

ORDINANCE NO. NS-2995

AN ORDINANCE OF THE CITY COUNCIL APPROVING  
AMENDMENT APPLICATION NO. 2020-01 REZONING  
THE PROPERTY LOCATED AT 2300, 2310, AND 2320  
SOUTH REDHILL AVENUE FROM LIGHT INDUSTRIAL (M-  
1) TO SPECIFIC DEVELOPMENT NO. 96 (SD-96) AND  
ADOPTING SD-96 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:

WHEREAS, Chapter 41, Article 1, Division 1, Section 41-1 of the Santa Ana  
Municipal Code establishes the necessity of segregating the location of residences,  
businesses, trades and industries; regulating the use of buildings, structures, and land  
regulation; the location, height, bulk and size of buildings and structures, the size of  
yards and open space; the City is divided into land-use districts of such number, shape  
and area as may be considered best suited to carry out these regulations and provide  
for their enforcement; and

WHEREAS, the regulations are considered necessary in order to: encourage  
the most appropriate use of land, conserve and stabilize property value, provide  
adequate open spaces for light and air and to prevent and fight fires, prevent undue  
concentration of population, lessen congestion on streets and highways, and promote  
the health, safety and general welfare of the people, all as part of the general plan of  
the City; and

WHEREAS, the City of Santa Ana has adopted a zoning map which has since  
been amended from time to time; and

WHEREAS, Jeremy Ogulnick, representing Arrimus Capital ("Applicant"), seeks  
to develop a Mixed-Use Commercial and Residential Project ("proposed Project"), on a  
14.69-acre site at 2300, 2310, and 2320 South Redhill Avenue in Santa Ana, California  
("Project Site"); and

WHEREAS, during the City's entitlement and environmental review process, and  
in response to comments and concerns raised by the City and public, the Applicant has  
proposed the subject mixed-use Project; and

WHEREAS, the Project as currently proposed entails, among other things, (1)  
demolition of the existing three (3) structures on the Project Site; (2) redevelopment of  
the Project Site with a commercial and residential mixed-use development consisting of

up to 80,000 square feet leasable commercial area, 1,100 residential units, 2,600 onsite parking spaces, and onsite landscaping and amenities; (3) approval of General Plan Amendment (GPA) No. 2020-02, which would change the Project Site's existing land use designation of Professional & Administration Office (PAO) to District Center (DC); and (4) approval of Amendment Application (AA) No. 2020-01, which would change the zoning of the Project Site from Light Industrial (M-1) to Specific Development No. 96 (SD-96) designation; and

WHEREAS, Applicant agrees to execute a Mutual Declaration of Acknowledgement and Acceptance of Approval Conditions, signed by the developer and property owner and recorded against the development property, attached hereto and incorporated herein by reference as Exhibit C; and

WHEREAS, the requested Amendment Application would change the zoning designation of the property from Light Industrial (M-1) to Specific Development No. 96 (SD-96) and adoption of Specific Development No. 96 to reflect this change in order to facilitate the construction of the proposed Project; and

WHEREAS, Environmental Impact Report No. 2020-01 (State Clearinghouse/SCH No. 2019080011) for the proposed Project was circulated between January 3, 2020 to February 18, 2020; and

WHEREAS, the Environmental Impact Report analyzed the impacts related to the proposed amendment to the zoning map and adoption of Specific Development No. 96; and

WHEREAS, during the public comment period, a Planning Commission work-study session was held on February 10, 2020 where staff presented proposed Project and described the Draft EIR; and

WHEREAS, on May 11, 2020 and May 26, 2020, the Planning Commission conducted a duly noticed public hearing to consider the EIR and the GPA, and AA applications described above. After hearing all relevant testimony from staff, the public and the City's consultant team, the Planning Commission voted to recommend that the City Council certify the EIR and adopt the findings, the statement of overriding considerations and the mitigation monitoring and reporting program and approve the Project; and

WHEREAS, on August 6, 2020, the City gave public notice of a City Council public hearing for consideration of Environmental Impact Report No. 2020-01 (State Clearinghouse No. 2019080011) by advertising in the Orange County Register, a newspaper of general circulation, and by mailing to owners of property and residents within 500 feet of the Project; and

WHEREAS, on August 18, 2020, the City Council conducted a duly noticed public hearing to consider the EIR, General Plan Amendment No. 2020-02, and

Amendment Application No. 2020-01 and at which hearing members of the public were afforded an opportunity to comment upon Environmental Impact Report No. 2020-01. After hearing all relevant testimony from staff, the public and the City's consultant team, the City Council voted to certify the EIR, adopt the findings, the statement of overriding considerations and the mitigation monitoring and reporting program and approve the Project; and

WHEREAS, the "EIR" consists of the Final EIR and all attachments and appendices, as well as the Draft EIR and its attachments and appendices (as modified by the Final EIR).

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT: The City Council has reviewed and certified Environmental Impact Report No. 2020-01; adopted the Mitigation Monitoring and Reporting Program (MMRP); and adopted the Statement of Overriding Consideration for the proposed Project, including this Amendment Application No. 2020-01.

SECTION 3. AMENDMENT APPLICATION: The Amendment Application consists of amendments to the zoning map (SDM IRS-9) and adoption of Specific Development No. 96, as shown in Exhibit A and Exhibit B respectively, attached hereto and incorporated herein by reference.

SECTION 4. LOCATION OF DOCUMENTS: The Amendment Application, Environmental Impact Report and all supporting documents are online, on file and available for public review at Santa Ana City Hall, 20 Civic Center Plaza, Santa Ana, California 92702.

SECTION 5. GENERAL PLAN CONSISTENCY: The City Council hereby finds that the proposed Amendment Application is compatible with the objectives, policies, and general plan land use programs as amended by General Plan Amendment No. 2020-02 in that:

- A. The proposed Amendment Application will not adversely affect the public health, safety, and welfare in that the Amendment Application will not result in incompatible land uses on adjacent properties, inconsistencies with any General Plan goals or policies, or adverse impacts to the environment.
- B. The amendment application to change the zoning designation from Light Industrial (M-1) to Specific Development No. 96 (SD-96) is consistent with Santa Ana Municipal Code section 41-593.1 for the following reasons:

- (1) Protecting and enhancing the value of properties by encouraging the use of good design principles and concepts, as related to the division of property, site planning and individual improvements with full recognition of the significance and effect they have on the proper planning and development of adjacent and nearby properties.

The project's site plan has been designed to integrate the project site into the surrounding community. The development's primary access points will be from a right-in, right-out driveway on Redhill Avenue, and from a signalized intersection on Warner Avenue. These access points have been designed to ensure the safety of residents and visitors of the project site, as well as commuters, employees, and residents of the surrounding community.

Onsite circulation has been designed to ensure a high-quality pedestrian experience, with wide sidewalks, a central paseo, and plazas and courtyards that buffer or separate pedestrians from onsite vehicular traffic. Moreover, the project has been broken into four primary buildings and two freestanding commercial pads, which reduces the overall massing of the project and creates a more pedestrian-scale village of buildings onsite. The two future roadway connections on the project site will allow the development to become integrated with the adjacent site to the southwest, should an application for redevelopment be approved. (As of the date of this ordinance, no application for redevelopment of the adjacent site to the southwest has been submitted for the City's consideration).

- (2) Encouraging, securing and maintaining the orderly and harmonious appearance, attractiveness and aesthetic development of structures and grounds in order that the most appropriate use and value thereof be determined and protected.

The project's six buildings on the 14.69-acre site are designed in a cohesive manner with unifying materials, floor heights, and articulation using contemporary architecture in an "industrial tech" style. High-quality building materials will ensure long-term durability and maintaining high value of the project, including metal trim, awnings, railing, slats, and cladding; brick veneers and high-quality light sand finish stucco; glass railing; and poured concrete forms. Onsite furniture and details, such as lighting, waste receptacles, benches, tables, and open space areas, have been designed to complement the site's contemporary architecture. High ground-floor window and ceiling heights will contribute to the high-quality commercial component of the project site, which has been designed to create a dynamic, commercial and residential village. These finishes and designs are consistent with

the development standards and design guidelines found in the City's mixed-use zoning areas such as the Transit Zoning Code and Metro East Mixed Use (MEMU) Overlay Zone, as well as the Citywide Design Guidelines.

Open space and amenities will be provided on the site in a variety of means, including private unit balconies and patios, amenity decks atop parking structures, ground-level courtyards, the central paseo, and the central plaza. The resident open space areas will contain pools, courtyards, exercise areas, relief areas for pets, and other amenities typical to high-quality mixed-use developments found in Santa Ana and in Orange County. Based on a standard of two (2) acres of public park and/or recreational area per 1,000 residents (SAMC Sec. 35-108), the proposed project would require 4.2 acres of parkland to serve the new residents. The onsite total proposed open space is 183,363 square feet (4.21 acres), which is consistent with the SAMC standard and with other mixed-use projects that provide their own onsite public and private open space areas.

- (3) Providing a method whereby specific development plans are to be based on the general plan as well as other regulations, programs, and legislation as may, in the judgment of the city, be required for the systematic execution of the general plan.

With approval of General Plan Amendment No. 2020-02, the Project will be consistent with the General Plan Land Use Element. Although the Project requires an amendment to the Land Use Element to allow for residential use of the property, the Project still supports and is consistent with several other overarching goals and policies of the General Plan. For example, as described in the associated General Plan Amendment No. 2020-02: Housing Element Goal 2, to create diversity of quality housing, affordability levels, and living experiences that accommodate Santa Ana's residents and workforce of all household types, income levels, and age groups to foster an inclusive community. Land Use Element Goal 4, to protect and enhance development sites and districts which are unique community assets that enhance the quality of life. Urban Design Element, Goal 1, to improve the physical appearance of the City through development of districts that project a sense of place, positive community image, and quality environment.

- (4) Recognizing the interdependence of land values and aesthetics and providing a method to implement this interdependence in order to maintain the values of surrounding properties and improvements and encouraging excellence of property development, compatible with the general plan for, and character of, the city, with due regard for the public and private interests involved.

The proposed development contains a large commercial component of 80,000 square feet of leasable retail, service, and restaurant area. This volume of commercial space complements the residents, visitors, and employees working and living on and around the project site.

The 80,000 square feet of leasable commercial area is among the largest commercial components proposed in recent mixed-use developments. For comparison, the Elan project (1660 East First Street) approved in 2018 contains 603 residential units and 20,000 square feet of commercial space; the First American redevelopment (114 East Fifth Street) approved in 2019 contains 220 residential units and 12,350 square feet of commercial space, and The Heritage (2001 East Dyer Road), which is under construction nearby, contains 1,221 residential units and 18,400 square feet of net new commercial square footage.

The mixture of land uses on the project site, including residential, commercial, and open space, will contribute to the formation a dynamic mixed-use village. The commercial and open space components will serve both residents and visitors of the project site, as well as the large daytime employee population working in the project site's immediate vicinity.

- (5) Ensuring that the public benefits derived from expenditures of public funds for improvements and beautification of streets and public facilities shall be protected by exercise of reasonable controls over the character and design of private buildings, structures and open spaces.

The mixed-use development will utilize existing water, sewer, and drainage infrastructure and will not result in the expansion of infrastructure. In addition, the Project will not result in the expansion of new or altered police or fire facilities. The Project will be subject to utility user tax, property taxes based on the valuation of the new construction and management company business taxes. The building facades and new landscaping are designed to deter graffiti, existing sidewalks will be removed and replaced with new sidewalks that are constructed to current City standards, new street lights will be installed and the City's Building Security Ordinance will be implemented which includes security and crime preventing measures to help reduce City expenditures on public services and maintenance. In addition, the development will be subject to all required development impact fees.

**SECTION 6. INDEMNIFICATION.** A. General Indemnification. 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

- B. Further Indemnification. Within five (5) days of receipt of a referendum petition by the City, Applicant shall deposit Fifty Thousand Dollars (\$50,000) ("Referendum Deposit") with the City. City may use the funds to pay any and all costs associated with said referendum measure. If at any time the Referendum Deposit account has Five Thousand Dollars (\$5,000) or less remaining, Applicant shall, within three (3) days of receiving notice from the City, deposit with the City additional funds as requested by the City to cover all costs and expenses associated with processing the referendum and holding the related election. Following certification of the election results, any funds remaining in the Referendum Deposit account shall be returned to the Applicant.

**SECTION 7.** If any section, subsection, sentence, clause, phrase or portion of this ordinance 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.

SECTION 8. CITY COUNCIL ACTIONS: The City Council hereby takes the following actions:


1. The City Council hereby adopts an Ordinance approving Amendment Application No. 2020-01 as follows:
  - A. Subject to compliance with the adopted Mitigation Monitoring and Reporting Program, the property at 2300, 2310, and 2320 shall be amended to Specific Development No. 96 and the Specific Development No. 96 plan shall be adopted as set forth in Exhibit A and Exhibit B, attached hereto and incorporated herein by reference.
  - B. The Amendment Application shall not take effect unless and until Environmental Impact Report No. 2020-01 and General Plan Amendment No. 2020-02, are each certified and approved by the City Council.

SECTION 9. EXECUTION OF ORDINANCE. The Mayor shall sign this Ordinance and the Clerk of the Council shall attest and certify to the adoption thereof.

ADOPTED this 15th day of September, 2020.

  
Miguel A. Pulido  
Mayor

APPROVED AS TO FORM:  
Sonia R. Carvalho  
City Attorney

By:   
Lisa Storck  
Assistant City Attorney

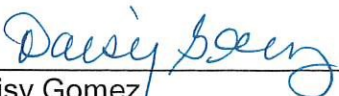
AYES:	Councilmembers	<u>Bacerra, Mendoza, Penaloza, Sarmiento, Solorio (5)</u>
NOES:	Councilmembers	<u>Pulido, Villegas (2)</u>
ABSTAIN:	Councilmembers	<u>None (0)</u>
NOT PRESENT:	Councilmembers	<u>None (0)</u>



### CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, DAISY GOMEZ, Clerk of the Council, do hereby attest to and certify that the attached Ordinance No. NS-2995 to be the original ordinance adopted by the City Council of the City of Santa Ana on September 15, 2020, and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 9-28-2020

  
\_\_\_\_\_  
Daisy Gomez  
Clerk of the Council  
City of Santa Ana

A1	GENERAL AGRICULTURAL	CSM	SOUTH MAIN STREET COMMERCIAL DIST.	R2	TWO- FAMILY RESIDENCE	- B	PARKING MODIFICATION
C1	COMMUNITY COMMERCIAL	GC	GOVERNMENT CENTER	R3	MULTIPLE- FAMILY RESIDENCE	- OZ	OVERLAY ZONE
C1-MD	COMMUNITY COMMERCIAL - MUSEUM DIST.	M1	LIGHT INDUSTRIAL	R4	SUBURBAN APARTMENT	- PRD	PLANNED RESIDENTIAL DEVELOPMENT
C2	GENERAL COMMERCIAL	M2	HEAVY INDUSTRIAL	RE	RESIDENTIAL ESTATE		
C4	PLANNED SHOPPING CENTER	O	OPEN SPACE	SD	SPECIFIC DEVELOPMENT	- HD2	HEIGHT DISTRICT II
C5	ARTERIAL COMMERCIAL	P	PROFESSIONAL	SP	SPECIFIC PLAN		
CR	COMMERCIAL RESIDENTIAL	R1	SINGLE- FAMILY RESIDENCE	OZ1	METRO EAST OVERLAY ZONE		



## CITY OF SANTA ANA, CALIFORNIA



Exhibit:



EXHIBIT B



## **THE WARNER REDHILL MIXED-USE SPECIFIC DEVELOPMENT NO. 96**

Amendment Application No. 2020-01

Ordinance NS-\_\_\_\_\_



# THE WARNER REDHILL MIXED-USE SPECIFIC DEVELOPMENT No. 96

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## SECTION 1 – INTRODUCTION AND APPLICABILITY OF ORDINANCE

The purpose of The Warner Redhill Mixed-Use Specific Development (SD) zone (SD-96) is to guide the redevelopment of an existing industrial site into a mixed-use and pedestrian oriented development. SD-96 is authorized by Chapter 41, Division 26, Section 41-593 et seq. of the Santa Ana Municipal Code (SAMC). SD-96 contains specific standards and regulations for the purpose of establishing land use regulations and development and operational standards for the development site. All other applicable Chapters, Articles, and Sections of the SAMC are in full effect unless expressly superseded by regulations contained within this specific development.

### A. Specific Development Location

The specific development site is 14.37 acres and is located at 2300, 2310, and 2320 South Redhill Avenue in the City of Santa Ana. The site is located at the southwest corner of Redhill Avenue and Warner Avenue. Regional access to the site is provided via the Costa Mesa (SR-55) Freeway at the Dyer Road exit. Access to the site is provided by Red Hill Avenue and Warner Avenue. The site is located within the southeastern most portion of the City of Santa Ana adjacent to the cities of Tustin and Irvine and the Tustin Legacy Specific Plan and the Irvine Business Complex.

**Figure 1: Specific Development Area**



## **SECTION 2 – PURPOSE AND OBJECTIVES**

The specific development is intended to redevelop an industrial site into a mixed-use and pedestrian oriented community. Located at one of the City's southeastern gateways, the specific development will function as a key focal center, and serve to link Santa Ana to surrounding industrial, commercial and residential areas. SD-96 will meet the following objectives:

1. Facilitate development of a mixed-use village containing commercial and multi-family residential buildings, which would help meet the region's demand for housing.
2. Transform an underutilized site with an economically viable development consistent with other regional redevelopments in the Tustin Legacy Specific Plan and Irvine Business Complex (IBC) and combines residential uses with community-serving retail near employment opportunities, freeway access, and transit.
3. Redevelop existing land uses that would utilize existing infrastructure, including: water, sewer, arterial roadways, transit, and freeways; and provide non-vehicular (pedestrian and bicycle) circulation.
4. Develop a mix of housing to assist the City in meeting its jobs/housing balance.
5. Provide onsite uses that reduce vehicular miles traveled (VMT) by providing an internal pedestrian circulation system that links residential uses, recreation areas, and retail/commercial areas onsite.
6. Implement the SCAG Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) Land Use Policies related to population and housing by providing additional housing near employment centers.

SD-96 establishes standards and regulations for protecting the health, safety, and general welfare of the people of the City by promoting and enhancing the value of property and encouraging the orderly development of the property.

## **SECTION 3 – LAND USE AND ZONING**

### **A. Density and Intensity**

The maximum authorized building density and intensity for the project is a floor area ratio (FAR) of 2.06, including residential areas, community-serving areas (e.g., leasing office, gym and club room), commercial components, and interior corridors. The maximum residential density permitted is 77 dwelling units per acre.

## B. Permitted Uses

1. SD-96 permits the development of a mixed-use community consisting of 80,000 square feet of leasable commercial area to be constructed in conjunction with a residential component consisting of up to 1,100 residential units configured in live/work, stacked dwelling, lined block, or podium configurations.
2. This section identifies the permitted, conditional, and accessory or temporary uses within the SD-96 area. Uses in the table are permitted subject to the permit criteria referenced. Uses identified by a "P" are permitted by right, those identified by a "CUP" are subject to a Conditional Use Permit, and those identified by "LUC" are subject to a Land Use Certificate.

**Table 1: Permitted Uses**

Land Use Types	SD-96	Additional Use Regulations
Commercial/retail and service uses such as bakeries, bookstores, art galleries, food/grocery stores (retail market), pet stores and similar uses.	P	
Office uses. Professional, administrative and business offices providing personal and professional services, including medical and dental offices, architects/engineers, and similar uses.	P	
Service oriented office uses including insurance, real estate, travel, finance (including walk-up ATMs), creative office co-working (WeWork, Common Desk, etc.), beauty salons, and similar uses.	P	
Health and Fitness Clubs	P	
Tattoo/Body art establishment	P	
Restaurants, cafes and eating establishments	P	
Outdoor dining	P	
Multi-family apartments and/or condominiums and associated leasing offices and recreational/fitness facilities.	P	
Live/work lofts	P	
Alcohol sales for on-site or off-site consumption	CUP	Subject to SAMC Sec. 41-196
Limited artisan/craft manufacturing, ancillary to a primary allowed use	CUP	
Pick-up windows	P	
Food vending vehicles	LUC	Subject to Article XIV
Temporary outdoor activities	LUC	Subject to SAMC Sec.41-195.5

Land Use Types	SD-96	Additional Use Regulations
Businesses operating between 12:00 a.m. (midnight) and 7:00 a.m.	CUP	
Major wireless communication facilities	CUP	Subject to SAMC Sec. 41-198
Minor wireless communication facilities	LUC	Subject to SAMC Sec. 41-198

Any use not included shall be considered prohibited unless deemed to be similar to an allowable use as interpreted by the Executive Director of the Planning and Building Agency or his/her designee.

### C. Development Standards

The development standards for SD-96 are subject to and shall comply with the development approved plans per Development Project No. 2019-06 (DP No. 2019-06) and the approved Mitigation Monitoring and Reporting Program (MMRP), attached hereto as **Attachment A** and **Attachment B** for reference. The plans shall govern in the event there is a conflict between the SD and the project plans. The following standards in Table 3 are minimums unless otherwise indicated.

**Table 2 – Development Standards**

Item	Standard
Density	77 dwelling units per acre
Floor Area Ratio (FAR)	2.06
Minimum Lot Size	14 acres (entire specific development area) <sup>(1)</sup>
Building Height	7 Levels; 94 feet (not including subterranean levels)
Building Setbacks:	
Redhill Avenue Setback	10 feet minimum
Warner Avenue Setback	8 feet minimum
Interior Property Line Setback	10 feet minimum
Outdoor Dining Setbacks:	
Redhill Avenue Setback	6 feet minimum
<b>Table 2 Notes:</b>	
(1) Prior to the issuance of building permits, any and all subdivision maps, lot line adjustments, or voluntary lot mergers shall be approved and recorded.	



#### **D. Off-Street Parking Standards**

The minimum off-street parking requirements for the development is as follows:

1. Two (2) vehicle parking spaces per residential unit, not to be less than 2,200 residential parking spaces;
2. Five (5) vehicle parking spaces per 1,000 square feet of gross floor area of leasable commercial space, achieved through 351 parking spaces and 49 valet service spaces as administered per the approved Parking Management Plan, attached hereto as **Attachment C**;
3. One (1) bicycle parking space per five (5) residential units and one (1) space per each 7,500 square feet of commercial space; and
4. One (1) motorcycle parking space per every 250 vehicle parking spaces.

#### **E. Open Space Requirements**

The development shall provide open space, public plazas and pedestrian paseos as shown on the approved plans.

1. Common Open Space: The project will provide a minimum of 15 percent of the total lot size shall be open space in the form of common, landscaped open space areas, pools, spas, deck, courtyard and lobby, interior community room, dining room, gym, business room, etc.
2. Private Open Space: Each residential unit shall have a patio or balcony of a minimum size of 50 square feet.

#### **F. Walls/Fences**

A new solid block wall with a minimum height of seven (7) feet shall be constructed along the project site's entire perimeter, except in street-side landscape setback areas. 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. Fences/walls along Redhill Avenue and Warner Avenue properties lines are prohibited.

## **SECTION 4 – DESIGN AND PERFORMANCE STANDARDS**

This section provides standards and guidelines to ensure the development is of high quality and cohesive and to facilitate exterior alterations to the development.

### **A. Materials, Finishes and Colors**

Exterior building and exterior parking structure materials, finishes and colors for the project shall comply with the approved materials board submitted for the project and as approved by the Planning and Building Agency Executive Director. Any changes to the materials, finishes and colors shall be approved by the Planning and Building Agency Executive Director. All trash enclosures and similar ancillary structures shall match the texture, material and color of the primary building. Double-paned windows shall be installed for the project as a means to further reduce noise levels.

### **B. Exterior Lighting**

An exterior lighting plan for the security and safety of on-site areas such as building entrances, parking, loading, pedestrian walkways, alley walkways and open space areas shall be provided to the Planning and Building Agency Director for review and approval. A minimum of one foot-candle evenly distributed across a parking lot is recommended. At entrances and loading areas, up to 2 foot-candles may be appropriate. Decorative night lighting is required. Low energy lights, such as LED lights or solar powered lights, shall be used whenever possible. Light fixtures and their structural support shall be designed to be architecturally compatible with the main buildings on-site. Direct glare onto adjoining property, streets, or skyward shall be avoided. All lighting fixtures shall be shielded to confine light spread on-site.

### **C. Refuse Collection and Trash Enclosure**

Bins for recycling and any other refuse mandated by the State of California shall be provided for all uses in trash enclosures. There shall be an onsite designated trash staging area only to be used on service days and the staging area and bins shall not disrupt vehicular use of streets or drive aisles. The minimum requirements needed to service the development shall be clearly indicated on the plans and subject to the approval of the Public Works Agency.

### **D. Utility and Mechanical Equipment**

All utility lines shall be placed underground except where required to be above-ground by utility providers. Where equipment is located above-ground, it shall be screened from public view. This includes all ground, wall, and roof mounted equipment. Screening elements shall be an integral part of the building; no screening method shall give the appearance of being "tacked on." Typical ground-mounted equipment shall be adequately screened with decorative walls and/or landscaping.

## **SECTION 5 – PUBLIC REALM AND LANDSCAPE DESIGN STANDARDS**

A detailed and comprehensive Public Realm and Landscape Plan shall be submitted to the Planning and Building Agency Executive Director or his/her designee for review and approval prior to the issuance of building permits.

The plan shall comply with the City's Water Efficient Landscape Ordinance (WELO) Chapter 41, Article XVI of the SAMC. The plan shall include an irrigation system layout with the location of controllers and points of connection with data on valve sizes and gallons per minute (G.P.M.), the size and location of sleeves and all spray heads, including the location of conventional systems and drip systems; an irrigation legend with complete specifications; irrigation notes and construction details of all assemblies and components; a recommended irrigation schedule, preferably on an annual basis; and a summary block on the initial page of submitted plans that will present the above information clearly and accurately.

The plan shall include a Plant Legend containing: plant symbol, scientific name of plant material, common name of plant material, plant container size, and plant spacing. Very low, low and medium water usage plant materials are encouraged.

The plan shall include details of site furnishings. Site furnishing should be compatible in style with the buildings and selected to bring comfort, scale and design expression to the streetscape. These must also be highly durable and easy to maintain. Planters and pots should be used to complement the project architecture and other site amenities; avoiding obstructions to pedestrian traffic flow with planters and pots. All elements of the furniture palette should be uniform.

Landscaping for the project shall be completed in phases by building and shall be installed and inspected prior to occupancy of units within that building. The Owner shall be responsible for maintaining all common area landscaping within the development.

## **SECTION 6 – SIGNAGE AND WAYFINDING**

A comprehensive sign program shall be submitted for review and approval by the Planning and Building Agency Executive Director or his or her designee prior to the issuance of building permits. The sign program may include creative signage where the contents and standards of the sign program are not consistent with the Santa Ana Municipal Code, provided the sign program complements the form and function of the building and contributes to the aesthetics of the project.

## **SECTION 7 – PUBLIC ART**

A Public Art Program shall be submitted to the Planning and Building Executive Director for review and approval prior to the issuance of building permits. Public Art shall be installed and maintained with a value equivalent to one-half of one percent (0.5%) of the total construction cost of the development. Total construction cost shall mean all design, engineering and construction costs.

## **SECTION 8 – PROPERTY SAFETY AND MAINTENANCE**

### **A. On-Site Property Manager**

The specific development area shall include 24-hour on-site Property Management services and personnel. Up-to-date 24-hour contact information for the on-site personnel shall be provided to the following City Agencies on an ongoing basis:

1. Police Department,
2. Fire Authority,
3. Planning and Building Agency, and
4. Community Development Agency.

### **B. Maintenance**

The property shall be maintained free of trash, debris and graffiti. Graffiti shall be removed within 24-hours after its appearance in accordance with Section 10-227 of the Santa Ana Municipal Code.

### **C. Crime Free Housing**

Prior to submittal into building plan check, a Crime Free Housing Plan shall be submitted for review and approval by the Planning and Building Agency Director. The Plan shall be approved prior to occupancy of the first unit and shall be implemented and administered by the Owner.

### **D. Building Security.**

All structures and parking lots shall comply with the provisions of Chapter 8, Article II, Division 3 of the Santa Ana Municipal Code (Building Security Ordinance).

### **E. Emergency Evacuation Plan.**

An approved Emergency Evacuation Plan (EEP) from City Police and Fire Protection agencies shall be on file for the project. Up-to-date 24-hour emergency contact information for the on-site personnel shall be provided to the City on an ongoing basis and the approved EEP shall be kept onsite and also be submitted to the following City Agencies:

1. Police Department
2. Orange County Fire Authority
3. Planning and Building Agency
4. Community Development Agency

#### **F. On Going Property Maintenance.**

Developer (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the Developer) 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:

1. 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.);
2. 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);
3. Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;
4. Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon at all times (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);
5. 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;
6. 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;

7. 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; and
8. 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.

#### **G. Avigation Easement.**

Developer (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the Developer) shall, prior to issuance of a building permit, execute and record an avigation easement on the area governed by this specific development.

**ATTACHMENT A:** Attached to the Agenda as "Plans."

**ATTACHMENT B:** Attached to the Staff Report as Exhibit B to Exhibit 2

**ATTACHMENT C:** Attached to the Staff Report as Exhibit 7