



**City of Santa Ana  
20 Civic Center Plaza, Santa Ana, CA 92701  
Planning Commission Staff Report  
March 22, 2021**

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**Topic:** CUP No. 2021-03 - El Yaqui Tacos y Mariscos

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**RECOMMENDED ACTION**

Adopt a resolution approving Conditional Use Permit No. 2021-03 as conditioned.

**EXECUTIVE SUMMARY**

Jesus Rodriguez with El Yaqui Tacos y Mariscos Restaurant, on behalf of property owner Precento, LLC., is requesting approval of Conditional Use Permit (CUP) No. 2021-03 to allow the sale of alcoholic beverages for on-premises consumption at an existing restaurant located at 1935 East Seventeenth Street, Unit A-2. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC), establishments wishing to sell alcoholic beverages for on-premises consumption require approval of a CUP. Staff is recommending approval of the applicant's request because of demonstrated compliance with zoning requirements as discussed and analyzed in the sections below, the site's location away from sensitive land uses, and the property's history of compliance with City codes and regulations.

**DISCUSSION**

**Project Description**

El Yaqui Tacos y Mariscos currently occupies a 1,522-square foot tenant space within a multi-tenant commercial center. The restaurant can accommodate up to 22 patrons within its dining area and operates Monday through Sunday from 10:00 a.m. to 12:00 a.m. (midnight). No after-hours operations that require approval of a separate CUP are proposed at this time.

With approval of CUP No. 2021-03, the applicant intends to apply for a Type 41 (Beer and Wine) Alcoholic Beverage Control (ABC) license, which would allow the sale of beer and wine ancillary to food service. All alcoholic beverages will be stored within a storage room at the rear of the restaurant, which measures approximately 60 square feet in size. The storage area will make up less than five (5) percent of the total restaurant's floor area as required by SAMC Section 41-196(g)(25). No live entertainment is being proposed at this time. Should the applicant seek to provide live entertainment, approval of an entertainment permit will be required.

**Table 1: Project and Location Information**

Item	Information	
Project Address & Council Ward	1935 East Seventeenth Street, Unit A-2 – Ward 3	
Nearest Intersection	Seventeenth Street and Williams Street	
General Plan Designation	General Commercial (GC)	
Zoning Designation	Arterial Commercial (C5)	
Surrounding Land Uses	North	Commercial / Single Family Residences
	East	Commercial
	South	Commercial
	West	Commercial / Office
Property Size	0.55 Acres	
Existing Site Development	The site is currently developed as a multi-tenant commercial center	
Unit Size	1,522 square feet	
Use Permissions	Allowed with approval of a CUP	
Zoning Code Sections Affected	Uses	Section 41-424(f) of SAMC
	Operational Standards	Section 41-196(g) of SAMC

**Table 2: Operational Standards**

Standards	Permissible by SAMC	Provided
Eating Establishment Type	Bona-Fide Restaurant	Bona-Fide Restaurant
Hours of Operation for ABC Sales	Monday through Sunday from 8:00 a.m. to 12:00 a.m. (midnight)	Monday through Sunday from 10:00 a.m. to 12:00 a.m. (midnight)
Window Display	25% of Window Coverage	Complies
Alcohol Storage and Display	5% of gross floor area	3% of gross floor area

## **Project Background**

El Yaqui Tacos y Mariscos is located within an 8,970-square foot multi-tenant commercial building that was constructed in the late 1990s. The building contains other commercial units that are occupied by other similar retail and service businesses. The subject tenant space was previously occupied by Tortas y Jugos Sahuayo Restaurant; El Yaqui Tacos y Mariscos took over the space in September of 2019. The establishment specializes in Mexican seafood but also offers other traditional Mexican foods.

## **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 to sell beer and wine and has determined that the sale of alcoholic beverages for on-premises consumption at the subject location will not be detrimental to the health, safety, and welfare of the community.

The proposed sale of alcoholic beverages for on-premises consumption will provide an ancillary service to the restaurant's customers by allowing them the ability to purchase a variety of alcoholic beverages with their meal and will allow El Yaqui Tacos y Mariscos to be economically viable and compete with nearby full-service restaurants that offer that same services to their patrons. In addition, the operational standards applicable to an ABC license will mitigate any potential impacts created by the use and will ensure that the use will not negatively affect the surrounding community. Furthermore, the subject site is not located within immediate proximity to parks, playgrounds, schools, or religious institutions. As a result, the granting of the CUP will not negatively impact any sensitive land uses that may be nearby.

Approval of the CUP will be consistent with several goals and policies of the General Plan. Policy 2.2 of the Land Use Element encourages land uses that accommodate the City's needs for goods and services. Providing a variety of full-service restaurants that provide alcoholic beverages offer additional dining options for Santa Ana residents and visitors. Furthermore, Policy 2.9 of the Land Use Element supports developments that create a business environment that is safe and attractive. Operational standards for the restaurant applicable to the ABC license will ensure maintenance of a safe and attractive environment in the neighborhood. Finally, Policy 5.5 of the Land Use Element encourages development that is compatible with and supporting of surrounding land uses. El Yaqui Tacos y Mariscos is located within a commercial development and its operations will be compatible with the surrounding commercial businesses.

To ensure that the establishment operates as a bona fide restaurant and that the addition of alcoholic beverages to the business does not negatively impact the surrounding properties, conditions of approval have been added requiring recordation of a Property Maintenance Agreement and adoption and implementation of a Good Neighbor Policy.

### **Police Department Analysis**

The Police Department reviews CUP 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-sale 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 the State Department of Alcoholic Beverage Control (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.

**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. 243; ranked 60 out of 102 Police Reporting Grids (25 <sup>th</sup> percentile)
Threshold for High Crime	This reporting district is well below the 20 percent threshold established by the State for high crime
Police Department Recommendation	The Police Department is satisfied that the operational standards applicable to on-premises ABC licenses will mitigate any potential impacts to the surrounding community and therefore does not oppose the granting of a CUP.

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 the State Department of Alcoholic Beverage Control 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, this application was reviewed by the Police Department. Based on their review, the Police Department has no issues of concern regarding this application.

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

Public notifications were posted, published, and mailed in accordance with City and State regulations. In addition to these measures, representatives of Meredith Parkwood Neighborhood Association were contacted to identify any areas of concern due to the proposed request. At the time this report was printed, no issues of concern were raised regarding the proposed CUP.

### **ENVIRONMENTAL IMPACT**

Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15301 of the CEQA Guidelines (Class 1 - Existing Facilities). This exemption consists of 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 use beyond that existing at the time of the lead agency's determination. The project proposes to allow the operation of an ABC license to sell beer and wine at an existing bona-fide restaurant. Based on this analysis, a Notice of Exemption, Environmental Review No. 2021-20 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 Photo
4. Site Plan
5. Floor Plan
6. Copy of Public Notices

Submitted By:  
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Approved By:  
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Agency