

RESOLUTION NO. 2024-02

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ANA APPROVING TENTATIVE PARCEL MAP NO. 2024-01 (COUNTY MAP NO. XXX), AS CONDITIONED, TO ALLOW THE SUBDIVISION OF AN EXISTING LOT LOCATED AT 2517 NORTH COTTER STREET (APN: 399-142-01) INTO TWO FEE-SIMPLE LOTS

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

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

- A. Bao Pham with BPDO Architects (“Applicant”), and representing Madelene Tran (“Property Owner”), is requesting approval of Tentative Parcel Map (“TPM”) No. 2024-01 to allow the subdivision of an existing lot located at 2517 North Cotter Street (APN: 399-142-01) into two fee-simple lots in order to facilitate the construction of a new single-family residences and two detached accessory dwelling units (“ADUs”).
- B. Pursuant to Santa Ana Municipal Code (“SAMC”) Section 34-126, the Zoning Administrator is authorized to review and approve tentative parcel maps.
- C. On August 21, 2024, the Zoning Administrator held a duly noticed public hearing on TPM No. 2024-01.
- D. The Zoning Administrator of the City of Santa Ana determines that the following findings, which must be established in order to approve TPM No. 2024-01, have been established as required by Section 34-126 of the SAMC and the California Subdivision Map Act (“SMA”):
 1. That the proposed project and its design and improvements are consistent with the Low Density Residential (LR-7) designation of the General Plan and are otherwise consistent with all other elements of the General Plan.

The proposed project and its design and improvements will be consistent with the Low Density Residential (LR-7) land use designation of the General Plan and are otherwise consistent with all other elements of the General Plan. The proposed subdivision of land will create two parcels that will be consistent with the various provisions of the General Plan, including the maximum allowable density units per acre. In addition, the new single-family residence and detached ADUs comply with all applicable development standards as set forth

in the Single-Family Residential (R1) zoning district.

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

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

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

The project site is physically suitable for the type and density of the proposed project. The proposed project consists of the subdivision of an existing lot into two lots, with new construction proposed shortly after approval of the map. The existing single-family dwelling will remain, and the proposed single-family dwelling and ADUs will be located on both of the two lots, compliant with all applicable development standards. The proposed lots will meet the minimum size requirements and will be consistent to the development patterns of the adjacent properties.

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

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

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

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

infrastructure improvements as required under Development Project Review No. 2023-25 and TPM-2024-01.

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

The design or improvements of the proposed project will not conflict with easements necessary for public access through or use of the property within the proposed project since the existing and recorded easements for the property have been considered as part of the review.

Section 2. In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15315 (Class 15 – Minor Land Divisions). Class 15 exemption allows for the division of property in urbanized areas zoned for residential use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. As proposed, the project will not require additional discretionary approval for the construction of the new residential structure. The existing Single-Family Residential (R1) zoning designation and Low-Residential (LR-7) General Plan Land Use designation are consistent and require no further modification. Based on this analysis, a Notice of Exemption, Environmental Review No. 2023-86, will be filed for this project.

Section 3. The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, referendum, and other proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively “Actions”), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve the legal counsel providing the City’s defense, and that Applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any Action brought and City shall cooperate with Applicant in the defense of the Action.

Section 4. The Zoning Administrator of the City of Santa Ana, after conducting the public hearing, hereby approves Tentative Parcel Map No. 2024-01, as conditioned in Exhibit A, attached hereto and incorporated herein, for the property located at 2517 North Cotter Street, and as illustrated and attached hereto and incorporated herein as Exhibit B. This decision is based upon the evidence submitted at the above-referenced hearing, including but not limited to: The Request for Zoning Administrator Action dated August 21, 2024, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 21st day of August, 2024 by the Zoning Administrator.



Ricardo Soto, AICP
Zoning Administrator

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

By: Laura A. Rossini
Laura A. Rossini
Chief Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, NUVIA OCAMPO, Acting Recording Secretary, do hereby attest to and certify the attached Resolution No. 2024-02 to be the original resolution adopted by the Zoning Administrator of the City of Santa Ana on August 21, 2024.

Date: 8/21/2024

Nuvia Ocampo
Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Tentative Parcel Map No. 2024-01

Tentative Parcel Map No. 2024-01 is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code and all other applicable regulations.

The Applicant (“Applicant”) shall comply in full with each and every condition listed below prior to exercising the rights conferred by this tentative parcel map.

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

1. All proposed site improvements must conform with Development Project Review (DP) No. 2023-25, Tentative Parcel Map No. 2024-01, and the staff report exhibits incorporated herein by reference.
2. Any amendment to this tentative parcel map, including modifications to approved materials, finishes, architecture, site plan, landscaping, parking, and square footages, must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the tentative parcel map must be amended.
3. Two copies of the recorded final parcel map shall be submitted each to the Planning Division, Building Division, and Public Works Agency within 10 days of recordation.
4. The tentative parcel map, final map, and all improvements required to be made or installed by the subdivider shall be done in accordance with the requirements and design standards and specifications of the City of Santa Ana Municipal Code and the requirements of the State Subdivision Map Act.
5. The final map must be approved and recorded prior to issuance of building permits.
6. Once the final map is recorded and prior to issuance of building permit, each proposed residence and/or accessory dwelling unit must submit separate sets of plans for each new single-family residence to the City for review and approval. Each residence must conform to applicable development and design standards for single-family residences and/or accessory dwelling units, including but not limited to, massing, materials, architecture, window placement, and prevailing setbacks.
7. Prior to building permit issuance of the proposed new single-family residences, the applicant must submit a formal landscape plan and any accompanying review fee for staff review.

8. Prior to permit issuance, the applicant shall submit a detailed construction plan and phasing schedule to the Planning Division for review, including any routes for hauling construction debris and materials to/from the site. Such routes shall avoid passage to the extent feasible through areas with sensitive land uses, including schools, parks, and residences.
9. The site shall be surrounded by a chain-link fence with “green screening” during site preparation, demolition, grading, and construction activities. The building permit, and contractor’s and owner’s contact information, shall be posted prominently on said fence to be visible from the public right-of-way.
10. Applicant must construct a minimum six-foot high perimeter block wall for rear of Parcel 1 to the east and the side property line for Parcel 2 to the west.
11. Prior to permit issuance, 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.
12. Changes in any design, materials, or other specifications that deviate from the approved plan sets for new construction shall be promptly reported to the Planning and Building Agency.
13. Prior to permit finals/certificate of occupancy, the applicant shall contact the Planning Division for a final inspection. A minimum of three days advance notice shall be provided.