

# REQUEST FOR Planning Commission Action



**PLANNING COMMISSION MEETING DATE:**

**APRIL 13, 2015**

**TITLE:**

**PUBLIC HEARING – SITE PLAN REVIEW  
NO. 2015-03 FOR A NEW MIXED-USE  
RESIDENTIAL AND COMMERCIAL  
DEVELOPMENT AT 200 NORTH  
CABRILLO PARK DRIVE {STRATEGIC  
PLAN NOS. 3, 5; 5, 3; 5, 4}**

Prepared by Verny Carvajal

**PLANNING COMMISSION SECRETARY**

APPROVED

- As Recommended
- As Amended
- Set Public Hearing For \_\_\_\_\_

DENIED

- Applicant's Request
- Staff Recommendation

CONTINUED TO \_\_\_\_\_

\_\_\_\_\_  
Interim Executive Director

\_\_\_\_\_  
Acting Planning Manager

## **RECOMMENDED ACTION**

Adopt a resolution approving Site Plan Review No. 2015-03 as conditioned.

### **Request of the Applicant**

Ryan Ogulnick and Robert Bisno, representing BR Cabrillo, LLC, are requesting approval to construct a new 217-unit mixed-use residential and commercial development at 200 North Cabrillo Park. Specifically, the applicant is requesting to construct a five-story development containing 213 multiple-family apartment units, four live/work units, two retail units totaling 6,325 square feet, and 444 parking spaces on a 2.79-acre vacant parcel.

### **Project Location and Site Description**

The subject property is a 2.79-acre parcel of land that is located in the Metro East Mixed Use (MEMU) Overlay Zone on the west side of North Cabrillo Park Drive between First Street, Fourth Street, and the Santa Ana (I-5) Freeway. Although previously entitled for a variety of developments, the site has been vacant since the demolition of the former Allstate building and development of the Xerox Centre in the late 1980s and early 1990s.

The project is located within the Metro East Mixed Use (MEMU) Overlay Zone, which is comprised of the properties generally bounded by the Santa Ana (I-5) Freeway on the west, Park Court Place and its prolongation to Tustin Avenue on the north, First Street on the south, and Tustin Avenue and the Costa Mesa Freeway (SR-55) on the east. The overlay zone comprises over 200 acres of land that is designated in the General Plan as District Center (DC) and is currently developed with commercial, office and several large vacant parcels along the western boundary of the overlay zone.

Surrounding land uses include office development to the north and south, office and a future mixed-use commercial and residential development to the east, and the Santa Ana (I-5) Freeway to the west (Exhibits 1, 2, and 3).

**Project Description**

The applicant proposes to construct a mixed-use residential and commercial development on a vacant 2.79-acre parcel. The project consists of a five-story development containing 213 multiple-family apartment units, four live/work units, two separate retail units totaling 6,325 square feet, and 444 parking spaces. The project will be constructed as a for-rent residential community with high-quality amenities and open spaces.

A total of 217 residential units will be constructed above a two-level, 444-space parking structure containing one below-grade level and one at-grade level. Of these 217 units, four will be constructed as live/work lofts directly facing a common forecourt on North Cabrillo Park Drive. This forecourt area will also contain two distinct retail spaces and a leasing office. The remaining 213 residences will contain studio, one, two and three-bedroom units.

Table 1: Unit Summary

<b>Unit Type</b>	<b>Number Proposed</b>	<b>Percent</b>	<b>Square Footage</b>
<i>Residential</i>			
Live/Work	4	2%	1,285
Studio	20	9%	544
One-Bedroom	147	68%	744-888
Two-Bedroom	43	20%	972-1,095
Three-Bedroom	3	1%	1,260
<b>Total</b>	<b>217</b>	<b>100%</b>	<b>544-1,285</b>
<i>Commercial</i>			
Retail Space—North	1	N/A	2,297
Retail Space—South	1	N/A	4,028

The architectural style proposed for the project is contemporary. Building materials will consist of metal panelized finishes at upper levels, wood slat screens, steel cased window bays, glass and steel detailing throughout, and use of cable rails. These elements and the project's massing have been incorporated and designed to provide architecture that is consistent with the design principles in the MEMU Overlay Zone and will create a landmark mixed-use environment appropriate for the emerging urban center in the area.

The project proposes to provide a total of 444 parking spaces, while only 434 spaces are required. As a result, the proposed parking complies with the parking requirement for multi-family developments in the MEMU Overlay Zone as parking is provided in excess of the two parking stalls per unit. Guest parking within the MEMU is inclusive of the two spaces per unit. Access to the project will be provided from Xerox Centre Drive, which is an existing driveway on Cabrillo Park Drive that also serves the Xerox Tower.

An extensive array of project amenities is planned for the development. While the MEMU Overlay Zone requires 15 percent or 18,229 square feet of publicly-accessible open space, the applicant proposes to provide 17 percent or 20,722 square feet of public open space distributed a combination of landscaped and hardscape areas along North Cabrillo Park Drive and multiple public courtyard areas. Moreover, the applicant proposes to provide 39,434 square feet of tenant open space, which exceeds the minimum required per unit. Exterior amenities include a variety of open spaces inside the project as interior gardens. These open spaces are proposed as a “landscape series of rooms” that begin on the project’s frontage on Cabrillo Park Drive and progress west into the center of the project. The landscape rooms will change in intensity from an ultra-active area to a passive area, each containing a variety of amenities including seating areas, gardens, fire places, water features, pool area, dog run, and an art piece. Conditions of approval will require that each residential unit feature high quality finishes and appliances such as granite counter tops, hardwood flooring, General Electric Monogram appliances, tiled bathroom and shower walls, stain grade hardwood cabinetry and individual laundry hook-ups. Other onsite amenities and features include a lobby/reception area, leasing office, resident lounge, fitness center, roof deck, solar panels, and private balconies (Exhibits 4, 5, 6, and 7).

### **Project Signs**

In addition to the mixed-use residential and commercial development, the applicants are proposing a comprehensive sign package that includes a suite of on and off-premise signs. Staff has reviewed the proposed preliminary sign package for the project and will bring it to the Planning Commission as a separate item for review at a future date.

### **Project Background**

The project site previously contained an office building and parking area for Allstate, which was demolished in anticipation of the creation of the Xerox Centre Specific Development (SD-54) area in the late 1980s and early 1990s. In 2001, Site Plan Review No. 2001-05 was approved to allow the construction of a six-story, 190,000-square foot office building with 660 parking spaces as the last component of the Xerox Centre development between the Xerox Tower and the State Compensation Fund Insurance building. The project was never realized.

In 2007, the City approved multiple entitlements (Amendment Application No. 2007-01, Environmental Impact Report No. 2006-01, General Plan Amendment No. 2007-01, and Zoning Ordinance Amendment No. 2007-01) for the Metro East Mixed Use Overlay Zone (MEMU), a 200-acre area that is generally located east of the Santa Ana (I-5) Freeway. The MEMU introduced development forms and uses that provide for the creation of a high-intensity, mixed-use urban village within a previously established mid- and high-rise office environment. The overlay zone established standards which fulfill objectives to create an active, mixed-use urban village where it is possible to live, work, shop, and play within a short walk of each other.

Concurrently with the MEMU approval, the City also approved the First and Cabrillo Towers mixed-use development, just east of the project site, a 22-story and 23-story high-rise project. However, due to a significant shift in housing market conditions beginning in 2007, the high rise project was never constructed. Since then, a handful of mixed-use commercial and residential projects have been proposed or approved in the MEMU area, including The 1901 by Lyon Community Development and the subject application.

### **General Plan and Zoning Analysis**

The General Plan land use designation for the site is Professional and Administrative Office (PAO), a designation that applies to those areas where professional and/or administrative offices are predominant, or where such development is being encouraged. The Professional and Administrative Office areas are intended to provide a unique environment for office development in those areas of the City where office uses are the predominant land use. The purpose for maintaining and supporting these areas exclusively for office and office-related uses is to encourage major employment centers at locations which significantly lessen the impact to the City's local street system. The designation also allows specific development zones and overlay zones, including the Xerox Centre (SD-54) and the MEMU Overlay Zone (OZ-1). The proposed project is consistent with the General Plan land use designation.

The zoning for the site is Metro East Mixed Use (MEMU) Overlay Zone in the Active Urban sub-zone. The property has an underlying zone of Xerox Centre (SD-54) but these standards do not apply as the applicant is seeking to develop pursuant to the MEMU development standards. In order to develop to the MEMU standards the applicant must receive approval of an overlay zone site plan (SAMC 41-595.5), which begins the zoning conversion process. Upon issuance of the utility release or the certificate of occupancy for the completed building(s), whichever comes first, the overlay zone becomes the sole zone on the property and the underlying zone ceases to exist. The project proposed has been designed to the MEMU-Active Urban standards and is consistent with this zoning designation. Upon completion of the project the zoning will be permanently converted.

### **Project Analysis**

The applicant is requesting site plan approval for the project. Pursuant to Section 2 of the Metro East Mixed Use Overlay Zone document, the Planning Commission is required to review and approve all plans for development within the Metro East area to ensure the project is in conformity with the MEMU Overlay Zone standards. The review ensures that the buildings, structures and grounds are in keeping with the neighborhood and will not be detrimental to the development of the MEMU area.

The Metro East Mixed-Use Overlay Zone (MEMU) design and development standards are intended to create a unique urban environment by allowing for the introduction of well-designed mixed-use projects into the existing primarily office environment. The standards provide great detail regarding architectural design and have a substantial open space requirement in acknowledgement of the fact that the area does not contain the types of open spaces one would find in a typical residential area. Tables 1 and 2, along with the following analysis will provide a summary of the project’s compliance with the MEMU standards.

**Table 1- MEMU Section 4.0 Development Standards Analysis**

<b>Development Standard</b>	<b>Active Urban District</b>	<b>Proposed Project</b>
Max. no. of stories	No max./3 story minimum	5 stories (4 residential/commercial + 1 above-grade garage level)
Min. development site area	1.5 acres	2.79 acres
Permitted street level bldg. frontages	Fore Court Shop Front Gallery Arcade	Fore Court
Publicly accessible open space	15% of total lot area – 18,229 sq. ft.	20,722 sq. ft.
Private/common open space	100 sq. ft. per unit & 5% of Non-Res sq. ft. – 22,217 sq. ft.	39,434 sq. ft.
Building setbacks	Front – 0 to 20 ft. Side – 0 to 10 ft. Rear – 0 to 20 ft.	Front – 20 feet from Cabrillo Park Drive Side & Rear – 4 feet 6 inches
Parking	2 spaces per unit – 434 spaces	444 spaces – excess of 10 spaces

In all cases the proposed project meets or exceeds the MEMU minimum standards. The ground level in particular uses several creative approaches to engage the street by incorporating four live/work lofts, two large retail spaces, a forecourt, and leasing office. The forecourt area fronts onto Cabrillo Park Drive and also contains outdoor seating areas, landscaping and seat walls, and a storm water garden. These amenities are enhanced by the bold, contemporary nature of the project’s architecture, whose open, airy designs encourage pedestrian activity on the ground floor and use of the amenities. This publicly-accessible open space is provided in addition to the private open space within the project itself.

The project was also extensively reviewed by the City’s urban design consultant, John Kaliski. Mr. Kaliski’s analysis focused on the MEMU Section 5 – Design Principles. The following table will provide a summary of the project’s compliance with these design principles.

**Table 2- MEMU Section 5.0 Design Principles**

<b>Design Principle</b>	<b>Proposed Project</b>
5.1 Integrated design	The use of a consistent style of contemporary architecture throughout the project site provides for an integrated design.
5.2 Architectural quality	The project features high quality materials and finishes.
5.3 Architectural variety	The project includes varied massing and heights, as well as distinct areas with unique design features. The project was peer reviewed by an architectural firm and design workshops were conducted with City staff and the Planning Commission in the early phase of design.
5.4 Massing	The building planes were provided with breaks and the building incorporates a variety of massing and forms to introduce variety at the ground plane and skyline.
5.5 Facades	Street facing facades include a variety of details and materials, the building facades are articulated through the use of varying window types, colors, and architectural projections.
5.6 Ground floor uses	Ground floor uses are oriented towards street-facing pedestrian accessibility.
5.7 Community connections	The project is designed with a high degree of pedestrian accessibility.
5.8 Landscape buffers	The project proposes a wide array of landscaping to enhance public areas, drive aisles, and to screen portions of the development where appropriate.
5.9 Parking	Parking is screened from public view.
5.10 Energy conservation – shade and shadow	The project was analyzed for solar access and complies with this guideline.
5.11 Residential unit size	The project contains a variety of unit types and bedroom counts and has been designed for the target market while balancing the City’s goals of livable, larger units.

Following this analysis staff finds that the project is in compliance with both the standards and the spirit of the Metro East Mixed Use Overlay Zone.

### **Public Notification**

The project site is not located within a neighborhood association. However, the project site is located near the Saddleback View and Mabury Park Neighborhood Associations. Staff notified the presidents of these neighborhood associations, as well as the City of Tustin, about the proposed project. Moreover, as required by the Sunshine Ordinance, the applicant held a neighborhood meeting on April 15, 2014 at Avila's El Ranchito restaurant, which is located east of the subject site. Five members from the public attended the meeting. These members expressed concerns about loading and trash functions, circulation and traffic impacts, mechanical and roof equipment screening, landscaping, future billboard signage, building aesthetics based on existing context, and construction staging. Staff subsequently worked with the applicant to address these issues on the plans (Exhibit 10).

On July 14, 2014, staff held a study session with the Planning Commission to preview the project. Staff detailed the context of the project within the MEMU Overlay Zone, and the architect provided project details, plans, and proposed renderings.

The project site itself was posted with a notice advertising this public hearing, a notice was published in the Orange County Reporter and mailed notices were sent to all property owners and tenants within 500 feet of the project site, as well as concerned citizens listed on the Permanent Notification List. At the time of this printing, no correspondence, either written or electronic, had been received from any members of the public.

### **CEQA Analysis**

In accordance with the California Environmental Quality Act (CEQA), the recommended action has been determined to be adequately evaluated in the previously certified EIR No. 2006-01 as per Sections 15162 and 15168 of the CEQA guidelines. The project will comply with all mitigation measures as required by the approved Mitigation Monitoring Program (MMP) as required by the environmental documentation prepared for the MEMU Overlay Zone (Exhibit 8). As required by the MMP, a site impact analysis was performed to analyze any potential changes in area traffic as a result of the proposed development. The analysis concluded that no additional significant impacts would trigger the requirement for additional environmental review (Exhibit 9).

In addition to the site impact analysis, a health risk assessment (HRA) was prepared to identify any impacts from developing a residential community adjacent to a freeway. The HRA recommends that the project incorporate non-operable windows on freeway-facing elevations for all units adjacent to the Santa Ana (I-5) freeway, and that the project install air filtration systems throughout (Exhibit 10).

### **Strategic Plan Alignment**

Approval of this item supports the City's efforts to meet Goal No. 3 Economic Development, Objective No. 5 (leverage private investment that results in tax base expansion and job creation citywide) of the Santa Ana Strategic Plan. Moreover, approval of this item supports Goal No. 5 Community Health, Livability, Engagement & Sustainability, Objectives No. 3 (facilitate diverse housing opportunities and support efforts to preserve and improve the livability of Santa Ana neighborhoods) and No. 4 (support neighborhood vitality and livability).

### **Conclusion**

Based on the analysis provided within this report, staff recommends that the Planning Commission approve Site Plan Review No. 2015-03 as conditioned.

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Verny Carvajal  
Acting Planning Manager

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#### Attachments:

- Exhibit 1 – General Vicinity Map
- Exhibit 2 – Land Use Map
- Exhibit 3 – Site Photo
- Exhibit 4 – Site/Ground Floor Plan
- Exhibit 5 – Upper Floor Plans
- Exhibit 6 – Building Elevations
- Exhibit 7 – Landscape Plan
- Exhibit 8 – Mitigation Monitoring Program
- Exhibit 9 – Site Impact Analysis
- Exhibit 10 – Health Risk Assessment



### **Findings of Fact**

- A. Is the proposed development plan consistent with and will further the objectives outlined in Section 1.2 for the MEMU Overlay Zone?

The proposed mixed-use development project will be compatible with Section 1.2 (Objectives) of the Metro East Overlay zone as the project will be a mixed use project that will allow persons to live, work and shop in the immediate area. Further, the project will incorporate an active streetscape that will integrate the private development with the public realm and will assist in creating a distinct identity for the district.

- B. Is the proposed development plan consistent with the development standards specified in Section 4 of the MEMU Overlay Zone?

The proposed project is consistent with Section 4 (Development Standards) of the MEMU zone. The project is in compliance with the various development standards for the Active Urban District, including setbacks, parking, lot size and open space.

- C. Is the proposed development plan designed to be compatible with adjacent development in terms of similarity of scale, height, and site configuration and otherwise achieves the objectives of the Design Principles specified in Section 5 of the MEMU Overlay Zone?

The project site is compatible with adjacent development and achieves the design principles outlined in Section 5 (Design Principles) of the MEMU plan. The project is in close proximity to several mid and high-rise buildings in the area and has been designed to complement these developments. Further, the project incorporates a variety of architectural materials, massing and ground floor uses that are compatible with the MEMU plan.

- D. Have the land use uses, site design, and operational considerations in the proposed development plan been planned in a manner that will result in a compatible and harmonious operation as specified in Section 7 of the MEMU Overlay Zone?

The proposed project has been designed to be compatible identified in Section 7 (Operational Standards) of the MEMU plan. The project's windows, lighting and operational hours will result in a project that will not impact the proposed residential uses or the adjacent commercial and office uses.

**Conditions of Approval**

Site Plan Review No. 2015-03 is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code, and all other applicable regulations. In addition, it shall meet the following conditions of approval:

The applicant must comply with each and every condition listed below prior to exercising the rights conferred by this site plan review.

The applicant must remain in compliance with all conditions listed below throughout the life of the development project. Failure to comply with each and every condition may result in the revocation of the site plan review.

**A. Planning Division**

1. All proposed site improvements must conform to the Site Plan Review approval of DP No. 2014-12.
2. Any amendment to this site plan review, including modifications to approved materials, finishes, architecture, site plan, landscaping, unit count, mix, and square footages must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the site plan review must be amended.
3. The project shall comply with all mitigation measures as required by the Metro East Mixed-Use Overlay zone.
4. The project shall comply with the requirements of the Housing Opportunity Ordinance (HOO), which contains inclusionary unit requirements for projects that consist of the construction of five or more dwelling units (SAMC Sections 41-1900 et al.).
5. The project shall incorporate on-site professional property management for the residential and live/work components of the project.
6. All residential and live/work units on the site shall provide laundry (washer/dryer) appliances in each unit.
7. All mechanical equipment shall be screened from view from public and courtyard areas.
8. All parking for the project, including guest parking spaces, shall be made available free of charge.

9. After project occupancy, landscaping is to be maintained to include the minimum level of plant materials installed at the time of occupancy as required by the approved plans.
10. A final detailed amenity plan must be reviewed and approved prior to issuance of any building permits. The plan shall include details on the hardscape design, lighting concepts and outdoor furniture for the amenity deck as well as an installation plan. The exact specifications for these items are subject to the review and approval of the Planning Manager. The amenity deck shall be maintained in the same condition as installed at the time of occupancy.
11. An interior building amenity plan of all common areas (recreation room, meeting rooms, fitness rooms and lobbies) must be reviewed and approved prior to issuance of any building permits. The plan shall include details on the various finishes, furniture and equipment to be provided in these rooms. The exact specifications for these items are subject to the review and approval of the Planning Manager.
12. An interior amenity plan for the units must be reviewed and approved prior to issuance of any building permits. The plan shall include details on the various finishes, furniture and equipment to be provided in these rooms. Examples of a level of quality required for the project include granite counter tops or equivalent, hardwood flooring or equivalent, General Electric Monogram appliances or equivalent, tiled bathroom and shower walls, stain grade hard wood cabinets and individual laundry hook-ups. The exact specifications for these items are subject to the review and approval of the Planning Manager.
13. An elevator lobby plan of each lobby must be reviewed and approved prior to issuance of any building permits. The plan shall include details on the finishes and flooring to be provided. The exact specifications for these items are subject to the review and approval of the Planning Manager.
14. A final landscape plan must be reviewed and approved prior to issuance of any building permits. In addition to the landscaping palette, the plan shall include details on the hardscape design, lighting concepts and outdoor furniture. At a minimum, the project shall incorporate the amount and size of landscaping as shown on the preliminary landscape plan. The exact specifications for these items are subject to the review and approval of the Planning Division.
15. Pedestrian walkways shall be provided through the project. The amenities to be provided along this pathway shall include decorative concrete and paving, accent lighting, and landscape planters. The materials and design of the walkway is subject to the review and approval of the Planning Division.

16. A Resident Storage Plan shall be provided for the project. Storage shall be available at no cost to the residents.
17. Smart wiring, including cable television and high-speed cable for computers, shall be provided for each unit and within the project's common areas.
18. Submit a construction schedule and staging plan to the Planning Division for review and approval. The plan shall include construction hours, staging areas, parking and site security/screening during project construction.
19. Prior to occupancy of any units, a rental housing execution plan must be submitted to the Planning Division for review and approval. At a minimum, the plan shall identify the location of employee and visitor parking, the location of the rental office, hours of operation for the rental office, and signage affiliated with the Rental Housing Operational Plan. In addition, the rental plan must clearly note that the parking and project amenities must be provided free of charge to the residence.
19. A master sign program to include all proposed signs shall be subject to subsequent review and approval by the Planning Commission.
20. As a result of the health risk assessment (HRA) and to reduce any adverse health effects associated with diesel-truck emissions associated with the project's proximity to the I-5 Freeway, install non-operable windows on all windows facing the I-5 Freeway and install air filtration systems with filters meeting or exceeding the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) 52.2 Minimum Efficiency Reporting Value (MERV) of 14.

**B. Police Department**

1. The applicant will be required to submit a security plan for the proposed project to the Police Department prior to the Planning Commission hearing. The plan will be required to outline hours of operation for the parking structure (secured/open), a duress alarm system for the parking structure and an access control system for the perimeter of the building.
2. Resident parking must be physically separated and secured from all guest parking.
3. Parking structure and buildings: Each door within the structure and building leading into a stairwell, lobby, storage area must be outfitted with a 100 square inch fire rated window. Convex mirrors minimum of 12 inch in diameter must be provided at each stairwell landing, in the storage rooms and at each corner along a walkway. The last flight of each stair must be fully enclosed at its base.

4. Elevators are to be equipped with minimum 12-inch shatterproof convex mirrors or are to have mirrored backing.
5. All parking structures vehicular entrances are to be secured with a rolling grille and outfitted with a Police Department sub mastered Knox Box.
6. Parking structure first floor exits are to be designed to allow emergency egress only with no exterior hardware.
7. Building/unit addressing is to comply with emergency service standards of the City of Santa Ana.
8. Lobby doors are to be equipped with a Police Department approved access control system.
9. Provide a minimum 100 square inch window in the trash room and storage room doors.
10. Parking Structure elevators to be equipped with an approved access control system.

**C. Orange County Fire Authority (OCFA)**

1. Prior to OCFA clearance of a issuance of a grading permit or a building permit, the applicant shall receive approval of a fire master plan (service code PR145), architectural (service codes PR200-PR285), architectural (service codes PR264-PR272), hazardous materials compliance and chemical classification (service codes PR315-PR328), underground piping for private hydrants and fire sprinkler systems (service code PR470-PR475), fire sprinkler system (service codes PR400-PR465), fire alarm system (service code PR500-PR520) and hood and duct extinguishing system (service code PR335).
2. Prior to issuance of temporary or final certificate of occupancy, all OCFA inspections shall be completed to the satisfaction of the OCFA inspector and be in substantial compliance with codes and standards applicable to the project and commensurate with the type of occupancy (temporary or final) requested. Inspections shall be scheduled at least two days in advance by calling OCFA Inspection Scheduling at 714-573-6150.
3. Before commencement of construction, the applicant or responsible party shall attend a pre-construction meeting with an OCFA inspector. Call OCFA Inspection Scheduling at 714-573-6150 at least two days in advance to schedule and pay for the pre-construction meeting.

4. After installation of required fire access roadways and hydrants, the applicant shall receive clearance from the OCFA prior to bringing combustible building materials on-site. Call OCFA Inspection Scheduling at 714-573-6150 with the Service Request number of the approved fire master plan at least two days in advance to schedule the lumber drop inspection.