REQUEST FOR
Planning Commission Action

PLANNING COMMISSION MEETING DATE:
FEBRUARY 10, 2014

TITLE:
PUBLIC HEARING — FILED BY CONCORDIA
UNIVERSITY AND LUTHERAN HIGH SCHOOL OF
ORANGE COUNTY FOR FINAL ENVIRONMENTAL
IMPACT REPORT NO. 2011-01, VARIANCE NO. 2012-04
AND VESTING TENTATIVE TRACT MAP NO. 2012-02
TO ALLOW A 23-UNIT SINGLE FAMILY
DEVELOPMENT AT 1584 EAST SANTA CLARA
AVENUE

Prepared by Vince Fregoso

Interim Executive Director

RECOMMENDED ACTION
Recommend that the City Council:

1. Adopt a resolution certifying Final Environmental Impact Report No. 2011-01 and approve the mitigation monitoring program for the Sexlinger Farmhouse and Orchard.

2. Adopt a resolution approving Variance No. 2012-04 (a) for the Sexlinger Farmhouse as conditioned.

3. Adopt a resolution approving Variance No. 2012-04 (b) to allow a reduction in the minimum lot frontage as conditioned.

4. Adopt a resolution approving Vesting Tentative Tract Map No. 2012-02 (County Map No. 17231) as conditioned.

DISCUSSION

Request of the Applicant

Mr. Bob Odle, representing the property owners, Lutheran High School of Orange County and Concordia University, is requesting approval of a final environmental impact report (FEIR), a variance and a vesting tentative tract map in order to allow a 23-unit single-family development at 1584 East Santa Clara Avenue. Specifically, the applicant is requesting the certification of the final environmental impact report and approval of the mitigation monitoring program; variances from Section 41-234, Section 41-239(g) and Section 41-1320(b) to allow the Sexlinger farmhouse to remain in its current location; from SAMC Section 41-237(b) to allow one of the new lots with less than 50 feet of street frontage; and a vesting tentative tract map to allow the subdivision of the five acre parcel into 23 lots for the residential project.

EXHIBIT A

75A-5
Project Location and Site Description

The subject property is a five-acre, rectangular shaped parcel of land located on East Santa Clara Avenue, between Grand and Tustin Avenues. The property contains a single-family residence and detached garage structure that was built in 1914. The site has been unoccupied since about 2006 when the final member of the Sexligner Family moved from the property. In addition, there are approximately 250 Valencia orange trees on the parcel that have been unharvested for several years.

The site is surrounded by both single-family residential uses and Fairhaven Memorial Park to the north, single-family residences to the south and west, and Portola Park to the east (Exhibits 1, 2 and 3).

Project Description

Concordia University and Lutheran High School of Orange County, the property owner of the subject parcel, are requesting approval of several entitlements in order to allow the development of the existing five-acre parcel of land. The proposed development consists of the rehabilitation of the existing Sexligner Farmhouse in its current location and the construction of 22 new single-family residences. A total of 23 lots will be created for the project, with the smallest lot consisting of 6,000 square feet and the largest 10,044 square feet. An average lot size of approximately 6,650 square feet is proposed for the project (Exhibit 4).

Three different floor plans are proposed, ranging in size from approximately 2,340 square feet to 2,813 square feet. Each residence will be a two-story, three-bedroom (with an optional fourth bedroom in lieu of a den), two and one-half bathroom home with a two or three-car garage. All units have an additional two uncovered parking spaces in the driveway. Three different architectural styles are proposed for the project; Craftsman, Spanish and Traditional. Each style will incorporate unique elements, finishes and materials commonly found within each architectural style. For example, the Spanish style residence will incorporate Spanish style roof tiles and a sand stucco finish, while the Craftsman and Traditional models will incorporate flat roof tiles, sand stucco finishes and decorative wood trim and similar elements unique to each architectural style. Finally, front yard landscaping will be installed prior to occupancy of each unit (Exhibits 5, 6 and 7).

Numerous improvements will be made to the site. Eight feet of property along the Santa Clara Avenue frontage will be dedicated to the City to allow the street to be widened to be consistent with the improvements on either site of the parcel. Additionally, Santa Clara Avenue will be enhanced with a 10-foot wide landscaped setback that will be maintained by the homeowners association. Further, a six-foot high block wall will be constructed around the project perimeter. Traffic calming devices, including curvilinear streets and bulb outs at the north and south end of the Lyon Street project entries will be incorporated into the street design to reduce the speed of traffic and to discourage cut through traffic. Finally, access to Portola Park will be provided via a pedestrian opening at the east end of the new cul-de-sac street.
Project Background

The subject site, known as the Sexlinger Farmhouse and Orchard, was occupied around 1914 when the Sexlinger Family first located to the property. The Sexlingers used this site as their residence and as a small ranch for oranges until approximately 1980. In 2006, the last of the Sexlinger Family vacated the property.

In September 2007, the City received a proposal from Empire Homes to construct a 24-unit, single-family residential project on the property. A draft environmental impact report (EIR) was prepared for this project; however, due to a major shift in the economy, the EIR was never released and the applicant withdrew their proposal in May 2008.

In 2010, Tava Development submitted a new proposal for a 24-unit single-family residential development similar to the Empire Homes project. In response, the consultant that prepared the previous EIR was selected to review and update the EIR document and make modifications as necessary. In October 2011, the draft EIR for the Tava Development was released for public review and comment. Due to significant concerns from the public regarding the document, specifically the Cultural Resources section, the document was revised to identify the property as potentially historically significant and eligible for listing on the City’s historical register. In June 2012, the City Council held a public hearing and voted to list the property on the City’s Register of Historical Properties as a Key property. In response, the property owners filed a Notice of Intent to Demolish on June 11, 2012, which initiated a 240-day time period that prevented demolition of the structures and orange grove. Further, it required the Historic Resources Commission (HRC) to investigate feasible alternatives to the demolition. On June 24, 2012, the HRC appointed an Ad Hoc Committee to investigate feasible alternatives. The Ad Hoc Committee considered various alternatives to demolition, including seeking private financial sources to purchase the site, publicizing the availability of the site and structure, exploring possible sites for the relocation of the building, suggesting that the City purchase the site, and a hybrid alternative that included the construction of 21 units along with the preservation of the Sexlinger residence and some orange trees. On January 24, 2013, the HRC received and filed the final report on the alternatives to the demolition of the site and adopted a resolution urging the City Council to purchase the Sexlinger site. The 240-day waiting period ended on February 7, 2013, but a demolition permit was unable to be issued as the City Council had yet to certify the EIR and the appeal period had not commenced. This is not expected to occur until April 2014 at the earliest (Exhibits 8 and 9).

On February 10, 2013, the Planning Commission held a public hearing on the proposed project. After receiving public testimony and holding extensive deliberations, the Commission’s vote was 3:3, which resulted in an impasse. Per the Commissions by-laws, the Commission gave the applicant the option to either continue the item to a future meeting or move forward to the City Council with a recommendation of denial. The applicant elected to move the project forward to the City Council.
Prior to the City Council public hearing, the City offered to hire an independent mediator so that the applicant and the opposing The Old Orchard Conservancy (TOOC) could meet and hopefully identify a development proposal that would satisfy both parties. Although the groups declined the City’s mediation offer, the two parties met on three occasions throughout the summer. At the conclusion of these meetings, it was determined that they were unable to agree on an alternative acceptable to both parties. As a result, the property owner requested to move forward with the entitlements to the City Council.

In fall 2013, the City reanalyzed the numerous responses to comment letters received for the development. After careful consideration of these letters, the City decided to prepare a “Response to the Response to Comments” that included an additional alternative that addressed concerns related to the preservation of the historically designated site. This new alternative, the Historic Preservation Alternative, slightly differed from the other alternatives in that it studied the preservation of the Sexlinger Farmhouse at its current location, the rehabilitation of the house to the Secretary of Interior standards, the preservation of existing orange trees on the Sexlinger parcel along with the planting of new trees where dead or missing trees exist, and the construction of 22 new residences.

Areas of Controversy

During the review of the project, release of the draft EIR and public hearings held for the project, three areas of controversy were identified: The eligibility of the site as a historic resource, the preservation of the property as an orange grove, and cut through traffic.

The first area of controversy pertains to the property’s designation as a historic resource. The initial release of the draft EIR in 2011 contained a Cultural Resources section that evaluated the property as not eligible for listing on the State or City’s Historical Registers. The determination was based on the analysis that, while the property was associated with the development of the citrus industry in the early twentieth century, small citrus operations did not play a significant role in the development of Santa Ana. During the public review period, comments were received from the public requesting a reevaluation of the non-historic determination. In response, the City hired a new consultant to take another look at the project’s historic status. In March 2012, the new study also concluded that the property was not eligible for the State register; however, the study noted that the property did appear to be eligible on the Santa Ana Register of Historical Properties (SARHP). On April 5, 2012, the Historic Resources Commission (HRC) considered placing the property on the SARHP but denied the listing after taking testimony from the property owner and public. However, on June 4, 2012, the City Council overturned the HRC and designated the site as “Key.” As a result, the property is considered to be a City historic resource.

The second area of controversy is related to the preservation of the site as an orange grove. The property owners, in conjunction with a local homebuilder, originally submitted a proposal to demolish the existing Sexlinger Farmhouse and orange orchard and construct a 24-unit residential
development on a site that has a general plan and zoning designation consistent with the proposed project. In an effort to preserve one of the last remaining original orange groves in the City, The Old Orchard Conversancy (TOOC), in conjunction with several members of the public, have banded together and are attempting to preserve the Sexlinger Farmhouse and Orchard. While the property owners and TOOC have had discussions on the potential sale of the property for preservation purposes, no proposal has been formally submitted to the property owner. While the owners intend to build on the site in compliance with the General Plan and zoning designations, the preservation groups remain interested in preserving the last small scale orange grove in the City.

The final area of controversy involves the potential for vehicular cut through traffic through the existing neighborhood. During the initial public review of the project, the adjacent neighbors submitted a petition against the proposed north-south connection of Lyon Street to Santa Clara Avenue due to congestion and safety concerns. In response to the comments, the project’s traffic study analyzed potential cut through traffic through the existing neighborhood. The study identified approximately 15 percent of the total traffic generated from the project, or 35 daily trips, could be expected. To minimize potential for cut through traffic, the streets were designed in a curvilinear pattern and "bulb outs" are proposed at the project entries to reduce the amount of cut through traffic and slow the speeds of vehicles that do utilize the Lyon Street extension.

**General Plan and Zoning Analysis**

The General Plan land use designation for the site is Low Density Residential (LR-7), which allows single-family development at a maximum density of seven units per acre. Development in a Low Density Residential area of the City is characterized primarily by one and two-story single-family homes. The proposed project is consistent with this General Plan land use designation as the proposed density is five units per acre.

The subject site is located in the Single-Family Residence (R-1) zoning district. The R-1 zoning designation allows uses such as one-family dwellings, private greenhouses and horticultural collections for domestic non-commercial use, child care facilities and churches. The project site is consistent with the zoning designation.

**Project Analysis**

**Environmental Impact Report**

The California Environmental Quality Act (CEQA) required the preparation and approval of an environmental impact report (EIR) for this project. The environmental issues analyzed in the EIR included aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation and
traffic, and utilities and service systems. In accordance with CEQA, a draft EIR was first circulated for review and comment to public, local, regional and state agencies, and interested parties on July 27, 2011 for a 45-day review period. On August 22, 2011 a public hearing was held on the document in order to obtain input from interested members of the public. By the close of the 45-day review period, a total 28 written comment letters and eight verbal comments on the document were received. A significant issue identified in several of the responses pertained to the potential eligibility of the property for listing on the City’s historical register. After analyzing the comment letters, staff directed the EIR consultant to revise the Cultural Resources section of the document to reflect the eligibility of the site as a historic resource. On December 1, 2011, the revised Cultural Resources section was circulated for review and comment to public, local, regional and state agencies, and interested parties for a 45-day review period. At the end of this comment period, an additional 11 comment letters were received.

On June 4, 2012, the City Council listed the site as a "Key" property on the City’s Register of Historical Properties. In response, the draft EIR was revised to reflect this designation as well as add a "Hybrid" alternative to the Alternatives section of the document. The draft EIR was recirculated for review and comment to public, local, regional and state agencies, and interested parties on November 1, 2012 for a 45-day review period. On November 13, 2012 a public hearing was held on the document in order to obtain input from interested members of the public. At the close of the 45-day review period, a total of 15 written and verbal comments on the document were received.

The City has evaluated the comments received from persons or agencies that reviewed the EIR. In accordance with CEQA, each public agency that commented on the draft EIR will be provided with a response to its comments at least 10 days prior to the certification of the EIR. The Responses to Comments document, the Mitigation Monitoring Program and the Draft EIR constitute the Final EIR, was originally distributed at the January 28, 2013 Planning Commission meeting. In addition, the Findings of Fact have been prepared for the project.

The EIR identified one unavoidable adverse impact associated with this project, which pertains to cultural resources. The unavoidable cultural resource impact involves the demolition of the existing residential structure and adjacent outbuilding and the removal of the approximately 250 orange trees as this demolition would result in a significant adverse change due to the loss of a listed resource of the Santa Ana Register of Historical Properties. As a result of the impact that cannot be mitigated to a less than significant level, adoption of a Statement of Overriding Considerations would be required should the Planning Commission choose to recommend approval of the original 24-unit project. A Statement of Overriding Considerations is the process through which decision makers balance the economic, legal, social, and technological or other benefits of the proposed project against its unavoidable environmental impacts. However, the Historic Preservation Alternative, which was prepared in December 2013 in response to the Responses to Comments, would result in a project that is environmentally superior to the proposed 24-unit development and would not require adoption of a Statement of Overriding Considerations since the loss of a historically designated resource would not occur (Exhibit 10).
Selection of Environmentally Preferred Alternative

As previously mentioned the Historic Preservation Alternative is similar to the originally proposed project except that it would preserve in place the existing Sexlinger Farmhouse and detached garage on a 10,044 square foot parcel at the northwest corner of the five-acre site. The exterior of the structure and garage would be rehabilitated to Secretary of Interior historic preservation standards, and the house and garage would be returned to a single-family residential use and sold as one of the project units. Additionally, existing orange trees on this portion of the property would remain, with new trees planted to replace any dead or missing trees. A total of 22 new single family residences would be constructed on the remainder of the property.

The impacts associated with this alternative have been found to be similar to the originally proposed 24-unit project. For example, impacts related to air quality, noise, population and housing, recreation, transportation and traffic, and utilities would be similar to or less than the original project as one fewer unit is proposed. However, impacts to Cultural Resources would be significantly different as this alternative will prevent the demolition of the residence and garage and preserve them in place.

This alternative will result in the rehabilitation of the Sexlinger Farmhouse and garage in its current location and the preservation of orange trees on a new 10,044 square foot lot. The five-acre project site would be changed from an unused residence and agricultural lot into a suburban development with a small orchard and 22 new single-family residences. The property would retain many of its major elements and convey the significance of a property type that was once common but now rare in the City. Through its rehabilitation, the property would receive a compatible new use that would protect and retain the property’s character defining features, historic integrity and primary building and accessory structure. Surrounding the Sexlinger residence and garage with historic and in-kind replaced trees would also contribute to the property’s ability to convey a specific period, time and agricultural past important to the community. Further, this alternative is the environmentally preferred alternative as it will result in the preservation and rehabilitation of a historically designated structure and a portion of the orchard and will reduce the impacts to a cultural resource to a less than significant impact to the historic resource. As a result, staff is recommending the Historic Preservation Alternative as the preferred project.

Variances

Variance requests are governed by Section 41-638 of the SAMC. Variance requests may be granted when it can be shown that the following can be established:

- That there exists a special circumstance related to the property, such as size, shape, topography, location or surroundings.

- That the granting of the variance is necessary for the preservation and enjoyment of substantial property rights.
• That the granting of the variance will not be detrimental to the public or surrounding property.

• That the granting of the variance will not adversely affect the General Plan.

If these findings can be made, then it is appropriate to grant the variance. Conversely, the inability to make these findings would result in a denial. Using this information, staff has prepared the following analysis, which forms the basis for the recommendation contained in this report.

Variance for the Sexlinger Farmhouse

The applicant is requesting a variance that will allow the Sexlinger Farmhouse to remain at its current location. Specifically, a variance from Section 41-234 of the Santa Ana Municipal Code (SAMC), which requires a front yard setback of 20 feet, from Section 41-239(g), which requires the garage to be a minimum of five feet from the residence, and from Section 41-41-1320(b), which requires the residence to provide a two-car garage, are needed. Staff is supportive of the request as the variances will allow the historically designated Sexlinger Farmhouse to remain in its historic setting and context, which are critical components of historic preservation. The property will be allowed to be used as it was historically, with the historic character of the property retained and preserved. Further, by leaving the residence and garage in place, the removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property will be avoided.

In analyzing the variance request, staff must be able to show that findings can be made that support the criteria listed above.

• The project site has a special circumstance related to its size, shape and location. The approval of the variance for the Sexlinger Farmhouse will result in the residence and garage retaining and preserving the historic character of the property. Further, the approval of the variance will avoid the removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property. Therefore, applying the strict letter of the Code would, in this particular case, deprive the subject property of privileges not otherwise at variance with the intent and purpose of the provisions of this chapter.

• The granting of the variance is necessary for the preservation and enjoyment of substantial property rights. Compliance with the setback, separation and parking standards would result in the loss of a resource that is listed on the City's Register of Historical Properties as the structure would have to be relocated. The granting of the variance will preserve the property owner's right to develop the property with a use that is allowed by right in the R-1 zoning district and is consistent with the general plan. The new use will allow the development of a vacant property which will preserve the property owner's right to develop their property.
• The granting of the variance will not be detrimental to the public or surrounding properties as the residence and garage are proposed to be used as it was historically, with little or no changes to its distinctive materials, features, spaces, and spatial relationships. The project has been designed in compliance with all other applicable development standards for an R-1 project.

• Finally, the project will not adversely affect the General Plan. The proposed use will result in the improvement of the property into a single-family residence that will be consistent with the Secretary of Interior standards. Further, the variance is consistent with goals and policies of the General Plan, including Land Use Element Goal 4 to protect and enhance development sites which are unique community assets, Land Use Element Policy 4.2 to encourage the retention and reuse of historical buildings and sites, and Housing Element Policy HE-1.7 to support preservation and enhancement of residential structures and properties that are considered local historic or cultural resources.

Variance from Lot Frontage Standard

The applicant is also requesting a variance from Section 41-237(b) of the Santa Ana Municipal Code (SAMC), which requires lots in the Single-Family Residence (R-1) zoning district to have at least 50 feet of street frontage, as measured from the back of the setback. The applicant's proposal is to have one new lot in the development (Lot No. 12) have 41 feet of lot frontage, which is less than the minimum 50 feet of lot frontage. During the review of the street design for the project, staff determined that the City did not have a "knuckle" standard for curvilinear streets, with the original design insufficient to adequately accommodate turning movements for trash trucks and similar sized vehicles. To address this concern, staff used the County's standard for curvilinear streets, which uses a larger "knuckle" design at street curves. The application of the County's standard impacted the width of the lot fronting the "knuckle." Due to the application of this standard, Lot No. 12 cannot meet the 50-foot street frontage standard. The lot will be in compliance with all other applicable development standards in the R-1 zone, including lot size and setbacks.

In analyzing the variance requests, staff must be able to show that findings can be made that support the criteria listed above.

• The project site has a special circumstance related to its size, shape and location. The subject site is a five-acre rectangular shaped parcel that will be constrained by the application of a County street standard to the project. In order to provide a larger street area for trash trucks and similar sized vehicles to maneuver, the County's standard for the design of "knuckles" was imposed on this project. The County standard required the taking of more land than proposed, which impacted the applicant's ability to meet the minimum lot width standard for an R-1 project. Therefore, applying the strict letter of the Code would, in this particular case, deprive the
subject property of a use that is otherwise allowed by right in the zone and would deprive the subject property of privileges not otherwise at variance with the intent and purpose of the provisions of this chapter.

• The granting of the variance is necessary for the preservation and enjoyment of substantial property rights. Compliance with the street frontage standard could result in the loss of residential units, which would reduce the feasibility of the proposed use of the property, which impacts the property rights of the owner's. Further, the granting of the street frontage variance will preserve the property owners right to develop the property with a use that is allowed by right in the R-1 zoning district and is consistent with the general plan. The new use will allow the development of a vacant property which will preserve the property owner's right to develop their property.

• The granting of the variance will not be detrimental to the public or surrounding properties as the project and individual residential lots is proposed to be in compliance with all applicable development standards for an R-1 project except for the street frontage requirement. Further, the street design will allow trash trucks and similar sized vehicles to safely maneuver on the public streets.

• Finally, the project will not adversely affect the General Plan. The proposed use will result in the improvement of the property into a single-family development that will accommodate move up housing in the City. Further, the variance is consistent with several policies of the general plan, including Policy 1.4 to support development of single-family residential lots on a minimum area of at least 6,000 square feet, Policy 1.9 to coordinate street and parkway designs that are attractive, functional and compatible with adjacent on-site development, Policy 3.5 which encourages new development that are compatible in scale and consistent with the architectural style and character of the neighborhood, and Policy 5.10 to support a circulation system which is responsive to the needs of pedestrians and vehicular travel.

Vesting Tentative Tract Map

Vesting maps are governed by Chapter 34 of the SAMC and by Section 66498.1 through 66498.9 of the Subdivision Map Act. Vesting map requests may be granted when it can be shown that the following can be established:

• That the proposed project, as conditioned, and its design and improvements are consistent with the Low Density Residential designation on the General Plan and are otherwise consistent with all other elements of the General Plan.

• The proposed project, as conditioned, conforms to all applicable requirements of the zoning and subdivision codes as well as other applicable City ordinances.
• The project site is physically suitable for the type and density of the proposed project.

• The design and improvements of the proposed project will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

• The design or improvements of the proposed project will not cause serious public health problems.

• The design or improvements of the proposed project will not conflict with the easements acquired by the public at large for access through or use of property within the proposed project.

If these findings can be made, then it is appropriate to grant the vesting map. Conversely, the inability to make these findings would result in a denial. Using this information, staff has prepared the following analysis, which forms the basis for the recommendation contained in this report.

The applicant is proposing a vesting tentative tract map in order to allow the subdivision of the five-acre parcel of land into single-family lots. In order to subdivide the parcel, the proposed subdivision needs to comply with all applicable development standards such as lot size, lot coverage and all appropriate Public Works Agency standards. Based on a review of the vesting tentative tract map, the applicant has submitted a 23 lot project that has been designed to be in compliance with the applicable development standards found in Chapters 34 (Subdivision) and 41 (Zoning) of the Santa Ana Municipal Code. Additionally, the proposed streets will be public streets that have been designed to the City’s public street standards as well as County standards for the design of the street “knuckle.” As designed, the streets will be public streets that will accommodate safety vehicles as well as street parking. Approval of the vesting tentative tract map will be consistent with the goals and policies of the General Plan. The General Plan Land Use Element promotes a balance of land uses to address basic community needs, encourages a variety of residential land uses in the City and development that provides a positive contribution to the neighborhood character (Exhibit 11).

• Vesting Tentative Tract Map No. 2012-02 (County Map No. 17231) is consistent with the single-family residential land use designation and density (seven units per acre) prescribed in the General Plan and will have no adverse affect on the surrounding land uses in the area. The development is consistent with the single-family residences surrounding the project on three sides.

• Vesting Tentative Tract Map No. 2012-02 (County Map No. 17231) is in keeping with the provisions of site plan review (DP No. 2010-47) and Chapters 34 and 41 of the Santa Ana Municipal Code, all of which pertain to the subdivision of land and development standards for the site. Although one lot will not meet the street frontage standard, a variance (Variance No. 2012-04) is proposed for the project due to the unique design of the street.
The vesting tentative tract map is proposed for a five-acre parcel of land within an area that is zoned for single-family residences (R-1). The site has been determined to be capable of supporting the type and density of the proposed project as the proposed density of five units per acre is less than the allowed seven units per acre.

No fish or wildlife will be affected by the approval of this map or by the design and improvements of the project. Environmental Impact Report No. 2011-01 has been prepared for this project and has identified mitigation measures aimed at reducing any environmental impact associated with this project.

The design and improvements associated with this project have been prepared to comply with minimum City standards. The street system has been designed to public street standards and will accommodate emergency vehicles. Also, a County standard applicable to a "knuckle" design, which exceeds the City’s standard, will be implemented on this project to ensure trash trucks and similar sized vehicles safely travel the streets. Additionally, traffic calming devises are proposed at the north and south end of Lyon Street, which will reduce speed along the streets and improve the safety of the residences. All other improvements have been designed to mitigate any serious problem resulting from this project.

Approval of the vesting tentative tract map will not create conflicts with any easements necessary for public access through the subject property, as no such easements currently exist. Public access will be allowed to the site through the site as the street will be public streets.

Public Notification

The project site is located within the Portola Park and adjacent to the Meredith Parkwood Neighborhood Associations. There have been several public meetings regarding the project since its submittal to the City in 2010. Staff attended three neighborhood meeting on the project, including two general association meetings on December 9, 2010 and March 17, 2011 to provide the associations with a project update, and a scoping meeting for the EIR on June 1, 2011.

Public notification was provided for several Historic Resources Commission meetings for the project, including June 4, 2012, June 28, 2012, October 4, 2012 and January 24, 2013. Finally, the Planning Commission held public meetings on August 22, 2011 and November 13, 2012 to receive public comments on the draft EIR during the public review period of the document as well as held a public hearing on the project on February 11, 2013.

From December 19, 2013 through January 17, 2014, the additional analysis to the response to public comments that clarified, amplified or made minor modifications to the Draft EIR after it was circulated for public comment was made available for public review. A total of four comments were received, and a final version of the Additional Analysis, which includes comments and their responses, were provided in a document entitled Attachment to the Environmental Impact Report.
The project site itself was posted with a notice advertising this public hearing, a notice was published in the Orange County Register and mailed notices were sent to property owners and tenants within 500 feet of the project site. In addition, the Neighborhood Association contacts, as well as all individuals on the City’s Permanent Notification List, were notified by mail 10 days prior to this public hearing. A notice of the Planning Commission public hearing was posted to the City’s website and Facebook page.

On January 17, 2014, the City received correspondence from Jeannie Gillette, President of The Old Orchard Conservancy, commenting on the additional analysis for the development of the Sexlinger site, a letter from Deborah Rosenthal outlining a related court case, and a letter from the Conservancy outlining a preservation alternative for the site (Exhibit 12). Additionally, correspondence was received from Rutan & Tucker, LLP, a law firm engaged to assist the property owners with their development applications. Their correspondence included a memorandum in response to comments received on the proposed development, a shade and shadow study of the proposed development, an arboricultural evaluation of the orange trees, and a memorandum that analyzed the potential closure of the south entrance of the project to public access (Exhibit 13). At the time of this printing, no other contact or correspondence regarding the project had been received.

**CEQA Analysis**

As part of the City’s permitting process, the proposed project is required to undergo an environmental review in accordance with the California Environmental Quality Act (CEQA). In accordance with CEQA, the recommended actions have been reviewed through an environmental impact report, EIR No. 2011-01. Sections 15060 through 15097 of the State CEQA Guidelines (Article 7) guide the process for the preparation of an environmental impact report.

The EIR, as required by CEQA, contains 1) an initial study; 2) a project description; 3) a description of the environmental setting, potential environmental impacts, mitigation measures for any significant effects, and consistency with plans and policies; and 4) names of preparers. The mitigation measures included in this EIR are designed to reduce or eliminate the potentially significant environmental impacts described herein. The scope of the EIR evaluates the proposed project’s effects on the following resource topics: aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems.

The City prepared a draft EIR and published the Notice of Availability (NOA) in the Orange County Register as well as posted the NOA at the Orange County Clerk’s office on October 30, 2012. The City circulated the draft EIR for a 45-day public review between November 1, 2012 and December 17, 2012. The draft EIR was available for public review at the Santa Ana City Hall, the City of Santa Ana Main Library, and on the City’s website.
This EIR is intended to provide a forum to air and address comments pertaining to the analysis contained in the draft EIR and to provide an opportunity for clarification, corrections, or minor revisions to the EIR as needed. Comments were received during the public review period. Pursuant to Section 15088 of the State CEQA Guidelines, the City, as the lead agency for the project, has reviewed all comments received on the document.

As a result of the environmental analysis, mitigation measures have been provided to address potential environmental impacts. A list of these mitigation measures are found within the attached Mitigation Monitoring and Reporting Program Summary. Mitigation measures have been outlined to address potential impacts on geology, hazardous materials, water quality, noise, transportation and circulation, cultural resources, air quality and biological resources (Exhibit 14).

**Conclusion**

Based on the analysis provided within this report, staff recommends that the Planning Commission recommend that the City Council adopt a resolution certifying Final Environmental Impact Report No. 2011-01 and approve the mitigation monitoring program for the Sexlinger Farmhouse and Orchard; adopt a resolution approving Variance No. 2012-04(a) and (b) as conditioned; and adopt a resolution approving Vesting Tentative Tract Map No. 2012-02 (County Map No. 17231) as conditioned.

Vince Fregoso, AICP
Acting Planning Manager

Attachments:
Exhibit 1 - General Vicinity Map
Exhibit 2 - Land Use Map
Exhibit 3 - Site Photo
Exhibit 4 - Site Plan
Exhibit 5 - Floor Plan
Exhibit 6 - Building Elevations
Exhibit 7 - Conceptual Landscape Plans
Exhibit 8 - HRC Intent to Demolish Final Report
Exhibit 9 - HRC Resolution
Exhibit 10 - Environmental Impact Report with Additional Analysis
Exhibit 11 - Vesting Tract Map
Exhibit 12 - Correspondence from The Old Orchard Conservancy
Exhibit 13 - Correspondence from Rutan & Tucker, LLP
Exhibit 14 - Mitigation Monitoring and Reporting Program