

RESOLUTION NO. 2022-01

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ANA APPROVING TENTATIVE PARCEL MAP 2021-04, AS CONDITIONED, TO ALLOW THE SUBDIVISION OF AN EXISTING PARCEL INTO FOUR LOTS AT 1505, 1509, AND 1513 WEST CIVIC CENTER DRIVE, AND 1510 WEST NINTH STREET

BE IT RESOLVED BY THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ANA AS FOLLOWS:

**Section 1.** The Zoning Administrator of the City of Santa Ana hereby finds, determines, and declares as follows:

- A. Saul Delgado ("Applicant"), representing 1513 Civic Center, LLC, is requesting approval of Tentative Parcel Map No. 2021-04 to allow the subdivision of an existing parcel into four lots at 1513 West Civic Center Drive.
- B. Santa Ana Municipal Code ("SAMC") Section 34-126 requires approval of a Tentative Parcel Map by the Zoning Administrator.
- C. On January 12, 2022, the Zoning Administrator held a duly noticed public hearing on Tentative Parcel Map No. 2021-04.
- D. The Zoning Administrator of the City of Santa Ana determines that the following findings, which must be established in order to approve this Tentative Parcel Map pursuant to Santa Ana Municipal Code (SAMC) Section 34-126 and the State Subdivision Map Act, have been established for Tentative Parcel Map No. 2021-04:
  1. That the proposed project, as conditioned, and its design and improvements are consistent with the Low Density Residential (LR-7) designation of the General Plan and are otherwise consistent with all other elements of the General Plan.

The proposed project, as conditioned, and its design and improvements will be consistent with the existing Low Density Residential (LR-7) land use designation of the General Plan and are otherwise consistent with all other elements of the General Plan and any applicable specific plans. The proposed subdivision of land will create four parcels that will remain consistent with the various provisions of the General Plan, including the maximum allowable density units per acre. The conceptual design of the new residential structures will meet all development standards of the Single-Family Residential

(R-1) zoning designation stated in SAMC Section 41-231.

2. That the proposed project, as conditioned, conforms to all applicable requirements of the zoning and subdivision codes as well as other applicable City Ordinances.

The proposed project, as conditioned, will conform to all applicable requirements of the zoning and subdivision codes as well as other applicable City ordinances. The proposed project, as conditioned, conforms to the residential land use provisions of the zoning code that pertain to lot size, lot frontage, landscaping, setbacks, lot coverage, and parking; by doing so, each one of the four parcels and the construction within the parcels guarantee conformance to all single-family residential standards of the SAMC.

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

The project site is physically suitable for the type and density of the proposed project. The proposed project consists of the subdivision of the parcel into four lots, with new construction proposed shortly after approval of the map. The proposed single-family dwellings and accessory dwelling units will be located on one of the four parcels, compliant with all applicable development standards. The proposed lots will meet the minimum size requirements and will be consistent to the development patterns of the adjacent properties.

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

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

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

The design or improvements of the proposed project will not cause serious public health problems, with the proposed subdivision not having any detrimental effects upon the public. Each property will include the necessary utilities and

infrastructure improvements as required under Development Project Review No. 2021-07 and PM-2021-04.

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

The design or improvements of the proposed project will not conflict with easements necessary for public access through or use of the property within the proposed project since the existing and recorded easements for the property have been considered as part of the review. The perpetual easement for pipelines in Book 500, Page 12, of the Official Records, granted to the Santa Ana Valley Irrigation Company, and the existing easement granted to the City of Santa Ana as a perpetual easement for street purposes in Book 7606, Page 58, will be recorded under the new subdivision. The subdivision consists of four parcels, three of which will provide frontage along West Civic Center Drive and the fourth parcel will provide frontage on West Ninth Street. The installation of all utilities will conform with the requirements stated in Section 41-626 of the Santa Ana Municipal Code. The conceptual design of all proposed construction for the property will not affect the right-of-way for road purposes.

**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 15315 (Class 15 – Minor Land Divisions). Class 15 exemption allows for the division of property in urbanized areas zoned for residential use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. As proposed, the project will not require additional discretionary approval for the construction of the new residential structures. The existing Single-Family Residential (R-1) zoning designation and Low-Residential (LR-7) General Plan Land Use designation are consistent and require no further modification. Based on this analysis, Notice of Exemption, Environmental Review No. 2021-21 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 Zoning Administrator of the City of Santa Ana, after conducting the public hearing, hereby approves Tentative Parcel Map No. 2021-04, as conditioned in Exhibit A, attached hereto and incorporated herein, for the property located at 1505, 1509, and 1513 West Civic Center Drive, and 1510 West Ninth Street. This decision is based upon the evidence submitted at the above-referenced hearing, including but not limited to: The Request for Zoning Administrator Action dated January 12, 2022, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 12<sup>th</sup> day of January, 2022 by the Zoning Administrator.



Melanie McCann, AICP  
Zoning Administrator

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, CHRISTINA LEONARD, Acting Recording Secretary, do hereby attest to and certify the attached Resolution No. 2022-01 to be the original resolution adopted by the Zoning Administrator of the City of Santa Ana on January 12, 2022.

Date: 1.31.22

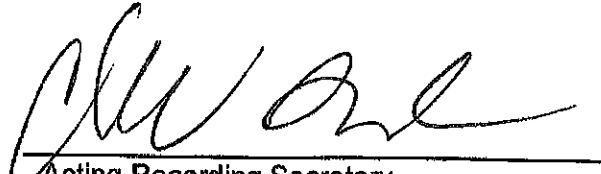
  
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Acting Recording Secretary  
City of Santa Ana

EXHIBIT A

**Conditions of Approval for Tentative Parcel Map No. 2021-04**

Tentative Parcel Map No. 2021-04 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 Administrative Code, the California Building Standards Code and all other applicable regulations.

The Applicant must comply in full with each and every condition listed below prior to exercising the rights conferred by this approval.

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

1. All proposed site improvements must conform to the Site Plan Development Project Review approval of DP No. 2021-07 and Tentative Parcel Map No. 2021-04. ***Modified by the Zoning Administrator on January 12, 2022.***
2. Any amendment to this tentative parcel map, ~~including modifications to approved materials, finishes, architecture, site plan, landscaping, parking, and square footages,~~ must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the Development Project Review site plan review must be amended. ***Modified by the Zoning Administrator on January 12, 2022.***
3. Two copies of the recorded final parcel map shall be submitted each to the Planning Division, ~~Building Division~~ and Public Works Agency within 10 days of recordation. ***Modified by the Zoning Administrator on January 12, 2022.***
4. The tentative parcel map and final map must include information and description of the existing easements for the property. Said easements include the pipelines easement in Book 500, Page 12, of the Official Records, granted to the Santa Ana Valley Irrigation Company, and the existing easement granted to the City of Santa Ana as a perpetual easement for street purposes in Book 7606, Page 58, of the of the Official Records.
5. The tentative parcel map, final map and all improvements required to be made or installed by the subdivider shall be done in accordance with the requirements and design standards and specifications of the City of Santa Ana Municipal Code and the requirements of the State Subdivision Map Act.
6. The final map must be approved and recorded prior to issuance of building permits.
7. Once the final map is recorded and prior to issuance of building permit, each proposed residence and/or accessory dwelling unit must submit separate sets of plans for each new single-family residence to the City for review and approval.

Each residence must conform to applicable development and design standards for single-family residences and/or accessory dwelling units, including but not limited to, massing, materials, architecture, window placement, and prevailing setbacks. ***Modified by the Zoning Administrator on January 12, 2022.***

8. Prior to building permit issuance of the proposed new single-family residences, the applicant will submit a formal landscape plan for each parcel for staff review. ***Modified by the Zoning Administrator on January 12, 2022.***
9. Applicant must construct a minimum six-foot high perimeter block wall for the side and rear property lines for each of the proposed parcels, except between Parcel 1 and the existing parcel to the west. ***Modified by the Zoning Administrator on January 12, 2022.***