

ORDINANCE NO. NS-2923

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING VARIOUS SECTIONS OF CHAPTER 41 OF THE SANTA ANA MUNICIPAL CODE INCLUDING SECTION 41-198.13 (WIRELESS FACILITIES), SECTION 41-246 (R-2/TWO-FAMILY RESIDENCE), SECTION 41-593.4 AND 41-593.5 (SPECIFIC DEVELOPMENT/SD SITE PLAN REVIEW), SECTION 41-638.1 (MINOR EXCEPTION), SECTION 41-639 (PLANNING COMMISSION TO MAKE FINDINGS OF FACT), SECTION 41-642 (REVIEW OF DECISION OF PLANNING COMMISSION BY CITY COUNCIL; HEARING), SECTION 41-645 (APPEALS FROM DECISIONS OF PLANNING COMMISSION AND/OR ZONING ADMINISTRATOR-GENERALLY), SECTIONS 41-668 AND 41-669 (DEVELOPMENT PROJECT APPROVAL), AND SECTIONS 41-1309, 41-1309.1, 41-1346, 41-1375 AND 41-1411 (VARIOUS PARKING STANDARDS)

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 within Chapter 41 of the Santa Ana Municipal Code (Zoning) 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 the Zoning Code.

B. After a thorough analysis of the current code requirements in the city, staff identified a number of code amendments and additions that are necessary to ensure clear, uniform, and legally consistent regulations. The proposed changes and additions will enable the City to implement a regulatory framework that both protects the health, safety, and welfare of the city and limits undue strain on home owners, business operators and developers.

C. Zoning Ordinance Amendment No. 2016-03 amends various sections in Chapter 41, including Section 41-198.13 (wireless facilities), Section 41-246 (R-2/Two-Family Residence), Section 41-593.4 and 41-593.5 (Specific

Development/SD site plan review), Section 41-638.1 (minor exception), Section 41-639 (Planning Commission to make findings of fact), Section 41-642 (review of decision of Planning Commission by City Council; hearing), Section 41-645 (appeals from decisions of Planning Commission and/or Zoning Administrator-generally), Sections 41-668 and 41-669 (development project approval), and Sections 41-1309, 41-1309.1, 41-1346, 41-1375 and 41-1411 (various parking standards).

D. On March 13, 2017, the Planning Commission held a duly noticed public hearing and voted to recommend that the City Council adopt Zoning Ordinance Amendment No. 2016-03 to amend Chapter 41 of the Santa Ana Municipal Code including Section 41-198.13 (wireless facilities), Section 41-246 (R-2/Two-Family Residence), Section 41-593.4 and 41-593.5 (Specific Development/SD site plan review), Section 41-638.1 (minor exception), Section 41-639 (Planning Commission to make findings of fact), Sections 41-668 and 41-669 (development project approval), and Sections 41-1309, 41-1309.1, 41-1346, 41-1375 and 41-1411 (various parking standards).

E. On September 5, 2017, the City Council held a duly noticed public hearing and voted to adopt Zoning Ordinance Amendment No. 2016-03 to amend Chapter 41 of the Santa Ana Municipal Code.

Section 2. Pursuant to the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, the adoption of this ordinance is exempt from CEQA review pursuant to 14 California Code of Regulations section 15061(b)(3), and a Notice of Exemption will be filed upon adoption of this ordinance.

Section 3. Section 41-198.13 (wireless facilities) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

**Sec. 41-198.13. Same-Conditional Use Permit Expiration.**

Each wireless communication facility approved pursuant to this article shall be approved for a period not to exceed ten (10) years.

Section 4. Section 41-246 (R-2/Two-Family Residence) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

**DIVISION 4. R2 (TWO FAMILY RESIDENCE)**

**Section 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 dwellings 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 uses allowed under section 41-247.5 are subject to the design and development standards set forth in this article.

Section 5. Sections 41-593.4 and 41-593.5 (Specific Development/SD site plan review) of Chapter 41 of the Santa Ana Municipal Code are hereby amended to read as follows:

**Sec. 41-593.4. Submission of Development Plans; Architectural Review.**

(a) Any application for a permit for a building or structure in the SD District shall be accompanied or preceded by the filing with the director of planning of a specific development plan which shall be one of either of the following types:

(1) A plan consisting of architectural drawings or sketches and plot plans, all to a workable scale, showing the elevation of the proposed building or structure, signs, proposed landscaping or other treatment of grounds around such building or structure, off-street parking and other physical features such as trees, hydrants, poles, and other installations, and in addition, such other plans, drawings or information as may be determined by the director of planning to be necessary to fully evaluate any requirement for a building permit;

(2) A plan consisting of standards and regulations pertaining to the following:

- (i) The height, location, and bulk of buildings;
- (ii) The location, arrangement and configuration of open space and building setback;
- (iii) The location and design of off-street parking areas;
- (iv) The number, size, and location of all signs;
- (v) Such other regulations and standards as may be necessary to accomplish the purposes and intent of this division or to insure the proper execution of the general plan.

(b) Upon receipt of a specific development plan by the director of planning, the same shall be referred to the planning division for review and recommendations. The planning division shall review said plans for the purpose of ensuring that buildings, structures, and grounds will be in keeping with the neighborhood and will not be detrimental to the harmonious development of the city or impair the desirability of investment or occupation in the neighborhood.

**Sec. 41-593.5. Approval of specific development plans.**

No permit for a building or structure shall be issued for any property subject to the provisions of this division until the following requirements have been met:

(a) If the property is within a zoning district classification combined with an SD suffix, the applicant must obtain for said property a conditional use permit permitting use of the property in accordance with a specific development plan. Said conditional use permit shall be approved, conditionally approved, or denied in accordance with the provisions of Article V of this chapter. All development shall be in compliance with all conditions of approval prior to issuance of a utility release by the director of building.

(b) If the property is within an SD District, the specific development plan must be adopted by ordinance of the city. Such ordinance, in addition to adopting the specific development plan, shall specify the uses permitted on such property, together with any restrictions or conditions pertaining to such uses.

Section 6. Section 41-638.1 (minor exception) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

**Sec. 41-638.1. Minor Exceptions from Off-Street Parking Requirements.**

(a) Minor exceptions from the off-street parking regulations referenced in this section shall be subject to grant or denial by the Planning Manager based upon the standards set forth in this section and not upon the standards set forth in Section 41-638.

(b) A minor exception from the requirement that required parking areas be integrated such that a vehicle need not enter a street to move from one aisle to another may be granted if:

(i) The stalls in an aisle are all reserved or assigned so as to be unavailable for parking by persons permitted to park in another aisle; or

(ii) A parking area serves an office use and is immediately across a street or alley from it; or

(iii) The parking area is wholly or partly within a structure.

(c) A minor exception may be granted from the provisions of this chapter requiring each use to have its required number of off-street parking stalls to allow:

(i) Two (2) or more independent uses to share required parking stalls provided no conflict will arise between parking for one use and parking for another due to differences in time of primary utilization of parking as between such uses.

(ii) Any use conducted in a building which cannot reasonably be considered as within the scope of any other section of this article setting minimum parking space requirements, unless a parking demand analysis is required at the discretion of the Planning Manager.

(d) A minor exception may be granted from the off-street parking design requirements of this chapter to allow for tandem parking if the parking area is adequately managed by a valet service or parking management plan.

(e) No minor exceptions shall be granted under this section if the effect would be to substantially increase difficulties of vehicle maneuverability or traffic congestion. Any minor exception granted under this section may be conditioned to avoid such adverse impacts, including the condition of maintaining parking according to an approved parking site and/or management plan.

Section 7. Section 41-639 (Planning Commission to make findings of fact) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

**Sec. 41-639. Planning Commission to Make Findings of Fact; Filing, Review.**

In granting or denying a variance, conditional use permit or minor exception, the planning commission shall make a written finding which shall specify all facts relied upon by said commission in rendering its decision and in attaching conditions and safeguards. A copy of the decision of the planning commission, together with the written finding of fact, shall be filed with the clerk of the council, with the city planning division, and mailed to the applicant. All decisions of the planning commission shall be final unless appealed to the city council by any interested party, individual or group pursuant to Section 41-645 or set for public hearing by the City Council pursuant to Section 41-642.

Section 8. Section 41-642 (Review of Decision of Planning Commission by City Council) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

**Sec. 41-642. - Review of decision of planning commission by city council; hearing.**

Upon the filing, by the planning commission, of a written finding of fact with the clerk of the council, the council may review and appeal said finding as set forth herein and in the timeframe set forth in Section 41-645(b).

If the council is dissatisfied with the action of the planning commission or is of the opinion that the matter is of such magnitude as to be of special interest to the people of the City of Santa Ana it may, by majority vote, set the matter for a public hearing to be

held at a regular or adjourned meeting with public notification made by the planning department as was required for the initial hearing; otherwise, all decisions of the planning commission shall be final.

Section 9 Section 41-645 (Appeals from decisions Planning Commission of planning commission and/or zoning administrator-Generally) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

**Sec. 41-645. - Appeals from decisions of planning commission and/or zoning administrator-Generally.**

- (a) An appeal from a decision or requirement of the planning commission or zoning administrator may be made by any interested party, individual or group.
- (b) Any appeal made under the terms of this article shall be made within ten (10) calendar days following the date of the decision by the planning commission or zoning administrator. Further, said appeal period shall end at 5:00 p.m. on the tenth calendar day following said date of the decision by the planning commission or zoning administrator. If said tenth calendar day ends on a Saturday, Sunday or holiday, the ten (10) day period shall end at 5:00 p.m. on the next regular business day.
- (c) All appeals shall be in writing and on forms provided by the planning department and shall specify wherein there was any error of decision or requirement by the commission or zoning administrator. Furthermore, a copy of said appeal shall be filed with the planning department and the clerk of the council.
- (d) Upon receipt of said appeal of the decision of the planning commission, the planning department shall set the matter for hearing by the council. In the event the matter is an appeal from a ruling by the zoning administrator, the matter shall be heard by the planning commission.
- (e) All appeals shall be heard in the same manner as prescribed for the original hearing.
- (f) Upon filing of an appeal, the planning department shall forward to the clerk of the council a copy of the written findings, maps, papers and exhibits upon which the decision of the planning commission and/or zoning administrator was based.
- (g) The council, or in the case of a zoning administrator appeal, the planning commission, may, after public hearing, affirm, reverse, change, modify the original decision and may make any additional determination it shall consider appropriate within the limitations imposed by this chapter. Such decision shall be filed with the clerk of the council, and the city planning department; one (1) copy thereof shall be sent to the applicant.

Section 10. Sections 41-668 and 41-669 (development project approval) of Chapter 41 of the Santa Ana Municipal Code are hereby amended to read as follows:

**DIVISION 3. - DEVELOPMENT PROJECT PLAN APPROVAL**

**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) 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.

#### **Sec. 41-669. Plan Approval.**

No building permit shall be issued for any development project unless consistent with plans that have been approved for such development project in accordance with this division, except as otherwise provided in a discretionary approval.

Section 11. Section 41-1309 (interpretation of parking standards) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

#### **Sec. 41-1309. Interpretation of Standards.**

In interpreting the parking standards set forth in this article, the following rules shall govern:

(1) Wherever required off-street parking is based upon gross floor area, the number of required spaces shall be determined by applying the appropriate

mathematical ratio. If the product is not a whole number, the number of required spaces shall be the next lower natural number if the decimal fraction is less than five-tenths (0.5) or the next higher natural number if the decimal fraction is five-tenths (0.5) or more. Wherever required off-street parking is based upon some other factor, the number of required spaces shall be determined by the same arithmetical process.

(2) Wherever two (2) or more uses identified in this article exist on the same site or within the same building:

a. The number of parking spaces required for each use shall be determined separately.

b. Except as provided in sections 41-1390 and 41-1391, ancillary activities or uses within a single tenant space not exceeding fifteen (15) percent of the gross floor area shall be calculated at the parking ratio of the primary use.

(3) Wherever a particular use of property can be classified under more than one (1) section of this article which sets minimum parking space requirements, the section which contains the more specific use description shall apply. If two (2) or more equally specific sections apply, the section imposing the higher standard shall apply.

(4) Wherever required parking is based upon the number of seats in an area, eighteen (18) inches of bench space shall be deemed the equivalent of one (1) seat.

(5) Reduction in parking due to disabilities upgrade may be granted. When required solely as a need to upgrade existing parking facilities to comply with Americans with Disabilities Act (ADA), Title III and California Code of Regulations (CCR), California Access Code, Title 24, may be reduced at the discretion of the Planning Manager.

(6) Additions of floor area up to twenty-five (25) percent of a designated historic resource on the Santa Ana Register of Historic Properties shall be exempt from the requirements of this subsection. Additional parking shall be provided only for the floor area being added which exceeds a twenty-five (25) percent increase.

Section 12. Section 41-1309.1 (change of use/exceptions) of Chapter 41 of the Santa Ana Municipal Code is hereby added to read as follows:

#### **41-1309.1 Change of Use, Exceptions.**

Upon the change of use of an existing building, lot, or a portion of a building or lot, additional parking and loading spaces shall be provided for the new use as



required by this chapter over and above the number of parking and loading spaces required by this chapter for the prior use only, with the following exceptions:

(1) Change of use in a historic district or registered historic property. Any change of use permitted in a historic resource shall not be required to provide additional parking to that legally required prior to the change of use.

(2) Change of use in a space under two thousand five hundred (2,500) square feet. The occupancy of any tenant space of less than two thousand five hundred (2,500) square feet in all zones, may be interchanged among the below land uses without the need to provide additional parking beyond that currently provided on-site or in covenanted off-site spaces. The prior use must have been established with a valid business license and certificate of occupancy. Required parking shall be determined by the last occupancy that did not use this subsection in a space under two thousand five hundred (2,500) square feet in all zones. Parking will be determined by subsection 41-1300.

- Professional and administrative offices
- Service uses
- Medical and dental offices
- Restaurants/eating establishments
- Retail and service activities
- Live/work spaces
- Banks and financial institutions
- Gymnasiums and studios operated for commercial or public purposes

Section 13. Section 41-1341 ((parking standards for Restaurants, Cafes, etc.) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

#### **DIVISION 3. - COMMERCIAL AND OFFICE STANDARDS**

##### **Sec. 41-1341. Restaurants, cafes, etc.**

(a) The minimum off-street parking requirements for restaurants, cafes and other eating establishments are as follows: eight (8) spaces for each one thousand (1,000) square feet of gross floor area and open-air dining area except that an open-air dining area no greater than twenty-five (25) per cent of

the gross floor area of the restaurant, or one thousand (1,000) square feet, whichever is smaller, is exempt from a parking requirement.

(b) Each drive-through eating establishment shall have vehicular stacking lanes of at least eighty (80) feet from the pick-up window to the order point, and eighty (80) feet from the order point to the end of the drive-through lane. Such stacking lanes shall be located so that they do not serve as entries to parking spaces.

Section 14. Section 41-1346 (parking standards for Medical, Dental, Psychiatric and Chiropractic Offices and Clinics) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

**Sec. 41-1346. Medical, dental, psychiatric and chiropractic offices and clinics.**

The minimum off-street parking requirements for medical, dental, psychiatric, and chiropractic offices and clinics are as follows: five (5) spaces for each one thousand (1,000) square feet of gross floor area.

Section 15. Section 41-1375 (parking standards for Exercise Gyms, Spas, Health Clubs, etc.) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

**Sec. 41-1375. Exercise Gyms, Spas, Health Clubs, etc.**

The minimum off-street parking requirements for exercise gyms, spas, health clubs and similar facilities are as follows: one (1) space for each one hundred and eighty (180) square feet of floor area devoted to physical activity other than racquetball or handball (exclusive of locker rooms, shower facilities, utility rooms and ancillary public areas).

Section 16. Section 41-1411 (parking standards for churches, chapels and religious meeting halls) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

**Sec. 41-1411. Churches, chapels and religious meeting halls.**

(a) The minimum off-street parking requirements for churches, chapels and religious meeting halls are as follows: one (1) space for each three (3) fixed seats, plus one (1) space for each fifty (50) square feet of floor area in seating areas without fixed seats.

(b) For purpose of this section, "seating areas" shall include congregation seating, prayer and cry rooms, pastor and choir areas, and similar areas.

Section 17. 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 19<sup>th</sup> day of September, 2017

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

APPROVED AS TO FORM:  
Sonia R. Carvalho, City Attorney

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

AYES:	Councilmembers	<u>Benavides, Martinez, Pulido, Sarmiento, Solorio, Tinajero, Villegas (7)</u>
NOES:	Councilmembers	<u>None (0)</u>
ABSTAIN:	Councilmembers	<u>None (0)</u>
NOT PRESENT:	Councilmembers	<u>None (0)</u>

## 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-2923 to be the original ordinance adopted by the City Council of the City of Santa Ana on September 19, 2017 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

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

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