



SPECIFIC DEVELOPMENT NO. 88
AMENDMENT APPLICATION 14-04
NS-2892

ORDINANCE NO. NS- 2892

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA REZONING THE HERITAGE PROPERTY LOCATED AT 2001 EAST DYER ROAD FROM LIGHT INDUSTRIAL (M-1) TO SPECIFIC DEVELOPMENT NO. 88 (SD-88) (AA NO. 2014-04) AND ADOPTING SPECIFIC DEVELOPMENT NO. 88 (SD-88) 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. 2014-04 has been filed with the City of Santa Ana to change the zoning district designation of certain real property located at 2001 East Dyer Road from Light Industrial (M-1) to Specific Development No. 88 (SD-88). The Specific Development No. 88 zoning district (SD-88) would allow the development of The Heritage mixed-use development project, which would include 1,221 apartment homes, 12,675 square feet of retail commercial space, and 5,415 square feet of restaurant space on an 18.84 acre parcel of land.
- B. The Planning Commission of the City of Santa Ana held a duly noticed public hearing on October 12, 2015, on Amendment Application No. 2014-04 and decided to recommend that the City Council adopt an ordinance approving Amendment Application No. 2014-04, which is consistent with the General Plan, as amended by General Plan Amendment No. 2015-03.
- C. This City Council, prior to taking action on this ordinance, held a duly noticed public hearing on February 2, 2016.
- D. The City Council also adopts as findings all facts presented in the Request for Council Action dated February 2, 2016 accompanying this matter.
- E. For these reasons, and each of them, Amendment Application No. 2014-04 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 Final Environmental Impact Report No. 2015-01 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, Final Environmental Impact Report No. 2015-01 meets all requirements of CEQA.

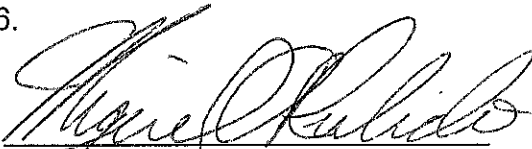
Section 3. The real property located at 2001 East Dyer Road in Santa Ana is hereby reclassified from Light Industrial (M-1) to Specific Development No. 88 (SD-88). An amended Sectional District Map, showing the above described change in use district designation, is hereby approved and attached hereto as Exhibit A and incorporated by this reference as though fully set forth herein.

Section 4. Specific Development No. 88 (SD-88) attached hereto as Exhibit B and incorporated by this reference as though fully set forth herein is approved and adopted in its entirety.

Section 5. This ordinance shall not be effective unless and until Resolution No. 2016-012 (FEIR No. 2015-01; GPA No. 2015-03; and, VTTM No. 2015-03) and Ordinance No. NS-2893 (Development Agreement No. 2015-03) are adopted and become effective. If said resolution and ordinance are for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or otherwise does not go into effect for any reason, then this ordinance shall be null and void and have no further force and effect.

Section 6. 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 16th day of February, 2016.


Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

By: 
Lisa Storck
Assistant City Attorney

AYES: Councilmembers: Amezcuca, Benavides, Pulido, Reyna (4)
NOES: Councilmembers: None (0)
ABSTAIN: Councilmembers: None (0)
NOT PRESENT: Councilmembers: Martinez, Sarmiento, Tinajero (3)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, MARIA D. HUIZAR, Clerk of the Council, do hereby attest to and certify the attached Ordinance No. NS-2892 to be the original ordinance adopted by the City Council of the City of Santa Ana on February 16, 2016 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 2/22/2016

Maria D. Huizar
Clerk of the Council
City of Santa Ana

Exhibit "A"

Sectional District Map



City of Santa Ana Zoning SDM: IRS-9

Santa Ana Zoning Designations / Description					
Zone	Description	Zone	Description	Zone	Description
A1	General Agricultural	DT	Downtown	R4	Suburban Apartment
C1	Community Commercial	CC	Government Center	RE	Residential Estate
C1-MD	Community Commercial - Museum District	M1	Light Industrial	SD	Specific Development
C2	General Commercial	M2	Heavy Industrial	SP	Specific Plan
C4	Planned Shopping Center	O	Open Space	TV	Transit Village
C5	Arterial Commercial	P	Professional	UC	Urban Center
CDR	Corridor	R1	Single-Family Residence	UN1	Urban Neighborhood 1
CR	Commercial Residential	R2	Two-Family Residence	UN2	Urban Neighborhood 2
C-SM	South Main Street Commercial District	R3	Multiple-Family Residence		

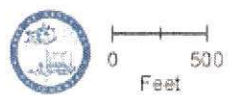


EXHIBIT A



EXHIBIT B

**PLEASE SEE LASERFICHE
ORDINANCE NO. NS-2892 FOR EXHIBIT**

SPECIFIC DEVELOPMENT PLAN NO. 88
The Heritage

SECTION 1 – APPLICABILITY OF ORDINANCE

The Specific Development zoning district No. 88 (SD-88) for The Heritage project site is authorized by Chapter 41, Division 26 Section 41-593 et seq. of the Santa Ana Municipal Code. SD No. 88 contains the specific standards and regulations contained in the residential and commercial districts, as herein amended, for the purpose of establishing land use regulations and standards. All other applicable chapters, articles, and sections of the Santa Ana Municipal Code are in effect unless superseded by regulations contained in this ordinance.

SECTION 2 – PURPOSE

The Specific Development Plan No. 88 for The Heritage mixed-use development 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.

The Heritage Mixed Use Specific Development Plan No. 88 (SD-88) sets forth the development and design criteria for a development consisting of approximately 18.84 acres. The purpose of this specific development plan is to permit flexibility in site planning and design to respond to market conditions while assuring high quality development. Specific Development Plan No. SD-88 specifically establishes for the property the following:

- Permitted uses.
- Development standards, including building height limits, required setbacks, parking requirements, landscaping provisions and enforcement policies.
- Public Park requirements
- Maximum development intensity.

Objectives

The objectives of The Heritage mixed-use specific development plan include provision of the following:

1. Development of a mixed-use project within a major freeway corridor.
2. Promotion of the City's image as a regional activity center.
3. Pedestrian access between commercial uses and residential neighborhoods which are in close proximity.

4. A clean and safe environment for the City's residents, workers and visitors.
5. Pedestrian friendly and walkable streets between the residential, commercial and office uses, thereby reducing the use of vehicles.
6. A visually harmonious development as viewed both internally and externally.
7. Flexibility in development in response to market conditions while achieving overall City and community goals.

SECTION 3 – Uses permitted in Specific Development No. 88

The following uses are permitted in the SD-88 district:

- (a) Multiple-family dwellings
- (b) Live/work lofts
- (c) Retail and service uses
- (d) Restaurants, cafes and eating establishments
- (e) Office uses
- (f) Other uses as deemed compatible by the Planning Manager or designee

SECTION 4 – Uses subject to a conditional use permit in Specific Development No. 88

- (a) Establishments open at any time between the hours of 12:00 a.m. and 7:00 a.m.
- (b) Establishments selling alcoholic beverages
- (c) Laundromats

SECTION 5 – Maximum permitted building intensity

The maximum authorized building intensity for The Heritage is 2,209,227 gross square feet (including the parking garages) or 1,495,301 square feet (exclusive of the parking garages) for the mixture of uses in the project. The maximum number of residential units for the project is 1,221. The maximum allowable office area is 56,000 gross square feet. The maximum square footage for the retail and restaurant components is limited to 18,090 gross square feet.

SECTION 6 – Minimum lot area in Specific Development No. 88

Developable lots for the project shall have a minimum lot area of 1.66 acres.

SECTION 7 – Minimum street frontage in Specific Development No. 88

Developable lots shall have a minimum street frontage of at least 200 feet.

SECTION 8 – Building height in Specific Development No. 88

No structure shall exceed 100 feet in height, as measured from the lowest adjacent grade of a structure to the top of the structure.

SECTION 9 – Lot coverage in Specific Development No. 88

No more than 60 percent of the lot shall be covered by structures.

SECTION 10 – Development standards in Specific Development No. 88

The Heritage development shall be built as shown on the approved project plans included as attachments to the SD. The plans shall govern in the event there is a conflict between the SD with the project plans. In addition, the following standards are applicable to the project:

- (a) Setbacks.
 - (1) A minimum setback of 20 feet shall be provided between the property line and buildings on Redhill Avenue
 - (2) A minimum setback of 12 feet shall be provided between the property line and buildings on Dyer Road.
 - (3) A minimum setback of 10 feet shall be provided along the northern and western internal property lines
 - (4) A minimum 10 foot setback shall be provided the property line and buildings fronting an interior street

- (b) Parking and Circulation. The minimum off-street parking requirements for the project are as follows:
 - 1) A total of 1.71 parking spaces per unit
 - 2) One guest space for every 10 unit
 - 3) One space per 200 square feet for retail and restaurant uses
 - 4) One space per 550 square feet for office uses

- (c) Pedestrian Walkways and Open Space. The project will provide a public park, trails and similar open spaces at a minimum of six acres. The Pedestrian paseos and walkways shall be provided as shown on approved plan.

(d) Walls/Fences.

A solid block wall with a minimum height of eight feet shall be constructed along the north and west property lines.

(e) Landscaping

Detailed landscaping plans shall be submitted to and be approved by the City of Santa Ana Planning Division prior to issuance of a building permit and installed as required in the approved phasing plan. The landscape plan shall include approximately 31 percent (315,456 square feet) of open space (courtyards, common area amenities, roof terraces and perimeter plazas and open space) within the project site including the Central Park with an outdoor theatre and putting green and Par Course/Walking Trail located along the northerly end of the site.

Private open space recreation and amenities for residents shall include a resort style saltwater pool and spa, private cabanas, fire pits, dog park with washing stations, outdoor barbeque and lounges, fitness area, community center with billiards, shuffleboard, table tennis, kitchen demonstration area for cooking classes and a screening room, tennis and basketball courts and children's play area. Each building shall have a common area rooftop deck with outdoor kitchen and seating areas.

(f) Architectural and Design Features.

(1) Exterior materials. Exterior materials and finishes for the project shall comply with the approved materials board submitted for the project. All trash enclosures and similar ancillary structures shall match the texture, material and color of the building.

(2) Hardscape materials. Enhanced paving materials shall be installed at the driveway entrances, the project main entrance and the public park area. The actual paving materials shall be approved by the Planning Division.

(3) 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 approval.

(4) Gateway element. A monument or similar design feature identifying an entry point or gateway into Santa Ana shall be installed.

SECTION 11 – Signage standards in Specific Development No. 88

Lots in the SD No. 88 zoning district shall comply with the following standards:

- (a) Signage shall comply with the standards set forth in sections 41-850 through 41-1000 of the SAMC, with the exception of the standards identified below.
- (b) A comprehensive sign program shall be submitted for review and approval by the Planning Division. The sign program may include creative signage where the sign proposal is not consistent with existing Code provided it is designed to complement the form and function of the building and contributes to the aesthetics of the project.

SECTION 12 – Landscape standards for Specific Development No. 88

In the SD No. 88 zoning district, all yards shall be landscaped. The site shall comply with the landscape plans included as an exhibit to the SD. In addition, the landscape plans shall comply with the following minimum requirements:

- (a) Front/side yard facing a street:
 - (1) Two 24-inch box canopy trees.
 - (2) All trees shall be double-staked.
 - (3) Six five-gallon size shrubs and 10 one-gallon size herbaceous perennials/shrubs as a foundation planting.
 - (4) Turf or acceptable dry climate ground cover:
 - i. Turf shall be drought tolerant variety and planted as sod or hydroseed.
 - ii. Ground cover shall be well-rooted cuttings from flats and planted at appropriate spacing for that particular plant material.
- (b) Irrigation systems:
 - (1) A pop-up sprinkler type irrigation system shall be provided for all yards
 - (2) The use of “xeriphytic” or dry climate type plant materials is encouraged. Irrigation systems may require special fittings to properly water dry climate plantings.

(c) Screening:

- (1) All meters shall be appropriately screened from public view with trellis work and vines or a hedge type shrub or they shall be incorporated into the structure.
- (2) Any enclosed structure for utilities must not encroach into any required setback.

(d) Maintenance:

- (1) All plant material shall be maintained per section 41-609 of the Santa Ana Municipal Code.