

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

DECEMBER 12, 2011

CALLED TO ORDER

CITY HALL ROSS ANNEX
FIRST FLOOR CONFERENCE ROOM 1600
20 CIVIC CENTER PLAZA
SANTA ANA, CALIFORNIA
5:35 P.M.

ATTENDANCE

COMMISSIONERS Present:
ERIC ALDERETE, *Chairman*
JAMES GARTNER, *Vice Chairman*
FRANK ACOSTA
SEAN H. MILL
ALEXANDER NALLE
MARIO TURNER
PATRICK YRARRAZAVAL

STAFF Present:
KAREN HALUZA, *Planning Manager*
RYAN HODGE, *Assistant City Attorney*
MARTHA RAMIREZ, *Recording Secretary*

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRMAN ALDERETE

A. MINUTES

RECOMMENDATION:

Approve the minutes of the regular meeting on November 14, 2011.

MOTION: Approved Minutes dated November 14, 2011. Commissioner Turner modified his comments on the Work Study Session item for The Met project. "He stated that the new design was a vast improvement and that it seemed to incorporate many of the Commission's comments. He requested clarification on the number of units (**284**), the parking ratio (2.2 per unit), the levels of subterranean parking (approx. 3), the facilities at the plazafitness facility, and the proposed materials for the exterior of the building. He also requested clarifications regarding the .6-acre portion of the site and how it was being **treated/addressed** with respect to a proposal for entitlements."

MOTION: Acosta

SECOND: Mill

VOTE: AYES: Acosta, Alderete, Gartner, Mill, Nalle, Turner, Yrarrazaval (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

B. CONDITIONAL USE PERMIT NO. 2011-23

Filed by Hector Silva, to allow a conditional use permit for a Type 21 Alcoholic Beverage Control (ABC) license for the off-premise sale of beer, wine and distilled spirits at the Northgate Gonzalez Market at 409 East Fourth Street located in the Downtown (SD84) zoning district.

RECOMMENDATION:

Confirm the Zoning Administrator's action approving Conditional Use Permit No. 2011-23.

Commissioner Yrarrazaval recused himself from voting; as Principal at Valley High School he is located within the 500 foot radius and left the dais for this item only.

MOTION: Confirmed the Zoning Administrator's action approving Conditional Use Permit No. 2011-23.

MOTION: Mill

SECOND: Gartner

VOTE: AYES: Acosta, Alderete, Gartner, Mill, Nalle, Turner (6)

NOES: None (0)

ABSTAIN: Yrarrazaval (1)

ABSENT: None (0)

Commissioner Yrarrazaval returned to the dais.

C. CONDITIONAL USE PERMIT NO. 2011-11

Filed by Carlos Guaman, to allow a conditional use permit for a Type 41 Alcoholic Beverage Control (ABC) license for the on-premise sale of beer and wine at Tacos & Mariscos Sinaloa 2 restaurant at 1620 East First Street, Unit A, located in the General Commercial (C2) zoning district.

RECOMMENDATION:

Confirm the Zoning Administrator's action approving Conditional Use Permit No. 2011-11 as conditioned.

MOTION: Confirmed the Zoning Administrator's action approving Conditional Use Permit No. 2011-11 as conditioned.

MOTION: Nalle

SECOND: Mill

AYES: Acosta, Alderete, Gartner, Mill, Nalle, Turner, Yrarrazaval (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

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

BUSINESS CALENDAR

D. COMMISSIONER COMMUNICATION DISCLOSURE (REGARDING AGENDIZED PROJECTS)

Commissioners Yrarrazaval and Mill visited the Mariscos Zamora Restaurant.

Commissioner Nalle stated that he would abstain from voting on Item 2 (Conditional Use Permit No. 2011-2) due to a business relation with the applicant.

Chairman Alderete received a telephone call from representative for Josefat Zamora, with Mariscos Zamora Restaurant (Appeal No. 2011-01/Conditional Use Permit No. 2011-09),

PROCEDURAL RULES

PUBLIC HEARING

1. APPEAL NO. 2011-01 FOR CONDITIONAL USE PERMIT NO. 2011-09

Filed by Josefata Zamora, requesting approval of an appeal application to modify Conditional Use Permit No. 2011-09 and allow extended hours of operation for the Mariscos Zamora restaurant at 3701 West McFadden Avenue, Units G-J located in the North Harbor Specific Plan (SP-2) zoning district.

PUBLISHED IN THE ORANGE COUNTY REPORTER: December 2, 2011
PUBLICLY NOTICED: December 2, 2011

RECOMMENDATION:

Adopt a resolution denying the applicant's request to extend the hours of alcohol sales until 2:00 a.m. (Appeal No. 2011-01), thereby confirming the Zoning Administrator's decision of November 2, 2011.

Planning Manager Karen Haluza presented the staff report and recommendation on behalf of Senior Planner Verny Carvajal who was absent due to illness.

Commissioner Mill requested that the Planning Commission receive copies of all public notifications regarding the public hearing items.

Commission discussion ensued regarding the owner's outstanding violations, other businesses in the area with extended hours and mitigations in place to address the crime in the area, as well as City's policies related to liquor sales.

Planning staff received an email from Vivian Nguyen on 12/12/11 opposing the extended hours of operation at the Mariscos Zamora Restaurant.

The public hearing was opened

Public members speaking in support of the applicant: Leticia Lopez, Lisann Martinez and Alex Vega

The public hearing was closed.

Commission discussion ensued regarding criminal activity, bar restrictions, history of violations from applicant, and policy definition of "family restaurant" with restricted hours for serving alcohol allowed until 12 midnight only.

MOTION: The Planning Commission, pursuant to Section 41-643 of the Santa Ana Municipal Code (SAMC), voted to overturn the decision of the Zoning Administrator based on the following findings of fact, thereby approving Conditional Use Permit No. 2011-09.

Commissioner Mill provided the following findings of fact:

- (1) The proposed use provides a service or facility which will contribute to the general well being of the neighborhood or community.
- (2) The proposed use, under the circumstances of the particular case and with conditions of approval, would not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity.
- (3) The proposed use will be beneficial to the present economic stability or future economic development of properties surrounding the area.
- (4) The proposed use complies with the regulations and conditions specified in Chapter 41 for such use.
- (5) The proposed use will not adversely affect the General Plan or any specific plan of the City.

MOTION: Acosta **SECOND:** Yrarrazaval
VOTE: **AYES:** Alderete, Gartner, Mill, Nalle, Turner (5)
 NOES: Acosta, Yrarrazaval (2)
 ABSTAIN: None (0)
 ABSENT: None (0)

2. CONDITIONAL USE PERMIT NO. 2011-24

Ron Underwood from Bickel Underwood Architects, representing Fountainhead Development and McDonald's Corporation, is requesting approval of a conditional use permit to allow drive-through window service in conjunction with a new McDonald's Restaurant at 1100 South Grand Avenue, located in the Light Industrial (M1) zoning district.

PUBLISHED IN THE ORANGE COUNTY REPORTER: December 2, 2011
PUBLICLY NOTICED: December 2, 2011

RECOMMENDATION:

Adopt a resolution approving Conditional Use Permit No. 2011-24 as conditioned.

Commissioner Nalle stated that he had a potential conflict of interest due to a business relationship with 'the applicant and he left the dais for this item only.

Principal Planner Vince Fregoso presented the staff report and recommendation.

Commission discussion ensued regarding existence of any restrictions for McDonald's to cease operating during school hours, "green" building features from applicant, circulation on McFadden, potential congestion with traffic and bus stop and additional cueing study for other McDonald's.

No written communications were received.

The public hearing was opened.

Applicant representative Rob Dodman and architect Ron Underwood commented on the project and efforts to comply with the energy efficiency requirements.

No public members spoke.

The public hearing was closed

MOTION:

Adopted a resolution approving Conditional Use Permit No. 2011-24 as conditioned.

MOTION: Acosta **SECOND:** Mill
VOTE: **AYES:** Acosta, Alderete, Gartner, Mill, Turner, Yrarrazaval (6)
 NOES: None (0)
 ABSTAIN: Nalle (1)
 ABSENT: None (0)

Commissioner Nalle returned to the dais.

3. PUBLIC COMMENTS (on non-agenda items)

No public members spoke.

4. **STAFF COMMENTS**

Planning Manager Haluza extended holiday wishes and announced the cancellation of the January 9, 2012 meeting due to lack of items; the next regularly scheduled meeting will resume on January 23, 2012.

5. **PLANNING COMMISSION MEMBER COMMENTS**

With Commission consensus, Chairman Alderete appointed Commissioners James Gartner, Patrick Yrarrazaval and Sean Mill to serve as members of a sub-committee to study the City's policies and regulations related to alcohol sales.

All Commissioners extended holiday wishes and thanked the Planning staff for their efforts throughout the year.

6. **EXCUSE OF ABSENCES**

ADJOURNMENT 7:16 P.M.


Martha Ramirez
Recording Secretary