

SPECIFIC DEVELOPMENT No. 40

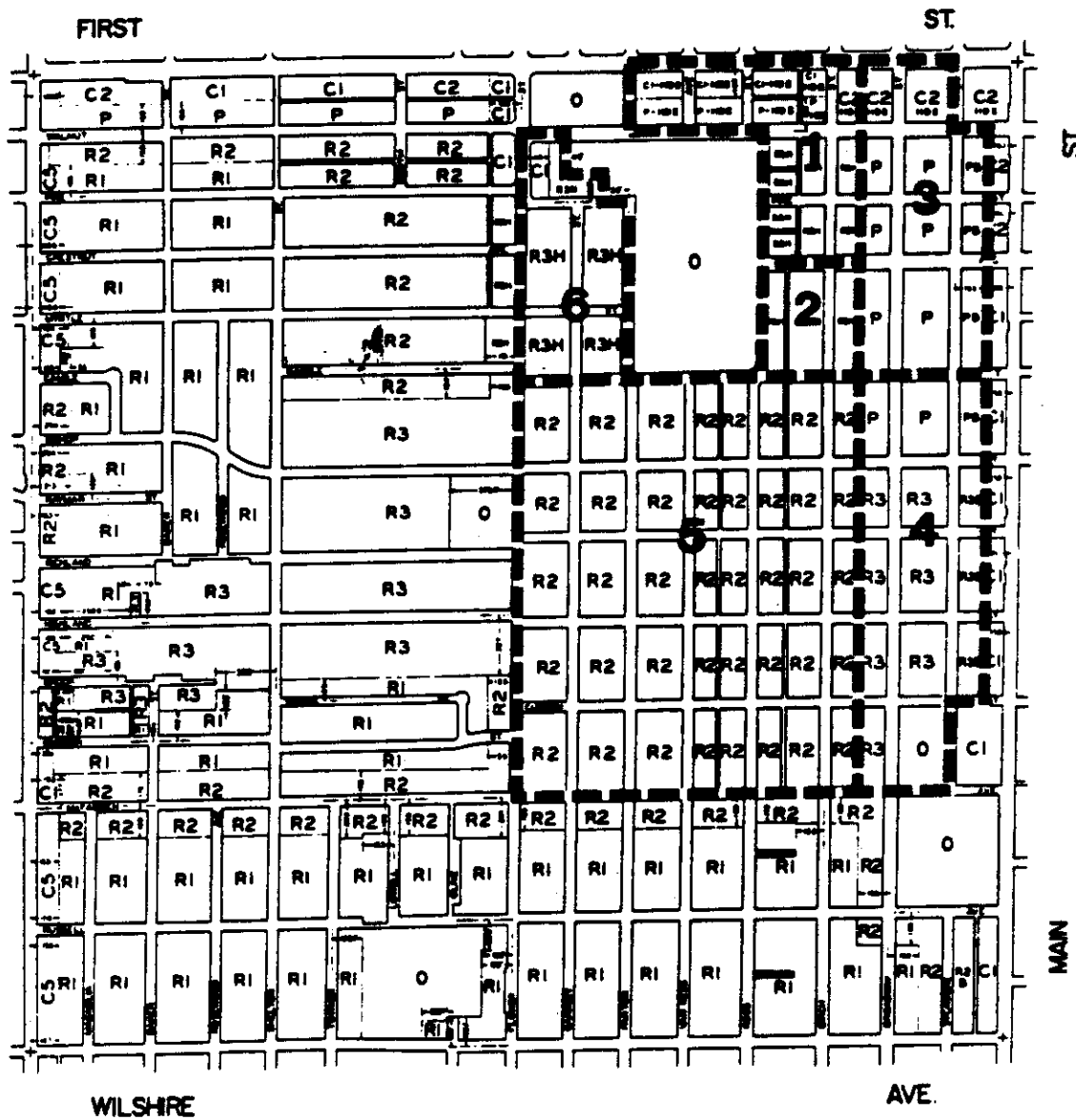
AMENDMENT APPLICATION 950

NS-1842

AMENDMENT APPLICATION 03-03

NS-2711

CITY COUNCIL ACTION
JULY 7, 1986
AMENDED MAY 1, 2006



Project Areas

GPA 86-1/AA 950/SD 40



Map No. 3

EXHIBIT A



ORDINANCE NO. NS-2711

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SANTA ANA AMENDING SPECIFIC DEVELOPMENT NO. 40
(SD-40) (ZOA NO. 2006-01)

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

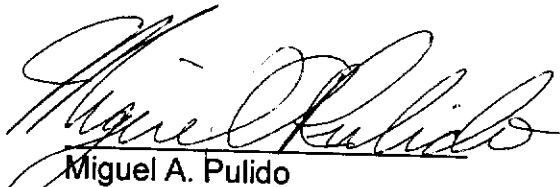
Section 1. The City Council of the City of Santa Ana does hereby find, determine
and declare as follows:

- A. Zoning Ordinance Amendment No. 2006-01 is proposed to amend the Specific Development No. 40 (SD-40) to expedite and facilitate the review of projects, and perform general clean up of Specific Development No. 40.
- B. On April 7, 1986, the City Council created Specific Development No. 40 (NS-1842).
- C. The Planning Commission of the City of Santa Ana held a duly noticed public hearing on March 13, 2006, and unanimous voted to recommend that the City Council adopt Zoning Ordinance Amendment No. 2006-01 to amend Specific Development No. 40 (SD-40) and to adopt the Heninger Park Architectural Design Guidelines.
- D. On April 17, 2006 the City Council of the City of Santa Ana held a duly noticed public hearing on Zoning Ordinance Amendment No. 2006-01, and the Heninger Park Architectural Design Guidelines.
- E. Zoning Ordinance Amendment No. 2006-01 is consistent with the General Plan, including but not limited to its goals and policies to:
 1. Preserve and improve the character and integrity of existing neighborhoods (Goal 3.0)
 2. Protect and enhance developments sites and districts which are unique community assets that enhance the quality of life. (Goal 4.0)
- F. Zoning Ordinance Amendment No. 2006-01 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.
- G. In accordance with the California Environmental Quality Act, the proposed project is exempt from further review pursuant to Section 15331. This Class 31 exemption allows repair, rehabilitation, preservation and reconstruction projects to historic structures if done in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Categorical Exemption Environmental Review No. 2006-38 will be filed for this project.


Section 2. Specific Development No. 40 (SD-40) is hereby amended as set forth in Exhibit "A", attached hereto and incorporated as though fully set forth herein.

Section 3. 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 1st day of, 2006.


Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Joseph W. Fletcher
City Attorney

By: 
Kylee Q. Otto
Assistant City Attorney

AYES: Councilmembers: Alvarez, Bist, Bustamante, Christy, Garcia, Pulido, Solorio (7)

NOES: Councilmembers: None (0)

ABSTAIN: Councilmembers: None (0)

NOT PRESENT: Councilmembers: None (0)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, PATRICIA E. HEALY, Clerk of the Council, do hereby attest to and certify the attached Ordinance No. NS-2711 to be the original ordinance adopted by the City Council of the City of Santa Ana on May 1, 2006, and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 5-9-06


Patricia E. Healy
Clerk of the Council

SPECIFIC DEVELOPMENT PLAN NO. 40 (SD-40)

GENERAL DEVELOPMENT

STANDARDS

SPECIFIC DEVELOPMENTS

USES PERMITTED

The following uses are permitted without restriction or as noted.

MINIMUM GROSS FLOOR AREAS

The gross floor area per unit shall be calculated exclusive of garages, carports, private balconies, and/or private open space.

Other than in bachelor units any area which is greater than eighty (80) square feet or larger which as a separate entry (or a potential separate entry) shall be considered a separate bedroom. Any living space in excess of eighty (80) square feet which may be converted into an additional bedroom by construction of a single partition wall and/or an additional entry may be considered an additional bedroom subject to require covenant by the Zoning Administrator.

MINIMUM LOT SIZES

The minimum lot size shall encourage the consolidation of two parcels for the high density. It is designed to create quality development by reducing the bulk of the higher density projects.

The minimum lot size shall encourage design flexibility for proposed projects coupled with the setback requirements.

BUILDING HEIGHT

The height limit is applicable to the structure height. Mechanical and other appurtenances may extend above such height limit. Such devices may be subject to architectural design review although any design requirements to conceal such appurtenances shall be exempt from the height limit requirement.

REQUIRED YARDS

All yards shall be maintained as landscape area and shall not be used for any part of the structure, storage and/or parking.

The intent of the setback requirements is to create building lines which are aesthetically pleasing and architecturally functional. The setbacks are intended to lessen the bulk and mass impacts of new developments particularly in areas in which there is a transition of density.

Exhibit A

PARKING

Parking shall be per Article IV, Chapter 41, Santa Ana Municipal Code.

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 for Rehabilitation and Guidelines for Rehabilitating 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 Resources 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.

DEMOLITION PERMITS

- A. Prior to the issuance of a permit to demolish a designated or identified (pre-1940) historic structure, the following shall apply:
 1. The owner must give the City Planning Department a written 60-day Notice of Intent to Demolish.
 2. After receiving such notice, the City shall inform any historical preservation organizations which have filed such a request with the City's Planning Department of the proposed action so that possible alternatives for preservation of the structure can be considered, including but not limited to, the following:

- a) Offer such structure, free of charge and encumbrances, to such individual or organization that would relocate and preserve such structure.
 - b) Offer for sale, at fair market value, such structure and property to any person or organization that would preserve such structure.
3. At the expiration of the 60-day time period if no alternative is identified, the demolition permit process shall proceed as a matter of right.
4. This section shall not apply to properties listed on the City of Santa Ana Register of Historical Properties. Properties listed on the City of Santa Ana Register of Historical Properties shall comply with the requirements of Chapter 30 of the Santa Ana Municipal Code.

DEVELOPMENT STANDARDS
SPECIFIC DEVELOPMENT NO. 40- (SD- 40)

PROJECT AREA 1

Area Boundary – See Project Area Map

- North – First Street centerline
- South – Chestnut Street centerline
- East – Birch Street (properties on both street sides)
- West – Parton Street and Ross Street centerline

Uses Permitted

1. Multiple-family dwelling units.
2. Any use permitted in the R2 Zone pursuant to Section 41-247.

Minimum Gross Floor Areas

Unit sides shall exceed the following minimums subject to the General Development Standards:

1. Bachelor unit – Four hundred fifty (450) square feet
2. One Bedroom unit – Five hundred fifty (550) square feet
3. Two or more bedrooms units – Seven hundred fifty (750) square feet

Minimum Lot Sizes

Minimum lot sizes shall be 13,500 square feet or thirty (30%) percent of one (1) acre. Minimum lot frontage shall be ninety (90) feet.

Height Limit

Structural height limit shall not exceed forty-five (45) feet.

Front Yard:

The minimum front requirement shall be twenty (20) feet. If the building height is ten (10) feet or less, the minimum shall be as stated above. If the building height is twenty (20) feet or less, then the setback shall be an average of not less than twenty-five (25) feet. The average setback shall increase one-half (½) foot for each foot of height required in excess of twenty (20) feet not to exceed a minimum average of thirty (30) feet.

Side Yards:

The minimum side yards setback shall be six (6) feet. If the building height is 10 feet or less, the minimum setback shall be as stated above. If the building height is 20 feet or less, the setback shall be an average not less than eight (8) feet. If the building height exceeds twenty (20) feet, then the average setback shall increase one half for each foot of height in excess of twenty (20) feet, not to exceed a required minimum of fourteen (14) feet.

Rear Yards

Rear yards shall not be less than fifteen (15) feet.

PROJECT AREA 2

Area Boundary – See Project Area Map

- North - Chestnut Street centerline
- South - Camille Street centerline
- East - Birch Street (properties on both street sides)
- West - Ross Street centerline

Uses Permitted

1. Multiple-family dwelling units.
2. Any use permitted in the R3 zone pursuant to Section 41-247.

Minimum Gross Floor Areas

Same as Project Area 1.

Minimum Lot Sizes

Same as Project Area 1.

Height Limit

Structural height limit shall not exceed thirty-five (35) feet.

Front Yard

Same as Project Area 1.

Side Yard

Same as Project Area 1.

Rear Yards

Same as Project Area 1.

PROJECT AREA 3

Area Boundary – See Project Area Map

- North - First Street centerline
- South - Camille Street centerline
- East - Sycamore Street (properties on both street sides)
- West - Birch Street (properties on both street sides)

Uses Permitted

1. Multiple-family dwellings same as Project Area 1.
2. Any use permitted in the R3 zone pursuant to Section 41-247.
3. Professional and administrative offices limited to the following:
 - a) Certified public accountants
 - b) Attorneys, paralegal services
 - c) Engineers, architects, planners, economists
 - d) Insurance brokers, real estate brokers
 - e) Doctors, dentists (as sole practitioners or limited partnerships)
 - f) Photographers, artists, graphic artists
 - g) Advertising agencies
 - h) Business offices where no merchandise changes hands

Historic character of the existing structures shall remain. Any construction, alteration, rehabilitation and/or demolition shall be approved by the Zoning Administrator prior to any action.

Minimum Gross Floor Areas

1. Residential – None
2. Professional – None

Minimum Lot Sizes

Minimum lot sizes shall be 13,500 square feet.

Height Limit

No structure shall exceed forty-five (45) feet in height.

Front Yard

1. Residential - Same as Project Area 1.
2. Professional - Front yard depth shall not be less than twenty (20) feet.

Side Yard

1. Residential - Same as Project Area 1.
2. Professional - Side yard shall not be less than four (4) feet. If lot width exceeds forty (40) feet then side yard minimum shall increase by ten (10%) percent of that amount in excess of forty (40) feet not to exceed six (6) feet.

Rear Yard

1. Residential – Same as Project Area 1.
2. Commercial/Professional – Rear yard setback shall not be less than ten (10) feet.

PROJECT AREA 4

Area Boundary – See Project Area Map

- North - Camille Street centerline
- South - McFadden Street centerline
- East - Sycamore Street (properties on both street sides)
- West - Broadway Street (properties on both street sides)

Uses Permitted

1. Single family and duplex residential units – Same as R2 zone.

2. Conversion of City designated historic structures to the uses described above.
3. Construction of single-family or duplex residential units or Professional offices with structures characteristic of the historic structures existing within the area.
4. Professional uses are the same as Project Area 1.

Minimum Gross Floor Area

1. Residential – None
2. Professional - None

Minimum Lot Sizes

Minimum lot sizes shall be 6,200 square feet.

Height Limit

No structure shall exceed thirty-five (35) feet in height.

Front Yard

Front yard depth shall not be less than twenty (20) feet.

Side Yard

Side yard shall not be less than four (4) feet. If lot width exceeds forty (40) feet then side yard minimum shall increase by 10% of that amount in excess of forty (40) feet not to exceed six (6) feet.

Rear Yard

1. Rear yard shall be not be less than twenty (20) feet.
2. For a professional administrative office use parking may encroach into fifty (50%) percent of the rear yard.

PROJECT AREA 5

Area Boundary – See Project Area Map

- North - Camille Street centerline
- South - McFadden Street centerline
- East - Birch Street (properties on both street sides)
- West - Flower Street centerline

Uses Permitted

Same as R2 Zone.

Minimum Gross Floor Areas

None.

Minimum Lot Sizes

Minimum lot sizes shall be 6,200 feet, but not to exceed 13,500 square feet.

Height Limit

Same as Project Area 4.

Front Yard

Same as Project Area 4.

Side Yard

Same as Project Area 4.

Rear Yard

Same as Project Area 4.

PROJECT AREA 6

Area Boundary – See Project Area Map

- North - Walnut Street centerline
- South - Camille Street centerline
- East - Parton Street centerline
- West - Flower Street centerline

Uses Permitted

1. Multiple-family dwelling units.
2. Any use permitted in the R3 Zone pursuant to Section 41-247.

Minimum Gross Floor Areas

Unit sizes shall exceed the following minimums subject to the General Development Standards:

- 1) Bachelor unit – four hundred (400) square feet
- 2) One bedroom unit – five hundred fifty (550) square feet
- 3) Two or more bedrooms unit – seven hundred fifty (750) square feet

Minimum Lot Sizes

Minimum lot sizes shall be 13,500 square feet or thirty (30%) percent of one (1) acre. Minimum lot frontage shall be ninety (90) feet.

Height Limit

Structural height limit not to exceed forty-five (45) feet.

Minimum Gross Floor Area

1. Residential – same as Project Area 1.
2. Commercial/Professional – None.

Minimum Lot Sizes

1. Residential – same as Project Area 1.
2. Commercial/Professional – 6,200 square feet.

Height Limit

Structural height not to exceed forty-five (45) feet.

Front Yards

1. Residential – same as Project Area 1.
2. Commercial/Professional – Front yard depth shall be the same as prevailing building lines or minimum of fifteen (15) feet whichever is less.

Side Yards

1. Residential – same as Project Area 1.
2. Commercial/Professional – Side yard shall not be less than four (4) feet. If lot width exceeds forty (40) feet then side yard minimum shall increase by 10% of that amount in excess of forty (40) feet not to exceed eight (8) feet.

ADDENDUM TO SPECIFIC DEVELOPMENT PLAN NO. 40

The following use restrictions and development standards apply to that area of the City bounded by First Street on the north, Sycamore Street on the east, McFadden Avenue on the south, and Flower Street on the west. They are alternatives to use and development of property within such area in accordance with other applicable provisions of this Plan.

USES PERMITTED – WALNUT STREET

The commercial uses along the Walnut Street corridor shall be limited to neighborhood oriented type development.

USES PERMITTED – GENERAL

The following uses are permitted without restriction or as noted.

MUC – Commercial Uses

1. Retail/service uses
2. Church/accessory church buildings
3. Restaurants, cafes
4. Schools and studios operated for commercial or public purpose
5. Day nurseries

MUC – Professional Uses

Professional and administrative offices limited to the following:

1. Certified public accountants
2. Attorneys, paralegal services
3. Engineers, architects, planners, economists
4. Insurance brokers, real estate brokers
5. Doctors, dentists (as sole practitioners or limited partnerships)
6. Photographers, artists, graphic artists
7. Advertising agencies
8. Business offices where no merchandise changes hands

MUC – Residential Uses

1. Multiple-family dwelling units with maximum density of one unit per 1,250 square feet of lot area.
2. Any use permitted in the R3 Zone pursuant to Section 41-247.

MINIMUM GROSS FLOOR AREAS

1. MUC – Commercial - None
2. MUC – Professional- None
3. MUC – Residential

Unit sizes shall exceed the following minimums subject to the General Development Standards:

- a. Bachelor unit – Four hundred (400) square feet
- b. One bedroom unit – Five hundred fifty (550) square feet
- c. Two or more bedrooms units – Seven hundred fifty (750) square feet

LOT COVERAGE/BUILDING BULK REQUIREMENTS

1. MUC – Commercial

Lot coverage of buildings and accessory structures shall not exceed fifty (50%) percent of the lot area. (On-grade parking shall not be included.) The building size shall maintain a floor area to lot area ratio not to exceed one to five (1:5).

2. MUC – Professional

Lot coverage of buildings and accessory structures shall not exceed fifty (50%) percent of the lot area. (On-grade parking shall not be included.) The building size shall maintain a floor area: lot area ratio not to exceed one to two (1:2).

3. MUC – Residential

There shall exist no maximum lot coverage or floor area: lot area ratio for residential areas.

INTENSITY BONUS PROVISION

An intensity bonus provision may be granted not to exceed one and one-half times (1.5) the required floor area ratio for commercial and professional uses. The provision shall be granted to those projects which provide amenities over an above the required design standards. Those amenities include interior courtyards, special architecture designs and interior courtyards, special architecture designs and facades, excess parking facilities and/or public oriented amenities. The granting of the intensity bonus shall be granted at approval of the Planning Commission.

MINIMUM LOT SIZES

Minimum lot sizes shall be 12,000 – 13,500 square feet or thirty (30%) percent of acre. Minimum lot front frontage shall be ninety (90) feet.

HEIGHT LIMIT

No structure shall exceed forty-five (45) feet in height.

FRONT YARDS

1. Commercial and Professional

There shall be a front yard of not less than fifteen (15) feet. All required front yards shall be landscaped and maintained.

2. Residential

Same as Project Area 1.

SIDE YARDS

1. Commercial and Professional

There shall be four (4) foot side yard requirement except that on corner lots the side yard adjacent to a street shall have a side yard of not less than ten (10) feet.

2. Residential

Same as Project Area 1.

REAR YARDS

1. Commercial and Residential

There shall be a ten (10) foot rear yard requirement.

2. Residential

Same as Project Area 1.

DESIGN REVIEW STANDARDS

Projects shall be built in conformance with the city of Santa Ana's Design Guidelines and shall be compatible with the architecture of the surrounding area.

All setback areas shall be landscaped and bermed to a height:width ratio of one:three (1:3).

SIGN REQUIREMENTS FOR COMMERCIAL AND PROFESSIONAL DISTRICTS

Professional and commercial district businesses shall conform to the standards as provided in Article XI, Chapter 41, of the Santa Ana Municipal Code.

PARKING REQUIREMENTS

Off-street parking shall be provided in a manner as prescribed in Article IV, Chapter 41, of the Santa Ana Municipal Code.

