



7 ADMINISTRATION AND IMPLEMENTATION

General Administration

Authority

The Harbor Mixed Use Transit Corridor Plan (Harbor Corridor Plan) is a specific plan adopted by ordinance through the authority granted to the City of Santa Ana by the California Government Code Sections 65450 through 65457 and as stated in Section 41-592 of the Santa Ana Municipal Code (SAMC).

As a specific plan adopted by ordinance, its provisions shall be implemented as the zoning for the site. All future development plans, tentative parcel and/or tract maps, or other similar entitlements shall be consistent with regulations in this document and with all applicable City regulations.

In the event of a conflict between the provisions of the Harbor Corridor Plan and the provisions in the SAMC, the Harbor Corridor Plan shall prevail. If the Harbor Corridor Plan is silent regarding any development standard or process, the provisions in the SAMC shall prevail.

Permitting Process

Applications filed under this Specific Plan shall comply with the procedures, thresholds, and requirements as outlined in Chapter 41 of the SAMC, except as specified in this Specific Plan. Figure 7-1 illustrates the general permitting process.

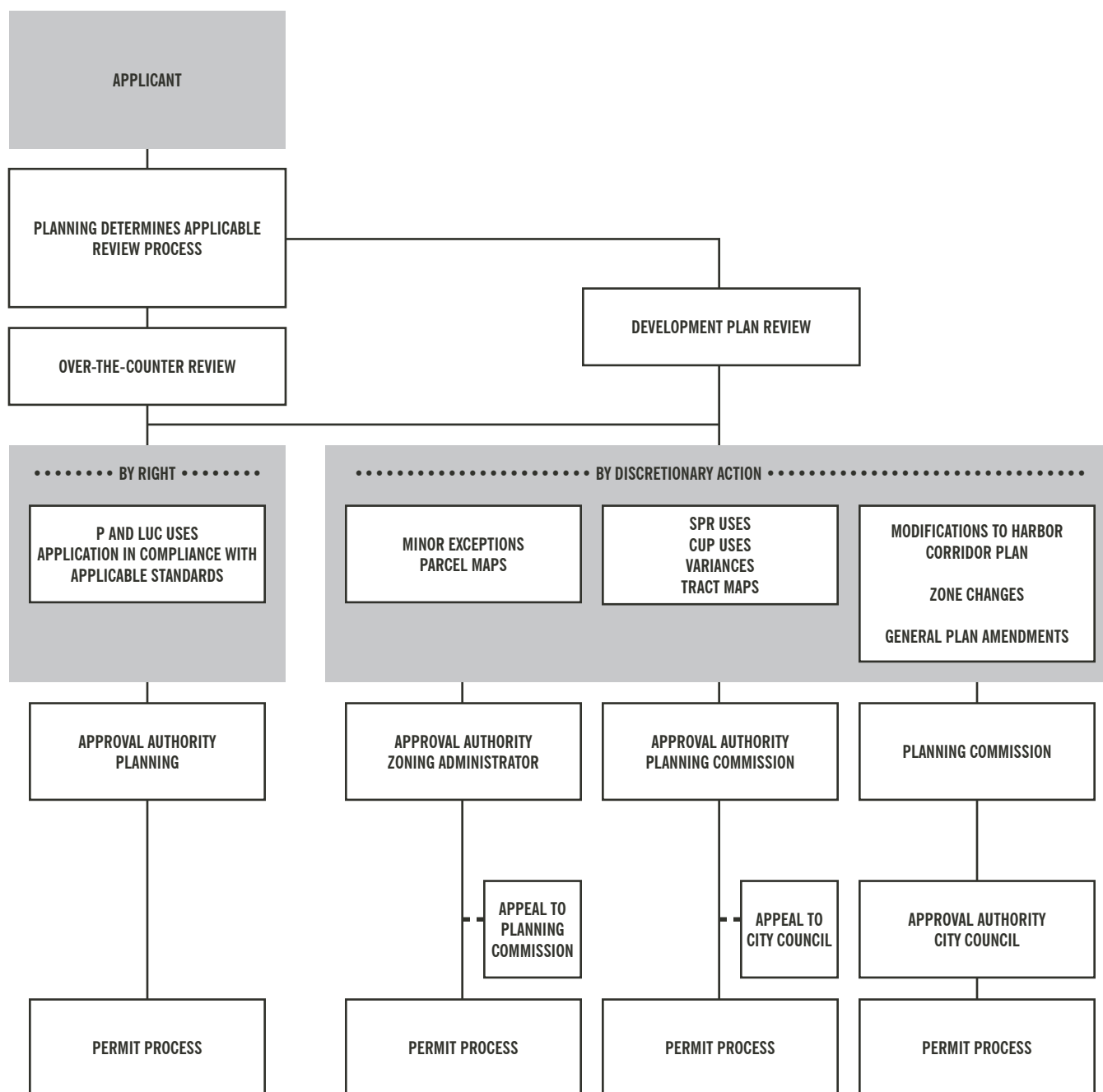
Housing Threshold

The Harbor Corridor Plan creates a land use and development framework to support from 1,700 to 4,600 residential units and 2 million square feet of commercial and employment space. The ultimate vision for the corridor is a place that contains a wide mixture retail stores, restaurants, office buildings, hotels, museums, and housing options in a more walkable, safe, and attractive environment.

The demand for new residential development in Orange County is extremely high and, if left uncontrolled, could easily consume nearly all of the land area within the corridor—leaving little potential for a balance of nonresidential uses.

Accordingly, the Harbor Corridor Plan limits new residential development built within the Specific Plan boundary after October 2014 to 2,000 units. After this threshold is met, the City Council must approve an amendment to this Specific Plan to set a new threshold or to remove this limitation. Otherwise, no new residential development shall be approved in excess of 2,000 units.

Figure 7-1. Permitting Process



P Use is permitted by right LUC Land Use Certificate CUP Conditional Use Permit SPR Site Plan Review

Note on Site Plan Review: Any project may be subject to an administrative site plan review in advance of plan check or a Planning Commission hearing date. Specific types of land uses and any structure over three stories in height, as listed in Table 3-2 of this Specific Plan, also require a discretionary site plan review and approval by the Planning Commission.



Nonconforming Buildings, Structures and Uses

A nonconforming building, structure or use shall comply with all of Article VI of the SAMC, except as modified below:

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 Specific Plan shall not cause the structure to be non-conforming.
2. Sections 41-681.1 through 41-681.4 of the SAMC shall not apply to this Specific Plan.
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:
 - i. All signage on the structure and the site on which it is located shall be brought into conformity with the signage requirements of this Specific Plan.
 - ii. All outdoor storage shall be screened by a solid screen wall not to exceed eight feet in height. Outdoor storage shall not exceed the height of the screen wall.
 - iii. 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 Specific Plan.
 - iv. Architectural massing, features and detailing shall be modified to bring the structure into closer compliance with the architectural standards of this Specific Plan, 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 percent of the floor area as it existed at the beginning of the five years, 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 Specific Plan.
 - ii. There shall be no loading or unloading of vehicles between the hours of 10 pm and 7 am.
 - iii. All outdoor storage shall be screened by a solid screen wall not to exceed eight feet in height. Outdoor storage shall not exceed the height of the screen wall.
 - iv. There shall be no enlargement which would intrude into any required yard.
 - v. There shall be no enlargement which would result in a new nonconformity with the requirements of this Specific Plan.
 - vi. Off-street parking shall be provided in conformance with the requirements of this Specific Plan.
 - vii. Landscaping shall be improved to bring the site on which the structure is located into closer compliance with the landscaping requirements of this Specific Plan, as deemed appropriate by the Executive Director of Planning and Building Agency, or their designee.
 - viii. Architectural massing, features and detailing, shall be modified to bring the structure into closer compliance with the architectural standards of this Specific Plan, 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 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 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 percent of the building shall be permitted; provided that the following conditions are met:
 - i. Off-street parking shall be provided in conformance with the requirements of this Specific Plan.
 - ii. No new nonconformities with the requirements of this Specific Plan are created.
 - c. Where rehabilitation of a building involves more than fifty 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 Specific Plan.

- d. An existing two-car garage with a minimum dimension of eighteen feet by eighteen 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.

Interpretation

In case of uncertainty or ambiguity to the meaning or intent of any provision of this Specific Plan, the Executive Director of the Planning and Building Agency (Executive Director) or their designee has the authority to interpret the intent of the provision. The Director may, at their discretion, refer interpretations to the Planning Commission for consideration and action. Such a referral shall be accompanied by a written analysis of issues related to the interpretation.

All land uses not listed in Table 3-2 shall be prohibited, except that the Executive Director has the authority to interpret, in cases of uncertainty, the intent of this Specific Plan as to whether an unlisted land use shall be designated as permitted, not permitted, or requiring a conditional use permit, land use certificate, and/or site plan review.

All interpretations made by the Director or Zoning Administrator may be appealed to the Planning Commission and City Council in accordance with the appeal procedures in Section 41-645 of the SAMC.

Severability

If any section, subsection, sentence, clause, or phrase of this Specific Plan, or future amendments or additions hereto, is for any reason held to be invalid or unconstitutional by the decision of any court, such decision shall not affect the validity of the remaining portions of the plan.

Environmental Assessment

An environmental impact report (EIR) has been prepared as a companion document to this Specific Plan and will provide California Environmental Quality Act (CEQA) review for approval of the Harbor Corridor Plan. The EIR serves primarily as a source of environmental information for the City of Santa Ana as lead agency for the project. The EIR describes the potential impacts that could result from the adoption of the Harbor Corridor Plan.

The EIR has been prepared as a program EIR as defined by Section 15168 of the CEQA Guidelines. As defined by section 15161 of the CEQA Guidelines, subsequent projects that are within the scope of the EIR will not require further environmental documentation nor focused environmental analysis, unless determined by the Executive Director of the City of Santa Ana to have the potential for environmental impacts not addressed in the EIR.

Definitions

The following section defines words and phrases for use and interpretation in this Specific Plan, unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases.

The words used in the present tense include the future tense, and words in the singular number include the plural number. If any of the definitions in this section conflict with definitions in Chapter 41 of the SAMC, these definitions shall control for the purposes of this Specific Plan.

Accessory structure: An accessory structure or building is a detached building or structure, or part of a building or structure, which is incidental or subordinate to the main building, structure or use on the same lot or parcel of land, without cooking facilities (e.g., storage shed, garage, gazebo), and is used exclusively by the occupant of the main building.

Adult business: A business as defined in Section 41-1701.6 of the SAMC.

Alley: An alley is any public or private thoroughfare for the use of pedestrians or vehicles, not less than ten (10) feet nor more than thirty (30) feet in width, and is intended for service and only a secondary means of access to abutting properties.

Arcade: see 'Frontage Types'

Artisan/craft product manufacturing: The manufacturing of products primarily by hand by persons trained in an artistic skill, including ceramics, pottery, glass blowing, or sculptures.

Bank, financial institution: An establishment for the custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of funds. Excludes check cashers as defined by California Civil Code section 1789.31.

Bike- or bicycle-friendly: The practice of addressing the needs of bicyclists through urban design and streetscape principles so that bicyclists are not



forced to ride unsafely in the street or on the sidewalk (e.g., clearly striped or protected bike lanes, good signage, bicycle-specific traffic signals, bike racks, and lockable bike storage).

Block: An area of land within a subdivision which area is entirely bounded by streets, highways or ways, excepts alley and the exterior boundary of the subdivision.

Building height: The vertical extent of a building measured in stories to the eave of the highest story, not including a basement or an attic. Height limits do not apply to masts, belfries, clock towers, steeples, equipment screening, chimney flues, and similar structures. Building height shall be measured from the average grade of the fronting thoroughfare curb level.

Building placement: The maximum horizontal envelope available for placing a building on a lot.

Building type: A structure defined by the combination of configuration and placement. The building types used in this Specific Plan are listed below:

Bungalow Court: A configuration of freestanding single units arranged around a common, shared courtyard that is wholly open to the street. The individual buildings are arranged next to each other to form the bungalow court building type.

Courtyard Housing: A building type consisting of residences that can be arranged in four possible configurations: townhouses, townhouses over flats, flats, and flats over flats. The structures are arranged next to each other, on one or more courts that are partly or wholly open to the street.

Duplex, Triplex, and Quadplex (2-/3-/4-plex): Multiple dwelling forms that are architecturally presented as large single-family houses in their typical neighborhood setting.

Flex Block: A building generally of a single massing element, designed for occupancy by retail, service, or office uses on the ground floor, with upper floors also configured for those uses or for residences.

House: A detached structure occupied by a single household that also accommodates commercial and office uses as allowed.

Lined Block: A building that conceals a public garage or other faceless building that is designed for occupancy by retail, service, or office uses on the ground floor, with upper floors also configured for those uses or for residences.

Live-Work: An integrated residence and working space, occupied and utilized by a single household in an arrangement of at least 3 such structures or 1 multiple structure with a least 3 units arranged side by side along the primary frontage, that has been designed or structurally modified to accommodate joint residential occupancy and work activity.

Rowhouse: An individual structure on a parcel with a private rear yard and individual garage accessed from an alley. Such structure shall be developed in an arrangement of at least 3 such structures along the primary frontage. Or, a structure of at least 3 attached townhouse unit types arranged side by side with a private rear yard and individual garage accessed from an alley along the primary frontage.

Stacked Dwellings: A building of single-floor or multi-floor residences of similar configuration either above or below that are stacked.

Tuck-Under: An individual structure on a parcel with no rear yard, where its garage is tucked under the rear of the house and accessed from an alley.

Bungalow Court: See 'Building Types'

Care homes: Residential facilities providing nursing and health-related care as a primary use with in-patient beds. Examples of these uses include: board and care homes; convalescent and rest homes; and skilled nursing facilities. Long-term personal care facilities that emphasize medical treatment are considered "Extended Care" facilities.

Clinic, urgent care: A facility other than a hospital where medical, mental health, surgical or other personal health services are provided on an outpatient basis, including incidental medical laboratories. Examples of these uses include:

- » Medical offices with five or more licensed practitioners or medical specialties out-patient care facilities
- » Urgent care facilities
- » Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional/Administrative"

Community assembly: Group gatherings conducted indoors such as synagogues, mosques, temples, churches, community centers, bingo halls, private clubs, fraternal, philanthropic and charitable organizations and lodges.

Commercial recreation facility - Indoor: Establishments providing indoor amusement and entertainment services for a fee or admission charge, including:

- » Bowling alleys
- » Coin-operated amusement arcades
- » Electronic game arcades (video games, etc.)
- » Pool, billiards
- » Skating sports (ice, roller, board)

This use does not include adult businesses. Four or more electronic games or coin-operated amusements in any establishment, or a premises where 50 percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above; three or fewer machines are not considered a land use separate from the primary use of the site.

Courtyard Housing: See 'Building Types'

Doctor, dentist, chiropractor office: A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite.

Duplex, Triplex and Quadplex: See 'Building Types'

Dwelling unit types:

- » Apartment: A multi-unit rental version of a Flat, Loft, or Townhouse
- » Condominium: An ownership version of a Flat, Loft or Townhouse
- » Flat: A single-story unit, often found in a stacked configuration
- » House: a single, detached unit
- » Loft: A double-story height unit with a mezzanine
- » Townhouse: A two to three-story unit with a common wall

Eating establishment: A commercial establishment whose primary use is the sale and service of meals onsite to guests and which has suitable kitchen facilities containing the necessary appliances required for cooking unpackaged foods, and which complies with all of the requirements of the local department of health and the California Department of Alcoholic Beverage Control for a bona fide public eating place pursuant to the Section 23038 of the California Business and Professions Code.

Elevation (building): The exterior walls of a building. Also referred to as 'Facade' when the elevation is along a frontage line.

Entrance (main or primary): The principal point of access of pedestrians to a building. In the support of pedestrian activity, the main or primary entrance should be oriented to the frontage rather than to the parking.

Facade: The exterior wall of a building that is set along a frontage line. Facades support the public realm and are subject to frontage requirements additional to those required of elevations.

Flex Block: See 'Building Types'

Forecourt: See 'Frontage Types'

Frontage Line: Those lot lines that coincide with a public street line. One shall be designated as the Principal Frontage Line. Facades along Frontage Lines define the public realm and are therefore more highly regulated than the elevations that coincide with other lot lines. Frontage lines are subject to the urban standards, architectural standards, signage standards, and subdivision standards.

Frontage type: The architectural element of a building between the public right-of-way and the private property associated with the building. Frontage Types combined with the public realm create the perceptible streetscape. The following frontage types used in this Specific Plan are listed below:

Arcade: A facade with an attached colonnade, that is covered by upper stories. This frontage type is ideal for retail use, but only when the sidewalk is fully absorbed within the arcade so that a pedestrian cannot bypass it. For Building Code considerations, this frontage type cannot cover the public right-of-way.

Forecourt: A semi-public exterior space partially within the shopfront, gallery or arcade frontage that is partially surrounded by a building and also opening to a thoroughfare forming a court. The court is suitable for gardens, outdoor dining, vehicular drop-off and utility off-loading.

Frontyard / Porch: A common frontage type associated with single family houses, where the facade is set back from the right of way with a front yard. A porch may also be appended to the facade. A fence or wall at the property line may be used to define the private space of the yard. The front



yard may also be raised from the sidewalk, creating a small retaining wall at the property line with entry steps to the yard.

Gallery: A colonnade that is attached to storefronts and projects over the sidewalk.

Shopfront: A facade placed at or close to the right-of-way line, with the entrance at sidewalk grade. This frontage type is conventional for retail frontage and is commonly equipped with cantilevered shed roof(s) or awning(s). Recessed storefronts are also acceptable. The absence of a raised ground floor precludes residential use on the ground floor facing the street, although such use is appropriate above.

Stoop: An elevated entry porch that corresponds directly to the building entry, with stairs placed close to the frontage line on a building with the ground story elevated from the sidewalk, securing privacy for the windows and front rooms. This type is suitable for ground-floor residential uses with short setbacks. This type may be interspersed with the shopfront frontage type. A porch or shed roof may also cover the stoop.

Frontyard/Porch: See 'Frontage Types'

Gallery: see 'Frontage Types'

General retail: Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include:

- » Art galleries, retail
- » Art supplies, including framing services
- » Bicycles
- » Books, magazines, and newspapers
- » Cameras and photographic supplies
- » Clothing, shoes, and accessories
- » Department stores
- » Drug stores and pharmacies
- » Dry goods
- » Fabrics and sewing supplies
- » Florists and houseplant stores with indoor sales only
- » Grocery or food market
- » Hobby materials
- » Jewelry
- » Luggage and leather goods
- » Music and/or musical instruments, parts, and accessories
- » Orthopedic supplies
- » Small wares
- » Specialty shops
- » Sporting goods and equipment
- » Stationery
- » Toys and games
- » Variety stores

General retail does not include the following:

- » Adult business as defined in Section 41-1701.6 of the SAMC, antique or collectible stores, furniture, furnishings and appliance stores, medical marijuana dispensaries or second hand stores.
- » Sheet metal shops, body-fender works, automobile paint shops, repair garages, and any activity which includes the processing, treatment, manufacturing, assembling or compounding of any product, other than that which is clearly and traditionally incidental and essential to a particular retail activity.
- » Any use which is more specifically identified as a permitted use or as a use which may be permitted subject to the issuance of a conditional use permit or land use certificate in one or more use districts pursuant to this Specific Plan.

Ground floor/ footprint: The area resulting from the application of building placement and open space requirements and as further articulated by particular building design. In calculating the area, only the conditioned floor space shall be counted for purposes of calculating allowable upper floor area, the area occupied by zaguans shall be counted as "ground floor/footprint."

Ground floor residential: Dwellings with their primary entrance and habitable space at grade.

Health and fitness: A commercial establishment providing facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, saunas, showers, and lockers. Health and fitness facilities may also provide for instruction programs and classes, such as functional fitness, martial arts, and yoga; lockers and showers may be provided.

Heavy industrial: The manufacture, extraction, treatment, storage, or assembly of materials or products that may or may not include the use of hazardous materials. Examples of heavy industrial include:

- » Automobile impound, salvage, or wrecking yards
- » Cement, lime, gypsum, or plaster of paris manufacture
- » Crematories
- » Food manufacture or processing
- » Fertilizer manufacture
- » Hazardous waste treatment facilities
- » Recycling facilities
- » Site for the transfer, disposal, or dumping of refuse
- » Smelting of tin, copper, zinc, or iron ores

Hotel: A facility offering short-term lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services and recreational facilities. Access to the guest rooms shall be through the main lobby of the building. A hotel shall contain more than five guest rooms. A hotel that contains a kitchen as defined by the California Building Code (CBC) in guest rooms shall be deemed to be a long term stay business hotel as defined by the SAMC. A hotel that meets the criteria of a transient/residential hotel as defined by the SAMC, shall be deemed to be a transient/residential hotel.

House: See 'Building Types'

Joint living-working quarters: A building or component of a building in which both residential and commercial uses may occur within the same unit.

Light industrial: The manufacture or assembly of products from previously treated material where no impact is created to the adjacent uses and no hazardous materials are used in the production of such products. The maximum number of employees shall be 10. Examples of light industrial include:

- » Athletic equipment
- » Bakeries
- » Camera, photo equipment
- » Clothing
- » Electronics
- » Musical instruments
- » Optical goods
- » Woodworking

Lined Block: See 'Building Types'

Live-Work: See 'Building Types'

Lot width: The frontage of a parcel which is used to identify the parcel for street address purposes.

Mixed-use building: Typically a structure lawfully containing residential and non-residential uses, although a structure that lawfully contains two types of non-residential uses can also be considered a mixed-use building.

Multi-family dwelling: A residential structure lawfully containing two or more dwelling units.

Multimodal corridor: A street and system of pathways that safely accommodates numerous transportation options for people to access and travel through the area. This can include the automobile, transit, pedestrian systems, and bicycle facilities.

Office: These do not include medical offices (see Clinic, Urgent Care," and "Doctor, dentist, chiropractor, office.").

1. Service. Establishments providing direct services to consumers. Examples of these uses include employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, elected official satellite offices, etc. This use does not include "Bank, Financial Services," which is separately defined.

2. Administrative. Office-type facilities characterized by high employee densities, and occupied by businesses engaged in information processing, and other computer-dependent or telecommunications-based activities. Examples of these uses include:

- » Airline, lodging chain, and rental car company reservation centers, not including retail travel agencies
- » Computer software and hardware design and development
- » Consumer credit reporting
- » Data processing services
- » Health management offices where no medical services are provided
- » Insurance claim processing
- » Mail order and electronic commerce transaction processing
- » Telecommunications facility design and management
- » Telemarketing

3. Professional. Office-type facilities occupied by businesses that provide professional services, or are engaged in the production of intellectual property. Examples of these uses include:



- » Accounting, auditing and bookkeeping services
- » Advertising agencies
- » Attorneys
- » Business associations, chambers of commerce
- » Commercial art and design services
- » Construction contractors (office facilities only)
- » Counseling services
- » Court reporting services
- » Detective agencies and similar services
- » Design services including architecture, engineering, landscape architecture, urban planning
- » Educational, scientific and research organizations
- » Financial management and investment counseling
- » Literary and talent agencies
- » Management and public relations services
- » Media postproduction services
- » News services
- » Photographers and photography studios
- » Political campaign headquarters
- » Psychologists
- » Secretarial, stenographic, word processing, and temporary clerical employee services
- » Security and commodity brokers
- » Writers and artists offices

Paseo: a public place or path designed for walking; promenade.

Pedestrian-friendly: The practice of addressing the needs of people, once out of their automobiles, through a series of interdependent urban design and streetscape principles (e.g., wide sidewalks, street trees and shade, on-street parking, outdoor dining, inviting storefronts, the feeling of being in an 'outdoor room', short crosswalk distances, interconnected and short blocks).

Personal services: Establishments providing non-medical services to individuals as a primary use. Examples of these uses include:

- » Barber, nail salons and beauty shops
- » Clothing rental
- » Dry cleaning pick-up stores with limited equipment
- » Home electronics and small appliance repair
- » Locksmiths
- » Pet grooming with no boarding
- » Shoe repair shops
- » Tailors

These uses may also include accessory retail sales of products related to the services provided.

Personal services - restricted: Personal services that may tend to have a blighting and/or deteriorating effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include:

- » Laundromats (self-service laundries), which shall comply with the development and performance standards set forth in Section 41-199 of the SAMC
- » Massage (licensed, therapeutic) as defined on Section 41-1751.1 of the SAMC
- » Pawnshops

Planter: The layer of the streetscape which accommodates street trees. Planters may be continuous or individual according to the Thoroughfare and location within the neighborhood.

Podium: A continuous raised platform supporting a building, or a large block of two or three stories beneath a multi-layer block of a smaller area.

Porch: see 'Frontage Types'

Religious facility: see 'Community Assembly'

Residential development: The addition of new residential units or the conversion of apartments to condominiums.

Residential unit: Any single-family home; any separate occupancy unit in a two-family or multifamily dwelling building; any live-work unit; and any other structure designed for human occupancy which contains a kitchen. However, this excludes any other building or structure designed or intended to be occupied or used for business or commercial purposes, such as sleeping rooms in hotels and motels without kitchens or kitchen facilities.

Rowhouse: See 'Building Types'

Setback: The area of a lot measured from a lot line to a building facade or elevation that must be maintained clear of permanent structures excepting galleries, fences, garden walls, arcades, porches, stoops, balconies, bay windows, and terraces which are permitted to encroach into the setback subject to the standards established in Chapter 3 of this Specific Plan.

Shared parking (joint use or park-once policy): An accounting for parking spaces that are available to more than one function. The requirement is based on a range of parking demand found in mature, mixed-use centers. The shared parking ratio varies according to multiple functions in close proximity unlikely to require the spaces at the same time. This approach to parking uses the following types of parking in combination to achieve a balanced and distributed supply of parking: off-street (surface lots and garages), on-street (parallel and diagonal).

Shopkeeper: A unit that contains space on the ground floor for use and operation by a retail merchant or tradesman along with residential space on the upper floor(s) that can be occupied by the same shop operator or a different resident. The residential and commercial components each have separate, dedicated entrances. See also 'Live-Work'

Shopfront: See 'Frontage Types'

Single family dwelling: A residential building containing one or more habitable rooms with only one kitchen, designed for occupancy by one independent household unit with common access to, and common use of all living, kitchen and bathroom areas.

Stacked Dwellings: See 'Building Types'

Stoop: See 'Frontage Types'

Story: A habitable level within a building from finished floor to finished ceiling: Attics and basements, as defined by the California Building Code (CBC) are not considered a story for the purposes of determining building height and are subject to the applicable requirements of this code and the CBC, except for when the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

Streetscape: The urban element that provides the major part of the public realm as well as paved lanes for vehicles. A streetscape is endowed with two attributes: capacity and context. Capacity is the number of vehicles that can move safely through a segment within a given time period. It is physically manifested by the number of lanes and their width, and by the curb radius.

Studio: A workplace of one or more individuals who are engaged in the production of art, such as fine and fiber arts, lithography, calligraphy, photography, music, dance and the performing arts. Galleries, not to exceed 50 percent of the floor area, are permitted as an ancillary use. Any regulated use, as defined on Section 41-191 of the SAMC is not allowed. Uses meeting the definition of artisan/craft product manufacturing shall be deemed an artisan/craft product manufacturing use.

Tandem parking stall: Two or more parking spaces arranged one behind the other.

Thoroughfare: A vehicular way incorporating moving lanes and parking lanes (except alleys/lanes which have no parking lanes) within a right-of-way.

Traffic calming: A set of techniques which serves to reduce the speed of traffic. Such strategies include lane-narrowing, on-street parking, chicanes, yield points, sidewalk bulge-outs, speed bumps, surface variations, mid-block deflections, and visual clues. Traffic calming is a retrofit technique unnecessary when thoroughfares are correctly designed for the appropriate speed at initial construction.

Transit-oriented development: Compact, higher intensity development that includes uses supportive to transit; i.e., residential uses that increase ridership and transit efficiency or commercial uses that serve transit users. Its structure creates nodes at an efficient spacing for mass transit. These nodes are mixed-use areas limited in extent by walking distance to the transit stop.

Transition line: A horizontal line, the full width of a facade expressed by a material change or by a continuous horizontal articulation such as a cornice or a balcony.

Tuck-Under Housing: See 'Building Types'

Zaguan: A covered pedestrian passage between courts of one to two rooms in depth and one story in height.



Related Plans and Programs

Southern California Association of Governments (SCAG)

SCAG is a council of governments, regional planning agency, and a forum for jurisdictions to address regional issues concerning transportation, the economy, community development, and the environment. SCAG also cooperates with the Southern California Air Quality Management District, the California Department of Transportation, and other agencies in conducting regional planning efforts and preparing regional planning documents.

Compass Growth Vision and Blueprint Strategy

In 2004, SCAG adopted the Compass Growth Vision (CGV), which was a response, supported by a regional consensus, to the land use and transportation challenges facing southern California. SCAG developed the CGV to maintain the region's prosperity, continue to expand its economy, house its residents affordably, and protect its environmental setting as a whole. The CGV is a framework that helps local jurisdictions address growth management cooperatively and also helps coordinate regional land use and transportation planning.

In conjunction with the CGV, SCAG also adopted the Compass Blueprint 2% Strategy, which is the part of the 2004 regional growth forecast policy that attempts to reduce emissions and increase mobility through strategic land use changes. The 2% Strategy is a guideline for how and where the CGV for southern California's future can be implemented toward improving measures of mobility, livability, prosperity, and sustainability for local neighborhoods and their residents. Through extensive public participation and land use and transportation modeling and analysis, the program resulted in a plan that identifies strategic growth opportunity areas (2% Strategy Opportunity Areas). As indicated by the name, these opportunity areas occupy roughly two percent of the land area in the southern California region.

Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS)

In the 2012–2035 RTP/SCS, SCAG emphasizes integrated planning guided by three principles: mobility, economy, and sustainability. The RTP/SCS includes a strong commitment to reduce emissions from transportation sources to comply with Senate Bill 375 (2008), improve public health, and meet the National Ambient Air Quality Standards as set forth by the federal Clean Air Act. The RTP/SCS provides a blueprint for improving quality of life for residents by providing more choices for where they will live, work, and play and how they will move around.

High Quality Transit Areas

With the adoption of the 2012 RTP/SCS, the areas previously known as 2% Strategy Opportunity Areas were updated by SCAG and replaced with what are now called High Quality Transit Areas (HQTAs), which are a part of, and integrated into, the SCS portion (Chapter 4) of the 2012 RTP/SCS. An HQTA is generally a walkable transit village or corridor that is within a half mile of a well-serviced transit stop or a transit corridor with 15-minute or less service frequency during peak commute hours. The overall land use pattern of the 2012 RTP/SCS focuses jobs and housing in the region's designated HQTA. The majority of the specific plan area is designated a HQTA.

City of Santa Ana General Plan

The general plan sets forth the goals, policies, and directions the City will take in managing its future. It is the blueprint for development and a guide to achieving the long-term citywide vision. Specific plans act as a bridge between the general plan and individual development proposals. They combine development standards and guidelines, capital improvement programs, and financing methods into a single document that is tailored to meet the needs of a specific area. The Harbor Corridor Plan maintains consistency with and implements the policies of the Santa Ana General Plan. The following is a list of relevant General Plan policies (adopted as of August 2014) that are strengthened by the Harbor Corridor Plan (note that some policies include specific reference numbers while others do not).

Circulation Element

Policy 1.11: Minimize travel impediments on bicycle and pedestrian paths.

Policy 3.1: Support the efforts of regional, state, and federal agencies to enhance local and express bus services.

Policy 3.5: Enhance sidewalks and pedestrian systems to promote their use as a means of travel.

Policy 3.6: Maximize the use of public rights-of-way for pedestrian and bicycle paths.

Policy 3.7: Support system enhancements and bikeway support facilities that encourage bicycle usage.

Policy 3.8: Develop bicycle paths that maximize access to major activity centers, neighboring jurisdictions, and regional bicycle paths.

Policy 5.2: Enhance street design standards to promote attractive circulation corridors.

Conservation Element

Policy: Support local and regional land use and transportation plans that increase mass transit usage and reduce vehicle trips.

Energy Element

Policy: Provide energy efficient modes of transportation and fixed facilities to encourage transit, bicycle and walking as regularly used modes of travel.

Policy: Encourage higher densities of housing and office (mixed use) development to relate to areas of higher transportation access and capacity.

Growth Management Element

Policy: All new development shall pay its share of the street improvement costs associated with that development including regional traffic mitigation.

Housing Element

Policy HE-2.3: Encourage the construction of rental housing for Santa Ana's residents and workforce, including a commitment to very low, low, and moderate income residents and moderate income Santa Ana workers.

Policy HE-2.4: Facilitate diverse types, prices, and sizes of housing, including single-family homes, apartments, townhomes, mixed/multiuse housing, transit-oriented housing, multigenerational housing, and live-work opportunities.

Policy HE-2.5: Require excellence in architectural design through the use of materials and colors, building treatments, landscaping, open space, parking, and environmentally sensitive ("green") building and design practices.

Policy HE-2.7 Entitlement Process. Provide flexible development review and entitlement processes that facilitate innovative and imaginative housing solutions, offer a consistent approval process, and allow for appropriate oversight.

Land Use Element

Policy 1.6: Support "live/work" opportunities within specifically defined areas.

Policy 1.9: Coordinate street and parkway designs that are attractive, functional, and compatible with adjacent onsite development.

Policy 2.2: Support commercial land uses in adequate amounts to accommodate the City's needs for goods and services.

Policy 2.4: Support pedestrian access between commercial uses and residential neighborhoods which are in close proximity.

Policy 2.6: Encourage the creation of new employment opportunities in developments which are compatible with surrounding land uses, and provide a net community benefit.

Policy 2.10: Support new development which is harmonious in scale and character with existing development in the area.

Policy 3.1: Support development which provides a positive contribution to neighborhood character and identity.

Policy 4.5: Encourage development of employment centers and mixed-use projects within targeted areas adjacent to major arterial roadways, transit and freeway corridors.

Policy 5.5: Encourage development which is compatible with, and supportive of surrounding land uses.

Policy 5.10: Support a circulation system which is responsive to the needs of pedestrians and vehicular travel.

Urban Design Element

Policy 1.1: New development and redevelopment projects must have the highest quality design, materials, finishes, and construction.

Policy 1.5: Enhanced architectural forms, textures, colors, and materials are expected in the design of all projects.

Policy 1.11: Visual and physical links between districts, nodes, significant sites, landmarks, and other points of interest, are to be provided in all public and private projects.

Policy 2.1: Projects must acknowledge and improve upon their surroundings with the use of creative architectural design, streetscape treatments, and landscaping.

Policy 2.2: New development must be consistent with the scale, bulk, and pattern of existing development.



Policy 3.1: Landscaping will be promoted on freeway slopes, roadway medians, and parkways.

Policy 3.2: Street improvements and adjacent development, should be consistently designed to eliminate a haphazard look and visual clutter along corridors.

Policy 3.3: Enhanced streetscapes, architectural themes, and landscaping are to be provided to visually strengthen the path and enhance adjacent development.

Policy 3.4: Streetscape improvements are to be redesigned to provide a pleasant and safe environment and to improve pedestrian circulation.

Policy 3.6: Streetscape design should be used to link major destination points, landmarks, and local activity nodes.

Policy 3.10: Safe and pleasant bicycle and pedestrian routes are to be provided and they should link activity nodes and places of interest.

Policy 3.11: Maximize the use of street trees and parkway landscaping to create a pleasant travel experience and positive City image.

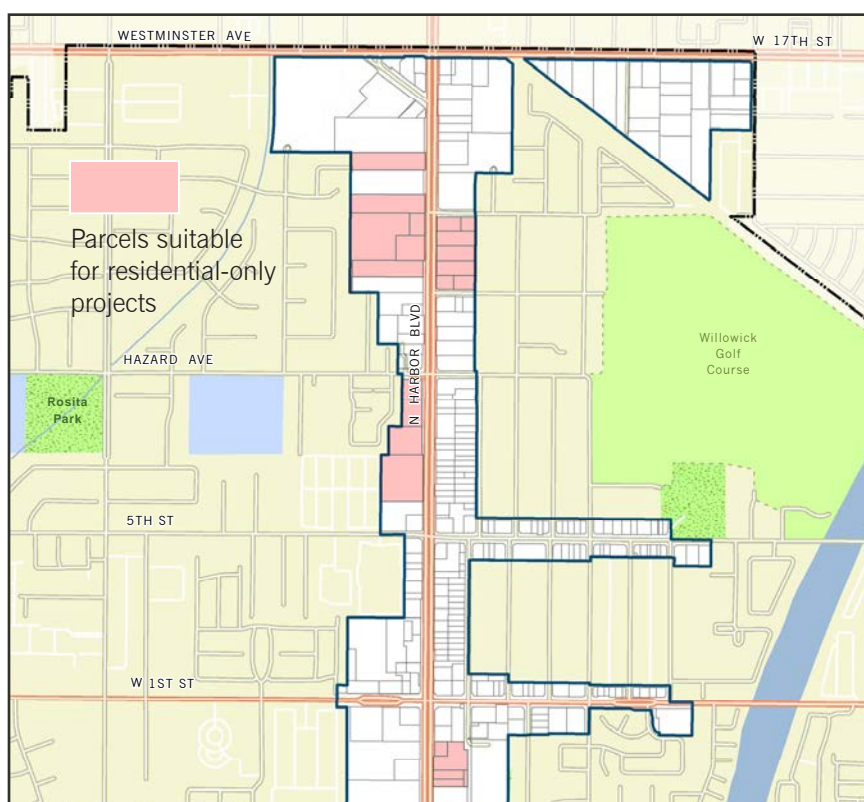
Housing Requirements

Chapter 41-1900, et al of the SAMC (Housing Opportunity Ordinance) shall apply to the Harbor Corridor Plan.

Additionally, California law requires that cities zone land to encourage and facilitate their fair share of housing growth—referred to as the regional housing needs assessment (RHNA). Based on the City’s 2014 Housing Element, 10.1 acres of land in the Harbor Corridor Plan must be zoned for residential development. The zoning must permit residential by right at a minimum density of 20 units per acre on sites that can accommodate a minimum of 16 total units.

While residential is permitted throughout the entirety of the Harbor Corridor Plan, Figure 7-2 identifies 22 parcels on 24 acres within the Specific Plan area that are well positioned for residential development. Upon adoption of the Harbor Corridor Plan, these parcels are rezoned to allow residential projects by right at a minimum density of 20 units per acre. The City must demonstrate that there are at least 10.1 acres for residential projects at a density of at least 20 units per acre during the 2014–2021 Housing Element planning period.

Figure 7-2: Parcels Suitable for Residential-Only Projects



Implementation and Financing

Realizing the vision and implementing the Specific Plan involves changes in the private realm and the public realm. As new development occurs, the Specific Plan provides direction and standards for the improvement of the private realm.

The following describes the implementation and financing options for improvements to the public realm. The discussion is provided in two ways: first by type of improvement and then by task. Following that is a more general description of the financing mechanisms.

Description of Public Realm Improvements

Infrastructure

Certain infrastructure upgrades will be necessary to accommodate the new development envisioned in the Specific Plan.

Water System. As discussed in the infrastructure chapter, the existing water supply and distribution is sufficient to accommodate the amount of development accommodated by the Specific Plan. Thus, this implementation program does not include any specific improvements for the water system. The City is currently updating its Urban Water Management Plan. As part of this work, a nexus study may be conducted to establish a development impact fee for water infrastructure.

Sewer System. As discussed in the infrastructure chapter, the amount of development accommodated by the specific plan will require an upgrade to the size of certain sewer mains in the project area. The existing mains are sufficient to convey the current amount of wastewater flow generated and passing through the project area, however as more development occurs in the area some mains will be over capacity.

Developers will need to contribute to the development impact fees for improvements to the sewer system.

Storm Drainage System. As discussed in the infrastructure chapter, the existing flood control and drainage system is deficient. The amount of development accommodated by the Specific Plan would increase the level of deficiency.

Subsequent to the adoption of the Specific Plan, the City will need to conduct a nexus study to establish development impact fees for upgrades to the flood control and drainage system. This study will determine the proportion of the improvements applicable to new development, and thus subject to development impact fees, and the proportion applicable to existing development, and thus subject to funding through City revenues or through the establishment of an assessment district or other type of funding and financing district.

Roads

The Specific Plan calls for reducing lane widths along Harbor Boulevard and several cross streets, restriping the roadway, and installing and improving medians on cross streets. The additional right-of-way no longer used for travel lanes could be used for bikeways, on-street parking, and widened sidewalks. In addition, several key intersections along Harbor Boulevard will be improved with enhanced crosswalks and bulb-outs. With the roadway improvements, the Specific Plan may have a reduction in average speeds, which could warrant a reduction in the posted speed limit.

Development impact fees approved as part of the Harbor Corridor Plan will be used for road restriping, medians, bikeways, parking meters, and intersection improvements.

Road Restriping. The City will restripe the travel lanes. Relative to other improvements, the cost to restripe the lanes will be minimal. The City will pay for this action using City revenues.

Medians. The City will improve existing medians and install new medians on cross street.

Bikeways. The City will establish bikeways along Harbor Boulevard and several cross streets. The final design will be determined during the process of the Public Realm Improvement Implementation Program (specifically Tasks 3 and 4).

On-Street Parking and Parking Meters. The Specific Plan accommodates on-street parking along Harbor Boulevard and several cross streets, although parking would be restricted near intersections. Sidewalk bulb-outs will provide a safe transition between parking and no-parking sections of the roadways.

However, the City may decide to install parking meters and construct some on-street parking and sidewalk bulb-outs itself to create a unified streetscape where new development projects are interspersed with older development and other situations. If the City pays for the construction of on-street parking, bulb-outs, and parking meters, the City may recoup those costs from future development through a development impact fee, from existing development through a contractual assessment district, and/or through future parking meter revenues.



Intersection Improvements. The Specific Plan calls for improving bike and pedestrian crossings at intersections along Harbor Boulevard. These improvements may include special painting or special pavement. The City may start with special painting and upgrade to special pavement treatments as resources become available.

Speed Limit Reduction. Subsequent to the reduction in the travel lane widths, the City will conduct a speed study. If the lane reductions are accompanied by a reduction in the average travel speed, the City may reduce the speed limit along Harbor Boulevard. The City will pay for the speed study and any resultant change in speed limits using City revenues. The Specific Plan does not envision recouping this cost from new development.

Streetscaping

The Specific Plan envisions a robust streetscape treatment to improve the public image of Harbor Boulevard and to distinguish it as a unique destination in the regional marketplace. These improvements include widening sidewalks and installation of street lighting, pedestrian lighting, street furniture, and landscaping. In addition, the City may create a facade improvement program for properties that owners do not wish to redevelop.

Developers will need to contribute development impact fees for sidewalk, lighting, street furniture, and landscaping improvements. However, credit will be given if improvements are done as a condition of development.

Subsequent to adoption of the Specific Plan, the City will prepare a streetscape plan to establish the location and specifications of such improvements, including details on dimensions, materials, types, quality, design, and amount. The City may also make improvements using City revenues.

Facade Improvement Program. As properties in the Specific Plan are redeveloped to capitalize on the new opportunities afforded by the Specific Plan, some properties and buildings that are adequate for their existing use may benefit from facade improvements and the installation of streetscape improvements.

Subsequent to the adoption of the Specific Plan, the City may consider establishing a facade improvement program. The City could establish a contractual assessment district to pay for these improvements. To do this, the City would establish the program guidelines, which would specify the types of improvements that could be covered, and then establish a contractual assessment district. The City could provide initial funding for the facade improvement program with City revenues or future parking meter revenues. Interested property owners could then receive a loan from the program for the improvements and pay the money back over time through the contractual assessment district.

Parks

The Specific Plan acknowledges the challenges of providing adequate park and open space in an urban area. The Specific Plan requires new development to provide common open space and private open space onsite. In addition, consistent with Chapter 35, Article IV of the SAMC (Residential Development Fee), all new residential development shall contribute a fee equivalent to two acres of park and recreation facilities per 1,000 residents.

These fees shall be placed in a special fund to be known as the “Harbor Corridor Park Acquisition and Development Fund”. The Specific Plan augments the geographic requirements of the SAMC as follows. Moneys in such fund shall be expended for the acquisition and construction of park and recreation facilities within the Specific Plan boundary (preferred) and/or within one-quarter mile of Specific Plan boundary.

Public Realm Improvement Implementation Program

To implement the public realm improvements, this section provides a program for discrete implementation tasks. Each implementation task is described below, followed by Table 7-1 that illustrates the timetable for implementation.

Task 1. Adopt Interim Development Agreement Policy

It is likely that property owners and developers will propose new developments after the Specific Plan is adopted, but before other components of the public realm improvement implementation program are completed. In such cases, the City should negotiate with those developers to provide the public realm improvements and/or pay fees commensurate with the expected level of development impact fees.

In no case shall a development agreement be used to alter or in any way vary from any of the regulatory standards, design guidelines, or other requirements of the Specific Plan. The City shall adopt the interim development agreement policy either in conjunction with the adoption of the Specific Plan or within approximately one month of its adoption.

Task 2. Prepare Development Impact Fee Nexus Studies and Adopt Impact Fee Ordinance

To assess the costs of public improvements to new development through impact fees, the City must conduct a nexus study to determine the proportion

of improvement costs attributable to new development and then adopt an ordinance establishing the fees. Within one year of Specific Plan adoption, the City will prepare nexus studies for water and storm drainage improvements.

Based on the outcome of these nexus studies, the City will adopt an ordinance establishing development impact fees for the Specific Plan area. The ordinance shall be submitted for public hearing by the City Council within six months of the completion of the nexus studies. In preparing the ordinance, the City will establish when the improvements will be made, how the City will pay the upfront costs, and how and when the City will be repaid through the collection of impact fees. The City shall determine whether or not a special fund is needed for the improvements paid through impact fees.

Task 3. Prepare Ultimate Roadway Design and Specifications

The City shall prepare design and specifications for the ultimate roadway improvements, including parking and parking meters, sidewalk widening, sidewalk bulb-outs, median improvements, and intersection improvements including both striping and special pavement treatments. The design and specifications shall indicate which improvements are required as a condition of approval for new development.

The design and specifications shall also indicate which improvements may be provided through a contractual assessment district and which the City may construct or install on its own using City revenues. The City should complete the ultimate roadway design and specifications within one year of adoption of the Specific Plan, dependent on funding availability.

Task 4. Restripe Roadways for Initial Lane Configurations

The City shall prepare design and specifications for restriping roads to reduce lane widths. Opportunities for bicycle facilities and on-street parking will be considered. The City should complete the restriping within six months of completing the ultimate roadway design and specifications, dependent on funding availability.

Task 5. Establish the Parking Meter District and Fund

The City shall establish a parking meter district by ordinance in accordance with California Vehicle Code Section 22508. The ordinance shall describe the area included within the zone and rate of fees.

The City shall also establish a special fund to account for the collection and expenditure of parking meter fees. In conjunction with the establishment of this fund, the City shall adopt a policy setting forth how the parking meter fees may be used. The policy shall require repayment to the City of costs for installing parking meters prior to any other use of parking meter revenue. The policy shall also restrict the expenditure or use of parking meter revenues to improvements and activities in the Specific Plan area. The City shall establish the special fund and adopt the parking meter revenue policy within one year of the adoption of the Specific Plan.

Task 6. Create a Streetscape Plan

The City shall prepare a streetscape plan, covering street lighting, pedestrian lighting, street furniture, and landscaping. The plan shall indicate what improvements are required as a condition of approval for new development, which improvements may be provided through a contractual assessment district, and which the City may construct or install on its own using City revenues.

The streetscape plan shall also include standards and specifications for a facade improvement program. Unlike the other streetscape improvements, though, the facade improvement program likely would apply only to existing buildings and likely would only be implemented through a contractual assessment district. The City should identify funds for and complete the streetscape plan within one year of adoption of the Specific Plan, dependent on funding availability.

Task 7. Establish a Contractual Assessment District

The City may establish a contractual assessment district to provide a mechanism to allow property owners not developing or redeveloping their property to obtain roadway improvements (see Task 3) and streetscape and facade improvements (see Task 6). The contractual assessment district would establish the parameters for which improvements are covered, how and when the improvements would be made, which properties are eligible, and the standards for entering into an agreement for contractual assessments.

A contractual assessment is completely voluntary on the part of property owners and can be entered into on a parcel-by-parcel basis. If interested, property owners could obtain qualified improvements on or adjacent to their property by joining the contractual assessment district. The City would construct or install the specific improvements, and the property owner would repay the City over time through an annual assessment on the property. The assessment would run with the land and subsequent property owners would be bound to the agreement.

In conjunction with establishing the contractual assessment district, the City will establish a special fund to account for monies the City invests in the



district and the eventual repayment to the City. The City can make a one-time investment in the district to create a revolving loan fund in which funds are reused as they are repaid. The City may also make investments on an as-needed and as-available basis and collect repayments each year as assessments are paid to the district. The special fund used to account for the contractual assessment district may be a stand-alone fund or may be part of a single special fund for the Specific Plan, in which case it would include parking meter fees and park in-lieu fees.

The City may, at any time, choose to construct and install roadway improvements and streetscape improvements in any part of the Specific Plan area. Absent contrary provisions in the ordinance establishing the contractual assessment district or in any agreements, City construction and installation of improvements would not terminate or invalidate any then existing contractual assessment agreements.

The City may establish a contractual assessment district within six months of the completion of Tasks 3 and 6. The City may also include a sunset provision.

Task 8. Speed Study

Once the restriping and final travel lane configurations are in place (see Task 4), the City will conduct a speed study to determine the appropriate travel speed limit along Harbor Boulevard. The City will pay for the speed study and any resultant change in speed limits using City revenues. The speed study will be completed within one year of restriping the lane configurations.

The goal is to design Harbor Boulevard within the Specific Plan to satisfy the California Vehicle Code requirements and justify a lower speed limit due to the proposed increase in residential development and pedestrian activity.

Task 9. Annual Review

Each year in conjunction with the annual budget process, the Planning and Building Agency (PBA) will report on the implementation of the Specific Plan. Among other considerations, the annual review will evaluate the effectiveness of the public realm improvement program. Specifically, the report will indicate whether the primary reliance on new development and contractual assessment districts supplemented by target City investments is adequately and effectively achieving the Specific Plan’s vision.

If the PBA finds that sufficient progress is not being made, the PBA may recommend changes to the implementation program. Such changes may include the City taking a more direct role in paying for roadway and streetscape improvements and alternative approaches to recouping those costs. Funding for those improvements could be included in the City’s capital improvement program.

Such changes may also include recommendations to engage property owners in evaluating the feasibility of assessment districts, landscaping and lighting maintenance districts, and other applicable funding and financing districts. Any such changes to the implementation program may be approved by a simple majority vote of the City Council.

The PBA may recommend and a simple majority vote of the City Council may approve the termination of the annual review process upon a finding by the PBA that 60 percent or more of the Harbor Boulevard frontage has been improved pursuant to the ultimate roadway design and specifications and the streetscape plan.

Table 7-1. Public Realm Improvement Implementation Timetable

TASK	YEAR 1	YEAR 2
Task 1. Adopt Interim Development Agreement Policy		
Task 2. Prepare Development Impact Fee Nexus Studies and Adopt Impact Fee Ordinance		
Task 3. Prepare Ultimate Roadway Design and Specifications		
Task 4. Restripe Roadways for Initial Lane Configurations		
Task 5. Establish the Parking Meter District and Fund		
Task 6. Create a Streetscape Plan		
Task 7. Establish a Contractual Assessment District		
Task 8. Speed Study		
Task 9. Annual Review		

Note: This timetable presents the current scheduling goals for the City, but the tasks and timelines are subject to change.

Implementation Tools and Funding Mechanisms

The public realm improvement program described above provides for the use of a variety of implementation tools and funding and financing mechanisms. The following describes the general use and statutory requirements for these tools and mechanisms and for other tools that the City may employ at a future date to realize the vision for the Harbor Corridor Plan.

Developer-Funded Improvements

In some cases, the development of one or more parcels in the Specific Plan area may require the construction of offsite infrastructure improvements, the size of which may be larger than what is needed to serve just the proposed development. In such cases, if the City does not have the funds available to pay for the additional infrastructure capacity, the property owner or developer may agree, through a development agreement, to pay for the full cost of the offsite infrastructure improvement and to be repaid as additional development occurs.

The development agreement would stipulate the terms of such repayment. If the cost of infrastructure improvements is to be repaid to a property owner, developer, or other entity that paid the upfront cost, the City may prohibit other development under the Specific Plan until the project applicant has paid the required infrastructure cost repayment fee in accordance with the terms of the development agreement.

Development Impact Fees

A development impact fee is charged by a city to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project. The Specific Plan anticipates the use of development impact fees for right-of-way, sewer, drainage and flood control, and public park improvements.

The use of development impact fees is authorized by the Mitigation Fee Act (California Government Code, Section 66000, et seq.). The City may not require a proposed development to pay a development impact fee beyond the proposed development’s proportionate share of the public improvement cost.

Contractual Assessment Districts

In a typical assessment district, a municipality determines the cost of public improvements and places a levy on each property in the area unless a majority of property owners object. In contrast, a contractual assessment district is completely voluntary.

A municipality establishes a contractual assessment district program, creating guidelines that identify the types of improvements, costs, and locations. If and when a property owner wants to participate, the owner can voluntarily enter into a contractual assessment. Because the program is completely voluntary and because it applies to only one property at a time, there is no voting, balloting, or engineer’s report, as is required with a conventional assessment district. Typically the program authorizes the city manager or some other staff position to execute the contract on behalf of the city, thus eliminating the need for a public hearing.

These assessments are authorized by Contractual Assessments (part of the Improvement Act of 1911) (Streets and Highways Code Sections 5898.10 et seq.). Although this authority has existed for 100 years, this code section became better known with the passage of AB 811 (2008, Levine), which amended the code to allow contractual assessments to pay for energy efficiency and renewable energy improvements, most commonly for residential solar energy retrofits. Santa Ana has already use contractual assessment in the HERO program for energy efficiency improvements.

To establish a contractual assessment district, the City Council would first adopt a resolution indicating its intention to do so. The resolution of intention should:

- » Include a statement that the City proposes to make voluntary contractual assessment financing available to property owners
- » Identify the kinds of public works that may be financed
- » Describe the boundaries of the area within which voluntary contractual assessments may be entered into
- » Briefly describe the proposed arrangements for financing the program, including a brief description of criteria for determining the creditworthiness of a property owner

Prior to the public hearing to adopt a resolution, which establishes the contractual assessment district, the City would have to prepare a report containing:

- » A map showing the boundaries of the territory within which voluntary contractual assessments are proposed to be offered
- » A draft contract specifying the terms and conditions that would be agreed to by a property owner within the voluntary contractual assessment area and the City



- » A statement of City policies concerning voluntary contractual assessments including:
 - 1) Identification of types of improvements that may be financed through the use of contractual assessments
 - 2) Identification of a City official authorized to enter into voluntary contractual assessments on behalf of the City
 - 3) A maximum aggregate dollar amount of voluntary contractual assessments
 - 4) A method for setting requests from property owners for financing through voluntary contractual assessments in priority order in the event that requests appear likely to exceed the authorization amount
- » A plan for raising a capital amount required to pay for work performed pursuant to voluntary contractual assessments. The plan may include amounts to be advanced by the public agency through funds available to it from any source. The plan may include the sale of a bond or bonds or other financing relationship.

The plan shall include a statement of or method for determining the interest rate and time period during which contracting property owners would pay any assessment. The plan shall provide for any reserve fund or funds. The plan shall provide for the apportionment of all or any portion of the costs incidental to financing, administration, and collection of the voluntary contractual assessment program among the consenting property owners and the City.

The authorizing statute provides other requirements as well as the standards for noticing and conducting a required public hearing.

Grants and Loan Programs

Although the Specific Plan does not explicitly call for using grant and loan programs to implement the public realm improvements, the City may tap into various federal, state, local, and private grants to provide additional funding for public improvements. In particular, the project's focus on increasing transit ridership, promoting pedestrian- and bike-friendly environments, and relieving traffic congestion may help the project qualify for various grants dedicated to these goals. The following list provides a few examples of state and federal programs currently available and relevant to the Harbor Corridor Plan.

State

- » Transit-Oriented Development Housing Program
- » Housing Related Parks Program
- » Infill Infrastructure Grant Program
- » Land and Water Conservation Fund
- » Active Transportation Program
- » Highway Safety Improvement Program
- » Transportation Enhancement Program
- » Infrastructure State Revolving Fund Program
- » Public Agency Revenue Bond Program

Federal

- » Economic Development Initiative Grant
- » Community Development Block Grant
- » Section 108 Loan Guarantee

Assessment Districts

The Specific Plan anticipates that development impact fees, contractual assessments, and City revenues will be sufficient to fund the public realm improvements. Nevertheless, groups of property owners may desire and the City may find that assessment districts could help finance the construction of public improvements on public property, public rights-of-way, and public easements. The public must pay for the portions of the improvements that provide general benefit to the public at large, but real property that receives a special benefit may be assessed for the costs, proportional to the level of benefit received. Three different provisions of state law authorize assessment:

- » Improvement Bond Act of 1915 (Streets and Highways Code Sections 8500 et seq.)
- » Improvement Act of 1911 (Streets and Highways Code Sections 5000 et seq.)
- » Municipal Improvement Act of 1913 (Streets and Highways Code Sections 10000 et seq.), which contains only provisions for establishing assessment districts

Assessment districts are intended to finance construction of physical improvements. They cannot pay for operations and maintenance or additional services. If additional improvements are desired after an assessment district is established, the entire process is required for those additional improvements.

Assessment districts may be used to finance improvements in one of two general ways. The assessments may repay the City or an initial developer for the up front costs of infrastructure. The City may also issue bonds pursuant to an assessment district and use the proceeds to fund the infrastructure improvements and use the assessments to repay the bonds.

Generally, assessment districts can be used to finance these improvements:

- » Local streets
- » Streetlights
- » Parks
- » Water supply and distribution facilities
- » Gas and electric power
- » Landscaping
- » Sidewalks
- » Sanitary sewers
- » Flood control and drainage improvements
- » Parking facilities

The authorizing statutes referenced above set forth procedures for establishing assessment districts. Under existing State law, however, establishment of an assessment district cannot occur if a majority of the affected property owners object (weighted by the value of the proposed assessment).

Lighting and Landscaping Maintenance Districts

The Specific Plan anticipates that development impact fees, contractual assessments, and City revenues will be sufficient to fund the public realm improvements. Nevertheless, groups of property owners and the City may find that lighting and landscaping maintenance districts (LLMD) could be an effective way to fund the ongoing maintenance (or even the construction) of public realm improvements. LLMDs are authorized by the Landscaping and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.).

An LLMD requires an annual assessment process for any assessments other than previously approved assessments to pay previously approved and issued debt. The annual assessment process is similar to that used to establish assessment districts.

The improvements and services provided by LLMDs include:

- » Landscaping
- » Statuary, fountains, and other ornamental structures
- » Public lighting, including traffic signals
- » Appurtenant facilities, including grading, clearing, and removal of debris; the installation or construction of curbs, gutters, walls, sidewalks, or paving; or water, irrigation, drainage, or electrical facilities
- » Park or recreational improvements
- » Land preparation
- » Lights, playground equipment, play courts, and public restrooms
- » The maintenance or servicing or both of any of the foregoing
- » Acquisition of land for park, recreational, or open-space purposes
- » Acquisition of existing improvements
- » Acquisition or construction of any community center, municipal auditorium or hall, or similar public facility for the indoor presentation of performances, shows, stage productions, fairs, conventions, exhibitions, pageants, meetings, parties, or other group events, activities, or functions, whether those events, activities, or functions are public or private

LLMDs can be expanded over time, following a process similar to that used to establish the district. The City may condition development activity in the plan area on annexation into a LLMD if one is established for all or a part of the plan area. An LLMD may also be established to generate revenues from throughout the plan area to fund the operation and maintenance of public open space in or around the Specific Plan area.

Parking Districts

The development standards and concepts in this Specific Plan envision metered on-street parking and off-street parking (in structures or surface lots). Additionally, parking reduction strategies such as shared parking are explicitly encouraged to provide sufficient space for parking while fostering pedestrian, bicycle and transit friendly design. The design and management of parking is integral to the long term success of the Harbor Corridor and its surrounding neighborhoods. Nevertheless, groups of property owners and the City may find that it would be beneficial to form a parking management district to fund the construction and operation of additional parking facilities.



Jurisdictions may form a parking district and levy assessments per Streets and Highways Code Section 31500 et seq. to finance the:

- » Acquisition of land
- » Construction, operation and maintenance of parking facilities and garages
- » Associated project costs, including professional staff
- » Streets and Highways Code Section 11000 et seq. also permit parking districts to fund pedestrian improvements including:
 - » Street paving
 - » Water lines, flood control facilities, sewer, and drainage works
 - » Street lighting
 - » Fire protection,
 - » Statues, fountains, and decorations,
 - » Landscaping and tree planting
 - » Child care facilities
 - » Public assembly facilities
 - » Other improvements associated with pedestrian facilities

Special assessments under the 1911 Act may be levied to replace the use of fees and charges to repay outstanding bonds. Other revenue sources may include user fees, parking meter charges, and property taxes.

One or more parking districts could cover part of or the entire Specific Plan area, as well as adjacent neighborhoods.

Within a parking district, funds collected from parking charges are poured directly into improvements that make the district more attractive, such as sidewalks, landscaping, and other amenities or aesthetic improvements. New parking meter technologies have improved customer convenience (customers can pay remotely by credit card or cell phone), increased pricing flexibility (rates can be changed in real-time based on location, time of day, day of week, or level of occupancy), reduced streetscape clutter, and reduced operating costs.

A parking district could be responsible (and contract out) for the following operations associated with managing parking within the area:

- » Enforcement of parking regulations
- » Parking permits
- » Parking meter operations (including revenue collection)
- » Day-to-day management of shared parking
- » Researching parking usage and developing parking pricing strategies
- » Staff services

Infrastructure Financing Districts

Recent legislation enabled the formation of Infrastructure Financing Districts (IFDs) in former redevelopment project areas. An IFD diverts new local property tax revenues to either pay directly for the construction of infrastructure and public facility improvements, or to issue bonds to finance those improvements.

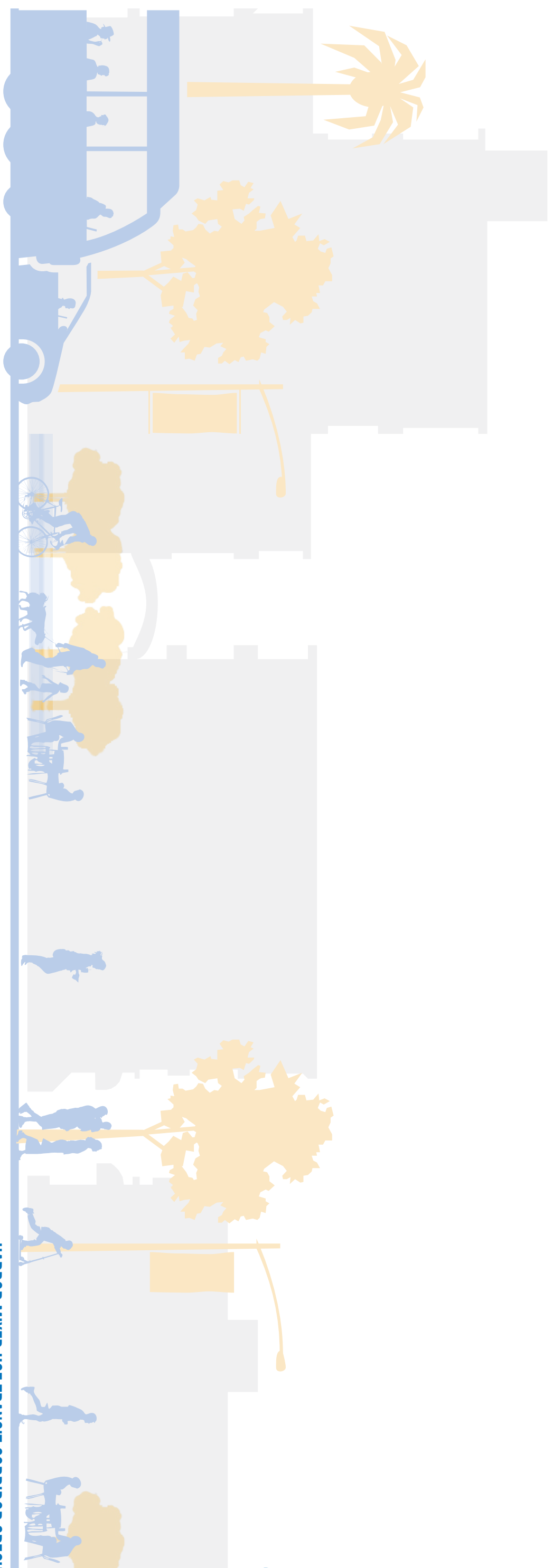
However, IFDs cannot divert property tax increment revenues from schools and can only pay for public facilities like roads, sewer, water, libraries, and parks – not routine operations and maintenance or, except in limited cases, affordable housing or economic development projects.

However, onerous approval requirements may limit the formation of an IFD: two-thirds of property owners or voters must vote in favor of forming the district, and all affected taxing entities (e.g., counties, special districts) must approve the contribution of their portion of the tax increment to the IFD.

Cap-and-Trade Auction Proceeds

California established a cap-and-trade program to limit allowable greenhouse gas emissions. Beginning in late 2012, the state began regular auctions of greenhouse gas emission allowances.

The revenue produced by these allowance auctions may be available to fund transportation and sustainability improvements in the Harbor Corridor Plan. However, the amounts, uses, and means of distributing the revenue are still evolving and will continue to change as state agencies finalize programs and rules for their use in the context of the state budget process.



HARBOR MIXED USE TRANSIT CORRIDOR SPECIFIC PLAN

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