

**ACTION MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION OF THE
CITY OF SANTA ANA, CALIFORNIA**

March 11, 2019

CALLED TO ORDER

COUNCIL CHAMBER
22 CIVIC CENTER PLAZA
SANTA ANA, CALIFORNIA
5:47 P.M.

ATTENDANCE

COMMISSIONERS Present:
ERIC ALDERETE *(arrived at 6:05 p.m.)*
DAVID BENAVIDES *(arrived at 5:51 p.m.)*
CYNTHIA CONTRERAS-LEO, *Vice Chair*
MARK MCLOUGHLIN, *Chair*
KENNETH NGUYEN
FELIX RIVERA

COMMISSIONERS Absent:
ANGIE CANO

PLANNING & BUILDING AGENCY STAFF Present:
MINH THAI, Executive Director
CANDIDA NEAL, *Planning Manager*
VINCE FREGOSO, Principal Planner
LISA STORCK, *Assistant City Attorney*
SARAH BERNAL, *Recording Secretary*

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS (on non-agenda items): None.

CONSENT CALENDAR

A. MINUTES FROM THE REGULAR MEETING OF FEBRUARY 25, 2019

MOTION: Approve Minutes.

MOTION: Nguyen **SECOND:** Contreras-Leo

VOTE: **AYES:** Contreras-Leo, McLoughlin, Nguyen, Rivera (4)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Alderete, Benavides, Cano (3)

B. EXCUSED ABSENCE

MOTION: Excuse absent commission members: Cano

MOTION: Contreras- Leo **SECOND:** Nguyen

VOTE: **AYES:** Contreras-Leo, McLoughlin, Nguyen, Rivera (4)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Alderete, Benavides, Cano (3)

C. MINOR EXCEPTION NO. 2018-02 TO ALLOW THE INSTALLATION OF AN OVERHEAD ELECTRICAL FEEDER AT A NEW SINGLE-FAMILY RESIDENCE AND DETACHED ACCESSORY DWELLING UNIT LOCATED AT 206 SOUTH ANDRES PLACE. – DANNY NGUYEN, APPLICANT. Ivan Orozco, Case Planner.

MOTION: Confirm the Zoning Administrator's action approving Minor Exception No. 2018-02, as conditioned.

MOTION: Contreras- Leo **SECOND:** Nguyen

VOTE: **AYES:** Benavides, Contreras-Leo, McLoughlin, Nguyen, Rivera (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Alderete, Cano (2)

*** * * END OF CONSENT CALENDAR * * ***

BUSINESS CALENDAR ITEMS

PUBLIC HEARING

1. CONDITIONAL USE PERMIT NO. 2019-05 TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES (BEER AND WINE) FOR ON-PREMISE CONSUMPTION AT A NEW EATING ESTABLISHMENT LOCATED AT 1302 EAST 17TH STREET, UNIT D IN THE PLANNED SHOPPING CENTER (C4) ZONING DISTRICT – FAR WEST RESTAURANT GROUP, LLC REPRESENTING WINGSTOP RESTAURANT, APPLICANT {STRATEGIC PLAN NO. 3, 2}. Pedro Gomez, Case Planner.

Legal noticed published in the Orange County Reporter on March 1, 2019 and notices mailed on March 1, 2019.

Case Planner Gomez provided a staff report which included a project description, project background and project analysis.

The applicant spoke in support of the matter; however, she expressed concern with Condition no. 3 of the conditions of approval (Exhibit A of the Resolution). Disputed the nexus between a Property Maintenance Agreement recorded against the property and the permit to sell, service, and consume alcoholic beverages. Believes the property owner, not the tenant, should be responsible for property maintenance; the tenant lacks authority to enter into a maintenance agreement with the City as they are not the legal property owner.

Staff reported the condition regarding the Property Maintenance Agreement has been added to all discretionary action items as a condition of approval. The property owner, in addition to the tenant, is a signatory to the discretionary action application. For this reason, the property owner would be compelled to comply with the condition.

Commission generally agreed that property maintenance is important but a nexus between the condition and the alcohol sales must be made. Staff suggested that the language of the condition be modified to include maintenance of tenant space only rather than the maintenance of the entire property. The applicant indicated that she was not satisfied with the suggested modification. Staff recommended the matter be continued to allow staff time to work with the applicant.

One letter in opposition was received from the following individual:

- S. Ali Surti

Chair McLoughlin opened the Public Hearing. There were no speakers and the hearing was closed.

MOTION: *Continue the matter until March 25, 2019*

MOTION: Contreras-
Leo **SECOND:** Nguyen

VOTE: **AYES:** Alderete, Benavides, Contreras-Leo, McLoughlin, Nguyen,
Rivera (6)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Cano (1)

2. CONDITIONAL USE PERMIT NO. 2019-07 TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES (BEER, WINE AND DISTILLED SPIRITS) FOR ON-PREMISE CONSUMPTION AT A NEW EATING ESTABLISHMENT LOCATED AT 2158 SOUTH BRISTOL STREET IN THE GENERAL COMMERCIAL (C2) ZONING DISTRICT – EDGAR ASCENCIO REPRESENTING CULICHI TOWN RESTAURANT, APPLICANT {STRATEGIC PLAN NO. 3, 2}. Ivan Orozco, Case Planner.

Legal noticed published in the Orange County Reporter on March 1, 2019 and notices mailed on March 1, 2019.

Case Planner Orozco provided a staff report which included a project description, project background and project analysis.

Two letter in opposition were received from the following individuals:

- Byung Yoon
- Gris (first name not provided)

The applicant spoke in support of the matter; answered questions regarding the drink and food menu.

Chair McLoughlin opened the Public Hearing. There were no speakers and the Public Hearing was closed.

MOTION: Adopt a resolution approving Conditional Use Permit No. 2019-07, as conditioned.

MOTION: Contreras-Leo **SECOND:** Nguyen

VOTE: **AYES:** Alderete, Benavides, Contreras-Leo, McLoughlin, Nguyen, Rivera (6)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Cano (1)

3. CONDITIONAL USE PERMIT NO. 2019-08 TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES (BEER AND WINE) FOR ON-PREMISE CONSUMPTION AT A NEW EATING ESTABLISHMENT LOCATED AT 3392 SOUTH BRISTOL STREET IN THE PLANNED SHOPPING CENTER (C4) ZONING DISTRICT – TAIT AND ASSOCIATES REPRESENTING AYCE SUSHI RESTAURANT, APPLICANT {STRATEGIC PLAN NO. 3, 2}. Ivan Orozco, Case Planner.

Legal noticed published in the Orange County Reporter on March 1, 2019 and notices mailed on March 1, 2019.

Case Planner Orozco provided a staff report which included a project description, project background and project analysis.

Two letters in support were received by the following individuals:

- Dominic Camargo
- Adam Shepard

The applicant spoke in support of the matter; expressed concern with Condition no. 3 of the conditions of approval (Exhibit A of the Resolution).

Chair McLoughlin opened the Public Hearing. There were no speakers and the Public Hearing was closed.

MOTION: Adopt a resolution approving Conditional Use Permit No. 2019-08, as conditioned.

MOTION: Contreras-Leo **SECOND:** Nguyen

VOTE: **AYES:** Alderete, Benavides, Contreras-Leo, McLoughlin, Nguyen, Rivera (6)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Cano (1)

*****END OF BUSINESS CALENDAR*****

COMMENTS

4. STAFF COMMENTS:

- Principal Planner Fregoso: Will invite former Planning Commissioner Lynnette Verino to the next meeting so that a certificate can be presented to her for her service.

5. COMMISSION MEMBER COMMENTS:

- All commissioners welcomed new Commissioner Rivera.
- Commissioner Rivera: Excited to serve on the Commission.
- Vice Chair Contreras-Leo: Thanked staff for making arrangements for her to attend the Planning Commissioners Academy in Long Beach.

- Commissioner Nguyen: Echoed Vice Chair Contreras-Leo's remarks. Requested that the City Attorney offer a work study session on the Brown Act to the new commissioners.
- Chair McLoughlin: The information presented at the Planning Commission Academy was helpful. Requested an update on recent housing bills.

6:49 P.M. ADJOURNMENT – The next meeting will be held on March 25, 2019 at 5:30 p.m. in the Council Chamber, 22 Civic Center Plaza, Santa Ana, California.

Sarah Bernal
Recording Secretary

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