

**SPECIFIC DEVELOPMENT No. 72  
AMENDMENT APPLICATION 03-09**

**NS-2642**

**NS-2692**

**CITY COUNCIL ACTION  
FEBRUARY 2, 2004  
AMENDED JULY 18, 2005**

ORDINANCE NO. NS-2642

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA REZONING THE PROPERTY LOCATED AT 100 SOUTH MAIN STREET FROM GENERAL COMMERCIAL (C2) TO SPECIFIC DEVELOPMENT NO. 72 (SD-72) (AA NO. 2003-09) AND ADOPTING SPECIFIC DEVELOPMENT NO. 72 (SD-72) 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 does hereby find, determine and declare as follows:

- A. Amendment Application No. 2003-09 has been filed with the City of Santa Ana to change the zoning district designation of certain real property located at 100 South Main Street from General Commercial (C2) to Specific Development No. 72 (SD-72). SD-72 would allow retail and service uses (excluding bail bond); commercially operated professional studios; art studios and/or galleries; restaurants (without drive-thrus); ancillary banquet facilities; Cyber cafes provided use is ancillary to a restaurant; residential units and live/work units (with a Conditional Use Permit) and ceramic, potter, glass blowing, and sculpturing studios (with a Conditional Use Permit).
- B. The Planning Commission of the City of Santa Ana held a duly noticed public hearing on December 22, 2003, on Amendment Application No. 2003-09, adopting Specific Development No. 72, General Plan Amendment No. 2003-05, Conditional Use Permit No. 2003-31, and Variance No. 2003-08 for the property located at 100 South Main and determined by a vote of 6:0 (Cribb absent) to recommend that the City Council adopt an ordinance approving Amendment Application No. 2003-08 and adopting Specific Development No. 72 and a resolution approving General Plan Amendment No. 2003-05, Conditional Use Permit No. 2003-31, and Variance No. 2003-08.
- C. The Planning Commission determined that Amendment Application No. 2003-09 is consistent with the General Plan, including but not limited to its goals and policies to:
  1. Support live/work opportunities within specifically defined areas (Policy 1.2).
  2. Protect and enhance development sites and districts which are unique community assets that enhance the quality of life (Goal 4.0).
  3. Encourage development which is compatible with, and supportive of surrounding land uses (Policy 5.5).

4. Promote development which has a net community benefit and enhances the quality of life. (Policy 5.1).
- D. The City Council, prior to taking action on this ordinance, held a duly noticed public hearing on January 20, 2004. The City Council also adopts as findings all facts presented in the Request for Council Action dated January 20, 2004 accompanying this matter.
- E. For these reasons, and each of them, Amendment Application No. 2003-09 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.

Section 2. The City Council has reviewed and considered the information contained in the initial study and the mitigated negative declaration and mitigation monitoring program for Environmental Review No. 2003-100 prepared with respect to this Project. It is determined that, as required pursuant to the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, a mitigated negative declaration and mitigation monitoring program adequately addresses the expected environmental impacts of this Project. On the basis of this review, the City Council finds that there is no evidence from which it can be fairly argued that the project will have a significant adverse effect on the environment. The City Council hereby certifies and approves the mitigated negative declaration and mitigation monitoring program and directs that the Notice of Determination be prepared and filed with the County Clerk of the County of Orange in the manner required by law.

Pursuant to Title XIV, California Code of Regulations ("CCR") § 735.5(c)(1), the City Council has determined that, after considering the record as a whole, there is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the ecological habitat upon which wildlife resources depend. The proposed project exists in an urban environment characterized by paved concrete, roadways, surrounding buildings and human activity. Therefore, pursuant to Fish and Game Code § 711.2 and Title XIV, CCR § 735.5(a)(3), the payment of Fish and Game Department filing fees is not required in conjunction with this project.

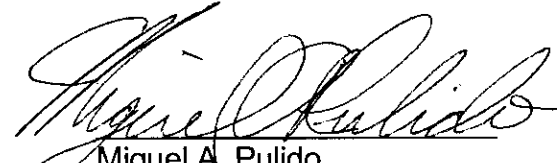
Section 3. The real property located at 100 South Main Street in Santa Ana is hereby reclassified from General Commercial (C2) to Specific Development No. 72 (SD-72). Amended Sectional District Map number 13-5-10 showing the above described change in use district designation, shall be prepared and replace the current Maps.

Section 4. Specific Development No. 72 (SD-72) as attached to this Ordinance, is approved and adopted in its entirety.

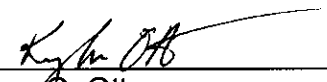
Section 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City 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 2<sup>nd</sup> day of February, 2004.

  
Miguel A. Pulido  
Mayor

APPROVED AS TO FORM:  
Joseph W. Fletcher  
City Attorney

By:   
\_\_\_\_\_  
Kylee O. Otto  
Deputy City Attorney

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

NOES: Councilmembers: None (0)

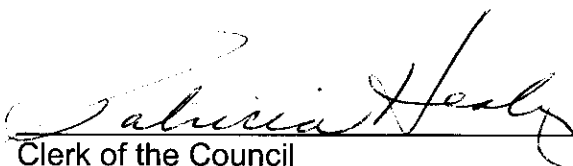
ABSENT: Councilmembers: None (0)

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-2642 to be the original ordinance adopted by the City Council of the City of Santa Ana on February 2, 2004, and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 2-10-04

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

**SPECIFIC DEVELOPMENT NO. 72  
(First and Main)**

**SECTION 1 APPLICABILITY OF ORDINANCE**

The specific development zoning district for the subject property, as authorized by Chapter 41, Division 26, Section 41-593 et seq., of the Santa Ana Municipal Code, is specifically subject to the standards and regulations contained in this plan for the express purpose of establishing land use regulations and standards. All other applicable chapters, articles, and sections of the Santa Ana Municipal Code shall apply unless expressly waived or superseded by this ordinance.

**SECTION 2 PURPOSE**

This Specific Development Plan No. 72 (SD 72) sets forth the development and design criteria for the project known as the Artist Gateway, a mixed used development consisting of approximately 1.7 acres. The purpose of this Specific Development Plan is to permit maximum flexibility in site planning and design to respond to market while assuring high quality development and implementing the goals of the General Plan.

SD 72 specifically will establish the following:

- A. The authorized uses for the site;
- B. Maximum authorized development densities;
- C. Development and operational standards including:
  - 1. Architectural Design
  - 2. Parking requirements
  - 3. Setback requirements
  - 4. Building height limits
  - 5. Maximum site coverages
  - 6. Landscaping and signage standards
  - 7. Public and Private Open Space
  - 8. Enforcement policies
  - 9. Signage

**SECTION 3 OBJECTIVES**

The SD-72 use district is hereby established for the express purpose of protecting the health, safety, and general welfare of the people of the City by promoting and enhancing the value of properties and encouraging orderly development including:

- Flexibility of development in response to market conditions, while achieving overall City and community goals.
- Creation of live/work opportunities and moderately priced new housing that encourage the arts and freelance market.
- Capitalize on the Historic Downtown revitalization, the Artist Village, and the live/work loft projects in the immediate area to allow an opportunity for additional live/work possibilities.
- A visually harmonious development as viewed both internally and externally.
- A circulation system that is responsive to the needs of both vehicular and pedestrian travel.
- Landscaping that is appropriate to the level of development and sensitive to the surrounding community.
- Create an enhanced access to downtown that promotes a walkable community, which will assist in the revitalization the local area.

#### SECTION 4 LOCATION

The Specific Development Plan No. 72 includes 1.7 acres and is located at the southwest corner of First and Main Streets, bordered by Walnut and Sycamore Streets. The historic United Automotive building occupies the northeast corner of the project site. On-site parking is provided on the remainder of the project site.

Santa Ana's historic Downtown is located immediately to the north of this development area. The Downtown area is a harmonious blend of historic buildings, the emerging Artist Village, as well as live/work possibilities and a culturally enriched retail market. This intersection also is recognized as a gateway that leads directly into the Downtown and civic center area.

#### SECTION 5 USES PERMITTED

- (a) Retail and service uses, excluding bail bonds.
- (b) Commercially operated professional studios
- (c) The following creative arts uses:
  - i. Fine arts studios and/or galleries
  - ii. Fiber arts studios and/or galleries
  - iii. Printing, lithography and calligraphy facilities

- iv. Photography studios
- (d) Restaurants, cafes, and eating establishments, other than those specified in Section 6, excluding eating establishments with drive-thru window service. ~~Live indoor entertainment, live amplified music, DJ music,~~ adult entertainment businesses as defined in SAMC section 41-1701.6, night clubs as defined in Chapter 11 and heavier commercial uses such as auto sales or repair, rental yards and hospitals shall be prohibited in the SD. **(Modified by the Planning Commission on December 22, 2003.)**
- (e) Ancillary banquet facilities, subject to development and operational standards set forth in section 41-199.1.
- (f) Cyber cafes as defined in Santa Ana Municipal Code (SAMC) 41-45, as an ancillary use to a restaurant, provided they are carried on in accordance with sections 41-198.200 of the SAMC as it may be amended from time to time, and provided a ministerial land use certificate is first obtained in accordance with sections 41-675 through 41-677 of the SAMC. With the exception of Section 41-198.200 (d), which states "No persons shall be permitted to consume alcohol on the premises" shall not be applied to Land Use Certificates issued for properties within the Specific Development No. 72.

## SECTION 6 CONDITIONALLY PERMITTED USES

- (a) Fourteen (14) Live/work units.
- (b) Nine (9) housing units.
- (c) Ceramic and pottery studios.
- (d) Glass blowing and sculpturing studios
- (e) On-site alcohol beverages control license as an ancillary use, in conjunction with an eating establishment.
- (f) Banquet facilities, as a primary use, subject to development and operational standards set forth in section 41-199-.1.
- (g) Retail markets having less than twenty thousand (20,000) square feet.
- (h) Indoor/Outdoor Entertainment as defined in Chapter 41 of the SAMC.

## SECTION 7 DEVELOPMENT STANDARDS

### A. **Standards for Commercial Development**

Unless expressly waived or superseded by this ordinance, all commercial development shall comply with the provisions as outlined within Chapter 41, Article 111, Division 13, C2 (General Commercial), of the Santa Ana Municipal Code as it may be amended from time to time.

**B. Standards for Live/Work Development**

**Building height in Specific Development 72.**

No structure shall exceed forty- five (45) feet in height.

**Yard requirements Specific Development 72.**

- a. A setback of not less than 15 feet shall be required for any new commercial building.
- b. A setback of not less than five (5) feet along any property line to the extent it serves to separate any off-street parking area from the street.

**Development Density in Specific Development 72**

The floor area ratio for commercial development may not exceed 1.0.

**Additional Development Standards**

Development standards for SD 72 will be refined in conjunction with the anticipated live/work project through an amendment. This will include architectural design, setbacks and side yard requirements, building height limits, maximum site coverage, private and public open space, guest and customer parking requirements, landscaping standards, signage standards, and public and private open space.

The restaurant must be maintained as a bona fide eating establishment. An eating establishment as defined by the Alcoholic Beverage Control Board and the Planning Commission must include the following items:

- a. One conventional range/oven
- b. An automatic dishwasher
- c. A double sink
- d. A 25 cubic foot refrigerator
- e. A four-foot by six-foot food preparation area
- f. The restaurant shall provide a grease interceptor and garbage disposal.

**Off-Street Parking Specific Development 72**

- a) The minimum off-street parking requirements for restaurants, cafes and other eating establishments are as follows: ten (10) spaces for each one thousand (1,000) square feet of gross floor area, including the open-air, plaza dining area.



- b) The minimum off-street parking requirements for retail and service uses not otherwise specified in this division are as follows: five (5) spaces for each one thousand (1,000) square feet of gross floor area.
- c) Parking for the residential units shall be provided at a rate of one and a half (1.5) spaces per unit. One space per unit must be located in a garage. Accessible guest parking at a rate of ten (10) percent of the total number of parking spaces shall be provided.
- d) Dedicated parking spaces shall be provided for the existing rental housing component.

### **Landscaping requirements in Specific Development 72**

- a) A minimum five-foot landscaped front yard setback is required within the parking areas along First Street, Main Street, Walnut Street, and Sycamore Street.
- b) The pedestrian plaza area should incorporate a double row of trees or a specific pattern designed to lead pedestrians through the plaza to the adjacent entrance of the building.
- c) Vehicular parking may not be located within any required landscaped area.
- d) A combination of trees and shrubs as identified in the commercial landscape standards shall be used on all street frontages. The on-site tree should be the same or complement the designated street tree for that particular street. Vines, such as Boston Ivy, shall be used on the trash enclosure.

### **Public Art in Specific Development 72**

The plaza/courtyard area shall provide amenities that encourage pedestrian use such as seating area and objects of public art. If water features are included in the plaza/courtyard area or other landscaping areas, the water feature shall use non-potable or recycled "gray water" and specialized equipment to conserve water. The amenities provided shall be reviewed and approved by the Planning Division as part of the site plan review process.

### **Pedestrian Plazas and Walkways Specific Development 72**

A pedestrian plaza is required in conjunction with the restaurant. The plaza area shall be a minimum of 50 feet by 125 feet and abut on the west elevation of the United Automotive Building. The plaza area shall be enhanced, incorporating decorative paving and shall be enclosed with a decorative wrought iron fence. The applicant will need to execute a Right-

of-Entry and License Agreement with the City to develop the plaza area on this parcel.

Interior primary pedestrian walkways shall be a minimum of eight feet wide and decorative in design. Walkways are those that connect a pedestrian from the parking area to the front entry. A four-foot handicap accessible walkway is to be provided throughout the interior sidewalks and courtyard/plaza areas.

The primary entrance door to the restaurant shall be located at the north vestibule entry located on the west elevation to the building restaurant. This entrance shall include an interior sound curtain to mitigate interior restaurant ambient noise levels to the exterior. All doors on the west elevation shall remain closed during business hours.

## SECTION 8 OPERATIONAL STANDARDS

- a. The existing United Automotive Building is listed in the Santa Ana Register of Historical Property and has been categorized as Contributive. Façade changes or modifications to structures listed on the Santa Ana Register of Historic Properties are subject to review by the Historical Resources Commission. Any new construction or modification, or building relocation requires City review and building permits.
- b. Restaurant operations shall be closed at 12:00 a.m. midnight to all patrons and allow for restaurant staff to conduct the necessary closing procedures including clean up until 1:00 a.m. There shall be no business operations between 1:00 a.m. and 5:00 a.m.
- c. The operation of any restaurant shall be permitted between the hours of 7:00 a.m. and 12:00 a.m., seven days a week. The restaurant shall be closed at 12:00 a.m. midnight to all patrons and allow for restaurant staff to conduct the necessary closing procedures including clean up until 1:00 a.m. Additionally, there shall be no business operations between 1:00 a.m. and 5:00 a.m. ***(Added by the Planning Commission on December 22, 2003.)***
- d. Indoor live entertainment shall be limited to a maximum of five musicians with amplified instruments and shall not exceed the noise standards set forth in SAMC 18-308 through 18-0321. ***(Added by the Planning Commission on December 22, 2003.)***
- e. The doors on the west side of the facility will be required to remain shut at all times except for normal ingress/egress purposes. Outdoor live entertainment shall be allowed only on *Saturdays and Sundays* from

10:00 a.m. to 5:00 p.m., shall be limited to a maximum of three musicians with non-amplified instruments, including no brass or percussion, and shall not exceed the noise standards set forth in SAMC 18-308-321. The musicians shall be located on the south portion of the pedestrian plaza area only. **(Added by the Planning Commission on December 22, 2003.)**

- f. Any public dance hall, dance place or public dancing place as defined in Chapter 11 of the SAMC will be subject to Police Department approval and be subject to all standards set forth in chapter 11 of the SAMC. ***(Added by the Planning Commission on December 22, 2003.)***
- g. All banquet uses must conform to the operational standards set forth in S.A.M.C. Section 41-199.1, including ancillary banquet uses intermittently associated with full service sit-down restaurants. ***(Added by the Planning Commission on December 22, 2003.)***
- h. The new infill residential component is permitted only in combination with individual studios in a manner which provides an integrated working and living environment.
- i. All live/work units shall be at least one thousand (1000) square feet in size.
- j. The residential component of a live/work unit shall meet the following standards:
  - 1. It shall have a space of at least five hundred (500) square feet of residential living area.
  - 2. It shall have access to separate bathroom facilities, including a water closet, a wash basin, and a bathtub or shower.
  - 3. It shall have separate kitchen facilities including a kitchen sink, cooking appliances and refrigerator. All such facilities shall have a clear working space of at least thirty (30) inches in front.
  - 4. It shall comply with all Housing Code requirements as modified by section 8-2700 of the Santa Ana Municipal Code.
  - 5. Each individual unit shall accommodate facilities for a washer and dryer.
- k. The existing rental housing component shall meet the following standards:

1. It shall have a space of at least three hundred and eighty-two (382) square feet.
2. It shall have access to separate bathroom facilities, including a water closet, a wash basin, and a bathtub or shower.
3. It shall have separate kitchen facilities including a kitchen sink, cooking appliances and refrigerator. All such facilities shall have a clear working space of at least thirty (30) inches in front.
4. It shall comply with all Housing Code requirements as modified by section 8-2700 of the Santa Ana Municipal Code.

#### SECTION 9 SIGNAGE STANDARDS

All signage shall comply with the provisions as outlined within Chapter 41, Article XI, "On-Premise Signs" of the Santa Ana Municipal Code as it may be amended from time to time.

A planned sign program, pursuant to Sections 41-880 through 41-884 of the Santa Ana Municipal Code, shall be required for all buildings to ensure sign compatibility

#### SECTION 10 PLANNING COMMISSION AND CITY COUNCIL APPROVALS

This is a key area for future development and this project will set the example for all subsequent residential development in the area. To ensure the quality of the design and the architectural style, as well as the layout of the units, any new development project will require Planning Commission and City Council approvals.

ORDINANCE NO. NS-2692

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SPECIFIC DEVELOPMENT NO. 72 (SD-72) TO ALLOW OUTDOOR SPECIAL EVENTS, TO AMEND RESTAURANT HOURS OF OPERATION, TO INCREASE THE NUMBER OF MUSICIANS, AND TO AMEND THE OUTDOOR LIVE ENTERTAINMENT HOURS OF OPERATION

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. The applicant is requesting an amendment to Specific Development No. 72 (SD-72), an amendment of Conditional Use Permit No. 2003-37 for a Type 47 Alcoholic Beverage Control license, and the adoption of Conditional Use Permit No. 2005-19 at Original Mike's Restaurant located at 100 South Main Street. Applicant is proposing to:
1. To serve alcoholic beverages until 2:00 a.m.
  2. To allow exterior special events on the premises
  3. To allow a cover charge to enter the premises
  4. To allow amplified music within the outdoor patio area.
  5. Extend the hours of operation for the outdoor patio to 9:00 a.m. through 6:00 a.m. Monday through Thursday and 9:00 a.m. to 10:00 p.m. on Friday, Saturday and Sunday.
  6. To allow more than a three piece band within the outdoor area.
  7. To allow seven musicians with amplified instruments within the interior of the premises.
- B. Amendment Application No. 2005-02 has been filed with the City of Santa Ana to change Specific Development No. 72 (SD-72) to allow outdoor special events, to amend restaurant hours of operation to 7:00 a.m. and 2:00 a.m., to allow seven musicians, and to allow outdoor live entertainment Monday through Thursday from 9:00 a.m. to 6:00 p.m. and Friday Saturday and Sunday from 9:00 a.m. to 10:00 p.m.
- C. Zoning Ordinance Amendment No. 2005-02 came before the Planning

Commission of the City of Santa Ana for a public hearing on June 13, 2005. The Planning Commission voted by a vote of 6:0 (Leo absent), to recommend that the City Council adopt an ordinance approving Zoning Ordinance Amendment No. 2005-02.

- D. The Planning Commission determined that Amendment Application No. 2003-09 is consistent with the General Plan, including but not limited to its goals and policies to:
1. Support live/work opportunities within specifically defined areas (Policy 1.2).
  2. Protect and enhance development sites and districts which are unique community assets that enhance the quality of life (Goal 4.0).
  3. Encourage development which is compatible with, and supportive of surrounding land uses (Policy 5.5).
  4. Promote development which has a net community benefit and enhances the quality of life. (Policy 5.1).
- B. The City Council, prior to taking action on this ordinance, held a duly noticed public hearing on July 5, 2005. The City Council also adopts as findings all facts presented in the Request for Council Action dated July 5, 2005 accompanying this matter.
- C. For these reasons, and each of them, Amendment Application No. 2005-02 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.

Section 2. In accordance with the California Environmental Quality Act, the proposed project is Categorically Exempt. No further environmental review is needed. Environmental Review No. 2005-66 will be filed for this project.

Section 3. The amendments to Specific Development No. 72 (SD-72) as attached to this Ordinance, is hereby approved and adopted.

Section 4. 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.

**SPECIFIC DEVELOPMENT NO. 72  
(First and Main)**

**SECTION 1 APPLICABILITY OF ORDINANCE**

The specific development zoning district for the subject property, as authorized by Chapter 41, Division 26, Section 41-593 et seq., of the Santa Ana Municipal Code, is specifically subject to the standards and regulations contained in this plan for the express purpose of establishing land use regulations and standards. All other applicable chapters, articles, and sections of the Santa Ana Municipal Code shall apply unless expressly waived or superseded by this ordinance.

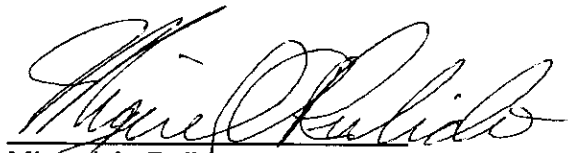
**SECTION 2 PURPOSE**

This Specific Development Plan No. 72 (SD 72) sets forth the development and design criteria for the project known as the Artist Gateway, a mixed used development consisting of approximately 1.7 acres. The purpose of this Specific Development Plan is to permit maximum flexibility in site planning and design to respond to market while assuring high quality development and implementing the goals of the General Plan.

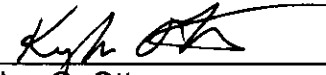
SD 72 specifically will establish the following:

- a. The authorized uses for the site;
- b. Maximum authorized development densities;
- c. Development and operational standards including:
  - i. Architectural Design
  - ii. Parking requirements
  - iii. Setback requirements
  - iv. Building height limits
  - v. Maximum site coverage
  - vi. Landscaping and signage standards
  - vii. Public and Private Open Space
  - viii. Enforcement policies
  - ix. Signage

ADOPTED this 18th day of July, 2005.

  
Miguel A. Pulido  
Mayor

APPROVED AS TO FORM:  
Joseph W. Fletcher  
City Attorney

By:   
Kylee O. Otto  
Assistant City Attorney

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

NOES: Councilmembers: None (0)

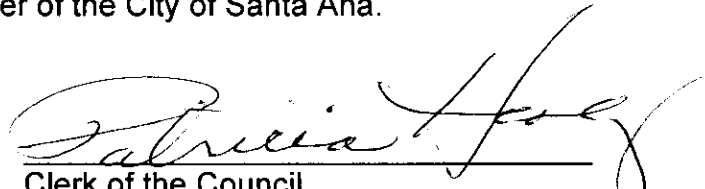
ABSTAIN: Councilmembers: None (0)

NOT PRESENT: 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-2692 to be the original ordinance adopted by the City Council of the City of Santa Ana on July 18, 2005, and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 7/27/05

  
Clerk of the Council  
City of Santa Ana



### **SECTION 3 OBJECTIVES**

The SD-72 use district is hereby established for the express purpose of protecting the health, safety, and general welfare of the people of the City by promoting and enhancing the value of properties and encouraging orderly development including:

- a. Flexibility of development in response to market conditions, while achieving overall City and community goals.
- b. Creation of live/work opportunities and moderately priced new housing that encourage the arts and freelance market.
- c. Capitalize on the Historic Downtown revitalization, the Artist Village, and the live/work loft projects in the immediate area to allow an opportunity for additional live/work possibilities.
- d. A visually harmonious development as viewed both internally and externally.
- e. A circulation system that is responsive to the needs of both vehicular and pedestrian travel.
- f. Landscaping that is appropriate to the level of development and sensitive to the surrounding community.
- g. Create an enhanced access to downtown that promotes a walkable community, which will assist in the revitalization the local area.

### **SECTION 4 LOCATION**

The Specific Development Plan No. 72 includes 1.7 acres and is located at the southwest corner of First and Main Streets, bordered by Walnut and Sycamore Streets. The historic United Automotive building occupies the northeast corner of the project site. On-site parking is provided on the remainder of the project site.

Santa Ana's historic Downtown is located immediately to the north of this development area. The Downtown area is a harmonious blend of historic buildings, the emerging Artist Village, as well as live/work possibilities and a culturally enriched retail market. This intersection also is recognized as a gateway that leads directly into the Downtown and civic center area.

### **SECTION 5 USES PERMITTED**

- a. Retail and service uses, excluding bail bonds.
- b. Commercially operated professional studios
- c. The following creative arts uses:
  - i. Fine arts studios and/or galleries

- ii. Fiber arts studios and/or galleries
- iii. Printing, lithography and calligraphy facilities
- iv. Photography studios
- d. Restaurants, cafes, and eating establishments, other than those specified in Section 6, excluding eating establishments with drive-thru window service, adult entertainment businesses as defined in SAMC section 41-1701.6, night clubs as defined in Chapter 11 and heavier commercial uses such as auto sales or repair, rental yards and hospitals shall be prohibited in the SD.
- e. Ancillary banquet facilities, subject to development and operational standards set forth in section 41-199.1.
- f. Cyber cafes as defined in Santa Ana Municipal Code (SAMC) 41-45, as an ancillary use to a restaurant, provided they are carried on in accordance with sections 41-198.200 of the SAMC as it may be amended from time to time, and provided a ministerial land use certificate is first obtained in accordance with sections 41-675 through 41-677 of the SAMC. With the exception of Section 41-198.200 (d), which states "No persons shall be permitted to consume alcohol on the premises" shall not be applied to Land Use Certificates issued for properties within the Specific Development No. 72.

**SECTION 6 CONDITIONALLY PERMITTED USES**

- a. Fourteen (14) Live/work units.
- b. Nine (9) housing units.
- c. Ceramic and pottery studios.
- d. Glass blowing and sculpturing studios
- e. On-site alcohol beverages control license as an ancillary f. use, in conjunction with an eating establishment.
- f. Banquet facilities, as a primary use, subject to development and operational standards set forth in section 41-199-.1.
- g. Retail markets having less than twenty thousand (20,000) square feet.
- h. Indoor/Outdoor Entertainment as defined in Chapter 41 of the SAMC.

## **SECTION 7 DEVELOPMENT STANDARDS**

- a. Standards for Commercial Development
  - i. Unless expressly waived or superseded by this ordinance, all commercial development shall comply with the provisions as outlined within Chapter 41, Article 11I, Division 13, C2 (General Commercial), of the Santa Ana Municipal Code as it may be amended from time to time.
- b. Standards for Live/Work Development
  - i. Building height in Specific Development 72.  
  
No structure shall exceed forty- five (45) feet in height.
  - ii. Yard requirements Specific Development 72.
    - 1. A setback of not less than 15 feet shall be required for any new commercial building.
    - 2. A setback of not less than five (5) feet along any property line to the extent it serves to separate any off-street parking area from the street.
  - iii. Development Density in Specific Development 72
    - 1. The floor area ratio for commercial development may not exceed 1.0.

### **Additional Development Standards**

Development standards for SD 72 will be refined in conjunction with the anticipated live/work project through an amendment. This will include architectural design, setbacks and side yard requirements, building height limits, maximum site coverage, private and public open space, guest and customer parking requirements, landscaping standards, signage standards, and public and private open space.

The restaurant must be maintained as a bona fide eating establishment. An eating establishment as defined by the Alcoholic Beverage Control Board and the Planning Commission must include the following items:

- a. One conventional range/oven
- b. An automatic dishwasher
- c. A double sink

- d. A 25 cubic foot refrigerator
- e. A four-foot by six-foot food preparation area
- f. The restaurant shall provide a grease interceptor and garbage disposal.

#### **Off-street parking for Specific Development No. 72**

- a. The minimum off-street parking requirements for restaurants, cafes and other eating establishments are as follows: ten (10) spaces for each one thousand (1,000) square feet of gross floor area, including the open-air, plaza dining area.
- b. The minimum off-street parking requirements for retail and service uses not otherwise specified in this division are as follows: five (5) spaces for each one thousand (1,000) square feet of gross floor area.
- c. Parking for the residential units shall be provided at a rate of one and a half (1.5) spaces per unit. One space per unit must be located in a garage. Accessible guest parking at a rate of ten (10) percent of the total number of parking spaces shall be provided.
- d. Dedicated parking spaces shall be provided for the existing rental housing component.

#### **Landscape Requirements for Specific Development No. 72**

- a. A minimum five-foot landscaped front yard setback is required within the parking areas along First Street, Main Street, Walnut Street, and Sycamore Street.
- b. The pedestrian plaza area should incorporate a double row of trees or a specific pattern designed to lead pedestrians through the plaza to the adjacent entrance of the building.
- c. Vehicular parking may not be located within any required landscaped area.
- d. A combination of trees and shrubs as identified in the commercial landscape standards shall be used on all street frontages. The on-site tree should be the same or complement the designated street tree for that particular street. Vines, such as Boston Ivy, shall be used on the trash enclosure.

## **Public Art in Specific Development 72**

The plaza/courtyard area shall provide amenities that encourage pedestrian use such as seating area and objects of public art. If water features are included in the plaza/courtyard area or other landscaping areas, the water feature shall use non-potable or recycled "gray water" and specialized equipment to conserve water. The amenities provided shall be reviewed and approved by the Planning Division as part of the site plan review process.

## **Pedestrian Plazas and Walkways Specific Development 72**

A pedestrian plaza is required in conjunction with the restaurant. The plaza area shall be a minimum of 50 feet by 125 feet and abut on the west elevation of the United Automotive Building. The plaza area shall be enhanced, incorporating decorative paving and shall be enclosed with a decorative wrought iron fence. The applicant will need to execute a Right-of-Entry and License Agreement with the City to develop the plaza area on this parcel.

Interior primary pedestrian walkways shall be a minimum of eight feet wide and decorative in design. Walkways are those that connect a pedestrian from the parking area to the front entry. A four-foot handicap accessible walkway is to be provided throughout the interior sidewalks and courtyard/plaza areas.

The primary entrance door to the restaurant shall be located at the north vestibule entry located on the west elevation to the building restaurant. This entrance shall include an interior sound curtain to mitigate interior restaurant ambient noise levels to the exterior. All doors on the west elevation shall remain closed during business hours.

## **Outdoor Special Event Requirements for Specific Development No. 72**

- a. Outdoor special events shall be subject to the requirements set forth herein. The Santa Ana Municipal Code sections pertaining to land use certificates shall not apply to this zoning designation.
- b. Outdoor special events shall be limited to antique car shows, vintage car shows, motorcycle shows and art exhibits. Similar uses may be submitted to the Planning Manager for review and approval.
- c. Outdoor special events shall be limited to Saturday, Sundays and Monday Holidays only. Monday holidays include Martin Luther

King Day, President's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day and New Year's Day.

- d. Hours of operation for outdoor special events shall be limited to between the hours of 7:00 a.m. and 10:00 p.m.
- e. Outdoor special events shall be limited to no more than six days per month and may occur on Saturday, Sunday and/or Monday holidays.

## **SECTION 8 OPERATIONAL STANDARDS**

- a. The existing United Automotive Building is listed in the Santa Ana Register of Historical Property and has been categorized as Contributive. Façade changes or modifications to structures listed on the Santa Ana Register of Historic Properties are subject to review by the Historical Resources Commission. Any new construction or modification, or building relocation requires City review and building permits.
- b. The operation of any restaurant shall be permitted between the hours of 7:00 a.m. and 2:00 a.m., seven days a week. Additionally, there shall be no business operations between 2:00 a.m. and 5:00 a.m.
- c. Indoor live entertainment shall be limited to a maximum of seven musicians with amplified instruments and shall not exceed the noise standards set forth in SAMC 18-308 through 18-321.
- d. The doors on the west side of the facility will be required to remain shut at all times except for ingress/egress purposes. Outdoor live entertainment shall be allowed Monday through Thursday from 9:00 a.m. to 6:00 p.m. and on Friday, Saturday and Sunday from 9:00 a.m. to 10:00 p.m., shall be limited to a maximum of five musicians with amplified instruments, including no brass or percussion, and shall not exceed the noise standards set forth in SAMC 18-308 through 18-321. The musicians shall be located on the south portion of the pedestrian plaza area only.
- e. Any public dance hall, dance place or public dancing place as defined in Chapter 11 of the SAMC will be subject to Police Department approval and be subject to all standards set forth in Chapter 11 of the SAMC.
- f. All banquet uses must conform to the operational standards set forth in Section 41-199.1 of the SAMC, including ancillary banquet uses

intermittently associated with full service sit-down restaurants.

- g. The new infill residential component is permitted only in combination with individual studios in a manner that provides an integrated working and living environment.
- h. All live/work units shall be at least one thousand (1000) square feet in size.
- i. The residential component of a live/work unit shall meet the following standards:
  - i. It shall have a space of at least five hundred (500) square feet of residential living area.
  - ii. It shall have access to separate bathroom facilities, including a water closet, a wash basin, and a bathtub or shower.
  - iii. It shall have separate kitchen facilities including a kitchen sink, cooking appliances and refrigerator. All such facilities shall have a clear working space of at least thirty (30) inches in front.
  - iv. It shall comply with all Housing Code requirements as modified by section 8-2700 of the Santa Ana Municipal Code.
  - v. Each individual unit shall accommodate facilities for a washer and dryer.
- j. The existing rental housing component shall meet the following standards:
  - i. It shall have a space of at least three hundred and eighty-two (382) square feet.
  - ii. It shall have access to separate bathroom facilities, including a water closet, a wash basin, and a bathtub or shower.
  - iii. It shall have separate kitchen facilities including a kitchen sink, cooking appliances and refrigerator. All such facilities shall have a clear working space of at least thirty (30) inches in front.
  - iv. It shall comply with all Housing Code requirements as modified by section 8-2700 of the Santa Ana Municipal Code.

## **SECTION 9 SIGNAGE STANDARDS**

All signage shall comply with the provisions as outlined within Chapter 41, Article XI, "On-Premise Signs" of the Santa Ana Municipal Code as it may be amended from time to time.

A planned sign program, pursuant to Sections 41-880 through 41-884 of the Santa Ana Municipal Code, shall be required for all buildings to ensure sign compatibility

## **SECTION 10 PLANNING COMMISSION AND CITY COUNCIL APPROVALS**

This is a key area for future development and this project will set the example for all subsequent residential development in the area. To ensure the quality of the design and the architectural style, as well as the layout of the units, any new development project will require Planning Commission and City Council approvals.