



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
February 20, 2024

TOPIC: Vista Heritage Charter School

AGENDA TITLE

Amendment Application No. 2023-04 and Zoning Ordinance Amendment No. 2023-03 for the Expansion of Vista Heritage Charter School Located at 601 North Fairview Street (Second Reading)

Legal notice published in the OC Reporter on January 19, 2024.

RECOMMENDED ACTION

1. Conduct a second reading and adopt an ordinance approving Amendment Application (Zone Change) No. 2023-04.

ORDINANCE NO. NS-3055 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AMENDMENT APPLICATION NO. 2023-04 AMENDING THE ZONING FOR THE PROPERTY LOCATED AT 601 NORTH FAIRVIEW STREET (APN: 405-241-04) FROM LIGHT INDUSTRIAL (M1) TO SPECIFIC DEVELOPMENT NO. 82 (SD-82)

2. Conduct a second reading and adopt an ordinance approving Zoning Ordinance Amendment (ZOA) No. 2023-03 as conditioned.

ORDINANCE NO. NS-3056 entitled ZONING ORDINANCE AMENDMENT NO. 2023-03 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SPECIFIC DEVELOPMENT NO. 82 (SD-82) TO EXPAND THE BOUNDARIES OF THE SD-82 AND TO AMEND VARIOUS SECTIONS OF THE SD-82 TO ALLOW FOR THE CREATION OF THREE (3) LAND USE ZONES, NEW PERMITTED USES AND ANCILLARY USES, AND ADMINISTRATIVE REQUIREMENTS FOR PROPERTY MAINTENANCE, COVENANTS, CONDITIONS AND RESTRICTIONS (CC&RS) AND RECIPROCAL PARKING AND ACCESS AGREEMENTS

3. Determine that adoption of these ordinances is exempt from further review under the California Environmental Quality Act (CEQA) pursuant to sections 15301 and 15183 of the CEQA guidelines.

GOVERNMENT CODE §84308 APPLIES Yes

DISCUSSION

At its January 16, 2024 regular meeting, the City Council held a public hearing and considered the staff report, recommendations by staff, and public testimony concerning two ordinances for the project located at 601 North Fairview Street. The two ordinances include:

1. Amendment Application No. 2023-04 (AA No. 2023-04), and
2. Zoning Ordinance Amendment No. 2023-03 (ZOA No. 2023-03)

The City Council approved the first reading of AA No. 2023-04 and ZOA No. 2023-03 as presented by staff.

To date, the proposed project has generated a total of 156 temporary employment opportunities, including environmental engineers, environmental remediation technicians, demolition crew, architects, engineers, development consultants, and an attorney. Additionally, the new administrative office will create ten permanent employment positions. Moreover, the applicant will pay approximately \$46,235 in entitlement, plan check, and permit fees.

ENVIRONMENTAL IMPACT

Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review per Section 15301 Existing Facilities (Class 1 – Existing Facilities) of the CEQA Guidelines and per Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of the CEQA Guidelines.

Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use as determined by the lead agency. The subject project is proposing the change of use of an existing industrial building that was previously used for an auto repair business to be used for administrative office purposes.

Additionally, the project is exempt from further review per Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of the CEQA Guidelines. The environmental review contained in Exhibit 7 has been prepared, and peer reviewed by a qualified CEQA consultant hired by the City, to assess the potential for the proposed project to result in environmental effects and whether the proposed project qualified for an exemption under Section 15183 of the CEQA Guidelines. Moreover, the analysis evaluated whether the potential environmental impacts are addressed in the *City of Santa Ana General Plan Update Final Recirculated Program Environmental*

Impact Report (GPU EIR). Specifically, the analysis evaluates the change of use of the existing 5,837-square-foot building from auto-repair to administrative office and site improvements that include new landscaping, façade remodel, and new outdoor areas for the office and the school.

CEQA Guidelines Section 15183 allows a streamlined environmental review process for projects that are consistent with the densities established by existing zoning, community plan, or general plan policies for which an EIR was certified and does not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Moreover, projects that are consistent with the densities and use characteristics considered by the GPU EIR may qualify for the CEQA Guidelines Section 15183 Exemption process. This exemption process may be used when a project meets the following conditions:

- a) The project is consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified.
- b) There are no project specific effects which are peculiar to the project or its site.
- c) There are no project specific impacts which the prior EIR failed to analyze as significant effects.
- d) There are no potentially significant off-site and/or cumulative impacts which the prior EIR failed to evaluate.
- e) There is no substantial new information which results in more severe impacts than anticipated by the prior EIR.

The GPU was adopted, and the GPU EIR certified, in April 2022 (State Clearinghouse Number 2020029087); the GPU went into effect on May 26, 2022. Any decision by the City affecting land use and development must be consistent with the GPU. The GPU EIR evaluates the potential environmental effects associated with implementation of the GPU and addresses appropriate and feasible mitigation measures that would minimize or eliminate these impacts. Pursuant to Section 15183(i)(2) of the CEQA Guidelines, a project is consistent with the GPU if the development density does not exceed what was contemplated and analyzed for the parcel(s) in the certified GPU EIR and complies with the associated standards applicable to that development density. Development density standards can include the number of dwelling units per acre, the number of people in a given area, floor area ratio (FAR), and other measures of building intensity, building height, size limitations, and use restrictions.

The GPU identifies that the Interim Development Standard for the FLEX-1.5 area are those development standards outlined for the M1 zoning designation. The M1 zone provides for a variety of light industrial uses, including warehousing, manufacture, assembly, machine shops, wholesale businesses and ancillary uses such as office uses that do not exceed 30% of the gross floor area. The Project would result in a FAR of 0.14, which is within the projections of the GPU EIR, which evaluated a density of 1.5

FAR on the site. The GPU EIR adequately anticipated and analyzed the impacts of this Project, identified applicable mitigation measures necessary to reduce impacts of the Project, and the Project implements the applicable mitigation measures. The Project, therefore, qualifies for an exemption from additional environmental review as set forth in State CEQA Guidelines Section 15183. The full exemption analysis is provided as Exhibit 7 of this report. Based on this analysis, a Notice of Exemption, Environmental Review No. 2023-40 will be filed for this project.

FISCAL IMPACT

There is no fiscal impact associated with this action.

EXHIBIT(S)

1. Amendment Application Ordinance
2. Zoning Ordinance Amendment Ordinance
3. January 16, 2024 City Council [Meeting Link](#)

Submitted By: Minh Thai, Executive Director of the Planning and Building Agency

Approved By: Tom Hatch, Interim City Manager