

ORDINANCE NO. NS-XXXX

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)

THE CITY COUNCIL OF THE CITY OF SANTA ANA HEREBY ORDAINS AS FOLLOWS:

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

- A. Red Hook Capital Partners, LLC with Vista Heritage Charter Schools (“Applicant”) representing 2609 W. 5<sup>th</sup> Street LLC (Property Owner) is requesting approval of Amendment Application (AA) No. 2023-04 to change the zoning designation of the property located at 601 North Fairview Street (APN: 405-241-04) from Light Industrial (M1) to Specific Development No. 82 (SD-82) in order to facilitate the change of use of an existing auto-repair business to an administrative office.
- B. Chapter 41, Article I, Division 1, Section 41-1 of the Santa Ana Municipal Code establishes that because of the necessity of segregating the location of residences, businesses, trades and industries; regulating the use of buildings, structures, and land; and regulating the location, height, bulk and size of buildings and structures, the size of yards and open spaces, the City is divided into land-use districts of such number, shape and area as may be considered best suited to carry out these regulations and provide for their enforcement. The regulations are considered necessary in order to: encourage the most appropriate use of land, conserve and stabilize property value, provide adequate open spaces for light and air and to prevent and fight fires, prevent undue concentration of population, lessen congestion on streets and highways, and promote the health, safety and general welfare of the people, all as part of the general plan of the City. The City of Santa Ana has adopted a zoning map which has since been amended from time to time.
- C. On April 19, 2022, the City adopted the General Plan Update and it went into effect on May 26, 2022. The approval of the subject project is consistent with the Industrial/Flex-Low (Flex-1.5) General Plan land use designation and the designated West Santa Ana Boulevard Focus Area. The Flex-1.5 land use designation encourage a myriad of industrial uses that do not produce significant air pollutants including office-industrial flex spaces, small-scale clean manufacturing, among other uses. The proposed zoning amendment advances the vision for the subject site’s General Plan Focus

Area and will bring the site into alignment and compliance with the General Plan through reducing and eliminating traditional heavy industrial and noxious uses currently allowable on the properties. Furthermore, the West Santa Ana Boulevard Focus Area envisions a mixed-use corridor with a goal of transitioning out existing auto-oriented and traditional industrial uses to clean manufacturing and research and development uses, and live-work maker spaces that are compatible and can coexist with residential and other sensitive land uses such as schools, churches, and recreation facilities. In addition, the focus area would transition the auto-oriented neighborhoods and institutions into a series of transit-oriented neighborhoods that support and benefit from future streetcar stops. In order to accomplish the goals of the General Plan, the focus area promotes infill development while respecting established neighborhoods and providing buffers from industrial to residential neighborhoods. The proposed project will create a buffer from industrial uses to residential by changing the use of an auto-repair building into an office space. Additionally, the proposed project proposes landscape improvements and a community garden that will further act as buffers and accomplish the goals of the General Plan.

- D. The entire Project as currently proposed entails, among other things, (1) Approval of Amendment Application No. 2023-07 to change the site's zoning designation from Light Industrial (M1) to Specific Development No. 82 (SD-82) and (2) approval of Zoning Ordinance Amendment No. 2023-03 to expand the boundaries of SD-82 and to allow for Administrative Offices as a permitted use on Parcel 4, and an Outdoor Play Area in Parcel 2 ancillary to the Vista Heritage Charter School.
- E. The Applicant has demonstrated compliance with all requirements of the Sunshine Ordinance codified at Santa Ana Municipal Code Section 2-153, including public notification and hosting of required community meetings. Materials resulting from the meetings were subsequently posted to the City's webpage for the project.
- F. On December 11, 2023, the Planning Commission held a duly noticed public hearing and voted to recommend that the City Council adopt an ordinance approving Amendment Application No. 2023-04.
- G. On January 16, 2024, the City Council held a duly noticed public hearing and voted to recommend that the City Council adopt an ordinance approving Amendment Application No. 2023-04.
- H. For the reasons contained herein, and each of them, Amendment Application No. 2023-04 is hereby found and determined to be consistent with the intent and purpose of Chapter 41 of the Santa Ana Municipal Code; thus, changing the zoning district is found to be consistent with the General Plan of the City of Santa Ana and otherwise justified by the public necessity, convenience, and general welfare.

**Section 2.** The Amendment Application consists of amendments to the Zoning Map, as shown in Exhibit A, attached hereto and incorporated herein by reference.

**Section 3.** The City Council has reviewed and considered the information contained in the analysis performed pursuant to the California Environmental Quality Act (CEQA) (Environmental Review No. 2023-40). In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15301 (Class 1 – Existing Facilities) 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. 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 pursuant to Public Resources Code section 21083.3 and CEQA Guidelines Section 15183, the Project is exempt from further review. This type of exemption analysis evaluates whether the potential environmental impacts of the proposed change of use for the existing 5,837-square-foot building from auto-repair to administrative office and site improvements that include new landscape, façade remodel, and new outdoor areas for the office and the school are addressed in the *City of Santa Ana General Plan Update Final Recirculated Program Environmental Impact Report* (GPU EIR). A rezoning that is consistent with an adopted general plan falls within this exemption.

(A) As set forth in CEQA Guidelines Section 15183(a), projects that are “consistent with the development density established by the existing zoning, community plan or general plan policies for which an EIR was certified shall 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.” The CEQA Guidelines further state that “[i]f an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards . . . then an additional EIR need not be prepared for the project solely on the basis of that impact.” CEQA Guidelines Section 15183(c).

(B) 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. A project is consistent with the GPU if its development density is the same or less than the standard expressed for the involved parcel in the general plan for which an EIR has been certified, and the project complies with the density-related standards contained in that plan. CEQA Guidelines section 15183(i)(2). 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.

(C) The GPU identifies that the Interim Development Standard for the FLEX-1.5 area is M1. 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 thirty (30) percent 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 and identified applicable mitigation measures necessary to reduce impacts of the Project, and the Project implements the applicable mitigation measures.

(D) Specifically, the Project qualifies for the exemption because the following findings can be made:

1. The Project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified. The Project would result in a FAR of 0.14, which is less than the maximum FAR of 1.5 allowable in the FLEX-1.5 designated area, which is the development density established by the GPU and analyzed in the GPU EIR. The Project site has an Interim Development Standard of M-1 (light Industrial zone). The M-1 zone does not have density requirements.
2. There are no Project specific effects which are peculiar to the Project or its site, and which the GPU EIR failed to analyze as significant effects. The subject property is similar to other properties in the area, including its land use designation and zoning. The property does not support any peculiar environmental features, and the Project would not result in any peculiar effects. In addition, as explained further in the prepared Exemption Checklist, project impacts were adequately analyzed by the GPU EIR; and as detailed in the GPU EIR, development projects pursuant to the GPU, such as the proposed Project, could result in potentially significant impacts to air quality, greenhouse gas emissions, and noise. However, applicable mitigation measures specified within the GPU EIR would reduce potential impacts to a less than significant level.
3. There are no potentially significant off-site and/or cumulative impacts which the GPU EIR failed to evaluate. The Project is consistent with the density and use characteristics of the development considered by the GPU EIR and would represent a small part of the growth that was forecast for build-out of the GPU. The GPU EIR considered the incremental impacts of the Project, and as explained further in the prepared Exemption Checklist, no potentially significant off-site or cumulative impacts have been identified which were not previously evaluated.
4. There is no substantial new information which results in more severe impacts than anticipated by the GPU EIR. As explained in the prepared Exemption Checklist, no new information has been identified which would result in a determination of a more severe impact than what had been anticipated by the GPU EIR.
5. As explained in the prepared Exemption Checklist, the Project will undertake feasible mitigation measures specified in the GPU EIR. These GPU EIR mitigation

measures will be undertaken through Project design, compliance with regulations and ordinances, and through the Project's conditions of approval.

(E) The Project therefore qualifies for an exemption from additional environmental review as set forth in Public Resources Code section 21083.3 and CEQA Guidelines Section 15183. The full exemption analysis is provided in Exhibit 7 of the staff report accompanying this Ordinance. Based on this analysis, a Notice of Exemption, Environmental Review No. 2023-40 will be filed for this project.

**Section 4.** An amended Sectional District Map, showing the above described changes in use district designation, is hereby approved and attached hereto as Exhibit A, and incorporated by this reference as though fully set forth herein.

**Section 5.** The City Council of the City of Santa Ana, after conducting the public hearing, hereby approves Amendment Application No. 2023-04. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to: the Request for Planning Commission Action dated December 11, 2023 and exhibits attached hereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

**Section 6.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

**Section 7.** This Ordinance shall become effective thirty (30) days after its adoption.

**Section 8.** The Clerk of the Council shall certify the adoption of this ordinance and shall cause the same to be published as required by law.

[Signatures on the following page]

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Valerie Amezcua  
Mayor

APPROVED AS TO FORM:  
Sonia R. Carvalho  
City Attorney

By: Jose Montoya  
Jose Montoya  
Assistant City Attorney

AYES: Councilmembers \_\_\_\_\_

NOES: Councilmembers \_\_\_\_\_

ABSTAIN: Councilmembers \_\_\_\_\_

NOT PRESENT: Councilmembers \_\_\_\_\_

## CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Jennifer L. Hall, City Clerk, do hereby attest to and certify the attached Ordinance No. NS-XXXX to be the original ordinance adopted by the City Council of the City of Santa Ana on \_\_\_\_\_, 2024 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: \_\_\_\_\_

\_\_\_\_\_  
City Clerk  
City of Santa Ana

