

ORDINANCE NO. NS-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AMENDMENT APPLICATION NO. 2020-02 REZONING THE PROPERTIES LOCATED AT 4310, 4314, 4318, 4322, 4326 AND 4330 WEST FIFTH STREET; 113, 117, 121, 201, 203, 207, 211, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 301 AND 305 NORTH MOUNTAIN VIEW STREET; AND 4311 WEST FIRST STREET

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. Steve Jones with Olympia Capital Corporation, representing Mountain View Real Estate Investments, LLC. ("Applicant") is requesting approval of Amendment Application (AA) No. 2020-02 to change the zoning designation of the properties located at 301 and 305 North Mountain View Street from General Agricultural (A1) to Two-Family Residence (R2) in order to facilitate construction of an 8-unit condominium development.
- B. In addition, the City of Santa Ana is proposing to change the land use designation of the properties located at 4310, 4314, 4318, 4322, 4326 and 4330 West Fifth Street, 4311 West First Street and 113, 117, 121, 201, 203, 207 and 211 North Mountain View Street from A1 to Single-Family Residence (R1); and 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245 and 247 North Mountain View Street from Suburban Apartment (R4) to R2.
- C. On October 26, 2020, the Planning Commission held a duly noticed public hearing and voted to recommend that the City Council adopt an ordinance approving Amendment Application No. 2020-02 which is consistent with the General Plan land use designation of the subject properties.
- D. The City Council has reviewed applicable general plan policies and has determined that this proposed rezoning is consistent with the purpose of the general plan.
- E. The City Council, prior to taking action on this ordinance, held a duly noticed public hearing on December 1, 2020.
- F. The City Council also adopts as findings all facts presented in the Request for Council Action dated December 1, 2020, accompanying this matter.

- G. For these reasons, and each of them, Amendment Application No. 2020-02 is hereby found and determined to be consistent with the intent and purpose of Chapter 41 of the Santa Ana Municipal Code, thus changing the zoning district is found to be consistent with the General Plan of the City of Santa Ana and otherwise justified by the public necessity, convenience, and general welfare.

Section 2. The Amendment Application consists of amendments to the Zoning Map, as shown in Exhibit A, attached hereto and incorporated herein by reference.

Section 3. The City Council has reviewed and considered the information contained in the Mitigated Negative Declaration (Environmental Review No. 2018-83) prepared with respect to this project. The City Council has, as a result of its consideration of the record as a whole and the evidence presented at the hearings on this matter, determined that, as required pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, Environmental Review No. 2018-83 meets all the requirements of CEQA.

Section 4. An amended Sectional District Map, showing the above described changes in use district designation, is hereby approved and attached hereto as Exhibit A, and incorporated by this reference as though fully set forth herein.

Section 5. The City Council of the City of Santa Ana after conducting the public hearing hereby approves AA No. 2020-02. 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, the Request for Council Action dated December 1, 2020, and exhibits attached hereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

Section 6. The City Council approves AA No. 2020-02 as set forth in Exhibit A, attached hereto and incorporated herein by reference, subject to compliance with the Mitigation Monitoring and Reporting Program, and upon satisfaction of the conditions set forth below:

- A. Subject to compliance with the Mitigation Monitoring and Reporting Program, the Zoning Map shall be amended to read as set forth in Exhibit A, attached hereto and incorporated herein by reference.
- B. The Amendment Application shall not take effect unless and until Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP), Environmental Review No. 2018-83 and General Plan Amendment (GPA) No. 2020-04 are adopted by the City Council.

Section 7. 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, 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 8. This decision rendered by the City Council of the City of Santa Ana is final and is subject to judicial review pursuant to California Code of Civil Procedure section 1094.6. The Planning and Building Agency shall give direct notice to the Applicant of the City Council's decisions and these findings.

ADOPTED this ____ day of _____, 2020.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

By: 

Lisa Storck
Assistant City Attorney

AYES: Councilmembers _____
NOES: Councilmembers _____
ABSTAIN: Councilmembers _____
NOT PRESENT: Councilmembers _____

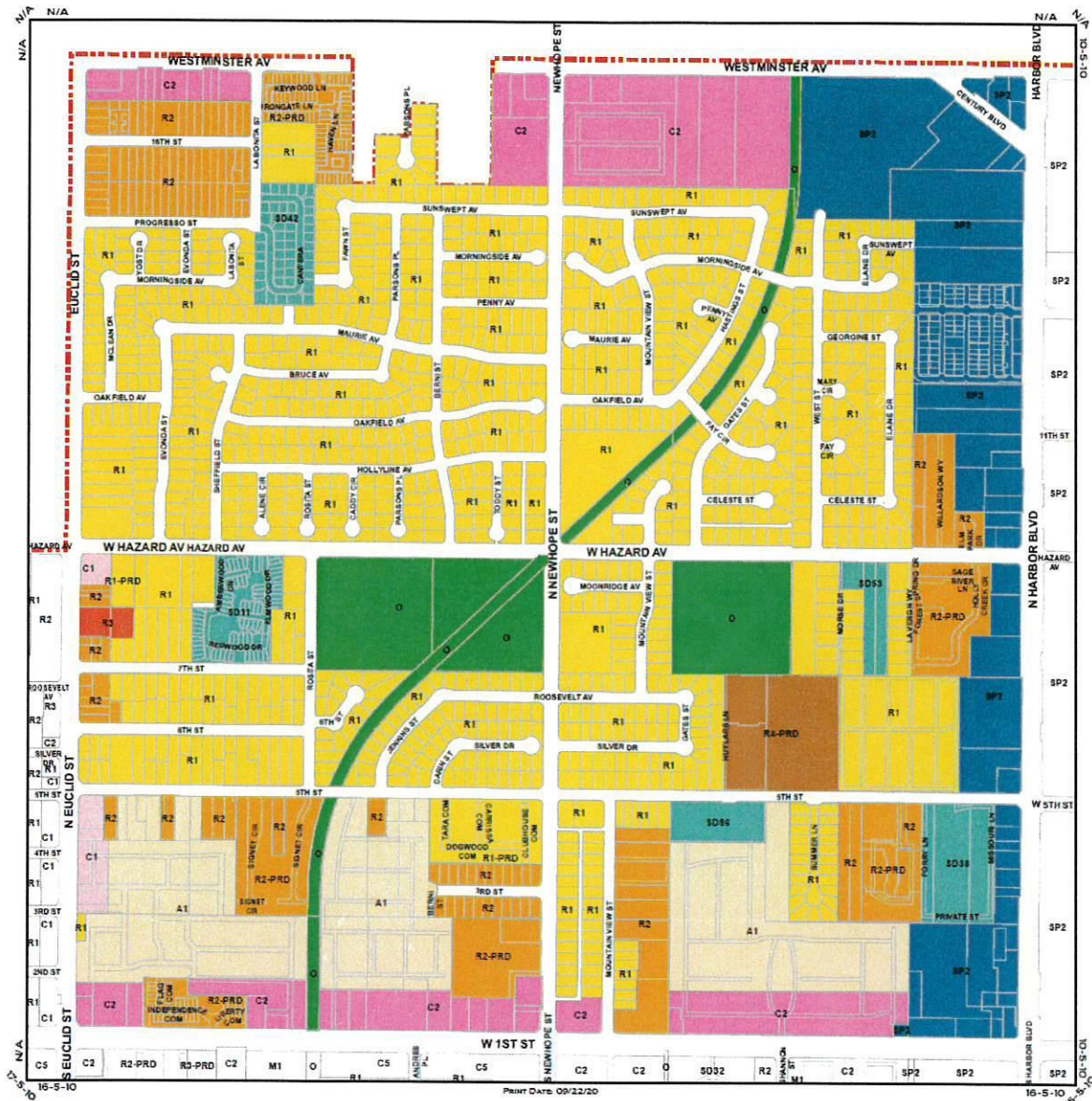
CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, DAISY GOMEZ, Clerk of the Council, do hereby attest to and certify the attached Ordinance No. NS-_____ to be the original ordinance adopted by the City Council of the City of Santa Ana on _____, 2020 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: _____

Clerk of the Council
City of Santa Ana

EXHIBIT A



ZONING DISTRICTS

A1	GENERAL AGRICULTURAL	CSM	SOUTHMAIN STREET COMMERCIAL DIST.	R2	TWO-FAMILY RESIDENCE	-B	PARKING MODIFICATION
C1	COMMUNITY COMMERCIAL	GC	GOVERNMENT CENTER	R3	MULTIPLE-FAMILY RESIDENCE	-OZ	OVERLAY ZONE
C1-MD	COMMUNITY COMMERCIAL - MUSEUM DIST.	M1	LIGHT INDUSTRIAL	R4	SUBURBAN APARTMENT	-PRD	PLANNED RESIDENTIAL DEVELOPMENT
C2	GENERAL COMMERCIAL	M2	HEAVY INDUSTRIAL	RE	RESIDENTIAL ESTATE	-HO2	HEIGHT DISTRICT II
C4	PLANNED SHOPPING CENTER	O	OPEN SPACE	SD	SPECIFIC DEVELOPMENT		
C5	ARTERIAL COMMERCIAL	P	PROFESSIONAL	SP	SPECIFIC PLAN		
CR	COMMERCIAL RESIDENTIAL	R1	SINGLE-FAMILY RESIDENCE	OZ1	METRO EAST OVERLAY ZONE		



SECTIONAL DISTRICT MAP: 9-5-10 CITY OF SANTA ANA, CALIFORNIA

