NO. 2019-12 AND VARIANCE NO. 2019-01 FOR THE PROJECT LOCATED AT 1904 WEST FIRST 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. Ben Steckler with Fiedler Group, representing 7-Eleven, Inc. ("Applicant"), is requesting approval of Amendment Application No. 2019-02, Conditional Use Permit No. 2019-12 and Variance No. 2019-01 in order to facilitate the construction and operation of a new 2,480-square-foot convenience store (7-Eleven) with an 810-square-foot gas station canopy with two fuel pumps at 1904 West First Street.
- B. The provisions of the California Environmental Quality Act of 1970 (CEQA), Public Resources Code Sections 21000 et. seq., as amended, and the CEQA Guidelines 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 a Mitigated Negative Declaration (MND), Environmental Review No. 2017-140 for the proposed project which reflects the City's independent judgement and analysis as lead agency for the project. The 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 biological resources, geology and soils, noise, transportation, hazards and hazardous materials.

- E. On May 8, 2019, a Notice of Intent to adopt the Initial Study and Mitigated Negative Declaration, Environmental Review No. 2017-140 was published in the Orange County Register newspaper, circulated to interested parties, and the State Clearinghouse.
- F. The documents related to the Mitigated Negative Declaration were made available for a 20-day public review and comment period at the Santa Ana City Hall, the Main Library, and on the project webpage on the City's website.
- G. 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.
- H. On May 13, 2019, the Planning Commission of the City of Santa Ana held a duly noticed public hearing and voted to recommend that the City Council approve a resolution to adopt Mitigated Negative Declaration, Environmental Review No. 2017-140 and the related Mitigation Monitoring and Reporting Program for the project.
- I. On June 4, 2019, the City Council of the City of Santa Ana held a duly noticed public hearing to consider all testimony, written and oral, related to Mitigated Negative Declaration, Environmental Review No. 2017-140, 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.

Section 2. The City Council has independently reviewed and analyzed the information contained in the Initial Study and the Mitigated Negative Declaration, Environmental Review No. 2017-140, prepared with respect to this project. 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.

Section 3. The City Council hereby adopts and approves the MND 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 June 4, 2018, 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 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, 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 6. 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 _____, 2019.

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, NORMA MITRE, Acting Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2019-xx to be the original resolution adopted by the City Council of the City of Santa Ana on _____, 2019.

Date: _____

Acting Clerk of the Council
City of Santa Ana

EXHIBIT A

Mitigation Monitoring and Reporting Program

ATTACHMENT B OF EXHIBIT 1

ORDINANCE NO. NS-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AMENDMENT APPLICATION NO. 2019-02 REZONING THE PROPERTIES LOCATED AT 1904 WEST FIRST STREET, 1910 WEST FIRST STREET, 1916 WEST FIRST STREET, AND 1901 WEST WALNUT STREET FROM LIGHT INDUSTRIAL (M1) TO GENERAL COMMERCIAL (C2) AND 2002 WEST FIRST STREET FROM COMMUNITY COMMERCIAL (C1) TO GENERAL COMMERCIAL (C2)

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. Ben Steckler with Fiedler Group, representing 7-Eleven, Inc. ("Applicant"), filed Amendment Application No. 2019-02 with the City of Santa Ana to change the zoning designation of the parcel located at 1904 West First Street from Light Industrial (M1) to General Commercial (C2) in order to facilitate the construction a new 2,480-square-foot convenience store (7-Eleven) with an 810-square-foot gas station canopy with two fuel pumps that will accommodate up to four vehicles at a time.
- B. In addition, the City of Santa Ana is proposing to amend the zoning designation of 1910 West First Street, 1916 West First Street, and 1901 West Walnut Street from Light Industrial (M1) to General Commercial (C2) and 2002 West First Street from Community Commercial (C1) to General Commercial (C2).
- C. On May 13, 2019, the Planning Commission held a duly noticed public hearing and voted to recommend that the City Council adopt an ordinance approving Amendment Application No. 2019-02, which is consistent with the General Plan land use designation of the subject properties.
- D. 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 June 4, 2019.

- G. The City Council also adopts as findings all facts presented in the Request for Council Action dated June 4, 2019 accompanying this matter.
- H. For these reasons, and each of them, Amendment Application No. 2019-02 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 recommends that the City Council adopt an ordinance rezoning the real properties located at 1904, 1910, 1916, and 2002 West First Street and 1901 West Walnut Street and Amended Sectional District Map Number 14-5-10 showing the above described change in use district designation (AA No. 2019-02). This recommendation is based upon the evidence submitted at the above said hearing, which includes, but is not limited to: the Request for Planning Commission and Council Action dated May 13, 2019 and June 4, 2019, respectively and exhibits attached thereto; and the public testimony, all of which are incorporated herein by this reference.

Section 3. The City Council has reviewed and considered the information contained in the Mitigated Negative Declaration (Environmental Review No. 2017-140) prepared with respect to this project. The City Council has, as a result of its independent 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. 2017-140 meets all the requirements of CEQA.

Section 4. The zoning designations of the real properties located at 1904 West First Street, 1910 West First Street, 1916 West First Street, and 1901 West Walnut Street are hereby changed from Light Industrial (M1) to General Commercial (C2) and the zoning designation of the real property located at 2002 West First Street is hereby changed from Community Commercial (C1) to General Commercial (C2). An amended Sectional District Map Number 14-5-10, showing the above described changes in use district designation, is hereby approved and attached hereto as Exhibit A, and incorporated by this reference as though fully set forth herein.

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, 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, 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 _____, 2019.

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 _____

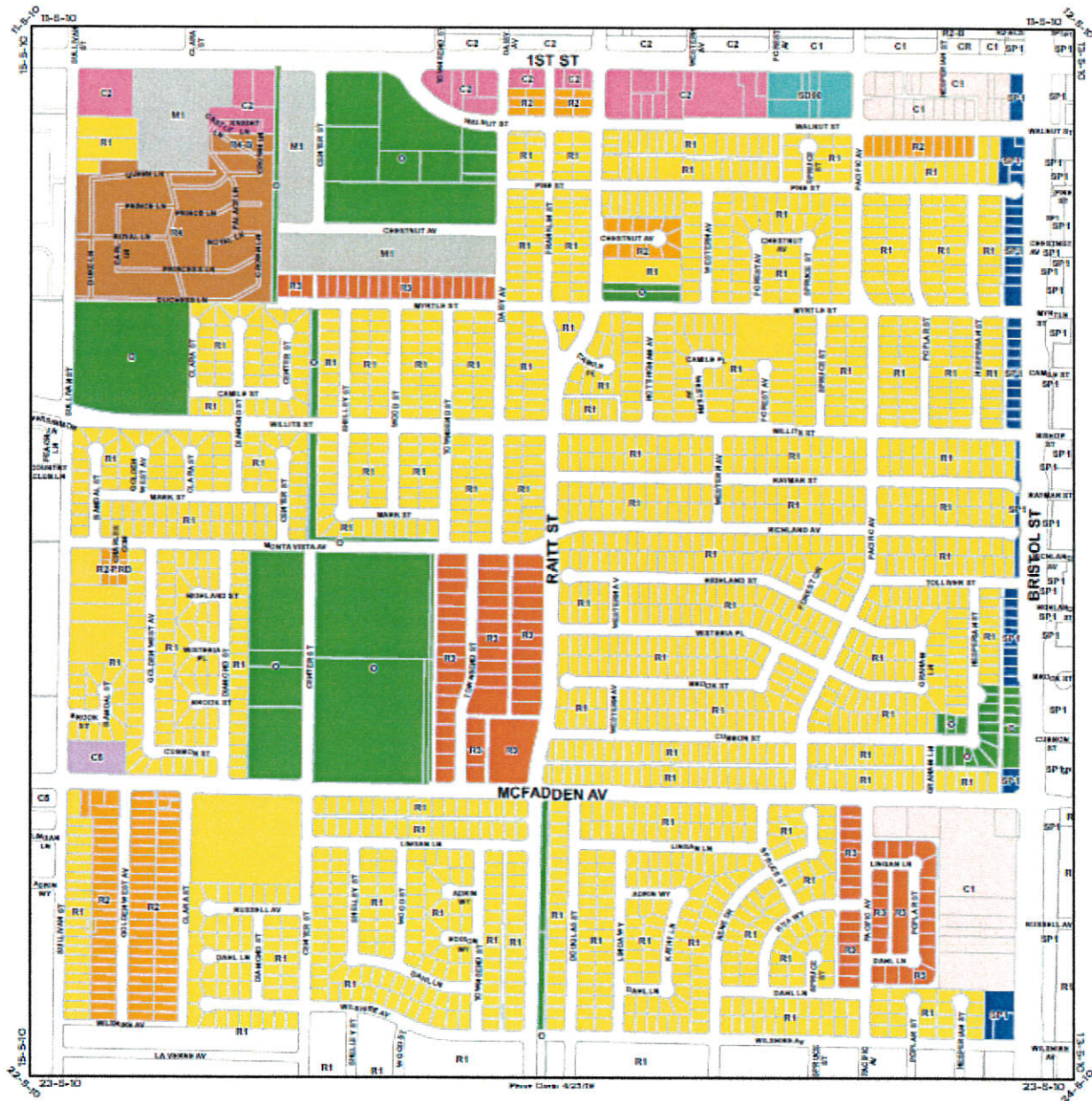
CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, NORMA MITRE, Acting 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 _____, 2019 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: _____

Acting Clerk of the Council
City of Santa Ana

Exhibit A



ZONING DISTRICTS

A1	GENERAL AGRICULTURAL	CSM	SOUTHMAIN STREET COMMERCIAL DIST.	R2	TWO-FAMILY RESIDENCE	-B	PARKING MODIFICATION
C1	COMMUNITY COMMERCIAL	GC	GOVERNMENT CENTER	R3	MULTIPLE-FAMILY RESIDENCE	-OZ	OVERLAY ZONE
CMD	COMMUNITY COMMERCIAL - MUSEUM DIST.	M1	LIGHT INDUSTRIAL	R4	SUBURBAN APARTMENT	-PRO	PLANNED RESIDENTIAL DEVELOPMENT
C2	GENERAL COMMERCIAL	M2	HEAVY INDUSTRIAL	RE	RESIDENTIAL ESTATE	-HD2	HEIGHT DISTRICT II
C4	PLANNED SHOPPING CENTER	O	OPEN SPACE	SD	SPECIFIC DEVELOPMENT		
C5	ARTERIAL COMMERCIAL	P	PROFESSIONAL	SP	SPECIFIC PLAN		
CR	COMMERCIAL RESIDENTIAL	R1	SINGLE-FAMILY RESIDENCE	OZ1	METRO EAST OVERLAY ZONE		

SECTIONAL DISTRICT MAP: 14-5-10 CITY OF SANTA ANA, CALIFORNIA



ATTACHMENT C OF EXHIBIT 1

RESOLUTION NO. 2019-xx

A RESOLUTION OF THE CITY COUNCIL OF
SANTA ANA APPROVING CONDITIONAL
USE PERMIT NO. 2019-12 AS
CONDITIONED TO ALLOW 24-HOUR
OPERATIONS AT A NEW 7-ELEVEN
CONVENIENCE STORE LOCATED AT 1904
WEST FIRST 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. Ben Steckler with Fiedler Group, representing 7-Eleven, Inc. ("Applicant"), is requesting approval of Conditional Use Permit No. 2019-12 to allow a 7-Eleven convenience store to operate 24 hours a day located at 1904 West First 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 Planning Commission is authorized to review and approve the conditional use permit for this project as set forth by the SAMC.
- D. On May 13, 2019, the Planning Commission held a duly noticed public hearing for Conditional Use Permit No. 2019-12.
- E. On June 4, 2019, 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. 2019-12, 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. 2019-12, 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 will provide an additional amenity to individuals wishing to have an early coffee and/or meal. This 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 area. 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 blighted site with a new convenience store with ancillary gas sales. Site improvements include enhance 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 in order to mitigate any negative impacts to the surrounding community. 7-Eleven is an established convenience store chain with established policies and procedures, including 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. 2017-140) and a Mitigation Monitoring and Reporting Program was prepared with respect to this project.

Section 3. Conditional Use Permit No. 2019-12 shall not be effective until the City Council reviews and approves Amendment Application No. 2019-02 and the Mitigated Negative Declaration, Environmental Review No. 2017-140. 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. 2019-12, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 1904 West First 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 May 13, 2019, the Request for City Council Action dated June 4, 2019, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this _____ day of _____, 2019.

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, NORMA MITRE, Acting Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2019-xx to be the original resolution adopted by the City Council of the City of Santa Ana on _____, 2019.

Date: _____

Acting Clerk of the Council
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2019-12

Conditional Use Permit No. 2019-12 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. 2017-38) 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 by the Planning Manager. 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. In addition, the proposed trash enclosure shall be screened by a four (4) foot high landscape hedge and incorporate vines.
4. Prior to the issuance of a Building permit, the applicant shall submit a revised site plan identifying an alternative trash enclosure location to the Planning Manager for review and approval. The alternative location shall comply with the Crime Prevention through Environmental Design (CPTED) principals.
5. 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.

- h. The execution and recordation of the maintenance agreement shall be a condition precedent to the issuance of final approval for any construction permit related to this entitlement.
- 6. 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 is to be approved by the Police Department.
- 7. The Applicant shall be responsible for maintaining the premises free of graffiti. All graffiti shall be removed within 24 hours of occurrence.
- 8. Cash register must be visible from the street at all times and shall not be obstructed at any time by temporary or permanent signage.
- 9. Window displays and racks must be kept at a maximum height of three feet including merchandise and cannot obstruct the cashiers view to the outside.
- 10. 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.
- 11. Install a silent armed robbery alarm.
- 12. There shall be no coined-operated games maintained on the premises at any time.
- 13. No pay telephones shall be located on the premises.
- 14. "No Loitering/Trespass" signs/placards shall be posted in the parking lot area. The posted signs must conform to Penal Code Section 602.
- 15. Provide a Close 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.
- 16. 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-inch 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.
- 17. Exterior lighting shall be shielded and/or directed away from residential areas.
- 18. Truck deliveries shall not occur between 8:00 p.m. and 7:00 a.m.

19. 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.
20. A copy of the conditions of approval shall be kept on premises and presented to any authorized City official upon request.
21. Sale of alcoholic beverages shall be prohibited.
22. The outdoor storage of boxes, equipment, materials, merchandise, and other similar items shall be prohibited.
23. The Applicant shall contact the Planning Division to arrange a Planning Final Inspection of the site prior to final building inspection.

ATTACHMENT D OF EXHIBIT 1

RESOLUTION NO. 2019-xx

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SANTA ANA APPROVING VARIANCE NO.
2019-01 AS CONDITIONED TO ALLOW AN
ADDITIONAL MONUMENT SIGN AT 1904 WEST
FIRST 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. Ben Steckler with Fiedler Group, representing 7-Eleven, Inc. ("Applicant"), is requesting approval of Variance No. 2019-01 as conditioned, to allow one additional monument sign at 1904 West First Street.
- B. Santa Ana Municipal Code ("SAMC") Section 41-862 limits the number of freestanding signs a property can have based on the sites street frontage. The applicant is requesting approval of a variance to allow one additional monument sign on-site.
- C. Pursuant to SAMC Section 41-638, the Planning Commission is authorized to review and approve the variance for this project as set forth by the SAMC.
- D. On May 13, 2019, the Planning Commission held a duly noticed public hearing for Variance No. 2019-01.
- E. On June 4, 2019, the City Council held a duly notice public hearing for Variance No. 2019-01.
- F. The City Council of the City of Santa Ana has considered the information and determines that the following findings, which must be established in order to grant Variance No. 2019-01 for one additional monument sign, have been established:
 - 1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges not otherwise at variance with the intent and purpose of the provisions of this Chapter.

There are special circumstances related to the location of the property. The property is located at the southwest corner

of First Street and Daisy Avenue. Pursuant to State Business and Profession Code (BPC) Section 13531, businesses selling motor vehicle fuel to the public are required to display the fuel price per gallon, liter, or other unit of measurement, the trademark or brand of the fuel, the word gasoline or the name of other fuel, and the grade designation of the fuel. Such signage is required to be clearly visible from the street adjacent from the premises and if the property is located at an intersection, such signage needs to be clearly visible from each street intersection. In order to comply with the State's regulations, the applicant is proposing to install one monument sign along First Street to allow visibility for motorists traveling east and west on First Street and one monument sign along Daisy Avenue to allow visibility for motorists traveling north and south on Daisy Avenue.

2. That the granting of a variance is necessary for the preservation and enjoyment of one (1) or more substantial property rights.

The granting of the variance is necessary for the preservation and enjoyment of substantial property rights. The additional monument sign is necessary in order to increase visibility and comply with the State regulations.

3. That the granting of a variance will not be materially detrimental to the public welfare or injurious to surrounding property.

The granting of the variance will not be detrimental to the public or surrounding properties. The additional monument sign will be consistent with other monument signs in the general areal. The monument sign will not incorporate any flashing or moving elements that may distract motorists. Additionally, the structure of the sign is designed to be consistent with the materials and color schemes of those used in the facades of the buildings in the development.

4. That the granting of a variance will not adversely affect the General Plan of the city.

The variance for one additional monument sign 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 and Land Use Element. Land Use Element Goal 1 promotes a balance of land uses to address

basic community needs. Policy 1.10, encourages the location of commercial centers at arterial roadway intersections in commercial districts. The project will provide for a new convenience store and service station along a major corridor. 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. Policy 2.9, supports developments that create a business environment that is safe and attractive. Policy 2.3 encourages the development of mutually beneficial and supportive business clusters within the community.

Section 2. In accordance with the California Environmental Quality Act, a Mitigated Negative Declaration (Environmental Review No. 2017-140) and a Mitigation Monitoring and Reporting Program was prepared with respect to this project.

Section 3. Variance No. 2019-01 shall not be effective until the City Council reviews and approves Amendment Application No. 2019-02 and the Mitigated Negative Declaration, Environmental Review No. 2017-140. 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, 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, 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 approves Variance No. 2019-01, as conditioned in "Exhibit A", attached hereto and incorporated herein for the project located at 1904 West First 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 May 13, 2019, the Request for City Council Action, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this _____ day of _____, 2019.

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, NORMA MITRE, Acting Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2019-xx to be the original resolution adopted by the City Council of the City of Santa Ana on _____, 2019.

Date: _____

Acting Clerk of the Council
City of Santa Ana

EXHIBIT A

Conditions of Approval for Variance No. 2019-01

Variance No. 2019-01 to allow one additional monument sign on-site 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, they 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 variance.

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

1. All proposed site improvements must conform to Development Project Review (DP No. 2017-38) and the staff report exhibits.
2. Any amendment to this variance must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the variance must be amended.
3. Applicant shall comply with the Conditions of Approval outlined in Conditional Use Permit No. 2019-12.
4. The applicant shall submit a Sign Application to the Planning and Building Agency for review and approval in accordance with Article XI of Chapter 41 of the SAMC.
5. The proposed monument signs shall comply with the regulations outlined in Section 41-862 of the SAMC. The monument signs shall be architecturally compatible with the proposed convenience store and include a stone base.
 - a. The monument sign along First Street shall not exceed 20 square feet in size and five feet in height. The project address shall be located on the monument base of the monument sign along First Street.
 - b. The monument sign along Daisy Avenue shall not exceed four feet in height and 20 square feet.

EXHIBIT 1

RESOLUTION NO. 2019-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF SANTA ANA: (1) ADOPT A RESOLUTION ADOPTING AND APPROVING MITIGATED NEGATIVE DECLARATION AND MONITORING AND REPORTING PROGRAM (ENVIRONMENTAL REVIEW NO. 2017-140); (2) ADOPT AN ORDINANCE APPROVING AMENDMENT APPLICATION NO. 2019-02; (3) ADOPT A RESOLUTION APPROVING CONDITIONAL USE PERMIT NO. 2019-12 AS CONDITIONED; AND (4) ADOPT A RESOLUTION APPROVING VARIANCE NO. 2019-01 AS CONDITIONED FOR THE PROJECT LOCATED AT 1904 W. FIRST STREET

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

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

- A. Ben Steckler with Fiedler Group, representing 7-Eleven, Inc. ("Applicant"), has filed an Amendment Application (AA) to change the zoning of the property from Light Industrial (M-1) to General Commercial (C-2) to facilitate the construction of a new 2,480-square-foot convenience store (7-Eleven) with an 810-square-foot gas station canopy with two fuels pumps that would accommodate up to four vehicles at a time at 1904 West First Street. Additionally, the request includes approval of a conditional use permit (CUP) to allow the convenience store to operate 24-hours and a variance (VA) to allow one additional monument sign on-site.
- B. In addition, the City of Santa Ana is proposing to amend the zoning designation of 1910 West First Street, 1916 West First Street, and 1901 West Walnut Street from Light Industrial (M1) to General Commercial (C2) and 2002 West First Street from Community Commercial (C1) to General Commercial (C2).
- C. On May 13, 2019, the Planning Commission of the City of Santa Ana held a duly noticed public hearing. During its deliberations, all interested persons were given full opportunity to be heard and present evidence, and the Planning Commission considered the environmental analysis and mitigation measures described in the draft Mitigation Negative Declaration, Environmental Review No. 2017-140.

- D. The Planning Commission has reviewed the information presented in the Request for Planning Commission Action staff report dated May 13, 2019, including any and all attachments therein.
- E. As part of the recommended action, the City Council will take actions on the following: (1) Resolution adopting and approving Mitigated Negative Declaration and Monitoring and Reporting Program, Environmental Review No. 2017-140, attached and included herein as Exhibit A; (2) Ordinance approving Amendment Application No. 2019-02, attached and include herein as Exhibit B; (3) Resolution approving Conditional Use Permit No. 2019-12 as conditioned, attached and included herein as Exhibit C; and (4) Resolution approving Variance No. 2019-01 as conditioned, attached and included herein as Exhibit D.

Section 2. The Planning Commission has independently reviewed and analyzed the draft Mitigation Negative Declaration. The draft Mitigated Negative Declaration is included as Attachment 10 to the Request for Planning Commission Action for the project dated May 13, 2019. Pursuant to CEQA Guidelines Section 15074(a), the Planning Commission considered the analysis and conclusion of the MND as well as the mitigations outlined in the Mitigation Monitoring and Reporting Program. The Planning Commission recommends, as a result of its consideration and the evidence presented at the hearings on this matter, that the City Council determine that, as required pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the Mitigated Negative Declaration adequately addresses the expected environmental impacts of this project. On the basis of this review, the Planning Commission 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 and the Mitigate Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

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, 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 13th day of May, 2019.

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTENTIONS: Commissioners:

Mark McLoughlin
Chairperson

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

By: _____
Lisa Storck
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, SARAH BERNAL, Commission Secretary, do hereby attest to and certify the attached Resolution No. 2019-xx to be the original resolution adopted by the Planning Commission of the City of Santa Ana on May 13, 2019.

Date: _____

Commission Secretary
City of Santa Ana

EXHIBIT 2

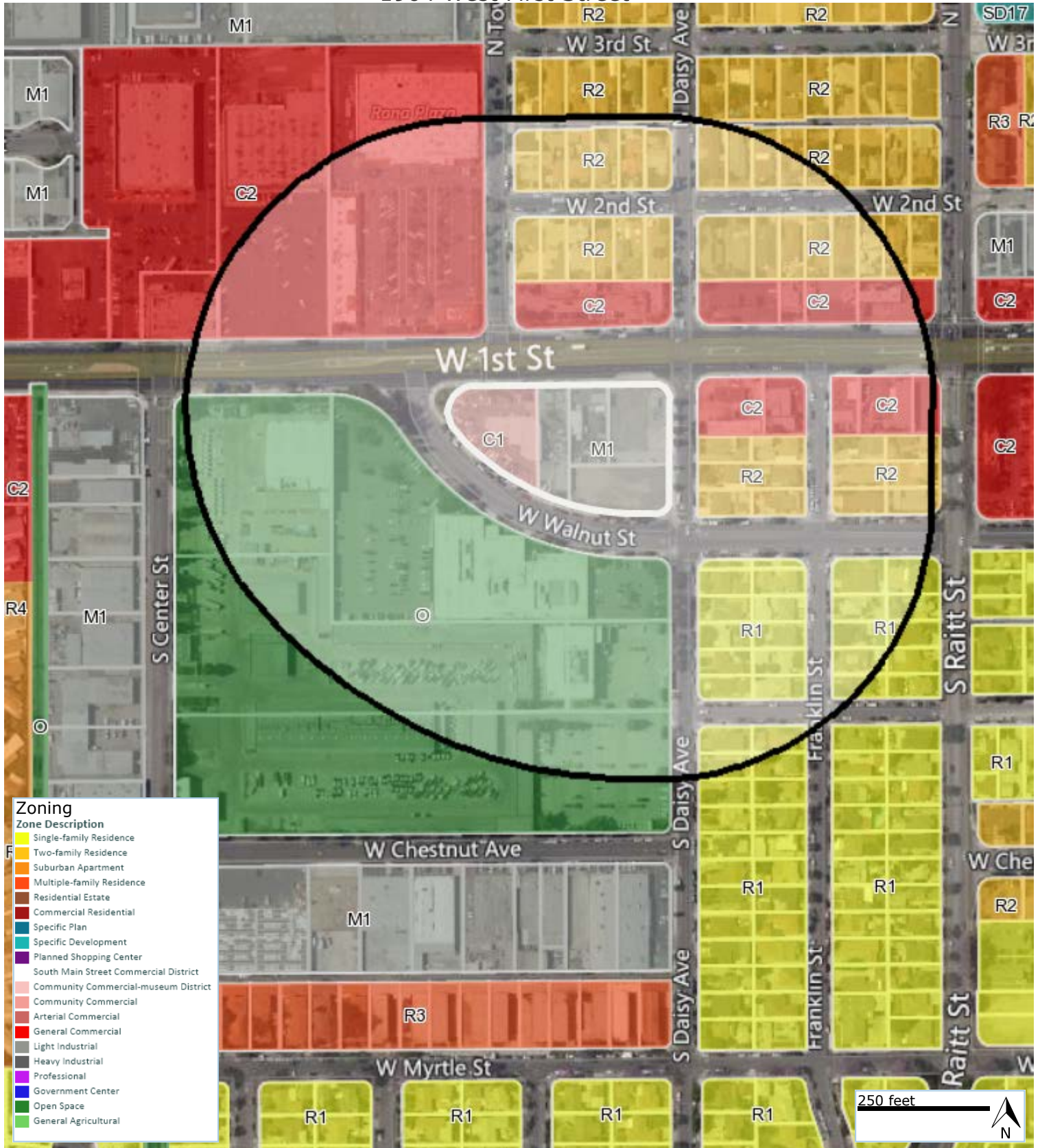


EXHIBIT 3

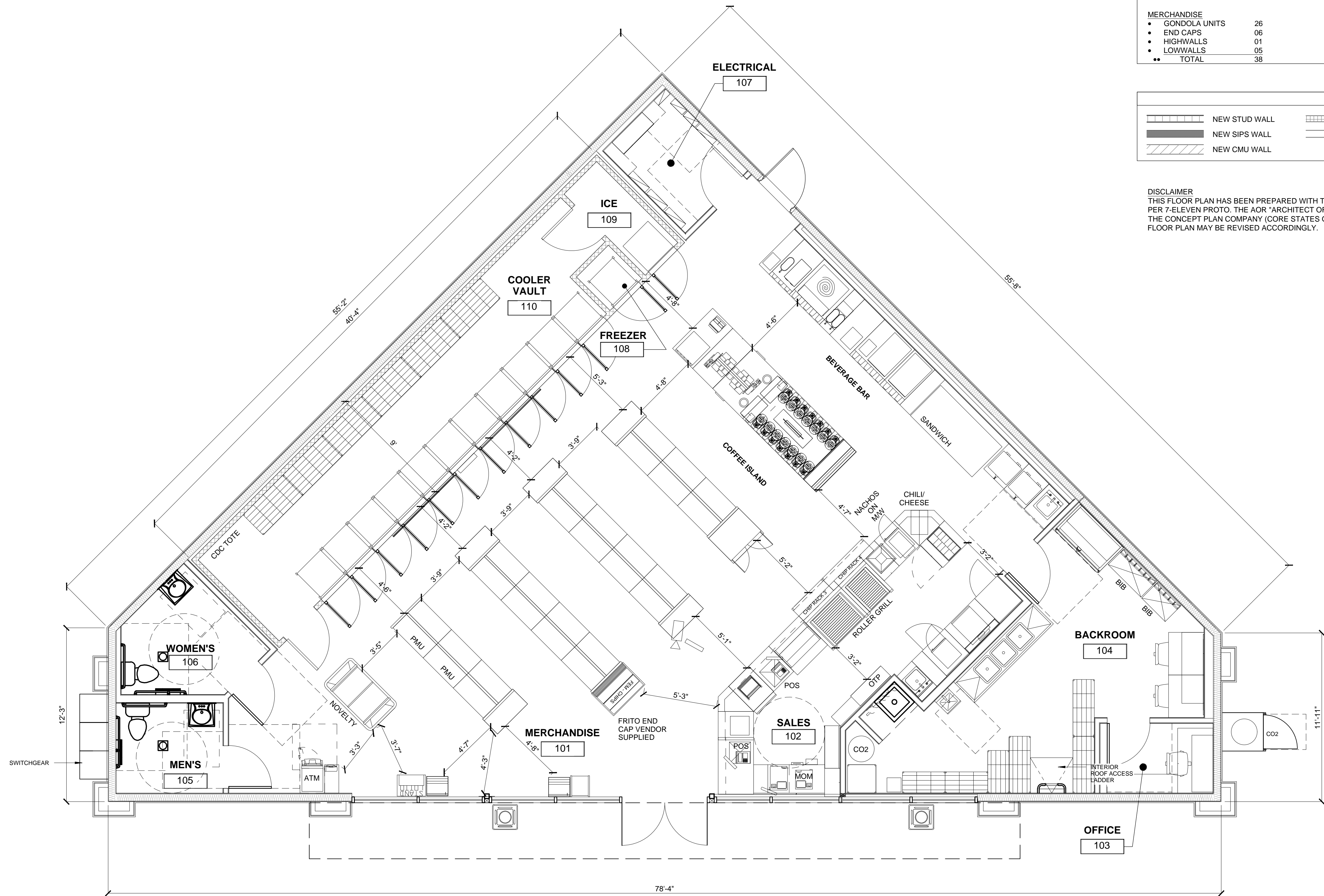
ER No. 2017-140, AA No. 2019-02, CUP No. 2019-12 & VA No. 2019-01
1904 West First Street



EXHIBIT 4



EXHIBIT 5



LAYOUT INFORMATION			
GENERAL		BACKROOM	DEVIATIONS
• ROLLER GRILLS	2	• OVERHEAD SHELVING	14'
• SANDWICH CASE	WALL	• FLOOR SHELVING	32'
• VAULT DOORS	11		
• LOW TEMP DOORS	1		
• ICE MERCH DOORS	1		
• NOVELTY CASE	Y	BUILDING	
• BAKERY CASE	Y	• TOTAL SQ FT	2,480
• SLURPEE BARRELS	6	• SALES FLOOR SQ FT	1,520
• FUELING	N	• BACKROOM SQ FT	303
• BEER	N	• OCCUPANCY LOAD	52
• WINE	N	• TRAVEL DISTANCE	60'-2"
• LIQUOR	N	• RESTROOMS REQ'D	02
		• EXITS REQ'D	02
MERCHANDISE			
• GONDOLA UNITS	26		
• END CAPS	06		
• HIGHWALLS	01		
• LOWWALLS	05		
• TOTAL	38		

WALL LEGEND	
	NEW STUD WALL
	NEW SIPS WALL
	NEW CMU WALL
	NEW COOLER WALL
	EXISTING WALL

DISCLAIMER
THIS FLOOR PLAN HAS BEEN PREPARED WITH THE ASSUMPTION THAT ALL REFRIGERATED EQUIPMENT IS REMOTE-COOLED PER 7-ELEVEN PROTO. THE AOR "ARCHITECT OF RECORD" / EOR "ENGINEER OF RECORD" IS RESPONSIBLE FOR NOTIFYING THE CONCEPT PLAN COMPANY (CORE STATES GROUP) IF REFRIGERATION DESIGN WILL BE NON-PROTOTYPICAL SO THAT FLOOR PLAN MAY BE REVISED ACCORDINGLY.

7-ELEVEN, INC.
3200 HACKBERRY ROAD, IRVING, TEXAS 75063

7-11 #1040693 / 38278
1904 W. 1ST STREET @ DAISY
SANTA ANA, CA

PROPOSED FLOOR PLAN

299 N. Euclid Ave., Ste 550
Pasadena, CA 91101
(213) 381-7891
fiedlergroup.com

JOB: 16062

SCALE: AS NOTED

DATE: 09/17/2018

DRAWN BY: JB

CHECKED BY: JB

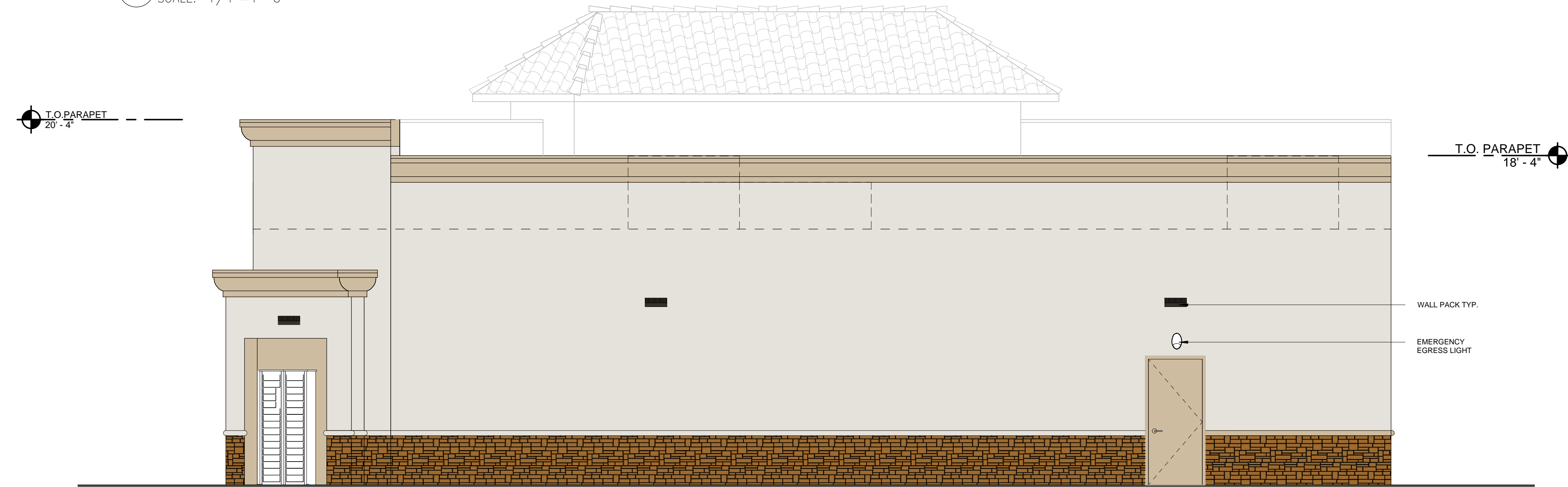
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SHEET:
A1

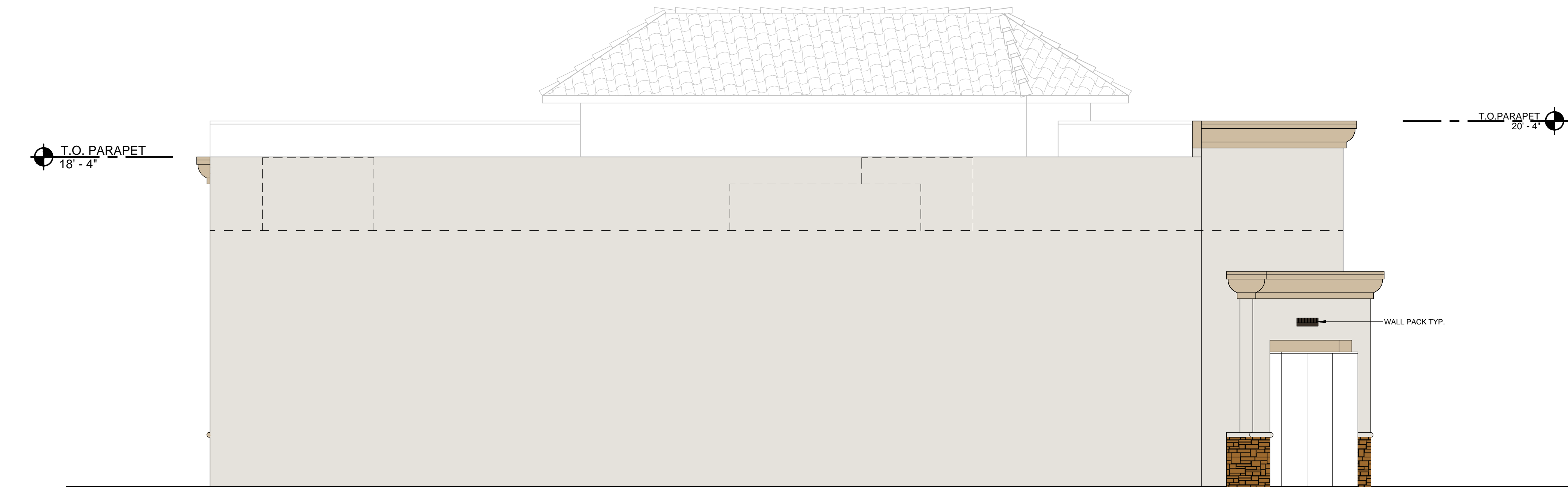
EXHIBIT 6



1 NORTHWEST ELEVATION
SCALE: 1/4"=1'-0"



2 WEST ELEVATION
SCALE: 1/4"=1'-0"

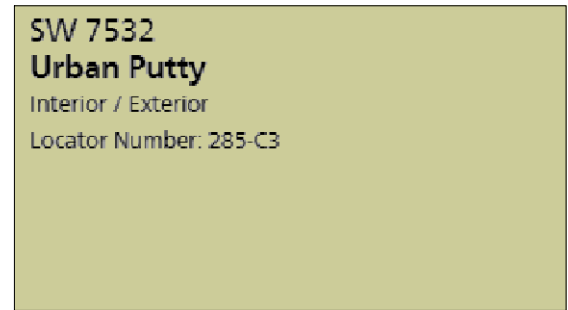


3 SOUTH ELEVATION
SCALE: 1/4"=1'-0"

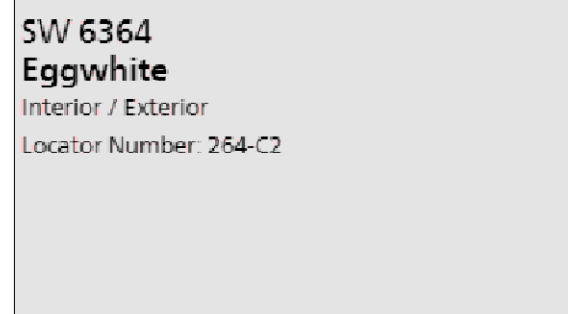
COLOR AND MATERIAL SAMPLE BOARD



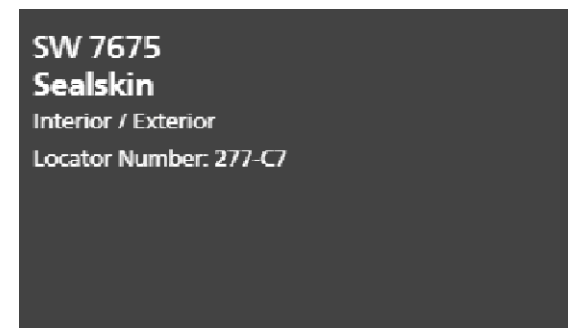
ACM-1
PREFINISHED METAL
DARK BRONZE



P-1
SHERWIN WILLIAMS
URBAN PUTTY - SW 7532

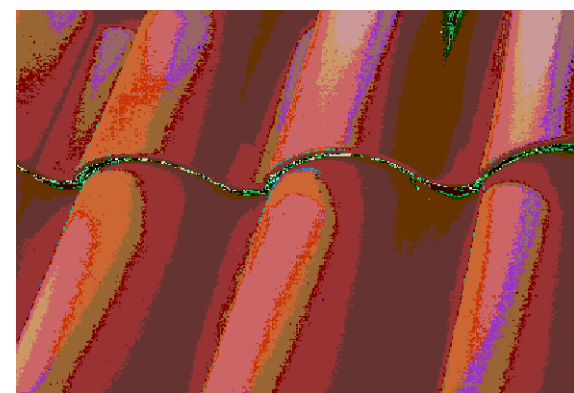


P-2
SHERWIN WILLIAMS
EGGWHITE 63664

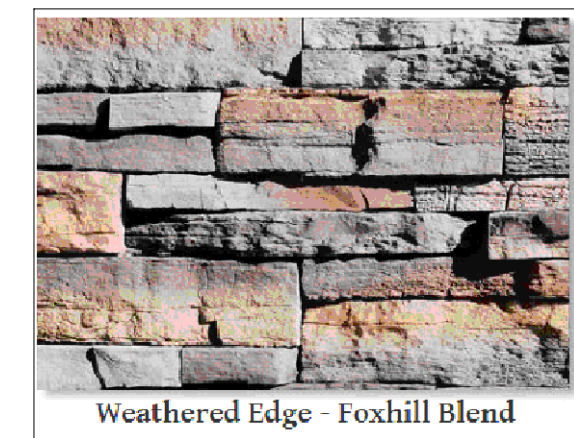


P-3
SHERWIN WILLIAMS
SEAL SKIN SW 7675

EXTERIOR MATERIALS SCHEDULE		
MATERIAL	MANUF. COLOR	
ACM-1	PREFINISHED METAL	BRONZE
MR-1	MEMBRANE ROOFING	DUROLAST - WHITE
STONE	WEATHERED EDGE STONE	CONONADO STONE - FOXHILL BLEND
P-1	PAINTED STUCCO	SHERWIN WILLIAMS - URBAN PUTTY SW 7532
P-2	PAINTED STUCCO	SHERWIN WILLIAMS - EGGWHITE SW634
P-3	EXTERIOR IM DOORS, FRAMES, GRAVEL GUARDS, AND LIGHT POLES	SHERWIN WILLIAMS - SEALSKIN SW7675
S-1	ALUMINUM STOREFRONT GLAZING	CAVINEER - 451T VG
TILE	CLAYLITE ROOF TILE	JB TILE - TERRACOTTA

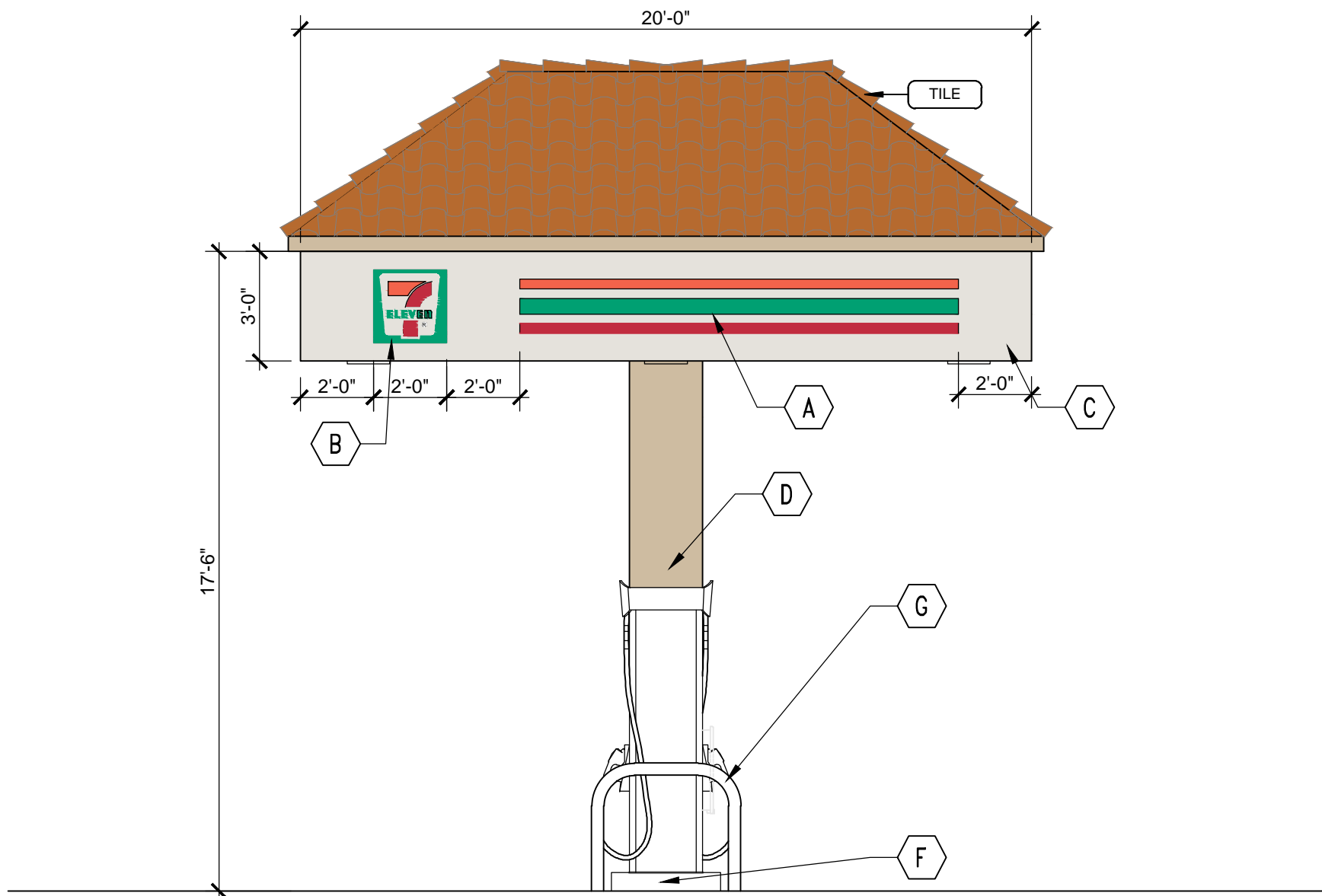


TILE
US TILE - CLAYLITE
TERRACOTTA

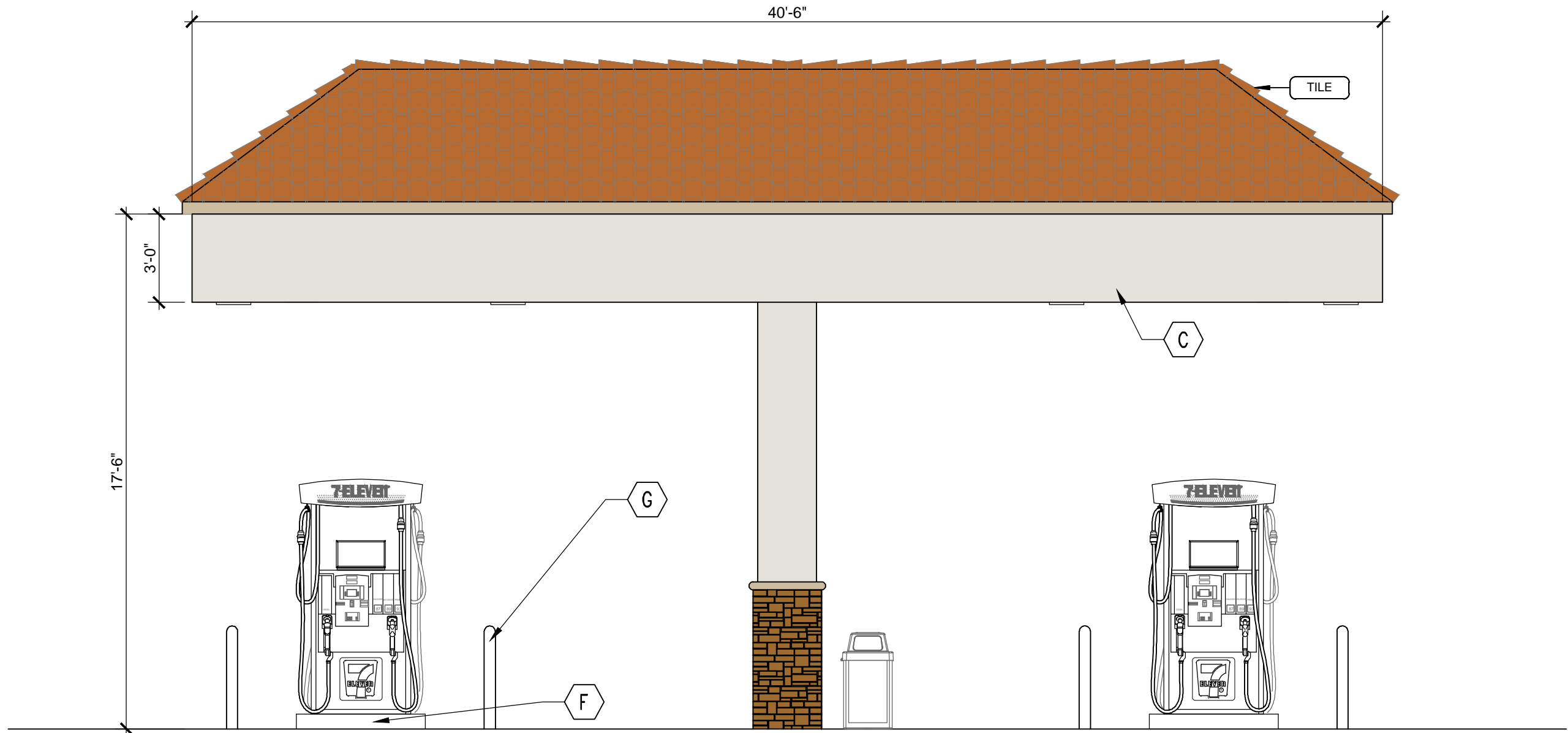


STONE
CONONADO STONE
WEATHERED EDGE - FOXHILL BLEND

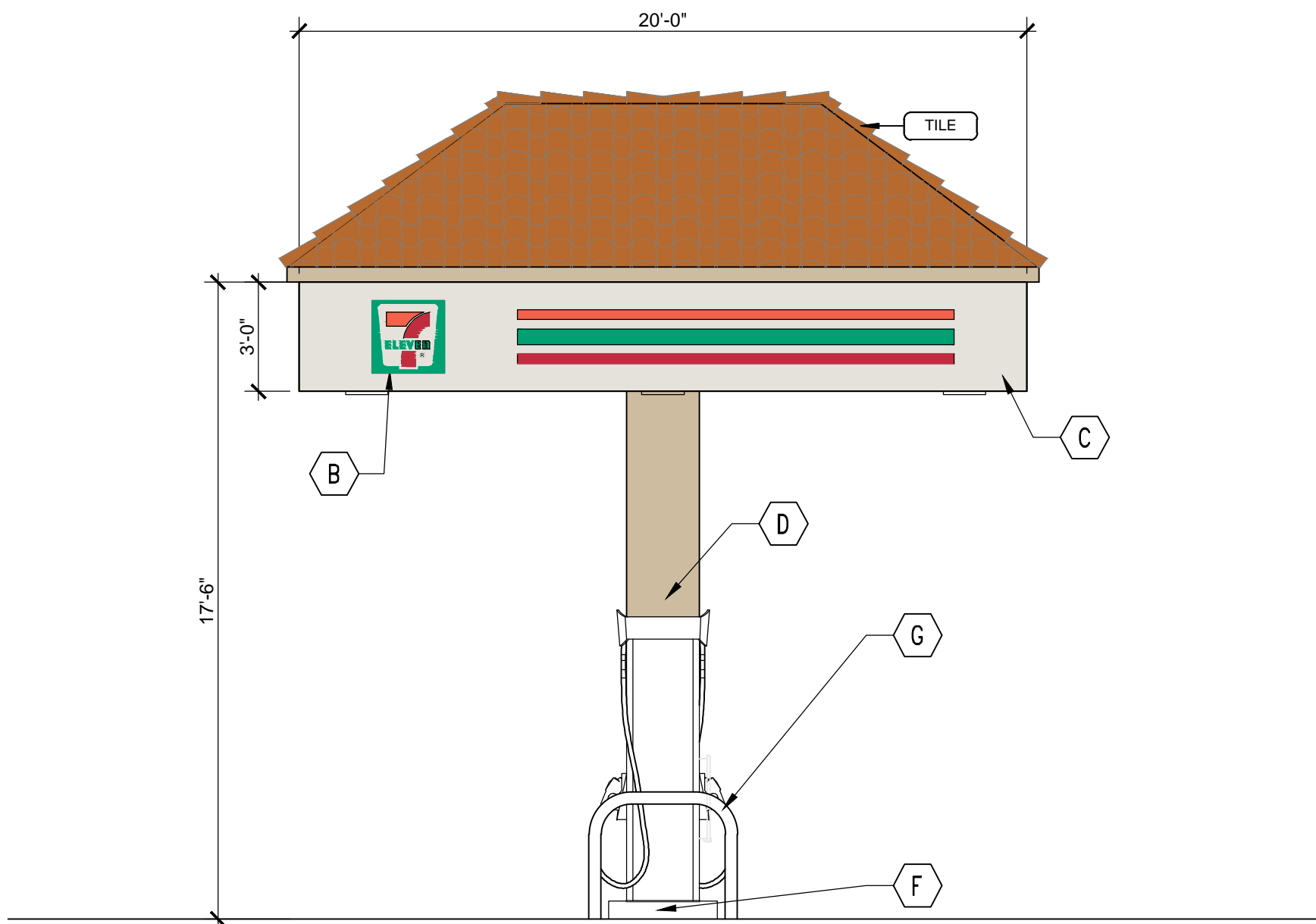
Rev. #	Date	Description
09/17/18	4/16/18	DRC LETTER REVISIONS
		ENTITLEMENT RESUBMITTAL
7-ELEVEN, INC.		
3200 HACKBERRY ROAD, IRVING, TEXAS 75063		
7-11 #1040693 / 38278		
1904 W. 1ST STREET @ DAISY		
SANTA ANA, CA		
PROPOSED EXTERIOR ELEVATIONS		
299 N. Euclid Ave. Ste. 550 Pasadena, CA 91101		
(213) 381-7891 fiedlergroup.com		
JOB: 16062	SCALE: AS NOTED	DATE: 09/17/2018
DRAWN BY: JB	CHECKED BY: JB	
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SHEET: A2		



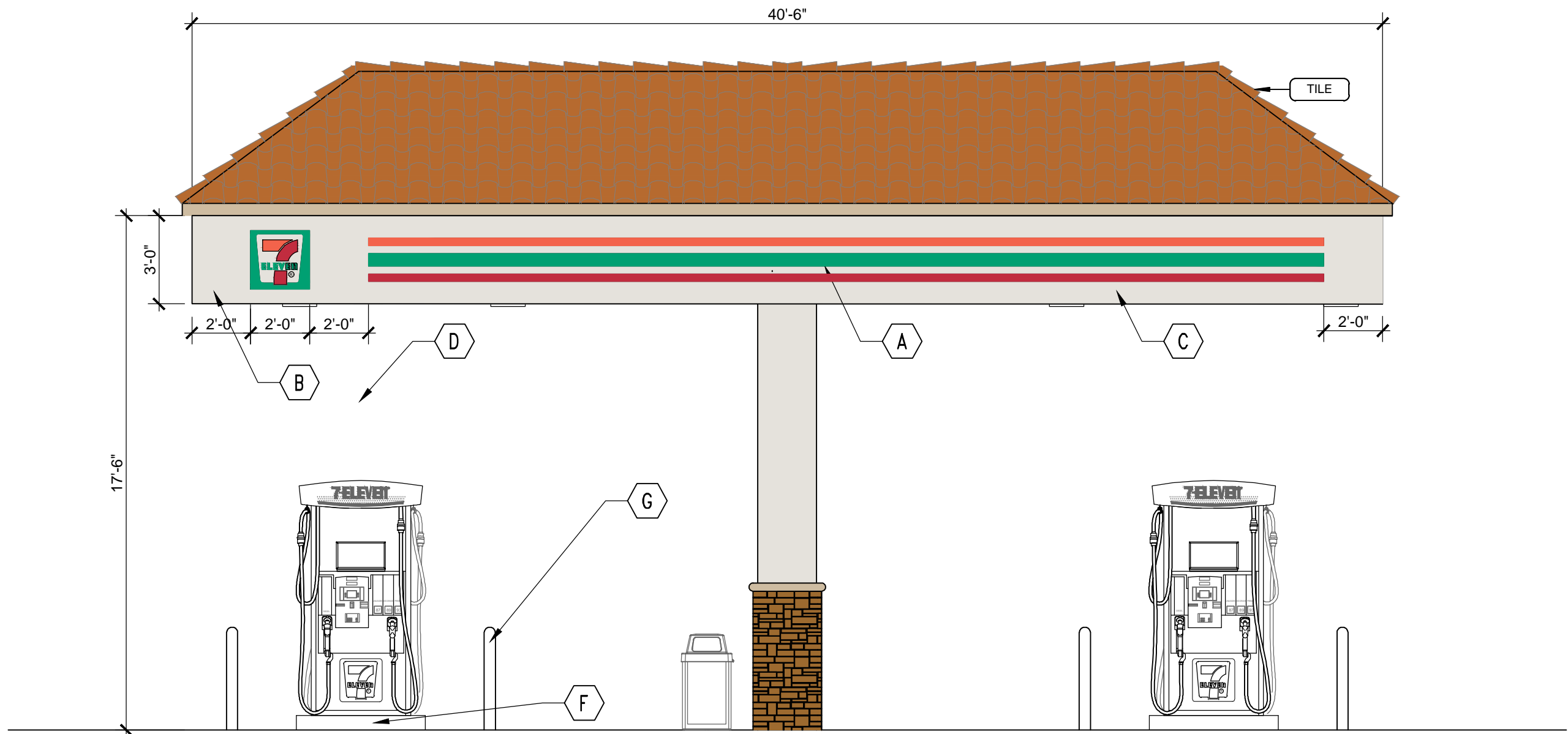
2 NORTHWEST ELEVATION
SCALE: 1/4" = 1'-0"



1 SOUTHWEST ELEVATION
SCALE: 1/4" = 1'-0"



3 SOUTHEAST ELEVATION
SCALE: 1/4" = 1'-0"



4 NORTHEAST ELEVATION
SCALE: 1/4" = 1'-0"

FINISH SCHEDULE ○:

- A TRI-STIPE GRAPHICS - ORANGE (3M 3630-44), RED (3M 3630-33) & GREEN (3M 3630-26)
- B ILLUMINATED LOGO SIGN - W9 (03130855) S/F INTERNALLY ILLUMINATED
- C WALL SIGN CABINET
- D CANOPY FASCIA - SHERWIN WILLIAMS DECK WHITE (SW7006)
- E CANOPY COLUMN - SHERWIN WILLIAMS SEAL SKIN (SW7675)
- F STUCCO - SHALE BROWN
- G FUEL ISLAND CURB - SHERWIN WILLIAMS SEAL SKIN (SW7675)

Rev. #	Date	Description
	4/16/18	DRC LETTER REVISIONS
	09/17/18	ENTITLEMENT RESUBMITTAL

7-ELEVEN, INC. 3200 HACKBERRY ROAD, IRVING, TEXAS 75063	7-11 #1040693 / 38278 1904 W 41ST STREET @ DAISY SANTA ANA, CA	PROPOSED FUEL CANOPY ELEVATIONS
--	--	---------------------------------

		209 N. Euclid Ave., Ste. 550 Pasadena, CA 91101 (213) 381-7891 fiedlergroup.com
--	--	--

JOB:	16062
SCALE:	AS NOTED
DATE:	09/17/2018
DRAWN BY:	JB
CHECKED BY:	JB

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SHEET:	A3
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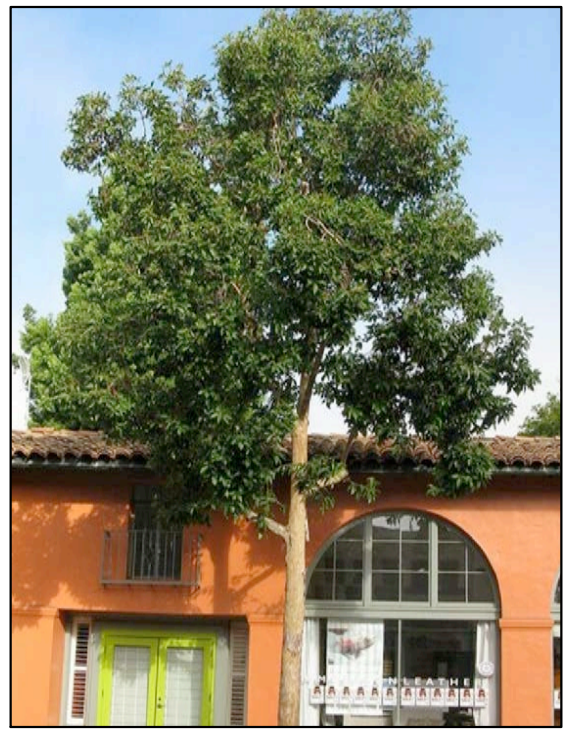
EXHIBIT 7



PLANTING LEGEND

Symbol	Botanical Name/Common Name	Quantity	Size	WUCOLS	Remarks
TREES					
	Tristania conferta / Brisbane Box	6	36" Box	M	
	Street trees per City of Santa Ana Pinus canariensis / Canary Island Pine	2	24" Box	L	
SHRUBS					
	Dodonaea viscosa 'Purpurea' / Purple hopseed bush @ 36" o.c.	5g		L	
	Leymus condensatus 'Canyon Prince' / Canyon rye grass @ 30" o.c.	5g		L	
	Phlomis fruticosa / Jerusalem Sage @ 36" o.c.	5g		L	
VINES					
	Trachelospermum jasminoides / Star jasmine	5g		M	
GROUND COVER					
	Nandina domestica 'Nana Purpurea' / Dwarf heavenly bamboo x sf @ 24" o.c. = x plants	1g		M	
	Gravel				

TREE



Tristania conferta /
Brisbane box

SHRUBS



Dodonaea viscosa 'Purpurea' /
Purple hopseed bush



Leymus condensatus 'Canyon Prince' /
Canyon rye grass



Phlomis fruticosa /
Jerusalem sage

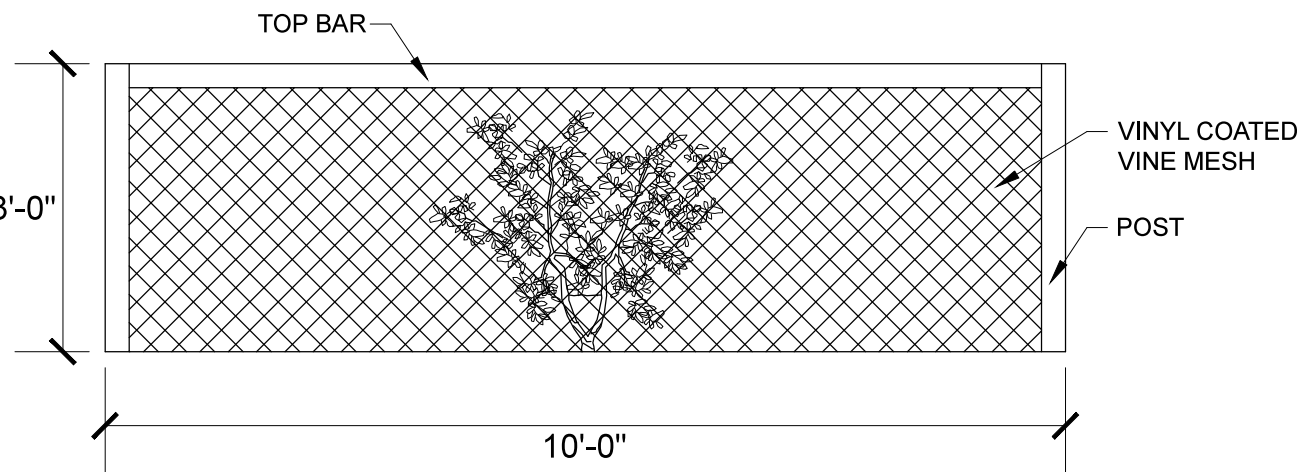


Trachelospermum jasminoides /
Star jasmine



Nandina domestica 'Nana Purpurea' /
Dwarf heavenly bamboo

GROUND COVER



VINE ON FENCE – ELEVATION

SCALE: 1/2" = 1'-0"



COURTLAND STUDIO, LLC
505 E Colorado Blvd., Mezz C
Pasadena CA 91101
P: 818-788-9082
F: 818-788-3217
Licensed Landscape Architect #8920
Renewal Date 2/28/19



Architecture & Engineering

299 N. Euclid Ave., Ste 550
Pasadena, CA 91101

(213) 381-7891

fiedlergroup.com



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NO.	DATE	REVISION DESCRIPTION
1		
2		
3		
4		
5		
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7		
8		
9		
10		

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DEVELOPMENT INFORMATION

7-ELEVEN
NEW C-STORE
&
NEW 2 M.P.D. CANOPY

SITE ADDRESS:

1904 W. 1ST STREET
@ S. DAISY AVENUE
SANTA ANA, CA 92703

#1040693/38278

DESIGNED BY:

MB

CHECKED BY:

PL

DRAWN BY:

MC

DATE:

09/06/2018

DRAWING TITLE:

16062

CONSULTANT PM:

PROJECT NO.:

LANDSCAPE PLAN

SHEET NO.:

L1.0

EXHIBIT 8

Monument Sign Visibility Diagram – Exhibit B-1 – 1904 West First Street – Variance Application

Two Monument Signs (one on each street frontage for safe visibility per the BPC code requirements)



LEGEND:

- Proposed Sign location (compliant with State law BPC 13531(a) for visibility)
- Vehicles driving on the roadway who can safely see the signs as they approach the site

Monument Sign Visibility Diagram – Exhibit B-1 – 1904 West First Street – Variance Application

Single Monument Sign at Corner (as allowed per code)



LEGEND:

- Proposed Corner Sign (per Santa Ana Code restriction of one monument sign)
- | | |
|--------|---|
| Orange | Vehicles driving on the roadway who cannot safely see the signs as they approach the site |
| Green | Vehicles driving on the roadway who can safely see the signs as they approach the site |

EXHIBIT 9

PROJECT = 1904 W First Street, Santa Ana, CA**Public Meetings Recap:**

Two public meetings were conducted at the local elementary school auditorium. There were 6-9 people at each meeting (as shown on the sign-in sheets) plus the project planner Mr. Jerry Guevara and the project proponents (Ms. Lorena Muniz attended the first meeting), Ms. Michelle Moore (attended the second meeting), Ms. Sherrie Olson and Mr. Ben Steckler). The meetings were informal with Mr. Steckler and Ms. Olson giving brief summaries of the project and displaying the project plans that had been submitted to the City plus handing out reduced color versions of the plans to the attendees, followed by a questions/comment period which included responses to each of the questions/comments received. Unfortunately, no meeting minutes were taken. The public attendees at the meetings included people both in support and in opposition to the project. The supporters were more silent and came to the project proponents after the meeting to provide their support (due to concerns they had about one of the people in opposition). The initial concern raised by the opponents was about the sale of beer and wine, to which the proponents indicated that this location was not going to sell beer and wine. This ensued in a long discussion about the beer and wine concerns, and the proponents indicated that the City code in Santa Ana would not allow for it at this location, and this appeased the concerns of the public attendees. Then the opponents indicated they had enough 7-Elevens in Santa Ana already, and did not need another. The proponents responded indicating that the site would be a brand new layout offering what we believed to be as safe and secure development as possible via on-site lighting and security cameras/surveillance as well as the layout of the site being supportive of Crime Prevention Through Environmental Design (CPTED) standards, with the structure in the rear, and the open areas to the public facing First Street and/or the intersection area of Daisy Ave. so that any police driving by could see into the site and the store.

The opposition also indicated that the neighborhood was high-crime (one of them even recanted a story about someone in a gang nearby doing drugs off the hood of his car), and they were concerned about the possibility of people hanging out around the project site causing issues in the neighborhood. The proponents responded indicating again that the site was designed to prevent as much as possible any crimes being committed on the site and that the employees would have access to emergency call buttons for help in case anything did occur, besides describing the CPTED design and the on-site lighting and security measures (cameras and video surveillance). The opponents asked about the lighting, if it would glare into the nearby homes, and the proponents indicated that the lighting would be in compliance with current codes requiring safe on-site lighting that is directed down toward the site itself, in order to provide as safe and secure of an environment as possible via the new site design and improvements, while meeting the code standards which are in place specifically for the

general health and well-being of the community. The public attendees also raised concerns that the development would bring more homeless to the area. The proponents responded that the store layout would not allow them to hide or camp anywhere and that the employees would not allow them to loiter in front of the store.

The proponents also indicated that the existing site has had to be cleaned up from the current homeless and other nefarious characters who are using the site due to the lack of any public presence at the abandoned restaurant, indicating that the proposed new development would strongly discourage any homeless or other nefarious activity at the site by providing 24 hour operation that has security cameras that will record the activity onsite and help to deter not only problem activity at the site, but also in the immediate vicinity. Various City police departments have used security footage from the surveillance systems to apprehend people who have committed crimes at other locations and were fleeing along adjacent streets but were caught on the security cameras and identified for apprehension. The proponents truly believe that the proposed development will be a safe and secure "good neighbor" in the community.

In addition to the two meetings, the proponents had reached out directly to the community and received signatures in support of the project from numerous residents within the community. The support signatures have been provided to the project planner, Mr. Jerry Guevara for inclusion in the project file.

7-11 NOTICE OF PUBLIC MEETING
SIGN -IN SHEET

TUESDAY, DECEMBER 12, 2017
6PM -8PM

1904 W 1st STREET, SANTA ANA, CA 92703

NAME	ADDRESS	PHONE#
1. Raymundo Lugo	1118 Franklin St	(714) 547-8418
2. Elvia Lugo	111 S. Franklin St	(714) 547-8418
3. Marci Espinoza		
4. JOSE ESPINOZA	109 S. DOLISY AV.	714 75603240
5. EMILIO LARA	} 116 S. Franklin St. Santa Ana, CA 92703	
6. Mana Lara		
7. Silverio Chairez	} W 2nd St	
8.		
9.		
10.		
11.		
12.		
13.		
14.		

7-11 NOTICE OF PUBLIC MEETING
SIGN -IN SHEET

THURSDAY, FEBRUARY 8, 2018
6PM -8PM

1904 W 1st STREET, SANTA ANA, CA 92703

NAME

ADDRESS

PHONE#

1. Raymundo Lugo - 1115 Franklin St (714) 547-8418
2. Elvia Lugo 1115-Franklin St (714) 547-8418
3. Diego Zurek 208 S. Franklin St. (714) 768-1455
4. EMILIO LARA
5. Maria Lara - (714) 955-3145
6. Silverio S Chavez
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.

STATE OF CALIFORNIA,)
) ss.

Date: December 5, 2017

Signature

The Orange County Register
2190 S. Towne Centre Place
Anaheim, CA 92806
(714) 796-2209

7-Eleven Cordially invites you to a community information meeting

Note - Change of meeting date**

Applicant: 7-ELEVEN INC.

Project Request: Request to allow a proposed new upscale 24 hour 7-Eleven Market with Gas Station. Conditional Use permit with Zone change.

Property Address: 1904 W 1st STREET., SANTA ANA, CA 92703

7-Eleven will conduct a public meeting concerning the above request. You are invited to attend and provide comment.

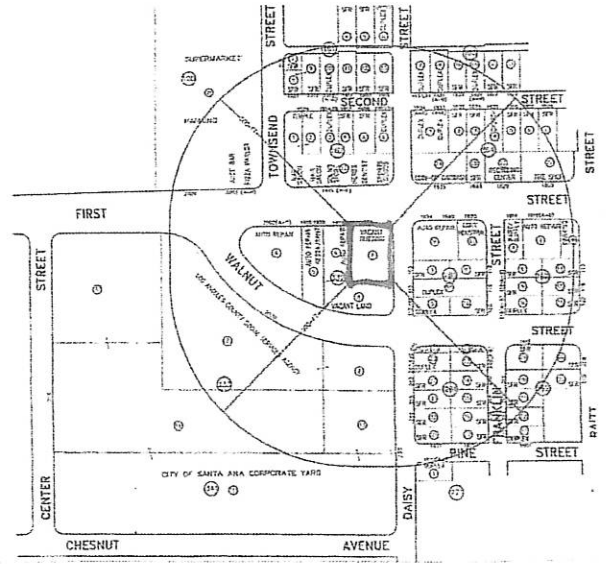
PLACE: Monte Vista Elementary
2116 W Monte Vista, Santa Ana, CA 92703

DATE: TUESDAY, DECEMBER 12, 2017

TIME: 6:00PM-8PM

If you have questions regarding this event or you require language interpretation services in languages other than English, please contact Sherrie Olson 909-467-1880 or sherrieolson2@gmail.com

Publish: Orange County Register December 5, 2017 11049319.



Proposed Project location >

7-Eleven Cordially invites you to a community information meeting

*****Note – Change of meeting date*******

Applicant: 7-ELEVEN INC.

Project Request: Request to allow a proposed new upscale 24 hour 7-Eleven Market with Gas Station. Conditional Use permit with Zone change.

Property Address: 1904 W 1st STREET., SANTA ANA, CA 92703

**7-Eleven will conduct a public meeting concerning the above request.
You are invited to attend and provide comment.**

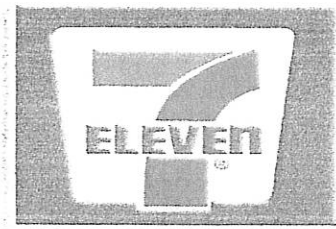
PLACE: Monte Vista Elementary

2116 W Monta Vista, Santa Ana, CA 92703

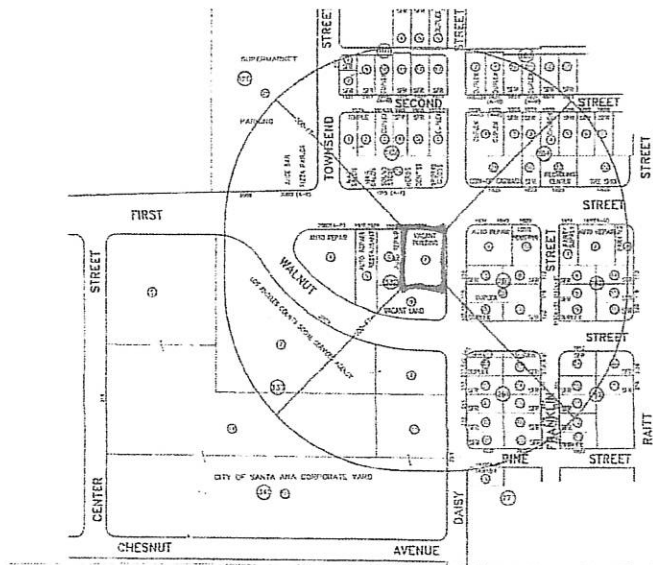
DATE: TUESDAY, DECEMBER 12, 2017

TIME: 6:00PM -8PM

If you have questions regarding this event or you require language interpretation services in languages other than English, please contact Sherrie Olson 909-467-1880 or sherrieolson2@gmail.com



Ubicación del proyecto propuesto >



***7-Eleven le invita cordialmente a asistir a una
reunión de información de la comunidad***

***** Obsérvese el cambio de fecha de reunión *****

Solicitante: 7-ELEVEN INC.

Solicitud de proyecto: Solicitud de una nueva propuesta de una escala de 7-Eleven mercado abierto las 24 horas con la gasolinera. Permiso de uso condicional con cambio de zona.

de la propiedad: 1904 W 1ST. STREET., SANTA ANA, CA
92703

7-Eleven llevará a cabo una reunión pública sobre esta solicitud. Les invitamos a asistir y proporcionar comentario.

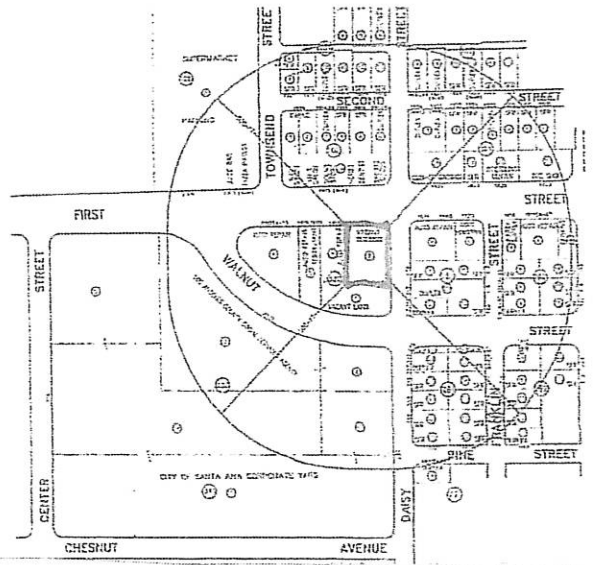
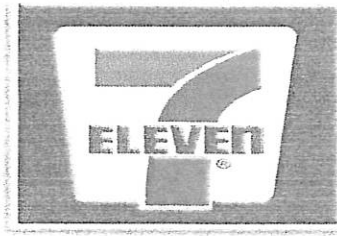
PLACE: LUGAR: Monte Vista Elementary
2116 W Monta Vista, Santa Ana, CA
92703

DATE /FECHA: Martes, 12 de diciembre de 2017

TIME: 6:00 PM - 8PM

Si usted tiene preguntas acerca de este evento o que requieren servicios de interpretación de idiomas en idiomas distintos del inglés, por favor, póngase en contacto con:

Sherrie Olson 909-467-1880 or sherrieolson2@gmail.com



Proposed Project location >

7-Eleven Cordially invites you to a community information meeting

*****Note – Change of meeting date*******

Applicant: 7-ELEVEN INC.

Project Request: Request to allow a proposed new upscale 24 hour 7-Eleven Market with Gas Station. Conditional Use permit with Zone change.

Property Address: 1904 W 1st STREET., SANTA ANA, CA 92703

**7-Eleven will conduct a public meeting concerning the above request.
You are invited to attend and provide comment.**

PLACE: Monte Vista Elementary

2116 W Monta Vista, Santa Ana, CA 92703

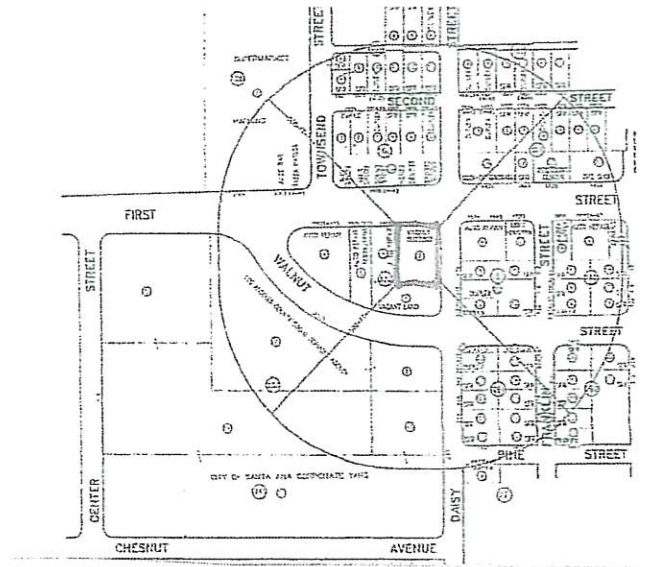
DATE: THURSDAY, FEBRUARY 8, 2018

TIME: 6:00PM -8PM

If you have questions regarding this event or you require language interpretation services in languages other than English, please contact Sherrie Olson 909-467-1880 or sherrieolson2@gmail.com



Ubicación del proyecto propuesto >



***7-Eleven le invita cordialmente a asistir a una
reunión de información de la comunidad***

***** Obsérvese el cambio de fecha de reunión *****

Solicitante: 7-ELEVEN INC.

Solicitud de proyecto: Solicitud de una nueva propuesta de una escala de 7-Eleven mercado abierto las 24 horas con la gasolinera. Permiso de uso condicional con cambio de zona.

de la propiedad: 1904 W 1ST. STREET., SANTA ANA, CA
92703

7-Eleven llevará a cabo una reunión pública sobre esta solicitud. Les invitamos a asistir y proporcionar comentario.

PLACE: LUGAR: Monte Vista Elementary
2116 W Monta Vista, Santa Ana, CA
92703

DATE /FECHA: Jueves, 8 de febrero de 2018

TIME: 6:00 PM - 8PM

Si usted tiene preguntas acerca de este evento o que requieren servicios de interpretación de idiomas en idiomas distintos del inglés, por favor, póngase en contacto con:

EXHIBIT 10

MITIGATED NEGATIVE DECLARATION

The Mitigated Negative Declaration (MND) and Technical Appendices are available at the following locations:

Online:

<https://www.santa-ana.org/7-eleven-convenience-store-gas-station-1904-w-first-street>

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

7-Eleven at 1904 West First Street
MITIGATED NEGATIVE DECLARATION LINK