

# REQUEST FOR Planning Commission Action



**PLANNING COMMISSION MEETING DATE:**

**OCTOBER 22, 2018**

**TITLE:**

**PUBLIC HEARING – ZONING ORDINANCE  
AMENDMENT NO. 2018-04 TO AMEND  
SEVERAL SECTIONS OF CHAPTER 41 OF  
THE SANTA ANA MUNICIPAL CODE AND  
SECTIONS OF SPECIFIC DEVELOPMENT  
NO. 19 AND SPECIFIC DEVELOPMENT  
NO. 40 – CITY OF SANTA ANA,  
APPLICANT  
{STRATEGIC PLAN NO. 3, 2; 5, 3}**

Prepared by Jerry C. Guevara

**PLANNING COMMISSION SECRETARY**

**APPROVED**

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

**DENIED**

- ☐ Applicant's Request
- ☐ Staff Recommendation

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

*[Signature]*  
Executive Director

*[Signature]*  
Planning Manager

## **RECOMMENDED ACTION**

Recommend that the City Council adopt an ordinance approving Zoning Ordinance Amendment (ZOA) No. 2018-04 to amend several sections of Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC) and sections of Specific Development No. 19 (SD-19)/French Park and Specific Development No. 40 (SD-40)/ Heninger Park.

### **Executive Summary**

The City of Santa Ana is requesting approval of several amendments to Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC) to streamline certain processes, clarify and revise certain language and standards, and update outdated code provisions to address current development, economic and housing trends.

### **Project Background**

In 2017, the City began a series of zoning code revisions intended to streamline the development process and update outdated development standards. The latest amendments were approved by City Council in November 2017. The proposed amendments included in ZOA No. 2018-04 continue this effort.

### **Project Description and Analysis**

Staff is proposing to amend several sections of Chapter 41 (Zoning) of the SAMC and sections of SD-19 and SD-40. These amendments are described and analyzed in Table 1: Summary of Amendments, below.

**Table 1: Summary of Amendments**

<b>Code Section(s)</b>	<b>Subject</b>	<b>Issues and Resolutions</b>
41-150.5, 41-365, 41-365.5, 41-412.5, 41-424, 41-424.5, 41-521, 41-522, 41-584, and 41-584.5	<b>Schools:</b> Requires approval of a CUP for schools within the O, C1, C2, C4, C5 and CSM zoning districts. Refer to "Exhibit 2" for a comparison analysis of other local cities review process of schools.	<p><b>Issue:</b> Schools are currently allowed by right within the O, C1, C2, C4, C5 and CSM zoning districts and do not require any discretionary action approval or public input if the school complies with all development standards and parking ratios. Schools are a sensitive land use that can create impacts to the general vicinity if not properly evaluated. Schools are defined as public, private and educational institutions including but not limited to Elementary, Junior Middle, High School, Colleges and Universities.</p> <p><b>Amendment Resolution:</b> Creates a process to allow for formal public input on new schools and authorizes the Planning Commission as the approval body. In addition, the amendment creates a tool for staff to request additional analysis and studies to ensure schools will have no or minimal impacts on the surrounding land uses.</p>
41-160, 41-246, 41-247.5, 41-249, 41-250, 41-251, & 41-273 through 41-289	<b>Two-Family (R2) and Townhouse Standards:</b> Clarifies language and re-defines "townhouse" to be consistent with Building Code terminology, simplifies development standards, allows for the construction of 3 story townhouses subject to approval of a conditional use permit (CUP) and modifies off-street parking ratios. Refer to "Exhibit 3" for an off-street parking comparison analysis of other cities parking ratios.	<p><b>Issue:</b> The Two-Family Residence (R-2) and Townhouse standards have not been updated since 1991 and do not reflect current housing trends.</p> <p><b>Amendment Resolution:</b> Creates additional opportunities for low to medium density housing and helps address the City's Regional Housing Need Allocation (RHNA) numbers.</p>



<b>Code Section(s)</b>	<b>Subject</b>	<b>Issues and Resolutions</b>
41-668	<b>Development Project Review:</b> Requires new service-stations to go through the city's development project review process.	<b>Issue:</b> Service stations are sensitive land uses that require special attention to site design and traffic circulation to ensure minimal impacts to neighboring land uses and streets. A comprehensive analysis by the Building Division, Planning Division, Police Department, Public Works Agency and Orange County Fire Authority (OCFA) is warranted for this type of use.  <b>Amendment Resolution:</b> Creates a formal review process for new service stations.
SD 19 & SD40	<b>French Park and Heninger Park Review Authority:</b> Amends language to clarify major modification process and review authority.	<b>Issue:</b> Both SD-19 and SD-40 are considered historical districts that require projects to be reviewed administratively and/or by the Historic Review Commission for major modifications. The language currently contained within these specific developments is unclear on which body of government is authorized to review major exterior modifications. In addition, both specific developments wording and format is different.  <b>Amendment Resolution:</b> Creates a clear and uniform process for modifications of structures within these specific developments districts.

**Table 2: CEQA, Strategic Plan Alignment and Public Notification & Community Outreach**

<b>CEQA</b>	
CEQA Type	Exempt per Section 15061(b)(3)
Reason(s) Exempt or Analysis	In accordance with the California Environmental Quality Act (CEQA) the recommended action is exempt from CEQA per Section 15061(b) (3). This exemption applies to projects covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, therefore, the activity is not subject to CEQA.
<b>Strategic Plan Alignment</b>	
Goal(s) and Policy(s)	Approval of this item supports the City's efforts to meet Goal No. 3 - Economic Development, Objective No. 2 (create new opportunities for business/job growth and encourage private development through new General Plan and Zoning Ordinance policies) and Goal No. 5 - Community Health, Livability, Engagement & Sustainability, Objective No. 3 (facilitate diverse housing opportunities and support efforts to preserve and improve the livability of Santa Ana neighborhoods).

Public Notification & Community Outreach	
Required Measures	The proposed amendments are citywide, and the project site is not located within the boundaries of one single neighborhood association. However, a notice was published in the Orange County Register. At the time of this printing, no correspondence, by phone, written, or electronic, has been received from any members of the public.

### **Conclusion**

Based on the analysis provided within this report, staff recommends that the Planning Commission recommend that the City Council approve Zoning Ordinance Amendment No. 2018-04.

  
\_\_\_\_\_  
Jerry C. Guevara  
Assistant Planner I

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Exhibits: 1. Proposed Draft Ordinance  
2. Comparison Table of Schools Review Process  
3. Comparison Table of Off-Street Parking Ratios

## ORDINANCE NO. NS-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SECTIONS 41-150.5, 41-365, 41-365.5, 41-412.5, 41-424, 41-424.5, 41-521, 41-522, 41-584 and 41-584.5 (SCHOOLS), 41-160 AND DIVISION 6 OF ARTICLE III (TOWNHOUSE DEVELOPMENT STANDARDS), 41-246, 41-247.5, 41-249, 41-250 AND 41-251 (TWO-FAMILY RESIDENCE/R2), AND 41-668 (DEVELOPMENT PROJECT PLAN) OF THE SANTA ANA MUNICIPAL CODE, AND GENERAL PROVISIONS OF SPECIFIC DEVELOPMENT NO. 19 (SD-19)/FRENCH PARK AND SPECIFIC DEVELOPMENT NO. 40 (SD-40)/HENINGER PARK

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

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. Various sections of Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC) have been revised periodically over the last several years to respond to changes in development, to adopt new permitting procedures, and to comply with changes to State and Federal laws. In a continuing effort to establish high-quality development standards and to create a user-friendly environment for residents and the business community within the City, the Planning Division is proposing revisions to various sections of Chapter 41 (Zoning) of the SAMC and to Specific Development 19 (SD-19)/French Park and Specific Development No. 40 (SD-40)/Heninger Park.
- B. After a thorough analysis of the current code requirements in the City, staff identified several sections of the code for amendments necessary to ensure clear, uniform, and legally consistent regulations. The proposed amendments will enable the City to implement a regulatory framework that protects the health, safety and welfare of the City and limits undue strain on home owners, business operators and developers.
- C. On October 22, 2018, the Planning Commission held a duly noticed public hearing and voted to recommend that the City Council adopt Zoning Ordinance Amendment No. 2018-04.
- D. The City Council, on November 20, 2018, held a duly noticed public hearing on this ordinance and has considered all testimony presented thereto.

Section 2. The proposed ordinance has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.). The project is exempt from CEQA as it can be seen with certainty that there is no impact on the environment [Section 15061(b) (3)] and a Notice of Exemption will be filed upon adoption of this ordinance.

Section 3. Section 41-150 (Reserved) of Chapter 41 of the SAMC is hereby amended to read as follows:

**Sec. 41-150. – Reserved Schools.**

A school means any public, charter, or private educational facility for elementary, middle, junior high, and high school, serving kindergarten through twelfth grade students, including denominational and sectarian, boarding schools, and military academies, but does not include preschools and child day care uses as defined in Section 41-42.5.

Section 4. Section 41-160 (Townhouse) of Chapter 41 the SAMC is hereby amended to read as follows:

**Sec. 41-160. – Townhouse.**

~~A townhouse is a dwelling unit located in a group of three (3) or more attached dwelling units with no dwelling unit located above or below another and with each dwelling unit having its own exterior entrance.~~

A townhouse is a single-family dwelling unit that:

- (a) is constructed in a group of three (3) or more attached dwelling units;
- (b) extends from foundation to roof with a yard or public way on two or more sides; and
- (c) has its own exterior entrance.

Section 5. Section 41-246 (Applicability of regulations) of Chapter 41 of the SAMC is hereby amended to read as follows:

**Sec. 41-246. – Applicability of regulations.**

R-2 (Two-Family Residence) districts are specifically subject to the regulations contained in this Division, except that one-family dwelling unit on a single lot is ~~are~~ subject to the design and development standards set forth in Division 3 of this Article, townhouses are subject to the design and development standards set forth in Division 6

of this Article, and nonresidential uses allowed under section 41-247.5 are subject to the design and development standards set forth in Division 12 of this Article.

Section 6. Section 41-247.5 (Uses subject to a conditional use permit in the R2 district) of Chapter 41 of the SAMC is hereby amended to read as follows:

**Sec. 41-247.5. – Uses subject to a conditional use permit in the R2 district.**

- (a) Any use which may be permitted in the R1 district subject to the issuance of a conditional use permit pursuant to Section 41-232.5 may likewise be permitted in the R2 district subject to a conditional use permit.
- (b) Care homes, as defined by Section 41-41.5 of this Chapter, which previously were permitted pursuant to a validly issued conditional use permit and subsequently lost the permitted use pursuant to the provisions of this Chapter.
- (c) Townhouse of thirty-five (35) feet or three (3) stories in height, whichever is less, as measured from the lowest adjacent grade of the structure to the top of the structure.

Section 7. Section 41-249 (Front yards in the R2 district), Section 41-250 (Side yards in the R2 district) and Section 41-251 (Rear yards in the R2 district) of Chapter 41 of the SAMC is hereby amended to read as follows:

**Sec. 41-249. – Front yards in the R2 district.**

There shall be a front yard of not less than twenty (20) feet from the street. ~~If there are two (2) single-family detached units on a site, the front yard of the rear unit adjacent to the rear yard of the front unit shall be not less than ten (10).~~

**Sec. 41-250. – Side yards in the R2 district.**

~~There shall be a~~ Each side yard shall be of not less than five (5) feet ~~for each building from the street~~. On corner lots, the side yard on the street side shall be not less than ten (10) feet ~~for each building from the street~~. The restrictions on nonconforming buildings set forth in Article VI of this Chapter shall not apply to buildings which are nonconforming solely for the reason that they do not have interior side yards meeting the standard set by this Section, provided the interior side yards of such building are at least three (3) feet wide.

**Sec. 41-251. – Rear yards in the R2 district.**

There shall be a rear yard of not less than fifteen (15) feet ~~for each dwelling unit from~~. Such rear yard may be reduced to not less than ten (10) feet in width, provided that the



development site it has at least one thousand two hundred (1,200) square feet of open space area, exclusive of front and side yard areas.

Section 8. Division 6 (Townhouse Standards) of Article III of Chapter 41 of the SAMC is hereby amended to read as follows:

## **DIVISION 6. – TOWNHOUSE DEVELOPMENT STANDARDS**

### **Sec. 41-273. – Applicability of division.**

Townhouse developments are specifically subject to the regulations contained in this division.

### **Sec. 41-274. – Minimum development site size.**

The minimum development site size shall be twelve thousand (12,000) square feet of contiguous land, with a minimum street frontage of one hundred (100) feet.

### **Sec. 41-275. – Minimum lot area per unit.**

The minimum lot area shall be three thousand (3,000) square feet per unit.

### **Sec. 41-277. – Building height.**

- (a) No primary structure shall exceed twenty-seven (27) feet or two (2) stories in height, as measured from the lowest adjacent grade of the structure to the top of the structure, unless a conditional use permit is approved by the Planning Commission to allow thirty-five (35) feet or three (3) stories in height.
- (b) Accessory structures shall not exceed fifteen (15) feet or one (1) story in height.

### **Sec. 41-278. – Lot coverage.**

No more than fifty (50) per cent of the lot shall be covered by structures.

### **Sec. 41-279. – Front yard.**

~~Each townhouse~~ Front yard shall ~~have a front yard of not be~~ less than twenty (20) feet.

### **Sec. 41-280. – Side yard.**

~~Each s~~Side yard of a townhouse shall ~~be~~ not be less than ten (10) feet. Side yards which front on a local street shall be a minimum of ten (10) feet. Side yards that front on an arterial street shall be a minimum of fifteen (15) feet.

### **Sec. 41-281. – Rear yard.**



~~Each townhouse Rear yard shall have a rear yard of not be less than fifteen (15) feet.~~

**Sec. 41-282. – Off-street parking.**

- (a) Off-street parking shall ~~be provided~~ comply per Table 41-282. as follows:

<b>Table 41-282 Townhouse Development Parking Standards</b>	
<b># of Bedrooms</b>	<b># of Required Off-Street Parking</b>
<u>2 bedrooms</u>	<u>2.0 garage spaces per unit</u>
<u>3 or more bedrooms</u>	<u>2.0 garage spaces per unit and 1.0 (covered or uncovered) space per unit, plus 0.5 spaces per each bedroom over 3 bedrooms.</u>
<b># of Guest Parking</b>	
1. <u>0.5 spaces per unit</u>	
1. <u>Required garage spaces may be tandem spaces</u>	

- (b) Site Access.

- (1) Site access shall be primarily from side streets or alleys. If access from side streets is not possible due to lot location and/or configuration; vehicular access shall be constructed so as to minimize the disruption of the pedestrian right-of-way on the primary streets.
- (2) Garages shall be accessed from internal private driveways or alleys.
- (3) A garage shall have access directly into the dwelling unit or into the private yard area of the dwelling unit.

- ~~(1) — Each unit shall have two (2) spaces in a garage.~~
- ~~(2) — Garages shall not face the street.~~
- ~~(3) — A garage shall have access directly into the townhouse or into the private yard area of the townhouse.~~
- ~~(4) — Two (2) guest spaces shall be provided for each townhouse.~~

**Sec. 41-283. – Open space.**

~~For a townhouse development, both p~~Private and common open space shall be provided within the project. Minimum open space requirements ~~for townhouse developments~~ are as follows:

(1) *Private open space:*

- (a) ~~Shall be a single p~~Private open space shall be no less than two hundred fifty (250) square feet per unit, with a minimum dimension of ~~ten (10)~~ six (6) feet in each direction.
- (b) ~~Shall be at the ground level.~~
- (cb) Private open space ~~S~~shall be accessible from the unit's kitchen, dining area, den, family room, master bedroom and/or living room.

(2) *Common open space:*

- (a) ~~Shall be a single c~~Common open space shall be equivalent to no less than two hundred fifty (250) square feet per unit, with a minimum of fifteen (15) feet in each direction.
- (b) ~~Is in addition to yard areas. Front, side and rear yards may~~ shall not be counted to satisfy this requirement.

**Sec. 41-284. – Fences.**

- (a) A fence plan for any townhouse development project shall be submitted for review and approval to the Planning Manager or his/her designee. The fence plan shall include, but is not limited to, the following:
  - (1) The plan shall delineate and dimension the location, size and materials of all fences.
  - (2) The plan shall provide elevations demonstrating the architectural compatibility of the proposed fences with the proposed project.
  - (3) The plan shall include installation specifications ensuring long term quality of the proposed fencing.
- (b) ~~Fences shall not be located within the required front yard setbacks or located within ten (10) feet of the side property line on any street-oriented side yard.~~

**Sec. 41-285. – Building separation.**

The building separation between primary structures shall be not less than ~~twenty (20)~~ fifteen (15) feet.

**Sec. 41-286. – Access.**

- ~~(a) Each townhouse shall have a minimum of forty (40) per cent of the living area and be accessible from ground level.~~
- (b) A front door must face the street or a common area.
- (c) No exterior stairwells shall be permitted on units abutting street-oriented yards.

**Sec. 41-287. – Storage space.**

For each townhouse unit, there shall be a separate, enclosed, lockable storage space area reserved for the occupants of such townhouse unit. Such storage space may be located inside the garage of the townhouse unit or elsewhere within the development, but may not be directly accessible from the townhouse. Such storage space shall be at least two hundred fifty (250) cubic feet in size and shall have minimum dimensions of four (4) feet by eight (8) feet.

**Sec. 41-288. – Landscaping.**

All yards shall be landscaped with the exception of approved driveways and walkways by the Planning Manager or his/her designee. Each townhouse development shall meet the following minimum landscaping standards:

- (a) *Front yard:*
  - (1) One (1) 24-inch box canopy tree.
  - (2) All trees shall be double-staked.
  - (3) Six (6) five-gallon size shrubs and ten (10) one-gallon size herbaceous perennials/shrubs as a foundation planting.
  - (4) Turf or acceptable dry climate ground cover:
    - a. Turf shall be drought tolerant variety and planted as sod or hydroseed.
    - b. Ground cover shall be well-rooted cuttings from flats and planted as appropriate spacing for that particular plant material.

- (5) Root barriers shall be required on all trees.
- (b) *Side yard:* Corner lots shall have one (1) 15-gallon size tree for every thirty (30) linear feet of property abutting a street plus six (6) five-gallon size shrubs as a foundation planting. Root barriers shall be required on all trees planted along the street-oriented yards.
- (c) *Project perimeter walls:*
- (1) Flowering vines shall be secured to a decorative masonry wall or wood fence material.
  - (2) The vines shall be five-gallon size and be planted at 20-foot intervals. They shall be secured to the walls with eye hooks and wire.
  - (3) Espaliered shrubs, fruit trees, or other ornamental trees may be substituted for the flowering vines.
- (d) *Irrigation system:*
- (1) All planting areas must be designed with an automatic irrigation system. A pop-up sprinkler type irrigation system shall be provided for all yards. Drip, bubbler, or other low gallonage systems may be used in buffer areas and narrow strips.
  - (2) The use of "xeriphytic" or dry climate type plant materials is encouraged. Irrigation systems may require special fittings to properly water dry climate plantings.
  - (3) All irrigation systems shall be equipped with a controller capable of dual or multiple station programming.
- (e) *Screening:*
- (1) All meters shall be appropriately screened from public view with trellis work and vines, a hedge type shrub or be incorporated into the residential structure.
  - (2) Any enclosed structure for utilities must not encroach into the required setback.



- (f) *Maintenance*: All plant material shall be maintained per section 41-609 of this Code.
- (g) ~~[Compliance with article XVI:]~~ Landscaping shall be installed and maintained in compliance with Article XVI of this Chapter (Water Efficient Landscape Standards), ~~pertaining to water conservation.~~

**Sec. 41-289. - Reserved.**

Section 9. Section 41-365 (Uses permitted in the C1 district) and Section 41-365.5 (Uses subject to a conditional use permit in the C1 district) of Chapter 41 of the SAMC is hereby amended to read as follows:

**Sec. 41-365. – Uses permitted in the C1 district.**

The following uses are permitted in the C1 district:

- (a) Retail and service uses.
- (b) Professional, administrative and business offices.
- (c) Automobile parking lots and parking structures.
- (d) Automobile sales, but excluding truck, trailer, tractor and boat sales.
- (e) Churches and accessory church buildings.
- (f) Mortuaries.
- (g) Theaters.
- (h) Hospitals, clinics, and sanitariums.
- (i) Animal hospitals and veterinaries.
- (j) Plant nurseries.
- (k) Gymnasiums.
- (l) Golf courses, both regulation and miniature, and driving ranges.
- (m) Public utility structures, including electric distribution and transmission substations.
- (n) Restaurants, cafes, and eating establishments, other than those specified in section 41-365.5.

- (o) ~~Schools and s~~Studios operated for commercial or public purposes.
- (p) Childcare facilities.
- (q) Service stations.
- (r) Automobile servicing.
- (s) Cyber cafes, subject to compliance with the requirements of section 41-198.200.
- (t) Tattoo and/or body art establishments, subject to the development and operational standards set forth in section 41-199.3.

**Sec. 41-365.5. – Uses subject to a conditional use permit in the C1 district.**

The following uses may be permitted in the C1 district subject to the issuance of a conditional use permit:

- (a) Clubs.
- (b) Outdoor and indoor recreational or entertainment uses other than those set forth in section 41-365.
- (c) Hotels, motels, lodging houses, care homes, fraternity houses and sorority houses.
- (d) Thrift shops, purchase and loan, pawn shops.
- (e) Eating establishments with drive-through window service.
- (f) Eating establishments open at any time between the hours of 12:00 a.m. and 5:00 a.m. and located within one hundred fifty (150) feet of residentially zoned or used property, measured from property line to property line.
- (g) Laundromats, subject to the development and performance standards set forth in section 41-199.
- (h) Retail markets having less than twenty thousand (20,000) square feet of floor area which are open at any time between the hours of 12:00 midnight and 5:00 a.m.
- (i) Check cashing facilities, as defined by Section 41-42.7.

- (j) Banquet facilities, subject to development and operational standards set forth in section 41-199.1.
- (k) Banquet facilities as an ancillary use, subject to development and operational standards set forth in section 41-199.1.
- (l) Adult day care facilities.
- (m) Superstores.
- (n) Tattoo and/or body art establishments open at any time between the hours of 12:00 a.m. and 7:00 a.m., subject to the development and operational standards set forth in section 41-199.3.
- (o) Schools, as defined by Section 41-150.5.

Section 10. Section 41-412.5 (Uses subject to a conditional use permit in the C4 district) of Chapter 41 of the SAMC is hereby amended to read as follows:

**Sec. 41-412.5. – Uses subject to a conditional use permit in the C4 district.**

The following uses may be permitted in the C4 district subject to the issuance of a conditional use permit:

- (a) Hotels, motels, lodging houses, care homes, fraternity houses and sorority houses.
- (b) Indoor swap meets, bulk merchandise stores, and home improvement warehouse stores.
- (c) Eating establishments with drive-through window service.
- (d) Eating establishments open at any time between the hours of 12:00 a.m. and 5:00 a.m. and located within one hundred fifty (150) feet of residentially zoned or used property, measured from property line to property line.
- (e) Laundromats, subject to the development and performance standards set forth in section 41-199.
- (f) Retail markets having less than twenty thousand (20,000) square feet of floor area which are open at any time between the hours of 12:00 midnight and 5:00 a.m.

- (g) Check cashing facilities, as defined by section 41-42.7 of this Code.
- (h) Banquet facilities, subject to development and operational standards set forth in section 41-199.1.
- (i) Banquet facilities as an ancillary use, subject to development and operational standards set forth in section 41-199.1.
- (j) Adult day care facilities.
- (k) Superstores.
- (l) Tattoo and/or body art establishments open at any time between the hours of 12:00 a.m. and 7:00 a.m., subject to the development and operational standards set forth in section 41-199.3.
- (m) Schools, as defined by Section 41-150.5.

Section 11. Section 41-424 (Uses permitted in the C5 district) and Section 41-424.5 (Uses subject to a conditional use permit in the C5 district) of Chapter 41 of the SAMC is hereby amended to read as follows:

**Sec. 41-424. – Uses permitted in the C5 district.**

The following uses are permitted in the C5 district:

- (a) Administrative and professional offices.
- (b) Retail and service uses.
- (c) Automobile parking lots, but excluding the sale or storage of automobiles, trucks, trailers, boats, or tractors, whether new or used.
- (d) Churches, chapels, mortuaries, and theaters.
- (e) Government buildings.
- (f) Restaurants and cafes, other than those specified in section 41-424.5.
- (g) ~~Schools and~~ Studios operated for commercial or public purposes.
- (h) Child care facilities.
- (i) The printing, publishing, and circulation of a newspaper, including plant and office.



- (j) Two-family dwellings not exceeding one (1) unit per three thousand (3,000) square feet of lot area, provided such units front on a secondary or local street.
- (k) Cyber cafes subject to compliance with the requirements of section 41-198.200.
- (l) Gymnasiums and health clubs.

**Sec. 41-424.5. – Uses subject to a conditional use permit in the C5 district.**

The following uses may be permitted in the C5 district subject to the issuance of a conditional use permit:

- (a) Hotels, motels, lodging houses, care homes, fraternity houses, and sorority houses.
- (b) Dwelling units when erected above the ground floor of a commercial structure when the ground floor is devoted exclusively to nonresidential uses.
- (c) Hospitals.
- (d) Public utility structures, including electric distribution and transmission substations.
- (e) Eating establishments with drive-through or walk-up window service.
- (f) Service stations and automobile servicing.
- (g) Car wash establishments, provided they are wholly enclosed.
- (h) Laundries.
- (i) Indoor swap meets, bulk merchandise stores, and home improvement warehouse stores.
- (j) Eating establishments open at any time between the hours of 12:00 a.m. and 5:00 a.m. and located within one hundred fifty (150) feet of residentially zoned or used property, measured from property line to property line.
- (k) Laundromats, subject to the development and performance standards set forth in section 41-199.

- (l) Retail markets having less than twenty thousand (20,000) square feet of floor area which are open at any time between the hours of 12:00 midnight and 5:00 a.m.
- (m) Banquet facilities, subject to development and operational standards set forth in section 41-199.1.
- (n) Banquet facilities as an ancillary use, subject to development and operational standards set forth in section 41-199.1.
- (o) Adult day care facilities.
- (p) Superstores.
- (q) Schools, as defined by Section 41-150.5.

Section 12. Section 41-521 (Uses permitted in the C-SM district) and Section 41-522 (Uses subject to a conditional use permit in the C-SM district) of Chapter 41 of the SAMC is hereby amended as follows:

**Sec. 41-521. – Uses permitted in the C-SM district.**

The following uses are permitted in the C-SM district:

- (a) Retail and service uses.
- (b) Professional, administrative, and business offices.
- (c) Public parking lots and parking structures.
- (d) Animal hospitals and veterinarians.
- (e) Gymnasiums, health clubs, and martial arts studios.
- (f) Public utility structures, including electric distribution and transmission substations.
- (g) Restaurants, cafes, coffeehouses, and eating establishments, other than those provided in section 41-522, excluding the establishment of drive through service facilities.
- (h) ~~Schools and s~~ Studios operated for commercial or public purposes.
- (i) Child care facilities.

- (j) Art galleries, museums and exhibit halls.
- (k) Plant nurseries.
- (l) Theaters.
- (m) Furniture stores.
- (n) Youth amusement rides ancillary to grocery, general merchandise and department retail store uses.

**Sec. 41-522. – Uses subject to a conditional use permit in the C-SM district.**

The following uses may be permitted in the C-SM district subject to the issuance of a conditional use permit:

- (a) Clubs, lodges and fraternal organizations.
- (b) Outdoor and indoor recreational or entertainment uses including night clubs, other than those set forth in section 41-521.
- (c) Hotels, motels, lodging houses, care homes, fraternity houses and sorority houses.
- (d) Thrift and resale stores, antique shops and collectable stores, excluding pawn shops and auction houses.
- (e) Eating establishments open at any time between the hours of 12:00 midnight and 5:00 a.m. and located within one hundred fifty (150) feet of residentially zoned or used property, measured from property line to property line.
- (f) Laundromats.
- (g) Ancillary outdoor dining facilities located in the front yard area.
- (h) Banquet facilities, subject to development and operational standards set forth in section 41-199.1.
- (i) Banquet facilities as an ancillary use, subject to development and operational standards set forth in section 41-199.1.
- (j) Automobile repair and automobile servicing.

- (k) Retail markets having less than twenty thousand (20,000) square feet of floor area which are open at any time between the hours of 12:00 midnight and 5:00 a.m.
- (l) Churches and accessory church buildings.
- (m) Schools, as defined by Section 41-150.5.

Section 13. Section 41-584 (Uses permitted in the O district) and Section 41-584.5 (Uses subject to a conditional use permit in the O district) of Chapter 41 of SAMC is hereby amended to read as follows:

**Sec. 41-584. – Uses permitted in the O district.**

The following uses are permitted in the O district:

- (a) Open-air recreational and entertainment uses, including bike or bridle trails, and buildings and uses accessory thereto.
- (b) Government buildings, ~~school buildings and facilities,~~ public utility facilities, quasi-public and service facilities, flood-control structures, and uses accessory thereto.

**Sec. 41-584.5. – Uses subject to a conditional use permit in the O district.**

The following uses may be permitted in the O district subject to the issuance of a conditional use permit:

- (a) Community gardens operated by a non-profit organizations.
- (b) Production greenhouses and nurseries with no retail sales.
- (c) Interpretive centers.
- (d) Schools, as defined by Section 41-150.5.

Section 14. Section 41-668 (Definitions) of Chapter 41 of SAMC is hereby amended to read as follows:

**Sec. 41-668. – Definitions.**

- (a) *Development Project.* As used in this division, the term "development project" includes any of the following projects:



- (1) The new construction of any building or buildings, and additions to any existing building or buildings, if new floor space of two thousand five hundred (2,500) square feet or more is constructed or added; but excluding the following:
  - a. Single family homes;
  - b. Room additions to duplexes;
  - c. Tenant improvements not involving a change of use;
  - d. Facade improvements;
  - e. Equipment covers or structures to cover equipment.
- (2) Tenant improvements involving an intensification or change in occupancy classification.
- (3) New service stations
- (34) Any project that requires a discretionary approval, excluding conditional use permits for operation of eating establishments between the hours of 12:00 a.m. and 5:00 a.m. and conditional use permits for the sale of alcoholic beverages.
- (b) *Discretionary approval.* As used in this division, the term "discretionary approval" means a conditional use permit, variance, minor exception, tentative map approval, change in use district designation, or similar entitlement for development, the granting of which involves the exercise of discretion, other than the plan approval process set forth in this division.

Section 15. Section 8 (General Provisions) of Specific Development No. 19 (SD-19) of Chapter 41 of the SAMC is hereby amended to read as follows:

## **Section 8    General Provisions**

All new construction, excluding interior modifications, and including the restoration, rehabilitation, alteration, conversion and/or addition of any structure involving modification to the exterior of a structure within the area as defined as Historic French Park District (SD-19) ~~must~~ shall proceed through the following established review process. This includes review of structures destroyed by natural occurrences, pursuant to SAMC Sec. 41-682. ~~Final approval shall be granted by the Planning Commission.~~

1. **GUIDELINES AND STANDARDS.** The architectural design guidelines used by City staff and the French Park Architectural Review Committee (Committee) and adopted by resolution by the City Council, is entitled

"Historic French: Its Architectural Legacy and Design Guidelines" (French Park Guidelines). All projects must adopt one of the historical architectural styles of the district which is identified in the Guidelines. All accessory structures shall comply with these architectural design guidelines.

2. **NEIGHBORHOOD REVIEW.** The French Park Architectural Review Committee is a volunteer group comprised of French Park neighborhood residents and/or property owners shall who are authorized to review proposals for new construction, restoration, rehabilitation, alteration, conversion and/or additions to an existing structure within the boundaries of SD-19. A Neighborhood Review Application shall be submitted to the Planning Division for all minor and major modifications for evaluation by staff and shall be forward to the French Park Architectural Review Committee for comments. make findings that the proposed new construction, restoration, rehabilitation, alteration, conversion and/or addition to an existing structure. Staff and the Committee will review the Neighborhood Review Application for is in compliance with the French Park Guidelines and is in compliance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The findings shall be made a part of the City's formal review process. If there is not an active Committee, by request of the French Park Neighborhood Association Chairperson, City staff shall provide the sole Neighborhood Review evaluation.
3. **EXCEPTIONS.** All projects, except those requiring any discretionary action, are exempt from the Development Project Plan approval process as set forth in Sections 41-668 through 674 of the SAMC.
4. **HISTORIC RESOURCES COMMISSION APPROVAL.** Final approval of major exterior modifications shall be granted by the Historic Resource Commission. Final approval of minor exterior modifications as outlined per Resolution No. 2006-001 and adopted by the Historic Resource Commission on January 5, 2006 shall be granted administratively by staff. The French Park Architectural Review Committee comments are to be made a part of the City's shall be included into staff's evaluation and recommendation to the Historic Resource Commission. The decision of the Historic Resource Planning Commission regarding approval of the major exterior modifications shall be final unless an appeal is filed as set forth in Section 30-8 of Chapter 30 of the SAMC.

Section 16. Section General Provisions (General Provisions) of Specific Development No. 40 (SD-40) of Chapter 41 of the SAMC is hereby amended to read as follows:

## **GENERAL PROVISIONS**

- ~~A. Exterior rehabilitation and conversion of residences shall be subject to design review by the Planning Department prior to issuance of building permits. Rehabilitation of designated historic structures shall conform to the Secretary of Interior's Standards of Rehabilitation and Guidelines for Rehabilitation Historic Buildings (used by the Secretary of Interior when determining if a rehabilitation project qualifies as "Certified rehabilitation" pursuant to U.S. tax legislation). All exterior work shall also conform with Council approved Development Standards and Guidelines as they are adopted.~~
- ~~B. All new construction shall be subject to Planning Commission site plan review process as required in Santa Ana Municipal Code, Chapter 41, Article III, Division 26, except as provided for in this subsection.~~
- ~~1. For properties listed on the City of Santa Ana Register of Historical Properties, with no discretionary actions before the Planning Commission, the Historic Resources Commission shall solely conduct the site plan review and the exterior physical modification approval as defined in Santa Ana Municipal Code, Chapter 30.~~
  - ~~2. For projects with discretionary actions before the Planning Commission, the Planning Commission shall conduct site plan review, and the Historic Resource Commission shall conduct the exterior physical modification approval process.~~
- ~~C. All exterior rehabilitation and new construction shall maintain architectural standards compatible with the architectural character of the Heninger Park Specific Development zone. Design criteria includes the use of historically appropriate exterior materials, gable treatment and architectural massing consistent with existing historic architectural styles found in the area.~~

All new construction, excluding interior modifications, and including the restoration, rehabilitation, alteration, conversion and/or addition of any structure involving modification to the exterior of a structure within the area as defined as Heninger Park District (SD-40) must proceed through the following established review process. This includes review of structures destroyed by natural occurrences, pursuant to SAMC Sec. 41-682.

- A. GUIDELINES AND STANDARDS.** The architectural design guidelines used by City staff and the Heninger Park Architectural Review Committee (Committee) and adopted by resolution by the City Council, is entitled "Heninger Park Architectural Design Guidelines" (Heninger Park Guidelines). All projects must adopt one of the historical architectural

styles of the district which is identified in the Guidelines. All accessory structures shall comply with these architectural design guidelines.

- B. NEIGHBORHOOD REVIEW.** The Heninger Park Architectural Review Committee is a volunteer group comprised of Heninger Park neighborhood residents and/or property owners who are authorized to review proposals for new construction, restoration, rehabilitation, alteration, conversion and/or additions to an existing structure within the boundaries of SD-40. A Neighborhood Review Application shall be submitted to the Planning Division for all minor and major modifications for evaluation by staff and shall be forward to the Heninger Park Architectural Review Committee for comments. Staff and the Committee will review the Neighborhood Review Application for compliance with the Heninger Park Guidelines and compliance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. If there is not an active Committee, by request of the Heninger Park Neighborhood Association Chairperson, City staff shall provide the sole Neighborhood Review evaluation.
- C. EXCEPTIONS.** All projects, except those requiring any discretionary action, are exempt from the Development Project Plan approval process as set forth in Sections 41-668 through 41-674 of the SAMC.
- D. HISTORIC RESOURCES COMMISSION APPROVAL.** Final approval of major exterior modifications shall be granted by the Historic Resource Commission. Final approval of minor exterior modifications as outlined per Resolution No. 2006-001 and adopted by the Historic Resource Commission on January 5, 2006 shall be granted administratively by staff. The Heninger Park Architectural Review Committee comments shall be included into staff's evaluation and recommendation to the Historic Resource Commission. The decision of the Historic Resource Commission regarding approval of the major exterior modifications shall be final unless an appeal is filed as set forth in Section 30-8 of Chapter 30 of the SAMC.

Section 17. If any section, subsection, sentence, clause, phrase or portion of this ordinance for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause phrase or portion thereof irrespective of the fact that any one or more



sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Miguel A. Pulido  
Mayor

APPROVED AS TO FORM:  
Sonia R. Carvalho  
City Attorney

By: \_\_\_\_\_  
Lisa Storck  
Assistant City Attorney

AYES: Councilmembers \_\_\_\_\_

NOES: Councilmembers \_\_\_\_\_

ABSTAIN: Councilmembers \_\_\_\_\_

NOT PRESENT: Councilmembers \_\_\_\_\_

#### CERTIFICATE OF ATTESTATION AND ORIGINALITY

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

Date: \_\_\_\_\_

Clerk of the Council  
City of Santa Ana

## **COMPARISON TABLE OF SCHOOL REVIEW PROCESS**

<b>Cities</b>	<b>Review Process</b>
Irvine	Public: Permitted by right (No Conditional Use Permit required). School sites are chosen in advance and in accordance with school district master plan.  Private: A Conditional Use Permit is required  Charter: Not specified
Garden Grove	A Conditional Use Permit is required for both public and private schools
Costa Mesa	A Conditional Use Permit is required for both public and private schools
Tustin	A Conditional Use Permit is required for both public and private schools
Fountain Valley	A Conditional Use Permit is required for both public and private schools

### **COMPARISON TABLE OF OFF-STREET PARKING RATIOS**

<b>Cities</b>	<b>Off-Street Parking Required</b>	<b>Guest Parking</b>
Costa Mesa	Studio = 1.5 / unit 1 bedroom = 2 / unit 2 bedrooms = 2.5 / unit 3 or more bedrooms = 3.5 / unit	0.5 / unit
Irvine	Studio = 1 / unit 1 bedroom = 1.5 / unit 2 or more bedrooms = 2 / unit	0.7 / unit
Anaheim	Studio = 1.25 / unit 1 bedroom = 2 / unit 2 bedrooms = 2.25 / unit 3 or more bedrooms = 3 / unit + 0.5 space per each bedroom over 3 bedrooms	0.25 / unit
Orange	Studio = 1.2 / unit 1 to 2 bedrooms = 1.7 / unit 3 bedrooms = 2.4 / unit	0.2 / unit
Los Angeles	Studio – 2 bedrooms = 1 / unit 3 bedrooms = 1.5 / unit 3 or more bedrooms = 2 / unit	5 / each 30 units
Long Beach	Studio = 1 / unit 1 bedroom = 1.5 / unit 2 or more bedrooms = 2 / unit	0.25 / unit
Pasadena	1 space per unit if less than 650 SF 2 spaces per unit if more than 650 SF	1 / each 10 units