

Planning Commission Regular Meeting Agenda

August 26, 2024

5:30 P.M.

Council Chamber

22 Civic Center Plaza
Santa Ana, CA

Members of the public may attend this meeting in-person or join via Zoom.

Join from your computer: <https://zoom.us/j/81655035425>

Join from your mobile phone via Zoom App. **Meeting ID: 81655035425**

Dial in from a mobile phone or landline. **(669) 900- 6833; Meeting ID: 81655035425**

*For viewing only: www.youtube.com/cityofsantaanavideos. **Please note:** There is up to a 30 second delay when viewing the meeting via YouTube. If you plan to provide a public comment during the meeting, please join the meeting via Zoom.

For detailed participation and commenting options, please review the instructions provided at the end of this agenda.

To download or view each item, select either Download PDF or View Item Details to the right of the agenda title.



JENNIFER OLIVA

Chair, Ward 6 Representative

ISURI S. RAMOS

Vice-Chair

Ward 3 Representative

MANUEL J. ESCAMILLA

Ward 2 Representative

BAO PHAM

Ward 1 Representative

CHRISTOPHER LEO

Citywide Representative

CARL BENNINGER

Ward 4 Representative

ALAN WOO

Ward 5 Representative

Minh Thai

Executive Director

Laura Rossini

Legal Counsel

Ali Pezeshkpour, AICP

Planning Manager

Nuvia Ocampo

Recording Secretary



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CALL TO ORDER

Commissioners:

Jennifer Oliva, Chair
Manuel J. Escamilla
Christopher Leo
Carl Benniger
Bao Pham
Isuri S. Ramos
Alan Woo

Executive Director
Chief Asst. City Attorney
Planning Manager
Recording Secretary

Minh Thai
Laura Rossini
Ali Pezeshkpour, AICP
Nuvia Ocampo

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

CONSENT CALENDAR ITEMS

a. Minutes

Recommended Action: Approve Minutes from August 12, 2024.

b. Excused Absences

Recommended Action: Excuse absent commissioners.

****End of Consent Calendar****

BUSINESS CALENDAR

Administrative Matters

- 1. GENERAL PLAN CONSISTENCY FINDING FOR THE SALE OF SUCCESSOR AGENCY PROPERTY TO THE CITY OF SANTA ANA LOCATED AT THIRD STREET AND MAIN STREET**

Project Applicant: Community Development Agency of the City of Santa Ana

Proposed Project: The Community Development Agency of the City of Santa Ana is requesting to find the sale of Successor Agency property consistent with the General Plan.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the proposed action is not subject to the requirements of CEQA pursuant to Sections 15060(c)(2) and 15060(c)(3).

Recommended Action:

1. Adopt a resolution finding that the sale of the Successor Agency property to the City of Santa Ana that is located at Third Street and Main Street (APN: 398-601-02) is consistent with the General Plan.

Public Hearing: *The Planning Commission decision on Conditional Use Permits, Variances, Tentative Tract and Parcel Maps, Minor Exceptions, Site Plan Review, and Public Convenience or Necessity Determinations are final unless appealed within 10 days of the decision by any interested party or group (refer to the Basic Meeting Information page for more information). The Planning Commission recommendation on Zoning and General Plan amendments, Development Agreements, Specific Developments, and Specific Plans will be forwarded to the City Council for final determination. Legal notice was published in the OC Reporter and OC Register on August 16, 2024, and notices were mailed on said date.*

1. ZONING ORDINANCE AMENDMENT NO. 2023-02 AMENDING SECTIONS 41-54.5 AND 41-610.5 OF THE SANTA ANA MUNICIPAL CODE TO AMEND THE CITY'S ELECTRIC FENCE STANDARDS AND REQUIREMENTS, WHICH INCLUDE MODIFICATIONS TO EXPAND THE ELIGIBILITY FOR SITES AND TO ENSURE CONSISTENCY WITH THE CALIFORNIA CIVIL CODE SECTION 835.

Project Location: Citywide

Project Applicant: Keith Kaneko and Luis Farias representing Amarok, LLC (Applicant).

Proposed Project: Zoning Ordinance Amendment (ZOA) application (ZOA No. 2023-02) seeking to amend Section 41-54.5 and Section 41-610.5 (Wall and Fence Requirements) of the Santa Ana Municipal Code (SAMC) to amend the City's electric fence standards and requirements, which include modifications to expand the eligibility for sites and to ensure consistency with the California Civil Code Section 835.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the adoption of this Ordinance is exempt from CEQA review pursuant to Section 15060(c)(2) and Section 15060(c)(3). Environmental Review No. 2024-41 will be filed upon adoption of this ordinance. In the alternative, the adoption of this ordinance amendment is categorically exempt pursuant to State CEQA Guidelines section 15031 – Class 1, Existing Facilities. Class 1 consists of the “operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, including

negligible or no expansion of existing or former use.

Recommended Action:

1. Continue the item to September 9, 2024, pursuant to a request from the applicant.
2. **CONDITIONAL USE PERMIT NO. 2024-11 FOR THE PROPERTY LOCATED AT 730 NORTH POINSETTIA STREET, UNIT A LOCATED WITHIN THE TRANSIT ZONING CODE (SD84)**

Project Applicant: Dana Neville with Les Brisket Hut (Applicant & Property Owner)

Proposed Project: Applicant is requesting approval of Conditional Use Permit (CUP) No. 2024-11 to allow the sale of beer and wine for on-premises consumption, through a Type-41 license from the Department of Alcoholic Beverage Control (ABC), at a new eating establishment.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines. A Notice of Exemption, Environmental Review No. 2024-57, will be filed for this project.

Recommended Action:

1. Adopt a resolution approving Conditional Use Permit No. 2024-11 as conditioned.
3. **CONDITIONAL USE PERMIT NO. 2022-06 FOR THE PROPERTY LOCATED AT 2221 NORTH HELIOTROPE DRIVE LOCATED WITHIN THE SINGLE-FAMILY RESIDENCE (R1) ZONING DISTRICT.**

Project Applicant: Chan Q. and Quynh D. Kieu (Applicants and Property Owners)

Proposed Project: Applicants are requesting approval of Conditional Use Permit (CUP) No. 2022-06 to allow the construction of an accessory structure 23'-4" in height within the rear yard of an existing single-family residence. Pursuant to Section 41-232.5 of the Santa Ana Municipal Code (SAMC), accessory buildings more than fifteen feet in height or more than one story require approval of a CUP. The original Planning Commission public hearing for this project was held on March 28, 2022, which was subsequently continued to the April 25, 2022, Planning Commission public hearing. On April 25, 2022, the Planning Commission held the continued public hearing. At the request of the property owners, the Planning Commission voted unanimously to continue the item indefinitely. This action required re-noticing of the project as a new Planning Commission public hearing.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15303 of the CEQA Guidelines (Class 3/New Construction or Conversion of Small Structures) because the project involves the construction of a small accessory structure. Based on this analysis, Notice of Exemption, Environmental Review No. 2022-11 will be filed for this project.

Recommended Action:

1. Adopt a resolution approving Conditional Use Permit No. 2022-06 as

conditioned.

****End of Business Calendar****

WORK STUDY SESSION

****End of Work Study Session Calendar****

STAFF COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

The next meeting of the Planning Commission will be on September 09, 2024 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

APPEAL INFORMATION

The formal action by the Planning Commission shall become effective after the ten-day appeal period, unless the City Council in compliance with section 41-643, 41-644 or 41-645 holds a public hearing on the matter, then the formal action will become effective on the day following the hearing and decision by the City Council. An appeal from the decision or requirement of the Planning Commission may be made by any interested party, individual, or group. The appeal must be filed with the Clerk of the Council, accompanied by the required filing fee, and a copy sent to the Planning Department, within ten days of the date of the Commission's action, by 5:00 p.m. If the final day to appeal falls on a City Hall observed holiday or a day when City hall is closed, the final day to appeal shall be extended to the next day City Hall is open for public business. Please note: Under California Government Code Sec. 65009, if you challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the Planning Commission or City Council at or before the hearing.

MEETING INFORMATION

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Submit a written comment

You are invited to submit a written comment in one of the following ways:

- **E-mail** PBAComments@santa-ana.org and reference the topic in the subject line.
- **Mail** to Nuvia Ocampo, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza – M20, Santa Ana, CA 92701.

Deadline to submit written comments, including any supplemental materials for consideration by the Planning Commission, is 3:30 p.m. on the day of the meeting. Comments received after the deadline may not be distributed to the Planning Commission but will be made part of the record. All attendees wishing to submit written comments or supplemental materials for distribution to Planning Commission members during the in-person meeting must provide 15 printed copies.

Planning Commission Regular Meeting Agenda Minutes

August 12, 2024

5:30 P.M.

Council Chamber

22 Civic Center Plaza
Santa Ana, CA



JENNIFER OLIVA

Chair, Ward 6 Representative

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CALL TO ORDER**Commissioners:**

Jennifer Oliva, Chair
Manuel J. Escamilla
Christopher Leo
Carl Benninger
Bao Pham
Isuri S. Ramos
Alan Woo

Executive Director
Chief Asst. City Attorney
Planning Manager
Recording Secretary

Minh Thai
Jose Montoya
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Nuvia Ocampo

ROLL CALL

Minutes: *Quorum was reached at 5:34 p.m. with Vice Chair Ramos arriving at 5:35 p.m.*

PLEDGE OF ALLEGIANCE**PUBLIC COMMENTS**

Minutes: *None.*

CONSENT CALENDAR ITEMS

a. Minutes

Recommended Action: Approve Minutes from July 22, 2024.

b. Excused Absences

Recommended Action: Excuse absent commissioners.

Moved by Commissioner Woo, seconded by Commissioner Benninger to Approve Consent Calendar items.

YES: 7 – Bao Pham, Isuri Ramos, Alan Woo, Christopher Leo, Manuel J. Escamilla, Jennifer Oliva, Carl Benninger

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 0 – **Status:** 7 – 0 – 0 – 0 – **Pass**

****End of Consent Calendar******BUSINESS CALENDAR**

Public Hearing: *The Planning Commission decision on Conditional Use Permits, Variances, Tentative Tract and Parcel Maps, Minor Exceptions, Site Plan Review, and Public Convenience or Necessity Determinations are final unless appealed within 10 days of the decision by any interested party or group (refer to the Basic Meeting Information page for more information). The Planning Commission recommendation on Zoning and General Plan amendments, Development Agreements, Specific Developments, and Specific Plans will be forwarded to the City Council for final determination. Legal notice was published in the OC Register and OC Reporter on August 2, 2024, and notices were mailed on said date.*

1. AMENDMENT APPLICATION (AA) NO. 2023-03, TENTATIVE TRACT MAP (TTM) NO. 2023-01, AND DEVELOPMENT AGREEMENT (DA) NO. 2023-02 FOR THE 41-ACRE SITE GENERALLY LOCATED AT 3600 SOUTH BRISTOL STREET LOCATED WITHIN THE GENERAL COMMERCIAL (C2) AND COMMERCIAL RESIDENTIAL (CR) ZONING DISTRICTS.

Project Applicant: Steven Oh with RCR Bristol LLC (Applicant) on behalf of Greenville Ranch LLC, BSG West Bristol LLC, and MCG Bristol West LLC (Property Owners)

Proposed Project: Applicant is requesting approval of various entitlements to facilitate the establishment of a new Specific Plan (SP) and construction of a new, mixed-use urban village. The SP proposes up to 3,750 residential units, 200 units of senior continuum of care living, a 250 room key hotel (approximately 150,000 square feet), 350,000 square feet of commercial space, and approximately 13.1 acres of publicly accessible open space. The entitlements include an amendment (zone change) application (AA No. 2023-03), tentative tract map (TM No. 2023-01), and development agreement (DA No. 2023-02). The requested actions also require an overrule of the John Wayne Airport Land Use Commission's determination of inconsistency for the project with the Airport Environs Land Use Plan.

Environmental Impact: Pursuant to the California Environment Quality Act (CEQA), the project requires preparation of a Draft Supplemental Environmental Impact Report (EIR) (State Clearinghouse Number 2020029087) that analyzes the potential impacts of the project and identify measures to mitigate the environmental effects. The EIR concludes that the proposed project would require mitigation related to Air Quality, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation, and Tribal Cultural Resources. Impacts related to Air Quality and Recreation would remain significant and unavoidable after mitigation.

Recommended Action:

Recommend that the City Council:

1. Adopt a resolution to (1) certify the Final Supplemental Environmental Impact Report (SEIR) No. 2022-01 (SCH No. 2020029087), including adoption of environmental findings of fact pursuant to the California

Environmental Quality Act, (2) adopt of a Statement of Overriding Considerations, (3) adopt the Mitigation Monitoring and Reporting Program, and (4) approve the Project;

2. Adopt an ordinance approving Amendment Application No. 2023-03 to establish the Related Bristol Specific Plan No. 5 and to approve a zone change for the Property located at 3600 Bristol Street from General Commercial (C2) and Commercial Residential (CR) to Related Bristol Specific Plan (SP No. 5);
3. Adopt an ordinance approving Development Agreement No. 2023-02;
4. Adopt a resolution approving Vesting Tentative Tract Map No. 2023-01 (County Map No. 19272), as conditioned; and
5. Adopt a resolution overruling the Orange County Airport Land Use Commission's determination that the Related Bristol Specific Plan is inconsistent with the Airport Environs Land Use Plan, including supportive findings.

Minutes: *Commissioners Benninger, Escamilla, Pham, Oliva, and Ramos disclosed they met with the Applicant prior to the meeting.*

Commission had questions for staff.

Union Representative, Lindsey Gray, spoke in favor of the project.

Resident, Pilar Aguero, spoke in favor of the project.

Director of People for Housing in Orange County, Elizabeth Hansburg, spoke in favor of the project.

Resident, Irma Jauregui, spoke in favor of the project.

David Elliott, President and CEO of Santa Ana Chamber of Commerce, spoke in favor of the project.

Resident, Claire Charbonnet, spoke in favor of this project.

Union Representative for LiUNA, Jonathan Dailey, spoke in favor of the project.

President of Sandpointe, Tammy Frias, spoke in favor of the project.

Lorena Vidaurri on behalf of Kathleen Kuilaniff, South Coast Neighborhood Association Representative, requests that 85% of the \$22 million be allocated to the Sandpointe neighborhood.

Resident, David Mackler, spoke in opposition to the project.

Orange County Hispanic Chamber of Commerce, Eddie Marquez, spoke in favor of the project.

Director of Hope Builders, Christa Sheehan, spoke in favor of the project.

Resident, Michael Collins, spoke in favor of this project.

Vice President of Relations for Mater Dei High School, Scott Melvin, spoke in favor of the project.

Representative of Republic Homes Neighborhood Association, Lucy Calvillo, spoke in opposition of this project.

Property Manager at Metro Towne Square, Lawna Mulholland, spoke in favor of this project.

Executive Director for The Frida Cinema, Logan Crew, spoke in favor of this project.

Resident, Larry Rein, spoke in opposition to the project.

Resident, Dale Helvig, spoke in favor of this project.

Resident, Ana Laura Padilla, spoke in favor of this project.

Resident, Mario Alvarado, spoke in favor of the project.

Resident, Tony Pera, spoke in opposition to the project.

Resident, Carlos Ortiz, spoke in opposition to the project.

Resident, Lorraine, spoke in favor of the project and possible.

Resident, Molly Morris, spoke in favor of the project.

Resident, Ashkon, spoke in opposition to the project.

Resident, Alex Garber, spoke in favor of the project.

A resident from ward 4 spoke in opposition to the project.

Resident, Jenny, spoke in opposition to the project.

Moved by Commissioner Escamilla, seconded by Commissioner Benninger to Approve, with stipulations for the City Council to consider: Describe the applicability of inclusionary housing requirements to the senior continuum of care units, and to create a community benefit payment citizen oversight committee. .

YES: 7 – Bao Pham, Isuri Ramos, Alan Woo, Christopher Leo, Manuel J. Escamilla, Jennifer Oliva, Carl Benninger

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 0 – **Status:** 7 – 0 – 0 – 0 – **Pass**

****End of Business Calendar****

STAFF COMMENTS

Minutes: *Staff had comments for the Commission.*

COMMISSIONER COMMENTS

Minutes: *Commission had comments for staff.*

ADJOURNMENT

The next meeting of the Planning Commission will be on August 26, 2024 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

Minutes: *Meeting was adjourned at 10:19 p.m.*

APPEAL INFORMATION

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City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
August 26, 2024

Topic: General Plan Consistency Finding for the sale of Successor Agency property to the City located at Third Street and Main Street (APN: 398-601-02).

AGENDA TITLE

General Plan Consistency Finding for the sale of Successor Agency property to the City located at Third Street and Main Street

RECOMMENDED ACTION

Adopt a resolution finding that the sale of the Successor Agency property to the City of Santa Ana that is located at Third Street and Main Street (APN: 398-601-02) is consistent with the General Plan.

EXECUTIVE SUMMARY

The City of Santa Ana adopted an ordinance (Ordinance No. NS-1150) in 1973 to establish a redevelopment agency known as the Community Redevelopment Agency of the City of Santa Ana (RDA). Throughout the years, the RDA completed numerous projects to eliminate blight, spur economic growth, funded construction of affordable housing projects, and provided infrastructure and community facility improvements within the redevelopment project areas and through this process acquired real property for future development.

In accordance with the Dissolution Act and the California Supreme Court's decision in California Redevelopment Association v. Matosantos, Case No. S194861, the City Council adopted Resolution No. 2012-002 on January 9, 2012 and designated the City to serve as the Successor Agency to the former Redevelopment Agency of the City of Santa Ana (Successor Agency). As of February 1, 2012, the City Council serves as the governing body of the Successor Agency under the Dissolution Act as amended by Assembly Bill (AB) 1484, to administer the enforceable obligations of the Agency and otherwise unwind the Agency's affairs. The Oversight Board to the Successor Agency has oversight with respect to the Dissolution process, including final review and approval of the Long Range Property Management Plan (LRPMP). The Oversight Board has fiduciary responsibilities to holders of enforceable obligations and to the taxing entities that benefit from distribution of property tax and other revenue. As of June 30, 2018, the Orange County Auditor Controller is overseeing this function. The property is identified in the LRPMP to continue serving parking needs and to be sold by the Successor Agency and is situated at the southwest corner of Main Street and Third Street, also identified as

Resolution for property located at the southwest corner of Third and Main streets (APN: 398-601-02)

August 26, 2024

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Assessor Parcel Number: 398-601-02 (Property). The Successor Agency may dispose of the Property after authorization from the Oversight Board and the State Department of Finance. The Successor Agency intends to sell the Property to the City of Santa Ana and maintain it as a parking lot.

DISCUSSION

Project Description

The property is 27,830 square feet and is located on the southwest corner of Third and Main streets (Exhibit 1). The Property has a Parking Lease Agreement and a Maintenance-Access Agreement which includes “exclusive access to sixty (60) parking spaces” with the adjacent property owner.

Item	Information	
Project Address and Council Ward	Southwest Corner of Third Street and Main Street (APN: 398-601-02) – Ward 5	
Nearest Intersection	Third Street and Main Street	
General Plan Designation	District Center (DC)	
Zoning Designation	Transit Zoning (SD84)	
Surrounding Land Uses	North	Restaurant/Retail Buildings
	East	Office Building
	South	Office Building
	West	Residential Units
Area of Vacation Size	27,830 sq. ft.	
Existing Site Development	The subject site is currently a parking lot.	

Project Background

The property is currently owned by the Successor Agency and has been utilized as a parking lot critical to provide parking and pedestrian access for the Builders Exchange Building (listed as Landmark - No. 136 on the Santa Ana Register of Historic Properties). The Property is subject to a Parking Lease Agreement and a Maintenance-Access Agreement that allows those using the Builders Exchange Building (listed as Landmark - No. 136 on the Santa Ana Register of Historic Properties) the availability of 60 parking spaces on the Property and access through the Property into the Builders Exchange Building.

Project Analysis

In accordance with California Government Code Section 65402(a), staff is recommending that the Planning Commission adopt a resolution (Exhibit1) finding that the Sale of the Property consistent with the General Plan. California Government Code Section 65402 (Restrictions on Acquisition and Disposal of Real Property) requires that the local

Resolution for property located at the southwest corner of Third and Main streets (APN: 398-601-02)

August 26, 2024

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planning agency review and approve certain actions related to City property. Actions related to acquiring, using, or disposing of public property require the Planning Commission to review the proposed use for conformity with the General Plan.

General Plan Consistency

The sale of the Property is consistent with Policy M-4.7 of the Mobility Element of the General Plan, which seeks to have the City explore and implement a flexible menu of parking options and other strategies to efficiently coordinate the response to parking demands. The Property, presently serving as a 60-space parking lot, will maintain its current use for parking, but will provide the potential for future development that will include additional public benefit purposes.

If the Planning Commission approves the resolution finding that the property sale is consistent with the General Plan, then the Property may proceed on September 17, 2024 for consideration by the Successor Agency and the City Council.

Surplus Land Act

The Property is being transferred from the Successor Agency to the City per the LRPMP, so that this surface parking lot can continue serving parking needs and to meet the Oversight Board's obligation to dispose of this Successor Agency asset and distribute the sale proceeds to taxing entities. This sale is also being disposed of in accordance with the California Surplus Lands Act, Government Code §54220 et seq. The Surplus Land Act was enacted in 1968 and requires that property owned by a local agency must be identified as either "surplus land" or "exempt surplus land" prior to executing a sale or lease. The Property is exempt surplus land pursuant to Government Code Section 54221 (f)(1)(D), which allows the Successor Agency to enter into a Purchase and Sale Agreement with the City.

ENVIRONMENTAL IMPACT

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the proposed action is not subject to the requirements of CEQA pursuant to Sections 15060(c)(2) and 15060(c)(3). The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment. Furthermore, the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment. The proposed action is also exempt pursuant to Section 15301 because the sale from the Successor Agency to the City will involve no expansion of the existing parking facilities and will facilitate the continuation of the Parking Lease Agreement and a Maintenance-Access Agreement.

FISCAL IMPACT

There is no fiscal impact associated with this action.

Resolution for property located at the southwest corner of Third and Main streets (APN: 398-601-02)

August 26, 2024

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EXHIBIT(S)

1. Resolution for General Plan Conformity (Successor Agency)
2. Resolution for General Plan Conformity (City)
3. Location Map
4. Long Range Property Management Plan (LRPMP) link:
<https://www.santa-ana.org/documents/long-range-property-management-plan-lrpmp/>

Submitted By:

Michael L. Garcia, Executive Director of Community Development

Approved By:

Ali Pezeshkpour, AICP, Planning Manager

RESOLUTION NO. 2024-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF SANTA ANA DETERMINING GENERAL PLAN CONFORMITY
FOR THE DISPOSITION OF THE PARKING LOT LOCATED AT
3RD STREET AND MAIN STREET BY THE SUCCESSOR
AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF
THE CITY OF SANTA ANA TO THE CITY OF SANTA ANA

WHEREAS, pursuant to AB X1 26 (enacted in June 2011 and amended from time to time, the “Dissolution Act”) and the California Supreme Court’s decision in *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, 53 Cal.4th 231 (2011), all redevelopment agencies within the State of California, including the Community Redevelopment Agency of the City of Santa Ana (“Former Agency”), were dissolved; and

WHEREAS, On January 9, 2012, pursuant to section 34173 of the California Health and Safety Code (“HSC”), the City of Santa Ana (“City”) elected to serve as Successor Agency to the dissolved Former Agency (“Successor Agency”); and

WHEREAS, the Successor Agency is tasked with winding down the Former Agency’s affairs; and

WHEREAS, pursuant to HSC section 34175(b), all assets, including real properties, of the Former Agency transferred to the control of the Successor Agency by operation of law; and

WHEREAS, pursuant to California Government Code section 65042, real property disposed of by the Successor Agency must first be submitted to and reported upon by the Planning Commission for conformance with the General Plan; and

WHEREAS, the Former Agency acquired that parking lot located at 3rd Street and Main Street, APN 398-601-02 (“Property”). The Property is subject to a Parking Space Agreement dated May 18, 1993 (recorded with the County on September 14, 1993), as amended on March 16, 2001 (recorded with the County on May 8, 2001), and the agreement assured the owners of the adjacent property located at 200 North Main Street (Builders Exchange Building) with the future availability of 60 parking spaces exclusively for the use of those owners. The Former Agency and the successive owners of the Property are bound by this Parking Space Agreement; and

WHEREAS, the Property is also subject to a Property Maintenance License and Revocable Access Easement Agreement entered into on October 11, 2019 (recorded with the County on October 16, 2019), for a three-year period, with automatic renewals every one-year period, for ingress and egress to provide entry to the parking lot. The Successor Agency and the successive owners of the Property are bound by this Property Maintenance

License and Revocable Access Easement Agreement; and

WHEREAS, pursuant to the Long Range Property Management Plan attached to Oversight Board Resolution No. 2015-04, the Successor Agency intends to sell the Property to the City for the appraised market value; and

WHEREAS, in furtherance of its wind-down of the Former Agency's affairs, the Successor Agency desires to transfer the Property to the City pursuant to HSC section 34181(a); and

WHEREAS, the City and the Successor Agency have reviewed the fair market value of the Property and have concluded that the value of the Property is consistent with the purchase price as set forth in the draft "Purchase and Sale Agreement" in the form submitted to the City and Successor Agency concurrently herewith (the "Agreement"); and

WHEREAS, the fair market value and purchase price was established as \$190,000 by an appraisal conducted on October 3, 2023; and

NOW THEREFORE, BE IS RESOLVED by the Planning Commission of the City of Santa Ana as follows:

Section 1. The Planning Commission hereby determines that the proposed disposition of the Property by the Successor Agency, as shown on **Exhibit 3**, is in conformance with the City's 2022 General Plan. The decision is based upon the Request for Planning Commission Action dated August 26, 2024, and exhibits attached thereto, and the public testimony, written and oral, all of which are incorporated herein by this reference.

The sale of the Property is consistent with Policy M-4.7 of the Mobility Element of the General Plan, which seeks to have the City explore and implement a flexible menu of parking options and other strategies to efficiently coordinate the response to parking demands. The Property, presently serving as a 60-space parking lot, will remain in its current use for parking, but will provide the potential for future development that will include additional public benefit purposes.

Section 2. Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the sale of the Property is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) as the Property's existing use as a parking lot will continue, such that the sale is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment as it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. Alternatively, the sale of the Property is exempt from CEQA pursuant to CEQA Guidelines Section 15301 as the Property will continue to be operated as a parking lot, its existing use.

ADOPTED this ____ day of August, 2024.

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTENTIONS: Commissioners:

Jennifer Oliva, Chairperson

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

By: _____
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Nuvia Ocampo, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2024-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on August __, 2024.

Date: _____

Recording Secretary
City of Santa Ana

RESOLUTION NO. 2024-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF SANTA ANA DETERMINING GENERAL PLAN CONFORMITY
FOR THE ACQUISITION OF THE PARKING LOT LOCATED AT
3RD STREET AND MAIN STREET BY THE CITY OF SANTA ANA
FROM THE SUCCESSOR AGENCY TO THE FORMER
REDEVELOPMENT AGENCY OF THE CITY OF SANTA ANA

WHEREAS, pursuant to AB X1 26 (enacted in June 2011 and amended from time to time, the “Dissolution Act”) and the California Supreme Court’s decision in *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, 53 Cal.4th 231 (2011), all redevelopment agencies within the State of California, including the Community Redevelopment Agency of the City of Santa Ana (“Former Agency”), were dissolved; and

WHEREAS, On January 9, 2012, pursuant to section 34173 of the California Health and Safety Code (“HSC”), the City of Santa Ana (“City”) elected to serve as Successor Agency to the dissolved Former Agency (“Successor Agency”); and

WHEREAS, the Successor Agency is tasked with winding down the Former Agency’s affairs; and

WHEREAS, pursuant to HSC section 34175(b), all assets, including real properties, of the Former Agency transferred to the control of the Successor Agency by operation of law; and

WHEREAS, pursuant to California Government Code section 65042, real property acquired by the City must first be submitted to and reported upon by the Planning Commission for conformance with the General Plan; and

WHEREAS, the Former Agency acquired that parking lot located at 3rd Street and Main Street, APN 398-601-02 (“Property”). The Property is subject to a Parking Space Agreement dated May 18, 1993 (recorded with the County on September 14, 1993), as amended on March 16, 2001 (recorded with the County on May 8, 2001), and the agreement assured the owners of the adjacent property located at 200 North Main Street (Builders Exchange Building) with the future availability of 60 parking spaces exclusively for the use of those owners. The Former Agency and the successive owners of the Property are bound by this Parking Space Agreement; and

WHEREAS, the Property is also subject to a Property Maintenance License and Revocable Access Easement Agreement entered into on October 11, 2019 (recorded with the County on October 16, 2019), for a three-year period, with automatic renewals every one-year period, for ingress and egress to provide entry to the parking lot. The Successor

Agency and the successive owners of the Property are bound by this Property Maintenance License and Revocable Access Easement Agreement; and

WHEREAS, pursuant to the Long Range Property Management Plan attached to Oversight Board Resolution No. 2015-04, the Successor Agency intends to sell the Property to the City for the appraised market value; and

WHEREAS, in furtherance of its wind-down of the Former Agency's affairs, the Successor Agency desires to transfer the Property to the City pursuant to HSC section 34181(a); and

WHEREAS, the City and the Successor Agency have reviewed the fair market value of the Property and have concluded that the value of the Property is consistent with the purchase price as set forth in the draft "Purchase and Sale Agreement" in the form submitted to the City and Successor Agency concurrently herewith (the "Agreement"); and

WHEREAS, the fair market value and purchase price was established as \$190,000 by an appraisal conducted on October 3, 2023; and

NOW THEREFORE, BE IS RESOLVED by the Planning Commission of the City of Santa Ana as follows:

Section 1. The Planning Commission hereby determines that the proposed acquisition of the Property by the City, as shown on **Exhibit 3**, is in conformance with the City's 2022 General Plan. The decision is based upon the Request for Planning Commission Action dated August 26, 2024, and exhibits attached thereto, and the public testimony, written and oral, all of which are incorporated herein by this reference.

The sale of the Property is consistent with Policy M-4.7 of the Mobility Element of the General Plan, which seeks to have the City explore and implement a flexible menu of parking options and other strategies to efficiently coordinate the response to parking demands. The Property, presently serving as a 60-space parking lot, will remain in its current use for parking, but will provide the potential for future development that will include additional public benefit purposes.

Section 2. Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the acquisition of the Property is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) as the Property's existing use as a parking lot will continue, such that the acquisition is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment as it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. Alternatively, the acquisition of the Property is exempt from CEQA pursuant to CEQA Guidelines Section 15301 as the Property will continue to be operated as a parking lot, its existing use.

ADOPTED this ____ day of August, 2024.

AYES: Commissioners:


NOES: Commissioners:

ABSENT: Commissioners:

ABSTENTIONS: Commissioners:

Jennifer Oliva Chairperson

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

By: 
Andrea Garcia-Miller
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Nuvia Ocampo, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2024-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on August __, 2024.

Date: _____

Recording Secretary
City of Santa Ana

Property Location: APN 398-601-02; Third and Main Street

Property Use: Parking Lot Agreement for 60 Spaces

Square Footage: 27,830



Property Description:

Property is located on the Southwest Corner of Third Street and Main Street. The property has a property maintenance license and revocable access easement agreement which includes “exclusive access to sixty (60) parking spaces”.



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
August 26, 2024

Topic: Conditional Use Permit No. 2024-11 – Les Brisket Hut On-Sale of Beer & Wine License (730 North Poinsettia Street, Unit A)

RECOMMENDED ACTION

Adopt a resolution approving Conditional Use Permit No. 2024-11 as conditioned.

EXECUTIVE SUMMARY

Brenda and Daniel Castillo with Les Brisket Hut (Applicant), and on behalf of Dana Neville Harvey (Property Owner), are requesting approval of Conditional Use Permit (CUP) No. 2024-11 to allow the sale of beer and wine for on-premises consumption, through a Type-41 license from the Department of Alcoholic Beverage Control (ABC), at a new eating establishment to be located at 730 North Poinsettia Street, Unit A. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC), establishments wishing to sell alcoholic beverages for on-premises consumption require approval of a CUP. Staff is recommending approval of the applicant's request because the site is located within the Transit Zoning Code (SD-84), which is intended for such uses, and because the site is not adjacent to any schools/playgrounds, religious institutions, and parks. In addition, the new eating establishment will provide a new dining experience to the area. Lastly, the operational standards and proposed conditions of approval will ensure that the sale of beer and wine for on-premises consumption will not negatively affect the surrounding community.

DISCUSSION

Project Description

The applicant is requesting approval of CUP No. 2024-11 to allow the sale of beer and wine for on-premises consumption, through the operation of a Type-41 ABC license, at a new eating establishment to be located at 730 N. Poinsettia Street, Unit A. Les Brisket Hut proposes to occupy an 1,120-square foot indoor tenant space within a 4,000-square foot multi-tenant commercial Quonset Hut building and a 960-square foot outdoor dining patio located near the southwest corner of Civic Center Drive and Poinsettia Street.

The eating establishment will accommodate up to 40 patrons within the indoor dining area and 48 patrons within the outdoor dining area. If the CUP request is approved, the alcoholic beverages will be served within the indoor and outdoor patio dining areas and

will be stored and displayed at the service counter, behind the bar. The restaurant will contain an overall alcohol storage area of approximately 30 square feet, which is less than five percent of the gross floor area of the tenant space as allowed by Section 41-196(g)(25) of the SAMC.

The proposed hours of operation will be Monday through Sunday from 8:00 a.m. to 11:00 p.m. The sale of alcoholic beverages for after-hours operations and live entertainment are not being requested at this time. Should the applicant seek to sell alcoholic beverages between 12:00 a.m. (midnight) and 7:00 a.m., a separate CUP will be required in accordance with Section 41-196(g)(3) of the SAMC. In addition, an entertainment permit would be required for on-site entertainment pursuant to Section 11-6 of the SAMC.

Table 1: Project and Location Information

Item	Information	
Project Address and Council Ward	730 North Poinsettia Street, Unit A – Ward 6	
Nearest Intersection	Civic Center Drive and Poinsettia Street	
General Plan Designation	Urban Neighborhood	
Zoning Designation	Transit Zoning Code (SD84), Urban Neighborhood 2	
Surrounding Land Uses	North	Residential/Industrial
	East	Live/Work Development
	South	Industrial
	West	Multi-Family Residential
Property Size	0.344 acres (15,000 square feet)	
Existing Site Development	The subject site contains two (2) existing 4,000-square foot Quonset Hut buildings and a one-story industrial building.	
Tenant Size	1,120-square feet indoor and a 960-square foot outdoor dining area	
Use Permissions	Allowed with a conditional use permit (CUP)	
Zoning Code Sections Affected	Uses	Section 41-196(a) of the SAMC
	Operational Standards	Section 41-196(g) of the SAMC
	Census Tract No.	744.05
Census Tract and ABC License Information	No. of Allowed and Existing Licenses (on-sale)	8 Allowed & 4 Existing

Table 2: Operational Standards

Standards	Permissible by SAMC	Provided
Eating Establishment Type	Bona-Fide	Bona-Fide
Hours of Operation for ABC Sales	7:00 a.m. to 12:00 a.m. (midnight), unless extended by a separate after-hours CUP	Monday through Sunday from 8:00 a.m. to 11:00 p.m.
Window Display	25% of Window Coverage	Complies
Alcohol Storage and Display	5% of G.F.A.	2.67% of G.F.A.

Project Background

The subject site was developed in 1946 with two metal Quonset Hut buildings and has since been occupied by various industrial and retail tenants. In 2019, the buildings were approved for façade and tenant interior renovations to accommodate an eating establishment. Les Brisket Hut will be first eating establishment to occupy Unit A.

Les Bisket Hut is a new concept from Brenda and Daniel Castillo, who operate Heritage Barbeque restaurant in San Juan Capistrano. The proposed eating establishment will offer a fusion of Mexican street food with Texas barbeque paired with an offering of natural wines and will operate from breakfast to evening dining. If the CUP is approved, the restaurant will offer unique assortments of beer and wine as an ancillary component to their dining service options.

Project Analysis

CUP requests are governed by Section 41-638 of the SAMC. CUPs may be granted when it can be shown that the proposed project will not adversely impact the community. If these findings can be made, then it is appropriate to grant the CUP. Conversely, the inability to make these findings would result in a denial. The purpose of regulating establishments that sell alcoholic beverages is to set forth operating practices and procedures and to minimize impacts to surrounding areas. Staff has reviewed the applicant's request for the sale and consumption of beer and wine and has determined the proposed CUP will not be detrimental to the health, safety, and welfare of the community.

Les Brisket Hut will provide a unique dining experience and, with approval of CUP No. 2024-11, will provide an ancillary service to customers by allowing them the ability to purchase a variety of beer and wine beverages with their meal. Allowing the sale of beer and wine for on-premises consumption will also allow the subject establishment to be economically viable and compete with nearby full-service establishments that offer similar services to their patrons. Les Brisket Hut will be compatible with other nearby commercial uses that offer the same services and will be economically beneficial to the surrounding area. As a result, the granting of the CUP will not negatively impact any nearby sensitive land uses.

The subject site is not located within immediate proximity to any playgrounds, schools, or religious institutions. Chepa's Park, the nearest public park, is approximately 720 linear feet (0.42 miles) to the northeast. Saint Joseph Catholic School is the nearest school and religious institution, approximately 270 linear feet (0.05) to the southeast. The property is adjacent to both single and multi-family residences, however, it is located in the SD-84 zone, which was created with the intention for these types of land uses to coexist in close proximity. Furthermore, the project is located in the Urban Neighborhood General Plan land use designation, which allows for the development of semiurban villages that are

well connected to schools, parks, and neighborhood- serving commercial and residential uses side by side that are also well connected to public transportation. The subject site is within walking distance to the Santa Ana Regional Transportation Center, which will also be one of the Orange County Streetcar's stop. Moreover, the operational standards applicable to an ABC license and proposed conditions of approval, will mitigate any potential impacts created by the use and will ensure that the use will not negatively affect the surrounding community.

Lastly, the site is located in Census Tract No. 744.05, which ABC allows a maximum of eight on-premises alcohol licenses, while there are currently four active licenses per ABC. Per ABC, an "undue concentration" would occur if more than eight off-premises licenses were within this census tract, which is not applicable to this application. Exhibit 6 of this report contains a map of current licenses within Census Tract No. 744.05.

Adjacency to 728 N. Poinsettia Street, Unit A (CUP No. 2023-06)

On April 24, 2023, the Planning Commission approved CUP No. 2023-06 for 61 Hundred Bread to allow the sale of beer and wine for on-premises consumption at a new bakery and eating establishment located at 728 North Poinsettia Street, Unit A, which is located in an adjacent building to the proposed Les Brisket Hut eating establishment. Tenant improvement permits for 61 Hundred Bread were issued in 2023 by the Building Safety Division and construction is currently underway. The establishment is anticipated to open in September and the alcohol license for 61 Hundred Bread has not yet been issued by ABC. Both eating establishments are located within one lot owned by Dana Neville Harvey and share common outdoor spaces and parking. CUP No. 2024-11 has been conditioned with the same conditions of approval as CUP No. 2023-06 to ensure consistency between both operators and mitigate any impacts, if any, to the surrounding community. The conditions of approval require the recordation of a property maintenance agreement to ensure the property is well kept and a Good Neighbor Policy to ensure the eating establishment and its patrons comply with applicable noise, parking, outdoor smoking regulations, litter removal, and loitering prevention in the immediate vicinity of the business. In addition, both eating establishments are located within SD-84, which was approved with the intention for these types of mixed land uses to exist in close proximity to one another and create a vibrant, amenitized environment for residential and commercial land uses, subject to applicable conditions of approval that ensure responsible operation of ABC licenses.

General Plan Consistency

Approval of this application will be consistent with the goals of the General Plan, specifically Goals 2, 3, 4 of the Land Use Element. The project is located in the Urban Neighborhood General Plan land use designation, which allows for the development of semiurban villages that are well connected to schools, parks, and neighborhood- serving commercial uses that are also well connected to public transportation. Goal 2 of the Land

Use Element (LU) encourages a balance of land uses that meet Santa Ana's diverse needs. Policy 2.2 of the LU encourages a range of commercial uses to capture a greater share of local spending and offer a range of employment opportunities. Policy 2.7 of the LU supports land use decisions that encourage the creation, development, and retention of businesses in Santa Ana. Goal 3 of the LU encourages the preservation and improvement of the character and integrity of the existing neighborhoods and districts. Policy 3.7 of the LU supports the promotion of a clean, safe, and creative environment for Santa Ana's residents, workers, and visitors. Goal 4 supports a sustainable Santa Ana through improvements to the built environment. Lastly, Policy 4.1 of the LU encourages the promotion of complete neighborhoods by encouraging a mix of complementary uses, community services, and people places within a walkable area. The granting of the CUP will provide an additional service to Santa Ana residents and visitors, thereby positively contributing to the economic viability of the area by promoting local spending, offering employment opportunities, and providing a safe workplace. In addition, the eating establishment is located within an existing mixed-use area and its operations will be compatible with the surrounding uses.

Police Department Analysis

The Police Department has reviewed this request and has no concerns, as the operational standards applicable to on-premises ABC licenses will mitigate any potential impacts to the surrounding community. The Police Department reviews such applications for the sale and service of alcoholic beverages in order to ensure that the potential crime and nuisance behaviors associated with alcohol consumption are mitigated to the greatest extent possible. For on-premises licenses, the Police Department analyzes the crime rate in the area using the standards and definitions contained in the Business and Professions Code Section 23948.4(c)(2), which are also utilized by ABC. This section defines "reported crimes" as criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations.

The Police Department then compares the number of such crimes in the reporting district as compared to the number of crimes in other reporting districts. In keeping with the standard used by ABC and Business and Professions Code, should the Police Department determine that the reporting district has a 20 percent greater number of reported crimes than the average number found in all reporting districts, the Police Department will consider this information in making its recommendation.

As part of the application process, the Police Department has reviewed the applicant's request for sale of beer and wine for on-premises consumption and has no prejudicial concerns, as the operational standards applicable to the ABC license and proposed conditions of approval will mitigate the potential impacts to the surrounding community. The Police Department carefully evaluated a 500-foot radius for the site's vicinity and determined that there have been approximately 365 service calls in the project site's

vicinity since July 15, 2023. Of those 365 calls, 53 resulted in reports taken in, none of which were specifically attributed to this location. None of the service calls received were due to violent crimes. The reports were in result of impounded/stored vehicles, domestic violence, malicious mischief, and petty theft. According to the Police Department, the number of calls for service is commensurate with the 500-foot radius, and it is not anticipated that approval of the requested CUP will contribute to or exacerbate these statistics. Based on its review, the Police Department is satisfied with proposed operational standards and conditions and does not object to the granting of the CUP.

Table 3: Police Department Analysis and Criteria for Recommendation

Police Department Analysis and Criteria for Recommendation	
Police Grid No. and Rank	Police Grid No. 185; ranked 3 out of 102 Police Reporting Grids (2nd percentile).
Threshold for High Crime	This reporting district IS within the 20 percent threshold established by the State for high crime.
Police Department Recommendation	<p>As part of the review approval process, this application was analyzed by the Santa Ana Police Department. Based on the Police Department's review, the Police Department has no issues of concern regarding this application.</p> <p>Although the property falls within the 20-percentile high crime threshold, the Police Department is satisfied with the operational standards applicable for a CUP issuance for a Type-41 ABC license and conclude that the conditions set forth will mitigate any potential negative impact to the surrounding community, and therefore does not oppose the granting of a CUP.</p>

Public Notification and Community Outreach

Project notifications were posted, published, and mailed in accordance with City and State regulations. Copies of the public notice, including a 1,000-foot notification radius map, and the site posting are provided in Exhibit 7. The site is located within the boundaries of the Lacy neighborhood, and adjacent to the French Park and Logan neighborhoods. Notices were sent to the Lacy, French Park, and Logan neighborhood associations and their representatives were contacted to identify any areas of concern due to the proposed application request. At the time this report was printed, no issues of concern were raised regarding the proposed CUP.

ENVIRONMENTAL IMPACT

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines. Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The project proposes to allow the sale of beer and wine for on-premises consumption at a new bona-

vide eating establishment. As such, a Notice of Exemption, Environmental Review No. 2024-57, will be filed for this project.

FISCAL IMPACT

There is no fiscal impact associated with this action.

EXHIBIT(S)

1. Resolution
2. Vicinity Zoning and Aerial View
3. Site Photos
4. Site Plan
5. Floor Plan
6. Map of ABC Licenses in Project Vicinity
7. Copy of Public Notices

Prepared By:
Matthew Kilroy, Assistant Planner I

Approved By:
Minh Thai, Executive Director of Planning and Building Agency

RESOLUTION NO. 2024-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2024-11 AS CONDITIONED TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION AT LES BRISKET HUT LOCATED AT 730 NORTH POINSETTIA STREET, UNIT A

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. Brenda and Daniel Castillo with Les Brisket Hut (“Applicant”), and on behalf of Dana Neville Harvey (“Property Owner”), are requesting approval of Conditional Use Permit (“CUP”) No. 2024-11 to allow the sale of beer and wine for on-premises consumption at a new eating establishment located at 730 North Poinsettia Street, Unit A.
- B. Section 41-196 of the Santa Ana Municipal Code (“SAMC”) requires approval of a CUP for establishments wishing to sell alcoholic beverages for on-premises consumption.
- C. The eating establishment meets all required standards specified by Section 41-196 of the SAMC and the State Department of Alcoholic Beverage Control (“ABC”) for the sale of alcoholic beverages for on-premises consumption by containing a full kitchen and a menu of hot and cold food items for purchase.
- D. On August 26, 2024, the Planning Commission held a duly-noticed public hearing on CUP No. 2024-11.
- E. The Planning Commission of the City of Santa Ana determines that the following findings, which must be established in order to grant a CUP pursuant to Section 41-638 of the SAMC, have been established for CUP No. 2024-11 to allow the sale of beer and wine for on-premises consumption at a new eating establishment located at 730 North Poinsettia Street, Unit A.
 - 1. That the proposed use will provide a service or facility which will contribute to the general wellbeing of the neighborhood or community.

The sale of alcoholic beverages for on-premises consumption at this location will provide an ancillary service to the eating establishment's customers by allowing them the ability to purchase alcoholic beverages with their meal. This will thereby benefit the community by providing an eating establishment with an additional and complementary food related amenity, in an area of the City designated by the General Plan for walkability and a mixture of supporting land uses. Operational standards applicable to the ABC license and conditions of approval will mitigate any potential impacts created by the use and will ensure that the use will not negatively affect the surrounding community.

2. That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The sale of alcoholic beverages for on-premises consumption at this location will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity because the operational standards applicable to the ABC license and conditions of approval will address any potential negative or adverse impacts created by the use. The subject site is not located within immediate proximity to any playgrounds, schools, or religious institutions. Chepa's Park, the nearest public park, is approximately 720 linear feet (0.42 miles) to the northeast. Saint Joseph Catholic School is the nearest school and religious institution, approximately 270 linear feet (0.05) to the southeast. Furthermore, the property is adjacent to both single and multi-family residences, however, it is located in the SD-84 zone, which was created with the intention for these types of land uses to coexist in close proximity. Moreover, the project is located in the Urban Neighborhood General Plan land use designation, which allows for the development of semiurban villages that are well connected to schools, parks, and neighborhood-serving commercial and residential uses side by side. Les Brisket Hut will be established as a bona-fide eating establishment and the addition of alcohol will be ancillary to the main use. Les Brisket Hut will comply with all of the operational standards identified in Section 41-196(g) of the SAMC. Therefore, the granting of the CUP will not negatively impact any sensitive land uses that may be nearby.

3. That the proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area.

The proposed use will not adversely affect the economic stability of the area. The sale of alcoholic beverages for on-premises will allow

the eating establishment to compete with other nearby eating establishments that offer a full selection of alcoholic beverages for sale to their customers and will allow the eating establishment to remain economically viable, thereby contributing to the overall success of the City. The alcohol license for on-premises sale and consumption will benefit the surrounding area, as the reinvestment on the site will increase economic activity in the area.

4. That the proposed use will comply with the regulations and conditions specified in Chapter 41 for such use.

The sale of alcoholic beverages for on-premises consumption will be in compliance with all applicable regulations and operational standards imposed on an eating establishment selling alcoholic beverages for on-premises consumption pursuant to Section 41-196(g) of the SAMC. The facility will be maintained as a bona-fide eating establishment, having suitable kitchen facilities and supplying an assortment of foods. Additionally, the eating establishment will utilize no more than five percent (5%) of the gross floor area for display and storage of alcoholic beverages, which is the maximum threshold established by the SAMC. In addition, operational standards will ensure the project remains in compliance with all applicable codes and regulations related to alcohol sales to ensure that the use does not impact neighboring properties or create an attractive nuisance.

5. That the proposed use will not adversely affect the General Plan of the city or any specific plan applicable to the area of the proposed use.

The sale of alcoholic beverages for on-premises consumption at the subject site will not adversely affect the General Plan. The project is located in the Urban Neighborhood General Plan land use designation, which allows for the development of semiurban villages that are well connected to schools, parks, and neighborhood-serving commercial uses that are well connected to public transportation. The granting of CUP No. 2024-11 supports several policies contained in the General Plan. Goal 2 of the Land Use Element (LU) encourages a balance of land uses that meet Santa Ana's diverse needs. Policy 2.2 of the LU encourages a range of commercial uses to capture a greater share of local spending and offer a range of employment opportunities. Policy 2.7 of the LU supports land use decisions that encourage the creation, development, and retention of business in Santa Ana. Goal 3 encourages the preservation and improvement of the character and integrity of the existing neighborhoods and districts. Policy 3.7 of the LU supports the

promotion of a clean, safe, and creative environment for Santa Ana's residents, workers, and visitors. Goal 4 supports a sustainable Santa Ana through improvements to the built environment. Lastly, Policy 4.1 of the LU encourages the promotion of complete neighborhoods by encouraging a mix of complementary uses, community services, and people places within a walkable area. The CUP will allow for additional service to Santa Ana residents and visitors, thereby positively contributing to the economic viability of the area by promoting local spending, offering employment opportunities, and providing a safe workplace. In addition, the eating establishment is located within an existing commercial area and its operations will be compatible with the surrounding commercial businesses.

Section 2. In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines. Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The project proposes to allow the sale of beer and wine for on-premises consumption at a new eating establishment. As such, a Notice of Exemption, Environmental Review No. 2024-57, will be filed for this project.

Section 3. The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, referendum, and other proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively "Actions"), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve the legal counsel providing the City's defense, and that Applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any Action brought and City shall cooperate with Applicant in the defense of the Action.

Section 4. The Planning Commission of the City of Santa Ana, after conducting a public hearing, hereby approves Conditional Use Permit No. 2024-11, as conditioned in Exhibit A, and on Exhibit B, *Operational Standards for On-Sale Establishments*, attached hereto and incorporated herein, for the sale of alcoholic beverages for on-premises consumption at Les Brisket Hut located at 730 North Poinsettia Street, Unit A. This decision is based upon the evidence submitted at the above-referenced hearing, including but not limited to: The Request for Planning Commission Action dated August 26, 2024, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 26th day of August 2024 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTENTIONS Commissioners:
:

Jennifer Oliva
Chairperson

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

By: Laura A. Rossini
Laura A. Rossini
Chief Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Nuvia Ocampo, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2024-XX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on August 26, 2024.

Date: _____

Nuvia Ocampo
Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2024-11

Conditional Use Permit No. 2024-11 allowing the sale of alcoholic beverages for on-premises consumption 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 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 conditional use permit.

The Applicant must remain in compliance with all conditions listed below throughout the life of the conditional use permit. Failure to comply with each and every condition may result in the revocation of the conditional use permit.

1. Any amendment to this conditional use permit must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the conditional use permit must be amended.
2. The sale, service, and consumption of alcoholic beverages shall be permitted in accordance with the operational standards for on-premises establishments pursuant to Section 41-196(g) of the Santa Ana Municipal Code ("SAMC"), in accordance with the provisions of an on-premises alcohol license by the California Department of Alcoholic Beverage Control ("ABC"), and in accordance with the site and floor plans attached to the staff report documenting the approved scope of the project.
3. The sale, service, and consumption of alcoholic beverages shall be limited from Monday through Sunday from 8:00 a.m. to 11:00 p.m. Operation beyond 12:00 a.m. (midnight) or before 7:00 a.m. shall only take place through Planning Commission approval of a separate conditional use permit application for after-hours operations beyond 12:00 a.m. (midnight) pursuant to Section 41-196(g)(3) of the SAMC.
4. The business shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of ABC, California Business and Profession Code Sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with the City's business license annual renewal.
5. The Planning Division shall review CUP No. 2024-11 no later than twelve (12) months after full execution of this conditional use permit. Should any issues be identified during such review that are attributable to the site and/or its operations, CUP No. 2024-11 shall be scheduled for public hearing at the applicant's full

expense for condition modification(s).

6. Violations of the CUP, as contained in Section 41-647.5 of the SAMC, will be grounds for permit revocation and/or suspension as described in Section 41-651 of the SAMC.
7. The business owner shall maintain and adhere to a “Good Neighbor Policy,” implementing measures to ensure patrons comply with applicable noise, parking, and outdoor smoking regulations, and removing litter and preventing loitering in the areas in the immediate vicinity of the business.
8. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
9. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager’s contact information shall be posted in a conspicuous location at the restaurant’s front entry. The on-duty manager’s responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by ABC and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control.
10. Prior to the release of this resolution, 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.

EXHIBIT B

Operational Standards for Conditional Use Permit No. 2024-11

Conditional Use Permit No. 2024-11 to allow the on-sale consumption of alcoholic beverages is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code ("SAMC"), the California Building Standards Code, and all other applicable regulations.

The Applicant/ Licensee (hereinafter, "Applicant") shall comply with each and every operational standard listed below, pursuant to SAMC Section 41-196(g), in order to exercise the rights conferred by this conditional use permit. Pursuant to SAMC Section 41-196(g), these SAMC operational standards are reprinted to establish compliance with SAMC requirements for the granting of a Conditional Use Permit for on-premises alcoholic beverage consumption.

The Applicant must remain in compliance with all operational standards listed below throughout the life of the conditional use permit. Failure to comply with each and every operational standard may result in the revocation of the conditional use permit.

1. The premises shall at all times be maintained as a bona-fide eating establishment as defined in Section 23038 of the California Business and Professions Code and shall provide a menu containing an assortment of foods normally offered. The premises must have suitable kitchen facilities and supply an assortment of foods commonly ordered at various hours of the day. Full and complete meals must be served whenever the privileges of the on-sale license are being exercised.
2. There shall be no fixed bar or lounge area upon the premises maintained for the sole purpose of sales, service or consumption of alcoholic beverages directly to patrons. A fixed bar or lounge may be permitted if patrons may order food being offered to the general patrons of the eating establishment.
3. The sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 7:00 a.m. and 12:00 a.m. unless otherwise amended by the granting of a conditional use permit for after-hours operations pursuant to Santa Ana Municipal Code Chapter 41.
4. It shall be the applicant's responsibility to ensure that no alcoholic beverages are consumed on any property adjacent to the licensed premises under the control of the applicant, with the exception of any enclosed patio areas.
5. The applicant or an employee of the licensee must be present to monitor all areas of the establishment, including outdoor patios, during all times that alcoholic beverages are being served or consumed.
6. All employees serving alcoholic beverages must complete responsible beverage

service training, or an equivalent approved by the State Department of Alcoholic Beverage Control, prior to being able to serve alcoholic beverages to patrons. Evidence of the completion of such training must be maintained on the premises and available for inspection upon request by the city.

7. During those times when patrons are restricted to twenty-one (21) years of age or older, the applicant shall at all times utilize an age verification means or device for all purchases of alcoholic beverages. Such verification of age is not intended to discriminate against patrons based on race, ethnicity or legal status, but only to comply with state law restricting the sale of alcohol to those twenty-one (21) and older.
8. Queuing lines shall be managed in an orderly manner and all disruptive and/or intoxicated patrons shall be denied entry. The business owner, or his designee, shall be responsible for monitoring the queuing lines at all times.
9. The outdoor queuing line shall not block public walkways or obstruct the entry or exit doors of adjacent businesses. Stanchions or barriers must be used to maintain order at all times the queue exceeds twenty-five (25) patrons. All stanchions or barriers located on public property must be approved by the public works agency.
10. Employees and contract security personnel shall not consume any alcoholic beverages during their work shift, except for product sampling for purposes of employee education about new products. Under no circumstances may contract security personnel consume alcoholic beverages during their work shift.
11. There shall be no exterior advertising of any kind or type, including window signs or other signs visible from outside, that promote or indicate the availability of alcoholic beverages on the premises. Interior displays of alcoholic beverages or signs, which are clearly visible to the exterior, shall constitute a violation of this condition. Permissible window displays must be kept to a minimum for maximum visibility and shall not exceed twenty-five (25) per cent of window coverage. Floor displays shall not exceed three (3) feet in height.
12. There shall be no promotions encouraging intoxication or drinking contests or advertisements indicating "buy one (1) drink, get one (1) free", "two (2) for the price of one (1)", or "all you can drink for..." or similar language.
13. Any pool tables, amusement machines or video games maintained on the premises at any time must be reviewed and approved in a security plan submitted to the chief of police.
14. Live entertainment, including, but not limited to, amplified music, karaoke, performers and dancing, shall be subject to the issuance of an entertainment permit pursuant to Santa Ana Municipal Code ("SAMC") Chapter 11 — Entertainment, and shall comply with all of the standards contained therein.

Notwithstanding this requirement, music/noise shall not be audible beyond twenty (20) feet from the exterior of the premises in any direction.

15. Neither the applicant, nor any person or entity operating the premises with the permission of the applicant, shall violate the City's adult entertainment ordinance contained in SAMC Section 12-1 and 12-2.
16. The premises shall not be operated as an adult entertainment business as such term is defined in SAMC Section 41-1701.6.
17. The applicant(s) shall be responsible for maintaining free of litter the area adjacent to the premises under the control of the licensee.
18. There shall be no public telephones located on the exterior of the premises. All interior pay phones must be designed to allow outgoing calls only.
19. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted within twenty-four (24) hours of being applied.
20. Existing bona fide eating establishment and required parking must conform to the provisions of Chapter 8, Article II, Division 3 of the Santa Ana Municipal Code (Building Security Ordinance). These code conditions will require that the existing project lighting, door/window locking devices and addressing be upgraded to current code standards. Lighting standards cannot be located in required landscape planters. Prior to issuance of letter of approval to the Alcohol Beverage Control Board, this condition must be complied with.
21. A timed-access cash controller or drop safe must be installed.
22. Install a silent armed robbery alarm.
23. The owner or manager of the licensed premises shall maintain on the premises a written security policy and procedures manual, that has been approved by the police department, addressing at a minimum the following items:
 - a. Procedures for handling obviously intoxicated persons.
 - b. The method for establishing a reasonable ratio of employees to patrons, based upon activity level, in order to ensure adequate staffing levels to monitor beverage sales and patron behavior.
 - c. Procedures for handling patrons involved in fighting, arguing or loitering about the building, and/or in the immediate adjacent area that is owned, leased, rented or used under agreement by the licensee(s).

- d. Procedures for verifying the age of patrons for purposes of alcohol sales.
 - e. Procedures for ensuring that servers monitor patrons to ensure that their drinking limit/potential intoxication is not exceeded. This procedure should include a description of the procedure the server would use to warn, or refuse to serve, the patron.
 - f. Procedures for calling the police regarding observed or reported criminal activity.
 - g. Procedures for management of queuing lines.
 - h. The location and description of any video games proposed to be on the premises.
24. The operator shall be responsible for submitting a detailed outdoor fencing and dining plan where outdoor dining is proposed as part of the business operation. If the proposed dining area or fencing is in the public right-of-way, the applicant must obtain all required permits and approvals from the Public Works Agency.
25. Combined alcohol storage and display areas shall not exceed five (5) percent of the gross floor area of the licensed establishment.

**CUP No. 2024-11 For Les Brisket Hut
730 North Poinsettia Street, Unit A**

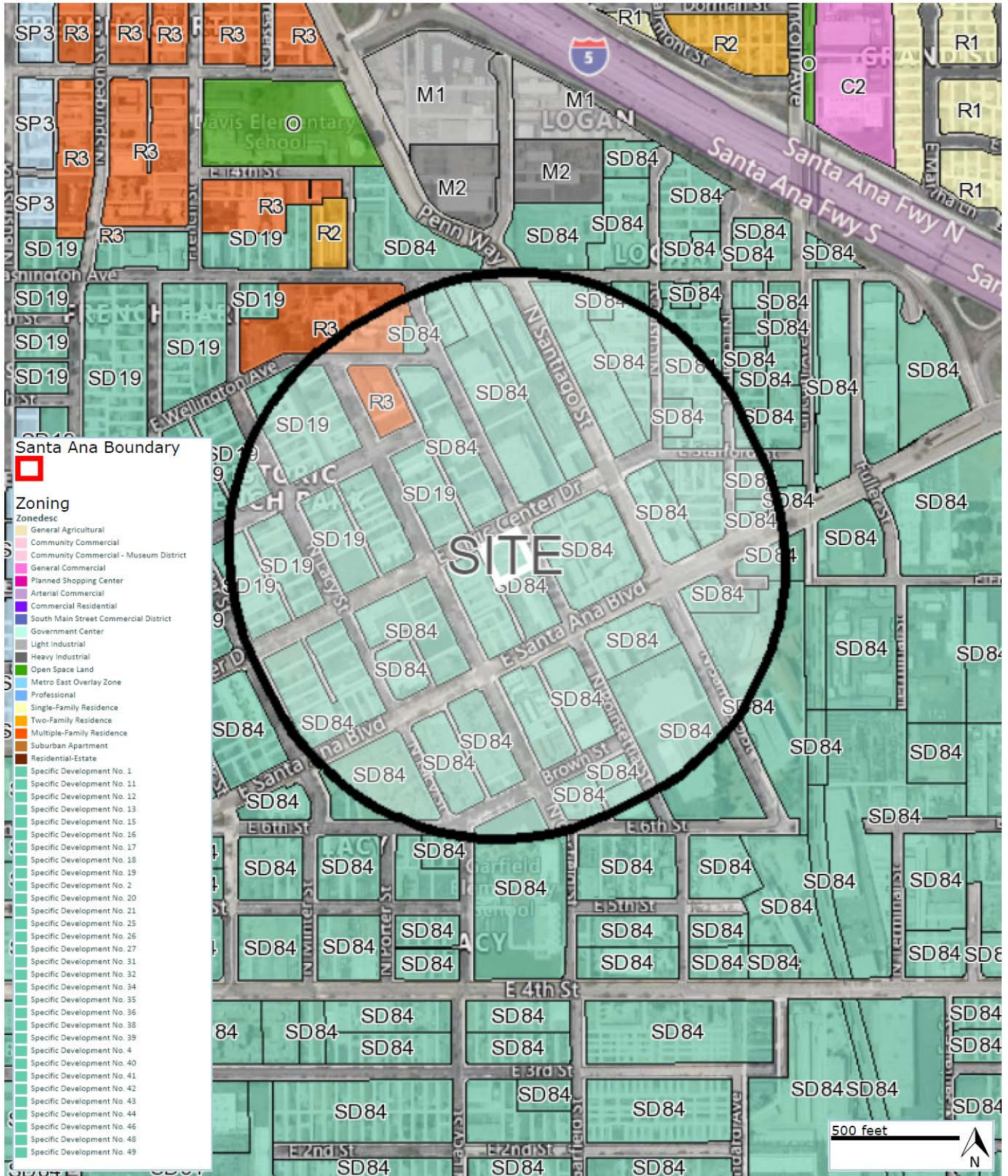


Exhibit 2 - Vicinity Zoning and Aerial View



**CUP No. 2024-11 For Les Brisket Hut
730 North Poinsettia Street, Unit A**



Exhibit 3 - Site Photo

CUP No. 2024-11 For Les Brisket Hut
730 North Poinsettia Street, Unit A

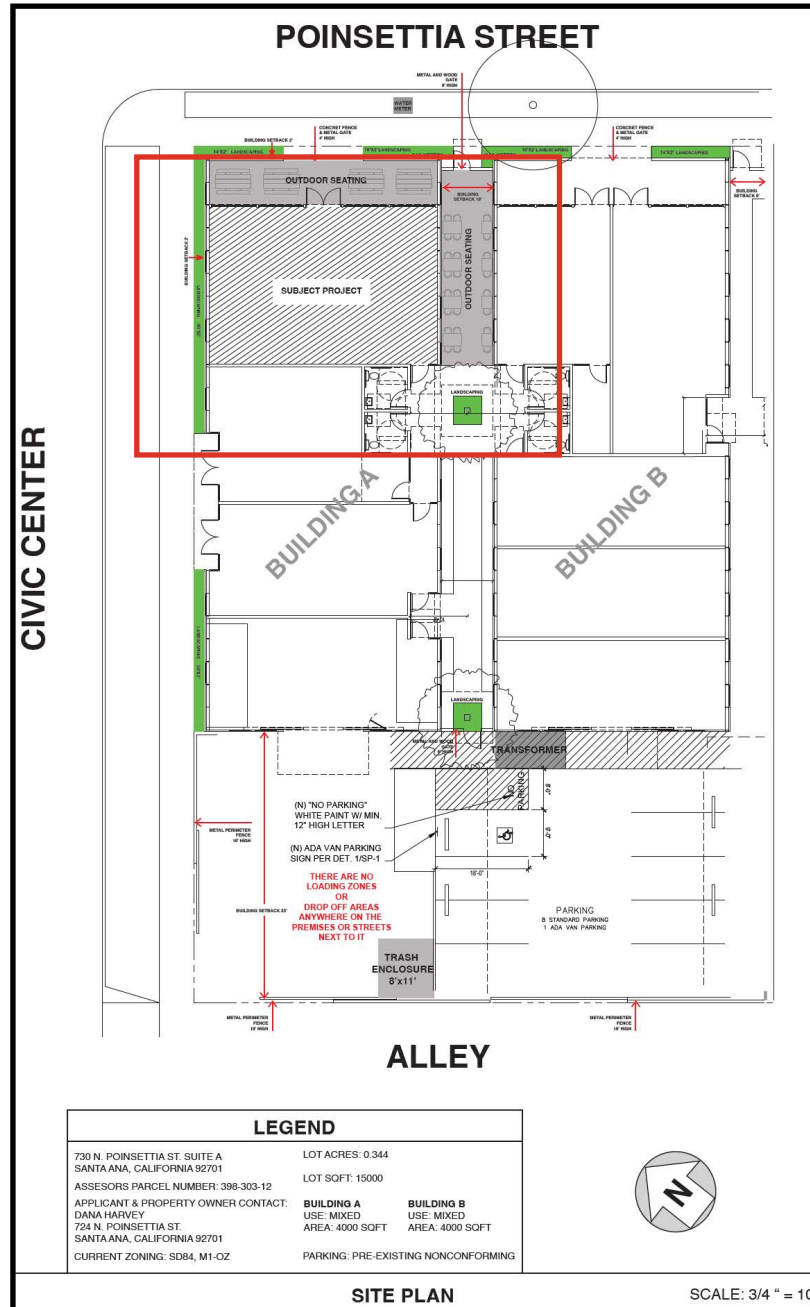


Exhibit 4 - Site Plan

CUP No. 2024-11 For Les Brisket Hut
730 North Poinsettia Street, Unit A

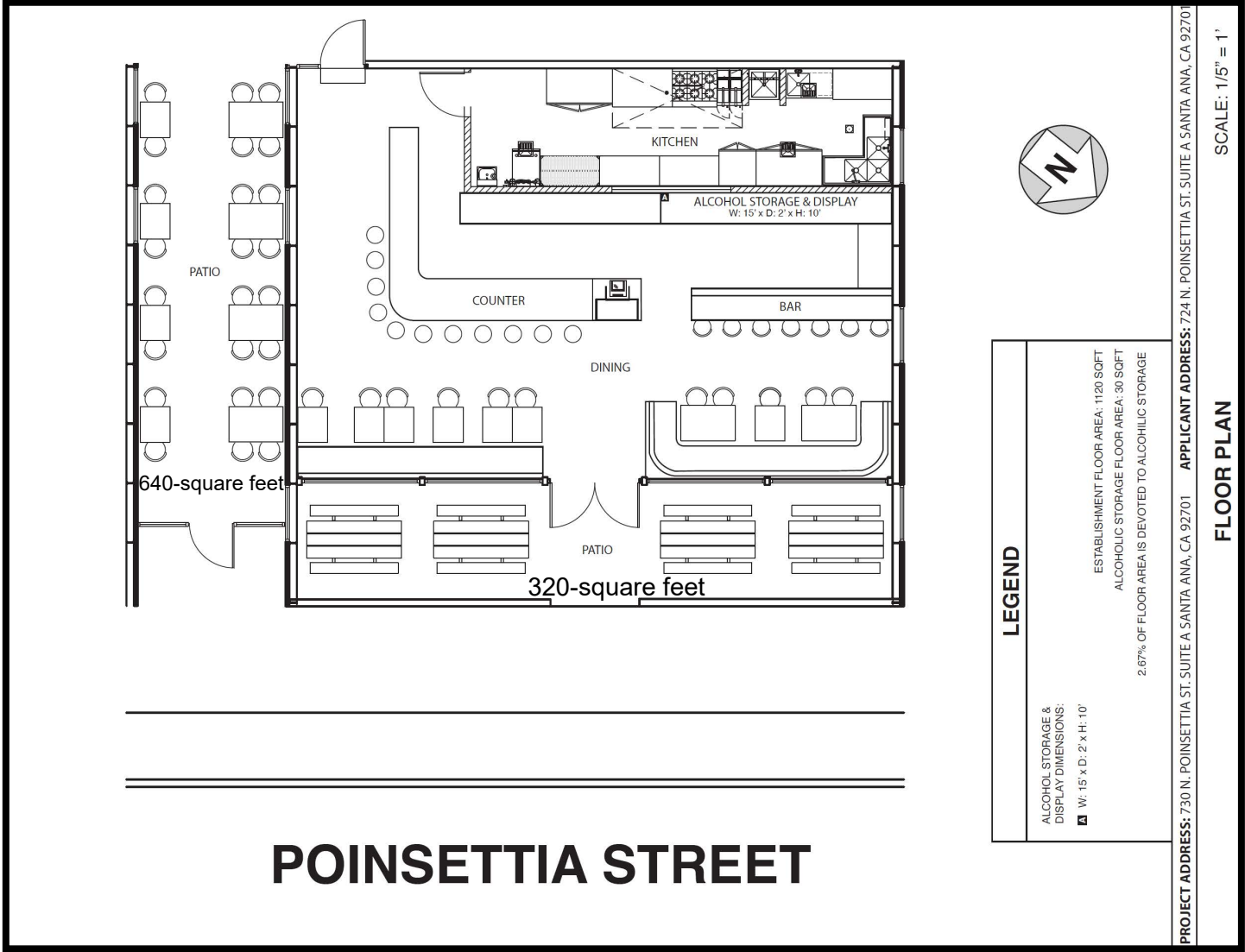


Exhibit 5 - Floor Plan

**CUP No. 2024-11 For Les Brisket Hut
730 North Poinsettia Street, Unit A**

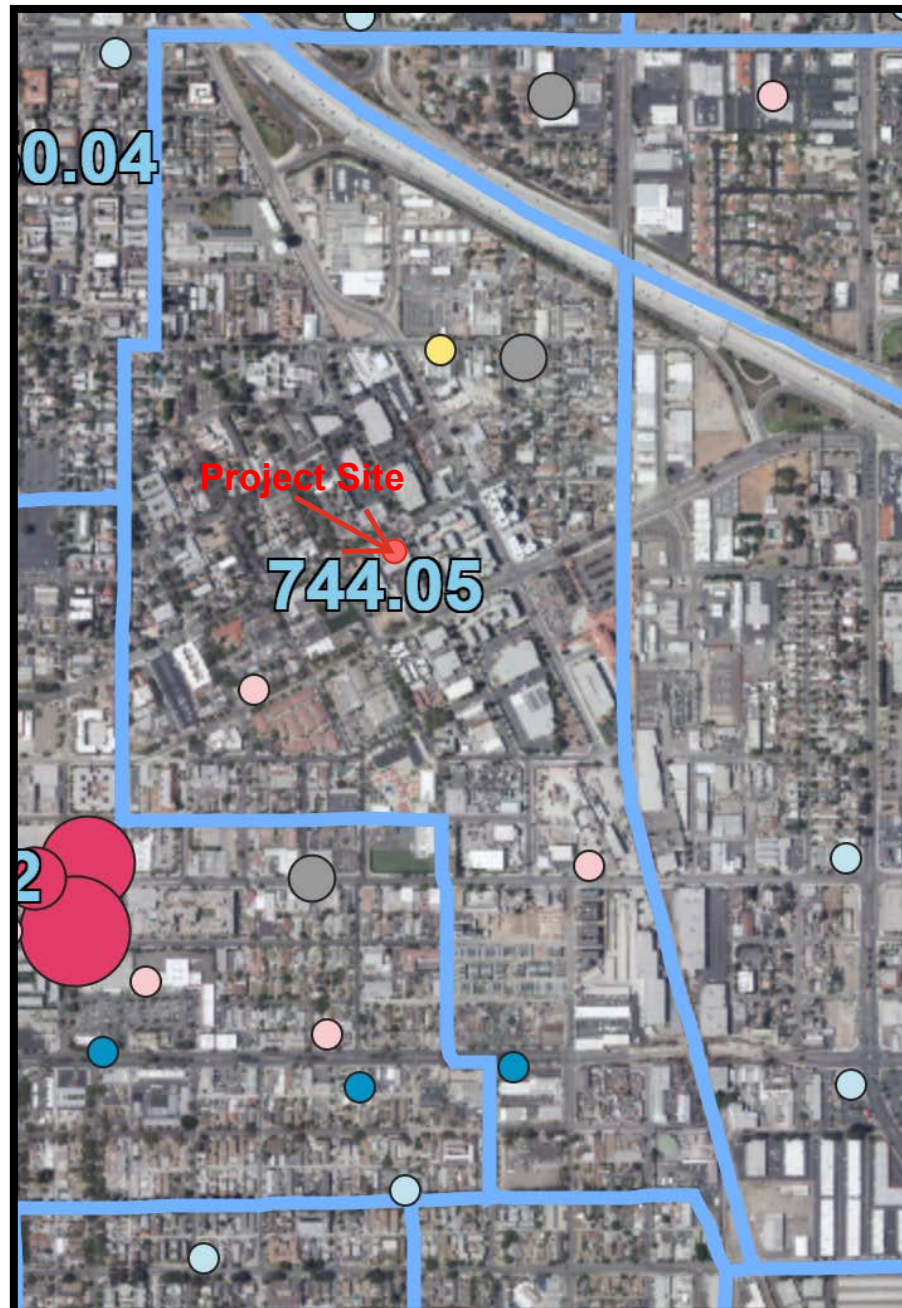
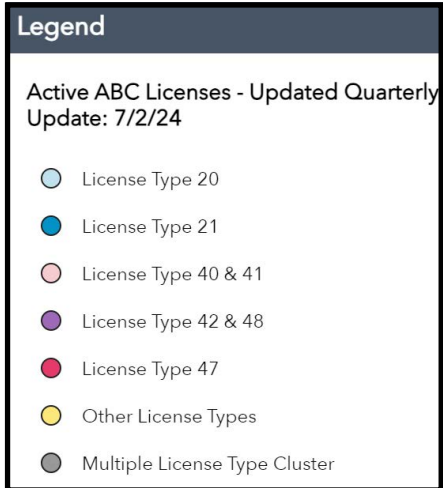


Exhibit 6 - Map of ABC Licenses in Project Vicinity

ORANGE COUNTY REPORTER

~SINCE 1921~

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COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE

Ad Description
730 N Poinsettia St

To the right is a copy of the notice you sent to us for publication in the ORANGE COUNTY REPORTER. Thank you for using our newspaper. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

08/16/2024

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

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OR# 3842166

NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. We encourage you to contact us prior to the Public Hearing if you have any questions.

Planning Commission Action: The Planning Commission will hold a Public Hearing to receive public testimony and will take action on the item described below. Decision on this matter will be final unless appealed pursuant to Article V of Chapter 41 of the Santa Ana Municipal Code within 10 calendar days of the decision by any interested party or group.

Project Location: 730 North Poinsettia Street, Unit A located within the Transit Zoning Code (SD84)

Project Applicant: Les Brisket Hut (Applicant) on behalf of Dana Neville Harvey (Property Owner)

Proposed Project: Applicant is requesting approval of Conditional Use Permit (CUP) No. 2024-11 to allow the sale of beer and wine for on-premises consumption, through a Type-41 license from the Department of Alcoholic Beverage Control (ABC), at a new eating establishment.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines. A Notice of Exemption, Environmental Review No. 2024-57, will be filed for this project.

Meeting Details: This matter will be heard on **Monday, August 26, 2024, at 5:30 p.m.** in the City Council Chambers, 22 Civic Center Plaza, Santa Ana, CA 92701. **Members of the public may attend this meeting in person or join via Zoom.** For the most up-to-date information on how to participate virtually in this meeting please visit <https://www.santa-ana.org/planning-and-building-meeting-participation/>.

Written Comments: If you are unable to participate in the meeting, you may send written comments by e-mail to PBACComments@santa-ana.org (reference the Agenda Item # in the subject line) or by mail to Nuvia Ocampo, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza – M20, Santa Ana, CA 92701. Deadline to submit written comments is **3:30 p.m.** on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

Where To Get More Information: Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at <https://santa-ana.primegov.com/public/portal>.

Who To Contact For Questions: Should you have any project questions, please contact case planner Matthew Kilroy with the Planning Division by phone at (714) 667-2708 or by email at MKilroy@santa-ana.org.

Note: If you challenge the decision on the above matter, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning

Commission or City Council of the City of Santa Ana at, or prior to, the public hearing.

Si tiene preguntas en español, favor de llamar a Nuvia Ocampo (714) 667-2732. Necesitamos un intérprete bilingüe. Si desea más información, por favor contacte a Tony Lai o (714) 565-2627.

8/16/24

OR-3842166#



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CITY OF SANTA ANA Planning and Building Agency

20 Civic Center Plaza • P.O. Box 1988
Santa Ana, California 92702
www.santa-ana.org/pba

NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. This notice is being sent to those who live or own property within 1000 feet of the project site or who have expressed an interest in the proposed action. We encourage you to contact us prior to the Public Hearing if you have any questions.

Project Location: 730 North Poinsettia Street, Unit A located within the Transit Zoning Code (SD84)

Project Applicant: Les Brisket Hut (Applicant) on behalf of Dana Neville Harvey (Property Owner)

Proposed Project: Applicant is requesting approval of Conditional Use Permit (CUP) No. 2024-11 to allow the sale of beer and wine for on-premises consumption, through a Type-41 license from the Department of Alcoholic Beverage Control (ABC), at a new eating establishment.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines. A Notice of Exemption, Environmental Review No. 2024-57, will be filed for this project.

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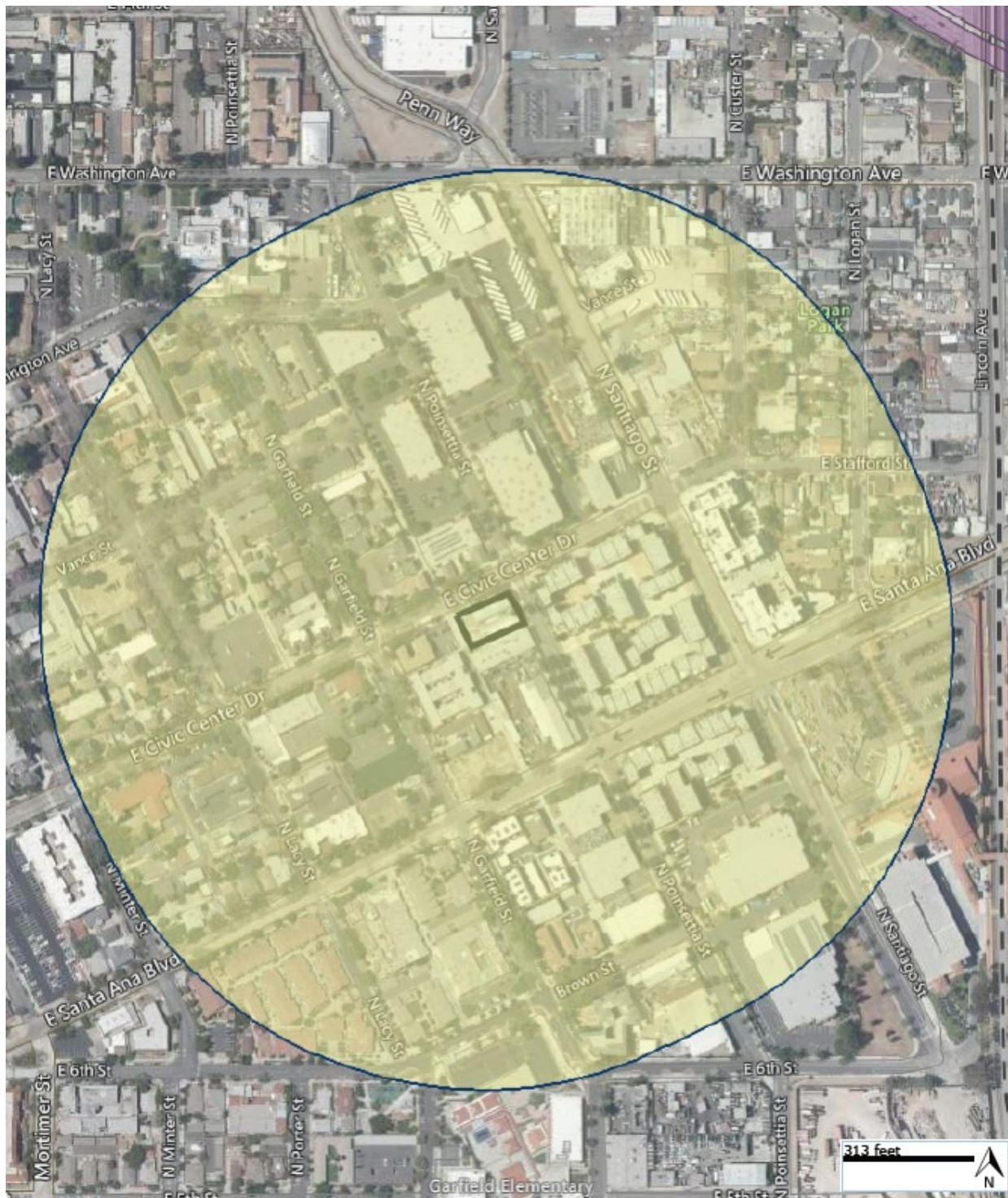
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Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.

1000' RADIUS NOTIFICATION MAP



730 North Poinsettia Street, Unit A
1,000 Sq. Ft Buffer Map



Civic Center

NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. This notice is being sent to those who live or own property within 1000 feet of the project site or who have expressed an interest in the proposed action. We encourage you to contact us prior to the Public Hearing if you have any questions.

Planning Commission Action: The Planning Commission will hold a Public Hearing to receive public testimony, and will take action on the item described below. Decision on this matter will be final unless appealed within 10 calendar days of the decision by any interested party or group.

Project Location: 730 North Poinsettia Street, Unit A located within the Transit Zoning Code (SD84)

Project Applicant: Les Brisket Hut (Applicant) on behalf of Dana Neville Harvey (Property Owner)

Proposed Project: Applicant is requesting approval of Conditional Use Permit (CUP) No. 2024-11 to allow the sale of beer and wine for on-premises consumption, through a Type-41 license from the Department of Alcoholic Beverage Control (ABC), at a new eating establishment.

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City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
August 26, 2024

Topic: Conditional Use Permit No. 2022-06 – Construction of a 23’-4” Tall Accessory Building (2221 N. Heliotrope Drive)

RECOMMENDED ACTION

Adopt a resolution approving Conditional Use Permit No. 2022-06 as conditioned.

EXECUTIVE SUMMARY

Chan Quang and Quynh Dinh Kieu (property owners and applicants) are requesting approval of Conditional Use Permit (CUP) No. 2022-06 to allow the construction of an accessory structure within the rear yard of an existing single-family residence located at 2221 North Heliotrope Drive (APNs: 002-081-45 and 002-081-46). Pursuant to Section 41-232.5 of the Santa Ana Municipal Code (SAMC), accessory buildings more than fifteen feet in height, or more than one story require, approval of a CUP. The property owners are proposing an accessory structure referred to as a *moon pavilion* (“pavilion”) with a total height of 23’-4”, triggering discretionary review and approval by the Planning Commission. Staff is recommending approval of the applicant’s request because the applicant has revised the proposal to address Planning Commission and neighborhood’s concerns, stemming from the original public hearing on March 28, 2022. Specifically, the applicant has relocated the proposed pavilion away from the south end of the property, updated the site plan to accurately depict existing and proposed conditions, provided photo simulations (e.g., conceptual renderings), and submitted building permit plans to address unpermitted work on an ancillary structure on the site. Moreover, staff is recommending approval because the new proposed location minimizes impacts to surrounding areas and provides minimal change to the character or identity of the subject property and the neighborhood.

Planning Commission Action March 28, 2022, and April 25, 2022

On March 28, 2022, the Planning Commission held a duly noticed public hearing for the proposed project. After posting of the March 28, 2022, public hearing notice, staff received numerous neighborhood concerns regarding the proposed height. In response to these concerns, staff worked directly with the applicant to reduce the proposed height

an additional twenty inches, for an overall height of 21'-8". Subsequently, staff moved forward with the public hearing with a recommendation of approval.

At the public hearing, the Planning Commission engaged in extensive dialogue and expressed various concerns including the following:

- History of unpermitted work on the site. More recently, an existing permitted pool house was significantly altered without the required City building permits as substantiated by site aerials;
- Potential concerns regarding any proposed lighting within the structure;
- Concerns regarding City oversight during construction ;
- Primary structure's landmark historic status and Mills Act agreement;
- Proposed structure's compatibility/historic setting considerations; and
- Guidelines/standards for review of proposed project and historic setting considerations.

During the public comments section, various members of the public spoke in opposition of the project. Moreover, 23 letters in opposition were received for the project. These opposition letters can be found on Exhibit 11 of this report. The majority of the comments in opposition can be summarized to concerns regarding the massing, scale, and compatibility of the structure (i.e., too visible and too tall), as well as visual impacts to the community and impacts to the historic structure and site. After additional discussion, the Planning Commission first motioned to approve the project. The motion failed by a vote of 3-4. After the first motion failed, a second motion was made and approved unanimously to continue the public hearing to the April 25, 2022 Planning Commission meeting. This continuance was intended to provide staff time to evaluate options of reducing the visual impacts by considering other locations, scale, size massing and screening, or a combination to address community concerns.

On April 25, 2022, the Planning Commission held the continued public hearing. At the request of the property owners, the recommended action was to continue the public hearing item to a future date. The Planning Commission voted unanimously to continue the item indefinitely. This action required re-noticing of the project for the August 26, 2024, Planning Commission public hearing.

DISCUSSION

Project Description

The applicant is proposing to construct a freestanding pavilion approximately 205 square feet in size and 23'-4" in height, within the rear yard area of an existing single-family residence. The subject property is made up of two legal lots including assessor parcel numbers (APNs) 002-081-45 and 002-081-46. The pavilion would only be located on one parcel (APN: 022-081-45). The pavilion is proposed to be located towards the northeast corner of the property, approximately fifteen feet from the rear (east) property

line and twelve feet from the side (north) property line, behind an existing six foot high stucco wall and behind existing mature landscaping (e.g., 25-foot tall mature tree and mature bamboo). The pavilion would also be located approximately 30 feet east from the existing residence and approximately sixteen feet from an existing, freestanding two-story accessory structure.

As designed, the structure would be ancillary and subordinate the main single-family residence. The height of the proposed structure in comparison to the main residence is illustrated on the architectural plan set provided by the architect (see Exhibit 5). The height of the existing residence is approximately 25 feet while the tallest point of the pavilion (pavilion roof peak) is proposed to be a maximum of 23'-4". The pavilion is designed in hexagonal shape and would include three "segments," with the main floor elevated from the ground floor approximately seven feet and six-inches. The main floor would be accessed by a wood staircase and would have a clearance of floor seven feet and six-inches. The last segment would be from the top plate to the roof peak level, which is approximately eight feet and four-inches in height (total height 23'-4"). There are two additional structures on the site, including a detached two-story accessory structure and a freestanding one-story garden house. The two-story structure is approximately 20 feet in height, while the garden house is a maximum 15 feet in height to the tallest ridge point.

As described by the applicants, the pavilion was previously built in Vietnam. The structure is built in a traditional Vietnamese design and was fabricated by Vietnamese artisans. The pavilion structure was disassembled, shipped to Santa Ana, and would be reconstructed on the subject property. As proposed, the pavilion would share a similar design, materials, and cultural characteristics as various other structures on the site, including an existing garden house. Specifically, the structure would include prefabricated wood post members, traditional Vietnamese hand-carved wood details, and would include clay roofing tile. Lastly, the installation of the structure would be designed and overseen by a licensed structural engineer and the structure would not include mechanical or plumbing equipment. The structure would include two electrical outlets and limited accent lighting, including two to four light fixtures within the structure and three to six landscape/up-lights at the base.

Table 1: Project and Location Information

Item	Information	
Project Address and Council Ward	2221 North Heliotrope Drive – Ward 3	
Nearest Intersection	Santa Clara Avenue and Heliotrope Drive	
General Plan Designation	Low Density Residential (LR-7)	
Zoning Designation	Single-Family Residence (R1)	
Surrounding Land Uses	North	Single-Family Residences
	East	Single-Family Residences
	South	Single-Family Residences
	West	Single-Family Residences
Property Size	0.90 acres (39,547 square feet)	

Existing Site Development	The subject site is developed with a two-story historic single-family residence known as the Maharajah House. The Maharajah House is individually listed on the Register of Historical Properties as “Landmark” and a contributor to the Floral Park National Historic District.	
Use Permissions	Allowed with a conditional use permit (CUP)	
Zoning Code Sections Affected	Uses	Section 41-232.5

Site and Project Background

The site contains a historical structure known as the Maharajah House, which was constructed in 1938 and was placed in the Santa Ana Register of Historical Properties (“Register”) and categorized as “Landmark” in 2003. The property qualifies for listing in the Santa Ana Register under Criterion 1 for its exemplification of the Art Moderne variant of the Moderne style and under Criterion 4b, for its association with a foreign ruling family, the Holkars of Indore, India. Moreover, the property satisfied two criteria for landmark categorization: “unique architectural significance” as an example of the Art Moderne style in Santa Ana and “historic/cultural significance” as the residence of a sitting ruler of Indore. The Maharajah House is also listed as contributor to the Floral Park National Historic District. Lastly, the City of Santa Ana entered into a Mills Act Agreement with the property owners in 2014. For reference, additional historic information on the property can be found on Exhibits 7 and 8.

The subject site was previously improved with a freestanding one-story garden house with a porch, built in 2004. Similar to the proposed pavilion, the garden house was dismantled, shipped from Vietnam, and reconstructed on the property. The garden house was built in Vietnam circa 1847 and was brought over piece by piece to Santa Ana. At the time, the property owners also imported a bell tower with three 18th- and 19th-century bells, marble sculptures, a collection of 11th-century foo dogs, and a water feature. The building permits for the garden house were reviewed and processed administratively by City staff. Pursuant to Chapter 30 of the SAMC, on-site accessory structures can be reviewed and approved administratively by staff. Therefore, the structure did not require discretionary review due to the fact that it is considered an accessory structure, it was no more than 15 feet in height, and did not physically change and/or alter the Maharajah House.

As discussed in the *Planning Commission Action* section of this report, during the March 28, 2022, Planning Commission meeting staff was made aware that a previously permitted one-story pool house/cabana (built in 1955) was significantly altered circa 2021. On May 4, 2022, Planning and Building Agency staff conducted a site visit/inspection of the structure and determined that the original one-story pool house/cabana had been significant altered. While the original footprint of the structure was not altered, the height was increased from thirteen feet to twenty feet and the roof structure was modified from a flat roof to a pitched roof. Moreover, the exterior of the structure was modified in an East Asian influence to include new brick veneer, new clay

tile roofing, and architectural ornamentation. Staff verified that the structure was not being utilized as a separate living area, but instead was being used as storage for antiquities and cultural artifacts.

Planning staff held various conversations with the property owners and property owner representatives (i.e., architects, engineers, etc.) between 2022 and early 2024 regarding the unpermitted work, and provided two options which included removing the unpermitted work and returning the structure back to the original conditions, or going through the required City permits to legalize the work. In May 2024, the property owners submitted required building plans to the Planning and Building Agency to legalize the unpermitted work, and convert the structure into an Accessory Dwelling Unit (ADU) for a separate living space and storage. At the time this report was printed, the building plans were still in building plan check and have not been approved for permit issuance.

On July 15, 2024, Planning staff conducted a follow-up site visit/inspection in order to ensure that no additional work had been constructed without the necessary City permits, and in order to provide more recent site photos to the Planning Commission. These site photos have been included as part of Exhibit 3. While staff did notice construction of two additional structures (presented as gazebos in Exhibit 5), these structures did not appear to exceed 120 square feet in size (10 ft. by 12 ft.), and therefore did not require a building permit.

Project Analysis

CUP requests are governed by Section 41-638 of the SAMC. CUPs may be granted when it can be shown that the proposed project will not adversely impact the community. If these findings can be made, then it is appropriate to grant the CUP. Conversely, the inability to make these findings would result in a denial. The purpose of regulating the height of accessory structures within single-family residential zones is to minimize impacts to surrounding areas and ensure the structures will provide a positive contribution to neighborhood character and identity.

The installation of the proposed structure would not result in a change to the existing land use. Instead, the property will continue to be used as it was historically, as a single-family residence. In addition, the proposed structure has been designed to be located away from adjacent properties to minimize the privacy concerns and visual impacts. By locating the structure towards the northeast end of the property, the design limits the potential impacts to the single-family properties along all elevations due the proposed setbacks (twelve and fifteen feet), the existing six foot high stucco wall, and existing mature landscaping ranging in height from twelve feet to 25-foot tall (e.g., mature tree and mature bamboo). In addition, the public right-of-way parkways are improved with mature oak trees along Santa Clara Avenue, which further help to minimize the privacy concerns and visual impacts of the proposed structure. The existing landscaping and mature trees are not proposed to be removed or altered. To ensure that the existing landscaping conditions

are maintained, staff is recommending a condition of approval requiring that the trees be preserved and protected in place. Moreover, staff is recommending a condition of approval requiring that the applicant plant additional bamboo behind the existing six-foot high stucco wall, to help screen any deficient areas. Staff is recommending bamboo as it's one of the fastest-growing plants and it would help maintain consistency with the existing landscaping.

Lastly, by setting back the structure approximately 15 feet from the rear (east) property line, the design limits any potential aesthetic impacts to the property to the east. The overall design and location will ensure that the neighborhood character is maintained along the side elevation (along Santa Clara Avenue). Therefore, the construction of the proposed pavilion will not result in a change to the neighborhood character or identity. To further ensure that the proposed pavilion will not negatively affect the neighborhood character or identify, staff is recommending a condition of approval prohibiting the use of the structure and the site for any commercial purposes, including but not limited to, tours, museum use, festivals, etc. The site will be required to remain and operate as a single-family residential site, or the conditional use permit may be subject to revocation as outlined in Section 41-651 of the Santa Ana Municipal Code (SAMC).

Historic Analysis

The installation of the pavilion would not result in any physical alterations to the historic structure. As such, the building will continue to retain all of its character-defining features as described in Exhibits 7 and 8. Moreover, the proposed structure would not impact any of the view sheds to the Maharajah House, along any public perspectives. As mentioned, the pavilion would be located approximately thirty feet to the east of the Maharajah House, and approximately fifteen feet from the rear (east) property line, behind an existing six foot high stucco wall and behind existing mature landscaping (e.g., 25-foot tall mature tree and mature bamboo). Therefore, all views of the historic structure along Heliotrope Drive and Santa Clara Avenue would remain unimpaired.

Chapter 30 (Places Of Historical and Architectural Significance) of the SAMC defines *modification* as, "Any change, alteration, restoration, remodeling, rehabilitation, construction, or relocation of the physical exterior of a historic structure." Moreover, Section 30-6 (a) of the SAMC states that, "No exterior physical modifications, other than those identified by the historic resources commission for administrative approval by city staff, shall be permitted with respect to an historic structure until the historic resources commission approves such request at a duly noticed public hearing and issues a certificate of appropriateness." The proposed structure is not physically altering or changing the exterior of the Maharajah House. Therefore, no additional review by the Historic Resources Commission is required for this project.

Moreover, a review of the developmental history of the Maharajah House's back yard shows the area has continually evolved since the property's original construction in

1938 and 1939. The earliest available depiction of the internal setting of the property is an aerial photograph taken in 1947, which show the back yard was walled as it is today and was entirely landscaped, principally with a broad lawn. In addition, the photos suggest the wall or fence at the north end of the property was likely set back approximately 10 to 20 feet from the public right-of-way (Orange County aerial photographs 1947). City building permit information suggests the first documented alteration of note to the backyard occurred in 1955, when a swimming pool (not extant) and a cabana (the existing two story ancillary building) were constructed. These changes are further documented in a 1960 aerial photograph depicting the long, rectangular swimming pool situated immediately east of residence and the cabana located just east of the pool.

Available sources, including building permit records and historical aerial photographs show there were no notable changes to the backyard until the late 1980s or early 1990s. In 1989, a permit was issued for the construction of a new six-foot-tall wall. While the location of the wall is not indicated in building permit information, a 1991 aerial photograph suggests the wall was then erected at its current location, tracing the north property line, approximately 10 to 20 feet north of the wall's apparent historical location. By the time the current owners acquired the property in 2000, the back yard had already undergone substantial alterations to its plan and design. Since around 2003, when the property's current owners received a permit to demolish the swimming pool, there began a program of major alterations to the backyard that included a general remodeling of the area and the installation of a handful of buildings and structures of historical and cultural interest imported from Vietnam.

Structures relocated from Vietnam to the back yard include a roughly 20-foot-tall wood pavilion with intricately carved details and a tile-clad roof system; a nineteenth-century, traditional residence with an iron wood structural system; and multiple additional smaller structures of a traditional Vietnamese character. The series of changes to the backyard described above, especially the introduction of the imported buildings and structures from Vietnam, have introduced new architectural and landscape elements with no apparent relevance to the original architecture of the property or to its significant historical associations with the Maharajah. As such, in its current condition, the backyard would be highly unlikely to contribute to the significance of the property, and the addition of a new pavilion would not affect the property's continued eligibility as a Santa Ana Landmark or a contributor to the National Register-listed Floral Park Historic District.

Proposed changes, which would be confined to the back yard, also would not affect the historical integrity of the Floral Park Historic District as a whole. As proposed, bamboo would be planted near the north property line to obscure the proposed pavilion from view from the public rights-of-way on Santa Clara Avenue and Heliotrope Drive. While the new bamboo would be clearly visible from the rights-of-way, its appearance alongside the existing wall would be consistent with the internal setting of the Floral

Park Historic District, which is characterized in part by its variety of landscaping. As stated in the National Register nomination form for the historic district, “Landscaping varies from building to building, but as this is a point of pride within the neighborhood, landscaping is of high caliber. The majority of properties feature shallow lawns, mature shrubs and flower gardens. Perimeter fences, low walls, and hedges are usually present, and some are original to the property.” In addition, the pavilion and bamboo would be confined to an area corresponding to a very limited portion of the property’s northern frontage, approximately 100 linear feet. Because of the limited physical scale of the changes, the project would be partially visible only from very few public vantage points, further reducing its visual effects to the internal setting of the historic district.

General Plan Consistency

Finally, the CUP will be consistent with several goals and policies of the General Plan. Land Use Element policy LU-2.8 encourages land uses and development projects that promote the City’s image as a cultural regional center. The applicant’s proposed structure furthers this policy as it introduces a cultural element from Vietnam, the native country of the current owners. The structure was previously built in Vietnam and built in a traditional Vietnamese design, fabricated by Vietnamese artisans. Specifically, the structure would include prefabricated wood post members, traditional Vietnamese hand-carved wood details, and would include clay roofing tile, all reflective of the Vietnamese cultural architecture. The new structure would also be consistent with existing cultural structures relocated from Vietnam, previously. These structures include a roughly 20-foot-tall wood pavilion with intricately carved details and a tile-clad roof system; a nineteenth-century, traditional residence with an iron wood structural system; and multiple additional smaller structures of a traditional Vietnamese character

Policy LU-3.4 advocates for scale and massing of new development to be compatible and harmonious with the surrounding built environment. As designed, the structure would be ancillary and subordinate to the main single-family residence. The height of the proposed structure in comparison to the main residence is illustrated on the architectural plan provided in the project staff report. The height of the existing residence is approximately 25 feet while the tallest point of the pavilion (pavilion roof peak) is proposed to be a maximum of 23’-4”. Therefore, the structure would be of an appropriate scale and massing. Moreover, the structure is built in a traditional Vietnamese design sharing a similar design, materials, and cultural characteristics as various other structures on the site, including an existing garden house. Thus, the proposed structure would be harmonious with the surrounding built environment.

Furthermore, Policy LU-3.5 encourages the preservation and reuse of historical buildings and sites through flexible land use policies, while Policy HP-1.4 of the Historic Preservation Element encourages actively protecting historic and cultural resources. The installation of the proposed structure would not require the removal of any elements of the historic structure and would not result in any physical alterations. As such, the

building will continue to retain all of its character-defining features. Moreover, the proposed structure would not impact any of the view sheds to the Maharajah House, along any public perspectives. As mentioned, the pavilion would be located approximately thirty feet to the east of the Maharajah House, and approximately fifteen feet from the rear (east) property line, behind an existing six foot high stucco wall and behind existing mature landscaping (e.g., 25-foot tall mature tree and mature bamboo). Therefore, all views of the historic structure along Heliotrope Drive and Santa Clara Avenue would remain unimpaired.

The proposed changes would also not affect the historical integrity of the Floral Park Historic District as a whole. As proposed, bamboo would be planted near the north property line to obscure the proposed pavilion from view from the public rights-of-way on Santa Clara Avenue and Heliotrope Drive. While the new bamboo would be clearly visible from the rights-of-way, its appearance alongside the existing wall would be consistent with the internal setting of the Floral Park Historic District, which is characterized in part by its variety of landscaping. As stated in the National Register nomination form for the historic district, “Landscaping varies from building to building, but as this is a point of pride within the neighborhood, landscaping is of high caliber. The majority of properties feature shallow lawns, mature shrubs and flower gardens. Perimeter fences, low walls, and hedges are usually present, and some are original to the property.” In addition, the pavilion and bamboo would be confined to an area corresponding to a very limited portion of the property’s northern frontage, approximately 100 linear feet. Because of the limited physical scale of the changes, the project would be partially visible only from very few public vantage points, further reducing its visual effects to the internal setting of the historic district.

Public Notification and Community Outreach

Project notifications were posted, published, and mailed in accordance with City and State regulations. The Floral Park Neighborhood Association representatives were also contacted to identify any areas of concern due to the proposed project. Copies of the public notice, including a 1,000-foot notification radius map, and the site posting are provided in Exhibit 12. At the time this report was printed, staff did not receive neighborhood concerns regarding the proposed CUP.

ENVIRONMENTAL IMPACT

Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15303 of the CEQA Guidelines (Class 3/New Construction or Conversion of Small Structures) because the project involves the construction of a small accessory structure. Based on this analysis, Notice of Exemption, Environmental Review No. 2022-11 will be filed for this project.

FISCAL IMPACT

There is no fiscal impact associated with this action.

EXHIBIT(S)

1. Resolution
2. Vicinity Zoning and Aerial View
3. Site Photos
4. March 28, 2022 Architectural Plan Set
5. Revised Architectural Plan Set
6. Conceptual Renderings
7. Historic Summary
8. Historic Designation Resolution of Approval
9. March 28, 2022 Planning Commission Minutes
10. April 25, 2022 Planning Commission Minutes
11. March 28, 2022 Planning Commission Packet
12. Copy of Public Notices

Submitted By:

Pedro Gomez, AICP, Senior Planner

Approved By:

Minh Thai, Executive Director of Planning and Building Agency, Planning and Building Agency

RESOLUTION NO. 2024-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2022-06 AS CONDITIONED TO ALLOW THE CONSTRUCTION OF AN ACCESSORY STRUCTURE EXCEEDING FIFTEEN FEET IN HEIGHT WITHIN THE REAR YARD OF THE PROPERTY LOCATED AT 2221 NORTH HELIOTROPE DRIVE (APN: 002-081-45 AND 002-081-46)

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. Chan Quang and Quynh Dinh Kieu (Property Owners), are requesting approval of Conditional Use Permit (CUP) No. 2022-06 to allow the construction of an accessory structure referred to as a moon pavilion (“pavilion”), exceeding fifteen feet in height, within the rear yard area of an existing single-family residence located at 2221 North Heliotrope Drive.
- B. The subject property contains a historical structure known as the Maharajah House, which was constructed in 1938 and was placed on the Santa Ana Register of Historical Properties (“Register”) and categorized as “Landmark” in 2003. The Maharajah House is also listed as contributor to the Floral Park National Historic District.
- C. Santa Ana Municipal Code (“SAMC”) Section 41-232.5 requires approval of a CUP for accessory buildings more than fifteen feet in height or more than one story.
- D. The proposed accessory structure would be 23’-4” in height, requiring review and approval of a CUP.
- E. On March 28, 2022, the Planning Commission held a duly noticed public hearing on CUP No. 2022-06. At the public hearing the Planning Commission voted unanimously to continue the item to April 25, 2022, to allow staff time to evaluate options of reducing the visual impacts by considering other locations, scale, size massing and screening, or a combination to address community concerns.
- F. On April 25, 2022, the Planning Commission held the continued public hearing. At the request of the property owners, the Planning Commission voted unanimously (5-0-0-2, with Commissioners Alderete and Pham absent) to continue the item to a date uncertain.

- G. On August 26, 2024, the Planning Commission held a duly noticed public hearing on CUP No. 2022-06.
- H. Since the 2022 Planning Commission public hearings, the property owners have revised the proposed project. Revisions include relocating the proposed structure away from the south end of the property, updating the site plan to accurately depict existing and proposed conditions, and providing photo simulations (e.g., conceptual renderings). Specifically, under the revised application, the structure is proposed to be located towards the northeast corner of the property, approximately fifteen feet from the rear (east) property line and twelve feet from the side (north) property line, behind an existing six foot high stucco wall and behind existing mature landscaping (e.g., 25-foot tall mature tree and mature bamboo). The pavilion would also be located approximately 30 feet east from the existing single-family residence.
- I. Pursuant to Section 30-6 (a) of the Santa Ana Municipal Code (SAMC), the proposed structure is not physically altering or changing the exterior of the Maharajah House. Therefore, no additional discretionary review is required by the Historic Resources Commission (HRC).
- J. The Planning Commission determines that the following findings, which must be established in order to grant a CUP pursuant to SAMC Section 41-638, have been established for CUP No. 2022-06 to allow the construction of an accessory structure exceeding fifteen feet in height at 2221 North Heliotrope Drive.
1. That the proposed use will provide a service or facility which will contribute to the general well being of the neighborhood or community.

The proposed structure, a freestanding pavilion in the rear yard area designed in the traditional Vietnamese style, would have minimal impacts to surrounding areas and would provide a positive contribution to the neighborhood character and identity. In addition, the structure would not result in a change to the existing land use, as the site would continue to be used as a single-family residence. Moreover, the proposed structure has been designed to be located away from adjacent properties to minimize the privacy concerns and visual impacts, to ensure that the use will not negatively affect the surrounding community.
 2. That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The proposed construction of the accessory structure will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity. The structure would be limited in size (205 square feet) and located towards the northeast end of the property, approximately twelve feet from the side (north) property line and fifteen feet from the rear (east) property line, behind an existing six-foot-high stucco wall and existing mature landscaping. Moreover, the structure would be constructed for private use and enjoyment. In addition, the structure would be designed by a licensed structural engineer and would not include mechanical or plumbing equipment. The structure would include two electrical outlets and limited accent lighting, including two to four light fixtures within the structure and three to six landscape/up-lights at the base. However, staff is recommending a condition of approval limiting light intrusion onto neighboring properties. Therefore, the granting of the CUP will not negatively impact any sensitive land uses that may be nearby.

3. That the proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area.

The proposed use will not adversely affect the economic stability of the area or future economic development, as this would be a structure constructed for private use and enjoyment by private property owners in a single-family residential area. The pavilion is not intended to be enjoyed or visited by members of the general public and will therefore not change the character of the existing community. Lastly, to further ensure that the proposed structure will not negatively affect character of the existing community, staff is recommending a condition of approval prohibiting the use of the structure and the site for any commercial purposes, including but not limited to, tours, museum use, festivals, etc. The site will be required to remain and operate as a single-family residential site, or the conditional use permit may be subject to revocation as outlined in Section 41-651 of the Santa Ana Municipal Code (SAMC).

4. That the proposed use will comply with the regulations and conditions specified in Chapter 41 for such use.

The proposed use will comply with the regulations and conditions specified in Chapter 41 for such use. Specifically, the proposed accessory structure will exceed the required regulations or development standards, pursuant to the single-

family residential zoning. The structure would be located approximately twelve feet from the side (north) property line, where the minimum setback is ten feet, and would be located approximately fifteen feet from the rear (east) property line, where the minimum is ten feet. Moreover, the new accessory structure will be compatible in scale, and consistent with the mix of architectural styles and character of the neighborhood.

5. That the proposed use will not adversely affect the General Plan of the city or any specific plan applicable to the area of the proposed use.

The proposed accessory structure will not adversely affect the General Plan. Land Use Element policy LU-2.8 encourages land uses and development projects that promote the City's image as a cultural regional center. The applicant's proposed structure furthers this policy as it introduces a cultural element from Vietnam, the native country of the current owners. The structure was previously built in Vietnam and built in a traditional Vietnamese design, fabricated by Vietnamese artisans. Specifically, the structure would include prefabricated wood post members, traditional Vietnamese hand-carved wood details, and would include clay roofing tile, all reflective of the Vietnamese cultural architecture. The new structure would also be consistent with existing cultural structures relocated from Vietnam, previously. These structures include a roughly 20-foot-tall wood pavilion with intricately carved details and a tile-clad roof system; a nineteenth-century, traditional residence with an iron wood structural system; and multiple additional smaller structures of a traditional Vietnamese character

Policy LU-3.4 advocates for scale and massing of new development to be compatible and harmonious with the surrounding built environment. As designed, the structure would be ancillary and subordinate the main single-family residence. The height of the proposed structure in comparison to the main residence is illustrated on the architectural plan provided in the project staff report. The height of the existing residence is approximately 25 feet while the tallest point of the pavilion (pavilion roof peak) is proposed to be a maximum of 23'-4". Therefore, the structure would be of an appropriate scale and massing. Moreover, the structure is built in a traditional Vietnamese design sharing a similar design, materials, and cultural characteristics as various other structures on the site, including an existing garden house. Thus, the proposed structure would be harmonious with the surrounding built environment.

Furthermore, Policy LU-3.5 encourages the preservation and reuse of historical buildings and sites through flexible land use policies, while Policy HP-1.4 of the Historic Preservation Element encourages actively protecting historic and cultural resources. The installation of the proposed structure would not require the removal of any elements of the historic structure and would not result in any physical alterations. As such, the building will continue to retain all of its character-defining features. Moreover, the proposed structure would not impact any of the view sheds to the Maharajah House, along any public perspectives. As mentioned, the pavilion would be located approximately thirty feet to the east of the Maharajah House, and approximately fifteen feet from the rear (east) property line, behind an existing six foot high stucco wall and behind existing mature landscaping (e.g., 25-foot tall mature tree and mature bamboo). Therefore, all views of the historic structure along Heliotrope Drive and Santa Clara Avenue would remain unimpaired.

The proposed changes would also not affect the historical integrity of the Floral Park Historic District as a whole. As proposed, bamboo would be planted near the north property line to obscure the proposed pavilion from view from the public rights-of-way on Santa Clara Avenue and Heliotrope Drive. While the new bamboo would be clearly visible from the rights-of-way, its appearance alongside the existing wall would be consistent with the internal setting of the Floral Park Historic District, which is characterized in part by its variety of landscaping. As stated in the National Register nomination form for the historic district, "Landscaping varies from building to building, but as this is a point of pride within the neighborhood, landscaping is of high caliber. The majority of properties feature shallow lawns, mature shrubs and flower gardens. Perimeter fences, low walls, and hedges are usually present, and some are original to the property." In addition, the pavilion and bamboo would be confined to an area corresponding to a very limited portion of the property's northern frontage, approximately 100 linear feet. Because of the limited physical scale of the changes, the project would be partially visible only from very few public vantage points, further reducing its visual effects to the internal setting of the historic district.

Section 2. In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15303 (Class 3 – New Construction or Conversion of Small Structures). Class 3

exemption applies to the construction of accessory structures, including but not limited to, garages, carports, patios, swimming pools, and fences. Based on this analysis, a Notice of Exemption, Environmental Review No. 2022-11 will be filed for this project.

Section 3. The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, referendum, and other proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively “Actions”), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve the legal counsel providing the City’s defense, and that Applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any Action brought and City shall cooperate with Applicant in the defense of the Action.

Section 4. The Planning Commission of the City of Santa Ana, after conducting the public hearing, hereby approves Conditional Use Permit No. 2022-06, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 2221 North Heliotrope Drive. This decision is based upon the evidence submitted at the above-referenced hearing, including but not limited to: The Request for Planning Commission Action dated August 26, 2024, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 26th day of August, 2024 by the following vote.

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTENTIONS: Commissioners:

Jennifer Oliva
Chairperson

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

By: Laura A. Rossini
Laura A. Rossini
Chief Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

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

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A
Conditions of Approval for Conditional Use Permit No. 2022-06

Conditional Use Permit No. 2022-06 to allow the construction of an accessory structure exceeding fifteen feet in height is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code (SAMC), the California Building Standards Code, and all other applicable regulations:

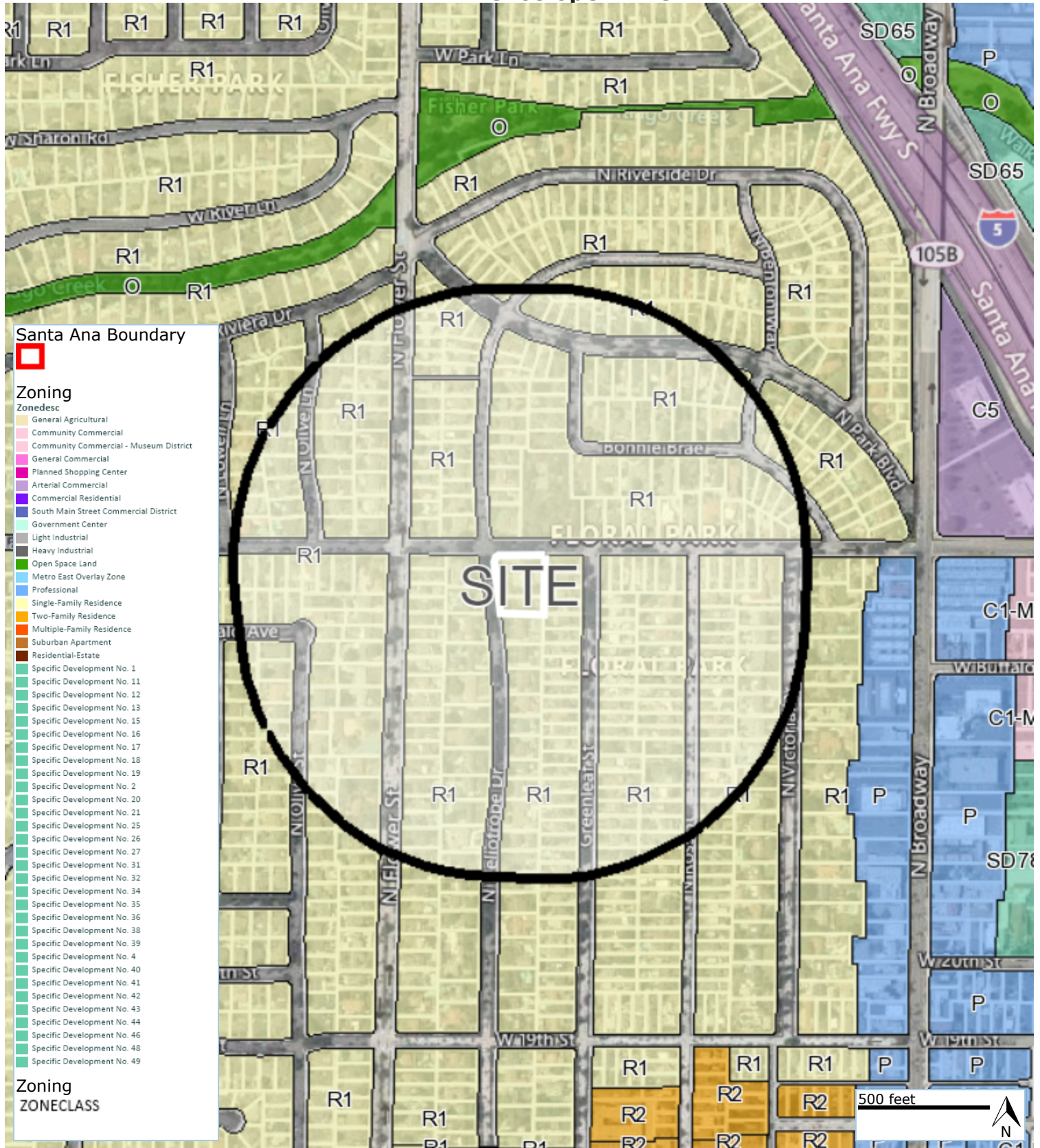
The Applicant must comply with each and every condition listed below prior to exercising the rights conferred by this conditional use permit.

The Applicant must remain in compliance with all conditions listed below throughout the life of the conditional use permit. Failure to comply with each and every condition may result in the revocation of the conditional use permit.

1. Any amendment to the design of pavilion, including modifications to approved height, size, materials, finishes, architecture, and site plan, must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the Conditional Use Permit (CUP) must be amended.
2. Prior to any City building permits issued for the pavilion, the property owner shall obtain final City approval for any and all required building permits related to the conversion of an unpermitted structure into an Accessory Dwelling Unit (ADU). Approval of the CUP shall become null and void if the required building permits for the ADU are not finalized pursuant to all City requirements, within two calendar years.
3. The pavilion shall be limited in size to 205 square feet, 23'-4" in height, and shall be built in the rear yard, towards the northeast section of the property as per the site plan included as an exhibit to the Planning Commission staff report prepared for the project, dated August 26, 2024. The pavilion shall also maintain a minimum setback of twelve feet from the side (north) property line and fifteen feet from the rear (east) property line, within the rear yard. Lastly, the pavilion shall maintain a minimum separation of thirty feet from the existing residence, a minimum separation of five feet from any ancillary detached structure, and approximately sixteen feet from an existing, two-story accessory structure the same property.
4. Any proposed lighting, including but not limited to, accent lighting within the structure or landscape/up-lights at the base, shall be shut off nightly Monday through Sunday by 10:00 p.m. to prevent light intrusion onto neighboring properties.
5. If lighting is proposed, a photometric plan shall be required to be submitted to the Planning and Building Agency (PBA), prior to permit issuance of the structure to ensure lighting levels do not exceed more than one foot-candles of illumination within 50 feet of an adjoining residential property.

6. Any proposed lighting shall be arranged to prevent direct glare into adjoining properties, dwelling units and onto neighboring uses, and shall be shielded to confine all direct rays within the subject property.
7. The installation of speakers or other audio-amplifying devices on the structure is prohibited.
8. The pavilion shall remain a structure for private use and enjoyment by the private property owners, thereby preserving the community character. The pavilion shall not be designed or be intended for public access or viewing, or use by members of the general public. The use of the structure and the subject property shall be prohibited from use for commercial purposes, including but not limited to, tours, museum use, festivals, etc. The site will be required to remain and operate as a single-family residential site, or the conditional use permit may be subject to revocation as outlined in Section 41-651 of the Santa Ana Municipal Code (SAMC).
9. Prior to building permit issuance, the property owner shall install/plant additional bamboo trees and/or other appropriate screening trees behind the existing six-foot high stucco wall (north and east elevation), to introduce plant materials with similar heights immediately adjacent to the proposed pavilion. The final plant/tree species and final count shall be reviewed and approved by Planning Division staff. An inspection shall be required by the Planning Division and the installation shall be field verified.
10. The property owner shall maintain, preserve, and protect all existing and new landscaping behind the existing six-foot high stucco wall (north and east elevation), where the proposed structure could potentially be viewed by the public. The condition shall apply as long as the property maintains the proposed structure on the subject property, and includes but is not limited to, mature trees, bushes, shrubs, and groundcover. Any dead or withered landscaping shall be immediately replaced with healthy landscaping to maintain the required screening.
11. Prior to building permit final, the property shall be brought into full maintenance compliance with all applicable SAMC standards. Maintenance shall include, but is not limited to: the repair and upkeep of the property; cleanup of trash and debris; repair and upkeep of any damaged and/or weathered components of the historic building (e.g., siding, windows, historic features); repair and upkeep of exterior paint; landscaping and related landscape, furnishing, and hardscape improvements.

CUP-2022-06
2221 N. Heliotrope Drive





Heliotrope Drive – View Northeast



Heliotrope Drive – View Southeast



Santa Clara Avenue – View Southeast



Heliotrope Drive – View East



Santa Clara Avenue – View East



Santa Clara Avenue – View South



Santa Clara Avenue – View Southwest



Rear Yard – View Northeast
(Proposed Location)



Rear Yard – View Northeast
(Proposed Location)



Rear Yard – View Southwest

SCOPE OF WORK

CONSTRUCTION OF A NEW 205 SQ FT FREESTANDING, UNENCLOSED, NON-HABITABLE PAVILION/GAZEBO IN BACKYARD OF PROPERTY.
NO CHANGE TO (E) HOME OR OTHER (E) STRUCTURES ON THE PROPERTY.

LEGEND OF PROJECT DATA

PROJECT ADDRESS:
**2221 N. HELIOTROPE DR
SANTA ANA, CA 92706**

ASSESSORS PARCEL NUMBERS: **002-081-45 AND 002-081-46**

LEGAL DESCRIPTION: **TR 1035 LOT 17, LOT 18 AND LOT 19 • •**

GENERAL PLAN LAND USE DESIGNATION: **LR 7.0**

ZONING DISTRICT: **R1**

TOTAL LOT SIZE: **39,547 SF (0.908 ACRES)**

HISTORIC PROPERTY: **YES**

HISTORIC DISTRICT: **NO**

TYPE OF CONSTRUCTION: **V-B - NON-SPRINKLERED**
PROPOSED NUMBER OF STORIES: **N/A**
PROPOSED STRUCTURE HEIGHT: **21' - 8"**

OCCUPANCY OF PROPOSED BUILDING: **N/A (ACCESSORY STRUCTURE)**
OCCUPANCY OF EXISTING STRUCTURES: **R-3**

PROPOSED EXTERIOR WALL AND ROOF MATERIALS:
WALL: **N/A, NOT ENCLOSED**
ROOF: **CERAMIC TILE**

EXISTING BUILDINGS EXTERIOR WALL AND ROOF MATERIALS:
WALL: **STUCCO**
ROOF: **ASPHALT SHINGLE**

GOVERNING CODES:
2019 CALIFORNIA RESIDENTIAL CODE (CRC)
2019 CALIFORNIA MECHANICAL CODE (CMC)
2019 CALIFORNIA ELECTRICAL CODE (CEC)
2019 CALIFORNIA PLUMBING CODE (CPC)
2019 CALIFORNIA GREEN BUILDING CODE (CALGREEN)
AHJ AND LOCAL CODES AND NFPA

CONTRACTOR: **TO BE DETERMINED**

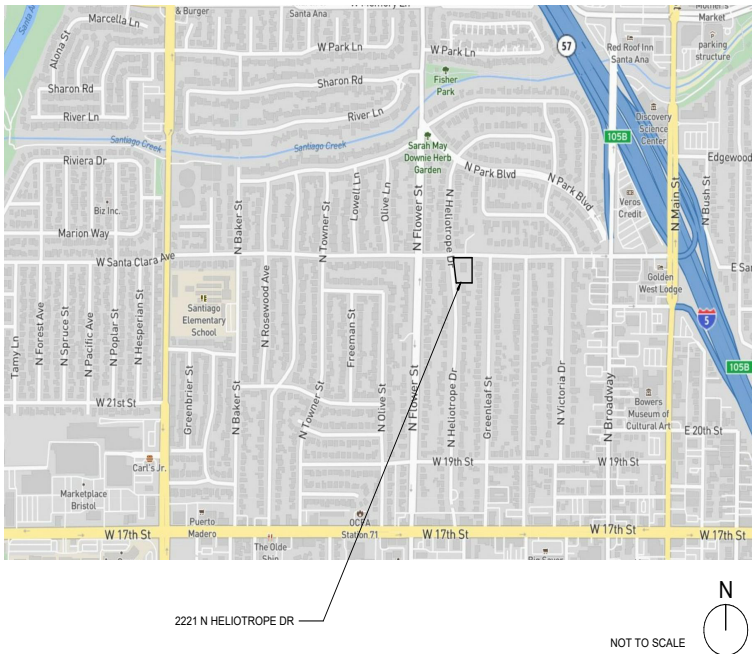
PROJECT TEAM

OWNERS' NAME AND ADDRESS:
**DR. CHAN KIEU & DR. QUYNH KIEU
2221 N. HELIOTROPE DR
SANTA ANA, CA 92706**

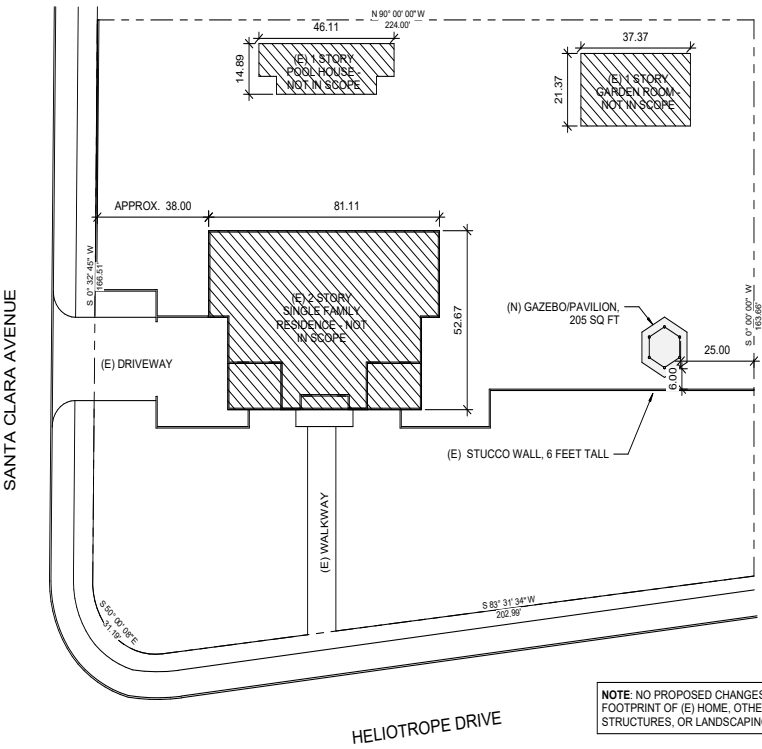
ARCHITECT / APPLICANT'S NAME AND ADDRESS:
**QUENTIN STANTON, RA
QUENTIN STANTON ARCHITECTURE
323-925-7722
Q@QSTANTON.COM
1751 COLORADO BLVD., #333
LOS ANGELES, CA 90041**

STRUCTURAL ENGINEER:
**OMAR GARZA
NOUS ENGINEERING, INC.
213-627-6667
600 WILSHIRE BLVD, SUITE 760
LOS ANGELES, CA 90017**

VICINITY MAP



SITE PLAN / PLOT PLAN

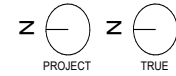


② SITE PLAN
1" = 20'-0"

DRAWING INDEX

SHEET LIST - ARCHITECTURAL

G000	COVER SHEET
G100	ELEVATION FROM HELIOTROPE
A101	FLOOR PLAN, SECTION & ELEVATION



HELIOTROPE PAVILION

2221 N. HELIOTROPE DR
SANTA ANA, CA 92706

OWNERS:
DR. CHAN KIEU & DR. QUYNH KIEU
2221 N. HELIOTROPE DR
SANTA ANA, CA 92706

ARCHITECT:
QUENTIN STANTON
ARCHITECTURE
1751 COLORADO BLVD. #333
LOS ANGELES, CA 90041
(323)625-7722
Q@QSTANTON.COM

STRUCTURAL ENGINEER:
NOUS ENGINEERING, INC.
600 WILSHIRE BLVD, SUITE 760
LOS ANGELES, CA 90017
(213)627-6667

ISSUES:		
NO.	DATE	DESCRIPTION
12/03/21	PLANG DEPT. SUB.	
03/23/22	HEIGHT REVISION	



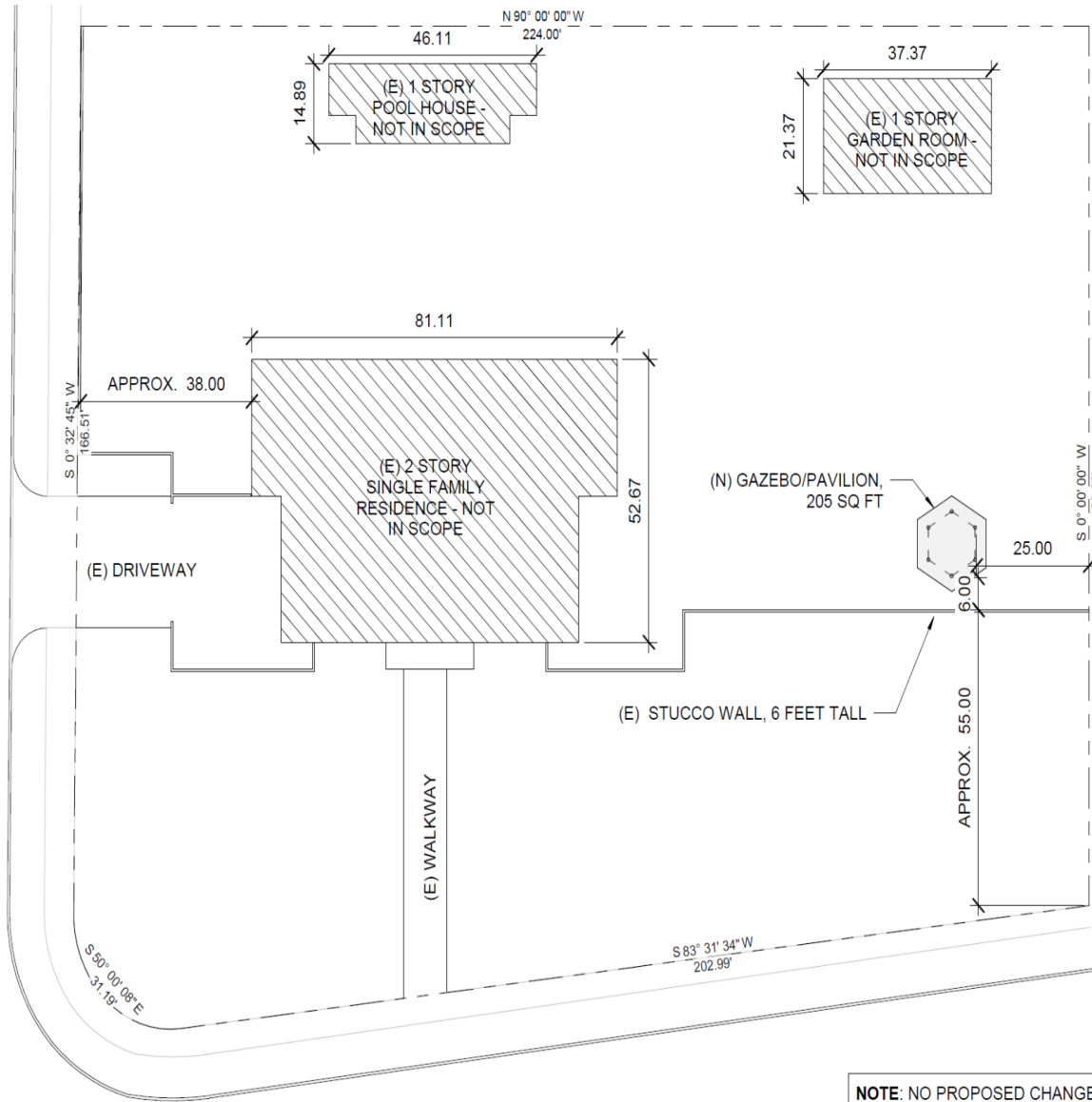
DATE: **03/23/2022**

SCALE: **1" = 20'-0"**

SHEET TITLE:
COVER SHEET

SHEET NUMBER:
G000

SANTA CLARA AVENUE



HELIOTROPE DRIVE

NOTE: NO PROPOSED CHANGES TO FOOTPRINT OF (E) HOME, OTHER (E) STRUCTURES, OR LANDSCAPING.

HELIOTROPE
PAVILION

2221 N. HELIOTROPE DR
SANTA ANA, CA 92706

OWNERS:
DR. CHAN KIEU & DR. QUYNH KIEU
2221 N. HELIOTROPE DR
SANTA ANA, CA 92706

ARCHITECT:
QUENTIN STANTON
ARCHITECTURE
1751 COLORADO BLVD. #333
LOS ANGELES, CA 90041
(323)625-7722
Q@QSTANTON.COM

STRUCTURAL ENGINEER:
VOUS NOUS ENGINEERING,
INC.
600 WILSHIRE BLVD, SUITE 760
LOS ANGELES, CA 90017
(213)627-6667

ISSUES:

NO.	DATE	DESCRIPTION
	12/03/21	PLANG DEPT. SUB.
1	03/23/22	HEIGHT REVISION



DATE: 03/23/2022

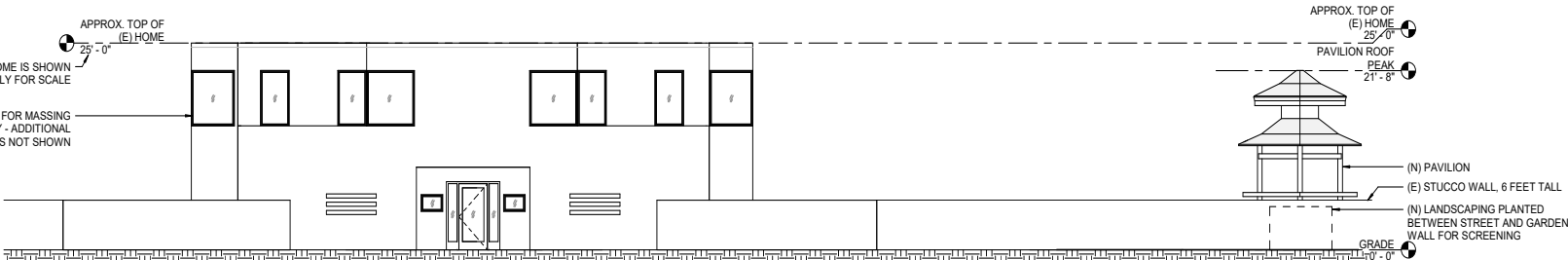
SCALE: 1/8" = 1'-0"

SHEET TITLE:

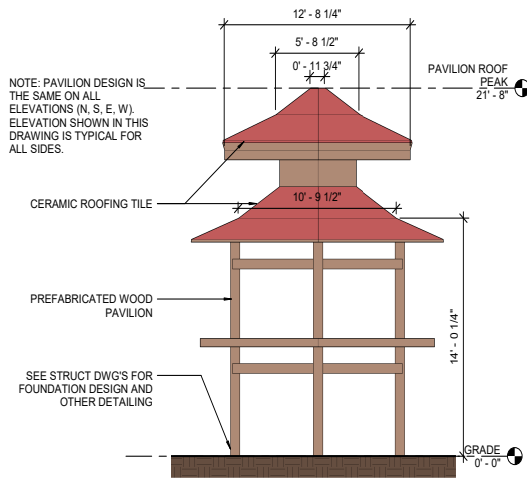
ELEVATION
FROM
HELIOTROPE

SHEET NUMBER:

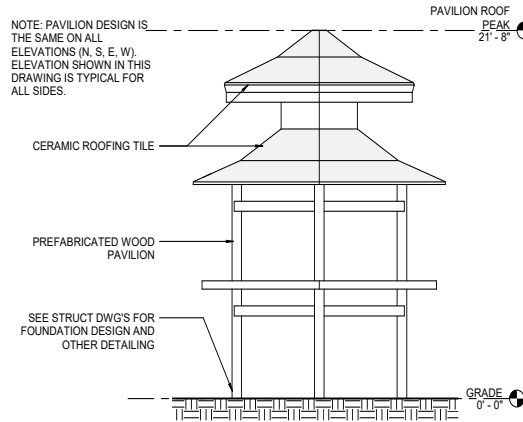
G100



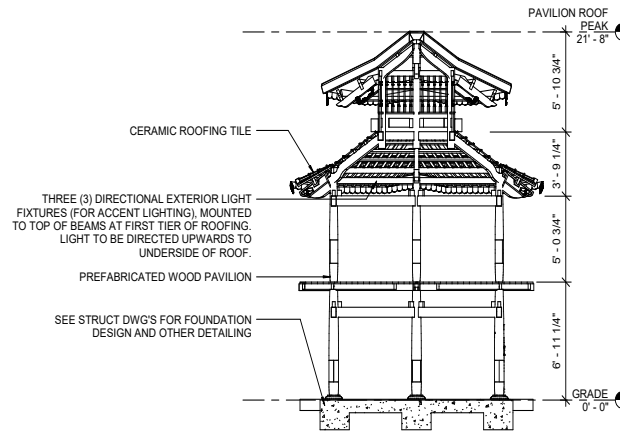
ELEVATION FROM HELIOTROPE -
SHOWN WITH HOME
1/8" = 1'-0"



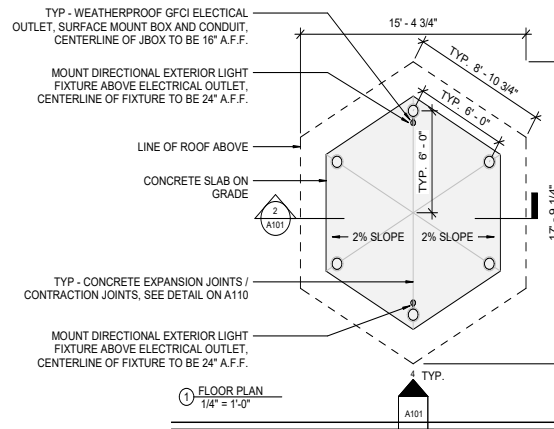
④ ELEVATION - TYP (COLORED)
1/4" = 1'-0"



③ ELEVATION - TYP
1/4" = 1'-0"



② SECTION N/S
1/4" = 1'-0"



① FLOOR PLAN
1/4" = 1'-0"

NOTE:
- VERIFY DIMENSIONS OF PRECUT MEMBERS BEFORE FOUNDATION WORK (OR ANY OTHER WORK THAT RELIES ON FIT OR ALIGNMENT WITH PRECUT MEMBERS).

MECHANICAL/ELECTICAL/PLUMBING:
- NO MECH OR PLUMBING WORK PROPOSED.
- PROVIDE TWO GFCI ELECTRICAL RECEPTACLES IN WEATHERPROOF ENCLOSURE. SEE FLOOR PLAN.

LIGHTING:
- PROVIDE TIMER FOR LIGHTING, AUTO SHUTOFF OF PAVILLION LIGHTING TO OCCUR PER ZONING REQUIREMENTS.
- ALL LIGHTS TO BE LED, 2700 OR 3000 KELVIN COLOR TEMPERATURE, MAX 800 LUMENS PER FIXTURE.

HELIOTROPE PAVILLION

2221 N. HELIOTROPE DR
SANTA ANA, CA 92706

OWNERS:
DR. CHAN KIEU & DR. QUYNH KIEU
2221 N. HELIOTROPE DR
SANTA ANA, CA 92706

ARCHITECT:
QUENTIN STANTON
ARCHITECTURE
1751 COLORADO BLVD. #333
LOS ANGELES, CA 90041
(323)625-7722
Q@QSTANTON.COM

STRUCTURAL ENGINEER:
NOUS ENGINEERING,
INC.
600 WILSHIRE BLVD, SUITE 760
LOS ANGELES, CA 90017
(213)627-6687

ISSUES:

NO.	DATE	DESCRIPTION
12/03/21	PLANG DEPT. SUB.	
03/23/22	HEIGHT REVISION	



DATE: 03/23/2022

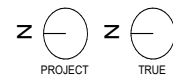
SCALE: 1/4" = 1'-0"

SHEET TITLE:

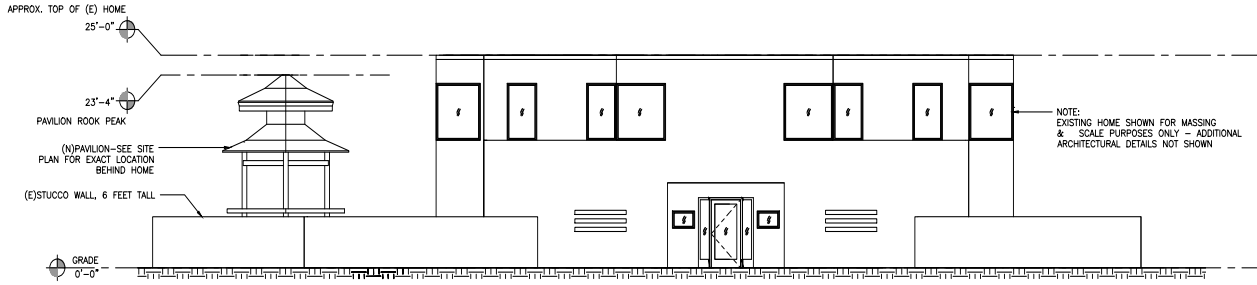
FLOOR PLAN, SECTION & ELEVATION

SHEET NUMBER:

A101



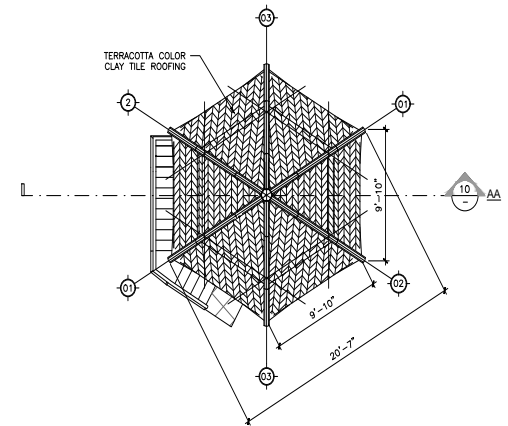
NOTE: HEIGHT OF EXISTING HOME
IS SHOWN APPROXIMATELY FOR SCALE



Composite Elevation

Scale: $\frac{3}{16}" = 1'-0"$

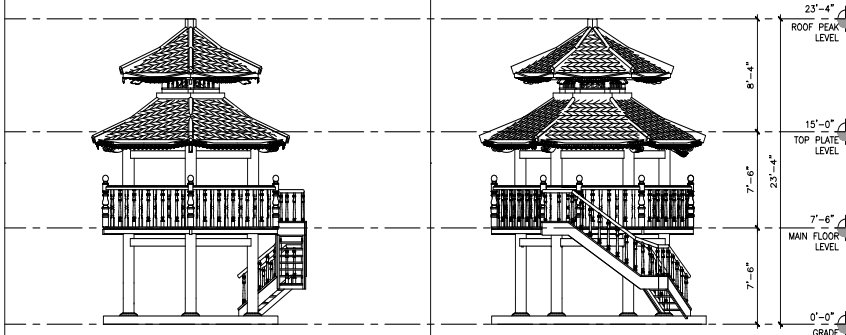
6



Roof Floor Plan

Scale: $\frac{3}{16}" = 1'-0"$

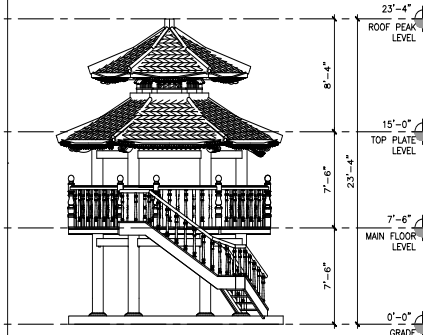
3



East Elevation

Scale: $\frac{3}{16}" = 1'-0"$

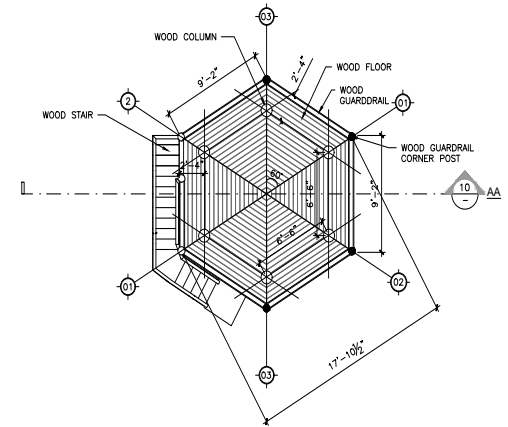
8



North Elevation

Scale: $\frac{3}{16}" = 1'-0"$

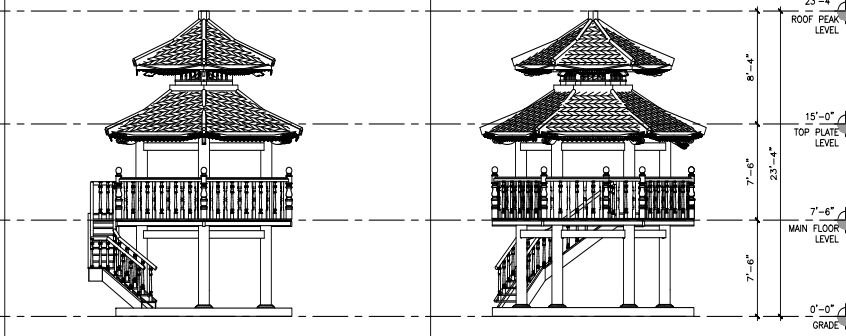
5



Main Floor Plan

Scale: $\frac{3}{16}" = 1'-0"$

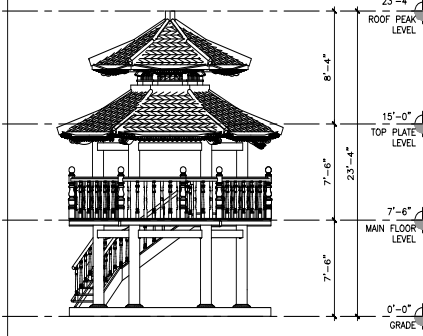
2



West Elevation

Scale: $\frac{3}{16}" = 1'-0"$

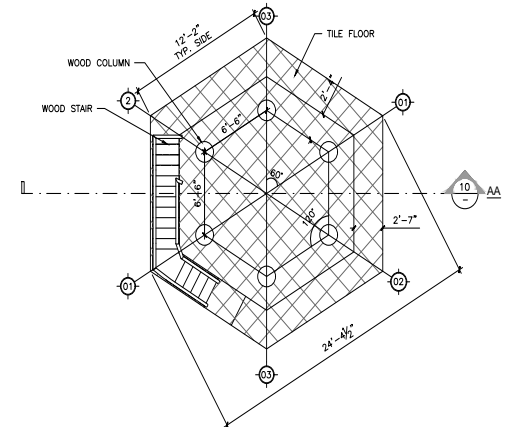
7



South Elevation

Scale: $\frac{3}{16}" = 1'-0"$

4



Ground Floor Plan

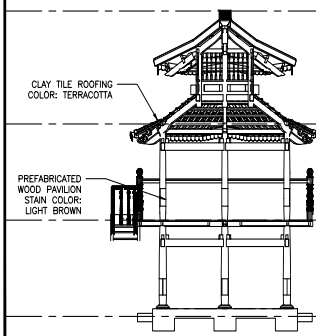
Scale: $\frac{3}{16}" = 1'-0"$

1

Section AA

Scale: $\frac{3}{16}" = 1'-0"$

10



oldham
architects

oldham architects
680 Langsdorf Drive, Suite 2028
Fullerton, California 92631
714.482.8296 | oldham-architects.com



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expressed written consent of Ryan E. Oldham.

NEW GAZEBO PAVILION
2221 Heliotrope
2221 Heliotrope Drive, Santa Ana, CA 92706

PROJECT No.: 23081

DRAWN: DM

CHECK: RD

ISSUE:

△ 07.12.24 PLANNING SUBMITTAL

△

△

△

△

△

△

△

△

△

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△

△

△

A2.0

Floor Plan
Elevations

2221 HELIOTROPE ADU



Exhibit 6 - Conceptual Renderings



Exhibit 6 - Conceptual Renderings

EXECUTIVE SUMMARY

THE MAHARAJAH HOUSE 2221 North Heliotrope Drive Santa Ana, CA 92706

NAME	Maharajah House			REF. NO.
ADDRESS	2221 North Heliotrope Drive			
CITY	Santa Ana	ZIP	92706	ORANGE COUNTY
YEAR BUILT	1938	LOCAL REGISTER CATEGORY: Landmark		
HISTORIC DISTRICT	N/A	NEIGHBORHOOD	Floral Park	
NATIONAL REGISTER CRITERIA FOR EVALUATION	B,C	NATIONAL REGISTER STATUS CODE	3S	

Location: ☐ Not for Publication ☒ Unrestricted

☐ Prehistoric ☒ Historic ☐ Both

ARCHITECTURAL STYLE: Moderne

The Moderne style encompassed the Modernistic, Streamlined Moderne, and Art Moderne variants. An evolution of the Art Deco style, the Streamlined Moderne flourished during the 1930s and lingered through the decade following World War II in a simplified version. In contrast to the verticality of earlier Art Deco designs, the Streamlined Moderne emphasized the horizontal, through bands of windows, use of decorative raised or incised horizontal lines, railings, flat canopies with banded fascia, and narrow coping at the roofline. Other characteristics include smooth wall surfaces, usually of stucco; metal detailing; glass block windows; rounded corners, porthole windows, and asymmetry. Incorporation of aerodynamic, transportation related imagery, especially nautical, is a signature of the style. In common with the Streamlined Moderne, Art Moderne buildings also tended to be horizontal in emphasis, but tended to be more clean-lined and rectilinear in their massing and detailing than their streamlined counterparts. Art Moderne designs can be recognized by their flat roofs, smooth stucco exteriors, and use of metal casement windows that often meet at the corners of the building.

SUMMARY/CONCLUSION:

The Maharajah House appears eligible for listing in the National Register of Historic Places and the California Register of Historical Resources. It also qualifies for listing in the Santa Ana Register of Historical Properties under Criterion 1, for its exemplification of the Art Moderne variant of the Moderne style, and under Criterion 4b, for its association with a foreign ruling family, the Holkars of Indore, India. The house also contributes to the historic character of the Floral Park neighborhood through its age, style, scale, and historic associations with prominent residents. Additionally, the house has been categorized as "Landmark" for its unique architectural significance as an example of the Art Moderne variant of the Moderne style and its historic/cultural significance to City as the "castle" of a sitting ruler. (Municipal Code, Section 30-2.2).

EXPLANATION OF CODES:

- **National Register Criteria for Evaluation:** (From Appendix 7 of Instructions for Recording Historical Resources, Office of Historic Preservation)
 - B:** that are associated with the lives of persons significant in our past.
 - C:** that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.
- **National Register Status Code:** (From Appendix 2 of Instructions for Recording Historical Resources, Office of Historic Preservation)
 - 3S:** Appears eligible for separate listing.

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code _____

Other Listings _____
Review Code _____ Reviewer _____ Date _____

Page 1 of 4

Resource name(s) or number (assigned by recorder) *Maharajah House*

P1. Other Identifier:

*P2. Location: ☐ Not for Publication ☒ Unrestricted

*b. USGS 7.5' Quad

*c. Address *2221 North Heliotrope Drive*

*e. Other Locational Data: Assessor's Parcel Number: *002-081-45*; TR 1036 Lot: *18 and Lot: 19*

*a. County *Orange County*

Date:

City *Santa Ana*

Zip *92706*

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)

Located on a double lot on the southeast corner of Heliotrope Drive and Santa Clara Avenue, the Maharajah House is a two-story residence representative of the Art Moderne variant of the Moderne style. A flat roof accented by a thin band at the roofline tops the "T" shaped building, which is finished in smooth stucco. Walls extend to the north and south to enclose gardens and patios. The massing of the structure suggests an assemblage of cubic volumes and reflects the influence of the emerging International Style of architecture. The northwest and southwest corners of the second story of the facade are cut away, creating terraces that are seamlessly integrated into the massing. Horizontal lines are emphasized through the roofline banding, similar banding around the terrace parapets, and architectural details such as window grilles and canopies. A notable feature, and one highly characteristic of the style, is the use of multi-light metal casement windows that wrap the corners of the building. Located at the approximate center of the façade and flanked by pilasters scored to resemble masonry, the tripartite entry is deeply recessed and decorated in an intricate, geometric pattern. An allée of palms is paved in stone and spans the deep front lawn from the sidewalk to the entrance. On the north elevation, painted wrought iron gates shield the garage. On the south, a bronze equestrian statue is just visible behind the garden wall. In excellent condition, the property is substantially unaltered on the exterior.

*P3b. Resource Attributes: (list attributes and codes) *HP2. Single-family Property*

*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other

P5a. Photo



P5b. Photo: (view and date)
*South and west elevations
April 2003*

*P6. Date Constructed/Age and Sources: ☒ historic
*1938/Source: City of Santa Ana
Building Permits*

*P7. Owner and Address:
*Chan Q & Quynh Kieu
2221 North Heliotrope Drive
Santa Ana, CA 92706*

*P8. Recorded by:
*Leslie J. Heumann
SAIC
35 S. Raymond Ave. # 204
Pasadena, CA 91105*

*P9. Date Recorded:
May 25, 2003

*P10. Survey Type:
Intensive Survey

*P11. Report Citation: (Cite survey report and other sources, or enter "none")
None.

*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☒ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 4

*NRHP Status Code 3S

*Resource Name or #: *Maharajah House*

B1. Historic Name: *Maharajah House*

B2. Common Name: *Same*

B3. Original Use: *Single-family Residence*

B4. Present Use: *Single-family Residence*

*B5. Architectural Style: *Moderne*

*B6. Construction History: (Construction date, alterations, and date of alterations): *Constructed in 1938-1939.*

December 14, 1938. 12 room frame & stucco residence and garages.

May 6, 1941. Reroof.

March 15, 1955. Swimming pool.

May 24, 1955. Cabana for swimming pool.

January 24, 1989. 6' high bolock wall.

July 21, 1993. Add 2 bedrooms and 1 bath, 319 square feet.

September 15, 1997. Reroof.

*B7. Moved? ☒ No ☐ Yes ☐ Unknown Date: _____ Original Location: _____

*B8. Related Features:

Garage, garden walls, mature landscaping, statue if original.

B9a. Architect: *Donald Beach Kirby*

b. Builder: *Allison Honer*

*B10. Significance: Theme *Residential Architecture*

Area *Santa Ana*

Period of Significance: *circa 1888-1953* Property Type: *Single-family Residence*

Applicable Criteria: *B, C*

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity)

The Maharajah House is architecturally significant as an exceptional example of the residential use of the Art Moderne variant of the Moderne style, one of the best in Orange County. It is historically significant for its association with the Maharajah of Indore, the hereditary ruler of a central Indian state and reputedly one of the richest men in the world at time. Designed by architect Donald Beach Kirby of Balboa, the house was built in 1938-1939 by prominent Santa Ana contractor Allison Honer for \$40,000 according to the building permit, although the local press reported the cost of construction as \$50,000 and of the furnishings as \$150,000.

(See Continuation Sheet 3 of 4.)

B11. Additional Resource Attributes: (List attributes and codes) _____

*B12. References:

City of Santa Ana Building Permits

Santa Ana History Room Collection, Santa Ana Public Library

Sanborn Maps

(See Continuation Sheet 4 of 4.)

B13. Remarks:

*B14. Evaluator: *Leslie J. Heumann*

*Date of Evaluation: *May 25, 2003*

(This space reserved for official comments.)

Sketch Map



MAHARAJAH HOUSE
2221 NORTH HELIOTROPE DRIVE

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

Page 3 of 4

Resource Name or # (Assigned by recorder) Maharajah House

*Recorded by Leslie J. Heumann, SAIC

*Date May 25, 2003

☒ Continuation ☐ Update

***B10. Significance (continued):**

Even before the house was constructed, Yeshwant Rao Holkar, the Maharajah, had captured the public imagination. Educated at Oxford, the Maharajah had been traveling in the United States in 1936, had taken ill in Los Angeles, and had been nursed by Marguerite Lawler Branyan, an American divorcee. They married in 1938, following the death of the Maharajah's first wife in 1937. In search of a safe haven prior to the beginning of World War II, the Maharajah decided to settle his young daughter, Princess Usha, and his new wife in Santa Ana. The large home, one of several owned by the Maharajah, was protected by high walls and by interior and exterior gates. According to one account, the Maharajah's instructions to Allison Honer, the prominent Orange County builder who lived across the street from the property at 615 West Santa Clara Avenue, were to build a modern, but not too severe refuge. Lavishly appointed, the house contained, in 1986 when it was the International Society of Interior Designers Orange County Chapter Design House: three bedroom suites, eight bathrooms, four fireplaces, a grand foyer, spacious living room, formal dining room, library, solarium, kitchen, butler's pantry, pool house (added later), servants' and guards' quarters, and an attached garage.

Said to be a progressive ruler who instituted many reforms, the Maharajah had governed Indore since the abdication of his father in his favor in 1926. The Maharajah and his American Maharani returned to India following an only one-year residence in the house, leaving Princess Usha in the care of a governess in Santa Ana, where she continued to attend public schools. The pair divorced in 1943. The Maharajah married again, to another American, who bore him four children including a male heir, but Princess Usha, as the only offspring born of an Indian woman, succeeded her father as ruler in 1961 following the death of her father. Marguerite, who also remarried, remained in the house until 1952. As of 1994, according to one account (Marsh), Princess Usha occupied one of the Holkar's hereditary palaces in India, although, other information ("Indore: The Holkar Dynasty") indicates that she was stripped of her rank and titles by the Indian state in 1970

The Maharajah House is located in Floral Park, a neighborhood northwest of downtown Santa Ana bounded by West Seventeenth Street, North Flower Street, Riverside Drive, and Broadway. Groves of oranges, avocados, and walnuts and widely scattered ranch houses characterized this area before 1920. Developer and builder Allison Honer (1897-1981), credited as the subdivider and builder of a major portion of northwest Santa Ana, arrived in Santa Ana from Beaver Falls, New York in 1922 (Talbert, pages 353-356). "Before nightfall on the day of his arrival, Mr. Honer purchased a parcel of land. And that month, he began building custom homes in Santa Ana" (Orange County Register, September 15, 1981). The parcel chosen became the Floral Park subdivision between Seventeenth Street and Santiago Creek. "When built in the 1920s, the Floral Park homes were the most lavish and expensive in the area. They sold for about \$45,000 each" (Orange County Register, September 15, 1981). Revival architecture in a wide variety of romantic styles was celebrated in the 1920s and 1930s and Floral Park showcased examples of the English Tudor, French Norman, Spanish Colonial, and Colonial Revival. The Allison Honer Construction Company went on to complete such notable projects as the 1935 Art Deco styled Old Santa Ana City Hall, the El Toro Marine Base during World War II, and the 1960 Honer Shopping Plaza. Honer lived in the neighborhood he had helped to create, at 615 West Santa Clara Avenue.

In the late 1920s and 1930s, another builder, Roy Roscoe Russell (1881-1965), continued developing the groves of Floral Park. An early Russell project was his 1928 subdivision of Victoria Drive between West Nineteenth Street and West Santa Clara Avenue. The homes were quite grand and displayed various revival styles, including Russell's own large, Colonial Revival mansion at 2009 Victoria Drive. In the early post World War II years, Floral Park continued its development as numerous, smaller, single-family houses were built. Continuing in the Floral Park tradition, they were mostly revival in style. In the 1950s, low, horizontal Ranch Style houses completed the growth of Floral Park. Today (2003) Floral Park maintains its identity as the premier neighborhood of Santa Ana, historically home to many affluent and prominent citizens.

The Maharajah House appears eligible for listing in the National Register of Historic Places and the California Register of Historical Resources. It also qualifies for listing in the Santa Ana Register of Historical Properties under Criterion 1 for its exemplification of the Art Moderne variant of the Moderne style and under Criterion 4b for its association with a foreign ruling family, the Holkars of Indore, India. Architecturally, the house is distinguished by its scale, massing, horizontal lines, use of characteristic features such as corner casement windows, and its fortress-like quality. The house also contributes to the historic character of the Floral Park neighborhood through its age, style, scale, and historic associations with prominent residents. Additionally, the house has been categorized as "Landmark" for its unique architectural significance as an example of the Art Moderne variant of the Moderne style and its historic/cultural significance to City as the "castle" of a sitting ruler. All original exterior features of the Maharajah House are considered character defining and should be preserved. These features include, but may not be limited to: materials and finishes (stucco, wrought iron); roof configuration, materials, and treatment; massing and composition; entry, doors and windows; terraces and walled gardens; architectural detailing (banding, window grilles, canopies, entry surround); chimneys and fireplaces; attached garage; original landscaping; and any original interior materials, spaces, finishes, and furnishings.

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

Page 4 of 4

Resource Name or # (Assigned by recorder) Maharajah House

*Recorded by Leslie J. Heumann, SAIC

*Date May 25, 2003

☒ Continuation ☐ Update

***B12. References (continued):**

- Harris, Cyril M. *American Architecture: An Illustrated Encyclopedia*. New York, WW Norton, 1998.
- Marsh, Diann. *Santa Ana, An Illustrated History*. Encinitas, Heritage Publishing, 1994.
- McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1984.
- National Register Bulletin 16A. "How to Complete the National Register Registration Form." Washington DC: National Register Branch, National Park Service, US Dept. of the Interior, 1991.
- Office of Historic Preservation. "Instructions for Recording Historical Resources." Sacramento: March 1995.
- "Alison Honer Dies at 84," *The Santa Ana Journal*, September 21, 1981.
- "Builder of Honer Plaza Dies," *Orange County Register*, September 15, 1981.
- "History of Floral Park." <http://www.floral-park.com/page2.html>
- Talbert, Thomas (editor-in-chief). *Historical Volume and Reference Works Including Biographical Sketches of Leading Citizens*, Volume I. Whittier, Historical Publishers, 1963.
- Pleasants, Mrs. J. E. *History of Orange County, California*, volume 3. Los Angeles: J. R. Finnell & Sons, 1931.
- Orange County Directories, 1928-1952.
- Dodd, Richard H. "Art Moderne Style: Fit For a Prince." *Orange County Home*, Volume 4 Number 5, May 2003.
- Farrar, Robert S. "In the Days of the Maharajah . . . Santa Ana's Storybook Romance." *Orange County Illustrated*, October 1972.
- "India Princess, 5, Will Have a \$50,000 Home in Santa Ana." *Los Angeles Examiner*, December 16, 1938.
- "Maharajah's \$50,000 Palace to be Built in Santa Ana." *Santa Ana Daily Register*, December 15, 1938.
- "Where a Maharajah Lives in California." *Los Angeles Times*, August 4, 1940.
- International Society of Interior Designers Orange County Chapter. "Design House 1986." Brochure.
- "Indore." www.maharaja.freewerve.co.uk/indore.html.
- "Indore: The Holkar Dynasty." www.dreamwater.net/regiment/RoyalArk/India/indore4.htm.
- "Once upon a time in Indore." www.rediff.com/election/1999/sep/15column.htm.

P5b. Photograph: *North and west elevations, April 2003.*



Koo 7/30/03

RESOLUTION NO. 2003-15

A RESOLUTION OF THE HISTORIC RESOURCES COMMISSION OF THE CITY OF SANTA ANA PLACING THE PROPERTIES LOCATED AT 2221 NORTH HELIOTROPE DRIVE, 2473 NORTH HELIOTROPE DRIVE, AND 475 NORTH LACY STREET ON THE HISTORICAL REGISTER AND PLACING WITHIN AN ESTABLISHED CATEGORY

BE IT RESOLVED BY THE HISTORIC RESOURCES COMMISSION OF THE CITY OF SANTA ANA AS FOLLOWS:

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

- A. The Maharajah House, located at 2221 North Heliotrope Drive, Santa Ana is eligible for inclusion on the Register as it exemplifies the Art Moderne variant of the Moderne style, a simplified version that flourished during the 1930s through World War II.
1. Additionally, it is eligible for its association with a foreign ruling family, the Holkars of Indore, India. The Maharajah of Indore was the hereditary ruler of a central Indian state.
 2. Constructed in 1938, the structure is eligible to be placed within the Landmark category for its unique architectural significance as an intact example of the Art Moderne style as well as its historical/cultural significance to the City as a "castle" for a sitting ruler.
 3. This unique two-story stucco residence has a flat roof accented by a thin parapet band that emphasizes the horizontal lines and "T" shaped cubic architectural design. Other characteristic style features are the cut away building corners that create second floor terraces, multi-light casement windows and the window grilles and canopies.
 4. The structure appears to be eligible for placement on the National and California Registers.
 5. The legal owners of the subject are Chan Q & Quynh Kieu.

6. The legal description for the subject property is attached hereto as Exhibit A and incorporated by this reference as though fully set forth herein.
- B. The Robertson House, located at 2473 North Heliotrope Drive, Santa Ana was constructed in 1905. It is eligible for inclusion on the Register as it exemplifies a once common but now rare early twentieth century farmhouse with design characteristics of the Craftsman and Colonial Revival styles.
1. The house also contributes to the historic character of the Floral Park neighborhood through its age, style, scale and historic association with the agricultural origins of the area.
 2. Notable architectural features of the two-story rectangular structure include a side-gabled roof, wide shiplap siding, double hung windows with shutters and a nearly symmetrical façade.
 3. The house has been determined eligible for listing in the National Register and is listed on the California Register as a contributor to a North Broadway Park historic district.
 4. The legal owners of the subject are William A & Phyllis A Smith.
 5. The legal description for the subject property is attached hereto as Exhibit A and incorporated by this reference as though fully set forth herein.
- C. Pacific Electric Substation # 14, located at 475 North Lacy Street, Santa Ana was constructed in 1907. The Pacific Electric Substation qualifies for listing on the Register for its association with the Pacific Electric Railway system that began passenger service to Santa Ana in 1905 and influenced the growth in Santa Ana as well as the surrounding communities until the service to Santa Ana ceased in 1950.
1. The substation, also qualifies for the Register as a structure with distinguishing characteristics of early twentieth century industrial design.
 2. The brick construction, symmetrical composition, segmental arched openings, buttresses and piers illustrate the one-story structure's Romanesque Revival style.
 3. The substation is on the National and State Registers and for its historic/cultural significance to the City.
 4. Additionally, it is the oldest extant building associated with the Orange County "Red Car" operation.

5. The legal owner of the subject is the Santa Ana Unified School District.
6. The legal description for the subject property is attached hereto as Exhibit A and incorporated by this reference as though fully set forth herein.

Section 2: The subject properties meet the minimal standards and are hereby placed on the City of Santa Ana Register of Historic Property pursuant to Section 30-2 of the Santa Ana Municipal Code.

Section 3: The subject properties meet the minimal standards and are hereby placed in the landmark category pursuant to Section 30-2.2(1) of the Santa Ana Municipal Code.

Section 4: For the subject properties, a report entitled "Historical Property Description," is on file in the office of the Clerk of the Council, and are hereby approved and adopted, and together with the staff report and this resolution, justify the findings for placement on the City of Santa Ana Register of Historical Property in the Landmark category. The Clerk of the Council is authorized and directed to include this resolution in the City of Santa Ana Register of Historical Property.

Section 5. The Commission Secretary is hereby directed to file a certified copy of this Resolution with the County Recorder's Office after the adoption of this Resolution pursuant to Public Resources Code Section 5029.

Section 6. This Resolution shall take effect immediately upon its adoption by the Historic Resources Commission, and the Commission Secretary shall attest to and certify the vote adopting this Resolution.

ADOPTED this 7th day of August, 2003 by the following vote:

AYES:	Commission members:	Corpin, Gartner, giles, Kings, Lutz, O'Callaghan, Schaefer (7)
NOES:	Commission members:	None (0)
ABSTENTION:	Commission members:	Chinn (1)
NOT PRESENT:	Commission members:	Bustamante (1)

ATTEST:



Laura Johnson
Commission Secretary
Planning and Building Agency



Paul D. Giles
Chairperson

APPROVED AS TO FORM:
Joseph W. Fletcher, City Attorney

By: 
Kylee O. Otto
Deputy City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, LAURA JOHNSON, Commission Secretary, do hereby attest to and certify the attached Resolution No. 2003-15 to be the original resolution adopted by Historic Resources Commission of the City of Santa Ana on August 7, 2003.

Date: 8/7/03


Commission Secretary
City of Santa Ana

**LEGAL DESCRIPTIONS RESOLUTION NO. 2003-15
LANDMARK**

For the Month of August 2003

	Address	Owner Name	Legal Description
1.	2221 North Heliotrope Drive	Chan Q & Quynh Kieu	APN: 002-081-45; TR 1035 LOT 18 AND LOT 19
2.	2473 North Heliotrope Drive	William A & Phyllis A Smith	APN: 002-064-36; N TR 754 LOT 28
3.	475 North Lacy Street	Santa Ana Unified School District	APN: 398-336-16; LACYS ADD BLK B LOT 14 SURFACE AND 500 FT SUBSURFACE VERTICALLY

RESOLUTION NO. 2004-012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA PLACING THE PROPERTY LOCATED AT 2221 NORTH HELIOTROPE DRIVE ON THE SANTA ANA REGISTER OF HISTORIC PORPERTIES AND PLACING WITHIN AN ESTABLISHED CATEGORY (APPEAL NO. 2003-07)

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. On August 7, 2003, the Historic Resources Commission held a duly public hearing to place the property located at 2221 North Heliotrope Drive on the Santa Ana Register of Historic Properties and to categorize the property as Landmark.
 - 1. During the hearing, the property owners, Chan and Quynh Kiev, expressed opposition to placing their home on the local Historic Register.
 - 2. On September 4, 2003 the Historic Resources Commission continued the matter until October 2, 2003.
 - 3. On October 2, 2003 the Historic Resources Commission, by a vote of 7:0 (Chinn and Bustamante absent) placed the property on the Santa Ana Register of Historic Properties and categorized the property as Landmark.
- B. Applicant filed an appeal (Appeal No. 2003-07) of the Historic Resources Commission decision to the City Council of the City of Santa Ana.
- C. On December 1, 2003 the City Council of the City of Santa Ana held a duly noticed public hearing on Appeal No. 2003-07, regarding placing the property located at 2221 North Heliotrope Drive on the Santa Ana Register of Historic Properties, Historic Resources Commission Application No. 2003-30, and placing the property into an established category, Historic Register Categorization No. 2003-34. The City Council continued the public hearing to January 5, 2004, and further continued the public hearing to January 20, 2004. The public hearing was closed on January 20, 2004 and the matter was continued to the February 2, 2004 Council meeting.

D. The Maharajah House, located at 2221 North Heliotrope Drive, Santa Ana is eligible for inclusion on the Santa Ana Register of Historical Properties as it exemplifies the Art Moderne variant of the Moderne style, a simplified version that flourished during the 1930s through World War II.

1. Additionally, it is eligible for the Santa Ana Register of Historical Properties for its association with a foreign ruling family, the Holkars of Indore, India. The Maharajah of Indore was the hereditary ruler of a central Indian state.
2. Constructed in 1938, the structure is eligible to be placed within the Landmark category for its unique architectural significance as an intact example of the Art Moderne style as well as its historical/cultural significance to the City as a "castle" for a sitting ruler.
3. This unique two-story stucco residence has a flat roof accented by a thin parapet band that emphasizes the horizontal lines and "T" shaped cubic architectural design. Other characteristic style features are the cut away building corners that create second floor terraces, multi-light casement windows and the window grilles and canopies.
4. The structure appears to be eligible for placement on the National and California Registers.
5. The legal owners of the subject are Chan Q & Quynh Kieu.
6. The legal description for the subject property is attached hereto as Exhibit A and incorporated by this reference as though fully set forth herein.
7. The subject property meets the minimal standards for placement on the City of Santa Ana Register of Historic Properties pursuant to Section 30-2 of the Santa Ana Municipal Code.
8. The subject property meets the minimal standards for placement in the landmark category pursuant to Section 30-2.2(1) of the Santa Ana Municipal Code.

Section 2: In accordance with the California Environmental Quality Act, the recommended action is exempt from further review. Categorical Exemptions will be filed for this project.

Section 3: The City Council of the City of Santa Ana after conducting the public hearing hereby approves Historic Resources Commission Application No. 2003-30, which placing the property located at 2221 North Heliotrope Drive on the Santa Ana Register of Historic Properties, and Historic Register Categorization No. 2003-34, which

places the property into the Landmark category. This decision is based upon the evidence submitted at the abovesaid hearing, which includes but not is not limited to: the Staff report and exhibits attached thereto; a report entitled "Historical Property Description;" and the public testimony all of which are incorporated herein by this reference.

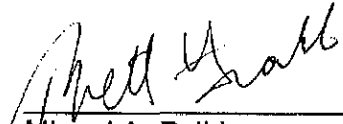
Section 4. This decision rendered by the City Council of the City of Santa Ana is final and is subject to judicial review pursuant to California Code of Civil Procedure section 1094.6.

Section 5: For the subject property, a report entitled "Historical Property Description," is on file in the department of Planning and Building, and is hereby approved and adopted, and together with the staff report and this resolution, justify the findings for placement on the City of Santa Ana Register of Historical Properties in the Landmark category. The Clerk of the Council is authorized and directed to include this resolution in the City of Santa Ana Register of Historical Properties.

Section 6. The Historic Resources Commission Secretary is hereby directed to file a certified copy of this Resolution with the County Recorder's Office after the adoption of this Resolution pursuant to Public Resources Code Section 5029.

Section 7. This Resolution shall take effect immediately upon its adoption by the City Council of the City of Santa Ana, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this 2nd day of February, 2004



Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Joseph W. Fletcher, City Attorney

By: 

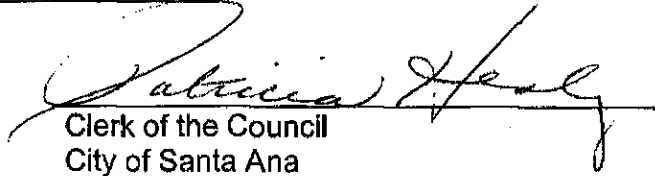
Kylee O. Otto
Deputy City Attorney

AYES: Councilmembers: Alvarez, Bist, Christy Franklin, Garcia, Solorio (6)
NOES: Councilmembers: None (0)
ABSTAIN: Councilmembers: None (0)
NOT PRESENT: Councilmembers: Pulido (1)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, PATRICIA E. HEALY, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2004-012 to be the original resolution adopted by the City Council of the City of Santa Ana on February 2, 2004.

Date: 2-10-04


Clerk of the Council
City of Santa Ana

**LEGAL DESCRIPTIONS RESOLUTION NO 2004-012
LANDMARK**

	Address	Owner Name	Legal Description
1.	2221 North Heliotrope Drive	Chan Q & Quynh Kieu	APN: 002-081-45; TR 1035 LOT 18 AND LOT 19

Exhibit A

Planning Commission Regular Meeting Agenda

March 28, 2022

5:30 P.M.

Council Chamber
22 Civic Center Plaza
Santa Ana, CA



THOMAS MORRISSEY
Chair, Ward 6 Representative

ERIC M. ALDERETE
Citywide Representative

BAO PHAM
*Vice-Chair,
Ward 1 Representative*

MIGUEL CALDERON
Ward 2 Representative

ISURI S. RAMOS
Ward 3 Representative

MARK McLOUGHLIN
Ward 4 Representative

ALAN WOO
Ward 5 Representative

MinhThai
Executive Director

John Funk
Legal Counsel

Fabiola Zelaya Melicher, AICP
Planning Manager

Christina Leonard
*Acting Recording
Secretary*



In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this Meeting, contact Michael Ortiz, City ADA Program Coordinator, at (714) 647-5624. Notification 48 hours prior to the Meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting. The City Council agenda and supporting documentation can be found on the City's website – www.santa-ana.org/city-meetings.

CALL TO ORDER**Commissioners:**

**Thomas Morrissey, Chair
Bao Pham, Vice-Chair
Eric M. Alderete
Miguel Calderon
Mark McLoughlin
Isuri S. Ramos
Alan Woo**

**Executive Director
Senior Asst. City Attorney
Planning Manager
Recording Secretary**

**Minh Thai
John Funk
Fabiola Zelaya Melicher
Christina Leonard**

ROLL CALL**PLEDGE OF ALLEGIANCE****PUBLIC COMMENTS (non agenda items)****CONSENT CALENDAR ITEMS****a. Minutes**

Recommended Action: Approve Minutes from March 14, 2022 meeting.

Minutes: *Commissioner McLaughlin abstained as he was absent for the last meeting.*

Commissioner Ramos arrived at 5:43pm. Commissioner Pham arrived after vote.

Moved by Commissioner Alderete, seconded by Commissioner Woo to Approve.

YES: 5 – Eric Alderete, Miguel Calderon, Tom Morrissey, Isuri Ramos, Alan Woo

NO: 0 – **ABSTAIN:** 1 – Mark McLoughlin
ABSENT: 1 – Bao Pham
Status: 5 – 0 – 1 – 1 – **Pass**

b. Excused Absences

Recommended Action: Excuse absent commissioners.

****End of Consent Calendar****

BUSINESS CALENDAR

Public Hearing: *The Planning Commission decision on Conditional Use Permits, Variances, Tentative Tract and Parcel Maps, Minor Exceptions, Site Plan Review, and Public Convenience or Necessity Determinations are final unless appealed within 10 days of the decision by any interested party or group (refer to the Basic Meeting Information page for more information). The Planning Commission recommendation on Zoning and General Plan amendments, Development Agreements, Specific Developments, and Specific Plans will be forwarded to the City Council for final determination. Legal notice was published in the OC Reporter on March 16, 2022 and notices were mailed on said date.*

1. Conditional Use Permit No. 2022-06 – Pedro Gomez, Case Planner.

Project Location: 2221 N Heliotrope Drive

Project Applicant: Chan Quang and Quynh Dinh Kieu (Property Owners)

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2022-06 to allow the construction of an accessory structure 23' – 4" in height within the rear yard of an existing single-family residence located at 2221 North Heliotrope Drive. Pursuant to Section 41-232.5 of the Santa Ana Municipal Code (SAMC), accessory buildings more than fifteen feet in height or more than one story require approval of a CUP.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15303 of the CEQA Guidelines (Class 3/New Construction or Conversion of Small Structures) because the project involves the construction of a small accessory structure. Based on this analysis, Notice of Exemption, Environmental Review No. 2022-11 will be filed for this project.

Recommended Action: Adopt a resolution approving Conditional Use Permit No. 2022-06 as conditioned.

Minutes: *Recording Secretary reported that written communication was received and distributed.*

Chair Morrissey opened the Public Hearing. The applicant and architect spoke in support of the matter.

The following individuals spoke on the matter:

- *Julie Humphreys, spoke in opposition.*
- *Ann Etheridge, spoke in opposition.*
- *Ellen Koldewey, spoke in opposition.*
- *Leslie Kato, spoke in opposition.*
- *Jeffery Katz, spoke in opposition.*
- *Tim Rush, spoke in opposition.*
- *Ed Murashie, spoke in opposition.*
- *Eamon Garces, spoke in opposition.*
- *There were no other speakers and the Public Hearing was closed.*

Moved by Commissioner Ramos, seconded by Commissioner Calderon to Approve CUP 2022-06 with added landscaping, including increasing the number of trees, to front yard to screen proposed structure.

Since motion made failed, the Commission discussed having Staff work with the applicant to address the massing, height, visual impacts, location and screening of the accessory structure.

YES: 3 – Miguel Calderon, Isuri Ramos, Alan Woo

NO: 4 – Eric Alderete, Mark McLoughlin, Tom Morrissey, Bao Pham

ABSTAIN: 0 – **ABSENT:** 0 – **Status:** 3 – 4 – 0 – 0 – **Fail**

Moved by Commissioner Pham, seconded by Commissioner Ramos to continue the item to April 25, 2022 Planning Commission meeting. To allow Staff time to evaluate options of reducing the visual impacts by considering other locations of the structure within the site, scale, size massing and screening or combinations of all of these criteria or other methods to address these issues.

YES: 7 – Eric Alderete, Miguel Calderon, Mark McLoughlin, Tom Morrissey, Bao Pham, Isuri Ramos, Alan Woo

NO: 0 – ABSTAIN: 0 – ABSENT: 0 – Status: 7 – 0 – 0 – 0 –

Administrative Matters

****End of Business Calendar****

STAFF COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

The next meeting of the Planning Commission will be on April 11, 2022 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

FUTURE AGENDA ITEMS

APPEAL INFORMATION

The formal action by the Planning Commission shall become effective after the ten-day appeal period, unless the City Council in compliance with section 41-643, 41-644 or 41-645 holds a public hearing on the matter, then the formal action will become effective on the day following the hearing and decision by the City Council. An appeal from the decision or requirement of the Planning Commission may be made by any interested party, individual, or group. The appeal must be filed with the Clerk of the Council, accompanied by the required filing fee, and a copy sent to the Planning Department, within ten days of the date of the Commission's action, by 5:00 p.m. If the final day to appeal falls on a City Hall observed holiday or a day when City hall is closed, the final day to appeal shall be extended to the next day City Hall is open for public business. Please note: Under California Government Code Sec. 65009, if you challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the Planning Commission or City Council at or before the hearing.

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Submit a written comment

You are invited to submit a written comment in one of the following ways:

- **E-mail** PBAComments@santa-ana.org and reference the topic in the subject line.
- **Mail** to Chrisitna Leonard, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza – M20, Santa Ana, CA 92701.

Deadline to submit written comments is 4:00 p.m. on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

Planning Commission Regular Meeting Agenda

April 25, 2022

5:30 P.M.

Council Chamber

22 Civic Center Plaza
Santa Ana, CA



THOMAS MORRISSEY

Chair, Ward 6 Representative

ERIC M. ALDERETE

Citywide Representative

BAO PHAM

*Vice-Chair,
Ward 1 Representative*

MIGUEL CALDERON

Ward 2 Representative

ISURI S. RAMOS

Ward 3 Representative

MARK McLOUGHLIN

Ward 4 Representative

ALAN WOO

Ward 5 Representative

MinhThai

Executive Director

John Funk

Legal Counsel

Fabiola Zelaya Melicher, AICP

Planning Manager

Christina Leonard

*Acting Recording
Secretary*



In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this Meeting, contact Michael Ortiz, City ADA Program Coordinator, at (714) 647-5624. Notification 48 hours prior to the Meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting. The City Council agenda and supporting documentation can be found on the City's website – www.santa-ana.org/city-meetings.

CALL TO ORDER**Commissioners:**

**Thomas Morrissey, Chair
Bao Pham, Vice-Chair
Eric M. Alderete
Miguel Calderon
Mark McLoughlin
Isuri S. Ramos
Alan Woo**

**Executive Director
Senior Asst. City Attorney
Planning Manager
Recording Secretary**

**Minh Thai
John Funk
Fabiola Zelaya Melicher
Christina Leonard**

ROLL CALL**PLEDGE OF ALLEGIANCE****PUBLIC COMMENTS (non agenda items)****CONSENT CALENDAR ITEMS****a. Minutes**

Recommended Action: Approve Minutes from April 11, 2022 meeting.

Moved by Commissioner Woo, seconded by Commissioner McLoughlin to Approve.

YES: 4 – Miguel Calderon, Mark McLoughlin, Isuri Ramos, Alan Woo

NO: 0 – **ABSTAIN:** 1 – Tom Morrissey

ABSENT: 2 – Eric Alderete, Bao Pham

Status: 4 – 0 – 1 – 2 – **Pass**

Minutes: *Commissioner Alderete arrived at 5:50 pm.*

b. Excused Absences

Recommended Action: Excuse absent commissioners.

Moved by Commissioner McLoughlin, seconded by Commissioner Woo to Approve.

YES: 5 – Miguel Calderon, Mark McLoughlin, Tom Morrissey, Isuri Ramos, Alan Woo

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 2 – Eric Alderete, Bao Pham

Status: 5 – 0 – 0 – 2 – **Pass**

c. CUP No. 2022-04 – Compass Bible Church (2909 S. Daimler Street)

Recommended Action: Adopt a resolution denying Conditional Use Permit No. 2022-04.

Moved by Commissioner Woo, seconded by Commissioner Calderon to Approve.

YES: 4 – Miguel Calderon, Mark McLoughlin, Isuri Ramos, Alan Woo

NO: 0 – **ABSTAIN:** 1 – Tom Morrissey

ABSENT: 2 – Eric Alderete, Bao Pham

Status: 4 – 0 – 1 – 2 – **Pass**

****End of Consent Calendar****

BUSINESS CALENDAR

Public Hearing: *The Planning Commission decision on Conditional Use Permits, Variances, Tentative Tract and Parcel Maps, Minor Exceptions, Site Plan Review, and Public Convenience or Necessity Determinations are final unless appealed within 10 days of the decision by any interested party or group (refer to the Basic Meeting Information page for more information). The Planning Commission recommendation on Zoning and General Plan amendments, Development Agreements, Specific Developments, and Specific Plans will be forwarded to the City Council for final determination. Legal notice was published in the OC Reporter and Register on April*

13, 2022 and notices were mailed on April 13 & 14, 2022

1. Conditional Use Permit No. 2022-06 – Pedro Gomez, Case Planner

Project Location: 2221 N. Heliotrope Drive

Project Applicant: Chan Quang and Quynh Dinh Kieu (Property Owners)

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2022-06 to allow the construction of an accessory structure 23' – 4" in height within the rear yard of an existing single-family residence located at 2221 North Heliotrope Drive. Pursuant to Section 41-232.5 of the Santa Ana Municipal Code (SAMC), accessory buildings more than fifteen feet in height or more than one story require approval of a CUP.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15303 of the CEQA Guidelines (Class 3/New Construction or Conversion of Small Structures) because the project involves the construction of a small accessory structure. Based on this analysis, Notice of Exemption, Environmental Review No. 2022-11 will be filed for this project.

Recommended Action: Item to be continued to Future Date.

Moved by Commissioner Woo, seconded by Commissioner Ramos to Approve.

YES: 5 – Miguel Calderon, Mark McLoughlin, Tom Morrissey, Isuri Ramos, Alan Woo

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 2 – Eric Alderete, Bao Pham

Status: 5 – 0 – 0 – 2 – **Pass**

2. Density Bonus Agreement Application No. 2022-01 – Pedro Gomez, Case Planner

Project Location: 1411 North Broadway

Project Applicant: Brateil Aghasi, representing WISEPlace, on behalf of WISEPlace, a California nonprofit public benefit corporation (Property Owner).

Proposed Project: The applicant proposes to construct a 48-unit permanent supportive housing community. In order to facilitate the construction of the project, the applicant is requesting approval of Density Bonus Agreement (DBA) No. 2022-01 to utilize waivers from development standards and/or development concessions as permitted pursuant to California Government Code sections 65915 through 65918 and as implemented by the Santa Ana Municipal Code (SAMC) Sections 41-1600 through 41-1607.

Environmental Impact: In accordance with the California Quality Environmental Act (CEQA), the recommended action is exempt from CEQA per Section 15194

(Affordable Housing Exemption). This exemption applies to development projects for affordable housing that meet the threshold criteria set forth in Section 15192; are not located on a site more than five acres in area; are located within an urbanized area with a population density of at least 5,000 persons per square mile, and immediately adjacent to qualified urban uses; and that consist of the construction of 100 or fewer residential housing units that are affordable to low-income households. Therefore, no additional environmental review is required. Based on this analysis, a Notice of Exemption, Environmental Review No. 2022-05 will be filed for this project.

Recommended Action: Item to be continued to May 9, 2022

Moved by Commissioner Woo, seconded by Commissioner McLoughlin to Approve.

YES: 5 – Miguel Calderon, Mark McLoughlin, Tom Morrissey, Isuri Ramos, Alan Woo

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 2 – Eric Alderete, Bao Pham

Status: 5 – 0 – 0 – 2 – **Pass**

3. **Public Facilities Naming No. 2022-01 – Timothy Pagano, Project Manager**

Project Location: 415 and 423 South Raitt Street

Project Applicant: City of Santa Ana (Timothy Pagano, Community Services Manager)

Proposed Project: Staff is requesting Planning Commission approval of PFN No. 2022-01 to name the empty lot at 415 and 423 South Raitt Street to El Refugio Park upon completion of the project. Pursuant to Santa Ana Municipal Code (SAMC) Section 33-5, the Planning Commission is responsible for public facilities naming requests, with City Council consent review thereafter.

Environmental Impact: In accordance with the California Environmental Quality Act and the CEQA Guidelines, the recommended action is exempt from further review per Section 15061 (b)(3). This general rule exemption is allowed provided it can be determined with certainty that the proposed project will not have a significant effect on the environment. As the project consists of naming of a public facility, the general rule exemption is applicable. Notice of Exemption for Environmental Review No. 2022-18 will be filed for this project.

Recommended Action: Adopt a resolution approving Public Facilities Naming (PFN) No. 2022-01 to name the empty lot at 423 South Raitt Street to El Refugio Park.

Minutes: Chair Morrissey opened the Public Hearing. There were no speakers and the Public Hearing was closed.

Commissioners asked to add a condition that a plaque in both English and Spanish be placed in the park stating its history.

Moved by Commissioner , seconded by Commissioner to Approve.

YES: 0 – NO: 0 – ABSTAIN: 0 – ABSENT: 0 – Status: 0 – 0 – 0 – 0 –

4. Conditional Use Permit No. 2021-09 – Pedro Gomez, Case Planner

Project Location: 2525 N. Grand Avenue, Unit A

Project Applicant: Blanca Toriz, on behalf of El Cangrejo Nice 3 (applicant)

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2021-09 to upgrade an existing Type 41 on-sale beer and wine license to a Type 47 on-sale beer, wine and distilled spirits, for on-premise consumption at an existing eating establishment.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15301 of the CEQA Guidelines (Class 1/Existing Facilities) because the project involves negligible expansion of an existing use. Based on this analysis, Notice of Exemption, Environmental Review No. 2022-16 will be filed for this project.

Recommended Action: .Adopt a resolution approving Conditional Use Permit No. 2021-09

Minutes: *Chair Morrissey opened the Public Hearing. The applicant spoke in favor of the matter. There were no other speakers and the Public Hearing was closed.*

Moved by Commissioner Calderon, seconded by Commissioner Ramos to Approve.

YES: 6 – Eric Alderete, Miguel Calderon, Mark McLoughlin, Tom Morrissey, Isuri Ramos, Alan Woo

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Bao Pham

Status: 6 – 0 – 0 – 1 – **Pass**

5. Tentative Tract Map No. 2022-01 – Ali Pezeshkpour, Case Planner

Project Location: 830 South Harbor Boulevard

Project Applicant: Kim Prijatel with City Ventures, representing property owner

MAS Investments LP

Proposed Project: The applicant is requesting approval of a tentative tract map (TM) to permit the subdivision of a proposed 23, three-story attached townhome development. Pursuant to SAMC Section 34-127, the City of Santa Ana Planning Commission is responsible for approving tentative tract maps. Staff is recommending approval of the applicant's request due to the project's compliance with the zoning and all corresponding development standards.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA), proposed development project has been determined to be adequately evaluated in the previously certified EIR No. 2014-01 as per Sections 15162 and 15168 of the CEQA guidelines. The project entails construction of an infill residential community whose scope and impacts were evaluated to ensure conformance to the Environmental Impact Report (SCH No. 2013061027) prepared and certified for the SP-2 zoning district. Environmental Review No. 2021-52 will be filed for the project.

Recommended Action: Adopt a resolution approving Tentative Tract Map No. 2022-01 (County Map No. 19142) as conditioned.

Minutes: *Recording Secretary stated that written communications was received.*

Chair Morrissey opened the Public Hearing. The applicant spoke in favor of the matter.

Ed, Teresa and Florencio - spoke against the matter concerning parking and the garages being turned into apartments/homes.

Moved by Commissioner Woo, seconded by Commissioner Morrissey to Approve.

YES: 6 – Eric Alderete, Miguel Calderon, Mark McLoughlin, Tom Morrissey, Isuri Ramos, Alan Woo

NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Bao Pham

Status: 6 – 0 – 0 – 1 – **Pass**

6. Zoning Ordinance Amendment No. 2022-01 – Ali Pezeshkpour, Case Planner

Project Location: Citywide

Project Applicant: City of Santa Ana (Ali Pezeshkpour, Principal Planner)

Proposed Project: The City of Santa Ana is proposing to repeal Article XII (Off-Premise Commercial Advertising Signs) of Chapter 41 (Zoning) of the Santa Ana

Municipal Code (SAMC) and adopt a new ordinance that would allow the construction of new digital billboards and reconstruction of existing billboards with digital displays, subject to certain location and development standards.

Environmental Impact: A Mitigated Negative Declaration (MND) including one technical study evaluating air quality and greenhouse gas, 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 with the implementation of mitigation measures (Exhibit 1). The MND was available for public review and comment for 30 days as required by CEQA between March 7 and April 6, 2022. One comment was received from the City of Orange. Written responses to the comments were prepared and incorporated into the environmental document.

The project requires adoption of a Mitigation Monitoring and Reporting Program (MMRP), which will reduce all identified impacts to less than significant with implementation of the MMRP. Based on the environmental checklist form completed for the proposed project and supporting environmental analysis, the project would have no impact or a less than significant impact on the following environmental issue areas: Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Energy, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire. The proposed project's impacts on the following issue areas would be less than significant with the implementation of mitigation: Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Tribal Cultural Resources. All impacts would be less than significant after mitigation.

Recommended Action: Recommend that the City Council approve and adopt Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Environmental Review No. 2022-19 Recommend that the City Council adopt an ordinance approving Zoning Ordinance Amendment (ZOA) No. 2022-01 to repeal Article XII of Chapter 41 of the Santa Ana Municipal Code and adopt a new off-premise commercial advertising signs (billboards) ordinance, and to modify thresholds for development project plan approvals for billboards.

Minutes: *Chair Morrissey opened the Public Hearing.*

Scott King - spoke in favor of the matter. There were no other speakers and the Public Hearing was closed.

Commissioner Ramos asked that an amendment be made, that incentives be added to hire local residents by the companies building the Billboards.

Moved by Commissioner Woo, seconded by Commissioner McLoughlin to Approve.

YES: 6 – Eric Alderete, Miguel Calderon, Mark McLoughlin, Tom Morrissey, Isuri Ramos, Alan Woo
NO: 0 – **ABSTAIN:** 0 – **ABSENT:** 1 – Bao Pham
Status: 6 – 0 – 0 – 1 – **Pass**

Administrative Matters

****End of Business Calendar****

STAFF COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

The next meeting of the Planning Commission will be on May 09, 2022 at 5:30 PM in the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701.

Minutes: *Commissioner McLoughlin asked to adjourn the meeting in honor of Micheal Marces local and long time Santa Ana florist.*

FUTURE AGENDA ITEMS

APPEAL INFORMATION

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hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the Planning Commission or City Council at or before the hearing.

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Commission but will be made part of the record.

1. Conditional Use Permit No. 2022-06 – Pedro Gomez, Case Planner.

Project Location: 2221 N Heliotrope Drive

Project Applicant: Chan Quang and Quynh Dinh Kieu (Property Owners)

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2022-06 to allow the construction of an accessory structure 23' – 4" in height within the rear yard of an existing single-family residence located at 2221 North Heliotrope Drive. Pursuant to Section 41-232.5 of the Santa Ana Municipal Code (SAMC), accessory buildings more than fifteen feet in height or more than one story require approval of a CUP.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15303 of the CEQA Guidelines (Class 3/New Construction or Conversion of Small Structures) because the project involves the construction of a small accessory structure. Based on this analysis, Notice of Exemption, Environmental Review No. 2022-11 will be filed for this project.

Recommended Action: Adopt a resolution approving Conditional Use Permit No. 2022-06 as conditioned.



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
March 28, 2022

Topic: CUP No. 2022-06 – 2221 N. Heliotrope Drive

RECOMMENDED ACTION

Adopt a resolution approving Conditional Use Permit No. 2022-06 as conditioned.

EXECUTIVE SUMMARY

Chan Quang and Quynh Dinh Kieu (Property Owners) are requesting approval of Conditional Use Permit (CUP) No. 2022-06 to allow the construction of an accessory structure within the rear yard of an existing single-family residence located at 2221 North Heliotrope Drive. Pursuant to Section 41-232.5 of the Santa Ana Municipal Code (SAMC), accessory buildings more than fifteen feet in height or more than one story require approval of a CUP.

The accessory structure was originally proposed at a height of 23'-4". However, after posting of the public hearing notices staff received neighborhood concerns regarding the proposed height. Therefore, staff worked directly with the applicant to reduce the proposed structure height an additional twenty inches, for an overall height of 21'-8". Staff is recommending approval of the applicant's request given the reduced height, and due to the proposed project having minimized impacts to surrounding areas and minimal change to the character or identity of the neighborhood.

DISCUSSION

Project Description

The applicant is proposing to construct a freestanding pavilion approximately 205 square feet in size and 21'-8" in height, within the rear yard area of an existing single-family residence. The pavilion is proposed to be located towards the south end of the property, approximately 60 feet from the front (west) property line and 25 feet from the rear (south) property line, behind an existing six foot high stucco wall. The pavilion would also be located approximately 65 feet south from the existing residence and approximately 55 feet from an existing, freestanding one-story garden house on the same property.

As designed, the structure would be ancillary and subordinate the main single-family residence. The height of the proposed structure in comparison to the main residence is illustrated on the architectural plan set provided by the architect (see Exhibit 4). The height of the existing residence is approximately 25 feet while the tallest point of the pavilion (pavilion roof peak) is proposed to be a maximum of 21'-8". There are two additional structures on the site, including a freestanding one-story pool house/cabana and a freestanding one-story garden house. The pool house is approximately 13 feet in height, while the garden house is a maximum 15 feet in height to the tallest ridge point.

As described by the applicants, the pavilion is currently built in Vietnam. It's built in a traditional Vietnamese design and was fabricated by Vietnamese artisans. The pavilion structure is proposed to be disassembled, shipped to Santa Ana, and reconstructed on the subject property. As proposed, the pavilion would share a similar design, materials, and cultural characteristics as the existing garden house on the site. Specifically, the structure would include prefabricated wood post members, traditional Vietnamese hand-carved wood details, and would include ceramic roofing tile.

Lastly, the installation of the structure would be designed and overseen by a licensed structural engineer and the structure would not include mechanical or plumbing equipment. The structure would include two electrical outlets and limited accent lighting, including two to four light fixtures within the structure and three to six landscape/up-lights at the base.

Table 1: Project and Location Information

Item	Information	
Project Address and Council Ward	2221 North Heliotrope Drive – Ward 3	
Nearest Intersection	Santa Clara Avenue and Heliotrope Drive	
General Plan Designation	Low Density Residential (LR-7)	
Zoning Designation	Single-Family Residence (R1)	
Surrounding Land Uses	North	Single-Family Residences
	East	Single-Family Residences
	South	Single-Family Residences
	West	Single-Family Residences
Property Size	0.90 acres (39,547 square feet)	
Existing Site Development	The subject site is developed with a two-story historic single-family residence known as the Maharajah House. The Maharajah House is individually listed on the Register of Historical Properties as "Landmark."	
Use Permissions	Allowed with a conditional use permit (CUP)	
Zoning Code Sections Affected	Uses	Section 41-232.5

Site and Project Background

The site contains a historical structure known as the Maharajah House, which was constructed in 1938 and was placed in the Santa Ana Register of Historical Properties

(“Register”) and categorized as “Landmark” in 2003. The property qualifies for listing in the Santa Ana Register under Criterion 1 for its exemplification of the Art Moderne variant of the Moderne style and under Criterion 4b, for its association with a foreign ruling family, the Holkars of Indore, India. Moreover, the property satisfied two criteria for landmark categorization: “unique architectural significance” as an example of the Art Moderne style in Santa Ana and “historic/cultural significance” as the residence of a sitting ruler of Indore. For reference, additional historic information on the property can be found on Exhibits 6 and 7.

As mentioned, the subject site was previously improved with a freestanding one-story pool house/cabana built in 1955, and a freestanding one-story garden house with a porch, built in 2004. Similar to the proposed pavilion, the garden house was dismantled, shipped from Vietnam, and reconstructed on the property. The garden house was built in Vietnam circa 1847 and was brought over piece by piece to Santa Ana. At the time, the property owners also imported a bell tower with three 18th- and 19th-century bells, marble sculptures, a collection of 11th-century foo dogs, and a water feature.

The building permits for the garden house were reviewed and processed administratively by City staff. Pursuant to Chapter 30 of the SAMC, on-site accessory structures can be reviewed and approved administratively by staff. Therefore, the structure was not required to be reviewed by any discretionary body due to the fact that it’s considered an accessory structure, it was no more than 15 feet in height, and did not physically change and/or alter the Maharajah House.

In 2021, the applicant submitted a request to allow construction of the 21’-8” tall pavilion in the property’s rear yard that is the subject of this application. Although accessory structures can be reviewed administratively, accessory buildings more than fifteen feet in height or more than one story require approval of a CUP.

Project Analysis

CUP requests are governed by Section 41-638 of the SAMC. CUPs may be granted when it can be shown that the proposed project will not adversely impact the community. If these findings can be made, then it is appropriate to grant the CUP. Conversely, the inability to make these findings would result in a denial. The purpose of regulating the height of accessory structures within single-family residential zones is to minimize impacts to surrounding areas and ensure the structures will provide a positive contribution to neighborhood character and identity.

The installation of the proposed structure would not result in a change to the existing land use. Instead, the property will continue to be used as it was historically, as a single-family residence. In addition, the proposed structure has been designed to be located away from adjacent properties to minimize the privacy concerns and visual impacts. By locating the

structure towards the south end of the property, the design limits the potential impacts to the single-family properties located towards the east, along Greenleaf Street. Moreover, by setting back the structure approximately 25 feet from the rear (south) property line, the design limits any potential impacts to the property to the south. Lastly, the design ensures that the neighborhood character is maintained along the front elevation by locating the structure approximately 60 feet from the front property line. Therefore, the construction of the proposed pavilion will not result in a change to the neighborhood character or identity.

The property features a deep front yard from the sidewalk to the entrance (between 60-70 feet), along Heliotrope Drive. The front yard is improved with various mature trees varying in height, including two species of palm trees. In addition, the public right-of-way parkways are improved with mature oak trees along Heliotrope Drive, which further help to minimize the privacy concerns and visual impacts of the proposed structure. The existing landscaping and mature trees are not proposed to be removed or altered. To ensure that the existing landscaping conditions are maintained, staff is recommending a condition of approval requiring that the trees be preserved and protected in place. Moreover, staff is recommending a condition of approval requiring that the applicant plant at least two columnar trees along the front of the existing six-foot high stucco wall, to introduce plant materials with similar heights immediately adjacent to the proposed pavilion.

Historic Consideration

Although the pavilion's proposed design (traditional Vietnamese design) differs from the characteristic Art Moderne style of the residence, the structure would not detract from the overall historic significance of the property. With the previous installation of the 1955 pool house, and the Vietnamese one-story garden house, along with the additional Vietnamese antiquities (e.g. bell tower, marble sculptures, 11th-century foo dogs, and a water feature), the site has taken on an eclectic architectural style. Moreover, the pavilion would share a similar design, materials, and cultural characteristics as the existing garden house on the site. Therefore, the addition of the pavilion would complement the site's various structures.

In addition, the installation of the pavilion would not result in any physical alterations to the historic structure. As such, the building will continue to retain all of its character-defining features. Moreover, the structure would not impact any of the view sheds to the Maharajah House, along any public perspectives. As mentioned, the pavilion would be located south of the Maharajah House, 25 feet from the rear (south) property line, behind an existing six-foot high stucco wall. Therefore, all views of the historic structure along Heliotrope Drive and Santa Clara Avenue would remain unimpaired.

Chapter 30 of the SAMC defines modification as, "Any change, alteration, restoration, remodeling, rehabilitation, construction, or relocation of the physical exterior of a historic

structure.” Moreover, Section 30-6 (a) of the SAMC states that, “No exterior physical modifications, other than those identified by the historic resources commission for administrative approval by city staff, shall be permitted with respect to an historic structure until the historic resources commission approves such request at a duly noticed public hearing and issues a certificate of appropriateness.” The structure is not physically altering or changing the exterior of the Maharajah House. Therefore, no additional review by the Historic Resources Commission is required for this project.

Finally, the CUP will be consistent with several goals and policies of the General Plan. Policy 3.1 of the Land Use Element encourages development, which provides a positive contribution to neighborhood character and identity. Policy 4.1 of the same element encourages the maintenance of areas of the City with unique characteristics, which contribute positively to the area in which they are located. The proposed accessory structure will contribute to the already eclectic character and identity of the site without negatively affecting any of the adjacent residences or the site’s existing historical structure. Moreover, the installation of the structure will positively contribute to the neighborhood character, which has mix of high-quality architectural styles. Furthermore, Policy 4.2 encourages the retention of historical buildings and sites. The installation of the proposed pavilion structure would not require the removal or alteration of the existing residence, which is an historic structure. The overall design and massing of the new construction will be compatible with, but differentiated from the historic building, in keeping with required historic standards.

Public Notification and Community Outreach

Project notifications were posted, published, and mailed in accordance with City and State regulations. Copies of the public notice, including a 1,000-foot notification radius map, and the site posting are provided in Exhibit 7. At the time this report was printed, staff did receive neighborhoods concerns regarding the proposed CUP. These concerns were regarding the proposed location and/or design as it related to the historical integrity of the Maharajah House.

ENVIRONMENTAL IMPACT

Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15303 of the CEQA Guidelines (Class 3/New Construction or Conversion of Small Structures) because the project involves the construction of a small accessory structure. Based on this analysis, Notice of Exemption, Environmental Review No. 2022-11 will be filed for this project.

FISCAL IMPACT

There is no fiscal impact associated with this action.

EXHIBIT(S)

1. Resolution
2. Vicinity Zoning and Aerial View
3. Site Photos
4. Plan Set
5. Historic Summary
6. Historic Designation Resolution of Approval
7. Copy of Public Notices

Submitted By:
Pedro Gomez, AICP, Senior Planner

Approved By:
Minh Thai, Executive Director of Planning and Building Agency, Planning and Building
Agency

RESOLUTION NO. 2022-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2022-06 AS CONDITIONED TO ALLOW THE CONSTRUCTION OF AN ACCESSORY STRUCTURE EXCEEDING FIFTEEN FEET IN HEIGHT WITHIN THE REAR YARD OF THE PROPERTY LOCATED AT 2221 NORTH HELIOTROPE 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. Chan Quang and Quynh Dinh Kieu (Property Owners), are requesting approval of Conditional Use Permit (CUP) No. 2022-06 to allow the construction of an accessory structure exceeding fifteen feet in height, within the rear yard area of an existing single-family residence located at 2221 North Heliotrope Drive.
- B. Santa Ana Municipal Code ("SAMC") Section 41-232.5 requires approval of a CUP for accessory buildings more than fifteen feet in height or more than one story.
- C. The proposed accessory structure would be 21'-8" in height, requiring review and approval of a CUP.
- D. On March 28, 2022, the Planning Commission held a duly noticed public hearing on CUP No. 2022-06.
- E. The Planning Commission determines that the following findings, which must be established in order to grant a CUP pursuant to SAMC Section 41-638, have been established for CUP No. 2022-06 to allow the construction of an accessory structure exceeding fifteen feet in height at 2221 North Heliotrope Drive.
 - 1. That the proposed use will provide a service or facility which will contribute to the general well being of the neighborhood or community.

The proposed structure, a freestanding pavilion in the rear yard area designed in the traditional Vietnamese style, would have minimal impacts to surrounding areas and would provide a positive contribution to the neighborhood character and identity. In addition, the structure would not result in a change to the existing land use, as the site would continue to be used

as a single-family residence. Moreover, the proposed structure has been designed to be located away from adjacent properties to minimize the privacy concerns and visual impacts, to ensure that the use will not negatively affect the surrounding community.

2. That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The proposed construction of the accessory structure will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity. The structure would be limited in size (205 square feet) and located towards the south end of the property, approximately 60 feet from the front (west) property line and 25 feet from the rear (south) property line, behind an existing six-foot-high stucco wall. Moreover, the structure would be constructed for private use and enjoyment. In addition, the structure would be designed by a licensed structural engineer and would not include mechanical or plumbing equipment. The structure would include two electrical outlets and limited accent lighting, including two to four light fixtures within the structure and three to six landscape/up-lights at the base. However, staff is recommending a condition of approval limiting light intrusion onto neighboring properties. Therefore, the granting of the CUP will not negatively impact any sensitive land uses that may be nearby.

3. That the proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area.

The proposed use will not adversely affect the economic stability of the area or future economic development, as this would be a structure constructed for private use and enjoyment by private property owners in a single-family residential area. The pavilion is not intended to be enjoyed or visited by members of the general public and will therefore not change the character of the existing community.

4. That the proposed use will comply with the regulations and conditions specified in Chapter 41 for such use.

The proposed accessory structure will exceed the required regulations or development standards, pursuant to the single-family residential zoning. The structure would be located approximately 60 feet from the front property line, where the minimum setback is 20 feet, and would be located

approximately 25 feet from the side (rear) property line, where the minimum is 10 feet. Moreover, the new development will be compatible in scale, and consistent with the mix of architectural styles and character of the neighborhood.

5. That the proposed use will not adversely affect the General Plan of the city or any specific plan applicable to the area of the proposed use.

The proposed accessory structure will not adversely affect the General Plan. Policy 3.1 of the Land Use Element encourages development, which provides a positive contribution to neighborhood character and identity. Policy 4.1 of the same element encourages the maintenance of areas of the City with unique characteristics, which contribute positively to the area in which they are located. The proposed structure will contribute to the already eclectic character and identity of the site without negatively affecting any of the adjacent residences. In addition, the installation of the structure will positively contribute to the neighborhood, which has mix of architectural styles. Furthermore, Policy 4.2 encourages the retention of historical buildings and sites. The installation of the proposed structure would not require the removal of any elements of the historic structure. The overall design and massing of the new construction will be compatible with, but differentiated from the historic building, in keeping with required historic standards.

Section 2. In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15303 (Class 3 – New Construction or Conversion of Small Structures). Class 3 exemption applies to the construction of accessory structures, including but not limited to, garages, carports, patios, swimming pools, and fences. Based on this analysis, a Notice of Exemption, Environmental Review No. 2022-11 will be filed for this project.

Section 3. The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, referendum, and other proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively “Actions”), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or

concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve the legal counsel providing the City's defense, and that Applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any Action brought and City shall cooperate with Applicant in the defense of the Action.

Section 4. The Planning Commission of the City of Santa Ana, after conducting the public hearing, hereby approves Conditional Use Permit No. 2022-06, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 2221 North Heliotrope Drive. This decision is based upon the evidence submitted at the above-referenced hearing, including but not limited to: The Request for Planning Commission Action dated March 28, 2022, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 28th day of March, 2022 by the following vote.

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTENTIONS: Commissioners:

Thomas Morrissey
Chairperson

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

By: John M. Funk
John M. Funk
Sr. Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, CHRISTINA LEONARD, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2022-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on March 28, 2022.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A
Conditions of Approval for Conditional Use Permit No. 2022-06

Conditional Use Permit No. 2022-06 to allow the construction of an accessory structure exceeding fifteen feet in height is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code (SAMC), 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 conditional use permit.

The Applicant must remain in compliance with all conditions listed below throughout the life of the conditional use permit. Failure to comply with each and every condition may result in the revocation of the conditional use permit.

1. Any amendment to the design of pavilion, including modifications to approved materials, finishes, architecture, and site plan, must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the Conditional Use Permit (CUP) must be amended.
2. The pavilion shall be limited in size to 205 square feet, 21'-8" in height, and shall be built in the rear yard, towards the south end of the property. The pavilion shall also maintain a minimum setback of 60 feet from the front (west) property line and 25 feet from the rear (south) property line, within the rear yard. Lastly, the pavilion shall maintain a minimum separation of 65 feet from the existing residence and approximately 55 feet from an existing, freestanding one-story garden house on the same property.
3. Any proposed lighting, including but not limited to, accent lighting within the structure or landscape/up-lights at the base, shall adhere to nighttime by shutoffs 10:00 p.m. to prevent light intrusion onto neighboring properties.
4. Any proposed lighting shall be arranged to prevent direct glare into adjacent dwelling units and onto neighboring uses. A photometric plan shall be required before permit issuance to ensure lighting levels are met and ensure that there is no light intrusion onto neighboring properties.
5. The pavilion shall remain a structure for private use and enjoyment by the private property owners, thereby preserving the community character. The pavilion shall not be designed or be intended for public access or members of the general public.
6. The property owner shall install/plant at minimum two columnar trees along the front of the existing six-foot high stucco wall (west elevation), to introduce plant materials with similar heights immediately adjacent to the proposed pavilion. The final plant species shall be reviewed and approved by planning staff.

7. The property owner shall maintain, preserve, and protect all existing landscaping on site, including but not limited to, mature trees, bushes, shrubs, and groundcover.
8. Prior to building permit final, the property shall be brought into full maintenance compliance with all applicable SAMC standards. Maintenance shall include, but is not limited to: the repair and upkeep of the property; cleanup of trash and debris; repair and upkeep of any damaged and/or weathered components of the historic building (e.g., siding, windows, historic features); repair and upkeep of exterior paint; landscaping and related landscape, furnishing, and hardscape improvements.

CUP-2022-06
2221 N. Heliotrope Drive

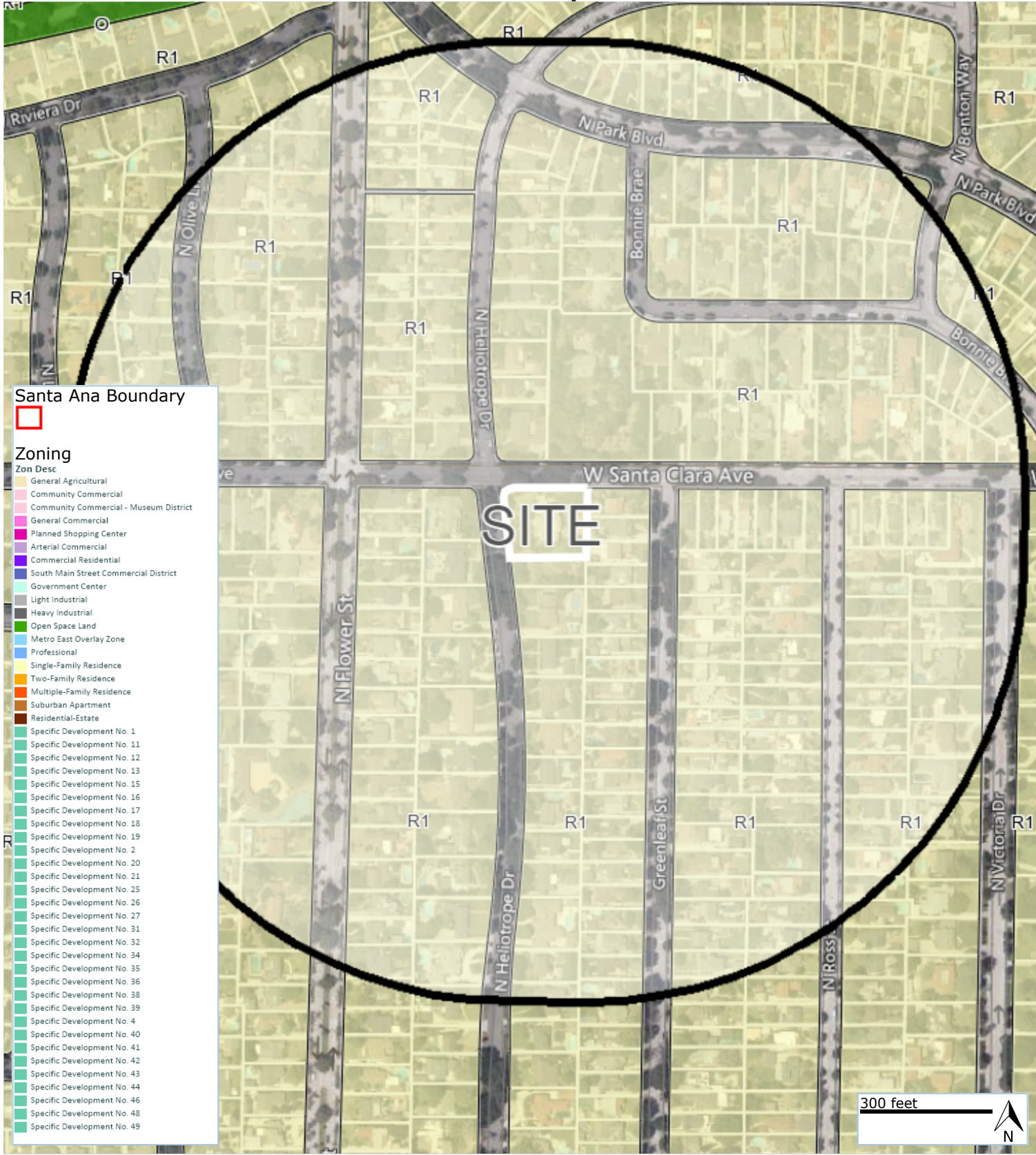


Exhibit 2 - Vicinity and Aerial View





CUP 2022-06
2221 N. HELIOTROPE DRIVE
SITE PHOTOS
EXHIBIT 3



CUP 2022-06
2221 N. HELIOTROPE DRIVE
SITE PHOTOS
EXHIBIT 3

SCOPE OF WORK

CONSTRUCTION OF A NEW 205 SQ FT FREESTANDING, UNENCLOSED, NON-HABITABLE PAVILION/GAZEBO IN BACKYARD OF PROPERTY.
NO CHANGE TO (E) HOME OR OTHER (E) STRUCTURES ON THE PROPERTY.

LEGEND OF PROJECT DATA

PROJECT ADDRESS:
**2221 N. HELIOTROPE DR
SANTA ANA, CA 92706**

ASSESSORS PARCEL NUMBERS: **002-081-45 AND 002-081-46**

LEGAL DESCRIPTION: **TR 1035 LOT 17, LOT 18 AND LOT 19 • •**

GENERAL PLAN LAND USE DESIGNATION: **LR 7.0**

ZONING DISTRICT: **R1**

TOTAL LOT SIZE: **39,547 SF (0.908 ACRES)**

HISTORIC PROPERTY: **YES**

HISTORIC DISTRICT: **NO**

TYPE OF CONSTRUCTION: **V-B - NON-SPRINKLERED**
PROPOSED NUMBER OF STORIES: **N/A**
PROPOSED STRUCTURE HEIGHT: **21' - 8"**

OCCUPANCY OF PROPOSED BUILDING: **N/A (ACCESSORY STRUCTURE)**
OCCUPANCY OF EXISTING STRUCTURES: **R-3**

PROPOSED EXTERIOR WALL AND ROOF MATERIALS:
WALL: **N/A, NOT ENCLOSED**
ROOF: **CERAMIC TILE**

EXISTING BUILDINGS EXTERIOR WALL AND ROOF MATERIALS:
WALL: **STUCCO**
ROOF: **ASPHALT SHINGLE**

GOVERNING CODES:
2019 CALIFORNIA RESIDENTIAL CODE (CRC)
2019 CALIFORNIA MECHANICAL CODE (CMC)
2019 CALIFORNIA ELECTRICAL CODE (CEC)
2019 CALIFORNIA PLUMBING CODE (CPC)
2019 CALIFORNIA GREEN BUILDING CODE (CALGREEN)
AHJ AND LOCAL CODES AND NFPA

CONTRACTOR: **TO BE DETERMINED**

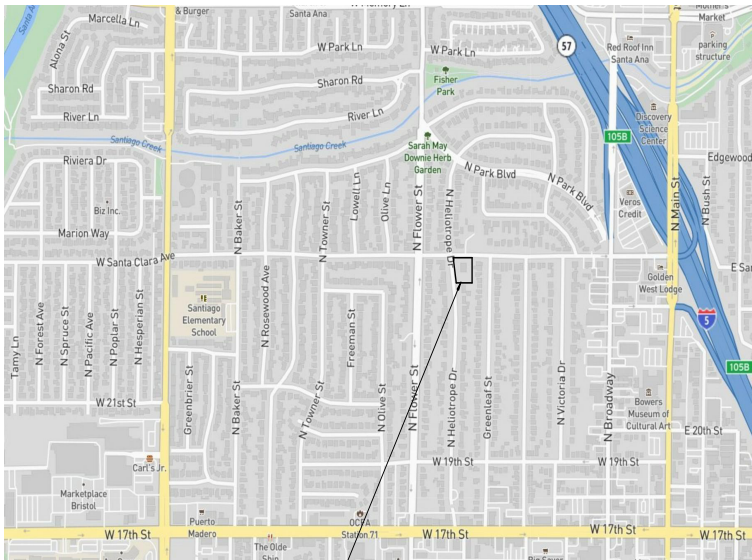
PROJECT TEAM

OWNERS' NAME AND ADDRESS:
**DR. CHAN KIEU & DR. QUYNH KIEU
2221 N. HELIOTROPE DR
SANTA ANA, CA 92706**

ARCHITECT / APPLICANT'S NAME AND ADDRESS:
**QUENTIN STANTON, RA
QUENTIN STANTON ARCHITECTURE
323-925-7722
Q@QSTANTON.COM
1751 COLORADO BLVD., #333
LOS ANGELES, CA 90041**

STRUCTURAL ENGINEER:
**OMAR GARZA
NOUS ENGINEERING, INC.
213-627-6667
600 WILSHIRE BLVD, SUITE 760
LOS ANGELES, CA 90017**

VICINITY MAP

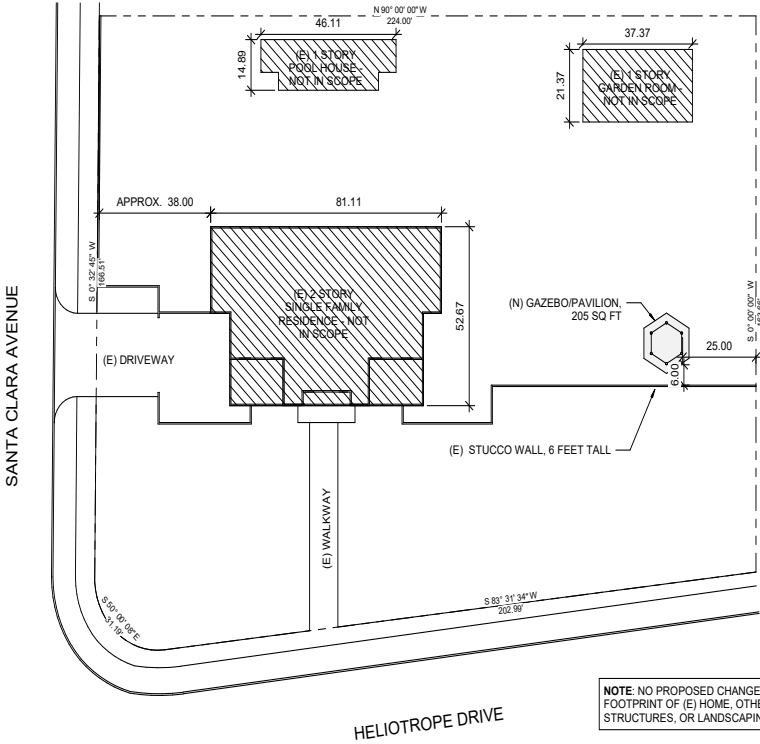


2221 N HELIOTROPE DR

NOT TO SCALE



SITE PLAN / PLOT PLAN

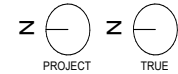


NOTE: NO PROPOSED CHANGES TO FOOTPRINT OF (E) HOME, OTHER (E) STRUCTURES, OR LANDSCAPING.

② SITE PLAN
1" = 20'-0"

DRAWING INDEX

SHEET LIST - ARCHITECTURAL
G000 COVER SHEET
G100 ELEVATION FROM HELIOTROPE
A101 FLOOR PLAN, SECTION & ELEVATION



HELIOTROPE PAVILION

2221 N. HELIOTROPE DR
SANTA ANA, CA 92706

OWNERS:
DR. CHAN KIEU & DR. QUYNH KIEU
2221 N. HELIOTROPE DR
SANTA ANA, CA 92706

ARCHITECT:
QUENTIN STANTON
ARCHITECTURE
1751 COLORADO BLVD. #333
LOS ANGELES, CA 90041
(323)625-7722
Q@QSTANTON.COM

STRUCTURAL ENGINEER:
NOUS ENGINEERING,
INC.
600 WILSHIRE BLVD, SUITE 760
LOS ANGELES, CA 90017
(213)627-6667

ISSUES:

NO.	DATE	DESCRIPTION
12/03/21	PLANG DEPT. SUB.	
03/23/22	HEIGHT REVISION	



DATE: 03/23/2022

SCALE: 1" = 20'-0"

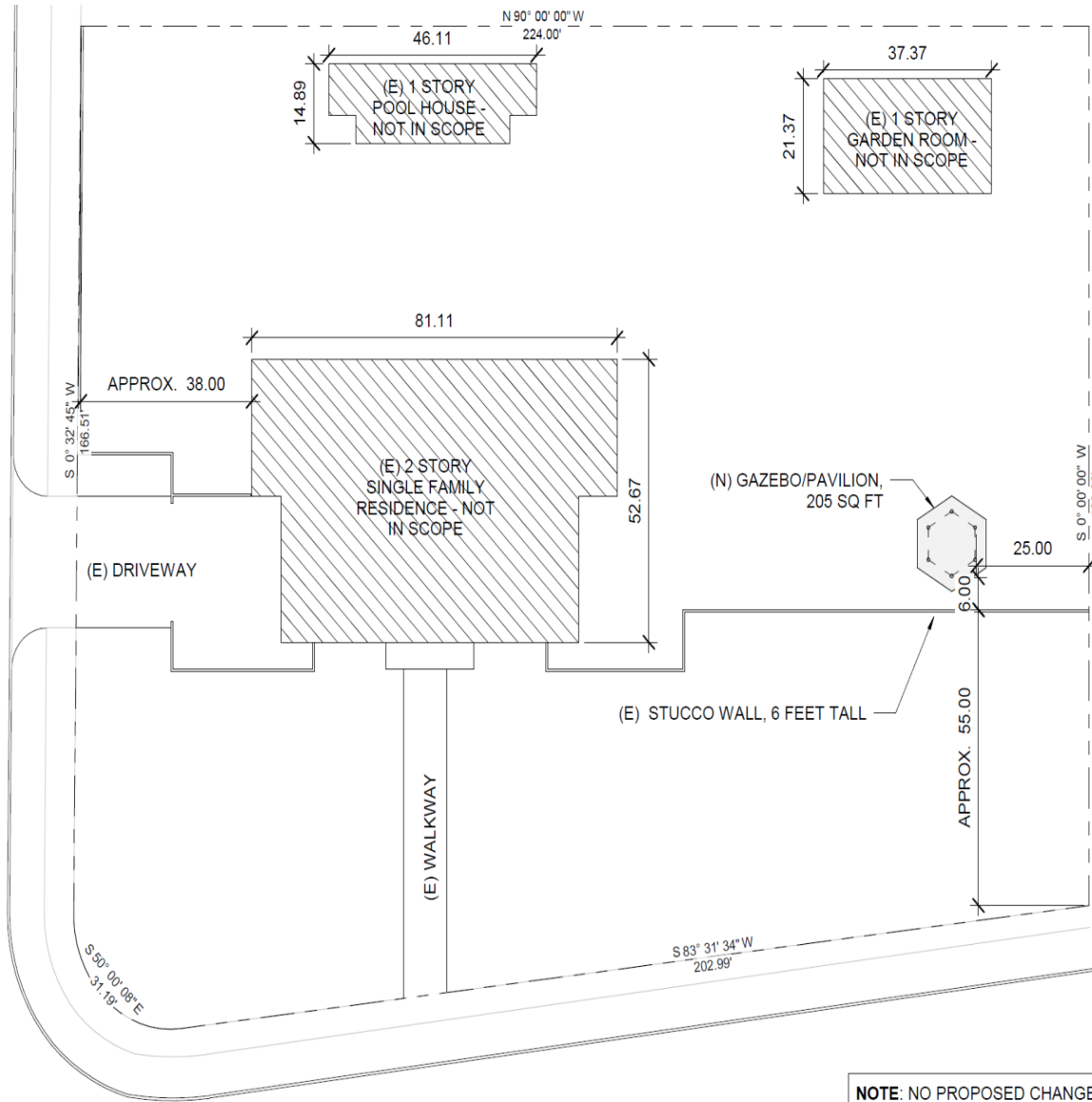
SHEET TITLE:

COVER SHEET

SHEET NUMBER:

G000

SANTA CLARA AVENUE



HELIOTROPE DRIVE

NOTE: NO PROPOSED CHANGES TO FOOTPRINT OF (E) HOME, OTHER (E) STRUCTURES, OR LANDSCAPING.

HELIOTROPE
PAVILION

2221 N. HELIOTROPE DR
SANTA ANA, CA 92706

OWNERS:
DR. CHAN KIEU & DR. QUYNH KIEU
2221 N. HELIOTROPE DR
SANTA ANA, CA 92706

ARCHITECT:
QUENTIN STANTON
ARCHITECTURE
1751 COLORADO BLVD. #333
LOS ANGELES, CA 90041
(323)625-7722
Q@QSTANTON.COM

STRUCTURAL ENGINEER:
VOUS NOUS ENGINEERING,
INC.
600 WILSHIRE BLVD, SUITE 760
LOS ANGELES, CA 90017
(213)627-6667

ISSUES:

NO.	DATE	DESCRIPTION
	12/03/21	PLANG DEPT. SUB.
1	03/23/22	HEIGHT REVISION



DATE: 03/23/2022

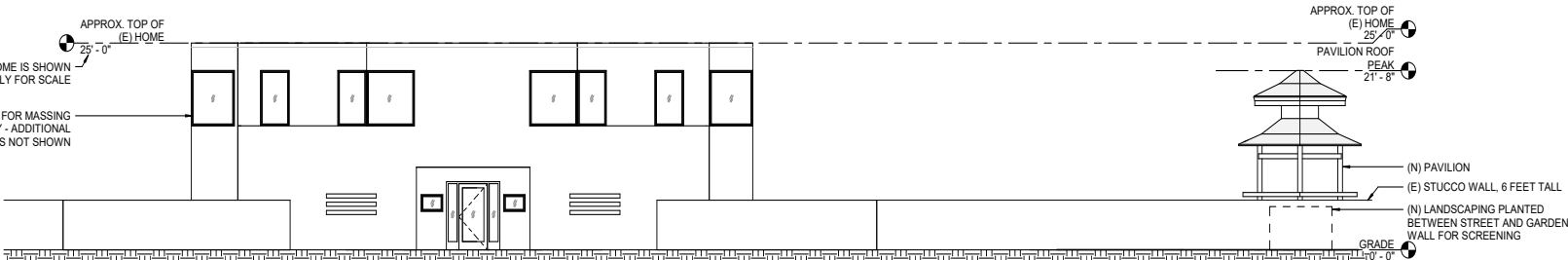
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SHEET TITLE:

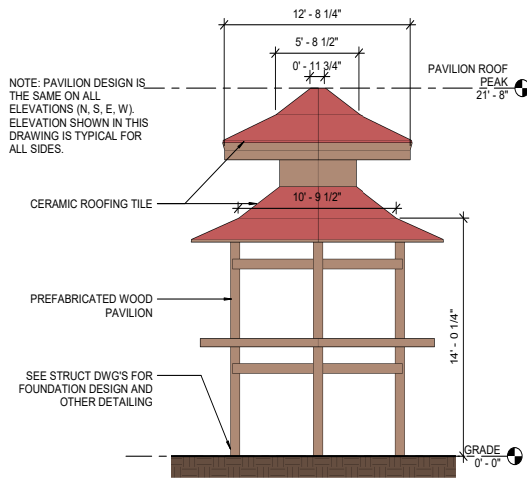
ELEVATION
FROM
HELIOTROPE

SHEET NUMBER:

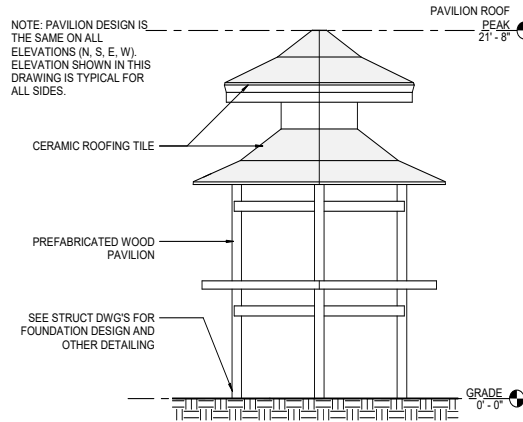
G100



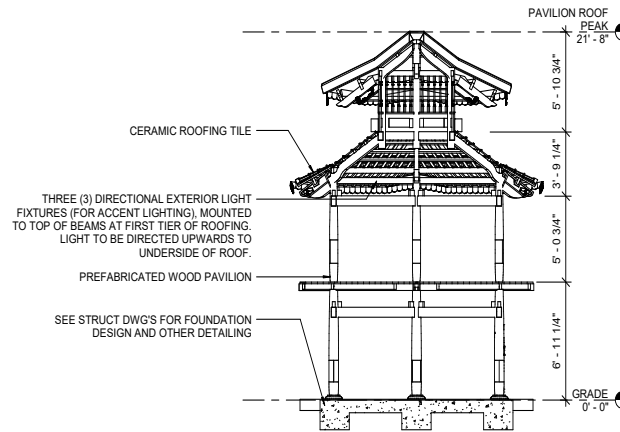
ELEVATION FROM HELIOTROPE -
SHOWN WITH HOME
1/8" = 1'-0"



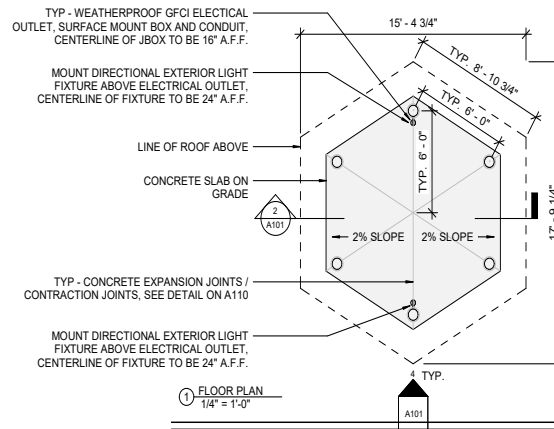
④ ELEVATION - TYP (COLORED)
1/4" = 1'-0"



③ ELEVATION - TYP
1/4" = 1'-0"



② SECTION N/S
1/4" = 1'-0"



① FLOOR PLAN
1/4" = 1'-0"

NOTE:
- VERIFY DIMENSIONS OF PRECUT MEMBERS BEFORE FOUNDATION WORK (OR ANY OTHER WORK THAT RELIES ON FIT OR ALIGNMENT WITH PRECUT MEMBERS).

MECHANICAL/ELECTICAL/PLUMBING:
- NO MECH OR PLUMBING WORK PROPOSED.
- PROVIDE TWO GFCI ELECTRICAL RECEPTACLES IN WEATHERPROOF ENCLOSURE. SEE FLOOR PLAN.

LIGHTING:
- PROVIDE TIMER FOR LIGHTING, AUTO SHUTOFF OF PAVILION LIGHTING TO OCCUR PER ZONING REQUIREMENTS.
- ALL LIGHTS TO BE LED, 2700 OR 3000 KELVIN COLOR TEMPERATURE, MAX 800 LUMENS PER FIXTURE.

HELIOTROPE PAVILION

2221 N. HELIOTROPE DR
SANTA ANA, CA 92706

OWNERS:
DR. CHAN KIEU & DR. QUYNH KIEU
2221 N. HELIOTROPE DR
SANTA ANA, CA 92706

ARCHITECT:
QUENTIN STANTON
ARCHITECTURE
1751 COLORADO BLVD. #333
LOS ANGELES, CA 90041
(323)625-7722
Q@QSTANTON.COM

STRUCTURAL ENGINEER:
NOUS ENGINEERING,
INC.
600 WILSHIRE BLVD, SUITE 760
LOS ANGELES, CA 90017
(213)627-6687

ISSUES:

NO.	DATE	DESCRIPTION
12/03/21	PLANG DEPT. SUB.	
03/23/22	HEIGHT REVISION	



DATE: 03/23/2022

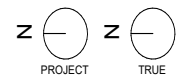
SCALE: 1/4" = 1'-0"

SHEET TITLE:

FLOOR PLAN, SECTION & ELEVATION

SHEET NUMBER:

A101



EXECUTIVE SUMMARY

THE MAHARAJAH HOUSE 2221 North Heliotrope Drive Santa Ana, CA 92706

NAME	Maharajah House			REF. NO.
ADDRESS	2221 North Heliotrope Drive			
CITY	Santa Ana	ZIP	92706	ORANGE COUNTY
YEAR BUILT	1938	LOCAL REGISTER CATEGORY: Landmark		
HISTORIC DISTRICT	N/A	NEIGHBORHOOD	Floral Park	
NATIONAL REGISTER CRITERIA FOR EVALUATION	B,C	NATIONAL REGISTER STATUS CODE	3S	

Location: ☐ Not for Publication ☒ Unrestricted

☐ Prehistoric ☒ Historic ☐ Both

ARCHITECTURAL STYLE: Moderne

The Moderne style encompassed the Modernistic, Streamlined Moderne, and Art Moderne variants. An evolution of the Art Deco style, the Streamlined Moderne flourished during the 1930s and lingered through the decade following World War II in a simplified version. In contrast to the verticality of earlier Art Deco designs, the Streamlined Moderne emphasized the horizontal, through bands of windows, use of decorative raised or incised horizontal lines, railings, flat canopies with banded fascia, and narrow coping at the roofline. Other characteristics include smooth wall surfaces, usually of stucco; metal detailing; glass block windows; rounded corners, porthole windows, and asymmetry. Incorporation of aerodynamic, transportation related imagery, especially nautical, is a signature of the style. In common with the Streamlined Moderne, Art Moderne buildings also tended to be horizontal in emphasis, but tended to be more clean-lined and rectilinear in their massing and detailing than their streamlined counterparts. Art Moderne designs can be recognized by their flat roofs, smooth stucco exteriors, and use of metal casement windows that often meet at the corners of the building.

SUMMARY/CONCLUSION:

The Maharajah House appears eligible for listing in the National Register of Historic Places and the California Register of Historical Resources. It also qualifies for listing in the Santa Ana Register of Historical Properties under Criterion 1, for its exemplification of the Art Moderne variant of the Moderne style, and under Criterion 4b, for its association with a foreign ruling family, the Holkars of Indore, India. The house also contributes to the historic character of the Floral Park neighborhood through its age, style, scale, and historic associations with prominent residents. Additionally, the house has been categorized as "Landmark" for its unique architectural significance as an example of the Art Moderne variant of the Moderne style and its historic/cultural significance to City as the "castle" of a sitting ruler. (Municipal Code, Section 30-2.2).

EXPLANATION OF CODES:

- National Register Criteria for Evaluation: (From Appendix 7 of Instructions for Recording Historical Resources, Office of Historic Preservation)
 - B:** that are associated with the lives of persons significant in our past.
 - C:** that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.
- National Register Status Code: (From Appendix 2 of Instructions for Recording Historical Resources, Office of Historic Preservation)
 - 3S:** Appears eligible for separate listing.

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code _____

Other Listings _____
Review Code _____ Reviewer _____ Date _____

Page 1 of 4

Resource name(s) or number (assigned by recorder) *Maharajah House*

P1. Other Identifier:

*P2. Location: ☐ Not for Publication ☒ Unrestricted

*b. USGS 7.5' Quad

*c. Address *2221 North Heliotrope Drive*

*e. Other Locational Data: Assessor's Parcel Number: *002-081-45*; TR 1036 Lot: *18 and Lot: 19*

*a. County *Orange County*

Date:

City *Santa Ana*

Zip *92706*

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)

Located on a double lot on the southeast corner of Heliotrope Drive and Santa Clara Avenue, the Maharajah House is a two-story residence representative of the Art Moderne variant of the Moderne style. A flat roof accented by a thin band at the roofline tops the "T" shaped building, which is finished in smooth stucco. Walls extend to the north and south to enclose gardens and patios. The massing of the structure suggests an assemblage of cubic volumes and reflects the influence of the emerging International Style of architecture. The northwest and southwest corners of the second story of the facade are cut away, creating terraces that are seamlessly integrated into the massing. Horizontal lines are emphasized through the roofline banding, similar banding around the terrace parapets, and architectural details such as window grilles and canopies. A notable feature, and one highly characteristic of the style, is the use of multi-light metal casement windows that wrap the corners of the building. Located at the approximate center of the façade and flanked by pilasters scored to resemble masonry, the tripartite entry is deeply recessed and decorated in an intricate, geometric pattern. An allée of palms is paved in stone and spans the deep front lawn from the sidewalk to the entrance. On the north elevation, painted wrought iron gates shield the garage. On the south, a bronze equestrian statue is just visible behind the garden wall. In excellent condition, the property is substantially unaltered on the exterior.

*P3b. Resource Attributes: (list attributes and codes) *HP2. Single-family Property*

*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other

P5a. Photo



P5b. Photo: (view and date)
*South and west elevations
April 2003*

*P6. Date Constructed/Age and Sources: ☒ historic
*1938/Source: City of Santa Ana
Building Permits*

*P7. Owner and Address:
*Chan Q & Quynh Kieu
2221 North Heliotrope Drive
Santa Ana, CA 92706*

*P8. Recorded by:
*Leslie J. Heumann
SAIC
35 S. Raymond Ave. # 204
Pasadena, CA 91105*

*P9. Date Recorded:
May 25, 2003

*P10. Survey Type:
Intensive Survey

*P11. Report Citation: (Cite survey report and other sources, or enter "none")
None.

*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☒ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (list)

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 4

*NRHP Status Code 3S

*Resource Name or #: *Maharajah House*

B1. Historic Name: *Maharajah House*

B2. Common Name: *Same*

B3. Original Use: *Single-family Residence*

B4. Present Use: *Single-family Residence*

*B5. Architectural Style: *Moderne*

*B6. Construction History: (Construction date, alterations, and date of alterations): *Constructed in 1938-1939.*

December 14, 1938. 12 room frame & stucco residence and garages.

May 6, 1941. Reroof.

March 15, 1955. Swimming pool.

May 24, 1955. Cabana for swimming pool.

January 24, 1989. 6' high bolock wall.

July 21, 1993. Add 2 bedrooms and 1 bath, 319 square feet.

September 15, 1997. Reroof.

*B7. Moved? ☒ No ☐ Yes ☐ Unknown Date: _____ Original Location: _____

*B8. Related Features:

Garage, garden walls, mature landscaping, statue if original.

B9a. Architect: *Donald Beach Kirby*

b. Builder: *Allison Honer*

*B10. Significance: Theme *Residential Architecture*

Area *Santa Ana*

Period of Significance: *circa 1888-1953* Property Type: *Single-family Residence*

Applicable Criteria: *B, C*

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity)

The Maharajah House is architecturally significant as an exceptional example of the residential use of the Art Moderne variant of the Moderne style, one of the best in Orange County. It is historically significant for its association with the Maharajah of Indore, the hereditary ruler of a central Indian state and reputedly one of the richest men in the world at time. Designed by architect Donald Beach Kirby of Balboa, the house was built in 1938-1939 by prominent Santa Ana contractor Allison Honer for \$40,000 according to the building permit, although the local press reported the cost of construction as \$50,000 and of the furnishings as \$150,000.

(See Continuation Sheet 3 of 4.)

B11. Additional Resource Attributes: (List attributes and codes) _____

*B12. References:

*City of Santa Ana Building Permits
Santa Ana History Room Collection, Santa Ana Public Library
Sanborn Maps*

(See Continuation Sheet 4 of 4.)

B13. Remarks:

*B14. Evaluator: *Leslie J. Heumann*

*Date of Evaluation: *May 25, 2003*

(This space reserved for official comments.)

Sketch Map



MAHARAJAH HOUSE
2221 NORTH HELIOTROPE DRIVE

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

Page 3 of 4

Resource Name or # (Assigned by recorder) Maharajah House

*Recorded by Leslie J. Heumann, SAIC

*Date May 25, 2003

☒ Continuation ☐ Update

***B10. Significance (continued):**

Even before the house was constructed, Yeshwant Rao Holkar, the Maharajah, had captured the public imagination. Educated at Oxford, the Maharajah had been traveling in the United States in 1936, had taken ill in Los Angeles, and had been nursed by Marguerite Lawler Branyan, an American divorcee. They married in 1938, following the death of the Maharajah's first wife in 1937. In search of a safe haven prior to the beginning of World War II, the Maharajah decided to settle his young daughter, Princess Usha, and his new wife in Santa Ana. The large home, one of several owned by the Maharajah, was protected by high walls and by interior and exterior gates. According to one account, the Maharajah's instructions to Allison Honer, the prominent Orange County builder who lived across the street from the property at 615 West Santa Clara Avenue, were to build a modern, but not too severe refuge. Lavishly appointed, the house contained, in 1986 when it was the International Society of Interior Designers Orange County Chapter Design House: three bedroom suites, eight bathrooms, four fireplaces, a grand foyer, spacious living room, formal dining room, library, solarium, kitchen, butler's pantry, pool house (added later), servants' and guards' quarters, and an attached garage.

Said to be a progressive ruler who instituted many reforms, the Maharajah had governed Indore since the abdication of his father in his favor in 1926. The Maharajah and his American Maharani returned to India following an only one-year residence in the house, leaving Princess Usha in the care of a governess in Santa Ana, where she continued to attend public schools. The pair divorced in 1943. The Maharajah married again, to another American, who bore him four children including a male heir, but Princess Usha, as the only offspring born of an Indian woman, succeeded her father as ruler in 1961 following the death of her father. Marguerite, who also remarried, remained in the house until 1952. As of 1994, according to one account (Marsh), Princess Usha occupied one of the Holkar's hereditary palaces in India, although, other information ("Indore: The Holkar Dynasty") indicates that she was stripped of her rank and titles by the Indian state in 1970

The Maharajah House is located in Floral Park, a neighborhood northwest of downtown Santa Ana bounded by West Seventeenth Street, North Flower Street, Riverside Drive, and Broadway. Groves of oranges, avocados, and walnuts and widely scattered ranch houses characterized this area before 1920. Developer and builder Allison Honer (1897-1981), credited as the subdivider and builder of a major portion of northwest Santa Ana, arrived in Santa Ana from Beaver Falls, New York in 1922 (Talbert, pages 353-356). "Before nightfall on the day of his arrival, Mr. Honer purchased a parcel of land. And that month, he began building custom homes in Santa Ana" (Orange County Register, September 15, 1981). The parcel chosen became the Floral Park subdivision between Seventeenth Street and Santiago Creek. "When built in the 1920s, the Floral Park homes were the most lavish and expensive in the area. They sold for about \$45,000 each" (Orange County Register, September 15, 1981). Revival architecture in a wide variety of romantic styles was celebrated in the 1920s and 1930s and Floral Park showcased examples of the English Tudor, French Norman, Spanish Colonial, and Colonial Revival. The Allison Honer Construction Company went on to complete such notable projects as the 1935 Art Deco styled Old Santa Ana City Hall, the El Toro Marine Base during World War II, and the 1960 Honer Shopping Plaza. Honer lived in the neighborhood he had helped to create, at 615 West Santa Clara Avenue.

In the late 1920s and 1930s, another builder, Roy Roscoe Russell (1881-1965), continued developing the groves of Floral Park. An early Russell project was his 1928 subdivision of Victoria Drive between West Nineteenth Street and West Santa Clara Avenue. The homes were quite grand and displayed various revival styles, including Russell's own large, Colonial Revival mansion at 2009 Victoria Drive. In the early post World War II years, Floral Park continued its development as numerous, smaller, single-family houses were built. Continuing in the Floral Park tradition, they were mostly revival in style. In the 1950s, low, horizontal Ranch Style houses completed the growth of Floral Park. Today (2003) Floral Park maintains its identity as the premier neighborhood of Santa Ana, historically home to many affluent and prominent citizens.

The Maharajah House appears eligible for listing in the National Register of Historic Places and the California Register of Historical Resources. It also qualifies for listing in the Santa Ana Register of Historical Properties under Criterion 1 for its exemplification of the Art Moderne variant of the Moderne style and under Criterion 4b for its association with a foreign ruling family, the Holkars of Indore, India. Architecturally, the house is distinguished by its scale, massing, horizontal lines, use of characteristic features such as corner casement windows, and its fortress-like quality. The house also contributes to the historic character of the Floral Park neighborhood through its age, style, scale, and historic associations with prominent residents. Additionally, the house has been categorized as "Landmark" for its unique architectural significance as an example of the Art Moderne variant of the Moderne style and its historic/cultural significance to City as the "castle" of a sitting ruler. All original exterior features of the Maharajah House are considered character defining and should be preserved. These features include, but may not be limited to: materials and finishes (stucco, wrought iron); roof configuration, materials, and treatment; massing and composition; entry, doors and windows; terraces and walled gardens; architectural detailing (banding, window grilles, canopies, entry surround); chimneys and fireplaces; attached garage; original landscaping; and any original interior materials, spaces, finishes, and furnishings.

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

Page 4 of 4

Resource Name or # (Assigned by recorder) Maharajah House

*Recorded by Leslie J. Heumann, SAIC

*Date May 25, 2003

☒ Continuation ☐ Update

***B12. References (continued):**

Harris, Cyril M. *American Architecture: An Illustrated Encyclopedia*. New York, WW Norton, 1998.
Marsh, Diann. *Santa Ana, An Illustrated History*. Encinitas, Heritage Publishing, 1994.
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Office of Historic Preservation. "Instructions for Recording Historical Resources." Sacramento: March 1995.
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"Builder of Honer Plaza Dies," *Orange County Register*, September 15, 1981.
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Dodd, Richard H. "Art Moderne Style: Fit For a Prince." *Orange County Home*, Volume 4 Number 5, May 2003.
Farrar, Robert S. "In the Days of the Maharajah . . . Santa Ana's Storybook Romance." *Orange County Illustrated*, October 1972.
"India Princess, 5, Will Have a \$50,000 Home in Santa Ana." *Los Angeles Examiner*, December 16, 1938.
"Maharajah's \$50,000 Palace to be Built in Santa Ana." *Santa Ana Daily Register*, December 15, 1938.
"Where a Maharajah Lives in California." *Los Angeles Times*, August 4, 1940.
International Society of Interior Designers Orange County Chapter. "Design House 1986." Brochure.
"Indore." www.maharaja.freewerve.co.uk/indore.html.
"Indore: The Holkar Dynasty." www.dreamwater.net/regiment/RoyalArk/India/indore4.htm.
"Once upon a time in Indore." www.rediff.com/election/1999/sep/15column.htm.

P5b. Photograph: *North and west elevations, April 2003.*



Koo 7/30/03

RESOLUTION NO. 2003-15

A RESOLUTION OF THE HISTORIC RESOURCES COMMISSION OF THE CITY OF SANTA ANA PLACING THE PROPERTIES LOCATED AT 2221 NORTH HELIOTROPE DRIVE, 2473 NORTH HELIOTROPE DRIVE, AND 475 NORTH LACY STREET ON THE HISTORICAL REGISTER AND PLACING WITHIN AN ESTABLISHED CATEGORY

BE IT RESOLVED BY THE HISTORIC RESOURCES COMMISSION OF THE CITY OF SANTA ANA AS FOLLOWS:

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

- A. The Maharajah House, located at 2221 North Heliotrope Drive, Santa Ana is eligible for inclusion on the Register as it exemplifies the Art Moderne variant of the Moderne style, a simplified version that flourished during the 1930s through World War II.
1. Additionally, it is eligible for its association with a foreign ruling family, the Holkars of Indore, India. The Maharajah of Indore was the hereditary ruler of a central Indian state.
 2. Constructed in 1938, the structure is eligible to be placed within the Landmark category for its unique architectural significance as an intact example of the Art Moderne style as well as its historical/cultural significance to the City as a "castle" for a sitting ruler.
 3. This unique two-story stucco residence has a flat roof accented by a thin parapet band that emphasizes the horizontal lines and "T" shaped cubic architectural design. Other characteristic style features are the cut away building corners that create second floor terraces, multi-light casement windows and the window grilles and canopies.
 4. The structure appears to be eligible for placement on the National and California Registers.
 5. The legal owners of the subject are Chan Q & Quynh Kieu.

6. The legal description for the subject property is attached hereto as Exhibit A and incorporated by this reference as though fully set forth herein.
- B. The Robertson House, located at 2473 North Heliotrope Drive, Santa Ana was constructed in 1905. It is eligible for inclusion on the Register as it exemplifies a once common but now rare early twentieth century farmhouse with design characteristics of the Craftsman and Colonial Revival styles.
1. The house also contributes to the historic character of the Floral Park neighborhood through its age, style, scale and historic association with the agricultural origins of the area.
 2. Notable architectural features of the two-story rectangular structure include a side-gabled roof, wide shiplap siding, double hung windows with shutters and a nearly symmetrical façade.
 3. The house has been determined eligible for listing in the National Register and is listed on the California Register as a contributor to a North Broadway Park historic district.
 4. The legal owners of the subject are William A & Phyllis A Smith.
 5. The legal description for the subject property is attached hereto as Exhibit A and incorporated by this reference as though fully set forth herein.
- C. Pacific Electric Substation # 14, located at 475 North Lacy Street, Santa Ana was constructed in 1907. The Pacific Electric Substation qualifies for listing on the Register for its association with the Pacific Electric Railway system that began passenger service to Santa Ana in 1905 and influenced the growth in Santa Ana as well as the surrounding communities until the service to Santa Ana ceased in 1950.
1. The substation, also qualifies for the Register as a structure with distinguishing characteristics of early twentieth century industrial design.
 2. The brick construction, symmetrical composition, segmental arched openings, buttresses and piers illustrate the one-story structure's Romanesque Revival style.
 3. The substation is on the National and State Registers and for its historic/cultural significance to the City.
 4. Additionally, it is the oldest extant building associated with the Orange County "Red Car" operation.

5. The legal owner of the subject is the Santa Ana Unified School District.
6. The legal description for the subject property is attached hereto as Exhibit A and incorporated by this reference as though fully set forth herein.

Section 2: The subject properties meet the minimal standards and are hereby placed on the City of Santa Ana Register of Historic Property pursuant to Section 30-2 of the Santa Ana Municipal Code.

Section 3: The subject properties meet the minimal standards and are hereby placed in the landmark category pursuant to Section 30-2.2(1) of the Santa Ana Municipal Code.

Section 4: For the subject properties, a report entitled "Historical Property Description," is on file in the office of the Clerk of the Council, and are hereby approved and adopted, and together with the staff report and this resolution, justify the findings for placement on the City of Santa Ana Register of Historical Property in the Landmark category. The Clerk of the Council is authorized and directed to include this resolution in the City of Santa Ana Register of Historical Property.

Section 5. The Commission Secretary is hereby directed to file a certified copy of this Resolution with the County Recorder's Office after the adoption of this Resolution pursuant to Public Resources Code Section 5029.

Section 6. This Resolution shall take effect immediately upon its adoption by the Historic Resources Commission, and the Commission Secretary shall attest to and certify the vote adopting this Resolution.

ADOPTED this 7th day of August, 2003 by the following vote:

AYES:	Commission members:	Corpin, Gartner, giles, Kings, Lutz, O'Callaghan, Schaefer (7)
NOES:	Commission members:	None (0)
ABSTENTION:	Commission members:	Chinn (1)
NOT PRESENT:	Commission members:	Bustamante (1)

ATTEST:



Laura Johnson
Commission Secretary
Planning and Building Agency



Paul D. Giles
Chairperson

APPROVED AS TO FORM:
Joseph W. Fletcher, City Attorney

By: 
Kylee O. Otto
Deputy City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, LAURA JOHNSON, Commission Secretary, do hereby attest to and certify the attached Resolution No. 2003-15 to be the original resolution adopted by Historic Resources Commission of the City of Santa Ana on August 7, 2003.

Date: 8/7/03


Commission Secretary
City of Santa Ana

**LEGAL DESCRIPTIONS RESOLUTION NO. 2003-15
LANDMARK**

For the Month of August 2003

	Address	Owner Name	Legal Description
1.	2221 North Heliotrope Drive	Chan Q & Quynh Kieu	APN: 002-081-45; TR 1035 LOT 18 AND LOT 19
2.	2473 North Heliotrope Drive	William A & Phyllis A Smith	APN: 002-064-36; N TR 754 LOT 28
3.	475 North Lacy Street	Santa Ana Unified School District	APN: 398-336-16; LACYS ADD BLK B LOT 14 SURFACE AND 500 FT SUBSURFACE VERTICALLY

RESOLUTION NO. 2004-012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA PLACING THE PROPERTY LOCATED AT 2221 NORTH HELIOTROPE DRIVE ON THE SANTA ANA REGISTER OF HISTORIC PORPERTIES AND PLACING WITHIN AN ESTABLISHED CATEGORY (APPEAL NO. 2003-07)

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. On August 7, 2003, the Historic Resources Commission held a duly public hearing to place the property located at 2221 North Heliotrope Drive on the Santa Ana Register of Historic Properties and to categorize the property as Landmark.
 - 1. During the hearing, the property owners, Chan and Quynh Kiev, expressed opposition to placing their home on the local Historic Register.
 - 2. On September 4, 2003 the Historic Resources Commission continued the matter until October 2, 2003.
 - 3. On October 2, 2003 the Historic Resources Commission, by a vote of 7:0 (Chinn and Bustamante absent) placed the property on the Santa Ana Register of Historic Properties and categorized the property as Landmark.
- B. Applicant filed an appeal (Appeal No. 2003-07) of the Historic Resources Commission decision to the City Council of the City of Santa Ana.
- C. On December 1, 2003 the City Council of the City of Santa Ana held a duly noticed public hearing on Appeal No. 2003-07, regarding placing the property located at 2221 North Heliotrope Drive on the Santa Ana Register of Historic Properties, Historic Resources Commission Application No. 2003-30, and placing the property into an established category, Historic Register Categorization No. 2003-34. The City Council continued the public hearing to January 5, 2004, and further continued the public hearing to January 20, 2004. The public hearing was closed on January 20, 2004 and the matter was continued to the February 2, 2004 Council meeting.

D. The Maharajah House, located at 2221 North Heliotrope Drive, Santa Ana is eligible for inclusion on the Santa Ana Register of Historical Properties as it exemplifies the Art Moderne variant of the Moderne style, a simplified version that flourished during the 1930s through World War II.

1. Additionally, it is eligible for the Santa Ana Register of Historical Properties for its association with a foreign ruling family, the Holkars of Indore, India. The Maharajah of Indore was the hereditary ruler of a central Indian state.
2. Constructed in 1938, the structure is eligible to be placed within the Landmark category for its unique architectural significance as an intact example of the Art Moderne style as well as its historical/cultural significance to the City as a "castle" for a sitting ruler.
3. This unique two-story stucco residence has a flat roof accented by a thin parapet band that emphasizes the horizontal lines and "T" shaped cubic architectural design. Other characteristic style features are the cut away building corners that create second floor terraces, multi-light casement windows and the window grilles and canopies.
4. The structure appears to be eligible for placement on the National and California Registers.
5. The legal owners of the subject are Chan Q & Quynh Kieu.
6. The legal description for the subject property is attached hereto as Exhibit A and incorporated by this reference as though fully set forth herein.
7. The subject property meets the minimal standards for placement on the City of Santa Ana Register of Historic Properties pursuant to Section 30-2 of the Santa Ana Municipal Code.
8. The subject property meets the minimal standards for placement in the landmark category pursuant to Section 30-2.2(1) of the Santa Ana Municipal Code.

Section 2: In accordance with the California Environmental Quality Act, the recommended action is exempt from further review. Categorical Exemptions will be filed for this project.

Section 3: The City Council of the City of Santa Ana after conducting the public hearing hereby approves Historic Resources Commission Application No. 2003-30, which placing the property located at 2221 North Heliotrope Drive on the Santa Ana Register of Historic Properties, and Historic Register Categorization No. 2003-34, which

places the property into the Landmark category. This decision is based upon the evidence submitted at the abovesaid hearing, which includes but not is not limited to: the Staff report and exhibits attached thereto; a report entitled "Historical Property Description;" and the public testimony all of which are incorporated herein by this reference.

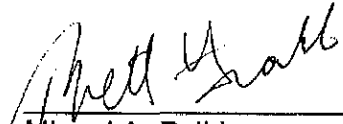
Section 4. This decision rendered by the City Council of the City of Santa Ana is final and is subject to judicial review pursuant to California Code of Civil Procedure section 1094.6.

Section 5: For the subject property, a report entitled "Historical Property Description," is on file in the department of Planning and Building, and is hereby approved and adopted, and together with the staff report and this resolution, justify the findings for placement on the City of Santa Ana Register of Historical Properties in the Landmark category. The Clerk of the Council is authorized and directed to include this resolution in the City of Santa Ana Register of Historical Properties.

Section 6. The Historic Resources Commission Secretary is hereby directed to file a certified copy of this Resolution with the County Recorder's Office after the adoption of this Resolution pursuant to Public Resources Code Section 5029.

Section 7. This Resolution shall take effect immediately upon its adoption by the City Council of the City of Santa Ana, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this 2nd day of February, 2004



Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Joseph W. Fletcher, City Attorney

By: 

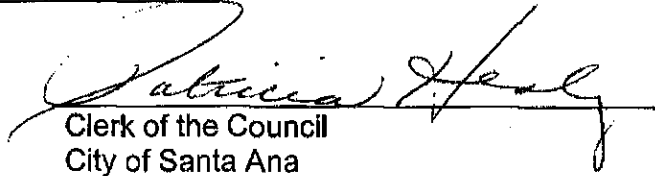
Kylee O. Otto
Deputy City Attorney

AYES: Councilmembers: Alvarez, Bist, Christy Franklin, Garcia, Solorio (6)
NOES: Councilmembers: None (0)
ABSTAIN: Councilmembers: None (0)
NOT PRESENT: Councilmembers: Pulido (1)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, PATRICIA E. HEALY, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2004-012 to be the original resolution adopted by the City Council of the City of Santa Ana on February 2, 2004.

Date: 2-10-04


Clerk of the Council
City of Santa Ana

**LEGAL DESCRIPTIONS RESOLUTION NO 2004-012
LANDMARK**

	Address	Owner Name	Legal Description
1.	2221 North Heliotrope Drive	Chan Q & Quynh Kieu	APN: 002-081-45; TR 1035 LOT 18 AND LOT 19

Exhibit A

ORANGE COUNTY REPORTER

~SINCE 1921~

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OR# 3566077

NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. We encourage you to contact us prior to the Public Hearing if you have any questions.

Planning Commission Action: The Planning Commission will hold a Public Hearing to receive public testimony, and will take action on the item described below. Decision on this matter will be final unless appealed within 10 calendar days of the decision by any interested party or group.

Project Location: 2221 N Heliotrope Drive
Project Applicant: Chan Quang and Quynh Dinh Kieu (Property Owners)

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2022-06 to allow the construction of an accessory structure 23' - 4" in height within the rear yard of an existing single-family residence located at 2221 North Heliotrope Drive. Pursuant to Section 41-232.5 of the Santa Ana Municipal Code (SAMC), accessory buildings more than fifteen feet in height or more than one story require approval of a CUP.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15303 of the CEQA Guidelines (Class 3/New Construction or Conversion of Small Structures) because the project involves the construction of a small accessory structure. Based on this analysis, Notice of Exemption, Environmental Review No. 2022-11 will be filed for this project.

Meeting Details: This matter will be heard on **Monday, March 28, 2022 at 5:30 p.m. ROSS ANNEX 20 Civic Center Plaza, Room 1600** Santa Ana, CA 92701. **Members of the public may attend this meeting in-person or join via Zoom.** For the most up to date information on how to participate virtually in this meeting, please visit www.santa-ana.org/pb/meeting-participation.

Written Comments: If you are unable to participate in the meeting, you may send written comments by e-mail to PBACComments@santa-ana.org (reference the Agenda Item # in the subject line) or mail to Christina Leonard, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza - M20, Santa Ana, CA 92701. Deadline to submit written comments is **4:00 p.m.** on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

Where To Get More Information: Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at: <https://santa-ana.primegov.com/public/portal>.

Who To Contact For Questions: Should you have any questions, please contact Pedro Gomez with the Planning and Building Agency at PGomez@santa-ana.org or 714-667-2790.

Note: If you challenge the decision on the above matter, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council of the City of Santa Ana at, or prior to, the public hearing.

Si tiene preguntas en español, favor de llamar a Narcedalia Perez (714) 667-2260.

Nếu có thắc mắc bằng tiếng Việt, xin liên hệ cho Tony Lai số (714) 565-2627.

Internal Reference Only:

REF#
Publish: OC Reporter
Date: March 16, 2022
3/16/22

OR-3566077#



* A 0 0 0 0 0 5 9 6 5 2 3 0 *



CITY OF SANTA ANA Planning and Building Agency

20 Civic Center Plaza • P.O. Box 1988
Santa Ana, California 92702
www.santa-ana.org/pba

NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. This notice is being sent to those who live or own property within 500 feet of the project site or who have expressed an interest in the proposed action. We encourage you to contact us prior to the Public Hearing if you have any questions.

Planning Commission Action: The Planning Commission will hold a Public Hearing to receive public testimony, and will take action on the item described below. Decision on this matter will be final unless appealed within 10 calendar days of the decision by any interested party or group.

Project Location: 2221 N. Heliotrope Drive

Project Applicant: Chan Quang and Quynh Dinh Kieu (Property Owners)

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2022-06 to allow the construction of an accessory structure 23' – 4" in height within the rear yard of an existing single-family residence located at 2221 North Heliotrope Drive. Pursuant to Section 41-232.5 of the Santa Ana Municipal Code (SAMC), accessory buildings more than fifteen feet in height or more than one story require approval of a CUP.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15303 of the CEQA Guidelines (Class 3/New Construction or Conversion of Small Structures) because the project involves the construction of a small accessory structure. Based on this analysis, Notice of Exemption, Environmental Review No. 2022-11 will be filed for this project.

Meeting Details: This matter will be heard on **Monday, March 28, 2022 at 5:30 p.m.** in the City Council Chambers, 22 Civic Center Plaza, Santa Ana, CA 92701. **Members of the public may attend this meeting in-person or join via Zoom.** For the most up to date information on how to participate virtually in this meeting, please visit www.santa-ana.org/pb/meeting-participation.

Written Comments: If you are unable to participate in the meeting, you may send written comments by e-mail to PBAComments@santa-ana.org (reference the Agenda Item # in the subject line) or mail to Christina Leonard, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza – M20, Santa Ana, CA 92701. Deadline to submit written comments is **4:00 p.m.** on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

Where To Get More Information: Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at: <https://santa-ana.primegov.com/public/portal>.

Who To Contact For Questions: Should you have any questions, please contact Pedro Gomez with the Planning and Building Agency at PGomez@santa-ana.org or 714-667-2790.

**Si tiene preguntas en español, favor de llamar a Narcedalia Perez (714) 667-2260.
 Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.**

NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

Planning Commission Action: The Planning Commission will hold a Public Hearing to receive public testimony, and will take action on the item described below. Decision on this matter will be final unless appealed within 10 calendar days of the decision by any interested party or group.

Project Location: 2221 N Heliotrope Drive

Project Applicant: Chan Quang and Quynh Dinh Kieu (Property Owners)

Proposed Project: The applicant is requesting approval of Conditional Use Permit (CUP) No. 2022-06 to allow the construction of an accessory structure 23' – 4" in height within the rear yard of an existing single-family residence located at 2221 North Heliotrope Drive. Pursuant to Section 41-232.5 of the Santa Ana Municipal Code (SAMC), accessory buildings more than fifteen feet in height or more than one story require approval of a CUP.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15303 of the CEQA Guidelines (Class 3/New Construction or Conversion of Small Structures) because the project involves the construction of a small accessory structure. Based on this analysis, Notice of Exemption, Environmental Review No. 2022-11 will be filed for this project.

Meeting Details: This matter will be heard on **Monday, March 28, 2022 at 5:30 p.m.** in the City Council Chambers, 22 Civic Center Plaza, Santa Ana, CA 92701. **Members of the public may attend this meeting in-person or join via Zoom.** For the most up to date information on how to participate virtually in this meeting, please visit www.santa-ana.org/pb/meeting-participation.

Written Comments: If you are unable to participate in the meeting, you may send written comments by e-mail to PBACComments@santa-ana.org (reference the Agenda Item # in the subject line) or mail to Christina Leonard, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza – M20, Santa Ana, CA 92701. Deadline to submit written comments is **4:00 p.m.** on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

Where To Get More Information: Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at: <https://santa-ana.primegov.com/public/portal>.

Who To Contact For Questions: Should you have any questions, please contact Pedro Gomez with the Planning and Building Agency at PGomez@santa-ana.org or 714-667-2790.

Note: If you challenge the decision on the above matter, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council of the City of Santa Ana at, or prior to, the public hearing.

Si tiene preguntas en español, favor de llamar a Narcedalia Perez (714) 667-2260.

Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.





Planning Commission

Public Comments

March 28, 2022

Item No. 1 – 2221 N. Heliotrope Dr.

Written Comments distributed to the Commission

LAST NAME	FIRST NAME	FAVOR	OPPOSE	NEUTRAL
Chrsitoffersen	Diana		X	
Etheridge	Ann		X	
Hart	Alex		X	
Hartshorne	Lauren		X	
Hernandez,	Erik		X	
Humphreys	Julie		X	
Ch	Jesse		X	
Kato	Stacey & Leslie		X	
Katz	Jeffery		X	
Koldeway	Ellen		X	
LaFont	Marc		X	
Lake	Julie		X	
Magnusen	Laura		X	
Mates	Amber		X	
Murashie	Ed		X	
Nakamura	Mason		X	
Pero	Mary		X	
Rothenberg	Mark		X	
Salata	George & Linda		X	
Scauwecker	Erwin		X	
Silva	Denise		X	
McEwen	Cameron		X	
Stephens	Stephanie		X	

From: [Diana Christoffersen](#)
To: [eComments, PBA](#)
Subject: VARIANCE REQUEST FOR HISTORIC LANDMARK HOME at 2221 N. Heliotrope, Santa Ana (commonly known as the "Maharaja House")
Date: Sunday, March 27, 2022 9:33:20 AM

Regarding: VARIANCE REQUEST FOR HISTORIC LANDMARK HOME at 2221 N. Heliotrope, Santa Ana (commonly known as the "Maharaja House")

In regard to the above referenced variance request that is scheduled to be heard before the Santa Ana Planning Commission on Monday, March 28, 2022, at 5:30 p.m. in the City Council Chambers, we respectfully submit the following comments/perspective as a neighbor in Floral Park.

The "Maharaja House" is a well-known premiere property within Floral Park situated on a lovely large corner lot with a colorful and storied history. Although a truly unique home and property, it fits well within the community where the Art Deco style is repeated in several other homes within Floral Park.

The current owners of 2221 N. Heliotrope have added many outbuildings and art features that honor their Vietnamese heritage, and that are enjoyed from a distance by neighbors. However, the construction of the proposed 23'4" pagoda that will tower over the existing privacy fence surrounding their property, as well as being on the prominent front side of this beautiful home, is out of scale and obtrusive, and will greatly diminish the beauty of what is already there.

We Floral Park residents take great pride in our neighborhood and happily follow the "rules" in place to ensure and maintain its specialness. Particularly now with the official designation of a Historic Neighborhood, it is important to ensure that the vision of those who worked so diligently to achieve that official designation is not compromised.

There is a point when less is more, and this is clearly one of those situations. The approved construction of this pagoda would diminish the beauty and historic presence of the "Maharaja House," conflicts with the outbuildings and art sculptures already in place at the property and, by scale alone, will become the dominating feature of this beautiful property. We, therefore, respectfully request that the Planning Commission deny this variance and disallow the construction of this pagoda.

From: aetheridge@aol.com
To: [eComments, PBA](#)
Subject: Agenda #1: 2221 N. Heliotrope, Floral Park, Santa Ana
Date: Saturday, March 26, 2022 3:23:37 PM

Good morning,

This letter is in reference to the above property and the owners' request for approval to build a **23+ foot high**, 205 square foot free standing Vietnamese pagoda in their backyard. This is in addition to the other large structures they have already built in the backyard. Rhetorically, one might ask how many of these outbuildings do they need?

I implore you to deny this request for a number of reasons:

1. Floral Park has been officially designated and registered as a **historic neighborhood** in the State of California. One of the criteria for this designation is that the neighborhood be an outstanding example of a period, style, or architectural movement. Residents involved with the Floral Park Association worked long and hard to get this designation.

Most people who live in Floral Park are deeply committed to maintaining the ambiance of the neighborhood, and the architectural integrity of the homes here. I've no wish to be misunderstood in these culturally sensitive times, but the fact of the matter is that if one moves into Floral Park and, more specifically, into an *outstanding* example of the Art Moderne style, then one shouldn't really be defacing the property with large Vietnamese pagodas and tea houses that are visible from the street - as are the dragons snaking across the roofs. These structures are clearly inappropriate for the home's original architecture.

2. "The Maharaja House," as it is known, is a **historic landmark** listed on the Santa Ana Register of Historic Places. This home is only one of two other examples of the Art Moderne style in Santa Ana. As such, it is worth preserving, as are its surroundings. Why is that not being insisted upon?

3. The owners of this property have a history of ignoring any permit denials they receive from the City or the Historic Resources Commission. Several years ago, they requested permission to change the roof line on the home from flat to pitched. Since a flat roof line is one of the hallmarks of the Art Moderne style, this change would have had a negative effect on the home's historic value and its appearance.

Their request was denied, but the owners went ahead anyway with the changes they wanted. This resulted in the City filing misdemeanor charges and a conflict with the Historic Resources Commission.

The owners also replaced the original steel case windows in secret while the home was tented for fumigation. They sought variance approval after the fact.

So it seems that the owners do what they want, and then the City slaps them on the wrist. This encourages them to engage in the same behavior over and over again. Meanwhile, Floral Park's architectural integrity suffers. Frankly, I find this appalling.

4. It is interesting that a large dumpster has appeared outside the home in the last 24 hours. Does this indicate construction is on the horizon? Are the owners preparing to move forward regardless of the City's decision? Forgive me, but this would fit the pattern of past behavior.

5. Finally, my understanding is that the home on Heliotrope isn't even a primary residence. I respectfully suggest that the owners be told to build any future tea houses and/or pagodas on their other property.

Thank you.

Anne Etheridge

2128 N. Greenleaf Street
Santa Ana 92706

Santa Ana Planning Commission – 2221 N Heliotrope Drive

To whom it may concern:

This letter is in response to the notice of public hearing I received for the Conditional Use Permit applied for by the owners of 2221 N. Heliotrope Drive. I am a resident of the Floral Park neighborhood where the property is located, and I have previously owned two properties on Heliotrope Drive. I am opposed to the commission granting a Conditional Use Permit for a building of this height (23' 4") for several reasons.

The proposed accessory structure would be highly visible from the public street and sidewalk, and would be in stark contrast to the Streamline Moderne architecture of the historic home located on the property. The new structure would detract greatly from the overall historic appeal of the home that was built for the richest person in the world in 1938. A new structure of conforming height (15' or less) would be far less of a detraction than the 23' 4" the homeowners are requesting.

The proposed structure appears to have no purpose other than to be a pavilion or arch to coordinate with the already-existing structure of Vietnamese-style architecture in the rear yard. I believe it is important that the historical significance of the main house remain undiminished by the addition of this new structure.

The current owners of the property have made alterations to the house over the years without city approval. They erected scaffolding and a tarp to conceal replacement of the original windows with new vinyl windows, knowing this was not allowed on such a historic property. I attended a hearing in regard to the deceptive behavior of the homeowners and was very disappointed in their dishonesty in their comments to the Historic Resources Commission. In short, I do not believe the homeowners can be trusted in their words and deeds in regard to maintaining the historic significance of the property.

Please vote against granting a Conditional Use Permit for the over-height structure at 2221 N. Heliotrope Drive. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Hart', with a stylized, cursive script.

Alex Hart
2215 N. Victoria Drive, Santa Ana, CA 92706
(714)514-2539 cell/text
azander@roadrunner.com

From: [lauren hartshorne](#)
To: [eComments, PBA](#)
Subject: Re: Permit Request at Historic Landmark
Date: Sunday, March 27, 2022 3:51:57 PM

To whom it may concern:

I am writing in response to a conditional use permit request for a 23'4" tall Vietnamese pagoda to be located within 6' of the S/W backyard fence at 2221 N. Heliotrope, Santa Ana (commonly known as the "Maharaja House"). This once-stunning historic Art Deco home, built for the Maharaja of Indore in 1939, has quickly been desecrated over the past several years under its current ownership. We strongly oppose the allowance of this structure to be built, as it only moves the home's current state further from its valuable historical character and prominence. Under current ownership, the "Maharaja House" is no longer a gleaming gem of Floral Park, but instead an unkempt, worn-down party house with year-round Christmas lights and molded exterior stucco. It is apparent the owners of this house are unable to maintain the pride of ownership deserving of this once beautiful home or have no desire to do so. We are concerned that adding additional structures to the property would only add to the burden of maintaining such a prominent house, given the owners' current inability to do so. Additionally, it appears the owners of 2221 N. Heliotrope may have already begun work on constructing this public monstrosity. This is an overt snub to their neighbors, this committee, and the City of Santa Ana.

Please honor and support the dignity of our historic neighborhood and deny this building permit.

Lauren Hartshorne
2311 N. Heliotrope Dr, Santa Ana
209-740-7414

From: [Erik Hernandez](#)
To: [eComments, PBA](#)
Subject: Agenda #1
Date: Monday, March 28, 2022 10:27:26 AM

Hello,

I am writing to you today because of my concern for the proposed building of a structure at 2221 N Heliotrope Dr in Santa Ana. I am a neighbor living within viewing distance of this property and the proposed structure.

I am concerned it will deter from the historic value and history of the home. Additionally, past actions of the owners give me cause for concern. Several years ago they requested to change the style/roof line on the home (from flat to pitched) that would have marred its historical value and appearance (the Historic Resources Commission denied the request). Subsequent changes made to the roof - after the Commission's denial - were neither properly permitted nor matched the building's architectural style resulting in the city filing misdemeanor charges and a conflict with the Historic Resources Commission. They also replaced the home's original steel case windows in secret doing so while the home was tented for fumigation seeking variance approval after the fact.

This home has historical ties to a sitting foreign ruler and is one of only two examples of the Art Moderne style in Santa Ana (the other is a small building that is used for commercial purposes).

I feel in granting this proposal it will alter the historical significance of this address and not enhance the property in any way. Please help to prevent this from happening.

Thank you

Erik Hernandez
2301 N Flower St

From: [Julie Humphreys](#)
To: [eComments, PBA](#)
Subject: Conditional Use Permit No. 2022-06
Date: Monday, March 28, 2022 12:00:52 PM

Conditional Use Permit No. 2022-06 re: 2221 N Heliotrope

I am writing to strongly urge the Planning Commission to DENY the application for a conditional use permit.

1. **The Addition of this Structure to this Historic Landmark Site has Not Been Approved by the Historic Resources Commission as Required by the Mills Act and this Application Should First be Reviewed by the HRC.**

I vehemently object to the bypassing of the Historic Resources Commission which is required to approve any alterations or additions to a Historic Property—which includes the building site. To permit city staff and the owners to bypass the HRC in the approval process for this structure dangerously undermines the purview of the HRC and thereby makes city staff the *de facto* arbiter of the Mills Act contract and HRC jurisdiction.

The owners purchased a Landmark Historic Property which is steeped in history and architectural significance. Furthermore, this property has a Mills Act contract from which the owners have been annually benefitting with significantly lower property taxes. This historic property includes not just the land but all associated structures and improvements thereon. As such, the owners are contractually obligated to not only maintain the Historic Property, but they may not disrupt the view corridor *with any new structure . . . so as to prevent the viewing of the historic landmark by the public*. Furthermore, the owners are contractually prohibited from destruction of character-defining features of the building or site, or alterations or additions unless approved by the Historic Resources Commission. Such alterations include a structure . . . which is unsightly by reason of its height, condition, or inappropriate location.

The notion that the purview of the Historic Resources Commission is limited only to alterations that physically touch the historic residential structure itself is both dangerously narrow minded but contrary to the express terms of the Mills Act contract to which both the owners and the city of Santa Ana are parties. The Mills Act contract clearly applies to the character-defining features of the building site and the additions of any structure which would interfere with the character-defining features of the site *which requires approval by the Historic Resources Committee*. Of course, whether the proposed structure, in fact, *does* interfere with the character-defining features of the site is for the HRC to determine, after a fair and public review process.

To permit city staff to unilaterally conclude that this proposed twenty-three-foot-plus structure has no impact on this historic landmark property and is therefore not within the jurisdiction of the HRC reveals a shocking ignorance and appreciation of the historic and architectural importance of this historic property, its overall design, architectural intent, and the significance of the present viewing corridor. This fact alone is the reason why this CUP application must be deferred to the HRC for first review and consideration. To enable city staff to permit the owners to bypass the HRC would result in city staff being the final arbiter of such decisions, in effect usurping the purview of the HRC, and significantly undermining the concept of historic preservation the city professes to support.

2. **The Proposed Structure Adversely Impacts the Historic Property**

In the event the Planning Commission does not elect to refer this matter to the Historic Resources Commission, the application for CUP should be substantively denied because it adversely impacts the historic structure. This proposed structure

will be nearly as tall as the main residence, and even though it is proposed to be erected toward the S end of the property, its size, location and mass will be extremely a prominent and dominant feature of the main viewing corridor from Heliotrope. So much so that it will compete with the structure of the main residence. The Maharaja built this residence and surrounding improvements (including the long, walled fence) as a fortress, a compound, for his daughter, with the sizing, location and massing of each structure deliberately placed to as to create a cohesive, unified, clean, modern presence.

The proposed pagoda is neither cohesive with the unique architectural style of the main home nor does it enhance it. It would only distract from and, therefore, detract from and adversely impact the main residence. It would be as much out of place as a lookout tower modeled after a wild west fort. The application for the CUP must be denied.

Julie Humphreys 2112 n Ross St

Sent from [Mail](#) for Windows

From: [Jesse Ch](#)
To: [eComments, PBA](#)
Subject: 2221 N Heliotrope
Date: Saturday, March 26, 2022 12:34:46 PM

Good afternon,

This email is to comment about the large structure that is to be built on 2221 N Heliotrope. I am opposed to havening such a large structure built in a residential property. I sympathize with their love for their culture and deisre to have something beautiful in their yard but a residential area is not the place for it.

I wish them all the best and hope they put all of their energy in preserving the rest of the house.

Thank You,

From: leslie.kato
To: [eComments, PBA](#)
Subject: March 28, 2022 Planning Commision Hearing. Agenda #1
Date: Saturday, March 26, 2022 4:15:53 PM

My husband and I are opposed to the construction of the proposed pavilion at 2221 North Heliotrope Drive, Santa Ana, CA, 92706. Not only do we feel it will deter from the historical design and view of the home, but we also feel it is too tall a structure for its proposed location.

Additionally, this is not the homeowners primary residence, which begs the question as to the reason/purpose for the structure. What we have heard is that the pavilion is being built (as a supplement to a 170+ year old Vietnamese village cheif's home added to the backyard by the owners many years ago) for the site to be used as a Vietnamese cultural location. We believe the property is zoned for private residential use only.

We are also concerned with the lack of response time allotted to the proposal and the placement of a dumpster at the address . Its as if the project has already been given the "green light" and they want to commence with construction quickly before anyone can comment. Based on the homeowners past actions; removing and replacing the home's original steel case windows with vinyl ones in secrecy while the house was tented for fumigation, and making unpermitted changes to the roof resulting in the city filing misdemeanor charges and conflict with the Historic Resource Commission that required the home owners to make modifications to the unpermitted work, concerns us that the home owners do not have the historical value of the home design (Art Moderne style and only one of two in the city), or it's significant history (it has historical ties to a sitting foreign ruler) as a priority or even a concern.

Sincerely,
Stacey & Leslie Kato
2119 N. Heliotrope Dr
Santa Ana, CA 92706

Sent from my T-Mobile 5G Device



From: [Julie Lake](#)
To: [eComments, PBA](#)
Subject: 2221 N. Heliotrope, Santa Ana, 92706
Date: Sunday, March 27, 2022 8:32:23 PM

Gentlemen,

Just writing to urge you to vote NO on the construction of a Vietnamese-style pagoda requested by the owners of this property. It is completely at odds with the Art Deco style of the house. This is an historic house, we are an historic neighborhood, don't let this eyesore be approved.

As a 35-year resident of this neighborhood, I have watched and helped to maintain this lovely area. Please do not let it be diminished in any way.

Thank you for your attention.

Best regards,

Julie Lake
2028 Greenleaf Street
Santa Ana

From: [Laura Rips](#)
To: [eComments, PBA](#)
Subject: 2221 N Heliotrope Project
Date: Monday, March 28, 2022 12:56:22 PM

To whom it may concern,

I am a neighbor in Floral Park and I object to the building of the large two-story pagoda at 2221 N Heliotrope. I feel the structure is too tall and imposing as viewed from the street.

Thank you for taking my comment. I was unable to find the agenda #, which is why it isn't in the subject line

Thank you,

Laura Magnusen

From: [Amber Matas](#)
To: [eComments, PBA](#)
Subject: Objection to the variance request for historic landmark at 2221 N Heliotrope
Date: Saturday, March 26, 2022 6:54:15 PM

Good afternoon

I am officially sending in an objection to the variance requested at 2221 Heliotrope.

My credentials are as follows- a Floral Park resident and a Senior Vice President of Design and Construction for a major Southern California company. I have managed architecture, design, and construction for multiple historically designated neighborhoods and projects over the past 25 years.

The overall height is far beyond what would be considered within code and moreover, is not in line with the historical nature of the home as it is on the registry.

Allowing this structure at this height is not only an eyesore to the neighborhood, but it expressly is against the Mills Act.

Moreover, the larger concern would be that the initial structure granted the historical designation (I.e. the home itself) is sadly neglected. The paint, fencing and landscaping is all in need of repair and allowing funds to go towards this build would divert from the preservation of the home itself.

And if the funds are being donated by outside community to erect the structure, the concern would be what is the intent of the structure?

Frankly, we feel this is slowly being transformed into a religious retreat or gathering place/event space as multiple events are held here and our neighborhood is not an event center.

Amber Matas, PMP
714-553-1188

From: Ed Murashie
To: eComments, PBA
Subject: March 28 Hearing Re: Request for Variance at historic "Maharaja" house
Date: Sunday, March 27, 2022 10:48:01 PM
Attachments: image003.png

Hello, I am Ed Murashie, a Floral Park resident, and Historic Resources Commissioner.

I will be speaking tomorrow night and I want to go on record opposing the variance, and provide a few photos that I will refer to when I speak.

The Maharaja House is a Landmark historic property that is on the Santa Ana Register of Historic Properties (SARHP) and the owners have a Mill Act contract with the city. The home owner has had no respect for the historic integrity of the house and has been trying to change the Moderne architecture style since they bought the house. Considering its registered historic status, modifications of the exterior character defining features are not allowed but have occurred. The owners have also intentionally ignored the city permitting process at least twice. This is shown by the following actions documented in the city's online planning history shown below :

1. Tried to modify the home on 4/10/2003 and was denied a permit.
2. Tried to appeal the 6/19/2003 decision to place the home on the SARHP on 10/13/2003.
3. Installed an oriental tea house 10/27/2003. It was permitted. The style was not in keeping with the Moderne or Indore, but half of it is hidden by front block wall.
4. Exterior modification 08/24/2007. I don't have a record of what was changed.
5. Tried to be removed from the SARHP on 1/15/2013 but was denied.
6. **Summer of 2021, reroofed and extended the height of pool house above the 15' limit without a variance and without a permit, see the images below.**
7. Added a horse sculpture, and oriental sculpture garden in the front side yard which is a misrepresentation of the Maharaja of Indore or his daughter the Princess.
8. **Without a permit, changed out the casement windows and awnings which are historic defining features called out in the DPR and they have yet to be replaced.**
9. Window change out on 02/18/2014. The matter was not included in any 2014 HRC minutes so I am not sure if it was presented to the HRC, which it should have.

The Maharaja House is the most historically significant structure in the Floral Park neighborhood. The owners are aware of the historical nature of the house and have been taking advantage of the Mills Act tax saving which protect the historical integrity of the home. The casement windows and awnings should be restored and the pool roof return to its original structure and height before this variance is considered.

Best Regards, Ed

The reroofing of the pool house can be seen in the two images below take over a span of three years.

The earlier image shows the pool house circled in red. Notice the new house circled in green with the incomplete front and back yards.

So you know the image is not "PhotoShop'd", you can see it for yourself at <https://www.google.com/maps/@33.7664955,-117.8748372,94m/data=!3m1!1e3>



This is a later image taken within the past year. You can tell by looking at the finished front and backyard of the house circled in green . Notice the pool house roof circled in red is different.

So you know the image is not "PhotoShop'd", you can see it for yourself at <https://zoom.earth/#view=33.766451,-117.874889,20z>

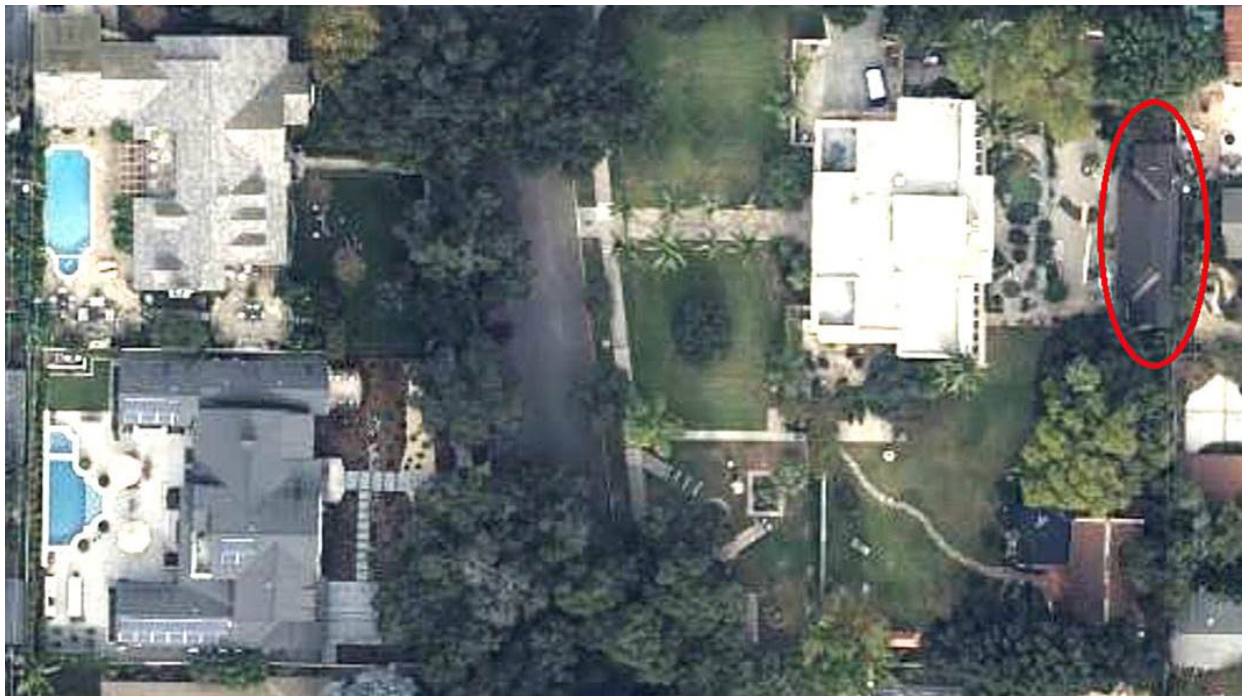


Photo of the home, pool house and garden taken today.



Online Property History http://apps.santa-ana.org/property-info/PropertyActivity.aspx?property_id=284731 , click on Planning History tab.

Application #	Application Type	Determination	Start	Project Name
CUP-2022-6-OTH	Conditional Use Permit	Staff Review	02/10/2022	Maharajah House Moon Pavilion Structure
DP-2021-35-OTH	Development Project	Withdrawn/Void	12/06/2021	Maharajah House Moon Pavilion Structure
HPPA-2014-25-HPPA	Historic Property Preservation Agreement	Approved	10/02/2014	Maharajah House Mills Act
RES-2014-424-ALT	Residential	Approved	02/18/2014	Kieu window change out
RES-2013-439-ALT	Residential	Returned To Applicant	05/02/2013	Kieu solar panels
HR-2013-1-RML	Historic Register	Denied	01/15/2013	Removal from SARHP
SC-2012-54-SC	Street Closure	Staff Review	10/15/2012	Floral Park Harvest Festival
HEMA-2007-3-HEMA	Historic Exterior Modification Application	Approved	08/24/2007	Maharajah House Exterior Modification

PWA-2007-678-BPR	Public Works Application	Withdrawn/Void	12/07/2007	Kieu - Pool Demo
RES-2007-1542-ALT	Residential	Approved	08/20/2007	Kieu - Pool Demo
RES-2006-2768-ALT	Residential	Approved	11/30/2006	Restucco main house
PWA-2004-71-BPR	Public Works Application	Approved	02/12/2004	Kiev Accessory Structure
RES-2003-1838-ADD	Residential	Approved	10/27/2003	Kiev Accessory Structure
APPL-2003-7-AHC	Appeal	Denied	10/13/2003	Maharajah House
HRCA-2003-30-HRCA	Historic Resources Commission Application	Approved	06/19/2003	Maharajah House
HRC-2003-34-HRC	Historic Register Categorizations	Approved	06/19/2003	Maharajah House
RES-2003-138-ALT	Residential	Denied	04/10/2003	Kieu House

City of Santa Ana
Planning Commission
Re: 2221 N. Heliotrope Drive CUP application 2022-06

To Whom it May Concern:

As a property owner in Floral Park and a former property owner on Heliotrope Dr., I am writing to request that the Planning Commission deny the Conditional Use Permit 2022-06 to allow construction of the 23' 4" height accessory structure in the rear yard at 2221 N. Heliotrope Drive.

Given the Historical Landmark status of the home and its prominence in Floral Park as well as its history in the City of Santa Ana, having such a large non-conforming decorative structure in the back yard is precisely what the SAMC regulations was trying to prevent. The structure, based on the renderings, would be of an architecture and scale inconsistent with its proposed location and detract from the streamline moderne architecture of the Historic Landmark Maharajah house. Rather than grant the CUP, the Planning Commission should direct the Homeowners to alter the structure to conform to both SAMC regulations as well as to the scale of its proposed location.

My concern is that, based on past experience, as well as the presence of a dumpster and work already underway at the proposed work site, is that the Homeowners will once again ignore the historic significance of their home and its place in the history of our neighborhood and City and install the proposed structure without permission. I was horrified by prior actions of the Homeowners in previous years, which included tarping scaffolding to hide changes to the trim on the home (which they were forced to remove by the City), as well as the unauthorized changes to windows done without permission that they have never corrected.

I would encourage the Planning Commission to deny the CUP application and that the City ensure the Homeowners comply with all SAMC regulations. The Homeowners should be directed to work on an installation that complements the design and architecture of the Historic Landmark property rather than proposing one which overshadows it.

Sincerely,



Mason Nakamura
2215 N. Victoria Dr.
Santa Ana, CA 92706

From: [Mary Pero](#)
To: [eComments, PBA](#)
Subject: RE: Request for Variance at Historic Home 2221 N Heliotrope
Date: Saturday, March 26, 2022 3:24:39 PM

We request that our name and address remain anonymous

To Whom It May Concern,

My husband and I live in Floral Park not far from 2221 N Heliotrope. We pass their home daily on our walks and had noticed the public notice regarding their requested permit. We didn't think much of their request until we saw the proposed image of the structure the property owners would like to build.

When we presented our home to the Historic Resources Commission of Santa Ana and were granted status as a contributive historic home, we were told that we may need to consider removing some of the trees close to the front of the house so as not to obstruct the view of the home, or take away from the view of the home. We followed those guidelines and have removed some of the old growth plantings that were threatening to obstruct the view of our home and landscaped our yard.

Shortly after we moved in (May 2017), we heard of another homeowner (1904 Heliotrope Dr) who requested to put a fence/wall around part of their property to create more privacy. As they are a corner lot, the majority of their yard was in the front. It is my understanding that they were denied this request on the grounds of the fence obstructing the view of the home and taking away from the historic nature of the property.

Having reviewed the images of the proposed structure at 2221 N Heliotrope, we feel that this would significantly impact the historic feel of both the home and the neighborhood. I might add, much more than a fence on one side of a property or a large shrub in front of our home.

Thank you for your time.

Mary Pero
2208 Greenleaf Street

From: [Mark Rothenberg](#)
To: [eComments, PBA](#)
Subject: Conditional Use Permit No. 2022-06/2221 North Heliotrope/Development Approvals For Wall and Other
Accompanying Structures
Date: Monday, March 28, 2022 2:26:11 PM

Honorable Members of the Planning Commission:

I am writing to request that the Planning Commission either defer the item until a community meeting can be held or the matter be forwarded to the Historic Preservation Commission for review. The crux of the matter and the bulk of the concerns reflected by our neighbors involves the impact on historic Floral Park and an assessment of whether or not the proposed structure is consistent with the historic character and nature of both the subject property and surrounding properties. Thank you for your kind consideration.

Sincerely,
Mark Rothenberg
2042 N Ross Street

From: [Linda Salata](#)
To: [eComments, PBA](#)
Subject: 2221 N Heliotrope Dr
Date: Sunday, March 27, 2022 10:13:25 PM

We are NOT at all in favor of the proposed structure at the home on the corner of Heliotrope Dr and Santa Clara! It is not congruent with historical nature of Floral Park in any way and must not be permitted to be built!

Also please have the vector control department continue to regularly inspect the mosquito breeding caldron on the premises outside the fence.

Thank you.

George and Linda Salata
2115 N Heliotrope Dr

From: [Cameron McEwen](#)
To: [eComments, PBA](#)
Subject: March 28 Hearing Re: Request for Variance at historic "Maharaja" house
Date: Sunday, March 27, 2022 6:27:05 AM

If this hearing were to be held a few days later, on April 1, it would make sense as an April Fool's Day prank. After all, the proposed structure utterly contradicts the character of the historic property and of the historic neighborhood beyond it. It would be destructive of the character of both and might even jeopardize the application for official historic neighborhood designation. The variance should be denied.

Cameron McEwen
2033 N Flower St

From: [Stephanie Stephens](#)
To: [eComments, PBA](#)
Subject: March 28 Hearing Re: Request for Variance at historic "Maharaja" house
Date: Friday, March 25, 2022 8:09:34 PM

To Whom it May Concern,

I respectfully request that the variance request is denied for this build. Floral Park residents work hard to ensure that the historic and architectural integrity is maintained in our neighborhood. We try to maintain the historic nature and preserve what those before us built and celebrate what our community has become known for with visitors annually coming to tour our neighborhood. I do not want to see this precedence set in the neighborhood which eventually could impact the property values and unique charm. This home currently already stands out with its poorly maintained painted exterior and the warrior statue erected in the front yard atypical of what you would find in a residential neighborhood and one unique like FP. The build proposal creates a highly visible structure that is not aligned with the architecture of the community. This house is on a main road in the neighborhood and distracts from the historic charm Floral Park is known for. With respect, I request that this build is denied.

Thank you for your consideration
Stephanie Stephens
N Ross St - Floral Park

From: [Erik Hernandez](#)
To: [eComments, PBA](#)
Subject: Agenda #1
Date: Monday, March 28, 2022 10:27:26 AM

Hello,

I am writing to you today because of my concern for the proposed building of a structure at 2221 N Heliotrope Dr in Santa Ana. I am a neighbor living within viewing distance of this property and the proposed structure.

I am concerned it will deter from the historic value and history of the home. Additionally, past actions of the owners give me cause for concern. Several years ago they requested to change the style/roof line on the home (from flat to pitched) that would have marred its historical value and appearance (the Historic Resources Commission denied the request). Subsequent changes made to the roof - after the Commission's denial - were neither properly permitted nor matched the building's architectural style resulting in the city filing misdemeanor charges and a conflict with the Historic Resources Commission. They also replaced the home's original steel case windows in secret doing so while the home was tented for fumigation seeking variance approval after the fact.

This home has historical ties to a sitting foreign ruler and is one of only two examples of the Art Moderne style in Santa Ana (the other is a small building that is used for commercial purposes).

I feel in granting this proposal it will alter the historical significance of this address and not enhance the property in any way. Please help to prevent this from happening.

Thank you

Erik Hernandez
2301 N Flower St

From: [Jeffrey Katz](#)
To: [eComments, PBA](#)
Subject: Conditional Use Permit No. 2022-06
Date: Monday, March 28, 2022 3:56:21 PM

The Floral Park Neighborhood Association requests that the Planning Commission send this CUP application to the Santa Ana Historic Resources Commission for consideration.

This issue needs to be heard by the Historic Resources Commission which has purview of additions which impact not just the character-defining features of the historic structure itself but all improvements thereon, ***including the building site***. The Planning Commission needs to send this to the HRC. FPNA strongly objects to the bypassing of the HRC in this CUP process and permitting city staff to (1) wrongly conclude that the HRC only has jurisdiction over the residential structure itself, and (2) unilaterally determine which additions or alterations interfere with the character-defining features of the Historic Property so as to bypass the HRC. Permitting this CUP process to move forward severely undermines the HRC and is contrary to Santa Ana's professed intent to support the preservation of historic properties (which includes the building site).

Per the city's own documents which were incorporated when the property was placed on the Historic Register: "***All original exterior features of the Maharajah House are considered character defining and should be preserved.*** These features include, but may not be limited to: materials and finishes (stucco, wrought iron); roof configuration, materials, and treatment; ***massing and composition***; entry, doors and windows; ***terraces and walled gardens***; architectural detailing (banding, window grilles, canopies, entry surround); chimneys and fireplaces; attached garage; ***original landscaping***; and any original interior materials, spaces, finishes, and furnishings." (Packet p. 36/52)

Additionally, owners of properties under a Mills Act contract are prohibited from destruction of character-defining features of the building or site, or alterations or additions unless approved by the Historic Resources Commission.

FPNA objects to bypassing the processes established by the city for reviewing proposed modifications to historic properties. The Planning Commission needs to refer this application to the HRC for consideration.

FLORAL PARK NEIGHBORHOOD ASSOCIATION

Jeffrey A. Katz | Attorney at Law

1919 N. Heliotrope Dr.

Santa Ana, CA 92706

Direct Dial: (714) 296-8309

Email: jeffrey.katz@keshlawgroup.com

From: emickid@aol.com
To: [eComments_PBA](#)
Subject: Re: Conditional Use Permit No. 2022-06 Project Location: 2221 N Heliotrope Drive
Date: Monday, March 28, 2022 3:55:11 PM

Proposed Project: The CUP Applicant is requesting approval of **Conditional Use Permit (CUP) No. 2022-06** to allow the construction of an accessory structure 23' – 4" (**reduced to c. 21 feet**) in height within the rear yard of an existing single-family residence located at **2221 North Heliotrope Drive**. Pursuant to Section 41-232.5 of the Santa Ana Municipal Code (SAMC), accessory buildings more than fifteen feet in height or more than one story require approval of a CUP.

My Requested Actions:

- 1) Postpone the hearing, and remand the matter to the Planning Department for additional Findings of Fact to show compliance with standards of SAMC Section 41-638; or
- 2) Deny the resolution approving Conditional Use Permit No. 2022-06 as conditioned due to insufficient evidence to show compliance with standards of SAMC Section 41-638; and
- 3) Refer the matter to the Historic Resources Commission for review as required by the Mills Act;

Greetings Planning Commission,

I respectfully request that the Planning Commission **postpone** making a decision on this matter. You have insufficient accurate information to make an informed decision to grant a conditional use permit (CUP) under the Municipal Code as the **record does not yet establish compliance with Sec. 41-638 (Standards for granting applications)**.

I urge you to **remand** this matter back to the Planning Department with instructions to make complete and accurate findings of fact about the possible adverse effects of the proposed and actual intended use of the oversize pavilion on the surrounding neighborhood of Floral Park and to publish any revised findings of fact to the surrounding neighborhood before the Planning Commission hears this matter. If the Commission goes forward tonight, I would regretfully oppose the CUP because the record seems to be materially incomplete. As a result, there is possibly significantly **inaccurate information in the Planning Department findings, specifically finding no. 5, on which you must base your decision.**

Please note that I am not alleging any deliberate wrongdoing either by the Owner/Applicants or by the Planning Department. I appreciate the request for height has been reduced to just over 21 feet. I have no objection to the immediate construction of a pavilion of 15 feet height.

Here is my objection. The Planning Department has made the following finding:

"5. The pavilion shall remain a structure for private use and enjoyment by the private property owners, thereby preserving the community character. The pavilion shall not be designed or be intended for public access or members of the general public."

First, I have heard, but have not verified, that the property owners/applicants now reside primarily in West Floral Park rather than at 2221 North Heliotrope. Further, I have heard, but have not verified, that the 2221 North Heliotrope Drive property will be used primarily as a community resource and cultural center. Finally, there are frequently large numbers of visitors on the property who may be using the pavilion. During past years, the owners have hosted several events inviting large groups of people to the premises just as many neighbors on our street have done.

Of course, even assuming any or all of these things are true, there is absolutely nothing wrong with using the property in this way. Whether or not the owners live on this property and whether or not they use their property as a community gathering place should not be dispositive to their application. The owners can live on or off this property or allow anyone else to live on this property. This is their property to use or not use as they see fit. And the oversize pavilion may be a great idea.

However, if any of these things are true, then the Planning Department is probably wrong when it states in finding 5 that *"the use of the pavilion will be very limited and therefore will preserve the community character."* **(*"the pavilion shall remain a structure for private use and enjoyment by the private property owners, thereby preserving the community character. The pavilion shall not be designed or be intended for public access or members of the general public."*)**

Rather, it seems more likely that the use of the pavilion may be very extensive and therefore could have a significant, but as yet unevaluated impact on the "community character." While the extent of likely use of the pavilion may fall short of actual "public access and use," it does appear it could likely have significantly more use by more visitors at 2221 than it would in many other single family residences in the neighborhood. (Again, I don't necessarily have a problem with this or think it is my business.) However, I also don't think that the likely amount of intended use of the oversize pavilion is what a reasonable person would consider simply continued "private quiet enjoyment by the current owners" as presented by the Planning Department. Rather, it's been requested by the current owners, who may no longer reside primarily in this property, for use not only by themselves but also by a multitude of students and/or other visitors to the property as part of the property's possible intended use as a (non)residential community cultural center. Assuming the owners will be inviting many visitors to the property who will be using the pavilion frequently, a large pavilion will be needed. Again, there is nothing inherently wrong with this proposed use. It just does not sound anything like the proposed limited use that the Planning Department has described in its finding of fact 5. In fact, frequent use by many people provides a plausible explanation for why such a large structure was requested...when there is little other information justifying this variance request in the record. Although it is not necessary to justify the request for variance as long as there is no negative impact on the community, in this case, if there is an artistic, religious, spiritual, logistical, or cultural reason for the pavilion to be so large and on apparent stilts, I would encourage this information to be included in the record. Until then, the Planning Commission should remand this matter to the Planning Department for additional accurate supporting evidence on whether the intended use of the pavilion is accurately described and will in fact "preserve the community(s) character".

I am not necessarily requesting that the CUP be denied when complete and accurate evidence is finally presented for consideration. Rather I am asking that before making the decision the Planning Commission insist that there be present in the record sufficient evidence to make a valid finding and assessment on the frequent use of the large pavilion for such events. Then the Commission can accurately predict the impact of this change on "preserv(ing) the community character." Consider the possible recurring substantial influx of visitors to our neighborhood, and the resulting additional noise, traffic and use of onstreet parking. Please factor in the impact of these matters on the surrounding neighborhood homes as required by the code. Due to the inadequacy in the Planning Department's current findings to justify the proposed size, height, and use of the pavilion, I object to the Planning Department's granting of the CUP until you have determined the actual facts of this application. Please examine more carefully any impact on the neighborhood this actual use will have on "preserv(ing) the community character." Let the neighborhood know in advance what you learn.

In conclusion, I think the present record is critically insufficient, and it is therefore, premature, for the Planning Commission, to grant a conditional use permit (CUP) according to the compliance standards of SAMC Section 41-638. As I have outlined, there is presently just not enough accurate information in the findings or enclosures to determine that the proposed use of the oversize pavilion "will provide a service or facility which will contribute to the general well being of the neighborhood or the community; that the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity; that the proposed use will not adversely affect the present economic stability or future economic development of property in the surrounding area; that the proposed use will comply with the regulations and conditions specified in this chapter for such use;" and that "the proposed use will not adversely affect the general plan of the city or any specific plan applicable to the area of the proposed use."

Finally, I believe that the Planning Department has exceeded its authority and that the matter must be referred to the Historic Resources Commission pursuant to the Mills Act.

I am writing to you as an individual neighbor in Floral Park and resident of the City of Santa Ana, and not as a member or representative of any particular group or organization.

Respectfully Submitted,

Mrs. Ellen Koldewey
North Heliotrope Drive
Santa Ana CA 92706

From: [Laura Rips](#)
To: [eComments, PBA](#)
Subject: 2221 N Heliotrope Project
Date: Monday, March 28, 2022 12:56:22 PM

To whom it may concern,

I am a neighbor in Floral Park and I object to the building of the large two-story pagoda at 2221 N Heliotrope. I feel the structure is too tall and imposing as viewed from the street.

Thank you for taking my comment. I was unable to find the agenda #, which is why it isn't in the subject line

Thank you,

Laura Magnusen

City of Santa Ana
Planning Commission
Re: 2221 N. Heliotrope Drive CUP application 2022-06

To Whom it May Concern:

As a property owner in Floral Park and a former property owner on Heliotrope Dr., I am writing to request that the Planning Commission deny the Conditional Use Permit 2022-06 to allow construction of the 23' 4" height accessory structure in the rear yard at 2221 N. Heliotrope Drive.

Given the Historical Landmark status of the home and its prominence in Floral Park as well as its history in the City of Santa Ana, having such a large non-conforming decorative structure in the back yard is precisely what the SAMC regulations was trying to prevent. The structure, based on the renderings, would be of an architecture and scale inconsistent with its proposed location and detract from the streamline moderne architecture of the Historic Landmark Maharajah house. Rather than grant the CUP, the Planning Commission should direct the Homeowners to alter the structure to conform to both SAMC regulations as well as to the scale of its proposed location.

My concern is that, based on past experience, as well as the presence of a dumpster and work already underway at the proposed work site, is that the Homeowners will once again ignore the historic significance of their home and its place in the history of our neighborhood and City and install the proposed structure without permission. I was horrified by prior actions of the Homeowners in previous years, which included tarping scaffolding to hide changes to the trim on the home (which they were forced to remove by the City), as well as the unauthorized changes to windows done without permission that they have never corrected.

I would encourage the Planning Commission to deny the CUP application and that the City ensure the Homeowners comply with all SAMC regulations. The Homeowners should be directed to work on an installation that complements the design and architecture of the Historic Landmark property rather than proposing one which overshadows it.

Sincerely,



Mason Nakamura
2215 N. Victoria Dr.
Santa Ana, CA 92706

From: [Mark Rothenberg](#)
To: [eComments, PBA](#)
Subject: Conditional Use Permit No. 2022-06/2221 North Heliotrope/Development Approvals For Wall and Other
Accompanying Structures
Date: Monday, March 28, 2022 2:26:11 PM

Honorable Members of the Planning Commission:

I am writing to request that the Planning Commission either defer the item until a community meeting can be held or the matter be forwarded to the Historic Preservation Commission for review. The crux of the matter and the bulk of the concerns reflected by our neighbors involves the impact on historic Floral Park and an assessment of whether or not the proposed structure is consistent with the historic character and nature of both the subject property and surrounding properties. Thank you for your kind consideration.

Sincerely,
Mark Rothenberg
2042 N Ross Street

From: [Marc LaFont](#)
To: [eComments, PBA](#)
Subject: re: conditional use permit at historic Maharaja House
Date: Monday, March 28, 2022 3:33:18 PM

NO!

This is a historic property, possibly one of the most unique in the country: It is the ONLY palace of a reigning foreign Royal in the United States. It is of significant historical importance. Yet this proposed construction has somehow skipped review by the city's Historic Resources Commission. It's also a Mills Act property which means that the owners cannot alter the site without approval by the Commission.

I suspect that approval of this without approval by the Historic Resources Commissions puts the city in a very vulnerable and litigious legal position as well as setting a very dangerous precedent. Regardless of its dubious aesthetics and how it impacts the neighboring community, this simply cannot be approved without approval by the Commission.

Marc LaFont
1816 N. Heliotrope Drive
Santa Ana

From: erwinhs@sbcglobal.net
To: [eComments, PBA](#)
Subject: 2221 Heliotrope public hearing
Date: Monday, March 28, 2022 3:43:14 PM

I Erwin Schauwecker believe that this proposed project creates an unreasonable invasion of neighbors in an historical and significant protected property.

The significance of this was known to the property owners before they purchased it and they have repeatedly attempted to degrade it's documented significance.

I recommend that this petition be denied!

Erwin Schauwecker

Sent from my iPhone

ORANGE COUNTY REPORTER

~SINCE 1921~

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OR# 3842172

NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. We encourage you to contact us prior to the Public Hearing if you have any questions.

Planning Commission Action: The Planning Commission will hold a Public Hearing to receive public testimony and will take action on the item described below. Decision on this matter will be final unless appealed pursuant to Article V of Chapter 41 of the Santa Ana Municipal Code within 10 calendar days of the decision by any interested party or group.

Project Location: 2221 North Heliotrope Drive located within the Single Family Residence (R1) zoning district.

Project Applicant: Chan Q. and Quynh D. Kieu (Applicant and Property Owners)

Proposed Project: Applicants are requesting approval of Conditional Use Permit (CUP) No. 2022-06 to allow the construction of an accessory structure 23'-4" in height within the rear yard of an existing single-family residence. Pursuant to Section 41-232.5 of the Santa Ana Municipal Code (SAMC), accessory buildings more than fifteen feet in height or more than one story require approval of a CUP. The original Planning Commission public hearing for this project was held on March 28, 2022, which was subsequently continued to the April 25, 2022, Planning Commission public hearing. On April 25, 2022, the Planning Commission held the continued public hearing. At the request of the property owners, the Planning Commission voted unanimously to continue the item indefinitely. This action required re-noticing of the project as a new Planning Commission public hearing.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15303 of the CEQA Guidelines (Class 3/New Construction or Conversion of Small Structures) because the project involves the

construction of a small accessory structure. Based on this analysis, Notice of Exemption, Environmental Review No. 2022-11 will be filed for this project.

Meeting Details: This matter will be heard on **Monday, August 26, 2024, at 5:30 p.m.** in the City Council Chambers, 22 Civic Center Plaza, Santa Ana, CA 92701. **Members of the public may attend this meeting in person or join via Zoom.** For the most up-to-date information on how to participate virtually in this meeting please visit <https://www.santa-ana.org/planning-and-building-meeting-participation/>.

Written Comments: If you are unable to participate in the meeting, you may send written comments by e-mail to PBACComments@santa-ana.org (reference the Agenda Item # in the subject line) or by mail to Nuvia Ocampo, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza - M20, Santa Ana, CA 92701. Deadline to submit written comments is **3:30 p.m.** on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

Where To Get More Information: Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at <https://santa-ana.primegov.com/public/portal>.

Who To Contact For Questions: Should you have any project questions, please contact case planner Pedro Gomez with the Planning Division by phone at (714) 667-2725 or by email at PGomez@santa-ana.org.

Note: If you challenge the decision on the above matter, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council of the City of Santa Ana at, or prior to, the public hearing.

Si tiene preguntas en español, favor de llamar a Nuvia Ocampo (714) 667-2732. Nếu cần liên lạc bằng tiếng Việt, xin đi ện thoại cho Tony Lai số (714) 565-2627.

8/16/24

OR-3842172#



* A 0 0 0 0 0 6 8 3 8 9 0 4 *



CITY OF SANTA ANA Planning and Building Agency

20 Civic Center Plaza • P.O. Box 1988
Santa Ana, California 92702
www.santa-ana.org/pba

NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. This notice is being sent to those who live or own property within 1000 feet of the project site or who have expressed an interest in the proposed action. We encourage you to contact us prior to the Public Hearing if you have any questions.

Project Location: 2221 North Heliotrope Drive located within the Single Family Residence (R1) zoning district.

Project Applicant: Chan Q. and Quynh D. Kieu (Applicant and Property Owners)

Proposed Project: Applicants are requesting approval of Conditional Use Permit (CUP) No. 2022-06 to allow the construction of an accessory structure 23'-4" in height within the rear yard of an existing single-family residence. Pursuant to Section 41-232.5 of the Santa Ana Municipal Code (SAMC), accessory buildings more than fifteen feet in height or more than one story require approval of a CUP. The original Planning Commission public hearing for this project was held on March 28, 2022, which was subsequently continued to the April 25, 2022, Planning Commission public hearing. On April 25, 2022, the Planning Commission held the continued public hearing. At the request of the property owners, the Planning Commission voted unanimously to continue the item indefinitely. This action required re-noticing of the project as a new Planning Commission public hearing.

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Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.**

An aerial photograph of a residential neighborhood in San Jose, California. A large yellow circle highlights a specific area of interest. Within this circle, a green rectangle highlights a particular lot. The map shows a grid of streets including N Olive, N Heliotrope Dr, N Park Blvd, Bonnie Brae, N Flower St, N Heliotrope Dr, Greenleaf St, N Victoria Dr, W Santa Clara Ave, W Buffalo Ave, and W 10th St. A scale bar indicating 205 feet and a north arrow are located in the bottom right corner.



NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. This notice is being sent to those who live or own property within 1000 feet of the project site or who have expressed an interest in the proposed action. We encourage you to contact us prior to the Public Hearing if you have any questions.

Planning Commission Action: The Planning Commission will hold a Public Hearing to receive public testimony, and will take action on the item described below. Decision on this matter will be final unless appealed within 10 calendar days of the decision by any interested party or group.

Project Location: 2221 North Heliotrope Drive located within the Single Family Residence (R1) zoning district.

Project Applicant: Chan Q. and Quynh D. Kieu (Applicant and Property Owners)

Proposed Project: Applicants are requesting approval of Conditional Use Permit (CUP) No. 2022-06 to allow the construction of an accessory structure 23'-4" in height within the rear yard of an existing single-family residence. Pursuant to Section 41-232.5 of the Santa Ana Municipal Code (SAMC), accessory buildings more than fifteen feet in height or more than one story require approval of a CUP. The original Planning Commission public hearing for this project was held on March 28, 2022, which was subsequently continued to the April 25, 2022, Planning Commission public hearing. On April 25, 2022, the Planning Commission held the continued public hearing. At the request of the property owners, the Planning Commission voted unanimously to continue the item indefinitely. This action required re-noticing of the project as a new Planning Commission public hearing.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15303 of the CEQA Guidelines (Class 3/New Construction or Conversion of Small Structures) because the project involves the construction of a small accessory structure. Based on this analysis, Notice of Exemption, Environmental Review No. 2022-11 will be filed for this project.

Meeting Details: This matter will be heard on **Monday, August 26, 2024, at 5:30 p.m.** in the City Council Chambers, 22 Civic Center Plaza, Santa Ana, CA 92701. **Members of the public may attend this meeting in person or join via Zoom.** For the most up-to-date information on how to participate virtually in this meeting, please visit <https://www.santa-ana.org/planning-and-building-meeting-participation/>.

Written Comments: If you are unable to participate in the meeting, you may send written comments by e-mail to PBACComments@santa-ana.org (reference the Agenda Item # in the subject line) or by mail to Nuvia Ocampo, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza – M20, Santa Ana, CA 92701. Deadline to submit written comments is **3:30 p.m.** on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

Where To Get More Information: Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at <https://santa-ana.primegov.com/publicportal/>.

Who To Contact For Questions: Should you have any project questions, please contact case planner Pedro Gomez with the Planning Division by phone at (714) 667-2725 or by email at PGomez@santa-ana.org.

Note: If you challenge the decision on the above matter, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council of the City of Santa Ana at, or prior to, the public hearing.

Si tiene preguntas en español, favor de llamar a Nuvia Ocampo (714) 667-2732.

Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.

**NOTICE OF PUBLIC HEARING
BEFORE THE SANTA ANA
PLANNING COMMISSION**

The City of Santa Ana is considering the proposed development of the Santa Ana Convention Center. This notice is being given to the public to inform them of the proposed development and to provide an opportunity for the public to be heard. The proposed development is located at the intersection of Main Street and 17th Street, in the downtown area of Santa Ana. The proposed development consists of a new convention center building, a parking garage, and a hotel. The proposed development is estimated to cost \$100 million and will create approximately 1,000 jobs. The proposed development is expected to be completed in 2015. The Santa Ana Planning Commission will hold a public hearing on the proposed development on Tuesday, June 10, 2014, at 7:00 PM. The public hearing will be held in the Santa Ana Convention Center, Room 100. The public is invited to attend the public hearing and to provide input on the proposed development. The public can also provide input on the proposed development by submitting a written comment to the Santa Ana Planning Commission. The written comment should be submitted by June 10, 2014. The Santa Ana Planning Commission will consider the public input and will make a recommendation to the City Council. The City Council will make the final decision on the proposed development. For more information, please contact the Santa Ana Planning Commission at (714) 835-1234. The Santa Ana Planning Commission is located at 100 Main Street, Santa Ana, CA 92701.