

RESOLUTION NO. 2025-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING VESTING TENTATIVE TRACT MAP NO. 2025-01 (COUNTY MAP NO.19337) AS CONDITIONED TO ALLOW A EIGHTY-SIX UNIT SUBDIVISION FOR CONDOMINIUM PURPOSES FOR THE PROPERTY LOCATED AT 2020 EAST FIRST STREET (APN: 402-191-03)

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. Louisa Feletto, with MLC Holdings, Inc./Meritage Homes (“Applicant”), representing property owner Paul Miskowicz with 2020 E First, LLC (“Property Owner”), is requesting approval of Vesting Tentative Tract Map No. 2025-01 (VTM-2025-01), Density Bonus Application No. 2025-01 (DBA-2025-01), and Site Plan Review Application No. 2025-01 (SP-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. California Senate Bill 330, the Housing Crisis Act of 2019 (HCA), amending the Permit Streamlining Act and the Housing Accountability Act, 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 a “housing development project” being submitted as a Senate Bill No. 330 (SB 330) application.
- E. Pursuant to Santa Ana Municipal Code (“SAMC”) Section 34-127, the Planning Commission is authorized to review and approve tentative tract maps.
- F. Vesting Tentative Tract Map No. 2025-01 came before the Planning Commission of the City of Santa Ana on March 24, 2025, for a duly noticed public hearing, and at that time, the Planning Commission considered all testimony, written and oral.

G. The Planning Commission of the City of Santa Ana determines that following findings, which must be established in order to approve Vesting Tentative Tract Map No. 2025-01, have been established as required by SAMC Section 34-127 and the California Subdivision Map Act:

1. The proposed project and its design and improvements are consistent with the District Center – Medium High (DC-3) designation of the General Plan and are otherwise consistent with all other Elements of the General Plan.

The proposed Project aligns with several goals and policies of the City's General Plan. Goal LU-1 of the Land Use Element (LU) aims to provide a land use plan that enhances quality of life while respecting the existing community. By introducing high-quality housing that includes both market-rate and affordable units, the Project would improve the quality of life for the surrounding community by activating an underutilized site and contributing to the area's vibrancy.

Additionally, the proposed development would be of a comparable mass and scale to the existing multifamily buildings in the area, ensuring compatibility with surrounding land uses. This aligns with Policy LU-1.1, which seeks to foster land use compatibility to enhance livability and promote a healthy lifestyle.

The Project also supports homeownership opportunities at both market-rate and affordable levels, directly aligning with Policy LU-1.2, which encourages innovative development strategies to expand homeownership opportunities across all income levels.

Furthermore, the proposed development is located within a built-out urban area, qualifying it as an infill project. By incorporating a mix of affordable and market-rate housing, it aligns with Policy LU-1.5, which promotes quality infill residential development that provides a diverse range of housing types while accommodating residents of all income levels and age groups as well as Policy LU-4.7 which promote mixed-income developments with mixed housing types to create inclusive communities and economically diverse neighborhoods.

Beyond land use, the Project is aligned with key housing goals outlined in the Housing Element (HE). Goal HE-2 seeks to promote a diverse range of high-quality housing options at different affordability levels to meet the needs of Santa Ana's

residents. By offering both market-rate and affordable housing units, the Project directly supports this goal by ensuring housing opportunities for households with varying financial means. Similarly, Policy HE-2.5 aims to facilitate the development of a variety of housing types, prices, and sizes, including single-family homes, apartments, townhomes, duplexes, mixed-use developments, transit-oriented housing, multigenerational housing, accessory dwelling units, and live-work opportunities. The Project contributes to this policy by providing a thoughtfully designed residential development that includes townhomes with ground-floor office spaces, promoting both housing diversity and economic vitality. Lastly, the proposed Project complies with Policy HE-2.7, in accordance with the Affordable Housing Opportunity and Creation Ordinance (AHOCO), which requires that new for-sale residential projects allocate at least five percent of the units to moderate-income households. By providing five units to very-low income households the project meets this requirement and ensures that a portion of its housing stock remains attainable to buyers of varying means, fostering long-term community stability and homeownership accessibility.

2. The project site is physically suitable for the type and density of the proposed project.

The Project's site is physically suitable for the proposed development in terms of both type and density. The 3.72-acre site, as designed, can accommodate 86 townhome units, equating to a density of 23 dwelling units per acre, while the underlying General Plan designation allows for up to 90 dwelling units per acre. Furthermore, the Project conforms to the majority of development standards, with the exception of publicly accessible open space, for which a concession is being requested under the Density Bonus Law. However, the Project exceeds the required amount of common open space, providing approximately 13,179 square feet where only 8,007 square feet are required which may offset the amount reduced publicly accessible open space. As designed, the Project promotes connectivity to the public realm and may function as publicly accessible open space.

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

The design and improvements of the proposed Project will not cause substantial environmental damage or substantially and

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

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

The design and improvements of the proposed Project will not result in serious health concerns or pose any detrimental effects to the general public. The proposed subdivision, consisting of a mixed-use residential townhome development, is a permitted use within the applicable zoning district and has been thoroughly evaluated as part of the MEMU EIR and Subsequent EIR to assess potential environmental and public health impacts. Furthermore, the residential units are not expected to generate activities that would be hazardous to public health or safety. The Project has been designed to comply with all applicable health, safety, and environmental regulations, ensuring a safe and well-planned living environment for future residents and the surrounding community.

5. 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 proposed Project will not conflict with any easements necessary for public access through or use of the property. The existing and recorded easements have been thoroughly reviewed and considered as part of the Project evaluation. Additionally, the proposed right-of-way improvements will not impede access to the project site. As designed, the Project maintains clear and unobstructed drive aisles that align with existing access patterns and respect all recorded easements, ensuring seamless circulation for both residents and the public.

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 Planning Commission of the City of Santa Ana, after conducting the public hearing, hereby approves Vesting Tentative Tract Map No. 2025-01 as conditioned in "Exhibit A", attached hereto and incorporated as though fully set forth herein, based on the findings contained in Section 1. 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 March 24, 2025, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

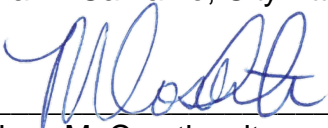
Section 5. This Resolution No. _____ for VTTM-2025-01 shall not be effective unless and until Density Bonus Agreement Application No. 2025-01 is approved, considered concurrently with this Vesting Tentative Tract Map No. 2025-01, and the Density Bonus Housing Agreement associated therewith is approved, executed and recorded.

ADOPTED this 24th day of March 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, _____, 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 March 24, 2025.

Date: _____

Nuvia Ocampo
Recording Secretary
City of Santa Ana

EXHIBIT A
Conditions for Approval for Vesting Tentative Tract Map No. 2025-01

Vesting Tentative Tract Map No. 2025-01 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, Applicant 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 vesting 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 of the vesting tentative tract map.

1. All proposed site improvements must conform to the Development Project (DP) approval of DP No. 2024-14.
2. Any proposed amendment to this Vesting Tentative Tract Map No. 2025-01 must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the Vesting Tentative Tract Map must be amended.
3. The Project shall comply with all applicable mitigation measures as identified by the Mitigation Monitoring and Reporting Program of the 2007 Environmental Impact Report (EIR) and 2018 Subsequent EIR (SCH No. 2006031041).
4. The Project shall comply with any and all recommendations contained with the technical studies and reports prepared for the Project. All studies and reports shall be finalized by the Applicant and approved by the City of Santa Ana prior to the issuance of any building permits.
5. Walls and Fencing.
 - a. The Applicant shall be 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.

6. All mechanical equipment shall be screened from view from public and courtyard areas.
7. 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.
8. 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.
9. 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.
10. 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 townhome buildings, whichever is first.
11. 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 requirements of the State Subdivision Map Act.
12. 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.
13. 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.
14. 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.

15. 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 they 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.
16. 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.
17. The Applicant shall install enhanced lighting within the publicly accessible open space, spanning south from First Street towards the project's common open space, between Buildings 14 and 15, as shown on the approved site plan. 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.
18. After Project occupancy, landscaping and hardscape materials must be maintained as shown on the approved landscape plans.
19. The publicly accessible open space areas as shown on the plans shall remain accessible to the public during daylight hours as per plans approved by the Planning and Building Agency.
20. 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.