

REQUEST FOR Planning Commission Action



PLANNING COMMISSION MEETING DATE:

OCTOBER 26, 2020

TITLE:

PUBLIC HEARING – ENVIRONMENTAL REVIEW NO. 2018-83, GENERAL PLAN AMENDMENT NO. 2020-04, AMENDMENT APPLICATION NO. 2020-02, AND TENTATIVE TRACT MAP NO. 2019-02 TO FACILITATE CONSTRUCTION OF AN 8-UNIT CONDOMINIUM DEVELOPMENT AT 301 AND 305 NORTH MOUNTAIN VIEW STREET

PLANNING COMMISSION SECRETARY

APPROVED

- As Recommended
- As Amended
- Set Public Hearing For _____

DENIED

- Applicant's Request
- Staff Recommendation

Prepared by Jerry C. Guevara

CONTINUED TO _____

A blue ink signature of the Executive Director.

Executive Director

A black ink signature of the Planning Manager.

Planning Manager

RECOMMENDED ACTION

1. Adopt a resolution adopting Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Environmental Review No. 2018-83, for Tentative Tract Map No. 2019-02;
2. Adopt a resolution approving Tentative Tract Map No. 2019-02 as conditioned; and
3. Recommend that the City Council take the following actions:
 - a. Adopt a resolution adopting Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Environmental Review No. 2018-83, for General Plan Amendment No. 2020-04 and Amendment Application No. 2020-02;
 - b. Adopt a resolution approving General Plan Amendment No. 2020-04; and
 - c. Adopt an ordinance approving Amendment Application No. 2020-02.

Property Owner and Applicant Information

1. Owner: Mountain View Real Estate Investment, LLC
2. Applicant: Olympia Capital Corporation
3. Project Representative: Steve Jones

Executive Summary

The applicant is requesting approval of multiple entitlements to facilitate construction of a new eight-unit condominium development at 301 and 305 North Mountain View Street. Specifically, the applicant is requesting approval of General Plan Amendment (GPA) No. 2020-04, Amendment Application (AA) No. 2020-02 and Tentative Tract Map (TM) No. 2019-02.

In accordance with the California Environmental Quality Act (CEQA), the project requires adoption of a Mitigated Negative Declaration (MND) and adoption of a Mitigation Monitoring and Reporting Program (MMRP), Environmental Review (ER) No. 2018-83, for the project.

Staff is recommending that the Planning Commission approve TTM No. 2019-02 as conditioned, and recommend approval of the applicant's GPA and AA request to the City Council as the project demonstrates high-quality site planning, design, and amenities, and contributes to the City's housing stock through both production of new home-ownership opportunities and payment of in-lieu affordable housing funds.

Table 1: Project and Location Information

Item	Information
Project Address	301 and 305 North Mountain View Street
Nearest Intersection	First and Mountain View streets
Existing General Plan Designation	Low-Medium Density Residential (LMR-11)
Proposed General Plan Designation	Medium Density Residential (MR-15)
Existing Zoning Designation	General Agricultural (A1)
Proposed Zoning Designation	Two-Family Residence (R2)
Surrounding Land Uses	North Multiple-Family Residence
	East Mobile Home Park
	South Multiple-Family Residence
	West Single-Family Residence
Site Size	0.74 acres
Existing Site Development	The site is currently developed with two single-family residences that were constructed in 1959 and 1963.
Applicable Zoning Code Sections	SAMC Chapter 41, Article II, Division 4 (SAMC Sections 41-246 to 41-256)
Entitlements	SAMC Chapter 41, Article V, Division II and Chapter 34, Article V

Project Description

The development is proposed to consist of four separate buildings, each with two units. The proposed units range in size from 1,800 to 1,870 square feet, each consisting of three bedrooms and an attached 400-square foot two-car garage.

Table 2A: Unit Mix

Unit	Building	Floor Area	Number of Bedrooms	Private Open Space
1	A	1,838 SF	3	360 SF
2	A	1,870 SF	3	685 SF
3	B	1,800 SF	3	685 SF
4	B	1,870 SF	3	540 SF
5	C	1,810 SF	3	540 SF
6	C	1,870 SF	3	685 SF
7	D	1,800 SF	3	685 SF
8	D	1,870 SF	3	850 SF
TOTAL		14,728 SF	24	5,030 SF

Table 2B: R-2 Development Standards

Standard	Required by SAMC		Provided
Minimum Lot Size	27,000 square feet		32,234 square feet; complies
Minimum Frontage	75 feet		108 feet; complies
Lot Coverage	50 percent		31 percent; complies
Building Height	27 feet		27 feet; complies
Front Yard Setback	20 feet		20 feet; complies
Side Yard Setback	5 feet		5-7 feet; complies
Rear Yard Setback	10 feet		10 feet; complies
Off-Street Parking	2 spaces per unit in a garage + 2 driveway spaces per unit		32 spaces; complies
Onsite Open Space	Private Open Space	100 square feet per unit	360 – 850 square feet per unit; complies
	Common Open Space	1,200 square feet	

The project's buildings are designed in a cohesive manner with unifying materials, floor heights, and articulation using contemporary architecture in a Spanish style and includes a variety of architectural elements such as smooth stucco, arches above windows and doors, tile and ironwork, and roof tiles.

The site will be accessed from a driveway at the southwest corner of the site, with an internal drive aisle providing access to each unit. The project provides two garage parking spaces per unit and two surface parking spaces per unit in each unit's driveway. In addition, communal bicycle racks are also provided at the center of the site.

The project provides an 835-square foot central common open space area between Buildings B and C. In addition, two 615-square foot common open space areas are provided, one between Buildings A and B and the other between Buildings C and D. The common open space areas will include grass play areas, benches, trash and recycle receptacles, bike racks, and pedestrian lighting. Private open space for each unit is provided through backyards and patios. As detailed in Table 2B, the backyards and patios range in size from 360 to 850 square feet.

Project and Site Background

The project site was originally developed in 1959 with a single-family residence; a second single-family residence was constructed in 1963. Both structures are proposed to be demolished as part of this application. In July 2018, the Planning Division received the subject application and, since then, the applicant has been working with the City to refine the site plan and elevations.

In accordance with the Sunshine Ordinance, the applicant held a community meeting on October 16, 2018 to review the proposed development and proposed land use and zoning changes and receive feedback from the community and adjacent property owners and residents. The applicant provided all the required information to the City after the meeting (Exhibit 12). In addition, the applicant provided an update to the community at the Riverview West Neighborhood Association meeting of August 25, 2020. The meeting was held at 6:15 p.m. via a GoToMeeting virtual platform which was attended by 12 residents. The community raised concerns about potential parking impacts to the neighborhood. Those concerns were addressed by clarifying that each unit is providing a two-car garage and two surface parking spaces for a total of 32 parking spaces for the

development site, which meets the City's required parking. In addition, all units will contain a maximum of three bedrooms.

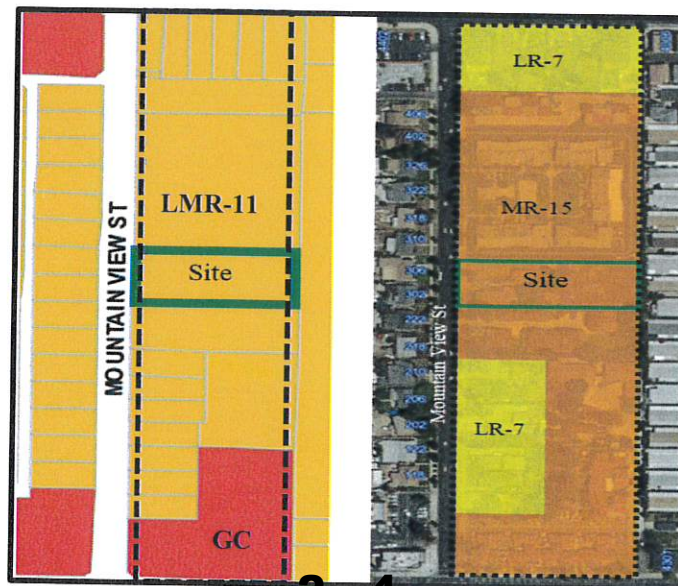
Analysis of the Issues

General Plan Amendment

The applicant is requesting a GPA to change the subject site's current land use designation from Low-Medium Density Residential (LMR-11) to Medium Density Residential (MR-15) to create consistency between the General Plan Land Use Element and the Zoning Map. The MR-15 designation applies to those areas of the City that are developed with residential uses at densities of up to 15 units per acre. Development in this designation is characterized by duplexes, townhomes, or apartments. In reviewing a GPA request for a project such as the one proposed, the Planning Division's practice has been to also analyze any potential general plan land use inconsistencies in the general vicinity of the proposed project. Because of this and part of the this application, the City is also proposing to change the land use designation of the adjacent properties on the block stretching from First Street to Fifth Street to bring consistency between the Land Use Element and the Zoning Map. The proposed GPA for the entire area was discussed during the Sunshine Ordinance community meeting and is analyzed in the prepared MND.

Currently, the subject site and the surrounding properties on the east side of Mountain View Street have a LMR-11 or General Commercial (GC) land use designation. However, all of the properties are developed with residential uses with numerous properties currently exceeding the maximum allowed density permitted in the LMR-11 land use designation. The densities surrounding this area range from 4.8 to 18.8 dwelling units per acre. Because of this, staff is recommending that the general plan land use designation of the project site and surrounding properties be changed to MR-15 and Low Density Residential (LR-7), as shown on Map A. Changing the land use designations will bring the General Plan Land Use Plan into closer consistency with existing residential development density and characteristics in the area and will allow for consistent development intensity for future projects.

Map A: Existing (Left) and Proposed (Right) Land Use Designations



The project supports several goals and policies of the Housing Element. First, the project will be consistent with Goal 2, which encourages diversity of quality housing, affordability levels, and living experiences that accommodate Santa Ana's residents and workforce of all household types, income levels and age groups to foster an inclusive community. The proposed project will encourage the construction of entry level housing that will provide an opportunity for home ownership. Second, the project would support Goal 4, to provide adequate rental and ownership housing opportunities and supportive services. Further, the project would be consistent with Policy HE-2.4 to facilitate diverse types, prices and sizes of housing. The project would also be consistent with goals of the Land Use Element, including Goal 1 to promote a balance of land uses to address basic community needs, and Goal 6 to reduce residential overcrowding by promoting public health and safety. The proposed project will provide additional market rate housing in the City, thereby assisting in addressing the shortage of available housing within the region.

Amendment Application (Zone Change)

The applicant is also requesting to change the zoning designation of the property from General Agricultural (A1) to Two-Family Residence (R2). The R2 zoning designation is the appropriate designation for the subject site, which allows for duplexes and similar medium-density residential developments. In addition, staff is proposing to change the zoning designation of the surrounding properties to make the general plan and zoning consistent, as shown on Map B below. As it is unlikely that the existing uses will transition to agricultural related uses, a zone change is appropriate. The subject site and surrounding properties include properties zoned A1, R2, and Suburban Apartment (R4). In addition, the City is proposing to drop the Planned Residential Development (PRD) suffixes for three properties in order to streamline redevelopment of such properties, should they be redeveloped. The proposed AA for the entire area was discussed during the Sunshine Ordinance community meeting and is analyzed in the prepared MND.

Map B: Existing (Left) and Proposed (Right) Zoning Designations



Tentative Tract Map

The requested tentative tract map would allow subdivision of the property for condominium ownership purposes. 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 (SMA), 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 being consistent with the General Plan, the site is in conformance with all applicable City ordinances, the project 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 parcel map to subdivide the property into eight airspace condominium units and one common area lot. The condominium units will contain approximately 1,900 square feet in size and the common lot will contain approximate 17,400 square feet. In reviewing the project, staff determined that the proposal as conditioned is consistent with the various provisions of the SAMC and General Plan, including lot size, lot frontage, and lot coverage. No adverse environmental impacts to fish or wildlife populations were identified as the project site is located in a built-out, urbanized area. In addition, conditions of approval are included requiring the applicant to enter into a property maintenance agreement and to submit Covenants, Conditions and Restrictions (CC&Rs) to the City for review. The CC&Rs will ensure long-term maintenance of the landscaping, parking, buildings, and common amenities. Finally, the tentative map is consistent with the California Subdivision Map Act and Chapters 34 and 41 of the Municipal Code.

Table 3: CEQA, Public Notification, & Community Outreach

CEQA and Public Notification & Community Outreach		
CEQA		
CEQA Type	A Mitigated Negative Declaration (MND), Environmental Review No. 2019-83, with technical studies, 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 (Exhibit 1). The project requires adoption of a Mitigation Monitoring and Reporting Program (MMRP), which contains mitigation measures to address biological resources, geology and soils, noise, hydrology and water quality, tribal cultural resources and cultural resources.	
Public Notification	On June 8, 2020, the draft MND was circulated for 30 days to interested parties and the Notice of Intent (NOI) was published in the Orange County Register and posted with the State's Clearinghouse. The draft MND was available for public review at the Santa Ana City Hall and on the project's webpage on the City's website.	
Public Notification & Community Outreach		
Required Measures	Site posting	A public notice was posted on the project site on October 15, 2020.
	Notification by mail	Notification by mail was mailed to all property owners and occupants within 500 feet of the project site on October 15, 2020.

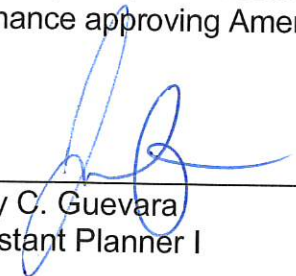
CEQA and Public Notification & Community Outreach	
	Newspaper posting Newspaper posting was published in the Orange County Register on October 15, 2020.
Sunshine Meeting	A Sunshine Ordinance Community Meeting was held on October 16, 2018 from 5:00 p.m. to 6:00 p.m. at Salgado Community Center in Rosita Park (706 North Newhope Street) in accordance with the provisions of the City's Sunshine Ordinance. A total of six members of the public attended. The applicant provided all the required information to the City after the meeting.
Additional Measures	The applicant provided a project update to the community at the Riverview West Neighborhood Association meeting of August 25, 2020.

Economic Development

Based on the development of the eight condominiums, the City is expected to generate approximately \$64,000 in permit fees. The project will also increase the property tax for the property. The property currently has an assessed value of approximately \$1.2 million. Upon completion of the project, the estimated assessed value of the property is approximately \$4 million. Based on the \$4 million valuation, the estimated annual tax revenue to the City is approximately \$5,200 (not including an expected two-percent annual increase).

Conclusion

Based on the analysis provided within this report, staff recommends that the Planning Commission adopt a resolution adopting Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Environmental Review No. 2018-83, for Tentative Tract Map No. 2019-02 and adopt a resolution approving Tentative Tract Map No. 2019-02 as conditioned. Further staff recommends that the Planning Commission recommend that the City Council adopt a resolution adopting Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Environmental Review No. 2018-83, for General Plan Amendment No. 2020-04 and Amendment Application No. 2020-02, adopt a resolution approving General Plan Amendment No. 2020-04, and adopt an ordinance approving Amendment Application No. 2020-02.



 Jerry C. Guevara
 Assistant Planner I

JG:\S:\Planning Commission\2020\10-12-20\GPA No. 2020-04, AA No. 2020-02 & TTM No. 2019-02 at 301 N. Mountain View Street\GPA-2020-04, AA No. 2020-02 & TM No. 2019-02. PC Staff Report.docx

Exhibits:

1. Planning Commission Resolution Adopting MND and MMRP, ER No. 2018-83, for TTM No. 2019-02
2. Planning Commission Resolution Approving TTM No. 2019-02, as conditioned
3. City Council Resolution Adopting MND and MMRP, ER No. 2018-83, for GPA No. 2020-04 and AA No. 2020-02
4. City Council Resolution Approving GPA No. 2020-04
5. City Council Ordinance Approving AA No. 2020-02
6. Vicinity Zoning and Aerial Map
7. Site Photo
8. Site Plan & Landscape Plan
9. Floor Plans
10. Elevations
11. Tentative Tract Map
12. Sunshine Ordinance Meeting Minutes

EXHIBIT 1

RESOLUTION NO. 2020-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, ENVIRONMENTAL REVIEW NO. 2018-83, RELATIVE TO TENTATIVE TRACT MAP NO. 2019-02 FOR THE PROJECT LOCATED AT 301 AND 305 NORTH MOUNTAIN VIEW 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. Steve Jones with Olympia Capital Corporation, representing Mountain View Real Estate Investments, LLC. ("Applicant"), is requesting approval of Tentative Tract Map ("TTM") No. 2019-02 in order to facilitate the construction of an 8-unit condominium development at 301 and 305 North Mountain View Street.
- B. The provisions of the California Environmental Quality Act of 1970 ("CEQA"), Public Resources Code Sections 21000 et. seq., as amended, and the CEQA Guidelines require the evaluation of environmental impacts in connection with proposals for discretionary projects.
- C. Pursuant to the Guidelines for the Implementation of the CEQA, an Initial Study relative to the proposed project concluded that implementation of the project could result in potentially significant effects on the environment and identified mitigation measures that would reduce the significant effects to a less-than-significant level.
- D. The City of Santa Ana prepared a Mitigated Negative Declaration ("MND"), Environmental Review (ER) No. 2018-83, for the proposed project which reflects the City's independent judgement and analysis as lead agency for the project. The MND concluded that the project would have a less than significant environmental impact with implementation of mitigation measures. Mitigation measures are included to address biological resources, geology and soils, noise, hydrology and water quality, tribal cultural resources and cultural resources.
- E. On June 8, 2020, a Notice of Intent (NOI) to adopt the Initial Study and MND, ER No. 2018-83, was published in the Orange County Register newspaper, circulated to interested parties, and the State Clearinghouse.

- F. The documents related to the MND were made available for a 30-day public review and comment period at the Santa Ana City Hall and on the project's webpage on the City's website. At the completion of the comment period, comments from the Orange County Fire Authority (OCFA) and the Gabrieleno Ban of Mission Indians-Kizh Nation were received and incorporated to the Final MND.
- G. The mitigation measures set forth in the MND are fully enforceable and will be implemented using the Mitigation Monitoring and Reporting Program (MMRP), attached hereto as Exhibit A and incorporated herein by reference.
- H. On October 26, 2020, the Planning Commission of the City of Santa Ana held a duly noticed public hearing and voted to approve a resolution to adopt MND, ER No. 2018-83, and the related MMRP for the project.

Section 2. The Planning Commission has independently reviewed and analyzed the information contained in the Initial Study and the MND, ER No. 2018-83, prepared with respect to this project. The Planning Commission has, as a result of its consideration and the evidence presented at the hearings on this matter, determined that, as required pursuant to the CEQA and the State CEQA Guidelines, the MND adequately addresses the expected environmental impacts of this project. On the basis of this review, the Planning Commission 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 Planning Commission hereby adopts the MND, attached hereto as Exhibit A, and MMRP, attached hereto as Exhibit B, and directs that a Notice of Determination be prepared and filed with the County 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 Planning Commission Action dated October 26, 2020 and exhibits attached hereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

Section 4. Pursuant to Title XIV, California Code of Regulations (CCR) § 735.5(c)(1), the Planning Commission 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 wildlife resources or the ecological habitat upon which wildlife resources depend. The proposed project exists in an urban environment characterized by paved concrete, roadways, surrounding buildings and human activity. However, pursuant to Fish and Game Code § 711.2 and Title XIV, CCR § 735.5, the payment of Fish and Game Department filing fees in conjunction with this project is at the discretion of the State of California Department of Fish and Wildlife.

Section 5. 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, which approval will not be unreasonably withheld, 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 6. This decision rendered by the Planning Commission of the City of Santa Ana is final and is subject to judicial review pursuant to California Code of Civil Procedure Section 1094.6. The Planning and Building Agency shall give direct notice to the Applicant of the Planning Commission's decisions and these findings.

Section 7. This resolution shall take effect immediately upon its adoption by Planning Commission, and the Recording Secretary shall attest to and certify the vote adopting this resolution.

ADOPTED this 26th day of October, 2020.

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTENTIONS: Commissioners:

Mark McLoughlin
Chairperson

EXHIBIT A
MITIGATED NEGATIVE DECLARATION

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

<https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/mountain-view>

Or by visiting:

Planning and Building Agency – Planning Division Public Counter

20 Civic Center Plaza

Santa Ana, CA 92701

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

The following is a Mitigation Monitoring and Reporting Program (MMRP) for the Mountain View Avenue Condominiums located at 301 and 305 Mountain View Avenue, Santa Ana, CA. This MMRP has been prepared pursuant to Section 15097 of the California Environmental Quality Act (CEQA) Guidelines and Section 21081 of the Public Resources Code. The MMRP lists all applicable Project Mitigation Measures (MM) and environmental commitments that are required to be implemented with the Project under existing Standard Condition Plans, Programs, and Policies (SC) for implementing environmental resource protection legislation. This MMRP includes implementation timing and responsible party to ensure proper enforcement of all MM and SC to reduce Project impacts. The City of Santa Ana, as the Lead Agency, will utilize the MMRP to document the implementation of Project mitigation and SC environmental commitments, which ensure all project impacts are reduced to less than significance pursuant to the CEQA.

Mitigation Number	Mitigation Measure	Responsible Party	Timing	Date Completed and Initials
AESTHETICS				
MM AES-1	<p>The Contractor shall partition active areas of construction, stockpiles and materials storage locations; and, shall perform all work with downlighting and installation of a barrier to confine construction-related light and glare into active construction zones and to minimize spillover light and glare from construction equipment onto adjacent areas by implementing the following:</p> <p>(a) A temporary barrier between nearby residences and areas of active construction will be placed.</p> <p>(b) Temporary security lighting must be low voltage and downlit.</p>	Contractor and City Inspector	During all phases of construction	
AIR QUALITY				
MM AQ-1	Emissions controls and fugitive dust emissions controls will be implemented to reduce airborne dust contributing to PM10 and PM2.5 pursuant to SXAQMD Rules 403 for PM and PM2.5 and pursuant to Rule 1466 pertaining to toxic	Contractor as verified by City Planner and City Engineer, construction	During all phases of construction	

	<p>air contaminants. This includes dust control BACM and air quality TAC monitoring for Lead:</p> <ul style="list-style-type: none"> (a) Designate a Dust Control Supervisor; (b) Provide PM10 monitoring both upwind and downwind during earth-moving activities; (c) Maintain records of earth-moving activities, monitoring, instrument calibration, manifest records for transport, volumes of materials with TAC, distances to a residence, park or school, and complaints; (d) Install minimum 6-foot tall barrier fencing where earth moving activities are carried out, and fencing at least as high as stockpiles; (e) Apply water or other soils stabilizers prior to earthmoving activities and maintain moisture content to prevent generation of visible dust plumes; (f) Post signs limiting speed limit to 15 miles per hour; (g) Stabilize or cover disturbed surfaces and apply stabilizers and cover haul loads prior to unloading; (h) Remove track-out with a vacuum equipped with filters rated to achieve 99.97% capture efficiency for 0.3 micron particles; (i) Prevent track-out and clean soils from the exterior of trucks, trailers and tires prior to leaving the Project Area; 	staff		
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	<ul style="list-style-type: none"> (j) Segregate and label TAC stock piles and apply stabilizers, and 10mm plastic overlapping and anchored sheeting; (k) Cease activities during high winds (15 miles per hour over a 15-minute period or instantaneous wind speeds exceeding 25 MPH); and (l) Proper notification of SCAQMD prior to earthmoving 			
MM AQ-2	<p>Construction emissions will be reduced according to the following:</p> <ul style="list-style-type: none"> (a) Disturbed areas will be stabilized at the end of each day with trench plates or similar devices. (b) Idling on construction equipment and vehicles will be limited to 5 minutes; (c) The project will implement Tier IV mitigation to reduce exhaust from diesel powered engines in compliance with AQMD; (d) The project will implement Tier III engines; and (e) Construction staff will carpool. 	Contractor as verified by City Planner and City Engineer, construction staff	During all phases of construction	
MM AQ-3	Project plans and specifications shall incorporate a temporary signage plan for the Project, which shall be verified by the City Engineer, and shall include a feedback phone number. The Contractor shall post Project Area will be with a phone number intended for 24/7 feedback to the Contractor and City from the community according to approved plans.	City Engineer, Contractor and City Inspector	During all phases of construction	
BIOLOGY				

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

By: _____
Lisa Storck
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, SARAH BERNAL, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2020-XX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on October 26, 2020.

Date: _____

Recording Secretary
City of Santa Ana

SC BIO-1	Plans and specifications for the project shall include the following note prior to issuance of permits to reduce impacts from vegetation trimming and clearing, tree trimming and removals, generation of mechanical noise or ground disturbance on active bird nests from native nesting birds: Active avian nests shall be avoided by the contractor by scheduling these construction activities outside of the avian breeding season, which is typically during February 1 to September 1.	Project proponent as verified by City Planner and Contractor as verified by City inspector.	Prior to issuance of permits during avian breeding season, Feb 1 – Sept 1 and verified throughout construction stages	
SC BIO-2	Plans and specifications for the project shall include the following note prior to issuance of permits to reduce impacts on nesting birds prior to commencement of work during the typical nesting season, the contractor shall hire a qualified biologist to conduct a nest survey, within the project boundaries and within a 1,000-foot radius buffer, three days in advance of the start of construction (for work beginning approximately between February 1 and September 1). This survey for bird nests will report the location of nesting birds that could be impacted by the project for species covered under the Migratory Bird Treaty Act and Fish and Game Code sections 3503, 3503.5, and 3513.	Project proponent as verified by the City Planner and Contractor as verified by City inspector, Project Biologist, Arborist	Prior to issuance of permits during avian breeding season, Feb 1 – Sept 1 and verified throughout construction stages	
SC BIO-3	Plans and specifications for the project shall include the following note prior to issuance of permits to reduce impacts on birds If active nests are found, the biologist will be retained for construction monitoring and to coordinate with CDFW on establishing specific buffers around nests that are sufficient to ensure that breeding is not likely to be disrupted or adversely impacted by construction pursuant to CDFW requirements. Buffers around active nests will be established pursuant to CDFW protocol or determination by a qualified CDFW biologist for smaller buffers which are sufficient to avoid impacts to nesting birds. Buffers will be maintained until young have fledged or the nests become inactive. Factors for consideration on nest buffers will include:	Project proponent as verified by the City Planner and Contractor as verified by City inspector, Project Biologist, Arborist	Prior to issuance of permits during avian breeding season, Feb 1 – Sept 1 and verified throughout construction stages	

	<p>(a) The presence of natural buffers provided by vegetation or topography;</p> <p>(b) nest height; and</p> <p>(c) locations of foraging territory; and baseline levels of noise and human activity.</p>			
CULTURAL RESOURCES				
SC CUL-1	Plans and specifications for the project shall include the following note prior to issuance of permits: If human remains are found, work in the location of the remains would cease and the Orange County Coroner's office would be contacted pursuant to Health and Safety Code Section 7050.5 to identify the appropriate next steps. If Native American remains are found, the most likely descendent would be notified pursuant to Section 5097.94 of the Public Resources Code.	Project proponent as verified by City Planner and Contractor as verified by City Inspector	Prior to issuance of permits and during construction	
GEOLOGY AND SOILS				
MM GEO-1	<p>Structural foundations preparation methods for foundations shall be incorporated into project specifications and plans and reviewed and approved by the Soils Engineer and Geotechnical Engineer for the project prior to issuance of a grading and building permits. Plans and Specifications shall include:</p> <p>(a) A minimum 3-foot compacted fill blanket below the bottom of footings or per the geologist recommendations based on final plans shall be implemented. For other minor structures like property line walls or retaining walls less than 4 feet high, competent native soils or compacted fill may be used;</p> <p>(b) Earthwork for foundation support shall include the entire building pad and shall extend a minimum of 5 feet outside exterior footing lines;</p>	Project proponent as verified by the City Engineer and Building Official	During Plan Check prior to issuance of permits and ongoing during Construction Inspection	

	<p>(c) Footing bottoms shall be observed by the geotechnical engineer to verify competent conditions;</p> <p>(d) Continuous spread footings placed a minimum depth of 24 inches below lowest adjacent finished grade may be used for the structures, with footing reinforcement with a minimum of two No. 4 bars (1 top and 1 bottom) and shall be observed by the geotechnical engineer to verify competent soil conditions; and</p> <p>(e) If a slab on grade is utilized, the slab shall be supported on engineered fill compacted to a minimum of 90 percent relative compaction. Slabs should be reinforced with at least No. 3 bars 18 inches on center both ways.</p>			
MM GEO-2	<p>Foundation plans and specifications shall be reviewed and approved by the Geologist and the Soil Engineer and shall incorporate the recommendations of the Geologist and Soil Engineer subgrade preparation prior to issuance of grading permits including the following measures:</p> <p>(a) The soil should be kept moist prior to casting the slab, and if the soils at grade become disturbed during construction, they should be brought to approximately optimum moisture content, and rolled to a firm, unyielding condition prior to placing concrete.</p> <p>(b) In areas where a moisture sensitive floor covering will be used, a vapor barrier consisting of a plastic film (6 ml polyvinyl chloride or equivalent) should be used.</p>	Project proponent as verified by the City Engineer and Building Official	During Plan Check prior to issuance of permits and during Construction Inspection	

	<p>The vapor barrier should be properly lapped and sealed.</p> <p>(c) Hardscape and slab subgrade areas shall exhibit a minimum of 90 percent relative compaction to a depth of at least 1 foot. Deeper removal and re-compaction may be required if unacceptable conditions are encountered. These areas require testing for compaction just prior to placing concrete.</p> <p>(d) Site grading shall incorporate drainage directed away from structures via non-erodible conduits to detention areas. The structure should utilize roof gutters and down spouts tied directly to yard drainage.</p> <p>(e) Unlined flower beds, planters, and lawns should not be constructed against the perimeter of the structure. If such landscaping (against the perimeter of a structure) is planned, it should be properly drained and lined or provided with an underground moisture barrier and irrigation in these areas should be kept to a minimum.</p>			
MM GEO-3	<p>Grading plans and specifications for the project shall be reviewed and approved by the Soil and Geotechnical Engineers and shall include the recommendations of the Soil Engineer and Geotechnical Engineer including the following:</p> <p>(a) After the foundation for the fill has been cleared, plowed or scarified, it shall be disced or bladed until it is uniform and free from large clods, brought to a proper moisture content and compacted to not less than 90 percent of the</p>	Project proponent as verified by City Engineer	During Plan Check and Construction Inspections	

	<p>maximum dry density in accordance with ASTM:D-1557 (5 layers -25 blows per layer; 10 lb. hammer dropped 18"; 4" diameter mold).</p>			
MM GEO-4	<p>MM GEO – 4: The Soil Engineer shall provide continuous supervision of the site clearing and grading operation so that he can verify the grading was done in accordance with the accepted plans and specifications including the following provisions a through w:</p> <ul style="list-style-type: none"> a) All grading shall consist of removal and re-compaction of soft surficial soils. b) All existing vegetation shall be stripped and hauled from the site. c) On-site materials may be used for fill, or fill materials shall consist of materials approved by the Soils Engineer and may be obtained from the excavation of banks, borrow pits or any other approved source. The materials used should be free of vegetable matter and other deleterious substances and shall not contain rocks or lumps greater than 8 inches in maximum dimension. d) The selected fill material shall be placed in layers which, when compacted, shall not exceed 6 inches in thickness. Each layer shall be spread evenly and shall be thoroughly mixed during the spreading to ensure uniformity of material and moisture of each layer. e) No fill material shall be placed, spread or rolled during unfavorable weather conditions. 	Contractor as verified by City Building Official/ Inspector	Ongoing During Construction	

	<p>f) When work is interrupted by heavy rains, fill operations shall not be resumed until the field tests by the Soils Engineer indicate the moisture content and density of the fill are as previously specified.</p> <p>g) Where moisture of the fill material is below the limits specified by the Soils Engineer, water shall be added until the moisture content is as required to ensure thorough bonding and thorough compaction.</p> <p>h) Where moisture content of the fill material is above the limits specified by the Soils Engineer, the fill materials shall be aerated by blading or other satisfactory methods until the moisture content is as specified by the Soils Engineer.</p> <p>i) After each layer has been placed, mixed and spread evenly, it shall be thoroughly compacted to not less than 90 percent of the maximum dry density in accordance with ASTM:D-1557 (5 layers -25 blows per layer;10 lbs. hammer dropped 18 inches; 4" diameter mold) or other density tests which will attain equivalent results.</p> <p>j) Compaction shall be by sheepsfoot roller, multi-wheel pneumatic tire roller or other types of acceptable rollers.</p> <p>k) Rollers shall be of such design that they will be able to compact the fill to the specified density. Rolling</p>			
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	<p>shall be accomplished while the fill material is at the specified moisture content.</p> <ul style="list-style-type: none"> l) Rolling of each layer shall be continuous over the entire area and the roller shall make sufficient trips to ensure that the desired density has been obtained. The final surface of the lot areas to receive slabs on grade should be rolled to a dense, smooth surface. m) The outside of all fill slopes shall be compacted by means of sheepsfoot rollers or other suitable equipment. n) Compaction operations shall be continued until the outer 9 inches of the slope is at least 90 percent compacted. Compacting of the slopes may be progressively in increments of 3 feet to 5 feet of fill height as the fill is brought to grade, or after the fill is brought to its total height. o) Field density tests shall be made by the Soils Engineer of the compaction of each layer of fill. p) Density tests shall be made at intervals not to exceed 2 feet of fill height provided all layers are tested. q) Where the sheepsfoot rollers are used, the soil may be disturbed to a depth of several inches and density readings shall be taken in the compacted material below the disturbed surface. r) When these readings indicate that the density of any layer of fill or portion there is below the required 90 percent 			
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	<p>density, the particular layer or portion shall be reworked until the required density has been obtained.</p> <p>s) Removal and re-compaction of existing fill and loose native soils will be required to provide adequate support for foundations and slabs on grade.</p> <p>t) Removals shall extend downward into competent earth materials or to at least 2 feet below proposed footing bottoms, whichever is deeper.</p> <p>u) The exposed excavation bottom shall be observed and approved by the Geotechnical Engineer. Subsequent to approval of the excavation bottom, the area shall be scarified 6 inches, moisture conditioned as needed, and compacted to a minimum of 90 percent relative compaction.</p> <p>v) Fill soils shall be placed in 6 to 8-inch loose lifts, moisture conditioned as needed, and compacted to a minimum of 90 percent relative compaction up to finish grade.</p> <p>w) All utility line backfills, both interior and exterior, shall consist of clean sand and gravel, and be compacted to a minimum of 90 percent relative compaction and shall require testing at a maximum of 2-foot vertical intervals.</p>			
MM GEO-5	In the event that buried paleontological resources or geologic features are encountered during grading, work in the area of the find shall cease and a	Contractor and Building Official/ Inspector	Ongoing during Construction	

	qualified paleontologist or geologist shall inspect the resources and determine the appropriate course of action for further treatment.			
HYDROLOGY AND WATER QUALITY				
SC HYD-1	<p>Prior to issuance of building and grading permits, structural BMPs shall be incorporated into the final development plans and specifications for the project and prior to final tract map approval, non-structural BMPs shall be incorporated into CC&Rs for Condominium Tract 19064 including but not limited to the following:</p> <ul style="list-style-type: none"> a) Permeable driveway paving system with filtered storm drain inlets designed to detain 80 percent of 100-year storm flows from the APN 100-281-05 shall be incorporated into project plans and specifications and maintained through the HOA and CC&Rs. b) Pet Waste Stations including bags and covered receptacle shall be incorporated into project plans and funded/maintained through the HOA and CC&Rs. c) Covered trash receptacles shall be included in the common area on the final plans and maintained by the HOA through CC&Rs. d) Owner education materials, including proper handling, storage and disposal of toxics and maintenance of yard drains shall be incorporated into CC&Rs for the tract. 	Project Proponent as verified by the City Engineer and Building Official/ Inspector	During Plan Check and Ongoing During Construction	
SC HYD-2	Prior to issuance of permits for the project, water efficient landscaping and irrigation details shall be incorporated into development plans and specifications for the project.	Project Proponent as verified by the City Engineer and Building	During Plan Check and Ongoing During Construction	

		Official/Inspector		
SC HYD-3	<p>Prior to issuance of grading and building permits, erosion control measures shall be included in final plans and specifications including but not limited to provisions a-d below:</p> <ul style="list-style-type: none"> a) Twice daily minimum sweeping of track-out areas. b) Cover haul loads and stockpiles with tarps. c) Maintain adequate soil moisture in disturbed surfaces during and after grading. d) Reduce construction vehicle speeds and idling times. 	Project Proponent as verified by the City Engineer and Building Official/Inspector	During Plan Check and Ongoing During Construction	
NOISE				
MM NOI-1	<p>Final plans and specifications for the project shall include a note as follows: During demolition and construction, the contractor shall install noise source reduction or noise barriers and shall measure the effectiveness of said noise mitigation to document that project construction does not exceed the FTA threshold of 80 dB at nearby residential land uses. Said noise mitigation shall include but not be limited to the following:</p> <ul style="list-style-type: none"> a) Shall fit equipment at the project site mufflers providing at least 8 dB of noise reduction, or b) Shall construct temporary enclosures or acoustical tents that provide at least 8 dB of noise; and c) Shall measure and document the effectiveness of the implemented noise abatement measures 	Project Proponent as verified by the Building Official and Building Inspector	During Plan Check and Ongoing During Construction	
TRIBAL CULTURAL RESOURCES				
MM TRI-1	Prior to the issuance of any permits for	City Building	During Plan	

	<p>initial site clearing (such as pavement removal, grubbing, tree removals) or issuance of permits allowing ground disturbing activities that cause excavation to depths greater than artificial fill (including as boring, grading, excavation, drilling, potholing or auguring, and trenching), the City of Santa Ana shall ensure that the project applicant/developer retain qualified Native American Monitor(s). The monitor(s) shall be approved by the tribal representatives of the Gabrieleno Band of Mission Indians - Kizh Nation and be present on-site during initial site clearing and construction that involves ground disturbing activities that cause excavation to depths greater than artificial fill identified herein. The monitor shall conduct a Native American Indian Sensitivity Training for construction personnel. The training session includes a handout and focus on how to identify Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered. The Native American monitor(s) shall complete monitoring logs on a daily basis, providing descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when grading and excavation activities of native soil (i.e., previously undisturbed) are completed, or when the tribal representatives and monitor have indicated that the site has a low potential for tribal cultural resources, whichever occurs first.</p>	<p>Official and City Planning Department</p>	<p>Check prior to issuance of permits and ongoing during construction</p>	
<p>MM TRI-2</p>	<p>In the event that tribal cultural resources are inadvertently discovered during ground disturbing activities, work must be halted within 50 feet of the find until it can be evaluated by a qualified archaeologist in cooperation with a Native American monitor to determine if the potential resource meets the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or unique resource (Public Resources</p>	<p>Official and City Planning Department</p>	<p>Check prior to issuance of permits and ongoing during construction</p>	

	<p>Code 21083.2(g). Construction activities could continue in other areas. If the find is considered an "archeological resource" the archaeologist, in cooperation with a Native American monitor shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4. If unique a tribal cultural resource cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the Project applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation in an established accredited professional repository.</p>			
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EXHIBIT 2

RESOLUTION NO. 2020-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING TENTATIVE TRACT MAP NO. 2019-02 AS CONDITIONED TO CREATE A SUBDIVISION OF EIGHT (8) CONDOMINIUM UNITS AT 301 AND 305 NORTH MOUNTAIN VIEW 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. Steve Jones with Olympia Capital Corporation, representing Mountain View Real Estate Investments, LLC. ("Applicant"), is requesting approval Tentative Tract Map ("TTM") No. 2019-02 to facilitate the construction of an 8-unit condominium development at 301 and 305 North Mountain View Street.
- B. On October 26, 2020, the Planning Commission of the City of Santa Ana held a duly noticed public hearing to consider all testimony, written and oral, related to TTM No. 2019-02, at which time all persons wishing to testify were heard, the project was fully considered, and all other legal prerequisites to the adoption of this resolution occurred.
- C. Subdivision requests are governed by Chapter 34 and Chapter 41 of the Santa Ana Municipal Code ("SAMC"). Pursuant to Section 66473.5 and 66474 of the California Subdivision Map Act ("SMA"), applications for tentative tract maps are approved when certain findings can be established.
- D. The Planning Commission of the City of Santa Ana determines that the following findings, which must be established in order to approve TTM No. 2019-02, have been established as required by Section 34-127 of the SAMC and the SMA:
 1. The proposed project and its design and improvements are consistent with the proposed Medium Density Residential (MR-15) land use 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 various provisions of the City's Zoning Code and General Plan with approval of General Plan Amendment (GPA) No. 2020-04, which amends the land use designation of the property to Medium Density Residential (MR-15) and

allows a maximum development density of 15 units per acre. The proposed project is consistent with the designation at a density of 15 dwelling units per acre. In addition, the project supports several goals and policies of the General Plan. Specifically, the project is consistent with General Plan Land Use Element, Goal 1 to promote a balance of land uses to address basic community needs. Policy 1.5 encourages the maintenance and fostering of a variety of residential land uses. The project will provide eight for-sale condominium units. Policy 2.10 supports new development which is harmonious in scale and character with existing development in the area. The project is similar in scale and character to the adjacent multi-family uses. Policy 3.1 supports development which provides a positive contribution to neighborhood character and identity. The project will allow for redevelopment of a vacant lot with a new residential development with a contemporary design and variety of building materials. Goal 2 of the Housing Elements encourages a diversity of quality housing, affordability levels, and living experiences that accommodate Santa Ana's residents and workforce of all household types, income levels. Further, Policy 2.5 of the Housing Element encourages developments that facilitate diverse types, prices and size of housing, including single-family homes, apartments, townhomes, mixed/multi-use housing, transit oriented housing, multi-generational housing and live work opportunities. The project will provide a for-sale product with units that range in size that are targeted to entry level home ownership.

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 is consistent with the City's zoning with approval of Amendment Application (AA) No. 2020-02, which amends the zoning designation of the property to Two-Family Residence (R2). The R2 zoning designation allows for two family residences. The minimum development site size is 27,000 square feet with a minimum street frontage of 75 feet. The proposed lot complies with the minimum lot size and lot frontage. In addition, Covenants, Conditions and Restrictions (CC&Rs) will address issues such as drainage, reciprocal access, landscaping and maintenance and will be recorded prior to approval of the final map and is therefore consistent with Chapter 34 of the SAMC and the SMA.

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. There are no physical constraints on the site that would preclude development. The proposed site consists of approximately 0.74 acres of land and is physically suitable for the proposed development. The lot size, density, width, and lot coverage are consistent with the existing surrounding properties in the neighborhood and with the R-2 zoning district development standards.

4. 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. 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.

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. The subdivision will not have any detrimental effects upon the general public. The property will include necessary utilities and infrastructure improvements as required by the SAMC and SMA.

6. 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 and improvements of the project will not conflict with easements necessary for public access or use of the property within the proposed project. In addition, the CC&Rs will ensure reciprocal access rights and maintenance agreements between properties.

Section 2. The Planning Commission has reviewed and considered the information contained in the initial study and the Mitigated Negative Declaration (MND), Environmental Review (ER) No. 2018-83, prepared with respect to this project. The Planning Commission has, as a result of its consideration and the evidence presented at the hearings on this matter, determined that, as required pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the MND adequately addresses the expected environmental impacts of this project. There is no evidence from which it can be fairly argued that the project will have a significant adverse effect on the environment.

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, which approval will not be unreasonably withheld, 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 TTM No. 2019-02 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 October 26, 2020, and exhibits attached thereto, and the public testimony, written and oral, all of which are incorporated herein by this reference.

Section 5. TTM No. 2019-02 shall not be effective until the City Council reviews and approves General Plan Amendment No. 2020-04 and Amendment Application No. 2020-02 for the subject project. If said approvals are held to be invalid or unconstitutional by the

decision of any court of competent jurisdiction, or otherwise denied, then this TTM shall be null and void and have no further force and effect.

ADOPTED this 26th day of October, 2020.

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTENTIONS: Commissioners:

Mark McLoughlin
Chairperson

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

By: _____
Lisa Storck
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, SARAH BERNAL, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2020-xx to be the original resolution adopted by the Planning Commission of the City of Santa Ana on October 26, 2020.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Tentative Tract Map No. 2019-02

Tentative Tract Map No. 2019-02 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, the California Subdivision Map Act, and all other applicable regulations. In addition, the following conditions of approval are applicable:

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.

1. All proposed site improvements must conform to the Development Project plan approved per DP No. 2018-22 and the staff report exhibits included within this report and are incorporated herein by reference.
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. Prior to the issuance of a building permit, a full landscape and irrigation plan is to be submitted for review and approval by the Planning Division. The landscape plan shall conform to the R-2 landscape standards, Citywide Design Guidelines, and the City's Water Efficient Landscape Ordinance.
4. Applicant must submit Covenants, Conditions and Restrictions (CC&Rs) for the project to the Planning Division for review and approval prior to the Final Map being recorded.
5. The Final Map must be approved and recorded prior to issuance of Building permits.
6. 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.

7. Two copies of the recorded Final Map and CC&Rs shall be submitted to the Planning Division, Building Division, Public Works Agency and Orange County Fire Authority (OCFA) within 10 days of recordation.
8. A Property Maintenance Agreement shall be recorded prior to the issuance of Building permits and shall be subject to review and approval 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 Projects 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; and
- h. The execution and recordation of the maintenance agreement shall be a condition precedent to the final map being recorded.

EXHIBIT 3

RESOLUTION NO. 2020-xx

A RESOLUTION OF CITY COUNCIL OF THE CITY OF SANTA ANA ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, ENVIRONMENTAL REVIEW NO. 2018-83, RELATIVE TO GENERAL PLAN AMENDMENT NO. 2020-04 AND AMENDMENT APPLICATION NO. 2020-02 FOR THE PROJECT LOCATED AT 301 AND 305 NORTH MOUNTAIN VIEW STREET

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. Steve Jones with Olympia Capital Corporation, representing Mountain View Real Estate Investments, LLC. ("Applicant"), is requesting approval of General Plan Amendment (GPA) No. 2020-04 to amend the General Plan land use designation of the project site from Low Medium Density Residential (LMR-11) to Medium Density Residential (MR-15) and Amendment Application (AA) No. 2020-02 to change the zoning designation of the project site from General Agricultural (A1) to Two-Family Residence (R2) in order to facilitate the construction of an 8-unit condominium development at 301 and 305 North Mountain View Street.
- B. In addition, the City of Santa Ana is proposing to change the land use designation of the properties located at 4310, 4314, 4318, 4322, 4326, and 4330 West Fifth Street, 113, 117, 121, 201, 203, 207 and 211 North Mountain View Street from LMR-11 to Low Density Residential (LR-7); 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 301, 305, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 409 and 411 North Mountain View Street and 4311 West First Street from LMR-11 to MR-15; and 4315, 4317, 4319, 4321, 4323, 4325, 4327, 4329, 4331, 4333, 4335, 4337 and 4339 West First Street from General Commercial (GC) to MR-25.
- C. Lastly, the City of Santa Ana is also proposing to change the zoning designation of the properties located at 4310, 4314, 4318, 4322, 4326 and 4330 West Fifth Street, 4311 West First Street and 113, 117, 121, 201, 203, 207 and 211 North Mountain View Street from A1 to Single-Family Residence (R1); and 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, and 247 North Mountain View Street from Suburban Apartment (R4) to R2.

- D. The provisions of the California Environmental Quality Act of 1970 (CEQA), Public Resources Code Sections 21000 et. seq., as amended, and the CEQA Guidelines require the evaluation of environmental impacts in connection with proposals for discretionary projects.
- E. Pursuant to the Guidelines for the Implementation of the CEQA, an Initial Study relative to the proposed project concluded that implementation of the project could result in potentially significant effects on the environment and identified mitigation measures for the development site (301 and 305 North Mountain View Street) that would reduce the significant effects to a less-than-significant level.
- F. The City of Santa Ana prepared a Mitigated Negative Declaration (MND), Environmental Review (ER) No. 2018-83, for the proposed project which reflects the City's independent judgement and analysis as lead agency for the project. The MND concluded that the project site would have a less than significant environmental impact with implementation of mitigation measures. Mitigation measures are included to address biological resources, geology and soils, noise, hydrology and water quality, tribal cultural resources and cultural resources.
- G. On June 8, 2020, a Notice of Intent (NOI) to adopt the Initial Study and MND, ER No. 2018-83, was published in the Orange County Register newspaper, circulated to interested parties, and the State Clearinghouse.
- H. The documents related to the MND were made available for a 30-day public review and comment period at the Santa Ana City Hall and on the project's webpage on the City's website. At the completion of the comment period, comments from Orange County Fire Authority (OCFA) and the Gabrieleno Ban of Mission Indians-Kizh Nation were received and incorporated to the Final MND.
- I. The mitigation measures set forth in the MND are fully enforceable and will be implemented using the Mitigation Monitoring and Reporting Program (MMRP), attached hereto as Exhibit A and incorporated herein by reference.
- J. On November 17, 2020, the City Council of the City of Santa Ana held a duly noticed public hearing and voted to approve a resolution to adopt MND, ER No. 2018-83, and the related MMRP for the project.

Section 2. The City Council has independently reviewed and analyzed the information contained in the Initial Study and the MND, ER No. 2018-83, prepared with respect to this project. The City Council has, as a result of its consideration and the evidence presented at the hearings on this matter, determined that, as required pursuant to the CEQA and the State CEQA Guidelines, the MND adequately addresses the expected environmental impacts of this 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 MND, attached hereto as Exhibit A, and MMRP, attached hereto as Exhibit B, and directs that a Notice of Determination be prepared and filed with the County 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 November 17, 2020 and exhibits attached hereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

Section 4. Pursuant to Title XIV, California Code of Regulations (CCR) § 735.5(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 wildlife resources or the ecological habitat upon which wildlife resources depend. The proposed project exists in an urban environment characterized by paved concrete, roadways, surrounding buildings and human activity. However, pursuant to Fish and Game Code § 711.2 and Title XIV, CCR § 735.5, the payment of Fish and Game Department filing fees in conjunction with this project is at the discretion of the State of California Department of Fish and Wildlife.

Section 5. 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, which approval will not be unreasonably withheld, 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 6. This decision rendered by the City Council of the City of Santa Ana is final and is subject to judicial review pursuant to California Code of Civil Procedure Section 1094.6. The Planning and Building Agency shall give direct notice to the Applicant of the City Council's decisions and these findings.

ADOPTED this ____ day of _____, 2020.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

By: _____
Lisa Storck
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. 2020-xx 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/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/mountain-view>

Or by visiting:

Planning and Building Agency – Planning Division Public Counter

20 Civic Center Plaza

Santa Ana, CA 92701

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

The following is a Mitigation Monitoring and Reporting Program (MMRP) for the Mountain View Avenue Condominiums located at 301 and 305 Mountain View Avenue, Santa Ana, CA. This MMRP has been prepared pursuant to Section 15097 of the California Environmental Quality Act (CEQA) Guidelines and Section 21081 of the Public Resources Code. The MMRP lists all applicable Project Mitigation Measures (MM) and environmental commitments that are required to be implemented with the Project under existing Standard Condition Plans, Programs, and Policies (SC) for implementing environmental resource protection legislation. This MMRP includes implementation timing and responsible party to ensure proper enforcement of all MM and SC to reduce Project impacts. The City of Santa Ana, as the Lead Agency, will utilize the MMRP to document the implementation of Project mitigation and SC environmental commitments, which ensure all project impacts are reduced to less than significance pursuant to the CEQA.

Mitigation Number	Mitigation Measure	Responsible Party	Timing	Date Completed and Initials
AESTHETICS				
MM AES-1	<p>The Contractor shall partition active areas of construction, stockpiles and materials storage locations; and, shall perform all work with downlighting and installation of a barrier to confine construction-related light and glare into active construction zones and to minimize spillover light and glare from construction equipment onto adjacent areas by implementing the following:</p> <p style="margin-left: 40px;">(a) A temporary barrier between nearby residences and areas of active construction will be placed.</p> <p style="margin-left: 40px;">(b) Temporary security lighting must be low voltage and downlit.</p>	Contractor and City Inspector	During all phases of construction	
AIR QUALITY				
MM AQ-1	Emissions controls and fugitive dust emissions controls will be implemented to reduce airborne dust contributing to PM10 and PM2.5 pursuant to SXAQMD Rules 403 for PM and PM2.5 and pursuant to Rule 1466 pertaining to toxic	Contractor as verified by City Planner and City Engineer, construction	During all phases of construction	

	<p>air contaminants. This includes dust control BACM and air quality TAC monitoring for Lead:</p> <ul style="list-style-type: none"> (a) Designate a Dust Control Supervisor; (b) Provide PM10 monitoring both upwind and downwind during earth-moving activities; (c) Maintain records of earth-moving activities, monitoring, instrument calibration, manifest records for transport, volumes of materials with TAC, distances to a residence, park or school, and complaints; (d) Install minimum 6-foot tall barrier fencing where earth moving activities are carried out, and fencing at least as high as stockpiles; (e) Apply water or other soils stabilizers prior to earthmoving activities and maintain moisture content to prevent generation of visible dust plumes; (f) Post signs limiting speed limit to 15 miles per hour; (g) Stabilize or cover disturbed surfaces and apply stabilizers and cover haul loads prior to unloading; (h) Remove track-out with a vacuum equipped with filters rated to achieve 99.97% capture efficiency for 0.3 micron particles; (i) Prevent track-out and clean soils from the exterior of trucks, trailers and tires prior to leaving the Project Area; 	staff		
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	<ul style="list-style-type: none"> (j) Segregate and label TAC stock piles and apply stabilizers, and 10mm plastic overlapping and anchored sheeting; (k) Cease activities during high winds (15 miles per hour over a 15-minute period or instantaneous wind speeds exceeding 25 MPH); and (l) Proper notification of SCAQMD prior to earthmoving 			
MM AQ-2	<p>Construction emissions will be reduced according to the following:</p> <ul style="list-style-type: none"> (a) Disturbed areas will be stabilized at the end of each day with trench plates or similar devices. (b) Idling on construction equipment and vehicles will be limited to 5 minutes; (c) The project will implement Tier IV mitigation to reduce exhaust from diesel powered engines in compliance with AQMD; (d) The project will implement Tier III engines; and (e) Construction staff will carpool. 	Contractor as verified by City Planner and City Engineer, construction staff	During all phases of construction	
MM AQ-3	Project plans and specifications shall incorporate a temporary signage plan for the Project, which shall be verified by the City Engineer, and shall include a feedback phone number. The Contractor shall post Project Area will be with a phone number intended for 24/7 feedback to the Contractor and City from the community according to approved plans.	City Engineer, Contractor and City Inspector	During all phases of construction	

BIOLOGY

<p>SC BIO-1</p>	<p>Plans and specifications for the project shall include the following note prior to issuance of permits to reduce impacts from vegetation trimming and clearing, tree trimming and removals, generation of mechanical noise or ground disturbance on active bird nests from native nesting birds: Active avian nests shall be avoided by the contractor by scheduling these construction activities outside of the avian breeding season, which is typically during February 1 to September 1.</p>	<p>Project proponent as verified by City Planner and Contractor as verified by City inspector.</p>	<p>Prior to issuance of permits during avian breeding season, Feb 1 – Sept 1 and verified throughout construction stages</p>	
<p>SC BIO-2</p>	<p>Plans and specifications for the project shall include the following note prior to issuance of permits to reduce impacts on nesting birds prior to commencement of work during the typical nesting season, the contractor shall hire a qualified biologist to conduct a nest survey, within the project boundaries and within a 1,000-foot radius buffer, three days in advance of the start of construction (for work beginning approximately between February 1 and September 1). This survey for bird nests will report the location of nesting birds that could be impacted by the project for species covered under the Migratory Bird Treaty Act and Fish and Game Code sections 3503, 3503.5, and 3513.</p>	<p>Project proponent as verified by the City Planner and Contractor as verified by City inspector, Project Biologist, Arborist</p>	<p>Prior to issuance of permits during avian breeding season, Feb 1 – Sept 1 and verified throughout construction stages</p>	
<p>SC BIO-3</p>	<p>Plans and specifications for the project shall include the following note prior to issuance of permits to reduce impacts on birds If active nests are found, the biologist will be retained for construction monitoring and to coordinate with CDFW on establishing specific buffers around nests that are sufficient to ensure that breeding is not likely to be disrupted or adversely impacted by construction pursuant to CDFW requirements. Buffers around active nests will be established pursuant to CDFW protocol or determination by a qualified CDFW biologist for smaller buffers which are sufficient to avoid impacts to nesting birds. Buffers will be maintained until young have fledged or the nests become inactive. Factors for consideration on nest buffers will include:</p>	<p>Project proponent as verified by the City Planner and Contractor as verified by City inspector, Project Biologist, Arborist</p>	<p>Prior to issuance of permits during avian breeding season, Feb 1 – Sept 1 and verified throughout construction stages</p>	

	<p>(a) The presence of natural buffers provided by vegetation or topography;</p> <p>(b) nest height; and</p> <p>(c) locations of foraging territory; and baseline levels of noise and human activity.</p>			
CULTURAL RESOURCES				
SC CUL-1	Plans and specifications for the project shall include the following note prior to issuance of permits: If human remains are found, work in the location of the remains would cease and the Orange County Coroner's office would be contacted pursuant to Health and Safety Code Section 7050.5 to identify the appropriate next steps. If Native American remains are found, the most likely descendent would be notified pursuant to Section 5097.94 of the Public Resources Code.	Project proponent as verified by City Planner and Contractor as verified by City Inspector	Prior to issuance of permits and during construction	
GEOLOGY AND SOILS				
MM GEO-1	<p>Structural foundations preparation methods for foundations shall be incorporated into project specifications and plans and reviewed and approved by the Soils Engineer and Geotechnical Engineer for the project prior to issuance of a grading and building permits. Plans and Specifications shall include:</p> <p>(a) A minimum 3-foot compacted fill blanket below the bottom of footings or per the geologist recommendations based on final plans shall be implemented. For other minor structures like property line walls or retaining walls less than 4 feet high, competent native soils or compacted fill may be used;</p> <p>(b) Earthwork for foundation support shall include the entire building pad and shall extend a minimum of 5 feet outside exterior footing lines;</p>	Project proponent as verified by the City Engineer and Building Official	During Plan Check prior to issuance of permits and ongoing during Construction Inspection	

	<p>(c) Footing bottoms shall be observed by the geotechnical engineer to verify competent conditions;</p> <p>(d) Continuous spread footings placed a minimum depth of 24 inches below lowest adjacent finished grade may be used for the structures, with footing reinforcement with a minimum of two No. 4 bars (1 top and 1 bottom) and shall be observed by the geotechnical engineer to verify competent soil conditions; and</p> <p>(e) If a slab on grade is utilized, the slab shall be supported on engineered fill compacted to a minimum of 90 percent relative compaction. Slabs should be reinforced with at least No. 3 bars 18 inches on center both ways.</p>			
MM GEO-2	<p>Foundation plans and specifications shall be reviewed and approved by the Geologist and the Soil Engineer and shall incorporate the recommendations of the Geologist and Soil Engineer subgrade preparation prior to issuance of grading permits including the following measures:</p> <p>(a) The soil should be kept moist prior to casting the slab, and if the soils at grade become disturbed during construction, they should be brought to approximately optimum moisture content, and rolled to a firm, unyielding condition prior to placing concrete.</p> <p>(b) In areas where a moisture sensitive floor covering will be used, a vapor barrier consisting of a plastic film (6 ml polyvinyl chloride or</p>	Project proponent as verified by the City Engineer and Building Official	During Plan Check prior to issuance of permits and during Construction Inspection	

	<p>equivalent) should be used. The vapor barrier should be properly lapped and sealed.</p> <p>(c) Hardscape and slab subgrade areas shall exhibit a minimum of 90 percent relative compaction to a depth of at least 1 foot. Deeper removal and re-compaction may be required if unacceptable conditions are encountered. These areas require testing for compaction just prior to placing concrete.</p> <p>(d) Site grading shall incorporate drainage directed away from structures via non-erodible conduits to detention areas. The structure should utilize roof gutters and down spouts tied directly to yard drainage.</p> <p>(e) Unlined flower beds, planters, and lawns should not be constructed against the perimeter of the structure. If such landscaping (against the perimeter of a structure) is planned, it should be properly drained and lined or provided with an underground moisture barrier and irrigation in these areas should be kept to a minimum.</p>			
MM GEO-3	<p>Grading plans and specifications for the project shall be reviewed and approved by the Soil and Geotechnical Engineers and shall include the recommendations of the Soil Engineer and Geotechnical Engineer including the following:</p> <p>(a) After the foundation for the fill has been cleared, plowed or scarified, it shall be disced or bladed until it is uniform and free from large clods, brought to a proper moisture content and compacted to not</p>	Project proponent as verified by City Engineer	During Plan Check and Construction Inspections	

	less than 90 percent of the maximum dry density in accordance with ASTM:D-1557 (5 layers -25 blows per layer; 10 lb. hammer dropped 18"; 4" diameter mold).			
MM GEO-4	<p>MM GEO – 4: The Soil Engineer shall provide continuous supervision of the site clearing and grading operation so that he can verify the grading was done in accordance with the accepted plans and specifications including the following provisions a through w:</p> <ul style="list-style-type: none"> a) All grading shall consist of removal and re-compaction of soft surficial soils. b) All existing vegetation shall be stripped and hauled from the site. c) On-site materials may be used for fill, or fill materials shall consist of materials approved by the Soils Engineer and may be obtained from the excavation of banks, borrow pits or any other approved source. The materials used should be free of vegetable matter and other deleterious substances and shall not contain rocks or lumps greater than 8 inches in maximum dimension. d) The selected fill material shall be placed in layers which, when compacted, shall not exceed 6 inches in thickness. Each layer shall be spread evenly and shall be thoroughly mixed during the spreading to ensure uniformity of material and moisture of each layer. e) No fill material shall be placed, spread or rolled during unfavorable weather conditions. 	Contractor as verified by City Building Official/ Inspector	Ongoing During Construction	

	<p>f) When work is interrupted by heavy rains, fill operations shall not be resumed until the field tests by the Soils Engineer indicate the moisture content and density of the fill are as previously specified.</p> <p>g) Where moisture of the fill material is below the limits specified by the Soils Engineer, water shall be added until the moisture content is as required to ensure thorough bonding and thorough compaction.</p> <p>h) Where moisture content of the fill material is above the limits specified by the Soils Engineer, the fill materials shall be aerated by blading or other satisfactory methods until the moisture content is as specified by the Soils Engineer.</p> <p>i) After each layer has been placed, mixed and spread evenly, it shall be thoroughly compacted to not less than 90 percent of the maximum dry density in accordance with ASTM:D-1557 (5 layers -25 blows per layer; 10 lbs. hammer dropped 18 inches; 4" diameter mold) or other density tests which will attain equivalent results.</p> <p>j) Compaction shall be by sheepsfoot roller, multi-wheel pneumatic tire roller or other types of acceptable rollers.</p> <p>k) Rollers shall be of such design that they will be able to compact the fill to the</p>			
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	<p>specified density. Rolling shall be accomplished while the fill material is at the specified moisture content.</p> <ul style="list-style-type: none"> l) Rolling of each layer shall be continuous over the entire area and the roller shall make sufficient trips to ensure that the desired density has been obtained. The final surface of the lot areas to receive slabs on grade should be rolled to a dense, smooth surface. m) The outside of all fill slopes shall be compacted by means of sheepsfoot rollers or other suitable equipment. n) Compaction operations shall be continued until the outer 9 inches of the slope is at least 90 percent compacted. Compacting of the slopes may be progressively in increments of 3 feet to 5 feet of fill height as the fill is brought to grade, or after the fill is brought to its total height. o) Field density tests shall be made by the Soils Engineer of the compaction of each layer of fill. p) Density tests shall be made at intervals not to exceed 2 feet of fill height provided all layers are tested. q) Where the sheepsfoot rollers are used, the soil may be disturbed to a depth of several inches and density readings shall be taken in the compacted material below the disturbed surface. r) When these readings indicate that the density of any layer of fill or portion there is 			
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	<p>below the required 90 percent density, the particular layer or portion shall be reworked until the required density has been obtained.</p> <ul style="list-style-type: none"> s) Removal and re-compaction of existing fill and loose native soils will be required to provide adequate support for foundations and slabs on grade. t) Removals shall extend downward into competent earth materials or to at least 2 feet below proposed footing bottoms, whichever is deeper. u) The exposed excavation bottom shall be observed and approved by the Geotechnical Engineer. Subsequent to approval of the excavation bottom, the area shall be scarified 6 inches, moisture conditioned as needed, and compacted to a minimum of 90 percent relative compaction. v) Fill soils shall be placed in 6 to 8-inch loose lifts, moisture conditioned as needed, and compacted to a minimum of 90 percent relative compaction up to finish grade. w) All utility line backfills, both interior and exterior, shall consist of clean sand and gravel, and be compacted to a minimum of 90 percent relative compaction and shall require testing at a maximum of 2-foot vertical intervals. 			
MM GEO-5	In the event that buried paleontological resources or geologic features are encountered during grading, work in the	Contractor and Building Official/	Ongoing during Construction	

	area of the find shall cease and a qualified paleontologist or geologist shall inspect the resources and determine the appropriate course of action for further treatment.	Inspector		
HYDROLOGY AND WATER QUALITY				
SC HYD-1	<p>Prior to issuance of building and grading permits, structural BMPs shall be incorporated into the final development plans and specifications for the project and prior to final tract map approval, non-structural BMPs shall be incorporated into CC&Rs for Condominium Tract 19064 including but not limited to the following:</p> <ul style="list-style-type: none"> a) Permeable driveway paving system with filtered storm drain inlets designed to detain 80 percent of 100-year storm flows from the APN 100-281-05 shall be incorporated into project plans and specifications and maintained through the HOA and CC&Rs. b) Pet Waste Stations including bags and covered receptacle shall be incorporated into project plans and funded/maintained through the HOA and CC&Rs. c) Covered trash receptacles shall be included in the common area on the final plans and maintained by the HOA through CC&Rs. d) Owner education materials, including proper handling, storage and disposal of toxics and maintenance of yard drains shall be incorporated into CC&Rs for the tract. 	Project Proponent as verified by the City Engineer and Building Official/ Inspector	During Plan Check and Ongoing During Construction	
SC HYD-2	Prior to issuance of permits for the project, water efficient landscaping and irrigation details shall be incorporated into development plans and specifications for the project.	Project Proponent as verified by the City Engineer and	During Plan Check and Ongoing During Construction	

		Building Official/Inspector		
SC HYD-3	<p>Prior to issuance of grading and building permits, erosion control measures shall be included in final plans and specifications including but not limited to provisions a-d below:</p> <ul style="list-style-type: none"> a) Twice daily minimum sweeping of track-out areas. b) Cover haul loads and stockpiles with tarps. c) Maintain adequate soil moisture in disturbed surfaces during and after grading. d) Reduce construction vehicle speeds and idling times. 	Project Proponent as verified by the City Engineer and Building Official/Inspector	During Plan Check and Ongoing During Construction	
NOISE				
MM NOI-1	<p>Final plans and specifications for the project shall include a note as follows: During demolition and construction, the contractor shall install noise source reduction or noise barriers and shall measure the effectiveness of said noise mitigation to document that project construction does not exceed the FTA threshold of 80 dB at nearby residential land uses. Said noise mitigation shall include but not be limited to the following:</p> <ul style="list-style-type: none"> a) Shall fit equipment at the project site mufflers providing at least 8 dB of noise reduction, or b) Shall construct temporary enclosures or acoustical tents that provide at least 8 dB of noise; and c) Shall measure and document the effectiveness of the implemented noise abatement measures 	Project Proponent as verified by the Building Official and Building Inspector	During Plan Check and Ongoing During Construction	
TRIBAL CULTURAL RESOURCES				

MM TRI-1	<p>Prior to the issuance of any permits for initial site clearing (such as pavement removal, grubbing, tree removals) or issuance of permits allowing ground disturbing activities that cause excavation to depths greater than artificial fill (including as boring, grading, excavation, drilling, potholing or auguring, and trenching), the City of Santa Ana shall ensure that the project applicant/developer retain qualified Native American Monitor(s). The monitor(s) shall be approved by the tribal representatives of the Gabrieleno Band of Mission Indians - Kizh Nation and be present on-site during initial site clearing and construction that involves ground disturbing activities that cause excavation to depths greater than artificial fill identified herein. The monitor shall conduct a Native American Indian Sensitivity Training for construction personnel. The training session includes a handout and focus on how to identify Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered. The Native American monitor(s) shall complete monitoring logs on a daily basis, providing descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when grading and excavation activities of native soil (i.e., previously undisturbed) are completed, or when the tribal representatives and monitor have indicated that the site has a low potential for tribal cultural resources, whichever occurs first.</p>	City Building Official and City Planning Department	During Plan Check prior to issuance of permits and ongoing during construction	
MM TRI-2	<p>In the event that tribal cultural resources are inadvertently discovered during ground disturbing activities, work must be halted within 50 feet of the find until it can be evaluated by a qualified archaeologist in cooperation with a Native American monitor to determine if the potential resource meets the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or</p>	Official and City Planning Department	Check prior to issuance of permits and ongoing during construction	

	<p>unique resource (Public Resources Code 21083.2(g)). Construction activities could continue in other areas. If the find is considered an "archeological resource" the archaeologist, in cooperation with a Native American monitor shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4. If unique a tribal cultural resource cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the Project applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation in an established accredited professional repository.</p>			
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EXHIBIT 4

RESOLUTION NO. 2020-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING GENERAL PLAN AMENDMENT NO. 2020-04 TO CHANGE THE GENERAL PLAN LAND USE DESIGNATIONS FOR THE PROPERTIES LOCATED AT 4310, 4314, 4318, 4322, 4326 AND 4330 WEST FIFTH STREET, 113, 117, 121, 201, 203, 207, 211, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 301, 305, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 409 AND 411 NORTH MOUNTAIN VIEW STREET, AND 4311, 4315, 4317, 4319, 4321, 4323, 4325, 4327, 4329, 4331, 4333, 4335, 4337, AND 4339 WEST FIRST STREET

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. Steve Jones with Olympia Capital Corporation, representing Mountain View Real Estate Investments, LLC. ("Applicant") is requesting approval of General Plan Amendment (GPA) No. 2020-04 to amend the General Plan land use designation of the properties located at 301 and 305 North Mountain View Street from Low Medium Density Residential (LMR-11) to Medium Density Residential (MR-15) and to update text portions of the City's Land Use Element to reflect this change in order to facilitate construction of an 8-unit condominium development.
- B. In addition, the City of Santa Ana is proposing to change the land use designation of the properties located at 4310, 4314, 4318, 4322, 4326 and 4330 West Fifth Street, 113, 117, 121, 201, 203, 207 and 211 North Mountain View Street from LMR-11 to Low Density Residential (LR-7); 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 301, 305, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 409 and 411 North Mountain View Street and 4311 West First Street from LMR-11 to MR-15; and 4315, 4317, 4319, 4321, 4323, 4325, 4327, 4329, 4331, 4333, 4335, 4337 and 4339 West First Street from General Commercial (GC) to MR-25.
- C. On October 26, 2020, the Planning Commission of the City of Santa Ana held a duly noticed public hearing and voted to recommend that the City Council adopt a resolution approving GPA No. 2020-04.

- D. On November 17, 2020, the City Council of the City of Santa Ana held a duly noticed public hearing to consider all testimony, written and oral, related to GPA No. 2020-04, at which time all persons wishing to testify were heard, the project was fully considered, and all other legal prerequisites to the adoption of this resolution occurred.

Section 2. The General Plan Amendment consists of amendments to the Land Use Element and text updates, as shown in Exhibit A, attached hereto and incorporated herein by reference.

Section 3. The City Council hereby finds that the proposed General Plan Amendment is compatible with the objectives, policies, and general plan land use programs specified in the General Plan for the City of Santa Ana in that:

- A. The City of Santa Ana has officially adopted a General Plan.
- B. The land uses authorized by the General Plan Amendment, and the General Plan Amendment itself, are compatible with the objectives, policies, general land uses, and programs specified in the General Plan, for the following reasons:
- i. The proposed General Plan land use designation for the project area is MR-15, which applies to multiple-family developments characterized by duplexes, apartments, and townhomes with a maximum allowable intensity of 15 dwelling units per acre. This change is consistent with Table A-3 (Correlation of Land Use Designation and Zoning Districts) of the General Plan Land Use Element.
 - ii. The subject project site and the surrounding properties on the east side of Mountain View Street have a LMR-11 or General Commercial (GC) land use designations, however, the properties are developed with residential uses, with numerous properties currently exceeding the maximum allowed density permitted in the LMR-11 land use designation. The densities surrounding this area range from 4.8 to 18.8 dwelling units per acre. Changing the land use designations will bring the General Plan Land Use Plan into close consistency with existing residential development density and characteristics in the area and will allow for consistent development intensity for future projects.
 - iii. The general plan amendment will support several goals and policies of the General Plan, including the Land Use Element and Housing Element. Specifically, the project will be consistent with Land Use Element, Goal 1 to promote a balance of land uses to address basic community needs. Policy 1.5 states a desire maintain and foster a variety of residential land uses. The project will provide eight for-sale condominium units. Policy 2.10 supports new development which is harmonious in scale and character with existing

development in the area. The project is similar in scale and character to the adjacent multi-family uses. Policy 3.1 supports development which provides a positive contribution to neighborhood character and identity. The project will allow for redevelopment of an underutilized lot with a new residential development with a contemporary design and variety of building materials. Housing Element, Goal 2 encourages a diversity of quality housing, affordability levels, and living experiences that accommodate Santa Ana's residents and workforce of all household types, income levels, and are groups to foster an inclusive community. Policy 2.5 facilitates diverse types, prices and size of housing, including single-family homes, apartments, townhomes, mixed/multiuse housing, transit oriented housing, multi-generational housing and live work opportunities. The project will provide a for-sale condominium product with units that range in size that are targeted to entry level home ownership.

Section 4. The GPA will not adversely affect the public health, safety, and welfare in that the GPA will not result in incompatible land uses on adjacent properties, inconsistencies with any General Plan goals or policies, or adverse impacts to the environment.

Section 5. The City Council of the City of Santa Ana after conducting the public hearing hereby approves GPA No. 2020-04. The amendments to the Land Use Element are attached hereto as Exhibit A and incorporated herein by this reference 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 October 26, 2020, the Request for Council Action dated November 17, 2020, and exhibits attached hereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

Section 6. The City Council approves GPA No. 2020-04 as set forth in Exhibit A, attached hereto and incorporated herein by reference, subject to compliance with the Mitigation Monitoring and Reporting Program, and upon satisfaction of the conditions set forth below:

- A. Subject to compliance with the Mitigation Monitoring and Reporting Program, the Land Use Element map and text shall be amended to read as set forth in Exhibit A, attached hereto and incorporated herein by reference.
- B. The General Plan Amendment shall not take effect unless and until Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP), Environmental Review No. 2018-83 and Amendment Application (AA) No. 2020-02 are adopted by the City Council.

Section 7. 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, which approval will not be unreasonably withheld, 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 8. This decision rendered by the City Council of the City of Santa Ana is final and is subject to judicial review pursuant to California Code of Civil Procedure section 1094.6. The Planning and Building Agency shall give direct notice to the Applicant of the City Council's decisions and these findings.

ADOPTED this ____ day of _____, 2020.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

By: _____
Lisa Storck
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. 2020-xx 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

City of Santa Ana General Plan Land Use Element 1998

City of Santa Ana Planning Division



Adopted

February 2, 1998

(Reformatted January 2010)

The following is a chronology of the approved general plan amendments that have been incorporated into this document since the comprehensive update of the General Plan Land Use Element adopted by the Santa Ana City Council February 2, 1998 (GPA 1997-05):


[GPA 2020-04 \(Pending\)](#)

GPA 2020-03 (September 1, 2020)
GPA 2020-01 (April 21, 2020)
GPA 2018-04 (December 31, 2019)
GPA 2019-02 (October 1, 2019)
GPA 2019-01 (June 4, 2019)
GPA 2017-03 (June 4, 2019)
GPA 2018-05 (December 4, 2018)
GPA 2018-03 (September 18, 2018)
GPA 2018-02 (May 15, 2018)
GPA 2015-01 (May 15, 2018)

GPA 2017-02 (December 19, 2017)
GPA 2017-01 (June 20, 2017)
GPA 2016-03 (February 21, 2017)
GPA 2016-02 (May 17, 2016)
GPA 2016-01 (April 19, 2016)
GPA 2015-03 (February 2, 2016)
GPA 2014-02 (October 21, 2014)
GPA 2014-01 (June 3, 2014)
GPA 2011-03 (March 19, 2012)
GPA 2011-02 (June 6, 2011)
GPA 2010-01 (June 7, 2010)
GPA 2008-02 (July 20, 2009)
GPA 2007-03 (May 18, 2009)

GPA 2004-03 (February 2, 2009)
GPA 2008-01 (May 5, 2008)
GPA 2007-02 (June 18, 2007)
GPA 2007-01 (March 19, 2007)
GPA 2006-01 (October 2, 2006)
GPA 2005-01 (December 5, 2005)
GPA 2005-02 (October 17, 2005)
GPA 2004-01 (April 5, 2005, as passed by the voters of Santa Ana)
GPA 2004-04 (July 19, 2004)
GPA 2004-06 (July 6, 2004)
GPA 2008-02 (July 20, 2009)
GPA 2003-02 (June 16, 2003)
GPA 2003-01 (February 18, 2003)

GPA 2002-01 (September 3, 2002)
GPA 2002-03 (August 19, 2002)
GPA 2001-03 (February 19, 2002)
GPA 2001-02 (January 7, 2002)
GPA 2000-09 (May 7, 2001)
GPA 2000-08 (February 5, 2001)
GPA 2000-03 (December 4, 2000)
GPA 2000-02 (November 20, 2000)
GPA 1999-02 (October 18, 1999)
GPA 1999-01 (August 16, 1999)
GPA 1998-04 (October 5, 1998)
GPA 1998-05 (September 21, 1998)
GPA 1998-01 (May 4, 1998)




Land Use Designations

- LR-7 (Low Density Residential)
- LMR-11 (Low-Medium Density Residential)
- MR-15 (Medium Density Residential)
- UN (Urban Neighborhood)
- GC (General Commercial)
- IND (Industrial)
- INS (Institutional)
- O (Open Space)
- DC (District Center)
- PAO (Professional & Administration Office)
- OBPPDC (One Broadway Plaza District Ctr.)

Land Use Plan

Pending - November 2020



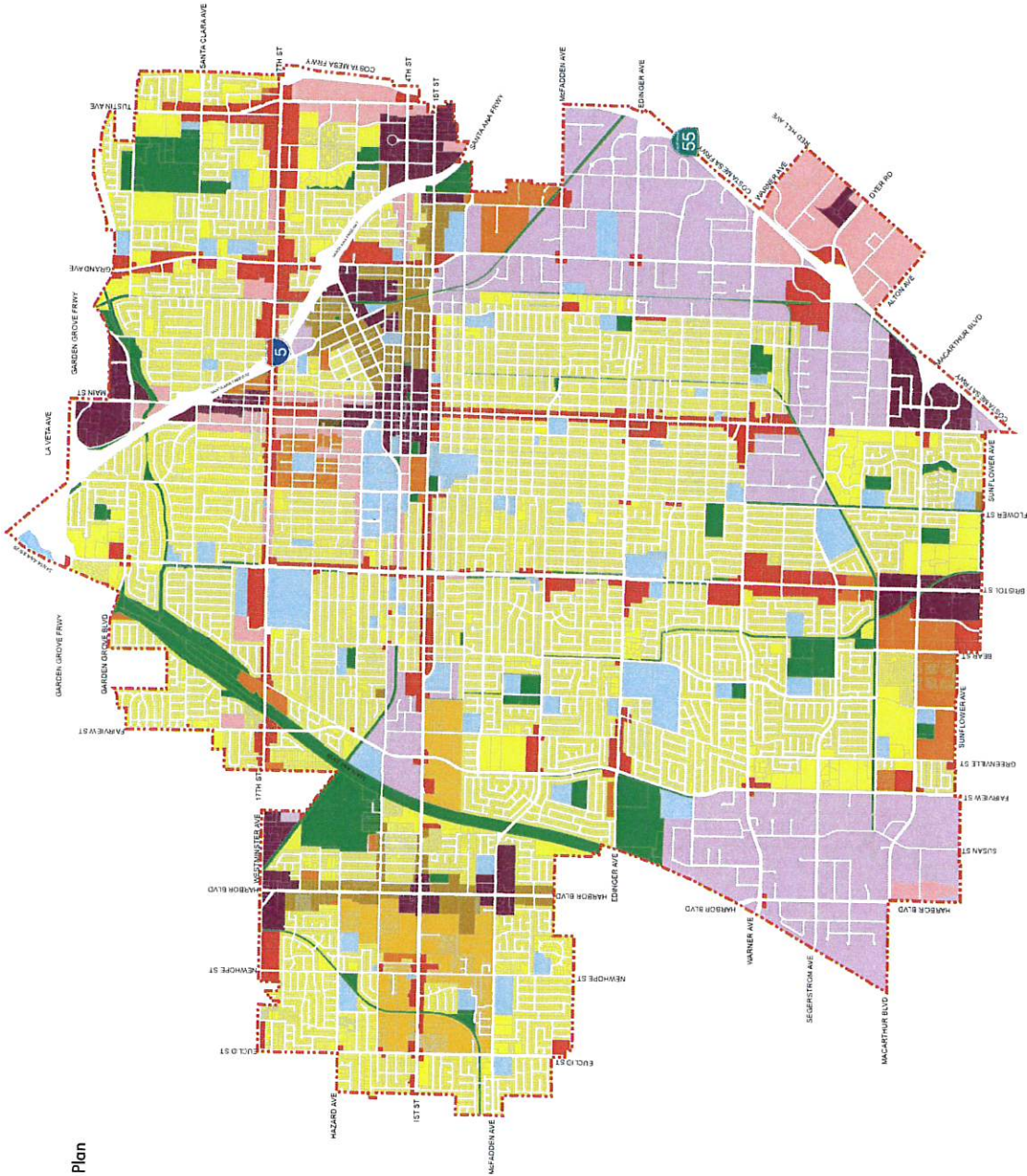



Exhibit 2 Land Use Plan

Exhibit A-4 Land Use Plan & Development Intensity Standards/FAR



CITY OF SANTA ANA
GENERAL PLAN

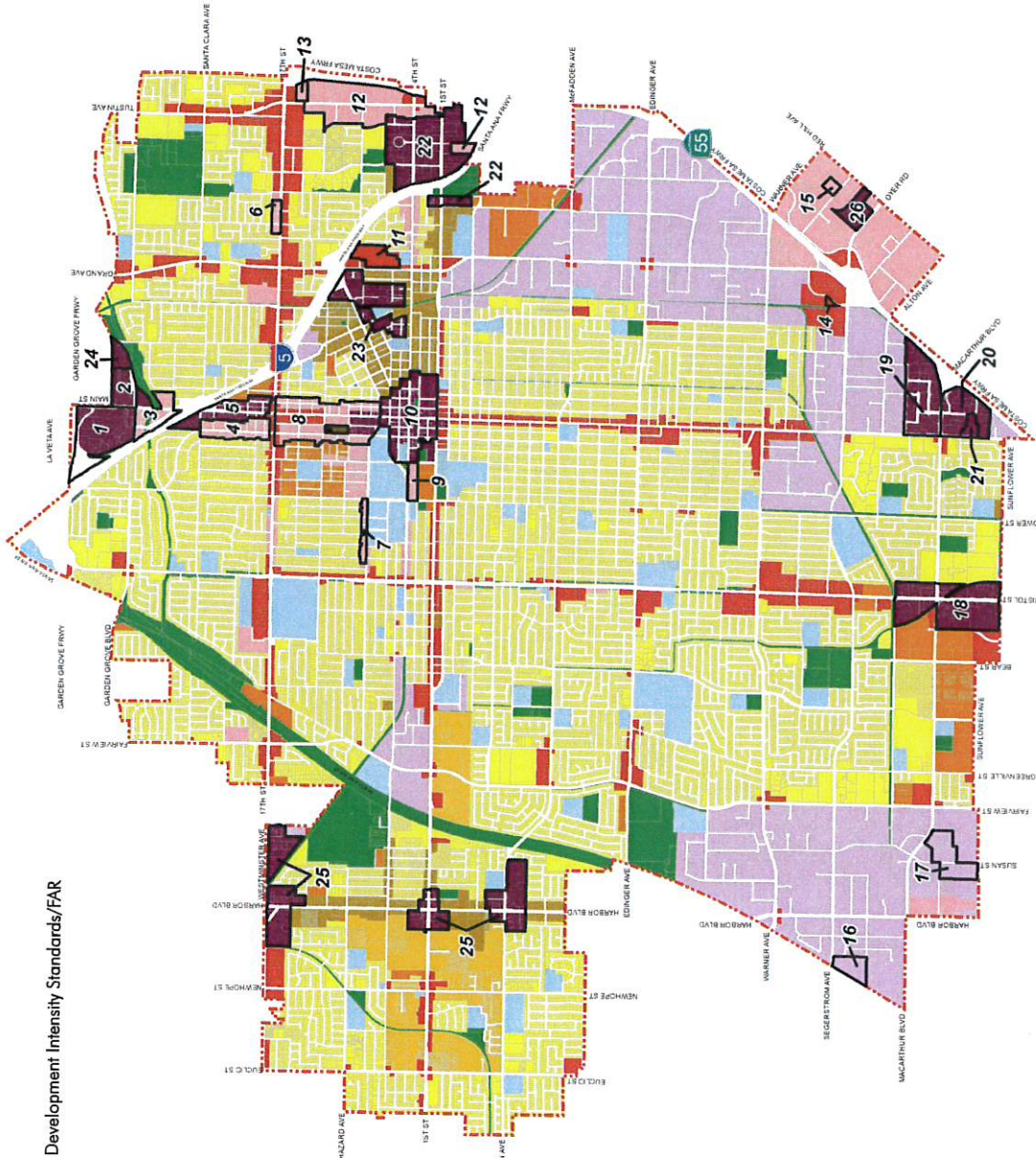
These land use designations have a floor area ratio as shown below unless otherwise indicated in the text below:

DC (District Center)	1.0	Project / Area	Floor Area Ratio
UN (Urban Neighborhood)	0.5 - 1.5	1. Main Place	2.1
PAO (Professional & Administration Office)	0.5	2. North Main St.	1.5
OBPDC (One Broadway Plaza District Ctr.)	2.9	3. North Broadway	1.0
GC (General Commercial)	0.5	4. Hudson Development	1.0
IND (Industrial)	0.45	5. Civic Center Specific Dev. Plan	0.5 - 1.0
INS (Institutional)	0.5	6. Hudson Specific Plan	3.0
O (Open Space)	0.2	7. Downtown	3.0
		8. Orange County Register	1.5
		9. Bantall Center Dev.	1.5
		10. 2720 Heald Terrace Dr.	1.0
		11. 4240 W. Carnegie Ave.	0.47
		12. Lake Center Dev.	0.72
		13. Main St.	3.0
		14. Main St.	3.0
		15. Main St.	3.0
		16. Main St.	3.0
		17. Main St.	3.0
		18. Main St.	3.0
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		98. Main St.	3.0
		99. Main St.	3.0
		100. Main St.	3.0

LR-7 (Low Density Residential)

LMR-11 (Low-Medium Density Residential)

MR-15 (Medium Density Residential)



Pending - November 2020

Land Use Element



Residential

The Land Use Plan provides for three distinct residential land use designations. Residential development is also permitted in three other designations: District Center, One Broadway Plaza District Center, and Urban Neighborhood. The Santa Ana Land Use Plan includes the following residential land use designations:

- The **Low Density Residential (LR-7)** designation applies to those areas of the City which are developed with lower density residential land uses. The allowable maximum development intensity is 7 units per acre. Development in this category is characterized primarily by single-family homes. This designation applies to a large proportion of the City (6,465.96,463.7 acres) representing 47 percent of the City's total land area.
- The **Low-Medium Density Residential (LMR-11)** designation applies to those sections of the City which are developed with residential uses at permitted densities of up to 11 units per acre. The land area included in this designation is approximately 414.4421.6 acres. The great majority of the land designated as Low-Medium Density Residential is located in the westerly portion of the City, north and south of First Street. Properties with this designation are typically characterized by mobile home parks, a mixture of duplexes and single family residences, or small lot subdivisions.
- The **Medium Density Residential (MR-15)** designation applies to those sections of the City which are developed with residential uses at densities of up to 15 units per acre. Development in this designation is characterized by duplexes, apartments, or a combination of both. A total of 375.6369.1 acres is designated as Medium Density Residential. The designation applies to areas located in the vicinity of downtown, areas north and south of MacArthur Boulevard, and in other areas where there are established multiple-family development projects.



Harbor Boulevard, and other major arterial roadways in the City. The intensity standard applicable to this designation is a floor area ratio of 0.5 - 1.0, though most General Commercial districts have a FAR of 0.5. A total of ~~858.1~~859.6 acres of land is included in this designation.

General Commercial districts are key components in the economic development of the City. They provide highly visible and accessible commercial development along the City's arterial transportation corridors. In addition, General Commercial land uses provide important neighborhood facilities and services, including shopping, recreation, cultural and entertainment activities, employment, and education. The districts also provide support facilities and services for industrial areas including office and retail, restaurants and various other services.

The General Commercial development standards are based upon the character and intensity of development, as well as the degree of access and market demand for these properties. The relationships to adjacent land uses, are also considered. Uses typically located in this district are:

- Business and professional offices;
- Retail and service establishments;
- Recreational, cultural, and entertainment uses; and
- Vocational schools.

General Commercial Districts have a floor area ratio of 0.5 with the exception of the Mid-town area which has an floor area ratio of up to 1.0.

Mixed Use

The Land Use Plan provides for two distinct mixed use land use designations. These designations allow for both vertical and horizontal mixed use developments, with an emphasis on linkages to a range of transportation options:

- The **District Center (DC)** land use designation includes the major activity areas in the City. Seven areas of the City, totaling 685.4 acres, are designated as District Center. The intensity standard for the District Center designation ranges from a floor ratio of 1.0 to 5.0.

District Centers are designed to serve as anchors to the City's commercial corridors, and to accommodate major development activity. District Centers are to be developed with an urban character that includes a mixture of high-rise office, commercial, and residential uses which provide shopping, business, cultural, education, recreation, entertainment, and housing opportunities. Residential developments within some District Centers are allowed at a density of up to 90 units per acre when developed as an integral component of a master planned mixed use project. In Harbor Corridor, Metro East, Downtown, and Transit Village District Centers residential



- **Redevelopment Plans.** The City will apply redevelopment tools associated with the implementation of the adopted redevelopment plans, as appropriate. The City will encourage the further development of industrial, commercial, and residential projects in suitable locations to strengthen the City's tax and employment base.
- **Special Studies.** In certain instances, a special study may be required to address a particular issue. In these cases, a specific effort to identify staff resources needed to conduct the appropriate investigation and analysis will be identified.
- **Zoning Code Review.** The zoning code serves as a primary tool used by the City to regulate development. The City will develop a program to revise the Zoning Ordinance to ensure that development regulations and standards are consistent with community needs and high quality development. The City will initiate appropriate changes to the ordinance to ensure, where appropriate, conformity between the Land Use Element and Zoning Map.

LAND USE PLAN BUILDOUT

As indicated previously, the City of Santa Ana has been almost completely developed for many years. As a result, any new development will necessarily consist of redevelopment and infill development on the remaining vacant and underutilized parcels. Many parcels with nonresidential land use designations will never be developed to the maximum intensity permitted under the General Plan.

Table A-4 indicates the development possible under the build-out of the Land Use Plan. The build-out for residential land uses considered two scenarios. Effective build-out for residential development is calculated by adding the 21,896 units possible in the areas designated as District Center and Urban Neighborhood to the existing 74,669 units presently found in the City per Census 2000. Theoretical build-out for residential development considered the development possible if all of the areas designated as residential were developed according to the permitted Land Use Plan intensities. Since the Land Use Element does not contemplate the elimination of existing housing in the City, the effective build-out figure represents a more realistic estimate of future residential development.

As indicated in Table A-4, three of the non-residential land use designations have a range in FAR intensities. For the non-residential land use designations, effective build-out considered the development possible under the lower range of FAR intensities while theoretical build-out considered the upper FAR range. Typically, parking and landscaping requirements will result in significantly less floor area for commercial and industrial developments than that which is permitted under the General Plan.

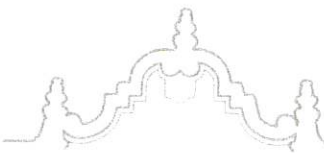
As indicated in Table A-4, between ~~77,350~~^{77,315} to 96,565 housing units are allowed by the Land Use Plan. The additional units which presently exist in the City beyond the maximum number permitted under the theoretical buildout



LAND USE ELEMENT

scenario are a reflection of the higher density multiple-family developments constructed in the 1970's and 1980's. However, the purpose of the Land Use Plan as it applies to the residential areas is to preserve and maintain the stability of existing neighborhoods, regardless of the character of development. The intent of the Plan is not to create any displacement, nor decrease existing development densities. Rather, it is to ensure a safe, healthy, and livable environment for City residents. Existing residential development entitlements are protected through this Land Use Element, applicable Zoning regulations, and sections of the City code pertaining to legal nonconforming uses.

The Land Use Element's implementation may result in an increase in the amount of commercial, office, and industrial development in the City. As indicated in Table A-4, up to ~~31,774,605~~^{31,808,407} square feet of commercial and office, and 42,199,991 square feet of industrial development are possible under the effective capacity parameters of Land Use Plan.



**Table A-4
Land Use Plan Build-out Capacities**

<i>Land Use</i>		<i>Acres</i>	<i>Intensity/ Density</i>	<i>Effective Buildout¹</i>		<i>Theoretical Buildout</i>	
Residential							
Low Density Residential	LR-7	6,465.9 6,463.7	7 du/ac				45,261 46,246 du
Low Medium Density Residential	LMR-11	414.4 421.6	11 du/ac				4,559 4,638 du
Medium Density Residential	MR-15	375.6 369.1	15 du/ac				5,634 5,536 du
Subtotal		7,255.9 7,254.4			96,565 du¹		55,454 55,419 du
Mixed Use							
				Non Res.	Res.	Non-Res.	Res.
District Center							
Other ²	DC	309.5	90 du /ac FAR 1.0-2.0	11,955,583 sf	3,017 du	23,764,534 sf	3,017 du
Heritage	DC	18.8	FAR 1.7	54,090 sf	1,221 du	54,090 sf	1,221 du
Downtown	DC	62.5	FAR 3.0	2,057,824 sf	1,661 du	2,057,824 sf	1,661 du
Metro East	DC	113.9	FAR 0.75- 3.0	2,464,776 sf	5,037 du	2,464,776 sf	5,037 du
Transit Village	DC	51.4	FAR 5.0	402,864 sf	2,761 du	402,864 sf	2,761 du
Harbor Corridor	DC	125.0	FAR 5.0	1,836,155 sf	2,029 du	1,836,155 sf	2,029 du
One Broadway Plaza District Ctr ³	OBPDC	4.3	FAR 2.9	310,000 sf	415 du	310,000 sf	415 du
Urban Neighborhood	UN	317.0	FAR 0.5-3.0	1,656,955 sf	5,755 du	1,656,955 sf	5,755 du
Subtotal		1,002.4		20,738,247 sf	21,896 du	32,547,198 sf	21,896 du
Commercial							
Professional & Admin. Office	PAO	600.8	FAR 0.5-1.0	13,085,424 sf		26,170,848 sf	
General Commercial	GC	858.1 859.6	FAR 0.5-1.0	18,689,181 18,722,983 sf		37,378,362 37,445,967 sf	
Subtotal		1,458.9 1,460.4		31,774,605 31,808,407 sf		63,549,210 63,616,815 sf	
Industrial							
Industrial	IND	2,152.8	FAR 0.45	42,199,991 sf		42,199,991 sf	
Other							
Institutional	INS	800.6	FAR 0.2-0.5	6,974,740 sf		17,436,850 sf	
Open Space	OS	1,010.9	FAR 0.2	8,806,961 sf		8,806,961 sf	
Subtotal		1,811.5		15,781,701 sf		26,243,811 sf	

FAR=floor area ratio; d.u.=dwelling unit; s.f.=square feet (of floor area). Acreage shown in table does not include roads in right-of-way.

¹ Effective capacity for non-residential development assumes development possible under the lower range of FAR intensity standards with the exception of the Metro East District Center, Transit Village District Center, Downtown District Center, Heritage District Center, and Urban Neighborhood areas. The Harbor Corridor District Center, Metro East District Center, Transit Village District Center, Downtown District Center, and Urban Neighborhood areas allow a range of intensity for mixture of residential and non-residential development based on the zoning development standards. Residential effective capacity was calculated by adding the 21,896 units possible in the District Center and Urban Neighborhood with the existing 74,669 (Census 2000) housing units.

² Land use designation permits both residential and non-residential development. Build-out assumes 90% of land area will be developed as commercial and 10% will be developed as residential; with the exception of Town and Country Manor project intended for continuum of care and housing seniors.

³ Land use designation permits high intensity office development with ancillary retail use.

This table has been revised to correspond with the GIS Land Use Map illustrated in Exhibit 2.

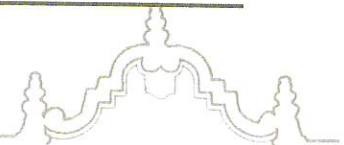


EXHIBIT 5

2 - 74

ORDINANCE NO. NS-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AMENDMENT APPLICATION NO. 2020-02 REZONING THE PROPERTIES LOCATED AT 4310, 4314, 4318, 4322, 4326 AND 4330 WEST FIFTH STREET; 113, 117, 121, 201, 203, 207, 211, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 301 AND 305 NORTH MOUNTAIN VIEW STREET; AND 4311 WEST FIRST STREET

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS FOLLOWS:

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

- A. Steve Jones with Olympia Capital Corporation, representing Mountain View Real Estate Investments, LLC. ("Applicant") is requesting approval of Amendment Application (AA) No. 2020-02 to change the zoning designation of the properties located at 301 and 305 North Mountain View Street from General Agricultural (A1) to Two-Family Residence (R2) in order to facilitate construction of an 8-unit condominium development.
- B. In addition, the City of Santa Ana is proposing to change the land use designation of the properties located at 4310, 4314, 4318, 4322, 4326 and 4330 West Fifth Street, 4311 West First Street and 113, 117, 121, 201, 203, 207 and 211 North Mountain View Street from A1 to Single-Family Residence (R1); and 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245 and 247 North Mountain View Street from Suburban Apartment (R4) to R2.
- C. On October 26, 2020, the Planning Commission held a duly noticed public hearing and voted to recommend that the City Council adopt an ordinance approving Amendment Application No. 2020-02 which is consistent with the General Plan land use designation of the subject properties.
- D. The City Council has reviewed applicable general plan policies and has determined that this proposed rezoning is consistent with the purpose of the general plan.
- E. The City Council, prior to taking action on this ordinance, held a duly noticed public hearing on November 17, 2020.
- F. The City Council also adopts as findings all facts presented in the Request for Council Action dated November 17, 2020, accompanying this matter.

- G. For these reasons, and each of them, Amendment Application No. 2020-02 is hereby found and determined to be consistent with the intent and purpose of Chapter 41 of the Santa Ana Municipal Code, thus changing the zoning district is found to be consistent with the General Plan of the City of Santa Ana and otherwise justified by the public necessity, convenience, and general welfare.

Section 2. The Amendment Application consists of amendments to the Zoning Map, as shown in Exhibit A, attached hereto and incorporated herein by reference.

Section 3. The City Council has reviewed and considered the information contained in the Mitigated Negative Declaration (Environmental Review No. 2018-83) prepared with respect to this project. The City Council has, as a result of its consideration of the record as a whole and the evidence presented at the hearings on this matter, determined that, as required pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, Environmental Review No. 2018-83 meets all the requirements of CEQA.

Section 4. An amended Sectional District Map, showing the above described changes in use district designation, is hereby approved and attached hereto as Exhibit A, and incorporated by this reference as though fully set forth herein.

Section 5. The City Council of the City of Santa Ana after conducting the public hearing hereby approves AA No. 2020-02. 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 October 26, 2020, the Request for Council Action dated November 17, 2020, and exhibits attached hereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

Section 6. The City Council approves AA No. 2020-02 as set forth in Exhibit A, attached hereto and incorporated herein by reference, subject to compliance with the Mitigation Monitoring and Reporting Program, and upon satisfaction of the conditions set forth below:

- A. Subject to compliance with the Mitigation Monitoring and Reporting Program, the Zoning Map shall be amended to read as set forth in Exhibit A, attached hereto and incorporated herein by reference.
- B. The Amendment Application shall not take effect unless and until Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP), Environmental Review No. 2018-83 and General Plan Amendment (GPA) No. 2020-04 are adopted by the City Council.

Section 7. 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, which approval will not be unreasonably withheld, 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 8. This decision rendered by the City Council of the City of Santa Ana is final and is subject to judicial review pursuant to California Code of Civil Procedure section 1094.6. The Planning and Building Agency shall give direct notice to the Applicant of the City Council's decisions and these findings.

ADOPTED this ____ day of _____, 2020.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

By: _____
Lisa Storck
Assistant City Attorney

AYES: Councilmembers _____
NOES: Councilmembers _____
ABSTAIN: Councilmembers _____
NOT PRESENT: Councilmembers _____

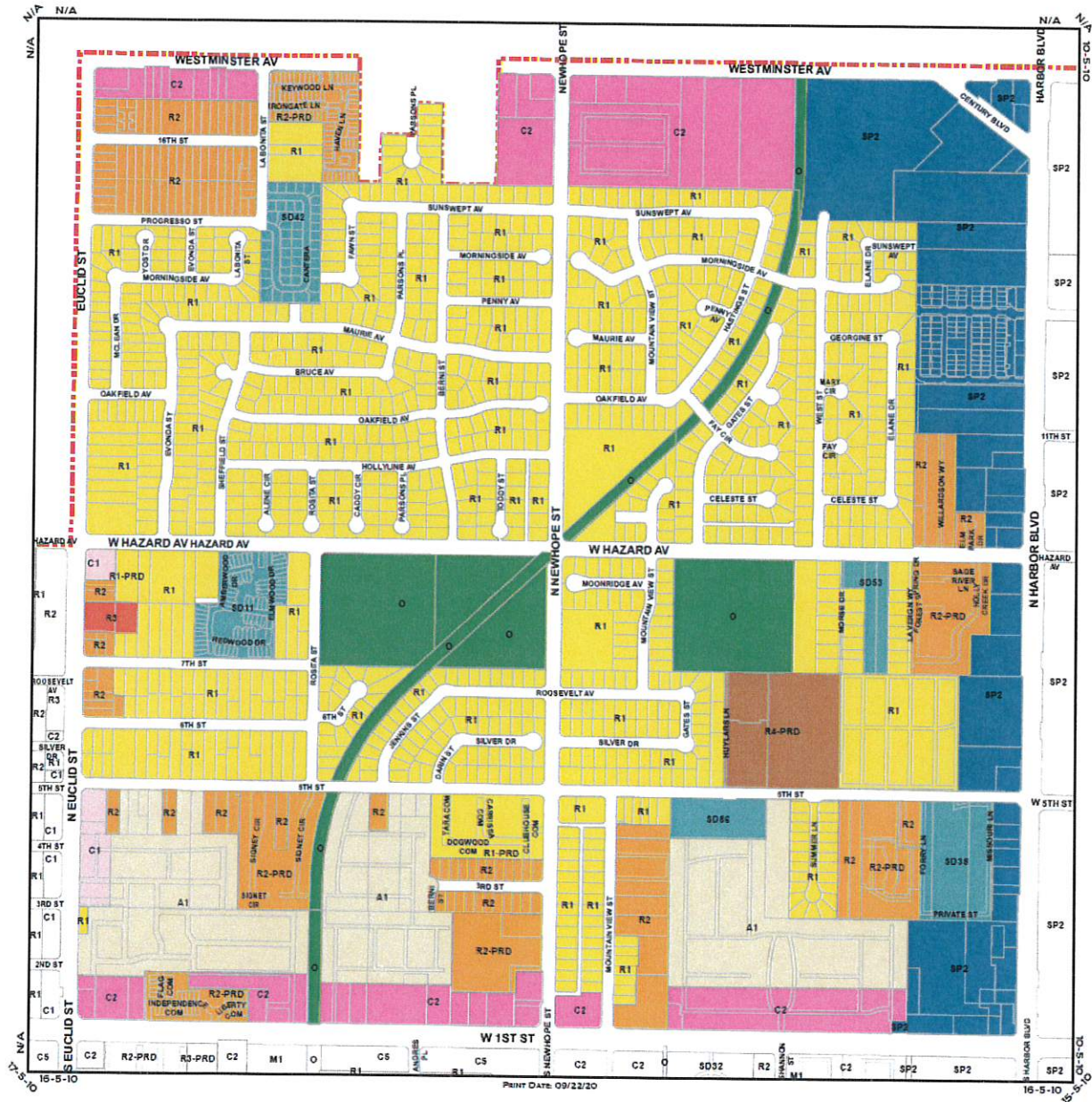
CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, DAISY GOMEZ, Clerk of the Council, do hereby attest to and certify the attached Ordinance No. NS-_____ to be the original ordinance adopted by the City Council of the City of Santa Ana on _____, 2020 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

EXHIBIT A



ZONING DISTRICTS

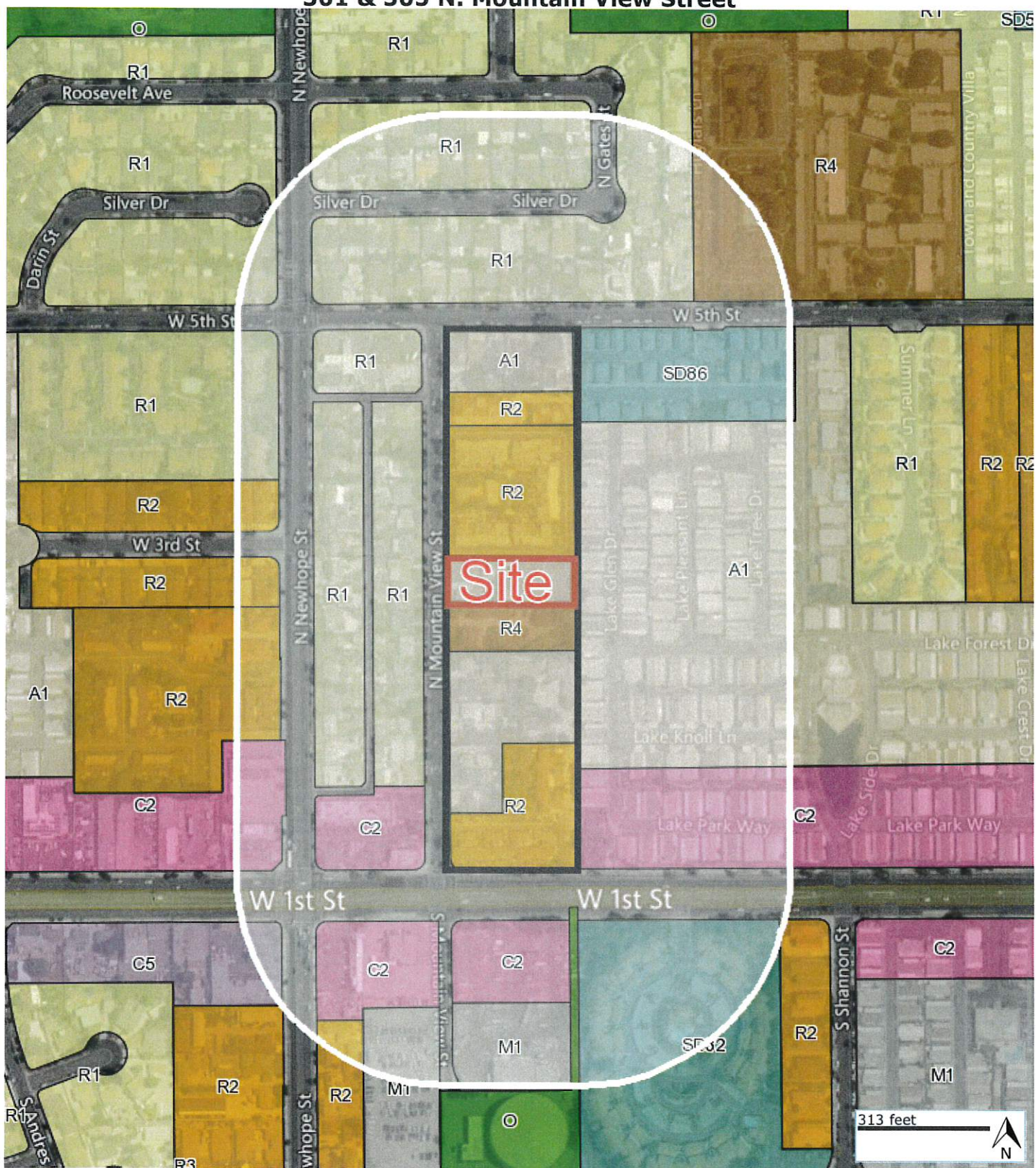
A1	GENERAL AGRICULTURAL	CSM	SOUTH MAIN STREET COMMERCIAL DIST.	R2	TWO-FAMILY RESIDENCE	-B	PARKING MODIFICATION
C1	COMMUNITY COMMERCIAL	GC	GOVERNMENT CENTER	R3	MULTIPLE-FAMILY RESIDENCE	-OZ	OVERLAY ZONE
C1-MD	COMMUNITY COMMERCIAL - MUSEUM DIST.	M1	LIGHT INDUSTRIAL	R4	SUBURBAN APARTMENT	-PRD	PLANNED RESIDENTIAL 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		

SECTIONAL DISTRICT MAP: 9-5-10 CITY OF SANTA ANA, CALIFORNIA



EXHIBIT 6

ER No. 2018-83, GPA No. 2020-04, AA No. 2020-02 & TTM No. 2019-02
301 & 305 N. Mountain View Street



Vicinity Zoning & Aerial Map



EXHIBIT 7

SITE PHOTO



EXHIBIT 7



305 NORTH MOUNTAIN VIEW, SANTA ANA, CA 92703

PLANT SCHEDULE

TREES

- 1. Purple - leaf Alocasia
- 2. Aoyagi - Japanese maple
- 3. Fireglow - Japanese maple
- 4. Little Gem Magnolia
- 5. Red Japanese maple
- 6. Italian Cypress
- 7. Citrus
- 8. Palm-like plant
- 9. Palm tree

SHRUBS

- 1. Blue flowering shrub
- 2. Purple flowering shrub
- 3. Kalnia Angustifolia
- 4. Myrica Pensylvanica
- 5. Red flowering shrub

GROUND COVERS

- Common grass or Dymondia Margaretae
- Concrete

PROPOSED PLANT MATERIALS (PARTIAL LIST)

TREES

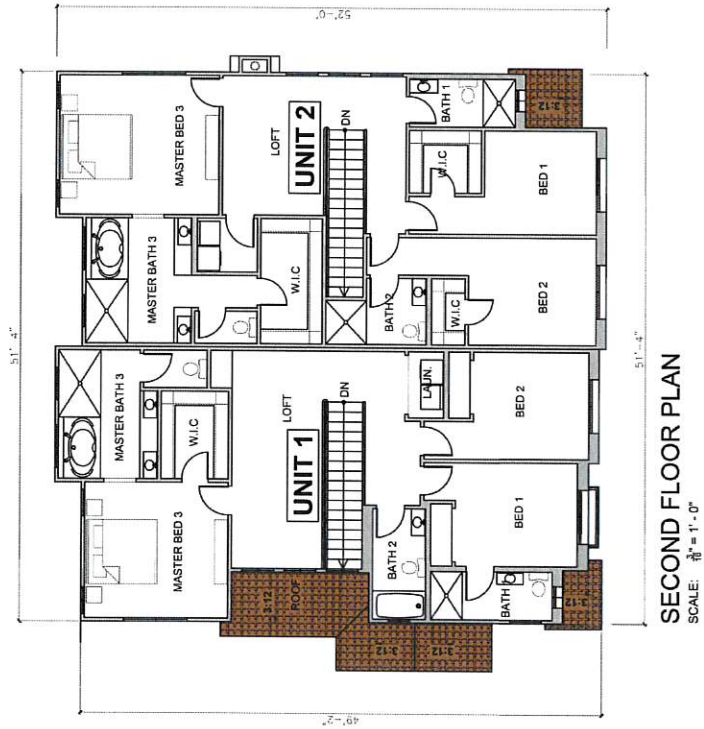


SHRUBS



EXHIBIT 9

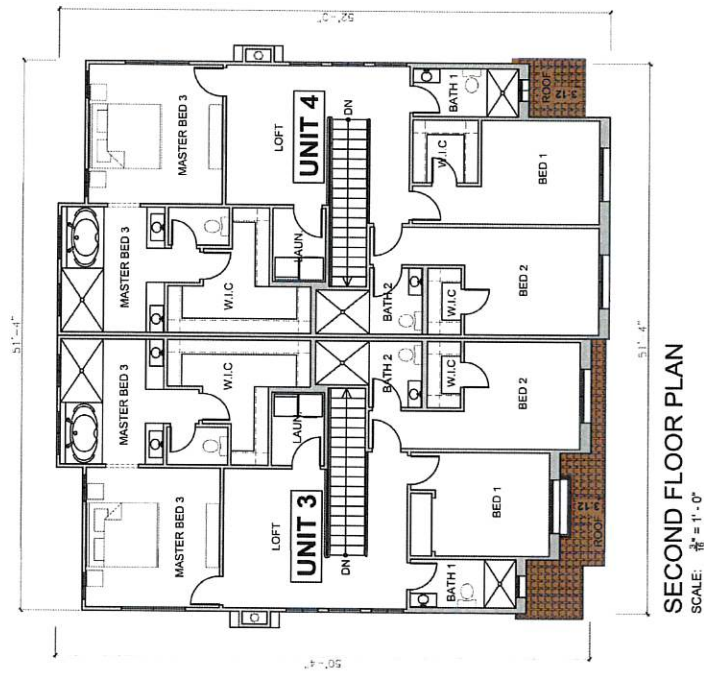
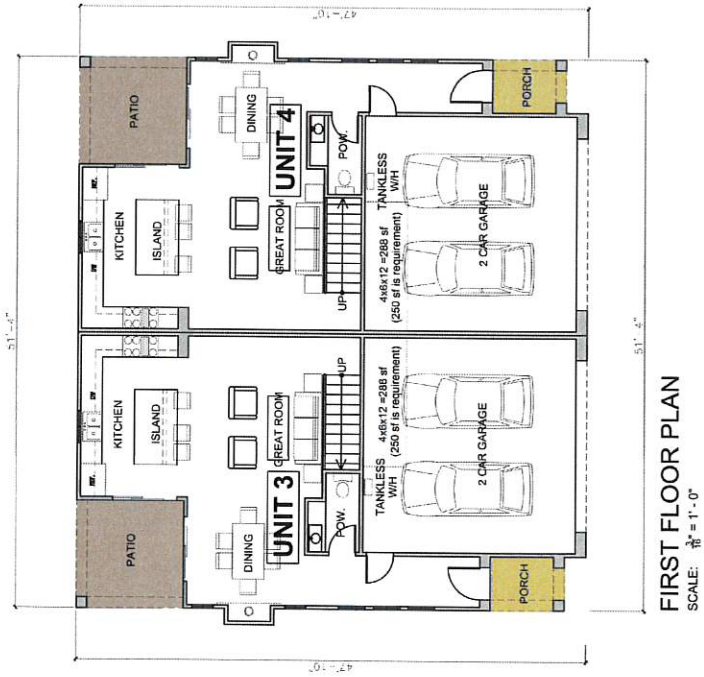
2 - 85



TYPICAL UNIT 1-2

305 N. Mountain View Condos

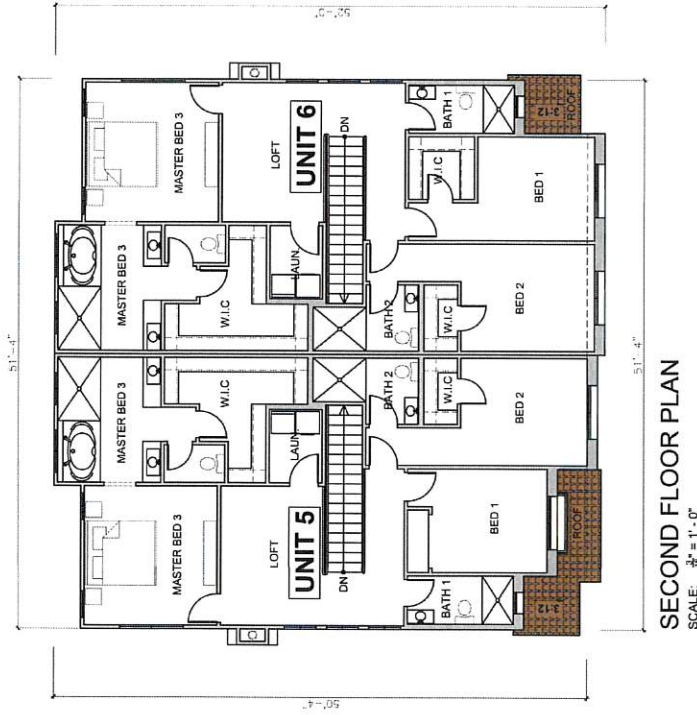
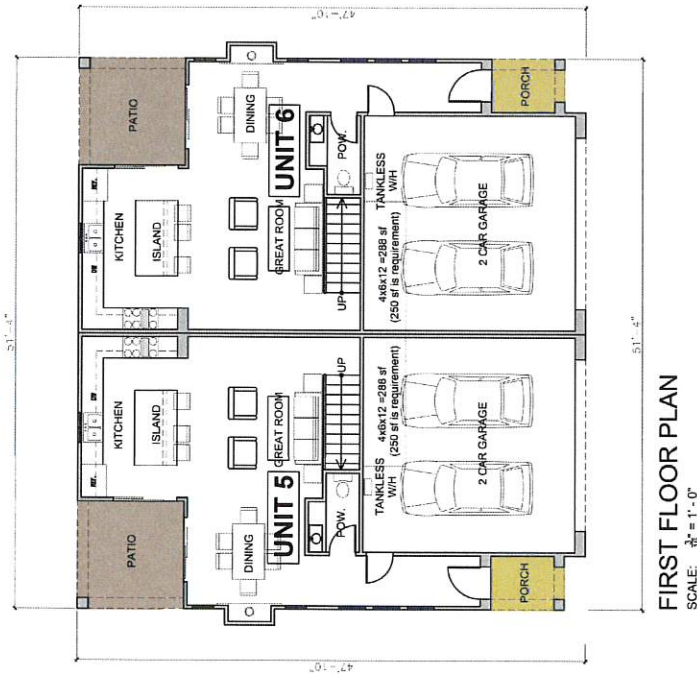
09.11.2020



TYPICAL UNIT 3-4

305 N. Mountain View Condos

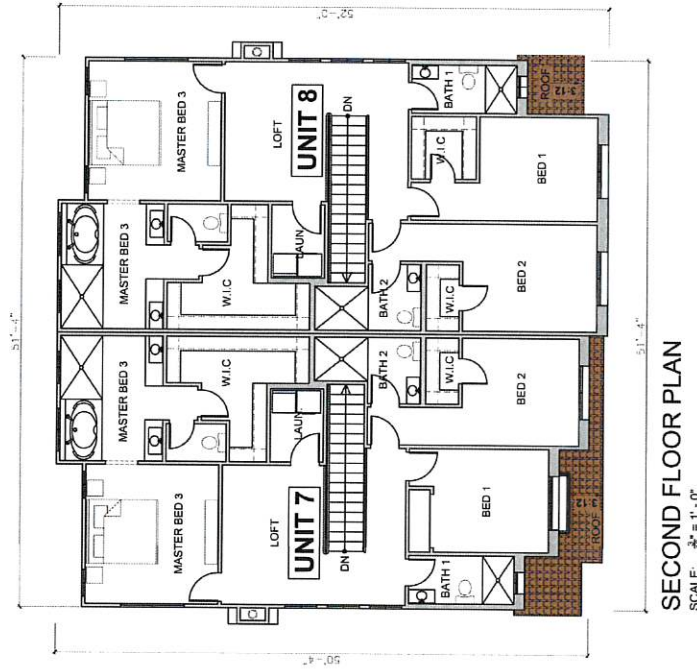
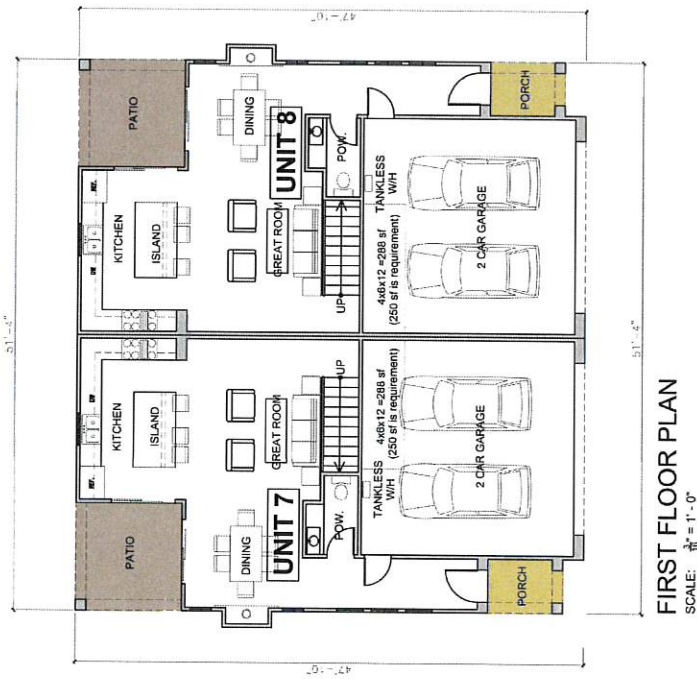
09.11.2020



TYPICAL UNIT 5-6

305 N. Mountain View Condos

09.11.2020



TYPICAL UNIT 7-8

305 N. Mountain View Condos

09.11.2020

EXHIBIT 10



Owner
R & E

8821 Seaspray Drive. HB. CA 92646

305 N. Mountain View Condos

10.10.2020

Architect

ANHA studio

12862 Joy Street. GG. CA 92840

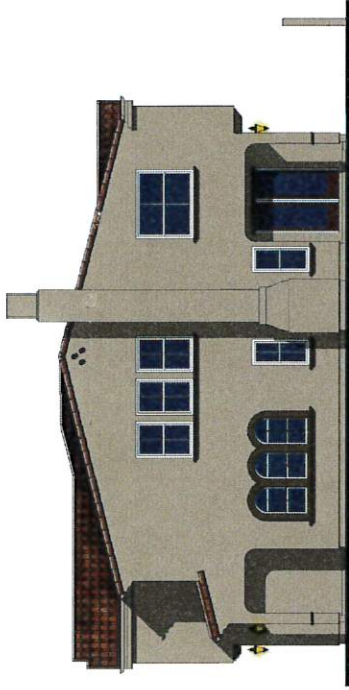


305 N. Mountain View Condos

10.10.2020



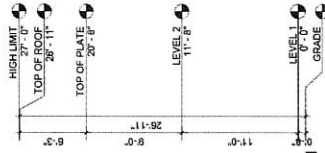
FRONT ELEVATION
SCALE: $\frac{1}{8}'' = 1'-0''$



RIGHT ELEVATION
SCALE: $\frac{1}{8}'' = 1'-0''$



REAR ELEVATION
SCALE: $\frac{1}{8}'' = 1'-0''$



COLOR SCHEME 4

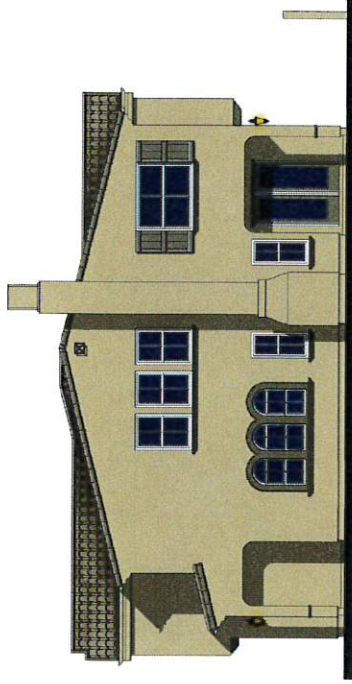
TYPICAL UNIT 1-2

305 N. Mountain View Condos

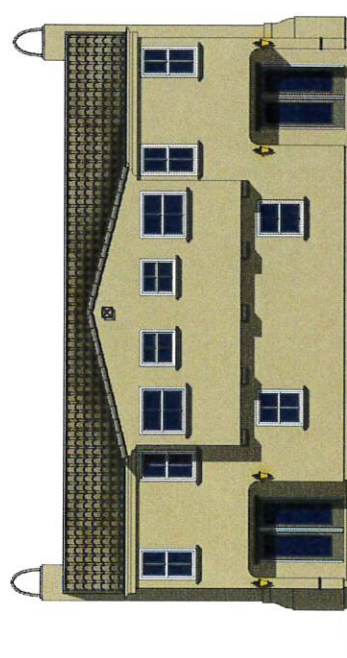
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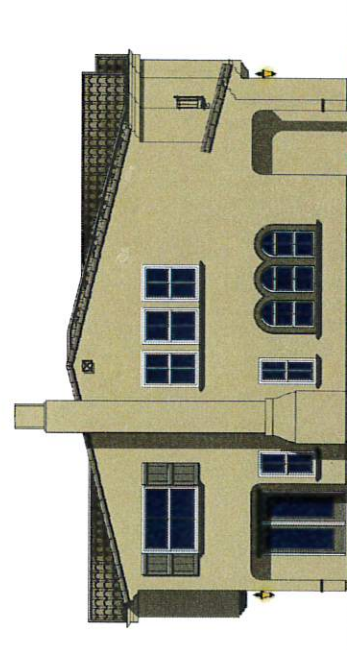
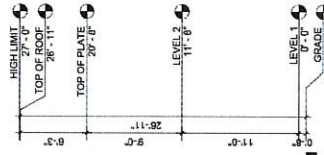
FRONT ELEVATION
SCALE: $\frac{1}{8}'' = 1'-0''$



RIGHT ELEVATION
SCALE: $\frac{1}{8}'' = 1'-0''$



REAR ELEVATION
SCALE: $\frac{1}{8}'' = 1'-0''$



LEFT ELEVATION
SCALE: $\frac{1}{8}'' = 1'-0''$

COLOR SCHEME 2

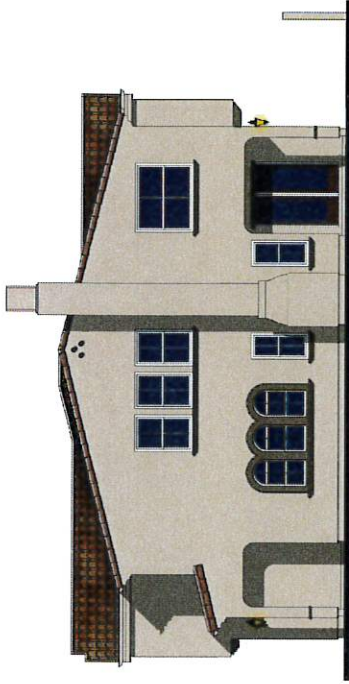
TYPICAL UNIT 3-4

305 N. Mountain View Condos

10.10.2020



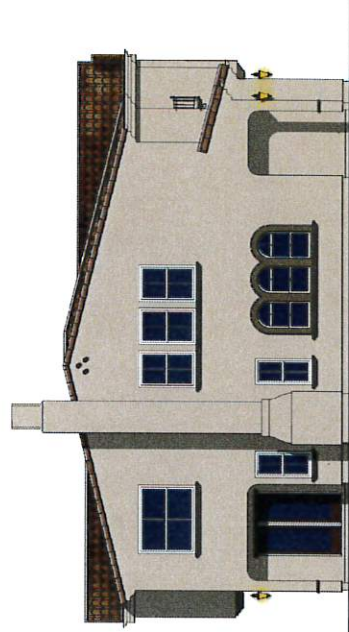
FRONT ELEVATION
SCALE: $\frac{3}{8}" = 1'-0"$



RIGHT ELEVATION
SCALE: $\frac{3}{8}" = 1'-0"$



REAR ELEVATION
SCALE: $\frac{3}{8}" = 1'-0"$



LEFT ELEVATION
SCALE: $\frac{3}{8}" = 1'-0"$

COLOR SCHEME 3

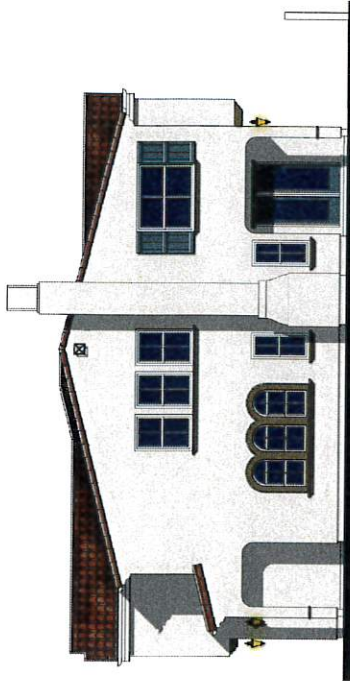
TYPICAL UNIT 5-6

305 N. Mountain View Condos

10.10.2020



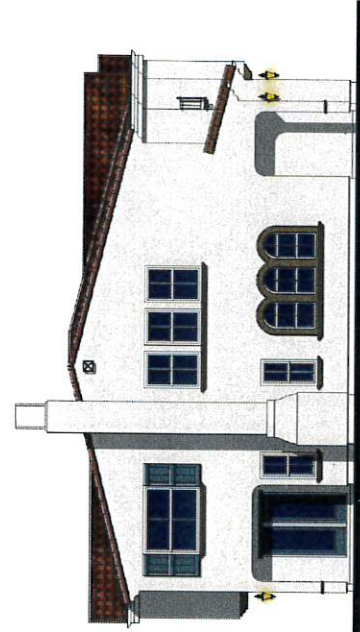
FRONT ELEVATION
SCALE: $\frac{1}{16}'' = 1'-0''$



RIGHT ELEVATION
SCALE: $\frac{1}{16}'' = 1'-0''$



REAR ELEVATION
SCALE: $\frac{1}{16}'' = 1'-0''$



LEFT ELEVATION
SCALE: $\frac{1}{16}'' = 1'-0''$

COLOR SCHEME 1

TYPICAL UNIT 7-8

305 N. Mountain View Condos

10.10.2020

EXHIBIT 11

EXHIBIT 12

Mountain View Real Estate Investments

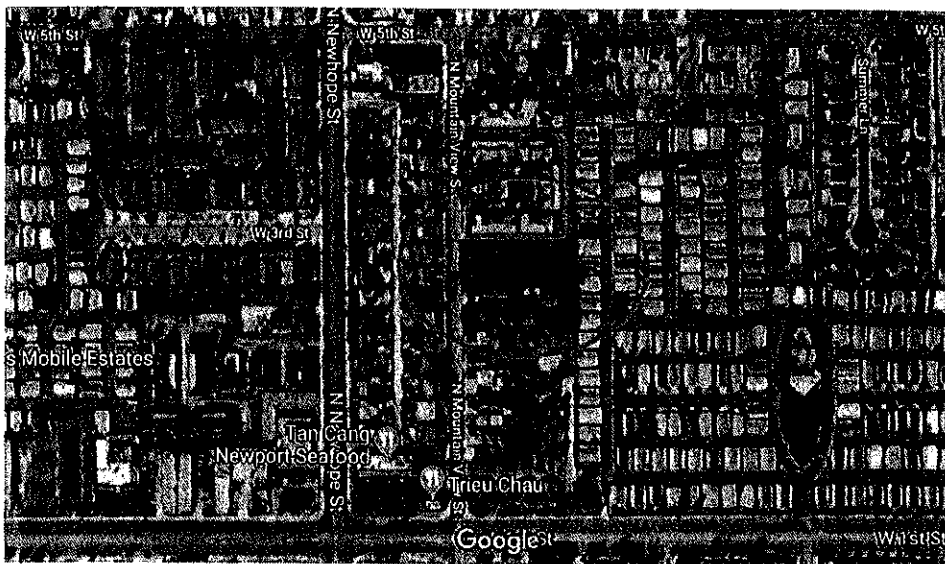
cordially Invites you to

a Community Information Meeting

to discuss a residential development proposal at
305 N. Mountain View Street, Santa Ana, CA 92703

This project involves the construction of 8 new residential units with a modern design look to bring our community image to a better living community. Please come and share your thoughts and ideas about this project. At the meeting we will provide general information, answer questions, and solicit input on the project.

The site location of the proposed residential units is highlighted in blue.



MEETING DATE AND TIME

Tuesday, October 16th, 2018
AT 5:00pm to 6:00pm

MEETING LOCATION

Salgado Community Center in Rosita Park
706 N. Newhope St, Santa Ana, CA 92703

If you have questions regarding this event or you require language interpretation services in languages other than English, please contact Long Nguyen by phone at (714) 933 - 5686 or by email at Long-Realtor@Outlook.com

This notice is being provided pursuant to SAMC Section 2-153

Mountain View Real Estate Investments

cordialmente te invita

a una Reunion Comunitaria

para discutir una propuesta de desarrollo residencial en
305 N. Mountain View Street, Santa Ana, CA 92703

El proyecto involucra la construcción de 8 nuevas casas con un diseño moderno para traer a nuestra comunidad imágenes a una mayor comunidad de vida. Por favor venga a compartir tus pensamientos y ideas sobre este proyecto. En la reunión proveeremos información general, responder preguntas y solicitaremos información sobre el proyecto.

La ubicación del sitio de las unidades residenciales propuestas se resalta en azul.



FECHA Y HORA DE REUNION

Martes, October 16th, 2018
AT 5:00pm to 6:00pm

UBICACION DE LA REUNION

Salgado Community Center in Rosita Park
706 N. Newhope St, Santa Ana, CA 92703

Si tiene preguntas sobre esta reunión o si necesita servicios de Interpretación en otro idioma, comuníquese con Long Nguyen por teléfono al (714) 933 - 5686 o por correo electrónico a Long-Realtor@Outlook.com

Este aviso se envía en acuerdo con SAMC Sección 2-153

Sunshine Ordinance Community Meeting Minutes
For Proposed 8-Unit Condominium Development
At 301 and 305 North Mountain View Street
Held on October 16th, 2018 at 5:00pm to 6:00pm

1. Six (6) neighbors were in attendance
2. Comments were made about traffic flow and the need to provide sufficient parking on site.
3. Open space for children to play was mentioned.
4. Some expressed the need to scale massing of the development to align with existing neighbors and to make sure the privacy of the adjacent residents was protected as much as possible.
5. There was a comment about properly locating the trash enclosures that serve the development.



City of Santa Ana, CA

Parks, Recreation, and Community Services Agency
20 Civic Center Plaza, P.O. Box 1988
Santa Ana, CA 92702

714-647-5307
CivicRecSA@santa-ana.org
http://www.santa-ana.org

Registration/Payment Receipt 11671433

10/17/2018 11:23 AM

Account Information

Mountainview Real Estate Investment
LLC.
Long Nguyen
8821 Seaspray Drive
Huntington Beach, CA 92646

Payment

Check \$104.96
(#1005)

Received By

Lilda Hernandez at Salgado Center
Complex

Item	Quantity	Amount Paid
(01113002-57361) Salgado Center Complex Meeting Room A (Multi-Purpose Room) Oct 16, 2018 5:00 PM-6:00 PM - Group 3: \$80.78/Hour - PERMIT #3828	1.00	\$80.78
(01113002-53319) (1/2 Hr) Staff Fees	2.00	\$24.18
Subtotal		\$104.96
Total Payment		\$104.96

Waiver(s)

Facility Waiver

Parks, Recreation and Community Services Agency, 20 Civic Center Plaza, 2nd Floor, P.O. Box 1988, Santa Ana, CA 92702 – M-23 hereby grants _____ (hereinafter called the "Licensee" represented by _____, permission to use the Facilities as outlined, subject to Terms and Conditions of this Agreement contain herein and attached here to all of which form part of this Agreement.

It is the Permittee's responsibility to provide a copy of the this permit to each facility user or coach that uses the facility. The facility user or coach must present this permit to City representatives when requested to do so to identify themselves as the authorized user of the facility.

Permittee agrees to and shall indemnify and hold harmless the City, its officers, agents, employees, consultants, special counsel, and representatives from liability: (1) for personal injury, damages, or restitution, arising out of claims for personal injury, including death, and claims for property damage, which may arise from the negligence or willful misconduct of the permittee and guest or its agents, employees, or other persons acting on their behalf which relates to the Permit granted herein; and (2) from any claim that personal injury, damages, or restitution, is due by reason of the terms of or effects arising from this Permit. This indemnity and hold harmless agreement applies to all claims for damages, or restitution suffered, or alleged to have been suffered, by reason of the events referred to in this Section