

RESOLUTION NO. 2022-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING A ONE-YEAR EXTENSION OF VARIANCE NO. 2017-05 AND VARIANCE NO. 2017-06 FOR THE MADISON MIXED-USE DEVELOPMENT TO BE LOCATED AT 200 NORTH CABRILLO PARK DRIVE

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 June 5, 2018, the City Council approved Appeal No. 2017-05, thereby reversing the Planning Commission's decision to deny Variance No. 2017-05 and Variance No. 2017-06 to allow the development of a seven-story, 260-unit mixed-use development at 200 North Cabrillo Park Drive.
- B. Prior to the expiration of the subject entitlements, a state of local emergency was declared stemming from the COVID-19 pandemic. Successive executive orders extended the expiration date of the project's entitlements from June 5, 2020 to December 31, 2022.
- C. Due to difficulties experienced by the development industry from the global COVID-19 pandemic, the applicant has been unable to move forward with the development and is requesting an extension for the variances. 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.
- D. The applicant intends to complete the plan check process and obtain all necessary building permits for the project. The construction plans for the project have been submitted for plan check as of August 14, 2022. The applicant expects to obtain permits and start construction in early 2023.
- E. Pursuant to City of Santa Ana Municipal Code Section 41-647, where 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.
- F. The applicant filed a request for the extension on September 19, 2022. The extension request came before the City Council on December 6, 2022.

- G. 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. Variance No. 2017-05 and Variance No. 2017-06 are each hereby extended for a period of one (1) year until December 31, 2023. This decision is based upon the evidence submitted, which includes, but is not limited to, the Request for Council Action dated December 6, 2022, 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.

ADOPTED this ____ day of _____, 2022.

Vicente Sarmiento
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

By: John M. Funk
John M. Funk
Chief Assistant City Attorney

AYES: Councilmembers _____

NOES: Councilmembers _____

ABSTAIN: Councilmembers _____

NOT PRESENT: Councilmembers _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2022-
_____ to be the original resolution adopted by the City Council of the City of Santa Ana
on _____, 2022.

Date: _____

Clerk of the Council
City of Santa Ana