

RESOLUTION NO. 2023-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING SITE PLAN REVIEW NO. 2023-01 AS CONDITIONED FOR A MIXED-USE DEVELOPMENT, KNOWN AS CABRILLO TOWN CENTER, AT 1901 AND 1971 EAST FOURTH STREET AND 515 AND 525 NORTH CABRILLO PARK DRIVE

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. Andrea Maloney with Sapetto Real Estate Solutions, Inc. and representing Fairfield Realty, LLC. (“Applicant”), on behalf of David A. Colton, trustee of David A. Colton Trust (“Property Owner”), is requesting approval of Site Plan Review (“SPR”) No. 2023-01 and Tentative Tract Map (“TTM”) No. 2023-03 to facilitate the construction of a mixed-use development (“Project”), known as Cabrillo Town Center, at 1901 and 1971 East Fourth Street and 515 and 525 North Cabrillo Park Drive (“Project Site”).
- B. The Project entails, among other improvements, (1) demolition of the existing four (4) structures on the Project Site; (2) redevelopment of the Project Site into two integrated parcels. Parcel 1 will consist of a five-story warp building with 14,900 square feet of live/work space (19 live/work units), 5,800 square feet of commercial leasable space, 6,100 square feet of leasable office space, 449 residential rental units, 898 parking spaces, and 68,167 square feet of open space and amenities. Parcel 2 will consist of eight 3-story townhome buildings containing a total of 58 residential for sale units, 127 parking spaces, and 18,938 square feet of open space and amenities. In addition, the project as a whole will provide a total of 47,810 square feet of publicly accessible open space; (3) approval of SPR No. 2023-01; and (4) approval of Tentative Tract Map (“TTM”) No. 2023-03, to be considered by the Planning Commission on April 24, 2023 by way of a separate resolution.
- C. The Project Site has a General Plan land use designation of District Center – Medium (“DC-3”) and is located within the Professional (P) zoning district. In addition, the Project Site is located within the Village Center District (“VC”) of the Metro East Mixed-Use Overlay Zone (“MEMU”).
- D. Pursuant to Section 41-595.5 of the Santa Ana Municipal Code (“SAMC”) and sections 2.3 and 8.1 of the MEMU, approval of a SPR by the Planning Commission is required for any project wishing to develop per the MEMU standards.

- E. On April 24, 2023, the Planning Commission of the City of Santa Ana held a duly-noticed public hearing on SPR No. 2023-01.
- F. The Planning Commission of the City of Santa Ana determines that the following findings, which must be established in order to grant a SPR approval pursuant to Section 8.2 of the MEMU, have been established for SPR No. 2023-01 to allow the construction the Project.
  - 1. That the proposed development plan is consistent with and will further the objectives outlined in Section 1.2 for the MEMU.

The project will create a new mixed-use development within close proximity to office buildings, Cabrillo Park, Mabury Park, and less than two miles from Downtown Santa Ana, which provides additional opportunities to live, work, and play. The proposed project includes two distinct market-rate housing product types, including a townhouse development and mixed-use residential development. Each townhouse building will be three-stories in height, while the mixed-use building will be five-stories with ground floor commercial/retail and residential units on upper floors, wrapped around a 6.5-level parking structure. The height of the buildings will blend in with the heights of the nearby office buildings, which range from single-story, three-story and eight-story buildings.

The project will be built to California Building Code standards, which include energy and water conservation measures and will improve pedestrian mobility by providing new sidewalks and parkways along Fourth Street and Parkcourt Place. In addition, the publically accessible linear park along Parkcourt Place will serve as a link to the Cabrillo Park to the north. Each residential unit will have storage opportunities for personal bicycles. Additionally, public transit bus service is provided in the project area by the Orange County Transportation Authority (OCTA). Four OCTA bus routes operate within the vicinity of the project site on First Street, Fourth Street, Seventeenth Street, and Tustin Avenue, which consists of the following: OCTA routes 60, 64, 71, and 463.

The commercial space has been designed with retail floor heights of approximately 20 feet with storefronts that will be visible from Fourth Street and Cabrillo Park Drive. In addition, the commercial space links directly to an on-site public plaza at the corner of Fourth Street and Cabrillo Park Drive, which will include outdoor dining opportunities, decorative hardscape, specimen trees and plantings, umbrellas, seating and lawn games. In addition, the ground

floor residential units along Parkcourt Place will have doors and patios with direct access to the street to help activate the street.

2. That the proposed development plan is consistent with the development standards specified in Section 4 of the MEMU.

The Project is consistent with the development standards specified in Section 4 of the MEMU including land use, height, minimum development site area, building frontages, publically accessible open space, private/common open space, building setbacks, and parking and access. The proposed project is a mixed-use development that has been well designed to fit within the Village Center District. Further, the access and egress for the project has been thoroughly reviewed by the Public Works Agency for compliance with all applicable development standards.

3. That the proposed development plan is designed to be compatible with adjacent development in terms of similarity of scale, height, and site configuration and otherwise achieves the objectives of the Design Principles specified in Section 5 of the MEMU overlay district.

The project is consistent with the development standards specified in Section 5 of the MEMU. The building is designed with a high quality design that includes varied massing, changes in form, and is comprised of high quality materials including a light sand stucco exterior, fiber cement panel siding, metal railings, aluminum storefronts, brick veneer, metal canopies, and high quality architectural detailing (e.g., exterior lighting, entry doors, fenestration, etc.). During the development review process, staff provided extensive design comments, which resulted in higher-quality building materials, an increase in the commercial square footage (i.e., live/work), and building elevations that are architecturally detailed and designed to be pedestrian-oriented. The commercial storefronts are enhanced with cornices and metal canopies and the primary access to the commercial uses will be from Fourth Street and Cabrillo Park Drive. The project promotes pedestrian activity with landscaping and publically accessible open space.

4. That the land use uses, site design, and operational considerations in the proposed development plan have been planned in a manner that will result in a compatible and harmonious operation as specified in Section 7 of the MEMU overlay district.

The project is consistent with the development standards specified in Section 7 of the MEMU. The project has been

designed to ensure compatibility between the residential and non-residential uses on site. The commercial uses have separate entrances from the residential uses, and the parking management plan will manage parking between the residential and nonresidential uses. On-site lighting will be consistent with Chapter 8 of the SAMC.

**Section 2.** 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, and other and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively “Actions”), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve the legal counsel providing the City’s defense, and that Applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any Action brought and City shall cooperate with Applicant in the defense of the Action.

**Section 3.** In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, and after completion of the Initial Study for the Project, the Project is within the scope of the 2007 Metro East Mixed-Use Overlay Zone Environmental Impact Report (EIR) and 2018 Subsequent EIR (SEIR) (SCH No. 2006031041). The 2007 EIR and 2018 SEIR anticipated potential development of 5,551 residential units, 963,000 square feet of commercial development, and 690,000 of office development. The 2007 EIR and 2018 SEIR analyzed impacts related to aesthetics, agriculture/forestry, air quality, biology, cultural resources, geology/soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population/housing, public services, transportation/traffic, tribal cultural resources and utilities. The EIR and SEIR concluded that there would be significant and unavoidable impacts associated with air quality, noise, and transportation/traffic, and mitigation measures were developed and recorded through an approved Mitigation Monitoring and Reporting Program (MMRP). As required by the MMRP, a traffic impact analysis was prepared for this project by Linscott, Law and Greenspan, Engineers (LLG). The analysis evaluated the existing operating conditions at 25 intersections, estimated the trip generation potential of the project, and forecasted future near-term and long-term operating conditions without the proposed project. Based on the analysis, off-site improvements are required at various


intersections and at difference timeframes, as identified in the traffic analysis, which the Project will comply with.

The previously prepared 2007 EIR and 2018 SEIR adequately described the Project's environmental setting, significant impacts and alternatives, and mitigation measures related to each impact. There are no substantial changes with respect to circumstances under which the Project is undertaken that will require major revisions to the EIR. There is no new information of substantial importance and there are no new environmental impact or mitigation measures needed. All applicable mitigation measures applied to the previously prepared 2007 EIR and 2018 SEIR, attached hereto as Exhibit B, will be applied to this project.


**Section 4.** The Planning Commission of the City of Santa Ana, after conducting the public hearing, hereby approves SPR No. 2023-01, as conditioned in Exhibit A, attached hereto and incorporated herein for the Project at the Project Site. 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 April 24, 2023, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 24<sup>th</sup> day of April, 2023 by the following vote:

AYES: Commissioners: ESCAMILLA, LEO, MCLOUGHLIN, OLIVA, PHAM, WOO  
NOES: Commissioners:  
ABSENT: Commissioners: RAMOS  
ABSTENTIONS: Commissioners:

  
\_\_\_\_\_  
Bao Pham  
Chairman

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

By:   
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John M. Funk  
Chief Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, NUVIA OCAMPO, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2023-08 to be the original resolution adopted by the Planning Commission of the City of Santa Ana on April 24, 2023.

Date: 4/24/2023

*Nuvia Ocampo*

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Nuvia Ocampo  
Recording Secretary  
City of Santa Ana

## Exhibit A

### Conditions for Approval for Site Plan Review No. 2023-01

Site Plan Review No. 2023-01 is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code, and all other applicable regulations.

The Applicant must comply with each and every condition listed below prior to exercising the rights conferred by this site plan review.

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 site plan review.

1. All proposed site improvements must conform to the Development Project Review (DP) No. 2022-26, and the staff report exhibits incorporated herein by reference.
2. Any amendment to this site plan review, including modifications to approved materials, finishes, architecture, site plan, landscaping, unit count, mix, 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. The project shall comply with all recommendations contained with the technical studies and reports prepared for the project. All studies and reports shall be finalized by the Applicant and approved by the City of Santa Ana prior to the issuance of any building permits.
4. The project shall comply with all applicable mitigation measures as identified by the Mitigation Monitoring and Reporting Program of the 2007 Environmental Impact Report (EIR) and 2018 Subsequent EIR (SCH No. 2006031041), attached hereto as Exhibit B.
5. The live/work units along Fourth Street and Cabrillo Park Drive shall be constructed in accordance with applicable sections of the California Building Code.
6. Prior to submittal into Building Safety Division plan check, the applicant shall work with Planning Division staff to incorporate architectural elements to enhance the prominence of units along the Parkcourt Place extension to accentuate building and individual unit heights and to mimic two-story volumes for those units.
7. The publicly accessible open space areas as shown on the plans shall remain accessible to the public during daylight hours as per plans approved by the Planning and Building Agency.
8. A residential property manager shall be available at all times that the Apartment portion of the Project is occupied and Applicant and onsite management shall at all

times maintain a 24-hour emergency contact and contact information on file with the City that is also posted at the entrance to the leasing office for public view.

9. The parking management measures as identified by the Parking Study and Parking Management Plan, attached hereto as Exhibit C, shall be incorporated into the Project and shall apply through the life of the project. The objectives of the PMP are intended to:
  - a. Restrict residents from parking in the guest spaces;
  - b. Restrict guests from parking in the reserved resident spaces and require guests to park in designated guest spaces;
  - c. Restrict vehicles from exceeding the time restriction on the short term parking, if any is proposed;
  - d. Allow for the use of “short-term/time restricted” parking spaces allocated to the retail and leasing office for use by residents and resident guests after business hours, as necessary; and
  - e. Help develop the framework for parking agreements between the leasing office and the tenants.
10. Exterior building and exterior parking structure materials, finishes and colors for the Project shall comply with the approved materials board submitted for the Project and as approved by the Planning and Building Agency. Any changes to the materials, finishes and colors shall be approved by the Planning and Building Agency. All trash enclosures and similar ancillary structures shall match the texture, material and color of the primary building.
11. All utility lines shall be placed underground. Where equipment is located above-ground, it shall be screened from public view. This includes all ground, wall, and roof mounted equipment. Screening elements shall be an integral part of the building; no screening method shall give the appearance of being “tacked on.” Typical ground-mounted equipment shall be adequately screened with decorative walls and/or landscaping.
12. Prior to issuance of building permits, the Applicant shall submit a construction schedule and staging plan to the Planning Division for review and approval. The plan shall include construction hours, staging areas, parking, security, and site screening during Project construction.
13. Prior to issuance of building permits, an exterior lighting plan for the security and safety of on-site areas such as building entrances, parking, loading, pedestrian walkways, alley walkways and open space areas shall be provided to the Planning and Building Agency and Police Department for review and approval. A minimum of one foot-candle evenly distributed across a parking lot is recommended. At entrances and loading areas, up to 2 foot-candles may be appropriate. Decorative night lighting shall also be installed. Low energy lights, such as LED lights or solar



powered lights, shall be used whenever possible. Light fixtures and their structural support shall be designed to be architecturally compatible with the main buildings on-site. Direct glare onto adjoining property, streets, or skyward shall be avoided. All lighting fixtures shall be shielded to confine light spread on-site.

14. Prior to the issuance of a building permit, a landscape plan in accordance with the Metro East Mixed-Use Overlay Zone (MEMU) and the Water Efficient Landscape Ordinance shall be submitted to the Planning Division for review and approval.
15. Prior to the issuance of a building permit, the easement agreement regarding the line of sight triangle for the Apartment portion of the Project shall be executed or the Project shall be revised to comply with the approved Alternative Driveway Design, attached hereto as Exhibit D.
16. Prior to issuance of a Certificate of Occupancy, a master sign program in accordance with the MEMU shall be submitted for review and approval by the Planning Division. In addition to any other sections therein, the master sign program shall include provisions for allowing appropriately-scaled signage on the townhome and ground floor apartments units facing the Parkcourt Place extension to advertise home occupations within those units.
17. Prior to issuance of a Certificate of Occupancy issuance, a Public Art Program shall be submitted to the Planning Division for review and approval. Public Art shall be installed and maintained with a value equivalent to one-half of one percent (0.5%) of the total construction cost of the development. Total construction cost shall mean all design, engineering and construction costs.
18. Prior to the issuance of a Certificate of Occupancy, a Property Maintenance Agreement shall be recorded against the property. The agreement will be subject to review and applicability by the Planning and Building Agency, the Community Development Agency, the Public Works Agency, and the City Attorney to ensure that the property and all improvements located thereupon are properly maintained. Applicant (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the Applicant) shall execute a maintenance agreement with the City of Santa Ana which shall be recorded against the property and which shall be in a form reasonably satisfactory to the City Attorney. The maintenance agreement shall contain covenants, conditions and restrictions relating to the following:
  - a. Compliance with operational conditions applicable during any period(s) of construction or major repair (e.g., proper screening and securing of the construction site; implementation of proper erosion control, dust control and noise mitigation measure; adherence to approved project phasing etc.);
  - b. Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including but not limited to hours of operation, security requirements, the proper storage and disposal of trash and

debris, enforcement of the parking management plan, and/or restrictions on certain uses);

- c. Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;
  - d. Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris on or about the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);
  - e. If Applicant and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the maintenance agreement and both shall be jointly and severally liable for compliance with its terms;
  - f. The maintenance agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the maintenance agreement; and
  - g. The maintenance agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The maintenance agreement shall further provide that any unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City.
19. The applicant shall coordinate with City staff, in particular with the Public Works Agency, to develop a traffic-calming strategy when the project reaches 70-percent and 95-percent occupancy and implement such strategy when feasible and appropriate as determined by the City. **Added by the Planning Commission on April 24, 2023.**