

SPECIFIC DEVELOPMENT No. 76

AMENDMENT APPLICATION 05-01

NS-2690

**CITY COUNCIL ACTION
JULY 5, 2005**

ORDINANCE NO. NS-2690

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADOPTING THE HUTTON CENTRE MIXED USE SPECIFIC DEVELOPMENT DISTRICT (SD-76) AND REZONING THE PROPERTY LOCATED AT 1-7 AND 9-11 EAST HUTTON CENTER DRIVE AND 101, 200, 201 AND 203 EAST SANDPOINTE AVENUE FROM GENERAL COMMERCIAL (C2) ZONING DISTRICT TO HUTTON CENTRE MIXED USE SPECIFIC DEVELOPMENT DISTRICT (SD-76) (AA NO. 2005-01)

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

Section 1. The City Council of the City of Santa Ana does hereby find, determine and declare as follows:

- A. The Applicant is requesting approval of an amendment application, five conditional use permits, a development agreement, three tentative tract maps and four variances to allow the construction of three residential high rise buildings with 500 condominium units, a four to six-story condominium project with 276 units, a five story mixed-use building with 15 residential units and 10,000 square feet of office space and 14,000 square feet of retail and restaurant spaces at 1, 9 and 10 East Hutton Centre Drive and 101 East Sandpointe Avenue.
- B. On May 23, 2005, the Planning Commission held a duly noticed public hearing and unanimously voted to recommend that the City Council:
 1. Adopt a resolution certifying Final Environmental Impact Report No. 2004-02 and approve the mitigation monitoring program and statement of overriding considerations for the MacArthur Place South project.
 2. Adopt an ordinance approving Amendment Application No. 2005-01.
 3. Adopt an ordinance approving Development Agreement No. 2005-02.
 4. Adopt a resolution approving Conditional Use Permit No. 2005-10 as conditioned for the Lake Towers residential project.
 5. Adopt a resolution approving Conditional Use Permit No. 2005-11 as conditioned for the Cinema Tower and Loft residential projects.
 6. Adopt a resolution approving Conditional Use Permit No. 2005-12 as conditioned for the Cinema Retail project.

7. Adopt a resolution approving Conditional Use Permit No. 2005-13 as conditioned for the Cinema Restaurant project.
 8. Adopt a resolution approving Conditional Use Permit No. 2005-15 as conditioned for the Integral residential project.
 9. Adopt a resolution approving Vesting Tentative Tract Map No. 2005-02 (County Map No. 16621) as conditioned for the Integral project.
 10. Adopt a resolution approving Vesting Tentative Tract Map No. 2005-03 (County Map No. 16622) as conditioned for the Cinema Tower and Loft projects.
 11. Adopt a resolution approving Vesting Tentative Tract Map No. 2005-04 (County Map No. 16626) as conditioned for the Lake Towers project.
 12. Adopt a resolution approving Variance No. 2005-05 as conditioned to allow a reduction in setbacks for the Lake Towers project.
 13. Adopt a resolution approving Variance No. 2005-07 as conditioned for a reduction in parking and tandem parking for the Lake Towers project.
 14. Adopt a resolution approving Variance No. 2005-10 as conditioned for a reduction in parking for the Cinema residential, retail and restaurant uses and to allow tandem parking.
 15. Adopt a resolution approving Variance No. 2005-12 as conditioned to allow tandem parking for the Integral condominium project.
- C. On June 20, 2005 the City Council of the City of Santa Ana held a duly noticed public hearing and at that time considered all testimony, written and oral.
- D. Amendment Application No. 2005-01 has been filed with the City of Santa Ana to adopt the Hutton Centre Mixed Use Specific Development District (SD-76) and to rezone the properties located at 1-7 and 9-11 E. Hutton Centre Drive, 101, 200, 201 and 203 E. Sandpointe Avenue from General Commercial (C2) Zoning District to Hutton Centre Mixed Use Specific Development District (SD-76) (AA NO. 2005-01)
1. SD-76 would create two zones.
 - a. Zone 1 would allow professional, business and administrative offices; museum, libraries and galleries; retail and service uses; restaurants, cafes and eating establishments other than those specified in section 41-365.5; coffee houses, tea houses and bakeries; theaters (with a Conditional Use Permit); Hotels (with a Conditional Use Permit); child care facilities (with a Conditional Use Permit); nightclubs, bars and indoor

entertainment (with a Conditional Use Permit); establishments selling alcoholic beverages (with a Conditional Use Permit); banquet facilities (with a Conditional Use Permit); and health clubs (with a Conditional Use Permit).

b. Zone 2 would allow professional, business and administrative offices; museum, libraries and galleries; nightclubs, bars and indoor entertainment (with a Conditional Use Permit); establishments selling alcoholic beverages (with a Conditional Use Permit); banquet facilities (with a Conditional Use Permit); multi-family residential uses (with a Conditional Use Permit); Live/work communities in compliance with the standards (with a Conditional Use Permit); outdoor farmers markets (with a Conditional Use Permit); full service cafes and restaurants (with a Conditional Use Permit); coffee houses, tea houses and bakeries (with a Conditional Use Permit); theaters (with a Conditional Use Permit); health clubs (with a Conditional Use Permit); and retail and service uses (with a Conditional Use Permit).

2. Amendment Application No. 2005-01 is consistent with the General Plan, including but not limited to its goals and policies to:

a. Promote the balance of land uses to address basic community needs. Land Use Element Goal No. 1.0.

b. Promote land uses which enhance the City's economic and fiscal viability. Land Use Element Goal No. 2.0.

c. Support developments that create a business environment that is safe and attractive. Land Use Element Policy No. 2.8.

d. Enhance development sites and districts which are unique community assets that enhance the quality of life. Land Use Element Goal No. 4.0.

3. The City Council has weighed and balanced the general plan's policies and has determined that based upon this balancing that the MacArthur Place South project is consistent with the purpose of the general plan.

4. The City Council also adopts as findings all facts presented in the Requests for Council Action dated June 20, 2005 accompanying this matter.

5. For these reasons, and each of them, Amendment Application No. 2005-01 is hereby found and determined to be consistent with the General Plan of the City of Santa Ana and otherwise justified by the public necessity, convenience, and general welfare.

E. Final Environmental Impact Report No. 2004-02, the Mitigation Monitoring

Program, and the Statement of Overriding Considerations which came before the City Council on June 20, 2005. At the June 20, 2005 meeting, the City Council also adopted an ordinance rezoning the property (AA No. 2005-01), a resolution approving Conditional Use Permits (Numbers 2005-10, 2005-11, 2005-12, 2005-13, 2005-15), Vesting Tentative Tract Maps (Numbers 2005-02, 2005-03, 2005-04), and Variances (Numbers 2005-05, 2005-07, 2005-10, 2005-12). This resolution incorporates by reference, as though fully set forth herein, the ordinance and resolutions and said Final Environmental Impact Report, Mitigation Monitoring Program, and Statement of Overriding Considerations, and all of their respective facts, findings and conclusions in support of this ordinance and the findings made herein.

Section 2. Section 41-610 of the Santa Ana Municipal Code is amended to read in full as follows (new language in bold deleted language in ~~strikeout~~):

Sec. 41-610. Wall and fence requirements in the residential zones

(a) All walls and fences located in the RE, R1, R2, R3, R4, and at any residential use in a specific development zoning district, excluding SD-19 and SD-76, shall not exceed the following:

- (1) Front yard fences four (4) feet in height on those streets defined and designated in the circulation element of the city's general plan as arterial streets and three (3) feet in height on all other streets, measured from the top of the curb or established grade upward.
- (2) All other walls and fences shall not exceed eight (8) feet in height, measured from the top of the curb or established grade upward.
- (3) In other districts, walls and fences shall not exceed ten (10) feet in height, and shall not exceed four (4) feet in height where the wall or fence extends into the required front yard or any required landscaped area.

(b) In the RE, R1, R2, R3, R4, and at any residential use in a specific development zoning district, excluding SD-19 and SD-76, no front yard fence over eighteen (18) inches in height shall be constructed without the issuance of a permit therefore by the planning and building agency. The permit shall be issued if the fence conforms to the following provisions:

- (1) Front yard fences shall be composed of only the following materials: wood; wrought iron; tubular steel, stone; brick; stucco; or decorative block such as slump stone or split-faced block;
- (2) Spikes, stakes or other sharp metal objects shall not be permitted;
- (3) Arbors located in the required front yard or required landscaped area shall only be permitted over walkways, and shall not exceed ten (10) feet in height, six (6) feet in width and three (3) feet in depth.

(c) Any wall or fence expressly permitted by this section or any other section of this chapter shall comply with the provisions set forth in chapter 36 of this Code.

(d) In the RE, R1, R2, R3, R4, and at any residential use in a specific development zoning district, excluding SD-19, chain link fencing material is not permitted except in a rear yard or side yard which is not viewable from a public street.

(e) In the RE, R1, R2, R3, R4, and at any residential use in a specific development zoning district, excluding SD-19, barbed wire is not permitted as part of a wall or fence.

(f) As used in this section, the following terms shall have the following meanings:

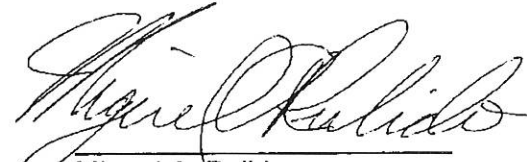
- (1) *Fence or wall* shall mean a barrier which serves to enclose, divide, or protect an area, or is used to prevent intrusion from the outside of a parcel to the interior of such parcel, exclusive of any such barrier which forms part of a building or structure.
- (2) *Front yard fence* shall mean a fence or wall (as defined in this section) within the required front yard or any required landscape area of a parcel, built from permitted materials and designed and constructed so as to permit visibility between or through fence elements over eighteen (18) inches in height. Those portions of the front yard fence eighteen (18) inches in height and lower may be constructed of opaque or solid materials. Elements over eighteen (18) inches in height shall be spaced no closer than four (4) inches apart, with each member no wider than four (4) inches across. Elements wider than four (4) inches across shall be considered pilasters. Pilasters may be no wider than sixteen (16) inches across, and may be no closer than eight (8) feet on center. except for pilasters supporting a four-foot wide maximum entry gate.
- (3) *Barbed wire* includes both straight-line and looped ("concertina") varieties.
- (4) *Public street* does not include alleys.
- (5) *Arbor* means a decorative framework or structure formed of vines, branches, or lattice work.

Section 3. The real properties located at 1-7 and 9-11 East Hutton Centre Drive, 101, 200, 201 and 203 East Sandpointe Avenue are hereby reclassified from General Commercial (C2) zoning district to Hutton Centre Mixed Use Specific Development District (SD-76). Amended Sectional District Map number 31-5-9 showing the above described change in use district designation, is hereby approved and attached hereto as Exhibit "A" and incorporated by this reference as though fully set forth herein. (AA No. 2004-01).

Section 4. Hutton Centre Mixed Use Specific Development District (SD-76) as set forth in Exhibit "B", attached hereto and incorporated as though fully set forth herein, is approved adopted in its entirety.


Section 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

ADOPTED this 5th day of July 5, 2005.


Miguel A. Pulido
Mayor

APPROVED AS TO FORM:

Joseph W. Fletcher
City Attorney

By: 
Kylee O. Otto
Assistant City Attorney

AYES: Councilmembers Alvarez, Bustamante, Christy, Garcia, Pulido, Solorio (6)
NOES: Councilmembers _____
ABSTAIN: Councilmembers _____
NOT PRESENT: Councilmembers Bist (1)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, PATRICIA E. HEALY, Clerk of the Council, do hereby attest to and certify the attached Ordinance No. NS-2690 to be the original ordinance adopted by the City Council of the City of Santa Ana on July 5, 2005 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: July 13, 2005


Clerk of the Council
City of Santa Ana

Hutton Centre Mixed Use Specific Development District
(SD-76)

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Hutton Centre Mixed Use Specific Development District (SD-76)

SECTION 1 APPLICABILITY OF ORDINANCE

The specific development zoning district, as authorized by Chapter 41, Division 26, of the Santa Ana Municipal Code, is specifically subject to the regulations contained in this ordinance for the express purpose of establishing use district regulations. All other applicable chapters, articles and sections of the Santa Ana Municipal Code shall apply unless expressly waived or superseded by this ordinance. Use district regulations established in Chapter 41, Article III, of the Santa Ana Municipal Code for zoning districts other than the SD zoning district may be incorporated herein by reference. The boundaries of the Hutton Centre Mixed Use Specific Development District shall be defined pursuant to Attachment 1 (attached hereto and incorporated as though fully set forth herein). Hutton Centre Mixed Use Specific Development District shall have two zones, Zone 1 and Zone 2, as depicted in Attachment 1.

SECTION 2 PURPOSE

The Specific Development No. 76 (SD-76) use district regulations are hereby established for the express purpose of protecting the health, safety and general welfare of the City by encouraging the use of innovative planning concepts and principles, promoting and enhancing the value of properties, and encouraging orderly development. This district is intended to provide standards for areas located in a District Center and adjacent to high capacity arterial streets.

SECTION 3 OBJECTIVES AND POLICIES

The Hutton Centre Mixed Use Specific Development District is located within the southeastern area of the City. The Hutton Centre Mixed Use Specific Development District encompasses a mixture of office, restaurant, retail and residential land uses.

The following site development policies are designed to encourage greater convenience, efficiency, excellence of design and visual appeal than is typically achieved with usual residential and commercial development. The policies of the Hutton Centre Mixed Use Specific Development District include the following:

- Uses shall be integrated within the overall Hutton Centre campus in terms of architecture, pedestrian orientation and circulation, vehicular circulation, landscape and urban design.

- Internal circulation shall separate customer traffic from loading, delivering, and pedestrian traffic.
- Access to and from the adjacent arterial streets and highways shall be limited, in order to ensure efficient and safe vehicular circulation.
- Adequate open spaces and landscaping shall be provided for all uses and shall be integrated with building and parking areas.
- A well-planned system of pedestrian linkages, enhanced with water features, seating areas, and other pedestrian amenities, shall be developed for convenient access between all uses developed on the site.
- Walkways, parking and open spaces shall be provided with adequate lighting for safe and convenient nighttime use.

SECTION 4 PERMITTED USES IN ZONE 1

The permitted land uses within Zone 1 shall be as follows:

1. Professional, business and administrative offices.
2. Museums, libraries and galleries.
3. Retail and Service Uses.
4. Restaurants, cafes, and eating establishments, other than those specified in section 41-365.5.
5. Coffee houses, tea houses, and bakeries.

SECTION 5 CONDITIONALLY PERMITTED USES IN ZONE 1

The following uses are permitted within Zone 1 upon the approval of a conditional use permit in accordance with the Santa Ana Municipal Code:

1. Theaters.
2. Hotels.
3. Child care facilities.
4. Nightclubs, bars and indoor entertainment uses whether freestanding or part of another permitted or conditionally permitted use. Adult entertainment businesses shall not be permitted within Zone 1.
5. Establishments selling or serving alcoholic beverages.

6. Banquet facilities, subject to development standards set forth in section 41-199.1.
7. Uses open between the hours of 12:00 midnight and 5:00 a.m.
8. Health Clubs.

SECTION 6 PERMITTED USES IN ZONE 2

The permitted land uses within Zone 2 shall be as follows:

1. Professional, business and administrative offices.
2. Museums, libraries and galleries.

SECTION 7 CONDITIONALLY PERMITTED USES IN ZONE 2

The following uses are permitted within Zone 2 upon the approval of a conditional use permit in accordance with the Santa Ana Municipal Code:

1. Nightclubs, bars and indoor entertainment uses whether freestanding or part of another permitted or conditionally permitted use. Adult entertainment businesses shall not be permitted within Zone 2.
2. Establishments selling or serving alcoholic beverages.
3. Banquet facilities, subject to development standards set forth in section 41-199.1.
4. Uses open between the hours of 12:00 midnight and 5:00 a.m.
5. Multi-family residential uses.
6. Live/work communities in compliance with the following standards:
 - a. Residential use is permitted only in combination with individual work space in a manner which provides an integrated working and living environment.
 - b. A live/work unit shall be at least nine hundred (900) square feet in size.
 - c. The residential component of a live/work unit shall meet the following standards:
 - i. It shall have access to separate bathroom facilities, including a water closet, a wash basin, and a bathtub or shower.
 - ii. It shall have separate kitchen facilities including a kitchen sink, cooking appliances and refrigerator. All

such facilities shall have a clear working space of at least thirty (30) inches in front.

- iii. It shall comply with all Housing Code requirements as modified by section 8-2700 of this Code.
 - iv. In-unit laundry facilities shall be required.
 - v. No residential component shall be permitted on the ground floor of the live/work unit.
- 7. Outdoor Farmers Markets.
 - 8. Full service cafes and restaurants, which may include incidental take-out service. Full service cafes and restaurants shall be limited to those that provide sit down dining areas and exclusive table service for ordering and delivering meals and beverages.
 - 9. Coffee houses, tea houses, and bakeries.
 - 10. Health Clubs.
 - 11. Retail and service uses.

SECTION 8 DEVELOPMENT STANDARDS IN ZONE 2

The following general development standards are applicable to this project:

1. Maximum Development Intensity

Consistent with the General Plan, the maximum residential density allowed for the site shall be 90 dwelling units per acre within SD-76. The maximum floor area ratio for other permitted uses shall be 1.0.

2. Minimum Parcel Size

The minimum parcel size shall be 2.5 acres.

3. Overall Project

The development plans and material samples shall be submitted to and approved by the Planning Commission pursuant to Section 41-593.4 prior to issuance of any building permits.

a. Building Setbacks

Setbacks are established to enhance pedestrian space throughout the district, create compatible relationships between existing and future building elevations, and recognize opportunities to create new open spaces such as plazas, pedestrian ways and landscaped areas. Major setback conditions are discussed below by street:

i. **Main Street:**

All projects shall maintain a building setback of 15 feet. Entry steps to residential units may encroach into this setback area in order to provide a transition between public and private spaces.

ii. **MacArthur Boulevard:**

All residential projects shall maintain a building setback of 15 feet. Entry steps to residential units may encroach into this setback area in order to provide a transition between public and private spaces.

iii. **Sandpointe Avenue:**

All projects shall maintain a building setback of 10 feet. Entry steps to residential units may encroach into this setback area in order to provide a transition between public and private spaces.

iv. **Hutton Centre Drive:**

All projects shall maintain a building setback of 10 feet.

b. **Building Height**

The building height of a project shall not be approved where the Federal Aviation Administration (FAA) has determined such height to be a hazard to air navigation.

c. **Screening**

All appurtenances shall be located outside any required setback and shall be screened from view.

4. **Parking**

a. **General Requirements**

- i. Parking shall not encroach into required setbacks at grade. Parking structures below residential buildings shall not encroach within required setbacks along Main Street or MacArthur Boulevard.

- ii. Parking structures that incorporate trash enclosures shall maintain sufficient vertical clearances to facilitate trash truck access.
 - iii. Glare from the parking structure lighting shall not be visible from any public right-of-way.
 - iv. The ceiling of all parking levels shall be painted white and be maintained to improve illumination and enhance safety within the parking structure.
 - v. The parking structure shall comply with the Santa Ana Municipal Code sections pertaining to the Police Department's Security requirements, including parking lot lighting levels.
 - vi. The parking structure shall comply with the Santa Ana Police Department's parking structure design guidelines.
- b. All uses shall comply with the parking provisions outlined in Chapter 41 of the Santa Ana Municipal Code (SAMC).

5. Landscaping

Prior to issuance of any building permit, a detailed Landscape Plan shall be submitted to and be approved by the Planning Commission.

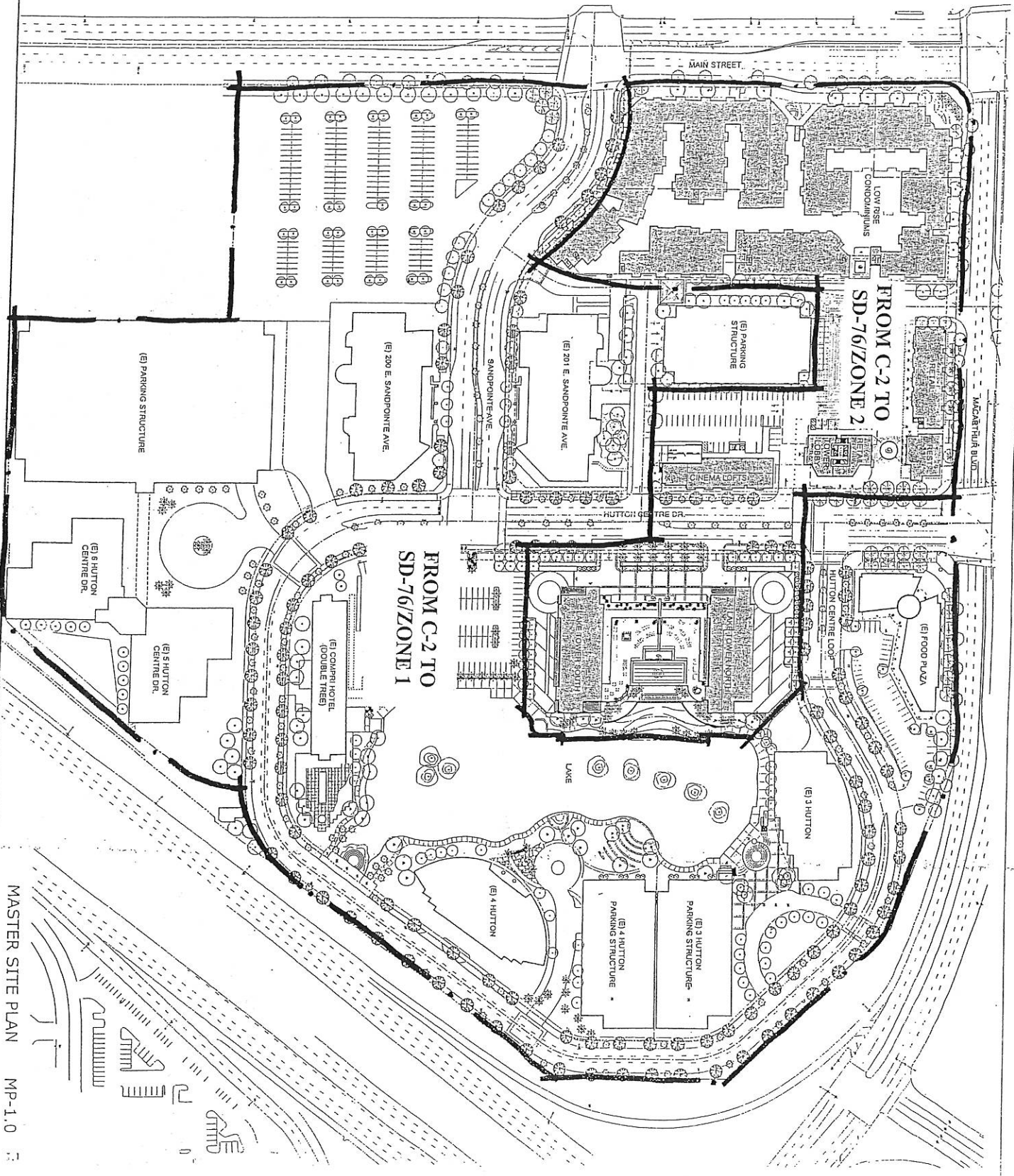
6. Signage

- a. All signage shall comply with the Santa Ana Municipal Code.
- b. Prior to issuance of any sign permits or certificates of occupancy for any building or portion thereof, a comprehensive sign program for the entire site, including directional signs and graphics for the parking structure, shall be submitted to and be approved by the Planning Commission.

7. Public Areas

Prior to issuance of any building permits, a detailed plan of the public areas shall be submitted to and approved by the Planning Commission.

- a. Exterior kiosks, carts or other temporary outdoor uses are not allowed unless specifically submitted to and approved by the Planning Commission.
- b. The public areas shall incorporate seating, benches, street furniture and landscaping to provide visual interest and additional amenities within the public areas. All seating, benches, street furniture surfaces, pedestrian-level walls and similar amenities shall be made of a durable material such as concrete or painted iron and be designed to minimize effects from vandalism, skateboarding and weather and incorporate graffiti resistant coatings.
- c. Pedestrian amenities shall be provided such as lighting, planters, drinking fountains, unit pavers, and bicycle racks.
- d. Trash receptacles should be located in high-activity areas, such as plazas and other public open spaces. The style shall be compatible with other public areas' furnishings.
- e. The property shall be maintained free of graffiti. All graffiti shall be removed within 48-hours of occurrence.



MASTER SITE PLAN MP-1.0

NEXUS DEVELOPMENT CC