



SPECIFIC DEVELOPMENT No. 81
AMENDMENT APPLICATION 07-02
NS-2759

ORDINANCE NO. NS-2759

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADOPTING SPECIFIC DEVELOPMENT NO. 81 (SD-81) AND REZONING THE PROPERTY LOCATED AT 3321 SOUTH FAIRVIEW STREET FROM ARTERIAL COMMERCIAL (C5) TO SPECIFIC DEVELOPMENT NO. 81 (SD-81) (AA NO. 2007-02)

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. Applicant is requesting approval of the Mitigated Negative Declaration and Mitigation Monitoring Program, Environmental Review No. 2007-37; Amendment Application No. 2007-02 rezoning the property from Arterial Commercial (C5) to Specific Development No. 81; Tentative Tract Map No. 2007-04 (County Map No. 17071) as conditioned to subdivide a lot into 9 parcels (six buildable lots and three open space parcels); and adopt a resolution approving Site Plan Review No. 2007-02 as conditioned for the property located at 3321 South Fairview Street.
- B. On September 10, 2007, the Planning Commission held a duly noticed public hearing and voted 5:0 (Gartner and Leo absent) to recommend that the City Council:
 1. Approve and adopt the Mitigated Negative Declaration and Mitigation Monitoring Program, Environmental Review No. 2007-37.
 2. Adopt an ordinance approving Amendment Application No. 2007-02 and Specific Development No. 81.
 3. Adopt a resolution approving Tentative Tract Map No. 2007-04 (County Map No. 17071) as conditioned.
 4. Adopt a resolution approving Site Plan Review No. 2007-02 as conditioned.
- C. The Mitigated Negative Declaration and Mitigation Monitoring Program, Environmental Review No. 2007-37; Amendment Application No. 2007-02 and Specific Development No. 81; Tentative Tract Map No. 2007-04 (County Map No. 17071); and Site Plan Review No. 2007-02 came before the City Council of the City of Santa Ana for a public hearing October 1, 2007, and at that time considered all testimony, written and oral. On

October 1, 2007 the City Council continued the public hearing to November 5, 2007.

- D. On November 5, 2007, the City Council continued the public hearing, and at that time considered all testimony, written and oral.
- E. Amendment Application No. 2007-02 has been filed with the City of Santa Ana to adopt Specific Development No. 81 (SD-81) and to rezone the property located at 3321 South Fairview Street from Arterial Commercial (C5) to Specific Development No. 81 (SD-81). (AA No. 2007-02)
- F. SD-81 would allow no more than nine (9) one-family dwellings, having four or fewer bedrooms per one-family dwelling; a temporary real estate office; accessory building and structures (over fifteen feet in height requires a Conditional Use Permit); child care facilities providing care to not more than fourteen children; and garages for four or more vehicles (with a Conditional Use Permit).
- G. Amendment Application No. 2007-02 is consistent with the General Plan, including but not limited to its goals and policies:
 - 1. To promote a balance of land uses to address basic community needs. Goal 3.0 of the Land Use Element of the General Plan.
 - 2. To promote land uses which enhance the City's economic and fiscal viability. Goal 2.0 of the Land Use Element of the General Plan.
- H. The City Council has weighed and balanced the general plan's policies and has determined that based upon this balancing that the project at 3321 South Fairview Street is consistent with the purpose of the general plan.
- I. The City Council also adopts as findings all facts presented in the Requests for Council Action dated October 1, 2007 and November 5, 2007 accompanying this matter. For these reasons, and each of them, Amendment Application No. 2007-02 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.
- J. The resolution approving and adopting the amended Mitigated Negative Declaration and Mitigation Monitoring Program for Environmental Review No. 2007-37 which came before the City Council on October 1, 2007. This ordinance incorporates by reference, as though fully set forth herein, that resolution and mitigated negative declaration and mitigation monitoring program.

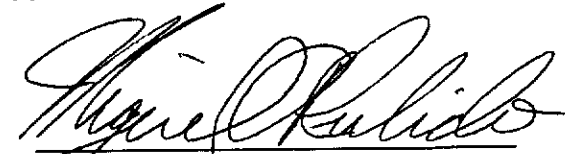
Section 2. The real property located at 3321 South Fairview Street is hereby reclassified from Arterial Commercial (C5) to Specific Development No. 81 (SD-81). (AA No. 2007-02) Amended Sectional District Map number 27-5-10 showing the above

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.

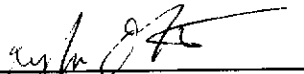
Section 3. Specific Development No. 81 (SD-81) as set forth in Exhibit "B", attached hereto and incorporated as though fully set forth herein, is approved and adopted in its entirety.

Section 4. 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 3rd day of December, 2007


Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Joseph W. Fletcher
City Attorney

By: 
Kylee O. Otto
Assistant City Attorney

AYES: Councilmembers: Alvarez, Benavides, Bustamante, Martinez, Pulido, Sarmiento (6)

NOES: Councilmembers: None (0)

ABSTAIN: Councilmembers: Tinajero (1)

NOT PRESENT: Councilmembers: None (0)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, PATRICIA E. HEALY, Clerk of the Council, do hereby attest to and certify that the attached Ordinance No. NS-2759 to be the original ordinance adopted by the City Council of the City of Santa Ana on December 3, 2007, and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 12/05/07



Patricia E. Healy
Clerk of the Council
City of Santa Ana

SPECIFIC DEVELOPMENT PLAN NO. 81
Alton Court

SECTION 1 – Applicability of Ordinance

The specific development zoning district No. 81 (SD-81), as authorized by Chapter 41, Division 26, Section 41-593 et seq., of the Santa Ana Municipal Code, is subject to the standards and regulations contained in this plan for the express purpose of establishing land use regulations and standards. All other applicable chapters, articles, and sections of the Santa Ana Municipal Code shall apply unless expressly waived or superseded by this ordinance.

SECTION 2 – Purpose

The Specific Development Plan No. 81 for Alton Court 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.

SECTION 3 – Uses Permitted in Specific Development No. 81

The following uses are permitted in the SD-81 district:

- (a) No more than nine (9) one-family dwellings, having four (4) or fewer bedrooms per one-family dwelling.
- (b) One (1) temporary real estate office devoted to the sale of real estate in the tract in which it is located, which use shall be for a period of time not to exceed one (1) year.
- (c) Accessory building and structures, except as otherwise provided in Section 4(b).
- (d) Child care facilities providing care to not more than fourteen (14) children, provided that if the number of children exceeds eight (8), a land use certificate must be first obtained pursuant to Division 4 of Article V of Chapter 41.

SECTION 4 – Uses Subject to a Conditional Use Permit in Specific Development No. 81

- (a) Garages for four (4) or more vehicles.
- (b) Accessory structures more than fifteen (15) feet in height or more than one story.

EXHIBIT B

SECTION 5 – Minimum Lot Area in Specific Development No. 81

Lots shall have an area of at least 17,999 square feet.

SECTION 6 – Minimum Street Frontage in Specific Development No. 81

Lots shall have street frontage of at least 100 feet.

SECTION 7 – Building Height in Specific Development No. 81

No primary structure shall exceed twenty-eight (28) feet nor two (2) stories in height, as measured from the lowest adjacent grade of the structure to the top of the structure.

SECTION 8 – Lot Coverage in Specific Development No. 81

No more than forty (40) percent of the lot shall be covered by structures.

SECTION 9 – Front Yards in Specific Development No. 81

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 six (6) feet.

SECTION 10 – Side Yards in Specific Development No. 81

Each side yard shall be not less than five (5) feet for each one-family dwelling structure. Cornices, eaves, chimneys, and similar architectural features may extend into the required side yard a distance not to exceed eighteen (18) inches.

SECTION 11 – Rear Yards in Specific Development No. 81

There shall be a rear yard of not less than thirteen (13) feet for each one-family dwelling structure. Such rear yard may be reduced to not less than five (5) feet for open patio covers.

SECTION 12 – Development Standards in Specific Development No. 81

Lots in the SD No. 81 district shall comply with the following standards:

- (a) Front and street oriented side yards shall be landscaped with the exception of approved driveways and sidewalks.
- (b) Accessory structures shall not exceed thirty-five (35) percent of the required rear yard area and shall not exceed fifty (50) percent of the main structure square footage.
- (c) The building separation between one-family dwelling structures shall be at least 10 feet. Cornices, eaves, chimneys, and similar architectural features

may extend into the required side yard a distance not to exceed eighteen (18) inches.

- (d) The building separation between primary and accessory structures shall be at least five feet.
- (e) The perimeter fencing for the project cannot exceed seven feet in height, as measured from the elevation of the building pad.

SECTION 13 – Parking Requirements in Specific Development No. 81

- (a) The minimum parking requirements for one (1) one-family dwelling is four (4) parking spaces. At least two of these spaces shall be in an enclosed garage.
- (b) Each parking stall in a two-car garage shall not be less than ten (10) feet wide and twenty (20) feet long.
- (c) All other uses shall be parked pursuant to Santa Ana Municipal Code Chapter 41, Article XV.

SECTION 14 – Open Space Standard for Specific Development No. 81

A private open space shall be provided for any project. The lot shall be a minimum of 7,100 square feet in size and contain the following amenities:

- (a) Decorative shade structure
- (b) Two gas barbeques
- (c) A minimum of six benches
- (d) Two picnic tables
- (e) Pedestrian access gate on the west perimeter wall

SECTION 15 – Landscape Standards for Specific Development No. 81

In the SD No. 81 district, all yards shall be landscaped. All landscaping shall be installed pursuant to a landscaping plan approved by the Planning Manager. Each residential unit shall meet the following minimum requirements:

(a) Front Yard:

- (1) Three (3) twenty four inch (24) box canopy trees per one-family dwelling which is immediately adjacent to the front yard.

- (2) All trees shall be double-staked.
- (3) Six 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:
 - 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.

(b) Side Yard:

- (1) Corner lots shall require three (3) thirty-six (36) inch box trees. Plus six five-gallon size shrubs and groundcover as a foundation planting. Root barriers shall be required on all trees planted along the street oriented yards.

(c) Motor court Landscaping:

- (1) One (1) twenty-four inch (24) box canopy tree for each one-family dwelling fronting a motor court,

(d) Project Entry Landscaping:

- (1) A minimum of twenty-two (22) thirty-six inch (36) box Queen Palm trees shall be planted within the project entry. Shrubs, vines and groundcover shall also be planted pursuant to the City's Residential Landscape Standards.
- (2) Interlocking pavers shall be installed as the paving surface for the entry.

(e) Project Perimeter Walls:

- (1) Flowering vines shall be provided and secured to a decorative masonry wall. In addition, all exterior walls shall be covered in vines to deter graffiti.
- (2) 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.

(f) Irrigation Systems:

- (1) A pop-up sprinkler type irrigation system shall be provided for all yards for each residential unit.
- (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.

(g) Screening:

- (1) 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.
- (2) Any enclosed structure for utilities must not encroach into any required setback.

(h) Maintenance:

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

SECTION 16 – Definitions for Specific Development No. 81

Motor court – An open area, unobstructed from the ground which is bounded on three sides by exterior walls of one or more buildings and is used for driveway and parking purposes.