

RESOLUTION NO. 2023-30

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING TENTATIVE TRACT MAP NO. 2023-02 (COUNTY MAP NO. 19238) AS CONDITIONED FOR A MIXED-USE DEVELOPMENT, KNOWN AS WARNER REDHILL MIXED-USE DEVELOPMENT, AT 2300, 2310, 2320, 2350, AND 2390 SOUTH REDHILL AVENUE AND 1938 AND 2010 EAST WARNER AVENUE

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. Heidi Hare with J.L. Hare Associates and representing GS Bowery Owner, LLC. and GS Bowery Owner II, LLC. (“Applicants” and “Property Owners”) is requesting approval of Tentative Tract Map (“TTM”) No. 2023-02 to facilitate the subdivision of two existing lots into four lots and 1,100 residential condominium lot units (“Project”) at a mixed-use development currently under construction at 2300, 2310, 2320, 2350, and 2390 S. Redhill Avenue and 1938 and 2010 E. Warner Avenue (collectively 2300 S. Redhill Avenue (“Project Site”)).
- B. On September 15, 2020, the City Council approved Ordinance No. NS-2995 establishing SD-96, which allows for construction of a mixed-use community consisting of 80,000 square feet of leasable commercial area and up to 1,100 residential units. In addition, the project will contain 2,169 parking spaces and 5.75 acres of onsite open space and amenities.
- C. The Project Site has a General Plan land use designation of District Center – Medium (“DC-2”) and is located within Specific Development No. 96 (“SD-96”).
- D. Subdivision requests are governed by Chapter 34 of the Santa Ana Municipal Code (“SAMC”), SD-96 and the California Subdivision Map Act (“SMA”).
- E. Pursuant to Section 34-127 of the SAMC, approval of a TTM application is required for projects proposing to create five or more parcels by the Planning Commission.
- F. On April 24, 2023, the Planning Commission of the City of Santa Ana held a duly-noticed public hearing on TTM No. 2023-02.
- G. The Planning Commission of the City of Santa Ana determines that the following findings, in accordance with Section 66473.5 and 66474 of the

SMA and Section 34-127 of the SAMC, which must be established in order to approve TTM No. 2023-02, have been established:

1. The proposed project and its design and improvements are consistent with the General Plan land use designation and are otherwise consistent with all other Elements of the General Plan.

The Project and its design and improvements are consistent with the General Plan land use designation of District Center – Medium (DC-2), which allows a maximum floor area ratio of 2.0 and 90 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 (LU) Goal 1, which encourages projects that improve quality of life and respects the existing community. Policy LU-1.2 supports innovative development policies to expand homeownership opportunities at all income levels. Policy LU-4.7 encourages the development of mixed-income developments with mixed housing types to create inclusive communities and economically diverse neighborhoods. Lastly Policy HE-2.5 of the Housing Element supports diverse types, prices, and sizes of housing.

2. The proposed project conforms to all applicable requirements of the zoning and subdivision codes as well as other applicable City ordinances.

The project is consistent with the development standards specified within the SD-96, including land use, height, minimum development site area, building frontages, publically accessible open space, private/common open space, building setbacks, and parking and access. Further, the access and egress for the Project has been thoroughly review by the Public Works Agency for compliance with all applicable development standards.

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 14.6 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 SD-96 development standards.

4. The design and improvements of the proposed project will not cause substantial environmental damage or substantially and avoidably injuries to fish or wildlife of 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, and there are no known fish or wildlife populations existing on the project site. Therefore, the proposed subdivision will not cause any substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat.

5. 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 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 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 2020 The Bowery Mixed-Use Project Environmental Impact Report (EIR) (SCH No. 2019080011). The EIR anticipated potential development of 80,000 square feet of commercial leasable space and 1,100 residential units. The EIR 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 concluded that there would be significant and unavoidable impacts associated with air quality, greenhouse gas emissions, and transportation, and mitigation measures were developed and recorded through an approved Mitigation Monitoring and Reporting Program (MMRP), attached hereto as Exhibit C for reference.

The previously prepared EIR 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 measure needed. All applicable mitigation measure, attached hereto as Exhibit C, will be applied to this project. As such, a Notice of Determination will be filed for this project.

Section 4. The Planning Commission of the City of Santa Ana, after conducting the public hearing, hereby approves TTM No. 2023-02, as conditioned in Exhibit A, attached hereto and incorporated herein for the Project at the Project Site, and as illustrated and attached hereto and incorporated herein as Exhibit B. 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 December 11, 2023, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

[Signatures on the following page]

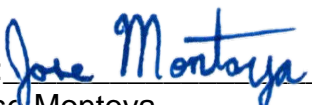
ADOPTED this 11th day of December 2023 by the following vote:

AYES: Commissioners: Carl Benninger, Manuel J. Escamilla, Christopher
Leo, Jennifer Oliva, Bao Pham, Alan Woo (6)
NOES: Commissioners:
ABSENT: Commissioners:
ABSTENTIONS: Commissioners: Isuri Ramos (1)



Bao Pham
Chairman

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

By: 

Jose Montoya
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, NUVIA OCAMPO, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2023-30 to be the original resolution adopted by the Planning Commission of the City of Santa Ana on December 11, 2023.

Date: 12/11/2023

Nuvia Ocampo

Nuvia Ocampo
Recording Secretary
City of Santa Ana

Exhibit A

Conditions for Approval for Tentative Tract Map No. 2023-02

Tentative Tract Map No. 2023-02 is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code, and all other applicable regulations.

The Applicant 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 Review (DP) No. 2019-06 and Specific Development No. 96 (SD-96), and the staff report exhibits incorporated herein by reference.
2. Any amendment to this tentative tract map must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the tentative tract map must be amended.
3. The project shall comply with all applicable mitigation measures as identified by the Mitigation Monitoring and Reporting Program of the 2020 Environmental Impact Report (EIR) for The Bowery Mixed-Use Development (SCH No. 2019080011), attached hereto as Exhibit C.
4. The 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 Certificate of Occupancy.
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.