

RESOLUTION NO. 2021-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2021-08 AS CONDITIONED TO ALLOW CONSTRUCTION OF A NEW STANDALONE SURFACE PARKING LOT IN THE PROFESSIONAL (P) ZONING DISTRICT FOR THE PROPERTY LOCATED AT 3009 SOUTH DAIMLER STREET

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. Ginger Shulman with LPA (“Applicant”), representing Edward Lifesciences LLC (“Property Owner”), is requesting approval of Conditional Use Permit No. 2021-08 to allow construction of a new standalone surface parking lot in the Professional (P) zoning district.
- B. Santa Ana Municipal Code (SAMC) Section 41-313.5(o) requires approval of a conditional use permit (CUP) for standalone parking lots in the Professional (P) zoning district.
- C. Pursuant to SAMC Section 41-638, the Planning Commission is authorized to review and approve the conditional use permit for this project as set forth by the SAMC.
- D. On July 12, 2021, the Planning Commission held a duly noticed public hearing on CUP No. 2021-08.
- E. The Planning Commission of the City of Santa Ana has considered the information and determines that the following findings, which must be established in order to grant CUP No. 2021-08 to allow a standalone surface parking lot, have been established as required by SAMC Section 41-638:
 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 surface parking lot will activate a site and building that is currently vacant. The proposed use will increase productivity and business growth for Edwards Lifesciences (ELS). The company is known worldwide to be a desirable and necessary

business for the community. The additional parking spaces will increase business opportunities and generate temporary and permanent jobs as well as permit fees for the City. The project will be enhancing the overall landscaping, thereby contributing to the aesthetics of the area. This will benefit the community by allowing the rehabilitation of the site, promoting an additional service use and providing an additional convenience to current and future employees in the vicinity.

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 surface parking lot will not be detrimental to the health, safety, and general welfare of those working in the vicinity. The site is located on a corner lot and is accessible from Daimler Street with the main entrance from the adjacent property to the east. The vehicular circulation is designed to minimize any potential traffic congestion. Although the site is accessible 24-hours per day, seven days per week, the parking lot will mainly be used during standard work hours. Finally, the applicant is proposing to construct several on-site improvements such as perimeter fencing, pedestrian walkways, and landscaping in order to mitigate the visual impacts of the parking of vehicles.

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

The proposed surface parking lot will not affect the economic stability of the area. There are 635 Edwards Lifesciences employees, and the company's employment in the area provides \$64.8 million in salaries a year. ELS also provides \$26,000 in annual business license revenues and \$356,000 in annual property tax. Ultimately, the additional parking spaces will provide an additional service and employment opportunities for the area.

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 of Chapter 41 of the SAMC regarding parking lots, such as acreage minimum, zoning location, and compliance with design guidelines. Approval of the CUP will allow the use to be in compliance with operational standards and conditions of approval will mitigate any potential impacts to the general vicinity.

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 project will not adversely affect the General Plan. The General Plan land use designation of the subject site is Professional and Administrative Office (PAO) which allows for professional uses such as business, administrative, and medical offices. The granting of CUP No. 2021-08 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. The proposed use will provide parking for its workers and visitors. Policy 2.9 supports developments that create a business environment that is safe and attractive. A condition of approval to provide a maintenance agreement will ensure property improvements are adequately maintained for a safe and attractive environment for the community and patrons to the business. Economic Development Element Goal 2 maintains and enhances the diversity of the City's economic base. Policy 2.3 encourages the development of mutually beneficial and supportive business clusters within the community. The surface parking will service the uses in the vicinity, thereby promoting the continuation of office uses and keeping that market viable within the City.

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 15304 (Class 4 – Minor Alterations to Land). Based on this analysis, a Notice of Exemption, Environmental Review No. 2021-65, 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, 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. 2021-08, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 3009 South Daimler Street. 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 July 12, 2021, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 12th day of July, 2021.

AYES: Commissioners: CALDERON, MCLOUGHLIN, MORRISSEY, PHAM,
RAMOS, WOO (6)
NOES: Commissioners:
ABSENT: Commissioners: ALDERETE (1)
ABSTENTIONS: Commissioners:


Mark McLoughlin
Chairperson

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

By: 
John M. Funk
Senior Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, SARAH BERNAL, Commission Secretary, do hereby attest to and certify the attached Resolution No. 2021-16 to be the original resolution adopted by the Planning Commission of the City of Santa Ana on July 12, 2021.

Date: 07-12-2021



Commission Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2021-08

Conditional Use Permit No. 2021-08 for standalone surface parking lot is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code, and all other applicable regulations. In addition, the Applicant shall meet the following conditions of approval:

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. All proposed site improvements must remain in substantial conformance with the Development Project Review (DP No. 2020-18) and the staff report exhibits.
2. Any amendment to this conditional use permit must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the conditional use permit must be amended.
3. Prior to building permit issuance for new construction, the applicant shall submit a professional landscape plan, application and required supplemental information, and review fee for review and approval by the Planning Division. The landscape plan shall also illustrate installation of decorative hardscape material such as pavers and/or stamped concrete along all new pedestrian walkways. The landscape plan shall also illustrate site furnishings and lighting, which shall be complementary to the landscape plan in aesthetics and design.
4. Landscaping on site shall be maintained in accordance with the final approved landscape plan submitted to and approved by the Planning Division.
5. Within 90 days of adoption of this resolution, a Property Maintenance Agreement must 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 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.

6. Prior to the issuance of a building permit, a landscape and irrigation plan is to be submitted for review and approval. The landscape plan shall conform to the commercial landscape standards, Citywide Design Guidelines and the City's Water Efficient Landscape Ordinance. The landscape plans shall note construction of a minimum eight (8) foot tall perimeter fence along the west and southern property lines, except where prohibited by driveways and required landscape setbacks, and shall be coated with anti-graffiti coating.
7. Security cameras and site lighting shall be installed prior to final building sign-off.
8. "No Loitering/Trespass" signs/placards shall be posted in the parking lot area. The posted signs must conform to Penal Code Section 602.
9. A copy of the conditions of approval shall be kept on premises and presented to any authorized City official upon request.
10. The outdoor storage or display of boxes, equipment, materials, merchandise, trailers, and/or other similar items shall be prohibited.