

ORDINANCE NO. NS-2968

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AMENDMENT APPLICATION NO. 2019-01 REZONING THE PROPERTY LOCATED AT 651 WEST SUNFLOWER AVENUE FROM SINGLE-FAMILY RESIDENTIAL (R-1) TO SPECIFIC DEVELOPMENT NO. 94 (SD-94) (AA NO. 2019-01) AND ADOPTING SPECIFIC DEVELOPMENT NO. 94 (SD-94) FOR SAID PROPERTY

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

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

- A. Amendment Application No. 2019-01 has been filed with the City of Santa Ana to change the zoning designation of the parcel located at 651 West Sunflower Avenue from Single-Family Residence (R-1) to Specific Development No. 94 (SD-94) zoning designation described in Exhibit A. General Plan Amendment No. 2019-01 was filed concurrently with the Amendment Application for consistency with the General Plan.
- B. The zoning designation of the Specific Development No. 94 (SD-94) would facilitate the development of a 226-unit multiple-family residential community with private community space and supportive service offices and bring the rezoned property into consistency with the General Plan land use designation of Urban Neighborhood (UN).
- C. On April 22, 2019, the Planning Commission held a duly noticed public hearing. The public hearing was opened, public testimony was taken, and the public hearing was continued to May 13, 2019.
- D. On May 13, 2019, the Planning Commission held a duly noticed public hearing and voted to recommend that the City Council adopt an ordinance approving Amendment Application No. 2019-01 which is consistent with the General Plan, as amended by General Plan Amendment No. 2019-01.
- E. The City Council has reviewed applicable general plan policies and has determined that this proposed rezoning is consistent with the purpose of the General Plan.
- F. The City Council, prior to taking action on this ordinance, held a duly noticed public hearing on June 4, 2019.

G. The City Council also adopts as findings all facts presented in the Request for Council Action dated June 4, 2019 accompanying this matter.

H. For these reasons, and each of them, Amendment Application No. 2019-01 is hereby found and determined to be consistent with the intent and purpose of Chapter 41 of the Santa Ana Municipal Code, thus changing the zoning district is found to be consistent with the General Plan of the City of Santa Ana and otherwise justified by the public necessity, convenience, and general welfare.

Section 2. The City Council of the City of Santa Ana hereby adopts an ordinance rezoning the real property located at 651 West Sunflower Avenue from Single-Family Residence (R-1) to Specific Development No. 94 (SD-94), (AA No. 2019-01). Amended Sectional District Map number 36-5-10 showing the above described change in use district designation, is hereby attached hereto as Exhibit B and incorporated by this reference as though fully set forth herein. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to: the Request for Council Action dated June 4, 2019, and exhibits attached thereto; and the public testimony, all of which are incorporated herein by this reference.

Section 3. The City Council has independently reviewed and analyzed the information contained in the Initial Study and the Mitigated Negative Declaration (MND), Environmental Review No. 2018-75 and Mitigation Monitoring and Reporting Program, prepared with respect to this project. The City Council has, as a result of its consideration of the record as a whole and the evidence presented at the hearings on this matter, determined that, as required pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, Environmental Review No. 2018-75 meets all the requirements of CEQA.

Section 4. This ordinance shall not be effective unless and until Resolution No. 2019-047 and Resolution No. 2019-048 (Environmental Review No. 2018-75 and General Plan Amendment No. 2019-01) and Ordinance No. NS-2968 (Amendment Application No. 2019-01) are adopted and become effective. If either resolution and/or ordinance are for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or otherwise does not go into effect for any reason, then this ordinance shall be null and void and have no further force and effect.

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 the 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.

Section 6. The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims,

demands, lawsuits, writs of mandamus, and other and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively "Actions"), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, 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.


ADOPTED this 18th day of June, 2019.



Miguel A. Pulido
Mayor

APPROVED AS TO FORM:

Sonia R. Carvalho
City Attorney

By: 
Lisa Storck
Assistant City Attorney

AYES:	Councilmembers	<u>Iglesias, Penaloza, Pulido, Sarmiento, Solorio, Villegas (6)</u>
NOES:	Councilmembers	<u>None (0)</u>
ABSTAIN:	Councilmembers	<u>None (0)</u>
NOT PRESENT:	Councilmembers	<u>None (0)</u>

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, NORMA MITRE, Acting Clerk of the Council, do hereby attest to and certify that the attached Ordinance No. NS-2968 to be the original ordinance adopted by the City Council of the City of Santa Ana on June 18, 2019 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: June 21, 2019



Norma Mitre
Acting Clerk of the Council
City of Santa Ana

SPECIFIC DEVELOPMENT PLAN NO. 94
Legacy Partners 651 Sunflower Apartments ("Legacy Sunflower")

SECTION 1- APPLICABILITY OF ORDINANCE

The Specific Development zoning district No. 94 (SD-94) for the Legacy Partners 651 Sunflower Apartments project is authorized by Chapter 41, Division 26 Section 41-593 et seq. of the Santa Ana Municipal Code. SD No. 94 contains the specific standards and regulations contained in the residential district, as herein amended, for the purpose of establishing land use regulations and standards. All other applicable chapter, articles, and sections of the Santa Ana Municipal Code are in effect unless expressly superseded by regulations contained in this ordinance.

SECTION 2- PURPOSE

The Specific Development Plan No. 94 for the Legacy Partners 651 Sunflower Apartments project consists of standards and regulations established for the purpose of protecting the health, safety, and general welfare of the people of Santa Ana by promoting and enhancing the value of property and encouraging the orderly development of property.

The Legacy Partners 651 Sunflower Apartments project Specific Plan Development Plan No. 94 (SD-94) sets forth the development and design criteria for a development consisting of approximately 3.59 acres. The purpose of this specific development plan is to permit flexibility in site planning and design to respond to market conditions while assuring high quality development. SD No. 94 specifically establishes for the property the following:

- Permitted Uses
- Development Standards, including building heights limits, required setbacks, parking requirements, landscaping provisions and enforcement policies.
- Publicly accessible plaza requirements
- Maximum development intensity

Objectives

The objectives of the Legacy Partners 651 Sunflower project specific development plan include provision of the following:

1. Development of a multi-family residential project in an area that has a significant amount of office, commercial and retail uses within close proximity to the site via the Bristol and Main Street arterials.
2. Promotion of the City's image as providing high quality residential projects for individuals and families in all income groups.
3. A clean and safe environment for the City's residents, workers and visitors.

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4. A visually harmonious development as viewed both internally and externally.
5. Flexibility in development in response to market conditions while achieving overall City and community goals.

SECTION 3 - Uses permitted in Specific Development Plan No. 94

The following uses are permitted in SD-94 district:

- (a) One (1) Multiple-family development containing no more than 226 residential units, inclusive of any onsite manager unit(s)
- (b) Resident-serving, private amenities (e.g. leasing office, club room, fitness center, etc.)

SECTION 4 - Uses subject to a conditional use permit in Specific Development No. 94

Not applicable

SECTION 5 - Maximum permitted floor area ratio (FAR)

The maximum authorized building intensity for the Legacy Partners 651 Sunflower Apartments project is a floor area ratio (FAR) of 1.81, including residential areas, community serving areas (e.g. leasing office, fitness center, club room, rooftop patios) and interior corridors exclusive of the parking structure.

SECTION 6 - Minimum lot area in Specific Development No. 94

The developable lot for the project shall have a minimum lot area of 3.00 net acres.

SECTION 7 - Minimum street frontage in Specific Development No. 94

The minimum street frontage on Sunflower Avenue shall be 550 feet.

SECTION 8 - Building height in Specific Development No. 94

No structure shall exceed 75 feet in height, as measured from the lowest adjacent grade of a structure to the top of a structure.

SECTION 9 - Development Standards in Specific Development No. 94

The Legacy Sunflower development shall be built as shown on the approved project plans as per Development Project No. 2018-19. The plans shall govern in the event there is a conflict between the SD with the project plans. In addition, the following standards are applicable to the project:

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(a) Setbacks.

- (1) A minimum setback of nine (9) feet shall be provided between the property line and buildings on Sunflower Avenue
- (2) A minimum setback of forty-three (43) feet shall be provided between the interior side property lines and buildings
- (3) A minimum setback of thirty-five (35) feet shall be provided between the rear property line and buildings

(b) Parking. The minimum off-street parking requirements for the project are as follows: Two (2) stalls per dwelling unit, inclusive of guest parking.

- (1) A parking management plan must be submitted to the City for review prior to permit issuance for any above-ground structures. The parking management plan must be approved prior to issuance of the project's certificate of occupancy. The parking management plan must detail how residential parking will be assigned, detail operations of any proposed onsite valet services, and contain best management practices to address any reallocations of onsite parking that may be required.

(c) Pedestrian Walkways and Open Space. The project will provide a minimum of 200 square feet per unit of private (per unit) open space and common-private open space on the development site.

(d) Walls/Fences.

- (1) A solid block wall with a minimum height of seven (7) feet shall be constructed along the eastern interior property line adjacent to residential developments. The block wall shall be designed to contain a decorative cap, regularly-spaced decorative pilasters, and a decorative finish in accordance to the design provisions contained within the most recent version of the City's design guidelines.
- (2) A wrought iron or similar fence shall be constructed along the northern property line with necessary vehicular access points for elementary school drop-off.
- (3) A wrought iron or similar fence shall be constructed along a portion of the western property line adjacent to the storm drain channel.
- (4) Additional glass enclosures may be added to ground level patios along (1) Sunflower to mitigate sound and/or provide security and privacy. The maximum height of said patio walls, inclusive of opaque and transparent elements, is five (5) feet in height.

(e) Landscaping.

Detailed landscaping plans shall be submitted to and be approved by the City of Santa Ana Planning Division prior to issuance of a building permit and

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Installed as required in the approved plans. Final landscape plan design shall conform to the standards and guidelines contained within the most recent version of the City's design guidelines. The landscape plan shall include approximately 15 percent open space (courtyards, common area amenities, perimeter plaza and open space) within the project site including the club room, courtyards, rooftop decks.) The landscape plan shall contain planting details, irrigation plans, and hardscape, furniture, and lighting details.

(f) Architecture and Design Features.

- (1) Exterior materials. Exterior materials and finishes for the project shall comply with the approved materials board submitted for the project during Building Division plan check. All trash enclosures and similar ancillary structures shall match the texture, material and color of the building.
- (2) Hardscape materials. Enhance paving materials shall be installed at the project main entrance and driveway entrances. The actual paving materials shall be approved by the Planning Division.
- (3) Lighting standards/fixtures. The light fixtures are to integrate design elements of the building and landscape architecture. Lighting is to be designed to confine the direct rays of the artificial lighting within the boundaries of the development. Specifications of light standards/fixtures and photometrics plan shall be submitted to Planning Division for approval.

(g) Mechanical Equipment, Appurtenances, and Conduits.

All mechanical equipment and all supporting appurtenances and conduits shall be screened from view inside walls, behind parapets, or through a combination of landscape and hardscape materials.

(h) Public Art.

Public art shall be provided on the development site at a value of one-half percent (0.5%) of the building's valuation, inclusive of the residential and parking structure components. A public art plan shall be submitted to the City of Santa Ana Planning Division for review and approval prior to permit issuance for any above-ground construction on the project site.

(i) Maintenance Agreement.

Prior to the issuance of a building permit, a Property Maintenance Agreement must 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, Developer (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from

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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 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 Developer 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 and obligations and responsibilities set forth under the maintenance agreement.

(g) The maintenance agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions

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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.

(h) The execution and recordation of the maintenance agreement shall be a condition precedent to the issuance of final approval for any construction permit related to this entitlement.

