

ORDINANCE NO. NS-3001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AMENDMENT APPLICATION NO. 2020-05 REZONING THE PROPERTIES LOCATED AT 2530 AND 2534 WESTMINSTER AVENUE FROM GENERAL COMMERCIAL (C2) TO SPECIFIC DEVELOPMENT NO. 97 (SD-97) AND ADOPTING SD-97 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. Brian Hendricks, representing Community Development Partners ("Applicant"), is requesting approval of Amendment Application (AA) No. 2020-05 to change the zoning designation of the properties located at 2530 and 2534 Westminster Avenue from General Commercial (C2) to Specific Development No. 97 (SD-97) and to adopt Specific Development No. 97 in order to facilitate construction of an 85-unit affordable housing development.
- B. 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. 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. The City of Santa Ana has adopted a zoning map which has since been amended from time to time.
- C. On December 14, 2020, the Planning Commission held a duly noticed public hearing and voted to recommend that the City Council adopt an ordinance approving Amendment Application No. 2020-05.
- D. 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 and Santa Ana Municipal Code Section 41-593.1.

- E. The City Council, prior to taking action on this ordinance, held a duly noticed public hearing on January 19, 2021.
- F. The City Council also adopts as findings all facts presented in the Request for Council Action dated January 19, 2021, accompanying this matter.
- G. For these reasons, and each of them, Amendment Application No. 2020-05 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 Amendment Application consists of amendments to the Zoning Map (SDM 10-5-10), as shown in Exhibit A and adoption of Specific Development No. 97 as shown in Exhibit B, attached hereto and incorporated herein by reference. The amendment application to change the zoning designation from General Commercial (C2) to Specific Development No. 97 (SD-97) 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 site plan has been designed to place the buildings along Westminster Avenue, furthest away from the existing single-family dwellings. The height of the buildings tiers down from four- to three-stories closer to the single-family dwellings. In addition, the parking lot and playground have been sited to serve as a buffer between the multi-family buildings and single-family dwelling. The south and west property lines will be planted with trees every 25 feet to provide additional privacy. The development's primary access points will be from a right-in, right-out driveway on Westminster Avenue. The community room, meeting room and service provider offices are located along Westminster Avenue to activate the street.

- (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 buildings are designed in a cohesive manner with unifying materials, floor heights, and articulation using contemporary architecture. High-quality building materials will ensure long-term durability including glass tile arches, wood veneer, batten board siding, art graphics, plaster and a mix of warm and cool colors. In addition, the project will be landscaped with a minimum of 24-inch and 36-inch box trees and include enhanced hardscape materials at the driveway entrance and pedestrian walkways in the parking lot. These finishes and designs are consistent with the design guidelines found in the Citywide Design Guidelines. Open space and amenities will be provided on the site including private unit balconies and patios, two residential rooftop patios, ground-level courtyard, arcade walkways, playground and picnic area. The playground and picnic area along Huron Drive will be accessible to the public, but maintained by the property owner and managed by the on-site property manager.

- (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. 2020-07, the Project will be consistent with the General Plan Land Use Element and Housing 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. 2020-07: Housing Element Goal 2 to encourage a diversity of quality housing, affordability levels, and living experiences that accommodate Santa Ana's residents and workforce of all household types, income levels, and are groups to foster an inclusive community. Policy 2.3 encourages the construction of rental housing for Santa Ana's residents and workforce, including a commitment to very low, low, and moderate income residents and moderate income Santa Ana workers. Housing Element Goal 3 is to increase opportunities for low and moderate income individuals and families to find quality housing opportunities and afford a greater choice of rental or homeownership opportunities. Policy 3.1 supports the provision of rental assistance for individuals and families earning extremely low, very low, and low income with funding from the federal government. Policy 3.4 supports the provision of employment training, childcare services, rental assistance, youth services, and other community services that enable households to attain the greatest level of self-sufficiency and independence.

(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 project will provide a high quality affordable housing project along a major transit corridor. The project will provide for greater setbacks than those permitted under the existing commercial zoning and the site has been designed to integrate the development with the existing nearby uses. The project will have an on-site property manager and a property maintenance agreement which will ensure that the project is maintained in a first-class condition.

(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 residential 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 sidewalk along Huron Drive will be reconstructed to include a parkway consistent with the residential neighborhood, street trees will be planted and 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 and contribute to its fair share towards improvements at Westminster Avenue and Fairview Street, Mar Les Drive and Westminster Avenue, and 16<sup>th</sup> Street and Fairview Street as described in the Traffic Impact Analysis.

Section 3. The City Council has reviewed and considered the information contained in the Mitigated Negative Declaration (Environmental Review No. 2020-48) 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. 2020-48 meets all the requirements of CEQA.

Section 4. An amended Sectional District Map 10-5-10, showing the above described changes in use district designation, is hereby approved and attached hereto as Exhibit A, and incorporated by this reference as though fully set forth herein.

Section 5. The City Council of the City of Santa Ana after conducting the public hearing hereby approves AA No. 2020-05. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to: the Request for Planning Commission Action dated December 14, 2020, the Request for Council Action dated January 19, 2021, and exhibits attached hereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

Section 6. The City Council approves AA No. 2020-05 as set forth in Exhibit A and Exhibit B, attached hereto and incorporated herein by reference, subject to compliance with the Mitigation Monitoring and Reporting Program, and upon satisfaction of the conditions set forth below:

- A. Subject to compliance with the Mitigation Monitoring and Reporting Program, the Zoning Map shall be amended to read as set forth in Exhibit A, attached hereto and incorporated herein by reference.
- B. The Amendment Application shall not take effect unless and until Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP), Environmental Review No. 2018-48 and General Plan Amendment (GPA) No. 2020-07 are adopted and approved by the City Council.

Section 7. The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, referendum, and other proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively "Actions"), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, 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.

Section 8. This decision rendered by the City Council of the City of Santa Ana is final and is subject to judicial review pursuant to California Code of Civil Procedure section 1094.6. The Planning and Building Agency shall give direct notice to the Applicant of the City Council's decisions and these findings.

ADOPTED this 2<sup>nd</sup> day of February, 2021.



Vicente Sarmiento  
Mayor

APPROVED AS TO FORM:  
Sonia R. Carvalho  
City Attorney

By: John M. Frank for  
Lisa Storck  
Assistant City Attorney

AYES:	Councilmembers	<u>Bacerra, Hernandez, Lopez, Mendoza,</u> <u>Phan, Penaloza, Sarmiento (7)</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, DAISY GOMEZ, Clerk of the Council, do hereby attest to and certify the attached Ordinance No. NS-3001 to be the original ordinance adopted by the City Council of the City of Santa Ana on February 2, 2021 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 02/03/2021



Daisy Gomez  
Clerk of the Council  
City of Santa Ana



## EXHIBIT A



## ZONING DISTRICTS

A1	GENERAL AGRICULTURAL	CSM	SOUTHMAIN 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		



**SECTIONAL DISTRICT MAP: 10-5-10**  
CITY OF SANTA ANA, CALIFORNIA



# **EXHIBIT B**

## **SPECIFIC DEVELOPMENT NO. 97 Westview Housing Multi-Family Housing Project**

### **SECTION 1 – APPLICABILITY OF ORDINANCE**

The Specific Development Zoning District No. 97 (SD-97) for Westview Housing a multi-family residential project is authorized by Chapter 41, Division 26 Section 41-597 et seq. of the Santa Ana Municipal Code. SD-97 contains specific standards and regulations for the purpose of establishing land use regulations and development and operational standards for the project site. All other applicable chapters, 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. 97 for the Westview Housing project consists of standards and regulations established for the purpose of protecting the health, safety, and general welfare of the people of the City of Santa Ana by promoting and enhancing the value of property and encouraging the orderly development of the property.

#### **Objectives**

The objectives of the Westview Housing multi-family project specific development plan include provisions of the following:

1. Promote the City's image as providing high-quality residential projects for individuals and families of all income levels.
2. Create a clean and safe environment for the City's residents, workers, and visitors.

### **SECTION 3 – Uses permitted in Specific Development No. 97**

The following uses are permitted in the SD-97 district:

- (a) A maximum of 85 multiple-family dwelling units not exceeding a density of 42 dwelling units/acre.
  - (1) The unit mix shall be comprised of:
    - a. 23 one-bedroom units
    - b. 4 two-bedroom units
    - c. 34 three-bedroom units
    - d. 24 four-bedroom units
  - (2) Unit square footage ranging from:
    - a. 489 to 523 square foot one-bedroom units
    - b. 756 square foot two-bedroom units
    - c. 933 to 1,101 square foot three-bedroom units
    - d. 1,178 to 1,187 square foot four-bedroom units



- (b) Home occupations, pursuant to section 41-192.1 of the Santa Ana Municipal Code.
- (c) Ancillary meeting room, community room, bike rooms, and laundry rooms.
- (d) Accessory office space for the property manager and service providers related to the affordable and permanent housing use. Offices not to be used for commercial tenants.

#### **SECTION 4 – Maximum permitted floor area ratio (FAR)**

The maximum authorized building intensity for the Westview Housing multi-family project is a floor area ratio (FAR) of 1.09, including residential areas, community-serving areas (e.g., laundry room, office, and community room) and interior corridors.

#### **SECTION 5 – Minimum lot size in Specific Development No. 97**

The minimum lot size shall be 2.1 acres.

#### **SECTION 6 – Minimum street frontage in Specific Development No. 97**

The lot shall have a minimum street frontage of at least 250 feet.

#### **SECTION 7 – Building height in Specific Development No. 97**

- (a) No residential structure shall exceed 47 feet, four stories in height, as measured from the adjacent grade of the structure to the top of the parapet.
- (b) Along the south property line portions of the residential building shall tier down to three stories and shall not exceed 35 feet in height, as shown on the approved site plan.
- (c) Accessory building elements (stairwells and elevator shafts) shall not exceed 51 feet, as measured from adjacent grade of the structure to the top of the structure.

#### **SECTION 8 – Setback standards in Specific Development No. 97**

- (a) North setback. A minimum setback of seven (7) feet shall be provided.
- (b) South setback. A minimum setback of sixty (60) feet shall be provided.
- (c) West setback. A minimum setback of nine (9) feet shall be provided.
- (d) East setback. A minimum setback of twelve (12) feet shall be provided.

#### **SECTION 9 – Off-street parking standard in Specific Development No. 97**

- (a) The minimum off-street parking requirements for the project are as follows:
  - (1) A minimum of 136 parking spaces shall be provided.

- (2) 42 tandem parking spaces shall be permitted.
- (3) Parking stalls shall not be less than eight (8) feet six (6) inches wide and eighteen (18) feet long, except as noted in subsections 41-1320(c) and (d). Where double-striping is required, the width of stalls shall be measured from lines midway between each pair of stripes. Structural, mechanical, utility or similar appurtenances are only permitted adjacent to required stall areas if the required width of the stall is increased at least six (6) inches and if the appurtenance is not located so as to interfere with safe and free parking movement, car door opening, or of visibility.
- (4) Aisles to and from parking stalls shall not be less than: Twenty-three (23) feet wide for 90-degree parking.
- (5) A minimum of ten (10) bicycle spaces shall be provided onsite. The design and materials shall comply with the approved materials board submitted for the project during building plan check.
- (6) Prior to occupancy of the first unit, the parking management plan shall be implemented, identifying parking per unit, guest parking, service provider parking and a designated ride share drop-off/pick-up area. Onsite parking shall be provided for residents and visitors of the Project and the parking demand of the Project site shall be actively monitored. Property owner "Owner" shall continually monitor and take appropriate measures to manage the parking demand of the Project site to mitigate the use of offsite parking spaces on private or public properties and/or right-of-way.

#### **SECTION 10 – Vehicular Access in Specific Development No. 97**

- (a) There shall be one driveway for vehicular entry along Westminster Avenue. No vehicular access or driveway approach openings will be approved on North Huron Drive for the project.
- (b) Prior to the issuance of a certificate of occupancy the applicant along with the City of Santa Ana shall conduct a warrant analysis for traffic control measures at 16th Street and Huron Drive and 16th Street and Fairview Street.

#### **SECTION 11 – Open Space standard in Specific Development No. 97**

- (a) Common Open Space. The project shall provide a minimum of 15% of the total lot size shall be open space in the form of common areas (lobby, interior community room, meeting room, etc.), landscaped open space areas, rooftop decks, and courtyards these areas shall be easily accessible to all residents within the building, and face the public rights-of-way where possible.
- (b) Playground. The playground, lawn and picnic area along North Huron Drive shall be publically accessible during the day. This area shall be maintained and managed by the property owner and on-site property manager.

- (c) Private Open Space. Each residential unit shall have a patio or balcony a minimum of 50 square feet in size.

## **SECTION 12 – Walls/Fences standard in Specific Development No. 97**

- (a) Permitted Material and Design: wood; wrought iron; tubular steel, stone; brick; stucco; or decorative block such as slump stone or split-faced block. New perimeter walls shall be broken by up by pillars or staggered setbacks every 100 feet.
- (b) North property line. Walls and fences shall not exceed four (4) feet in height 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.
- (c) West property line. Walls and fences shall not exceed three (3) feet in height 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.
- (d) South and East property lines. All other walls and fences shall not exceed eight (8) feet in height, measured from the top of the curb or established grade upward.
- (e) Gates: Vehicular entrance gates shall meet setback and height requirements and shall require Public Works Agency and Orange County Fire Authority approval.

## **SECTION 13 – Landscape standard in Specific Development No. 97**

- (a) A Landscape Plan prepared by a licensed landscape architect shall be submitted to the Planning Division for review and approval prior to the issuance of building permits. The Irrigation 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 landscape 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.

- (b) A minimum size of 36-inch box trees shall be planted along street setbacks and open space areas.
- (c) A minimum size of 36-inch box tree shall be planted along the south and west property lines every 25-feet.
- (d) Parking lot planters shall require a minimum size of one 15-gallon size tree, eleven (11) five-gallon size shrubs and ground cover or annual color to serve as filler material.
- (e) Project Landscaping: Landscaping shall be compliant with the City of Santa Ana's Landscape Water Conservation Ordinance Chapter 41, Article XVI of the Santa Ana Municipal Code. All landscape areas shall have a fully automatic irrigation system (including spray or drip) as required by the City of Santa Ana Landscape Water Conservation Ordinance.
- (f) All meters shall be appropriately screened from public view with trellis work and vines or hedge-type shrubs, or be incorporated into the residential structure.
- (g) Maintenance: All plant material shall be maintained per Section 41-609 of the Santa Ana Municipal Code. The Owner shall be responsible for maintaining all common area landscaping within the development.

#### **SECTION 14 – Residential Signage in Specific Development No. 97**

- (a) Signage for the project shall be consistent with Section 41-868 of the Santa Ana Municipal Code.

#### **SECTION 15 – Architectural Design in Specific Development No. 97**

- (a) Exterior materials. Prior to building plan check the Owner shall submit revised architectural elevations along Westminster Avenue subject to the review and approval of the Executive Director of the Planning and Building Agency and the Planning Commission. The revisions should address the scale and detail along Westminster Avenue. Exterior materials and finishes for the project shall comply with the approved materials board submitted for the project including ceramic glass tile, composite wood, board and batten siding, stacked burnished CMU block, metal canopies. All trash enclosures and similar ancillary structures shall match the texture, material and color of the building.
- (b) Public Art. 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 Project. Total

construction cost shall mean all design, engineering and construction costs. A public art plan shall be prepared and submitted to the City no later than one hundred eighty (180) days before final approval for occupancy or the issuance of a certificate of occupancy and the approved art shall be installed prior to final approval for occupancy of the issuance of a Certificate of Occupancy for the Project.

- (c) Storage. A minimum of 250 cubic feet of storage, in addition to interior bedroom closets, shall be provided with minimum dimensions of 4 feet by 8 feet per unit.
- (d) Hardscape materials. Enhanced paving materials shall be installed at the Westminster Avenue driveway entrance and at main pedestrian crossings in the parking lot. The actual paving materials shall be approved by the Planning Division.
- (e) 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 review and approval by the Planning Division prior to the issuance of building permits.
- (f) Composite Utility Plan. Composite utilities shall not be allowed within required parking, turnaround and landscape areas or on any façade facing a public street.
- (g) Mechanical Equipment, Appurtenances, and Conduits. All mechanical equipment, heating, ventilation, air conditioning (HVAC) units, satellite dish systems, solar panels, thermal solar heaters, utility meters, above ground utility and fire safety connections will be, screened, located out of public view or be architecturally integrated into the project design within designated rooms, inside walls, behind parapets, or through a combination of landscape and hardscape materials.
- (h) Trash Enclosures. Trash bins shall be stored in designated 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 the driveway or parking. The minimum requirements needed to service the location shall be clearly indicated on the plans and subject to the approval of the Public Works Agency.

#### **SECTION 16 – Property Maintenance in Specific Development No. 97**

- (a) Onsite Property Manager. The Project 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 Department
  - (3) Planning and Building Agency
  - (4) Community Development Agency

- (b) Maintenance. The property shall be maintained free of trash, debris and graffiti. Graffiti shall be removed within ten (10) days after its appearance in accordance with Section 10-227 of the Santa Ana Municipal Code.
- (c) 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).
- (d) On Going Property Maintenance. Prior to the issuance of the first certificate of occupancy, a property maintenance agreement shall be recorded against the property, the agreement must conform to city standards, with the City of Santa Ana a party to Agreement with rights to compel owner to cure. Including provisions that the property and all improvements located thereupon are properly maintained, Owner (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the applicant) shall execute a maintenance agreement with the City of Santa Ana which shall be recorded against the property and which shall be in a form reasonably satisfactory to the City Attorney. The maintenance agreement shall contain covenants, conditions and restrictions relating to the following:
- (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.
- (8) The execution and recordation of the maintenance agreement shall be a condition precedent to the issuance of final approval for any certificate of occupancy related to this entitlement.

**SPECIFIC DEVELOPMENT NO. 97**  
**Westview Housing Multi-Family Housing Project**

**Project Site**



Project Site Plan

