

ORDINANCE NO. NS-2859

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA REZONING THE PROPERTY LOCATED AT 4226-4306 WEST FIFTH STREET FROM GENERAL AGRICULTURAL (A1) TO SPECIFIC DEVELOPMENT NO. 86 (SD-86) (AA NO. 2013-04) AND ADOPTING SPECIFIC DEVELOPMENT NO. 86 (SD-86) FOR SAID PROPERTY

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

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

- A. Amendment Application No. 2013-04 has been filed with the City of Santa Ana to change the zoning district designation of certain real property located at 4226-4306 West Fifth Street from General Agricultural (A1) to Specific Development No. 86 (SD-86). The Specific Development No. 86 zoning district (SD-86) would allow a 28-unit, single-family development built at a gross density of 10.5 dwelling units per acre.
- B. The Planning Commission of the City of Santa Ana held a duly noticed public hearing on September 23, 2013, on Amendment Application No. 2013-04 and decided to recommend that the City Council adopt an ordinance approving Amendment Application No. 2013-04, which is consistent with the General Plan.
- C. On November 4, 2013, the City Council approved an ordinance for this project on its first reading. However, on December 2, 2013, prior to the second reading for the project, the project was continued by the City Council in order to allow staff the ability to conduct additional analysis on the potential impacts to the environment.
- D. After further CEQA review, the project was returned to the Planning Commission for another duly noticed public hearing on February 24, 2014, on Amendment Application No. 2013-04 and the Planning Commission again decided to recommend that the City Council adopt an ordinance approving Amendment Application No. 2013-04, which is consistent with the General Plan.
- E. This Council, prior to taking action on this ordinance, held another duly noticed public hearing on March 18, 2014.

- F. The City Council also adopts as findings all facts presented in the Request for Council Action dated March 18, 2014 accompanying this matter.
- G. For these reasons, and each of them, Amendment Application No. 2013-04 is hereby found and determined to be consistent with the General Plan of the City of Santa Ana and otherwise justified by the public necessity, convenience, and general welfare.

Section 2. In accordance with the California Environmental Quality Act, the recommended actions have been reviewed through a Negative Declaration (ND), Environmental Review No. 2013-04. Section 15063 of the State CEQA Guidelines and Sections 15070 through 15075 of Article 6 guide the process for the preparation of a negative declaration. As a result of the environmental analysis, no potential environmental impacts were identified for this project. All of the resource topics identified in the negative declaration were found to result in either no impact or would result in a less than significant impact. Therefore, no mitigation measures are required.


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

Section 3. The real property located at 4226-4306 West Fifth Street in Santa Ana is hereby reclassified from General Agricultural (A1) to Specific Development No. 86 (SD-86). An amended Sectional District Map, showing the above described change in use district designation, is hereby approved and attached hereto as **Exhibit "A"** and incorporated by this reference as though fully set forth herein.


Section 4. Specific Development No. 86 (SD-86), attached hereto as **Exhibit "B"** and incorporated by this reference as though fully set forth herein, is approved and adopted in its entirety.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

ADOPTED this 15th day of April, 2014.


Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

By: 
Ryan O. Hodge
Assistant City Attorney

AYES: Councilmembers: Amezcuca, Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (7)

NOES: Councilmembers: None (0)


ABSTAIN: Councilmembers: None (0)

NOT PRESENT: Councilmembers: None (0)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, MARIA D. HUIZAR, Clerk of the Council, do hereby attest to and certify the attached Ordinance No. NS-2859 to be the original ordinance adopted by the City Council of the City of Santa Ana on April 15, 2014 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 4/8/2014


Clerk of the Council
City of Santa Ana

Specific Development District (SD-86)

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Exhibit "B"

**SPECIFIC DEVELOPMENT PLAN NO. 86
FIFTH AND NEWHOPE DETACHED HOMES**

SECTION 1 APPLICABILITY OF ORDINANCE

The Specific Development Zoning District No. 86 for Fifth and Newhope Detached Homes is authorized by Chapter 41, Division 26 Section 41-593 et seq. of the Santa Ana Municipal Code. SD No. 86 contains the specific standards and regulations contained in the R1 and/or R2 residential districts, as herein amended, for the purpose of establishing land use regulations and standards. All other applicable chapters, articles, and sections of the Santa Ana Municipal Code are in effect unless superseded by regulations contained in this ordinance.

SECTION 2 PURPOSE

The Specific Development Plan No. 86 for Fifth and Newhope Detached Homes consists of standards and regulations established for the purpose of protecting the health, safety, and general welfare of the people of the City of Santa Ana by promoting and enhancing the value of property and encouraging the orderly development for the planned residential development.

SECTION 3 PERMITTED USES

The following uses are permitted in the SD-86 district:

1. One-family dwellings.
2. One temporary real estate office devoted to the sale of real estate in the tract in which it is located.
3. Child care facilities providing care to not more than eight (8) children.

SECTION 4 CONDITIONALLY PERMITTED USES

The following uses are permitted upon the approval of a Conditional Use Permit in accordance with the Santa Ana Municipal Code:

1. Childcare facilities caring for more than eight (8), but no more than fourteen (14) children.

SECTION 5 DEVELOPMENT STANDARDS

1. Building Height

No primary structure shall exceed 27 feet nor two stories in height, as measured from the lowest adjacent grade of the structure to the top of the structure.

2. Front Yard

There shall be a front yard of not less than ten (10) feet from the street. Porches may encroach into the front yard a maximum of five (5) feet.

3. Side Yard

Each side yard shall be not less than ten (10) feet.

4. Rear Yard

There shall be a rear yard of not less than seven (7) feet. Such rear yard may be reduced to not less than five (5) feet for open patio covers for Unit 21 thru 28.

5. Parking

The minimum off-street parking requirements for Units 1 through 20 are two parking spaces per unit within an enclosed garage. Units 21 through 28 are two parking spaces in an enclosed garage plus two tandem spaces in a driveway. In addition to the minimum requirements, a total of 15 guest parking spaces shall be provided.

6. Walls and Fences

Walls and fences shall be installed pursuant to Section 41-610 of the SAMC, except that walls and fences shall be constructed of a decorative block and/or split face block or equivalent and shall have decorative pilasters and caps.

Front yard fences shall not exceed thirty (30) inches in height. Front yard fence material and design shall complement the architectural style and shall be installed by the developer and maintained by the Home Owner Association.

SECTION 6 DEVELOPMENT STANDARDS FOR COMMON AREAS

Homes in the SD No. 86 district shall comply with the following standards:

1. All improvements to the common open space shall be fully implemented prior to Building Division final and release of utilities for the entire development.

2. The passive recreation area/pocket park between Unit 25 and 26 shall be a minimum of 4,876 square feet in size and shall incorporate tables, seating and a shade structure. The color and appearance of the furniture products and other elements must complement the overall architecture design and material. Benches and seating shall be made of a durable material such as concrete or painted iron and be designed to minimize effects from vandalism, skateboarding and weather.
3. Front and street oriented side yards shall be landscaped with the exception of approved driveways and sidewalks.
4. Driveways shall lead to a garage and not exceed the width of such garage. There shall be no parking of vehicles in the front yard except in such driveways.

SECTION 7 BUILDING SEPARATION

1. The building separation between structures shall be at least ten (10) feet for Units 1 through 20.
2. The building separation between structures shall be at least eight (8) feet for Units 21 through 28.

SECTION 8 LANDSCAPE STANDARDS

In the SD No. 86 district, all yards shall be landscaped. Each residential unit shall meet the following minimum requirements:

1. Front yard
 - a. One 24-inch box canopy trees per unit.
 - b. One additional tree species for up to five dwelling units and an additional tree species for each increment of five units.
 - c. Six five-gallon size shrubs and 10 one-gallon size herbaceous perennials/shrubs as a foundation planting.
 - d. Turf or acceptable dry climate ground cover:
 - i. Turf shall be drought tolerant variety and planted as sod or hydroseed.
 - ii. Ground cover shall be well-rooted cuttings from flats and planted at appropriate spacing for that particular plant material.

2. Project perimeter walls

- a. Flowering vines shall be provided and secured to a decorative masonry wall material.
- b. The vines shall be five-gallon size and be planted at a maximum 20-foot interval. They shall be secured to the walls with eye hooks and wire.
- c. Espaliered shrubs, fruit trees, or other ornamental trees may be substituted for the flowering vines.

3. Irrigation systems

- a. A pop-up sprinkler type irrigation system shall be provided for all yards for each residential unit.
- b. The use of "xeriphytic" or dry climate type plant materials is encouraged. Irrigation systems may require special fittings to properly water dry climate plantings.

4. Screening

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

5. Maintenance

- a. All plant material shall be maintained per Section 41-609 of the Santa Ana Municipal Code.