

Planning Commission Regular Meeting Agenda Packet

VIRTUAL MEETING

June 28, 2021

5:30 P.M.

In light of COVID-19, there will be no in-person meeting location for the community to attend public meetings.

This meeting will be held in virtual setting via Zoom.

Join from your computer: <https://zoom.us/j/94567389593>

Join from your mobile phone via Zoom App. **Meeting ID: 94567389593**

Dial in from a mobile phone or landline. **(669) 900- 6833; Meeting ID: 94567389593**

For viewing only: www.youtube.com/cityofsantaanavideos/live

For detailed participation and commenting options, please review the instructions provided at the end of this agenda.

To download or view each item, select either Download PDF or View Item Details to the right of the agenda title.



MARK McLOUGHLIN
Ward 4 Representative

ERIC M. ALDERETE
Citywide Representative

BAO PHAM
Ward 1 Representative

MIGUEL CALDERON
Ward 2 Representative

ISURI S. RAMOS
Ward 3 Representative

ALAN WOO
Ward 5 Representative

THOMAS MORRISSEY
Ward 6 Representative

MinhThai
Executive Director

John Funk
Legal Counsel

Fabiola Zelaya Melicher, AICP
Planning Manager

Sarah Bernal
Recording Secretary



In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this Meeting, contact Michael Ortiz, City ADA Program Coordinator, at (714) 647-5624. Notification 48 hours prior to the Meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting. The City Council agenda and supporting documentation can be found on the City's website – www.santaana.org/citymeetings.

CALL TO ORDER

Commissioners: Mark McLoughlin, Chair
Thomas Morrissey, Vice Chair
Eric M. Alderete
Miguel Calderon
Bao Pham
Isuri S. Ramos
Alan Woo

Executive Director Minh Thai
Senior Asst. City Attorney John Funk
Planning Manager Fabiola Zelaya Melicher
Acting Recording Secretary Fatima Gutierrez

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS (non agenda items)

CONSENT CALENDAR ITEMS

- 1 Excused Absences

Recommended Action: Excuse absent commissioners.

PUBLIC HEARING

The Planning Commission decision on Conditional Use Permits, Variances, Tentative Tract and Parcel Maps, Minor Exceptions, Site Plan Review, and Public Convenience or Necessity Determinations are final unless appealed within 10 days of the decision by any interested party or group (refer to the Basic Meeting Information page for more information). The Planning Commission recommendation on Zoning and General Plan amendments, Development Agreements, Specific Developments, and Specific Plans will be forwarded to the City Council for final determination. Legal notice was published mailed on June 16, 2021.

1. A request by the City of Santa Ana for approval of Street Naming No. 2021-01 to change the name of a segment of South Lyon Street between East Edinger Avenue and East Saint Andrew Place within the PacifiCenter development to South Elk Lane.

Recommended Action: Adopt a resolution approving Street Naming No. 2021-01 to change the name of a segment of South Lyon Street between East Edinger Avenue and East Saint Andrew Place within the PacifiCenter development to South Elk Lane.

WORK STUDY SESSION

- 2. Housing Information – Community Development Agency**
- 3. Planning Commissioner Training – City Attorney’s Office**

STAFF COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

The next meeting of the Planning Commission will be held in-person on July 12, 2021 at 5:30 PM in the Council Chamber located 22 Civic Center Plaza, Santa Ana, CA 92701.

FUTURE AGENDA ITEMS

- Conditional Use Permit No. 2021-10 to upgrade an existing Type 41 ABC License to a Type 47 ABC license at an existing eating establishment located at 309 W. Third Street
- Conditional Use Permit No. 2021-08 to demolish an existing two-story 42,213-square-foot multi-tenant office building to construct a surface parking lot at 3009 S. Daimler Street.
- Election of Officers

MEETING INFORMATION

If you would like to learn how to use Zoom before the meeting, visit [Zoom Video Tutorials](#).

1. Connecting directly from your computer:

- Click on the link on top of this agenda OR
- Go to [Zoom.us](#) and click "Join a Meeting" at the top. Enter the Meeting ID. The Meeting ID is listed at the top of this agenda.

To speak during the meeting: When you wish to comment on an item that is being discussed, click on the button next to your name to virtually raise your hand and let us know you wish to speak. You will have 3 minutes.

2. Connecting via the Zoom App:

- Download the free Zoom Cloud Meetings app from your favorite app store.
- Launch the app and click on the blue Join a Meeting button. Enter the Meeting ID, your name, and the blue Join button. The Meeting ID is listed at the top of this agenda.

To speak during the meeting: When you wish to comment on an item that is being discussed, click on the button next to your name to virtually raise your hand and let us know you wish to speak. You will have 3 minutes.

3. Dialing in from a mobile phone or landline:

- Dial (669) 900-9128. When prompted, enter the meeting ID. The Meeting ID is listed at the top of this agenda.

To speak during the meeting: When you wish to comment on an item that is being discussed, press *9 on your phone to virtually raise your hand. You will have 3 minutes.

Submit a written comment

You are invited to submit a written comment in one of the following ways:

Visit the City's [Public Portal](#)

- Scroll down to the list of meetings and locate the meeting you are interested in.
- Select the COMMENT icon to the right of "Meeting Title" (under the Options tab) and follow the prompt

E-mail PBAComments@santa-ana.org and reference the topic in the subject line.

Mail to Sarah Bernal, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza – M20, Santa Ana, CA 92701.

Deadline to submit written comments is 5:00 p.m. on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

APPEAL INFORMATION

The formal action by the Planning Commission shall become effective after the ten-day appeal period, unless the City Council in compliance with section 41-643, 41-644 or 41-645 holds a public hearing on the matter, then the formal action will become effective on the day following the hearing and decision by the City Council. An appeal from the decision or requirement of the Planning Commission may be made by any interested party, individual, or group. The appeal must be filed with the Clerk of the Council, accompanied by the required filing fee, and a copy sent to the Planning Department, within ten days of the date of the Commission's action, by 5:00 p.m. If the final day to appeal falls on a City Hall observed holiday or a day when City hall is closed, the final day to appeal shall be extended to the next day City Hall is open for public business. Please note: Under California Government Code Sec. 65009, if you challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the Planning Commission or City Council at or before the hearing.



**City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
June 28, 2021**

Topic: Street Naming No. 2021-01 (City-initiated) to Rename a Portion of South Lyon Street to South Elk Lane

RECOMMENDED ACTION

Adopt a resolution approving Street Naming No. 2021-01 to change the name of a segment of South Lyon Street between East Edinger Avenue and East Saint Andrew Place within the PacifiCenter development to South Elk Lane.

DISCUSSION

Background

After a request by the City Council, the City of Santa Ana is requesting approval of Street Naming No. 2021-01 to change the name of a segment of South Lyon Street between East Edinger Avenue and East Saint Andrew Place within the PacifiCenter development to South Elk Lane.

The Elks Club has had a presence in Santa Ana since 1902. Its original headquarters, located at 310 North Sycamore Street, served the Local 794 for almost 60 years. In the 1960s, the Elks Club purchased a site at 212 South Elk Lane (also known as 1660 East First Street), where it constructed a new 40,000-square foot building. That structure served the Elks Club for over 50 years until the site was sold for redevelopment. In 2019, the Santa Ana Elks Club relocated to a new headquarters, constructed at 1751 South Lyon Street and which has been in operation until today.

Throughout its 119-year history in Santa Ana, the Elks Club has had a strong community service presence in Santa Ana, contributing to civic engagement, charity, education scholarships, and community service for Santa Ana residents and the broader Orange County community. Nationally, the Elks Club spends over \$80 million annually in such forms of charitable contribution and community engagement.

Sections 33-5 and 33-6 of the Municipal Code govern the naming of streets and public facilities, including parks, park playgrounds and other recreational facilities. The code includes guidelines for the naming of streets and public facilities and identifies policy guidelines for the naming of streets. In general, the naming of streets should consider:

1. A name which serves to identify the location of the subject area.
2. A name which references the history of the site or area.
3. A name which identifies a person or family which made extraordinary donation of land or funds to promote the improvement of the public facility.
4. A name which recognizes a person or family who made a significant contribution to the wellbeing of the city, including city council, commissioners, officers and employees of the city, but not anyone who currently holds such position.

Request Analysis

Based on the guidelines established in the Municipal Code and in consideration of what would best identify the street, the following analysis was considered for the street renaming:

1. Existing Name:
 - Currently, the subject roadway is named South Lyon Street.
2. Proposed Name:
 - South Elk Lane will replace South Lyon Street as the name of the existing South Lyon Street segment between East Edinger Avenue and East Saint Andrew Place.
 - South Elk Lane is intended to commemorate the Santa Ana Elks Club, which has had a presence in Santa Ana for over 119 years. The Elks Club has consistently contributed toward investment in the community, with three distinct and dedicated buildings serving as the Local 794's headquarters since its founding in Santa Ana in 1902. The original headquarters at 310 North Sycamore Street served as headquarters for over 60 years, until the 1960s when the Elks Club constructed a new 40,000-square foot headquarters at 212 South Elk Lane. The Elks Club sold that site for redevelopment in 2018 while embarking on an ambitious project to construct a new 52,000-square foot headquarters at 1751 South Lyon Street, which opened in 2019.
 - The renaming is consistent with past practice of naming the adjacent roadway after the Elks, as existed on 212 South Elk Lane adjacent to the previous headquarters, between East First Street and East Chestnut Avenue. That

roadway will remain as South Elk Lane as well, but with different and non-overlapping address numbers.

- The renamed segment will not pose a threat to public health, welfare, or safety and will not create confusion for motorists, emergency responders, and other service providers. The segment is distinctly landscaped and hardscaped within PacifiCenter (Specific Development No. 69) and will not contain repeating or overlapping address numbers with other segments of Lyon Street or Elk Lane.

Lyon Street has applied to the roadway segment since the late 1890s, named after nearby Tustin pioneer George B. Lyon (1806-1890), who owned the land in that portion of the region. Mr. Lyon appears in local records beginning in 1882, when he is believed to have purchased large amounts of land in Santa Ana and Tustin following a collapse in property values associated with changes in the railroad industry. The proposed renaming would only affect a small segment of South Lyon Street and would leave other portions of Lyon Street north of the affected segment intact.

In early 2021, Exalted Ruler Lisa Darmousseh of the Local 794 initiated public outreach to affected property owners through mailers and in-person visits to identify any areas of concern, and to offer financial assistance to property owners affected by the proposed renaming to update any affected records. In addition, the City notified property owners and tenants/occupants affected by the proposed renaming. As of the writing of this report, no areas of concern have been identified by any property owner or tenant/occupant. Based on the above analysis, staff recommends that the Planning Commission approve the renaming of a street segment adjacent to the new Elks Club headquarters as South Elk Lane.

ENVIRONMENTAL IMPACT

In accordance with the California Environmental Quality Act and the CEQA Guidelines, the recommended action is exempt from further review per Section 15061 (b)(3). This general rule exemption is allowed provided it can be determined with certainty that the proposed project will not have a significant effect on the environment. As the project consists of the renaming of a public street, the general rule exemption is applicable. Categorical Exemption Environmental Review No. 2021-66 will be filed for this project.

FISCAL IMPACT

There is no fiscal impact associated with this action.

EXHIBIT(S)

1. Resolution
2. Vicinity Zoning and Aerial View

Street Naming No. 2021-01 to Rename a Portion of South Lyon Street to South Elk Lane
June 28, 2021
Page 4

3. Copy of Notice

Submitted By:
Ali Pezeshkpour, AICP, Principal Planner

Approved By:
Minh Thai, Executive Director, Planning and Building Agency

RESOLUTION NO. 2021-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA TO CHANGE THE NAME OF A SEGMENT OF SOUTH LYON STREET BETWEEN EAST EDINGER AVENUE AND EAST SAINT ANDREW PLACE IN THE PACIFICENTER TO SOUTH ELK LANE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA ANA AS FOLLOWS:

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

- A. The City of Santa Ana is requesting approval of a City-initiated Street Naming No. 2021-01 to change the name of a segment of South Lyon Street between East Edinger Avenue and East Saint Andrew Place within the PacifiCenter development to South Elk Lane.
- B. Street Naming No. 2021-01 came before the Planning Commission on June 28, 2021.
- C. Pursuant to sections 33-5 through 33-8 of the Santa Ana Municipal Code (SAMC), the Planning Commission is the decision making body for the naming of public streets, subject to confirmation by the City Council. Further, the policy guidelines in the SAMC pertaining to the naming of public streets state that a facility may be named if the name serves to recognize a person who made a distinct, significant contribution to the well-being of the City.
- D. The Planning Commission held a duly-noticed public hearing on June 28, 2021 to consider Street Naming No. 2021-01. Affected properties, including property owners and tenants, were notified by mail at least 10 days prior to the meeting.
- E. The Santa Ana Elks Club (Local 794) completed a new headquarters at 1751 South Lyon Street, completed in 2019.
- F. Since 1902, the Elks Club has had a presence in Santa Ana, contributing to civic engagement, charity, education scholarships, and community service for Santa Ana residents and the broader Orange County community. Originally headquartered at 310 North Sycamore Street, the Elks Club Local 794 relocated to a new headquarters building in the 1960s at 212 South Elk Lane.
- G. Based on these guidelines, the street name of South Elk Lane has been selected as the new name of a street segment in the PacifiCenter to honor

the Santa Ana Elks Club, who recently relocated from their former headquarters at 212 South Elk Lane to a new headquarters at 1751 South Lyon Street.

Section 2. In accordance with the California Environmental Quality Act and the CEQA Guidelines, the recommended action is exempt from further review per Section 15061(b)(3). This general rule exemption is allowed provided it can be determined with certainty that the proposed project will not have a significant effect on the environment. As the project consists of the renaming of a public street, the general rule exemption is applicable. Categorical Exemption Environmental Review No. 2021-66 will be filed for this project.

Section 3. The Planning Commission of the City of Santa Ana hereby approves Street Naming No. 2021-01 to change the name of a segment of South Lyon Street between East Edinger Avenue and East Saint Andrew Place within the PacifiCenter development to South Elk Lane. This decision is based upon the evidence submitted at the above-referenced meeting, which includes, but is not limited to: the Request for Planning Commission Action dated June 28, 2021 and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 28th day of June, 2021.

Mark McLoughlin
Chairperson

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

By: John M. Funk
John M. Funk
Sr. Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Sarah Bernal, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2021-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on June 28, 2021.

Date: _____

Recording Secretary
City of Santa Ana

SN No. 2021-01, Elk Lane Renaming South Lyon Street between East Edinger Avenue and East Saint Andrew Place

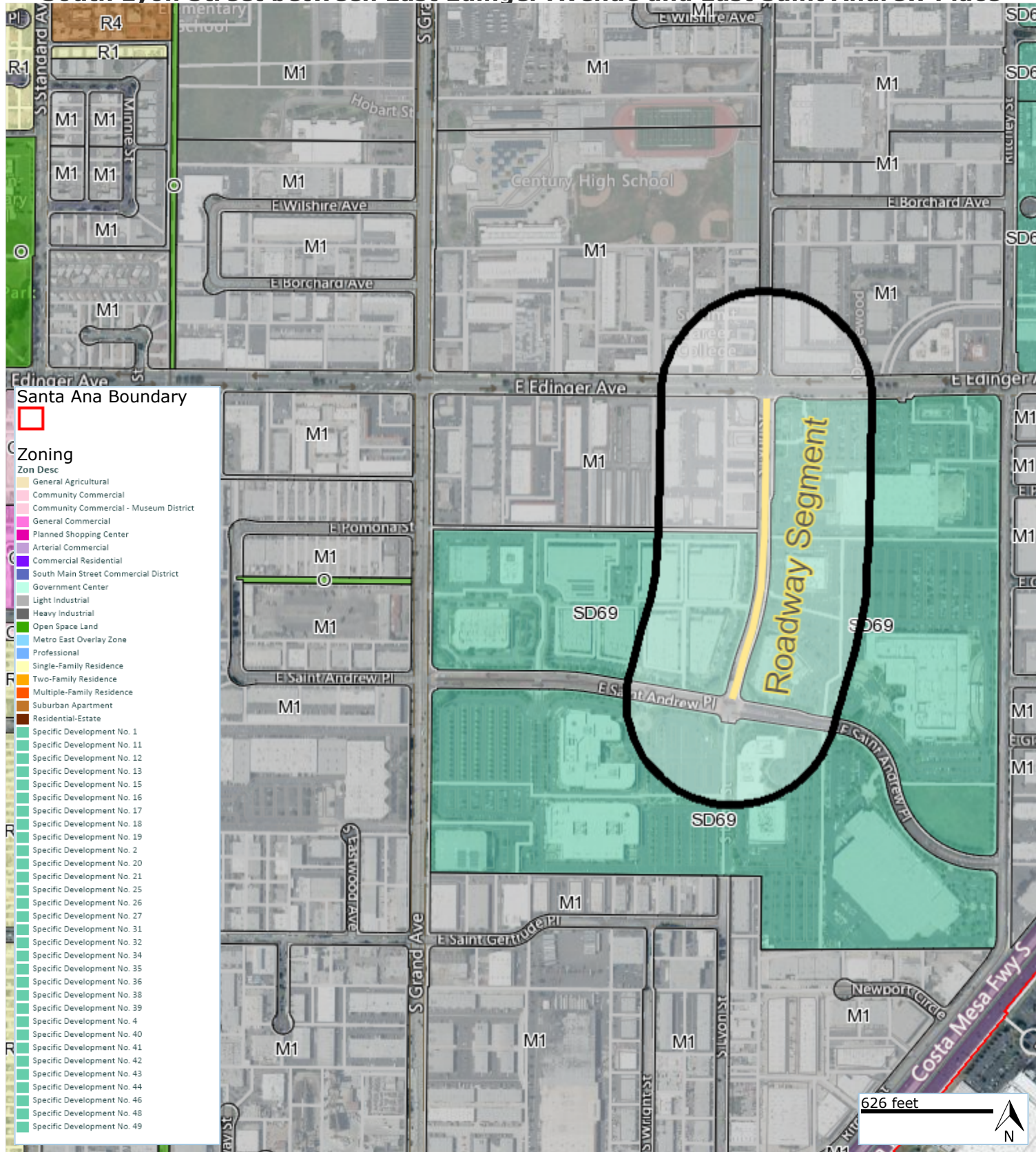


Exhibit 2 - Vicinity Zoning and Aerial View





CITY OF SANTA ANA

Planning and Building Agency

20 Civic Center Plaza • P.O. Box 1988
Santa Ana, California 92702
www.santa-ana.org/pba

NOTICE OF PLANNING COMMISSION MEETING

Planning Commission Action: The Planning Commission will take action on the item described below. Decision on this matter will be final unless appealed within 10 calendar days of the decision by any interested party or group.

Project Location: Segment of South Lyon Street between East Edinger Avenue and East Saint Andrew Place within the PacifiCenter development.

Project Applicant: The City of Santa Ana

Proposed Project: The City is requesting approval of Street Naming No. 2021-01 to change the name of a segment of South Lyon Street between East Edinger Avenue and East Saint Andrew Place to South Elk Lane

Environmental Impact: The Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15601 (b)(3) of the CEQA Guidelines – General Rule. Notice of Exemption, Environmental Review No. 2021-66 will be filed for this project.

Meeting Details: This matter will be considered on **Monday, June 28, 2021 at 5:30 p.m.** In light of COVID-19, this meeting will be conducted in a virtual environment. For the most up to date information on how to participate virtually in this meeting, please visit www.santa-ana.org/pb/meeting-participation.

Written Comments: If you are unable to participate in the virtual meeting, you may send written comments by e-mail to PBACeComments@santa-ana.org (reference the Agenda Item # in the subject line) or mail to Sarah Bernal, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza – M20, Santa Ana, CA 92701. Deadline to submit written comments is **5:00 p.m.** on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

Where To Get More Information: Additional details regarding the proposed matter, including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at: www.santa-ana.org/cc/city-meetings

Who To Contact For Questions: Should you have any questions, please contact Ali Pezeshkpour with the Planning and Building Agency at APezeshkpour@santa-ana.org.

**Si tiene preguntas en español, favor de llamar a Narcedalia Perez al (714) 667-2260.
Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.**

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AFFORDABLE HOUSING

City of Santa Ana
Planning
Commission Work
Study Session



AFFORDABLE HOUSING TOPICS TO BE DISCUSSED

What is Affordable

Housing? Who needs it? Evaluation only.

Where is it and what's it really like? How do we get there?

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WHAT IS AFFORDABLE

More than just inexpensive housing

HOUSING?

Housing is affordable if a household can live in it without sacrificing food, health care, and other essentials

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If a household is paying more than 30% of their income on housing, then housing is considered unaffordable

Affordable housing developments in the City are considered “Affordable Housing” when Affordability Covenants are recorded against the property to restrict housing costs not to exceed 30% of the Household Income



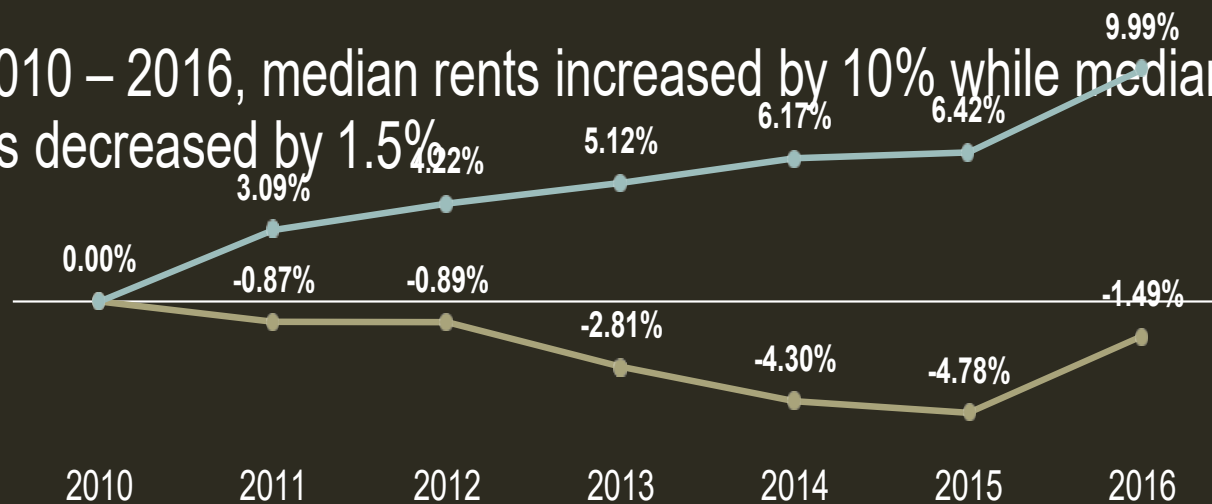
WHO NEEDS AFFORDABLE HOUSING?

56% of Santa Ana residents are Renters

64% of Santa Ana Renters spend more than 30% of their income on rent

31% of Santa Ana Renters spend more than 50% of their income on rent

From 2010 – 2016, median rents increased by 10% while median incomes decreased by 1.5%

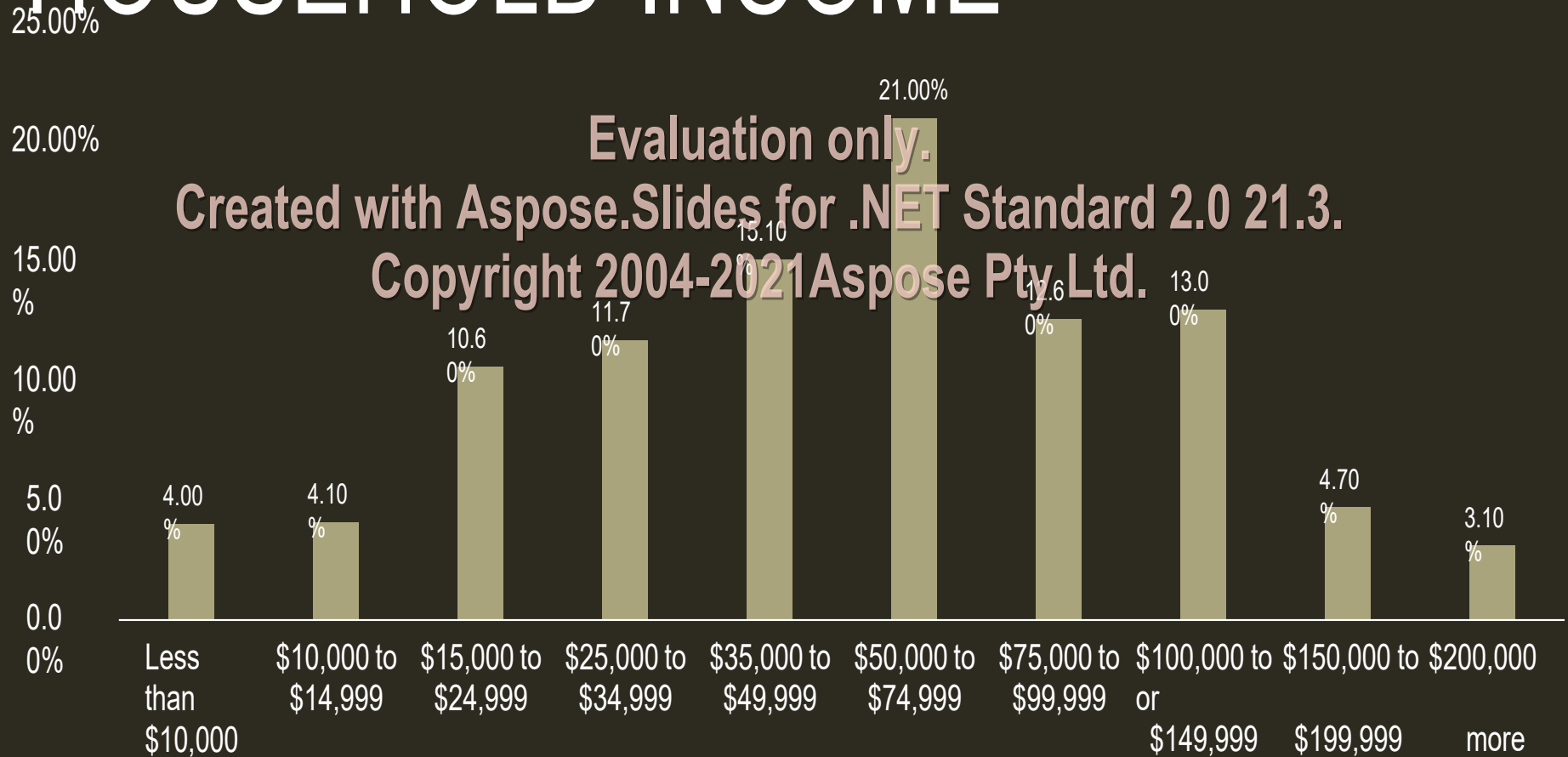


— Median Household Income

— Median Rent



SANTA ANA MEDIAN HOUSEHOLD INCOME



Santa Ana Median Household Income \$65,313

Orange County Median Household Income

6/28/2021

Planning Commission

\$103,000



AFFORDABLE HOUSING INCOME LIMITS

Income Limits are set annually by the State (HUD) and Federal Governments (HUD) based on the Area Median Income (AMI) for the County of Orange.

Median Household Income for Orange County:

103,000

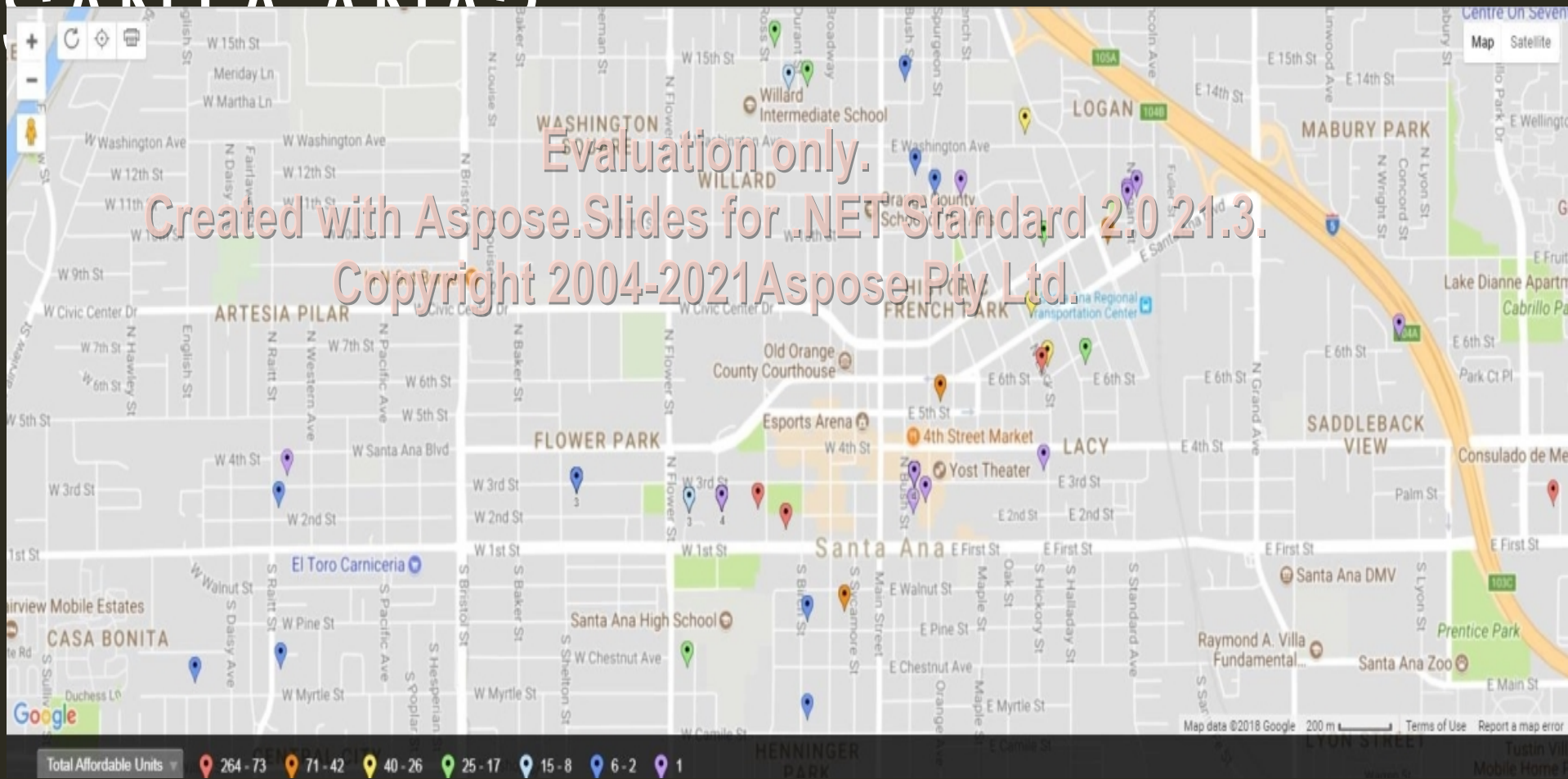
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Median Household Income for Santa Ana: 2014-2021 Aspose Pty Ltd.

	Range	4 Person Household	Rent
Extremely Low Income (30% AMI)	\$26,910 - \$50,730	\$38,430	\$672 - \$1,114
Very Low Income (50% AMI)	\$44,850 - \$84,550	\$64,050	\$1,121 - \$1,857
Low Income (80% AMI)	\$71,760 - \$135,280	\$102,480	\$1,794 - \$2,972

WHERE IS AFFORDABLE HOUSING LOCATED IN SANTA ANA?



Interactive Map – Click to View
6/28/2021
Planning Commission

WHAT DOES AFFORDABLE HOUSING LOOK LIKE IN SANTA ANA



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Santa Ana Station
District

WHAT DOES AFFORDABLE HOUSING LOOK LIKE IN SANTA ANA



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WHAT DOES AFFORDABLE HOUSING LOOK LIKE IN SANTA ANA





HOW IS AFFORDABLE HOUSING CREATED?

- For-profit and non-profit developers develop Affordable Housing with financing from the City
 - Some projects may not require financing from the City
- For-profit developers may also provide affordable housing units on-site as part of their market-rate projects as an option under the City's Housing Opportunity Ordinance or in order to increase the Density of their project



HOW IS AFFORDABLE

HOUSING FINANCED?

- Involve combinations of public and private financing in exchange for income restricted units

- California Tax Credit Allocation Committee (TCAG) provides Tax Credit Financing

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4% Non-Competitive Tax Exempt Bonds	9% Competitive Tax Credits
Applications Accepted 9x per year	Applications Accepted 2x per year (February/July) (HIGHLY COMPETITIVE)
Requires Zoning Verification	Project must be fully entitled (including CEQA)
Project does not have to be fully financed	Project should have other sources of financing committed



ANDAL HOLA



Bedroom Count	Very Low Income 50% AMI	Low Income 60% AMI	Moderate Income 110% AMI
3 Bedroom	7	49	13
Maximum Rent	\$1,665	\$1,998	\$2,946



THE DEPOT AT SANTA ANA



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Bedroom Count	SF	Extremely Low Income 30% AMI	Very Low Income 40% AMI	Very Low Income 50% AMI	Low Income 60% AMI	Total
1 Bedroom	875	2	3	6	3	14
2 Bedroom	1,085	2	6	11	10	29
3 Bedroom	1,350	3	5	11	7	26
Totals:		7	14	28	20	69

6/28/2021

Planning Commission



AFFORDABILITY

COVENANTS AND

Government Agencies (Federal, State, City) provide funding to

finance affordable housing developments in exchange for

Affordable units

MONITORING Evaluation only.
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- Affordability Covenants are recorded for 55 years
- Affordable units are monitored every year by the City
- 20% of the units in each development are inspected every 1-3 years

HOUSING CHOICE

VOUCHER PROGRAM

Tenant-Based Rental Assistance (Section 8)

Families with a Voucher can ~~choose~~ and lease safe, healthy, and affordable rental housing in the private market. (As long as the landlord is willing to accept their Voucher)

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The Housing Authority will execute a Contract with that landlord to assist that family in their unit

The family is responsible for up to 30% of their income (minimum \$50) toward their rent and the rest is subsidized by the Housing Authority

Household income must be less than 50% AMI (Very Low Income) to qualify

**HOUSING OPPORTUNITY
 ORDINANCE**

Sec. 41-1900. Purpose. This Article establishes standards of housing that is affordable to a range of income levels. The purpose of this Article is to encourage the development of housing that is affordable to a range of income levels by requiring the inclusion of affordable housing in the conversion of rental units to condominium or other ownership forms permitted under the General Plan.

Sec. 41-1901. Definitions

As used in this Article, the following terms shall mean:

"Adjusted for Household Size Appropriate for the Case" means the number of persons in the case of a studio unit, two persons in the case of a one-bedroom unit, four persons in the case of a two-bedroom unit, and six persons in the case of a three-bedroom unit.

"Administrative Procedures" means those rules and regulations promulgated pursuant to Section 41-1910 of this Article.

"Affordable Housing Cost" means the total cost of the unit which shall not exceed the fraction of gross income of the household as defined in Sections 50052.5 and 50053 of the Health & Safety Code.

"Very Low-Income Households" means those households earning fifty (50) percent of the Orange County median income for the size appropriate for the unit.

"Low-Income Households" means those households earning seventy (70) percent of the Orange County median income for the size appropriate for the unit.

In the event of a conflict between the provisions of this Article and those specified by State law shall control.

"Developer" means any association, corporation, partnership, or other entity or combination of entities, which see Section 41-1900.

"Executive Director" means the Executive Director of Santa Ana.

"Inclusionary Housing Agreement" means an agreement between the Developer and the City, in a form and substance approved by the City Attorney, and containing those provisions of this Article as satisfied, whether through the approved alternative method.



DEPARTMENT OF CITY PLANNING

City Hall #200 N. Spring Street, Room 667 #L

December 17, 2015

TO: All Staff
 Other Interested Parties

FROM: Michael LoGrande *MLoGrande*
 Director of City Planning

SUBJECT: IMPLEMENTATION OF AB 744 – DEN

On October 9, 2015, Governor Brown signed AB 744 / 20 State Density Bonus Law (Govt. Code §65915). The law imposes vehicular parking requirements higher than those in the request of a developer, provided that the project includes affordable housing and is located near designated public transit.

The City has received numerous questions regarding the law. This memo is unable to amend the local density bonus ordinance implemented on 1/20/16 (when the law takes effect), this memo will serve as guidance for applicants. It is meant to provide guidance on State law additional City policies or regulations.

Eligible Projects

This request from the developer applies to projects located within the City of Santa Ana.

- 1) 100% affordable developments consisting of a manager's unit or units, with an affordable housing component.
- 2) Mixed-income developments consisting of a mix of income units provided for a minimum of 10% of the total units (calculated prior to any units added through a density bonus).

New Parking Requirements

The vehicular parking ratios, inclusive of handicapped and accessible spaces, for different project types are as follows:

- 1) For 100% affordable rental projects located within 1/4 mile of a major transit stop¹, the City may not impose a parking requirement in excess of 0.5 spaces per unit;

¹ "Major transit stop" means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. It also includes major transit stops that are included in the applicable regional transportation plan.



CITY OF SANTA ANA
 20 Civic Center Plaza • P.O. Box 1988
 Santa Ana, California 92702
 www.santa-ana.org

CITY OF SANTA ANA DENSITY BONUS APPLICATION

I. Owner's Name and Home Address:

Name: _____
 Address: _____
 City/State: _____
 Zip Code: _____
 Telephone: _____
 Email (optional): _____

II. Authorized Agent's Name and Home Address: (If different than Applicant)

Name: _____
 Address: _____
 City/State: _____
 Zip Code: _____
 Telephone: _____
 Email: _____

III. Location of Property to be Developed

Street Address: _____

Assessor's Parcel Number: _____

Please attach proof of ownership that includes a legal description. The City will not be responsible for their return.

IV. PROJECT DESCRIPTION

Parcel size: _____
 Total number of units proposed: _____
 Number of units proposed with density bonus: _____
 Studio Units: _____
 1-Bedroom: _____
 2-Bedroom: _____
 3-Bedroom: _____
 4 or more bedroom units: _____

INCLUSIONARY HOUSING PLAN

FORM INFORMATION

Name of Person, Firm or Corporation: _____ Area Code: _____ Phone Number: _____
 Address: _____ Area Code: _____ Fax Number: _____
 Name of Person, Firm or Corporation: _____ Area Code: _____ Phone Number: _____
 Address: _____ Area Code: _____ Fax Number: _____
 Name of Person, Firm or Corporation: _____ Email address: _____
 Address: _____ Area Code: _____ Mobile Phone Number: _____ Area Code: _____ Fax Number: _____

Units Required:

Obligation for Low-Income Households (Ownership): _____
 Obligation for Low-Income Households (Rental on a long-term lease): _____
 Number of Units Required: _____
 Units to be provided in Phases? Yes _____ No _____
 Density Bonus Requested? Yes _____ No _____

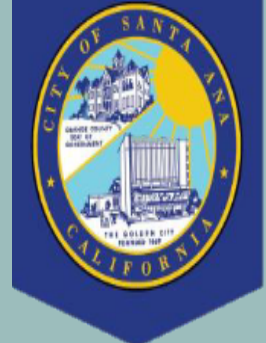
CITY APPROVALS (if applicable)

APPROVE DENY

Signature: _____ Date: _____

INCLUSIONARY HOUSING PLAN NO. _____

¹ This calculation is measured from the exterior wall of residential units and does not include exterior hallways, common areas, landscape, open space or exterior stairways.



**OTHER TOOLS
 THAT LEAD TO**

**Planning
 and Zoning
 Law**

OTHER TOOLS THAT LEAD TO AFFORDABLE HOUSING

- State's Density Bonus Law ("DBAs")
- Inclusionary Housing/Housing Opportunity Ordinance ("HOO")
- Other relevant laws

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DENSITY

BONUS LAW

- The State's Density Bonus Law allows developers to build extra units in a residential development
- In exchange for the extra units, the developer enters into a Density Bonus Agreement (DBA) that locks in those extra units for a minimum period of affordability
 - Minimum 55 years
 - Different number of units allowed for various income levels and housing types (senior, family, very low income, etc.) – up to 50% density bonus
 - Agreement is taken to City Council

DENSITY BONUS

LAW (CONTINUED)

- As part of a DBA, the developer can seek “relief” from development standards (setbacks, open space, height, density, etc.) Evaluation only. Standard 2.0 21.3.
- A jurisdiction can offer up to three (3) “incentives” to a developer (i.e., reduction in required setbacks) Copyright 2004-2021 Aspose Pty Ltd.
- A developer can request an unlimited number of concessions (i.e., height, open space requirements, etc.)
 - A jurisdiction can require a study to prove that the concessions will not harm public health or safety



HOUSING OPPORTUNITY ORDINANCE (HOO)

- Santa Ana's HOO provides for:
 - Onsite affordable housing
 - Payment of a fee in-lieu of developing the units onsite
 - Rehabilitation or construction of offsite affordable units
- The HOO applies to:
 - Residential projects with 20 or more units; AND
 - Increase in the density permitted by the General Plan OR
 - Conversion of rental units to condominium ownership

HOUSING OPPORTUNITY ORDINANCE (HOO)



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- Santa Ana's HOO also provides local incentives to help realize Affordable housing
 - Relief from required parking, setbacks, or height
- Santa Ana's HOO incentivizes for-sale units:
 - Reduces set-aside from 15% to 10%
 - Allows up to three concessions with provision of a community benefit
- Eligible projects must enter into an

OTHER

RELEVANT

- Additional State measures to further streamline or facilitate construction of affordable housing projects. Evaluation only.

LAWS

- AB 744 (2015) – Projects near public transit
 - 0.3 spaces for certain types of special needs housing
 - 0.5 spaces for other types (family, senior, mixed-income, etc.)
- SB 35 (2017) – Streamlined housing construction review
 - Applies to jurisdictions that are not meeting their Regional Housing Need Allocation (RHNA) goals
 - Removes CEQA review
 - Removes Planning Commission (or City Council)



OTHER

RELEVANT LAWS

- Additional State measures to further streamline or facilitate construction of Affordable housing projects. Evaluation only.
- AB 1763 (2019) – Affordable housing developments
 - Applies to developments in which 100% of the total units are affordable for lower income households. May include up to 20% of the total units for moderate-income households
 - Allows four incentives or concessions and 80% density bonus
 - If within one-half mile of a major transit stop: exempt from any maximum controls on density and shall receive a height increase up to three additional stories



OTHER

• AB 2345 (2020) - Additional benefits for projects that include qualifying affordable housing

• Increases the maximum density bonus from 35% to 50% on a sliding affordability scale.

• Lowers the threshold of total affordable units required to qualify for incentives or concessions

• 100% affordable housing developments are eligible for unlimited waivers or reductions of development standards if granted by the jurisdiction

• Clarifies how to measure half-mile of a major transit stop for purposes of qualifying for additional benefits

• Decreases the maximum parking ratio for 2 to 3 bedrooms, from two to one and one-half onsite parking spaces per unit

• Eliminates parking ratio of 0.5 spaces per unit for affordable developments meeting specific criteria



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2014 – 2021 REGIONAL HOUSING NEEDS ASSESSMENT PROGRESS

**Progress Towards 2014-2021 RHNA Goal
(New Housing Units by Category and Year)**

Income	RHNA Allocation	2014	2015	2016	2017	2018	2019	2020	Total Units	Total Units Exceeding RHNA Allocation	% Exceeding RHNA Allocation
Very Low	45	0	49	49	43	172	80	59	452	407	904%
Low	32	2	31	22	38	388	83	552	1,116	1,084	3,388%
Moderate	37	12	4	20	10	17	1	1	65	28	76%
Above Moderate	90	80	442	130	424	795	538	865	3,274	3,184	3,538%
Total:	204	94	526	221	515	1,372	702	1,477	4,907	4,703	2,305%

Based on building permits issued.

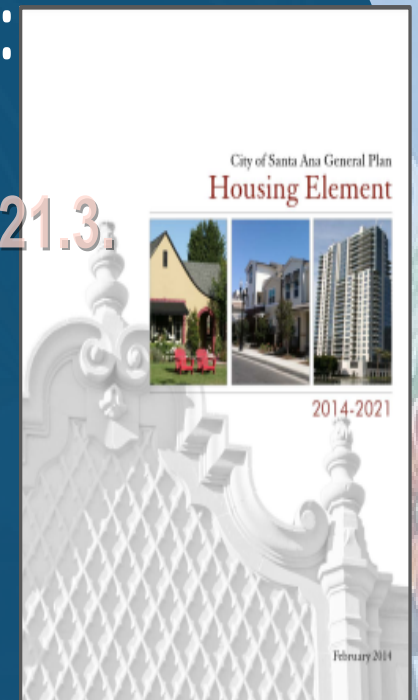


GENERAL PLAN HOUSING ELEMENT (2021-2029)

Upcoming Housing Element Update Milestones:

- Roundtable Meetings: June 2021
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- Citywide survey
- Virtual community workshop
- Boards and Commissions forums
- City Council adoption: Late 2021

www.santa-ana.org/housing-element-update-2021





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DISCU SSION

City of Santa Ana
Planning
Commission Work
Study Session

Planning Commission Member Training

Evaluation only.

Planning Commission Meeting

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May 24, 2021

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John M. Funk
Sr. Assistant City Attorney

Brief History of PC

- Established by Santa Ana Municipal Code section 2-350
- Part of the City's system of boards, commissions, and committees
- System provides a way for residents who have special experience or interests to participate in City's decision-making process by advising the Council on certain, often specialized, issues

PC Membership

- Consists of seven commissioners who are residents of the City, each appointed by the City Council

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Cannot hold any paid office or employment in city government.
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- Appointment, removal, and terms are governed by Santa Ana Municipal Code (section 2-326)

PC's Powers and Duties

- Outlined in SAMC 2-350.2, including:
- Review of General Plan
- Project approval Evaluation only.
- Zoning code amendments/ordinances Created with Aspose.Slides for .NET Standard 2.0 21.3. Copyright 2004-2021 Aspose Pty Ltd.
- Conditional Use Permits and Variances
- PC action final unless appealed within 10 days; appeal heard by city council unless appeal from a ruling by the zoning administrator, where heard by the PC

Attributes of an Effective Commission Member

- Balanced, level-headed, and practical
- Open-minded to new ideas
- Commitment to making the process fair for all; has no conflict of interest
- Ability to see strengths and weaknesses of proposals
- Faith in the future and ability of community to shape that future

Relationship with Staff

- City staff may work with the Commission, but they are accountable to the City Manager
- It is generally not within the Commission's authority to direct their work
- Such recommendations should be shared with the council member who appointed you, or the Commission can make a recommendation to City Council
- Briefings by staff are permissible, though can have Brown Act implications (as discussed later)

General Meeting Format for Business Items

1st – Chair announces
agenda item and clearly
states the subject.

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2nd – Commission hears any public
comment (if not already heard at
the top of agenda) and/or
presentation of staff report on the
item, if any; public hearing held

General Meeting Format for Business Items (Cont.)

3rd – Chair invites a motion on the item and announces name of member making the motion (motion is a request that the commission take action, e.g., approve an item)

4th – Chair invites a “second” to the motion and announces name of member making the second (if no second, does not proceed)

General Meeting Format for Business Items (Cont.)

5th – Chair re-states the motion and presides over discussion and debate by members, **Evaluation only** should be recognized by chair before speaking.

6th – Only one person speaks at a time. After all have spoken, Chair should repeat motion on the floor, especially if discussion is lengthy

General Meeting Format for Business Items (Cont.)

7th – Chair calls for a vote on the item
(yes/aye, no, or abstain)

8th – Chair announces the result of the vote;
seeks clarification from individual
members of their votes if necessary; the
motion “carries” by affirmative vote of more
than one-half of members; otherwise fails

Consent Calendar

- All items listed under the consent calendar are typically enacted by a single motion without discussion.
Evaluation only.
- If any member wishes to speak on a consent calendar item, he or she may request that it be removed for separate action
- Consent calendar ordinarily approved before new business items

Motions for Reconsideration

- Any member who voted with the majority may move for reconsideration of the item
- Motion can only be made by the member on the prevailing side who has changed position or view
- Motion requires second and follows ordinary process
- Motion for reconsideration cannot be further reconsidered

Amending Motions

- A member may move to amend a motion on the floor
- ^{Evaluation only.} Motion to amend requires second with any debate or discussion.
- If motion carries, the motion as amended becomes the motion before the commission; this is sometimes referred to as the “substitute motion”

PC Bylaws

- Govern meeting conduct and procedures in general, including meeting times
- All city commissions and legislative bodies have bylaws
- Latest version for PC was approved in November 2020; copies may be obtained from the recording secretary

Meetings are “Open and Public”

- Ralph M. Brown Act requires local government business to be conducted at open and public meetings, except only when authorized by the Act
- Applies to governing body of a local agency (city council) and any commission, committee, board that is created by formal action of the city council (like PC)
- Does not apply to *ad hoc* (or temporary) committees with less than a quorum

Good Public Policy

- California (like other states) has concluded that there is more to be gained than lost by conducting public business in the open
- Even if government behind closed doors is viewed as more efficient, the perception is that it is unresponsive and untrustworthy
- Transparency is the foundational value
- Brown Act is a floor, not a ceiling, for conduct

What is a Meeting?

- Meeting is any gathering of a majority of members to hear or discuss any item of PC business or potential PC business
- Requires notice, agenda, and a period for public comment
- Unless a majority gathering falls into one of the Brown Act's exceptions to the definition of a meeting, it will be considered a meeting subject to the Act

Face-to-Face Gatherings Only?

- Meetings subject to the Brown Act are not limited to face-to-face gatherings
- Also include any communication medium or device through which a majority of the body discusses, deliberates, or takes action on business item outside of a noticed meeting
- Meetings held from remote locations by teleconference as well

Brown Act Exceptions: Individual Contact

- Act does not apply to individual contacts between a member of the body and any other person (e.g., phone or other conversation with any other person, including staff, constituents, press, etc.)
- BUT individual contacts cannot be used to do in stages what would be prohibited in one step
- The concept of a “serial meeting”

Serial Meeting Prohibition

- Under the Brown Act, “[a] majority of the members of a legislative body shall not, outside a meeting . . . use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body”
- May not develop a collective concurrence

Problem with Serial Meetings

- Deprives the public of an opportunity to observe and participate in decisionmaking
- May occur by either a "daisy chain" or "hub and spoke" sequence.
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- Daisy Chain: Member A contacts Member B, B contacts C, etc. until quorum has discussed and taken action on an item
- Hub and Spoke: A sequentially contacts B, C, D, etc. and shares ideas with majority

Avoiding Serial Meetings

- Direct contacts about city business with fellow members are the clearest means by which a serial meeting can occur
- If one participant discloses the views of the other participant to a third or fourth member, etc., a serial meeting results
- Best way to avoid is to refrain from discussing agency business with a quorum or sharing views of others outside meeting

Communications with Staff and Serial Meetings

- Members of a body may consult with city staff outside of a meeting for questions or information about a matter without a meeting taking place.
- But both staff and members should be very careful not to disclose the comments or position of any other member
- This can facilitate a collective concurrence outside of a noticed and open meeting and result in a Brown Act violation

Other Brown Act Exceptions (or what is not a “meeting”)

- Attendance at seminars and conferences open to the public and of general interest
- Attendance at community meetings that are open and publicized
- Attendance at meetings of other legislative bodies or social or ceremonial occasions
- CAVEAT:if majority present at any of these, cannot discuss any items of PC business or else a meeting results

Recommendations for E-mail

- Avoid sending e-mails to the whole commission; if necessary, provide information only and do not solicit response
- Be careful replying to e-mails; do not communicate your position and do not reply to a majority of the commission
- Think carefully before pressing “send” as e-mail can be forwarded to a majority

Notice & Agenda Requirements

- For regular commission meetings, agendas must be posted in a place freely accessible to the public and on the city website 72 hours in advance
- For special meetings, agendas must be posted 24 hours in advance
- Meeting agendas must contain a brief general description of each item of business; need not exceed 20 words

Discussion of Non-Agenda Items

- Body may not take action or discuss any item not on posted agenda, except where:
- ^{Evaluation only.} (1) majority vote determines emergency situation exists, (2) 2/3 vote determines there is a need to take immediate action on an item and the need for action came to the attention of the body after agenda was posted, or (3) item was continued from a meeting held within 5 days

Discussion of Non-Agenda Items: Other Limited Exceptions

- Members may briefly respond to public comments or questions and provide a reference to staff or other resources
- Members may ask questions for clarification and provide reference to staff
- Members may report on own activities
- Members may request staff to report back on any matter
- Members may request to place a matter on a future agenda

Public Participation

- Brown Act require two types of public comment periods
- ^{Evaluation only} General audience public comment, during which public may comment on any item within the subject matter jurisdiction of the city; may come at any time
- Comments pertaining to agenda items, which must be heard prior to consideration of the item

Closed Sessions: A Brief Note

- Closed session is a meeting of the body conducted in private without attendance of the public or press. Evaluation only.
- Body may only meet in closed session when expressly authorized by Brown Act
- Most common purposes are to discuss pending or anticipated litigation, to confer with real estate or labor negotiator, or to consider personnel matters

Enforcement of Brown Act

- Most often Act is civilly enforced to invalidate actions taken in violation of Act
- But one can only seek judicial intervention after making a written demand on the body to cure or correct the alleged violation
- Compliance results more often from regular training and self-regulation
- Actions taken in substantial compliance with the Act will not be invalidated

How to Resolve a Brown Act Violation?

- Act does not specify how to cure or correct a violation
- Best method is usually to rescind the action being complained of and start over, or reaffirm the action if body relied on the action and rescission would somehow prejudice the body

A Word About Social Media

- The internet never forgets
- Perception IS reality
- Anything you say may be used against you
- Once you say it, you can't take it back
- Mistakes are magnified
- Online conduct can be used as evidence in litigation

Social Media

- The City of Santa Ana has a prime interest and expectation in deciding what is “spoken” on behalf of the City on social media sites controlled by the City.
- For other sites, if posting and speaking about matters affecting the City, if you identify yourself as an Planning Commissioner, clarify that the opinions expressed are your own and not the City’s or PC’s

Use of Social Media to Engage with the Public

- You may use social media to answer questions, provide information to the public, or solicit information from the public
- Cannot use social media to discuss yourselves items of city business (this includes use of emojis and digital icons)
- Cannot respond directly to any communication made by a fellow member on social media about city business

Thank you!

- Enjoy your time as a Planning Commissioner while you provide a valuable service to the City Council, staff and the community of Santa Ana.
- Questions / Comments