

# REQUEST FOR Planning Commission Action



**PLANNING COMMISSION MEETING DATE:**

**JULY 27, 2020**

**TITLE:**

**PUBLIC HEARING – TENTATIVE PARCEL  
MAP NO. 2018-04 AND SPECIAL USE  
PERMIT NO. 2020-01 TO SUBDIVIDE AN  
EXISTING SITE CONTAINING TWO OFFICE  
BUILDINGS INTO TWO CONDOMINIUMS LOCATED  
AT 3100 AND 3130 SOUTH HARBOR  
BOULEVARD– SARAH BOVA, APPLICANT**

Prepared by Kathy Khang and  
Ali Pezeshkpour, AICP

Executive Director

**PLANNING COMMISSION SECRETARY**

APPROVED

- As Recommended
- As Amended
- Set Public Hearing For \_\_\_\_\_

DENIED

- Applicant's Request
- Staff Recommendation

CONTINUED TO \_\_\_\_\_

Planning Manager

## RECOMMENDED ACTIONS

1. Adopt a resolution approving Tentative Parcel Map No. 2018-04 (County Map No. 2018-190) as conditioned.
2. Adopt resolution approving Special Use Permit No. 2020-01 as conditioned.

## Executive Summary

Sarah Bova, representing Kearny Real Estate Company, is requesting approval of a tentative parcel map (TPM) and a special use permit (SUP) to subdivide an existing office complex containing two buildings into two commercial (non-residential) condominium units for the subject property located at 3100 and 3130 South Harbor Boulevard. TPM applications require approval by the Zoning Administrator pursuant to Section 34-126 of the Santa Ana Municipal Code (SAMC) and SUP applications require approval by the Planning Commission City Council in concurrence with the tentative map application. Staff is recommending approval of the applicant's request as the subdivision will offer an alternate form of property ownership, allowing building owners to build equity and provide long-term ownership and investment opportunities.

**Table 1: Project and Location Information**

Item	Information
Project Address	3100 and 3130 South Harbor Boulevard
Nearest Intersection	South Harbor Boulevard and West Garry Avenue
General Plan Designation	Industrial (IND)
Zoning Designation	Light Industrial (M1)

Item	Information	
Surrounding Land Uses	North	Manufacturing/Warehousing Uses
	East	Manufacturing/Warehousing Uses
	South	Wholesale/Warehousing Uses
	West	Manufacturing/Warehousing Uses
Property Size	9.65 acres (gross, including roadway easements); 8.30 acres (net)	
Existing Site Development	The site is currently developed with two detached office buildings containing a total of 46,760 square feet, parking areas, and landscaping.	
Use Permissions	Uses	SAMC 41-472 through 41-472.5
	Development Standards	41-474 through 41-481

**Project Description**

The request would subdivide an existing office complex known as Elevate into two commercial (non-residential) condominium units, which will allow the units to be sold to individual owners. The existing site will continue to consist of common areas, landscaping, access, and parking for the two office buildings. In addition, the subdivision will require installation of two new streetlights, reconstruction the driveways to City standards, and installation of separate domestic and irrigation water meters per building. The project will provide its own set of Covenants, Conditions, and Restrictions (CC&Rs) in order to guarantee proper maintenance and consistency within the potential owners. Table 2 and Table 3 below describe the proposed breakdown of the buildings and the current development standards for the office complex.

**Table 2: Condominium Unit Information**

Kearny Real Estate Company Subdivision				
Building Address	Parcel Number	Condominium Unit	Number of Stories	Total Building Square Footage
3100 S. Harbor Blvd.	1	1	3	69,485
3130 S. Harbor Blvd.	2	2	5	114,137

**Table 3: Development Standards**

SAMC Sec. 41-474 to 41-481		
Standard	Required	Provided (Existing)
Height	N/A – The subject site is in Height District II [SAMC Sec. 41-602 (d)]	Complies; 3100 S. Harbor Blvd.: 48 Feet Complies; 3130 S. Harbor Blvd.: 76 Feet
Setback (Garry Avenue and Croddy Way)	10 Feet	Complies; 3100 S. Harbor Blvd.: 26 Feet
Setback (Harbor Boulevard)	20 Feet	Complies; 3100 S. Harbor Blvd.: 60

<b>SAMC Sec. 41-474 to 41-481</b>		
		Feet/301 Feet Complies; 3130 S. Harbor Blvd.: 131.88 Feet/234.9 Feet
Rear Setback	10 Feet	Complies; 3130 S. Harbor Blvd.: 248 Feet
Off-Street Parking (Includes ADA Stalls per Code)	140 Spaces	Complies; 646 Spaces

**Project Background**

The site was developed with two detached office buildings each built in 1981. On December 12, 2018, the City’s Development Review Committee (DRC) received the subject application. Through several submittals, the project was revised to comply with the DRC’s requirements to clarify onsite parking, improvements required, and landscape compliance.

Independent of the subject TPM and SUP requests, the applicant has carried out recent significant landscape and façade enhancements to the site. New landscaping, building materials, and signage have comprehensively remodeled the site in an effort to remain competitive with the overall clean-tech and office cluster in the southwestern portion of the City adjacent to the San Diego (I-405) Freeway.

The TPM is subject to the approval of the Zoning Administrator, while the SUP requires Planning Commission approval, followed by the City Council consent review for both applications. In an effort to expedite the discretionary process, both applications have been bundled to start at the the Planning Commission review.

**Project Analysis**

**Tentative Parcel Map**

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 parcel 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 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; and the proposed project will not conflict with easements necessary for public access through or use of the property. 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 TPM.

If the TPM is approved, the project site will continue to be utilized for office uses, which are legal-nonconforming within the site’s current M-1 zoning district designation. 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 setbacks, landscaping, and parking. Furthermore, conditions of approval have been included to bring the site's landscaping and architectural design to be in compliance with all applicable standards of the SAMC. Additionally, CC&Rs will be adopted to define the operating and maintenance requirements and enforcement of the CC&R provisions. The proposed subdivision is generally consistent with the Industrial (IND) General Plan land use designation in that the use provides employment opportunities for local residents, and generates municipal revenues for continued economic development, as well as all other elements of the General Plan. The current office use is a legal-nonconforming, but was a conforming use at the time the office buildings were constructed in 1981.

No adverse environmental impacts to fish or wildlife populations were identified as the project site is located in a built-out, urbanized area. Finally, the TPM was found to be consistent with the California Subdivision Map Act and Chapters 34 and 41 of the SAMC. The existing buildings on the project site were constructed in compliance with all applicable city standards at the time of construction with no new constructions proposed as part of this project.

#### Special Use Permit

In August 2007, Ordinance No. NS-2755 was adopted that created regulations (Sec. 41-1800 through 1809 of the SAMC) for the conversion of existing commercial and industrial buildings into air-space condominiums. These standards were created to ensure that the commercial and industrial condominiums would remain economically viable and would not negatively affect the surrounding properties. The ordinance also created a new method of approving commercial and industrial condominium conversions by a special use permit, which requires approval by the Planning Commission concurrent with the TPM application.

An improvement plan per Sec. 41-1804 (a) of the SAMC is required as part of the special use permit approval. The purpose of the plan is to identify potential upgrades to the building to bring the structure into current construction standards. The plan must provide details of the site's ability to comply with off-street parking, sound transmission, energy efficiency, open space, setbacks, adopted design guidelines and landscaping. As part of the Development Review Committee's process and prior to the submittal of the TPM and SUP applications, the site was surveyed for consistency with the current off-street parking regulations, landscaping, and accessibility. Current regulations pertaining to fire response and safety were also addressed with special consideration to the drive aisles and on-site fire hydrant locations. Any future improvements within the buildings will continue to be consistent to all Title 24 Building Code requirements.

Additionally, Section 41-1805 of the SAMC requires separate meters for the units. The metering includes electric, gas, and water service for each of the units, or in this case buildings. The individual utility services for each building will be provided underground, pursuant to Section 41-626 of the SAMC.

**Table 4: California Environmental Quality Act (CEQA) and Public Notification**

<b>CEQA and Public Notification</b>	
<b>CEQA</b>	
CEQA Type	Class 15 - The project qualifies as a minor land division project under the provisions set forth in Section 15315 of the CEQA guidelines.
Reason(s) Exempt or Analysis	This exemption applies to the subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt. No construction is proposed as part of the application.
<b>Public Notification</b>	
Required Measures	A public notice was posted on the project site on July 16, 2020.
	Notification by mail was mailed to all property owners and occupants within 500 feet of the project site on July 16, 2020.
	Newspaper posting was published in the Orange County Reporter on July 16, 2020.


**Economic Development Benefits**

The project will continue to generate property tax revenue, permanent jobs, and services for the community. Property tax revenue will be increased as the current single lot will be subdivided into two condominium units. Additionally, two condominium units may be sold individually, creating new opportunities for investment in the City. The total net value of the property is estimated at \$35,468,460, based on the 2019-2020 secured property tax information available for the property.

**Conclusion**

Based on the analysis provided within this report, staff recommends that the Planning Commission approve Tentative Parcel Map No. 2018-04 and Special Use Permit No. 2020-01 as conditioned.

  
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 Kathy Khang  
 Assistant Planner I

  
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 Ali Pezeshkpour, AICP  
 Senior Planner

- Exhibits:
- 1 – Resolution
  - 2 – Vicinity Zoning and Aerial View
  - 3 – Site Photo
  - 4 – Tentative Parcel Map
  - 5 – Landscape Plan