

RESOLUTION NO. 2024-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING TENTATIVE TRACT MAP NO. 2023-05 AS CONDITIONED TO ALLOW A SUBDIVISION FOR CONDOMINIUM PURPOSES FOR A NEW FOR-SALE RESIDENTIAL DEVELOPMENT WITH SIX UNITS FOR THE PROPERTY LOCATED AT 1921 W. WASHINGTON AVENUE (APN: 405-101-37).

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. Habitat for Humanity of Orange County (Applicant & Property Owner) is requesting approval of Tentative Tract Map (TTM) No. 2023-05 for condominium purposes to facilitate the construction of a for-sale residential development (Project), consisting of six (6) units proposed as affordable to lower-income households earning less than 80 percent of the area median income (AMI) for the property located at 1921 W. Washington Avenue (Project Site).
- B. The Project entails, among other improvements; (1) development of the Project Site with three duplex buildings with six (6) for-sale housing units proposed as affordable to lower-income households, 10,882 square-feet of total new floor area, and 15 onsite parking spaces; and (2) approval of Tentative Tract Map No. 2023-05, to be considered by the Planning Commission on June 10, 2024.
- C. Subdivision requests are governed by Chapter 34 and Chapter 41 of the Santa Ana Municipal Code ("SAMC") and the California Subdivision Map Act ("SMA").
- D. Pursuant to Section 34-127 of the SAMC, the Planning Commission is authorized to review and approve tentative tract maps.
- E. Tentative Tract Map No. 2023-05 came before the Planning Commission of the City of Santa Ana on June 10, 2024, for a duly noticed public hearing.
- F. The Project also seeks a density bonus and related concessions, incentives, and waivers, pursuant to California Government Code § 65915 ("Density Bonus Law").

G. The Planning Commission of the City of Santa Ana determines that the following findings, in accordance with Section 66473.5 and 66474 of the SMA and Section 34-127 of the SAMC, which must be established in order to approve TTM No. 2023-05 , have been established:

1. The proposed project and its design and improvements are consistent with the General Plan land use designation and are otherwise consistent with all other Elements of the General Plan.

The proposed project is located in the Low Density Residential (LR-7) land use designation of the General Plan, which allows for development single-family and two-family dwelling units. The land use designation allows a mix of uses, including medium and medium-high density apartments, townhomes, garden- or motor-court homes, and neighborhood- serving commercial. The project proposes a density of 16.2 dwelling units per acre, exceeding the General Plan's LR-7 allowable density in accordance with the Density Bonus law, which provides that a project may exceed the density permitted within the General Plan for meeting conditions to provide affordable housing.

Moreover, the project is consistent with several goals and policies in the general plan. Specifically, goals 1, 2, 3, and 4 of the Land Use Element and goals 1, 2, 3 of the Housing Element. Goal 1 of the Land Use Element (LU) encourage responsible growth by providing a land use plan that improves the quality of life and respects the existing community. Policy 1.1 of the LU asks that new projects foster compatibility between land uses to enhance livability and promote healthy life styles. Policy 1.2 and 1.5 of the LU encourage innovative development policies to expand homeownership opportunities at all income levels and quality infill residential development that provide a diversity of housing type for all income levels and age groups. Policy 1.8 of the LU encourages development tradeoff to ensure that new development project provide a net community benefit. Goal 2 of the LU supports the balance of land uses that meet Santa Ana's diverse needs. Policy 2.4 supports the balance of benefits of development with fiscal impacts on the city and on quality of life for the community. Policy 2.6 promotes rehabilitation of properties and encourages increased levels of capital investment to create a safe and attractive environment.

Goal 3 of the LU encourages the preservation and improvement of the character and integrity of the existing neighborhoods and districts. Policy 3.1 of the LU supports new development that provides a net community benefit and

contributes to the neighborhood character and identity. Policy 3.2 supports the facilitation of community engagement and dialogue in policy decisions and outcomes affecting land use and development, with supplemental opportunities for proposed planning activities within environmental justice area boundaries. Policy 3.4 ensures that the scale and massing of new development is compatible and harmonious with the surrounding built environment. Policy 3.7 promotes a clean, safe, and creative environment for Santa Ana's residents, workers, and visitors.

Goal 4 of the LU supports a sustainable Santa Ana through improvements to the built environment. Policy 4.1 encourages the promotion of complete neighborhoods by encouraging a mix of complementary uses, community services, and people places within a walkable area. Policy 4.2 maintains and improves the public realm through quality architecture, street trees, landscaping, and other pedestrian-friendly amenities. Policy 4.6 supports diverse and innovative housing types that improve living conditions and promote a healthy environment. Policy 4.7 Promote mixed-income developments with mixed housing types to create inclusive communities and economically diverse neighborhoods. Policy 4.8 supports the collaboration with property owners, community organizations, and other local stakeholders to identify opportunities for additional open space and community services, such as community gardens and gathering places.

Goal 1 of the Housing Element (HE), supports livable and affordable neighborhoods with healthy and safe housing conditions, community services, well-maintained infrastructure, and public facilities that inspire neighborhood pride and ownership. Policy 1.2 supports projects that encourage neighborhood involvement and active participating in neighborhood organizations to help identify needs and implement programs aimed at beautification, improvement, and preservation of neighborhoods. To date, the project has hosted two sunshine meetings with the local neighborhood and revised the project based on cumulative community feedback and inspires pride in homeownership due to the project being for-sale.

Goal 2 of the HE supports fostering inclusive community with a diversity of quality housing, affordability levels, and living experiences that accommodate Santa Ana's residents and

workforce of all household types, income levels, and age groups. Policy 2.5 encourages the facilitation of diverse housing types, prices, and size of housing. The project includes duplex units that contain bedroom ratios suitable for families. Policy 2.6 supports excellence in architectural design through the use of materials and colors, building treatments, landscaping, open space, parking, and environmentally sensitive (“green”) building and design practices. The project includes a high-quality farmhouse architectural design that incorporates a mix of exterior materials and enhanced landscaping.

Goal 3 of the HE supports the Increase in opportunities for extremely low-, very low-, low-, and moderate-income individuals and families to find affordable housing, and afford a greater choice of rental and homeownership opportunities. Policy 3.2 encourages expanding home homeownership opportunities for low- and moderate-income residents and workers in Santa Ana through the provision of financial assistance, education, and collaborative partnerships.

The project is a 100-percent affordable housing project, providing six lower income households the opportunity to obtain homeownership status. Policy 3.5 encourages collaboration with nonprofit organizations, community land trusts, developers, and other government agencies to develop and provide affordable housing for residents. The project applicant, Habitat for Humanity of Orange County, is a non-profit housing developer and has received pre-commitment funds from the City of Santa Ana Housing Division in support of the development of six affordable for-sale units.

2. The proposed project conforms to all applicable requirements of the zoning and subdivision codes as well as other applicable City ordinances.

The project is consistent with the development standards specified within R-2, including land use, height, minimum development site area, and parking and access, and with the exception of the requested incentives/concessions permitted by the Density Bonus Law. Further, the access and egress for the project has been thoroughly review by the Public Works Agency for compliance with all applicable regulations. Lastly, incentives/concessions and waivers are allowed by the density bonus provisions in the Density Bonus Law for a 100-percent affordability rate for six lower income units. Such requested

incentives/concessions and waivers include: reduction of a rear yard setback, concession of a fence to exceed the height requirement within the front-yard area, reduction in building separation requirements, reduction of private open space requirements, and to allow the trash enclosure to be located towards the frontage of the property to accommodate for Public Works and trash pickup requirements.

3. The Project Site is physically suitable for the type and density of the proposed project.

The Project Site is physically suitable for the type and density of the project. There are no physical constraints on the site that would preclude development. The Project Site consists of approximately 0.37 acres of land and is physically suitable for the project. The lot size, density, width, and lot coverage are consistent with the R-2 development standards for the three (3) base units. Lastly, three additional units are allowed by the density bonus provisions in the California Density Bonus Law for a 100-percent affordability rate for six lower income units (80-percent State Density Bonus).

4. The design and improvements of the proposed project will not cause substantial environmental damage or substantially and avoidably injuries to fish or wildlife of their habitat.

The design and improvements of the project will not cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat. The project is located in an urbanized area, and there are no known fish or wildlife populations existing on the Project Site. Therefore, the subdivision will not cause any substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat.

5. The design or improvements of the proposed project will not cause serious public health problems.

The design or improvements of the project will not cause serious health problems. The subdivision will not have any detrimental effects upon the general public. The property will include necessary utilities and infrastructure improvements as required by the SAMC and SMA.

6. The design or improvements of the proposed project will not conflict with easements necessary for public access through or use, of property within the proposed project.

The design and improvements of the project will not conflict with easements necessary for public access or use of the property within the project. In addition, the CC&Rs will ensure reciprocal access rights and maintenance agreements between properties.

Section 2. 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 proposed project meets the criteria listed in Section 15195 as 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 for sale housing units made available to low income families. Specifically, the project would exceed the minimum affordable requirements outlined in Section 15195, which states that ten-percent of for sale projects need to be sold to families of moderate income. This project proposes to sale 100-percent of the units to low income households. Moreover, the developer has provided sufficient legal commitments to ensure continued availability and use of housing units for lower income households for a period exceeding 30 years.

In addition, the project is also exempt from further review per Section 15303 (Class 3 – New Construction or Conversion of Small Structures). The Class 3 categorical exemption consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six (6) dwelling units. Pursuant to the California Public Resources Code, “Urbanized Area” includes an incorporated city that has a population of at least 100,000 persons. The City of Santa Ana exceeds the population requirements, and is therefore considered an urbanized area. Therefore, the proposed project can be exempt pursuant to the Class 3 exemption, as no more than six (6) unit multi-family residential units are proposed. As such, a Notice of Exemption, Environmental Review No. 2023-44, will be filed for this project.

Section 3. This Resolution shall not be effective unless and until the City Council Resolution for Density Bonus Agreement (DBA No. 2024-01) is adopted and becomes effective. If said resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or otherwise does not go into effect for any reason, then this Resolution shall be null and void and have no further force and effect.

Section 4. 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 5. The Planning Commission of the City of Santa Ana, after conducting the public hearing, hereby approves Tentative Tract Map No. 2023-05 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 above said hearing, which includes, but is not limited to: the Request for Planning Commission Action dated June 10, 2024, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

[Signatures on the following page]

ADOPTED this 10th day of June 2024, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTENTIONS: Commissioners:

Bao Pham
Chairperson

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

By: Jose Montoya
Jose Montoya
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Nuvia Ocampo, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2024-XX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on June 10, 2024.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A
Conditions for Approval for Tentative Tract Map No. 2023-05

Tentative Tract Map No. 2023-05 is 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 the tentative tract map.

The Applicant must remain in compliance with all conditions listed below throughout the life of the development project. Failure to comply with each and every condition may result in the revocation/termination of tentative tract map.

1. All proposed site improvements must conform to the Development Project (DP) approval of DP No. 2023-12.
2. Any amendment to the Tentative Tract Map No. 2023-05, 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 tentative tract map must be amended.
3. Applicant must submit Covenants, Conditions and Restrictions (CC&Rs) for the project to the case planner for review and approval prior to the final map being recorded. 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; and
 - 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.
4. The final map must be approved and recorded prior to issuance of a certificate of occupancy or final sign-offs of building permits for the duplex buildings, whichever is first.

5. The final map and all improvements required to be made or installed by the subdivider must be in accordance with the design standards and specifications of the Santa Ana Municipal Code and the requirements of the State Subdivision Map Act.
6. Two copies of the recorded final map and CC&Rs shall be submitted each to the Planning Division, Fire Authority, Building Division, and Public Works Agency within 10 days of recordation.
7. All mechanical equipment shall be screened from view from public and courtyard areas.
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 project construction.
9. Prior to issuance of building permits, the Applicant shall provide written notification to the residential community located to the west of the site. This notification shall include comprehensive information about the nature of the proposed activities, anticipated timelines, and contact information for inquiries. The notification shall be delivered via certified mail. Additionally, a designated representative shall be available to address any concerns or inquiries raised by the residential community during this notification period.
10. Two weeks prior to the commencement of construction, notification must be provided to property owners within 500 feet of the project site disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period.
11. Prior to installation of landscaping, the Applicant shall submit representative 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.
12. After project occupancy, landscaping and hardscape materials must be maintained as shown on the approved landscape plans.
13. Prior to final occupancy, a Property Maintenance Agreement must be recorded against the property. The agreement will be 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 maintenance agreement with the City of Santa Ana which shall be recorded against the property and which shall be in a form reasonably satisfactory to the City Attorney. The maintenance 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 maintenance 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 maintenance agreement;

- g. The maintenance 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 maintenance 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; and
- h. The execution and recordation of the maintenance agreement shall be a condition precedent to the Certificate of Occupancy.