

**SPECIFIC DEVELOPMENT No. 43**  
**AMENDMENT APPLICATION 975**

ORDINANCE NO. NS-2681

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SPECIFIC DEVELOPMENT NO. 43, PERTAINING TO MACARTHUR PLACE (SD-43) (ZOA NO. 2004-05)

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

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


- A. Zoning Ordinance Amendment No. 2004-05 has been filed with the City of Santa Ana to amend the Specific Development No. 43 (SD-43) to increase the allowed residential units to a total of 624, which includes the existing 346 and the proposed 278-unit development.
- B. On January 4, 1988, the City Council created Specific Development No. 43 (NS-1941).
- C. The Planning Commission of the City of Santa Ana held a duly noticed public hearing on November 22, 2004, and by a vote of 5:0 (De La Torre and Sinclair absent) voted to recommend that the City Council:
  1. Approve and adopt the Mitigated Negative Declaration and Mitigation Monitoring Program, Environmental Review No. 2002-215.
  2. Adopt an ordinance approving Development Agreement No. 2004-03.
  3. Adopt an ordinance approving Zoning Ordinance Amendment No. 2004-05.
  4. Adopt a resolution approving Conditional Use Permit No. 2004-24 as conditioned.
  5. Adopt a resolution approving Tentative Tract Map No. 2004-05 as conditioned.
  6. Adopt a resolution approving Variance No. 2004-11 as conditioned.
  7. Adopt a resolution approving Site Plan Review No. 2004-06 as conditioned.
- D. MacArthur Place (SD-43) original concept was to encourage the "village" concept. The proposed amendments to SD-43 will allow additional residential units to be constructed to exceed the 400 residential units originally permitted in MacArthur Place.
- E. Zoning Ordinance Amendment No. 2004-05 is consistent with the General Plan, including but not limited to its goals and policies to:

1. Support high density residential development within the City's District Centers as apart of master-planned mixed use development. Land Use Element Policy 1.2.
  2. Target areas in the City for the creation of new housing units and opportunities for all segments of the community. Housing Element Policy 4.1.
  3. Encourage a balance of land uses that promote livable communities. Housing Element Policy 6.2.
- F. Zoning Ordinance Amendment No. 2004-05 is hereby found and determined to be consistent with the General Plan of the City of Santa Ana and otherwise justified by the public necessity, convenience, and general welfare.
- G. The Mitigated Negative Declaration and Mitigation Monitoring Program for Environmental Review No. 2002-215, was approved and adopted by resolution which came before the City Council on April 4, 2005. This ordinance incorporates by reference, as though fully set forth herein, this resolution and the Mitigated Negative Declaration and Mitigation Monitoring Program.

Section 2. Specific Development No. 43 (SD-43) is hereby amended as set forth in Exhibit "A", attached hereto and incorporated as though fully set forth herein.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.


ADOPTED this 18th day of April, 2005.



Miguel A. Pulido  
Mayor

APPROVED AS TO FORM:

Joseph W. Fletcher  
City Attorney

By:   
Kylee O. Otto  
Assistant City Attorney

AYES: Councilmembers: Alvarez, Bist, Christy, Bustamante, Garcia, Pulido, Solorio (7)

NOES: Councilmembers: None (0)

ABSENT: Councilmembers: None (0)

ABSTAIN: Councilmembers: None (0)

#### CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, PATRICIA E. HEALY, Clerk of the Council, do hereby attest to and certify the attached Ordinance No. NS-2681 to be the original ordinance adopted by the City Council of the City of Santa Ana on April 18<sup>th</sup>, 2005 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 4/26/05

  
Clerk of the Council  
City of Santa Ana

### III. MAXIMUM PERMITTED BUILDING DENSITY/INTENSITY

#### A. MAXIMUM DENSITIES

The maximum authorized building densities/intensities for the MacArthur Place District Center are as follows:

1. 4,051,000 square feet of Floor Area of office/commercial use; plus
2. 624 residential units;
3. The maximum office/commercial density with no residential use is 4,175,000 square feet of Floor Area.

The maximum densities can be converted or exchanged as follows:

- a. 1,000 square feet of Floor Area for office space can be converted into and exchanged for 2 hotel rooms (common areas in hotels are not calculated in the determination of maximum densities).
- b. 1,000 square feet of Floor Area of office space can be converted into and exchanged for 3.23 residential units.
- c. 1,000 square feet of Floor Area of office can be exchanged for 280 square feet of retail commercial.

Parking structures are not included in the calculation of Floor Area.

The MacArthur Place District Center will be developed contingent on the installation of major infrastructure improvements as set forth in the EIR. The applicable infrastructure improvements corresponding to each phase of development within the MacArthur Place District Center are required to be substantially completed as follows:

- (i) With respect to the first phase of the Development, fifty percent (50%) of all applicable first phase off-site improvements set forth in Section 2.4 and Table 1 of the EIR shall be completed prior to the issuance of any tenancy occupancy permits with respect to the last building to be constructed in such phase, and the remainder of all first phase off-site improvements shall be completed not later than one year following the date of issuance of such tenant occupancy permit. Notwithstanding the foregoing, as a condition to such one-year extension of the obligation to complete such first phase off-site improvements, Developer shall deliver to City sufficient security to ensure the completion of the remaining first phase off-site improvements within such one-year period;

2. No refuse collection areas shall be permitted between a frontage street and the building line.

**H. Telephone and Electrical Service**

All “on site” electrical lines and telephone lines shall be placed underground. Transformers or terminal equipment shall be visually screened from view from streets and adjacent properties.

**RESIDENTIAL**

**A. Building Heights**

Building heights shall be as designated in the Professional/Building Office/Commercial/Retail Hotel designation.

**B. Permitted Density**

Maximum density shall not exceed the 624 dwelling units for the entire MacArthur Place District Center.

**C. Minimum Lot Area**

None.

**D. Minimum Lot Width**

None.

**E. Usable Open Space**

Ground level open space must be provided within 500 feet of any residential unit on the site at a rate of 250 square feet of area for each unit. Such usable open space shall be divided between common and private open space. Private and open space shall be required to be provided for each unit at a rate of no less than ninety (90) square feet of the total open space required.

**F. Yard Requirements**

Refer to setbacks for Professional and Business Offices/Commercial/Retail/Hotel.

**G. Maximum Lot Coverage**

None; provided, however, minimum setbacks complying with requirements of this Specific Development Plan shall be required.