City of Santa Ana
Planning Commission Meeting
Agenda

MAY 26, 2015

City Council Chamber
22 Civic Center Plaza
Santa Ana, California
5:30 P.M.

JAMES R. GARTNER, Chairman
Ward 5 Representative

ALEXANDER NALLE
Citywide Representative

ERIC ALDERETE
Ward 1 Representative

LYNNETTE VERINO
Ward 2 Representative

BRUCE T. BAUER
Ward 3 Representative

PHIL BACERRA
Ward 4 Representative

SEAN H. MILL, Vice Chair
Ward 6 Representative

Lisa E. Storck
Legal Counsel

Vince Fregoso, AICP
Interim Executive Director

Karen Gerardo
Commission Secretary
(714) 667-2732

The Planning Commission Agenda can be found online at http://www.ci.santa-ana.ca.us/pba/documents/agenda_pc.pdf

If you need special assistance to participate in this Planning Commission meeting, please contact Michael Ortiz, City ADA Program Coordinator, at (714) 647-5624. Please call prior to the meeting date, to allow the City time to make reasonable arrangements for accessibility to this meeting. [Americans with Disabilities Act, Title II, 28 CFR 35.102]

Si tiene preguntas en español, favor de llamar a Karen Gerardo al (714) 667-2732.
Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.
Basic Planning Commission Meeting Information

Five-Year Strategic Plan (2014-2019)
Detailed information at: http://www.santa-ana.org/strategic-planning/

Vision, Mission and Guiding Principles - The City of Santa Ana is committed to achieving a shared vision for the organization and its community. The vision, mission and guiding principles (values) are the result of a thoughtful and inclusive process designed to set the City and organization on a course that meets the challenges of today and tomorrow.

Vision - The dynamic center of Orange County which is acclaimed for our: •Investment in youth •Safe and healthy community •Neighborhood pride •Thriving economic climate •Enriched and diverse culture •Quality government services

Mission – “To deliver efficient public services in partnership with our community which ensures public safety, a prosperous economic environment, opportunities for our youth, and a high quality of life for residents.”

Guiding Principles
•Collaboration •Efficiency •Equity •Excellence •Fiscal Responsibility •Innovation •Transparency

Strategic Plan Goals/Objectives/Strategies:
Goal 1 - Community Safety
Goal 2 - Youth, Education, Recreation
Goal 3 - Economic Development
Goal 4 - City Financial Stability
Goal 5 - Community Health, Livability, Engagement & Sustainability
Goal 6 - Community Facilities & Infrastructure
Goal 7 - Team Santa Ana

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Code of Ethics and Conduct - The people of the City of Santa Ana, at an election held on February 5, 2008, approved an amendment to the City Charter which established the Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees to assure public confidence. A copy of the City’s Code can be found on the Clerk of the Council’s webpage. The following are the core values expressed: Integrity · Honesty · Responsibility · Fairness · Accountability · Respect · Efficiency

Agenda Information - The agenda descriptions provide the public with a general summary of the items of business to be considered by the Planning Commission. The Planning Commission is not limited in any way by the “Recommended Action” and may take any action which the Commission deems to be appropriate on an agenda item. Except as otherwise provided by law, no action shall be taken on any item not listed on the agenda.

Public Comments/Public Input - Pursuant to Government Code Sec. 54954.3, the public may address the Planning Commission on any and all matters within the Commission’s jurisdiction.

At the discretion of the Chair, at the first Public Comment portion of the meeting, all comments may be considered jointly. The public will be given the opportunity to speak on any and all matters contained on any of the Consent Calendar and Business Calendar items and/or on issues of public interest within the jurisdiction of the Commission. Members of the public shall be given three (3) minutes for each duly noticed hearing (unless the matter is continued prior to taking public testimony). All requests to speak shall be submitted in writing to the Commission Secretary at the beginning of the meeting and before Public Comments begin. Speaker forms will be available at the meeting.

REQUESTS TO SPEAK SHALL NOT BE ACCEPTED AFTER THE PUBLIC COMMENT SESSION BEGINS WITHOUT PERMISSION OF THE CHAIR. When speaking, all persons addressing the Planning Commission shall follow the rules of decorum as detailed on the back of the speaker form. The presiding officer shall have the power and responsibility to enforce decorum and order of the meeting as set forth in Section 2-104(c) of the Santa Ana Municipal Code.

Consent Calendar - All matters listed under the Consent Calendar are considered to be routine by the Planning Commission and will be enacted by one motion without discussion unless a member of the Commission “pulls” an item(s) from the consent calendar for a separate vote.

Senate Bill 343 - As required by Senate Bill 343, any non-confidential writings or documents provided to a majority of the Planning Commission members regarding any item on this agenda will be made available for public inspection in the Planning & Building Agency during normal business hours.

Agenda & Minutes - Staff reports and documents relating to each agenda item are on file in the office of the Planning & Building Agency and are available for public inspection during regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Thursday and alternate Fridays. The Planning & Building Agency is located in City Hall Ross Annex, 20 Civic Center Plaza, 2nd Floor, Santa Ana, California, (714)667-2700. Council meeting agendas, staff reports, and minutes are available the Friday before a Planning Commission meeting at the following website address: www.santa-ana.org
CALL TO ORDER         5:30 P.M.
ROLL CALL
PLEDGE OF ALLEGIANCE

A. PUBLIC COMMENTS (on non-agenda items)

CONSENT CALENDAR

RECOMMENDED ACTION: Approve staff recommendations on the following Consent Calendar items listed.

B. MINUTES FROM THE REGULAR MEETING OF MAY 11, 2015 {STRATEGIC PLAN NO. 5, 1} 

RECOMMENDED ACTION: Approve minutes.

*** END OF CONSENT CALENDAR ***
COMMUNICATION DISCLOSURE

COMMISSIONER COMMUNICATION DISCLOSURE (REGARDING AGENDIZED PROJECTS)

PUBLIC HEARINGS

1. PUBLIC HEARING – ZONING ORDINANCE AMENDMENT NO. 2015-02
   {STRATEGIC PLAN NO. 3, 2} (Vince Fregoso)

   The City of Santa Ana is proposing to amend the Adaptive Reuse Ordinance to delay the implementation of the Housing Opportunity Ordinance for adaptive reuse projects for a period of two years.

   Legal notice published in the Orange County Reporter on May 14, 2015.

   **RECOMMENDED ACTION:** Continue the item indefinitely.

2. PUBLIC HEARING – CONDITIONAL USE PERMIT NOS. 2014-51 AND 2015-10
   {STRATEGIC PLAN NO. 3, 2} (Ivan Orozco)

   Brett Engstrom, representing Gypsy Den, is requesting approval of conditional use permits to upgrade from a Type 41 to Type 47 Alcoholic Beverage Control (ABC) license, and for afterhours operations until 2:00 a.m. at 125 North Broadway, Unit D located in the Specific Development No. 84 (SD84) zoning district.

   Legal notice published in the Orange County Reporter on May 13, 2015 and notices mailed May 14, 2015.

   **RECOMMENDED ACTION:**
   1. Adopt a resolution approving Conditional Use Permit No. 2014-51 to upgrade from a Type 41 to Type 47 ABC license.

   2. Adopt a resolution approving Conditional Use Permit No. 2015-10 to allow afterhours operations until 2:00 a.m. as conditioned.
3. PUBLIC HEARING – CONDITIONAL USE PERMIT NO. 2015-11
   {STRATEGIC PLAN NO. 3, 2} (Melanie McCann)

Vinculums Services, Inc., representing Verizon Wireless, is requesting a conditional use
permit to allow a 60-foot monopine wireless communication tower and facility at 1417
North Susan Street located in the Harbor Mixed Use Transit Corridor Specific Plan
(SP2) zoning district.

Legal notice published in the Orange County Reporter on May 13, 2015 and notices
mailed May 14, 2015.

RECOMMENDED ACTION: Adopt a resolution approving Conditional Use
Permit No. 2015-11 to allow a 60-foot monopine wireless facility as
conditioned.

4. PUBLIC HEARING – CONDITIONAL USE PERMIT NO. 2015-12
   {STRATEGIC PLAN NOS. 3, 2; 3, 5} (Ali Pezeshkpour)

AJ Ahmad, representing Rockin’ Jump, is requesting approval of a conditional use
permit to allow an indoor sports facility at 1411 South Village Way located in the
McFadden Place/Special Development No. 85 (SD85) zoning district.

Legal notice published in the Orange County Reporter on May 13, 2015 and notices
mailed May 14, 2015.

RECOMMENDED ACTION: Adopt a resolution approving Conditional Use
Permit No. 2015-12 to allow an indoor sports facility as conditioned.

*** END OF BUSINESS CALENDAR ***
5. EXCUSED ABSENCES

RECOMMENDED ACTION: Excuse absent Commission members.

6. STAFF MEMBER COMMENTS

7. PLANNING COMMISSION MEMBER COMMENTS

ADJOURNMENT - The next meeting of the Planning Commission is scheduled for Monday, June 8, 2015 at 5:30 p.m. in the Council Chamber, 22 Civic Center Plaza, Santa Ana, California.
MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION OF THE
CITY OF SANTA ANA, CALIFORNIA

MAY 11, 2015

CALLED TO ORDER

COUNCIL CHAMBER
22 CIVIC CENTER PLAZA
SANTA ANA, CALIFORNIA
5:30 P.M.

ATTENDANCE

COMMISSIONERS Present:
JAMES R. GARTNER, Chairman
SEAN H. MILL, Vice Chairman
PHIL BACERRA
BRUCE T. BAUER
ALEXANDER NALLE
LYNETTE VERINO

COMMISSIONERS Absent:
ERIC ALDERETE

STAFF Present:
VINCE FREGOSO, Interim Executive Director
LISA STORCK, Assistant City Attorney
KAREN GERARDO, Commission Secretary

PLEDGE OF ALLEGIANCE

Chairman Gartner

Consent calendar taken out of order:

CONSENT CALENDAR

MOTION: Approve the Consent Calendar item per staff's recommendation.

Items removed for separate action or modified are highlighted. Separate actions show the actual vote. Items without votes are adopted as part of the consent motion.

MOTION: Bacerra
SECOND: Nalle
VOTE: AYES: Bacerra, Bauer, Gartner, Mill, Nalle, Verino (6)
NOES: None (0)
ABSTAIN: None (0)
ABSENT: Alderete (1)

B. MINUTES

MOTION: Approve the minutes of the regular meeting of April 27, 2015.

A. PUBLIC COMMENTS (on non-agenda items) – No public comments

*** END OF CONSENT CALENDAR ***

BUSINESS CALENDAR

COMMISSIONER COMMUNICATION DISCLOSURE (REGARDING AGENDIZED PROJECTS):

No disclosures made.

PUBLIC HEARINGS

Item No. 2 taken out of order:

2. CONDITIONAL USE PERMIT NO. 2015-08
(Applicant: Summit College)

Legal notice published in the Orange County Reporter on April 29, 2015 and notices mailed April 30, 2015.

A project overview was provided by Ann Ni, Associate Planner. Chairman Gartner opened the public hearing. The applicant, Phillip Schwartz, answered questions and spoke in support of the project. Verbal communication was received from Blake Woodward in support of the project. There were no other speakers and the hearing was closed.
MOTION: Adopt a resolution approving Conditional Use Permit No. 2015-08 to allow a trade school in the M1 zoning district.

MOTION: Nalle SECOND: Mill
VOTE: AYES: Bacerra, Bauer, Gartner, Mill, Nalle, Verino (6)
NOES: None (0)
ABSTAIN: None (0)
ABSENT: Alderete (1)

1. REGIONAL PLANNED SIGN PROGRAM NO. 2014-01
(Applicant: Westfield MainPlace)

Legal notice published in the Orange County Reporter on April 29, 2015 and notices mailed April 30, 2015.

A project overview was provided by Ali Pezeshkpour, Assistant Planner I. Chairman Gartner opened the public hearing. The applicant, Gregg Berwin, answered questions from the commission related to neighborhood outreach, signage height, light bulb maintenance, public display messages, and the potential to add “Santa Ana” to all vehicle entry monument signs. There were no other speakers and the hearing was closed.

AMENDED MOTION: Adopt a resolution approving Regional Planning Sign Program No. 2014-01, modifying Condition No. 4 to clarify the five-percent requirement for public messages on digital advertising displays and the addition of Condition No. 13 requiring the words “Santa Ana” on all vehicle entry monument signs.

MOTION: Bacerra SECOND: Mill
VOTE: AYES: Bacerra, Bauer, Gartner, Mill, Nalle, Verino (6)
NOES: None (0)
ABSTAIN: None (0)
ABSENT: Alderete (1)

** END OF BUSINESS CALENDAR **
ABSENCES

3. EXCUSED ABSENCES

MOTION: Excuse of the absence of Commissioner Alderete.

MOTION: Nalle SECOND: Mill
VOTE: AYES: Bacerra, Bauer, Gartner, Mill, Nalle, Verino (6)
NOES: None (0)
ABSTAIN: None (0)
ABSENT: Alderete (1)

COMMENTS

4. STAFF COMMENTS

None

5. PLANNING COMMISSION MEMBER COMMENTS

Commissioner Bacerra
- Attended the Orange County Transportation Authority's Streetcar Project press conference at the Santa Ana Regional Transportation Center today and is excited for its future development.

Commissioner Verino
- Commented that she would be interested in future conversations to either add an ordinance or to condition future signage programs to include a light bulb replacement requirement to reduce light blight.

Vice Chair Mill
- Encouraged all present to read a recent article in the Orange County Register titled "How to get more housing for Santa Ana" which addresses the housing crisis in the city.
- Shared that he has been working with Vietnamese business community in Little Saigon regarding adding a privately-funded business monument sign at Euclid and Newhope Streets, which was recently approved by City Council.
Commissioner Bauer
- Showed concern over blight caused by digital window signs and would like to revisit the topic about what could be done regarding enforcement.

Chairman Gartner
- Agreed with Commissioner Bauer's comment regarding sign blight and suggested that each commissioner inform Code Enforcement for handling.

ADJOURNED 6:28 P.M. - The next meeting of the Planning Commission is scheduled for Tuesday, May 26, 2015 at 5:30 p.m. in the Council Chamber, 22 Civic Center Plaza, Santa Ana, California.

Karen Gerardo
Commission Secretary
REQUEST FOR
Planning Commission Action

PLANNING COMMISSION MEETING DATE:
MAY 26, 2015

TITLE:
PUBLIC HEARING – FILED BY BRETT ENGSTROM FOR CONDITIONAL USE PERMIT NO. 2014-51 TO ALLOW A TYPE 47 ALCOHOLIC BEVERAGE CONTROL LICENSE UPGRADE AND CONDITIONAL USE PERMIT NO. 2015-10 TO ALLOW AFTER-HOURS OPERATION AT GYPSY DEN LOCATED AT 125 NORTH BROADWAY, UNIT D {STRATEGIC PLAN NO. 3, 2}

Prepared by Ivan Orozco

Interim Executive Director

PLANNING COMMISSION SECRETARY

APPROVED
☐ As Recommended
☐ As Amended
☐ Set Public Hearing For

DENIED
☐ Applicant’s Request
☐ Staff Recommendation

CONTINUED TO

Acting Planning Manager

RECOMMENDED ACTIONS


2. Adopt a resolution approving Conditional Use Permit No. 2015-10 as conditioned.

Request of Applicant

Brett Engstrom, representing Truth and Alchemy, Inc., is requesting approval of a conditional use permit (CUP) for a Type 47 Alcoholic Beverage Control (ABC) license upgrade to allow the on-premise sale and consumption of beer, wine, and distilled spirits at the Gypsy Den restaurant, located at 125 North Broadway, Unit D. In addition, the applicant is requesting approval of a separate conditional use permit that would allow the restaurant to operate until 2:00 a.m.

Establishments that sell alcoholic beverages and that wish to operate between 12:00 midnight and 7:00 a.m. require respective conditional use permits pursuant to Section 41-2007 of the Santa Ana Municipal Code (SAMC).

Project Location and Site Description

The applicant is currently operating a full service, sit-down restaurant within the Historic Grand Central Arts Building. The building is located on the southeast corner of Broadway and Second Street in the Downtown area of the City. The Gypsy Den occupies 2,800 square feet of an existing 42,183-square foot, two-story building that contains commercial uses on the ground floor and residential uses on the second story. Parking is provided in multiple parking structures, surface lots, and metered street parking throughout Downtown. The site is surrounded by commercial uses to the west, north, east, and to the south (Exhibits 1, 2 and 3).
Although overconcentration criteria are not applicable to on-sale ABC licenses, a review of the project vicinity indicates that there are currently 15 ABC licenses located within 500 feet of the project site in addition to the proposed license. These 15 ABC licenses include: one Type 20 license (off-sale beer, wine, and distilled spirits), four Type 41 licenses (on-sale beer and wine only), four Type 47 licenses (on-sale beer, wine and distilled spirits), one Type 48 license (public premise beer, wine and distilled spirits), three Type 58 licenses (caterer’s permit), one 68 Type license (portable bar) and one Type 77 license (event permit). However, this information does not affect the analysis or recommendation contained in this report.

**Project Description**

The applicant is requesting approval of a Type 47 Alcoholic Beverage Control (ABC) license to allow the on-premise consumption of beer, wine and distilled spirits to patrons at the restaurant. Currently, the applicant is operating with a Type 41 ABC license (beer and wine) and has done so since Gypsy Den begun operating out of this location in 1999. The original entitlement for the Type 41 ABC license was attained by Minor Exception No. 1981-36, which was approved in August of 1982. The restaurant is a full service, sit-down eating establishment with approximately 57 seats within its dining room. The restaurant also has outdoor patio seating with approximately 26 seats, which is enclosed with a 36-inch high fence in compliance with all applicable City and State Department of Alcoholic Beverage Control standards. The on-premise sale of alcoholic beverages to customers will continue to provide a service ancillary to the primary restaurant use. Overall alcohol storage and display areas will consist of approximately 31 square feet, which is less than one percent of the floor area and is consistent with the SAMC requirement of maintaining five percent or less of the gross floor area of the restaurant for alcohol storage and display (Exhibits 4 and 5).

The current hours of operation for the restaurant are from 8:00 a.m. to 11:00 p.m. daily. If the CUP is approved, the new hours of operation will include the option to close at 2:00 a.m. on weekends. Establishments wishing to operate after 12:00 midnight in the Transit Zoning Code (SD-84) require approval of a separate CUP.

**Project Background**

The Grand Central Arts Building was constructed in two phases. The first phase was completed in 1922 and is comprised of the mid-block portion of the building between First and Second Street, with Dearden’s Furniture as its current tenant. The remaining portion of the building was constructed in 1924 and provides one of the earliest examples of mixed-use occupancy in Santa Ana. The two-story structure was originally built to house 12 storefronts on the ground floor facing Second Street and residential uses on the second floor. As one of the most architecturally
prominent buildings in Downtown, it was acquired by the City of Santa Ana in 1994 and was rehabilitated for the California State University Fullerton Art Department. Although, originally a market and 29 apartment homes, the building has been occupied by a variety of uses including a clock shop, flower shop and most importantly The Radio Den, KFAW, Orange County’s first radio station.

The building is listed on the Santa Ana Register of Historical Properties as “Landmark” due to its distinctive architectural style and quality, and is characteristic of a significant period in history of the City of Santa Ana and contributor on the National Register and California Register.

Gypsy Den has operated from the existing location for over 15 years, serving as a full service restaurant. They propose to upgrade the existing license and expand their hours of operation in order to keep up with the nearby businesses that provide similar services and operations. The building has traditionally contained a mixture of commercial uses, including retail, office, art galleries and eating establishments.

**General Plan and Zoning Consistency**

The General Plan land use designation for the site is District Center (DC). District Center land use districts provide highly visible and accessible commercial development along the City’s arterial transportation corridors and provide important neighborhood facilities and services. The Downtown District portion of the District Center serves as one of the County’s major employment and governmental operations centers complemented with a mix of residential, commercial, and service uses to enhance its urban vibrancy. The project site and the existing Gypsy Den restaurant are consistent with this General Plan land use designation.

The parcel is located within the Transit Zoning Code (SD-84) zoning district in the Downtown (UC) sub-zone. The SD-84 zoning district allows for retail and service uses such as eating establishments, making Gypsy Den’s use consistent with the zoning designation.

**Project Analysis**

Conditional use permit requests are governed by Section 41-638 of the SAMC. Conditional use permit requests may be granted when it can be shown that the following can be established:

- That the proposed use will provide a service or facility which will contribute to the general well being of the neighborhood or community.

- That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.
• That the proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area.

• That the proposed use will comply with the regulations and conditions specified in Chapter 41 for such use.

• That the proposed use will not adversely affect the General Plan of the city or any specific plan applicable to the area of the proposed use.

If these findings can be made, then it is appropriate to grant the conditional use permit. Conversely, the inability to make these findings would result in a denial. Using this information staff has prepared the following analysis, which in turn forms the basis for the recommendation contained in this report. In analyzing these conditional use permit requests, staff believes that the following findings of fact warrant approval of the conditional use permits.

**Type 47 Alcoholic Beverage Control License (CUP No. 2014-51)**

SAMC Section 41-196 requires a CUP for establishments selling alcohol for on-site or off-site consumption. The proposed ABC license upgrade will allow the proposed restaurant to offer an additional amenity and dining experience for its patrons that is consistent with other eating establishments in the Downtown area. Moreover, operational standards will mitigate potential impacts from Type 47 ABC license (Exhibit 6). The following findings of fact form the foundation for staff’s recommendation of approval for the CUP to allow a Type 47 ABC license.

• The proposed Type 47 ABC license upgrade will provide an ancillary service to the restaurant’s customers by allowing them the ability to purchase a variety of alcoholic beverages with their food. This will thereby benefit the community by providing a restaurant with an additional and complementary food-related amenity. Standards are applicable to the alcoholic beverage control license which will mitigate any potential impacts created by the use and ensure that the use will not negatively affect the surrounding community.

• The proposed Type 47 ABC license upgrade for the on-sale consumption of beer, wine and distilled spirits at this location will not be detrimental to persons residing or working in the vicinity because operational standards to the alcoholic beverage control license will mitigate any potential negative or adverse impacts created by the use. This is primarily a restaurant use and the addition of alcohol will be ancillary to the main use. Finally, the sale of alcohol in the restaurant is intended to be incidental to the primary use as an eating establishment.
The proposed use will not adversely affect the economic stability of the area, but will instead allow the restaurant to compete with other nearby restaurants in Downtown and citywide that also offer a full selection of alcoholic beverages for sale to their guests and other visitors. Moreover, the offering of alcoholic beverages will allow Gypsy Den, a small business, to remain economically viable and contribute to the overall success of the Downtown Santa Ana commercial district.

The proposed project will be in compliance with all applicable regulations and conditions imposed on a restaurant selling beer, wine and distilled spirits pursuant to Chapter 41 of the Santa Ana Municipal Code. The facility will be maintained as a full-service, bona-fide eating establishment, having suitable kitchen facilities and supplying an assortment of foods commonly ordered at various hours of the day. Additionally, the restaurant will utilize less than one percent of the gross floor area for the display and storage of alcoholic beverages, which is below the maximum threshold established by the Santa Ana Municipal Code.

The proposed use will not adversely affect the General Plan. The granting of this conditional use permit supports several policies contained in 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 feature alcoholic beverages on their menus offers additional dining options for Santa Ana residents and visitors, especially those to Downtown, which continues to serve as a dining and retail destination with regional significance. 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 proposed Type 47 ABC license will maintain a safe and attractive environment in Downtown Santa Ana. Finally, Policy 5.5 of the Land Use Element encourages development that is compatible with and supporting of surrounding land uses. Gypsy Den will be located in a commercial area and its operations will be compatible with the surrounding commercial businesses.

After-Hours Operations (CUP No. 2015-10)

The proposed after-hours conditional use permit will allow the proposed restaurant to remain open past 12:00 a.m. The Gypsy Den is located in a predominantly commercial area surrounded by offices, retail stores, service uses, and similar restaurants, with residential units on the second floor of the building. However, conditions of approval have been placed upon the use that will minimize the possibility for any potential noise or safety impacts typically associated with after-hours operations. The following findings support the recommendation of approval for after-hours operations.
The proposed after-hours operations will provide an ancillary service to individuals that wish to have a late night meal. This will thereby benefit the community by providing a food-related amenity offering service past 12:00 midnight, which is consistent with that of other restaurants in Downtown. Conditions have been placed on this operation to mitigate any potential problems created by the after-hours operation to ensure that service past 12:00 midnight will not negatively impact the surrounding community, such as requiring the establishment to maintain a complete food menu past midnight, disallowing outdoor restaurant activity, and limiting amplified sound to within the building past midnight.

The proposed after-hours operations will not be detrimental to those living or working in the area because conditions have been placed to mitigate any negative impacts on the community, specifically for the residential units located on the second floor. These conditions are consistent with other eating establishments that have similar hours of operation and similar operational conditions. The after-hour conditions limit operations to indoor activities after the midnight hour, therefore mitigating any outside ambient noise, as well as limiting the amplified sound within the building past midnight.

The project site is situated along a commercial corridor that is appropriate for the proposed commercial use. The establishment of this restaurant promotes a balance of land uses that enhances the City’s economic and fiscal viability. Providing a variety of land uses in the area strengthens the economic base of the City and the Downtown area and affects the economic stability of the area in a positive manner.

As conditioned, the proposed project will be in compliance with all applicable regulations and conditions imposed on an eating establishment operating after hours pursuant to Chapter 41 of the Santa Ana Municipal Code and the Transit Zoning Code (SD84) zoning provisions. The establishment will contain the necessary equipment to quality as an eating establishment, and operational standards applicable to the proposed ABC license will prevent or mitigate any impacts from the restaurant onto adjacent properties.

The proposed use will not adversely affect the General Plan. The granting of this conditional use permit supports several policies contained in 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 with extended hours of operation offers 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. Conditions of approval have been placed on this conditional use permit that will maintain a safe and attractive environment in Downtown Santa Ana. Finally, Policy 5.5 of the Land Use Element encourages development that is compatible with and supporting of surrounding land uses. The Gypsy Den restaurant is located in a commercial area and its operation is compatible with the surrounding commercial businesses.
Police Department Analysis

The Police Department reviews conditional use permit applications for the sale and service of alcoholic beverages and after-hours operation 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 23946.4(c)(2), which also are 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.

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 State 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.

The project at 125 North Broadway is located in Reporting District No. 165. This reporting district is 20 percent higher than the average number of reported crimes in all reporting districts. Although the crime rate is 20 percent higher, the Police Department contends that the operational standards and proposed conditions of approval will mitigate any potential negative impacts to the surrounding community. As a result, conditions of approval are included as required by the SAMC that will address any concerns.

Public Notification

The project is located within the boundaries of the Downtown Neighborhood Association. Staff contacted the presidents of the Downtown and the nearby Lacy Neighborhood Associations along with the California State University Fullerton, Grand Central Art Center to ensure that they were notified of this project and to identify any areas of concern. The representatives had no further comments regarding the proposed CUP at the time the staff report was prepared. The project site was also posted with a notice advertising this public hearing, a notice was published in the Orange County Reporter, and mailed notices were sent to all property owners and tenants within 500 feet of the project site.

CEQA Compliance

In accordance with the California Environmental Quality Act the recommended action is exempt for further review per Section 15301. The Class 1 exemption allows the operation, repair, maintenance, permitting, or leasing of existing structures.
The project proposes to operate a full-service restaurant within an existing structure. No expansion of square footage or interior reconfigurations of square footages are proposed as part of the project. In addition, the structure is already served by municipal services, such as roadways, utilities, and parking in a variety of forms. Categorical Exemption Environmental Review No. 2014-158 will be filed for this project.

**Strategic Plan Alignment**

Approval of this item supports the City’s efforts to meet Goal No. 3 Economic Development, Objective No. 2 (create new opportunities for business/job growth and encourage private development through new General Plan and Zoning Ordinance policies).

**Conclusion**

Based on the analysis provided within this report, staff recommends that the Planning Commission approve Conditional Use Permit No. 2014-51 and Conditional Use Permit No. 2015-10 as conditioned.

[Signature]
Ivan Orozco  
Assistant Planner I

Attachments:
Exhibit 1 – Vicinity Map  
Exhibit 2 – Location Map  
Exhibit 3 – Site Photo  
Exhibit 4 – Site Plan  
Exhibit 5 – Floor Plan  
Exhibit 6 – Operational Standards for On-Sale Establishments
CUP 2014-51 & CUP 2015-10
GYPSY DEN TYPE 47 ABC & AFTERHOURS
125 NORTH BROADWAY, UNIT D

EXHIBIT 3
Sec. 41-196. Establishments selling alcoholic beverages.

Operational standards for on-sale establishments. The following operational standards shall be included in the conditions of approval for the conditional use permit required pursuant to Section 41-196

1. The premises shall at all times be maintained as a bona-fide eating establishment as defined in Section 23038 of the California Business and Professions code and shall provide a menu containing an assortment of foods normally offered. The premises must have suitable kitchen facilities and supply an assortment of foods commonly ordered at various hours of the day. Full and complete meals must be served whenever the privileges of the on-sale license are being exercised.

2. There shall be no fixed bar or lounge area upon the premises maintained for the sole purpose of sales, service or consumption of alcoholic beverages directly to patrons. A fixed bar or lounge may be permitted if patrons may order food being offered to the general patrons of the eating establishment.

3. The sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 8:00 a.m. and 12:00 a.m. unless otherwise amended by the granting of a conditional use permit for after-hours operations pursuant to Santa Ana Municipal Code Chapter 41.

4. It shall be the applicant’s responsibility to ensure that no alcoholic beverages are consumed on any property adjacent to the licensed premises under the control of the applicant, with the exception of any enclosed patio areas.

5. The applicant or an employee of the licensee must be present to monitor all areas of the establishment, including outdoor patios, during all times that alcoholic beverages are being served or consumed.

6. All employees serving alcoholic beverages must complete Responsible Beverage Service Training, or an equivalent approved by the State Department of Alcoholic Beverage Control, prior to being able to serve alcoholic beverages to patrons. Evidence of the completion of such training must be maintained on the premises and available for inspection upon request by the City.

7. During those times when patrons are restricted to 21 years of age or older, the applicant shall at all times utilize an age verification means or device for all purchases of alcoholic beverages. Such verification of age is not intended to discriminate against patrons based on race, ethnicity or legal status, but only to comply with state law restricting the sale of alcohol to those 21 and older.

8. Queuing lines shall be managed in an orderly manner and all disruptive and/or intoxicated patrons shall be denied entry. The business owner, or his designee, shall be responsible for monitoring the queuing lines at all times.
9. The outdoor queuing line shall not block public walkways or obstruct the entry or exit doors of adjacent businesses. Stanchions or barriers must be used to maintain order at all times the queue exceeds 25 patrons. All stanchions or barriers located on public property must be approved by the Public Works Agency.

10. Employees and contract security personnel shall not consume any alcoholic beverages during their work shift, except for product sampling for purposes of employee education about new products. Under no circumstances may contract security personnel consume alcoholic beverages during their work shift.

11. There shall be no exterior advertising of any kind or type, including window signs or other signs visible from outside, that promote or indicate the availability of alcoholic beverages on the premises. Interior displays of alcoholic beverages or signs, which are clearly visible to the exterior, shall constitute a violation of this condition. Permissible window displays must be kept to a minimum for maximum visibility and shall not exceed 25 percent of window coverage. Floor displays shall not exceed three feet in height.

12. There shall be no promotions encouraging intoxication or drinking contests or advertisements indicating “buy one drink, get one free”, “two for the price of one”, or “all you can drink for…” or similar language.

13. Any pool tables, amusement machines or video games maintained on the premises at any time must be reviewed and approved in a security plan submitted to the Chief of Police.

14. Live Entertainment, including but not limited to, amplified music, karaoke, performers and dancing, shall be subject to the issuance of an entertainment permit pursuant to Santa Ana Municipal Code ("SAMC") Chapter 11 – Entertainment, and shall comply with all of the standards contained therein. Notwithstanding this requirement, music/noise shall not be audible beyond 20 feet from the exterior of the premises in any direction.

15. Neither the applicant, nor any person or entity operating the premises with the permission of the applicant, shall violate the City’s adult entertainment ordinance contained in SAMC Section 12-1 and 12-2.

16. The premises shall not be operated as an adult entertainment business as such term is defined in SAMC Section 41-1701.6.

17. The applicant(s) shall be responsible for maintaining free of litter the area adjacent to the premises under the control of the licensee.

18. There shall be no public telephones located on the exterior of the premises. All interior pay phones must be designed to allow outgoing calls only.
19. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted within 24 hours of being applied.

20. Existing bona fide eating establishment and required parking must conform to the provisions of Chapter 8, Article II, Division 3 of the Santa Ana Municipal Code (Building Security Ordinance). These code conditions will require that the existing project lighting, door/window locking devices and addressing be upgraded to current code standards. Lighting standards cannot be located in required landscape planters. Prior to issuance of Letter of Approval to the Alcohol Beverage Control Board, this condition must be complied with.

21. A timed-access cash controller or drop safe must be installed.

22. Install a silent armed robbery alarm.

23. The owner or manager of the licensed premises shall maintain on the premises a written security policy and procedures manual that has been approved by the Police Department, addressing at a minimum the following items:

   a. Procedures for handling obviously intoxicated persons.

   b. The method for establishing a reasonable ratio of employees to patrons, based upon activity level, in order to ensure adequate staffing levels to monitor beverage sales and patron behavior.

   c. Procedures for handling patrons involved in fighting, arguing or loitering about the building, and/or in the immediate adjacent area that is owned, leased, rented or used under agreement by the Licensee(s).

   d. Procedures for verifying the age of patrons for purposes of alcohol sales.

   e. Procedures for ensuring that servers monitor patrons to ensure that their drinking limit/potential intoxication is not exceeded. This procedure should include a description of the procedure the server would use to warn, or refuse to serve, the patron.

   f. Procedures for calling the police regarding observed or reported criminal activity.

   g. Procedures for management of queuing lines.

   h. The location and description of any video games proposed to be on the premises.
24. The operator shall be responsible for submitting a detailed outdoor fencing and dining plan where outdoor dining is proposed as part of the business operation. If the proposed dining area or fencing is in the public right of way, the applicant must obtain all required permits and approvals from the Public Works Agency.

25. Combined alcohol storage and display areas shall not exceed five percent (5%) of the gross floor area of the licensed establishment.
RESOLUTION NO. 2015-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2014-51 TO ALLOW A TYPE 47 ALCOHOLIC BEVERAGE CONTROL LICENSE UPGRADE AND CONDITIONAL USE PERMIT NO. 2015-10 AS CONDITIONED TO ALLOW AFTER-HOURS OPERATION AT GYPSY DEN LOCATED AT 125 NORTH BROADWAY

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The Planning Commission of the City of Santa Ana hereby finds, determines and declares as follows:

A. Applicant is requesting approval of Conditional Use Permit No. 2014-51 to allow a Type 47 Alcoholic Beverage Control (ABC) license upgrade and Conditional Use Permit No. 2015-10 to allow after-hours operations for the property located at 125 N. Broadway.

B. Santa Ana Municipal Code Section 41-2007 requires a conditional use permit for the sale of alcoholic beverages for on-site consumption of beer, wine and distilled spirits for businesses operating between the hours of 12:00 midnight and 7:00 a.m.

C. On May 26, 2015, the Planning Commission held a duly noticed public hearing on Conditional Use Permit No. 2014-51 and Conditional Use Permit No. 2015-10.

D. The Planning Commission determines that the following findings, which must be established in order to grant this Conditional Use Permit pursuant to Santa Ana Municipal Code Section 41-638, have been established for Conditional Use Permit No. 2014-51 to allow for a Type 47 ABC license:

1. Will the proposed use provide a service or facility which will contribute to the general well being of the neighborhood or the community?

   The proposed Type 47 ABC license will provide an ancillary service to the restaurant’s customers by allowing them the ability to purchase a variety of alcoholic beverages with their food. This will thereby benefit the community by providing a restaurant with an additional and complementary food-related amenity. Standards are applicable to the alcoholic
beverage control license which will mitigate any potential impacts created by the use and ensure that the use will not negatively affect the surrounding community.

2. Will the proposed use under the circumstances of the particular case be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity?

The proposed Type 47 ABC license upgrade for the on-sale consumption of beer, wine and distilled spirits at this location will not be detrimental to persons residing or working in the vicinity because operational standards to the alcoholic beverage control license will mitigate any potential negative or adverse impacts created by the use. This is primarily a restaurant use and the addition of alcohol will be ancillary to the main use. Finally, the sale of alcohol in the restaurant is intended to be incidental to the primary use as an eating establishment.

3. Will the proposed use adversely affect the present economic stability or future economic development of properties surrounding the area?

The proposed use will not adversely affect the economic stability of the area, but will instead allow the restaurant to compete with other nearby restaurants in Downtown and citywide that also offer a full selection of alcoholic beverages for sale to their guests and other visitors. Moreover, the offering of alcoholic beverages will allow Gypsy Den, a small business, to remain economically viable and contribute to the overall success of the Downtown Santa Ana commercial district.

4. Will the proposed use comply with the regulations and conditions specified in Chapter 41 for such use?

The proposed project will be in compliance with all applicable regulations and conditions imposed on a restaurant selling beer, wine and distilled spirits pursuant to Chapter 41 of the Santa Ana Municipal Code. The facility will be maintained as a full-service, bona-fide eating establishment, having suitable kitchen facilities and supplying an assortment of foods commonly ordered at various hours of the day. Additionally, the restaurant will utilize less than one percent (1%) of the gross floor area for the display and storage of alcoholic beverages, which is below the maximum threshold established by the Santa Ana Municipal Code.
5. Will the proposed use adversely affect the General Plan or any specific plan of the City?

The proposed use will not adversely affect the General Plan. The granting of this conditional use permit supports several policies contained in 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 feature alcoholic beverages on their menus offers additional dining options for Santa Ana residents and visitors, especially those to Downtown, which continues to serve as a dining and retail destination with regional significance. 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 proposed Type 47 ABC license will maintain a safe and attractive environment in Downtown Santa Ana. Finally, Policy 5.5 of the Land Use Element encourages development that is compatible with and supporting of surrounding land uses. Gypsy Den is located in a commercial area and its operations will be compatible with the surrounding commercial businesses.

E. The Planning Commission determines that the following findings, which must be established in order to grant this Conditional Use Permit pursuant to Santa Ana Municipal Code Section 41-638, have been established for Conditional Use Permit No. 2015-10 to allow for after hours operation:

1. Will the proposed use provide a service or facility which will contribute to the general well being of the neighborhood or the community?

The proposed after-hours operations will provide an ancillary service to individuals that wish to have a late night meal. This will thereby benefit the community by providing a food-related amenity offering service past 12:00 midnight, which is consistent with that of other restaurants in Downtown. Conditions have been placed on this operation to mitigate any potential problems created by the after-hours operation to ensure that service past 12:00 midnight will not negatively impact the surrounding community, such as requiring the establishment to maintain a complete food menu past midnight, disallowing outdoor restaurant activity, and limiting amplified sound to within the building past midnight.
2. Will the proposed use under the circumstances of the particular case be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity?

The proposed after-hours operations will not be detrimental to those living or working in the area because conditions have been placed to mitigate any negative impacts on the community, specifically for the residential units located on the second floor. These conditions are consistent with other eating establishments that have similar hours of operation and similar operational conditions. The after-hours conditions limit operations to indoor activities after the midnight hour, therefore mitigating any outside ambient noise, as well as limiting the amplified sound within the building past midnight.

3. Will the proposed use adversely affect the present economic stability or future economic development of properties surrounding the area?

The project site is situated along a commercial corridor that is appropriate for the proposed commercial use. The establishment of this restaurant promotes a balance of land uses that enhances the City’s economic and fiscal viability. Providing a variety of land uses in the area strengthens the economic base of the City and the Downtown area and affects the economic stability of the area in a positive manner.

4. Will the proposed use comply with the regulations and conditions specified in Chapter 41 for such use?

As conditioned, the proposed project will be in compliance with all applicable regulations and conditions imposed on an eating establishment operating after hours pursuant to Chapter 41 of the Santa Ana Municipal Code and the Transit Zoning Code (SD84) zoning provisions. The establishment will contain the necessary equipment to qualify as an eating establishment, and operational standards applicable to the proposed ABC license will prevent or mitigate any impacts from the restaurant onto adjacent properties.

5. Will the proposed use adversely affect the General Plan or any specific plan of the City?

The proposed use will not adversely affect the General Plan. The granting of this conditional use permit supports several policies contained in 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 with extended hours of operation offers 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. Conditions of approval have been placed on this conditional use permit that will maintain a safe and attractive environment in Downtown Santa Ana. Finally, Policy 5.5 of the Land Use Element encourages development that is compatible with and supporting of surrounding land uses. The Gypsy Den restaurant is located in a commercial area and its operation is compatible with the surrounding commercial businesses.

F. In accordance with the California Environmental Quality Act the recommended action is exempt for further review per Section 15301. The Class 1 exemption allows the operation, repair, maintenance, permitting, or leasing of existing structures. The project proposes to operate a full-service restaurant within an existing structure. No expansion of square footage or interior reconfigurations of square footages are proposed as part of the project. In addition, the structure is already served by municipal services, such as roadways, utilities, and parking in a variety of forms. Categorical Exemption Environmental Review No. 2014-158 will be filed for this project.

Section 2. The Planning Commission of the City of Santa Ana after conducting the public hearing hereby approves Conditional Use Permit No. 2014-51 and Conditional Use Permit No. 2015-10 as conditioned in Exhibit A attached hereto and incorporated as though fully set forth herein. This decision is based upon the evidence submitted at the abovesaid hearing, which includes, but is not limited to: the Request for Planning Commission Action dated May 26, 2015, and exhibits attached thereto; and the public testimony, all of which are incorporated herein by this reference.
ADOPTED this 26th day of May 2015 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTENTIONS: Commissioners:

_______________________
James Gartner
Chairman

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By:________________________
Lisa Storck
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, KAREN GERARDO, Planning Commission Secretary, do hereby attest to and certify the attached Resolution No. 2015-xx to be the original resolution adopted by the Planning Commission of the City of Santa Ana on May 26, 2015.

Date: _____________________
Planning Commission Secretary
City of Santa Ana
EXHIBIT A

Conditions for Approval for Conditional Use Permit 2015-10

Conditional Use Permit No. 2015-10 for after-hours operations for the property located at 125 N. Broadway is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code and all other applicable regulations.

The applicant must comply in full with each and every condition listed below prior to exercising the rights conferred by this conditional use permit.

The applicant must remain in compliance with all conditions listed below throughout the life of the conditional use permit. Failure to comply with each and every condition may result in the revocation of the conditional use permit.

1. The premises shall at all times be maintained as a bona-fide eating establishment as defined in Section 23038 of the California Business and Professions code and shall provide a menu containing an assortment of foods normally offered. The premises must have suitable kitchen facilities and supply an assortment of foods commonly ordered at various hours of the day.

2. There will be no outdoor restaurant activity after midnight.

3. Any and all existing or new lighting on the building’s exterior must be maintained in working order.

4. All exterior lighting will be directed towards the restaurant and/or sidewalk and not towards other properties.

5. There shall be no amplified sound used outside the building.

6. Live Entertainment, including but not limited to, amplified music, karaoke, performers and dancing, is subject to compliance with Santa Ana Municipal Code (“SAMC”) Chapter 11 and shall comply with all of the standards contained therein. Notwithstanding this requirement, music/noise shall not be audible beyond 20 feet from the exterior of the premises in any direction.
REQUEST FOR
Planning Commission Action

PLANNING COMMISSION MEETING DATE:
MAY 26, 2015

TITLE:
PUBLIC HEARING - FILED BY VINCULUMS SERVICES INC. FOR CONDITIONAL USE PERMIT NO. 2015-11 TO ALLOW A 60-FOOT HIGH WIRELESS FACILITY FOR VERIZON AT 1417 NORTH SUSAN STREET (STRATEGIC PLAN NO. 3, 2)

Prepared by Melanie G. McCann

Interim Executive Director

RECOMMENDED ACTION

Adopt a resolution approving Conditional Use Permit No. 2015-11 as conditioned.

Request of Applicant

Vinculums Services Inc., representing Verizon Wireless, is requesting approval of a 60-foot high wireless facility disguised as a pine tree at 1417 North Susan Street. Major wireless communication facilities require approval of a conditional use permit pursuant to Section 41-198.3(b) of the Santa Ana Municipal Code (SAMC).

Project Location and Site Description

The project is proposed to be constructed on a 4.5-acre (196,020 square foot) parcel of land located on Susan Street; south of Westminster Avenue and adjacent to the Pacific Electric (PE) right-of-way. The site is currently improved with 24,806 square feet of industrial storage structures and ancillary office for ECCO Equipment Corporation, which provides storage and rentals of heavy construction equipment. The land uses surrounding the site include commercial and multifamily residences to the north, industrial and mobile homes to the east, the Pacific Electric right-of-way and mobile homes to the south, and industrial uses to the west (Exhibits 1, 2 and 3).

Project Description

Verizon is proposing to construct a 60-foot high wireless facility disguised as a pine tree. This facility is intended to provide increased cellular coverage and call capacity in this area of the City. To give the facility the appearance of a natural tree, the tower has been designed to have branches that will extend seven feet above the antennas to a maximum height of 60 feet. Equipment for the wireless facility will be installed within an enclosure that measures approximately 13.5-feet by 40-feet for a total of 540 square feet. This enclosure will be located east of the existing main office building, with the monopole itself within a block wall equipment enclosure surrounded by a two foot planter and vines. One 36-inch box pine tree will be installed in a new planter south of the facility to assist with the stealthning of the monopole (Exhibits 4, 5 and 6).
The proposed wireless facility will contain three arrays with four panel antennas on each side, for a total of 12 panel antennas. A GPS and parabolic antenna will also be located on the monopole.

In addition to the monopole and equipment enclosure, the applicant proposes to provide site improvements including the repair and re-slurry the site parking area. The large equipment loading dock will also be upgraded with a concrete landing leading to the street.

**Project Background**

In April 2014, plans were submitted on behalf of Verizon Wireless to install a new wireless facility at this location. After a review of the proposal, staff recommended the applicant pursue alternative locations and/or relocate the monopole and equipment area a minimum of 100 feet from the Pacific Electric right-of-way. This 100 foot distance was requested as the City is proposing to designate the PE right-of-way as a Primary Arterial Street when updating the General Plan Circulation Element. In addition, this corridor has been identified as a future travel way for the proposed Street Car transit system. This setback will mitigate the visual impact from both the future transit corridor and nearby residential properties.

The site is owned jointly by the Schmidt Family Trust and Haug Family Trust, and occupied by David Schmidt of ECCO Equipment Corporation. The existing heavy equipment use has operated at this location since the 1970s. The property owners will be leasing a 548 square foot area at the north section of the site to Verizon for the installation of the monopole and equipment enclosure.

**General Plan and Zoning Consistency**

The General Plan land use designation for the site is District Center (DC), which allows higher intensity mixed use and residential development. Uses such as wireless facilities are consistent with this General Plan land use designation.

The zoning for the site is Harbor Mixed Use Transit Specific Plan (SP-2) with the site within the Transit Node North sub-district. This zoning is intended to encourage transit-supportive mixed use development with access to the proposed Santa Ana/Garden Grove Street Car and station. This area of the Harbor Specific Plan zoning allows for a variety of residential, community facilities, retail, and service use uses with a minimum requirement of four stories and a maximum of 10 stories. While the existing industrial use of the property is a legal non-conforming use, the proposed wireless communication facility is consistent with the zoning designation.
Project Analysis

In July 1998, the City Council adopted Ordinance No. NS-2356, which established regulations for wireless communication facilities throughout the City. Major wireless communication facilities such as the proposed Verizon facility are required to have a stealth design and be located in an area that provides the greatest amount of visual screening. Further, these major facilities require the approval of a conditional use permit. Further, Section 41-198.4 of the Santa Ana Municipal Code (SAMC) identifies several site improvements that may be required at sites with major wireless facilities. These improvements include:

1. Landscaping around the base of the facility, including vines, groundcover and a 24-inch box tree;
2. Decorative fencing (wrought iron or block) around the facility;
3. A six-foot high solid wall between the facility and property zoned or used for residential;
4. One parking space, if on-site parking is not available;
5. Repairing, repaving and restriping of a parking lot which is in poor condition;
6. The repainting of buildings on a site; and
7. The construction of a new trash enclosure.

As part of the development review portion of the project, staff worked with the applicant to identify improvements to be required in tandem with the proposed monopole and equipment enclosure. These improvements reflect the requirement to screen the facility from view, to provide enhanced landscaping through the planting of a new tree and vines, to deter graffiti through the planting and maintenance of landscaping materials, to enhance the site parking surfaces, and to minimize the project’s overall impacts on the surrounding community.

Conditional use permits are governed by Section 41-638 of the SAMC. Conditional use permits may be granted when it can be shown that the following can be established:

- That the proposed use will provide a service or facility which will contribute to the general well being of the neighborhood or community.

- That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

- That the proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area.

- That the proposed use will comply with the regulations and conditions specified in Chapter 41 for such use.

- That the proposed use will not adversely affect the General Plan of the city or any specific plan applicable to the area of the proposed use.
If these findings can be made, then it is appropriate to grant the conditional use permit. Conversely, the inability to make these findings would result in a denial. Using this information staff has prepared the following analysis, which, in turn forms the basis for the recommendation contained in this report. In analyzing the conditional use permit request, staff believes that the following findings of fact warrant approval of the conditional use permit.

Section 41-198.5(b) of the SAMC establishes site selection order of preference criteria for wireless facilities. These provisions require the exploration of various options before proposing a new monopole. The applicant has explored alternatives to this monopole, including providing a roof mounted facility on an existing building in the area and co-locating on another facility. The heights of the buildings (predominantly one-story) in the immediate area do not provide the necessary height to provide adequate service. Also, there are no wireless facilities close enough to provide the necessary coverage and capacity that Verizon requires.

- The project will provide a service or facility which will contribute to the community. The proposed monopole will provide a service to Santa Ana residents, businesses and motorists who subscribe to Verizon’s services by reducing the gaps in cellular service and providing additional calling capacity for its users in the northern sector of Santa Ana.

- The proposed wireless facility at this location will not be detrimental to persons residing or working in the area as the proposed facility will be in compliance with Federal law that govern health related issues for wireless facilities, including safety regulations from the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA).

- The proposed monopole, in conjunction with the new live pine and site improvements, will be compatible with the surrounding area and will not adversely affect the economic viability in the area. The stealth appearance and site enhancements will maintain and increase the economic stability for development by providing an additional service for business owners, workers, and residents in the area.

- The use will comply with all provisions pertaining to the construction and installation of wireless facilities identified in Chapter 41 (Zoning Code) of the Santa Ana Municipal Code. The proposed facility will be stealthed as a pine tree, will feature new and enhanced landscaping, will provide additional screening for the current use’s heavy equipment operations, and will comply with other standards outlined in the SAMC.

- The proposed monopole will not adversely affect the General Plan as cellular facilities that are designed to be compatible with the surrounding environment are consistent with the goals and objectives of the Land Use Element. Goal 1 promotes a balance of land uses to address community needs, which includes means of communication that will be served by the proposed monopole. In addition, Goals 3 and 5 require preservation of neighborhood character and integrity
as well as mitigation of developments’ impacts. The proposed monopole is designed to minimize visual impact on the area and to assist with the stealthing of industrial operations at the project site. Further, Policy 2.2 encourages land uses that accommodate the City’s needs for services. Enhancing a cell phone provider’s coverage in the area enhances services that are readily available for business owners, workers, and residents in the immediate vicinity.

A facility disguised as a pine tree would provide the best stealth possible for this location. The facility is located within transitional industrial and residential district and will be installed toward the north of the site, more than 160 feet away existing residential uses. Located on nearby streets of Clinton Street and Sunswep Avenue, there is a mixture of tree species including pine trees. The pine tree design will easily blend into the area and will be designed to allow for future co-location by another provider. Of the various tree designs, the pine tree is a design that can stealth the equipment needed by additional wireless providers. All associated wiring and conduit for the facility will be underground or hidden within the interior of the monopole.

This location is also optimal to provide the coverage necessary for existing and expanding service. The proposed cellular antennas will provide a benefit to Santa Ana residents, businesses and motorists who subscribe to Verizon by closing service gaps and providing enhanced cellular service in the area. Equipment for the facility will be located within a new enclosure behind the main office building, with vines planted on the block walls to assist in screening the wireless facility and the heavy equipment operations on the site. The proposed wireless facility complies with the City’s Wireless Communications Facility Ordinance and will provide needed service to this area of the City. Further, the project is consistent with the goals and objectives of the General Plan that safeguard residents and workers in the area while encouraging land uses that accommodate the City’s needs for services.

Public Notification

The project site is located north of the boundaries of the Santa Anita Neighborhood Association. However, staff contacted the president of this neighborhood association to ensure that they were notified of this project and to identify any areas of concern. The president did not identify any concerns with the project. The project site was posted with a notice advertising this public hearing, a notice was published in the Orange County Reporter and notices were sent to all property owners and occupants within 500 feet of the project site. At the time of this printing, no correspondence, either written or electronic, had been received from any members of the public.

CEQA Compliance

This project was reviewed in accordance with the Guidelines for the California Environmental Quality Act. The project is exempt from further review pursuant to Section 15303. This Class 3 exemption allows in-fill developments for the construction and location of limited numbers of new, small facilities or structures; the installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another.
The wireless facility is a new, small facility that has been found by the City’s development review agencies to not create any adverse impacts such as noise, traffic, or safety concerns. As a result, Categorical Exemption Environmental Review No. 2015-44 will be filed for this project.

**Strategic Plan Alignment**

Approval of this item supports the City's efforts to meet Goal No. 3 Economic Development, Objective No. 2 (create new opportunities for business/job growth and encourage private development through new General Plan and Zoning Ordinance policies).

**Conclusion**

Based on the analysis provided within this report, staff recommends that the Planning Commission approve Conditional Use Permit No. 2015-11 as conditioned.

Melanie G. McCann, AICP
Associate Planner

Attachments:
- Exhibit 1 – Vicinity Map
- Exhibit 2 – Location Map
- Exhibit 3 – Site Photo
- Exhibit 4 – Site Plan
- Exhibit 5 – Elevations
- Exhibit 6 – Photo Simulations
Accuracy of photo simulation is based upon information provided by project applicant. The proposed installation is an artistic representation of an antenna monument and it is not intended to be an exact reproduction. The final will have cables, cable ports and various attachments, such as antennas, nuts and bolts. Every effort will be made to disguise these components and they will not be readily apparent to the casual observer or passerby. However, upon close scrutiny, the true nature of the installation will be apparent.
Accuracy of photo simulation is based upon information provided by project applicant. The proposed installation is an artistic representation of an antenna monument and it is not intended to be an exact reproduction. The final will have cables, cable ports and various attachments, such as antennas, nuts and bolts. Every effort will be made to disguise these components and they will not be readily apparent to the casual observer or passerby. However, upon close scrutiny, the true nature of the installation will be apparent.
RESOLUTION NO. 2015-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2015-11 TO ALLOW A 60-FOOT HIGH WIRELESS FACILITY ON THE PROPERTY LOCATED AT 1417 NORTH SUSAN STREET

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The Planning Commission of the City of Santa Ana hereby finds, determines and declares as follows:

A. Conditional Use Permit No. 2015-11 was filed with the City of Santa Ana seeking to allow a 60-foot high wireless facility disguised as a pine tree on the property located at 1417 North Susan Street.

B. Pursuant to Santa Ana Municipal Code Section 41-198.10, a Conditional Use Permit is required for major wireless communication facilities established in the City of Santa Ana.

C. Conditional Use Permit No. 2015-11 came before the Planning Commission of the City of Santa Ana for a duly noticed public hearing on May 26, 2015.

D. Santa Ana Municipal Code Section 41-638 authorizes the Planning Commission to grant a conditional use permit upon making certain findings.

1. Will the proposed use provide a service or facility which will contribute to the general well being of the neighborhood or the community?

   The project will provide a service or facility which will contribute to the community. The proposed monopole will provide a service to Santa Ana residents, businesses and motorists who subscribe to Verizon’s services by reducing the gaps in cellular service and providing additional calling capacity for its users in the northern sector of Santa Ana.

2. Will the proposed use under the circumstances of the particular case be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity?
The proposed wireless facility at this location will not be detrimental to persons residing or working in the area as the proposed facility will be in compliance with Federal laws that govern health related issues for wireless facilities, including safety regulations from the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA).

3. Will the proposed use adversely affect the present economic stability or future economic development of properties surrounding the area?

The proposed monopole, in conjunction with the new live pine tree and site improvements, will be compatible with the surrounding area and will not adversely affect the economic viability in the area. The stealth appearance and site enhancements will maintain and increase the economic stability for development by providing an additional service for business owners, workers, and residents in the area.

4. Will the proposed use comply with the regulations and conditions specified in Chapter 41 for such use?

The use will comply with all provisions pertaining to the construction and installation of wireless facilities identified in Chapter 41 (Zoning Code) of the Santa Ana Municipal Code. The proposed facility will be stealthed as a pine tree, will feature new landscaping, will provide upgrades to the parking and loading dock for the current heavy equipment operations, and will comply with other standards outlined in the Santa Ana Municipal Code.

5. Will the proposed use adversely affect the General Plan or any specific plan of the City?

The proposed monopole will not adversely affect the General Plan as cellular facilities that are designed to be compatible with the surrounding environment are consistent with the goals and objectives of the Land Use Element. Goal 1 promotes a balance of land uses to address community needs, which includes means of communication that will be served by the proposed monopole. In addition, Goals 3 and 5 require preservation of neighborhood character and integrity as well as mitigation of developments’ impacts. The proposed monopole is designed to minimize visual impact on the area and provide site improvements to assist with the aesthetics and maintenance of the project site. Further, Policy 2.2 encourages land uses that accommodate the City’s needs.
for services. Enhancing a cell phone provider’s coverage in
the area enhances services that are readily available for
business owners, workers, and residents in the immediate
vicinity.

E. This project was reviewed in accordance with the Guidelines for the
California Environmental Quality Act. The project is exempt from further
review pursuant to Section 15303. This Class 3 exemption allows in-fill
developments for the construction and location of limited numbers of new,
small facilities or structures; the installation of small new equipment and
facilities in small structures; and the conversion of existing small structures
from one use to another. The wireless facility is a new, small facility that
has been found by the City’s development review agencies to not create
any adverse impacts such as noise, traffic, or safety concerns. As a
result, categorical Exemption Environmental Review No. 2015-44 will be
filed for this project.

Section 2. The Planning Commission, after conducting the public hearing,
hereby approves Conditional Use Permit No. 2015-11 as conditioned in Exhibit “A”
attached hereto and incorporated herein. This decision is based upon the evidence
submitted at said public hearing, which includes, but is not limited to: the Request for
Planning Commission Action dated May 26, 2015, and exhibits attached thereto; and
the public testimony, all of which are incorporated herein by this reference.
ADOPTED this 26th day of May, 2015 by the following vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTENTIONS: Commissioners:

_______________________
James Gartner
Chairperson

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: ________________________
Lisa Storck
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, KAREN GERARDO, Planning Commission Secretary, do hereby attest to and certify the attached Resolution No. 2015-xx to be the original resolution adopted by the Planning Commission of the City of Santa Ana on May 26, 2015.

Date: ________________
Planning Commission Secretary
City of Santa Ana
EXHIBIT A

Conditions for Approval for Conditional Use Permit No. 2015-11

Conditional Use Permit No. 2015-11 is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code and all other applicable regulations.

The applicant must comply in full with each and every condition listed below prior to exercising the rights conferred by this conditional use permit.

The applicant must remain in compliance with all conditions listed below throughout the life of the conditional use permit. Failure to comply with each and every condition may result in the revocation of the conditional use permit.

A. Planning Division

1. The applicant must comply with all conditions and requirements of the Development Review Committee for the development project (DP No. 2014-16).

2. Any amendment to this conditional use permit must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or the conditional use permit must be amended.

3. The proposed monopole shall be constructed as per approved plans and any existing landscaping shall be protected in place during the construction period for the 60-foot wireless facility.

4. The proposed monopole shall be constructed per the following specifications:

   a. The monopine facility should have 3.1 branches per foot for full density coverage with limited spacing between the branches; 70 percent of the branches should be eight feet or longer.

   b. Branch disbursement should be random so that longer branches and shorter branches are intermingled to give a natural appearance.

   c. Branches should exceed all antennas by a minimum of 12 inches.

   d. Branches should start at 15 feet above the ground.

   e. There should be a minimum space of seven feet between the top of the antenna and the top of the branches.
f. Branches should have a sweep similar to that of an actual Pine Tree.

g. Branch foliage color should be an olive or forest green with some other appropriate coloring to match an actual Pine Tree. A sample shall be submitted to the City for approval prior to fabrication.

h. Full bark cladding with a custom color shall be submitted to the City for approval prior to fabrication.

i. All antennas shall be covered with “antenna socks” that match the approved foliage color.

j. All “stand-off mounts” and support pipe mounts shall be concealed behind antennas and painted a darker shade or green (or black) with a “flat” paint finish to reduce reflection and visibility of the mounting.

k. Include the tree specifications (selected manufacturers and models) with photo simulations (also a site plan review requirement).

l. Show the location of the GPS antenna on all elevations.

m. Provide a “unistrut” detail for the utility cabinet; an “H-frame” is not acceptable.

n. Provide a note on the plans stating “install underground utilities sleeving for two carriers during construction of the structure”. Shrouds on the outside of the pole are not acceptable.

o. All exterior conduit and electrical meters shall be installed and screened in one metal enclosure painted to match the structure.

5. The permit applicant shall provide a 24-hour phone number to which interference problems may be reported. This condition will also apply to all existing facilities in the City of Santa Ana.

6. The permit applicant will provide a “single point of contact” in its Engineering and Maintenance Departments to insure continuity on all interference issues. The name, telephone number, fax number and e-mail address of that person shall be provided to the City’s designated representative upon activation of the facility.

7. The permit applicant shall insure that lessee or other user(s) shall comply with the terms and conditions of this permit, and shall be responsible for the failure of any lessee or other users under the control of permit applicant to comply.
8. Locate all equipment and related appurtenances (appleton plug and electric meter) on the inside of the existing equipment enclosure or inside the building and underground all electrical power from the utility source as shown on the approved site plan.

9. Conditional Use Permit No. 2015-11 expires 10 years from the date of City Council approval.
REQUEST FOR
Planning Commission Action

PLANNING COMMISSION MEETING DATE:
MAY 26, 2015
TITLE:
PUBLIC HEARING – FILED BY AJ AHMAD
FOR CONDITIONAL USE PERMIT NO. 2015-12
TO ALLOW AN INDOOR SPORTS FACILITY
AT 1411 SOUTH VILLAGE WAY {STRATEGIC
PLAN NOS. 3, 2; 3, 5}

Prepared by  Ali Pezeshkpour

Interim Executive Director

RECOMMENDED ACTION

Adopt a resolution approving Conditional Use Permit No. 2015-12 as conditioned.

Request of the Applicant

AJ Ahmad, representing Rockin’ Jump, is requesting approval of a conditional use permit (CUP) to allow an indoor sports facility at 1411 South Village Way. Specifically, the applicant is requesting approval per Section 41-472.5(s) of the Santa Ana Municipal Code (SAMC), which requires a conditional use permit for an indoor sports facility such as an indoor trampoline recreation and aerobic exercise establishment in the McFadden Place/Specific Development No. 85 (SD-85) zoning district.

Project Location and Site Description

The subject property, known as McFadden Place, is a 17-acre development located on Village Way just south of McFadden Avenue and south of the southbound entrance to the Costa Mesa (SR-55) Freeway. Nine buildings, consisting of approximately 278,689 square feet, are located on the site. The subject building (Building B) is approximately 24,636 square feet in size and is located at the northeast section of the site. The buildings are occupied by a combination of retail, indoor sports facility, and industrial uses.

McFadden Place contains 850 parking spaces. The site is surrounded by industrial uses to the north and west, the LOSSAN rail corridor and Santa Ana Auto Mall to the south, and the Costa Mesa Freeway to the east (Exhibits 1, 2, and 3).
Project Description

The applicant is proposing to occupy a 24,636-square foot building with Rockin' Jump, an indoor trampoline recreation and aerobic exercise establishment. Several improvements are proposed to be made to accommodate the proposed use. With the exception of a new exit door proposed on the east (freeway-facing) elevation and signage, all improvements will take place within the building. These interior tenant improvements include the construction of dodge ball courts, an open jump arena, basketball courts, a vertical tower, jousting area, cage ball, as well as a café, special events rooms, seating, and a reception area.

Minimal site improvements, such as bicycle racks and upgrades to the building’s handicap accessibility to comply with State and Federal disability act guidelines, will be made. Finally, new signs will be installed to identify the proposed use. The hours of operation will be from 7:00 a.m. to 10:00 p.m. daily (Exhibits 4, 5, and 6).

Project Background

The vacant building which Rockin’ Jump intends to occupy once contained a Recreational Equipment Inc. (REI) retail store, which vacated the building in September 2010. Rockin’ Jump, which was established in 2010, currently operates 12 facilities across the nation. The company has grown quickly since its inception and is expanding to other states, as well as Bangkok, Thailand. The proposed McFadden Place location would be Rockin’ Jump’s first location in Orange County.

Rockin’ Jump is an indoor trampoline recreation and aerobic exercise company. The establishment is family-oriented and open to children and adults of all ages. All locations offer numerous recreational and exercise opportunities based on the use of trampoline equipment for aerobic, cardiovascular, and muscle strength enhancements. Trampoline exercises, like other sports, rely on strength in legs, thighs, hips, and the stomach and abdomen. These exercises also improve breathing through enhanced lung capacity, reduction in stress and tension, lowering of blood cholesterol, and increased energy levels.

The McFadden Place development was constructed in the early 1970's as an industrial park and was historically used by warehouse, distribution and warehouse related uses. Since that time, CUP No. 1988-08, which acknowledged the transitioning nature of the site and its ease of access and visibility from the Costa Mesa Freeway, was approved to allow a combination of retail and industrial related uses on the site. In 2012, two conditional use permits (Nos. 2012-16 and 2012-24) were approved to allow indoor sports facilities at McFadden Place: Sender One Indoor Climbing and the Australian Swim School, respectively. Following the success of these establishments, representatives for McFadden Place petitioned to rezone the property from Light Industrial (M-1) to a specific development zone. Subsequently, AA No. 2013-02 was approved, establishing the McFadden Place/Specific Development (SD) No. 85 zoning district, which allows for a variety of industrial, commercial, and recreational uses, including indoor sports facilities subject to approval of a CUP.
General Plan and Zoning Analysis

The General Plan land use designation for the site is Industrial (IND), which allows for a variety of industrial and industrial serving commercial uses. The proposed project is consistent with the General Plan.

The subject site is located in the McFadden Place/Specific Development (SD) No. 85 zoning district. SD-85 is a zoning designation that allows industrial, commercial, and recreational uses. These uses include retail, restaurants, and indoor sports facilities subject to approval of a CUP. The project site is consistent with this zoning designation.

Project Analysis

Ordinance No. NS-2776 was adopted in 2008 and added Indoor Sports Facilities as a conditionally permitted use in the Light Industrial (M-1) zoning district. Prior to the adoption of this ordinance, indoor sports and recreation were combined with indoor entertainment and were only permitted in the City’s commercial zones with a conditional use permit. The large space requirements necessary to operate indoor sports facilities, in combination with higher lease rates in commercial areas, resulted in a majority of indoor sports businesses not being able to locate in Santa Ana. In response to the growing demand for recreational activities and the limited park area provided within the City, the City Council amended the Municipal Code to allow indoor sports facilities within the Light Industrial (M-1) zoning district subject to compliance with certain development standards and with a conditional use permit. These development standards included parking, limiting the hours of operation and limiting the number and type of uses that would be permitted under the definition of indoor sports facilities.

The subject property is in compliance with the SD No. 85 development standards including landscaping and parking. Additionally, appropriate conditions of approval have been included for this project that will ensure it remains in compliance with the indoor sports facilities section of the Municipal Code and does not become an attractive nuisance or disrupt the surrounding tenants within the center. The addition of a trampoline recreation and aerobic exercise facility at this location supports several General Plan policies, which are detailed in the following section.

Conditional use permits are governed by Section 41-638 of the SAMC. Conditional use permits may be granted when it can be shown that the following can be established:

- That the proposed use will provide a service or facility which will contribute to the general well being of the neighborhood or community.

- That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.
• That the proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area.

• That the proposed use will comply with the regulations and conditions specified in Chapter 41 for such use.

• That the proposed use will not adversely affect the General Plan of the city or any specific plan applicable to the area of the proposed use.

If these findings can be made, then it is appropriate to grant the conditional use permit. Conversely, the inability to make these findings would result in a denial. Using this information staff has prepared the following analysis, which, in turn forms the basis for the recommendation contained in this report. In analyzing the conditional use permit request staff believes that the following findings of fact warrant approval of the conditional use permit.

• The project will provide a service or facility which will contribute to the community. The facility is a commercial recreational facility that will provide additional recreational opportunities to residents and visitors of the City. Further, the business will provide additional employment opportunities for residents that live in the City.

• The trampoline recreation and aerobic exercise facility will not be detrimental to persons residing or working in the area as the facility is located within an area of the City that is predominantly industrial in nature. Further, improvements will be made to the site that will bring the site into compliance with applicable disability act standards. Finally, conditions have been placed on the project that will mitigate any negative or adverse impacts created by the use that could otherwise affect the health, safety, or general welfare of the surrounding businesses.

• The proposed use will not adversely affect the economic stability of the area but will instead identify the site as a viable site to conduct business. The tenant space was previously vacant and is proposed to be occupied by a use that is consistent with the zoning for the property. The reuse of the site, in conjunction with the improvements that will be made to the site, will enhance the economic viability of the area.

• The use will be in compliance with all regulations and provisions of Chapter 41 (Zoning Code) of the Santa Ana Municipal Code. Site improvements are proposed to the parking lot that will bring the site into compliance with the Zoning Code.
• Finally, the project will not adversely affect the General Plan as the proposed use is consistent with Goals 1 and 2 of the Land Use Element of the General Plan. These goals encourage uses such as the proposed indoor sports facility that promote a balance of land uses to address basic community needs, such as physical activity, and which enhance the City's economic and fiscal viability. In addition, the project is consistent with Policy 2.2 of the Land Use Element, which supports commercial uses that accommodate the City's needs for goods and services. Furthermore, Policy 2.8 of the Land Use Element promotes the rehabilitation of commercial properties, and encourages increased levels of capital investment. The project will include significant new investment and tenant improvements to a site that has remained vacant since the previous tenant relocated from the site. Finally, Policy 5.5 of the Land Use Element encourages development that is compatible with and supporting of surrounding land uses. The project will be located adjacent to one of the region's most significant corridors, the Costa Mesa Freeway, and conditions of approval will ensure that its operations will be compatible with the surrounding properties and businesses.

Public Notification

The project site is not located within or near any neighborhood association. Staff has been in contact with the property owner, who has informed the existing tenants of the proposed use. The project site itself was posted with a notice advertising this public hearing, a notice was published in the Orange County Reporter and mailed notices were sent to property owners and occupants within 500 feet of the project site. At the time of this printing, no correspondence, by phone, written, or electronic, had been received from any members of the public.

CEQA Analysis

In accordance with the California Environmental Quality Act, the proposed project is exempt from further review pursuant to Section 15301. This Class 1 exemption allows the repair, maintenance and permitting of existing structures that are consistent with the zoning and general plan designations. The proposed project involves occupying an existing building with a new tenant, without any square footage addition or building expansion. Categorical Exemption Environmental Review No. 2015-10 will be filed for this project.

Strategic Plan Alignment

Approval of this item supports the City's efforts to meet Goal No. 3 Economic Development, Objective No. 2 (create new opportunities for business/job growth and encourage private development through new General Plan and Zoning Ordinance policies) and Objective No. 5 (leverage private investment that results in tax base expansion and job creation citywide).
Conclusion

Based on the analysis provided within this report, staff recommends that the Planning Commission approve Conditional Use Permit No. 2015-12 as conditioned.

[Signature]
Ali Pezeshkpour
Assistant Planner I

Attachments:
Exhibit 1 – General Vicinity Map
Exhibit 2 – Land Use Map
Exhibit 3 – Site Photo
Exhibit 4 – Site Plan
Exhibit 5 – Floor Plan
Exhibit 6 – Conceptual Elevations
CUP-2015-12
ROCKIN’ JUMP INDOOR SPORTS FACILITY
1411 SOUTH VILLAGE WAY

SITE PHOTO
EXHIBIT 3
RESOLUTION NO. 2015-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2015-12 AS CONDITIONED TO ALLOW AN INDOOR SPORTS FACILITY IN THE McFADDEN PLACE/SPECIFIC DEVELOPMENT NO. 85 (SD-85) FOR THE PROPERTY LOCATED AT 1441 SOUTH VILLAGE WAY

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The Planning Commission of the City of Santa Ana hereby finds, determines and declares as follows:

A. The applicant is requesting approval of Conditional Use Permit No. 2015-12 to allow an indoor sports facility in the McFadden Place/Specific Development No. 85 (SD-85) for the property located at 1441 South Village Way.

B. Conditional Use Permit No. 2015-12 came before the Planning Commission of the City of Santa Ana for a duly noticed public hearing on May 26, 2015.

C. In 2013, AA No. 2013-02 was approved, establishing the McFadden Place/Specific Development (SD) No. 85 zoning district, which allows for a variety of industrial, commercial and recreational uses, including indoor sports facilities subject to the issuance of a conditional use permit.

D. Santa Ana Municipal Code Section 41-638(a)(1) authorizes the Planning Commission to grant a conditional use permit upon making certain findings.

1. That the proposed use will provide a service or facility which will contribute to the general well-being of the neighborhood or community.

   The project will provide a service or facility which will contribute to the community. The facility is a commercial recreational facility that will provide additional recreational opportunities to residents and visitors of the City. Further, the business will provide additional employment opportunities for residents that live in the City.

2. That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.
The trampoline recreation and aerobic exercise facility will not be detrimental to persons residing or working in the area as the facility is located within an area of the City that is predominantly industrial in nature. Further, improvements will be made to the site that will bring the site into compliance with applicable disability act standards. Finally, conditions have been placed on the project that will mitigate any negative or adverse impacts created by the use that could otherwise affect the health, safety, or general welfare of the surrounding businesses.

3. That the proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area.

The proposed use will not adversely affect the economic stability of the area but will instead identify the site as a viable site to conduct business. The tenant space was previously vacant and is proposed to be occupied by a use that is consistent with the zoning for the property. The reuse of the site, in conjunction with the improvements that will be made to the site, will enhance the economic viability of the area.

4. That the proposed use will comply with the regulations and conditions specified in Chapter 41 for such use.

The use will be in compliance with all regulations and provisions of Chapter 41 (Zoning Code) of the Santa Ana Municipal Code. Site improvements are proposed to the parking lot that will bring the site into compliance with the Zoning Code.

5. That the proposed use will not adversely affect the general plan of the city of any specific plan applicable to the area of the proposed use.

The project will not adversely affect the General Plan as the proposed use is consistent with Goals 1 and 2 of the Land Use Element of the General Plan. These goals encourage uses such as the proposed indoor sports facility that promote a balance of land uses to address basic community needs, such as physical activity, and which enhance the City's economic and fiscal viability. In addition, the project is consistent with Policy 2.2 of the Land Use Element, which supports commercial uses that accommodate the City’s needs for goods and services. Furthermore, Policy 2.8 of the Land Use Element promotes the rehabilitation of commercial properties, and encourages increased levels of
capital investment. The project will include significant new investment and tenant improvements to a site that has remained vacant since the previous tenant relocated from the site. Finally, Policy 5.5 of the Land Use Element encourages development that is compatible with and supporting of surrounding land uses. The project will be located adjacent to one of the region’s most significant corridors, the Costa Mesa Freeway, and conditions of approval will ensure that its operations will be compatible with the surrounding properties and businesses.

E. In accordance with the California Environmental Quality Act, the proposed project is exempt from further review pursuant to Section 15301. This Class 1 exemption allows the repair, maintenance and permitting of existing structures that are consistent with the zoning and general plan designations. The proposed project involves occupying an existing building with a new tenant, without any square footage addition or building expansion. Categorical Exemption Environmental Review No. 2015-10 will be filed for this project.

Section 2. The Planning Commission of the City of Santa Ana, after conducting the public hearing, hereby approves for the property located at 1411 South Village Way:

Conditional Use Permit No. 2015-12, as conditioned in Exhibit “A” attached hereto and incorporated herein, to allow an indoor sports facility in the McFadden Place/Specific Development (SD) No. 85 zoning district.

These decisions are based upon the evidence submitted at the above said hearing, which includes, but is not limited to: the Request for Planning Commission Action dated May 26, 2015, and exhibits attached thereto; and the public testimony, all of which are incorporated herein by this reference.
ADOPTED this 26th day of May, 2015 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTENTIONS: Commissioners:

_______________________
James Gartner
Chairperson

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: ______________________
Lisa Storck
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, KAREN GERARDO, Planning Commission Secretary, do hereby attest to and certify the attached Resolution No. 2015-xx to be the original resolution adopted by the Planning Commission of the City of Santa Ana on May 26, 2015.

Date: ______________________
Planning Commission Secretary
City of Santa Ana
EXHIBIT A

Conditions for Conditional Use Permit No 2015-12

Should the Planning Commission approve Conditional Use Permit No. 2015-12, the approval is subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code and all other applicable regulations.

The applicant must comply in full with each and every condition listed below prior to exercising the rights conferred by this conditional use permit.

The applicant must remain in compliance with all conditions listed below throughout the life of the conditional use permit. Failure to comply with each and every condition may result in the revocation of the conditional use permit.

A. Planning Division

1. All proposed improvements must conform to the Site Plan Review approval of DP No. 2015-4 and the staff report exhibits.

2. Any amendment to this conditional use permit must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or the conditional use permit must be amended.

3. The site occupant shall be responsible for maintaining the premises free from graffiti and litter, including the side of the building adjacent to the Costa Mesa Freeway. All graffiti and litter shall be removed within 24 hours.

B. Police Department

1. The existing building and required parking must conform with the provisions of Chapter 8, Article II, Division 3 of the Santa Ana Municipal Code (Building Security Ordinance). These code conditions will require that the existing projects lighting, door/window locking devices and addressing be upgraded to current code standards. Lighting standards cannot be located in required landscape planters.