

REQUEST FOR Planning Commission Action



PLANNING COMMISSION MEETING DATE:

MAY 13, 2019

TITLE:

**PUBLIC HEARING – FOR MITIGATED NEGATIVE
DECLARATION NO. 2015-14, GENERAL PLAN
AMENDMENT NO. 2017-03, TENTATIVE TRACT MAP
NO. 2017-04 AND VARIANCE NO. 2017-10 TO ALLOW
CONSTRUCTION OF 17 RESIDENTIAL TOWNHOMES
LOCATED AT 3025 AND 3109 WEST EDINGER
AVENUE {STRATEGIC PLAN NO. 3, 2}**

Prepared by Selena Kelaher, AICP

A handwritten signature in blue ink, appearing to be "Selena Kelaher", is written over a horizontal line.

Executive Director

PLANNING COMMISSION SECRETARY

APPROVED

- ☐ As Recommended
- ☐ As Amended
- ☐ Set Public Hearing For _____

DENIED

- ☐ Applicant's Request
- ☐ Staff Recommendation

CONTINUED TO _____

A handwritten signature in blue ink, appearing to be "Candace S. [unclear]", is written over a horizontal line.

Planning Manager

RECOMMENDED ACTION

Adopt a resolution recommending that the City Council take the following actions:

1. ~~Adopt a resolution adopting and approving Mitigated Negative Declaration and Monitoring and Reporting Program, Environmental Review No. 2015-14; and~~
2. Adopt a resolution approving General Plan Amendment No. 2017-03.
3. Adopt a resolution approving Tentative Tract Map No. 2017-04 as conditioned.
4. Adopt a resolution approving Variance No. 2017-10 as conditioned to allow:
 - a) an increase in building height;
 - b) a reduction in the front yard setback;
 - c) deviations to required private open space standards; and
 - d) deviations from required floor plan standards.

Executive Summary

Colleen Bathgate, representing Haphan Group Inc., is requesting approval of several entitlements to allow a 17-unit condominium project on a vacant lot at 3025 to 3109 West Edinger Avenue. The entitlements include a General Plan Amendment from Low Density Residential (LR-7) to Medium Density Residential (MR-15), tentative tract map to consolidate three existing lots and subdivide the new condominium development, and variances to allow an increase in building height, reduction in the front yard setbacks, modifications to required private open space, and modifications to the floor plans. The applicant is also requesting approval of a Mitigated Negative Declaration as it has been determined that the project would result in a less than significant impact with the implementation of a mitigation measure for noise.

In conjunction with the applicant's request, the City is proposing to change the General Plan land use designation of four adjacent properties to the east (2935, 3007, 3013, and 3019 West Edinger Avenue) from LR-7 to MR-15. Staff is recommending approval of the project to facilitate development of a vacant lot with a townhome development. The project will not negatively impact the surrounding community due to site planning that is sensitive to the nearby residential neighborhood, compatibility between land uses (adjacent multi-family uses to the west) and being located on an arterial roadway Edinger Avenue.

Table 1: Project and Location Information

Item	Information	
Project Address	3025-3109 West Edinger Avenue	
Nearest Intersection	Mohawk Drive and Edinger Avenue	
Exiting General Plan Designation	Low Density Residential (LR-7)	
Proposed General Plan Designation	Medium Density Residential (MR-15)	
Existing Zoning Designation	Two-Family Residence (R-2)	
Surrounding Land Uses	North	Single-family Residential
	East	Multi-family Residential
	South	Open Space
	West	Single-family Residential
Property Size	53,129 square feet (1.22 acres)	
Existing Site Development	Vacant	
Use Permissions/Proposed Development	Townhouse Standards	
	Variances	
Zoning Code Sections Affected	Uses	Section 41-247
	Development Standards	Section 41-273 through 41-288

Project Description

The applicant is proposing to construct 17 townhome units on a 1.22-acre vacant site. The project consists of three buildings (one 9-plex and two 4-plexes) built around a landscaped courtyard. The buildings are three levels which allow for stacked floor plans. Typical floor plan configurations include a 2-car garage with optional den/bedroom on the first floor, common living areas on the second floor and two to three bedrooms on the third floor. There are three plan types which range from 1,170 to 2,021 square feet in size. Private open space is provided for each unit through a combination of ground floor patios and upper floor balconies. The 4,415 square foot common area courtyard will be improved with landscaping, benches, fountains, shade structures and barbecues. Vehicular access is provided via the gated entry on Edinger Avenue which leads to the main drive aisle and 34 open parking spaces. The second driveway allows for egress only on Edinger Avenue. The buildings have a contemporary design with various materials including lap siding, stucco, stone

veneer, metal awnings and canopies. In addition, the buildings have been designed to have recessed floors, projections and balconies to add visual interest to the design. The project also requires an eight-foot wide dedication along Edinger Avenue, a painted median on Edinger Avenue restricting access to the site to right turns in and out, and the installation of “no left turn” signs on-site at the driveways (Exhibit 6 through 8).

Project Background and Chronology

In 2015, the property owner submitted an application to develop the site with 15 units which would require a General Plan Amendment to change the land use designation of the site to Medium Density Residential (15 dwelling units per acre). In accordance with the Sunshine Ordinance, the applicant held a community meeting on April 18, 2015, to review plans for a 15-unit, two-story development consisting of duplex and single-family buildings. Between 2015 and 2016 the applicant revised the proposal to add 3 additional units and redesigned the project to include three-story townhomes. On June 8, 2016, the developer attended the Windsor Village & Windsor Village North Neighborhood Associations meeting to review the revised building design for a proposed 18-unit development plan.

In addition, on August 16, 2018, staff attended the Windsor Village & Windsor Village North Neighborhood Associations meeting to give a status update on the project. The community voiced support of project and development of the site. Based on community comments received at the meeting, the project has been further refined to locate the trash enclosures to an internal location away from the adjacent single-family dwellings. In addition, recently the applicant revised the plans to eliminate one unit, add additional guest parking to comply with the townhome off-street parking standard of 4 parking spaces per unit and to comply with private open space standards.

Table 2: Townhome Development Standards

TOWNHOME STANDARDS		
Standard	Required by SAMC	Provided
Minimum Development Site	12,000 square feet	Complies; 53,129 square feet
Building Height	27 feet; 2-stories	Does not comply; 34 feet, 5 inches; 3-stories
Lot Coverage	50% maximum	Complies; 30%
Front Yard	20 feet minimum	Does not comply; 10 feet
Side Yard	10 feet minimum	Complies; 28 feet, 5 inches
Rear Yard	15 feet minimum	Complies; 45 feet, 2 inches
Off-street Parking	68 spaces 2 spaces per unit in a garage 2 guest spaces per unit	Complies; 68 spaces 2 spaces per unit in a garage (34 spaces) 2 guest spaces per unit (34 spaces)

TOWNHOME STANDARDS		
Standard	Required by SAMC	Provided
Open Space	Private Open Space; 250 square feet per unit, minimum 10' x 10' (at the ground level, accessible from the kitchen, dining area, den, family/living room)	Does not comply; Open space is provided on the second level and less than 10' in each direction
	Common Open Space; 4,250 square feet (250 square feet per unit, not including yards)	Complies; 4,415 square feet
Building Separation	20 feet between structures	Complies; 20 feet, 3 inches
Access	40% of living area required at ground floor Plan 1 required 468 SF Plan 2 requires 800 SF Plan 3 required 808 SF	Does not comply; Plan 1 = 81 SF (7%) Plan 2 = 420 SF (21%) Plan 3 = 422 SF (21%)

Project Analysis

General Plan Amendment

The project site is currently designated as Low Density Residential (LR-7) which allows for a maximum of seven dwelling units per acre. The intent of the low density designation is to allow for the development of single-family homes. However, the zoning for the site (R-2) allows for two-family dwellings and townhomes (three or more attached units). Therefore, applicant is requesting a General Plan Amendment to Medium Density Residential (MR-15) which allows a maximum of 15 dwelling units per acre (18 units for a 1.22-acre site). The proposed project is 17 unit (14 dwelling units per acre) which is consistent with the MR-15 prescribed density.

The Planning Division is proposing to amend the land use designation of the four properties to the east (3019, 3013, 3007 and 2935 West Edinger Avenue) to also be Medium Density Residential. The Medium Density Residential (MR-15) designation is consistent with the existing multi-family uses to the east. The amendment will create a block of MR-15 properties which will encourage a cohesive development pattern. Additionally, the amendment supports planning practices to use multi-family uses as a buffer between to single-family dwellings and to focus higher intensity uses and development along arterial roadways such as Edinger Avenue. The project supports several of the goals and policies of the General Plan, by providing housing and creating a project which is harmonious in scale and character with existing development in the area. Therefore, text and map amendments have been prepared for the Planning Commission's consideration and recommendation to the City Council.

Tentative Tract Map

Subdivision requests are governed by Chapter 34 and Chapter 41 of the SAMC. Pursuant to Section 66473.5 and 66474 of the California Subdivision Map Act, applications for tentative tract maps are approved when it can be shown that findings can be made in support of the request. Specifically, findings related to the proposal being consistent with the General Plan, the site is in conformance with all applicable City ordinances, the project site is physically suitable for the type and density of the proposed project, the proposed project will not cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat, the proposed project will not cause serious public health problems, or the proposed project will not conflict with easements necessary for public access through or use of the property must be made. Using this information staff has prepared the following analysis, which, in turn forms the basis for the recommendation contained in this report. In analyzing the applicant's request, staff believes that the following analysis warrants approval of the tentative tract map.

The applicant is seeking approval of a tentative parcel map to consolidate three existing lots and to subdivide the 1.22-acre parcel into 17 condominiums. In conjunction with the tentative tract map, the applicant will construct a 17-unit townhouse development. Since this application is only to subdivide the lots, no major issues were identified with the proposal. In reviewing the project, staff determined that the proposal as conditioned is consistent with the various provisions of the SAMC and General Plan, including lot size, lot frontage, and lot coverage. No adverse environmental impacts to fish or wildlife populations were identified as the project site is located in a built-out, urbanized area. In addition, conditions of approval are included requiring the applicant to enter into a property maintenance agreement and to submit the Covenant, Conditions and Restrictions (CC&Rs) to the Planning Division for review. Based on community comments received at the August 2018 neighborhood meeting the CC&Rs include provisions to keep trash enclosure lids closed and to plant and maintain trees and shrubs at the side and rear property lines to preserve privacy for the adjacent single-family homes. Finally, the tentative map was found to be consistent with the California Subdivision Map Act and Chapters 34 and 41 of the Municipal Code.

Variance Requests

The applicant is requesting approval of several variances for the proposed townhome project (Exhibit 4). The townhouse standards were adopted by the City in 1991 and prescribe detailed development standards. Over the past 30 years building types, development conditions and community factors have changed resulting in requests for variances to the townhouse standards. For example, the Avenue E, 44-unit condominium project, east of the site at 2823-2931 West Edinger Avenue was approved with similar variances for building height, yards and floor plan configuration/access. Table 2 indicates the standards for which a variance is required. The standards and requested variance are discussed below.

Building Height

Section 41-277 of the SAMC limits the height of townhomes to 27 feet and no more than two-stories in height. The applicant is requesting a variance to allow three-story buildings that are 34-feet, 5-inches in height. A three story floor plan will allow each unit to have a private garage, common living areas and two to three bedrooms. The single-family dwellings to the north and west are one-story in height, but the zoning permits up to two-stories in height. The multi-family development to the west is two-stories in height. The Avenue E condominium project is 2 and 3-stories in height. The site plan has been designed to cluster the buildings and place the buildings further away from the existing residential uses with a 45-foot minimum rear setback and 30-foot minimum side setbacks to preserve privacy. In addition, the size and number of windows on the third story have been limited. Finally, a condition of approval is included to require trees and shrubs along the rear and side property lines to screen views of the property and provide additional privacy for the adjacent single-family homes.

Front Yard

A front yard of 20 feet is required along Edinger Avenue per SAMC Section 41-279. The project requires an eight-foot irrevocable offer of dedication to widen Edinger Avenue to its ultimate right-of-way of 120-feet. Although the right-of-way is not currently needed, the dedication will ultimately reduce the size of the project site. Setbacks for yards are measured from the future property line, therefore after the dedication the setback along Edinger Avenue will be 10 feet for the two units along the front property line. The timing of the future right of way improvements is not yet determined; therefore, an 18 foot landscaped setback will be provided in the interim. The units along Edinger Avenue will have ground level entry doors and private patios that front the street to help create a physical presence and increase the number of "eyes on the street." The yard will be landscaped with trees and shrubs and have pedestrian walkways and connections to the street. It is not anticipated that the request for a 10-foot reduction in the yard will affect the aesthetics of the project, street or neighborhood. Furthermore, the Avenue E condominium project has a setback of seven feet (with eight-foot irrevocable offer) for which a variance was approved.

Open Space

The private open space requirement for townhome projects is specified in Section 41-283 of the SAMC. Typically, open space is required based on a minimum square footage or percentage of the development site. However, the provisions for townhomes go into more detail. For private open space the code specifies that the open space shall be at the ground level, a minimum of 10 feet by 10 feet in each direction and accessible from the kitchen, dining area, den and/or living room. Each unit has a minimum of 250 square feet of private open space, but the private open space is provided through a combination of ground floor patios and upper level balconies (less than 10 feet in each direction) that are accessible from both living areas and bedroom.

The variance for open space provides flexibility in the design and will not be detrimental to the public or adversely affect the General Plan. Furthermore, the project complies with the requirements for common open space and is located across the street from Centennial Regional Park which can be utilized for recreational activities. Although the private open space requirements are not met when the strict application of the code is applied, there is private open space for each unit and an ample amount of common open space that will provide opportunities for casual social interactions and recreational activities.

Floor Plans

Section 41-286(a) of the townhome standards requires a minimum of 40 percent of the living area to be accessible from the ground level. The intent of the standard is to provide direct ground floor access to each unit and to minimize aesthetic concerns related to outdoor stairwells and second story entries found in older multi-unit developments. As proposed, 14 units will have living space (approximately 400 square feet – 20 percent) on the ground floor; however three units do not have living space on the ground floor, but a landing that leads to a staircase to the upper floors. Providing tuck under garages creates a challenge in providing both parking and a large portion of living area on the first level. It is not anticipated that the proposed floor plan configuration will affect the aesthetics or function of the project.

Table 3: CEQA, Strategic Plan Alignment, and Public Notification & Community Outreach

CEQA, Strategic Plan Alignment, and Public Notification & Community Outreach		
CEQA		
CEQA Type	A Mitigated Negative Declaration (MND) Environmental Review No. 2015-14 with technical studies (traffic study, air quality and greenhouse gas emissions analysis, Phase I site assessment, preliminary water quality management plan) was prepared for the project. No areas of significant impact were determined from the construction or operation of the proposed project for agriculture and forestry, biology, cultural resources and mineral resources. A less than significant impact would result from the construction or operation of the proposed project to aesthetics, air quality, geology greenhouse gas emissions, hazards, hydrology and water quality, land use planning, population and housing, public services, recreation, transportation/traffic, tribal resources, and utilities. Noise impacts due to the vehicular noise from Edinger Avenue were found to be less than significant with the implementation of a mitigation measure to provide noise barriers for the exterior patios (exterior noise limited to 65 dBA CNEL for the yards along Edinger Avenue).	
Public Notification	On June 11, 2018 the draft MND was circulated to interested parties and the notice of intent was published in the Orange County Register and posted with the County of Orange Clerk. The draft MND was available for public review at the Santa Ana City Hall, Main Library, and on the project webpage on the City's website.	
Strategic Plan Alignment		
Goal(s), Policy or Policies	3, 2 (create new opportunities for business/job growth and encourage private development through new General Plan and Zoning Ordinance policies)	
Public Notification & Community Outreach		
Required Measures	Site posting	A public noticed was posted on the project site on March 15, 2019.

CEQA, Strategic Plan Alignment, and Public Notification & Community Outreach		
	Notification by mail	Notification by mail was mailed to all property owners/occupants within 500 feet of the project site, and interested parties, on March 15, 2019.
	Newspaper posting	Newspaper posting was published in the Orange County Reporter on March 15, 2019.
Sunshine Meeting	<p>A Sunshine Ordinance Community Meeting was held on April 18, 2015 at 10:00 a.m. in accordance with the provisions of the City's Sunshine Ordinance. A total of 9 members of the public attended. The applicant provided all the required information to the City after the meeting (Exhibit 7).</p> <p>On June 8, 2016, the developer attended the Windsor Village & Windsor Village North Neighborhood Associations meeting to review a revised design for a proposed 18-unit development plan.</p> <p>On August 16, 2018, staff attended the Windsor Village & Windsor Village North Neighborhood Associations meeting to give a status update on the project.</p>	
Additional Measures	The Windsor Village & Windsor Village North Neighborhood Associations chairpersons were contacted 10 days prior to the public hearing. At the time this report was printed, no issues of concern were raised regarding this application.	

Economic Development

Based on the development of the 17 townhomes, the City is expected to generate approximately \$140,000 in permit fees. The project will also increase the property tax for the individual units. The properties are currently vacant and have a taxable value of approximately \$1.1 million. Upon completion of the project, the estimated taxable value of the property is approximately \$10 million. Based on the \$10 million valuation, the estimated annual tax revenue to the City is approximately \$11,000 (not including a 2% annual increase).

Conclusion

Based on the analysis provided within this report, staff recommends that the Planning Commission recommends to the City Council a resolution approving Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Environmental Review No. 2015-14 and General Plan Amendment No. 2017-03 and that the Planning Commission approves Tentative Tract Map No. 2017-04 and Variance No. 2017-10 as conditioned.



Selena Kelaher, AICP
Associate Planner

SK:sb

MND No. 2015-14, GPA No. 2017-03,
TTM No. 2017-04 & VAR No. 2017-10
May 13, 2019
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Attachments:

- Exhibit 1 – Planning Commission Resolution
- Exhibit 2 – Aerial & Vicinity Map
- Exhibit 3 – Site Photo
- Exhibit 4 – Site Plan
- Exhibit 5 – Floor Plans
- Exhibit 6 – Elevations
- Exhibit 7 – Sunshine Meeting Minutes

RESOLUTION NO. 2019-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA RECOMMENDING TO THE CITY COUNCIL APPROVAL/ADOPTION OF THE FOLLOWING: (1) MITIGATED NEGATIVE DECLARATION (ENVIRONMENTAL REVIEW NO. 2015-14) AND A MITIGATION MONITORING AND REPORTING PROGRAM; (2) GENERAL PLAN AMENDMENT NO. 2017-03; (3) TENTATIVE TRACT MAP NO. 2017-04, AS CONDITIONED; AND (4) VARIANCE NO. 2017-10, AS CONDITIONED FOR THE TOWNHOME PROJECT LOCATED AT 3025 AND 3109 WEST EDINGER AVENUE

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. Colleen Bathgate representing Haphan Group, Inc. (Applicant) is requesting approval of General Plan Amendment No. 2017-03, Tentative Tract Map No. 2017-04, as conditioned and Variance No. 2017-10, as conditioned in order to facilitate construction of 17 townhomes on a 1.22-acre site at 3025 and 3109 West Edinger Avenue.
- B. The provisions of the California Environmental Quality Act of 1970 (CEQA), Public Resources Code Sections 21000 et. seq., as amended, requires the evaluation of environmental impacts in connection with proposals for discretionary projects.
- C. Pursuant to the Guidelines for the Implementation of the California Environmental Quality Act, an Initial Study relative to the proposed project concluded that implementation of the project could result in potentially significant effects on the environment and identified a mitigation measure that would reduce the significant effects to a less-than-significant level.
- D. The City of Santa Ana prepared a Mitigated Negative Declaration (MND), Environmental Review No. 2015-14 for the proposed project which reflects the City's independent judgement and analysis as lead agency for the project. The Mitigated Negative Declaration concluded that the project would have a less than significant environmental impact with implementation of a mitigation measure to address noise by providing noise barriers to limit

exterior noise limited to 65 dBa CNEL for the eight southern yards.

- E. On June 11, 2018, Notice of Intent to adopt the Initial Study and Mitigated Negative Declaration, Environmental Review No. 2015-14 was published in the Orange County Register newspaper and circulated to interested parties.
- F. The documents related to the Mitigated Negative Declaration were made available for a 20-day public review and comment period at the Santa Ana City Hall, the Main Library, and on the project webpage on the City's website.
- G. The mitigation measure for noise set forth in the Mitigated Negative Declaration is fully enforceable and will be implemented using the Mitigation Monitoring and Reporting Program.
- H. The Applicant is requesting approval of General Plan Amendment No. 2017-03 to amend the General Plan land use designation of the properties at 3025 and 3109 West Edinger Avenue from Low Density Residential (LR-7) to Medium Density Residential (MR-15) and to update text portions of the City's Land Use Element to reflect this change in order to facilitate construction of a 17-unit townhome development on a 1.22-acre site.
- I. The City of Santa Ana is proposing to change the land use designation of four adjacent properties at 2935, 3007, 3013, and 3019, West Edinger Avenue totaling 1.64-acres from Low Density Residential (LR-7) to Medium Density Residential (MR-15) and to update text portions of the City's Land Use Element to reflect this change.
- J. The Applicant is requesting approval of Tentative Tract Map No. 2017-04, as conditioned to consolidate three existing lots into one development and subdivide the site for 17 condominium units on a 1.22-acre site at 3025 and 3109 West Edinger Avenue.
- K. The Applicant is requesting approval of Variance No. 2017-10 as conditioned, for this project to allow: a) increase in building height, b) reduction in the front yard setback, c) deviations to private open space and d) deviations to the living areas to be primarily on the upper floors as set forth by the Santa Ana Municipal Code.
- L. On May 13, 2019, the Planning Commission of the City of Santa Ana held a duly noticed public hearing to consider all testimony, written and oral, related to Mitigated Negative Declaration, Environmental Review No. 2015-14, and the related Mitigation Monitoring and Reporting Program for the project; General Plan Amendment No. 2017-03, Tentative Tract Map No. 2017-04 as conditioned, and Variance No. 2017-10, as conditioned; at which time all persons wishing to testify were heard, the project was fully considered, and all other legal prerequisites to the adoption of this Resolution occurred.

Section 2. The Planning Commission has independently reviewed and analyzed the information contained in the Initial Study and the Mitigated Negative Declaration, Environmental Review No. 2015-14, prepared with respect to this project. Pursuant to CEQA Guidelines Section 15074(a), the Planning Commission considered the analysis and conclusion of the MND as well as the mitigations outlined in the Mitigation Monitoring and Reporting Program. The Planning Commission recommends, as a result of its consideration and the evidence presented at the hearings on this matter, that the City Council determined that, as required pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the MND adequately addresses the expected environmental impacts of this project. On the basis of this review, the Planning Commission recommends that the City Council find that there is no substantial evidence from which it can be fairly argued that the project will have a significant adverse effect on the environment and the MND reflects the independent judgment and analysis of the City Council.

Section 3. This Planning Commission of the City of Santa Ana after conducting the public hearing hereby recommends that the City Council adopts a resolution adopting and approving the MND and adopts the Mitigation Monitoring and Reporting Program (Attachment A), and direct that the Notice of Determination be prepared and filed with the County Clerk of the County of Orange in the manner required by law; recommends that the City Council approve General Plan Amendment No. 2017-03 (Attachment B); recommends that the City Council approve Tentative Tract Map No. 2017-04, as conditioned (Attachment C); and recommends that the City Council approve Variance No. 2017-10, as conditioned (Attachment D). 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 May 13, 2019, and exhibits attached hereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

Section 4. Pursuant to Title XIV, California Code of Regulations (CCR) § 735.5(c)(1), the Planning Commission has determined that, after considering the record as a whole, there is no evidence that the proposed project will have the potential for any significant adverse effect on wildlife resources or the ecological habitat upon which wildlife resources depend. The proposed project exists in an urban environment characterized by paved concrete, roadways, surrounding buildings and human activity. However, pursuant to Fish and Game Code § 711.2 and Title XIV, CCR § 735.5, the payment of Fish and Game Department filing fees in conjunction with this project is at the discretion of the State of California Department of Fish and Wildlife.

Section 5. 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.

ADOPTED this 13th day of May 2019 by the following vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTENTIONS: Commissioners:

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, Commission Secretary, do hereby attest to and certify the attached Resolution No. 2019-xx to be the original resolution adopted by the Planning Commission of the City of Santa Ana on May 13, 2019.

Date: _____

Commission Secretary
City of Santa Ana

RESOLUTION NO. 2019-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADOPTING MITIGATED NEGATIVE DECLARATION ENVIRONMENTAL REVIEW NO. 2015-14 AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM; FOR GENERAL PLAN AMENDMENT NO. 2017-03, TENTATIVE TRACT MAP NO. 2017-04 AND VARIANCE NO. 2017-10 FOR THE TOWNHOME PROJECT LOCATED AT 3025 WEST EDINGER AVENUE

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. Colleen Bathgate, representing Haphan Group, Inc. (Applicant), is requesting approval of General Plan Amendment No. 2017-03, Tentative Map No. 2017-04 and Variance No. 2017-10 in order to facilitate construction of 18 townhomes on a 1.22-acre site at 3025 West Edinger Avenue.
- B. The provisions of the California Environmental Quality Act of 1970 (CEQA), Public Resources Code Sections 21000 et. seq., as amended, and the CEQA Guidelines require the evaluation of environmental impacts in connection with proposals for discretionary projects.
- C. Pursuant to Guidelines for the Implementation of the California Environmental Quality Act, an Initial Study relative to the proposed project concluded that implementation of the project could result in potentially significant effects on the environment and identified a mitigation measure that would reduce the significant effects to a less-than-significant level.
- D. The City of Santa Ana prepared a Mitigated Negative Declaration (MND), Environmental Review No. 2015-14 for the proposed project which reflects the City's independent judgement and analysis as lead agency for the project. The Mitigated Negative Declaration concluded that the project would have a less than significant environmental impact with implementation of a mitigation measure to address noise.
- E. On June 11, 2018, Notice of Intent to adopt the Initial Study and Mitigated Negative Declaration, Environmental Review No. 2015-14 was published in the Orange County Register newspaper and circulated to interested parties.

EXHIBIT 1 - ATTACHMENT A

- F. The documents related to the Mitigated Negative Declaration were made available for a 20-day public review and comment period at the Santa Ana City Hall, the Main Library, and on the project webpage on the City's website.
- G. The mitigation measure set forth in the Mitigated Negative Declaration is fully enforceable and will be implemented using the Mitigation Monitoring and Reporting Program attached hereto as Exhibit A, and incorporated herein by reference.
- H. On May 13, 2019, the Planning Commission of the City of Santa Ana held a duly noticed public hearing and voted to recommend that the City Council approve a resolution to adopt Mitigated Negative Declaration, Environmental Review No. 2015-14 and adopt the related Mitigation Monitoring and Reporting Program for the project.
- I. On June 4, 2019, the City Council of the City of Santa Ana held a duly noticed public hearing to consider all testimony, written and oral, related to Mitigated Negative Declaration, Environmental Review No. 2015-14, and the related Mitigation Monitoring and Reporting Program for the project, at which time all persons wishing to testify were heard, the project was fully considered, and all other legal prerequisites to the adoption of this Resolution occurred.

Section 2. The City Council has independently reviewed and analyzed the information contained in the Initial Study and the Mitigated Negative Declaration, Environmental Review No. 2015-14, prepared with respect to this project. The City Council has, as a result of its consideration and the evidence presented at the hearings on this matter, determined that, as required pursuant to the California Environmental Quality Act and the State CEQA Guidelines, the MND adequately addresses the expected environmental impacts of this project. On the basis of this review, the City Council finds that there is no substantial evidence from which it can be fairly argued that the project will have a significant adverse effect on the environment. The MND reflects the City Council's independent judgment and analysis.

Section 3. The City Council hereby adopts and approves the MND and adopts the Mitigation Monitoring and Reporting Program, and directs that the Notice of Determination be prepared and filed with the County Clerk of the County of Orange in the manner required by law. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to: the Request for Council Action dated June 4, 2019, and exhibits attached hereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

Section 4. Pursuant to Title XIV, California Code of Regulations (CCR) § 735.5(c)(1), the City Council has determined that, after considering the record as a whole, there is no evidence that the proposed project will have the potential for any significant adverse effect on wildlife resources or the ecological habitat upon which wildlife resources depend. The proposed project exists in an urban environment

characterized by paved concrete, roadways, surrounding buildings and human activity. However, pursuant to Fish and Game Code § 711.2 and Title XIV, CCR § 735.5, the payment of Fish and Game Department filing fees in conjunction with this project is at the discretion of the State of California Department of Fish and Wildlife.

Section 5. The MND and Mitigation Monitoring and Reporting Program, and any other documents and materials that constitute the record of proceedings upon which these findings have been based are on file and available for public review at Santa Ana City Hall, Planning and Building Agency, M20, 20 Civic Center Plaza, Santa Ana, California 92802. The custodian of these records is Norma Mitre, Acting City Clerk for the City.

Section 6. 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 7. 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 _____, 2019.

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, NORMA MITRE, Acting Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2019-xx to be the original resolution adopted by the City Council of the City of Santa Ana on _____, 2019.

Date: _____

Acting Clerk of the Council
City of Santa Ana

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

As noted within the Initial Study/Mitigated Negative Declaration, there is a single mitigation measure that will be implemented to avoid or lessen the environmental impacts associated with the 3025 W. Edinger Avenue Townhomes Project. Public Resources Code § 21081.6 requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to the proposed development:

. . . the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted, or made a condition of project approval, in order to mitigate or avoid significant effects on the environment.

Public Resources Code Section § 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting/monitoring requirements enforced during Project implementation must be defined before adoption of a Mitigated Negative Declaration.

The mitigation monitoring table provided below lists the mitigation measure that is included as a condition of approval for the Project. This mitigation measure corresponds with the one identified in the Initial Study/Mitigated Negative Declaration. The City of Santa Ana Planning and Building Agency will have the primary responsibility for monitoring and reporting implementation of the mitigation measure.

3025 W. EDINGER AVENUE TOWNHOMES PROJECT						
MITIGATION MONITORING AND REPORTING PROGRAM						
Mitigation Measure		Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance	
					Initials	Date
NOISE						
N-1	Ensure Acceptable Exterior Noise Levels in Private Yards Prior to issuance of any building permits, the Developer shall demonstrate, to the satisfaction of the City Building Official, that exterior noise exposure within the eight private yards to be located in the southern part of the site will be less than 65 dB(A) CNEL.	Noise attenuation measures to be demonstrated on final site plans and installed during the construction phase.	Review/Approval of acoustical study and final site plan, and field inspections/measurements	Project Applicant to submit acoustical study, identify mitigation on site plan, install approved mitigation. City of Santa Ana Planning and Building Agency to review acoustical study and plans, conduct field inspections to verify compliance with approved plans.		

MITIGATED NEGATIVE DECLARATION

The Mitigated Negative Declaration (MND) and Technical Appendices are available at the following locations:

Online:

<https://www.santa-ana.org/sites/default/files/Documents/FullDoc.pdf>

Paper Copies:

Planning and Building Agency
Planning Counter, First Floor
20 Civic Center Plaza
Santa Ana, CA 92701

Santa Ana Public Library
26 Civic Center Plaza
Santa Ana, CA 92701

HAPHAN TOWNHOMES
MITIGATED NEGATIVE DECLARATION LINK

RESOLUTION NO. 2019-xx

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SANTA ANA APPROVING GENERAL PLAN
AMENDMENT NO. 2017-03 FOR THE PROPERTIES
LOCATED AT 2935, 3007, 3013, 3019, 3025 AND
3109 WEST EDINGER AVENUE

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. Colleen Bathgate, representing Haphan Group, Inc. ("Applicant"), is requesting approval of General Plan Amendment No. 2017-03 to amend the General Plan land use designation of the properties at 3025 and 3109 West Edinger Avenue from Low Density Residential (LR-7) to Medium Density Residential (MR-15) and to update text portions of the City's Land Use Element to reflect this change in order to facilitate construction of a 17-unit townhome development on a 1.22-acre site.
- B. In addition, the City of Santa Ana is proposing to change the land use designation of four properties at 2935, 3007, 3013, and 3019, West Edinger Avenue totaling 1.64-acres from Low Density Residential (LR-7) to Medium Density Residential (MR-15) and to update text portions of the City's Land Use Element to reflect this change.
- C. On May 13, 2019, the Planning Commission of the City of Santa Ana held a duly noticed public hearing and voted to recommend that the City Council adopt a resolution adopting Mitigated Negative Declaration, Environmental Review No. 2015-14 and approve General Plan Amendment No. 2017-03.
- D. On June 4, 2019, the City Council of the City of Santa Ana held a duly noticed public hearing to consider all testimony, written and oral, related to General Plan Amendment No. 2017-03, at which time all persons wishing to testify were heard, the project was fully considered, and all other legal prerequisites to the adoption of this resolution occurred.
- E. General Plan Amendment No. 2017-03 has been filed to amend the General Plan land use designation of the properties at 3025 and 3109 West Edinger Avenue from Low Density Residential (LR-7) to Medium Density Residential (MR-15). In addition, the City of Santa Ana is proposing to change the land use designation of the properties at 2935, 3007, 3013, and 3019 West Edinger from Low Density Residential (LR-7) to Medium Density Residential

(MR-15) and to update text portions of the City's Land Use Element to reflect this change.

1. The existing General Plan land use designation for the project area is Low Density Residential (LR-7) which applies to lower density residential land uses characterized by single-family homes with a maximum allowable intensity of seven (7) dwelling units per acre.
 2. The proposed General Plan land use designation for the project area is Medium Density Residential (MR-15) which applies to multiple-family developments characterized by duplexes, apartments, and townhomes with a maximum allowable intensity of 15 dwelling units per acre.
 3. The general plan amendment will support several goals and policies of the General Plan, including the Land Use Element and Housing Element. In specific, General Plan Land Use Element, Goal 1 to promote a balance of land uses to address basic community needs. Specifically, Policy 1.5 to maintain and foster a variety of residential land uses. The project will provide 17 for-sale townhome units. Policy 2.10 to support new development which is harmonious in scale and character with existing development in the area. The project is similar in scale and character to the multi-family uses to the east along Edinger Avenue. The project has been designed to be setback away from the residential properties to the north, with limited windows on the upper stories and trees to be planted to screen views. Policy 3.1 to support development which provides a positive contribution to neighborhood character and identity. The project will allow for redevelopment of a vacant lot with a new residential development with a contemporary design and variety of building materials along a major arterial roadway. Housing Element, Goal 2 to provide a diversity of quality housing, affordability levels, and living experiences that accommodate Santa Ana's residents and workforce of all household types, income levels, and are groups to foster an inclusive community. Policy 2.5 to facilitate diverse types, prices and size of housing, including single-family homes, apartments, townhomes, mixed/multiuse housing, transit oriented housing, multi-generational housing and live work opportunities. The project will provide a for-sale townhome product with units that range from two to three bedrooms with 1,170 to 2,021 square feet in size.
- F. The Planning Commission has weighed and balanced the General Plan's policies, and has determined that based upon this balancing that General Plan Amendment No. 2017-03 is consistent with the purpose of the general plan.

Section 2. The Planning Commission of the City of Santa Ana recommends that the City Council adopt a resolution approving General Plan Amendment No. 2017-03. This recommendation 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 May 13, 2019 and exhibits attached thereto; and the public testimony, all of which are incorporated herein by this reference.

Section 3. The City Council has reviewed and considered the information contained in the initial study and the mitigated negative declaration (MND), Environmental Review No. 2015-14, prepared with respect to this project. The City Council has, as a result of its consideration 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, the MND adequately addresses the expected environmental impacts of this project. On the basis of this review, the City Council finds that there is no evidence from which it can be fairly argued that the project will have a significant adverse effect on the environment.

Section 4. The City Council of the City of Santa Ana after conducting the public hearing hereby approves General Plan Amendment No. 2017-03. The amendments to the Land Use Element are attached hereto as Exhibit A and incorporated herein by this reference 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 Council Action dated June 4, 2019, and exhibits attached hereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

Section 5. 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 6. 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 _____, 2019.

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, NORMA MITRE, Acting Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2019-xx to be the original resolution adopted by the City Council of the City of Santa Ana on _____, 2019.

Date: _____

Acting Clerk of the Council
City of Santa Ana

City of Santa Ana General Plan Land Use Element 1998

City of Santa Ana Planning Division



Adopted

February 2, 1998


(Reformatted January 2010)

The following is a chronology of the approved general plan amendments that have been incorporated into this document since the comprehensive update of the General Plan Land Use Element adopted by the Santa Ana City Council February 2, 1998 (GPA 1997-05):

GPA 2017-03 (Pending)

GPA 2018-05 (December 4, 2018)	GPA 2014-02 (October 21, 2014)	GPA 2006-01 (October 2, 2006)	GPA 2001-03 (February 19, 2002)
GPA 2018-03 (September 18, 2018)	GPA 2014-01 (June 3, 2014)	GPA 2005-01 (December 5, 2005)	GPA 2001-02 (January 7, 2002)
GPA 2018-02 (May 15, 2018)	GPA 2011-03 (March 19, 2012)	GPA 2005-02 (October 17, 2005)	GPA 2000-09 (May 7, 2001)
GPA 2015-01 (May 15, 2018)	GPA 2011-02 (June 6, 2011)	GPA 2004-01 (April 5, 2005, as passed by the voters of Santa Ana)	GPA 2000-08 (February 5, 2001)
GPA 2017-02 (December 19, 2017)	GPA 2010-01 (June 7, 2010)	GPA 2004-04 (July 19, 2004)	GPA 2000-03 (December 4, 2000)
GPA 2017-01 (June 20, 2017)	GPA 2008-02 (July 20, 2009)	GPA 2004-06 (July 6, 2004)	GPA 2000-02 (November 20, 2000)
GPA 2016-03 (February 21, 2017)	GPA 2007-03 (May 18, 2009)	GPA 2003-02 (June 16, 2003)	GPA 1999-02 (October 18, 1999)
GPA 2016-02 (May 17, 2016)	GPA 2008-01 (May 5, 2008)	GPA 2003-01 (February 18, 2003)	GPA 1999-01 (August 16, 1999)
GPA 2016-01 (April 19, 2016)	GPA 2004-03 (February 2, 2009)	GPA 2002-01 (September 3, 2002)	GPA 1998-04 (October 5, 1998)
GPA 2015-03 (February 2, 2016)	GPA 2007-02 (June 18, 2007)	GPA 2002-03 (August 19, 2002)	GPA 1998-05 (September 21, 1998)
	GPA 2007-01 (March 19, 2007)		GPA 1998-01 (May 4, 1998)

Exhibit 2 Land Use Plan



Land Use Designations

- LR-7 (Low Density Residential)
- LMR-11 (Low-Medium Density Residential)
- MR-15 (Medium Density Residential)
- UN (Urban Neighborhood)
- GC (General Commercial)
- IND (Industrial)
- INS (Institutional)
- O (Open Space)
- DC (District Center)
- PAO (Professional & Administration Office)
- OBPOC (One Broadway Plaza District Ctr.)

Land Use Plan


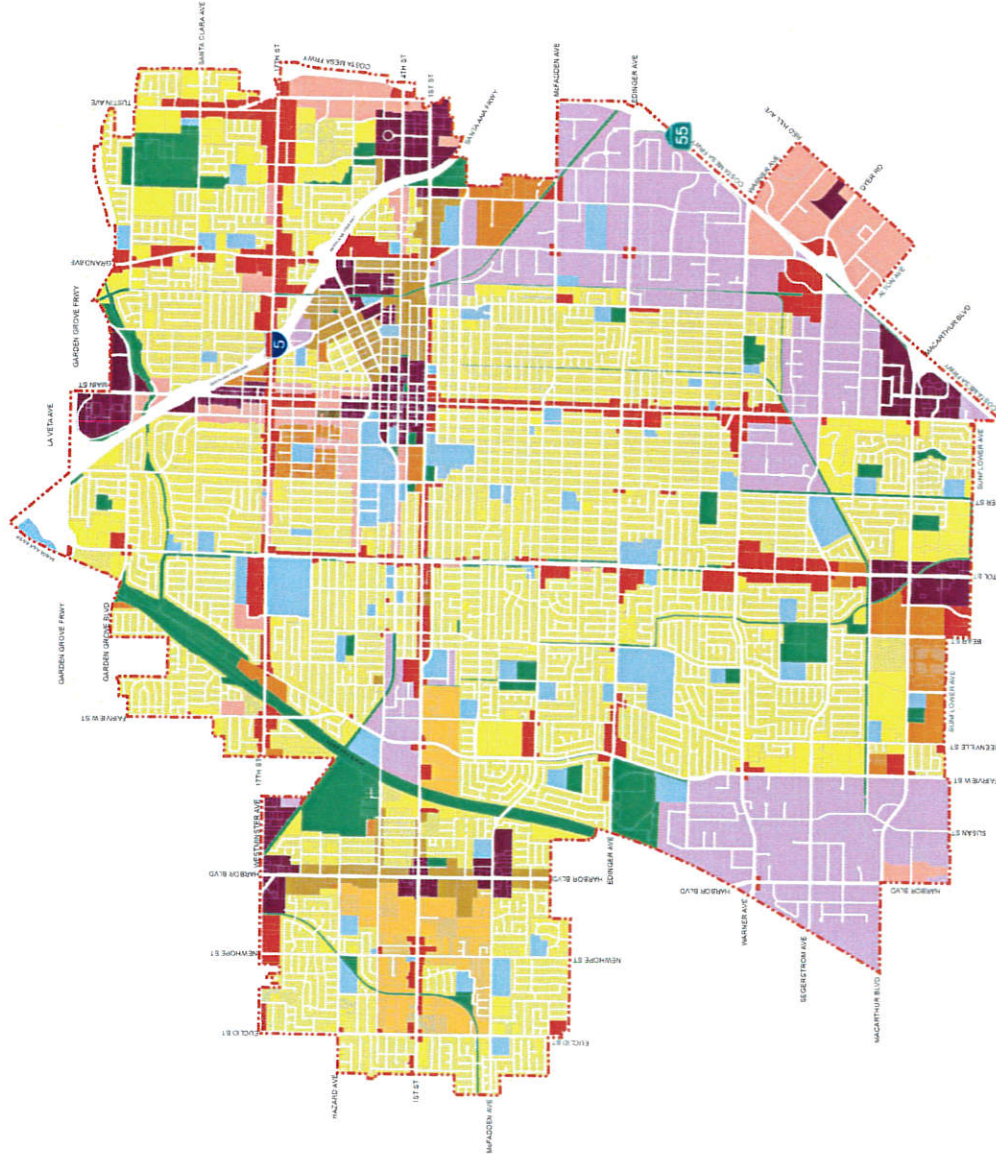



Exhibit 2

Revised - March 2019

Land Use Element





Those land use designations have a floor area ratio as noted below which are shown on the map in the color shown.

DC (District Center)	1.0
UN (Urban Neighborhood)	0.5 - 1.5
PAO (Professional & Administration Office)	0.5
OBPOC (One Broadway Plaza District Ctr.)	2.9
GC (General Commercial)	0.5
IND (Industrial)	0.45
INS (Institutional)	0.5
O (Open Space)	0.2

Project / Area	Floor Area Ratio
1- Min Place	1.0
2- City Place	2.54
3- North Main St.	1.5
4- Museum District	1.5
5- Historic Development	1.0
6- Lake Center Drive	0.2
7- Lake Center Drive	0.2
8- Midtown Specific Plan	1.0
9- Civic Center	1.0
10- Downtown	3.0
11- Lake Center Drive	1.5
12- Lake Center Drive	1.5
13- Lake Center Drive	1.5
14- Lake Center Drive	1.5
15- Lake Center Drive	1.5
16- Lake Center Drive	1.5
17- Lake Center Drive	1.5
18- Lake Center Drive	1.5
19- Lake Center Drive	1.5
20- Lake Center Drive	1.5
21- Lake Center Drive	1.5
22- Lake Center Drive	1.5
23- Lake Center Drive	1.5
24- Lake Center Drive	1.5
25- Lake Center Drive	1.5
26- Lake Center Drive	1.5

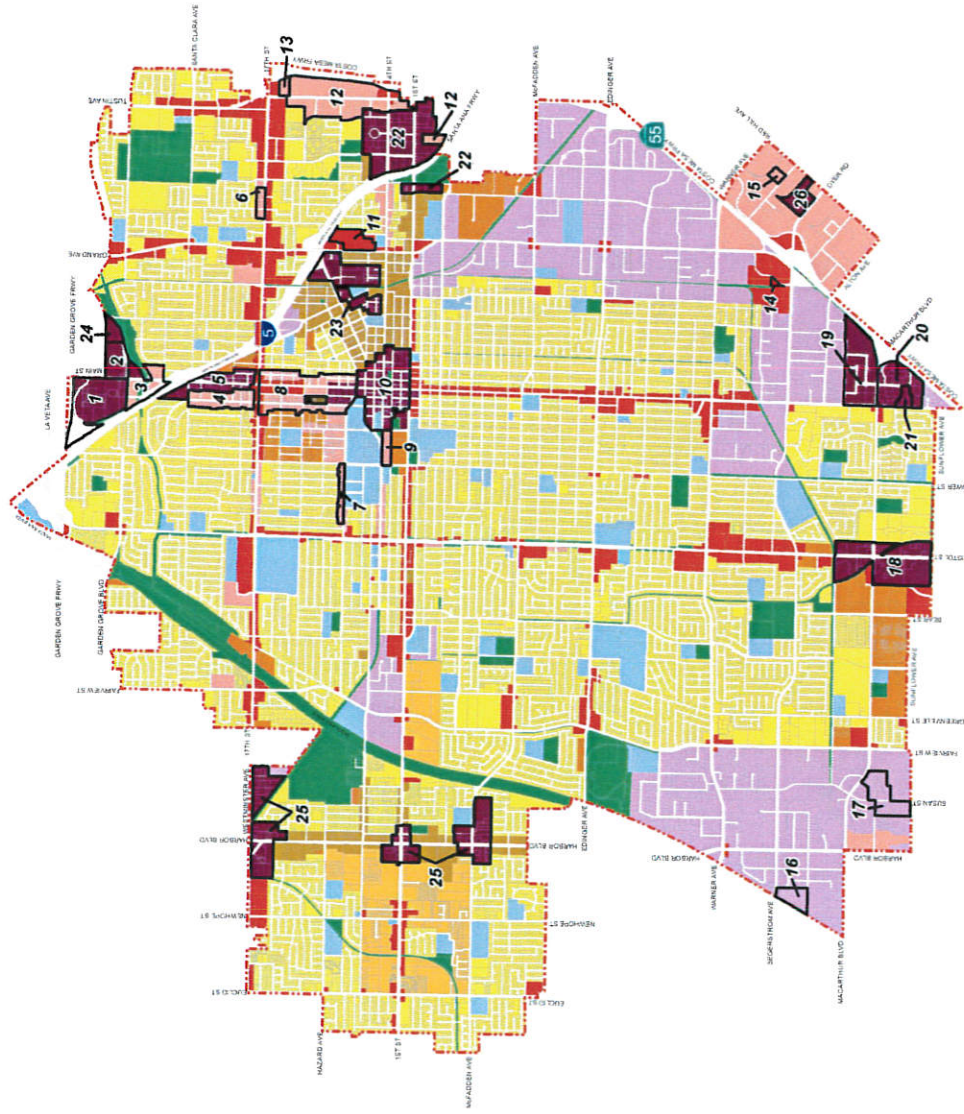
Land Use Plan & Development Intensity Standards/FAR Areas

Exhibit A-4

Revised - March 2019

Land Use Element

Exhibit A-4 Land Use Plan & Development Intensity Standards/FAR



Residential

The Land Use Plan provides for three distinct residential land use designations. Residential development is also permitted in two other designations: District Center and Urban Neighborhood. The Santa Ana Land Use Plan includes the following residential land use designations:

- The **Low Density Residential (LR-7)** designation applies to those areas of the City which are developed with lower density residential land uses. The allowable maximum development intensity is 7 units per acre. Development in this category is characterized primarily by single-family homes. This designation applies to a large proportion of the City (6,452.2~~6,454.6~~ acres) representing 47 percent of the City's total land area.
- The **Low-Medium Density Residential (LMR-11)** designation applies to those sections of the City which are developed with residential uses at permitted densities of up to 11 units per acre. The land area included in this designation is approximately 420.6 acres. The great majority of the land designated as Low-Medium Density Residential is located in the westerly portion of the City, north and south of First Street. Properties with this designation are typically characterized by mobile home parks, a mixture of duplexes and single family residences, or small lot subdivisions.
- The **Medium Density Residential (MR-15)** designation applies to those sections of the City which are developed with residential uses at densities of up to 15 units per acre. Development in this designation is characterized by duplexes, apartments, or a combination of both. A total of 364.7~~362.3~~ acres is designated as Medium Density Residential. The designation applies to areas located in the vicinity of downtown, areas north and south of MacArthur Boulevard, and in other areas where there are established multiple-family development projects.



As indicated in Table A-4, between ~~76,518~~76,499 to 95,843 housing units are allowed by the Land Use Plan. The additional units which presently exist in the City beyond the maximum number permitted under the theoretical buildout scenario are a reflection of the higher density multiple-family developments constructed in the 1970's and 1980's. However, the purpose of the Land Use Plan as it applies to the residential areas is to preserve and maintain the stability of existing neighborhoods, regardless of the character of development. The intent of the Plan is not to create any displacement, nor decrease existing development densities. Rather, it is to ensure a safe, healthy, and livable environment for City residents. Existing residential development entitlements are protected through this Land Use Element, applicable Zoning regulations, and sections of the City code pertaining to legal nonconforming uses.

The Land Use Element's implementation may result in an increase in the amount of commercial, office, and industrial development in the City. As indicated in Table A-4, up to 32,257,051 square feet of commercial and office development, and 42,199,991 square feet of industrial development are possible under the effective capacity parameters of Land Use Plan.



Table A-4
Land Use Plan Build-out Capacities

Land Use		Acres	Intensity/ Density	Effective Buildout ¹		Theoretical Buildout	
Residential							
Low Density Residential	LR-7	<u>6,452.2</u> 6,454.6	7 du/ac				<u>45,165 du</u> 45,182 du
Low Medium Density Residential	LMR-11	420.6	11 du/ac				4,627 du
Medium Density Residential	MR-15	<u>364.7</u> 362.3	15 du/ac				<u>5,471 du</u> 5,435 du
Subtotal		7,237.5			95,843 du ¹		<u>55,263 du</u> 55,243 du
Mixed Use							
				Non Res.	Res.	Non-Res.	Res.
District Center							
Other ²	DC	309.5	90 du /ac FAR 1.0-2.0	11,955,583 sf	3,017 du	23,764,534 sf	3,017 du
Heritage	DC	18.8	FAR 1.7	54,090 sf	1,221 du	54,090 sf	1,221 du
Downtown	DC	62.5	FAR 3.0	2,057,824 sf	1,661 du	2,057,824 sf	1,661 du
Metro East	DC	113.9	FAR 0.75- 3.0	2,464,776 sf	5,037 du	2,464,776 sf	5,037 du
Transit Village	DC	51.4	FAR 5.0	402,864 sf	2,761 du	402,864 sf	2,761 du
Harbor Corridor	DC	125.0	FAR 5.0	1,836,155 sf	2,029 du	1,836,155 sf	2,029 du
Urban Neighborhood	UN	313.4	FAR 0.5-3.0	1,656,955 sf	5,529 du	1,656,955 sf	5,529 du
Subtotal		994.5		20,428,247 sf	21,255 du	32,327,198 sf	21,255 du
Commercial							
Professional & Admin. Office	PAO	600.8	FAR 0.5-1.0	13,085,424 sf		26,170,848 sf	
General Commercial	GC	855.3	FAR 0.5-1.0	18,628,424 sf		37,256,868 sf	
One Broadway Plaza District Ctr ³	OBPDC	4.3	FAR 2.9	543,193 sf		543,193 sf	
Subtotal		1,460.4		32,257,051 sf		63,970,909 sf	
Industrial							
Industrial	IND	2,152.8	FAR 0.45	42,199,991 sf		42,199,991 sf	
Other							
Institutional	INS	800.6	FAR 0.2-0.5	6,974,740 sf		17,436,850 sf	
Open Space	OS	1,010.9	FAR 0.2	8,806,961 sf		8,806,961 sf	
Subtotal		1,811.5		15,781,701 sf		26,243,811 sf	

FAR=floor area ratio; d.u.=dwelling unit; s.f.=square feet (of floor area). Acreage shown in table does not include roads in right-of-way.

¹ Effective capacity for non-residential development assumes development possible under the lower range of FAR intensity standards with the exception of the Metro East District Center, Transit Village District Center, Downtown District Center, Heritage District Center, and Urban Neighborhood areas. The Harbor Corridor District Center, Metro East District Center, Transit Village District Center, Downtown District Center, and Urban Neighborhood areas allow a range of intensity for mixture of residential and non-residential development based on the zoning development standards. Residential effective capacity was calculated by adding the 21,255 units possible in the District Center and Urban Neighborhood with the existing 74,588 (Census 2000) housing units.

² Land use designation permits both residential and non-residential development. Build-out assumes 90% of land area will be developed as commercial and 10% will be developed as residential; with the exception of Town and Country Manor project intended for continuum of care and housing seniors.

³ Land use designation permits high intensity office development with ancillary retail use.

This table has been revised to correspond with the GIS Land Use Map illustrated in Exhibit 2.

RESOLUTION NO. 2019-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING TENTATIVE TRACT MAP NO. 2017-04 AS CONDITIONED TO CONSOLIDATE THREE EXISTING PARCELS INTO ONE DEVELOPMENT SITE AND CREATE A SUBDIVISION OF 17 CONDOMINIUM UNITS AT 3025 AND 3109 WEST EDINGER AVENUE

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. Colleen Bathgate, representing Haphan Group Inc. ("Applicant"), is requesting approval of Tentative Tract Map No. 2017-04 to consolidate three existing lots into one development and subdivide the site for 17 condominium units on a 1.22-acre site at 3025 and 3109 West Edinger Avenue.
- B. Pursuant to Santa Ana Municipal Code ("SAMC") Section 34-127, the Planning Commission is authorized to review and approve tentative tract maps.
- C. Tentative Tract Map No. 2017-04 came before the Planning Commission of the City of Santa Ana on May 13, 2019, for a duly noticed public hearing.
- D. Tentative Tract Map No. 2017-04 came before the City Council of the City of Santa Ana on June 4, 2019, for a duly noticed public hearing.
- E. Subdivision requests are governed by Chapter 34 and Chapter 41 of the SAMC. Pursuant to Section 66473.5 and 66474 of the California Subdivision Map Act, applications for tentative tract maps are approved when certain findings can be established.
- F. The City Council of the City of Santa Ana determines that the following findings, which must be established in order to approve Tentative Tract Map No. 2017-04, have been established as required by Section 34-127 of the SAMC and the California Subdivision Map Act:
 - 1. The proposed project and its design and improvements are consistent with the Medium Density Residential (MR-15) land use designation of the General Plan and are otherwise consistent with all other Elements of the General Plan.

Tentative Tract Map No. 2017-04 entails the consolidation of three existing lots into a subdivision of 17 condominium units. The proposed project and its design and improvements are consistent with various provisions of the City's Zoning Code and General Plan. With General Plan Amendment No. 2017-03, which amends the land use designation of the property to Medium Density Residential (MR-15) and allows a maximum development density of 15 units per acre. The proposed project is consistent with the designation at a density of 15 dwelling units per acre. In addition, the project supports several goals and policies of the General Plan. In specific, General Plan Land Use Element, Goal 1 to promote a balance of land uses to address basic community needs. Specifically, Policy 1.5 to maintain and foster a variety of residential land uses. The project will provide 17 for-sale townhome units. Policy 2.10 to support new development which is harmonious in scale and character with existing development in the area. The project is similar in scale and character to the multi-family uses to the east along Edinger Avenue. The project has been designed to be setback away from the residential properties to the north, with limited windows on the upper stories and trees to be planted to screen views. Policy 3.1 to support development which provides a positive contribution to neighborhood character and identity. The project will allow for redevelopment of a vacant lot with a new residential development with a contemporary design and variety of building materials along a major arterial roadway. Housing Element, Goal 2 to provide a diversity of quality housing, affordability levels, and living experiences that accommodate Santa Ana's residents and workforce of all household types, income levels, and are groups to foster an inclusive community. Policy 2.5 to facilitate diverse types, prices and size of housing, including single-family homes, apartments, townhomes, mixed/multiuse housing, transit oriented housing, multi-generational housing and live work opportunities. The project will provide a for-sale townhome product with units that range from two to three bedrooms with 1,170 to 2,021 square feet in size.

2. The proposed project conforms to all applicable requirements of the zoning and subdivision codes as well as other applicable City ordinances.

The proposed project is consistent with the City's zoning and subdivision ordinances and all other applicable codes. The project is located within the Two-Family Residences (R-2)

zoning district which allows for townhomes. The minimum development site size is 12,000 square feet with a minimum street frontage of 100 feet. The proposed lot complies with the minimum lot size and lot frontage. In addition, Covenants, Conditions and Restrictions (CC&Rs) will address issues such as drainage, reciprocal access, landscaping and maintenance that will be recorded prior to approval of the final map and is therefore consistent with Chapter 34 of the SAMC and the California Subdivision Map Act.

3. The project site is physically suitable for the type and density of the proposed project.

The project site is physically suitable for the type and density of the proposed project. There are no physical constraints on the site that would preclude development. The proposed site consists of approximately 1.22 acres of land and is physically suitable for the proposed development. The lot size, density, width, and lot coverage are consistent with the existing surrounding properties in the neighborhood.

4. The design and improvements of the proposed project will not cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat.

The design and improvements of the proposed project will not cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat. The project is located in an urbanized area, there are no known fish or wildlife populations existing on the project site. Therefore, the proposed subdivision will not cause any substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat.

5. The design or improvements of the proposed project will not cause serious public health problems.

The design or improvements of the proposed project will not cause serious health problems, with the proposed subdivision not having any detrimental effects upon the general public. The property will include necessary utilities and infrastructure improvements as required under Development Project Review No. 2015-06.

6. The design or improvements of the proposed project will not conflict with easements necessary for public access through or use of the property within the proposed project.

The design and improvements of the proposed project will not conflict with easements necessary for public access or use of the property within the proposed project. In addition, the application will be recording CC&Rs to ensure reciprocal rights and maintenance agreements between properties.

Section 2. The City Council has reviewed and considered the information contained in the initial study and the mitigated negative declaration (MND), Environmental Review No. 2015-14, prepared with respect to this project. The City Council has, as a result of its consideration 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, the MND adequately addresses the expected environmental impacts of this project. There is no evidence from which it can be fairly argued that the project will have a significant adverse effect on the environment.

Section 3. Tentative Tract Map No. 2017-04 shall not be effective until the City Council reviews, approves and adopts the Mitigated Negative Declaration Environmental Review No. 2015-14 and General Plan Amendment No. 2017-03. If said approvals are held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or otherwise denied, then this tract map shall be null and void and have no further force and effect.

Section 4. 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 5. The City Council of the City of Santa Ana, after conducting the public hearing, hereby approves Tentative Tract Map No. 2017- 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 May 13, 2019, and exhibits attached thereto; and the Request for City Council Action dated June 4, 2019, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this ____ day of _____, 2019.

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, NORMA MITRE, Acting Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2019-xx to be the original resolution adopted by the City Council of the City of Santa Ana on _____, 2019.

Date: _____

Acting Clerk of the Council
City of Santa Ana

EXHIBIT A

Conditions of Approval for Tentative Tract Map No. 2017-04

Tentative Tract Map No. 2017-04 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, the following conditions of approval are applicable:

The Applicant must comply with each and every condition listed below prior to exercising the rights conferred by this tentative tract map.

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 tentative tract map.

1. All proposed site improvements must conform to the Site Plan Review approval of TTP No. 2017-04.
2. Any amendment to this Tentative Tract Map, including modifications to approved materials, finishes, architecture, site plan, landscaping, parking, 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.
3. Applicant must submit Covenants, Conditions and Restrictions (CC&R's) for the project to the case planner for review and approval prior to the Final Map being recorded. The CC&R's should include provisions to keep trash enclosure lids closed when they are not in use and to plant and maintain trees and shrubs at the side and rear property lines for screening and to provide privacy.
4. The Final Map must be approved and recorded prior to issuance of building permits.
5. The Final Map and all improvements required to be made or installed by the subdivider must be in accordance with the design standards and specifications of the Santa Ana Municipal Code and the requirements of the State Subdivision Map Act.
6. Two copies of the recorded Final Map and CC&Rs shall be submitted to the Planning Division, Building Division, Public Works Agency and Orange County Fire Authority (OCFA) within 10 days of recordation.

7. Property Maintenance Agreement. 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 or incorporate the form of this condition within the Projects CC&R's 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.
 - h. The execution and recordation of the maintenance agreement shall be a condition precedent to the final map being recorded.
8. Prior to the issuance of building permits the Applicant shall comply with the City's Housing Opportunity Ordinance.

RESOLUTION NO. 2019-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING VARIANCE NO. 2017-10 AS CONDITIONED TO ALLOW THE CONSTRUCTION OF 17 TOWNHOMES AND ALLOW AN INCREASE IN BUILDING HEIGHT, REDUCTION IN FRONT YARD SETBACK, DEVIATIONS TO OPEN SPACE AND FLOOR PLAN CONFIGURATION STANDARDS FOR THE PROPERTY LOCATED AT 3025 AND 3109 WEST EDINGER AVENUE

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. Colleen Bathgate, representing Haphan Group Inc. ("Applicant"), is requesting approval of Variance No. 2017-10 as conditioned, to allow the construction of 17 townhomes on a 1.22-acre site at 3025 and 3109 West Edinger Avenue.
- B. Pursuant to Santa Ana Municipal Code ("SAMC") Section 41-638, the Planning Commission is authorized to review and approve the following variances for this project to allow: a) increase in building height, b) reduction in the front yard setback, c) deviations to private open space and d) deviations to the living areas to be primarily on the upper floors as set forth by the SAMC.
- C. Variance No. 2017-10 came before the Planning Commission of the City of Santa Ana on May 13, 2019 for a duly noticed public hearing. The Planning Commission voted to recommend that the City Council approve the variance.
- D. Variance No. 2017-10 came before the City Council of the City of Santa Ana on June 4, 2019 for a duly noticed public hearing.
- E. The City Council of the City of Santa Ana has considered the information and determines that the following findings, which must be established in order to grant Variance No. 2017-10, have been established as required by SAMC Section 41-638:
 - 1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges not otherwise at

variance with the intent and purpose of the provisions of this Chapter.

The project site has a special circumstance related to its location and surroundings. The project is located off an arterial road, is adjacent to multi-family developments to the east and is across the street from a regional park. The Applicant is proposing townhomes which are governed by Chapter 41, Division 6 of the SAMC. The townhouse standards were adopted in 1991 and have detailed development standards.

a) Height: The height requirement of 27 feet and two stories would not allow for a townhome project with a courtyard configuration, tuck-under parking with two parking spaces per unit and two parking spaces per unit for guest parking, open space, and landscaping. The three-story buildings allow for stacked floor plans with private garages, living rooms, kitchens and two and three bedroom units.

b) Front Yard: The project is located along Edinger Avenue, an arterial roadway that requires an eight-foot dedication with the development of the site. The dedication will reduce the size of the site and reduce the front yard that is measured from the future right of way. A front yard setback of 10 feet meets the intent of the standards to provide an adequately sized landscaped area planted with trees and shrubs to enhance the aesthetics of the development and streetscape.

c) Open Space: The project meets the amount of required private open space by providing a minimum of 250 square feet per unit. However, the open space is provided at both the ground and upper levels and is less than 10 feet in each direction. It is also important to note that the project has common open space and is across the street from Centennial Regional Park which provides additional opportunities for recreational activities. By providing private open space on the upper levels, the open space will be accessible from the units common areas which is the intent of the code.

d) Access: A minimum of 40 percent of the living area is to be accessible from the ground level. The intent of the standard was to provide direct ground floor access to each unit and to minimize aesthetic concerns related to outdoor stairwells and second story entries found in older multi-unit developments. As proposed, 14 units will have living space on the ground

floor, however three (3) units do not have living space on the ground floor, instead there is a landing that leads to an interior staircase to the upper floors. The floor plan configuration is typical for townhome developments and allows for a site plan design and architecture that meets the City's Design Guidelines.

2. That the granting of a variance is necessary for the preservation and enjoyment of one (1) or more substantial property rights.

The granting of this variance is necessary for the preservation and enjoyment of substantial property rights.

a) Height: The increase in height will allow the property owner to develop the site with townhomes that are competitive with the current real estate market. A two-story product would limit the bedroom count and living areas which would potentially jeopardize the Applicant's ability to develop the subject site.

b) Front Yard: The reduction in the required front yard is due to the City requirement for an eight-foot dedication. Without the dedication a greater landscaped yard could be provided, by allowing a reduction to 10 feet will allow the property owner to develop the property with 17 dwelling units.

c) Open Space: The reduction in the required open space is also a result of the dedication which will reduce the size of the lot. Flexibility in providing open space on the upper levels will provide multiple patio and balconies for each resident's private use and will provide direct access to the open space from living and dining rooms.

d) Access: Allowing a variation in the floor plan configuration will allow the property owner to design a project that is typical of current townhome developments with a stacked floor plan with living area and bedrooms on upper levels. The two-car garage requires a minimum of 400 square feet at the ground level, limiting the amount of square footage for living space at the ground floor.

3. That the granting of a variance will not be materially detrimental to the public welfare or injurious to surrounding property.

The granting of the variance will not be detrimental to the public or surrounding properties.

a) Height: The site plan has been designed to cluster the buildings and place the buildings further away from the existing residential uses with a 45-foot minimum rear setback and 28-foot minimum side setbacks to preserve privacy. In addition, the size and number of windows on the third-story have been limited. Additionally, a condition of approval is included to plant and maintain trees and shrubs along the rear and side property lines to screen views of the property and provide additional privacy. The variance will be similar to the variance granted for the nearby Avenue E project at 2823-2931 West Edinger Avenue

b) Front Yard: The reduction of ten feet in the required yard will not be detrimental to the public as the 10-foot yard will be planted with trees and shrubs and improved with pedestrian walkways. The variance will be similar to the variance granted for the Avenue E project at 2823-2931 West Edinger Avenue.

c) Open Space: Granting the variance to allow balconies on upper levels to be counted towards the private open space requirements will not be detrimental to the public. The balconies and patios provide for articulation in the building design and are primarily along the interior courtyard. There will still be ample open space on site that will be improved with amenities for the residents.

d) Access: The interior floor plan of the units will not be detrimental to the public or surrounding properties. The variance allows for flexibility in the floor plan design and are not be visible to the public. The variance will be similar to the variance granted for the Avenue E project at 2823-2931 West Edinger Avenue

4. That the granting of a variance will not adversely affect the General Plan of the city.

The project will support several goals and policies of the General Plan, including the Land Use Element and Housing Element. In specific, General Plan Land Use Element, Goal 1 to promote a balance of land uses to address basic community needs. Specifically, Policy 1.5 to maintain and foster a variety of residential land uses. The project will provide 18 for-sale townhome units. Policy 2.10 to support new development which is harmonious in scale and character with existing development in the area. The project is similar in scale and character to the multi-family uses to the east

along Edinger Avenue. The site plan has been designed to be setback away from the residential properties to the north, with limited windows on the upper stories and trees to be planted to screen views. Policy 3.1 to support development which provides a positive contribution to neighborhood character and identity. The project will allow for redevelopment of a vacant lot with a new residential development with a contemporary design and variety of building materials. Housing Element, Goal 2 to provide a diversity of quality housing, affordability levels, and living experiences that accommodate Santa Ana's residents and workforce of all household types, income levels, and are groups to foster an inclusive community. Policy 2.5 to facilitate diverse types, prices and size of housing, including single-family homes, apartments, townhomes, mixed/multiuse housing, transit oriented housing, multi-generational housing and live work opportunities. The project will provide a for-sale townhome product with units that range from two to three bedrooms with 1,170 to 2,021 square feet in size.

Section 2. The City Council has independently reviewed and considered the information contained in the initial study and the mitigated negative declaration (MND), Environmental Review No. 2015-14, prepared with respect to this project. The City Council has, as a result of its consideration 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, the MND adequately addresses the expected environmental impacts of this project. There is no evidence from which it can be fairly argued that the project will have a significant adverse effect on the environment.

Section 3. Variance No. 2017-10 shall not be effective until the City Council reviews and approves the Mitigated Negative Declaration Environmental Review No. 2015-14 and General Plan Amendment No. 2017-03. If said approvals are held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or otherwise denied, then this variance shall be null and void and have no further force and effect.

Section 4. 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 5. The City Council of the City of Santa Ana, after conducting the public hearing, hereby approves Variance No. 2017-10 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 May 13, 2019, and exhibits attached thereto; and the Request for City Council Action dated June 4, 2019, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this ____ day of _____, 2019.

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, NORMA MITRE, Acting Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2019-xx to be the original resolution adopted by the City Council of the City of Santa Ana on _____, 2019.

Date: _____

Acting Clerk of the Council
City of Santa Ana

EXHIBIT A

Conditions for Approval for Variance No. 2017-10

Variance No. 2017-10 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, they 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 variance.

I. The Applicant must remain in compliance with all conditions listed below throughout the life of the variance. Failure to comply with each and every condition may result in the revocation of the variance.

1. All proposed site improvements must conform to the Site Plan Review (DP No. 2015-06) and the staff report exhibits.
2. The Applicant shall comply with the Mitigation Measure within the Mitigation Monitoring and Reporting Program prepared for the project.
3. Any amendment to the variance must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or the variance must be amended.
4. Prior to the issuance of a building permit, the final map shall be recorded.
5. Prior to the issuance of a building permit, a landscape plan including trees and shrubs along the rear and side property lines, and irrigation is to be submitted for review and approval. The landscape plan shall conform to the townhouse landscape standards, Citywide Design Guidelines and the City's Water Efficient Landscape Ordinance.
6. Prior to the issuance of a building permit, the Applicant shall submit a construction phasing plan. The plan shall address material storage and parking and ensure that there will be ample parking for both construction workers, occupied residential units and their guests during all phases. Should construction parking be provided at an off-site location, a plan for getting to and from the site shall also be provided. Construction material and equipment staging should be located as far as possible from existing residential uses.

**MND NO. 2015-14, GPA NO. 17-03, TTM NO. 2017-04, VAR NO. 17-10
3025 West Edinger Avenue**

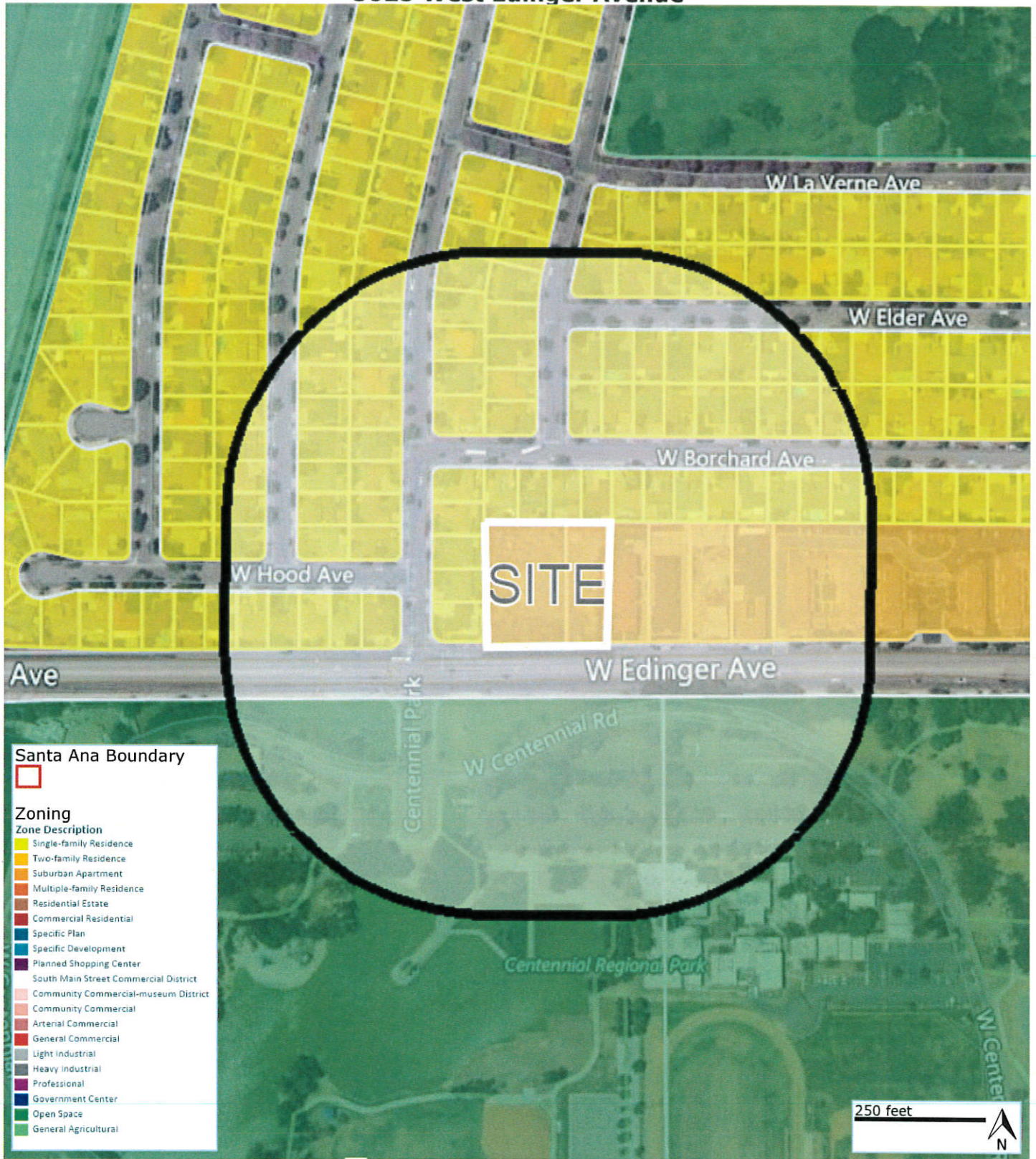
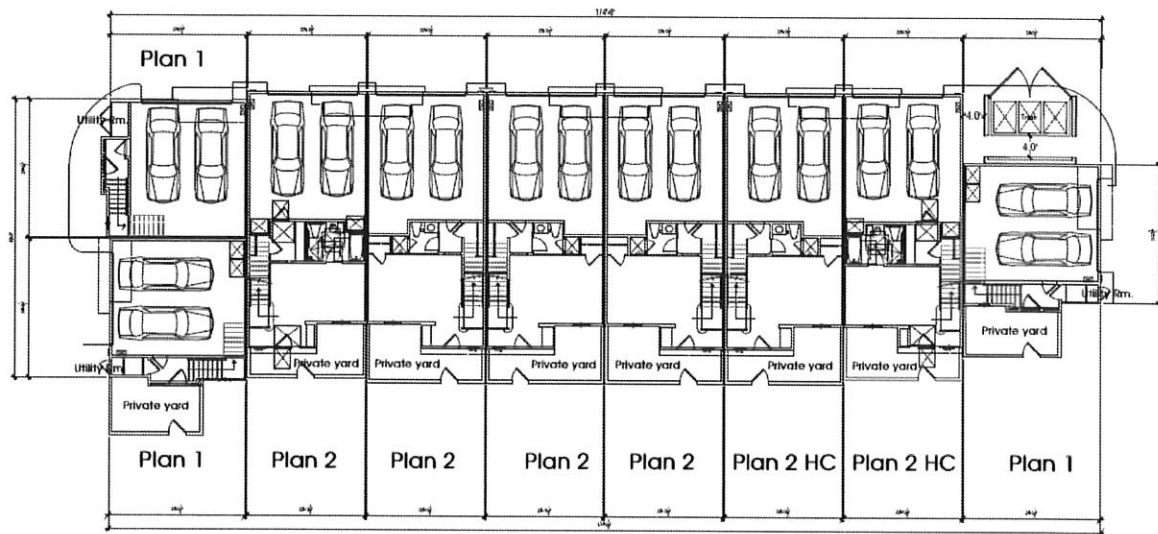


Exhibit 2 – Vicinity Zoning and Aerial View

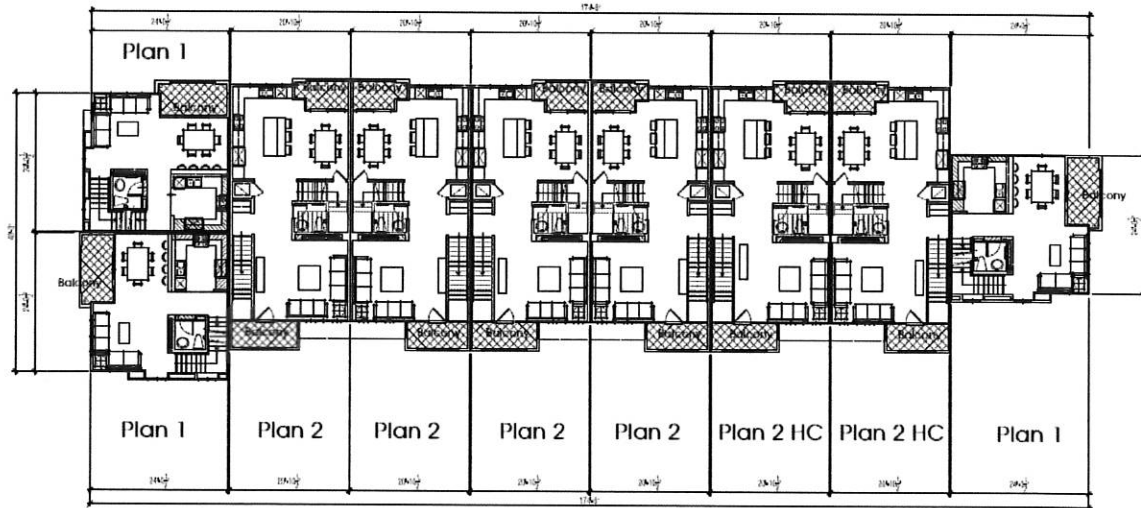




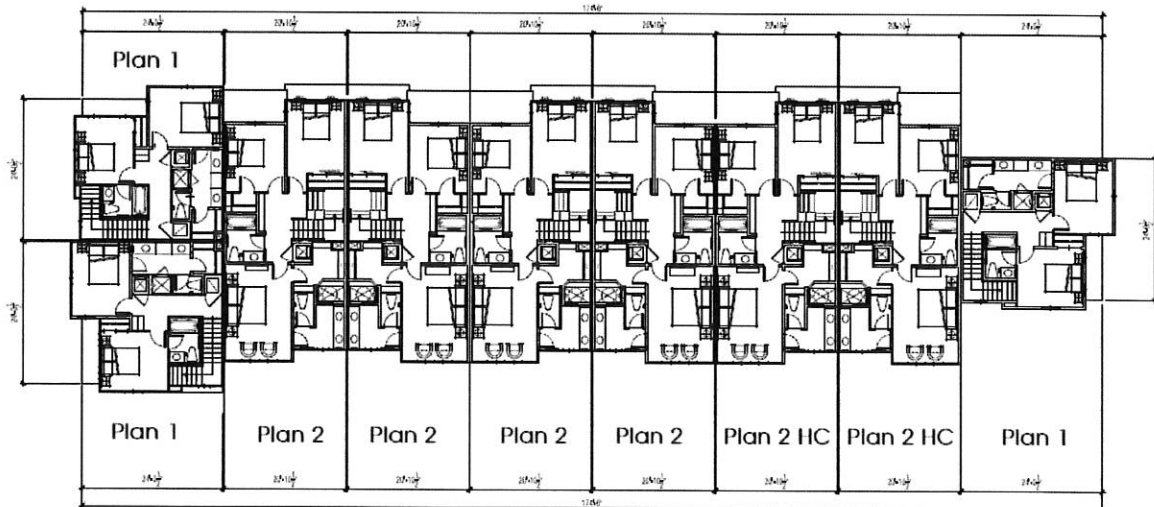
**EXHIBIT 3
SITE PHOTO
3025 West Edinger Avenue
EIR NO. 2015-14, GPA NO. 2017-03, TTM NO. 2017-04, VAR NO. 2017-10**



First Level



Second Level



Third Level

EXHIBIT 5
FLOOR PLANS
3025 West Edinger Avenue
ER NO. 2015-14, GPA NO. 2017-03, TTM NO. 2017-04, VAR NO. 2017-10

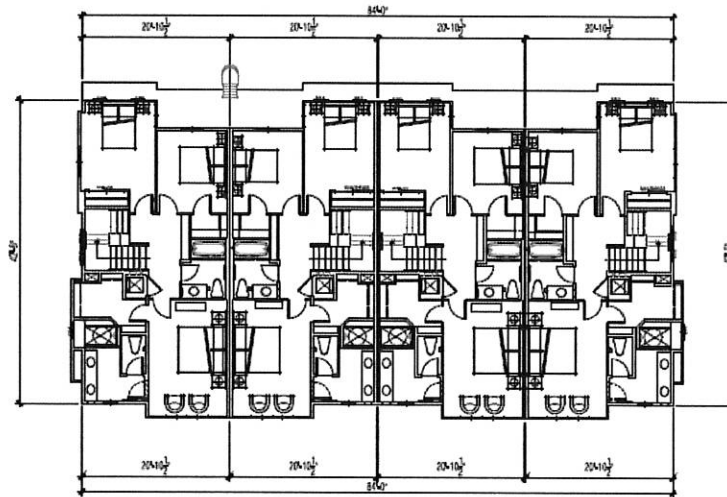
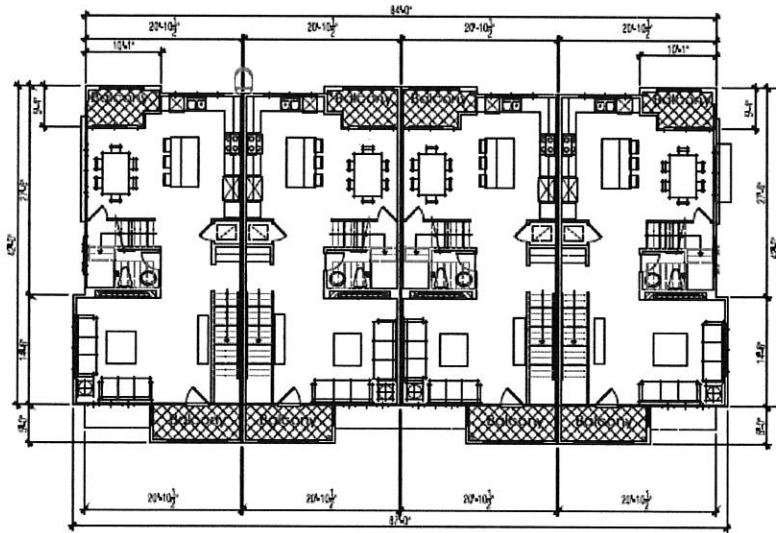
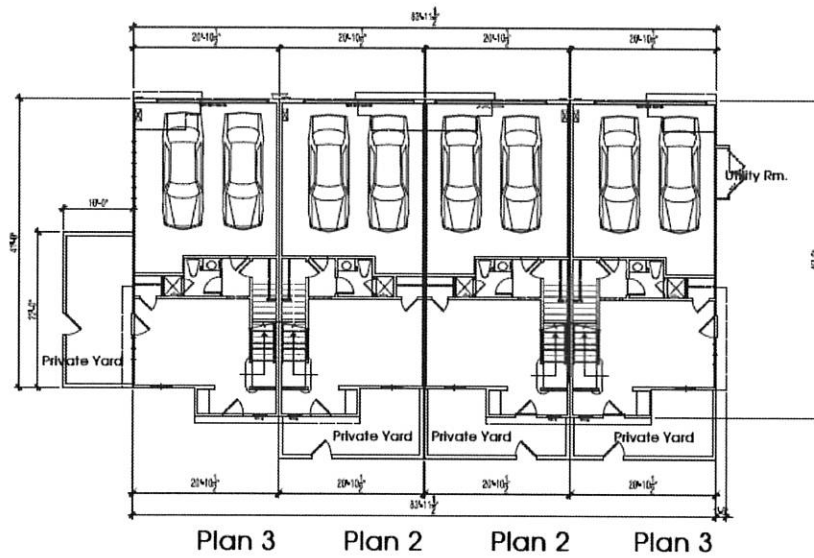


EXHIBIT 5
FLOOR PLANS
3025 West Edinger Avenue
ER NO. 2015-14, GPA NO. 2017-03, TTM NO. 2017-04, VAR NO. 2017-10

EXHIBIT 6
ELEVATIONS – 4 PLEX
3025 West Edinger Avenue
ER NO. 2015-14, GPA NO. 2017-03, TTM NO. 2017-04, VAR NO. 2017-10

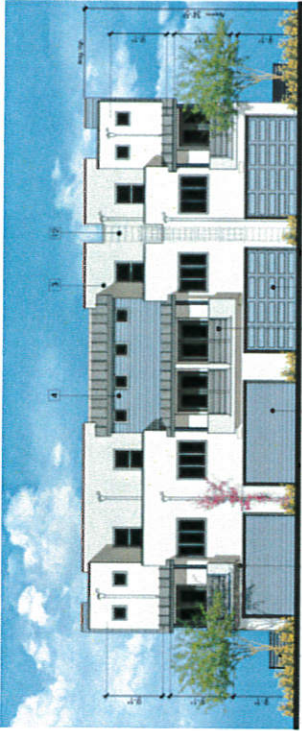


**Plan 3
Right Elevation**

- 1 METAL CANOPY
- 2 STUCCO
- 3 METAL CANOPY
- 4 WOOD SIDING JAMES HARDIE
- 5 METAL CANOPY
- 6 METAL SECTIONAL GARAGE DOOR BY WAYNE DALTON OFF EQUAL
- 7 FRONT DOOR PATTERNS PER ARCHITECTURAL STYLE
- 8 STONE VINYL
- 9 METAL CANOPY
- 10 LIGHT FIXTURE
- 11 METAL ROOF
- 12 METAL CANOPY ACCESS TO ROOF
- 13 METAL CANOPY
- 14 METAL CANOPY
- 15 SQUARE STEEL COLUMN
- 16 CONCRETE BLOCK WALL



**Plan 3
Left Elevation**



**Plan 3
Plan 2
Rear Elevation**



**Plan 3
Plan 2
Front Elevation**

Conceptual 4-Plex Building



EXHIBIT 6
ELEVATIONS – 10 PLEX
3025 West Edinger Avenue
ER NO. 2015-14, GPA NO. 2017-03, TTM NO. 2017-04, VAR NO. 2017-10



MEETING MINUTES

To:	<u>CITY OF SANTA ANA</u>	Date:	<u>April 24, 2015</u>
	<u>20 Civic Center Plaza, M-25</u>	Project title:	<u>WEST EDINGER</u>
	<u>6th Floor City Hall</u>	Project number:	<u>2014348</u>
Attn:	<u>Ann Ni</u>	Phase number:	<u></u>

Subject:	<u>Community Meeting</u>	Meeting location:	Centennial Education Center, Room E101 2900 W. Edinger Ave., Santa Ana CA 92704
Attendees:	<u>Ann Ni – City of Santa Ana</u>		
	<u>Margarita Macedonio – City of Santa Ana</u>		
	<u>Chirs Schmidt – Windsor Village</u>	Date of meeting:	<u>April 18, 2015</u>
	<u>Vuong Hanh – 3028 W. Borchard St.</u>	Time of meeting:	<u>10:00 am – 12:00 pm</u>
	<u>Coraciela Ramirez – 1418 S. Mohawk Dr.</u>		
	<u>Eva Burton</u>		
	<u>Barbara Lamere</u>		
	<u>Pat Michel</u>		
	<u>Araceli Martinez</u>		
	<u>Earl Schmidt</u>		
	<u>Esperanza Contreras</u>		
	<u>Colleen Bathgate – WHA</u>		
	<u>Tuan Nguyen – WHA</u>		
	<u>Quoc Phan- Property Owner</u>		
	<u>Duc Nguyen- Owner Representative</u>		

Community Comments:

- Parking concerns for overall neighborhood
- Concerns of second story windows looking into neighbor's yards
- Suggest gate at center of green space along Edinger
- HOA – confirm, yes it will be required per the city
- Lighting concerns, ensure property is well lit but does not shine light into adjacent properties
- Vines or greenery as gesture of goodwill for Windsor neighborhood, fill in planter
- Abandoned apartment building, two parcels to the east
- Adjacent neighbors to the east in apartment building are of concern for safety and crime
- Larger bathrooms for accessibility on ground floor for older home owners
- Trash- verify centralized trash or individual pick-up
- Coordination with individual property owners for new perimeter wall
- Traffic access, left turn from project sight will be difficult
- 48" height fence along Edinger – per Ann Ni
- Concerns about graffiti on perimeter wall, suggest planting
- Project looks nice, neighbors are in favor of project
- Suggest to look at planting down street- per Margarita Macedonio
- Neighbors would like to know price points for homes
- Plant trees for screening in rear yards
- CC&R's – provide copy for neighbors to review
- What is the amount of common open space?
- Neighborhood meeting 2nd Tuesday each month, June 9th Jackson school for next neighborhood meeting, suggested follow presentation
- Neighbor abutting northeast corner requested a 15' rear setback, this neighbor is interested in purchasing corner home and connecting rear yards with gate
- Proposed variances- provide neighbors with copy

Meeting Minutes

WEST EDINGER

Project #2014348

April 22, 2015

Page 3 of 3

Note: These conference notes shall be deemed an accurate account of these discussions unless WHA is notified to the contrary in writing within 5 days.

Regards,

WILLIAM HEZMALHALCH ARCHITECTS, INC.

Colleen Bathgate

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CB/AB