



**City of Santa Ana  
20 Civic Center Plaza, Santa Ana, CA 92701  
Planning Commission Staff Report  
July 10, 2023**

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**Topic:** Conditional Use Permit No. 2023-14 – Fat of the Land ABC License

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**RECOMMENDED ACTION**

Adopt a resolution approving Conditional Use Permit No. 2023-14 as conditioned.

**EXECUTIVE SUMMARY**

Robert Paetz, business owner of Fat of the Land (Applicant) and on behalf of Jacqueline Poladian and The Jacqueline Poladian Living Trust (Property Owners), is requesting approval of Conditional Use Permit (CUP) No. 2023-14 to allow the sale of beer and wine on-premises consumption, through a Type 41 license from the Department of Alcoholic Beverage Control (ABC), at a new eating establishment proposed at 700 North Main Street, Unit A. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC), establishments wishing to sell alcoholic beverages for on-premises consumption requires approval of a CUP. Staff is recommending approval of the applicant's request because the site is located within the Midtown Specific Plan (SP-3), which is intended for such uses, and because the site is located away from sensitive land uses. Moreover, the property has a history of compliance with City codes and regulations, and the operational standards and proposed conditions of approval will ensure that the sale of beer and wine for on-premises consumption will not negatively affect the surrounding community.

**DISCUSSION**

**Project Description**

The applicant is requesting approval of CUP No. 2023-14 to allow the sale of beer and wine for on-premises consumption, through a Type 41 ABC license, at a new eating establishment. Fat of the Land will occupy an 846-square-foot tenant space within a 7,620-square-foot commercial building, located at the northwest corner of Main Street and Civic Center Drive. The eating establishment will accommodate up to 17 patrons within the indoor dining area. If the CUP request is approved, the alcoholic beverages will be stored within a storage located in the kitchen area and two small display areas located by behind the bar area. The restaurant will contain an overall alcohol storage area of approximately 40 square feet, which is less than five percent of the gross floor area of the tenant space as allowed by Section 41-196(g) (25) of the SAMC. The proposed hours of operation are Monday through Sunday 4:00 p.m. to 11:00 p.m., with future plans to open

earlier for brunch/lunch operations. The sale of alcoholic beverages for after-hours operations and live entertainment are not being requested at this time. Should the applicant seek to sell alcoholic beverages between 12:00 a.m. (midnight) and 7:00 a.m., a separate CUP will be required in accordance with Section 41-196(g)(3) of the SAMC. In addition, an entertainment permit would be required for on-site entertainment pursuant to Section 11-6 of the SAMC.

**Table 1: Project and Location Information**

Item	Information	
Project Address and Council Ward	700 N. Main St., Unit A - Ward 5	
Nearest Intersection	Main Street and Civic Center Drive	
General Plan Designation	District Center - Low (DC-1)	
Zoning Designation	Civic/Professional District (CPD) of the Midtown Specific Plan (SP-3)	
Surrounding Land Uses	North	Medical
	East	Commercial
	South	Commercial/Office
	West	Surface Parking Lot
Property Size	0.31 acres (13,300 square feet)	
Existing Site Development	The subject site contains a two-story, 7,620-square-foot, multi-tenant building, with two (2) tenant spaces on the ground floor and one (1) on the upper floor.	
Tenant Size	846 square feet	
Use Permissions	Allowed with a conditional use permit (CUP)	
Zoning Code Sections Affected	Uses	Chapter 4 of SP-3 & Section 41-196(a) of the SAMC
	Operational Standards	Section 41-196(g) of the SAMC
Census Tract and ABC License Information	Census Tract No.	750.02
	No. of Allowed and Existing Licenses (on-sale)	10 Allowed & 59 Existing

**Table 2: Operational Standards**

Standards	Permissible by SAMC	Provided
Eating Establishment Type	Bona-Fide	Bona-Fide
Hours of Operation for ABC Sales	7:00 a.m. to 12:00 a.m. (midnight), unless extended by a separate after-hours CUP	Daily from 4:00 p.m. to 11:00 p.m.
Window Display	25% of Window Coverage	Complies
Alcohol Storage and Display	5% of G.F.A	4.96% of G.F.A

## **Project Background**

The subject site was developed in 1959 as a bank and has since then been occupied by various retail, service, and restaurant tenants. Fat of the Land will occupy Unit A inside the building, which is located on the eastern side of the building with pedestrian access off of Main Street. The tenant space was previously occupied by Subway from 2014 to 2022 and has since been vacant. Although the majority of the existing layout will remain,

the applicant will construct tenant improvements to modify the interior of the space to ensure proper operations in accordance with ABC and Orange County Health Care Agency regulations.

Fat of the Land will operate as an inspired European style café/restaurant. The restaurant will serve a curated selection of hot dishes, salads, and artisan cheeses common to Spain and France. In addition, the restaurant will offer unique assortments of beer and wine as an ancillary component to their dining service options. The applicant has over ten years of experience managing restaurants.

### **Project Analysis**

CUP requests are governed by Section 41-638 of the SAMC. CUPs may be granted when it can be shown that the proposed project will not adversely impact the community. If these findings can be made, then it is appropriate to grant the CUP. Conversely, the inability to make these findings would result in a denial. The purpose of regulating establishments that sell alcoholic beverages is to set forth operating practices and procedures and to minimize impacts to surrounding areas. Staff has reviewed the applicant's request for the sale and consumption of beer and wine, and has determined the proposed CUP will not be detrimental to the health, safety, and welfare of the community.

As a locally-based establishment, Fat of the Land will provide a unique dining experience with an ancillary service to customers by allowing them to purchase a variety of beer and wine beverages with their meal. Allowing the sale of beer and wine for on-premises consumption will also allow the subject establishment to be economically viable and compete with nearby full-service establishments that offer similar services to their patrons. The subject site is not located adjacent to any playgrounds, schools, or religious institutions. The Orange County School of the Arts campus, the nearest school-affiliated building, is approximately 230 linear feet north of the subject site, and the Episcopal Church of the Messiah, the nearest religious institution, is approximately 250 linear feet southeast of the subject site. Fat of the Land will be a compatible with other uses allowed by SP-3 and will contribute economically to the surrounding area. As a result, the granting of the CUP will not negatively impact any sensitive land uses that may be nearby. Moreover, the operational standards applicable to an ABC license and proposed conditions of approval will mitigate any potential impacts created by the use and will ensure that the use will not negatively affect the surrounding community.

### ***General Plan Consistency***

Approval of this application will be consistent with the goals of the General Plan, specifically Goals 2, 3, 4 of the Land Use Element. The project is located in the District Center-Low (DC-1) General Plan land use designation, which allows for distinctly urban retail, residential mixed-use, and employment centers that are well connected to public transportation. This includes the city's primary activity centers and opportunities for new

urban-scale development. Goal 2 of the Land Use Element (LU) encourages a balance of land uses that meet Santa Ana's diverse needs. Policy 2.2 of the LU encourages a range of commercial uses to capture a greater share of local spending and offer a range of employment opportunities. Policy 2.7 of the LU supports land use decisions that encourage the creation, development, and retention of business in Santa Ana. Goal 3 of the LU encourages the preservation and improvement of the character and integrity of the existing neighborhoods and districts. Policy 3.7 of the LU supports the promotion of a clean, safe, and creative environment for Santa Ana's residents, workers, and visitors. Goal 4 supports a sustainable Santa Ana through improvements to the built environment. Lastly, Policy 4.1 of the LU encourages the promotion of complete neighborhoods by encouraging a mix of complementary uses, community services, and people places within a walkable area. The granting of the CUP will provide an additional service to Santa Ana residents and visitors, thereby positively contributing to the economic viability of the area by promoting local spending, offering employment opportunities, and providing a safe workplace. In addition, the eating establishment is located within an existing commercial area and its operations will be compatible with the surrounding commercial businesses.

### **Police Department Analysis**

The Police Department has reviewed this request and has no concerns, as the operational standards applicable to on-premises ABC licenses will mitigate any potential impacts to the surrounding community. The Police Department reviews such applications for the sale and service of alcoholic beverages in order to ensure that the potential crime and nuisance behaviors associated with alcohol consumption are mitigated to the greatest extent possible. For on-premises licenses, the Police Department analyzes the crime rate in the area using the standards and definitions contained in the Business and Professions Code Section 23948.4(c)(2), which are also utilized by ABC. This section defines "reported crimes" as criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations.

The Police Department then compares the number of such crimes in the reporting district as compared to the number of crimes in other reporting districts. In keeping with the standard used by ABC and Business and Professions Code, should the Police Department determine that the reporting district has a 20 percent greater number of reported crimes than the average number found in all reporting districts, the Police Department will consider this information in making its recommendation.

As part of the application process, the Police Department has reviewed the applicant's request for sale of beer and wine for on-premises consumption and has no concerns, as the operational standards applicable to the ABC license and proposed conditions of approval will mitigate any potential impacts to the surrounding community. The Police Department carefully evaluated a 500-foot radius for the site's vicinity and determined that there has been approximately 275 service calls in the project site's vicinity since January 1, 2023. Of those 275 calls, forty-eight (48) resulted in reports taken in. None of

the service calls received were due to violent crimes. The reports were in result of narcotic activity, burglary, collisions, and stolen/recovered vehicles. According to the Police Department, the number of calls for service is commensurate with the 500-foot radius, and it is not anticipated that approval of the requested CUP will contribute to or exacerbate these statistics. Based on its review, the Police Department has no issues of concern regarding this application.

**Table 3: Police Department Analysis and Criteria for Recommendation**

<b>Police Department Analysis and Criteria for Recommendation</b>	
Police Grid No. and Rank	Police Grid No. 165; ranked 1 out of 102 Police Reporting Grids (0 percentile).
Threshold for High Crime	This reporting district IS within the 20 percent threshold established by the State for high crime.
Police Department Recommendation	<p>As part of the review approval process, this application was analyzed by the Santa Ana Police Department. Based on our review, the Police Department has no issues of concern regarding this application.</p> <p>Although the property falls within the 20-percentile high crime threshold, we believe the proposed operations would not contribute to the overall crime of the area. The Police Department is satisfied that the operational standards applicable to Type 41 ABC license and conclude that the conditions set forth will mitigate any potential negative impact to the surrounding community and therefore does not oppose the granting of a CUP.</p>

### **Public Notification and Community Outreach**

Project notifications were posted, published, and mailed in accordance with City and State regulations. Copies of the public notice, including a 1,000-foot notification radius map, and the site posting are provided in Exhibit 6. The site is not located within the boundaries of a specific neighborhood association, but adjacent to the French Park, Lacy, Downtown, and Willard neighborhood associations. To ensure thorough community outreach, notices were sent to all of the adjacent neighborhood associations and their representatives were contacted to identify any areas of concerns due to the proposed application request. At the time this report was printed, no issues of concern were raised regarding the proposed CUP.

### **ENVIRONMENTAL IMPACT**

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines. Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use as determined by the lead agency. The project proposes to allow the sale of beer and wine for on-premises

consumption at a new bona-fide eating establishment. As such, a Notice of Exemption, Environmental Review No. 2023-59, will be filed for this project.

**FISCAL IMPACT**

There is no fiscal impact associated with this action.

**EXHIBIT(S)**

1. Resolution
2. Vicinity Zoning and Aerial View
3. Site Photos
4. Site Plan
5. Floor Plan
6. Copy of Public Notices

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Approved By:  
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