

Planning Commission Regular Meeting Agenda

September 27, 2021

5:30 P.M.

Council Chamber

22 Civic Center Plaza
Santa Ana, CA

Members of the public may attend this meeting in-person or join via Zoom.

Join from your computer: <https://zoom.us/j/84261348459>

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THOMAS MORRISSEY
Chair, Ward 6 Representative

ERIC M. ALDERETE
Citywide Representative

BAO PHAM
*Vice-Chair,
Ward 1 Representative*

MIGUEL CALDERON
Ward 2 Representative

ISURI S. RAMOS
Ward 3 Representative

MARK McLOUGHLIN
Ward 4 Representative

ALAN WOO
Ward 5 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.santa-ana.org/city-meetings.

CALL TO ORDER

Commissioners:

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

**Executive Director
Senior Asst. City Attorney
Planning Manager
Recording Secretary**

**Minh Thai
John Funk
Fabiola Zelaya Melicher
Sarah Bernal**

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS (non agenda items)

CONSENT CALENDAR ITEMS

a. Minutes

Recommended Action: Approve Minutes from August 23, 2021 Regular Meeting.

b. Excused Absences

Recommended Action: Excuse absent commissioners.

End of Consent Calendar

BUSINESS CALENDAR

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 in the OC Reporter on September 13, 2021 and notices were mailed on said date.

1. Conditional Use Permit No. 2021-14 – Pedro Gomez, Case Planner.

Project Location: 518 North Broadway located in the Transit Zoning Code (SD-84) with Urban Center (UC) land use designation zoning district.

Project Applicant: Khoa Pham, representing The Kickin’ Crab, on behalf of KC of Broadway, LLC (Property Owner).

Proposed Project: The applicant is requesting approval of Conditional Use Permit No. 2021-14 to allow a Type 41 Alcoholic Beverage Control (ABC) license for the sale of beer or wine for on-premises consumption at a new proposed restaurant (The Kickin’ Crab).

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 15301 of the CEQA Guidelines – Class 1/Existing Facilities. Notice of Exemption, Environmental Review No. 2021-92 will be filed for this project.

Recommended Action: Adopt a resolution approving Conditional Use Permit No. 2021-14 as conditioned.

Reports

2. General Plan Housing Element Update Overview – Melanie McCann

Recommended Action:

1. Receive and file; and
2. Provide input on the 6th cycle 2021-2029 Housing Element Update.

End of Business Calendar

STAFF COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

The next meeting of the Planning Commission will be on October 11, 2021 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

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.

MEETING INFORMATION

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Submit a written comment

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- **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 4:00 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.

Planning Commission Regular Meeting Agenda Minutes

August 23, 2021

VIRTUAL MEETING
5:30 P.M.



MARK McLOUGHLIN
Chair, Ward 4 Representative

ERIC M. ALDERETE
Citywide Representative

MIGUEL CALDERON
Ward 2 Representative

ALAN WOO
Ward 5 Representative

BOA PHAM
Ward 1 Representative

ISURI S. RAMOS
Ward 3 Representative

THOMAS MORRISSEY
*Vice Chair, Ward 6
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Principal Planner

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CALL TO ORDER**Commissioners:**

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

Executive Director
Senior Asst. City Attorney
Planning Manager
Recording Secretary

Minh Thai
John Funk
Fabiola Zelaya Melicher
Sarah Bernal

ROLL CALL**Minutes:****PLEDGE OF ALLEGIANCE****PUBLIC COMMENTS (non agenda items)****CONSENT CALENDAR ITEMS****a. Minutes****Recommended Action:** Approve Minutes from the July 12, 2021 meeting.**b. Excused Absences****Recommended Action:** Excuse absent commissioners.**Moved by Commissioner Woo, seconded by Commissioner McLoughlin to Approve Consent Calendar items.****YES:** 6 – Tom Morrissey, Mark McLoughlin, Bao Pham, Isuri Ramos, Alan Woo, Eric Alderete**NO:** 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Miguel Calderon

Status: 6 – 0 – 0 – 1 – **Pass**

End of Consent Calendar

BUSINESS CALENDAR

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 in the OC Reporter on August 11 and notices were mailed on said date.*

1. Conditional Use Permit No. 2021-12 – Jerry Guevara, Case Planner.

Project Location: 2151 East Santa Clara Avenue located in the Arterial Commercial (C5) zoning district.

Project Applicant: Nicole Comach with Virtual Site Walk, on behalf of SBA Monarch Towers III, LLC (Applicant) and Long Ridge Associates, LLC (Property Owner).

Proposed Project: The applicant is requesting approval of Conditional Use Permit No. 2021-12 to renew the entitlements of an existing 56-foot high major wireless communications facility disguised as a mono-pine.

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 15301 of the CEQA Guidelines – Class 1/Existing Facilities. Notice of Exemption, Environmental Review No. 2020-54 will be filed for this project.

Recommended Action: Adopt a resolution approving Conditional Use Permit No. 2021-12 as conditioned.

Minutes: *Property owner and applicant have agreed to install a wrought-iron fence around the facility. A condition will be added to reflect this agreement.*

Chair Morrissey opened the Public Hearing. There were no speakers. The Public Hearing was closed.

Moved by Commissioner Woo, seconded by Commissioner Pham to Approve with the added condition that a wrought-iron fence be installed around the facility with the fence height to match the masonry wall.

YES: 7 – Tom Morrissey, Mark McLoughlin, Bao Pham, Isuri Ramos, Alan Woo, Eric Alderete, Miguel Calderon

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 0 – **Status:** 7 – 0 – 0 – 0 – **Pass**

Administrative Matters

2. Annual review of Conditional Use Permit No. 2019-10 for Mariscos Hector #1 located at 1801 South Main Street

Recommended Action: Receive and file.

Minutes: *The following individual provided a comment on the matter.*

- *Arthur Newton, representative of Mariscos Hector, spoke in support and answered questions regarding noise and neighborhood outreach.*

Moved by Commissioner McLoughlin, seconded by Commissioner Woo to Receive and File.

YES: 7 – Tom Morrissey, Mark McLoughlin, Bao Pham, Isuri Ramos, Alan Woo, Eric Alderete, Miguel Calderon

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 0 – **Status:** 7 – 0 – 0 – 0 – **Pass**

End of Buisness Calendar

WORK STUDY SESSION: Please note: No action will be taken on these items.

3. **General Plan Update – Melanie McCann, Principal Planner.**

Minutes: *The following individual spoke on the matter:*

- *John Hanna, representing Southwest Regional Council of Carpenters, made a general comment regarding environmental impacts.*

End of Work Study Session Calendar

STAFF COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

The next meeting of the Planning Commission will be on September 13, 2021 at 5:30 PM in the Council Chamber located at 22 Civic Center Plaza, Santa Ana, CA 92701

Minutes: *Adjourn in memory of Peter Katz.*

FUTURE AGENDA ITEMS

- Public Hearing: Draft Environmental Impact Report
- Work Study: General Plan Update

APPEAL INFORMATION

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SUBMIT A WRITTEN COMMENT

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City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
September 27, 2021

Topic: CUP No. 2021-14 – The Kickin’ Crab

RECOMMENDED ACTION

Adopt a resolution approving Conditional Use Permit No. 2021-14 as conditioned.

EXECUTIVE SUMMARY

Khoa Pham, representing The Kickin’ Crab, on behalf of KC of Broadway, LLC (Property Owner), is requesting approval of Conditional Use Permit (CUP) No. 2021-14 to allow the sale of alcoholic beverages for on-premise consumption (Type 41- Beer and Wine) at a new eating establishment located at 518 North Broadway. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC), establishments wishing to sell alcoholic beverages for on-premise consumption require approval of a CUP. Staff is recommending approval of the applicant’s request due to the site being located away from sensitive uses and the fact that proposed operational standards will ensure that the applicant’s request will not negatively affect the surrounding community.

DISCUSSION

Project Description

The applicant is proposing to occupy a two-story 4,270-square-foot, historic commercial building with an eating establishment. The building is currently undergoing interior tenant improvements, including new kitchen/food prep areas, storage rooms, restrooms, and dining areas. Once the improvements are complete, the eating establishment will accommodate approximately 99 patrons within its dining area and operate from 11:00 a.m. to 10:00 p.m. daily. All alcoholic beverages will be stored in a dedicated storage area within the establishment’s kitchen, which will be less than 100 square feet. The alcohol storage and display area will make up less than five percent of the total restaurant floors area as required by the SAMC.

As part of the project, the applicant is bringing the site up to full compliance with all applicable Santa Ana Municipal Code (SAMC) standards. This includes repair and upkeep of the property; cleanup of trash and debris; repair and upkeep of any damaged

and/or weathered components of the historic building (e.g., siding, windows, historic features); repair and upkeep of exterior paint; parking striping, lighting and irrigation fixtures; and upkeep of landscaping and related landscape, furnishing, and hardscape improvements.

Table 1: Project and Location Information

Item	Information	
Project Address and Council Ward	518 North Broadway – Ward 5	
Nearest Intersection	Santa Ana Boulevard and Broadway	
General Plan Designation	District Center (DC)	
Zoning Designation	Transit Zoning Code (SD-84) with Urban Center (UC) land use designation	
Surrounding Land Uses	North	Orange County Administrative Offices
	East	Orange County Health Care Agency
	South	Parking Structure and Commercial/Retail
	West	Professional/Administrative Offices and Commercial/Retail
Property Size	0.65 acres (28,314 square feet)	
Existing Site Development	The subject site is developed with a two-story historic building known as the Smith-Tuthill Funeral Parlor (sometimes referred to as the Dr. Julius Crane House). The Smith-Tuthill Funeral Parlor is individually listed on the Register of Historical Properties as “Landmark” and listed on the National Register of Historic Places.	
Unit Size	4,720 square feet	
Use Permissions	Allowed with a conditional use permit (CUP)	
Zoning Code Sections Affected	Uses	Section 41-2007 TZC, DT Zone Table 2A
	Operational Standards	Section 41-196(g) SAMC
Census Tract and License Information	Census Tract No.	750.02
	No. of Allowed and Existing Licenses	11 Allowed; 59 Existing

Table 2: Operational Standards

Standards	Permissible by SAMC	Provided
Eating Establishment Type	Bona-Fide	Bona-Fide
Hours of Operation for ABC Sales	8:00 a.m. to 12:00 a.m.	11:00 a.m. to 10:00 p.m.
Window Display	25% of Window Coverage	Complies
Alcohol Storage and Display	5% of G.F.A	2% of G.F.A
Exterior Telephone	Prohibited	None

Project Background

The eating establishment is proposed to be located within the historic Smith-Tuthill Funeral Parlor, which was originally constructed in 1885 as a residence and office for Dr.

Julius A. Crane and his wife. This building was individually listed in the National Register of Historic Places in 1978 and is individually listed on the Santa Ana Register of Historical Properties as “Landmark” due to its distinctive architecture and significance to the City’s history.

Originally a two-and-a-half story rectangular brick structure, the Smith-Tuthill Funeral Parlor represents one of the oldest continuous business institutions in the City, and is associated with a series of prominent Santa Ana citizens. In 1910, George S. Smith acquired the property and added the colonial revival rotunda, verandas, and balconies. The building was remodeled and operated as a mortuary from 1910-1977. In 1977, the building was remodeled and then occupied by the Santa Ana First Federal Savings and Loans. The building was subsequently occupied by the California Federal Bank and then Citibank. The building continued to operate as a bank up until 2014. The building remained vacant until early 2019 when interior tenant improvements plans were submitted to the City.

The Kickin’ Crab is a casual Southern California-based seafood chain that originated in 2010. The establishments provide seafood boils, appetizers, and other Cajun food, and are primarily known for offering seafood in a bag. This proposed establishment would be the second Kickin’ Crab in Santa Ana, the first located at a shopping center located in the southeast corner of MacArthur Boulevard and Bristol Street, which also sells beer and wine for onsite consumption. This particular location in Downtown would be the operator’s first location. No entertainment is proposed at this time. Should the applicant seek to provide onsite entertainment, approval of a separate entertainment permit will be required.

Project Analysis

CUP requests are governed by Section 41-638 of the SAMC. CUPs may be granted when it can be shown that the proposed project will not adversely impact the community. If these findings can be made, then it is appropriate to grant the CUP. Conversely, the inability to make these findings would result in a denial. The purpose of regulating establishments that sell alcoholic beverages is to set forth operating practices and procedures and to minimize impacts to surrounding areas. Staff has reviewed the applicant’s request for the sale and consumption of sell beer and wine and has determined that the proposed CUP will not be detrimental to the health, safety, and welfare of the community.

The proposed sale of alcoholic beverages for on-premises consumption will provide an ancillary service to the establishment’s customers by allowing them the ability to purchase a variety of alcoholic beverages with their meal. In addition, it would allow The Kickin’ Crab to be economically viable and compete with nearby full-service

establishments that offer the same services to their patrons. The proposed sale of alcoholic beverages is consistent with other establishments in the downtown area.

The subject site is not located within immediate proximity to parks, playgrounds, schools, or religious institutions. In addition, the building is located approximately 880 feet away from the nearest multi-family residences and approximately 0.28 miles (1,490 feet) from the nearest single-family residences. As a result, the granting of the CUP will not negatively impact any sensitive land uses that may be nearby. Moreover, the operational standards applicable to an ABC license will mitigate any potential impacts created by the use and will ensure that the use will not negatively affect the surrounding community.

Finally, the CUP will be consistent with several goals and policies of the General Plan. Policy 2.2 of the Land Use Element encourages land uses that accommodate the City’s needs for goods and services. Providing a variety of full-service restaurants that offer alcoholic beverages as part of their menu offers additional dining options for Santa Ana residents and visitors. Furthermore, Policy 2.9 of the Land Use Element supports developments that create a business environment that is safe and attractive. Operational standards for the proposed license will maintain a safe and attractive environment in the downtown area. Policy 5.5 of the Land Use Element encourages development that is compatible with and supporting of surrounding land uses. The Kickin’ Crab will be located within the downtown district and its operations will be compatible with the surrounding commercial businesses.

Police Department Analysis

The Police Department reviews CUP applications for the sale and service of alcoholic beverages in order to ensure that the potential crime and nuisance behaviors associated with alcohol consumption are mitigated to the greatest extent possible. For on-sale licenses, the Police Department analyzes the crime rate in the area using the standards and definitions contained in the Business and Professions Code Section 23948.4(c)(2), which are also utilized by the State Department of Alcoholic Beverage Control. This section defines “reported crimes” as criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations.

Table 3: Police Department Analysis and Criteria for Recommendation

Police Department Analysis and Criteria for Recommendation	
Police Grid No. and Rank	Police Grid No. 165; ranked 1 out of 102 Police Reporting Grids (60th percentile)
Threshold for High Crime	This reporting district is above the 20 percent threshold established by the State for high crime

Police Department Analysis and Criteria for Recommendation	
Police Department Recommendation	The Police Department is satisfied that the operational standards applicable to on-premise ABC licenses will mitigate any potential impacts to the surrounding community and therefore does not oppose the granting of a CUP.

The Police Department then compares the number of such crimes in the reporting district as compared to the number of crimes in other reporting districts. In keeping with the standard used by the State Department of Alcoholic Beverage Control and Business and Professions Code, should the Police Department determine that the reporting district has a 20 percent greater number of reported crimes than the average number found in all reporting districts, the Police Department will consider this information in making its recommendation. As part of the application process, the application was reviewed by the Police Department. Based on its review, the Police Department has no issues of concern regarding this application.

Public Notification and Community Outreach

Project notifications were posted, published, and mailed in accordance with City and State regulations. Copies of the public notice, including a 500-foot notification radius map, and the site posting are provided in Exhibit 6. At the time this report was printed, no issues of concern were raised regarding the proposed CUP.

ENVIRONMENTAL IMPACT

Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15301 of the CEQA Guidelines (Class 1/Existing Facilities) because the project involves negligible expansion of an existing use. Based on this analysis, Notice of Exemption, Environmental Review No. 2021-92 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
3. Site Photo
4. Site Plan
5. Floor Plan
6. Copy of Public Notices

CUP No. 2021-14 – The Kickin' Crab
September 27, 2021
Page 6

Submitted By:
Pedro Gomez, AICP, Associate Planner

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

RESOLUTION NO. 2021-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2021-14 AS CONDITIONED TO ALLOW THE ON-PREMISES SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE KICKIN' CRAB LOCATED AT 518 NORTH BROADWAY.

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. Khoa Pham ("Applicant"), representing The Kickin' Crab, on behalf of KC of Broadway, LLC (Property Owner), is requesting approval of Conditional Use Permit (CUP) No. 2021-14 to allow on-premises consumption of alcoholic beverages at a new eating establishment located at 518 North Broadway.
- B. Santa Ana Municipal Code ("SAMC") Section 41-196 requires approval of a CUP for establishments wishing to sell alcoholic beverages for on-premises consumption.
- C. On September 27, 2021 the Planning Commission held a duly noticed public hearing on CUP No. 2021-14.
- D. The Planning Commission determines that the following findings, which must be established in order to grant a CUP pursuant to SAMC Section 41-638, have been established for CUP No. 2021-14 to allow the sale of alcoholic beverages for on-premises consumption at 518 North Broadway.
 1. That the proposed use will provide a service or facility which will contribute to the general well being of the neighborhood or community.

The proposed sale of alcoholic beverages for on-premises consumption at this location will provide an ancillary service to the eating establishment's customers by allowing them the ability to purchase alcoholic beverages with their meal. This will thereby benefit the community by providing an eating establishment with an additional and complementary food related amenity. Operational standards applicable to the alcoholic beverage control ("ABC") license and conditions of approval will mitigate any potential impacts created by the use and will ensure that the use will not negatively affect the surrounding community.

2. That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The proposed sale of alcoholic beverages for on-premises consumption at this location will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity because the operational standards applicable to the alcoholic beverage control license and conditions of approval will address any potential negative or adverse impacts created by the use. In addition, the subject site is not located within immediate proximity to parks, playgrounds, schools, or religious institutions. In addition, the building is located approximately 880 feet away from the nearest multi-family residences and approximately 0.28 miles (1,490 feet) from the nearest single-family residences. The Kickin' Crab is intended to be a bona-fide restaurant and the addition of alcohol will be ancillary to the main use. All of the operational standards identified in SAMC Sec. 41-196 will apply to this establishment. Therefore, the granting of the CUP will not negatively impact any sensitive land uses that may be nearby.

3. That the proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area.

The proposed use will not adversely affect the economic stability of the area, but will instead allow the eating establishment to compete with other nearby eating establishments that offer a full selection of alcoholic beverages for sale to their customers. Moreover, the offering of alcoholic beverages will allow the eating establishment to be economically viable and compete with nearby full-service eating establishments in Santa Ana and in the downtown, and will contribute to the overall success of the City.

4. That the proposed use will comply with the regulations and conditions specified in Chapter 41 for such use.

The proposed conditional use permit will be in compliance with all applicable regulations and operational standards imposed on an eating establishment selling alcoholic beverages for on-premises consumption pursuant to Chapter 41 of the SAMC. The facility will be maintained as a full-service, bona-fide eating establishment, having suitable kitchen facilities and supplying an assortment of foods. Additionally, the eating establishment will utilize less than five

(5%) percent of the gross floor area for display and storage of alcoholic beverages, which is the maximum threshold established by the SAMC. In addition, operational standards will ensure the project remains in compliance with all applicable codes and regulations related to alcohol sales to ensure that the use does not impact neighboring properties or create an attractive nuisance.

5. That the proposed use will not adversely affect the General Plan of the city or any specific plan applicable to the area of the proposed use.

The proposed sale of alcoholic beverages for on-premises consumption at this location will not adversely affect the General Plan or any specific plan. The granting of this CUP supports several policies contained in the General Plan. Policy 2.2 of the Land Use Element encourages land uses that accommodate the City's needs for goods and services. Providing a variety of full-service restaurants that provide alcoholic beverages as part of their menu offers additional dining options for Santa Ana residents and visitors. Furthermore, Policy 2.9 of the Land Use Element supports developments that create a business environment that is safe and attractive. Operational standards for the proposed ABC license will maintain a safe and attractive environment in the neighborhood. Policy 5.5 of the Land Use Element encourages development that is compatible with and supporting of surrounding land uses. The Kickin' Crab will be located within Downtown and its operation is compatible with the surrounding commercial businesses.

Section 2. In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15301 (Class 1 – Existing Facilities). Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The project proposes to allow the operation of an alcoholic beverage control license to sell alcoholic beverages at a bona-fide eating establishment. Based on this analysis, a Notice of Exemption, Environmental Review No. 2021-92, will be filed for this project.

Section 3. 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 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 4. The Planning Commission of the City of Santa Ana, after conducting the public hearing, hereby approves Conditional Use Permit No. 2021-14, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 518 North Broadway. This decision is based upon the evidence submitted at the above-referenced hearing, including but not limited to: The Request for Planning Commission Action dated September 27, 2021, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 27th day of September, 2021 by the following vote.

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

Thomas Morrissey
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 September 27, 2021.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2021-14

Conditional Use Permit No. 2021-14 for on-premises consumption of alcoholic beverages is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Building Standards Code, and all other applicable regulations:

The Applicant must comply with each and every condition listed below prior to exercising the rights conferred by this conditional use permit.

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

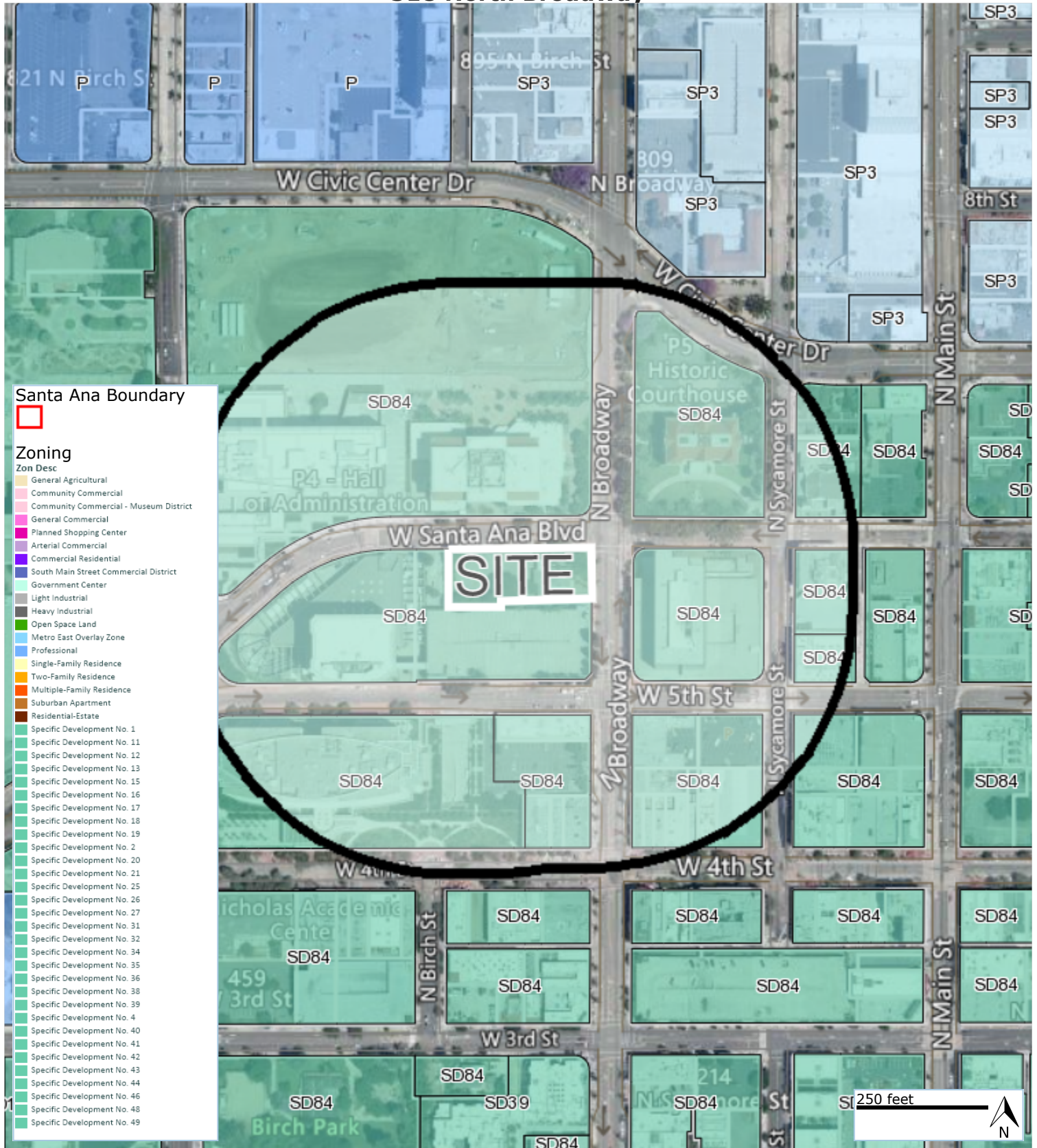
1. The sale, service, and consumption of alcoholic beverages shall be permitted in accordance with the operational standards for on-sale establishments pursuant to Section 41-196(g) of the SAMC, in accordance with the provisions of an on-premises alcohol license by the California Department of Alcoholic Beverage Control (ABC), and in accordance with the site and floor plans attached to the staff report documenting the approved scope of the project.
2. The sale, service, and consumption of alcoholic beverages shall be limited from 8:00 a.m. to 12:00 a.m. (midnight) Monday through Sunday, unless modified through a subsequent and separate conditional use permit application for after-hours operations pursuant to SAMC Section 41-196(g)(3).
3. Prior to final Certificate of Occupancy, the property shall be brought into full maintenance compliance with all applicable SAMC standards. Maintenance shall include, but is not limited to: the repair and upkeep of the property; cleanup of trash and debris; repair and upkeep of any damaged and/or weathered components of the historic building (e.g., siding, windows, historic features); repair and upkeep of exterior paint; parking striping, lighting and irrigation fixtures; landscaping and related landscape, furnishing, and hardscape improvements.
4. Within 90 days of adoption of this resolution, a Property Maintenance Agreement shall be recorded against the property. The agreement will be 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 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 on or 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, 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; and

- h) The execution and recordation of the maintenance agreement shall be a condition precedent to the issuance of the ABC license.

CUP No. 2021-14 - The Kickin' Crab 518 North Broadway



9/27/2021

Planning Commission



CUP 2021-14 –THE KICKIN’ CRAB
518 NORTH BROADWAY
SITE PHOTOS
EXHIBIT 3



Dan Cline
ARCHITECTURE, INC.

18572 AVOLINDA DRIVE
Suite 100
YORBA LINDA, CA 92886
Tel (714) 315-0099
Fax (714) 777-2134
dcm@danclineinc.com



11445 GOTHARD STREET
COWHARTON, TEXAS 75002-1158
714.292.1158

THE KICKIN CRAB SANTA ANA
A CAJUN SEAFOOD HOUSE
518 N. BROADWAY STREET
SANTA ANA, CA 92701

DO NOT SCALE DRAWINGS

DATE: SEPTEMBER 9, 2019
ISSUE: PLAN CHECK

PLAN CHECK COMMENTS
A 9-30-19

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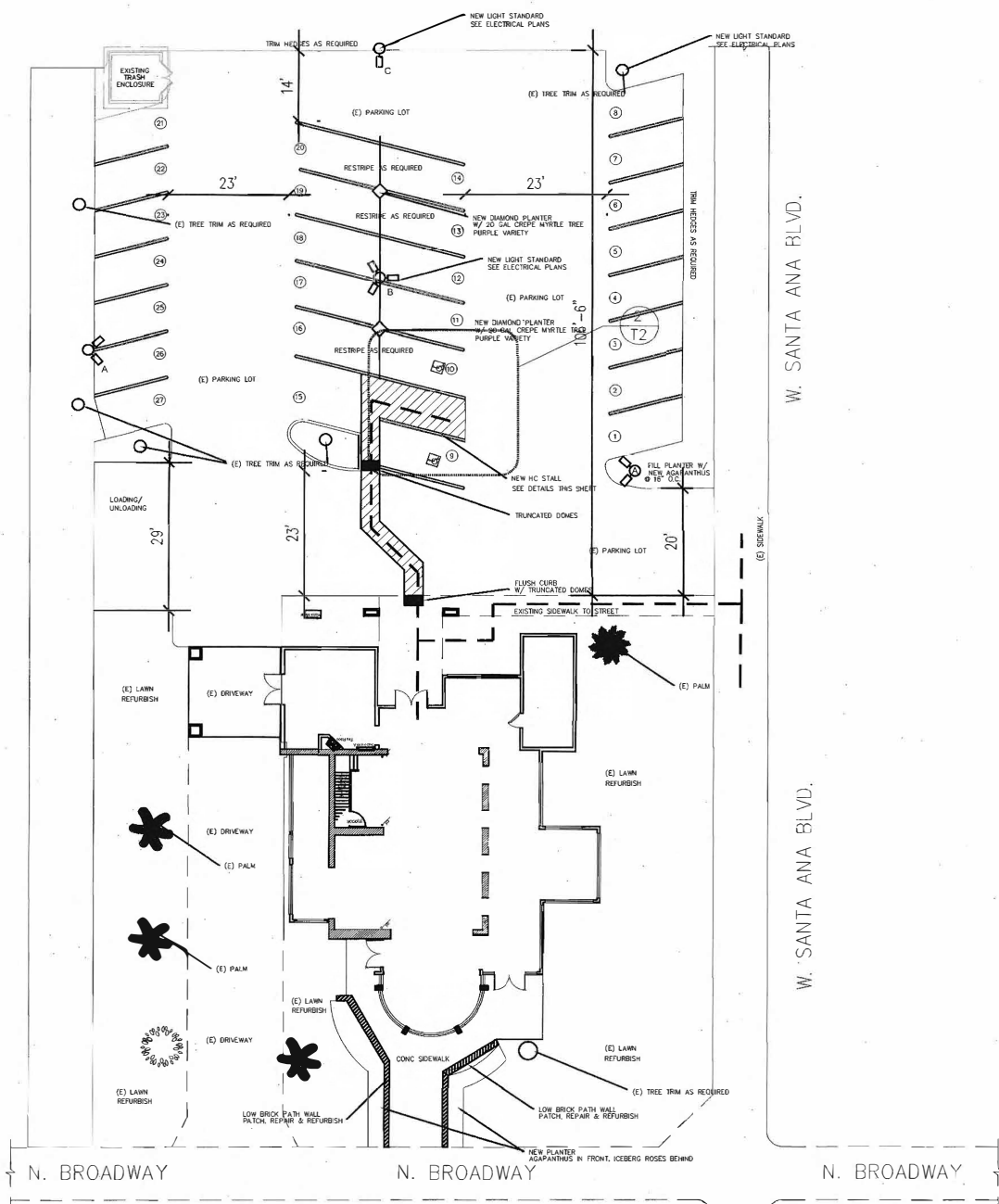
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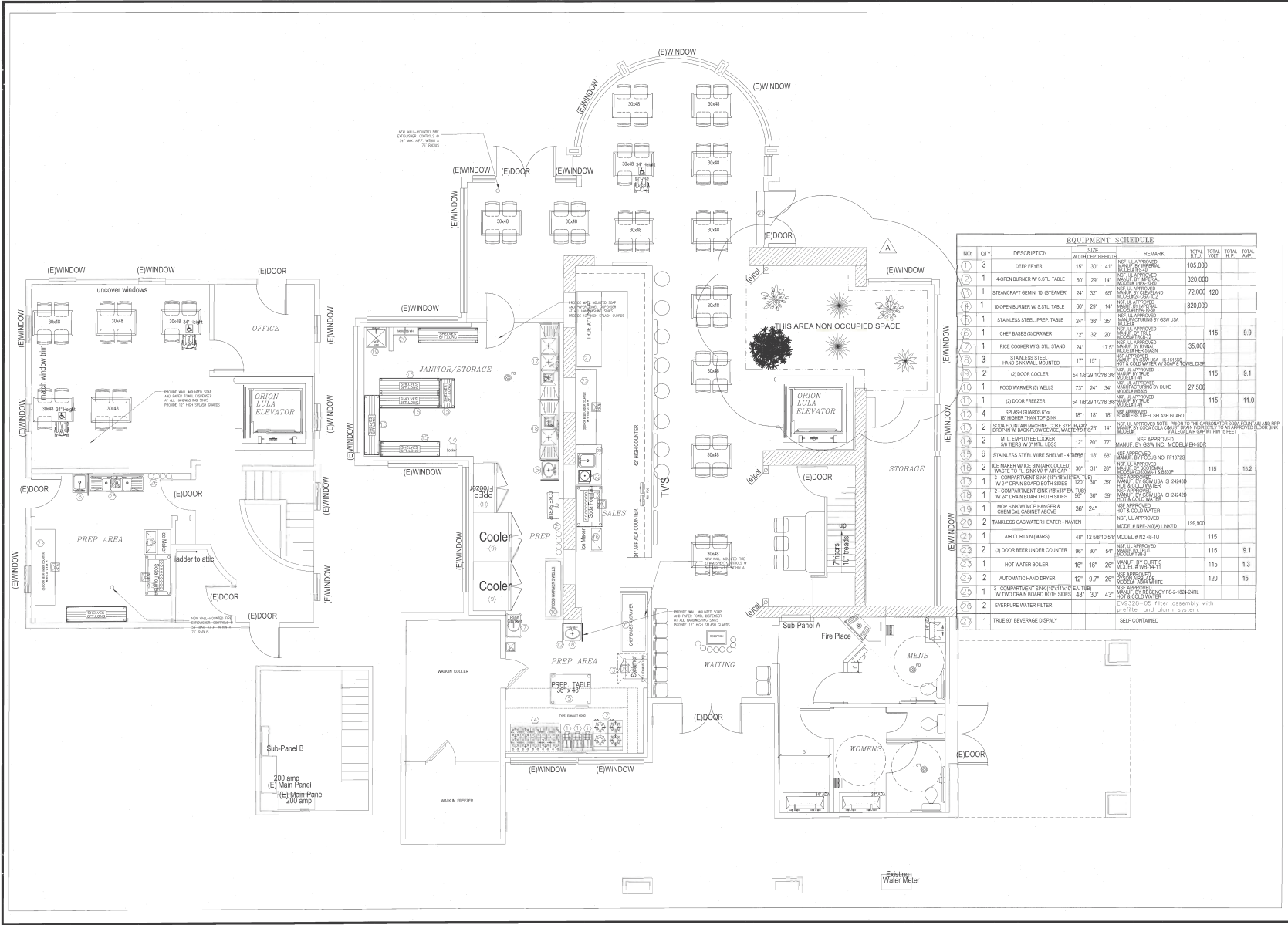


PAKING SITE PLAN & PATH OF TRAVEL

SCALE: 1/16"=1'-0"

1

--- INDICATES ACCESSIBLE PATH OF TRAVEL; PATH OF TRAVEL MUST BE BARRIER FREE VERTICAL CHANGES MUST NOT EXCEED 1/2" AT 1'-2" SLOPE; LEVEL CHANGES MUST NOT EXCEED 1/4" VERTICAL CROSS-SLOPE MUST NOT EXCEED 2%. CONTRACTOR MUST VERIFY THAT ALL PATHS OF TRAVEL IS BARRIER FREE, AND MUST COORDINATE WITH EXISTING BARRIERS WITH LANDLORD'S CONTRACTOR



EQUIPMENT SCHEDULE										
NO.	QTY	DESCRIPTION	SIZE	REMARK	TOTAL RTN	TOTAL VOLT	TOTAL AMP	100% AMP	100% VOLT	100% RTN
1	3	DEEP FRYER	15' 30" 41"	TOP IS APPROVED MODEL BY APPL. MODEL # 10000	105,000					
1	4	OPEN BURNER W/ S.T. TABLE	60" 29" 14"	TOP IS APPROVED MODEL BY APPL. MODEL # 10000	330,000					
1	1	STEAMKRAFT GEMINI 10 (STEAMER)	24" 32" 66"	TOP IS APPROVED MODEL BY APPL. MODEL # 10000	72,000	120				
1	1	10-OPEN BURNER W/ S.T. TABLE	60" 29" 14"	TOP IS APPROVED MODEL BY APPL. MODEL # 10000	320,000					
1	1	STAINLESS STEEL PREP. TABLE	24" 38" 35"	TOP IS APPROVED MODEL BY APPL. MODEL # 10000						
1	1	CHEF BASES (CROWDER)	72" 32" 20"	TOP IS APPROVED MODEL BY APPL. MODEL # 10000	115		9.9			
1	1	RICE COOKER W/ S.T. STAND	24" 17.5"	TOP IS APPROVED MODEL BY APPL. MODEL # 10000	35,000					
1	1	STAINLESS STEEL HAND SINK WALL MOUNTED	17" 10"	TOP IS APPROVED MODEL BY APPL. MODEL # 10000						
2	1	(S) DOOR COOLER	54 14"29 1278.36	TOP IS APPROVED MODEL BY APPL. MODEL # 10000	115		9.1			
1	1	FOOD WARMER (S) WELLS	73" 24" 34"	TOP IS APPROVED MODEL BY APPL. MODEL # 10000	27,500					
1	1	(S) DOOR FREEZER	54 14"29 1278.36	TOP IS APPROVED MODEL BY APPL. MODEL # 10000	115		11.0			
1	1	STAINLESS STEEL SPLASH GUARD	18" 18" 18"	TOP IS APPROVED MODEL BY APPL. MODEL # 10000						
2	2	WOOD KITCHEN MACHINE COFF. DRINKER W/ 18" HIGHER THAN TOP SINK	18" 18" 18"	TOP IS APPROVED MODEL BY APPL. MODEL # 10000						
1	1	MFL EMPLOYEE LOCKER	48 18"50 18" 18"	TOP IS APPROVED MODEL BY APPL. MODEL # 10000						
9	9	STAINLESS STEEL WIRE SHELVES - 4 TIER	18" 68" 18"	TOP IS APPROVED MODEL BY APPL. MODEL # 10000	115		15.2			
1	1	ICE MAKER W/ ICE BIN (AIR COOLED)	30" 31" 28"	TOP IS APPROVED MODEL BY APPL. MODEL # 10000	115		9.1			
1	1	3-COMPARTMENT SINK (P/P/PE) EA. TUB W/ HOT DRAIN (SINK BOTH SIDES)	100"	TOP IS APPROVED MODEL BY APPL. MODEL # 10000						
1	1	2-COMPARTMENT SINK (P/P/PE) EA. TUB W/ HOT DRAIN (SINK BOTH SIDES)	36"	TOP IS APPROVED MODEL BY APPL. MODEL # 10000						
1	1	1/2" SINK W/ MOP HANDLES & CHEMICAL CABINET ABOVE	36" 24"	TOP IS APPROVED MODEL BY APPL. MODEL # 10000						
1	1	STAINLESS GAS WATER HEATER - 110V	12 5/8"10 5/8"	MODEL # N2 48-1U	115		9.1			
1	1	AIR CURTAIN (MARS)	30" 30" 54"	TOP IS APPROVED MODEL BY APPL. MODEL # 10000	115		1.3			
1	1	HOT WATER BOILER	16" 16" 26"	TOP IS APPROVED MODEL BY APPL. MODEL # 10000	120		1.5			
2	2	AUTOMATIC HAND DRYER	12" 9.7" 26"	TOP IS APPROVED MODEL BY APPL. MODEL # 10000	120		1.5			
1	1	3-COMPARTMENT SINK (P/P/PE) EA. TUB W/ HOT DRAIN (SINK BOTH SIDES)	48" 30" 43"	TOP IS APPROVED MODEL BY APPL. MODEL # 10000						
2	2	EVERPURE WATER FILTER	EVS-325-05	filter assembly with prefilter and alarm system						
1	1	TRUE 8" BEVERAGE DISPLAY		SELF CONTAINED						

9/27/2021
Planning Commission
 1 18
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ORANGE COUNTY REPORTER

~SINCE 1921~

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09/15/2021

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OR# 3511417

NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. We encourage you to contact us prior to the Public Hearing if you have any questions.

Planning Commission Action : The Planning Commission will hold a Public Hearing to receive public testimony, and 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: 518 North Broadway located in the Transit Zoning Code (SD-84) with Urban Center (UC) land use designation zoning district.

Project Applicant: Khoa Pham, representing The Kickin' Crab, on behalf of KC of Broadway, LLC (Property Owner).

Proposed Project: The applicant is requesting approval of Conditional Use Permit No. 2021-14 to allow a Type 41 Alcoholic Beverage Control (ABC) license for the sale of beer or wine for on-premises consumption at a new proposed restaurant (The Kickin' Crab).

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 15301 of the CEQA Guidelines – Class 1/Existing Facilities. Notice of Exemption, Environmental Review No. 2021-92 will be filed for this project.

Meeting Details: This matter will be heard on **Monday, September 27, 2021 at 5:30 p.m.** in the City Council Chambers, 22 Civic Center Plaza, Santa Ana, CA 92701. **Members of the public may attend this meeting in-person or join via Zoom.** 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 meeting, you may send written comments by e-mail to PBACComments@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 **4:00 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 action(s), 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 Pedro Gomez with the Planning and Building Agency at PGomez@santa-ana.org or 714-714-667-2790.

Note: If you challenge the decision on the above matter, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council of the City of Santa Ana at, or prior to, the public hearing.

Si tiene preguntas en español, favor de llamar a Jerry Guevara al (714) 647-5481.

Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.

Internal Reference Only:
REF# 3496570
9/15/21

OR-3511417#



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9/27/2021

Planning Commission



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

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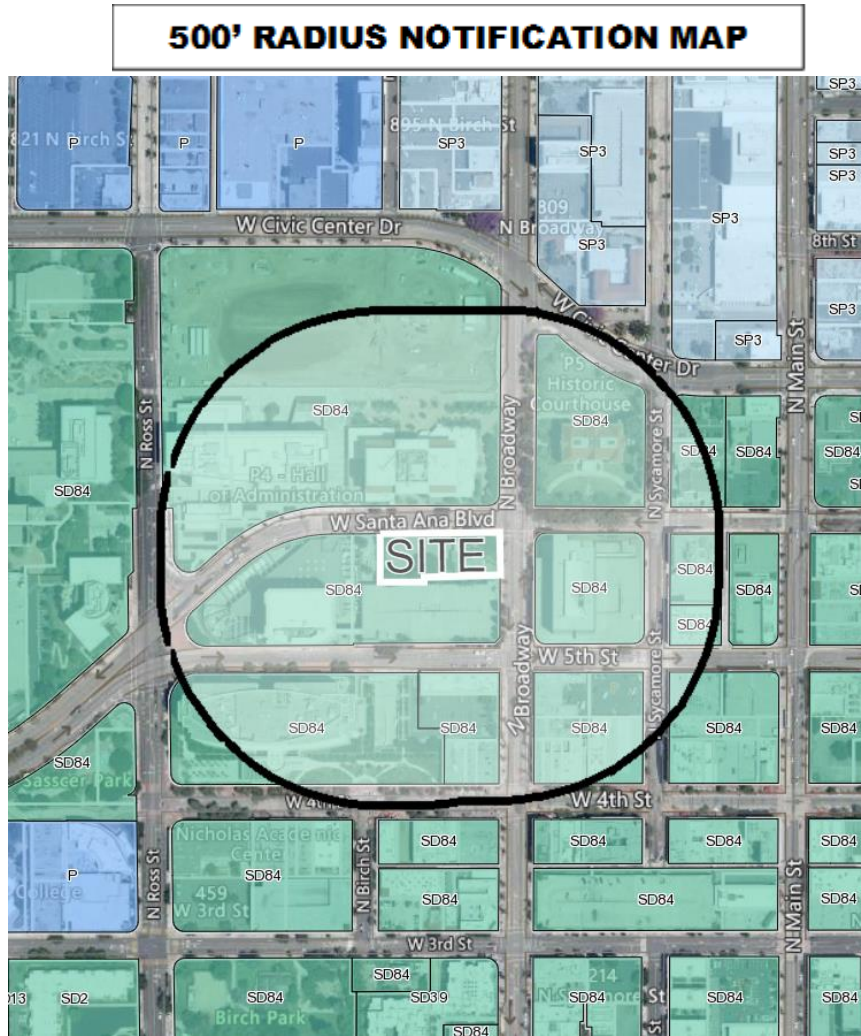
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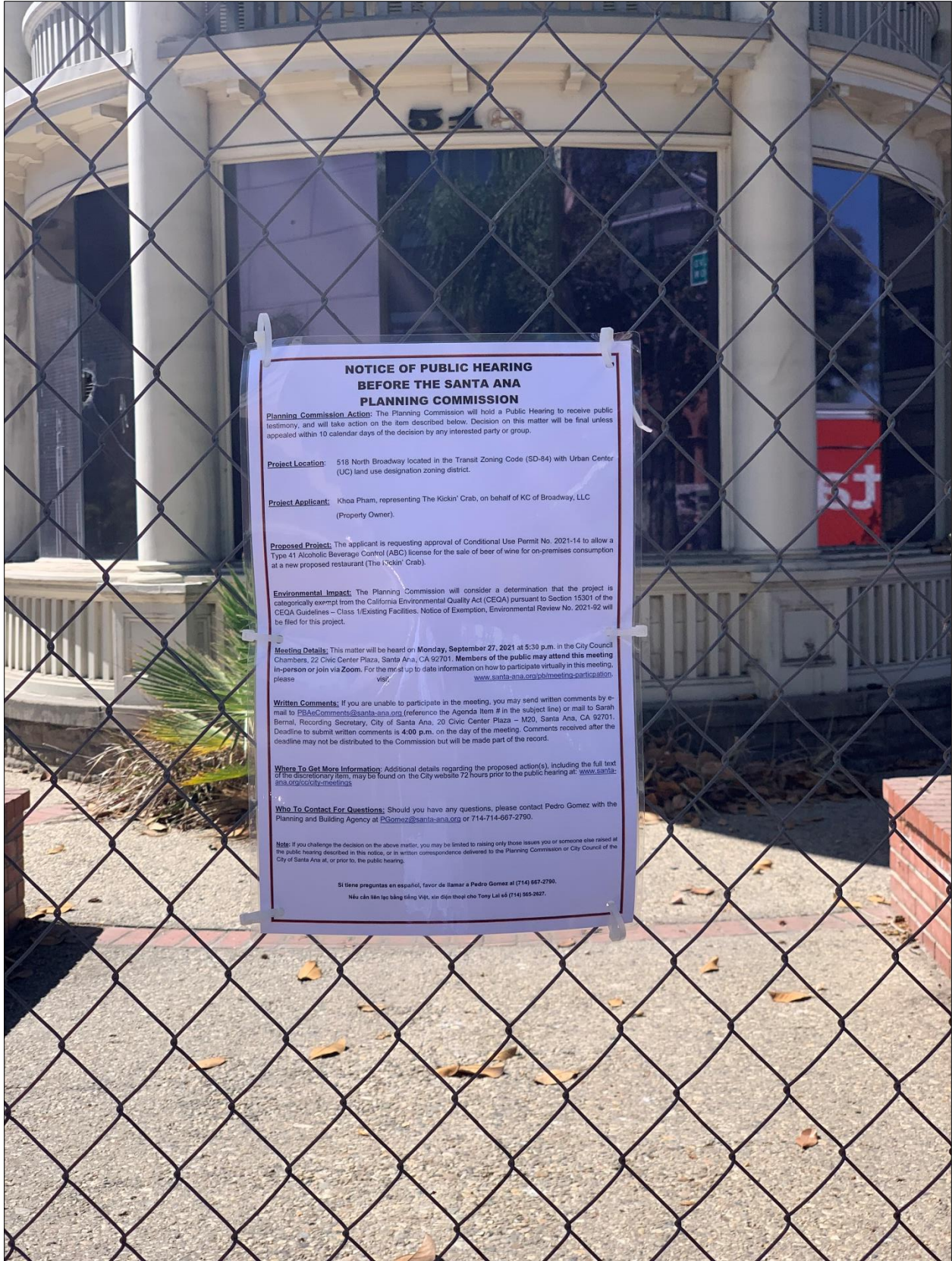
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Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.**



Publish: OC Reporter
Date: September 15, 2021







City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
September 27, 2021

Topic: General Plan Housing Element Update Overview

RECOMMENDED ACTION

Receive, file, and provide input on the 6th cycle 2021-2029 Housing Element Update.

EXECUTIVE SUMMARY

The workshop is intended to provide the Planning Commission with an overview of the Housing Element Update, share feedback from community outreach, discuss key existing and new aspects of the Housing Element Policy Framework to address the current and future housing needs of the City, and to obtain input from the Planning Commission and the public regarding the update. Following this workshop and a two-week public review and comment period, an administrative draft of the Housing Element will be sent to the California Department of Housing and Community Development (HCD) for its statutorily required review. Public hearings before the Planning Commission and City Council regarding the final draft Element, incorporating any comments from the HCD review process, are anticipated to be held in December/January and February 1, 2022, respectively. Upon City Council's adoption of the 6th cycle 2021-2029 Housing Element Update, the document will be resubmitted to HCD for certification.

BACKGROUND

The State of California Government Code Section 65302(c) mandates that each city include a Housing Element in its General Plan. The Housing Element is one of seven State mandated General Plan elements, and contains analysis, policies, and programs with the objective to preserve, improve, and develop housing for all economic segments of the community. The Housing Element is required to be updated every eight years. It is the only General Plan element subject to mandatory review by a State agency, HCD. Cities that do not adopt a 6th cycle Housing Element update by February 12, 2021, face the consequence of being required to adopt a housing element every four years, instead of eight years.

The City completed the last update of the Housing Element in 2014. The element goals, policies, and implementation actions in the existing element still reflects the goals of the City as well as to the issues residents have expressed during the various community engagement opportunities. As such, the draft update will heavily draw from the current 2014-2021 Housing Element and only make changes to address new legislation, new

issues that have arisen, as well as strengthen policies and implementation actions that proved ineffective or lacking.

The Housing Element Update Process and Timing

In order to proceed with the 6th cycle Housing Element update process, the City needed to receive the final RHNA allocation from SCAG and HCD. The RHNA allocation is the housing production target that the City is obligated to plan for and accommodate in the upcoming housing cycle. The City received the final RHNA housing allocation from SCAG and HCD in March of 2021 after successfully defending four appeals of the draft allocation submitted to SCAG by the cities of Irvine, Garden Grove, Newport Beach, and Yorba Linda arguing that the City of Santa Ana needs to accommodate more housing units than allocated to the City by SCAG.

After receiving the final RHNA number, the staff proceeded to finalize a contract for planning consultant to assist with the preparation of the Housing Element, as well as identify HCD and SCAG available tools to facilitate the development and drafting of the Housing Element. In early 2021, staff resources supported extensive environmental justice outreach. This process also helped inform the Housing Element Update and supported the ensuing stakeholder roundtables and community outreach specific to the update of the Housing Element.

The purpose of this workshop is to inform and update the Planning Commission, Santa Ana residents, and interested stakeholders of the progress and status of the Housing Element update and receive feedback on key new policies and programs to address current and future housing needs of the City. With feedback from the Planning Commission and the public from the workshop, staff will refine the goals, policies, and implementation actions culminating the administrative draft of the Housing Element that will be circulated for public comments and will be submitted to HCD for the mandatory review. Public hearings before the Planning Commission and City Council regarding the final draft Element, incorporating any comments from the HCD review process, are anticipated to be held in December/January and February 1, 2022, respectively. Upon City Council's adoption of the 6th cycle 2021-2029 Housing Element Update, the document will be resubmitted to HCD for certification.

DISCUSSION

The Housing Element will include the following sections:

1. Housing Needs: Provides analysis of demographic, economic and housing, and special needs groups in Santa Ana
2. Housing Resources: Provides an overview of the City's Regional Housing Needs Allocation (RHNA) and the land, financial, and administrative resources to address current and future housing needs

3. Housing Constraints: Analyzes governmental constraints, such as zoning and processing times, and non-governmental constraints, such as land costs and market trends, and how they impact the development of housing.
4. Policy Framework: Refines the vision, goals and policy action focused on current and future housing needs.
5. Housing Plan: Sets forth the City housing programs to further the housing vision for Santa Ana
6. Progress Report: Analyzes the City’s program accomplishments during the previous planning period.

Additionally, a new requirement applicable to this Housing Element Update is to incorporate means of affirmatively furthering fair housing (AFFH). This includes assessing and developing programs and actions to address institutional and systemic racial and socioeconomic disparities in housing.

Regional Housing Needs Assessment

The Southern California Association of Governments (SCAG), in consultation with HCD, is required to determine the existing and projected needs for housing for the SCAG region pursuant to Government Code Section 65584, et seq. by way of preparing a RHNA. For the 6th planning cycle, HCD allocated 1,344,740 units to the Southern California region. SCAG then developed methodology to distribute the regional determination based on household growth, job accessibility, and transit accessibility, as well as other factors. Based on that information, SCAG allocated units to each member jurisdiction in Southern California.

Additionally, the City of Santa Ana and the County of Orange entered into a joint powers agreement and transfer agreement of RHNA allocations in order to develop an affordable housing project known as the Crossroads at Washington (85 affordable units and one manager’s unit), which is comprised of two adjacent parcels. One parcel is owned by Santa Ana’s Housing Authority and the other is owned by the County of Orange. As a result of that agreement, Santa Ana’s RHNA final allocation include 42 additional units, 20 of which are in the very-low income category and 22 are in the moderate-income category. The City of Santa Ana’s total RHNA allocation and obligation is the following:

Income Group	SCAG RHNA Units	Transfer RHNA Units	Total RHNA Units
Very Low (0-50% AMI)	586	20	606
Low (51-80% AMI)	362		362
Moderate (81-120% AMI)	523	22	545
Above Moderate 120%+ AMI)	1,624		1,624
TOTAL	3,095	42	3,137

*AMI: Area Median Income

In accordance with State housing regulations, housing projects that have been approved, permitted, or received a certificate of occupancy after June 30, 2021 (pipeline) may be counted toward the 2021-2029 planning cycle. In total, there are 8,073 pipeline housing units. Of those, 414 are for very-low income households (281 units of the 414 are for extremely very-low income households), 529 are for low income households, and 2 are for moderate income households.

In addition, accessory dwelling units (ADUs) will play a more substantial role during this planning cycle in producing affordable housing units due to increased public awareness and recent changes in legislation that has resulted in a greater number of these types of units being proposed and constructed. Santa Ana’s four-year average (2018-2021) for ADU units permitted is 70 when extrapolating 2021 figures to a full year. When the average is carried over an eight-year period for the planning cycle, it can be projected that 360 ADUs will be permitted during the planning period, conservatively, with a majority of them being in the very low, low, and moderate income affordability level categories.

Furthermore, a survey of rental rates of recently built multi-family developments and rent projections for developments that are currently being constructed reveal that housing units in the moderate affordability category are being produced without the need of a subsidy or restrictive covenant. Based on the survey results, approximately four percent of the units surveyed fall into this category. The survey results reveal that market factors alone are enough to create units in the moderate income category, with the expectation that this trend is to continue. Applying the four percent ratio that is drawn from the survey outcome to the total above moderate income pipeline units results in approximately 285 of those units being rented in the moderate income affordability category.

Collectively, through pipeline housing units, projected new ADUs, and projected moderate units, two of the four RHNA allocation categories will be met with only the very low-income (remaining 109 units) and moderate income (remaining 132 units) remaining and needing to be planned for and accommodated during this planning cycle through identifying housing opportunity sites.

Land Resource	Very Low Income	Low Income	Moderate Income	Above Mod Income	Total
RHNA ¹	606	362	545	1,624	3,137
Pipeline Projects	414 ²	529	2	6,843	7,788
ADU Projection ³	83	126	126	25	360
Moderate Pipeline ⁴			285		285
Remaining RHNA	109	-293	132	-5,244	-5,176

¹RHNA with transfer from the County of Orange (Crossroads Project).

²281 of 414 are for extremely very-low income households.

³Affordability based on SCAG methodology.

⁴Based on percentage of rents in moderate category for newly built market rate housing developments. Total units taken out of above moderate income pipeline projects and reclassified as moderate.

The City is not required to build these housing units. It is, however, required to adopt plans and programs or identify where in its existing plans the 241 additional units at the two different income levels can be accommodated in the City.

Potential Housing Opportunity Sites

The Housing Element is required to include an analysis of potential housing sites in the City needed to accommodate development of new housing units to meet the RHNA target. Based on existing General Plan land use plan and zoning, the City of Santa Ana has a future buildout capacity of over 15,000 housing units within areas such as the Metro East Mixed-Use Overlay (MEMU), Harbor Transit Corridor Specific Plan (Harbor Corridor), and Specific Development Number 84 (Transit Zoning Code). Thus, there is sufficient zoning capacity to accommodate RHNA for the remaining 241 units for very low and moderate RHNA assigned to the City, as well as additional housing production.

Staff has identified parcels within these plan areas that can support mixed-use development, are located adjacent to transit, suitable for redevelopment, and where developers have expressed an interest. These parcels and associated analysis will be detailed in the updated element as potential housing opportunity sites. As stated above, these sites already have the appropriate general plan land use designations and zoning to accommodate housing and will not require any changes to the existing land use plans.

Community Outreach

California law requires that local governments make a diligent effort to achieve participation from all economic segments of the public in the development of the housing element. As part of the Housing Element planning process thus far, the City has held stakeholder Roundtable Workshops, made a trilingual survey available, and is planning additional community workshops to be held October 2021 to share the City's housing Vision and key policy and program changes to achieve it. The four Roundtable Workshops were held June 2021 to discuss Santa Ana housing needs, assess the City's existing housing policy programs, and identify opportunities and challenges to be addressed in the Housing Element Update. The Roundtable was comprised of representatives from City commissions, neighborhood leaders, housing advocacy groups, community serving organizations, and members of the development community.

A citywide online Housing Element Community Survey was also made available in August and September of 2021 to encourage community engagement and comments. The survey was provided in three languages (English, Spanish, and Vietnamese), reflecting the diversity of Santa Ana residents. Community outreach tools, presentations and summaries may found on the Housing Element webpage at: <https://www.santa-ana.org/general-plan/housing-element-update-2021>. Themes that emerged from the Roundtable Workshops and the Community Survey have been central to the direction the updated Housing Element Policy Framework. These include the following:

- Rent Control
- Tenant Protection
- Strengthening the Inclusionary Housing Ordinance
- Displacement from New Investment and Development
- Lack of Open Space
- Overcrowding
- Shortage of Parking
- Housing Rehabilitation Assistance

Additionally, in-person and virtual community workshops are planned to be held October 2021 to share the results of the community outreach and proposed changes to the Draft Housing Element. The community workshop locations will be geographically dispersed throughout the City to draw on the greatest cross-section of the community possible.

NEXT STEPS

Following Planning Commission input, a draft Housing Element update will be made public for review and comment. Upon completion of a two-week public review period, comments received will be addressed and the Housing Element draft will be revised before sending to HCD for their 60 day review; the CEQA analysis will be prepared; and once comments are received from HCD, planning staff will prepare the Draft Housing Element for City Council consideration. Staff anticipates public hearings before the Planning Commission and City Council being held in December/January and February 1, 2022, respectively.

Submitted By:
Melanie G. McCann, AICP, Principal Planner

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

City of Santa Ana 2021-2029 Housing Element Update



Planning Commission

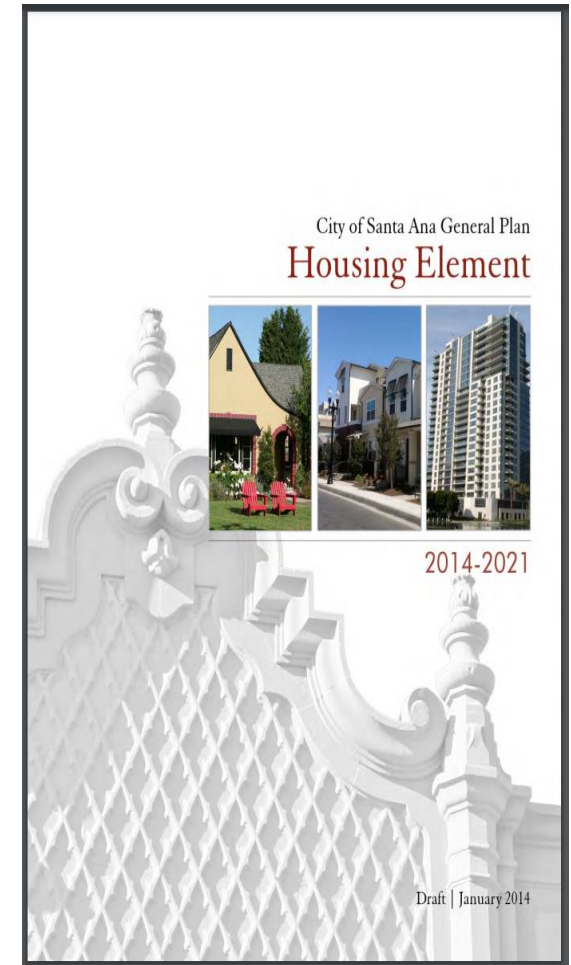
September 27, 2021

9/27/2021
Planning Commission



Agenda

- » Housing Element Overview & Content
- » Regional Housing Needs Allocation (RHNA)
- » Santa Ana Housing Needs
- » Community Outreach
- » Policy Framework
- » Project Schedule & Next Steps



HOUSING ELEMENT OVERVIEW & CONTENT



**2021-29 Housing
Element Update**

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Planning Commission



Housing Element Law



City's plan to meet existing and projected housing needs of all economic segments of the community



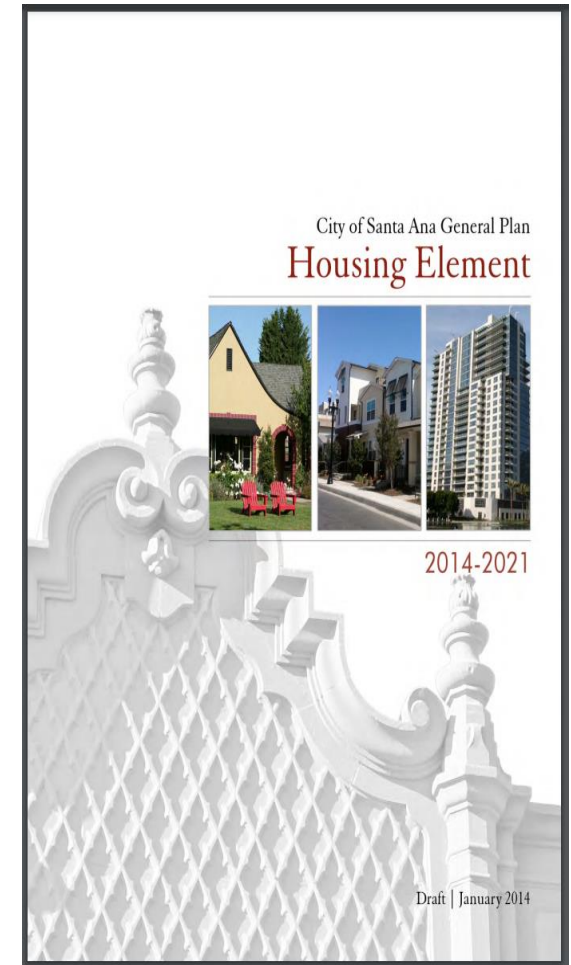
Required Element of the General Plan governed by California Government Code Sections 65580-65589.11.



Must be updated every 8 years

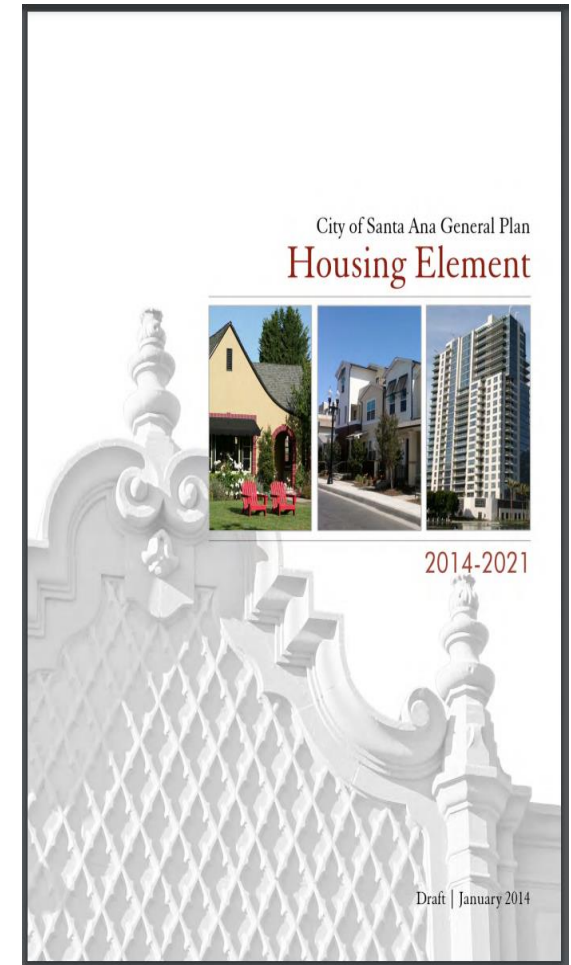


Certified by the Department of Housing & Community Development (HCD)



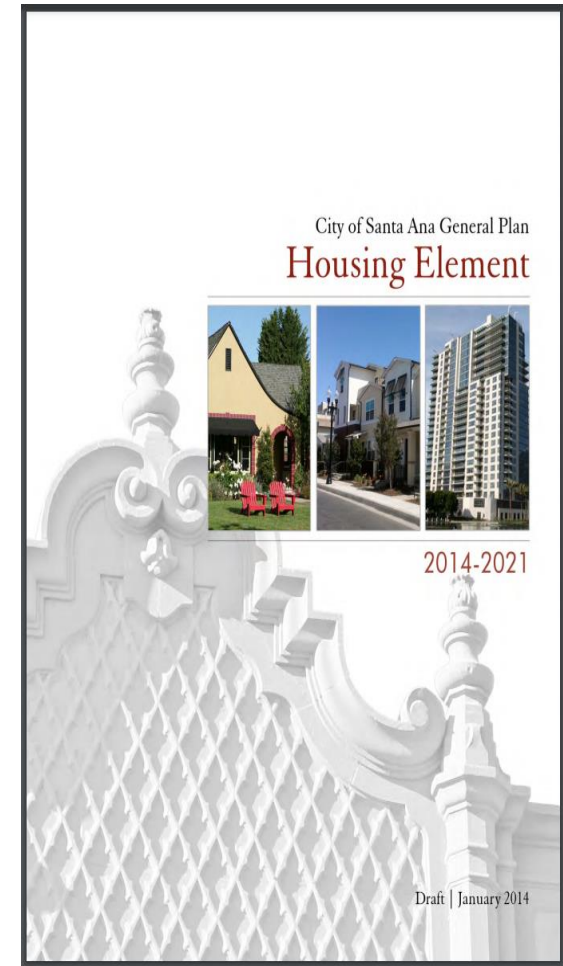
Housing Element Planning Period

- » Eight Years (**2021 – 2029**)
- » Council Adoption Deadline: **October 15, 2021**
- » Must be adopted within 120 days of this deadline or state-mandated to be updated every four years
- » Final Deadline: **February 12, 2022**



Housing Element Contents

- » Housing Needs
- » Housing Constraints
- » Housing Resources
- » Policy Framework
- » Housing Plan: Actions and Programs
- » Progress Report: Accomplishments/Evaluation



REGIONAL HOUSING NEEDS ALLOCATION (RHNA)



2021-29 Housing
Element Update

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Planning Commission



What is the Regional Housing Needs Assessment (RHNA)?

- » **Quantifies the need for housing** within each jurisdiction during specified planning periods
- » Planning process to address future housing needs resulting from **population, employment and household growth.**
- » Promotes **social equity and fair share** housing need for all segments of the community



Future Housing Needs

» Regional Housing Needs Allocation (RHNA) 6th Cycle

- Projected housing need for 2021-2029
- HCD assigned 1.34 million to SCAG/3,095 to Santa Ana
- RHNA Appeals and SCAG final RHNA allocation - March 2021
- County Transfer - 42 units (20 very low, 22 moderate) – June 2021

Land Resource	Very Low Income	Low Income	Moderate Income	Above Mod Income	Total
RHNA ¹	606	362	545	1,624	3,137

¹ RHNA with Transfer from the County (Crossroads Project)



What is Affordable?



**Young family
2 working parents
and 2 kids**

3-bedrooms

Income Category	Max Annual Income	Max Affordable	
		Monthly Rent	Purchase Price
Very Low	< \$67K	\$1,300	-
Low	\$67-108K	\$1,600	\$264,000
Moderate	\$108-128k	\$3,000	\$563,000
Above Mod	> \$128K	> \$3,000	> \$563,000

Sources: Income: 2021 HCD Income Limits. Rent: Based on the 2021 Orange County household incomes published by the California Housing & Community Development Department; 1.5 persons per bedroom. Purchase Price: Based on Bankrate.com site average APR on 4/1/21 plus a 50 basis point margin. Assumptions: 3-bedroom, 35% income; down payment at 5% affordable price, and 1.1% property tax.

- » State / federal programs calculate affordable prices based on:
 - County median income levels
 - 30% max of household income spent on housing



HOUSING NEEDS



2021-29 Housing Element Update

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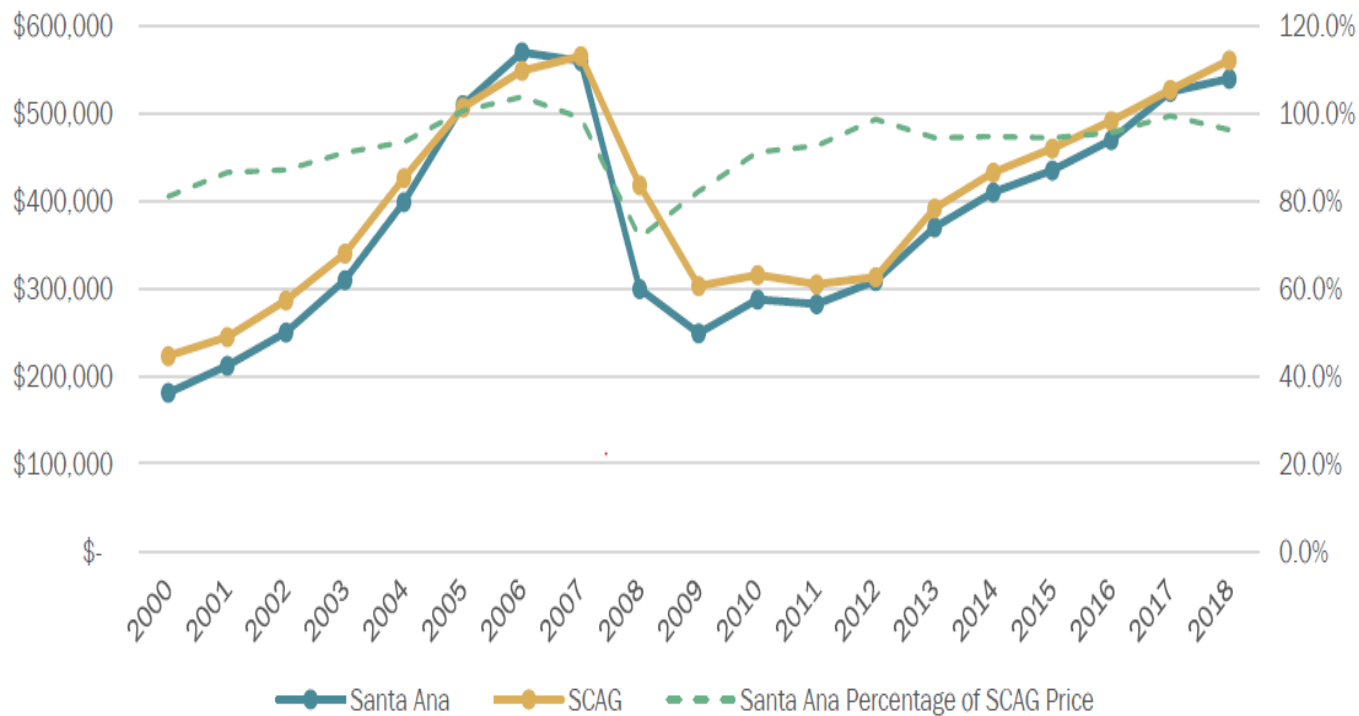


Existing Housing Needs - Costs

» Housing costs steadily increasing

Median sales price over \$500,000

Median Home Sales Price for Existing Homes



SCAG Local Profiles, Core Logic/Data Quick. SCAG median home sales price calculated as household-weighted average of county medians.

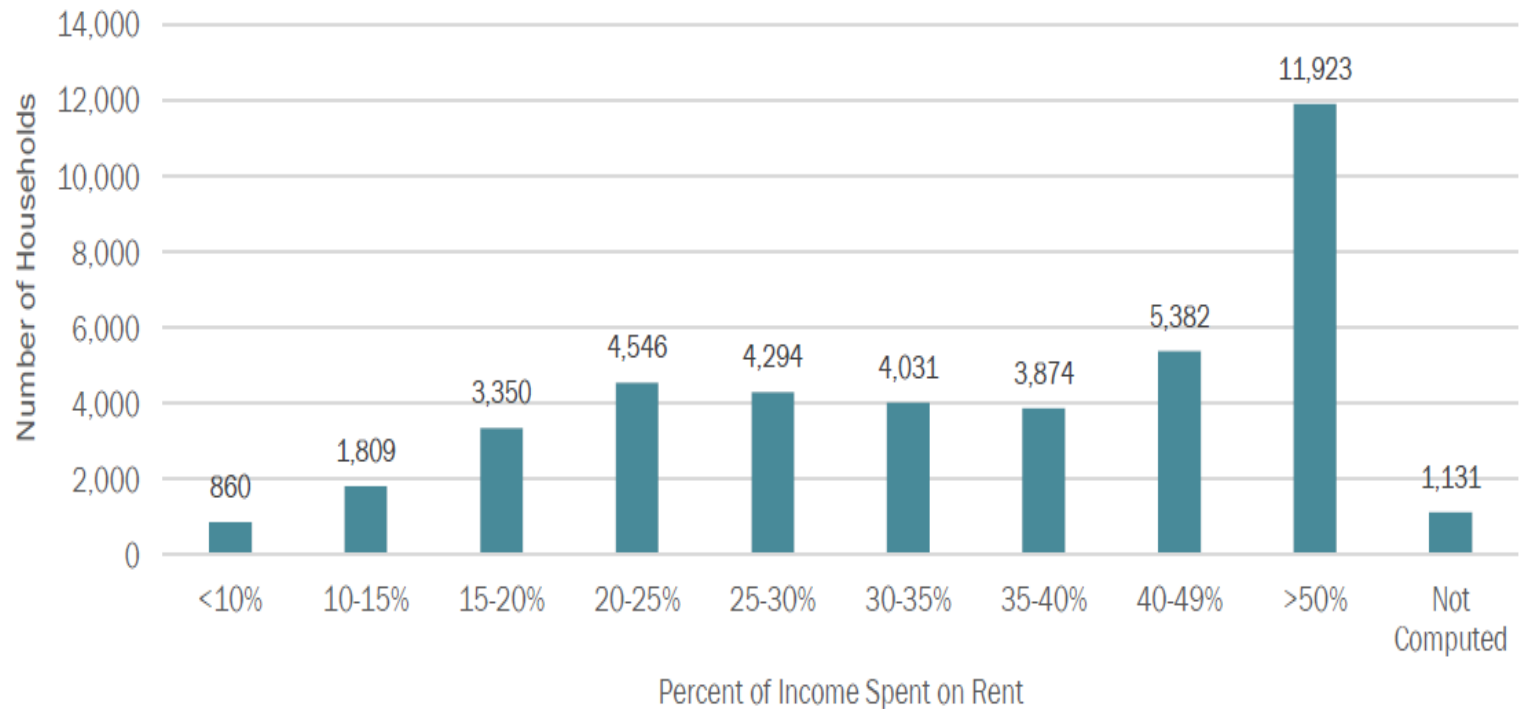


Existing Housing Needs - Rent

» Spending on rent

61% of renters spend $\geq 30\%$ of income on housing | 29% of renters spend $\geq 50\%$

Spending on Rent

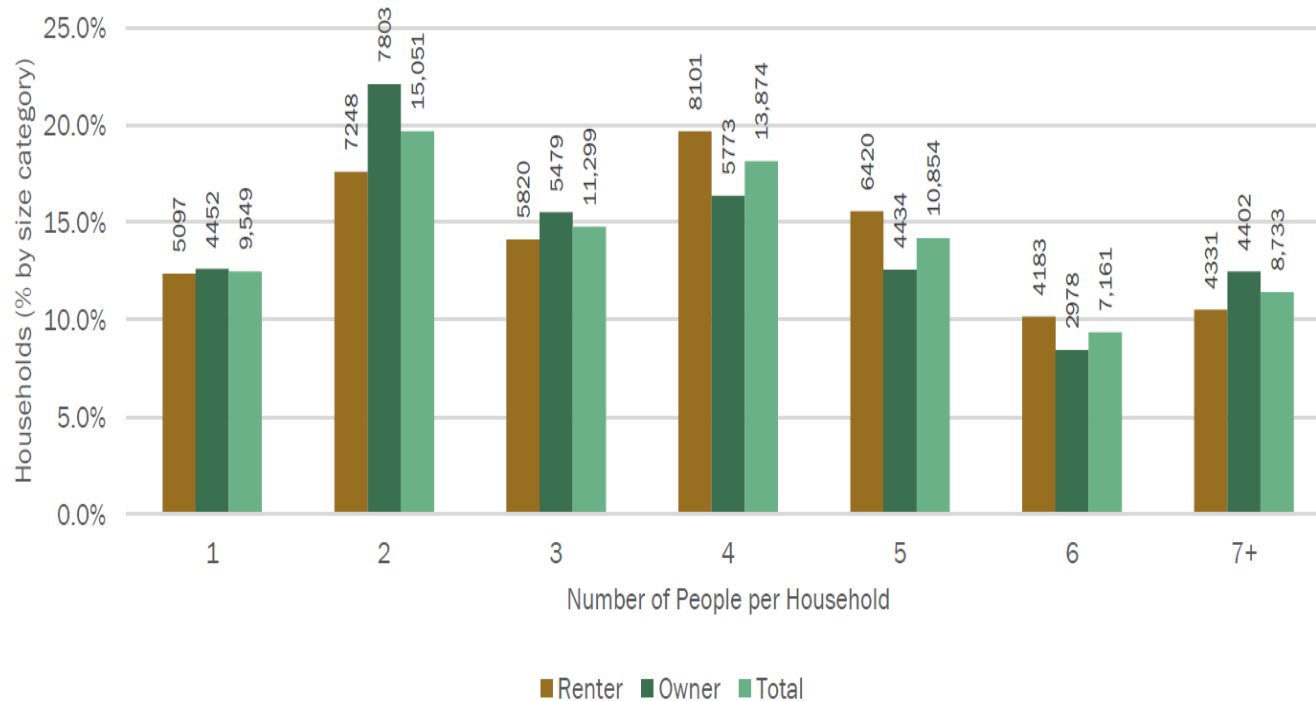


Existing Housing Needs – Household Size

» Average household size

4.3 in Santa Ana vs 3.0 across Orange County

Households by Household Size



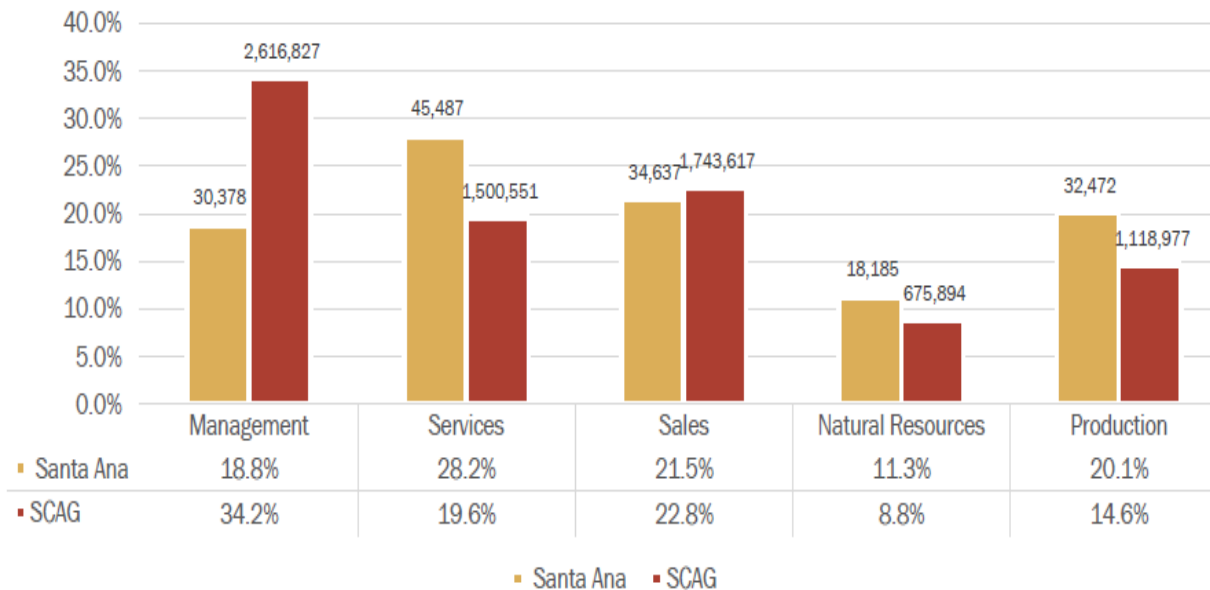
American Community Survey 2014-2018 5-year estimates.



Existing Housing Needs - Occupations

» Higher services and production

Employment by Occupation



American Community Survey 2014-2018 5-year estimates using groupings of SOC codes.

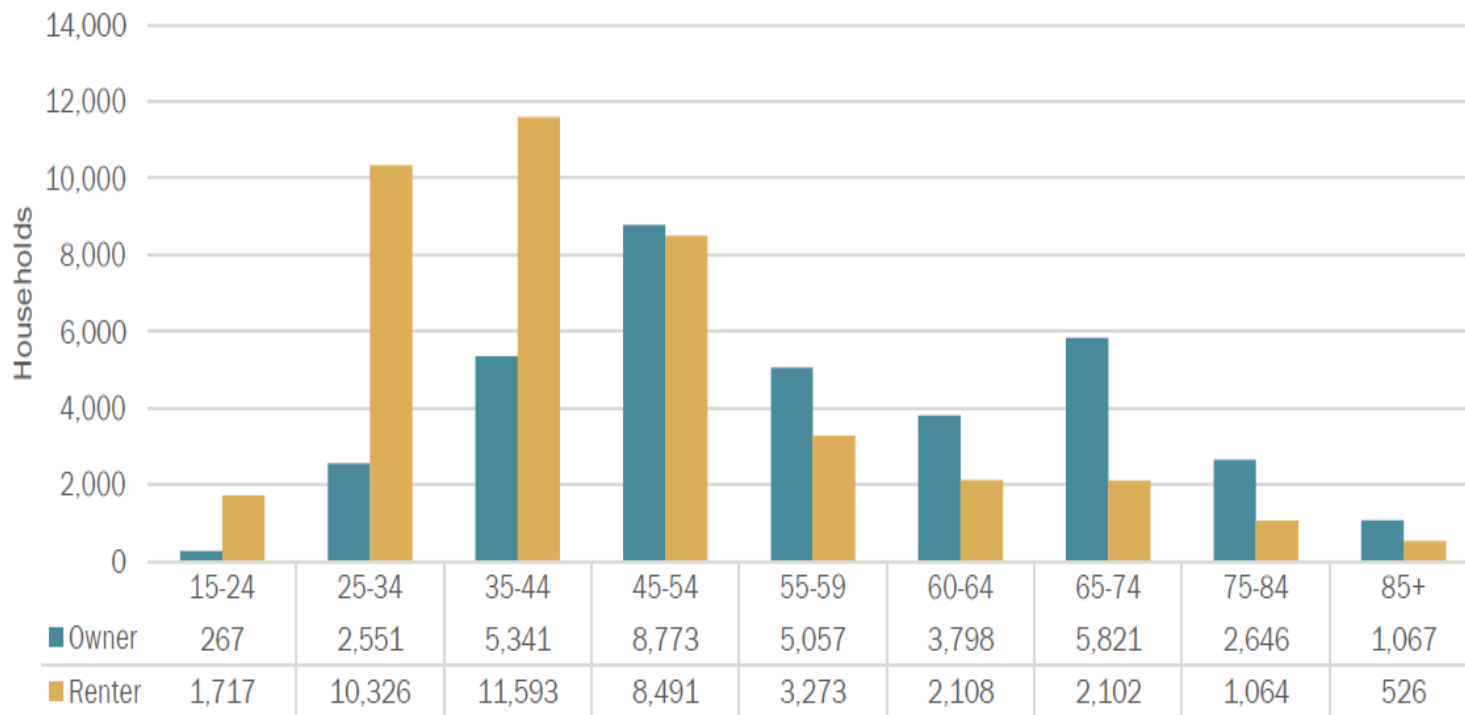


Existing Housing Needs – Age Distribution

» Young population

27% of the population in Santa Ana is under 18 years old (median age: 31)

Housing Tenure By Age



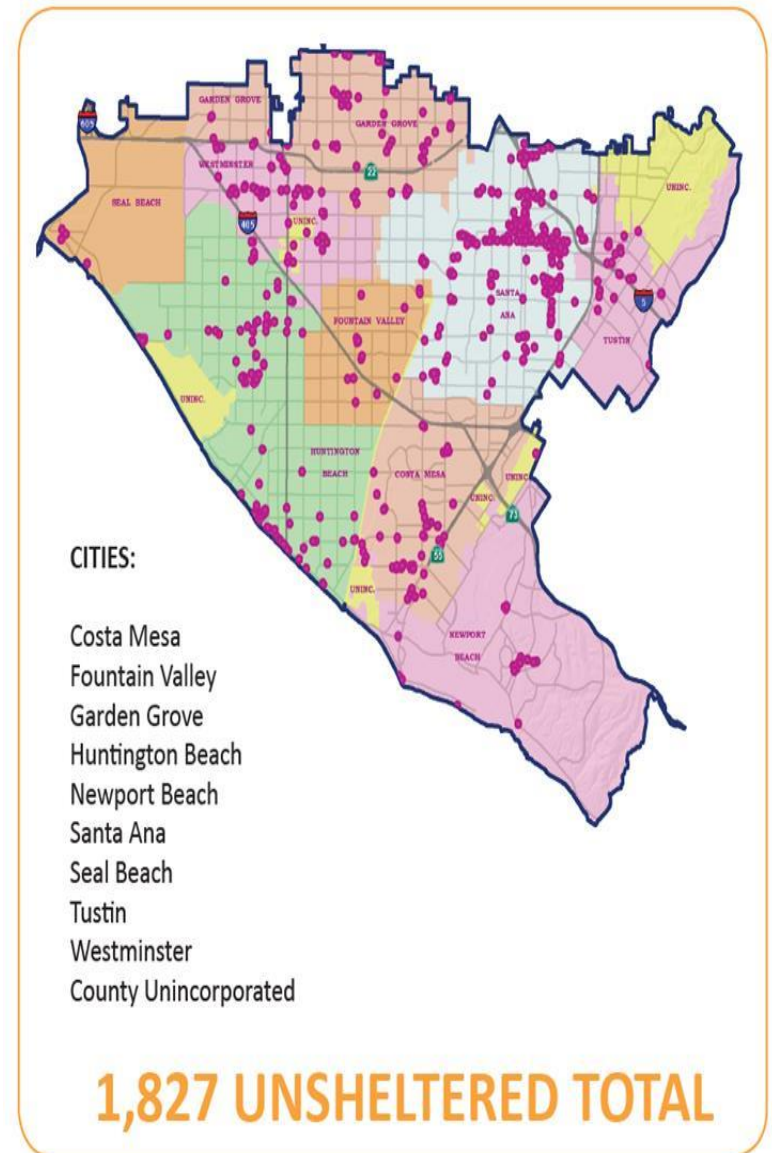
American Community Survey 2014-2018 5-year estimates.



Existing Housing Needs - Homelessness

» Homelessness

- **2019:** Point in Time count identifies 1,827 homeless unsheltered individuals in the **central county** jurisdictions; of this total 830 individual are identified in Santa Ana.
- **Santa Ana's** Point in Time count identifies at total of 1,769 homeless individuals with 939 sheltered



OPPORTUNITY SITES



**2021-29 Housing
Element Update**

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How to Accommodate Future Need (RHNA)

Land Resource	Very Low Income	Low Income	Moderate Income	Above Mod Income	Total
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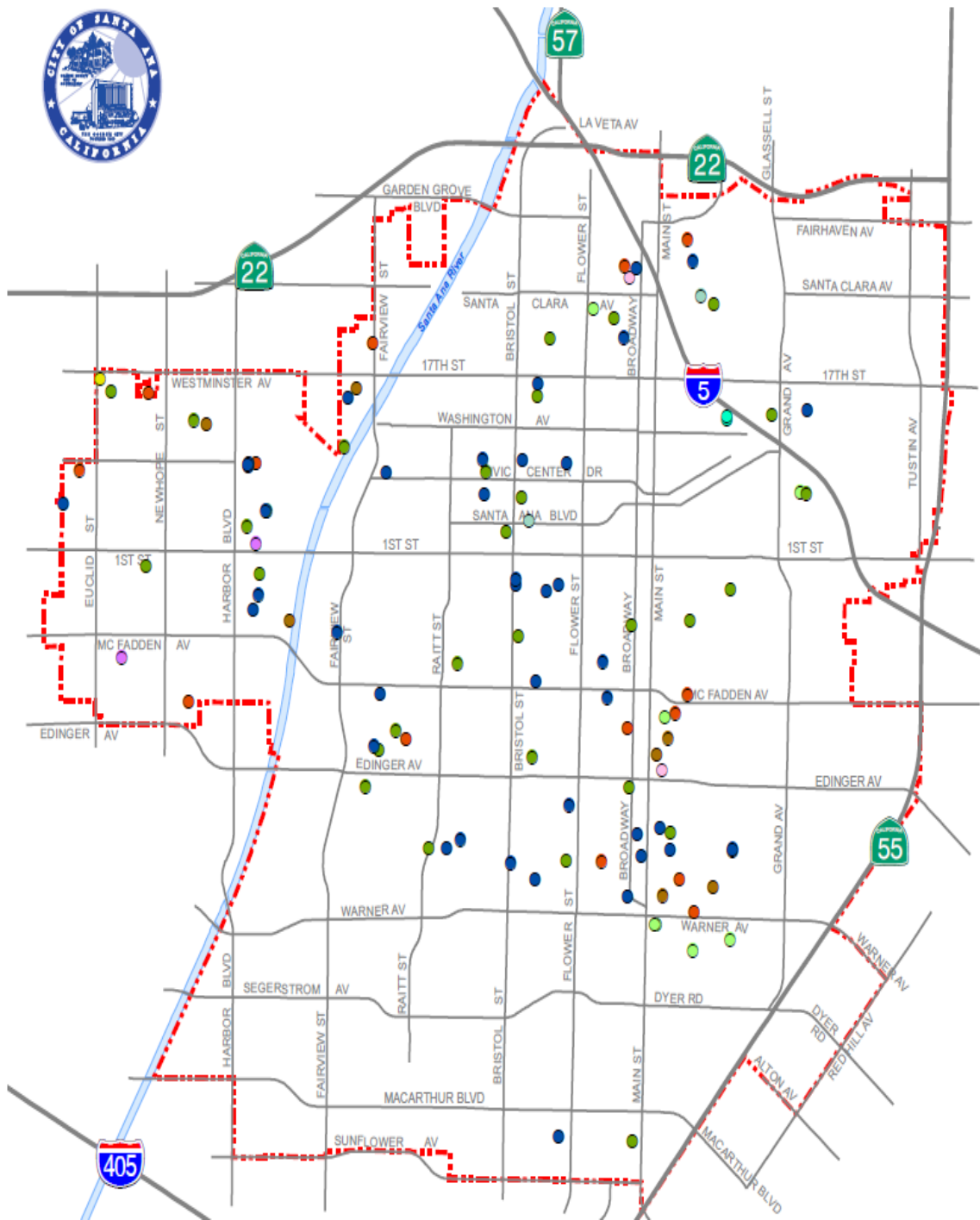
Total remaining RHNA of 241 total units – 8.03 acres Housing Opportunity sites (assuming 30 dwelling units/acre)





City of Santa Ana

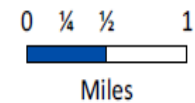
Accessory Dwelling Unit (ADU) Production 2010 - 2020



Year Built (# of ADUs)

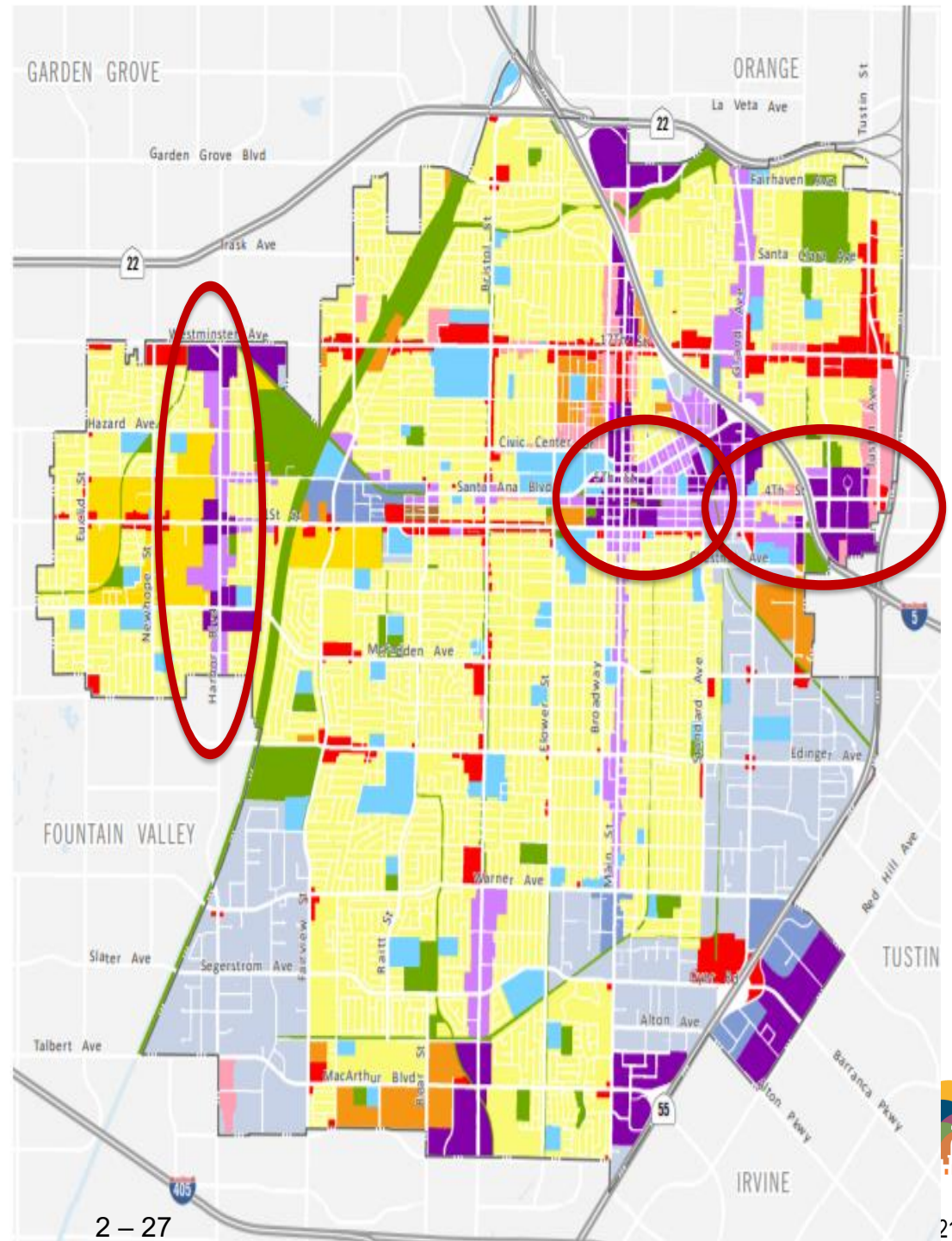
- 2010 (2)
- 2012 (2)
- 2013 (2)
- 2014 (7)
- 2015 (1)
- 2016 (2)
- 2017 (7)
- 2018 (14)
- 2019 (30)
- 2020 (41)

Total of 108 ADUs



Housing Opportunity Sites

- » Metro East Overlay Zone
- » Harbor Mixed Use Transit Specific Plan
- » Transit Zoning Code Overlay
- » Others

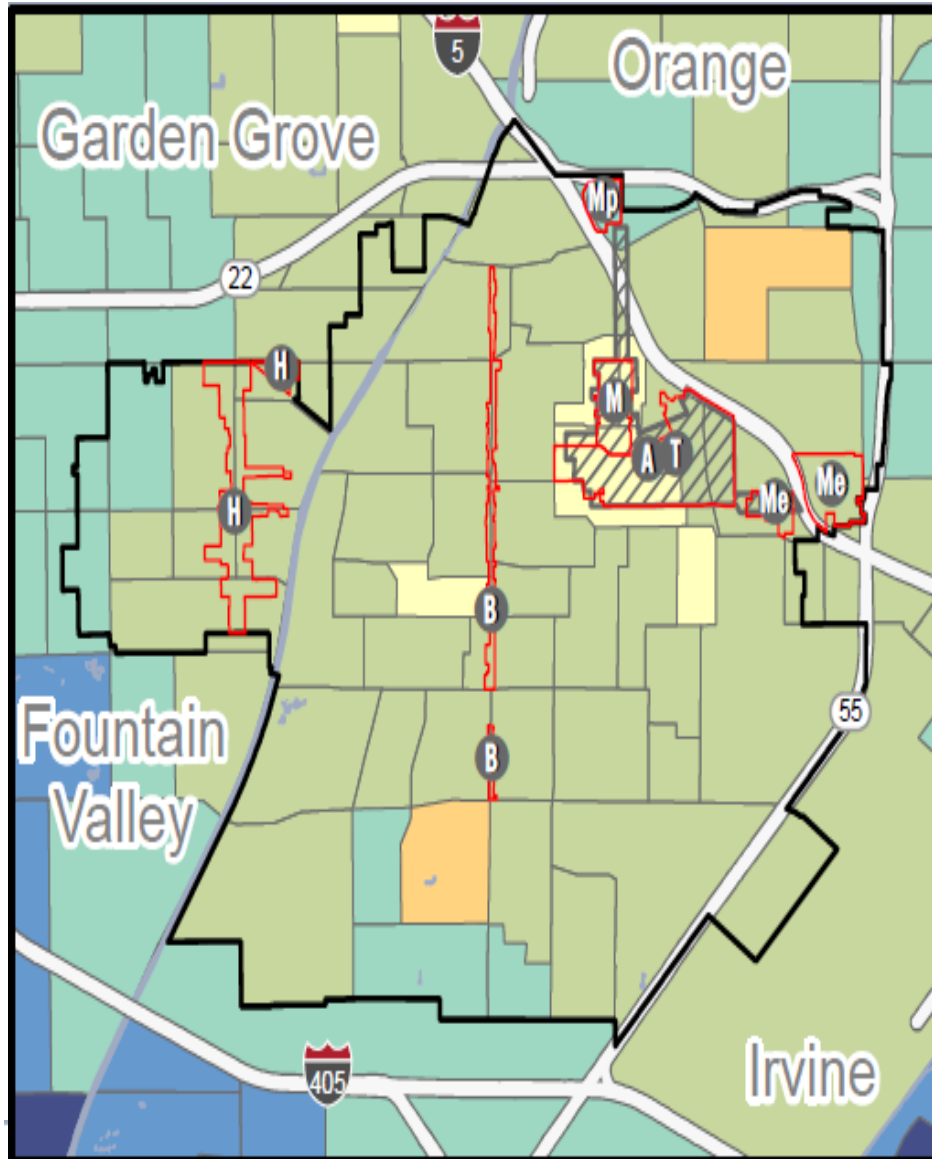


Fair Housing

- » Additional legislation passed in 2018 – AB 686
- » Analyze barriers that restrict housing access in Housing Element
- » Commit to meaningful actions that affirmatively further fair housing and prioritize addressing contributing issues
- » Sites for potential lower income housing located, to the degree possible, to avoid further overconcentration and disparity in access/resources
- » Equitable access to affordable housing – regionally



Fair Housing



-  City of Santa Ana
- TCAC Resource Category**
-  Highest Resource
-  High Resource
-  Moderate Resource (Rapidly Changing)
-  Moderate Resource
-  Low Resource
-  High Segregation & Poverty
-  Missing/Insufficient Data
- Adopted and Existing Areas**
-  A, Adaptive Reuse Project Incentive Area
-  B, Bristol Street Corridor Specific Plan
-  H, Harbor Mixed Use Transit Corridor Specific Plan
-  M, Midtown Specific Plan
-  Me, Metro East Mixed Use Overlay Zone
-  Mp, MainPlace Specific Plan
-  T, Transit Zoning Code

Source: City of Santa Ana 2020, TCAC 2021, PlaceWorks 2021 Date Published: 9/1/2021



COMMUNITY OUTREACH



2021-29 Housing Element Update

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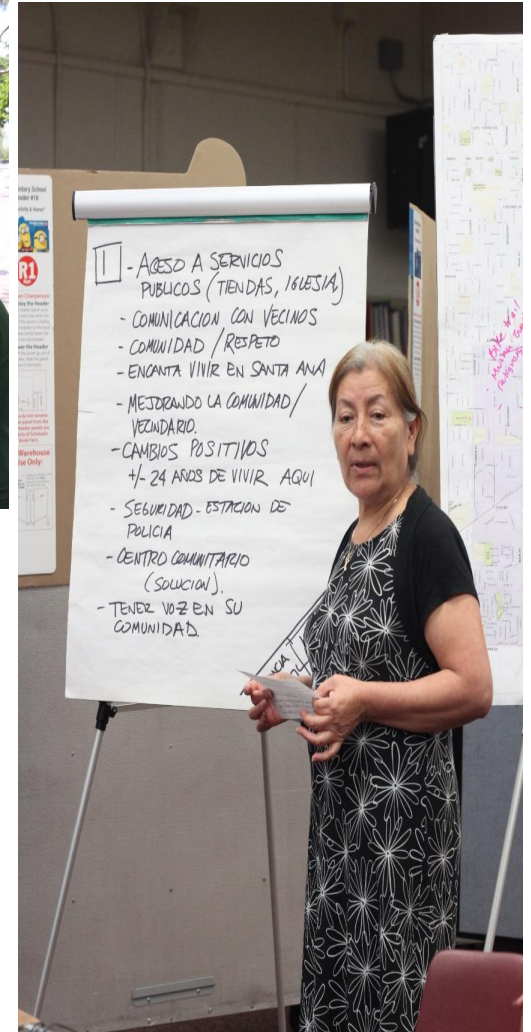


Related Outreach

» General Plan Update

- Surveys and workshops on Land Use, Mobility and other elements, with focus on Environmental Justice in all elements

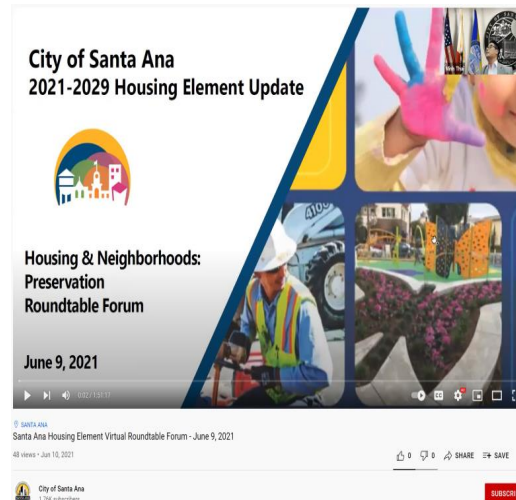
» 2020-2024 Consolidated Plan



Housing Element Outreach

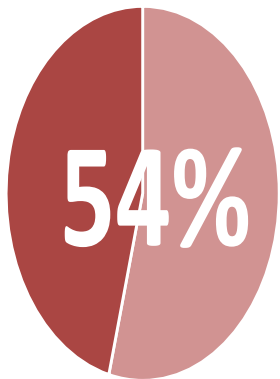
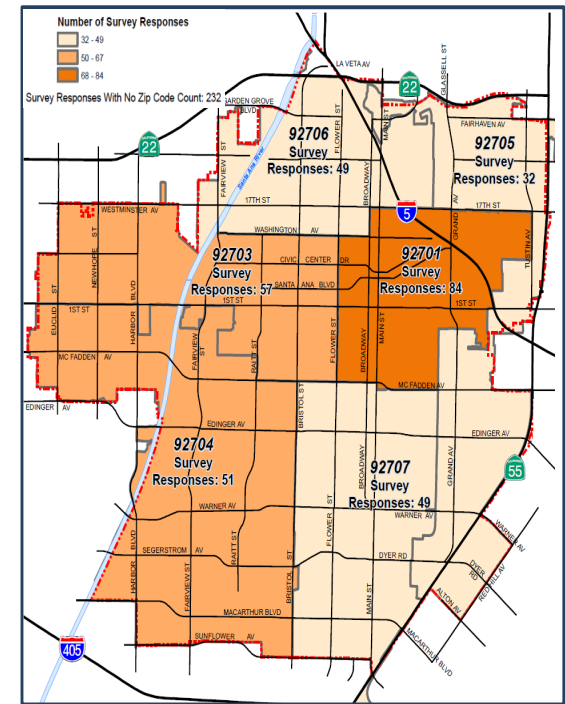
» Roundtable Meetings

- Neighborhood leaders, housing advocacy groups, and developers
- Four virtual meetings were held on June 2021:
 - Workshop #1: Overview and Existing Needs
 - Workshop #2: Housing & Livable Neighborhoods
 - Workshop #3: Housing Supply & Diversity
 - Workshop #4: Special Needs/Fair Housing

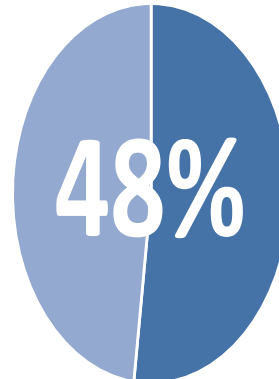


Community Survey - Highlights

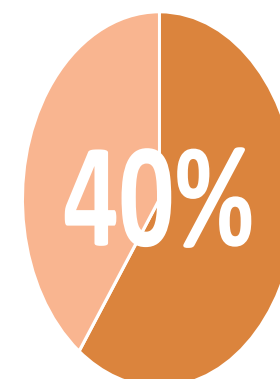
- Survey Timing: August 19, 2021 to September 9, 2021
- Multilingual surveys (English, Spanish and Vietnamese)
- 559 surveys completed



HOUSING AFFORDABILITY BEING AN ISSUE



OVERCROWDING BEING AN ISSUE



HOMELESSNESS BEING AN ISSUE



Housing Element Roundtable & Survey



Emergent themes

- » Promote new low and very-low housing greater than RHNA allocation
- » Rent control and housing insecurity
- » Role of open space in quality of life and housing
- » Strengthen Housing Opportunity Ordinance (HOO)
- » County versus Santa Ana Average Median Income (AMI)
- » Homelessness Prevention
- » Community driven programs
- » Parking, overcrowding, displacement
- » Safe housing and landlord intimidation
- » Code Enforcement to preserve quality of life



POLICY FRAMEWORK



2021-29 Housing Element Update

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Policy Framework - VISION

» City's Housing Vision

- *Santa Ana residents have an equal right and opportunity to find suitable housing in quality residential neighborhoods that allow themselves, their families, and neighbors to live the fullest lives. We support an inclusive community that is multigenerational, culturally diverse, healthy, sustainable, and economically broad. The City will facilitate the production, rehabilitation, and improvement of rental and homeownership opportunities at different affordability levels consistent with these principles.*



Policy Framework

- » **GOAL 1:** HOUSING AND NEIGHBORHOODS
- » **GOAL 2:** HOUSING SUPPLY AND DIVERSITY
- » **GOAL 3:** HOUSING ASSISTANCE
- » **GOAL 4:** SPECIAL NEEDS
- » **GOAL 5:** AFFIRMING FAIR HOUSING *New*



Policy Framework and Housing Action Plan

- » **GOAL 5: AFFIRMING FAIR HOUSING.** Affirm and promote social justice and equity in the provision, type, and affordability of housing and the availability of community services for all residents. *NEW*
- **Policy – Communication.** Continue to provide an open and receptive forum for city residents, commissions, and City staff to discuss opportunities for affirmatively furthering fair housing. *NEW*
- **Action:** HE 3.9 Fund services and organizations that work to prohibit discrimination in the rental, sale, and occupancy of housing and provide education, support, and enforcement services to address discriminatory practices.



Policy Framework and Housing Action Plan

» Landlord Intimidation

- **Policy** - Tenant Protections. Promote education programs that provide information and resources to residential tenants regarding Landlord Tenant Laws that provide protections against unjust evictions. *New*
- **Action** - Hold an annual Small Apartment Managers' Workshop to train and educate property owners, HOAs, property managers, and tenants of best practices in property management, neighborhood safety, and landlord/tenant responsibilities. *New*



Policy Framework and Housing Action Plan

» Potential Displacement

- **Policy** – Housing Stabilization. Support measures that minimize impacts of public and private investments that may result in higher land value and housing prices in adjacent areas, which may result in potential displacement from existing affordable housing. *New*
- **Action** – Adopt a Rent Stabilization ordinance(s) to preserve affordable housing through limitation to rent increases and requiring just cause evictions. *New*
- **Action** – Conduct further study to identify additional regulatory framework and administrative infrastructure necessary to implement residential rent stabilization, just cause eviction, and other protections for tenants facing housing instability. *New*



Policy Framework and Housing Action Plan

» Parking

- **Policy** - Parking Management. Support innovative and creative strategies that proactively minimize parking impacts and deficiencies within residential neighborhoods; including parking management requirements and incentives for active transportation. *New*
- **Action** – Develop a pilot program with adjacent commercial development with underutilized parking, to participate in a Parking Partnership program to provide additional parking for residential neighborhoods. *New*
- **Action** – Reevaluate the City's Permit Parking Program to incorporate regional best practices and respond parking needs for new and infill housing production. *New*



Policy Framework and Housing Action Plan

» Residential Overcrowding

- **Policy** – Overcrowding Conditions. Facilitating the development of affordable accessory dwelling units, and home additions and improvements to existing homes to alleviating overcrowding housing conditions. *New*
- **Action** – Explore opportunities for funding to assist lower and moderate-income homeowners in constructing Accessory Dwelling Units (ADUs). *New*
- **Action:** Collaborate with other local jurisdictions and HCD to identify best practices for ADU affordability methodology and incentives for long term affordability covenant. *New*



Policy Framework and Housing Action Plan

» Promote new affordable housing (low/very low income)

- **Policy** HE-2.4 Diverse Housing Types. Facilitate diverse types, prices, and sizes of housing, including single-family homes, apartments, townhomes, mixed/multiuse housing, transit-oriented housing, multigenerational housing, and live-work opportunities.
- **Action:** HE 18. District Centers - Facilitate and encourage the development of varied housing types at a mix of affordability levels, including for lower income households using appropriate incentives.
- **Action:** HE 25. Continue to work with nonprofit and for-profit organizations that provide affordable housing to households earning extremely low, very low, and low income households.



Policy Framework and Housing Action Plan

Homeless Prevention

- **Policy** HE-4.6 Homeless Services. Partner with community service organizations that address the needs of homeless people, including housing linked with case management, employment, physical, mental health, substance abuse, and other services.
- **Action:** HE 48. Supportive Services - Assist and work with service organizations to provide supportive services for current and formerly homeless people.
- **Action:** Continue efforts to address Homeless Youth needs through access to permanent and supportive housing and workforce development. *New*



PROJECT SCHEDULE & NEXT STEPS



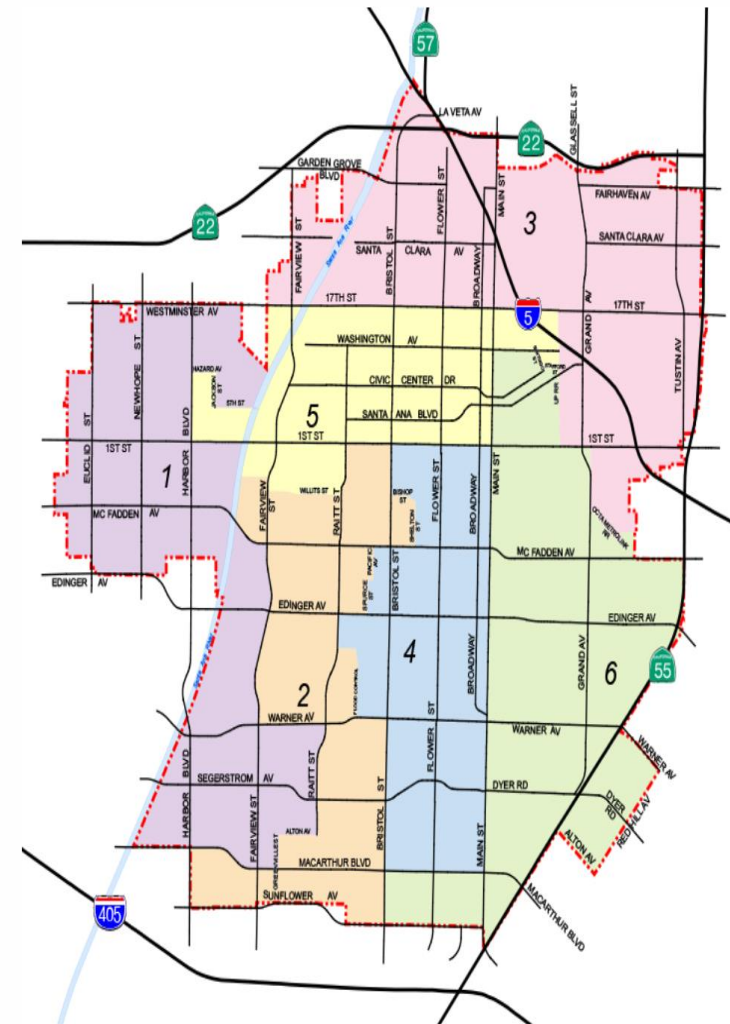
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Project Schedule and Next Steps

- Public Review of Draft Element – October 6th
- Planning Commission Study Session- October 11th
- HCD Review Submittal – October 21 (60 days)
- Community Open House to Share Draft Element
 - In person and virtual
 - October 18 – Newhope Library
 - October 26 – Virtual
 - November 6 – El Salvador Community Center
- Planning Commission Public Hearing – Dec. 20th
- City Council Public Hearing – February 1, 2022



For more information

» Ricardo Soto, Senior Planner

» Melanie McCann, Principal Planner

✉ SAHousingElement2021@santa-ana.org

📞 (714) 667-2781

» Draft documents, survey link, meeting info

- <https://www.santa-ana.org/general-plan/housing-element-update-2021>



PLANNING COMMISSION DISCUSSION

