

RESOLUTION NO. 2025-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING A CONCESSION AND WAIVERS OR REDUCTIONS OF DEVELOPMENT STANDARDS PURSUANT TO STATE DENSITY BONUS LAW TO BE MEMORIALIZED IN DENSITY BONUS AGREEMENT NO. 2025-02 TO ALLOW A THIRTY-SIX UNIT SINGLE-FAMILY ATTACHED TOWNHOME DEVELOPMENT FOR THE PROPERTY LOCATED AT 125 AND 205 SOUTH HARBOR BOULEVARD (APN: 144-311-15 & 144-311-14)

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. Kim Prijatel, representing City Ventures Homebuilding, LLC (“Applicant”), on behalf of John Rezvani, Managing Member of the 205 S Harbor Plaza, LLC (“Property Owner”), is requesting approval of Vesting Tentative Tract Map No. 2025-02 (County Map No. 19329) and a concession, and waivers or reductions of certain development standards pursuant to State Density Bonus Law (“deviations” as referenced in the SAMC) to be memorialized in a density bonus agreement (“DBA”) to allow the construction of a thirty-six unit attached townhome development, four of which are proposed as onsite moderate-income affordable units, for the property located at 125 and 205 South Harbor Boulevard (“Project”).
- B. California Senate Bill 330, the Housing Crisis Act of 2019 (HCA), became effective on January 1, 2020, and established a statewide “housing emergency” until January 1, 2025.
- C. On January 1, 2022, the HCA was extended until January 1, 2030, with the passage of Senate Bill 8.
- D. The proposed development is being submitted as a Senate Bill No. 330 (SB 330) application.
- E. The Harbor Mixed Use Transit Corridor Plan (SP-2) was adopted in 2014 as a result of interest in developing mixed-use residential and commercial projects in its project area. The regulating plan, which establishes land uses and development standards, allows a variety of housing projects, including multi-family and mixed-use residential communities, as well as live/work

units. The selection of the SP-2 development standards for this Project is consistent with the overall character of the surrounding community.

- F. The California Density Bonus law allows developers to seek increases in base density for providing on-site housing units in exchange for providing affordable units on site. To help make constructing on-site affordable units feasible, the law allows developers to seek incentives/concessions or waivers or reductions of development standards.
- G. The Applicant's request has been evaluated by the City's Development Review Committee ("DRC") through Development Project No. 2024-12. Through this review, the DRC has considered the subject site, proposed development, and the Applicant's requests for a concession and waivers or reductions pursuant to the State's Density Bonus Law.
- H. On April 28, 2025, the Planning Commission of the City of Santa Ana held a duly noticed public hearing and at that time considered all testimony, written and oral.
- I. Section 41-1607 of the Santa Ana Municipal Code ("SAMC") requires an application for a density bonus agreement containing deviations (incentives/concessions and/or waivers or reductions) to be approved by the Planning Commission.
- J. The Planning Commission determined that the following findings, which must be established in order to grant a deviation pursuant to SAMC Section 41-1607, have been established for Density Bonus Agreement No. 2025-02 to allow construction of the proposed Project:
 - 1. That the proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the city.

The proposed development will provide a thirty-six unit single-family attached townhome development, four of which are proposed as moderate-income affordable units, contributing toward the City's ownership housing stock to serve the needs of diverse and underserved populations. The construction of this Project will contribute toward an economically balanced community by providing housing for different demographic and income levels in an area rich with employment opportunities, commercial development, and market-rate housing.

- 2. That the development will not be inconsistent with the purpose of the underlying zone or applicable designation in the general plan land use element.

The application is being submitted as a Senate Bill No. 330 application. The proposed Project and its design and improvements will be consistent with the Urban Neighborhood-50 (UN-50) land use designation of the General Plan and are otherwise consistent with all other elements of the General Plan and any applicable specific plans. The current general plan land use designation for the Project site is UN-50 which allows a mix of uses, including medium and medium-high density apartments, townhomes, garden- or motor-court homes, and neighborhood- serving commercial. The proposed density is 20 du/ac and well within the 50 dwelling units per acre (du/ac) maximum allowed under its general plan land use designation.

3. That the deviation is necessary to make it economically feasible for the Applicant to utilize a density bonus authorized for the development pursuant to section 41-1603.

The proposed Project requires six deviations in: (1) vehicular access; (2) frontyard/porch width for symmetrical entry; (3) street setback dimension; (4) common open space area; (5) private open space area; and (6) private open space dimensions. The five deviations are described as follows:

Vehicular Access

SP-2 requires that vehicular access to off-street parking should be taken from the primary street unless an alley or side street is available. The Project proposes vehicular access from Harbor Boulevard rather than Figueroa Street, which would be considered a side street.

Vehicular access is proposed along Harbor Boulevard to address the site's limited frontage on Figueroa Street and enhance overall resident usability. Relocating the primary access point to Harbor Boulevard ensures more functional, safe, and efficient entry for residents while improving fire protection access. Additionally, a pedestrian connection to Figueroa Street is planned to maintain foot traffic connectivity and accessibility. A redesign could necessitate reconfiguring building layouts, setbacks, and internal circulation pathways, which would result in a reduction in the overall number of market rate and affordable units. A site redesign may also result in a reduction in the overall common and private open space provided, which is already not meeting the required SP-2 standards.

Frontyard/Porch Frontage – Width

The development standards in SP-2 require minimum floor heights based on the selected frontage type (e.g., forecourt, shop front, stoop, etc.). The minimum dimension for porch type building frontages is 12' width if a symmetrical entry. None of the porches fully meet this requirement as they only provide 4 ft wide symmetrical entries.

Providing wider symmetrical entries would require substantial site revisions, reducing the number of market rate and affordable units and necessitating layout changes due to the site's width, depth, and vehicular circulation requirements. Moreover, modifying porch widths would be infeasible and would require building reconfiguration, disrupting the efficient floor plan, reducing interior space and bedroom counts, and impacting overall Project density.

Setback – Public Street

The maximum building to adjacent public street right-of-way setback is 8 feet. The Project proposes an 8.5 foot setback along Harbor Boulevard and 22 foot setback along Figueroa Street.

Meeting the maximum setback requirement will affect the Project's site layout by reducing proposed common and private open space. It will limit the land available for functional outdoor areas such as the private ground floor patios along Harbor Boulevard and the interior common open space courtyard along Figueroa Street. Modifying these setbacks to meet the 8 foot maximum would require significant reconfiguration of the building layout, potentially compromising the functionality of private patios, reducing the common courtyard space, and altering the overall design intent of the Project. These larger setbacks have been designed to balance resident privacy and usable open space within the site constraints.

Common Open Space – Area

Pursuant to SP-2, the minimum common open space for the Project site (net) is equal to 15 percent of the lot, or approximately 9,409 sq. ft. As proposed, the Project provides a 1,951 sq. ft. of common open space (approximately 3 percent), which is a difference of 7,458 sq. ft. or 12-percent.

The minimum common open space requirement specified in SP-2 is designed to offer visual relief and strengthen the connection to the natural environment. As new homes and businesses are established along the corridor, there will be an increased demand for spaces to relax and recreate that are easy to access. While the full 15 percent is not provided, residents will still have access to a 1,951 square foot common open space courtyard within the site's interior. The design and layout (approx. 30 ft. x 65 ft.) of the proposed common open space would provide functional amenities to residents (e.g., picnic tables, BBQ, lounge furniture, etc.). The open space would also feature a shade trellis, hardscaping materials, trees, and shrubs. In addition, the project benefits from its proximity to Santa Anita Park, located directly east and accessible via a pedestrian gate along the Figueroa frontage. This nearby public green space compensates for the reduced on-site open space, enhancing accessibility to recreational areas and supporting community connectivity.

Meeting the minimum required open space would eliminate six or more units, affecting project feasibility. To maintain the proposed unit count, the developer would need to modify the building type and construct additional floors, potentially exceeding the maximum allowable height in the Harbor Mixed Use Transit Corridor Plan (SP-2) and increasing development costs. To help alleviate the open space deficiency, the Project proposes an average of 212 sq. ft. of private open space per unit, through private balconies/decks.

Private Open Space – Area

The minimum required private open space is 90 sq. ft. per dwelling unit. Two (2) of the 36 units do not meet this requirement, while the remaining thirty-four (34) units fulfill the minimum area required through a combination of upper balconies/decks and ground floor yards.

The most direct approach to meeting the minimum private open space requirement would involve extending the balconies of the two non-compliant units by at least three feet toward Harbor Boulevard, a busy and noisy thoroughfare. This adjustment would not only compromise their livability but also reduce the sense of privacy for residents as balconies would be closer to the street and more exposed to public view. Furthermore, this expansion would diminish the visibility of the corner unit's live/work space from the street. These changes would also disrupt the cohesive design rhythm and shared

building plane with the other nine units along the street, creating an aesthetic imbalance that detracts from the project's overall architectural harmony.

Private Open Space – Dimensions

The minimum dimensions for private open space are 6 feet in all directions. Three (3) out of the 36 units (Units 1, 2, & 11) do not meet the minimum 6 feet in all directions for private area.

Addressing Units 1 and 2 would involve extending their balconies toward Harbor Boulevard, a busy and noisy thoroughfare, while Unit 11 could alternatively expand its ground-floor patio closer to the street. Both solutions, however, would bring private areas nearer to the high-traffic corridor, reducing resident privacy and diminishing the corner unit's live/work space visibility. These modifications would also disrupt the cohesive design rhythm and shared building plane with the other nine units, creating an aesthetic imbalance that undermines the project's architectural harmony.

Section 2. Pursuant to the requirements of the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared and certified in 2014 in order to address the potential environmental impacts associated with the Harbor Mixed Use Corridor Specific Plan. A mitigation monitoring and reporting program (MMRP), findings of fact, and a statement of overriding consideration were adopted with the 2014 EIR.

As proposed, the development is not anticipated to have additional environmental impacts not addressed in the 2014 EIR. Furthermore, in accordance with the California Environmental Quality Act (CEQA), the recommended action is exempt from further review under Section 15195 (Residential Infill Exemption), as this Project meets all the threshold criteria set forth in Section 15192 (Threshold Requirements for Exemptions). This exemption applies to projects or sites that:

1. Meet the threshold criteria set forth in section 15192; provided that with respect to the requirement in section 15192(b) regarding community-level environmental review, such review must be certified or adopted within five years of the date that the lead agency deems the application for the project to be complete pursuant to Section 65943 of the Government Code.
2. Meet both of the following size criteria:
 - A. The site of the project is not more than four acres in total area.
 - B. The project does not include any single level building that exceeds 100,000 square feet.
3. Meet both of the following requirements regarding location:

- A. The project is a residential project on an infill site.
- B. The project is within one-half mile of a major transit stop.
- 4. Meet both of the following requirements regarding number of units:
 - A. The project does not contain more than 100 residential units.
 - B. The project promotes higher density infill housing. The lead agency may establish its own criteria for determining whether the project promotes higher density infill housing except in either of the following two circumstances:
 - 1) A project with a density of at least 20 units per acre is conclusively presumed to promote higher density infill housing.
 - 2) A project with a density of at least 10 units per acre and a density greater than the average density of the residential properties within 1,500 feet shall be presumed to promote higher density infill housing unless the preponderance of the evidence demonstrates otherwise.
- 5. Meets the following requirements regarding availability of affordable housing: The project would result in housing units being made available to moderate, low, or very low income families as set forth in either A or B below:
 - A. The project meets one of the following criteria, and the project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units as set forth below at monthly housing costs determined pursuant to paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code.
 - 1) At least 10-percent of the housing is sold to families of moderate income, or
 - 2) Not less than 10-percent of the housing is rented to families of low income, or
 - 3) Not less than 5-percent of the housing is rented families of very low income.
 - B. If the project does not result in housing units being available as set forth in subdivision (A) above, then the project developer has paid or will pay in-lieu fees pursuant to a local ordinance in an amount sufficient to result in the development of an equivalent number of units that would otherwise be required pursuant to subparagraph (A).

The project site is not more than four acres in area, the project does not include any single level building exceeding 100,000 square feet, and the project is an infill development within one-half mile of a major transit stop. Moreover, the development promotes higher density infill housing, does not contain more than 100 residential units, and results in housing units made available to moderate income families. Based on this analysis, a Notice of Exemption, Environmental Review No. 2024-80, will be filed for this project.

Section 3. The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, referendum, and other proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such

other procedures), judgments, orders, and decisions (collectively “Actions”), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve the legal counsel providing the City’s defense, and that Applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any Action brought and City shall cooperate with Applicant in the defense of the Action.

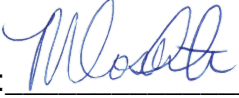
Section 4. The Planning Commission of the City of Santa Ana, after conducting the public hearing, hereby approves that certain concession and those waivers or reductions of development standards (deviations), as described in this Resolution and in the City’s Staff Report and as memorialized in Density Bonus Agreement No. 2025-02 in Exhibit A attached hereto and incorporated as though fully set forth herein. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to: the Request for Planning Commission Action dated April 28, 2025, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 28th day of April 2025, by the following vote:

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

Jennifer Oliva
Chairperson

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

By: 

Melissa M. Crosthwaite
Senior Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, NUVIA OCAMPO, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2025-XX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on April 28, 2025.

Date: _____

Nuvia Ocampo
Recording Secretary
City of Santa Ana

EXHIBIT A
Conditions for Approval for Density Bonus Agreement Application No. 2025-02

The waivers or reductions of development standards (deviations) as memorialized in Density Bonus Agreement Application No. 2025-02 are approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code, and all other applicable regulations. In addition, it shall meet the following conditions of approval:

The Applicant must comply with each and every condition listed below prior to exercising the rights conferred by this Resolution.

The Applicant must remain in compliance with all conditions listed below throughout the life of the development project.

1. All proposed site improvements must conform to the Development Project ("DP") approval of DP No. 2024-12 and the plans presented to the Planning Commission on the date of public hearing and Project approval.
2. Any proposed amendment to the DP No. 2024-12, including modifications to approved materials, finishes, architecture, site plan, landscaping, unit count, mix, and square footages must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the Development Project Review must be amended.
3. Walls and Fencing.
 - a. The Applicant shall construct a minimum six-foot (6') tall solid perimeter wall, as measured from nearest adjacent finished sidewalk, surrounding the project site. The perimeter wall shall conform to all applicable Citywide Design Guidelines, including a split-face or painted design with regularly-spaced pilasters and decorative cap. The Applicant is responsible for coordination with any adjacent property owners to avoid double-walls or gaps between walls where possible.
 - b. Climbing vines shall be planted at regularly-spaced intervals along all exposed walls and wrought-iron fencing to deter graffiti. All solid walls shall be finished with anti-graffiti coating.
4. All mechanical equipment shall be screened from view from public and courtyard areas.
5. All balconies shall be designed and constructed with adequate drainage systems to prevent water accumulation and ensure proper runoff, subject to review and approval by the Planning Division prior to issuance of building permits.

6. Before submitting a landscape review application, the Applicant shall meet with Planning Division staff to evaluate the proposed plant species, sizes, quantities, and placement of trees, shrubs, and groundcover to ensure the maximize onsite landscaping in compliance with established landscape standards. The final landscape plan shall include a diverse selection of shade-producing canopy trees from the City's approved street tree list, ensuring the maximum possible number is incorporated.
7. The following parking management practices shall be incorporated into the final, recorded CC&Rs and shall apply through the life of the Project:
 - a. Requiring onsite parking permits (such as stickers or hang-tags) for any parking in the surface guest parking spaces;
 - b. Policies for maximum time vehicles may be parked in the surface guest spaces;
 - c. Policies for towing unauthorized vehicles; vehicles parked in unauthorized locations, such as fire lanes; vehicles parking in surface guest parking without a sticker, hang-tag, or other identifiers; and vehicles parked longer than any maximum guest parking timeframes allowed; and
 - d. Routine garage inspections to ensure garages are available for vehicle parking.
8. Prior to issuance of building permits, the Applicant shall submit a construction schedule and staging plan to the Planning Division for review and approval. The plan shall include construction hours, staging areas, parking and site security/screening during construction.
9. A final detailed amenity plan must be reviewed and approved prior to issuance of any building permits. The plan shall include details on the hardscape design, lighting concepts and outdoor furniture for amenity, plaza, or courtyard areas as well as an installation plan. The exact specifications for these items are subject to the review and approval by the Planning Division.
10. Prior to installation of landscaping, the Applicant shall submit photos and specifications of all trees to be installed on the Project site for review and approval by the Planning Division. Specifications shall include, at a minimum, the species, box size (24 inches minimum), brown trunk height (10-foot minimum), and name and location of the supplier.
11. The Applicant shall install enhanced lighting within the pedestrian access proposed adjacent to the Figueroa Street. The enhanced lighting shall include pedestrian-scaled lighting along all walkways and where appropriate, wall-mounted lighting to be architecturally compatible and pedestrian scaled. The

lighting levels shall be sufficient to create a perceived sense of security and safety, and for sidewalk and street illumination.

12. After occupancy, landscaping and hardscape materials must be maintained as shown on the approved landscape plans.
13. Subject to review and applicability by the Planning and Building Agency, the Community Development Agency, the Public Works Agency, and the City Attorney, to ensure that the property and all improvements located thereupon are properly maintained, Applicant (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the Applicant) shall execute a property management agreement, and incorporate the form of this condition within the Project's CC&R's. The agreement shall be recorded against the property by the City and shall be in a form reasonably satisfactory to the City Attorney. The executed agreement must be submitted to the Planning Division by the Applicant within 90 days of the approval of this Resolution. The agreement shall contain covenants, conditions and restrictions relating to the following:
 - a. Compliance with operational conditions applicable during any period(s) of construction or major repair (e.g., proper screening and securing of the construction site; implementation of proper erosion control, dust control and noise mitigation measure; adherence to approved project phasing etc.);
 - b. Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including, but not limited to, hours of operation, security requirements, the proper storage and disposal of trash and debris, enforcement of the parking management plan, and/or restrictions on certain uses);
 - c. Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;
 - d. Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including, but not limited to, controls on the proliferation of trash and debris about the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);
 - e. If Applicant and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the

Applicant and the owner of the property shall be signatories to the maintenance agreement and both shall be jointly and severally liable for compliance with its terms.

- f. The agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties and obligations and responsibilities set forth under the agreement.
- g. The agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The agreement shall further provide that any unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City.
- h. The execution and recordation of the agreement shall be a condition precedent to the final map being recorded.