

Comment 1: This comment states that the Planning Commission had no authority to approve the conditional use permit (CUP) because not all record owners of all interests in the subject property (1700-1740 E. Garry Avenue) joined or approved the application.

Response 1: A complete application was submitted for the CUP, including a submittal affidavit signed by the applicant. The information on the submittal affidavit is consistent with the grant deed provided with the application. The submitted materials were determined complete and the item was subsequently placed on the Planning Commission agenda on August 22, 2022, and then October 10, 2022, for consideration.

Comment 2: This comment states that the CUP would “obliterate easements that serve and are for the benefit of the Gary [sic] Plaza Office Park,” which abuts the project site to the east, and that the City may not grant a permit that interferes with the rights of the easement holders.

Response 2: The project site is affected by five easements, some of which will remain, others of which will be quitclaimed or modified as needed. These five easements are as follow:

Easement Description	Status	Response
Abutter – Rights of ingress and egress to or from the street or highway abutting said land (1968) – from the future Alton Avenue overcrossing onto the project site	To remain	This easement allows potential access from the future Alton Avenue overcrossing right-of-way along the southern edge of the project site. No modification is required.
Southern California Edison (SCE) Company – for public utilities, ingress and egress, and incidental purposes (1974) – from Garry Avenue south on the project site to a junction box on the project site	To be quitclaimed	This easement is for SCE’s utilities from Garry Avenue onto the project site. It does not affect the adjacent property, but will need to be quitclaimed when the project site is redeveloped with the new building and resulting site plan.
SCE – for public utilities, ingress and egress, and incidental purposes (1974) – on the project site, branching into 7 directions on the project site to serve multiple buildings and onsite improvements	To be quitclaimed	This easement is for SCE’s utilities to the buildings and other areas on the project site. It does not affect the adjacent property, but will need to be quitclaimed when the project site is redeveloped with the new building and resulting site plan.
Abutter – for reciprocal easement and agreement (1977) – allowing cross-parcel ingress and egress between the project site and the adjacent property at 1800 & 1820 E. Garry Avenue	To be partially quitclaimed	This is a private easement between the subject property and adjacent property at 1800 & 1820 E. Garry Avenue that allows cross-parcel ingress and egress, but the easement does not specify exactly where the points of cross-parcel ingress and egress are. The easement intends to allow each property to allow usage of drive aisles to reach Garry Avenue and Daimler Street. When partially quitclaimed, the adjacent property will still have access to Garry Avenue and Daimler Street, in full accordance with City and Orange County Fire Authority regulations. Modification of this easement is a private matter between the two parties, but a condition of approval (no. 9 on the resolution for

Easement Description	Status	Response
		Conditional Use Permit No. 2022-14) has been added to reinforce that the two parties must complete any modification of this easement prior to issuance of building permits for the project.
SCE – for public utilities, ingress and egress, and incidental purposes (1987) – to allow access to overhead utility lines	To remain	This easement allows SCE to access its overhead utilities on the west side of the project site. No modification is required.

In addition to these five easements, there exists a drainage easement entirely on the adjacent site at 1800 & 1820 E. Garry Avenue. This easement is for the benefit of the project site, allowing drainage from the project site onto the adjacent property. However, this drainage easement will no longer be necessary, because once the site is redeveloped, the proposed project will capture all its runoff onsite and will no longer depend on cross-property drainage.

Comment 3: This comment states that the City did not allow members of the public to view the CUP application and that it is impossible to determine if the CUP application contained all required information or if it was filed by the property owner or agent.

Response 3: The City provided the appellant the opportunity to view the project file by submitting a request to view public records. The appellant ultimately filed the request, and the project materials were made available for viewing.

Comment 4: This comment states that the Planning Commission approved an application not contained in the agenda packet.

Response 4: The Planning Commission agenda packet contained all necessary information for the Planning Commission to evaluate the project, including a staff report, draft resolution and ordinance, copy of public notice, and relevant exhibits. The staff report contains a detailed project description and analysis of the requested CUP and amendment application (zone change). The full agenda packet was published online and remains available for viewing at <https://santa-ana.primegov.com/Portal/Meeting?meetingTemplateId=19499> .

Comment 5: This comment states that the Planning Commission approved an application it “appears not to have reviewed.”

Response 5: This comment is similar to Comment No. 4.

Comment 6: This comment claims that the Planning Commission’s approval of the CUP is in violation of Santa Ana Municipal Code (SAMC) Section 41-630 et seq.

Response 6: The appellant does not provide any further justification for this claim. However, the application was reviewed and processed in compliance with all Santa Ana Municipal Code and state requirements.

Comment 7: This comment states that the identity of the CUP applicant is unclear and that the applicant does not appear to be qualified to apply for the requested CUP.

Response 7: This claim is similar to that made in Comment No. 1. As stated previously, the applicant's information is contained within the application and was described in the staff report, ordinance, and resolution prepared for the project. The information therein is consistent with the information contained within the submitted applications.

Comment 8: This comment states that the Planning Commission approved the CUP for a use not permissible in the Professional (P) zoning district.

Response 8: Among the requested actions is approval of an amendment application (zone change) to bring the site's zoning designation into conformance with the General Plan. The current zoning designation (P) is inconsistent with the Industrial/Flex. The requested zoning district amendment to Light Industrial (M1) would establish consistency with the General Plan land use designation and would allow the requested project through approval of a CUP.

Comment 9: This comment claims that the Planning Commission resolution approving the CUP contains false statements as to the identity of the owner.

Response 9: The appellant does not provide any additional information to justify this claim.

Comment 10: This comment alleges that the CUP was approved without proper environmental review pursuant to the California Environmental Quality Act (CEQA).

Response 10: The City has evaluated the project in full compliance with the provisions of CEQA. After a thorough evaluation and preparation of an initial study checklist, the City prepared an exemption pursuant to CEQA Guidelines Section 15183. Pursuant to California Public Resources Code (PRC) Section 21083.3 and State CEQA Guidelines Section 15183, projects that are "consistent with the development density established by the existing zoning, community plan or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." As detailed in the Environmental Impact section of this report, the project was fully evaluated to determine if there are any project-specific significant effects which are peculiar to the project or its site, and none were subsequently determined. Therefore, the Section 15183 exemption prepared for the project is the appropriate form of environmental review. The exemption is attached to the report as Exhibit 10 and a complete response to this is contained in Exhibit 13 to this report.

Comment 11: This comment states that the Planning Commission approved the CUP for a use of land not permissible in the General Plan.

Response 11: Refer to Response No. 8.

Comment 12: This comment alleges that the Planning Commission approved the CUP without making the necessary findings of fact pursuant to SAMC Section 41-638 and Section 41-639.

Response 12: As detailed in the accompanying resolution for the CUP, all required findings of fact pursuant to SAMC Section 41-638 have been made by the Planning Commission in its consideration of the requested CUP. The resolution has been included in the staff report packet as Exhibit 2, containing a full recitals section and detailed analysis of how each of the five required findings of fact can be made for the project.

Comment 13: This comment alleges that the Planning Commission approved the CUP without making a proper motion.

Response 13: The appellant does not expand on this statement or provide any specific detail concerning why a proper motion was allegedly not made. The Planning Commission held a duly-noticed public hearing in accordance with all SAMC and state laws, with staff from the Planning and Building Agency and the City Attorney's Office available to ensure proper conduct. A full video from the meeting is available in the October 10, 2022 agenda packet is available online at <https://santa-ana.primegov.com/Portal/Meeting?meetingTemplateId=19499>.

Comment 14: This comment states that the "Land use is not compatible with the General Plan."

Response 14: The Industrial/Flex (FLEX) General Plan land use designation was established in order to encourage a range of low-impact industrial and limited commercial uses in the area in which the subject site is located. The project has been designed to minimize impacts onto surrounding properties. Moreover, as a result of the Sunshine Ordinance community meeting process and feedback provided by the adjacent property's representatives, the project's site plan was rotated clockwise 90 degrees to orient the loading docks away from the adjacent property. Following this revision, the applicant further revised the plans to note installation of gates and height-restriction bars to prevent large trucks from circulating on the east side of the project site, which would further minimize noise and vibration impacts on the adjacent property. These measures are all consistent with the purpose and goals of the FLEX land use designation for the area in which the subject property is located.

Comment 15: This comment is claims that the proposed use for which the CUP was issued is inconsistent with the required findings of fact contained within SAMC Section 41-638.

Response 15: Refer to Response No. 12.

Comment 16: This states that the conditionally permitted use does not comply with the development standards in the zoning district.

Response 16: Refer to Response No 8. Moreover, the project has been designed to fully comply with the development standards of the M1 zoning district. No exception or variance is required to allow a modification of these standards.

Comment 17: This states that the CUP does not identify the specific use of land that is permitted.

Response 17: The staff report prepared for the project contains a full project description and accompanying exhibits, including side plans, floor plans, elevations, landscape plans, and renderings, that fully detail the project and its intended use as a flexible building for warehousing, limited manufacturing, and distribution uses.

Comment 18: This comment states that the staff report and Planning Commission agenda packet did not contain copies of the requested CUP and that it is therefore “impossible to know what the Planning Commission was considering.”

Response 18: Refer to Response No. 4.

Comment 19: The comment repeats the claim that the Planning Commission did not make a proper motion for approving the CUP.

Response 19: Refer to Response No. 13.

Comment 20: The comment claims that the Planning Commission could not have approved the CUP because only a resolution of approval was contained in the packet and not the application itself.

Response 20: Refer to Response No. 4.

Comment 21: The comment repeats the claim that the Planning Commission could not have approved the CUP because the CUP application was not provided in the agenda packet.

Response 21: Refer to Response No. 4.