

RESOLUTION NO. 2024-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING TENTATIVE PARCEL MAP NO. 2024-02 (COUNTY MAP NO. 2022-192), AS CONDITIONED, TO ALLOW THE SUBDIVISION OF AN EXISTING LOT LOCATED AT 5213 WEST SILVER DRIVE (APN: 099-212-14) INTO TWO FEE-SIMPLE LOTS

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. Evan Dahl, representing Ngoc Thien Ho and Yen N. Dahl (“Applicants and Property Owners”) is requesting approval of Tentative Parcel Map (“TPM”) No. 2024-02 to allow the subdivision of an existing lot located at 5213 West Silver Drive (APN:099-212-14) into two fee-simple lots.
- B. Pursuant to Santa Ana Municipal Code (“SAMC”) Section 34-126, the Planning Commission is authorized to review and approve tentative parcel maps.
- C. On October 28, 2024, the Planning Commission held a duly noticed public hearing on TPM No. 2024-02.
- D. The Planning Commission of the City of Santa Ana determines that the following findings, which must be established in order to approve TPM No. 2024-02, 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 are 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 because 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 two existing single-family residences and accessory structures 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 because the proposed project conforms to the residential land use provisions of the zoning code that pertain to lot size, landscaping, setbacks, lot coverage, and parking and Variance (VA) No. 2024-04 has been proposed to allow a reduction in lot frontage; if approved, the project and the existing 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 because the proposed project consists of the subdivision of an existing lot into two lots and the existing single-family dwelling structures will remain, and will be compliant with all applicable development standards, contingent upon approval of VA No. 2024-04 for a reduction in lot frontage. 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 because the project site is located in an urbanized area and 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, as each property will include the necessary utilities and infrastructure improvements as required under Development

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 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 proposed to subdivide an existing lot developed with two single-family residences and accessory structures into two fee simple lots does not involve an expansion of use. Based on this analysis, a Notice of Exemption, Environmental Review No. 2023-95, 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 Parcel Map No. 2024-02, as conditioned in Exhibit A, attached hereto and incorporated herein, for the property located at 5213 West Silver Drive, 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 Planning Commission Action dated October 28, 2024, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference. The Tentative Parcel Map shall not take effect unless and until Variance No. 2024-04 is approved by the Planning Commission.

ADOPTED this 28th day of October, 2024 by the Planning Commission.

AYES: Commissioners: Carl Benninger, Christopher Leo, Jennifer Oliva, Bao Pham, Isuri Ramos, Alan Woo (6)

NOES: Commissioners:


ABSENT: Commissioners: Manuel J. Escamilla (1)

ABSTENTIONS: Commissioners:



Jennifer Oliva
Chairperson

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

By: 
Melissa Crosthwaite
Senior Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, NUVIA OCAMPO, Acting Recording Secretary, do hereby attest to and certify the attached Resolution No. 2024-26 to be the original resolution adopted by the Planning Commission of the City of Santa Ana on October 28, 2024.

Date: 10/28/2024

Nuvia Ocampo
Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Tentative Parcel Map No. 2024-02

Tentative Parcel Map No. 2024-02 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 development. 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. 2023-20, Tentative Parcel Map No. 2024-02, and the staff report exhibits incorporated herein by reference. Such improvements need to be completed and inspected prior to recordation of the final map.
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. Prior to the release of this resolution, the applicant shall conduct the following site improvements:
 - a. Rehabilitate front yard landscape to ensure compliance pursuant to SAMC Section 41-240, Landscape standards in the R1 district. Applicant to contact the Case Planner for a final walk-through inspection of the site once landscape has been improved per the approved landscape plan.
 - b. Demolish unpermitted attached patio cover in the rear of the existing single-family residence located at 5217 West Silver Drive.
 - c. Legalize perimeter block wall located between the two properties on the property line to ensure CMU block wall conforms with required 18-inch

maximum height in the front yard area. Demolish existing gate and replace with CMU block wall to match existing.

- d. Enclose the outdoor water heater to match the architectural design of the existing single-family residence located at 5217 West Silver Drive.
 - e. Demolish the chain-link fence in the front yard of the existing single-family residence located at 5217 West Silver Drive.
 - f. Legalize window change outs on existing single-family residence located at 5217 West Silver Drive.
6. Prior to final map approval, 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.
7. Prior to permit finals, the applicant shall contact the Planning Division for a final inspection. A minimum of three days advance notice shall be provided.