

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

October 8, 2018

CALLED TO ORDER

COUNCIL CHAMBER
22 CIVIC CENTER PLAZA
SANTA ANA, CALIFORNIA
5:34 P.M.

ATTENDANCE

COMMISSIONERS Present:
ERIC ALDERETE
CYNTHIA CONTRERAS-LEO, *Vice Chair*
MARK MCLOUGHLIN, *Chair*
ROMAN REYNA
LYNETTE VERINO

COMMISSIONERS Absent:
KENNETH NGUYEN
BEATRIZ MENDOZA

STAFF Present:
ROBERT CORTEZ, *Deputy City Manager*
CANDIDA NEAL, *Planning Manager*
LISA STORCK, *Assistant City Attorney*
TAIG HIGGINS, *Principal Civil Engineer*
SELENA KELAHER, *Case Planner*
IVAN OROZCO, *Case Planner*
HEIDI JACINTO, *Case Planner*
SARAH BERNAL, *Recording Secretary*

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS (on non-agenda items):

- Genelle Johnson: Spoke in opposition to the proposed project located at 2525 N. Main Street; indicated there are several vacancies in nearby apartment buildings; concerned with traffic.
- Dale Helvig: Spoke in opposition to the proposed project located at 2525 N. Main Street; opined the development project on King Street and Fairview is a good fit for the area and should be used as an example for future projects.
- Sue McDonald: Spoke in opposition to the proposed project located at 2525 N. Main Street; the project will change the character of Park Santiago.

CONSENT CALENDAR

A. MINUTES FROM THE REGULAR MEETING OF AUGUST 27, 2018

MOTION: Approve Minutes.

MOTION: Alderete **SECOND:** Reyna

VOTE: **AYES:** Alderete, Contreras-Leo, McLoughlin, Reyna, Verino (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Mendoza, Nguyen (2)

B. MINUTES FROM THE ADJOURNED MEETING OF SEPTEMBER 24, 2018

MOTION: Approve Minutes.

MOTION: Alderete **SECOND:** Contreras-Leo

VOTE: **AYES:** Alderete, Contreras-Leo, McLoughlin, Reyna, Verino (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Mendoza, Nguyen (2)

C. EXCUSED ABSENCES

MOTION: Excuse absent commission members: Mendoza and Nguyen.

MOTION: Reyna **SECOND:** Verino

VOTE: **AYES:** Alderete, Contreras-Leo, McLoughlin, Reyna, Verino (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Mendoza, Nguyen (2)

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

BUSINESS CALENDAR ITEMS

PUBLIC HEARINGS

Item Nos. 1 - 4 carried forward from the September 24, 2018 meeting due to lack of quorum.

1. ZONING ORDINANCE AMENDMENT NO. 2018-04 TO AMEND VARIOUS SECTIONS OF CHAPTER 41 OF THE SANTA ANA MUNICIPAL CODE RELATING TO R2 AND TOWNHOUSE STANDARDS, SCHOOLS, CITYWIDE DESIGN GUIDELINES, FRENCH PARK (SD-19) AND HENINGER PARK (SD-40)

Legal noticed published in the Orange County Register on September 14, 2018 and notices mailed on September 14, 2018.

MOTION: Continue the matter to the October 22, 2018 meeting.

MOTION: McLoughlin **SECOND:** Alderete

VOTE: **AYES:** Alderete, Contreras-Leo, McLoughlin, Reyna, Verino (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Mendoza, Nguyen (2)

2. GENERAL PLAN AMENDMENT NO. 2018-04 AND AMENDMENT APPLICATION NO. 2018-07 FOR THE ANNEXATION OF A 25-ACRE COUNTY ISLAND AT THE NORTHEAST CORNER OF SEVENTEENTH STREET AND TUSTIN AVENUE

Legal noticed published in the Orange County Register on September 14, 2018 and notices mailed on September 14, 2018.

Deputy City Manager Cortez reported that the County received a proposal to construct two new restaurants (In-N-Out and Chic-Fil-A) on the vacant parcel of land at the northeast corner of Seventeenth Street and Tustin Avenue; explained that the Local Agency Formation Commission (LAFCO) has determined that the vacant parcel of land is under Santa Ana's sphere of influence; discussed the need for the City to not only consider the financial benefit to the proposed annexation, but also to consider the overall benefit to the community.

Case Planner Kelaher provided additional information on the background, annexation process, site description, actions needed, proposed general plan designations, and pre-zoning.

Commission discussion ensued regarding number of residences, property tax, number of business, sales tax, cost for public services to the area, annexation timeline, benefits to the community, and community opposition.

Written comment was received and distributed to the Commission:

- Ben Meekhof: Opposed.

Chair McLoughlin opened the Public Hearing. The following spoke on the matter:

- Adam Rice: Spoke in opposition; has surveyed the residents and they are opposed; feels more aligned to Tustin than Santa Ana.
- Peter Willingham, representative for In-N-Out and Chik-Fil-A: Spoke in support; any traffic issues produced from businesses will be addressed.

There were no other speakers and the hearing was closed.

Commission commented on the need to consider the traffic produced by the proposed tenants. Comments were also made on the benefit the annexation will have on the area. Further comments were made on the need for an economic analysis before reaching a decision.

MOTION:

Recommend that the City Council:

1. **Adoption of a resolution approving General Plan Amendment No. 2018-04 to predesignate properties on the General Plan Land Use Map**
2. **Adoption of an ordinance approving Amendment Application No. 2018-07 to prezone properties to be consistent with the City's zoning designations.**

MOTION:	Alderete	SECOND:	Reyna
VOTE:	AYES:	Alderete, McLoughlin, Reyna (3)	
	NOES:	Contreras-Leo, Verino (2)	
	ABSTAIN:	None (0)	
	ABSENT:	Mendoza, Nguyen (2)	

Motion Fails. Planning Manager Neal announced at the end of the meeting that Government Code Section 65354 requires a majority vote (4 members) for an affirmative vote. It was later determined that the matter would be reconsidered by the Commission. Matter was scheduled to be reconsidered on October 22, 2018.

3. GENERAL PLAN AMENDMENT NO. 2018-05 TO DESIGNATE 325 NORTH TUSTIN AVENUE AND 2321 EAST 4TH STREET AND TO GENERAL COMMERCIAL, AMENDMENT APPLICATION NO. 2018-08 TO REZONE THE PROPERTIES AT 301, 325 AND 401 NORTH TUSTIN AVENUE AND 2320 EAST 4TH STREET TO GENERAL COMMERCIAL, CONDITIONAL USE PERMIT NO. 2018-18 TO ALLOW A DRIVE-

THROUGH, AND VARIANCE NO. 2018-10 TO ALLOW A REDUCTION IN LANDSCAPE SETBACKS FOR THE DEVELOPMENT OF A GAS STATION, CONVENIENCE STORE AND RETAIL PAD

Legal noticed published in the Orange County Register on September 14, 2018 and notices mailed on September 14, 2018.

Case Planner Kelaher provided a presentation which included a description of the project site, development standards, site plan, General Plan Amendment, Amendment Application, Conditional Use Permit variance, and the Mitigated Negative Declaration.

Commission discussion ensued regarding the Brownfield Act, traffic study, and variance. The applicant spoke in support of the matter and addressed questions regarding contamination of the site and possible tenants.

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

MOTION:

Recommend that the City Council:

1. **Adoption of a Mitigated Negative Declaration, Environmental Review No. 2016-156.**
2. **Adoption of a resolution approving General Plan Amendment No. 2018-05.**
3. **Adoption of an ordinance approving Amendment Application No. 2018-08.**

Planning Commission adopt resolutions:

1. **Approving Conditional Use Permit No. 2018-18 as conditioned.**
2. **Approving Variance No. 2018-10 as conditioned.**

MOTION: Verino **SECOND:** Contreras Leo

VOTE: **AYES:** Alderete, Contreras-Leo, McLoughlin, Reyna, Verino (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Mendoza, Nguyen (2)

4. **VARIANCE NO. 2018-09 TO ALLOW THE CONSTRUCTION OF A 15-FOOT HIGH BY 8-FOOT WIDE FREESTANDING MONUMENT SIGN FOR A SHOPPING CENTER LOCATED AT 3300 SOUTH BRISTOL STREET**

Legal noticed published in the Orange County Reporter on September 14, 2018 and notices mailed on September 14, 2018.

Case Planner Orozco provided a presentation which included a description of the project, project background and project analysis. Commission discussion ensued regarding variances and landscape plan. The applicant spoke in support of the matter.

Written comment was received and distributed to the Commission:

- John Dietrich: Favor

MOTION: Adopt a resolution approving Variance No. 2018-09 as conditioned with the added condition that landscape be placed around the base of the monument sign to prevent loitering and graffiti.

MOTION:	Contreras-Leo	SECOND:	Alderete
VOTE:	AYES:	Alderete, Contreras-Leo, McLoughlin, Reyna, Verino (5)	
	NOES:	None (0)	
	ABSTAIN:	None (0)	
	ABSENT:	Mendoza, Nguyen (2)	

5. **CONDITIONAL USE PERMIT NO. 2018-19, CONDITIONAL USE PERMIT NO. 2018-20 AND VARIANCE NO. 2018-11 TO ALLOW AN EATING ESTABLISHMENT WITH DRIVE-THROUGH SERVICE, AFTER-HOURS OPERATIONS AND A DRIVEWAY WITHIN 150 OF AN INTERSECTION AT 2301 NORTH TUSTIN AVENUE**

Legal noticed published in the Orange County Reporter on September 28, 2018 and notices mailed on September 28, 2018.

Case Planner Kelaher provided a presentation which included a description of the project, project background, project analysis, and review of requested Conditional Use Permits and variances. Commission discussion ensued regarding the drive-through window service.

The applicant spoke in support of the matter.

Written comment was received and distributed to the Commission:

- Kim Cordoba: Opposed

Chair McLoughlin opened the Public Hearing. The following spoke on the matter:

- Gail Price: Spoke in opposition; concerned with traffic and an increase in the homeless population in the nearby neighborhood.
- Paul Dunn: Spoke in opposition; concerned with traffic and safety.

There were no other speakers and the hearing was closed.

Commission discussion ensued regarding turning lanes on Santa Clara Avenue, traffic on Tustin Avenue, and the need for a protected left-hand turn signal on Santa Clara Avenue. Principal Civil Engineer Higgins reported that the traffic data indicates that the intersection in question is safe; unsure if a left-hand turn signal is warranted. A pork chop island on site was suggested for the Tustin Avenue driveway.

The applicant addressed the concerns: This site will help to mitigate traffic at the Starbucks location on 17th/Tustin Avenue; adding a pork chop island on site would be problematic due to the size of the driveway.

Commission generally agreed that the applicant should discuss alternatives to mitigate traffic concerns.

MOTION: Continue the matter until October 22, 2018.

MOTION: Verino **SECOND:** Contreras-Leo

VOTE: **AYES:** Alderete, Contreras-Leo, McLoughlin, Reyna, Verino (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Mendoza, Nguyen (2)

6. **CONDITIONAL USE PERMIT NO. 2018-21 TO ALLOW AN EXISTING 60-FOOT TALL WIRELESS COMMUNICATION FACILITY LOCATED AT 2200 EAST MCFADDEN AVENUE**

Legal noticed published in the Orange County Reporter on September 28, 2018 and notices mailed on September 28, 2018.

Case Planner Jacinto provided a presentation which included a description of the project, project background and project analysis.

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

MOTION: Adopt a resolution approving Conditional Use Permit No. 2018-21 as conditioned.

MOTION: Verino **SECOND:** Alderete

VOTE: **AYES:** Alderete, Contreras-Leo, McLoughlin, Verino (4)
 NOES: None (0)
 ABSTAIN: None (0)
 ABSENT: Mendoza, Nguyen, Reyna (3)

COMMENTS

7. STAFF COMMENTS:

Planning Manager Neal

- Announced that a majority vote (4 members) was needed for Item No. 2; will not go forward to City Council as an approval.

8. PLANNING COMMISSION MEMBER COMMENTS:

Commissioner Reyna

- Encouraged everyone to participate in the 5k race in Downtown Santa Ana on October 20.

Chair McLoughlin

- Would have like the clarification of the vote on Item No. 2 to have been made during the time the item was considered.

ADJOURNED – 7:19 P.M. - The next meeting of the Planning Commission is scheduled for Monday, October 22, 2018 at 5:30 p.m. in the Council Chamber, 22 Civic Center Plaza, Santa Ana, California.

Sarah Bernal
Recording Secretary