



**City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
December 9, 2024**

Topic: Vesting Tentative Tract Map No. 2024-02 and Density Bonus Agreement No. 2024-02 – Santa Ana-8 Townhomes (510 & 520 N. Harbor Boulevard)

RECOMMENDED ACTIONS

1. Adopt a resolution approving Vesting Tentative Tract Map No. 2024-02 (County Map No. 19328) as conditioned, and
2. Adopt a resolution approving a concession and waivers or reductions in development standards as memorialized in Density Bonus Agreement No. 2024-02 as conditioned.

EXECUTIVE SUMMARY

Kim Prijatel with City Ventures Homebuilding, LLC, representing property owner Clark Beyer, General Manager of the Alminlo Properties, LLC, is requesting approval of a vesting tentative tract map (VTTM) and a concession and waivers or reductions of development standards (or, “deviation” as referenced in the SAMC) as memorialized in a density bonus agreement (DBA) to allow the construction of a 45 unit, two to three-story residential townhouse development for the property at 510 and 520 North Harbor Boulevard. The development will include five units affordable to moderate-income households earning 80-120 percent of the area median income (AMI).

As proposed, the project will utilize one concession and waivers from development standards through the density bonus agreement pursuant to California Government Code sections 65915 through 65918 and Santa Ana Municipal Code (SAMC) Section 41-1600 through 41-1607. Staff is recommending approval of the applicant’s request due to the project’s satisfying the intent of the General Plan and Harbor Mixed Use Transit Corridor Specific Plan (SP-2) to promote a pedestrian-oriented environment, and because the project will provide additional affordable and market-rate ownership housing stock to the community.

DISCUSSION

Table 1: Project and Location Information

Item	Information	
Project Address and Council Ward	510 & 520 N. Harbor Boulevard – Ward 1	
Nearest Intersection	Harbor Boulevard and 5 th Street	
General Plan Designation	Urban Neighborhood-50 (UN-1.5)	
Zoning Designation	Harbor Mixed-Used Transit Corridor Specific Plan (SP-2) – Corridor (CDR) subzone	
Surrounding Land Uses	North	Commercial (auto sale)
	East	Commercial (auto repair, grocery, retail, restaurant)
	South	Residential, Commercial (restaurant)
	West	Residential (mobile homes)
Property Size	2.5 acres (1.881 acres net after right-of-way easements)	
Existing Site Development	Partially undeveloped with ~1,400 sq. ft. building	
Use Permissions	Multi-Family Residential (permitted under Harbor Mixed Use Transit Corridor Plan, as part of SB330 request)	
Zoning Code Sections Affected	Uses	Article XVI.I (Density Bonus); Corridor District within the Harbor Mixed Use Transit Corridor Plan (SP-2); and Chapter 34 (Subdivisions)

Background and Context

According to permit records and historical aerial photographs, the subject site was utilized for agricultural purposes until its development as a service station in 1964, after which it transitioned to automobile servicing, and later to automobile sales. While the site has been the subject of developer interest for a variety of uses, such as used car sales and parking lots, it is currently vacant.

In October 2014, the City Council adopted the Harbor Mixed Use Transit Corridor Specific Plan (SP-2), which replaced the North Harbor Specific Plan and allows for a greater amount of residential, commercial, and mixed-use projects in the Specific Plan area. Following the concepts and goals of the Specific Plan, in March 2024, the City received a proposal to develop the site with the subject development. After several submittals of the project and working with staff to comply with the provisions of the Harbor Plan, and after engaging with surrounding property owners, the applicant revised the plans to the current proposed development.

The applicant is proposing a “housing development project,” defined by the law at Government Code Section 65589.5(h) as “a use consisting of residential units only, mixed use development consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use, and transitional housing or supportive housing.” As such, the subject development will be subject to the limitations imposed by California Senate Bill 330, the Housing Crisis Act of 2019 or the HCA. More information on the HCA is provided in subsequent sections of this report.

California Senate Bill 330

California Senate Bill (SB) 330 made numerous changes to existing State law and adopted the Housing Crisis Act of 2019 (HCA). The changes proposed by SB 330 became effective on January 1, 2020, establishing a statewide “housing emergency” until January 1, 2025. One of the provisions of the senate bill amended Government Code Section 65941.1 with the broad goals of facilitating increased production of new residential units, protecting existing units, and providing for an expedited review and approval process for housing development projects through submittal of a “preliminary application.” On January 1, 2022, the HCA was extended until January 1, 2030, with the passage of Senate Bill 8.

Among other changes, SB 330 requires the following for applicable housing development projects:

- New, non-objective development standards established after January 1, 2020, cannot be imposed or enforced.
- Applicable housing development projects must receive a decision in no more than five (5) public hearings - whether the item is being heard by a Design Review Board, Planning Commission or City Council, and including any appeals (save for those related to a legislative action).
- Prohibits any moratorium, project or action that would result in a net downzoning, limit the number of permits to be issued, or otherwise reduce housing or limit overall population.

As a “housing development project,” the application is being submitted pursuant SB 330. The development is required to comply with the objective zoning code standards applicable to the property, but only to the extent that they facilitate the development at the density allowed, 50 du/ac per the Urban Neighborhood-50 (UN-50) General Plan land use designation.

Project Description

The project includes the construction of a new residential development consisting of 45 townhouse units and 11,673 square feet of open space (common and private combined). The development will consist of nine residential buildings ranging from two- to three-story townhouse units and will provide onsite bicycle parking. The units will include private balconies and decks, with some offering ground floor patios. The units have been designed to be family-oriented, featuring thirty-six (36) three-bedroom units and nine (9) four-bedroom units with and 2.5 to 3.5 bathrooms each. Every unit will contain a two-car garage at ground level (tuck-under building design) with residential units above, and the project site

will contain nine guest parking spaces, for a total of 99 parking spaces, exceeding the requirements of the Specific Plan. However, to proactively address parking management policies, staff is recommending conditions of approval similar to those for other residential infill projects that would incorporate parking management practices in the Covenants, Conditions, and Restrictions (CC&Rs) that will be recorded against the property.

Of the total units in the development, five units are proposed to be affordable to households earning 80-120 percent of the AMI, which is currently set at \$154,800, adjusted for a four-person household size, as published by California Department of Housing and Community Development (HCD). Four of the affordable units will be three-bedroom units while the last unit will be a four-bedroom unit. The proposed affordable units will range in size between 1,451 to 1,775 square feet in size and will contain full kitchens, bedrooms, bathrooms, and open/common (living) areas.

Approximately 7,820 square feet or approximately 10 percent of the total site area will be open space provided through private exterior ground-level porches/front yards and upper decks distributed throughout the site. The remainder of the open space will be provided as a 3,853 square foot common open central courtyard within the site's interior. The design and layout of the proposed common open space would function as a passive outdoor area, providing functional amenities to residents (e.g., picnic tables, BBQ, lounge furniture, etc.). The open space would feature a shade trellis, hardscaping materials, trees, and shrubs. The proposed landscaping includes, but are not limited to, purple orchid, tulip, sweet bay, African sumac, southern magnolia, fern pine, Brisbane box, crape myrtle trees, as well as a variety of shrubs. Lastly, each unit will also contain decks/private balconies for the use of each unit's owners.

The project features a contemporary architectural style similar to many multiple-family or mixed-use residential communities under construction in Santa Ana and the region. The overall design, massing, features, and materials of the new construction will be compatible with, but differentiated from the existing multi-family neighborhood. The contemporary architectural style would include fiber cement lap siding, stucco finish, stone veneer, metal awnings, and high quality architectural detailing (e.g., exterior lighting, entry doors, fenestration, etc.). Each building will be painted with different accent colors to distinguish each structure within the community. Moreover, the residential structures are designed to fully screen all mechanical equipment within the structure, parapet walls, and screened with landscaping. Overall, the project will include a design and solid construction materials that will ensure that the project ages well for the duration of the building's lifetime.

As part of the current entitlement, the applicant has submitted a vesting tentative parcel map application to subdivide the project site into a condominium lot with forty-five condominium units, which would allow each unit to be sold for individual ownership. The applicant has prepared the required vesting tentative tract map, which clarifies the proposed subdivision for the proposed condominiums.

Table 2 below details the project's conformance to the Specific Plan's development standards.

Table 2: Development Standards

Development Standards (SP2 – Harbor Mixed-Use Transit Corridor)		
<i>Standard (Tuck –Under)</i>	<i>Required/Allowed</i>	<i>Provided</i>
Density Range	Typically 12-18 Units Per Acre	45 Units (18 Units Per Acre)
Lot Depth	75 ft. (Minimum)	346 ft.
Lot Width	95-250 ft.	245 ft.
Height (Stories)	2-3 stories	2-3 stories
Guest Parking	11 (0.25 per unit)	9 automobiles
Common Open Space	15 percent of site (12,290 sq. ft.)	5 percent (3,853 sq. ft.)
Private Open Space	90 sq. ft. per unit (2,070 sq. ft. total)	3,396 sq. ft.
Frontage Types	Front Yard/Porch	Front Yard/Porch
Setbacks	Front: 8 ft. max. Interior Side: 5-ft. min. Rear: 5-ft. min.	Front: 5.5-12 ft. Interior Side: 5 ft. Rear: 5 ft.
Minimum Floor Heights	10 ft. (ground); 9 ft. (upper)	9'-1" ground; 9'-1" upper
Parking Spaces	68 occupant (1.5 per unit) 11 guest (0.25 per unit) (79 spaces total) State Density Bonus Ratio* 54 for 3 bedroom (1.5 per 3 bed units) 23 for 4 bedroom (2.5 per 4 bed units) (77 total inclusive of handicap/guest)	90 occupant 9 guest (99 total)

* Pursuant to California Government Code Section 65915

Density Bonus

The California Density Bonus law allows developers proposing five or more residential units 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 up to five incentives/concessions and an unlimited number of waivers or reductions in development standards. The concessions/incentives are generally reductions in site development standards or modification of zoning code requirements or architectural design requirements, and waivers are essentially variances from development standards (a site or construction condition). The first version of the Density Bonus Law was adopted in 1979 and has since been amended at various times. In early 2017, the law was amended to restrict the ability of local jurisdictions to require studies to "justify" the density bonus and requested incentives/waivers and places the onus on local jurisdictions to prove that the incentives/concessions or waivers are not financially warranted.

Pursuant to the California Density Bonus law, a project's affordability level is determined by dividing the number of proposed affordable units by the allowable "base" density (i.e., 50 du/ac). Moreover, the State density bonus law states that units added by a density bonus are excluded from the calculations. The base density for the 2.5-acre site at 50 du/ac is 125 units. Of the total units in the development, five units are proposed to be affordable. Therefore, the project would have a 10-percent affordability rate. As such, State density bonus law allows the developer to request a maximum density bonus of five-percent (5%).

Due to the project's 10-percent affordability rate, the developer can seek one density bonus incentive/concession and unlimited waivers, pursuant to Section 65915 et al. of the California Government Code (Density Bonuses and Other Incentives). In addition, California Assembly Bill No. 2345, approved September 28, 2020, revised the State Density Bonus Law originally adopted in 1979 to provide additional benefits for projects that include qualifying affordable housing. For this project, the developer is not requesting a state density bonus for additional units but will avail themselves of the incentive/concession and waivers that are required to be provided by State density bonus law for projects with the requisite affordability.

The purpose of the State Density Bonus Law is to encourage the development and availability of affordable housing. Pursuant to California Government Code sections 65915 (d)(1) and 65915 (e)(1), a local jurisdiction is limited in its ability to deny requested incentives, concessions, and waivers. The City has analyzed the project and has identified several areas of potential impacts; however, the conditions of approval proposed for the project are intended to address the project's potential impacts.

Pursuant to SB 330 and the General Plan Land Use Element, the developer has selected the Harbor Mixed Use Transit Corridor Specific Plan (SP-2) development standards for a tuck-under building type to design the projects. However, pursuant to the Density Bonus Law, the developer is seeking a specific concession and waivers from certain SP-2 standards to facilitate development of the project. Table 3 outlines the concession and waivers requested by the applicant pursuant to Cal. Gov't Code Sec. 65915 (e)(1).

Table 3: Requested Concession and Waivers

Standard	Required by SP-2 or the SAMC	Provided
Building Frontage	SP-2, Ch. 3, Frontyard/Porch Frontage Type, 1 (pg. 3-9)	
Ground Floor Height	Min. 10' floor height	9' floor height
Dimensions – Depth	Min. 6' porch depth	4' porch depth
Dimensions - Width	Min. 10' wide asymmetrical entry	<10' wide asymmetrical entry
Open Space*	SP-2, Ch. 3, Table 3-9. Onsite Open Space Requirements (pg. 3-13)	
Common– Area	15% of lot (12,290 sq. ft.)	5% of lot (3,853 sq. ft.)
Private – Area	90 sq. ft. per dwelling unit (4,050 sq. ft. total)	Min. 90 sq. ft. provided for 27 units (7,820 sq. ft. total)
Private – Dimensions	6' min. dimension	4'-6" to 5'-6" dimension

*Open space based on net useable parcel area

Onsite Parking

To proactively address any neighborhood parking impacts that could result from the project, the conditions of approval for the VTTM and terms of the DBA include provisions requiring the following parking management practices, to be incorporated into the final, recorded CC&Rs, and applicable throughout the life of the project:

- Requiring onsite parking permits (such as stickers or hang-tags) for any parking in the surface guest parking spaces;
- Policies for maximum time vehicles may be parked in the surface guest spaces;
- 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
- Routine garage inspections to ensure garages are available for vehicle parking.

Project Analysis

Pursuant to Section 41-1607 of the SAMC, an application for a density bonus agreement is required to be approved by the Planning Commission for any project containing “deviations” (incentives/concessions and/or waivers). The Planning Commission’s review of the density bonus agreement is based on the following findings:

1. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the city.
2. The development will not be inconsistent with the purpose of the underlying zone or applicable designation in the general plan land use element.
3. 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 project does not require a Site Plan Review Application pursuant to Table 3-2 (Permitted Uses) as part of the Harbor Mixed Use Transit Corridor Plan (SP-2). Accordingly, the Planning Commission’s review and determination for this request are limited to the deviations requested in the Density Bonus Agreement application and memorialized in the Density Bonus Agreement only.

Table 4: Analysis of the Requested Concession (1) and Waivers (3)

Standard	Analysis
Building Frontage	(Concession) - SP-2, Ch. 3, Frontyard/Porch Frontage Type, 1
Ground Floor Height	<p>SP-2 requires minimum floor heights based on proposed frontage type (e.g., forecourt, stoop, etc.). The project proposes a frontyard/porch frontage type with 9'-1" ground floor height and is below the minimum 10' required.</p> <p>The project's location in a flood zone necessitates raising the site's base flood elevation, impacting ground floor-to-ceiling heights. To comply with flood regulations, interior floor levels must be elevated, reducing first-floor ceiling heights. Maintaining the proposed unit count while adhering to these requirements would require a redesign, potentially leading to fewer residential units, affecting the project's density and efficiency. Moreover, SP-2 was originally intended to achieve a specific urban form, and since existing nearby multi-family residential developments do not maintain a minimum building floor height, the proposed design is consistent with the existing multi-family residences.</p>
Dimension – Depth	<p>The minimum dimensions for porch type building frontages is 6' depth. No porches fully meet these requirements.</p> <p>Modifying porch depth is challenging due to the flood zone location. Changes would require building reconfiguration to accommodate proper stairs from street level, given elevated floor requirements. This would affect unit layouts, disrupting the efficient stacked floor plan and potentially reducing interior space and bedroom counts.</p>
Dimension – Width	<p>The minimum dimensions for porch type building frontages is 10' width if an asymmetrical entry. No porches fully meet these requirements.</p> <p>Modifying porch width is challenging due to the flood zone location. Changes would require building reconfiguration to accommodate proper stairs from street level, given elevated floor requirements. This would affect unit layouts, disrupting the efficient stacked floor plan and potentially reducing interior space and bedroom counts.</p>
Open Space	(Waivers) - SP-2, Ch. 3, Table 3-9. Onsite Open Space Requirements
Common – Area	<p>The total common open space required for the project site (net) is equal to 15 percent of the lot, or approximately 12,290 sq. ft. Instead, the project provides a 3,853 sq. ft. of common open space (approximately 5 percent), which is a difference of 8,437 sq. ft. or 10 percent.</p> <p>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 174 sq. ft. of private open space per unit, through private balconies/decks.</p>

Standard	Analysis
Private – Area	<p>The minimum required private open space is 90 sq. ft. per dwelling unit. Twenty-seven (27) units featuring both upper balconies/decks and ground floor yards meet this requirement. The remaining eighteen (18) units with only upper balcony decks fall short of the minimum area.</p> <p>Adhering to the minimum private open space requirement would necessitate significant design alterations. Unit layouts would require reconfiguration, reducing habitable interior space and potentially bedroom counts. Expanding balconies, especially if cantilevered over the private drive, could impede emergency vehicle access, raising safety concerns. These changes would disrupt the efficient stacked floor plan design, affecting the development's livability and unit mix.</p>
Private – Dimensions	<p>Private open space minimum dimensions are 6 feet in all directions. Only one unit provides the minimum 6 feet in all directions for private area.</p> <p>Adhering to the minimum private open space requirement would necessitate significant design alterations. Unit layouts would require reconfiguration, reducing habitable interior space and potentially bedroom counts. Expanding balconies, especially if cantilevered over the private drive, could impede emergency vehicle access, raising safety concerns. These changes would disrupt the efficient stacked floor plan design, affecting the development's livability and unit mix.</p>

When analyzed cumulatively, the requested concession and waiver could be avoided if the project were designed on a different site or using a different site plan. If the project were designed with a multi-level parking and/or subterranean parking structure, or if the applicant used different building materials to construct a taller project, additional area on site would become available to provide the minimum required open space and ground floor height. However, these changes would increase development costs and result in a project that would exceed the maximum permitted building height, resulting in the housing project becoming financially infeasible due to the significantly increased financial implications of an alternative construction type compared to the relatively smaller scale of the project. Moreover, the changes would result in the loss of the five affordable townhouse units.

Based on the analysis provided within this report, the proposed development will materially assist in accomplishing the goal of providing additional affordable and market-rate ownership housing stock in the city and will consistent with the applicable designation in the general plan land use element. In addition, the proposed deviations are necessary to make the project economically feasible pursuant to section 41-1603.

Vesting Tentative Tract Map

Subdivision requests are governed by Chapter 34 and Chapter 41 of the SAMC. Pursuant to Section 66473.5 and 66474 of the California Subdivision Map Act, applications for vesting tentative tract maps are approved when it can be shown that findings can be made in support of the request.

Specifically, findings related to the proposal need to be made that find the project is consistent with the General Plan, the site is physically suitable for the type and density of the proposed project, the proposed project will not cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat, the proposed project will not cause serious public health problems, or the proposed project will not conflict with easements necessary for public access through or use of the property must be made. 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 applicant's request, staff believes that the following analysis warrants approval of the vesting tentative tract map.

The applicant is seeking approval of a vesting tentative tract map to subdivide for condominium purposes, as the proposed development consists of 45 townhome units. The request would vest the right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting map is deemed complete. Upon completion of the subdivision, the lots will continue to be utilized for residential use in the form of attached tuck-under unit type structures. In reviewing the project, staff determined that the proposal as conditioned is consistent with the various provisions of the City's General Plan. As a housing development project, the proposed development site has been found to be consistent with the objective general plan standards for the property. Moreover, the proposal is consistent with the various provisions of the zoning and subzone designations (SP-2, Corridor), including lot size, setbacks, density, and parking. Lastly, the applicant has requested waivers for those development standards that require deviations, as previously analyzed.

Further conditions of approval have been included to bring the site's landscaping, architectural design, and Covenants, Conditions and Restrictions (CC&Rs) to be in compliance with all applicable standards of the SAMC and the Harbor Mixed Use Transit Corridor Plan (SP-2). Further, no adverse environmental impacts to fish or wildlife populations were identified as the project site is located in a built-out, urbanized area. The project will also maintain all required easements. Finally, the tentative tract map was found to be consistent with the California Subdivision Map Act and Chapter 34 of the Municipal Code.

The overall project site provides an opportunity for additional housing and development that would otherwise continue to remain as a vacant, under-utilized parcel. These improvements will help to enhance the quality of life in the surrounding community by providing 45 for-sale, market-rate and affordable housing, with five onsite affordable units. The proposed project is part of the Harbor Mixed-Used Transit Corridor Specific Plan and has been designed to incorporate significant design features, articulating elevations in order to minimize any visual impacts on surrounding land uses.

Finally, the project has been designed to be compatible with the scale of other residences in the area and will be consistent with several goals and policies of the General Plan as follows:

- Goal LU-1: Growing Responsibly – Provide a land use plan that improves quality of life and respects our existing community.
 - Policy LU-1.1 Compatible Uses – Foster compatibility between land uses to enhance livability and promote healthy lifestyles.
 - Policy LU-1.2 Homeownership Opportunities – Support innovative development policies to expand homeownership opportunities at all income levels.
 - Policy LU-1.5 Diverse Housing Types – Incentivize quality infill residential development that provides a diversity of housing types and accommodates all income levels and age groups.
- Goal LU-4: Complete Communities – Support a sustainable Santa Ana through improvements to the built environment and a culture of collaboration.
 - Policy LU-4.7 Diverse Communities – Promote mixed-income developments with mixed housing types to create inclusive communities and economically diverse neighborhoods.
- Goal HE-2: Housing Supply and Diversity – A diversity of quality housing, affordability levels, and living experiences that accommodate Santa Ana's residents of all household types, income levels, and age groups to foster an inclusive community.
 - Policy HE-2.5 Diverse Housing Types – Facilitate diverse types, prices, and sizes of housing, including single-family homes, apartments, townhomes, duplexes, mixed/multiuse housing, transit-oriented housing, multigenerational housing, accessory dwelling units, and live-work opportunities.
 - Policy HE-2.7 Affordable Component – Pursuant to the Affordable Housing Opportunity and Creation Ordinance (AHOCO), require eligible rental and ownership housing projects to include at least 15 percent of the rental housing units as affordable for low-income households; or 10 percent of the rental units affordable to very low-income households; or 5 percent of rental units affordable to lower income households (5 percent to low-income, 3 percent to very low-income, and 2 percent to extremely low-income households); or at least 5 percent of the units in eligible ownership projects affordable to moderate-income households. Implement various strategies using the in-lieu fees generated by AHOCO to provide a wide array of affordable housing options.

Affordable Housing Opportunity and Creation Ordinance

The project exceeds the affordable housing goal for the ownership category of the City's Affordable Housing Opportunity and Creation Ordinance (AHOCO) by providing five (5) onsite units in place of three (3) for sale units which will target moderate-income (80-120%) households, significantly enhancing the opportunity for income eligible Santa Ana households to own a home in the City at a lower cost. The units will be dispersed throughout the community. Four of the affordable units will be three-bedroom units while the last unit will be a four-bedroom unit. The proposed affordable units will range in size between 1,451 to 1,775 square feet in size and will contain full kitchens, bedrooms, bathrooms, in-unit storage, and open/common (living) areas. The developer's Inclusionary Housing Plan has been reviewed and approved by the City's Housing Division.

Public Notification and Community Outreach

Project notifications were posted, published, and mailed in accordance with City and State regulations. Copies of the public notice, including a 1,000-foot notification radius map, and the site posting are provided in Exhibit 12. In addition, staff contacted the provided contacts for the Riverview West and Santa Anita Neighborhood Associations to ensure they were aware of the project and public hearing. At the time this report was printed, no issues of concern were raised regarding the proposed development.

The applicant also held two community meetings in conformance to the Sunshine Ordinance notification requirements in place at the time the application was submitted (April 30, 2024). The first meeting was a combined in-person and virtual community meeting on June 27, 2024. This meeting was publicly noticed in the Orange County Reporter, posted on the City's website, and invitation mailers were sent to all addresses within a 2,000-foot radius of the project site, as well as local community organizations. The meeting included a presentation on the project as well as a question and answer period to address concerns and collect feedback. Participants asked questions about the cost, parking, and interest list. However, no issues of concern were raised regarding the proposed development. Approximately five to 10 individuals attended the meeting.

On August 8, 2024, the applicant held a second combined in-person and virtual Sunshine Ordinance community meeting. This meeting was also publicly noticed in the Orange County Reporter, posted on the City's website, and invitation mailers were sent to all addresses within a 2,000-foot radius of the project site, as well as local community organizations. The meeting included a brief presentation and summary on the project, as well as a question and answer period to address concerns and collect feedback. Participants asked questions about the project timing and security. Two individuals attended the meeting. Materials from both the June 27 and August 8 meetings are posted to the project's City webpage.

ENVIRONMENTAL IMPACT

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 low income families. Based on this analysis, a Notice of Exemption, Environmental Review No. 2024-32, will be filed for this project.

FISCAL IMPACT

There is no fiscal impact associated with this action.

EXHIBIT(S)

1. Resolution Approving VTTM No. 2024-02 as conditioned
2. Resolution Approving DBA No. 2024-02 as conditioned
3. Vicinity Zoning and Aerial View
4. Site Photos
5. Site Plan
6. Unit Floor Plans
7. Building Elevations
8. Color and Material Board
9. Preliminary Landscape Plan
10. Vesting Tentative Tract Map
11. Draft Density Bonus Agreement
12. Sunshine Ordinance Meeting Materials ([Available Online](#))
13. Copy of Public Notice

Submitted By:
Nancy Tran, AICP, Senior Planner

Approved By:
Minh Thai, Executive Director, Planning and Building Agency