

ORDINANCE NO. NS-2935

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AMENDMENT APPLICATION NO. 2017-03 REZONING THE PROPERTIES LOCATED AT 2223 AND 2237 WEST FIFTH STREET FROM SINGLE-FAMILY AND TWO-FAMILY RESIDENCE (R1/R2) TO SPECIFIC DEVELOPMENT (SD) NO. 92 (AA NO. 2017-03) AND ADOPTING SPECIFIC DEVELOPMENT NO. 92 (SD-92) FOR SAID PROPERTIES

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. Amendment Application No. 2017-03 has been filed with the City of Santa Ana to change the zoning designation of the parcels located at 2223 and 2237 West Fifth Street from Single-Family and Two-Family Residence (R1/R2) to Specific Development (SD) No. 92 zoning designation.

B. The zoning designation of the Specific Development No. 92 (SD-92) would allow the development of a 51-unit affordable rental residential community project and will bring the rezoned properties into consistency with the General Plan land use designation of Urban Neighborhood (UN).

C. On November 27, 2017, the Planning Commission held a duly noticed public hearing and voted to recommend that the City Council adopt an ordinance approving Amendment Application No. 2017-03 which is consistent with the General Plan, as amended by General Plan Amendment No. 2017-02.

D. The City Council has reviewed applicable general plan policies and has determined that this proposed rezoning is consistent with the purpose of the General Plan.

E. The City Council, prior to taking action on this ordinance, held a duly noticed public hearing on December 19, 2017.

F. The City Council also adopts as findings all facts presented in the Request for Council Action dated December 19, 2017 accompanying this matter.

G. For these reasons, and each of them, Amendment Application No. 2017-03 is hereby found and determined to be consistent with the intent and purpose of Chapter 41 of the Santa Ana Municipal Code, thus changing the zoning district is

found to be consistent with the General Plan of the City of Santa Ana and otherwise justified by the public necessity, convenience, and general welfare.

Section 2. The Planning Commission of the City of Santa Ana recommends that the City Council adopt an ordinance rezoning the real properties located at 2223 and 2237 West Fifth Street from Single-Family and Two-Family Residence (R1/R2) to Specific Development No. 92 (AA No. 2017-03). Amended Sectional District Map number 11-5-10 showing the above described change in use district designation, is hereby attached hereto as Exhibit A and incorporated by this reference as though fully set forth herein. This recommendation is based upon the evidence submitted at the above said hearing, which includes, but is not limited to: The Request for Council Action dated December 19, 2017, and exhibits attached thereto; and the public testimony, all of which are incorporated herein by this reference.

Section 3. The City Council has reviewed and considered the information contained in the Mitigated Negative Declaration (Environmental Review No. 2016-165) prepared with respect to this project. The City Council has, as a result of its consideration of the record as a whole and the evidence presented at the hearings on this matter, determined that, as required pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, Environmental Review No. 2016-165 meets all the requirements of CEQA.

Section 4. The real properties located at 2223 and 2237 West Fifth Street in Santa Ana are hereby reclassified from Single-Family and Two-Family Residence (R1/R2) to Specific Development No. 92 (SD-92). An amended Sectional District Map, showing the above described changes 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 5. Specific Development No. 92 (SD-92) attached hereto as Exhibit B and incorporated by this reference as though fully set forth herein is approved and adopted in its entirety.

Section 6. This ordinance shall not be effective unless and until Resolution No. 2017-079 (Environmental Review No. 2016-165 and General Plan Amendment No. 2017-02) is adopted and becomes effective. If said resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or otherwise does not go into effect for any reason, then this ordinance shall be null and void and have no further force and effect.

Section 7. 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 the 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 8. The Applicant agrees to indemnify, hold harmless, and defend the City of Santa Ana, its officials, officers, agents, and employees, from any and all liability, claims, actions or proceedings that may be brought arising out of its approval of this project, and any approvals associated with the project, including, without limitation, any environmental review or approval, except to the extent caused by the sole negligence of the City of Santa Ana.

ADOPTED this 16th day of January, 2018.



Miguel A. Pulido
Mayor

APPROVED AS TO FORM:

Sonia R. Carvalho
City Attorney

By: 

Lisa Storck
Assistant City Attorney

AYES:	Councilmembers	<u>Benavides, Pulido, Solorio, Tinajero, Villegas (5)</u>
NOES:	Councilmembers	<u>Martinez (1)</u>
ABSTAIN:	Councilmembers	<u>Sarmiento (1)</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-2935 to be the original ordinance adopted by the City Council of the City of Santa Ana on January 17, 2018 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 1/23/2018

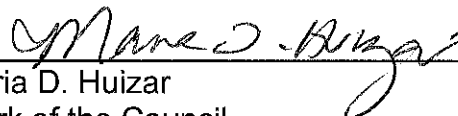
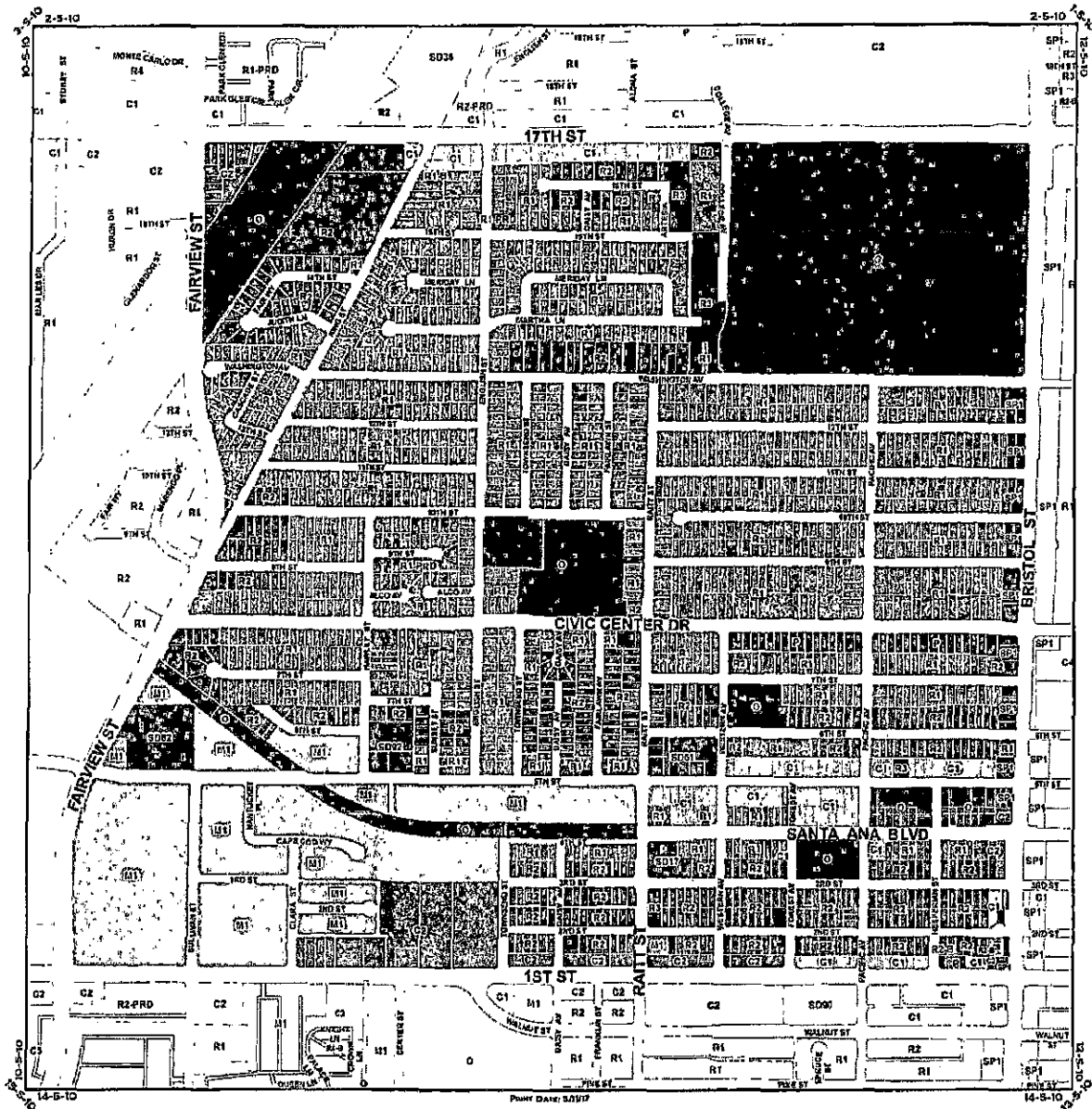

Maria D. Huizar
Clerk of the Council
City of Santa Ana

Exhibit A



ZONING DISTRICTS

A1	GENERAL AGRICULTURAL	CSM	SOUTH MAIN STREET COMMERCIAL DIST.	R2	TWO-FAMILY RESIDENCE	-B	PARKING MODIFICATION
C1	COMMUNITY COMMERCIAL	GC	GOVERNMENT CENTER	R3	MULTIPLE-FAMILY RESIDENCE	-OZ	OVERLAY ZONE
C1MD	COMMUNITY COMMERCIAL - MUSEUM DIST.	M1	LIGHT INDUSTRIAL	R4	SUBURBAN APARTMENT	-PRD	PLANNED RESIDENTIAL DEVELOPMENT
C2	GENERAL COMMERCIAL	M2	HEAVY INDUSTRIAL	RE	RESIDENTIAL ESTATE	-HD2	HEIGHT DISTRICT II
C4	PLANNED SHOPPING CENTER	O	OPEN SPACE	SD	SPECIFIC DEVELOPMENT		
C5	ARTERIAL COMMERCIAL	P	PROFESSIONAL	SP	SPECIFIC PLAN		
CR	COMMERCIAL RESIDENTIAL	R1	SINGLE-FAMILY RESIDENCE				



SECTIONAL DISTRICT MAP: 11-5-10

CITY OF SANTA ANA, CALIFORNIA



Exhibit B

SPECIFIC DEVELOPMENT PLAN NO. 92 Tiny Tim Plaza Mixed-Use Development

SECTION 1 – APPLICABILITY OF ORDINANCE

The Specific Development zoning district No. 92 (SD-92) for the Tiny Tim Plaza Mixed-Use Redevelopment project site is authorized by Chapter 41, Division 26 Section 41-593 et seq. of the Santa Ana Municipal Code. SD No. 92 contains the specific standards and regulations contained in the residential district, 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 expressly superseded by regulations contained in this ordinance.

SECTION 2 – PURPOSE

The Specific Development Plan No. 92 for the Tiny Tim Plaza development project consists of standards and regulations established for the purpose of protecting the health, safety, and general welfare of the people of the City of Santa Ana by promoting and enhancing the value of property and encouraging the orderly development of the property.

Objectives

The objectives of the Tiny Tim Plaza development project specific development plan include provision of the following:

1. Development of a 51-unit, affordable, and family-oriented residential project in an area identified by the 2014-2021 Housing Element as an opportunity area for infill residential projects.
2. Promotion of the City's image as providing high-quality residential projects for individuals and families of all income groups.
3. A clean and safe environment for the City's residents, workers, and visitors.
4. A visually harmonious development as viewed both internally and externally.
5. Flexibility in development in response to market conditions while achieving overall City and community goals.

SECTION 3 – Uses permitted in Specific Development No. 92

The following uses are permitted in the SD-92 district:

- (a) Fifty-51 (51) multiple-family dwelling units for affordable housing, including one (1) onsite manager's unit.

- (b) Ancillary onsite community-serving or social service uses. The lobby will be accessible 24-hour a day to residents and staff.
- (c) Home occupations, pursuant to Section 41-192.1 of the Santa Ana Municipal Code.
- (d) Any commercial use permitted by Section 41-377 of the Santa Ana Municipal Code.

SECTION 3.5 – Ancillary Uses permitted in Specific Development No. 92

- (a) Any ancillary spaces in the residential component intended as community spaces or community rooms shall be made available for short-term uses lasting fewer than one day (24 hours) for use by the residents of the project or the greater Santa Ana community.

SECTION 4 – Uses subject to a conditional use permit in Specific Development No. 92

- (a) Childcare facilities caring for more than eight (8), but no more than fourteen (14) children.
- (b) Any commercial use requiring a conditional use permit permitted by Section 41-377.5 of the Santa Ana Municipal Code.

SECTION 5 – Maximum permitted floor area ratio (FAR)

The maximum authorized building intensity for the Tiny Tim Plaza development project is a floor area ratio (FAR) of 1.05, including residential areas, community-serving areas (e.g., laundry room, office, gym and community room), parking garage and interior corridors, as well as commercial portions of the project site.

SECTION 6 – Minimum lot area in Specific Development No. 92

The developable lot for the project shall have a minimum lot area of 2.33 acres.

SECTION 7 – Minimum street frontage in Specific Development No. 92

Developable lots shall have a minimum street frontage of at least 100 feet.

SECTION 8 – Building height in Specific Development No. 92

No structure shall exceed 45 feet in height, as measured from the lowest adjacent grade of a structure to the top of the structure.

SECTION 9 – Development standards in Specific Development No. 92

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

(a) Setbacks.

- (1) A minimum setback of ten (10) feet shall be provided between the buildings and property line abutting City streets.
- (2) A minimum setback of five (5) feet shall be provided between any new single-level buildings and the interior property line(s).
- (3) A minimum setback of ten (10) feet shall be provided between any new buildings greater than one story and interior property line(s).

(b) Parking. The minimum off-street parking requirements for the project are as follows:

- (1) 94 total parking spaces for the affordable residential component.
- (2) All commercial uses on the entire project site shall be parked at a rate of 1 space per 300 square feet of gross floor area.
- (3) Prior to occupancy a parking management plan shall be submitted to the Planning Division for review, identifying parking per unit, services provider parking and guest parking. The plan is subject to approval of the Planning Manager.

(c) Pedestrian Walkways and Open Space. The project will provide a minimum of 25% open space available to the general public. The 25% shall be measured as a percentage of the gross site area (2223 and 2237 W. Fifth Street).

(d) Landscaping

Detailed landscaping, hardscape, and site furnishing plans shall be submitted to and be approved by the City of Santa Ana Planning Division prior to issuance of a building permit and installed as required in the approved plans.

(1) Project Landscaping:

- a. Landscaping shall be compliant with the City of Santa Ana's Landscape Water Conservation Ordinance.
 - b. All landscape areas shall have a fully automatic irrigation system (including spray or drip) as required by the City of Santa Landscape Water Conservation Ordinance.
- (2) All meters shall be appropriately screened from public view with trellis work and vines or hedge-type shrub, or be incorporated into the residential structure.

(3) The residential building wall along the north and east elevations shall be planted with vines where appropriate.

(4) Maintenance: All plant material shall be maintained per Section 41-609 of the Santa Ana Municipal Code.

(e) Architectural and Project Design Features.

(1) Exterior materials. Prior to building plan check the applicant shall submit revised architectural elevations with additional colors, materials, windows, or recessed areas to previously flat facades, subject to the review and approval of the Planning Manager. Exterior materials and finishes for the project shall comply with the approved materials board submitted for the project during building plan check. All trash enclosures and similar ancillary structures shall match the texture, material and color of the building.

(2) Lighting standards/fixtures. The light fixtures are to integrate design elements of the building and landscape architecture. Lighting is to be designed to confine the direct rays of the artificial lighting within the boundaries of the development. Specifications of light standards/fixtures and photometrics plan shall be submitted to Planning Division for approval.

(3) The project shall comply with all requirements of the Development Review Committee identified for Development Project (DP) No. 2016-47.

(f) Mechanical Equipment, Appurtenances, and Conduits

All mechanical equipment and all supporting appurtenances and conduits shall be screened from view within designated rooms, inside walls, behind parapets, or through a combination of landscape and hardscape materials.

(g) Trash Enclosures

Trash bins shall be stored in designated trash rooms. There shall be an onsite designated trash staging areas only be used on service days and the staging area and bins shall not disrupt vehicular use of the driveway. The minimum requirements needed to service the location shall be clearly indicated on the plans and subject to the approval of the Public Works Agency.

(h) Easements

Prior to the issuance of building permits all easements shall be relocated or quitclaim within the boundary of the project and building footprints.

(i) Maintenance

The property shall be maintained free for trash, debris and graffiti. Graffiti shall be removed within ten (10) days after its appearance in accordance with Section 10-227 of the Santa Ana Municipal Code.

(j) Parcels and Lots

Prior to issuance of building permits any and all lot line adjustments or voluntary lot mergers shall be recorded.