

RESOLUTION NO. 2025-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING DENSITY BONUS AGREEMENT NO. 2025-01 FOR AN EIGHTY-SIX UNIT MULTI-FAMILY DEVELOPMENT LOCATED AT 2020 EAST FIRST STREET (APN: 402-191-03)

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

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

- A. Louisa Feletto, with MLC Holdings, Inc./Meritage Homes (“Applicant”), representing property owner Paul Miszkowicz with 2020 E First, LLC (“Property Owner”), is requesting approval of Density Bonus Agreement No. 2025-01 (DBA-2025-01) to facilitate the construction of a multi-family residential development, including eighty townhome units and six duplexes (eighty-six total units), for the property located at 2020 East First Street (“Project”).
- B. The California Density Bonus generally 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 also generally allows developers to seek incentives/concessions or waivers of, or reductions in, development standards.
- C. Section 41-1607 of the Santa Ana Municipal Code (SAMC) requires an application for a deviation (incentives/concessions and/or waivers or reductions) to be approved by the Planning Commission.
- D. On March 24, 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, and approved, based on findings, the application for one (1) deviation (a concession), to be memorialized in Density Bonus Agreement No. 2025-01, as well as Site Plan Review No. 2025-01 and Vesting Tentative Tract Map. No. 2025-01.
- E. On April 15, 2025, the City Council of the City of Santa Ana held a regular meeting and considered approval of Density Bonus Agreement No. 2025-1.
- F. The City Council hereby approves Density Bonus Agreement No. 2025-01. This Agreement allows for the construction of the proposed Project in

accordance with the provisions of State Density Bonus Law and SAMC Section 41-1607, and in accordance with Site Plan Review No. 2025-01 and Vesting Tentative Tract Map No. 2025-01, as conditioned.

**Section 2.** Pursuant to the California Environmental Quality Act (“CEQA”) and CEQA Guidelines, the proposed Project is exempt from further environmental review under Section 15168 (Program EIR). This exemption applies when a previously certified Program Environmental Impact Report (Program EIR) has adequately analyzed the environmental effects of an activity, and no new significant impacts would result from the proposed project. If the proposed Project remains within the scope of the Program EIR and does not require a subsequent Environmental Impact Report (EIR), no additional environmental documentation is required.

A CEQA Section 15168 Consistency Memorandum was prepared by First Carbon Solutions, the applicant’s environmental consultant. The purpose of the memorandum was to determine whether the proposed project was exempt from further review, pursuant to the relevant 2007 MEMU Program EIR, certified in 2007, and the MEMU Subsequent EIR, certified in 2018. This memorandum was reviewed by City staff and City’s environmental consultant, Ardurra Consulting. Upon review, it was determined that the Project does not introduce new or more severe environmental effects beyond those previously identified. Additionally, there are no substantial changes in environmental circumstances that would necessitate further review. Moreover, as required under CEQA Guidelines Section 15168(c)(3), all applicable mitigation measures from the MEMU EIR and SEIR will be incorporated into the project. Based on this analysis, the project qualifies for an exemption under CEQA, and no further environmental documentation is necessary. Therefore, Notice of Exemption, Environmental Review No. 2024-53, will be filed for the 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 City Council of the City of Santa Ana, at its regular meeting, hereby approves Density Bonus Agreement No. 2025-01 as contained in Exhibit A, attached hereto and incorporated as though fully set forth herein. This approval is based on the written materials submitted, including: the Request for Planning Commission Action dated March 24, 2025; and the Request for City Council Action dated April 15, 2025, and their respective exhibits.

**Section 5.** This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall attest to and certify the vote adopting this resolution.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Valerie Amezcua  
Mayor

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

By:   
\_\_\_\_\_  
Melissa M. Crosthwaite  
Senior Assistant City Attorney

AYES: Councilmembers \_\_\_\_\_

NOES: Councilmembers \_\_\_\_\_

ABSTAIN: Councilmembers \_\_\_\_\_

NOT PRESENT: Councilmembers \_\_\_\_\_

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, \_\_\_\_\_, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2025-XX to be the original resolution adopted by the City Council of the City of Santa Ana on \_\_\_\_\_, 2025.

Date: \_\_\_\_\_

\_\_\_\_\_  
Clerk of the Council  
City of Santa Ana

