

4.1 - Applicability of Code

4.1.010 - Purpose

This Chapter of the Santa Ana Renaissance Specific Plan provides detailed regulations for development and land uses within the specific plan area, and describes how these regulations will be used as part of the City's development review process. This Code is intended to provide for the continuing evolution of Santa Ana's core into a place where:

- A. A mixture of development and open spaces that situates commerce, workplaces, residences, and civic buildings within walking distance of transit and one another;
- B. Streets are attractive to pedestrians and also conveniently and efficiently accommodate the needs of cyclists and the automobile;
- C. Transit (rail and bus) is leveraged to create and serve the plan area and the greater community; and
- D. New and remodeled buildings work together to define the pedestrian-oriented space of the public streets within the plan area, and are harmonious with each other and the desired character, as described in this Specific Plan.

4.1.020 - Applicability of Development Code Standards

Proposed development, subdivisions, and new land uses within the specific plan area shall comply with all applicable requirements of this Code, as follows:

- A. **Regulating Plan (Section 4.2).** The Regulating Plan defines the zones within the specific plan area, the parcels included within each zone, and describes, zone by zone, the standards for building placement, design, and use consistent with the allowable uses identified in table 4.3-1. Due to the substantial change possible in some areas of the plan, two, integral versions of the Regulating Plan are provided to assist in identifying the appropriate information:
 - Existing Right-of-Way Regulating Plan: The new zones, intended open space locations, and new or realigned rights-of-way are identified on the existing parcels and rights-of-way.
 - Future Right-of-Way Regulating Plan: The new zones, intended open space locations, and new or realigned rights-of-way are identified on the adjusted parcels with the existing rights-of-way identified for reference.
- B. **Use Standards (Section 4.3).** This section identifies the land use types allowed by the City in each of the zones established by the Regulating Plan. A parcel within the specific plan area shall be occupied only by land uses identified as allowed within the applicable zone by Section 4.3.010, subject to the type of City approval (for example, Development Review, Conditional Use Permit, etc.) required by Section 4.3.010.
- C. **Urban Standards (Section 4.4).** This section regulates the features of buildings that affect the public realm. The urban standards regulate building placement, height, and facade design, and vary according to the zone for the parcel applied by the Regulating Plan. Proposed development and land uses shall comply with all applicable standards. For general standards regarding such items as parking lot design, walls, fences, trash enclosures, etc., refer to SAMC Chapter 41. Standards for items not explicitly described in this section, including but not limited to wall and fences, mechanical equipment, trash bin enclosures, heliport and helipad, underground utility, installation of dish antennas, loading areas, parking lot design standards, refer to Chapter 41 of the SAMC.
- D. **Architectural Standards (Section 4.5).** Beyond the regulations about where buildings can be placed and how they need to behave to positively shape the public realm, the Architectural Standards regulate the manner in which individual parcels and blocks are developed to create diverse and finely-grained development. This is accomplished through the use of three main components: a) architectural typologies (e.g., duplex, rowhouse, courtyard housing, etc), b) frontage typologies (e.g., front yard/porch, stoop, arcade, shopfront) and, c) architectural styles (e.g., Main Street Commercial, Mission Revival, Art Deco, Western/Victorian, Craftsman, California Contemporary).
- E. **Signage Standards (Section 4.6).** This section regulates all signage within the Specific Plan area to be consistent with the character described for each zone.
- F. **Subdivision and Open Space Standards (Section 4.7).** This section regulates the creation and maintenance of a finely grained and walkable network of blocks punctuated by integral and varied open spaces. The resulting blocks are subject to the development potential identified on the Regulating Plan and the applicable chapters of this Code.
- G. **Street and Network Standards (Section 4.8).** The ultimate intentions and requirements for the street network are provided here. This section regulates the rights-of-way in alignment, plan and section with the corresponding details.
- H. **Definitions (Section 4.9).** This section identifies and defines the terms used in this Specific Plan.
- I. **Effect on existing development and land uses.** Development and land uses that were lawfully established, and exist within the plan boundaries as of the effective date of this specific plan are affected by this code as follows:
 1. Existing development and land uses that comply with all applicable requirements of this code shall continue to operate, and may be altered or replaced, only in compliance with this code.
 2. Development or a land use that does not comply with the requirements of this code may continue to operate, and may be sold or otherwise transferred in compliance with the city's regulations for nonconformities in the Santa Ana Municipal Code (Ch 41-679 through 41-681 and 41-681.3 through 41.690.4).
 3. Development or a land use that was legal, nonconforming with respect to the requirements of the city's regulations prior to the adoption of this specific plan, and also does not comply with the requirements of this code, may continue to operate, and may be sold or otherwise transferred in compli-

ance with the city's regulations for nonconformities in the SAMC (Ch 41-679 through 41.681 and 41.681.3 through 41.690.4)

4. Rehabilitation of a nonconforming structure, used for any nonresidential purpose is subject to the following exception from SAMC section 41-681:
 - a. Rehabilitation, which is limited to structural or non-structural alterations without any building expansion, is permitted if:
 - i. All signage on the structure and the site on which it is located shall be brought into conformity with the requirements of this chapter.
 - ii. Any nonresidential use or structure shall be operated so that there shall be no work outside or inside of a structure that generates noise that exceeds 45db at the property line between the hours of 10pm and 7am.
 - iii. All outdoor storage shall not exceed the height the screen wall.
 - b. Rehabilitation which includes expansion of a structure is permitted when total floor area of all such expansions occurring in any five-year period does not exceed ten (10) percent of the floor area as it existed at the beginning of such time period provided that the following conditions are met:
 - i. All signage on the structure and the site on which it is located shall be brought into conformity with the requirements of this chapter.
 - ii. Nonresidential use or structure shall be operated so that there shall be no work outside or inside of a structure that generates noise that exceeds 45db at the property line between the hours of 10pm and 7am.
 - iii. There shall be no loading or unloading of vehicles between the hours of 10pm and 7am.
 - iv. All outdoor storage shall not exceed the height of the screen wall.
 - v. Off-street parking shall be provided in conformance with the requirements of this chapter.
 - vi. Landscaping shall be improved to bring the site on which the structure is located in to closer compliance with the landscaping requirements of this chapter, as deemed appropriate by the Planning Manager.
5. Any nonresidential nonconforming structure or structure occupied by a non-residential nonconforming use shall comply with the following operational standards within two (2) years of the code adoption.
 - a. No work outside or inside of a structure that generates noise that exceeds 45 decibels at any property line between the hours of 10pm and 7am.
 - b. No loading or unloading of vehicles between 10pm and 7am.
 - c. All outdoor storage shall be screened by and not exceed the height of a solid screen wall not to exceed 10 feet in height.

J. Effect on proposed development and land uses prior to this Specific Plan.

1. Proposed development and land uses that obtained a conditional use permit, variance, minor exception or specific development zoning district designation shall automatically become void after two (2) years 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 conditional use permit, variance minor exception or specific development district designation. Acceptable actions shall be considered to be actual construction, alteration, repairs and use of the structures and land. Preparations of plans, financial negotiations, estate settlements, or change of property owners are not considered sufficient evidence of an action.
2. Proposed development and land uses that obtained a building permit prior to the adoption of this Specific Plan may continue under the regulations preceding this Specific Plan provided that construction begin within 6 months of obtaining the permit. In the event that construction does not begin within 6 months of obtaining a permit, the approval will lapse and the property is then subject to this Specific Plan.

K. Effect on properties designated for open space. A property designated by the Regulating Plan as a potential site for or open space may continue to be used as follows:

1. Existing land uses and development may continue on the site in compliance with Subsection I above;
2. The property owner may choose to propose new development or land uses in compliance with the underlying zoning identified on the Regulating Plan and the provisions of this code; or
3. The property owner may choose to work with the city or others to jointly develop the potential public facility.

4.1.030 - Administration

A. Processing and Procedures. The standards and other requirements of this Code shall be administered and enforced by the City of Santa Ana Planning and Building Agency (PBA), Planning Commission, Historic Resources commission when applicable, and City Council in the same manner as the provisions of Chapter 30 and 41 of the Santa Ana Municipal code, except as follows:

1. Any application for development within the Specific Plan shall require filing of an application with the Planning Manager for approval of a Site Plan Review by the Planning Commission and/or Historic Resources Commission, if applicable, except that second dwelling units, single units, duplex, triplex and quadplex shall be approved by the Planning Manager. The application and development plan shall contain material outlined in the Planning Division's Development Review Committee Submittal Checklist which includes material that shall demonstrate conformance with the provisions of this section and other required sections of the SAMC.

2. Upon the receipt of a Site Plan Review application, the same shall be reviewed by City staff to determine conformance with the provisions of this Specific Plan and refer to the Planning Commission for review and recommendations. The Planning Commission shall review said plans for the purpose of ensuring that buildings, structures and grounds will be keeping with the standards and design principles of this division, and will not be detrimental to the harmonious development of the city, impair the desirability of investment or occupation in the Plan area. Depending on the level of conformance with the findings of the Specific Plan, the Planning commission may take the following actions:

- a. Approve the development plan
- b. Approve the development plan with conditions
- c. Deny the development plan

3. Findings for Granting a Site Plan Review Approval in the Specific Plan

B. Conditional Use Permits, Variances and Minor Exceptions: Conditional use permits, variances and minor exceptions shall be processed per the provisions of SAMC, article v. There shall be no ability to request a variance from the Lot Width/frontage.

C. Unless specified otherwise, the provisions of this Specific Plan take precedence over the applicable municipal provisions. Further, all development shall comply with all applicable local, state and federal regulations, including the National Infrastructure Protection Plan and the any future City Wide Ordinances.

D. Amendments. Amendments to this Specific Plan shall be processed in the same manner as amendments to the City's Zoning Ordinance and/or Zoning Map, as provided in SAMC Chapter 41-659.

E. Filing Fees. Applications submitted pursuant to this Specific Plan shall be filed with a Specific Plan recovery fee as authorized by Government Code Section 65456 which states:

"...The fees shall be established so that, in the aggregate, they defray but as estimated do not exceed, the cost of preparation, adoption, and administration of the Specific Plan..."

For this Specific Plan, the recovery fee is established by the adoption of this plan as \$2,375 (\$1M of total plan and EIR preparation costs divided by 421 acres in the plan area). Therefore, each application shall be charged its pro-rata share by identifying the acreage involved in the application at a rate of \$2,375 per acre.