

RESOLUTION NO. 2020-38

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING SITE PLAN REVIEW NO. 2020-04 AS CONDITIONED FOR A NEW MIXED-USE RESIDENTIAL AND COMMERCIAL DEVELOPMENT FOR THE PROPERTY LOCATED AT 1801 EAST FOURTH STREET

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. Sean Rawson with Waterford Property Company, representing Park Center Santa Ana Associates, L.P ("Applicant"), is requesting approval of Site Plan Review No. 2020-04, as conditioned, to allow the construction of a new mixed-use development consisting of 644 multi-family residential units and 15,130 square feet of commercial space at 1801 East Fourth Street.
- B. The subject site has a General Plan land use designation of District Center (DC). The site is located within the Professional zoning district and has an overlay zone designation of Metro East Mixed-Use (MEMU) Overlay Zone (OZ-1), Active Urban district, which permits medium- to high-intensity mixed-use residential, commercial, office, and hotel developments subject to approval of a site plan review (SPR) application by the Planning Commission.
- C. The MEMU Overlay Zone was adopted in 2007 as a result of interest in developing mixed-use residential and commercial projects in the project area. In 2018, the City of Santa Ana expanded the MEMU designation along First Street between Grand Avenue and the Santa Ana (I-5) Freeway. The regulating plan, which establishes land uses and development standards, allows a variety of housing and commercial projects, including mixed-use residential communities, live/work units, hotels, and offices.
- D. A noticed public hearing was scheduled to be heard before the Planning Commission of the City of Santa Ana on October 26, 2020, but at that time there was not a quorum of the Planning Commission therefore, the item was continued by the Chair to the next regular meeting. On November 9, 2020, the Planning Commission of the City of Santa Ana held the duly noticed public hearing and considered all testimony, written and oral for the project.

- E. Section 41-595.5 of the Santa Ana Municipal Code (“SAMC”) requires a review by the Planning Commission of all plans within a zoning district classification combined with an OZ suffix where the applicant wants to apply the overlay zone, to ensure the project is in conformity with the overlay zone plan.
- F. The zoning designation for the subject property is proposed to be Metro East Mixed-Use (MEMU) Overlay Zone (OZ-1) in the Active Urban land use district.
- G. The Planning Commission determines that the following findings, which must be established in order to grant this Site Plan Review pursuant to SAMC Section 41-595.5, have been established for Site Plan Review No. 2020-04 to allow construction of the proposed project:

- 1. That the proposed development plan is consistent with and will further the objectives outlined in Section 1.2 for the MEMU overlay district.

The development will activate a vacant and underutilized 8-acre site in the MEMU Overlay Zone. The project will create a new mixed-use development within close proximity to office buildings, Cabrillo Park, Mabury Park, and less than two miles from Downtown Santa Ana providing opportunities to live, work, and recreate. Each building will be five-stories of residential units wrapped around a seven-level parking structure. The height of the buildings will blend in with the heights of the nearby office buildings which range from single-story, three-story and eight-story buildings and will create an interface with the Santa Ana (I-5) Freeway.

The project will be built to California Building Code standards, which include energy and water conservation measures and will improve pedestrian mobility by providing new sidewalks, and parkways along Fourth Street and Parkcourt Place. In addition, the publically accessible linear park will serve as a link to the meandering trail along Mabury Street and to Mabury Park to the north. Each building has a centrally located bike room, and there is a rideshare pick-up/drop-off in the middle of the project site. Additionally, the project is within walking distance of the OCTA route 463 bus stop at Fourth Street and Cabrillo Park Drive.

The commercial space has been designed with retail floor heights of 20 feet with storefronts that will be visible from Fourth Street. In addition, the commercial space links directly to an on-site public plaza at the corner of Fourth Street and Cabrillo Park Drive which will include outdoor dining opportunities, decorative hardscape, specimen trees and plantings, umbrellas, seating and lawn games.

In addition, the ground floor residential units along Cabrillo Park Drive will have doors and patios with direct access to the street to help activate the street.

2. That the proposed development plan is consistent with the development standards specified in Section 4 of the MEMU overlay district.

The project is consistent with the development standards specified in Section 4 of the MEMU Overlay Zone including land use, stories, development site area, building frontages, publically accessible open space, private/common open space, building setbacks, and parking.

3. That the proposed development plan is designed to be compatible with adjacent development in terms of similarity of scale, height, and site configuration and otherwise achieves the objectives of the Design Principles specified in Section 5 of the MEMU overlay district.

The project is consistent with the development standards specified in Section 5 of the MEMU Overlay Zone. The buildings are designed with a high quality design that includes varied massing, changes in form, and is comprised of high quality material including metal siding, stone veneer, simulated wood siding, fiber cement lap siding, fiber cement panels, stucco, metal and glass railings, and aluminum storefronts. During the development review process, the architectural design was peer reviewed by John Kaliski Architects and City staff, which resulted in higher-quality building materials, an increase in the commercial square footage and a plaza at the corner of Fourth Street and Cabrillo Park Drive. The project massing is broken into discrete building elements, facades are broken up with the inclusion of private balconies, courtyards, and contrasting building materials. The commercial storefronts are enhanced with cornices and metal canopies and the primary access to the commercial uses will be from Fourth Street. The project promotes pedestrian activity with landscaping and publically accessible open space. Parking areas are screened from the street. Lastly, over 40 percent of the units are over 1,000 square feet.

4. That the land use uses, site design, and operational considerations in the proposed development plan have been planned in a manner that will result in a compatible and harmonious operation as specified in Section 7 of the MEMU overlay district.

The project is consistent with the development standards specified in Section 7 of the MEMU Overlay Zone. The project has been

designed to ensure compatibility between the residential and non-residential uses on site. The commercial uses have separate entrances from the residential uses, and the parking management plan will manage parking between the residential and nonresidential uses. Each building has a dedicated move-in and commercial loading area that will be screened with roll-up doors and controlled by the property management company. On site lighting will be consistent with Santa Ana Municipal Code Chapter 8 (Security Ordinance).

Section 2. 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, and other and 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, which approval will not be unreasonably withheld, 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 3. In accordance with the California Environmental Quality Act (CEQA), the project has been determined to be adequately evaluated in the previously certified Environmental Impact Report (EIR) No. 2006-01 (SCH No. 2006031041) and Subsequent EIR SEIR No. 2018-15 as per Sections 15162 and 15168 of the CEQA guidelines. All mitigation measures in EIR No. 2006-01 and SEIR No. 2018-15 and associated Mitigation Monitoring and Reporting Program (MMRP) will be enforced and apply to the proposed project. In addition, a traffic impact analysis dated July 30, 2020 was also prepared by Linscott Law and Greenspan which analyzed the project's impacts on 25 intersections. The off-site improvements listed the Traffic Impact Analysis shall be implemented. A health risk assessment (HRA) was prepared to identify any impacts from developing a residential community near a major freeway. The HRA finds that a less than significant impact to project residents would occur due to the project's proximity to a major freeway.



Section 4. The Planning Commission of the City of Santa Ana, after conducting the public hearing, hereby approves Site Plan Review No. 2020-04 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 October 26, 2020, and November 9, 2020, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 9<sup>th</sup> day of November, 2020 by the following vote:

AYES: Contreras-Leo, Garcia, Nguyen, McLoughlin, Morrissey, ~~Phan~~, Rivera (7) (6)  
NOES: None (0)  
ABSTAIN: ~~None (0)~~ Phan (1)  
ABSENT: None (0)

  
Mark McLoughlin  
Chairperson

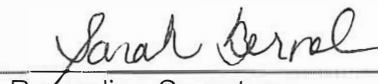
APPROVED AS TO FORM:  
Sonia R. Carvalho, City Attorney

By:   
Lisa Storck  
Assistant City Attorney

#### CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, SARAH BERNAL Recording Secretary, do hereby attest to and certify the attached Resolution No. 2020-38 to be the original resolution adopted by the Planning Commission of the City of Santa Ana on November 9, 2020.

Date: 11/09/2020

  
Recording Secretary  
City of Santa Ana

### **Conditions for Approval for Site Plan Review No. 2020-04**

Site Plan Review No. 2020-04 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 this site plan review.

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 site plan review.

#### **A. Planning Division**

1. All proposed site improvements must conform to the Development Project Review approval of DP No. 2019-26, and the staff report exhibits incorporated herein by reference.
2. Applicant shall agree to all recommendations contained within the required technical studies and reports prepared for the project including the Traffic Impact Analysis dated July 30, 2020. All studies and reports shall be finalized by the Applicant and approved by the City of Santa Ana prior to issuance of building permits.
3. Any amendment to this site plan review, 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 site plan review must be amended.
4. The full volume (first and second levels) of the commercial square footage within both buildings along Fourth Street shall be maintained for commercial purposes only and may not be converted or used for residential purposes.
5. The publicly accessible open space areas as shown on the open space plan shall remain accessible to the public and include a combination of landscape and hardscape as specified in Section 4.5 of the Metro East Mixed-Use Overlay Zone requirements.
6. A residential property manager shall be available at all times that the Project is occupied and Applicant and onsite management shall at all times maintain a 24-hour emergency contact and contact information on file with the City that is also posted at the entrance to the leasing office for public view.

7. All Project mechanical equipment shall be screened from view from public and courtyard areas.
8. After Project occupancy, landscaping and hardscape materials must be maintained as shown on the approved landscape plans.
9. Prior to issuance of building permits, the Applicant shall submit a green space plan demonstrating that no less than 50 percent and up to 90 percent of the building rooftops (club room and fitness room, ancillary structures and open amenity deck) above the Type IA building area be landscaped with plant material to the extent feasible. City staff shall have the discretion to determine what is feasible and in compliance with the California Building Code for the building rooftops (residential) above the Type IIIA building area be landscaped with plant material. The green space plan shall be subject to the approval of the Director of Planning and Building Agency or his/her designee. The landscaping shall be installed prior to the issuance of certificate of occupancy and/or building permit finals. ***(Added by Planning Commission)***
10. Prior to the issuance of any building permits the subject site must meet the requirements of the Subdivision Map Act (i.e. a Lot Merger or Parcel Map must be recorded for the subject property).
11. Prior to issuance of any building permits, a final detailed amenity plan must be reviewed and approved by Applicant and the Planning Division. 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.
12. 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.
13. 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 (48 inches minimum), brown trunk height (10-foot minimum), and name and location of the supplier.
14. Applicant shall provide onsite parking for residents and visitors of the Project and actively monitor the parking demand of the Project site. Applicant shall continually monitor and take appropriate measures to manage the parking demand of the Project site to mitigate the use of offsite parking spaces on private or public properties and/or right-of-way. Prior to issuance of the certificate of occupancy and/or building permit finals, Applicant shall submit and obtain approval from the Planning and Building Agency a Parking Management Plan (the "PMP") meeting

the requirements of this condition. The approved PMP shall be adhered to and be enforced by the Project at all times.

15. Prior to Certificate of Occupancy issuance, public art shall be installed on the Project site at a value of one-half of one percent (0.5%) of the total valuation of both buildings. The selection, design, and installation of the art shall be subject to review and approval by the Planning and Building Agency, the Community Development Agency, and the Applicant.

16. Prior to Certificate of Occupancy issuance, 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, 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.