



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
December 6, 2022

TOPIC: First One-Year Extension for Site Plan Review No. 2020-03 and Variance No. 2020-06 for the 4th and Mortimer Mixed-Use Development Project Entitled at 409 and 509 East Fourth Street

AGENDA TITLE:

First One-year Extension of Site Plan Review No. 2020-03 and Variance No. 2020-06 for the 4th and Mortimer Mixed-Use Development Project Located at 409 and 509 East Fourth Street

RECOMMENDED ACTION

Adopt a resolution approving a one-year extension of Site Plan Review No. 2020-03 and Variance No. 2020-06 to December 15, 2023.

DISCUSSION

On October 12, 2020, the Planning Commission unanimously approved Site Plan Review No. 2020-03, for a development project over four stories in height, and Variance No. 2020-06, to allow an increase in the allowable building size and massing, to facilitate the construction of a new mixed-use residential and commercial development project located at 409 and 509 East Fourth Street. On October 22, 2020, an appeal (Appeal No. 2020-02) to the project was filed by Michael Lozeau with Lozeau Drury, LLP, on behalf of the Supporters Alliance for Environmental Responsibility (SAFER). On December 1, 2020, the City Council denied Appeal No. 2020-02, upholding the determination of the Planning Commission to approve the subject entitlements.

Pursuant to Section 41-647 of the Santa Ana Municipal Code (SAMC), entitlements such as variances automatically become void should the property owner fail to institute an action to comply with the provisions of the entitlements within two years of its approval. This section also allows the property owner to request an extension of the entitlement up to a period of three years from the date of the expiration.

The subject entitlements were in effect until December 31, 2021; however, due to difficulties stemming from the COVID-19 global pandemic, which affected the development industry worldwide, the applicant experienced delays in moving the project forward and constructing the new mixed-use development. During this time, a state of local emergency stemming from the COVID-19 pandemic was declared, which provided

relief to residential developers by extending approvals of residential entitlements to December 31, 2022.

The applicant submitted construction drawings for plan check on August 1, 2022. The applicant submitted a subsequent submittal on September 19, 2022. Permits have not yet been issued; as a result, the applicant is requesting a one-year extension of the variances to ensure the entitlements remain valid by the time permits are ready for issuance. Since the applicant is currently working with staff to complete the plan check process, the Planning Division recommends that the entitlements for the development be extended for a period of one year to December 15, 2023.

ENVIRONMENTAL IMPACT

In accordance with the California Environmental Quality Act, the approval of the time extension is exempt from CEQA per Section 15061 (b)(3). This determination has been made as it has been determined that the proposed action to extend the existing, approved entitlement does not have the potential to cause a significant effect on the environment, as the existing, approved entitlement has already been evaluated pursuant to CEQA.

FISCAL IMPACT

There is no fiscal impact associated with this action.

EXHIBIT(S)

1. Resolution Extending SPR No. 2020-03 and VAR No. 2020-06 for One Year
2. Resolution No. 2020-093
3. Full project plans

Submitted By: Minh Thai, Executive Director of the planning and Building Agency

Approved By: Kristine Ridge, City Manager