



SPECIFIC DEVELOPMENT No. 84
AMENDMENT APPLICATION 05-09
NS-2803

ORDINANCE NO. NS-2803

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING CHAPTER 41 OF THE SANTA ANA MUNICIPAL CODE REGARDING TIME LIMITS FOR SPECIFIC DEVELOPMENT PLAN, MODIFICATION OF THE APPROVAL OF OVERLAY ZONE SITE PLANS, NONCONFORMING USE, AND REPEALING THE C3 AND C3-A ZONES (ZOA 2010-01)

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

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. The changes to the zoning code are to facilitate the creation of the Specific Development No. 84, The Transit Zoning Code. The changes include the repeal the C3 and C3-A zones, and changes to the time limits for specific development plans, modification of the approval process for overlay zone site plans, and a nonconforming code clean up.
- B. On May 27, 2010, the Planning Commission held a duly noticed public hearing, and by a vote of 5:0 (Betancourt abstained, Yrarrazaval absent) voted to recommend that the City Council:
 1. Adopt a resolution certifying the Final Environmental Impact Report No. 2006-02 prepared for the proposed Transit Zoning Code (SD 84A and 84B) and the proposed redevelopment of properties owned by the Santa Ana Redevelopment Agency in the Station District (collectively, the Proposed Project); adopting the Mitigation Monitoring and Reporting Program, adopting the CEQA Facts, Findings and a Statement of Overriding Considerations; and approving the Proposed Project.
 2. Adopt a resolution approving General Plan Amendment No. 2010-01.
 3. Adopt an ordinance approving amendments to various zoning provisions of Santa Ana Municipal Code Chapter 41 (ZOA No. 2010-01).
 4. Adopt an ordinance approving the creation of Specific Development No. 84, approving the rezoning of properties from various zones to Specific Development No. 84, repealing Specific Development No. 30, 37, 47 and 71, and amending the height exemption areas map (AA No. 2005-09).

5. Adopt a resolution approving Transit Zoning Code Architectural Style Guidelines and Transit Zoning Code Street Network Concepts.
- C. The City Council of the City of Santa Ana held a duly noticed public hearing on the above said actions for the Transit Zoning Code Specific Development District (SD-84) on June 7, 2010, and at that time considered all testimony, written and oral.
 - D. At the duly noticed public held on June 7, 2010, the City Council, by resolution, certified the Final Environmental Impact Report (Final EIR) No. 2006-02 prepared for the proposed Transit Zoning Code (SD 84A and 84B) and the proposed redevelopment of properties owned by the Santa Ana Redevelopment Agency in the Station District; was completed in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 *et seq.*), was presented to the City Council for review and consideration, and reflects the City of Santa Ana's independent judgment and analysis; adopted the CEQA Findings of Fact and Statement of Overriding Considerations; and adopted the Mitigation Monitoring and Reporting Program. At the June 7, 2010 meeting, the City Council also adopted a resolution approving General Plan Amendment No. 2010-01; an ordinance approving the creation of Specific Development No. 84, the rezoning of properties from various zones to Specific Development No. 84, repealing Specific Development No. 30, 37, 47 and 71, and amending the height exemption areas map (AA No. 2005-09); and a resolution approving Transit Zoning Code Architectural Style Guidelines and Transit Zoning Code Street Network Concepts. This ordinance incorporates by reference, as though fully set forth herein, the ordinance and resolutions and said Final Environmental Impact Report, Mitigation Monitoring and Reporting Program, CEQA Findings of Fact and Statement of Overriding Considerations, and all of their respective facts, findings and conclusions in support of this ordinance and the findings made herein.

Section 2. Section 41-12 is hereby amended to read as follows:

Sec. 41-12. Accessory structure or building.

An accessory structure or building is a detached building or structure, part of building or structure that is incidental or subordinate to the main building, structure or use on the same lot or parcel of land, without cooking facilities and is used exclusively by the occupant of the main building.

Section 3. Section 41-184 is hereby amended to read as follows:

Sec. 41-184. Districts established.

In order to carry out the purpose and provisions of this chapter, the city is divided into the following districts:

- A1 -- General agricultural
- RE -- Residential-estate
- R1 -- Single-family residence
- R2 -- Limited multiple-family residence
- R3 -- Medium-density multiple-family residence
- R4 -- Suburban apartment
- P -- Professional
- GC -- Government center
- C1 -- Community commercial
- C1-MD—Community commercial/Museum District
- C2 -- General commercial
- C4 -- Planned shopping center
- C5 -- Arterial commercial
- CR --Commercial residential
- M1 -- Light industrial
- M2 -- Heavy industrial
- C-SM -- South Main Street commercial district
- O -- Open space
- TV -- Transit Village
- DT -- Downtown
- UC -- Urban Center
- CDR -- Corridor
- UN-2 -- Urban Neighborhood 2
- UN-1 -- Urban Neighborhood 1
- SP -- Specific plan
- SD -- Specific development
- MO -- Military operations

OZ --Overlay zone

Section 4. Section 41-195.5 is hereby amended to read as follows:

Sec. 41-195.5. Temporary outdoor activities.

Notwithstanding any other provision of this chapter, the following activities may be conducted in any C1, C1-MD, C2, C4, C5, M1, M2, CSM, GC, P, SD with commercial use, or SP with commercial use district and are not required to be carried on within an enclosed building, provided they are carried on in accordance with the limitations hereinafter set forth, and provided a land use certificate is first obtained in accordance with sections 41-675 through 41-677:

- (a) Bazaars, fiestas and fund-raising events, provided the activities do not occur on the same lot more frequently than six (6) days in any one-year period, do not continue on the same lot for more than three (3) successive days, do not begin earlier than 10:00 a.m. and do not continue past 10:00 p.m. Monday through Saturday and do not begin earlier than 11:00 a.m. and do not continue past 9:00 p.m. on Sunday. Provided, however, activities in the SD65 district and museum and science center activities in the C1-MD district, may not occur more frequently than one (1) time per month, do not continue on the same lot for more than three (3) successive days and are not held more than twelve (12) times per year.
- (b) Rummage sales, promotional events, sidewalk or parking lot sales, and temporary sales booths, provided the activities do not occur on the same lot more frequently than six (6) days in any one-year period and do not continue on the same lot for more than two (2) successive days.
- (c) Mobile library, medical and veterinary units, provided activities are not conducted on the same lot for more than six (6) days in any one-year period, do not begin earlier than 8:00 a.m., and do not continue past 5:00 p.m.
- (d) Outdoor auctions, provided that activities are not conducted on the same lot more frequently than four (4) days in any one-year period, do not begin earlier than 8:00 a.m., and do not continue past 5:00 p.m.
- (e) Seasonal activities for uses such as, but not limited to, fireworks stands, pumpkin lots and Christmas tree lots, provided that pumpkin lots do not set up more than thirty (30) days prior to Halloween and are removed within one (1) day after Halloween, Christmas tree lots do not set up more than thirty (30) days prior to Christmas and are removed within one (1) day after Christmas and fireworks stands are in compliance with Chapter 14, Article II of this Code.
- (f) Carnivals, circuses, radio or d.j. remotes and outdoor music concerts, provided the following conditions are met:

(1) The activity is not conducted on the same lot for more than five (5) successive days in any one-year period and may not occur more than five (5) days in any one-year period.

(2) Hours of activities shall not begin earlier than 10:00 a.m. and do not continue past 11:00 p.m. Monday through Saturday and do not begin earlier than 11:00 a.m. and do not continue past 9:00 p.m. on Sunday.

(3) Off-street parking shall be provided in the manner prescribed in Article XV of the Santa Ana Municipal Code.

(4) On-site circulation shall be maintained in a manner that will assure efficient internal parking lot circulation. Also, lots shall assure that vehicles need not exit on the street then re-enter the lot to find another parking space.

(5) No equipment and/or rides may be located on the lot of such activity for more than forty-eight (48) hours prior to opening day.

(6) All equipment and rides used for such activity must be removed within twenty-four (24) hours of closing, day of activity.

(7) Noise sources associated with construction, dismantling of equipment, deliveries and rides, shall be permitted provided said activities do not take place between the hours of 8:00 p.m. and 7:00 a.m. on weekdays, Saturday or Sunday.

(8) A 30-foot setback clear of, but not limited to, equipment, booths, stages and rides shall be maintained at all times along any property line abutting residential uses.

(9) The activity is subject to cancellation or additional conditions if conducted in a manner detrimental to the health, safety, or welfare of the community as determined by authorized City of Santa Ana representatives including police, fire, public works, or downtown development.

(g) Activities approved with alcohol sale and/or consumption shall obtain the appropriate license from the State Department of Alcoholic Beverage Control ("ABC") and will be subject to the following:

(1) All cooking: equipment (grills, barbecues, etc.) must be turned off one-half (1/2) hour before the activity closure each evening.

(2) The sale, service and consumption of alcohol shall occur only within a fenced-in area. This area shall be designated with appropriate signage identifying it as such and shall be approved by the police department.

(3) The applicant shall ensure that security personnel are on duty at all times and monitoring the fenced-in area designated for the sale, service and consumption of alcohol. Security personnel shall

prevent people from carrying alcoholic beverages outside the designated area noted in 41-195.5(g)(2).

(4) Advertising which indicates the availability of alcoholic beverages shall be posted at the point of beverage dispensing only.

(5) Alcoholic beverages shall be served in distinctive cups, which are different from those used for non-alcoholic beverages.

(6) No more than two (2) cups containing alcoholic beverages may be sold to a customer at a time. All alcoholic beverages shall be sold in paper or plastic cups and not in their original glass or metal containers.

(7) The server is prohibited from selling alcoholic beverages to an obviously intoxicated person.

(8) The server is prohibited from consuming alcoholic beverages.

(9) The sale, service and consumption of alcoholic beverages shall cease one (1) hour prior the end of the activity.

(h) All temporary outdoor activities shall be subject to the following:

(1) The applicant must provide a minimum number of state licensed, uniformed security guards for each day of the activity. This minimum number is to be determined by the chief of police or his authorized representative during the application process. These guards shall be present from the opening of the activity until closing and all persons have vacated the grounds. Under special circumstances city police officers may be required in addition to the security guards. The applicant will bear the cost of the police officers.

(2) Security guards must carry a cellular phone.

(3) All personnel serving as security guards must wear attire such as a jacket, shirt, vest, etc., that clearly identifies them as security.

(4) All security personnel shall have equipment enabling two-way communication with other security personnel.

(5) The applicant shall be required to pay for any additional police services that may result from the activity.

(6) Noise levels generated by the activity must remain under specified S.A.M.C. levels.

(7) The sale of tickets must cease thirty (30) minutes prior to the closure of the activity daily.

Section 5. Section 41-198.200 is hereby amended to read as follows:

Sec. 41-198.200. Cyber cafes.

Notwithstanding any other provisions of this chapter, cyber cafes may be conducted in any C1, C2, C4, and C5 zones, provided they are carried on in accordance with the limitations hereinafter set forth, and provided a ministerial land use certificate is first obtained in accordance with sections 41-675 through 41-677 of this Code. Cyber cafes shall not be permitted in a special districts or a specific plan unless explicitly set forth as a permissible use.

Section 6. Section 41-199 is hereby amended to read as follows:

Sec. 41-199. Laundromats.

Laundromats may be permitted in the C1, C2, C4 and C5 districts subject to the issuance of a conditional use permit. Laundromats are not permitted in any other use district. Laundromats shall comply with the following development and performance standards:

(a) Minors (under eighteen (18) years of age) shall not be permitted to enter or remain in a cyber cafe during the following periods unless accompanied by a parent or legal guardian:

(1) Between 8:00 a.m. and 3:00 p.m., or after 10:00 p.m. on Monday through Friday of each week;

(2) Saturday and Sunday after 10:00 p.m.

(3) The above weekday daytime hours of restriction shall not apply to vacation days or school holidays as established by any public school district or private school, kindergarten through twelfth grade, operating within the city.

(4) Notice of these hours of restriction for minors shall be posted at the entrance in lettering of at least two (2) inches in size.

(b) The cyber cafe shall not be open to customers, patrons or any member of the public between the hours of 12:00 a.m. to 7:00 a.m.

(c) "No loitering" signs shall be posted at the front and rear of the business. In addition, a waiting area with not less than eight (8) seats shall be provided for customers waiting to use a computer. No outside waiting or seating area is permitted.

(d) No person shall be permitted to consume alcohol on the premises.

(e) Employees shall be at least twenty-one (21) years of age. There shall be a minimum of one (1) employee managing the cyber cafe during all working hours. If the business has more than thirty (30) computers, the business is required to add one additional employee for every additional thirty (30) computers, or portion thereof, and for every thirty (30) computers thereafter, or any portion thereof. During each employee's

working hours, the employee shall wear a badge identifying the business and the employee's full name.

(f) Occupancy shall not exceed that required under the uniform building code and uniform fire code, and the maximum occupancy load shall be posted at the main entrance.

(g) The establishment shall maintain and operate a camera/video surveillance system with recording capability during all business hours. The system shall cover the entire interior of the premises and all entrances to and exits from the establishment. The camera/video surveillance system shall be capable of delineating on playback of the system the activity and physical features of persons or areas within the premises.

(1) Tapes/disks shall be kept a minimum of seventy-two (72) hours.

(2) The business owner shall permit the city to inspect the tapes/disks during business hours. The system shall be maintained in good working order, including the running of the tape/disks.

(3) A sign shall be posted inside and at the entrance to the establishment indicating that the premises are under camera/video surveillance.

(h) The business owner shall submit and receive approval of a fire exit plan from the city's fire department. The plan shall address all existing requirements of the uniform building code and uniform fire code. This includes, but is not limited to, providing an exiting plan showing equipment location, aisle locations and dimensioned widths, and having approved exit doors and panic hardware.

(i) Any adult entertainment business is prohibited unless specifically approved pursuant to the requirements of Chapter 41, Article XVII of this code.

(j) Window areas shall not be covered or made opaque in any way. All windows and entrances must be unobstructed at all times so as to allow an unimpaired line of sight by a police officer.

(k) The business operator, at his/her expense shall provide a California licensed uniform security guard on the premises Monday through Friday between 4:00 p.m. and closing, and Saturday through Sunday between 12:00 p.m. and closing.

(1) The chief of police is authorized to require a specific owner/operator to provide a security guard(s) on the premises at other hours of the day in the event that there are significant calls for service relating to assaults, gang related activity, weapons offenses, disturbances, and juvenile related crime, including truancy, or other good cause.

(2) Any decision of the chief of police may be appealed to the city council. Any appeal shall be made within ten (10) calendar days following the date of the decision by the chief of police. Further, such appeal period shall end at 5:00 p.m. on the tenth calendar day following such date of the written decision by the chief of police. If such tenth calendar day ends on a Saturday, Sunday or holiday, the ten-day period shall end at 5:00 p.m. on the next regular business day.

(3) 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 chief of police. Furthermore, a copy of such appeal shall be filed with the planning department and the clerk of the council.

(4) Upon receipt of such appeal, the planning department shall set the matter for hearing by the city council.

(5) The city council may, after public hearing, affirm, reverse, change, or 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 planning department; one (1) copy thereof shall be sent to the applicant.

(l) Lighting levels on the premises within sixty (60) feet of the use and in all required parking areas shall be maintained at a minimum 1 footcandle of light. Interior lighting shall be at maintained at a minimum of thirty (30) footcandles of light.

(m) No exterior pay phones shall be permitted.

(n) No pool tables or other amusement devices not directly related to Internet computer devices shall be permitted.

(o) No gaming tournaments for cash prizes shall be permitted.

Section 7. Section 41-199.1 is hereby amended to read as follows:

Sec. 41-199.1. Banquet facilities.

Banquet facilities may be permitted in the P, C1, C1-MD, C-SM, C2, C4, C5, CR zoning districts and in any specific plan or specific development zoning district wherever restaurants and eating establishments are permitted, as a primary and ancillary use, subject to the issuance of a conditional use permit. Banquet facilities may be permitted in the M1 and M2 zoning districts as an ancillary use to restaurants and eating establishments, subject to the issuance of a conditional use permit. Banquet facilities shall comply with the following development and operational standards:

(a) All banquet facilities require a kitchen facility, including but not limited to, an oven, stove, refrigeration, freezer, exhaust hood, grease receptor, cutting and preparation areas, dishwashing area or machine, employee sink and mop, and appropriate counter/service facilities.

(b) All banquet facilities require sanitation facilities in compliance with the California Building Code building standards.

(c) Whenever there is entertainment with or without alcohol, the banquet facility shall provide a uniformed state licensed security guard, as approved by the chief of police, at the rate of one (1) guard/one hundred (100) attendees, with a minimum of one (1) security guard, or other security measures as approved by the chief of police. The guards shall be present until all attendees have left the premises.

(d) All banquet facilities shall provide exterior lighting in compliance with police department requirements.

As used herein, a banquet facility is a facility available for rental and used for the purpose of meetings, parties, ceremonious gatherings, dining or entertainment. For the purposes of this definition, the term rental shall mean to obtain the possession and use of a facility, or a portion of a facility, on a short term, hourly or daily basis where occupancy is closed to the general public in exchange for monetary or other form of compensation.

Section 8. Article III. Division 14 is hereby repealed in its entirety.

Section 9. Article III. Division 14.5 is hereby repealed in its entirety.

Section 10. Section 41-593.8 is hereby amended to read as follows:

Sec. 41-593.8 Specific development plan approval time limits and extensions.

The specific development plan shall not be deemed valid until all of the conditions as approved by the zoning administrator, planning commission, or city council have been complied with and released by the planning manager. The specific development plan approved in accordance with the procedures and considerations as provided in this division shall automatically become void after one (1) year from the effective date of such approval when the owner fails to institute an action to erect, build, alter, move or maintain the use of the property as specified in the terms and conditions of the specific development plan. However, at the initial hearing of the zoning administrator, planning commission or city council may provide, by appropriate conditional approval, for extensions of time beyond the two-year period. Furthermore, the city council by may, by resolutions, extend the date on which a specific development plan becomes void for a period or periods not exceeding three (3) years in total beyond the date it would otherwise become void.

Section 11. Section 41-595.2 is hereby amended to read as follows:

Sec. 41-595.2. Uses permitted and development standards "OZ" suffix.

When the "OZ" symbol is applied as a suffix in combination with the district symbol, the overlay zone regulations are intended to apply only to those proposed uses which are permitted or conditionally permitted in the overlay zone to which the suffix is combined. In any case where the development project does not choose to adhere to the overlay zone, the standards and regulations of the underlying zoning district shall apply.

Section 12. Section 41-595.5 is hereby amended to read as follows:

Sec. 41-595.5. Approval of overlay zone site 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 OZ suffix and the applicant wants to apply the overlay zone, the applicant must obtain for said property an overlay zone site plan review permitting use of the property in accordance with an overlay zone plan.
 - (1) Said site plan review permit shall be approved, conditionally approved, or denied by the Planning Commission in accordance with the provisions of article V of this chapter applicable to a conditional use permit.
 - (2) After the City Council has completed the review of the written finding of fact of the planning commission pursuant to section 41-642, the property shall be subject to the standards and regulations of the overlay zone and any overlay zone site plan review conditions of approval.
 - (3) All development shall be in compliance with all conditions of approval prior to issuance of a utility release by the executive director of the planning and building agency.
 - (4) Upon the issuance of the utility release or the Certificate of Occupancy, whichever comes first, the Executive Director of Planning and Building shall amend the sectional district map to reflect the overlay zone as the sole zone on the property.
- (b) If the property is within an OZ district, the overlay zone plan must be adopted by ordinance of the city. Such ordinance, in addition to adopting the overlay zone site plan, shall specify the uses permitted on such property, together with any restrictions or conditions pertaining to such uses.
- (c) If an overlay zone site plan of the type specified in subparagraph (2) of section 41-595.3(a) as consisting of standards and regulations is approved, the applicant must thereafter prepare plans

and drawings as specified in paragraph (1) of said section in conformity with such overlay zone plan and obtain approval thereof by resolution of the planning commission after review and recommendations by the planning manager. No building permit or utility release shall be issued except for development in accordance with such approved plans and drawings.

Section 13. Section 41-610.5 is hereby amended to read as follows:

Sec. 41-610.5. Wall and fence requirements in the industrial and commercial zones.

(a) In the industrial and commercial zones, walls and fences shall not exceed ten (10) feet in height, and shall not exceed four (4) feet in height where the wall or fence extends into the required front yard or any required landscaped area.

(b) On any lot in a C1, C2, C4, or C5 district, a concrete block wall not less than five (5) feet in height shall be erected along any property line contiguous to any residentially zoned property, except that such wall shall not exceed the height limitations prescribed in subsection (a) of this section. This requirement may be waived by the planning commission upon a finding that the abutting property is in a period of transition to nonresidential use, or that, due to special circumstances, the wall would not promote the public health, safety, or welfare.

(c) Barbed wire is not permitted as part of a wall or fence except as follows:

- (1) In the M1, M2 and LM districts: barbed wire is permitted subject only to the restrictions set forth hereinafter.
- (2) In the C1, C2, C4 and CM districts: barbed wire is permitted only in a rear yard or side yard which is not viewable from a public street and is subject to the restrictions set forth hereinafter.
- (3) Barbed wire may not be used above the height limitations set forth in subsection (a) of this section.
- (4) Barbed wire may not be used as part of any wall or fence which is adjacent to property used for residential purposes or to property which is used as a school, church, park, or youth center.

Section 14. Section 41-622 is hereby amended to read as follows:

Sec. 41-622. Mechanical equipment or appurtenances: Regulations.

All mechanical equipment or appurtenances located on the roof or on the exterior of a building shall be screened.

Every application for a building permit for the development of property shall be submitted to the planning department and shall be accompanied by detailed architectural drawings and plot plans, all to a workable scale, showing the elevation and location of the proposed screening structures or facilities, existing buildings and proposed addition, and any other pertinent information considered appropriate by the applicant or planning director pursuant to this section.

Section 15. Section 41-629 is hereby amended to read as follows:

Sec. 41-629. Zoning administrator; administrative functions.

The zoning administrator may, as a part of his administrative function, authorize:

- (1) The temporary use of trailers for office space which are utilized in conjunction with any permitted use in the P, , C1, C2, , C4 and C5 districts for a period of time not exceeding two (2) years from the date of approval; provided said determination shall be in writing and show that the temporary office use is in harmony with the purpose and intent of this chapter.
- (2) The construction of open buildings in the C1, C2, and C5 districts; provided said determination shall be in writing and show that the open buildings are not detrimental to the surrounding area and the open portions of the structures are not visible from adjacent properties or public streets.

However, the planning director may determine that a variance is necessary when a proposed temporary office trailer or an open building is so located as to be of importance to the adjoining property owners or to be in conflict with the orderly development of the area.

Section 16. Section 41-685 is hereby amended to read as follows:

Sec. 41-685. Change of a nonconforming use.

- (a) The conversion of a residence in any commercial or industrial district to a use permitted in that district shall conform in every respect to all requirements and conditions set forth for such new use by this chapter.
- (b) Except as specified in section 41-685.5, a commercial use in the M1 or M2 district which is a nonconforming use by reason of the absence of a conditional use permit may be changed to another commercial use without the necessity of obtaining a conditional use permit.

Section 17. Article XI Division 7 is hereby repealed in its entirety.

Section 18. Section 41-1307.1 is hereby amended to read as follows:

Sec. 41-1307.1. Bicycle parking spaces.

All development projects (as defined by Section 41-668) shall provide short term bicycle parking on-site as follows:

- a. Retail and service commercial development shall provide bicycle parking at a rate of five (5) percent of the required automobile parking, but not less than four (4) bicycle spaces.
- b. Office, industrial and manufacturing development of greater than 15,000 gross square feet shall provide a minimum of two (2) bicycle parking spaces.
- c. Multifamily residences of five or more units shall provide a minimum of four (4) bicycle spaces.
- d. Key activity locations and public gathering uses including but not limited to theaters, recreation facilities, libraries, churches/temples, and schools shall provide a minimum of four (4) bicycle parking spaces or eight (8) bicycle parking spaces if more than 50 parking spaces are required.
- e. If a use conducted in a building or on a site is not clearly defined as it relates to the application of this requirement, determination shall be at the discretion of the planning manager as to the appropriate bicycle parking requirement as listed in subsections a through d above. Such determination may be appealed to the planning commission and city council.
- f. To the extent practicable, the design, site planning, compatibility and lot design for on-site, short term bicycle parking shall be consistent with the City's Bicycle Support Facilities Guidelines. In those situations where said Guidelines cannot be applied due to site constraints or aesthetic considerations, in order to promote the objectives of said Guidelines and the health, safety and general welfare of the City, the Planning Director or designee may in writing authorize use of a portion of the required landscape setback, or the conversion of one required vehicular parking space for on-site, short term bicycle parking.

Section 19. This Ordinance shall take effect thirty (30) days after its adoption by the City Council; provided however, that if Ordinance No. NS-2804, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or otherwise do not go into effect for any reason, then this ordinance shall be null and void and have no further force and effect.

Section 20. 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

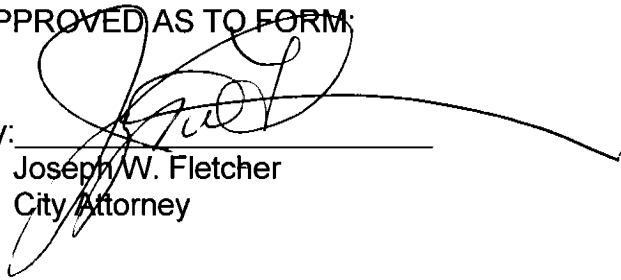
remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 21. The city clerk shall certify to the adoption of this ordinance and cause the same to be published in the manner prescribed by law.

ADOPTED this 21st day of June, 2010.


Carlos Bustamante
Chairman¹

APPROVED AS TO FORM:

By: 
Joseph W. Fletcher
City Attorney

AYES: Councilmembers: Benavides, Bustamante, Martinez, Tinajero (4)

NOES: Councilmembers: None

ABSTAIN: Councilmembers: None

NOT PRESENT: Councilmembers: Alvarez, Pulido, Sarmiento (3)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, MARIA D. HUIZAR, Clerk of the Council, do hereby attest to and certify the attached Ordinance No. NS-2803 to be the original ordinance adopted by the City Council of the City of Santa Ana on June 21, 2010, and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 07/01/2010


Clerk of the Council
City of Santa Ana

¹ Councilmember Bustamante appointed as meeting chairman pursuant to SAMC 2-101 due to unavailability of Mayor and Mayor Pro Tem.