

RESOLUTION NO. 2023-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING SITE PLAN REVIEW NO. 2023-02 AS CONDITIONED FOR A NEW RENTAL RESIDENTIAL DEVELOPMENT WITH TWENTY TWO UNITS, EXCEEDING THREES STORIES IN HEIGHT FOR THE PROPERTY LOCATED AT 322 NORTH HARBOR BOULEVARD (APN: 198-051-17)

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. The Jager Company, Ltd. (Applicant), on behalf of P&P Bros Corp. (Property Owner), is requesting approval of Site Plan Review (SPR) No. 2023-02 and concurrent Density Bonus Agreement (DBA) No. 2023-02 to allow the construction of a rental residential development, consisting of twenty-two apartment units with two units proposed as affordable to very-low income households earning less than 50 percent of the area median income (AMI) for the property located at 322 N. Harbor Boulevard.
- B. The zoning designation for the subject property is Corridor (CDR) district in the Harbor Mixed Use Transit Corridor Plan (SP2).
- C. The Harbor Mixed Use Transit Corridor Specific Plan was adopted in 2014 to lay the foundation for a more livable and sustainable corridor by creating zoning to allow for new housing and mixed-use development opportunities, providing development flexibility to meet market demands, using a multimodal approach to circulation, and creating a stronger identity for the area. The regulating plan, which establishes land uses and development standards, allows a variety of housing and commercial projects, including affordable residential communities, live/work units, service and retail, and professional offices.
- D. Pursuant to Table 3-2 (Permitted Uses) and Section 7-1 of the Harbor Mixed Use Transit Corridor Plan, discretionary review and approval of a Site Plan Review (SPR) request is required by the Planning Commission for all development projects where the proposed structures are over three (3) stories in height.
- E. The proposed project includes the construction of a new four-story residential building with flats/apartments consisting of twenty-two apartment

units, 3,377 square feet of open space, twenty-two parking spaces, and five bicycle spaces.

- F. The proposed residential building would exceed the three stories in height. As such, the development project is subject to discretionary review and approval of an SPR application by the Planning Commission.
- G. The Applicant's request has been thoroughly evaluated by the City's Development Review Committee (DRC) through Development Project No. 2022-03. Through this review, the DRC has considered the subject site, proposed development, and the Applicant's requests for the site plan review approval.
- H. On September 25, 2023, the Planning Commission of the City of Santa Ana held a duly noticed public hearing and at that time considered all testimony, written and oral.
- I. The Planning Commission determines that based on the following review, the project has been determined to be in compliance with all applicable provisions and development standards outlines within the CDR district in the Harbor Mixed Use Transit Corridor Plan:
 - 1. That the proposed development plan is consistent with and will further the objectives outlined in Chapter 1 (Guiding Principles) of the Harbor Mixed Use Transit Corridor Plan.

The proposed development will incorporate residential units that are in close proximity to the corridor, which will increase street presence and create new activity throughout the day. It would also add further visibility along the street, contributing to an improved sense of community and safety. As a result, the proposed project will bring a safer and more vibrant atmosphere for corridor users.

- 2. That the proposed development plan is consistent with the development standards specified in Chapter 3 (Land Use Plan and Development Standards) of the Harbor Mixed Use Transit Corridor Plan.

The Pursuant to Chapter 3 (Land Use Plan and Development Standards) of the SP2, any structure that exceeds three (3) stories in height is subject to discretionary review and approval of a site plan review (SPR) by the Planning Commission, for compliance with the SP2. Planning staff has reviewed the project for compliance with the SP2 and all applicable development standards and City design guidelines. As proposed, the development would meet all required SP2 development standards and City design guidelines, with

exception of the requested concessions and waivers identified as part of DBA No. 2023-02 application, which has been concurrently filed with the subject SPR application. The requested concessions include a reduced common open space and a building frontage type for the stacked dwelling building type. Additionally, DBA No. 2023-02 is requesting waivers for the project to have reduced onsite open space that is open to the sky, reduced lot width, and a deviation from the courtyard or forecourt open space design requirement. To address the open space requirements, the project proposes connecting an 800-square-foot deck to a 1,100-square-foot community room, creating a contiguous 1,900 square feet of open space.

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 and development principles specified in Chapter 3 (Land Use Plan and Development Standards) and Chapter 6 (Design Guidelines) of the Harbor Mixed Use Transit Corridor Plan.

The proposed project aligns with the adjacent development, adhering to the design and development principles specified in the Harbor Mixed Use Transit Corridor. The project exceeds three stories in height, which is allowed in the Corridor (CRD) land use district subject to review and approval of the SPR. Additionally, the project is situated to the east of an existing multi-family residential complex of similar height and scale. Moreover, the project is designed to meet the stacked building type listed in Chapter 3. Lastly, per the DBA No. 2023-02 application, the proposed project seeks concessions/incentives enabling a 5 percent common open space provision and a building frontage type that deviates from the Harbor Mixed Use Transit Corridor plan requirements. Additionally, under DBA No. 2023-02, the project requests waivers for reduced lot width, reduced on-site open space that retains an open-sky characteristic, and a deviation from the courtyard or forecourt open space design prerequisite.

4. That the proposed land uses, site design, and operation considerations in the proposed development plan have been planned in a manner that will result in a compatible and harmonious operation as specified in Chapter 4 (Mobility Plan) of the Harbor Mixed Use Transit Corridor Plan.

The Development Review Committee (DRC) assessed the proposed project under Development Review Project (DP No. 2022-03). Consequently, the project was tailored to include

bicycle parking, maintain compatibility with the adjacent multi-family neighborhood and commercial development, seamlessly integrate with the existing corridor operations, and allocate a twelve-foot dedication. This dedication serves the purpose of advancing SP2 objectives, aiming to enhance pedestrian and bicycle amenities and connections. Furthermore, the proposed project resides within a half-mile radius of a bus rapid transit stop.

Section 2. In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, an Environmental Impact Report (EIR) was prepared and certified in 2014 in order to address the potential environmental impacts associated with the Harbor Mixed Use Plan. A mitigation monitoring and reporting program (MMRP), findings of fact, and a statement of overriding consideration were adopted with the 2014 EIR. As proposed, the development is not anticipated to have additional environmental impacts not addressed in the 2014 EIR. Therefore, no additional environmental review will be required. Based on this analysis, a Notice of Exemption, Environmental Review No. 2022-12 will be filed for this project. However, all applicable mitigation measures in the original EIR and associated MMRP will be enforced.

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 Site Plan Review No. 2023-02 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 September 25, 2023, and exhibits

attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 25th day of September 2023, by the following vote:

AYES: Commissioners:


NOES: Commissioners:

ABSENT: Commissioners:

ABSTENTIONS: Commissioners:

Bao Pham
Chairperson

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

By: 

Jose Montoya
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Nuvia Ocampo, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2023-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on September 25, 2023.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A
Conditions for Approval for Site Plan Review No. 2023-02

Site Plan Review No. 2023-02 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 the Density Bonus Agreement.

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/termination of the Density Bonus Agreement.

1. All proposed site improvements must conform to the Development Project (DP) approval of DP No. 2022-03.
2. Any amendment to the DP No. 2022-03, 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 Development Project Review must be amended.
3. All mechanical equipment shall be screened from view from public and courtyard areas.
4. 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.
5. Prior to issuance of building permits, the Applicant shall provide written notification to the residential community located to the west of the site. This notification shall include comprehensive information about the nature of the proposed activities, anticipated timelines, and contact information for inquiries. The notification shall be delivered via certified mail. Additionally, a designated representative shall be available to address any concerns or inquiries raised by the residential community during this notification period.
6. Prior to issuance of building permits, the Applicant shall submit to the Planning Division and have approved a Parking Management Plan (PMP). The PMP shall provide for measures to address any parking shortages that may result from the project, with terms including but not limited to:

- a. Requiring onsite parking permits (such as stickers or hang-tags) for any parking in the onsite parking spaces for both residents and guests;
 - b. Policies for maximum time vehicles may be parked in the surface parking spaces, including any guest parking; and
 - 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.
7. Two weeks prior to the commencement of construction, notification must be provided to property owners within 500 feet of the project site disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period.
8. Prior to installation of landscaping, the Applicant shall submit representative 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.
9. After project occupancy, landscaping and hardscape materials must be maintained as shown on the approved landscape plans.
10. Prior to final occupancy, 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 and 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; and

- h. The execution and recordation of the maintenance agreement shall be a condition precedent to the Certificate of occupancy.