

ARTICLE XIX. THE TRANSIT ZONING CODE, SPECIFIC DEVELOPMENT NO. 84

Division 1. General Provisions

Sec. 41-2000. Purpose and intent.

- (a) This article provides detailed regulations for development and land uses within the specific development area, and describes how these regulations will be used as part of the City's development review process. This article is intended to provide for the integration of new development and rehabilitation of existing structures with new and existing public transit infrastructure. This article will provide for:
- (1) A mixture of development and open spaces that situates commerce, work places, residences, and civic buildings within walking distance of transit and one another.
 - (2) Streets that meet the needs of many transit modes including public transit, pedestrians, cyclists and automobiles.
 - (3) Development that is maximally transit supportive.
 - (4) New and remodeled buildings to work together to define the pedestrian-oriented space of the public streets to support and strengthen the existing character of the neighborhoods in which they are located.
 - (5) The repair and stabilization of the area's existing urban fabric, characterized by an interconnected gridded street pattern and a mixture of architectural styles and uses, in order to support the successful expansion of public transit and compatible development.

Sec. 41-2001. Application of Article

- (a) The Transit Zoning Code, 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 Article for the express purpose of establishing land use regulations and standards. All other applicable chapters, articles, and sections of the SAMC and any other regulations adopted by the City Council shall apply unless expressly stated or superseded by this Article. All terms contained herein shall be defined by the SAMC, unless specifically defined in this Article.
- (b) Proposed development, including the construction, reconstruction or structural alteration of a structure, subdivisions, and new land uses within the specific development area shall comply with all the applicable regulations established by this article.

Sec. 41-2001.5 Organization

- (a) **Regulating Plan and Zones Established:** Sections 41-2006 through 2008 defines the zones within the Specific Development (SD) boundaries, the parcels included within each zone, and describes, zone by zone, the standards for building placement, design, and use consistent with the permitted uses identified in Table 2A.
- (b) **Use Standards:** Table 2A identifies the land use types allowed by the City in each of the zones established by the Regulating Plan. A parcel within the Specific Development (SD) boundaries shall be occupied only by land uses identified as allowed within the applicable zone and the type of City approval required by Table 2A.
- (c) **Urban Standards by Zone:** Sections 41-2010 through 2015 regulates the features of buildings that affect the public realm. The urban standards regulate building and parking placement, height, and profile, and vary according to the parcel's zone applied by the Regulating Plan. Standards for items not explicitly described in this section, including but not limited to, walls 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 Santa Ana Municipal Code and the Citywide Design Guidelines.
- (d) **Architectural Standards:** Sections 41-2020 through 2039 regulates the manner in which individual parcels and blocks are developed to create diverse and pedestrian-oriented development, through the use of three main components:
- (1) Sections 41-2020 through 2032 building types (e.g., duplex, rowhouse, courtyard housing)
 - (2) Sections 41-2033 through 2039 frontage types (e.g., front yard/porch, stoop, arcade, shopfront)
 - (3) Section 41-2040 (Table 4.3A) architectural styles (e.g., Main Street Commercial, Mission Revival, Art Deco, Folk Victorian, Craftsman, California Contemporary).
- (e) **Sign Standards:** Section 41-2050 regulates all signage within the SD boundaries to be consistent with the character described for each zone.
- (f) **Subdivision Guidelines:** Establishes guidelines for the creation and maintenance of a finely grained and walkable network of blocks punctuated by integral and varied open spaces.
- (g) **Street Network Concepts:** identifies conceptual location and guidelines for the street network. This section provides guidelines the rights-of-way alignment, and width in plan and section with the corresponding details.
- (h) **Definitions:** Sections 41-2080 identifies and defines the terms used in this Code.

Sec. 41-2002. Nonconforming buildings, structures and uses

(a) A nonconforming building, structure or use shall comply with Article VI as modified as follows:

(1) A building or structure that does not conform to the architectural style or story height requirements at the time of the adoption of this Article shall not cause the structure to be non-conforming.

(2) Sections 41-681.1 through 41-681.4 shall not apply to this Article.

(3) Rehabilitation, enlargement or exterior structural alterations of any nonconforming structure or structure occupied by a nonconforming use, except for structures occupied by single family and two-family dwellings, may be rehabilitated as follows:

a. Rehabilitation limited to structural or non-structural alterations without any building expansion is permitted if:

1. All signage on the structure and the site on which it is located shall be brought into conformity with the signage requirements of this Chapter.
2. All outdoor storage shall be screened by a solid screen wall not to exceed 8 feet in height. Outdoor storage shall not exceed the height of the screen wall.
3. There shall be no increase in the number of dwelling units unless the site on which the structure is located complies with the off-street parking and open space requirements of this Chapter.
4. Architectural massing, features and detailing shall be modified to bring the structure into closer compliance with the architectural standards of this code, as deemed appropriate by the Executive Director of the Planning and Building Agency, or their designee.

b. Rehabilitation may include expansion when the total floor area of all expansions occurring in any five-year period does not exceed ten (10) percent of the floor area as it existed at the beginning of the five years, provided that the following conditions are met:

1. All signage on the structure and the site on which it is located shall be brought into conformity with the requirements of this chapter.
2. There shall be no loading or unloading of vehicles between the hours of 10 pm and 7 am.
3. All outdoor storage shall be screened by a solid screen wall not to exceed 8 feet in height. Outdoor storage shall not exceed the height of the screen wall.
4. There shall be no enlargement which would intrude into any required yard.
5. There shall be no enlargement which would result in a new nonconformity with the requirements of this Chapter.
6. Off-street parking shall be provided in conformance with the requirements of this Chapter.
7. Landscaping shall be improved to bring the site on which the structure is located into closer compliance with the landscaping requirements of this Chapter, as deemed appropriate by the Executive Director of Planning and Building Agency, or their designee.
8. Architectural massing, features and detailing, shall be modified to bring the structure into closer compliance with the architectural standards of this Chapter, as deemed appropriate by the Executive Director of Planning and Building Agency, or their designee.

(4) Rehabilitation, enlargement or exterior structural alterations of buildings occupied by a single family and two-family dwellings is permitted subject to the following:

- a. Structural alterations and additions may be made where the total floor area of all such expansions occurring in a five-year period does not exceed forty (40) percent of the floor space of the building as it existed at the beginning of said time, provided the number of dwelling units is not increased; and no new non-conformances with the requirements of this code are created.
- b. Structural alterations and additions which exceed forty (40) percent of the total floor area as it existed at the beginning of a five-year period; or remodeling which involves the demolition of more than fifty (50) percent of the building shall be permitted; provided that the following conditions are met:
 1. Off-street parking shall be provided in conformance with the requirements of this Chapter.
 2. No new nonconformities with the requirements of this Chapter are created.
 3. A minimum of eight hundred (800) square feet of usable, continuous, non-front yard open-space, excluding driveways and parking areas is provided. Any open space with a minimum dimension of fifteen (15) feet by fifteen (15) feet shall be deemed continuous open space.
- c. Where rehabilitation of a building involves more than fifty (50) percent of a building wall which encroaches into a front or side yard setback and is demolished or is structurally altered, the remainder of the building wall shall be demolished. Any subsequent building wall shall conform to all provisions of this Chapter.
- d. An existing two-car garage with a minimum dimension of eighteen (18) feet by eighteen (18) feet exterior dimension shall be considered conforming.
- e. Remodel shall mean to reconstruct, or to make over in structure or style, but shall exclude re-roof, window replacement, exterior finish replacement and repair or similar modifications.

Sec. 41-2003. Affordable Housing Development Incentives.

Any affordable housing project may use any or all of the following incentives pursuant to an Affordability Covenant Permit:

- (a) Parking Design Incentive: Allows for tandem parking not to exceed 30 percent of the required parking per residential unit.
- (b) Private Open Space Incentive: For purposes of meeting the private open space requirement, the private open space incentive allows for encroachment into required front or side setbacks for porches that project from the main building facade up to 50 percent of the required setback, provided that the remaining setback area is not less than 5 feet.
- (c) Density Bonus Incentive: The state density bonus law, (California Government Code sections 65915 through 65918, as it may be amended from time to time) allows developers who guarantee that a portion of their residential development will be available to low income, very low-income or senior households to construct additional units beyond that permitted by the general plan land use element. This Specific Development does not place a limit on the number of units allowed provided that the project complies with the specified limitations on height, setbacks, floor area, open space, massing and other zoning regulations.
 - a. For purposes of this section, the maximum density allowed shall be based on the highest number of the density range shown on table BT-1.
 - b. All requests for density bonus shall follow the procedures and regulations established by Article XVI.I.

Sec. 41-2004. The Industrial Overlay (I-OZ) Zone

- (a) The Industrial Overlay Zone (I-OZ) is applied to areas zoned M1 or M2 and occupied with an industrial use at the time of the adoption of this Article. The zoning for the individual parcels shall be determined by Sectional District Map number 7-5-9 as it appeared on May 1, 2010.
- (b) The I-OZ allows the M1 and M2 regulations to apply to said parcel until such time as the property owner applies to modify the zoning district. The Regulating Plan identifies the boundaries of the applicable zoning district (i.e. Transit Village, Urban Center, Corridor, Urban Neighborhood 1 or Urban Neighborhood 2) within the Transit Zoning Code.
- (c) A property owner may apply to develop the parcel consistent with the applicable zoning district within the Transit Zoning Code. The applicant shall receive all the necessary site approvals including, the approval of the overlay zone site plan pursuant to Article III, Division 28 prior to development.
- (d) The uses in the I-OZ shall be subject to the regulations of the M1 and M2 zones (SAMC 41, Article III, Divisions 18 and 19), as applicable.

Sec. 41-2005. Application for Discretionary Approvals

- (a) Site Plan Review shall mean specific development plan and shall comply with Sections 41-593.4 through 593.6. Sections 41-593.4 through 593.6 shall only apply to structures over four (4) stories in height.
- (b) Conditional use permits, variances and minor exceptions. Conditional use permits, variances and minor exceptions shall be subject to Article V, except for the permit thresholds for minor exceptions shall be as identified in Table 1B.

TABLE 1A: PERMITTING PROCESS

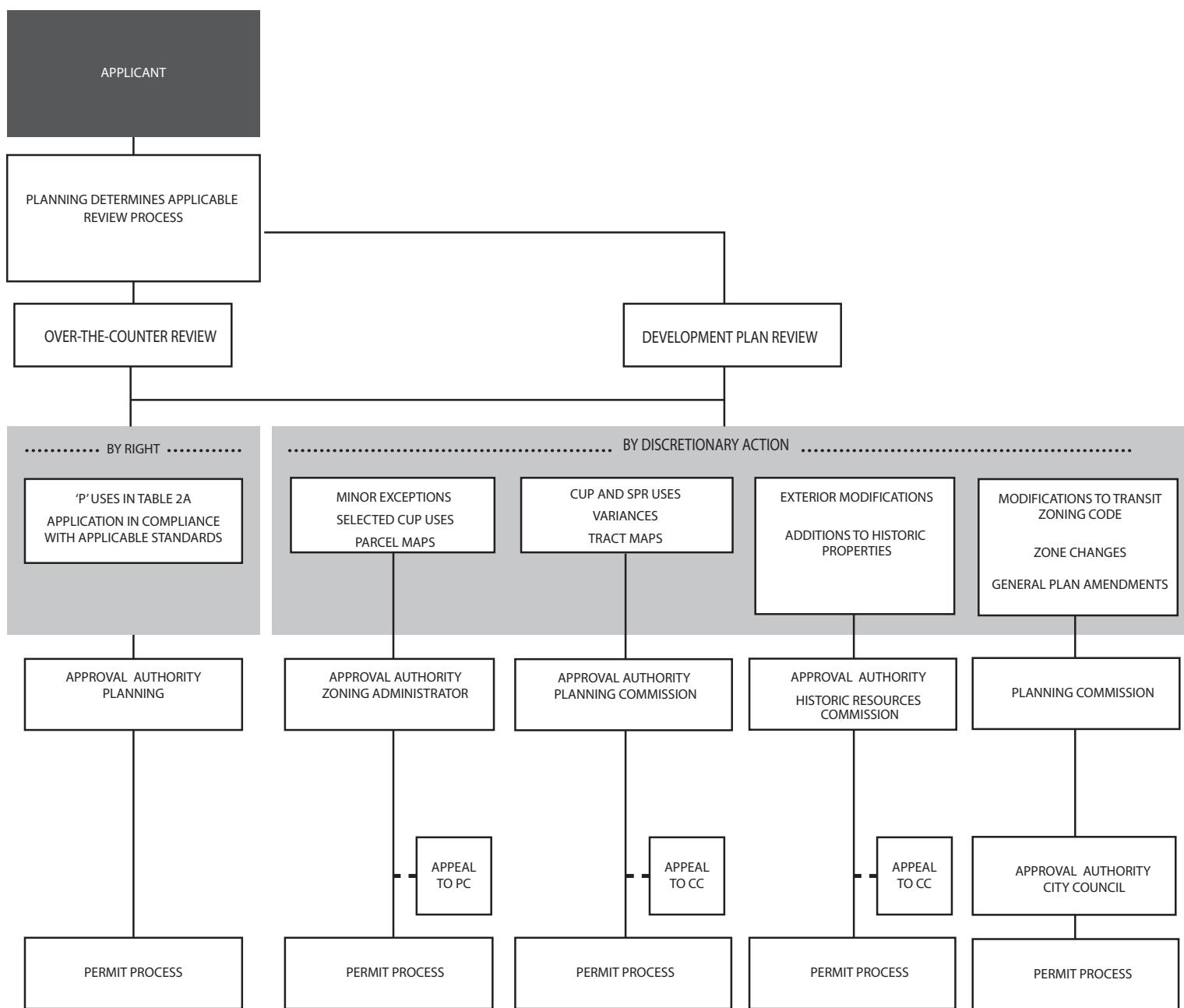


TABLE 1B: REVIEW AUTHORITY AND PERMIT TYPES [5]

Key to Table	
CC	City Council
PC	Planning Commission
HRC	Historic Resources Commission
ZA	Zoning Administrator
Planning:	Executive Director of PBA or their designee

[1] Review Authority
The Review Authority identified in Table 1B has the authority to grant approval of, or make a recommendation to the next higher Review Authority on the permit types as described.

[2] Development Approval
Applications that are consistent with the applicable standards of this code, and as further permitted by Table 2A, are to be approved administratively.

[3] Modification of Standards
i. Minor Exception.
Upon determination by Planning that the request, as authorized by Table 1B, and is consistent with the required findings in the SAMC, the identified standards may be modified by the Zoning Administrator.

ii. Variance.
Requests that exceed the limits identified in Table 1B, but that are within the intent of this code, are to be processed by Planning with a recommendation for review and action by the Planning Commission, subject to the required findings in the SAMC.

[4] Code Amendment
Approval of a Code Amendment, subject to the required findings in the SAMC, shall be considered by the City Council upon recommendation by the Planning Commission.

[5] Filing Fees.
Applications submitted pursuant to this code shall be filed per the Planning Division's procedures and processing fees in effect at the time of application.

Review Authority [1]	Permit Type	Permit Thresholds	
Planning	Occupancy and Use Clearance	for 'P' uses in table 2A	
	Development Approval	[2]	
	Sign Permit	---	
	Voluntary Lot Merger	---	
	Land Use Certificate	For 'LUC' uses in Table 2A	
	Land use & building type Interpretations	---	
ZA	Parcel Map	< 5 parcels	
Planning Commission	Minor Exceptions [3] (all permit thresholds are the maximum minor exception permitted)	(1) Lot Width / Depth	10%
		(2) Setbacks	15%
		(3) Building Height	10%
		(4) Building Size/Massing	15%
		(5) Driveway Access	15%
		(6) Open Space Area	15%
		(7) Sign Height/Width	10%
		(8) Walls and Fences	15%
Planning Commission	Conditional Use Permit	for 'CUP' uses in Table 2A, as authorized by the Planning Commission	
	Conditional Use Permit	for 'CUP' uses in Table 2A, except as noted above	
	Site Plan Approval	for 'SPR' uses in Table 2A	
Planning Commission	Tentative Tract Map	> 4 parcels	
	Variance	request is in excess of limits established for minor exception	
	HRC	Modific. to Historic Structures	
Placement on Historic Register			
City Council	General Plan Amendments		
	Zone Change	change in zoning category	
	Code Amendments	[4]	