

Planning Commission Regular Meeting Agenda

April 25, 2022

5:30 P.M.

Council Chamber

22 Civic Center Plaza
Santa Ana, CA

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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

Christina Leonard
Recording Secretary



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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
Christina Leonard**

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS (non agenda items)

CONSENT CALENDAR ITEMS

a. Minutes

Recommended Action: Approve Minutes from April 11, 2022 meeting.

b. Excused Absences

Recommended Action: Excuse absent commissioners.

c. CUP No. 2022-04 – Compass Bible Church (2909 S. Daimler Street)

Recommended Action: Adopt a resolution denying Conditional Use Permit No. 2022-04.

****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 and Register on April 13, 2022 and notices were mailed on April 13 & 14, 2022*

1. Conditional Use Permit No. 2022-06 – Pedro Gomez, Case Planner

Project Location: 2221 N. Heliotrope Drive

Project Applicant: Chan Quang and Quynh Dinh Kieu (Property Owners)

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2022-06 to allow the construction of an accessory structure 23' – 4" in height within the rear yard of an existing single-family residence located at 2221 North Heliotrope Drive. Pursuant to Section 41-232.5 of the Santa Ana Municipal Code (SAMC), accessory buildings more than fifteen feet in height or more than one story require approval of a 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 15303 of the CEQA Guidelines (Class 3/New Construction or Conversion of Small Structures) because the project involves the construction of a small accessory structure. Based on this analysis, Notice of Exemption, Environmental Review No. 2022-11 will be filed for this project.

Recommended Action: Item to be continued. Date TBD

2. Density Bonus Agreement Application No. 2022-01 – Pedro Gomez, Case Planner

Project Location: 1411 North Broadway

Project Applicant: Brateil Aghasi, representing WISEPlace, on behalf of WISEPlace, a California nonprofit public benefit corporation (Property Owner).

Proposed Project: The applicant proposes to construct a 48-unit permanent supportive housing community. In order to facilitate the construction of the project, the applicant is requesting approval of Density Bonus Agreement (DBA) No. 2022-01 to utilize waivers from development standards and/or development concessions as permitted pursuant to California Government Code sections 65915 through 65918 and as implemented by the Santa Ana Municipal Code (SAMC) Sections 41-1600 through 41-1607.

Environmental Impact: In accordance with the California Quality Environmental

Act (CEQA), the recommended action is exempt from CEQA per Section 15194 (Affordable Housing Exemption). This exemption applies to development projects for affordable housing that meet the threshold criteria set forth in Section 15192; are not located on a site more than five acres in area; are located within an urbanized area with a population density of at least 5,000 persons per square mile, and immediately adjacent to qualified urban uses; and that consist of the construction of 100 or fewer residential housing units that are affordable to low-income households. Therefore, no additional environmental review is required. Based on this analysis, a Notice of Exemption, Environmental Review No. 2022-05 will be filed for this project.

Recommended Action: Item to be continued to May 9, 2022

3. Public Facilities Naming No. 2022-01 – Timothy Pagano, Project Manager

Project Location: 415 and 423 South Raitt Street

Project Applicant: City of Santa Ana (Timothy Pagano, Community Services Manager)

Proposed Project: Staff is requesting Planning Commission approval of PFN No. 2022-01 to name the empty lot at 415 and 423 South Raitt Street to El Refugio Park upon completion of the project. Pursuant to Santa Ana Municipal Code (SAMC) Section 33-5, the Planning Commission is responsible for public facilities naming requests, with City Council consent review thereafter.

Environmental Impact: In accordance with the California Environmental Quality Act and the CEQA Guidelines, the recommended action is exempt from further review per Section 15061 (b)(3). This general rule exemption is allowed provided it can be determined with certainty that the proposed project will not have a significant effect on the environment. As the project consists of naming of a public facility, the general rule exemption is applicable. Notice of Exemption for Environmental Review No. 2022-18 will be filed for this project.

Recommended Action: Adopt a resolution approving Public Facilities Naming (PFN) No. 2022-01 to name the empty lot at 423 South Raitt Street to El Refugio Park.

4. Conditional Use Permit No. 2021-09 – Pedro Gomez, Case Planner

Project Location: 2525 N. Grand Avenue, Unit A

Project Applicant: Blanca Toriz, on behalf of El Cangrejo Nice 3 (applicant)

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2021-09 to upgrade an existing Type 41 on-sale beer and wine license to a Type 47 on-sale beer, wine and distilled spirits, for on-premise consumption at an existing eating establishment.

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. 2022-16 will be filed for this project.

Recommended Action: .Adopt a resolution approving Conditional Use Permit No. 2021-09

5. Tentative Tract Map No. 2022-01 – Ali Pezeshkpour, Case Planner

Project Location: 830 South Harbor Boulevard

Project Applicant: Kim Prijatel with City Ventures, representing property owner MAS Investments LP

Proposed Project: The applicant is requesting approval of a tentative tract map (TM) to permit the subdivision of a proposed 23, three-story attached townhome development. Pursuant to SAMC Section 34-127, the City of Santa Ana Planning Commission is responsible for approving tentative tract maps. Staff is recommending approval of the applicant's request due to the project's compliance with the zoning and all corresponding development standards.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA), proposed development project has been determined to be adequately evaluated in the previously certified EIR No. 2014-01 as per Sections 15162 and 15168 of the CEQA guidelines. The project entails construction of an infill residential community whose scope and impacts were evaluated to ensure conformance to the Environmental Impact Report (SCH No. 2013061027) prepared and certified for the SP-2 zoning district. Environmental Review No. 2021-52 will be filed for the project.

Recommended Action: Adopt a resolution approving Tentative Tract Map No. 2022-01 (County Map No. 19142) as conditioned.

6. Zoning Ordinance Amendment No. 2022-01 – Ali Pezeshkpour, Case Planner

Project Location: Citywide

Project Applicant: City of Santa Ana (Ali Pezeshkpour, Principal Planner)

Proposed Project: The City of Santa Ana is proposing to repeal Article XII (Off-Premise Commercial Advertising Signs) of Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC) and adopt a new ordinance that would allow the construction of new digital billboards and reconstruction of existing billboards with digital displays, subject to certain location and development standards.

Environmental Impact: A Mitigated Negative Declaration (MND) including one technical study evaluating air quality and greenhouse gas, was prepared for the project. No areas of significance or unavoidable impacts were determined to occur from the construction or operation of the proposed project with the

implementation of mitigation measures (Exhibit 1). The MND was available for public review and comment for 30 days as required by CEQA between March 7 and April 6, 2022. One comment was received from the City of Orange. Written responses to the comments were prepared and incorporated into the environmental document.

The project requires adoption of a Mitigation Monitoring and Reporting Program (MMRP), which will reduce all identified impacts to less than significant with implementation of the MMRP. Based on the environmental checklist form completed for the proposed project and supporting environmental analysis, the project would have no impact or a less than significant impact on the following environmental issue areas: Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Energy, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire. The proposed project's impacts on the following issue areas would be less than significant with the implementation of mitigation: Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Tribal Cultural Resources. All impacts would be less than significant after mitigation.

Recommended Action: Recommend that the City Council approve and adopt Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Environmental Review No. 2022-19 Recommend that the City Council adopt an ordinance approving Zoning Ordinance Amendment (ZOA) No. 2022-01 to repeal Article XII of Chapter 41 of the Santa Ana Municipal Code and adopt a new off-premise commercial advertising signs (billboards) ordinance, and to modify thresholds for development project plan approvals for billboards.

Administrative Matters

End of Business Calendar

STAFF COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

The next meeting of the Planning Commission will be on May 09, 2022 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

FUTURE AGENDA ITEMS

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** PBACcomments@santa-ana.org and reference the topic in the subject line.
- **Mail** to Christina Leonard, 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

April 11, 2022

5:30 P.M.

Council Chamber

22 Civic Center Plaza
Santa Ana, CA



THOMAS MORRISSEY

Chair, Ward 6 Representative

ERIC M. ALDERETE

Citywide Representative

MIGUEL CALDERON

Ward 2 Representative

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*Acting Recording
Secretary*



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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 **Minh Thai**
Senior Asst. City Attorney **John Funk**
Planning Manager **Fabiola Zelaya Melicher**
Recording Secretary **Christina Leonard**

ROLL CALL**PLEDGE OF ALLEGIANCE****PUBLIC COMMENTS** (non agenda items)**CONSENT CALENDAR ITEMS****a. Minutes**

Recommended Action: Approve Minutes from March 28, 2022 meeting.

Moved by Commissioner McLoughlin, seconded by Commissioner Woo to Approve.

YES: 6 – Eric Alderete, Miguel Calderon, Mark McLoughlin, Bao Pham, Isuri Ramos, Alan Woo

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Tom Morrissey

Status: 6 – 0 – 0 – 1 – **Pass**

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 March 30, 2022 and notices were mailed on said date.*

1. Conditional Use Permit No. 2022-07 - Eric Martin, Case Planner

Project Location: 4501 West MacArthur Boulevard

Project Applicant: Will Kazimi with Smartlink, LLC, representing AT&T

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2022-07 to allow the construction of a new 60-foot high major wireless communications facility disguised as a mono-eucalyptus.

Environmental Impact: In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15303 (Class 3 – New Construction or Conversion of Small Structures). A Class 3 exemption consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structure. The project proposes a small facility and installation of new equipment enclosed by small structures. As such, a Notice of Exemption, Environmental Review No. 2021-19, will be filed for this project

Recommended Action: Adopt a resolution approving Conditional Use Permit No. 2022-07.

Moved by Commissioner Woo, seconded by Commissioner Calderon to Approve.

YES: 5 – Miguel Calderon, Mark McLoughlin, Bao Pham, Isuri Ramos, Alan Woo
NO: 0 – **ABSTAIN:** 1 – Eric Alderete

ABSENT: 1 – Tom Morrissey

Status: 5 – 0 – 1 – 1 – **Pass**

Minutes: *Commissioner Alderete recused himself.*

Vice Chair Pham opened the Public Hearing. The applicant spoke in favor of the matter. There were no other speakers and the Public Hearing was closed.

2. Conditional Use Permit No. 2022-04 – Heidi Jacinto, Case Planner

Project Location: 2909 South Daimler Street

Project Applicant: Shelley Thompson representing Compass Bible Church (Applicant), on behalf of Daimler Commerce Partners, LP (Property Owner)

Proposed Project: The applicant is requesting approval of Conditional Use Permit No. 2022-04 to allow the operation of a church in an existing building in the Professional (P) zoning district.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Sections 15301 and 15303 of the CEQA Guidelines Class 1 - Existing Facilities) and (Class 3 – Conversion of Small Structures). The Class 1 exemption applies to the permitting, leasing, licensing, or minor alteration of existing private structures involving negligible or no expansion of existing or former use. The Class 3 exemption applies to the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structure. Minor interior alterations involving interior partition walls, plumbing and electrical and minor exterior alteration for a new storefront, doors, and parking lot improvements will be made for the church operations. Based on this analysis, a Notice of Exemption, Environmental Review No. 2021-84 will be filed for this project.

Recommended Action: Adopt a resolution approving Conditional Use Permit No. 2022-04 as conditioned.

Minutes: *Vice Chair Pham opened the Public Hearing.*

The applicant and architect spoke in favor of the matter.

David Jimenez spoke in favor of the matter.

The Commissioners listened to Staff presentation, Applicants comments and public testimony. The Commission asked questions of the applicant related to services provided

by the church and program provided at other churches that they currently have in other cities. The Commission expressed concerns with the following:

- *Lack of bilingual services*
- *Not addressing/fulfilling the needs of the residents of Santa Ana*
- *Concerns with parking*
- *Events outside of normal church services hours.*

There were no other speakers and the Public Hearing was closed.

Commissioners made a motion to Deny the Project.

Moved by Commissioner Alderete, seconded by Commissioner Woo to Approve

Resolution of denial to be prepared and placed in the Consent Agenda for the Planning Commission meeting of April 25, 2022 for approval. A 10 day appeal period to the City Council will commence on April 26, 2022. .

YES: 6 – Eric Alderete, Miguel Calderon, Mark McLoughlin, Bao Pham, Isuri Ramos, Alan Woo

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Tom Morrissey

Status: 6 – 0 – 0 – 1 – **Pass**

Administrative Matters

End of Business Calendar

STAFF COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

The next meeting of the Planning Commission will be on April 25, 2022 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

FUTURE AGENDA ITEMS

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**City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
April 25, 2022**

Topic: CUP No. 2022-04 – Compass Bible Church (2909 S. Daimler Street)

RECOMMENDED ACTION

Adopt a resolution denying Conditional Use Permit No. 2022-04.

EXECUTIVE SUMMARY

There is no executive summary associated with this action.

DISCUSSION

Adopt a resolution denying Conditional Use Permit No. 2022-04 without prejudice.

ENVIRONMENTAL IMPACT

There is no environmental impact associated with this action.

FISCAL IMPACT

EXHIBIT(S)

1. Resolution

Submitted By:
Heidi Jacinto,

Approved By:
Sarah Bernal, Planning Commission Secretary, Planning and Building Agency

CUP No. 2022-04 – Compass Bible Church (2909 S. Daimler Street)
April 25, 2022
Page 2

RESOLUTION NO. 2022-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA DENYING WITHOUT PREJUDICE CONDITIONAL USE PERMIT NO. 2022-04 FOR A CHURCH PROPOSED AT 2909 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. Shelley Thompson representing Compass Bible Church (“Applicant”), on behalf of Daimler Commerce Partners, LP (Property Owner) is requesting approval of Conditional Use Permit (CUP) No. 2022-04 to allow a church at 2909 South Daimler Street.
- B. Pursuant to Santa Ana Municipal Code (“SAMC”) Section 41-313.5(n), a Conditional Use Permit is required for churches in the Professional (P) zoning district within the City of Santa Ana.
- C. On April 11, 2022, the Planning Commission held a duly noticed public hearing on Conditional Use Permit No. 2022-04. The Planning Commission voted 6-0 to deny the Conditional Use Permit and directed staff to draft a resolution denying the Applicant’s request for the April 25, 2022 consent calendar.
- D. Staff prepared a resolution for denial of Conditional Use Permit No. 2022-04 for consideration by the Planning Commission on the consent calendar of the regularly scheduled April 25, 2022 meeting.
- E. The Planning Commission determines that the following findings cannot be made, as required for approval of a Conditional Use Permit pursuant to 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 the community.

The proposed request to establish a new church would not contribute to the general well-being of the community as the proposed project would not directly serve the Santa Ana community. The project site would be the new location for the Compass Bible Church currently located in the City of Tustin that is seeking to relocate to a segment of Santa Ana that is

largely office and industrial in nature. The City's population is culturally diverse non-English speaking peoples and the proposed church did not include any bilingual services that would immediately serve the local community. Therefore, the church would not serve the residents and communities of Santa Ana. Thus, the establishment of the church would not promote the welfare of the surrounding community.

2. That the proposed use will not adversely affect the General Plan or any specific plan of the City.

The proposed church would adversely affect the General Plan, as it is inconsistent with the goals and objectives of the Land Use Element specifically Goal 1 and Policy 2.2 of the Land Use Element. Goal 1 and Policy 2.2 promotes and encourages a balance of land uses to address community needs, whereas the proposed church would be the new location for the church and congregation currently located in the City of Tustin. The church is seeking to locate to Santa Ana in a business park that is largely office and industrial in nature. The lack of bilingual programming and location of the church within the City would not provide access to surrounding communities to participate in the church services and programs.

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 denies Conditional Use Permit No. 2022-04 without prejudice. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to the Request for Planning Commission Action dated April 11, 2022, and exhibits attached thereto; and the public testimony, all of which are incorporated herein by this reference.

ADOPTED this 25th day of April 2022 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
Senior Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Christina Leonard, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2022-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on April 25, 2022.

Date: _____

Recording Secretary



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
April 25, 2022

Topic: Public Facilities Naming No. 2022-01 to name the empty lot at 423 South Raitt Street

RECOMMENDED ACTION

Adopt a resolution approving Public Facilities Naming (PFN) No. 2022-01 to name the empty lot at 423 South Raitt Street to El Refugio Park.

DISCUSSION

Staff is requesting Planning Commission approval of PFN No. 2022-01 to name the empty lot at 423 South Raitt Street to El Refugio Park. Pursuant to Santa Ana Municipal Code (SAMC) Section 33-5, the Planning Commission is responsible for public facilities naming requests, with City Council consent review thereafter.

Background, Outreach, and Name Selection Process

To coincide with the park groundbreaking and construction at the Raitt/Myrtle site, staff requested from the community assistance in naming the park. The new park will be built on two City-owned parcels at the northeast corner of Raitt and Myrtle streets and will feature a skate park, play equipment, exercise area, drought-tolerant landscaping, drinking water fountains, lighting, a public restroom, and other amenities. The Parks, Recreation, and Community Services Agency (PRSCA) solicited names through a social media survey, during the period of December 15, 2021 to January 3, 2022.

A criterion listed in the Santa Ana Municipal Code, was used as the benchmark for submittals, which include the following requirements for naming a park:

- A name, which serves to identify the location of the subject by reference to distinct geographic, environmental or development features in the immediate area.
- A name, which references the history of the subject site or its immediate area.
- A name, which identifies a person or family, which made an extraordinary donation of land or funds to promote the construction or improvement of the subject public facility.

- A name which recognizes a person or family who made a distinct, significant contribution to the well-being of the city, including past mayors, council members, board or commission members, officers or employees of the city, but not anyone who currently holds any such position.

Staff reviewed over 90 suggestions using the criteria to determine their qualification. The list below was developed as a priority for consideration, as the names closely fall under the criterion for Naming a Park.

- Raitt and Myrtle Community Park
- El Refugio Park
- David Ream Community Park
- Sarah Shaw Community Park
- William H. Spurgeon Park

After consideration of the list above, the recommendation from a joint Ad-Hoc Committee, including members (four) from the Parks, Recreation and Community Services Commission and members (2) from the Youth Commission is for El Refugio Park. The recommended name reflects the historic Yorba Hacienda that once existed at the site.

Request Analysis

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

At the February 2022 Youth Commission and Parks Recreation and Community Services Commission meetings, information was provided on the Naming of the Raitt/Myrtle site. As a result, an Ad Hoc Committee was created to select a name for the site. The Ad-Hoc Committee met on March 15, 2022 to discuss the Naming of the Raitt/Myrtle Park Area. Six (6) selections were presented to the Ad-Hoc Committee to determine the best choice for the name of the park. The Ad-Hoc Committee chose two options for further consideration. The selections are as follows:

PRCSC – Option A

Commissioner Woo- Sarah Shaw Park
Commissioner Nelson – El Refugio Park
Commissioner Torreblanca – El Refugio Park

Youth Commission – Option A

Commissioner Nguyen – El Refugio Park
Commissioner Huizar – El Refugio Park

Option A Result: El Refugio Park

PRCSC – Option B

Youth Commission – Option B

Commissioner Woo- Sarah Shaw Park Commissioner Nguyen –Spurgeon Park
Commissioner Nelson – Sarah Shaw Park Commissioner Huizar – Spurgeon Park
Commissioner Torreblanca – Sarah Shaw Park

Option B Result: Sarah Shaw Park

A single selection is required before recommendation to the Planning Commission to finalize the process in naming the Raitt/Myrtle site. At the March 24, 2022 Parks, Recreation and Community Services Commission meeting, the name of El Refugio Park was unanimously selected as the new name for the Raitt/Myrtle Site.

Area History of Naming

According to various sources online, Juan Pablo Grijalva, a Spanish soldier who traveled to Alta California with the De Anza expedition, was the original petitioner for the lands that became known as the "Rancho Santiago de Santa Ana". He died before the grant was approved and the lands went to his son-in-law, José Antonio Yorba and his grandson, Juan Pablo Peralta. On July 1, 1810, the land later named Rancho Santiago de Santa Ana was granted to José Antonio Yorba and his nephew Pablo Peralta by Governor José Joaquín de Arrillaga on behalf of the Spanish Government. This was the only land grant in present-day Orange County given under Spanish Rule, which were rare during this time, only two and a half months before the start of the war for Mexican Independence (1810–1821). The Mexican government granted the surrounding land grants or ranchos after Mexican independence in 1821.

José Antonio Yorba later built an elaborate adobe hacienda, El Refugio (the Refuge), located near present-day First and Sullivan Streets in western Santa Ana.

With the Mexican Cession of California to the United States following the Mexican–American War, the 1848 Treaty of Guadalupe Hidalgo provided that the land grants would be honored. As required by the Land Act of 1851, a claim for Rancho Santiago de Santa Ana was filed with the Public Land Commission in 1852, and the grant was patented to Bernardo, Teodoro and Ramón Yorba in 1883. In 1854, the Yorba family sold Rancho Santiago de Santa Ana to José Antonio Andrés Sepúlveda. Sepúlveda later lost the land due to bankruptcy caused by fighting to uphold his land claims in court. In 1869, William Spurgeon and Ward Bradford purchased 74.27 acres of the ranch to form the city of Santa Ana. It became the seat of government for the County in 1889.

Public Notification and Community Outreach

Project notifications were posted onsite and in the OC Reporter in accordance with City and State regulations. Copies of the public notice are provided in Exhibit 7.

ENVIRONMENTAL IMPACT

In accordance with the California Environmental Quality Act and the CEQA Guidelines, the recommended action is exempt from further review per Section 15061 (b)(3). This general rule exemption is allowed provided it can be determined with certainty that the proposed project will not have a significant effect on the environment. As the project consists of naming of a public facility, the general rule exemption is applicable. Categorical Exemption Environmental Review No. 2022-18 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. Copy of Notice

Submitted By:
Timothy Pagano, Community Services Manager

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

RESOLUTION NO. 2022-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF SANTA ANA TO NAME THE RAITT/MYRTLE
SITE AT 415 AND 423 SOUTH RAITT STREET TO EL
REFUGIO PARK

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

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

A. The City of Santa Ana is requesting approval of City-initiated Public Facilities Naming (PFN) No. 2022-01 of El Refugio Park, to be constructed on the City-owned empty lots located at 415 and 423 South Raitt Street.

B. Pursuant to sections 33-5 through 33-8 of the Santa Ana Municipal Code (SAMC), the Planning Commission is the decision-making body for the naming of parks or recreational facilities owned or controlled by the City, subject to confirmation by the City Council. Further, the policy guidelines in the SAMC pertaining to the naming of such facilities specify the criteria that should be used in the determination.

C. The Planning Commission held a duly-noticed public hearing on April 25, 2022 to consider PFN No. 2022-01.

D. Based on these guidelines, the park name of El Refugio Park has been selected as the name of the park to be constructed on the City-owned empty parcels at 415 and 423 South Raitt Street. This name satisfies the criteria of SAMC section 33-6(c)(2), which directs the promotion of names that reference the history of a site or its immediate area. El Refugio Park references the history of the immediate area of adobe structures known as the oldest European structure located within the boundaries of Santa Ana. The location of the adobe was about one-fourth mile south of First Street and one-fourth mile west of Bristol Street, east of then Artesia Street, now east of the NE corner of Raitt and Myrtle streets.

Section 2. In accordance with the California Environmental Quality Act and the CEQA Guidelines, the recommended action is exempt from further review in accordance with CEQA Guidelines Section 15061(b)(3). This general rule exemption is allowed when it can be determined with certainty that the proposed project will not have a significant effect on the environment. As the project consists of the renaming of a public street, the general rule exemption is applicable. Categorical Exemption Environmental Review No. 2022-18 will be filed for this project.

Section 3. The Planning Commission of the City of Santa Ana hereby approves Public Facility Naming No. 2022-01 to name as El Refugio Park the City-owned empty

lots located at 415 and 423 South Raitt Street following construction of the site. This decision is based upon the evidence submitted at the above-referenced meeting, which includes, but is not limited to: the Request for Planning Commission Action dated April 25, 2022 and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 25th day of April, 2022.

Thomas Morrissey
Chairperson

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

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

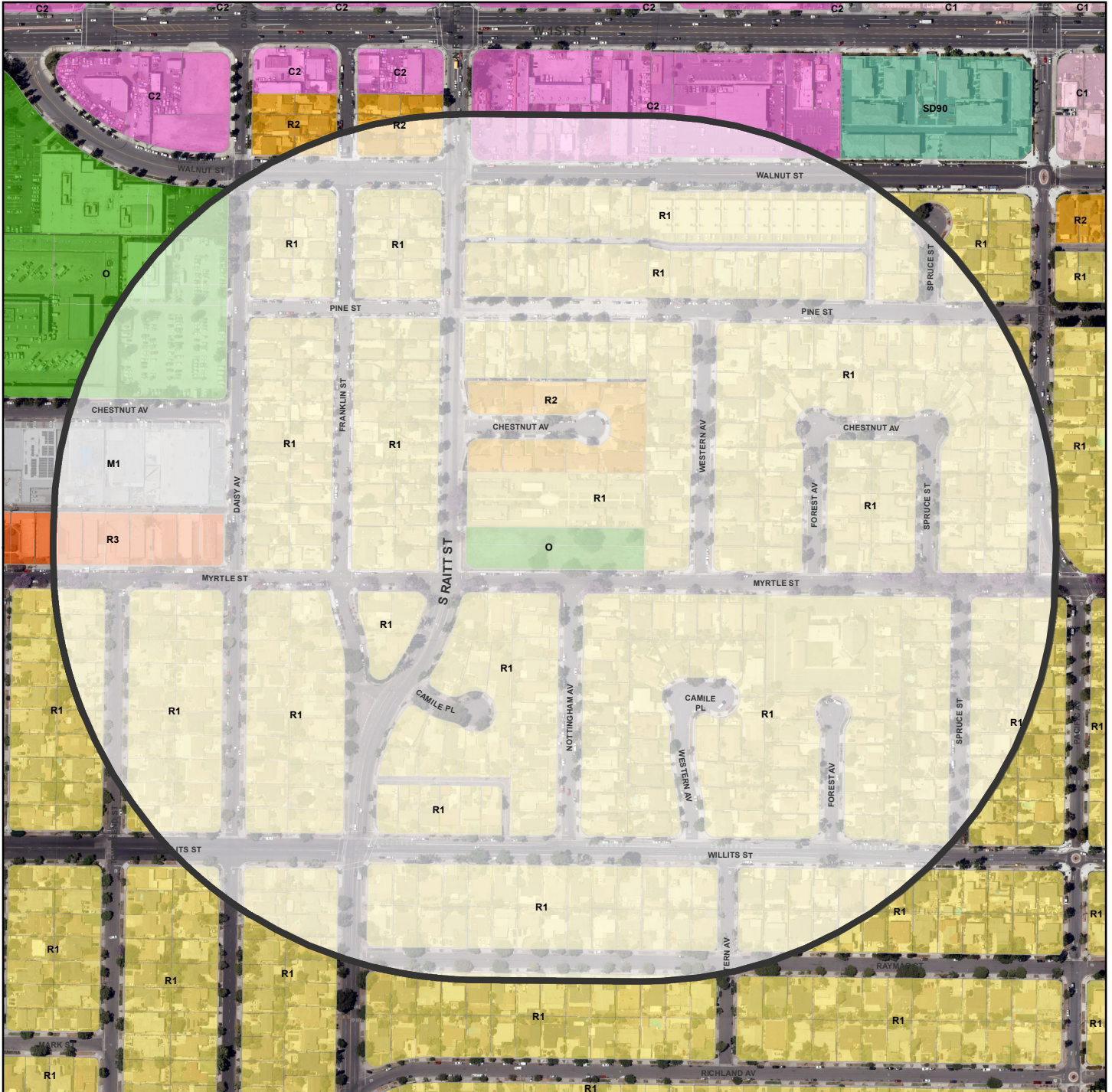
CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Christina Leonard, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2022-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on April 25, 2022.

Date: _____

Recording Secretary
City of Santa Ana

PFN No. 2022-01, "EL REFUGIO PARK NAMING" 415 & 423 SOUTH RAITT STREET



ZONING DISTRICTS

A1	GENERAL AGRICULTURAL	CSM	SOUTH MAIN STREET COMMERCIAL DIST.	R2	TWO-FAMILY RESIDENCE	-B	PARKING MODIFICATION
C1	COMMUNITY COMMERCIAL	GC	GOVERNMENT CENTER	R3	MULTIPLE-FAMILY RESIDENCE	-OZ	OVERLAY ZONE
C1-MD	COMMUNITY COMMERCIAL - MUSEUM DIST.	M1	LIGHT INDUSTRIAL	R4	SUBURBAN APARTMENT	-PRD	PLANNED RESIDENTIAL DEVELOPMENT
C2	GENERAL COMMERCIAL	M2	HEAVY INDUSTRIAL	RE	RESIDENTIAL ESTATE	-HD2	HEIGHT DISTRICT II
C4	PLANNED SHOPPING CENTER	O	OPEN SPACE	SD	SPECIFIC DEVELOPMENT		
C5	ARTERIAL COMMERCIAL	P	PROFESSIONAL	SP	SPECIFIC PLAN		
CR	COMMERCIAL RESIDENTIAL	R1	SINGLE-FAMILY RESIDENCE	OZ1	METRO EAST OVERLAY ZONE		



EXHIBIT 2 - VICINITY ZONING AND AERIAL VIEW



ORANGE COUNTY REPORTER

~SINCE 1921~

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CITY OF SANTA ANA/PLANNING & BUILDING
20 CIVIC CENTER PLAZA 2ND FLR
SANTA ANA, CA 92702

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE

Ad Description
415 & 423 S. Raitt St.

To the right is a copy of the notice you sent to us for publication in the ORANGE COUNTY REPORTER. Thank you for using our newspaper. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

04/13/2022

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

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Total	\$122.45

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THE DAILY TRANSCRIPT, SAN DIEGO	(619) 232-3486
THE INTER-CITY EXPRESS, OAKLAND	(510) 272-4747

OR# 3575419

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: 415 and 423 South Raitt Street

Project Applicant: City of Santa Ana (Timothy Pagano, Community Services Manager)

Proposed Project: Staff is requesting Planning Commission approval of PFN No. 2022-01 to name the empty lot at 415 and 423 South Raitt Street to El Refugio Park upon completion of the project. Pursuant to Santa Ana Municipal Code (SAMC) Section 33-5, the Planning Commission is responsible for public facilities naming requests, with City Council consent review thereafter.

Environmental Impact: In accordance with the California Environmental Quality Act and the CEQA Guidelines, the recommended action is exempt from further review per Section 15061 (b)(3). This general rule exemption is allowed provided it can be determined with certainty that the proposed project will not have a significant effect on the environment. As the project consists of naming of a public facility, the general rule exemption is applicable. Notice of Exemption for Environmental Review No. 2022-18 will be filed for this project.

Meeting Details: This matter will be heard on **Monday, April 25, 2022 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 Christina Leonard, 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: <https://santa-ana.primegov.com/public/portal>.

Who To Contact For Questions: Should you have any questions, please contact Timothy Pagano with the Planning and Building Agency at tpagano@santa-ana.org or 714-571-4219.

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 Narcadalia Perez (714) 667-2260.

Nếu có thắc mắc bằng tiếng Việt, xin đi điện thoại cho Tony Lai số (714) 565-2627.

4/13/22

OR-3575419#



* A 0 0 0 0 0 5 9 9 0 3 8 4 *

4/25/2022

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

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. This notice is being sent to those who live or own property within 1000 feet of the project site or who have expressed an interest in the proposed action. 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: 415 and 423 South Raitt Street

Project Applicant: City of Santa Ana (Timothy Pagano, Community Services Manager)

Proposed Project: Staff is requesting Planning Commission approval of PFN No. 2022-01 to name the empty lot at 415 and 423 South Raitt Street to El Refugio Park upon completion of the project. Pursuant to Santa Ana Municipal Code (SAMC) Section 33-5, the Planning Commission is responsible for public facilities naming requests, with City Council consent review thereafter.

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Who To Contact For Questions: Should you have any questions, please contact Timothy Pagano with the Planning and Building Agency at tpagano@santa-ana.org or 714-571-4219.

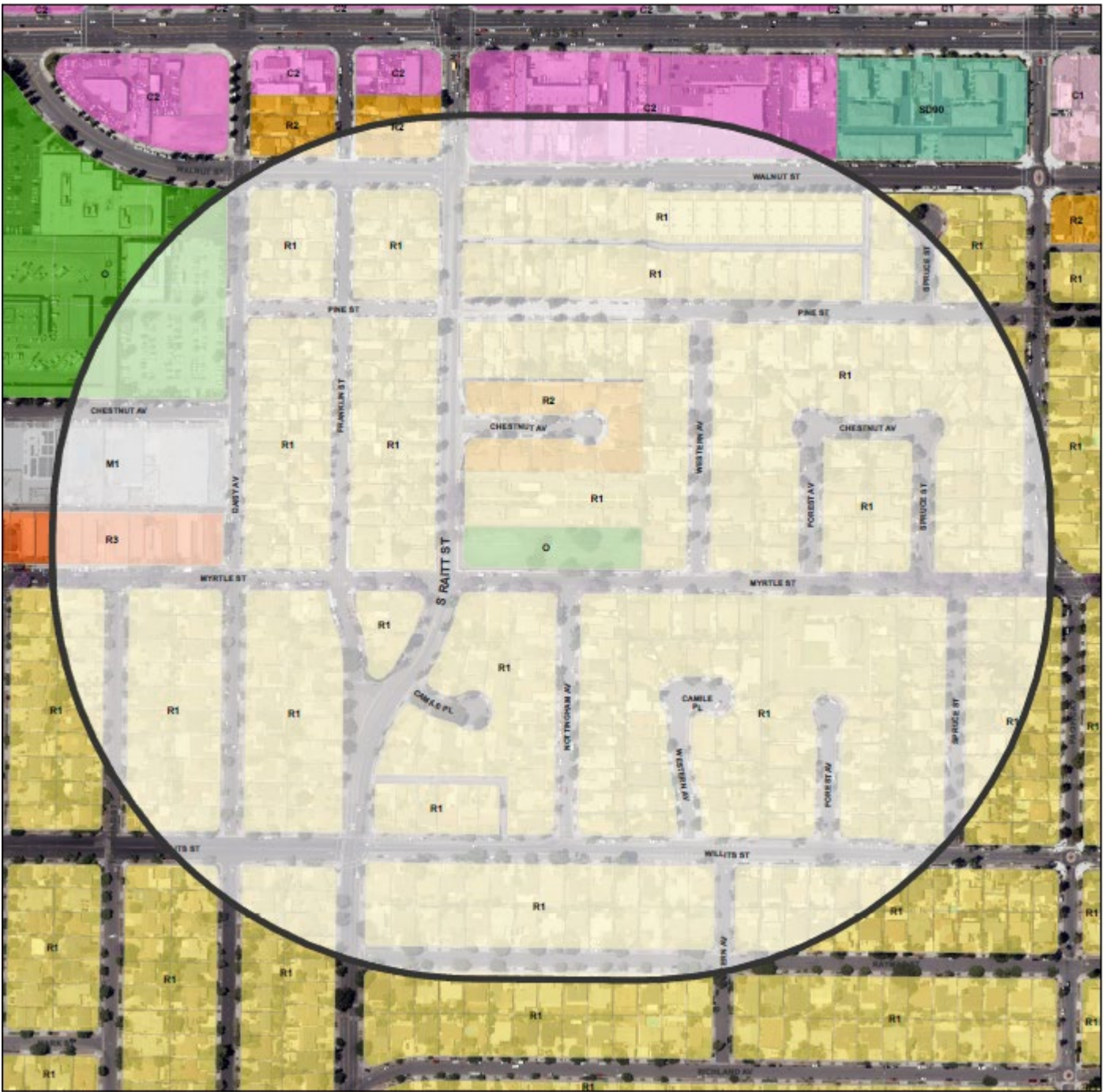
4/25/2022

Planning Commission

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 Narcedalia Perez (714) 667-2260.
Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.**

1000' RADIUS NOTIFICATION MAP





City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
April 25, 2022

Topic: CUP No. 2021-09 – El Cangrejo Nice 3

RECOMMENDED ACTION

Adopt a resolution approving Conditional Use Permit No. 2021-09 as conditioned.

EXECUTIVE SUMMARY

Blanca Toriz, representing El Cangrejo Nice Restaurants, Inc. (Applicant), is requesting approval of Conditional Use Permit (CUP) No. 2021-09 to upgrade an existing Type 41 on-sale beer and wine license, to a Type 47 on-sale beer, wine and distilled spirits license for on-premise consumption at an existing eating establishment located at 2525 N. Grand Avenue Unit A. 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 based on staff's analysis, including the Police Department and the fact that proposed operational standards would ensure that the applicant's request would not negatively affect the surrounding community.

DISCUSSION

Project Description

The tenant is currently occupying a 4,445 square foot, two-story tenant space in a multi-tenant commercial building for a Mexican seafood restaurant. The restaurant accommodates approximately 120 patrons within its dining area, which consists of approximately 3,600 square feet. The first floor consists of the main entry/waiting area, restrooms, kitchen/prep area, office space, bar area, and dining area. The second floor is only accessible to the restaurant employees and consists of additional storage area (including alcohol storage area) and additional employee restrooms. The restaurant currently operates Monday through Sunday from 10:00 a.m. to 12:00 a.m.

The sale, service, and consumption of alcoholic beverages is proposed to remain the same, between the hours of the 10:00 a.m. and 12:00 a.m. (Monday – Sunday). All alcoholic beverages will be stored within the restaurant's second floor storage area and

will be displayed near the bar/service area. The total storage and display areas would be approximately 74 square feet in size, which would be less than five percent of the total restaurant’s floor area as required by the SAMC.

Table 1: Project and Location Information

Item	Information	
Project Address and Council Ward	2525 N Grand Avenue, Unit A – Ward 3	
Nearest Intersection	Fairhaven Avenue and Grand Avenue	
General Plan Designation	General Commercial (GC)	
Zoning Designation	Arterial Commercial (C5)	
Surrounding Land Uses	North	Multi-Family Residential
	East	Single-Family Residential
	South	Commercial
	West	Commercial and Single-Family Residential
Property Size	3.75 acres	
Existing Site Development	The subject site contains an existing mixed used development	
Unit Size	4,445 square feet	
Use Permissions	Allowed with a conditional use permit (CUP)	
Zoning Code Sections Affected	Uses	Section 41-412 SAMC
	Operational Standards	Section 41-196(g) SAMC

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.	10:00 a.m. to 12:00 a.m.
Window Display	25% of Window Coverage	Complies
Alcohol Storage and Display	5% of G.F.A	1.7% of G.F.A
Exterior Telephone	Prohibited	None

Project Background

The subject site is an existing integrated shopping center (Grand Avenue Plaza) comprised of an “L-shaped” multi-tenant commercial building approximately 39,000 square feet in size and two separate “pad” buildings, towards the southern end of the property. The Grand Avenue Plaza was developed in the late 1970s and has historically contained a mix of restaurants, retail, and service uses.

The subject tenant space has also been historically occupied by various restaurants throughout the years. The earliest occupation information on record shows that the tenant space was originally occupied by a Le Grand Café Restaurant from 1983 through 1990. The space was subsequently occupied by The Wildflower Café through 1999. Between 1999 and 2015, the tenant space was occupied by the Aztec Grill, Birrieria Jalisco Y

Pupuseria, El Anzeulo Mexican Seafood Restaurant, The Soup Shack, The Avocado Grill, Mi Mexico Lindo Grill, and Mexico Lindo Cuisine. The last tenant was a Mexican restaurant that closed in 2015.

In 2013, Avocado Grill applied for and received approval for a CUP (CUP 2013-11) to allow the sale of alcoholic beverages for on-premise consumption for beer and wine (Type 41 ABC License). In 2016, El Cangrejo Nice submitted the appropriate applications to permit the new restaurant and to continue the sale of alcoholic beverages for on-premise consumption for beer and wine, within the subject tenant space. As of August 2016, all required applications have been finalized and a certificate of occupancy has been issued.

El Cangrejo Nice is a casual Southern California-based Mexican seafood chain that provides an assortment of seafood dishes. This existing establishment is the second El Cangrejo Nice in Santa Ana, the first located along South Main Street, at 819 S. Main Street, which also sells beer and wine for onsite consumption. This particular location is the operator's fifth restaurant, two in Santa Ana, two in Anaheim, and the fifth in La Mirada. 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 to upgrade an existing Type 41 to a Type 47 alcohol license and has determined that the proposed CUP will not be detrimental to the health, safety, and welfare of the community.

The subject site is not located within immediate proximity to parks, playgrounds, or schools. However, the site is located adjacent to a religious institution that occupies 2525 N. Grand Avenue Units C-D, which have co-existed for a number of years without any issues. The building is located approximately 120 feet away from the nearest multi-family residence to the north at the Fairhaven Apartments. The proposed on-site sale of beer and wine would occur entirely indoors, unless the applicant applies for outdoor dining, and would be an accessory use to the existing restaurant. Staff believes that the sale of alcohol would not be detrimental to the adjacent religious facility and residential units because the operational characteristics of the restaurant do not encourage activities that cause negative effects on these sensitive uses. Therefore, the sale of alcohol in conjunction with the proposed bona fide restaurant would not detrimentally affect the surrounding area.

The sale of alcoholic beverages for on-premise consumption will allow the restaurant to be competitive with similar establishments and economically viable. In addition, the on-site sale of alcohol to customers is intended to provide a service ancillary to the primary restaurant use. In addition, 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.

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 El Cangrejo Nice proposed Alcohol Beverage Control (ABC) license will maintain a safe and attractive environment in the neighborhood. In addition, Policy 5.5 of the Land Use Element encourages development that is compatible with and supporting of surrounding land uses. El Cangrejo Nice is located within a commercial center and its operations will be compatible with the surrounding commercial businesses. Finally, the City has not received any complaints or issued any notice of violations to the property owner or previous tenants. Therefore, staff recommends approval of the proposed CUPs.

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. 222; ranked 87 out of 102 Police Reporting Grids (84th Percentile).
Threshold for High Crime	This reporting district is below the 20 percent threshold established by the State for high crime.

Police Department Analysis and Criteria for Recommendation	
Police Department Recommendation	As part of the review approval process, the request was analyzed by the Santa Ana Police Department. Based on our review, the Police Department has no objections to the granting of a type 47 ABC license for the above-mentioned business. The conditions set forth in the CUP specific to the Noise Ordinance compliance will mitigate any future calls for service in regards to music.

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. In addition to these measures, representatives of the Fairhaven and Young Square Neighborhood Associations were contacted to identify any areas of concern due to the proposed request. 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. 2022-16 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

CUP No. 2021-09 – El Cangrejo Nice 3
April 25, 2022
Page 6

4. Site Plan
5. Floor Plan
6 Copy of Public Notices

Submitted By:
Pedro Gomez, AICP, Senior Planner

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

RESOLUTION NO. 2022-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2021-09 AS CONDITIONED TO UPGRADE AN EXISTING TYPE 41 ON-SALE BEER AND WINE LICENSE TO A TYPE 47 ON-SALE BEER, WINE AND DISTILLED SPIRITS LICENSE FOR SALE AND CONSUMPTION AT EL CANGREJO NICE 3 LOCATED AT 2525 N. GRAND AVENUE, UNIT A

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. Blanca Toriz, representing El Cangrejo Nice Restaurants, Inc. (“Applicant”), is requesting approval of Conditional Use Permit (“CUP”) No. 2021-09 to upgrade an existing Type 41 on-sale beer and wine license, to a Type 47 on-sale beer, wine and distilled spirits license for on-premise consumption at an existing restaurant located at 2525 N. Grand Avenue, Unit A.
- 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 June 26, 2013, the Zoning Administrator held a continued public hearing and approved CUP 2013-11 to allow a Type 41 alcoholic beverage license to allow the on-premise consumption of beer and wine at a restaurant (Avocado Grill) located at 2525 N. Grand Avenue, Unit A.
- D. On July 8, 2013, the Planning Commission confirmed the Zoning Administrator’s action approving CUP 2013-11, as conditioned.
- E. On April 25, 2022, the Planning Commission held a duly noticed public hearing on CUP No. 2021-09.
- F. 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. 2021-09 to upgrade an existing Type 41 on-sale beer and wine license, to a Type 47 on-sale beer, wine and distilled spirits license for on-premise consumption at 2525 N. Grand Avenue, Unit A.
 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 restaurant's customers by allowing them the ability to purchase alcoholic beverages with their meal. This will thereby benefit the community by providing a restaurant 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. 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 restaurant to compete with other nearby restaurants that offer a full selection of alcoholic beverages for sale to their customers. Moreover, the offering of alcoholic beverages will allow the restaurant to be economically viable and compete with nearby full-service restaurants in Santa Ana 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 a restaurant 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 restaurant, having suitable kitchen facilities and supplying an assortment of foods. Additionally, the restaurant 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 CUP No. 2021-09 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. El Cangrejo Nice is located within a commercial center and its operations will be compatible with the surrounding commercial businesses. Finally, the City has not received any complaints or issued any notice of violations to the property owner or previous tenants.

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 consists of 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 restaurant. Based on this analysis, a Notice of Exemption, Environmental Review No. 2022-16, 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. 2021-09, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 2525 N. Grand Avenue, Unit A. 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 April 25, 2022, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 25th day of April, 2022 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, CHRISTINA LEONARD, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2022-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on April 25, 2022.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2021-09

Conditional Use Permit No. 2021-09 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 applicant shall remain in compliance with all conditions of approval listed as part of the approved Conditional Use Permit (CUP 2013-11), approved by the City of Santa Ana Zoning Administrator through Resolution No. 2013-06.
3. 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).
4. Live Entertainment, including but not limited to, amplified music, karaoke, performers and dancing, is subject to compliance with Santa Ana Municipal Code ("SAMC") Chapter 11 and shall comply with all of the standards contained therein. Notwithstanding this requirement, music/noise shall not be audible beyond 20 feet from the exterior of the premises in any direction.
5. No after-hours use of the restaurant shall be permitted. The premises shall not be exclusively used for private parties, including promotional events, in which the public is excluded.
6. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
7. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's

responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.

8. The restaurant operator shall work cooperatively with the Santa Ana Police Department on an ongoing basis to establish an effective theft prevention and security program.
9. No signs advertising the sale of alcoholic beverages shall be displayed outside of the café or inside the café/restaurant window.
10. Kitchen food service shall be provided during all business-operating hours.
11. The business shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the California Department of Alcoholic Beverage Control, California Business and Profession Code Sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with the City's business license annual renewal.
12. Violations of the Conditional Use Permit as contained in Section 41-647.5 of the Santa Ana Municipal Code will be grounds for permit revocation as described in Section 41-651 of the Santa Ana Municipal Code.
13. 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 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. 2021-09, "El Cangrejo Nice 3" 2525 North Grand Avenue Unit A

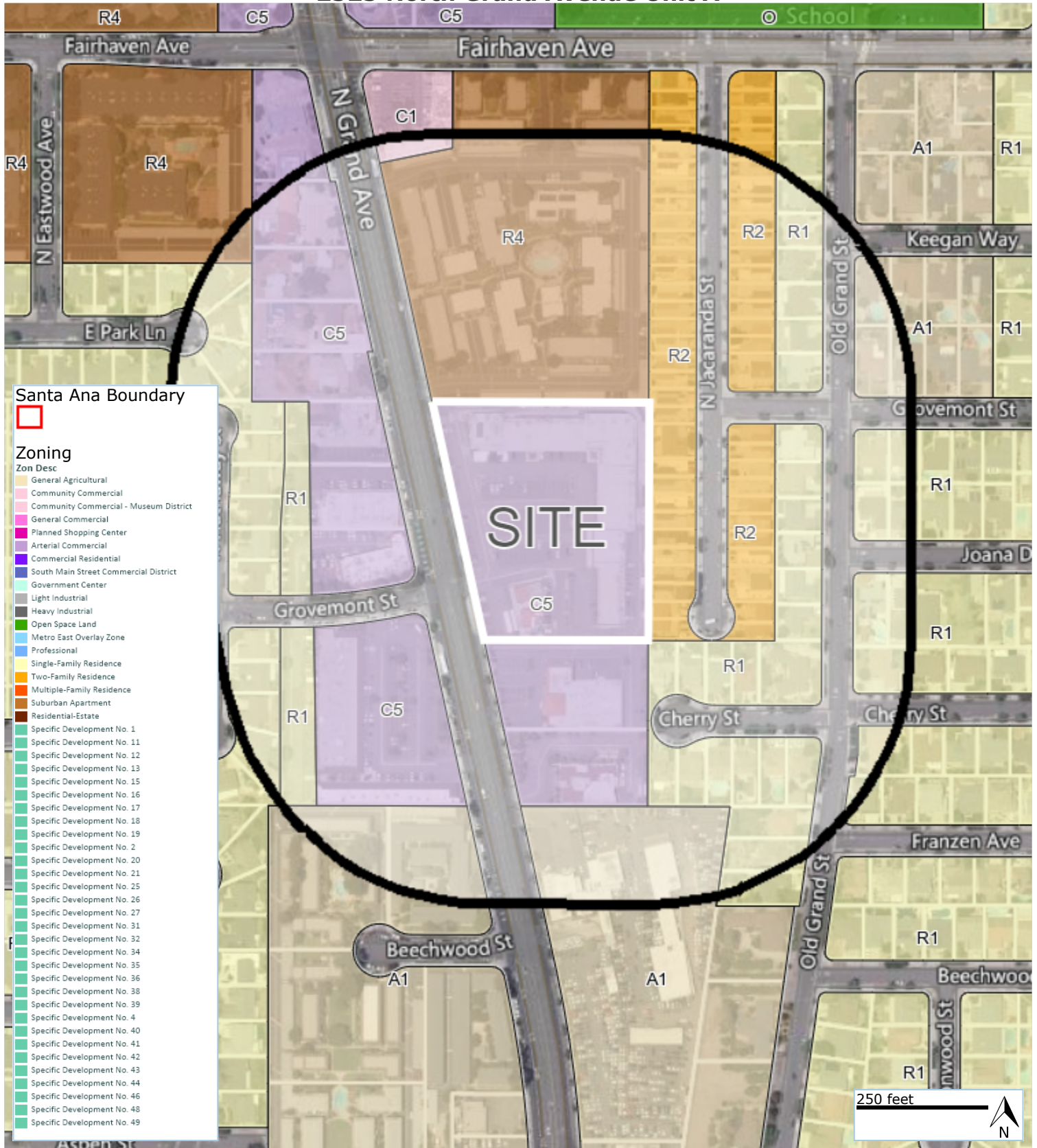


Exhibit 2 - Vicinity Zoning and Aerial View



4/25/2022



CUP 2021-09 –EL CANGREJO NICE 3
2525 N. GRAND AVENUE UNIT A
SITE PHOTOS
EXHIBIT 3

Mariscos El Cangrejo Nice 3

2525 N GRAND AVE. SUITE "A" SANTA ANA, CA. 92705



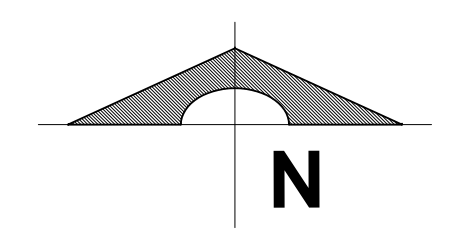
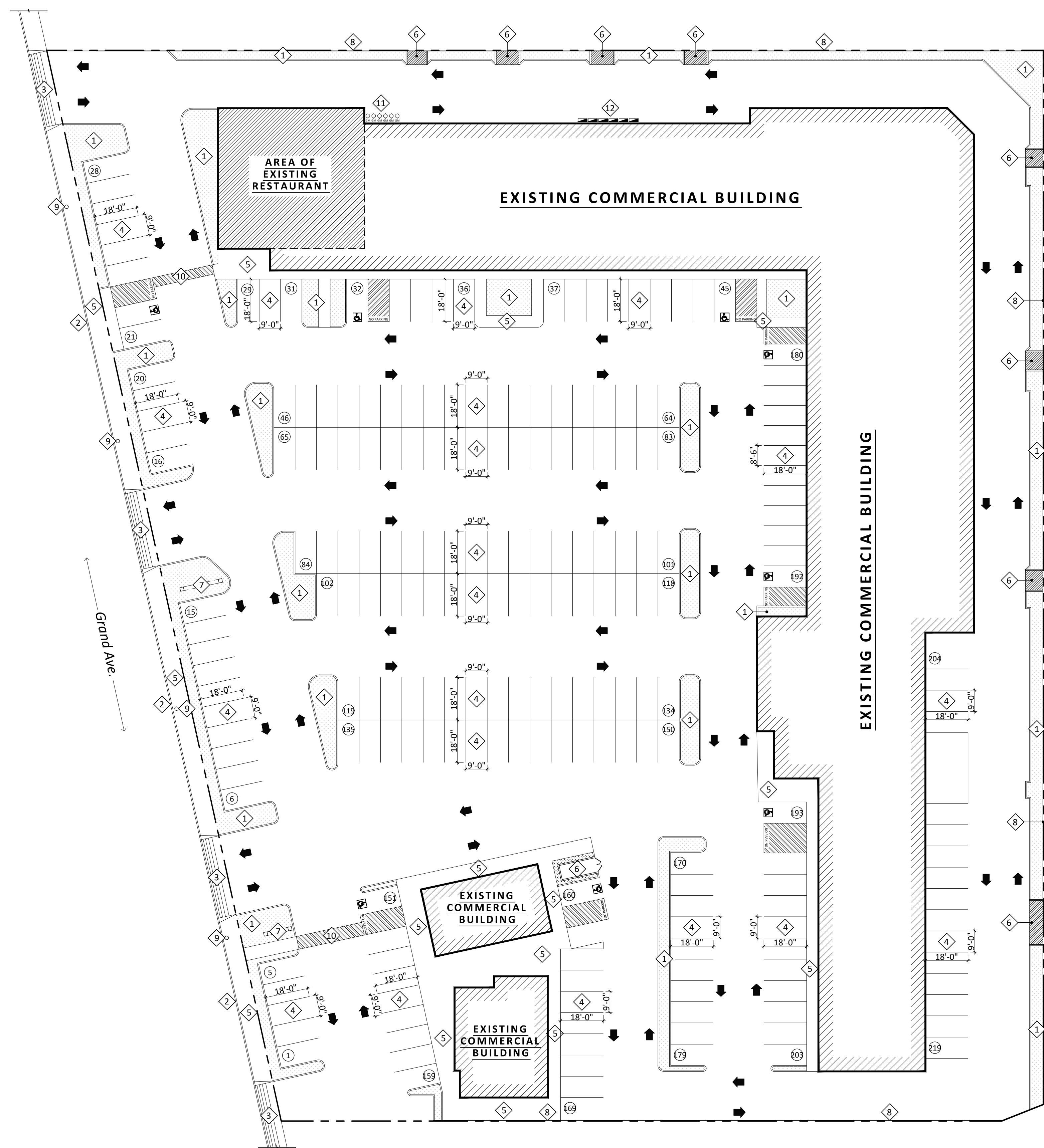
RESIDENTIAL - COMMERCIAL BUILDING DESIGN

Oscar Vega
designer

534 W LINCOLN ANAHEIM CA 92805

CELL: (714) 499 - 1247
OFFICE: (714) 829 - 4234

oscar.vega@vecodesigns.com



1 SITE PLAN

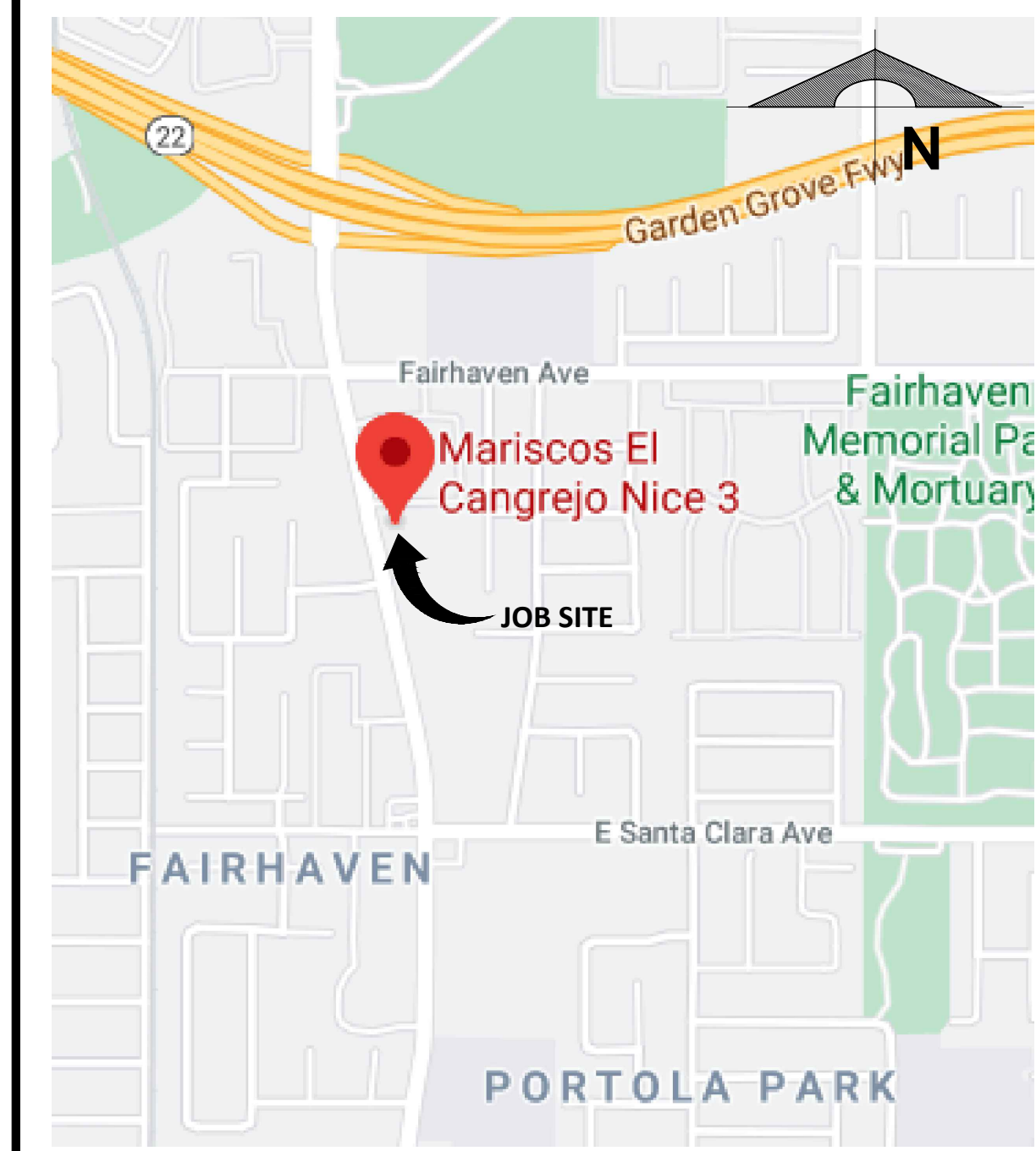
SCALE: N.T.S.

NOTE: SEE ENLARGED SITE PLAN AT SHEET A-1.0

SITE PLAN KEY NOTES

- 1 (E) LANDSCAPE AREA
- 2 (E) 6" CONCRETE CURB
- 3 (E) DRIVEWAY APPROACH
- 4 (E) PAVED PARKING LOT
- 5 (E) CONCRETE SIDEWALK
- 6 (E) TRASH AREA
- 7 (E) SIGN
- 8 (E) 8' FT. HEIGHT BLOCK WALL
- 9 (E) POLE
- 10 (E) PATH OF TRAVEL
- 11 (E) GAS METERS AREA
- 12 (E) ELECTRICAL PANELS AREA

VICINITY MAP



DIRECTORY

APPLICANT: SALVADOR BARAJAS
 ADDRESS: 2525 N GRAND AVE SUITE A, SANTA ANA, CA 92705
 PHONE: 714-679-3835

REPRESENTATIVE OF APPLICANT: BLANCA TORIZ
 ADDRESS: 2525 N GRAND AVE SUITE A, SANTA ANA, CA 92705
 PHONE: 714-679-3835

GENERAL INFO:

BUSINESS TYPE: RESTAURANT
 BUSINESS NAME: MARISCOS EL CANGREJO NICE 3
 ADDRESS: 2525 N. GRAND AVE. UNIT "A" SANTA ANA, CA. 92705
 A.P.N. 396-361-05
 LEGAL DESCRIPTION P BK 33 PG 5 PAR 1
 RESTAURANT AREA: 4,445 sq.ft.
 ZONE: "C-5" ARTERIAL COMMERCIAL
 No. OF STORIES: 2
 TYPE OF CONSTRUCTION: V-B
 OCCUPANCY TYPE: A-2
 FIRE ALARM: NO
 FIRE SPRINKLERS: NO
 TOTAL NUMBER OF PARKING SPACES: 219

SHEET INDEX

- T-1 TITLE SHEET / SITE PLAN
- A-1.0 EXISTING SITE PLAN
- A-1.1 EXISTING 1ST. FLOOR PLAN
- A-1.2 EXISTING 2ND. FLOOR PLAN

DESCRIPTION OF WORK:

- CONDITIONAL USE PERMIT FOR:
 a. UPGRADE TO 47 LIQUOR LICENCE
 b. ENTERTAINMENT PERMIT

NOTE: NO CONSTRUCTION OR ALTERATION TO THE BUILDING WILL BE DONE

REVISIONS	BY

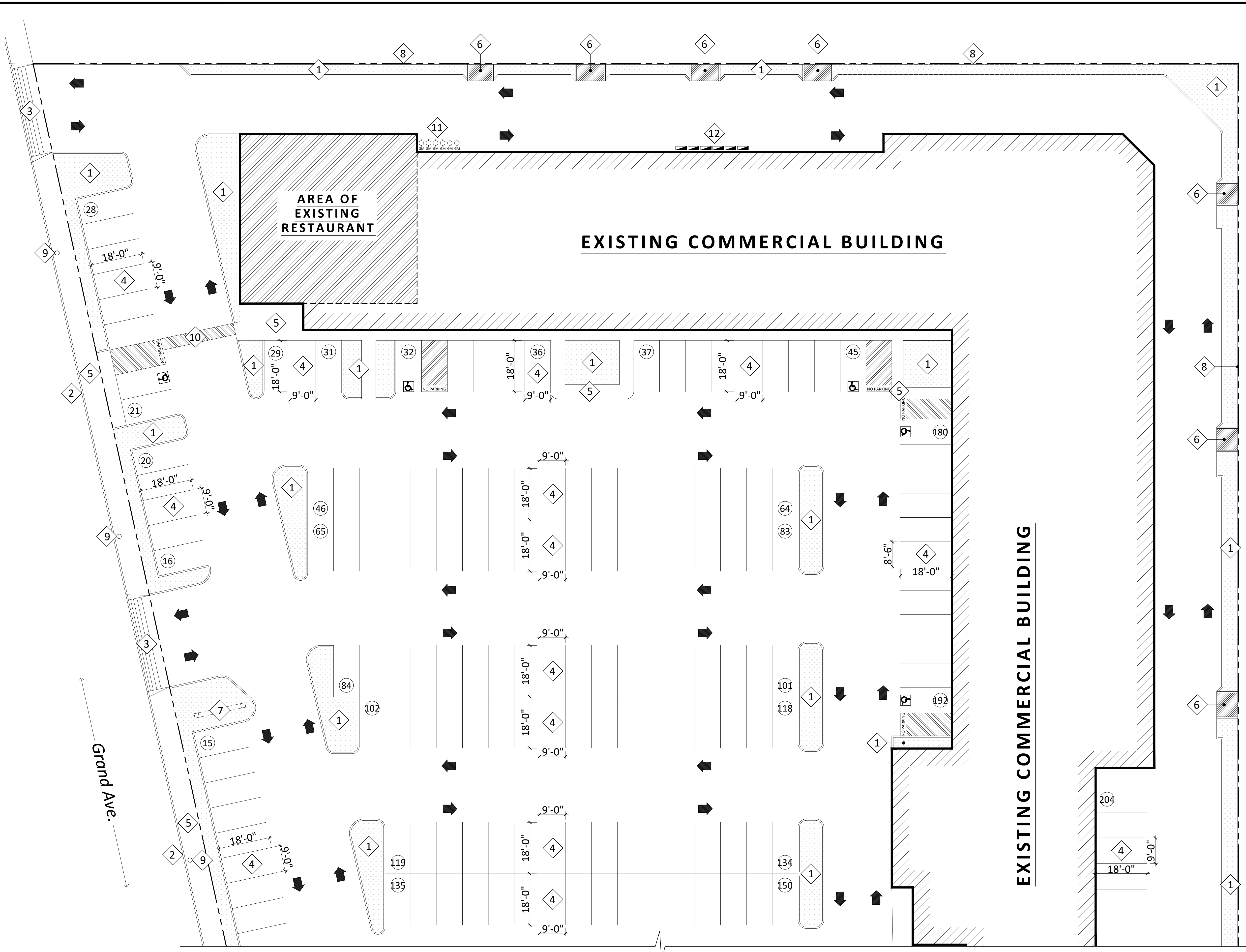
PROJECT NAME:
GRAND RESIDENCE
 JOB SITE:
 2525 N GRAND AVE. UNIT "A"
 SANTA ANA, CA. 92705
 PHONE:
 714-679-3835

PLAN:

TITLE BLOCK	
DRAWN	
D.V.	
DATE	12-02-2020
JOB No.	20-070
SHEET	

T-1

OF SHEETS



SITE PLAN KEY NOTES

- ① (E) LANDSCAPE AREA
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- ③ (E) DRIVEWAY APPROACH
- ④ (E) PAVED PARKING LOT
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- ⑥ (E) TRASH AREA
- ⑦ (E) SING
- ⑧ (E) 8' FT. HEIGHT BLOCK WALL
- ⑨ (E) POLE
- ⑩ (E) PATH OF TRAVEL
- ⑪ (E) GAS METERS AREA
- ⑫ (E) ELECTRICAL PANELS AREA



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PLAN:
SITE PLAN

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A-1.0

OF SHEETS



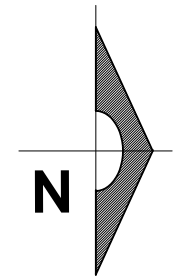
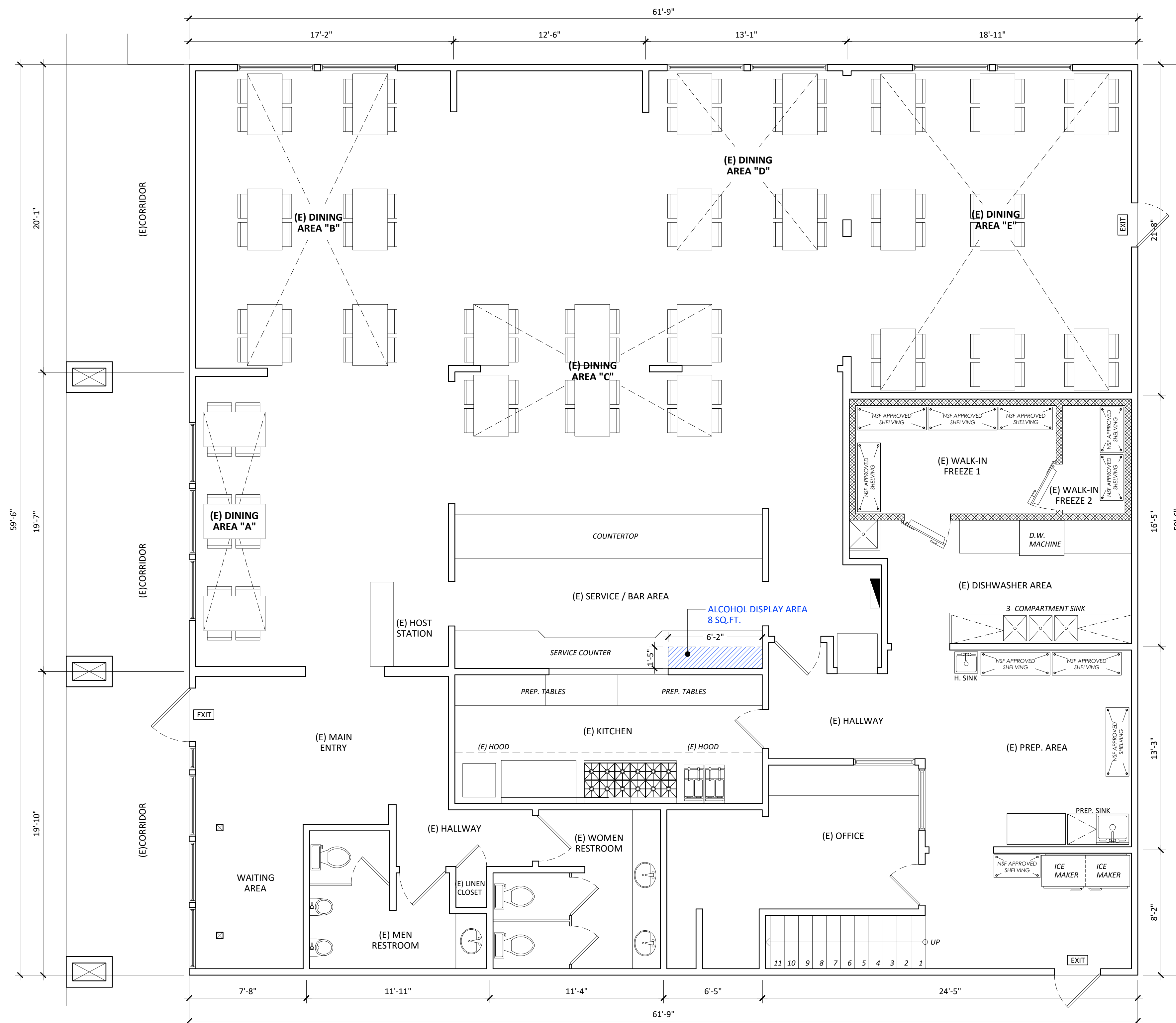
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1 Existing 1st. Floor Plan

SCALE: 1/4" = 1'-0"

1ST FLOOR PLAN3,673 S.F.
2ND FLOOR PLAN772 S.F.
4,445 S.F.

GENERAL NOTES

- WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTOR SHALL VERIFY, AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB. THE DESIGNER MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS OR CONDITIONS SHOWN ON THESE DRAWINGS. SHOP DRAWINGS MUST BE SUBMITTED TO THE DESIGNER FOR COMPLIANCE REVIEW BEFORE PROCEEDING WITH FABRICATION.
- BATHROOMS AREA SHALL BE MECHANICALLY VENTILATED IN ACCORDANCE WITH CRC SECTION R 303.3.1 (THE FAN SHALL BE EQUIPPED WITH HUMIDITY CONTROL)
- WALL COVERING SHALL BE CEMENT PLASTER, TILE OR APPROVED EQUAL TO 72 INCHES ABOVE DRAIN AT SHOWERS OR TUB WITH SHOWERS. MATERIALS OTHER THAN STRUCTURAL ELEMENTS SHALL BE MOISTURE RESISTANT. NET AREA OF SHOWER RECEPTORS SHALL BE NOT LESS THAN 1,024 sq.in. OF FLOOR AREA, AND ENCOMPASS 30-INCH DIAMETER CIRCLE.
- NOTCHING OF EXTERIOR AND BEARING / NONBEARING WALLS SHALL NOT EXCEED 25%/40% RESPECTIVELY. BORED HOLES IN BEARING / NONBEARING WALLS SHALL NOT EXCEED 40%/60% RESPECTIVELY. IN NO CASE SHALL THE EDGE OF THE BORED HOLE BE NEARER THAN 5/8 INCH TO THE EDGE OF THE STUD.

FLOOR AREA OF ALCOHOLIC STORAGE

TOTAL RESTAURANT AREA 4,445 sq.ft. = 100%
ALCOHOLIC STORAGE AREA66 sq.ft.
ALCOHOLIC DISPLAY AREA.....8 sq.ft.
TOTAL ALCOHOLIC STORAGE & DISPLAY AREA:.....74 sq.ft. = X

FORMULA =

$$\left. \begin{array}{l} A \rightarrow B \\ C \rightarrow X \end{array} \right\} X = \frac{B \cdot C}{A}$$

$$\left. \begin{array}{l} 4,445 \rightarrow 100 \\ 74 \rightarrow X \end{array} \right\} X = \frac{100 \cdot 74}{4,445} = \frac{7,400}{4,445} = 1.7 \text{ sq.ft.}$$

TOTAL AREA FOR ALCOHOLIC STORAGE
AND ALCOHOLIC DISPLAY74 sq.ft. = 1.7 %

SYMBOL LEGEND

- NEW WALL CONSTRUCTION WITH 2x STUDS D.F. No.2 @ 16"O.C.
NOTES:
-USE 2x6 STUDS D.F. No.2 @ 16"O.C. FOR PLUMBING WALLS
-USE 2x4 STUDS D.F. No.2 @ 16"O.C. FOR NON BEARING WALLS
- EXISTING WALL TO REMAIN
- EXISTING INSULATED WALL TO REMAIN
- EXISTING WALL TO BE REMOVED
- WINDOW SYMBOL
- DOOR SYMBOL
- EXISTING CARBON MONOXIDE ALARM
- EXISTING SMOKE ALARM
- NEW HARD-WIRED CARBON MONOXIDE ALARM WITH BATTERY BACKUP
- NEW PHOTOELECTRIC SMOKE ALARM 110V. WITH BATTERY BACKUP
- NEW EXHAUST FAN
A- EXHAUST FAN SHALL BE MINIMUM 50 CFM CAPABILITY
B- EXHAUST FANS SHALL BE ENERGY STAR COMPLIANT
AND BE DUCTED TO TERMINATE TO THE OUTSIDE OF THE BUILDING.
C. THE FAN SHALL BE EQUIPPED WITH HUMIDITY SENSOR.
- INDICATES FLOOR DROP
- NEW DUPLEX RECEPTACLE WITH GFCI PROTECTION
- AFCI DUPLEX RECEPTACLE OUTLET
- NEW SWITCH
- NEW SWITCH W/ OCCUPANCY SENSOR
- NEW SWITCH 3 WAY
- NEW LED RECESSED LIGHT
- NEW LED WALL MOUNT LIGHT

REVISIONS	BY

PROJECT NAME:
GRAND RESIDENCE

JOB SITE:
2525 N GRAND AVE. UNIT "A"
SANTA ANA, CA. 92705

PHONE:
714-679-3835

PLAN:
EXISTING 1ST. FLOOR PLAN

DRAWN	D.V.
DATE	
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SHEET	

A-1.1

OF SHEETS



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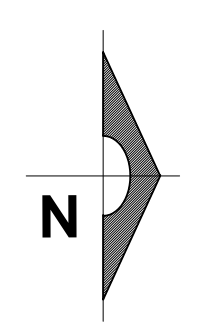
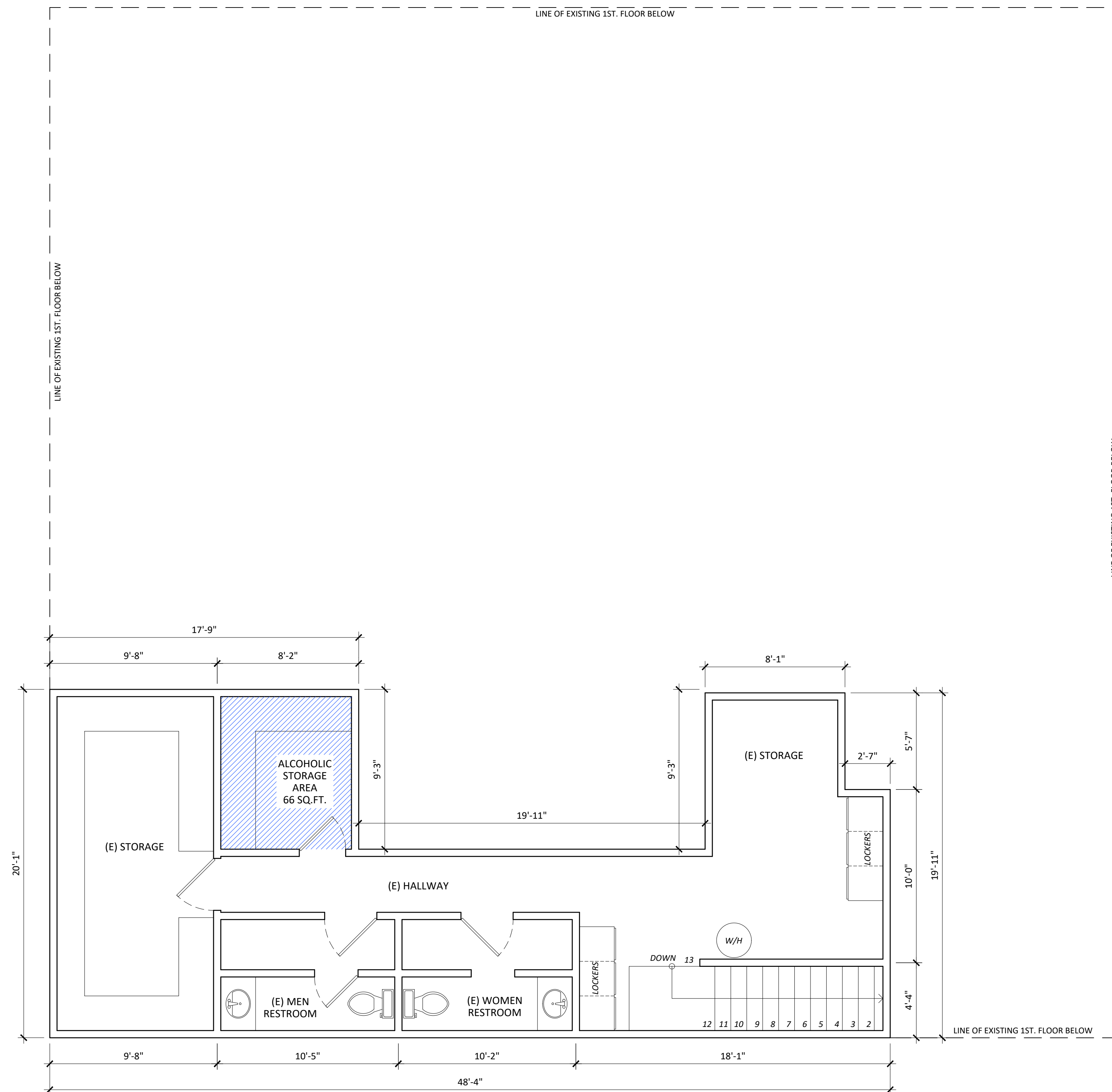
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A- EXHAUST FAN SHALL BE MINIMUM 50 CFM CAPABILITY
B- EXHAUST FANS SHALL BE ENERGY STAR COMPLIANT AND BE DUCTED TO TERMINATE TO THE OUTSIDE OF THE BUILDING.
C. THE FAN SHALL BE EQUIPPED WITH HUMIDITY SENSOR.
- INDICATES FLOOR DROP
- NEW DUPLEX RECEPTACLE WITH GFCI PROTECTION
- AFCI DUPLEX RECEPTACLE OUTLET
- NEW SWITCH
- NEW SWITCH W/ OCCUPANCY SENSOR
- NEW SWITCH 3 WAY
- NEW LED RECESSED LIGHT
- NEW LED WALL MOUNT LIGHT

REVISIONS	BY

PROJECT NAME:
GRAND RESIDENCE
JOB SITE:
2525 N GRAND AVE. UNIT "A"
SANTA ANA, CA. 92705
PHONE:
714-679-3835

PLAN:
EXISTING 2ND. FLOOR PLAN

DRAWN	D.V.
DATE	JOB No.
12-02-2020	20-070
SHEET	

A-1.2

OF SHEETS

ORANGE COUNTY REPORTER

~SINCE 1921~

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CHRISTINA LEONARD
CITY OF SANTA ANA/PLANNING & BUILDING
20 CIVIC CENTER PLAZA 2ND FLR
SANTA ANA, CA 92702

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE

Ad Description
2525 N. Grand Ave Unit A

To the right is a copy of the notice you sent to us for publication in the ORANGE COUNTY REPORTER. Thank you for using our newspaper. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

04/13/2022

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

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OR# 3575430

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: 2525 N. Grand Avenue, Unit A

Project Applicant: Blanca Toriz, on behalf of El Cangrejo Nice 3 (applicant)

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2021-09 to upgrade an existing Type 41 on-sale beer and wine license to a Type 47 on-sale beer, wine and distilled spirits, for on-premise consumption at an existing eating establishment.

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. 2022-16 will be filed for this project.

Meeting Details: This matter will be heard on **Monday, April 25, 2022 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 Christina Leonard, 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: <https://santa-ana.primegov.com/public/portal>.

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 714-667-2790.

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 Narcedalia Perez (714) 667-2260.

Nếu có thắc mắc bằng tiếng Việt, xin đi điện thoại cho Tony Lai số (714) 565-2627.

4/13/22

OR-3575430#



* A 0 0 0 0 0 5 9 9 0 3 9 5 *

4/25/2022

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

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. This notice is being sent to those who live or own property within 1000 feet of the project site or who have expressed an interest in the proposed action. 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: 2525 N. Grand Avenue, Unit A

Project Applicant: Blanca Toriz, on behalf of El Cangrejo Nice 3 (applicant)

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2021-09 to upgrade an existing Type 41 on-sale beer and wine license to a Type 47 on-sale beer, wine and distilled spirits, for on-premise consumption at an existing eating establishment.

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. 2022-16 will be filed for this project.

Meeting Details: This matter will be heard on **Monday, April 25, 2022 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.

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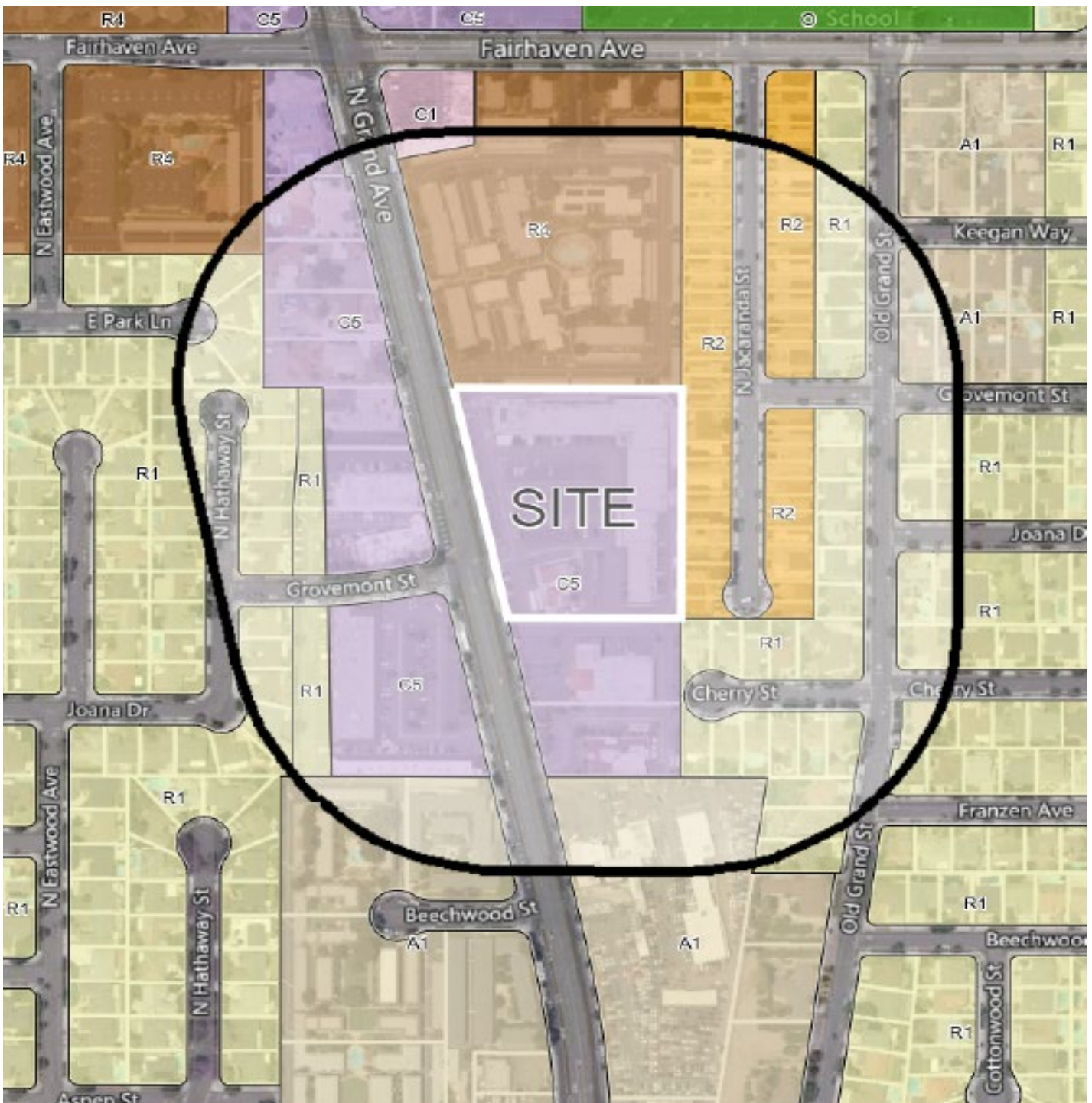
Where To Get More Information: Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at: <https://santa-ana.primegov.com/public/portal>.

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

1000' RADIUS NOTIFICATION MAP



NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

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: 2525 N. Grand Avenue, Unit A

Project Applicant: Blanca Toriz, on behalf of El Cangrejo Nice 3 (applicant)

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2021-09 to upgrade an existing Type 41 on-sale beer and wine license to a Type 47 on-sale beer, wine and distilled spirits, for on-premise consumption at an existing eating establishment.

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





**City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
April 25, 2022**

Topic: Tentative Tract Map No. 2022-01

RECOMMENDED ACTION

1. Adopt a resolution approving Tentative Tract Map No. 2022-01 (County Map No. 19142) as conditioned.

EXECUTIVE SUMMARY

Kim Prijatel with City Ventures, representing property owner MAS Investments LP, is requesting approval of a tentative tract map (TM) to permit the subdivision of a proposed 23, three-story attached townhome development for the property located at 830 South Harbor Boulevard. Pursuant to SAMC Section 34-127, the City of Santa Ana Planning Commission is responsible for approving tentative tract maps. Staff is recommending approval of the applicant’s request due to the project’s compliance with the zoning and all corresponding development standards.

DISCUSSION

Table 1: Project and Location Information

Item	Information	
Project Address & Council Ward	830 South Harbor Boulevard – Ward 1	
Nearest Intersection	Harbor Boulevard and Kent Street	
General Plan Designation	Urban Neighborhood (UN)	
Zoning Designation	Harbor Mixed-Used Transit Corridor Specific Plan (SP-2) – Corridor (CDR) subzone.	
Surrounding Land Uses	North	Commercial
	East	Multiple-Family Residences (across Harbor Blvd.)
	South	Commercial
	West	Single-Family Residences
Property Size and Project Density	1.09 Acres (21 units per acre)	

Item	Information	
Existing Site Development	The site is currently developed with a used car sales and rental service business.	
Use Permissions	Uses	SP2 Table 3-2: Permitted Uses
	Development Standards	SP2 Table 3-3: Building Type and Form

Project Background

In October 2014, the City Council adopted the Harbor Mixed Use Transit Corridor Specific Plan, which replaced the North Harbor Specific Plan and allows for a greater amount of residential, commercial, and mixed-use projects in the Specific Plan area. Following the concepts and goals of the Specific Plan, in March 2021, the City received a proposal to develop the site with the subject development.

After several submittals of the project and working with staff to comply with the provisions of the Harbor Plan, and after engaging with surrounding property owners, the applicant revised the plans to the current proposed development. The design of the development meets all requirements of the Specific Plan and those promulgated by the Citywide Design Guidelines relating to residential projects. Therefore, the development itself may be permitted ministerially; the subdivision request to allow the sale of each townhome as a condominium unit is subject to the Planning Commission’s approval.

Project Description

The development consists of 23 three-story attached townhome units in five buildings, including onsite amenities and guest parking. As part of the development, the applicant is requesting approval of the subject TTM application to allow subdivision of the site for the sale of each individual townhome unit. The units have been designed to be family-oriented with larger bedroom quantities, ranging from 3 to 4 bedrooms each and 2.5 to 4 bathrooms each. Unit sizes will range from 1,322 to 1,742 square feet. Every unit will contain a two-car garage, and the project site will contain six surface parking spaces, for a total of 52 parking spaces, exceeding the requirements of the Specific Plan. However, to proactively address parking management policies, the applicant has agreed to conditions of approval that would incorporate parking management practices in the Covenants, Conditions, and Restrictions (CC&Rs) that will be recorded against the property.

To satisfy the Specific Plan’s onsite open space requirements, the project will feature a generous amount of landscape and amenity areas. Of the site’s 47,480-square foot size, 10,645 square feet of open space area is proposed through common open space to be shared by the residents and community, and through private open space in the form of patios and decks for each unit. The central open space will contain seating, a shade trellis, dining and barbecue facilities, and a lawn play area for families. Other open space areas

will be heavily landscaped with drought-friendly plant species, and two large specimen trees will be planted at the project’s entry.

The structures in the community will feature contemporary architecture similar to City Ventures’ recently-completed project at 1406 North Harbor Boulevard. Buildings will feature fiber cement siding and trim, stonework, metal awnings, wood-like balconies, and smooth stucco finishes to ensure long-term durability of and high quality architecture for the project. In addition, each building will be painted with different accent colors to distinguish each structure within the community.

Table 2 below details the project’s conformance to the Specific Plan’s development standards.

Table 2: Development Standards

Table 3-3, Building Type and Form (SP2 – Harbor Mixed-Use Transit Corridor)		
<i>Standard (Tuck – Under)</i>	<i>Required/Allowed</i>	<i>Provided</i>
Density Range	Typically 12-18 Units Per Acre	23 Units (21 Units Per Acre)*
Lot Depth	75 Feet (Minimum)	250 Feet
Lot Width	95-250 Feet	195 Feet
Height (Stories)	2-3 Stories	3 Stories
Guest Parking	6 (0.25 per unit)	5 automobile and 1 motorcycle (6 total)
Common Open Space	15 Percent of Site Area	7,249 sq. ft. (15.2 percent)
Private Open Space	90 Square Feet per Unit (2,070 sq. ft. Total)	3,396 Square Feet
Frontage Types	Front Yard/Porch & Stoop	Front Yard/Porch & Stoop
Setbacks	Front: 8 Feet; Interior Side: 5 Feet; Rear (for 3 Story Buildings): 20 Feet	6.8-10 Feet; 5-20 Feet; 20-30 Feet
Minimum Floor Heights	10-Foot (Ground Floor); 9-Foot (Upper Floors)	10 Feet; 9 Feet
*The proposed density of the project is 23 units, which although slightly above the typical range of 12-18 units per acre, satisfies all development standards of the SP2 zoning district and is acknowledged by the document’s statement that “Density ranges shown are typical, however, actual project density may vary from these ranges.”		

Project Analysis

Subdivision requests are governed by Chapter 34 and Chapter 41 of the SAMC. Pursuant to Section 66473.5 and 66474 of the California Subdivision Map Act, applications for tentative tract maps are approved when it can be shown that findings can be made in support of the request.

Specifically, findings related to the proposal need to be made that find the project is consistent with the General Plan, the site is physically suitable for the type and density of the proposed project, the proposed project will not cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat, the proposed project will not cause serious public health problems, or the proposed project will not conflict with easements necessary for public access through or use of the property must be made. Using this information staff has prepared the following analysis, which, in turn forms the basis for the recommendation contained in this report. In analyzing the applicant's request, staff believes that the following analysis warrants approval of the tentative tract map.

The applicant is seeking approval of a tentative tract map to subdivide for condominium purposes, as the proposed development consists of 23 attached tuck-under units. Upon completion of the subdivision, the lots will continue to be utilized for residential use in the form of attached tuck-under unit type structures. In reviewing the project, staff determined that the proposal as conditioned is consistent with the various provisions of the City's Zoning Code and General Plan, including lot size, lot coverage, and parking. Further conditions of approval have been included to bring the site's landscaping, architectural design, and Covenants, Conditions and Restrictions to be in compliance with all applicable standards of the SAMC. Further, no adverse environmental impacts to fish or wildlife populations were identified as the project site is located in a built-out, urbanized area. The project will also maintain all required easements, including one for Southern California Edison to access existing overhead utilities on adjacent properties from the project site. Finally, the tentative tract map was found to be consistent with the California Subdivision Map Act and Chapter 34 of the Municipal Code.

The overall project site provides an opportunity for additional housing and development that would otherwise continue to remain as a vacant, under-utilized parcel. These improvements will help to enhance the quality of life in the surrounding community by providing 23 units of for-sale, market-rate housing. The proposed project is part of the Harbor Mixed-Used Transit Corridor Specific Plan and has been designed to incorporate significant design features, articulating elevations in order to minimize any visual impacts on surrounding land uses. Furthermore, the project has been designed to be compatible with the scale of other residences in the area and is consistent with Policies 2.10 and 3.5 of the Land Use Element that supports new development which is compatible in scale and character with existing development in the area. The development of this vacant lot also supports Policy 1.3 of the Housing Element that promotes a complementary mix of land uses that improves the character and stability of neighborhoods.

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 1,000-foot notification radius map, and the site posting are provided in Exhibit 9.

In addition, staff contacted the provided contacts for the Riverview West Neighborhood Association to ensure they were aware of the project and public hearing. Although not required, the applicant held a virtual community meeting using Zoom in conformance to Sunshine Ordinance notification requirements on November 17, 2021 at 6:00 p.m. to discuss the project with community members and surrounding property owners. Participants asked questions about the project timing and construction impacts, but significant issues were raised by participants during the meeting. 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), proposed development project has been determined to be adequately evaluated in the previously certified EIR No. 2014-01 as per Sections 15162 and 15168 of the CEQA guidelines. The project entails construction of an infill residential community whose scope and impacts were evaluated to ensure conformance to the Environmental Impact Report (SCH No. 2013061027) prepared and certified for the SP-2 zoning district. Environmental Review No. 2021-52 will be filed for the 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 Plans
6. Elevations
7. Landscape Plan and Open Space Exhibit
8. Tentative Tract Map
9. Copy of Public Notices

Submitted By:
Ali Pezeshkpour, AICP, Principal Planner

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

RESOLUTION NO. 2022-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING TENTATIVE TRACT MAP NO. 2022-01 (COUNTY MAP NO. 19142) AS CONDITIONED TO ALLOW A 23-UNIT SUBDIVISION FOR CONDOMINIUM PURPOSES FOR THE PROPERTY LOCATED AT 830 SOUTH HARBOR BOULEVARD

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. Kim Prijatel with City Ventures, representing property owner MAS Investments LP, is requesting approval of a tentative tract map to permit the subdivision of a proposed 23-unit attached tuck-under townhome development for condominium purposes, for the property located at 830 South Harbor Boulevard.
- B. Pursuant to Santa Ana Municipal Code (“SAMC”) Section 34-127, the Planning Commission is authorized to review and approve tentative tract maps.
- C. Tentative Tract Map No. 2022-01 came before the Planning Commission of the City of Santa Ana on April 25, 2022, for a duly noticed public hearing.
- D. The Planning Commission of the City of Santa Ana determines that following findings, which must be established in order to approve Tentative Tract Map No. 2022-01, have been established as required by SAMC Section 34-127 and the California Subdivision Map Act:
 1. The proposed project and its design and improvements are consistent with the Urban Neighborhood (UN) designation of the General Plan and are otherwise consistent with all other Elements of the General Plan.

The proposed project and its design and improvements will be consistent with the Urban Neighborhood (UN) 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 23 condominium air-right units and will be consistent with the various provisions of the General Plan. As proposed, the development is permitted by right. The

density range for the proposed number of units is also considered and approved in the UN General Plan designation.

2. The proposed project conforms to all applicable requirements of the zoning and subdivision codes as well as other applicable City ordinances.

The proposed project will conform to all of the requirements of the zoning ordinance as specified by the Harbor Mixed-Used Transit Corridor Specific Plan (SP2). All subdivision codes will be met as well as other applicable City ordinances. The proposed project conforms to the Corridor sub-zone of the Harbor Mixed-Used Transit Corridor Specific Plan (SP2) provisions of the zoning code that pertain to number of units, lot size, parking, and landscaping; by doing so, the parcel and the construction within the parcel guarantee conformance to all Corridor sub-zone standards of the SP2.

3. The project 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 current general plan land use density would allow a typical range from 12 to 18 units per acre, depending on the building type. The proposed density of the project is 23 units, which although slightly above the typical range of 12-18 units per acre, satisfies all development standards of the SP2 zoning district and is acknowledged by the document's statement that "Density ranges shown are typical, however, actual project density may vary from these ranges." The proposed site consists of approximately 1.09 acres of land and is physically suitable for the proposed development, where access to the site will be from Harbor Boulevard.

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

The design and improvements of the proposed project will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Since the project 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. Additionally, the development of the property as proposed, has been determined to be adequately evaluated in the previously certified EIR No. 2014-01 (State Clearinghouse Number 2013061027) as per Sections 15162 and 15168 of the CEQA guidelines.

5. 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 health problems, with the proposed subdivision not having any detrimental effects upon the general public. The property will include necessary utilities and infrastructure improvements as required under Development Project Review No. 2021-09.

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

The design or improvements of the proposed project will not conflict with easements necessary for public access or use of the property within the proposed project since there are no existing and recorded easements for the property. The conceptual design of all construction for the property will not affect any future proposed expansion or development of Fifth Street.

Section 2. In accordance with the California Environmental Quality Act (CEQA), the recommendation is exempt from further review pursuant to Section 15162 and 15168 (EIR No. 2014-01/State Clearinghouse Number 2013061027) of the CEQA Guidelines. The proposed development project has been determined to be adequately evaluated and is within the scope of the previously certified EIR.

The project is consistent with the City's General Plan and Harbor Mixed-Used Transit Corridor Specific Plan development standards. The project meets several General Plan goals and policies, including Land Use Element's Goal 1 (to promote a balance of land uses to address basic community needs), Goal 2 (to promote land uses which enhance the City's economic and fiscal viability), and Goal 3 (to preserve and improve the character and integrity of neighborhoods).

Further, the proposed project will take place within city limits and is on a project site that is less than five acres in size and is surrounded by urban areas. The project site has no value as habitat for endangered, rare, or threatened species and is not identified in the General Plan as having such value. Approval of the project will not result in any significant effects relating to traffic, noise, air quality, or water quality. The

City's Planning Division and Public Works Agency have reviewed the proposed project and have determined that the amount of traffic, noise, air quality impacts, and water quality impacts are below thresholds that would warrant further analyses.

Finally, the site will be served by all required utilities and public services as it is located within a heavily-urbanized area at the northeast intersection of Fifth and Jackson Streets. Based on this analysis, a Notice of Exemption for Environmental Review No. 2021-52 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 Tentative Tract Map No. 2022-01 as conditioned in "Exhibit A", attached hereto and incorporated as though fully set forth herein. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to: the Request for Planning Commission Action dated April 25, 2022, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 25th day of April 2022, 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
Senior Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Christina Leonard, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2022-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on April 25, 2022.

Date: _____

Recording Secretary

EXHIBIT A

Conditions for Approval for Tentative Tract Map No. 2022-01

Tentative Tract Map No. 2022-01 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, 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 tentative tract map.

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

A. Planning Division

1. All proposed site improvements must conform to the Development Project (DP) approval of DP No. 2021-09.
2. Any amendment to this Tentative Tract 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 site plan review must be amended.
3. Applicant must submit Covenants, Conditions and Restrictions (CC&Rs) for the project to the case planner for review and approval prior to the final map being recorded.
4. Walls and Fencing.
 - a. The applicant shall be construct a minimum seven-foot (7') tall perimeter wall, as measured from nearest adjacent finished sidewalk, surrounding the project site. The perimeter wall shall conform to all applicable Citywide Design Guidelines, including a split-face or painted design with regularly-spaced pilasters and decorative cap. The applicant is responsible for coordination with any adjacent property owners to avoid double-walls or gaps between walls where possible.
 - b. The applicant shall be responsible for coordination with Southern California Edison to ensure access to the utility easement at the western

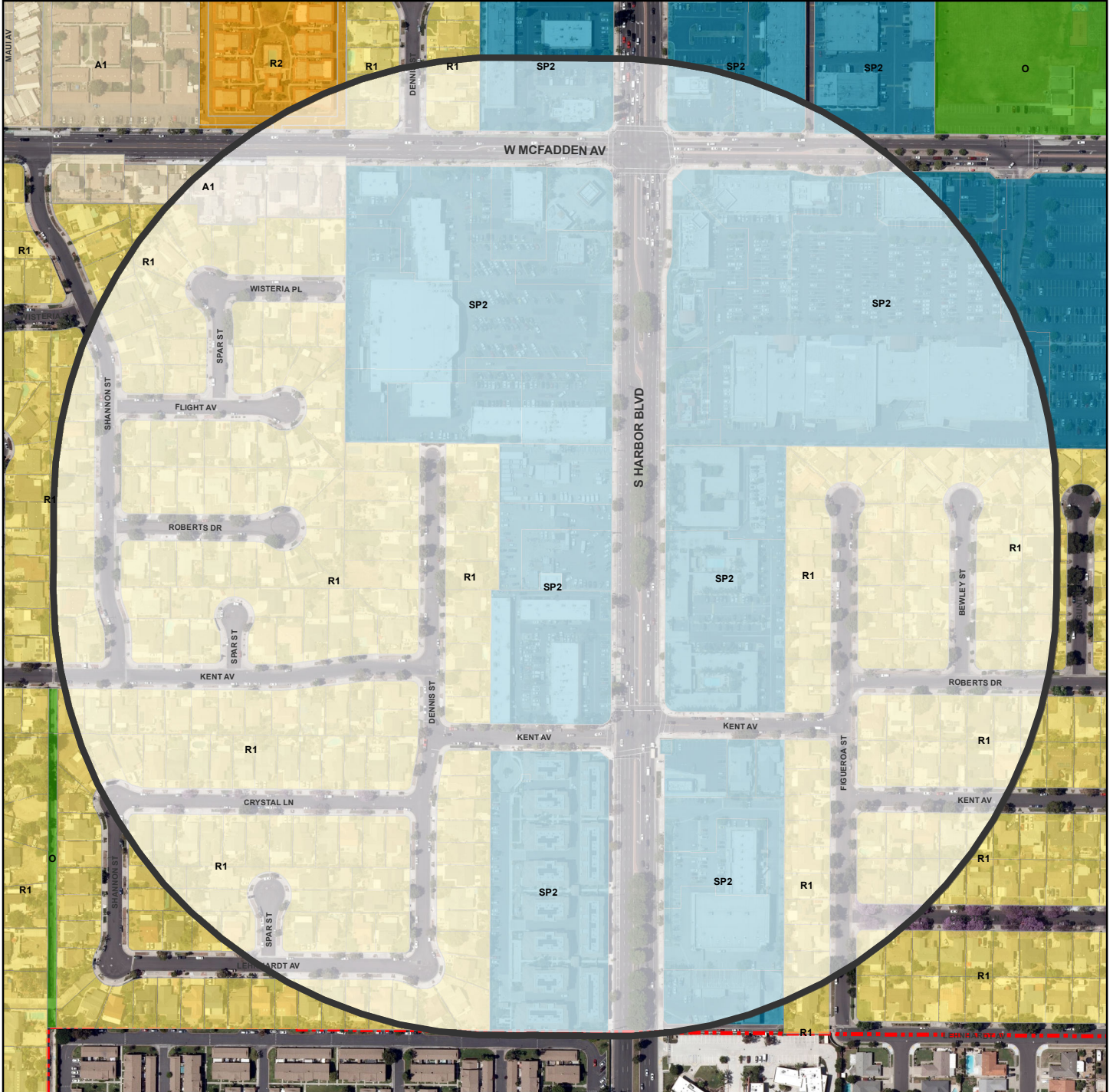
- portion of the project site through onsite access point(s) as deemed mutually acceptable. Any fencing and access gates shall be of a high-quality design matching the aesthetic of the proposed project, including but not limited to wrought-iron gates and/or a block wall consisting of a split-face or painted design with regularly-spaced pilasters and decorative cap.
- c. Climbing vines shall be planted at regularly-spaced intervals along all exposed walls and wrought-iron fencing to deter graffiti. All solid walls shall be finished with anti-graffiti coating.
5. The following parking management practices shall be incorporated into the final, recorded CC&Rs and shall apply through the life of the project:
 - a. Requiring onsite parking permits (such as stickers or hang-tags) for any parking in the surface guest parking spaces;
 - b. Policies for maximum time vehicles may be parked in the surface guest spaces;
 - c. Policies for towing unauthorized vehicles; vehicles parked in unauthorized locations, such as fire lanes; vehicles parking in surface guest parking without a sticker, hang-tag, or other identifiers; and vehicles parked longer than any maximum guest parking timeframes allowed; and
 - d. Routine garage inspections to ensure garages are available for vehicle parking.
 6. The applicant shall coordinate with the ownership of the adjacent, southerly building at 908 South Harbor Boulevard to integrate its project-facing elevations' design into the aesthetic of the proposed development, including building paints, murals, and/or landscape trellises.
 7. The final map must be approved and recorded prior to issuance of a certificate of occupancy or final sign-offs of building permits for the townhome buildings, whichever is first.
 8. The final map and all improvements required to be made or installed by the subdivider must be in accordance with the design standards and specifications of the Santa Ana Municipal Code and the requirements of the State Subdivision Map Act.

9. Two copies of the recorded final map and CC&Rs shall be submitted each to the Planning Division, Fire Authority, Building Division, and Public Works Agency within 10 days of recordation.
10. Property Maintenance Agreement. 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 or incorporate the form of this condition within the Project's CC&R's 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 and 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.
- h. The execution and recordation of the maintenance agreement shall be a condition precedent to the final map being recorded.

TTM No. 2022-01, "CITY VENTURES TOWNHOMES" 830 SOUTH HARBOR BOULEVARD



ZONING DISTRICTS

A1	GENERAL AGRICULTURAL	CSM	SOUTH MAIN STREET COMMERCIAL DIST.	R2	TWO-FAMILY RESIDENCE	-B	PARKING MODIFICATION
C1	COMMUNITY COMMERCIAL	GC	GOVERNMENT CENTER	R3	MULTIPLE-FAMILY RESIDENCE	-OZ	OVERLAY ZONE
C1-MD	COMMUNITY COMMERCIAL - MUSEUM DIST.	M1	LIGHT INDUSTRIAL	R4	SUBURBAN APARTMENT	-PRD	PLANNED RESIDENTIAL DEVELOPMENT
C2	GENERAL COMMERCIAL	M2	HEAVY INDUSTRIAL	RE	RESIDENTIAL ESTATE	-HD2	HEIGHT DISTRICT II
C4	PLANNED SHOPPING CENTER	O	OPEN SPACE	SD	SPECIFIC DEVELOPMENT		
C5	ARTERIAL COMMERCIAL	P	PROFESSIONAL	SP	SPECIFIC PLAN		
CR	COMMERCIAL RESIDENTIAL	R1	SINGLE-FAMILY RESIDENCE	OZ1	METRO EAST OVERLAY ZONE		



EXHIBIT 2 - VICINITY ZONING AND AERIAL VIEW

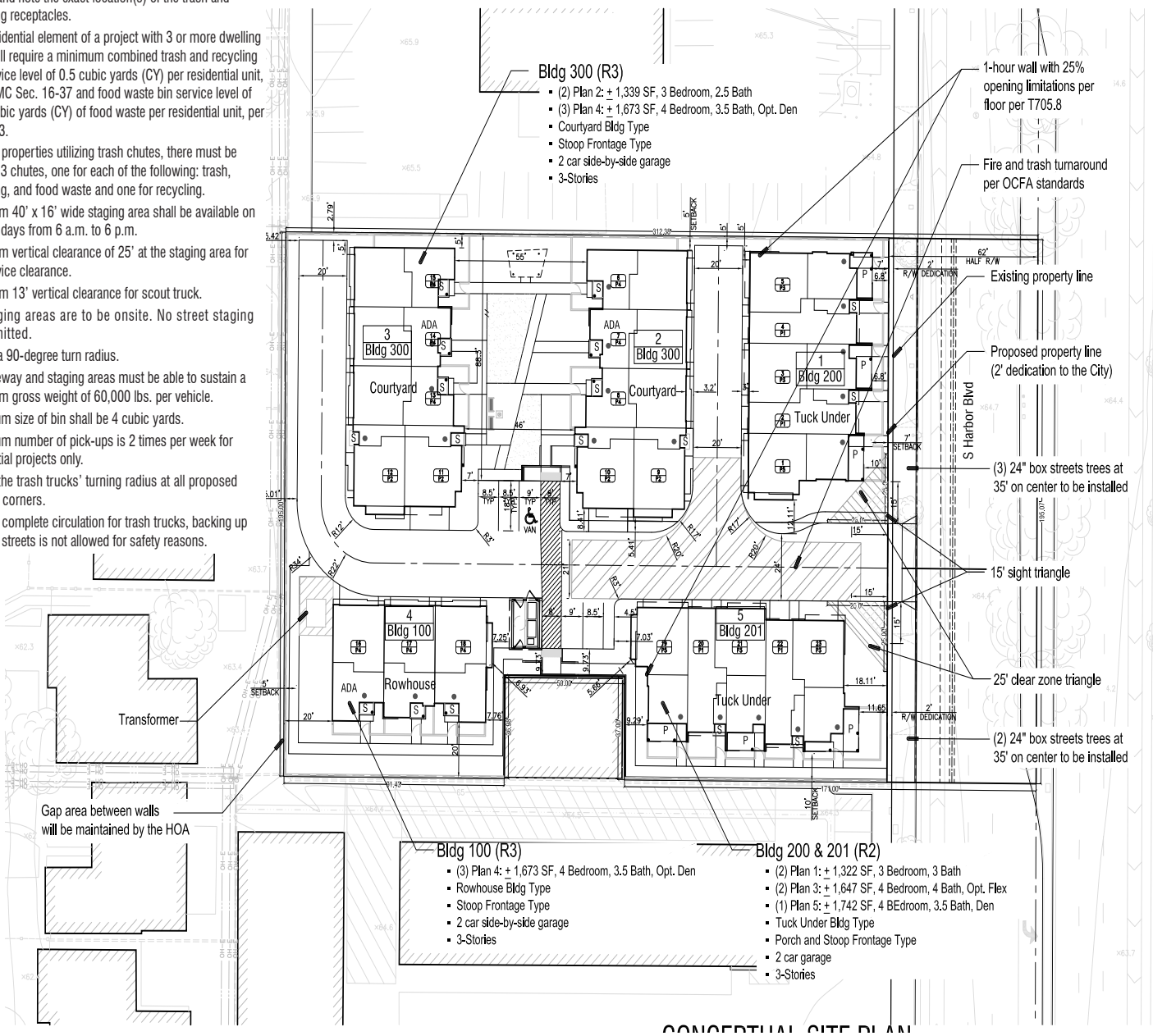




TM No. 2022-01 – CITY VENTURES TOWNHOMES
830 SOUTH HARBOR BOULEVARD
SITE PHOTO
EXHIBIT 3

Trash guidelines for safe and efficient access:

- Depict and note the exact location(s) of the trash and recycling receptacles.
- The residential element of a project with 3 or more dwelling units will require a minimum combined trash and recycling bin service level of 0.5 cubic yards (CY) per residential unit, per SAMC Sec. 16-37 and food waste bin service level of 0.02 cubic yards (CY) of food waste per residential unit, per SB 1383.
- For any properties utilizing trash chutes, there must be at least 3 chutes, one for each of the following: trash, recycling, and food waste and one for recycling.
- Minimum 40' x 16' wide staging area shall be available on service days from 6 a.m. to 6 p.m.
- Minimum vertical clearance of 25' at the staging area for bin service clearance.
- Minimum 13' vertical clearance for scout truck.
- All staging areas are to be onsite. No street staging is permitted.
- 42' on a 90-degree turn radius.
- All driveway and staging areas must be able to sustain a minimum gross weight of 60,000 lbs. per vehicle.
- Maximum size of bin shall be 4 cubic yards.
- Maximum number of pick-ups is 2 times per week for residential projects only.
- Depict the trash trucks' turning radius at all proposed internal corners.
- Provide complete circulation for trash trucks, backing up into the streets is not allowed for safety reasons.



Project Summary

Total Site Area: ± 1.09 Acres (± 47,376 SF)
Net Site Area: ± 1.08 Acres (± 46,986 SF; less 2' Harbor Dedication)

Total Units: 23 Homes

- (4) Plan 1: ± 1,322 SF, 3 Bedroom, 3 Bath
- (4) Plan 2: ± 1,339 SF, 3 Bedroom, 2.5 Bath, Opt. Loft
- (4) Plan 3: ± 1,647 SF, 4 Bedroom, 4 Bath, Opt. Flex
- (9) Plan 4: ± 1,673 SF, 4 Bedroom, 3.5 Bath, Opt. Den
- (2) Plan 5: ± 1,742 SF, 4 Bedroom, 3.5 Bath, Den

Density: 21.1 Homes per Acre
Net Density: 21.3 Homes per Acre

Parking:

Required: 41 Spaces (1.78 spaces per home)

- (23) Homes x 1.5 Spaces = 34.5 Spaces
- (23) Guest x 0.25 Spaces = 5.75 Spaces

Provided: 52 Spaces (2.26 spaces per home)

- Garage: 46 Spaces
- Head In: 3 Spaces (8.5' x 18')
- Motorcycle: 2 Spaces (9' x 18')
- 1 Space (4.5' x 18')
- "EV" = Future EVCS

Open Space:

Required: 9,028 SF Total (± 392 SF per home)

- Common: 7,048 SF (15% of net area; 15'/20' min. dim.)
- Private: 1,980 SF (90 SF per home; 6' min. dim.)

Provided: 10,645 SF Total (± 462 SF per home)

- Common: 7,249 SF (15'/20' Min. Dimension)
- Private: 3,396 SF (6' Min. Dimension)
- Patio: 3,046 SF
- Deck: 350 SF

Zoning Summary

Existing General Plan: UN - Urban Neighborhood
Proposed General Plan: UN - Urban Neighborhood

Existing Zoning: Harbor Mixed Use Transit Corridor SP - Corridor Zone
Proposed Zoning: Harbor Mixed Use Transit Corridor SP - Corridor Zone

Building Setbacks: Front Yard: 8' Maximum
 Interior Side Yard: 5' Minimum
 Rear Yard: 15' for 2-story, 20' for 3-story

Building Separation: 6' minimum

Max. Building Height: 3 Stories

Frontage Type: 'P' = Frontyard/Porch (min. 6' x 10' clear)
 'S' = Stoop (min. 4' x 4' landing)

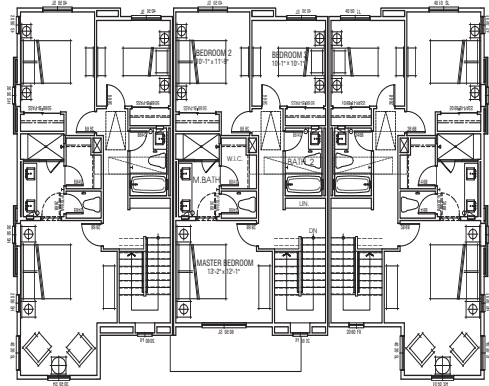
Notes:

1. Site plan is for conceptual purposes only.
2. Site plan must be reviewed by planning, building, and the departments for code compliance.
3. Base information per all disciplines.
4. Civil engineer to verify all setbacks and grading information.
5. Building Footprints might change due to the final design elevation style.
6. Open space area is subject to change due to the balcony design of the elevation.
7. Building setbacks are measured from property lines to building foundation lines.

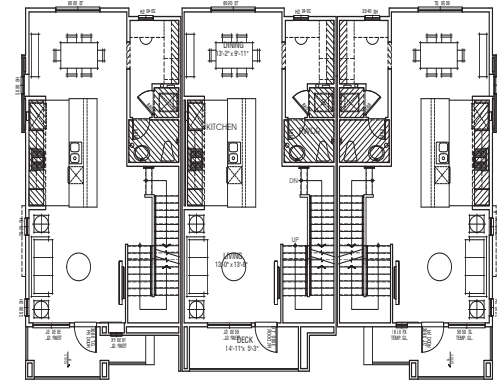


CONCEPTUAL SITE PLAN
830 S HARBOR BLVD

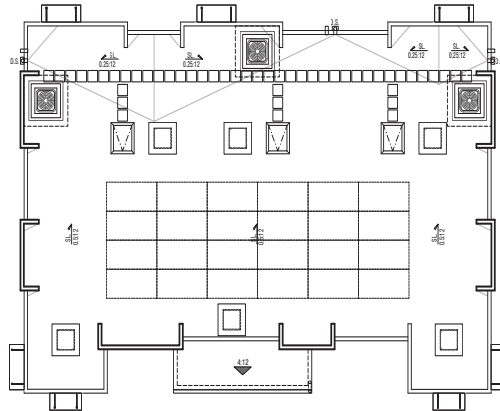
SAN ANA, CA



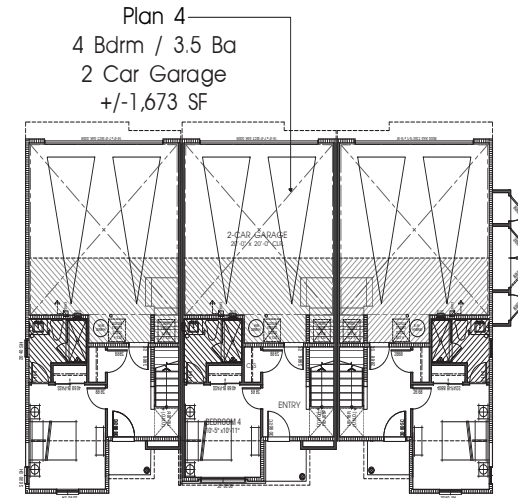
Third Floor



Second Floor



Roof



First Floor

Plan 4
 4 Bdrm / 3.5 Ba
 2 Car Garage
 +/-1,673 SF

NOTE:

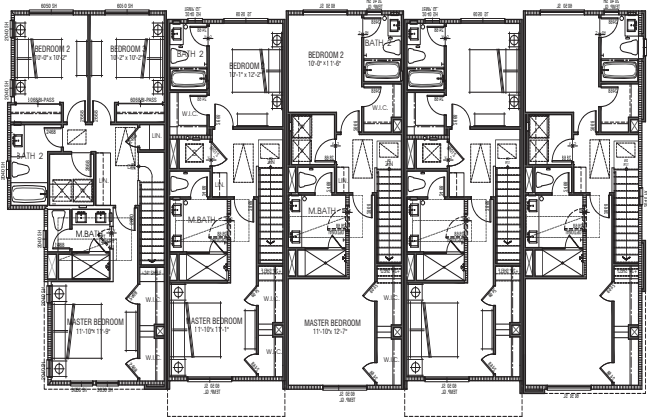
1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION.
2. FURTHER FLOOR PLAN COORDINATION NEEDED TO REFLECT CONCEPTUAL ELEVATION DESIGN.

Occupancy: R3
 Construction: VB
 Sprinkler System: 13D

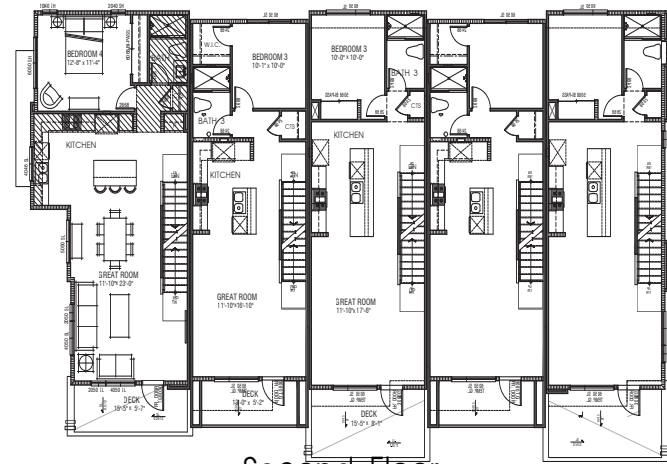
BUILDING 100 | Conceptual Floor Plans

830 S HARBOR BLVD

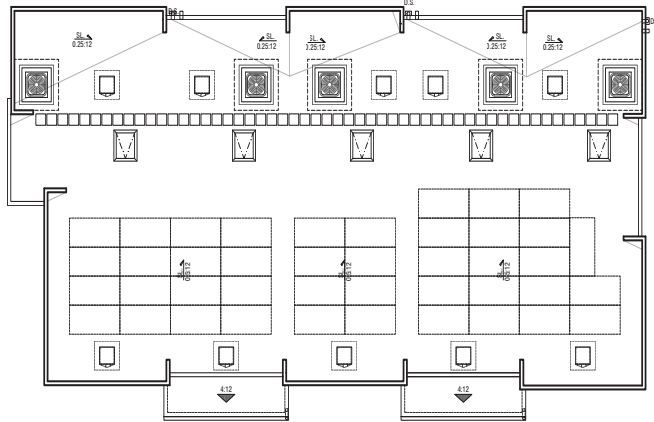
5-A-18CA



Third Floor



Second Floor

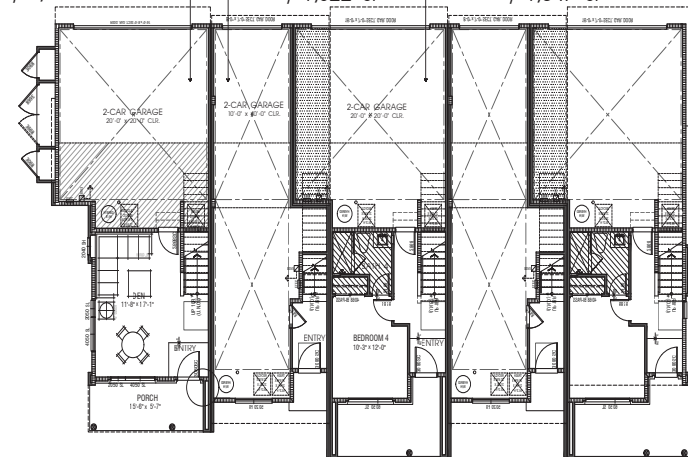


Roof

Plan 5
4 Bdrm / 3.5 Ba / DEN
2 Car Garage
+/-1,742 SF

Plan 1
3 Bdrm / 3 Ba
2 Car Garage
+/-1,322 SF

Plan 3
4 Bdrm / 4 Ba
2 Car Garage
+/-1,647 SF



First Floor

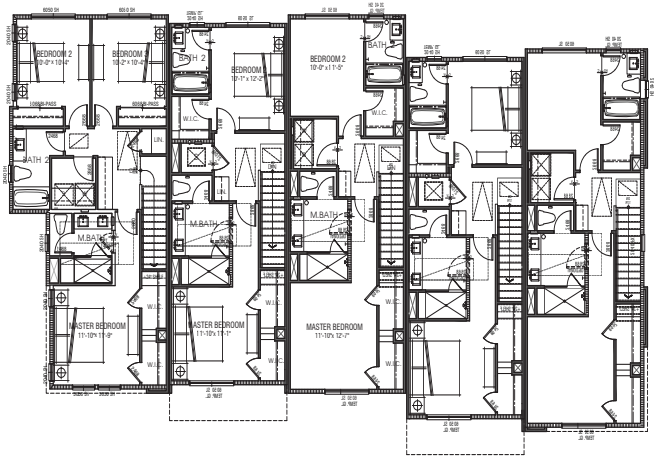
- NOTE:
- SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION.
 - FURTHER FLOOR PLAN COORDINATION NEEDED TO REFLECT CONCEPTUAL ELEVATION DESIGN.

Occupancy: R2
Construction: VB
Sprinkler System: Full 13

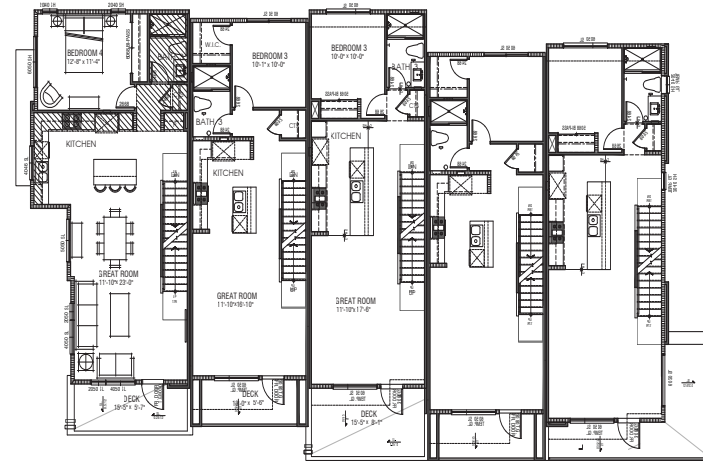
BUILDING 200 | Conceptual Floor Plans

830 S HARBOR BLVD

5-A-19CA



Third Floor

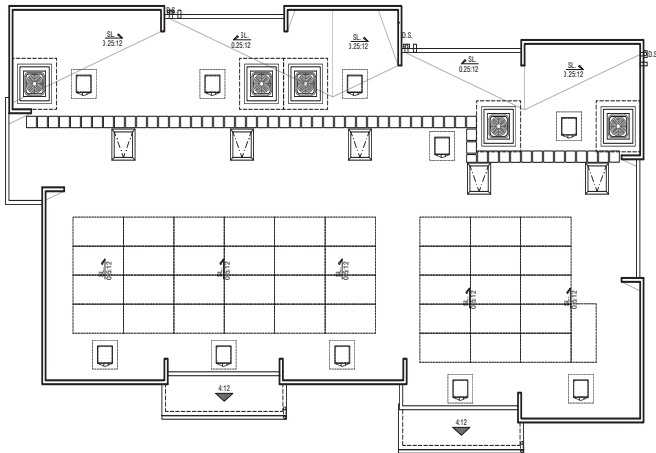


Second Floor

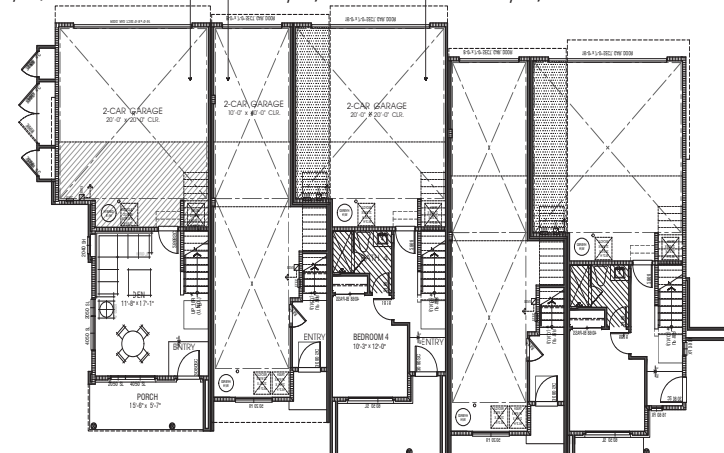
Plan 5
4 Bdrm / 3.5 Ba / DEN
2 Car Garage
+/-1,742 SF

Plan 1
3 Bdrm / 3 Ba
2 Car Garage
+/-1,322 SF

Plan 3
4 Bdrm / 4 Ba
2 Car Garage
+/-1,647 SF



Roof



First Floor

NOTE:

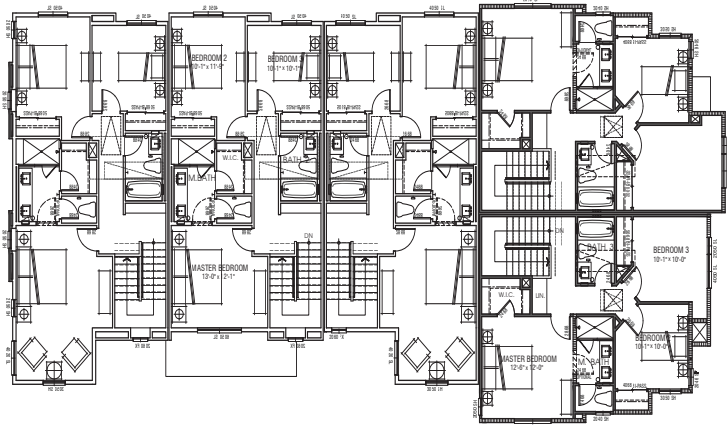
1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION.
2. FURTHER FLOOR PLAN COORDINATION NEEDED TO REFLECT CONCEPTUAL ELEVATION DESIGN.

Occupancy: R2
Construction: VB
Sprinkler System: Full 13

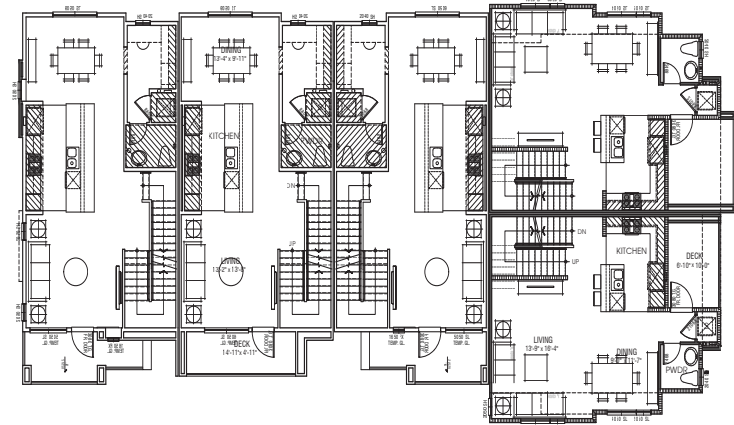
BUILDING 201 | Conceptual Floor Plans

830 S HARBOR BLVD

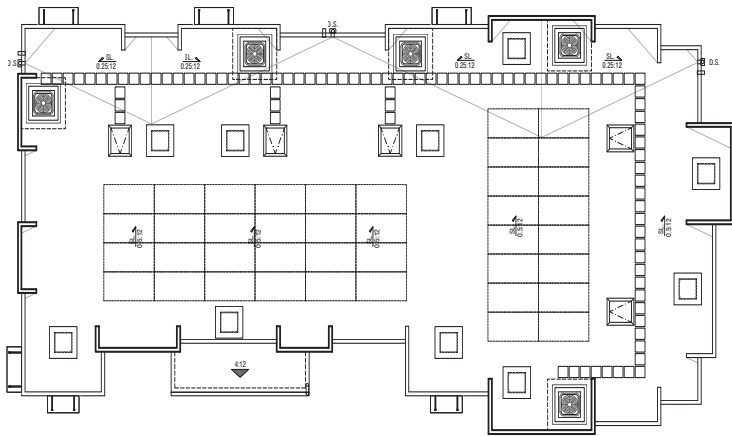
SA 5-A-20CA



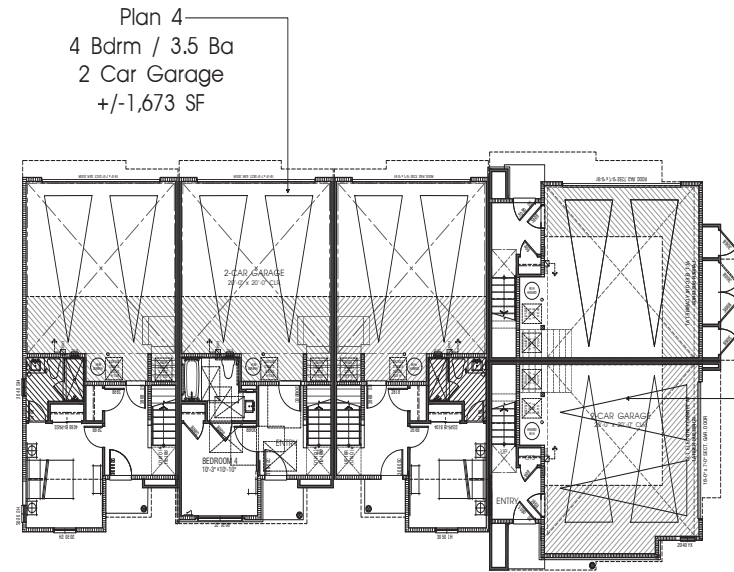
Third Floor



Second Floor



First Floor



Plan 4
4 Bdrm / 3.5 Ba
2 Car Garage
+/-1,673 SF

First Floor

Plan 2
3 Bdrm / 2.5 Ba
2 Car Garage
+/-1,339 SF

NOTE:

1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION.
2. FURTHER FLOOR PLAN COORDINATION NEEDED TO REFLECT CONCEPTUAL ELEVATION DESIGN.

Occupancy: R3
Construction: VB
Sprinkler System: 13D

BUILDING 300 | Conceptual Floor Plans

830 S HARBOR BLVD

SAN ANTONIO, CA



Right (East)



Rear (South)



Left (West)



Front (North)

BUILDING MATERIAL

- Roof: Flat with Parapet, Sloped Metal Roof
- Exterior: Stucco Finish, Fiber Cement Siding, Stone Veneer
- Exterior Accents: Metal Awning, Decorative Light Fixture
- Deck Accents: Wood Like Railing
- Window & Door Trim: Fiber Cement Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors

BUILDING 100 | Conceptual Elevations

830 S HARBOR BLVD

SAN ANTONIO, CA



Right (North)



Rear (West)



Left (South)



Front (East)

BUILDING MATERIAL

- Roof: Flat with Parapet, Sloped Metal Roof
- Exterior: Stucco Finish, Fiber Cement Siding, Stone Veneer
- Exterior Accents: Metal Awning, Decorative Light Fixture
- Deck Accents: Wood Like Railing
- Window & Door Trim: Fiber Cement Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors

BUILDING 200 | Conceptual Elevations

830 S HARBOR BLVD

SAN ANTONIO, CA



Right (East)



Rear (North)



Left (West)



Front (South)

BUILDING MATERIAL

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- Exterior: Stucco Finish, Fiber Cement Siding, Stone Veneer
- Exterior Accents: Metal Awning, Decorative Light Fixture
- Deck Accents: Wood Like Railing
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- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors

BUILDING 201 | Conceptual Elevations

830 S HARBOR BLVD

SAN ANTONIO, CA



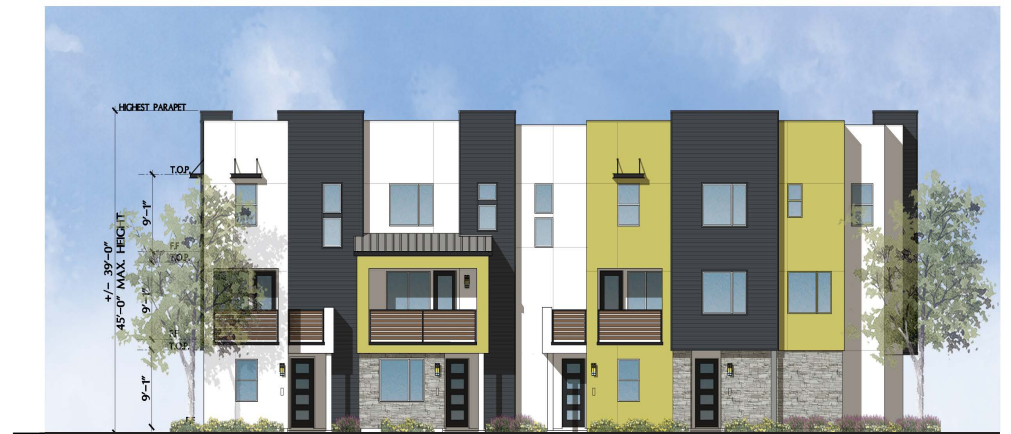
Right (Bldg 2 - South)



Rear (Bldg 2 - East)



Left (Bldg 2 - North)



Refer to Landscape Drawings for wall, tree, and shrub locations

Note: Artist's conception, colors, materials and application may vary.

Front (Bldg 2 - West)

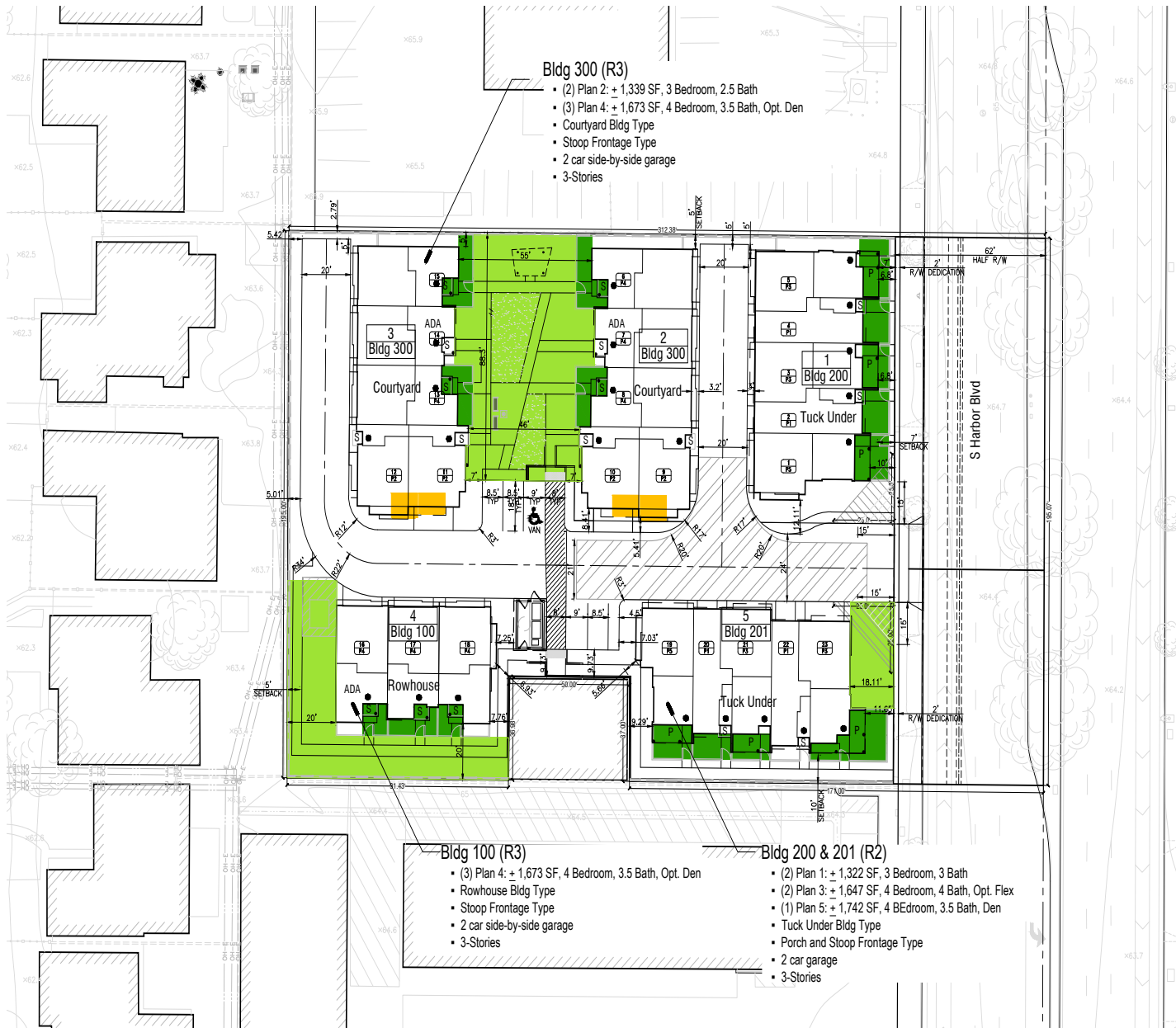
BUILDING MATERIAL

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- Garage Door: Sectional Garage Doors

BUILDING 300 | Conceptual Elevations

830 S HARBOR BLVD

SAN ANTONIO, CA



Bldg 300 (R3)

- (2) Plan 2: ± 1,339 SF, 3 Bedroom, 2.5 Bath
- (3) Plan 4: ± 1,673 SF, 4 Bedroom, 3.5 Bath, Opt. Den
- Courtyard Bldg Type
- Sloop Frontage Type
- 2 car side-by-side garage
- 3-Stories

Bldg 100 (R3)

- (3) Plan 4: ± 1,673 SF, 4 Bedroom, 3.5 Bath, Opt. Den
- Rowhouse Bldg Type
- Sloop Frontage Type
- 2 car side-by-side garage
- 3-Stories

Bldg 200 & 201 (R2)

- (2) Plan 1: ± 1,322 SF, 3 Bedroom, 3 Bath
- (2) Plan 3: ± 1,647 SF, 4 Bedroom, 4 Bath, Opt. Flex
- (1) Plan 5: ± 1,742 SF, 4 Bedroom, 3.5 Bath, Den
- Tuck Under Bldg Type
- Porch and Sloop Frontage Type
- 2 car garage
- 3-Stories

Project Summary

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- Total Units:** 23 Homes
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- Garage: 46 Spaces
 - Head In: 3 Spaces (8.5' x 18')
 - 2 Spaces (9' x 18')
 - Motorcycle: 1 Spaces (4.5' x 18')
 - "EV" = Future EVCS
- Open Space:**
- Required:** 9,028 SF Total (± 392 SF per home)
- Common: 7,048 SF (15% of net area; 15'/20' min. dim.)
 - Private: 1,980 SF (90 SF per home; 6' min. dim.)
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- Common: 7,249 SF (15'/20' Min. Dimension)
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 - Patio: 3,046 SF
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Zoning Summary

- Existing General Plan:** UN - Urban Neighborhood
Proposed General Plan: UN - Urban Neighborhood
- Existing Zoning:** Harbor Mixed Use Transit Corridor SP - Corridor Zone
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- Building Setbacks:** Front Yard: 8' Maximum
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- Building Separation:** 6' minimum
Max. Building Height: 3 Stories
- Frontage Type:** 'P' = Frontyard/Porch (min. 6' x 10' clear)
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Notes:

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2. Site plan must be reviewed by planning, building, and fire departments for code compliance.
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CONCEPTUAL OPEN SPACE PLAN

830 S HARBOR BLVD

SA 5-A-26-CA

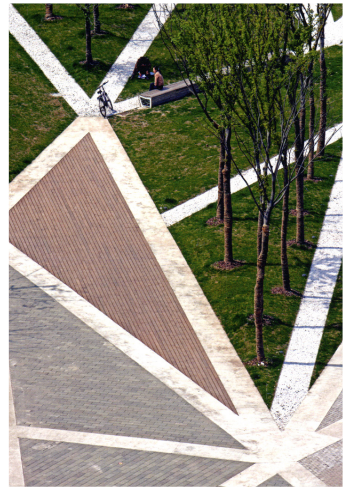
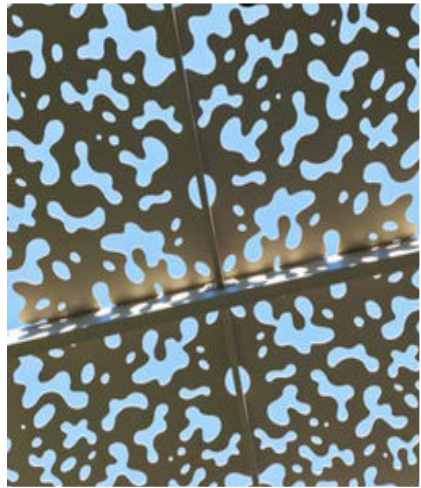


LEGEND

- 1 Project Enhanced Landscape with Specimen Tree
- 2 Private Patio with Fence & Gate
- 3 Central Courtyard
 - Shade Structure with Decor Panel
 - Social Seating with Firepit
 - Dining and Barbecue
 - Event Lawn
- 4 Screening Landscape at Trash Enclosure/Transformer
- 5 Canopy Trees
- 6 Vertical Accent Tree
- 7 Street Trees - (5) 24" box @ 35' o.c., including deep root irrigation system, per City Standards and approved plan, as needed
- 8 The gap area between walls will be maintained by the HOA.
- 9 Existing Tree to Remain

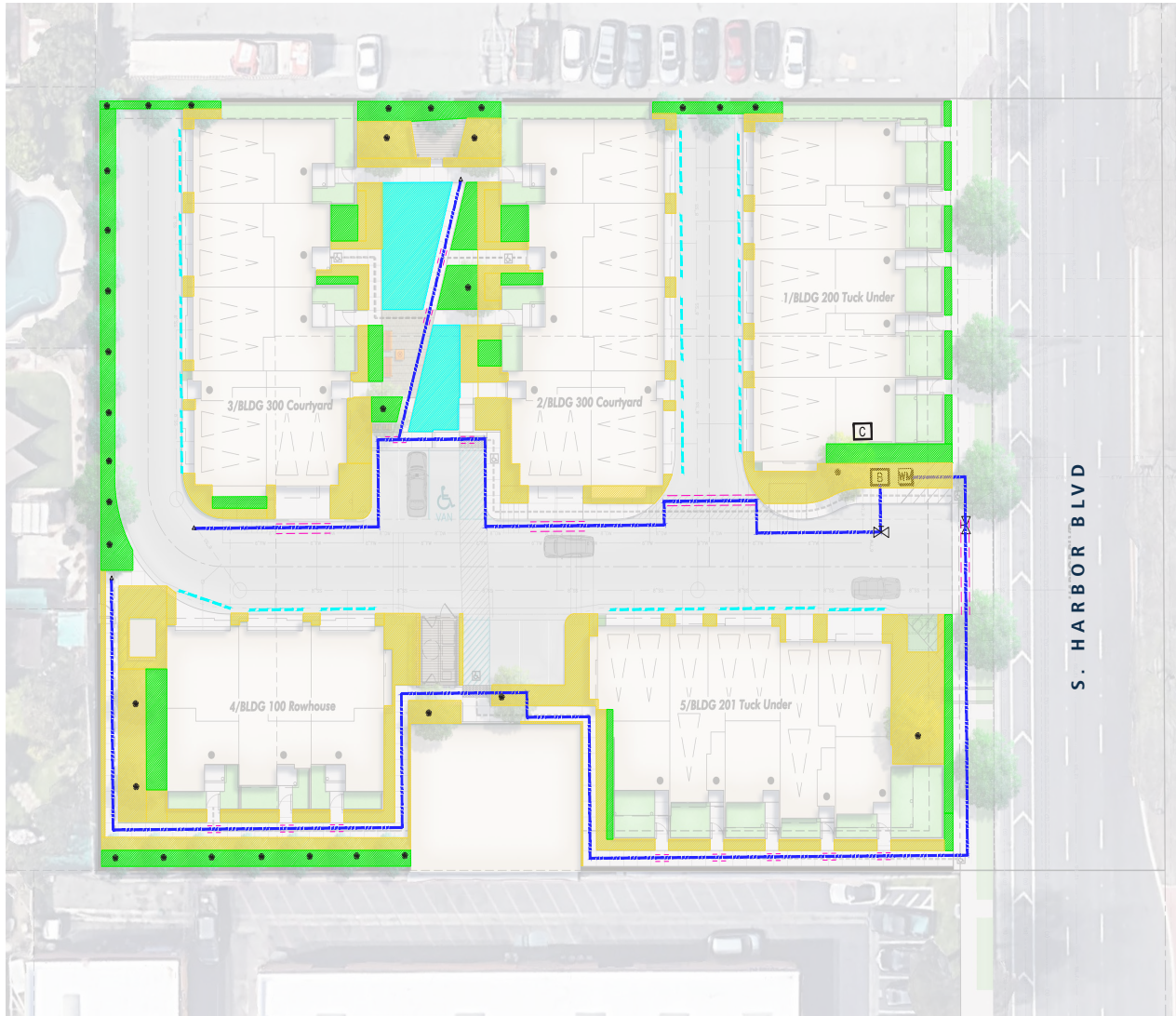
--- ADA Path of Travel





LEGEND

SYMBOL	MANUFACTURER/MODEL/DESCRIPTION
△	GATE VALE
⊗	QUICK COUPLING VALVE
Ⓛ	IRRIGATION CONTROLLER LOCATION 120 VOLT POWER REQUIRED, DRAWS 4 AMPS EACH PEDESTAL MOUNTED WITHIN LANDSCAPE
Ⓜ	WATER METER, EXISTING
ⓑ	IRRIGATION POINT OF CONNECTION EQUIPMENT RPPA BACKFLOW, MASTER VALVE AND FLOW SENSOR
—	IRRIGATION MAINLINE: PVC SCHEDULE 40
---	IRRIGATION ROADWAY SLEEVE BANK CONSISTING OF 1-4" AND 2-2" SCH 40 PVC SLEEVES
---	IRRIGATION ROADWAY SLEEVE BANK CONSISTING OF 2-2" SCH 40 PVC SLEEVES
⊙	TREE SPRAY MICRO NOZZLE ON POP-UP, (2) PER TREE
■ (Green)	Medium Water Use
■ (Yellow)	Low Water Use
■ (Cyan)	High Water Use



Project Name: 830 S Harbor Blvd, Santa Ana, CA
Date: October 18, 2021

WATER EFFICIENT WORK SHEET

Maximum Applied Water Allowance (MAWA)

Total MAWA = (Eto x 0.50 x LA in Sq. Ft. x 0.62) + (Eto x 1.0 x SLA in Sq. Ft. x 0.62) = Gallons per year for LA + SLA

Hydrozone:	Eto:	KL	LA Sq. Ft.	Conversion	SLA Sq. Ft.	MAWA
Landscape Area	47.8	0.55	8,569	0.62	NA	139,673

MAWA= Maximum Applied Water Allowance (gallons per year)
 Eto= Reference Evapotranspiration from Appendix C (inches per year)
 0.50= Evapotranspiration Adjustment Factor (ETAF)
 1.0= ETAF for Special Landscaped Area
 LA= Landscaped Area includes Special Landscape Area (square feet)
 0.62= Conversion Factor (to gallons per square foot)
 0.3= the additional ET adjustment Factor for Special Landscape Area (1.0- 0.7= 0.3)
 SLA= Special Landscape Area (square feet)

Applicant to fill in boxes below:

Eto (Reference Evapotranspiration from Appendix C inches per year)	47.8
Landscape Area includes Special Landscape Area (square feet)	8,569
Special Landscape Area (square feet)	0

Estimated Annual Water Use:

Total EAWU = (Eto x KL x LA in Sq. Ft. / IE) = Gallons per Year

Hydrozone:	Eto:	KL	Sq. Ft.	Conversion	IE	EAWU
Low Water Use Shrubs (Drip)	47.8	0.2	5,138	0.62	0.81	37,597
Medium Water Use Shrubs (Drip)	47.8	0.5	2,616	0.62	0.81	47,857
High Water Use (Rotor)	47.8	0.8	815	0.62	0.73	26,469
High (Water Feature)	47.8	1.0	-	0.62	1.00	-
Total EAWU:			8,569			111,924

EAWU= Estimated Applied Water Use (gallons per year)
 Eto= Reference Evapotranspiration from Appendix C (inches per year)
 KL= Landscape Coefficient
 LA= Landscaped Area (square feet)
 0.62= Conversion Factor (to gallons per square foot)
 IE= Irrigation Efficiency= IME X DU (See definition in Appendix E for example IE percentages)
 IME= Irrigation Management Efficiency (90%)
 DU= Distribution Uniformity of Irrigation Head
 KL= Ks x Kc x Kmc
 Ks= species factor (range 1.0- 0.9) (see WUCOLS list for values)
 Kc= density factor (range 0.5- 1.3) (see WUCOLS list for density value)
 Kmc= microclimatic factor (range 0.5- 1.4) (see WUCOLS)

Table A- PF (Plant Factor)

Cool Season Turf= 0.8	
Warm Season Turf= 0.7	
High Water Use Plants= 0.7	(can be between 0.7-0.9)
Moderate Water Use Plants= 0.5	(can be between 0.4-0.6)
Low Water Use Plants= 0.2	(can be between 0.1-0.3)
Very Low Water Use Plants= 0.1	

IE (Irrigation Efficiency)- Appendix E

Pop-up Stream Rotor= 0.73
 Rotor Heads= 0.76
 Microspray= 0.76
 Bubblers= 0.77
 Drip Emitters= 0.81
 Subsurface Irrigation= 0.81

Irrigation Note:

- The landscape design and water use calculations for the identified property comply with the requirements of the City of Santa Ana Water Efficient Landscape Ordinance (SAMC 41-1500 through 1504), and the City of Santa Ana Water Efficient Landscape Guidelines.
- Irrigation shown are diagrammatic. Irrigation mainline and lateral shall be installed in shrub beds where allowed- lateral piping shall be installed 12" min. below grade and mainline 18" min. below grade, and provide sleeves under all hardscape areas. All irrigation valve boxes shall be located in planting areas- setback from front edge of each valve box to be a minimum of 1' from the edge of paving or turf areas.
- All utility infrastructure and other potential conflicts including off site and below-grade that could affect irrigation design considered.



LEGEND

- Perimeter Wall
- Patio Fence, 36" ht.
- Patio Gate, 36" ht.

PERIMETER WALL

6' ht. Stucco Wall with Stone Cap
Color to Match Architecture

CONCRETE PAVING

Natural Gray Concrete with Topcast
Pattern: Sawcut Joints per Plan

PATIO FENCE

36" ht. Wood Fence
Color to Match Architecture

PATIO GATE

36" ht. Wood Gate
Color to Match Architecture



PICNIC TABLE

AT SOCIAL GATHERING AREA



COFFEE TABLE

AT SHADE STRUCTURE WITH LOUNGE SEATING



CHAIR

AT SHADE STRUCTURE WITH LOUNGE SEATING



TRASH CAN



*Includes
Pedestal*



Gray – for replacement units only



MAIL BOX

TREE SCHEDULE:

BOTANICAL NAME	COMMON NAME	SIZE	FORM	WUCOLS
Street Trees				
Platanus racemosa	California Sycamore	24" min	Standard	L
Quercus virginiana	Souther Live Oak	24" min	Standard	M
Entry Specimen Trees				
Bauhinia variegata	Purple Orchid Tree	36" min	Standard	M
Liriodendron tulipifera	Tulip Tree	36" min	Standard	M
Canopy Trees				
Laurus nobilis	Sweet Bay	24" min	Standard	L
Rhus lancea	African Sumac	36" min	Standard	L
Magnolia grandiflora	Southern Magnolia	24" min	Standard	M
Vertical Accent Trees				
Podocarpus gracilior	Fern Pine	24" min	Standard	M
Tristania conferta	Brisbane Box	24" min	Standard	M



SHRUB SCHEDULE:

BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WUCOLS
Agapanthus 'Peter Pan'	Dwarf Lily of the Nile	5 gal	30" o.c.	M
Agave spp.	Agave	5 gal	30" o.c.	L
Aloe spp.	Aloe	5 gal	30" o.c.	L
Bougainvillea 'La Jolla'	La Jolla Bougainvillea	5 gal	36" o.c.	L
Buxus microphylla japonica	Japanese Boxwood	5 gal	30" o.c.	M
Eriogonum umbellatum	Sulfur Flower	5 gal	30" o.c.	L
Euonymus japonicus 'Aureo-Marginata'	Gold Spot Euonymus	15 gal	24" o.c.	M
Hesperaloe parviflora	Red Yucca	5 gal	24" o.c.	VL
Lavandula dentata 'Candicans'	Candicans French Lavender	5 gal	30" o.c.	L
Ligustrum japonicum 'Texanum'	Wax Leaf Privet	15 gal	36" o.c.	M
Rhaphiolepis i. 'Majestic Beauty'	Majestic Beauty Hawthorn	5 gal	36" o.c.	L
Rhaphiolepis indica 'Pink Lady'	Rhaphiolepis Pink Lady	5 gal	36" o.c.	L
Rosa spp.	Shrub Rose	5 gal	30" o.c.	M
Yucca spp.	Yucca	5 gal	36" o.c.	L



GROUNDCOVER SCHEDULE:

BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WUCOLS
Carissa macrocarpa 'Prostrata'	Ground Cover Natal Plum	1 gal	18" o.c.	L
Pittosporum tobira 'Wheeler's Dwarf'	Wheeler's Dwarf Pittosporum	1 gal	24" o.c.	M
Senecio mandraliscae	Kleinia	1 gal	18" o.c.	L
Sodded Turf	Turf	Sodded	-	H



VINE SCHEDULE:

BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WUCOLS
Lonicera japonica 'Halliana'	Hall's Japanese Honeysuckle	15 gal	Per Plan	L
Trachelospermum jasminoides	Star Jasmine	15 gal	Per Plan	M



PRELIMINARY GRADING & UTILITY PLAN

TTM 19142, LOT 1

FOR CONDOMINIUM PURPOSES

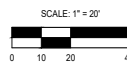
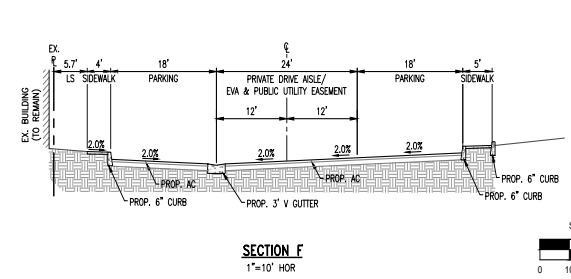
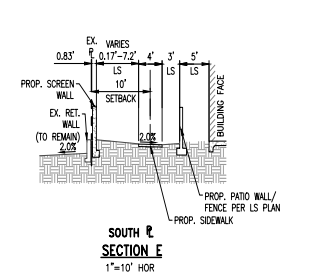
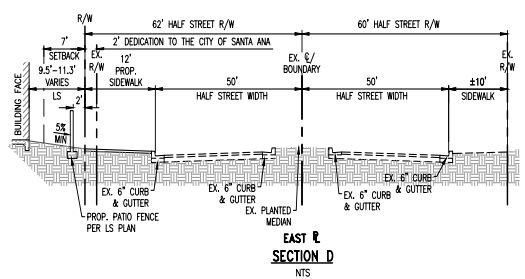
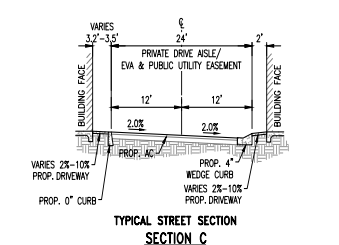
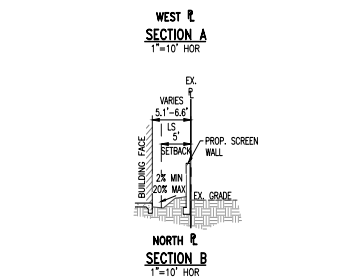
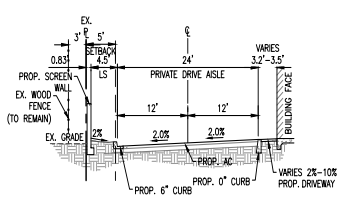
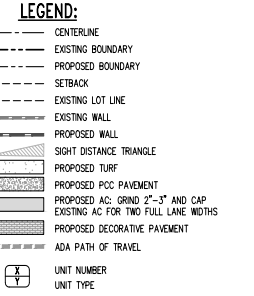
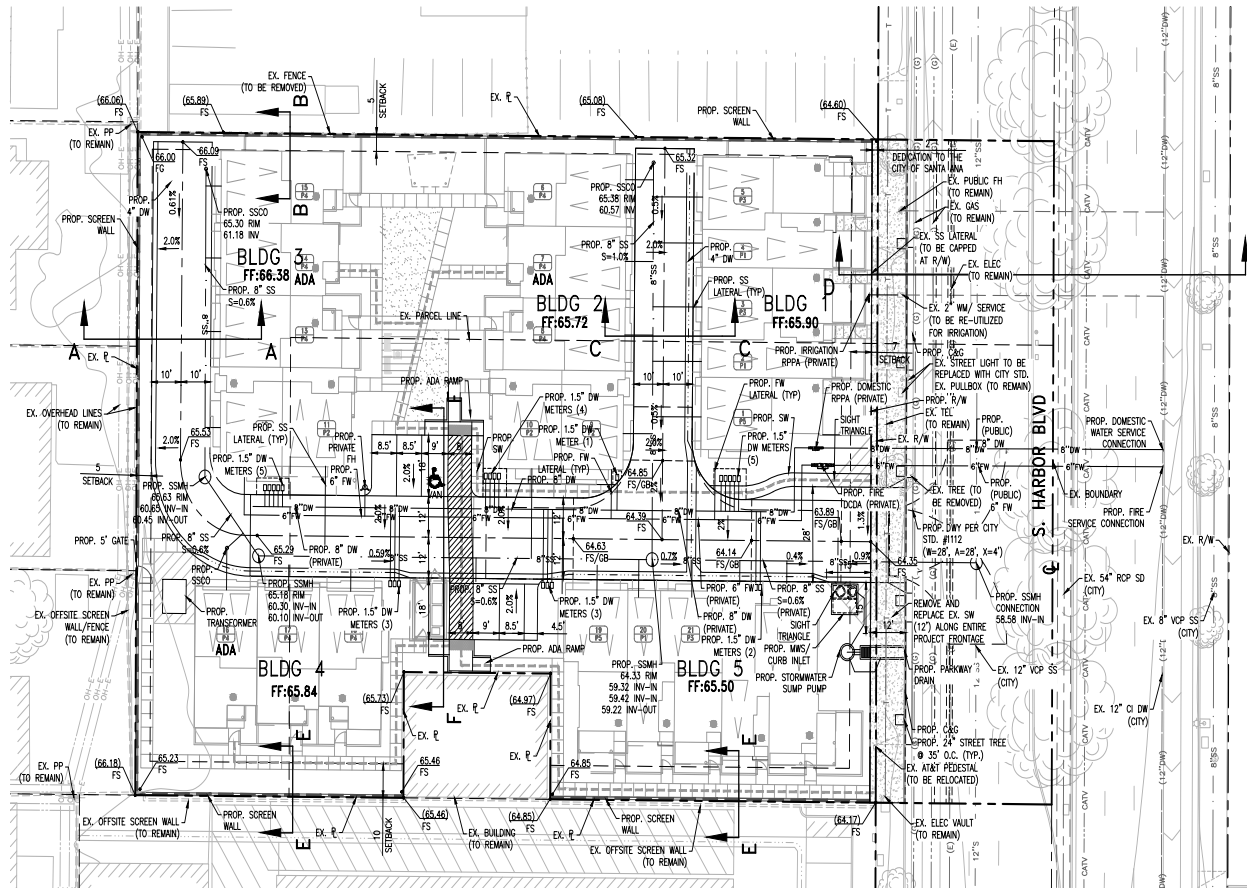
CITY OF SANTA ANA, COUNTY OF ORANGE, STATE OF CALIFORNIA

PROPOSED IMPROVEMENTS:
 ALL PROPOSED IMPROVEMENTS AS SHOWN HEREON TO BE CONSTRUCTED AND INSTALLED BY SUBDIVIDER/DEVELOPER, AND/OR AT THE SUBDIVIDER/DEVELOPER'S EXPENSE IN ACCORDANCE WITH THE CITY DESIGN STANDARDS AND SPECIFICATIONS, THE SANTA ANA MUNICIPAL CODE, APPROVED STREET IMPROVEMENT PLANS AND REQUIREMENTS OF THE STATE OF CALIFORNIA SUBDIVISION MAP ACT.

STATEMENT OF IMPROVEMENTS:
 APPROXIMATE IMPROVEMENTS PROPOSED BY THIS TENTATIVE MAP:

- OFF-SITE**
- 106 LF PUBLIC CURB AND GUTTER
 - 2271 SF PUBLIC SIDEWALK
 - 116 LF 8" PUBLIC WATER MAIN
 - 5784 SF GRIND AND CAP AC PAVEMENT
 - 3 PUBLIC TREE/TREE WELL LOCATIONS
 - 113 LF 6" PUBLIC FIRE WATER MAIN
 - 1 PARKWAY DRAIN
 - 1 EXISTING TREE REMOVAL

- ON-SITE**
- 320 LF 6" PRIVATE FIRE WATER MAIN
 - 483 LF 8" PRIVATE SEWER MAIN
 - 23 PRIVATE 4" SEWER LATERALS
 - 592 SF STREET AC PAVEMENT
 - 226 LF PRIVATE CURB AND GUTTER
 - 2816 SF PRIVATE SIDEWALK
 - 84 LF PRIVATE 1/4" GUTTER
 - 2 EA PRIVATE CURB RAMPS
 - 209 LF 8" PRIVATE DOMESTIC WATER
 - 3 EA PRIVATE BACKFLOW PREVENTER FOR IRRIGATION, DOMESTIC WATER, AND FIRE WATER
 - 778 LF PRIVATE CURB ONLY
 - 42 LF PRIVATE 15" SD
 - 1 MODULAR WETLANDS SYSTEM (MWS) BIOFILTRATION CURB INLET
 - 1 STORMWATER SUMP PUMP SYSTEM
 - 23 PUBLIC 1.5" DOMESTIC WATER METERS AND SERVICES



ENGINEER:
C&V CONSULTING, INC.
 CIVIL ENGINEERING
 LAND PLANNING AND SURVEYING
 980 DENVER CENTER DRIVE
 IRVINE, CA 92618
 T. 949.440.0000
 CIVIL ENGINEER
 CVC-SIGNET



PREPARED UNDER THE SUPERVISION OF :

RYAN J. BITTNER R.C.E. 68187 DATE

REVISIONS				PLANS PREPARED BY:	
NUMBER	DATE	INITIALS	DESCRIPTION	APPROVED	INSTALLED

PRELIMINARY GRADING AND UTILITY PLAN
 TTM 19142
 830 S. HARBOR BOULEVARD
PUBLIC WORKS AGENCY
 CITY OF SANTA ANA

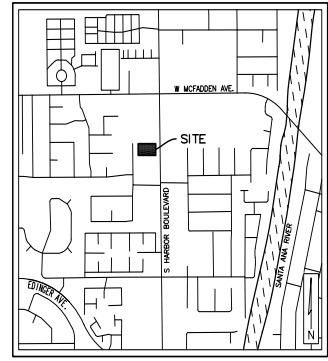
4/25/2022
 Planning Commission

TENTATIVE TRACT MAP NO. 19142

LOT 1 FOR CONDOMINIUM PURPOSES

CITY OF SANTA ANA, COUNTY OF ORANGE

STATE OF CALIFORNIA



VICINITY MAP
NOT TO SCALE

TITLE INFORMATION:
THE FOLLOWING TITLE INFORMATION WAS DERIVED FROM A PRELIMINARY TITLE REPORT ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, ORDER NO.: 989-30051768-BAM DATED August 5, 2020 AT 7:30AM
DENOTES PLOTTED ITEM.

- 3 EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS RESERVED IN A DOCUMENT:
- RESERVED BY: STEARNS RANCHO COMPANY
PURPOSE: ROADS, RAILROADS AND DITCHES
RECORDING DATE: NOVEMBER 6, 1890
RECORDING NO: IN BOOK 9, PAGE 79 DEEDS
(EASEMENT LOCATION INDETERMINATE, RECORD DOCUMENT ILLEGIBLE)
- 4 EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
- GRANTED TO: G.W. DOUGHREY
PURPOSE: INGRESS AND EGRESS
RECORDING DATE: DECEMBER 29, 1922
RECORDING NO: IN BOOK 445, PAGE 391 DEEDS
(EASEMENT LOCATION IS OUT OF AREA)
- 5 EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
- GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: PUBLIC UTILITIES
RECORDING DATE: DECEMBER 17, 1946
RECORDING NO: IN BOOK 1466, PAGE 123 OFFICIAL RECORDS
- 6 EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
- GRANTED TO: COUNTY OF ORANGE
PURPOSE: ROAD
RECORDING DATE: DECEMBER 03, 1954
RECORDING NO: IN BOOK 2887, PAGE 64 OFFICIAL RECORDS
- 8 EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
- GRANTED TO: COUNTY OF ORANGE
PURPOSE: ROAD
RECORDING DATE: DECEMBER 04, 1958
RECORDING NO: IN BOOK 4504, PAGE 405 OFFICIAL RECORDS

BASES OF BEARINGS:
BEARINGS SHOWN HEREON ARE BASED ON THE BEARING BETWEEN ORANGE COUNTY SURVEYOR'S HORIZONTAL CONTROL STATION GPS NO. 4163 AND GPS NO. 4161 BEING NORTH 02°12' EAST PER RECORDS ON FILE IN THE OFFICE OF THE ORANGE COUNTY SURVEYOR.

DATUM STATEMENT:
COORDINATES SHOWN ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM (CCS83), ZONE VI, 1983 N.A.D. (2017.50 EPOCH OCS GPS ADJUSTMENT). ALL DISTANCES SHOWN ARE GROUND UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCE, MULTIPLY GROUND DISTANCE BY 0.999998135, (GPS 4163 VALUE).

BENCHMARK STATEMENT:
ORANGE COUNTY SURVEYOR BENCHMARK NO. 1F-156-89
ELEV: 63.44' (ELEVATION BASIS)
DESCRIBED AS: DESCRIBED BY OCS 2002 - FOUND 3 3/4" OCS ALUMINUM BENCHMARK DISK STAMPED "1F-156-89", SET IN THE SOUTHWEST CORNER OF A 4 FT. BY 11 FT. CONCRETE CATCH BASIN. MONUMENT IS LOCATED IN THE SOUTHEAST CORNER OF THE INTERSECTION OF KENT STREET AND HARBOR BOULEVARD, 80 FT. EASTERLY OF THE CENTERLINE OF HARBOR BOULEVARD AND 15 FT. SOUTHERLY OF THE CENTERLINE OF KENT STREET. MONUMENT IS SET LEVEL WITH THE SIDEWALK. (TABLE A-5)

FLOOD NOTE:
THE SUBJECT PROPERTY FALLS WITHIN "ZONE X"; AREAS OF 0.2% ANNUAL CHANCE FLOOD AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD PER FEMA MAP NO. 0605902056, A PRINTED PANEL, EFFECTIVE DECEMBER 3, 2009 (TABLE A-3).

LEGAL DESCRIPTION:
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SANTA ANA IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 10 WEST, S.B.B.A.M., RANCHO LAS BOSLAS, IN THE CITY OF SANTA ANA, AS SHOWN ON A MAP RECORDED IN BOOK 51, PAGE 12 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THE WESTERLY 348.17 FEET THEREOF, MEASURED ALONG THE NORTHERLY LINE OF SAID NORTH HALF.

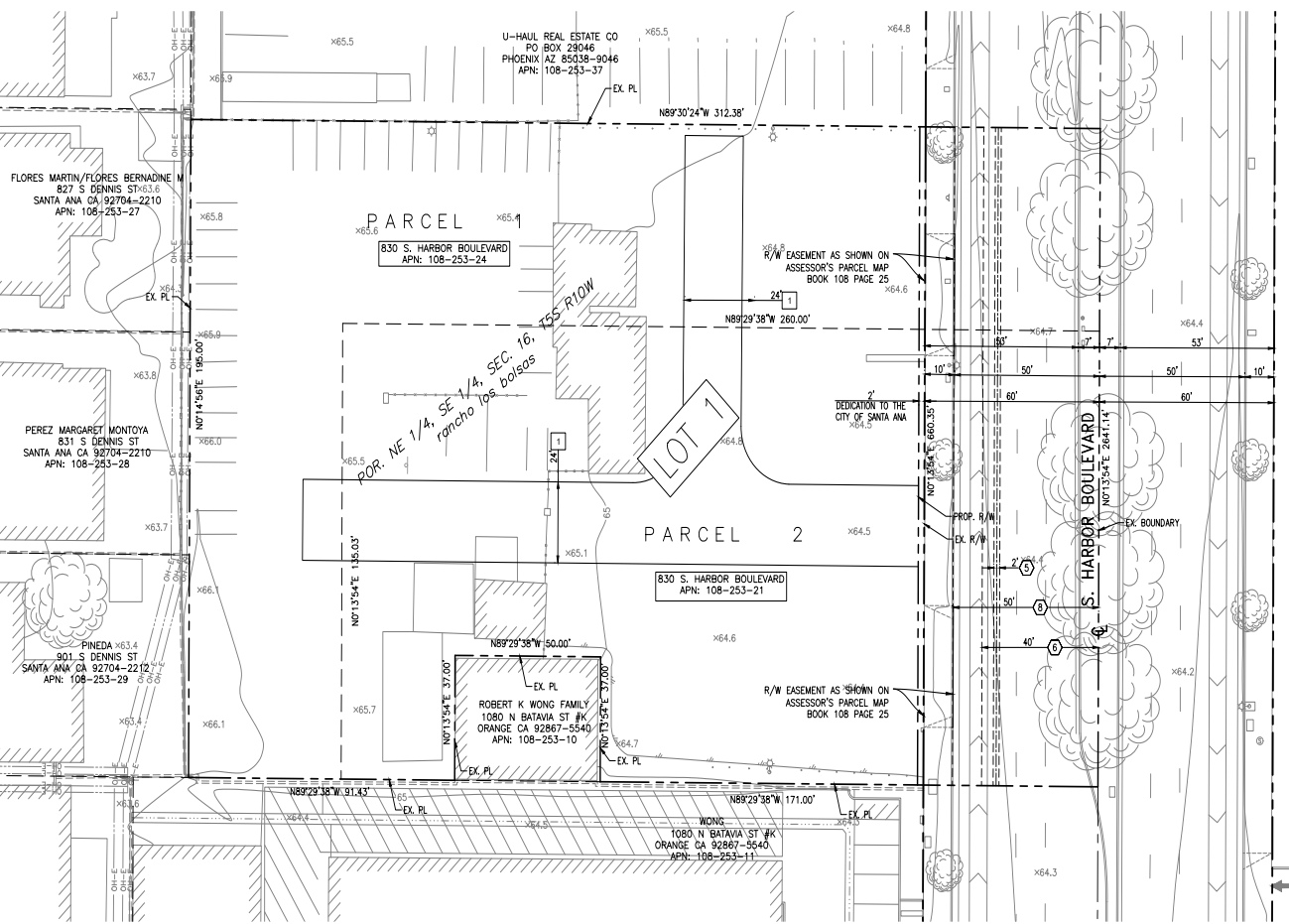
ALSO EXCEPT THE NORTHERLY 135.06 FEET THEREOF.

EXCEPT THE SOUTH 135.03 FEET OF THE EAST 260 FEET THEREOF.

PARCEL 2:

THE SOUTH 135.03 FEET OF THE EAST 260 FEET OF THE NORTH OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 10 WEST, S.B.B.A.M., RANCHO LAS BOSLAS, IN THE CITY OF SANTA ANA, AS SHOWN ON A MAP RECORDED IN BOOK 51, PAGE 12 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THE WEST 50 FEET OF THE EAST 221 FEET OF THE SOUTH 37 FEET THEREOF.



ABBREVIATIONS:

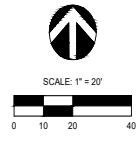
AC	ASPHALTIC CONCRETE	NLY	NORTHERLY
CL	CENTER LINE	NAP	NOT A PART
CB	CATCH BASIN	NTS	NOT TO SCALE
CF	CURB FACE	PCC	PORLAND CEMENT CONCRETE
C&G	CURB & GUTTER	PL	PROPERTY LINE
CLF	CHAINLINK FENCE	PP	POWER POLE
DW	DOMESTIC WATER	PROP	PROPOSED
EA	EACH	R	RADIUS
E'LY	EASTERLY	RCP	REINFORCED CONCRETE PIPE
ESMT	EASEMENT	R/W	RIGHT OF WAY
EX	EXISTING	S	SOUTH
FF	FINISHED FLOOR ELEVATION	SD	STORM DRAIN
FG	FINISHED GRADE	SF	SQUARE FEET
FL	FLOW LINE	S'LY	SOUTHERLY
FW	FIRE WATER	SS	SANITARY SEWER
FS	FINISHED SURFACE	S/W	SIDEWALK
GFF	GARAGE FINISHED FLOOR	TC	TOP OF CURB
HP	HIGH POINT	TG	TOP OF GRATE
INV	INVERT	TW	TOP OF WALL
MH	MANHOLE	TYP	TYPICAL
MIN	MINIMUM	WLY	WESTERLY
MSC	MISCELLANEOUS		

PROPOSED EASEMENT
1 EMERGENCY VEHICLE TRASH COLLECTION AND PUBLIC UTILITY EASEMENT

REVISIONS

NUMBER	DATE	INITIALS	DESCRIPTION	APPROVED	INSTALLED

PLANS PREPARED BY:
C&V CONSULTING, INC.
CIVIL ENGINEERING
LAND PLANNING AND SURVEYING
3830 IRVINE CENTER DRIVE
IRVINE, CA 92618
TEL: 949.453.8888
FAX: 949.453.8888
WWW.CVCONSULTING.COM



VESTED OWNER:
MAS INVESTMENTS, A CALIFORNIA LIMITED PARTNERSHIP

DEVELOPER/SUBDIVIDER:
CITY VENTURES HOMEBUILDING, LLC
3121 MICHELSON DRIVE, SUITE 150
IRVINE, CA 92612
(949) 258-7555

EXISTING LAND AREA:
GROSS: 1.13 AC (49,223 SF)
NET: 1.36 AC (59,242 SF)

ASSESSOR PARCEL NO.:
PARCEL 1: 108-253-24
PARCEL 2: 108-253-21

PROPOSED NO. OF LOTS:
1 LOT FOR CONDOMINIUM PURPOSES

CONTACT INFORMATION:

ELECTRICITY: SOUTHERN CALIFORNIA EDISON
PH. (800) 655-4555

GAS: THE SOUTHERN CALIFORNIA GAS COMPANY
PH. (800) 427-2200

TELEPHONE: AT&T
PH. (800) 225-5288

WATER: CITY OF SANTA ANA WATER DEPARTMENT
PH. (714) 647-3341

SEWER: CITY OF SANTA ANA PUBLIC WORKS DEPARTMENT
PH. (714) 647-5690

CABLE TV: TIME WARNER CABLE
PH. (800) 961-9941

SCHOOL DISTRICT: SANTA ANA UNIFIED SCHOOL DISTRICT
PH. (714) 558-5501

FIRE PROTECTION: ORANGE COUNTY FIRE AUTHORITY
AGENCY: PH. (714) 573-6100

BUILDING SETBACKS

FRONT: 8.0' MAXIMUM
SIDE: 5.0' MINIMUM
REAR: 15.0' 2-STORY
20.0' 3-STORY

LANDSCAPE AREA:
PROP. LANDSCAPE AREA = 0.16 AC (7,057 SF)

PRE-PROJECT CONDITION	AREA	PERVIOUS PERCENTAGE	IMPERVIOUS PERCENTAGE
	0.00 AC	0 %	1.13 AC 100 %
POST-PROJECT CONDITION	0.16 AC	15.0 %	0.92 AC 85.0 %

CIVIL ENGINEER:
C&V CONSULTING, INC.
CIVIL ENGINEERING
LAND PLANNING AND SURVEYING
3830 IRVINE CENTER DRIVE
IRVINE, CA 92618
TEL: 949.453.8888
FAX: 949.453.8888
WWW.CVCONSULTING.COM

REGISTERED PROFESSIONAL ENGINEER
No. 68187
CIVIL
STATE OF CALIFORNIA

PREPARED UNDER THE SUPERVISION OF :
RYAN J. BITNER R.C.E. 6167 DATE

4/25/2022
Planning Commission

TENTATIVE TRACT MAP NO. 19142
TITLE SHEET
830 S. HARBOR BOULEVARD
CITY OF SANTA ANA
PUBLIC WORKS AGENCY
CITY OF SANTA ANA

SHEET 1 OF 3

ORANGE COUNTY REPORTER

~SINCE 1921~

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CITY OF SANTA ANA/PLANNING & BUILDING
20 CIVIC CENTER PLAZA 2ND FLR
SANTA ANA, CA 92702

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE

Ad Description
830 S Harbor Blvd

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04/13/2022

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

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THE DAILY TRANSCRIPT, SAN DIEGO	(619) 232-3486
THE INTER-CITY EXPRESS, OAKLAND	(510) 272-4747

OR# 3575420

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: 830 South Harbor Boulevard

Project Applicant: Kim Prijatel with City Ventures, representing property owner MAS Investments LP

Proposed Project: The applicant is requesting approval of a tentative tract map (TM) to permit the subdivision of a proposed 23, three-story attached townhome development. Pursuant to SAMC Section 34-127, the City of Santa Ana Planning Commission is responsible for approving tentative tract maps. Staff is recommending approval of the applicant's request due to the project's compliance with the zoning and all corresponding development standards.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA), proposed development project has been determined to be adequately evaluated in the previously certified EIR No. 2014-01 as per Sections 15162 and 15168 of the CEQA guidelines. The project entails construction of an infill residential community whose scope and impacts were evaluated to ensure conformance to the Environmental Impact Report (SCH No. 2013061027) prepared and certified for the SP-2 zoning district. Environmental Review No. 2021-52 will be filed for the project.

Meeting Details: This matter will be heard on **Monday, April 25, 2022 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 Christina Leonard, 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 <https://santa-ana.primegov.com/public/portal>.

Who To Contact For Questions: Should you have any questions, please contact

Ali Pezeshkpour with the Planning and Building Agency at APezeshkpour@santa-ana.org or 714-647-5882.

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 Nardcedalia Perez (714) 667-2260.

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

4/13/22

OR-3575420#



* A 0 0 0 0 0 5 9 9 0 3 8 6 *

4/25/2022

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

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. This notice is being sent to those who live or own property within 1000 feet of the project site or who have expressed an interest in the proposed action. 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: 830 South Harbor Boulevard

Project Applicant: Kim Prijatel with City Ventures, representing property owner MAS Investments LP

Proposed Project: The applicant is requesting approval of a tentative tract map (TM) to permit the subdivision of a proposed 23, three-story attached townhome development. Pursuant to SAMC Section 34-127, the City of Santa Ana Planning Commission is responsible for approving tentative tract maps. Staff is recommending approval of the applicant's request due to the project's compliance with the zoning and all corresponding development standards.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA), proposed development project has been determined to be adequately evaluated in the previously certified EIR No. 2014-01 as per Sections 15162 and 15168 of the CEQA guidelines. The project entails construction of an infill residential community whose scope and impacts were evaluated to ensure conformance to the Environmental Impact Report (SCH No. 2013061027) prepared and certified for the SP-2 zoning district. Environmental Review No. 2021-52 will be filed for the project.

Meeting Details: This matter will be heard on **Monday, April 25, 2022 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.

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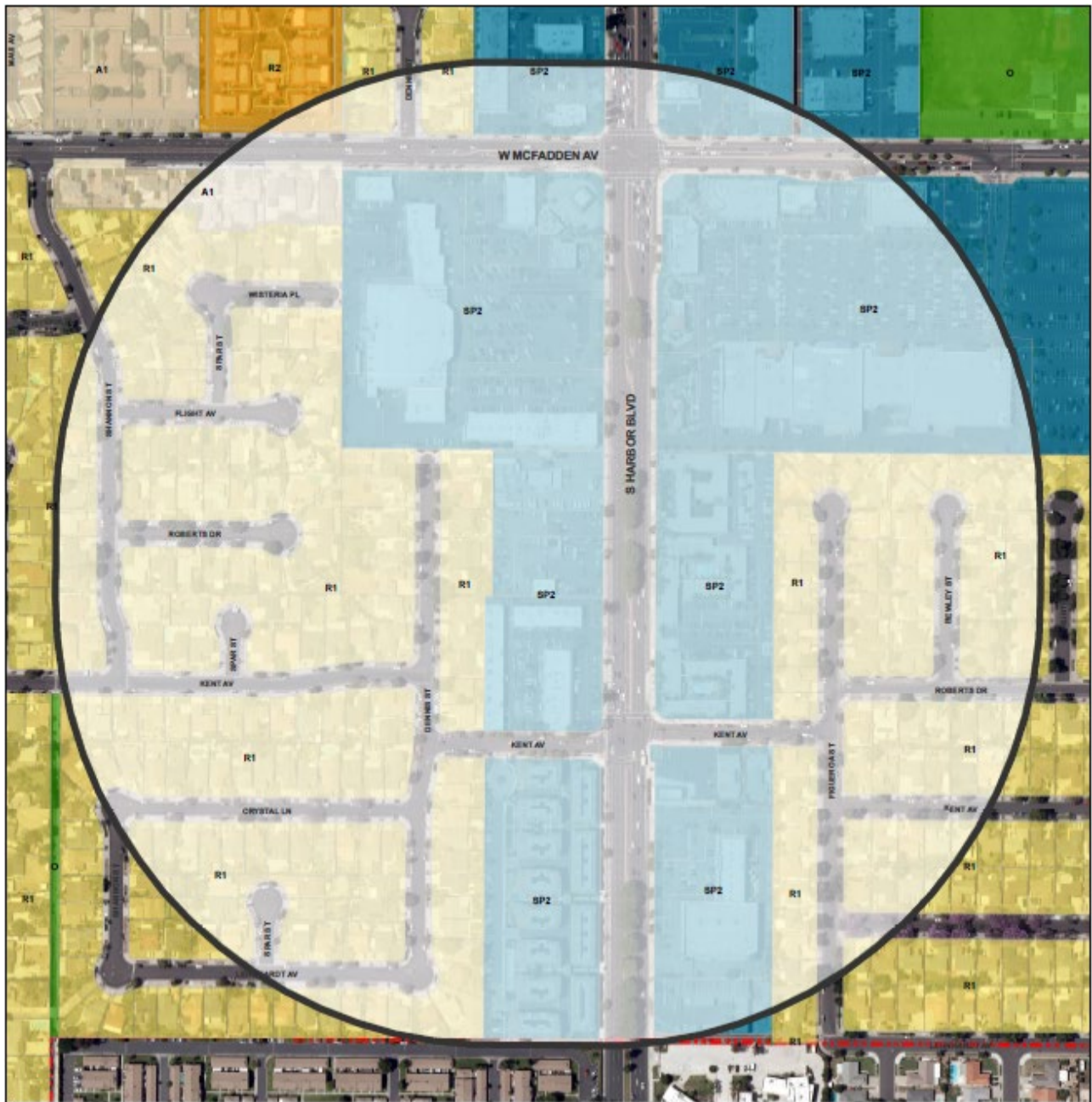
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Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.**

1000' RADIUS NOTIFICATION MAP



NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

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City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
April 25, 2022

Topic: Environmental Review No. 2022-19 and Zoning Ordinance Amendment No. 2022-01 - Repeal Article XII of Chapter 41 of the Santa Ana Municipal Code and Adopt a New Off-Premise Commercial Advertising Signs (Billboards) Ordinance and Modify Thresholds for Development Project Plan Approvals for Billboards.

RECOMMENDED ACTIONS

1. Recommend that the City Council approve and adopt Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Environmental Review No. 2022-19
2. Recommend that the City Council adopt an ordinance approving Zoning Ordinance Amendment (ZOA) No. 2022-01 to repeal Article XII of Chapter 41 of the Santa Ana Municipal Code and adopt a new off-premise commercial advertising signs (billboards) ordinance, and to modify thresholds for development project plan approvals for billboards.

EXECUTIVE SUMMARY

The City of Santa Ana is proposing to repeal Article XII (Off-Premise Commercial Advertising Signs) of Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC) and re-adopt a new ordinance that would allow the construction of new digital billboards and reconstruction of existing billboards with digital displays, subject to certain location and development standards. The existing ordinance, adopted in 1984 and last modified in 1987, is out of compliance with State laws and does not address the evolving nature of the billboard industry. Under the proposed ordinance, digital billboards would be allowed subject to certain permit requirements, as well as obligations to remove static billboards in Santa Ana or community and economic benefit plan agreements.

DISCUSSION

Background and Existing Conditions

Article XII of the Zoning Code was first adopted in 1984 (Ordinance NS-1722), allowing and regulating off-premise commercial advertising signs (billboards) subject to certain location and development standards. In 1987, the City Council adopted Ordinance NS-

1915 to amend and update billboard regulations by excluding such advertising signs from “Critical Development Areas” and “Improvement Areas,” which restricted billboard placement in many areas of the City.

Beginning in 2017, the City Council directed staff to explore updating the existing billboard ordinance to allow for new digital billboards and the conversion (reconstruction) of existing billboards to digital displays subject to providing net economic and community benefits that may include public service announcements, reduction of existing static billboards within the City, and revenue sharing. Areas of exploration for new digital billboards included freeway corridors, Downtown parking structures, and the Santa Ana Stadium. Following this evaluation, in November 2018, staff provided feedback on the research to the former Economic, Development, Infrastructure, Budget & Technology (EDIBT) Committee in place at the time to proceed with regulations allowing digital billboards along freeways within City limits.

The City of Santa Ana Public Works Agency is in a concurrent process to enter into an agreement with a vendor for the installation of digital billboards and other digital advertisements on City-owned sites along freeways, major roadways, bus shelters, and City-owned parking structures in Downtown. This agreement is subject to separate consideration by the City Council. However, the development regulations drafted for the agreement are consistent with those proposed by the ordinance that is the subject of this request.

There are currently 92 billboard structures in Santa Ana. These billboards are all static (non-digital) and are located along freeways and roadways, such as at major intersections and on major arterials. The existing billboards range in size, with small, medium, and large displays; displays with or without external illumination; and displays that are either single- or double-sided.

Nearly all of the billboards are legal nonconforming because they are located in areas identified as “Critical Development Areas” and “Improvement Areas” on a map adopted in 1987, and because of their size, location, and lack of billboard permit. Because the proposed ordinance would allow only digital billboards, these existing static billboards would remain legal nonconforming. However, the proposed ordinance would allow installation of digital billboards in exchange for removal of static billboards citywide.

Proposed Ordinance

The proposed ordinance would allow the construction of new digital billboards and reconstruction of eligible existing, static billboards to contain digital displays. Digital billboards would be permitted only on sites near a freeway, and new static displays would be prohibited. Depending on the type of construction or conversion proposed, digital billboards would require administrative (staff) review and approval, or approval of a

conditional use permit (CUP) by the Planning Commission. Table 1 of this report outlines the proposed review and approval process.

Table 1: Proposed Review and Approval Process

Billboard Type	Permit Type Required	Approving Body	Public Hearing Required
New Digital Billboard	Development Project Plan	Director of PBA	Yes
	Conditional Use Permit	Planning Commission	
	Operating Agreement	City Manager	
Conversion/Reconstruction of Existing Freeway-Oriented Static Billboard	Development Project Plans	Director of PBA	No
	Operating Agreement	City Manager	
Conversion/Reconstruction of Existing Freeway-Oriented On-Premise Sign	Development Project Plan	Director of PBA	Yes
	Conditional Use Permit	Planning Commission	
	Operating Agreement	City Manager	
Relocation of Existing Static or Digital Billboards ⁽¹⁾	Development Project Plan	Director of PBA	Yes
	Conditional Use Permit	Planning Commission	
	Operating Agreement	City Manager	

Notes:
 1. If required and permitted by the California Outdoor Advertising Act, as amended from time to time.

All digital billboards would be subject to execution of an operating agreement of form and content acceptable to the City Manager. The use of operating agreements is similar to existing procedures and templates in use for other unique project types, such as commercial cannabis businesses. Table 2 of this report illustrates the proposed development standards for digital billboards.

Table 2: Proposed Development Standards

Item	Existing Ordinance	Proposed Ordinance
Site Use or Zoning	Prohibited on sites zoned Residential Estate (RE), Single-Family Residence (R1), Two-Family Residence (R2), Multiple-Family Residence (R3)/High-Density Multiple-Family Residence (R3H), Suburban Apartment (R4), Professional (P), and Civic Development (CD), as well as	Allowed sites zoned and used for non-residential purposes; may be modified with issuance of a CUP in specific development zones, specific plan areas, and overlay zones where mixed-use residential/commercial developments are permitted.

ZOA No. 2022-01 – Adopt New Off-Premise Commercial Advertising Signs (Billboards) Ordinance.

April 25, 2022

Page 4

Item	Existing Ordinance	Proposed Ordinance
	Critical Development Areas and Improvement Areas map.	
Location near Freeway	Prohibited within 750 feet of a freeway right-of-way.	Allowed within 300 feet of the edge of payment of a freeway.
Separation from Residential	Prohibited within 300 feet of residentially-zoned or used property.	Minimum 500-foot separation from residentially-zoned property; may be reduced to 150-foot separation subject to issuance of a CUP in specific development zones, specific plan areas, and overlay zones where mixed-use residential/commercial developments are permitted.
Overall Height	Maximum 35 feet.	Maximum 60 feet.
Size of Billboard Face	Maximum 300 square feet.	As permitted by Caltrans (maximum 25 feet by 60 feet, and maximum 1,200 square feet).
Separation Between Billboards	Minimum 800 feet.	Minimum 1,000 feet between digital billboards (as permitted by Caltrans)
Lighting	No external or internal (digital) illumination permitted.	No external illumination permitted; maximum illumination of digital display 0.3 foot-candles above ambient lighting conditions.
Permit Requirement	Billboard permit subject to Zoning Administrator review and approval; Relocation subject to billboard permit review and approval by the Zoning Administrator, and relocation agreement review and approval by the Planning Commission and City Council.	New billboard: CUP + Operating Agreement Conversion/Reconstruction: Administrative Approval + Operating Agreement Conversion of Existing Digital On-Premise Sign and Relocation of Existing Billboard: CUP + Operating Agreement.
Operating Agreement	None required.	All billboards would be subject to execution of an Operating Agreement demonstrating provisions providing net economic and community benefits.

ZOA No. 2022-01 – Adopt New Off-Premise Commercial Advertising Signs (Billboards) Ordinance.

April 25, 2022

Page 5

Item	Existing Ordinance	Proposed Ordinance
Billboard Removal and Economic and Community Benefits Obligations	None required.	All billboards would be subject to removal of static billboards from within Santa Ana, with an option for obligations to fulfill economic and community benefits.

Analysis

Since the adoption of Ordinance Nos. NS-1722 and NS-1915, amendments to the Outdoor Advertising Act and other regulations and policies of the California Department of Transportation (Caltrans), as well as changes in technology allowing digital displays on billboards, have rendered many segments of the Article XII of Chapter 41 of the SAMC outdated and obsolete. This status effectively prohibits construction or reconstruction of new or existing billboards, as well as installation of electronic message displays. Since their adoption, these ordinances have also effectively rendered existing billboards in Santa Ana as legal nonconforming.

The California Outdoor Advertising Act, set forth in California Business and Professions Code Section 5200 et seq., generally provides that compensation must be paid to billboard owners for the removal, abatement, or limitation of the customary maintenance, use, or repair of certain lawfully erected nonconforming billboards, except through a relocation agreement. Business and Professions Code Section 5412 specifically empowers a city to enter into relocation agreements on whatever terms are agreeable to an outdoor advertising display owner and such city as a means of eliminating the need to pay compensation for their removal from areas of the city that may be inappropriate or cause blight.

Construction of new billboards is prohibited along highways designated as landscaped freeways with certain exceptions, including the construction of relocated billboards pursuant to California Business and Professions Code Section 5443.5 or the construction of new billboards along portions of landscaped freeways that have been declassified. Business and Professions Code Section 5412 further empowers a city to adopt ordinances or resolutions providing for the relocation of billboards. However, the relocation provisions contained in the current ordinance effectively prohibit relocation of billboards within the City; therefore, the proposed ordinance would bring the City's off-premise commercial advertising signs ordinance into compliance with State law.

Improvements in technology have also allowed for the modernization of advertising by way of the creation of digital messaging, which have been utilized by advertising companies throughout the nation for both on- and off-premise commercial advertising displays. In Santa Ana, digital on-premise advertising signs have been permitted by the Zoning Code since 2014; four such displays currently exist at MainPlace, the Discovery

Cube, Tom's Trucks Center, and McFadden Place and will remain permitted through their respective Regional Planned Sign Program applications, pursuant to SAMC Sec. 41-885. The regulations applicable to these types of on-premise digital displays are reflected in the draft ordinance for off-premise digital signs, as they have been proven to effectively reduce the visual impact of digital signs based on ambient lighting conditions (i.e., sunny, cloudy, dawn/dusk, and nighttime brightness).

Should the ordinance be adopted and implemented, it is estimated that a total of 10-15 new digital or converted digital billboards may be constructed along either the Santa Ana (I-5), Garden Grove (SR-22), and Costa Mesa (SR-55) freeways. The segments include portions of I-5 between MainPlace Mall and the Santa Ana Zoo, a small segment of SR-22 near Grand Avenue, and SR-55 between I-5 and MacArthur Boulevard. Portions of SR-22 and SR-55 near residential areas would be largely excluded due to proximity to residential areas and Caltrans designation as landscaped freeways. The ordinance's proposed development regulations would require that all displays be freeway-oriented to reduce visual impact onto any nearby private properties, such as residential uses, schools, and parks. As Santa Ana contains some of the region's most heavily-travelled freeways, the City is in a position to maximize visibility and revenue-generating capacities from the new billboards. The proposed ordinance is also drafted to be in compliance with all current applicable State and Federal regulations, including prohibitions against locating new digital billboards in any areas designated as landscaped freeway and/or scenic highways.

Public Notification and Community Outreach

The Planning Commission held three work-study sessions on the proposed ordinance in June and July 2020 and in February 2022. The three work-study sessions were published on each meeting's respective agendas. The Planning Commission posed questions and provided feedback to staff during each study session regarding location, separation, and digital display brightness, as well as economic and community benefits. The proposed ordinance is reflective of this feedback. As the work-study sessions were published on the meetings' agendas, opportunities were provided to the community to provide feedback and pose questions.

As part of the ordinance preparation process, including the release of the Mitigated Negative Declaration for the 30-day public comment period, the City notified and received communication from 10 established Neighborhood Associations that could be affected by construction or reconstruction of new digital billboards. These Neighborhood Associations include: Morrison/Eldridge Park, Fisher Park, Floral Park, Santa Ana Triangle, Park Santiago, Logan, Grand Sunrise, Mabury Park, Saddleback View, and Lyon Street. As of the date of this report's publication, no significant issues or concerns were identified by any of these 10 Neighborhood Associations' contacts or residents.

In accordance with Assembly Bill No. 52, the City sent invitations for consultation to local Native American tribes. Following the 30-day invitation period for consultation, no requests were received. Lastly, notifications of the proposed ZOA were published in accordance with City and State regulations. A copy of the public notice is provided in Exhibit 5.

ENVIRONMENTAL IMPACT

A Mitigated Negative Declaration (MND) including one technical study evaluating air quality and greenhouse gas, was prepared for the project. No areas of significance or unavoidable impacts were determined to occur from the construction or operation of the proposed project with the implementation of mitigation measures (Exhibit 1). The MND was available for public review and comment for 30 days as required by CEQA between March 7 and April 6, 2022. One comment was received from the City of Orange. A written response to the comment were prepared and incorporated into the environmental document.

The project requires adoption of a Mitigation Monitoring and Reporting Program (MMRP), which will reduce all identified impacts to less than significant with implementation of the MMRP. Based on the environmental checklist form completed for the proposed project and supporting environmental analysis, the project would have no impact or a less than significant impact on the following environmental issue areas: Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Energy, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire. The proposed project's impacts on the following issue areas would be less than significant with the implementation of mitigation: Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Tribal Cultural Resources. All impacts would be less than significant after mitigation.

FISCAL IMPACT

Applications for new or reconstructed/converted billboards are expected to generate up to \$95,000 over the life of the ordinance, based on the current conditional use permit application fee of \$6,150.89 and up to 15 locations, subject to annual fee rate adjustments. In addition, the estimated value of the economic and community benefits deriving from each billboard in monetary value is expected to range from \$125,000 to \$300,000 per billboard annually.

EXHIBIT(S)

1. Resolution Approving and Adopting Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

ZOA No. 2022-01 – Adopt New Off-Premise Commercial Advertising Signs (Billboards)
Ordinance.

April 25, 2022

Page 8

2. Ordinance approving Zoning Ordinance Amendment No. 2022-01.
3. Billboard Potential Areas Maps
4. Map of Existing Billboards in Santa Ana
5. Draft Operating Agreement Template
6. Copy of Public Notice

Submitted By:

Ali Pezeshkpour, AICP, Principal Planner

Approved By:

Minh Thai, Executive Director, Planning and Building Agency

RESOLUTION NO. 2022-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE SANTA ANA OFF-PREMISES COMMERCIAL SIGNS ORDINANCE UPDATE PROJECT

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

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

A. The City of Santa Ana is seeking approval of Zoning Ordinance Amendment No. 2022-01 to repeal and reenact in its entirety Article XII of Chapter 41 of the Santa Ana Municipal Code pertaining to off-premise commercial advertising signs (billboards). This Ordinance, referred to as the Santa Ana Off-Premises Commercial Advertising Signs Ordinance Update Project (“Project”), would allow the construction and reconstruction of new digital billboards in certain areas of the city subject to location requirements and development standards.

B. The Project is required to undergo an environmental review pursuant to the California Environmental Quality Act (CEQA) and the state CEQA Guidelines. Through its consultant, the City prepared an Initial Study leading to a Mitigated Negative Declaration (“IS/MND”) for the Project. Based on the IS/MND, the Project would have no impact or a less than significant impact on the following environmental issue areas: Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Energy, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire. The Project’s impacts on the following issue areas would be less than significant with the implementation of mitigation: Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, and Tribal Cultural Resources. All impacts would be less than significant after mitigation.

C. The Mitigated Negative Declaration (MND), Environmental Review (ER) No. 2022-19, for the Project reflects the City’s independent judgement and analysis as lead agency for the project.

D. On March 7, 2022, a Notice of Intent (NOI) to adopt the IS/MND, ER No. 2022-19, was published in the Orange County Register newspaper and circulated to interested parties, including listed contacts for 10 Neighborhood Associations in Santa Ana.

E. In accordance with California Public Resources Code section 21091 and State CEQA Guidelines Section 15073, the Initial Study/Mitigated Negative Declaration for the Project was circulated for a 30-day public review and comment period from March 7 through April 6, 2022. The City initiated a 30-day public comment period by filing a Notice of Completion and Availability with the State Office of Planning and Research. The document was available for public review at the Santa Ana City Hall, Santa Ana Public Library, on the project's webpage on the City's website, and at State Office of Planning and Research State Clearinghouse webpage (SCH Number 2022030204). At the completion of the comment period, one comment from the City of Orange was received and incorporated as part of the Final Initial Study/Mitigated Negative Declaration ("Final IS/MND") and is incorporated herein by reference.

F. The mitigation measures set forth in the MND are fully enforceable and will be implemented using the related Mitigation Monitoring and Reporting Program, accompanying the Final IS/MND in order to avoid or minimize adverse environmental impacts identified therein.

G. On April 25, 2022, the Planning Commission of the City of Santa Ana held a duly noticed public hearing to consider all testimony, written and oral, related to the Final IS/MND and the related Mitigation Monitoring and Reporting Program for the Project, at which time all persons wishing to testify were heard. The Planning Commission recommended that the City Council adopt MND, ER No. 2022-19, and the related MMRP for the Project.

H. On May 17, 2022, the City Council of the City of Santa Ana held a duly noticed public hearing to consider all testimony, written and oral, related to the Final IS/MND and the related Mitigation Monitoring and Reporting Program for the Project, at which time all persons wishing to testify were heard, and the project was fully considered, and all other legal prerequisites to the adoption of this Resolution occurred.

Section 2. The City Council has independently reviewed and analyzed the information contained in the Final Initial Study/Mitigated Negative Declaration for the Project. The City Council has, as a result of its consideration and the evidence presented at the hearing on this matter, determined that, as required pursuant to the CEQA and the State CEQA Guidelines, the Final IS/MND adequately addresses the expected environmental impacts of the Project. On the basis of this review, the City Council finds that there is no substantial evidence from which it can be fairly argued that the Project will have a significant adverse effect on the environment.

Section 3. The City Council hereby adopts the Final IS/MND, attached hereto as Exhibit A, and the related Mitigation Monitoring Program, attached hereto as Exhibit B, and directs that a Notice of Determination be prepared and filed within five (5) working days of final Project approval with the Clerk of the County of Orange in the manner required by law. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to: the Request for City Council

Action dated May 17, 2022 and exhibits attached hereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

Section 4. The City Council hereby approves the Project, based upon the entire record before it and all written and oral evidence presented

Section 5. Pursuant to Title XIV, California Code of Regulations, section 753.5(c)(1), the City Council has determined that, after considering the record as a whole, there is no evidence that the proposed project will have the potential for any significant adverse effect on fish and wildlife. The proposed project exists in an urban environment characterized by paved concrete, roadways, surrounding buildings and human activity. However, the payment of Fish and Game Department filing fees in conjunction with this Project is at the ultimate discretion of the State of California Department of Fish and Wildlife.

Section 6. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this ____ day of _____, 2022.

Vicente Sarmiento
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

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

AYES: Councilmembers _____

NOES: Councilmembers _____

ABSTAIN: Councilmembers _____

NOT PRESENT: Councilmembers _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, DAISY GOMEZ, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2022-XXX to be the original resolution adopted by the City Council of the City of Santa Ana on _____.

Date: _____

Clerk of the Council
City of Santa Ana

EXHIBIT A
MITIGATED NEGATIVE DECLARATION

The Mitigated Negative Declaration for the Project and Technical Studies are available
online at:

<https://www.santa-ana.org/billboard-ordinance-update>

Or in person by visiting:

Planning and Building Agency – Planning Division Public Counter

20 Civic Center Plaza

Santa Ana, CA 92701

Or

Santa Ana Public Library (Main Library)

26 Civic Center Plaza

Santa Ana, CA 92701

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code [PRC] 21081.6). PRC Section 21081.6 provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined prior to final certification of the Final Initial Study-Mitigated Negative Declaration (IS-MND).

This Mitigation Monitoring and Reporting Program (MMRP) is intended to track and ensure compliance with adopted mitigation measures during the project implementation phase. For each mitigation measure recommended in the Final IS-MND, specifications are made herein that identify the action required, the monitoring that must occur, and the agency or department responsible for oversight.

The table below lists mitigation measures that reduce the potentially significant effects of the proposed project. These measures correspond to those discussed in in the IS-MND. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised that identifies the timing and entity/agency responsible for monitoring each measure. The City of Santa Ana will have the responsibility for implementing the measures, and various public agencies will have the primary responsibility for enforcing, monitoring, and reporting the implementation of the mitigation measures.

SANTA ANA OFF-PREMISES COMMERCIAL
ADVERTISING SIGNS ORDINANCE UPDATE
PROJECT
MITIGATION MONITORING
AND REPORTING PROGRAM

Prepared for

City of Santa Ana
Planning and Building Agency
20 Civic Center Plaza
Santa Ana, California 92702

Prepared by

Kimley-Horn and Associates, Inc.
1100 W. Town and Country Road, Suite 700
Orange, California 92868

Date

April 2022

PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that all public agencies establish monitoring and/or reporting procedures for mitigation adopted as conditions of approval in order to mitigate or avoid significant environmental impacts. This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide a vehicle by which to monitor mitigation measures (MMs) outlined in the Santa Ana Off-Premises Commercial Advertising Signs (Billboards) Ordinance Update Project Initial Study and Mitigated Negative Declaration (IS/MND). The MMRP has been prepared in conformance with Section 21081.6 of the Public Resources Code and City of Santa Ana Monitoring Requirements. Specifically, Section 21081.6 states:

- (a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:
 - (1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.
 - (2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

CEQA Guidelines Section 15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during project implementation. The City of Santa Ana is the Lead Agency for the project and is therefore responsible for ensuring the implementation of the MMRP. The MMRP has been drafted to meet the requirements of Public Resources Code Section 21081.6 as a fully enforceable monitoring program.

The MMRP is comprised of the Mitigation Program and includes measures to implement and monitor the Mitigation Program. The MMRP defines the following for each MM:

- **Definition of Mitigation.** The Mitigation Measure contain the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.
- **Responsible Party or Designated Representative.** Unless otherwise indicated, an applicant would be the responsible party for implementing the mitigation, and the City of Santa Ana or designated representative would be responsible for monitoring the performance and implementation of the mitigation measure. To guarantee that the mitigation will not be inadvertently overlooked, a supervising public official acting as the Designated Representative is the official who grants the permit or authorization called for in the performance. Where more than one official is identified, permits or authorization from all officials shall be required.

- **Time Frame.** In each case, a time frame is provided for performance of the mitigation or the review of evidence that mitigation has taken place. The performance points selected are designed to ensure that impact-related components of project implementation do not proceed without establishing that the mitigation is implemented or ensured. All activities are subject to the approval of all required permits from agencies with permitting authority over the specific activity.

The numbering system in the table corresponds with the numbering system used in the IS/MND. The last column of the MMRP table will be used by the parties responsible for documenting when implementation of the mitigation measure has been completed. The ongoing documentation and monitoring of mitigation compliance will be completed by the City of Santa Ana. The completed MMRP and supplemental documents will be kept on file at the City of Santa Ana Planning and Building Agency, Planning Division.

**SANTA ANA BILLBOARDS ORDINANCE
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures (MMs)	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
Air Quality					
<p>SC AQ-1: Dust Control. During construction, construction contractors shall comply with South Coast Air Quality Management District (SCAQMD) Rules 402 and 403 in order to minimize construction emissions of dust and particulates. SCAQMD Rule 402 requires that air pollutant emissions not be a nuisance off-site. Rule 402 prohibits the discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.</p> <p>SCAQMD Rule 403 requires that fugitive dust be controlled with Best Available Control Measures so that the presence of such dust does not remain visible beyond the property line of the emission source. This rule is intended to reduce PM₁₀ emissions from any transportation, handling, construction, or storage activity that has the potential to generate fugitive dust. This requirement shall be included as notes on the contractor specifications. Table 1 of Rule 403 lists the Best Available Control Measures that are applicable to all construction projects. The measures include, but are not limited to, the following:</p> <ol style="list-style-type: none"> a. Portions of a construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized. b. All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized. c. All material transported off-site will be either sufficiently watered or securely covered to prevent excessive amounts of dust. d. The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized at all times. 	<p>During construction</p>	<p>Best available control measures shown on construction plans</p> <p>Site inspections</p>	<p>Planning and Building Agency</p>		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
e. Where vehicles leave a construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the workday to remove soil tracked onto the paved surface.					
Cultural Resources					
SC CR-1: California Health and Safety Code Section 7050.5, CEQA Guidelines Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered, disturbance of the site shall be halted until the coroner has conducted an investigation into the circumstances, manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Public Resources Code Section 5097.98. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.	During construction/ ground disturbance activities	Site inspections	Planning and Building Agency		
MM CR-1: Prior to the issuance of a grading permit or permit for ground disturbance activities for a billboard, the applicant shall provide evidence to the City of Santa Ana that a qualified professional (i.e., archaeologist, historian, architect, Native American Tribal monitor), has been retained. The selection of the qualified professional(s) shall be subject to the acceptance of the City. In the event that cultural resources (archaeological, historical, paleontological) are inadvertently unearthed during excavation and grading activities of any future development project, the contractor, monitor, or archaeologist shall immediately cease all earth-disturbing activities within a 100-foot radius of the area of discovery. The qualified professional shall be contacted to evaluate the significance of the finding an appropriate course of action. Any unique archaeological resource that is discovered shall be treated in accordance with PRC 21083.2. If avoidance of the resource(s) is not feasible, salvage operation	Prior to issuance of the first grading permit or permit for ground disturbance activities During excavation and grading activities	Qualified Professional Contract Site inspections	Planning and Building Agency		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
requirements pursuant to Section 15064.5 of the State CEQA Guidelines shall be followed. After the find has been appropriately avoided or mitigated, work in the area may resume.					
Geology and Soils: Paleontology					
MM GEO-1: Prior to the issuance of a grading permit or permit for ground disturbance activities for a billboard, the applicant shall provide evidence to the City of Santa Ana that a qualified professional paleontologist has been retained. The selection of the qualified professional(s) shall be subject to the acceptance of the City. In the event that paleontological are inadvertently unearthed during excavation and grading activities of any future development project, the paleontologist or contractor shall temporarily cease all earth-disturbing activities within a 100-foot radius of the area of discovery. The qualified professional shall be contacted to evaluate the significance of the finding an appropriate course of action. If avoidance of the resource(s) is not feasible, salvage operation requirements pursuant to Section 15064.5 of the State CEQA Guidelines shall be followed. After the find has been appropriately avoided or mitigated, work in the area may resume.	Prior to issuance of the first grading permit or permit for ground disturbance activities During excavation and grading activities	Grading Permit review/approval Site inspections	Planning and Building Agency		
Hazards and Hazardous Materials					
MM HAZ-1: The applicant shall retain a qualified environmental consultant to prepare a Soil Management Plan for Contaminated Soils (SMP) for any proposed billboard. The SMP shall be submitted to the City of Santa Ana Planning and Building Agency for review and approval prior to the commencement of excavation and grading activities. The SMP shall be implemented during excavation and grading activities on the project site to ensure that any contaminated soils are properly identified, excavated, and disposed of off of the site.	Prior to issuance of the first grading permit or permit for ground disturbance activities During excavation and grading activities	Grading Permit review/approval Approved Soil Management Plan Implementation of Soil Management Plan during excavation and grading activities	Planning and Building Agency		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
Noise					
SC N-1: All construction activities should be limited to the hours between the hours of 7 a.m. and 8:00 p.m. on weekdays, 8 a.m. and 6 p.m. on weekdays, including Saturday, or any time on Sunday or a federal holiday per Santa Ana Municipal Code Chapter 18-314.	During construction	Site inspections	Planning and Building Agency		

ORDINANCE NO. NS-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA REPEALING AND REENACTING IN ITS ENTIRETY ARTICLE XII OF CHAPTER 41 OF THE SANTA ANA MUNICIPAL CODE PERTAINING TO OFF-PREMISE COMMERCIAL ADVERTISING SIGNS AND DEVELOPMENT PROJECT PLAN APPROVALS TO ALLOW AND REGULATE NEW DIGITAL BILLBOARDS SUBJECT TO CERTAIN LOCATION, DESIGN, AND OPERATIONAL REQUIREMENTS

THE CITY COUNCIL OF THE CITY OF SANTA ANA HEREBY ORDAINS AS FOLLOWS:

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

A. On April 16, 1984, the City Council adopted Ordinance No. NS-1722, adding Article XII to Chapter 41 of the Santa Ana Municipal Code (SAMC) allowing and regulating off-premise commercial advertising signs, commonly known as billboards.

B. On June 15, 1987, the City Council adopted Ordinance No. NS-1915, adopting a revised “Critical Development Areas” and “Improvement Areas” map to further allow and regulate off-premise commercial advertising signs in certain segments of the City.

C. On September 8, 1987, the City Council adopted Ordinance No. NS-1927, further amending certain sections of Article XII of the Santa Ana Municipal Code.

D. Since the adoption of Ordinance Nos. NS-1722, NS-1915, and NS-1927, amendments to the California Outdoor Advertising Act and other regulations and policies of the California Department of Transportation (Caltrans), as well as changes in technology allowing digital displays on billboards, have rendered many segments of Article XII of Chapter 41 of the SAMC outdated and obsolete. This status effectively prohibits construction or reconstruction of new or existing billboards, as well as installation of electronic message displays. Since their adoption, these ordinances have also effectively rendered existing billboards in Santa Ana as legal nonconforming.

E. The California Outdoor Advertising Act, set forth in California Business and Professions Code Section 5200 et seq., generally provides that compensation must be paid to billboard owners for the removal, abatement, or limitation of the

customary maintenance, use, or repair of certain lawfully erected nonconforming billboards, except through a relocation agreement.

F. Business and Professions Code Section 5412 specifically empowers a city to enter into relocation agreements on whatever terms are agreeable to an outdoor advertising display owner and such city as a means of eliminating the need to pay compensation for their removal.

G. Construction of new billboards is prohibited along highways designated as landscaped freeways with certain exceptions, including the construction of relocated billboards pursuant to Business and Professions Code Sections 5440 through 5443.5 or the construction of new billboards along portions of landscaped freeways that have been declassified.

H. Business and Professions Code Section 5412 further empowers a city to adopt ordinances or resolutions providing for the relocation of billboards.

I. Technology has also allowed for the modernization of advertising medium by way of the creation of digital or electronic messaging, which have been utilized by advertising companies throughout the nation.

J. The City recognizes that billboards are a valuable advertising tool, but without proper design, placement, and maintenance, they may unduly distract, create traffic hazards and negative visual, lighting, and glare impacts.

K. Permitting the construction of new billboards along portions of the City that are not adjacent to landscaped freeways and the relocation or reconstruction of existing billboards to more appropriate locations within the City with upgraded technology provides a greater opportunity for businesses to advertise to larger audiences, promote economic growth in the City and the region, and provide for additional public service announcements.

L. Allowing the removal of existing billboards also allows the City to direct the placement of new billboards with digital technologies into areas that are more aesthetically appropriate, thereby creating fewer visual and glare impacts for the City's residents.

M. Adoption of this Ordinance is compatible with the SAMC and promotes the public health, safety, and welfare of the citizens of the City.

N. The Planning Commission held a duly-noticed public hearing on April 25, 2022 to consider this Ordinance, where all interested persons were given an opportunity to be heard. The Planning Commission recommended approval of the ordinance to the City Council.

O. The City Council held a duly-noticed public hearing on May 17, 2022 where all interested persons were given an opportunity to be heard.

Section 2. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 3. Article XII (Off-Premise Commercial Advertising Signs) of Chapter 41 of the Santa Ana Municipal Code (Zoning) is hereby repealed in its entirety.

Section 4. Article XII (Off-Premise Commercial Advertising Signs) of Chapter 41 of the Santa Ana Municipal Code (Zoning) is hereby reenacted in its entirety to read as follows:

ARTICLE XII. – OFF-PREMISE COMMERCIAL ADVERTISING SIGNS (BILLBOARDS)

DIVISION 1. - GENERAL PROVISIONS

Sec. 41-1100. - Purpose.

The purpose and intent of this Article is to allow:

- (1) The installation of digital billboards adjacent to freeways in suitable locations;
- (2) The reconstruction or conversion of existing static freeway-oriented billboards to digital billboards; and
- (3) The reconstruction or conversion of existing on-premise freeway-oriented advertising signs to digital billboards.

Sec. 41-1100.5. - Goals.

These provisions seek to achieve the following goals:

- (1) The removal of existing billboards along arterial streets;
- (2) The construction of new freeway-oriented digital billboards in exchange for specific economic and community benefits as described in this Article;
- (3) The reconstruction/conversion of freeway-oriented existing static billboards in exchange for specific economic and community benefits as described in this Article;
- (4) The reconstruction or conversion of existing on-premise freeway-oriented digital signs to off-premise commercial advertising signs;
- (5) The display of public service announcements; and
- (6) The generation of revenue for City to fund ongoing services and community needs.

Sec. 41-1101. - Definitions.

As used in this Article, the following words, terms or phrases have the following meanings:

- (1) *Adjacent (when used to refer to a billboard adjacent to a freeway)* shall mean located within 300 feet of the edge of pavement of a freeway on a parcel having frontage on said freeway and as depicted on maps by the Planning Division.

- (2) *Arterial Billboard* means an off-premise commercial advertising sign located adjacent to a public street that is not freeway oriented.
- (3) *Billboard and Off-Premise Commercial Advertising Sign* means a sign affixed to the ground as a permanent structure used for the display of off-premise advertising to the public.
- (4) *Billboard Operating Agreement* means an agreement entered into by and between the City and the billboard operator which will specify terms for fees to compensate for impacts on City aesthetics and services, including an Economic and Community Benefits Plan, if proposed.
- (5) *Classified Landscaped Freeway*, when referenced in this Article, refers to a designation applied by the California Department of Transportation (Caltrans) to certain freeway segments which meet the criteria established by the California Code of Regulations Outdoor Advertising Regulations, Title 4, Division 6, and as amended.
- (6) *Commercial Advertisement* means any advertisement which has, as its primary purpose, the promotion of the sale of goods or services by a commercial business or enterprise to the public generally or any significant part thereof.
- (7) *Digital Billboard* means a billboard or off-premise commercial advertising sign using technologies, such as LCD (Liquid Crystal Display) and LED (Light-Emitting Diode), to display images and text.
- (8) *Freeway Corridor* means land located within three hundred (300) feet of the edge of freeway pavement and having frontage on the following freeways: the Santa Ana (I-5) Freeway; the Garden Grove (SR-22) Freeway; and the Costa Mesa (SR-55) Freeway.
- (9) *Freeway-Oriented* means any billboard that is adjacent to a freeway, designed to be viewed primarily by persons traveling on the main-traveled way of the freeway.
- (10) *Freeway-Oriented On-Premise Digital Sign (Existing)* means an electronic, digital message display that has been approved by the City of Santa Ana as part of a regional planned sign program pursuant to Section 41-885 of the Santa Ana Municipal Code.
- (11) *Non-Commercial Advertisement Sign* means any advertisement other than a commercial advertisement, including public service announcements.
- (12) *Off-Premise Advertisement Sign* means any commercial advertisement other than an on-premise advertisement sign that advertises products or services that is not located, produced, or offered for sale on the subject premise.
- (13) *On-Premise Advertisement Sign* means any commercial advertisement which pertains solely to goods or services which are produced or offered for sale on the premises where the advertisement is displayed.
- (14) *Static Billboard* means a billboard or off-premise commercial advertising sign that is not equipped as a digital display.

Sec. 41-1102. - Consistency with the Outdoor Advertising Act.

To the extent that there is any conflict between the provisions of this Article and the provisions of the California Outdoor Advertising Act, codified at California Business and Professions Code Sections 5200 et seq., and as amended, the Outdoor Advertising Act shall prevail.

Sec. 41-1103. - Application to Existing Signs.

Any off-premise commercial advertising sign which was constructed in conformance with the requirements of this Article as they existed at the time of such construction, but which is not in conformance with the requirements of this Article, shall be deemed a legal nonconforming use for purposes of this Article, and may be maintained subject to the restrictions and limitations imposed on nonconforming uses by this Chapter. Such signs may be compelled to be removed through amortization subject to the requirements and limitations imposed by Sections 5412 through 5412.4 of the Business and Professions Code of the State of California, the provisions of which, as they may from time to time be amended, are incorporated herein by this reference.

Sec. 41-1104. - Fees.

The City Council may, by resolution, establish fees for any or all the administrative processes established by this Article. Every application for a billboard permit or Conditional Use Permit (CUP) or appeal to the Planning Commission or City Council shall be accompanied by a filing fee. No application shall be accepted for filing without the required fee. The City Council shall from time to time by resolution adopt a schedule of fees to be charged.

Sec. 41-1105. - Commercial and Non-commercial Messages.

Nothing in this Article shall be deemed to prohibit or restrict the use of any sign authorized by this Article for any noncommercial message. No permit required for any sign under this Article shall be granted, conditioned, or denied based on the content of the message displayed by such sign, whether such message is commercial or noncommercial in nature.

DIVISION 2. - ADMINISTRATION AND PERMIT PROCEDURES

Sec. 41-1110. – Permit Type and Review Authority.

Table 41-1110 below identifies the primary types of development applications, approval process and approval authority for the applications required to permit digital billboards. Applications may be subject to one or more development application processing procedures contained in this Chapter. The exact processing and timing of applications shall be determined by the Planning Division based on the applicable project characteristics.

Table 41-1110 Permit Type and Review Authority

Billboard Type	Permit Type Required	Approving Body	Public Hearing Required
New Digital Billboard	Development Project Plan	Director of PBA	Yes
	Conditional Use Permit	Planning Commission	
	Operating Agreement	City Manager	
Conversion/Reconstruction of Existing Freeway-Oriented Static Billboard	Development Project Plans	Director of PBA	No
	Operating Agreement	City Manager	
Conversion/Reconstruction of Existing Freeway-Oriented On-Premise Sign	Development Project Plan	Director of PBA	Yes
	Conditional Use Permit	Planning Commission	
	Operating Agreement	City Manager	
Relocation of Existing Static or Digital Billboards ⁽¹⁾	Development Project Plan	Director of PBA	Yes
	Conditional Use Permit	Planning Commission	
	Operating Agreement	City Manager	
Notes:			
1. If required and permitted by the California Outdoor Advertising Act, as amended from time to time.			

Appeals from decisions of the Director of the Planning and Building Agency and/or Planning Commission, extensions, time limits, and modifications to such digital billboard approval must be conducted in a manner in accordance with Article V, Division 1 of this Chapter.

Sec. 41-1111. - Application Requirements.

Every application for the construction a new digital billboard, conversion/reconstruction of an existing freeway-oriented static billboard, or conversion/reconstruction of an existing freeway oriented on-premise advertising sign to a digital billboard shall be filed by, or with the written consent of, the property owner on forms required by the Planning Division and shall be at a minimum accompanied by the following information:

- (a) A pictorial representation of, and other information about, the proposed digital billboard, disclosing overall dimensions, dimensions of letters and figures, colors, materials, copy, and illumination characteristics.
- (b) A plan of the site on which the proposed digital billboard is to be located, indicating the precise location of the billboard, existing and proposed landscaping, other site improvements, and proximity to the edge of pavement of an adjacent freeway.
- (c) A vicinity map depicting the location of all existing and proposed billboards, any landmarks as designated on the General Plan that are within one thousand (1,000) feet of the proposed digital billboard, and the zoning designation of all sites within five hundred (500) feet of the boundaries of the subject property.
- (d) Photo simulations of all proposed digital billboards showing daytime and nighttime conditions.
- (e) A three-dimensional (3D) massing study depicting the proposed digital billboard. The 3D study should include massing of proposed development, if any, on applicant's parcel as well as existing buildings and advertising signs within one thousand (1,000) feet of the proposed digital billboard.
- (f) If the application involves the exchange of existing billboards, a map depicting the location(s) of billboards to be removed; at least two photos of each billboard to be removed; and a summary of the size of each billboard face to be removed.
- (g) Such other information as the Executive Director of the Planning and Building Agency deems appropriate to determine compliance with the provisions of this Article.

Sec. 41-1112. - Digital Billboard Conditional Use Permit Findings of Approval.

For approval of a Conditional Use Permit for a Digital Billboard, the Planning Commission shall make the following findings of fact set forth in this Section and not upon the standards set forth in Section 41-638 of this Chapter, and may impose conditions, restrictions or limitations as the commission deems necessary to meet the general purpose and intent of this Article and to ensure that the public health, safety and welfare are being maintained. Findings of Approval shall be made, and conditions may be imposed to confirm that:

- (a) The proposed digital billboard shall not constitute a hazard to the safe and efficient operation of vehicles upon a freeway.
- (b) Adequate space exists between the proposed digital billboard and any existing billboards in the vicinity, thus avoiding or minimizing any negative aesthetic impacts to surrounding land uses.
- (c) The size and design of the digital billboard will not be out of context with its visual environment.
- (d) The digital billboard will not cause light and glare to intrude upon residential uses, including those in mixed-use districts or developments.
- (e) The digital billboard will not significantly block or impair views of landmarks identified in the City's General Plan.
- (f) The installation of the new digital billboard will result in significant economic and community benefits.

Sec. 41-1113. - Operating Agreement Required; Execution Fee Required.

Prior to issuance of any building permits to reconstruct an existing static billboard, or prior to the public hearing notice to consider construction of a new digital billboard or conversion/reconstruction of an existing freeway oriented on-premise sign to a digital billboard, the applicant shall submit to the City Manager an executed Billboard Operating Agreement that has been reviewed and approved by the City Attorney and the Executive Director of the Planning and Building Agency. The applicant shall be responsible for paying any fees that have been established by the City Council to process and execute the Billboard Operating Agreement. In approving such agreement, the City Manager must find that the agreement will confer a substantial public benefit to the City and to the general public. Such public benefits may include, without limitation: the removal of legal nonconforming billboards; minimum display percentages or times for the advertising of City events and public service announcements; public art programming; physical site improvements; automatic brightness reductions or automatic display shutoffs due to proximity to sensitive land uses; minimum advertising of goods, products, or services provided onsite; monetary contribution intended for streetscape amenities or publicly accessible open space that enhances the quality and comfort of the pedestrian experience; and/or financial contributions to the City with the intent to achieve the same results.

DIVISION 3. – DEVELOPMENT, LIGHTING AND OPERATIONAL STANDARDS

Sec. 41-1130. - Permitted Locations.

New and reconstructed billboards, and the conversion of existing freeway oriented on-premise advertisement signs to a digital billboard:

- (a) Shall only be constructed on properties zoned and used for non-residential uses in any zoning district, including overlay zones, specific plans, and specific

development zones. Such requirement may be modified by the Planning Commission through the approval of a Conditional Use Permit.

- (b) Shall be located within the Freeway Corridor as defined in Section 41-1101.
- (c) Shall not be located within five hundred (500) feet from any residentially zoned parcel, as measured from the border of the digital billboard face, or the base of the digital billboard structure, to the nearest property line of the residentially zoned property. Such requirement may be modified to be no less than one-hundred fifty (150) feet for mixed-use districts by the Planning Commission through the approval of a Conditional Use Permit
- (d) Shall be located outside any right-of-way owned by the California Department of Transportation (Caltrans).
- (e) Shall not significantly block or significantly impair views of any landmark identified in the General Plan.

Sec. 41-1131. - Development Standards.

- (a) All digital billboards shall comply with standards established by the California Department of Transportation (Caltrans) in effect at the time the permit is issued. These standards may prohibit the construction of digital billboards in landscaped areas and/or in zones where residential uses are permitted; may limit the size and height of digital billboards; and may require separation between billboards, among other provisions.
- (b) All new or reconstructed billboards shall be digital billboards. The construction or reconstruction of static billboards is prohibited.
- (c) The development standards in Table 41-1131 shall be applicable to all new and reconstructed billboards.

Table 41-1131 Digital Billboard Development Standards

Standard	
Maximum Sign Area/Face	As allowed by Caltrans
Maximum Number of Faces	Two (2)
Maximum Height	60 feet ⁽¹⁾
Spacing Between Billboards	1,000 feet ⁽²⁾
Number of Vertical Supports	One Vertical Support ⁽³⁾
Notes:	
1. Measured from nearest adjacent curb level on the site on which the sign is constructed. May be modified through Planning Commission approval of a Conditional Use Permit. 2. The minimum separation between billboards shall be one-thousand (1,000) feet (including static billboards) or standards established by the Caltrans in effect at the time the permit is issued, whichever is greater, as measured from the base of each billboard’s vertical	

support.

3. All conduits, cables and appurtenances shall be concealed within the vertical support.

Sec. 41-1132. - Design Standards.

- (a) The words "Santa Ana" shall permanently appear on the billboard structure in a size large enough to be visible to drivers using the freeway. The precise location, size and font of the words shall be determined by the approval authority.
- (b) All ground-mounted equipment shall be screened from view at street level. The entire site occupied by the billboard shall be appropriately landscaped with groundcover and shrubs to the satisfaction of the approval authority.
- (c) Each freeway billboard must be oriented primarily for viewing from the freeway and shall be oriented, and adequately shielded if necessary, to prevent the trespass of light and glare upon any residential land use, including those in mixed-use districts, as exists on the date of building permit issuance.
- (d) The billboard shall utilize an innovative billboard format, shall creatively use the latest in technology to ensure digital image quality, and shall use innovative architectural features and materials.
- (e) All billboards shall plainly display, and be visible from no less than fifty (50) feet, the name of the person or company owning or maintaining such billboard, contact information for said person or company, and the billboard's identification number.
- (f) Billboards projecting over a driveway or drive aisle shall have a minimum clearance of 20 feet between the lowest point of the sign and the driveway grade.
- (g) No part of any billboard shall cross onto an adjacent property.
- (h) Billboards projecting over a pedestrian walkway shall have a minimum clearance of twelve (12) feet between the lowest point of the sign and the walkway grade.
- (i) All billboards not projecting over drive areas or pedestrian walkways shall have a minimum clearance of twelve (12) feet between the lowest point of the billboard and ground level.

Sec. 41-1133. - Lighting and Display Requirements.

- (a) Signs shall produce a maximum 0.3 foot-candles over ambient light levels.
- (b) The display brightness shall be controlled by a photocell or light sensor that adjusts the brightness to the required level based on ambient light conditions without the need for human input. Use of other brightness adjustment methods, such as timer- or calendar-based systems, shall only be used as a backup system.
- (c) The display shall be factory-certified as capable of complying with the above brightness standards. Such certification shall be provided to the satisfaction of the Executive Director of the Planning and Building Agency, or his/her designee.

- (d) The sign owner shall provide to the City, upon request, certification by or compensation for an independent contractor to verify that the brightness levels of the digital billboard are in compliance with the requirements of this Section.
- (e) All signs shall be equipped with a control system that, in the event of a display or control malfunction, "freezes" the display on either a single, unchanging message, or a blank screen. An emergency shutoff switch shall be provided.
- (f) Any sign area not comprising the digital display panel is prohibited. This area includes, but is not limited to, static sign area, appendages, cutout letters, and figures. A frame surrounding the display panel up to twelve (12) inches in width shall be permitted; it shall not contain any sign copy or graphics, and shall not count toward the sign area.
- (g) Where screen transitions are used, such transitions shall not give the appearance of moving text or images. The sign copy shall not use flashing, intermittent or moving lights or produce the optical illusion of movement or use animation.
- (h) Each sign copy shall be displayed for a minimum of four (4) seconds. The still images may not move or present the appearance of motion and may not use flashing, scintillating, blinking, or traveling lights or any other means not providing constant illumination. Transition or blank screen time between one still image and the next may not exceed one (1) second.
- (i) All digital billboards must comply with all applicable laws and regulations concerning brightness, including, without limitation, California Vehicle Code Section 21466.5, and as amended.
- (j) All digital billboards must provide sufficient time for public service announcements as set forth in the approved Operating Agreement. Such public service announcements may not be concentrated during non-peak hours and must be evenly dispersed throughout peak hours so as to maximize their benefit for the community and passer-by traffic.

Sec. 41-1134. - Prohibited Features.

Freeway oriented billboards shall not contain any of the following features:

- (a) Moving parts.
- (b) Appendages, cutout letters, or figures that protrude beyond the flat surface of the sign face.
- (c) Lights that flash, shimmer, glitter or give the appearance of flashing, shimmering or glittering. Exceptions to this restriction include time, temperature and smog index units.
- (d) Walls or screens at the base of the sign which create a hazard to public safety or provide an attractive nuisance.
- (e) Copy which simulates any traffic sign in a manner which confuses the public.
- (f) Copy which duplicates any other content displayed on the sign.
- (g) Devices which emit audible sound, or odor or particulate matter.

Sec. 41-1135. - Maintenance and Monitoring.

- (a) No person shall allow any digital billboard located on property owned, occupied or controlled by such person to remain in a condition of disrepair for a period of more than fifteen (15) days. For purposes of this article, a billboard shall be deemed to be in a condition of disrepair if it is in need of replacement of defective or missing parts, has a broken or damaged sign face, or is in need of repainting or cleaning in order to be brought into a reasonably slightly and legible condition.
- (b) All billboard operators shall submit a Lighting Monitoring Report to the Planning Division upon installation, and at three-year intervals thereafter to confirm conformance with the lighting requirements set forth in this Article.
- (c) Complaints about lighting will be investigated by the City, and if determined necessary by the Executive Director of the Planning and Building Agency, the billboard operator shall provide an updated Lighting Monitoring Report within 72 hours of the notice from the City. The City shall reserve the right to conduct digital billboard lighting measurements. If the measured luminance and/or illuminance exceed the data presented in operator's Lighting Monitoring Report, the findings of the City report shall prevail. All cost shall be borne by the applicant/operator.

DIVISION 4. - BILLBOARD EXCHANGE PROGRAM.

Sec. 41-1140. - Applicability.

No building permit shall be issued for any new digital billboard, conversion/reconstruction of an existing freeway oriented static billboard, or conversion/reconstruction of an existing on-premise advertising sign to a digital billboard, until the removal ratios as required by the Operating Agreement pursuant to Section 41-1113 of this Article have been met by applicant. In addition, the following standards are shall apply:

- (a) Nonconforming billboards with more than one face shall be removed in their entirety and shall not be altered or partially dismantled in such a way as to leave behind one or more faces or portion(s) thereof.
- (b) No billboard shall be reduced in size or otherwise altered to provide for the required removal, and only whole, entire billboard(s) shall be removed. In no case shall less than the required amount of display surface area be removed.
- (c) Any billboard removed or demolished from within the City, or reduced in size, not in conjunction with a project requiring removal under this Article, shall not be credited toward the removal requirements of Section.
- (d) Billboards shall be removed with the following priority, in order of highest priority to lowest:
 - (1) Nonconforming billboards located on properties used for residential purposes or zoned for residential use.

- (2) Nonconforming billboards not located adjacent to a street classified as a Freeway, Principal, Major Arterial, Primary Arterial and Secondary Arterial as defined by the Santa Ana Circulation Element, with the exception of those billboards located in Downtown Santa Ana.
 - (3) All other nonconforming billboards.
- (e) The City may allow the applicant to post a bond guaranteeing removal of the existing billboards prior to issuing permits for the applicable digital billboard in the freeway corridor.

Sec. 41-1141. - Overriding Economic and Community Benefit Considerations for Billboard Removal Exchange Ratio Reduction.

The billboard removal ratio as required pursuant to Section 41-1113 of this Article may be reduced subject to demonstration of overriding economic and community benefits as proposed in an Economic and Community Benefits Plan attached to and incorporated in a Billboard Operating Agreement as specified in Section 41-1113 of this chapter, subject to the satisfaction of the City Manager.

Section 5. Section 41-668 of Division 3 of Article V of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

Sec. 41-668. - Definitions.

(a) *Development project.* As used in this division, the term "development project" includes any of the following projects:

(1) The new construction of any building or buildings, and additions to any existing building or buildings, if new floor space of two thousand five hundred (2,500) square feet or more is constructed or added; but excluding the following:

- a. Single family homes;
- b. Room additions to duplexes;
- c. Tenant improvements not involving a change of use;
- d. Facade improvements;
- e. Equipment covers or structures to cover equipment.

(2) Tenant improvements involving an intensification or change in occupancy classification.

(3) Any project that requires a discretionary approval, excluding conditional use permits for operation of eating establishments between the hours of 12:00 a.m. and 5:00 a.m. and conditional use permits for the sale of alcoholic beverages.

(4) Construction of new digital billboards, conversion of an existing static billboard within to a digital billboard, conversion/reconstruction of existing on-premise digital signs, and relocation of billboards.

(b) *Discretionary approval.* As used in this division, the term "discretionary approval" means a conditional use permit, variance, minor exception, tentative map approval, change in use district designation, or similar entitlement for development, the granting of which involves the exercise of discretion, other than the plan approval process set forth in this division.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 7. This Ordinance shall become effective thirty (30) days after its adoption.

Section 8. The Clerk of the Council shall certify the adoption of this ordinance and shall cause the same to be published as required by law.

ADOPTED this _____ day of _____, 2022.

Vicente Sarmiento
Mayor

APPROVED AS TO FORM
Sonia R. Carvalho, City Attorney

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

AYES: Councilmembers: _____

NOES: Councilmembers: _____

ABSTAIN: Councilmembers: _____

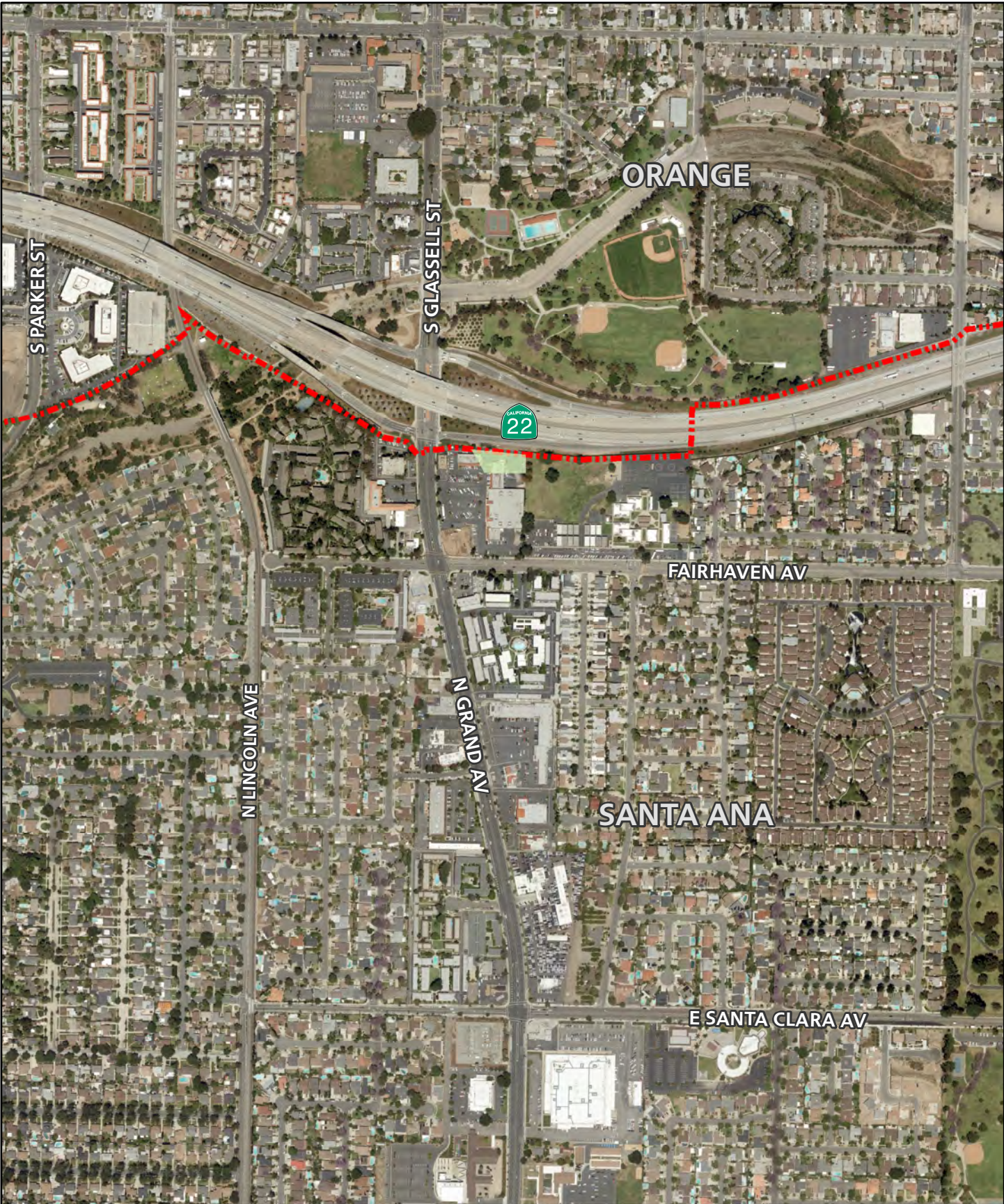
NOT PRESENT: Councilmembers: _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, DAISY GOMEZ, Clerk of the Council, do hereby attest to and certify that the attached Ordinance No. NS-_____ to be the original ordinance adopted by the City Council of the City of Santa Ana on _____, 2022 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: _____

Clerk of the Council
City of Santa Ana



ORANGE

S PARKER ST

S GLASSELL ST



FAIRHAVEN AV

N LINCOLN AVE

N GRAND AV

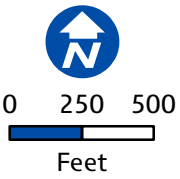
SANTA ANA

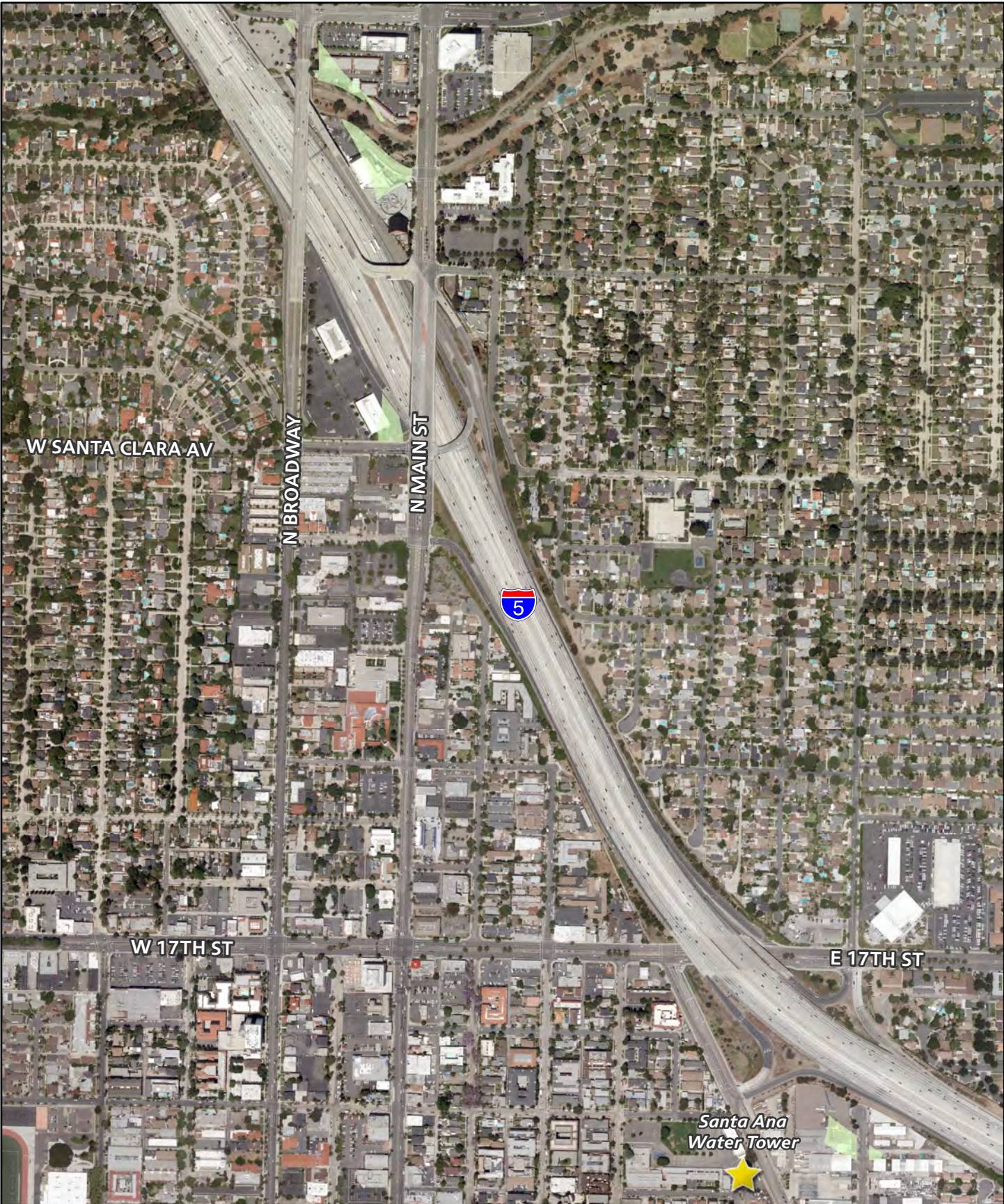
E SANTA CLARA AV



Potential Billboard Area 1

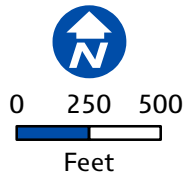
- Potential Billboard Area - 500 ft Residential Buffer
- City Boundary

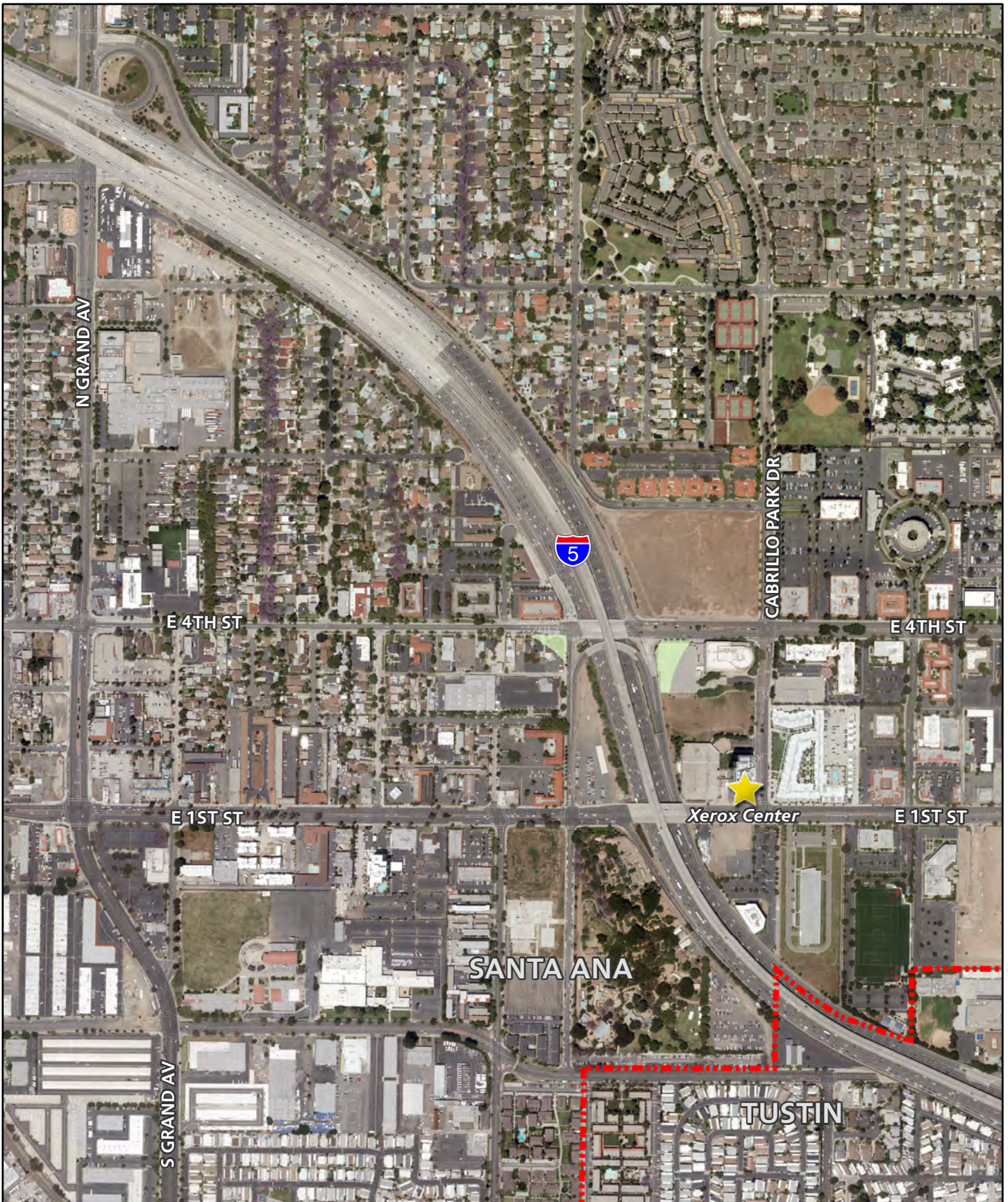




Potential Billboard Area 2

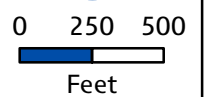
- Potential Billboard Area - 500 ft Residential Buffer
- City Boundary

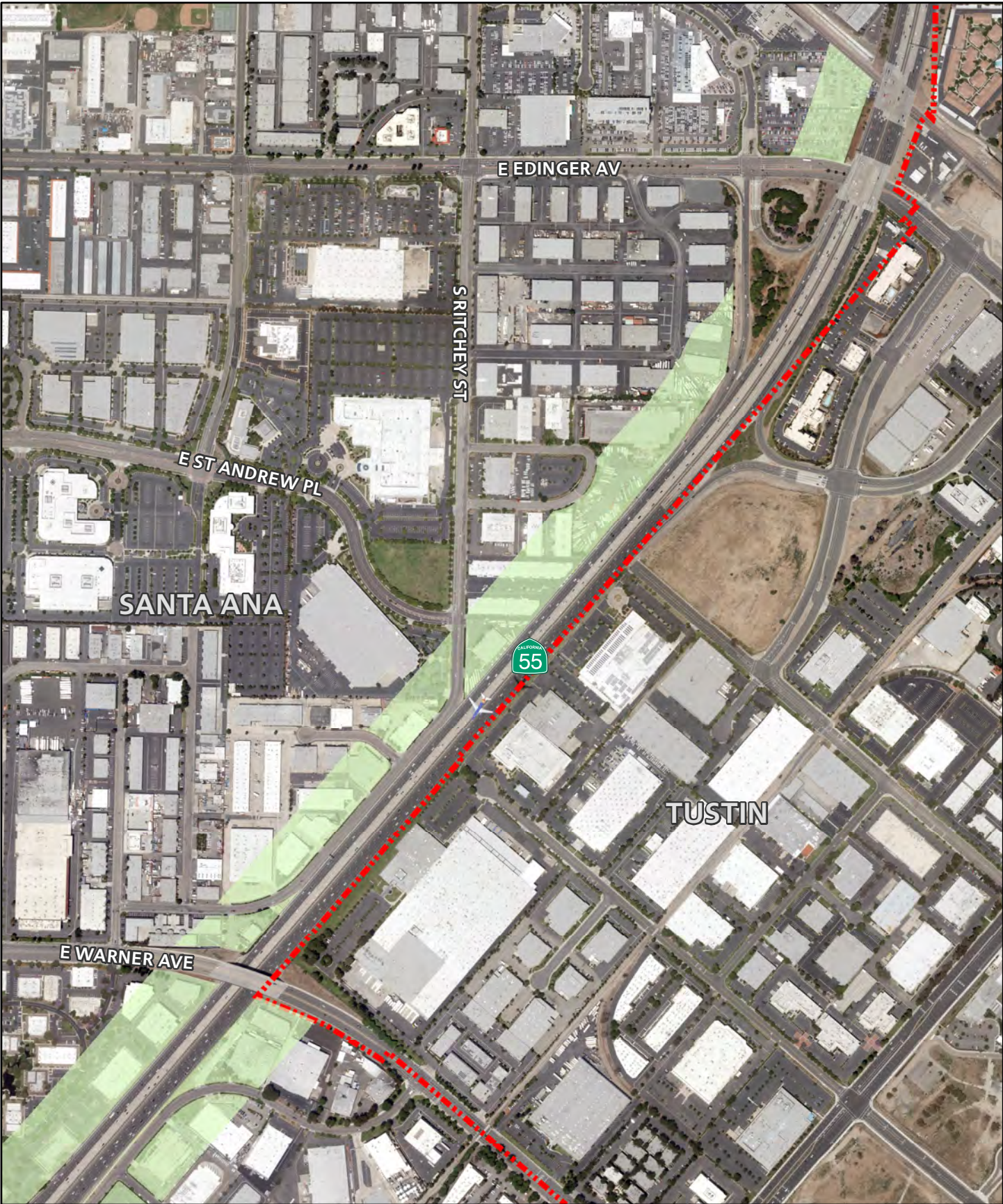




Potential Billboard Area 3

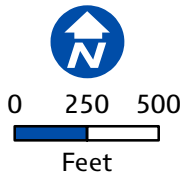
- Potential Billboard Area - 500 ft Residential Buffer
- City Boundary





Potential Billboard Area 4

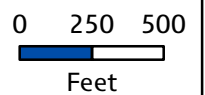
- Potential Billboard Area - 500 ft Residential Buffer
- City Boundary

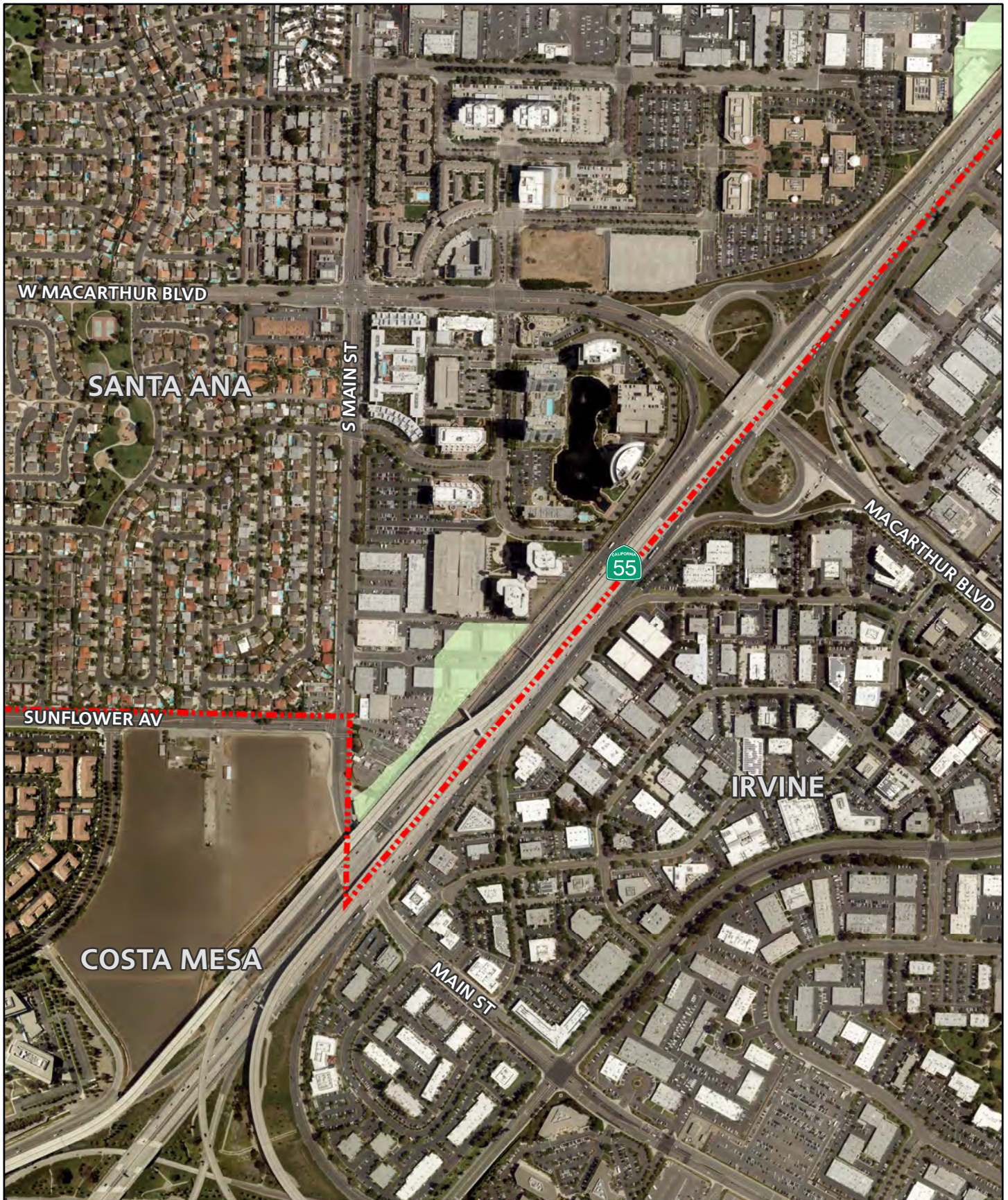




Potential Billboard Area 5

- Potential Billboard Area - 500 ft Residential Buffer
- City Boundary





Potential Billboard Area 6

- Potential Billboard Area - 500 ft Residential Buffer
- City Boundary



0 250 500



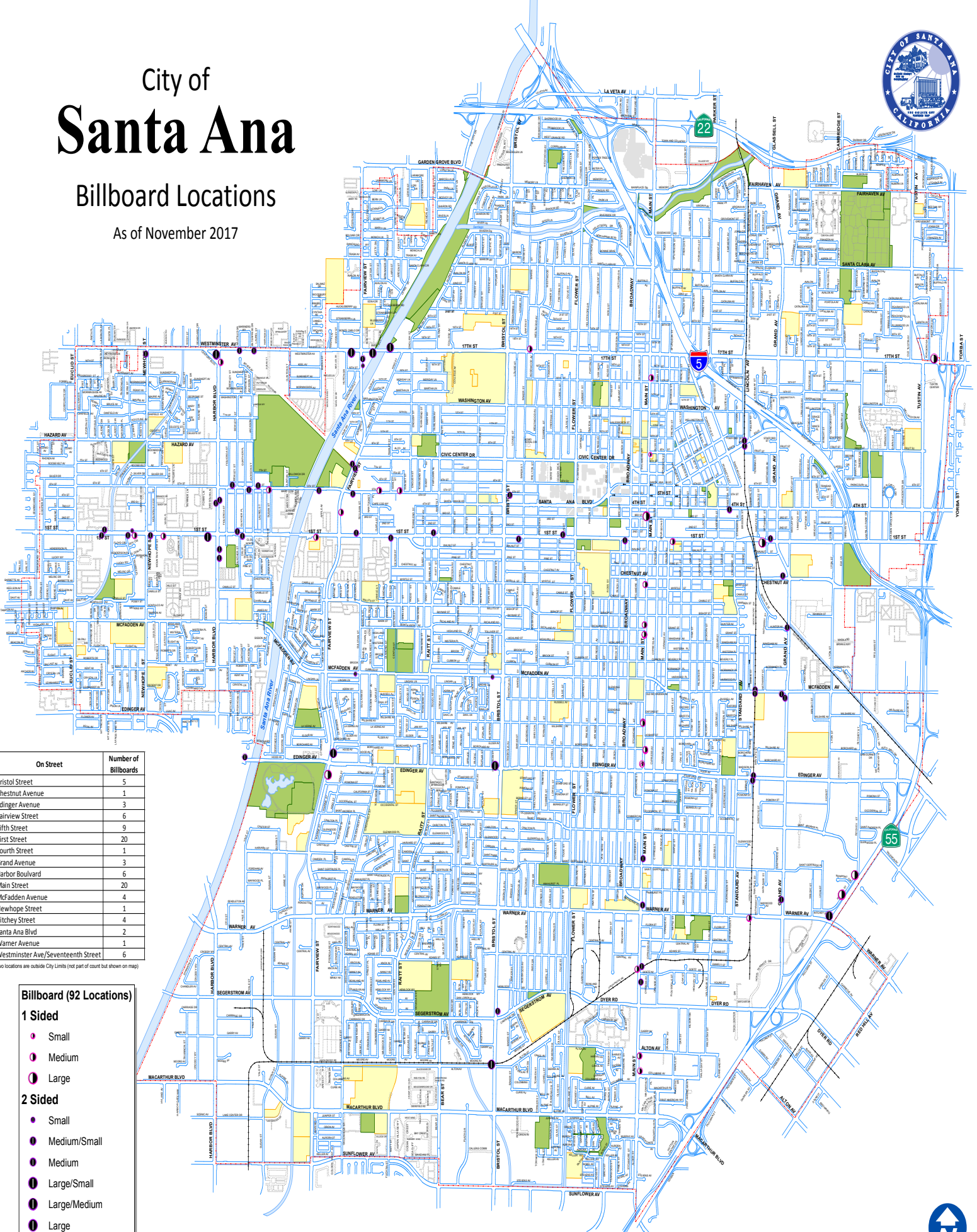
Feet



City of Santa Ana

Billboard Locations

As of November 2017

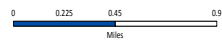


On Street	Number of Billboards
Bristol Street	5
Chestnut Avenue	1
Edinger Avenue	3
Fairview Street	6
Fifth Street	9
First Street	20
Fourth Street	1
Grand Avenue	3
Harbor Boulevard	6
Main Street	20
McFadden Avenue	4
Newhope Street	1
Ritchey Street	4
Santa Ana Blvd	2
Warner Avenue	1
Westminster Ave/Seventeenth Street	6

Two locations are outside City limits (not part of count but shown on map)

Billboard (92 Locations)

- 1 Sided**
- Small
- Medium
- Large
- 2 Sided**
- Small
- Medium/Small
- Medium
- Large/Small
- Large/Medium
- Large



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CITY OF SANTA ANA/PLANNING & BUILDING
20 CIVIC CENTER PLAZA 2ND FLR
SANTA ANA, CA 92702

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE
Ad Description: Billboard Ordinance

To the right is a copy of the notice you sent to us for publication in the ORANGE COUNTY REGISTER. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

04/13/2022

An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

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THE INTER-CITY EXPRESS, OAKLAND	(510) 272-4747

CNS 3575247

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: Citywide

Applicant: City of Santa Ana (Ali Pezeshkpour, Principal Planner)

Proposed Project:

The City of Santa Ana is proposing to repeal Article XII (Off-Premise Commercial Advertising Signs) of Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC) and adopt a new ordinance that would allow the construction of new digital billboards and reconstruction of

existing billboards with digital displays, subject to certain location and development standards.

Environmental Impact:

A Mitigated Negative Declaration (MND) including one technical study evaluating air quality and greenhouse gas, was prepared for the project. No areas of significance or unavoidable impacts were determined to occur from the construction or operation of the proposed project with the implementation of mitigation measures (Exhibit 1). The MND was available for public review and comment for 30 days as required by CEQA between March 7 and April 6, 2022. One comment was received from the City of Orange. Written responses to the comments were prepared and incorporated into the environmental document.

The project requires adoption of a Mitigation Monitoring and Reporting Program (MMRP), which will reduce all identified impacts to less than significant with implementation of the MMRP. Based on the environmental checklist form

completed for the proposed project and supporting analysis, the project would have no impact or a less than significant impact on the following environmental issue areas: Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Energy, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire. The proposed project's impacts on the following issue areas would be less than significant with the implementation of mitigation:

Cultural Resources, Geology and Soils, Hazardous and Hazardous Materials, Tribal Cultural Resources. All impacts would be less than significant after mitigation.

Meeting Details: This matter will be heard on **Monday, April 25, 2022 at 5:30 p.m.** in the City Council Chambers, 22 Civic Center Plaza, Santa Ana, CA 92701.



* 4252022 005990360 * 6-44
Planning Commission

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 Christina Leonard, 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: <https://santa-ana.primegov.com/public/portal>.

Who To Contact For Questions:

Should you have any questions, please contact Ali Pezeshkpour with the Planning and Building Agency at APezeshkpour@santa-ana.org or 714-647-5882.

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 Narcedalia Perez (714) 667-2260.

N ư c n li ệ n l ậ b ư g t i ệ n g V i ệ t, x i n i ệ n t h o i ệ cho Tony Lai s (714) 565-2627.

4/13/22
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COUNTY
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