

**ACTION MINUTES OF THE REGULAR MEETING  
OF THE SANTA ANA PLANNING COMMISSION**

**OCTOBER 12, 2020**

**CALLED TO ORDER**

*VIRTUAL MEETING*  
CITY HALL, ROSS ANNEX  
20 CIVIC CENTER PLAZA, ROOM 1600  
SANTA ANA, CALIFORNIA  
5:32 P.M.

**ATTENDANCE**

COMMISSIONERS Present:  
CYNTHIA CONTRERAS-LEO, *Vice Chair*  
NORMA GARCIA (joined at 5:41 p.m.)  
MARK MCLOUGHLIN, *Chair*  
KENNETH NGUYEN  
THOMAS MORRISSEY  
V. THAI PHAN  
FELIX RIVERA

COMMISSIONERS Absent: None.

PLANNING & BUILDING AGENCY STAFF Present:  
MINH THAI, *Executive Director*  
VINCE FREGOSO, *Planning Manager*  
LISA STORCK, *Assistant City Attorney*  
ALI PEZESHKPOUR, *Senior Planner*  
PEDRO GOMEZ, *Associate Planner*  
SELENA KELAHER, *Associate Planner*  
SARAH BERNAL, *Recording Secretary*

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS (on non-agenda items):** None.

**CONSENT CALENDAR ITEMS**

*\*All votes were taken by roll call*

A. MINUTES FROM THE SEPTEMBER 28, 2020 REGULAR MEETING

**MOTION:** Approve the minutes.

**MOTION:** Nguyen                      **SECOND:** Contreras-Leo

**VOTE:**            **AYES:**            Contreras-Leo, McLoughlin, Nguyen, Phan, Rivera (5)  
                         **NOES:**            None (0)

**ABSTAIN:** Morrissey (1)

**ABSENT:** Garcia (1)

## **BUSINESS CALENDAR**

### **PUBLIC HEARING**

1. ENVIRONMENTAL REVIEW NO. 2018-13, SITE PLAN REVIEW NO. 2020-03, VARIANCE NO. 2020-06 AND AMENDMENT APPLICATION NO. 2020-04 – Pedro Gomez, Case Planner.

Commissioners McLoughlin, Contreras-Leo, Morrissey, Rivera and Phan disclosed that they discussed the project with the applicant.

**LOCATION:** 409 and 509 East Fourth Street located in the Transit Zoning Code (Specific Development No. 84), Downtown subzone and Urban Neighborhood 2 subzone.

**REQUEST:** The applicant is requesting approval of the following land use entitlements: (1) a site plan review to allow a mixed-use development project over four stories in height, (2) a variance to deviate from allowable building size and massing and (3) an amendment application to rezone Site B from Urban Neighborhood 2 (UN-2) subzone to Urban Center (UC) subzone. In addition, the applicant is requesting approval and adoption of an addendum to the Environment Impact Report (EIR) for the Transit Zoning Code Project (SCH NO. 2006071100) and adoption of a mitigation monitoring and reporting program for the Site Plan Review, Variance, and Amendment Application.

Case Planner Gomez provided a staff presentation.

Commission discussion ensued regarding the housing opportunity ordinance, project renderings, outdoor dining options, the transit zoning code map and the addendum to the EIR,

Recording Secretary provided a summary report of written communication received.

Chair McLoughlin opened the public hearing. Representatives of the project spoke in support of the matter; requested Condition No. 6 be modified to amend the timeline for the completion of the art work; answered questions regarding outdoor space, architectural style of the parking garage and affordable housing.

The following individuals spoke on the matter:

- Dave Elliot, spoke in support
- Ryan Chase, spoke in support
- Richard Drury, spoke in opposition.
- Laura (no last name), spoke in opposition
- Andre Robinson, spoke in support.

There were no other speakers and the public hearing was closed.

Vice Chair Contreras-Leo motioned to approve the matter with the following amendment to Condition No. 6: Prior to the issuance of a certificate of occupancy, a Public Art Plan must be submitted to the Planning Division for review and approval, and shall include a timeline of the anticipated completion of the art work proposed which shall not be any longer than a year after completion of the project; the motion was seconded by Commissioner Phan. Commissioner Garcia introduced a friendly amendment to allow additional outdoor dining areas, including the sidewalk, with review and approval conducted administratively by staff. Assistant City Attorney Storck informed Commission that an application process is already in place for outdoor dining; no need for added condition. Further discussion ensued regarding screening the parking garage and the Housing Opportunity Ordinance requirements.

**MOTIONS as amended.**

- a) **Adopt Resolution No 2020-33.** A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING AND ADOPTING AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE TRANSIT ZONING CODE PROJECT (SCH NO. 2006071100) FOR SITE PLAN REVIEW NO. 2020-03 AND VARIANCE NO. 2020-06 AND ADOPTION OF A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 4TH AND MORTIMER MIXED-USE DEVELOPMENT PROJECT LOCATED AT 409 AND 509 EAST FOURTH STREET;
- b) **Adopt Resolution No 2020-34.** A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING SITE PLAN REVIEW NO. 2020-03 AS CONDITIONED FOR A NEW MIXED-USE RESIDENTIAL AND COMMERCIAL DEVELOPMENT FOR THE PROPERTIES LOCATED AT 409 EAST FOURTH STREET (SITE A) AND 509 EAST FOURTH STREET (SITE B);
- c) **Adopt Resolution No 2020-35.** A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING VARIANCE NO. 2020-06 AS CONDITIONED TO ALLOW AN INCREASE IN THE ALLOWABLE BUILDING SIZE AND MASSING ON SITE B AS PART OF A NEW MIXED-USE RESIDENTIAL AND COMMERCIAL DEVELOPMENT FOR THE PROPERTIES LOCATED AT 409 EAST FOURTH STREET (SITE A) AND 509 EAST FOURTH STREET (SITE B);
- d) **Recommend that the City Council adopt a Resolution:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AND ADOPTING AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE TRANSIT ZONING CODE PROJECT (SCH NO. 2006071100) FOR AMENDMENT APPLICATION NO. 2020-04 AND ADOPTION OF A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 4TH AND MORTIMER MIXED-USE DEVELOPMENT PROJECT LOCATED AT 409 AND 509 EAST FOURTH STREET; and
- e) **Recommend that the City Council adopt an Ordinance:** AN ORDINANCE OF THE CITY COUNCIL APPROVING AMENDMENT APPLICATION NO. 2020-04 MODIFYING THE SUB-ZONING DESIGNATION OF THE PROPERTIES LOCATED AT 501, 507, 509, 515, AND 519 EAST FOURTH STREET AND THOSE AT 502, 506, 510, 514, 520

EAST FIFTH STREET FROM SPECIFIC DEVELOPMENT NO. 84, URBAN NEIGHBORHOOD 2 (UN-2) SUB-ZONE, TO THE URBAN CENTER (UC) SUB-ZONE

**MOTION:** Contreras-Leo      **SECOND:** Phan

**VOTE:**      **AYES:** Contreras-Leo, Garcia, McLoughlin, Morrissey, Nguyen, Phan, Rivera (7)

**NOES:** None (0)

**ABSTAIN:** None (0)

**ABSENT:** None(0)

**\*\*\*END OF BUSINESS CALENDAR\*\*\***

**WORK STUDY CALENDAR**

2. REVIEW AND DISCUSS THE PROPOSED PROJECT LOCATED AT 1801 EAST FOURTH STREET.

Commissioner Phan recused herself from discussion due to a conflict of interest; her employer, Ruttan & Tucker, represents the applicant.

Case Planner Kelaher provided a presentation which included information on the following:

- Project Location & Zoning
- Site Photos
- Project Details
- Development Standards
- Site Plan and Conceptual Landscape Plan
- Open Space
- Renderings
- Required Entitlements
- Next Steps

Commission discussion ensued regarding types of units, unit size, affordable housing, open space, landscape, and the parking structure. The applicant spoke in support of the project and answered questions regarding rental rate, interior/exterior materials, retail parking, energy efficiency, and LEED.

**\*\*END OF WORK STUDY CALENDAR\*\*\***

## **COMMENTS**

### 3. STAFF COMMENTS:

Executive Director Thai: Proposed a Special Meeting on November 2 to consider the General Plan Update; commission expressed concern with the proposed date. Staff will reach out to each commissioner to check availability.

### 4. COMMISSION MEMBER COMMENTS:

- Commissioner Morrissey: Would like City Council to adopt design guidelines for the downtown historic district; would like more information on the design review process; would like more time to review the staff reports.
- Commissioner Phan echoed Commissioner Morrissey's comments and encouraged everyone to complete the census survey.
- Chair McLoughlin echoed Commissioner Morrissey's comments; would like the Special Meeting to be held after November 2; thanked the applicants and staff.

**8:15 P.M.** – The next meeting will be on Monday, October 26, 2020 at 5:30 p.m.

Sarah Bernal  
Recording Secretary