

ORDINANCE NO. NS-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING ZONING ORDINANCE AMENDMENT NO. 2024-02, AMENDING CERTAIN SECTIONS OF CHAPTER 41 (ZONING) OF ARTICLE XIX OF THE SANTA ANA MUNICIPAL CODE RELATED TO THE REGULATIONS, OVERLAY DISTRICTS AND MAPS IN THE TRANSIT ZONING CODE/SPECIFIC DEVELOPMENT (SD) NO. 84 ZONING DISTRICT; MODIFYING THE AUTHORIZED LAND USES AND PERMIT TYPES; ESTABLISHING REVISED NONCONFORMING USE REGULATIONS, INCLUDING THE ADDITION OF AN AMORTIZATION/TERMINATION OF USE PROCESS AND ADDING OPERATIONAL STANDARDS FOR CERTAIN PERMITTED AND NONCONFORMING USES

THE CITY COUNCIL OF THE CITY OF SANTA ANA HEREBY ORDAINS AS FOLLOWS:

Section 1. The City Council has, by separate action taken on March 18, 2025, adopted an Addendum to the Transit Zoning Code Environmental Impact Report (“EIR”) (State Clearinghouse No. 2006071100), which was certified on June 7, 2010, by the City Council (“Addendum”). The Addendum analyzed the environmental impacts of the actions taken in this Ordinance. Adopting the Addendum satisfied the City Council’s obligations under the California Environmental Quality Act (“CEQA”) regarding amendments to the Transit Zoning Code and none of the conditions in Public Resources Code section 21166 or State CEQA Guidelines 15162 apply. Thus, no further environmental review is required as adoption of this Ordinance falls within the scope of the adopted Addendum and previously certified EIR.

Section 2. The City Council of the City of Santa Ana hereby adopts the findings contained in the attached Exhibit “A” to this Ordinance as if fully set forth herein.

Section 3. Section 41-2001 (Application of Article) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

“Sec. 41-2001. Application of Article

- (a) The Transit Zoning Code, as authorized by Chapter 41, Article III, Division 26, Section 41-593 et seq., of the Santa Ana Municipal Code (SAMC), is subject to the standards and regulations contained in this Article for the express purpose of establishing land use regulations and standards. All other applicable chapters, articles, and sections of the SAMC and any other regulations adopted by the City Council shall apply unless expressly stated or superseded by this Article. All terms contained herein shall be defined by the SAMC, unless specifically defined in this Article.

(b) Proposed development, including the construction, reconstruction or structural alteration of a structure, subdivisions, and new and existing land uses, whether conforming or nonconforming, as defined in Section 41-126 of the SAMC, within the specific development area shall comply with all the applicable regulations established by this Article ~~article~~.

(c) The regulations contained in this Article shall also apply to:

1. A change in land use within an existing building; and
2. A change in tenancy within an existing building requiring issuance of a new Certificate of Occupancy."

Section 4. Section 41-2001.5 (Organization) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

"Sec. 41-2001.5 Organization

(a) Regulating Plan and Zones Established: Sections 41-2006 through ~~2008~~ 2009 of this Article defines the zones within the Specific Development (SD) boundaries of SD-84, the parcels included within each zone, and describes, zone by zone, the standards for building placement, design, and use consistent with the permitted uses identified in Table 2A.

(b) Use Standards: Table 2A identifies the land use types allowed by the City in each of the zones established by the Regulating Plan. A parcel within ~~the Specific Development (SD-84)~~ boundaries shall be occupied only by land uses identified as allowed within the applicable zone and the type of City approval required by Table 2A.

(c) Urban Standards by Zone: Sections 41-2010 through 2015 of this Article regulates the features of buildings that affect the public realm. The urban standards regulate building and parking placement, height, and profile, and vary according to the parcel's zone applied by the Regulating Plan. Standards for items not explicitly described in this section, including but not limited to, walls and fences, mechanical equipment, trash bin enclosures, heliport and helipad, underground utility, installation of dish antennas, loading areas, parking lot design standards, refer to other Sections of Chapter 41 of the Santa Ana Municipal Code SAMC and the Citywide Design Guidelines.

(d) Architectural Standards: Sections 41-2020 through 2039 regulates the manner in which individual parcels and blocks are developed to create diverse and pedestrian-oriented development, through the use of three main components:

- (1) Sections 41-2020 through 2032 building types (e.g., duplex, rowhouse, courtyard housing)

- (2) Sections 41-2033 through 2039 frontage types (e.g., front yard/porch, stoop, arcade, shopfront)
- (3) Section 41-2040 (Table 4.3A) architectural styles (e.g., Main Street Commercial, Mission Revival, Art Deco, Folk Victorian, Craftsman, California Contemporary).
- (e) Sign Standards: Section 41-2050 regulates all signage within the SD boundaries to be consistent with the character described for each zone.
- (f) Subdivision Guidelines: Establishes guidelines for the creation and maintenance of a finely grained and walkable network of blocks punctuated by integral and varied open spaces.
- (g) Street Network Concepts: identifies conceptual location and guidelines for the street network. This section provides guidelines for the rights-of-way alignment, and width in plan and section with the corresponding details.
- (h) Definitions: Sections 41-2080 identifies and defines the terms used in this Code.”

Section 5. Section 41-2002 (Nonconforming Buildings, Structures and Uses) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

“Sec. 41-2002. Nonconforming Buildings, Structures and Uses

- (a) A nonconforming building, structure or use shall comply with Article VI of this Chapter, except as provided below ~~modified as follows~~:
 - (1) A building or structure that does not conform to the architectural style or story height requirements ~~at the time of the adoption~~ of this Article shall not cause the structure to be non-conforming.
 - (2) A nonconforming building, structure or use shall not be required to conform to current zoning regulations based solely upon a change in ownership of the property, except as otherwise provided in this Article.
 - (3) A sale, lease or other transfer of a property containing a nonconforming building, structure or use does not trigger the loss of nonconforming status, except as otherwise provided in this Article.
 - (24) Sections 41-681.1 through 41-681.4 and 41-683.6 of Article VI of this Chapter shall not apply to this buildings, structures and uses addressed within this Article or building, structures, and uses within SD-84, nor to existing accessory dwelling units (ADUs) permitted by the City of Santa Ana before the amendment to this Article.

(35) Rehabilitation, enlargement or ~~exterior~~ structural alterations of any nonconforming structure or structure occupied by a nonconforming use, except for structures occupied by single family and two-family dwellings, may be rehabilitated made as follows:

a. Rehabilitation, limited to structural or non-structural alterations without any building expansion and without any intensification of a nonconforming use, is permitted if:

1. The operational standards contained in sections 41-2008 and 41-2009, as applicable, of this Article are met.
4. 2. All signage on the structure and the site on which it is located is brought into conformity with the signage requirements of this Chapter, as approved by the Executive Director of the Planning and Building Agency, or designee.
2. 3. All outdoor storage is screened by a solid screen wall not to exceed eight (8) feet in height. Outdoor storage shall not exceed the height of the screen wall.
3. 4. There shall be no increase in the number of dwelling units unless the site on which the structure is located complies with the off-street parking and open space requirements of this Chapter.
4. 5. Architectural massing, features and detailing shall be modified to bring the structure into closer compliance with the architectural standards of this Article code, as approved deemed appropriate by the Executive Director of the Planning and Building Agency, or their designee.

b. Rehabilitation may include expansion of floor area without intensification of the nonconforming use when the total floor area of all ~~expansions occurring in any five-year period~~ does not exceed ten (10) percent of the floor area as it legally existed as permitted and constructed as of April 15, 2025 at the beginning of the five-year period, provided that the following standards conditions are met:

1. The existing use is not a nonconforming industrial use. Nonconforming industrial uses may not be expanded.
2. The operational standards contained in Section 41-2008 are met.
4. 3. All signage on the structure and the site on which it is located shall be brought into conformity with the requirements of this chapter Chapter as approved by the Executive Director of the Planning and Building Agency, or designee.

2. ~~4.~~ There shall be no loading or unloading of vehicles between the hours of 10 pm and 7 am.
3. ~~5.~~ All outdoor storage is screened by a solid screen wall not to exceed eight (8) feet in height. Outdoor storage shall not exceed the height of the screen wall.
4. ~~6.~~ There shall be no enlargement which would intrude into any required setback area required by this Article.
5. ~~7.~~ There shall be no enlargement which would result in a new nonconforming condition in violation of the requirements of this Chapter.
6. ~~8.~~ Off-street parking shall be provided in conformance with the requirements of this Chapter.
7. ~~9.~~ Landscaping shall be improved to bring the site on which the structure is located into closer compliance with the landscaping requirements of this Chapter, as approved ~~deemed appropriate~~ by the Executive Director of the Planning and Building Agency, or ~~their~~ designee.
8. ~~10.~~ Architectural massing, features and detailing, shall be modified to bring the structure into closer compliance with the architectural standards of this Chapter, as approved ~~deemed appropriate~~ by the Executive Director of the Planning and Building Agency, or ~~their~~ designee.

(46) Rehabilitation, enlargement or exterior structural alterations of buildings occupied by a single family and two-family dwellings is permitted subject to the following:

- a. Structural alterations and additions may be made where the total floor area of all such expansions occurring in a five-year period does not exceed forty (40) percent of the floor space of the building as it existed at the beginning of that five-year period, provided the number of dwelling units is not increased; and no new non-conformances with the requirements of this ~~code~~ Chapter are created.
- b. Structural alterations and additions which exceed forty (40) percent of the total floor area as it existed at the beginning of a five-year period; or remodeling which involves the demolition of more than fifty (50) percent of the building shall be permitted; provided that the following conditions are met:
 1. Off-street parking shall be provided in conformance with the requirements of this Chapter.
 2. No new nonconformities with the requirements of this Chapter are created.

3. A minimum of eight hundred (800) square feet of usable, continuous, non-front yard open-space, excluding driveways and parking areas is provided. Any open space with a minimum dimension of fifteen (15) feet by fifteen (15) feet shall be deemed continuous open space.
 - c. Where rehabilitation of a building involves more than fifty (50) percent of a building wall which encroaches into a front or side yard setback and is demolished or is structurally altered, the remainder of the building wall shall be demolished. Any subsequent building wall shall conform to all provisions of this Chapter.
 - d. An existing two-car garage with a minimum dimension of eighteen (18) feet by eighteen (18) feet exterior dimension shall be considered conforming.
 - e. Remodeling shall mean to reconstruct, or to make over in structure or style, but shall exclude re-roof, window replacement, exterior finish replacement and repair or similar modifications, as determined by the Executive Director of the Planning and Building Agency, or designee.
 - f. No provision contained in this Article shall be interpreted or implemented in a manner inconsistent with State law addressing accessory dwelling units, as contained in Government Code Section 66310, et. seq., as amended from time to time.
- (5) Discontinuance of Nonconforming Uses, Generally. Nonconforming uses shall be discontinued pursuant to Sec. 41-683 (Discontinuance of nonconforming building or use) of this Chapter, regardless of intent, except as provided below:
- a. Discontinuance of Noxious Use.
 1. If a nonconforming industrial use that meets the definition of a Noxious Uses as defined in this Article requires a new certificate of occupancy for any reason other than a change in business name with no change in owner of the business, legal nonconforming status shall be lost and any subsequent use must conform in every respect to the provisions of this Article.
 2. If a nonconforming industrial use that meets the definition of a Noxious Use as defined in this Article is in violation of any applicable Federal, State, or local regulation, as provided below, legal nonconforming status shall be lost and any subsequent use of the building shall conform in every respect to the provisions of this Chapter:
 - A. The violation lasts a period of thirty (30) consecutive days; or
 - B. The violation(s) are observed and documented for a total period of sixty (60) days in a one-year period; or

- C. Three noncompliant notices from a Federal, State, or local regulatory agency relating to or arising from the nonconforming use are sent in a one-year period.

3. For the purpose of this subsection 5(a)(2):

- A. The thirty (30) consecutive day time period shall be measured from the date of the first observed and documented violation.
- B. A one-year period shall be the twelve (12) consecutive months of time preceding the sixtieth (60th) day of total violations; or the twelve (12) consecutive months of time preceding the issuance of the third (3rd) noncompliant notice.
- C. Local regulations mean the SAMC, including, but not limited to, the operational standards contained in Section 41-2009 of this Article.
- D. A local regulatory agency includes the City, County of Orange, special districts, or any other local government agency charged with regulating noxious uses.
- E. Noncompliant notices may include, but are not limited to, Notice to Comply and Notice of Violation as issued by the South Coast Air Quality Management District (SCAQMD), Department of Toxic Substances Control (DTSC), California Environmental Protection Agency (CalEPA), Certified Unified Program Agency (CUPA), and Santa Ana Regional Water Quality Control Board (SARWQB).

(6) Elimination of Nonconforming Uses and Structures.

a. Elimination of Nonconforming Uses and Structures, Generally.

- 1. The City Council has determined that elimination of nonconforming uses and structures by amortization may be considered based upon one or more of the following factors:
 - A. The threat to the public health, safety, and welfare posed by the continuance of the nonconforming use or structure;
 - B. Adaptability of the land and improvements to a currently permitted use;
 - C. Compatibility with the existing land use patterns and densities of the surrounding neighborhood;

- D. Excessive calls for service to applicable response agencies related to the operation of the nonconforming use; and
 - E. Failures to remedy notices of violation, administrative warnings, or other notices of noncompliance issued by a Federal, State, or local agency, including the City.
- 2. The Executive Director of the Planning and Building Agency, or designee, in conjunction with other City Departments and Agencies, may establish, and periodically update, a list or data resource that identifies categories of nonconforming uses or structures with specific metrics and operational characteristics, to develop a ranking system for use in the consideration of eliminating nonconforming uses or structures through amortization.
- 3. The determination of an appropriate amortization period for termination of a nonconforming use pursuant to this Article shall be made by a Hearing Officer retained by the City and who has professional legal and land use experience to address amortization. The Hearing Officer shall order nonconforming uses and structures to be discontinued and removed from their sites within a period determined pursuant to the process set forth in Subsection b (Establishment of Amortization Periods), and consider the following:
 - A. If the nonconforming user has not made a substantial investment in furtherance of the use or structure, or if the investment can be substantially utilized or recovered through a currently permitted use, the order may require a nonconforming use or structure to be discontinued and removed from their site within a minimum of one year after the date of the order.
 - B. If the nonconforming user has made a substantial investment in furtherance of the use or structure, or if the investment cannot be substantially utilized or recovered through a currently permitted use, the order may require the discontinuation and removal of the nonconforming use or structure within a longer reasonable amount of time.
 - C. Nonconforming uses or structures that are determined to be an imminent threat to the public health or safety may be subject to immediate cessation and removal, pursuant to Chapter 1 (General Provisions) of the SAMC.
- 4. Nonconforming uses and structures may also, upon order from the City or a court order, be subject to immediate cessation and removal of the nonconforming use or structure.
- b. Establishment of Amortization Periods. Where a period during which a nonconforming use or structure is to be discontinued and removed from a

site or sites is required pursuant to this Article, such period shall be established as follows:

1. The Executive Director of the Planning and Building Agency, or designee, shall submit the nonconforming use or structure and a recommended amortization period, based on subsection 4. herein, to a Hearing Officer pursuant to Chapter 3 of the SAMC for review;
2. The Hearing Officer shall hold a noticed hearing to consider the recommended amortization period. Notice of the hearing shall be provided to the owner or operator of the nonconforming use or structure and the property owner at least ten (10) days prior to the hearing. Additional notice may also be provided to surrounding property owners and/or tenants, at the discretion of the Executive Director of the Planning and Building Agency, or designee.
3. The Hearing Officer shall consider the recommendations submitted by the Executive Director of the Planning and Building Agency, the General Plan of the City, and any testimony or evidence provided during the hearing, in order to determine the amortization schedule for elimination of the nonconforming use or structure.
4. The Hearing Officer shall establish a maximum amortization period during which the nonconforming use or structure shall be permitted to continue after considering the following in relation to the use or structure:
 - A. The amount of investment or original cost of the use or structure;
 - B. The present actual or depreciated value of the use or structure;
 - C. The remaining useful life of the use or structure;
 - D. The remaining term of the lease (if applicable);
 - E. The date or dates of construction;
 - F. Amortization of the business or structure for tax purposes;
 - G. The salvage value;
 - H. Adaptability of the land and improvements to a currently permitted use;
 - I. Cost of moving and reestablishing the use elsewhere;
 - J. Compatibility with the existing land use patterns and densities of the surrounding neighborhood;

- K. The threat to the public health, safety, and welfare posed by the continuance of the nonconforming use or structure;
- L. Calls for service to applicable response agencies;
- M. Notices of violation, administrative warnings, or other notices of noncompliance arising from or related to the nonconforming use issued by a Federal, State, or local agency, including the City; and
- N. Other factors as appropriate.

c. Hearing Officer Determination and Compliance. The determination of the Hearing Officer shall be made in writing and shall be final.

1. Notice of Amortization and Termination of Use. The Executive Director of the Planning and Building Agency, or designee, shall give notice by certified mail of the date upon which an amortization period will end to each owner of record whose property, or use of property, is not in conformance with the regulations of this Article, in those instances where an amortization period has been determined pursuant to this Article. Such notice shall be sent within ten (10) days of the termination of any appeal period. If the amortization period ends before or less than six (6) months after providing such notice, the notice shall be given that the amortization period in each instance shall be not less than six (6) months from the date the notice is sent. The notice shall set forth all pertinent provisions of this Article, including the declared purposes thereof and the approved amortization term. Failure to send notice by mail to any such owner where the address of such owner is not a matter of public record shall not invalidate any proceedings under this Article. The Executive Director of the Planning and Building Agency, or designee, shall be authorized record a Notice of Amortization Term & Termination of Use with the County Recorder, as provided for in California Government Code Section 27201(a).
2. Notice of Termination and Order to Comply and Conclusion of Amortization Period. Notice of Termination of a nonconforming use and order to comply shall be served by the Executive Director of the Planning and Building Agency, or designee, at the end of the amortization period upon the owner of record whose property contains such nonconforming use. In those instances, where the Executive Director of the Planning and Building Agency, or designee, is unable with reasonable effort to serve such notice to the property owner, such notice and order shall be served within thirty (30) days of the end of the amortization period by delivering same to an occupant of the structure containing the nonconforming use.

3. Request for a Continuance of Nonconformities Beyond Period of Amortization Period. A request for a continuance of nonconformities beyond the period of amortization may be granted as follows:
- a. Grounds for Continuance. A nonconforming use or structure may be maintained for a reasonable time beyond its period of amortization as specified in this Article if the Executive Director of the Planning and Building Agency, or designee, makes the following determinations:
 - i. Special Circumstances. That special circumstances apply to any such use or structure that do not apply generally to others affected hereby; and
 - ii. Compatibility with Public Welfare. That such a continuance for a prescribed period of additional time is in the public interest and will be reasonably compatible with, and not detrimental to, the use of adjacent properties.
 - b. Application Process for Continuance. Any application for a continuance of a nonconforming use or structure must be filed with the Planning Division no later than thirty (30) days following the service of a Notice of Termination and Order to comply, or within thirty (30) days following the continued termination date. An application for a continuance may be filed by the owner of the property, a person with a power of attorney from the owner of the property, or a lessee, if the terms of the lease permit the existing use. Fees shall be required in accordance with this Code.
 - c. Determination by Executive Director of the Planning and Building Agency, or designee. Upon filing of a complete application, the Executive Director of the Planning and Building Agency, or designee, shall investigate the matter, give proper notice to the applicant, hold an administrative hearing and make a decision thereon based on the criteria set out in this Section and supported by written findings of fact within seventy-five (75) days from the date the application is filed, or within such extended period of time as may be mutually agreed upon by the applicant and the Executive Director of the Planning and Building Agency, or designee. The Executive Director of the Planning and Building Agency, or designee, may impose such conditions, including additional time extensions not to exceed two (2) additional years, as may

be deemed necessary for the compatibility of such nonconformity with adjacent properties.

- d. Appeals. Appeals shall be filed in accordance with Chapter 3 of the Santa Ana Municipal Code.
- 4. Failure to Comply with Hearing Officer's Determination. Failure to comply with the Hearing Officer's determination to discontinue a nonconforming use or structure shall constitute a violation of this Chapter and is subject to fines and enforcement provisions of Sec. 1-8 of the SAMC.
- 5. Failure to Terminate Use at Conclusion of Amortization Period. The failure to terminate a nonconforming use at the conclusion of an approved amortization period shall be deemed a public nuisance in accordance with California Government Code, Section 38771. The City is hereby authorized to abate the nuisance in accordance with Chapter 17 of this Code or may pursue any alternative remedy to abate the use authorized by this Code or State law.
- d. Additional Administrative Policies and Procedures. The Executive Director of the Planning and Building Agency, or designee, may enact and shall publish any additional administrative policies and procedures to effectuate the purposes of this Chapter, including, but not limited to, administrative policies and procedures to govern the selection of a neutral hearing officer and the conduct of hearings for the Establishment of Amortization Periods in order to implement the provisions of this Article.
- (7) Abatement. The provisions of this Section are in addition to authority existing under State law to declare and abate a public nuisance pursuant to California law and other applicable provisions of the SAMC. In the event that a legal nonconforming structure or use is found to constitute a public nuisance, appropriate and alternative action may be taken by the City pursuant to Chapter 1 (General Provisions) of the SAMC and Article VIII (Enforcement) of this Chapter).
- (8) Exception. The provisions of this section shall not apply to multifamily dwellings damaged or destroyed by fire in accordance with Government Code Section 65852.2.
- (9) Voluntary Compliance Agreement. The Executive Director of the Planning and Building Agency, or designee, is hereby authorized to enter into a Voluntary Compliance Agreement with a business owner or property owner in order to establish terms for compliance with the provisions of this Article."

Section 6. Section 41-2004 (The Industrial Overlay I-OZ) Zone) of Chapter 41 of the SAMC is hereby amended to read as follows:

~~“Sec. 41-2004 Reserved. The Industrial Overlay (I-OZ) Zone~~

- ~~(a) The Industrial Overlay Zone (I-OZ) is applied to areas zoned M1 or M2 and occupied with an industrial use at the time of the adoption of this Article. The zoning for the individual parcels shall be determined by Sectional District Map number 7-5-9 as it appeared on May 1, 2010.~~
- ~~(b) The I-OZ allows the M1 and M2 regulations to apply to said parcel until such time as the property owner applies to modify the zoning district. The Regulating Plan identifies the boundaries of the applicable zoning district (i.e. Transit Village, Urban Center, Corridor, Urban Neighborhood 1 or Urban Neighborhood 2) within the Transit Zoning Code.~~
- ~~(c) A property owner may apply to develop the parcel consistent with the applicable zoning district within the Transit Zoning Code. The applicant shall receive all the necessary site approvals including, the approval of the overlay zone site plan pursuant to Article III, Division 28 prior to development.~~
- ~~(d) The uses in the I-OZ shall be subject to the regulations of the M1 and M2 zones (SAMC 41, Article III, Divisions 18 and 19), as applicable.”~~

Section 7. Section 41-2005 (Application for Discretionary Approvals) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

~~“Sec. 41-2005. Application for Discretionary Approvals~~

- ~~(a) Site Plan Review shall mean specific development plan and shall comply with Sections 41-593.4 through 41-593.6. Sections 41-593.4 through 41-593.6 shall only apply to structures over four (4) stories in height.~~
- ~~(b) Conditional use permits, variances and minor exceptions. Conditional use permits, variances and minor exceptions shall be subject to Article V of this Chapter, except for the permit thresholds for minor exceptions shall be as identified in Table 1B of this Article.~~
- ~~(c) Effect of amendments to this Article on applications in progress shall apply as follows:~~
 - ~~(1) Discretionary Applications Submitted and Determined Complete. All discretionary permit applications that are active and that have been determined to be complete before the effective date of the Article or any amendment, shall be processed in compliance with the requirements in effect when the application was deemed complete, and pursuant to all requirements of Sections 41-2008 and 41-2009.~~
 - ~~(2) Approved Projects Not Yet Under Construction. Any structure authorized by a discretionary permit or approval of a land use as allowed by this Article for which a Building Permit application has been submitted or a Building Permit~~

has been issued may be constructed in compliance with the permit or approval, as long as construction is completed and the approved land use is established before the expiration of the permit or, where applicable, before the expiration of any approved time extension.

- (3) Project Under Construction. A project for which a Building Permit has been issued may be continued and completed in compliance with the plans and specifications upon which the permit was issued.

Section 8. Section 41-2006 (Zones Established) of Chapter 41 of the Santa Ana Municipal Code is hereby amended, including the replacement of Figure 2.1, to read as follows:

“Sec. 41-2006. Zones Established

- (a) Purpose. This section establishes the zones applied to property within the plan area by the Regulating Plan. The Regulating Plan divides the plan area into separate zones that are based on a transect of intensity within the plan area that ranges from the most urban types of development and land use to the least urban types, with most zones providing for a significant mixture of land uses within them.

This approach differs from conventional zoning maps that typically divide cities into zones that rigidly segregate residential, commercial, industrial, and institutional uses into separate areas, and thereby require residents to drive for nearly all daily activities. The use of zones based on development intensity (instead of land use zones) as the spatial basis for regulating development, directly reflects the functions of, and interrelationships between, each part of the plan area. The zones also effectively implement the City’s urban design objectives for each part of the plan area, to establish and maintain attractive distinctions between each zone. This is why some parcels are zoned with more than one zone. In such cases, the zoning is divided along a clear boundary such as the middle of a block.

The zones of this Regulating Plan allocate architectural types, frontage types, and land uses within the plan area, as well as providing detailed standards for building placement, height and profile. ~~The diagram to the right~~ Figure 2.1 identifies the eight (8) ~~9~~ zones applied within the plan area as they relate to existing rights-of-way and parcels.

- (b) Zones established. The following zones are applicable to this specific plan, and applied to property within the boundary as shown on the Regulating Plan.

- (1) Transit Village (TV) Zone.

The Transit Village zone is intended to provide standards for compact transit-supportive mixed-use/residential development. This zone is characterized by a wide range of building intensity, including mixed-use tower-on-podium buildings, flex blocks, liners, stacked flats, and courtyard housing. The zone accommodates retail, restaurant, entertainment, and other pedestrian-oriented uses at street level, with offices and flats above in the mixed-use building types, at high intensities and densities. The landscape palette is urban, with shading

and accent street trees in parkway strips along Santa Ana Boulevard, and in sidewalk tree wells where on-street parking is provided. Parking is accommodated on-street, in structures with liner buildings, and underground.

(2) Government Center (GC) Zone.

This area accommodates a wide variety of civic uses, including Federal, State, and local government offices and services, libraries, museums, community centers, and other civic assembly facilities and is identified, but not regulated, by this Article. Refer to City requirements as identified in SAMC Chapter 41. Building types vary according to their public purpose, are programmed by the various government agencies for their specific sites, and therefore are not coded by this Article the ~~Transit Zoning Code (SD84A and SD84B)~~. The landscape style is urban, emphasizing shading street trees in sidewalk tree wells, and in landscaped public plazas.

(3) Downtown (DT) Zone.

This zone is applied to the historical shopping district of Santa Ana, a vital, pedestrian-oriented area that is defined by multi-story urban building types (flex blocks, live-work, stacked dwellings, and courtyard housing in the Downtown edges) accommodating a mixture of retail, office, light service, and residential uses. The standards of this zone are intended to reinforce the form and character represented by pre-World War II buildings and recognized as a National Historic District, through restoration, rehabilitation, and context-sensitive infill. The standards also facilitate the replacement or improvement of post-war development that eliminated the pedestrian orientation of various downtown blocks (for example, parking structures with no features of pedestrian interest along their entire lengths). The landscape style is urban, emphasizing shading and accent street trees in sidewalk tree wells. Parking is accommodated on-street and may also be in structures with liner buildings, underground, and within block centers in surface lots not visible from streets.

(4) Urban Center (UC) Zone.

This zone is applied to the area surrounding the Downtown, which serves as a transitional area to the surrounding lower intensity neighborhoods and to other areas where mixed-use and multi-unit residential buildings create a pedestrian-oriented urban fabric. The zone provides for a variety of non-residential uses and a mix of housing types at medium intensities and densities. Besides accommodating community serving businesses, this zone may also serve the daily convenience shopping and service needs of nearby residents. Building types include mixed-use Flex Blocks, stacked flats, live-work, row- houses, and courtyard housing. The landscape is urban, emphasizing shading street trees in sidewalk tree wells. Parking is accommodated on-street and may also be in structures with liner buildings and underground in areas adjacent to the DT zone, and in surface lots away from street frontages.

(5) Corridor (CDR) Zone.

This zone is applied to properties fronting existing commercial corridors and provides standards to improve pedestrian-orientation in a transit-supportive, mixed-use area. Mixed-use flex block and live-work building types are at or

near the sidewalk, and accommodate street level retail, service, and office uses, with office and residential above. The landscape style is urban, emphasizing shading street trees in sidewalk tree wells. Parking is accommodated on-street, and in screened surface lots between buildings, or away from streets, with no more than half the site frontage occupied by parking.

(6) Urban Neighborhood 2 (UN-2) Zone.

This zone is applied to primarily residential areas intended to accommodate a variety of housing types, with some opportunities for live-work, neighborhood-serving retail, and cafes. Appropriate building types include single dwellings, duplexes, triplexes and quadplexes, courtyard housing, rowhouses, and live-work. In some areas, the more intense, hybrid court building type is allowed where additional intensity is warranted while maintaining compatibility with neighboring properties (see Regulating Plan). The landscape is appropriate to a neighborhood, with shading street trees in parkway strips, and shallow- depth landscaped front yards separating buildings from sidewalks. Parking is on-street, and in garages located away from street frontages.

(7) Urban Neighborhood 1 (UN-1) Zone.

This zone is applied to existing primarily residential areas and is intended to strengthen and stabilize the low intensity nature of these neighborhoods. Appropriate building types include single dwellings, duplexes, triplexes, and quadplexes, and live-work. The landscape is appropriate to a neighborhood, with shading street trees in parkway strips and landscaped front yards separating buildings from sidewalks. Parking is on-street, and in garages located away from street frontages.

~~(8) Industrial Overlay (I-OZ) Zone.~~

~~The I-OZ is applied to areas currently zoned M1 or M2, and occupied with an industrial use, to allow the types of land use activity and development permitted by existing M1 and M2 zoning to continue until such time that the owner chooses to apply the new zones identified in Figure 2.1. In order to determine if the M1 or M2 land use activity and development apply to a particular parcel, the I-OZ is further identified as I-OZ-M1 or I-OZ-M2. Until the property owner applies to modify the zoning district, property in the I-OZ shall be regulated by the provisions of the M1 and M2 zones (SAMC 41, Article III, Divisions 18 and 19), as applicable.~~

~~(8) (9) Open Space (O) Zone.~~

~~This zone identifies areas reserved for community parks and other open spaces and is identified, but not regulated, by this Article. Refer to City requirements as identified in SAMC Chapter 41. Allowable structures in this zone are limited to those necessary to support the specific purposes of the particular open space area (e.g., sport-court enclosures and multi-purpose buildings in active parks, and trails within passive parks)."~~

~~Figure 2.1 Regulating Plan with Existing R.O.W.~~

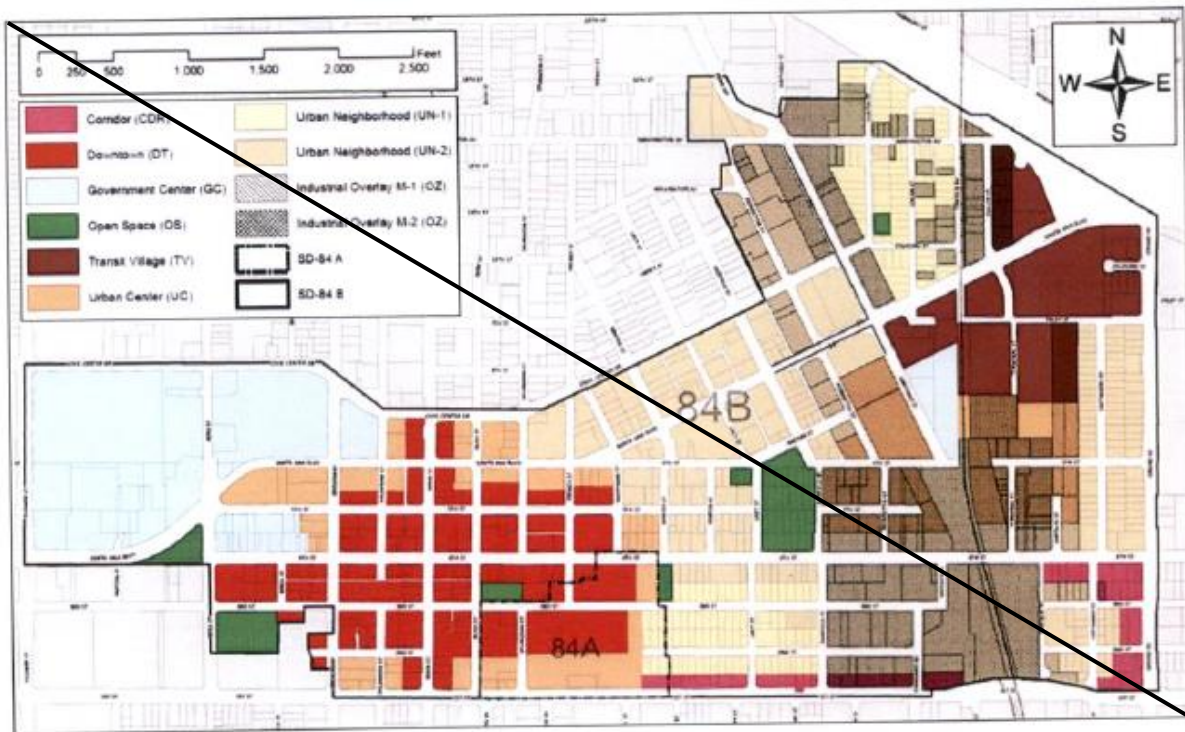
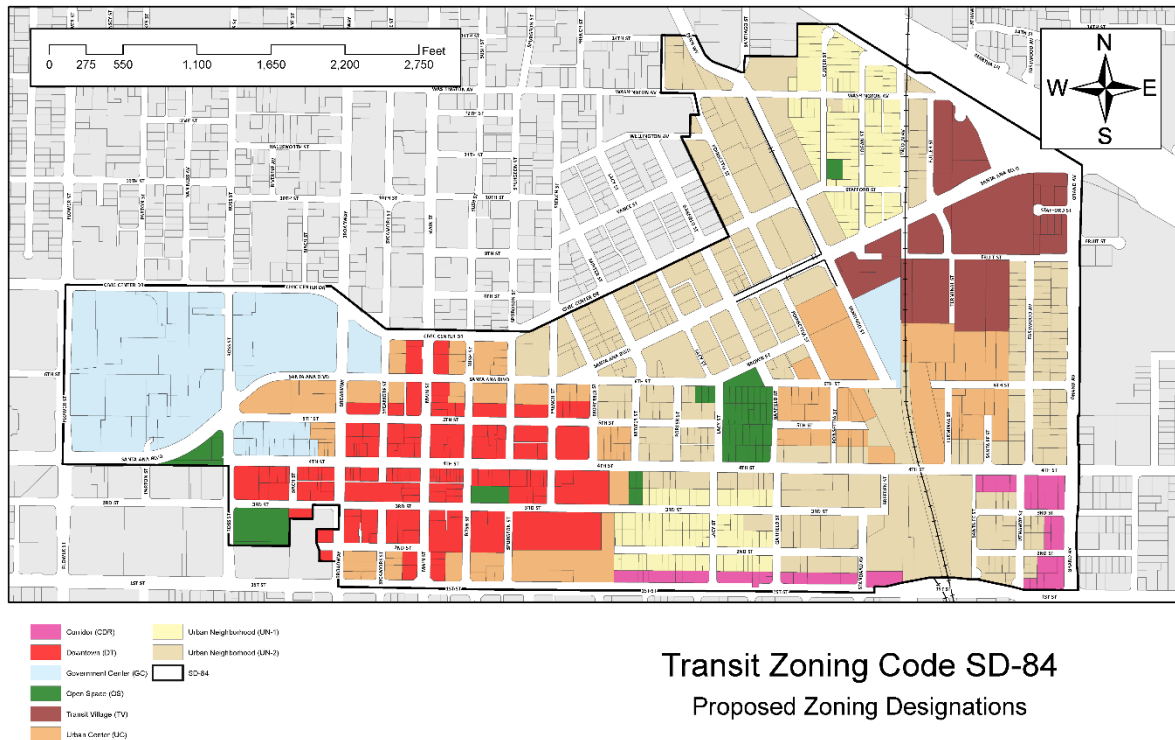


Figure 2.1 Regulating Plan with Existing R.O.W.



Section 9. Section 41-2007 (Uses Permitted) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

“Sec. 41-2007. Uses Permitted.

(a) Allowable Land Use Types. A parcel or building within the Specific Development SD-84 area shall be occupied by only the land uses allowed by the table entitled Use Standards (hereinafter Use Standards Table) within the zone applied to the site by the Regulating Plan.

(b) No building shall be erected, constructed, reconstructed or structurally altered except in conformance with the provisions contained herein; nor shall any building or land be used for any purpose other than that which is permitted in the district or modified district in which such building or land is located. All uses, as defined in this Article, not expressly permitted in any district enumerated in Table 2A, are prohibited.

~~(b)~~ (c) Garage sales are allowed in compliance with Section 41-193.

~~(e)~~ (d) Temporary outdoor activities are allowed in compliance with Section 41-195.5.

~~(d)~~ (e) Youth amusement rides are permitted in compliance with Section 41-366 for C1 districts.

(e) (f) Drive-through facilities shall not be permitted.

(g) The conversion of existing structures containing residential land uses to non-residential land uses is prohibited in the UN-1 and UN-2 zones.

Table 2A – Use Standards						
Land Use Type	Permit Required by Zone					
	TV	DT	UC	CDR	UN-2	UN-1
RESIDENTIAL						
Live-Work Use / Joint living-working quarters	P (2)	P (2)	P (2)	P (2)	CUP	CUP
Care Homes	CUP	CUP	CUP	CUP	CUP	CUP
Single Dwelling	---	---	---	---	P	P
Multi-Family Dwellings	P (1)	P (1)	P (1)	P (1)	P	P

Table 2A – Use Standards						
Land Use Type	Permit Required by Zone					
	TV	DT	UC	CDR	UN-2	UN-1
RECREATION, EDUCATION AND ASSEMBLY						
Community assembly	P (1)	P (1)	P (1)	P	CUP	CUP
Health/fitness facility	P	P	P	P	CUP	---
Library, museum	P	P	P	P	P	CUP
Schools	P (1)	P (1)	P (1)	P	CUP	CUP
Studio	P	P	P	P	CUP	CUP
<u>Trade School</u>	<u>P (1)</u>	<u>P (1)</u>	<u>P (1)</u>	<u>P (1)</u>	<u>CUP</u>	<u>---</u>
Theater, cinema or performing arts	P	P	P	P	<u>CUP</u>	---
Commercial Recreation (Indoor) <u>up to 5,000 square feet maximum floor area per tenant</u>	<u>CUP</u> <u>P</u>	<u>CUP</u> <u>P</u>	<u>CUP</u> <u>P</u>	---	---	---
<u>Commercial Recreation (Indoor) > 5,000 square feet floor area per tenant</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	---	<u>CUP</u>	---

Table 2A – Use Standards						
Land Use Type	Permit Required by Zone					
	TV	DT	UC	CDR	UN-2	UN-1
RETAIL						
General retail, except with any of the following features	P	P	P	P	P (2)	---
• Floor area over 20,000 per tenant	CUP	CUP	P	---	CUP	---

Table 2A – Use Standards						
Land Use Type	Permit Required by Zone					
	TV	DT	UC	CDR	UN-2	UN-1
<u>Artisan/craft product – limited on-site production</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	---	<u>CUP</u>	---
Eating establishments	P	P	P	P	P (2)	---
Auto or motor vehicle service	---	---	<u>P</u>	<u>P</u>	---	---

Table 2A – Use Standards						
Land Use Type	Permit Required by Zone					
	TV	DT	UC	CDR	UN-2	UN-1
SERVICE GENERAL						
Banquet facility/catering-sub. to 41.199.1(a) through (d)	CUP	CUP	CUP	CUP (1)	<u>CUP</u>	---
Child day <u>Day</u> care center	P (3)	P (3)	P	P	CUP	CUP
Adult day care center-subject to 41.199.2 of the SAMC	P (3)	P (3)	P	P	P	---
Hotel, excludes transient residential hotel and long-term stay	P	P	P	P	---	---
Mortuaries, funeral homes	---	---	<u>CUP</u>	<u>P</u>	---	---
Personal services	P	P	P	P	P (2)	P (2)
Personal services - restricted	---	---	CUP	CUP	CUP	---
<u>Pet day care facility</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	---
Tattoo/Body Art Establishments - subject to 41.199.3 of the SAMC	P	P	P	P	---	---
<u>Craft and specialized automotive restoration service</u>	---	<u>P</u>	<u>P</u>	<u>P</u>	<u>CUP</u>	---

Table 2A – Use Standards						
Land Use Type	Permit Required by Zone					
	TV	DT	UC	CDR	UN-2	UN-1
<u>SERVICES-BUSINESS-FINANCIAL-PROFESSIONAL-TECHNOLOGY</u>						
Bank, financial services	P	P	P	P	---	---
Business support service	P	P	P	P	P (2)	P (2)

Table 2A – Use Standards						
Land Use Type	Permit Required by Zone					
	TV	DT	UC	CDR	UN-2	UN-1
Clinic, urgent care	---	---	CUP	P	---	---
Doctor, dentist, chiropractor, etc., office	P (1)	P (1)	P (1)	P	---	---
Extended Care	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	CUP	---
<u>Laboratory – medical – analytical</u>	---	<u>P (1)</u>	<u>P (1)</u>	<u>P</u>	---	---
					<u>CUP</u>	
<u>Media production – office or storefront type (no soundstage)</u>	<u>P</u>	<u>P</u>	<u>P (1)</u>	---	<u>P</u>	---
Professional / administrative/service office	P (1)	P (1)	P (1)	P	P (2)	P (2)
<u>Research and development</u>	<u>P (3)</u>	---	<u>P (3)</u>	---	<u>CUP</u>	---

Table 2A – Use Standards						
Land Use Type	Permit Required by Zone					
	TV	DT	UC	CDR	UN-2	UN-1
SMALL SCALE INDUSTRY						
Artisan/craft product manufacturing	CUP	CUP	CUP	---	CUP	---
Furniture and fixture manufacturing, cabinet shop	P (3)	---	P (3)	---	---	---
Laboratory – medical – analytical	---	P (1)	P (1)	P	---	---
Manufacturing – light	P (3)	---	P (3)	---	CUP	---
Media production – office or storefront type (no sound stage)	P	P	P (1)	---	---	---
Printing and publishing	---	P (1)	P	---	---	---
Research and development	P (3)	---	P (3)	---	CUP	---

Table 2A – Use Standards						
Land Use Type	Permit Required by Zone					
	TV	DT	UC	CDR	UN-2	UN-1
TRANSPORTATION, COMMUNICATION, INFRASTRUCTURE						
Helistops	CUP	CUP	---	---	---	---

Table 2A – Use Standards						
Land Use Type	Permit Required by Zone					
	TV	DT	UC	CDR	UN-2	UN-1
<u>Parking facility - public or commercial, inclusive of ancillary recharging spaces for electric vehicles</u>	P	P	P	P	---	---
Transit station or terminal	CUP	---	---	CUP	---	---
Public utility structure, excluding wireless communication facilities	---	---	---	---	CUP	---

Table 2A – Use Standards						
Land Use Type	Permit Required by Zone					
	TV	DT	UC	CDR	UN-2	UN-1
MISCELLANEOUS						
Any structure over four (4) stories in height	SPR	SPR	SPR	SPR	SPR	---
Businesses operating between 12 and 7 am	CUP	CUP	CUP	CUP	CUP	CUP
Alcoholic beverage sales or consumption	CUP	CUP	CUP	CUP	CUP	---
<u>Expansion of existing, legally established self-storage facility</u>	---	---	---	---	<u>CUP</u>	---
<u>Drive-thru facility</u>	---	---	---	---	---	---

Key

- (1) Use permitted only on second or upper floors, or behind retail or service ground floor use.
- (2) Permitted only as part of a vertical mixed use project, with upper floor residential
- (3) Permitted only as part of a mixed use project with a commercial or residential component

P use is permitted subject to compliance with all applicable provisions the Santa Ana Municipal Code

LUC use is permitted subject to the approval of a Land Use Certificate.

CUP use is permitted subject to the approval of a Conditional Use Permit.

SPR use is permitted subject to the approval of Site Plan Review.

--- use not permitted in particular zones.

Section 10. Section 41-2008 (Operational Standards) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

“Sec. 41-2008. Operational Standards

- (a) All property shall be maintained in a safe, sanitary and attractive condition including, but not limited to, structures, landscaping, parking areas, walkways, and trash enclosures.
- (b) All business activities shall be conducted and located within an enclosed building, except as allowed by Section 41-195 of the SAMC and except that the following business activities may be conducted outside of an enclosed building:
 - (1) Newsstands
 - (2) Flower Stands
- (c) There shall be no manufacturing, processing, compounding, assembling or treatment of any material or product, ~~other than that which is clearly incidental to a particular retail and service general enterprise, and where such goods are sold on the premises.~~
- (d) There shall be no work inside of a structure that generates noise that exceeds 60 dB CNEL measured at the exterior wall of the individual tenant unit of a structure.
- (e) Storage of goods and supplies shall be limited to those sold at retail on the premises or utilized in the course of business.
- (f) Public utility structures, including electric distribution and transmission substations shall be screened by a solid wall at least eight (8) feet high, except as restricted by Sections 36-45, 36-46, and 36-47.
- (g) Any activity permitted shall be conducted in such a manner as not to have a detrimental effect on permitted adjacent uses by reason of refuse matter, noise, light, or vibration.
- (h) ~~Small scale industry~~ Artisan/craft product - limited on site production and research and development land uses shall require a solid wall or fence not less than eight (8) feet in height along any rear or side lot line.
- (i) All business activities, including, but not limited to, compounding, processing, packaging or assembly of articles of merchandise and treatment of products shall be conducted within a completely enclosed building. No ancillary vehicle maintenance or repair shall be allowed on site.
- (j) Loading areas shall not be visible from streets. Loading areas not facing a street shall be setback at least thirty-five (35) feet from the property line.
- (k) No business activity that generates noise or vibration shall be conducted between 8:00 p.m. and 7:00 a.m. Monday through Friday and 8:00 p.m. and 10:00 a.m. Saturday and Sunday.

(l) Automobile servicing uses including nonconforming establishments, shall comply with the following operational standards:

- (1) No automobile servicing shall be conducted before 7:00 a.m. or after 8:00 p.m. Monday through Friday and before 10:00 a.m. or after 8:00 p.m. Saturday ~~and Sunday~~. No servicing shall be conducted on Sundays.
- (2) All work shall be conducted inside an enclosed structure.
- (3) Outdoor or overnight vehicle storage is not permitted.”

Section 11. Section 41-2009 (Operational Standards for Nonconforming Industrial Uses) of Chapter 41 of the Santa Ana Municipal Code is hereby added in its entirety to read as follows:

“Sec. 41-2009. Operational Standards for Nonconforming Industrial Uses.

(a) In addition to the operational standards listed in Sec. 41-2008, the following shall apply to nonconforming industrial uses:

- (1) The purpose of these operational standards is to protect and improve the living and working environment, the appearance of the community, reduce or eliminate nuisance conditions, and minimize the impacts of industrial uses on adjacent properties.
- (2) These standards are in addition to the operational standards established in Sec. 41-2008 and shall apply to all nonconforming industrial uses, including those existing industrial uses that become nonconforming at the effective date of any implementing ordinance.
- (3) Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive or other hazard that would adversely affect the surrounding area.
- (4) If any nonconforming use that operates in an unlawful manner, including but not limited to: frequent code violations, police calls, or loitering complaints relating to the nonconforming use; or is not in good standing with the City, including, but not limited to violations of Chapter 16 of the Santa Ana Municipal Code or public nuisances as defined and addressed by Chapter 17 of the Santa Ana Municipal Code, or lapses in Business License renewal, will lose its nonconforming status, enabling the City to take corrective action as it deems appropriate, including initiating a hearing to consider business license revocation and/or terminating utility services or connections. For the purposes of this section, “frequent” is defined as more than one (1) violation, call, or complaint per month during any twelve (12) month period, and “constant service calls” is defined as more than one (1) service call per month relating to or arising from the nonconforming use during any twelve (12) month period

(b) Enclosed Operations.

- (1) All business activities, including, but not limited to, compounding, processing, packaging, or assembly of articles of merchandise and treatment of products shall be conducted within a completely enclosed building.
- (2) No automobile service or repair of any kind shall be allowed outdoors on site.

(c) Air Emissions and Dust

- (1) No land use shall generate or cause any visible dust, gases, or smoke to be emitted into the atmosphere.
- (2) Uses, activities, and processes shall not operate in a manner that emit dust, fumes, odors, smoke, or particulate matter, unless authorized under Federal, State, or local law. Sources of air emissions shall comply with all rules established by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the South Coast Air Quality Management District.

(d) Light, Glare, and Heat

- (1) No direct or indirect glare or heat, whether from floodlights or from high-temperature processes (including combustion or welding or otherwise) shall be visible or felt at the property line.
- (2) To ensure that industrial development does not create light and glare nuisances, the following performance standards shall be observed:
 - a. Lighting must be shielded, boxed, or directed at a downward angle so as to minimize the generation of light and glare and to ensure that there is no spillover of light and glare that will impact drivers or pedestrians on the public streets, on-site activities, and adjoining or nearby properties.
 - b. No activity shall be permitted which causes excessive light and glare to be transmitted or reflected to surrounding properties at a level resulting in detrimental impacts to adjacent properties as determined by the Executive Director of the Planning and Building Agency, or designee.
- (3) Light sources shall generally not be permitted in landscaped, buffer, or setback areas except for those illuminating pedestrian walkways. Lighting used to illuminate parking areas shall be designed, located, and installed to be shielded and down-lit and to reflect away from any nearby residential areas. Lighting for advertising signs shall not create glare or light which extends to surrounding properties.
- (4) No use shall be operated such that significant, direct glare, incidental to the operation of the use, is visible beyond the boundaries of the lot where the use is located.

(e) Ground Vibration

- (1) No use shall generate ground vibration perceptible without instruments at any point along the property line of the site except for motor vehicle operations.
- (2) No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the property lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel are exempt from this standard.

(f) Storage and Screening

- (1) No material or waste shall be deposited upon a subject parcel in such form or manner that it may be transferred off the parcel by natural causes or forces.
- (2) All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

(g) Hazardous Materials

- (1) Land or buildings shall not be used or occupied in any manner so as to create any fire, explosive or other hazard. All activities involving the use or storage of combustible, explosive, caustic, or otherwise hazardous materials shall comply with all applicable local, State, and Federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment in compliance with City of Santa Ana regulations. The burning of waste materials in open fires without written approval of the Fire Department is prohibited.
- (2) No activities shall be permitted which emit dangerous radioactivity at any point nor shall electrical disturbances which adversely affect the operation of any equipment, other than that of the creator of such disturbances, be allowed.
- (3) No use, activity or process shall cause electromagnetic interference with normal radio and television reception, or with the function of other electronic equipment beyond the property line of the site in which it is situated. All uses, activities and processes shall comply with applicable Federal Communications Commission regulations.

(h) Liquid and Solid Waste

- (1) Liquid or solid wastes discharged from the premises shall be properly treated prior to discharge so as not to contaminate or pollute any watercourse or groundwater supply or interfere with bacterial processes in sewage treatment.

- (2) The disposal or dumping of solid wastes, such as slag, paper and fiber wastes, or other industrial wastes, is prohibited.
- (3) Wastes shall be handled and stored so as to prevent nuisances, health, safety, and fire hazards, and to facilitate recycling subject to the review and oversight of the Fire Department. Closed containers shall be provided and used for the storage of any materials which by their nature are combustible, volatile, dust, or odor producing or edible or attractive to rodents, vermin, or insects.
- (i) Site Maintenance. All industrial land uses shall be maintained in compliance with Chapter 16 of the Santa Ana Municipal Code and not constitute public nuisances as defined and addressed by Chapter 17 of the Santa Ana Municipal Code at all times and consistent with project conditions of approval (if applicable).
- (j) Truck Parking and Loading
 - (1) All truck parking areas must be on paved surfaces. The parking, loading or unloading of trucks associated with a business on public streets is prohibited.
 - (2) Trucks idling is prohibited.
 - (3) All truck parking and loading areas shall be maintained in good condition as determined by the City. Annual inspections may be conducted by the City to ensure compliance. Any violation or failure to comply with any of the requirements of this Chapter shall be deemed a nuisance.
- (k) Hours of Operation
 - (1) For non-conforming industrial uses which are directly across a street from or abutting residential uses or structures, hours of operation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 10:00 a.m. to 6:00 p.m. Saturday.
 - (2) No operating hours are permitted on Sundays, or Federal Holidays.”

Section 12. Section 41-2080 (Definitions) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

“Sec. 41-2080 - Definitions

The words and phrases, shall be construed as defined in this Article, unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases. The words used in the present tense include the future tense, and words in the singular number include the plural number. If any of the definitions in this section conflict with definitions in Chapter 41 of the Santa Ana Municipal Code (SAMC), these definitions shall control for the purposes of this Article. If any term herein is not defined by this subsection, the definitions contained within Division 2 (Definitions) of Article I of Chapter 41 of the SAMC shall apply.

1. Access (Direct): The physical pedestrian entrance to a unit that is provided directly from the street or courtyard. Also described as walk-up access.
2. Access (Point): The physical pedestrian entrance to a unit that is provided through a common space, such as a lobby or corridor that connects directly to the street or courtyard. Also described as non-walk-up access.
3. Accessory Structure: An accessory structure or building is a detached building or structure, or part of a building or structure, which is incidental or subordinate to the main building, structure or use on the same lot or parcel of land, without cooking facilities (e.g., storage shed, garage, gazebo), and is used exclusively by the occupant of the main building.
4. Alley: An alley is any public or private thoroughfare for the use of pedestrians or vehicles, not less than ten (10) feet nor more than thirty (30) feet in width, and is intended for service and only a secondary means of access to abutting properties.
5. Arcade: see 'Frontage Types'
6. Artisan/craft product manufacturing- limited on-site production: The manufacturing of products primarily by hand by persons trained in an artistic skill, including ceramics, pottery, glass blowing, or sculptures. A specialized commercial facility with a retail-facing operation open to the public. Products are typically made by hand or with a restricted level of automation demonstrating an artistic skill. On-site production of artisan/craft product activities include design, production, processing, printing, assembly, treatment, testing, repair, and packaging, as well as any incidental storage. Typical artisan/craft products include, but are not limited to, electronics, food products, furniture-making, beverages, leather products, clocks and watches, jewelry, clothing/apparel, metal work, furniture and fine woodworking, glass, ceramics, paper and paper products, soaps, perfumes, and lotions, together with ancillary training and/or educational program activities.
7. Attic: The area found directly below the roof of a building and the ceiling of the top floor. The attic shall be an uninhabitable area.
8. Automobile repair: Automobile repair is the repair of motor vehicles, including the repair or replacement of engines and transmissions, body and fender repair, and the installation of non-factory installed products except those permissible through automobile servicing as defined herein.
9. Automobile service or Automobile servicing: Automobile service or automobile servicing is the servicing and minor repair of motor vehicles, including the replacement of belts, hoses, batteries, tires, shock absorbers, oil and air filters, chassis lubrication, air conditioning servicing, wheel alignments, replacement of brake pads, and engine tune-ups.
10. Bank, financial institution: An establishment for the custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of

funds. Excludes check cashers as defined by California Civil Code section 1789.31.

11. **Basement:** That portion of a building between floor and ceiling which is either totally or partly below grade and in compliance with the definition of basement established in the California Building Code (CBC).

12. **Block:** An area of land within a subdivision which area is entirely bounded by streets, highways or ways, excepts alley and the exterior boundary of the subdivision.

13. **Building Height:** The vertical extent of a building measured in stories to the eave of the highest story, not including a basement or an attic. Height limits do not apply to masts, belfries, clock towers, steeples, equipment screening, chimney flues, and similar structures. Building height shall be measured from the average grade of the fronting thoroughfare curb level.

14. **Building Placement:** The maximum horizontal envelope available for placing a building on a lot.

15. **Building Type:** A structure defined by the combination of configuration and placement. The building types used in this Article are listed below:

- a. **Bungalow Court:** A configuration of freestanding single units arranged around a common, shared courtyard that is wholly open to the street. The individual buildings are arranged next to each other to form the bungalow court building type.
- b. **Courtyard Housing:** A building type consisting of residences that can be arranged in four possible configurations: townhouses, townhouses over flats, flats, and flats over flats. The structures are arranged next to each other, on one or more courts that are partly or wholly open to the street.
- c. **Duplex, Triplex, and Quadplex:** Multiple dwelling forms that are architecturally presented as large single-family houses in their typical neighborhood setting.
- d. **Flex Block:** A building generally of a single massing element, designed for occupancy by retail, service, or office uses on the ground floor, with upper floors also configured for those uses or for residences.
- e. **House:** A structure occupied by a single household that also accommodates commercial and office uses as allowed.
- f. **Hybrid Court:** A building that combines the point-access portion of the stacked dwelling building type (double-loaded corridor element) with the walk-up portion of the courtyard housing building type.

- g. Lined Block: A building that conceals a public garage or other faceless building that is designed for occupancy by retail, service, or office uses on the ground floor, with upper floors also configured for those uses or for residences.
- h. Live/Work: An integrated residence and working space, occupied and utilized by a single household in an arrangement of at least 3 such structures or 1 multiple structure with at least 3 units arranged side by side along the primary frontage, that has been designed or structurally modified to accommodate joint residential occupancy and work activity.
- i. Rowhouse: An individual structure on a parcel with a private rear yard and individual garage accessed from an alley. Such structure shall be developed in an arrangement of at least 3 such structures along the primary frontage. Or, a structure of at least 3 attached townhouse unit types arranged side by side with a private rear yard and individual garage accessed from an alley along the primary frontage.
- j. Stacked Dwellings: A building of single-floor or multi-floor residences of similar configuration either above or below that are stacked.
- k. Tower-on-Podium: A multi-level building organized around a central core with the first two to five floors expressed as a podium building.
- l. Tuck-Under Housing: An individual structure on a parcel with no rear yard, where its garage is tucked under the rear of the house and accessed from an alley. Such structure shall be developed with at least four such individual structures, or a structure of at least four attached townhouse units types arranged side by side along the primary frontage.

16. Bungalow Court: See 'Building Types'

17. Business support service. Commercial establishment that provides services to other businesses including maintenance, repair and service, testing, rental, etc. including the following examples:

- a. Computer-related services (rental/repair)
- b. Copying and quick printing services
- c. Film processing and photofinishing (retail)
- d. Graphic design services
- e. Mailing and mail box services
- f. Security systems services

18. Clinic, Urgent Care: A facility other than a hospital where medical, mental health, surgical or other personal health services are provided on an outpatient basis, including incidental medical laboratories. Examples of these uses include:

- a. Medical offices with five or more licensed practitioners or medical specialties

b. Out-patient care facilities, urgent care facilities.

c. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional/Administrative."

19. Community Assembly: Group gatherings conducted indoors such as synagogues, mosques, temples, churches, community centers, bingo halls, private clubs, fraternal, philanthropic and charitable organizations and lodges.

20. Commercial Recreation Facility - Indoor: Establishments providing indoor amusement and entertainment services for a fee or admission charge, including:

a. Bowling alleys, Tossing or Throwing Games, Indoor Sports

b. Coin-operated amusement arcades

c. Electronic game arcades (video games, etc.) Pool, billiards

d. Skating sports (ice, roller, board), Escape Room, Mystery Games

This use does not include adult businesses. Four or more electronic games or coin-operated amusements in any establishment, or a premises where 50 percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above; three or fewer machines are not considered a land use separate from the primary use of the site.

Ancillary uses include meeting rooms, snack bars, and equipment rental or sales are permitted within an indoor recreation facility, provided that their gross floor area of the ancillary use does not exceed twenty percent (20%). Ancillary uses shall operate in conjunction with the primary recreation use, and shall maintain the same or fewer hours of operation.

21. Commercial Frontage: The non-residential frontage of a building. Non-residential activities subject to city approval are allowed within this space, which must be at least 25 feet in depth. These spaces are limited to the first floor and as such, have different building requirements than upper floors (e.g., large storefront windows, signage, etc.).

22. Courtyard Housing: See 'Building Types'

23. Craft and specialized automotive restoration service: A specialized business or commercial enterprise occurring inside of a fully-enclosed structure that focuses on repairing and restoring older cars, often considered "collector cars" as defined by the State; which includes (1) a vehicle model 35+ years old, (2) a vehicle model 25+ years old with historic plates, or (3) a vehicle model classified as a special interest vehicle. Such restoration services return these types of vehicles to their original condition, including mechanical components, bodywork, and interior, aiming to preserve their historical authenticity and aesthetic appeal. The vehicle must not be altered from the manufacturer's original specifications or considered a "kit" car.

24. Doctor, dentist, chiropractor, etc. office: A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite.

25. Duplex, Triplex and Quadplex: See 'Building Types'

26. Dwelling Unit Types:

- a. Apartment: A rental version of a Flat, Loft, or Townhouse.
- b. Condominium: An ownership version of a Flat, Loft or Townhouse
- c. Flat: A single-story unit.
- d. Loft: A double-story height unit with a mezzanine.
- e. Townhouse: A two to three-story unit.

27. Elevation (Building): The exterior walls of a building. Also referred to as 'Facade' when the elevation is along a frontage line.

28. Entrance (Main or Primary): The principal point of access of pedestrians to a building. In the support of pedestrian activity, the main or primary entrance should be oriented to the frontage rather than to the parking.

~~Extended Care: Residential facilities providing nursing and health-related care as a primary use with in-patient beds. Examples of these uses include: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Care Homes."~~

29. Facade: The exterior wall of a building that is set along a frontage line. Facades support the public realm and are subject to frontage requirements additional to those required of elevations.

30. Flex Block: See 'Building Types' Forecourt: See 'Frontage Types'

31. Frontage Line: Those lot lines that coincide with a public street line. One shall be designated as the Principal Frontage Line. Facades along Frontage Lines define the public realm and are therefore more highly regulated than the elevations that coincide with other lot lines. Frontage lines are subject to the urban standards, architectural standards, signage standards, and subdivision standards.

32. Frontage Type: The architectural element of a building between the public right-of-way and the private property associated with the building. Frontage Types combined with the public realm create the perceptible streetscape. The following frontage types used in this Article are listed below:

- a. Arcade: A facade with an attached colonnade, that is covered by upper stories. This frontage type is ideal for retail use, but only when the sidewalk is fully absorbed within the arcade so that a pedestrian cannot bypass it.

For Building Code considerations, this frontage type cannot cover the public right-of-way.

- b. Forecourt: A semi-public exterior space partially within the shopfront, gallery or arcade frontage that is partially surrounded by a building and also opening to a thoroughfare forming a court. The court is suitable for gardens, outdoor dining, vehicular drop-off and utility off-loading.
- c. Front yard / Porch: A common frontage type associated with single family houses, where the facade is set back from the right of way with a front yard. A porch may also be appended to the facade. A fence or wall at the property line may be used to define the private space of the yard. The front yard may also be raised from the sidewalk, creating a small retaining wall at the property line with entry steps to the yard.
- d. Gallery: A colonnade that is attached to storefronts and projects over the sidewalk.
- e. Shopfront: A facade placed at or close to the right-of-way line, with the entrance at sidewalk grade. This frontage type is conventional for retail frontage and is commonly equipped with cantilevered shed roof(s) or awning(s). Recessed storefronts are also acceptable. The absence of a raised ground floor precludes residential use on the ground floor facing the street, although such use is appropriate above.
- f. Stoop: An elevated entry porch that corresponds directly to the building entry, with stairs placed close to the frontage line on a building with the ground story elevated from the sidewalk, securing privacy for the windows and front rooms. This type is suitable for ground-floor residential uses with short setbacks. This type may be interspersed with the shopfront frontage type. A porch or shed roof may also cover the stoop.

33. Front yard/Porch: See 'Frontage Types'

~~Furniture and Fixture Manufacturing, cabinet shop: The manufacture or assembly of high-grade articles of furniture and fixtures calling for fine finish, such as decorative cabinets, desks and chairs, store fixtures and office equipment. In the production of such goods, noise above 60 dB CNEL beyond the walls of the building is prohibited.~~

34. Gallery: see 'Frontage Types'

35. General Retail: Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include:

- a. art galleries, retail
- b. art supplies, including framing services bicycles
- c. books, magazines, and newspapers cameras and photographic supplies clothing, shoes, and accessories department stores

- d. drug stores and pharmacies dry goods
- e. fabrics and sewing supplies
- f. florists and houseplant stores with indoor sales only hobby materials
- g. furniture and home decor stores
- h. hardware and building supply stores
- i. jewelry
- j. luggage and leather goods
- k. musical instruments (small), parts and accessories,
- l. Large instruments are under "Furniture, Furnishings, and Appliance Store"
- m. orthopedic supplies small wares specialty shops
- n. sporting goods and equipment stationery
- o. toys and games variety stores
- p. videos, DVDs, records, CDs, including rental stores

General retail does not include the following:

- a. Adult business as defined in section 41-1701.6 of the SAMC, antique or collectible stores, furniture, furnishings and appliance stores, medical marijuana dispensaries or second-hand stores.
- b. Sheet metal shops, body-fender works, automobile paint shops, repair garages, and any activity which includes the processing, treatment, manufacturing, assembling or compounding of any product, other than that which is clearly and traditionally incidental and essential to a particular retail activity.
- c. Any use which is more specifically identified as a permitted use or as a use which may be permitted subject to the issuance of a conditional use permit or land use certificate in one or more use districts pursuant to this code.

36. Ground Floor/ Footprint: The area resulting from the application of building placement and open space requirements and as further articulated by particular building design. In calculating the area, only the conditioned floor space shall be counted for purposes of calculating allowable upper floor area, the area occupied by zaguans shall be counted as "ground floor/footprint."

37. Ground Floor Residential: Dwellings with their primary entrance and habitable space at grade.

38. Health and Fitness: A commercial establishment providing facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers and lockers. Health and fitness facilities may also provide for instruction programs and classes, such as martial arts, yoga where lockers and showers are provided.

39. Hotel (land use): A facility offering ~~short-term~~ lodging accommodations, as defined and regulated by the SAMC, to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services and recreational facilities. ~~Access to the guest rooms shall be~~

~~through the main lobby of the building. A hotel shall contain more than 5 guest rooms. A hotel that contains a kitchen as defined by the California Building Code (CBC) in guest rooms shall be deemed to be a long term stay business hotel as defined by the SAMC. A hotel that meets the criteria of a transient/residential hotel as defined by the SAMC, shall be deemed to be a transient/residential hotel.~~

40. House: See 'Building Types'

41. House Scale: Multi-family building form that is derivative of and compatible with surrounding single-family houses and that can be applied in 1 to 4 direct-access assemblies of units to form larger buildings from duplex up to and including Courtyard Housing.

42. Hybrid Court: See 'Building Types'

43. Laboratory- medical-analytical: A place equipped for experimentation or observation in a field of study, or devoted to the application of scientific principles in testing and analysis. Quantities of biological or hazardous materials used in situ, shall be limited to those quantities established by the fire department

~~Light Manufacturing: The manufacture or assembly of products from previously treated material where no impact is created to the adjacent uses and no hazardous materials are used in the production of such products. The maximum number of employees shall be 10. Examples of light manufacturing include:~~

~~athletic equipment
bakeries
camera, photo equipment
clothing
electronics
musical instruments
optical goods
woodworking (limited)~~

44. Lined Block: See 'Building Types' Live/Work: See 'Building Types'

45. Lot Width: The frontage of a parcel which is used to identify the parcel for street address purposes.

46. Media production: An establishment dedicated to the production of visual and audio mass media, including television, films, videos, video games, mobile devices, internet and digital interactive media, but excludes magazines, newspapers, and periodicals.

47. Mixed-Use Building: A structure lawfully containing residential and non-residential uses.

48. Multi-Family Building: A residential structure lawfully containing two or more dwelling units.

49. Net Developable Area: The private area defined by blocks which is not to remain for public uses such as Plazas, Greens, Squares, Thoroughfares or Streetscapes.

50. Nonconforming Industrial Use: A nonconforming use as defined in Section 41-126 of the SAMC that was established on any parcel or within any building located within the boundaries of SD-84 established by this Article that is listed in the uses permitted or uses permitted subject to a conditional use permit of Division 18. M-1 (Light Industrial) or Division 19. M-2 (Heavy Industrial) of this Chapter but that are no longer permissible through amendment to this Article.

51. Noxious Use: A nonconforming industrial use that is located within one thousand (1,000) linear feet of a public park, school (K-12) as defined by Section 11362.768 of the Health and Safety Code, or property used or zoned for residential purposes whose primary business operations involve any two (2) or more of the following:

- a. Emitting, generating, or discharging of particulate materials; exhausting emissions; or handling, storing emitting or discharging regulated compounds, hazardous materials, chemicals, or substances;
- b. Operations that are regulated by and require a permit from a federal, state, or regional agency;
- c. Storing, processing, or disposing of listed or hazardous waste; or
- d. Operations that are not contained within a fully enclosed building.

52. A primary use is the principal and dominant activity that the business is devoted to, distinguishing it from a secondary or ancillary use as defined in Section 41-13.5 of the SAMC.

53. Office: These do not include medical offices (see Clinic, Urgent Care," and "Doctor, dentist, chiropractor, etc. office.")

- a. Service. Establishments providing direct services to consumers. Examples of these uses include employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, elected official satellite offices, etc. This use does not include "Bank, Financial Services," which is separately defined.
- b. Administrative. Office-type facilities characterized by high employee densities, and occupied by businesses engaged in information processing, and other computer-dependent or telecommunications-based activities. Examples of these uses include:
- c. airline, lodging chain, and rental car company reservation centers, not including retail travel agencies
- d. computer software and hardware design and development consumer credit reporting
- e. data processing services
- f. health management organization (HMO) offices where no medical services are provided
- g. insurance claim processing

- h. mail order and electronic commerce transaction processing telecommunications facility design and management telemarketing
- i. Professional. Office-type facilities occupied by businesses that provide professional services, or are engaged in the production of intellectual property. Examples of these uses include:
 - j. accounting, auditing and bookkeeping services advertising agencies
 - k. attorneys
 - l. business associations, chambers of commerce commercial art and design services construction contractors (office facilities only) counseling services
 - m. court reporting services
 - n. detective agencies and similar services
 - o. design services including architecture, engineering, landscape architecture, urban planning
 - p. educational, scientific and research organizations financial management and investment counseling literary and talent agencies
 - q. management and public relations services media postproduction services
 - r. news services
 - s. photographers and photography studios political campaign headquarters psychologists
 - t. secretarial, stenographic, word processing, and temporary clerical employee services
 - u. security and commodity brokers
 - v. writers and artists offices

54. Paseo: a public place or path designed for walking; promenade.

55. Pedestrian First: The practice of addressing the needs of people, once out of their automobiles, through a series of interdependent urban design and streetscape principles (e.g., wide sidewalks, street trees and shade, on-street parking, outdoor dining, inviting storefronts, the feeling of being in an 'outdoor room', short cross-walk distances, interconnected and short blocks).

56. Pedestrian Shed: An area defined by the average distance that may be traversed at an easy pace from its edge to its center in approximately 5 minutes. This distance is used to determine the size of a neighborhood. This dimension averages one quarter of a mile or approximately 1,400 feet for generally flat terrain.

57. Personal Services: Establishments providing non-medical services to individuals as a primary use. Examples of these uses include:

- a. barber, nail salons and beauty shops clothing rental
- b. dry cleaning pick-up stores with limited equipment home electronics and small appliance repair locksmiths
- c. pet grooming with no boarding shoe repair shops
- d. tailors

- e. These uses may also include accessory retail sales of products related to the services provided.

58. **Personal Services - Restricted:** Personal services that may tend to have a blighting and/or deteriorating effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include:

- a. laundromats (self-service laundries). Laundromats shall comply with the development and performance standards set forth in Section 41-199.
- b. massage establishments (licensed, therapeutic) as defined on Section 41-1751 of the SAMC. Massage establishments shall comply with Article XVII.I of Chapter 41 of the SAMC. Pawnshops.

59. **Pet day care facility:** Establishment offering daily, without overnight, care to a customer's personal canine or feline pets. Grooming and educational training may be allowed as an ancillary use within the establishment. Does not include veterinary care or treatment, hospitalizations, or long-term boarding of pets.

60. **Planter:** The layer of the streetscape which accommodates street trees. Planters may be continuous or individual according to the Thoroughfare and location within the neighborhood.

61. **Podium:** A continuous raised platform supporting a building, or a large block of two or three stories beneath a multi-layer block of a smaller area.

62. **Porch:** see 'Frontage Types'

63. **Private Frontage:** The privately held layer between the frontage line and the principal building facade. The structures and landscaping within are held to specific standards. The variables of Private Frontage are the depth of the setback and the combination of architectural elements such as fences, stoops, porches and galleries. These elements influence social behavior in the public realm. The Frontage layer may overlap the public streetscape in the case of awnings, Galleries and Arcades.

64. **Research and Development:** A ~~quasi-industrial~~ facility where creative work is undertaken on a systematic basis in order to increase the stock of knowledge generally in the fields of medicine, scientific instruments, safety- critical mechanism or high technology. These facilities may include pilot plant operations as an ancillary use, which shall not exceed 25 percent of the floor area. A facility providing full scale production shall be deemed a manufacturing use and shall be prohibited.

65. **Rowhouse:** See 'Building Types'

66. **Setback:** The area of a lot measured from a lot line to a building facade or elevation that must be maintained clear of permanent structures excepting galleries, fences, garden walls, arcades, porches, stoops, balconies, bay windows, and terraces

which are permitted to encroach into the setback subject to the standards established in Division 3 of this Article.

67. Shared Parking (Park-Once Policy): An accounting for parking spaces that are available to more than one function. The requirement is based on a range of parking demand found in mature, mixed-use centers. The Shared Parking ratio varies according to multiple functions in close proximity unlikely to require the spaces at the same time. This approach to parking uses the following types of parking in combination to achieve a balanced and distributed supply of parking: off-street (surface lots and garages), on-street (parallel and diagonal).

68. Shopfront: see 'Frontage Types'

69. Stacked Dwellings: See 'Building Types'

70. Stoop: see 'Frontage Types'

71. Story: A habitable level within a building from finished floor to finished ceiling: Attics and basements, as defined by the California Building Code (CBC) are not considered a story for the purposes of determining building height and are subject to the applicable requirements of this code and the CBC, except for when the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story

72. Streetscape: The urban element that provides the major part of the public realm as well as paved lanes for vehicles. A streetscape is endowed with two attributes: capacity and context. Capacity is the number of vehicles that can move safely through a segment within a given time period. It is physically manifested by the number of lanes and their width, and by the curb radius.

73. Studio: A workplace of one or more individuals who are engaged in the production of art, such as fine and fiber arts, lithography, calligraphy, photography, music, dance and the performing arts. Galleries, not to exceed 50 percent of the floor area, are permitted as an ancillary use. Any regulated use, as defined on Sec 41-191 of the SAMC is not allowed. Uses meeting the definition of artisan/craft product manufacturing shall be deemed an artisan/craft product manufacturing use.

74. Tandem Parking Stall: Two or more parking spaces arranged one behind the other.

75. Thoroughfare: A vehicular way incorporating moving lanes and parking lanes (except alleys/lanes which have no parking lanes) within a right-of-way.

76. Tower-on-Podium: See 'Building Types'

77. Trade school: A school consisting of vocational educational programs for students to be trained in the fields related to healthcare, technology, legal services, and professional trades.

78. **Traffic-Calming:** A set of techniques which serves to reduce the speed of traffic. Such strategies include lane-narrowing, on-street parking, chicanes, yield points, sidewalk bulge-outs, speed bumps, surface variations, mid-block deflections, and visual clues. Traffic calming is a retrofit technique unnecessary when thoroughfares are correctly designed for the appropriate speed at initial construction.

79. **Transect:** A system of classification deploying the conceptual range of 'rural-to-urban' to arrange in useful order, the typical context groupings of natural and urban areas. This gradient, when rationalized and subdivided into zones becomes the basis of the Regulating Plan and the 9 zones supporting this Plan.

80. **Transit-Oriented Development:** A remedial pattern within a loose urbanized area. Its structure creates nodes at an efficient spacing for commuter or light rail. These nodes are mixed-use areas limited in extent by walking distance to the transit stop. These nodes are usually surrounded by a residential hinterland, structured as neighborhood T.O.D.'s connected by a feeder bus system.

81. **Transition Line:** A horizontal line, the full width of a facade expressed by a material change or by a continuous horizontal articulation such as a cornice or a balcony.

82. **Tuck-under Housing:** See 'Building Types'

83. **Zaguan:** A covered pedestrian passage between courts of one to two rooms in depth and one story in height."

Section 13. Any section or subsection of this Article, Article XIX (The Transit Zoning Code, Specific Development No. 84) that is not reprinted or modified by this ordinance is hereby unamended.

Section 14. Any provision of the Santa Ana Municipal Code (SAMC) or appendices thereto found inconsistent with the provisions of the Ordinance, only to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance, inclusive of corrections for typographical error, and shall be considered the same as if adopted at the time of this Ordinance.

Section 15. 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.


Section 16. This Ordinance shall become effective thirty (30) days after its adoption. Upon the effective date of this Ordinance, Ordinance_Nos. NS-3063 and NS-3064 shall be automatically repealed and rescinded as of that date.

Section 17. The Clerk of the Council shall certify the adoption of this ordinance and shall cause the same to be published as required by law.

ADOPTED this _____ day of _____, 2025.

Valerie Amezcua
Mayor

APPROVED AS TO FORM
Sonia R. Carvalho, City Attorney

By: 

Melissa M. Crosthwaite
Senior Assistant City Attorney

AYES: Councilmembers: _____

NOES: Councilmembers: _____

ABSTAIN: Councilmembers: _____

NOT PRESENT: Councilmembers: _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, _____, City Clerk, do hereby attest to and certify that the attached Ordinance No. NS-_____ to be the original ordinance adopted by the City Council of the City of Santa Ana on _____, 2025 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: _____

Jennifer L. Hall
City Clerk
City of Santa Ana

EXHIBIT “A”

- A. On April 19, 2022, The City adopted an Amended General Plan. The Amended General Plan became effective on May 26, 2022 and adopted a new Land Use Plan for the City and established new land use designations and policies for development of the City.
- B. On April 16, 2024, the City Council passed an Urgency Ordinance to adopt a 45-day moratorium on the approval, commencement, establishment, relocation, or expansion of industrial uses within the Transit Zoning Code/Specific Development (SD) No. 84 Zoning District (Moratorium Ordinance”). No. NS-3063. The purpose of the moratorium was to immediately protect the public health, safety, and welfare of residents and businesses from incompatible industrial uses that cause a significant pollution burden to adjacent residential neighborhoods within the SD84 Zoning District.
- C. On May 7, 2024, the City Council issued and file a Council report to the public, pursuant to Section 65858(d) of the California Government Code, describing the City’s measures to alleviate conditions that led to the adoption of Urgency Interim Ordinance No. NS-3063, on April 16, 2024, regarding a 45-day moratorium on the approval, commencement, establishment, relocation, or expansion of industrial uses within Specific Development No. 84 (the Transit Zoning Code).
- D. On May 21, 2024, the City Council adopted an extension of the Moratorium Ordinance for an additional ten (10) months and fifteen (15) days pursuant to the California Government Code, Section 65858. The extension was necessary to allow sufficient time for staff to continue with conduct research of appropriate regulations, and coordinate with outside regulatory agencies and City departments to develop appropriate zoning regulation to address the impacts of industrial development in the SD84 Zoning District.
- E. The Planning and Building Agency routinely reviews its ordinances to incorporate best practices, reflect changes to State law, and address community needs.
- F. In adopting the Moratorium on April 16, 2024, the City Council of the City of Santa Ana established the following findings, all of which below remain true, applicable and necessary to support the adoption of Zoning Ordinance Amendment (ZOA) No. 2024-02 amending certain portions of Chapter 41 (Zoning) of the Santa Ana Municipal Code, Article XIX. The Transit Zoning Code/Specific Development (SD) No. 84 Zoning District:
 - 1. The Transit Zoning Code (TZC), located in the central core of Santa Ana, comprises approximately 450 acres, encompasses the Logan, Lacy, and Downtown neighborhoods, and was adopted by the City Council on June 7, 2010, and amended on July 16, 2019; and

2. Upon the initial adoption of the TZC in 2010, the General Plan of the City of Santa Ana was updated with new land use designations for the areas covered by the TZC to allow for new, mixed-use residential and commercial communities; and
3. The goals of the TZC are to provide a transit-supportive, pedestrian-oriented development framework to support the addition of new, and enhancement of existing communities through, transit infrastructure; to preserve and reinforce the existing character and pedestrian nature of the City by strengthening urban form through improved development and design standards; to encourage alternative modes of transportation; to provide zoning for the integration of new infill development into existing neighborhoods; to provide for a range of housing options; and to allow for the reuse of existing structures; and
4. Industrial uses were established within the Logan and Lacy neighborhoods in close proximity to sensitive land uses such as residences and schools prior to the adoption of the TZC, as far back as the late 19th century, predating modern zoning practices that take into account irreconcilable land use conflicts among variegated land uses; and
5. The TZC provides new mixed-use zoning for properties contained within its boundary while creating industrial overlay zones allowing properties being used as industrial uses at the time of its adoption to continue to be governed by industrial zoning districts until such time that properties were developed or improved to the mixed-use zones allowed by the TZC; and
6. Senate Bill (SB) 1000 went into effect in 2018, requiring local governments to identify environmental justice communities, called “disadvantaged communities”, in their jurisdictions and address environmental justice in their general plans through facilitating transparency and public engagement in the planning and decision-making processes, reducing harmful pollutants and the associated health risks in disadvantaged communities, and promoting equitable access to health-inducing benefits such as healthy housing options; and
7. The City of Santa Ana completed a comprehensive update of its General Plan in April 2022; and
8. The Office of the Attorney General of the State of California was actively involved in ensuring Santa Ana’s General Plan update complied with all aspects of SB 1000 prior to its adoption; and
9. As required by SB 1000, update of the General Plan and its associated land use plan identified and addressed long standing environmental justice issues throughout all its elements, which include 77

implementation actions aimed at reducing harmful pollutants and associated health risks in disadvantaged communities; and

10. Numerous policies of the General Plan are inconsistent with the present, irreconcilable land use pattern of the TZC. Specifically, these policies include Policy LU-1.1 (Compatible Uses), Policy LU-2.4 (Cost and Benefit of Development), Policy LU-3.8 (Sensitive Receptors), Policy LU-3.9 (Noxious, Hazardous, Dangerous, and Polluting Uses), Policy LU-3.11 (Air Pollution Buffers), Policy LU-4.3 (Sustainable Land Use Strategies), Policy LU-4.6 (Healthy Living Conditions), Policy CM-3.2 (Healthy Neighborhoods), Policy EP-1.9 (Avoid Conflict of Uses), Policy EP-3.3 (Mitigate Impacts), Policy CN-1.5 (Sensitive Receptor Decisions), Policy CM-.2 (Healthy Neighborhoods), and Policy HE-5.5 (Community Development), which are targeted at correcting past land use planning practices that have placed an unequitable environmental and health burden on certain neighborhoods now termed disadvantaged communities; and
11. The industrial overlay zones in the TZC perpetuate past planning practices of locating industrial uses, or other noxious and unwanted uses, in close proximity to communities of color; and
12. The Logan neighborhood is the oldest Mexican and Mexican-American neighborhood in Santa Ana and one of the oldest in Orange County, and one of the few places where Mexicans and those of Mexican descent were allowed to buy land due to restrictions and covenants based on race during the first half of the 20th century; and
13. The construction of Santa Ana (I-5) Freeway through Santa Ana in the 1950s resulted in many families being displaced through the demolition of single-family homes in the northeastern portion of the Logan neighborhood; and
14. In the 1970s, a proposed expansion of an arterial highway along Civic Center Avenue would have demolished a significant portion, if not all, of the Logan neighborhood; and
15. The Logan and Lacy neighborhoods are within the second and third highest scored census tracts in Santa Ana, each with a composite score of 90 percent or greater, ranking in the 90th percentile or greater of census tracts in the State, and identified as “disadvantaged communities” by the Office of Environmental Health Hazard Assessment (OEHHA) in its CalEnviroScreen model; and
16. Assembly Bill (AB) 686 requires local jurisdictions to take deliberate actions to explicitly address, combat, and relieve disparities to disadvantaged communities, such as Logan and Lacy neighborhoods, resulting from past patterns of segregation, disinvestment, and planning practices; and

17. The updated land use plan in the Land Use Element of the General Plan does not designate any properties within the TZC, including the Logan or Lacy neighborhoods, as industrial; rather, they are designated as varying intensities of District Center or Urban Neighborhood land use designations—both of which are inconsistent with industrial uses; and
18. There are pressing and growing code enforcement complaints stemming from the irreconcilable land use conflicts in the TZC. Specifically, in the Logan and Lacy neighborhoods, the City's Code Enforcement Division has investigated over 35 commercial and industrial properties in the past twelve months and currently has 16 active open cases that have been issued Notice of Violations and administrative citations for the following types of violations: illegal storage, land use, zoning, property and landscape maintenance, unpermitted work, business license, and certificate of occupancy. The close proximity of active open industrial cases during a short period of time is creating a public nuisance that is draining City resources and that is harming public health, safety, and general welfare of the TZC's existing and new residential neighborhoods from the concentration of open code enforcement cases nearby; and
19. In the Logan neighborhood, 52 industrial facilities (automotive, warehouse/storage, crematory, towing yards, construction) are presently near sensitive uses monitored by external regulatory agencies such as South Coast AQMD, Orange County Health Care Agency – Certified Unified Program Agencies (OC CUPA), Santa Ana Regional Water Quality Board (SARWQB), Orange County Fire Authority. Industrial facilities have caused significant pollution exposure to disadvantaged communities, including lead risk in soil and housing, diesel particulate matter from idling trucks, toxic release from facilities, traffic impacts, noise pollution, and airborne particulate matter or fine inhalable particles of 2.5 (PM2.5) microns or less in diameter. CalEnviroScreen reports higher environmental effects from active facility cleanup sites, hazardous waste facilities, and solid waste locations. Cumulative health impacts in the area include asthma, cardiovascular disease, and low birth weight, in this overburdened disadvantaged community factored by socioeconomic indicators of poverty, linguistic isolation, housing burden, and education; and
20. In the Lacy neighborhood, 76 industrial facilities (automotive, warehouse/storage, towing yards, construction) are presently near sensitive uses monitored by external regulatory agencies such as South Coast AQMD, Orange County Health Care Agency – Certified Unified Program Agencies (OC CUPA), Santa Ana Regional Water Quality Board (SARWQB), Orange County Fire Authority. Industrial facilities have caused significant pollution onto disadvantaged communities, including lead risk exposure, diesel particulate matter from idling trucks, toxic release from facilities, traffic impacts, noise pollution, vibration

impacts, and airborne particulate matter or fine inhalable particles of 2.5 (PM2.5) microns or less in diameter. CalEnviroScreen reports higher environmental effects from active facility cleanup sites, hazardous waste facilities, and solid waste locations. Cumulative health impacts in the area include asthma, cardiovascular disease, and low birth weight, in this overburdened disadvantaged community factored by socioeconomic indicators of poverty, linguistic isolation, housing burden, and education; and

21. There is a recent surge in residential development activity in the TZC that is exacerbating the irreconcilable land use conflicts between residential and industrial land uses. Examples include the Lacy Crossing residential development with over 100 ownership units directly adjacent to existing industrial land uses, for which the City receives regular complaints from residential occupants of disturbances from noise, vibrations, odors, and truck traffic; and the Rafferty mixed-use development with 218 residential units, including 11 onsite units for very-low income households, which is located less than one-fifth of a mile from industrial land uses; and
22. There is a marked increase in the pending and active development applications for industrial land uses in the TZC, including for contractor's yards, construction debris storage yards, manufacturing operations, expansion of existing industrial businesses, and storage and warehousing operations, stemming from shifting economic demands for goods and services emerging from the Covid-19 pandemic; and
23. The City Council approved a contract with Moore, Iacofano, Goltsman, Inc. (MIG) on October 17, 2023 to ensure the City's Zoning Code and General Plan are consistent, and to maintain compliance with state law, comprehensive amendments to the Zoning Code are required; and
24. MIG and City staff have conducted extensive community outreach, stakeholder interviews, and reviews of existing zoning-related codes and policies in Santa Ana. These early efforts have indicated that the irreconcilable land use conflicts and land use inconsistencies in the TZC area are among the most pressing topics that must be addressed as part of the comprehensive Zoning Code Update process to protect the health, safety, and welfare of the most vulnerable communities that face the impacts of the land use conflicts within the TZC area. Since adoption of the moratorium and its extension, MIG and City staff have focused the comprehensive update through an initial phase concentrating on amending the TZC; and
25. The policies and implementation actions in the General Plan also require review, study, and possible revision to respond to recent concerns relating to the impacts of these industrial business uses in the TZC; and

26. Given these concerns, the City Council directed that a study be undertaken of the current provisions of the TZC to address industrial business uses and determine whether such uses should be permitted in the zoning district, and if not, proceed with an ordinance amendment to preclude such uses from the district.

- G. Following said analysis of the City Council points of discussion as iterated above, City staff has prepared ZOA No. 2024-02 to amend and add certain sections to Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC), Article XIX. The Transit Zoning Code/Specific Development (SD) No. 84 Zoning District, including the deletion of industrial land uses; amend non-conforming regulations including the addition of an amortization process; amend and add operational standards for allowed uses and non-conforming uses; and delete the Industrial Overlay (I-OZ) zone from text and maps from certain properties within the SD84 Zoning District.
- H. Amendments to Chapter 41 (Zoning) are necessary to ensure uniform and legally consistent regulations as well as additions to enable the City to implement a regulatory framework that protects the health, safety, and welfare of the City.
- I. The proposed amendments to the Santa Ana Municipal Code (SAMC) that are the subject of this Ordinance support the objectives and policies of the City's General Plan and are required to ensure consistency in accordance with Government Code Section 65860.
- J. Specifically, these amendments to the SAMC timely address current inconsistencies within an area of the City prioritized for addressing EJ. In effect, the amendments are necessary to address numerous policies of the General Plan that the current TZC is found to be inconsistent with, that without such amendments, will continue the path of irreconcilable land use patterns within the TZC. Specifically, these policies include Policy LU-1.1 (Compatible Uses), Policy LU-2.4 (Cost and Benefit of Development), Policy LU-3.8 (Sensitive Receptors), Policy LU-3.9 (Noxious, Hazardous, Dangerous, and Polluting Uses), Policy LU-3.11 (Air Pollution Buffers), Policy LU-4.3 (Sustainable Land Use Strategies), Policy LU-4.6 (Healthy Living Conditions), Policy CM-3.2 (Healthy Neighborhoods), Policy EP-1.9 (Avoid Conflict of Uses), Policy EP-3.3 (Mitigate Impacts), Policy CN-1.5 (Sensitive Receptor Decisions), Policy CM-3.2 (Healthy Neighborhoods), and Policy HE-5.5 (Community Development), which are targeted at correcting past land use planning practices that have placed an unequitable environmental and health burden on certain neighborhoods now termed disadvantaged communities. The proposed amendments support these goals and policies by:
 - 1. Fostering the compatibility between residential and nonresidential land uses within the TZC to enhance livability and promote healthier lifestyles, and improve public health and quality of life;

2. Resolving the development of industrial land uses and sensitive receptors being in close proximity to each other that pose health hazards by eliminating an overlay zone that promulgated continuation of industrial uses without recourse;
 3. Improving the health of the existing and future residents of the TZC by regulating the operations of noxious, hazardous, dangerous, and polluting uses by giving priority to the discontinuance or elimination of those uses;
 4. Responding to overarching EJ policies to develop and implement land use and zoning strategies to separate existing sensitive uses from heavy industrial facilities and emission sources;
 5. Continuing to support the creation of healthy neighborhoods by addressing land use conflicts and incompatible uses through the elimination of the I-OZ zone and associated industrial land use types from the list of allowable land uses within the TZC;
 6. Developing and adopting new regulations to address facilities that emit pollution near sensitive receptors within EJ area boundaries, which includes areas of the TZC;
 7. Avoiding potential land use conflicts in the future by prohibiting the location of noxious land uses in proximity to sensitive receptors; and
 8. Creating a sustainable land use plan for the area that phases out land uses that are causing a substantial drain on City and other public agency resources in addressing the impacts from irreconcilable land use conflicts in the TZC area.
- K. Additionally, the proposed amendments implement and/or contribute to achieving the following specific action programs of the General Plan, most particularly directly addressing LU3.3 through the creation of a discontinuance of nonconforming industrial uses through amortization:
1. LU1.1 - Development Code Update. Prepare a comprehensive update to the zoning code to ensure that the City's zoning regulations align with the General Plan's goals and policies.
 2. LU3.3 - Healthy lifestyles. Collaborate with residents and industry stakeholders to create a program to incentivize and amortize the removal of existing heavy industrial uses adjacent to sensitive uses.
 3. CN1.4 - Health risk criteria. Establish criteria for requiring health risk assessments for existing and new industries, including the type of business, thresholds, and scope of assessment. Review existing and establish new regulation to reduce and avoid increased pollution near sensitive receptors within environmental justice area boundaries.

4. CN1.7 - Truck idling. Evaluate strategies to reduce truck idling found or reported in areas with sensitive receptors, with a priority placed on environmental justice areas.
 5. CN1.11 - Public education. Augment existing outreach programs to improve public awareness of State, regional and local agencies' roles and resources to identify, monitor, and address air quality and other environmental hazards in the community.
 6. HE5.C – Healthy Neighborhoods Initiatives. Update the City's zoning code development and operational standards for industrial zones to address incompatibility with adjacent uses, including minimum distance requirements to buffer heavy industrial uses from sensitive receptors. Conduct a study to evaluate and establish appropriate minimum distances and landscape buffers between polluting industrial uses from sensitive receptors such as residences.
 7. HE44.A – Fair Housing. Ensure all City programs and activities related to housing and community development are administered in a manner that affirmatively furthers fair housing.
- L. ZOA No. 2024-02 amends and adds certain sections to Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC), Article XIX. The Transit Zoning Code/Specific Development (SD) No. 84 Zoning District, including Section 41-2001 (Application of Article), Section 41-2001.5 (Organization), Section 41-2002 (Nonconforming Buildings, Structures and Uses), Section 41-2004 (The Industrial Overlay (I-OZ) Zone), Section 41-2005 (Application for Discretionary Approvals), Section 41-2006 (Zones Established), Section 41-2007 (Uses Permitted) Section 41-2008 (Operational Standards), Section 41-2009 (Operational Standards for Nonconforming Industrial Uses), and Section 41-2080 (Definitions).
- M. On February 24, 2025, the Planning Commission held a duly noticed public hearing to consider this Ordinance, where all interested persons were given an opportunity to be heard, and recommended approval of the Ordinance to the City Council.
- N. On March 18, 2025, the City Council held a duly noticed public hearing to consider this Ordinance, where all interested persons were given an opportunity to be heard.