

RESOLUTION NO. 2023-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING A SECOND ONE-YEAR EXTENSION OF SITE PLAN REVIEW 2020-03 AND VARIANCE NO. 2020-06 FOR THE 4TH AND MORTIMER MIXED-USE DEVELOPMENT TO BE LOCATED AT 409 AND 509 EAST FOURTH STREET

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. On October 12, 2020, the Planning Commission unanimously approved Site Plan Review No. 2020-03, for a development project over four stories in height, and Variance No. 2020-06, to allow an increase in the allowable building size and massing, for a new mixed-use development located at 409 and 509 East Fourth Street.
- B. On October 22, 2020, an appeal (Appeal No. 2020-02) to the project was filed by Michael Lozeau with Lozeau Drury, LLP, on behalf of the Supporters Alliance for Environmental Responsibility (SAFER).
- C. On December 1, 2020, the City Council denied Appeal No. 2020-02, upholding the determination of the Planning Commission to approve the subject entitlements.
- D. Pursuant to Section 41-647 of the Santa Ana Municipal Code (SAMC), entitlements automatically become void should the property owner fail to institute an action to comply with the provisions of the entitlements within two years of its approval.
- E. Taking into consideration the difficulties experienced by the development industry from the global COVID-19 pandemic and its effects on securing funding, labor, and construction materials, the City Council unanimously approved Resolution No. 2022-093, approving the applicant's first request for a one-year entitlement extension on December 6, 2022, extending the subject project entitlements until December 15, 2023.
- F. On August 1, 2023, the applicant obtained all required building permits for development of the project, including demolition permits for existing buildings at both project sites.

- G. Recent increases in interest rates beginning the first quarter of 2022 and continuing through 2023, and their impact on construction loans and land development costs, have resulted in additional delays to the ability to complete begin vertical construction of the project by the December 15, 2023, deadline that was established the City Council-approved entitlement extension.
- H. Pursuant to SAMC Section 41-647, when construction does not commence, these types of entitlements expire after two (2) years unless the applicant applies for, and the City Council approves, an extension. Up to three extensions may be granted.
- I. It is the Planning Division's policy to recommend no more than one-year extensions at a time, mainly in an effort to encourage the construction of previously approved projects.
- J. The applicant filed a request for the second one-year extension on September 27, 2023. The extension request came before the City Council on December 5, 2023.
- K. In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the extension for this project is exempt pursuant to Section 15061(b)(3). This determination has been made as it has been determined that the proposed action to extend the existing, approved entitlement does not have the potential to cause a significant effect on the environment, as the existing, approved entitlement has already been evaluated pursuant to CEQA.

Section 2. Site Plan Review No. 2020-03 and Variance No. 2020-06 are each hereby extended for a period of one (1) year until December 15, 2024. This decision is based upon the evidence submitted, which includes, but is not limited to, the Request for Council Action dated December 5, 2023, and exhibits attached thereto, and any public testimony, all of which are incorporated herein by this reference.

Section 3. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

[Signatures on the following page]

ADOPTED this 5th day of December, 2023.

Valerie Amezcua
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

By: _____
Jose Montoya
Assistant City Attorney

AYES: Councilmembers _____

NOES: Councilmembers _____

ABSTAIN: Councilmembers _____

NOT PRESENT: Councilmembers _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, City Clerk, do hereby attest to and certify the attached Resolution No. 2023-_____ to be the original resolution adopted by the City Council of the City of Santa Ana on _____, 2023.

Date: _____

City Clerk
City of Santa Ana