

RESOLUTION NO. 2023-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2023-21 TO ALLOW OPERATION OF A MEDICAL AND DENTAL OFFICE OPERATED BY A NOT-FOR-PROFIT AND GOVERNMENT-SUBSIDIZED ENTITY KNOWN AS ALTAMED PURSUANT TO SECTION 41-313.5 OF THE SANTA ANA MUNICIPAL CODE AT 3601 WEST SUNFLOWER AVENUE, UNITS 100 AND 200 (APN: 414-261-34)

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. Haley Austin with Hattox Design Group (“Applicant”) representing AltaMed Health Services Corporation (“Property Owner” and “Tenant”), is requesting approval of Conditional Use Permit (“CUP”) No. 2023-21 pursuant to Santa Ana Municipal Code (“SAMC”) Section 41-313.5 to allow a medical and dental office operated by a government-subsidized entity at 3601 West Sunflower Avenue, Units 100 and 200.
- B. On February 17, 2021, a Certificate of Occupancy was issued to Property Owner, to occupy 3601 W. Sunflower Avenue, Unit 100, as a medical office.
- C. On December 20, 2022, the City of Santa Ana (“City”) City Council approved urgency Ordinance No. NS-3035, amending various sections of Chapter 41 (Zoning) of the SAMC, including Section 41-313.5.
- D. On February 7, 2023, Ordinance No. NS-3038 was approved by City Council, amending portions of Chapter 41 (Zoning) of the SAMC, including Section 41-313.5., requiring approval of a CUP for Medical offices operated by government, government-subsidized, not-for-profit, or philanthropic entities.
- E. On July 11, 2023, the Applicant submitted a Development Project Review (DP) application to change the existing office use of the second story to a pediatric dental office operated by Property Owner. Subsequently, on August 29, 2023, the Applicant submitted the subject CUP application.
- F. On October 23, 2023, the Planning Commission held a duly-noticed public hearing on CUP No. 2023-21.
- G. The Planning Commission of the City determines that the following findings, which must be established in order to grant a CUP pursuant to Section 41-638 of the SAMC, have been established for CUP No. 2023-21 to allow medical and dental offices operated by government-subsidized, not-for-profit entity at 3601 West Sunflower Avenue, Units 100 and 200.

1. That the proposed use will provide a service or facility which will contribute to the general wellbeing of the neighborhood or community.

The establishing of a medical or dental office operated by a not-for-profit and government subsidized entity at this location will provide a service to the residents of Santa Ana and will contribute to the general wellbeing of the community. By offering accessible medical and dental services, the proposed use will bridge gaps in healthcare access and ensure residents can receive necessary treatments. Additionally, the site is located in a site predominantly surrounded by office and commercial properties aligning with the area's existing land uses.

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 existing medical office and the proposed dental office operated by a not-for-profit and government subsidized entity 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 dental and medical offices will occupy an existing office space with an excess of 99 parking spaces, exceeding the parking spaces required by Section 41-1346 of the SAMC. Additionally, the new proposed dental office will be located within a medical office building that is located 1,500 feet away from the nearest sensitive land uses, which is comprised of a gated residential community in the City of Costa Mesa. Lastly, the proposed dental office will offer the community in the vicinity a new service.

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. The new proposed dental and medical offices will allow the existing building to become fully occupied and contribute to the local economy by creating new jobs. The number of medical staff members is expected to double with the new proposed dental and medical offices. Additionally, this will allow the existing tenant to expand their services and assist with the future development of the surrounding area. Lastly, the site in which AltaMed will operate and expand will continue to remain privately-owned, thereby remaining on the County's tax assessment roll.

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

The existing medical office and the new proposed dentist and medical offices will be in compliance with all applicable regulations in Section 41-638 of the SAMC. The medical and dentist offices will comply with all development standards including building height, setbacks, landscape, and parking requirements. Moreover, the configuration of the subject site effectively addresses potential issues related to parking, traffic, and noise, as the main entrance to the building is located furthest away from the Harbor Boulevard

and Sunflower Avenue intersection. This configuration reduces both vehicle and pedestrian congestion along these streets and on the subject site. In addition, operational standards will ensure the project remains in compliance with all applicable codes and regulations related to medical and dentist offices 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 approval of this application will be consistent with the goals and policies of the General Plan, specifically Goals 1, 2, and 3 of the Land Use Element (LU). The subject site has a General Plan land use designation of Professional and Administrative Office (PAO), which allows for land uses such as health care services and includes medical and dental offices. Goal 1 of the LU provides a land use plan that improves the quality of life and respects the existing community. Policy 1-1 encourages the fostering of compatible land uses to enhance livability and promote a healthy life style. The existing operations and proposed expansion will be consistent with the character and range of professional uses found within the site's vicinity. Goal 2 of the LU seeks a balance of land uses to meet Santa Ana's diverse needs. Policy 2-7 supports land use decision that encourage the creation, development, and retention of businesses in the City. Approval of the CUP will allow expansion of an existing healthcare provider, retaining local services and professional jobs in the community. Goal 3 of the LU seeks to preserve and improve the character and integrity of existing neighborhoods and districts. Policy 3-1 supports new development which provides a net community benefit and contributes to the neighborhood character and identify. The granting of the CUP will provide an additional service to Santa Ana residents and visitors by allowing expansion of the existing facility, thereby positively contributing to the economic viability of the area by promoting local spending, offering employment opportunities, and providing a safe workplace. In addition, the proposed use will be in an existing building where the tenant already occupies a portion of the building.

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) of the CEQA Guidelines. Class 1 exemption applies to the operation, repair maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The project proposes to allow a pediatric dental office that serves children with special needs in an existing building that was previously used as a trade school. Moreover, the project considers a conditional use permit for an existing medical office use at 3601 W. Sunflower Avenue, Unit 100. As such, a Notice of Exemption, Environmental Review No. 2023-93, 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 a public hearing, hereby approves Conditional Use Permit No. 2023-21, as conditioned in Exhibit A, attached hereto and incorporated herein, for medical and dental offices at 3601 West Sunflower Avenue, Units 100 and 200. 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 October 23, 2023, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 23rd day of October 2023 by the following vote:

AYES: Commissioners: Carl Benninger, Manuel J. Escamilla,
Christopher Leo, Jennifer Oliva, Bao Pham,
Isuri Ramos, Alan Woo (7)

NOES: Commissioners:

ABSENT: Commissioners:

ABSTENTIONS: Commissioners:



Bao Pham
Chairperson

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

By: 

Jose Montoya
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Nuvia Ocampo, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2023-26 to be the original resolution adopted by the Planning Commission of the City of Santa Ana on October 23, 2023.

Date: 10/23/2023

Nuvia Ocampo
Nuvia Ocampo Recording
Secretary City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2023-21

Conditional Use Permit No. 2023-21 allowing medical and dental offices operated by a government-subsidized, not-for-profit entity in the second story of an existing office building 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. Conditional Use Permit (CUP) No. 2023-21 for the subject property allows expansion of an existing, legal-nonconforming medical office operated by a government-subsidized, not-for-profit entity from Unit 100, which currently occupies entirety of the ground floor, into the entirety of the second floor (Unit 200) of an existing office building as per the plans submitted with the application for Development Project (DP) No. 2023-29 and CUP No. 2023-21. Any modification to the operations, services provided, and building area are subject to review by Planning Division staff to determine consistency with this CUP. At that time, staff will determine if administrative relief is available or if the CUP must be amended by the Planning Commission at the applicant's full and sole expense.
2. Prior to the issuance of a certificate of occupancy, all the comments issued by the Development Review Committee (DRC) regarding DP No. 2023-29 must be addressed and DP No. 2023-29 must be approved, including but not limited to comments issued by the Public Works Agency, Building Division, and Orange County Fire Authority regarding compliance with all adopted and applicable codes and regulations.
3. The designated patient drop-off area shall be consistent with the configuration illustrated in plans submitted pursuant to DP No. 2023-29. Configurations to the designated patient drop-off area for relocation shall be presented to the Planning Division for review.
4. The business shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to compliance with the City's business license annual renewal.
5. Violations of the CUP, as contained in Section 41-647.5 of the SAMC, will be grounds for permit revocation and/or suspension as described in Section 41-651 of the SAMC.
6. The business owner shall maintain and adhere to a "Good Neighbor Policy," implementing measures to ensure patrons comply with applicable noise, and parking regulations, and removing litter and preventing loitering in the areas in the immediate vicinity of the business.
7. Prior to the release of this resolution, a Property Maintenance Agreement shall be recorded against the property. The agreement will be subject to review and applicability by the Planning and Building Agency, the Community Development Agency, the Public Works Agency, and the City Attorney to ensure that the property and all improvements located thereupon are properly maintained. Applicant (and the owner of the property upon

which the authorized use and/or authorized improvements are located if different from the Applicant) shall execute a maintenance agreement with the City of Santa Ana which shall be recorded against the property and which shall be in a form reasonably satisfactory to the City Attorney.

The maintenance agreement shall contain covenants, conditions and restrictions relating to the following:

- a. Compliance with operational conditions applicable during any period(s) of construction or major repair (e.g., proper screening and securing of the construction site; implementation of proper erosion control, dust control and noise mitigation measure; adherence to approved project phasing etc.);
- b. Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including but not limited to hours of operation, security requirements, the proper storage and disposal of trash and debris, enforcement of the parking management plan, and/or restrictions on certain uses);
- c. Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;
- d. Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris on or about the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);
- e. If Applicant and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the maintenance agreement and both shall be jointly and severally liable for compliance with its terms;
- f. The maintenance agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the maintenance agreement; and
- 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.